



# Agenda

CITY CLERK'S OFFICE

DATE 10-10-07 TIME 1:35

SERVED BY Geraldine D. Smith

RECEIVED BY [Signature]

**PLANNING COMMISSION**  
**November 01, 2007 – 6:00 P.M.**  
**CITY COUNCIL CHAMBERS**

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

September 20, 2007

October 04, 2007

**E. OLD BUSINESS**

1. **Case #ZA 2007-09. Global Storage and Rodeo Lane Compound Rezoning.** Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests rezoning for 2.12± acres (proposed Tract A) from R-1 (Residential, 1 dwelling unit per acre) to ~~C-2~~ **C-2 PUD (General Commercial, General Commercial Planned Unit Development)** and for 2.79± acres (proposed Tract B) from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). The application includes a preliminary development plan for 5,600 square feet office and 65,300 square feet of storage facilities. The tracts are located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager) **(POSTPONED FROM OCTOBER 04, 2007)**

**F. NEW BUSINESS**

1. An ordinance amending Section 14-8.14 SFCC 1987 regarding impact fees and adding a new Impact Fee Schedule. (Councilor Chavez) (Reed Liming, case manager)
2. **I-25/NM 599 Highway Corridor Protection Overlay District Regulations.** An ordinance creating a new Section 14-5.5 SFCC 2001 regarding the I-25/NM 599 highway corridor protection districts and establishing standards for new development. (Councilor Patti Bushee, sponsor) (Jeanne Price, case manager) **(POSTPONED FROM SEPTEMBER 20, 2007)**
3. An ordinance creating a new Section 14-6.2(H) SFCC 1987 restricting the placement of electric, telecommunication, cable, and gas lines within City parks, open space, trails or other City owned land. (Jeanne Price, case manager) **(POSTPONED FROM SEPTEMBER 20, 2007)**

4. **Case #M 2007-26. Southwest Santa Fe Community Area Master Plan Proposed General Plan Amendment.** A resolution adopting the Southwest Santa Fe Community Area Master Plan as an amendment to the General Plan Future Land Use Map. (Councilor Chavez) (Richard Macpherson, case manager)
5. **Case #S 2007-13. Montañño Arts Preliminary Subdivision Plat.** Linda Tigges, agent for Richard and Karen Pendergrass, requests preliminary subdivision plat approval for 6 residential lots on 1.00± acres located north of Montano Street and east of the intersection of Montano Street and Barela Lane. The property is zoned R-5 (Residential, 5 dwellings per acre. (Lou Baker, case manager)
6. **Case #ZA 2007-10. 1711 B West Alameda Rezoning.** Dolores Vigil, agent for Maria Rose Sanz Seara, requests rezoning of 1.047± acres of land from R-1 (Residential – 1 dwelling unit per acre) to R-2 (Residential, 2 dwelling units per acre). The property is located north of West Alameda east of El Rancho Road. (Donna Wynant, case manager)
7. **Case #M 2007-27. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Development Plan.** Clif Walbridge, agent for Northside Ventures, LLC requests preliminary development plan for 84 units on 11.20 ± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. The application includes the following variance requests: 1) finished floor level more than five feet higher than average grade of buildable area; 2) use of private roads where public roads would normally be required; 3) development within the flood plain; 4) development within the required 25' setback from the top of the arroyo 5) exceeding the 50% rule for building on 20%-30% sloped land; 6) use of two private sanitary sewers that are not in the road (120' and 130'). (Donna Wynant, case manager)
8. **Case #S 2007-12. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Subdivision Plat.** Clif Walbridge, agent for Northside Ventures, LLC requests preliminary subdivision plat approval to create 5 lots and remainder tracts comprising 220.689 ± acres for a total of 258.219± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. (Donna Wynant, 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**

**November 1, 2007**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
<b>A. ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>B. PLEDGE OF ALLEGIANCE</b>		<b>1</b>
<b>C. APPROVAL OF AGENDA</b>	<b>Approved</b>	<b>1</b>
<b>D. APPROVAL OF MINUTES</b>		
September 20, 2007	<b>Approved</b>	<b>1-2</b>
October 04, 2007	<b>Approved</b>	<b>2</b>
<b>E. OLD BUSINESS</b>		
1. <b><u>Case #ZA 2007-09. Global Storage and Rodeo Lane Compound Rezoning.</u></b> Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests rezoning for 2.12± acres (proposed Tract A) from R-1 (Residential, 1 dwelling unit per acre) to <b><u>G-2 C-2 PUD</u></b> (General Commercial, General Commercial Planned Unit Development) and for 2.79± acres (proposed Tract B) from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). <b><u>The application includes a preliminary development plan for 5,600 square feet office and 65,300 square feet of storage facilities.</u></b> The tracts are located at the southeast corner of Rodeo Road and Rodeo Lane.	<b>Approved</b>	<b>2-9</b>
<b>F. NEW BUSINESS</b>		
1. An ordinance amending Section 14-8.14 SFCC 1987 regarding impact fees and adding a new Impact Fee Schedule.	<b>Approved</b>	<b>9-12</b>
2. <b><u>I-25/NM 599 Highway Corridor Protection Overlay District Regulations.</u></b> An ordinance creating a new Section 14-5.5 SFCC 2001 regarding the I-25/NM 599 highway corridor protection districts and establishing standards for new development.	<b>Approved</b>	<b>12-16</b>
3. An ordinance creating a new Section 14-6.2(H) SFCC 1987 restricting the placement of electric, telecommunication, cable, and gas lines within City parks, open space, trails or other City owned land.	<b>Approved</b>	<b>18-19</b>
4. <b><u>Case #M 2007-26. Southwest Santa Fe Community Area Master Plan Proposed General Plan Amendment.</u></b> A resolution adopting the Southwest Santa Fe Community Area Master Plan as an amendment to the General Plan Future Land Use Map.	<b>Approved</b>	<b>16-18</b>
5. <b><u>Case #S 2007-13. Montañño Arts Preliminary Subdivision Plat.</u></b> Linda Tigges, agent for Richard and Karen Pendergrass, requests preliminary subdivision plat approval for 6 residential lots on 1.00± acres located north of Montano Street and east of the intersection of Montano Street and Barela Lane. The property is zoned R-5 (Residential, 5 dwellings per acre).	<b>Approved</b>	<b>19-24</b>

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
6. <b><u>Case #ZA 2007-10. 1711 B West Alameda Rezoning.</u></b>	Dolores Vigil, agent for Maria Rose Sanz Seara, requests rezoning of 1.047± acres of land from R-1 (Residential – 1 dwelling unit per acre) to R-2 (Residential, 2 dwelling units per acre). The property is located north of West Alameda east of El Rancho Road.	
	<b>Approved</b>	<b>24-25</b>
7. <b><u>Case #M 2007-27. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Development Plan.</u></b>	<b>Postponed per agenda</b>	<b>25-26</b>
8. <b><u>Case #S 2007-12. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Subdivision Plat.</u></b>	<b>Postponed per agenda</b>	<b>26</b>
<b>G. BUSINESS FROM THE FLOOR</b>		<b>26</b>
<b>H. STAFF COMMUNICATIONS</b>		<b>26</b>
<b>I. MATTERS FROM THE COMMISSION</b>		<b>26-27</b>
<b>J. ADJOURNMENT</b>		<b>27</b>

**MINUTES OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION MEETING**

**November 1, 2007**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Vice Chair Signe Lindell 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:**

Bonifacio Armijo  
Ken Hughes  
Shayna Lewis (late)  
Gloria Lopez  
Matthew O'Reilly  
Signe Lindell, Vice Chair  
Estevan Gonzales, Chair (late)

**MEMBERS ABSENT:**

John Salazar (excused)  
Angela Schackel Bordegaray (excused)

**STAFF PRESENT:**

Greg Smith, Director Permit and Development Review  
John Romero, Traffic Engineer  
Jeanne Price, Legislative Liaison  
Ron Pacheco, Office of Affordable Housing  
Lou Baker, Senior Planner  
Denise Cox, Stenographer

**B. PLEDGE OF ALLEGIANCE**

Vice Chair Lindell asked Commissioner Lewis to lead the pledge of allegiance.

**C. APPROVAL OF AGENDA**

Mr. Smith reported that item 7- Case #M-2007-27 Senior Village Estates Preliminary Development Plan and item 8 – Senior Village Estates Preliminary Subdivision Plan have been postponed to the meeting of November 15<sup>th</sup> due to a publication error by the newspaper.

**Commissioner Hughes moved to approve the agenda as amended, Commissioner Armijo seconded the motion which passed by unanimous voice vote.**

**D. APPROVAL OF MINUTES**  
**September 20, 2007**

No changes recommended by staff or the Commission.

**October 04, 2007**

Commissioner O'Reilly referred to page 23, 6<sup>th</sup> paragraph and added clarification. *Commissioner O'Reilly is not concerned with this applicant's goals, but if someone else comes along they could do tire re-treading and other uses **under C-2 zoning** that could be an imposition on the neighborhood.*

Commissioner Armijo questioned the motion on page 7. He recalled that it should be 7596.25 feet.

Commissioner O'Reilly thought it was correctly stated.

After discussion there was agreement to add "(7596.25)."

**Commissioner Armijo moved to approve the minutes of September 20, 2007 and October 4, 2007 as amended, Commissioner O'Reilly seconded the motion which passed by unanimous voice vote.**

**E. OLD BUSINESS**

- 1. Case #ZA 2007-09. Global Storage and Rodeo Lane Compound Rezoning. Padilla & Associates Architects, agent for Thakur Enterprises, LLC requests rezoning for 2.12± acres (proposed Tract A) from R-1 (Residential, 1 dwelling unit per acre) to C-2 C-2 PUD (General Commercial, General Commercial Planned Unit Development) and for 2.79± acres (proposed Tract B) from R-1 (Residential, 1 dwelling unit per acre) to R-4 (Residential, 4 dwelling units per acre). The application includes a preliminary development plan for 5,600 square feet office and 65,300 square feet of storage facilities. The tracts are located at the southeast corner of Rodeo Road and Rodeo Lane. (Lou Baker, case manager) (POSTPONED FROM OCTOBER 04, 2007)**

Memorandum from Lou Baker prepared October 22, 2007 for November 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "1."

Letter from the Ortiz Family dated October 23, 2007 is incorporated herewith to these minutes as Exhibit "1(A)."

Comments from John Padilla, Padilla and Associates Architects dated October 30, 2007 and response from staff is incorporated herewith to these minutes as Exhibit "1(B)."

Copy of Ordinance No. 2007-25 regarding where and under what conditions individual storage areas and mini storage are permitted is incorporated herewith to these minutes as Exhibit "1(C)."

Parking calculation corrections prepared by the applicant for the project are incorporated herewith to these minutes as Exhibit "1(D)."

Ms. Baker presented the staff report included in Exhibit "1." She requested they strike from the record on the staff report where it states that the square footage is 54,000 ± in

two-stories and 200 units. The correct square footage is 70,900 square feet encompassing three buildings and 326 units. She also made the following correction under the summary section; item 1 has a typo as the Case is ZA-2007-09 not -19. Under item 5; strike the 54,000 square feet and insert 70,900 square feet and strike the 200 units inserting 326 units.

Staff continues to recommend denial, since it is not clear that the C-2 PUD zoning meets approval criteria. There are no conditions of approval.

### **Public Hearing**

**John Padilla, 1925 Aspen Drive, was sworn.** He wanted to clarify the staff report as it seemed confusing. Building B and C are the storage units. Building B has a net leasable area of 25,760 square feet and building C has a net leasable area of 19,950 square feet with the average square footage per unit coming out to 229 units, not 365. There is a smaller count in unit numbers. At the Planning Commission's request they submitted a C-2 PUD submittal for review and approval. He said C-2 PUD is for office and warehouse which has been provided with the information required. There is a commitment by the owner to have specific office space and warehouse space. He said there was a concern at the last meeting about C-2 zoning being applied to this property as it would not prevent other uses. They understood and submitted a C-2 PUD application describing exactly what they will do.

*Shayna Lewis arrived at this time.*

Mr. Padilla explained that they just received the packet from the Lucero's this morning so they have not had a chance to meet with the Lucero's and address their concerns. He noted that they have looked at the areas of concern brought up. The ponds have been moved to the southeast side of the property as opposed to directly adjacent to Rodeo Lane. The ponds will catch and accommodate the stormwater runoff. He agreed the existing culvert is undersized, which is probably why they experience the stormwater conditions. The applicant will address these issues and will make sure the culverts are of appropriate size. He added that he has been in contact with Bill Chapman and they have discussed existing issues where Rodeo Lane meets this property. The plan is to mitigate some of the problems on the Lucero's property. He said they have not just ignored the comments. The traffic stacking has been looked at and there is no issue at this time, but they will continue to look at this as the project moves forward. He agreed there are problems so the intention is to work with the neighbors to accommodate the concerns. He has met with Ms. Sandoval, property owner to the south, who is concerned with turning their back to the properties. There is the possibility of extending Rodeo Lane which would allow for access to 3 lots off of Rodeo Lane. The homes may be situated so that the neighbors would look out onto front doors rather than a wall. This would also create a community feel on Rodeo Lane.

**Sujay Thakur, 1006 Camino del Gusto, was sworn.** He commented that he has already stated the reasons he wants this development. He said he will address the new letters. He noted that in the letter from Mr. Lucero dated January 2004 to Mr. Chapman he was not against the office development but stated there were drainage issues. He said he will address anything the Commission feels he needs to address.

Mr. Padilla said he would like to have clarification as to the actual property owners and if these are primary residences and if the owners occupy the properties.

**Andrew Lucero, PO Box 8218, property owner, was sworn.** He said he is renting his home currently while he is taking care of an elderly relative. He said he was not opposed to the Chapman project as he did not know exactly what he was facing when the building was constructed. At this time he was more focused on a death in his family. He has tried to get educated as fast as possible as he has seen firsthand how decisions made affect families. He found out from the County that another storage facility has been approved in the general area, another one behind Santa Fe Place is trying to get approved and another one by the Santa Fe Community College is going through the process. He is opposing building homes on all the property and the ones left behind have to pay for the profits of others. The County has this area as low density and the City does also. The City staff did not recommend this project on October 4<sup>th</sup> and they still do not recommend this project going forward. If this goes forward it would be an intrusion. He said the drainage ponds and the dumpster should be on the other side. The culvert needs to be enlarged to accommodate the runoff. He would like to know where the utility for the easement will be and asked if the others can connect. He said they can build houses on tract A. He was told you cannot fight big money, but he hopes there is still hope for a man that works hard and is trying to protect the assets left for his family.

**Suby Bowden, representing the Melton Family, was sworn.** The Melton's own the property directly south of this project. She first wanted to speak on the annexation. She said the Melton's want the City to recognize that even though the City called in annexation recommendations for area 12, the County's current position is that it should only come in as the entire area not lot by lot. The second issue is the southwest area sector plan adoption is before the Commission tonight. She stated that the Melton's are asking the Commission to approve and support the southwest area sector zoning and not change that zoning. She asked them to please deny this case for many reasons. The first reason is that this is the second time staff has asked them to deny the case. At the last ENN, they had 30 comments with 10 questions and 20 comments against the project. The southwest sector plan calls for tract A to be office use not C-2 PUD. Tract B calls for R-1 through R-3 not R-4. She pointed out that the permitted uses in C-2 are the following type of storage: wholesaling and distribution operations not involving over 3000 square feet. The applicant is asking for 65,000-70,000 square feet, so it is not a C-2 permitted use. The proposal is for warehouses and storage buildings which are allowed in the business and industrial districts, not C-2. She feels the applicant is essentially asking for a variance when this should not be in this location at all. The Melton's have no problem with office, but protest the variance of a C-2 use in this location. There is an incomplete package with no stormwater and economic development plans. She has not discussed the relocation of the pond with the Melton's.

**Lucilla Ortiz Baca, 11 Camino Cielo Azul, owner of Rodeo Road storage, was sworn.** Her business is at 3902 Rodeo Road which is approximately three blocks from this project. She read the letter in Exhibit "1(A)" into the record.

**Dennis Ortiz, 339 Delgado Street, was sworn.** He stated that he is in agreement with what his sister said. His issue is the size of this complex. He realizes that Mr. Padilla has altered the numbers somewhat, but a facility of this size is huge. The facility has gone from 2-story to 3-story and 55,000 square feet to 71,000 square feet. The facility



has 30 some parking spaces while his facility has 6 spaces. His facility has 38,000 square feet. He said a 5600 square foot office is huge. The streetscape will show a huge building sitting 15 feet off of Rodeo Road and it will not disappear. This project is 700 feet away from his business although the staff report does not reference his building. He opened in June of this year so they have been there for awhile and were not mentioned.

**Lynn Talvy, father owns the property on Rodeo Lane that is the last house on the right, was sworn.** Her family has had the property since 1972. She said clearly everything has changed because they used to ride their horses down Rodeo Road. She has no illusions that it will stay the same. She asked the Commission to deny the request for the storage shed. She supports the Waganners in wanting to develop their property. They have no problem with R-4 making it a denser development. In her opinion, the residential development and a storage shed on Rodeo Road would be out of character for the neighborhood. The Southwest Master Plan calls for a transitional zone which could be offices, school or a church. The opportunity missed is that if there is more mixed use they could walk to work which is much more desirable than a big box of storage units on the corner with houses trying to create a semblance of a neighborhood. She would rather see more traffic for a more vibrant neighborhood than a box of empty storage units.

**Garret Robinson, 4308 Old Raven Lane, managing partner of Rock Hill, was sworn.** He reported that the County Commissioners approved them for 154,000 square feet consisting of 1500 units. He said when you do a marketing study it takes in 2-5 miles. In their marketing study, they understood that the Ortiz's were coming in with 38,000 square feet, another guy on Agua Fria was trying for about 450-500 units and another one next door was denied by the County. He said there is another one across from his project for 58,000 square feet. All this totals 322,000 square feet of self storage. He said it took three years to get through the County doing a first class job with one of the foremost marketing experts in the country. He said his marketing study would have fallen apart with Global and the other 58,000 square feet. He said it is unbelievable that applicants would come forward as it is not an endless opportunity and they are in a recession. He noted many projects that are stalled currently. He said the Planning Commission has a responsibility to the community that went through this process. He urged them not to let these ill advised, ill conceived, ill prepared, nonsensical projects come along that will destroy everyone. He said the area will be almost solid self storage. He said this project does not make sense. He said they have been rejected by the County and now they came to the City. He feels it is one thing after another.

**Councillor Miguel Chavez** stated that the adoption of the Santa Fe Community Area master plan is before them later on the agenda and should be used as a reference for development in the southwest area. He said without that reference these projects cannot move forward fitting into the existing conditions and make sense. He asked them to consider this in the decision.

Mr. Thakur said he was not under the impression that Santa Fe was helping people have a monopoly over businesses. He has been working on his project for three years incurring a great deal of cost during that time. He congratulates those that have gotten there before him, but he is in the same process. He addressed the letter. He rents a storage locker in the Ortiz facility and he has spoken to the manager who said they are 40% full. He said in five months they have leased up to 80% every month. He said this

means in one year it will be occupied, so there is a demand for storage. There is a demand and competition. He said the Talvy's and Melton's were in initial discussions for him to develop their land, but decided against it. He said what he is doing is something that looks like office. People might not like the storage business, but for all intensive purposes it will be a good looking building without the water use and traffic.

Mr. Padilla said some of the testimony is new testimony. He added that the letter dated October 26, 2007 was received after open testimony. The pattern seems to be getting information piecemealed on this project so they are blind sighted at the hearing. He would appreciate timely information so they can respond appropriately.

**The public testimony portion of the public hearing was closed.**

### **Questions and comments from the Commission**

Mr. Smith stated that it appears the testimony of one of the members of the public was based on a version of the code that does not include the latest amendment to the code regarding allowed uses in the C-2 zone. He distributed this to the Commission included in Exhibit "1(C)."

Commissioner Hughes asked if this would be considered spot zoning.

Mr. Smith said that term is not defined in Chapter 14, but they raised the issue in the staff report that it would be better to proceed with the general plan amendment and rezoning on the south side of Rodeo Road taking into account the pattern of all the properties that are likely to be annexed and developed rather than one tract of land at a time.

Commissioner Hughes understood this is consistent with Councilor Chavez's wishes to adopt the sector plan and then any changes in zoning would come from that. He asked for clarification on C-2 zoning as he did not think it was industrial zoning.

Mr. Smith explained that C-2 allows a wide range of commercial and office uses. There are borderline issues regarding a contractor's yard or auto repair shops, but there could not be an industrial plant.

Commissioner Hughes assumed that they are not supposed to make the decision based on the amount of storage on the market.

Mr. Smith said in the General Plan Amendment and rezoning criteria there are references to the provision of adequate square footages for the various uses allowed by the district, but there is not a specific standard allowing a particular type of use based on market issues.

Commissioner O'Reilly noted Councilor Chavez's position. He said in reviewing the cases, he had a problem understanding staff's position and some of those supporting the master plan. He asked for an explanation on some points. There is supposed to be a variation within the Rodeo Road corridor in regards to future land uses. The plan says that a variation to this is within the Rodeo Road corridor where there was a stronger expressed interest to restrict commercial uses to office as a buffer to existing residential. He said at the same time there is a part of the master plan that is a rural protection area

designated because the participants wanted to maintain the semi rural agricultural lifestyle, septic systems, private wells and livestock. He does not quite understand some of the opposition. He commented that if the city and staff feel that office type uses are what they need he understands, but the concerns were about keeping the properties semi rural. He said if they want to further restrict the uses as a buffer, his understanding is that self storage is one of the lowest possible traffic generators. He said a building with interior self storage that looks like an office building generating less traffic and using water accomplishes the interest of the master plan in his opinion. He asked the applicant's engineer to respond.

**Mike Gomez, Santa Fe Engineering, was sworn.** He stated that he is a certified traffic engineer and professional engineer. He said there is a tremendous difference between the two uses. Self storage produces the least traffic and office produces a high volume. The numbers projected are a total of 7 cars entering and exiting during the peak hours and he dares to say there would be at least 10 times more traffic with an office.

Commissioner O'Reilly asked if they are looking for office type uses as a buffer why the staff position is that it is not appropriate.

Mr. Smith said the areas of concern are the problem of planning subcollector and collector streets when doing one parcel at a time and land use patterns when doing one tract at a time. The observations regarding traffic and water are accurate. The zoning regulations allow storage only in the C-2 district and not the C-1 district. The general plan and zoning policies are not set up to allow a C-2 tract of land in the middle of a block long stretch of C-1 buffer. The draft plan in the packet for the Southwest Area Master Plan shows this tract as rural residential density rather than a C-1 buffer.

Commissioner O'Reilly understands there was not time to meet with Mr. Lucero regarding the packet of information prepared, but asked if Mr. Padilla is willing to meet and address the concerns.

Mr. Padilla replied absolutely. He noted that he has already exchanged contact information with Mr. Lucero. He said there is no attempt to negate any of the impact they may have on the development. He welcomes the opportunity to work on mitigating the impact.

Commissioner O'Reilly asked what the massing will be; if there will be windows, articulations and how it will function architecturally.

Mr. Padilla referred to sheet 2-1. Building A is a single story office building of 5600 square feet and will be divided into multiple tenants. There is no intent for any type of live/work or loft type development. Building B is a three story, but one story is completely underground with access through corridors and an elevator. This is stepped back 10 feet. They will articulate the building with fenestrations and windows. This will appear as a two story office building with architectural features and accents.

Commissioner O'Reilly assumes the PUD request implies conditions on the rezoning can be applied by the Commission.

Mr. Smith explained the process. The rezoning now includes a binding preliminary development plan and if the Council approves that it will be legally binding. The

applicant will come back with a final development plan and then go to the Board of Adjustment for a special exception.

Commissioner O'Reilly commented that they can place a restriction that this property only be used for this purpose or offices and that it not be used for a higher intensity purpose.

Commissioner Armijo thinks it is important that they take what is in the best interest of the public. There seems to be a tremendous opposition. He was initially for the conversion to the R-4 with the buffer to the C-1. This is still the way he would like to see it. He said they do need to consider that they do not want it to become Rodeo Road storage area. He is opposed to recommending C-2 conversion.

Commissioner Lindell asked who the owner of record is for this lot at this time.

Mr. Padilla replied the Wagoner's.

Commissioner Lindell stated that Commissioner Salazar wanted her to ask about the retention ponds and the closeness of those to the arroyo.

Charlie Gonzales said the land use code has a 25 foot setback requirement for arroyos. He does not have the latest plans from the engineer, but the plans will have to accommodate the 100 year storm event and new culverts will be placed.

Commissioner Lindell said it appears the pond sits well outside the setback.

Mr. Gonzales restated that the plans have not been approved yet by staff. There is a memo from RB Zaxus stating that if the project is approved new larger culverts will be installed under Rodeo Lane to handle the 10 year storm event.

Mr. Gomez said they have removed the pond in the arroyo, although there is one pond still in the plan but it was moved way back. It is within the setback because water retention structures are allowed within the setback. He showed a cistern that will collect the runoff be active water harvesting.

Mr. Smith stated that there was testimony on parking calculations and it was incorrect. The applicant is submitting a corrected calculation which is included in Exhibit "1(D)."

**Commissioner Armijo moved to recommend they do not approve C-2 zoning and recommends C-1 zoning for tract A, Commissioner Hughes seconded the motion.**

Commissioner O'Reilly asked Commissioner Armijo to restate the motion as he is unsure they can recommend approval as C-1 vs. C-2 PUD as this would change the applicant's request.

Mr. Smith said decisions do allow an approval of a more restrictive district than what was advertised for the public hearing without re-advertising the matter.

Commissioner O'Reilly said if this motion passes it seems some of these people could end up with a use that is more intense than the current application entails. He said there could be a substantially greater amount of traffic.

Commissioner Lopez said if she understands the chart they could have a college or university, non-profit institutions, private schools, public schools, public buildings, hospitals and extended care facilities, and foster homes.

Mr. Smith said that is correct, but some would require an exception from the Board of Adjustment.

Commissioner Lopez understands the members of the community and those that have the same type of businesses. She said water is very limited and they will not use a lot of water and will not have traffic. She said giving C-1 would allow them to use the property for all the things she mentioned and more, so they will have a lot more activity. She said if this is what it is drawn to be there will be a great deal of landscaping and it will not look like a storage unit.

Commissioner Armijo withdrew his motion to avoid confusion.

**Commissioner Armijo made a motion to recommend City Council deny C-2 PUD zoning for Case ZA-2007-09, Commissioner Lewis seconded the motion. The motion was denied on the following roll call vote of 2 to 3.**

**Those voting for the motion: Commissioners Lewis and Armijo.**

**Those voting against the motion: Commissioners Lopez, O'Reilly and Hughes.**

**Commissioner O'Reilly moved to approve Case #ZA 2007-09 with all staff conditions and reports and three additional conditions: 1) applicant follow through on meeting to address the Lucero's concerns included in Exhibit U, 2) the C-2 PUD carries a restriction that the uses within the PUD be those proposed by the applicant specifically indoor self storage units and ancillary office use 3) massing and façade be broken up and be architecturally similar and for the most part indistinguishable from an office building of the same size, Commissioner Hughes seconded the motion. The motion passed by the following majority roll call vote of 3 to 2:**

**Those voting for the motion: Commissioners Lopez, O'Reilly and Hughes.**

**Those voting against the motion: Commissioners Lewis and Armijo.**

## **F. NEW BUSINESS**

- 1. An ordinance amending Section 14-8.14 SFCC 1987 regarding impact fees and adding a new Impact Fee Schedule. (Councilor Chavez) (Reed Liming, case manager)**

*Chair Gonzales arrived at this time and took over as Chair.*

Memorandum from Reed Liming, Long Range Planning Division Director, prepared for November 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "2."

Mr. Liming reviewed the memo included in Exhibit "2." He explained that there is an update every five years. This draft includes the plan through 2012. This document sets out land use assumptions. New homes and businesses pay in impact fees for their fair share due to the growth for roads, parks, fire and police. The Capital Improvements Advisory Committee has worked on the impact fees and update for 7-8 months. The

draft is what they have recommended. He explained that any amendments need to come before the Planning Commission which is why this document is before them. Many of the changes are cleanup and the only substantive item is that they have taken the definition of affordable housing out and created a new chapter 26 so they reference chapter 26. The other consideration is the fee schedule. There will be a new fee schedule as of July 1, 2008. He explained that any new subdivision getting final approval prior would be under the old fee schedule for four years according to the State Development Fees Act. If a new subdivision got final approval prior they would be able to pull permits under the old fee schedule for four years. He explained the basis for the increases. He said when the Committee looked at the maximum potential fees they felt it was hitting some of the smaller houses quite a bit more and they were not ready to recommend doubling those fees. He noted that for some it would increase the fees by more than 150%. He commented that the fees increase by about 20% across the board.

Councilor Chavez pointed out that in 2000 the issue of impact fees had not been revisited in 10 years, so they are still playing a lot of catch up. He suggested a higher increase as he thinks this is too little if they are making considerations for affordable housing. He commented that if they continue to approve new development they will have an aging infrastructure that is inadequate in all parts of town which needs to be thought about. He knows increases are not popular but enabling legislation allows the City to collect the impact fees. He added that there is one piece missing in this legislation in New Mexico which is schools and libraries as they cannot use the money towards either of those.

### **Public Hearing**

*There was no public testimony.*

**The public testimony portion of the public hearing was closed.**

### **Questions and comments from the Commission**

Commissioner Hughes asked what a typical impact fee is.

Mr. Liming referred to the chart included in Exhibit "2."

Commissioner Hughes asked what the impact fees are in Albuquerque.

Mr. Liming said it depends on what area you are in. In Santa Fe, all similar size homes receive the same fees. He said the consultant agreed that Santa Fe is not large enough to break the impact fees up in relation to areas of the City.

Commissioner Hughes agreed that the fees need to be more as the real cost is much higher. He said he would like to see if they can look at this.

Mr. Liming said cost of materials and ITE data is included in the increases as to build a road now is considerably higher than it was five years ago.

Commissioner Hughes commented that he would like to increase the fees on larger homes.

Mr. Liming pointed out that the impact does not step up symmetrically. He said compared to what they previously thought there is more impact from the smaller homes and there are fewer people in the larger homes.

Commissioner Armijo did not see a 20% increase but said it seems a lot more than that.

Mr. Liming said it is 50% for smaller homes, but across the board it is 20%. He said this is why they did not want to increase the fees too much.

Commissioner Armijo stated that someone that can afford a larger house is not paying more, but in his opinion the larger square footage can afford the larger impact fees.

Mr. Liming explained that the fees are not based on ability to pay, but on the impact of the size of the house. He said the census data shows that as you go up in size of home the increase in impact gets smaller and smaller.

Commissioner Armijo commented that he thinks it should be reversed. He did not see the logistics of the decrease for the larger units.

Commissioner O'Reilly observed that if you look at the new and old schedule from 2500 square feet and up the impact fees are going down. He said with the concern they are not raising them enough, he thinks it would be fair to assume the industry and economy has gotten used to the higher rates so there is no reason to be lowering them. He suggested they keep them the same and still increase the lower houses then they will be increasing the fees overall greater than 20%.

Mr. Liming pointed out that the consultants advised against messing with certain numbers as the Committee suggested some variations as well. He said the maximum potential fees were the ones recommended by the consultants. He reminded them that the affordable homes will not pay impact fees. He said the Committee saw the big jump in the smaller homes so their attempt at moderating that was to put in a fee schedule that was some percentage across the board and not to deal with individual land use categories.

Commissioner O'Reilly made the point that the industry has adjusted to the current higher impact fees, so it is not necessary to reduce them. He said if there is a way to increase the fees in general they should do it. He asked if the park fees take into account the potential bond issue for City parks.

Mr. Liming said this takes into account those things already on the books. He said if that goes through it may require some adjusting and re-looking at the park fee.

Councilor Chavez explained that the new GO bond is not proposing to acquire any new open space, but it is for existing parks and trails. As they continue to grow parks and open space development will always be a challenge financially.

Commissioner Lopez noted that in some situation it is more like 100% increases. She believes the 20% is misleading.

Mr. Liming clarified that the total revenue is 20% based on the past years fees collected. He said these fees would increase total revenue by about 20% per year, it is not a

symmetrical increase. He said some land use gets hit harder.

Commissioner Lopez appreciates that the Committee took into account affordable housing and she wished they would take into account small businesses starting up.

Commissioner Armijo pointed out that they are losing money in some cases, so it not a sensible balance. He added that the retrofit program was not done properly so the contractors have to pay out of pocket and that does not play into these figures. He said the City made no money off of this retrofit program and the City should be making the money rather than the subcontractor. He said currently if you find a retrofit for \$750 you are lucky. He said recently there have been a few projects coming through with upgrades and it is 25 units or more before additional fees are applied.

**Commissioner Hughes moved to recommend City Council approve the impact fees split between the committee recommendation and maximum potential, Commissioner Lindell seconded the motion.**

**The motion passed by unanimous roll call vote of 4 to 3.**

**Those voting for the motion: Commissioners Hughes, Lindell, and Lopez with Chair Gonzales voting for the motion breaking the tie.**

**Those voting against the motion: Commissioners Armijo, Lewis and O'Reilly.**

- 2. I-25/NM 599 Highway Corridor Protection Overlay District Regulations. An ordinance creating a new Section 14-5.5 SFCC 2001 regarding the I-25/NM 599 highway corridor protection districts and establishing standards for new development. (Councilor Patti Bushee, sponsor) (Jeanne Price, case manager) (POSTPONED FROM SEPTEMBER 20, 2007)**

Memorandum from Jeanne Price, Legislative Liaison, prepared for November 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "3."

Article provided to Jeanne Price by a member of the public from the New Mexican dated January 26, 2007 titled "Study links freeway exhaust to lung damage" is incorporated herewith to these minutes as Exhibit "3(A)."

Jeanne Price reviewed the staff report included in Exhibit "3."

Councilor Patti J. Bushee said very few times does the Planning Commission and Council have opportunities to plan ahead. She hopes this will change in the future. This ordinance has been moving along after being introduced about six months ago. She said from 1998-2000 they worked on this and concurred unanimously that they needed to do something about 599 to make sure there was not another Cerrillos Road developing and that anyone living out there had some kind of setback from the Highway. The rational nexus used was a noise corridor and contour. The maps were developed and setbacks designated. She said there are some that are not happy about this, but this has been in existence for a very long time. She said what has not happened is the codification. She explained that she is not in a rush, but realized that it was adopted by resolution and 7 years have passed without it becoming an ordinance. She said the majority of this has to do with future annexation. She said there are exceptions for master plans existing, subdivisions and development plans. She said she has looked into TDR's and it is hard to do. There is not one attorney stating takings issues. She said this takes a thoughtful study and trying to codify it. There is a hardship provision



allowing variances. The setback could have been based on many things, but the noise contour made the most sense.

### **Public Hearing**

**Rick Martinez**, stated that 599 is last scenic route coming to town. He said people come here for the scenic beauty and they need to protect the areas. He said if they do not protect the corridor they will be in trouble. He agrees they need to have long range planning and protection.

**Anna Sanchez**, present on behalf of **Claudia Montoya**, said the land affected on 599 is her father's land. She is concerned for her grandchildren as they would not be able to utilize the land the way she wants to. She is sure her kids will continue to hand the land down from generation to generation. She said if they take so much land they will not even be able to keep their horses. She is concerned that this will really stop her family from doing anything with their land for the future.

**Sheri Gonzales**, **Department of Transportation Property Management**, said she was informed of this meeting a couple of days ago by **Maurice Bonal** so they have not had enough time to put something together. She said they will be sending something in writing stating their position. There are approximately 38 parcels owned off the corridor by the Department of Transportation with the majority affected by the setbacks. This will make them uneconomic remnants that will no longer be marketable.

**Maurice Bonal**, **lifelong resident**, reported that he has had property in the 599 corridor since 1972. They were there long before the DOT or Highway Department thought about building a bypass. He said there are a lot of traditional families that are not at this hearing due to the notification process. He said just because you do not have to notify the affected properties by ordinance good government should notify those that will be affected. He has never disagreed with Councilor Bushee but he does on this. The Early Notification process should apply to the City. He asked what is wrong with Cerrillos Road. He showed a map of his property and what would happen if this proposal became an ordinance. He said the majority of his property would be deemed unbuildable unless he asked for a hardship or variance. He showed the 295 foot setback. He argued that if they applied this standard previously they would not have Cerrillos Road or Agua Fria or Old Santa Fe Trail. He guesses they want Santa Fe to look like Phoenix. He said under the current code you need to have a 10 foot setback and 25 feet which is not 295 feet. He noted that 295 feet is a whole football field. The study has been going on for 7 years and no property owners have been involved by design or accident. He has owned land out there since 1972 and he only comes to the meetings in management by crisis. The Highway Department came through and took part of the land although they got compensated but most did not want to sell. He wanted to leave this to his kids and grandkids as he bought the land to have it for the future. He said on his parcel it is 75% of the property. He said if he would not have notified those present they would have never know a setback would be placed on their properties as there was no notification. He said if he wants to build he has to notify every single neighbor.

**Bill Jackson**, **Old Taos Highway across from 599**, has lived up there for 27 years and believes using the noise criteria is a really intelligent way to create this kind of corridor. He said the noise can be outrageous, but they need to think about pollution. He believes

this is destined to be an extraordinarily busy road as will I-25. They need to consider this an opportunity for pro-active planning and to create a corridor which will eliminate difficulties if it is built right. He said with the provision of being able to protest by variance they allow those in hardship to have the possibility and likely they can get what they need. He does not want to see very dense development right up against the highway. He said it is not a limited access situation and if they come up close people will want to access 599 in too many places.

Councilor Bushee said this ordinance is for portions of I-25, Cerrillos Road, and 599 Veteran's Memorial Highway. She said for all the hearings they had every developer that had large parcels with master plans speaking and they knew what was being done. She noted that they are not here because every provision has been built in. She said essentially everyone came together with a rational way to preserve the corridor and preserve property rights according to the underlying zoning.

**The public testimony portion of the public hearing was closed.**

### **Questions and comments from the Commission**

Chair Gonzales outlined the number of possibilities they have on this deliberation.

Commissioner O'Reilly noticed the restriction on maximum building height and wondered if that was mainly based on a noise study why they would want to limit a residential dwelling which is from 130-300 feet from the right of the way when the standard in the rest of the city is 24 feet.

Ms. Price explained that she was not involved in the original study, so she is not sure if this is because of how the height sits with the contours of the land.

Councilor Bushee said the visual impact was considered although they used the noise contour to make the decisions on the setback. She has no problem with 24 feet which is the City standard.

Commissioner O'Reilly suggested for properties wiped out by the setback that it would be acceptable to build on the property at the farthest point possible and feasible from the right of way so they do not have to come with applications for hardships and variances.

Ms. Price said the variance allows them to define what the farthest from the back of the property is. The variance allows a specific design suitable. Each would be unique and it would be best to have a unique plan and review for each one.

Commissioner O'Reilly thinks they would show where the district overlay is and then staff could say yes that is as far from the right of way as possible, so they would not have to go through the variance process. He thought it could be analogous to the escarpment overlay process and requirements. He understands the concerns of those that have had land in this area for a long time and it is now essentially unbuildable.

Ms. Price pointed out that if a subdivision was already platted it would be exempt. She said with an actual plan they could move things around and this is not as definitive as the escarpment ordinance.

Councilor Bushee did not believe Mr. Bonal's property is unbuildable as he has 7 acres. She said the majority of ones would be master plans or subdivisions. She said a residence would have plenty of room on this property and a subdivision would be coming forward anyways.

Commissioner Lindell stated that looking at the intent of the ordinance she is pleased. There is nothing intrinsically wrong with Cerrillos Road, but it is not a model for visual planning. She said to compare a four lane of 599 to Old Pecos Trail does not work for her. She feels once they allow development up against the highway it is viral. She sees no reason not to support this. She feels this has ways for people to make use of their land.

Commissioner Lopez expressed concern that property owners were not notified. She said if the City is taking away property the owners should have a voice in this. She said everyone has a plan for their property. She said if there is a setback that they cannot build on they are taking away their inheritance. She said the property owners should be given the opportunity to give input and the City needs to be clear. She said the fact they are taking 70% of the property is not acceptable. She stated that she understands the concept, but thinks it is very unfair. She was not in favor of approving this.

Commissioner Armijo asked if there is a way for compensating people that have so much property taken from them.

Ms. Price explained that this is not a City procedure or process. She said if given this situation as a planner you would lay out the lots differently and this does not prohibit parking in the areas. She said as part of the process there could be a way to put the buildings differently to build the setback in. She added that the rules can be accommodated in some manner.

**Commissioner Lindell moved to recommend City Council approve this ordinance creating a new section 14-5.5(C) SFCC 1987 establishing the I-25/NM 599 Highway Corridor Protection Overlay District and related standards for new development, Commissioner Armijo seconded the motion.**

**Commissioner O'Reilly asked Commissioner Lindell to consider a friendly amendment to set the heights to match the current building heights allowed by the zoning designations in other parts of the City. Commissioner Lindell accepted the friendly amendment.**

**Commissioner O'Reilly made another amendment to direct the City to notify the affected property owners within this corridor prior to the Council meeting. Commissioner Lindell accepted the friendly amendment.**

Commissioner Lopez asked for an explanation of the second friendly amendment.

Commissioner O'Reilly wanted to incorporate her concern as he does not think openness in what they do is a bad thing and nobody should object to having everyone with land affected know about this. The intent is to have City staff notify the property owners within this corridor that a plan has been recommended to be approved by City Council and it will be heard on a certain date.

The motion passed by majority voice vote of 4 to 2 with Commissioners Lewis and Lopez voting against the motion.

**4. Case #M 2007-26. Southwest Santa Fe Community Area Master Plan Proposed General Plan Amendment. A resolution adopting the Southwest Santa Fe Community Area Master Plan as an amendment to the General Plan Future Land Use Map. (Councilor Chavez) (Richard Macpherson, case manager)**

Memorandum from Richard Macpherson, Senior Planner, prepared October 14, 2007 for November 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "4."

Richard Macpherson reviewed the staff report included in Exhibit "4."

Staff recommends the following conditions:

1. General Plan/Future Land Use Map Amendments approved in the Plan's area since the Southwest Santa Fe Community Area master Plan was completed in December 2001 shall remain valid with the recommended approval of the Southwest Area Master Plan by the Planning Commission.
2. Two ENN's (Early Neighborhood Notification meetings) have been held in the last six months regarding the Southwest Santa Fe Community Area Master Plan. During these ENN meetings residents cited five areas within the plan that have been developed differently than the SWAP land use designation map shows. Staff recommends the following changes to the SWAP land use map be made to make it consistent with existing development. The following areas are described below,
  - A. Morning Drive residential area – Change to "Residential (3-7 dwellings/acre)" from "Transitional Mixed Use" and "Residential (7-12 dwellings/acre)." This change would more accurately reflect built density in the area.
  - B. Mimbres Lane residential area – Change to "Residential (1-3 dwellings/acre)" from "Residential (3-7 dwellings/acre)." This change would more accurately reflect the built density in the area.
  - C. Country Club Estates residential area – Reduce "Transitional Mixed Use" designation to that portion containing "Woodmen of the World" building and change remainder of "Transitional Mixed Use" designation to "Residential (1-3 dwellings/acre)" along southern boundary of Country Club estates and change to "Residential (3-7 dwellings/acre)" for that portion of the area extending north/south with Tierra Contenta on each side. These changes would be consistent with the adjoining existing densities.
  - D. Calle Maria Luisa residential area – change to "Residential (3-7 dwellings/acre)" from "Residential (1-3 dwellings/acre)." This would match the density on the other side of the street.
  - E. Calle P'O Ae Pi Subdivision – Change to "Residential (3-7 dwellings/acre)" from two different designations; neighborhood center and transitional mixed use. This change would more accurately reflect the built density in the area.

Councilor Chavez said the significance even though there has been time elapsed between the resolution passing is that this has been the fastest growing part of the city. He said it is safe to say that this area will be re-districted in 2010 as it was in 2000. He said it is not good to plan when one side of Airport Road is in the City and the other side is in the County. Portions of this plan have already been adopted as they recognize they need to do a better job in planning. This has been used as a tool. He does not want to see the piecemeal planning going forward. He asked for a positive recommendation.

### **Public Hearing**

**Johnny Smith, Vice President of Tiempos Lindos Homeowners Association, said they are not calling this an annexation plan, but they do not believe that. He said they**

do not want to be annexed into the City. They were a part of Agua Fria Village until the RPA reduced the boundaries. His personal opinion is that the city sidesteps the public with 1:30 a.m. votes and conspires with developers. He believes the Attorney General should investigate possible corruption between the Council and developers. He said they do have city services and pay surcharges for the services. They do not want the city rules or anything. They are bounded by County open space. He said the property next to his is Las Colores which was annexed, so they cannot say this master plan is not an annexation plan. He would be happy to be part of the County even if it meant not being on the map.

**Rick Martinez**, liked that the community helped with this plan and were thinking ahead for the future of the area. This helps the preservation of the traditional neighborhood. This will improve Airport Road so there is better circulation. This helps the neighborhoods have identity to the south side. He feels without a plan the City will not go anywhere. This gives the area direction.

**Clara Boggs, 3513 Camino Jalisco**, stated that she has attended all the meetings and the majority of the neighbors have voiced opposition to being in the City. They do not want to be part of this master plan and do not want to be annexed. They want to remain in the County. She does not understand why they insist on putting her subdivision in this plan. She said changing the density is against their covenants. She is tired of attending these meetings over and over again. All the neighbors bought in the County because they wanted to live in the County. She knows from personal experience that this is annexation. They have had excellent service from the county and do not want to be annexed into the city.

**Tom Boggs, 3513 Camino Jalisco**, stated that 99% of the people in the area feel the same way as his wife. He said if they wanted to be in the City they would have bought in the City. They have told everyone the same thing so he does not understand why they have to keep coming to meetings to protect themselves.

**Doreen Medina Rodriguez, 2949 Calle de la Cruz**, stated that she opposes this just like her neighbors. She said she runs a small business out of her home that was approved before the EZA and EZC. She reported that in the 2005 census done by New Mexico Voices for Children stated that there were 4000 children needing childcare between the ages of 0-5 years of age. She opposes this proposal because she would be required to build a separate building beside her home and pay the fees just mentioned.

**Steve Medina, Mimbres Lane**, stated that he does not know why the city wants to annex them. He said he does not have a voice and does not vote, although if they go into the City they will vote. He opposes going into the city.

**Ellery Christensen, Town and Country Subdivision**, said he is very much opposed to this new plan. He cannot say it is not good plan as he is not an engineer, but it affects too many people taking their rights away. He said this will change the lifestyle they have had for the last 40 years. He disagrees and is opposed to it. He believes they should not be forced to change their lifestyle and locate differently.

**Frank Mares, 3242 Ojos de Jo**, stated that his property was appraised for \$800,000-900,000. He questioned if the City would be willing to pay that much for his property.

He does not want annexation. He asked how much more right of way the City needs as the Highway Department already has right of way. He questioned what the City would be doing that close to the freeway.

**Taylor Lujan, Town and County subdivision**, said he is backing what the others folks have said.

Councilor Chavez explained that as Mr. Macpherson pointed out this is not about annexation. He said the southwest sector will continue to grow piecemeal through development approved by the EZA and EZC. The density in the County is changing and the two mile boundary is urbanizing whether people like it or not. He respects the rural character the residents want to protect. He commented that this is a plan to try and determine in a better fashion how they accommodate or approve new development. He noted that growth is not always good if it is not done right. He said home occupations would not change. He said if they have chickens or horses in their backyard that would continue. He pointed out that he has chickens in his own backyard and he lives in the City where this is allowed. He said if the neighborhood accepts these kinds of things then it is not a problem. He said it is not about taking anything away from residents. This is an attempt to do a better job in the City and County which is the fastest growing area. He believes annexation will happen by itself and development requests will continue regardless of the plan.

**The public testimony portion of the public hearing was closed.**

#### **Questions and comments from the Commission**

Commissioner Hughes asked if the agreement to adopt the General Plan amendment for the Southwest Sector was by the EZA.

Councilor Chavez explained that the RPA looked at developing a land use plan for the five mile area around the city. This plan was incorporated into that plan by vote of the RPA.

Commissioner Hughes said it is clear that the County Commissioners were in favor of this.

**Commissioner Hughes moved to recommend City Council Case #M-2007-26 with staff conditions, Commissioner Lindell seconded the motion which passed by unanimous voice vote.**

- 3. An ordinance creating a new Section 14-6.2(H) SFCC 1987 restricting the placement of electric, telecommunication, cable, and gas lines within City parks, open space, trails or other City owned land. (Jeanne Price, case manager) (POSTPONED FROM SEPTEMBER 20, 2007)**

Memorandum from Jeanne Price, Legislative Liaison, prepared October 10, 2007 for November 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "5."

Jeanne Price reviewed the staff report included in Exhibit "5."

## **Public Hearing**

**Robert Castillo, PNM, Director for Northern Region for gas and electric services,** said he has been negotiating with respect to the franchise agreement. They have been negotiating a new franchise and were able to resolve most of the issues. The remaining issue is the ability to build facilities in parks, trails and open spaces. He said they feel it would be best to negotiate the remainder of the issues in another ordinance. PNM's preference is to have everything combined in one document. There is another meeting with the City Manager to discuss this proposed ordinance and the possibility of culminating the negotiations with respect to the franchise. With respect to building in parks PNM recently supported the under grounding ordinance which PNM believed would have taken care of the unsightly poles crossing open spaces. PNM has agreed to adhere to that ordinance which should alleviate a big part of the concern.

**The public testimony portion of the public hearing was closed.**

## **Questions and comments from the Commission**

Commissioner O'Reilly expressed concern with page 3, line 14. He asked how this would work on new developments especially with regards to affordable housing. He believes this would significantly increase the costs. He referred to a specific development that has the power going across the park and if it were required to follow the loop around the park the cost would be approximately \$150,000 more.

Ms. Price said the park would not be dedicated so it might be allowed to have the easement across the park. She was unsure on this issue.

Commissioner O'Reilly said if the Commission decides to approve this ordinance, he would ask that this issue be addressed before the language moves onto Council.

Commissioner Hughes asked Mr. Robert Gallegos if this is in the spirit of the recommendations from the Energy Task Force.

Mr. Robert Gallegos did not recall any recommendations on this specific issue. He recalled them not wanting a line placed along the Arroyo Chamiso Trail.

**Commissioner Hughes moved to recommend approval by City Council of this ordinance, Commissioner Armijo seconded the motion which passed by unanimous voice vote.**

- 5. Case #S 2007-13. Montañño Arts Preliminary Subdivision Plat. Linda Tigges, agent for Richard and Karen Pendergrass, requests preliminary subdivision plat approval for 6 residential lots on 1.00± acres located north of Montano Street and east of the intersection of Montano Street and Barela Lane. The property is zoned R-5 (Residential, 5 dwellings per acre. (Lou Baker, case manager)**

Memorandum from Lou Baker, Development Review Senior Planner, prepared October 24, 2007 for November 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "6."

Staff memorandum dated November 1, 2007 from Lou Baker, Senior Planner, is incorporated herewith to these minutes as Exhibit "6(A)."

Comments from RB Zaxus, City Engineer for the Land Use Department, dated November 1, 2007 are incorporated herewith to these minutes as Exhibit "6(B)."

Letter of concern from Marc Choyt dated October 29, 2007 is incorporated herewith to these minutes as Exhibit "6(C)."

Lou Baker reviewed the staff report included in Exhibit "6."

Mr. Smith reported that John Romero, Traffic Division, requests his comments be stricken from the record as they were simply communication between staff members.

Staff recommends the following conditions of approval:

1. Applicant shall comply with the requirements of the Santa Fe Home program §14-8-11 SFCC 2001, Exhibit L, one (1) affordable housing unit and a fractional fee of \$43,6000; and
2. The Homeowners Association (HOA) shall be responsible for maintenance responsibilities for private roadway. This shall be noted on the plat and in the HOA covenants; and
3. Construction will occur in an existing neighborhood therefore applicant shall submit a construction staging, tree protection and traffic management plan (Exhibit D) detailing activities in a manner as to not to disrupt the harmony and safety of the neighborhood; and
4. Final development plan shall be recorded concurrently with the final subdivision plat; and
5. Public sidewalks shall be subject to all previous conditions of zoning, development plan and subdivision approval; and
6. A note shall be placed on the final plat and on the final development plan that the development shall be subject to all previous conditions of zoning, development plan, and subdivision approval; and
7. 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 for "Type A" low-priced residential units if applicable; and
8. 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
9. The final plat shall be drawn in compliance with general formatting and plan content requirements as per Exhibit N. These requirements apply to each page; and
10. comply with comments from Public Works Department/Engineering Division/Traffic Impacts (Exhibit I); and
11. Comply with comments from the Wastewater Management Division (Exhibit E); and
12. Comply with comments from the Engineering Development Review Division/Landscaping (Exhibit G); and
13. Comply with comments from the Office of Affordable Housing (Exhibit L); and
14. Comply with comments from the Fire Department (Exhibit H); and
15. Comply with comments from the Trails and Open Space Office (Exhibit J); and
16. Comply with comments from the Solid Waste Division Engineer (Exhibit K).

### **Public Hearing**

**Linda Tigges, Tigges Planning Consultants, was sworn.** She agreed with the conditions of approval and stated that many have been met already. There were two neighborhood meetings with one person at the first one and two at the next. She showed the site plan to the Commission and pointed out the features. She explained that access is from Montano and Artista Road. They applied for and are asking for alternative road sections. One is to a request to not put sidewalks as it would only be for one little section. She said the road going north would be a private road with base



coarse gravel at 38 feet wide which meet the lane standards. She explained that the Fire Department and City standards differ, but they would meet the Fire Department standards. There would be a swale on each side for walkers. The existing common entrance is a private easement but they are adding to it so it will be a 35 foot section. The Fire department felt comfortable with this if they provided a hammerhead turnaround. This property would not be dependent on the property to the north.

**Thomas Horn, speaking for the residents of Velarde Street, was sworn.** He knows he is a little late to this process. He explained there is a branching network of roads and houses that come off of Velarde Street. This is the only access from Agua Fria. He said today there was an accident as there are frequently accidents. All the open space has been crowded in and he wants to see it protected. He noted that if Montano Street was continued it would put a road behind Larragoite School.

**Marc Choyt, 1718 1/2 Agua Fria, was sworn.** He expressed concern with the road that goes from Agua Fria to the proposed development. This is an undeveloped, single lane road. He is primarily the user of the road as well as the neighbors to the north of him. He does not oppose this development but the road issue has to be addressed in a serious way. This is a private road that is not maintained. He asked how they will prevent people from using his road. He questioned who will maintain the road that is going to be base coarse. He believes people will still use his road even though the developer is being required to put in a new road.

**Rick Martinez, 725 Mesilla Road, was sworn.** He lives north of the project. He said both entrances are backed up to turn left. He added that the whole city needs to look at more open space in the area. He said with the road structure there is only one way in and one way out which he is not sure emergency vehicles could even access. He urged the Commission to be cautious with these decisions so they do not create a bigger sore than they have. He hopes they understand the limits with the roads.

**Percy Vigil, lives on the border the property, was sworn.** She has the same concerns. She is not opposed to the development, but expressed concern with the road usage. The neighbors maintain the road currently and with the development they will not be able to afford to maintain the road for everyone that will be using it. She heard them mention that one lot would be donated as low income housing, so she wanted to know which lot that would be located in.

Ms. Tigges explained that Montano Street cannot be extended because it is blocked. She pointed out that a private road means it is not a city right of way, but a private access easement. The road would be maintained by a homeowners association that would pay a fee to maintain the road. She is also concerned with the access but they cannot block it off as much as they would like to. She agreed to sign the road.

**The public testimony portion of the public hearing was closed.**

#### **Questions and comments from the Commission**

Commissioner asked Lopez how many dwellings exist there now.

Ms. Tigges stated that it is vacant land.

Commissioner Lopez asked why if this is zoned R-5 they are asking for one additional unit.

Ms. Tigges explained that the City requires they provide an affordable unit and in return a bonus unit is allowed. With four market unit and one affordable unit they are allowed one bonus unit making six units total.

Commissioner Lindell asked Mr. Choyt to point out the road he is talking about.

Mr. Choyt pointed out the properties and the single lane road.

Commissioner Lindell asked if they had thought of putting a gate in.

Mr. Choyt said that would be agreeable, but said City services do use the road.

Commissioner Lindell agreed that everyone knows the new residents will use that shortcut. She wondered if an automatic gate might solve the problem.

Ms. Tigges stated that the applicant would consider this.

Mr. Choyt asked if the maintenance of the gate would be part of the obligation from the applicant.

Commissioner Lindell said perhaps the homeowners association could take on maintenance of the gate as part of their obligation. She asked Mr. Romero if he had an opinion on this.

Ms. Tigges agreed that the homeowner's association could take care of it.

John Romero said he would have to defer to legal counsel. This seems to deal with property ownership, easements and legal issues that he does not have an opinion on. He said whether the development accesses one way or the other does not matter to him.

Mr. Martinez expressed concern that the City would not back this up.

Commissioner Lindell assumed that Ms. Tigges would keep her word if she says it will happen.

Commissioner Armijo asked if it is possible to widen the road. He thought people might be willing to give up property to widen the road. He felt that everyone would know the code after awhile if they did a gate.

Mr. Choyt said it is not possible. He explained that there is a wall going down on both sides. He said if they widened the road it would get within 5-6 feet of some of the buildings.

Commissioner Armijo asked why there is only one affordable unit.

Ron Pacheco, Office of Affordable Housing, stated that it is a land use action for five lots so all the figures are based on five lots. The requirement for this project is 1.8 units. One unit will be priced affordable which will be a home for a teacher, policeman or

fireman; it is not necessarily a low income lot. There will also be a \$43,000 contribution required for the .8 lot.

Commissioner Armijo stated that the developer is giving the space for access even if people do not use it. He asked if they need to indicate which lot is the affordable one.

Mr. Pacheco said in his discussions with the developer they did not discuss which lot it would be, but it would be either J-1A or J-1B. He said all the lots are essentially the same size so they are okay with either lot.

Commissioner Armijo asked if the homeowner's association would maintain this road.

Ms. Tigges said this is the requirement and the bylaws are reviewed by the City to ensure the maintenance is provided for.

Commissioner O'Reilly understood that the neighbors would like to continue to exit out this way.

Mr. Choyt agreed as it is much quicker to the street.

Commissioner O'Reilly asked if they are proposing to widen the street along the proposed development.

Ms. Tigges said to meet City standards they are taking 15 feet so the total is 38 feet. They will be improving the road on the side of their property.

Commissioner O'Reilly asked if the neighbors agreed to allow this.

Ms. Tigges stated that this is an existing common entrance both on a 1927 plat and the current plat.

Ms. Vigil said the road currently being used as common entrance is already developed and has been used for over 20 years. She noted that it is a utility easement that has been used as a road. The road the applicant is extending onto now has been a common entrance.

**Commissioner Armijo moved to recommend approval of Case #S-2007-13 with staff recommendations and the recommendation for staff and the applicant to research the possibility of adding a gate at the north entrance, Commissioner Lindell seconded the motion.**

Ms. Tigges asked if this includes approval of the alternative road section for the short portion of Montano and a gravel road for Artista Road.

Mr. Smith stated that this road would be developed in accordance with lane standards so it would be acceptable for the Commission to approve base coarse roads. He recalled that the Fire Department approved 26 feet road which is wider than the minimum standard and a narrower path for drainage and utilities. He urged the Commission to consider the availability of guest parking as they would need another couple of feet to accommodate that. He expressed concern with the gate across the private easement. He said granting approval subject to improvements that affect another property is like

delegating authority to a private party. He said there may be a way to allow that issue to be researched prior to the final plat.

There was agreement to resolve the issue of the gate before the final plat.

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

- 6. Case #ZA 2007-10. 1711 B West Alameda Rezoning. Dolores Vigil, agent for Maria Rose Sanz Seara, requests rezoning of 1.047± acres of land from R-1 (Residential – 1 dwelling unit per acre) to R-2 (Residential, 2 dwelling units per acre). The property is located north of West Alameda east of El Rancho Road. (Donna Wynant, case manager)**

Memorandum from Donna Wynant, Senior Planner, prepared October 24, 2007 for November 1, 2007 Planning Commission meeting is incorporated herewith to these minutes as Exhibit "7."

Mr. Smith presented the staff report included in Exhibit "7." He said staff could support this rezoning but he expressed concern with rezoning properties prior to resolving the access issues will result in the road capacity being used up by first come first serve rather than sharing the burden. There are other requests for rezonings in this area; there is an R-5 request for rezoning immediately across the road and a proposal for a lot split on another property at the steepest point. He explained that even if they use the 30 foot road for access, they allow a 26 foot road serving up to 8 dwelling units. He said they would create at least a 38 foot private road if they rezone other properties at similar densities. He said staff believes the higher density is appropriate, but the access issues should be resolved between the property owners prior to approving individual cases.

### **Public Hearing**

**Dolores Vigil, 206 McKenzie, agent for Maria Rose Sanz Seara, was sworn.** She asked for clarification on the terrain management requirements as she is unsure when this will be required. She requested this be required during the development stage rather than rezoning. She pointed out that they would allow for an additional single family home along with principal dwelling and accessory dwelling units for a total of 4 separate structures, but there are limitations on the property and the owner will not develop on it any more than allowed. Ms. Vigil said her interpretation is that the existing unit would be allowed on the 4000 square feet and the remaining one acre could be used for one additional structure and accessory structure. She noted that there are a lot of terrain limitations. She said her client is willing to work with the neighbors on dealing with the easement, but this is an application for two separate lots. Her client is a single mother trying to make life easier for herself so she has more time with her son. The applicant is willing to work with any of the conditions.

**The public testimony portion of the public hearing was closed.**

### **Questions and comments from the Commission**

Mr. Smith clarified that the property across the street is proposed at R-3 for a total of 5 dwelling units which is not what he stated when presenting the staff report.

Commissioner Armijo asked what the concern is with the easement.

Mr. Smith explained that if some or all of the properties attempt to rezone there will likely be more than 8 units using the road. He is concerned with giving access rights to the first people and requiring the next ones to rely on a variance to develop their properties.

Commissioner Armijo asked if they could allow an easement through their property to access the following properties.

Mr. Smith said this would require the cooperation of three property owners to allow the widening. He said the applicant could widen for the portion that crosses her property but there are others that would have to do the same. He noted that the other property owner raised objections at the ENN for the other property.

Commissioner Armijo said when the others come forward they could ask them for easement.

Mr. Smith said some of the properties may never come into rezone and then the issue would not be resolved.

Commissioner Lopez asked if the other property owners are aware of this rezoning.

Ms. Vigil explained that they held an ENN meeting where nobody showed up, they posted notice per code, sent certified mails to all the adjacent property owners and her client has knocked on doors although she has not been able to talk to anyone.

Commissioner Lopez understood the problem.

Mr. Smith noted that an ENN was held for the owner of the 1711 property and they intend to place an application for rezoning to propose a subdivision of 5-6 lots.

Commissioner Hughes asked what the zoning for Alameda street is.

Mr. Smith replied 3-7 dwelling units per acre.

Commissioner Hughes commented that this conforms. He asked what the slope is.

Ms. Vigil reviewed the GIS map that shows the 2 foot contours. The proposed development is disturbed and they are building outside the escarpment.

Commissioner O'Reilly asked if this property is in the mountainous and difficult terrain.

Mr. Gonzales replied no.

**Commissioner Hughes moved to recommend City Council approve Case #ZA-2007-10 with staff conditions, Commissioner Armijo seconded the motion which passed by unanimous voice vote.**

- 7. Case #M 2007-27. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Development Plan. Clif Walbridge, agent for Northside Ventures, LLC requests preliminary development plan for 84 units on 11.20**

± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. The application includes the following variance requests: 1) finished floor level more than five feet higher than average grade of buildable area; 2) use of private roads where public roads would normally be required; 3) development within the flood plain; 4) development within the required 25' setback from the top of the arroyo 5) exceeding the 50% rule for building on 20%-30% sloped land; 6) use of two private sanitary sewers that are not in the road (120' and 130'). (Donna Wynant, case manager)

*This item was postponed to November 15<sup>th</sup> Planning Commission meeting per approval of the agenda.*

- 8. Case #S 2007-12. Senior Village, Santa Fe Estates, Las Estrellas Tract 11 Preliminary Subdivision Plat. Clif Walbridge, agent for Northside Ventures, LLC requests preliminary subdivision plat approval to create 5 lots and remainder tracts comprising 220.689 ± acres for a total of 258.219± acres. The site is Tract 11 Las Estrellas in Santa Fe Estates. (Donna Wynant, case manager)**

*This item was postponed to November 15<sup>th</sup> Planning Commission meeting per approval of the agenda.*

#### **G. BUSINESS FROM THE FLOOR – None**

#### **H. STAFF COMMUNICATIONS**

Mr. Smith said they have meetings scheduled for November 15<sup>th</sup>, December 6<sup>th</sup>, December 20<sup>th</sup> and January 3<sup>rd</sup>. He staff anticipates trying to not have a long stretch without a meeting, but he asked for feedback if they plan on attending meetings during the holidays. He said there may be difficulties with staffing or a quorum for January 3<sup>rd</sup> especially and possibly December 20<sup>th</sup>.

The Commissioners stated what meetings they anticipated being able to attend. Commissioner Armijo said he would be unable to attend either meeting. Commissioner Hughes said he would attend both meetings. Commissioner Lewis anticipated being able to attend both meetings. Commissioner Lopez said she would be unable to attend either meeting. Commissioner Lindell said she would attend both meetings. Commissioner O'Reilly said he would not be able to attend the December 20th meeting, but anticipated being present for the January 3<sup>rd</sup> meeting. Chair Gonzales said he would be unable to attend either meeting.

Mr. Smith said he would have Ms. Gurule find out Commissioners Schackel-Bordegaray and Salazar's schedules for these meetings and report back November 15<sup>th</sup>.

Mr. Smith reported that they re-advertised the vacant positions.

#### **I. MATTERS FROM THE COMMISSION**

Chair Gonzales said staff is trying to put together some Planning Commission classes with a book. This would be presented by staff and a developer so they can get both

perspectives. He said there is some money in the budget for this.

Commissioner Armijo reported that the Summary Committee is getting people showing up and not being notified. He said if there is a way to address this he would like to explore that.

Mr. Smith explained that the code requires direct mail and posting the yellow sign, although there is no ENN required. He said the Commission could propose amending the requirements.

Commissioner Hughes said on the next agenda possible they need to change some positions.

Chair Gonzales explained that they want to have elections to the Summary Committee because Commissioner Hughes needs to vacate that position although Commissioner Lindell is interested in serving. Also, Commissioner Lindell would step down as Vice Chair and Commissioner Hughes would step into that position.

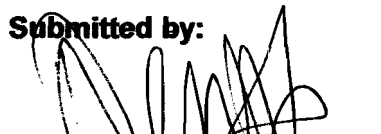
#### **J. ADJOURNMENT**

**There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner O'Reilly moved, seconded by Commissioner Armijo to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 11:05 p.m.**

**Approved by:**

  
**Chair Estevan Gonzales**

**Submitted by:**

  
**Denise Cox, Stenographer**