



Agenda

CITY CLERK'S OFFICE

DATE 3/18/14 TIME 2:00p

SERVED BY [Signature]

RECEIVED BY [Signature]

AMENDED

PLANNING COMMISSION

Thursday, April 3, 2014 - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: March 13, 2014

FINDINGS/CONCLUSIONS:

Case #2014-06. Aguafina Final Subdivision Plat.

- E. OLD BUSINESS
- F. NEW BUSINESS
- G. STAFF COMMUNICATIONS
- H. MATTERS FROM THE COMMISSION
- I. ADJOURNMENT

NOTES:

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**



Agenda

CITY CLERK'S OFFICE

DATE 3/13/14

TIME 3:00 PM

PREPARED BY *Geraldine Gurnea*

PLANNING COMMISSION
Thursday, April 3, 2014 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**
 - MINUTES: March 13, 2014**
 - FINDINGS/CONCLUSIONS:**
 - Case #2014-06. Aguafina Final Subdivision Plat.**

- E. OLD BUSINESS**
- F. NEW BUSINESS**

- 1. Case #2014-19. Delgado Street Preliminary Subdivision Plat.** Liaison Planning Services Inc., agent for Deborah May Doe, requests Preliminary Subdivision Plat approval for a 5-lot single family residential subdivision. The 0.66± acre property is zoned RC8AC (Residential Compound, 8 dwelling units per acre with an Arts and Crafts District Overlay) and is within the Eastside Historic District. The property is located on the east side of Delgado Street, south of E. Alameda Street. (Zach Thomas, Case Manager)

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**
- NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.
***Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

SUMMARY INDEX
CITY OF SANTA FE
PLANNING COMMISSION
April 3, 2014

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
APPROVAL OF AMENDED AGENDA	Approved	1
<u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>		
MINUTES – MARCH 13, 2014	Approved [amended]	2
FINDINGS/CONCLUSIONS CASE #2014-06. AGUAFINA FINAL SUBDIVISION PLAT	Approved	2
OLD BUSINESS	None	2
NEW BUSINESS	None	2
STAFF COMMUNICATIONS	Information/discussion	3
MATTERS FROM THE COMMISSION	Information/discussion	3-12
ADJOURNMENT		12

**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
April 3, 2014**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 6:00 p.m., on Thursday, April 3, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Tom Spray, Chair
Commissioner Lisa Bemis
Commissioner Michael Harris
Commissioner Lawrence Ortiz
Commissioner John Padilla
Commissioner Dan Pava
Commissioner Renee Villarreal
[Vacancy]

MEMBERS EXCUSED:

Commissioner Angela Schackel-Bordegary

OTHERS PRESENT:

Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, Assistant City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AMENDED AGENDA

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal, to approve the Amended Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – MARCH 13, 2014

The following corrections were made to the minutes:

Page 1, under Others Present add: Zachary Thomas, Senior Planner, Land Use Department; and Keith Wilson, Senior Planner, MPO

Page 15, add a new paragraph after paragraph 3 as follows: "Commissioner Harris said, I underline that."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the minutes of the meeting of March 13, 2014, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0]

2. FINDINGS/CONCLUSIONS

A copy of the Findings of Fact and Conclusions of Law in Case #2014-06, Aguafina Final Subdivision Plat, is incorporated herewith to these minutes as Exhibit "1."

CASE #2014-06. AGUAFINA FINAL SUBDIVISION PLAT

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to approve the Findings of Fact and Conclusion of law in Case #2014-06, Aguafina Final Subdivision Plat, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0]

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

There was no new business

G. STAFF COMMUNICATIONS

Ms. Baer said there is a new form available for the public, telling them “quick and dirty” how to get zoning information on line and how to do mapping on line.

H. MATTERS FROM THE COMMISSION

Tribute to former Commissioner and now City Councilor Lindell

Chair Spray said, “This is a really wonderful night for all of us, and certainly for me, personally. We all know what happened a few weeks ago to one of our members whose chair is unoccupied tonight, as you can see, and she has now crossed to the other side. I think her name is still up there, but it might be now facing the other way while they make her official tag as she begins her career, and of course I’m talking of Signe Lindell who is seated in the audience with her partner, it’s very nice. And so we talked about this eventuality a while back, and Director O’Reilly and I discussed what might be appropriate of course. And it would appeared that something needed to be presented, something appropriate that would recognize all of her great work on this Commission for so many years. And so we thought about it, wrote a little copy, sent something off to the magic of the internet, and we received something we wanted to present to you, Sig. And I wonder if you might meet me down here in the middle.”

Chair Spray presented Councilor Lindell with a plaque that read, “Planning Commission, City of Santa Fe, Commissioner/Chair Signe Lindell. Presented with gratitude for her many years of dedicated service and inspired leadership, July 2006 to March 2014.”

Councilor Lindell said, “Well, this is emotional for me, you guys are my friends. I thought when they said they were going to honor me, they were really going to roast me. It is emotional. Planning Commission changed my life in so many, many different ways. It made me a much fairer fighter. Had some wicked disagreements with some of you, Land Use Director O’Reilly. And it was always a pleasure after those disagreements to go out and socialize together, and it made me a much fairer fighter, which probably also made me a much fairer fighter at home. And I do want to thank my partner, Maria Sanchez. And I want to thank all of your families too, because families give things up for people to do public service. They give up their loved ones for a lotta lotta hours. And I hope that you recognize that with your own family and with other families, and people that work for the City. Their families give up a tremendous number of hours, and whether people are compensated or not, it’s a lot of unexpected hours and it’s a lot of uncertain hours.”

Councilor Lindell continued, “And the Planning Commission, more than any other group that I’ve ever watched, they work hard, they come to meetings prepared and the insight to the questions sometimes is like, ‘Wow, why didn’t I think of that.’ And you taught me to think about that. This is a really good Planning Commission. Everybody works really hard, everybody carries their weight. And we’ve been taught and directed extremely well by the people that work for the City that serve this Commission, and the amount of time that you spend with them. They become our friends, and trusted advisors. They keep us out of trouble most of the time. So, it’s been a lot of years. I know that you’ll be seeing me at different

events. You'll be seeing me, no doubt, in front of this Planning Commission for something, and you've all heard me say this, what we do today matters tomorrow. And there's really no group in the City, and I always say, the Planning Commission let's us know what the City is going to look like tomorrow. So thank you for the work that you do. It's extremely important, it's extremely serious, and we've had a lot of fund together, haven't we. So, thank you very much."

Chair Spray said, "Thank you Councilor Lindell. Those were heartfelt remarks. You sound like a real politician. You're doing very well. And in the interest of full disclosure, I did sign Councilor Lindell's nomination petition as you know, so I think I wasn't the first one, but I was pretty close to that. I also contributed to her campaign and was glad of it, as I'm sure many of you also did as well. So I thank you for that Sig, it's really been great. Thanks for coming, both of you. It's really wonderful. Good night."

Commissioner Harris said, "Don't leave please. You know that I always have something to say. Actually I wanted to say that in my time on the Commission, I consider you the model Commissioner. You're the individual that I always wanted to pattern my thoughts and actions after. I value your intelligence, I value your integrity and even through the relatively minor skirmishes you and I may have had, but I really do appreciate all that you have done, and I know you're going to continue on in your new role as Councilor, so thank you."

Mr. O'Reilly said, "I just wanted to add a few things. This is not going to be a roast. I just wanted to add a little historical context here. Commissioner Lindell and Commissioner Schackel-Bordegary were the last members of the Planning Commission who were brought in when Mayor Coss came into office. And for those of you who remember those times, and times before that, there was a need to change the Planning Commission and to bring a different type of person onto the Planning Commission. And what Commissioner Harris just said is exactly correct. And since that time, from that group of people, all the way through with the group of people that are sitting here right now, Sig Lindell was the start of a Planning Commission that paid attention, who read their packets, followed the law, did not engage in *ex parte* communications, acted professionally and as grownups. And you all are part of that same tradition that Commissioner Lindell and others started back when Mayor Coss first came into office, so I just wanted that said. And to know that it is gratifying to me, as a former Planning Commissioner and now in this role, to see that that kind of work ethic and professionalism continues on this Planning Commission. And I hope that it will continue going forward."

Mr. O'Reilly continued, "I knew that Sig was going to be really fun to be on the Planning Commission with, when in the first couple of months, she leaned over to me after one vote, and putting her hand over the microphone said, 'Nice going jackass.' And I know what she meant, but she meant it in the spirit I've had, and I didn't agree with you on that, but we're not going to be enemies about this. And that's what makes this particular Planning Commission and the recent Planning Commission really good. We've got people with different backgrounds and ideas, but we work together in a professional way and the public sees that. And they saw it enough with Sig. They elected her to Council and they see it with all of you."

Mr. O'Reilly continued, "And just one last thing. I wanted to thank Sig, she probably doesn't remember this, but soon after I stepped down as Chair of the Planning Commission, Sebastian, Heidi's little boy was here and Sig, and we used to play Planning Commission at my house to decide what movie

we were going to watch after dinner, and what game we were going to play after dinner. And I taught them to make decisions collaboratively and she let him come up and gavel the meeting open, and he still remembers that. So I wanted to thank you for doing that. And also to remind everybody, you remember Sig, when we all went to Atalaya and we did a mock planning commission for the little kids at Atalaya, where they were designing plans to redo Atalaya Elementary. And Sig and Commissioner Bordegary gave up their Saturday to go, and we actually swore the little kids in, and they made presentations. And I know Heidi, to this day, has people who were involved in that who recall that, and appreciated just doing that extra community service. So thank you for that Sig. And I look forward to working with you in your new role."

Ms. Baer said, "I want to say thank you to Sig on behalf of the staff. We've seen a lot of Planning Commissions over the years, and this is the best that I've ever seen. And certainly thanks to the leadership that you've provided early on. The staff works hard in part because we know that the Planning Commission will listen to what we've had to say that gives us the respect that's due to someone that's due to somebody who has done, you know, their homework. We make our recommendations fairly and on the basis of law. And even though you may not always agree with us, and haven't always, we know that you will have considered the reports that we have brought to you. And that whatever your decisions are, they're always based on fairness and thoughtful consideration. And I think you've been a leader in this Planning Commission in forwarding that kind of approach. The staff appreciates that and they make a real effort, their hearts are in it in every report, and in part very much, that's because they know that the Planning Commission is an upstanding body and that you consider all aspects of a case before you come to a decision. And so thank you for that on behalf of the staff."

Commissioner Villarreal said, "I just wanted to thank you personally, and no one really said this, but to me you were a mentor, trying to figure out the inner workings of the Planning Commission. So I really appreciate that. I think it's good to have mentors in our personal and professional lives and not many people can step up to the plate for that. I really appreciate your mentorship because I think you were phenomenal at it and you are fair. And I won't hold it against you that you didn't keep me in as Vice-Chair, but I'm okay with that. I was hoping tonight we would get to celebrate, but don't know if you ladies are leaving, but that would be something we could possibly do. But I don't know what your commitments are tonight."

Villas di Toscana

Commissioner Harris said, "This is old, old business in some ways. It keeps coming around. It was a bad penny. It has to do with Villas di Toscana. In our discussion last month about Aguafina, the discussion came up, I raised it about gates on those private lanes. And Ms. Brennan, again, I don't remember exactly how it came about, but she said that the Governing Body had a discussion of gates at the Villas di Toscana Subdivision. And you remember that this body looked at amending a development plan in order to privatize the streets, the landscaping and the lighting for the Subdivision. Subsequent to that, it did go to the Council in order to amend the Annexation Agreement. And during that time, as part of that presentation a discussion of gates was included."

Commissioner Harris continued, "That never came to this body. I consider it a substantive issue. And I do know, because I talked to Ms. Baer about this, she says that, and I think she's accurate, the gates specifically are not mentioned. But as we know, in reading the Findings of Fact, the Findings note that the submittal requirements for amending a development plan are the same as for a new application. And within that list of submittal requirements, it talks about traffic control measures. I believe that gates should have been raised at that time, because I consider gates a traffic control measure. And one of the things I'm going to ask staff to do. And I actually looked in Chapter 14-12, the Definitions, for traffic control measures, just to see if it was defined, and it's not. And I think it's appropriate to look at the issue of gates in our communities."

Commissioner Harris continued, "At the time, when I talked to Ms. Baer about it, I remember the Manderfield project which was rejected, and in part, turned on the issue of gates. Commissioner Ortiz got a real response from many people in the discussion of Manderfield, and you said that you didn't like the notion of gates, even though you lived in a gated community. And everybody kind of chuckled at that. But the fact of the matter is, many people don't like to see gates go up."

Commissioner Harris continued, "And as it turns out in the Governing Body discussion, Mayor Coss spoke very eloquently and referred to past history about the general plan, how that developed and the whole issue of gated communities. In my own opinion, a mistake was made in not identifying gates. I actually believe the applicant, through their agent, it's my opinion, didn't really bring that to the fore. Even Ms. Baer's presentation, her report to the Governing Body, and this is a quote, I won't quote word for word, but it talked about further intent. I believe the issue of gates most likely came up after our consideration and approval of the amended development plan."

Commissioner Harris continued, "I'm not necessarily asking to turn back the clock, but as it turns out, the gates were placed on City property and that led to the necessity of a license agreement. So, here we have a situation where it developed. We end up with gates, the gates got put incorrectly, at least a portion of it, I've seen an exhibit. It's not entirely where the gates are on City property. But that license agreement, I reviewed that with Mr. Vigil, Mr. Edward Vigil. It's not been concluded as yet, and evidently there are some other issues associated with that."

Commissioner Harris continued, "And that led me to look at the whole issues of trails. Again, a large part of the discussion of that case had to do with the trail network that runs between the Subdivision and the Interstate Corridor. I know that property, at a certain point, was City property. I received a marked-up map that suggests, and they accepted maintenance for it, and maybe you can clarify this for me, either Ms. Baer or Mr. O'Reilly, if that long stretch of property where the trail is located, if that has now gone back to the HOA for that responsibility. The map that I did receive, showed that Tract A for the tot lot was deeded back to the Homeowner's Association. The tot lot has not been developed. And as near as I can tell, and I'm a neighbor to the subdivision, as near as I can tell, none of the improvements that were required from quite a while ago have been made – either the erosion issues or replacement of the trees that were identified. There are now containers, adjacent to, if not on the tot lot property. Nothing is being done on that. The trail runs through the tot lot, now that it's deeded to the HOA. And essentially, the whole place is privatized. I have a question about whether or not really a trail easement is necessary, because that would be the connection through the tot lot to Governor Miles. People now have to park on

Governor Miles road where it dead ends, quite frankly, in order to get on the trail, go through the proposed tot lot and onto the trail that runs along the corridor."

Commissioner Harris continued, "I guess the bigger issue for me has to do with a little bit of connectivity between this body and the Governing Body. I was offended by what I read in the minutes from the Governing Body, which basically, in effect said that the Planning Commission, this is one Councilor, saying the Commission was essentially obstructionist. That's how I interpreted it, and that's why I agreed with Commissioner Villarreal's comments and brought it up again this evening. And I don't believe we are. I don't believe we are, and what I would like to do is... I'm thrilled that Councilor Lindell is moving from the Commission to the Governing Body, because she has a great understanding and appreciation of what we try to do here. And I've never seen this body really be obstructionist, this particular group, be obstructionist."

Commissioner Harris continued, "So, to me there are a couple of issues. The broader issue of connectivity between the Planning Commission and the Governing Body, to make sure there is an understanding and appreciation of both our roles. And then, perhaps some of the details associated with Villas di Toscana, whether or not an easement is necessary through the tot lot in order to maintain that trail and also to just look at the whole gate issue further. And I would ask that staff look at a definition for traffic control measures. And I don't know what traffic control measures are, except for gates, maybe speed bumps, but to me, those are speed control issues, not traffic control issues."

Chair Spray said, "Director O'Reilly, Ms. Baer, is there anything you want to add to that. I have a question about the gates myself. I'm not sure that's part of the Land Use Code or how that might be looked at, as far as that goes. And then any other comments that you all might have on what Commissioner Harris mentioned with respect to the connection of this panel to the Council. Is the question of gates that Vice-Chair Harris brought up, is that addressed in the Traffic Code, or is that part of Land Use."

Mr. O'Reilly said, "Mr. Chair, Commissioners, if someone wants to install gates on a private road, they can. They have to get building permits to install the gates because they are structures and often have electricity running through them. In this specific case, we actually quite often have developers who will approach us and ask for license agreements to put, not necessarily gates, but other things, like a monument sign or something, on the edge of the City's right-of-way near the entrance to their development. We have had people to build yard walls that have encroached slightly into the right-of-way, gate support pilasters, things like that. It's not at all uncommon for the City to allow that. The City's main concern is that those pilasters, depending on what the infrastructure is, that they don't obstruct someone's view. And also that the City gets insurance coverage in case anyone was to get hurt, so it's not an uncommon thing for that to happen."

Mr. O'Reilly continued, "In terms of the appreciation of the role of the Planning Commission, earlier tonight you heard staff's perspective. The Planning Commission, as I've had discussions with some of you in the past and other Commissioners, gets to make some pretty big decisions. And about 90% of all the decisions you make don't go anywhere beyond this Commission. That's quite a responsibility and quite a bit of power if you will. There are some things where this Commission has only a recommending function

and the Governing Body gets to make those decisions. Whether the Governing Body appreciates the Planning Commission, doesn't appreciate the Planning Committee is a matter for the Governing Body."

Mr. O'Reilly continued, "I can tell you, that in my conversations with the former Mayor, he appreciated the Planning Commission very much, particularly because the vast majority of the cases this Planning Commission acts on didn't end up before the Governing Body on some sort of appeal. And that's a testament to how this Planning Commission works. I also think the Planning Commission needs to recognize that they are appointed to this body. They are not elected officials and it sort of goes with the territory. You get to make some really big decisions. You get to work really hard. You get to be appreciated most of the time, but every once in a while, there may be someone who is an elected official who wants to make a point. And it may not be a personal thing, that's how it is. And I think that's something the Planning Commission just needs to accept and be okay with. And if you can't be okay with that, and recognize what your role is, compared to the Governing Body, it might be time to step down from the Commission. But I don't see that this Governing Body has any animus or anything against the Planning Commission at all. I think that they review your minutes. They read your minutes. There's many times we've been at a Council meeting and they will refer back to comments made by Commissioners. The City Councilors have telephones and email addresses, offices in this building. If you feel someone has insulted you, you can always go and talk to them about it."

Commissioner Harris said, "Again, I have a pretty good understanding of our role, and accept it. And I think that the best thing I heard from you Director O'Reilly, if I have a problem with somebody, no matter what their role is. If I don't think I've been treated with respect, either personally or in my capacity as a Planning Commissioner, I should raise it with them. And I'll go back to the minutes and kind of determine which Councilor it was, and speak to them directly. I think that's a fine idea."

Commissioner Harris continued, "But the fact of the matter is, on this one, when the Governing Body looked at this particular Aguafina case, they did not even have our Findings of Fact. That's what Mayor Coss is on the record for saying on that particular case. It's hard to say that they really know what this body did, but that's what the record states, that Mayor Coss did not find the Findings of Fact from this Commission's consideration in their packet. So the issue for me, really is, it is important for the Governing Body to know about gates and to deliberate about gates, why wouldn't the Planning Commission."

Commissioner Harris continued, "So again, if I may read from the submittal requirements, 'Proposed modifications to the infrastructure serving the site, including public and private streets, driveways and traffic control measures and utilities.' That's part of the submittal requirements for a development plan, and to amend the development plan is the same requirements. So traffic control measures are not defined, and I guess it's just been accepted in the past that, I don't know what they are. I truly don't know what they are, but I think there should be a discussion at the staff level and a definition of what traffic control measures are. At Summary Committee, we had a situation today on The Lofts. The original Lofts development, which people are very familiar with, has been a fairly contentious situation for many many years. And I think what the Summary Committee did today helped to resolve that, so those folks can move on, both the Homeowners Association and the Developer."

Commissioner Harris continued, "But, kind of in closing, their agent said it is their intention to put up gates. That's what I heard. This is part of a general movement, I think, around town, that I do not believe is a good development. I do believe that we give a lot of lip service, and appropriately so, to connectivity. And I don't think these types of situations improve the connectivity from one group of people to another. That's my point. Thank you for bearing with me."

Chair Spray said, "That's something that would have to be decided, something on a case by case basis, I guess, as they're doing now. But obviously they would like to be able to look at that in a different way. From my perspective, I hear what you're saying there Vice Chair, and I would agree that the minutes do reflect that. It may be in that one particular case, I would agree that those elements were not followed, perhaps, precisely as it might be. And I would agree with that. I think the overall perspective would be, as Director O'Reilly said, that this Commission is treated extremely well and is indeed appointed by the Mayor. And I think, perhaps being dressed down by someone, or talked to by someone, I kind of view that as a badge of honor, saying we stick to what our guns are and we do what we want to do, and I understand people have different opinions. And that's okay. It's politics, and that's sort of the way it is. I'm okay with it, because I know the process we have and we follow the law and we do it very well. And if others want to look at it that way, for whatever circumstance, we can only do what we can do. But I echo your thought on respect, but I honestly think that we have it. There might be other elements like that, that are there once in a while, but I think that's the case, and I think that will always be the case."

Commissioner Bemis said, "I would just like to say, I appreciate what you said, and I also have a concern about gates, and we can bring it up another time, then. Thank you."

Chair Spray said, "In terms of specifics on this. Director O'Reilly, this seems to be a case by case circumstance."

Mr. O'Reilly said, "When a Subdivision or Development Plan is before this body, a condition can be made that the Subdivision not have a gate, if it's that much of a concern on a particular case, absolutely."

Chair Spray said, "And I think that would be within our control, would that not be correct, Director O'Reilly."

Mr. O'Reilly said, "I believe so, yes."

Chair Spray asked, "Can we make that condition."

Mr. O'Reilly said, "Yes, I think you could make that, or at least ask the developer to accept that as a condition. That's always the safest way to do it and have the developer agree to do that. I would just add that I do not see this as a trend. I think there have been a few cases before you recently where this came up, but I don't see it as a trend. And there was much more of this in the '80's and '90's where projects were doing this. But that said, if someone was showing a gate on a development plan and this Planning Commission didn't think that was appropriate, they could ask that it be removed, or place a condition that a future gate would not be installed and get the applicant's assent."

Commissioner Harris said, "This was identified as part of the submittal requirements. Whether other Commissioners agree with me or not, that will be discussed on that particular case. I believe this should have been identified for Villas di Toscana and I think it should be identified in the future. So that, to me would be easily resolved by a definition of traffic control measures. That's how our submittal requirements read already, and if we define traffic control measures, I would assume it has to come here, including gates or speed bumps, I don't know, for privacy. Then it will be identified as part of a particular case, then that can be part of the consideration. And whether the Commission agrees or not, it will be on a case by case basis."

Mr. O'Reilly said, "The Land Use Department, through the Land Use Code, has the authority to set what the submittal requirements are, and what they mean. So, if what the Commission is saying is that they would like for developments to state, as part of their application, whether or they are going to have a gate, that can easily be done. We can ask them to identify that on a development plan – there will be a gate, there won't be a gate, there may be a gate. And, in terms of a definition of traffic control, if it were devices, measures, we can come up with what we think that means, the same way that we come up with what we think, you know, roadway plans mean. Typically they mean a plan and profile sheet of the roadway. Basically if someone submits, and staff doesn't think there's enough information for this Commission to understand the important parts of the development, we will ask them to submit more information. And if they can't submit enough information by the deadline, typically, we'll ask that they be postponed. So that's how we operate."

Mr. O'Reilly said, "Can I just add, Mr. Chair, that this becoming a sort of almost a yearly event, since the City Council adopted the new Land Development Code in 2012. But staff currently is preparing the next round of technical corrections and errata that have been identified in the Code since we rewrote it. And at that time, if the Commission feels it's necessary to include a definition of traffic control measures actually in the Land Development Code, we can do that."

Chair Spray said, "That was the purpose of my earlier question. Trying to determine if that really was in the Code, or if that was in another section."

Mr. O'Reilly said, "Generally, we like to include definitions in the Code where there is a term that is very specific. Traffic control measures, I agree, could be construed to mean a lot of different things, and it may be good that it has been able to be construed to be a lot of different things. I would think that would mean it could include curbing, striping, speed bumps, speed tables, gates, signage, geometry of streets, where parking is. All of those kinds of things could, in theory, be traffic control measures, including traffic control measures during construction – a construction traffic control plan, that kind of thing. It may not be wise to define it with too much specificity and to allow the department the flexibility to decide whether, in a specific situation, there isn't really enough and we need more information, and for the Planning or the City Council not to be restricted in what they're looking for."

Chair Spray said, "Thank you Director. It would seem that it would be probably construed might be the best possible way of doing it. And that having heard what the Commissioner said about gates and other issues like that, to be even more aware as you look at those and enforce those, as you say, as you go about your work, looking at those things, trying to find out what's appropriate and see if there is enough

information for us to make an appropriate decision. And you've heard it and it's all been out there, and you have a very wide latitude, based on what the definition is right now, under traffic control, as you say. Well, it's very broadly drawn, you're right, it is very broadly drawn, Vice Chair, that is correct. But it might be to our benefit, raising the issue, bringing that up, and talking about connectivity which we have discussed before. And you're absolutely right, we've talked about that. I think that's instruction and commentary that the staff, as they prepare the reports for us to look at, will take under advisement, and will be able to monitor and be more aware of it than they were when we started this."

Ms. Baer said, "It might be useful for the Commission to know that we don't always take a case forward on the same schedule as the original submittal date would indicate. So in other words, somebody submits a complex plan and we don't have enough information, or we find there are problems with the submittal, we ask for additional submittals. So very often, there is some back and forth, and so we'll see it several times. We will look at revisions before we deem that it's ready to go before the Planning Commission. So, we do have that latitude and we do ask for additional information. Just because something isn't on an agenda doesn't mean it hasn't been submitted. If something is submitted, even though they've had a pre-application conference, an ENN, and they've submitted their application in a timely manner, it may not appear on your agenda because there's still time between the submittal date and when the agenda is posted and published, that we may decide that it's not ready to go."

Chair Spray said things could be postponed as well, as part of that.'

Ms. Baer said, "Once it appears on an agenda, and we decide it's not ready or the applicant decides they're not ready, then it's a postponement. But I guess I just want you to understand it may not appear on your agenda, but we're still working on it."

Mr. O'Reilly, "I just wanted to add one related comment to that. We don't always bring forward an application on a set schedule. I would also say that we don't always bring forward an application, period. There are people who will come and propose all kinds of things that we know, number one, they can't provide us the information that we could even put in front of you for you to make an educated decision about it, or what they're bringing forward doesn't comply with City Code in any way. We won't even accept an application for that kind of thing."

Chair Spray asked Ms. Brennan if she has anything to add.

Ms. Brennan said, "No, Mr. Chair. I think it's all been very well said."

Commissioner Ortiz said, "I've kind of been listening a little bit. I also realize it is virtually impossible to include all of the situations we run into in a town like Santa Fe in the City Code. We have narrow streets, historic areas, boulevards. We have all kinds of stuff in this town. It's impossible to cover all the bases in our City Code. But I also think, this body right here, if we have concerns, we try to and we should ask the questions, and gates being one of them, we need to bring it forward and ask the applicant about gates as something we think may happen. I also believe that being somewhat open with a lot of things, it brings in good discussions, and we all learn from it, and say yeah, that's something we hadn't thought about, but I think it's real important and we also work through it and we resolve it. I think it's hard

to include everything. I don't see a trend of gates really coming forth. I know the City annexed now and annexed two areas that have gates, that's Fairway Village and the subdivision I live at and which probably will remain gated."

Commissioner Ortiz continued, "And then you have to respect the homeowners. That's something they chose to have. I live in one. We have 361 homes, I believe, in my subdivision and the majority of people wanted gates. They're paying the dues and we got stuck with it. Has it been good? Well in some respects probably, and in some respects, it's a real burden. You see the maintenance things we have to do with those gates, and the costs come out of the HOA to maintain those gates when somebody runs into them. Well, we thought we had a great idea and put in cameras to find out who runs into them. It's a constant thing, this maintenance. But I just think that it is important to realize that we can't possibly include everything. And I think we have [inaudible]."

Miscellaneous Other

Commissioner Pava said, "On another subject pretty much entirely, and I want to thank staff for your communications when you forward, at my request, something I've seen in the Planning literature. I think most recently it was by a guy who is very knowledgeable on organizational management, and as a planner and advises planning offices all around the country, and it was pointers for being on the Commission or something to that effect. And I want to express my appreciation to Tamara and to Director O'Reilly for passing along that information in an expedient way, thanks."


Commissioner Pava continued, "And the other thing, if you haven't seen it yet, this *Santa Fe Trends for 2014*, which is the annual publication that the Long Range Planning staff puts out under Reed Liming, Richard MacPherson and those folks. I just printed this. I believe it's posted on the City's website. I think reading stuff like this is very helpful in our overall context of decision-making. I'll pass it around. So I would encourage you to get a copy of it, or perhaps staff can provide copies. I would also encourage, when we have a future light agenda, if we could get one of those gentlemen or somebody to give us an overview of this, that would be great. There's a lot of useful information, particularly since the City annexation this year. Things have changed somewhat. So Trends, coupled with concern over specific details, like gates, combined, if we have all of that in line when we make our decisions and reviews, we can be an even better Planning Commission. Thanks again staff, for passing along stuff. You don't always have to do it, but I appreciate that you have."

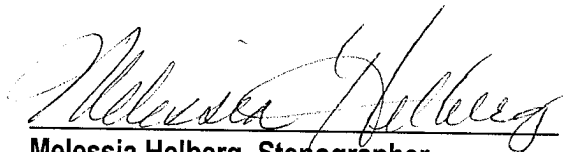
Commissioner Padilla said, "I would like to second Commissioner Pava's recommendation to share that information with us. I think when you brought in the Fire Department and they talked about their involvement with DRT, that was very enlightening. It made us aware of the process and how they are integrated and interface in the overall review process. So I would just second your request to bring those kinds of issues forward. Even though I'm in the business, it opens my eyes to what really has to happen, so I would appreciate that."

Commissioner Bemis said, "I'm on that and I just had the meeting with them yesterday when they handed these out. There is a tremendous amount of research that gone into, even into depth about water, one of my big things, and many other aspects. So do read it. I think it should be required reading."

I. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 7:00 p.m.



Tom Spray, Chair

Melessia Helberg, Stenographer

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2014-06

Owner's Name – Aguafina Development LLC

Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on March 13, 2014 upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Aguafina Development LLC (Applicant).

The Applicant seeks the Commission's approval of a final subdivision plat to divide three parcels of land identified as Tract B, Tract C-1 and Tract C-2, totaling 11.47± acres located at 4702 Rufina Street (Tract B, at 2.42± acres), 4262 Agua Fria Street (Tract C-1, at 5.61± acres) and 4701 Rufina Street (Tract C-2, at 3.44± acres) (collectively, the Property) into 23 single-family residential lots (Project). Tracts B and C-2 are zoned R-3 (Residential – 3 dwelling units/acre) and Tract C-1 is zoned R-5 (Residential – 5 dwelling units/acre).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats and development plans.
3. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.
4. Code §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).
5. Code §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.
6. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for subdivision plats.
7. Code §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for final subdivision plats for which ENN procedures were followed at the preliminary plat review stage.
8. An ENN meeting on the Applicant's application for preliminary plat approval was held at 5:30 p.m. on June 10, 2013 at the Southside Library at 6599 Jaguar Drive; therefore no ENN is required for final subdivision plat approval in this case.

5/1/14

9. On January 29, 2014 the Governing Body granted a variance from Code §14-9.2(D)(8) and approved the preliminary subdivision plat upon the Applicant's appeal from the September 12, 2013 decision of the Commission denying both.
10. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
11. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the public hearing, the Commission CONCLUDES as follows:

1. The Commission has the authority under the Code to approve the final subdivision plat for the Property.
2. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE _____ OF APRIL 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the final subdivision plat for the Property is approved, subject to the Conditions.

Thomas Spray
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

Kelley Brennan
Interim City Attorney

Date: