



# Agenda

PREPARED BY *Geraldine Gurne*  
RECEIVED BY *[Signature]*

## **PLANNING COMMISSION**

**November 3, 2011 – 6:00 P.M.**

**CITY COUNCIL CHAMBERS**

### **A. ROLL CALL**

### **B. PLEDGE OF ALLEGIANCE**

### **C. APPROVAL OF AGENDA**

### **D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES: October 6, 2011**

**FINDINGS/CONCLUSIONS:**

- |                               |  |
|-------------------------------|--|
| <b><u>Case #2011-88.</u></b>  | <b>Entrada Contenta Final Subdivision Plat and Variances. (POSTPONED FROM OCTOBER 6, 2011)</b> |
| <b><u>Case #2011-89.</u></b>  | <b>Village Plaza Development Plan. (POSTPONED FROM OCTOBER 6, 2011)</b>                        |
| <b><u>Case #2011-90.</u></b>  | <b>Village Plaza Final Subdivision Plat. (POSTPONED FROM OCTOBER 6, 2011)</b>                  |
| <b><u>Case #2010-173.</u></b> | <b>Corazon Santo General Plan Amendment.</b>   |
| <b><u>Case #2010-174.</u></b> | <b>Corazon Santo Rezoning to MU.</b>   |
| <b><u>Case #2010-175.</u></b> | <b>Corazon Santo Rezoning to R-7.</b>  |
| <b><u>Case #2010-176.</u></b> | <b>Corazon Santo Preliminary Subdivision Plat.</b>   |
| <b><u>Case #2011-55.</u></b>  | <b>DeVargas Center Amended Development Plan and Variances.</b>                                 |
| <b><u>Case #2011-99.</u></b>  | <b>Stage Coach Apartments Development Plan.</b>  |

### **E. OLD BUSINESS**

### **F. NEW BUSINESS**

1. An ordinance amending Section 14-8.14(E)(1) SFCC 1987 so that for a period of two years, the impact fees for residential developments shall be reduced by 100%; and making such other necessary changes. (Councilor Wurzbarger and Councilor Ortiz) (Matthew O'Reilly)
2. **Case #2011-109. Guadalupe Credit Union Development Plan.** Design Engineuity, agent for Guadalupe Credit Union, requests Development Plan approval for a drive through bank and bank office on 2.50± acres. The property is located at the southwest corner of Airport Road and Academy Road, is zoned I-1/PUD (Light Industrial/Planned Unit Development), and is in Phase 2 of the City Initiated Annexation. (Donna Wynant, Case Manager)

3. **Case #2011-110. Thomas Properties Rezoning.** Duty and Germanas Architects, Inc., agent for T-P Llano, LLC, requests rezoning of 2.51± acres of land from R-5 (Residential, five dwelling units per acre) to C-2 (General Commercial). The property is located between St. Michael's Village Shopping Center and DeVargas Middle School on Llano Street. (Heather Lamboy, Case Manager)

**G. BUSINESS FROM THE FLOOR**

**H. STAFF COMMUNICATIONS**

**I. MATTERS FROM THE COMMISSION**

**J. ADJOURNMENT**

**NOTES:**

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



# Agenda

CITY CLERK'S OFFICE

DATE 10-12-11 TIME 3:15 pm

SEVEN BY Geraldine Duran

RECEIVED BY [Signature]

## PLANNING COMMISSION

November 3, 2011 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
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FINDINGS/CONCLUSIONS:

- |                        |   |
|------------------------|---|
| <u>Case #2010-173.</u> | Corazon Santo General Plan Amendment.                   |
| <u>Case #2010-174.</u> | Corazon Santo Rezoning to MU.                           |
| <u>Case #2010-175.</u> | Corazon Santo Rezoning to R-7.                          |
| <u>Case #2010-176.</u> | Corazon Santo Preliminary Subdivision Plat.             |
| <u>Case #2011-55.</u>  | DeVargas Center Amended Development Plan and Variances. |
| <u>Case #2011-99.</u>  | Stage Coach Apartments Development Plan.                |

- E. OLD BUSINESS
- F. NEW BUSINESS

1. Case #2011-109. **Guadalupe Credit Union Development Plan.** Design Enginuity, agent for Guadalupe Credit Union, requests Development Plan approval for a drive through bank and bank office on 2.50± acres. The property is located at the southwest corner of Airport Road and Academy Road, is zoned I-1/PUD (Light Industrial/Planned Unit Development), and is in Phase 2 of the City Initiated Annexation. (Donna Wynant, Case Manager)
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SUMMARY INDEX  
CITY OF SANTA FE  
PLANNING COMMISSION  
November 3, 2011

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
<u>APPROVAL OF MINUTES &amp; FINDINGS/CONCLUSIONS</u>		
MINUTES		
October 6, 2011	Approved [amended]	2
FINDINGS/CONCLUSIONS		
Case #2011-88	Approved	3
Case # 2011-89	Approved	3-4
Case #2011- 90	Approved	3-4
Case #2010-173	Approved	4
Case #2010-174	Approved	4
Case #2010-175	Approved	4
Case #2010-176	Approved	4
Case #2011-55	Approved	4
Case #2011-99	Approved	4
<u>OLD BUSINESS</u>	None	4
<u>NEW BUSINESS</u>		
AN ORDINANCE AMENDING SECTION 14-8.14(E)(1), SFCC 1987, SO THAT FOR A PERIOD OF TWO YEARS, THE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100%; AND MAKING SUCH OTHER NECESSARY CHANGES	Vote to not recommend	5-13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<b>CASE #2011-109. GUADALUPE CREDIT UNION DEVELOPMENT PLAN. DESIGN ENGUNITY, AGENT FOR GUADALUPE CREDIT UNION, REQUESTS DEVELOPMENT PLAN APPROVAL FOR A DRIVE THROUGH BANK AND BANK OFFICE ON 2.50± ACRES. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF AIRPORT ROAD AND ACADEMY ROAD, IS ZONED I-1/PUD (LIGHT INDUSTRIAL/PLANNED UNIT DEVELOPMENT), AND IS IN PHASE 2 OF THE CITY INITIATED ANNEXATION</b>	<b>Approved [amended]</b>	<b>13-20</b>
<b>CASE #2011-110. THOMAS PROPERTIES REZONING. DUTY AND GERMANAS ARCHITECTS, INC., AGENT FOR T-P LLANO, LLC, REQUESTS REZONING OF 2.51± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN ST. MICHAEL'S VILLAGE SHOPPING CENTER AND DeVARGAS MIDDLE SCHOOL ON LLANO STREET</b>	<b>Approved</b>	<b>21-28</b>
<b>BUSINESS FROM THE FLOOR</b>	<b>None</b>	<b>29</b>
<b>STAFF COMMUNICATIONS</b>	<b>Information/discussion</b>	<b>29</b>
<b>MATTERS FROM THE COMMISSION</b>	<b>Information/discussion</b>	<b>30</b>
<b>ADJOURNMENT</b>		<b>30</b>

**MINUTES OF THE MEETING  
OF THE  
PLANNING COMMISSION  
November 3, 2011**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Ken Hughes, at approximately 6:00 p.m., on November 3, 2011, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Commissioner Ken Hughes, Chair  
Commissioner Tom Spray, Vice-Chair  
Commissioner Joseph Catanach  
Commissioner Michael Harris  
Commissioner Lawrence Ortiz  
Commissioner Signe Lindell  
Commissioner Renee Villarreal

**MEMBERS EXCUSED:**

Commissioner Lisa Bemis  
Commissioner Angela Schackel-Bordegary

**OTHERS PRESENT:**

Matthew O'Reilly, Director, Land Use Department  
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison  
Kelley Brennan, Assistant City Attorney  
Heather Lamboy, Land Use Planner Senior, Current Planning Division  
R.B. Zaxus, Engineer Supervisor, Technical Review Division  
Melessia Helberg, Stenographer

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

Chair Hughes welcomed Commissioner Catanach to the Board.

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

**MOTION:** Commissioner Spray moved, seconded by Commissioner Lindell, to approve the Agenda as published.

**VOTE:** The motion was approved unanimously on a voice vote [6-0].

#### **D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

A Memorandum dated November 3, 2011, to the Planning Commission, from the Current Planning Division, regarding additional items, is incorporated herewith to these minutes as Exhibit "1."

A copy of *Modified Conditions of Approval* for the Entrada Contenta Final Subdivision Plat – Conditions of Approval, is incorporated herewith to these minutes as Exhibit "2."

Commissioner Harris said under Case 2011-55, it notes he made a friendly amendment on page 3. He said the amendment as written here says the TIA includes Villeros Street in the study, and he was incorrect that evening, and believes it should be Sabino, and asked that correction be made.

Ms. Brennan said that is reflected in the Findings, which state Sabino Street.

##### **1. MINUTES – October 6, 2011**

The following corrections were made to the minutes:

Page 2, add "R.B. Zaxus" under "Staff Present."

Page 8, paragraph 3, line 1, correct as follows: "It's ~~isn't required but we sent it to be done because it is~~ only required for retail establishments over 100,000 square feet."

Page 11, paragraph 3, correct as follows: "~~Harbie~~ R.B. Zaxus – City Engineer..."

Page 18, paragraph 8, line 1, correct as follows: Between residential and non-residential it is ~~between 6' and 8'~~ 8 feet.

Page 20, paragraph 4, Friendly Amendment, line 2, correct as follows: "... the TIA includes ~~Villeros~~ Sabino Street...."

Page 21, Paragraph 3, line 7, correct as follows: "Joe ~~Chaydo~~ Chato..."

Page 21, Paragraph 3, line 8, correct as follows: "~~Salong~~ Solange Berquis, Landscape Architect.."

**MOTION:** Commissioner Spray moved, seconded by Commissioner Lindell, to approve the minutes, as amended.

**VOTE:** The motion was approved unanimously on a voice vote [6-0].



## 2. FINDINGS/CONCLUSIONS

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case # 2011-88, is incorporated herewith to these minutes as Exhibit "3."

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case # 2011-89 and Case #2090, is incorporated herewith to these minutes as Exhibit "4"

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case # 2010-173, Case #2010-174, Case #2010-175 and Case #2010-176, is incorporated herewith to these minutes as Exhibit "5"

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case # 2011-55, is incorporated herewith to these minutes as Exhibit "6"

A copy of the City of Santa Fe Planning Commission Findings of Fact and Conclusions of Law in Case # 2011-99, is incorporated herewith to these minutes as Exhibit "7"

a) **CASE #2011-88. ENTRADA CONTENTA FINAL SUBDIVISION PLAT AND VARIANCES. (Postponed from October 6, 2011)**

Commissioner Harris said Case #2011-88 was missing the exhibit, which is in the modified conditions which was distributed this evening [Exhibit "6"].

Ms. Baer said the conditions were modified at the direction of the Planning Commission, which will be added as Exhibit A.

Commissioner Harris said he is glad to see the \$10,000 for a bus shelter, since that was in the newspaper this week.

**MOTION:** Commissioner Spray moved, seconded by Commissioner Lindell, to approve the Findings of Fact and Conclusions of Law in Case #2011-88, as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Spray, Catanach, Harris, Lindell, Ortiz, and Villarreal voting in favor of the motion and no one voting against [6-0].

b) **CASE #2011-89. VILLAGE PLAZA DEVELOPMENT PLAN. (Postponed from October 6, 2011.**

c) **CASE #2011-90. VILLAGE PLAZA FINAL SUBDIVISION PLAT. (Postponed from October 6, 2011.**

**MOTION:** Commissioner Spray moved, seconded by Commissioner Lindell, to approve the Findings of Fact and Conclusions of Law in Case #2011-89 and Case #2011-90 , as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Spray, Catanach, Harris, Lindell, Ortiz, and Villarreal voting in favor of the motion and no one voting against [6-0].

- d) CASE #2010-173. CORAZON SANTO GENERAL PLAN AMENDMENT.
- e) CASE #2010-174. CORAZON SANTO REZONING TO MU.
- f) CASE #2010-175. CORAZON SANTO REZONING TO R-7.
- g) CASE #2010-176. CORAZON SANTO PRELIMINARY SUBDIVISION PLAT.

**MOTION:** Commissioner Spray moved, seconded by Commissioner Lindell, to approve the Findings of Fact and Conclusions of Law in Case #2010-173, #2010-174, #2010-175 and #2010-176, as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Spray, Catanach, Harris, Lindell, Ortiz, and Villarreal voting in favor of the motion and no one voting against [6-0].

- h) CASE #2011-55. DeVARGAS CENTER AMENDED DEVELOPMENT PLAN AND VARIANCES.

**MOTION:** Commissioner Spray moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of Law in Case #2011-55, as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Spray, Catanach, Harris, Lindell, Ortiz, and Villarreal voting in favor of the motion and no one voting against [6-0].

- i) CASE #2011-99. STAGE COACH APARTMENTS DEVELOPMENT PLAN.

**MOTION:** Commissioner Spray moved, seconded by Commissioner Lindell, to approve the Findings of Fact and Conclusions of Law in Case #2011-99, as presented by staff.

**VOTE:** The motion was approved on a voice vote, with Commissioners Spray, Catanach, Harris, Lindell, Ortiz, 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**

- 1. AN ORDINANCE AMENDING SECTION 14-8.14(E)(1), SFCC 1987, SO THAT FOR A PERIOD OF TWO YEARS, THE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100%; AND MAKING SUCH OTHER NECESSARY CHANGES. (COUNCILOR WURZBURGER AND COUNCILOR ORTIZ). (MATTHEW O'REILLY)**

A Memorandum dated October 25, 2011, with attachments, for the meeting of November 3, 2011, to the Planning Commission, from Matthew O'Reilly, Land Use Department Director, regarding *Proposed Ordinance – Temporary Reduction in Residential Impact Fees*, is incorporated herewith to these minutes as Exhibit "8."

Matthew O'Reilly said the Staff Report in this matter is self explanatory, and noted the Commission is making a recommendation to the City Council.

### **Public Hearing**

#### **Speaking to the request**

**Karen Heldmeyer, 325 E. Burger, on behalf of the League of Women Voters of Santa Fe County.** Ms. Heldmeyer said since 1999, the League, under its regional planning position, has had a position on impact fees, and read the League's position for the record as follows: "The League Supports assessment of developer paid impact fees adequate to cover the costs of new infrastructure required by new developments." She said this position is unchanged to this date.

**Jim Hays, builder and a boutique developer, 721 W. Manhattan,** said he has been in business for over 30 years, and managing to survive to this point. He said he has one project in limbo of approximately \$500,000. It took 10 weeks for his "gold plated clients" to be cleared for underwriting by a local bank. He said the appraisal came in low and they are working on numbers. He said they will pay about \$45,000 in GRTs, although he is unsure how much will go to the City. He said he built the house next door to this one and impact fees at that time were \$1,299. On the house he is planning to build, the permits will be \$3,518, the impact fees will be \$3,714, and they have to acquire 1/4 acre of water rights which will cost \$4,000. He said he has gone from about \$1,300 in fees to \$11,000 to get a permit. He appreciates the need to pay for infrastructure and for everyone to contribute. He thinks the marginal impact of not having those fees is more than offset by the GRTs the City will collect, the workers who will be making money and paying taxes in the City and multiplying the effect of the expense of this house throughout the economy. He asked the Commission to give this a favorable recommendation and the benefit will be to help projects move forward.

**Eric Enfield, Architectural Alliance,** which is a local firm in Santa Fe. He said he has been working in Santa Fe for about 29 years. He said it is important to do anything possible to help the

construction industry. He has been lucky, although he is down from 10 to 3 people in his firm. He hasn't broken ground on a house in Santa Fe since 2007. He said before that he was usually working on 4-5 homes. He said impact fees always come as a shock to his clients. He said, in considering this Ordinance, the Commission needs to realize it is meant to be temporary due to the existing economic conditions, and does not get rid of the Ordinance, but allows it to be shelved for 2 years. He believes the housing industry needs help. He said he is all for the recently adopted Green Code, which is great, but the impact is that it already adds \$1,000 to \$2,000 to his fees to comply with the Green Energy Code. He said these are costs that are recovered in the life cycle of a house. He said he feels the Green Code is good and long in coming. He said the impact fees can be done without impacting Green Code compliance, and will help to stimulate the building industry which has been devastated in Santa Fe. He said most of the work his firm has done has been on remodels and what he calls horizontal movement which are small commercial remodels, or people moving to another house and doing a small remodels. He believes this Ordinance is a good idea and timely, and hopes the Commission would support this Ordinance. He would like to hope the market will rebound in a year, but anything you can do to help the building and design industry in Santa Fe would be greatly appreciated.

**Mark Ruman, 4A Lodge Circle**, said he is part of a group called Branch Design Development, and they are in the process of building a large apartment complex. They have had an invitation from HUD on a 221-D loan for a market rate apartment complex of 176 units. He said this Ordinance would help them get over the top right now, noting they will be paying close to \$2 million in fees for this project. Mr. Ruman read an email into the record from Jim Folkman, Executive Vice-President of Homebuilders of Central New Mexico, in Albuquerque, regarding the Ordinance Albuquerque had:

*Housing starts increased in the City by 15.8% in 2010 from 2009 (first full year of Impact Fee reductions) after five consecutive years of decline. Furthermore, the 15.8% increase in the City of Albuquerque, contrasted with a 13.7% decrease in the entire metropolitan area for the same period. For this year (2011) over 2010 year to date, the City of Albuquerque is up 3.9%, but the metro area is down a further 19.7%. The argument I have used in the past is that, if all economic and production factors are the same in a metropolitan area, which I think can be easily supported, and one of the jurisdictions within that metro area does significantly better than the others, then one has to look at the one thing that is different, and the only thing that is – in our case – was the Impact Fee reductions. This deductive reasoning, I think, is hard to refute.*

Mr. Ruman said he is in favor of the Ordinance and hopes the City moves forward with it.

**Stefanie Beninato, 604-604 ½ Galisteo, owner/builder**, said she builds her own houses. She finds the current City regulations are onerous, and at times harassing. However, she is not in favor of doing away with these Impact Fee. She said Mr. Hays said it would cost him less than \$4,000 on a \$500,000 project, which is less than 1%. She said she read in the paper where the cost of infrastructure cost on a \$2.5 million project would be less than 3%. She said this is not a significant amount of money that would make or break a project. She said she believes you can come up with \$3,700 on a \$500,000 project, and "we all know it's going to be passed on to the consumer anyway." She said there are at least

1,700 vacant houses on the market in Santa Fe. She asked if we actually need more houses which are done for speculation, or large developments, when we already have these vacant houses. She said you need to be aware that the City is proposing a \$30 million bond that will raise property taxes. She said, "Why should I, as an individual owner, have to have my property taxes raised in order to pay for a new Fire Station in some part of town. Why should the gross receipts tax continue to be as high as it is in the City of Santa Fe so the current population has to pay for trails and other kinds of development." She said it makes no sense to her to do away with impact fees and require everyone's property taxes to increase. She said we need to do development responsibly, which includes paying for infrastructure costs. She believes this is favoring one industry and asked why not favor Realtors who are trying to sell the 1,700 homes and can't – or the restaurants or hotels who are hurting. She said this doesn't help our economy, and it doesn't help the City to do away with \$90,000 in impact fees and then pass it on to everybody in town through property tax or gross receipts tax increases to pay for infrastructure development that should be part of any large scale development. She worked in the Planning Department in the late 1970s and early 1980s, and it was totally random what fees were paid by what developers. She worked on equalizing and rationalizing how those kinds of development fees were assessed and "paid for by these contractors and developers." She said it was a good system because you knew what you would pay and it wasn't negotiated, and everybody paid it across the board, and didn't get away with not paying because of who you knew. She reiterated that this cost will be passed to the consumers.

**Scott Hoeft, Santa Fe Planning Group**, said he spoke about 6 months ago about the affordable housing reduction and he brought up apartments. He asked if this Ordinance covers apartments, because he hasn't looked at this. He highlighted, as he did with affordable housing, when you're looking at a large project such as apartments, and you take into consideration affordable housing, impact fees and water rights, the "projects don't pencil out. You run a *pro forma* and you get zero at the time. You can't get a loan on projects like that. He said the gentleman from Branch that spoke earlier is looking at subsidized housing through government grants. However, a straight market rate project won't generate funds, and the reason market rate apartments aren't being built right now. He said nothing on large scale apartments has been done since 2002. He said, however, nationwide, the one project which is doing quite well is multi-family housing, but we are doing nothing like this in Santa Fe. He said people can't afford to purchase a home any more and this is the reason multi-family housing is doing so well – people are renting. He said nationally, the occupancy rates are up to 93-95% which is mimicked here in Santa Fe, but we still have nothing new coming on line. He said if the Ordinance doesn't cover apartments, it should.

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

Chair Hughes asked if the Ordinance cover apartments.

Mr. O'Reilly said it does.

Chair Hughes asked if the percentage is the same for every unit, whether an apartment or single family, or other kind of housing.

Mr. O'Reilly asked if the Chair is asking if the reduction amount is the same as proposed by the Ordinance and the Chair said yes. Mr. O'Reilly said the Ordinance proposes a 100% reduction on all residential.

Chair Hughes asked how impact fees are calculated – the size or value of the unit.

Mr. O'Reilly said the residential impact fees are calculated in two ways. He said, for single family dwellings, there are a range of impact fees, depending on the size of the building, 0 to 1,000 sq. ft., and there are gradations for buildings all the way to 4,000 sq. ft. He said each impact fee is different, depending on where a single family dwelling falls in that range. Apartments are based on the number of units, not on the square footage, and they are all different.

Commissioner Villarreal asked Mr. O'Reilly to elaborate about how, and for what, impact fees are used.

Mr. O'Reilly said the City assesses 4 different types of impact fees – Road, Parks, Police and Fire Impact Fees. There are spreadsheets in the packet talking about a Wastewater Fee, but that isn't an impact fee and is put in as an example of a Utility Expansion Charge [UEC]. He said the Ordinance before you this evening addresses Road, Parks, Police and Fire. A developer is required to pay for all of their infrastructure, and this has nothing to do with removing the requirement "to pay for everything they have to pay for," including bringing utilities from off site to their development site.

Mr. O'Reilly said impact fees are meant to collect money for impacts that projects may have on other existing infrastructure, such as on existing roads adjacent to the development. These fees are designed to accumulate money to pay for improvements those roads require over time. Impact fees are used for roadway projects, parks and trails and police and fire for public safety matters.

Commissioner Villarreal asked what is meant by police and fire – what does that really trickle down to.

Mr. O'Reilly understands those funds have to be spent on capital improvements, and can't be used for personnel – a fire station, a police station and such. Mr. O'Reilly said he thinks the funds may be used to purchase police cars.

Commissioner Harris asked if there is a segregated account for impact fees and is there a balance associated with impact fees collected.

Mr. O'Reilly believes they are kept separately from the other General Fund money and set aside for only the specific uses.

Commissioner Harris asked if there is a balance in that account.

Mr. O'Reilly said he is unsure what the balance is in that account, but he can find out and report back to the Commission.

Commissioner Ortiz asked if the money would go to, for example, the Streets Division to improve a certain amount of streets, or does the money go to the General Fund.

Mr. O'Reilly said the Department charged with streets is the Public Works Department. If the Department felt it needed to do road repairs or another project, it potentially could use those funds, so it isn't earmarked to any particular department or division. However, it does have to be used for that purpose. If it is road impact fees, it has to be used for something which is roadway related.

Commissioner Lindell said she has seen absolutely no data to support that not collecting impact fees increases lining up for building permits. She said she is not interested in participating in giving a pass on impact fees of \$4,147 to an individual that wants to build a house of 4,000 sq. ft., which cost who knows how much. She said it makes no sense to her to participate in that, in addition to facing new bond issues. She said impact fees haven't caused the building slump, and it is a much bigger issue, and it is no one thing. She can't imagine a project wouldn't be funded because of impact fees. She said if \$3,714 of impact fees on a \$500,000 house would throw that project into limbo, it probably shouldn't go forward in the first place – it's problematic. She doesn't know why that would be a problem. She doesn't know if this is a sizable development, but "thrown in with it is every impact fee for every residential housing, from what I can see." She said the way it stands now, she can't support it. She thinks it needs more thought. Maybe there is some data if it is specific to homes which are under 1,500 sq. ft. She has seen no data which would allow her to support this Ordinance. She said Homewise and CenTex are still building. She doesn't know who this benefits, other than perhaps some that don't need the benefit. She doesn't think getting rid of impact fees 100% will present us with a big line of people coming to City Hall for a building permit. This doesn't make any sense to her, and she won't be supporting the Ordinance.

Commissioner Catanach asked, for example, on a new 100 lot subdivision approval, what does City Code require. Does the City require that all roads be dedicated to the City, or just primary roads. What does the Code require in terms of road dedication to the City.

Mr. O'Reilly said the City Code doesn't require that the roads be dedicated to the City, and it is possible to build private roads in a subdivision. However, the vast, vast, vast majority of subdivisions do have public roads, and the roads dedicated to the City are required to be built and funded 100% by the developer.

Commissioner Catanach said there could be subdivisions that keep its roads private and privately owned and maintained by a homeowners association.

Mr. O'Reilly said yes, but the developer still would have to pay for the construction.

Commissioner Catanach asked about parks, and if the developer is required to dedicate the park to the City.

Mr. O'Reilly said it is not required, and often is dedicated to the City, and sometimes it is kept as a private park.

Commissioner Catanach said then it is case by case. He asked if the impact fees are collected by the City from the developer at the time of recording the plat.

Mr. O'Reilly said they are collected from the builder at the time the builder applies for a building permit, and are not collected from the developer unless the developer also happens to be the builder.

Commissioner Spray said he also feels the Santa Fe construction industry has had two tough years, as had every other industry in Santa Fe. He also would like to see a way to make that better. He said we can't help other industries, but we can address this. He said he also is concerned about the City's budget and how that would be impacted by this Ordinance.

Commissioner Spray asked Mr. O'Reilly if the impact fees of \$80,220 from his example of the apartment house at a cost of \$2.5 million, would have to be paid by the City to restore those funds, or be added to its own existing infrastructure costs to be able to cover that project.

Mr. O'Reilly said the state law enabling impact fees, allows for service areas where impact fees can be applied. Some municipalities which collect impact fees do have service areas, and impact fees collected, for example, on the east side of town have to be used there. He Santa Fe has no service areas and the entire City one big service area. He said impact fees collected for a project in South Santa Fe might not be used by the City in South Santa Fe and could be used, for example on Canyon Road or anywhere for that matter. He said the fees aren't spent right adjacent to the project for which the impact fees are collected.

Commissioner Spray said sounds like it acts more like a tax on new construction to be able to provide services throughout the City in each one of these areas.

Mr. O'Reilly said impact fees are not a tax. He reiterated that larger cities have different service areas. He said it is the City's policy is to spend the impact fees where they see fit and where the need arises anywhere in the City.

Commissioner Spray said on Exhibit A, Table 1, there are four columns plus one for Wastewater. He said the Wastewater numbers are there and substantial compared to the other areas. He asked if this is covered under this Ordinance, commenting he understood Mr. O'Reilly to say it isn't.

Mr. O'Reilly said that is correct. Wastewater was shown in the column as a comparison, noting it actually is a Utility Expansion Charge or a UEC. He said on average, over the past 7 years, Wastewater fees have accounted for approximately 17% of the total number in the column. He said Wastewater is included in the Totals column, but the only impact fees addressed by this Ordinance are the first four columns.

Commissioner Spray noted \$93,000 has been collected so far.

Mr. O'Reilly said this correct and includes the \$18,490 in UECs.



Commissioner Spray said there probably could be about \$300,000 in impact fees collected in the coming year.

Mr. O'Reilly said it is a rough projection, and we don't know for sure. He said the City's volume of permits processed in the last fiscal year was 85% of our maximum year ever, so we are processing a huge volume of permits. However, the valuation of those permits is extremely low, and many don't require impact fees because no new units are being created. These permits are mostly for additions, remodels and such.

Commissioner Spray said then that would be about \$400,000 out of the City budget, which we might be able to use in the future. He said, like Commissioner Lindell, he has an issue with this being the thing that puts the housing market over the top. He said several weeks ago, we talked with contractors regarding the affordable housing requirement reduction as making a difference. He said he asked one contractor that question. He said the contractor said he has a checklist of 12 items, and that is only one item, but even if he had the reduction he was unsure he could move forward. He believes this is extremely well intended, likes the idea and wants to be able to support this industry. However, he is unsure it would make any difference in terms of moving forward with these projects, given the scope and amounts involved, and in the current economic condition he thinks it should come from several areas. He said he can't support the Ordinance as presented.

Unidentified asked Mr. O'Reilly if he has seen evidence of movement because of the reduction in the affordable housing requirement.

Mr. O'Reilly said he personally has not, but he doesn't monitor permits on a daily basis. He said he believes, as spelled out in the Memo, that it was the sponsor's intention that this be part of a series of things which are being done, which altogether, would improve the situation. He said any one thing won't do that, but with this and other reductions, there might be enough to help close the financing gap. He said it isn't thought this Ordinance will significantly stimulate development of unplanned projects, which would get a developer to bring a project forward. The intent is to do something to help close the financing gap for some projects ready to go – planned and approved – but may not reach the needed level of financing.

Commissioner Harris said he is in favor of the ordinance. He has been a member of the construction industry in Santa Fe since 1976 at all sorts of levels, initially residential contractor, then developer. He said he has been a construction manager for most of the past 12 years, primarily in the public arena. He said he personally has benefitted from construction activity and the growth in Santa Fe as have a lot of people. He believes this ordinance, in part, is an acknowledgment of the contribution of the working men and women of Santa Fe. He said we are experiencing approximately 20% unemployment in the local trades. He spoke with someone today who was one of several people which he [Harris] trained, and went on to become a general contractor. He said that person is really struggling, and he is looking to build a bunch of gates, and will do whatever he needs to do. He said there are a lot of people in Santa Fe who really need a break. He said if the owner of the \$500,000 house gets a break, then "so be it." He is more concerned about and focused on the contribution that has been made, the current situation of the construction industry and the people in Santa Fe who may benefit.

Commissioner Harris said he knows from his own experience, that the residential sector is covered and built by local trades men and women. He said on the commercial side, most of the contractors are coming from Albuquerque. He said he wouldn't support a broader Ordinance which included a waiver of impact fees for commercial. His focus are the people who have been working for many many years, and who are looking for work now. He said he believes this is an incremental thing which will help people.

Commissioner Villarreal said, while she agrees by Commissioner Harris that a lot of people are being hurt by the building slump, she doesn't believe this Ordinance is the solution. She believes there is a larger systemic problem, and "cutting crucial funding sources for infrastructure and going by the illusion that the fees will be closing the financing gap or providing jobs, I just don't see that right now. I would be in favor of targeting impact fees to the areas where the development actually is occurring, instead of as you say going generally across the City, but it would be more specific to the service area."

**MOTION:** Commissioner Villarreal moved, seconded by Commissioner Lindell, to not recommend approval of this Ordinance to the City Council.

**DISCUSSION:** Commissioner Catanach asked if a "yes vote on this motion would be to not make the recommendation."

Ms. Brennan said this is correct.

Commissioner Catanach said this feels like a contradiction in terms. He said we need ways to stimulate the economy. He said there is no question that people are trying to get a loan, and the difficulty they're having because of changes in the banking industry. He said something is better than nothing.

Commissioner Spray said he agrees with Commissioner Catanach. However, the issue is that it becomes nothing. He is going to take everyone's word that the impact fees were put together for a reason, and have to be there to support the infrastructure and work that has to be done at some point, and he would like to fund it this way. It said it seems to be a more direct way of funding than putting it off to another unknown day and source. He said it seems fair and to the point. He said he wants the construction industry to do well, and to have jobs and work, and if he thought this would be the thing that would make a difference, then he would be in favor of it. However, again, he is also concerned about the City's budget and assumes these impact fees were put into place for good reason to be expended in the future, and need to be there.

Commissioner Harris said this gets to the point of his question about segregated accounts and the balances in those accounts. He said if there are a lot of funds, he sees no advantage to anyone to make these assessments of impact fees, although incremental, which impact the construction industry. He asked the value of making assessments if the money just sits there.

**VOTE:** The motion was approved on the following roll call vote [4-2]:

**For:** Commissioner Spray, Commissioner Ortiz, Commissioner Lindell, and Commissioner Lindell.

**Against:** Commissioner Catanach and Commissioner Harris.

2. **CASE #2011-109. GUADALUPE CREDIT UNION DEVELOPMENT PLAN. DESIGN**  
**ENGUINITY, AGENT FOR GUADALUPE CREDIT UNION, REQUESTS DEVELOPMENT**  
**PLAN APPROVAL FOR A DRIVE THROUGH BANK AND BANK OFFICE ON 2.50±**  
**ACRES. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF AIRPORT**  
**ROAD AND ACADEMY ROAD, IS ZONED I-1/PUD (LIGHT INDUSTRIAL/PLANNED**  
**UNIT DEVELOPMENT), AND IS IN PHASE 2 OF THE CITY INITIATED ANNEXATION.**  
**(DONNA WYNANT, CASE MANAGER)**

A Memorandum prepared October 21, 2011, for the Planning Commission meeting of November 3, 2011, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "9."

A copy of Donna Wynant's power point presentation is incorporated herewith to these minutes as Exhibit "10."

A copy of the Guadalupe Credit Union – Airport Road *Preliminary & Final Development Plan*, is on file in the City of Santa Fe Land Use Department, is incorporated herewith to these minutes by reference, and copies can be obtained in the Land Use Department.

Donna Wynant presented the Staff Report in this matter. Please see Exhibit "10" for specifics of this presentation.

#### **Questions from the Commission prior to the public hearing**

A member asked where the sidewalk will be.

Ms. Wynant said in the development plan, you can see the sidewalk will run along the south side of the deceleration lane.

#### **Public Hearing**

##### **Presentation by the Application**

**Oralynn Guerrerortiz, owner Design Enginuity, 1421 Luisa Street, Suite E, was sworn.** Ms. Guerrerortiz said Ms. Wynant covered almost everything she was going to say. Ms. Guerrerortiz introduced Wynona Nava, Bank President, Maria Vigil, Executive, Guadalupe Credit Union and Athena Bashur, Landscape Designer. She noted she is the civil engineer on this project.

Ms. Guerrerortiz said Guadalupe Credit Union has 4 offices in Santa Fe and is expanding at a phenomenal rate. They have a small facility on Airport Road across the street in a strip mall and they need

a bigger facility. She said their intention is to build a branch office which will house the accounting department as well as to be a branch office, and some day in the future, intend to build a building to hold the accounting and other offices, and then most probably convert some of the original branch office accounting space into a community room. She said they teach classes at Guadalupe on financial issues for its members, commenting it provides incredible services for the community. She said they hope to continue to make minor modifications of the plans. She has been working to staff to address concerns about parking, and they are making modifications to bring parking together to reduce the amount of asphalt and increase the amount of landscaping. As a result, they also will do some retention ponding. She said it has been fabulous to work with Ms. Baer and Ms. Wynant, noting Ms. Baer has had some particularly great ideas which they've taken to heart. She said the President and CEO are very welcoming on ideas. She said hopefully the Commission will approve their request and they can begin construction in march 2012.

### **Speaking to the Request**

There was no one speaking for or against this request.

### **The public testimony portion of the Public Hearing was closed.**

Commissioner Spray thanked Ms. Guerrerortiz for her presentation. He asked if the applicant is okay with the proposed conditions of approval, specifically reducing the number of parking spaces, increasing rain harvesting and reducing the size of the retention pond to make it more visually open.

Ms. Guerrerortiz said they are perfectly happy with all of the recommendations. She said the parking is more problematic. She said 18 employees will be in this facility, and there are 21 spaces in the current parking lot in the front which is for members and it is commonly filled. She said if you follow City regulations, only 13 spaces are required. However, with 18 employees and as many as 21 members present, the bank needs at least 40 spaces. She said she believes they have more understanding with staff on this. She said they will be making changes to reduce the total amount of asphalt, and they intend to make at least one smaller parking lot of 21 spaces which will be designed for overflow with permeable material which could be paved in the future, noting it will help infiltration. She said that would be in an area where when they have community meetings they will need more space. She said those ideas are welcomed and they are exploring those and moving forward with final design changes.

Commissioner Spray asked if the parking lot to be built will be for the 18 people in Phase 2.

Ms. Gurerrortiz said Phase 1 alone will have 18 employees. She said in Phase 2 there will be approximately an additional 20 employees. She said without any visitors, that would bring them to a need of 61 parking spots, plus space for any visitors.

Commissioner Spray asked Ms. Wynant to comment on the issue of reducing the parking spaces.

Ms. Wynant said staff looked at the Code and the requirement is 1 parking space per 350 sq. ft. of net floor area. She said when they read the report, the applicant talked about community space, and they do classes and seminars that bring in the public. She said they didn't get the hours of operation, but they

did look at that, the arrangement of things, and felt they possibly could do away with some of the parking to pick up some of the rainwater harvesting and some of the landscaping.

Commissioner Spray noted this is a recommendation, but there is not a particular number. He asked if this should be firmed up, or can staff set the number of parking spaces.

Ms. Wynant said yes, and at first that was the written condition, but they discussed it, but they don't know how much they will really need for our minimum standards. This could put them in a tight spot if we required a maximum of 43 parking spaces. She said if they can do overflow parking on site, they can meet the need for additional parking spaces.

Commissioner Spray asked Ms. Wynant if she is still comfortable with the recommendation in the packet, noting the reasons in her report were good. He is glad she is thinking that way, and would hate to see that lost in some vague language. He said, "Then we'll take it at face value then, from my perspective, that this would be what the plan would be, and this would be what the recommendations would be, and you would be able to work that out amongst you, to your satisfaction."

Ms. Wynant said, "Yes."

Commissioner Ortiz asked Ms. Guerrerortiz what is the drainage easement along La Vela Road.

Ms. Guerrerortiz said, "As far as I can tell, between 1982-1983, the DOT installed ribbon gutters along Airport Road and also a pipe that came from the FOP property across the street, and they direct water to the northwest corner of our property and a 36 inch CMP. And that water basically goes off our property and continues in a rather small bar ditch along the roadway, then it overflows into La Vela Road which is a V-shaped road. So, it's not an ideal situation. Near our property, it's actually not so bad. As you get further south, the bar ditch area gets even skinnier and it gets a lot tighter. We went out to the site with David Catanach and others to examine the problem, unfortunately, given it's a private road and everybody is keeping their hands off the problem as far as municipalities are concerned, frankly."

Commissioner Ortiz said he understands the deceleration lane will be constructed in Phase 1.

Ms. Guerrerortiz said yes. She said the Traffic Engineer recommended it be installed in Phase 1 and that is what they are going to do.

Commissioner Ortiz asked if all of the stormwater drainage infrastructure is going to be installed in Phase 1.

Ms. Guerrerortiz said portions of it, more than is necessary, will be installed in Phase 1, meaning in Phase 1 drainage structures will, in part, take care of all the improvements on Phase 1, and some of the Phase 2 improvements. She said as Phase 2 is developed, additional stormwater harvesting areas will be generated, so it will be solved mostly in Phase 1, although more will be installed in Phase 2.

Commissioner Ortiz asked the timeline between Phase 1 and 2.

Ms. Guerrerortiz said there is none, noting it is actually a function of some of the banking rules – they can have only so much of their assets in capital facilities. She said, “So with the construction in Phase 1, they’ll actually have to wait until more people join, and hey everybody, let’s move to our credit union, and then they’ll be able to expand and go on and build their next building, but they’re controlled by some banking rules.”

Commissioner Harris quoted from the Staff Report [Exhibit “9”], page 2, paragraph 2 under Terrain Management and Landscaping, “Land Use staff recommends a more environmentally sensitive solution to drainage issues.” He said they have spoken to those and he agrees with every point that has been made and believes it will make for a much improved solution to the Guadalupe facility. He said as he read through the notes of the ENN, the neighbors primarily were concerned about headlights through the ATM. However, he also heard you say the Credit Union has been proactive in engaging the community and holding classes and seminars which means there will be other nighttime activity, not just through the driveway. He said in the current plan there is a 90 foot section of coyote fence opposite the drive-through. However, in the other aisles in Phase 1 and Phase 2, there is no coyote fence. There is another 50 foot section that is “floating a little bit.” He said landscape will help to create a visual barrier, but that takes a while. He asked if this is something they have discussed further.

Ms. Guerrerortiz said yes. She said there is a simple solution to the issue of headlights. They are going to change the direction of the traffic flowing through the bank, so it points toward the industrial area and not the houses. She said they decided to make those modifications two days ago. She demonstrated the heavy vegetation coverage on the enlarged drawing. She said there is more desire to go to engineered structures, such as a wall. However, they have a concern about graffiti and people hiding behind walls. She said they really would rather spend the money on vegetation and really buff it up seriously, and it will take time to grow. She said they will direct stormwater so it has plenty of water, and hopefully have beautiful landscaping on the buffer sooner.

Commissioner Harris said he applauds that approach, and changing the circulation will help the neighbors.

Commissioner Harris said a lot of attention has been paid to design and improvements along Airport Road, noting some of those improvements are being done right now. He expressed concern about a right turn only from Academy and La Vela, and asked where people go when they really want to go west, commenting that U-turns are endemic or people cut across medians. He asked how this will work.

Mr. Romero said the intention is to make people make U-turns, which is called an “indirect left turn.” He said numerous studies show this to be safer than a direct left, because people have to worry about only one flow of traffic at a time. He said this was done on Cerrillos, and it seems to work well and ends up being faster and a lot safer.

Chair Hughes said he appreciates the landscaping which is a nice change. He asked Mr. Romero if the City requires that the building be set back so there is parking next to the street, or just a preference of the landowner.

Mr. Romero deferred the question to Ms. Baer.

Ms. Baer said there are setback requirements on buildings from the front and side, but typically, there's no maximum setback of the building. She said more often than not, staff likes to see the building come forward to the street because it makes a stronger streetscape and more accessibility and visibility, both for pedestrians and cars. It is not a requirement from a traffic engineering perspective or by the City.

Chair Hughes said currently, the design is to allow a row of parking and circulation between the building and the street.

Ms. Baer said yes, and part of the reason is that the use of this facility requires changing circulation to a counterclockwise direction, so entering cars would come around the front and park, or continue around the building and then use the drive-up facility heading toward Academy Road.

Responding to Commissioner Hughes, Ms. Baer said she doesn't believe the drive-up is designed for use by bicyclists. She said bicyclists would be encouraged to park and walk into the bank, noting bicycle racks are provided. She said there is a pedestrian access from Airport Road. There is also an issue with a significant grade change from the building to the road – it goes down 6-7 feet. She said by setting the building back it made it possible to make the pedestrian connection at grade. If the building were closer to the street, there would have to be steps as originally shown, to accommodate Americans with Disabilities and bicyclists from Airport Road.

Ms. Guerrerortiz said she would like to clarify there is a significant difference between Airport Road and the site, and there will be stairs on the access off Airport Road. She said the ADA accessibility is by Academy Road, and it pushes 5% at times on the sidewalk to make it around, noting there is a 7 foot difference in elevation.

Commissioner Villarreal asked about the vegetation, noting she is referring to page 4 of the Development Plan.

**Athena Bashur, owner, Seats of Wisdom, Landscape Designer for the project, was sworn.**

Commissioner Villarreal noted there are a few clusters of *Chinese elms* on La Vela and asked if those are existing.

Ms. Bashur said those are existing, and the only existing trees are on La Vela, noting there are *elms*, a few *locusts* and a cluster of *junipers* at the end. She said any large trees will remain.

Responding to Commissioner Spray, Ms. Guerrerortiz demonstrated the steps which are along Airport Road on the enlarged map. She said the bicycle racks are near the entrance in Phase 2, which are 6-7 feet from Airport Road where the traffic comes in.

Commissioner Catanach asked if the City has a standard for parking along an arterial.

Ms. Wynant said to her knowledge there is no requirement which prevents one or the other, but screening of the parking from the street is required, otherwise there is nothing in the Code requiring parking to be behind the building. She said it's something we strive for, and staff encourages people to do this along Airport Road.

Commissioner Catanach said then staff is okay with the landscape buffer and providing that screening, as opposed to a landscape buffer and a short solid wall.

Ms. Wynant said they talked with Ms. Bashur about landscaping, including a certain number of trees on center along that stretch and along Academy Road. She said there is a wall along academy, but she doesn't recall one along Airport Road.

Ms. Baer said there is a requirement that parking be screened from arterials either by a hedge between 3-4 feet at maturity, or a low 3 foot wall and street trees, and they will make sure that happens.

Commissioner Catanach would like that as a condition, noting even a low berm could serve that purpose. He is looking to buffer that parking out a little more against Airport Road. He said that parking would be necessary for the Phase 1 building, and perhaps the parking along Airport Road could go elsewhere if there's too much parking. If not, to get customers into the bank and park and such, he would like to look at whether a low wall or berm could be added to the landscape buffer.

Ms. Wynant said, "We'll definitely make sure that happens."

Commissioner Catanach said it has been his experience in general land use standards, when talking about a landscape buffer, that we want that buffer during winter months. He asked if at least 50% of the trees are evergreen along Airport Road.

Ms. Wynant said she believes the Applicant will want to revise their Landscape Plan. In discussions they will be bringing the minimum number of street trees and staff will be looking at that to get year-round greenery and not just deciduous trees. She said the landscape designer has ideas about a variety of trees there, and staff will be looking at that more closely.

Commissioner Catanach would like to have that understanding and agreement with the Applicant, if possible. He doesn't want to increase the number of trees, but to split the number 50-50 between evergreen and deciduous.

Commissioner Catanach said he didn't see a road section for the existing Academy Road. He asked if we have at least a 20 foot roadway, asphalt surface, so it is a curb and gutter with at least a 24 foot roadway.

Ms. Guerrerortiz said it is either a 24 or 26 foot road, and it does have curb and gutter on both sides, and it is asphalt.



Commissioner Catanach said the staff report addresses exterior lighting, and there will be pole mounted and other types of lighting, noting he understands they still need to work on the lighting plan in terms of illumination of the site. He asked if there will be any building mounted lights.

Ms. Wynant said there are building mounted lights at the portal for the drive-up window, but needs to defer to the Applicant for the details of the lighting.

Commissioner Catanach said he is talking about building mounted lights along the facade.

Ms. Guerrerortiz said there will be lights under the portals and under the portal at the drive-through lanes. She believes there is some ground-mounted lights aimed at the building in some specific locations, but there are none on building aiming out.

Commissioner Catanach asked if we are dealing with cut-off luminaire lighting.

Ms. Guerrerortiz said yes, and they are all shielded and meet all City Codes.

Commissioner Catanach asked if there will still be a coyote fence.

Ms. Guerrerortiz said, "I suspect that it won't. I suspect that, because of the direction of the headlights, we won't be having a coyote fence."

Commissioner Catanach asked the standard where there is residential adjacent to non-residential.

Ms. Guerrerortiz said there is a requirement for a 15 foot landscape buffer.

Commissioner Catanach said then no solid wall or fence is required, and Ms. Guerrerortiz said no.

Commissioner Catanach asked if there will be water harvesting and will water be collected in water tanks.

Ms. Guerrerortiz said no. They will be surface water harvesting from canales and the asphalt which will be directed into the planting beds. She said the entire site is being mulched with 2 inches of mulch.

Commissioner Catanach said he prefers water harvesting.

Commissioner Catanach noted there is a common area in the front of the bank where there is a bench which is great. He would like the Applicant to agree to put a picnic table and bench there where people could eat their lunch.

Ms. Wynant said they are looking at ways to increase the landscaped area, and thinking about creating an outdoor area for the employees to each lunch. She said there will be spaces in front of the entry ways which will be heavily landscaped and more welcoming to the public for a respite from Airport

Road. She said there will be benches and places for bicycles, and hopefully some good shading. They are still looking at doing this.

**MOTION:** Commissioner Spray moved, seconded by Commissioner Villarreal, to approve Case #2011-109 the Guadalupe Credit Union Development Plan, subject to the conditions contained in the Commission packet [Exhibit "9"], with the additional requirement for the 50-50 evergreen-deciduous mix of trees on the Airport Road side of the property.

**DISCUSSION:** Ms. Baer said street trees are required along Airport Road, and street trees by nature are not evergreen. She said a good mix of evergreen to deciduous is not typically 50%, but it is usually 30% in a standard approach to mixing. She said the Applicant has proposed a significant number of evergreen trees along La Vela Road, primarily to screen the project on the residential side. She is unsure it would be appropriate to significantly increase the percentage of evergreen plant material along Airport Road for a number of reasons. One is that you don't want to block the view of the building. She said evergreen material is opaque and criminals can hide behind it. She said, especially on the front, it is not desirable to provide places where people can hide next to where pedestrians are walking. She said her recommendation would be to not be so specific, certainly on the percentage, to allow the Code to prevail on the street trees in terms of deciduous material, and perhaps to require a 30% total use of evergreen materials.

Commissioner Spray said he is going to stay with his 50-50 proposal, but he would welcome a friendly amendment to modify that to 30%.

**FRIENDLY AMENDMENT:** Commissioner Lindell would like to amend the motion to reflect 30% *juniper* on the entire property. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

Commissioner Catanach said staff agreed to the berm or a low wall and asked if that is part of the approval.

Ms. Baer asked that the Commission give them some leeway with the goal of screening the parking from Airport Road, but perhaps not be specific tonight in determining the design to achieve that goal. She said the City would certainly require screening of the parking from Airport Road, and they can assure him that would happen.

Commissioner Catanach said he would agree.

**VOTE:** The motion, (as amended) was approved unanimously on a voice vote [6-0].

3. **CASE #2011-110. THOMAS PROPERTIES REZONING. DUTY AND GERMANAS ARCHITECTS, INC., AGENT FOR T-P LLANO, LLC, REQUESTS REZONING OF 2.51± ACRES OF LAND FROM R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED BETWEEN ST. MICHAEL'S VILLAGE SHOPPING CENTER AND DeVARGAS MIDDLE SCHOOL ON LLANO STREET. (HEATHER LAMBOY, CASE MANAGER)**

A Memorandum prepared October 17, 2011 for the November 3, 2011 Planning Commission meeting, with attachments, to the Planning Commission, from Heather Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "11."

A copy of a power point presentation *Thomas Properties Rezoning Case #2011-110*, presented by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "12."

Heather Lamboy, presented the Staff Report via power point in this matter. Please see Exhibits "11" and "12" for specifics of this presentation. Ms. Lamboy noted all conditions of approval have been shared with the Applicant.

### **Public Hearing**

#### **Presentation by the Applicant**

**Michael Duty, Duty and Germanus Architects, Inc., 404 Kiva Court, agent for T-P Llano, LLC, was sworn.** Mr. Duty said they became involved with the Santa Fe University of Art and Design about 3 years ago, and renovated 3 of the 4 existing dormitories at the campus for the expected surge of students. Additionally, they renovated and expanded the cafeteria. At that time the student count was unknown, but began the year with 350 to 400 students, which was substantial growth from the status of the College of Santa Fe. In the second year, they are now at approximately 700 students. He said there is housing currently on campus to house approximately 860 students. He said there are many variables they can use to house students, noting there are different classification of students and some students can live off campus.

Mr. Duty said it has become abundantly clear to the University that they are moving toward a great need. In fact they would like a campus of 2,000 students, which is the goal, and the University has been growing steadily since it opened. He said this is one of the only undeveloped parcels of property immediately adjacent to the University campus, so it is an ideal location. He said, in reviewing the potential of doing this, they discovered, as Ms. Lamboy said, it is in the general plan to be C-2 and C-2 would be a reasonable approach with which to proceed and develop a plan.

Mr. Duty said they are here tonight for the rezoning, and they have a period of time to develop the development plan and submit it to the City. He said after that there will be permitting and construction. He said in addition, there are requirements for financing and appraisals and working out agreements for long term leases which satisfy the University and the landowner. He said this is a long, slow process, but they want to be ready. He said they don't know exactly when they will need the dormitories. He said it would

be possible, although tight, to deliver the dormitories in the Fall of 2013, although they may not need them until Fall 2014. He said they wanted to be in a position when the University said they needed the dormitories, they could deliver those. He said this is the first step to test a request for zoning which is supported by the fact that it is consistent with the general plan and generally works.

Mr. Duty said, "If this didn't come to pass, it's already C-2 which is consistent with the plan and the development level of this parcel, if for some reason this didn't come to pass, which by the way would also require a development plan, it would only be about 20,000 sq. ft. of retail. He said Ms. Lamboy is correct. It would be possible to build a 10,000 sq. ft. facility without doing a development plan. It would be a utilization of about half of the capacity of the land, and those are things we won't know until we get there, but the intent and the total goal here, is to provide a situation which we can support the University of Art and Design in their growth with private dormitories. I might say, I might add, that private dormitories around campuses is a growing thing nationally. There's a great deal of privatization of dormitories on many campuses, so this is not a ground breaker in that regard. It's a fairly standard approach and it's a great opportunity for the Santa Fe University of Art and Design to be able to house the student body that they anticipate that they are going to need, and at the same time preserve the development options on the campus as it's been currently transferred from the City through their 20 year lease, to operate the Santa Fe University of Art and Design. It keeps them with some leeway as to what they do on campus, and it works great for our owner, and I think it works great for the City."

#### **Speaking to the request**

**Marian Schriben, 2119 Rancho Siringo Road, a representative of the neighborhood association off Rancho Siringo Road and Rancho Siringo Lane, was sworn.** Ms. Schriben said they met with the developer designer at the ENN and there were lots of questions. She said the major concern they have, as a neighborhood association, is that the change in zoning conform with the general plan for infill for this particular property, and not set a precedent for the Thomas properties that are on Siringo Road, between Rancho Siringo crossing Arroyos los Pinos and then east to Yucca, that run along Siringo Road. She said those properties wrap around their PUD and they would be concerned about a commercial zoning there. This is one of the neighborhood association's major concerns.

Ms. Schriben said, "The other concern is really a question, it's not a concern, is, if the development proceeds, the zoning proceeds, and it's zoned to commercial, and then at some later time, the dormitories are built, and they retain this commercial zoning, or do they have to get rezoned back to residential, if the dormitory use ceases and they turn into private apartment buildings, commercial apartment buildings, or condos or some other kind of non use that isn't directly attached as a dormitory use, where they show in their conceptual plan that there's shared areas and stuff like that. So, it's just a question that we had that's come up since our conversation with the ENN, and we'd just like to have a clarification on that."

#### **The Public Testimony Portion of the Public Hearing was Closed**

Chair Hughes said this is a good question and we'll get that answered, and asked Ms. Lamboy to follow up.

Ms. Lamboy said with reference to the other Thomas properties, she believes it has a residential zoning category, which means that the other Thomas properties could not be developed in a commercial manner, and will have to use a residential manner, unless they request a rezoning, which would have to go through this Commission as well as the City Council for approval. She is sure the neighborhood association would find out about that.

Ms. Lamboy said, with reference to changing the zoning from C-2 to something else, it would have to go back through another rezoning process. She said, "If the request were to stop it from formerly based student housing just to go multi-family use, that is still permitted in the C-2 zoning category, and they could modify those dorms into housing. But when we have looked at the preliminary concept plan, the parking would still accommodate for a multi-family use as well. In fact, this has been looked at for multi-family purpose just because our Code does not clearly deal with dormitories."

Chair Hughes said as passed tonight, we will hear this again as a development plan, and Ms. Lamboy said yes.

Chair Hughes said we should keep that in mind, because what we are going to do tonight is only the rezoning portion of this, and not get into the details of "what it feels like or looks like."

Commissioner Harris said the issue he has here is, as far as he can see from the packet, there really has been no contact with the Santa Fe Public Schools, although they were on the mailing list for the ENN, which occurred on August 31<sup>st</sup> which is the start of school. He said in the best of circumstances there is a lot of work to be done by the School District, and certainly it is more serious at the start of school. He said the individual who has been the contact between the City and School on matters such as this, Justin Snyder, is no longer working for the Schools. He said there is a replacement. He said he doesn't doubt the letter went to 610 Alta Vista, but he doesn't believe anyone had the time or opportunity to really respond. He said it is critical that even at this early stage of rezoning, there should be an acknowledgment by the School that this is a request and they be given a chance to respond with the Applicant and with City staff present.

Commissioner Harris said this evening he would advocate tabling this case until there has been a level of discussion.

Ms. Lamboy said actually there has been contact, and they are members of our Development Review Team. She said Marissa Snyder filled in for a while, and Shirley McDougall now occupies the position formerly held by Justin Snyder. She said this was being reviewed in the interim phase when Marissa Snyder was looking at the development applications and was absent for this DRT meeting. She said she phoned Ms. Snyder when she didn't receive any comments from her, and asked Ms. Snyder about the projects. Ms. Lamboy said Ms. Snyder had no concerns whatsoever, although she never received anything in writing, and she would be happy to follow-up and get something in writing.

Commissioner Harris said we've seen written documentation from Mr. Snyder in the past, and that would be important here. He said he knows from his work on behalf of the Santa Fe Public Schools, they had a certain set of standards for elementary schools, and for middle schools and for high schools. He

said the standards for elementary schools were very clear that they "didn't want this kind of adjacency of commercial activity." He said although we've discussed only student housing, there are two buildings proposed of 6,500 sq. ft. between the two. He said so two commercial buildings are proposed on Llano and then the student housing behind. He commented this was some time ago, and may be antiquated information. He couldn't find standards for middle schools, but this needs to be discussed. He is glad to hear there has been a response, but he would like a more informed response from the School District.

Ms. Lamboy said, "Absolutely."

Commissioner Spray said Mr. Duty mentioned the University of Art and Design many times, but Mr. Duty's client is Thomas Properties, and noted Mr. Duty's client is a commercial developer.

Mr. Duty said, "Yes sir. My client is Thomas Properties."

Commissioner Spray asked, in keeping with what Commissioner Harris said, if there is anything in writing from the Santa Fe University of Art and Design endorsing this particular project.

Mr. Duty said there is a representative from the University of Art and Design who can speak to the work we've done together with them in fabricating this project, and they are in support of it and this is one of the many options they're looking at to house their students.

**Tom Olmstead, Olmstead Company, Consultant to the Santa Fe University of Art and Design, was sworn.** He said we are looking at long range development as well as getting the current facilities to current Code and standards. He said they have been looking at the Thomas Properties, working with Mr. Thomas and Mr. Duty for 7-8 months, as one of many alternatives to increase student housing as the student body grows, and we do support it.

Commissioner Spray asked Mr. Olmstead if they anticipate no funding as part of that – there's no cost to Mr. Olmstead – you're a private development.

Mr. Olmstead said the intent is that the Santa Fe University of Art and Design would lease the property to Mr. Thomas over the long term.

Commissioner Spray said currently the property is zoned R-5, and Mr. Duty said yes.

Commissioner Spray said the University itself is R-5, and Mr. Duty said he believes this is correct.

Commissioner Spray said there are dormitories on the campus and Mr. Duty said yes.

Commissioner Spray asked why this property can't stay as R-5 and you can build your project.

Mr. Duty said this has been discussed. He said the University is on residential zoning, but it has expanded over time, when it does expand, through a series of special exceptions for college campus activities. He said when we looked at this project and discussed the best approach with the City, this was

one of the things which was discussed. He said, "But technically, we're not an institution of higher learning, and so we, under the City of Santa Fe zoning, and you correct me if I'm wrong, but my recollection is, under the Santa Fe zoning we wouldn't be able to avail ourselves of the special exceptions that are required or allowed to be granted to a post-secondary institution. And so, with that in mind, the simplest way under Santa Fe zoning to accommodate this project, would be to go to the C-2 zoning. And that would put all of the controls in place which we enjoy on this project, or will experience, and that is the development plan and all of the requirements that we have to meet. The C-2 zoning is something that is the most utilizable out of all the zoning districts available in the City of Santa Fe for what we're trying to do here."

Mr. Duty continued, "The City of Santa Fe has no institutional zone, and so the post-secondary education institutions have developed by a series of special exceptions and a series of special considerations. If an institutional zone had been available under the Zoning Code, we could have gone in that direction. But we were faced with only two choices. One is to leave it R-5 and to try to avail ourselves of the allowance to go to this type of development. But the greater controls and the greater opportunities were available through the C-2 zoning appellation."

Commissioner Spray asked Ms. Baer to comment on the R-5 issue

Ms. Baer said, "The College of Santa Fe which pre-dated the Santa Fe University of Art and Design, actually was on this site prior to zoning, and so it was always a legally non-conforming use. It expanded over the years. It's had several development plans. It was never rezoned. Private colleges and universities are a permitted use as a special exception in the R-5 zoning. When we first discussed this project with Mr. Duty, we had to twist the use to try to fit into one of our existing zoning categories. We don't currently have either an institutional zoning, nor do we have dormitories as a permitted use in the table of permitted uses. And it was our belief that the most appropriate zoning was C-2 and that was the recommendation we made to the applicant. It's not really, necessarily a university use, even if it is strictly dormitories, because it is built as housing, but then it would be rented to the university, and so it becomes more of a commercial use."

Kelley Brennan, Assistant City Attorney, said the permitted use is colleges and universities as a special exception in an R-5 District, and this is on private property and would not be a college or university. It would be housing, essentially that falls, as Ms. Baer said, within this category.

Commissioner Spray said then, for clarification, it is a commercial development, so all of the discussion of the University of Art and Design and all the other components – that's not really what it is. It's a commercial development. He said he isn't against commercial development. However, the way this is discussed and put forth, it sounds like it is a project from the University of Art and Design. It is a commercial development and he is fine with that. He said, "I guess my feeling would be, is I take the rezoning very seriously, and I would truly like to see a development plan with this before that is rezoned. I think it's a big step to be able to go to a rezone right now. Is it possible we could delay this, Ms. Baer, until we had a development plan."

Ms. Baer said a development plan is not a requirement, *per se*, of rezoning. It is within the Commission's purview to postpone until you see a development plan.

Commissioner Spray said, given that circumstance, if we approve this, it seems to him that we're giving Thomas Properties something of a blank check in terms of being able to put this together into a commercial development in whatever way they saw fit. If it is zoned C-2 it becomes a more valuable property and could be sold and all of Mr. Duty's work would evaporate in terms of finding a better use. He said when we make that change, there's nothing to stop that from happening. He's not saying that is a bad thing, or that he would oppose it. He reiterated that this is a commercial development.

Mr. Duty said, "Technically everything Commissioner Spray is saying is true. This is a commercial development. We're requesting a C-2 zoning, which is under direction of the City as to how to achieve our purpose which is to build dormitories. First of all, I'm sure Mr. Thomas would welcome a blank check, but I don't think that's going to happen. This does inure to Mr. Thomas a certain value. It's changing R-5 land to C-2 land. That's unequivocal. The development of this parcel as a C-2, other than the dormitories would be 1/5th of the intensity of this development. So, it's not a situation in which if it doesn't get to be dormitories, it's going to be something huge and lavish. As I said before, and as the recommendations from City point out, about 20,000 sq. ft. would be all that would be allowed... would be buildable on this site in a retail configuration. This particular proposal is 59,000 sq. ft. The actual parking required for our dormitories is about the same as it would be for a 20,000 sq. ft. development, and so the overall impacts from potential traffic would be about the same if that came to pass."

Mr. Duty continued, "But, you are absolutely correct. If this gets rezoned to C-2 and if for some reason the dormitories don't go ahead, one of these days you could see a development plan on this parcel for some retail, or possibly some apartments. That's a true statement. That is certainly not our intent. As a matter of fact, from an economic standpoint, this project is the highest and best use of that parcel, considering all of the factors. It is not an ideal location to build the other things that you're talking about, but technically you are correct. It does bestow that right upon us. What we rely on, and in our regard in defense of that, is that you would see a development plan for anything that came about and it would be less intensity, by and large, than anything we're proposing. And, it is strictly the intent of this development plan, this zoning request, to follow it up with a development plan and to work towards providing housing for the Santa Fe University of Art and Design."

Mr. Duty continued, "And I might say, this project, the Santa Fe University of Art and Design is every much of a client as Mr. Thomas is a client. We really have to solve the needs of both. It's through our experience with dormitory design on their campus, and on other campuses, that we have been able to mold this proposal to meet the needs of both the Santa Fe University of Art and Design and Mr. Thomas. And, in fact, it won't go ahead until agreements are reached on costs, lease, rates and construction schedule. And so, there is a great deal of information that we need to actually glean and solve, in terms of formulating this project, between the Santa Fe University of Art and Design and Mr. Thomas before we can adequately do, and meet the requirements of detail in a development plan. And so that's why we chose this path. We essentially wanted to ask the City what they thought of the concept of what we're trying to do, of course they endorsed that, and what was considered the best zoning approach, and I believe we got their endorsement on that, the staff anyway. And so that's why we follow this approach. Once we get the



zoning, then we would work out the schedule, the details, come back and be able to do a development plan that would show you the details.”

Commissioner Spray asked Ms. Lamboy what could be built if this were approved for C-2, commenting she mentioned a 10,000 sq. ft. building without a development plan.

Ms. Lamboy said, in a regular situation outside of this process, on a C-2 site, you can develop up to 10,000 sq. ft. without a development plan. She said because this is adjacent to residential zoning, the trigger is 10,000 sq. ft.. She said if it was adjacent to commercial zoning, only then would the trigger be 30,000 sq. ft.

Mr. O'Reilly what said Ms. Lamboy is absolutely correct as Chapter 14 is now written. However, you recently approved changes to Chapter 14. Under those changes, even a commercial project of less than 10,000 sq. ft would have to come back to this Planning Commission if it was adjacent to a residential zone, as this project is.

Commissioner Catanach said he hopes these dormitories are built for the University. He asked, if that doesn't happen, and the developer decides to build multi-family, what kind of density would be allowed on that property for multi-family.

Ms. Lamboy said the density under the general commercial category is not necessarily defined *per se*. There is no density requirement other than compatibility. She said the density would be permitted at that level that you find on the site plan which is before you.

Commissioner Catanach said then you could build the maximum units you could get on that property. He said he wants to know if we have any idea what the maximum density would be on a multi-family project, based on building area, which would be allowed on a lot of this size.

Ms. Lamboy said the density isn't so clear cut in the commercial zoning category, as it is, for example, in residential – on 2.5 acres, 12 units would be permitted because it has no mountainous or difficult terrain to restrict it. Therefore, it is a type of value judgment that would have to be vetted through the public hearing process, because something like that would require a development plan.

Mr. Duty said everything being said is true. The current zoning districts in Santa Fe that do allow multi-family are known as RMLD, RM-1 and RM-2. The highest density is RM-2, noting it is a rarity in Santa Fe, but it allows 29 units per acre. He said in applying that math to this property, you could get about 60 units. He said, much more likely for the staff to follow in guiding their decisions on this, would be RM-1 which is more prevalent which has a limit of 21 units per acre which would give us 42-43 units. He said there is no intent to build apartments. He said if the square footage to be built were to be converted into apartments, noting the suites around the central court could be converted, they would convert into 48 apartment units. He said if this were to happen, it would be in the 40-50 range. He said there are other things which control density of development, such as height, setbacks and parking requirements. He said this is only two acres, and maximum you could put on this site physically, would be in the 40-50 range.

Commissioner Spray said, then if it could go to 48 units, why wouldn't Mr. Duty move for zoning of RM-1 instead of commercial.

Mr. Duty said that would allow us 48 dormitory rooms, but we need approximately 360 on this site. He said that is the total dormitory bed count. Responding to Commissioner Spray, Mr. Duty clarified that they need 360 beds, not 360 rooms. He said they tried this, and it doesn't work for residential zoning to put a housing project under any definition of the Building Code or the City Zoning Code, which would put it in a density category which would be translatable into an R-5 zone, and the reason the C-2 zone is required.

Mr. Duty said there are pods, and in each pod there are 5 bedrooms and 10 students. He said it's like a large suite. In addition to the rooms, they have bathing facilities, and a common room or kitchen and lounge area. He said each pod is about 1,400 sq. ft., and those could be converted to apartments, and of course those would be more square feet per person, so the number of apartments in an R-5 zone would bring it to the 40-50 range. This is the reason for the C-2, because it is the only thing which allows this particular development to be approved.

Commissioner Spray agreed, but said it does allow other things to be done on the site with the C-2 zoning.

Mr. Duty agreed, noting apartments would require that it come back for development plan approval if that were to be done.

Ms. Baer said she needs to be sure the Commissioners understand that the primary condition requested on this rezoning, is that any development of any size would require development plan review by this Commission, so they could not build under 10,000 sq. ft. with a building permit. She said any development would require a development plan approval by the Planning Commission.

**MOTION:** Commissioner Lindell moved, seconded by Commissioner Villarreal, to approve Case #2011-110, Thomas Properties Rezoning, with all conditions of approval recommended by staff as outlined in the Staff Report [Exhibit "11"].

**VOTE:** The motion was approved on a voice vote, with Commissioner Catanach, Commissioner Ortiz, Commissioner Lindell and Commissioner Villarreal voting in favor of the motion, and Commissioner Spray and Commissioner Harris voting against the motion. [4-2]

Chair Hughes suggested that Mr. Duty work with the very creative student body in helping them to design these pods.

Mr. Duty said, "That will happen."

## **G. BUSINESS FROM THE FLOOR**

There was no business from the floor.

## **H. STAFF COMMUNICATIONS.**

A copy of a Memorandum dated December 18, 2009, to the Planning Commission, from Tamara Baer, Current Planning Division, regarding Serial Subdivisions, is incorporated herewith to these minutes as Exhibit "13."

Mr. O'Reilly pointed out that the last action the Board took was a recommendation to the City Council on the rezoning, noting the Council has final authority in these kinds of actions.

Chair Hughes asked the status of the Chapter 14 rewrite.

Mr. O'Reilly said the Chapter 14 rewrite has been through the Public Works Committee in two pieces. It was moved forward by the Public Works Committee both times. He said the next step will be on November 9, 2011, when it goes to the City Council for a request to publish, and City Legal staff is working right now to finalize that packet for the Council.

Chair Hughes asked if the request to publish is a formality, and Mr. O'Reilly said yes.

Mr. O'Reilly said on November 14, 2011, the entire Chapter 14 rewrite will be going before the Finance Committee for a public hearing. He said the final approval will be on November 30, 2011, at the City Council. He invited any of the members of the Commission to attend the Finance Committee meeting or the City Council meetings, to represent the volume of work done by this Commission on the Chapter 14 rewrite.

Mr. O'Reilly said the City may be moving into space at the Railyard above REI, and if that happens, pending financing, the plan is to create a new chambers specifically for the Planning Commission, and any other quasi-judicial bodies. He said hopefully we can design something which is more comfortable and ergonomically correct for the Commission, including some better visual aids for presentations.

Chair Hughes asked about the timing of the move.

Mr. O'Reilly said there is none, it is a complex agreement with the developer of the building to see if the City actually will move there, but he hopes it happens.

Ms. Baer said at the Summary Committee, there was a request that she distribute a copy of a memo she wrote two years ago on serial subdivisions, and this was distributed earlier this evening for your information only [Exhibit "13"]. She will be happy to discuss it at some point in the future, or Commissioners can call her with any questions.

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

Commissioner Catanach asked, regarding Guadalupe Credit Union development plan, if it addressed the business sign, commenting he may have missed it in the development plan.

Ms. Baer said they are not proposing to have a monument sign on the street, or a pole sign, and propose to have only a wall-mounted sign, and it was in the set of plans.

Chair Hughes said yesterday there was a Long Range Planning Subcommittee meeting, and it's getting exciting as to the potential for St. Michael's. He said the properties along St. Michael's are subject to some interesting transformations if everything comes together. He said there was a meeting last week with the president of the University of Art and Design, the president of the hospital, Mayor Coss, Councilor Wurzbarger along with many property owners, which he understands went quite well. He said people want to know what's going to happen with the public space before they will entertain what they will do with their own private space. He said stay tuned for some major changes to that area, particularly with the University and Hospital as the anchors in that area.

Chair Hughes said he will be having a holiday party at his place in early December which the Commissioners and staff attend, so stay tuned for details on that.

## **J. ADJOURNMENT**

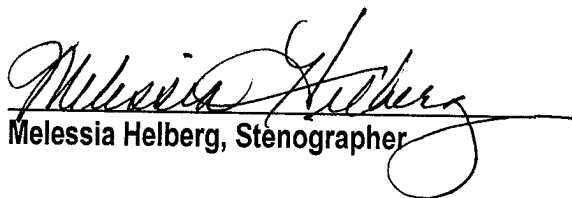
There was no further business to come before the Commission.

**MOTION:** Commissioner Harris moved, seconded by Commissioner Spray, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at 8:40 p.m.

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**Ken Hughes, Chair**

  
**Melessia Helberg, Stenographer**