



# Agenda

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## PLANNING COMMISSION

March 1, 2007 – 6:00 P.M.

CITY COUNCIL CHAMBERS

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

January 18, 2007

- E. OLD BUSINESS
- F. NEW BUSINESS

1. **Case #M 2006-38. Tierra De Zia Condominium Phase II Development Plan.** Rosanna Vazquez, agent for John McCarthy, Dan Terrell and Robert Trujillo requests development plan for an addition of 10 condominium units, for a total of 147 units, for Tierra De Zia. The property is located at the southwest corner of Zia Road and Yucca Street and is zoned RM-LD. (Katherine Mortimer, case manager)
2. **Case #M 2006-50. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D Final Development Plan.** Cliff Walbridge, agent for B.T. Homes, requests final development plan for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager) **(POSTPONED FROM FEBRUARY 1, 2007)**
3. **Case #S 2006-31. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D, Final Subdivision Plat.** Cliff Walbridge, agent for B.T. Homes, requests final subdivision plat for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager) **(POSTPONED FROM FEBRUARY 1, 2007)**
4. An ordinance amending Section 14-8.15 SFCC 1987 requiring the dedication of land or easements for the purpose of public, non-motorized trails. (Anne McLaughlin, case manager)

5. An ordinance amending Section 14-3.4 SFCC 1987 regarding petition method annexation and sector plans and amending the definition of sector plan in Article 14-2 SFCC 1987. (Jeanne Price, case manager)
6. An ordinance amending Table 14-6.1-1 SFCC 1987 and repealing section 14-6.2(D) (2) SFCC 1987 to prohibit individual storage areas in C-2 commercial zoning districts and to allow mini-storage in I-2 districts. (Jeanne Price, case manager)

**G. BUSINESS FROM THE FLOOR**

**H. STAFF COMMUNICATIONS**

**I. MATTERS FROM THE COMMISSION**

**J. ADJOURNMENT**

**NOTES:**

- 1) Procedures in front of the Planning Commission are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from the postpone by a motion and vote of the Planning Commission
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Planning Commission meeting. This agenda is subject to change at the discretion of the Planning Commission.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.  
**\*An interpreter for the hearing impaired is available through City Clerk’s Office upon 5 days notice. Please call 955-6521**

**INDEX OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION**

**March 1, 2007**

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
<b>A. ROLL CALL</b>	<b>Quorum</b>	<b>1</b>
<b>B. PLEDGE OF ALLEGIANCE</b>		<b>1</b>
<b>C. APPROVAL OF AGENDA</b>	<b>Approved</b>	<b>1</b>
<b>D. APPROVAL OF MINUTES</b> <b>January 18, 2007</b>	<b>Approved</b>	<b>1</b>
<b>E. OLD BUSINESS</b>		<b>2</b>
<b>F. NEW BUSINESS</b>		
1. <b><u>Case #M 2006-38. Tierra De Zia Condominium Phase II Development Plan.</u></b> Rosanna Vazquez, agent for John McCarthy, Dan Terrell and Robert Trujillo requests development plan for an addition of 10 condominium units, for a total of 147 units, for Tierra De Zia. The property is located at the southwest corner of Zia Road and Yucca Street and is zoned RM-LD.	<b>Approved</b>	<b>2-9</b>
2. <b><u>Case #M 2006-50. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D Final Development Plan.</u></b> Cliff Walbridge, agent for B.T. Homes, requests final development plan for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft.	<b>Approved</b>	<b>9-11</b>
3. <b><u>Case #S 2006-31. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D, Final Subdivision Plat.</u></b> Cliff Walbridge, agent for B.T. Homes, requests final subdivision plat for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft.	<b>Approved</b>	<b>11</b>
4. An ordinance amending Section 14-8.15 SFCC 1987 requiring the dedication of land or easements for the purpose of public, non-motorized trails.	<b>Approved</b>	<b>11-12</b>
5. An ordinance amending Section 14-3.4 SFCC 1987 regarding petition method annexation and sector plans and amending the definition of sector plan in Article 14-2 SFCC 1987.	<b>Approved</b>	<b>12-13</b>

<b><u>ITEM</u></b>	<b><u>ACTION TAKEN</u></b>	<b><u>PAGE(S)</u></b>
6.	An ordinance amending Table 14-6.1-1 SFCC 1987 and repealing section 14-6.2(D) (2) SFCC 1987 to prohibit individual storage areas in C-2 commercial zoning districts and to allow mini-storage in I-2 districts. <b>Approved</b>	<b>12</b>
<b>G.</b>	<b>BUSINESS FROM THE FLOOR</b>	<b>13</b>
<b>H.</b>	<b>STAFF COMMUNICATIONS</b>	<b>13</b>
<b>I.</b>	<b>MATTERS FROM THE COMMISSION</b>	<b>13</b>
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**MINUTES OF**  
**CITY OF SANTA FE**  
**PLANNING COMMISSION MEETING**

**March 1, 2007**

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

**A. ROLL CALL**

Roll call indicated the presence of a quorum as follows:

**MEMBERS PRESENT:**

Robert Werner, Chair  
Estevan Gonzales  
Signe Lindell  
Eric Lujan  
Michael Trujillo  
Harriet Heltman  
Ken Hughes

**MEMBERS ABSENT:**

Vacancy  
Bonifacio Armijo (excused)

**STAFF PRESENT:**

Greg Smith, Development Review Division Director  
Katherine Mortimer, Supervising Planner  
Richard Macpherson, Senior Planner  
Anne Lovely, Assistant City Attorney  
John Romero, Traffic Engineer  
Ron Pacheco, Office of Affordable Housing

**B. PLEDGE OF ALLEGIANCE**

Chair Werner asked Commissioner Lujan to lead the Pledge of Allegiance.

**C. APPROVAL OF AGENDA**

**Commissioner Heltman moved approval of the agenda, Commissioner Trujillo seconded the motion which passed by unanimous voice vote. [Commissioner Hughes was not present for this vote].**

**D. APPROVAL OF MINUTES**

**January 18, 2007**

**Commissioner Heltman moved approval of the minutes of January 18, 2007, Commissioner Trujillo seconded the motion which passed by unanimous voice vote. [Commissioner Hughes was not present for this vote].**

**E. OLD BUSINESS – None**

**F. NEW BUSINESS**

1. **Case #M 2006-38. Tierra De Zia Condominium Phase II Development Plan.** Rosanna Vazquez, agent for John McCarthy, Dan Terrell and Robert Trujillo requests development plan for an addition of 10 condominium units, for a total of 147 units, for Tierra De Zia. The property is located at the southwest corner of Zia Road and Yucca Street and is zoned RM-LD. (Katherine Mortimer, case manager)

Memorandum from Katherine Mortimer, Supervising Planner, prepared February 20, 2007 for the March 1, 2007 Planning Commission meeting is herewith incorporated to these minutes as Exhibit "1."

Letters from Lee Sternal are herewith incorporated to these minutes as Exhibit "1(A)."

Declaration of Condominium Ownership and of Easements, Restrictions, Covenants for Tierra de Zia Condominium dated October 15, 1990 is herewith incorporated to these minutes as Exhibit "1(B)."

Katherine Mortimer presented the staff report included in Exhibit "1."

Staff recommends approval with the following conditions of approval:

1. Comply with memorandum from Subdivision Engineer (Exhibit E)
2. Comply with memorandum for landscape review (Exhibit F)
3. Comply with memorandum from Wastewater Management Division (Exhibit G)
4. Comply with memorandum from Sangre de Cristo Water Division (Exhibit H)
5. Comply with memorandum from Public Works, traffic review (Exhibit I)
6. Comply with memorandum from Fire Department (Exhibit J)
7. Comply with memorandum from Trails and Open Space (Exhibit K)
8. Obtain review and approval for disabled access.

**Public Hearing**

Lee Sternal stated objection to this proceeding taking place at this time. He said he would wait his turn to state the reasons.

**Rosanna Vasquez, representative for Bobby Lee Trujillo, John McCarthy and Mr. Rick Bennett, was sworn.** She explained that previously they were here for a rezoning request so they could do the 147 units. They received approval in January from City Council. City Council was concerned with the parking so they requested the final development plan come back to them. She explained that originally the owners surveyed the land and looked at the net acreage. She noted that when this property became condos there were some documents given out to all the potential property owners. In the disclosure statements, there was a requirement that this parcel would be reserved for future developments. The disclosure statements and covenants recorded stated that they had 7 years from the date the dedication was signed to reserve the right to develop on this property and they do fall within the 7 year time frame to develop the property. After the survey was completed, there was an ENN meeting and several meetings with the Homeowner's Association. There was an agreement to cover the concerns of the homeowners with regards to the development. The homeowners wanted to make sure the amenities were going to be maintained and added onto so they were more available for the additional units. The owners also agreed to and have met

the conditions of City staff with regards to the trail system. They have worked to preserve the open space. The Board and owners met and approved the height, design and location of the project. The owners have been very involved with the affordable housing to make sure the type and number of rooms would be appropriate. The impacts were reviewed and an agreement included in the packet was signed by the Homeowner's Association. This development falls under the required 30% for affordable housing with a signed agreement in the packet. She reviewed what size and income ranges the units would fall under. The water use is .21 per condo unit so the total requirement is 2.1 acre feet.

Ms. Vasquez reported that parking was a concern of City Council and Mr. Sternal. She explained that they sat down with City staff and the Homeowner's Association and looked at the parking spaces. The determination was made that they have above the average amount of parking needed for the development. She believes the concern has been adequately addressed by staff. The development meets the letter of the code as they have worked closely with staff and the Homeowner's Association. There have been few concerns, just more interest than anything else. She knows there was a concern with the 3 bedroom units; the reason for this is the need for it determined by the developers and Homeowner's Association.

Lee Sternal, lives in Colorado, but owns unit C-8, was sworn. He stated that he has a different point of view. He entered Exhibit "1(B)" into the record. He said Exhibit "1(B)" states that all the land was conveyed to the condominium and the legal description includes this proposed site of the new development. The City ordinance plainly requires any type of application coming before the Planning Commission be submitted by the designated property agent or the property owner. He believes there is no showing that the Tierra de Zia condominium has authorized these individuals to submit the application. He thinks the owners of the condominium own the land and should be developing this property receiving the profit. He said what they have not heard is that when this purported right to develop the triangle was reserved there was no information provided that told the homeowners this was unenforceable without a zoning change. He does not know if the developers knew this would be necessary. He pointed out that at some point staff caught the fact that there was an ordinance which specifically approved this original development and limited the number to 136 units. He believes the 1975 ordinance was completely overlooked.

Chair Werner clarified that the matter before them is approval or disapproval of the development plan. He said the items he is raising are not before the Commission.

Mr. Sternal asked why they have jurisdiction to hear this application as there is no proof that these people asking for approval are owners of this property. He said the alleged agreement was dated sometime in March and the developer is not the three individuals who are before them tonight. He said when they get to the appeal proceeding it is based on the record made and it is not a trial de novo as they will not get to call witnesses at that point.

Chair Werner said he does get a trial de novo before the City Council if he does not like the decision made here tonight. He said some of the discussion is not relevant to the matter that is before them at this hearing.

Mr. Sternal said he tried to get possession of what the procedures were and was unable to do that. He asked to call Jay Mars as an adverse witness.

Chair Werner asked Ms. Lovely how they should proceed.

Ms. Lovely said they should proceed by letting Mr. Sternal bring forth his witnesses.

**Jay Mars, President of the HOA Board, was sworn.**

Mr. Sternal asked Mr. Mars how long he has been president of the Board.

Mr. Mars replied one year and he has been on the Board for 1 ½ years.

Mr. Sternal asked when Mr. Mars became aware that the condominium was subject to the 1975 ordinance which limited the number of units to 136.

Ms. Vasquez objected to the relevance of this since they are allowing quasi judicial proceedings. She said this is a development plan, not a zoning issue.

Mr. Mars said he first became aware of the 1975 ordinance at the last Planning Commission meeting on December 7, 2006.

Mr. Sternal clarified that Mr. Mars was in attendance at the meeting that took place in April of 2005. Mr. Mars said that was correct.

Mr. Sternal asked if it was discussed that the development could not take place without a zoning change.

Mr. Mars does not recall this being a specific issue at the ENN meeting.

Mr. Sternal referred to the parking spaces and asked how many outdoor parking spots are being created for use by the entire condominium owners and their guests.

Mr. Mars said there are 14 spaces inside the garages, 14 spaces in front of the garages and 20 spaces in three different places for a total of 40 spaces.

Mr. Sternal pointed out that there is no requirement that people will have to park inside their garages. He asked if Mr. Mars has ever seen a garage that was not being used to store a car.

Mr. Mars replied sure.

Chair Werner asked Mr. Sternal to keep the facetiousness out.

Mr. Sternal said counting spaces as garages without requiring they be used for car garages is not accurate. He asked if anyone could park in front of the units.

Mr. Mars said he would think so and it would be just like parking in front of an existing space right now. He said the parking is regulated.

Mr. Sternal asked with respect to the aprons if Mr. Mars is aware whether a non-unit occupier has the right to park.



Mr. Mars replied that he does not know anything about the rights.

Commissioner Gonzales objected to this proceeding the way it is moving forward. He noted that they have already considered the density changes. He thinks this land use case needs to be ruled on merit. He said they are going over a line of questioning that they have already heard and he does not think it is making any progress.

Commissioner Trujillo commented that they have approved the variance already. He does not want to circumvent anyone their due process. He said this line of questioning is not the issue. The issue is if there is enough parking or not. He wanted to listen respectfully to the testimony, but he does feel it is unnecessary to act as if this is a court.

Chair Werner clarified that Mr. Sternal can give his side of the case and it will have as much weight and influence. He said they don't require direct testimony and lawyers typically testify to the fact of the matter.

*Commissioner Hughes arrived at this time.*

Chair Werner reviewed that this body approved the rezoning 6-0 already and the City Council approved that decision with conditions. Before them this evening is the development plan, so he urges the opposition to state why it does not conform.

Mr. Sternal heard the representation that this complies with parking requirements, but he said it does not comply with parking requirements for a new development as opposed to the entire project. He said he has not heard whether the 15,000 square feet of open space is in fact part of this development or if it is for the entire project. He believes the 40% should be set aside exclusive of the building footprint and exclusive of parking.

Mr. Mars commented that the 1.409 acres is considered phase II of an existing development. He said they actually have 162 assigned spaces as part of the existing development and 137 units which equates to 1 space per bedroom. In addition there are 50 additional spaces for visitors which work out to 1.55 spaces. If they add the 40 spaces for the 10 units and 28 bedrooms then it adds up to 1.71 spaces per unit. He said no matter how they look at it they are ending up with more parking than they have currently.

Mr. Sternal said his point is that those that live closest to the developed area have one space assigned to them and if they want any other visitor parking they have to go across the entire complex essentially. He said there has never been enough parking on the side where he lives. There are at least four cars always in the overflow parking area that he made. He said the Commission has not been told what the modification should be due to the fact that there is no on-street parking. He said it was represented that the homeowner's association agreed to the three bedroom units, but what happened was that a number of the members asked if they could limit the new development to 1 and 2 bedrooms so the Homeowner's Association got an opinion from a local attorney that they could not interfere in the reserved development rights. He said the homeowners never asked for three bedrooms. He said it was represented that the homeowners were in agreement which is a misrepresentation.

Mr. Mars interrupted saying that is not exactly the way it came down either. He said Mr. Sternal is speaking for himself. He said when the homeowners asked the question they did follow it up by requesting counsel, but they were not responding to an overwhelming opposition it was only Mr. Sternal standing up asking if they could ask the question.

Chair Werner clarified that they have in their packets an agreement signed by the association agreeing to eight 3-bedroom units.

Mr. Sternal said the agreement is to the design of the thing. He said the declaration says the homeowners must consent to the requested development if it comports to the design of the existing units. The homeowners had no idea that this was contingent on rezoning. He said it would be different if the facts had been known. He said they are not bound by the fact that they previously accepted jurisdiction when they should not have. He said the Planning Commission has been lulled into believing there is adequate parking for the project when there is not. He said there has been no showing that this will be better for the development; he believes it will only be better for the developers. He said there is no reason to approve this as a three bedroom community when it will be a huge change to what they have now. He said they are overlooking the provided language in title 14 which talks about the requirement going with the more restrictive density. He said they are better off with fewer not more.

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

**Questions and comments from the Commission**

Mr. Smith clarified that the staff analysis does conclude that each of the two phases and both phases together comply with minimum parking requirements under Chapter 14. It also complies with lot coverage requirements and open space requirements.

Commissioner Gonzales understands the frustration. He supports this development and the three bedrooms. He noted that staff testified it does meet the parking requirements. He said the project satisfies infill, affordable housing and meets the land use code. He expressed concern with the cost of doing business in this city.

Commissioner Lindell asked why the letters were not in the packet as she feels it is nearly impossible to read these letters once they sit down.

Ms. Mortimer said they are repeated as Mr. Sternal wanted to make sure they made it into the packet.

Commissioner Lindell asked Mr. Mars about the one visitor parking spot. She wanted to know if there are more than one visitor parking spot.

Mr. Mars said there are. He said Mr. Sternal is one unit in a block of buildings and there are additional parking spaces to the north and south, but none directly across from his unit. He clarified that it is not on the other side of the complex and he pointed out where they are on the map of the complex.

Commissioner Lindell thinks this is a good project and said she is going to support it although she thinks there are some valid points raised. She said the hindsight procedure is not particularly pleasing. She believes the parking spaces have been well

demonstrated and spoken to, but there are some other procedural parts that she is not sure about such as the jurisdiction. She asked if these developers are the owners of the property.

Mr. Smith said it is not required that the City verify the ownership with a title report. He said the agreement included in the packet is authorization for the current applicants to present the application to the City.

Mr. Sternal objected to this and said he has never heard Mr. Mars say that and he has never read anything written saying that. He thinks that is a misrepresentation for Mr. Smith to say the Homeowners Association authorized the right to go forward with this application.

Mr. Mars said the agreement did not say that specifically and that was not the intent. He said what they signed and agreed to was the design. He added that they worked hard on seeing the design fulfilled within the 32 criteria that they wanted to look at initially. He said that is what was signed off on by this Board and the previous Board.

Chair Werner clarified that Mr. Smith stated that the City takes what the agents represent as to who the applicant is. He said that is a customary way of doing this. He said Mr. Sternal probably has a district court case of first impression if he wants to pursue this.

Ms. Lovely pointed out Ms. Vasquez would like to respond.

Ms. Vasquez said she has the condominium covenant statements and with regards to the jurisdiction she read section 9.2 that states they are entitled reserved development rights to add units. In addition to any and all rights reserved by declarant; Mr. McCarthy and Mr. Bobby Lee Trujillo; declarant hereby expressly reserves the right for 7 years from the date this declaration is recorded (October 15, 2001) to create up to 32 additional units in that area marked reserved for future development which was a plat that was submitted as part of the disclosure statement. This is in the packet. The declarant need not obtain the consent of any owner or mortgagee to exercise any development rights in this article 9. Before anyone other than declarant can exercise any development right, the Board must review any proposed action that affects the exterior of any building that would be visible from any other unit or limited common or of common element. If the proposal complies with the requirement of this declaration, the Board must approve it. She said this is in the declaration, the covenant and throughout the packets handed out to the property owners at the time of purchase.

Mr. Sternal said the declaration does not say that the declarant retained ownership of the triangle area instead it was conveyed to the entire condominium and thereby the developer escaped the responsibility of paying property taxes on it for the last 5-6 years. This failed to reserve their right after they were no longer the owners by saying that they were going to reserve the right and retain ownership at the same time. They conveyed their ownership interest totally and that conflicts with the ordinances declaring it is only a property owner for the authorized agent that gets to come before the Planning Commission.

Commissioner Lujan asked why Mr. Sternal is opposed to 3 bedroom units.

Mr. Sternal said the biggest unit currently is a two bedroom unit, so they have small family units. He said they have a place where there are not lots of children. He said there are places where you are not allowed to have children. He said they have to put up with the noise that children make and some people do not want to hear that noise. He said there had to be a reason they limited the units to 136 and now that has been overturned. He said the people that wanted the three bedroom units are the developers. He said this will change what they have now forever.

Commissioner Lujan was appalled with the answer.

Mr. Sternal said his other reason is that 60% of the units are being rented. He said they have the propensity to have three bedroom units that could be rented by non-related people resulting in three different young people living in one unit with all the things that go on. He said they have had some bad experiences with the two bedroom units.

Commissioner Trujillo asked Mr. Trujillo how many units are available for sale.

**Bobby Lee Trujillo, was sworn.** He said they sold out several years ago.

Commissioner Trujillo asked if they have assigned parking spaces.

Mr. Trujillo said there are some assigned spaces and some open spaces. He clarified his earlier statement and said there are some of the original units for resale, but the original units that the developers held were sold several years ago.

Commissioner Trujillo complimented the property manager here for taking care of issues quickly. He noted that several of his friends that live here have said that if they could get have gotten three bedrooms they would have. He said some of those friends want to have elderly parents not kids living with them. He said they have to offer affordable housing to give opportunities for young people. He is appalled that this has come back, but he will support it as it is a good project.

**Commissioner Trujillo moved to recommend approval of case M-2006-38 to City Council with staff conditions, Commissioner Gonzales seconded the motion.**

Commissioner Lujan asked if this will come back to the Planning Commission.

Mr. Smith outlined the process stating that the Council will schedule a public hearing and if the development plan is approved the applicants will prepare the final improvement drawings for recording and permits assuming there are no appeals.

Commissioner Gonzales asked Mr. Sternal what he does with his condominium when he is not here.

Mr. Sternal said he does not rent it so he leaves it for when can come down or let friends use it. He keeps an automobile here, so this takes up one of the two spaces he has. If he drives down that is the second spot and if he has anyone else with him he has to find visitor parking.

Commissioner Gonzales asked if anyone relating to his business stays there or if it is being used as a business.

Mr. Sternal replied no.

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

- 2. Case #M 2006-50. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D Final Development Plan. Cliff Walbridge, agent for B.T. Homes, requests final development plan for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager) (POSTPONED FROM FEBRUARY 1, 2007)**

***Items 2 and 3 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.***

Memorandum from Richard Macpherson, Senior Planner, prepared February 19, 2007 for the March 1, 2007 Planning Commission meeting is herewith incorporated to these minutes as Exhibit "2."

Vicinity map for Pinon Ridge is herewith incorporated to these minutes as Exhibit "2(A)."

ENN Notification information and summary of comments and concerns is herewith incorporated to these minutes as Exhibit "2(B)."

Richard Macpherson presented the staff report included in Exhibit "2."

Staff recommends approval with the following conditions of approval:

1. Comply with Engineering Division (Exhibit F)
2. Comply with Wastewater Division (Exhibit G)
3. Comply with Fire Department (Exhibit H)
4. Comply with Subdivision Engineer (Exhibit I)
5. Comply with Water Division (Exhibit J)
6. Comply with Escarpment (Exhibit K)
7. Comply with Open Space and Trails (Exhibit L)
8. Comply with Solid Waste Division (Exhibit M)

### **Public Hearing**

**Cliff Walbridge, 1421 Luisa Street, was sworn.** He said there are a couple things different from the preliminary approved. He explained that they dropped five lots, the 39 market units and 6 affordable units are now 34 market units and 6 affordable. The 30% disturbance over 1000 square feet caused them to ask for a variance in six locations at the preliminary hearing and now they only have 3 locations. He said they also added an additional 13 open space acres to the project. The project above it was called Pinon Bluffs and so between the two properties they have carried all the open space they need. They had another ENN where basically people were happy with the plan. Public Works wanted street lights on the intersections that came into Camino Francisca which is what they did, but in the other areas of the project there are no street lights. The neighbors wanted to have the construction traffic use north Ridgetop Road and around Rincon, so they have that on notes in the plan. He stated agreement with all the conditions.

**Bruce Guise, 2011 Botolph Road, qualifying broker for Phase One Realty, managing agent for Santa Fe Estates, Inc., was sworn. He said this will be the third transaction with BT Homes. He said they strive for certain criteria when they do business with the developers and BT Homes is particularly good to work with. He said they started with a density allowance of 45 market units and 6 affordable units. They studied the land and topography to maximize meeting the criteria that satisfies all the codes of Chapter 14 to make this another good neighborhood in Las Estrellas. Mr. Gibbs decided to drop the number of market rate units to 34, but held to the affordable units of 6. He said they are shooting for something elegant and diverse. He commented that after Mr. Gibbs closes and all the conditions have been met he continues to step up to the plate as the master developers come up with things such as better landscaping or changes to infrastructure. He stated support of the plan.**

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

**Questions and comments from the Commission**

Commissioner Hughes asked how many feet from Veteran's Highway this is.

Mr. Smith clarified that there is a 100 foot open space corridor called for in the Santa Fe Estates master plan between the right of way and tracts of land subject to the development. The practice on previous subdivisions is to recognize the 100 foot corridor rather than giving precedence over the Metropolitan Highway Resolution which is advisory.

Commissioner Hughes asked if it is more like 250 feet.

Chair Werner explained that this section of Santa Fe Estates was negotiated in a settlement by which the Santa Fe Estates gave up a sizable percentage of their land so that Highway 599 could be built through their land. He said part of that the master plan created the 100 foot setback which has been taken as the buffer.

Commissioner Hughes clarified that this was grandfathered in.

Chair Werner replied yes to some extent.

Commissioner Hughes said it appears that this will be built on two cul-de-sacs.

Mr. Walbridge replied yes stating that there are two cul-de-sacs and one loop road.

Commissioner Hughes asked if they considered tying the two cul-de-sacs together into one loop road.

Mr. Walbridge said the area to the north has a loop road. He explained that there is open space between lot 30 and lot 22 that is quite high and they looked at trying to connect one cul-de-sac to it, but there was too much cut in the slope.

Commissioner Hughes asked if the General Plan has a policy on cul-de-sacs.

Mr. Smith said according to the General Plan, there should be through roads every 1000 feet. He said the Commission should take that as an advisory policy and encourage the

construction of through roads at those intervals and staff will often recommend those at a tighter space depending on the topography and the overall circulation patterns.

Commissioner Hughes commented that research has shown that cul-de-sacs are more dangerous to kids.

Commissioner Lujan asked how they addressed the 30% slope disturbances.

Mr. Walbridge said there are two areas which have drainage and roadway and the third area is drainage and some driveways in front of a couple of houses. He pointed this out on a map.

Commissioner Gonzales apologized to the applicant for being so hard on him at the last hearing because he could not have been more wrong in stating that he would not support any variances on this case. He said on further review of the materials, he supports the project and feels they did a good job.

**Commissioner Trujillo moved to approve case S-2006-31 with the variance including the findings required and staff recommendations, Commissioner Gonzales seconded the motion which passed by unanimous voice vote.**

- 3. Case #S 2006-31. Piñon Ridge, Santa Fe Estates, Las Estrellas Tract 5D, Final Subdivision Plat. Cliff Walbridge, agent for B.T. Homes, requests final subdivision plat for 40 residential lots on +/- 33.29 acres. The site is Tract 5D Las Estrellas in Santa Fe Estates. A request for variance is included for disturbance of 30% slopes of more than 1,000 sq ft. (Richard Macpherson, case manager) (POSTPONED FROM FEBRUARY 1, 2007)**

***Items 2 and 3 were combined for purposes of staff report, public hearing and Commission comment and action, but were voted on separately.***

**Commissioner Trujillo moved to approve case M-2006-50 with the variance including the findings required and staff recommendations, Commissioner Gonzales seconded the motion which passed by unanimous voice vote.**

Mr. Smith clarified that the action to approve the variance includes the findings required by Chapter 14 for variances to the terrain management standards as expressed in the staff report. He added that the Water Division memo has not been received yet and that would need to be complied with prior to recording the final plat.

- 4. An ordinance amending Section 14-8.15 SFCC 1987 requiring the dedication of land or easements for the purpose of public, non-motorized trails. (Anne McLaughlin, case manager)**

Memorandum from Anne McLaughlin, Open Space and Trails Coordinator, prepared February 6, 2007 for the March 1, 2007 Planning Commission meeting is herewith incorporated to these minutes as Exhibit "3."

Anne McLaughlin presented the staff report included in Exhibit "3."

**Commissioner Trujillo moved to recommend approval of this ordinance by the City Council, Commissioner Hughes seconded the motion which passed by unanimous voice vote. [Commissioner Lujan was not present for this vote].**

- 6. An ordinance amending Table 14-6.1-1 SFCC 1987 and repealing section 14-6.2(D) (2) SFCC 1987 to prohibit individual storage areas in C-2 commercial zoning districts and to allow mini-storage in I-2 districts. (Jeanne Price, case manager)**

Memorandum from Jeanne Price, Legislative Liaison, prepared February 9, 2007 for the March 1, 2007 Planning Commission meeting is herewith incorporated to these minutes as Exhibit "4."

Ms. Price presented the staff report included in Exhibit "4."

Chair Werner understood Councilor Dominguez is most likely addressing a constituent concern of one kind. He suspects there are C-2 places where this might be appropriate. He clarified that under the current law you have to get a special exception from the Board of Adjustment. He questioned making it an absolute when it already does take a public hearing to get permission for this.

Commissioner Gonzales asked why Councilor Dominguez wants to do this.

Ms. Price explained that Councilor Dominguez thought it was more appropriate in I-2 rather than C-2.

Commissioner Trujillo feels there are a lot of questions unanswered as there is already something in place to take care of this. He requested this come back when Councilor Dominguez is available so they can make an intelligent decision based on his good reasons.

**Commissioner Hughes moved to postpone this to the March 15<sup>th</sup> meeting, Commissioner Trujillo seconded the motion which passed by unanimous voice vote.**

- 5. An ordinance amending Section 14-3.4 SFCC 1987 regarding petition method annexation and sector plans and amending the definition of sector plan in Article 14-2 SFCC 1987. (Jeanne Price, case manager)**

Memorandum from Frank Katz, City Attorney, prepared February 16, 2007 for the March 1, 2007 Planning Commission meeting is herewith incorporated to these minutes as Exhibit "5."

Ms. Lovely presented the staff report included in Exhibit "5."

Ms. Lovely said this was brought forward by Frank Katz. She said basically this is amending section 14-3.4 regarding petition method annexation and sector plans. There are three methods of annexation; arbitration, Municipal Boundary Commission and petition method which are all pretty well explained and provided for in State law and in the code. This says that only petition method annexations come before the Planning Commission. The reason is that when they were sued by Las Soleras; Las Soleras



alleges that the City did not follow their own process and alleges that the City Council should have looked at annexation that went to the Municipal Boundary Commission. She said the City Attorney's position is that the Boundary Commission has a hearing and looks at the criteria for annexing based on what they look at and that would not need to go before the Planning Commission and Council. This clears up the code so it is understood that the petition method of annexations are the annexations that will come before the Planning Commission.

Commissioner Hughes said this makes sense. He said it is true that there is no requirement that it go through a procedure as the law is very sparse. He noted the Boundary Commission only requires a resolution from the Governing Body. He supports this.

Commissioner Trujillo clarified that they have to petition the Planning Commission.

Chair Werner explained that private parties have to come to the Planning Commission to have their land annexed. This stays the same, but in cases where the City is going to ask the Municipal Boundary Commission for approval the City does not have to come before the Planning Commission to get a recommendation as they can make their own motion.

**Commissioner Trujillo moved to recommend approval of this amendment to the ordinance, Commissioner Lindell seconded the motion which passed by unanimous voice vote.**

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

**H. STAFF COMMUNICATIONS**

**Mr. Smith said the next meeting will be March 15<sup>th</sup>.**

Mr. Smith reported that Gary Park has resigned.

Mr. Smith said they have narrowed the applicants for the Planning Division Director, but it does not appear that any decision will be made until after the City Manager is appointed. He said he will remind the Mayor's office that they need one more commissioner appointed.

**I. MATTERS FROM THE COMMISSION**

Commissioner Lindell said she will be absent on May 5<sup>th</sup>.

Commissioner Trujillo gave a summary on the Summary Committee. He thanked Mr. Smith for attending the last couple of meetings. He said one applicant withdrew their application because the Committee would not allow her to build in the easement. He noted that today Councilor Chavez came before them and was treated like any other applicant; he was required to widen his road a little. He said they are sending the message that this is not a done deal anymore and it must follow the code. He added that they are not hearing any late submittals.

## **J. ADJOURNMENT**

**There being no further matters to come before the Commission, and the Commission having completed its agenda, Commissioner Lujan moved, seconded by Commissioner Heltman to adjourn the meeting. The motion passed unanimously on a voice vote and the meeting was adjourned at 7:55 p.m.**

**Approved by:**

*Robert J. Werner 4-17-2007*  
**Chair Robert Werner**

**Submitted by:**

  
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**Denise Cox, Stenographer**