

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. S10-5362

**ST. FRANCIS SOUTH PRELIMINARY PLAT AND DEVELOPMENT PLAN
VEGAS VERDES, LLC., APPLICANTS**

JENKINSGAVIN DESIGN AND DEVELOPMENT INC., (JENNIFER JENKINS), AGENT

ORDER

THIS MATTER came before the Board of County Commissioners for the County of Santa Fe (Board) for hearing on June 10, 2014, on the Application of Vegas Verdes, LLC., (Applicant) and JenkinsGavin Design and Development Inc., (Jennifer Jenkins, Agent) for Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. The Board, having reviewed the Application, supplemental materials staff reports, and having conducted a public hearing, finds that the Application is well taken and should be granted subject to certain conditions, and makes the following findings of fact and conclusions of law:

1. On June 10, 2014, the BCC held a public hearing on the Applicants Application for Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South Mixed-use subdivision, which consists of 5 lots on 68.94 acres.

2. The subject property received Master Plan Zoning for a mixed-use subdivision consisting of 22 lots on 68.94 acres to be developed in four phases on December 14, 2010.

3. On January 14, 2014, the BCC approved a request for Master Plan authorization to proceed with the creation of up to 22 mixed-use lots on 68.94 acres.

4. The project is located on Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East.

5. The owner of the property acquired the property by warranty deed recorded as Instrument No. 1653390 in the Santa Fe County Clerk's records dated December 7, 2011. JenkinsGavin Design and Development Inc., is authorized by the Applicant to pursue the request for Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres in conformance with the Santa Fe County Land Development Code, Ordinance No. 1996-10 (Code).

6. On September 16, 2010, the County Development Review Committee (CDRC) recommended approval of a request for Master Plan Zoning for a mixed-use subdivision (commercial, residential and community service) consisting of 22 lots and 760,000 square feet on 68.94 acres.

7. On December 14, 2010, the Board approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots and 760,000 square feet on 68.94 acres.

8. On January 14, 2014, the BCC approved a request for Master Plan authorization to proceed with the creation of up to 22 mixed-use lots on 68.94 acres.

9. On April 17, 2014, the CDRC recommended Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consisted of 5 lots on 68.94 acres.

10. Notice requirements were met as per Article II, Section 2.4.2, of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one (21) days on the property, beginning on October 20, 2015. Additionally, notice of

hearing was published in the legal notice section of the Santa Fe New Mexican on October 20, 2015, as evidenced by a copy of that legal notice contained in the record.

11. The applicable requirements under the Santa Fe County Land Development Code, Santa Fe County Ordinance No. 1996-10, (Code) which govern this Application are:

a. Article V, Section 5.3.1.c Preliminary Plat Procedure, Conformance with Master Plan and Preliminary Development Plan, of the Code states, [a] preliminary plat may be submitted for only a phase or portion of the entire project so long as it conforms to the approved master plan submitted pursuant to Sections 5.2 and 7 of this Section, respectively.

b. Article V, Section 5.3.5.a, Preliminary Plat Approval, states, [a]pproval or conditional approval of a preliminary plat shall constitute approval of the proposed subdivision design and layout submitted on the preliminary plat, and shall be used as a guide to the preparation of the final plat.

c. Article V, Section 5.4.1.a, Final Plat Procedure, states, [f]inal plats shall be submitted for Type-I, Type II, Type III, except Type III subdivisions that are subject to review under summary review procedure as set forth in Subsection 5.5 of this Section, and Type IV subdivisions. Following approval or conditional approval of a preliminary plat, and before the expiration of the plat, the subdivider may prepare a final plat in substantial conformity with the approved or conditionally approved preliminary plat. At the discretion of the Code Administrator, preliminary and final plats may be reviewed for approval simultaneously. Final Plats for subdivisions proposed to be phased shall be submitted as indicated on the phasing schedule submitted with the master plan as specified in Section 5.2 above. The final plat shall comply with the New Mexico Subdivision Act and these regulations

12. At the public hearing before the Board on June 10, 2014, staff recommended approval of the application because the Application is in conformance with the previously approved Master Plan and the applicable sections of the Code.

13. In support of the Application, the Applicant's Agent stated the Applicant is in agreement with all staff's recommended conditions but asked to modify a condition number 3.

14. At the public hearing, Glen Smerage and Kathy Brown spoke against the Application.

WHEREFORE, the Board of County Commissioners for the County of Santa Fe hereby approves the Application for Preliminary Plat and Final Plat approval for Phase 1 of the St. Francis

South mixed-use subdivision which consists of 5 lots on 68.94 acres with the following conditions:

1. The Applicant shall comply with all review agency comments and conditions.
2. The Applicant must apply for an access permit from NMDOT prior to construction.
3. Any residential development must comply with the density requirement of the Code.
4. Compliance with conditions of the Original Master Plan.
5. A Residential component shall be required at Phase 2 of the development.
6. Complete design of Community Sewer System will be required at the time of Final Plat approval for Phase 1.
7. A discharge permit from NMED will be required when discharge exceeds 2,000 gallons per day.
8. A revised and updated TIA reflecting current road conditions shall be submitted with the Preliminary Plat/Development Plat for Phase 2 and shall include timing of improvements and complete road design for full build-out of the development.
9. The road design for the right turn deceleration lane on Rabbit Road must be submitted with the Final Plat/Development Plan for Phase 1.
10. The Applicant shall submit a water delivery agreement from Santa Fe County that specifies construction standards, for example, line taps and meter cans, and inspection and dedication requirements for Phase 1 prior to final plat and development plan submittal.

The motion to approve passed by unanimous (4-0) voice vote. Commissioner Chavez was not present for this action.

IT IS SO ORDERED:

This Order was approved by the Board of County Commissioners for the County of Santa Fe on this _____ day of _____, 2017.

THE SANTA FE BOARD OF COUNTY COMMISSIONERS

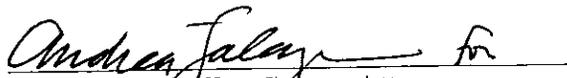
Chairperson

Print Name

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:
505-995-2740 www.santafecountynm.gov

COMMISSIONER STEFANICS: Mr. Chair, before we go on, I'm asking the staff to see if they can turn the air conditioning please.

CHAIR MAYFIELD: I'll second that.

COMMISSIONER STEFANICS: We sent some emails and it hasn't happened yet.

- VII. B. 5. **CDRC CASE # S 10-5362 Saint Francis South Preliminary Plat and Development Plan. Vegas Verdes, LLC. Applicant, JenkinsGavin Design and Development Inc., (Jennifer Jenkins), Agent, Request Preliminary Plat and Development Plan Approval for Phase 1, of the St. Francis South Mixed-Use Subdivision Which Consists of 5 Lots on 68.94 Acres. The Property is Located on the Northwest Corner of Rabbit Road and St. Francis Drive, within Section 11, Township 16 North, Range 9 East, Commission District 4, Vicente Archuleta, Case Manager [Exhibit 2: Applicant supplied schematic, master plan map, permitted use list, roundabout, phasing map]**

MS. LUCERO: Thank you, Mr. Chair. I'll be presenting for Mr. Archuleta this evening.

On April 17, 2014, The County Development Review Committee recommended denial of the Applicant's request for Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South Mixed-use subdivision consisting of 5 lots on 68.94 acres. CDRC Member Katz stated he was uncomfortable with the lack of information regarding this phase of development and his concern was inconsistent development.

The Applicant's original request included a Master Plan Amendment to establish the maximum allowable residential density of 650 dwelling units and 760,000 square feet of non-residential development on 68.94 acres and a variance request. In order to obtain the density requested, a variance of Article III, Section 10 of the Land Development Code would be required.

The Applicant has modified their original request and is now requesting only Preliminary Plat and Development Plan approval for Phase 1 of the St. Francis South mixed-use subdivision which consists of 5 lots on 68.94 acres. Four of the lots which will be created and developed and the remaining tract which will be subdivided and developed in a future phase or phases. Phase 1 as shown on the Master Plan has been relocated from the east side of the property to the west side of the property.

On December 14, 2010, the Board of County Commissioners approved Master Plan Zoning for a mixed-use subdivision consisting of 22 lots on 68.94 acres to be developed in four phases. On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 68.94 acres. This allows for the Land Use Administrator to have the authority to administratively approve a specific lot layout for the subdivision once the CDRC and BCC have approved the Preliminary and Final Plat.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is in compliance with County criteria for the proposed Preliminary Plat and Development Plan under the current Land Development Code.

Recommendation: The CDRC recommended denial of the Applicant's request for Preliminary Plat and Development Plan approval for Phase 1, of the St. Francis South Mixed-use subdivision consisting of 5 lots on 68.94 acres. The Application for Preliminary Plat and Development Plan approval is in conformance with the previously approved Master Plan and Master Plat Authorization and Article V, Section 5.3 (Preliminary Plat Procedures) of the Land Development Code. Therefore, staff recommends approval of the request for Preliminary Plat and Development Plan for Phase 1 to create 5 mixed-use lots on 68.94 acres in accordance with the previously approved Master Plan subject to the following conditions:

1. The Applicant shall comply with all review agency comments and conditions.
2. The Applicant must apply for an access permit from NMDOT prior to construction.
3. Maximum density shall not exceed 1 dwelling unit per 2.5 acres. [This condition was modified at motion]
4. Compliance with conditions of the Original Master Plan.
5. A Residential component shall be required at Phase 2 of the development.
6. Complete design of Community Sewer System will be required at the time of Final Plat approval for Phase 1.
7. A discharge permit from NMED will be required when discharge exceeds 2,000 gallons per day.
8. A revised and updated TIA reflecting current road conditions shall be submitted with the Preliminary Plat/Development Plat for Phase 2 and shall include timing of improvements and complete road design for full build-out of the development.
9. The road design for the right turn deceleration lane on Rabbit Road must be submitted with the Final Plat/Development Plan for Phase 1.

Mr. Chair, Staff would also like to add one additional condition, which would be number 10.

10. The applicant shall submit a water delivery agreement from Santa Fe County that specifies construction standards, for example, line taps and meter cans, and inspection and dedication requirements for Phase 1 prior to final plat and development plan submittal.

Thank you, Mr. Chair, I stand for questions.

JENNIFER JENKINS: Good evening, Chair Mayfield, Commissioners. I am Jennifer Jenkins with JenkinsGavin Design Development here this evening on behalf of Vegas Verdes LLC in request for preliminary subdivision plat and development plan approval for the first phase of the St. Francis Business Park. I'm going to make a few introductions and we just have a brief introduction and then we'll be happy to stand for questions.

REC'D CLERK RECORDED 57/33/2014

[Those wishing to speak on this case were collectively administered the oath]

MS. JENKINS: Thank you. We have Colleen Gavin also with JenkinsGavin. And we have Ernie Romero of Vegas Verdes LLC, Mike Gomez with Santa Fe Engineering Consultants who is the civil engineering consultant on the project and of course, I think you know, Karl Sommer. And I think Colleen has passed it out.

What we have on the screen right now is just a vicinity map that shows the location of the project. You have seen this project a few times. You approved the master plan for the project back in 2010 and then we were here in January for a master plat authorization. And so tonight is really our first step in realizing this project which is our first phased preliminary plat.

So as you can see the subject property is bordered by I-25 to the north, St. Francis Drive to the east and Rabbit Road to the south. Next slide. So this is an excerpt from the Sustainable Growth Management Plan where this very specific property was designed commercial for the purposes of that plan and it was on this basis and in accordance with this that our master plan was approved in 2010.

So this is the master plan. So our first phase I will show you is there in the southwest corner and the subdivision that we have submitted is wholly consistent with the approved master plan from 2010 and we are very excited – it's been a long road getting here so we are really excited to get the shovel in the ground and this is obviously our first step in realizing that. Next. This is the MPO's transportation plan which shows some of the transportation improvements and also gives some context with respect to the subject property in relationship to the urban area. And so if we go to the next slide you can see kind of zooming in, you see Rabbit Road there at the top of the page and the subject property right there above that and you can see I-25 and of course as you're coming down we have the southeast connector which is proposed to serve the Community College District off of Rabbit Road itself.

So this property offers so many benefits due to its location and access and access to transportation is really a key component of this. When we were before this body in 2010 we really saw this property as an economic development hub for Santa Fe County. Very similar to what we've seen occur in the Turquoise Trail area. That has become a really dynamic area and a nice economic driver for Santa Fe County. This is another similar opportunity and there was – everybody recognized that 2.5 acres lots adjacent to I-25 was not really appropriate. So that is why the large scale mixed-use designation was granted at that time. So this is the subdivision plat and outlined in blue there is our first phase. The property is served by an access road that will loop around and access Rabbit Road at two locations. We're starting on the west and we are really excited that we do have our first user, our first facility onboard. And it is – we're going to talk a little bit more about that in a moment.

So we have four lots created there. So we will build kind of the first extension of the roadway. We will terminate that into a temporary cul-de-sac and emergency turnaround and as we move east we will continue the roadway all the back down to Rabbit Road.

So this is the phasing plan as it stands right now. Again, we're showing Phase 1 and kind of moving in a clockwise direction around the property. The phasing is conceptual and obviously it is subject to change as we have new facilities and new users come onboard.

Our first facility is on I believe that is lot 5 in the southwestern most corner of the

2014 JUN 10 11:30 AM

property is a skilled nursing rehabilitation center. This is the type of medical facility where if you've been released from the hospital but you are not quite well enough to go home so you need a little bit of skilled nursing care as part of your recovery, this is the type of services that this type of facility offers. There are no facilities like this in northern New Mexico. If anyone needs this kind of care this kind of post-hospital care, they have to go to Albuquerque which is unfortunate not only because this is an important medical service and so families are forced to drive to Albuquerque to visit loved ones and it creates a strain. And, again, we're talking all of northern New Mexico is forced to do that. So this is going to be the first facility of its kind in our region. And it is an important service. It is 120 to 150 jobs. And it is a, as you can see architecturally it's a single story building and relatively low impact architecturally, very low traffic generator and it is an important service and this is economic development for Santa Fe County. This is the permitted use list on the next page. That's directly out of our approved master plan. We are approved as a mixed use project so we are primarily a commercial project but there will be a residential component. And so we have everything from institutional type uses, office, warehouse, research and development, medical – so there are a lot of opportunity to generate economic activity for Santa Fe County.

And just a couple of quick points on some of the infrastructure details. We are going to be served by the Santa Fe County Water System. We will be connecting – we'll be heading east down the frontage road, down Rabbit Road heading east to an existing infrastructure that serves the Campo Conejo Subdivision. Currently, we are proposing on-site wastewater treatment. You know we also are looking at pursuing a connection to the City sewer system but we know that on-site wastewater treatment is feasible and viable and if that's the way we need to go, that's the way we will go. But we will know when we come back for final plat approval if we've been able to negotiate something with the City so we can potentially have a municipal sewer connection. And, again, this is just kind of a zoom in of the property with the topography. It's very gentle and views are quite beautiful from the site.

And with that that completes our presentation. And I think, Karl did you – I think Karl has a couple of points and with that we will stand for questions, thank you.

KARL SOMMER: Mr. Chair, members of the Commission, I'll be very brief. There is a condition of approval that was imposed or discussed by Vicki, Vicki Lucero – excuse me. I see these people all day long, they see me – it deal with the density being one unit per 2.5 acres. There is a – whatever the law is with respect to density we must comply with. I think there's a disagreement with at least myself and staff regarding what the density allowable here is and it deals with the fact that water is coming from the City system here. Under the County code as it sits today, if you are importing water then the density requirements change. You have a lot of other requirements you still have to meet but the density requirements change.

I would ask that you look at that condition and just say as a matter of condition of approval that the applicant comply with whatever the applicable density requirements are. We don't need to get into a discussion about it tonight in terms of a condition because we are not proposing a residential component at this particular phase. When we come in we'll deal with that issue.

I could answer the question more specifically if you want, I don't think it changes the

2014 JUN 10 11:38 AM

substance of the application. I don't think a condition is necessary because if it is just imposing what staff believes the law is then it is unnecessary because if that's what the law is then it applies. If it isn't what the law is then they're imposing a condition that we shouldn't be accepting. That's the reason I am rising to address you all. I would answer any questions you might have.

CHAIR MAYFIELD: This is for staff, really quick. Ms. Lucero, I'm sorry if it is Ms. Jenkins or Ms. Gavin? Jenkins. I thought I heard her indicate it was going to be under the County utility and then I just heard Mr. Sommer say the City utility.

MR. SOMMER: I made a mistake. I apologize.

CHAIR MAYFIELD: Okay, we don't want to lose our County customers if we don't have to.

MS. LUCERO: Mr. Chair, it is the County.

CHAIR MAYFIELD: And then, Ms. Jenkins, really quick. I think personally it's great if you bring in some economic development to our town but as far as the skilled nursing facility is there any allocation for maybe gray water salvage off of this project? Are you guys planning that?

MS. JENKINS: Yes, absolutely. If on-site wastewater treatment is the direction we go we absolutely want to use our gray water for irrigation purposes.

CHAIR MAYFIELD: Great, so that will be in the design plan?

MS. JENKINS: Yes.

CHAIR MAYFIELD: Thank you very much. There will be a lot of laundry done probably.

MS. JENKINS: It's going to be very lush out there.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you. Ms. Jenkins, I have a few questions. It looks like in Phase 1 there are four lots under consideration for development; is that correct?

MS. JENKINS: Yes, that's correct.

COMMISSIONER HOLIAN: Lot 1, 2, 22 and 20. And do you have any idea what the other three lots might be used for? What kind of development?

MS. JENKINS: You know, not right now in terms of specific facilities that have issued a letter of intent. The developers are in constant negotiations with all different types of users and they've had a lot of inquiries. They've had inquires from institutional type users, schools. They've had inquires from single-tenant office buildings, like build to suit office buildings. But part of the problem is, until we have a plat it makes the marketing effort really challenging. It's kind of a cart-horse thing and so this is such a key component of getting this project off the ground. Frankly we were thrilled that the skilled nursing facility has kind of taken this ride with us as we go through the process with Santa Fe County. It's made it much easier for us and created some predictability for the developers. But without a preliminary plat approval that we can show to potential users, you know, getting somebody to sign on the dotted line, sort of speak, is challenging.

COMMISSIONER HOLIAN: How will you insure that the development of

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these four lots is consistent with the development in the rest of the – this particular parcel of land.

MS. JENKINS: Well, the first order of business of course is being consistent with the master plan. So nothing is going to get approved here that isn't in conformance with our master plan.

COMMISSIONER HOLIAN: The master plan, however, has the use list which is quite large.

MS. JENKINS: Exactly. Exactly, so when we submit our final plat application we will also submit – we're going to have a lot owners association here. So similar to a homeowners association. There will be design standards and requirements that – the baseline is County Code requirements whether it be landscape screening, height, architectural standards, all of that straight out of the County code and then augmenting that to insure architectural integrity. We don't want everything to be homogeneous but everything does need to work together in an aesthetic way. And so when we submit the final plat, we will be presenting those design standards for staff review.

COMMISSIONER HOLIAN: And as far as the traffic that is generated by the skilled nursing facility, have you done any estimates on that and worked that into your TIA?

MS. JENKINS: Absolutely. Yes, absolutely. We did a traffic impact analysis when the master plan went through the process and a condition of our master plan approval states that at each phase of development we have to update the traffic impact analysis because when we did it as part of the master plan there were a lot of assumptions. You know, we made assumptions on this many square foot of commercial, this much residential and so we have to update those assumptions as we learn more as users come onboard. So yes, we did update the traffic impact analysis as part of this effort we had very specific data which Mike Gomez can speak to on the traffic that is to be generated by the skilled nursing facility.

COMMISSIONER HOLIAN: I would be actually interested in hearing what that but I have one more questions first.

MS. JENKINS: Sure.

COMMISSIONER HOLIAN: And that is, with regard to if you do on-site wastewater treatment how do you know how big to size the system?

MS. JENKINS: Thank you, Chair Mayfield, Commissioners, that is an excellent question. They have systems that are modular in nature so they are easily expandable. So we can size the system appropriate for what's there now. So we would size it, for example, for the skilled nursing facility plus a little bit. And then, for example, an office use, they don't generate a lot of wastewater. They're very low wastewater generators. But then when we get into residential then that picks up quite a bit. Systems are designed so you can augment them as necessary as the project develops.

COMMISSIONER HOLIAN: Thank you, Ms. Gavin and I would be interested in hearing about the traffic impact analysis.

CHAIR MAYFIELD: Ms. Gavin, let me ask you a quick question. So going back to the chart that is on the screen, 3.2 and 3.1, you all have proposed to make some changes on the master plan?

MS. JENKINS: Propose to make some changes to the master plan?

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CHAIR MAYFIELD: Yeah, just as far as the lot consolidation because I'm looking at 3.1 for Phase 1 and it seems like you consolidated lots 1 and 3 and kind of reconfigured 2.

MS. JENKINS: No, oh on the master plan. I apologize, Commissioners. Yes, on the original master plan in that southwest corner that was originally going to be three lots but the skilled nursing facility needed a larger area so we created one larger tract for them.

CHAIR MAYFIELD: And that's I guess on page 6 that we're working off of now – let's see.

MS. JENKINS: Yes, that's page 6 and it shows that they have a little over 5 acres. So we were able to create a lot specifically for their needs there.

CHAIR MAYFIELD: Okay, thank you. Then, Mr. Sommer, if I can ask you a question. So you indicated, again, staff's interpretation of how the Commission will rule on that interpretation that these could even be consolidated a little smaller.

MR. SOMMER: No, what I was indicating, Chairman, is they have imposed a condition about residential uses that they be at 1 unit to 2.5 acres. I think that's their understanding of what the code is. It's not, I don't believe it's correct. But whatever the code is it should apply and since we're not proposing in this phase a residential component if the condition could be read/stated to say, to comply with the residential density requirements of the Code. That will leave us to flesh out the issue that we talked about. It doesn't change anything from a substantive standpoint. It leaves staff with their interpretation and leaves us with our interpretation but allows us to proceed forward to a final plat. I hope I answered that.

CHAIR MAYFIELD: It does. Thank you so much for that clarification for me. Thank you.

[Having been previously sworn, Mike Gomez testified as follows]

MIKE GOMEZ: Hello, Commissioners. My name is Mike Gomez. I'm a professional engineer and a professional traffic operations engineer. For this project we've done two TIAs. The first TIA was for the master plan. The second TIA was for this first phase and specifically for this use. And the data that we used to go ahead and project traffic comes from the Institute of Transportation Engineers. They don't have a land use that is actually exactly the same as what's being proposed so we analyzed it looking at a congregate care facility, assisted living facility, hospital, nursing home and clinic. We put those into our traffic models and the one that produced the most traffic for the square footage that we have here is the hospital land use. So that's the one that we used to go ahead and do the analysis.

For a hospital land use for this facility we are projecting two cars in the morning peak hour – excuse me, 30 cars in the morning peak hour entering the site and 18 cars in the morning exiting the site. In the afternoon peak hour existing the site we have 29 cars and 18 cars entering it. So we use this data to go ahead and analyze the intersections that are in the vicinity of the site. We took the existing traffic, we went out there and counted traffic, and we call that the background traffic and we increased it at 1 percent per year to the year they're going to be developed and then added in this additional traffic. And the big problem area is the intersection of Rabbit Road and St. Francis Drive where it's a stop facility at that point.

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At that location in the a.m. we have a level of service C for the eastbound left and all other movements are level of service A or B. In the p.m. all the movements were level of service A or B.

So we took a look at the improvements that are going to be needed for this facility. The first phase is going to require a right turn deceleration lane into the site. We took a look at incrementing that on a yearly basis to see when we would have to add more facilities and that was included in our TIA and also looking at the phasing, when the phasing may go ahead and trigger more improvements. But there are basically two options for improvements at our main driveway which is the one that we're talking about right here. One is to go ahead and use a roundabout and we have schematic design for a roundabout that fits within the right-of-way and could be made to work out there. Also a conventional T-intersection and the T-intersection if we went to full development on that one we would have right turn lanes, left turn lanes and a median to go ahead and control all of the traffic.

At our other entrance on the east side of the site because of the proximity to St. Francis Drive that's going to be a controlled intersection. We're only going to allow right ins and right outs. And with these improvements, according to all the numbers and this has been scrutinized both in the master plan for this first phase by the NM DOT staff. We meet all of their requirements and have good levels of service.

In fact, this project is very sustainable in terms of traffic. Cars aren't coming to site from Santa Fe in the morning - we're going to avoid the rush hour traffic that is entering the city northbound. Instead our traffic is going southbound where there is very little traffic. In the evening peak hour on St. Francis Drive people are exiting the city and going southbound on St. Francis Drive, whereas, our people are going to be in the opposite direction. So our people won't be caught up in those traffic jams that you see out there at Sawmill and Zia Road and other locations along St. Francis Drive. I hope that answers your question, Commissioner.

COMMISSIONER HOLIAN: Thank you.

COMMISSIONER STEFANICS: Mr. Chair.

CHAIR MAYFIELD: Commissioner Stefanics.

COMMISSIONER STEFANICS: I have a question or a comment. If DOT thinks it's a good idea to maybe do a roundabout, you might want to plan on a slip lane in advance because we are now addressing a problem down on Richards and we're having to put in one of those slip lanes on one of those roundabouts as an afterthought. And it cost more, you know, a couple hundred thousand dollars more, so. You might just keep that in mind especially if you're going to have traffic going into the nursing home or any of the other retail areas. Thank you.

MR. GOMEZ: Absolutely, thank you.

CHAIR MAYFIELD: Question for applicant. On page 8 what are you all going to propose with that, that far north corner?

MS. JENKINS: I'm sorry, could you repeat the question, Mr. Chair.

CHAIR MAYFIELD: On page 8.

MS. JENKINS: Yes.

CHAIR MAYFIELD: It's a schematic of the nursing facility and then you

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have a still open, I don't want to call it open space, but you have vacant land there on the north corner.

MS. JENKINS: Yes, on the site plan?

CHAIR MAYFIELD: Uh huh.

MS. JENKINS: Yes, this is the site plan. This property is at the southwest corner of the site.

CHAIR MAYFIELD: Oh, it's the southwest not the northern.

MS. JENKINS: Yeah, this is the southwest corner. This is right – as you come in that western entrance it's going to be the first facility on your left.

CHAIR MAYFIELD: But that's still Phase 1; correct?

MS. JENKINS: This is definitely Phase 1, absolutely.

CHAIR MAYFIELD: So is there any proposal for that vacant piece of land right there? That open area.

MS. JENKINS: Not as of yet. No.

CHAIR MAYFIELD: But you call could do build out on that still under Phase 1?

MS. JENKINS: Yes, Phase 1 we're creating four lots for development and this is one of the four, the skilled nursing facility, is one of the four.

CHAIR MAYFIELD: And that's lot 2 that I'm looking at? Again, I'm looking at page –

MS. JENKINS: Let me just make sure that I have my lot numbers. No actually it's lot 1, the skilled nursing facility is going to be one lot 1. The text is small on your plans, I apologize.

CHAIR MAYFIELD: Oh, I see that's lot 1.

MS. JENKINS: It's lot 1 and the largest lot of the phase.

CHAIR MAYFIELD: Okay, thank you. Commissioners, anything else? This is a public hearing. Is there anyone from the public wishing to comment on this.

[Previously sworn, Glen Smerage testified as follows]

GLEN SMERAGE: Glen Smerage, again, 187 East Chili Line Road, Rancho Viejo.

CHAIR MAYFIELD: You're still under sworn testimony, right?

MR. SMERAGE: Yeah, sure be. I want to try to repeat to you essentially what I said the CDRC back in April. I believe at the beginning of this year the developers came forward with a proposal for high density, 650 units roughly of residential development. And then somewhat mysteriously back in April we came back with the proposal that has been put forward to you this evening.

CHAIR MAYFIELD: Mr. Smerage, pull that mike a little closer to you, will you please.

MR. SMERAGE: You want me closer?

CHAIR MAYFIELD: Yes, that's great. I guess it's more for me than anybody else.

MR. SMERAGE: Okay. A skilled nursing facility is all that is being put forward now. And as in April tonight it strikes me that the developers are willing to play that

2014 JUN 10 PM 07:38:11

fish as I can fish and see what I come up with, piecemeal development. This is a mere 69 acres it is rare land currently. As a community do we want to have it developed piecemeal -- piecemeal and take our changes as to what we get in character, function, architecture and other considerations? I would like to say no as a member of the community as a member of the public.

Ms. Jenkins mentioned the industrial park on Route 14. That park may function nicely for what it is intended but it isn't much of a contribution aesthetically to our community. There are other developments around Santa Fe City and County that are pretty much mindless and doing any old thing we damn well please. Ms. Jenkins also referred to there being controls over what may fall through the crack and end up on these as proposals on some of these other lots. There are and can be within the development controls on what obtains and I don't believe that.

I've seen too much mindless piecemeal and low-life type of development, again, here in Santa Fe City and County as well as many other places. I think you should be getting a much better statement a more comprehensive statement for this mere 69 acres as to what it's overall nature and character will be. Are they going to try and put in some residential? They are kind of alluding to that tonight. What's this going to end up being? What is going to be in relationship to the skilled nursing facility and other commercial maybe even industrial functions that come in here. The multi-use designation for this land permits a wide, almost too wide, range of things and the County does not have in its code adequate requirements for congruity among the various pieces that could be added to this land.

I think you ought to expect much more of these developers in their plans, their presentation and its consequences to the community.

CHAIR MAYFIELD: Thank you, Mr. Smerage. Ma'am.

[Previously sworn, Kathy Brown, testified as follows]

MS. BROWN: I don't so much have comments as questions. Three in this case regarding --

CHAIR MAYFIELD: ma'am, would you state your name again for the record.

MS. BROWN: I'm sorry. Kathy Brown, already sworn in. Anything else?

CHAIR MAYFIELD: Thank you, Ms. Brown.

MS. BROWN: The first question is regarding the traffic analysis has the expected impact of connectors to the community college been taken into account in terms of the base line traffic? The second question is the east end of the flow through road in the final situation is that far enough away from the future expanded intersection on St. Francis with Rabbit Road and finally, is there any liability to the County or other government body for future noise abatement between this development area and the highways, such as wall, berms, et cetera. Those are my three questions.

CHAIR MAYFIELD: This is a public hearing; is there anyone else here to speak on this tonight? Seeing none this portion of our public hearing is now closed. Commissioners.

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

whoever would like to respond. Could you address the concerns brought up by Ms. Brown about coordination with the northeast/southeast connectors, primarily the northeast – northwest as well as anything else that DOT and MPO are planning.

MS. JENKINS: Sure. With respect to the traffic impact analysis when we performed, obviously our original traffic impact analysis in 2010, the southeast connector was a dream and when we performed the update the location study was just kicking off on the southeast control location study. The data from that location study has not yet been made public so they've done their own analysis as far as running models and looking at how much traffic is going to be on the southeast connector but the thing to remember about the southeast connector is that it is supplementing Richards Avenue. So the amount of cars that are on Rabbit Road really is not going to change dramatically in terms of the background traffic with the cars that we counted for the purposes of this study. So we pretty much have the same amount of cars heading to the community college district and heading back but the purpose of the southeast connector is to give it an alternative to Richards Avenue to –

COMMISSIONER STEFANICS: I think it deals, Mr. Chair, more with the northeast.

MS. JENKINS: Oh, with the northeast going across, exactly.

COMMISSIONER STEFANICS: I understand.

MS. JENKINS: And so with the northeast connector which will not require cutting through Oshara Village and will function as a frontage road directly over to Richards Avenue primarily for people, you know, northbound traffic or people heading over to Highway 14 down Dinosaur Trail. And, again, it doesn't – these roadways don't necessarily generate additional traffic in and of themselves but it disperses the traffic and that is their intent. So when the data with respect to the location study is available we will definitely use that as our traffic impact analysis is an organic document. It is going to be updated multiple times to respond as this project matures and develops.

COMMISSIONER STEFANICS: So, Mr. Chair, the northeast connector and the southeast connector are intended to create some flow. And I'm wondering if you've already thought about speed limits in your area.

MS. JENKINS: You know, we have not. We don't really set that. But right now there's on Rabbit Road it is I believe it is 40 miles per hour and with the development of this project if the DOT or the Santa Fe County Public Works Department believes a speed change is warranted then they would implement that. But that – you know, Mike, is that something – maybe Mr. Gomez could speak to that as a component of his analysis if he looks at – because primarily we look at existing speed limits with respect to the analysis looking at how we need to size the turn lanes and things of that nature. But as far as a recommendation for any speed limit changes, you know I could let Mike speak to that if that is something that he typically address in his traffic impact analysis.

COMMISSIONER STEFANICS: Okay.

MR. GOMEZ: Mr. Chair, Commissioner, we are not proposing to go ahead and change any of the speed limits that are out there. Our analysis used the existing speed limits. The way the NM DOT sets speed limits is they do a speed study. They post a speed limit based upon the 90th percentile speed. And in the future as traffic gets heavier out there,

2014 JUN 10 07:38 AM

the speed will slow down because of the congestion and if we put a roundabout that's going to slow it down even further because roundabouts are designed to reduce the speed to about 17 miles per hour. So in the future and we're looking at the next 20 years there are going to be changes out there and there may be changes in speed limit signs but we're not proposing any at this point.

COMMISSIONER STEFANICS: Thank you very much. Thank you, Mr. Chair.

CHAIR MAYFIELD: Thank you, Commissioner Stefanics. Commissioners, anything else. Can we have the lights back on please. Seeing none, what's the pleasure of the Commission?

COMMISSIONER HOLIAN: Mr. Chair.

CHAIR MAYFIELD: Commissioner Holian.

COMMISSIONER HOLIAN: I have to say that I'm a little bit concerns about the fact that there's just one development proposed on all these lots and there isn't sort of a comprehensive plan put forward for what kinds of development is going to be there in the future. But it does seem like the initial development is a good idea and it does seem like you're making efforts to put in design standards and so on that will help the development to be consistent in the future.

I would also like to recommend that you continue to have community meetings as you go forward to make sure the community in the surrounding area is on board with the kinds of development you want to do and apparently you have because you don't have a lot of people here who are complaining.

So in any event I move for approval of CDRC Case #S 10-5362 St. Francis South preliminary plat and development plan.

COMMISSIONER ANAYA: I would second. I would request of the maker of the motion, Commissioner --

COMMISSIONER HOLIAN: Oh, with staff conditions.

COMMISSIONER ANAYA: -- with staff conditions but do you accept the recommendation by the applicant relative to the language modification that Mr. Sommer brought up. I believe it sounds reasonable to me.

COMMISSIONER HOLIAN: Can you repeat that Mr. Sommer?

MR. SOMMER: Mr. Chair, Commissioner Holian, yes. Staff has requested a condition that the density be -- the residential density be one unit per 2.5 acres. That's based on their interpretation. What I'm asking is if that's what the law requires then it would be better if they stated that any residential development comply with the density requirements of the code because we have an issue that I think needs to be worked out. So I would request that the condition be changed from one unit per 2.5 acres to comply with applicable density requirements of the code. That's basically it.

COMMISSIONER HOLIAN: Thank you, Mr. Sommer. Vicki, do you have any comments on that?

MS. LUCERO: Mr. Chair, Commissioner Holian, staff would be in agreement with that change.

COMMISSIONER HOLIAN: Thank you, I will then accept that change.

2014 JUN 10 PM 5:00:00

COMMISSIONER ANAYA: Thank you, Commissioner.

CHAIR MAYFIELD: So, Commissioners, we have a motion and a second in front of us as amended with new suggestions. Are there any other comments? One, I just want to thank the applicants for coming forth and respecting piecemeal development, we're getting some good development in Santa Fe County and it's much needed. I understand this project, at least I believe this project could be built out in totality [inaudible] and hopefully it's going to be thriving in that corridor. It's bringing GRT to Santa Fe County which is much needed and I think you all have a good plan in front of and look forward to the continued success on this project.

The motion passed by unanimous [4-0] voice vote. Commissioner Chavez was not present for this action.

[The Commission recessed for five minutes]

- VII. B. 6. **CDRC CASE #APP 14-5031 Maurilio & Amanda Calderon Appeal. Maurilio and Amanda Calderon, Applicants, Are Appealing the County Development Review Committee's Decision to Deny a Request for a Home Occupation Business Registration Allowing a Welding Business Located on 2.48-Acres. The Property is Located at 8 Ernesto Road, Off Rabbit Road, within Section 10, Township 16 North, Range 10 East (Commission District 4) John M. Salazar, Case Manager [Exhibit 3: Applicant supplied, code 10.6. Home Occupation; Exhibit 4: Applicant supplied, photos of the property and iron work; Exhibit 5: Applicant supplied, Vicinity map of Ernesto Road; Exhibit 6: Letter (27) in support of application; Exhibit 7: Opponent provided map and proposed order]**

MR. SALAZAR: Thank you, Mr. Chair. We're going to move west of Rabbit Road for this case from the last one.

On March 20, 2014, the County Development Review Committee met and acted on this case. After hearing testimony from residents in the neighboring Santiago Subdivision concerning noise and fumes being produced from the Applicant's property, the decision of the CDRC was to uphold the Land Use Administrator's decision and deny the home occupation by a 6-0 vote. Those minutes are in Exhibits 4 and 5).

Article II, Section 2.3.4.c of the Code states: "Any person aggrieved by a decision of a Development Review Committee may file an appeal in writing to the Code Administrator within 30 calendar days of the date of the decision of the Development Review Committee. The Board shall hear the appeal within 60 calendar days after the date the appeal is filed. The Board shall timely make and file its decision approving or disapproving the application or approving the application with conditions or modifications." The applicant has met that. We are within that time period.

The Applicant is aggrieved by the CDRC's decision and has filed an appeal to the

REC'D DEPT. RECORDED 07/30/2014

