



# City of Santa Fe, New Mexico

# memo

**DATE:** October 10, 2014 for the October 29, 2014 City Council meeting

**TO:** Mayor Javier M. Gonzales  
Members of the City Council

**VIA:** Brian K. Snyder, P.E., City Manager   
Lisa Martinez, Director, Land Use Department  
Tamara Baer, ASLA, Planning Manager, Current Planning Division 

**FROM:** Zach Thomas, Senior Planner, Current Planning Division 

---

**Case #2014-71. 5704 Agua Fria Road General Plan Amendment.** James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a 1.79 acre property from Neighborhood Center to Industrial. The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

**Case #2014-72. 5704 Agua Fria Road Rezoning.** James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests rezoning of a 1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial) The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

## I. RECOMMENDATION

The Planning Commission recommends **APPROVAL** to the Governing Body. Staff agrees with the recommendation of the Planning Commission. Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

At the request of the applicant, the Planning Commission postponed consideration of the applications at the August 7, 2014 hearing for consideration at the September 11, 2014 hearing. The applicant requested postponement for additional time to seek clarification of the MPO/Roadway and Trail Division proposed condition of approval pertaining to trail dedication and construction. That clarification was made on September 11, 2014 and the

Planning Commission unanimously recommended approval of the General Plan Amendment and Rezoning, finding that the application meets all code criteria.

## **II. APPLICATION OVERVIEW**

The 1.79 acre property is the northern remainder of a 3.076 acre parcel that was split into two lots as a result of the City taking 0.417 acres for the Rufina Street right-of-way in 1992. Establishment of the right-of-way created the 1.79 acre subject parcel and a 0.87 acre southerly tract. The northerly tract has a General Plan Future Land Use Designation of Neighborhood Center and is within the SC-1 (Neighborhood Shopping Center) zoning district. The southerly tract has a General Plan Future Land Use Designation of Industrial and is within the I-1 (Light Industrial) zoning district.

The applicant requests a General Plan Amendment from Neighborhood Center to Industrial and a Rezoning from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial) to be consistent with the southerly tract.

Many types of uses that are permitted in the current SC-1 district would also be permitted in the proposed I-1 district, including restaurants, retail establishments and offices. Auto repair and various light industrial, warehouse and outdoor storage uses would be permitted only in I-1.

The property was designated as Neighborhood Center by the Southwest Area Master Plan when it was adopted as part of the General Plan in 2007. The property was zoned SC-1 consistent with the Land Use Designation when it came under City jurisdiction with the adoption of the Subdivision, Platting, Planning and Zoning Ordinance (SPPaZO) in 2009. It was officially annexed into the City on January 1, 2014.

The SC-1 zoning district is intended to serve a minimum of 1,000 families and provide adequate space for commercial development consisting of 5 to 10 retail establishments with a major retail anchor. The subject 1.79 acre property is bounded by an institutional use on state property to the east, Agua Fria Road to the North, San Felipe Road and a residential mobile home subdivision to the west and right-of-way and Industrial zoned land to the south. Given the constraints, the property is unlikely to ever accommodate such development as intended by the zoning district.

An Early Neighborhood Notification meeting was held on April 29, 2014 at the Southside Library. No members of the public attended.

## **III. SUMMARY OF PLANNING COMMISSION ACTION**

The Planning Commission modified a condition originally proposed by the traffic engineering division requiring that access be provided from the 0.417 acre Rufina Street right-of-way south of the subject parcel and that the access road extend the entire length of the southern property line.

In considering the details of the project, the Planning Commission noted the adoption of a resolution by the City Council in 1999, which stated the City's intent to no longer extend

Rufina Road to San Felipe Road. Given the unlikelihood that Rufina Road will be extended in the foreseeable future, the Commission recommends that the access road only be constructed within the right-of-way to an approved development access point rather than the entire length of the right-of-way. Traffic Engineering Division condition #3 has been appropriately modified to reflect this recommendation. An MPO/Roadway and Trails Division condition was modified for consistency with this change.

**ATTACHMENTS:**

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) General Plan Amendment Resolution
- c) Rezoning Bill

EXHIBIT 2: Planning Commission Minutes August 7, 2014

EXHIBIT 3: Planning Commission Minutes September 11, 2014

EXHIBIT 4: Planning Commission Staff Report Packet September 11, 2014

# City of Santa Fe, New Mexico

## City Council

### Exhibit 1

**Findings of Fact  
Resolution  
Bill**

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

Case #2014-71

5704 Agua Fria Road General Plan Amendment to Industrial

Case #2014-72

5704 Agua Fria Road Rezoning to I-1

Owner's Name – Paul & Rosina Gallegos

Agent's Name – James W. Siebert & Associates Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 and September 11, 2014 upon the application (Application) of James W. Siebert Associates Inc., as agent for Paul & Rosina Gallegos (Applicant).

The property is currently vacant and located at the intersection of San Felipe Road and Agua Fria Road. The property is a remainder of a 3.076 acre lot that was split into two lots as a result of the City taking 0.417 acres for the Rufina Street right-of-way. Establishment of the right-of-way created a northerly tract of 1.79 acres and a southerly tract of 0.87 acres. The northerly tract has a General Plan Future Land Use Designation of Neighborhood Center and is within the SC-1 (Planning Shopping Center) zoning district. The southerly tract has a General Plan Future Land Use Designation of Industrial and is within the I-1 (Light Industrial) zoning district.

The Applicant seeks: (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the 1.79 acre Property from Neighborhood Center to Industrial; and (2) to rezone the Property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff and the Applicant.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).

4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on March 6, 2014.
6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on April 29, 2014 at the Southside Library.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were no members of the public in attendance and no concerns were raised.
10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning.

#### The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
  - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*

While the existing land use designation does not preclude development of the property, the request to change the future land use designation from Neighborhood Center to Industrial is consistent with current Industrial land use designation of property to the north and south of the property. Any future development would be required to develop access for the property within the 0.471 acre right-of-way south of the property.
  - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The subject property is currently vacant and bordered on two sides by Industrial land use designations. The proposed change will not create inconsistencies with the General Plan. General Plan Policy 5-3-G-6 speaks directly to the need to achieve compatibility between industrial development and surrounding neighborhoods. Chapter 14 implements this policy through development standards that address the residential and nonresidential interface.
  - (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*

There is a residential mobile subdivision to the west of the subject site. However, the subdivision is surrounded on three sides by Industrial designated land. The subject site is also bordered on the north and south sides by Industrial designated land with no conflict. The prevailing use and character of the area is industrial. Although the property is less than 2 acres in size, it is an expansion of the I-1 district across Agua Fria Road and well as across the right-of-way south of the property, and therefore qualifies as an adjustment in the boundaries of the I-1 zoning district. This request to amend the General Plan Future Land Use Map does not benefit the property owner at the expense of the surrounding landowners or the general public.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].*

The amendment does conform with Subsection 14-3.2(E)(1)(c) as it is not inconsistent with the prevailing use or character of the area, is not less than 2 acres as it is adjusting the boundary of adjacent industrial land and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].*

While other development of the property is feasible, the site will not likely, in the foreseeable future, be developed as a Neighborhood Center as anticipated by the land use designation and zoning. Land immediately to the east that is zoned SC-1 (Planned Shopping Center) has been developed and operates as Santa Fe County social service facilities and is designated as Public/Institutional by the General Plan Future Land Use Map.

- (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*

The proposed amendment is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) above.

### The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:

- (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

The SC-1 zoning district was given to the subject site and immediately adjacent properties to the east in 2009. The SC-1 zoning district was not consistent with the existing use of County social service facilities, which was developed in phases from approximately 2004 through 2008. The SC-1 zoned property to the east has been developed as County social service facilities making it unlikely that the subject property and adjacent properties would be developed as a shopping center as originally anticipated by the Southwest Area Master Plan. The immediate vicinity is largely dominated by Industrial designated land. The proposed Land Use Amendment and Rezone essentially close a small gap in the surrounding industrial land.

- (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.

- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].*

The proposed rezoning is consistent with the Plan as set forth in the Staff Report.

- (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*

There is a substantial amount of commercial zoned property in close proximity to the subject site. The subject site is better suited for I-1 zoning as it is largely surrounded by I-1 zoned land and is bordered on the east by County social service facilities. The General Plan Policies speak to the importance of maintaining a supply of land suitable for industrial use.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];*

Infrastructure and public facilities are available to serve future development of the property. Any new development will require connection to the City water and sewer. The requested zoning will not impact infrastructure to a greater degree than would already occur under the existing SC-1 zoning.

18. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*
- (2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

Basic infrastructure including: streets (no sidewalk), water, and sewer, are available to adequately serve the site as it currently exists. A condition has been proposed to require the developer to dedicate sufficient right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads.

19. This is a unique situation as the Governing Board of the City of Santa Fe in Resolution 1999-46 stated that it would not support the construction of a westerly extension of Rufina Street.
20. This is a unique situation because requiring the Applicant to build an access road 220 feet to the easterly boundary of the Right-of-Way Tract would be a waste of resources due to Resolution 1999-46.
21. The Commission adopts Staff conditions along with the following modifications:
  - (1) City Traffic Engineer’s Condition #3 is modified to read: “The access road shall connect to San Felipe on the west side and extend easterly within the Right-of-Way tract to an approved development access point.”
  - (2) MPO/Roadway and Trails Division’s Condition #1 is modified to read: “At the time of development of the property, the Developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property in conjunction with the access road as amended by the Planning Commission in the City Traffic Engineer’s condition # 3. The design of all trail/side paths shall be reviewed and approved by the Roadway & Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision or Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC 14-8.15.”

#### CONCLUSIONS OF LAW

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

##### General

1. The proposed Plan amendment and rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

##### The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

##### The Rezoning

4. The Applicant has the right under the Code to propose the rezoning of the Property.
5. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

**WHEREFORE, IT IS ORDERED ON THE 2nd DAY OF OCTOBER, 2014 BY THE  
PLANNING COMMISSION OF THE CITY OF SANTA FE:**

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to I-1.

Renee Villaral for Michael  
Michael Harris  
Chair  
Harris

10/2/14  
Date:

FILED:

Yolanda Y. Vigil  
Yolanda Y. Vigil  
City Clerk

10-6-14  
Date:

APPROVED AS TO FORM:

Zachary Shandler  
Zachary Shandler  
Assistant City Attorney

10/2/14  
Date:

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2014-\_\_**

3  
4  
5  
6  
7  
8  
9  
10 **A RESOLUTION**

11 **AMENDING THE GENERAL PLAN FUTURE LAND USE CLASSIFICATION FROM**  
12 **NEIGHBORHOOD CENTER TO INDUSTRIAL FOR PROPERTY COMPRISING AN**  
13 **AREA OF APPROXIMATELY 1.79± ACRES LOCATED IN THE VICINITY OF THE**  
14 **SAN FELIPE ROAD AND AGUA FRIA ROAD INTERSECTION AND IDENTIFIED AS**  
15 **THE NORTHERLY TRACT LYING AND BEING SITUATED WITHIN SECTION 1,**  
16 **TOWNSHIP 16 NORTH, RANGE 8 EAST, NEW MEXICO PRIME MERIDIAN, SANTA**  
17 **FE COUNTY, NEW MEXICO. (“5704 AGUA FRIA ROAD GENERAL PLAN**  
18 **AMENDMENT”, CASE #2014-71).**

19 **WHEREAS**, the agent for the owner of that certain parcel of land comprising 1.79±  
20 acres identified as the Northerly Tract, in the vicinity of the San Felipe Road and Agua Fria Road  
21 intersection and lying within Section 1, Township 16 North, Range 8 East, New Mexico Prime  
22 Meridian, Santa Fe County, State of New Mexico (the “Property”) has submitted an application to  
23 amend the General Plan Future Land Use Map classification of the Property from Neighborhood  
24 Center to Industrial; and

25 **WHEREAS**, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be

1 amended, extended or supplemented; and

2           **WHEREAS**, the Governing Body has held a public hearing on the proposed amendment,  
3 reviewed the staff report and the recommendation of the Planning Commission and the evidence  
4 obtained at the public hearing, and has determined that the proposed amendment to the General  
5 Plan meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

6           **WHEREAS**, the reclassification of the Property will be substantially consistent with the  
7 General Plan themes and policies for City Character and Urban Development (General Plan,  
8 Chapter 5).

9           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
10 **CITY OF SANTA FE:**

11           **Section 1.**       That the General Plan Future Land Use Map classification for the  
12 Property be and hereby is amended to change the designation from Neighborhood Center to  
13 Industrial as shown in the General Plan Amendment legal description attached hereto as  
14 EXHIBIT A and incorporated herein.

15           **Section 2.**       Said General Plan amendment and any future development plan for the  
16 Property is approved with and subject to the conditions set forth in the table attached hereto as  
17 EXHIBIT B and incorporated herein summarizing City of Santa Fe staff technical memoranda  
18 and conditions approved by the Planning Commission on September 11, 2014.

19           **PASSED, APPROVED and ADOPTED this \_\_<sup>th</sup> day of October, 2014.**

20  
21  
22  
23  
24  
25

\_\_\_\_\_  
**JAVIER GONZALES, MAYOR**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**ATTEST:**

\_\_\_\_\_

**YOLANDA Y. VIGIL, CITY CLERK**

**APPROVED AS TO FORM:**

*Zachy Shultz for*  
\_\_\_\_\_

**KELLY A. BRENNAN, CITY ATTORNEY**

**EXHIBIT A**

1476128

**NORTHERLY TRACT:**

BEGINNING AT A POINT ON THE NORTHEAST CORNER OF THE  
HEREIN DESCRIBED TRACT OR PARCEL OF LAND, ALSO BEING A  
U.S.G.L.O. BRASS CAP STAMPED "N.E. PACHECO, P.C. 1220 TR. 3,  
SEC. 1 T.16.N., R.8.E., N.M.P.M."

THENCE FROM SAID POINT OF BEGINNING S 00°24'23" E, A  
DISTANCE OF 400.93 FEET TO THE NORTH RIGHT OF WAY LINE OF  
RUFINA STREET C.I.P. PROJECT NO. 826;

THENCE ALONG SAID RIGHT OF WAY LINE S 89°44'39" W, A  
DISTANCE OF 221.80 FEET TO THE EAST RIGHT OF WAY LINE OF  
SAN FELIPE ROAD;

THENCE ALONG SAID RIGHT OF WAY LINE N 01°25'48" W, A  
DISTANCE OF 259.02 FEET TO THE SOUTH RIGHT OF WAY LINE OF  
AGUA FRIA STREET;

THENCE ALONG SAID RIGHT OF WAY LINE N 46°49'37" E, A  
DISTANCE OF 170.90 FEET TO A POINT;

THENCE N 75°30'37" E A DISTANCE OF 104.10 FEET TO THE POINT  
AND PLACE OF BEGINNING.

PARCEL HEREIN DESCRIBED CONTAINS 1.799 ACRES MORE OR LESS.

**SOUTHERLY TRACT:**

BEGINNING AT A POINT ON THE NORTHEAST CORNER OF THE  
HEREIN DESCRIBED TRACT OR PARCEL OF LAND, ALSO BEING A  
POINT ON THE SOUTH RIGHT OF WAY LINE OF RUFINA STREET  
C.I.P. PROJECT NO. 826, FROM WHICH POINT A U.S.G.L.O. BRASS  
CAP STAMPED "N.E. PACHECO, P.C. 1220 TR. 3, SEC. 1 T.16.N.,  
R.8.E. N.M.P.M." BEARS N 00°24'23" W A DISTANCE OF 482.92  
FEET;

THENCE FROM SAID POINT OF BEGINNING S 00°24'23" E, A  
DISTANCE OF 36.12 FEET TO A POINT;

THENCE S 01°44'18" E; A DISTANCE OF 135.92 FEET TO A POINT;

THENCE S 88°49'50" W, A DISTANCE OF 221.72 FEET TO THE EAST  
RIGHT OF WAY LINE OF SAN FELIPE ROAD.

THENCE ALONG SAID RIGHT OF WAY LINE N 01°07'33" W, A  
DISTANCE OF 175.55 FEET TO THE SOUTH RIGHT OF WAY LINE OF  
RUFINA STREET C.I.P. NO. 826,

THENCE ALONG SAID RIGHT OF WAY LINE N 89°44'39" E, A  
DISTANCE OF 220.75 FEET TO THE POINT AND PLACE OF  
BEGINNING.

PARCEL HEREIN DESCRIBED CONTAINS 0.881 ACRES MORE OR LESS.

5704 Agua Fria General Plan Amendment and Rezone—Conditions of Approval

City Council  
 Resolution No. 2014-  
 Case #2014-71&72 – 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed General Plan Amendment and Rezone and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> <li>The Developer shall dedicate sufficient Right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer). Said Right-of-Way dedication shall be reviewed and approved by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the existing Grant of Right of Way Easement, between J.C. and Sue C. Bergere and the County of Santa Fe, dated September 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat Book 689, page 49, recorded on September 12, 2008 in the County of Santa Fe, NM.</li> <li>Access to the Northerly Tract located at 5704 Agua Fria shall be via the 82 foot wide Right-of-way located adjacent to and south of said property. No access will be granted directly off of either Agua Fria or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via the 82 foot Right-of-Way.)</li> <li>At the time of development of the Northerly Tract, the Developer shall construct an access road within the Right-of-Way tract located between the Northerly and Southerly Tracts. The access road shall connect to San Felipe on the west side and extend easterly within the Right-of-Way tract to an approved development access point. The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.</li> </ol>	<p>Traffic Engineering</p>	<p>John Romero/ Sandra Kassens</p>
<p>The Northerly Tract shall connect to City Sewer Service at the time of development. The Wastewater Division Engineer shall conduct a review of all proposed wastewater infrastructure prior to approval of development applications.</p>	<p>Wastewater Division</p>	<p>Stan Holland</p>
<p>The Northerly Tract shall connect to City Water Service at the time of development. The Water Division Engineer shall conduct a review of all proposed water service infrastructure prior to the approval of development applications.</p>	<p>Water Division</p>	<p>Dee Beingsner</p>
<p>The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP), the Metropolitan Bicycle Master Plan (BMP). The following conditions are added to ensure connectivity with the trail alignments:</p> <ol style="list-style-type: none"> <li>A 15 foot multi-use trail easement shall be dedicated along the eastern boundary of the property at the time of recordation of the rezone plat. At the time of development of the property, the Developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property in conjunction with the access road as amended by the Planning Commission in the City Traffic</li> </ol>	<p>MPO / Roadway and Trails Division</p>	<p>Keith Wilson / Eric Martinez</p>

**5704 Agua Fria General Plan Amendment and Rezone-Conditions of Approval**

City Council

Resolution No. 2014-

Case #2014-71&72 – 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>Engineer's condition #3. The design of all trail/side paths shall be reviewed and approved by the Roadway &amp; Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision or Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15.</p>		

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2014-31**

**AN ORDINANCE**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;  
CHANGING THE ZONING CLASSIFICATION FOR PROPERTY COMPRISING AN  
AREA OF APPROXIMATELY 1.79± ACRES OF LAND LOCATED IN THE VICINITY  
OF THE SAN FELIPE ROAD AND AGUA FRIA ROAD INTERSECTION AND  
IDENTIFIED AS THE NORTHERLY TRACT, AND LYING AND BEING SITUATED  
WITHIN SECTION 1, TOWNSHIP 16 NORTH, RANGE 8 EAST, NEW MEXICO  
PRIME MERIDIAN, SANTA FE COUNTY, NEW MEXICO, FROM SC-1  
(NEIGHBORHOOD SHOPPING CENTER) TO I-1 (LIGHT INDUSTRIAL), AND  
PROVIDING AN EFFECTIVE DATE. (“5704 AGUA FRIA ROAD REZONING”,  
CASE #2014-72).**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1.** That a certain parcel of land comprising 1.79± acres (the “Property”) located within Section 1, Township 16 North, Range 8 East, New Mexico Prime Meridian, Santa Fe County, State of New Mexico, of which totals approximately 1.79± acres that is located within

1 the municipal boundaries of the City of Santa Fe, is restricted to and classified as I-1 (Light  
2 Industrial) as described in the legal description attached hereto [EXHIBIT A] and incorporated  
3 herein by reference.

4 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance  
5 No. 2001-27 is hereby amended to conform to the changes in zoning classifications for the  
6 Property set forth in Section 1 of this Ordinance.

7 **Section 3.** This rezoning action is approved with and subject to the conditions set  
8 forth in the table attached hereto [EXHIBIT B] and incorporated herein summarizing the City of  
9 Santa Fe staff technical memoranda and conditions recommended by the Planning Commission  
10 on September 11, 2014.

11 **Section 4.** This Ordinance shall be published one time by title and general summary  
12 and shall become effective five days after publication.

13

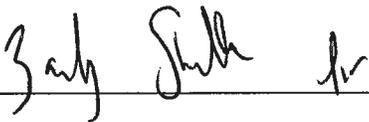
14

15

16 **APPROVED AS TO FORM:**

17

18

  
\_\_\_\_\_

19

**KELLY A. BRENNAN, CITY ATTORNEY**

20

21

22

23

24

25

# EXHIBIT A

1476128

## NORTHERLY TRACT:

BEGINNING AT A POINT ON THE NORTHEAST CORNER OF THE  
HEREIN DESCRIBED TRACT OR PARCEL OF LAND, ALSO BEING A  
U.S.G.L.O. BRASS CAP STAMPED "N.E. PACHECO, P.C. 1220 TR. 3,  
SEC. 1 T.16.N., R.8.E., N.M.P.M."

THENCE FROM SAID POINT OF BEGINNING S 00°24'23" E, A  
DISTANCE OF 400.93 FEET TO THE NORTH RIGHT OF WAY LINE OF  
RUFINA STREET C.I.P. PROJECT NO. 826;

THENCE ALONG SAID RIGHT OF WAY LINE S 89°44'39" W, A  
DISTANCE OF 221.80 FEET TO THE EAST RIGHT OF WAY LINE OF  
SAN FELIPE ROAD;

THENCE ALONG SAID RIGHT OF WAY LINE N 01°25'48" W, A  
DISTANCE OF 259.02 FEET TO THE SOUTH RIGHT OF WAY LINE OF  
AGUA FRIA STREET;

THENCE ALONG SAID RIGHT OF WAY LINE N 46°49'37" E, A  
DISTANCE OF 170.90 FEET TO A POINT;

THENCE N 75°30'37" E A DISTANCE OF 104.10 FEET TO THE POINT  
AND PLACE OF BEGINNING.

PARCEL HEREIN DESCRIBED CONTAINS 1.799 ACRES MORE OR LESS.

## SOUTHERLY TRACT:

BEGINNING AT A POINT ON THE NORTHEAST CORNER OF THE  
HEREIN DESCRIBED TRACT OR PARCEL OF LAND, ALSO BEING A  
POINT ON THE SOUTH RIGHT OF WAY LINE OF RUFINA STREET  
C.I.P. PROJECT NO. 826, FROM WHICH POINT A U.S.G.L.O. BRASS  
CAP STAMPED "N.E. PACHECO, P.C. 1220 TR. 3, SEC. 1 T.16.N.,  
R.8.E. N.M.P.M." BEARS N 00°24'23" W A DISTANCE OF 482.92  
FEET;

THENCE FROM SAID POINT OF BEGINNING S 00°24'23" E, A  
DISTANCE OF 36.12 FEET TO A POINT;

THENCE S 01°44'18" E; A DISTANCE OF 135.92 FEET TO A POINT;

THENCE S 88°49'50" W, A DISTANCE OF 221.72 FEET TO THE EAST  
RIGHT OF WAY LINE OF SAN FELIPE ROAD.

THENCE ALONG SAID RIGHT OF WAY LINE N 01°07'38" W, A  
DISTANCE OF 175.55 FEET TO THE SOUTH RIGHT OF WAY LINE OF  
RUFINA STREET C.I.P. NO. 826,

THENCE ALONG SAID RIGHT OF WAY LINE N 89°44'39" E, A  
DISTANCE OF 220.75 FEET TO THE POINT AND PLACE OF  
BEGINNING.

PARCEL HEREIN DESCRIBED CONTAINS 0.881 ACRES MORE OR LESS.

5704 Agua Fria General Plan Amendment and Rezone--Conditions of Approval

City Council

Bill No. 2014-31

Case #2014-71&72 – 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed General Plan Amendment and Rezone and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> <li>1. The Developer shall dedicate sufficient Right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer). Said Right-of-Way dedication shall be reviewed and approved by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the existing Grant of Right of Way Easement, between J.C. and Sue C. Berge and the County of Santa Fe, dated September 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat Book 689, page 49, recorded on September 12, 2008 in the County of Santa Fe, NM.</li> <li>2. Access to the Northerly Tract located at 5704 Agua Fria shall be via the 82 foot wide Right-of-way located adjacent to and south of said property. No access will be granted directly off of either Agua Fria or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via the 82 foot Right-of-Way.)</li> <li>3. At the time of development of the Northerly Tract, the Developer shall construct an access road within the Right-of-Way tract located between the Northerly and Southerly Tracts. The access road shall connect to San Felipe on the west side and extend easterly within the Right-of-Way tract to an approved development access point. The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.</li> </ol>	<p>Traffic Engineering</p>	<p>John Romero/ Sandra Kassens</p>
<p>The Northerly Tract shall connect to City Sewer Service at the time of development. The Wastewater Division Engineer shall conduct a review of all proposed wastewater infrastructure prior to approval of development applications.</p>	<p>Wastewater Division</p>	<p>Stan Holland</p>
<p>The Northerly Tract shall connect to City Water Service at the time of development. The Water Division Engineer shall conduct a review of all proposed water service infrastructure prior to the approval of development applications.</p>	<p>Water Division</p>	<p>Dee Beingsner</p>
<p>The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP), the Metropolitan Bicycle Master Plan (BMP). The following conditions are added to ensure connectivity with the trail alignments:</p> <ol style="list-style-type: none"> <li>1. A 15 foot multi-use trail easement shall be dedicated along the eastern boundary of the property at the time of recordation of the rezone plat. At the time of development of the property, the Developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property in conjunction with the access road as amended by the Planning Commission in the City Traffic</li> </ol>	<p>MPO / Roadway and Trails Division</p>	<p>Keith Wilson / Eric Martinez</p>

**5704 Agua Fria General Plan Amendment and Rezone--Conditions of Approval**

City Council

Bill No. 2014-31

Case #2014-71&72 – 5704 Agua Fria GPA & Rezone

<b>Conditions</b>	<b>Department</b>	<b>Staff</b>
<p>Engineer's condition #3. The design of all trail/side paths shall be reviewed and approved by the Roadway &amp; Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision or Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15.</p>		

# City of Santa Fe, New Mexico

## City Council

### Exhibit 2

**Planning Commission Minutes August 7, 2014**

Vice Chair Harris asked Ms. Zaxus about the items she just mentioned that she listed to reimburse the City on water consumption, replace trees, and provide electricity to the hot box.

Ms. Zaxus agreed. There was a sign built without a permit for which a permit was later obtained and some lighting on that sign that needed to be up to electrical code standard. So a letter from the electrician was needed. That was all. She didn't have any problems with the major utilities or roadway.

Vice Chair Harris had a question regarding the emergency access road. The Commission knows that the Fire Department always wants 20' in width and 10% grade throughout. But as Mr. Siebert noted, it goes through that drainage area and the slope analysis seems to identify at least on the edge on either side of that drainage area indicates natural 30% slopes. So he wondered if that emergency access could maintain 10% grade throughout. Ms. Zaxus didn't know the details on that grade.

Mr. Siebert explained that the road actually serves as a dam as well and sits much higher than the actual terrain. So instead of big dips, they have been leveled off.

Vice Chair Harris asked then if he could deliver 10% grade. Mr. Siebert agreed.

### **Action of the Planning Commission**

**Commissioner Villarreal moved to approve Case #2014-70, Hart Business Park Phase II Preliminary Subdivision Plat with staff conditions. Commissioner Pava seconded the motion and it passed by unanimous voice vote.**

3. **Case #2014-71. 5704 Agua Fria Road General Plan Amendment.** James W. Siebert and Associates Inc., agent for Paul and Rosina Gallegos, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a 1.79 acre property from Neighborhood Center to Industrial. The property was currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

This case was heard in conjunction with Case #2014-72.

4. **Case #2014-72. 5704 Agua Fria Road Rezoning.** James W. Siebert and Associates Inc., agent for Paul and Rosina Gallegos, requests rezoning of a 1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial). The property was currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

A Memorandum regarding Case # 2014-71 5704 Agua Fria Road General Plan Amendment and

Case #2014-72, 5704 Agua Fria Road Rezoning dated July 23, 2014 for the August 7, 2014 meeting of the Planning Commission from Mr. Zach Thomas, Senior Planner, Current Planning Division is incorporated here with to these minutes as Exhibit 6.

Mr. Thomas presented the staff report for this case. Please refer to Exhibit #6 for the specifics of this presentation. He explained that #2014-71 was for a General Plan Amendment to amend the existing General Plan future use designation for a 1.79 acre vacant piece of property from Neighborhood Center to Industrial as well as a rezone for the same piece of property from SC-1 (Neighborhood Center) to I-1 (Light Industrial).

He showed the background of area and pointed out the 1.79 acres that was the remainder of a 3-acre piece resulting from the City taking a ROW through it and resulting in a 0.87 acre to the south. The other side of the ROW was zoned I-1 and was located within the Southwest Area MP and designated SC by the General Plan as adopted in 2007. The area initially came under City jurisdiction with SPAZO in 2009 and the property was annexed in January as part of Phase II.

He showed the surrounding zoning of the property and why it was eligible for I-1. The law said any parcel under 2 acres can't be rezoned unless contiguous to the same zoning requested. This one is contiguous to I-1 to the north now. There was I-1 surrounding it except east of it which was owned by the State of New Mexico and used as a shelter and Head Start facility. It was zoned SC-1 and designated Institutional.

Mr. Thomas described a SC-1 typical development as commercial and designed to serve about 1000 families with space for 5 to 10 retailers and usually a big anchor retail space. Typically zoning for SC-1 would be for a maximum of 5 to 15 acres. Given the use to the east which was zoned SC-1 but used by the State and the fact that the surrounding zoning was I-1, the likelihood for shopping center in the near future was relative low.

While the City acquired the ROW in 1992 for future extension of Rufina Road. In 1999 they had a resolution that the city no longer intended to extend Rufina Road but encouraged a pedestrian trail along the ROW. Regarding the adjacent land use to the West, there was a mobile home subdivision that was bordered on three sides by I-1 zoning. There were no known impacts at this time but it had appropriate separation of uses by San Felipe Road.

Staff recommended approval of the requested General Plan Amendment and Rezoning subject to proposed staff conditions.

### **Presentation of the Applicant**

Mr. Siebert was previously sworn and provided two exhibits to the Commission. The first was a zoning map which is incorporated herewith to these minutes as Exhibit #7. To reinforce the whole design issue, he showed the zoning map and pointed out some of the uses along those one-acre tracts. The tract sits in an area bounded by Agua Fria Road on the north side and San Felipe Road on the west side.

He next shared an aerial photograph that included the subject parcel. The aerial photograph is incorporated herewith to these minutes as Exhibit #8. He pointed out the parcel on the east that originally was state land and later sold to the County. The County then developed it for social services purposes.

The SC included the ROW and a unique thing about this property was the 50' storm drain easement that ran along the west side of the County land property. The reason for that was that the water that was taken off Rufina Street was collected along the Rufina Street ROW and dropped into the Santa Fé River. It was getting larger and presently had a 64 inch culvert.

When staff looked at it, said it was a corner that had good access. It meets the five-acre minimum lot size and recorded as SC-1 so they felt they could designate those properties as SC-1. But the Gallegos property parcel now had become a standalone lot at 1.7 acres so it doesn't meet the minimum standards for SC of 5 acres. He selected I-1 zone because it was consistent with the other zoning districts there.

He said there was one issue in the conditions to comment about. It was that the applicant had to agree to a trail along the south side of property which would be within the city ROW. But the applicant must also improve a public road and must agree to build a trail along the east side of property. But our review of documents would indicate that it wasn't clear where the trail was to go. In his opinion, it should go on top of the 50 foot existing stormwater easement. That would serve two purposes; one for the trail, and maintenance for the storm water drain.

For that condition he was looking at the cost for the trail system and it was significant. The Bicycle MP estimated trails at \$600,00 per mile or \$113 per linear foot so it would add \$70,000 to the cost of development of this property and that was exclusive of the road they would have to build.

His concern was that he didn't want to agree to the trail on east side if, in fact, it was not ever contemplated or, on the other hand, it was not clear that under the ordinance it would be required. He said they agreed with the requirements of the Bike MP. Their review of it indicated it was not clear whether it was on this property or that these were even part of the official Master Plan. There was a working document that said "the city would like trails in certain locations." It was not clear to him that the document was the official plan. He asked the Commission to consider that.

### **Public Hearing**

There were no speakers from the public regarding these cases and the Public Hearing was closed.

### **Questions from the Commission**

Commissioner Pava directed his question to Mr. Shandler, he noted that a condition of approval said access to the parcel would not be from Agua Fria or San Felipe, so he asked where the access would occur.

Mr. Thomas said access would be taken off of the existing ROW (on south side) and to be developed from there as opposed to a curb cut and driveway on either of those two roads.

Commissioner Pava reasoned that the idea was to use the existing city right-of-way of the not quite vacated Rufina Street. The ROW shown between those two parcels was all city-owned.

Mr. Thomas agreed.

Commissioner Pava added that it was not likely to ever be developed as a paved automotive right-of-way for Street so it was possible that the city-owned ROW could be used for other purposes, maybe including a trail.

Mr. Thomas said it speaks to Mr. Siebert's issue of the condition placed on here regarding the trail. That was based on comments received from the Trails Division and the MPO regarding what's in the plan. It was a condition written in interest of full disclosure. Under 14-8.15 says in the event the property was subdivided or a development plan was approved trails would have to be dedicated and developed consistent with plans at that time. So, depending on what was in the trails plan, which was not in front of the Commission, in theory it could be a component of the trail to use the existing ROW.

Commissioner Pava asked other staff if the Commission approved this General Plan Amendment and Rezoning, the Commission could make a finding of fact that actually would find that the trail would be suitable in this city ROW.

Ms. Baer said the Bicycle & Trails MP was approved in 2012 by the City Council. So it was an officially adopted plan and became part of the General Plan. That plan showed a future multi-use trail on the Rufina ROW, connecting all the way down. So it was already anticipated. The little confusion that happened was that staff got a memo late in the day after the packet had already been prepared from Keith Wilson of the MPO who said the trail connection should go on the east edge of this property because there was already a trail connected to the other side of Agua Fria but stopped at Agua Fria. But in the graphic Mr. Wilson provided, it showed that trail continuing on this property along the east side.

She understood Mr. Siebert's confusion because in some other documents she had seen, including the city's GIS, which was not always accurate, showed that trail actually going around the perimeter of the property on Agua Fria and then San Felipe came down and connected there.

What Keith showed was the east side alignment going down to Airport Road. So it makes sense to put it on the drainage. She agreed to clarify that as the case moved forward.

Commissioner Pava thanked her for those clarifications.

Ms. Baer noted that John Romero, the City Traffic Engineer, was also here to answer questions.

Vice Chair Harris asked, regarding the trail, there was a trail connection existing at Agua Fria Road on

the north. He asked if it would be an acceptable compromise to just develop the trail on the east side and forgo the one on the south side that was going to be a roadway.

Ms. Baer said that was something she could ask Mr. Wilson, depending on whether or not that appeared in the Bikeways & Trails MP. The Rufina trail went all the way to San Felipe. And in some portions of the city's master plan for multipurpose trails, those trails connect to sidewalks and streets so they are not always necessarily just built on developed land. So it could be that this connection could also be important in order to connect to residential areas to the West. So she was not prepared to answer it but it was something she would check with Mr. Wilson.

Vice Chair Harris reasoned that access off of San Felipe had to be through that ROW. So he asked if it would have to be just developed in to serve the purpose of the development or if it would have to go the full width of the property. He wondered if the applicant would be required to build the full roadway there including the sidewalk. He didn't know what profile would be anticipated.

Ms. Baer explained that the trail development had its own standards apart from roadway standards and she would defer to Mr. Romero. It would depend on the nature of the development there.

Mr. Romero said the intent was to have the applicant build a road to the east boundary at the sub-collector standard with sidewalks.

Vice Chair Harris asked if that would be sidewalks on one side or both sides.

Mr. Romero said it could be if the northern tract came in first and built the street with the sidewalk on the northern half that when the southern tract was developed, the other sidewalk would be required to be built on the southern side of the road.

Vice Chair Harris asked what the City's plans were for the Rufina Trail along the ROW and whether Mr. Wilson offered an opinion on that.

Ms. Baer said very often the trails were developed as development happened similar to the way streets were developed by the developer. Sometimes it was the connector piece and sometimes it was bigger than that but not certainly not beyond the outside edge of their property.

Vice Chair Harris said this ROW is was under city control but didn't know how far that would run.

Ms. Baer said the trail went a far way.

Mr. Thomas Zach asked if the question was how far the trail extended along that quasi-ROW.

Vice Chair Harris said it was a real ROW because the City bought it.

Mr. Thomas said it was somewhat ambiguous along the state-owned piece. There was a right of

surveys. Staff researched the plant on the state owned piece. The surveys didn't indicate that a ROW existed along the state-owned piece. It almost appeared to be just a gap. To his knowledge, in the trail plan it extended from where Rufina terminated to San Felipe Road and would go north and south along San Felipe to Airport Road.

Ms. Baer said the ROW was interrupted by existing development that was done in the county and that was part of the reason solution was adopted by the Counsel that said they were not going to use that ROW to extend Rufina all the way to San Felipe.

Mr. Siebert said he had a city graphic that would be helpful. The city graphic was incorporated herewith in these minutes as Exhibit #9. He didn't think they were at issue with the Acequia Trail to San Felipe and from Agua Fria. His client did not have a problem with the trail on the south side. This graphic did not have a title and was not the official Bike MP map. It was simply a working document and he was trying to find the legal document that served as a legal basis for requiring these trails.

Mr. Siebert provided an aerial map of the area with the Acequia Trail and MRC Trail shown on it. The aerial is incorporated herewith to these minutes as Exhibit #10.

Mr. Siebert noted that there was a condition that said when they built the roadway that the tract to the south had to use that road. But the Gallegos family did not own that tract. That tract was developed. In fact there was a building adjacent to the ROW. So they could not agree to that condition because they simply did not own that parcel. To simplify things, rather than trying to hash this out now, the applicant would feel more comfortable if they Commission could just table it until he got to get the with the MPO to find out exactly what the status of these maps was turned to determine the official location for the trail. With a sub-collector road there would be room for a trail to go within the 82' ROW. He would accept postponing for a month to work that out.

Vice Chair Harris said it would be a postponement rather than tabling. He thought that was a good suggestion.

Commissioner Villarreal asked Mr. Siebert about what kind of business might be located there.

Mr. Siebert said he couldn't give you any specificity but the Commission could ask Mr. Paul Gallegos who was at the meeting.

Present and sworn was Mr. Paul Gallegos, 2502 Siringo Lane, explained that they were just trying to sell the property. His mother was 84 years old and didn't want to deal with it. When the City purchased the right-of-way that split the property, it was in the County and required at least an acre and a half per parcel. He got that title cleaned up. Right now most inquiries were for light industrial uses – even homeless shelters, landscape companies but as a shopping center zone, no one wanted to try it.

Commissioner Villarreal asked staff if when they put out the notifications for the General Plan Amendment they were just in English.

Mr. Thomas agreed for the posting on site and the mailings.

Commissioner Villarreal asked if staff had ever considered having them in Spanish.

Ms. Baer said the City didn't have the resources to do that and they would have to get permission from Council to do that. She added that they were losing their most fluent Spanish speaker. Tomorrow was M. Lamboy's last day at the City.

Commissioner Villarreal thought that was something we should consider. She was comfortable with the delay of this case.

Commissioner Padilla asked if there was a recommendation from the applicant to postpone both cases.

Ms. Baer agreed and they would track both cases together.

Commissioner Pava asked if there were requirements for coordinating agencies to submit their comments by a certain time. He asked if he heard correctly that the MPO comments came in today.

Ms. Baer said they didn't come in today but were too late for the packet.

Commissioner Pava thought they probably could have worked out those issues and was glad to hear Mr. Siebert was willing to wait. It was unfortunate not to have that coordination.

Commissioner Schackel-Bordegary agreed. They could iron it out. This was the first time that happened. Transportation and zoning weren't linked by requirement of the code but it was part of the MPO purpose and in the past, the Commission has had MPO staff present. It was a great improvement for transportation and land use staff to work together on it. Connectivity was important and she encouraged that to continue.

### **Action of the Commission**

**Commissioner Schackel-Bordegary moved to postpone Case #2014-71 and Case #2014-72 to September 11, 2014. Commissioner Padilla seconded the motion.**

Commissioner Pava asked if staff could save this volume of paper for that meeting.

Ms. Baer agreed.

**The motion to postpone both cases passed by unanimous voice vote.**

### **5. Case #2014-63. 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment.**

# City of Santa Fe, New Mexico

## City Council

### Exhibit 3

**Planning Commission Minutes September 11, 2014**

best idea offered to date is to highlight and gather information and have a vote on the City's website – do it on a very wide, public survey basis.

- Commissioner Schackel-Bordegaray said the OSE's office is losing its information officer, Ms. Martinez, to the City, so she'll plant that in her ear while she is working her for another week at the OSE's office.

## F. OLD BUSINESS

1. **CASE #2014-71. 5704 AGUA FRIA ROAD GENERAL PLAN AMENDMENT. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENT FOR PAUL AND ROSINA GALLEGOS, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR A 1.79 ACRE PROPERTY FROM NEIGHBORHOOD CENTER TO INDUSTRIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED AT 5704 AGUA FRIA ROAD AT THE INTERSECTION OF SAN FELIPE ROAD AND AGUA FRIA ROAD. (ZACH THOMAS, CASE MANAGER) (POSTPONED FROM AUGUST 7, 2014)**

*Items F(1) and F(2) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum, with attachments, prepared August 26, 2014, for the September 11, 2014 meeting, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, regarding Case 2014-71 and 201472, is incorporated herewith to these minutes as Exhibit "6."

The General Plan Amendment & Rezoning Report, prepared for Paul & Rosina Gallegos by James W. Siebert & Assoc., Inc., dated June 2014 is on file with and can be obtained from the Land Use Department.

Zach Thomas presented information in this case via overhead. Please see Exhibit "6" for specifics of this presentation.

Ms. Baer noted that Keith Wilson, MPO, is with us this evening to answer any questions.

### Public Hearing

#### Presentation by the Applicant

**James Siebert, 915 Mercer, Agent for the owners was sworn.** Mr. Siebert presented information using an enlarged drawing, a copy of which is in the Commission packet. Mr. Siebert said, "The way we left it, as I recall, I think a lot of the policy issues were discussed pretty thoroughly on this particular project, and the issue of the Trail came up. It was difficult to tell whether the trail would be on

this side or the other side of the property line. We did meet with MPO staff and the Gallegos family agrees to provide a 15 foot easement along the eastern property boundary.”

Mr. Siebert continued, “I would like, I think, the Commission to consider something and that is the extraordinary burden that I think the Gallegos family is carrying in this particular project, given the scope of it. Let me talk about the road first. One of the conditions is that ‘this’ is the 82 foot right of way that the City acquired at one time, and then subsequently, the City Council decided that from South Meadows, the idea was to continue Rufina Street through to San Felipe Road. But at one point, the City Council adopted a Resolution and said they had no intention of ever extending Rufina Street. The requirement is that the Gallegos, or future owner would be responsible for constructing a full width roadway within that 82 feet. The 10 foot trail that Mr. Thomas talked about, is located ‘here.’ The trail that connects, actually there is an existing trail that terminates ‘here’ in Agua Fria. The trail we talked to MPO about is on the east side ‘here.’ Part of this rezoning, the Gallegos family would grant a 15 foot easement for the trail, and the subsequent buyer or developer of the property would be responsible for constructing the 10 foot trail.”

Mr. Siebert continued, “The other thing that is happening is that the Traffic Division would like to see a roundabout constructed ‘here,’ so there would be additional right-of-way that would be required for the construction of the roundabout. And what I just simply wanted to point out is on the road, ‘this’ is State land. State land is not subject to any kind of City review. They can do anything they like, and they have. You can see there are no sidewalks associated with this development whatsoever. In my opinion, it’s going to be very unlikely that ‘this’ road is going to be extended across State land, because they have no obligation to do it, nor do they have any intention. Their access is going to be through Agua Fria. ‘This’ is the Zia Manufactured Home Subdivision, and I would find it very highly unlikely that that section of the road would be completed without private development, because the City Council has already said we’re not going to extend that road.’

Mr. Siebert continued, “So, there’s no real private developer along here that is going to be building this roadway. So, in my opinion, what you will have is an extension of road for this length that basically goes nowhere. So I would just like the Commission to consider that. I think an option would be that they would use ‘this’ as the access. They would build a 20 foot paved roadway to the end of the property and then the issue of the trail. There’s a trail ‘here’ and a trail ‘here,’ I guess I’d like the Commission to consider if the obligation would be that they would construct one of the trails, but not both of the trails. And with that, I will answer any questions you may have.”

### **Speaking to the Request**

There was no one speaking to the request.

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

*The Commission commented and asked questions as follows:*

- Commissioner Pava said, “When I look at the zoning map in the Staff Report and I see the area that’s been highlighted, identifying the parcel proposed for a change in zone. What I notice is to

the south, the area that we've been talking about, there will still be what I guess I would refer to as another lot and if we were to change the zoning on this to something other than the SC-1, that piece to the south, the Rufina right-of-way remains SC-1. Is that correct."

Mr. Thomas said, "There is the subject parcel, the right-of-way to the south and then the parcel south of the right-of-way. That parcel actually is zoned I-1. It's kind of hard to see, but it's the right-of-way that's actually SC-1. The parcel to the south is actually I-1."

- Commissioner Pava said, "Now I understand. So my follow-up question, and I understand I heard the Governing Body at one point had a Resolution perhaps, endorsing or stating this could be vacated. It's not going to be used. How far a stretch is it to offer this for vacation and offer this property to adjoining property owners."

Mr. Thomas said, "There was adoption of a Resolution, it actually is included in your packet as Exhibit D in the August seventh packet. Regarding any kind of vacation of it, to be honest, I wouldn't be in a position to answer that. We had some kind of vague discussion about that during staff conversations. There is a general consensus among staff that the option really hasn't been explored. There is this Resolution adopted in 1999 by the Council, saying the intent wasn't to extend Rufina and that's basically where it is right now, so unfortunately, I just don't have the information to answer that."

- Commissioner Pava said, "If in the future, a parcel were to be vacated, say Rufina were to be vacated, what happens.... would half of the right-of-way be offered to one property owner, and half to the other. Is that typically how that happens here."

Ms. Baer said, "The intent of this Resolution was not to vacate the Rufina right-of-way. It was simply to say that it was not intended to extend through what was an existing development that had already been built out. At that time, that property was in the County. It was developed in the County. So one of Mr. Romero's, the Traffic Engineer, conditions is that there be no access from Agua Fria or San Felipe. And so this is really the only access that's available to this particular parcel. So I don't know that anybody is vacating this. That hasn't come up, it hasn't been suggested. I don't know who would even suggest that. At some point in the future, the State conceivably could sell that land. It isn't fully developed, although it's partially developed, and then at some point, that road be extended, or it at least could be extended partially to the east from San Felipe. So that discussion hasn't happened. Nobody is talking about vacating that right-of-way."

- Commissioner Pava said, "If nobody is talking about it and it is City property, really the contingency for... a condition of this rezoning is, within this City right-of-way, to provide this 20 foot wide access road to this property."

Ms. Baer said, "In addition to constructing the street to City standards and providing a multi-purpose trail, as a part of that development, at the time this property develops."

- Commissioner Schackel-Bordegaray said, "I just want to get clear, I may not fully understand. So, the proposal is, with the conditions, that that road, that is the access, not off Agua Fria at all. So this is the access for this property and what's being contemplated is that it just be a segment of the street that is built to City standards, but that is only for the use of this one property."

Mr. Thomas said, "Yes, that is correct, along with, as Ms. Baer said, the accompanying trail. And to be clear, the trail in that portion, would be as it's written, the condition would be constructed at the time of development. However, the trail on the east portion would not be constructed by the applicant. That is dedication of an easement only, and that would not be required to be constructed by the applicant at any time, just dedication of an easement."

- Commissioner Schackel-Bordegaray said, "And you stated that this is State land to the east of this property, that development is State land, I think the applicant stated."

Mr. Thomas said this is correct.

- Commissioner Schackel-Bordegaray said, "Do you know what State agency owns that development?"

Ms. Baer said, "The State of New Mexico owns it, but it's got a long term lease to a County facility."

- Commissioner Schackel-Bordegaray asked Keith Wilson, "To comment on, describe to us the role that section plays in any trails and locations of trails, both to the north, south, east or west of this."

**Keith Wilson, MPO Senior Planner, Santa Fe Metropolitan Planning Organization**, thanked the Commissioner for inviting him to speak. He said, "Basically, from Rufina Street, from basically Harrison Road which is just north of Siler, down to South Meadows Road is what we call the Acequia Bikeway. And the Acequia Bikeway begins in the Railyard, goes down behind the School for the Deaf and then it is intermittent sections of trail and shared roadway. And so we planned out this trail where we can get it and shared roadways where we can't. So Rufina Street is kind of the big, long piece. And this section of trail 'here', is basically the next extension and ends at Rufina and South Meadows, the roundabout there. So then it would kind of come back to being a trail again, and then connect through all the way to San Felipe. And then connection north/south, would connect up to the existing piece of the River Trail, that the County built a couple of years ago, and that loops right into I think it's Constellation the street. And then you'll see like 'this' line is the other sections of the River Trail that the County is working toward building, which currently goes to Frenchy's Field. They are in the process of acquiring the right-of-way to take it to Siler."

Mr. Wilson continued, "So, in the next couple of years, we'll probably have the River Trail extended to Siler and then, over time, we'll be piecing it together all the way down 'here.' And actually, in this parcel 'here,' but over in 'here,' there's actually an underpass of 599. It's in place and connects to Caja del Rio Road. So there is a plan to connect the trail off 'this' piece of the River Trail to that underpass, continue up Caja del Road which will get you to the MRC which you mentioned earlier. This is part of a County project that they applied for a Federal Lands

Acquisition Program grant, which they were successful in receiving. So they've got \$3.5 million there, but it's in federal funds, to construct this piece of the trail to the MRC and then continue all the way up to Diablo Canyon as a soft surface trail. So these pieces of trail, specifically these pieces 'in here' are really important for connectivity. And then, we're not that far from Country Club Road where there is currently a side path, so over time, if we can get that connection, then it opens the MRC to Tierra Contenta as bicycle accessible and not just having to drive your car. So hopefully, that gives you a quick overview of what's going on in 'this' area and how 'these' sections of the trail are quite key to providing total accessibility."

- Commissioner Schackel-Bordegaray said, "Having gone out there today for a field trip, now I see that. I see Rufina as it's developed over the decades as very different now, but it stops at Meadows and makes that roundabout. Thank you. I don't really have anything more, that's what I wanted to know..... I hear the Applicant's concern. I don't know the value of the stub-out, this Rufina Street being built to City standards if it won't connect, but I guess we don't know the answer to that. I'm just going to stop there. Thanks."
- Commissioner Padilla said, "An incredible network of trails that you've referenced on the overhead here. Could you tell me, from South Meadows, how much of that going west is improved to date, and actually exists."

Mr. Wilson said, "From 'this' red line right now. I don't believe any of it's improved. I think you can get through right now, and there's a sewer easement through there, I believe. I haven't ridden it in a while."

- Commissioner Padilla said, "So it's not improved where someone on a bicycle can make that connection southwest in what was the Rufina Trail."

Mr. Wilson said, "It's not improved right now. In the Bicycle Master Plan we phased out projects Phase A, B, C and this was a Phase A project, and is under consideration for funding with the redistribution of the approximately \$1.9 million the Council voted to move from the River Trail underpass."

- Commissioner Padilla said, "The proposed trail that is our eastern property line of the subject property is not an improved trail. It would be just an easement that is dedicated to connect, so we can move north across Agua Fria and then over to the River Trail connection. Is that leg that goes northwest over to the River, is that improved at this time, off Agua Fria."

Mr. Wilson said, "'This' green line here is currently paved. It's a 10 foot wide trail, has bridges over the Santa Fe River, so that's an actual existing trail. You can go out there now and ride it."

- Commissioner Padilla said, "And then you can ride that over the River, connect underneath 599 and then on..."

Mr. Wilson said, "If you want to go ahead and have a good mountain bike, there's kind of dirt roads that you can get access through. And the last time I went to the underpass it was filled with tumbleweeds."

- Commissioner Padilla said, "So not an improved and maintained trail system."

Mr. Wilson said, "Yes. These are all conceived alignments, but as I mentioned, the County just got word it received about \$3.5 million from the Federal Highways to improve that. So in the next couple of years, the piece to 599 and up to the MRC and then out to Diablo Canyon will be under construction."

- Commissioner Padilla said this is an incredible proposed network of trails. He said a lot of us, especially in his industry, have always talked about walkable and rideable cities for health and the well being of our communities that is significant. He said, "My question then is, off San Felipe going east this property owner will be required at the point he develops the property to develop the trail that is about 220 feet long. Is that correct."

Mr. Wilson said, "I believe that's the piece along the southern border."

- Commissioner Padilla asked what that will connect to.

Mr. Wilson said, "That would just connect to San Felipe, but then would connect to the larger trail that would get you to South Meadows."

- Commissioner Padilla asked Mr. Wilson if he has an idea of a completion date, or how long it will take to make the connection to South Meadows.

Mr. Wilson said, "Not as at this time. As I said, it is one of the projects that is being floated for potential funding with the redistribution of the 2012 bond funds from the River Trail underpass. So, if City Council ultimately selects as one of the of the project, then conceivably in the next two years that project could be done, but it's all going to be determined on funding."

- Commissioner Padilla said, "A question to staff in reference to access. If I understand correctly, there is no access allowed off Agua Fria or San Felipe for the development of this property. Correct, from the Traffic Engineer."

Mr. Thomas said, "That is correct. That was a condition requested by the City's Traffic Engineer, John Romero."

- Commissioner Padilla said, "So as this property gets developed in the future, not only the trail from San Felipe east, but they would also create their road access to their property. Does that need to continue to the eastern property line also."

Mr. Thomas said, "Correct. That would continue to the eastern property line, so approximately what you mentioned, 220 feet."

- Chair Harris said, "I actually have some of the same concerns as Mr. Siebert expressed. I'm concerned about a waste of resources. I don't consider the trails a waste of resources at all, but I have a hard time supporting the access off San Felipe into this City right-of-way, I think it is inappropriate. I don't see the likelihood of that getting developed on past the eastern boundary. And a waste of resources to me, would be constructing all of that road, the full distance of 220 feet. And so to access the property, do you know off hand what the standard would be. How far in off San Felipe, a driveway if you will, into this property, how far would that be. 50 feet. 75 feet. Any idea there."

Ms. Baer said, "Typically, the Traffic Division asks for 150 feet, typically."

- Chair Harris asked, "Is this is sort of the "rule of thumb."

Ms. Baer said, "It's just a rule of thumb and they would look at the specific property and how it was proposed to be developed. And they also would look, obviously, at the extension and the potential for further development. So what they're trying to avoid is any sort of stacking and conflict points at the intersection."

- Chair Harris said, "You've heard me say I have a lot of respect for John Romero and discipline that he represents. I sometimes think the discipline loses sight of common sense. I have a hard time really seeing the importance of building out the full 220 feet. I think it would be more appropriate, perhaps, and I know that you can't speak for Mr. Romero, but I seems to me to be more appropriate to define the ultimate solution however this property gets developed. I mean we're only talking an acre... how much land do we have here."

Mr. Thomas said it is 1.79 acres.

- Chair Harris said, "It can be fairly substantial traffic, depending on what goes in there in industrial, but again, if it can be satisfied at 150 feet off San Felipe. And again, to me it seems a waste of resources to build an additional 70 feet of subcollector. Off hand, I don't remember the numbers, the width, the dimensions for a subcollector."

Mr. Thomas said, "It would be, I believe 38 feet. I'll look in my Code quickly, but I can do that. 38 to 42 feet."

- Chair Harris said, "Since we know SWAN Park is going to be accessed off an all weather road. Again, to build a subcollector of 38 feet to access 1.8 acres of industrial ground, again, I have some real heartburn with that. It just seems like a waste of resources. I don't have any objection to the trail."

- Chair Harris continued, "And it seems like the one condition that has changed from the previous presentation, at the time, if I remember correctly, the requirements, conditions of approval was to construct that north/south trail on the eastern boundary. Correct. Dedicate the easement and construct the trail. Is that correct, Mr. Thomas."

Mr. Thomas said, "That is correct. It was actually to construct it at the time of future subdivision or development plan."

- Chair Harris said, "So the change would be to dedicate now at the time of recordation, and then again, when it gets developed to construct the trail. Is that correct."

Mr. Thomas said, "To construct the southerly trail only."

- Chair Harris said, "I personally think that's appropriate, particularly if, as Mr. Wilson said, if the reallocation of the monies allows this clearly important connection. We have some free floating pathways around town that have not been developed, or have been developed and don't connect to anything, it seems to me that this Rufina Trail would be a great addition for the reasons you just described. My point of view would be to either construct a narrower road, the full 220 feet, or to define it in such a way at the time of improved development plan, whether City Traffic is recommending 150 feet or 100 feet, that really that the subcollector only get built to that access. I don't see a reason to continue on to State property that the City Council has walked away from. It is unlikely, as we've heard, that the State is going to do anything there. So, that's my point of view."

- Commissioner Pava said, "I think you articulated it better than I could with my fumbling questions about vacating the right-of-way. My concern still remains, and I'll frame this in terms of context. When I look at this piece of property it is adjacent to land already owned by the government, maybe not the City, but it's leased to the County and it's State land. I see no reason to impose a 15 foot wide easement, when it could be just done just over the property line on government land. I would have to agree with what Mr. Siebert was saying earlier on, that that would be reasonable. It may not be easy to accomplish, but still, this is a Trails Master Plan. It's not a requirement to dedicate right-of-way. Maybe that would make sense if everything was developed to the east. And when I look at this aerial, I see plenty of land and opportunity to develop a 15 foot wide trail that would link up to some of the other trails that have been described."

- Mr. Pava continued, "So, if and when we get to the point of making a motion, or approving, I would support something along those lines. Just to put that out there at this point. I just have a matter of principle. We have a piece of government land here, and the government should cooperate and coordinate and not impose an unreasonable burden on this piece of property, when it could be facilitated on government land. The 15 feet may or may not... it's a small parcel. That 15 feet could make the difference in eventual development which provides gross receipts taxes which would benefit the coffers that are going to provide and build that trail. And that's my take on it."

- Commissioner Padilla said, "Thank you Mr. Chair for articulating your opinion on the access point to this property and you've kind of followed up on the question I presented of that length of 220 feet to be built to where – almost to nowhere. The question I have is, I know the Traffic Engineer has limited access off that point only. I guess the question for staff. When this property is developed, I would assume it has two fronts, the Agua Fria property line on the north and the San Felipe Road property on the west. Is that correct. Would it be considered two fronts."

Ms. Baer said, "We would look at that at the time of development. It could be that this property will be further subdivided. It could be that there are a number of buildings that happen there, and so I would hesitate to make that judgment call now."

- Commissioner Padilla asked what would be the required setback on the east property line – 5 feet, 10 feet. If we've got that easement, we couldn't encroach on the 15 foot easement..

Ms. Baer said, "In C-2, I would have to check to make sure, but I believe the front setback is 10 feet. The setbacks are relatively small. There is no side setback."

- Commissioner Padilla said then a proposed development could be built right up to the 15 foot trail, if that was the back or side, either one. He said, "Along the east property line, we have a 15 foot setback that's going to be granted for the proposed north trail. So, I'm just wondering if a development could be proposed right up to that easement."

Ms. Baer said, "So in the C-2 District, the street setback is 15 feet, side is zero, and rear is 10 feet. So, no it couldn't be, it would have to be at least 10 feet back from the...."

- Commissioner Padilla said, "Well, we've got a 15 foot easement that has to be granted for the trail, so we couldn't encroach into that 15 feet."

Ms. Baer said, "That's correct, but the building then could be right up that easement. Could."

- Commissioner Padilla said, "Could I just ask why access was denied off Agua Fria and San Felipe. Was it because of the blind curve."

Ms. Baer said she hates to speak for Mr. Romero, but she thinks it probably is the proximity to the intersection and where that turn happens, and the fact that there is going to be a roundabout, and any access off Agua Fria would have been too close."

- Commissioner Padilla said then that makes sense now.
- Commissioner Schackel-Bordegaray said, "I was following Commissioner Harris' line of reasoning and then Commissioner Pava threw in something very valid, I think, but questionable. Is it possible to accomplish that, given that it is the government exchange of land. I'm with you in spirit on it, but I will say clearly two things. I don't support full buildout of that 220 feet or even 150 feet of the southern boundary to City street standards. That is a waste of resources. I think the

likelihood of Rufina being a through street is not very high, so I don't support that condition if that's what it is. The easement makes sense without inhibiting much the buildout capability. So I support that. Oh, and just on a bigger bigger picture, this is a General Plan Amendment. They made mistakes. We all make mistakes as we grow. Things and circumstances changed from what was predicted. Originally this was desired to be community commercial. So this zoning change from neighborhood central to industrial, they're getting a lot by being able to change the zoning on that. They're getting something for sure. There's value gained in getting the zoning changed. So, I would like to remember that as well, and I support that rezoning because it is a patchwork. We don't have this down to a science. If that helps, these are my comments. It's a General Plan Amendment and a Rezoning. And we have a need for connectivity, but we don't have a need to require a developer to develop a street standard on a stub-out that's probably never going to be a street. So let's be reasonable here."

- Commissioner Pava said, "If I understand it, the setback on the eastern side is how wide."

Ms. Baer said, "Again, it depends Commissioner, on how the property is developed and whether we determine it to be the back or the side."

- Responding to Commissioner Pava, Ms. Baer said, "If it's rezoned to C-2 and it's considered the back or the rear, it is 10 feet. If it is the side, there is zero setback."
- Commissioner Pava said, "Requiring the easement still could take up to 15 feet, and deprive the owner of 15 feet of usable property if that were chosen as a zero setback line. Right."

Ms. Baer said yes.

- Chair Harris said, "The north/south trail, yes. Does the City have easements from the property we're speaking to this evening down to Airport Road."

Mr. Wilson said no.

- Chair Harris said, "So really none of that is in the City's control at this time."

*[Mr. Wilson's lengthy response here is completely inaudible because he was speaking from the audience and away from the microphone]*

- Chair Harris said we know about Mr. Romero's concerns about curb cuts adjacent to major intersections. The roundabout probably will happen at some point. He asked, "Is there concern on your part as the Trails Planner to have that crossing for this north/south trail so close to a roundabout and to a curve that historically has been a bit dangerous, quite frankly."

*[Mr. Wilson's lengthy response here is completely inaudible because he was speaking away from the microphone]*

- Commissioner Padilla said, "Ms. Baer you had said the zoning was going from SC-1 to C-2."

Ms. Baer said, "I would like to correct that, it's I-1 and the setbacks are the same."

Ms. Baer said, "To Commissioner Pava's remarks or question about putting the easement on State property. We suggested that as a possibility to the applicant in discussions with the applicant. The City staff were fine with that, and the applicant chose not to pursue that as an option. In other words, not to have those discussions with the State."

Ms. Baer said, "And if I could add, please. As you know, we get roads and we get trails one piece at a time very often. You know, Mr. Wilson spoke to the bigger picture and planning, and then it comes down to the individual project. So I can't speak for Mr. Romero, but if you build that road to only a portion of the property, who is going to build the remainder of it. Nobody. You can't ask someone whose property isn't adjacent to the road to take that on. So that's why we typically ask, when we ask for road extension and road construction, to run the full length of the property and not a portion of it."

- Chair Harris said, "I appreciate that Ms. Baer. I just don't consider this a typical situation."

- Commissioner Padilla asked, "Could it be a condition of approval that if at some point there is connectivity via extension of Rufina that the owner or developer be required to extend and connect to that."

Ms. Baer said, "I think that would be a difficult condition to enforce or to require. I don't even know if we could do that. If the property is fully built out and there is a road that goes halfway down the southern boundary and there are businesses there, are you going to come in and ask them to spend \$20,000 or whatever to build a road that they didn't anticipate building. You could put someone out of business that way. I don't see that happening."

- Chair Harris said, "Mr. Siebert, I'm sure these are discussions you've had among yourselves, you and your client as well as staff. Do you have any response to what you've heard in the last 20 minutes."

Mr. Siebert said, "Let me just preface this by saying, I think one of the considerations the Planning Commission has is to make sure that, not only on the developer's side, but on the City's side that the conditions are fair and reasonable, and if I think they are, I don't argue with them. That's fine. We agree with the City conditions. I think in this case it did not make sense, and I think the Commission understands that as well, that this is basically a collector roadway.... sidewalks, there's a sidewalk on one side, a trail the other side, and curb and gutter and planter strip and all that. That will never be constructed. It will be some odd piece of roadway that is sticking out there forever that kids are going to use to park on at night. My guess is the manufactured home subdivision next door probably would not appreciate that. That's my perspective."

Mr. Siebert continued, "And actually staff did work with us. Originally, the requirement was a 20 foot easement, the staff agreed to a 15 foot easement. And they deleted the requirement to construct the trail on the east side. So there's been compromise on both sides for this process."

Ms. Baer said, "Mr. O'Reilly asked me to bring to your attention, that at the time of development, the developer will have to pay impact fees and a portion of the impact fees do go toward roads, so that might help you in your decision."

- Chair Harris said, "I understand. But again, potentially you're asked to apply a condition of approval to build a certain road work at the time of the approval of the development plan, correct. And that road work would be built by the developer, correct."

Ms. Baer said, "Yes, I was suggesting that if you want to put a more lenient condition on it, that part of the justification would be that, in addition to having to build whatever portion of the road they have to build, they will also be paying impact fees toward roads, in general."

- Commissioner Schackel-Bordegaray said, "I think we've arrived at agreement, and I would like to work through the mechanics of this and propose that the condition that calls for the road standards is not what we're supporting here tonight. And we're not. We're the Commission. Staff has talked about it, and you said it best, I agree, this is a unique situation. Furthermore, I would like to make a motion."

Responding to Commissioner Schackel-Bordegaray, Mr. Thomas said, "The 15 foot easement is actually in the other condition, the MPO and Roadway & Trails Division Condition #1, which talks about the 15 foot easement along the east side. My motion supports that condition."

**MOTION:** Commissioner Schackel-Bordegaray moved, seconded by Commissioner Padilla, to recommend approval to the Governing Body of Case #2014-71, 5704 Agua Fria Road, General Plan Amendment, subject to the revised conditions of approval as recommended by staff, and striking Condition #3 of by the Traffic Engineering Department.

**DISCUSSION:** Commissioner Schackel-Bordegaray asked if her motion "covers the access, but without it having to be built to standards."

**RESTATED MOTION:** Commissioner Schackel-Bordegaray moved to recommend approval to the Governing Body of Case #2014-71, 5704 Agua Fria Road General Plan Amendment, subject to the revised conditions of approval as recommended by staff, and rewording Condition #3 of by the Traffic Engineering Department to read as follows: At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend approximately 200 feet to the easterly boundary of the right-of-way tract. ~~The design of this road shall be review and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.~~

**FRIENDLY AMENDMENT:** Commissioner Padilla proposed amending condition #3 as follows: At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend to an agreed upon length as approved by the Traffic Engineering Department approximately 200 feet to the easterly boundary of the right-of-way tract. ~~The design of this road shall be review and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.~~

**DISCUSSION ON FRIENDLY AMENDMENT:** Mr. Shandler said you need two parties to agree, so name the two parties to agree. I think you said Traffic is one party, but who is the other party that is going to enter the agreement.

Chair Harris said, "We have a motion, we don't have a second, and typically would there be discussion and perhaps a friendly amendment after the second. When would that discussion happen and when could a friendly amendment be considered."

Mr. Shandler said that sounds like a good procedure, as you've described, to have a second and then a friendly amendment to clarify language.

**SECOND TO THE MOTION:** Commissioner Padilla seconded the motion for discussion.

**FRIENDLY AMENDMENT:** Commissioner Padilla proposed amending condition #3 as follows: At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall be connected to San Felipe on the west side and extend a distance to be agreed upon by the Traffic Engineer and the developer approximately 200 feet to the easterly boundary of along the right-of-way tract. The design of this road shall be review and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards."

**DISCUSSION ON THE FRIENDLY AMENDMENT PRIOR TO AGREEMENT BY THE MAKER:** Chair Harris said, "The way I would perhaps seek to define it would be to construct the access road a certain distance up to the point of approved development plan. In other words, when they turn into the property. Whether that's 150 feet as we heard or less or more. I think that's kind of the way I would see it, is to try to tie it to an approved development plan that would indicate where that access into the property would be."

Ms. Baer said, "If I may suggest, an approved development, but not say development plan. This property may not warrant a development plan. It could come in for building permit. So you could say "an approved access."

Commissioner Padilla said we would still need to wordsmith sentence two in the condition.

Chair Harris said, "Correct. Again, that leaves it up to the process for approval of the development, and I think the same parties would be involved that you started to list, but it won't be limiting. If we just list two parties, I think it could be limiting."

Commissioner Pava said, "If I might suggest on this Commissioner. On your friendly amendment we insert the language, 'commensurate with the Code requirements for the character of development on this specific parcel.' And the reason I say that, is that we've all talked about context here and intensity. And most of us will agree that Rufina is not going to be built out to the dream of an arterial street connecting to San Felipe, but we do need to provide access that, looking at the development patterns around here, we've specifically got this one parcel. If it becomes zoned I-1, we could say, 'commensurate with the development that will occur on this,' whatever is appropriate. If it's 5704 Agua Fria Road. I'm trying to identify it with what gets built there is commensurate with and will serve the traffic generated by the development on this specific parcel. That's pretty specific. It's pretty clear and it states our intent and that would be my proposal to the language."

**FRIENDLY AMENDMENT RESTATED:** At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend easterly in the right-of-way to an approved development access point. ~~approximately 220 feet to the easterly boundary of the right-of-way tract.~~ The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

Ms. Baer said, "I think that language represents the direction the Commission is going. I would like to point out to the Commission that the City would never be able to accept that as a City road, because it's not build to City standards."

Mr. Padilla said, "I'm not striking the third sentence in there."

Ms. Baer said, "But the 20 feet, Mr. Chair, is not to City Standards. Did you say 20 feet."

Mr. Padilla said no.

Mr. Shandler said, "Mr. Chair, I think that language will be legally sufficient, but it might be appropriate for the Chair to restate the entire motion for the record prior to the vote."

Commissioner Schackel-Bordegaray said, "I just caught something that I'm concerned about in the condition by the MPO which it still states in there that 'At the time of development of the property, the developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property conjunction with the access road described in the City Traffic Engineer's Condition #3.' We haven't struck that and now we're changing Condition #3. Don't we need to account for it in that condition as well."

Ms. Baer said, "An easy fix to that, Mr. Chair would be 'as amended' in City Traffic Engineer's Condition #3."

**RESTATED MOTION INCORPORATING THE FRIENDLY AMENDMENTS:** Commissioner Schackel-Bordegaray moved, seconded by Commissioner Padilla, to recommend approval to the Governing Body of Case #2014-71, 5704 Agua Fria Road General Plan Amendment, subject to the revised conditions of approval as recommended by staff; amending Condition #3 of by the Traffic Engineering Department to read as follows:

At the time of the development of the Northerly Tract, the Developer shall construct an access road within the right-of-way tract located between the Northerly and Southerly tracts. The access road shall connect to San Felipe on the west side and extend easterly in the right-of-way tract to an approved development access point. ~~approximately 220 feet to the easterly boundary of the right-of-way tract.~~ The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards;

and amending MPO Condition #1 as follows:

At the time of development of the property, the developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property conjunction with the access road described in the City Traffic Engineer's Condition #3 as amended. The design of all trail/side paths shall be reviewed and approved by the Roadway & Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision of Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15.

**VOTE:** The motion, as amended, was approved on the following Roll Call vote [5-0]:

**For:** Commissioner Bemis, Commissioner Ortiz, Commissioner Padilla, Commissioner Pava and Commissioner Schackel-Bordegaray.

**Against:** None.

2. **CASE #2014-72. 5704 AGUA FRIA ROAD REZONING. JAMES W. SIEBERT AND ASSOCIATES, INC., AGENT FOR PAUL AND ROSINA GALLEGOS, REQUESTS REZONING OF A 1.79 ACRE PROPERTY FROM SC-1 (NEIGHBORHOOD SHOPPING CENTER) TO I-1 (LIGHT INDUSTRIAL). THE PROPERTY IS CURRENTLY VACANT AND LOCATED AT 5704 AGUA FRIA ROAD AT THE INTERSECTION OF SAN FELIPE ROAD AND AGUA FRIA ROAD. (ZACH THOMAS, CASE MANAGER). (POSTPONED FROM AUGUST 7, 2014)**

**MOTION:** Commissioner Schackel-Bordegaray moved, seconded by Commissioner Padilla, that the Planning Commission recommend the approval of Case #2014-72, 5704 Agua Fria Road Rezoning, with revised conditions of approval as stated in the motion in the previous case.

# City of Santa Fe, New Mexico

## City Council

### Exhibit 4

**Planning Commission Staff Report Packet  
September 11, 2014**

# City of Santa Fe, New Mexico

# memo

**DATE:** August 26, 2014 for the September 11, 2014 meeting

**TO:** Planning Commission

**VIA:** Matthew S. O'Reilly, P.E., Director, Land Use Department <sup>MSO</sup>  
Tamara Baer, Planning Manager, Current Planning Division <sup>TB</sup>

**FROM:** Zach Thomas, Senior Planner, Current Planning Division <sup>ZT</sup>

---

**Case #2014-71. 5704 Agua Fria Road General Plan Amendment.** James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a +/-1.79 acre property from Neighborhood Center to Industrial. The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

**Case #2014-72. 5704 Agua Fria Road Rezoning.** James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests rezoning of a +/-1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial) The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

## **UPDATE FROM AUGUST 7<sup>th</sup>, 2014 PLANNING COMMISSION MEETING**

Per the request of the applicant at the August 7, 2014 Planning Commission public hearing, the Planning Commission postponed the above applications for consideration at the September 11, 2014 hearing. The applicant requested postponement to seek clarification of the MPO / Roadway and Trail Division proposed condition of approval pertaining to trail dedication and construction.

Upon discussion between the applicant and city staff, it was confirmed that the initial alignment of the trail easement requested by the MPO and the Roadway and Trails Division was consistent with the Bicycle Master Plan. Furthermore, The MPO / Roadway and Trail Division condition of approval was revised to better meet the needs of the applicant and City (see attached). All other proposed conditions of approval and details of the original August 7, 2014 staff report remain unchanged.

**ATTACHMENTS:** Revised Conditions of Approval

5704 Agua Fria General Plan Amendment and Rezone—Conditions of Approval

Planning Commission  
Case #2014-71&72 – 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed General Plan Amendment and Rezone and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> <li>1. The Developer shall dedicate sufficient Right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer). Said Right-of-Way dedication shall be reviewed and approved by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the existing Grant of Right of Way Easement, between J.C. and Sue C. Bergere and the County of Santa Fe, dated September 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat Book 689, page 49, recorded on September 12, 2008 in the County of Santa Fe, NM.</li> <li>2. Access to the Northerly Tract located at 5704 Agua Fria shall be via the 82 foot wide Right-of-way located adjacent to and south of said property. No access will be granted directly off of either Agua Fria or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via the 82 foot Right-of-Way.)</li> <li>3. At the time of development of the Northerly Tract, the Developer shall construct an access road within the Right-of-Way tract located between the Northerly and Southerly Tracts. The access road shall connect to San Felipe on the west side and extend approximately 220 feet to the easterly boundary of the Right-of-Way Tract. The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.</li> </ol>	<p>Traffic Engineering</p>	<p>John Romero/ Sandra Kassens</p>
<p>The Northerly Tract shall connect to City Sewer Service at the time of development. The Wastewater Division Engineer shall conduct a review of all proposed wastewater infrastructure prior to approval of development applications.</p>	<p>Wastewater Division</p>	<p>Stan Holland</p>
<p>The Northerly Tract shall connect to City Water Service at the time of development. The Water Division Engineer shall conduct a review of all proposed water service infrastructure prior to the approval of development applications.</p> <p>The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP), the Metropolitan Bicycle Master Plan (BMP). The following conditions are added to ensure connectivity with the trail alignments:</p> <ol style="list-style-type: none"> <li>1. A 15 foot multi-use trail easement shall be dedicated along the eastern boundary of the property at the time of recordation of the rezone plat. At the time of development of the property, the Developer shall design and construct a 10 foot wide hard surface trail/side path within the 82 foot right-of-way south of the property in conjunction with the access road described in the City Traffic Engineer's condition #3. The</li> </ol>	<p>Water Division</p> <p>MPO / Roadway and Trails Division</p>	<p>Dee Beingsner</p> <p>Keith Wilson / Eric Martinez</p>

**5704 Agua Fria General Plan Amendment and Rezone—Conditions of Approval**

Planning Commission  
Case #2014-71&72 – 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>design of all trail/side paths shall be reviewed and approved by the Roadway &amp; Trails Engineering Division and shall be built to City of Santa Fe standards. At the time of future approval of a Subdivision or Development Plan, the Developer shall develop all trails consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15.</p>		

# City of Santa Fe, New Mexico

# memo

**DATE:** July 23, 2014 for the August 7, 2014 meeting

**TO:** Planning Commission

**VIA:** Matthew S. O'Reilly, P.E., Director, Land Use Department <sup>MSO</sup>  
Tamara Baer, Planning Manager, Current Planning Division ~~MB~~

**FROM:** Zach Thomas, Senior Planner, Current Planning Division <sup>ZT</sup>

---

**Case #2014-71. 5704 Agua Fria Road General Plan Amendment.** James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for a 1.79 acre property from Neighborhood Center to Industrial. The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

**Case #2014-72. 5704 Agua Fria Road Rezoning.** James W. Siebert & Associates, Inc., agent for Paul and Rosina Gallegos, requests rezoning of a 1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial) The property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria Road. (Zach Thomas, Case Manager)

*Cases #2014-71 and #2014-72 are combined for purposes of staff report, public hearing and Planning Commission review, but each is a separate application and shall be voted upon separately.*

## **RECOMMENDATION**

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning subject to the conditions as outlined in this report. No specific development is proposed as part of these applications. The request will proceed to the City Council for final decision on the General Plan Amendment and Rezoning.

## **I. APPLICATION SUMMARY**

The subject 1.79 acre lot is a remainder of a 3.076 acre lot that was split into two lots as a result of the City taking 0.417 acres for the Rufina Street right-of-way. Establishment of the right-of-way created a northerly tract of 1.79 acres and a southerly tract of 0.87 acres. The northerly tract has a General Plan Future Land Use Designation of Neighborhood Center and is within the SC-1 (Planned Shopping Center) zoning district. The southerly tract has a General Plan Future Land Use Designation of Industrial and is within the I-1 (Light Industrial) zoning district.

The applicant requests a General Plan Amendment from Neighborhood Center to Industrial and a Rezoning from SC-1 (Planning Shopping Center) to I-1 (light Industrial) to be consistent with the southerly tract.

## **II. DISCUSSION AND ANALYSIS**

The subject property is located within the Southwest Area Master Plan and was given the Future Land Use Designation of Neighborhood Center by the Community Area Plan adopted as part of the General Plan in 2007. The area came under City jurisdiction with the adoption of the Subdivision, Platting, Planning and Zoning Ordinance (SPPaZO) in 2009, and zoned SC-1 consistent with the Future Land Use Designation. It was annexed on January 1, 2014 as part of phase 2 of the City-initiated annexation. Additionally, the property immediately to the east which is owned by the State of New Mexico, and developed as a County Operated youth shelter and Head Start program, is also zoned SC-1.

The existing 0.471 acre right-of-way on the southern boundary of the property was acquired by the City in 1992 for the future extension of Rufina Road. However, a resolution adopted by the City Council in 1999 stated the City's intent to no longer extend Rufina Road to San Felipe, but rather to encourage the development of a pedestrian trail along the right-of-way previously intended for the development of Rufina Road. It is therefore unlikely that Rufina Road will be extended in the foreseeable future. The resolution has been attached as Exhibit C.

Developments within the SC-1 zoning district are intended to serve a minimum of 1,000 families and consist of 5 to 10 retail establishments with a major retail anchor such as a full service grocery store. To ensure adequate size for such a development, the SFCC Chapter 14, stipulates that a property is only eligible to be rezoned to SC-1 if it is between 5 to 15 acres.

The subject 1.79 acre property is unlikely to ever accommodate such development as it is bounded by an institutional use on the east, Agua Fria Road to the North, a residential mobile home subdivision to the west and a City right-of-way and Industrial land to the south.

An Early Neighborhood Notification meeting was held on April 29, 2014 at the Southside library. No members of the public attended.

## II. GENERAL PLAN AMENDMENT

The subject property's current land use designation is Neighborhood Center as shown on the Future Land Use Map (See Exhibit X). The applicant requests the Industrial designation to allow for I-1 (Light Industrial) zoning. Section 14-3.2(E)(1) sets out the following General Plan Amendment criteria for approval:

(a) *consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;*

**Applicant Response:** The requested I-1 zoning is more likely to generate and attract businesses rather than the SC-1 zoning, where development of the property would be prohibited with less than 5 acres of land under the current SC-1 zoning. This rezoning would allow for local businesses to relocate and have the ability to own their own space allowing the company to grow and hire more workers.

**Staff Response:** While the existing land use designation does not preclude development of the property, the request to change the future land use designation from Neighborhood Center to Industrial is consistent with current Industrial land use designation of property to the north and south of the property. Any future development would be required to develop access for the property within the 0.471 acre right-of-way south of the property.

(b) *Consistency with other parts of the general plan;*

**Applicant Response:** The subject property is mostly surrounded by I-1 property with the exception of the mobile home park to the west and SC-1 zoned property to the east. The subject property was zoned SC-1 with the idea that the sum of area of the zoned properties was sufficient in size to accommodate a shopping center and satisfy the minimum acreage requirement of 5 acres. With the development of the Youth Shelters and Family Services, The Planning Shopping Center was diminished in size and is now less than the 5 acre minimum required by the SC-1 zoning district.

**Staff Response:** The subject property is currently vacant and bordered on two sides by Industrial land use designations. The proposed change will not create inconsistencies with the General Plan. General Plan Policy 5-3-G-6 speaks directly to the need to achieve compatibility between industrial development and surrounding neighborhoods. Chapter 14 implements this policy through development standards that address the residential and nonresidential interface.

(c) *the amendment does not:*

(i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or*

(ii) *affect an area of less than two acres, except when adjusting boundaries between districts; or*

(iii) *benefit one or a few landowners at the expense of the surrounding landowners or the general public;*

**Applicant response:**

(i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area;*

The prevailing use and character in the area is mostly industrial, with the exception of the mobile home park located immediately west of the subject tract.

(ii) *affect an area of less than two acres, except when adjusting boundaries between districts.*

The property is less than two acres in size. The City's taking of a strip of land on the south caused the lot to be split. The original size of the lot was 3.076 acres in size. The south portion of the left over lot is designated as light industrial.

(iii) *Benefit one or a few landowners at the expense of the surrounding landowners or general public.*

The requested commercial zoning designation is generally consistent with the land use patterns found on surrounding and near-by lots.

**Staff Response:** There is a residential mobile home subdivision to the west of the subject site. However, the subdivision is surrounded on three sides by Industrial designated land. The subject site is also bordered on the north and south sides by Industrial designated land with no conflict. As such, the prevailing use and character of the area is industrial.

Although the property is less than 2 acres in size, it is an expansion of the I-1 district across Agua Fria Road and well as across the right-of-way south of the property, and therefore qualifies as an adjustment in the boundaries of the I-1 zoning district. This request to amend the General Plan Future Land Use Map does not benefit the property owner at the expense of the surrounding landowners or the general public.

(d) *an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;*

**Applicant Response:** Justification for the rezoning action is based on the surrounding zoning designations in the area.

**Staff Response:** The amendment does conform with Subsection 14-3.2(E)(1)(c) as it is not inconsistent with the prevailing use or character of the area, is not less than 2 acres as it is adjusting the boundary of adjacent industrial land and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

(e) *compliance with extraterritorial zoning ordinances and extraterritorial plans;*

**Applicant Response:** This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

**Staff Response:** Extraterritorial zoning ordinances are no longer relevant to the subject site as it is within the City boundary.

*(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and*

**Applicant Response:** Industrial uses are more consistent with the surrounding land uses, especially since the SC-1 zoning has been obviated by the construction of buildings on County land including housing and a variety of social service functions.

**Staff Response:** While other development of the property is feasible, the site will not likely, in the foreseeable future, be developed as a Neighborhood Center as anticipated by the land use designation and zoning. Land immediately to the east that is zoned SC-1 (Planned Shopping Center) has been developed and operates as Santa Fe County social service facilitates and is designated as Public/Institutional by the General Plan Future Land Use Map.

*(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*

**Applicant Response:** The City regulations require a minimum of five acres for a Neighborhood Shopping Center. This property is no longer in conformance with the minimum lot size with the development of the County property.

**Staff Response:** This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to promote and maintain economically developable industrial land. While the subject property could be developed with a variety of commercial land uses under the existing land use designation and zoning, the site is better suited for Industrial land use as it is bordered on two sides by Industrial designated land.

(2) Additional Criteria for Amendments to Land Use Policies:

*In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping, or other means, and a finding must be made that:*

(a) *the growth and economic projections contained within the general plan are erroneous or have changed;*

**Applicant Response:** When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses.

**Staff Response:** The Southwest Area Master Plan, adopted as part of the General Plan, identifies the subject site and adjacent property to the east as Neighborhood Center. However, the property to the east, which is owned by the State of New Mexico, has been developed by Santa Fe County as a social service center consisting of a youth shelter and Head Start facility. The General Plan Future Land Use Designation of Public/Institutional also reflects the current County use. Based on the existing use of adjacent property, it is apparent that growth and economic projections for this immediate area have changed from that previously anticipated.

(b) *no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or*

**Applicant Response:** Not applicable.

**Staff Response:** A variety of locations are available throughout the City for industrial uses. However, development patterns within the immediate vicinity of the subject site have changed and the site is no longer best suited for a neighborhood center and is well suited for a light industrial use.

(c) *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.*

**Applicant Response:** Conditions have changed with the development of the adjoining County land. A neighborhood shopping center is no longer viable either from a market or compliance standpoint.

**Staff Response:** The subject property and neighboring properties to the east were designated Neighborhood Center by the Southwest Area Master Plan. The property to the east has been developed as Santa Fe County social service facilities. As such, the collective site is no longer suitable as a Neighborhood Center as originally envisioned by the Southwest Area Master Plan.

(d) *The effect of the proposed change in land use will not have a negative impact on the surrounding property. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent property by a setback, landscape or other means.*

**Applicant Response:** The types of uses on the nearby Thomas Business Park are an example of the types of uses that might occur on this property. The Thomas Business Park has an assisted living facility, a bridge club and professional offices.

**Staff Response:** The proposed change in land use is consistent with the character of the surrounding area. The subject site is bordered on the north and south by Industrial land use designation and bordered on the east by existing public/institutional facilities. Additionally, the residential mobile home subdivision is bordered on three sides by Industrial land use with no known conflict.

### III. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) *one or more of the following conditions exist:*

(i) *there was a mistake in the original zoning;*

**Applicant Response:** The City rezoned all properties within the Presumptive City Limits. The City's vision was that zoning the two corner lots as SC-1 was sufficient to accommodate a planned shopping center. With the Youth Shelters and Family Services occupying the lot, the SC-1 district is not consistent with City Code requirements or appropriate planning for this section of the southwest sector.

**Staff Response:** The SC-1 zoning district was given to the subject site and immediately adjacent properties to the east in 2009. The SC-1 zoning district was not consistent with the existing use of County social service facilities, which was developed in phases from approximately 2004 through 2008.

(ii) *there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;*

**Applicant Response:** The area is predominately zoned I-1. The mobile home park predated zoning for the area. Since the 1970s the area has developed for light industrial purposes.

**Staff Response:** The SC-1 zoned property to the east has been developed as County social service facilities making it unlikely that the subject property and adjacent properties would be developed as a shopping center as originally anticipated by the Southwest Area Master Plan.

(iii) *a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;*

**Applicant Response:** I-1 zoning is compatible with the surrounding uses and it is likely that a future industrial use will generate less traffic than the SC-1. The Thomas Business Park has proven that I-1 uses can actually be less intensive than SC-1 uses.

**Staff Response:** The immediate vicinity is largely dominated by Industrial designated land. The proposed Land Use Amendment and Rezone essentially close a small gap in the surrounding industrial land. The following General Plan Policies articulate the importance of industrial land within the City and speak to the compatibility between industrial uses and surrounding uses:

*Policy: 5-3-G-4: Provide appropriately located areas for a broad range of manufacturing, warehousing, and service uses to strengthen the city's economic base and provide employment opportunities for residents.*

*Policy 5-3-G-5: Designate and protect the supply of land suitable for industrial use by not allowing incompatible uses to locate in industrial areas.*

*Policy 5-3-G-6: Achieve compatibility between industrial development and surrounding neighborhoods through use and design standards, and performance requirements intended to minimize excessive noise, smoke, light, glare and other adverse environmental impacts.*

Development standards within Chapter 14 address the use and design standards referred to in Policy 5-3-G-6 to ensure compatibility with the existing residential mobile home subdivision to the west.

(b) *all the rezoning requirements of Chapter 14 have been met;*

**Applicant Response:** The current zoning does not meet the requirements of the code. Rezoning of the property to I-1 would insure that requirements of the code are met.

**Staff Response:** The proposed rezone complies with all rezoning requirements of Chapter 14.

(c) *the rezoning is consistent with the applicable policies of the general plan, including the future land use map;*

**Applicant Response:** The City General Plan shows this tract as a Planned Shopping Center. It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the application of the City zoning to the area under the City/County Settlement Agreement.

It is therefore, not that the property is inconsistent with the General Plan, especially the Future Land Use Map, but that the land use designation established by the City General Plan was incorrect.

**Staff Response:** The applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. The rezoning is consistent with policies of the General Plan in that it protects the supply of land suitable for industrial development. The subject site is bordered on the north and south by Industrial designated land.

*(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;*

**Applicant Response:** In the last 10 years there has been a major shift in land uses along Airport Road. In addition to the Chamisa Shopping Center at Zepol Road, which has been in existence for over 25 years, there is Esplanade Village which is also a retail commercial shopping center located at the intersection of Airport Road and Paseo del Sol intersection. Walgreens has recently constructed a store at Airport Road and Jemez Road. There are now sufficient retail services to accommodate the needs of the Southwest Sector.

**Staff Response:** There is a substantial amount of commercial zoned property in close proximity to the subject site. The subject site is better suited for I-1 zoning as it is largely surrounded by I-1 zoned land and is bordered on the east by County social service facilities. Furthermore, General Plan Policies speak to the importance of maintaining a supply of land suitable for industrial use.

*(e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.*

**Applicant Response:** Sewer is available to the property at the south end of the tract. City water is available along the entire length of the property on the San Felipe side and on the Agua Fria Road side. No new fire protection or police facilities will be required to serve this area. Electric, natural gas and telephone is available adjacent to this property.

**Staff Response:** Infrastructure and public facilities are available to serve future development of the property. Any new development will require connection to the City water and sewer. The requested zoning will not impact infrastructure to a greater degree than would already occur under the existing SC-1 zoning.

#### (D) Additional Applicant Requirements

*(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

(2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

**Staff Response:** Basic infrastructure including: streets (no sidewalk), water, and sewer, are available to adequately serve the site as it currently exists. However, a condition has been proposed to require the developer to dedicate sufficient right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads. Also, a condition has been proposed to require the developer, at the time of future development of the property, to construct an access road within the right-of-way south of the property.

#### IV. CONCLUSION

Staff supports the proposed General Plan Future Land Use Map Amendment from Neighborhood Center to Industrial and the proposed Rezone from SC-1 to I-1, subject to the proposed conditions of approval.

#### VI. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Wastewater Management Division memorandum, Stan Holland
2. Traffic Engineering Division memorandum, Sandra Kassens
3. Water Department memorandum, Dee Beingessner

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning
3. Aerial Photo

EXHIBIT D: 1999 Resolution regarding Rufina Road

EXHIBIT E: Applicant Materials – GPA and Rezone Report

5704 Agua Fria General Plan Amendment and Rezone—Conditions of Approval

Planning Commission  
Case #2014-71&72 – 5704 Agua Fria GPA & Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the preliminary subdivision plat and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> <li>The Developer shall dedicate sufficient Right-of-way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer). Said Right-of-Way dedication shall be reviewed and approved by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the existing Grant of Right of Way Easement, between J.C. and Sue C. Bergere and the County of Santa Fe, dated September 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat Book 689, page 49, recorded on September 12, 2008 in the County of Santa Fe, NM.</li> <li>Access to the Northerly Tract located at 5704 Agua Fria shall be via the 82 foot wide Right-of-way located adjacent to and south of said property. No access will be granted directly off of either Agua Fria Road or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via the 82 foot Right-of-Way.)</li> <li>At the time of development of the Northerly Tract, the Developer shall construct an access road within the Right-of-Way tract located between the Northerly and Southerly Tracts. The access road shall connect to San Felipe on the west side and extend approximately 220 feet to the easterly boundary of the Right-of-Way Tract. The design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.</li> </ol>	<p>Traffic Engineering</p>	<p>John Romero/ Sandra Kassens</p>
<p>The Northerly Tract shall connect to City Sewer Service at the time of development. The Wastewater Division Engineer shall conduct a review of all proposed wastewater infrastructure prior to approval of development applications.</p>	<p>Wastewater Division</p>	<p>Stan Holland</p>
<p>The Northerly Tract shall connect to City Water Service at the time of development. The Water Division Engineer shall conduct a review of all proposed water service infrastructure prior to the approval of the final subdivision plat. The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP), the Metropolitan Bicycle Master Plan (BMP). The following conditions are added to ensure connectivity with the trail alignments:</p> <ol style="list-style-type: none"> <li>At the time of future approval of a subdivision or Development Plan, the Developer shall dedicate and develop trails on the southern and eastern portions of the property consistent with the Metropolitan Bicycle Master Plan as required by SFCC Section 14-8.15.</li> </ol>	<p>Water Division  MPO / Roadway and Trails Division</p>	<p>Dee Beingessner  Keith Wilson / Eric Martinez</p>

# City of Santa Fe, New Mexico

# memo

**DATE:** July 7, 2014  
**TO:** Zach Thomas, Case Manager  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2014-71&72 – 5704 Agua Fria General Plan Amendment and Rezoning

---

**The subject properties are accessible to the City sanitary sewer system.**

**The Wastewater Division has no objection to the General Plan Amendment and Rezoning.**

# City of Santa Fe, New Mexico

# memo

**DATE:** July 15, 2014  
**TO:** Zach Thomas, Land Use Division  
**VIA:** John J. Romero, Traffic Engineering Division Director *JR*  
**FROM:** Sandra Kassens, Engineer Assistant *SK*  
**SUBJECT:** 5704 Agua Fria Road GPA and Rezoning. (Case# 2014-71/72)

## ISSUE:

James W. Siebert & Associates, agent for Paul and Rosina Gallegos, request approval of a General Plan Amendment to amend the existing General Land Use designation for a 1.79 acre property from Neighborhood Center to Industrial. In addition, they request rezoning of a 1.79 acre property from SC-1 (Neighborhood Shopping Center) to I-1 (Light Industrial). The Property is currently vacant and located at 5704 Agua Fria Road at the intersection of San Felipe Road and Agua Fria.

## RECOMMENDED ACTION:

Review comments are based on submittals received on July 2, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Developer shall dedicate sufficient Right-of-Way to the City of Santa Fe at the northwest corner of the property to allow for a planned future roundabout at the intersection of Agua Fria and San Felipe Roads (City to provide conceptual roundabout design to Developer.) Said ROW dedication shall be reviewed and approved of by the City of Santa Fe Traffic Engineering Division prior to recordation and shall be at a minimum equivalent to the an existing Grant of Right of Way Easement, between J.C. and Sue C. Bergere and the County of Santa Fe, dated Sept. 20, 1950 and with reference no. 51/254 that is described in note 11 of Plat book 689, page 49, recorded on Sept. 12, 2008 in the County of Santa Fe, NM.
2. Access to the Northerly Tract located at 5704 Agua Fria Road shall be via the 82' wide Right-of-Way located adjacent to and south of said property; no access will be granted directly off of either Agua Fria Road or San Felipe Roads to the Northerly Tract. (The Southerly Tract shall similarly be accessed via this 82' wide ROW.)
3. At the time of development of the Northerly Tract, the Developer shall construct an access road within the ROW tract located between the Northerly and Southerly tracts that shall connect to San Felipe on the west side and extend approximately 220' to the eastern boundary of the ROW Tract. The Design of this road shall be reviewed and approved by the Traffic Engineering Division and the road shall be built to City of Santa Fe Sub-Collector standards.

If you have any questions or need any more information, feel free to contact me at 955-6697. (Call to discuss roundabout design.) Thank you.

Attachments: Grant of Right of Way Easement, 51/254

SS001 PM5 - 7.95

# Grant of Right of Way Easement

THIS INDENTURE, made and entered into this 20th day of September, 1950, by and between J. C. Bergers and Sus C. Bergers

parties of the first part and County of Santa Fe, State of New Mexico, party of the second part.

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One and no/100 DOLLARS,

of lawful money of the United States of America and other good and valuable considerations

in hand paid by said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, a perpetual, full and unrestricted easement and right of way, along, over and across the following described strip, tract and parcel of land and real estate lying, situate

and being in the County of Santa Fe, State of New Mexico, to-wit:  
Set up here the description of the right of way in so far as it crosses the grantor's land.)

(?) A certain tract or parcel of land, lying and being situate in (Section 12, T.16 N., R.8 E., NMPM), within the Pachecho Grant, County of Santa Fe, State of New Mexico; being more particularly bounded and described as follows, to-wit:

Beginning at a point on the northerly boundary line of the Pachecho Grant, coincidental with center line Station 18469.77 of SP FAS-118(2) (Extension), and point from which the northeasterly corner of the Pachecho Grant bears N.75°28' E. a distance of 2h3.96 feet; thence N.75°28' E. along said boundary line a distance of 31.05 feet; thence S.0°23' W. a distance of 37.73 feet to the true point and place of beginning; thence continuing S.0°23' W. along the easterly right of way line of the aforementioned project a distance of 100.0 feet; thence N.79°13' E. a distance of 175.20 feet; thence S.58°03' W. a distance of 100.0 feet to the true point and place of beginning. Containing 0.097 of an acre, more or less.

together with the full and unrestricted right unto the said party of the second part and unto the State of New Mexico, to use the same as a public highway, to construct such public highway along and upon the same, to place such fills, cuts, culverts, bridges and structures thereon as may be necessary or desirable in connection with the use of the same for highway purposes, to use any and all materials thereon requisite or convenient for use in the construction, either on or off said road of highways and appurtenances thereto, and to that connection to leave upon said land borrow pits and other fills or excavations incident to the use of such materials and to prohibit all usage of said land or right of way for purposes which shall be or become inconsistent with the regulations of the State Highway Commission of the State of New Mexico.

TO HAVE AND TO HOLD the said right and easement for the uses and purposes aforesaid, unto the said party of the second part, its successors and assigns for so long as said right of way shall not be abandoned for highway purposes. Should the highway over said right of way should at any time be discontinued by non-use thereof for a continuous period of one year or more, the State Highway Engineer of the State of New Mexico, or his successors or substitutes in office, at any time execute and cause to be recorded in the County aforesaid a certificate that said right of way has been abandoned for highway purposes, then, and in either of such events the same shall be considered as having been abandoned within the meaning hereof, and the easement hereby granted shall thereupon terminate.

IN WITNESS WHEREOF the said parties of the first part have hereupon set their hand and seal of office of the day and year herein above written.

*J. C. Bergers*  
*Sus C. Bergers*

STATE OF NEW MEXICO

COUNTY OF SANTA FE

On this 20th day of September, 1950, before me personally appeared

J. C. BERGERS and SUS C. BERGERS, his wife,

whom I know to be the parties described in and who executed the above and foregoing Grant of Easement and acknowledged to me that they executed the same as their free act and deed

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first written.

My Commission expires 1-14-53

*[Signature]*

Notary Public.

(Note: The foregoing instrument should be executed by the husband and wife in each instance where the grantors are married.)

*City of Santa Fe*  
**memo**

**DATE:** July 8, 2014  
**TO:** Zach Thomas, Land Use Senior Planner, Land Use Department  
**FROM:** Dee Beingsner, Water Division Engineer   
**SUBJECT:** Case # 2014-71 & 72 5704 Agua Fria Road

---

There is no account for water service for 5704 Agua Fria Road. If City water service is needed for the property, a main extension may be required.

Fire protection requirements are addressed by the Fire Department.

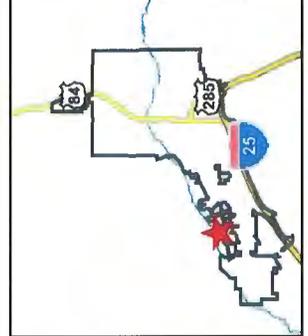
# Future Land Use



Map center: 1681474, 1688076



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



### Legend

- City Limits
- Address Points
- Parcels
- Santa Fe River
- Future Land Use
  - Mountain/Corridor (1 dwelling per 10+ acres)
  - Very Low Density (1-3 dwellings per acre)
  - Low Density (3-7 dwellings per acre)
  - Moderate Density (7-9 dwellings per acre)
  - Medium Density (7-12 dwellings per acre)
  - High Density (12-29 dwellings per acre)
  - Regional Commercial
  - Community Commercial
  - Neighborhood Center
  - Transitional Mixed Use
  - Business Park
  - Office
  - Industrial
  - Public/Institutional
  - Open Space

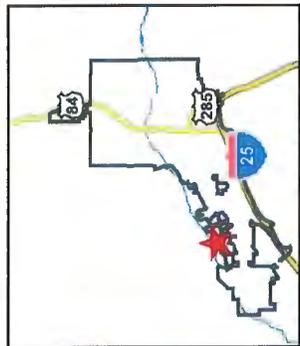
Scale: 1:3,049



# Zoning



Map center: 1699474, 1688076



## Legend

- City Limits
- Address Points
- Parcels
- Santa Fe River
- Zoning**
  - RR Rural Residential
  - R1, (PUD) Single-Family 1du/ac
  - R2, (DT), (PUD), (AC) Single - Family 2du/ac
  - R3, (PUD) Single - Family 3du/ac
  - R4 Single - Family 4du/ac
  - R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
  - R7, (I), (PUD), R8 Single - Family 7-8du/ac
  - RC5, RC5AC Compound 5du/ac
  - RC8, RC8AC Compound 8du/ac
  - R10, (PUD) Multiple - Family 10du/ac
  - R12, (PUD) Multiple - Family 12du/ac
  - R21, (PUD) Multiple - Family 21du/ac
  - R29, (PUD),(AC) Multiple - Family 29du/ac
  - RAC Residential Arts & Crafts
  - MHP Mobile Home Park

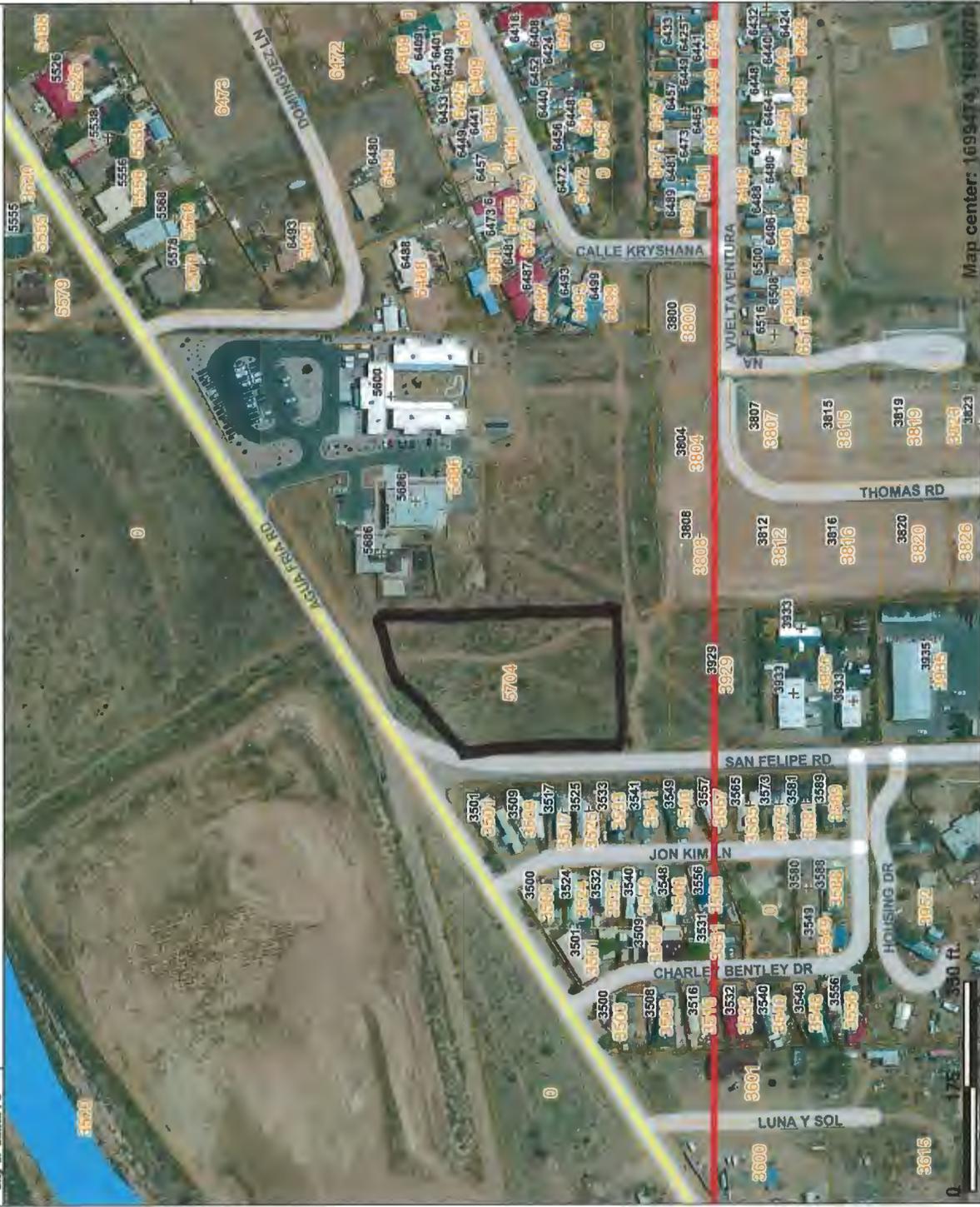


Scale: 1:3,049

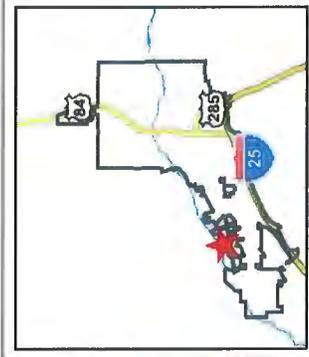
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



# Aerial Photo



Map center: 1699.474, 163.007



## Legend

- City Limits
- Address Points
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution



Scale: 1:3,049

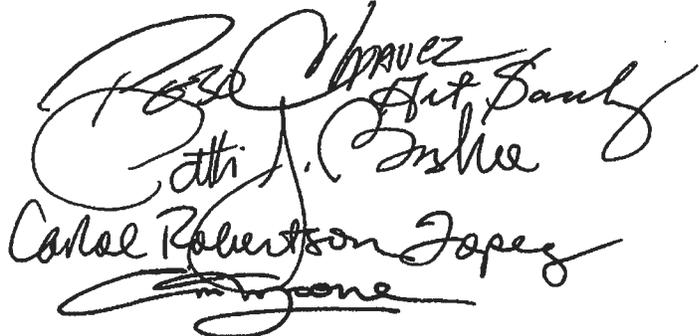
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 1999-46**

**INTRODUCED BY:**



**A RESOLUTION**

**SUPERCEDING RESOLUTION 1998-37 REQUESTING CONSTRUCTION FUNDING FOR THE RUFINA STREET EXTENSION AND STORM DRAINAGE PROJECT, C.I.P. No. 826.**

**WHEREAS, the southwest part of the City, in the Airport Road and Agua Fria Street area is growing rapidly with development of housing, shopping and schools; and**

**WHEREAS, this development is causing unacceptable levels of traffic congestion on Airport Road and Agua Fria Street; and**

**WHEREAS, the City's current and proposed General Plan recommend construction of Rufina Street as an arterial to alleviate traffic congestion in this area; and**

**WHEREAS, the City has since 1986 authorized over \$3.5 million of Capital Improvement Bond funds for design and right-of-way acquisition; and**

**WHEREAS, Bellamah Development Corporation paid the City \$186,343 towards construction of Rufina Street as a condition of annexation; and**

1           WHEREAS, Cinco para Manana, Inc. paid the City \$100,000 towards the construction of  
2 Rufina Street and storm drainage facilities as condition of annexation; and

3           WHEREAS, the City has completed construction plans for Rufina Street between Henry  
4 Lynch Road and Calle Atajo (Phase I) and the storm sewer outfall from Calle Atajo to the Santa Fe  
5 River, through Phase II; and

6           WHEREAS, preliminary design is complete for Rufina Street, between Calle Atajo and San  
7 Felipe Road (Phase II), and

8           WHEREAS, the City has acquired all rights-of-way for Rufina Street, except for ongoing  
9 acquisition of that parcel that crosses through Fairway Village and that parcel that crosses State  
10 Land, all in Phase II, and

11           WHEREAS, the estimated costs for constructing a two-lane section of Rufina Street and the  
12 storm drainage system is:

13	Storm sewer outfall	\$3,600,000
14	Update road plans, Phase I	\$ 100,000
15	Construct 2-lane street between	
16	Henry Lynch Road and Calle Atajo	
17	(Phase I)	\$2,500,000
18	Design, Phase II	\$ 150,000
19	Construct 2-lane street between	
20	Calle Atajo and San Felipe Road	
21	(Phase II)	\$1,150,000; and

22           WHEREAS, the Tiempos Lindos Homeowners Association and several residents from  
23 Fairway Village appealed to the City to end the westerly extension of Rufina Street at the  
24 intersection of proposed South Meadows Road and to plan and build South Meadows Road to  
25 connect with the Santa Fe Relief Route and to plan for a trail to extend westerly along the

1 remainder of the Rufina corridor towards San Filipe Road, all lying within Santa Fe County; and  
2 WHEREAS, this action will delete the planned secondary access points for Tiempos Lindos  
3 Development, Fairway Village Subdivision and the Tierra Real Mobile Home Subdivision; and

4 WHEREAS, this action is recommended and supported by the EZA appointed Urban  
5 Arterial Task Force; and

6 WHEREAS, this action will require an amendment to the existing and proposed City  
7 general plan; and

8 WHEREAS, the Santa Fe County Public Works Department has been coordinating the  
9 alignment for South Meadows Road with property owners and developers; and

10 WHEREAS, this action will shorten the construction of Rufina Street by approximately  
11 4,400 feet; and

12 WHEREAS, this action will revise the total estimated cost for constructing a two-lane  
13 section of Rufina Street and the storm drainage system as follows:

14	Storm sewer outfall	\$2,400,000
15	Update road plans, Phase I	\$ 100,000
16	Construct 2-lane street between	
17	Henry Lynch Road and Calle Atajo	
18	(Phase I)	\$2,500,000
19	Design, Phase II	\$ 150,000
20	Construct 2-lane street between Calle Atajo	
21	and <i>(proposed)</i> South Meadows Road	
22	(Phase II)	\$ 800,000
23	<i>(proposed)</i> South Meadows Road Extension	
24	from Rufina Street to Agua Fria Street	
25	<i>(which estimate includes new traffic signal at</i>	

1                                    *Agua Fria Street and South Meadows Road*)                                    \$ 420,000; and

2                    WHEREAS, systematic capital improvements are an effective tool for communities to meet  
3 their infrastructure needs.

4                    NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY  
5 OF SANTA FE that:

6                    1.        The current City General Plan and the proposed City General Plan are hereby  
7 amended to show the Rufina Street Extension and storm sewer now terminating at the intersection  
8 of *(proposed)* South Meadows Road.

9                    2.        The City, in cooperation with Santa Fe County, supports the construction of South  
10 Meadows Road between Airport Road and the Santa Fe Relief Route.

11                    3.        After July 1, 1998, the governing body will authorize \$100,000 from the C.I.P. Re-  
12 allocation fund for updating road plans for Rufina Street Extension and Drainage, between Henry  
13 Lynch Road and Calle Atajo (Phase I)

14                    4.        The City encourages and supports Santa Fe County's efforts to construct a  
15 pedestrian trail along the deleted segment of Rufina Street, between South Meadows Road and San  
16 Filipe Road, all in the County.

17                    5.        After July 1, 1998, the governing body will authorize \$150,000 from the C.I.P. Re-  
18 allocation fund for preparing construction plans for Rufina Street Extension from Calle Atajo to  
19 South Meadows Road and South Meadows Road from Rufina Street to Agua Fria Street (Phase II).

20                    6.        The governing body will give full consideration to funding the construction of  
21 Rufina Street storm sewer outfall in the next C.I.P. bond issue, scheduled for 1999.

22                    7.        The City will seek project funding form the New Mexico State Highway and  
23 Transportation Department, the New Mexico Legislature and through the New Mexico  
24 Congressional Delegation.

25                    8.        The City will update developer impact fees in this area to charge developers for this

1 road to whatever extent is legal under the State law.

2 **PASSED, APPROVED and ADOPTED** this 28<sup>th</sup> day of April, 1999.

3

4

5

6

7

8

  
LARRY A. DELGADO, MAYOR

9

10 ATTEST:

11

12

13

  
YOLANDA Y. VIGIL, CITY CLERK

14

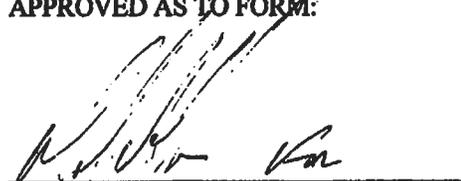
15

APPROVED AS TO FORM:

16

17

18

  
MARK A. BASHAM, CITY ATTORNEY

19

20

21

22

23

24

25

c.lange, ext. 6631

### City of Santa Fe Fiscal Impact Report

This Fiscal Impact Report (F.I.R.) shall be completed for each proposed ordinance or resolution draft and is intended for use by any of the standing committees of and/or the Governing Body of the City of Santa Fe.

**Section I: General Information**

Date

Draft \_\_\_\_\_

Original 4/21/99

Bill Identification: Resolution # 1999-H6      Sponsor(s): CHAVEZ, BISHOP, MOORE  
 Ordinance # \_\_\_\_\_      Sponsor(s): \_\_\_\_\_

Short Title: RUIANA STREET - SUPERCEDES RESOLUTION 1998-57

Reviewing Department(s): PWD

Person Completing Analysis: C. LANGE      Date: 4/21/99      Phone: 984-6681

**Section II: Fiscal Impact**

Appropriation Expenditure

Expenditure Classification	Estimated Projected Impact		Recurring	Non Recurring	Fund Affected
	FY '98	FY '99			
Personnel	_____	_____	_____	_____	_____
Fringe at 30%	_____	_____	_____	_____	_____
Capital Outlay	_____	_____	_____	<u>6,370,000</u>	<u>C.I.P.</u>
Land/Bldg.	_____	_____	_____	_____	_____
All Other Operating Costs	_____	_____	_____	_____	_____
<b>Total:</b>	_____	_____	_____	<u>6,370,000</u>	<u>CIP</u>

KAR

(Parenthesis ( ) Indicate Expenditure Decreases)  
 Note: Include start-up costs under the non-recurring category.

Revenue Source

Type of Revenue	Estimated Revenue				Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
	<del>FY 98</del>	FY 99	FY 00	FY 01			
FY 98 CIP BOND		\$250K				NON	CIP
FY 99 CIP BOND		\$2,400K				NON	CIP
FY 00 CIP BOND			\$2,500K			NON	CIP
FY 01 CIP BOND				\$1,220K		NON	CIP
Total:		\$250K	\$2,400K	\$2,500K	\$1,220K		\$6,370K CIP

(Parenthesis ( ) Indicate Revenue Decreases)

Appropriation/Expenditure Narrative: THE RUFINA STREET EXTENSION & DRAINAGE PROJECT, CIP#B76, FIRST AUTHORIZED IN 1986. IT IS A "PLAN 83" PROJECT. RIGHTS-OF-WAY HAVE BEEN ACQUIRED FOR REVISED PROJECT DESCRIBED IN THIS RESOLUTION, EXCEPT FOR NORTHERLY EXTENSION OF S. MEADOWS ROAD TO AGUA FRIA STREET.

THE ACTION TO BE TAKEN BY THIS RESOLUTION SHORTENS RUFINA STREET BY APPROXIMATELY 400 FEET, ENDING THE PROJECT AT PROPOSED SOUTH MEADOWS ROAD, RATHER THAN SAN FELIPE ROAD.

Revenue Narrative: THIS HAS BEEN A C.I.P. BOND FUND PROJECT

**Section III: Relationship to other Legislation; Source of Information**

Does this proposed ordinance/resolution duplicate, conflict with/ companion to/ relate to any currently approved ordinance or resolution? SUPERCEDES RESOLUTION

1998-37 MM

Sources of Information: RESOLUTION 1998-37

GENERAL PLAN

PROJECT FILES

COMMITTEE MINUTES

**Section IV: Narrative**

**1. Ordinance/Resolution Summary (Two Parts)**

a) **Synopsis:** Briefly explain the major provisions of the Ordinance/Resolution. What is its purpose? How much will it cost?

b) **Significant Issues:** List and briefly describe the major issues related to the ordinance/resolution which are discussed in more detail in the remaining narrative sections.

**2. Fiscal Impact**

Explain or justify any appropriation expenditure as a result of the proposed ordinance/resolution which will become a recurring cost to the city. Please be sure to indicate whether or not a proposed ordinance/resolution increases or decreases costs to the city and whether or not the city can absorb such increase/decrease.

If passage of the proposed ordinance/resolution will result in additional costs, or in new revenues, estimate the annual amount.

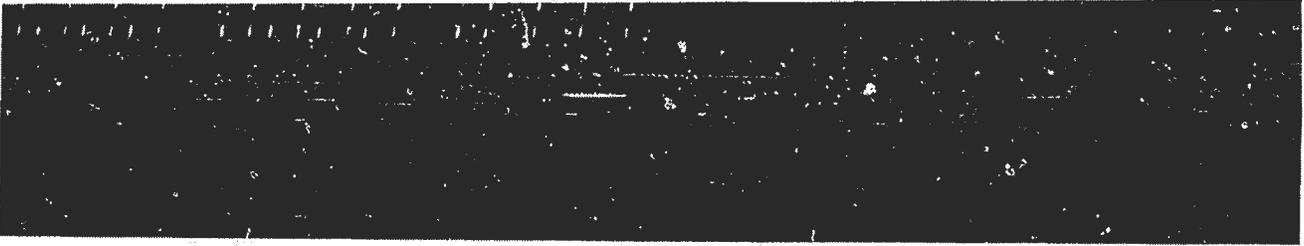
Explain any effect on federal appropriations or other local, state, and federal matching funds.

**3. Administrative Impact**

Explain the short or long-term administrative effect on the city of the passage or failure of the proposed ordinance/resolution. Indicate any changes in number of FTE (personnel) required.

**4. Duplicate, Conflict, Companionship, or Relationship**

Explain conflicts or overlaps with existing law and pending legislation, including citations of laws or ordinance numbers.



**5. Technical Issues**

Are there incorrect citations of law, drafting errors or other problems?

**6. Substantive Issues**

Are there any substantive issues such as legal problems or conflicts with existing policy or programs?

**7. Alternatives**

Are there any other alternatives which should be considered?

**8. What will be the consequences of not enacting this bill?**

**9. Amendments**

Are there any amendments that you would propose?