

City of Santa Fe, New Mexico

memo

DATE: September 29, 2014 for the October 8, 2014 Governing Body Meeting

TO: Governing Body

VIA:


Brian K. Snyder, City Manager

Lisa D. Martinez, Land Use Department Director 

Tamara Baer, Planner Manager, Current Planning Division 

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division 

BFFM GENERAL PLAN AMENDMENT AND REZONING TO LIGHT INDUSTRIAL

Case #2014-63. 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment. Sommer Karnes & Associates, LLP, agent for BFFM, requests General Plan Future Land Use Map amendment to change the designation of 3.86± acres from Rural/Mountain Corridor (1 dwelling unit per acre) to Industrial. The recommendation of the Planning Commission was to deny the requests to amend the General Plan Future Land Use Map to Industrial. The Planning Commission instead, voted to recommend to the Governing Body an amendment to the General Plan Future Land Use Map from Rural/Mountain/Corridor to Community Commercial (Dan Esquibel, Case Manager)

Case #2014-64. 2750 Boylan Circle and 1400 Boylan Lane Rezoning. Sommer Karnes & Associates, LLP, agent for BFFM, requests rezoning to change the designation of 3.86± acres from R-1 (Residential, 1 dwelling unit per acre) to I-I (Light Industrial). The Recommendation of the Planning Commission was to deny the requests to rezone from R-1 (Residential, 1 dwelling unit per acre) to I-1 (Light Industrial). The Planning Commission instead, voted to recommend to the Governing Body rezoning from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). (Dan Esquibel, Case Manager)

RECOMMENDATION:

The Planning Commission at their meeting of August 7, 2014 recommended **APPROVAL** to amend the General Plan and Future Land Use Map from Rural/Mountain Corridor (1 dwelling unit per acre) to Community Commercial and to rezone from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial) subject to conditions. The Commission's recommendation was an alternative to the applicant's original requests.

Findings and conditions of approval as recommended by the Planning Commission have been incorporated into both bills and are also listed in the Planning Commission Packet materials in Exhibit E. Exhibit E also includes the staff analysis of relevant policies and regulations.

Two motions will be required; one for Case# 2014-63 BFFM General Plan Amendment and one for Case# 2014-64 BFFM Rezoning. Draft resolutions are attached for both the Commission recommendation and for the applicant's original request.

I. APPLICATION OVERVIEW

At the August 7, 2014 meeting of the Planning Commission a Land Use analysis was made, along with a presentation by the Applicant and comments from the audience, regarding a proposed amendment request to change the General Plan Future Land Use Map from Rural/Mountain/Corridor to Industrial and Rezoning from R-1 (Residential 1 dwelling unit per acre) to I-1 (Light Industrial).

The recommendation of the Planning Commission, after review of all information presented, was to deny the requests to amend the General Plan Future Land Use Map to Industrial and the Rezoning to I-1 (Light Industrial). The Planning Commission instead, voted to recommend to the Governing Body an amendment to the General Plan Future Land Use Map to Community Commercial and Rezoning to C-2 (General Commercial). A copy of the August 7, 2014 Planning Commission meeting minutes and Findings of Fact and Conclusions of Law are included in the packet (reference Exhibit C).

The applicant continues to request General Plan Amendment to Industrial and Rezoning to Light Industrial.

The table below summarizes the differences in permitted uses between the C-2 and I-1 Districts. The empty shaded cells represent a prohibited use within the district. A "P" in the cell represents a Permitted Use; an "S" represents a permitted use subject to a Special Use Permit; and a blank cell represents a prohibited use. (A complete list of all permitted uses for I-1 and C-2 is also attached as Exhibit F. I-1 and C-2 uses are not directly impacted by the Technical Amendments Bill that is scheduled for public hearing on October 8.)

CATEGORY	SPECIFIC USE	C-2	I-1
Residential			
	Boarding, dormitory, monastery	S	
	Continuing care community	S	
	Group Residential Care Facility	S	
	Group Residential Care Facility, Limited	S	
	Group Residential Care Facility, Correctional	P/S	
	Dwelling; multiple family	P	
	Dwelling, single-family	P	
	Short Term Rental Unit	P	
Human Services			
	Adult day care	P	

CATEGORY	SPECIFIC USE	C-2	I-1
Parks and Open Space			
	Cemeteries, mausoleums & columbaria	S	
Educational			
	Colleges & universities (residential)	S	
	Vocational or trade schools, industrial		P
Hospitals and Extended Care Facilities			
	Extended care, convalescent, nursing, recovery care facilities	S	
	Hospitals and Extended Care Facilities	P	
	Sheltered care facilities	S	
Retail Sales and Services			
	Grocery stores (neighborhood)	P	
	Laundromats (neighborhood)	P	
	Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet		P
Community Centers and Institutions			
	Neighborhood and community centers, including youth and senior centers	P	
Outdoor Storage			
	Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts		P
Sexually Oriented Businesses			
	All		P

CATEGORY	SPECIFIC USE	C-2	I-1
Warehouse and Freight Movement			
	Wholesaling and distribution operations - 3,000 square feet or less of storage		P

III. CONCLUSION

The Commission’s recommendation is based in part on a recent case affecting a nearby parcel located farther south along the north side of Agua Fria Road (Rivera Rezoning). Both the BFFM and Rivera parcels are located in Annexation Area 1. The current General Plan designation and R-1 zoning in that area were based on the city’s 1999 General Plan Future Land Use Map; some adjustments were made in conjunction with the interim Extraterritorial Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO) that was in effect from 2009 until annexation occurred.

The existing commercial and industrial uses in the vicinity were not reflected in the SPPAZO regulations, in the Extraterritorial Zoning Ordinance and plan that preceded SPPAZO, or in the city’s 1999 plan. Land use patterns, utility extensions and road improvements are continuing to evolve on a case-by-case basis, and the Commission cited a potential need for commercial services to serve the neighborhood as one factor in their recommendation.

Either the I-1 or C-2 alternatives would meet the minimum criteria for Chapter 14 for General Plan Amendment and Rezoning, and do not directly conflict with the General Plan policies or with existing uses in the area. A rezoning will accommodate growth for the area and economic development for Santa Fe, while keeping with existing land use patterns in the area.

Comments have been provided from other City reviewing Divisions that create conditions necessary to promote appropriate infrastructure to accommodate infill development.

IV. EXHIBITS:

- Exhibit A – Resolution
- Exhibit B – Bill
- Exhibit C – August 7, 2014 Planning commission Minutes
- Exhibit D – Findings of Fact and Conclusions of Law
- Exhibit E – August 7, 2014 Planning Commission Packet
- Exhibit F – Use Lists

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT A

RESOLUTIONS

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

2 **RESOLUTION NO. 2014-__**

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10 **A RESOLUTION**

11 **AMENDING THE GENERAL PLAN FUTURE LAND USE MAP DESIGNATION FROM**
12 **RESIDENTIAL - RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER ACRE) TO**
13 **INDUSTRIAL FOR PROPERTY COMPRISING AN AREA OF APPROXIMATELY 3.86 ±**
14 **ACRES. THE PROPERTY IS LOCATED ALONG THE NORTH SIDE OF AGUA FRIA**
15 **STREET (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE) APPROXIMATELY**
16 **ONE-HALF (½) MILE NORTHEAST OF THE SILER ROAD AND AGUA FRIA STREET**
17 **INTERSECTION WITHIN T17N, R9E, SECTIONS 28 AND 33 N.M.P.M., SANTA FE COUNTY**
18 **NEW MEXICO. (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE (BFFM)**
19 **GENERAL PLAN AMENDMENT, CASE NO. 2014-63)**

20
21 **WHEREAS**, the agent for the owners of that certain parcel of land comprising 3.86+ acres
22 located approximately one-half (½) mile northeast of the Siler road and Agua Fria Street intersection
23 within T17N, R9E, Section 28 and 33 N.M.P.M., Santa Fe County New Mexico (the "Property") has
24 submitted an application to amend the General Plan Future Land Use Map classification of the
25 Property from Residential – Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial; and

1 **WHEREAS**, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended,
2 extended or supplemented; and

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

7 **WHEREAS**, reclassification of the subject property would be consistent with the General
8 Plan Themes and Policies for Land Use (General Plan, Chapter 3) and Growth Management (General
9 Plan, Chapter 4); and

10 **WHEREAS**, the city desires to provide for more coordinated, adjusted and harmonious
11 development in the area East of Siler Road on the north side of Agua Fria Street, that would not have
12 adverse impacts upon the surrounding neighborhood.

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
14 **CITY OF SANTA FE** that the General Plan Future Land Use Map designation for property
15 described is amended to change the designation from Residential - Rural/Mountain/Corridor (1
16 dwelling unit per acre) to Industrial as shown in Exhibit A attached hereto.

17 PASSED, APPROVED, and ADOPTED this ___ day of _____, 2014.

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20 ATTEST:

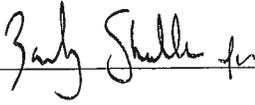
JAVIER M. GONZALES, MAYOR

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23 YOLANDA Y. VIGIL, CITY CLERK
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1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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EXHIBIT A

LEGAL DESCRIPTIONS

TWO (2) CERTAIN TRACTS OR PARCELS OF LAND LYING AND BEING SITUATE WITHIN PORTIONS OF S.H.C. 437, LOT 1; S.H.C. 415, LOT 2; S.H.C. 422, LOT 1 AND S.H.C. 437, LOT 2. IN SECTIONS 28 & 33, T. 17 N., R., 9 E., N.M.P.M.. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1B-1

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS SOUTH 77°37'44" WEST, 61.26 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 70°34'29" EAST, 230.54 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE SOUTH 14°35'03" EAST, 193.95 FEET TO A POINT; THENCE SOUTH 17°14'02" EAST, 451.12 FEET THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA=00°36'37", R=1393.00', CHORD BEARING=SOUTH 52°58'20" WEST, CHORD DISTANCE=14.84 FEET); THENCE ALONG SAID CURVE AN ARC LENGTH OF 14.84 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 17°33'50" WEST, 343.56 FEET TO A POINT; THENCE SOUTH 56°53'35" WEST, 252.24 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 14°43'27" WEST, 151.37 FEET TO A POINT; THENCE NORTH 58°25'14" EAST, 36.65 FEET TO A POINT; THENCE NORTH 20°56'09" WEST, 123.36 FEET TO A POINT; THENCE NORTH 15°10'33" WEST, 83.15 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.924 ACRES MORE OR LESS

LOT 2

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS NORTH 20°54'36" WEST, 372.46 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 56°53'35" EAST, 252.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 17°33'50" EAST; 343.56 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA =06°09'15", R=1393.00', CHORD BEARING=SOUTH 56°21'16" WEST, CHORD DISTANCE=149.55'); THENCE ALONG SAID NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD AN ARC LENGTH OF 149.62 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 32°29'25" EAST, 2.98 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 58°57'29" WEST, 120.62 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 14°43'27" WEST, 348.86 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2.000 ACRES MORE OR LESS.

ALL AS SHOWN ON PLAT OF SURVEY ENTITLED "LOT LINE ADJUSTMENT SURVEY PREPARED FOR BFFM, LLC...", ALONG WITH ANY AND ALL EASEMENTS AS SHOWN. PREPARED BY PAUL A. RODRIGUEZ, L.S. NO. 13839. FILED FOR RECORD IN THE SANTA FE, NEW MEXICO COUNTY CLERK'S OFFICE IN PLAT BOOK 727, PAGE 14 AS INSTRU. NO. 1625525 DATED ON FEBURARY 1, 2011.

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

2 **RESOLUTION NO. 2014-__**

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10 **A RESOLUTION**

11 **AMENDING THE GENERAL PLAN FUTURE LAND USE MAP DESIGNATION FROM**
12 **RESIDENTIAL - RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER ACRE) TO**
13 **COMMUNITY COMMERCIAL FOR PROPERTY COMPRISING AN AREA OF**
14 **APPROXIMATELY 3.86 ± ACRES. THE PROPERTY IS LOCATED ALONG THE NORTH**
15 **SIDE OF AGUA FRIA STREET (2750 BOYLAN CIRCLE AND 1400 BOYLAN LANE)**
16 **APPROXIMATELY ONE- HALF (½) MILE NORTHEAST OF THE SILER ROAD AND**
17 **AGUA FRIA STREET INTERSECTION WITHIN T17N, R9E, SECTIONS 28 AND 33**
18 **N.M.P.M., SANTA FE COUNTY NEW MEXICO. (2750 BOYLAN CIRCLE AND 1400**
19 **BOYLAN LANE (BFFM) GENERAL PLAN AMENDMENT, CASE NO. 2014-63)**

20
21 **WHEREAS**, the agent for the owners of that certain parcel of land comprising 3.86+ acres
22 located approximately one-half (½) mile northeast of the Siler Road and Agua Fria Street intersection
23 within T17N, R9E, Section 28 and 33 N.M.P.M., Santa Fe County New Mexico (the "Property") has
24 submitted an application to amend the General Plan Future Land Use Map classification of the
25 Property from Residential – Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial; and

1 **WHEREAS**, the Planning Commission at their August 7, 2014 meeting voted to deny the
2 request to change Residential – Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial and
3 voted to recommend to the Governing Body a change from Residential-Rural/Mountain/Corridor (1
4 dwelling unit per acre) to Community Commercial; and

5 **WHEREAS**, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended,
6 extended or supplemented; and

7 **WHEREAS**, the Governing Body has held a public hearing on the proposed amendment,
8 reviewed the staff report and the recommendation of the Planning Commission and the evidence
9 obtained at the public hearing, and has determined that the proposed amendment to the General Plan,
10 as recommended by the Planning Commission, meets the approval criteria set forth in Section 14-
11 3.2(D) SFCC 1987; and

12 **WHEREAS**, reclassification of the subject property would be consistent with the General
13 Plan Themes and Policies for Land Use (General Plan, Chapter 3) and Growth Management (General
14 Plan, Chapter 4); and

15 **WHEREAS**, the city desires to provide for more coordinated, adjusted and harmonious
16 development in the area East of Siler Road on the north side of Agua Fria Street, that would not have
17 adverse impacts upon the surrounding neighborhood.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that the General Plan Future Land Use Map designation for property
20 described is amended to change the designation from Residential - Rural/Mountain/Corridor (1
21 dwelling unit per acre) to Community Commercial as shown in Exhibit A attached hereto.

22 PASSED, APPROVED, and ADOPTED this ___ day of _____, 2014.

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24 _____
25 JAVIER M. GONZALES, MAYOR

1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

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6 APPROVED AS TO FORM:

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8 *Kathy Shandler* *for*

9 KELLEY A. BRENNAN, CITY ATTORNEY

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Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT B

BILLS

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

4 **Section 3.** This rezoning action and any future development plan for the Property is
5 approved with and subject to the conditions set forth in EXHIBIT B, and incorporated herein,
6 summarizing the City of Santa Fe staff technical memoranda and conditions recommended by the
7 Planning Commission on August 7, 2014.

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

10 APPROVED AS TO FORM:

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12  for
13 _____
14 KELLEY A. BRENNAN, CITY ATTORNEY

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EXHIBIT A

LEGAL DESCRIPTIONS

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EXHIBIT B

2750 Boylan Circle and 1400 Boylan Lane (BFFM) Rezoning

1. The Developer shall Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Boylan Circle) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.

2. At the time of development of Lot 2:
 - a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road;
 - b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and
 - c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane.

3. The Distance of driveway shown requires a designated Fire Department turnaround as per IFC.

4. Fire suppression system may be required to meet fire flow and to meet any I-1 requirements.

5. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.

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

4 **Section 3.** This rezoning action and any future development plan for the Property is
5 approved with and subject to the conditions set forth in EXHIBIT B, and incorporated herein,
6 summarizing the City of Santa Fe staff technical memoranda and conditions recommended by the
7 Planning Commission on August 7, 2014.

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

10 APPROVED AS TO FORM:

11
12  _____

13 KELLEY A. BRENNAN, CITY ATTORNEY

EXHIBIT A

LEGAL DESCRIPTIONS

TWO (2) CERTAIN TRACTS OR PARCELS OF LAND LYING AND BEING SITUATE WITHIN PORTIONS OF S.H.C. 437, LOT 1; S.H.C. 415, LOT 2; S.H.C. 422, LOT 1 AND S.H.C. 437, LOT 2. IN SECTIONS 28 & 33, T. 17 N., R., 9 E., N.M.P.M.. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 1B-1

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS SOUTH 77°37'44" WEST, 61.26 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 70°34'29" EAST, 230.54 FEET TO THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE SOUTH 14°35'03" EAST, 193.95 FEET TO A POINT; THENCE SOUTH 17°14'02" EAST, 451.12 FEET THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA=00°36'37", R=1393.00', CHORD BEARING=SOUTH 52°58'20" WEST, CHORD DISTANCE=14.84 FEET); THENCE ALONG SAID CURVE AN ARC LENGTH OF 14.84 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 17°33'50" WEST, 343.56 FEET TO A POINT; THENCE SOUTH 56°53'35" WEST, 252.24 FEET TO A POINT ON THE WEST BOUNDARY LINE OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE NORTH 14°43'27" WEST, 151.37 FEET TO A POINT; THENCE NORTH 58°25'14" EAST, 36.65 FEET TO A POINT; THENCE NORTH 20°56'09" WEST, 123.36 FEET TO A POINT; THENCE NORTH 15°10'33" WEST, 83.15 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 1.924 ACRES MORE OR LESS

LOT 2

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT, FROM WHICH POINT A U.S.G.L.O. MONUMENT MARKING THE NORTHWEST CORNER OF S.H.C. 437, LOT 2 BEARS NORTH 20°54'36" WEST, 372.46 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING NORTH 56°53'35" EAST, 252.24 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 17°33'50" EAST; 343.56 FEET TO THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND, WHICH IS ALSO A POINT ON THE NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD, SAID POINT IS ALSO AT THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST (DELTA =06°09'15", R=1393.00', CHORD BEARING=SOUTH 56°21'16" WEST, CHORD DISTANCE=149.55'); THENCE ALONG SAID NORTH RIGHT-OF-WAY FOR AGUA FRIA ROAD AN ARC LENGTH OF 149.62 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 32°29'25" EAST, 2.98 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE SOUTH 58°57'29" WEST, 120.62 FEET TO THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE LEAVING SAID NORTH RIGHT-OF-WAY NORTH 14°43'27" WEST, 348.86 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 2.000 ACRES MORE OR LESS.

ALL AS SHOWN ON PLAT OF SURVEY ENTITLED "LOT LINE ADJUSTMENT SURVEY PREPARED FOR BFFM, LLC...", ALONG WITH ANY AND ALL EASEMENTS AS SHOWN. PREPARED BY PAUL A. RODRIGUEZ, LS. NO. 13839. FILED FOR RECORD IN THE SANTA FE, NEW MEXICO COUNTY CLERK'S OFFICE IN PLAT BOOK 727, PAGE 14 AS INSTRU. NO. 1625525 DATED ON FEBURARY 1, 2011.

EXHIBIT B

2750 Boylan Circle and 1400 Boylan Lane (BFFM) Rezoning

1. The Developer shall Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Boylan Circle) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.

2. At the time of development of Lot 2:
 - a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road;
 - b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and
 - c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane.

3. The Distance of driveway shown requires a designated Fire Department turnaround as per IFC.

4. Fire suppression system may be required to meet fire flow and to meet any C-2 requirements.

5. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT C

AUGUST 7, 2014

PLANNING

COMMISSION MINUTES

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.

Sommer Karnes & Associates, LLP, agent for BFFM, requests General Plan Future Land Use Map Amendment to change the designation of 4.65± acres from Rural/Mountain/Corridor (1 dwelling unit per acre) to Industrial. (Dan Esquibel, Case Manager)

This case was considered together with the next case.

- 6. Case #2014-64. 2750 Agua Fria Road and 1400 Boylan Lane Rezoning.** Sommer Karnes & Associates, LLP, agent for BFFM, requests rezoning to change the designation of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to I-1 (Light Industrial). (Dan Esquibel, Case Manager)

Mr. Esquibel presented the staff report for both cases together.

A Memorandum with attachments, dated July 23, 2014 for the August 7, 2014 Meeting, to the Planning Commission from Mr. Dan Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit #11.

He reminded the Commission that the adjacent property was annexed as part of the phase 2 annexation area. The adjacent property was before the Commission recently as the Rivera property. The area was somewhat peppered with a mix of **non-residential uses** that came in as part of that annexation. Across the street was zoning that occurred from the Rufina and Siler Road area. So the area was surrounded by a mix.

The total area was 3.86 acres with existing development on one of the lots - the back lot. It comprised a 9000 square ft. metal structure and a dwelling unit. The metal structure was used by Boylan Drilling for industrial uses for their business. Access was off of Boylan Lane which came off of Agua Fria Rd. and the property was reviewed by the development review team. Conditions and recommendations were put forward in Exhibit B in the packet. Conditions were put on Exhibit A. Exhibit C showed a map of the area. The applicant, Joseph Karnes, represented the owner, and he brought the tenants, Awesome Harvest. Awesome Harvest fell within the economic development section of the City as a business that would bring capital into the city of Santa Fe.

Staff recommended approval for 2014-63 for the General Plan Amendment and 2014-64 for Rezoning. He clarified that the action would require two motions.

Questions from the Commission

Ms. Baer called attention to a letter from neighbor Mr. Jeff Harbour who had concerns about the rezoning. A copy of Mr. Harbour's letter and his list of restricted uses is incorporated into these minutes as Exhibit 12.

Mr. Esquibel said the property with regard to rezoning and General Plan was a nice buffer with the Santa Fé River to the back and presenting it as a buffer and transition to the rural residential beyond that.

The C-2 offered that nice transition to the residential further to the east. While I-1 didn't offer the same uses that a C-2 district would, it did offer a nice list of uses that would provide for additional economic development for the property.

He added that most of the utilities of the city in the Agua Fria area and there were some to the rear. As this property would develop it would need further infrastructure. The opportunity for the applicant or the developer would be to bring in that infrastructure across from Agua Fria Rd. to accommodate their development. In the annexation from the County, there were substandard roads, wells and septic systems. The City would like to get them off of those rural systems and bring them on to city utilities. As they intensify development and bring that infrastructure in, it would provide an opportunity for the adjacent properties to also tie into those utilities.

The Traffic Division analyzed this area and they placed some recommendations and conditions for easing traffic circulation and access points onto Agua Fria for the back lots adjacent to the river.

Presentation of the Applicant

Present and sworn was Mr. Joseph Karnes, Sommer, Karnes, and Associates, 200 West Marcy Street, who said on behalf of BFFM, LLC, owner of the property, they concurred with the recommended conditions and asked the Commission approve both the General Development Plan and the Rezoning applications tonight.

He said, as Mr. Esquibel pointed out, that the 9,000 sq. ft. building was constructed on the property in the early 1980's when it was in County jurisdiction and the property had been used for light industrial purposes in a number of different businesses since that time, primarily the Boylan well drilling business. So there was a long 30 year plus history of light industrial use on this property.

When the whole area was annexed to the city a few years ago, similar to the Rivera property, this was a similar situation for long standing exiting use. Mr. Sommer and he appeared at before the ELUA at the time of annexation to ask for consideration of light industrial use zoning on the property. Given the scale of the annexation, which was at R-1 and inconsistent with the longstanding use on the property, the application was triggered by Awesome Harvest that manufactures bags and had a cutting and sewing operation for those bags and a need from national contracts to expand their operation which at present was on Early Street near Whole Foods Market. The company would like to stay here in Santa Fe. The 9000 ft.² building foot building was perfect for their operations. Their operations were a clean business and they were in the audience this evening.

Mr. Esquibel shared some of their actual products for the Board to view.

Regarding the letter mentioned by Ms. Baer from adjacent property owner, that in looking at it, first there was a representation that the adjacent property next door to the west was zoned C-1 and R-1. He copied a portion of the zoning map to show the Commission that showed that property was actually zoned C-1 PUD and was about 15 acres in size. The subject property was adjacent and just to the east.

He also had an aerial photo and pointed out the existing building.

He said the letter gave support for this proposed use for which a lease had been negotiated and was ready to be signed. Awesome Harvest for were ready to move in and start their operations as soon as possible. There was concern expressed about other potential uses within the I-1 district in the event Awesome Harvest left the property. They suggested C-1 instead of I-1. There was also a request that uses on the property be restricted. But Mr. Karnes understood that use variances were not permitted and light industrial of Awesome Harvest and the manufacturing it did would not be a permitted use under C-1. But light industrial was historic on this property.

Regarding the comment about industrial creep toward the center of town, he didn't quite follow that because of the long-standing industrial use on this property over last 30+ years. In addition, to the south and east were other industrial uses and also on the north side of Agua Fria. It was not a pure residential area, particularly since a 15 acre C-1 PUD property was to the west. He thought the fear was overblown about industrial creep to the east.

Mr. Karnes requested approval of the General Plan Amendment and the Rezoning for this property which would facilitate economic development in Santa Fe.

Public Hearing

Present and sworn was Mr. Jeff Harbour, 2361 Santa Barbara Drive, who identified himself as the person who sent the letter. He said that if you use Boylan Drilling as the precedent for Awesome Harvest, there was a dramatic difference between those two businesses. Awesome Harvest was a green business and low impact, low water use and neighborhood friendly. Boylan Drilling, on the other hand, had not been in his experience. The river at the edge of that property was littered with debris from Boylan Drilling broken down equipment - it was just a blight. And he didn't think they had continuously used that building for 30 years for industrial use. The last use he was aware of was a church.

The river park was a beautiful neighborhood. He would like the Commission to carefully look at the I-1 use like an extended I-1 use and what that might bring into this residential friendly area. It would be nice to have amenities like restaurants and offices and Awesome Harvest. But he didn't know if there was another way to restrict that use and the event that Awesome Harvest didn't stay on that property. If they were using Boylan Drilling as the precedent, it was very different and Boylan Drilling had been relatively inactive in the last few years. It was just a collection of unused heavy equipment that needed to be cleaned up.

Present and sworn was Mr. Eric Faust, 54 Paseo Aragon, said he had Jeff Harbour draft that letter. He identified himself as under contract with the land that Mr. Harbour and his foundation owned. It was zoned C-1 PUD right now and it was his hope to do multi-family there so it would have a residential nature if they succeeded. Even though it had been a mixed use area, it was right at the edge of where it was mostly residential except for the Alsup. He just thought if the industrial zoning was given, it should reflect that right next door was residential use. He looked more at what uses would be more incompatible with residential

right next door and was trying to get some covenants or deed restrictions to limit some of those more extreme I-1 uses.

Present and sworn was Mr. Sattva Ananda, 901 Early Street, who was the owner of Awesome Harvest. He said they intended to produce these fabric bags and they would like eventually to purchase the Boylan facility and lease until then. Their intention was to be there for a long time. They expected to have 34-35 employees by next year and later 65 people. He said they bring money in from out of state primarily from distribution to Costco, Amazon, etc.

Present and sworn was Mr. Larry Boylan, owner of Boylan Drilling, who said he was still in business there. He said he had no problem with this use. He sold the building 4-5 years ago and just moved over a few feet. He was still drilling wells and had not shut down his business.

There were no other speakers from the public regarding this case and the Public Hearing portion was closed.

Questions from the Commission

Commissioner Pava asked to be enlightened about the current zoning - this residential – mountain whatever. He said he was not sure where the mountains were that were mentioned in the staff report.

Mr. Esquibel explained that if he looked on the small map in the packet, the entire area the City annexed in except the Agua Fria Village further down the way. It was brought in as "rural mountain corridor district" as the underlying General Plan Mapping Area. But the actual zoning of the property was R-1, residential. On the memo, he identified a range of uses surrounding the property including the C-1 PUD, which did allow for residential use. The density use in a C-1 PUD was equivalent to R-21. Whereas, with I-1, residential was ancillary to the primary use rather than an allowed use.

Commissioner Pava asked in Mr. Esquibel's opinion, if there were other ways to accommodate the proposed use without a zone change to Industrial or if this was the only option.

Mr. Esquibel said as he indicated in his memo that he didn't think I-1 was most optimum zone. While it was predominant use in that area, it matched the area fairly well. As that area had become more centralized within the City, there was a stronger need to provide better services for the area it became more of a business hub and that was a large part of the election process during the mayoral. Siler Road was a focus for that area. C-2 might be more accommodating and he thought it would allow the light manufacturing use. But the proposal by the applicant was for light industrial. That matched the large predominant portion of that whole area. So it would accommodate that whole area. There was increasing small commercial development going toward the intersection of Agua Fria and Siler Road.

He added that the I-1 district allowed for accommodating small commercial uses and in the packet at Exhibit C, he showed the list of uses that could have been done in an I-1 District. A C-2 district would be harder to explain because it was surrounded more by the industrial nature rather than general commercial

nature. General commercial was popping up closer to the intersection.

Commissioner Pava said it was hard to make out the designations on the map. He asked if it would be fair to say that to the north of Agua Fria it was still mostly residential but to the south of Agua Fria there was much more mix between industrial and residential up to Cerrillos Road.

Mr. Esquibel said in the map of current zoning, a large portion of residential started across the street from the C-1 PUD than this property. Across the street was a small pocket of residential, a large mixed use development, general commercial, then mixed use, and then again all industrial from that point forward. He went to the County to talk with the county planners to find out what had been occurring there. It was somewhat peppered with various non-residential uses mixed use with residential use. Commercial was more predominant toward the intersection; then a break for the non-conforming uses that were annexed into the City along with the residential uses. So an industrial zone would not be incompatible for the area for a change in use. That was why staff recommended approval.

Commissioner Bemis assumed that permissible use for light industrial would include light assembly and manufacturing. She asked if that meant it would just be during daylight hours.

Mr. Esquibel replied that, in terms of business operations, they could establish their own times of operation. He hoped they would be sensitive to the residential neighbors. One neighbor said they were coming in with large scale residential use. The proposed application being negotiated was not impactful. As far as any other use, it could fall into the use categories but hours were up to the business.

Commissioner Schackel-Bordegary commented that this was from the classic planning case. She was trying to balance, in the bigger picture, the City's need for compatible environments and neighborhoods with Santa Fe's need for good economic development. That came through in the staff report and she was also considering the idea that housing was hopefully being proposed as Mr. Faust stated. She didn't believe that was incompatible. As a planner with a master's in urban planning, she didn't think zoning categories provided for the full range of issues the Commission should be considering in deciding this case. Zoning could be very limiting. So she urged her fellow Commissioners to consider that, including what was on the ground there and how it was evolving.

She said "zoning doesn't drive the bus." It didn't guide the development in the way an organic community had grown. Having the presence of a business that was generating products and employing people was very important.

Commissioner Villarreal echoed those sentiments. Looking at the possibilities and pros and cons, she was in favor of local businesses providing jobs and using a facility that had not been used for a while. She knew about the river and the dumping in that area. So she was curious, in looking the map, that it appeared where this property ended had a couple more properties behind it that were contiguous to the river. Perhaps it was those properties who were dumping instead of the Boylan Drilling property. She asked if staff could provide information on that.

Mr. Esquibel said he had been there several times and went over to the county to address the issues there and find out what the County had permitted there. He found out with ownership that Mr. Boylan's property was directly behind this property that he sold. He had a very nice house and a nice old car there. That house didn't have any industrial use at all.

He did look at the river and the adjacent road and they had increased the use on Boylan Lane to accomplish the potential use on the C-1 property if it was large scale residential and help maneuver traffic onto Agua Fria. There was a synergy that would work for these two properties and a lot of the trash would cease with this change of direction that it had when it was in the County. There was not too much stuff out there at the river and hopefully that would get cleaned up as the development occurred.

Commissioner Villarreal asked if the river trail rehabilitation had already gone through there.

Mr. Esquibel didn't know. Rivera property was on the north side of the River Trail and not the south side that adjoined this property. He thought that was where the trail ran. Along that side there were sand and gravel permits along there. There was still a heavy industrial use along that whole portion of that area.

Vice Chair Harris thought the exhibits were a little shy. It was hard to track and he wasn't sure what this meant. It almost seemed like a development plan where the parking lot would have to be built to accommodate the employees at Awesome Harvest.

Mr. Esquibel said the applicant provided a reference to existing conditions on the property and wasn't deemed to be a development plan. When Awesome Harvest moves in, we would look at the specific needs through the building permit process. It would be based on the conditions of approval and as they occur in the future, require upgrades at that point.

Vice Chair Harris noted this exhibit said it would have a proposed gravel parking lot. He wondered where the sewer connection would be. The existing septic system would need to be certified and its proximity to the river was an important issue. He presumed there was also a well on the property. There were issues of traffic and connectivity, too. So he wondered if this was a development plan.

Mr. Esquibel said he had asked some of those questions of the applicant. There might be a lot line adjustment needed, but this was not a request for development plan approval. That would come later. The property has a well and septic system and staff would make sure it meets requirements when the proposal comes in, including fire protection needs, etc.

Vice Chair Harris felt there were a lot of unanswered questions. Staff identified the nonconformity and he asked if the Commission was to deal with that now or at the time of Certificate of Occupancy.

Mr. Esquibel clarified that this was just a General Plan Amendment and Rezoning. The trigger for those requirements was at the time of development and C/O.

Commissioner Padilla appreciated that Awesome Harvest was identified as a tenant but tonight the

Commission needed to determine the best for the neighborhood. They just needed to look at it in light of what was being presented now. If Awesome Harvest comes to the Commission, the conditions would be examined then.

Vice Chair Harris saw with the list, the fire marshal said fire flow might need to be improved there.

Mr. Esquibel said the fire marshal identified in the site inspection what would be needed from the well for fire protection and what might be needed for that particular product. They would have to be looked at as it moves forward. Hopefully city utilities could be brought to better serve that area.

Vice Chair Harris asked if he heard that C-2 would allow an operation like Awesome Harvest. Mr. Esquibel believed it would.

Vice Chair Harris understood this was very much a transition area and the bridge at Siler was a great move. He was just responding to your comment that C-2 was prevalent on down the road. It seemed that C-2 might be a possible alternative.

Commissioner Padilla said C-2 almost paralleled I-1. He asked what the closest C-2 zoning was.

Mr. Esquibel said it was the Rivera property and Club Alegria.

Commissioner Padilla asked if a C-2 proposal wouldn't have to have C-2 in proximity to this location.

Mr. Esquibel said with this size lot, they could have requested zoning to C-2 but it would be a little harder to explain and light industrial predominated in that area. C-2 was completely different from that whole neighborhood. C-2 was a better zone to benefit these uses but I-1 accommodated a large part of what C-2 would. It seemed to be a better fit and there was increasing need for businesses.

Vice Chair Harris asked for Mr. Karnes' response.

Mr. Karnes said initially they explored different designations and had specific questions considering the specific lease with Awesome Harvest. If C-2 was the approved rezoning, it would be acceptable. But their sense was that it would be more of a reach and harder to explain. The I-1 was a more conservative choice more consistent with the historic activity there on the subject property as well as uses across the street.

Vice Chair Harris asked Mr. Karnes if he represented BFFM and not Awesome Harvest.

Mr. Karnes agreed and said Mr. Boylan was not the owner.

Vice Chair Harris asked Mr. Faust and Mr. Harbour about their opinion of the C-2 consideration.

Mr. Harbour said he didn't have an opinion on it. He appreciated the Commissioner's comments about being able to develop a neighborhood. It was a broad zoning and within I-1 you could have anything from

drilling to a cottage industry. He liked Awesome Harvest and what they did and thought that was compatible. If they couldn't put restrictions on I-1 then C-2 was okay.

Vice Chair Harris agreed that the intention of the Commission was to develop good neighborhoods.

Mr. Faust said he didn't specifically look at C-2 but at I-1 and C-1 zoning. There were hardly any uses in C-1 that would be incompatible with residential. I-1 and C-2 could have uses that were incompatible with residential. Light industrial could have noise or hours of use or chemical odors. Covenants could be put on the land and he knew that the City couldn't put restrictions. He did talk with Karl Sommer but no one got back to them.

Commissioner Padilla asked if Mr. Faust was under contract to develop.

Mr. Faust said they were under contract on two pieces of C-2 PUD and set to close on one of them next week. They intended to develop multi-family there.

Commissioner Pava thought they had gotten deep into the specifics and economic development on whether this zoning was okay.

He asked Mr. Ananda if this was a suitable warehouse for expansion for his business and what other prospects there were.

Mr. Ananda said they had looked extensively in the City and the County and anything else in the city didn't have the space they needed. They were an agricultural company and needed to show plants growing in front. We were a green company and didn't want employees have to travel out into the county.

Commissioner Schackel-Bordegary suggested C-2 zoning rather than this proposed I-1 zoning.

Mr. Esquibel said in talking with the applicant that perhaps a recommendation to Council would be okay but the applicant wasn't going to change the application in its current form right now for fear it might send him back through the entire process. But nothing would prevent the Commission from a recommendation from I-1 to a C-2 designation.

Vice Chair Harris asked if time was of the essence and asked Mr. Ananda to comment.

Mr. Ananda said they had obligated themselves to customers and couldn't fulfill that in their current facility so it needed to happen as soon as possible.

Action of the Commission

Commissioner Schackel-Bordegary started a motion in Case #2014-63 and Case #2014-64 and was reminded that two separate motions were required.

Ms. Baer apologized and explained that they were two separate cases and the motion to change it to C-2 didn't fall within that land use designation. If the Commission wanted to recommend C-2, it would have to make a comparable motion to change the land use to General Commercial.

Commissioner Pava moved in Case #2014-63, General Plan Amendment, to recommend denial to the Governing Body. Commissioner Schackel-Bordegary seconded the motion.

Commissioner Padilla asked how denial would get the matter where the Commission wanted it to be in moving this case forward.

Commissioner Pava said they had discussed a lot of options and the record should show the Commission had ruled out this proposed zoning so that the Governing Body would understand the deliberations.

Vice Chair Harris understood that but felt if the Commission denied the case as stated, the Commission would not get to the alternative to recommend.

Mr. Shandler said there could be an alternative motion but suggested Mr. Esquibel could walk the Commission what he thought the motion might be to move it forward.

Mr. Esquibel said the Commission could recommend, per Case #2014-63, 2750 Boylan Circle and 1400 Boylan Lane, General Plan Amendment, that the designation be changed from Rural Mountain Corridor to General Commercial. And in Case #2014-64 the Commission would include, instead of I-1, to include C-2 and then the Findings of Facts from the attorney would capture the reasons and findings necessary to move the recommendation to the Governing Body so they would understand the discussion and thoughts of the Commission.

Vice Chair Harris felt that was helpful but thought the address was 2750 Agua Fria Road.

Mr. Esquibel said staff did look at 2750 Agua Fria Road and it was a different location. He believed the applicant was in the process of correcting that address. He said for now, they needed to continue with how it was in the City's mapping system. When that got changed, then those corrections could be made to the map later.

Commissioner Pava withdrew his motion. Commissioner Schackel-Bordegary withdrew her second.

Commissioner Padilla moved in Case #2014-63, 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment to recommend to the Governing Body to change the designation of the 3.86 acres from Rural Mountain Corridor to General Commercial with all staff conditions as presented. Commissioner Villarreal seconded the motion.

Mr. Shandler asked him to state his reason for supporting this motion.

Commissioner Padilla said when looking at the Land Use Code, the C-2 zone seemed more compatible with the transition area and the future land use that could be developed along Agua Fria to be more compatible with the current zoning.

Mr. Shandler thanked him and said that was satisfactory.

The motion passed by majority roll call vote with Commissioners Padilla, Pava, Villarreal, Bemis, and Schackel-Bordegary voting in favor and Commissioner Ortiz voting against.

Commissioner Padilla moved to recommend approval of Case #2014-64, 2750 Boylan Circle and 1400 Boylan Lane Rezoning from R-1 Residential to C-2, General Commercial. Commissioner Villarreal seconded the motion and it passed by majority roll call vote with Commissioners Padilla, Pava, Villarreal, Bemis, and Schackel-Bordegary voting in favor and Commissioner Ortiz voting against.

The Commission recessed from 8:23 p.m. to 8:31 p.m.

When the Commission reconvened, all Commissioners were present.

- 7. Las Soleras.** Overview and discussion of Las Soleras, a master planned development of 500+ acres of mixed residential and commercial properties. The land forms a rough triangle, east of the Santa Fe Premium Outlets, between Cerrillos Road to the west, I-25 to the south, Governor Miles to the north and Richards Avenue to the east. Discussion includes a revised approach to Phasing and infrastructure development.

A Memorandum with attachments, dated July 24, 2014 for the August 7, 2014 Meeting, to the Planning Commission from Ms. Tamara Baer, ASLA Manager, Current Planning Division, is incorporated herewith to these minutes as Exhibit #12.

Vice Chair Harris complimented Ms. Baer on the document which was well prepared.

Ms. Baer presented information regarding the Las Soleras to the Commission. Please refer to Exhibit 12 for further details of her report. She shared a map of Las Soleras contained in the Exhibit 12 and said it comprised 545 acres with I-25 to the south, in the middle was Beckner going all the way through from Cerrillos Road to Richards Avenue. Cerrillos Road was on west side and Rail Runner looping through it and turning into Las Soleras Drive. In the next case, the Commission would be looking at Tracts 12 and 13 toward the north. The Planning Commission had already approved a couple of residential subdivisions in Tract 4, some commercial and some fast food restaurants. Another subdivision the Commission approved for Tract 1 at the last meeting a time extension.

There was a VA clinic cut out of Tract 28 adjacent to Beckner Road. She identified other points in the

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT D

**FINDINGS AND
CONCLUSIONS OF LAW**

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

Case #2014-63

2750 Agua Fria Road & 1400 Boylan Lane General Plan Amendment

Case #2014-64

2750 Agua Fria Road & 1400 Boylan Lane Rezoning to C-2

Owner's Name – BFFM

Agent's Name – Sommer Karnes & Associates, LLP

THIS MATTER came before the Planning Commission (Commission) for hearing on August 7, 2014 upon the application (Application) of Sommer Karnes & Associates, as agent for BFFM (Applicant).

The property is located along the north side of Agua Fria Street approximately a ½ mile northeast of the Siler Road and Agua Fria intersection and is comprised of two lots totaling 3.86± acres with the Future Land Use designation of Rural/Mountain/Corridor (1 dwelling unit per acre) and is zoned R-1 (Residential-1 Dwelling Unit per Acre).

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 Property from Rural/Mountain/Corridor to Industrial; and (2) to rezone the Property from R-1 (Residential, 1 dwelling units per acre) 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, the Applicant, and members of the public interested in the matter.
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 May 8, 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 June 10, 2014 at the Oliver LaFarge Library on 1730 Llano Street.
 8. Notice of the ENN meeting was properly given.
 9. The ENN meeting was attended by the Applicant and City staff; there was ten 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)].*

A change to the future land use designation should be to General Commercial (C-2). General Commercial and Industrial share many similarities. General Commercial is more compatible for the transition area near Agua Fria and Siler Road. The Plan acknowledges the mix of uses in the Agua Fria and Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities in close proximity to residential uses.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The property was annexed as part of the Phase 2 City Initiated Annexation. The physical layout and design along this portion of Agua Fria Street from the property to the Siler Road intersection is predominately nonresidential in contrast to the rural characteristics of the rural corridor designation. A change in general policy for this area would not conflict with the comprehensive growth policies of the City.
 - (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)].*

The current approved land use for the property is Residential. The property contains a 9000 square foot building constructed for industrial or commercial use. Properties to the west include a mix of residential, nonconforming use, commercial and industrial uses. This area represents the outskirts of the R-1 District bordered by Agua Fria and I-1, MU and Residential zoning across the street. The change would not be inconsistent with the area and the 3.86± acres are sufficiently large so as to be consistent with City policies. It makes efficient use of a large existing industrially and commercially constructed building.

- (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)].*

A General Plan amendment is a requirement prior to rezoning of the Property. The application and review provide information that the change will promote the general welfare by expanding employment opportunities for local residents.

- (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)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City and will expand the variety of uses allowed for the property, promoting greater opportunity for economic development and is consistent with the policies of the Plan as set forth in paragraph 13(a)-(d) above.

- (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)].*

There was no error in the original zoning that was established for this large area amended into the City. As the City has developed around Siler Road, more and more of the lots have become smaller lots over time and with the City initiated annexation, Siler Road has become more of an area for business activity and less an area for industrial uses. While both use types exist, diversification in uses may be more advantageous to the community.

- (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)].*

The Property consists of 3.86± acres and its use is consistent with the uses and character of the area as it has developed and with the historic uses of the Property.

- (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)];*

The proposal is submitted to all appropriate City departments for review and comments to the reviewing bodies. This provides full compliance with all City policies, ordinances and regulations and comments received include recommended conditions for development on the property.

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.*

The proposed request to rezone from R-1 to C-2 is consistent with that portion of the R-1 District closest to the I-1 and 2, MU, C-2 Districts along Agua Fria Street where the predominant use is nonresidential. The rezoning provides suitable infill development to the area, adaptive reuse of nonresidential buildings and supports diversified economic development for the area.

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.

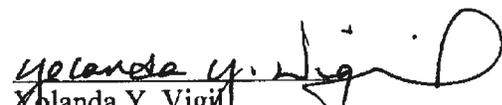
**WHEREFORE, IT IS ORDERED ON THE _____ DAY OF _____, 2014 BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

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 C-2.


Michael Harris
Chair

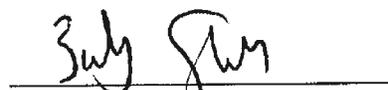
9/11/14
Date:

FILED:


Yolanda Y. Vigil
City Clerk AM

9/15/14
Date:

APPROVED AS TO FORM:


Zachary Shandler
Assistant City Attorney

9/11/14
Date:

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT E

AUGUST 7, 2014

PLANNING COMMISSION
MEETING PACKET

City of Santa Fe, New Mexico

memo

DATE: July 23, 2014 for the August 7, 2014 Planning Commission Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department 
Tamara Baer, Planner Manager, Current Planning Division 

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division 

BFFM GENERAL PLAN AMENDMENT AND REZONING TO LIGHT INDUSTRIAL

Case #2014-63. 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment. Sommer Karnes & Associates, LLP, agent for BFFM, requests General Plan Future Land Use Map amendment to change the designation of 3.86± acres from Rural/Mountain Corridor (1 dwelling unit per acre) to Industrial. (Dan Esquibel, Case Manager)

Case #2014-64. 2750 Boylan Circle and 1400 Boylan Lane Rezoning. Sommer Karnes & Associates, LLP, agent for BFFM, requests rezoning to change the designation of 3.86± acres from R-I (Residential, 1 dwelling unit per acre) to I-I (Light Industrial). (Dan Esquibel, Case Manager)

RECOMMENDATION:

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning with recommended conditions of approval (Exhibit A).

Two motions will be required; one for Case# 2014-63 BFFM General Plan Amendment and one for Case# 2014-64 BFFM Rezoning.

I. APPLICATION OVERVIEW

The Applicant is requesting a General Plan Future Land Use Map Amendment from Rural/Mountain/Corridor to industrial and Rezoning from R-1 (Residential 1 dwelling unit per acre) to I-1 (Light Industrial). There are two properties that make up this request totaling 3.86± acres. Both properties came into the City's jurisdiction on August 27, 2009 under Ordinance 2009-01 (SPPAZO) and were annexed as part of the Phase 2 Annexation on January 1, 2014.

The Lots are located along the north side of Agua Fria Street approximately a ½ mile northeast of the Siler Road and Agua Fria Street intersection. Lot 1B located at 1400 Boylan Lane contains 1.13± acres with existing development and is the furthest from Agua Fria Street, accessed directly off Boylan Lane. Lot 2 is vacant, containing 2.73± acres and adjoins Agua Fria Street also accessed from Boylan Lane. Boylan Lane extends from Agua Fria Street and is a 15' wide easement with a paved surface that runs along the east property line of Lot 2 and ends at Lot 1B. Existing development on Lot 1B consists of a two story 9000± square foot metal building with apartment and a detached single family dwelling with attached garage. There is also a loading pad at the back of the metal building with a garage or storage area. Since the metal building has not been in use for a period of more than three hundred sixty-five days it has lost legal nonconforming status (14-10.2(C) "*Termination of Nonconforming Use*").

The metal building is non-conforming as it is situated approximately 5 feet from the west property line and exceeds 14 feet in height. As of March 1, 2012 "*within ten (10) feet of a side or rear property line, no point on a structure shall be higher than fourteen (14) feet above the finished grade at the closest point on the perimeter of the structure. Within fifteen (15) feet of a side or rear property line, no point on a structure shall be higher than twenty-four (24) feet above the finished grade at the closest point on the perimeter of the structure.*" The nonconforming height of the building will not be exacerbated by a rezoning of the property. The existing setback does pose an issue with the rezoning or nonresidential use. Side yard setback requirements for residential use are 5 feet. Once rezoned or a nonresidential use occupies the building, a 15 foot landscape buffer is triggered if the property adjoins residential use and any new construction on the property exceeds \$100,000. The existing setback of the metal building prohibits compliance with the 15' buffer standard on Lot 1B. Alternative forms of compliance to landscaping such as a combination of 8 foot high fence and trees may be required to achieve the intent of the 15 foot landscape buffer.

City zoning surrounding the property is R-1 (Residential-1 dwelling unit per acre) to the north and west, C-1PUD to the east, and I-1 (Light Industrial), MU (Mixed Use) and residential made up of R-2 and R4 (Residential-2 dwelling unit per acre and Residential-4 dwelling unit per acre) to the south across Agua Fria Street.

The nearest I-1 District is approximately 140 feet west of the property located on the south side of Agua Fria Street. I-1, I-2 and MU zoning predominates Agua Fria Street from the property running west along the south side of Agua Fria Street. Uses along the north side are a mix of residential, nonconforming nonresidential uses, with a strong commercial presence and C-2 zoning near the intersection of Siler Road and Agua Fria Street. The closest C-2 zoning was adopted on April 30, 2014 for the Rivera (Club Alegria) property and is 732± feet west along Agua Fria Street on the north side of Agua Fria Street.

Early Neighborhood Notification

The ENN was conducted on June 10, 2014 at 1730 Llano Street – Oliver LaFarge Library. Ten persons attended the meeting including representatives from Awesome Harvest, who conducted the meeting, and Sommer Karnes & Associates, LLP, agent for BFFM. The following concerns were raised:

1. The hours of operations.

2. The type of trucks used for the business and if there was a weight limitation on Agua Fria St.
3. Longer term impact to the neighborhood with industrial zoning.

II. GENERAL PLAN AMENDMENT POLICIES & APPROVAL CRITERIA

Case #2014-63: 2750 Boylan Circle and 1400 Boylan Lane General Plan Amendment

The Future Land Use Map identifies this area as Rural Mountain Corridor, 1 dwelling unit to the acre. Section 14-3.2 of the Land Development Code establishes approval criteria for General Plan Amendments. These are addressed below.

Chapter 14 Criteria for General Plan Amendment.

E. Section 14-3.2 (E) (1) Approval Criteria (applicable criteria)

The Planning Commission shall review and make a finding on the following criteria:

- (1) Criteria for All Amendments to the General Plan
 - (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: *Use of the Subject Properties for light industrial will facilitate creation of centrally located jobs available to local residents, consistent with the historic use of the northerly Subject Property for light industrial use. The Subject Properties are accessed from Boylan Lane and Agua Fria Street. The Subject Properties are served by an existing sewer main running along the westerly boundary and an on-site well. The water line along Agua Fria Street is available to serve future development of the southerly Subject Property.*

Staff response: *The proposal is consistent with the City of Santa Fe growth projections. However, growth concerns in and around the traditional village of Agua Fria and recently annexed areas, include underdeveloped infrastructure such as underdeveloped roads, poor circulation and utilization of individual wells and septic systems. This increases demand on city roads to travel and access commercial and employment centers in and around Santa Fe. The property is a part of the Phase 2 City Initiated Annexation area and lies approximately ¼ mile east of the Village of Agua Fria. Large scale development in and around the village is generally not consistent with village character. As the Agua Fria village and recently annexed area continue to grow, community-based commercial centers, at an appropriate scale, should be encouraged together with developer driven infrastructure to accommodate need. This application does not propose development of a commercial center. However, it allows for adaptive reuse of an existing light industrial building and provides a continued employment base for the City of Santa Fe. I-1 zoning allows limited but flexible uses to encourage sustainable economic development. This approach accommodates some diversity of services along the Siler Road industrial corridor, general area and local economy. Additionally, the approach helps accommodate growth and provide jobs for Santa Fe, while keeping with existing land use patterns in the area.*

- (b) Consistency with other parts of the General Plan;

Applicant response: General Plan policy 3-G-2 states that there shall be a mix of uses and housing types in all parts of the City. The area along this stretch of Agua Fria has historically accommodated a mix of residential, commercial and light industrial uses. Use of the Subject Properties for light industrial purposes will be consistent with this policy and will increase opportunities for centrally located employment for local residents.

Staff response: The property was annexed as part of the Phase 2 City Initiated Annexation. The physical layout and design along this portion of Agua Fria Street from the property to the Siler Road intersection, is predominantly nonresidential in contrast to the rural characteristics of the rural corridor designation. A change in general policy for this area would not conflict with the comprehensive growth policies of the city.

(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

Applicant response: The area north of Agua Fria was annexed to the City in 2009 and has historically accommodated a mix of residential, commercial and industrial areas. Santa Fe River provides a natural division between these mixed uses and primarily residential uses to the north. East of the subject properties is the 10+ acre Ecoversity property, zoned CI/PUD. The area north of the Subject Properties and south of the Santa Fe River and immediately to the west accommodates a mobile home park, a single family residence and a storage yard for well drilling and sand mining equipment. The area north of Agua Fria and to the west includes residential uses, an area recently rezoned to general commercial and, farther west, a mix of commercial, light industrial and residential uses.

Across from the Subject Properties to the South area are properties zoned for mixed use and light industrial uses, with residential uses existing toward the east and the heavy industrial.

The northern Subject Property has been in use for light industrial uses since the early 1980s. Given the mix of land use types in this area, use of the Subject Properties for light industrial purposes will not be significantly different from or inconsistent with the prevailing uses and character of the area.

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

Applicant response: The Subject Properties are 3.9 acres in size and the application is therefore consistent with this provision.

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

Applicant response: The northerly Subject Property has been used for light industrial purposes since the early 1980s. Continued use of the northerly Subject Property for these uses will be consistent with the historic uses and will increase employment opportunities for local residents, benefitting the general public.

Future expansion of those uses onto the southerly Subject Property would be consistent with the nature of the longstanding use as seen from Agua Fria, the primary local street and would further increase local employment opportunities, again benefitting the general public.

Staff response to i, ii & iii: *The current approved land use for the property is Residential. However the property contains a 9000 square foot building constructed for industrial use. Properties to the west include a mix of residential, nonconforming use, commercial and industrial uses. This area represents the outskirts of the R-1 District bordered by Agua Fria Street and I-1, MU and Residential zoning across the street. The change would not be inconsistent with the area and the 3.86± acres is sufficiently large so as to be consistent with city policies. Further, it makes efficient use of a large existing industrially constructed building.*

The applicant has also pointed out available utilities adjacent to the properties as indicated below and the City Traffic Division has requested right-of way to allow for better circulation:

“The Subject Properties are accessed from Boylan Lane and Agua Fria Street. The Subject Properties are served by an existing sewer main running along the westerly boundary and an on-site well. The water line along Agua Fria Street is available to serve future development of the southerly Subject Property.”

The use of the property allows for future developer driven infrastructure to accommodate intensified use. As development occurs, City Utilities and roads improvements become resources to accommodate sustainable development. This provides and promotes accessibility of such resources to adjoining properties, thereby providing much needed infrastructure to the area.

(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: *As addressed above, use of the Subject Properties for light industrial uses will be consistent with the longstanding use of the northerly parcel and will promote the general welfare by expanding employment opportunities for local residents.*

Staff response: *A General Plan amendment is a requirement prior to rezoning of the property. The application and review provide information concerning such change and whether the change promotes the general welfare or has other adequate public advantage or justification.*

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

Applicant response: *The northerly Subject Property was developed for light industrial purposes prior to creation of the EZO and was therefore a grand fathered use recognized by the EZO.*

Staff response: *Staff concurs with the Applicant’s response. However, the EZO has since been repealed*

(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: *Use of the Subject Properties for light industrial uses will create centrally located employment opportunities for local residents and, as addressed above, will be in character with the historic land uses on the Subject Properties and in this mixed use area of the City.*

Staff response: *The applicant's focus for the property is the continued reuse of the existing 9,000 square foot structure. Nothing prevents adaptive reuse of the existing structures to develop within the existing zoning and meeting requirements in accordance with health, safety and welfare. However, a change in zoning from R-1 to I-1 will expand the variety of uses allowed for the property, promoting greater opportunity for economic development. Types of nonresidential uses allowed in an R-1 District are categorized as public, institutional, and civic. The 9,000 square foot industrial building could be adapted to residential uses within the current zoning (R-1). However, this may result in an empty building (as is the case now), massive remodeling or tear down to redevelop in a residential or nonresidential approved district manner. Continued reuse of the existing structure provides for efficient use of the structure and has less of an environmental impact, all of which are promoted in the City's General Plan.*

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

Applicant response: *By facilitating continuation of the historic use of the northerly Subject Property and use of the area in between that use and Agua Fria Street for the same type of use, the GP A will expand the City's employment base and promote infill development, both of which are encouraged by land use policies and related City plans.*

Staff response: *The proposal has been submitted to all appropriate city departments for review and comments. This provides full compliance with all city polices, ordinances and regulations (reference Exhibits B1 through B5 Development Review Team "DRT" responses).*

(2) Additional Criteria for Amendments to Land Use Policies

- (a) the growth and economic projections contained within the general plan are erroneous or have changed;
- (b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or
- (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 (a), (b) and (c): *The proposed amendment to the General Plan Future Land Use Map is warranted because the growth and economic projections and land use designation for the subject properties contained within the general plan are erroneous. When annexing the subject properties and surrounding areas to the City, longstanding land uses in the area were*

not taken into account, including use of the northerly subject parcel for industrial land uses since the early 1980s. The same error was made with respect to the Rivera property just to the west, for which an amendment to the General Plan Future Land Use Map was approved earlier this year to reflect the longstanding commercial use of that property. The longstanding existence of non-residential uses on the subject properties and in the immediate vicinity warrant approval of the requested amendment to the General Plan Future Land Use Map.

Staff response (a),(c) and (d):

Staff is not aware of any specific economic projections contained within the General Plan for this area. Information provided from the Santa Fe Economic Development Department (source “Economic & Industry Snapshot Santa Fe NSA/ County New Mexico June 2014, prepared by the New Mexico Department of Workforce Solutions, Economic Research and Analysis Bureau”) identified the following:

- “The Santa Fe MSA* experienced an increase in all-industry GDP** between 2001 and 2012 (about 0. 2 percent annual average growth, the third highest in the state).”
- “The Santa Fe MSA did experience average annual declines of about 3. 2 percent in real GDP between 2008 and 2012. Farmington was the only other MSA to experience real GDP declines.”

(*Metropolitan Statistical Area (Santa Fe/Santa Fe County)/**Real Gross Domestic Product is a measurement of the market value of goods and services produced in an area, adjusted for price changes.)

With a decline in heavy industrial uses along Siler Road, the Siler Road area is becoming a hub of business activity with increasing interest in providing commercial services to the area. Given the recent annexation and general development along this corridor segment, consideration for rezoning would not be contrary to general policies. While I-1 Zoning does not support the flexibility in uses as a C-2 District, the I-1 District offers a variety of commercial and light industrial uses supporting a broader range of services while keeping with the general land use patterns of the area. Although general commercial and light industrial districts exist in Santa Fe, diversity of services in this area diminishes the need to travel to other areas of the city thereby improving business activity for the area and overall GDP for Santa Fe.

III. REZONING POLICIES & APPROVAL CRITERIA

Case #2014-64. 2750 Agua Fria Road and 1400 Boylan Lane Rezoning to I-1.

The R-1 default Zoning category was created as part of the annexation process. As part of the process of the city initiated annexation hearings, many areas were assigned categories and zoning designations conducive to existing land use patterns for the areas. The category designated for the proposed properties was R-1 (Residential one (1) dwelling unit to the acre).

A. Chapter 14 – Santa Fe City Code

Article 14-3.5(C) of Chapter 14 SFCC, establishes approval criteria that the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(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: *There was a mistake in the original zoning. The Subject Properties and surrounding area north of Agua Fria Street were within County jurisdiction until they were annexed to the City in 2009. The existing 9,000 SF building on the northerly Subject Property was constructed in 1983 and had been in use for light industrial purposes (primarily a well drilling business) since that time. During the annexation process, the property owner requested that the Subject Properties be zoned I-I to reflect the historic use of the northerly Subject Property and the logical future expansion of that use within the southerly Subject Property out to Agua Fria Street. The City did not adopt the I-I zone and instead zoned the Subject Properties R-I, along with the balance of areas north of Agua Fria that did not have County approvals.*

The failure to recognize longstanding uses that did not involve creation by the County of a zoning district was a mistake. Property owners along Agua Fria, such as the owner of the Rivera property just to the west of the Subject Properties, are now having to engage in rezoning applications to rectify these errors. The historic use of the northerly Subject Property, existing +/- 9,000 SF building on that property, commonality of ownership of the southerly Subject Property and the lack of viability of using that property for residential uses warrants correcting the mistake and facilitating centrally-located employment opportunities that will enhance the general welfare.

(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

Applicant response: *The area has historically accommodated a mix of land uses including industrial, commercial and residential. The current City zoning reflect this mix. The area is one of transition between heavier industrial uses to the west and predominantly residential uses to the east. The area north of Agua Fria Street, including the Subject Properties, was annexed to the City in 2009. Instead of adopting zoning designations that reflect existing land uses in this area, the City placed substantially all of the area in the R-I "holding zone." The City Council recently approved an application for C-2 zoning for properties just west of the Subject Property to reflect the longstanding uses of those properties. The same rationale exists for the requested rezoning of the Subject Properties. Rather than changes to the surrounding area, the condition justifying the rezoning is really the change resulting from the City's adoption of a zoning map upon annexation that does not reflect the longstanding land uses in this area.*

Regardless, substantial justification exists to change the zoning of the Subject Properties to reflect the longstanding land uses that have been carried out and that sound planning would address (as to the southerly Subject Property).

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

Applicant response: *The Economic Development Strategy for Implementation states as its first objective the diversification of the Santa Fe economy with an emphasis on high wage jobs and career paths. The requested rezoning will allow for continued use of an existing +/- 9,000 SF building on the northerly Subject Property for its designed purpose, which will facilitate creation of centrally located jobs available to local residents and will allow for future expansion of those uses onto the southerly Subject Property, creating additional jobs.*

In the 2010 Mayor's Report on Job Creation, former Mayor David Coss stated "our homegrown Santa Fe businesses have always been our greatest asset, and now, as the economy evolves, we are working to create the right environment for entrepreneurs to be successful."

While it is not part of the application, the rezoning will facilitate relocation of a home grown business that has achieved national commitments for its products and is in immediate need of substantial light industrial space to assemble its products and to expand in the future. The Subject Properties are an ideal location for this business and the rezoning will have a substantial and positive effect on Santa Fe's economy.

Staff response (i), (ii) and (iii): *There was no error in the original zoning that was established for this large area annexed into the city. It is not clear if during the review, consideration was given to this specific area and existing conditions for designation. However, as the city has developed around Siler Road, the introduction of smaller lots over time, and the city initiated annexation, Siler Road has become more of an area for business activity and less an area for industrial uses. While both use types exist, diversification in uses may be more advantageous to the community.*

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

Applicant response: The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

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

Applicant response: *Prior to consideration of the rezoning request, the future land use map will have been amended, resulting in consistency of the rezoning request with the General Plan.*

- (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: *General Plan Land Use Policy 3-G-3 states "there shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses that provide an adequate balance of service retail and employment opportunities "*

The rezoning request will increase the amount of centrally located land available for light industrial employment generating uses, will reflect longstanding uses of the Subject Properties and will avoid urban sprawl.

Staff response(b), (c) and (d): The applicant has addressed the application requirements. As indicated above, the change would not be inconsistent with the area and the 3.86± acres is sufficiently large so as to be consistent with city rezoning policies.

- (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: The Subject Properties are currently served by Boylan Land and Agua Fria Street. No access concerns exist. An existing sewer main runs along the west side of the subject properties. The existing building on the northerly Subject Property is served by an on-site well. The existing water main along Agua Fria Street can be extended at property-owner expense to serve future development of the southerly subject property. Santa Fe Fire Department Station 7, located next to the Chavez Center is approximately 2 miles from the Subject Properties.

Staff response: The proposal is submitted to all appropriate city departments for review and comments to the reviewing bodies. This provides full compliance with all city polices, ordinances and regulations (reference Exhibits B Development Review Team “DRT” responses).” Comments received include recommended conditions for development on the property.

- (2) Unless the proposed change is consistent with applicable *general plan* policies, the planning commission and the *governing body* shall not recommend or approve any rezoning, the practical effect of which is to:
 - (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
 - (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
 - (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

Applicant response: As addressed herein, the application is consistent with applicable *general plan* policies. Even if it were not, the proposed uses would not significantly change the character of the prevailing mixed uses in the vicinity, the Subject Properties are 3.9 acres in size and the expansion of centrally located employment opportunities for local residents will benefit the general public and will not have a substantial negative impact on the landowners of surrounding mixed uses.

Staff response: The proposed request to rezone from R-1 to I-1 is consistent with that portion of the R-1 District closest to the I-1 and 2, MU, C-2 Districts along Agua Fria Street where the predominant use is nonresidential. The rezoning provides suitable infill development to the area, adaptive reuse of nonresidential buildings and supports diversified economic development for

the area. DRT comments identify appropriate upgrades necessary to accommodate increased intensity to the area brought about by the rezoning and development and use forecasts (reference I-1 use list on Exhibit C-3).

IV. CONCLUSION

The proposal satisfies the criteria in Chapter 14 for General Plan Amendment and Rezoning. The proposed requests do not conflict with the General Plan policies of the City nor conflict with existing uses in the area. A rezoning will accommodate growth for the area and economic development for Santa Fe, while keeping with existing land use patterns in the area. Comments have been provided from other City reviewing Divisions that create conditions necessary to promote appropriate infrastructure to accommodate infill development.

V. EXHIBITS:

Exhibit A - Conditions

Exhibit B -DRT comments

- B1: Wastewater Management
- B2: Water Division
- B3: Technical Review Division
- B4: Traffic Engineering
- B5: Fire Marshal

Exhibit C- Future Land Use, Zoning map and I-1 Use list

- C1: Land Use Map
- C2: Zoning Map
- C3: I-1 Permitted Use List

Exhibit D - ENN

Exhibit E - Applicant submittals

- E1: General Plan and Rezoning information

Packet Attachment -Plans and Maps

August 7, 2014

Planning Commission

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT A

CONDITIONS

PLANNING COMMISSION

EXHIBIT A
 Conditions of Approval
 Case 2014-64
 BFFM Rezoning To Light Industrial

	Condition	Department	Staff
1	<p>1. The Developer shall Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Agua Fria) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.</p> <p>2. At the time of development of Lot 2A:</p> <p style="padding-left: 40px;">a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road;</p> <p style="padding-left: 40px;">b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and</p> <p style="padding-left: 40px;">c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane.</p>	Traffic Engineering Division	Sandra Kassens July 25, 2014
2	<p>1. The Distance of driveway shown requires a designated Fire Department turnaround as per IFC.</p> <p>2. Fire suppression system may be required to meet fire flow and to meet any I-1 requirements.</p> <p>3. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.</p>	Fire Marshal	Reynaldo Gonzalez July 28, 2014

August 7, 2014

Planning Commission

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT B

DRT COMMENTS AND CONDITIONS

PLANNING COMMISSION

City of Santa Fe, New Mexico

memo

DATE: July 7, 2014
TO: Dan Esquibel, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2014-63 & 64 – 2750 Agua Fria Road and 1400 Boylan Lane
General Plan Amendment

The subject property is not accessible (within 200 feet) to the City public sewer system. Prior to any new development or improvement on the lot, the owner shall obtain a septic system permit from the State of New Mexico Environment Department.

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

City of Santa Fe
memo

DATE: July 8, 2014
TO: Dan Esquibel, Land Use Planner, Land Use Department
FROM: Dee Beingsner, Water Division Engineer 
SUBJECT: Case # 2014-63 & 64 2750 Agua Fria Road and 1400 Boylan Lane General Plan Amendment

There is no account for water service for 2750 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.

ESQUIBEL, DANIEL A.

From: ZAXUS, RISANA B.
Sent: Thursday, July 17, 2014 1:48 PM
To: ESQUIBEL, DANIEL A.
Subject: 2750 Agua Fria Road

Mr. Esquibel:

I have no review comments for Case # 2014-63/64, 2750 Agua Fria Road General Plan Amendment and Rezoning.

RB Zaxus, PE
City Engineer for Land Use
City of Santa Fe

City of Santa Fe, New Mexico

memo

DATE: July 25, 2014 (*Amended from 7-16-14 Comments*)
TO: Dan Esquibel, Land Use Division
VIA: John J. Romero, Traffic Engineering Division Director
FROM: Sandra Kassens, Engineer Assistant *SKK*
SUBJECT: 2750 Agua Fria Road and 1400 Boylan Lane GPA and Rezoning. (Case# 2014-63 and 64)

ISSUE:

Sommer Karnes & Associates, LLC, agents for BFFM, request approval of a General Plan Future Land Use Map Amendment to change the designation of 4.65± acres from Rural/Mountain/Corridor (1 dwelling unit per acre) to Business Park. In addition, they request rezoning to change the designation of 4.65± acres from R-1 (Residential, 1 dwelling unit per acre) to I-1 (Light Industrial). The Properties are and located at 2750 Agua Fria Road (currently vacant) and 1400 Boylan Lane.

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 Make an irrevocable offer to dedicate a 42' wide Public Right-of-Way (ROW) to the City of Santa Fe extending from Agua Fria Road to the northern boundary of Lot 2A. This ROW offer shall include a 15' wide by 343.5' long portion of Lot 1B-1 (1400 Boylan Lane) that is adjacent to the eastern boundary of Lot 2A (2750 Agua Fria) and an additional 27' wide by 343.5' portion along the eastern boundary of Lot 2A.
2. At the time of development of Lot 2A:
 - a. The Developer shall construct a roadway from Agua Fria to the northern boundary of Lot 2A that meets the City of Santa standards for a sub-collector road;
 - b. The Developer shall dedicate a 42' ROW that shall connect Boylan Lane and Boylan Circle, (more or less in an east-west alignment); the location shall be determined after review and approval by the Public Works Department of the development plan prior to dedication; and
 - c. The Developer shall build a road in this east-west ROW that meets the City of Santa Fe standards for a lane.

If you have any questions or need any more information, feel free to contact me at 955-6697.

Thank you.

City of Santa Fe, New Mexico

memo

DATE: July 28, 2014
TO: Case Manager: Dan Esquibel
FROM: Reynaldo D Gonzales, Fire Marshal 
SUBJECT: 2014-63 & 64 2750 Agua Fria Road and 1400 Boylan Lane

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

For rezoning from an R-1 to I-1 due to the large possibilities that are permit able under an I-1 from Light Hazard, special Use Permits and Accessory Uses there is a wide variety of requirements that may need to be met.

Current concerns

1. Does not meet water supply requirements as per the IFC for fire suppression.
2. Does not meet Emergency access with required fire department turn-around.

Any Change of use or modifications more information will be required for review and if need be variances granted:

1. The Distance of driveway shown requires a designated Fire Department turn-around as per IFC.
2. Fire suppression system may be required to meet fire flow and to meet any I-1 requirements.
3. Access to building with designated fire lane to meet the 150 feet distance to any portion of the building.

August 7, 2014
Planning Commission
Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

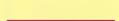
EXHIBIT C

FUTURE LAND USE, ZONING MAP AND I-1 USE LIST

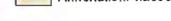
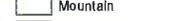
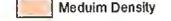
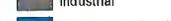
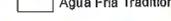
PLANNING COMMISSION

2750 Boylan Cir & 1400 Boylan Ln

Legend

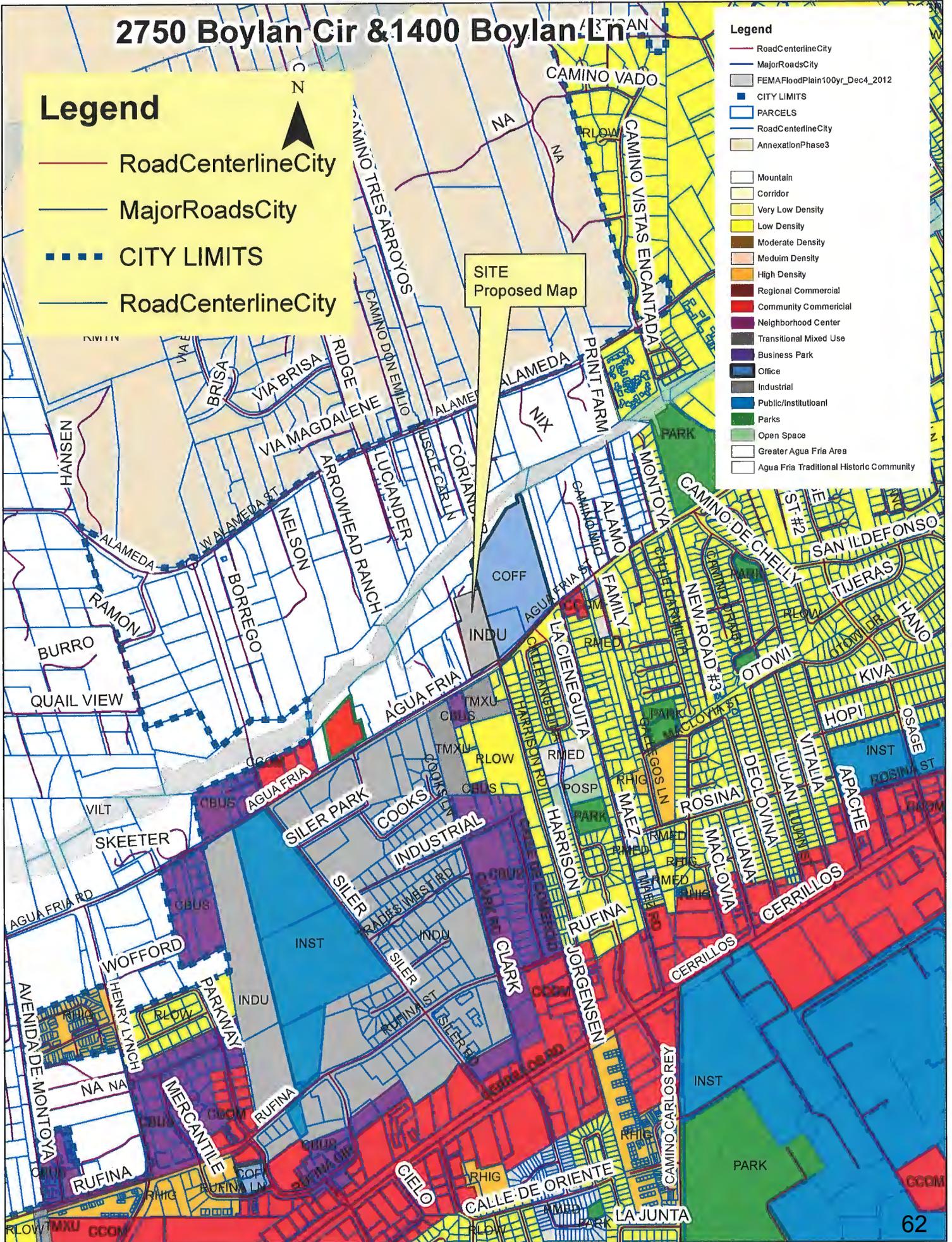
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-  MajorRoadsCity
-  CITY LIMITS
-  RoadCenterlineCity

Legend

-  RoadCenterlineCity
-  MajorRoadsCity
-  FEMA Flood Plain 100yr_Dec4_2012
-  CITY LIMITS
-  PARCELS
-  RoadCenterlineCity
-  Annexation Phase 3
-  Mountain
-  Corridor
-  Very Low Density
-  Low Density
-  Moderate Density
-  Medium Density
-  High Density
-  Regional Commercial
-  Community Commercial
-  Neighborhood Center
-  Transitional Mixed Use
-  Business Park
-  Office
-  Industrial
-  Public/Institutional
-  Parks
-  Open Space
-  Greater Agua Fria Area
-  Agua Fria Traditional Historic Community

N

SITE
Proposed Map



2750 Boylan Cir & 1400 Boylan Ln

Legend

-  RoadCenterlineCity
-  MajorRoadsCity
-  CITY LIMITS
-  RoadCenterlineCity



SITE
Proposed Zoning Map

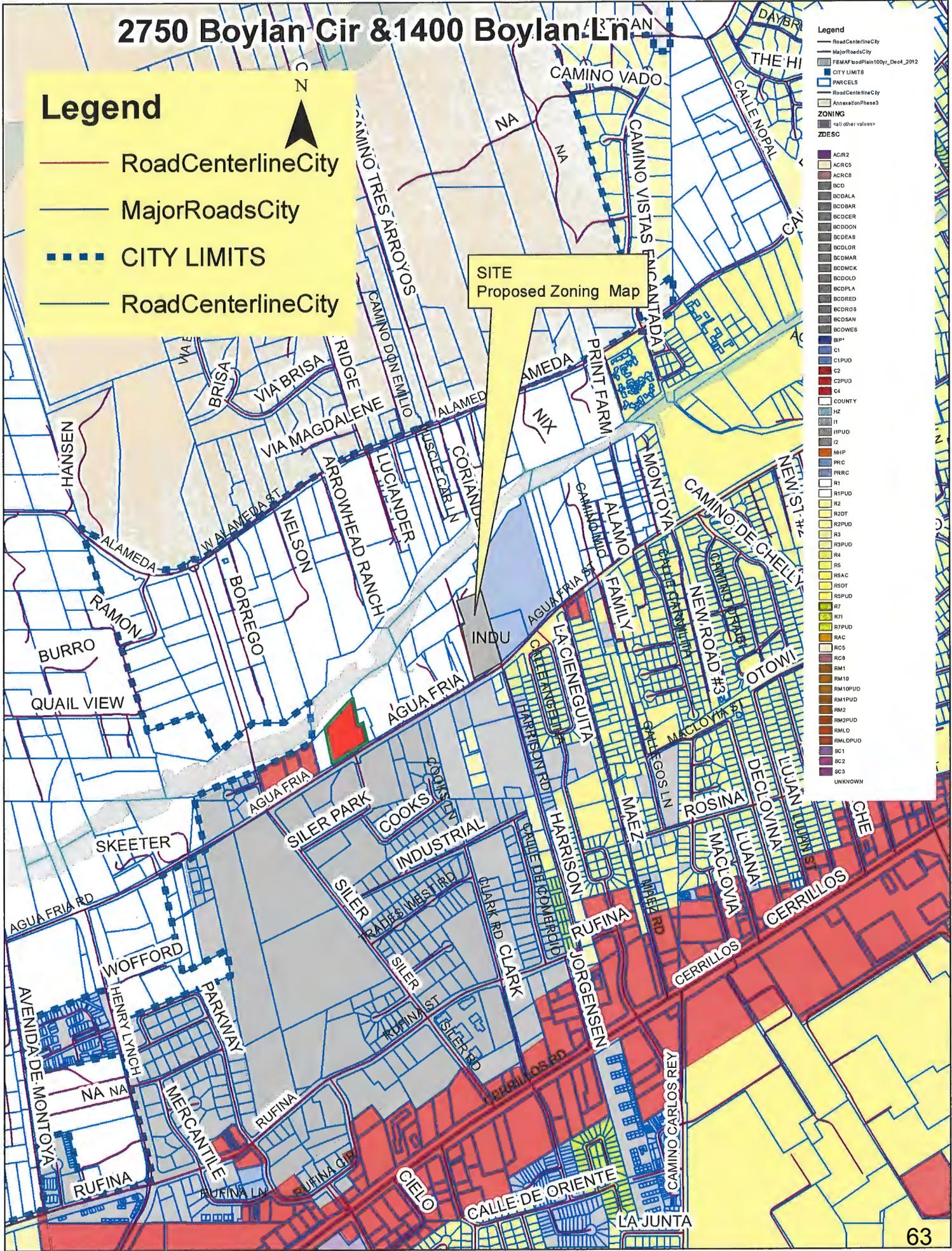
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-  CITY LIMITS
-  PARCELS
-  RoadCenterlineCity
-  AnnexationPhase3

ZONING

-  <all other values>
-  ZDESC

	AGR2
	AGRC5
	AGRC8
	BCD
	BCDALA
	BCDBAR
	BCDCER
	BCDDON
	BCDEAS
	BCDLOR
	BCDMAR
	BCDMCK
	BCDOLD
	BCDPLA
	BCDRED
	BCDROS
	BCDSAN
	BCDWE6
	BP*
	C1
	C1PUD
	C2
	C2PUD
	C4
	COUNTY
	HZ
	I1
	HPUD
	I2
	MHP
	PRC
	PRRC
	R1
	R1PUD
	R2
	R2OT
	R2PUD
	R3
	R3PUD
	R4
	R5
	RSAC
	RSOT
	RSUD
	R7
	R7PUD
	RAC
	RC5
	RC8
	RM1
	RM10
	RM10PUD
	RM1PUD
	RM2
	RM2PUD
	RMLD
	RMLD PUD
	SC1
	SC2
	SC3
	UNKNOWN



I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

Permitted Uses

1. Antique stores
2. Art supply stores
3. Arts & crafts schools
4. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
5. Automobile service & repair establishments including filling stations & repair
6. Banks, credit unions (without drive-through)
7. Banks, credits unions (with drive-through) ☼
8. Bar, cocktail lounge, nightclub (no outdoor entertainment)
9. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
10. Barber shops & beauty salons
11. Bed & breakfast
12. Bookshops
13. Cabinet shops (custom)
14. Clubs & lodges (private) ☼
15. Colleges & universities (non-residential)
16. Commercial parking lots & garages
17. Commercial recreational uses & structures; theaters; bowling alleys, pool-rooms, driving ranges, etc
18. Dance studios
19. Daycare; preschool; for infants & children (6 or fewer)
20. Department & discount stores
21. Electrical distribution facilities
22. Electrical substation
23. Electrical switching station
24. Electrical transmission lines
25. Exercise, spas or gym facilities
26. Fire stations
27. Flea markets
28. Florist shops
29. Funeral homes or mortuaries
30. Furniture stores
31. Hotels, motels, residential suite hotels
32. Human service establishments ☼
33. Kennels
34. Laboratories; research, experimental & testing
35. Light assembly & manufacturing

36. Lodging facilities, conference & extended stay
37. Medical & dental offices & clinics
38. Mini-storage units
39. Museums
40. Non-profit theaters for production of live shows
41. Office equipment sales & service; retail sale of office equipment
42. Offices; business & professional, excluding medical, dental & financial services
43. Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
44. Personal care facilities for the elderly
45. Personal service establishments including cleaning & laundry, appliance repair & similar services
46. Pharmacies or apothecary shops
47. Photographers studios
48. Police stations
49. Police substations
50. Public parks, playgrounds & playfields
51. Religious Assembly (all)
52. Religious educational & charitable institutions (no schools or assembly uses) ☼
53. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
54. Restaurant with drive-through or drive-up ☼
55. Restaurant; fast service, take out, no drive-through or drive-up
56. Restaurant; full service with or without incidental alcohol service
57. Retail & service uses intended to serve the primary uses & do not exceed 5,000 square feet
58. Retail establishments not listed elsewhere
59. Sexually oriented businesses (all)
60. Storage areas – individual within a completely enclosed building
61. Tailoring & dressmaking shops
62. Time share vacation projects
63. Tire recapping & retreading
64. Transit transfer facilities
65. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
66. Veterinary establishments, pet grooming
67. Vocational & trade schools (light industrial)
68. Vocational & trade schools (non-industrial)
69. Wholesaling & distribution operations; 3,000 square feet or less of storage
70. Wholesaling & distribution operations; over 3,000 square feet of storage

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

Updated June 18, 2013

Special Use Permits

The following uses may be conditionally permitted in I-1 districts subject to a Special Use Permit:

1. Daycare & preschool for infants & children (more than 6)
2. Schools; Elementary & secondary (public & private)

Accessory Uses

The following accessory uses are permitted in I-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

Dimensional Standards

Minimum district size	None; except as may be needed to satisfy other I-1 district limitations
Maximum height:	65; provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional building height above 36 feet
Minimum setbacks:	Street 5; side 0, rear 10 Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.
Max lot cover:	50

August 7, 2014

Planning Commission

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT D

ENN

PLANNING COMMISSION



City of Santa Fe
Land Use Department
Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Awesome Harvest Rezoning
<i>Project Location</i>	2750 Agua Fria & 1400 Boylan Circle
<i>Project Description</i>	General Plan Amendment & Rezoning of approximately 2.7 acres from R-1 to I-1
<i>Applicant / Owner</i>	BFFM, LLC
<i>Agent</i>	Sommer Karnes & Associates – Joseph Karnes
<i>Pre-App Meeting Date</i>	May 08, 2014
<i>ENN Meeting Date</i>	June 10, 2014
<i>ENN Meeting Location</i>	1730 Llano Street – Oliver LaFarge Library
<i>Application Type</i>	Early Neighborhood Notification Meeting
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	
<i>Attendance</i>	10

Notes/Comments:

The ENN was conducted on June 10, 2014 at 1730 Llano Street – Oliver LaFarge Library. Ten persons attended the meeting including representatives from Awesome Harvest, who conducted the meeting, and Sommer Karnes & Associates, LLP, agent for BFFM. The following concerns were raised:

1. The hours of operations.
2. the type of trucks used for the business and if there was a weight limitation on Agua Fria St.
3. Longer term impact to the neighborhood with industrial zoning.



ENN GUIDELINES

Applicant Information

Project Name: Awesome Harvest General Plan Amendment and Rezoning

Name: BFFM, LLC

Last First M.I.

Address: 2011 Botolph Road, Ste 200

Street Address Suite/Unit #

Santa Fe NM 87505

City State ZIP Code

Phone: (505) 986-2800

E-mail Address: johnf@santafeoffices.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

The Project will not result in additional structures and will not directly affect the character of the neighborhood. The project will facilitate future expansion of the historic light industrial use of the northerly parcel. Future buildings on the southerly parcel will be in character with the existing structure and the mixed use character of this area, which was substantially developed when the area was under County jurisdiction.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

The Project will not result in additional structures and will not directly affect the physical environment. Future applications will comply with all City regulations, which contain protections for the physical environment.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The Project will not result in additional structures and will not directly affect archaeological or cultural resources. Future applications will comply with all City regulations, which contain protections for archaeological and cultural resources.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The area was recently annexed to the City and contains a mix of land uses between Agua Fria and the River as well as south of Agua Fria (which historically has been within the City limits) and includes a mix of areas planned and used for light industrial, mixed use and residential uses, and to the west, heavy industrial uses within the Siler Road industrial area. The area north of Agua Fria was annexed with a blanket General Plan designation of R-1, which does not reflect the mix of existing uses, such as the parcel immediately to the west, which supports a mobile home park and storage of sand mining equipment. The northerly property has historically been used for light industrial purposes and expansion of that use to Agua Fria will maintain the character of the existing use and further general plan policies for location of light industrial uses in appropriate areas.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The Project will not directly generate traffic. Use of the property for light industrial purposes will likely generate vehicle trips on the same order as would use of the property for the currently planned residential uses and similar effects on traffic flow.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The Project would have a direct positive impact on Santa Fe's economic base. The property owner has signed a long-term lease of the property to a Green business, contingent upon project approval, which will make use of the existing building on the north parcel, with potential for expansion to the south parcel (which would be subject to a separate application). The business is currently operating in Santa Fe and has existing contracts that generate a substantial demand for the product and which will increase employment by the business substantially in coming years. The Project will enable this economic development to occur in an area that already supports existing light industrial uses.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

The Project will not directly affect housing availability. The Project will generate jobs, which will incrementally increase demand for housing in Santa Fe and will generate GRT, which will incrementally increase the funds available to the City for affordable housing projects.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The Project will not directly generate a demand for public services. Use of the properties for light industrial purposes will likely generate a similar demand for services as would the currently planned residential uses, except that the demand for school services would be non-existent with light industrial use.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The Project will not directly generate a demand for water. Use of the properties for light industrial purposes will likely generate a similar demand for services as would the currently planned residential uses. The water demand for the light industrial use committed to occupy the existing building on the northerly parcel is minimal.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The Project will recognize the historic light industrial use present on the northerly parcel and the mixed uses present in the vicinity. Use of the Property for light industrial uses will promote infill development and will generate employment Santa Fe's urban area.

(k) EFFECT ON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

The Project will encourage compact urban form by facilitating continuation of the historic use of the Property for light-industrial uses and providing opportunity for expansion within an area that contains a mix of land uses. Increasing the opportunity for jobs in the greater downtown area, with its abundance of existing residential areas.

(l) ADDITIONAL COMMENTS (optional)

August 7, 2014
Planning Commission
Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT E

APPLICANT SUBMITTALS

PLANNING COMMISSION

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

200 West Marcy Street, Suite 133
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800
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James R. Hawley, Attorney at Law
Of Counsel
Licensed in New Mexico and California
jrh@sommer-assoc.com

June 20, 2014

Via Hand Delivery and Email

Tamara Baer, Planner Manager
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Awesome Harvest General Plan Amendment and Rezoning Application

Dear Tamara:

On behalf of the applicant, BFFM, LLC, enclosed is are application for a General Plan amendment and for a rezoning of the properties at 2750 Agua Fria Road (2.73 ac.) (the "northerly Subject Property") and 1400 Boylan Lane (1.19 ac) (the "Southerly Subject Property").

The two properties are located on the north side of Agua Fria Road and south of the Santa Fe River. The properties are located adjacent and west of the "Ecoversity" C-1 PUD and adjacent to and east of the Boylan mobilehome park and the Boylan sand mining/well drilling storage area. The Subject Properties are accessed via Boylan Lane, which is part of the northerly Subject Property.

There is a +/- 9,000 SF metal building located on the northerly Subject Property, which was constructed in the early 1980's, when the subject Properties and surrounding areas were within County jurisdiction. The building has been used for light industrial purposes, including a well drilling business. The southerly Subject Property is vacant.

The Subject Properties and surrounding area were annexed to the City in 2009. The City included the Subject Properties and most of the nearby lands on the north side of Ague Fria in the Residential 1-unit per acre General Plan category and the R-1 zoning district. These designations did not take into account the historic use of the northerly Subject Property.

The primary purpose of the GPA and rezoning request is to facilitate use of the properties for operation of the Awesome Harvest business, which plans to lease the existing building and to use a portion of the Agua Fria Road property for parking. This use is not part of the application, and is expected to need only issuance of a certificate of occupancy following the GPA and rezoning approvals to commence operation.

SOMMER KARNES & ASSOCIATES LLP

Tamara Baer
June 20, 2014
Page 2 of 2

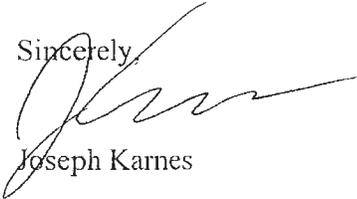
Awesome Harvest assembles grow bags for shipping and retail sale at major retailers around the Country. The company currently operates in Santa Fe at a location on Early Street. Awesome Harvest has secured contracts calling for substantial amounts of product, which necessitate a substantially larger assembly facility. The building on the northerly Subject Property suits their needs perfectly and will not require any exterior modifications (or a development plan). Awesome Harvest plans to use a portion of the southerly Subject Property for parking and plans to eventually expand their business via construction of a building on that property. Awesome Harvest expects to increase its employment from the current 6 employees to between 50-60 within the next 3 years.

The GPA and rezoning are warranted based on the longstanding historic use of the northerly Subject Property for industrial uses. The large building is not suited for residential use and would not serve well for commercial purposes. The currently vacant southerly Subject Property, located between the building and Agua Fria Road is also suited for light industrial purposes, given the non-residential uses and designations of the property to the north (the Boylan Lane property), east (Ecoversity) and south (mixed use and residential). Given the surrounding uses, it is not well suited for residential use and in addition, there is greater need for job-producing light industrial land than additional vacant residentially-designated land.

Approval of the applications would facilitate continuation of the longstanding use of the building on the northerly Subject Property for its originally-intended and realized light industrial purpose, would enable a thriving local business to achieve its desire of staying in Santa Fe and would expand the relatively small amount of centrally-located light industrially-designated land in an area that is well-suited for such use.

Please let me know if you need any additional information.

Sincerely,



Joseph Karnes



(date stamp)

GENERAL PLAN AMENDMENT APPLICATION

Parcel Information

Project Name: AWESOME HARVEST GPA

Address: 2750 AGUA FRIA RD, 1400 BOLLAY LN Property Size: 2.73 AC, 1.19 AC

Current Use of Land: R-1 Proposed Use of Land: I

Does an annexation application accompany this application? YES NO

Does a rezoning application accompany this application? YES NO

Early Neighborhood Notice (ENN) meeting date: 6/10/14

Preapplication Conference Date: 5/18/14

Property Owner Information

Name: BFFM, LLC

Address: PO BOX 1769 Suite/Unit # 1117 87504

SANTA FE City State ZIP Code

Phone: (505) 820-1900 E-mail Address: JOHN.F@SANTAFEOFFICES.COM

Applicant/Agent Information (if different from owner)

Company Name: Sommer Karnes & Associates LLP

Name: Joseph Karnes

Address: 200 W. MARCY ST, 133 Suite/Unit # 1117 87501

SANTA FE, City State ZIP Code

Phone: (505) 489-3800 E-mail Address: JMK@SOMMER-ASSOC.COM

Correspondence Directed to: Owner Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 2750 AGUA FRIA & 1400 BOLLAY LN

I/We authorize Sommer Karnes & Associates to act as my/our agent to execute this application.

Signed: BFFM, LLC Date: June 18, 2014

Signed: By: John R. Fox, member/manager Date: med

Submittal Checklist (Requirements found in Section 14-3.2 SFCC 1987)

Six (6) 24"x36" plan sets and one (1) CD are required. Please include the following:

<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/> Statement addressing approval criteria	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (as defined by Section 14-3.8 SFCC 1987, if applicable)	<input type="checkbox"/> Proof of Compliance with Conditions of Annexation Approval (if applicable)
<input type="checkbox"/> Letter of Water and Sewer Availability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

General Plan Amendment Approval Criteria (Section 14-3.2(E) SFCC 1987)

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (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;
- (b) consistency with other parts of the general plan;
- (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 few landowners 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;
- (e) compliance with the extraterritorial zoning ordinances and extraterritorial plans;
- (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
- (g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

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

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposals are in compliance with the City's zoning and annexation requirements.

Signature: _____

Date: 6/20/14

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, you will be contacted by us regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Thank you, and feel free to contact the Land Use Department staff at (505) 955-6585 with any questions.



(date stamp)

**REZONING
APPLICATION
14-3.5**

Parcel Information

Project Name: AWESOME HARVEST Property Size: 2.73 AC ~~#1.19 AC~~
Address: 2750 AGUA FRIA Rd, 1400 Boylston Lane REZONING
Current Zoning: R-1 Proposed Zoning: I-1
Does a Development Plan application accompany this application? YES NO
Preapplication Conference Date: 5/8/14 UPC Code Number: _____
Early Neighborhood Notice (ENN) meeting date: 6/10/14

Property Owner Information

Name: BFFM LLC
Address: PO BOX 1769
SANTA FE
City: _____ State: NM ZIP Code: 87504
Phone: 505 820-1800 E-mail Address: John.F@SANTAFCOFFICES.COM

Applicant/Agent Information (if different from owner)

Company Name: Sommer KARNES & ASSOCIATES, LLP
Name: Joseph KARNES
Address: 200 W. MARCY ST 137
SANTA FE NM 87501
City: _____ State: _____ ZIP Code: _____
Phone: 989-3800 E-mail Address: JMK@Sommer-ASSOC.COM

Correspondence Directed to: Owner Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 2750 AGUA FRIA Rd, 1400 Boylston Lane
I/We authorize Sommer KARNES & ASSOCIATES to act as my/our agent to execute this application.
Signed: BFFM, LLC Date: June 18, 2014
Signed: By: John R. Fox, member/manager Date: _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, we will contact you regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Please contact the Land Use Department staff at (505) 955-6585 with any questions.

Submittal Checklist (Requirements found in Section 14-3.5 SFCC 1987)

Six (6) 24"x36" or 11"x17" scalable plan sets and 1 CD with a PDF copy are required. Submittal requirements may vary based on the individual application and the requested zoning district. The City reserves the right to request additional information at any time during the review process. See Section 14-4 and 14-5 SFCC 1987 for rezoning regulations related to specific zones. Please include the following and check box to indicate submittal:

<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/> Narrative addressing approval criteria (see below)	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Development Plan (see Section 14-3.8 SFCC 1987)	<input type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications
			<input checked="" type="checkbox"/> No Development Plan (SKETCH)	
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 1987)	<input type="checkbox"/> Traffic Impact Analysis (if required)	<input type="checkbox"/> Archaeological Clearance (if applicable)	<input type="checkbox"/> Sewer and Water Plan (including profiles and details), letter of availability (if applicable)	<input type="checkbox"/> Phasing Plan (if applicable)

Rezoning Approval Criteria, Sections 14-3.5(C) and (D) SFCC 1987

(C) Approval Criteria

(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;
 - (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 general plan or other adopted city plans;
- (b) all the rezoning requirements of Chapter 14 have been met;
- (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
- (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; and
- (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.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

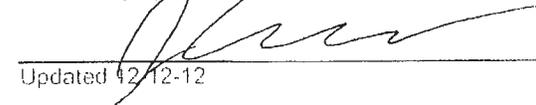
- (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
- (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
- (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

(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.

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning requirements.

Signature:  Date: 6/20/14
Updated 12-12-12

Awesome Harvest General Plan Amendment Criteria Statement

The Applicant provides the following responses to the City Code criteria for approval of General Plan Amendments.

(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;

Response: Use of the Subject Properties for light industrial will facilitate creation of centrally located jobs available to local residents, consistent with the historic use of the northerly Subject Property for light industrial use. The Subject Properties are accessed from Boylan Lane and Agua Fria Street. The Subject Properties are served by an existing sewer main running along the westerly boundary and an on-site well. The water line along Agua Fria Street is available to serve future development of the southerly Subject Property.

(b) consistency with other parts of the general plan;

Response: General Plan policy 3-G-2 states that there shall be a mix of uses and housing types in all parts of the City. The area along this stretch of Agua Fria has historically accommodated a mix of residential, commercial and light industrial uses. Use of the Subject Properties for light industrial purposes will be consistent with this policy and will increase opportunities for centrally located employment for local residents.

(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

Response: The area north of Agua Fria was annexed to the City in 2009 and has historically accommodated a mix of residential, commercial and industrial areas. Santa Fe River provides a natural division between these mixed uses and primarily residential uses to the north. East of the subject properties is the 10+ acre Ecovercity property, zoned C1/PUD. The area north of the Subject Properties and south of the Santa Fe River and immediately to the west accommodates a mobile home park, a single family residence and a storage yard for well drilling and sand mining equipment. The area north of Agua Fria and to the west includes residential uses, an area recently rezoned to general commercial and, farther west, a mix of commercial, light industrial and residential uses.

Across from the Subject Properties to the South area are properties zoned for mixed use and light industrial uses, with residential uses existing toward the east and the heavy industrial.

The northern Subject Property has been in use for light industrial uses since the early 1980's. Given the mix of land use types in this area, use of the Subject Properties for light industrial purposes will not be significantly different from or inconsistent with the prevailing uses and character of the area.

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

Response: The Subject Properties are 3.9 acres in size and the application is therefore consistent with this provision.

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

Response: The northerly Subject Property has been used for light industrial purposes since the early 1980's. Continued use of the northerly Subject Property for these uses will be consistent with the historic uses and will increase employment opportunities for local residents, benefitting the general public. Future expansion of those uses onto the southerly Subject Property would be consistent with the nature of the longstanding use as seen from Agua Fria, the primary local street and would further increase local employment opportunities, again benefitting 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;

Response: As addressed above, use of the Subject Properties for light industrial uses will be consistent with the longstanding use of the northerly parcel and will promote the general welfare by expanding employment opportunities for local residents.

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

Response: The northerly Subject Property was developed for light industrial purposes prior to creation of the EZO and was therefore a grandfathered use recognized by the EZO.

(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

Response: Use of the Subject Properties for light industrial uses will create centrally located employment opportunities for local residents and, as addressed above, will be in character with the historic land uses on the Subject Properties and in this mixed use area of the City.

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

Response: By facilitating continuation of the historic use of the northerly Subject Property and use of the area in between that use and Agua Fria Street for the same type of use, the GPA will expand the City's employment base and promote infill development, both of which are encouraged by land use policies and related City plans.

Awesome Harvest Rezoning Criteria Statement

The Applicant provides the following responses to the City Code criteria for approval of rezoning requests.

Approval Criteria

(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;

Response: There was a mistake in the original zoning. The Subject Properties and surrounding area north of Agua Fria Street were within County jurisdiction until they were annexed to the City in 1999. The existing 9,000 SF building on the northerly Subject Property was constructed in 1983 and had been in use for light industrial purposes (primarily a well drilling business) since that time. During the annexation process, the property owner requested that the Subject Properties be zoned I-1 to reflect the historic use of the northerly Subject Property and the logical future expansion of that use within the southerly Subject Property out to Agua Fria Street. The City did not adopt the I-1 zone and instead zoned the Subject Properties I-1, along with the balance of areas north of Agua Fria that did not have County approvals.

The failure to recognized longstanding uses that did not involve creation by the County of a zoning district was a mistake. Property owners along Agua Fria, such as the owner of the Rivera property just to the west of the Subject Properties, are now having to engage in rezoning applications to rectify these errors. The historic use of the northerly Subject Property, existing +/- 9,000 SF building on that property, commonality of ownership of the southerly Subject Property and the lack of viability of using that property for residential uses warrants correcting the mistake and facilitating centrally-located employment opportunities that will enhance the general welfare.

(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

Response: The area has historically accommodated a mix of land uses including industrial, commercial and residential. The current City zoning reflect this mix. The area is one of transition between heavier industrial uses to the west and predominantly residential uses to the east.

The area north of Agua Fria Street, including the Subject Properties, was annexed to the City in 2009. Instead of adopting zoning designations that reflect existing land uses in this area, the City

placed substantially all of the area in the R-1 “holding zone.” The City Council recently approved an application for C-2 zoning for properties just west of the Subject Property to reflect the longstanding uses of those properties. The same rationale exists for the requested rezoning of the Subject Properties. Rather than changes to the surrounding area, the condition justifying the rezoning is really the change resulting from the City’s adoption of a zoning map upon annexation that does not reflect the longstanding land uses in this area. Regardless, substantial justification exists to change the zoning of the Subject Properties to reflect the longstanding land uses that have been carried out and that sound planning would address (as to the southerly Subject Property).

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

Response: The Economic Development Strategy for Implementation states as its first objective the diversification of the Santa Fe economy with an emphasis on high wage jobs and career paths. The requested rezoning will allow for continued use of an existing +/- 9,000 SF building on the northerly Subject Property for its designed purpose, which will facilitate creation of centrally located jobs available to local residents and will allow for future expansion of those uses onto the southerly Subject Property, creating additional jobs.

In the 2010 Mayor’s Report on Job Creation, former Mayor David Coss stated “our homegrown Santa Fe businesses have always been our greatest asset, and now, as the economy evolves, we are working to create the right environment for entrepreneurs to be successful.” While it is not part of the application, the rezoning will facilitate relocation of a homegrown business that has achieved national commitments for its products and is in immediate need of substantial light industrial space to assemble its products and to expand in the future. The Subject Properties are an ideal location for this business and the rezoning will have a substantial and positive effect on Santa Fe’s economy.

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

Response: The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

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

Response: Prior to consideration of the rezoning request, the future land use map will have been amended, resulting in consistency of the rezoning request with the General Plan.

(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; and

Response: General Plan Land Use Policy 3-G-3 states “there shall be infill development at densities that support the construction of affordable housing and a designated mix of land uses

that provide an adequate balance of service retail and employment opportunities...” The rezoning request will increase the amount of centrally located land available for light industrial employment generating uses, will reflect longstanding uses of the Subject Properties and will avoid urban sprawl.

(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.

Response: The Subject Properties are currently served by Boylan Land and Agua Fria Street. No access concerns exist. An existing sewer main runs along the west side of the Subject Properties. The existing building on the northerly Subject Property is served by an on-site well. The existing water main along Agua Fria Street can be extended at property-owner expense to serve future development of the southerly Subject Property. Santa Fe Fire Department Station 7, located next to the Chavez Center is approximately 2 miles from the Subject Properties.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

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

(b) affect an area of less than two acres, unless adjusting boundaries between districts; or

(c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

Response: As addressed herein, the application is consistent with applicable general plan policies. Even if it were not, the proposed uses would not significantly change the character of the prevailing mixed uses in the vicinity, the Subject Properties are 3.9 acres in size and the expansion of centrally located employment opportunities for local residents will benefit the general public and will not have a substantial negative impact on the landowners of surrounding mixed uses.

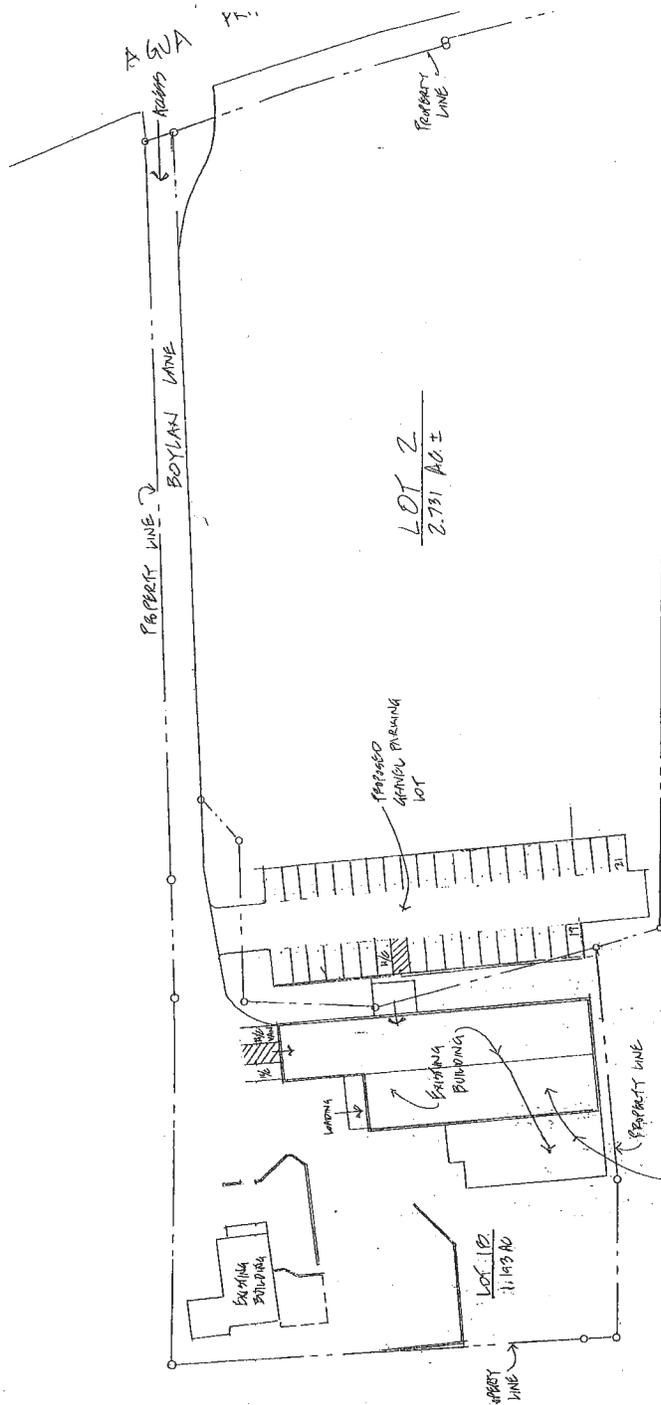
August 7, 2014
Planning Commission
Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

APPLICANT ATTACHMENTS

Attachments

PLANNING COMMISSION



N
 1/8" = 30' 0"
 SHEET PLAN - PRELIMINARY DEVELOPMENT PLAN

PROPOSED
 PROPERTY
 FOR AMBROSIO HARBERT
 ALL USES TO TAKE PLACE
 WITHIN EXISTING BOUNDARY

ALLES

City of Santa Fe, New Mexico

memo

DATE: August 7, 2014
TO: Planning Commission
FROM: Current Planning Division
RE: Additional Information

The attached information is not in your August 7, 2014 Planning Commission packet. The information is in the following order:

Minutes – July 10, 2014

- Pages 12 and 13.

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

Case #2014-64. 2750 Agua Fria Road and 1400 Boylan Lane Rezoning.

- Letter of concern from Jeff Harbour, representative of adjoining property owner.

Case #2013-80. Ross' Peak Preliminary Subdivision Plat.

- Memorandum dated August 7, 2014 from Zach Thomas, Senior Planner regarding modifications to conditions of approval.

August 6, 2014

City of Santa Fe
Planning Commission

RE: Case #2014-63 General Plan Amendment
and Case #2014-64 Rezoning
2750 Agua Fria Road and 1400 Boylan Lane

I represent Prajna Foundation which owns three properties totaling approximately 15 acres directly to the east of the referenced site. Our property is at 2725 Agua Fria and 2639 Agua Fria and is zoned C-1 and R-1. We are currently under contract to sell our properties to a local business that desires to build multifamily housing.

In general, I do not think it is wise for Santa Fe to have industrial zoning creep towards the city center. This area is in transition from an area that is very residential to an area with more mixed use and light industrial. This property is right at that transition zone and therefore should reflect the transition in its uses. C-1, for instance, would be a more appropriate transition from the residential to the more industrial that is further from town.

While I fully support Awesome Harvest in their quest for a more permanent facility, I am very concerned as to what use the remaining property could be put to and what might replace this current tenant should such tenant decide to move or shut down. I-1 zoning allows such things as nightclubs, flea markets, department stores, outdoor storage, poolrooms, and many light manufacturing processes which have excessive noise and odors that are not compatible with the neighboring residential zoning.

I believe that a zoning change to C-1 would be more appropriate. Even if an exception was made for Awesome Harvest's use.

Another possibility to which we could agree is granting the I-1 zoning but with restrictions on the uses allowed in I-1 zoning that are incompatible with the neighboring residential zoning. We have attached a list of the restrictions we believe should not be allowed. In essence this is granting a partial I-1 zoning change recognizing that this is a transition zone.

These restrictions would need to be in the form of a deed restriction or a set of recorded covenants either of which run with the land so that they are a permanent part of the I-1 zoning change.

Thank you for your consideration.



Jeff Harbour

RESTRICTED USES

1. Outdoor storage, either intermittent or continuous, of heavy-duty industrial vehicles or equipment such as tractor-trailers, dump trucks, back hoes, earth moving equipment or buses; of merchandise; of building materials except in connection with active construction activities of the premises; of mobile homes; or of recreational vehicles.
2. Recreational vehicles used as dwelling units.
3. Mobile homes.
4. Self-storage units.
5. Commercial parking lots and garages.
6. Salvage or junk yards.
7. Sexually oriented businesses.
8. Any business that sells, serves, or distributes alcohol except restaurants that only serve beer and/or wine.
9. Hours of operation for any business to be open to the public to be restricted to 7am-9pm.
10. Deliveries to be restricted to 7am-7pm.
11. Commercial recreational uses and structures such as bowling alleys, poolrooms, golf driving ranges, arcades and the like although health clubs and spas are allowed.
12. Convenience stores such as Allsup's, Giant, or 7-11 stores or supermarkets.
13. Chain drugstores over 1,500 square feet such as Walgreens.
14. Drive-through restaurants.
15. Hotels and motels.
16. Veterinary clinics and dog kennels.
17. Dry cleaners or commercial laundries.
18. Bulk petroleum products storage and distribution.
19. Utility substations.
20. Breweries or coffee roasting.
21. Tire recapping or retreading.
22. Establishments which service and repair automobiles, such as filling stations and repair garages.
23. Use of paints, stains, sealers, etc. (which tend to distribute odor and fumes even when contained in a commercial spray booth) except in connection with active construction activities of the premises.
24. Manufacturing, assembly, or processing which is noxious, dangerous or offensive to neighboring districts by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire, or emission of particulate matter.
25. Cabinet shops and wood shops.
26. Funeral homes and mortuaries.
27. Flea markets.

Governing Body

October 8, 2014

Case # 2014-63 and 64

**BFFM GENERAL PLAN AMENDMENT AND
REZONING TO LIGHT INDUSTRIAL**

EXHIBIT F

I-1 AND C-2 USE LISTS

I-1 Light Industrial District

The I-1 district is intended primarily for light manufacturing, processing, storage, warehousing, distribution and similar commercial uses. Regulations are intended to prevent friction between uses within the district and also to protect nearby *residential* districts.

Permitted Uses

1. Antique stores
2. Art supply stores
3. Arts & crafts schools
4. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
5. Automobile service & repair establishments including filling stations & repair
6. Banks, credit unions (without drive-through)
7. Banks, credits unions (with drive-through) ☼
8. Bar, cocktail lounge, nightclub (no outdoor entertainment)
9. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
10. Barber shops & beauty salons
11. Bed & breakfast
12. Bookshops
13. Cabinet shops (custom)
14. Clubs & lodges (private) ☼
15. Colleges & universities (non-residential)
16. Commercial parking lots & garages
17. Commercial recreational uses & structures; theaters; bowling alleys, pool-rooms, driving ranges, etc
18. Dance studios
19. Daycare; preschool; for infants & children (6 or fewer)
20. Daycare & preschool for infants & children (more than 6) ☼☼
21. Department & discount stores
22. Electrical distribution facilities
23. Electrical substation
24. Electrical switching station
25. Electrical transmission lines
26. Exercise, spas or gym facilities
27. Fire stations
28. Flea markets
29. Florist shops
30. Funeral homes or mortuaries
31. Furniture stores
32. Hotels, motels, residential suite hotels
33. Human service establishments ☼
34. Kennels
35. Laboratories; research, experimental & testing
36. Light assembly & manufacturing
37. Lodging facilities, conference & extended stay
38. Medical & dental offices & clinics
39. Mini-storage units
40. Museums
41. Non-profit theaters for production of live shows
42. Office equipment sales & service; retail sale of office equipment

43. Offices; business & professional, excluding medical, dental & financial services
44. Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
45. Personal care facilities for the elderly
46. Personal service establishments including cleaning & laundry, appliance repair & similar services
47. Pharmacies or apothecary shops
48. Photographers studios
49. Police stations
50. Police substations
51. Public parks, playgrounds & playfields
52. Religious Assembly (all)
53. Religious educational & charitable institutions (no schools or assembly uses) ☼
54. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
55. Restaurant with drive-through or drive-up ☼
56. Restaurant; fast service, take out, no drive-through or drive-up
57. Restaurant; full service with or without incidental alcohol service
58. Retail & service uses intended to serve the primary uses & do not exceed 5,000 square feet
59. Retail establishments not listed elsewhere
60. Schools; Elementary & secondary (public & private) ☼☼
61. Sexually oriented businesses (all)
62. Storage areas – individual within a completely enclosed building
63. Tailoring & dressmaking shops
64. Time share vacation projects
65. Tire recapping & retreading
66. Transit transfer facilities
67. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
68. Veterinary establishments, pet grooming
69. Vocational & trade schools (light industrial)
70. Vocational & trade schools (non-industrial)
71. Wholesaling & distribution operations; 3,000 square feet or less of storage
72. Wholesaling & distribution operations; over 3,000 square feet of storage

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

☼☼ **Special Use Permits Required**

Accessory Uses

The following accessory uses are permitted in I-1 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)

Updated June 18, 2013

6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

C-2 General Commercial District

The C-2 general commercial district includes areas along *streets* carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip *commercial development*, to preserve the carrying capacity of the *streets* and to provide for *off-street parking* and loading.

Permitted Uses

1. Adult day care
2. Antique stores
3. Art supply stores
4. Arts & crafts schools
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Assembly & manufacturing (light)
7. Automobile service & repair including filling & repair stations
8. Automobile tire recapping & retreading
9. Banks & credit unions with drive-through ☼
10. Banks & credit unions without drive through
11. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
12. Bar, cocktail lounge, nightclub, no outdoor entertainment
13. Barber shops & beauty salons
14. Bed & breakfast and inns
15. Boarding, dormitory, monastery ☼ ☼
16. Bookshops
17. Cabinet shops (custom)
18. Cemeteries, mausoleums & columbaria ☼ ☼
19. Clubs & lodges (private) ☼
20. Colleges & universities (non-residential)
21. Colleges & universities (residential) ☼ ☼
22. Commercial parking lots & garages
23. Commercial recreational uses & structures (theaters, bowling alleys, pool-rooms, driving ranges, etc)
24. Continuing care community ☼ ☼
25. Correctional group residential care facility ☼
26. Dance studios
27. Daycare; preschool; for infants & children (small – 6 or fewer)
28. Daycare; preschool; for infants & children (large – 6 or more)
29. Department & discount stores
30. Dwelling; multiple family (see section 14-6.2(A)(7) for additional regulations)
31. Dwelling; single family (see section 14-6.2(A)(7) for additional regulations)
32. Electrical distribution facilities
33. Electrical substation
34. Electrical switching station
35. Electrical transmission lines
36. Exercise, spas, gym facilities
37. Flea markets
38. Florist shops
39. Funeral homes or mortuaries
40. Furniture stores

41. Fire stations
42. Grocery stores (neighborhood)
43. Group residential care facility ☼☼
44. Group residential care facility (limited) ☼☼
45. Hospitals ☼☼
46. Hotels, motels, residential suite hotels
47. Human service establishments ☼
48. Kennels ☼
49. Laboratories; research experimental & testing
50. Laundromats (neighborhood)
51. Light assembly & manufacturing
52. Lodging facilities; conference & extended stay
53. Manufactured homes (see section 14-6.2(A)(7) for additional regulations)
54. Medical & dental offices & clinics
55. Mini storage units ☼☼
56. Museums
57. Neighborhood & community centers (including youth & senior centers)
58. Non-profit theaters for production of live shows
59. Nursing; extended care convalescent, recovery care facilities
60. Office equipment sales & service; retail sales of office supplies
61. Office; business & professional (no medical, dental or financial services)
62. Personal care facilities for the elderly
63. Personal service establishments (including cleaning, laundry, appliance repair & similar services)
64. Pharmacies or apothecary shops
65. Photographers studios
66. Police stations
67. Police substations (6 or fewer staff)
68. Public parks, playgrounds, playfields
69. Religious assembly (all)
70. Religious, educational & charitable institutions (no school or assembly uses) ☼
71. Rental; short term
72. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
73. Restaurant with drive-through, drive-up ☼
74. Restaurant; fast service, take out, no drive through or drive-up
75. Restaurant; full service, with or without incidental alcohol service
76. Retail establishments not listed elsewhere
77. Schools; Elementary & secondary (public & private) ☼
78. Sheltered care facilities ☼☼
79. Sign shops
80. Storage; individual storage areas within a completely enclosed building ☼☼
81. Tailoring & dressmaking shops
82. Transit transfer facilities ☼☼
83. Time share vacation projects
84. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
85. Veterinary establishments, pet grooming ☼
86. Vocational or trade schools (non-industrial)
87. Wholesale & distributing operations (under 3,000 square feet of storage)

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

☼☼ **Special Use Permit** Required

Accessory Uses

The following accessory uses are permitted in C-2 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use