City of Santa Fe, New Mexico

memo

DATE: July 16, 2014 for the July 30, 2014 meeting

TO: City Council

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

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division

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Case #2014-43. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.64 acres from Very Low Density Residential (1-3 DU/Acre) to Community Commercial. The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

Case #2014-44. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership requests rezoning of 0.64 acres from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial). The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

On June 5, 2014, the Planning Commission found that the application meets all code criteria for a General Plan Amendment and Rezoning. The applicant does not anticipate any specific development to occur as a result of these applications.

Cases #2014-43 and #2014-44 are combined for purposes of staff report, public hearing and the City Council review, but each is a separate application and shall be voted upon separately.

I. RECOMMENDATION

The Planning Commission unanimously recommended **APPROVAL** of both cases to the Governing Body. There are no Conditions of Approval. On June 5, 2014, the Planning Commission found that the application meets all code criteria for a General Plan Amendment

and Rezoning. The two properties are currently fully developed and the applicant does not anticipate any further development to occur as a result of these applications.

Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

II. APPLICATION OVERVIEW

Bill and Tim Layden (the L-Fam Partnership) are requesting a General Plan Amendment from Very Low Density Residential (1-3 DU/Acre) to Community Commercial and to rezone the property from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial) to bring them into conforming status.

The subject 0.64 acre site is comprised of the Chamisa School of Driving at the northeast corner of Jemez and Airport Road, addressed 3197 Jemez Road, and the Catholic Social Services on the adjacent property to the east at 3193 Jemez Road. Both properties are accessed from Jemez Road and not Airport Road. Master Plan Zoning approval for the Catholic Social Services building was granted by Santa Fe County in 1997 and for the Driving School in 2004. The properties were annexed into the City as part of the Phase 2 Annexation on January 1, 2014. The application does not propose any changes to the current development on site. Access will continue to be from Jemez with an easement along the north property line to access the easternmost property (Catholic Social Services). A second curb cut gives access directly into the Driving School parking lot. The property is connected to City water, but not to the City public sewer system. Connection to wastewater will be required at the time of development or improvements to the property.

The properties surrounding the site consist of a mix of residential, commercial and office developments. The Walgreens building is located to the west across Jemez Road and is zoned C-2, General Commercial. Properties to the south across Airport Road include a mix of residential, office and commercial uses, and to the north, in the R-4 district, is a heating and air-conditioning business which operates as a home occupation. A private drive, Caminito Quintana, runs along the east side of the Catholic Social Services property.

An Early Neighborhood Notification meeting was held on March 14, 2014. Three neighbors to the development in addition to City staff, the applicant and the applicant's agent were in attendance. No objections to the applications were expressed.

III. ATTACHMENTS:

Exhibit 1	Planning Commission Findings of Fact, Approved 7/10/14
Exhibit 2	Draft General Plan Amendment Resolution
Exhibit 3	Draft Rezoning Bill
Exhibit 4	Planning Commission Staff Report
Exhibit 5	Planning Commission Minutes, 6/5/14

ITEM # 14-0668

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

Case #2014-43
3197 and 3193 Jemez Road (4989 & 4985 Airport Road) General Plan Amendment
Case #2014-44
3197 and 3193 Jemez Road (4989 & 4985 Airport Road) Rezoning to C-2

Owner's Name – L-Fam Partnership
Applicant's Name – James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on June 5, 2014 upon the application (Application) of James W. Siebert and Associates, Inc. as agent for L-Fam Partnership (Applicant).

The property is located at the northeast corner of Airport Road and Jemez Road at 3197 and 3193 Jemez Road (Property) and is comprised of 0.64± acres with the Future Land Use designation of Residential - Very Low Density (1-3 DU/Acre) and is zoned R-4 (Residential – 4 Dwelling Units 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 Very Low Density Residential to Community Commercial; and (2) to rezone the Property from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial).

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

EXHIBIT 1

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 February 27, 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 March 14, 2014 at the Southside Public Library on 6599 Jaguar Drive.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there was three 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)].*
    The request to change the future land use designation from very low residential to community commercial is consistent with many recent developments along Airport Road, which is a major arterial. Access and infrastructure have served the site with its previous uses as a driving school and non-profit office.
    (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
    The subject property is designated Very Low Residential, 1-3 dwelling units per acre. Such a designation for Future Land Use along a major arterial is not consistent with most of the other designations along Airport Road.
    (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)].*
    A commercial land use designation would not be significantly different from or inconsistent with surrounding development and is not at the expense of surrounding landowners or the general public. Approval of Community Commercial use would be consistent with the historic uses of the property. Although the property is less than two acres in size, it is an expansion of the C-2 district across Jemez Road, and therefore

qualifies as an adjustment in the boundaries of the C-2 district. This request to amend the General Plan Future Land Use map does not benefit the property owner at the expense of the surrounding landowners or the general public.

(d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].*
The request to change the land use designation from Very Low Density to Community Commercial is not inconsistent with the prevailing use and character of the area, does not affect an area less than two acres, since it is adjusting the boundaries of the C-2 district across Jemez, and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

(e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*
This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

(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)].*
There are no major changes proposed to the structures, which are already part of the commercial corridor.

(g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*
This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

14. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts:

(a) *the growth and economic projections contained within the general plan are erroneous or have changed.*
The Southwest Area Master Plan, adopted as part of the General Plan, identifies this area as the Central Neighborhood Plan Area, and is designated as Very Low Residential (1-3 DU/Acre).

(b) *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.*
There are plenty of locations available throughout the City for existing uses. However, development patterns along Airport Road have changed over the years to include more commercial and office use. The northwest corner of the Airport/Jemez intersection was recently redeveloped with a Walgreens store. The Airport Road Overlay District was adopted last year to encourage development and redevelopment on Airport Road for those properties that directly abut the Airport Road right of way. Low density residential is therefore not the best use along this busy corridor and at this signalized intersection.

(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.*

When these properties were brought into City jurisdiction with the adoption of SPaZZo in 2009, the City and County made this decision to depict the subject property as Very Low Density Residential (1-3 DU/Acre). The actions proposed under these applications would correct the land use designations and zoning.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
    (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*
    The R-4 zoning district assigned by the City in 2009 did not recognize the historic uses of these properties. It could be argued that the residential zoning was assigned in error. The overall area along Airport Road is primarily designated with nonresidential zoning categories. Low Density residential zoning does not reflect appropriate development along this busy corridor. A different use category, other than Single Family Residential would be more appropriate to a major arterial such as Airport Road and would bring the property into conformance to better protect the existing uses.
    (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 0.64± 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)];*
    Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City public sewer.
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.*
Infrastructure is available to adequately serve the site as it currently exists. Any new development or redevelopment of the site may require various site improvements to include a continuous sidewalk along Jemez Road, closure of unnecessary curb cuts and landscaping along street frontages, which will be evaluated at the time of any construction permit applications.

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 10th DAY OF July, 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.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Chair

7/10/14
Date

FILED:

Yolanda Y. Vigil
City Clerk

7-11-14
Date:

APPROVED AS TO FORM:

Kelley Brennan
Interim City Attorney

7-11-14
Date:

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-__

INTRODUCED BY:

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 0.64± ACRES OF LAND FROM VERY LOW DENSITY RESIDENTIAL (1-3 DWELLING UNITS PER ACRE) TO COMMUNITY COMMERCIAL ON THE NORTHEAST CORNER OF JEMEZ ROAD AND AIRPORT ROAD ("3197 AND 3193 JEMEZ ROAD" GENERAL PLAN AMENDMENT, CASE NO. 2014-43).

WHEREAS, the agent for the owner of the subject property (the L-Fam Partnership) has submitted an application to amend the General Plan Future Land Use Map designation of the property from Very Low Density Residential (1-3 dwelling units per acre) to Community Commercial;

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

WHEREAS, the Governing Body has held a public hearing on the proposed amendment, reviewed the staff report and the recommendation of the Planning Commission and the evidence obtained at the public hearing, and has determined that the proposed amendment to the General

EXHIBIT 2

Plan meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

WHEREAS, the reclassification of the Property would be substantially consistent with the provisions of the General Plan to maintain a compact urban form and to encourage infill development and mixed use neighborhoods; and

WHEREAS, the reclassification of the Property will not allow a use or change that is inconsistent with prevailing uses of the area or with the historic uses of the Property, and will not have adverse impacts upon the surrounding neighborhood; and

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

Section 1. That the General Plan Future Land Use Map classification for the Property be hereby amended as shown in the General Plan Future Land Use Map attached hereto [EXHIBIT A] and incorporated herein by reference.

Section 2. Said General Plan amendment and any future development plan for the Property is approved; no conditions of approval are required.

PASSED, APPROVED and ADOPTED this ____ day of July, 2014.

_____

JAVIER M. GONZALES, MAYOR

ATTEST:

_____

YOLANDA Y. VIGIL, CITY CLERK

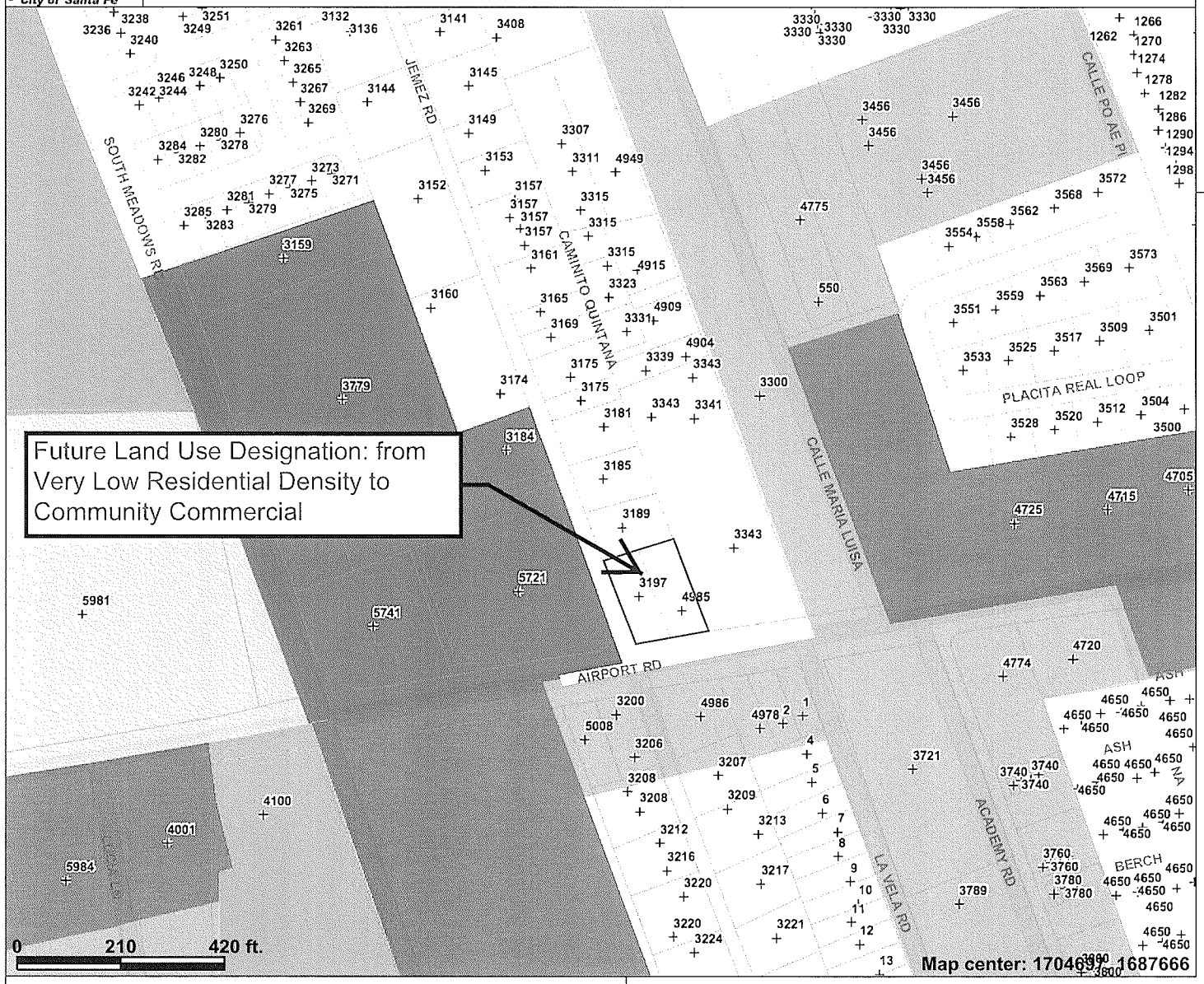
APPROVED AS TO FORM:

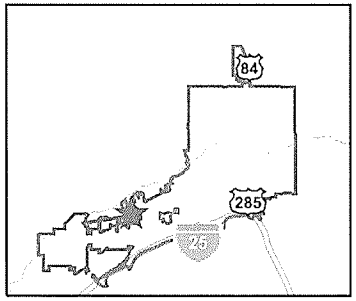
Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

Future Land Use Map

Geographic Information System
City of Santa Fe





Legend

Future Land Use

- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-9 dwellings per acre)
- Meduim Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commericial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutioanl
- Open Space
- Parks

Scale: 1:3,703

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

EXHIBIT A-11

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-21

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING THE ZONING CLASSIFICATION FROM R-4 (RESIDENTIAL, 4 DWELLING UNITS PER ACRE) TO C-2 (GENERAL COMMERCIAL); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING 0.64± ACRES LOCATED AT 3197 AND 3193 JEMEZ STREET (REZONING CASE NO. 2014-44).

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

Section 1. The following real property (the "Property") located within the municipal boundaries of the city of Santa Fe, is restricted to and classified C-2 (General Commercial):

A parcel of land comprising 0.64± acres generally located at the northeast corner of Jemez Road and Airport Road at 3197 and 3193 Jemez Road and more fully described in EXHIBIT A attached hereto and incorporated by reference, located in Section 7, T16N., R9E, N.M.P.M., Santa Fe County, New Mexico,

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No.

EXHIBIT 3

2001-27 is amended to conform to the changes in zoning classifications for the Property set forth in Section 1 of this Ordinance.

Section 3. This rezoning action and any future development plan for the Property is approved as recommended by the Planning Commission on June 5, 2014.

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

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, CITY ATTORNEY

BILL NO. 2014-21

Exhibit A

3197 & 3193 Jemez Road

Legal Description for C-2 Zoning

DESCRIPTIONS

Lot 17 of "PLAT OF TRACT NO. 1, ACRE ESTATES" (filed in Plat Book 2 on page 200 as reception no. 90,141 in the Santa Fe County Clerk's Office) LESS AND EXCEPT that portion taken by the State Highway Department of New Mexico as described in Stipulated Judgment filed in Book 523 on pages 381 through 388 in the Santa Fe County Clerk's Office and being more particularly described as follows, to wit:

Begin at an iron pipe set at a corner common to Lots 16, 17 and 18 of said "TRACT NO. 1, ACRE ESTATES" and run thence S20°36'20"E 189.77 ft. to a capped rebar (no. 4070) on the north line of Airport Road; thence S79°47'55"W, along said north line, 59.99 ft. to a capped rebar (no. 4070); thence N51°31'10"W 28.80 ft. to a capped rebar (no. 4070) on the east line of Jemez Road; thence N20°43'W, along said east line, 159.26 ft. to an iron pipe; thence N73°16'30"E 74.28 ft. to the point and place of beginning, all as shown hereon.

Lot 18 of "PLAT OF TRACT NO. 1, ACRE ESTATES" (filed in Plat Book 2 on page 200 as reception no. 90,141 in the Santa Fe County Clerk's Office) LESS AND EXCEPT that portion taken by the State Highway Department of New Mexico as described in Stipulated Judgment filed in Book 523 on pages 381 through 388 in the Santa Fe County Clerk's Office and being more particularly described as follows, to wit:

Begin at an iron pipe set at a corner common to Lots 16, 17 and 18 of said "TRACT NO. 1, ACRE ESTATES" and run thence N73°16'30"E 74.18 ft. to a point, from which a capped rebar marked "4070" and "WC" bears S73°16'30"W 1.00 ft. distant; thence S20°31'35"E 198.30 ft. to a capped rebar on the north line of Airport Road; thence S79°47'55"W, along said north line, 74.98 ft. to a capped rebar (no. 4070); thence N20°36' 20"W 189.77 ft. to the point and place of beginning, all as shown hereon.

The above described tracts are subject to all easements, restrictions and reservations of record which pertain.

EXHIBIT A

City of Santa Fe, New Mexico

memo

DATE: May 21, 2014 for the June 5, 2014 meeting

TO: Planning Commission

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

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division D.W.

Case #2014-43. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership, requests approval of a General Plan Future Land Use map amendment to change the designation of 0.64 acres from Very Low Density Residential (1-3 DU/Acre) to Community Commercial. The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

Case #2014-44. 3197 & 3193 Jemez Road. James W. Siebert & Associates, Inc., agent for the L-Fam Partnership requests rezoning of 0.64 acres from R-4 (Residential, 4 dwelling units per acre) to C-2 (General Commercial). The property consists of two lots, 3197 & 3193 Jemez Road located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager)

Cases #2014-43 and #2014-44 are combined for purposes of staff report, public hearing and Planning Commission review, but each is a separate application and shall be voted upon separately.

RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the General Plan Amendment and Rezoning. There are no required Conditions of Approval. No specific development will occur as a result of these applications. The request will proceed to the City Council for final decision on the General Plan Amendment and Rezoning, and then to Building Permit application for review of any remodeling or new construction under 10,000 square feet.

I. APPLICATION SUMMARY

The subject 0.64± acre site is located at the northeast corner of Jemez and Airport Road and is comprised of 2 lots that are designated as Very Low Density Residential (1-3 DU/Acre) on the Future Land Use Map and zoned R-4 (Residential, 4 dwelling units per acre). The Chamisa School of Driving is located at the northeast corner of Jemez and Airport Road, addressed 3197 Jemez Road, and the Catholic Social Services is on the adjacent property to the east at 3193 Jemez Road. Both properties are accessed from Jemez Road and not Airport Road. Master Plan Zoning approval for the Catholic Social Services building was granted by Santa Fe County in 1997 and for the Driving School in 2004. The properties were annexed into the City as part of the Phase 2 Annexation on January 1, 2014.

Although the utility metering and billing is on Airport Road, the City changed the addresses to Jemez Road since access is from Jemez and not Airport Road. The applicant is requesting the address be changed back to Airport Road (see Exhibit E-2: Letter regarding addressing).

Bill and Tim Layden (the L-Fam Partnership) recently acquired the Catholic Social Services property and now request a rezoning of the two lots to C-2, General Commercial, to bring them into conforming status. The application does not propose any changes to what currently exists on site. Access will continue to be from Jemez with an easement along the north property line to access the easternmost property (Catholic Social Services). A second curb cut gives access directly into the Driving School parking lot.

The properties surrounding the site consist of a mix of residential, commercial and office developments. The Walgreens building is located to the west across Jemez Road and is zoned C-2, General Commercial. Properties to the south across Airport Road include a mix of residential, office and commercial uses, and to the north, in the R-4 district, is a heating and air-conditioning business which operates as a home occupation. A private drive, Caminito Quintana, runs along the east side of the Catholic Social Services property.

The property is connected to City water and dry utilities. However, according to the Wastewater Division records, the property is not connected to the City public sewer system. Connection to wastewater will therefore be required at the time of development or improvements to the property.

An Early Neighborhood Notification meeting was held on March 14, 2014. Three neighbors to the development in addition to City staff, the applicant and the applicant's agent were in attendance. One of the neighbors living in the Jemez Road residential neighborhood wanted information on the requested rezoning but did not express any opposition to the request. Another neighbor across Airport Road was located in an MU, Mixed Use district, and asked how that might be changed.

II. GENERAL PLAN AMENDMENT

The subject property's current land use designation is Very Low Density (1-3 dwellings per acre) as shown on the Future Land Use Map (See Exhibit B-2). The applicant requests the Community Commercial designation to allow for C-2 (General Commercial) zoning which

would bring the zoning into conformance with the historic use of the properties. Section 14-3.2(E)(1) sets out the following General Plan Amendment criteria for approval:

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

Applicant's response:
The City has recently adopted an overlay district for Airport Road anticipating that growth would occur at a more rapid pace along the Airport Road corridor. In the case of the lot at the corner of the Jemez Road and Airport Road the use has been commercial for over 40 years, including a book store, and more recently a driving school. Rather than create non-conforming uses out of properties that have been used for commercial purposes for extended periods of time it is more reasonable to zone them for the uses that are more consistent for the area.

Staff response:
The request to change the future land use designation from very low residential to community commercial is consistent with many recent developments along Airport Road, which is a major arterial. Access and infrastructure have served the site with its previous uses as a driving school and non-profit office. Any conversion of the structure from their existing uses must comply with building and fire codes at the time of construction permit application. Although the applicant has not mentioned any redevelopment of the .64 acre site, the Land Use staff will conduct an administrative site plan review, if such redevelopment is proposed, to ensure all code requirements including site improvements, are met.

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

Applicant's response:
The City General Plan shows this property as residential, Very Low Density, 1-3 dwelling units per acre. The properties on the south side of Airport Road are commercial and are zoned MU, Mixed Use. The property immediately north in the residential neighborhood consists of a single family dwelling and a workshop for a heating and air-conditioning business that has a business license from the City. The land to the east is zoned R-4 and is vacant. The land to the west-across Jemez Road is zoned C-2/PUD, General Commercial, Planned Unit Development and is the location of the Walgreens building.

Given the City application of MU, Mixed Use zoning on the south side of Airport Road and the C-2, street corner across Jemez Road this request is consistent with the City General Plan.

Staff response:

The subject property is designated Very Low Residential, 1-3 dwelling units per acre. Such a designation for Future Land Use along a major arterial is not consistent with most of the other designations along Airport Road.

(c) the amendment does not:
(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or
(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or
(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant's response:
(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area;

The uses have existed on this property for approximately 30 years. The property immediately to the west is zoned C-2 and is occupied by Walgreens pharmacy and across the street there is a mix of commercial and mixed use. Besides the property to the north the subject properties are surrounded by commercial or mixed use zoning districts.

(ii) affect an area of less than two acres, except when adjusting boundaries between districts.
The combined acreage of the two subject lots is less than two acres. The commercial use on these contiguous parcels of land has existed prior to the County Land Development Code.

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

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

Staff response:
A commercial land use designation would not be significantly different from or inconsistent with surrounding development and is not at the expense of surrounding landowners or the general public. Approval of Community Commercial use would be consistent with the historic uses of the property.

Although the property is less than 2 acres in size, it is an expansion of the C-2 district across Jemez Road, and therefore qualifies as an adjustment in the boundaries of the C-2 district. This request to amend the General Plan Future Land Use map does not benefit the property owner at the expense of the surrounding landowners or the general public.

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

Applicant's response:
The justification for the rezoning action is based on the historic use of the property.

Staff response:
Subsection 14-3.2(E)(1)(c) states:

(c) the amendment does not:

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

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

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

The request to change the land use designation from Very Low Density to Community Commercial is not inconsistent with the prevailing use and character in the area, does not affect an area less than two acres, since it is adjusting the boundaries of the C-2 district across Jemez, and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

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

Applicant's response:
This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City. As discussed previously while this property was under extraterritorial jurisdiction both lots received commercial zoning and master plan approval from the Extraterritorial Zoning Commission and the Extraterritorial Zoning Authority.

Staff response:
Staff concurs.

(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's response:
Both of these lots have continuously been used for commercial purposes for an extended period of time. In addition to the pre-existing commercial condition both properties received a commercial use approval from the extraterritorial bodies that had jurisdiction

over this area along Airport Road. When the City applied the zoning to this area in 2009 the zoning district did not reflect the actual use of the property or the prior extraterritorial approvals that were granted for these two properties. Given the non-conforming status of the land and buildings these structures could suffer from disrepair since there is no incentive to maintain them if the underlying zoning does not reflect the actual use of the building. The uses on these properties which consist of a driver's education school (principally for high school students) and Catholic social services serve as a beneficial use to the neighborhood and community at large.

Staff response:
There are no major changes proposed to the structures, which are already part of the commercial corridor.

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

Applicant's response:
The City has a policy of promoting a mix of land uses, this property has historically included a mix of residential and commercial uses. The recent changes to the City code now permit residential uses within a C-2 commercial district.

Staff response:
This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

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

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

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

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

Staff Response:
The Southwest Area Master Plan, adopted as part of the General Plan, identifies this area as the Central Neighborhood Plan Area, and is designated as Very Low Residential (1-3 DU/Acre)

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

Applicant's Response:
The existing land uses on these properties have been in place for several years. Unless there is a dramatic change in circumstances with the current occupants, the existing businesses intend to remain in these buildings for an extended period of time. There are other locations where these businesses could relocate, but that is not their intent. They have served their clients from this location for several years and wish to continue to serve their clients from these properties.

Staff Response:
Plenty of locations are available throughout the City for the existing uses. However, development patterns along Airport Road have changed over the years to include more commercial and office use. The northwest corner of the Airport/Jemez intersection, for example was recently redeveloped with a Walgreens store. Also, the Airport Road Overlay District was adopted last year to encourage development and redevelopment on Airport Road for those properties that directly abut the Airport Road right of way. Low density residential is therefore not the best use along this busy corridor and at this signalized intersection.

(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's Response:
The conditions affecting the subject lots are more jurisdictional than a result of market conditions. Historically this area has been under extraterritorial jurisdiction where diverse mixes of land uses are permitted as part of the development review process. The existing commercial uses were recognized by a master plan approval when they were under extraterritorial jurisdiction.

Staff Response:
As previously stated, when these properties were brought into City jurisdiction with the adoption of SPaZZo in 2009, the City and County made this decision to depict the subject property as Very Low Density Residential (1-3 DU/Acre).The actions proposed under these applications would correct the land use designations and zoning.

III. REZONING

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

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

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

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

Applicant's response:
The commercial uses have existed on this property prior to the adoption of the Land Development Code. The property went through masterplan zoning while it was under County jurisdiction. The City rezoned all properties within the Presumptive City Limits at which time the zoning designated to these lots may have been overlooked since there is adequate access and public facilities along with being adjacent to a major retail outfit (Walgreens Pharmacy)

Staff response:
The R-4 zoning district assigned by the City in 2009 did not recognize the historic uses of these properties. It could be argued that the residential zoning was assigned in error.

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

Applicant's response:
With the extension of South Meadows Road, the construction of the Walgreens and contiguous gas station all support the change of zoning for these properties since they are all adjacent properties.

Staff response:
The overall area along Airport Road is primarily designated with nonresidential zoning categories. Low Density residential zoning does not reflect appropriate development along this busy corridor.

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

Applicant's response:
A C-2, General Commercial zoning designation would bring the underlying zoning into conformance with the existing uses on the property. Under the current R-4 zoning if the buildings were to be destroyed by more than 66 percent they could not be reconstructed in a manner that would preserve the prior uses since the prior uses would no longer be

permitted. Assuming the buildings would be destroyed by more than 66 percent it would be difficult to market the property for residential uses where the dwellings would be located at a busy, signalized intersection and across the street from a large scale commercial building.

Staff response:
A different use category, other than Single Family Residential would be more appropriate to a major arterial such as Airport Road and would bring the property into conformance to better protect the existing uses.

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

Applicant's response:
Currently the existing zoning is R-4, Single Family Residential, four dwellings per acre. Rezoning of the property to C-2 would bring the uses on this property into conformance with the historic uses that have taken place on this property. The rezoning action does not require any variance to the City Land Development Code.

Staff response:
Staff concurs.

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

Applicant's response:
The City General Plan shows this tract as Very Low Density, 1-3 dwelling units per acre, which is inconsistent with the use of the property and the surrounding uses for the area. It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the application of City zoning to the area under the City/County Settlement Agreement. It is therefore, not that the property is inconsistent with the General Plan, especially the Future Land Use Map, but that the land use designation established by the City General Plan was incorrect.

Staff response:
The applications request a change to the Future Land Use map to create consistency with the proposed zoning and historic use.

(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's response:
The land area associated with this request should not be considered an addition to the City's supply of C-2 land, since it has been uses for commercial purposes for several years prior to the adoption of the City zoning for this area. The rezoning request for the subject

property should be considered an infill development rather than a property that is located in the path of the future growth of the community.

Staff response:
Staff concurs.

(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's response:
All public utilities are available on either Airport Road or Jemez Road, including water and sewer lines, gas, an electric lines, cable communications and telephone lines. The City has completed street improvements to Airport Road including that part of Airport Road adjacent to these properties. Jemez Road was improved by the County several years ago.

The closest Fire Station, Fire Station 8, to this site is located on 6796 Jaguar Drive in Tierra Contenta. This fire station serves the southwest section of Santa Fe including the recently annexed area. The location and equipment at the Jaguar station is sufficient to serve the existing development. The Swan Park which is under construction within Tierra Contenta will be available for public use in the Spring or Summer of 2015. This rezoning request will have very little impact on the demand for use of public parks.

Staff response:
Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City public sewer.

(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.

Applicant's response:
At this time, the proposed rezoning does not create a need for streets, sidewalks or curbs. The purpose of this request is to bring the existing nonconforming property into compliance with the requested zoning.

Staff response:
Infrastructure is available to adequately serve the site as it currently exists. Any new development or redevelopment of the site may require various site improvements to include a continuous sidewalk along Jemez Road, closure of unnecessary curb cuts and landscaping along street frontages, which will be evaluated at the time of any construction permit applications.

IV. CONCLUSION

Staff supports the proposed General Plan Future Land Use map amendment to Community Commercial and the proposed rezone. No additional conditions are proposed.

VI. ATTACHMENTS:

EXHIBIT A: Development Review Team Memoranda
1. Technical Review Division – City Engineer email, Risana Zaxus
2. Wastewater Management Division memorandum, Stan Holland
3. Traffic Engineering Division memorandum, Sandra Kassens
4. Solid Waste Division email, Randall Marco
5. Water Department memorandum, Antonio Trujillo

EXHIBIT B: Maps
1. Aerial Photo
2. Future Land Use
3. Current Zoning

EXHIBIT C: ENN Materials
1. ENN Meeting Notes
2. ENN Responses to Guidelines

EXHIBIT D: Applicant Materials
1. Letter of Application
2. Letter regarding addressing of properties
3. Site Plan

EXHIBIT E: Other Material
1. Photographs of site

DATE: May 14, 2014

TO: Donna Wynant, Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2014-43
3197 and 3193 Jemez Road

I have no review comments on this General Plan amendment.

City of Santa Fe, New Mexico

memo

DATE: June 11, 2014

TO: Donna Wynant, Case Manager

FROM: Stan Holland, Engineer, Wastewater Division

SUBJECT: Case #2014-43 & 44 – 3197 and 3193 Jemez Road

The Wastewater Division conducted a field inspection of the properties and also spoke with Mr. Tim Layden (property owner) regarding sewer service for the properties. It has been determined that the subject properties are accessible to but not connected to the City's public sewer system. Mr. Layden is aware that any future development or improvements to the property may require connection to the City's public sewer system.

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

WYNANT, DONNA J.

From: KASSENS, SANDRA M.
Sent: Monday, May 19, 2014 3:25 PM
To: WYNANT, DONNA J.
Cc: ROMERO, JOHN J
Subject: RE: Jemez @Airport Road- General Plan Amendment & Rezoning

Donna,
The Traffic Engineering Division has no comments on the General Plan Future Land Use Map amendment and Rezoning for the property located at 3197 & 3193 Jemez Road, case # 2014-43.

Sandy Kassens
505-955-6697

From: WYNANT, DONNA J.
Sent: Monday, May 19, 2014 3:05 PM
To: ROMERO, JOHN J
Cc: KASSENS, SANDRA M.
Subject: Jemez @Airport Road- General Plan Amendment & Rezoning

Hi John,

Could you get me your response (asap) to this request to amend the future land use designation of the property (shown below) to Community Commercial and Rezone from R-4 to C-2 General Commercial? The applicant's report is attached. Access to the easternmost property (the Catholic Charities) is via an easement from Jemez at the rear of the property.

Very simple request... to rezone the two side by side properties to bring the zoning into compliance with their commercial use. No changes are planned to either of the existing buildings (Driving School and the Catholic Charities office).

Thanks!

Donna J. Wynant, AICP
Land Use Senior Planner
City of Santa Fe Land Use Department
200 Lincoln Ave., Box 909
Santa Fe, NM 87504-0909
(505) 955-6325
(505) 955-6829 (fax)
djwynant@santafenm.gov

EXHIBIT A-3 28

WYNANT, DONNA J.

From: MARCO, RANDALL V.
Sent: Monday, May 05, 2014 8:35 AM
To: WYNANT, DONNA J.
Subject: Case 2014-43

Donna,
Must bring refuse and or recycling to a street that is currently being serviced by the City of Santa Fe solid waste division.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

EXHIBIT A-4

City of Santa Fe

memo

DATE: May 22. 2014

TO: Donna Wynant, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

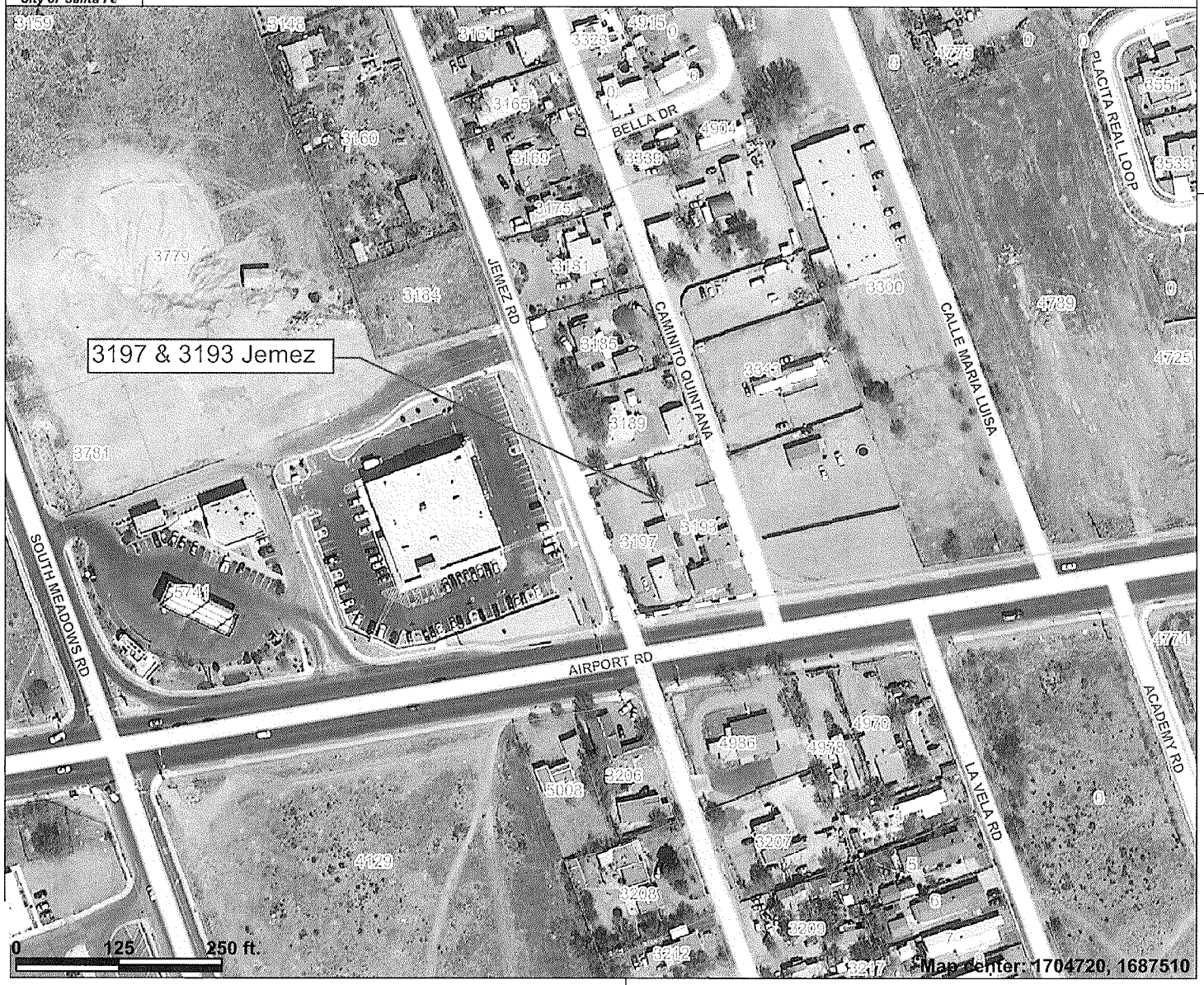
SUBJECT: Case #2014-43 and 2014-44, 3197 and 3193 Jemez Road

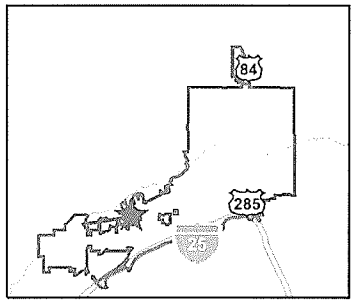
There are no issues with water service for the subject case. The property is served by City Water at the 4989 Airport Road and 4985 Airport Road Addresses. The addressing issues will have to be corrected by the developer with the utility billing section of the city or by the land use addressing contact.

Fire protection requirements are addressed by the Fire Department.

EXHIBIT A-5

Aerial Photo





Legend

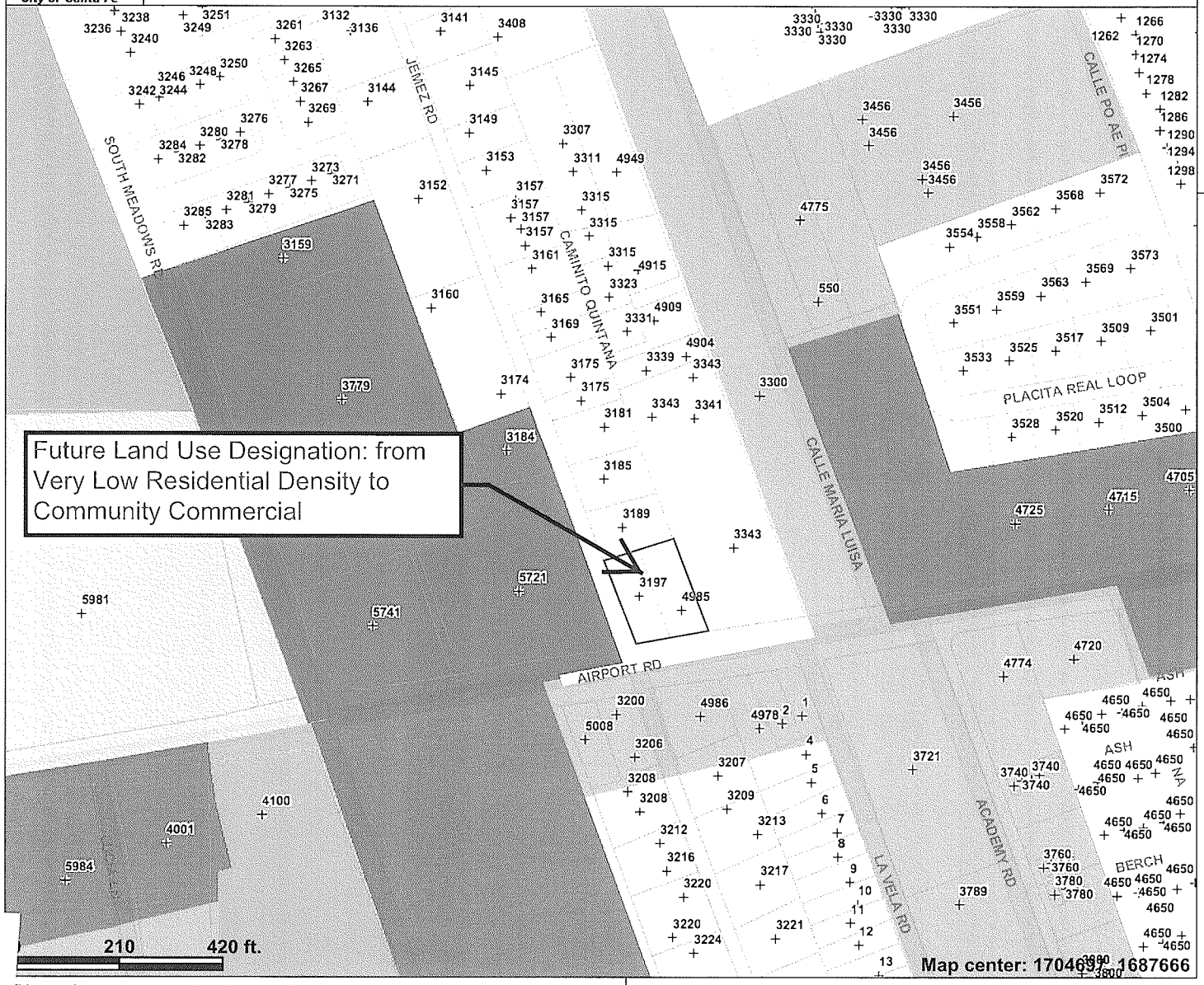
- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

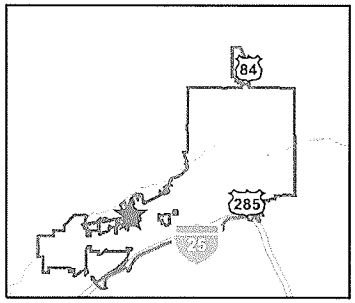
Scale: 1:2,207

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

EXHIBIT B-1

Future Land Use Map





Legend

Future Land Use

- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-9 dwellings per acre)
- Meduim Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commericial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutioanl
- Open Space
- Parks

Scale: 1:3,703

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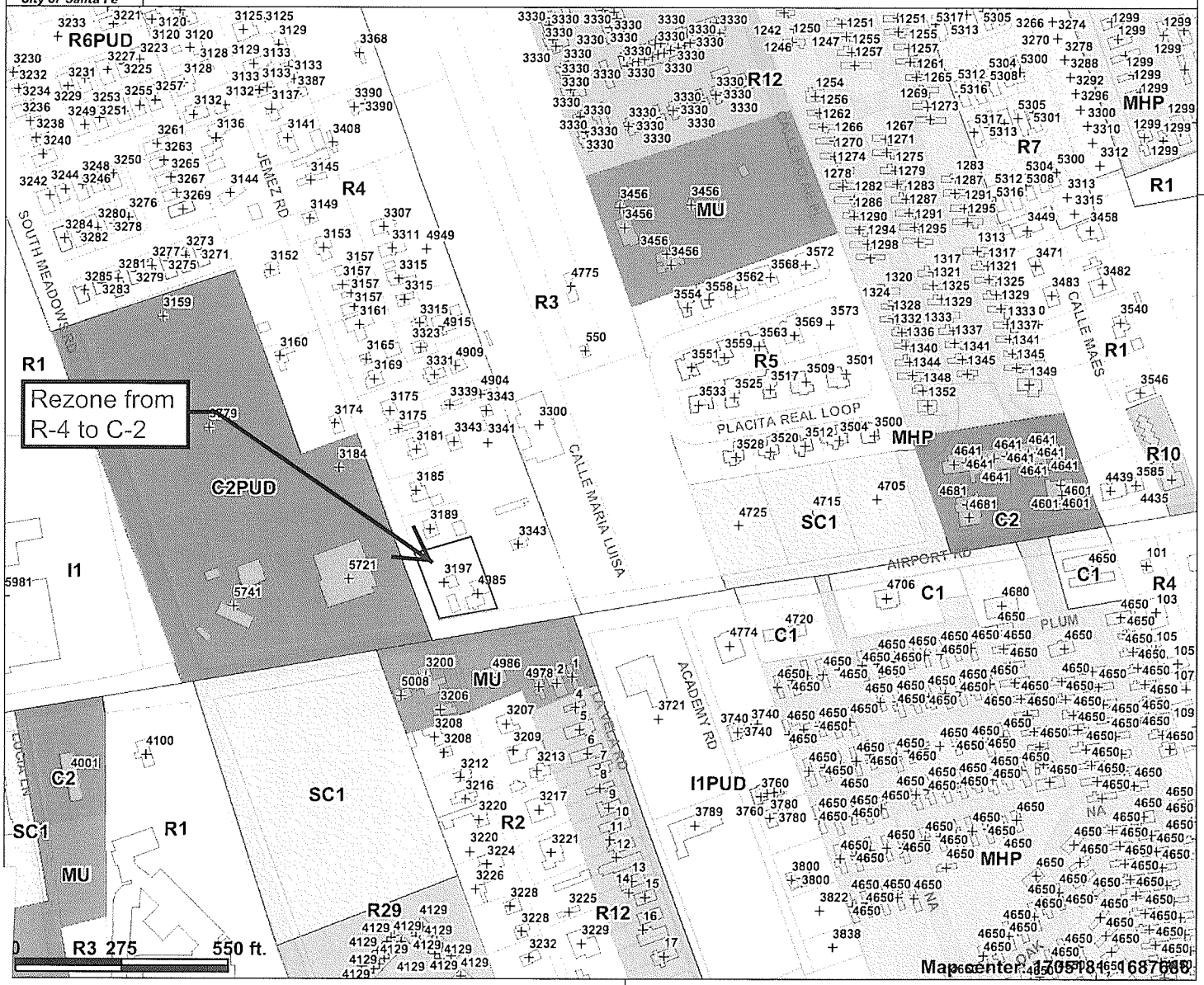
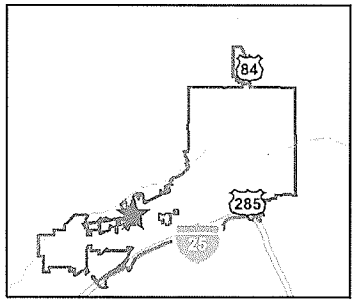
EXHIBIT B2

Zoning Map

Geographic Information System
City of Santa Fe





Legend

- City Limits
- Address Points
- Parcels
- Building Footprint
- Airport Clear Zones
- Santa Fe River
- Zoning
- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family

N

Scale: 1:4,707

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EXHIBIT B-3

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

Project Name	3193 & 3197 Jemez Road General Plan Amendment & Rezoning
Project Location	3193 & 3197 Jemez Road
Project Description	General Plan Amendment & Rezoning
Applicant / Owner	L-Fam Partnership
Agent	James W. Siebert & Associates, Inc.
Pre-App Meeting Date	2/27/14
ENN Meeting Date	3/14/14
ENN Meeting Location	South Side Public Library
Application Type	General Plan Amendment & Rezoning
Land Use Staff	Donna Wynant
Attendance	3 neighbors in attendance, 1 City staff person, the Applicant and the Applicant's Agent.

Notes/Comments:

Meeting started at 5:30. Donna Wynant gave an overview of the ENN process and the prospective timeframe to expect as it goes to City Council for final review and approval.

Three neighbors to the development in addition to City staff, the applicant and the applicant's agent were in attendance. One of the neighbors living in the Jemez Road residential neighborhood wanted information on the requested rezoning but did not express any opposition to the request. Another neighbor across Airport Road was located in an MU, Mixed Use district and asked how that might be changed. No opposition was expressed to the proposal.

Meeting ended at 6:00 pm.

EXHIBIT C-1

ENN GUIDELINES

Applicant Information

Project Name: 3193 & 3197 Jemez Road Rezoning & General Plan Amendment

Name: L-Fam Partnership C/O James W. Siebert & Assoc. | Siebert, James | W
Last | *First* | *M.I.*

Address: 915 Mercer Street
Street Address | *Suite/Unit #*

Santa Fe | NM | 87505
City | *State* | *ZIP Code*

Phone: 505 983-5588 E-mail Address: jim@jwsiebert.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.***

These properties have served as commercial uses for several years. The owner is not proposing to change the uses or significantly modify the current configuration or buildings on the subject site. The existing commercial uses on the property are now non-conforming uses. The applicant wishes to bring the uses into compliance with the underlying zoning.

(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.***

This is a developed site and has been for the last 25-30 years. The properties are well maintained and are not located within a designated 100 year flood plain. There are trees on the site and those trees and existing shrubs will remain. There are no rivers, arroyos, rock outcroppings, escarpments or open space that are impacted by this rezoning.

(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.***

These properties are located within the suburban archaeological district. The total area of both properties is less than 2.0 acres and an archaeological report is not required. These properties are not located within the Historic Downtown and no prehistoric, historic, archaeological or cultural sites are affected by this rezoning.

(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 surrounding area is a mix of residential and commercial. The properties across Airport Road are zoned MU, Mixed Use and currently consist of residential and office commercial uses. The land to the west has been zoned C-2, General Commercial and is location of the Walgreens building. A gas station and convenience store is immediately adjacent to the Walgreens building. The property to the north of the application is residential. The property to the east consists of a large vacant tract of land.

(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.***

There is a traffic signal at Jemez Road and Airport Road and Airport Road has been improved in the last few years to better manage access to Airport Road. The access to both of these lots is from Jemez Road and no access is proposed onto Airport Road. There is an existing sidewalk located on the north side of Airport Road. The disabled are provided access on the sidewalk on Airport Road. ADA access is provided from the parking lot to each of the buildings shown on the application.

(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 existing uses are occupied by businesses that provide jobs and a service to the community. One building houses a driving school. This business has become more important since the public schools no longer provide drivers' education courses. The other building provides services associated with the Catholic charities. Although the buildings currently house commercial uses If the buildings were to be destroyed they could not be rebuilt for the same uses that have existed on this property for several years.

(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 property is currently used for commercial purposes and the requested zoning is for commercial purposes. Affordable housing, therefore is not a consideration for these properties. It is a location for reasonably priced business space. The rents are such that the current occupants have had the ability to remain at their present location for several years.

(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 area north of Airport Road is currently served by all City utilities including, water, sewer, natural gas, electric, telephone and cable TV. A fire hydrant is located at the west corner of Jemez Road and Airport Road. There is a City bus route that currently serves Airport Road. The City has committed to providing a new fire station for this area of the City as part of the City/County annexation agreement. The timing of the new fire station is something that will be determined between the two jurisdictions.

(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.***

These properties are currently served by City water. No new water or sewer lines are required to provide water and sewer service to these two lots. Both of these uses require limited water resources. The existing commercial buildings use less water that a corresponding size signal family dwellings.

(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.***

Although the community services that are provided in these buildings are City-wide there is a portion of the immediate community that is served by the existing commercial uses on the property. Since these properties are limited in size and are built structures it is difficult to integrate the linkages and social balance mentioned in this criterion.

(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 existing General Plan recommends residential uses at 4 dwellings per acre. Both the General Plan and zoning fail to reflect the land uses that have existed on these properties for several years. The project promotes a compact urban form since the pattern of development for this area of the City has existed for several years. It is not a matter of infill development but an historic development pattern that existed long before the City annexed this area.

(l) ADDITIONAL COMMENTS (optional)

Both of these lots had previously received commercial zoning when they were under Extraterritorial jurisdiction. The property at 3193 Jemez Road received commercial designation in 1996. The property at 3197 received commercial zoning in 2004

LandAmerica Capitol City Title File No. 6311000367

WARRANTY DEED

John D. DiPietro, Co-Trustee of the 4989 Airport Road Land Trust, for consideration paid, grant(s) to L-Fam Partnership, a New Mexico general partnership, whose address is 1519 Center Drive, Santa Fe, NM 87507, the following described real estate in Santa Fe County, New Mexico:

Lot 17, Tract No. 1, as shown and delineated on plat entitled "Boundary Survey Plat for L-Fam Partnership" by David E. Cooper, PS No. 9052 dated July 12, 2005, and recorded as Document No. 1389193 in Plat Book 594, Page 193, in the records of Santa Fe County, New Mexico.

SFC Clerk 07/18/2005

SUBJECT TO all patent and mineral reservations, restrictive covenants, restrictions and reservations of easements and rights-of-way of record, and all applicable zoning regulations, restrictions and requirements and all other matters of record and to taxes for the year 2005 and subsequent years;

with warranty covenants.

Witness my/our hands this date:

4989 Airport Road Land Trust
dated January 10, 2003

John D. DiPietro Co Trustee

John D. DiPietro, Co-Trustee

ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF DUVAL

This instrument was acknowledged before me on July 15, 2005 by John D. DiPietro, Co-Trustee of the 4989 Airport Road Land Trust, on behalf of said trust..

Jeanette M Dean

Notary Public
My Commission Expires: 1-23-06

JEANETTE M. DEAN
MY COMMISSION # DD 082018
EXPIRES: January 23, 2006
Bonded Thru Notary Public Underwriters

COUNTY CLERK VALERIE ESPINOZA SANTA FE COUNTY NEW MEXICO

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of July, A.D., 2005 at 14:57 And Was Duly Recorded as Instrument # 1389234 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

367 ①

STSF# File No.: 01143-2950 DP

WARRANTY DEED

Catholic Charities, a New Mexico non-profit corporation a New Mexico non-profit corporation, successor by merger to Catholic Social Services de Santa Fe, Inc.,

for consideration paid, grant(s) to

L-FAM Partnership, a New Mexico general partnership

whose address is: 1519 Center Dr., Santa Fe, NM 87505

the following described real estate in Santa Fe County, New Mexico:

All of 18, as shown on plat of survey entitled, "Lands Surveyed for the E.M. Anstey Family Partnership portion of Lots 17 and 18 Tract No. 1, Acres Estates Santa Fe County, New Mexico," filed for record as Document Number 839,072, appearing in Plat Book 260, Page 017, records of Santa Fe County, New Mexico.

Subject to: Reservations, restrictions, easements of record and taxes for 2013 and subsequent years.

with warranty covenants.

Executed this 17th day of July, 2013.

CATHOLIC CHARITIES, A NEW MEXICO NON-PROFIT CORPORATION

James Gannon
CEO

COUNTY OF SANTA FE }
STATE OF NEW MEXICO } ss

WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 18TH Day Of July, A.D., 2013 at 08:42:41 AM And Was Duly Recorded as Instrument # 1712316 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy - FFISCHER County Clerk, Santa Fe, NM

ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico
County of Santa Fe

The foregoing instrument was acknowledged before me on 17th day of July, 2013 by James Gannon, Chief Executive Officer of Catholic Charities, a New Mexico non-profit corporation, on behalf of said corporation.

Notary Public Diana Pollard

My Commission Expires: _____

OFFICIAL SEAL
Diana Pollard
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 4/29/2014

JAMES W. SIEBERT
AND ASSOCIATES, INC.

915 MERCER STREET * SANTA FE, NEW MEXICO 87505
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net

April 25, 2014

Tamara Baer
Current Planning Division
Land Use Manager
P.O. Box 909
Santa Fe, NM 87504

Re: Application for 3193 & 3197 Jemez Road (4989 & 4985 Airport Road)

Dear Ms. Baer:

On behalf of L-Fam Properties, I am submitting an application for general plan amendment and rezoning to establish a C-2, General Commercial use consistent with above described properties.

- General Plan amendment from Very Low Density Residential (4-7 DU/Acre) to Community Commercial.
- Rezoning from R-4 (4 dwellings per acre) to C-2, General Commercial

The following material is submitted with this application

- Six Rezoning/General Plan Amendment Development Plan Reports
- Check in the amount of $2,060.00 for the development review fee
- Completed application forms

Layden
Tnsltr

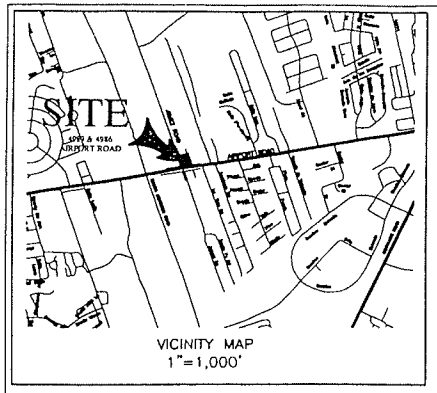
EXHIBIT D-1

Please schedule this request for the June 10, 2014 Planning Commission meeting. Thank you for your attention to this matter.

Sincerely,

James W. Siebert

Xc: Bill Layden
Tim Layden



SITE DATA:

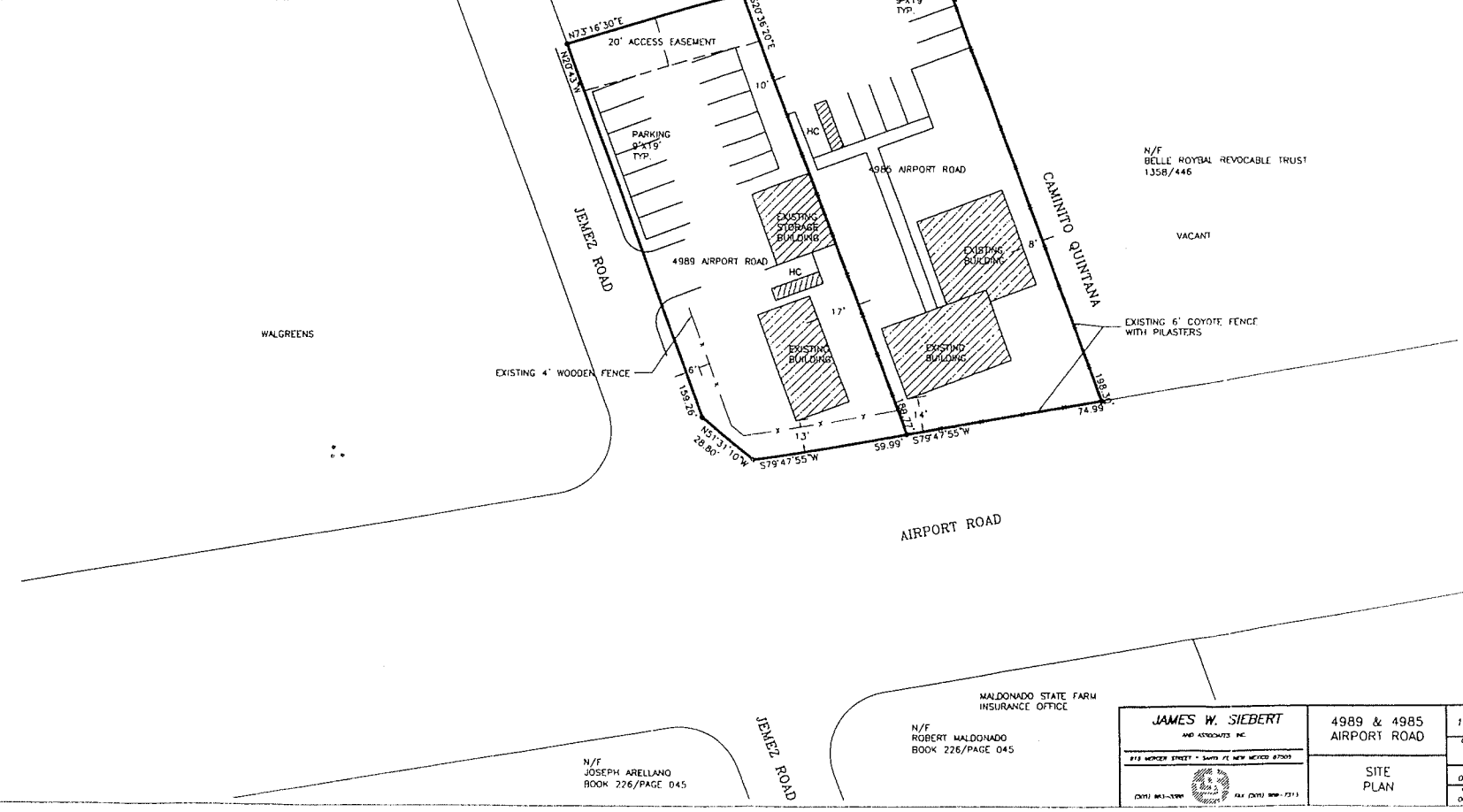
4985 AIRPORT ROAD
- LOT SIZE: 0.329 AC±
- BUILDING AREA: 2,745 SQ. FT.
- LOT COVERAGE: 19%
- PARKING PROVIDED: 10 SPACES
- MASTER PLAN APPROVED BY EZA ON SEPTEMBER 24, 1997
- CASE# Z96-5320

4989 AIRPORT ROAD
- LOT SIZE: 0.311 AC±
- EXISTING BUILDING AREA: 1,724 SQ. FT.
- LOT COVERAGE: 20%
- PARKING PROVIDED: 14 SPACES
- MASTER PLAN APPROVED BY EZA ON SEPTEMBER 30, 2003
- CASE# Z03-4560

LAND USE DATA:

EXISTING ZONING: R-4, SINGLE FAMILY RESIDENTIAL (4 DWELLINGS PER ACRE)

REQUESTED ZONING: C-2, GENERAL COMMERCIAL



JAMES W. SIEBERT AND ASSOCIATES, INC. 813 MONROE STREET • SANTA FE, NEW MEXICO 87505 (505) 983-5799 FAX (505) 988-7311	4989 & 4985 AIRPORT ROAD	SCALE 1"=20'	DATE FEBRUARY 2014
	SITE PLAN	DRAWN BY HF	CHECKED BY JWS
		REVISED 00/00/00	NORTH
		REVISED ON 00/00/00	SHEET

EXHIBIT D-3

EXHIBIT D-3

View along Airport Road frontage towards intersection with Jemez Road.

View of Jemez Road frontage, looking south towards intersection with Airport Road.

EXHIBIT E-1

View of property from intersection.

Mr. Romero said the Long Range Planning Division met with him to scope out a traffic study on it. He thought without doing traffic counts what it would do to improve travel time. On any road that has a capacity that gets reduced too much, they either would go through much slower and frustrated or they would use another route or alternative transportation. It gets to a critical point with a significant delay in traffic. If the majority were going from Tierra Contenta to the hospital, they still would drive and might cut through Siringo.

Chair Spray asked if the study would be a six figure project operation.

Mr. Romero said it was expensive. He had suggested they used the counts and factor them with growth projections to see what it would like with reduced lanes. Another thing they were suggesting was closing all medians between signals. That would affect the amount of time allowed for left turns. They would do the study and then work on what to look for to find.

Chair Spray said when St Francis was put in, cars and movement was the driving force with that. Arterials were wonderful but for those who were walking across St. Francis. They were still dealing with the lots that got cut off when it was built. It seemed to be a bypass and now we have 599 as a new bypass. But he was glad to see the City moving forward with that.

Commissioner Schackel-Bordegaray said this was an important discussion for the Commission. A lot of people cut through on Camino Carlos Rey and Campanas and that's the way she went. It was obvious that people cut through there because Richards was never connected. Some day it needed to go through. That was one of our city's traffic problems.

She asked why there were stop signs on Campanas.

Mr. Romero said that was actually not a roundabout there but a traffic circle. Those were there before he was born. He explained that roundabouts were primarily intersection control and traffic circles were just an impedance to slow traffic down.

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

1. **<u>Case #2014-43</u>, 3197 & 3193 Jemez Road (4989 & 4985 Airport Rd.)** The L-Fam Partnership requests approval of a general Plan future Land Use map amendment to change the designation of 0.64± acres from Very Low Density Residential (4-7 DU/Acre) to Community Commercial. The property consists of two lots, located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager).

EXHIBIT 5

Ms. Baer reported for Ms. Wynant using the overhead projector on these cases. She said the two cases should be considered as one by the Commission but they needed a separate vote on each one to make recommendations to Council on the final decision.

They were for rezoning from R-5 to C-2. There were two lots jointly totaling 0.64 acres at the northwest corner of Jemez Road and Airport Road. Both have long been developed as commercial use on residential properties and the cases were to bring zoning into compliance with use. They got permission from the EZA before under jurisdiction of the City.

She pointed them out on aerial drawings including the new Walgreens and showed on the east was Catholic Social Services and on the west part a driving school now and other commercial establishments over the years. The owners recently purchased the left lot.

When the zoning was done in 2009 they did so on this west area. It was annexed January 1, 2014 but came into city jurisdiction in 2009.

At that time, when the City was creating the new zoning for this property and assigning future land use designations, they took a broad view except for those where before there had been a master plan approval. Unless someone came forward, the City didn't always know that. In this case, (in Exhibit B-2) it showed the future land use designations and she pointed out the red line around these lots which was part of a large swath at very low density residential.

Even though designated very low, Exhibit B-3 showed the zoning was actually R-4 which didn't fit the very low density. Some were R-3 size but some were actually developed at R-4 which was more of an average density. That was how it might have been done.

The purpose of these applications was to correct the future land use map and zoning for the actual historic uses. There was not any planned changes for these properties.

Access to both was from Jemez Road and there was no direct access from Airport Road. The Fire Department requires the access to designate the physical address. They were on city water but not city wastewater and at time of their development of the property, it would require a sewage connection.

Ms. Baer said Land Use supported these applications.

Chair Spray thanked her for the presentation. He invited the applicant to speak.

Present and sworn was Mr. James Siebert who said he didn't know what he could add but to reinforce that some of these things went back 20-30 years. It was once a book store and then boat repair so it had been commercial. There was prior zoning given and maybe an oversight that the zoning was not carried forward when adopted by the City.

Commissioner Bemis asked about the difference between community commercial and general commercial.

Mr. Siebert said the zoning they were requesting was C-2. Community Commercial was for the future use map.

Chair Spray announced this was a public hearing.

Present and sworn was Mr. Daniel Roybal who said he and his wife owned the property to the right with the two mobile homes on them and the property extended a little further than shown. He asked if there was a planned development for this corner lot.

Chair Spray said during the meeting the Commission would try to find the answer for him.

Mr. Roybal said they would like to have their property rezoned also.

There were no other speakers from the public and the public portion was closed.

Commissioner Harris noted on the cover memo it said not accessible, new construction for septic permit but he assumed that whatever the trigger for development, there would be discussion on connecting to public sewer instead of a septic permit.

Ms. Baer clarified that on page 10 of the staff report, the applicant stated that water and sewer lines were available. Mr. Hand's memo says that would be the trigger for connection. Wastewater indicated the properties were not connected.

Commissioner Harris read the septic permit statement.

Ms. Baer said that statement was not correct and needed to be corrected.

Commissioner Harris commented that this was a valuable piece of property and reflected historic use commercially. It should be commercially zoned but also should be connected to the City sewer.

Chair Spray asked Ms. Baer about the adjacent lot to the east that was still zoned R-4 and whether with approval of this case, Mr. Roybal's property could be considered for rezoning to C-2.

Ms. Baer agreed.

Chair Spray supposed that any owner could come ask for change.

Ms. Baer said if Mr. Roybal had come in first they might have had trouble getting it because the Code says it must be at least 2 acres or be adjacent to C-2. If and when this goes through, then his property would be adjacent and he could make the request and follow the same process.

Chair Spray understood and assuming it was approved by Council, it could improve Mr. Roybal's chances.

Commissioner Pava moved to approve Case # 2014-43 to recommend to the Governing Body the approval of a General Plan future Land Use map amendment to change the designation of 0.64± acres from Very Low Density Residential (4-7 DU/Acre) to Community Commercial. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.

2. **Case #2014-44, 3197 & 3193 Jemez Road (4989 & 4985 Airport Rd.).** The L-Fam Partnership requests rezoning of 0.64± acres from R-4 (residential, 4 dwelling units per acre) to C-2 (General Commercial). The property consists of two lots, located at the northeast corner of Airport Road and Jemez Road. (Donna Wynant, Case Manager).

Commissioner Schackel-Bordegaray moved to recommend to the Governing Body to approve Case #2014-44 at 3197 and 3193 Jemez Road for rezoning of 0.64± acres at from R-4 to C-2. Commissioner Villarreal seconded the motion and it passed by unanimous voice vote.

3. **Case #2014-45. Paseo North Development Plan.** Architectural Alliance Inc. Agent for 511 PDP LLC, requests approval of a Development Plan to construct 4 residential units totaling 11,475 square feet. The 16,449 square foot property is located at 511 Paseo de Peralta. It is zoned R-21 (Residential, 21 dwelling units per acre) and is within the Downtown and Eastside Historic Overlay District. (Zach Thomas, Case Manager).

Commissioner Harris disclosed that his wife had worked next door to the subject property. The Commission accepted his disclosure as not a conflict of interest.

Mr. Zach Thomas presented the request from Architectural Alliance for approval of a Development Plan to construct 4 residential units for a total of 11,475 square feet at 511 Paseo de Peralta in property zoned R021 and within the Downtown and Eastside Historic District. It was new construction exceeding 10,000 in a residential zone so it needed approval by the Planning Commission.

Mr. Tomás displayed a site view photo showing what the current lot looked like at 511 Paseo de Peralta and indicated the architect was here to describe more details. The lot coverage at 40% included above grade structures but not the below grade garage or driveways. The development included common open space in the courtyards. In the exhibits the garage roof was described as a "living roof" because it was at ground level but was the top of the parking garage. The plan also provided 350 square feet of private open space per unit.

The single point of access/egress provided vehicle access to the garage and pedestrian access to the units. The project was reviewed by Mr. Romero and found to be compliant with the condition that the rock