

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

Case #2015-54

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4250 Cerrillos Road Sign Variance

Owner's Name – Santa Fe Mall Property Owner LLC

Agent's Name – JenkinsGavin Design and Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on July 2, 2015 upon the application (Application) of JenkinsGavin Design and Development, Inc. as agent for Santa Fe Mall Property Owner LLC (Applicant).

The Applicant seeks variances to the sign requirements of Santa Fe City Code (SFCC) §14-8.10(E)(6)(b) establishing specific requirements for permanent wall signs and §14-8.10(G)(8)(b) establishing general requirements for SC (Shopping Center) signs located within the Cerrillos Road highway corridor protection district. The variances will permit 169 square foot wall mounted sign for Bed Bath & Beyond and 151.8 square foot wall sign for Cost Plus World Market on the northeast portion of the mall building (Building) at the Santa Fe Place Mall (Mall). The two businesses will be located side by side. The Mall is located on the southwest corner of the Cerrillos Road and Rodeo Road intersection (Property) and is zoned SC-3 (Planned Shopping Center).

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and no members of the public interested in the matter.
2. SFCC §14-2.3(C)(3) authorizes the Commission to hear and decide pursuant to SFCC §14-3.16 a request for a variance which is part of a development plan request requiring Commission review.
3. The Applicant has applied for development plan approval for redevelopment of the Mall and received administrative approval.
4. The Application is properly before the Commission.
5. Pursuant to SFCC §14-3.1(F)(2)(a)(vii) an Early Neighborhood Notification meeting is not required for variances to SFCC §14-8.10.
6. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variances based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
7. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation to the defer to the Commission whether the approval criteria for variances had been met.

8. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §§14-8.10(E)(6)(b) and 14-8.10(G)(8) are met in that (a) unusual physical characteristics exist that distinguish the Building from others in the vicinity that are subject to the same sign regulations, in that the location of the Building on the Property, including a 520-foot setback from Rodeo Road and limited visibility from Rodeo Road due to the finished floor of the store being 20 feet lower than the elevation of Rodeo Road, require the variance to provide the same visibility accorded to the other existing anchor tenants at the Mall; (b) special circumstances exist as the location of the Building on the Property, including a 520-foot setback from Rodeo Road and limited visibility from Rodeo Road due to the finished floor of the store being 20 feet lower than the elevation of Rodeo Road, make a sign that complies with the requirements of SFCC §§14-8.10(E)(6)(b) and 14-8.10(G)(8) infeasible to meet the retail purpose for which the Building was developed; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same sign regulations, in that the Applicant has provided evidence identifying 11 of the 16 mall wall mounted signs already exceed the standards that are subject to the same relevant provisions of Chapter 14; (d) the variance is the minimum variance that will make possible the reasonable use of the structure, in that it will permit the Building occupant to effectively communicate its presence to potential customers traveling on Rodeo Road, notwithstanding the Building's limited visibility from this road, which is necessary given the retail purposes of the Mall generally and the Building specifically; (e) the variance is not contrary to the public interest, in that the use of Building space that has long been vacant will result in making expanded products and services available to the public and generate additional gross receipts taxes over time.

CONCLUSIONS OF LAW AND ORDER

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

The Application for variances to the requirements of SFCC §§14-8.10(E)(6)(b) and 14-8.10(G)(8) meets the criteria set forth in SFCC §§14-3.16(C) and is hereby approved.

IT IS SO ORDERED ON THE _____ OF AUGUST 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE.

Michael Harris
Chair

Date

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: