# City of Santa Fe, New Mexico

# memo

**DATE:** November 24, 2015 for the December 3, 2015 Meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department
Greg Smith, AICP, Director, Current Planning Division

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

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**Case #2015-108. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Final Development Plan and Final Subdivision Plat for 18 lots on 58.5± acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial). The time extension would extend approvals to November 13, 2016. Santa Fe Planning Group, agent for Komis Land Company, LLC. (Zach Thomas, Case Manager)

## I. RECOMMENDATION

Staff recommends that the Commission **ACCEPT** the Land Use Director's decision to approve the applicant's request for a one-year time extension. This approval is being placed on the consent agenda and reported to the Planning Commission in accordance with SFCC Section 14-3.19(C), which states that the Commission may accept, reject or modify the Director's action.

## II. APPLICATION OVERVIEW

The agent for the owner of the property is requesting the one-year extension of the development approvals to allow for additional time to acquire water rights for the project (See **Exhibit C**).

The 58.5± acre Final Development Plan and Final Subdivision Plat consist of 18 lots (ranging from 0.90 to 10.7 acres) within the C-2 zoning district.

The following provides a time line of the history of the Komis Business Park development approvals:

- October 14, 1997 - The Board of County Commissioners (BCC) granted Master Plan approval for commercial zoning and subdivision of the property. The master plan included a total of approximately 130 acres of commercial, light industrial and residential uses. With the exception of the 58.5 acres within the Final Development Plan and Final Subdivision Plat, the remainder of the land within the original master plan is under different ownership and not related to this request.
- 2002 - The BCC approved the Preliminary Plat and Development Plan.
- 2004 - A two-year extension of the Preliminary Plat and Development Plat was granted by the BCC.
- 2006 - A second two-year extension of the Preliminary Plat and Development Plan was granted by the BCC.
- May 13, 2008 - The BCC approved the Final Subdivision Plat and Final Development Plan. The initial approval lasted 18 months. **Expiration was November 13, 2009**.
- August 27, 2009 – Administration of zoning and subdivision approvals, including time extensions, was transferred from the BCC and Extraterritorial Zoning Authority to the City of Santa Fe by EZA Ordinance 2009-01 (Subdivision, Planning, Platting and Zoning Ordinance, or "SPPAZO"). The new SPPAZO zoning map designations for the Komis property were based on the 1997 EZ master plan.
- November 5, 2009 - The City of Santa Fe Planning Commission granted a two-year extension of the County development approvals. **Expiration was November 13, 2011**.
- 2011 - The development approvals were automatically extended another three years by City of Santa Fe Resolution 2011-26. **Expiration was November 13, 2014**.
- January 1, 2014 – Effective date of annexation into the city limits per Ordinance 2013-36.
- An administrative one-year time extension was granted on April 21, 2014. **Expiration was November 13, 2015**.
- Second and final administrative one-year time extension is granted. **Expiration is November 13, 2016.**

The Planning Commission staff report from the two previous time extensions has been included as attachments to this staff report. The previous 2014 staff report is attached as **Exhibit B** and the 2009 staff report is **Exhibit B1** to the 2014 report.

This is the second and final time extension in accordance with SFCC Section 14-3.19(C). The two year extension that was granted in 2009 pursuant to the Subdivision, Platting, Planning SPAZZO and a section of the City's Land Development Code that was subsequently amended. Findings of Fact and Conclusions of Law from the various approvals and time extensions are not typically adopted as part of the time extension approval process.

All original conditions of approval from the development plan, subdivision plat and master plan would remain in effect. As stated in the approval criteria, the administrative extension may not approve revisions to the development approvals or amendments to the conditions of approval. If any amendment, or change to the conditions of approval is requested, those requests would need to be considered by the Planning Commission through the full public

hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

## III. APPROVAL CRITERIA

Section 14-3.19(C) SFCC 1987 **Time Extensions**

(2) Administrative Extensions

(a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.

(b) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

## IV. ATTACHMENTS:

EXHIBIT A: Land Use Director Letter of Approval of One Year Time Extension

EXHIBIT B: Development Plan and Final Subdivision Time Extension

1. Time Extension Staff Report for Planning Commission meeting of May 15, 2014
2. Time Extension Staff Report for Planning Commission meeting of November 5, 2009

EXHIBIT C: Letter of Application

# City of Santa Fe, New Mexico

# Planning Commission

# Exhibit A

## Land Use Director Letter of Approval of One Year Time Extension

# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
www.santafenm.gov

*Javier M. Gonzales, Mayor*

Councilors:
Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4


November 17, 2015

Scott Hoeft
Santa Fe Planning Group, Inc.
P.O. Box 2482
Santa Fe, NM 87504

**RE: Request for 1-Year Time Extension of Development Approval(s) per §14-3.19(C) SFCC 1987 Komis Business Park – Final Development Plan and Final Subdivision Plat**

Dear Mr. Hoeft,

I have reviewed the request you submitted on November 3, 2015 for a 1-year time extension of the following development approval(s):

> **Case #2009-15.** Komis Business Park – Final Development Plan and Final Subdivision Plat for 18 lots on 58.5 acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial)

I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, since the previous time extension granted on April 21, 2014. Therefore, in accordance with SFCC 1987 Section 14-3.19, a second and final one-year time extension is approved for the Komis Business Park Final Development Plan and Final Subdivision Plat, subject to the original conditions of approval as approved by the Board of County Commissioners on May 13, 2008.

The time extension will allow the plat to be recorded and development activities to commence prior to the extended deadline, as provided in SFCC Section 14-3.19. The approvals will expire if you do not record the plat or proceed with development of the property prior to November 13, 2016. SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the Commission's consent Agenda. The Planning Commission may accept, reject or modify this approval.

Feel free to contact me at 505-955-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez
Land Use Department Director

Cc: Project File

# City of Santa Fe, New Mexico

# Planning Commission

# Exhibit B

**1)Time Extension Staff Report for Planning Commission meeting of May 15, 2014**

**2)Time Extension Staff Report for Planning Commission meeting of November 5, 2009**

# City of Santa Fe, New Mexico

# memo

**DATE:** April 22, 2014 for the May 15, 2014 Meeting

**TO:** Planning Commission

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

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

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**Case #2014-27. Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Final Development Plan and Final Subdivision Plat for 18 lots on 58.5± acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial). The time extension would extend approvals to November 13, 2015. Santa Fe Planning Group, agent for Komis Land Company, LLC. (Zach Thomas, Case Manager)

## I. RECOMMENDATION

The Land Use Director has **APPROVED** the applicant's request for a one-year time extension. This approval is being reported to the Planning Commission in accordance with SFCC Section 14-3.19(C).

## II. APPLICATION OVERVIEW

The agent for the owner of the property is requesting the one-year extension of the development approvals to allow for additional time to acquire water rights for the project (See **Exhibit C**).

The 58.5± acre Final Development Plan and Final Subdivision Plat consist of 18 lots (ranging from 0.90 to 10.7 acres) within the C-2 zoning district.

The following provides a time line of the history of the Komis Business Park development approvals:

- October 14, 1997 - The Board of County Commissioners (BCC) granted Master Plan approval for commercial zoning and subdivision of the property.

- 2002 - The BCC approved the Preliminary Plat and Development Plan.
- 2004 - A two-year extension of the Preliminary Plat and Development Plat was granted by the BCC.
- 2006 - A second two-year extension of the Preliminary Plat and Development Plan was granted by the BCC.
- May 13, 2008 - The BCC approved the Final Subdivision Plat and Final Development Plan. The initial approval lasted 18 months. **Expiration was November 13, 2009**.
- November 5, 2009 - The City of Santa Fe Planning Commission granted a two-year extension of the County development approvals. **Expiration was November 13, 2011**.
- 2011 - The development approvals were automatically extended another 3 years by City of Santa Fe Resolution 2011-26. **Expiration is November 13, 2014**.
- An administrative one-year time extension was granted on April 21, 2014. **Expiration is November 13, 2015**.

The Planning Commission staff report from the previous time extension has been included as an attachment to this staff report. Please note, however, that no Findings of Fact and Conclusions of Law are attached as they were not and are not typically adopted as part of the time extension approval process.

As stated in the approval criteria, the administrative extension may not approve revisions to the development approvals or amendments to the conditions of approval. If any amendment, or change to the conditions of approval were requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

## III. APPROVAL CRITERIA

Section 14-3.19(C) SFCC 1987 **Time Extensions**

(2) Administrative Extensions

(a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.

(b) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written

application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

## IV. ATTACHMENTS:

EXHIBIT A: Land Use Director Letter of Approval of One Year Time Extension

EXHIBIT B: Development Plan and Final Subdivision Time Extension
1. Staff Report for Planning Commission meeting of November 5, 2009

EXHIBIT C: Letter of Application

# City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909
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*Javier M. Gonzales, Mayor*

Councilors:
Peter N. Ives, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Signe I. Lindell, Dist. 1
Joseph M. Maestas, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Ronald S. Trujillo, Dist. 4
Bill Dimas, Dist. 4


April 21, 2014

Scott Hoeft
Santa Fe Planning Group, Inc.
P.O. Box 2482
Santa Fe, NM 87504

**RE: Request for 1-Year Time Extension of Development Approval(s) per §14-3.19(C) SFCC 1987**
Komis Business Park - Final Development Plan and Final Subdivision Plat

Dear Mr. Hoeft:

I have reviewed the request you submitted on March 17, 2014 for a 1-year time extension of the following development approval(s):

> **Case # 2009-15**. Komis Business Park - Final Development Plan and Final Subdivision Plat for 18 lots on 58.5 acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial).

I have determined that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity, since the Planning Commission granted a previous extension on November 5, 2009. Therefore, in accordance with §14-3.19 SFCC 1987, a 1-year time extension is approved for the Komis Business Park Final Development Plan and Final Subdivision Plat, subject to the original conditions of approval as approved by the Board of County Commissioners of Santa Fe County on May 13, 2008.

The time extension will allow development activities to commence prior to the extended deadline, as provided in §14-3.19 SFCC 1987. The approvals will expire if you do not proceed with development of the property prior to November 13, 2015. §14-3.19(C)(2)(b) SFCC 1987 requires that the grant of this time extension be reported to the Planning Commission by placement on the commission's Consent Agenda. The Planning Commission may accept, reject or modify this approval.

Please contact me at 955-6617 if you have any questions regarding this matter.

Sincerely,

Matthew S. O'Reilly, P.E.
Land Use Department Director

cc: file

EXHIBIT A

# City of Santa Fe, New Mexico

# memo

**DATE:** Prepared October 26, 2009 for the November 5, 2009 Planning Commission Meeting

**TO:** Planning Commission

**VIA:** Matt O'Reilly, Director, Land Use Department
Tamara Baer, Manager, Current Planning Division

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

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**ITEM AND ISSUES**

**Case #M-2009-15 Komis Business Park Final Development Plan and Final Subdivision Plat Time Extension.** Scott Hoeft, agent for Peter Komis, requests a time extension for Final Development Plan and Final Subdivision Plat for 18 lots on 58.5 ± acres located north of the intersection of I-25 and NM 599. The property is zoned C-2 (General Commercial) and is in Phase 2 of the City-initiated annexation. (Donna Wynant, case manager)

**REVIEW:**

The property in this case is outside City limits but within the Annexation Area, which came under City of Santa Fe jurisdiction on October 4, 2009 for the purposes of subdivision, platting, planning and zoning as established by joint City and County approval under Ordinance No. 2009-01 (SPPAZO). (Exhibit A)

The Board of County Commissioners (BCC) of Santa Fe County, per Order in Case No. 02-4463 granted Preliminary and Final Plat and Development Plan approval to the Komis Business Park on May 13, 2008. (Exhibit B) The approval included conditions as outlined in the Minutes of the BCC Meeting of February 12, 2008. (Exhibit C)

On August 3, 2009 the applicant's attorney submitted a Time Extension request to the County in a timely manner. (Exhibit D) In anticipation of adoption of SPPAZO the County referred the request to the City.

The current application is a request for a two year time extension of the approved Final Development Plan and Subdivision Plat. The applicant indicated in the letter of application (Exhibit E) that, although the plans and plat are ready for recordation, the time extension is needed due to current economic conditions.

The applicant requests that *"the City of Santa Fe Planning Commission acknowledge, affirm, and memorialize the prior approvals (Final Development Plan and Subdivision Plat) and the conditions of approvals for the Komis Business park that were granted by the EZC and BCC."*

The 58.5 acre business park site is located in the area north and east of the intersection of I-25 and NM 599. (Exhibit F) The property is zoned C-2 (General Commercial) and features 18 commercial lots. The land is vacant and no construction has occurred.

In keeping with the spirit and intent of the agreement between Santa Fe County and the City of Santa Fe, the City will honor all current County approvals. Therefore, the City did not perform a full DRT review for this project. Development review of individual parcels will follow City of Santa Fe procedures per Chapter 14, and will be subject to the review for city utilities from the Sangre De Cristo City Water Division and the Wastewater Management Division of the Public Utilities Department (Exhibit G and Exhibit H).

Attachments:

| | |
|---|---|
| Exhibit A: | ELUA Ordinance No. 2009-01 (a.k.a. SPPAZO) |
| Exhibit B: | BCC Order in Case No. 02-4463 |
| Exhibit C: | Minutes of the BCC Meeting of February 12, 2008 |
| Exhibit D: | Applicant time extension request to Santa Fe County |
| Exhibit E: | Applicant time extension request to City of Santa Fe |
| Exhibit F: | Future Land Use and Zoning, Adopted by ELUA on August 27, 2009 |
| Exhibit G: | Memo from Antonio Trujillo, Sangre De Cristo Water Div, 10/26/09 |
| Exhibit H: | Memo from Stan Holland, Wastewater Management Div, 10/26/09 |
| Exhibit I: | Komis Business Park: Title Sheet to 11" x 17" Plan Set* |
| Exhibit J: | Komis Business Park: Development Plan |
| Exhibit K: | Komis Business Park: Overall Grading Plan |

*Komis Business Park Final Subdivision and Development Plan 11" x 17" plan set:
Full Plan Set available for viewing in the Land Use Department, Current Planning Division, City Hall.

FC CLERK RECORDED 05/04/2009

THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY

ORDINANCE NO. 2009-01

**AN ORDINANCE ESTABLISHING SUBDIVISION, PLATTING, PLANNING AND ZONING RULES WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN UNINCORPORATED AREAS OF THE COUNTY THAT ARE SUBJECT TO THE EXTRATERRITORIAL, SUBDIVISION, PLATTING, PLANNING AND ZONING JURISDICTION OF THE CITY OF SANTA FE; ESTABLISHING DEFINITIONS; PROVIDING FOR TRANSITIONAL PROVISIONS; REPEALING ORDINANCE NOS. 1997-4, 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03.**

**BE IT ORDAINED BY THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY:**

**Section One. Title.** This ordinance may be cited as the Santa Fe Extraterritorial Land Use Authority Subdivision, Platting, Planning and Zoning Ordinance (SPPaZo).

**Section Two. Authority.** This ordinance is enacted pursuant to NMSA 1978, Sections 3-19-5 (2003), 3-20-5 (1998), 3-21-3 (2001), 3-21-3.1 (1989), 3-21-3.2 (2003) and 3-21-4 (1999), the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008), Ordinance No. 2008-17 of the Board of County Commissioners of Santa Fe County, and Ordinance No. 2008-46 of the Governing Body of the City of Santa Fe.

**Section Three. Scope.** This ordinance applies within the extraterritorial platting and planning zone set forth in NMSA 1978, Section 3-19-5 (2003), and the extraterritorial zoning area set forth in NMSA 1978, Section 13-21-2 (2003).

**Section Four. Repeal.** Ordinance Nos. 1997-4 (except for section 9.8 Mountain Special Review District), 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03 of the Extraterritorial Zoning Authority shall be and hereby are repealed.

**Section Five. Planning Basis.** This ordinance implements the City of Santa Fe 1999 General Plan as amended through 2008. The following other planning documents to the extent they are not inconsistent shall also be considered: Regional Planning Authority Land Use Plan (2004), the Southwest Santa Fe County Community Area Plan (2005), the Santa Fe County Growth Management Plan (General Plan)(1999), the Santa Fe County Community College District Plan (2000), the Santa Fe Metro Area Highway Corridor Plan (2000), the Santa Fe Northwest Community Plan (1999), the Santa Fe Exterritorial Zoning Authority Comprehensive Plan (1998), the Santa Fe Urban and Extraterritorial Future Roads Plan (1999), the Tres Arroyos del Poinente Plan (2006), and the Hyde Park Plan (1994).

EXHIBIT A

FC CLERK RECORDED 05/04/2009

**Section Six. Definitions.**

A. "ELUA" means the Santa Fe Extraterritorial Land Use Authority established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008) and City Ordinance No. 2008-46 and County Ordinance No. 2008-17.

B. "ELUC" means the Santa Fe Extraterritorial Land Use Commission established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008) and City Ordinance No. 2008-46 and County Ordinance No. 2008-17.

C. "EZA" means the Santa Fe Extraterritorial Zoning Authority established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (1991);

D. "EZC" means the Santa Fe Extraterritorial Zoning Commission established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (1991);

E. "Presumptive City Limits" means the city limits of the City of Santa Fe following the completion of the annexations provided for in the Settlement Agreement and Mutual Release of Claims (2008), by and between the City of Santa Fe, Santa Fe County, and Las Soleras (as shown on Map A, attached);

F. "Areas to be Annexed" means those areas outside of the current city limits of the City of Santa Fe that will be annexed pursuant to the Settlement Agreement and Mutual Release of Claims (2008), by and between the City of Santa Fe, Santa Fe County, and Las Soleras (as shown on Map A, attached).

**Section Seven. Zoning and Planning and Platting Within the Areas to be Annexed.**

A. Regulation of zoning, subdivision, planning and platting of property within the Areas to be Annexed shall be governed by the City of Santa Fe Land Development Code, Chapter 14. Zoning for properties within the Areas to be Annexed is hereby established by this Ordinance as set forth in the zoning map Map B attached hereto reflecting City zoning districts selected to match land uses adopted in the planning documents referred to in Section 5 and, where applicable, current zoning granted by the EZA. Pending adoption of escarpment overlay districts within Area 18 on Map A, EZA Ordinance No. 1997-4, Section 9.8 establishing rules for the Mountain Special Review District shall apply. The City of Santa Fe will be responsible for administering zoning districts, prescribing uses within districts, rezoning particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for development plans, subdivision of land, and all matters necessary and proper to the foregoing.

B. The City may establish and collect fees for administering zoning, platting and planning and for capital improvements, included but not limited to development review fees, application fees, impact fees, fees for building permit applications, processing, review and inspections and other fees related to development for development within the Areas to Be Annexed.

**Section Eight. Zoning and Planning and Platting Outside the Presumptive City Limits.**

A. Regulation of zoning and planning and platting of property within the extraterritorial zoning and planning and platting authority outside the Presumptive City Limits shall be governed by the Santa Fe County Land Development Code (1996, as amended), including without limitation establishing zoning districts, prescribing uses within districts, establishing zoning of particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for subdivision of land, establishing and providing code enforcement, processing applications for building permits, and all matters necessary and proper to the foregoing.

B. The County may establish and collect fees for administering zoning, platting and planning and capital improvements included but not limited to impact fees, development review fees, enforcement fees, application for development outside the Presumptive City Limits.

**Section Nine. Transitional Provisions.**

**A. Pending Applications.**

1. Each application pending before the ELUA/ELUC for development of property within the Areas to be Annexed shall be transferred to the City of Santa Fe for further processing.

2. Each application pending before the ELUA/ELUC for development of property outside the Presumptive City Limits shall be transferred to Santa Fe County for further processing.

**B. Zoning.**

1. Rezoning of properties within the Areas to be Annexed, as deemed desirable by the City or property owners may be accomplished subsequent to the effective date of this ordinance pursuant to Chapter 14, the City Land Development Code.

2. Properties outside the Presumptive City Limits shall be zoned as established by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to the enactment of this Ordinance. Rezoning of such properties, as



FC CLERK RECORDED 09/04/2008

deemed necessary by the County may be accomplished subsequent to the effective date of this ordinance pursuant to the County Land Development Code.

**C. Permits and Approvals Without Vested Rights.** Permits and approvals granted by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to the effective date of this ordinance for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the City Land Development Code within the Presumptive City Limits, and by the Santa Fe County Land Development Code outside the Presumptive City Limits.

**D. Permits and Approvals With Vested Rights.** Permits and approvals granted by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to enactment of tbis ordinance for which rights have vested (whether or not the permit or approval conforms to City Land Development Code) shall be recognized by the City and the County.

**E. Approved Master Plans.**

1. Properties within the Areas to be Annexed that have received final approval of a master plan from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission shall within five years of that approval file an application for approval of a development plan, preliminary development plan or subdivision plat in accordance with that Master Plan with the City of Santa Fe or the approval of the master plan shall expire unless an extension is obtained pursuant to the City Land Development Code.

2. Properties outside the Presumptive City Limits that have received final approval of a master plan from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission shall be permitted to file an application for approval of a preliminary development plan or plat from the County.

**F. Approved Preliminary Development Plans or Plats.**

1. Properties within the Areas to be Annexed that have received preliminary development plan or plat approval from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission but have not received final development plan or plat approval, shall within 24 months of said approval file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat with the City of Santa Fe or the approval of the preliminary development plan or plat shall expire unless an extension is obtained pursuant to the City Land Development Code..

2. Properties outside the Presumptive City Limits that have received preliminary development plan or plat approval from the Exterritorial Zoning



FC CLERK RECORDED 03/04/2003

Authority or the Extraterritorial Zoning Commission but have not received final development plan or plat approval, may file an application for approval of a preliminary development plan or plat with the County. The application will be governed and processed according to the County Land Development Code.

**G. Approved but Unrecorded Final Development Plans and Plats.** Properties that have received final development plan or plat approval from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission but have not recorded the plan or plat shall within 18 months of the approval complete the recordation process under the terms of the final approval or the approval will expire unless an extension is obtained pursuant to the City Land Development Code.

**H. Approved and Recorded Final Development Plans, Plats or Permits.** Properties that have received final development plan or plat approval from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission and have recorded the plan or plat shall within 24 months of the approval apply for construction permits consistent with that plan or plat from the City of Santa Fe or the approval will expire unless an extension is obtained pursuant to the City Land Development Code..

**Section Ten. Enforcement.** Enforcement of Land Development Codes within the delegated authority set forth in this Ordinance shall be made by the entity responsible for enforcement of those Codes, e.g. within the Presumptive City Limits, the City Code shall govern as set forth in this Ordinance, and the City shall be responsible for enforcement of its Land Development Code pursuant to this delegated authority. Likewise, within the County and outside the Presumptive City Limits, the County Land Development Code shall govern as set forth in this Ordinance, and the County shall be responsible for enforcement of the terms of that Code.

**Section Eleven. Business and Itinerant Vendor Licenses.** The City shall issue business and itinerant vendor licenses within the Presumptive City Limits. The County shall issue business and itinerant vendor licenses outside the Presumptive City Limits. Licenses validly issued pursuant to the Extraterritorial Zoning Ordinance shall be valid until expiration.

**Section Twelve. Building and Development Permits.** Building and/or development permits sought within the Presumptive City Limits shall be obtained from the City. Building and/or development permits sought outside the Presumptive City Limits shall be obtained from the County or the Construction Industries Division. Building and development permits that pertain to property for which final approvals were approved through the Extraterritorial Zoning Ordinance shall be governed by the terms of the approval.

FC CLERK RECORDED 05/04/2009

**PASSED, APPROVED AND ADOPTED** this 27th day of August, 2009.

**THE EXTRATERRITORIAL LAND USE AUTHORITY OF SANTA FE COUNTY**

By: _____
Harry Montoya, Chair

**ATTEST:**

_____
Valerie Espinoza, Santa Fe County Clerk

_____
Yolanda Vigil, City Clerk

**APPROVED AS TO FORM:**

_____
Stephen C. Ross, Santa Fe County Attorney

_____
Frank Katz, City Attorney

COUNTY CLERK SANTA FE COUNTY NEW MEXICO VALERIE ESPINOZA

COUNTY CLERK SANTA FE COUNTY NEW MEXICO VALERIE ESPINOZA

FC CLERK RECORDED 09/04/2009

ELUA ORDINANCE
PAGES: 9

COUNTY OF SANTA FE )
STATE OF NEW MEXICO ) ss

I Hereby Certify That This Instrument Was Filed for Record On The 4TH Day Of September, 2009 at 02:14:03 PM And Was Duly Recorded as Instrument # 1576351 Of The Records Of Santa Fe County

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

SC CLERK RECORDED 03/24/2009

THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY

ORDINANCE NO. 2009-01

**AN ORDINANCE ESTABLISHING SUBDIVISION, PLATTING, PLANNING AND ZONING RULES WITHIN THE PRESUMPTIVE CITY LIMITS AND WITHIN UNINCORPORATED AREAS OF THE COUNTY THAT ARE SUBJECT TO THE EXTRATERRITORIAL, SUBDIVISION, PLATTING, PLANNING AND ZONING JURISDICTION OF THE CITY OF SANTA FE; ESTABLISHING DEFINITIONS; PROVIDING FOR TRANSITIONAL PROVISIONS; REPEALING ORDINANCE NOS. 1997-4, 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03.**

**BE IT ORDAINED BY THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY:**

**Section One. Title.** This ordinance may be cited as the Santa Fe Extraterritorial Land Use Authority Subdivision, Platting, Planning and Zoning Ordinance (SPPaZo).

**Section Two. Authority.** This ordinance is enacted pursuant to NMSA 1978, Sections 3-19-5 (2003), 3-20-5 (1998), 3-21-3 (2001), 3-21-3.1 (1989), 3-21-3.2 (2003) and 3-21-4 (1999), the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008), Ordinance No. 2008-17 of the Board of County Commissioners of Santa Fe County, and Ordinance No. 2008-46 of the Governing Body of the City of Santa Fe.

**Section Three. Scope.** This ordinance applies within the extraterritorial platting and planning zone set forth in NMSA 1978, Section 3-19-5 (2003), and the extraterritorial zoning area set forth in NMSA 1978, Section 13-21-2 (2003).

**Section Four. Repeal.** Ordinance Nos. 1997-4 (except for section 9.8 Mountain Special Review District), 1997-3, 1999-1, 1999-5, 1999-6, 2000-01, 2000-03 of the Extraterritorial Zoning Authority shall be and hereby are repealed.

**Section Five. Planning Basis.** This ordinance implements the City of Santa Fe 1999 General Plan as amended through 2008. The following other planning documents to the extent they are not inconsistent shall also be considered: Regional Planning Authority Land Use Plan (2004), the Southwest Santa Fe County Community Area Plan (2005), the Santa Fe County Growth Management Plan (General Plan)(1999), the Santa Fe County Community College District Plan (2000), the Santa Fe Metro Area Highway Corridor Plan (2000), the Santa Fe Northwest Community Plan (1999), the Santa Fe Exterritorial Zoning Authority Comprehensive Plan (1998), the Santa Fe Urban and Extraterritorial Future Roads Plan (1999), the Tres Arroyos del Poinente Plan (2006), and the Hyde Park Plan (1994).

EXHIBIT A

SC CLERK RECORDED 09/04/2009

**Section Six. Definitions.**

A. "ELUA" means the Santa Fe Extraterritorial Land Use Authority established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008) and City Ordinance No. 2008-46 and County Ordinance No. 2008-17.

B. "ELUC" means the Santa Fe Extraterritorial Land Use Commission established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (2008) and City Ordinance No. 2008-46 and County Ordinance No. 2008-17.

C. "EZA" means the Santa Fe Extraterritorial Zoning Authority established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (1991);

D. "EZC" means the Santa Fe Extraterritorial Zoning Commission established by the Santa Fe County and City Extraterritorial Land Use Joint Powers Agreement (1991);

E. "Presumptive City Limits" means the city limits of the City of Santa Fe following the completion of the annexations provided for in the Settlement Agreement and Mutual Release of Claims (2008), by and between the City of Santa Fe, Santa Fe County, and Las Soleras (as shown on Map A, attached);

F. "Areas to be Annexed" means those areas outside of the current city limits of the City of Santa Fe that will be annexed pursuant to the Settlement Agreement and Mutual Release of Claims (2008), by and between the City of Santa Fe, Santa Fe County, and Las Soleras (as shown on Map A, attached).

**Section Seven. Zoning and Planning and Platting Within the Areas to be Annexed.**

A. Regulation of zoning, subdivision, planning and platting of property within the Areas to be Annexed shall be governed by the City of Santa Fe Land Development Code, Chapter 14. Zoning for properties within the Areas to be Annexed is hereby established by this Ordinance as set forth in the zoning map Map B attached hereto reflecting City zoning districts selected to match land uses adopted in the planning documents referred to in Section 5 and, where applicable, current zoning granted by the EZA. Pending adoption of escarpment overlay districts within Area 18 on Map A, EZA Ordinance No. 1997-4, Section 9.8 establishing rules for the Mountain Special Review District shall apply. The City of Santa Fe will be responsible for administering zoning districts, prescribing uses within districts, rezoning particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for development plans, subdivision of land, and all matters necessary and proper to the foregoing.

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B. The City may establish and collect fees for administering zoning, platting and planning and for capital improvements, included but not limited to development review fees, application fees, impact fees, fees for building permit applications, processing, review and inspections and other fees related to development for development within the Areas to Be Annexed.

**Section Eight. Zoning and Planning and Platting Outside the Presumptive City Limits.**

A. Regulation of zoning and planning and platting of property within the extraterritorial zoning and planning and platting authority outside the Presumptive City Limits shall be governed by the Santa Fe County Land Development Code (1996, as amended), including without limitation establishing zoning districts, prescribing uses within districts, establishing zoning of particular parcels, prescribing and enforcing design standards, prescribing procedures for making and processing applications, processing applications, establishing and administering standards for subdivision of land, establishing and providing code enforcement, processing applications for building permits, and all matters necessary and proper to the foregoing.

B. The County may establish and collect fees for administering zoning, platting and planning and capital improvements included but not limited to impact fees, development review fees, enforcement fees, application for development outside the Presumptive City Limits.

**Section Nine. Transitional Provisions.**

**A. Pending Applications.**

1. Each application pending before the ELUA/ELUC for development of property within the Areas to be Annexed shall be transferred to the City of Santa Fe for further processing.

2. Each application pending before the ELUA/ELUC for development of property outside the Presumptive City Limits shall be transferred to Santa Fe County for further processing.

**B. Zoning.**

1. Rezoning of properties within the Areas to be Annexed, as deemed desirable by the City or property owners may be accomplished subsequent to the effective date of this ordinance pursuant to Chapter 14, the City Land Development Code.

2. Properties outside the Presumptive City Limits shall be zoned as established by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to the enactment of this Ordinance. Rezoning of such properties, as

deemed necessary by the County may be accomplished subsequent to the effective date of this ordinance pursuant to the County Land Development Code.

**C. Permits and Approvals Without Vested Rights.** Permits and approvals granted by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to the effective date of this ordinance for which rights have not vested (approved master plans, special exceptions, recognition of nonconforming uses, development plans, subdivisions, exception plats, and lot line adjustments) shall be henceforth governed by the City Land Development Code within the Presumptive City Limits, and by the Santa Fe County Land Development Code outside the Presumptive City Limits.

**D. Permits and Approvals With Vested Rights.** Permits and approvals granted by the Extraterritorial Zoning Authority and the Extraterritorial Zoning Commission prior to enactment of this ordinance for which rights have vested (whether or not the permit or approval conforms to City Land Development Code) shall be recognized by the City and the County.

**E. Approved Master Plans.**

1. Properties within the Areas to be Annexed that have received final approval of a master plan from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission shall within five years of that approval file an application for approval of a development plan, preliminary development plan or subdivision plat in accordance with that Master Plan with the City of Santa Fe or the approval of the master plan shall expire unless an extension is obtained pursuant to the City Land Development Code.

2. Properties outside the Presumptive City Limits that have received final approval of a master plan from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission shall be permitted to file an application for approval of a preliminary development plan or plat from the County.

**F. Approved Preliminary Development Plans or Plats.**

1. Properties within the Areas to be Annexed that have received preliminary development plan or plat approval from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission but have not received final development plan or plat approval, shall within 24 months of said approval file an application for approval of a final development plan or subdivision plat in accordance with that preliminary plan or plat with the City of Santa Fe or the approval of the preliminary development plan or plat shall expire unless an extension is obtained pursuant to the City Land Development Code..

2. Properties outside the Presumptive City Limits that have received preliminary development plan or plat approval from the Exterritorial Zoning



FC CLERK RECORDED 03/04/2003

Authority or the Extraterritorial Zoning Commission but have not received final development plan or plat approval, may file an application for approval of a preliminary development plan or plat with the County. The application will be governed and processed according to the County Land Development Code.

**G. Approved but Unrecorded Final Development Plans and Plats.** Properties that have received final development plan or plat approval from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission but have not recorded the plan or plat shall within 18 months of the approval complete the recordation process under the terms of the final approval or the approval will expire unless an extension is obtained pursuant to the City Land Development Code.

**H. Approved and Recorded Final Development Plans, Plats or Permits.** Properties that have received final development plan or plat approval from the Exterritorial Zoning Authority or the Extraterritorial Zoning Commission and have recorded the plan or plat shall within 24 months of the approval apply for construction permits consistent with that plan or plat from the City of Santa Fe or the approval will expire unless an extension is obtained pursuant to the City Land Development Code..

**Section Ten. Enforcement.** Enforcement of Land Development Codes within the delegated authority set forth in this Ordinance shall be made by the entity responsible for enforcement of those Codes, e.g. within the Presumptive City Limits, the City Code shall govern as set forth in this Ordinance, and the City shall be responsible for enforcement of its Land Development Code pursuant to this delegated authority. Likewise, within the County and outside the Presumptive City Limits, the County Land Development Code shall govern as set forth in this Ordinance, and the County shall be responsible for enforcement of the terms of that Code.

**Section Eleven. Business and Itinerant Vendor Licenses.** The City shall issue business and itinerant vendor licenses within the Presumptive City Limits. The County shall issue business and itinerant vendor licenses outside the Presumptive City Limits. Licenses validly issued pursuant to the Extraterritorial Zoning Ordinance shall be valid until expiration.

**Section Twelve. Building and Development Permits.** Building and/or development permits sought within the Presumptive City Limits shall be obtained from the City. Building and/or development permits sought outside the Presumptive City Limits shall be obtained from the County or the Construction Industries Division. Building and development permits that pertain to property for which final approvals were approved through the Extraterritorial Zoning Ordinance shall be governed by the terms of the approval.

FC CLERK RECORDED 03/24/2009

**PASSED, APPROVED AND ADOPTED** this 27th day of August, 2009.

**THE EXTRATERRITORIAL LAND USE AUTHORITY OF SANTA FE COUNTY**

By: _____
Harry Montoya, Chair

**ATTEST:**

_____
Valerie Espinoza, Santa Fe County Clerk

_____
Yolanda Vigil, City Clerk

**APPROVED AS TO FORM:**

_____
Stephen C. Ross, Santa Fe County Attorney

_____
Frank Katz, City Attorney

ELUA ORDINANCE
PAGES: 9

COUNTY OF SANTA FE )
STATE OF NEW MEXICO ) ss

I Hereby Certify That This Instrument Was Filed for Record On The 4TH Day Of September, 2009 at 02:14:03 PM And Was Duly Recorded as Instrument # 1576351 Of The Records Of Santa Fe County

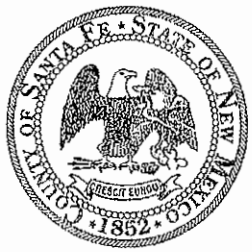
Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy _____ County Clerk, Santa Fe, NM

FC CLERK RECORDED 09/04/2009

Harry B. Montoya
*Commissioner, District 1*

Virginia Vigil
*Commissioner, District 2*

Michael D. Anaya
*Commissioner, District 3*



Paul Compos
*Commissioner, District 4*

Jack Sullivan
*Commissioner, District 5*

Roman Abeyta
*County Manager*

SFC CLERK RECORDED 05/19/2008

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY, NEW MEXICO**

**CASE NO. 02-4463**
**KOMIS BUSINESS PARK,**
**KOMIS LAND COMPANY (PETER KOMIS), APPLICANT**
**SANTA FE PLANNING (SCOTT HOEFT), AGENT**
**PRELIMINARY AND FINAL PLAT/DEVELOPMENT PLAN**

## ORDER

THIS MATTER came before the Board of County Commissioners of Santa Fe County (hereinafter referred to as "the BCC" or "the Board") on February 12, 2008. Komis Land Company (Peter Komis), (hereinafter referred to as "the Applicant"), Santa Fe Planning (Scott Hoeft), agent, request Preliminary and Final Plat/Development Plan approval to allow a commercial subdivision consisting of 18 lots on 59 acres. The Board, having reviewed the Application and supplemental materials, staff reports and heard testimony from County staff and the Applicant, finds as follows:

1. The Applicant submitted a vicinity map and description of existing site data and a letter of intent to request Preliminary and Final Plat/Development Plan approval to allow a commercial subdivision consisting of 18 lots on 59 acres.

2. The submittal was reviewed by County Staff, and Staff recommended approval of the Application as conforming with Code requirements, subject to Staff conditions. The Commission accepts as true Staff's testimony that the Application conforms with the relevant submittal

EXHIBIT B

102 Grant Avenue • P.O. Box 276 • Santa Fe, New Mexico 87504-0276 • 505-986-6225 • Fax: 505-986-6379

requirements.

3. The property is located off the I-25/State Road 599 interchange within Section 23, Township 16 North, Range 8 East (Commission District 5).

4. On October 14, 1997, the BCC granted Master Plan approval for commercial zoning (hotel, restaurant, retail, office, light industrial, fuel service, and warehouse uses) and subdivision of the property including one lot for a cultural arts center.

5. On August 8, 2002, the Extraterritorial Zoning Commission (EZC) recommended Preliminary Plat and Development Plan approval.

6. On December 13, 2007, the EZC recommended Final Plat and Development Plan approval.

7. The Board took testimony from the Applicant.

8. No member of the public spoke either for or against the Application.

9. The Application meets the requirements of the Land Development Code and should be approved subject to the following Staff conditions:

A. Compliance with applicable review comments from the following:

a) State Engineer,

b) State Environmental Department,

c) State Department of Transportation,

d) Soil and Water Conservation District,

e) State Historic Preservation Division,

f) Santa Fe County Water and Sewer Utility,

g) Santa Fe County Hydrologist,

h) Santa Fe County Public Works,

i) Santa Fe County Fire Department,



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j) Santa Fe County Technical Review, and

k) Santa Fe County Open Space, Parks and Trails Division.

B. Coordination with County Staff regarding Applicant's responsibility to follow-up with FEMA requirements for a final determination to modify flood plain limits and base flood elevations that result in revisions to the Flood Insurance Rate Map.

C. Development Plan submittals shall include but not be limited to the following:

a) Pedestrian trail network as required by subdivision regulations for roads designated as future collector and arterial roads;

b) Cul-de-sacs subject to approval by Santa Fe County Fire Department;

c) Section and plan details of round-about;

d) Project monument sign shall be located on-site in conformance with minimum standards;

e) Minimum right-of-way width of 66 feet for roads designated as future collector and arterial roads in accordance with road plan;

f) Address water use for lot designated for cultural arts center;

g) Access to park;

h) Pedestrian trail along Avenida de Lemonia; and

i) Minimum spacing between intersections shall be 270 feet.

D. Submit final approval from State DOT regarding access and engineering plans for road improvements within State right-of-way, including a 404 permit as approved by the Army Corp of Engineers.

E. Final Plat shall include but not be limited to the following:

a) Signature lines for committees and staff;



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b) Base flood elevations for limits of the Arroyo Hondo 100-year flood hazard zone and a minimum setback of 25 feet;

c) Conditional dedication to Santa Fe County of Avenida de Lemonia and Gateway Drive West;

d) Delineate extension of future road corridor alignments in accordance with road plan;

e) Compliance with plat checklist;

f) Trails shall be granted for public use;

g) Approval of street names and rural addressing;

h) Subdivision utilizes common drainage facilities for post development drainage;

i) Special building permit conditions as required by Staff; and

j) Temporary septic systems and future connection to Santa Fe County wastewater facility.

F. Submit solid waste fee in conformance with subdivision regulations.

G. Final lot owner documents (covenants, by-laws, articles of incorporation, disclosure statement) subject to approval by Staff and shall include but not be limited to the following:

a) Maintenance plan to protect quality and function of roads and drainage facilities;

b) Business Park Association shall contract for solid waste removal;

c) Water conservation measures, including cisterns, hot water recirculation and prohibition of non-native grass; and

d) Temporary septic systems and future connection to County wastewater facility.

H. Submit cost estimate and financial surety for completion of required improvements as approved by Staff.

I. Submit final approval of water rights transfer as approved by State Engineer.

J. Site development plans for each lot shall be submitted for Administrative approval.



SFC CLERK RECORDED 05/19/2008

SFC CLERK RECORDED 05/19/2008

**THEREFORE**, it is hereby ordered that the Application is GRANTED subject to the conditions recommended by Staff and the following additional condition:

A. The Applicant agrees to the inclusion of Energy Star Conservation measures in the covenants and in the disclosure statement for the lots in the development.

I certify that the Application was approved by the Board of County Commissioners on this 13 day of May, 2008.

The Board of County Commissioners of Santa Fe County

Jack Sullivan, Chair

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

Approved as to form:

Stephen C. Ross, Santa Fe County Attorney

COUNTY OF SANTA FE )
STATE OF NEW MEXICO ) ss

BCC ORDER
PAGES: 5

I Hereby Certify That This Instrument Was Filed for Record On The 19TH Day Of May, A.D., 2008 at 15:04 And Was Duly Recorded as Instrument # 1526182 Of The Records Of Santa Fe County

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

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**XII. A. 4. EZ Case S02-4463 Komis Business Park- Komis Land Company, (Peter Komis), Applicant, Santa Fe Planning (Scott Hoeft), Agent Request Preliminary and Final Development Plan and Plat Approval for a Commercial Subdivision Consisting of 18 Lots on 59 Acres. The Property is Located off the I-25 and State Road 599 Interchange within Section 23, Township 16 North, Range 8 East (5-Mile EZ, Commission District 5) Joe Catanach, Case Planner**

MS. COBAU: Thank you, Mr. Chair. Joe Catanach is on vacation, so I'll be taking this for him. He's been actively involved in the review of the Komis Business Park for approximately ten years and I'm pretty mad at him for being on vacation, but anyway, here we are.

I distributed a letter to you that we received the day before yesterday or yesterday from the County Water Utility, and these are just basically redline comments summarized in tabular format, most of which I think you might not usually see. So I just wanted to point that out.

On October 14, 1997 the BCC granted master plan approval for the commercial zoning and subdivision of the property, including one lot for a cultural arts center. This property is going to include a hotel, restaurant, retail, office, light industrial, fuel service and warehouse uses.

On August 8, 2002 the EZC recommended preliminary plat and development plan approval. Note that two extensions of the preliminary subdivision were granted in 2004 and 2006, and the BCC approved a water service agreement in January 2006 in order for the project to utilize the County Water Utility.

On December 13, 2007 the EZC recommended final plat and development plan approval and those minutes are attached as Exhibit F. The proposed subdivision lots range in size from .9 acre to 10.7 acres including an open space setback of 200 feet along State Route 599 frontage and 150 feet on the southeast boundary consisting of 21 total acres with a developed park and trail consisting of .89 acres.

The Santa Fe County Water Utility is going to be utilized for the water service, based on a water service agreement approved by the BCC for 45 acre-feet. The water budget is projecting 44.96 acre-feet of water use for this subdivision, which is acceptable to the County Hydrologist and the State Engineer, subject to water conservation measures. A water service letter has been issued by the County Water Utility and that letter is included in your packet.

Temporary septic systems are proposed until the subdivision can connect to the County wastewater facility at the State Penitentiary. The existing wastewater facility will be expanded in the near future as a regional facility. The sewer infrastructure will be constructed onsite and offsite for future connection. A community sewer system is required for a subdivision that will exceed a total flow of 2,000 gallons per day.

Access is proposed off the west frontage road just before it intersects with State

EXHIBIT C

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Road 599. A traffic impact analysis and design plans have been submitted to the State DOT for a proposal to construct a roundabout structure within the State right-of-way. The proposal includes a realignment of the west frontage road with connection to the primary road, which is called Avenida de Lemonia for the subdivision as a roundabout intersection, and then connection with State Road 599 as it presently exists with the traffic signal. The State DOT has granted conditional approval of this request. Internal subdivision roads will have a paved asphalt surface and I believe are slated for the County to eventually accept upon completion of construction.

The applicant's agent will be distributing a letter that was just received from the DOT regarding the construction of the roundabout and the other roadways in State right-of-way. The Arroyo Hondo flood zone and connecting drainage tributary exist within the property area and are designated as part of the 21 acres of open space. Common detention ponds will control post development drainage, and development areas are in conformance with slope standards. Park areas will be developed with landscaping, trails, canopy, sheltered benches and tables. Landscaping is also proposed for streetscape and a project monument sign will consist of 32 square feet and will not exceed a height of five feet.

An archeological report has been submitted to the State Historic Preservation Division, and several sites will be subject to preservation easements or data recoveries.

Covenants and a disclosure statement have been submitted addressing development and use of lots, including ownership and maintenance of the roads, common areas, facilities and solid waste removal. The covenants will include requirements consisting with the Highway Corridor Regulations for massing, architectural style and building height.

The final plat and development plan is in conformance with the approved master plan, the Extraterritorial Subdivision Regulations and the County Land Development Code. Staff therefore recommends preliminary and final plat and development plan approval subject to the following conditions. Mr. Chair, may I enter those conditions into the record?

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
   A) State Engineer
   B) State Environment Dept.
   C) State DOT
   D) Soil and Water Dist.
   E) State Historic Preservation Div.
   F) County Water and Sewer Utility
   G) County Hydrologist
   H) County Public Works
   I) County Fire Dept.
   J) County Technical Review
   K) County Open Space, Parks and Trails Div.

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2. Coordination with County staff regarding applicant's responsibility to follow-up with FEMA requirements for a final determination to modify flood plain limits and base flood elevations that results in revisions to the flood insurance rate map.
3. Development plan submittals shall include but not limited to the following:
   A) Pedestrian trail network as required by subdivision regulations for roads designated as future collector and arterial roads.
   B) Cul-de-sacs subject to approval by county fire dept.
   C) Section and plan details of round-about.
   D) Project monument sign shall be located on-site in and located in conformance with minimum standards.
   E) Minimum right-of-way width of 66 feet for roads designated as future collector and arterial roads in accordance with road plan.
   F) Address water use for lot designated for cultural art center.
   G) Access to park.
   H) Pedestrian trail along Avenida de Lemonia.
   I) Minimum spacing between intersections shall be 270 feet.
4. Submit final approval from state dot regarding access and engineering plans for Road improvements within state right-of-way, including 404 permit as approved by Army Corp of Engineers.
5. Final plat shall include but not limited to the following:
   A) Signature lines for committees and staff.
   B) Base flood elevations for limits of the Arroyo Hondo 100 year flood hazard zone and a minimum setback of 25 feet.
   C) Conditional dedication to county of Avenida de Lemonia and gateway drive west.
   D) Delineate extension of future road corridor alignments in accordance with road plan.
   E) Compliance with plat check list.
   F) Trails shall be granted for public use.
   G) Approval of street names and rural addressing.
   H) Subdivision utilizes common drainage facilities for post development drainage.
   I) Special building permit conditions as required by staff.
   J) Temporary septic systems and future connection to county wastewater facility.
6. Submit solid waste fee in conformance with subdivision regulations.
7. Final lot owner documents (covenants, by-laws, articles of incorporation, disclosure Statement) subject to approval by staff and shall include but not limited to the following:
   A) Maintenance plan to protect quality and function of roads and drainage facilities.
   B) Business park assoc. shall contract for solid waste removal.
   C) Water conservation measures, including cisterns, hot water recirculation and prohibit non-native grass.
   D) Temporary septic systems, future connection to county wastewater facility.
8. Submit cost estimate and financial surety for completion of required improvements as

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Approved by staff.
9. Submit final approval of water rights transfer as approved by state engineer.
10. Site development plans for each lot shall be approved by administrative staff.

COMMISSIONER CAMPOS: Any questions, Commissioners? Okay, public hearings. Who's here to represent the applicant. Please state your name and address for the record.

ROSANNA VAZQUEZ: Good evening, Commissioners, my name is Rosanna Vazquez and my address is P.O. Box 2435, Santa Fe, New Mexico. Good evening, Commissioners. I'll be brief. This project has been going on for about ten years now. There's been delays due to we had a condition of approval requiring us to hook onto County water and it took about three years just to get County water because the County was fully allocated. We received the last water service agreement that the County gave out for this project and so we have the water and we have transferred the water rights to the County in the process of that through OSE.

One of the other reasons that this has taken so long, Commissioners, is that we've done an extensive amount of work with the Department of Transportation. We've gone to access control three different times to try to align the entrance that, Commissioner Campos, you were concerned about earlier or last year, because of the accidents there and the entrance onto 599. So we have done an extensive amount of engineering with them to allow more queuing onto 599 from the frontage road, and extend that are and get rid of the sharp curve that's on the frontage road. So eventually, most of the traffic will go through the Komis Business Park on Avenida de Lemonia, with a roundabout in the middle.

We have met all of the conditions of access control to date. We've submitted everything. We're waiting solely to record the plat and to go forward to get our driveway permit to finalize the rest of the engineering plans for that roundabout. I stand for questions, really, if there are any. I believe that Shelley's addressed all the issues.

COMMISSIONER CAMPOS: Questions? Commissioner Anaya.

COMMISSIONER ANAYA: Mr. Chair, Rosanna, did you see this memorandum?

MS. VAZQUEZ: Mr. Chair, yes, I did.

COMMISSIONER ANAYA: When did you see it?

MS. VAZQUEZ: We saw it yesterday. I picked it up from Shelly yesterday afternoon.

COMMISSIONER ANAYA: And do you have any concerns about it?

MS. VAZQUEZ: I met with Shelley about those conditions and I met and talked to Doug. Most of them are basically redline comments in a memo. We will address the redline comments when we finalize the plat, and the Utility Department will have the ability to review those before they sign off before we record. So we're comfortable with them, Commissioner.

COMMISSIONER ANAYA: Thank you, Mr. Chair.

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MS. VAZQUEZ: I've got one letter I want to pass out for the record. *[Exhibit 3]* There was some confusion from Land Use staff and rightly so about the letter from DOT because it said – the first letter said, well you have preliminary approval from Access Control. So justifiably so, Land Use said, well, what's preliminary approval? What does that mean? What does that mean? What does that mean? Well, what it meant basically was that we have an approval with conditions that we had to meet. And so we've met those conditions. I asked DOT for a letter to just put into the record to make sure, to make everybody comfortable knowing that we have met all those conditions and we have approval and I'd like to submit that as part of the record.

COMMISSIONER CAMPOS: Have you submitted it to staff?

MS. VAZQUEZ: I have, Commissioner.

COMMISSIONER CAMPOS: Okay. Shelley, any comments on that?

MS. COBAU: Mr. Chair, members of the Commission, we called, we got DOT on the speaker phone with Rosanna, Joe Catanach and myself and Doug Sayre and spoke with them on Monday. We're comfortable that the applicant has – is addressing and has addressed any kind of concerns the DOT may have and this letter just substantiates the conversation that we had with the DOT representative.

COMMISSIONER CAMPOS: So it's a non-issue for you at this point?

MS. COBAU: That's correct.

COMMISSIONER CAMPOS: Thank you. Okay. Commissioner Montoya.

COMMISSIONER MONTOYA: I don't have any questions.

COMMISSIONER CAMPOS: Ms. Vazquez, tell me a little bit about your water conservation, what you plan to do for water conservation.

MS. VAZQUEZ: We're going to do some xeriscaping, Commissioner Campos, on the property. We're hoping to work with the applicants that come in – I mean the potential landowners that come in to work with them on water conservation measures. Of course we'll do the cisterns as required by the County ordinance.

COMMISSIONER CAMPOS: Does that mean you're going to do rooftop collection?

MS. VAZQUEZ: Yes, it does.

COMMISSIONER CAMPOS: Because it doesn't say there. It just says including cisterns. I guess you're collecting from the rooftop.

MS. VAZQUEZ: That is correct.

COMMISSIONER CAMPOS: Or just from the landscape or what?

MS. VAZQUEZ: No, it is from the rooftops.

COMMISSIONER CAMPOS: Okay, that's not stated. Maybe that needs to be clarified. What else?

MS. VAZQUEZ: Commissioner Campos, I think it's clarified in the ordinance for the cisterns and the water harvesting, so I think the County's protected in that regard.

COMMISSIONER CAMPOS: Okay. What about energy issues, energy

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efficiency issues?

MS. VAZQUEZ: Commissioner, we haven't really looked at those carefully. We have a variety of uses on the property and so what we're assuming is if we have a big user come in we will work with them and the County for approval of that use when they come, and then we will be able to see what sort of energy measures and energy-efficient measures that they're looking into at that point. It's a commercial development.

COMMISSIONER CAMPOS: I understand. But you're going to have covenants, right, for all the owners of the different lots?

MS. VAZQUEZ: Yes.

COMMISSIONER CAMPOS: And if you have covenants that state you have to meet certain minimal energy standards you could do that today. For example, Energy Star, as far as insulation, glazing, doors – basic things. Light fixtures, appliances, all really simple things, rational things that save a lot of energy. I think Mr. Komis would certainly want to further that effort.

MS. VAZQUEZ: Commissioner, I believe those are in the covenants already.

COMMISSIONER CAMPOS: Already?

MS. VAZQUEZ: Yes. And if they aren't, we would agree to a condition to make sure that they're in there, but I'm pretty sure that I've drafted them in that manner.

MS. COBAU: Mr. Chair, members of the Commission, staff condition 7.c talks about the energy saving measures that are outlined in the covenants and those include water conservation, the cisterns for rainwater harvesting, hot water recirculation and the prohibition of non-native grass.

COMMISSIONER CAMPOS: That's it? They don't really address energy issues.

MS. VAZQUEZ: We'd be willing to add them and make that a condition of approval, Commissioner.

COMMISSIONER CAMPOS: Give me some language.

MS. VAZQUEZ: The applicant will agree to the inclusion of Energy Star conservation measures set forth in the covenants and in the disclosure statement.

COMMISSIONER CAMPOS: For construction and appliances?

MS. VAZQUEZ: For appliances – I'm not sure how it can exactly apply to construction.

COMMISSIONER CAMPOS: Construction is the insulation standards, the windows, the glazing, the doors, things like that.

MS. VAZQUEZ: We would agree to put that in the covenants.

COMMISSIONER CAMPOS: The heating and cooling systems can be Energy Star too and they're much more efficient.

MS. VAZQUEZ: The heating and cooling go directly to construction so we will agree to that.

COMMISSIONER CAMPOS: That would be the construction and the

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appliances that are installed in the units as covenants.

MS. VAZQUEZ: We will do that.

COMMISSIONER CAMPOS: Okay. Any other discussion? This is a public hearing. Anybody want to make a comment? Okay, no one having come forward, the public hearing is closed. Any discussion.

COMMISSIONER ANAYA: Move for approval.

COMMISSIONER CAMPOS: Motion for approval by Commissioner Anaya, with all conditions?

COMMISSIONER ANAYA: Yes.

COMMISSIONER CAMPOS: Including a condition about energy conservation?

COMMISSIONER ANAYA: Yes.

COMMISSIONER CAMPOS: Is there a second?

COMMISSIONER MONTOYA: Second.

COMMISSIONER CAMPOS: Any discussion on the motion?

**The motion passed by unanimous [3-0] voice vote.** [Commissioners Sullivan and Vigil were not present for this action.]

MS. VAZQUEZ: Thank you, Commissioners. Good night.

COMMISSIONER ANAYA: It took ten years.

**XIII. A. 5. BCC Case # LIQ 08-5020 Maloof Santa Fe, LLC Liquor License – Maloof Santa Fe, LLC d/b/a Joe G. Maloof Company – Santa Fe, Applicant, Helen Maloof, Agent, are Requesting a Wholesale Liquor License for Maloof Santa Fe, LLC d/b/a Joe G. Maloof Co. – Santa Fe to Sell Beer Wholesale. The Property is Located at 7 Paseo de River within Section 10, Township 16 North, Range 8 East (Commission District 2) Joe Catanach, Case Manager**

JOSE LARRAÑAGA (Review Specialist): Thank you, Mr. Chair. The applicant is requesting a wholesale liquor license to allow Maloof Santa Fe, LLC dba Joe G. Maloof Company to distribute and sell beer wholesale. The applicant has been a wholesale distributor of beer products for this property since 1993 and the record owner of the license has been identified as Joe G. Maloof Company, Santa Fe. The applicant is requesting that the record owner of the wholesale liquor license now be identified as Maloof Santa Fe, LLC.

The State Alcohol and Gaming Division has granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Legal notice of this request has been published in the newspaper and the Board of County

ROSANNA C. VAZQUEZ de GONZALES
ATTORNEY AT LAW

August 3, 2009
VIA E-MAIL scobau@co.santa-fe.nm.us
vlopez@co.santa-fe.nm.us

Mr. Shelly Cobeau
Land Use Development Director
Santa Fe County
P.O. Box 276
Santa Fe, New Mexico 87504-2435

Re: Komis Land Company

Dear Mr. Kolkemeyer,

On behalf of my client, Peter Komis, I respectfully request an Extension of Time for the filing of the Final Plat. We have been actively working to prepare the plat and plan for recordation. The Covenants, By Laws and Homeowner's Association Documents are completed. The design for the roundabout has been approved by DOT, and most of the engineering including the connection to the County Utility is close to final and completed. There are some minor changes to the engineering, surveying and lot layout that need to be completed. Also, given the economy, additional time would allow the market conditions to improve and provide my client with additional time to fund the major improvements required for this property.

Please advise as to additional information you may need and when, if necessary, we will appear before the Board .

Very truly yours,

Rosanna C. Vazquez de Gonzales

cc: Steve Ross
Vicky Lucero

EXHIBIT D

PO BOX 2435, SANTA FE, NEW MEXICO, 87504
(505) 820-6400
(505) 820-6487 FAX

# SANTA FE PLANNING GROUP, INC.

**P.O. Box 2482**
**Santa Fe, NM 87504**
**505.983.1134; 505.983.4884 fax**


August 31, 2009

Tamara Baer
City of Santa Fe Land Use Department
200 Lincoln Avenue, P.O. Box 909
Santa Fe, NM 87504

RE: Komis Business Park
EZ Case #S 02-4463

Dear Ms. Baer:

Pursuant to our meetings and discussions, we respectfully request an extension of the approved Final Development Plan and Subdivision Plat of the Komis Business Park. Though the plan set is ready to be recorded, the current economic conditions in the commercial real estate market have prevented us from completing the task. Namely, the bonding requirements for the business park cannot be provided for at this juncture. We request an extension as provided in Section 9 (G) of the Subdivision Planning Platting and Zoning Ordinance (SPPAZO), which was approved by the ELUC and ELUA this month, August 2009.

It is our suggestion and request that in the spirit of the SPPAZO ordinance, the City of Santa Fe Planning Commission acknowledge, affirm, and memorialize the prior approvals (Final Development Plan and Subdivision Plat) and the conditions of approvals for the Komis Business park that were granted by the EZC and BCC. A two-year extension of the Final Development Plan and Subdivision Plat is our only request.

Our reasoning for seeking an extension with the City of Santa Fe is imbedded in the newly approved SPPAZO ordinance. Our request for extension was made initially to Santa Fe County prior to the expiration of the Komis Development Plan and Subdivision Plat, consistent with Santa Fe County policy. According to the Extraterritorial Zoning Ordinance (EZO), the EZC may extend the approval for 18-months beyond the original approval, upon the request of the applicant. Given the impending approval of SPPAZO and in an effort to simplify the process, it was suggested to us by the County Attorney, Steve Ross, that the extension of the Komis Business Park be managed by the City of Santa Fe, pursuant to Section 9 (G) of SPPAZO, which states:

> "Properties that have received final development plan or plat approval from the EZA or EZC but have not recorded the plan or plat shall within 18-months of the approval complete the recordation process under the terms of the final approval or the approval will expire unless an extension is obtained pursuant to the City Land Development Code."

EXHIBIT E

Furthermore it was also suggested by Mr. Ross that the jurisdiction of the site would fall under City guidelines within 30-days of the approval of SPPAZO, which would make it unlikely that ELUA (the board that replaced the EZC) would hear this extension request. In final, it was suggested by Mr. Ross, and concurred with by City of Santa Fe Land use staff, that the City of Santa Fe Planning Commission would be the most logical board to hear the case and provide an extension to the existing approvals.

**PROJECT INFORMATION**

The Komis Business Park is **58.5-acres** in size and is located in Area 7, Phase 2 of the City annexation areas. It is shown on the Land use maps to be zoned C-2. The Komis Business Park is approved through Final Development Plan and Plat. The Komis Business Park features 18 commercial lots that range in size from 0.90-acres to 10.7-acres. The site has been historically located outside of the 2-mile EZ (but within the 5-mile EZ). Specifically, the site is located at the north area of the intersection of I-25 and NM 599, in Section 23, T16N, R08E.

The Komis Business Park uses include office, light industrial, fuel service, warehouse, restaurant, retail, and hotel. Specifically, 170,000 sf of Light Manufacturing/Office/Warehouse/Large Retail; 25,000 sf of Retail/Services; 136 room Hotel; 6,000 sf Restaurant; and 2,000 sf for a Fuel Station & Convenience Store

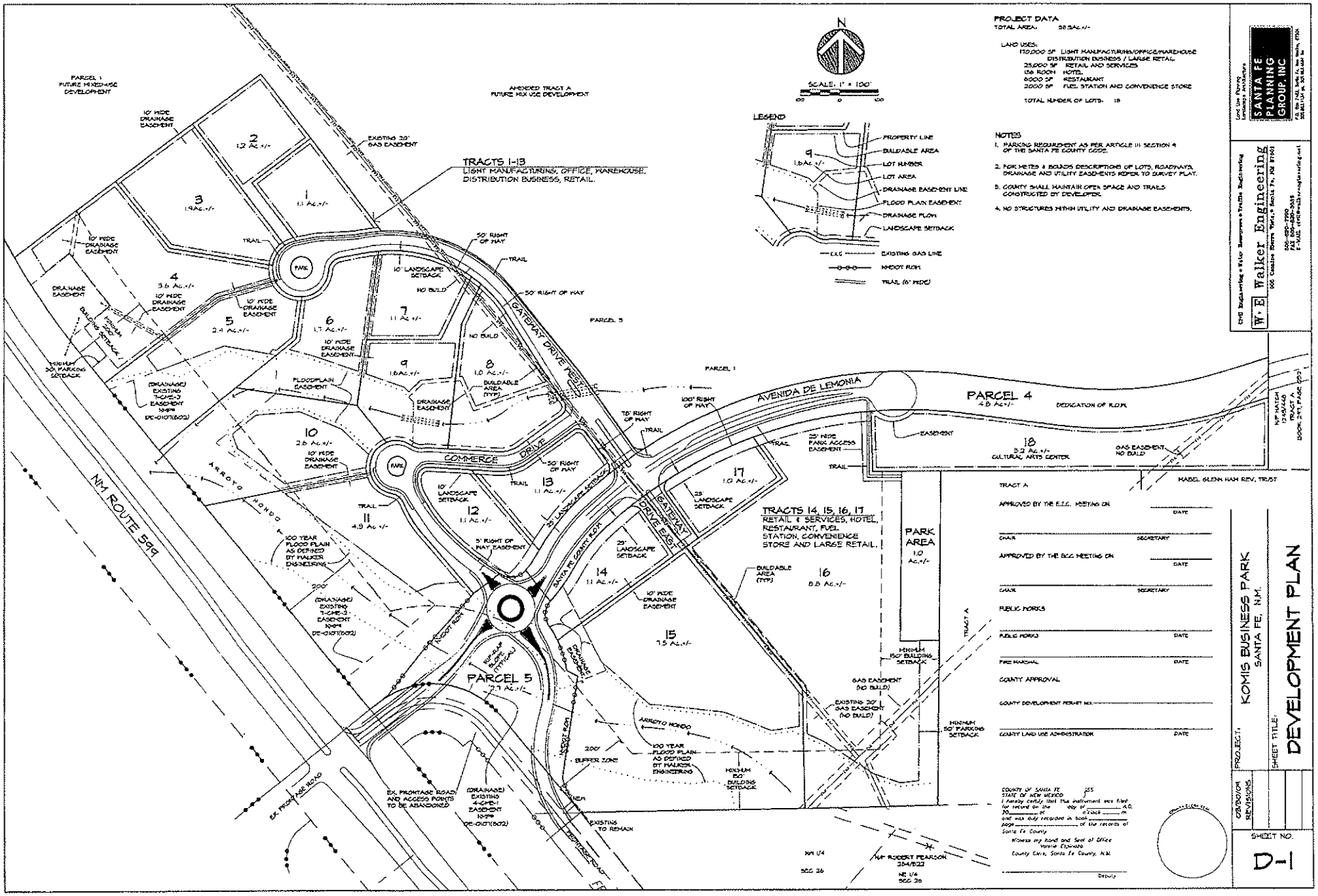
**ENTITLEMENTS HISTORY**

On October 14, 1997, the BCC granted an amendment to the existing non-residential district to include the subject site (58.70-acres) as part of a master plan request. The Preliminary Development Plan and Plat was approved in year 2002 and subsequently extended in September 2004. The justification for the extension was due to planning constraints with the County Water Utility, of which has no functional point of diversion for the transfer of water rights at the time. A second justification for the extension was obtaining approval of the NMDOT Access Control Division for the site access in a manner satisfactory to the NMDOT. Both of these issues have been satisfied. A one-year Extension of Preliminary Plat was granted in February 2007 and the Access Control Control modification in May 2007. The Final Development Plan and Subdivision Plat for the The Komis Business Park were approved in year 2008 by the EZC and BCC.

It is anticipated that we will be placed on the **October 2009** calendar of the Planning Commission. Pursuant to our discussion, an ENN Meeting is not necessary for an extension. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

Scott Hoeft




PROJECT DATA

TOTAL AREA: 58.5Ac.+/-

LAND USES:

170,000 SF LIGHT MANUFACTURING/OFFICE/WAREHOUSE DISTRIBUTION BUSINESS / LARGE RETAIL
25,000 SF RETAIL AND SERVICES
156 ROOM HOTEL
6000 SF RESTAURANT
2000 SF FUEL STATION AND CONVENIENCE STORE

TOTAL NUMBER OF LOTS: 18

NOTES

1. PARKING REQUIREMENT AS PER ARTICLE III SECTION 4 OF THE SANTA FE COUNTY CODE.
2. FOR METES & BOUNDS DESCRIPTIONS OF LOTS, ROADWAYS, DRAINAGE AND UTILITY EASEMENTS REFER TO SURVEY PLAT.
3. COUNTY SHALL MAINTAIN OPEN SPACE AND TRAILS CONSTRUCTED BY DEVELOPER.
4. NO STRUCTURES WITHIN UTILITY AND DRAINAGE EASEMENTS.

LEGEND

PROPERTY LINE
BUILDABLE AREA
LOT NUMBER
LOT AREA
DRAINAGE EASEMENT LINE
FLOOD PLAIN EASEMENT
DRAINAGE FLOW
LANDSCAPE SETBACK
EXISTING GAS LINE
NMDOT ROW
TRAIL (6' WIDE)

SCALE: 1" = 100'

Land Use Planning
Landscape Architecture

SANTA FE PLANNING GROUP, INC

Civil Engineering • Water Resources • Traffic Engineering

W. E. Walker Engineering

500 Cerrillos Road, Santa Fe, NM 87501

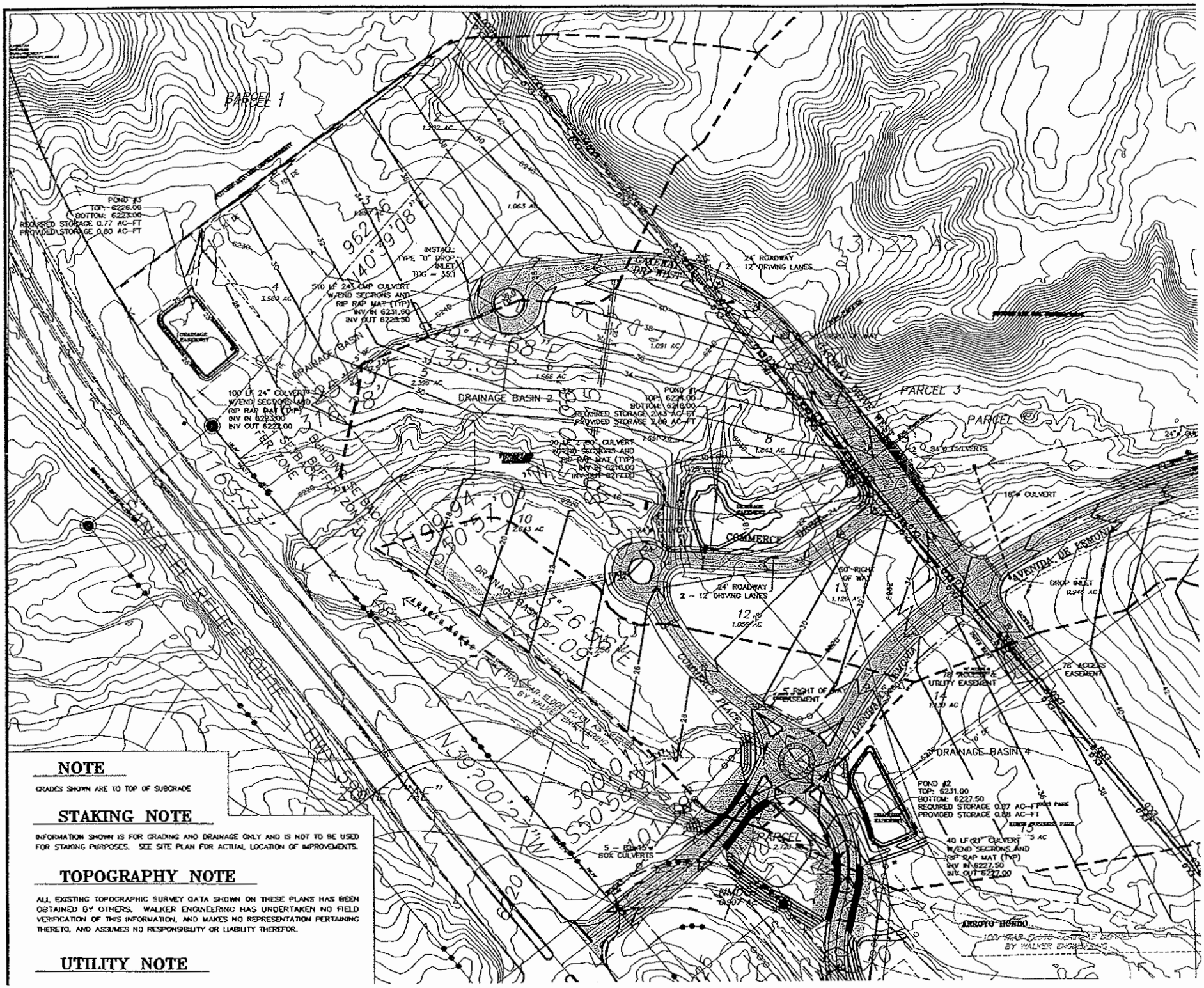
505-820-7990
FAX 505-820-3555
E-MAIL civil@walkerengineering.net

PROJECT: KOMIS BUSINESS PARK
SANTA FE, N.M.

SHEET TITLE: DEVELOPMENT PLAN

03/30/09
REVISIONS

SHEET NO.
D-1




## NOTE

GRADES SHOWN ARE TO TOP OF SUBGRADE

## STAKING NOTE

INFORMATION SHOWN IS FOR GRADING AND DRAINAGE ONLY AND IS NOT TO BE USED FOR STAKING PURPOSES. SEE SITE PLAN FOR ACTUAL LOCATION OF IMPROVEMENTS.

## TOPOGRAPHY NOTE

ALL EXISTING TOPOGRAPHIC SURVEY DATA SHOWN ON THESE PLANS HAS BEEN OBTAINED BY OTHERS. WALKER ENGINEERING HAS UNDERTAKEN NO FIELD VERIFICATION OF THIS INFORMATION, AND MAKES NO REPRESENTATION PERTAINING THERETO, AND ASSUMES NO RESPONSIBILITY OR LIABILITY THEREFOR.

## UTILITY NOTE

# SANTA FE PLANNING GROUP, INC.

**P.O. Box 2482**
**Santa Fe, NM 87504**
**505.983.1134; 505.983.4884 fax**


March 17, 2014

Matt O'Reilly
City of Santa Fe Land Use Department
200 Lincoln Avenue, P.O. Box 909
Santa Fe, NM 87504

RE: Komis Business Park
Case #M-2009-15

Dear Mr. O'Reilly:

The Komis Business Park Final Development Plan and Final Subdivision Plat will expire this year (November 9, 2014). We would like to proceed at this time with a request of an administrative extension for the Final Development Plan and Final Plat pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code.

Our justification for an extension request is water supply. Komis Land Company has a 2006 Water Service Agreement with Santa Fe County, and in light of the annexation of the property into the City we are still working with City and County staff on how water will be supplied to the property. Those discussions are not yet complete and we require additional time to resolve how water service will be provided to the property. The owner retained water rights attorney Kyle Harwood, in year 2012 in order to assist in the matter but the situation is still not resolved and will likely require most of year 2014 to remedy.

**PROJECT INFORMATION & ENTITLEMENTS HISTORY**

The Komis Business Park is 58.5-acres in size and is located in Area 7, Phase 2 of the City annexation areas. It is shown on the Land use maps to be zoned C-2 and BIP. The Komis Business Park is approved through Final Development Plan and Plat. The Komis Business Park features 18 commercial lots that range in size from 0.90-acres to 10.7-acres. The project uses include office, light industrial, fuel service, warehouse, restaurant, retail, and hotel. Specifically, 170,000 sf of Light Manufacturing/Office/Warehouse/Large Retail; 25,000 sf of Retail/Services; 136 room Hotel; 6,000 sf Restaurant; and 2,000 sf for a Fuel Station & Convenience Store.

The project received a time extension via the City of Santa Fe Planning Commission in November 14, 2009. In year 2011, the Final Development Plan and Final Plat were subsequently extended by City Ordinance 2011-26.

EXHIBIT C

The Final Development Plan and Subdivision Plat for the Komis Business Park were approved in year 2008 by the EZC and BCC. The Preliminary Development Plan and Plat was approved in year 2002 and subsequently extended in September 2004 due to: 1) approval of the NMDOT Access Control Division for the site access; and 2) functional point of diversion for the transfer of water rights (which was not available at the time). On October 14, 1997, the master plan was approved by the BCC for the Komis Property as non-residential district (58.70-acres).

It is anticipated that we will be placed on the consent agenda of the Planning Commission in **April 2014.** If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

Scott Hoeft

# SANTA FE PLANNING GROUP, INC.

**P.O. Box 2482**
**Santa Fe, NM 87504**
**505.983.1134; 505.983.4884 fax**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200 Lincoln Avenue, P.O. Box 909
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It is anticipated that we will be placed on the consent agenda of the Planning Commission in **April 2014**. If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

Scott Hoeft

# City of Santa Fe, New Mexico

# Planning Commission

# Exhibit C

## Letter of Application

# SANTA FE PLANNING GROUP, INC.
**P.O. Box 2482**
**Santa Fe, NM 87504**
**505.983.1134; 505.983.4884 fax**

October 28, 2015

Lisa Martinez
City of Santa Fe Land Use Department
200 Lincoln Avenue, P.O. Box 909
Santa Fe, NM 87504

RE: Komis Business Park
Case #M-2009-15

Dear Ms. Martinez:

The Komis Business Park Final Development Plan and Final Subdivision Plat will expire this year (November 9, 2015). We would like to proceed at this time with a second administrative extension of the Final Development Plan and Final Plat pursuant to Section 14-3.19(C)(2a) of the City of Santa Fe land development code.

Our justification for an extension request continues to be water supply and the best method to address water rights. The rights were purchased initially to satisfy Santa Fe County water rights requirements in the early 2000s. Upon annexation of the subject site into the City of Santa Fe, said water rights did not meet the requirements for City of Santa Fe water rights transfers. We still have no solution to this issue. Komis Land Company has a 2006 Water Service Agreement with Santa Fe County and the corresponding water rights for 45-afy. The owner retained water rights attorney Kyle Harwood, in year 2012 in order to assist in the matter, but the situation is still not resolved.

## PROJECT INFORMATION & ENTITLEMENTS HISTORY

The Komis Business Park is 58.5-acres in size and is located in Area 7, Phase 2 of the City annexation areas. It is shown on the Land use maps to be zoned C-2 and BIP. The Komis Business Park is approved through Final Development Plan and Plat. The Komis Business Park features 18 commercial lots that range in size from 0.90-acres to 10.7-acres. The project uses include office, light industrial, fuel service, warehouse, restaurant, retail, and hotel. Specifically, 170,000 sf of Light Manufacturing/Office/Warehouse/Large Retail; 25,000 sf of Retail/Services; 136 room Hotel; 6,000 sf Restaurant; and 2,000 sf for a Fuel Station & Convenience Store.

The project received a time extension via the City of Santa Fe Planning Commission in November 14, 2009. In year 2011, the Final Development Plan and Final Plat were subsequently extended by City Ordinance 2011-26. In year 2014, the approval was extended by the City of Santa Fe via Section 14-3.19(C)(2a) of the City of Santa Fe land development code.

On October 14, 1997, the master plan was approved by the BCC for the Komis Property as non-residential district (58.70-acres). The Preliminary Development Plan and Plat was approved in year 2002 and subsequently extended in September 2004 due to: 1) approval of the NMDOT Access Control Division for the site access; and 2) functional point of diversion in the County to transfer of water rights (which was not available at the time). The Final Development Plan and Subdivision Plat for the Komis Business Park were approved in year 2008 by the EZC and BCC.

If you have questions, do not hesitate to contact me at 412.0309.

Sincerely,

Scott Hoeft
Partner