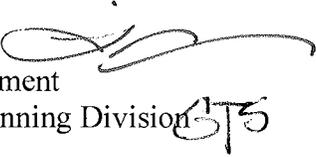


City of Santa Fe, New Mexico

memo

DATE: December 29, 2015 for the January 7, 2016 Meeting

TO: Planning Commission

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

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

Case #2015-111. Corazon Santo Development Plan (MU) Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for the MU (Mixed Use) zoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a development plan for mixed use for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road. The time extension would extend approval to November 30, 2016. Brian Anderson, agent for Homewise, Inc. (Donna Wynant, Case Manager)

Case #2015-112. Corazon Santo Final Subdivision Plat Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a Final Subdivision Plat for 40 lots on 6.28± acres. The property is zoned R-6 (Residential, 6 dwelling units per acre). The property is located south and west of the intersection of Agua Fria and Harrison Road. The time extension would extend approval to November 30, 2016. Brian Anderson, agent for Homewise, Inc. (Donna Wynant, 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

Approvals for development plans and final subdivision plats expire if they are not recorded within three years after final approval by the Commission. A maximum of two, one-year extensions may be approved by the Land Use Director, subject to acceptance by the Commission on a consent agenda.

The first 1-year time extension (to expire on November 30, 2015) of the Corazon Santo Development Plan and the Final Subdivision Plat was accepted by the Planning Commission on January 8, 2015. The current request for a second and final one-year time extension (to expire on November 30, 2016) was made on November 24, 2015. (See Exhibit B)

The Development Plan for the 2.41± acres of land zoned MU (Mixed Use) consists of mixed use development for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The Final Subdivision Plat is 6.28± acres of land for 40 lots. (See Exhibit C)

The project site is included in the study area for the West Santa Fe River Corridor Plan. Since that plan is unlikely to be completed for a least several months, the Director's decision to approve this time extension is based on the current regulations, policies and circumstances.

The agent for the owner of the property is requesting the one year extension of the development approvals for additional time to update the engineers' cost estimates for their letter of credit that guarantees completion of the public and quasi-public infrastructure, such as roads and drainage ponds.

As stated in the approval criteria, the administrative extension may not approve revisions to the development 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: Letter of Application

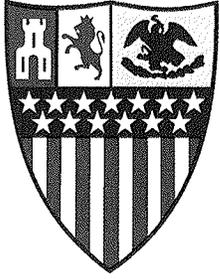
EXHIBIT C: Development Plan, Subdivision Plat & Findings of Fact

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Letter of Approval



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

December 29, 2015

Brian Anderson
Homewise, Inc.
1301 Siler Road, Building D
Santa Fe, NM 87507

**RE: Request for Time Extension
Corazon Santo Development Plan (MU) and Subdivision Plat**

Dear Mr. Anderson,

I have reviewed the request you submitted on November 24, 2015 for a time extension of the development approvals that were granted for the Corazon Santo Development Plan (MU) and Final Subdivision Plat. 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, that would affect the validity of those approvals. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for the Corazon Santo Development Plan (MU) and Final Subdivision Plat subject to the original conditions of approval as approved by the City of Santa Fe Planning Commission per their approval of the attached Findings of Fact and Conclusions of Law for the Development Plan (MU) on November 3, 2011 and for the Final Subdivision Plat on April 5, 2012.

Specifically, the time extension is approved for the following previous development approval:

- **Case #2015-111. Corazon Santo Development Plan (MU) Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for the MU (Mixed Use) zoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a development plan for mixed use for up to 24 residential units and up to 24,000 sq. ft. of commercial space. **(TO EXPIRE: 11/30/16)**
- **Case #2015-112. Corazon Santo Final Subdivision Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a Final Subdivision Plat for 40 lots on 6.28± acres. The property is zoned R-6 (Residential, 6 dwelling units per acre). **(TO EXPIRE: 11/30/16)**

The time extension will allow development activities to commence prior to the extended deadline, as provided in SFCC Section 14-3.19. This is the final time extension and the Development Plan and Subdivision Plat will expire if you do not record the Development Plan and Plat prior to November 30, 2016.

The General Plan Amendment and the two Rezoning cases (to MU and R-6) as listed below were approved by City Council on 11/30/11 and do not expire.

- **Case #2010-173. Corazon Santo General Plan Amendment.** Monica Montoya, agent for Anasazi MVJV LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of 2.41± acres of land from Residential Low Density (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) **(DOES NOT EXPIRE)**

- **Case #2010-175. Corazon Santo Rezoning to R-6.** Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 6.28± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-6 (Residential, 6 dwelling units per-acre). The application includes a Development Plan for 40 residential lots. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) (Does not expire) **(DOES NOT EXPIRE)**

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 reverse 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

Letter of Application



homewise

your partner in homeownership

11/20/2015

Lisa Martinez
Land Use Department Director
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909

Hand Delivered and Email: lmartinez@santafenm.gov; djwynant@santafenm.gov;
gsmith@santafenm.gov

Ref: Homewise Inc. Corazon Santo Development Plan MU Zoning
Case # 2014-115, #2010-173, #2010-174, #2010-175, #2010-176, #2012-06

Dear Ms. Martinez:

On behalf of Homewise Inc. owner of the above mentioned development, I am requesting an administrative approval for an extension of one year for the Development Plan submitted with MU & R6 Zoning as referenced above. The current 1 year approval expires on 11/30/2015. The request is provided under the provisions of the City Code, section 14-3.19 (C).

Homewise purchased this property from Los Alamos National Bank earlier last year from the banks REO holdings. We are currently working with Santa Fe Engineering on updating the engineers cost estimate to complete our financial projections. Currently our plan is to record the plat and begin development in early 2016.

Thank you for your attention to this request.

Please contact me if you have any questions.

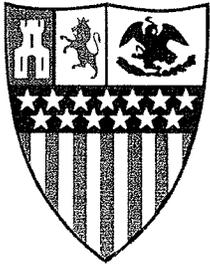
Sincerely,
Homewise Inc



Brian Anderson
Director of Real Estate Development

Cc: file

Attachment: City of Santa Fe letter dated August 17, 2015



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

August 17, 2015

Rob Gibbs
Director of Real Estate Development
Homewise, Inc.
1301 Siler Road, Building D
Santa Fe, New Mexico 87507

RE: Request for Time Extension for the Corazon Development Plan and Final Subdivision Plat per §14-3.19(C) SFCC 198

Dear Mr. Gibbs,

On January 8, 2015 the Planning Commission accepted the administrative approval submitted on November 18, 2014 for a 1-year time extension of the Development Plan (Case #2010-174) as described below and scheduled to expire on November 30, 2015. Since your request included an extension of the Final Subdivision Plat (Case #2012-06) and was submitted in a timely manner prior to its expiration, I have determined that the one year approval for the Final Subdivision Plat was also extended to November 30, 2015.

The General Plan Amendment and the two Rezoning cases (to MU and R-6) as listed below for the overall 8.69± acre Corazon Santo development were approved by City Council on 11/30/11 and do not expire. Please make a note of the November 30, 2015 expiration date for the development plan for the MU Zoning and Final Subdivision Plat.

Case #2010-173. Corazon Santo General Plan Amendment. Monica Montoya, agent for Anasazi MVJV LLC, requests approval of a General Plan Future Land Use map amendment to change the designation of 2.41± acres of land from Residential Low Density (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

Case #2010-174. Corazon Santo Rezoning to MU. Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 2.41± acres of land from R-2 (Residential, 2 dwelling units per acre) to MU (Mixed Use). The application includes a development plan for mixed use for up to 24 residential units and up to 24,000 sq. ft. of commercial space. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager) **TO EXPIRE: 11/30/15**

Case #2010-175. Corazon Santo Rezoning to R-6. Monica Montoya, agent for Anasazi MVJV LLC, requests rezoning of 6.28± acres of land from R-2 (Residential, 2 dwelling units per acre) to R-6 (Residential, 6 dwelling units per-acre). The application includes a Development Plan for 40 residential lots. The property is located south and west of the intersection of Agua Fria and Harrison Road. (Donna Wynant, Case Manager)

Case #2012-06. Corazon Santo Final Subdivision Plat. Monica Montoya, agent for Anasazi MVJV, LLC, requests Final Subdivision Plat approval for 40 lots on 6.28± acres located south and west of the intersection of Agua Fria and Harrison Road. The property is zoned R-6 (Residential, 6 dwelling units per acre). (Donna Wynant, Case Manager) **TO EXPIRE 11/30/15**

The time extension will allow development activities for the overall 8.69± acre Corazon Santo property (2.41± acre mixed use site and 6.28± acre residential subdivision) to commence prior to the extended deadline, as provided in SFCC Section 14-3.19. The approvals will expire if you do not proceed with development of the property or file for another time extension prior to November 30, 2015.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Martinez', with a long horizontal flourish extending to the right.

Lisa Martinez.
Land Use Department Director

Attachments:

- Letter dated 11/18/14 requesting time extension
- Planning Commission minutes, 1/8/15

City of Santa Fe, New Mexico

Planning Commission

Exhibit C

Development Plan

Subdivision Plat

Findings of Fact

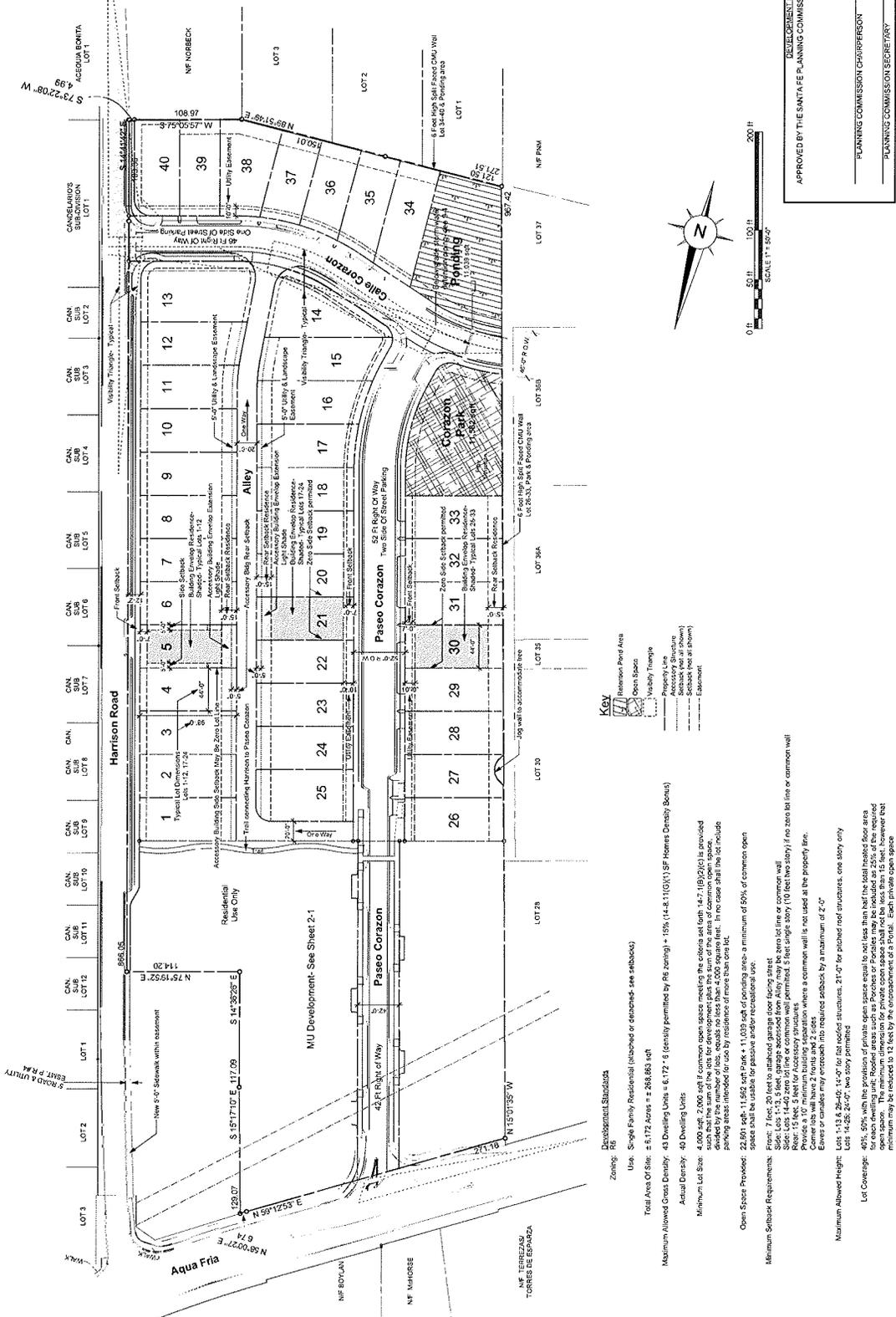
OWNER'S PRINTED NAME _____ OWNER'S SIGNATURE/DATE _____
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____
 NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
 COUNTY OF SANTA FE } 35
 STATE OF NEW MEXICO }
 HEREBY STATE THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ P.M. IN THE OFFICE OF THE RECORDS OF SANTA FE COUNTY.

WITNESS MY HAND AND SEAL OF OFFICE
 COUNTY CLERK SANTA FE COUNTY

 DEPUTY

CITY OF SANTA FE DEVELOPMENT NOTES

1. Property development is required to comply with the provisions of each applicable City of Santa Fe Ordinance, including but not limited to the City of Santa Fe Planning and Land Use Department before construction.
2. Suitable areas for planted parcels will be determined at the time of building permit application. Suitable areas shown herein are subject to relocation of grading, signs, per code requirements.
3. All proposed changes to the approved improvement shall require prior approval by the City of Santa Fe Planning and Land Use Department before construction.
4. Property development is subject to the provisions of Section 14-4-4(F)(15), "Plant Material Standards."
5. Make and bonds, description of lots, roadway, drainage, utility, and access include-ways and/or easements are described on the subdivision plat as are lot areas, all as included herein.
6. All building units shall conform to the intent of the development plan with actual size and shape of each structure contained within and herein defined building envelopes, including walls and fences, subject to applicable building permit requirements.
7. Building setbacks shall apply to all permanent structures, including accessory structures.
8. This development does not lie within an Historic District.
9. This development does lie within the River And Trails Archeological Review District.
10. Permanent traffic control devices shall be installed per approved plan by the developer.
11. Stormwater management: Property owner(s) hereby agree that all stormwater easements and any other drainage improvements on private property will be maintained and kept in good order by the property owner(s) and shall be subject to the City of Santa Fe Planning and Land Use Department. The following: (1) Access for inspection of said improvements; (2) in the event of drainage property owner; the City is empowered to enter and restore full functional capacity of the drainage system; (3) to file the property for both direct and indirect costs of the drainage system; (4) to file the property for both direct and indirect costs of the drainage system; (5) to file the property for both direct and indirect costs of the drainage system; and (6) to file the property for both direct and indirect costs of the drainage system.
12. Property development must comply with section 14.4.12 (Relocation Of Gutters) of the Santa Fe Code.
13. The development of the property will be subject to the water situation and/or water offset estimates No. 2006-29 and Resolution No. 2006-56 at the time of permit or water hookup request.
14. An ADA inspection shall be completed prior to issuance of a certificate of occupancy. The contractor shall contact City staff to schedule an inspection.



Development Standards

Use: Single Family Residential (attached or detached - see setbacks)

Total Area of Site: = 6.172 Acres = 268,863 sqft

Actual Density: 40 Dwelling Units

Maximum Allowed Gross Density: 43 Dwelling Units = 6,172 / 143 (15% Floor Area Ratio) = 43 Units

Minimum Lot Size: 4,000 sqft, 2,000 sqft if common open spaces meet the criteria set forth in 14.2.1(B)(2)(C) is provided such that the sum of the lot for development plus the sum of the area of common open space is at least 4,000 sqft. In no case shall the lot include parking areas intended for use by residents of more than one lot.

Open Space Provided: 23,891 sqft = 11,865 sqft (50%) of open space, a minimum of 50% of common open spaces shall be suitable for passive and/or recreational use.

Minimum Setback Requirements: Front: 7 feet, 20 feet to attached garage door facing street
 Side: Lots 1-13, 5 feet, garage setback from Alley may be zero lot line or common wall
 Side: Lots 14-42 zero lot line or common wall permitted, 5 feet single story (10 feet two story) if no zero lot line or common wall
 Corner: 10' minimum building separation where a common wall is not used at the property line.
 Corner lots will have 2 front and 2 sides.

Corner or end-lot setbacks may be reduced to the required setbacks by a maximum of 2'.

Minimum Allowed Height: Lot 1-13: 20' or 25' for detached structures, 21'-0" for attached structures, one story only
 Lot 14-42: 20' or 25' for detached structures, 21'-0" for attached structures, one story only

Lot Coverage: 40% - 60% of lot area
 The maximum lot coverage shall be determined by the City of Santa Fe Planning and Land Use Department for each individual parcel. Reduced setbacks such as Porches or Porches may be included at 20% of the required open space. The minimum dimension for private open spaces shall not be less than 15 feet, however that dimension may be reduced to 10 feet for a lot with one or more points of direct access to the dwelling unit.

Parking: 2' of street parking spaces per dwelling unit.

Site Color: One color shown in both the M.U. & R.G. areas are schematic and subject to change

Right Triangles: Site distance triangles shall be in accordance AASHTO guidelines

APPROVED BY THE SANTA FE PLANNING COMMISSION AT THEIR MEETING OF _____ ON _____
 ASP & DR CASE NO. _____

PLANNING COMMISSION CHAIRPERSON _____ DATE _____
 PLANNING COMMISSION SECRETARY _____ DATE _____

REVIEWED BY THE SANTA FE PERMIT AND DEVELOPMENT DEPARTMENT

CITY PLANNER _____ DATE _____
 PERMIT & DEVELOPMENT REVIEW _____ DATE _____

DEVELOPMENT PLAN SIGNATURE _____
 DATE _____

PLANNING COMMISSION CHAIRPERSON _____ DATE _____
 PLANNING COMMISSION SECRETARY _____ DATE _____

REVIEWED BY THE SANTA FE PERMIT AND DEVELOPMENT DEPARTMENT

CITY PLANNER _____ DATE _____
 PERMIT & DEVELOPMENT REVIEW _____ DATE _____

DEVELOPMENT PLAN SIGNATURE _____
 DATE _____

PLANNING COMMISSION CHAIRPERSON _____ DATE _____
 PLANNING COMMISSION SECRETARY _____ DATE _____

REVIEWED BY THE SANTA FE PERMIT AND DEVELOPMENT DEPARTMENT

CITY PLANNER _____ DATE _____
 PERMIT & DEVELOPMENT REVIEW _____ DATE _____

CORAZON SANTO
 RESIDENTIAL DEVELOPMENT
 DEVELOPMENT PLAN - R-6

DATE: 10 August 2011
 SCALE: 1"=50'-0"

A. CHRISTOPHER PURVIS
 CIVIL ENGINEER
 1500 N. 1st Street, Suite 100, Santa Fe, NM 87501
 505.825.5444
 http://www.sefncr.com

Santa Fe Engineering
 Consultants, LLC
 1500 N. 1st Street, Suite 100
 Santa Fe, NM 87501
 505.825.5444
 http://www.sefncr.com

CITY REVIEW

DEPARTMENT	REVIEW	DATE
WATER/WATER MANAGEMENT DIV.		
WATER SERVICES		
STREETS DIV.		
PLANNING		
ENGINEERING		
PERMITS		
COMMUNITY DEVELOPMENT		
PLANNING		
ENGINEERING		
PERMITS		
COMMUNITY DEVELOPMENT		

CASE # _____
 UNIFORM PARCEL CODE _____

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

Case #2010-173

Corazon Santo General Plan Amendment

Case #2010-174

Corazon Santo Rezoning to MU

Case #2010-175

Corazon Santo Rezoning to R-6

Case #2010-176

Corazon Santo Preliminary Subdivision Plat

Owner's Name – Anasazi MVJV, LLC

Applicant's Name – Monica Montoya for Montoya Land Use Consulting, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on October 6, 2011 upon the application (Application) of Monica Montoya for Montoya Land Use Consulting, Inc. as agent for Anasazi MVJV, LLC (Applicant).

The proposed Corazon Santo project (Project) is located on 8.69± acres of land located southwest of the intersection of Agua Fria Street and Harrison Road consisting of three lots (Property) zoned R-2 (residential – 2 dwelling units/acre). The Applicant intends to apply for a lot consolidation and lot line adjustment to create two parcels, one consisting of 2.41± acres with access on Agua Fria (the North Parcel) and the other consisting of 6.28± acres with access via the North Parcel and Harrison Road (the South Parcel). The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the North Parcel from “Residential – Low Density” (3-7 dwelling units/acre) to “Transitional Mixed Use” to permit residential/commercial mixed use of the North Parcel; (2) to rezone the North Parcel from R-2 to MU (Mixed Use); (3) to rezone the South Parcel from R-2 to R-6 (Residential – 6 dwelling units/acre); and (4) preliminary subdivision plat approval to divide the South Parcel into 40 lots.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Code Section 14-3.2(C) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the

- Governing Body, with notice and conduct of the public hearing pursuant to Code Sections 14-3.1(H) and (I) [Section 14-3.2(C)(4)].
3. Code Sections 14-3.5(B)(1) through (3) set out certain requirements to be followed prior to the Commission's recommendations to the Governing Body on a proposed rezoning, including, without limitation, (a) a pre-application conference [Section 14-3.5(B)(1)]; (b) compliance with Code Section 14-3.1(F) ENN requirements [Section 14-3.5(A)(2)]; and (c) compliance with Code Section 14-3.1(H) and (I) notice and public hearing requirements [Section 14-3.5(A)(3)].
 4. Santa Fe City Code (Code) Section 14-3.7(B) sets out certain procedures required for the Commission's review and approval of a preliminary subdivision plat under Code Section 14-3.7(B)(4)(d), including, without limitation (a) a pre-application conference [Code Section 14-3.7(B)(1)] and (b) an early neighborhood notification (ENN) meeting [Code Section 14-3.7(B)(2)].
 5. A pre-application conference under Section 14-3.1(E)(1) was held on May 17, 2011.
 6. Code Section 14-3.1(F) requires an ENN for proposed rezonings [Section 14-3.1(F)(2)(a)(iii)] and establishes procedures for the ENN, including (a) at least one ENN meeting [Section 14-3.1(F)(3)(b)(i)] and (b) notice requirements for the ENN meeting [Section 14-3.1(F)(3)(b)].
 7. ENN meetings were held on December 29, 2009; August 3, 2010; and June 28, 2011.
 8. In accordance with the notice requirements of Code Section 14-3.1(F)(3)(a)(i), (ii) and (iii):
 - (a) ENN notification letters (ENN Letters) were sent via first class mail fifteen (15) days prior to the ENN meeting to all property owners and physical addresses in the Neighborhood and to all neighborhood associations registered with the City that were within 200 feet of the Property;
 - (b) E-mail notification of the ENN meeting was sent to all neighborhood associations registered with the City that were within 200 feet of the Property on the same day that the ENN Letters were mailed;
 - (c) A sign indicating the proposed rezoning, the area affected, and the time, date, and place of the ENN meeting was posted in the public right-of-way, near the intersection of major street, fifteen (15) days prior to the ENN meeting.
 9. The ENN meetings were attended by the Applicant, City staff and neighbors and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(5).
 10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment, the rezonings, and the preliminary subdivision plat, subject to the conditions set out in the Staff Report (Conditions).

The General Plan Amendment

11. Code Section 14-3.2(B)(2)(b) requires the City's zoning map to conform to the Plan, and provides for amendment of the Plan when a change in land use classification is proposed for a parcel shown on the Plan's land use map.

12. The Commission is authorized under Code Section 14-2(C)(8)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code Section 14-3.2(D)(1) and finds, subject to the Conditions, the following facts:
 - (a) *Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [Section 14-3.2(D)(1)(a)].*
The proposed amendment is generally consistent with the economic development objectives set forth in the “City of Santa Fe Economic Development Strategy for Implementation”, dated May 21, 2008, implementing the Angelou Economics report entitled “Cultivating Santa Fe’s Future Economy” in that the Project will provide live/work studios and other small businesses to the City, meeting the City’s economic development goals by providing service sector jobs supporting the media, technology, green, knowledge-based and arts and culture industries. Water, sanitary sewer, stormwater, electrical, and natural gas utilities are accessible for connection
 - (b) *Consistency with other parts of the Plan [Section 14-3.2(D)(1)(b)].*
The proposed amendment is an infill project which would provide neighborhood services close to residential neighborhoods by featuring a pedestrian-oriented design at a neighborhood scale and orientation generally consistent with the Plan; is consistent with the growth patterns in the area from Harrison Road west to Siler Road; and will provide a transition between heavy industrial uses to the west and residential uses to the east on Agua Fria.
 - (c) *Provision for a determination of land utilization within a area larger than a single property and of general applicability [Section 14-3.2(D)(1)(c)].*
The proposed amendment provides for a good transition between heavy industrial uses to the west and residential uses to the east on Agua Fria.
 - (d) *Compliance with the extraterritorial zoning ordinances and extraterritorial plan [Section 14-3.2(D)(1)(d)].*
This is not applicable.
 - (e) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [Section 14-3.2(D)(1)(e)].*
The proposed amendment will contribute to a coordinated, adjusted, and harmonious development of the City in that the Project meets the objectives of the Plan in providing a transition between heavy industrial uses to the west and residential uses to the east on Agua Fria and eliminating the potential for future encroachment of industrial uses east of Harrison Road.

The Rezonings

14. Under Code Section 14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map).
15. Code Section 14-3.5(A)(2)(b) requires all proposed rezonings to be reviewed to determine if they are consistent with the Plan.
16. Code Sections 14-2.3(C)(8)(c) and 14-3.5(B)(4) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
17. Code Sections 14-3.5(A)(2) and(3) and 14-3.5(C) establish the criteria to be applied by the Commission in its review of proposed rezonings.
18. The Commission has considered the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C), and finds, subject to the Conditions, the following facts:
 - (a) *Whether the proposed rezoning creates a uniform zoning classification for the entire Property and whether the proposed rezoning is consistent with the General Plan [Section 14-3.5(A)(2) and (3)].*

The proposed rezonings establish uniform zoning classifications for the North Parcel and the South Parcel and are consistent with the Plan.
 - (b) *The need and justification for the change [Section 14-3.5(C)(1)];*

The proposed rezonings are consistent with the changing character of Agua Fria; will provide a transition between industrial and residential uses; and will meet the diverse needs of the neighborhood by providing access to small-scale commercial uses.
 - (c) *The effect of the change, if any, on properties in the area proposed for rezoning and on surrounding properties [Section 14-3.5(C)(2)];*

The proposed rezonings will provide a transition between industrial and residential uses in the area of the Property and will facilitate the development of small-scale commercial services to benefit current and future neighbors.
 - (d) *Whether the area proposed for rezoning and the proposed use for the area is consistent with the City's policies regarding the amount, rate, and geographic direction of the City's growth [Section 14-3.5(C)(3)].*

The proposed rezonings are consistent with Code and meets the intent of the Plan.
 - (e) *The ability of existing infrastructure to support development in the area as rezoned [Section 14-3.5(C)(4)];*

Existing infrastructure is available to serve the Property and is anticipated to be sufficient to meet the needs of the Property as it is developed.
 - (f) *If the proposed rezoning creates a need for the expansion of public utilities [Section 14-3.5(C)(5)].*

It is not anticipated that the proposed rezoning will create a need for the expansion of public utilities
19. The Commission has considered additional criteria established under New Mexico case law and finds that the facts found by the Commission under paragraph 18 above demonstrate a sound basis and justification for the proposed rezonings, that the proposed rezonings are consistent with the City's adopted plans, that the existing zoning is inconsistent with the

General Plan, and that the proposed rezonings are advantageous to the community as a whole, in that it will provide for consistency between the Plan and existing uses and conditions.

The Preliminary Subdivision Plat

20. The Applicant has provided to the City Land Use Department (LUD) the data and submittals required under Code Sections 14-3.7(B)(3) and (4)(b).
21. LUD staff reviewed the preliminary plat and supplementary materials, including, without limitation, a preliminary development plan, for conformity with Code requirements.

CONCLUSIONS OF LAW

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

General

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

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
4. The proposed Plan amendment was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
5. The proposed Plan amendment meets the criteria established by Code Section 14-3.2(D)(1) and should be approved by the Council, subject to the Conditions.

The Rezonings

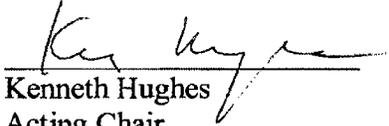
6. The Applicant has the right under the Code to propose the rezoning of the Property.
7. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezonings to the Governing Body based upon that review.
8. The proposed rezonings were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.

9. The proposed rezonings are necessary and justified under the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C) and at law, and should be approved by the Council, subject to the Conditions.

The Preliminary Subdivision Plat

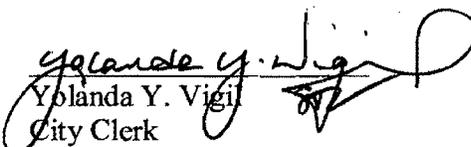
10. The preliminary subdivision plat for the Property is approved, subject to the Conditions.

IT IS SO ORDERED ON THE 3 OF NOVEMBER 2011 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE


Kenneth Hughes
Acting Chair

11-3-11
Date:

FILED:


Yolanda Y. Vigil
City Clerk

11/4/11
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

11/3/11
Date:

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

Case #2012-06

Owner's Name – Anasazi MVJV, LLC

Applicant's Name – Monica Montoya for Montoya Land Use Consulting, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on March 1, 2012 upon the application (Application) of Monica Montoya for Montoya Land Use Consulting, Inc. as agent for Anasazi MVJV, LLC (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat to divide 6.28± acres of land located south and west of the intersection of Agua Fria Street and Harrison Road (Property) into 40 lots. The Property is zoned R-6 (Residential – 6 dwelling units/acre).

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

FINDINGS OF FACT

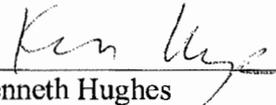
1. The Commission heard reports from staff and received testimony and evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Code Section 14-2.3(B) the Commission has the authority for approving subdivision plats within the corporate boundaries of the City.
3. Code Section 14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a final subdivision plat [Code Section 14-3.7(B)(5) and (6)] and criteria for the Commission's approval [Code Section 14-3.7(C)](collectively, the Applicable Requirements).
4. Code Section 14-9 sets out subdivision design, improvement, and dedication standards and requirements.
5. Code Section 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code Section 14-3.1(F) for final subdivision plats where a preliminary plat has not previously been approved.
6. A preliminary subdivision plat was approved by the Commission on October 6, 2011; therefore no ENN is required for final subdivision plat approval in this case.
7. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the final subdivision plat and Variances be approved, subject to certain conditions (the Conditions) set out in such report.
8. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

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:

1. The Commission has the authority under the Code to approve the final subdivision plat for the Property.
2. The Applicable Requirements have been met.
3. The final subdivision plat for the Property is approved, subject to the Conditions.

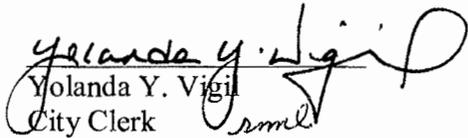
IT IS SO ORDERED ON THE 5 OF APRIL 2012 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE



Kenneth Hughes
Chair

5 April 2012
Date:

FILED:



Yolanda Y. Vigil
City Clerk

4-6-12
Date:

APPROVED AS TO FORM:



Kelley Brennan
Assistant City Attorney

3/27/12
Date: