

City of Santa Fe  
Board of Adjustment  
Findings of Fact and Conclusions of Law

Case #2015-18 – Camino de Jacobo Special Use Permit  
Owner – Dean Alexis  
Agent – Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on April 2, 2015 (Hearing) upon the application (Application) of Siebert and Associates, Inc., as agent for Dean Alexis (Applicant).

The Applicant proposes to construct 21,880 square feet for use as indoor storage units (the Project) on 0.95± acres of land located at 1391 Camino de Jacobo (Property) off Airport Road. The Property is zoned C-2 (General Commercial) and is located within the Airport Road Overlay District.

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 evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Code §14-3.6(B), the Commission has the authority to hear and decide applications for special use permits; to decide questions that are involved in determining whether special use permits should be granted; and to grant special permits with such conditions and safeguards as appropriate under Code Chapter 14 or to deny special use permits when not in harmony with the intent and purpose of Code Chapter 14.
3. Pursuant to Code §14-6.1(C) Table 14-6.1-1, entitled “Table of Permitted Uses”, “Individual Storage Areas within a Completely Enclosed Building” are permitted uses in a C-2 district with a special use permit. 4. The Property is located in a C-2 district.
4. A special use permit is required for the Project.
5. Code §14-3.6(C) sets out the procedures to be followed prior to the grant by the Commission of a special use permit, including:
  - (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [§14-3.6(C)(1)];
  - (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [§14-3.6(C)(2)]; and
  - (c) That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [§14-3.6(C)(3)].
6. Code §14-3.6(D)(1) sets out certain findings that the Commission must make to grant a special use permit, including:

- (a) That the Commission has the authority to grant a special use permit for the Project [§14-3.6(D)(1)(a)];
  - (b) That granting a special use permit for the Project does not adversely affect the public interest [§14-3.6(D)(1)(b)]; and
  - (c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [§14-3.6(D)(1)(c)].
7. Code §14-3.6(D)(2) authorizes the Commission to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
  8. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
  9. Code Section 14-3.1(F)(2)(a)(viii) requires an ENN for special use permits and Code Section 14-3.1(F)(4)-(6) establishes procedures for the ENN, including:
    - (a) Compliance with the notice requirements of Code Section 14-3.1(H) [Section 14-3.1(F)(4)];
    - (b) Timing for the ENN meeting and the principles underlying its conduct [Section 14-3.1(F)(5)]; and
    - (c) Guidelines for the conduct of the ENN meeting [Section 14-3.1(F)(6)].
  10. Notice was properly given in accordance with the notice requirements of Code Section 14-3.1(H)(1)(a)-(d).
  11. An ENN meeting was held at on February 3, 2015 at the 1391 Camino de Jacobo.
  12. The ENN meeting was attended by the Applicant and City staff; no members of the public were in attendance.
  13. Commission staff provided the Commission with a report dated March 25, 2015 for the April 2, 2015 Planning Commission Meeting (Staff Report) evaluating the factors relevant to the proposed special use permit and recommending approval by the Board of such special use permit, subject to the conditions set out in the Staff Report (the Conditions).
  14. Based upon the analysis contained the Staff Report and the evidence provided at the Hearing, granting the special use permit for the Project will not adversely affect the public interest.
  15. Based upon the analysis contained the Staff Report and the evidence provided at the Hearing, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.

#### CONCLUSIONS OF LAW

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

1. The Board has the power and authority under Code to grant the special use permit applied for.
2. The special use permit was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
3. The ENN meeting complied with the requirements established under the Code.
4. The granting of the special use permit will not adversely affect the public interest.
5. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.

6. The special use permit granted herewith is granted for the specific use of the Property and intensity applied for and no change of use or more intense use shall be allowed unless approved by the Commission under a new or amended special use permit or as otherwise permitted by applicable Code.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_\_ OF MAY 2015 BY THE  
PLANNING COMMISSION OF THE CITY OF SANTA FE:**

1. That the special use permit is approved as applied for, subject to the Conditions.
2. The special use permit granted herewith shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Commission, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of one hundred eighty (180) days.

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Michael Harris  
Chair

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Date:

FILED:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

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Date: