

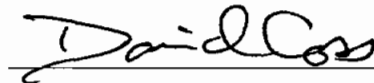


1 approval set forth in "Exhibit B" and the Findings of Fact and Conclusions of Law in "Exhibit  
2 C" attached hereto and incorporated by reference.

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

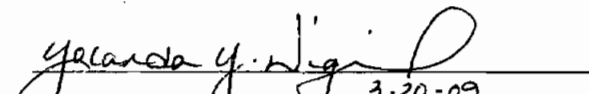
5 **Section 5.** The rezoning action with respect to the Property affected by this Ordinance is  
6 subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 1987 (Two-year  
7 Review/Rescission).

8 PASSED , APPROVED AND ADOPTED this 25<sup>th</sup> day of June, 2008.

9  
10 

11 DAVID COSS, MAYOR

12  
13 ATTEST:

14  
15   
16 YOLANDA Y. VIGIL, CITY CLERK  
3-20-09

17  
18 APPROVED AS TO FORM:

19   
20 FRANK D. KATZ, CITY ATTORNEY  
21

22  
23  
24  
25

GOVERNOR MILES BUSINESS PARK  
ORDINANCE NO. 2008-39

LEGAL DESCRIPTION  
EXHIBIT A

DESCRIPTION

LOT 1-B AND GOVERNOR MILES ROAD AS SHOWN ON BOUNDARY SURVEY PLAT FOR EAKIN/TRICKEY, LOTS 1 & 1-B, RECORDED IN BOOK 560, PAGE 31 AND LYING WITHIN SECTIONS 7 & 18, T16N, R9E, NMPM, SANTA FE COUNTY, NM;

WHICH MAY BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF THE HEREIN DESCRIBED ANNEXATION AREA FROM WHICH SANTA FE CONTROL No.7 LIES S83°52'33"E, 952.14 FEET;

THENCE FROM SAID POINT OF BEGINNING;

S00°14'29"E, 113.24 FEET;

THENCE COUNTERCLOCKWISE 123.82 FEET ON A CURVE HAVING A RADIUS OF 1061.64 FEET AND A CHORD OF S69°29'20"W, 123.75 FEET;

THENCE N25°27'34"W, 24.92 FEET;

THENCE COUNTERCLOCKWISE 127.57 FEET ON A CURVE HAVING A RADIUS OF 1082.78 FEET AND A CHORD OF S62°34'07"W, 127.49 FEET;

THENCE S58°54'23"W, 42.37 FEET;

THENCE COUNTERCLOCKWISE 117.73 FEET ON A CURVE HAVING A RADIUS OF 75.19 FEET AND A CHORD OF S14°03'05"W, 108.07 FEET;

THENCE S30°56'55"E, 25.00 FEET;

THENCE S59°03'05"W, 100.00 FEET;

THENCE N30°56'55"W, 25.00 FEET;

THENCE COUNTERCLOCKWISE 117.57 FEET ON A CURVE HAVING A RADIUS OF 75.00 FEET AND A CHORD OF N75°51'23"W, 105.90 FEET;

THENCE CLOCKWISE 345.88 FEET ON A CURVE HAVING A RADIUS OF 691.22 FEET AND A CHORD OF S73°34'15"W, 342.28 FEET;

THENCE S02°05'22"E, 6.00 FEET;

THENCE CLOCKWISE 213.88 FEET ON A CURVE HAVING A RADIUS OF 814.93 FEET AND A CHORD OF N83°17'21"W, 213.27 FEET;

THENCE S68°01'36"W, 204.07 FEET;

THENCE N63°20'02"W, 64.09 FEET;

THENCE S26°39'58"W, 84.53 FEET;

THENCE N00°39'51"W, 381.07 FEET;

THENCE N00°38'07"W, 157.93 FEET;

THENCE N89°46'26"E, 1320.32 FEET TO THE POINT OF BEGINNING, CONTAINING 10.862 ACRES, MORE OR LESS.

**EXHIBIT B:**

**Governor Miles Business Park**

**Case No. ZA 2008-04**

**Rezoning: R-1 to C2**

**Ordinance No. 2008- 39**

**Conditions of Approval**

**(The following staff memos are attached)**

- **Exhibit B-1:** Public Works Dept- Traffic Review Memo
- **Exhibit B-2:** Fire Dept. Review Memo
- **Exhibit B-3:** Technical Review Division- Engineer Review Memo
- **Exhibit B-4:** Technical Review Division- Landscape Review Memo
- **Exhibit B-5:** Wastewater Division Review Memo
- **Exhibit B-6:** Solid Waste Division Review Memo
- **Exhibit B-7:** Trails and Open Space Review Memo

EXHIBIT B

*For Ordinance No. 2008-39*

# City of Santa Fe, New Mexico

# memo

**DATE:** April 15, 2008

**TO:** Donna Wynant, Planning and Land Use Department

**FROM:** John Romero, Public Works Dpt/Engineering Div/Traffic Impacts Section *JR*

**SUBJECT:** Case #M-2008-07, Governor Miles Business Park Annexation  
Case #ZA-2008-04, Governor Miles Business Park Rezoning

---

## ISSUE

Request for annexation and rezoning of 6.485± acres of land from R-1 (Residential one dwelling unit per acre) C-2 (General Commercial). The property is located south of the Santa Fe Auto Park and north of Governor Miles Road.

## RECOMMENDED ACTION:

Review comments are based on submittals received on March 12, 2008. The comments below should be considered as Conditions of Approval to be included in the annexation agreement:

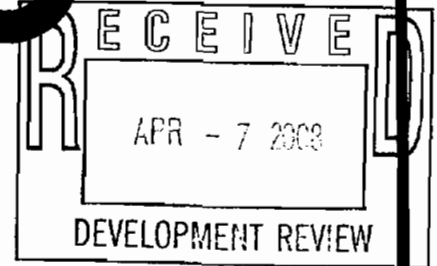
1. The developer shall provide fair share monetary contributions for:
  - a. The Rodeo/Richards Intersection improvements project.
  - b. The Richards Avenue Widening Project from Rodeo to Governor Miles.
2. All access points to the proposed site off of Governor Miles shall meet criteria identified in the State Access Management Manual.

If you have any questions or need any more information, feel free to contact me at 955-6638. Thank you.

M:\Traffic Impacts\01-TIAs\2007\Las Soleras EZ Master Plan\Governor Miles Business Park\Governor Miles Business Park 04-15-08.doc

# City of Santa Fe, New Mexico

# memo



DATE: April 3, 2008  
TO: Donna Wynant, Planning and Land Use Department  
FROM: Barbara Salas  
Barbara Salas, Fire Marshal

SUBJECT: DRT Case-2<sup>nd</sup> Review: Governor Miles Business Park

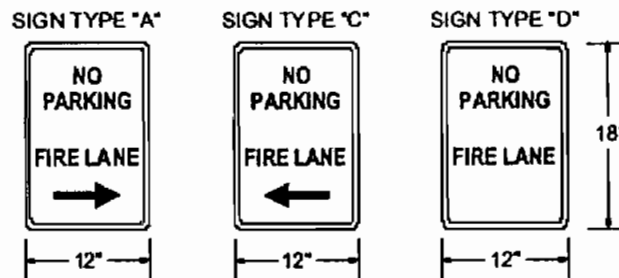
Case #	M-2008-07			
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I have conducted a second review of the above mentioned case(s) for compliance with the 2003 International Fire Code® (IFC). The request is approved. Below are the conditions which shall be addressed prior to final development approval. If you have questions, concerns, or need further clarification please call me at 955-3126.

## 1. D103.6 Signs.

*Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.*

**FIGURE D103.6  
FIRE LANE SIGNS.**



**D103.6.1 Roads 20 to 26 feet in width.**

*Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.*

**D103.6.2 Roads more than 26 feet in width.**

*Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.*

EXHIBIT B2  
for Ordinance No. 2008-39

2. Development Plan General notes shall indicate the following provisions:

Fire Department Access shall be maintained throughout all development construction phases as per the 2003 IFC Section 1410.1.

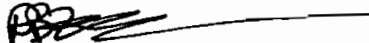
An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site as per the 2003 IFC 1412.1.

# City of Santa Fe, New Mexico

# memo

DATE: April 3, 2008

TO: Donna Wynant, Case Manager

FROM: Risana Zaxus, M.S., PE, CFM   
City Engineer for Land Use Department

RE: Case # M 2008-07 and # ZA 2008-04  
Governor Miles Business Park Annexation and Rezoning

---

I reviewed a 13-sheet plan set dated September, 2007. A revised sheet P-7 was received on 04/02/08. I have the following comments at this time:

1. All land below the base flood elevation for a 100-year, 24-hour storm event shall be dedicated as public open space, drainage easement, and public right of way.
2. Stormwater storage structures must empty within 24 hours. Provide details of underground storage to meet this requirement.
3. Sheet P-8 (Concept Drainage Plan) shows one pond and one large underground storage vessel. Other plan sheets (P-7, P-9, P-10) show many ponds and no underground storage. The Annexation and Rezoning Plan Report refers to "small ponds located through the project." Resolve this discrepancy.
4. The request that excess Right-of-Way be returned by the City will be evaluated by the City Legal Department.

A complete review of this project will be required if it proceeds to the Development Plan phase.

EXHIBIT *B-3*

for Ordinance No. *2008-39*



# City of Santa Fe, New Mexico

# memo

**DATE:** April 15, 2008

**TO:** Donna Wynant, Land Use Senior Planner  
Planning Division

**CC:** R. B. Zaxus, CFM, P.E., City Engineer  
Technical Review Division

**FROM:** Charlie Gonzales, CFM, Technical Review Coordinator *Charlie G.*  
Technical Review Division

**RE:** **Landscaping Comments for case #M 2008-07, Governor Miles Business Park Annexation and case #ZA 2008-04, Governor Miles Business Park Rezoning**

---

Below are comments for the Governor Miles Business Park Annexation and the Governor Miles Business Park Rezoning requests. These comments are based on documentation and Conceptual Landscape Plans, Sheet P-9, dated March of 2008.

**Landscaping Improvements are not required as per Article 14-8.4(B), until Subdivision Plat approval, Development Plan approval and/or Master Plan approval and applications for building permits. In addition, properties located in the Business Capitol District (BCD), shall comply with Article 14-4.3(E).**

EXHIBIT *BA*  
for Ordinance  
No. 2008-39



# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL DELIVERY

Date: March 13, 2008

To: Donna Wynant, Planner  
Planning and Land Use

From: Stan Holland, P.E.  
Wastewater Management Division

Subject: Case #M-2008-07 & ZA 2008-04 Governor Miles Business Park Annexation and  
Rezoning

---

Applicant to address the following comment(s):

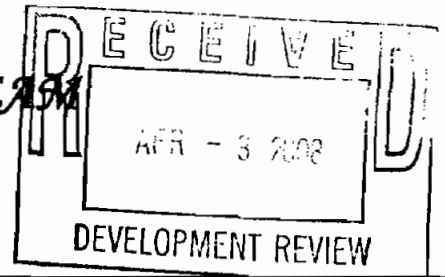
1. At this stage, the plan set is too preliminary for a review. The proposed arroyo/drainage crossing for the sewer line will require very close review. Would it be possible to take the proposed sewer line south to connect as part of "Las Soleras"?

Please contact me at 955-4637 if you have any questions.

cc: Jim Siebert  
File



DEVELOPMENT REVIEW TEAM  
TRANSMITTAL FORM



**Case #M 2008-07. Governor Miles Business Park Annexation.** Linda Tigges, agent for Crowne Santa Fe, LLC requests annexation of 6.485± acres of land, located south of the Santa Fe Auto Park and north of Governor Miles Road. The annexation plat includes 4.375± acres of Governor Miles Road. (Donna Wynant, case manager)

**Case #ZA 2008-04. Governor Miles Business Park Rezoning.** Linda Tigges, agent for Crowne Santa Fe, LLC requests rezoning of 6.485± acres of land from R-1 (Residential one dwelling unit per acre) to C-2 (General Commercial). The property is located south of the Santa Fe Auto Park and north of Governor Miles Road. (Donna Wynant, case manager)

Name: Linda Tigges  
Tigges Planning Consultants  
Submittal date April 01, 2008

Agent/ Owner # 982-1986 FAX 988-9698

Email tigglesl@aol.com  
Planning Commission date May 01, 2008

DRT final Comments by April 07, 2008

- PDR Case File/Case Manager
- Fire Inspector(s)
- Traffic Division Engineer
- Waste Water Division Engineer
- PW/ Engineering Division
- Landscaping

- Water Division Engineer
- Subdivision Engineer
- Office of Affordable Housing
- Solid Waste Division Engineer
- Trails & Open Space

COMMENTS: ① Building "E" Dumpster Angle  
May need to be changed  
② Building Enclosure Spec's?

RANDALL MARCO  
955-222-28

Case Manager: Donna Wynant x6325

Tamara Baer x 6580 tbaer@santafenm.gov  
Wendy M. Blackwell x 6127 wblackwell@santafenm.gov  
Charlie D. Gonzales x 6955 cdgonzales@santafenm.gov  
Tony Raeker x 6583 aaraeker@santafenm.gov  
Donna J. Wynant x 6325 djwynant@santafenm.gov

Lou Baker x 6656 lbaker@santafenm.gov  
Daniel A. Esquibel x 6587 daesquibel@santafenm.gov  
Patrick Nicholson x 6888 pdnicholson@santafenm.gov  
Greg T. Smith x 6957 gtsmith@santafenm.gov  
RB Zaxus x 6641 rbzaxus-onaxis@santafenm.gov

EXHIBIT 26  
for Ordinance  
No. 2008-39



# DEVELOPMENT REVIEW TEAM TRANSMITTAL FORM

**Case #M 2008-07. Governor Miles Business Park Annexation.** Linda Tigges, agent for Crowne Santa Fe, LLC requests annexation of 6.485± acres of land, located south of the Santa Fe Auto Park and north of Governor Miles Road. The annexation plat includes 4.375± acres of Governor Miles Road. (Donna Wynant, case manager)

**Case #ZA 2008-04. Governor Miles Business Park Rezoning.** Linda Tigges, agent for Crowne Santa Fe, LLC requests rezoning of 6.485± acres of land from R-1 (Residential one dwelling unit per acre) to C-2 (General Commercial). The property is located south of the Santa Fe Auto Park and north of Governor Miles Road. (Donna Wynant, case manager)

Name: Linda Tigges  
Tigges Planning Consultants  
Submittal date April 01, 2008

Agent/ Owner # 982-1986 FAX 988-9698

Email tigglesl@aol.com  
Planning Commission date May 01, 2008

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- PDR Case File/Case Manager
- Fire Inspector(s)
- Traffic Division Engineer
- Waste Water Division Engineer
- PW/ Engineering Division
- Landscaping

- Water Division Engineer
- Subdivision Engineer
- Office of Affordable Housing
- Solid Waste Division Engineer
- Trails & Open Space

COMMENTS: Provide Multi-Use (Red and Blue) Trails per mtg with app. agent and Trails & Open Space planner. Trails along the east and west of the proposed development. (Details of alignment @ dev. plan phase. Robert Squires #6977)

Case Manager: Donna Wynant x6325

Tamara Baer x 6580 tbaer@santafenm.gov  
Wendy M. Blackwell x 6127 wblackwell@santafenm.gov  
Charlie D. Gonzales x 6955 cdgonzales@santafenm.gov  
Tony Raeker x 6583 aaraeker@santafenm.gov  
Donna J. Wynant x 6325 djwynant@santafenm.gov

Lou Baker x 6656 lbaker@santafenm.gov  
Daniel A. Esquibel x 6587 daesquibel@santafenm.gov  
Patrick Nicholson x 6888 pdnicholson@santafenm.gov  
Greg T. Smith x 6957 gtsmith@santafenm.gov  
RB Zaxus x 6641 rbzaxus-onaxis@santafenm.gov

EXHIBIT B-7  
for Ordinance No. 21102-08

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

Case #ZA-2008-04

Governor Miles Business Park Rezoning

THIS MATTER came before the Planning Commission (Commission) for hearing on May 1, 2008 upon the application (Application) of Linda Tigges, as agent for Crowne Santa Fe LLC (Applicant).

The Applicant seeks to rezone approximately 6.485 acres of land (Property) from R-1 (Residential – 1 dwelling unit per acre) to C-2 (General Commercial). Surrounding uses include the Santa Fe Auto Park to the north, zoned SC-3 (Regional Shopping Center), First National Bank and undeveloped property land to the southwest, zoned C-2 (General Commercial) and C-2 PUD (General Commercial – Planned Unit Development), the proposed residential development Las Soleras to the south across Governor Miles Road, and, outside the Santa Fe City limits to the east, single-family residential uses, including the Nava Ade development.

The Property is located at 4801 Governor Miles Road, on the north side, east of Cerrillos Road and south of the Santa Fe Auto Park and is currently unimproved. The Applicant proposes to develop the Property as a business park, with 53,300 square feet of office space and 56,763 square feet of warehouse/workspace.

The 1999 General Plan (General Plan) designates the area in which the Property is located as “Community Commercial.”

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 testimony from staff and members of the public interested in the Proposed Ordinance; and
2. Under Code Section 14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map); and
3. Code Section 14-3.5(A)(2)(b) requires all proposed rezonings to be reviewed to determine if they are consistent with the General Plan; and
4. 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; and
5. 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:
  - (a) A pre-application conference [Section 14-3.5(B)(1)];

EXHIBIT C

*Per Ordinance  
No. 2008-39*

- (b) Compliance with Code Section 14-3.1(F) early neighborhood notification (ENN) requirements [Section 14-3.5(A)(2)];
  - (c) Compliance with Code Section 14-3.1(H) and (I) notice and public hearing requirements [Section 14-3.5(A)(3)]; and
6. A pre-application conference under Section 14-3.1(E)(1) was held on January 31, 2008; and
  7. 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)];
    - (b) Notice requirements for the ENN meeting [Section 14-3.1(F)(3)(b)]; and
  8. An ENN meeting was scheduled for 5:30 p.m. on February 20, 2008 at the Genoveva Chavez Community Center at 3221 Rodeo Road;
  9. 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; and
    - (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; and
  10. The ENN meeting was attended by the Applicant and City staff; there were no other attendees and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(5); and
  11. Commission staff provided the Commission with a report evaluating the factors relevant to the proposed rezoning and recommending approval by the Commission of the proposed rezoning; and
  12. 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; and
  13. The Commission has considered the criteria established by Code Sections 14-3.5(A)(2) and (3) and 14-3.5(C), and finds 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 Commission finds that the proposed rezoning establishes a uniform zoning classification for the entire Property and is consistent with the General Plan designation of "Community Commercial" for the area in which the Property is located;
    - (b) The need and justification for the change [Section 14-3.5(C)(1)];  
Based upon (i) the information contained in the staff report as to the character of the area in which the Property is located, (ii) the testimony of the Applicant as to the proposed development of the Property, and (iii) the fact that the proposed rezoning is consistent with the General Plan Future Land Use Map, the Commission finds that the proposed rezoning is needed and justified;

- (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)];  
Based upon (i) the information contained in the staff report as to the character of the area in which the Property is located, (ii) the testimony of the Applicant as to the proposed development of the Property, and (iii) the fact that the proposed rezoning is consistent with the General Plan Future Land Use Map, the Commission finds that the proposed rezoning is compatible with adjacent commercial uses and will have minimal effect on nearby residential neighborhoods due to separation from them by Governor Miles Road.
- (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 Commission finds that the proposed rezoning is consistent with the City's policy for infill in the "Stage 1 – Infill and Approved Development" section of the General Plan and with the General Plan Future Land Use Map designation of the area in which the Property is located as "Community Commercial".
- (e) The ability of existing infrastructure to support development in the area as rezoned [Section 14-3.5(C)(4)];  
Based upon the information contained in the staff report, the Commission finds that the proposed rezoning will not be expected to have a significant effect on infrastructure.
- (f) If the proposed rezoning creates a need for the expansion of public utilities [Section 14-3.5(C)(5)];  
Based upon the information contained in the staff report, the Commission finds that the proposed rezoning is unlikely to create a need for the expansion of public utilities.
14. The Commission has considered additional criteria established under New Mexico case law and finds that the facts found by the Commission under paragraph 13 above demonstrate a sound basis and justification for the proposed rezoning, that the proposed rezoning is consistent with the City's adopted plans, that the existing zoning is inconsistent with the General Plan, that changed conditions due to commercial development of nearby properties justify the change, and that the proposed rezoning is advantageous to the community as a whole, in that it promotes appropriate community infill.

#### CONCLUSIONS OF LAW

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

1. The Applicant has the right under the Code to propose the rezoning of the Property; and
2. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review; and
3. The proposed rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements; and
4. The ENN meeting complied with the requirements established under the Code and afforded parties likely to be affected by the proposed rezoning a meaningful opportunity to be heard and to contribute to the proposed rezoning; and

5. The proposed rezoning is 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 of staff contained in the staff report.

**IT IS SO ORDERED ON THE 17<sup>th</sup> OF MAY 2008 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE**

Estevan Gonzales  
Estevan Gonzales  
Chair

7-17-08  
Date:

FILED:

Yolanda Vigil  
Yolanda Vigil  
City Clerk

7-24-08  
Date:

APPROVED AS TO FORM:

Kelley Brennan  
Kelley Brennan  
Assistant City Attorney

July 17, 2008  
Date: