

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2010-29

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4  
5 AN ORDINANCE

6 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;  
7 CHANGING THE CLASSIFICATION FROM C-1 (OFFICE AND RELATED  
8 COMMERCIAL) TO C-2 (GENERAL COMMERCIAL); AND PROVIDING AN  
9 EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL OF LAND  
10 COMPRISING 2.873± ACRES BETWEEN CAMINO TIERRA REAL AND THOMAS  
11 ROAD, ON THE NORTH SIDE OF AIRPORT ROAD LOCATED WITHIN THE  
12 PRESUMPTIVE CITY LIMITS, SANTA FE, NEW MEXICO. (PADILLA CENTER,  
13 REZONING CASE NO. 2010-76)

14  
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. The following real property (the "Property") located within the municipal  
17 boundaries of the city of Santa Fe, is restricted to and classified C-2 (General Commercial):

18 A parcel of land comprising 2.873± acres located on the north side of Airport Road,  
19 located within the presumptive city limits, as more fully described in "Exhibit A"  
20 attached hereto and incorporated by reference.

21 Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No.  
22 2001-27 is amended to conform to the changes of zoning classifications for the property set forth  
23 in Section 1 of this Ordinance.

24 Section 3. The Findings of Fact and Conclusions of Law are adopted by the Governing  
25 Body [EXHIBIT B].

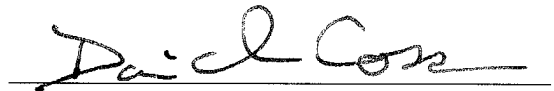
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**Section 4.** The rezoning action with respect to the subject property affected by this Ordinance is subject to conditions of approval applicable to this rezoning and any future Development Plan for the property. The conditions are outlined in the attached table summarizing City of Santa Fe Development Review Team technical memoranda and conditions approved by the Planning Commission on July 1, 2010 [EXHIBIT C].

**Section 5.** This Ordinance shall be published one time by the title and general summary and shall become effective five days after such publication.

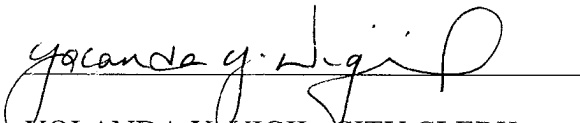
**Section 6.** The rezoning action with respect to the Property affected by this Ordinance is subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 1987 (Two-year Review/Rescission).

PASSED, APPROVED AND ADOPTED this 10th day of November, 2010.

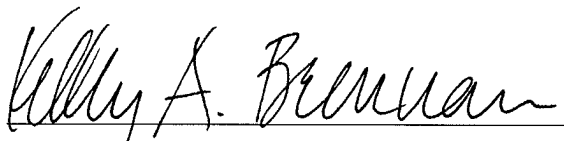


DAVID COSS, MAYOR

ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK  
Rec - 4/5/11

APPROVED AS TO FORM:

  
GENO ZAMORA, CITY ATTORNEY

**Exhibit A:**  
**Ordinance No. 2010-29**  
**Legal Description**

A certain tract of land being a portion of Tract 2-A of Lot Split Plat Prepared for Nino Padilla, Lot Split of Tract 2, recorded in Plat Book 439, at Page 014, records of Santa Fe County, New Mexico, being situate within government Lot 4, Section 12, T. 16 N., R. 8 E., N.M.P.M. and now comprising Lot 1 and Lot 2 of Padilla Center Subdivision, Santa Fe County, New Mexico and being more particularly described as follows, to wit;

Beginning at the northwest corner of the aforementioned tract whence USGLO Brass Cap for the northeast corner of the Pacheco Land Grant bears S 80°35'24" W, 12.10'; thence, N 08°00'02" W, 1578.34'; thence, from said point of beginning, N 80°35'24" E, 570.00'; thence, S 06°11'38" E, 205.60'; thence, S 04°23'02" W, 20.01'; thence, S 80°34'33" W, 537.17'; thence, along a curve to the right, having a radius of 31.65', chord N 44°31'24" W, chord distance of 22.05', delta 40°46'11", arc length of 22.52'; thence, N 09°13'14" W, 100.41'; thence, along a curve to the left, having a radius of 287.78'; chord N 20°01'52" W, chord length of 44.94'; delta 08°57'20", arc length of 44.98'; thence, along a curve to the right, having a radius of 447.36', chord N 10°57'00" W, chord distance of 62.25', delta 07°58'45", arc length of 62.30' to the point and place of beginning. Containing 2.873 acres more or less.

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

Case #2010-77

Padilla Center Preliminary Subdivision Plat

Case #2010-87

Padilla Center General Plan Amendment

Case #2010-76

Padilla Center Rezoning

Owner's Name – Nino Padilla

Applicant's Name – Orallynn Guerrerortiz for Design Enginuity

THIS MATTER came before the Planning Commission (Commission) for hearing on July 1, 2010 upon the application (Application) of Orallynn Guerrerortiz for Design Enginuity as agent for Nino Padilla (Applicant).

The Applicant seeks (1) preliminary subdivision plat approval to divide an 8.140+/- parcel of land located on the north side of Airport Road and bisected by Camino Tierra Real (Property) into three lots; (2) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the resulting 2.85+/- acre lot located west of Camino Tierra Real (West Lot) from "Office" to "Neighborhood Center"; and (3) to rezone the West Lot from C-1 (Office and Related Commercial) to C-2 (General Commercial). The Property is located within the Presumptive City Limits as defined in The Santa Fe Extraterritorial Land Use Authority Ordinance No. 2009-01, entitled "*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.*" (SPPaZo) The Property is within Phase 2 of the Areas to be Annexed as defined in SPPaZo Section Six.F. The Phase 2 annexation is projected to be approved by the City's Governing Body by the end of 2011.

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. Pursuant to SPPaZo Section Seven.A, the “[r]egulation 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.”
3. The Property is within the Areas to be Annexed and is governed by the City of Santa Fe (City) Land Development Code (Code).
4. 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. 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)].
6. 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)].
7. A pre-application conference under Section 14-3.1(E)(1) was held on January 14, 2010.
8. 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)].
9. ENN meetings were held on April 11, 2010 and June 10, 2010.
10. 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.
11. The ENN meetings were attended by the Applicant, City staff, and a number of neighbors and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(5).
12. 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 preliminary subdivision plat, the proposed General Plan amendment and the rezoning, subject to the conditions set out in the Staff Report (Conditions).

The Preliminary Subdivision Plat

13. 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).
14. LUD staff reviewed the preliminary plat and supplementary materials, including, without limitation, a preliminary development plan, for conformity with Code requirements.

The General Plan Amendment

15. 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.
16. 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.
17. 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 Southwest Santa Fe Community Area Master Plan (SWAMP) designates the Property as “Office” as a means of incorporating future infill development of intermediate-type uses between the intense existing industrial and the residential areas, while recognizing that future development would likely continue at an urban scale. However, recent developments in the area, including the Pavilion annexation and rezoning from Residential to Business Park reduced the need for additional office development in the area. In addition, if the Property were to be developed with office uses, it would likely have a negative impact at peak hours, while its development for the proposed use may reduce traffic impacts. The proposed Padilla Center will provide the infill development of an intermediate-type use projected for the area by the SWAMP and has the potential for reduced traffic impact. As a result, the proposed amendment will provide for consistency between the Plan and existing uses and conditions.
  - (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 and the SWAMP recommendations for development of the area.
  - (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 among the adjacent developments in accordance with the intent of the SWAMP.
  - (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 proposed addition of a neighborhood center in the area meets the objectives of the Plan and the SWAMP and providing affordable retail property in an area close to existing residential development while generating less traffic at peak hours.

### The Rezoning

18. Under Code Section 14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map).
19. Code Section 14-3.5(A)(2)(b) requires all proposed rezonings to be reviewed to determine if they are consistent with the Plan.
20. 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.
21. 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.
22. 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 rezoning establishes uniform zoning classifications for the West Lot and the remaining two lots and is consistent with the Plan.
  - (b) *The need and justification for the change [Section 14-3.5(C)(1)];*

The proposed rezoning will address the need for neighborhood-scale commercial retail in the vicinity of the West Lot as provided for in the SWAMP and will provide affordable commercial acreage that can meet the diverse needs of the neighborhood, including a Family Dollar store to provide neighborhood retail services.
  - (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 rezoning will expand the current C-2 zoning on the western boundary of the Property, providing a transition of general commercial development between Airport Road and the light industry to the north of the Property and will facilitate the development of retail 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 rezoning is consistent with Code and meets the intent of the Plan and the SWAMP.

(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

23. The Commission has considered additional criteria established under New Mexico case law and finds that the facts found by the Commission under paragraph 22 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, and that the proposed rezoning is advantageous to the community as a whole, in that it will provide for consistency between the Plan and existing uses and conditions.

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

##### The Preliminary Subdivision Plat

3. The preliminary subdivision plat for the Property is approved, subject to the Conditions and to the additional conditions that the portions of Thomas Road and Camino Tierra Real adjacent to the Property be dedicated to the City and built to City standards and that notice regarding future development of the Property be provided by regular mail to residents of the mobile home park adjacent to the Property and to residents of Country Club Gardens.

##### The General Plan Amendment

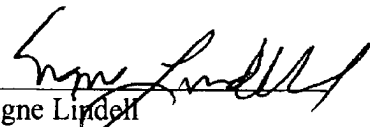
4. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
5. The proposed Plan amendment was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
6. 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 Rezoning

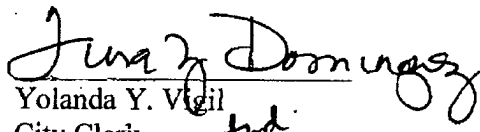
7. The Applicant has the right under the Code to propose the rezoning of the Property.
8. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
9. The proposed rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
10. 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.

IT IS SO ORDERED ON THE 11<sup>th</sup> OF AUGUST 2010 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

  
Signe Lindell  
Acting Chair


8/5/10  
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

8-11-10  
Date:

APPROVED AS TO FORM:

  
Kelley Brennan  
Assistant City Attorney

7/28/10  
Date: