

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

Case# 2024-9318

4400 Hart Road Development Plan

Applicant's Name – BH Devco

Agent's Name- NM Land Solutions LLC

THIS MATTER came before the Planning Commission (Commission) for hearing on on July 11, 2024 and December 5, 2024, , upon the application (Application) of NM Land Solutions LLC., agent for BH Devco (Applicant).

The Applicant sought the Commission's approval of a Development Plan to construct approximately 62,200 square feet of new construction for warehouse distribution building (Project). The project is a 10.73-acre lot zoned I-1 (Light Industrial) (Property).

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

FINDINGS OF FACT

1. Under the Santa Fe City Code (SFCC) 1987 Section 14-3.8(B)(3)(a), a development plan is required for proposed development with a “gross floor area of thirty thousand square feet or more and is located within any zoning district of the city.”
2. The Applicant attended a pre-application conference with City Land Use Department staff (Staff) on August 8, 2024, in accordance with SFCC 1987 Section 14-3.1(E).
3. Pursuant to SFCC 1987 Section 14-3.1(H), notice of the ENN meeting was properly given.
4. The Applicant conducted one virtual ENN meetings one on September 24, 2024. Both ENN meetings were attended by staff, the Applicant's agent but no members of the public attended the meeting.
5. SFCC 1987 Section 14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of the Code (Submittal Requirements).
6. The Applicant's submittals included Development Plan drawings, reports, a traffic impact analysis, and an application letter. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met.
7. 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).
8. SFCC 1987 Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC 1987 § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC 1987 §1 4-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC 1987 § 14-3.1(H)-(I)].

9. Staff recommended that the Commission approve the Development Plan, subject to certain conditions of approval and technical corrections set forth in the Staff Report and attached exhibits.
10. SFCC 1987 Section 14-3.8 establishes certain procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC 1987 Section 14-3.8(D).
11. At the Hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and opened the floor to receive testimony offered by any interested members of the public prior to making a decision. No members of the public offered testimony at the Hearing.
12. SFCC 1987 Section 14-3.8(D)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before a development plan may be approved. SFCC 1987 Section 14-3.8(D)(1) sets out certain findings that the Commission must make to grant a special use permit, including:
 - a. *That the Commission is empowered to approve the development plan under the section of Chapter 14 described in the; Santa Fe City Code (SFCC) Subsection 14-2.3(C)(1) authorizes the Planning Commission to review and approve or disapprove development plans.*
 - b. *That approving the development plan will not adversely affect the public interest;* the Commission found that approving the development plan for a distribution warehouse will not adversely affect the public interest.
 - c. *That the use is compatible with and adaptable to adjacent properties and other properties in the vicinity.* The Commission found that the proposed use of the project site is compatible with and adaptable to the surrounding uses and structures.
 - d. The Planning Commission adopted the conditions of approval recommended by staff.
13. On December 5, 2024, the Commission approved the development plan to construct a 62,200 square foot warehouse distribution building subject to the conditions of approval implemented by staff and those conditions adopted by the Commission at the Hearing.

CONCLUSIONS OF LAW

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

1. Pursuant to SFCC 1987 Section 14-3.8(D)(2) the Commission is authorized to specify conditions of approval for a development plan to accomplish the proper development of the area and to implement the policies of the general plan.
2. The Commission has the power and authority under SFCC 1987 Section 14-2.3(D)(1) to approve the development plan applied for in this request.
3. Pursuant to SFCC 1987 Section 14-6.1(C) Table 14-6-1.1, “*Table of Permitted Uses*”, “*warehouse*” and “*freight movement*” uses over 3,000 square feet are permitted within the I-1 Light Industrial zone with a development plan.
4. The Early Neighborhood Notification (ENN) meeting was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.

5. The Planning Commission Public Hearing on December 5th, 2024, was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
6. The Applicable Requirements set forth in SFCC 1987 Section 14-3.8 for approving the requested development plan have been met:
 - a. That granting approval of the development plan will not adversely affect the public interest.
 - b. The Project is compatible with adjacent land uses and to other properties in the vicinity of the Project. The nature of the warehouse distribution business aligns within the industrial character of the I-1 Light Industrial zone.

WHEREFORE, IT IS ORDERED ON THE 16TH DAY OF JANUARY 2025 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

The Development Plan for the Project is approved, subject to the conditions of approval and technical corrections set forth in the Staff Report and exhibits. The Development Plan shall expire three years after issuance of this final action unless actual development of the site or off-site improvements has begun and is continued pursuant to SFCC 1987 Subsection 14-3.19(B)(6) or a time extension is granted pursuant to SFCC 1987 Section 14-3.19(C).

Janet Clow, Chair
FILED:

Date

Andrea X. Salaxar
City Clerk

Date

APPROVED AS TO FORM

Rebecca Mnuk-Herrmann
Assistant City Attorney

Date