

ITEM # 20-0614

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

Case #2020-2498

6001 Jaguar Drive Plaza Contenta Development Plan

Owner's/Applicant's Name - B&R Land Development

Agent's Name - Alexander Dzurec; Autotroph

THIS MATTER came before the Planning Commission (Commission) for hearing on October 15, 2020 upon the application (Application) of Autotroph as agent for B&R Land Development (Applicant).

The Application pertains to 6001 Jaguar Drive, totaling approximately 7.2 acres (Property). The Applicant requests approval of a development plan intended to replace an existing development plan, only partially implemented, as was approved by the Planning Commission on October 2, 2003, and amended on March 25, 2010. The new development plan will provide for completion of development on the site through provision of one hundred and fifty additional residential apartments within five separate one and two-story buildings, along with commercial spaces within three one-story buildings. The new development plan also provides for conversion of commercial spaces within the two existing buildings into five residential apartments, as well as co-working / studio space for residents. The Property is located within the Tierra Contenta Master Plan Area Phase 1A, as Tract 11, and is zoned PRC (Planned Residential Community).

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

**FINDINGS OF FACT**

General

1. At the hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The Santa Fe City Code ("SFCC") Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
3. An initial pre-application conference was held on April 23, 2020, and a second pre-application conference was held on June 4, 2020, in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
5. Pursuant to SFCC Section 14-3.1(F), an ENN meeting was held on July 15, 2020 and was conducted in a virtual meeting format pursuant to the City of Santa Fe's Covid Pandemic-related procedures and requirements. There were thirty attendees in addition to the

- Applicant's project team and city staff. Issues identified and discussed comprised parking, traffic, project scale including building heights, and sustainability.
6. Pursuant to SFCC Sections 14-2.3(C)(1) and 14-3.8(B)(3), the Commission has the authority to review and approve or disapprove development plans.
  7. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
  8. Staff recommended that the Commission should approve the development plan, subject to certain conditions of approval (the Conditions) and technical corrections, as set forth in the Staff Report.
  9. The Tierra Contenta Master Plan designates the Property for "Neighborhood Commercial" uses, along with a public park, which the Applicant is proposing, and will comprise completion of the circular plaza and other public open space.
  10. The project is subject to the Tierra Content Design Standards, as specified for Neighborhood Commercial.

#### Development Plan

11. Under SFCC Section 14-3.8(B)(3)(a), a new development with a gross floor area of thirty thousand (30,000) square feet or more requires approval of a development plan by the Commission.
12. SFCC 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 Section 14-3.8(D).
13. SFCC Section 14-3.8(C)(1) requires the Applicant to submit plans and other documentation that demonstrates conformance with applicable provisions of the SFCC (Submittal Requirements).
14. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met.
15. SFCC Section 14-3.8(D) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before approving a development plan.
16. Pursuant to SFCC Section 14-3.8(D)(1)(a), the Commission finds that it has the authority and is empowered to approve the development plan under SFCC Sections 14-2.3(C)(1) and 14-3.8(B)(3)(a).
17. Pursuant to SFCC Section 14-3.8(D)(1)(b), the Commission finds that the development plan will not adversely affect the public interest, as it is a permitted use in the zoning district. Pursuant to SFCC Section 14-3.8(D)(1)(c), the Commission finds that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration. The site is surrounded by residential and institutional uses, including Cesar Chavez Elementary School to the north and west, the Paseo Del Sol apartments to the south (east of Paseo Del Sol and south of Avenida Contenta), and Capital High School also to the south (west of Paseo Del Sol). Existing single-family residences are located east of Avenida Contenta and to the

southwest along Jaguar Drive, just north of Capital High School. All adjacent areas are zoned PRC (Planned Residential Community) as is the subject site.

- 18. Pursuant to SFCC Section 14-3.8(D)(2), the Commission "may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan."
- 19. The Commission finds that the Conditions set forth in the Staff Report are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

**CONCLUSIONS OF LAW**

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

General

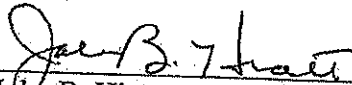
- 1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.

Development Plan

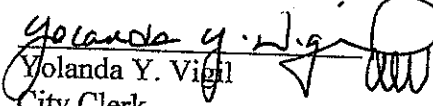
- 2. The Commission has the authority to review and approve the development plan subject to conditions.
- 3. The Applicant met the applicable Submittal Requirements.
- 4. The development plan should be approved because all applicable code requirements and criteria for development plan approval have been met, and because the development plan is consistent with the Tierra Contenta Master Plan.

**WHEREFORE, IT IS ORDERED ON THE 15<sup>th</sup> DAY OF OCTOBER 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

Considering the foregoing findings and conclusions, the Commission approves the development plan requested in Case #2020-2498, subject to the Conditions and the technical corrections set forth in the Staff Report and attached 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 Section 14-3.19(B)(6) or an extension is granted pursuant to SFCC Section 14-3.19(C).

  
 John B. Hiatt  
 Chairperson  
 FILED:

11-6-20  
 Date:

  
 Yolanda Y. Vigil  
 City Clerk

11/6/2020  
 Date:

Case #2020-2498

6001 Jaguar Drive Tierra Contenta Development Plan

APPROVED AS TO FORM:



Sally A. Paez  
Assistant City Attorney

October 15, 2020

Date