

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

**Case #2025-10172**

**4161 Walking Rain Rd Special Use Permit**

**Owner's/Applicant's Name-** *Charter Schools Development Corporation (CSDCPC Monte Del Sol, LLC)*

**Agent's Name-** JenkinsGavin, Inc

THIS MATTER came before the Planning Commission (“Commission”) for public hearing on July 17, 2025 (“Hearing”) upon hearing the Special Use Permit application (“Application”) of JenkinsGavin, Inc as the agent (“Agent”) on behalf of Charter Schools Development Corporation (“Applicant”).

The Application pertains to the property located at 4161 Walking Rain Rd, Tract 16, totaling approximately 3.02 acres (“Property”). The Applicant requests approval of a Special Use Permit Application to allow educational use in a residentially zoned district. The Property is zoned R-1 (1 residential unit per acre) on tract 16, the future land use is Public/ Institutional and is located in the Suburban Archeological Review 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 Applicant requested approval of a Special Use Permit to allow educational use on the Property located within a residentially zoned district.
2. 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.
3. Santa Fe City Code (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)].
4. The Applicant attended a pre-application conference on December 14<sup>th</sup>, 2024, with City Land Use Department Staff (“Staff”).
5. The Applicant conducted an ENN meeting for this project. The Applicant gave notice of the ENN meetings to neighbors and neighborhood associations within 300 feet of the subject property and posted posters on the subject property.

6. The Applicant held the virtual ENN meeting on January 30<sup>th</sup>, 2024. The ENN meeting was attended by members of the Applicant’s team and City Staff, and members of the public were present. The Applicant’s team presented an overview of the proposed development.
7. City staff reviewed the Application, as well as the related materials and information submitted by the Applicant for conformity with applicable SFCC requirements. Staff also provided the Planning Commission with a written report of its findings (“Staff Report”), which evaluates the factors relevant to the Application.
8. Staff recommended that the Commission approve the Special Use Permit, subject to certain conditions (“the Conditions”) and the technical corrections set forth in the Staff Report and Attachments.
9. Pursuant to SFCC 1987 Section 14-2.3(C)(3), the Commission has the authority to review and approve Special Use Permits.
10. SFCC 1987 Section 14-3.6(C) establishes certain procedures for Special Use Permit approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC 1987 Section 14-3.6(D).
11. SFCC 1987 Section 14-3.6(C)(2) requires the Applicant to submit plans and other documentation that demonstrates conformance with applicable provisions of the SFCC (“Submittal Requirements”).
12. SFCC 1987 Section 14-3.6(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 approving a Special Use Permit.
13. Pursuant to SFCC 1987 Section 14-3.6(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.”
14. The proposed Special Use Permit amendment is compatible with the neighboring uses, buildings and structures and all R-1 zone standards.
15. The Governing Body has implemented the General Plan and Ordinances in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. Warehouse facilities are generally a use consistent with the area and therefore it does not adversely affect the public interest.

## **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 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.
2. The information contained in the Staff Report and Attachments is sufficient to establish that the Submittal Requirements have been met.
3. The Commission finds that it has the authority to review the Special Use Permit under SFCC 1987 Sections 14-2.3(C)(3), 14-3.6(B), and Table 14-2.1-1, as required by SFCC 1987 Section 14-3.6(D)(1)(a).
4. The Commission finds that the Special Use Permit does not adversely affect the public interest, as required by SFCC 1987 Section 14-3.6(D)(1)(b).
5. The Commission finds that the proposed use is compatible with the neighboring uses, buildings and structures. The proposed use is compatible with the neighboring uses, buildings and structures required by SFCC 1987 Section 14-3.6(D)(1)(c).
6. Staff presented and recommended approval for a revised amendment to condition # 4 to the Commission. Condition #4 would be revised to *"The owner shall provide a 15' set back landscape buffer at the Northeast portion of tract 16 when phased construction to replace the existing portable (1, 2, and 3) structures begin."*
7. The Commission finds that the Conditions and Technical Corrections set forth in the Staff Report, exhibits, and staff's revised condition presented at the Hearing are necessary to accomplish the proper use and development of the area and to implement the policies of the general plan.
8. The Commission has the authority to review and to approve the Special Use Permit, and to impose conditions of approval.
9. The Applicant met the applicable Submittal Requirements.
10. The Commission approves the Special Use Permit subject to the conditions, amended conditions, and technical corrections recommended by staff and included in Attachment A because all applicable code requirements and criteria for Special Use Permit approval have been met.

**WHEREFORE, IT IS ORDERED ON THE 7<sup>th</sup> DAY OF AUGUST 2025 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

Considering the foregoing findings and conclusions, the Commission approves the Special Use Permit for the Property, as requested in the Application for Case #2025-10172, subject to the Conditions and the technical corrections set forth in the Staff Report and attachments. The Special Use Permit 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 Subsection 14-3.19(B)(5).

If the Special Use Permit approval of the Special Use Permit may be extended as provided in Section 14-3.19(C).

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Janet Clow  
Chair

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Date:

FILED:

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Andréa Salazar  
City Clerk

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Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank Ruybalid  
Assistant City Attorney

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Date: