

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

Case #2025-8901

2768 Agua Fria Rezoning from Mixed Use to General Commercial

Owner's/Applicant's Name – Cold Water Development Fund QOZF,

Agent's Name – JenkinsGavin

THIS MATTER came before the Planning Commission (“Commission”) for public hearing on July 17, 2025 (“Hearing”) upon the application (“Application”) of Cold Water Development Fund QOZF, (“Agent”) for JenkinsGavin, Inc (“Applicant”).

The Applicant requests rezoning from MU (Mixed-Use District) to C-2 (General Commercial District) (“Project”).

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

FINDINGS OF FACT

1. SFCC 1987 Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending the Governing Body approve the rezoning request.
2. In this case, the Applicant sought a rezoning from MU to C-2.
3. SFCC 1987 Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
4. The property is approximately 4.12 acres, located at 2768 Agua Fria.
5. 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 § 14-3.1(F)(2)(a)(iii)]; and (c) compliance with notice and public hearing requirements [SFCC 1987 §14-3.1(H)-(I)].
6. The Applicant attended a pre-application conference on December 7, 2023.
7. The Applicant conducted an ENN meetings on January 24, 2024, and April 23, 2024 virtually via Zoom. The Agent, Applicant, and City staff attended the ENN meeting. approximately 20 members of the public were in attendance. The Applicant team presented an overview of the

proposed development and received questions from the public and City staff. The public asked questions on topics including parking, affordable housing, traffic, building height, and neighboring uses. At the second ENN meeting, members of the Applicant team, city staff, and approximately 17 members of the public were in attendance. The Applicant team presented an overview of the proposed development and received questions from the public and City staff. The public asked questions on topics including affordable housing, location adjacent to industrial uses, traffic, zoning definitions building height, and connections.

8. At the Hearing, the Commission received reports from staff, as well as testimony and evidence from the Applicant's agent prior to making a decision. The Commission opened the hearing to public comment; members of the public testified in opposition of the project with concerns of placing a residential development next to an industrial park and the applicant not satisfying the approval criteria.
9. Once the Chair closed the Public Hearing, the Commission discussed a motion and voted to recommend the Governing Body approve an Ordinance for a Rezoning from MU to C-2.

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(H)(1), notice of the ENN meeting was properly given.
2. The ENN meeting was properly conducted, pursuant to SFCC 1987 Section 14-3.1(F).
3. The Applicant has the right under the SFCC to propose the rezoning of the Property. Pursuant to SFCC 1987 Section 14-3.5(A)(1)(d), any person may submit a written request for rezoning, along with all submissions required by the SFCC 1987 Chapter 14 and any other information requested by the land use director as reasonably necessary to determine compliance with Chapter 14 ("Submittal Requirements").
4. Pursuant to SFCC 1987 Table 14-2.1-1: Review and Decision-Making Bodies and Responsibilities and Section 14-3.5(B)(1), and 14-3.5(C), the Commission has the authority to review and recommend the Governing Body approve or deny the rezoning request.
5. SFCC 1987 Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, make a recommendation to the Governing Body, and transmit the application, including any plans, to the Governing Body, together with a recommendation as to findings and conclusions, desirable changes and recommendations for approval or disapproval.

6. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(a)(i)-(iii), the Commission finds:
 - i. There is no mistake in the original zoning.
 - ii. Greater Agua Fria Corridor (“Corridor”) has continuously developed as a commercial and residential corridor since the construction of the road, to the point that there is a dynamic blend of industrial, commercial, and residential along the corridor.
 - iii. A rezoning from MU (Mixed-Use) to C-2 zoning would directly align with the intent of the General Plan, which has identified the Future Land Use of the parcel as TXMU (Transitional Mixed-Use).
7. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(b), the Commission finds that the Applicant submittal is a complete application as required by Chapter SFCC 1987, 14-3.5(C) “Approval Criteria”, and the rezoning request does meet all rezoning approval criteria required by Chapter 14 SFCC 1987, Subsection 14-3.5(C).
8. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(c), the Commission finds that the applicant addressed compliance to General Plan Themes and Policies to allow for a change from MU to C-2. The Rezoning request satisfies all rezoning approval criteria.
9. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(d), the Commission finds the Rezoning request provides sufficient information to address 14-3.5(C)(1)(d), the current use of the property vacant undeveloped land. The project is located within the “Infill Area” identified in the Growth Management Chapter of the General Plan figure 4-4 Urban Sub-Areas and proposes a development that meets the needs of the community while being served by sufficient infrastructure including roads, utilities and transit.
10. Pursuant to SFCC 1987 Section 14-3.5(C)(1)(e), the Commission finds that the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, are able to accommodate the proposed residential and commercial uses.
11. Pursuant to SFCC 1987 Section 14-3.5(C)(2), the Commission finds:
 - a. The prevailing use and character of the corridor along Agua Fria is generally residential, commercial, and undeveloped land. The rezoning from MU to C-2 promotes infill development, affordable housing, and creates a harmonious transition from industrial district to residential districts.
 - b. The property is greater than 2 acres.
 - c. The proposed change is consistent with applicable general plan policies
12. 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.

13. The Commission has the power and authority to review and recommend the Governing Body approve Case #2024-8901 at 2768 Agua Fria, Rezoning from MU to C-2.
14. The Applicant met the applicable Submittal Requirements.
15. The Commission recommended the Governing Body approve the requested rezoning because the application met all applicable code criteria for approval of the proposed rezoning.

**WHEREFORE, IT IS ORDERED ON THE 4TH DAY OF SEPTEMBER 2025, BY
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

Considering the foregoing findings and conclusions, the Commission recommends the Governing Body approve the rezoning as requested from MU to C-2, as requested in the Application for Case #2024-8901.

Janet Clow
Chairperson

Date:

FILED:

Geraldyn F. Cardenas
Interim City Clerk

Date:

APPROVED AS TO FORM:

Frank Ruybalid
Assistant City Attorney

Date: