

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

Case #2016-49

Minor Amendment to Las Soleras Road Phasing Plan

Owner – Beckner Road Equities, Inc.

Agent – James W. Siebert & Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on June 2, 2016 upon the application (Application) of James W. Siebert & Associates, Inc., agent for Beckner Road Equities, Inc. (Applicant).

The property is identified as Tract 8 (Property) within the approved Las Soleras Master Plan (Master Plan) area and is zoned HZ (Hospital Zone).

The Applicant seeks to modify the Road Phasing Plan approved by the Governing Body as part of the Master Plan in order to address traffic demands associated with the development of the Property for a hospital use. The amendment will modify the road phasing to provide that the first phase of development of the Property will trigger construction of the Crossing at Chamiso to Beckner Road instead of the construction of Las Soleras Drive to Beckner, which will be triggered instead by the development on 22 acres of Tract 4B of 120,000 square feet of building space.

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 Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.15 provides that land use boards have the same authority over procedures for minor plan modifications for cases before them as the land use director pursuant to Code §14-2.11(C).
3. Code §14-2.11(C)(2) permits the land use director to approve minor qualitative modifications on an approved master plan in accordance with the written request of the applicant explaining the need for the modification, provided that (a) the land use director makes a written finding that the modification will not substantially change the function or appearance of the development, result in any negative health or safety impacts on the community, or negatively impact a neighboring property; (b) that the modification will not increase density or allow uses not shown on the approved plan; and (c) that the minor modification complies with the standards and requirements of Chapter 14.
4. Pursuant to Code §14-3.19(D)(3)(a) the Commission has the authority to approve minor amendments to master plans approved by the Governing Body, provided that the amendment

- is consistent with prior actions by the Governing Body, after notice and a public hearing as required by Code §14-3.2(H).
5. Pursuant to Code §14-3.9(D)(1), amendment of a master plan requires the Commission to find that the master plan (a) is consistent with the general plan; (b) is consistent with the purpose and intent of the zoning districts that apply to the master plan; (c) that development of the master plan will contribute to the coordinated and efficient development of the community; and (d) the existing and proposed infrastructure and public facilities will be able to accommodate the impacts of the planned development.
 6. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(xi) and (ii)]; and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
 7. Code §14-3.2(H)(a) through (d) set out notice requirements for public hearings before land use boards.
 8. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
 9. An ENN meeting was held on the Application on March 28, 2016 at the Southside Public Library.
 10. Notice of the ENN meeting was properly given.
 11. The ENN meeting was attended by the Applicant and City staff; there were approximately twenty (20) members of the public in attendance.
 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 proposed Master Plan amendment, subject to the conditions set forth in the Staff Report (the Conditions).
 13. The Commission has considered the requirements established by Code §14-2.11(C)(2) and finds the following facts:
 - (a) The Applicant submitted a written application for the amendment which is included as Exhibit E in the Staff Report and explains the need for the modification.
 - (b) The proposed amendment will not substantially change the function or appearance of the development and will not result in any negative health or safety impacts on the community or negatively impact a neighboring property, as it changes only the timing of construction of certain roadways and does not materially alter the Master Plan.
 - (c) The proposed amendment does not increase density or allow uses not otherwise permitted on the Master Plan.
 - (d) The proposed amendment complies with all standards and requirements of Chapter 14.
 14. The Commission has considered the requirements established by Code §14-3.9(D)(1) and finds the following facts:
 - (a) The proposed amendment is consistent with the general plan in that it provides better connectivity for the phased build-out of the Property, because the Crossing at Chamiso, extends west of Cerrillos road as Herrera Drive, which was constructed to carry more traffic than Tierra Contenta Drive, which extends Las Soleras Drive west of Cerrillos and will provide more direct access to Tierra Contenta, school properties, including Nino

- Otero Community School and Capital High School, and to commercial development to the west, including Walmart.
- (b) The proposed amendment is consistent with the purpose and intent of the zoning districts that apply to the Master Plan area and with the use regulations and development standards that apply to those districts in that because it complies with applicable Chapter 14 standards and requirements and does not affect zoning designations in the Master Plan area.
 - (c) The proposed amendment will contribute to the coordinated and efficient development of the community in that it will provide better connectivity for the phased build-out of the Property, because the Crossing at Chamiso, extends west of Cerrillos road as Herrera Drive, which was constructed to carry more traffic than Tierra Contenta Drive, which extends Las Soleras Drive west of Cerrillos and will provide more direct access to Tierra Contenta, school properties, including Nino Otero Community School and Capital High School, and to commercial development to the west, including Walmart.
 - (d) The existing and proposed infrastructure and public facilities will be able to accommodate the impacts of the proposed amendment in that the Master Plan addresses infrastructure and public facilities needs for the Property when it is fully built-out, as well as for all other properties in the Master Plan area.
15. The Commission has considered the requirements established by Code §14-3.9(D)(3) and finds the following facts:
- (a) The proposed amendment is consistent with prior action by the Governing Body in that it changes only the timing of construction of certain roadways and does not materially alter the Road Phasing Plan approved by the Governing Body as part of the Master Plan, including the specific restrictions, limitations or requirements that were part of that approval.
 - (b) The proposed amendment will not substantially change the function or appearance of the development and will not result in any negative health or safety impacts on the community or negatively impact a neighboring property, as it changes only the timing of construction of certain roadways and does not materially alter the Master Plan.
 - (c) The proposed amendment does not increase density or allow uses not otherwise permitted on the Master Plan.
 - (d) The proposed amendment complies with all standards and requirements of Chapter 14.

CONCLUSIONS OF LAW

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

1. The proposed minor Master Plan amendment was 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.
3. The Commission has the power and authority at law and under the Code to review and approve the proposed minor amendment to the Master Plan.
4. The proposed minor Master Plan amendment complies with the standards and requirements set out in Code §14-2.11(C)(2); Code §14-3.9(D)(1); and Code §14-3.9(D)(3).

**WHEREFORE, IT IS ORDERED ON THE _____ OF JULY 2016 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE:**

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the minor amendment to the Master Plan, subject to the Conditions.

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: