

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

Case #2015-115

Estancia de Las Soleras Phase 1C Preliminary Subdivision Plat

Owner's Name- Pulte Group

Agent's Name- James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on January 7, 2016 upon the application (Application) of James W. Siebert and Associates as agent for Pulte Group (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 67 lots located on 25.86+/- acres, Tract 11A of the Las Soleras Master Plan. Tract 11A is zoned R-6 (Residential, 6 units per acre). The plat is the final unit of Phase 1 of the overall Pulte residential development. The request requires a variance request for the disturbance of slopes over thirty percent.

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 reports from staff and received testimony and evidence from the Applicant and there was one member of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code §14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on the entire Pulte Application on October 30, 2014 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on the entire Pulte Application on December 16, 2014 at the Genoveva Chavez Center in accordance with the notice requirement of Code § 14-3.1(F)(3)(a).

10. The ENN meeting was attended by the Applicant and City staff; there were 60-70 members of the public in attendance and concerns were raised.
11. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
12. The Commission finds the following facts:
 - a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The proposed subdivision complies with this standard, subject that the applicable standards for the requested variance is met.
 - b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is suited to the residential density proposed.
 - c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9.
 - d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.* The proposed plat does not create or increase any nonconformity with the applicable standards of Chapter 14, subject to approval of the requested variance.
 - e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.* The proposed plat will not create a nonconformity with any other chapter of the Santa Fe City Code.
13. Code § 14-8.2(D)(2) sets out certain findings that must be made by the Commission to approve a variance criteria.
14. The Commission finds the following facts:
 - (a) special circumstances exist, in that there is a drainage within Unit 1C that traverses the property with steep banks on either side of the drainage and the slopes that exceed thirty percent are located along this drainage; (b) special circumstances make it infeasible to develop the land as there are safety factors associated with the steep slopes on the banks of the drainage that prevent reasonable and safe access from the road and lots to the pedestrian trail in the linear open space area shown on the subdivision plans; (c) the proposed density and lot sizes are consistent with that of nearby Nava Ade and other phases of Las Soleras; will not exceed that is allowed on other properties in the vicinity that are subject to the Ordinance in that the size of the proposed addition and extent of proposed grading are generally consistent with the development of other nearby lots; (d) the variance is the minimum variance that will make possible the reasonable use of the Property as the variance is for seven areas of slopes ranging from 120 square feet and this represents .004 of the total area of Unit 1C; and (e) the variance is not contrary to the public interest, as providing access to open space areas and encouraging people to walk and exercise is an asset to the public interest.

15. City Land Use Department 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) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
16. The information contained in the Staff Report along with Exhibits B, B1 and B2 is sufficient to establish that the Applicable Requirements have been met.
17. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).

CONCLUSIONS OF LAW

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

General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

The Preliminary Subdivision Plat & Variance

3. The Commission has the authority to review and approve the preliminary plat and variance subject to conditions.
4. The Applicable Requirements have been met.

**WHEREFORE, IT IS SO ORDERED ON THE 4th OF FEBRUARY 2016 BY THE
PLANNING COMMISSION OF THE CITY OF SANTA FE**

That the Applicant's requests for preliminary subdivision plat and variance request is approved, subject to Staff conditions.

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: