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

Case #2016-72
Kachina Ridge Phase III Preliminary Development Plan
Case #2016-73
Kachina Ridge Phase III Preliminary Subdivision Plat

Applicant's Name- SBS, LLC
Agent's Name- James W. Siebert & Assoc., Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 4, 2016 upon the application (Application) of James W. Siebert & Assoc., Inc., agent for SBS, LLC (Applicant).

The Applicant requests approval of a preliminary development plan and preliminary subdivision plan to create a nine lot subdivision on approximately 2.55 acres located on both sides of Kachina Ridge Drive and north of Shalako Way. The property is zoned R-21-PUD (Residential, 21 units per acre- Planning Unit Development). The Applicant requests approval of an innovative street design as part of the preliminary development plan. 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; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove development plans.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)(iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
5. 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)].
6. An ENN meeting was held on the Application on June 9, 2016 at the GCCC, Classroom #1.
7. Notice of the ENN meeting was properly given.

8. The ENN meeting was attended by representatives of the Applicant, City staff and there were twelve interested persons present and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. The Applicant's property is part of a PUD Planned Unit Development District and the Land Use Department requested the Applicant submit a preliminary development plan in accord with the general requirements for PUD Planned Unit Development District in Code § 14-5.7.
10. Pursuant to Code §14-3.8(C)(2)(d), an applicant may first submit an application for a preliminary development plan. If the preliminary development plan is approved, a separate application for a final development plan must be approved prior to the development of the property.
11. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
12. The Applicant has complied with the Submittal Requirements.
13. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:

a. That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)(a)]. *The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan.*

b. That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)(b)]. *The Project will not adversely affect the public interest with the recommended conditions of approval, which will further stabilize the banks.*

c. 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 Project [§14-3.8(D)(1)].
    1) *The property to the north, west and south of the project are already developed with single-family residences.*
    2) *The property to the east is undeveloped and zoned Residential—1 unit per acre.*
    3) *Creation of residential units on the subject property is consistent with those existing and future land uses.*

14. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
15. 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 north fork of the Arroyo Chamiso runs through the project area and serves as the surface water drainage mechanism along with two existing detention ponds. Both ponds have overflow outlets that drain excess water directly to the arroyo. The ponds were constructed to serve earlier phases of the development and the new development would add additional flows to them. The recommended

conditions of approval will further stabilize the banks of the arroyo to provide due regard to all natural features.

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 platted is not within the floodplain and does not contain steep slopes except within the arroyo channel. The proposed subdivision will not endanger health, safety or welfare. The conditions of approval will further stabilize the banks of the arroyo making the land more suitable for platting and development.

c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed preliminary plat identified the location of existing water and sewer lines and new water and sewer main extensions, as is required at this stage. The application for the final plat is required to include both the water and sewer plans, which will include piping profiles and details.

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 application includes a request for approval of an innovative street design rather than a variance. The plat does not contain any other non-conformities.

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.* There are no existing non-conformities that exist on the subject property.

16. The application includes a request for an innovative street design.

a. Since the prior approvals were granted, the required street design metrics in City Code has changed.

b. The application includes a request to allow for the continuance of the street design used in the prior phases of the development.

c. The proposed change to the street design would be to allow a 3-foot planting strip between the curb and sidewalk instead of 5-feet strip.

d. The only remaining street to be developed in this phase is Paa Road.

e. Code §14-9.2(A)(4)(a) states that the "arrangement of streets in a development shall (a) provide for the continuation or appropriate projection of existing streets in surrounding areas."

17. Code § 14-9.2 sets out certain factors that must be considered for approval of innovative street design:

a. The innovative street design provides adequate pedestrian and bicycle facilities, as well as necessary transit facilities. *The alternative roadway design only affects the planting strip between the curb and the sidewalk which does not affects the pedestrian, bicycle or transit facilities.*

18. 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 development plan and preliminary subdivision plat be approved, subject to certain conditions (the Conditions or Exhibit A) set out in such report.
19. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the public 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

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

The Preliminary Development Plan

5. The Commission has the authority under the Code to approve the Development Plan for the Property.
6. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 8th OF SEPTEMBER 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 Preliminary Development Plan and Preliminary Subdivision Plat and Innovative Street Design for the Property are approved, subject to Conditions.

_____ _____
Vince Kadlubek Date:
Chairperson

FILED:

_____ _____
Yolanda Y. Vigil Date:
City Clerk

APPROVED AS TO FORM:

_____ _____
Zachary Shandler Date:
Assistant City Attorney