

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

Case #2016-70

Alma Dura Preliminary Subdivision Plat

Owner's Name- Vallecita, LLC

Agent's Name- JenkinsGavin Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on September 8, 2016 upon the application (Application) of JenkinsGavin Inc., agent for Vallecita, LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 9 lots on +/-10.73 acres. The property is located south of the intersection of Valley Drive and Vallecita Drive. The property is zoned R-1 (Residential, one dwelling unit per acre).

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 were thirteen members 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 March 31, 2016 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 May 12, 2016 at the Santa Fe Public Library Main Branch in accordance with the notice requirement of Code § 14-3.1(H).
10. The ENN meeting was attended by the Applicant and City staff; there were thirty-four 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 land to be subdivided meets applicable standards and is eligible for the development purposes proposed. The proposed preliminary plat will comply, subject to recommended conditions of approval and technical corrections.
- 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 eligible for the development purposes proposed.
 - i. The buildable lots of the subdivision are not within the Arroyo de las Piedras or designated floodplain, and the portion of the site that lies within the floodplain would be reserved as private open space with a drainage easement.
 - ii. The Applicant's proposed design has been reviewed by the City's Development Review Team in accordance with Chapter 14 for Terrain Management and Escarpment regulations and that review has determined that each building lot can be developed in accordance with applicable standards.
- 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.
 - i. The proposed preliminary plat identifies the location of existing water and sewer lines and new water and sewer main extensions, as required at this stage.
 - ii. The proposed subdivision will meet applicable standards for access to and within the subdivision.
- 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.* No variances are required or have been requested for this subdivision. Approval of the proposed subdivision would not create nonconformities under current city regulations.
- 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. The Applicant submitted a traffic study, which showed the subdivision would add nine vehicles in peak afternoon time.

14. The Applicant stated it would be willing to do a second traffic study prior to submittal of the Final Subdivision Plat.

15. The Traffic Engineer provided that the second traffic study should include a Scope of:

- a. The traffic study shall include the following intersections: (i) Valley Drive and Bishop's Lodge Road; (ii) Valley Drive and Vallecita Drive
 - b. The applicant's traffic engineering consultant shall analyze each intersection for Level of Service (LOS), capacity, source generation and actual on-the-ground counts.
 - c. The consultant shall also evaluate the crash history at the intersection of Vallecita Drive and Valley Drive.
16. 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).
17. 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.
18. The information contained in the Staff Report, along with conditions in Staff's Exhibit, 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 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.

WHEREFORE, IT IS SO ORDERED ON THE 6th OF October 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

That the Applicant's requests for preliminary subdivision plat is approved, subject to Staff conditions and completion of the traffic study prior to submittal for Final Subdivision Plat.

[Signatures to Follow on Next Page]

Vince Kadlubek
Chair

Date:

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: