

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

Case #2016-88

The Pavilion Final Subdivision Plat

Applicant's Name- Richard Cook

Agent's Name-Santa Fe Planning Group, Inc.

Case #2016-42

The Pavilion Office Complex Development Plan Amendment to the Phasing Plan

Applicant's Name- Commercial Center at 599

Agent's Name- Santa Fe Planning Group, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 18, 2016 upon the application (Application) of Santa Fe Planning Group, Inc., agent for Richard Cook and Commercial Center at 599 (Applicant).

The Applicant for the plat seeks the Commission's approval of the final subdivision plat for 34 lots on 371.25+/- acres, of which 8 lots are in the General Commercial ("C-2") portion of the project and 26 lots are in the Business Industrial Park ("BIP") portion of the project. This application includes a request to allow recording the plat in multiple phases over a period of more than three years. The property is located west of NM 599 between Airport Road and I-25, and east of Santa Fe Municipal Airport.

The Applicant for the development plan also seeks an amendment to the phasing plan attached to the development plan for 32 lots for additional phases and additional time. The additional phases would be increased from the original 4 phases to 7 phases to allow small increments of development to occur at one time. The time extension would extend approvals to 2031.

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 was no member of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats and development plans.
3. Pursuant to Code §14-3.7(A)(1)(b) subdivisions of land must be approved by the Commission.
4. Code §14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a Final Subdivision Plat [Code §14-3.7(B)(4)] and criteria for the Commission's approval [Code §14-3.7(C)] (collectively, the Applicable Requirements).

5. Code §14-9 sets out infrastructure design, improvement, and dedication standards and requirements.
6. Code §14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code §14-3.1(F) for subdivision plats.
7. Code §14-3.1(F)(2)(a)(v) requires an ENN for subdivision plats, except for Final Subdivision Plats for which ENN procedures were followed at the Preliminary Plat review stage.
8. An ENN meeting on the Applicant's application for Preliminary Plat approval was held on September 27, 2010; therefore no ENN is required for Final Subdivision Plat approval in this case.
9. Since this request includes a change in the conditions of approval by amending the phasing plan, the Land Use staff required the Applicant hold another ENN.
10. An ENN meeting was held on March 21, 2016 and April 19, 2016 at the Southside Library on Jaguar Drive.
11. There were eight people at the March 21, 2016 ENN and 1 person at the April 19, 2016 ENN and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).

Preliminary and Final Subdivision Plat

12. The Preliminary Subdivision Plat was approved by the Commission in January 2011.
13. Code §14-3.19(B)(2) states a Preliminary Subdivision Plat expires after three years, unless the final plat is approved.
14. The Final Subdivision Plat was approved by the Commission in April 2011, but was never recorded with the County Clerk.
15. Code §14-3.19(B)(3) states a Final Subdivision Plat shall expire after three years unless it is filed for record with the County Clerk.
16. Code §14-3.19(C)(2) allowed the Applicant to receive two, one-year administrative extensions on the 2011 Final Subdivision Plat.
17. Code §14-3.19(C)(3) does not allow any additional Commission extensions on the 2011 Final Subdivision Plat.
18. The Applicant's time to record the Final Subdivision Plat expired on April 7, 2016.
19. Upon the cessation of the 2011 Final Subdivision Plat, the Applicant could return to the approved 2011 Preliminary Subdivision Plat because: (a) the Preliminary Subdivision Plat had not expired because the Final Subdivision Plat had been approved (b) yet the Final Subdivision Plat had not been recorded.
20. The Applicant has three years to seek approval and record another Final Subdivision Plat, otherwise the Preliminary Subdivision Plat will expire.
21. In August 2016, the Applicant applied to the Planning Commission for approval of the 2016 Final Subdivision Plat.
22. Code §14-3.7(B)(4)(a) requires that a Final Subdivision Plat conform substantially to the Preliminary Subdivision Plat. *The 2016 Final Subdivision Plat substantially conforms with the 2011 Preliminary Plat.*

Development Plan

23. The Development Plan was approved by the Commission in April 2011.
24. Code §14-3.19(B)(4) states a Development Plan shall expire three years after final action unless there are off-site improvements.

25. The Applicant completed off-site improvements, the overpass at Highway 599, during this period.
26. The Development Plan is still active because there have been off-site improvements under Code §14-3.19(B)(6).
27. The Applicant wanted to amend the Development Plan to include additional phases and additional time.
28. The additional phases would be increased from the original 4 phases to 7 phases to allow small increments of development to occur at one time.
29. The time extension would extend approvals to 2031.
30. Code §14-3.19(A)(2) provides that a phased development project may incorporate a phasing plan with longer time limits than those generally specified in Chapter 14.
31. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
32. That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)]. *The Commission has the authority under the section of Code Chapter 14 cited in the Application to approve the development plan.*
33. That approving the development plan for the Project does not adversely affect the public interest [§14-3.8. *The Project will not adversely affect the public interest because the development plan is in compliance with the standards required by the Land Development Code, specifically Code §14-3.19(A)(2).*
34. 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)]. *The use is compatible and adaptable to buildings, structures and uses of the abutting property as the land is vacant.*
35. 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 Final Subdivision Plat be approved, subject to certain conditions (the Conditions) set out in such report.
36. 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:

1. The Commission has the authority under the Code to approve the Final Subdivision Plat and Development Plan Amendment to the Phasing Plan for the Property.
2. The Applicable Requirements have been met.

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**WHEREFORE, IT IS ORDERED ON THE 6th OF OCTOBER 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 Final Subdivision Plat and Development Plan Amendment to the Phasing Plan for the Property is approved, subject to Conditions.

Vince Kadlubek
Chairperson

Date: _____

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: