

City of Santa Fe, New Mexico

Attachment A

Findings of Fact and Conclusions of Law

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

Case #2021-5393

7261 Airport Road Development Plan

Applicant's Name – MBR 7261 Airport Road LLC

Agent's Name – Orion-West LLC.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 4, 2022, upon the Application (Application) of Orion-West LLC., agent for MBR 7261 Airport Road LLC (Applicant).

The Applicant seeks the Commission's approval of a Development Plan to construct 261,000 square feet of new construction for a 221-unit multi-family apartment complex (Project). The project is a 7.96-acre lot zoned C-2 (General Commercial) within the Airport Road Overlay and River and Trails Archaeological Review District (Property).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. Under the Santa Fe City Code (SFCC) 1987 Section 14-3.8(B)(3)(a), a development plan is required for proposed development with a *"gross floor area of thirty thousand square feet or more and is located within any zoning district of the city."*
2. SFCC 1987 Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC 1987 § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC 1987 § 14-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC 1987 § 14-3.1(H)-(I)].
3. A pre-application conference was held on February 10, 2021, in accordance with SFCC 1987 Section 14-3.1(E)(1).
4. Pursuant to SFCC 1987 Section 14-3.1(H), notice of the ENN meeting was properly given.
5. The Applicant conducted a virtual ENN meeting on May 4, 2022. The meeting was well attended by the public.
6. SFCC 1987 Section 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 the Code (Submittal Requirements).
7. 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).
8. Staff recommended that the Commission approve the Development Plan, subject to certain conditions of approval and technical corrections set forth in the Staff Report and attached exhibits.
9. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met.

10. SFCC 1987 Section 14-3.8 establishes certain procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC 1987 Section 14-3.8(D).
11. At the Hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public prior to making a decision.
12. SFCC 1987 Section 14-3.8(D)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before a development plan may be approved.
13. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(a), the Commission finds that it is empowered to approve the development plan under SFCC 1987 Sections 14-2.3(C)(1) and 14-3.8(B)(4).
14. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(b), the Commission finds that approving the development plan for the Project, subject to the conditions and technical corrections in the staff report, will not adversely affect the public interest.
15. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(c), the Commission finds 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. The size and scale of the existing buildings are compatible with surrounding properties. The Development is a compatible infill project located close to schools, parks, transit stops, major roadways, and commercial outlets for goods and services. The mix of architecture in the area and proposed building architecture is a range of Pueblo/territorial/contemporary vernacular with similar attributes found throughout the area.
16. Under SFCC 1987 Section 14-3.8(D)(2), the Commission is authorized to specify conditions of approval for a development plan that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
17. The Commission finds that the conditions and technical corrections set out in the Staff Report and exhibits are well founded and are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
18. Under SFCC 1987 Section 14-3.8(A), approving the proposed Development Plan furthers the purpose and intent of providing plans for development, ensuring compliance with Chapter 14, and facilitating the documentation of future compliance with the approved plans.


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 Chapter 14 of the SFCC to review and approve the Applicant's proposed Development Plan subject to conditions.
2. The Applicant has complied with the Submittal Requirements.
3. The Applicant is able to comply with the Conditions.
4. The development plan should be approved subject to the conditions recommended by staff because all applicable code requirements and criteria for development plan approval have been met.

WHEREFORE, IT IS ORDERED ON THE 18TH DAY OF AUGUST, 2022 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

The Development Plan for the Project is approved, subject to the conditions of approval and technical corrections set forth in the Staff Report and exhibits. The Development Plan shall expire three years after issuance of this final action unless actual development of the site or off-site improvements has begun and is continued pursuant to SFCC 1987 Subsection 14-3.19(B)(6) or a time extension is granted pursuant to SFCC 1987 Section 14-3.19(C).



Janet Clow
Chairwoman

8/22/22
Date

FILED:



Kristine Bustos-Mihelcic XIV
City Clerk

08/23/22
Date

APPROVED AS TO FORM:



Patricia Feghali
Assistant City Attorney

8/19/22
Date