

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

Case #2014-119

Ross' Peak Final Subdivision Plat

Owner's Name- Ross' Peak LLC

Agent's Name- James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on May 21, 2015 upon the application (Application) of James W. Siebert and Associates as agent for Ross' Peak LLC (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat for 200 lots located on 31.72+/- acres, Tracts 12A and 13 of the Las Soleras Master Plan. Tract 12A is zoned R-12 (Residential, 12 units per acre) and Tract 13 is zoned R-6 (Residential, 6 units per acre). The tracts are located south of the Governor Miles Road and Rail Runner Road intersection, immediately east of the Arroyo de los Chamisos. The Preliminary Subdivision Plat was approved by the Planning Commission on August 7, 2014. Findings for that case were approved by the Planning Commission on September 11, 2014.

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)(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 July 9, 2013 at the Southside Library at 6599 Jaguar Drive; therefore no ENN is required for final subdivision plat approval in this case.
9. The preliminary subdivision plat was approved by the Commission on August 7, 2014.
10. 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.
11. Staff, at the hearing, modified its condition regarding the maintenance of street trees as found in Condition #13, and instead concurred with the statement in the Covenants, Conditions and Restrictions (CCRs) that street trees shall be taken care of by the Homeowners Association.
12. Code § 14-9.5(A)(2) provides the Land Use Department and the City Attorney's Office may review CCRs to the extent that they are relevant to the perpetual maintenance of the quasi-public infrastructure.
13. Code § 14-8.6(C)(1) provides that the Commission may require additional visitor parking if there is inadequate visitor parking as provided in the plat.
14. Due to the location of the street layout in Tract 13, the Applicant shall add a minimum of twelve parking spaces on the residential street on Tract 13 (identified as Pico Rico) and shall modify the road to provide for continuous parking along the east side of this street on Tract 13, subject to Staff approval.
15. 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 for the Property.
2. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE ____ OF AUGUST 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That the final subdivision plat for the Property is approved, subject to Staff's Conditions and the Commission's Conditions:

- a. requiring a minimum twelve parking spaces on the residential street on Tract 13 (identified as Pico Rico) and modify the road to provide for continuous parking along the east side of this street, subject to Staff approval;
- b. Pursuant to Code § 14-9.5(A)(2), the Land Use Department and City Attorney's Office will look at the CCRs only to the extent that they are relevant to the perpetual maintenance of the quasi-public infrastructure.

[Signatures to Follow on the Next Page]

Michael Harris
Chair

Date: _____

FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

Date: