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

Case #2016-03
Vista Serena, Tract 49 Tierra Contenta Preliminary Subdivision Plat
Applicant's Name- Homewise, Inc.
Agent's Name-Oralynn Guerrerortiz

THIS MATTER came before the Planning Commission (Commission) for hearing on March 3, 2016 upon the application (Application) of Ms. Oralynn Guerrerortiz, agent for Homewise, Inc. (Applicant).

The Applicant seeks the Commission's approval of the final subdivision plat for 50 lots on 12.7+/- acres at Vista Serena, Tract 49 Tierra Contenta Phase 2C, located on the south side of Plaza Central Road, east of Contenta Ridge Road. The property is zoned PRC (Planned Residential Community, 6-9 dwelling units per acre). The Applicant is also seeking approval of the 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 was one 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 December 16, 2014 at the Genoveva Chavez Center; therefore no ENN is required for Final Subdivision Plat approval in this case.

9. The conditions under Code § 14-3.7(D)(2) are present to allow for the deferral of public or semipublic improvements until such time as the lots are developed.
10. The Preliminary Subdivision Plat was approved by the Commission on January 7, 2016.
11. The Final Subdivision Plat substantially conforms with the Preliminary Plat as approved under Code §14-3.7(B)(4)(a).
12. Tierra Contenta development rules and standards require any applicant to submit concurrently submit a Development Plan with a Final Subdivision Plat.
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)]. *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. *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.*
    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)]. *The use is compatible and adaptable to buildings, structures and uses of the abutting property and other properties in the Tierra Contenta vicinity.*
14. 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.
15. The existing phrase "is working" from the Staff Condition from the Wastewater Management Division shall be deleted and replaced with the new phrase "will work."
16. The Staff Condition from the Parks Division shall be deleted and replaced with: "Trail details shall be approved by the Parks Division and recorded on the plat."
17. 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 for the Property.
2. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 7th OF APRIL 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 for the Property is 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