

# 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 #2023-6258**

**Located West of Highway 285, 2001 Sangre Vista Dr. and 1001 Tesuque Trail Ln**

**Owner/Applicant's Name – 21 Club Holdings LLC.**

**Agent's Name – Al Lilly**

THIS MATTER came before the Planning Commission (Commission) for hearing on April 6, 2023, upon the application (Project) of Al Lilly, agent for 21 Club Holdings LLC (Applicant).

The Applicant seeks the Commission's approval of a Development Plan to construct 50 dwellings with attached garages ranging in size from 1,725 square feet to 3,425 square feet for a total square footage of up to 200,050 square feet (Project). The Property is approximately 17.06 acres and zoned PRRC (Planned Residential Resort Community), located West of Highway 285, 2001 Sangre Vista Dr. and 1001 Tesuque Trail Ln, and is within the Monte Sereno Development.

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 § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC 1987 §1 4-3.1(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 December 22, 2022, 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 at the time of original of Monte Sereno Preliminary Development Plan approval (October 21, 1992).
5. SFCC 1987 Section 14-3.8©(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).
6. 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).
7. 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.
8. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met.
9. 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).

10. 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.
11. 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.
12. 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).
13. 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.
14. 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 proposed residential architecture buildings have a soft contemporary Santa Fe style architecture which matches the architecture within Monte Sereno.
15. 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.
16. 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.
17. 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.

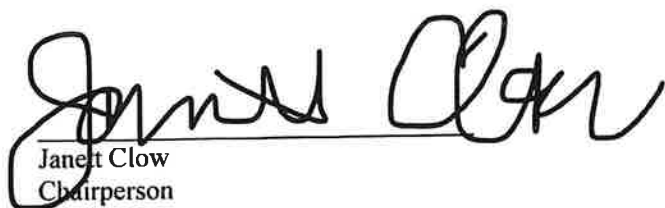
#### **WHEREFORE, IT IS ORDERED ON THE 4TH DAY OF MAY 2023 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

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).

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Janet Clow  
Chairperson

5/8/23

Date

FILED:

  
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Geraldyn Cardenas (May 15, 2023 14:43 MDT)

Kristine Bustos-Mihelcic  
City Clerk

XIV

May 15, 2023

Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Patricia Feghali  
Assistant City Attorney

5/4/2023

Date






# 23-0236 21 Club Holdings LLC Case #2023-6258

Final Audit Report

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