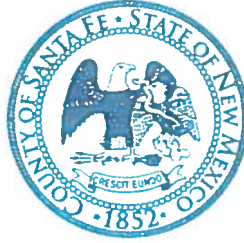


Henry P. Roybal
Commissioner, District 1

Miguel M. Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

**CDRC CASE # DP 15-5090 THE LEGACY AT SANTA FE
PINPOINT EQUITIES, LLC, APPLICANTS**

ORDER

THIS MATTER came before the County Development Review Committee (CDRC) for hearing on May 21, 2015, on the Application of PinPoint Equities, LLC (Applicant) for Final Development Plan approval in conformance with the Aldea de Santa Fe Amended Master Plan and Santa Fe County Ordinance No. 1996-10, the Santa Fe County Land Development Code (Code), to allow an assisted living facility on 6.78 ± acres. The CDRC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted subject to conditions, and makes the following findings of fact and conclusions of law:

1. The Applicant requests Preliminary and Final Development Plan approval for an assisted living facility in conformance with the Aldea de Santa Fe Amended Master Plan. The Amended Master Plan was approved in February of 2005, by the Extraterritorial Zoning Authority. The 6.78 ± acre site is designated for institutional uses within the Amended Master Plan. The institutional uses allowed under the Amended Master Plan include civic and religious organizations, including: museums; school buildings; school campuses; churches; retirement homes; botanical gardens; and accessory uses and structures.
2. The property is located at 34 Avenida Frijoles, North of 599, within Section 20, Township 17 North, Range 9 East.

3. The Applicant authorized Jenkins/Gavin Design & Development, Inc. to act on its behalf in respect to the referenced property and land use applications to be submitted to Santa Fe County, as evidenced by a copy of that authorization contained in the record.

4. The Applicant acquired the real property by warranty deed recorded as instrument 1823644 in the Santa Fe County Clerk's records dated November 3, 2000.

5. On the morning of the hearing on the Application before the CDRC, Applicant submitted a revised preliminary and final development plan relocating and realigning the onsite access road. After a discussion of the need to reevaluate the submission in light of the modification, the Applicant agreed to move forward with the original proposal.

6. The assisted living facility will be a 66,476 square-foot, two-story building, with a height of 33 feet and 10 inches. The building will contain 84 beds. The Territorial style building will have two interior open courtyards and will utilize Santa Fe County Utility water and liquid waste services. Access to the facility will be from Avenida Frijoles with secondary access off Avenida Aldea at the northeast portion of the site. The project will utilize 8.06 acre feet of water per year.

7. Staff presented a report which had attached submittals and plans from the Applicant, described the relevant Code requirements, and summarized reviewing agency comments and letters from the public. Staff supported the Application and recommended approval with the following conditions:

a) The Applicant shall comply with all review agency comments and conditions;

b) Final Development Plan with required signatures, shall be recorded with the County Clerk in accordance with the Code, Article V, § 7.2;

c) The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, in accordance with the Code, Article V, § 9.9;

d) An automatic fire protection sprinkler system is required as per Uniform Fire Code, Article 10 Section 1003.2.

e) Any driveway location change shall be reviewed for approval by the CDRC.

8. Applicant's agent presented a slide show and testified in support of the Application. She emphasized that the building was situated on the property to minimize view obstruction. The project will have significant landscaping and planted and screened retaining walls. She testified that the 6.78 acre tracts would have 72 percent dedicated open space. She also confirmed that three meetings with the community resulted in addressing the majority of the residents' concerns. She advised that the now abandoned request to relocate the main entrance to the facility was requested by area residents to mitigate the impact of the facility on neighbors.

9. Five (5) members of the public testified in support of the Application, including Arthur Fields the managing partner of Aldea LLC who confirmed that the proposed project supports the vision for the Aldea development. Barry Fields, an area resident confirmed that the presentation by the Applicant to the community was well received. Tony Brown, the onsite manager of Aldea de Santa Fe confirmed that the lift stations of Aldea have the capacity to take the wastewater flow of the proposed facility, that the roadways can manage the increased traffic and that the majority of the homeowners were in agreement with the project. Residents Laura and Sandy Clark confirmed that they support the project. James Talley, an area resident testified that eight

homes on his street are impacted by the proposed development and that all homeowners support the project.

10. The Applicant complied with the notice requirements of Article II, Section 2.4.2 of the Code. In advance of a hearing on the Application, the Applicant provided a certification of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty one days on the property, beginning on April 30, 2015. Additionally, notice of the hearing was published in the legal notice section of the Santa Fe New Mexican on April 30, 2015, as evidenced by a copy of that legal notice contained in the record. Receipts for certified mailing of notices of the hearing were also contained in the record for all adjacent property owners and Home Owners Associations.

11. The Code, Article V, § 5.2.1.b Article III, § 6.1 (Location) states: “large scale residential uses include multi-family residential uses, institutional-residential uses and resort uses and are allowed anywhere in the County provided the requirements of the Code are met.”

12. The Code, at Article V, § 7.1.2, sets forth submission requirements for preliminary development plans, all of which were met by Applicant. The Code at Article V, § 7.1 (Preliminary Development Plans), subsection 7.1.3 (Review) states: “a preliminary development plan may be only a phase or portion of the area covered by an approved master plan, so long as the preliminary development plan substantially conforms to the approved master plan.” The preliminary and final development plans are for only one lot within the Amended Aldea de Santa Fe Master Plan.

13. The Code, Article V, § 7.2 (Final Development Plan), subsection 7.2.2 (Review) states: “the final development plan shall be submitted to the County Development Review Committee accompanied by a staff report. The County Development Review Committee shall review the

plan and make a determination as to its compliance with the County General Plan and Code. The County Development Review Committee may recommend changes or additions to the plan as conditions of its approval. The final development plan as approved by the County Development Review Committee shall be filed with the County Clerk. The approved final development plan becomes the basis of development permits and for acceptance of public dedications. Any changes in the plan must be approved by the County Development Review Committee.”

14. The Code, Article III, § 6.3.4 (Maximum Height) states: “[s]tructures shall be limited to a maximum height of 36 feet from the highest point of the surface of the ground at the perimeter of the structure.”

15. State Agencies and County staff have confirmed that this Application is in compliance with state requirements as well as requirements set forth in Article III, § 6 Large Scale Residential Uses, Article V, § 7.1 Preliminary Development Plan and Article V, § 7.2 Final Development Plan of the Code.

16. The proposed facility conforms to the Amended Master Plan which zoned the subject property institutional.

17. The proposed use conforms to the Large Scale Residential Institutional Uses listed in the Code.

18. The height of the structure meets the Code requirements for a Large Scale Residential Use.

19. The preliminary development plan substantially conforms to the Amended Master Plan.

20. The final development plan conforms to the Sustainable Growth Management Plan of Santa Fe County as well as the Santa Fe County General Plan and the Code requirements for this type of use.

- 21. The Application satisfies the submittal requirements set forth in the Code.
- 22. The CDRC recommended the following conditions for approval of the Application:
 - a) The Applicant shall comply with all review agency comments and conditions.
 - b) Final Development Plan with required signatures, shall be recorded with the County Clerk in accordance with the Code, Article V, § 7.2.
 - c) The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation.
 - d) Automatic Fire Protection Sprinkler system shall be required as per Uniform Fire Code, Article 10 Section 1003.2.
 - e) Any driveway location change shall be reviewed for approval by staff. If there are any aspects of the driveway change that cannot be approved administratively the changes shall be heard by the CDRC.

WHEREFORE the CDRC hereby approves the request for Preliminary and Final Development Plan approval for an assisted living facility in conformance with the Aldea de Santa Fe Amended Master Plan and the Code, subject to the conditions set forth in paragraph 22 above. The motion to approve the Application passed by a 5-1 vote with Committee Member Anaya voting against the motion.

I certify that the Application was approved subject to conditions set forth in paragraph 22 by the CDRC on this _____ day of _____, 2015.


THE COUNTY DEVELOPMENT REVIEW COMMITTEE OF SANTA FE COUNTY

By: _____
Frank Katz, Chairperson

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:



Gregory S. Shaffer, County Attorney

Administrator's decision to reject a submittal for Master Plan, Preliminary and Final Development Plan as per the BCC conditions and the untimely manner of the submittal.

With respect to CDRC Case #A 13-5062, Member Martin moved to deny the applicants' request to appeal the Land Use Administrator's decision to reject a submittal for Master Plan, Preliminary and Final Development Plan as it was deemed untimely and did not constitute a complete application. Member Gray seconded and the motion passed by unanimous [6-0] voice vote.

C. CDRC CASE # DP 15-5090 The Legacy at Santa Fe: PinPoint Equities, LLC, Applicant, JenkinsGavin, Agents, request Preliminary and Final Development Plan approval for an Assisted Living Facility on 6.78 ± acres within Phase I-A of Aldea de Santa Fe. The 66,476 square foot facility will contain 84 beds and will be constructed 33 feet 10 inches in height. The property is located at 34 Avenida Frijoles, North of 599, within Section 20, Township 17 North, Range 9 East, (Commission District 2)

[Exhibit 1: Revised Applicant Proposal; Exhibit 2: Jason Gonzales email concerning access road; James & Barbara Talley letter concerning access road; Exhibit 4: Emails to JenkinsGavin supporting the development; Exhibit 5: Applicant slide show, site photos and drawings]

Ms. Lucero advised the CDRC that staff received a revised proposal [*Exhibit 1*] this morning that relocates and realigns the onsite access road to the project. Staff has not had the opportunity to conduct an analysis and the applicant would need to submit additional information – plans, profiles on the roadways, road sections, scaled drawings, slope disturbances, etc. – and following Land Use review, the plans would be forwarded to County Public Works and the Fire Marshal.

Ms. Lucero said the revised proposal creates an incomplete submittal that lacks a staff recommendation. She recommended the case be tabled if the applicant wants to use the revised plan.

Agent Jennifer Jenkins said they were prepared to go forward with the original proposal.

Mr. Larrañaga read the case caption and reviewed staff's report as follows:

“The Applicant is requesting Preliminary and Final Development Plan approval for an assisted living facility in conformance with the Aldea de Santa Fe Amended Master Plan and Santa Fe County Ordinance No. 1996-10, the Land Development Code. The Amended Master Plan was approved on February 2005, by the Extraterritorial Zoning Authority. The 6.78-acre site is recognized as an Institutional Use in the Amended Master Plan. The uses allowed, as per the Amended Master Plan, for an Institutional Use are: Educational Institutions; Civic and Religious Organizations. This includes: Museums, School Buildings, School

Campuses, Churches, Retirement Homes, Botanical Gardens, and Accessory Uses and Structures.

“The assisted living facility will be a two-story building, 33 feet and 10 inches in height. The 66,476 square-foot facility will contain 84 beds. The structure is designed in a simplified Territorial style with two interior open courtyards. The development will utilize water from the Santa Fe County Utility. The development will utilize the Santa Fe County Utility liquid waste system. The primary access to the site will be Avenida Frijoles, with secondary access off Avenida Aldea at the northeast portion of the site.

“Building and Development Services staff has reviewed this project for compliance with pertinent Code requirements and have found that the facts presented support this request: Institutional Use conforms with approved uses under the Amended Master Plan; the proposed use conforms with the Large-Scale Residential Institutional Uses under the Code; the height of the structure meets the Code requirements for a Large Scale Residential Use; the Preliminary Development Plan conforms to the approved Amended Master Plan; the Final Development Plan conforms to the Code requirements for this type of use; the Application satisfies the submittal requirements of the Code.

“The review comments from State agencies and County staff establish findings that the Application is in compliance with state requirements, Article III, § 6 Large-Scale Residential Uses, Article V, § 7.1 Preliminary Development Plan, and Article V, § 7.2 Final Development Plan of the Code.”

Mr. Larrañaga said staff recommends approval of Preliminary and Final Development Plan to allow an assisted living facility on 6.78 ± acres subject to the following staff conditions:

1. The Applicant shall comply with all review agency comments and conditions.
2. Final Development Plan with required signatures, shall be recorded with the County Clerk as per Article V, § 7.2.
3. The Applicant shall submit a financial guarantee, in sufficient amount to assure completion of all required improvements prior to Final Development Plan recordation, as per Article V, § 9.9.
4. Automatic Fire Protection Sprinkler system shall be required as per Uniform Fire Code, Article 10 Section 1003.2.
5. Any driveway location change shall be reviewed for approval by the CDRC. [Added by staff following the applicant’s presentation. Further modified at motion.]

Jennifer Jenkins, JenkinsGavin Design and Development, agent for PinPoint Equities was placed under oath. She introduced Ms. Gavin, a representative of PinPoint, the civil engineer, and the traffic engineer present this evening. PinPoint develops senior living facilities all over the country and Ms. Jenkins said Santa Fe is a community quite fortunate to have a state-of-the-art facility like this. Using a slide show, Ms. Jenkins

identified the site location within Aldea, noting it included a memory care component, and private-pay facility. This is one of the two designated institutions within Aldea. She identified the roadways and how the building is sited to minimize visibility,

Ms. Jenkins said they have been working with the westerly neighbors to relocate the driveway and have designated Avenida Aldea the main entrance as well as the service entrance and it will be signed as such. She demonstrated how the building was tucked down into the lot and provided excellent emergency access. The site is 6.78 acres with 4.8 acres or 72 percent of dedicated open space. The building will be of a territorial style with significant landscaping and planted and screened retaining walls. Slides demonstrated how the building would sit on the property and mitigate view obstruction.

Ms. Jenkins said three meetings were held with the community and she felt confident that they have responded to the residents' concerns.

Mr. Larrañaga corrected staff's report page NBC-5 stating the applicant has proposed 8.06 acre-feet not 10.0 acre-feet of water use.

Duly sworn, Arthur Fields, 18 Camino de Vecinos, Santa Fe, an Aldea resident and managing partner of Aldea LLC, stated approximately 10 years ago when they obtained a master plan amendment to include retirement housing, Mr. Fields said he hoped for a day like today with a project of this caliber. He lauded the integrity and credibility of the developers of the Legacy project and said this is the kind of project that supports the northwest side community. He urged the CDRC to support the application.

Duly sworn, Barry Fields, Arthur's brother and a resident of Aldea, said PinPoint gave an excellent presentation to the community and received an overwhelming positive response. He pointed out that this seven-acre site was zoned for institutional use.

Under oath, the onsite manager for Aldea de Santa Fe, Tony Brown said the Board of Directors have discussed the project and have no issues. The facilities' lift stations have the capability of handling the flow the Legacy facility, the roadways can handle the traffic increase and the majority of the homeowners are in agreement with the project. He said the few issues that remain are being handled by PinPoint and JenkinsGavin.

Duly sworn, Laura Clark present with her husband Sandy, residents of Aldea said they are very happy living in the community of Aldea. She said she was delighted a senior living facility would be located in Aldea.

James Talley, duly sworn, 35 Avenida Frijoles, Aldea, said there were eight homes impacted by this development on his street. The eight homeowners are pleased the facility is going in and appreciate their relationship with JenkinsGavin and PinPoint. The developer is willing to work with the neighbors to implement the best solutions as the construction and operation go into effect. He asked the CDRC to approve the request.

The public hearing was closed.

Ms. Jenkins returned to the podium to state the most recent meeting that occurred on May 20th is when the developers agreed to move the main entrance and mitigate impact on the neighbors. She said the driveway may require additional adjustments and asked that the CDRC allow the developer to make that adjustment with staff.

Chair Katz thanked the applicant for working with the neighbors.

Member Anaya moved to recommend approval with staff-imposed conditions (1-5). Member Martin seconded.

Chair Katz noted that condition 5 as proposed by staff requires the applicant to return to the CDRC for approval of the driveway adjustment.

The motion failed by a [3-4] with the Chair breaking the tie vote. Members Gonzales, Anaya and Martin voting in the affirmative.

Member Gray moved to approve DP 15-5090 with staff conditions 1-4 with staff approving any driveway modifications. Member Booth seconded.

Member Anaya asked whether staff could approve the driveway modification without CDRC approval. Ms. Ellis-Green said the amended driveway plan was submitted to staff five hours ago which is not enough time for an adequate staff review. From a cursory examination it may require at least one variance and if that is the case, staff cannot approve it.

Chair Katz recommended a friendly amendment to the motion that staff can approve the driveway change. However, if there are aspects that cannot be approved by staff it shall be returned to the CDRC. Members Gray and Booth accepted the amendment and the motion passed by majority [5-1] voice vote with Member Anaya voting against.

~~D. CDRC CASE # V/DP 13-5381 Elevation Multi-Family Community
Vedura Residential Operating, LLC, Applicant, JenkinsGavin,
Agents, request Preliminary and Final Development Plan approval
for a multi-family residential community consisting of 200 residential
units on 22.5 acres in conformance with Santa Fe County Ordinance
1996-10, the Land Development Code (the Code). The Applicant also
requests a variance of Ordinance No. 2000-12, Section 6.E.3.c) to
allow a no-outlet roadway to exceed 300 feet and a variance of the
Code, Article V, Section 8.1.1, which states that dead end roads may
not serve more than thirty (30) dwelling units. The site is
located at 63 College Drive, within the Community College District,
within Section 21, Township 16 North, Range 9 East, (Commission
District 5)
[Exhibit 6: JenkinsGavin Elevation slide show presentation; Exhibit
7: Bryce Krasnow email to Staff opposing the development; Exhibits 8 &~~