

**MINUTES  
TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION MEETING  
JANUARY 20, 2015 AT 6:00 PM  
27 E. FRONTAGE ROAD, EDGEWOOD COMMUNITY CENTER**

**1) Call to order-Roll call.**

Chairman Gabel called the meeting to order at 6:00 PM.

Commissioners Present: Brad Gabel, Leonard Navarre, Pat Markley

Commissioners Absent: John Carpenter

Staff Present: Stephen Shepherd, Kay Davis-McGill, Robert White Attorney, Tracy Sweat

**2) Approve Agenda.**

Chairman Gabel indicated he would entertain a motion to approve the Agenda.

Commissioner Navarre made a motion to approve the Agenda; his motion was seconded by Commissioner Markley.

***Action:*** Chairman Gabel voted aye. Commissioner Markley voted aye. Commissioner Navarre voted aye. The motion carried.

**3) Presentation by Mayor Brad Hill.**

Mayor Hill indicated there will be two appointments made at the first Council meeting in February and asked the Commission to postpone their Organizational meeting to their second meeting of February. He then polled the Commissioners for their preferences of full or alternate membership for the next year; all agreed to serve as regular members. Mayor Hill apologized for the delay, thanked the Commissioners for their willingness to serve, and asked if there were any questions.

Chairman Gabel asked about Commissioner Carpenter's status as a Commissioner.

Mayor Hill indicated he may have another project he would like to ask Commissioner Carpenter and his wife Roxie Carpenter to consider. He added he may appoint Commissioner Carpenter as an alternate on the Commission which would help to prevent any conflicts if the Carpenter's agree to take on the other project.

**4) Approval the Minutes of 12/16/2014**

Chairman Gabel asked if there were any changes or corrections required; hearing none he called for a motion.

Commissioner Markley made a motion to approve the Minutes as presented; his motion was seconded by Commissioner Navarre.

**Action:** Chairman Gabel voted aye. Commissioner Markley voted aye. Commissioner Navarre voted aye. The motion carried.

## 5) Public Hearing

**Quasi Judicial Procedure: Certification that public notice of this meeting has been posted as required:**

Ms. Sweat confirmed it had been posted as required.

**This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony**

Chairman Gabel reminded the Commission of their role for this Minor Subdivision Application Hearing as Review and Decision.

**Confirmation of no conflict of interest or ex-parte communication.**

Chairman Gabel asked for confirmation from each the Commissioners regarding conflicts of interest and ex-parte communication.

Commissioner Navarre confirmed no ex-parte communication or conflict of interest.  
Commissioner Markley confirmed no ex-parte communication or conflict of interest.  
Chairman Gabel confirmed no ex-parte communication or conflict of interest.

**Request for Minor Subdivision Plat, Lot 1 and the Southeast Quarter (SE ¼) of the Northeast 1/4 of Section 6, T10N R7E N.M.P.M., creating three lots from 78.60 acres, zoned R-1 Residential located at the SW corner of Nugent Road and Broken Arrow Trail.**

Chairman Gabel reviewed the process for a Public Hearing and called for the swearing in of all parties to give testimony. At this time staff and Mr. Ralph Hill, were sworn in. He then asked the applicants' agent, Mr. Youtsey, if he would like to present information and if so stated he would need to be sworn in.

The applicants' agent declined to be sworn in, stating he was present to observe on behalf of the applicant.

Mr. Ralph Hill indicated he owned and had developed property in the area and felt this applicant would continue with the quality work seen nearby.

At this time Mr. Youtsey was sworn in.

Mr. Shepherd read portions of the staff report into the record adding he had mistakenly requested a review from Santa Fe County Fire which is not required for a Minor Subdivision.

Chairman Gabel called for questions regarding the Staff Report.

Commissioner Navarre asked if the requirement for Certification from the County Treasurer regarding the past ten year of taxes was relevant for this application.

Mr. Youtsey stated the language did appear on the plat.

Ms. Davis-McGill stated this would be performed prior to recording.

Chairman Gabel stated he had a couple of questions from the General Provision as required for both Minor and Major Subdivisions, specifically Section 6.B.1. of the Subdivision Ordinance regarding Suitability for subdivision related to geography and flooding.

Mr. White agreed that in general this was an appropriate consideration and is applicable to all Subdivisions. He added the specific requirements for drainage and flooding are reserved for Major Subdivisions but suitability for subdivision is appropriate without getting into specifics in this case.

Chairman Gabel asked Mr. Youtsey if there were any issues related to the geography of the land including drainage and access for emergency services.

Mr. Youtsey responded that given the large lot size and access to Nugent Road by all three resulting lots, the subdivision would not impact these features.

Chairman Gabel stated there appeared to be a couple of oversights regarding the plat requirements. He asked if the zoning of the adjoining lots was listed on the plat as required in Section 9.C.4.c.6.g.

Mr. Youtsey responded it was not.

Chairman Gabel indicated this would need to be added. He also asked if the language required in Section 9.C.4.c.11, appeared on the plat.

Mr. Youtsey responded this was not mentioned during the meeting with staff as a requirement and therefore was not on the plat.

Ms. Davis-McGill stated they were going by the plat requirements for a minor subdivision.

Chairman Gabel responded that the plat requirements for a minor subdivision refer to requiring all the same format related requirements as a major subdivision final plat found in Section 8.A.1. He asked for Mr. Whites input.

Mr. White agreed there is a conflict between the Final Plat requirements and the requirements for a Minor Subdivision Plat as found in 8.C.3. He continued stating that in the law specifics generally rule over the more general and he felt they were trying to describe the format and look of the plat and not the

contents. He stated he would like to look into it some more but felt that for the purposes of this application the specific requirements as listed under Section 8.C.3 will control.

Chairman Gabel asked if this would speak to both the adjacent zoning and easement language.

Mr. White confirmed it did because there is a lesser standard in the Minor Subdivision Plat requirements.

Chairman Gabel stated that referring to the contents of the Final Plat in Section 8.A.1 is confusing if the requirements are going to be specifically outlined later in Section 8.

Mr. White stated they could look at clarifying this and felt defining the word “format” would also be helpful. He added if there had been a different intent for format then there would not be two different criteria spelled out for the Minor vs the Major Plat. The fact that specific requirements have been called out separately for each type of plat indicates that the format was intended to lend consistency for recording with the County Clerk.

Chairman Gabel stated these items may be something they want to consider adding to the Minor Subdivision requirements in the future.

Chairman Gabel asked if the Commission had any additional questions; hearing none he called for questions or comments from Staff.

Mr. Shepherd stated he did not have any questions and recommended approval of the Minor Subdivision.

Chairman Gabel closed the Public Hearing, moved into deliberations and reviewed the process. He then called for discussion,

Commissioner Markley stated it appears to be consistent with the current use in the area. He added the Subdivision would not diminish the emergency services since the roads are in place as well as utilities with the exception of sewer but with the large lot sizes, septic tanks could be used.

Commissioner Navarre did not have comment.

Chairman Gabel stated he would entertain a motion and reminded the Commission that it would need to include the application number and the legal description.

Commissioner Markley made a motion in the matter of application 2015-01 SU Minor Subdivision Application for the SE ¼ of the NE ¼ of Section 6, T10N, R7E N.M.P.M. be approved; his motion was seconded by Commissioner Navarre.

***Action:*** Commissioner Navarre voted aye. Commissioner Markley voted aye. Chairman Gabel voted aye. The motion carried.

Chairman Gabel added for the record that no action shall be taken on the subdivision until it has been signed and recorded in Santa Fe.

**6) Findings of Fact for Zone Change 2014-01: Adams, requesting C-2 zoning for three lots currently zoned R-1 located at 2006 Old Highway 66 Tract E-2 (1 acre) in Section 27 T10N R7E.**

Chairman Gabel reviewed this item for the Commission and asked Mr. White if the Witnesses Signed Up and Testifying was required to be listed on the Findings.

Mr. White agreed this did not need to appear on the Findings as long as the information regarding the date and time of the Public Hearing remained.

Chairman Gabel requested Items 2.1 and 2.2 be removed from the Findings prior to signature.

Commissioner Navarre made a motion to approve the Findings of Fact for the Adams request for a Zone Change with the modifications as recommended

Chairman Gabel suggested an amendment to the motion adding the case number 2014-01ZC.

Commissioner Navarre amended his motion to include the case number 2014-01 ZC; his motion was seconded by Commissioner Markley.

***Action:*** Chairman Gabel voted aye. Commissioner Markley voted aye. Commissioner Navarre voted aye. The motion carried.

**7) Findings of Fact Zone Change 2014-02: Doyle, Diane Stearley, Agent, requesting C-2 zoning for two lots currently zoned R-1 located at 2008 Old Highway 66, Tracts 2 (.333 acres), and 3 (.566 acres) in Section 27 T10N R7E.**

Chairman Gabel reviewed this item and requested the same modification be made to remove items 2.1 and 2.2. He added that Staff was unable to acquire verification of the setbacks as listed in the conditions for approval and asked staff to respond.

Mr. Shepherd stated that he visited the site with Ms. Sweat and they were unable to locate any property markers or verify the building setbacks. He added the applicant has proposed a request for a Zone Map amendment based on the property being zoned commercial prior to the Towns incorporation. The applicants' agent feels the Commercial Zoning should have carried over at the time the property was brought into the Town. Ms. Stearley is in the process of collecting evidence to this point. He stated they will look at the tax rate the lots are currently being billed at as well as the evidence from the County as to the previous zoning.

Chairman Gabel suggested the applicant should withdraw their request in light of the fact that neither of the conditions for approval can be met at this time and requesting input from Mr. White.

Mr. White responded the Commission had granted the Zone Change with the condition that the setback issues be addressed. Since these conditions to effectuate the Zone Change were not met, the zoning

shall not be changed. He continued stating approval of their Findings with the conditions not being met would deny the Zone Change but that a withdrawal from the applicant would serve to clean up the process as well.

Chairman Gabel indicated he was concerned about kicking it forward to the Council where they will be required to make a decision since the Commissions role is simply to review and recommend.

Mr. White stated when the application is heard by the Council it would still be denied because the conditions were not met. He added the Findings reflect the action the Commission took and they would need to make a decision on them but that acquiring a withdrawal from the applicant would wrap it up without any further action.

Chairman Gabel proposed the Commission approve these Findings pending any further discussion to bring this to a definitive close.

Commissioner Navarre asked if they should be approving it without the conditions having been met.

Chairman Gabel clarified they are approving the Findings of Fact as they had already recommended the Zone Change approval pending the conditions as stated. Without those conditions having been met, the zone change would not be recommended based on the Findings.

Mr. White agreed the Finding represented the action taken by the Commission and they would need to make a decision on them to complete the necessary record. The effect is that there will not be a Zone Change because the conditions were not met and it will terminate more quickly with a request for withdrawal.

Commissioner Navarre made a motion to approve the Findings of Fact for a Zone Change 2014-02 pertaining to Section 27 T10N, R7E; his motion was seconded by Commissioner Markley.

Chairman Gabel requested an amendment to the motion to include the removal of items 2.1 and 2.2.

Commissioner Navarre amended his motion to strike 2.1 and 2.2.

**Action:** Chairman Gabel voted aye. Commissioner Markley voted aye. Commissioner voted aye. The motion carried.

- 8) Public Comment. Limit to 2 minutes per person. Note: If you plan to speak under Public Hearings, please do not sign up for this topic.

None.

- 9) Matters from the Chair and Commission Members.

Chairman Gabel stated he had met with Commissioner Markley over the weekend to help introduce him as a new member to the procedure, conduct of business and public hearings.

There were no other matters from the Commission.

**10) Matters from Staff.**

Discussion of Performance-Based Setback process and application.

Mr. Shepherd stated the Performance Based Setback application is new to this Ordinance and therefor a form would need to be created. He added they had put together a draft application for the Commission to look at and would like to work with them in establishing a process

Chairman Gabel added a Performance Based Setback request could come in associated with other applications as well as at the time of a single lot development which would not come before the Commission for review. The concern is the level at which the P & Z will interact with a Performance Based Setback request. He suggested the Commission review the draft application and then discuss the process at the next meeting.

Mr. White stated he would look at the three examples presented as well as the application and be prepared to discuss at the next meeting.

**11) Calendar Update.**

Chairman Gabel stated the next regularly scheduled meeting is February 3, 2015. He asked if there were any pending applications.

Ms. Sweat responded there were none.

Chairman Gabel suggested they could work on the Performance Based Setbacks during the next meeting.

**12) Adjourn.**

Commissioner Navarre made a motion to adjourn.

**Action:** Chairman Gabel voted aye. Commissioner Markley voted aye. Commissioner Navarre voted aye. The motion carried.

Chairman Gabel adjourned the meeting at 7:12 P.M.

\_\_\_\_\_  
Brad Gabel, Chairman

ATTEST:

