

**MINUTES  
TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION MEETING  
MARCH 17, 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, Kay McGill

Commissioners Absent: Dan Thompson

Staff Present: Stephen Shepherd, Robert White, Tracy Sweat

2) Approve Agenda.

Chairman Gabel asked if there were any changes; hearing none, he called for a motion to approve the Agenda.

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

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

3) Approval the Minutes of 3/3/2015

Chairman Gabel asked for one correction to the spelling of his name under item 6 and asked if there were any other corrections or changes; hearing none he called for a motion to approve the minutes with one correction.

Commissioner Markley made a motion to approve the Minutes of March 3, 2015, with the correction as noted; his motion was seconded by Commissioner McGill.

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

4) Request for Zone Change

4.a Beehive Homes of Edgewood is requesting a Zone Change from R-3 Residential/Institutional to S-U Special Use for a Lot located at 102 Quail Trail, Tract 1-A-1 Lands of Markley Enterprises, LLC, Section 27 T10N R7E NMPM.

Chairman Gabel reviewed the role of the Commission in the Zone Change process stating their task was to review the application and forward a recommendation to the Council for a Public Hearing. The Commission will follow an abbreviated protocol during this regular meeting since this item will be heard as a Public Hearing at the Council level. He continued stating they would go through the process to recognize any ex-parte communication regarding the application or any conflicts of interest including any necessary recusals due to those conflicts.

Chairman Gabel polled the Commission for Ex-Parte Communication or Conflicts of Interest at this time.

Commissioner McGill stated she felt she should recuse herself as she was working as a consultant to the Town and did enter into discussions regarding the subject property but not the Zone Change specifically. She added she would leave it up to the Chairman and the Commission as to whether or not she should recuse herself.

Commissioner Markley recused himself as he is the owner of the property in question.

Commissioner Navarre indicated he did not have any ex-parte communications nor a conflict of interest.

Chairman Gabel indicated he did not have any conflicts of interest or ex-parte communication related to this case.

Chairman Gabel stated he did not feel it was his place to judge the recusal of Commissioner McGill but was inclined to agree with her position that it would be appropriate for her to recuse herself if only for appearances. He continued expressing his concern that only two members would be able to consider the case and asked how that affects the overall quorum requirement.

Mr. White responded the Commission is required to have a quorum in conducting their meetings and therefore they would be without a quorum for this item.

Chairman Gabel stated he was prepared to move forward with two recusals but in light of Commissioner Thompson's absence felt it was necessary to table this item.

Commissioner Navarre stated that he agreed it should be tabled but wondered if he would ask a couple of questions.

Mr. White indicated he could.

Commissioner Navarre asked for clarification on the date listed on the application as February 29, 2015, stating there was not a February 29, this year. He also questioned the inconsistency between the Zoning requested on the application and the requests as it appears on the Agenda.

Ms. Sweat responded there had been conflicting notices posted as the application moved through the review process with the Attorney's but it was found that the original request as it appears on the application was appropriate.

Commissioner Navarre stated he had to operate with the paperwork in front of him and expressed concern that they had approved the Agenda with the request listed as S-U and not as it appears on the application and asked if this should be corrected on the next Agenda.

Mr. White responded the requested Zoning that appears in the published notices should be consistent with the Zoning to be considered at the hearing and asked for clarification from staff as to the requested Zoning.

Ms. Sweat responded the entire lot currently carries R-3 Zoning and the request is to create a multi-zoned lot in which the Southern portion would be changed to M-U.

Mr. White stated it should be listed consistent with the intended outcome of the zone change.

Chairman Gabel expressed concern regarding staffs strict interpretation of the R-3 permissive uses and felt this request may not be required.

Mr. White stated he would like to look at this with staff prior to the next meeting.

Commissioner Navarre made a motion to table this item to the meeting of March 31, 2015; his motion was seconded by Chairman Gabel.

**Action:** Chairman Gabel voted aye. Commissioner Navarre voted aye.

Mr. White stated technically this item is tabled until such time as a quorum is present and the minutes should indicate no action was taken due to lack of a quorum.

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

Mr. John Bassett presented the Commission and staff with a handout regarding changes the Council had made to the Subdivision Ordinance and wanted the Commission to see them. He felt they had made a mistake in the way they put the language back together in the Minor Subdivision Section because it doesn't match what was voted on that night at the Council. He discussed the Santolina article he provided stating it was an interesting opinion piece about subdivisions. He added there were also changes made to the Zoning Ordinance in an effort to make it jive with the Planning Commission Ordinance but felt they had missed the mark and asked the Commission to see if it lines up. Mr. Bassett asked about the Hillcrest Minor Subdivision application he had seen in the paper stating this is a Master Plan and at the time it was approved there was not a process for minor subdivisions. He asked if the

Commission had considered how a Minor Subdivision would work within a Master Plan.

Commissioner McGill asked if this was something the Commission would be hearing and they should not be listening or talking about it.

Chairman Gabel agreed they should refrain of speaking about specific applications.

6) Matters from the Chair and Commission Members.

Chairman Gabel discussed the upcoming training opportunities including the MRCOG workshop on May 22, 2015 and asked the Commission to let staff know if they planned to attend. He added they would be handling the Election of Officers at the next meeting. He then asked if the Commissioners had any matters to discuss; none were heard.

Discussion of Performance-Based Setback process and application.

Chairman Gabel listed some of the scenarios in which a Performance Based Setback request could come forward and the role of the Commission in relation to each. This brought to light the need for a process and an application document so they are handled consistently in each situation. He added that a Performance Based setback feels very much like a variance which deals with height, dimensions, and in our Ordinance it also includes setbacks. A Variance also requires a public hearing which includes public notification and posting as part of the process.

Commissioner McGill requested a definition of Performance because she does not feel they have the expertise to measure performance. She asked if this was something that would be approved by the Engineer or the Fire Department.

Chairman Gabel agreed they needed a better definition as the way the Ordinance is written is pretty vague. He added it does place the burden on the Planning & Zoning Commission but does not spell out a procedure.

Mr. White stated they were dealing with terms of art in Land Use and suggested the Town Engineer could lay out what performance based standards are for setbacks and describe some of the scenarios that would warrant a need for one.

Chairman Gabel agreed and added this would provide them with the information they needed to draft up a process and the associated application. He requested staff look into scheduling a presentation by the Town Engineer.

Mr. Shepherd asked if the Chairman had a timeline in mind.

Chairman Gabel suggested it be scheduled for May.

7) Matters from Staff.

Mr. Shepherd reviewed the handouts regarding Robert's Rules of Order, Meeting Conduct and the motion template draft. He invited Ms. Sweat to elaborate.

Ms. Sweat reviewed each of the documents in more detail stating the intent for the motion templates was to provide the Commission with a reference for use when it came time to make a motion.

Chairman Gabel added they could also look to the reference guide for information on Robert's Rules and making motions.

Ms. Sweat stated she had included two examples for making motions to deny an application. She also stressed the importance of including the full legal description as well as the pertinent information from the application because it becomes part of the record and presents a clear path for future tracking.

Chairman Gabel asked about the necessity of full legal descriptions being read into the record at the P & Z level when their role is strictly to review and make a recommendation.

Ms. Sweat responded that there have been instances when the Council made approvals of the recommendations from the P & Z with a simple statement and felt it was important to include the full legal description at the P & Z level. She added it should be done at both levels, but would prefer it begin at P & Z.

Commissioner McGill requested staff draft up a motion cheat sheet to accompany the application documents and to include the full legal description as it should be stated.

Chairman Gabel added the correct and complete legal description should appear in the staff report and therefore they would not require anything additional, so long as it is complete on the report.

Ms. Sweat discussed the NMLZO training that is coming up in Albuquerque, May 7, 2015 and asked the Commission to let her know if they plan to attend.

Mr. White indicated it was good training.

Commissioner Navarre stated he would not be able to attend the first P & Z Meeting in May but would be available for the training in May 7, 2015.

8) Calendar Update.

Chairman Gabel stated he had requested scheduling next meeting a week early and it was now scheduled for March 31, 2015 and asked if that would work. He added he would like to undertake the Election of Officers and also pick up the tabled item from tonight.

Ms. Sweat indicated they should discuss meeting dates for April so she may begin notification on upcoming applications.

The Commission entered into discussions regarding the schedule for April and agreed to meet on April 7, and April 14, 2015.

9) Adjourn.

Commissioner Navarre made a motion to adjourn; his motion was seconded by Commissioner Markley.

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

Chairman Gabel adjourned the meeting at 6:45 P.M.

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Brad Gabel, Chairman

ATTEST:

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Leonard Navarre, Secretary P & Z