

**AGENDA
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
SEPTEMBER 1, 2015 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

The Town of Edgewood Planning & Zoning Commission is pleased to have residents of the community take time to attend commission meetings. Attendance and participation is encouraged. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harrasing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcome and should be given to the town administrator prior to the start of the meeting.

- 1. CALL TO ORDER & ROLL CALL.**
- 2. APPROVAL OF AGENDA.**
- 3. APPROVAL OF MINUTES.**
 - A. Draft Planning & Zoning Commission Meeting Minutes of August 18, 2015.
- 4. PUBLIC COMMENT: (Limited to 2 minutes per person)**
- 5. CONSIDERATION OF ISSUES OF NOTICE IN VARIANCE REQUEST FOR # 6 AND 8 MARIETTA COURT**
- 6. FINDINGS OF FACT FOR VARIANCE REQUEST FOR #6 & #8 MARIETTA COURT**
 - A. 6 Marietta Court, Lot 19R, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, New Mexico.
8 Marietta Court, Lot 18R, Edgewood Plaza Subdivision, located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe, County, New Mexico.
- 7. OLD BUSINESS.**
- 8. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.**
- 9. MATTERS FROM STAFF.**
- 10. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.**
- 11. ADJOURN.**

A copy of the agenda may be obtained at the Town Office, 1911 Historic Route 66 during regular business hours of 8:00 am - 5:00 pm. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town Clerk at 505-286-4518 at least one week prior to the meeting or as soon as possible.

**MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
AUGUST 18, 2015 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL.

Madame Chair McGill called the meeting to order at 6:00 pm and asked for Roll Call. Commissioners present were: Dan Thompson, Pat Markley and Brad Gabel. Commissioners not present were: Leonard Navarre. Also present were: Steve Shepherd, Town Administrator, Attorney Bob White, and Bonnie Pettee, Planning Assistant.

2. APPROVAL OF AGENDA.

Commissioner Gabel questioned the sequence of the Call for Public Hearing that took place at the last meeting. He thought there was an extra step, being a discussion prior to the Call for Public Hearing.

Steve Shepherd explained a "call for Public Hearing" is really not required for a variance and there was no documentation dispersed.

Attorney White agreed with Mr. Shepherd that it was not necessarily required. Public Notices were sent out to the property owners and the meeting notices were posted as required.

MOTION: Commissioner Gabel made a motion to approve the agenda for tonight's meeting. Commissioner Markley seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. The motion carried.

3. APPROVAL OF MINUTES.

A. Draft Planning & Zoning Commission Meeting Minutes of July 7, 2015.

MOTION: Commissioner Thompson made a motion to approve the minutes of the July 7, 2015 meeting. Commissioner Gabel seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley abstained, due to his absence at the meeting. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. The motion carried.

B. Draft Special Planning & Zoning Commission Meeting Minutes of July 30, 2015.

MOTION: Commissioner Markley made a motion to approve the minutes of the July 30, 2015 meeting. Commissioner Thompson seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel abstained, due to his absence at the meeting. Madame Chair Mc Gill voted aye. The motion carried.

4. PUBLIC COMMENT: (Limited to 2 minutes per person)

Mr. John Bassett stated he had a problem with the notice of the Public Hearing. He owns property on the north side of I-40 across from the subject property. He did not receive a letter of Notice of the Public Hearing for the variance. Since the Early Neighborhood Notification and Recognition Ordinance N. 2006-2 was not followed correctly, the Public Hearing should be deferred until the proper notifications are complete.

Steve Shepherd stated that that his property was within the 500' radius. Madame Chair McGill replied staff will check this out.

5. PUBLIC HEARING.

Legislative Procedure: Certification that public notice of this meeting has been posted as required.

Madame Chair McGill explained the Legislature procedure for this Public Hearing and asked if the Public Notice had been posted as required.

Steve Shepherd certified that it had.

Madame Chair McGill stated that she had received a call from the applicant regarding the proposed project. She relayed to the applicant she could not discuss this with him and referred him to Mr. Shepherd.

Commissioner Gabel confirmed that he had no ex parte communication or conflicts of interest.

Commissioner Thompson confirmed that he had no ex parte communication or conflict of interest.

Commissioner Markley confirmed that he had no ex parte communication or conflict of interest.

Madame Chair McGill asked if anyone would protest her participation in the Hearing. There were no protests.

Scott McCall, Myra Pancrazio, John Bassett, and Steve Shepherd were sworn in.

A. CONSIDERATION OF A VARIANCE REQUEST FROM ZONING ORDINANCE No. 2014-02 FOR SETBACKS AND BUILDING HEIGHT AT #6 MARIETTA COURT.

B. CONSIDERATION OF A VARIANCE REQUEST FROM SIGN ORDINANCE NO. 2009-02 FOR HEIGHT, NUMBER, SIZE AND TYPE OF SIGNS FOR #6 & #8 MARIETTA COURT.

Steve Shepherd presented the Staff report. He explained the variances are requested for a proposed 72 room hotel. Variances requested are: height of the building to 60', rear setback to 12 -13', and sign variances for 2 pylon signs, one being 70' tall, with 244.062 square feet in size along 1-40, and one similar to the Dollar Tree sign along Marietta Ct. He added that the Subdivision Ordinance and Landscape Ordinance would be added to the Finding of Fact as provisions that may be required.

Commissioner Gabel inquired about the discussions with the Santa Fe County Fire Department with regards to the height of the structure.

Mr. Shepherd replied that the height was not an issue for them. They were concerned about being able to access the windows on the backside of the building.

Commissioner Markley asked if a traffic study would be necessary.

Mr. Shepherd replied that DOT makes that determination; currently there is an acceleration lane, a deceleration lane, and a turning lane already in existence.

Mr. Scott McCall addressed the Commissioner and staff. He noted his deep roots in the community; being born and raised here. He explained that a feasibility study was done here a few years ago to see if a hotel was viable. Due to the lack of a sewer system in Edgewood at that time, it was deemed not feasible. However, he continued, now Edgewood is ready and in need of a hotel. He described the proposed hotel as upscale, with the design & structure being a requirement of the Choice Hotels prototype, with amenities the consumer is looking for. He explained his need for the height variance of the sign due to only one exit from the interstate for Edgewood. If a traveler was to miss the exit, they would continue on to the next city to meet their needs.

Commissioner Gabel expressed his appreciation for a complete presentation by the applicant. He asked for clarification on the rear set back.

Mr. McCall replied the requirement is 15'; he is asking for 12' based on what the architect felt would be reasonable and still allow for suitable parking for large vehicles.

Madame Chair McGill opened the Public Hearing to those sworn in.

Myra Pancrazio addressed the Commissioners and Staff. She is the Executive Director of Estancia Valley Economic Development and working with the Town of Edgewood to bring businesses to the Town. She spoke in favor of the hotel project.

John Bassett inquired about the Staff Report asking for clarification on Santa Fe County Fire Department's position regarding what has been proposed.

Mr. Mc Call replied that he has hired an architect who has drawn 16 other hotels in the area. He has spoken to the Fire Marshall about the design of the building. The Fire Marshalls concern is the ability to evacuate the guests and extinguish the fire quickly. The design of the building includes a 150' fire hose at each end. He affirmed that he would have an agreement/approval from the Fire Marshall prior to any construction.

Mr. Bassett asked of Staff how this project fits in with the Comprehensive Plan.

Madame Chair McGill replied that this project falls within our Economic Development Strategies. She cited from the "plan" page 74, Item 17; "targeting and recruiting new employers to locate in Edgewood, with emphasis on serving local needs and securing higher wage jobs."

Mr. Bassett stated in the last sentence of the Staff Recommendation, the word "may" should be changed to "shall", since they are our Ordinances.

Madame Chair McGill stated the word will be changed.

Commissioner Thompson asked if the easement behind the building could include other properties.

Steve Shepherd replied that the land behind the proposed hotel has a significant slope and would not be possible for an easement.

Mr. Bassett stated that he owns property within 500' from the proposed project and did not receive a Notice of Variance. Without proper notice the meeting should be stopped and deferred to a later date after all property owners have been notified.

Mr. Shepherd replied he did not realize the north side of I-40 was within 500'.

Attorney White added that all signs were posted properly, as well as letter distributed the property & business owners on the south side of I-40 according to required procedures. Mr. Bassett was aware of the meeting; he attended and testified. So, not receiving a letter should not be a problem for him. Attorney White continued stating that the Ordinance states it is the responsibility of the applicant to notify the adjacent property owners. There is no time limit on notification letters, only that it contains day, time and place.

A discussion ensued with regards to how to proceed. It was the consensus of the Commission to move forward with a motion.

MOTION: Commissioner Gabel made a motion to approve the application for variance pertaining to 6 & 8 Marietta Court, Edgewood, NM, Lot 18R & 19R, Edgewood Plaza Subdivision located in Section 28, Township 10 North, Range 7 East, Edgewood, Santa Fe County, NM under the Zoning Ordinance 2014-02:

- Approving a setback variance at the rear of the property to 12' subject to Santa Fe County Fire Department approval of a detailed development plan.
- Further, approve a building height variance not to exceed 60.
- Further to approve a variance under Sign Ordinance 2009-02, for pylon sign #2 providing for maximum height of 70' and face size of 244 square feet.
- Further, approval of a variance allowing placement of 2 pylon signs, per Sign Ordinance 2009-02, Section 4.C, with placement along the same frontage.
- No variance is required for sign #3 or the building sign #1.
- Future developments shall be subject to: Grading & Drainage 202-1, Zoning Ordinance 2014-02, Fire & Rescue Impact Fees 2014-09, Uniform Fire Code, and Subdivision Ordinance 2014-03.

Commissioner Thompson seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. Motion carried.

6. FINDINGS OF FACT FOR MINOR SUBDIVISION PLAT.

- A. Russell Fausnaugh at #96 Skyline Drive; Requesting a Minor Subdivision for Tract A, 2.499 acres, Lands of Huppertz/Marie, located in the SW ¼ of Section 35, T10N, R7E N.M.P.M., Edgewood, New Mexico.

Steve Shepherd presented the Findings of Fact for Minor Subdivision Plat. Madame Chair McGill asked if there were any questions. There were none.

MOTION: Commissioner Gabel made a motion to approve the Findings of Fact, Conclusions of Law and Recommended Order in the matter of Case 2015-SU, a minor subdivision plat for property located at 96 Skyline Drive, Tract A, Lands of Huppertz/Marie, SW ¼ of Section 35 T 10 N, R 7 E N.M.P.M. Edgewood, Santa Fe County, NM.
Commissioner Markley seconded the motion.

VOTE: Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. Motion carried.

Attorney White made recommendations for completing the Findings of Fact for the Public Hearing for Variance.

7. OLD BUSINESS.

None.

8. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.

None.

9. MATTERS FROM STAFF.

Steve Shepherd reported that he had called Santa Fe County regarding the Performance Based Setback. The person he needed to speak to was out of the office and will return on the 20th. He will follow up.

Bonnie Pettee commented on the New Mexico Municipal League Planning Conference being held on September 16 – 18, 2015. She asked Commissioners to respond by September 2, 2015 if they would like to attend.

Commissioners Thompson, Markley & Gabel stated they would not attend. Madame Chair McGill would like to attend.

10. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

Madame Chair McGill stated she would not be present at the September 1st meeting. Commissioner Gabel will Chair the meeting.

Commissioner Gabel will not be present at the September 15th meeting.

11. ADJOURN.

MOTION:

Commissioner Markley made a motion to adjourn the meeting of August 18, 2015. Commissioner Thompson seconded the motion.

VOTE:

Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Gabel voted aye. Madame Chair Mc Gill voted aye. Motion carried.

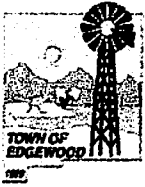
Madame Chair McGill adjourned the meeting at 8:15 pm.

PASSED, APPROVED, and ADOPTED this 1st day of SEPTEMBER, 2015.

Kay McGill, Chairperson

ATTEST:

Leonard Navarre, Secretary



**BEFORE THE TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

IN THE MATTER OF AN APPLICATION BY:

SCOTT & AMY MCCALL

CASE: 2015-01 V

FOR BUILDING AND SIGN VARIANCES
FOR PROPERTY LOCATED AT 6 & 8 MARIETTA COURT, EDGEWOOD, NM 87015
LOTS 18R AND 19R OF THE EDGEWOOD PLAZA SUBDIVISION LOCATED IN SECTION 28,
TOWNSHIP 10 NORTH, RANGE 7 EAST, EDGEWOOD, SANTA FE COUNTY, NEW MEXICO.

1. APPLICATION PROCESS

1.1 LEGAL:

- A) A REQUEST FOR CONSIDERATION OF A VARIANCE REQUEST FROM ZONING ORDINANCE 2014-02, AS AMENDED, FOR SETBACKS AND BUILDING HEIGHT AT #6 AND #8 MARIETTA COURT, EDGEWOOD, NEW MEXICO 87015.
- B) A REQUEST FOR CONSIDERATION OF A VARIANCE REQUEST FROM SIGN ORDINANCE 2009-02 FOR HEIGHT, NUMBER, SIZE, AND TYPE OF SIGNS FOR #6 AND #8 MARIETTA COURT, EDGEWOOD, NEW MEXICO 87015.
- C) 6 MARIETTA COURT, EDGEWOOD, NM 87015: LOT 19R, EDGEWOOD PLAZA, .960 ACRES, TOWNSHIP 10 NORTH, RANGE 7 EAST, SECTION 28

8 MARIETTA COURT, EDGEWOOD, NM 87015: LOT 18R, EDGEWOOD PLAZA, .940 ACRES, TOWNSHIP 10 NORTH, RANGE 7 EAST, SECTION 28

2. NOTIFICATION

Public Hearing notification printed in the Independent was requested on August 3, 2015, and printed on August 5, 2015. The adjoining property and business owners were hand delivered letters noticing the public hearing and Public Hearing Notices were posted at the six Town of Edgewood public posting locations, on August 3, 2015. Two (2) yellow notice signs were posted on the property proper, and one (1) sign outside the Route 66 easement on August 3, 2015. It was disclosed during the meeting that one property owner of the north side of Interstate 40 was not properly noticed

3. PUBLIC HEARING

On August 18, 2015 at approximately 6:00PM, the Planning & Zoning Commission heard this case for approval or disapproval of a variance request from the Zoning Ordinance 2014-02, as amended, for

setbacks and building height; and a variance request from the Sign Ordinance 2009-02 for height, number, size and type of signs for 6 & 8 Marietta Court, Edgewood, NM.

3.1 WITNESSES TESTIFYING:

Mr. Scott McCall, Ms. Myra Pancrazio, and Mr. John Bassett

4. FINDINGS OF FACT

4.1 The Edgewood Planning & Zoning Commission is authorized to hear this case and to make a decision to approve or disapprove the request for variances for Mr. Scott McCall.

4.2 The requested application approval recommendation is within the jurisdiction of the Commission to issue approval of the requested variances under Zoning Ordinance 2014-02, as amended, and Sign Ordinance 2009-02.

4.3 Recommendation of approval of these variances:

- a) Is consistent with the general intent and purposes of the Ordinances referenced above; and
- b) Is consistent with the initiatives listed in the Comprehensive Land Use Plan for the Town of Edgewood, Section V, Action Plans Recommended, 17) Economic Development Strategies, on Page 74; and
- c) Will not adversely affect the general plan of the Town or be contrary to the general public health and welfare.
- d) Where, owing to the nature of the proposed project, a literal enforcement of Zoning Ordinance 2014-02, as amended, and Sign Ordinance 2009-02, would result in unnecessary hardship.

5. CONCLUSIONS OF LAW

The requested variances for property located at 6 & 8 Marietta Court, within Edgewood Plaza Subdivision, Lots 18R & 19R, Township 10 North Range 7 East, Edgewood, Section 28, Santa Fe County, New Mexico.

5.1 Determined to have met the requirements for Variance per the Zoning Ordinance 2014-02, as amended and Sign Ordinance 2009-02 with the following conditions:

- a) Town Ordinances to be followed when the lots are developed are:
 - Zoning Ordinance 2014-02, as amended
 - Sign Ordinance 2009-02

- Grading & Drainage 2001-01, as amended 11/04/10
- Landscaping Ordinance 2000-05
- Uniform Fire Code 1999-T

b) Other items required:

- Payment of Santa Fe County Fire & Rescue Impact Fees
- Attain Santa Fe County Fire Department Approval of a Detailed Development Plan

5.2 The proposed project and variances are not detrimental to the public health, safety or welfare in the zone in which it is proposed.

5.3 The proposed project and variances will not result in adverse impact on neighboring properties.

6. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated above, the Town of Edgewood Planning and Zoning Commission orders that Case 2015-01 V, a request by Scott McCall for 6 & 8 Marietta Court, Edgewood, NM is hereby granted as detailed in the motion approved on August 18, 2015 as described in the minutes of that meeting on page #4.

WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW WAS APPROVED BY THE EDGEWOOD PLANNING AND ZONING COMMISSION AT A SCHEDULED PUBLIC MEETING HELD SEPTEMBER 1, 2015.

Kay McGill, Chairperson
Town of Edgewood Planning and Zoning Commission

Dated

Attest:

Leonard Navarre, Secretary
Town of Edgewood Planning & Zoning Commission

Dated