

PLANNING & ZONING COMMISSION MEETING
6:00 P.M. November 17, 2008
EDGEWOOD COMMUNITY CENTER
26 E. FRONTAGE ROAD
MINUTES

1. CALL TO ORDER:

Vice Chairman Chemistruck called the meeting to order at 6:00 P.M.

In Attendance: Commissioners Chemistruck, Fleming, Fulwiler, Turner, and Wilhite were present. Commissioner Schober was absent.

2. APPROVE AGENDA

Action: Commissioner Wilhite made a motion to approve the Agenda. Commissioner Fulwiler seconded the motion. The motion carried unanimously.

3. APPROVAL OF MINUTES

Action: Commissioner Wilhite made a motion to approve the minutes of November 3, 2008. Commissioner Fulwiler seconded the motion. The motion carried unanimously.

4. CONTINUATION OF PUBLIC HEARING: LAND DIVISION OF ADKISON. REQUEST TO SUBDIVIDE 3.0 ACRES INTO 2 LOTS. T10N, R7E, SECTION 27 located in Edgewood, N.M.:

Staff affirmed public notices had been posted and the property had also been posted. The Commissioners confirmed there were no conflicts of interest or ex parte contacts. Commissioner Fulwiler administered the oath to all parties wishing to testify. Tim Oden introduced himself as the representative for Michael and Vivian Adkison. In September, the Commission approved the pre-application of a land division request by the Adkison's. Mr. Oden stated that he has since submitted a request for a waiver of certain documents required in the Subdivision Regulations for preliminary and final plat they are:

1. Section 8B, 2F 8; subsections B, D, and H.
2. Supplementary material and final plat required for: Section 8C, 6E; subsections 1-5
3. Design Standards: Section 10K
4. Required improvements, Section 9
5. School Impact Report, Section 10

In addition, Mr. Oden submitted a letter from Ms. Sherry Abraham, the applicant's sister, stating that there is a medical reason for the subdivision request. Mr. Oden also submitted a letter from Tom Torres of N.M. American Water about availability of service.

The applicant, Michael Adkison, testified that his wife has been diagnosed with terminal cancer and they will need help to provide care for her. Commissioner Fulwiler asked if the Fire Department had been consulted. Ms. Mahalick stated that she had consulted with the Fire Department and was told that they did not require an additional fire hydrant for a two lot split. Ms. Mahalick also reported that she had spoken to New Mexico American Water and they will be making improvements to the water line over the next couple of years and did not feel the lot split would create any problems as far as being able to service the area in the event of a fire. Commissioner Wilhite asked what the lot line setback requirements were in that area. Ms. Mahalick stated that; since the property is not on a corner lot, the District Standards apply. Commissioner Turner asked Mr. Oden if the existing shed was within the required 10' setback. Mr. Oden stated that on the preliminary application, the shed setback was at 9.8'. Mr. Oden confirmed that he made the correction on the final plat submittal. Commissioner Turner also had Mr. Oden verify that the shed is on a concrete slab. Commissioner Turner asked Ms. Mahalick if she had received any negative feedback. Ms. Mahalick stated that she had not received any negative feedback. Commissioner Turner asked Ms. Mahalick if she had any concerns. She stated that she had spoken to the applicants and they are aware that they will have to put a culvert in. The road department felt that this subdivision would not have a negative impact on the road and that

there were no drainage issues with the front of the property. Vice Chairman Chemistruck asked if there were any neighbors present that would like to testify. No one came forward.

Action: Commissioner Wilhite made a motion to approve **SU-2008-11**, the preliminary and final subdivision of the Adkison's property. Commissioner Turner seconded the motion.

Commissioner Fulwiler voted aye. Commissioner Wilhite voted aye. Commissioner Fleming voted aye. Commissioner Turner voted aye. The motion passed.

Out of Public Hearing

5. SIGN ORDINANCE DISCUSSION:

Commissioner Chemistruck discussed page 6 of the Sign Ordinance Working Draft calling out 1.5 miles in between billboards. He counted 9 billboards between the Bernalillo County Line and the Edgewood Exit. Commissioner Chemistruck suggested that the "billboard" section be deleted entirely because he felt there were already too many billboards in our community. Commissioner Turner suggested that; since the Business Community had a list of specific issues in the Sign Ordinance that they were requesting relief from, that the Commission focus on those issues tonight. Commissioner Turner's recollection of the specific requests that Mr. Lawson discussed a few meetings ago were:

1. Larger signage
2. Off premise signage to direct people off Old 66 to your business
3. Provisions for temporary signs, such as banners.
4. More flexibility in the variance process
5. Comprehensive sign program

Council placed several caveats and limitations on the Commissioners with regard to the Sign Ordinance and one of them was no billboards and the other was compliance with the Night Sky. There was also discussion about the 200+ square footage and the use of Kiosk signage. Commissioner Fulwiler felt the definitions that are in the current Sign Ordinance are an essential element of the Ordinance and suggested the Commission start there. Ms. Mahalick suggested using the existing definitions; but using the appendices for graphics and the methods of determining sizes, taking it out of the definitions page. The Commission had concerns with the wording used in the Sign Committee's proposed "purpose and intent" statement. Ms. Mahalick stated that she would take the existing "purpose and intent" statement and compare it with the Sign Committees' submittal and if there is something conflicting she will scale back the existing language to be more in line with the proposed ordinance. Ms. Mahalick stated that the language in "D", "To provide sign design concepts" is not the intent of the Sign Ordinance. The Town does not have architectural guidelines for sign design. Ms. Freeman, a local business owner, stated that the intent of item #4 was to design a sign that is consistent with the Night Sky. Ms. Mahalick stated that it was unnecessary to state because all signs must be Night Sky compliant and that #4 could be stricken because it is already part of state law. Commissioner Fulwiler suggested replacing words like promote and encourage with consider, suitable and permit. Commissioner Wilhite went thru the proposed draft and addressed his concerns.

On page 5, he had difficulty with the artistic embellishments being excluded from the regulated area. Ms. Mahalick stated that this could be left with the appendices because they call this out.

Under Section 3; Business Signs, part 2: Commissioner Wilhite suggested changing 250 square feet to 140 square feet because that is what was approved.

On page 6; paragraph B, off premise signs changing less than 250 square feet to 140 square feet. No indication is given where the off premise sign would be placed. Commissioner Wilhite suggested adding the language, "with permission from the off premise property owner."

Section D on page 6 states that Kiosk signs are exempt from distance, size and height restrictions and are not defined as billboards. Commissioner Wilhite asked if the Commission wanted to exempt Kiosk signs. Ms. Mahalick stated that the proposal for Kiosk signs stipulated "as approved". The applicant would submit their Kiosk sign for approval and according to what was written up, there is an approving body.

At the bottom of page 6, it reads, "the following signs are exempt from these lighting regulations:

1. Signs lighted by means of internal indirect light.

This goes back to compliance with the Night Sky. Lights need to be turned off at the close of business or

by 11:00pm.

Temporary signs, Section A, adding that they need to be placed outside of the highway right-of-way. Section D states that portable signs may be located on any lot. (Would like to include: “ with permission from the lot owner”). Commissioner Wilhite suggested adding the language, “with a minimum of 60 days inbetween useage.”

Prohibited Signs: Section 7 Exemptions H: At the present time, a real estate sign is 3 square feet. Commissioner Wilhite suggested a total of 8 square feet. Ms. Mahalick stated that the present ordinance allows for up to 32 square feet, but they are not exempt. They are permitted signs for a temporary duration.

Section 7 K: Not to include kiosk signs for individual centers such as Edgewood Plaza or George Court being areas for the discussion.

All agreed that staff would put together a draft for the meeting of December 3rd which blended concepts out of the business committee proposal with standards the council had also requested.

6. Adjourn

Gary Chemistruck, Vice Chairman

Date

ATTEST: _____
Karen Mahalick, Community Development Manager