

PLANNING & ZONING COMMISSION
6:00 PM. DECEMBER 22, 2008
EDGEWOOD COMMUNITY CENTER
26 E. FRONTAGE ROAD
MINUTES

1. CALL TO ORDER

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

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

2. APPROVE AGENDA

ACTION: Commissioner Fleming made a motion to approve the Agenda. Commissioner Fulwiler seconded the motion. The motion carried unanimously.

3. APPROVE MINUTES OF 12/01/08.

ACTION: Commissioner Fleming made a motion to approve the minutes of 12/01/08; Commissioner Turner seconded the motion. The motion carried unanimously.

PUBLIC HEARING-QUASI JUDICIAL PROCEDURE

Staff certified that the meeting had been properly posted, the statement of proceedings under provisions required by the New Mexico court of appeals was read into the record and all commissioners confirmed no conflict of interest or ex parte contact.

All witnesses wishing to testify were asked to rise and be sworn in at this time.

4. ZONE CHANGE FROM RESIDENTIAL ONE ACRE R-1 TO MULTI-USE (MU) FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF VENUS ROAD AND HIGHWAY 344. (SE ¼ SE ¼ SE ¼, SECTION 9, T10N, R7E-NMPM, EDGEWOOD, NM)

Tim Oden is the representative/manager of Hillcrest LLC requesting this zone change. Mr. Oden went through the concept plans for the development of the property highlighting the open space/trail surrounding and buffering the property and stating that Hillcrest had secured sufficient water rights to serve the property from well 761. Mr. Oden stated that he did not believe the traffic patterns would be of concern as the am/pm patterns for school and residential were at differing times and there is a potential secondary access on the north side of the property onto Highway 344. The development would be served by a private wastewater system to be built on the southeast portion of the property and the treated effluent would be used for landscape irrigation. Drainage would be handled through ponding and private cisterns used for rooftop runoff would be installed underground as needed. Mr. Oden stated this plan would create the first multi-use townhome property opportunity in the Edgewood area. Further the concept plan is in compliance with the Comprehensive Plan Land Use Goals A, Objective 2 & 3, Housing Goal D, Objective 1, Public Services & Facilities Goal K, Objective 3, Action & Implementation Strategy No 2. Mr. Oden read the comments from two letters 1) Mr. Werley-expressing concern that the proposed density would increase crime and 2) Ms. Simms expressing concerns about the impacts of drainage, potential detriment to the Edgewood caverns geography, increased traffic, and that it detracts from the rural nature of the surrounding properties. Mr. Oden believed that the concept plan would be complementary to the areas housing inventory and the traffic and drainage impacts could be mitigated but had no comment about the increased crime potential or impact to the caverns.

Commissioner Fleming asked about the stability of the wastewater treatment plan and maintenance and who would be responsible for maintenance; how far the proposed development is from the Interstate and Highway 344, the present center of the commercial area, how many lanes exist on Highway 344 adjacent to the proposal, a summary of the present adjacent zoning and the nature of the Lone Pine Ranch multi-use development area.

Mr. Oden stated the homeowners association would be assessed a fee to cover the wastewater and landscape maintenance, the development borders Highway 344/Venus road, both are two lanes, the plan is about 2.5 miles north of the present town center and Mr. Oden was unclear as to the plans for Lone Pine. Properties to the west and north are residential 1-acre, properties to the south are Special Use for school and to the southeast are Master Planned.

Commissioner Turner asked who would own the WWTP and if it would work much like the Entranosa Water COOP and how the dues could be effectively collected and whether this zoning served a void in the need for the housing in the area.

Mr. Oden stated the restrictive covenants would require fees and that yes this development did serve a void in the housing market.

Commissioner Fulwiler asked about the present traffic counts on Venus and whether or not the state would require traffic impact analysis, height of the permitted structures in the zone, lot sizes and whether there were garages or on street parking, property ownership and moving the plan further east to allow more buffering to the residences on the west and north and the drainage ponding plans.

Mr. Oden stated the lots were anywhere from 3400 square feet to 4000 square feet, at subdivision time the property may be required to do a traffic impact analysis, lots would be fee simple lots not designed for rentals and they would have not on street parking or RV's by covenant restriction. Mr. Oden stated that there might be enough room to move the whole project to the east but drainage would restrict how far. The ponding is designed as a decentralized ponding with individual rooftop harvesting as opposed to one central pond for the whole project.

Commissioner Chemistruck asked about the wells on the property and whether Mr. Oden would be establishing a well head protection area around each well.

Mr. Oden stated he would be moving his water rights to the Hillcrest Master Plan which is to the east of Highway 344 and did not have plans to pump from the present wells.

Ross Morgan of 10 Hermosa Montana Lane asked about the distance for legal notification and testified that homeowner associations change and often refuse to pay for assessed fees. Mr. Morgan did not believe the concept served the stated purposes for the zoning ordinance-to prevent overcrowding of the land, and the concept was in conflict with the surrounding properties. Mr. Morgan stated he was a law enforcement officer and that increased densities did increase crime.

Maureen Simmons, 1 Serrania, witnesses a lot of traffic in the area from school and the medical center. The intersection with the turn lane was not safe. Ms. Simmons previously lived in rentals and stated that townhomes are frequently subletted and was concerned about the turnover of the residents. Mr. Simmons chose Edgewood because of the rural quiet community.

Tom Sandlin, 13 Serrania, concerned about the change of character with dense housing and asked the commission to deny the zone change.

Connie Foxe, 9 Serrania, change of the rural atmosphere.

Jeniffer Morgan, 10 Hermosa Montana, change of rural atmosphere, and the stress to livestock with higher density. The additional traffic of 32 townhomes could be detrimental to the future children.

Patricia Simmons, 1 Serrania, retired woman who has the opportunity to witness the volume of traffic during all hours for the medical center and special events at the school, testified there traffic presently was high and this would increase the problem..

Jacki White, a fireman with Albuquerque, 53 Serrania, concerned there was not more notification and information to the residents prior to the meeting. Ms. White stated she witnessed more domestic calls and drug calls for multi-dwelling complexes in Albuquerque.

Corry Beth-Vaugh, 5 Sage Lane, believes that the zone change could create other areas for a zone change to multi-use zone and this could lead to a domino effect.

Dorothy Simms, 31 Serrania, character of the community-rural, horses, higher density housing may not like the animals the Hermosa Montana residents have. Concern about the water availability. Karst geography could allow the wastewater to pollute the water supply.

Linda Murray, 24 Serrania, character of the surrounding area and potential for property values to be diminished and that the homeowners association might not maintain the wastewater. Asked commissioners to maintain the single family dwelling zoning.

Ms. Huffacker, 2 Serrania, concerned about the increased density, moved to this area for the openness of the surrounding areas.

Mr. Oden-Stated he was committed to townhomes not apartment or condos, NMDOT would be looking at mitigating the traffic impacts; he acknowledged the neighbors concern about the open space. He did not believe that this project would build until 2011. Mr. Oden stated there was interest in the project and that this was not a starter family project.

Staff reported that Venus road adjacent to the property would be required to be brought up to the subdivision ordinance standards at the time of development; NMDOT would evaluate the required standards for Highway 344 and perhaps Venus as was done with the Wal-Mart property. The appropriateness of the concept is subjective for the commissioners to determine with input from the community. The concept plan is complete as per ordinance submittal requirements and well thought out but the attorney would need to be consulted on how to develop an agreement to assure development as per the proposal. Lone Pine does have proposed multi-use aspects in their concept and at this time they are more interested in developing single family dwellings. The commissioner's recommendation will move forward to the Town Council on January 7, 2009. Commissioner Turner expressed concern about a homeowner's association operating a plant and asked if there were any standards established by the town for the operation of wastewater treatment plants; staff responded that that was up to the New Mexico Environmental Department permitting.

ACTION: Commissioner Fleming moved to **deny** the zone change request from Residential one acre R-1 to Multi-Use. Commissioner Turner seconded the motion. The motion passed unanimously to deny the zone change request.

5. ZONE CHANGE FROM RESIDENTIAL ONE ACRE R-1 TO COMMERCIAL; FOR PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY 333 APPROXIMATELY ½ EAST OF THE INTERSECTION OF HIGHWAY 333 & 344. (SW ¼ OF SECTION 27, T10N, R7E-NMPM, EDGEWOOD, NM)

Due to the weather in the northern New Mexico area it was requested this be tabled until the January 12th meeting.

ACTION: Commissioner Fulwiler moved to table item #5, Commissioner Fleming seconded the motion. The motion carried unanimously.

6. REQUEST FOR PRELIMINARY PLAT FOR LIBERTY DEVELOPMENT 1941 HIGHWAY 333. FOURTEEN (14) LOTS ON 43 ACRES ZONED COMMERCIAL C-1; LOCATED ON THE NORTH AND SOUTH SIDE OF HIGHWAY 333, EDGEWOOD, NM.

Mr. Somerville was the representative for this request; Mr. Somerville had an approved drainage plan, and was working with the New Mexico Department of Transportation to obtain an access permit. This is a phased plan and the applicant is asking for preliminary plat approval of phase 1 for the Liberty Square Development. New Mexico American was the water provider and Mr. Somerville had a letter of commitment from the water company to serve this property. The phasing schedule was not in the commissioner's packets Mr. Somerville briefly summarized his construction schedule stating that lot #5 on the south was the future theatre proposed site. Mr. Somerville stated the present concept for the Highway access to Leslie Lane was a round-about. Commissioner Turner asked if there was adequate water for this project, Ron Bohannon of Tierra West testified that the storage was being upgraded and would be adequate for the development. Commissioner Fulwiler asked about the ownership of the lots; Mr. Somerville stated the lots would be sold with the condition that owners would be required to participate in the property maintenance. Commissioner Fulwiler asked about the width and status of Leslie Lane and plans for the future improvement. Terry Brown, the traffic engineer for Liberty Development, testified that the traffic studies showed that the first 300 feet would be impacted by about 40 additional vehicles per hour due to the development.

Commissioner Fulwiler requested that Leslie Lane have the necessary upgrades for the volume of traffic being proposed.

Commissioner Fleming asked if the line extension agreement had been signed with New Mexico American Water. Mr. Somerville testified the draft had been reviewed and the final copy was being worked on.

Staff reported the project needs to produce a corrected disclosure statement, a construction schedule for the development, a complete subdivision improvement agreement and upgrades to access roads as per ordinances, fire and state requirements.

ACTION: Commissioner Fulwiler moved to approve the preliminary plat conditioned upon approval of the drainage velocity, a completed subdivision improvement agreement, roadway brought up to subdivision standards adjacent to the property being developed, corrected disclosure statement; Commissioner Turner seconded the motion.

DISCUSSION: Commissioner Fleming asked that there be other alternatives sought instead of a round-about. Commissioner Turner and Fulwiler did not believe that this application would be inappropriate for this application.

The motion passed on a unanimous vote.

7. REQUEST FOR FINAL PLAT FOR HILLCREST, LLC, SEVEN (7) LOTS ON 40.40 ACRES ZONED MASTER PLAN (MP); LOCATED ON THE SOUTH SIDE OF EAST HILL RANCH ROAD (NW ¼, SECTION 10 T10N, R7E, NMPM, EDGEWOOD, NM.).

TIM ODEN

Mr. Oden represented this plat which had preliminary plat approval in March of 2008, the final plat is revised to show the additional easements, building envelopes and grading & drainage improvements have been made as conditioned during preliminary plat review.

Staff reported the final plat is in compliance with the subdivision ordinance and all improvements have been installed and approved as per the conditions of preliminary plat.

ACTION: Commissioner Fulwiler moved to approve the final plat for Hillcrest, LLC of 7 lots on 40.40 acres.

DISCUSSION: Commissioner Fleming seconded and requested the condition that Santa Fe conditions of approval be met at building permit application, Commissioner Fulwiler agreed to the amendment.

The motion passed on a unanimous vote.

OUT OF PUBLIC HEARING

8. RESOLUTION-PZ2008-70, CONDUCT OF MEETINGS.

Commissioner Fleming requested a modification of section 3, item d, to strike the first sentence and commissioners requested clarification as to whether state statute requires a notary for administering oaths. Additionally the commission requested that applications be submitted completely to the commission at least 7 days prior to meetings.

Staff will bring the resolution back at the first meeting in January 2009; no action was taken..

9. CALENDAR UPDATE- JANUARY 2009 MEETING CALENDAR. JAN 12

10. ADJOURN.

Commissioner Fulwiler moved to adjourn at 9:35 pm; the motion was seconded and passed unanimously.