

PLANNING & ZONING COMMISSION
6:00 P.M. AUGUST 24, 2009
EDGEWOOD COMMUNITY CENTER
26 E. FRONTAGE ROAD
MINUTES

1. Call to order.

Commissioner Wilhite called the meeting to order at 6:02 P.M.

Commissioners Present: Commissioner, Bassett, Turner, Wilhite, Jackson, Fleming.

Commissioners Absent: Commissioner Fulwiler

Staff Present: Ms. Mahalick.

2. Approve agenda

Action: Commissioner Bassett made a motion to approve the Agenda as presented.

Commissioner Turner seconded the motion. The motion carried unanimously.

3. Approve minutes of 08/03/09

Action: Commissioner Bassett made a motion to approve the minutes of August 3, 2009 with the corrections as discussed. Commissioner Fleming seconded the motion. The motion carried unanimously.

4. Zone Change recommendations due to erroneous zoning of 92B East Church Street.

Ms. Mahalick reviewed this item for the Commission stating Santa Fe County has the property zoned as commercial on the tax record and she requests the Commission make a recommendation to the Council to Zone the property Commercial as per Santa Fe County Tax Record.

Commissioner Bassett asked about the zoning for lots in front of this property and if this could be considered spot zoning.

Ms Mahalick responded the properties in front are zoned residential and that yes it could be considered spot zoning.

Commissioner Bassett requested that the record show that the address is 92 B East Church Street but the legal description is Lot C.

Commissioner Turner asked if staff had received any comments regarding the zoning from neighbors.

Ms. Mahalick responded that she had received only one comment and the individual was not able to attend.

Commissioner Bassett gave a description of the structures that are on the adjoining properties.

Action: Commissioner Fleming made a motion to make a site visit to the property.

Ms. Mahalick requested that the site visit be scheduled later in the meeting to allow for the Open Space Ordinance discussion.

Action: Commissioner Fleming amended his motion make the site visit after the completion of the Open Space Ordinance discussion. Commissioner Bassett seconded the motion. The motion carried unanimously.

5. Open Space Ordinance discussion.

Ms. Mahalick introduced the Open Space and Trail Committee Members and stated that both meetings had been scheduled for the same place and time.

At this time the Commissioner entered into discussions regarding the Open Space Ordinance changes and additions. Comments were also heard from the Trails Committee.

Ms. Mahalick stated she would make all of these changes and additions as discussed and return it to the Commission for review at the September 8, 2009 meeting.

Action: Commissioner Fleming made a motion to adjourn for a site visit to 92 B East Church Street. Commissioner Turner seconded the motion. The motion carried unanimously.

7:40 p.m. At this time the Commission entered back into session and discussed the Zone Change for 92 B East Church Street.

Ms. Mahalick stated that she had received a phone call from a neighbor that would prefer the property to retain a residential zoning.

Commissioner Turner asked if there were any other cases of zone change requests as a result of bulk annexations.

Ms. Mahalick described some of these instances; the property on the south side of Highway 66, which was recently rezoned due to historic commercial use and the adjoining property to 92B Church (Quail Trail & Church) which was rezoned to Residential & Services as it operated historically as a construction business. Ms. Mahalick discussed the Residential and Services Zoning and what it permits and added that she did not feel commercial C-1 or C-2 zoning would be appropriate at this location as it is one lot off of Church and accessible by an easement.

Commissioner Jackson discussed the errors on the part of the Town that occurred at the time of annexation that now adversely affect the property owners. He added that this property had been zoned for commercial use long before the Towns Incorporation and this property owner should receive consideration based on this precedence.

Action: Commissioner Jackson made a motion to forward a recommendation to grant the C-1 Zoning Correction. Commissioner Turner seconded for discussion.

Commissioner Turner asked when this property was annexed. Ms. Mahalick responded 2007. Ms. Turner asked about the documentation specifying the type of Commercial Zoning.

Ms. Mahalick clarified that Santa Fe County only has one category of Commercial Zoning and that was reflected on the tax records which the commissioners had a copy of.

Commissioner Turner asked if it was relevant to consider that the building is vacant and in disrepair.

Ms. Mahalick responded that the commissioner's were not required to grant the highest zoning capacity available, the adjoining property at Quail Trail and Church was granted Residential & Services which allowed for commercial of limited use.

Commissioner Fleming voted nay. Commissioner Turner voted nay. Commissioner Bassett voted aye. Commissioner Jackson voted aye. Commissioner Wilhite voted nay. The motion died.

Action: Commissioner Fleming made a motion to recommend Residential and Services Zoning to the Council for the property. Commissioner Turner seconded the motion.

Commissioner Fleming stated the first thing he looks at when considering a zone change and developments is the zoning of the contiguous properties. He added the rights of the other property owners need to be considered as well.

Commissioner Bassett suggested that the Commission recommend the denial to Grant C-1 Zoning to the Council and then let the property owner come back and request a different zoning. Both Commissioners Bassett and Turner withdrew their motions.

Ms. Mahalick suggested that a recommendation of Residential and Services would be helpful if the applicant agrees. She added this would give the Council a recommendation to act on so this may move forward.

Action: Commissioner Bassett made a motion to recommend Residential and Services zoning to the Council for this property if the applicant is willing to accept. Commissioner Fleming seconded the motion. The motion carried unanimously.

6. Capital Improvement Plan/ Santa Fe Fire & Rescue

Ms. Mahalick informed the Commission they had been established as the Capital Improvement Committee and charged to review Santa Fe County's Capital Improvement for Fire & Rescue. She

outlined the responsibilities of the Committee and its purpose as well as the budget schedule for Santa Fe County. She added that she would provide all the spreadsheets and documentation they would need and the Council would be appointing a member of the development community to also serve on the committee.

7. Commercial Design Overlay Zone.

Ms. Mahalick reviewed this item for the Commission and stated she would like to incorporate the overlay zone into the Comprehensive Plan by generating a conceptual design overlay zone for these commercial activities. She added that the Commission could then create some standards much like Albuquerque's sector plans.

The Commissioner entered into discussions regarding the overlay zone including its purpose and function within the Comprehensive Plan.

8. Public Comments.

None.

9. Calendar Update.

Ms. Mahalick reviewed the calendar and upcoming events and stated the next scheduled meeting falls on a holiday and asked if they Commission would like to reschedule it for the following day, Tuesday, September 8, 2009. The Commission agreed.

Ms. Mahalick listed the documents she would provide for the Commissioners at the next meeting. She also discussed parking standards and asked the Commission to consider a revision to allow for shared and mixed use of parking lots and areas.

The Commission discussed the benefits of multi-use and shared parking throughout the community.

10. Adjourn

Action: Commissioner Jackson made a motion to adjourn the meeting. Commissioner Bassett seconded the motion. The motion carried unanimously.

Commissioner Wilhite adjourned the meeting at 8:21 P.M.