

Planning & Zoning Commission minutes
6:00 pm. January 12, 2009
Edgewood Community Center
26 E. Frontage Road

Judge White swore in new commissioners John Bassett and Larry Williams.

1. Call to order

In Attendance: Commissioners-John Bassett, Tim Fleming, Rey Fulwiler, Janelle Turner, Doyce Wilhite and Larry Williams. Staff-Karen Mahalick.

ACTION: The meeting was called to order at 6:06 by Staff/Commission-secretary Karen Mahalick.

Staff requested approval of the agenda be moved up to item #2.

2. Approve Agenda

ACTION: Commissioner Wilhite moved to motion to approve the Agenda; the motion seconded and carried unanimously.

3. Election of Officers:

a. **ACTION:** Chairman-Commissioner Fulwiler was nominated by Commissioner Wilhite and agreed to serve; the motion was seconded and passed unanimously.

b. **ACTION:** Vice-Chairman-Commissioner Wilhite was nominated by Commissioner Bassett and agreed to serve; the motion was seconded and passed unanimously.

4. Approve minutes of 12/22/08.

Commissioner Fleming made a motion to approve the minutes of 12/01/08; Commissioner Turner seconded the motion for discussion.

DISCUSSION: Staff reported that Commissioner Chemistruck had asked Mr. Oden questions about moving the wells on the property and requested this be reflected in the minutes. Commissioner Turner requested the correction of the use of the word "complimentary" in the discussion vs. "complementary" which she believed was the correct word form. Staff requested the minutes be tabled to allow for the corrections.

ACTION: Commissioner Fleming amended his motion to approve with a motion to table; the motion was seconded and 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.

This hearing was tabled during the 12-22-08 meeting due to weather.

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

Zone change from Residential one acre R-1 to Commercial; property is located on the south side of Highway 333 approximately ½ mile east of the Intersection of Highway 333 & 344. (SW ¼ of Section 27, T10N, R7E-NMPM, Edgewood, NM)

Mr. Nanneman testified that when he purchased the land he believed this was commercial property, and he was requesting commercial C-1 zoning.

Kay Wilks testified that her father had purchased the property in the 80's and subdivided the property at that time. The sale of the property was contingent upon commercial zoning-the sale of the first parcel was to Victoria Inman, the second requester for the zone change. When Ms. Inman purchased the property there was a solar company on the property. Ms. Wilks stated that when Edgewood incorporated the land to the east on the south side of Highway 333 was zoned commercial, a total of 4.5 miles are

commercial and the 0.5 are zoned residential. Commissioner Bassett asked Ms. Wilks whether she had any proof showing that Santa Fe County had designated commercial zoning. Ms. Wilks stated she did not, only the pictures showing the old sign on the property showing where the solar company was.

Commissioner Bassett asked about the three property owners also requesting a zone change and whether the individuals would be willing to consider a joint access across the northern portion of their properties.

Diane Stearley showed the commissioners a large map of the lands which were zoned as commercial in the vicinity of her clients' property. Ms. Stearley stated she did not know why all of the area was not zoned as commercial when the town incorporated. Commissioner Fulwiler asked Ms. Stearley if she was the realtor of record. Ms. Stearley stated she was.

Lillian Pritchard, 4814 Parsifal, Albuquerque, testified she believed her property was commercial when she purchased it as there was a dance studio nearby.

Commissioner Fulwiler asked if the Raspberry Farm in the vicinity was zoned commercial and staff stated it was not.

Commissioner Bassett asked Ms. Stearley if there was an intended use; Ms. Stearley stated there was not.

Commissioner Turner asked Ms. Stearley if there was any question about the history of the properties being used as commercial. Commissioner Turner was not comfortable with the applicant not specifying the exact commercial category requested on the application as there are a number of commercial categories available in the zoning ordinance.

Commissioner Fulwiler agreed with the concerns expressed by Ms. Turner.

Ms. Wilks stated she was told when applying that just commercial was fine.

Staff testified that when asked to clarify zoning the different applicants were unable to specify a commercial category by the time of the advertising for the hearing.

Ms. Stearley testified that this was third time this matter had come before the commission and Mr. Nanneman had traveled a considerable distance; all applicants wanted the same zoning as the adjoining properties which are presently zoned commercial C-1.

Commissioner Bassett asked staff what the present tract size for commercial C-1 was; staff responded there was not a minimum lot size for C-1. Mr. Bassett expressed concern about the access issue and stated since there was not a minimum lot size for C-1 there should be an easement for access across the northern portion of tracts A, B, & C and they would not be in conflict with the minimum lot size in the zoning ordinance.

Commissioner Turner asked when the land adjacent to these properties had been zoned. Staff responded it was with the original incorporation of the town. Commissioner Turner asked if development agreements were common with zone changes. Staff stated they were not.

Commissioner Bassett asked staff what the comprehensive plan said about zone changes; staff stated the plan calls for evaluation of the infrastructure availability. Commissioner Bassett stated that these four lots could create multiple driveways which were contrary to the highway department design standards.

Commissioner Fleming asked the property owners how they felt about granting an access.

Mr. Nanneman stated he was willing and all other property owners concurred that they were agreeable to the easement.

Commissioner Fulwiler asked staff where the future proposed roundabout which Liberty Square was had mentioned was being discussed, staff stated it was being considered near Leslie Lane.

Commissioner Bassett stated that Tract E to the south would also need access off of Highway 333.

Ms. Wilks stated the application was also for Tract E owned by Mr. Nanneman.

After discussion with Ms. Wilks staff stated that Tract E could not be considered just because it was owned by Mr. Nanneman as it was not part of the application and would need to be advertised and brought forward at a later date.

Commissioner Turner asked staff if there was a preponderance of commercial C-1 in the vicinity; staff affirmed that the properties zoned commercial in this area were C-1.

Staff stressed that any motion would be in the affirmative as was the policy of the Town Council.

ACTION: Commissioner Fleming moved to **approve** the zoning map amendment ZC-2008-1 from Residential one acre to Commercial C-1 conditioned upon the applicants providing a thirty (30) foot access off Highway 333 from the east side of tract "A", along its northern portion and along the north tracts B, & C.

Commissioner Turner asked Staff to research information about making motions in the affirmative and forward that to the commissioners.

5. Findings of Fact

- A. Zone change for Venus & Highway 344-8.63 acres on the northwest corner, Hillcrest properties LLC, from residential to multi-use.

DISCUSSION-Staff stated the resolution specifically states this is for Hillcrest LLC, to differentiate from the Hillcrest Master Plan. Section B is to read the applicant has not met the requirements for the zone change.

ACTION-Commissioner Fleming moved to approve the findings for resolution 2009-7 with the corrections stated by staff; Commissioners Fulwiler, Fleming, Turner voted aye, Commissioners Wilhite, Bassett and Williams were not in attendance at the previous hearing therefore did not vote. The motion carried.

- B. Final plat for Hillcrest phase 1, Hill Ranch road, phase one on the south side of Hill Ranch road.

ACTION-Commissioner Fleming moved to approve resolution 2009-4 be approved; Commissioners Fulwiler, Fleming, Turner voted aye, Commissioners Wilhite, Bassett and Williams were not in attendance at the previous hearing. The motion carried.

- C. Preliminary plat for Liberty Development SU-2008-9 and SU-2008-10.

ACTION- Commissioner Fleming moved to approve the findings for resolution 2009-6; Commissioners Fulwiler, Fleming, Turner voted aye, Commissioners Wilhite, Bassett and Williams were not in attendance at the previous hearing. The motion carried.

6. **Resolution 2009- 5** Rules of Conduct-Commissioners did not have they copies, staff asked that this item be tabled until February 2, 2009.

7. Discussion

- A. Will serve letter for subdivision approval process.

DISCUSSION-Presently the water companies do not have a standard format for filing a will serve letter, the question has come up as there a not any guidelines for the letter. Commissioners requested staff research what other jurisdiction are requiring and put together a form letter for water companies.

- B. Privately run wastewater treatment systems.

DISCUSSION-Commissioners had concerns about the establishment of numerous wastewater systems being created around town. Presently McDonalds and John Brooks had small package plants and commissioners were concerned about the long-term implementation and liability of small plants proliferating within the town. Commissioner Turner expressed concern about what happens to these plants when the developers leave and the homeowners are left to maintain the plants. Commissioner Bassett used the similarity of the roads; when the developers leave the homeowners ask the town to assume the responsibility for the roads. Commissioner Turner asked whether or not the Town had a policy on plants; staff stated no there was not. Commissioners asked staff to bring information on wastewater standards to be drafted and included in an ordinance.

- C. Grading & Drainage ordinance.

DISCUSSION-staff pointed out to commissioners that the grading and drainage ordinance had latitude about the types of devices for the engineer's to approve and that if the commission was not inclined to want large ponds then staff would need to highlight this feature when the commission was reviewing submittals. Additionally there were publications due in the town office about means of stormwater control which would be made available to the commissioners when received. It was decided that with additional vigilance and scrutiny would be given to future projects and how adjoining properties were impacted.

- D. Home based business, zoning ordinance Section 6.F.

DISCUSSION-staff informed the commissioners that there were parts of the zoning ordinance which would be in conflict with the sign ordinance proposals and requested whether the

commission would consider allowing home-based business to occupy more than the 25% of the dwelling as permitted in the zoning ordinance. It was generally agreed to consider an amendment should the sign ordinance pass. Commissioners were concerned about the impact to neighboring properties if more area were allowed. No action was requested or taken.

Calendar Update. No meeting January 26-staff will be out of town. The next meeting will be February 2, 2009.

Adjourn. The meeting adjourned at 8:30 PM