

**PLANNING & ZONING COMMISSION**  
**6:00 P.M. REGULAR MEETING OF August 2, 2010**  
**EDGEWOOD COMMUNITY CENTER**  
**26 E. FRONTAGE ROAD**  
**MINUTES**

- 1. Call to order:** Chairman Wilhite called the meeting to order with a roll call at 6:00 P.M.  
Commissioners Present: Jackson, Bassett, Wilhite Turner, Snyder  
Commissioners Absent: None  
Staff Present: Ms. Karen Mahalick

- 2. Approve Agenda:**  
Chairman Wilhite asked for a motion to approve the agenda.

**Action:** Commissioner Bassett made a motion to approve the agenda. The motion received a second and was adopted with all Commissioners voting in the affirmative.

- 3. Matters from the Chair and Commission Members:** Commissioner Turner provided summaries based on questions previously asked and handouts given to the Commission at the July 21 meeting. She requested that the Commissioners read them and add their own comments which would be discussed at a future meeting. Commissioner Bassett provided similar information at the beginning of the meeting. These summaries included an adaptation of a generic flowchart describing the subdivision process, an overview of the subdivision process, a list of questions to be asked of applicants during the subdivision process, and a general overview of the duties of commissioners.

- 4. Approve the Minutes of July 21, 2010:**

Chairman Wilhite asked if there were any changes to be made to the minutes. Commissioner Turner mentioned the lack of specific numbers in Item 6: *Impact Fee Committee Update*, and asked for confirmation of her recollection that the growth projection numbers decided upon was for 15 dwellings in 2010, 30 in 2011, and 30 in 2010. The other Commissioners agreed that those were the numbers previously discussed.

**Action:** Commissioner Jackson made a motion to approve the Planning & Zoning Commission Minutes of July 19, 2010 with the addition of the specific numbers to the projection of future growth in Agenda Item 6. The motion received a second and was adopted with all Commissioners voting in the affirmative.

- 5. Pre-Application Liberty Development located adjacent to the northwest side of Highway 333 east of the Smith's Food Store.**

Ms. Lori Harris spoke on behalf of Liberty Development Group, and stated that the applicant was requesting a lot line adjustment. After discussion among the Commissioners, Ms. Harris, and Ms. Mahalick, it was determined that because the applicant was requesting a vacation of lot lines in a subdivision plat which currently exists, and seeks to create 5 lots rather than the 6 which exist on the current plat that it would be required by ordinance to proceed as a subdivision.

It was further determined that while certain conceptual elements, the access permit, and the grading and drainage plan are still valid, the preliminary plat approval granted on December 22, 2008 has expired. Therefore, the plat which existed at the time Liberty Development Group first applied for preliminary plat approval is still in force, and shall be the plat the Commission will use as the baseline against which modifications will be considered.

Commissioner Snyder asked for information from previous applications which might pertain to how the proposal fits into the comprehensive plan. Ms. Harris informed the Commission that Liberty Development had an agreement allowing them to retain a certain amount of control over the architectural theme and design elements. Commissioners also recalled suggestions made in 2008 about the possibility of incorporating Route 66 elements into the overall design concept.

The Commissioners requested that Liberty Development Group provide the following items be documented and included in a request for a preliminary plat:

- a. A drawing showing the proposed lot line vacation.
- b. Confirmation of the access permit from the Department of Transportation obtained previously by the applicant.
- c. Current will-serve letter from New Mexico American Water Company incorporating new language previously approved by the Commission.
- d. Documentation that there exists sufficient fire flow at a level appropriate to a commercial property.
- e. A completed and signed water line extension agreement with New Mexico American Water Company.
- f. Application to the State Highway Department to allow an encroachment if the proposed water line extension will be placed in the highway right of way.
- g. A letter from the Town of Edgewood for sewer service.
- h. Confirmation that access will be granted to New Mexico American Water's water storage facility.
- i. Certification that the construction rubble and debris on the site has been or will be removed by a certain date.
- j. Convey to Santa Fe County Fire Department a general configuration drawing showing the road which would serve lots 1 and 2 for their review, as well as a similar description of the road providing access to New Mexico American's water storage facility.
- k. A draft of the disclosure statement which the applicant will provide to purchasers of the lots.
- l. Designation of the status of the road serving the proposed lots as either public or private.
- m. A schedule of estimated construction costs.

**Action:** Ms. Harris asked for a follow-up meeting with Ms. Mahalick in order to confirm the items requested by the Commission. Ms. Mahalick stated that prior to the application for preliminary plat approval she would also discuss an improvement agreement in order to ensure that necessary infrastructure can be installed in a timely manner. Commissioner Bassett asked that Staff provide Ms. Harris with the updated template for the water will-serve letter. The

Commissioners thanked Ms. Harris for her patience and reiterated that the large number of items asked of the applicants reflected the Commission's desire to strengthen pre-application discussions in order to inform applicants of requirements as early as possible in the subdivision process.

**6. Public Comment:**

There was no public comment offered.

**7. Street & Drainage design discussion:**

Ms. Mahalick summarized the comments given to her by the Commissioners at the last meeting, and stated that there appeared to be a consensus among the Commissioners that it would be helpful to clarify design guidelines and the procedures whereby a sequence is laid out for planning and completing infrastructure improvements called for during the subdivision process. She noted that she detected no desire on the part of Commissioners for making subdivision regulations more stringent; the focus of the suggestions she received was on achieving a greater degree of clarity. She also directed the Commissioners' attention to the handout containing a summary of the authority over the subdivision process granted to municipalities by state statute.

The Commission then discussed problems created by the fact that the town has several subdivisions which have received final plat approval, but have failed to make progress. There were several concerns expressed, but the primary concern was the potential for Town liability over unsafe conditions. Ms. Mahalick reminded Commissioners that small towns generally lack the funds to step in and take over languishing projects.

**Action:** At the request of Commissioners, Ms. Mahalick stated that she would seek input from the Council concerning whether or not it would be appropriate for the town to make a determination that a hazard exists in the case of unfinished work, and to contemplate remediating potential liability hazards on a case-by-case basis.

**8. Calendar Update:**

**a. Council discussion Preliminary Plat:**

The Commission and Staff engaged in a discussion about the rationale provided in New Mexico State Statutes for allowing municipalities to regulate the subdivision process, in light of the agenda item for Council's review at the upcoming Wednesday meeting. Ms. Mahalick referred Commissioners to the information provided in a handout regarding the annotated summary of state statutes. The discussion included acknowledgement that the residents of a community should not pay for improvements called for in the subdivision process, and also acknowledged the potential tax liability to owners of a platted subdivision which is not completed in a timely manner. The primary focus was about the importance of doing more work during pre-application discussions in order to facilitate the granting of preliminary and final plats, and of using the pre-application discussion to ascertain whether an applicant intended to proceed with work or merely use the granting of a plat as a marketing tool. The Commissioners also discussed their reasoning for suggesting that the Town keep preliminary plat approvals at the current length of one year:

- First, it was deemed inadvisable to allow the potential for partially completed work left for a long period of time with the possibly of creating a liability hazard.
- Second, Commissioners discussed the fact that the current ordinance allows for more than one extension if needed, and cited the Commission's past willingness to grant an extension upon an applicant's showing proof that progress had been made.
- Third, with one year being the typical length in other New Mexico municipalities, Edgewood's maintaining that same standard would allow those doing business in multiple jurisdictions to operate within more uniform guidelines.

**b. Calendar discussion and meeting on September 13:**

- Ms. Mahalick gave an update on the Council's plan for taking up the discussion on Preliminary Plats.
- Chairman Wilhite asked for comments on the schedule for the remainder of August and for a preview of upcoming agenda items for September.
- Commissioner Jackson stated that he expects to have the draft of the Impact Fee projections ready for distribution to the Impact Fee Committee, as planned, by late August in order to allow time for review prior to the next meeting.
- Because of travel plans, the light summer schedule, and the Labor Day holiday, the Commissioners determined that one meeting in August and one in September would be sufficient. Ms. Mahalick informed the Commission that an applicant has requested notice be given for a public hearing to be held on September 13, 2010. Because the first Monday in September is a holiday there is no meeting scheduled; the next meeting will be advertised for September 13, 2010 at 6:00 P.M. in the Community Center.

- 9. Adjourn:** Chairman Wilhite asked if there were any remaining items of business to discuss. Upon conclusion of the evening's agenda, it was moved and seconded that the meeting be adjourned. The motion was adopted with all Commissioners voting in the affirmative. The meeting was adjourned at 7:43 P.M.