

**PLANNING & ZONING COMMISSION
6:00 P.M. REGULAR MEETING OF OCTOBER 4, 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: Bassett, Wilhite, Turner, Snyder
Commissioners Absent: Jackson
Staff Present: Ms. Karen Mahalick

2. **Approve Agenda:** Chairman Wilhite asked for a motion to approve the agenda. Commissioner Bassett suggested moving *Matters from the Chair and Commission Members* so that it could be discussed after the public hearing. Commissioner Turner requested that *Approve the minutes from September 20, 2010* be taken up after the public hearing as well. Commissioner Snyder suggested that since he anticipated *Matters from the Chair and Commission Members* would be lengthy, it might be a good idea to take up approval of the minutes immediately after the public hearing.
Action: There being no objection offered to moving the two agenda items, Chairman Wilhite stated that by unanimous consent the Commission would move immediately into public hearing and then take up *Approve the minutes from September 20, 2010* followed by *Matters from the Chair and Commission Members* after the public hearing.

PUBLIC HEARING

3. **Request to subdivide Liberty Development located adjacent to the northwest side of Highway 333 east of the Smith's Food Store.**

Chairman Wilhite opened the public hearing with an overview of the procedures the Commission uses for public hearings. He then asked the Commissioners if they needed to disclose any conflicts of interest or ex parte contact regarding the property which is the subject of the public hearing. Commissioners Bassett, Turner, Snyder, and Wilhite each stated that they had no conflicts of interest and no ex parte contacts. Commissioner Turner then conducted the swearing in of persons giving testimony.

Mr. Andrew Somerville opened testimony with a summary of his proposal concerning the Liberty Square development as well as the specific request concerning a portion of Phase I of the project. He was assisted in his presentation by the surveyor and engineer who are working on the project.

The Commissioners then discussed with Mr. Somerville, his representatives, and Mr. Torres of New Mexico American Water the thirteen items which the Commission had requested from the applicant during the pre-application discussion. In addition, there was a procedural discussion about whether the applicant needed to go through the subdivision process or whether a replat would be sufficient. Ms. Mahalick informed the Commission that due to the complexity of the proposal and the fact that a road is involved, she believed it would be more appropriate to treat the matter as a subdivision rather than a replat.

Upon it becoming apparent that Mr. Somerville wished to further consider the options available to him, and because many of the items requested by the Commission at the August 02, 2010 meeting had yet to be completed, Chairman Wilhite asked if the applicant had any objection to the Commission tabling the request. Mr. Somerville replied that he did not object. He went on to say he believes the pending items should be completed shortly, and that he feels confident that the items will be ready for presentation to the Commission shortly.

Action: Upon conclusion of the substantive and procedural discussions, Chairman Wilhite called for a motion. Commissioner Bassett offered a motion to table the application until the second meeting in November. Commissioner Snyder offered a second. The motion was voted upon and passed unanimously; Commissioner Bassett voted aye, Commissioner Turner voted aye, Commissioner Snyder voted aye, and Chairman Wilhite voted aye. The applicant and his representatives then asked for confirmation from Staff about what would need to be included with the application when the matter comes before the Commission again.

OUT OF PUBLIC HEARING

- 4. Approve the Minutes of September 20, 2010:** Chairman Wilhite acknowledged the list of proposed corrections to the minutes handed out by Commissioner Turner. Commissioner Turner remarked that Ms. Mahalick had provided a separate list of proposed changes in addition to hers. Due to the complexity and length of the public hearing as well as the length of the minutes and proposed changes, Commissioner Turner proposed a motion to table approval of the minutes and consider them at the next meeting. Chairman Wilhite indicated his being willing to entertain a motion to table, Commissioner Bassett seconded for discussion. Because he felt that the proposed changes were minor, Commissioner Bassett suggested that it would be acceptable to him to move ahead, adopt the proposed changes, and approve the minutes. Chairman Wilhite responded that he would like more time to review the minutes and changes.

Action: After discussion among the Commissioners, Chairman Wilhite stated it had been moved and seconded to table approval of the minutes of the September 20, 2010 meeting until the next regular meeting. He then called for a vote. The motion was adopted with all Commissioners voting in the affirmative.

- 5. Matters from the Chair and Commission Members:** Chairman Wilhite began by reminding the other Commissioners that one item for discussion would be to refine the flowchart describing the typical subdivision review process, and he asked if there were any other matters to be brought forward. Commissioner Turner asked about preferred options for recording in the minutes items discussed at meetings whose status changed after the meeting. Ms. Mahalick suggested that the agendas and minutes of subsequent meetings usually reflect such changes and in most cases would be sufficient to provide a good record of what transpired.

Commissioner Bassett proposed several refinements to the flowchart describing the typical subdivision review process. The Commissioners and Staff discussed several items including placement of subdivision improvement agreements on the flowchart as well as adding an indication to the flowchart concerning the process applicants might follow for resubmitting applications which had been denied or tabled because they had been deemed incomplete.

Commissioner Snyder introduced his worksheet which presents the information from the flowchart in the form of a checklist containing more detail and ties together information from various sources into one document. He also included a worksheet which might be used for note-taking during public hearings. The Commission discussed how the information could be made available to the general public and applicants as well as how it might be used by the Commission and Staff.

Ms. Mahalick discussed her reasons for not wanting to encumber wastewater system capacity too early in the review process due to the fact that an agreement tying up capacity on a project which does not progress in a timely way might prevent another project which does move forward from using the town's wastewater system. She stated her belief that the most prudent way of handling the question is called out in the current ordinance; that the town will inform applicants of the capacity available on a given date, but that no guarantees about future availability will be made. The town will offer wastewater service so long as the required capacity is available on a first come, first served basis.

The topic of road construction standards was also discussed with the emphasis on ensuring that proposed roads meet minimum safety standards and that the status of roads whether public, private, or exclusive be noted on the plat as well as in the disclosure statement. They also discussed the importance of specifying who would be responsible for road maintenance and agreed that this item should be included in the disclosure statement. Ms. Mahalick informed the Commission that the Town Council would be discussing road maintenance policies at the upcoming Council meeting.

Action: The Commissioners will review the information and bring their final suggestions to the next meeting. Ms. Mahalick will provide an updated version of the flow chart with the new information added.

6. **Calendar Update:** Ms. Mahalick asked about rescheduling the site visit originally scheduled for October 4, 2010. She suggested a tentative date and time of October 12, 2010 at 4:00 P.M. with the Town Offices as the initial meeting place. She will publish the details of the site visit after confirming arrangements with the Commissioners. Ms. Mahalick informed the Commission that the Town Council has scheduled public hearings on amending the zone map concerning the infill annexation as well as Mr. Oden's request to rezone the property north of Venus Road and west of Highway 344 for the October 20, 2010 meeting. **The next regular meeting of the Commission is scheduled for October 18, 2010 at 6:00 P.M. in the Edgewood Community Center.**
7. **Adjourn:** Commissioner Bassett moved to adjourn. Chairman Wilhite agreed. It having been moved and seconded that the meeting be adjourned, Chairman Wilhite called for a vote. The motion was adopted with all Commissioners voting in the affirmative. The meeting adjourned at 8:23 P.M.

Doyce Wilhite, Chair