

**PLANNING & ZONING COMMISSION**  
**6:00 P.M. REGULAR MEETING OF January 3, 2011**  
**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:** Commissioner Bassett suggested moving *Matters from the Chair and Commission Members* so that it would be taken up after the public hearing.

**Action:** The Commission approved the agenda, with Commissioner Bassett's suggested change, by unanimous consent.

- 3. Approve the Minutes of December 6, 2010 and December 20, 2010:** Commissioner Bassett called attention to a typographical error in the first line of page for of the December 6 minutes. Ms. Mahalick said that she would make the correction for the final version.

**Action:** Commissioner Snyder moved to approve the minutes of December 6, 2010 with the correction suggested by Commissioner Bassett. His motion received a second, and the minutes were approved with Commissioners Jackson, Bassett, Wilhite, and Turner voting in the affirmative.

There being no changes proposed to the December 20, 2010 minutes, Commissioner Bassett offered a motion to approve them. His motion received a second, and the minutes were approved with Commissioners Bassett, Wilhite, Turner, and Snyder voting in the affirmative.

- 4. Findings of Fact Liberty Square:** Ms. Mahalick suggested that the Commission might wish to table this matter once again in order to allow the applicant more time to present the preliminary plat for signature. Commissioner Bassett so moved; his motion was seconded and approved unanimously.

***PUBLIC HEARING***

- 5. Rosewood Properties-1912 Route 66, replat of 4.57 acres zoned C-2 Commercial:**  
Chairman Wilhite opened the public hearing with a brief explanation of the procedure which would be used and asked if there were any objections to his or other Commissioners' participation. Commissioner Snyder informed the Commission that he lives near the property in question, but is not personally affected and believed that he could make a fair decision. By a roll call, Commissioners Jackson, Bassett, Wilhite, Turner and Snyder each affirmed that they had no conflicts of interest, nor had they participated in ex parte communications. Commissioner Turner conducted the swearing in of persons wishing to give testimony. Chairman Wilhite then asked the applicant's representative to outline the request.

**Mr. Tim Oden's presentation on behalf of the applicant:** He explained that the owner of the property had platted the land in question under Santa Fe County oversight in 1988. Upon beginning construction of the building which now stands on the site, it was determined that the intended pad site was unsuitable due to underlying rock. The building was, therefore, ultimately constructed in such a way that it was located over an interior lot line established by the 1988 plat. The applicant owns both lots in question, and is requesting vacation of interior lot lines in order to bring the building, which is currently being expanded and remodeled, into compliance with applicable Town of Edgewood ordinances. He also explained that the applicant is also asking for a combined preliminary and final plat approval. In addition, Mr. Oden pointed out that the 10 foot waterline easement shown on the drawing provided to the Commission would be changed to a 12 foot easement at the direction of New Mexico American Water.

**Questions from Commissioners:** Commissioners asked questions of both Mr. Oden and Ms. Mahalick, and learned from them that connecting to the town sewer is not feasible at this time. The existing septic system will continue to be used. The grading and drainage plan is in progress, but no final determination about whether the access to the property and the parking lot will be paved has yet been made. The property is currently occupied, and has been for some time; many of the usual questions asked of applicants at preliminary hearings were deemed unnecessary in this particular case. Commissioners asked a number of questions about the details included in the drawing which had been provided to them as well as the proximity of easements and structures on adjoining lots. They also asked if Ms. Mahalick had in her possession any drawing of the building expansion because that detail had been omitted from the drawing provided to the Commission. Ms. Mahalick informed them that she did have the packet with her at the meeting, and she made it available to the Commission. Commissioners remarked on the fact that the interior lot lines established in the 1988 plat was not shown on the materials submitted with the request for a building permit, and asked if Ms. Mahalick was made aware that these interior lot lines existed at the time application was made for a building permit. She replied that she had not been informed about the interior lot lines at that time.

**Staff Comments:** In answer to specific questions from individual Commissioners, Ms. Mahalick provided additional history of the town's involvement in the work being done on the property, and she confirmed that the development process specified by local ordinance had not been followed; that ideally lot line adjustments would have been made prior to the issuing of the building permit. Upon being asked if she would have issued a building permit if she had been provided with the information, she replied that she would not have done so. When asked about her principal concerns on this matter, she replied that given the fact that the property had been occupied for some years without significant problems, her primary concern was ensuring adequate fire flow to serve the expanded structure.

**Commission Deliberation:** The Commissioners discussed different options for proceeding in a manner which would allow bringing interior lot lines into conformance with the ordinance while minimizing the possibility of Commission actions interfering with the completion of the

building project. They also discussed those elements which were missing from the drawing submitted to them which needed to be included on a signed preliminary plat; things such as the corrected width for the waterline easement, signature lines for utility companies, showing the expanded building, and showing the location of the two fire hydrants called out in the Santa Fe County Fire Department review. Mr. Oden asked for clarification about what elements were required to be shown on preliminary and final plats, and Commissioners read out various portions of the subdivision ordinance. Upon hearing that Commissioners were reluctant to issue preliminary and final plats in the same hearing, he asked for clarification on Commission policy regarding that as well. Chairman Wilhite referred Mr. Oden to the subdivision flowchart, based on the current ordinance, which calls for a separation of preliminary plat approval and final plat approval. After examining the flowchart, Mr. Oden informed the Commission that his one remaining request was that the Commission not impose any additional requirements between preliminary and final plat approval.

**Motion:** Commissioner Bassett, noting Mr. Oden's questions and reservations about Commission policy, offered a motion to table the matter in order to allow the applicant time to provide more complete information and for the Commission to have an opportunity to consider its options. Commissioner Jackson seconded the motion for discussion. After Commissioners discussed the ramifications of different options, Commissioner Bassett withdrew his motion. Commissioner Jackson then proposed offering a motion with conditions designed to correct problems with the drawing presented to the Commission while alleviating concerns that Commission actions might interfere with satisfying the building permit requirements. After hearing that other Commissioners would find such a motion acceptable, Commissioner Jackson offered a motion to grant preliminary approval of a replat for the purpose of vacating certain interior lot lines with four conditions and, in response to Mr. Oden's desire to have a clear statement of Commission expectations, an additional stipulation about what would be required in order to secure final approval and signature. The conditions and stipulations follow:

- First, that the 10ft. waterline easement be shown as a 12 ft. easement on the drawing.
- Second, that lines be provided for signatures of utility company representatives.
- Third, that the drawing be modified to include the addition to the existing building.
- Fourth, that the drawing show two fire hydrants which will be required by Santa Fe County Fire Department.
- Furthermore, the Commission agreed that at such time as the Town is satisfied that requirements of the building permit have been met, the applicant could then return to the Commission and present the signed preliminary plat for final approval and signature without any additional conditions being imposed by the Commission.

Commissioner Bassett offered a second to Commissioner Jackson's motion.

**Action:** Chairman Wilhite announced a roll call vote. Commissioner Jackson voted aye. Commissioner Bassett voted aye. Chairman Wilhite voted aye. Commissioner Turner voted aye. Commissioner Snyder voted aye. The applicant's request was approved with the four conditions and stipulation stated in the motion. Commissioners requested that Ms. Mahalick prepare findings of fact for this preliminary approval due to the unusual timeline of the development process on the property. They also requested that Ms. Mahalick provide Commissioners with copies of the approved and signed preliminary plat.

***OUT OF PUBLIC HEARING***

- 6. Lands of Cora Cody boundary survey and water line easement vacation:** This item was tabled by unanimous consent at the suggestion of Ms. Mahalick in order to allow the applicant more time to acquire certain documents needed to complete the application packet.
- 7. Matters from the Chair and Commission Members:** The Commission continued its earlier discussion about the importance of having sufficient time to review documents presented to them for public hearings. Commissioners also discussed several different items which might be included in notebooks given to current and newly appointed Commissioners. Ms. Mahalick reminded the Commissioners that all information included in the notebooks should be explicitly grounded in and cite applicable local ordinances or state statutes.
- 8. Organizational Meeting:** After a brief discussion of the various circumstances and wishes of individual Commissioners, Chairman Wilhite called for nominations first for Chair, and then for Vice-Chair.
  - a. Election of Chair:** Mr. Snyder nominated Mr. Bassett, with Ms. Turner seconding the nomination. Upon hearing that Mr. Bassett was willing to serve in that capacity, Chairman Wilhite called for a vote. Commissioner Bassett was elected unanimously.
  - b. Election of Vice-Chair:** Mr. Bassett nominated Mr. Snyder, with Mr. Jackson seconding the nomination. Upon hearing that Mr. Snyder was willing to serve in that capacity, Chairman Wilhite called for a vote. Commissioner Snyder was elected unanimously.
- 9. Calendar Update:** Ms. Mahalick informed the commission that there were no items scheduled for the remainder of January, but if an outstanding preliminary plat for Liberty Square should be presented for signature she would schedule a special meeting. The next regular meeting of the Commission is scheduled for February 7, 2011 at 6:00 P.M. in the Edgewood Community Center.
- 10. Adjourn:** Chairman Wilhite stated upon completion of the agenda that it was time to consider adjournment.

**Action:** The meeting was adjourned at 9:08 P.M. by unanimous consent.

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John Bassett, Chair (Minutes approved on 02/07/11)