

PLANNING & ZONING COMMISSION
6:00 P.M. REGULAR MEETING OF FEBRUARY 7, 2011
EDGEWOOD COMMUNITY CENTER
26 E. FRONTAGE ROAD
MINUTES

1. **Call to order:** Chairman Bassett called the meeting to order with a roll call at 6:02 P.M.
Commissioners Present: Wilhite, Pemberton, Bassett, Snyder, Turner
Commissioners Absent: Jackson
Staff Present: Ms. Karen Mahalick

2. **Approve Agenda:** Chairman Bassett called for a motion to approve the agenda, but suggested that the *Lot Line Vacation Request* hearing be delayed in order to allow more time for the applicant to arrive. Commissioner Snyder offered a motion to approve the agenda with the proposed change, and his motion received a second.

Action: The agenda with the change noted was approved unanimously.

3. **Approve the Minutes of January 3, 2011:** Chairman Bassett then asked if there were any changes to be made to the draft minutes. Commissioner Turner stated that the fourth condition on page 3 needs to be corrected to reflect the fact that two fire hydrants will be required by Santa Fe County for the Rosewood Properties at 1912 Route 66. She also asked for clarification of whether the Chairman who presided at the January 3 meeting or the current presiding officer should sign the minutes. Ms. Mahalick replied that it should be the current Chairman. Commissioner Wilhite offered a motion to approve the minutes of January 3, 2011 with the two changes suggested by Commissioner Turner; his motion was duly seconded.

Action: The minutes, with suggested changes, were unanimously approved by Commissioners Wilhite, Bassett, Snyder, and Turner. Commissioner Pemberton did not vote on this item as she joined the Commission after the January 3, 2011 meeting.

4. **Planning and Zoning Commission, rules for the transaction of business, Resolution 2011-02.** Chairman Bassett opened the discussion with some questions about whether or not the presiding officer should make motions. Ms. Mahalick reminded the Commissioners that, according to *Roberts Rules*, the Commission's presiding officer retains all the rights and duties of Commissioners and is not prohibited from voting or offering motions. However, she said that the Commission could adopt rules limiting the actions of the presiding officer if it wished to do so.

Chairman Bassett asked the other Commissioners for their thoughts. Commissioner Snyder mentioned that during the past year Commissioner Wilhite typically withheld his vote until after the others had voted. Commissioner Wilhite replied that he did so in order to avoid the possibility of unduly influencing the votes of other Commissioners. Commissioner Turner said that she would prefer to allow each presiding officer to choose among the available options.

Chairman Bassett then asked if any Commissioner wished to propose changes to the document. Commissioner Wilhite noted that the date and names of Commissioners should be changed to reflect current circumstances. Commissioner Turner suggested adding language to section 4 stating that votes during closed session or by secret ballot are not permitted citing the *Open Meetings Act Compliance Guide* recently published by the New Mexico Attorney General. The general consensus of the Commissioners present was that this language was acceptable. Ms. Mahalick said that she will work with Commissioner Turner on the wording, amend the document, and return it to the Commission for approval at the next regular meeting. Chairman Bassett officially welcomed Commissioner Pemberton, and led a discussion of the different sections of the proposed rules for the transaction of business.

Action: Citing changes requested earlier, Chairman Bassett then asked for a motion to table the item until the next regular meeting. Commissioner Wilhite so moved; the motion received a second and was approved with all Commissioners voting in the affirmative.

5. **Findings of Fact Liberty Square:** Ms. Mahalick provided the Commission with a corrected copy of the *Findings of Fact* and directed Commissioners' attention to the amended document showing the proposed hammerhead road. After examining both documents and receiving no calls for changes to either, Chairman Bassett asked for a motion to approve the findings. Commissioner Wilhite offered a motion to approve them; Commissioner Snyder seconded the motion.

Action: The motion was adopted unanimously by a roll call vote; Commissioner Wilhite voted aye. Commissioner Snyder voted aye. Commissioner Turner voted aye. Chairman Bassett voted aye. Commissioner Pemberton did not vote as she was not a member of the Commission at the time of the public hearing on the matter.

6. **Pre-Application Lands of Ralph Hill located in the Hillcrest Master Plan.** Mr. Tim Oden spoke on behalf of the applicant regarding Mr. Hill's intention to reconfigure one portion in order to provide a home site for a family member. Among the items discussed were drainage, proposed access to the property, and the proximity of nearby wells which would limit the placement of a septic system.

Commissioners also requested of Mr. Oden that before he returns with this or other applications which entail changes to the master plan that they would like to see a timeline showing changes which have been made since the original plan was first approved. Mr. Oden said that he would forward the information to Ms. Mahalick. Commissioners also discussed with Mr. Oden the different requirements from the subdivision ordinance which will need to be addressed at such time as the applicant decides to pursue a request for approval of a preliminary plat.

Mr. Oden expressed regret that the current subdivision ordinance does not provide for minor subdivisions, and asked about streamlining the process by combining the preliminary and final plat approvals. Chairman Bassett pointed out that while combining preliminary and final plats is appropriate in certain instances, when a subdivision requires the installation of infrastructure

it is more appropriate to approach preliminary and final approvals as distinct stages of the subdivision process. Mr. Oden thanked the Commission and said that he would confer with Mr. Hill about his wishes concerning the application.

7. Public Hearing: Guttman Properties #7 Edgewood Road, Lot Line Vacation 1.660 acres zoned C-2.

Because no one appeared before the Commission to offer testimony, Ms. Mahalick informed the Commission that they could consider the matter and vote without conducting a public hearing because requests of this nature allow for but do not require a public hearing. She informed the Commission that there are no utility right of way or encroachment issues; the application meets the requirements of the ordinance. Commissioners did mention the fact that the address of the property needs to be shown correctly on the application documents which show the property as being located on State Highway 344 instead of Edgewood 7. Chairman Bassett asked about the letters from the utility company required by the ordinance. Ms. Mahalick said that signature lines on the plat would be sufficient to meet the requirement for this application because the change would not affect any utilities.

For future reference, Ms. Mahalick asked for input from Commissioners about the possibility of changing the ordinance to allow simple interior lot line vacations to be approved administratively. The general consensus of the Commission was that such a change would be a good idea. Commissioner Turner asked if an administrative approval process would include notification of adjoining property owners; Ms. Mahalick replied that notification could be included in an administrative approval process should the ordinance be revised. She also stated that in the event adjoining property owners objected to a proposed vacation, there would still exist, as provided by town ordinance, the option of bringing the matter before the Commission.

Upon conclusion of the discussion, Chairman Bassett called for a motion. Commissioner Wilhite offered a motion to approve the request for an interior lot line vacation with the condition that the correct address be shown upon the application's documents. His motion received a second.

Action: The motion to grant the application for vacation of a lot line was approved with all Commissioners voting in the affirmative.

8. Matters from the Chair and Commission Members: Chairman Bassett discussed several proposed changes to the water will-serve letter template currently being used by the Commission. He suggested minor changes of wording based on previous comments from Mr. Torres of New Mexico American Water. Chairman Bassett also proposed that future letters be addressed to the Town of Edgewood Planning & Zoning Commission rather than the applicant in order to address Mr. Torres' concern that such letters might be used for purposes other than satisfying the Town's subdivision ordinance.

The Commission then considered the revised and extended draft version of material for Commissioners' notebooks which had been presented by Chairman Bassett at the previous meeting. Commissioners discussed the various sources of information used in preparing the

document. The document also contained a page showing Chairman Bassett's proposed template for conducting public hearings. The Commissioners gave an overview of the public hearing process for the benefit of Commissioner Pemberton who was attending her first meeting. Commissioner Turner noted that, as suggested by Ms. Mahalick at the previous meeting, all the information included was explicitly drawn from state statutes, local ordinances, the New Mexico Attorney General's publication on complying with the Open Meetings Act, and documentation of land use case law published by the New Mexico Municipal League. Commissioner Turner asked the other Commissioners and Ms. Mahalick to review the draft and return with suggested changes which will be discussed at the next meeting.

- 9. Calendar Update:** The next regular meeting of the Commission is scheduled for February 21, 2011 at 6:00 P.M. in the Edgewood Community Center.
- 10. Adjourn:** At the conclusion of the Calendar Update, Chairman Bassett asked for a motion to adjourn. Commissioner Wilhite offered a motion which received a second.

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

John Bassett, Chair