

TOWN OF EDGEWOOD
ORDINANCE NO. 2007-16

AN ORDINANCE GRANTING THE PETITION TO ANNEX
APPROXIMATELY 202 ACRES OF TERRITORY CONTIGUOUS TO THE NORTH
BOUNDARY OF THE TOWN OF EDGEWOOD,
NEW MEXICO.

WHEREAS: the owners of a majority of approximately 202 acres of territory contiguous to the current north boundary of the Town of Edgewood have petitioned the Town to annex the territory; and

WHEREAS: the annexation petition delivered to the Town Clerk complies with the requirements of NMSA 1978, S3-7-17 and was, prior to signature by petitioners, duly approved by the Town Administrator, pursuant to NMSA 1978, S3-1-5 and

WHEREAS: the annexation petition is accompanied by a map, , known as Exhibit 'A', showing the external boundary of the territory proposed to be annexed and the relationship of such territory to the existing Town boundary; and also is accompanied by a written description of the lands to be annexed and

WHEREAS: a public hearing, or hearings, regarding this ordinance have been published and held in conformance with the requirements of State law that:

1. The requested annexation is contiguous to the present municipal boundary.
2. The annexation request is signed by a majority of the number of acres in the contiguous property.

and;

WHEREAS: the Town Council, the Governing Body of the Town of Edgewood, has determined that the Town is capable of providing municipal services to the territory proposed to be annexed within a reasonable time and that the annexation is in the best interests of the Town as a whole;

THEREFORE: BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ED GE WOOD THAT:

The territory described and defined in Exhibit 'A' is hereby annexed to the Town of Edgewood and is hereby made subject to all of the laws and ordinances which shall now or hereafter apply to land within the Town limits. Further, the Council hereby directs the Town Clerk to file a copy of the maps of the annexed territory in the office of the Clerk of Santa Fe County and to send copies of the ordinance and of the maps of the territory so annexed to the Secretary of Finance and Administration and to the Secretary of Taxation and Revenue.

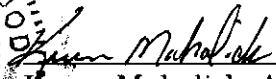
APPROVED, PASSED AND ADOPTED this June 20, 2007 at an open meeting held at the Edgewood Community Center Town of Edgewood, New Mexico.



Chuck Ring, Mayor protem

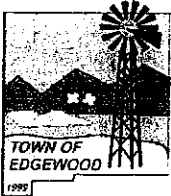


ATTEST:



Karen Mahalick, Acting Administrator

SPC CLERK RECORDED 07/25/2007



PETITION FOR ANNEXATION

PETITIONER(S): Stone Mountain Estates TELEPHONE: 281-8747
(Attach proof of ownership: If not owner, must also provide notarized statement of authorization from owner.)
MAILING ADDRESS: PO Box 1068, Edgewood, NM 87015

LEGAL DESCRIPTION OF PROPERTY: (Attach additional sheets as necessary.)
SE4 and SE4 of NE4 in Sec 7 and lots 26 & 27 Sunshine Valley in Sec 18, Tion, Rte, NMPM
TOTAL ACREAGE OF PROPERTY: 202

REQUESTED ZONING DESIGNATION FOR PROPERTY: R-2
(Please note that the final zoning designation by City Council may differ from the requested designation.)

INSTRUCTIONS: Type or print clearly on this form and attach a map showing the external boundary of the territory proposed for ANNEXATION, and its relationship to the existing boundary of the TOWN of EDGEWOOD. Territory proposed for annexation must be contiguous to the existing limits of the TOWN.

Pursuant to NMSA 1978, §3-7-17 the undersigned petitioners request that the Town of Edgewood, by ordinance, grant this petition and annex approximately 202 acres of territory contiguous to its current boundary Attached to this Petition as Exhibit "A", is a map showing the external boundaries of the territory proposed to be annexed and the relationship of this area to the existing Town boundaries and the second being a map showing the boundaries of the territory proposed to be annexed The undersigned petitioner owns a majority of the number of acres in the area proposed for annexation.

[Signature] Edward Cardenas 04-30-2007
Signature Print Name Date

[Signature] Steve Steele 04-30-2007
Signature Print Name Date

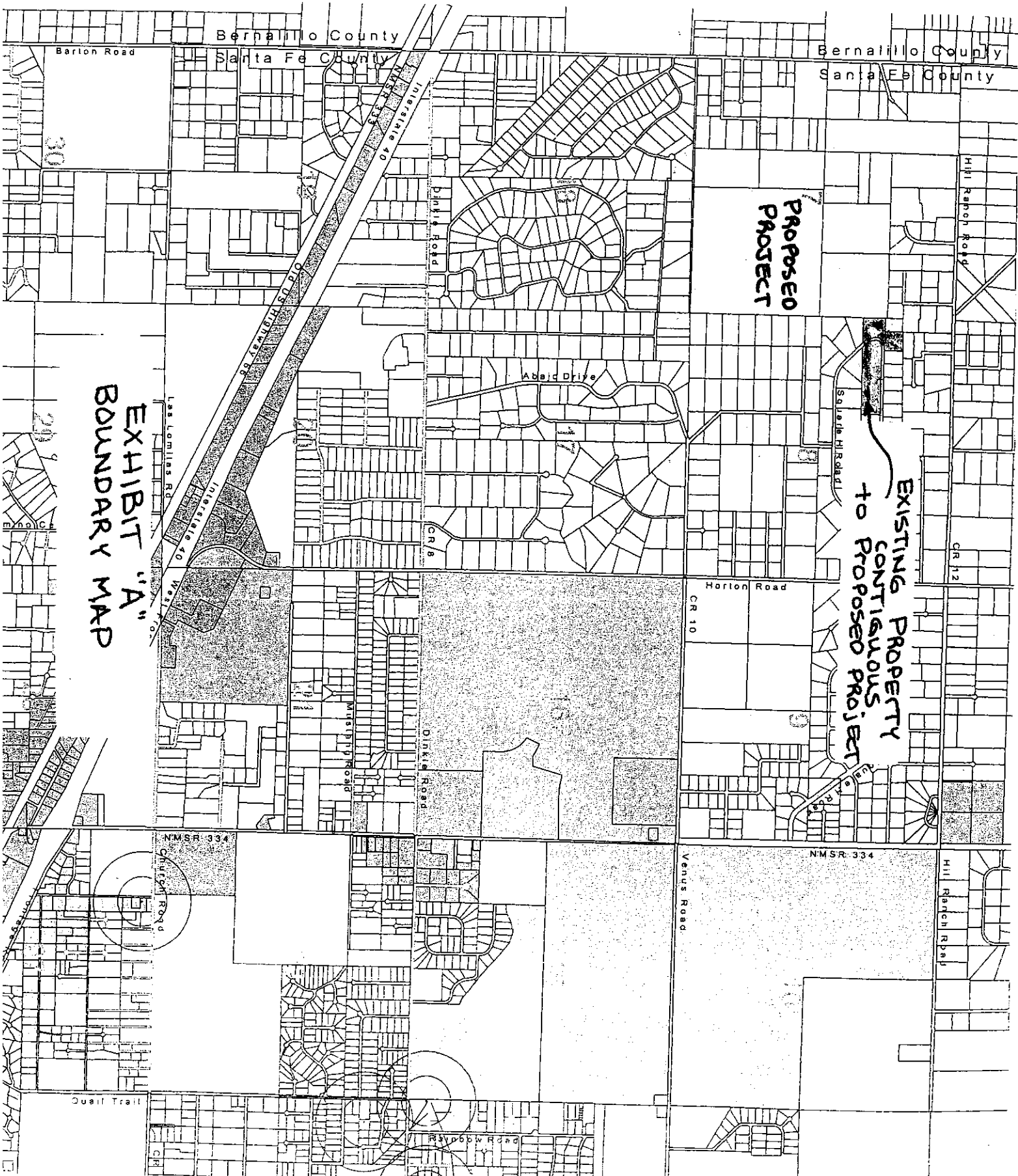
Owner(s) of approximately _____ acres in the area proposed for annexation.

Any person knowingly providing or causing to be provided any false information on the petition, forging a signature or signing this petition knowing he or she is not an owner of real property within the territory proposed to be annexed is guilty of a fourth degree felony.

Pursuant to §3-1-5 NMSA 1978 (Repl. Ramp. 1987) the Town Clerk approves the form of this Petition.

Clerk/Treasurer Dated
Town of Edgewood, New Mexico

NOTE: Although deemed effective at the time of filing with the County Clerk, annexations do not become complete until 30 days (thirty) after such filing, being subject to public appeal in District Court during said period.



Bernalillo County
Santa Fe County

Bernalillo County
Santa Fe County

PROPOSED PROJECT

EXISTING PROPERTY CONTIGUOUS TO PROPOSED PROJECT

EXHIBIT "A"
BOUNDARY MAP

Barlon Road

Abaid Drive

Horton Road

Venus Road

NMSR 334

NMSR 334

CHUCK ROAD

Hill Ranch Road

Quail Trail

Rainbow Road

CR 7

CR 12

CR 10

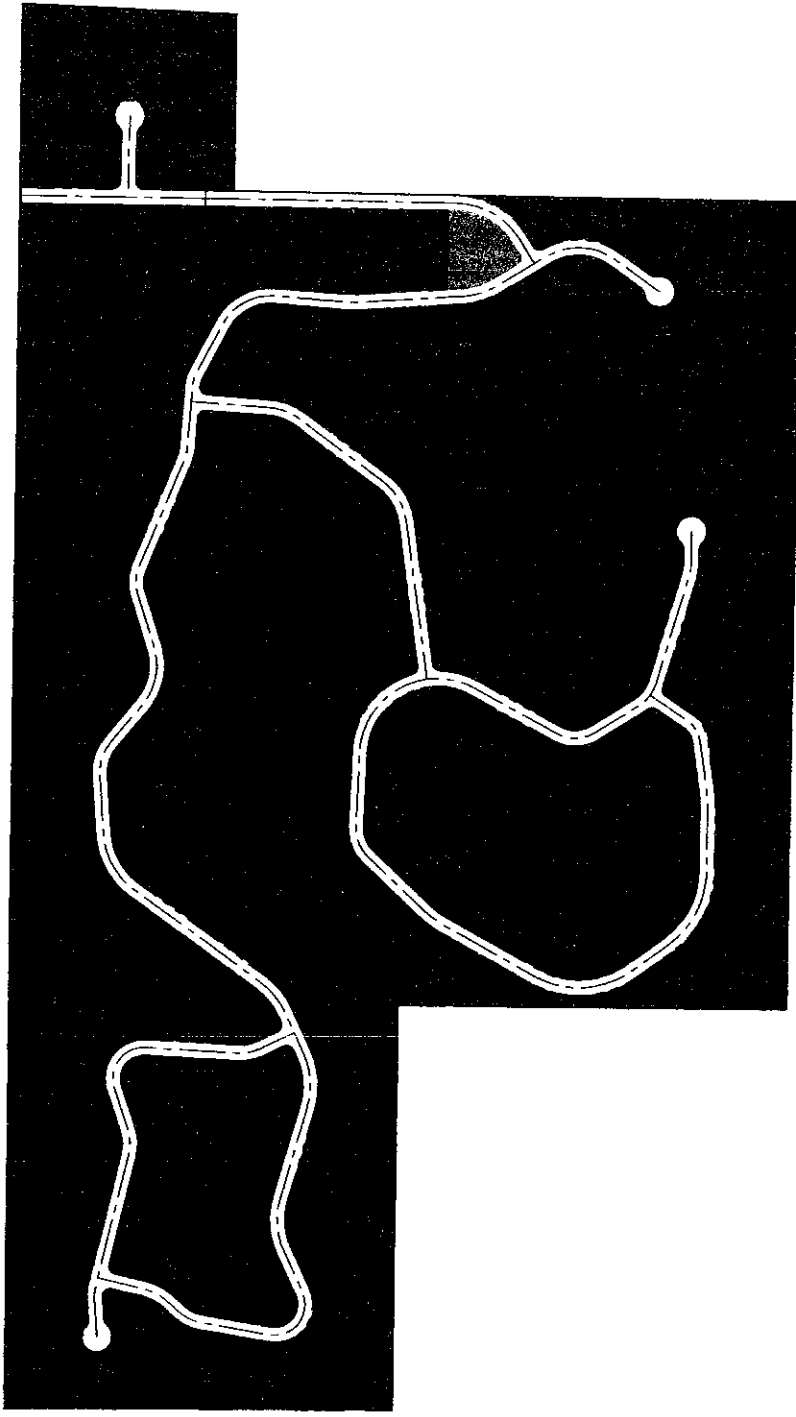
CR 8

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LEGEND

[Symbol]	Proposed
[Symbol]	Existing
[Symbol]	Water
[Symbol]	Electric
[Symbol]	Gas
[Symbol]	Telephone



SUBDIVISION SUMMARY
 AREA = 892 ACRES MORE OR LESS
 SUBDIVISION ROAD = 18,062 L.F.
 87 TOTAL LOTS
 SIZE = 2.00 ACRES TO 3.76 ACRES
 PARK AREA = 3.5 ACRES
 RIGHT OF WAY = 16.66 ACRES
 DENSITY = 2.32 ACRES
 AVERAGE LOT SIZE = 2.32 ACRES

INFRASTRUCTURE SUMMARY
 WATER = LETTER OF COMMITMENT FROM:
 TBD
 SEWER = STANDARD SEPTIC SYSTEM
 TBD
 ELECTRIC = TBD
 GAS = TBD
 TELEPHONE = TBD



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SANTA FE COUNTY NEW MEXICO

STONE MOUNTAIN ESTATES

TOWN OF EDGEWOOD

MASTER PLAN

PRELIMINARY NOT FOR CONSTRUCTION

Engineers Stamp

MEC MILLER ENGINEERING CONSULTANTS
 Engineers • Planners

Designed	JMS	Proj. #	E-05-077
Drawn	RJC	File	CONCEPT-3
Checked	JMS	Date	4-17-7

3500 COMANCHE, NE
 BURLING, I
 ALBUQUERQUE, NM 87107
 (505)888-7500
 (505)888-1800 (FAX)
 WWW.MECNM.COM

PETITION FOR ANNEXATION

Applicant: Stone Mountain Estates
PO Box 1068
Edgewood NM 87015

The following is in response to Section 8 of the Annexation Ordinance.

A. *Application fees established by ordinance.*

- Response: Check enclosed

B. *A statement of the size of the property in square footage and acres.*

- Response: The proposed request for annexation is 202 acres.

C. *A description of the proposed project, including the approximate:*

a) Number and size of proposed lots.

- Response: The proposed subdivision is anticipated to be approximately 87 - 2 acre lots.

b) Length and location of the proposed water and sewer mains.

- Response: Water shall be provided by Thunder Mountain Water Company and is located on the south boundary. Approximately 15,000 lf of water main shall be required. Sewer shall be provided by on site septic tanks and drain fields.

c) Length and location of proposed streets and alleys.

- Response: The proposed subdivision shall require approximately 15,000 lf of on site roads and 3,000 lf of off site access road (Venus Road).

d) Length and location of the proposed sidewalks.

- Response: None

D. *A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.*

- Response: See attached.

E. *A statement describing how the proposed project complies with specific goals and policies of the Edgewood Comprehensive Plan.*

- Response: The proposed project shall comply with Goal 2 of the Town of Edgewood Comprehensive Master plan. The project shall have 2 acre lots to conform to objective 2.1 and 2.3. Restrictive covenants shall be written and enforced to conform to policy 2C regarding outdoor lighting and overall appearance of the project. The project shall include at least one park area.

F. *A statement describing how the proposed project is compatible with adjacent neighborhood(s).*

- Response: The proposed subdivision is north of Thunder Mtn Estates a 99 lot 2.5 acre subdivision and Quiet Valley Subdivision also a 99 lot 2.5 acre subdivision.

G. A statement describing how the applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., avalanche, floodplains and floodways) are incorporated into proposed project and/or mitigated.

- Response: The proposed project shall be designed by a New Mexico professional engineer in accordance with the town of Edgewood's standards. Stone Mountain Estates has contracted with Miller Engineering to perform the engineering.

H. A statement describing what contributions and/or dedications the applicant is willing to make as part of the proposed annexation.

- Response: The proposed project shall dedicate a park and improve the main entrance located at Venus Road.

I. A description of how the proposed annexation will protect Edgewood's established or proposed wellhead protection zones.

- Response: The proposed project shall comply with the New Mexico Environment Department and EPA standards.

J. A description of how the annexation will impact the existing municipal infrastructure and services (e.g., water, sewer, streets, library, police, fire and parks).

- Response: The proposed subdivision will extent the current animal control patrol boundaries. Additional road maintenance for paved roads will be required. However, the gross receipt is anticipated to off set the additional expenses that the Town will incur.

K. A statement of who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately and publicly owned utilities) will be funded.

- Response: We are requesting that the Town of Edgewood maintain the roads. The utilities shall be operated and maintained by the providers. Funding shall be contributed by the Developer.

L. A phasing plan showing the proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development. In the case of a phased project, items C and D above may be omitted for future phases; however provisions shall be made within an annexation agreement for submittal or plans and payment of fees for future phases.

- Response: 3 phases are anticipated approximately 18 months apart.

M. The following studies shall be submitted:

a) Traffic study showing impact on adjacent streets and streets that would serve the proposed project.

- Response: The main entrance to the proposed subdivision shall be Venus Road from State Hwy 344.

b) Floodplain study (if applicable).

- Response: None
c) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.
- Response: See attached preliminary layout.

N. A fiscal impact analysis or an updated fiscal impact analysis. The analysis may be submitted at the time of the application for annexation, or when the application is reviewed for zoning by the Planning & Zoning. In preparing this analysis, the applicant may utilize the annexation cost matrix developed by the Town to assist it in estimating the costs and benefits to the Town of the proposed annexation.

- Response: Unknown

O. The Manager, in consultation with such other departments and appointed boards as the Manager deems necessary, shall prepare and update on an annual basis a cost matrix estimating the fiscal impact to the Town in the form of anticipated increased governmental services necessary to support the proposed annexation, including:

- 1. Road and trail maintenance costs;**
 - 2. Police, fire, and EMS costs;**
 - 3. Park and recreation facility costs;**
 - 4. Additional Town staffing requirements; and**
 - 5. Solid waste disposal costs.**
- Unknown.

WARRANTY DEED

CHARLES R. KEY and BEVERLY JEAN KEY, husband and wife; ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER; MARYLYN LEE WIDLUND, an unmarried woman; and BETTY LEANORE OSTROWER, an unmarried woman, GAYE FAHRINGER, SUCCESSOR TRUSTEE OF THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST, U/A/D OCTOBER 24, 2004 AND ANY SUB-TRUSTS CREATED THEREUNDER for consideration paid, grant to STONE MOUNTAIN ESTATES, INC., a New Mexico Corporation, whose address is 51 Dinkle Road, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

The Southeast One-quarter (SE1/4); and the Southeast One-quarter of the Northeast One-quarter (SE1/4NE1/4), all in Section 7, Township 10 North, Range 7 East, N.M.P.M., Santa Fe County, New Mexico.

Subject to Right of Way in favor of Texas-New Mexico Pipe Line Company recorded in Misc. Book 138, page 217; assigned to Giant Pipeline Company, a New Mexico corporation, by Assignment of Rights-of-Way and Permits, recorded as Document No. 1404730, in the records of Santa Fe County, New Mexico.

Subject to Access and Utility Easement Agreement recorded in Book 1437, Page 445, in the records of Santa Fe County, New Mexico.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2007 and years thereafter and all other matters of record.

with warranty covenants.

WITNESS our hands and seals on January 29, 2007

Charles R. Key
CHARLES R. KEY

Beverly Jean Key
BEVERLY JEAN KEY



THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Robert L. Manhart
ROBERT L. MANHART
SUCCESSOR TRUSTEE

Betty Leann Ostrower
BETTY LEANORE OSTROWER

Marylyn Lee Widlund
MARYLYN LEE WIDLUND

THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Gaye Fahringer
GAYE FAHRINGER, TRUSTEE
AND SUCCESSOR TRUSTEE

COUNTY OF SANTA FE 1
STATE OF NEW MEXICO 1 50

WARRANTY DEED
PAGE 2

Notary Public for Santa Fe County, New Mexico
My Commission Expires 12/31/2008
1409120

WARRANTY DEED

CHARLES R. KEY and BEVERLY J. KEY, husband and wife; ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER; MARYLYN L. WIDLUND, an unmarried woman; BETTY L. OSTROWER, an unmarried woman; and GAYE FAHRINGER, SUCCESSOR TRUSTEE OF THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER, for consideration paid, grant to STONE MOUNTAIN ESTATES, INC., a New Mexico Corporation, whose address is 51 Dinkle Road, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

Lot Twenty-Seven (27) of Sunshine Valley Subdivision No. 1, located in Sections 17 and 18, T10N, R7E, N.M.P.M., Santa Fe County, New Mexico as the same is shown and designated on the plat thereof filed December 23, 1959, as Document No. 238,047, and recorded in Plat Book 8, Page 109, in the records of Santa Fe County, New Mexico.

Subject to Access and Utility Easement Agreement recorded in Book 1437, Page 445, in the records of Santa Fe County, New Mexico.

Subject to patent reservations, restrictions, covenants and easements of record and to taxes for the year 2007 and years thereafter and all other matters of record.

with warranty covenants.

WITNESS our hands and seals on January 29, 2007.

Charles R. Key
CHARLES R. KEY

Beverly J. Key
BEVERLY J. KEY

THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Robert L. Manhart
ROBERT L. MANHART
SUCCESSOR TRUSTEE

Betty L. Ostrower
BETTY L. OSTROWER

Marylyn L. Widlund
MARYLYN L. WIDLUND

THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST
U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER

By: Gaye Fahringer
GAYE FAHRINGER, TRUSTEE
AND SUCCESSOR TRUSTEE

ACKNOWLEDGMENT

STATE OF New Mexico)
COUNTY OF Bernalillo)

This instrument was acknowledged before me on January 29, 2007, by CHARLES R. KEY and BEVERLY JEAN KEY, husband and wife.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF Colorado)
COUNTY OF El Paso)

This instrument was acknowledged before me on January 23rd, 2007, by ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER.

MY COMMISSION EXPIRES: 10-18-2009

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Bernalillo)

ALEXANDER M. MATHER
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 10-18-2009

This instrument was acknowledged before me on January 29, 2007, by MARYLYN LEE WIDLUND, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Bernalillo)

29 This instrument was acknowledged before me on January 29, 2007, by BETTY LEANORE OSTROWER, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Bernalillo)

This instrument was acknowledged before me on January 29, 2007 by Gaye Fahringer, Successor Trustee of the Carl Fahringer and Gaye Fahringer Revocable Trust U/A/D October 24, 2004 and any sub-trusts created thereunder.

My commission expires _____

[Signature]
Notary Public

WARRANTY DEED

CHARLES R. KEY and BEVERLY J. KEY, husband and wife, for consideration paid, grant to STONE MOUNTAIN ESTATES, INC., A New Mexico Corporation, whose address is 51 Dinkle Road, Edgewood, New Mexico 87015, the following described real estate in Santa Fe County, New Mexico:

Lot Twenty-Six (26) of Sunshine Valley Subdivision No. 1, located in Sections 17 and 18, T10N, R7E, N.M.P.M., Santa Fe County, New Mexico as the same is shown and designated on the plat thereof filed December 23, 1959, as Document No. 238,047, and recorded in Plat Book 8, Page 109, in the records of Santa Fe County, New Mexico.

Subject to patent reservations, restrictions and easements of record and to taxes for the year 2007 and years thereafter and all other matters of record.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
I Hereby Certify That This Instrument Was Filed for Record On The 31ST Day Of January, A.D., 2007 at 14:50 And Was Duly Recorded as Instrument # 1469132 Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy County Clerk, Santa Fe, NM

with warranty covenants.

WITNESS our hands and seals on January 29, 2007.

Charles R. Key
Charles R. Key

Beverly J. Key
Beverly J. Key

ACKNOWLEDGMENT

STATE OF New Mexico)
COUNTY OF Bernalillo)

This instrument was acknowledged before me on January 29, 2007, by Charles R. Key and Beverly J. Key.

MY COMMISSION EXPIRES: _____

Notary Public
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 29, 2007, by CHARLES R. KEY and BEVERLY J. KEY, husband and wife.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF Colorado)
COUNTY OF El Paso)

This instrument was acknowledged before me on January 23rd, 2007, by ROBERT L. MANHART AS SUCCESSOR TRUSTEE OF THE ROBERT AND SHEILA MANHART TRUST, U/A/D DATED SEPTEMBER 24, 1996 AS AMENDED AND ANY SUB-TRUSTS CREATED THEREUNDER.

MY COMMISSION EXPIRES: 10-18-2009

[Signature]
NOTARY PUBLIC

ALEXANDER M. MATHER
NOTARY PUBLIC
STATE OF COLORADO

My Commission Expires 10-18-2009

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 29, 2007, by MARYLYN L. WIDLUND, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 29, 2007, by BETTY L. OSTROWER, an unmarried woman.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

STATE OF New Mexico)
COUNTY OF Sandoval)

This instrument was acknowledged before me on January 25, 2007, by GAYE FAHRINGER, SUCCESSOR TRUSTEE OF THE CARL FAHRINGER AND GAYE FAHRINGER REVOCABLE TRUST U/A/D OCTOBER 24, 2004, AND ANY SUB-TRUSTS CREATED THEREUNDER.

MY COMMISSION EXPIRES: _____

[Signature]
NOTARY PUBLIC

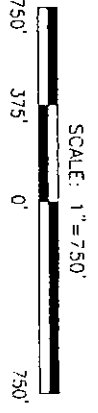
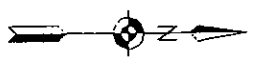
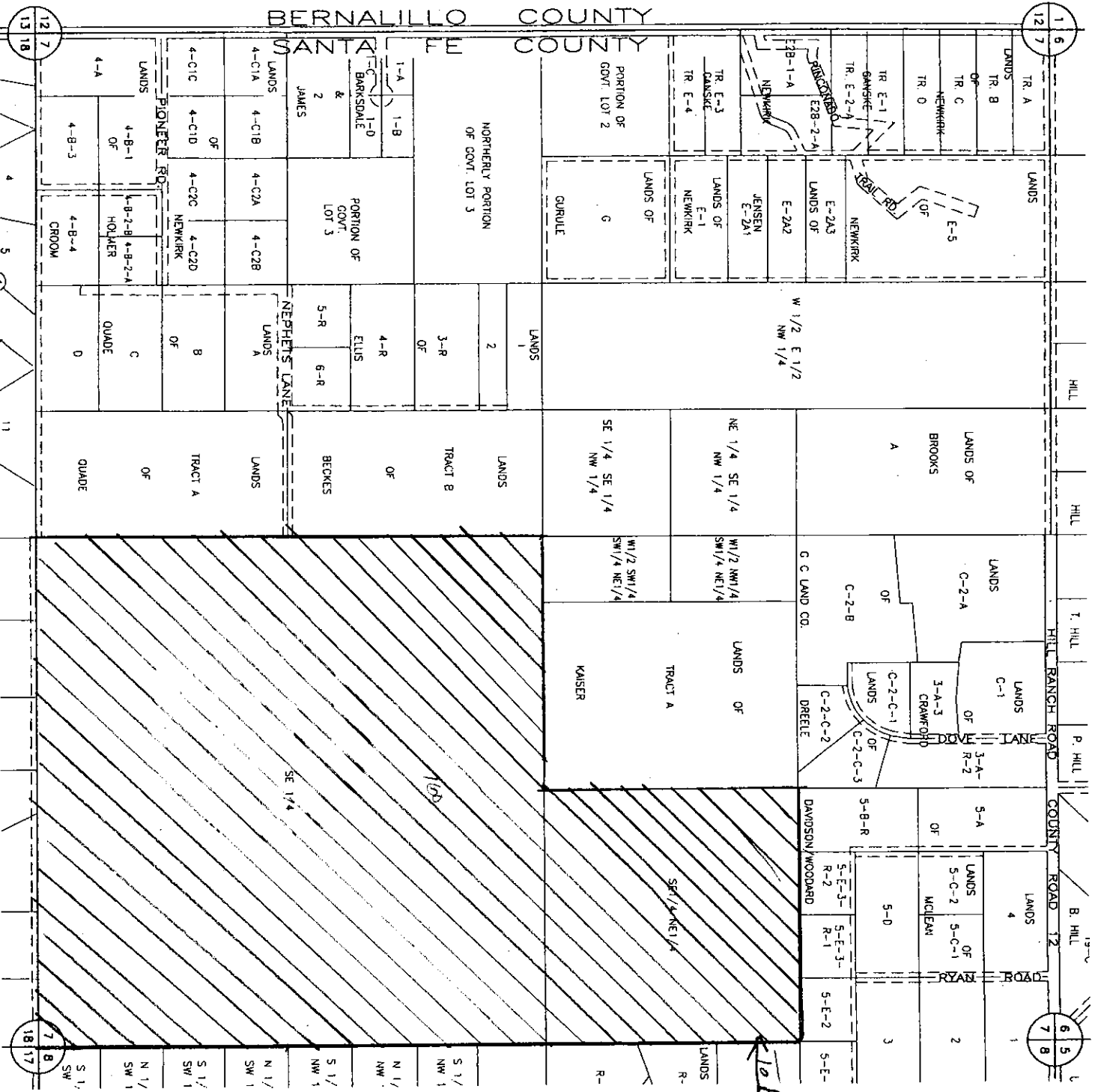
09/13/2010

COUNTY OF SANTA FE) WARRANTY DEED
STATE OF NEW MEXICO) ss PAGES 2

I Hereby Certify That This Instrument Was Filed & Recorded On The 31ST Day Of January A.D. 2007 And That Said Instrument Was Recorded In Instrument # 1469134 In The Records Of Santa Fe County

Exhibit "A" UPL -
 1-037-059-337-137
 1-037-059-

COPYRIGHT
 ALL RIGHTS RESERVED
 ODEN-MILLER & ASSOCIATES



LEGAL DESCRIPTION
 T 10 N
 R 7 E
 SEC 7

UNIFORM PROPERTY CODE
 1037059

MAP AMENDED THROUGH
 JANUARY 1, 2002

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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

EDGEWOOD ORDINANCE
PAGES: 3

Hereby Certify That This Instrument Was Filed for
cord On The 25TH Day Of July, A.D. 2007 at 16:35
d Was Duly Recorded as Instrument # 1493241
The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
puty *Marco Schulte* County Clerk, Santa Fe, NM

PDF CLERK DECODED 07/25/2007

Planning & Zoning Commission
6:00 pm. June 18, 2007
Edgewood Community Center, 27 E. Frontage Road

1. Call to order. The meeting was called to order at 6:00 pm, Commissioners Fulwiler, Rea and Wilhite were present. Commissioners Chemistruck, Lowry and Vogel were absent.
2. Approve agenda. Commissioner Wilhite moved to approve the agenda; the motion was seconded and passed unanimously.
3. Approve minutes of 6/04/07 & 6/11/07. Commissioner Wilhite moved to approve the minutes of 06/04/07; the motion was seconded and passed unanimously. Commissioner Wilhite moved to approve the minutes of 06/11/07; the motion was seconded and passed unanimously.
4. Implementation survey. Insufficient information had been received to process this chart for editing the comprehensive plan; staff requested the item be tabled. Commissioner Wilhite moved to table the implementation survey; the motion was seconded and passed unanimously.

PUBLIC HEARING-QUASI JUDICIAL PROCEDURE

Certification that Public Notice of this Meeting has been posted as required:

Noted: Staff confirmed

The statement of proceedings was read and the commissioners noted no conflicts of interest/exparte contacts.

5. Rezoning request Northwest corner Church Road and Quail Trail, 207 acres of residential one acre (R-1) requesting rezoning to Multi-Use. Bob Pruitt of Centex Homes introduced himself as the applicant and stressed that this is a conceptual land use plan. Centex will study the feasibility of including townhomes or condominiums in their plan, wastewater service will need to be determined prior to the subdivision process for this curvilinear design. Mr. Pruitt turned the presentation over to Jim Strozier of Consensus Planning. Mr. Strozier said the intent of the project was to keep it residential with 2 phases not to exceed 4 dwellings per acre, dividing the property longitudinally in half. It was stated that this project would comply with policy 2A of the Comprehensive plan to provide for medium density and mixed use of housing, and the conceptual land use map which calls out this area for mixed use. Mr. Strozier stated there would be buffering on the eastern side of the project and over 6 miles of conceptual trails with an overall density of 2.7 dwellings per acre. The town will not be required to install any infrastructure improvements; this will be the developer's responsibility. Commission Wilhite asked about the availability of right-of-way on Church and wastewater service, Mr. Strozier stated they would be able to accommodate future widening of Church and the wastewater was an ongoing dialogue. Commissioner Fulwiler asked about the Quail Trail area and buffering for the eastern area. Mr. Strozier stated the buffering could be accommodated in the future subdivision plans as well as the Quail Trail widening. Commissioner Rea asked about price range for this concept, this was undetermined at this time.

Residents sworn in were Tom Torres, Arlene Williams, Frank Hetznecker, Joe Wendt, John Guerra, Rita Harmon Residents expressed concern about the conceptual nature of the plan, the increased traffic from the development, the increased density which is out of character for the area, lack of police protection to offer protection to the area. Commissioner Fulwiler moved to approve the rezoning request for Lone Pine; the motion was seconded and passed unanimously.

6. Preliminary Subdivision request of Huppertz, 10.002 acres zoned Residential R-1 to be subdivided into 3 lots adjacent to Lindsey Lane and Hill Ranch Road. (SU-2007-6) Lindsey lane will be a private access road off of Hill Ranch road. Cheryl Huppertz and Steve Williams were in

attendance as applicants for this request. Staff stated this subdivision is in compliance with the 2000 Comprehensive Plan, the Zoning ordinance and there is a commitment for water from Entranosa, there needs to be a subdivision improvement in place and a placement for the mailboxes for the post office. Commissioner Fulwiler moved to approve SU-2007-6 for Lands of Huppertz; the motion was seconded and passed unanimously.

Out-of Public Hearing

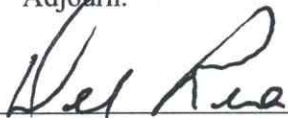
7. Annexation zoning request for Stone Mountain Estates requesting Residential R-2 Zoning. This property is located at the western edge of Joe Mae road south of Hill Ranch road. This request is outside of the scope of the 2000 Comprehensive Plan, the request would take in another mile of Venus road and all interior streets in the planned subdivision. Venus road entering this land is unimproved at this time and the applicant will make the necessary improvements to the road. Lands on the eastern portion range from ~2 acre tracts to ~5 acre tracts on the western side are larger 20 to 40 acre tracts. Commissioner Fulwiler moved to recommend R-2 zoning; the motion was seconded and approved unanimously.

8. Annexation zoning request for Romo, 40 acres located adjacent to the north side of Venus road, requesting R-1 residential zoning. Adjoining properties range in size from ~1.5 to 20 acre parcels. Commissioner Fulwiler moved to approve the R-1 zoning; the motion was seconded and all voted nay, the motion failed to carry.

9. Findings of Fact:

Rezoning request located at Wood's End Road and NM 344. 20 acres of residential one acre (R-1) requesting rezoning to Commercial (C-2). Staff requested this be tabled; Commissioner Fulwiler moved to table the findings of fact for Woods

10. Adjourn.



Del Rea, Chairman

Planning & Zoning Commission
6:00 pm. July 30, 2007
Edgewood Community Center, 27 E. Frontage Road

1. **Call to order.** The meeting was called to order at 6:00 pm, Commissioners, Fulwiler, Rea, Vogel and Wilhite were present. Commissioner Lowry and Chemistruck were absent.
2. **Approve agenda.** Commissioner Wilhite moved to approve the agenda; the motion was seconded and passed unanimously.
3. **Approve minutes of 7/16/07.** Commissioner Fulwiler moved to approve the minutes of 07/16/07 with the correction of adding the second to item 4 request of First Choice for preliminary subdivision; the motion was seconded and passed unanimously.

4. **Covenant of Grace Annexation Zoning**

Mark S. Waite for covenant of Grace Church has requested annexation of 5 acres north of Frost road for a church site. Attached were a site plan, and the location map showing the area on the east of State Road 344. Staff reported that the applicant has complied with all information requests and did not foresee any negative impacts from the development. Commissioner Wilhite move to recommend Special Use for the church site; the motion was seconded and passed unanimously.

5. **Stone Mountain Estates Annexation Zoning.** Ed Cardenas presented a modified concept plan which showed a border of 4 acre lots on the majority of the east of the subdivision proposal with property lines proposed to line up with the adjacent properties. Commissioners inquired as to the lack of buffering on the north, west, and southern parcels and Mr. Cardenas said he could work on that. Commissioners and adjoining residents expressed concern about the single point entrance proposed for such a rugged area and erosion caused by clearing for the road network, erosion and utility installation. Jeff Henders with the Vista Montana Homeowners association stated the association did not want to see the emergency gated access through their subdivision become an access point. The association would prefer home sites of similar design along their backyard area preferably Residential-Estates (minimum 5 acre). Commissioner Wilhite moved to table the zoning request to allow the developer to work on a different character for the adjoining lots; the motion was seconded and passed unanimously.

6. **Impact Fee Study.** Cheryl Huston joined the commissioners as a member appointed by the council for the impact fee committee member. The members requested further clarification on the following:

What happens if a change of occupancy occurs will the owner pay an upgrade for the impact?

Can wastewater fees be based on the use of the business instead of the meter size or any other category of use?

Will homes in areas other than the proposed wastewater corridor pay an impact fee and if so will this pass the nexus test for reasonableness?

If someone has already built and ties on will they pay an impact fee?

Staff will forward the questions to the consultant and get back to the members next Monday.

7. Findings of Fact=request to rezone property from Residential one acre to C-1 commercial and Residential Multi-Use. Commissioner Fulwiler moved to approve the findings of fact; the motion was seconded and passed unanimously.

8. Commissioner Vogel moved to adjourn; the motion was seconded and approved unanimously. The meeting adjourned at 7:45 p.m.



Del Rea, Chairman

Planning & Zoning Commission
6:00 pm. November 19, 2007
Edgewood Community Center-27 East Frontage
Minutes

Officially attending:

Commissioners-Gary Chemistruck, Rey Fulwiler, Del Rea, Vicki Schober, Steve Vogel, and Doyce Wilhite.
Staff Member-Karen Mahalick Community Planning & Development Manager

1. Call to order: The meeting was called to order at 6:00 pm.

2. Approve agenda:

MOTION: Commissioner Chemistruck moved to approve the minutes; the motion was seconded.

VOTE: All voted in favor of the Motion.

3. Approve minutes of 10/05/07:

MOTION: Commissioner Chemistruck moved to approve the minutes; the motion was seconded.

VOTE: All voted in favor of the Motion.

Staff certified that public notice had been posted as required; Commissioners Chemistruck, Rea, Schober, Vogel, and Wilhite certified no exparte contacts or conflicts of interest; Commissioner Fulwiler reported that he had been contacted by one of the applicants about the Stone Mountain case but had refused to discuss the pending case.

4. Zone change request for Nanneman Tracts A, B, C and E, Land division of Anthony Nanneman & Ivan Nanneman.

Requesting C-1 commercial business adjacent to highway 66. Josh Simms represented the applicant requesting commercial C-1 zoning. Mr. Simms reported they wanted to create three pad sites, that there was water at the edge of the property and sewer across the road. At this time there was not a prospective buyer for the property. Commissioner Rea asked what had changed since the 2/19/07 hearing where the requested zone change was denied, the applicant stated they had engaged Mr. Simms to represent the case and put together a prospective site plan. Commissioner Schober asked staff if the findings issued in February were still valid, staff affirmed they were. Staff reported that fire flow was not available at the property line that it was only as far as the AutoZone property and the wastewater would stop in the same general area. Commissioner Fulwiler asked what the adjacent properties were zoned, staff reported the property adjacent to Leslie Lane was zoned for commercial but the Baptist Church at the south end of Leslie Lane property should be zoned Special Use. All property surrounding this request was zoned for residential use. Staff further reported that there was an aggressive development plan for the property where Radio Shack was located which was working with the Highway Department for access. The portion of Highway 66 adjacent to this request was not on the long range transportation plan for improvements. There was considerable capital investment and infrastructure planned for the area adjacent to Smith's and on the southern side of Highway 66 up to Leslie Lane.

MOTION: Commissioner Fulwiler moved to approve the zone change request for Nanneman Tracts A-C and E; the motion was seconded.

VOTE: Commissioner Wilhite voted aye, Commissioner Chemistruck voted nay, Commissioner Fulwiler voted aye, Commissioner Vogel voted aye. The motion failed.

6. Continuation of zone change request for Equestrian Hills development, requesting Residential and services.

Mark Dupree represented the request for rezoning of 6 acres of the presently zoned residential property. Mr. Dupree reported that the original request for 9 acres had been scaled back and 2 acres were planned for open space to accommodate the proposed wastewater leach field. The applicant had submitted additional materials about the plans consistency with the proposed Comprehensive Plan action items which the council adopted by resolution and draft restrictions/covenants which would be further imposed by the applicant if the property was granted Residential and Services zoning. Additional aerial photos were presented showing the proximity of the Covenant of Grace Church to the south and asked the commission to keep in mind that this church did plan for a high school in the near future prompting the design to set aside buffered open space to mitigate the church's future growth plans. Staff was asked about the increased traffic impact as there was not a study at this level of request and staff reported that the Institute of Transportation Engineers' Trip Generation Manual which was cited in the Impact fee study showed that nonresidential trip generation was 2.98 weekday p.m. peak hour rate formula vs. residential of 1.02 weekday p.m. peak hour rate formula. As this concept plan proposed to reduce the total number of potential homes in the 64 acre tract the traffic increase due to rezoning was about the same as if the applicant did a 1-acre subdivision in a loop as had been the tract home design on the property adjacent to the west. Staff reported that the Town had an opportunity for a different type of subdivision for the request of 6 acres of residential and services zoning. The requested rezoning would create an area about the size of the land from Marietta Court to George Court along Highway 66, with similar types of businesses.

MOTION: Commissioner Fulwiler moved to approve the 4 acres of residential with Section 2.02 of the restrictive covenants included in the conditions of zoning. Commissioner Schober requested a friendly amendment incorporating more detailed restrictions and covenants produced by the applicant incorporating the open space. Mr. Dupree requested approval of the zoning with the condition that covenants be brought forward at a later time for the Commissioners and that the zoning specify 4+2 acres of residential and services zoning with the 2 acres to be open space. Commissioner Fulwiler so amended his motion;

VOTE: The motion was seconded and passed unanimously.

OUT-OF-HEARING

7. Zoning request for Stone Mountain Estates located west on Venus Ridge, requesting R-2 2 acre minimums.

Mr. Cardenas produced an aerial and a concept map for the commission showing the proposed lot line alignment to adjoining properties. The conceptual layout showed 4.00 parcels buffering the adjoining properties with the exception of north east properties which were drawn as 2 acre parcels because the adjoining lot lines would not in his opinion be significantly impacted with 2 acre parcels. Concern about the potential safety of the pipeline were expressed and whether or not it was a gas line or a jet fuel line. Residents were concerned about the potential smell associated with the central drainage field for the septic systems and Mr. Cardenas stated these would all be below ground and there would