

MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
April 2, 2018 AT 6:00 PM
27 E. Frontage Rd Community Center

1) Call to Order-Roll call.

Chairman Stanton called the meeting to order with a roll call at 6:01 P.M.

Commissioners Present: Commissioner Cheryl Huppertz, Commissioner James Lee,
Commissioner Glenn Felton

Commissioners Absent: Commissioner Craig Wood

Staff Present: Tawnya Mortensen, Michelle Schmidt

Public Present and signed in:

Tom Torres

Geri Salazar

Cynthia Burke

Laura Perez

Don Wood

Julia Wood

Steve Endean

Lisa Covell

2) Approval of Agenda.

Chairman Stanton asked for a motion to approve the agenda. Tawnya Mortensen informed the Chairman that because of the recent changes in the Commissioners, there would need to be a vote for Vice Chair and Secretary. Commissioner Lee motioned to approve the agenda with adding the addition of voting for officers. Commissioner Huppertz seconded the motion. All voted aye.

Action: The Agenda was approved unanimously with the change.

3) Approval of the Minutes of 2/19/18

Chairman Stanton asked if there were any changes or corrections to the Draft Planning & Zoning Minutes for February 19, 2018. With no changes, Chairman Stanton entertained a motion.

Commissioner Huppertz motioned to approve the minutes from February 19, 2018 with Commissioner Lee seconding the motion. All voted aye.

Action: The Minutes of February 19, 2018 were approved.

4) Voting of Officers

Chairman Stanton introduced the next item and explained to all in attendance that the Commission had lost one of its members. He went on to say that on March 28, 2018, Commissioner Dulaney Barrett passed away. He will be greatly missed. Chairman Stanton asked for nominations for Vice Chairman. Commissioner Huppertz nominated Commissioner Felton for Vice Chairman and he accepted the nomination. Commissioner Lee followed with a second. All voted aye and Commissioner Felton will serve as the Planning & Zoning Vice Chairman. Chairman Stanton asked for nominations for Secretary. Commissioner Felton nominated Commissioner Huppertz for Secretary and she accepted. Commissioner Lee seconded the

nomination. All voted aye. Commissioner Huppertz will serve as the Planning & Zoning Secretary.

5) Action Item: Zone Change Recommendation to Town Council – Application of Bryan Hackett representing Fellow Laborers for Christ (Woods End Church) for a Zone Change of 2.348 acres, from SU (Special Use) to C2 (Commercial Business) at Tract 4-A-1-B Lands of Fellow Laborers with Christ located in the SE ¼ of T10N R7E SEC 21 Edgewood, Santa Fe County, New Mexico aka 0 Pinto Rd.

Chairman Stanton introduced the next item on the agenda and explained that the Planning & Zoning Commission would recommend the change to the Town Council but they would be the ones to have the final decision. Tawnya Mortensen began with reading the Staff Report and giving the recommendation of denying the request due to driveway spacing issues. She went on to read that Commercial Zoning makes sense for this lot due to its location. However, driveway access will be a problem. (Driveways too close) Access entered off Pinto Road may be problematic because it serves multiple residents, and is currently a dirt road which has had multiple complaints of fugitive dust. A commercial business may have a negative impact on the residents of Pinto Road. She also explained that the driveways would have to be 375 feet apart which would be achievable from the commercial property on the north to where the entrance would be at the applicant's property but then it would only be 115 feet or so from Pinto Road to the applicant's property. Commissioner Felton asked if the property in question was in a flood zone. Tawnya answered that no it is not according to the National Flood Zone Website but this may be a property that has not had a study done on it yet. Chairman Stanton why the application had the request listed from C1 but changed to C2. Tawnya explained that the applicant was unaware of the difference and she added the email exchange in the packet so they could see that the applicant did want C2 after all. C2 Commercial Zoning gives more options and is a more "beefy" commercial zone than C1. Chairman Stanton asked if there were any further questions. Since there weren't any other questions for staff Chairman Stanton opened it up to questions and comments in the audience. First to speak on the topic was Laura Perez who lives on Pinto Rd adjacent to the lot in questions. Her concerns were the dust that Pinto Road already kicks up and makes her sick. She is afraid that a commercial business on that lot would cause more traffic down that road and will make things worse. Tawnya Mortensen added that she had a call from a resident that also lives on 9 Pinto Road who is also against this zone change. Commissioner Felton asked staff that if this lot were to be zoned C1 rather than C2 would that affect the driveway spacing. The answer to that question was no it would not. They would still have to follow the driveway spacing standards for commercial property. A brief discussion ensued about the spacing between the driveways if this property were to be granted the zone change. Commissioner Felton asked if it appeared that the access would have to be off Pinto Road and Ms. Mortensen said yes that it looked like that would be the access. Commissioner Felton asked if the driveway spacing would be different if the zoning were to be changed to RS, Residential Services. Tawnya answered that yes it would be different but it's still up to NMDOT since it's on NM344. Chairman Stanton asked if things would be different if the properties had a shared easement. Ms. Mortensen said yes that could work if they created an easement and then the property on the south vacated the driveway that they are currently using and used the new access. Commissioner Felton added that the property that it is a pretty steep incline so that may not work. Chairman Stanton asked if the applicant was present and he was not. Chairman Stanton asked what is staff's recommendation. Tawnya answered that due to the driveway spacing issues she recommends denial. She also added that after several attempts to

contact NMDOT to have them weigh in on where they would allow driveway access she still has not heard from them. Commissioner Huppertz motioned to deny the recommendation for zone change to Town Council with Commissioner Felton seconding the motion. All voted aye.

Action: The motion to send to Town Council was denied.

6) Public Hearing Request for Subdivision – Application of Don and Julia Wood for a Subdivision (1 lot into 4) of 15 acres at NE ¼ of SE ¼ and N ½ SE ¼ SE ¼ of NE ¼, Edgewood Estates, T10N R7E SEC 27 NMPM, Edgewood, Santa Fe County, New Mexico (aka 61 Pinon Rd)

Chairman Stanton introduced the next item and read the Quasi-Judicial Procedure to all in attendance. He asked each Commissioner to state whether or not they had a conflict of interest or ex-parte communication. Commissioner Lee – No conflict of interest or ex-parte communication, Commissioner Huppertz – No conflict of interest or ex-parte communication, Commissioner Felton – No conflict of interest or ex-parte communication. Chairman Stanton asked if anyone present had any issue with him residing over this Hearing, no one did. Chairman Stanton then stated that he didn't have any conflict of interest or ex-parte communication. He then swore in all that would be giving testimony. Tawnya Mortensen, Don Wood and Julia Wood were sworn in. Chairman Stanton asked staff to begin with the staff report. Tawnya read the report which stated that the subdivision has proper road access to all 4 lots (Access by Pinon Rd, Quail Trail and Park Rd), the Subdivision has utilities to all 4 lots, the subdivision is in the Flood Zone X (Outside the 500-year Flood Plain). Tawnya Mortensen also explained that the Technical Advisory Committee met on 3/20/18. Members included Tawnya Mortensen, Planning & Zoning Administrator, Norton Henninger, TOE Road Supervisor, and Renee Nix, Santa Fe County Fire Inspector. The Committee found that all proposed subdivided lots will have access from a publicly maintained road and all utilities are available to each lot as well. This proposed subdivision meets all requirements. Tawnya Mortensen went on to add that since this proposed subdivision meets all requirements for Preliminary and Final Plat, staff recommends approval. Chairman Stanton asked the applicant to speak. Julia Wood approached the podium and explained that they had purchased the 15-acre lot as an inheritance for their daughters but they didn't need any inheritance now. Because of that, they are going to subdivide the lot into four pieces and sell them off. Chairman Stanton asked if the Commissioners had any questions for the applicant. There were none. Chairman Stanton then asked if there was anyone present that would like to speak against the subdivision. No one came forward. Chairman Stanton asked if there was anyone present that would like to speak for the subdivision. Tom Torres raised his hand to speak but had not been sworn in. Chairman Stanton swore Mr. Torres in. Mr. Torres came forward and said that he supported the subdivision and that it was a great piece a land that would make for a good development which is what Edgewood needs. Chairman Stanton asked if there were any other questions. Commissioner Felton asked if the road that would give access to these proposed lots were in fact town roads. Tawnya answered that yes there were town roads. She went on to explain which lots would be accessed by which road. Chairman Stanton asked if there were any other questions and there wasn't, so he closed the Public Hearing. Chairman Stanton entertained a motion. Commissioner Felton motioned to approve the subdivision with Commissioner Lee seconding the motion. Roll call vote was conducted. Commissioner Lee – aye, Commissioner Huppertz – aye, Commissioner Lee – aye.

Action: The motion to approve the Subdivision of Don and Julia Wood was approved unanimously.

7) **Action Item for Zone Change Recommendation to Town Council – Application for Thomas S. Torres for a Zone Change on two lots, from RS (Residential Services) to C2 (Commercial Business) at Lot 25-A (32 Cactus Rd), Edgewood Estates, T10N R7E SEC27 NMPM of 1.564 acres and Lot 25-B (28 Cactus Rd) T10N R7E SEC 27 NMPM of 1.565 acres, Edgewood, Santa Fe County, New Mexico.**

Chairman Stanton introduced then next item and asked staff to present. Tawnya Mortensen began reading from the staff report which stated both lots are currently vacant are zoned RS – Residential Services. The properties are bordered by C2 – Commercial Business, north of the property, R1 – Residential 1 Acre Lot, east of the property, AG – Agricultural, west of the property, and R5 Residential Mixed-Use south of the property. The properties are located on Cactus Rd which is 20 feet wide and not paved. She added that no reason was given with the application for the proposed zone change. The speed limit on Cactus Road is 30 mph in this area so driveway spacing must be 270 feet. She went on to add that the current zoning of 32 Cactus Rd and 28 Cactus Rd is RS Residential Services which is very fitting for this area. It is also zoning that was requested upon petitioning to be annexed into the Town of Edgewood in 2004. There is commercial on the north end where Cactus meets Church Street. The idea behind RS is to transition from C2 to Residential but still allow a business that fits in a residential area and will not cause a negative impact on the residents in the area. The area has a large amount of residential and, Commercial zoning could possibly upset the balance of this neighborhood. Staff recommends keeping the RS zoning. Commissioner Huppertz asked what commercial business bordered these lots. Ms. Mortensen answered that EPCOR was directly to the north. Commissioner Felton asked what the lot on the other side was zoned. Mr. Torres spoke up from the audience and said that the lot was not R5 as stated in the staff report but it was RS as well. Ms. Mortensen agreed that she had overlooked that in the staff report. Chairman Stanton asked if there were any additional questions for staff. Commissioner Huppertz asked if they could put small businesses now with the RS Zonin.

8) **Action Item– Zoning Ordinance changes for R-1, R-2 & R-5.**

Chairman Stanton introduced the next item and asked staff to present. Tawnya Mortensen went through the changes she had added. The changes were the following:

SECTION 12. R-1 CONVENTIONAL 1-ACRE RESIDENTIAL ZONE

A. Intent. The purpose of this Zone District is to provide for the development of residential neighborhoods consisting of Singular Dwellings and certain other uses, which are compatible to the residential character of this district. Density shall be limited to one (1) Dwelling Unit per Lot.

B. Permissive Uses. No Building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District. Any of the following Permissive Uses are allowed in this Zone District:

1. One (1) Dwelling Unit per Lot.
2. Accessory Buildings, structures, or uses, subject to the provisions of this Ordinance.
3. Home Occupation, subject to the provisions of this Ordinance.
4. Family daycare home, provided the activity is licensed by the State as a family daycare home.
5. Storage of a Recreational Vehicle provided it is not used as additional living quarters and is not permanently connected to utilities; Recreational Vehicles shall not be stored within the tract Setback of a Lot for a time period exceeding ~~twenty four (24) hours~~ **fourteen (14) days unless approved by the Town of Edgewood Planning & Zoning Department.**

6. Public Utility Structure, provided its location is based on an appropriate Master Plan that has been approved by the Town governing body.
7. Public parks and recreation areas.
8. Secondary Quarters that serve as an attached apartment no more than 850 sq. ft., and is used exclusively for living and sleeping purposes and will be able to share the primary dwellings septic system. ~~a single detached extension of the primary Dwelling Unit, and are used exclusively for living and sleeping purposes.~~

C. Conditional Uses. The following uses may be allowed in this Zone District only upon the granting of a permit in accordance with this Ordinance:

1. Boarding, Rooming, and Lodging Houses.
2. Church or other religious Building used as a place of worship.
3. Schools, whether public or private, with incidental facilities, provided that the Town governing body has approved a development plan for the site.
4. ~~Manufactured~~ **Mobile** Homes, provided however, that the use of any ~~Manufactured~~ **Mobile** Home as a secondary or Accessory dwelling to the site built primary dwelling shall be limited to a period not to exceed one (1) year unless an extension of time is granted upon renewal of the permit.

D. Prohibited Uses. SEE PROHIBITED USES: SECTION 9.C - 1, 2 & 3

E. District Standards. The following regulations apply to all land uses in this Zone District:

1. Minimum Lot size shall be one (1) acre. Any Nonconforming Lot which existed prior to the effective date of this Section, may continue as a Nonconforming Use in accordance with this Ordinance unless the Council finds at any time that the use is an imminent danger to the public health, safety, and welfare.
2. Setbacks shall be maintained as follows:
 - a. Front Setback shall be no less than thirty (30) feet;
 - b. Side Setback shall be no less than ten (10) feet, except in cases of corner Lots, where the secondary street Side Setback shall be no less than twenty (20) feet;
 - c. Rear Setback shall be no less than ten (10) feet.
3. Off-street parking must be provided in accordance with the requirements set forth herein.
4. Maximum Building Height shall be 40 (forty) feet.
5. All housing shall be on a Permanent Foundation which shall be inspected and approved by the State of New Mexico.

SECTION 13. R-2 CONVENTIONAL 2-ACRE RESIDENTIAL ZONE

- A. Intent.** The purpose of this Zone District is to provide for the development of residential neighborhoods consisting of Singular Dwellings and certain other uses, which are compatible to the residential character of this district. Density shall be limited to one (1) Dwelling Unit per lot.
- B. Permissive Uses.** ~~SEE SECTION 12. R-1 CONVENTIONAL 1-ACRE RESIDENTIAL ZONE~~ **Permissive Uses.** No Building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District. Any of the following Permissive Uses are allowed in this Zone District:
 1. One (1) Dwelling Unit per lot.
 2. Accessory Buildings, structures, or uses, subject to the provisions of this Ordinance.
 3. Home Occupation, subject to the provisions of this Ordinance.
 4. Family daycare home, provided the activity is licensed by the State as a family daycare home.

5. Storage of a Recreational Vehicle provided it is not used as additional living quarters and is not permanently connected to utilities; Recreational Vehicles shall not be stored within the tract Setback of a lot for a time period exceeding twenty-four (24) hours.
6. Public Utility Structure, provided its location is based on an appropriate Master Plan that has been approved by the Town governing body.
7. Public parks and recreation areas.
8. Secondary Quarters that serve as a single detached extension of the primary Dwelling Unit, and are used exclusively for living and sleeping purposes. **Secondary Quarters that serve as an attached apartment no more than 850 sq. ft., and is used exclusively for living and sleeping purposes and will be able to share the primary dwellings septic system.**

C. Conditional Uses. **SEE SECTION 12. R-1 CONVENTIONAL 1-ACRE RESIDENTIAL ZONE Conditional Uses.** The following uses may be allowed in this Zone District only upon the granting of a permit in accordance with this Ordinance:

1. Boarding, Rooming, and Lodging Houses.
2. Church or other religious Building used as a place of worship.
3. Schools, whether public or private, with incidental facilities, provided that the Town governing body has approved a development plan for the site.
4. Manufactured Homes, provided however, that the use of any Manufactured Home as a secondary or Accessory dwelling to the site built primary dwelling shall be limited to a period not to exceed one (1) year unless an extension of time is granted upon renewal of the permit.
5. Secondary quarters larger than 850 sq. ft (detached) that is used exclusively for living and sleeping purposes and may require a separate septic system.

D. Prohibited Uses SEE PROHIBITED USES: SECTION 9.C - 1, 2 & 3

E. District Standards. The following regulations apply to all land uses in this Zone District:

1. Minimum lot size shall be no less than two (2) acres, exclusive of roadway easements. Any Nonconforming Lot which existed prior to the effective date of this Section, may continue as a Nonconforming Use in accordance with this Ordinance unless the Council finds at any time that the use is an imminent danger to the public health, safety, and welfare.
2. Setbacks shall be maintained as follows:
 - a. Front Setback shall be no less than thirty (30) feet;
 - b. Side Setback shall be no less than ten (10) feet, except in cases of corner lots, where the secondary street Side Setback shall be no less than twenty (20) feet;
 - c. Rear Setback shall be no less than ten (10) feet.
3. Off-street parking must be provided in accordance with the requirements set forth herein.
4. Maximum Building Height shall be 40 (forty) feet.
6. All housing shall be on a Permanent Foundation which shall be inspected and approved by the State of New Mexico.

SECTION 16. R-5 RESIDENTIAL MIXED-USE ZONE

A. Intent. The purpose of this Zone District is to provide for a residential neighborhood consisting of Singular Dwellings that are site-built and ~~Manufactured~~ **Mobile** Homes, which are compatible to the residential character of this district. Density shall be limited to one (1) Dwelling Unit per Lot, with a minimum Lot size of no less than one (1) acre.

B. Permissive Uses. No Building, structure, or land shall be used or occupied except as indicated and for the purposes permitted in this Zone District. The following Permissive Uses are allowed in this Zone District:

1. Singular Dwellings that are site-built limited to one (1) Dwelling Unit per Lot;
2. Manufactured Homes limited to one (1) Dwelling Unit per Lot.

C. Conditional Uses and District Standards. Conditional Uses and district standards for R-1 and R-4 zones are in effect for the R-5 zone.

A. Conditional Uses. The following uses may be allowed in this Zone District only upon the granting

of a permit in accordance with this Ordinance:

1. Boarding, Rooming, and Lodging Houses.
2. Church or other religious Building used as a place of worship.
3. Schools, whether public or private, with incidental facilities, provided that the Town governing body has approved a development plan for the site.
4. Mobile ~~Manufactured~~ Homes, provided however, that the use of any Mobile ~~Manufactured~~ Home as a secondary or Accessory dwelling to the site built primary dwelling shall be limited to a period not to exceed one (1) year unless an extension of time is granted upon renewal of the permit.

A. District Standards. All Manufactured Homes shall apply for a development review for installation permitting. The following standards apply to this Zone District:

1. Minimum Lot size shall be no less than one (1) acre, exclusive of roadway easements. Any Nonconforming Lot which existed prior to the effective date of this Section, may continue as a Nonconforming Use in accordance with this Ordinance unless the Governing Body finds at any time that the use is an imminent danger to the public health, safety, and welfare.
2. Site preparation and foundations. All foundation pad sites shall be cleared of vegetation, on undisturbed soil or approved fill and be graded such that supporting piers are plumb.
3. No Manufactured Home shall be installed or placed unless such Manufactured Home bears a label or has equivalent documentation certifying that the Manufactured Home was constructed in accordance with the Federal Manufactured Home Construction and Safety Standards Act of 1974, or NFPA 501, ANSI 119.1, or equivalent.
4. The Manufactured Home shall have operable, approved smoke detectors installed as required by all applicable laws, codes, or ordinances.
5. The Manufactured Home shall be equipped with two (2) operational exit doors.
6. All utility service connections shall be installed and maintained in accordance with applicable state codes and shall be securely attached and supported as necessary. Water lines and connections shall be protected from freezing in an approved manner.
7. Setbacks shall be maintained as follows:
 - a. Front Setback shall be no less than thirty (30) feet;
 - b. Side Setback shall be no less than ten (10) feet, except in cases of corner Lots, where the secondary street Side Setback shall be no less than twenty (20) feet;
 - c. Rear Setback shall be no less than ten (10) feet: and
 - d. The total of all Accessory Buildings located on the Lot shall not exceed the Floor Area of the Building which is the principal use on the premises.
 - e. Secondary Quarters will not be permitted in this Zone.
 - f. Maximum Building Height shall be 40 (forty) feet.

- g. All housing shall be on a Permanent Foundation which shall be inspected and approved by the State of New Mexico.

D. Prohibited Uses. SEE PROHIBITED USES: SECTION 9.C - 1, 2 & 3

Tawnya added that she made all the changes that were discussed at the last meeting and she believes it is ready to be seen by the Town Council. Chairman Stanton asked if there were any questions. Commissioner Huppertz asked if the Commissioners could see a clean copy for next meeting. Tawnya agreed to bring clean copies. Chairman Stanton entertained a motion. Commissioner Huppertz motioned to approve the changes and send to Town Council with Chairman Lee seconding the motion. All voted aye.

Action: The motion to send to Town Council was approved.

- 9) **Public Comment-** Mayor Bassett approached the podium and said he was happy that Commissioner Lee had decided to stay and be the alternate Commissioner.
- 10) **Matters from the Chair & Commission Members** – Chairman Stanton asked if any Commissioners had any matters. No one had anything but Carla Salazar (in the audience) wanted to let everyone know about Rita Loy Simmons retirement party on Friday, February 23 at 11:00 am.
- 11) **Matters from the Staff** – None
- 12) **Calendar Update & Future Agenda Items** –
The next meeting will be March 5, 2018 at 6:00 pm. At this meeting, the P&Z Commission will hear three Zone Changes, Ordinance changes on the Mining Section and possibly discussions with the residents of Square H to change their zoning from R1 to R2.
- 13) **Adjourn** - Chairman Stanton entertained a motion to adjourn. Commissioner Barrett motioned to adjourn with Commissioner Lee seconding the motion. All vote aye. The motion to adjourn at 7:02 was approved.

Lorenzo Stanton, Chairman

ATTEST:

Dulaney Barrett, Commissioner Secretary