

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

**PLANNING & ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, DECEMBER 6, 2006**

Chairman Nicholson, called this meeting to order at 5:30 p.m. at the Coronado Council Chambers, located at 120 Civic Plaza Drive. This is the monthly Regular Meeting of the Town of Taos Planning and Zoning Commission.

1. ROLL CALL

The following were present:

Commissioners: Patrick Nicholson, Chairman
John Delmargo, Vice-Chairman
D. Dennis Cruz
Sheila Grainger
William Himes
Eugene A. Sanchez

Historic Preservation: Leah Slator
Peter Wengert

Absent: Lillian Miller
Richard Montoya

Planning Department Staff present:

*Rudy Perea, Planner
Lou Baker, Planning Director
Melinda Vasquez, Planning Assistant*

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was recited.

3. APPROVAL OF AGENDA

Chairman Nicholson asked for any amendments to the agenda as presented.

Rudy Perea asked the Commission to amend the agenda, under items 5. Chief Lucero could not make the meeting this evening and item 6. Matt Foster is not present this evening, would like those two items removed from the agenda at this time; also the applicant has requested to continue Case No. P&Z2006-24-B and Case No. P&Z2006-15 and Case No. P&Z2006-24-A to the January Commission meeting.

No further amendments to the agenda.

1 **Commissioner Himes** made motion to approve the Agenda as amended.

2
3 **Commissioner Grainger** seconded the motion.

4
5 **Commissioners voted yes verbally on the motion.**

6
7 **Motion carried unanimously.**

8
9
10
11 **4. APPROVAL OF MEETING MINUTES OF NOVEMBER 1, 2006**

12
13 **Chairman Nicholson** asked for any corrections on the minutes as presented.

14
15 **No corrections noted.**

16
17 **Commissioner Sanchez** made a motion to approve the minutes as presented.

18
19 **Commissioner Grainger** seconded the motion.

20
21 **Commissioners voted yes verbally on the motion.**

22
23 **Motion carried unanimously.**

24
25
26 **Chairman Nicholson** entertained a motion to continue the three applications as stated
27 by Rudy.

28
29 **Commissioner Cruz** made motion to continue the cases as requested to the January 3,
30 meeting.

31
32 **Commissioner Sanchez** seconded the motion.

33
34 **Commissioners voted yes verbally on the motion.**

35
36 **Motion carried unanimously.**

37
38
39 **Rudy Perea read the Rules for Public Hearings.**

40
41
42 **7. PRELIMINARY PUBLIC HEARINGS**

43
44 **A. Case No. P&Z 2006-27**

45 **Dominican Sisters of St. Catherine of Siena, property owners; Living Design**
46 **Group LLC, Doug Patterson, Agent; requesting a *Certificate of***
47 ***Appropriateness*, for new construction and remodel of residence located at**
48 **119 Brooks St., the property is a .577 acre property in the R-14 zone of the**
49 **Town of Taos.**

1 **Mr. Doug Patterson** is sworn in, and explained page by page the submitted meeting
2 binder information to the Commission. This was the former Brooks Street Inn, it will be
3 used by a group of Sisters who will be retiring in Taos, it will be used as a single-family
4 residence, the renovations and additional square footage need certificate of
5 appropriateness.

6
7 **Commissioner Delmargo** asked about work on the interior.

8
9 **Commissioner Slator** commended the fine and complete application, the bank of
10 windows on the east side facing the courtyard are beautiful and there is a good balance
11 considering the 70's style of architecture, this application brings up a good topic under
12 the historical zone regarding public view and how much that should play in consideration
13 of the process, this whole project is in a private area that is not accessible to public view
14 and in the future this is something to consider in updating the code, there should be some
15 dispensation to have more lee way within such a space.

16
17 **Commissioner Wengert** agreed with Commissioner Slator, stated that there should be a
18 firmer grasp on what is public view and what is not, this project matches the current
19 building it is almost invisible and only the neighbors to the west will view what is to be
20 done, the color of the stucco is Sand, it looks as though the current color is a whiter
21 stucco, is this color Sand a more shade darker than what is existing.

22
23 **Mr. Patterson** stated the new stucco is on the new bedroom addition, on the renovated
24 shed out back and the new porch, it will be a shade darker than the existing stucco and
25 secondly the existing building is paint not stucco.

26
27 **Commissioner Wengert** asked about the roof, looks like a green propanel roof and
28 reflective will that be maintained as well.

29
30 **Mr. Patterson** stated the existing roof will remain as is.

31
32 **Commissioner Himes** commended the excellent application as complicated as the
33 project is, it is easy to follow, a question on A-3 on section E, windows specs, on window
34 F, there is a clock with several small windows.

35
36 **Mr. Patterson** stated those windows are view from a corridor into a shower, that
37 elevation shows the interior of the corridor into the bathroom.

38
39 **Commissioner Cruz** asked the total square footage on the project once completed.

40
41 **Mr. Patterson** stated that he didn't have the total square footage at this time.

42
43 **Lou Baker** stated that the project was very well thought out, but also recommends the
44 applicant put together a construction staging plan and can work with Mr. Manuel Pacheco
45 he is a certified traffic safety officer on this construction plan.

46
47 **Chairman Nicholson** also commended the complete application, and opened the
48 application for public comment.

49
50 **Rudy Perea** stated that he would like the fire department to review and approve the site
51 plan prior to the next meeting.

1 **Christy Olsen** is sworn in, stating she is part owner of Taos Lodging which is just down
2 the street from this project, thanked for highlighting the parking issue, thinks the project
3 is wonderful and long over due, is also concerned with construction, it's a quiet street
4 and wants to make sure all that is taken into consideration in the plan, that they are
5 considering the end of the street and the improvement of the quiet street.

6
7 **No further public comment.**

8
9 **Chairman Nicholson** closed the public hearing and entertained a motion from the
10 Commission.

11
12 **Commissioner Slator** made a motion to schedule the application for final public hearing
13 on January 3.

14
15 **Commissioner Wengert** seconded the motion.

16
17 **Commissioners voting yes verbally on the motion: Commissioner Delmargo,**
18 **Commissioner Sanchez, Commissioner Slator, Commissioner Himes, Commissioner**
19 **Cruz, Commissioner Wengert, Commissioner Grainger.**

20
21 **Motion carried unanimously.**

22
23
24
25 **B. Case No. P&Z 2006-28**
26 **Cecilia V. Rael, property owner; requesting a *Lot Size Variance*, from the**
27 **required .50 acre to .47 acre; the property is located at 801 Salazar Street, in**
28 **the R-2 zone of the Town of Taos.**

29
30 **Ms. Cecilia Rael** is sworn in, stating she purchased this property in 1980, it is vacant at
31 this time, it is a 0.97 acre lot, would like to give half of the lot to her granddaughter
32 which would be the .50 acre to place a home on it, since it is zoned R-2 she needs the
33 variance for the remaining .47 lot to also place a home for herself there. The lot is on the
34 corner of Herdner and Salazar, would like the variance to place a home there, the
35 variance is very minimal.

36
37 **Chairman Nicholson** asked staff, since this is a very minimal variance, is there not an
38 administrative alternative.

39
40 **Rudy Perea** stated that the Code does not allow administrative approval for a variance.

41
42 **Commissioner Himes** asked if the property will be divided east and west.

43
44 **Ms. Rael** stated that the property will be split east / west.

45
46 **Chairman Nicholson** opened the application for public comment.

47
48 **No public comment noted.**

49
50 **Chairman Nicholson** closed the public hearing and entertained a motion from the
51 Commission

1 **Commissioner Himes** made a motion to schedule the application for final hearing on
2 January 3 meeting.

3
4 **Commissioner Sanchez** seconded the motion.

5
6 **Commissioners voting yes verbally on the motion: Commissioner Delmargo,**
7 **Commissioner Sanchez, Commissioner Himes, Commissioner Cruz, Commissioner**
8 **Grainger.**

9
10 **Motion carried unanimously.**

11
12
13
14 **C. Case No. P&Z 2006-29**
15 **Bettie Kierstein, property owner; Mary Green, agent; requesting a**
16 ***Conditional Use Permit, to operate an in-home massage therapy practice; the***
17 **property is located at 103 Valverde Street, in the R-4 zone of the Town of**
18 **Taos.**

19
20 **Ms. Mary Green** is sworn in, explained her request to the Commission, would like to
21 continue with her massage therapy of five to eight clients at her home, the only issue
22 would be the one parking space she has and would be willing to park off site and allow
23 her client to park in her space, also across the street at 111 Valverde the property owner
24 will allow additional parking on that lot, has spoken with an attorney regarding the client
25 to sign a waiver of parking across the street,

26
27 **Chairman Nicholson** asked staff what the parking requirement is for a massage therapy
28 office in a residential area.

29
30 **Rudy Perea** stated he will look it up in the code.

31
32 **Commissioner Wengert** asked if there is a letter from the owner at 111 Valverde.

33
34 **Ms. Green** pointed out the letter in the packet for the Commission.

35
36 **Commissioner Delmargo** asked if every client will sign that waiver.

37
38 **Ms. Green** stated that every client will be told to sign a waiver of liability.

39
40 **Chairman Nicholson** stated that it is very gracious of the neighbor to allow parking on
41 the lot, but what is to prevent that owner from selling the property where clients are to
42 park, what will be the required parking.

43
44 **Rudy Perea** stated that for this case the applicant get a long term lease or some kind of
45 guarantee that she could use that parking.

46
47 **Commissioner Cruz** asked if this is a short term solution for this applicant.

48
49 **Rudy Perea** stated this is a long term, and the Commission could set limits on the
50 business.

1 **Chairman Nicholson** asked Rudy what the parking requirement is for this application.
2
3 **Rudy Perea** stated that for medical office, it is one parking space for every 200 sq. ft. of
4 office, in this case she would need one parking space according to the code.
5
6 **Commissioner Himes** asked if the parking would have to be ADA accessible.
7
8 **Rudy Perea** stated that it would have to be ADA accessible because it is a commercial
9 business and also again the Commission can ask for more parking.
10
11 **Ms. Green** stated that she will see one client at a time for at least an hour and half.
12
13 **Commissioner Sanchez** stated that he needs legal counsel to see if that liability waiver
14 is legal and if it's a business it needs to be ADA accessible.
15
16 **Rudy Perea** stated that is correct, the code states that if you have 1-25 parking spaces
17 you need a minimal of one ADA parking space, in this case she needs one ADA parking
18 space and the building inspectors can work with the applicant on that if this is approved,
19 because this is an existing building we can work with her on that.
20
21 **Commissioner Sanchez** stated that his concern on the waiver because there is so much
22 traffic on Valverde and does not know if a waiver is sufficient or legal to use on such a
23 busy street.
24
25 **Commissioner Delmargo** asked if all home based businesses to be ADA compliant.
26
27 **Rudy Perea** stated that he is confused with a home occupation, but being presented as a
28 professional office, it needs to meet the requirements for a professional office.
29
30 **Commissioner Slator** recommended the applicant use as she stated the available
31 parking at 111 Valverde and allow her client to park next to the front door.
32
33 **Commissioner Wengert** stated that all the elements need to be taken into consideration
34 at this time, agrees an opinion from Counsel is needed, does ADA also require interior
35 accessibility.
36
37 **Rudy Perea** stated that because this is an existing building, he will work with the
38 applicant to make the interior as accessible as possible, but under the International
39 Building Code there is some leeway for existing buildings to determine whether they can
40 meet full compliance and allow the inspectors to work with the client to bring it into as
41 much compliance as possible.
42
43 **Commissioner Delmargo** stated that he believes the liability waiver is not for the
44 Commission to consider or demand, believes that is an issue between Ms. Green and her
45 client.
46
47 **Commissioner Sanchez** stated that he believes it is the Commission's concern to safe
48 guard the community, was asking for legal review.
49
50 **Rudy Perea** stated he will have Renee look at the issue prior to the next hearing.
51

1 **Lou Baker** stated that the Commission can place as many conditions on this application
2 as they deem necessary, one conditions she recommends is that the applicant purchase a
3 certificate of liability, as a small business they would purchase such a certificate and
4 name the Town of Taos, it will cost the applicant but they can discuss that with their
5 insurance company, she will discuss this with legal counsel, this could be one conditions
6 of approval.
7

8 **Chairman Nicholson** opened the application for public comment.
9

10 **Ms. Janie Schuetz** is sworn in, stating she is opposed to this request, the property is not
11 accessed by a public road the only access is by easement across her property and this
12 access increases her liability even of the people walking through, there is inadequate
13 parking and there is a common wall divided by only a plywood dividing her from this
14 business also would like to know the names of the property owners who were notified.
15

16 **Commissioner Himes** asked Ms. Schuetz if she is a tenant or property owner of 101
17 Valverde.
18

19 **Ms. Schuetz** stated she is the property owner at 101 Valverde.
20

21 **Ms. Christy Olsen** is reaffirmed sworn in, stated she lives around the corner at 503
22 Ranchitos, she purchased that house over a year ago and moved in with her two young
23 children, one of the things she found so appealing on this house was the charming
24 neighborhood on Valverde, you see families walking in the evening, one of the important
25 things is that this is a community it's a neighborhood and sometimes you lose that when
26 you let a business pop up in those neighborhoods, she is vested in this neighborhood as
27 are others for the long haul, will be here long after wherever her next journey takes her
28 and does not begrudge making a living, but what she does think is that she does have to
29 speak up and say that's enough, lets build back our neighborhoods, there are spaces
30 available in Taos for those types of businesses, lets keep it as simple and as wonderful as
31 that, wants to be able to walk down Valverde without signing a waiver, its amazing and
32 thinks the business will take away from the neighborhood.
33

34 **No further public hearing.**
35

36 **Chairman Nicholson** allowed Ms. Green to make a statement regarding the public
37 comment.
38

39 **Ms. Green** stated she notified all the property owners she was required to. The massage
40 room is in the middle of the house away from the shared wall, and makes less noise doing
41 massages than any family living there.
42

43 **Chairman Nicholson** asked Ms. Green how many clients she sees.
44

45 **Ms. Green** stated she has five to eight clients a week, sees one client or two a day.
46

47 **Commissioner Slator** asked how many parking spaces at 111 Valverde.
48

49 **Ms. Green** stated that there is a photo in the packet showing the lot.
50

1 **Commissioner Himes** stated that although there is an approval letter from the owner of
2 the home, is concerned that the Commission may impose requirements that the owner
3 needs to be aware of and is concerned about that, that this person is doing business in a
4 location that is not her property, would like to know the owners involvement on this
5 application.
6

7 **Rudy Perea** stated that he will have the building inspectors look at the floor plan and
8 give comment as to the ADA accessibility.
9

10 **Commissioner Himes** stated that would be fine, but is concerned that the property
11 owner is aware of the tenant making all the renovations necessary.
12

13 **Rudy Perea** stated that the property owner did sign the application, and will ask Renee
14 if that is sufficient.
15

16 **Commissioner Slator** stated that the Commission can discuss several issues from
17 parking to ADA but after final approval, it is up to the building inspectors to give
18 approval on ADA accessibility and they need to determine if it needs to be ADA
19 compliant.
20

21 **Commissioner Grainger** noted a letter in the packet from one client that was involved in
22 a car accident and was unable to stand and walk on her own, asked how if the
23 Commission does not require ADA compliance how is the Commission to determine how
24 many people will go in and how many will require that accessibility.
25

26 **Ms. Green** stated that the client must be able to access the table on their own and they
27 must be tolerant the pressure of the massage.
28

29 **Commissioner Wengert** stated that he has heard the concerns of the neighbors and
30 asked Ms. Green if she lives in this same place.
31

32 **Ms. Green** stated that she does live there and is part of the neighborhood.
33

34 **Chairman Nicholson** closed the public hearing on the application.
35

36 **Lou Baker** stated that she and staff will work with the applicant, stated she works
37 closely with Hope Reed, she is with the Govenors' Commission on disabilities and staff
38 can give her this application and have her write an assessment to help make a decision at
39 the next meeting.
40

41 **Commissioner Himes** commented that while he does not want to hold anyone back
42 from conducting business, this place is just not conducive for a business, its narrow,
43 small, we're dealing with a small neighborhood within a neighborhood, its just too close,
44 encouraging people and visitors that don't belong there coming in and out, thinks its
45 going to be a disruption to the neighborhood, then there are requirements that at a basic
46 level cannot be met, even one parking spot is a hardship to meet, this is just not a good
47 idea.
48

49 **Commissioner Cruz** asked staff if that easement can be used for more than just
50 residential use.
51

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

Rudy Perea stated that he will have the applicant research that, and probably get a survey plat to determine that, so he will have the applicant do that.

Commissioner Delmargo commented that five to eight cars a week is not disruptive to the neighborhood, its like having five to eight friends coming to visit.

Chairman Nicholson stated that this is a preliminary public hearing and entertained a motion from the Commission.

Commissioner Delmargo stated that case no. P&Z2006-29, be moved to the January 3 public hearing, with all the concerns stated be addressed at that time.

Commissioner Slator seconded the motion.

Commissioners voting Yes on the motion: Commissioner Delmargo, Commissioner Slator, Commissioner Cruz.

Commissioners voting No on the motion: Commissioner Sanchez, Commissioner Himes, Commissioner Grainger.

Vote is a tie.

Chairman Nicholson voted Yes to break the tie.

Lou Baker noted that Commissioner Slator could not second the motion nor vote on this item.

Chairman Nicholson noted that the vote is rescinded and entertained a new motion.

Commissioner Delmargo restated the motion, as stated, to schedule the application for final public hearing with the condition that all the concerns and issues stated be addressed.

Commissioner Cruz seconded the motion.

Commissioners voting Yes on the motion: Commissioner Delmargo, Commissioner Cruz.

Commissioners voting No on the motion: Commissioner Sanchez, Commissioner Himes, Commissioner Grainger.

Motion failed.

Commissioner Himes made a motion that case number P&Z2006-29, be denied, due to lack of adequate parking and the fact that this is not part of the neighborhood.

Commissioner Grainger seconded the motion.

Commissioners voting Yes on the motion: Commissioner Himes, Commissioner Grainger.

1 **Commissioners voting No on the motion: Commissioner Delmargo, Commissioner**
2 **Sanchez, Commissioner Cruz.**

3
4 **Motion failed.**

5
6 **Commissioner Delmargo** made a motion to place the application on the January 3
7 meeting, to allow the applicant to address all the concerns.

8
9 **Commissioner Cruz** seconded the motion.

10
11 **Commissioners voting Yes on the motion: Commissioner Delmargo, Commissioner**
12 **Cruz.**

13
14 **Commissioners voting No on the motion: Commissioner Sanchez, Commissioner**
15 **Himes, Commissioner Grainger.**

16
17 **Motion failed.**

18
19 **Commissioner Sanchez** made a motion that case number P&Z2006-29, be remanded
20 back to the Planning Staff so that they can address all the concerns stated and then
21 reschedule back for preliminary hearing when they are prepared.

22
23 **Commissioner Himes** seconded the motion.

24
25 **Commissioners voting Yes on the motion: Commissioner Delmargo, Commissioner**
26 **Sanchez, Commissioner Himes, Commissioner Cruz, Commissioner Grainger.**

27
28 **Chairman Nicholson called for a 10 minute break.**

29
30
31 **Chairman Nicholson** reconvened the meeting, continued with the preliminary hearings.

32
33
34
35 **D. Case No. P&Z 2006-30**
36 **Dreamtree Project, Inc., Property Owner; Wayne Rutherford – Rutherford**
37 **Construction Associates, Agent; requesting a *Special Use Permit*, to locate**
38 **an emergency youth shelter/group home; the property is located at 708**
39 **Felicidad Lane, in the R-2 zone of the Town of Taos.**

40
41 **Mr. Wayne Rutherford** is sworn in, explained the submitted application packet to the
42 Commission. The request is for a special use permit, to convert a single-family residence
43 into an emergency group home, it is adjacent to the existing transitional living facility.

44
45 **Commissioner Sanchez** asked what the length of stay for the youth.

46
47 **Mr. Rutherford** stated this is an emergency facility, the maximum length would be 14
48 days, just to get the youth situated in a safe facility, it is not a group home it will not be
49 for long term care.

50
51 **Commissioner Himes** asked if there will children brought in from outside of Taos.

1 **Mr. Rutherford** stated that may be a possibility, but the need is here within the county.
2
3 **Commissioner Sanchez** asked about ADA requirements.
4
5 **Mr. Rutherford** stated that there will be ADA parking, there will be renovations for
6 ADA compliance.
7
8 **Commissioner Cruz** asked if the youth will be attending school or is there a plan for
9 them.
10
11 **Mr. Rutherford** stated that the intention is to keep them integrated as much as possible
12 to keep them in school, participating in normal activities as much as possible.
13
14 **Chairman Nicholson** asked if he was aware of any significant disturbances during the
15 six years of the Dreamtree Project facility.
16
17 **Mr. Rutherford** stated that he spoke with the Co-Director about that and she stated that
18 there have been no emergency police calls whatsoever in the six years.
19
20 **Commissioner Wengert** commended the Dreamtree Project, is familiar with it
21 personally, during the site visit noted the synergy of combining the current facility with
22 this emergency shelter, in the spirit of saving money and making significant contributions
23 to community health.
24
25 **Commissioner Sanchez** asked if the youth will be delinquent in need of supervision.
26
27 **Mr. Rutherford** stated that he believes the youth will not fall into neither one of those
28 categories, an emergency youth shelter in a broad sense is for kids who just don't have no
29 place to go, who have nothing to do with their family circumstances, family may have
30 deteriorated, parents may be incarcerated and kids have no where to go, there will be kids
31 with behavioral problems but they will be taken care of until a more permanent solution,
32 this is for a more situational problem, teenagers especially, they need a cooling off
33 period.
34
35 **Commissioner Sanchez** stated he is a retired Juvenile Probation Officer, one thing he
36 learned is that, we have a shelter and then use it as a catch all, start putting everyone in
37 there just because we have a place, a concern is if there will be criteria to determine who
38 will be allowed to stay.
39
40 **Mr. Rutherford** stated that meeting the entry criteria is a requirement.
41
42 **Chairman Nicholson** opened the application for public comment.
43
44 **Ms. Emma Ortiz** is sworn in, stating she is opposing this project because it is located
45 twenty five to fifty feet from her home, is concerned in reading about the problem
46 juvenile centers, is concerned with transients, is concerned for her grandchildren who like
47 to play outside, just does not feel safe with that facility near her home.
48
49 **Commissioner Wengert** asked if she has had to report any problems with the current
50 Dreamtree Project.
51

1 **Ms. Ortiz** stated that she does not know who killed her small dog, did notice that the
2 kids where chanting her dogs name while she was outside, noticed times that lights go on
3 a off, there are times that the dogs bark all night long, does not feel safe, is concerned to
4 have it too close.

5
6 **Ms. Cami Hartman** is sworn in, stating she is one of the Co-Directors of the Dreamtree
7 Project, is here on behalf of the youth who do need a place to be safe in the community,
8 a haven for youth involved a domestic violence situation, to provide that safety and
9 counseling, it is a short term stay, usually a cool down period, as mentioned there are kids
10 who get in trouble, but the goal is to create a protocol with the Town, that there is a
11 clearly defined process. Does want to make sure the neighbors feel safe, would like to do
12 everything possible to work with Ms. Ortiz and make her feel safe.

13
14 **No further public comment.**

15
16 **Chairman Nicholson** closed the public hearing and returned to the Commission for
17 question.

18
19 **Commissioner Himes** recommended the applicants meet and interact with the
20 neighborhood.

21
22 **Commissioner Wengert** stated that it is one thing to comply with the code and it is
23 another to have set protocol for staff and for tenants, and criteria for expulsion, all this
24 should be made clear to people and will allay some of the neighbors concerns.

25
26 **Commissioner Delmargo** noticed the two story room and asked what that is used for.

27
28 **Ms. Hartman** stated that is used for individual space, some time to cool down, just to
29 give an individual time for themselves till they can interact with the others.

30
31 **Commissioner Delmargo** recommended the contractor consider installing a seven and a
32 half foot fence and applying for a variance on the six foot height limitation it might be
33 beneficial in this one case.

34
35 **Commissioner Grainger** agreed with Commissioner Delmargo and asked Ms. Ortiz is
36 that would help out in a way, is concerned with the neighborhood.

37
38 **Ms. Ortiz** stated that she did not want to feel jailed in, with a high fence and no view,
39 does not want to feel like the prisoner, also that would not do not anything for the upstairs
40 room that looks into her dining and kitchen area and bathroom area would still have to
41 keep curtains and windows closed.

42
43 **Chairman Nicholson** asked if trees would help around the perimeter.

44
45 **Ms. Ortiz** stated there are trees, but that would still not obstruct the view from the
46 upstairs.

47
48 **Commissioner Slator** recommended placing a line of screening willows that grow up in
49 thickets, there is room for them to place on that side, or an Austrian pine, something that
50 is thick.

51

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

Commissioner Himes asked Ms. Ortiz if there is anything that would help.

Ms. Ortiz stated she does not know what would help, she was asked that by the Dreamtree Project, just does not like the idea of having that there, you do not know what will happen in the future.

Chairman Nicholson entertained a motion on the application.

Commissioner Delmargo made a motion to schedule case number P&Z2006-30 for January 3 meeting for public hearing, with the hope that the contractor, owner and neighbors will arrive at some creative buffer between the neighbors home and this project.

Commissioner Himes seconded the motion.

Rudy Perea asked if the Commission would like the applicant to provide a screening guidelines as suggested by Commissioner Sanchez.

Commissioner Delmargo amended the motion to include the screening guidelines.

Commissioner Himes seconded the amended motion.

Rudy Perea also was reminded by Lou for the applicant to prepare a construction staging plan.

Chairman Nicholson stated that all the others concerns expressed should be addressed.

Commissioners voting Yes on the motion: Commissioner Delmargo, Commissioner Sanchez, Commissioner Himes, Commissioner Cruz, Commissioner Grainger.

Motion carried unanimously.

**E. Case No. P&Z 2006-24-B
Dos Arroyos Dos LLC, property owner; Mark Yaravitz, Agent; requesting Sketch Plan review for a 10 lot Subdivision, the property is located on 4.03 acres at the north side of the current Dos Arroyos Subdivision.
(applicant requests a continuance) (Continued to be heard 01/03/06)**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

8. PUBLIC HEARINGS

**A. Case No. P&Z 2006-26
Michael McCabe, Property Owner; Christele Semaille, Agent;
requesting a *Conditional Use Permit*, to locate a professional office, at
219 Cavalry Road, the 0.60 acre property is located in the R-14
(multi-family residential) zone, within the Town of Taos limits.**

Commissioner Grainger recused herself from consideration on this application.

Ms. Christele Semaille is sworn in, explaining the request for a conditional use permit, there is no additional information to submit from the last meeting, will be applying for a building permit after this hearing.

Rudy Perea stated that he has not received any written comments on this application.

Chairman Nicholson opened the application for public comment.

No public comment noted.

Chairman Nicholson closed the application for public comment and returned to the Commission for further discussion or motion.

Commissioner Sanchez made a motion to approve case number P&Z2006-26, with the condition listed in the staff report.

Commissioner Delmargo seconded the motion.

Commissioners voting Yes on the motion: Commissioner Delmargo, Commissioner Sanchez, Commissioner Himes, Commissioner Cruz.

Motion carried unanimously.

Commissioner Grainger returned to the Commission.

1
2 **B. Case No. P&Z 2006-25**
3 **Dan K. Salter, Property Owner; Liz Nichols / Dan Salter, Agents;**
4 **requesting *Zone Change*, from C-2 (General Commercial) and R-1**
5 **(Residential) to all C-2 (General Commercial). The 3.137-acre**
6 **property is located at 119 Herdner Road, within the Town of Taos**
7 **limits.**
8

9 **Mr. Dan Salter** is sworn in, explained that the request is for zone change to all C-1 and
10 not C-2 as recommended by the Staff and Commission. The property is not conducive to
11 residential as discussed last month, also, there was some discussion on the easements and
12 those locations have been done and submitted by Mr. Jim Thompson; does not know how
13 the zoning designations were done years ago that would have left the commercial and
14 residential on the one parcel.
15

16 **Rudy Perea** asked Mr. Thompson, the engineer who submitted the site plan about the
17 noted an abandoned ditch, asked if there was research done with the Taos Valley Acequia
18 Association to determine the width of that easement on that ditch.
19

20 **Mr. Jim Thompson** is sworn in, stating that he did not know an acequia was there until
21 he walked the property, has not checked with the Acequia Association, he just made a
22 guess as to what the easement should be, it is most probably an abandoned ditch because
23 it has no feed to it or any waterway or drainage way into or out of it, one thing is there is
24 a major culvert across the main highway from Cruz Alta, some of that water maybe
25 catches on this acequia but does not know if it is an official ditch or acequia.
26

27 **Commissioner Himes** asked Mr. Thompson if that ditch was created from the adjacent
28 shopping center fields.
29

30 **Mr. Thompson** stated that he doesn't know, its very hard to tell there are no remnants to
31 indicate where it comes from, just wanted to note to the property owner that it is there.
32

33 **Mr. Salter** stated that he did not know it was there either, for 30 years no water has run
34 through there, there is no organized acequia by any means.
35

36 **Chairman Nicholson** noted that acequia location should be addressed whenever a
37 building permit is applied for if any.
38

39 **Mr. Thompson** stated that in the process of trying to figure out the easements, and it
40 was hard to find documentation, he did talk with Mr. Francisco Espinoza, Public Works
41 Director, and he gave information about what the Town has in terms of easements and
42 those are indicated on that easement site plan.
43

44 **Chairman Nicholson** opened the application for public comment.
45

46 **No public comment noted.**
47

48 **Chairman Nicholson** closed the public hearing and entertained a motion from the
49 Commission.
50

1 **Commissioner Himes** made a motion approve the zone change to C-1 and recommends
2 the zone change to the Town Council, with the recommendations as stated in the staff
3 report.

4
5 **Commissioner Sanchez** seconded the motion.

6
7 **Commissioners voting Yes on the motion: Commissioner Delmargo, Commissioner**
8 **Sanchez, Commissioner Himes, Commissioner Cruz, Commissioner Grainger.**

9
10 **Motion carried unanimously.**

11
12
13
14 C. **Case No. P&Z 2006-15**
15 **Mitchell G. Feldman, property owner; Mark Yaravitz, Agent;**
16 **requesting *Final Plat* review for a *35 lot Subdivision*, the property is**
17 **located on 22.09 acres at Morgan Road & Roy Road.**
18 (applicant requests a continuance) (Continued to be heard 01/03/06)

19
20
21 D. **Case No. P&Z 2006-24-A**
22 **Dos Arroyos Dos LLC, property owner; Mark Yaravitz, Agent;**
23 **requesting a *Zone Change* from the current ARO (Agriculture,**
24 **Recreation, Open Space, Flood Zone) to an R-4 (Residential Zone);**
25 **the property is located on 4.03 acres at the north side of the current**
26 **Dos Arroyos Subdivision.**
27 (applicant requests a continuance) (Continued to be heard 01/03/06)

28
29 **9. MATTERS FROM STAFF / COMMISSIONERS**

30
31 **Chairman Nicholson** stated that he received in his packet notification of the Appeal
32 filed by Mr. Yaravitz, and would like to make sure the Commissioners all have copies of
33 the appeal filed; also wants to make sure the LUDC has included that revision as
34 previously discussed that “if a specific use is not allowed in the code, it should be
35 prohibited and not left to the applicant to interpret.”

36
37 **Lou Baker** informed the Commission of the filed Appeal, and noted that the Revisions
38 to the LUDC will be presented to Council at a special meeting on January 4, with that
39 noted revision. Lou informed the Commission of the years accomplishments.

40
41 **10. ADJOURNMENT**

42
43 **Commissioner Cruz** made motion to adjourn.

44
45 **Commissioner Sanchez** seconded motion.

46
47 **Commissioners voted yes on the motion verbally.**
48 **Motion carried unanimously.**

49
50 **Meeting minutes of December 6, 2006 prepared by: _____**
51 **Melinda Vasquez, Planning Assistant**