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**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
WEDNESDAY, AUGUST 1, 2007**

**Chairman Duran**, called this meeting to order at 5:30 p.m. at Coronado Hall, Council Chambers, located at 120 Civic Plaza Drive. Noted that since the new Planning Commissioners were just recently appointed, for this meeting only the Town Council will act as Planning Commission and asked staff and the public to address the Council as Commissioners. This is the scheduled regular meeting of the Town of Taos Planning and Zoning Commission.

**1. ROLL CALL**

*The following were present:*

*Commissioners:* Bobby F. Duran, Chairman  
Rudy Abeyta  
Darren Cordova  
Erlinda Gonzales  
Meliton Struck

*Planning Department Staff present:*

*Rudy Perea, Planner  
Renee Barela-Gutierrez, Town Attorney  
Melinda Vasquez, Admin. Asst.*

**Commissioner Cordova** acknowledged some of the newly appointed Planning Commissioners present at the meeting.

**2. PLEDGE OF ALLEGIANCE**

Pledge of allegiance was recited.

**3. APPROVAL OF AGENDA**

**Chairman Duran** asked for any changes to the agenda as presented.

**Rudy Perea** noted a few amendments, first, would like to continue item 8. B. case no.2007-12 and item 9. B. case no. 2007-13.

**Chairman Duran** stated that he would like to allow the property owners agent on the case no. 2007-13 to make a brief statement, but not conduct a public hearing on the case.

**Commissioner Gonzales** made motion to approve the Agenda as amended.

**Commissioner Struck** seconded the motion.

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

**Motion carried unanimously.**

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**4. APPROVAL OF MEETING MINUTES:**

- A. JULY 3, 2007 – Special Meeting**
- B. JULY 11, 2007 – Regular Meeting**

**No corrections noted on the minutes as presented.**

**Commissioner Struck** made motion to approve the July 3, minutes as presented.

**Commissioner Gonzales** seconded the motion.

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

**Motion carried unanimously.**

**Commissioner Cordova** made motion to approve the July 11, minutes as presented.

**Commissioner Gonzales** seconded the motion.

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

**Motion carried unanimously.**

**5. UPDATE FROM MATTHEW FOSTER, Long Range Planner**

**Matt Foster** gave an update on the Land Use Master Plan and SmartCode project. Reminding everyone of August 16, 17, presentations by PlaceMakers, the contractor working on the LUMP.

**6. UPDATE FROM LUDC Revision Committee,  
**Recommendation of adoption by Town Council of Ordinance 07-12,  
proposed addition of a Construction Mitigation Plan requirement to the  
Land Use Development Code.****

**Mr. Thompson** thanked the Commission for allowing to report on LUDC committee and made a brief statement on the proposed ordinance. Explained the construction mitigation plan is a necessary tool for the Planning Staff and public to know how a project will develop, the plan should contain hours of project construction, traffic control on the street, plan to keep dust to a minimal and all items that will disrupt a neighborhood.

**Rudy Perea** explained that the mitigation plan is necessary to the department review and to keep the public advised of disruptions.

**Commissioner Abeyta** stated that he supports such an ordinance, would like to see a higher valuation to determine which project needs a mitigation plan.

1 **Commissioner Cordova** also stated he supports the ordinance, but would like to see a  
2 criteria list that a developer must meet, instead of just having the developer submit a plan,  
3 the checklist would help both the developer and staff evaluate the development.

4  
5 **Commissioner Gonzales** also stated she would support the ordinance, and a checklist  
6 would be helpful and would help the developer understand the ordinance.

7  
8 **Chairman Duran** allowed the public to speak on the proposed ordinance.

9  
10 **Ms. Fabbie Romero** stated she does sit on the LUDC Revision Committee, and opposes  
11 the Construction Mitigation Plan Ordinance, she states that it would be too cumbersome  
12 for the developer or contractor to submit, is too costly, and is too vague.

13  
14 **Mr. Doug Patterson** stated he also sits on the LUDC Revision Committee and supports  
15 the Ordinance.

16  
17 **Mr. Dave DiCicco** stated he opposes the proposed Ordinance, it is too costly for a  
18 developer to submit, and the items it refers to are already stated in the Municipal Code  
19 under Nuisances.

20  
21 **The Commissioners overall support the Ordinance, but would like to see the**  
22 **following modifications; recommend a checklist instead of a plan; would like to see**  
23 **it self-explanatory easy to understand. Recommended the Revision Committee**  
24 **modify and resubmit for presentation.**

25  
26  
27 **Rudy Perea read the rules for public hearings.**

28  
29  
30 **7. PRELIMINARY PUBLIC HEARINGS**

31  
32 **A. Case No. P&Z 2007-16**

33 **Wade Elston, property owner, Todd Wynward, agent; requesting a**  
34 ***Special Use Permit, to locate the Vista Grande High School, property***  
35 **is located at 111 A Paseo del Canon West, within the M-1 (light**  
36 **manufacturing) zone of the Town of Taos.**

37  
38 **Mr. Wade Elston, Mr. Todd Wynward and Mr. David Henry** were all sworn in, they  
39 are all working on the proposed Vista Grande High School facility. Wade is the property  
40 owner, Todd is with the VGHS and David is the architect on the project. They all  
41 explained the submitted packet for the school, to be located on Paseo del Canon West.

42  
43 **Chairman Duran** allowed public comment on the special use permit.

44  
45 **Mr. Richard Montoya** is sworn in, stated he supports the Vista Grande High School, it  
46 is necessary for the youth in the community to have an alternative to Taos High.

47  
48 **Ms. Linda Fischer** is sworn in, stated she is the current tenant "Health Shoes" in that  
49 building, does not support the school at that location, is concerned about traffic, and the  
50 slope of the entrance.

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**No further public comment.**

**Commissioner Cordova** stated that he supports the proposed Charter High School, Taos needs an alternative, and recommends a traffic analysis of Paseo del Canon and the State Highway.

**Commissioner Abeyta** also supports the charter school, has done research on the current High School and recommends that students should have an alternative; asked if the traffic study was conducted at full capacity.

**Commissioner Gonzales** also supports the charter school, is concerned with parking is there sufficient parking to accommodate students and staff, is concerned with the lighting on the property.

**Commissioner Abeyta** made a motion to schedule the application for special use permit to public hearing on September 5, with the stated concerns addressed.

**Commissioner Cordova** seconded the motion.

**Commissioners voting yes verbally on the motion: Commissioner Abeyta, Commissioner Gonzales, Commissioner Struck, Commissioner Cordova.**

**Motion carried unanimously.**

**B. Case No. P&Z 2007-17**

**Albert O. Cantu, property owner, Greta Brown, agent for Noah's Ark Preschool; requesting an expansion of a current *Conditional Use Permit*, to accommodate a maximum of 12 infants/toddlers. The existing preschool property is located at 1329 Paseo del Pueblo Sur, within the C-2 (commercial) zone of the Town of Taos.**

**Ms. Greta Brown** is sworn in, explained the submitted packet for a conditional use permit; would like to expand her existing preschool to accommodate up to a maximum of 12 younger children 6 weeks to 2½ years old. The existing preschool has a capacity of 24 for ages two through five and will have an additional three employees.

**Chairman Duran** allowed public comment on the special use permit.

**No public comment noted.**

**Commissioner Cordova** made motion to schedule the conditional use application for public hearing on September 5.

**Commissioner Gonzales** seconded the motion.

**Commissioners voting yes verbally on the motion: Commissioner Abeyta, Commissioner Gonzales, Commissioner Struck, Commissioner Cordova.**

**Motion carried unanimously.**

1           **8.       PUBLIC HEARINGS-Certificate of Appropriateness**  
2

- 3           **A.       Case No. P&Z2007-16**  
4                   **Ann Liebert, property owner; requesting a *Certificate of***  
5                   ***Appropriateness, for new construction and remodel, property is***  
6                   **located at 205 Hinde Place, within the C-1 (neighborhood**  
7                   **commercial) zone of the Town of Taos.**  
8

9           **Ms. Ann Liebert** is sworn in, explaining the modifications she submitted in the  
10           application packet from the last meeting, noting the stucco and window colors chart and  
11           window details.  
12

13           **Chairman Duran** allowed public comment on the special use permit.  
14

15           **Mr. Peter Wengert** is sworn in, stating he is a former P&Z Commissioner, the  
16           application submitted should now be complete and supports Ms. Lieberts proposed  
17           remodeling project.  
18

19           **No further public comment noted.**  
20

21           **Commissioner Abeyta** made motion to Approve the Certificate of Appropriateness.  
22

23           **Commissioner Gonzales** seconded the motion.  
24

25           **Commissioners voting yes verbally on the motion: Commissioner Abeyta,**  
26           **Commissioner Gonzales, Commissioner Struck, Commissioner Cordova.**  
27

28           **Motion carried unanimously.**  
29  
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- 32           **B.       Case No. P&Z 2007-12**  
33                   **Tom & Barbara McCarthy, property owners; requesting a**  
34                   ***Certificate of Appropriateness, to construct a portal for business entry***  
35                   **at 100 & 102 South Plaza; the 0.64 acre property is located within**  
36                   **the CBD (central business district) zone within the Historic Overlay**  
37                   **zone of the Town of Taos.**  
38

39           **Commissioner Gonzales** made motion to continue this application as recommended by  
40           Mr. Perea.  
41

42           **Commissioner Cordova** seconded the motion.  
43

44           **Commissioners voting yes verbally on the motion: Commissioner Abeyta,**  
45           **Commissioner Gonzales, Commissioner Struck, Commissioner Cordova.**  
46

47           **Motion carried unanimously.**  
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1           **9.       PUBLIC HEARINGS**

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3           **A.       Case No. P&Z 2007-15**

4                       **Robert Willette, property owner; requesting a *Zone Change, from***  
5                       **R-A (Residential-Agricultural) to R-14 (multi-family residential), the**  
6                       **1.07 acre property is located at 124 Upper Ranchitos Road, within**  
7                       **the R-A Zone of the Town of Taos.**

8  
9           **Mr. Robert Willette** is sworn in, stating at the last meeting the Commission asked him  
10           to contact the Taos Pueblo about their probably owning the land under the acequia, he did  
11           contact them and they submitted a letter acknowledging the public hearing, they did not  
12           acknowledge owning that land and Taos County does not have them listed as owner.  
13           Mr. Willette stated that he would like to change the zoning on the property so that he will  
14           be consistent with the surrounding properties, has no plans for any development.

15  
16           **Chairman Duran** allowed public comment on the special use permit.

17  
18           **Mr. Fernando Miera** is sworn in, stated he is a property owner near this property, does  
19           not oppose the zone change, but the request to change the zoning from agricultural to  
20           high density R-14 is too extreme, would like to see a development plan submitted first, is  
21           concerned about traffic, is also concerned about access to this property, believes the  
22           owner does not have legal access across the acequia.

23  
24           **Commissioner Gonzales** stated she is also concerned about the infrastructure in the area  
25           and about the notification of Taos Pueblo they need to confirm this zone change.

26  
27           **Commissioner Abeyta** stated that he reviewed the submitted survey, noted it does not  
28           indicate legal access onto the property and recommends the property owner research this  
29           and clarify for his own purposes what legal access he does have.

30  
31           **Mr. Jim Pollard** is sworn in, stated that the Commission has to review the application  
32           for zone change at the maximum density, not only that the zone is consistent with the  
33           surrounding neighbors.

34  
35           **Commissioner Cordova** stated he is concerned with the density this zone would allow,  
36           is concerned with traffic and infrastructure.

37  
38           **Commissioner Abeyta** recommended the application be re-evaluated, the survey needs  
39           to be researched, review the code and review the zone change and the maximum impact  
40           it would allow if approved.

41  
42           **Commissioner Gonzales** made motion to continue the application until all these issues  
43           stated have been addressed.

44  
45           **Commissioner Cordova** seconded the motion, and recommended a rough development  
46           plan be submitted.

1 **Commissioners voting yes verbally on the motion: Commissioner Abeyta,**  
2 **Commissioner Gonzales, Commissioner Struck, Commissioner Cordova.**

3  
4 **Motion carried unanimously.**

5 **B. Case No. P&Z 2007-13**

6 **Tom & Barbara McCarthy, property owners; Allen Vigil, agent;**  
7 **requesting *Annexation with Zone Designation of R-6 (Residential)*; the**  
8 **91.621 acre property; is located south of Chamisa Road between**  
9 **State Highway 68 and Sunshine Road and Camino de Abajo La**  
10 **Loma.**

11 **(continued to August 1, 2007)**

12  
13 **Chairman Duran** allowed Mr. Allen Vigil, agent on the application to make a brief  
14 statement.

15  
16 **Mr. Allen Vigil** is sworn in, stating he is agent for the property owner who are also  
17 present in the audience; Mr. Vigil reiterated what he stated at the last Commission  
18 meeting, stating that the property owners would like to annex their property into the  
19 Town limits and will continue to work with El Valle de los Ranchos Water and Sanitation  
20 District.

21  
22 **Commissioner Gonzales** made motion to continue the application to September 5.

23  
24 **Commissioner Cordova** seconded the motion.

25  
26 **Commissioners voting yes verbally on the motion: Commissioner Abeyta,**  
27 **Commissioner Gonzales, Commissioner Struck, Commissioner Cordova.**

28  
29 **Motion carried unanimously.**

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32 **10. MATTERS FROM STAFF / COMMISSIONERS / PUBLIC**

33  
34 **Rudy Perea** stated that he has an issue that could not be clarified administratively and  
35 would like to ask the Commission to determine frontage for setback clarification. The  
36 property in question is in a unique corner, Mr. Jed McGee explained the location of 305  
37 DeVargas Lane, a .38ac. lot to the Commission. After review and discussion the  
38 Commission made a determination.

39  
40 **11. ADJOURNMENT**

41  
42 **Commissioner Gonzales** made motion to adjourn.

43  
44 **Commissioner Cordova** seconded motion.

45  
46 **Commissioners voted yes on the motion verbally.**

47 **Motion carried unanimously.**

48  
49 **Meeting minutes of August 1, 2007 prepared by: \_\_\_\_\_**  
50 **Melinda Vasquez, Planning Assistant**