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**PLANNING & ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, JULY 11, 2007**

Chairman Nicholson, called this meeting to order at 5:30 p.m. at Coronado Hall, Council Chambers, located at 120 Civic Plaza Drive. This is the 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
William Himes
Sheila McCarthy-Grainger
Lillian Miller
Eugene A. Sanchez

Historic Preservation: Richard Montoya
Peter Wengert

Planning Department Staff present:
Rudy Perea, Planner
Renee Barela-Gutierrez, Town Attorney
Melinda Vasquez, Admin. Asst.

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was recited.

3. APPROVAL OF AGENDA

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

Rudy Perea has a few amendments, first, would like to add an item 6.A. Consideration of P&Z Resolution 07-07, endorsing the application for community development block grant; would like to request a continuance on Case Number 2007-12 and also Case Number 2007-13, has submitted a written memo explaining reason for the continuances, and would like with the Commissions permission to have the Town Attorney make a statement on the annexation request on P&Z2007-13.

Chairman Nicholson stated that he has read the Memos and would like the Commission to discuss P&Z2007-12, not formally discuss the case, but only discuss the letter received from SHPO and would like to continue it also, would like to keep that on the agenda and hear from the Town Attorney on case no. 2007-13.

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

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

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

6
7 **Commissioner Sanchez** voted no verbally on the motion.

8
9 **Motion carried.**

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13 **4. APPROVAL OF MEETING MINUTES OF JUNE 6, 2007**

14
15 **Chairman Nicholson** entertained corrections on the minutes as presented.

16
17 **No corrections noted.**

18
19 **Commissioner Montoya** made motion to approve the minutes as presented.

20
21 **Commissioner Delmargo** seconded the motion.

22
23 **Commissioners voted yes verbally on the motion.**

24
25 **Motion carried unanimously.**

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

30
31 **Rudy Perea** announced that Matt could not attend this evenings meeting and has
32 prepared a Memo to update the Commission on the status of his projects.
33 Rudy read the Memo for the Commission and public.

34
35
36
37 **6. UPDATE FROM JIM THOMPSON, Land Use Development Code Revision**
38 **Committee**

39
40 **Mr. Thompson** thanked the Commission for allowing to report on the status of the
41 Committee, at this time are trying to prioritize a number of topics to review and revise.

42
43 **Chairman Nicholson** stated that last summer this Commission spent a great deal of time
44 to come up with a comprehensive review of the code and had requested and believed the
45 revision committee would pick up those items first and forward to Council, has not seen
46 that work yet, as was mentioned a considerable amount of time was spent to try to make
47 the code a little more manageable.
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Rudy Perea stated that he did submit those changes for Council review, but the Council determined it was too extensive at one time and directed him to review each of those changes with the LUDC committee first, then the Commission, all giving input on the proposed changes.

Mr. Thompson stated that while the new code is beginning to develop the Committee can devote energy on that and at the current time can work on more manageable revisions as they develop, will also review the landscape and sign codes.

6. A. CONSIDERATION OF RESOLUTION 07-07

Rudy Perea introduced and read the resolution prepared by Matt Foster for consideration, the resolution briefly, will show Commissions endorsement for staff in applying for a CDBG grant application to complete a green building ordinance. .

Chairman Nicholson entertained questions on the Resolution.

No questions noted from the Commission.

Commissioner Wenger made a motion to adopt Resolution 07-07 as presented.

Commissioner Grainger seconded the motion.

Commissioners voted yes verbally.

Motion carried unanimously.

1 **Rudy Perea read the rules for public hearings.**
2
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4

5 **7. PRELIMINARY PUBLIC HEARINGS**
6

- 7 **A. Case No. P&Z2007-14**
8 **Ann Liebert, property owner; requesting a *Certificate of***
9 ***Appropriateness*, for new construction and remodel, property is**
10 **located at 205 Hinde Place, within the C-1 (neighborhood**
11 **commercial) zone of the Town of Taos.**
12

13 **Commissioner Delmargo recused himself from considerations on this application.**
14

15 **Ms. Ann Liebert** is sworn in, explained the application drawings she submitted for
16 modifying her residence on Hinde Place, to enclose the front porch to use as a breeze
17 way, would like to add a bathroom to the rear of the house.
18

19 **Commissioner Montoya** asked if the stucco and window colors will remain consistent.
20

21 **Ms. Liebert** confirmed the colors will remain the same.
22

23 **Rudy Perea** stated the footprint will be extended to add the sunroom, but will comply
24 with setback requirements, will work with the applicant to submit actual stucco color
25 samples, window drawings and bullnosing to evaluate for final hearing.
26

27 **Chairman Nicholson** opened the application for public comment.
28

29 **No public comment noted.**
30

31 **Chairman Nicholson** closed the public comment and returned to the Commission.
32

33 **Commissioner Sanchez** made motion to schedule the application for final public
34 hearing on August 1.
35

36 **Commissioner Miller** seconded the motion.
37

38 **Commissioners voting yes verbally on the motion: Commissioner Cruz,**
39 **Commissioner Grainger, Commissioner Wengert, Commissioner Himes,**
40 **Commissioner Sanchez, Commissioner Miller, Commissioner Montoya.**
41

42 **Motion carried unanimously.**
43
44

45 **Rudy Perea** asked if the Town Attorney can make a statement in regard to P&Z2007-13,
46 before continuing with the agenda.
47

48 **Chairman Nicholson** allowed the Town Attorney to make a statement in regard to
49 P&Z2007-13.
50

51 **Commissioner Grainger recused herself from considerations on this application.**

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Ms. Renee Barela-Gutierrez stated that at the last meeting the Commission had question in regard to whether or not El Valle de los Ranchos as a Sanitation District would be required to give consent prior to any annexation taking place. Stated she has copies of two letters received dated June 4 and one date June 14 and in both those letters is stated their opposition to the annexation. Has had personal conversation with two of the members of the Sanitation Board and is not sure why they are opposed, which leaves a question on her mind. The legal issue is whether or not should the Town be required to obtain El Valles' consent. As indicated at the last meeting there is no black letter law that she can point to and say this is the law. Preliminarily believes that yes, consent would be required, a water and sanitation district is considered a political subdivision in the state of New Mexico, the annexation laws do state that and there is an attorney general opinion that states that as well. On the other hand she can also state that consent is note needed, it will come down to a battle of attorneys and who does the most extensive research and the more fundamental question is whether or not the Town is interested in annexing the 91 acres in that area. So her preliminary recommendation to the Commission is to have the applicant or his representative, someone from El Valle, the Manager or Mayor, preliminarily meet to discuss only the issue of annexation, the Town Council should give the Commission and the applicant some direction as to the interest of annexation itself, can the Town provide the services.

Chairman Nicholson thanked the attorney for her statement and confirmed the Town will potentially serve Town water and El Valle will continue to provide sewer service.

Ms. Gutierrez stated that is correct, the applicant wanted to develop under the Town codes, the reason for the annexation.

Chairman Nicholson stated it would be appropriate for this body to consider the application and make recommendation to Town Council, urges the applicant to continue with the application.

Ms. Gutierrez stated that is within the Commissions realm if the Commission wants the applicant to continue with the application as submitted, would still encourage El Valle to discuss with the applicant and Town Council.

Rudy Perea stated he will work with the applicant to proceed with the application.

1 **B. Case No. P&Z 2007-15**
2 **Robert Willette, property owner; requesting a *Zone Change, from***
3 **R-A (Residential-Agricultural) to R-14 (multi-family residential), the**
4 **1.07 acre property is located at 124 Upper Ranchitos Road, within**
5 **the R-A Zone of the Town of Taos.**
6

7
8 **Mr. Robert Willette** is sworn in, explained the request for zone change from RA to
9 R-14, referred the Commission to the information packet submitted, explained the acre
10 parcel surrounded by R-14.

11
12 **Chairman Nicholson** asked if there was subsequent up-zoning surrounding this
13 property.

14
15 **Rudy Perea** stated that he has no knowledge of when and how the adjacent R-14
16 occurred across the road is County Rural zoning.

17
18 **Commissioner Delmargo** asked along the river is a narrow strip of RA and C-2, on
19 which side of the river is that narrow strip.

20
21 **Mr. Willette** stated that when he purchased the property the narrow strip is the land that
22 goes underneath the river, the river bottom and believes that is Taos Pueblo land.

23
24 **Chairman Nicholson** opened the application for public comment.

25
26 **Mr. Fernando Miera** is sworn in, stating he owns property directly across at 116 Upper
27 Ranchitos Road, does not have a problem with the zone change, the problem is that, in
28 concept a zone change should not be approved without any idea of what kind of
29 development is proposed. With an R-14 zone what you will have is potentially 30 cars
30 accessing Ranchitos Road. The green strip is Taos Pueblo Lands, there is a large strip in
31 there that includes the river and ownership. The access to this property is a bridge that
32 was built across pueblo lands, he believes probably without the Pueblo's consent. This
33 property is unique, in that it's an end result of the strip as it approaches and runs into the
34 river, it begins at the Hines property- agricultural, then into the condo project. If the
35 property is opened up to R-14 they would probably need access onto Upper Ranchitos
36 Road, further adding traffic to the narrow road. What you are looking at is somebody
37 coming to you and saying I want the value of my property to go up, so I want R-14 zone,
38 does not have a problem with that concept, but let him do it when he knows what he
39 wants to do there so that the Commission can look at what the development is going to be
40 and what the standards need to be. Right now the Commission does not know the impact
41 of R-14 in that area. It is premature to consider this zone change.

42
43 **Commissioner Sanchez** asked Mr. Miera to point out the Pueblo lands.

44
45 **Mr. Miera** indicated the pueblo lands indicated in green and adjacent property owners
46 on the plat the applicant submitted.

47
48 **No further public comment noted.**

49
50 **Chairman Nicholson** closed the public hearing and asked Rudy what he recommends,
51 after hearing the comments noted by the speaker.

1 **Rudy Perea** stated that this property is a one acre parcel, the most he would be permitted
2 to place is 14 units, if he decides to do that he would need to propose a development and
3 meet all standards of that density. At this time the property owner does not want to
4 develop this one acre parcel, he would just like to be in conformance with the
5 surrounding area. Does not have a recommendation for the Commission, is only
6 presenting the application as submitted, would like the applicant to address the issue of
7 the easement access to this property.

8
9 **Commissioner Sanchez** asked if the Taos Pueblo Lands should be notified and their
10 input is taken into consideration, does the Town have such requirement.

11
12 **Rudy Perea** stated that all landowners recorded at the County Assessors office are
13 notified by the applicant; the applicant can notify Taos Pueblo if appropriate.

14
15 **Commissioner Delmargo** asked if Town services are provided for this property.

16
17 **Chairman Nicholson** stated Rudy will research that for next meeting.

18
19 **Rudy Perea** stated he will research infrastructure for next meeting.

20
21 **Commissioner Delmargo** asked to research the narrow bridge for emergency access
22 also.

23
24 **Chairman Nicholson** allowed the applicant to respond to concerns.

25
26 **Mr. Willette** stated that he has legal easement across pueblo land that was acquired by
27 Sally Howell; he did notify everyone listed at the assessors office, but will notify Taos
28 Pueblo directly, has no immediate plans for construction or development.

29
30 **Chairman Nicholson** stated the public comment is now closed and returned to the
31 Commission for consideration.

32
33 **Commissioner Miller** made motion to schedule for final public hearing on August 1.

34
35 **Commissioner Delmargo** seconded the motion.

36
37 **Commissioners voting yes verbally on the motion: Commissioner Delmargo,**
38 **Commissioner Miller, Commissioner Sanchez.**

39
40 **Commissioner Himes, Commissioner Cruz voted no verbally on the motion**

41
42 **Motion carried.**

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

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3 **A. Case No. P&Z 2007-12**
4 **Tom & Barbara McCarthy, property owners; requesting a**
5 ***Certificate of Appropriateness, to construct a portal for business entry***
6 **at 100 & 102 South Plaza; the 0.64 acre property is located within**
7 **the CBD (central business district) zone within the Historic Overlay**
8 **zone of the Town of Taos.**
9 **(staff requested continuance)**

10
11 **Commissioner Grainger recused herself from considerations on this application.**

12
13 **Chairman Nicholson** stated that he would just like to address some concerns the
14 Commission has, will not formally hear the case, but in an effort to expedite the process
15 and address some procedural issues and concerns, a report was received from SHPO and
16 would like to address that issue.

17
18 **Commissioner Sanchez** stated that it is not appropriate for the Commission to discuss
19 this without the applicants agent present, wants legal counsel on this.

20
21 **Commissioner Himes** stated that the applicant is present in the audience.

22
23 **Ms. Barela-Gutierrez** stated that it is appropriate for the Commission to discuss the
24 letter from SHPO and state concerns and allow the applicant to address at the next
25 meeting.

26
27 **Chairman Nicholson** stated that he does not want to discuss specifics, but mainly the
28 response from SHPO.

29
30 **Rudy Perea** stated that he did speak with the property owner in regard to the SHPO
31 letter, he is fine with the idea of coming back with an awning design, if that is what is
32 appropriate, but the owners want to work with SHPO to resolve, would prefer some sort
33 of portal.

34
35 **Commissioner Wengert** pointed to the 1933 photographs SHPO sent with their
36 response, noted the Hotel building did not have a portal, how can they indicate it has
37 maintained contributing status but yet somehow this new portal may damage that
38 contributing status.

39
40 **Commissioner Delmargo** confirmed the statement, and stated that he is opposed to
41 awnings on the Plaza, perhaps a narrower portal that would increase the massing between
42 La Fonda and set it apart so that it can maintain contributing status.

43
44 **Chairman Nicholson** asked Rudy to notify the applicants on the Commissions stated
45 comments.

46
47 **Rudy Perea** stated he will coordinate a meeting between the applicants and SHPO to get
48 some resolution.

1 **9. PUBLIC HEARINGS**

2
3 **A. Case No. P&Z2007-10**
4 **Northern New Mexico Midwifery Center, property owner; Rebeca**
5 **Romero Rainey, Agent; requesting a Zone Change, from R-2**
6 **(Residential) to C-1 (Neighborhood Commercial), for a 2.121 acre**
7 **property, located at 1331 Maestas Road, within the Town of Taos.**
8

9 **Ms. Rebeca Romero-Rainey** is sworn in, stating she has no new information to add
10 from the last meeting, when it was discussed extensively, would only like to state
11 continued support on this current proposed zone change, but also supports the task force
12 working on a proposed hospital zone in this area; this would provide valuable service to
13 the community, referred to the staff report in that the application meets the zone change
14 requirements.
15

16 **Chairman Nicholson** opened the application for public comment.
17

18 **Mr. George Jaramillo** is sworn in, stating he is building a house in the Weimer area, and
19 is also treasurer of the FNA board, the FNA did an email survey of the homeowners in
20 that area and had some response and most of the homeowners are in support of the
21 midwifery center but are opposed to the zone change. The concern is with the business
22 that may be allowed to move in and prefer to defer vote on the zone change until a proper
23 hospital commercial zone designation is done.
24

25 **Commissioner Sanchez** asked Mr. Jaramillo if he had documentation from the
26 neighborhood to speak on their behalf.
27

28 **Mr. Jaramillo** stated he is the treasurer of the FNA board and is representing the Board.
29

30 **Mr. Robert Block** is sworn in, stating he is a retired OBGYN and lives right up the road
31 from the hospital, has done work with the hospital, when he heard about the zone change
32 request he did not object as a neighbor, then it was brought to his attention that a new
33 land use plan was to be adopted with maybe a hospital commercial zone center part of it
34 being the midwifery center, the question is why would do they need special zone
35 conditions now when something is coming up soon, why not do it together to benefit
36 everyone.
37

38 **Ms. Romero-Rainey** thanked everyone for their supported comments, there had been
39 talk about a hospital commercial zone when the Vision 2020 was adopted in 1999, we are
40 now still talking about a commercial zone for this area; is optimistic is participating in
41 moving forward with the task force on this process, but there are challenges with the
42 system, what we working with today is the current zoning, hopefully that will change
43 down the road, but for now all we have is what is in the code today, that is why they have
44 not delayed the application even though they are participating in this task force. Asks the
45 Commission to consider this application in the spirit that this is the zoning today, are very
46 much invested in the community, are here for the long term and do not want to see any
47 unacceptable uses on this property and as such are participating in this task force.
48

49 **Chairman Nicholson** closed the public comment on the application and returned to the
50 Commission for consideration.
51

1 **Commissioner Delmargo** asked for an update on the task force mentioned, what is
2 going on there, what is a hospital commercial zone.

3
4 **Commissioner Wengert** stated that as a member of the task force mentioned, Vision
5 2020 indicated a hospital commercial zone that would cover the area including the
6 hospital, properties to the west and north, properties across the street to the south and
7 properties to the east along Maestas Road which is this property we are talking about. As
8 is known many of the recommendations of Vision 2020 were sidetracked or forgotten
9 about, this task force being mentioned is in fact is a small informal group formed to put
10 together a proposal for this recommended zone for this area.

11
12 **Chairman Nicholson** entertained a motion on the application.

13
14 **Commissioner Himes** made a motion to recommend case number P&Z2007-10, be
15 forwarded to Town Council for final approval on the zone change, based on the findings
16 of fact in the staff report.

17
18 **Commissioner Cruz** seconded the motion.

19
20 **Commissioners voting yes verbally on the motion: Commissioner Delmargo,**
21 **Commissioner Miller, Commissioner Sanchez, Commissioner Himes, Commissioner**
22 **Grainger, Commissioner Cruz.**

23
24 **Motion carried unanimously.**

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27 **B. Case No. P&Z 2007-13**
28 **Tom & Barbara McCarthy, property owners; Allen Vigil, agent;**
29 **requesting Annexation with Zone Designation of R-6 (Residential); the**
30 **91.621 acre property; is located south of Chamisa Road between**
31 **State Highway 68 and Sunshine Road and Camino de Abajo La**
32 **Loma.**
33 **(continued to August 1, 2007)**

34
35
36 **10. MATTERS FROM STAFF / COMMISSIONERS / PUBLIC**

37
38 **Rudy Perea** updated the Commission on the work on the historic district online building
39 inventory.

40
41 **11. ADJOURNMENT**

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

44
45 **Commissioner Miller** seconded motion.

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

48
49 **Motion carried unanimously.**

50 **Meeting minutes of July 11, 2007 prepared by: _____**
51 **Melinda Vasquez, Planning Assistant**