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**PLANNING & ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, APRIL 2, 2008**

This meeting was called to order at 5:30 p.m. at Council Chambers, Coronado Hall located at 120 Civic Plaza Drive. This is the scheduled regular meeting of the Town of Taos Planning and Zoning Commission.

1. ROLL CALL

The following were present:

Planning Commission: Jim Thompson, Chairman
Luis Reyes, Vice-Chairman
Josepha Cruz
Mark Gonzales
Cipriano Medina
Jim Pollard

Historic Commission: Fred Robbins
Zeke Tapia

Absent: Michael Silva
Merlinda James

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

2. PLEDGE OF ALLEGIANCE

Pledge of allegiance was recited.

APPROVAL OF AGENDA

No amendments to the agenda as presented.

Commissioner Medina made motion to approve the agenda as presented

Commissioner Cruz seconded the motion.

Commissioners voted yes verbally on the motion.

Motion carried unanimously.

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Rudy Perea stated that what Commissioner Medina may have seen is that the owners are allowed to work on the interior while this is being heard for the exterior remodel.

Commissioner Medina asked if a building permit has been issued for demolition on this work.

Rudy Perea stated that his is not sure at this time, but will verify that for the next meeting, the owners have been working diligently on getting this project done.

Commissioner Pollard asked if the building will remain as a professional office.

Mr. Henry stated that the use will remain professional office, the owners call their work or business to open will be as“healing arts” businesses, a professional healing arts center, not medical services.

Vice-Chairman opened the application for public comment.

No public comment noted.

Vice-Chairman closed the public comment and returned to the Commission for a motion.

Commissioner Robbins asked what color the metal handrail will be painted.

Mr. Henry stated that most likely it will be painted blue.

Commissioner Medina stated that there is a standard color for handicap use.

Mr. Henry stated that there is no standard colors for hand rails in the building code, but in the historic district there are color restrictions.

Commissioner Medina made a motion to schedule P&Z2008-05, for public hearing on May 7.

Commissioner Cruz seconded the motion.

Commissioners voting yes verbally: Commissioner Tapia, Commissioner Medina, Commissioner Cruz, Commissioner Robbins, Commissioner Pollard, Commissioner Gonzales.

Motion carried unanimously.

Vice-Chairman Reyes turned the meeting back over to Chairman Thompson.

1 **6. PRELIMINARY PUBLIC HEARINGS**

2
3 **A. Case No. P&Z 2007-22**

4 **Andrew & Joetta Arguello, property owners, requesting *Variances***
5 **on lot size, setbacks, width and lot coverage, for new construction on**
6 **a 0.02 acre property located at 107 Archuleta Lane; within the C-2**
7 **(General Commercial) Zone of the Town of Taos.**
8 (this item was tabled from Oct. 2007)

9
10 **Mr. Andrew Arguello** is sworn in. explaining the status of the application, the last time
11 he was before the Commission he was asked to submit an updated warranty deed a
12 survey or IRL report, and easement from adjoining property owners, that was submitted,
13 there was also an issue of encroachment into his neighbors property, he has submitted
14 two surveys one dated 1997 with notes indicating encroachment of their structure onto his
15 land, the updated survey shows easements with updated warranty deeds, and quit claim
16 deeds. The reason for the submitted Taos County reassessment survey and property
17 record is to orient where tract A-4 is located, this shows that at one time there was a
18 structure at that location on the L-shaped tract, the structure does not incorporate the
19 entire tract only the upper half, it is only the size of 20' by 38' there has been a structure
20 erected on that site.

21
22 **Chairman Thompson** asked which survey he is talking about.

23
24 **Mr. Arguello** stated he is referring to a reassessment survey submitted at the last
25 meeting.

26
27 **Rudy Perea** apologized that the Commission does not have their paperwork from the
28 previous meetings and asked Mr. Arguello to explain with what was recently submitted.

29
30 **Mr. Arguello** continued to explain the updated survey he just submitted, it should be in
31 with this meeting packet, on the upper left hand corner it refers to a greenhouse and
32 poolroom, it doesn't incorporate the whole tract A-4 just a small portion, the structure is
33 an accessory use building, has no utilities other than electric, it is a billiard room and a
34 greenhouse and was built exactly over the previous structure, going back to the property
35 report which shows that there was a structure there at one time. In talking with Mr. Perea
36 he advised that the Commission would need assurances of a site plan and assurances of
37 the structural integrity and compliance of code regulations and written confirmation that
38 the adjoining property owner has no issues with the close proximity of the buildings. He
39 has submitted site plan and an architects elevations and letter to the integrity of the
40 building in regard to compliance to code regulations.

41
42 **Commissioner Pollard** advised that he and probably most of the Commissioners don't
43 have all the information before him, especially from the last meeting in October and
44 asked the Chairman how he would like to proceed.

45
46 **Rudy Perea** stated that he does have the information Mr. Arguello is referring to, he has
47 all that in the file, the letter from the Architect in his visual inspection found to be in
48 compliance, the main issues from the Commission that came out of the previous meetings
49 were the fact that the Commission was confused because there was not an updated survey
50 and that he had needed to work with Mr. Bigbee on the encroachment, so those were the
51 main issues that came up at the last meeting.

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Commissioner Pollard asked for those copies in the file for the next meeting.

Mr. Arguello continued to explain the updated survey and the quit claim deeds he submitted for the meeting, he is requesting is variance on the required side yard of 7 feet and rear yard of 20 feet, if those setbacks were to apply he would remain with a strip of land of 6 feet by 18 feet and he cannot do anything with that.

Commissioner Pollard stated that he did not have to put a building there.

Mr. Arguello stated that he just placed his building exactly on the footprint that was already there on that lot, and would like to use this lot.

Commissioner Cruz asked why he signed on the quit claim deed from Bigbee, all three signed this form.

Mr. Arguello stated that he had to agree on the encroachment as well, he encroaches on his property as well.

Rudy Perea stated that he would defer to the Town Attorney as to why they all signed, he did not know it was a legal issue or not, what he understood is that the Mr. Bigbee and Mr. Arguello both encroach on each others property, the close proximity had to be agreed upon by all.

Commissioner Cruz stated that the letter from Mr. Bigbee does not have a date.

Rudy Perea stated that he thought with the quit claim deed and Mr. Bigbee's letter, would be sufficient for the Commission to review and their concerns.

Chairman Thompson asked if he had something that showed the previous structure on the lot to see that there actually was a structure on that space.

Mr. Arguello stated that he would pass around to the Commission a property record that indicates that there was a structure on that lot.

Commissioner Reyes asked if he built his structure over the same foundation.

Mr. Arguello stated that he did build over the same foundation which was packed rock and he added a regular foundation over that.

Commissioner Reyes asked if the architect found that to be in compliance.

Mr. Arguello stated that the architect did certify the foundation is very sound.

Rudy Perea read the letter to the Commission from Mr. Nottingham in which he certifies that the foundation is very sound and in his visual inspection found to be in compliance with the building code.

Commissioner Robbins asked in reference to the Conrad Romero survey in the greenhouse and poolroom, where is the encroachment.

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Mr. Arguello stated that the encroachment was where it indicates house, the poolroom/greenhouse was encroaching on the adjacent property,

Commissioner Robbins asked if the quit claim was granted so that there would be no encroachment.

Mr. Arguello stated that is corrected the quit claim was for easement purposes and he did reciprocate that for his property.

Commissioner Robbins asked how wide is that gap, the space is now between the poolroom and the Bigbee house.

Mr. Arguello stated that is the issue, the structures themselves define the property line, the original survey submitted shows the Bigbee structure encroaching onto his property and there was another survey indicating his structure onto Bigbees that is why they now did the two quit claim deeds to allow easements and straighten out the issue of encroachments.

Commissioner Robbins asked if the warranty deed and quit claim deeds are only to define that one corner to clarify the issue of encroachments and the survey is to show that the structures are close to property lines by improvements such as shop, garage, greenhouse, poolroom, and the legal descriptions from this survey are what is claimed in the quit claim deed and the corrected warranty deed.

Mr. Arguello stated that explanation is correct.

ChaimanThompson opened the application for public hearing.

No public comment noted.

Chairman Thompson closed the public comment and returned to the Commission for motion.

Commissioner Tapia asked if within all these documents, if whenever this property is sold would all this be legal for the owners with the eight inches.

Commissioner Robbins explained that if either party wants to sell, these documents are recorded in the County records, the title company should pick this up and they will prepare a title binder and it will describe what is in these deeds.

Mr. Arguello asked what the issue is at this point, if he has the signed paperwork from Mr. Bigbee, with deeds and surveys.

Commissioner Robbins stated that he did not know what the issue is at this point, he is only answering the question of how these documents work with, should there be a sale or buy.

Commissioner Pollard stated that the issue before the Commission is should the Commission grant the variances requested, it is a difficult process to understand, if you can find more documentation like this old tax record that indicates a structure existed.

1 **Chairman Thompson** asked Rudy to read the criteria for the granting of a variance,
2 there are five criteria and all have to be satisfied, one of them is that the owner did not
3 create the need for variance, if you could get more information that shows there was a
4 structure there previously, that you did not create the need for the variance.

5
6 **Mr. Arguello** stated that thought he understood the criteria after meeting with Rudy
7 described, but he does not understand what else he could provide.

8
9 **Rudy Perea** read the five criteria for Variance from the LUDC.

10
11 **Chairman Thompson** stated that he would like to proceed, but all the criteria has to be
12 satisfied.

13
14 **Commissioner Robbins** stated that you must show you have a non-conforming lot size,
15 you can trace back the history of the property and hopefully something that indicates
16 there was a structure, show all this to Rudy and he can guide you if you have proof of an
17 old foundation, if you want to get an existing non-conforming acceptance. Go to a title
18 company and sit with the head searcher and see what the abstract says that go back to
19 previous owners and take all that to Rudy and work with him and this will help the
20 Commission to make a determination.

21
22 **Rudy Perea** stated that he will work with the building official to see what can be done to
23 the building to make it safer for both property owners.

24
25 **Commissioner Pollard** stated that one criteria is that this issue was not of your own
26 doing, but already you are not in compliance because you started to build on this lot
27 without a permit, that is how we got to this point, if you can find reference to a structure
28 having existed before, what you have now hints to a previous structure they all need to tie
29 together, but we don't know where it is and how you got to this point and go forward.

30
31 **Commissioner Cruz** asked if he had any old pictures of the property.

32
33 **Mr. Arguello** stated that he did not know of any pictures, the property was owned by his
34 mother, in 1973 he purchased from her, he lived in California and he moved back and
35 took over the property and built this structure, only wanting to use what he has.

36
37 **Matt Foster** stated that he may have an old map that indicates a previous structure.

38
39 **Mr. Arguello** stated that he did submit photos but it is covered with trees.

40
41 **Chairman Thompson** stated that the Commission needs proof that there was a previous
42 structure there.

43
44 **Chairman Thompson** entertained a motion from the Commission.

45
46 **Commissioner Pollard** made motion to schedule P&Z2008-22, for public hearing for
47 May 7, and asked to submit all the previous documents at the previous meetings, would
48 like to have everything in one packet.

49
50 **Commissioner Reyes** seconded the motion.

51

1 **Rudy Perea** asked if the motion could be amended to include that the Building Inspector
2 go look at the building for safety and also include what Commissioner Robbins
3 recommended about doing a title search.

4
5 **Commissioner Pollard** stated that he will add to the motion, only that the building
6 inspector go look at the building for safety reasons.

7
8 **Commissioner Reyes** agreed to the amendment to the motion.

9
10 **Commissioners voting yes verbally: Commissioner Reyes, Commissioner Cruz,**
11 **Commissioner Medina, Commissioner Pollard, Commissioner Gonzales.**

12
13 **Motion carried unanimously.**

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18 **B. Case No. P&Z2008-03**
19 **Debra de la Torre & Luis de la Torre, property owners, Sandra**
20 **Crooker, agent; requesting a *Conditional Use Permit*, to operate a**
21 **professional office, the property is located at 605-B Camino de la**
22 **Placita; within the R-14 (multi-family residential) Zone of the Town**
23 **of Taos.**

24
25 **Ms. Sandra Crooker** is sworn in, explaining the information she submitted in the
26 meeting packet, she would like this office space in the old Lilac Shop building, it is
27 approximately 13' X 40' to use it as a personal office, does work with technologies that
28 assist people with their health and well-being. Would like to open 9-5:30 daily and
29 sometimes to 8pm and sometimes 10-5 on Saturdays. Would like to have small
30 workshops, demos in the evenings. Will not create any noise or traffic, the machines are
31 very quiet.

32
33 **Commissioner Cruz** asked about noise the machines would make, the parking for the
34 workshops, and the signage.

35
36 **Ms. Crooker** stated there is are 12 to 14 spaces available, explained the way her
37 machines work, and the demos would be a training for the individual use, very quiet, the
38 signage is not definite yet. Addressed the letter from Mr. Sayre who is concerned with
39 lighting and noise onto his property, she believes she will not be interrupting his house
40 with her lights, took some photos to present to the Commission.

41
42 **Commissioner Pollard** asked that if this is a residential area, and this request is for a
43 conditional use for something other than residential, is the use as a continuation as to
44 what was previously there or are you asking for a change.

45
46 **Rudy Perea** stated that the portion of the building she is renting is zoned R-14 it is in the
47 building of the old Lilac Shop the other part of the building is rented to the tea shop, she
48 is renting part of this building.

49
50 **Commissioner Pollard** ask why the tea shop did not require a conditional use permit.

51

1 **Rudy Perea** stated that the tea shop did not need a conditional use because it was an
2 existing commercial use but in this case she is asking for an office use in the R-14.
3

4 **Commissioner Pollard** the application does not have a use indicated, it needs to be
5 specified on the application, it needs to show parking spaces, the application is not
6 complete, the letter indicates you want to have 25 people in a workshop you need to have
7 25 parking spaces, all those items need to be indicated within the application. Staff will
8 help you work on the application to bring the information to the Commission.
9

10 **Rudy Perea** stated that he thought the site plan submitted was sufficient, but will work
11 with the applicant on the parking.
12

13 **Ms. Crooker** stated that she is willing to comply, but needs to know what the limits are.
14

15 **Commissioner Pollard** stated that this application just needs to go back to work with
16 staff, who needs to work on their ruling on the use of this building, instead of addressing
17 those issues at this meeting.
18

19 **Rudy Perea** stated that he can have the building officials check on the accessibility of
20 this office space.
21

22 **Chairman Thompson** asked Rudy to also recheck the occupancy load that is indicated
23 on the fire chief inspection.
24

25 **Chairman Thompson** stated that this is the first of two meetings, so it the application
26 can be amended before the next meeting.
27

28 **Ms. Crooker** stated she would like to amend her application, would like to open as soon
29 as possible.
30

31 **Chairman Thompson** opened the application for public comment.
32

33 **Mr. Michael Sayre** is sworn in, stating that he owns two properties affected by this, one
34 is at 213 Beimer that abuts this property the second property is on 606 Camino de la
35 Placita, so he will be affected on both properties by one way or another. Was assured by
36 the applicant that she will not have staff, and will be seeing one or two client per hour,
37 and he did inform her that he didn't like the use in the evenings especially as just
38 mentioned with the unexpected larger groups. Believes all this use in the evening is not
39 appropriate in a residential neighborhood, if this is approved would ask that the hours be
40 limited during the daytime.
41

42 **Commissioner Tapia** stated that in touring the property today, he noticed the brush on
43 his lot and asked if that will be cleared up for the neighbors.
44

45 **Mr. Sayre** stated that he is going to work on clearing that brush.
46

47 **Commissioner Medina recused himself from the meeting.**
48

49 **Ms. Jeanette Garcia** is sworn in, stating she lives in a condo across from Town Hall,
50 notices how busy and fast the traffic travels on Camino de la Placita, cannot believe that
51 this use will not affect traffic or noise, this problem is all over town.

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No further public comment noted.

Chairman Thompson closed the application for public comment and entertained a motion from the Commission.

Commissioner Gonzales made a motion to schedule P&Z2008-03 to public hearing on May 7, with the following information, a parking plan to suit the amount of people during daytime along with the Tea Shop, also a plan showing the size and location of the signs.

Commissioner Cruz seconded the motion.

Rudy Perea asked if the motion could be amended to include the building official review the building for accessibility to this office.

Commissioner Gonzales agreed to the amendment.

Commissioner Cruz seconded the amendment.

Commissioner Pollard stated that he would like to amend the motion, as far as he can recall this property has always been a commercial use, but it is in a residential neighborhood would like to strongly suggest something be done to address the future uses in this neighborhood, would like to see like a plan to see what will happen there to limit the uses so that everyone is aware of what can be done.

Commissioner Gonzales agreed to the amendment.

Commissioner Cruz seconded the amendment

Commissioners voting yes verbally: Commissioner Reyes, Commissioner Cruz, Commissioner Pollard, Commissioner Gonzales.

Motion carried unanimously.

- C. **Case No. P&Z2008-04**
Town of Taos/Kit Carson Electric Coop, property owners, Don H. May, AIA Rhode May Keller McNamara Architecture, agents; requesting a *Special Use Permit, and Variances on Section 5-4.4 (D)* parking location, yard wall height and architectural style to locate the Taos Regional Command Dispatch Center and Homeland Security Center, the property is located at 1146 Gusdorf Road; within the C-1 (neighborhood commercial) Zone of the Town of Taos.

Commissioner Reyes recused himself from considerations on this application.

Chairman Thompson appointed **Commissioner Robbins** to the **Planning Commission** for a full quorum.

1 **Commissioner Cruz** stated that she did not have an application to go with this
2 informational packet.

3
4 **Rudy Perea** stated that there is an original signed application in the file.

5
6 **Chairman Thompson** advised this be included in the next meeting packet.

7
8 **Mr. Don May** is sworn in, explaining the application to locate a regional command
9 center, with the Commission's approval of some specific aspects other than what is
10 required. The requests are based on functional security aspects, a perimeter security wall,
11 the second has to do with architectural style to bring this into compliance but again this is
12 functionally driven so the building style does not comply with what is required in the
13 Code. Explained the special use of the building and the attempt to have this building not
14 so visible to the public and the request is for consideration to allow some relief from the
15 code regulations. This will be a secure facility a state of the art facility that the Town
16 currently has but in one location.

17
18 **Commissioner Pollard** stated that he understands the functions, but why the increase for
19 security, what agency is driving this facility here and now, is it the Town of Taos just
20 wanting a new hardened facility or is it a mandate from some national source.

21
22 **Mr. May** explained how the building will be the primary location for improved service
23 for several emergency central call services which needs to be protected, explained how
24 the facility needs to be located and the standard requirements nation wide basically from
25 homeland security.

26
27 **Commissioner Cruz** asked why she read somewhere, there was a 150 feet standoff
28 setback required but the request is for 128 feet.

29
30 **Mr. May** stated that the conditions of this terrain will only allow 128 feet which is fine.

31
32 **Commissioner Tapia** asked how many communities in New Mexico are doing a facility
33 like this.

34
35 **Mr. May** stated there are several communities in New Mexico, and this one will be not
36 only for the Town but for the whole region.

37
38 **Chairman Thompson** asked if there is criteria for a certain location in a community.

39
40 **Mr. May** stated that it should not be within the downtown area, it should be in an
41 outlying area with good access to all to convene in an emergency.

42
43 **Commissioner Cruz** stated her concern with the proximity to the school and asked if
44 they were notified.

45
46 **Mr. May** stated that they were informed.

47
48 **Commissioner Pollard** stated that the application is for a special use permit, the use is
49 not specifically stated on the application, it should be stated specifically, there is also a
50 request for Variances, there is no indication for architecture variance, for the record, is

1 there a list of all the specific variances requested, if they could all be listed in one
2 narrative.

3
4 **Commissioner Robbins** stated that one request is to exceed the height limit for a
5 perimeter wall, is there going to be a request for a wireless communication tower or
6 antenna on top of this building.

7
8 **Mr. May** stated that there will be a small antenna, about 25 feet, it was indicated on the
9 drawings submitted, there will not be a dish in any permanent way, if all the local and
10 federal entities showed up on site, this would serve as the local mobile command center.

11
12 **Rudy Perea** stated that the antenna is allowed, the Town limit is 50 feet for self standing
13 cell tower, this antenna will be part of the building so they don't have to amend their
14 application for this antenna.

15
16 **Commissioner Robbins** asked who owns this property.

17
18 **Mr. May** stated that he understood the property is owned by Kit Carson Electric.

19
20 **Commissioner Robbins** asked if there is a plan is to mitigate the graffiti that will be on
21 these walls eventually.

22
23 **Mr. May** stated that they will specify materials to be used that will allow easily wash
24 off graffiti.

25
26 **Commissioner Robbins** it will be good to show the antenna height on the plans so there
27 will be something on record to show the public.

28
29 **Rudy Perea** explained to the Commission where in the plans the location of the antenna
30 is indicated.

31
32 **Matt Foster** asked to explain the parking lot needed outside of the perimeter of the wall.

33
34 **Mr. May** stated the primary use of that parking is for media and the intent is to use
35 dense landscaping around the facility so that it wouldn't be recognized as a public
36 building.

37
38 **Commissioner Gonzales** asked the exact height of the wall, is it 8, 10 or 12 feet.

39
40 **Mr. May** stated that the height of the wall differs with the terrain from 8 to 12 feet high.

41
42 **Commissioner Pollard** asked if the height of the wall is just to keep the public out or is
43 it for blast protection.

44
45 **Mr. May** stated that it is primarily for vehicle impact, keep people from coming onto
46 the complex, for visibility.

47
48 **Chairman Thompson** asked if he could provide the criteria for the siting for this type of
49 complex.

50
51 **Mr. May** stated that he gave Rudy the program documentation.

1 **Rudy Perea** stated that he has a large document explaining the proposed complex.

2

3 **Chairman Thompson** stated that he does not need the whole document, but there
4 should be a one page criteria, this will help to justify the variances requested, that the
5 Commission is meeting that criteria.

6

7 **Matt Foster** stated that the LUDC does requires open space dedication, stated that he
8 would offer some time to work on that with the architect.

9

10 **Commissioner Robbins** asked the architect to bring in sample of the material of the
11 high wall and building sample colors to be used, pictures may help.

12

13 **Commissioner Cruz** asked about the parking area, how will someone get out.

14

15 **Mr. May** stated that the parking is double loaded and will work with Rudy on the
16 dimensions they vary from municipality.

17

18 **Commissioner Pollard** asked if he could show the elevation of the building the
19 renderings in the packet are difficult to understand.

20

21 **Commissioner Robbins** stated that although this application is for a request for variance
22 on this height of the wall, hopes this will not set a precedent for others to request the
23 same variances.

24

25 **Mr. May** stated that there are two types of facilities that need these types of buildings,
26 two primary are law enforcement and emergency operations center, suggest the Town
27 adopt a new policy giving special considerations to these types of facilities.

28

29 **Chairman Thompson** opened the application for public comment.

30

31 **Mr. Luis Reyes** is sworn in, representing Kit Carson Electric, speaking in support of the
32 project, Kit Carson brings the property and about 3 million to the project, the facility will
33 be designed to incorporate local emergency operation service of the Forest Service, PNM,
34 BLM, the primary use for this building is for dispatch for E911.

35

36 **No further public comment noted.**

37

38 **Chairman Thompson** closed the public comment and returned to the Commission for
39 motion.

40

41 **Commissioner Pollard** made motion to schedule 2008-04 for public hearing on May 7.

42

43 **Commissioner Robbins** seconded the motion.

44

45 **Rudy Perea** read a list of items the Commission has asked to see for the next hearing.

46

47 1. copy of the signed application, 2. list all variances on one page, 3. address how
48 vandalism will be curtailed because of the height of the walls, 4. clean up answers to
49 criteria for variances, 5. bring in pictures or samples of materials and colors of the
50 building and security walls will look like and 6. presentation that shows ground level
Elevations, and a list of similar buildings in the area and would like that list early.

1 **Commissioners voting yes verbally: Commissioner Cruz, Commissioner Robbins,**
2 **Commissioner Pollard. Commissioner Gonzales.**

3
4 **Motion carried unanimously.**

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7 **D. Case No. P&Z2008-06**
8 **Cantu LLC – Andreita Cantu etal, property owner, Judith Loretto,**
9 **agent; requesting a *Variance*, from the Sign Code Regulations, from**
10 **the allowed 3 tenants on a joint identification sign to 8 tenants; the**
11 **property is located at 122 Paseo del Pueblo Sur; in the CBD (central**
12 **business district) within the Historic Overlay zone of the Town.**

13
14 **Ms. Judy Cantu** is sworn in, explaining her request to the Commission, she owns the
15 building facing Paseo del Pueblo Sur on what is called Cantu Plaza, is requesting a
16 variance from the sign ordinance. She would like to place a joint identification sign on
17 the building for her tenants, in between the buildings, but the current sign code does not
18 allow what she is proposing; had wanted to do a powerpoint presentation but the
19 computer setup is not working, so she handed the Commissioners a copy of what and
20 where she wants to place the sign.

21
22 **Commissioner Pollard** asked, for the record, if the Commission has authority to grant a
23 variance from the Sign Ordinance.

24
25 **Rudy Perea** stated that the Commission has the authority to grant a 20 percent variance,
26 the code allows 2 signs per business and maybe one more sign, so the Commission can
27 grant one more sign, the request is for a joint ID sign, to allow more signs on a joint ID
28 sign, the code only allows three businesses on a joint ID, she wants 8 businesses on the
29 joint ID, the Commission can grant 20 percent variance.

30
31 **Commissioner Pollard** stated that the request is more than 20 percent, and asked again
32 if the Commission has authority to hear this application, couldn't the Staff or does the
33 Commission need to make an administrative decision and the application can be appealed
34 to Council. Agreed there is a problem with signage that is allowed and stated that he
35 believes the sign ordinance variance is not the solution to the problem for visibility.

36
37 **Commissioner Tapia** asked why they cannot have one sign on the building and one on
38 the joint ID sign, if they are allowed two signs, why do they need a variance.

39
40 **Rudy Perea** stated that the sign ordinance only allows 3 businesses on a joint ID, and
41 she wants 8, so that is what she is requesting. The Commission can request the Council
42 review this to allow her the request for more than 20 percent, deferred to ask the Town
43 Attorney what can be done.

44
45 **Commissioner Pollard** asked the Town Attorney, that since the Sign Ordinance does
46 not allow the Commission the authority to grant a variance, can we deny the application
47 so that she can appeal to Council who does have the authority to grant.

48
49 **Renee Barela-Gutierrez** stated that would be an appropriate action.

1 **Commissioner Robbins** recommended to the applicant to present a more descriptive
2 request to show what is requested on the wall, show them what the sign is and what it
3 will look like, have a better presentation of what is going up on the wall, that would make
4 it easier for review and approval.

5
6 **Chairman Thompson** stated that he would like to open the application for any public
7 comment who may be present for this case.

8
9 **No Public comment noted.**

10
11 **Chairman Thompson** closed the public hearing comment and returned to the
12 Commission for discussion.

13
14 **Commissioner Pollard** stated that based on the fact that the Commission does not find
15 an obvious way to grant the request, would like to make a motion to deny and
16 recommend appeal to Council who does have that authority.

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

19
20 **Commissioners voting yes verbally: Commissioner Reyes, Commissioner Cruz,**
21 **Commissioner Pollard. Commissioner Gonzales.**

22
23 **Motion carried unanimously.**

24
25
26

27 **E. Case No. P&Z 2008-07**
28 **Kevin Zangara and Alice Meador-Zangara, property owners,**
29 **requesting to amend their approved Conditional Use Permit, the**
30 **property is located at 215 Beimer Street; in the R-14 (multi-family)**
31 **zone within the Town of Taos.**

32
33 **Ms. Alice Meador** is sworn in, stating she would like to explain the application for an
34 amendment to the conditional use permit that was previously granted. Has four reasons
35 why they would like to change, the parking on the lot, the directions of the parking,
36 referred the Commission to the drawing she submitted noted "current" the traffic comes
37 onto to the lot and swing around and try to manipulate to park to face parking the fence to
38 Mr. Sayres property, the second reason is for aesthetics the way the parking lot is now is
39 tearing up the yard, the way they park now is that the cars have to back up all the way
40 toward the fence. Would like to revise parking for safety, the client does not have to
41 walk over the railroad ties or around their vehicle to get to the front door, discussed this
42 with Gerard of the fire department and he agreed would be more safe, there wouldn't be
43 cars blocking the entrance to the lot. Does not see any detriment to the change would
44 create less congestion, there is also a tree they have to avoid when backing, understands
45 this use is new to the neighborhood and have tried to be non-intrusive, the neighbor
46 affected most is Mr. Sayre who is adjacent to the parking lot and have tried to create a
47 barrier for his privacy.

48
49 **Commissioner Pollard** stated that there were four reasons, there were problems,
50 aesthetics, safety, what is the fourth.

51

1 **Ms. Meador-Zangara** stated that the fourth reason is for the lay of the lot, there is a
2 slope that goes down to the house, as shown on a drawing she submitted, had something
3 else she wanted to show the Commission, tried to draw to scale, handed out a drawing of
4 what she is proposing to do.

5
6 **Commissioner Tapia** asked if the request is just to change the way people are facing
7 parking, does not see a problem with the request.

8
9 **Commissioner Pollard** asked why the current method is causing parking problems.

10
11 **Ms. Meador-Zangara** stated that she doesn't like the way the cars are facing, it is
12 inconvenient to park and having to walk over railroad ties and having them backing and
13 swinging trying to park.

14
15 **Commissioner Tapia** stated it would be easier just to drive onto the lot and park, not
16 having to try to park, it is a easier and doesn't see any problems.

17
18 **Commissioner Pollard** asked to explain number one, the current method causes
19 problems.

20
21 **Ms. Meador-Zangara** stated that it is ugly and everyone has to step over railroad ties to
22 get to the doorway, people have to come in and back out and park and doesn't want
23 people driving in all the way to Mr. Sayres fence.

24
25 **Commissioner Pollard** asked if the clients complain about parking.

26
27 **Ms. Meador-Zangara** stated that they really don't complain, but they do mention
28 sometimes the strange way to have to park.

29
30 **Commissioner Pollard** asked if the parking is changed to face Mr. Sayres property,
31 don't they have to back out onto the street.

32
33 **Ms. Meador-Zangara** pointed to the area on the drawing and described how they would
34 park to Commissioner Pollard, they would back out onto the street sometimes.

35
36 **Commissioner Pollard** asked if there is sufficient room to back out without having to
37 back onto the street, the Commission cannot grant permission to back out onto the street.

38
39 **Ms. Meador-Zangara** stated there is room but there is landscaping she doesn't want to
40 remove, discussed the parking area at the desk.

41
42 **Rudy Perea** stated that there is a section in the code, doesn't know exactly where, that
43 people are not allowed to back out onto public right of way, however, in this case this
44 application was reviewed by the previous Commission and it was not an issue back then,
45 but it is something the Commission can consider at this time.

46
47 **Chairman Thompson** stated the Code is clear, under section 5-4.4 (B), "Entrances and
48 Exits (2) Ingress and egress from required off-street parking areas shall be so designed as
49 to eliminate any necessity of backing from the parking area into any public right-of-way."
50

1 **Mr. Kevin Zangara** is sworn in, the intent was to buy this property to save it and restore.
2 As was discussed at the previous hearings, the intent is not to disrupt the front yard, they
3 have had the property listed with the national and state historic registers. Would like to
4 be allowed to park in the back of the building and in a reasonable method would like to
5 change the parking now as presented. Have tried to accommodate Mr. Sayres requests
6 and it shouldn't be represented that we create a nuisance at night. The alignment of cars
7 during the daytime shouldn't disrupt his property, believes this new parking plan is
8 logical.

9
10 **Commissioner Pollard** stated that he has not heard any testimony from Mr. Sayre, that
11 is not the issue, the issue at this time is that you are not allowed to back up onto a public
12 right of way, there is room in the back of the building if you allow room to back up, there
13 is a solution, if you want to change the parking, we cannot allow to back out onto the
14 street.

15
16 **Commissioner Gonzales** asked what the square footage of the business that determines
17 how many parking spaces are required, there were 6 but are proposing 5 spaces.

18
19 **Rudy Perea** asked Mr. Zangara what the square footage is for the business.

20
21 **Mr. Zangara** stated that there is 1900 sq. ft. office space.

22
23 **Rudy Perea** stated with 1900 sq. ft. office spaces you would need seven parking spaces.

24
25 **Commissioner Gonzales** asked if you would make the needed parking spaces and use
26 the one parking as a backing space.

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

29
30 **Mr. Michael Sayre** is sworn in, stated he lives at 213 Beimer right next door and is in
31 opposition to this change, advised the Commission that his attorney Alan Maestas has
32 filed notice to the town to have the Town enforce the original conditional use permit,
33 which has been in violation. In the previous granting of the conditional use permit, Mr.
34 Zangara promised limited activity for this use, was to have only one employee and open
35 only during the week, with limited parking of six parkings, that parking has been violated
36 continuously. There are 3 employees, has suffered with the amount of traffic and the
37 clients leaving their engines running, parking lot discussions, fumes from those vehicles
38 does not allow him to have open windows, his property is about five feet from the fence.
39 Described examples of the disruptions he has to deal with, of one of the employees
40 leaving her engine running in the parking lot for more than 20 minutes during the
41 weekend; how Mr. Zangara left his vehicle running. Does not want more cars parked in
42 the lot, all this disruption will just be closer to this fence, begs the Commission to not
43 approve the amendment.

44
45 **Chairman Thompson** asked for more public comment.

46
47 **No further public comment noted.**

48
49 **Chairman Thompson** allowed the applicants to respond.

50

1 **Ms. Meador-Zangara** stated that the intent is not to get more vehicles to park, the other
2 is that she would like to create space between the parking and the fence.

3
4 **Commissioner Cruz** stated that she couldn't understand how more spaces could be
5 created within that parking lot

6
7 **Commissioner Pollard** stated that the issue is the parking area, the conditional use
8 permit is to allow for a professional office in a residential property, the concern at this
9 time is to review for sufficient parking and not backing onto the street.

10
11 **Ms. Meador-Zangara** suggested she would take the recommendation to use one parking
12 space as a back out space.

13
14 **Commissioner Pollard** stated there is area to create parking spaces, you cannot give
15 yourself more green area and not sufficient parking and mainly you cannot back out onto
16 the street, there are avenues to resolve this issue.

17
18 **Chairman Thompson** stated that there is an approved conditional use permit, should it
19 need to change you need to resolve how not to back up on the street and have a parking
20 plan for the consistent use.

21
22 **Rudy Perea** stated that the Commission did approve a conditional use permit and
23 allowed the business, however, the section of the code specifies that they cannot back out
24 onto the street, recommends that this item be continued so that he be allowed to work
25 with the applicant revise their parking plan and address some of Mr. Sayres concerns.

26
27 **Commissioner Pollard** made a motion to continue case 2008-07, for a minimum of 90
28 days so that the applicant can come back with a modified plan.

29
30 **Commissioner Gonzales** seconded the motion.

31
32 **Commissioners voting yes verbally: Commissioner Reyes, Commissioner Cruz,**
33 **Commissioner Pollard. Commissioner Gonzales.**

34
35 **Motion carried unanimously.**

36
37
38 **F. Case No. P&Z 2008-08**
39 **Wal-Mart Stores, Inc., property owner, Alex Corondoni, agent;**
40 **equesting a *Variance*, from the Landscape Ordinance 07-08 Section**
41 **15.12.040 Section IV subsection (K), the property is located at 926**
42 **Paseo del Pueblo Sur; in the C-2 (general commercial) within the**
43 **Town of Taos.**

44
45 **No one present at the meeting to represent this application.**

46
47 **Rudy Perea** stated that he had no knowledge of the applications representative being
48 present or not, but asked the Commission to schedule for preliminary presentation at the
49 May 7 meeting.

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7. **MATTERS FROM STAFF/COMMISSIONERS/PUBLIC**

8. **ADJOURNMENT**

Commissioners voted unanimously to adjourn.

**Meeting minutes of April 2, 2008 prepared by: _____
Melinda Vasquez, Planning Assistant**