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**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
WEDNESDAY, JANUARY 3, 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  
Jim Pollard  
Josepha Cruz  
Mark Gonzales

*Historic Commission:* Merlinda James  
Fred Robbins

*Absent:* Michael Silva  
Cipriano Medina  
Luis Reyes  
Zeke Tapia

*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**

**Rudy Perea** recommended the Commission continue cases no. P&Z2007-20 and 2007-15, as requested.

**No further amendments to the agenda**

**Commissioner Pollard** made motion to approve the agenda as presented.

**Commissioner Cruz** seconded the motion.

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

**Motion carried unanimously.**



1 **Mr. Jed Magee** is sworn in, explained the application to the Commission, the request is  
2 for renovation and addition to the existing building at 230 Ranchitos Road, next to  
3 Salazar Road intersection, read out loud the narrative he presented in the application  
4 packet and presented for review large drawings of the existing and proposed elevations of  
5 the building. The building is located at the edge of the central business district, where  
6 businesses and residential uses are blending into one another, the building current use is a  
7 multi-unit residential building with one owner landlord, the building is not a contributing  
8 structure. The building is neither pueblo nor territorial style, it has a pitched roof that  
9 slopes in many directions it lacks details that define it territorial. There is evidence that  
10 the building was built with a flat roof and over the years has been modernized by adding  
11 roof pitches and has a conglomerate of pitches, after extensive investigation of the  
12 building and the underlying structure it has been concluded that several additions have  
13 been done but not solidly attached to the roof it has no real structural connection. The  
14 intent is to bring the building to current codes. The building, while it is unique and  
15 interesting it is not really in harmony with the type and style of the neighborhood, nor  
16 even itself, what is proposed is to remove the roof and return it to its original flat style,  
17 back to a pueblo style, it will return to a single family residence. Referred the  
18 Commissioners to his submitted application packet and explained the proposed remodel.  
19 Read a letter from Todd Gravelle and adjacent property owner who supports the proposed  
20 project.

21  
22 **Commissioner Cruz** asked to see a proposed parking plan.

23  
24 **Mr. Magee** stated that the parking is indicated on the site plan, for a single family  
25 residence the requirement is two parking spaces, there are four or more parking spaces  
26 available.

27  
28 **Rudy Perea** stated that since this building is reverting from multi-units to one residence  
29 they meet the parking requirements; they only need two and a half parking spaces.

30  
31 **Commissioner Cruz** asked the height of the building.

32  
33 **Mr. Magee** stated the top most parapet is 26.6 inches, exactly the highest current  
34 existing pitch.

35  
36 **Commissioner Gonzales** asked about the existing wall with the metal guardrail, the  
37 proposal is for a stucco yard wall of four feet tall, where that measurement is taken from,  
38 from grade level on the bottom or from the top of the property.

39  
40 **Mr. Magee** stated the measurement is taken from the parking level, the wall will be a  
41 terraced arrangement and will be pulled into the lot to create a tiered look, but would like  
42 to know exactly where to measure for that terraced look.

43  
44 **Commissioner Gonzales** asked Rudy what level that should be measured at, the road  
45 level makes it difficult to measure the height.

46  
47 **Rudy Perea** stated that he has discussed this with him and since the road slopes at  
48 different levels he will work with them to take an average of the grade and work to not  
49 exceed six feet and will work to show details of that wall.

50

1 **Commissioner Gonzales** stated that he is concerned about that and would like to see  
2 that detail to keep it at a six foot level.

3  
4 **Commissioner Robbins** asked if the building will be two story, will be canales for  
5 drainage, are there exposed lintels over the windows, and on the back side are there  
6 terraced walls like next door, will windows and doors be bull nosed, would like to see  
7 details of the windows, colors, pictures to visualize the specs.

8  
9 **Mr. Magee** stated the building will be 26.6 feet high, two story in portions, canales for  
10 drainage, the proposed exposed lintels over the windows, the walls on the back will be  
11 terraced to keep the look of the neighbors, the windows and doors are bull nosed the  
12 walls are two foot thick adobe walls and will make consistent the window treatments,  
13 referred to the four proposed elevation drawings.

14  
15 **Commissioner Gonzales** asked if the existing driveway on the back will be used.

16  
17 **Mr. Magee** stated there is an existing driveway to the back, it is overgrown and the  
18 proposal is to maintain that as a walking or bicycle pathway.

19  
20 **Chairman Thompson** asked to see how they will have access to drive into the garage.

21  
22 **Mr. Magee** stated the proposal will be access to the garage from Ranchitos and will also  
23 have access around the back.

24  
25 **Commissioner Robbins** asked Rudy if the ADA issues will need to be addressed.

26  
27 **Rudy Perea** stated that the ADA requirements will be reviewed at building permit  
28 issuance; the ADA does not apply to a private residence at this time.

29  
30 **Mr. Magee** stated that there are a series of steps and will also have a ramp to access the  
31 building.

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

34  
35 **No public comment noted**

36  
37 **Chairman Thompson** closed the public hearing and returned to the Commission for  
38 motion.

39  
40 **Commissioner Robbins** made a motion to schedule the application for final public  
41 hearing on February 6, with the requested information submitted, pictures or sketches of  
42 windows and doors; better drawings or even pictures of the levels and walls on the  
43 Harwood back side and well delineated with heights, also show lighting and fixtures.

44  
45 **Commissioner Gonzales** seconded the motion.

46  
47 **Commissioners voting yes verbally on the motion: Commissioner Robbins,**  
48 **Commissioner Cruz, Commissioner Gonzales, Commissioner James.**

49  
50 **Motion carried unanimously.**

1 **Commissioner Pollard returned to the Commission and meeting.**  
2  
3

4 **7. PUBLIC HEARINGS-Certificate of Appropriateness**  
5

6 **A. Case No. P&Z2007-20**  
7 **Simon Bell, property owner, Douglas Patterson, agent; requesting a**  
8 ***Certificate of Appropriateness and Variances on setbacks, lot size***  
9 **and lot coverage, for new construction on property located at 125 La**  
10 **Loma Plaza; within the R-14 Historic Overlay Zone of the Town of**  
11 **Taos.**  
12 **(Commission continued to Feb. 6)**  
13

14  
15 **B. Case No. P&Z 2007-25**  
16 **Town of Taos, property owner, Lee Gamelsky, Architect, agent;**  
17 **requesting *Certificate of Appropriateness*, for new construction and**  
18 **remodel of the Taos Community Auditorium, the 1.734 acre**  
19 **property is located at 145 Paseo del Pueblo Norte; within the C-1**  
20 **(Neighborhood Commercial) Historic Overlay Zone of the Town of**  
21 **Taos.**  
22

23 **Mr. Lee Gamelsky** is sworn in.  
24

25 **Rudy Perea** made a statement to the Commission in regard to the staff report, under  
26 conditions number 5 would like to delete that condition, had a mistaken interpretation of  
27 the architects drawings where he assumed that was a second story addition, it is not  
28 technically a second story addition it is a clear story addition, so the comments in the  
29 staff report are incorrect.  
30

31 **Mr. Gamelsky** continued that he is the architect for the Town to work on the TCA; the  
32 property is located in the historic overlay zone the building is not an historic building and  
33 is listed as non-contributing, the existing building design is some oxy-contemporary style  
34 and not pueblo style, in designing the new addition, the LUDC requires the building to be  
35 of a prevailing style of pueblo revival, the design proposed does meet the standards of the  
36 code, the landscape plan has been submitted as requested at the last meeting. Would like  
37 to address the now four staff reports conditions, the lighting fixtures are in compliance  
38 with the dark skies ordinance and are recessed in the columns; condition two references  
39 the requirement for stucco bull nosing and details thereof, referred the Commission to  
40 sheet A-2.02 that shows stucco detail; condition three references the metal door, it is  
41 metal and will be painted a wood tone brown color and staff acknowledges that item is in  
42 compliance; condition four refers to a column post proposed in the courtyard and will not  
43 be seen from the streetscape it is only for decorative purposes in the covered patio and  
44 should not be an issue for a condition of approval.  
45

46 **Commissioner Pollard** asked how the bull nosing proposed for windows, doors and  
47 around the building.  
48

49 **Mr. Gamelsky** stated that it will be roughly three inches and is described in the  
50 submitted plans.  
51

1 **Rudy Perea** indicated to Commissioner Pollard the typical detail proposed bull nosing.

2

3 **Commissioner Pollard** asked if the proposed lighting is shown on the elevations.

4

5 **Mr. Gamelsky** stated they are shown on the elevations, the fixtures are six inches by ten  
6 inches and are recessed into the stuccoed columns.

7

8 **Rudy Perea** commented on the conditions he wrote, in number one was not concerned  
9 with dark skies compliance, his concern was with the LUDC the historic district does not  
10 allow the manner of the columns to be lit as proposed. In number two, he talked with  
11 applicant about this before the meeting and would request the Commission allow him to  
12 administratively approve this if the plans indicate “typical” details for all new windows.  
13 Then in number four the issue is the tuscan column, the historic overlay zone does not  
14 allow this type of style allowed, that would need the Commission’s interpretation.

15

16 **Commissioner Pollard** commented that the reference is made to photos in the Code that  
17 are allowed, the photo is not very clear, but it looks like what he has on the elevation and  
18 it is a column not a post and is meant to be different just recently built and could not find  
19 anything that addressed column that said he couldn’t.

20

21 **Rudy Perea** stated that he defers that determination to be made by the Commission.

22

23 **Commissioner Robbins** stated that the picture of the post is found like in a home, you  
24 just don’t see a stucco post along the front with lighting, as far as lighting it could be  
25 installed under the portal for functions at night, this post is elegant and nice and if the  
26 intent is to create something old you can take a contemporary building and add features  
27 to it.

28

29 **Mr. Gamelsky** clarified the statements made, the single post proposed is to be located in  
30 the enclosed patio it is free standing it is nothing structural it is by itself within the patio,  
31 it will not be seen from the street, the other stucco columns are in the front along the  
32 entryway and have the recessed lights, stucco columns are addressed in the Code, there is  
33 precedent of stucco columns, the lights are low level around the columns to provide  
34 lighting under the portal and the roundabout where people are walking.

35

36 **Rudy Perea** stated that the LUDC does not address the columns in the historic district  
37 the design element of lighted columns.

38

39 **Commissioner Pollard** asked if it was just not allowed or just not enumerated.

40

41 **Rudy Perea** stated that it is not enumerated; the code states that if it is not specifically  
42 stated then it is not allowed.

43

44 **Mr. Gamelsky** stated that he discussed this with Rudy under 4-1.4, that refers to land  
45 use, to uses of the land not the specific of design, Rudy’s is a very broad interpretation.

46

47 **Commissioner Pollard** stated that he would like to move on, these are columns not  
48 posts and stuccoed it blends in very nicely, does not know if this is an issue to stall the  
49 application, the section does talk about land use not design standards.

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

**No public comment noted.**

**Chairman Thompson** closed the public hearing and returned to the Commission for further discussion.

**Commissioner Pollard** stated that he would discuss and suggest to the Commission that based on the staff report, everyone seems in favor of moving forward only certain points are in question if those could be discussed, conditions number two references bull nosing and would like the word “typical” indicated on the drawings and the applicant agrees; number three he’s already agreed, the elevations call out to be brown color; staff has eliminated number five, the only issue is the lighting and the tuscan column.

**Rudy Perea** stated that he discussed with the buildings director that on the clear story addition that the roof would be hidden with parapets.

**Mr. Gamelsky** stated that the columns are in front at the entry way and they will have a light fixture in each face and the lighting will face downward to provide safe walking, the tuscan column is a separate freestanding column located in the patio and is only for decorative purposes.

**Commissioner Gonzales** asked Rudy to explain his concern with the lighting so that he could understand.

**Rudy Perea** stated that in section 4-20 it does not address that lighting within the columns is allowed, but defers to the Commission to make that determination.

**Chairman Thompson** asked where lighting is addressed.

**Rudy Perea** stated that lighting is addressed in the dark sky ordinance.

**Mr. Gamelsky** stated that lighting is not addressed in the LUDC it is only addressed in the dark sky ordinance and this light fixture does comply with that ordinance.

**Commissioner Pollard** made a motion to approve the certificate of appropriateness, based on the findings of fact in the staff report with the elimination of number 11, and with the following conditions, number one, that the applicant change the drawings to show the bull nose detail as “typical” of all bull nosing; and that the architect submit additional architectural details to staff on the new southern elevation to ensure compliance with section 4-20.8.F.1.E regarding parapets.

**Commissioner Gonzales** seconded the motion.

**Commissioners voting yes verbally on the motion: Commissioner Robbins, Commissioner Pollard, Commissioner Cruz, Commissioner Gonzales, Commissioner James.**

**Motion carried unanimously.**

1           **8.       PUBLIC HEARINGS**

2  
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-4 (residential), the 1.07 acre**  
6           **property is located at 124 Upper Ranchitos Road, within the R-A**  
7           **Zone of the Town of Taos.**

8           **(Commission continued to Feb. 6)**

9  
10  
11           **B.       Case No. P&Z 2007-23**

12           **Aeacus Real Estate-Kim Goodyear, property owner, Living Design**  
13           **Group-Doug Patterson, agent; requesting *Variances on lot size,***  
14           **setbacks and parking, for lot line adjustment, the 0.1128 acre**  
15           **property is located at 114 Padre Martinez Lane; in the R-14 (multi-**  
16           **family) Zone within the Historic Overlay Zone of the Town of Taos.**

17  
18           **Mr. Doug Patterson** is sworn in, stating he has submitted a proposed lot line adjustment  
19           survey and documentation of the removal of the back up generator on the property. The  
20           lot line adjustment indicates the proposed three tracts, tract C is currently 8,140 sq. ft and  
21           proposed is 7,157 sq.ft; tract A has a duplex and shed on the existing on the proposed the  
22           duplex will be on tract C as it exists right now it is 4,913 sq. ft and proposed 4,229 sq. ft;  
23           as discussed last month to reduce that as little a difference as possible, so the proposal is  
24           for a boundary with zero setback to the garage to make that lot a little larger; tract B is it  
25           exists is 14,461 sq ft and proposed is 15, 573 sq. ft; requesting for a variance on the lot  
26           size on tract A, it is non-conforming as it exists and the proposal is to modify and clarify  
27           the lots sizes, those are the proposed boundaries. The existing back up generator has  
28           been decommissioned and completed as requested.

29  
30           **Commissioner Robbins** asked if the proposed lots access comply with the LUDC, is it  
31           wide enough.

32  
33           **Mr. Patterson** stated the driveway accessing onto Don Fernando and is 16 feet wide, it  
34           is adequate, and provides adequate parking for all lots, the driveway off of Padre  
35           Martinez will not be used as access onto the property.

36  
37           **Commissioner Pollard** asked if the north boundary line of tract A, how long is it, its not  
38           indicated, and what will happen with the two buildings now that the driveway will be  
39           eliminated.

40  
41           **Mr. Patterson** stated that the driveway is overgrown and will not be used, there will be  
42           bollards installed to use only for pedestrians.

43  
44           **Commissioner Pollard** stated that the deviation to increase is substantial to this non-  
45           conformity and the Commission needs to make that determination, asked Mr. Patterson if  
46           he would make that seven foot setback on tract C of zero lot line and do something in the  
47           CC&R's to allow some limited use or some easement to maintain their property so that  
48           whoever buys tract A is buying it with a seven foot easement.

49  
50           **Mr. Patterson** stated that he could consider that, but as discussed last month, this is a  
51           balancing act between the aspects of the lot lines that comply and those that don't

1 comply. The lots are complicated as it is, the intent was to make the property lines in  
2 between the parcels as simple as possible and comply with as many of the development  
3 standards, would complicate the lot lines more, but we had non-conforming lot as is, the  
4 intent is to clarify the uses between parcels.

5  
6 **Commissioner Pollard** stated a zero lot line is easier to get than a non-conforming lot  
7 and this is clearly increasing a non-conformity and the Commission has no authority to  
8 grant something deemed substantial.

9  
10 **Mr. Patterson** asked if reducing the setback to seven feet or whatever it needs to be to  
11 make this less than a ten percent deviation on the non-conforming lot would that be  
12 acceptable.

13  
14 **Commissioner Robbins** stated that if you get the lot too narrow, if the owner of lot C  
15 wants to repair the building you could go to a zero lot line and mitigate your variance by  
16 less than ten but put an easement for lot C so that they can come in the future and repair  
17 the stucco work on their building, if its put into the deed of tract C that there shall be an  
18 easement and the benefit of tract A that would mitigate the ten percent variance and it just  
19 has to be disclosed and explained, this will help.

20  
21 **Chairman Thompson** opened the application for public comment.

22  
23 **No public comment noted.**

24  
25 **Chairman Thompson** closed the public comment and returned to the Commission for  
26 motion.

27  
28 **Commissioner Pollard** made motion to approve on the front yard, side yard and parking  
29 variance requests, based upon the findings of fact submitted in the staff report 1-12 and  
30 based upon the following condition, that the applicant submit to Staff paper work from  
31 the Town of Taos Fire Department indicating their approval of the existing power  
32 generator on the subject property and how it will be dealt with in the event of an  
33 emergency on the subject property.

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

36  
37 **Commissioners voting yes verbally on the motion: Commissioner Pollard,**  
38 **Commissioner Cruz, Commissioner Gonzales.**

39  
40 **Motion carried unanimously.**

41  
42 **Commissioner Pollard** in regard to the lot size variance request for 2007-23, it would  
43 be the finding of the Commission, that the applicant submit a survey that results in a lot  
44 size non-conformity increase of not less than ten percent, and submitted to staff for  
45 signature on the survey, that they submit whatever utility easements are required and that  
46 they submit an ingress/egress pedestrian easement and maintenance easement for lot C.

47  
48 **Motion dies for lack of a second.**

49  
50 **Chairman Thompson** entertained another motion.

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**Commissioner Pollard** in regard to the lot size variance request for 2007-23, that based upon a final survey to be submitted to the Interim Planning Director for approval the increase in non-conformity of lot A to be less than ten percent, lot C will grant to lot A a fifteen foot ingress/egress maintenance easement, that both ends of the existing drive between lot C and A will have a removable, fire department approved bollard installed.

**Commissioner Gonzales** seconded the motion.

**Commissioners voting yes verbally on the motion: Commissioner Pollard, Commissioner Cruz, Commissioner Gonzales.**

**Motion carried unanimously.**

C. Case No. P&Z 2007-26  
**First Presbyterian Church, property owner, UNM-Taos, agent; requesting a *Special Use Permit*, to locate a pre-school; the property is located at 215 Paseo del Pueblo Norte; within the C-2 (Commercial) Zone of the Town of Taos.**

**Mr. Rudy Baca** is sworn in, representing UNM-Taos who are requesting a special use permit to operate a pre-school at the Presbyterian Church and to use the facility for a period of four to five months until their new facility is built at the Klauer Campus. Has no new information to add from last month.

**No questions from the Commission noted.**

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

**No public comment noted.**

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

**Commissioner Cruz** made a motion to approve the special use permit, based upon the findings of fact in the staff report and the following conditions; the applicant submit written documentation to the Town of Taos Planning and Zoning Department from the State of New Mexico Children, Youth, and Family Department indicating their final approval of the proposed pre-school and the applicant submit written documentation to the Town of Taos Planning and Zoning Department from the Town of Taos Fire Department indicating their final approval of the proposed pre-school.

**Commissioner Pollard** seconded the motion.

**Commissioners voting yes verbally on the motion: Commissioner Pollard, Commissioner Cruz, Commissioner Gonzales.**

**Motion carried unanimously.**

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

- A. On Thursday, January 10, 2008, at 2:00pm to 5:00pm, the Mayor has scheduled a Smartcode workshop with the Planning Commissioners and Council, in the Council Chambers.**

**Matt Foster** updated the Commission on the upcoming scheduled Smartcode workshop meetings to take place in January. Informed the Commissioners that he bought five books for them to share, it is a good reference on the Smartcode.

**10. ADJOURNMENT**

**Commissioners** voted unanimously to adjourn the meeting.

**Meeting minutes of January 3, 2008 prepared by: \_\_\_\_\_**  
**Melinda Vasquez, Planning Assistant**