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**PLANNING & ZONING COMMISSION  
REGULAR MEETING MINUTES  
WEDNESDAY, JUNE 4, 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**

**Present:**

**Commission:**

Jim Thompson, Chairman  
Josepha Cruz  
Cipriano Medina  
Jim Pollard

**Historic Commission:**

Merlinda James  
Fred Robbins  
Zeke Tapia

**Absent:**

Mark Gonzales  
Luis Reyes  
Michael Silva

**Staff Present:**

Rudy Perea, Senior Planner  
Matt Foster, Long Range Planner  
Melinda Vasquez, Admin. Assistant

**2. PLEDGE OF ALLEGIANCE**

Pledge of allegiance was recited.

**3. APPROVAL OF AGENDA**

**Chairman Thompson** asked for any amendments to the agenda as presented.

**Rudy Perea** stated in regard to P&Z2008-07 the conditional use permit for Kevin Zangara, the application has been withdrawn, therefore, would like that item removed from the agenda.

**No further amendments noted.**

**Commissioner Medina** made a motion to approved the agenda as amended.

1 **Commissioner Cruz** seconded the motion.

2

3 **Commissioners voted UNANIMOUSLY on the motion.**

4

5

6

7 **4. APPROVAL OF MEETING MINUTES OF MAY 7, 2008**

8

9 **Chairman Thompson** entertained any corrections to the minutes as presented.

10

11 **No corrections noted.**

12

13 **Commissioner Cruz** made a motion to approve the minutes as presented.

14

15 **Commissioner James** seconded the motion.

16

17 **Commissioners voted UNANIMOUSLY PASSED on the motion.**

18

19

20

21

22 **5. Matt Foster. Long Range Planner**

23 **A. Consideration of Resolution 08-02**

24

25 **Matt Foster** made a visual GIS presentation to the Commission and explained the  
26 proposed Chamisa Verde subdivision under the proposed SmartCode, would like the  
27 Planning Commission to endorse the plan and recommend approval to the Town Council.

28

29 **Commissioner Pollard** asked Matt to confirm that this neighborhood plan was  
30 presented to the neighbors and people in the immediate area.

31

32 **Matt Foster** stated that he did present a 3 day workshop in April, would have liked more  
33 people to engage and comment, yes, it has been available to the public via email, radio  
34 and all types of media he could get hold of and he did go door to door in that  
35 neighborhood the week prior to the workshop to invite them all to the workshop.

36

37 **Commissioner Pollard** stated that the idea of having a plan proposed is a big step  
38 forward to start roadway connectivity in these subdivisions that have been created.

39

40 **Commissioner James** asked what is a “terminated vista.”

41

42 **Matt Foster** explained a “terminated vista” as a roadway that is obstructed by a view of  
43 a building instead of seeing just a never ending roadway, in this subdivision the Youth  
44 and Family center is the terminated vista.

45

46 **Commissioner Medina** asked what is the 100 feet of utility road.

47

48 **Matt Foster** stated that 100 feet is unbuildable land it has the electric power lines  
49 overhead.

50

1 **Commissioner Medina** asked if the property owners have been notified in the area, he  
2 stated that he had relatives that haven't mentioned anything to him would like to know  
3 how they were notified.  
4  
5 **Matt Foster** stated that as soon as the hearing process begins for the official dated public  
6 hearings to begin on this proposed subdivision under the SmartCode, he will begin  
7 notifying the appropriate surrounding property owners.  
8  
9 **Chairman Thompson** allowed the public to comment.  
10  
11 Lady in public asked if an archeological study has been conducted in that area by the  
12 apartments, as she walks that area she has found some shards, would be interested to  
13 know.  
14  
15 **Matt Foster** stated that he would look into that issue.  
16  
17 Lady asked if this would affect all of Cruz Alta Road.  
18  
19 **Matt Foster** stated the plan does have three areas for roadway connections on Cruz Alta  
20 Road, but it does not involve all of the Cruz Alta Road itself.  
21  
22 **John Delmargo** asked Matt to point out the connectivity on Cruz Alta, and suggested a  
23 better plan would be to extend Maestas Road through the subdivision and tie into Cruz  
24 Alta and will Adobe Road be a connection.  
25  
26 **Chairman Thompson** asked the Commission if they are ready to make a motion on the  
27 Resolution as presented.  
28  
29 **Commissioner Cruz** asked if more information is needed, or should a decision be made  
30 on the presentation.  
31  
32 **Chairman Thompson** stated that what is before the Commission this evening is only the  
33 Resolution, it is only a recommendation from the Commission that would allow Mr.  
34 Foster to proceed with the proposed Chamisa Verde neighborhood plan.  
35  
36 **Commissioner Pollard** read the Resolution 08-02 out loud for everyone to understand.  
37 Recommended approval of the Resolution, which is only a recommendation to move  
38 forward, this is a good proposed plan for this subdivision and a good beginning to  
39 reviewing the SmartCode in this manner for future neighborhoods.  
40  
41 **Matt Foster** explained that the neighborhood plan under the Smartcode would provide  
42 most importantly connectivity for those living in that area and surrounding.  
43  
44 **Commissioner Tapia** stated that he has no concern approving the Resolution.  
45  
46 **Commissioner Pollard** made a motion to approve Resolution 08-02 endorsing the  
47 Chamisa Verde Neighborhood Plan and recommends approval by the Town Council.  
48  
49 **Commissioner Cruz** seconded the motion.  
50  
51 **The Commission voted UNANIMOUSLY on the motion.**  
52

1 **Rudy Perea read the rules for public hearing.**  
2  
3

4 **6. PRELIMINARY PUBLIC HEARINGS**  
5

6 **A. Case No. P&Z 2008-10**  
7

8 **Loren D. Suazo, property owner, Annette Harmon Suazo, agent;**  
9 **requesting a *Conditional Use Permit*, to provide daycare service at**  
10 **her residence. The property is located at 1304 Delicado Lane, in the**  
11 **R-4 (residential) zone within the Town of Taos.**  
12

13 **Annette Harmon Suazo** is sworn in, explained her request for a conditional use permit  
14 to allow her to provide daycare in her residence, is also registered with the Los Ninos  
15 Program and with the State of New Mexico child services. Explained that on the  
16 application there were some questions on noise, parking and danger issues, stated that  
17 the children make some play noises, but not as much as the neighborhood kids playing on  
18 the streets, on the parking issue the parking and driveway is within the property and not  
19 on the street, there are no dangers for the kids or public the kids are always supervised  
20 while outside, would like to continue to provide this service for parents trying to work.  
21

22 **Commissioner Cruz** asked how many vehicles a day will there be.  
23

24 **Ms. Suazo** stated that there will be five parents and the people from the State with their  
25 kids.  
26

27 **Commissioner Medina** asked if she is currently operating as a daycare provider and  
28 asked if the State provided any information to go to the Town for permit.  
29

30 **Ms. Suazo** stated that she is operating and is licensed with the State, did not know she  
31 needed this kind of zoning permit, she didn't know about the zoning.  
32

33 **Commissioner Medina** stated that staff should look into that and get that information  
34 out to the agencies about the local zoning regulations.  
35

36 **Commissioner Tapia** asked if five kids is a different license, he know that if there are  
37 five or more kids is a different license from the State.  
38

39 **Ms. Suazo** stated that is correct and she is licensed from the State.  
40

41 **Rudy Perea** addressed the concern of Mr. Medina, stated that this must have been an  
42 administrative error on the State, the State is aware of the zoning clearance from the  
43 Town before they issue their permits and have done it several times, so this was an error  
44 on their part for issuing license to her without contacting the Town, this issue is before  
45 the Commission because of a generated complaint filed by one of the neighbors.  
46

47 **Commissioner Medina** stated that he was just asking, why wasn't this was caught by  
48 code enforcement.  
49

50 **Commissioner Pollard** commented that this is a good example for the adoption of the  
51 SmartCode, although the applicant was made aware of this by a neighbors complaint and  
52 has been allowed to continue operating while these hearings are conducted, pointed out

1 that under the SmartCode, this kind of issue could be addressed administratively and not  
2 have to go through two months of Commission public hearings.  
3  
4 **Commissioner Robbins** stated that he knows the State has the authority to issue daycare  
5 permits and they do have different licenses in regard to the amount of kids and they will  
6 do site visits to check.  
7  
8 **Commissioner Pollard** asked how long she has been operating at this location.  
9  
10 **Ms. Suazo** stated that she has been operating for about a year and yes, the State has  
11 made visits.  
12  
13 **Commissioner Pollard** asked how it came to her attention.  
14  
15 **Ms. Suazo** stated she was notified by the Town, she was issued a red tag.  
16  
17 **Rudy Perea** stated this was a complaint driven response from an adjacent neighbor and  
18 the Town investigated the complaint.  
19  
20 **Chairman Thompson** opened the application for public comment.  
21  
22 **Susan Cady** is sworn in, she is a neighbor within the Vista del Sol neighborhood, stated  
23 that when everyone purchased their property, they were required to sign covenants that  
24 specifically prohibited businesses from operating at the residential properties, and  
25 because of that and because it is residential she would like to say that no businesses  
26 should be allowed to operate in the neighborhood.  
27  
28 **Commissioner Medina** asked if she has a copy of the covenants.  
29  
30 **Ms. Cady** stated that she does not have a copy with her.  
31  
32 **Chairman Thompson** stated that the Commission cannot enforce their covenants, those  
33 need legal advice to proceed with enforcement. .  
34  
35 **Ms. Cady** stated that she would then just like to go on record as a resident to state that  
36 she would not like to see this business or any other business be given a conditional use  
37 permit in this neighborhood.  
38  
39 **Commissioner Pollard** asked if she had any other reason besides the covenants for the  
40 statement, asked if this daycare has this been a nuisance.  
41  
42 **Ms. Cady** stated that there has been quite another amount of nuisances in the  
43 neighborhood, it may not have started with this daycare but with an auto mechanic down  
44 the street who has been red-tagged as well and another down La Luz, the area is not safe,  
45 it is a nuisance, the nuisance she filed a complaint on was with these mechanics.  
46  
47 **Commissioner Pollard** asked if she had any nuisance experiences personally with this  
48 daycare.  
49  
50 **Ms. Cady** stated that she did not.  
51

1 **Chairman Thompson** asked Rudy if the code allows this property to apply for a  
2 conditional use permit.  
3  
4 **Rudy Perea** stated that this is a permissible conditional use for this zone.  
5  
6 **Commissioner Cruz** asked if after this will the State will be looking into this business  
7 or the Town.  
8  
9 **Rudy Perea** stated that the State will continue their visits and if the Commission  
10 approves with any imposed conditions the Town will follow up.  
11  
12 **Cyndie Santistevan** is sworn in, stated she is a homeowner at 337 La Luz Drive, is here  
13 to oppose the daycare, read a statement stating the many reasons, most importantly, the  
14 homeowner Loren Suazo, has demonstrated extreme threatening aggression towards the  
15 children of the neighborhood due to the noise they create in their day to day play in the  
16 street; the comfort and safety of the children that reside in the neighborhood should be  
17 the first priority to the Planning and Zoning; it is a very congested area, the lots are very  
18 small there is no room for a playground and the children play in the streets. The  
19 increased traffic created by the daycare has created a great risk to the children. Also,  
20 quoted the building restrictions and protective covenants, the homeowners warranty deed  
21 states the residence cannot be used for any non-residential use; the business would add  
22 additional risk and liability, would decrease her property value; the business invites non-  
23 residential individuals they would have to meet business requirements. Understands the  
24 need of the homeowners to make more money, but recommends that Mr. Suazo find a  
25 more appropriate place for a daycare business.  
26  
27 **Johnny Martinez** is sworn in, read a statement he prepared for the Commission, is a  
28 homeowner at 1302 Delicado Lane, opposes the application for daycare service, would be  
29 most affected as he is adjacent to Mr. Suazo's property. Repeated the homeowners  
30 warranty deed of not allowing non-residential use; is also concerned with additional  
31 traffic; is most concerned with his wife driving in and out with the unsafe added traffic.  
32 Also stated that he knows Mr. Suazo's behavior and how he is very unwilling to work  
33 with the neighbors; recommends the Commission not allow this daycare on this property.  
34 Made a statement that he at one time wanted to buy two lots and was told at the Town  
35 that he could not was told he could not combine them.  
36  
37 **Commissioner Pollard** stated that he recalls this subdivision was approved in around  
38 1985, and seems to recall that the Town did place restrictions, but the Commission cannot  
39 enforce the private covenants.  
40  
41 **Commissioner Medina** asked if staff can review that restriction.  
42  
43 **Rudy Perea** stated that he will have attorney review.  
44  
45 **Donna Martinez** is sworn in, asks that the Commission research the covenants, is  
46 concerned with traffic, because there is no playground the kids play on the street, it is  
47 difficult to have additional traffic coming into the subdivision.  
48  
49 **Rudy Perea** read a letter of opposition he just got from John and Gloria Thompson 1304  
50 Delicado Lane.  
51

1 **Judy Suazo** is sworn in, supports daycare proposed and supports the effort to help local  
2 mothers; lives at 309 La Luz Drive at the entrance to the subdivision, knows personally  
3 the traffic onto the streets; recommends a stop sign at the beginning of Delicado Lane to  
4 stop traffic; would like to vouch for the mothers that have their children in this daycare,  
5 asks the Commission allow the daycare

6

7 **Commissioner Pollard** asked Ms. Suazo if she knew of such a restriction in her  
8 covenants.

9

10 **Ms. Suazo** stated that she was not aware of such a restriction as she knew there were  
11 other daycare services in the subdivision.

12

13 **Annette Miller** supports this daycare with Annette, she has her child there and is very  
14 confident with her services, would like to say that all the mothers who take their children  
15 there are concerned with the neighborhood children at play.

16

17 **Mary Bailon** is sworn in, stated that she thinks this has just become an issue with Loren  
18 Suazo and not with the daycare, the neighbors are bickering against Loren, stated she also  
19 has her child with Annette.

20

21 **Tanya Maestas** is sworn in, supports the daycare, also has a child cared for by Annette,  
22 is sad she may lose this daycare service, has also seen traffic in the area of bikes and four  
23 wheelers, is confident in Annettes service to help out the community and recommends the  
24 Commission allow her to continue.

25

26 **Ruth Lovato Dale** lives at 1307 Delicado Lane, has lived there for twenty years; has  
27 never met and doesn't know the Suazos, believes restrictions should apply, is concerned  
28 with the safety of the neighborhood, this is a residential area and should stay residential.

29

30 **Commissioner Robbins** stated that he is aware of this subdivision, to enforce covenants  
31 and restrictions the homeowners should confide with an attorney, the daycare provider  
32 should find a commercial location to provide daycare services, appreciates the applicant  
33 in applying for the use, but the integrity of the current neighborhood should be kept, it is  
34 tough and emotional for the Commission, but the character of the residential area should  
35 be maintained.

36

37 **Commissioner Tapia** stated that he recalls a similar case, stated that where he lives  
38 there were similar restrictions but the Commission approved the daycare, so now he is  
39 very concerned and is always worried when they walk the kids on the streets, supports  
40 daycare services but outside of a residential neighborhood.

41

42 **No other comment.**

43

44 **Chairman Thompson** closed the public hearing and returned to the Commission for a  
45 motion.

46

47 **Commissioner Pollard** reiterated what he said earlier, does not believe the Commission  
48 has the authority to approve with these restrictions and covenants in place, believes this  
49 subdivision was approved by the Town with such conditions not CC&R's.

50

1 **Rudy Perea** stated that he will have the attorney review and on behalf of the applicant  
2 would like to have this continued.

3  
4 **Commissioner Medina** made motion to schedule this for public hearing on July 2, with  
5 the legal opinion on the stated restriction or conditions of approval.

6  
7 **Commissioner Cruz** seconded the motion.

8  
9 **Commissioners voted yes verbally on the motion.**

10  
11 **Motion carried unanimously.**

12  
13  
14  
15  
16 **6. PUBLIC HEARINGS**

- 17  
18 **A. Case No. P&Z2008-04**  
19 **Town of Taos/Kit Carson Electric Coop, property owners, Don H.**  
20 **May, AIA Rhode May Keller McNamara Architecture, agents;**  
21 **requesting a *Special Use Permit, and Variances on Section 5-4.4 (D)***  
22 **parking location, yard wall height and architectural style to locate**  
23 **the Taos Regional Command Dispatch Center and Homeland**  
24 **Security Center, the property is located at 1146 Gusdorf Road;**  
25 **within the C-1 (neighborhood commercial) Zone of the Town of**  
26 **Taos.**

27  
28 **Chairman Thompson** asked who exactly is the property owner on this application.

29  
30 **Rudy Perea** stated that the owner is Kit Carson Electric and Mr. Reyes did sign the  
31 application as such.

32  
33 **Mr. Luis Reyes** handed out a booklet presentation to the Commission.

34  
35 **Chairman Thompson** asked Rudy if the new information handbook just given the  
36 Commission should be allowed.

37  
38 **Rudy Perea** stated that it up to the Commission to decide, he has not seen that document  
39 so it was not included in the staff report he prepared.

40  
41 **Chairman Thompson called for a 10 minute break.**

42  
43 **Chairman Thompson** allowed Mr. Reyes to make a brief statement.

44  
45 **Mr. Reyes** began explaining the application to the Commission, explained how the  
46 dispatch center would operate.

47  
48 **Commissioner Pollard** asked him to explain why the need for a blast proof building.

49  
50 **Mr. Reyes** stated that if he needed to build it today, that it does not need to be blast  
51 proof, it is just an enhanced state of the art dispatch center, the reasoning is to consolidate  
52 facilities, and there is only a need for some security for data security.

1 **Commissioner Pollard** stated that he wanted to see more information on how this  
2 building will fit into the neighborhood how it will blend into the area, just address that  
3 issue.  
4  
5 **Mr. Reyes** stated that the key to site location was most importantly in regard to  
6 redundant services, electrical, telecom, propane generation, ingress from two directions,  
7 this location off of Gusdorf Road has the best infrastructure today. The site location  
8 selection is discussed in the informational packet.  
9  
10 **Commissioner Cruz** asked Mr. Reyes if he knew of the proximity of the school and the  
11 church.  
12  
13 **Mr. Reyes** stated that he did know of the surrounding buildings and has worked to make  
14 as much information as possible available to the schools and the church.  
15  
16 **Commissioner Pollard** stated that he would like clarification, in the previous hearings  
17 the application has been presented with the need for many variances because it cannot  
18 meet the current requirements, asked Mr. Reyes to explain for the next hearing if those  
19 variances are actually needed or if they are not.  
20  
21 **Mr. Greg Sandoval** stated that after this discussion it seems like the only request  
22 would be for the special use and the wall height and the parking variance to the front of  
23 the building, will have copies available for public view.  
24  
25 **Mr. Reyes** stated that he did meet with the Church and discussed their concerns and will  
26 continue to meet with them if necessary.  
27  
28 **Commissioner Medina** commended Mr. Reyes for the explanation this evening, stated  
29 that the neighborhood still needs to be contacted and involved, where is the public now,  
30 the public needs to be involved and notified, if a decision is made on this application the  
31 Commission will be criticized. He stated that even the Board members of Kit Carson  
32 Electric did not know of this request or about the command center.  
33  
34 **Ms. Cheryl Nixon** is sworn in, stated that she has heard so many stories, has not read  
35 anything in the paper, is concerned the neighborhood has not been informed, is concerned  
36 with what has been presented as a homeland security issue, feels that there has been  
37 dishonesty and has been misled.  
38  
39 **Chairman Thompson** thanked Mr. Reyes for the explanation.  
40  
41 **Commissioner Medina** made a motion to continue the application to the July 2 meeting.  
42  
43 **Commissioner Cruz** seconded the motion.  
44  
45 **Commissioners voted unanimously on the motion.**  
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**B. Case No. P&Z 2008-07  
Kevin Zangara and Alice Meador-Zangara, property owners,  
requesting to *amend* their approved *Conditional Use Permit*, the  
property is located at 215 Beimer Street; in the R-14 (multi-family)  
zone within the Town of Taos.  
(applicant has withdrawn application)**

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

**Rudy Perea** stated that he is working with the Mayor on the Commissioners  
reappointments or new appointments.

**Commissioner Medina** stated that he would like to get written notification, when he  
was appointed he did not get any written documentation.

**8. ADJOURNMENT**

**Commissioners voted unanimously to adjourn.**

**Meeting minutes of June 4, 2008 prepared by: \_\_\_\_\_  
Melinda Vasquez, Planning Assistant**