

1 **4. APPROVAL OF MEETING MINUTES OF APRIL 2, 2008**

2
3 **Chairman Thompson** asked for any correction to the minutes as presented.

4
5 **No corrections noted.**

6
7 **Commissioner Cruz** made motion to approve the minutes as presented.

8
9 **Commissioner Gonzales** seconded the motion.

10
11 **Commissioners voted unanimously on the motion.**

12
13 **Chairman Thompson** asked for a motion to remove case 2008-08 and continue case
14 2008-07.

15
16 **Commissioners** made motion and seconded motion to remove 2008-08 and continue
17 2008-07 as requested.

18
19 **Commissioners voted unanimously on the motion.**

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22 **Rudy Perea read the rules for public hearing.**

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26 **5. PRELIMINARY PUBLIC HEARINGS**

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29 **B. Case No. P&Z 2008-09**
30 **LifeSpace, LLC, property owner, William S. Pittman, agent;**
31 **requesting a Lot Size *Variance*, the property is located at 709C**
32 **Cavalry Court, in the R-14 (multi-family residential) within the**
33 **Town of Taos.**

34
35 **Mr. William Pittman** is sworn in, explaining his request for a variance on a lot size in
36 an R-14 to build another residence, this would allow him to split the 9,626 sq ft. property
37 in half which would allow a lot of 4,792 sq ft from the required 7,000 sq. ft. per lot, he
38 would like to add another residence of 1,000 sq ft on the .221 acre lot. Would meet
39 required setbacks and parking, will extensively landscape the area and adding another
40 residence would enhance the mixed use neighborhood. (Presented to the Commission an
41 aerial prepared to give a much better indication of the property). Described the owners of
42 and sizes of the adjacent properties.

43
44 **Commissioner Cruz** asked staff if the proposed residence would be in compliance with
45 the current setback standards if the tree is to be saved.

46
47 **Rudy Perea** stated that the setback requirements need to be met, with 20 feet in front,
48 and rear is 15 and 7 feet on the side.

49
50 **Mr. Pittman** stated that he has sufficient room to meet setback requirements.

51

1 **Commissioner Pollard** asked if the existing structure is in compliance with the
2 setbacks.
3
4 **Rudy Perea** stated that the existing structure setbacks are non-conforming.
5
6 **Commissioner Pollard** asked if this is a request for a subdivision or just for a second
7 property on the lot.
8
9 **Rudy Perea** stated that the applicant had requested an administrative lot split, but since
10 he did not meet the requirements for lot sizes he is requesting a variance before the
11 Commission.
12
13 **Chairman Thompson** asked Mr. Pittman, to explain why he thinks he deserves the
14 variance.
15
16 **Mr. Pittman** stated that he feels the property is a very long and narrow lot, it is empty
17 but with a small residence would appeal to a young couple or a second residence to
18 someone.
19
20 **Chairman Thompson** asked Rudy to point to the section that lists the criteria for the
21 granting of a variance.
22
23 **Rudy Perea** stated it is in section 2-4.204.
24
25 **Chairman Thompson** asked Mr. Pittman to explain each criterion as to how he meets
26 all that criteria, the code requires that the applicant must meet all the listed criteria.
27
28 **Mr. Pittman** began with number one, the variance is the minimum action necessary to
29 afford relief to the applicant, feels this would be a better use of the property by allowing
30 the second home, has good and sufficient cause and the variance is not substantial , is not
31 creating a hardship to any of the neighbors, and if allowed would do away with the well
32 share, bought the property as is, it is the code that requires 7,000 sq ft per lot, this would
33 not cause detriment or danger to the public, would not require any change to traffic, the
34 nearby properties are single family.
35
36 **Chairman Thompson** asked what the percentage of the lot size requested is, it should
37 not be substantial.
38
39 **Mr. Pittman** stated he was not sure of the percentage, the code requires 7,000 it is at
40 about 5,000 sq ft., under and R-14 he would be allowed to build three structures but
41 would prefer this footprint.
42
43 **Rudy Perea** stated the requested variance is about 31 and a half percent. Stated he
44 would like the applicant to correct the site plan the indicated measurements do not match.
45
46 **Chairman Thompson** opened the application for public comment.
47
48 **Mr. Michael Weinman** is sworn in, stating he is adjacent property owner, although it is
49 R-14, most of the other residences are spaced out, and not so clustered together, he
50 purchased his property because he was attracted to the cul-de-sac, his perception as a
51 neighbor is to keep the zoning as is R-14, which already is a dense zoning should not be
52 given a variance for more density.

1 **No further public comment noted.**
2
3 **Chairman Thompson** closed the public comment.
4
5 **Commissioner Medina** asked the price range for the proposed home to make it
6 available.
7
8 **Mr. Pittman** stated he has estimated to list each home at approximately at \$240,000.
9
10 **Commissioner James** asked what is Lifespace LLC and what does it do.
11
12 **Mr. Pittman** stated that he and John Spears develop single family residences.
13
14 **Chairman Thompson** closed the public comment and entertained a motion.
15
16 **Commission Pollard** stated that on its face, the applicant does not meet the criteria for a
17 granting of a variance, the variance sought is substantial, its 30 some percent, the
18 difficulties are created by the applicant, on the other hand if looked at as an R-14 zone he
19 is allowed three structures, and Vision 2020 encourages to create infill. This is an
20 example that the code does not connect, the zoning on this lot and the way it was created
21 there are some hardships, believes this should move forward and we should deal with
22 those contradictions in the codes, if the criteria cannot be met the Commission does not
23 have the power to grant the variance. This should be reviewed the strict letter of the law,
24 whether it meets the criteria for granting a variance and if it fits in an R-14 property in
25 Town infill.
26
27 **Chairman Thompson** stated that he believes this application does not meet the criteria
28 for granting of a variance.
29
30 **Commissioner Medina** stated that he agrees, believes two non-conforming lots would
31 be created and is not appropriate.
32
33 **Commissioner Pollard** stated that based on the fact that the applicant fails to meet the
34 criteria for the granting of a variance, would like to make a motion to deny the variance
35 requested. Stated that he makes this motion reluctantly, believes this is a good designed
36 plan it makes sense, but it's just "the disconnect in the code" that does not allow the
37 Commission to grant the variance.
38
39 **Commissioner Medina** seconded the motion.
40
41 **Commissioners voting yes on the motion: Commissioner Cruz, Commissioner**
42 **Medina, Commissioner Medina.**
43
44 **Commissioners voting no on the motion: Commissioner Gonzales.**
45
46 **Motion carried.**
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1 **6. PUBLIC HEARINGS-Certificate of Appropriateness**

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4 **A. Case No. P&Z2008-05**
5 **Hanna & Anthony Sanchez, property owners, David H. Henry, AIA,**
6 **Living Designs Group, agent; requesting a *Certificate of***
7 ***Appropriateness, to remodel existing building, the property is***
8 **located at 522 Paseo del Pueblo Norte; in the C-2 (general**
9 **commercial) Historic Overlay zone of the Town of Taos.**

10
11 **Chairman Thompson** recused himself from considerations on this application and
12 appointed Commissioner Pollard to chair the meeting.

13
14 **Commissioner Pollard** accepted the Chair and advised the applicant to come forward.

15
16 **Mr. David Henry** is sworn in, explaining the project for final review of certificate of
17 appropriateness, for an existing commercial building in the historic overlay zone, it is not
18 designated as an historic building, will be replacing windows, proposing finished blue
19 pre-finished cladding, adding two portals and no other square footage, will pave parking
20 lot and make the access ADA compliant.

21
22 **Commissioner Medina** stated that at the last meeting he asked if a building permit was
23 issued and asked Rudy if he has found that.

24
25 **Rudy Perea** stated that a building permit has not been issued for this work and the work
26 that has begun on the interior is not part of this architectural review, but deferred to the
27 architect on the interior work.

28
29 **Commissioner James** asked Rudy if a permit is needed for the work that has begun.

30
31 **Rudy Perea** stated that he did not know and deferred to the architect if he knew if a
32 building permit is needed.

33
34 **Mr. Henry** stated that to his knowledge the owner has engaged a contractor to work on
35 the interior, to do interior demolition, to remove dated lighting, removed poorly done
36 interior partitions, the stage platform has been removed, the mechanical system was
37 removed, the carpet has been removed, no electrical nor plumbing work has been done,
38 no exterior work has been done, but deferred the question of permits to the Planning staff.

39
40 **Commissioner Pollard** stated that he would like to stop the deferments, whether there is
41 a building permit is not an issue for this hearing and advised Rudy to research that within
42 the building permit department and report back next month with those findings.

43
44 **Commissioner Pollard** stated that if there are no questions from the Commission on the
45 certificate of appropriateness for the applicant would like to open the application for
46 public comment.

47
48 **Mr. Glenn Sanger** is sworn in, lives at 420 Theodora down the street from this property,
49 is concerned with the impact on the neighborhood, questions if there will be night time
50 use, how much traffic increase, lighting has always been an issue with that building,
51 would like some assurance that they are going to be good neighbors, major concern
52 would be traffic and night time use and increased intense use of the building.

1 **Commissioner Pollard** stated that the use proposed is a permitted use, the issue before
2 the Commission is for architectural review only.

3

4 **No further public comment noted.**

5

6 **Commissioner Pollard** closed the public comment and entertained a motion from the
7 Commission.

8

9 **Commissioner James** noted that in the staff report findings number 5 and 8, it states
10 that the application partially complies with section 4-20.8, we're asking him to resubmit
11 stucco samples, color samples and revise the wooden window and door schedules and
12 revised schematic designs, in order to grant a certificate of appropriateness we should
13 have that before us prior to approval, so they have not met all the requirements.

14

15 **Commissioner Pollard** stated that it is specified that the applicant has complied with the
16 requirements and is asked to submit those items at the time a building permit is applied.

17

18 **Rudy Perea** stated that the reason he said partially comply is that because they are
19 optional and not mandatory, the way it is worded is only suggested not mandatory. The
20 applicant does comply. In number 8 it talks about the lintels, it is just advisory and not
21 mandatory, by the fact that they don't have lintels they are in compliance.

22

23 **Commissioner Pollard** entertained a motion from the Commission.

24

25 **Commissioner Gonzales** made a motion to approve the certificate of appropriateness.

26

27 **Commissioner Cruz** seconded the motion and recommended findings or conditions be
28 added.

29

30 **Commissioner Pollard** stated that the Commission when making a motion should
31 include findings and conditions if needed.

32

33 **Commissioner Gonzales** amended the motion to include the conditions in the staff
34 report and all eight of the findings of fact.

35

36 **Commissioner Cruz** seconded the amended motion.

37

38 **Commissioners voting yes on the motion: Commissioner Cruz, Commissioner**
39 **Gonzales, Commissioner Medina, Commissioner Tapia.**

40

41 **Commissioners voting no on the motion: Commissioner James.**

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43 **Motion carried.**

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45 **Chairman Thompson returned to Chair the meeting.**

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1 **7. PUBLIC HEARINGS**

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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

9 **Mr. Andrew Arguello** is sworn in, stated at the last meeting he was asked to work with
10 staff to find proof of the existence of a structure prior to the zoning regulations in the city
11 limits on that property, we have found no evidence. The property record submitted does
12 indicate a structure on that property at one time, has a letter from a Manuel Archuleta,
13 who used to live in that residence and also a copy of a court decision granting ingress and
14 egress to the subject property and how long it had been there, also has findings from
15 Sangre de Cristo abstract company Patrice Tafoya. What is relevant, in determining if
16 there was a structure there previously, is in the court decision on page 3 it indicates that
17 the defendants Arguellos have for the last 75 years, have used and continue to use part of
18 the tract 80 for access their adjoining use tract 84, if you compare the survey submitted
19 and the indication of the access in that tract 84 the structure couldn't have been in any
20 other place. Would like to discuss this with the Commission.
21

22 **Commissioner Pollard** asked in regard to the letter from Mr. Nottingham, the architect,
23 he indicates the "stem walls were constructed of 8 inch block reinforced and filled with
24 concrete on a concrete footing according to the owner" does anyone know the age of the
25 footing or was that built recently.
26

27 **Mr. Arguello** stated that he built on that foundation and according to the documents
28 presented there was always a structure there.
29

30 **Commissioner Pollard** stated that there is no evidence of a previous structure.
31

32 **Commissioner Tapia** stated that this case has been going on for some time, no one
33 really knows if there was a structure there previously, all we can do is review the
34 information before us and make a determination on what is before us.
35

36 **Commissioner Cruz** stated that she recalls that property having structures around like a
37 fort but that was all she recalls.
38

39 **Commissioner Pollard** stated that is correct, the issue we have to review is, if there is
40 sufficient evidence and does the application meet the criteria for the granting of a
41 variance, not whether or not there was a building there before, or for the forgiveness for
42 building without a building permit, so we're at a point where we were last month, does
43 this application meet the requirements for variance.
44

45 **Chairman Thompson** opened the application for public comment.
46

47 **No public comment noted.**
48

49 **Chairman Thompson** closed the application for public comment.
50

51 **Commissioner Medina** stated that the Commission is being asked to approve another
52 non-conforming use or building without a permit.

1 **Commissioner Pollard** commented on the five criteria for granting of a variance, does
2 this application meet all that criteria, one, “The variance is the minimum action necessary
3 to afford appropriate relief and no other means are available to achieve the benefit sought
4 by the applicant” the applicant could have built on another part of the property not at this
5 exact spot, speaking as if the building had not been built already. Two, “The applicant
6 has shown good and sufficient cause and the variance sought is not substantial” the
7 request is very substantial in every way with just the lot size the request is 800 percent,
8 very substantial. Three, “Failure to grant the variance would result in such practical
9 difficulties as to make it unreasonable to apply the strict letter of the Code to the property
10 which is the subject of the variance application” by staff’s own analysis they indicate had
11 the applicant submitted application for a building permit for the existing room prior to
12 constructing it, the building permit application would have been rejected. Number four,
13 “The practical difficulties were not created by the applicant” the difficulties were created
14 by the applicant he built on that site. Five, “The granting of the variance will not create a
15 danger to the public health, safety, or welfare, use an extraordinary public expense, create
16 a nuisance or cause a significant detriment to nearby properties” he’s on the property line
17 on three sides believes that is a nuisance and a detriment. This application for the
18 variance needs to meet these five criteria and believes this application doesn’t meet the
19 criteria for the variances requested.
20

21 **Mr. Arguello** stated that he can review all the information he has submitted and explain
22 all over again what he has found, stated the neighbors have no problem with what is, he is
23 here for a variance from the setbacks because there was discussion brought up on the
24 property lines, has submitted a new survey and he has a quit claim deed from the adjacent
25 property owner, there isn’t an issue, the only issue is with the setbacks and the is the
26 reason for this variance, there is no other issue with the property owners, even has a letter
27 that the structure is sound, the only issue is this Commission.
28

29 **Commissioner Pollard** stated that the issue is the law, the land use regulations.
30

31 **Commissioner Gonzales** explained that the issue is that the building was built without a
32 building permit and what it comes down to is safety, that is why these codes are in place
33 and what is reviewed with a building permit application, there is a concern with the
34 adjacent wall that was built.
35

36 **Mr. Arguello** stated that this is a substandard lot the structure is a shell there are no
37 utilities outside of electrical one part is a greenhouse and the other part has a pool table,
38 what is so wrong with that, outside of building without a permit.
39

40 **Chairman Thompson** thanked the applicant for his comments and entertained a motion
41 from the Commission on this variance request.
42

43 **Commissioner Pollard** made motion in regard to P&Z2007-22, a request for variance
44 must meet the five criteria for variance, and it has been found that the application fails to
45 meet any of the criteria for variance, therefore would like to make motion to deny.
46

47 **Commissioner Gonzales** seconded the motion.
48

49 **Commissioner Pollard** amended the motion to include onto the record, the findings on
50 the required criteria for variance, as indicated, one, “The variance is the minimum action
51 necessary to afford appropriate relief and no other means are available to achieve the
52 benefit sought by the applicant” the applicant could have built on another part of the

1 property; Two, “The applicant has shown good and sufficient cause and the variance
2 sought is not substantial” in this case the variances requested are more than substantial
3 they are excessive. Three, “Failure to grant the variance would result in such practical
4 difficulties as to make it unreasonable to apply the strict letter of the Code to the property
5 which is the subject of the variance application” had they applied previously a building
6 permit would have been rejected. Number four, “The practical difficulties were not
7 created by the applicant” the difficulties are in fact created by the applicant. Five, “The
8 granting of the variance will not create a danger to the public health, safety, or welfare,
9 use an extraordinary public expense, create a nuisance or cause a significant detriment to
10 nearby properties” believes this creates a nuisance and is a detriment in the areas of
11 dangers of fire, what to do with rainwater on the building and general maintenance on the
12 building without stepping on the properties of others. Based on these findings would like
13 to amend the motion to deny and include these findings.

14
15 **Commissioner Gonzales** seconded the amended motion.

16
17 **Commissioners voting yes on the motion: Commissioner Cruz, Commissioner**
18 **Gonzales, Commissioner Medina, Commissioner Pollard.**

19
20 **Motion carried unanimously.**

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25 **B. Case No. P&Z2008-03**

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**Debra de la Torre & Luis de la Torre, property owners, Sandra
Crooker, agent; requesting a *Conditional Use Permit*, to operate a
professional office, the property is located at 605-B Camino de la
Placita; within the R-14 (multi-family residential) Zone of the Town
of Taos.**

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Ms. Debra de la Torre is sworn in, stating she is the owner of the property at 605
Camino de la Placita, the old Lilac Shop.

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Commissioner Medina stated that he is currently doing work for this property owner
and stated that he can make an unbiased decision on this request, unless the fellow
Commissioners think that he should step down he will.

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41

Chairman Thompson stated that he should step down on this application.

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Ms. Debra de la Torre continued, stated that she was not in attendance at the last
meeting, but is here this evening for Sandra Crooker and her request for conditional use
permit in 500 sq feet of the building. Explained the previous use of the building as the
Lilac Shop and her intentions to keep the proposed professional uses. Has dedicated
parking spaces for each tenant.

48
49

Ms. Sandra Crooker is sworn in and entertained questions from the Commission.

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Commissioner Pollard asked how many parking spaces she will need for her business.

1 **Ms. Crooker** stated that she will need approximately three spaces a day during the
2 daytime hours and in the evening when the Tea Shop is closed at 5:30 will need six
3 parking spaces for evening demonstrations.
4
5 **Commissioner Pollard** asked what the hours of operation are proposed
6
7 **Ms. Crooker** stated that her hours are Monday through Thursday 9:30am to 9:00pm and
8 Friday 9:30am to 6:00pm and Saturday 10:00am to 5:00pm.
9
10 **Commissioner Pollard** stated that she is bordering on a residential neighborhood and
11 asked her what she thought about the affect of working evening hours and the effect on
12 the neighbors working the evening hours.
13
14 **Ms. Crooker** stated that she would like to work after 5:00pm to be available to her
15 clients that work those hour; and from the neighbors perspective they will only just hear
16 cars driving in and leaving it will be a quiet and respectful operation.
17
18 **Commissioner Pollard** asked how many cars will be seen during the hours of 6pm and
19 9pm.
20
21 **Ms. Crooker** stated that her clients come either one at a time or with a group at one hour
22 to two hour demonstrations.
23
24 **Commissioner James** asked what type of professional business is proposed.
25
26 **Ms. Crooker** stated she is offering new technologies for health and well being, one is
27 called pulsed electromagnetic field generator and low level laser therapies, used for
28 sports injuries and pain relief, general cell regeneration, and it is a professional office.
29
30 **Commissioner Cruz** since the proposed schedule has changed, asked about the
31 proposed evening use with small evening gatherings of 5 to 15 people, what would be
32 done at that time.
33
34 **Ms. Crooker** stated that is on occasion, maybe once a month, those groups will be by
35 reservation only, it will include a discussion with demonstration on the equipment and
36 offer the opportunity to try the machines.
37
38 **Commissioner Cruz** asked about the training.
39
40 **Ms. Crooker** stated she will train the user on the machine for their personal therapeutic
41 session.
42
43 **Commissioner Cruz** asked about the certificate included in the packet for ministry
44 services.
45
46 **Ms. Crooker** stated that the application asks to include any certifications or license
47 certificates; she included the ministry certificate that allows her to conduct these types of
48 services.
49
50 **Commissioner Pollard** asked how close the property is to any residences.
51

1 **Ms. De la Torre** stated the closest neighbor is next door to the south that share a wall is
2 Mr. Blaustein and his professional office and across on the north side is vacant now but is
3 proposed condo units. The property is wide at Placitas and goes way to the back about
4 100 feet and that property backs with John Evans and he's on Theodora.

5
6 **Commissioner Pollard** asked if any of the adjacent homes would have visibility of car
7 headlights and if so what kind action is proposed to mitigate those kinds of nuisances for
8 those residences in the area.

9
10 **Ms. De la Torre** stated that the next door neighbor has a wooden fence and there should
11 not be an issue with headlights, it should not affect anyone.

12
13 **Commissioner Pollard** asked Rudy if based on his examination of the site, if he thought
14 there would be a negative effect to the residences in the area.

15
16 **Rudy Perea** stated that he did not see any detriment to the nearby residences.

17
18 **Commissioner Gonzales** asked about the west side parking, which was discussed last
19 month, as far as light shining down onto that residence, is there anything to help with
20 that.

21
22 **Ms. De la Torre** stated that residence is situated below the street level and he has a wall
23 that is higher than the headlights, she has noticed that the lights do not go over the wall
24 then down onto his house, it cannot, the wall he has blocks any lights from the parking
25 lot.

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

27
28 **Mr. Michael Sayre** is sworn in, stating he owns two properties that would be impacted
29 by this conditional use. One is at 606 Placita and there is no blockage of the lights, the
30 other house is at 213 Beimer which is closer to this property there is an old greenhouse
31 which would block the light but not traffic or outdoor noise. This whole area is zoned R-
32 14 and is slowly "creeping" rezoned with all these conditional use permits. There are
33 no other conditional use permits with night time use, this will be a first and this is a big
34 departure from what's going on in the neighborhood right now. Cannot tell what will
35 happen with the evening gatherings, doesn't know what to expect. Recommends the
36 activity be limited, not permit outdoor activity and should be consistent with what is
37 going on in the neighborhood right now. Is concerned with night time activity and the
38 large group gatherings.

39
40 **Mr. Glenn Sanger** is sworn in, stated he share the concerns expressed. His property is
41 on Theodora to the north of Mr. Evans property. Even though he is more than 100 feet
42 away he does see the headlights from this property, also hears noise and people talking,
43 hears vehicles and of course there has never been any night time use. He is affected in
44 those ways also has concerns, because he only has a sketchy idea of what is going to be
45 conducted in this business. Lastly, it was mentioned the property to the north of this has
46 been allowed to be build condos and is concerned how this can proceed. He is not trying
47 to be adversarial but is concerned with night time use.

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

50
51 **Chairman Thompson** closed the public comment and returned to the applicant for
52 response.

1 **Ms. De la Torre** stated that she understands the concerns and statements just made, but
2 would like to use this property as allowed, would also like to point out that these same
3 neighbors do have friends over to visit at night time too, and how do they consider some
4 use like this any different from what is proposed, this profession is a very quiet venture.
5
6 **Commissioner Cruz** asked why the hours were changed to start later and remain later at
7 night, why not have business on Saturday and avoid the evening use.
8
9 **Ms. Crooker** stated that she just realized that she needs to rent a space that she can work
10 evening hours to accommodate her clients and if she cannot conduct her business at this
11 location, she will need to find another, but would like to operate her business as
12 explained.
13
14 **Commissioner James** stated that the property owner is prepared to cooperate and work
15 with the neighbors so we can set conditions on the use of this building.
16
17 **Rudy Perea** stated that after discussion with the Planning Director, he recommends the
18 Commission can set conditions, with hour's weekdays from 9:30 to 6pm and Saturday
19 and also recommends the Staff monitor the use for a few months and monitor for
20 compliance.
21
22 **Commissioner Gonzales** asked how long the sessions are and demonstrations.
23
24 **Ms. Crooker** stated that the sessions are about an hour and a half long and the
25 demonstrations for 15 people are two hours.
26 **Commissioner Tapia** stated that since the Lilac Shop has been there for many years,
27 traffic is not an issue there has always been traffic, but the hours could be amended for
28 the summer since the daylight is longer during the summer.
29
30 **Commissioner Pollard** would like the applicant to request a continuance to revise the
31 times of the night time use.
32
33 **Ms. Crooker** stated that she is now considering seriously withdrawing and finding
34 another location, she is only requesting for a limited use of traffic, of clients and evening
35 hours but if not will need to find another location.
36
37 **Commissioner Pollard** stated that this is a residential neighborhood and there needs to
38 be a good plan to work with the neighborhood.
39
40 **Chairman Thompson** stated that the issues that have now been stated are legitimate and
41 understands the request, but the conditional use permit needs to be reviewed taking the
42 neighborhood into consideration.
43
44 **Commissioner James** asked if this conditional use permit will only apply for Sandra
45 Crooker or will the property owner need to apply again if she gets another tenant.
46
47 **Chairman Thompson** stated that the conditional use is only applicable to the requested
48 use, each use has to be taken into consideration, if the property owner gets another tenant
49 they will have to apply for a conditional use permit.
50
51 **Chairman Thompson** entertained a motion on the application.
52

1 **Commissioner Cruz** based upon the hours of operation the applicant is requesting,
2 made a motion to deny the application.

3
4 **Commissioner Pollard** seconded the motion.

5
6 **Commissioners voting yes on the motion: Commissioner Cruz, Commissioner**
7 **Gonzales, Commissioner Pollard.**

8
9 **Motion carried unanimously.**

10
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12 C. **Case No. P&Z2008-04**

13 **Town of Taos/Kit Carson Electric Coop, property owners, Don H.**
14 **May, AIA Rhode May Keller McNamara Architecture, agents;**
15 **requesting a *Special Use Permit, and Variances on Section 5-4.4 (D)***
16 **parking location, yard wall height and architectural style to locate**
17 **the Taos Regional Command Dispatch Center and Homeland**
18 **Security Center, the property is located at 1146 Gusdorf Road;**
19 **within the C-1 (neighborhood commercial) Zone of the Town of**
20 **Taos.**

21
22 **Mr. Greg Sandoval** is sworn in, explaining that he works with Don May who had a
23 previous commitment and could not attend this evening, Dave Williams is also present
24 who is working on this project. Would like to begin with a presentation of some images
25 of the original concept which prompted a lot of the variances and questions on the project
26 and also show the inspiration of local architecture than the re-working of the design since
27 the last hearing. After the last hearing, have set back and re-evaluated the design and
28 have made modifications to the design of the building to comply with the Town Code, so
29 at this time are withdrawing the request for a variance from the architectural style.
30 Began describing and explaining the images for the Commission to review. The 3-D
31 images are of local architecture. In regard to the wall height, FEMA calls for an 8 ft. wall
32 and the wall will remain 8' to the most 9'. Understands the color will incorporate
33 concrete earth tones and will present two or three tones. Also, addressed the building at a
34 human scale. The building will not exceed the 27' height limit. Will be in compliance
35 with the landscaping and re-establish native plants in that area. In regard to the parking
36 lot variance, there are fourteen parking spaces on the outside east of the building, which
37 will be set back from Gusdorf about 40 feet the parking lot variance is for these parking
38 spaces, the remainder is to the rear of the building on the west side.

39
40 **Chairman Thompson** asked if those trees are on the property.

41
42 **Mr. Sandoval** stated that there are no trees currently on the property those shown are in
43 the landscape plan.

44
45 **Commissioner Cruz** asked why the application is signed by Mayor Duran and Tomas
46 Benavidez as property owners, but as she understands the Kit Carson Electric Coop is the
47 property owner, shouldn't they sign the application also, and according to the Code,
48 Section 4-19.3 under special uses "Public buildings owned by a political jurisdiction
49 other than the Town and operated for public purposes, provided that such buildings are
50 designed, constructed and maintained in such a manner that the character of the area is
51 not altered"; asked if Kit Carson Electric is a political jurisdiction.

52

1 **Rudy Perea** stated that no, Kit Carson Electric Coop is the property owner, this project
2 is considered as a community center, operated for the benefit of the community and the
3 community in a sense has ownership in it because other entities will have the potential to
4 participate in this center, this application does need to be signed by Kit Carson Electric
5 and will have that corrected.

6
7 **Commissioner Pollard** asked what role the Town of Taos is playing in this project.

8
9 **Rudy Perea** stated that the Town is involved as fiscal agent, for the funds received by
10 Kit Carson Electric for architectural plans.

11
12 **Commissioner Medina** asked why this location was chosen, it is close to a residential
13 area and close to schools.

14
15 **Mr. Sandoval** deferred to Dave Williams, he was involved earlier in the project than his
16 arrival.

17
18 **Mr. Dave Williams** is sworn in, as far as he knows the property was purchased by Kit
19 Carson Electric, after investigating various sites, believes this was chosen because it was
20 off the beaten path of the downtown area, cannot speak for Luis, but believes mainly that
21 it was away from the downtown area.

22
23 **Commissioner Tapia** stated that he cannot understand why this property was selected,
24 during the site visit today, school was just released and there were kids walking and
25 traffic, it is close to a school, close to a church and close to a public building for
26 community gatherings, cannot understand the reasoning for selecting this site.

27
28 **Commissioner Cruz** stated that these are the architects, shouldn't the people wanting
29 this building be present to explain their case, the architects have done their work to
30 design a building.

31
32 **Rudy Perea** stated that Luis Reyes is the primary party and he could not be present this
33 evening.

34
35 **Mr. Sandoval** stated that the concept of the command center was to have the space for
36 the local entities of fire, police, utilities and the like to respond to an emergency at one
37 central point, right now the Town and Kit Carson Electric are the main participants.

38
39 **Commissioner Pollard** asked if Kit Carson Electric is the only entity that has made a
40 commitment to this center.

41
42 **Rudy Perea** stated that to his knowledge Kit Carson Electric is the only tenant at this
43 point.

44
45 **Commissioner Pollard** asked if blast proof buildings of this type are at risk.

46
47 **Mr. Sandoval** stated that these buildings need to be designed to withstand in the case of
48 an emergency, flood, disaster or even terrorists.

49
50 **Commissioner Pollard** asked if the could go back to the specifications, who decided
51 this should be a hardened facility.

52

1 **Mr. Williams** stated this building is a regional command dispatch homeland security
2 center.
3
4 **Commissioner Pollard** asked how homeland security is involved.
5
6 **Mr. Williams** stated that he believes it is part of the funding and FEMA guidelines need
7 to be followed.
8
9 **Commissioner Pollard** asked who handed the specifications and said this has to be a
10 hardened facility.
11
12 **Mr. Williams** stated that the nature of the facility through FEMA.
13
14 **Commissioner Pollard** asked why only protect one side.
15
16 **Mr. Williams** stated the whole building is protected.
17
18 **Commissioner Pollard** stated that if this is a building that is at such a risk, why would
19 we put a building here and multiply the risk, believes this needs to be asked of Mr. Reyes
20 why this location was selected.
21
22 **Mr. Williams** asked if the Commission has reviewed the background information that
23 Mr. Reyes prepared that indicates his research for this location.
24
25 **Commissioner Pollard** stated that he has not seen that documentation and should be
26 better addressed by Mr. Reyes. Commented that the design has changed from last month
27 and commended the architects, seems to have met the code.
28
29 **Chairman Thompson** agreed, the updated design is much better, is concerned with the
30 location, why would we place a protected building adjacent to unprotected centers.
31
32 **Commissioner Cruz** stated that it seems that the lot is not as big and it needs to be to
33 follow FEMA, there is no space for growth.
34
35 **Mr. William** stated that what is presented is at full growth, there will be no need to
36 expand.
37
38 **Chairman Thompson** opened the application for public comment.
39
40 **Mr. William Balsam** is sworn in, stating that the Commission has stated his reservations,
41 mainly, why this particular site, why next to the school, church, next to the Masonic
42 Lodge and next to a motel. One other concern is traffic congestion, when school
43 beginning and ending there is traffic congestion on Gusdorf and Santiago. Also, wonders
44 if the architects have taken into consideration the large arroyo, 100 year floods to occur.
45 Wants to know if the blast standoff zone is still in the variance request, the distance from
46 Gusdorf is only 104 feet, this closer than what is indicated on the application.
47
48 **Mr. Wes Patterson** is sworn in, this facility is important but would like is somewhere
49 else, appreciates the architects progress in following the code, the church was designed
50 50 years ago by John Gaw Meem and feels like the traditional Taos architecture is
51 important in his neighborhood, will pray that another location is found.
52

1 **Mr. John Fleetwood** is sworn in, stating he is a neighbor lives on Santiago and owns a
2 lot behind the church, is concerned with property values, concerned with construction
3 going on for years, and is also concerned with what was just stated. Having seen FEMA
4 in action personally in New Orleans does not want to see FEMA in the neighborhood.
5 Is concerned with recent homeland security activity particularly the border fence, where
6 they waived all local requirements to get things done, does not want to see that happen in
7 Taos. Is also concerned with the lighting, being a security facility it will have intense
8 lighting and because this will be a federal installation, they will do what they want.
9

10 **Mr. John Fleming** is sworn in, stating he is a sixty year resident of Taos. Stated that he
11 just can't believe what he just saw in the powerpoint presentation was such a good snow
12 job, they showed pictures of the Martinez Hacienda and everywhere else but there were
13 no pictures of the St. James church, nor the Masonic Temple. There are so many
14 questions, big question is how did this originate, what is the REA up to, someone must
15 have gotten a huge amount of money from someplace and decided to spend it in Taos.
16 The city fathers are to blame for letting something like this get started. There are
17 buildings built after building with no provision for maintenance or upkeep. It's just
18 unbelievable to him, would like someone to get to the bottom of this to find out where it's
19 coming from.
20

21 **Carol** is sworn in, lives on Sanitago, is a journalist, this area is in a residential area with
22 commercial uses nearby, one of things mentioned last meeting was the graffiti and the
23 school in the same area with a big wall will create more graffiti, one other thing was the
24 surveillance cameras out to the street gives a creepy feeling. One thing Luis Reyes
25 mentioned in KTAO radio was that we don't have terrorists now but in ten years we
26 might, so it gets you thinking that if you build it they will come. It's a creepy idea of a
27 hardened force protected facility in a neighborhood where there are children, people walk
28 their dogs and people come to the church for food and all of that just feels wrong in a
29 neighborhood. This type of thinking is not written in the code but it should be taken into
30 consideration.
31

32 **Mauro Rosales** is sworn in, wanted to share some information on where the Town
33 stands at this point for this project. The Town Council has not made a decision to occupy
34 this building. The Town at this point is acting as fiscal agent for the legislative grant
35 money received for funding only architectural design, the grant does not include
36 construction.
37

38 **Commissioner Gonzales** asked why the Town has not made a decision to occupy this
39 building.
40

41 **Mr. Rosales** stated that the Town is weighing their options, considering whether it be
42 feasible to invest in a new building or to invest in hiring good working personnel in the
43 current dispatch center.
44

45 **Chairman Thompson** closed the public comment and asked the applicants to discuss
46 the concern of the location of the building.
47

48 **Mr. Williams** stated that there is documentation submitted by Luis Reyes addressing the
49 selection of this particular property; but speaking as the architect, he did not get too
50 involved in the selection of the location. This facility is a dispatch center, to take calls
51 during an emergency, will have access to Town roads, sufficient parking, good utility
52 access and as the architect, he was given a job to do and believes he has accomplished

1 fulfilling the requirements. The site selection was done before his time and cannot
2 answer those questions.

3
4 **Commissioner Pollard** stated that he would like to postpone action on this application
5 until someone from Kit Carson Electric can explain why they chose this site, commended
6 the architects for responding and addressing to last months Commissions concerns.

7
8 **Commissioner Cruz** agreed, would like to know why this property was selected and
9 noticed it was purchased in 2005.

10
11 **Commissioner Cruz** made motion to continue case number 2008-04 to June 4, when we
12 will be able to speak to someone who can address the location selection.

13
14 **Commissioner Gonzales** seconded the motion.

15
16 **Chairman Thompson** stated that he would also like to see the application updated and
17 consistent with all the parties involved.

18
19 **Commissioners voting yes on the motion: Commissioner Cruz, Commissioner**
20 **Gonzales, Commissioner Medina, Commissioner Pollard.**

21
22 **Motion carried unanimously.**

23
24
25 **D. Case No. P&Z 2008-07**
26 **Kevin Zangara and Alice Meador-Zangara, property owners,**
27 **requesting to amend their approved Conditional Use Permit, the**
28 **property is located at 215 Beimer Street; in the R-14 (multi-family)**
29 **zone within the Town of Taos.**
30 **(CONTINUED TO JUNE 4)**

31
32
33 **8. MATTERS FROM STAFF / COMMISSIONERS / PUBLIC**

34
35 **Allen Vigil** introduced himself as the new Planning Director, commended the
36 Commission for serving and for their time. Handed out a written draft of what his
37 intentions as Director and talked about his availability to help the Commissioners.

38
39 **Commissioner Pollard** mentioned that this Commission was appointed for a one year
40 term and that term will expire in June, would like to find out where the Commissioner's
41 stand and stated that this will be a good time for Commissioner training.

42
43 **Matt Foster** addressed the document he submitted, asked the Commission to review
44 and comment before the next Council meeting.

45
46 **9. ADJOURNMENT**

47
48 **Commissioners voted unanimously to adjourn.**

49
50 **Meeting minutes of May 7, 2008 prepared by: _____**
51 **Melinda Vasquez, Planning Assistant**

52