



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM
TAOS SKI VALLEY, NEW MEXICO

MONDAY, JANUARY 4, 2016 1:00 P.M.

I. CALL TO ORDER & ROLL CALL

Commission Chair Tom Wittman called the meeting to order at 1:03 p.m. Roll call was taken and a quorum was established. Commission members present: April Bender, Henry Caldwell, Richard Duffy, Susan Nichols, Tom Wittman, and Jim Woodard. Chris Stagg entered during item III. Staff members present: Planner Matthew Foster, Administrator Mark Fratrack, Community Development Director Don Schieber, Building Code Consultant Rich Willson, Clerk Ann Wooldridge, and Attorney Dennis Romero.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as written

Motion: Susan Nichols **Second:** Jim Woodard **Passed:** 6-0

III. APPROVAL OF THE MINUTES OF THE DECEMBER 7, 2015 MEETING

(Councilor Stagg joined the meeting.)

MOTION: To approve the minutes as presented.

Motion: Susan Nichols **Second:** April Bender **Passed:** 7-0

IV. NEW BUSINESS

A. PUBLIC HEARING: John Halley, representing Kachina Village LLC, is requesting approval of a Conditional Use Permit to develop 1.259 acres as a mixed-use development on Lot 6, Block 3 of the Kachina Subdivision located within the Commercial / Business Zone, consisting of five (5) single-family residences, three (3) townhouse units, a 1,900 square foot garage and second story greenhouse.

Planner Foster introduced the application for conditional use; the amended plan consists of five single-family homes and three townhomes. The townhomes are the items that require this development to make application for a conditional use permit. Foster said that that the phasing plan is complete for the five homes, but is not yet completed for the three townhomes. Foster has placed twenty-three conditions for approval on the application; however most of them are boiler-plate, according to Foster. The snow storage requirements have been met, and the condominium documents will be required to obtain a building permit in order to outline the responsibilities for maintaining the open space. The primary change from the previous plan submitted by the developer is the removal of the spa, which has allowed for increased space for parking, access, and drainage.

John Halley, applicant for the permit, explained that he had wanted to create a residential project to share with like-minded people. He has been working with the standards that are now, and have been, in place for development in the Kachina area. GaiaQuest, a non-profit which promotes permaculture, will make its home at the proposed development. Halley said that there have been other similar permaculture developments at high altitude, in the Alps and in the Andes. He relayed that a great deal of planning had gone in to developing the project.

PUBLIC HEARING: Commissioner Wittman opened the public hearing. Speaking against the application was Peter Talty, who said that although he appreciated the hard work involved in

developing such a project, he was concerned that a master plan has not been developed for the Kachina area, involving other property owners. He thought that approving the application would hamstring the Village. Speaking for the application was Dianne McKenzie, John Halley's wife, who said that they had wanted to develop a small community such as the one they live in in Santa Fe, and that handicapped access is important for her. She said that it is a well thought-out plan. Also speaking for the application was Donald Geddes, an architect from Santa Fe who lives in the Aldea community where Halley and McKenzie live, and he commended Halley on developing this project. Also speaking for approval was Don Harris, Halley's attorney, who is also a city Councilor in Albuquerque. He explained that Halley has a constitutional right to be heard and to have the project evaluated under the existing code. He pointed out that the Village Staff report said that the present application meets current codes. The public hearing was closed.

MOTION: To approve the application for conditional use a to develop 1.259 acres as a mixed-use development on Lot 6, Block 3 of the Kachina Subdivision located within the Commercial / Business Zone, consisting of five (5) single-family residences, three (3) townhouse units, a 1,900 square foot garage and second story greenhouse.

Motion: April Bender **Second:** Jim Woodard

Discussion followed, with Halley pointing out that this area is zoned commercial/business, which allows even a hotel, restaurant, or bar to be built there. This project not only follows the codes, but it follows the covenants placed on the subdivision by the homeowner's association. Foster explained that the design of the project must follow the guidelines in the application. The new Kachina water tank will be built at the same time as this project, but if it didn't get completed the water pressure would still be adequate for the five homes. The three townhomes would require additional water pressure, which could be supplied by the developer, if the tank didn't get built. Halley explained that there is a cost-share requirement in the development, so in order to work as planned, he would not only need at least one or two buyers to participate in order to start the project, but he would need for all of the homes to eventually be built. Foster explained that the project does meet the regulations in place, but that the code requires water and sewer infrastructure to be in place in order to issue a building permit. He recommends allowing four years for the initial building permit, but no time limit for the issuance of the subsequent building permits. Halley said that if for some reason he and his wife were no longer able to be involved in the project, the condominium documents would lay out all of the regulations for the project to develop as planned.

AMENDED MOTION: To approve the application for conditional use a to develop 1.259 acres as a mixed-use development on Lot 6, Block 3 of the Kachina Subdivision located within the Commercial / Business Zone, consisting of five (5) single-family residences, three (3) townhouse units, a 1,900 square foot garage and second story greenhouse, with the additional condition that the applicant must install all utilities, the shared parking lot, and complete the grading and drainage for phase one of the development prior to constructing any residence.

Motion: April Bender **Second:** Susan Nichols **Passed:** 6-0 (Commissioner Stagg abstaining)

B. Presentation and Discussion of a Kachina Village Master Plan Scope of Work

Foster has identified a scope of work that could be used for a request for proposals or qualifications to hire a consultant to develop a Kachina Master Plan. The purpose of the plan would be to identify the highest and best use of developable properties, to preserve the beauty and integrity of natural resources, to use as a basis for evaluating development proposals, and to serve to recommend amendments to the Village zoning regulations. The work would begin by reviewing existing conditions, then preparing base maps, and developing a conceptual master plan to include a development program, traffic circulation and parking pedestrian circulation, architectural design guidelines, snow management, and infrastructure and utilities plans. The cost of developing the master plan is estimated at perhaps \$50,000 to \$100,000, with Foster suggesting that a combination of Village funds and participation by landowners could pay the cost, with the addition of possible grants. Foster will revise the scope of work for the next meeting. .

C. Presentation and Direction to Staff of the Thunderbird Road Design & Sidewalk Alternatives

Consultant Willson presented several diagrams showing the present path of Thunderbird Road and some alternatives. It is necessary to move the road because it encroaches on the Alpine Village property. Additionally, it is becoming evident that having a sidewalk on each side of Thunderbird Road would help to alleviate the dangerous situation of having pedestrians in the road. He recommended realigning the road towards Forest Service land. Director Schieber explained that a plan for improving Ernie Blake Road must be worked out in conjunction with improvements for Thunderbird Road. There have been various suggestions, such as making Thunderbird Road one-way, or pedestrian-only, with only local traffic allowed. Achieving the correct alignment of Thunderbird Road is necessary at this time due to the planned installation of gas lines and other infrastructure there next summer. No land would need to be purchased in order to realign, but purchase might be necessary to obtain enough room for a sidewalk on both sides, if the owners wouldn't allow the sidewalks to be installed on their property. Along the Brownell property, the sidewalk would only require the portion of land that is outside the existing fence. Eventually, the plan would involve installing a sidewalk on Ernie Blake Road also. The Commission decided to recommend the realignment of Thunderbird Road to the Council, with the possible option of making the road one-way.

D. Presentation and Discussion of Legal Process for Declaring a Moratorium on New Development in the Kachina Area

Attorney Romero explained that moratoriums can be imposed by a municipality for items such as public safety, or health and welfare, or even to allow for creation of a master plan, but reasonable time-frames must be provided. The better such a moratorium is drafted, the better it will be able to be upheld. It was decided to wait on pursuing a moratorium at this time.

E. Presentation and Direction from the Commission Regarding Enforcement of the Village Sign Code for Temporary Signs

Planner Foster showed photographs of the increasing number of temporary signs that are being used around the Village core area, such as banners and sandwich boards. Usually, a permit is required for such signs, which is valid for just thirty days. Businesses may make application for such a permit four times a year, but Foster has relaxed the Village's regulations on these signs due to the construction occurring, creating new traffic flows around the Village. The Architectural Design Committee had met in the morning prior to this meeting, especially because of concern about signs. Several merchants said that they needed the signs in order to get customers in to their establishments, as they were experiencing decreased business due to the construction. Elisabeth Brownell expressed concern about the entire guest experience in the Village this winter, recommending that everyone ride the skier shuttle in the parking lot to see for themselves.

The Commission will allow Foster to work with businesses to come up with individual plans for their unique circumstances. The portion of the zoning ordinance pertaining to signs and sign permits may need to be reviewed in the near future.

V. OLD BUSINESS

VI. MISCELLANEOUS

A. Commissioner Duffy asked about requiring a developer to put up a bond or show proof of financing before a project begins. Attorney Romero said that this could be construed as being discriminatory for residential buildings, but not necessarily for commercial development. It could certainly be required for building a subdivision. This requirement would carry both political and constitutional consequences.

B. Commissioner Wittman reported on the Community Master Plan meetings that Foster held on January 2nd and 3rd. Commissioner Wittman was pleased with the attendance, especially on Saturday, and said that even when there were fewer people in attendance, the discussion was still productive. He thanked Foster for his efforts in arranging and conducting these meetings.

VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: The next meeting will take place on Monday, February 1, 2016 at 1:00 p.m. at the Edelweiss Lodge Club Room.

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Henry Caldwell

Second: Susan Nichols

Passed: 7-0

The meeting was adjourned at 5:00 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk