



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

TENDERFOOT KATIE'S, TSV RESORT CENTER,
TAOS SKI VALLEY, NEW MEXICO

THURSDAY, AUGUST 23, 2018 1:00 P.M.

I. CALL TO ORDER & ROLL CALL

Commission Chair Tom Wittman called the meeting to order at 1:00 p.m. Roll call was taken and a quorum was established. Commission members present: Henry Caldwell, Richard Duffy, Neal King, Susan Nichols, Chris Stagg, and Tom Wittman. Commission Members absent: Jim Woodard. Staff members present: Village Administrator Mark Fratrack, Planning Director Patrick Nicholson, Village Clerk Ann Wooldridge, Public Works Director Ray Keen, Public Works Superintendent Olaf Mingo, Public Works Administrative Assistant Christina Wilder, Building Official Rich Willson, and Attorney Dennis Romero.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

Motion: Commissioner King **Second:** Commissioner Nichols **Passed:** 6-0

III. APPROVAL OF THE MINUTES OF THE JULY 2, 2018 P&Z COMMISSION MEETING

MOTION: To approve the minutes as presented

Motion: Commissioner Stagg **Second:** Commissioner King **Passed:** 6-0

Note: a quorum of the Village Council was in attendance at this meeting.

IV. NEW BUSINESS

A. PUBLIC HEARING: Consideration to Approve Application for Variances to the Retaining Wall Height and to the Driveway Width at Block 7, Lots 5 and 6A, Amizette Subdivision, New Village Hall Property 1346 State Road 150, in the Village of Taos Ski Valley, by the Village of Taos Ski Valley. The Village of Taos Ski Valley, the applicant, acquired property at 1346 State Road 150 and is renovating and adding to an existing building to construct a new Village Hall building. The property also includes ten existing apartment units. The on-going site work requires retaining walls, sections of which exceed the ten foot maximum height requirement of the Village Zoning Ordinance No. 17-30.

Building Official Willson explained that the highest point of the wall would only be visible from midway up the driveway entrance. The wall will not be visible from the property to the right. The parking lot and wall would extend to the property line on the left. The wall would be made of smooth masonry stones in a nutmeg color.

The variance for the driveway width was no longer necessary as NM DOT had approved a revised narrower driveway width that is within Village regulations.

PUBLIC HEARING: Commission Chair Wittman opened the Public Hearing. Speaking in favor of the variance request were staff members Nicholson and Willson. Also speaking in favor was adjacent property owner Al Johnson, who said that he supports the changes because the community needs a new Village Hall as well as the apartments. He noted that he hoped that if he needed a variance in the future, that he would be supported. No one spoke against. The Public Hearing was closed.

MOTION: To Approve the Application for Variance to the Retaining Wall Height at Block 7, Lots 5 and 6A, Amizette Subdivision, New Village Hall Property 1346 State Road 150, in the Village of Taos Ski Valley, by the Village of Taos Ski Valley

Motion: Commissioner Duffy

Second: Commissioner King

Commission Chair Wittman thanked Building Inspector Willson for all of his hard work on the new Village Hall. The other Commissioners also thanked him. Building Inspector Willson had drawn all of the plans for the grading and driveways by hand.

Commission Chair Wittman called for a vote.

Passed: 6-0

B. PUBLIC HEARING: Consideration to Approve Application for Variances to the Building Height and to the Riparian Setback at Parcel D (Block H, Lots 2 and 3, O.E. Pattison Subdivision) 8 and 10 Thunderbird Road, in the Village of Taos Ski Valley, by TSV Inc.

As a follow-up to their recently approved Conditional Use Permit on Parcel D located within the Core Village Zone, TSV, Inc. is requesting a variance to the riparian setback requirements of the Village Zoning Ordinance No.17-30. A variance for the building height is no longer necessary as the building fits within building height limits.

Carl Pearson, with Hart & Howerton Architects, presented the history of the Parcel D project. The conditional use permit granted in 2014 was for two buildings on one lot. The new plan has the two buildings on two lots. One building will now be on the old Thunderbird Lodge and Terry Sports properties, across the street.

Building A, on Parcel D, has been situated further away from Alpine Village Suites. The variance request is to extend the building 9'10" into the riparian setback, leaving 10'2" of riparian setback. 97.5% of the riparian area was previously preserved, while now 98.2% of the riparian area will now be preserved. Mr. Pearson noted that the tree conservation area has increased.

Mr. Pearson explained that the building site allows for a plaza and a pedestrian passage for skiers to access a bridge to cross the river to the ski lifts. There will be one level of underground parking, one level of mixed-use development, and three levels of residences. The turning radius required in the garage has created a need to extend the building. Mr. Pearson said that the combination of moving the building, increasing the tree area, and increasing the public space for the ice rink and the market building combined to require that the building extend in one corner, into the setback.

Audience members asked if an environmental study had been completed, however this was not a requirement. TSVI's B Corporation status is not impacted in any way by this variance request. The acreage of Parcel D is one and a half acres.

PUBLIC HEARING: Commission Chair Wittman opened the Public Hearing. Speaking in favor of the variance request was Peter Talty with TSVI, saying that the variance request had been approved two years previously. Now, the variance is less than it had been, he noted. Mr. Talty said that the overall programming of the new plan is much more desirable. Peter Johnson, with TSVI, also spoke in favor. Homeowner Al Johnson spoke in favor, saying that the project is good for the community and that as a citizen of Taos Ski Valley, he is in favor. Building Official Willson spoke in favor, saying that the project would be a positive improvement for the Village.

Speaking against were Rachel Conn, with Amigos Bravos, who said that her organization has been concerned with this stretch of the river for many years, even when the Blake family owned TSVI. There is concern with activity on the banks of the river, as well as with the lack of riparian landscaping and vegetation growth, she said. Ms. Conn said that they had been pleased to see the removal of the road in what was formerly known as Siberia. She said that Taos County regulations require an 80 foot setback for commercial properties, and a 40 foot setback for residential properties, on a parcel of less than two acres. Ms. Conn said that several studies show that the bigger the setback, the better it is for the river. She stated that just because it was approved previously was not a reason to approve the variance request another time. She said that she is also against allowing a walking path along the river, in the setback. Ms. Conn said that she thought that the building programming should have been changed, and she urged the Commission to not approve the variance request.

Also speaking against was homeowner Christof Brownell, who is also the Mayor, who said that he is in favor of the new design, but didn't think that Village ordinances were being upheld if variances to the ordinance were allowed. He said that he thought that the building could have been re-designed to prevent an encroachment into the setback. Mayor Brownell said that he is also concerned with the river setback on the opposite side of the river.

Property owner Roger Pattison, who is also a Councilor, said that he shares Mayor Brownell's concerns. He said that he didn't think that previously the P&Z Commission would not have considered granting a variance to the riparian setback.

Asia Golden, an employee of the Edelweiss Lodge, said that she is an environmentalist and against the request and thought that the building should have been re-designed.

The Public Hearing was closed.

MOTION: To approve the Application for Variance to the Riparian Setback at Parcel D (Block H, Lots 2 and 3, O.E. Pattison Subdivision) 8 and 10 Thunderbird Road, in the Village of Taos Ski Valley, by TSV Inc.

Motion: Commissioner King Second: Commissioner Duffy

Discussion followed. It was explained that the setback appears different in 2018 from the 2014 version because the stream restoration that has occurred has changed the center line of the stream. Mr. Talty explained that situating the building with a corner in the setback allows for better pedestrian access. He said that even with the encroachment, there is still difficulty in meeting the handicapped-accessible requirements. The required garage space has influenced the design of the building, he said.

Mr. Talty also explained that there would be a storm water pollution protection plan in place to protect the river during construction of the building and that TSVI is meeting State and Village requirements for the project. A geoscience company is on hand weekly to monitor all of TSVI's projects vis-à-vis the river. Mr. Talty said that re-planting would occur in the riparian area, and pointed out that the Sutton Place river area was well planted after work was completed.

Commission Chair Wittman called for a vote. Passed: 6-0

Staff noted that all adjacent property owners had been notified of the variance request and the public hearing and that there had been no response to Staff from letters or otherwise.

V. **OLD BUSINESS**

A. Consideration to Recommend Approval of the 2020-2024 Village of Taos Ski Valley Infrastructure Capital Improvement Plan (ICIP)

Planning Director Nicholson presented the 2020-2024 ICIP, which had been discussed in the previous P&Z meeting as a draft. He said that Village Staff had weighed in on the various projects and their priorities.

Director Nicholson explained that the ICIP goes to the State of New Mexico Local Government Division. It prioritizes the Village's action plan and holds staff accountable. However, it should also be realistic. He said that although Public Safety projects are always important, there is not always the funding to move ahead with lots of Public Safety projects. The list of TIDD projects should also be accounted for in looking at Village infrastructure projects. The list presented also encompassed current Village projects underway and funded, such as the Kachina Water Tank, the Wastewater Treatment Plant, the renovation of the new Village Hall, and the Gunsite Springs study.

Director Nicholson discussed the list of projects, which began with roadway improvements, hiker parking lot bathrooms, water line improvements, and the designation of a Kachina area wetland park. He noted that all projects would go to the Village Council for approval and for funding. The Shopoff group has contributed funds towards the Gunsite Spring study, he said. Cost estimates are always estimates. Commissioner King noted that one list of project priorities gets submitted to the State, but the Village can also keep an internal list of projects. The top four or five items are the central ones that are considered by the State.

Homeowner Kathy Bennett asked about items 22.2 and 23.1, which are the design and engineering for Block N water and sewer lines, and the construction of same. She said that there is currently no fire suppression in Block N because the water lines do not extend to that area. She thought that these were more important than items higher on the list, such as a Kachina Wetlands Park, improvements to the Kachina Vista Park, and hiking trails to Amizette. Homeowner Jeff Kern, who is also a Councilor, said that life safety items should always be at the top of the list.

MOTION: To Recommend Approval by the Council of the 2020-2024 Village of Taos Ski Valley Infrastructure Capital Improvement Plan (ICIP)

Motion: Commissioner Stagg Second: Commissioner King

Discussion took place. Homeowner Ben Cook said that it would be a positive move to conduct a Kachina Road study as the traffic to the Kachina area has increased greatly in the past few years. He asked that the Village run a water truck on the weekends in the future. Mr. Cook said that the dust is detrimental to tourism and that people won't visit Taos Ski Valley because of the dusty roads.

Commission Chair Wittman called for a vote. Passed: 6-0

VI. MISCELLANEOUS

A. Planning Director Nicholson announced that new, larger signs had been ordered by the Village for use for public notices, such as for variance applications and conditional use applications.

B. Planning Director Nicholson asked the Commissioners whether providing paper copies of the P&Z packets was important, or if electronic versions were adequate. Some Commissioners said that electronic versions were fine, and others noted that paper versions, especially of drawings and diagrams, were useful.

VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: The next meeting of the Planning & Zoning Commission will take place on Monday, October 1, 2018 at 1:00 p.m. at Tenderfoot Katie's in the TSV Resort Center. The Kachina Maser Plan Open House will take place on Saturday, September 22, 2018 at 1:00 p.m. This was held at Tenderfoot Katie's in the TSV Resort Center.

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner Stagg Second: Commissioner Duffy Passed: 6-0

The meeting adjourned at 3:00 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk