



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO

MONDAY, FEBRUARY 4, 2019 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. All Commission members were present: Henry Caldwell, Richard Duffy, Neal King, Susan Nichols, Chris Stagg, Tom Wittman, and Jim Woodard. Staff members present: Village Administrator John Avila, Planning Director Patrick Nicholson, Village Clerk Ann Wooldridge, Building Inspector Jalmar Bowden, and Attorney Susan Baker.

It was noted that a quorum of the Village Council was present: Mayor Brownell, Council Stagg, and Councilor Wittman.

II. APPROVAL OF THE AGENDA

MOTION: To approve the agenda as presented

Motion: Commissioner Nichols Second: Commissioner King Passed: 7-0

III. APPROVAL OF THE MINUTES OF THE NOVEMBER 5, 2018 P&Z COMMISSION MEETING

MOTION: To approve the minutes as presented

Motion: Commissioner Duffy Second: Commissioner King Passed: 7-0

IV. NEW BUSINESS

A. Consideration to Approve Resolution No. 2019-384 Concerning Governing Body Meetings and Notice Required

Required annually by the State of New Mexico, this is the open meetings act that governs when and how meetings will be conducted.

Motion: Commissioner Stagg Second: Commissioner Woodard Passed: 7-0

B. Consideration of P&Z Commissioner Appointments

According to Ordinance 1997-15 Creating a Planning and Zoning Commission:

“SECTION 2. MEMBERSHIP, APPOINTMENT, TERMS OF OFFICE AND REMOVAL FROM OFFICE.

A. The Commission shall consist of seven (7) members who shall be appointed by the Mayor with the consent of the Village Council. Members shall be residents of the planning and platting jurisdiction of the Village. Administrative officials of the Village may be appointed ex-officio, non-voting members of the Commission.

B. On the first Commission, a majority of the members shall be appointed for one-year terms and the balance of the members shall be appointed for two-year terms. Each subsequent term of a member on the Commission shall be for two years or less in order to maintain the original staggering of terms of membership. A vacancy in the membership of the Commission shall be filled for the remainder of the

unexpired term.”

At the January 16, 2018 Village Council Meeting, Commissioners Wittman, Nichols, and Woodard were appointed for two-year terms. Commissioners Caldwell, Stagg, Bender, and Duffy were appointed for two-year terms in December 2016, effective January 2017. Commissioner King was appointed in May 2018 to fill the remainder of Commissioner Bender’s term. With the assent of Commissioners Caldwell, Duffy, King, and Stagg, their appointments will be presented for approval by the Mayor with approval by the Council.

After the Commission appointments, the Commission should elect one of its members as Chairman for a one-year term, as outlined in Ordinance 1997-15 Creating a Planning and Zoning Commission:

“SECTION 4. ORGANIZATION AND MEETINGS.

A. OFFICERS: The Commission shall elect one (1) of its members as chairman for a one (1) year term, and create and fill any other offices as it may deem appropriate.”

In answer to Commission Chair Wittman’s questioning of the four Commissioners, all agreed to serve again, if the Mayor desired them to do so.

C. PUBLIC HEARING: Consideration to Approve an Application for Conditional Use Permit for a New Retail Facility at 111 Sutton Place in the Core Village Zone, by TSVI

Planning Director Nicholson explained that TSV, Inc. was requesting approval of a Conditional Use Permit to operate a new retail facility at 111 Sutton Place, at the upper plaza of the Gondolita Platform. Tenant improvements were recently completed and the present occupant is Mucho Gusto Donuts.

The recent change in use of a portion the facility (107 sq. ft.) from a skier services/amenity facility to partial retail within the Core Village Zone (CVZ) necessitates a request for a Conditional Use Permit.

The applicant’s project description, response to applicable zoning regulations, site plan and building photos were all presented.

TSVI Development Director Peter Johnson explained that the building permit had previously been approved and that the business is operational. This item is to clean up an administrative action.

PUBLIC HEARING: Commission Chair Wittman opened the Public Hearing. Peter Johnson spoke in favor of approving the application. TSVI’s Peter Talty spoke in favor, saying that the Village’s Comprehensive plan includes expansion of retail space in the Village Core area.

No one spoke against.

The Public Hearing was closed.

MOTION: To approve the Application for Conditional Use Permit for a New Retail Facility at 111 Sutton Place in the Core Village Zone, by TSVI, with the one condition proposed by Staff

Motion: Commissioner Duffy Second: Commissioner King

Planner Nicholson explained that this Conditional Use Permit is for the project as presented; any expansion of use or the construction of additional structures will require further approval by the Village.

Commissioner Stagg asked that Zoning Ordinance No. 2017-30 be reviewed by the Commission for possible amendments. He also wanted to make sure that the regulations outlined in the ordinance were being uniformly applied.

The business has had NM Environment Department inspection as a food operation.

Commission Chair Wittman called for a vote. Passed: 7-0

D. PUBLIC HEARING: Consideration to Approve an Application for a Special Use Permit for an Outdoor Wedding Venue in the Kachina Subdivision, Lots 6 & 7A Block 3, by TSVI

Planning Director Nicholson explained that TSV, Inc. is requesting approval for a Special Use Permit (SUP) for an outdoor wedding venue at an existing clearing on the north side of the Kachina Wetland Park behind the Bavarian restaurant. The Special Use, as proposed by the applicant, would be occasional, as needed for weddings and other significant ceremonies.

Staff recommends approval subject to certain conditions:

1. TSVI will adhere to its stated policy to provide shuttle service for all TSVI events in the Kachina Village area to augment the capacity of the available on-site parking. Failure to provide adequate shuttle service and prevent overflow roadside parking, as determined by the P&Z Commission, would void the Special Use Permit.
2. The Special Use Permit, if approved, would expire in three years unless the Planning and Zoning Commission specifically grants an extension.
3. This Special Use Permit is for the project as presented, any expansion of use or the construction of additional structures would require further approval by the Village

TSVI Development Director Peter Johnson explained that TSVI is trying to expand activities in the Kachina area. There has been an increased interest from couples to hold weddings in the Kachina area, he said, and this site would give couples an additional option. The cost of the shuttles would most likely be shared by TSVI and the customers. He asked that the second condition be removed, as the Village would have the right to revoke the permit if parking were to get out of control.

PUBLIC HEARING: Commission Chair Wittman opened the Public Hearing. Peter Johnson spoke in favor of approving the application. Peter Talty spoke in favor, saying that the wedding site would not be used at the same time as any other large event at the Bavarian or the Phoenix. TSVI is trying to offer various options for events in the Village of Taos Ski Valley. Homeowner Ben Cook spoke in favor, but with a concern about handling the parking. Brain Rupp, representing the Shopoff group, also spoke in favor, as long as the parking were controlled.

No one spoke against the application.

The Public Hearing was closed.

MOTION: To approve the Application for Special Use Permit for an Outdoor Wedding Venue in the Kachina Subdivision, Lots 6 & 7A Block 3, by TSVI

Motion: Commissioner King Second: Commissioner Nichols

TSVI explained that they would not leave wedding guests to fend for themselves. Parking may be an issue, but it may not relate to a wedding event. TSVI would have a plan for any wedding. This wedding venue would accommodate just 100 people. Suggestions were made to not attach all other potential parking problems to this application, and also to not make the first condition a requirement for all of TSVI's events. There would be electricity to the site for music, and the plan is to install about six wooden benches for wedding guests, as well as a wooden stage to formalize the location for the wedding couple. It was pointed out that any event by a property owner should accommodate the guests. Event parking shouldn't overflow onto Village property. Attorney Baker asked that the motion state that "all local, State, and Federal laws be followed."

AMENDED MOTION: To approve the Application for Special Use Permit for an Outdoor Wedding Venue in the Kachina Subdivision, Lots 6 & 7A Block 3, by TSVI, with the following proposed conditions: that shuttle service be required only for wedding events, that condition number two be eliminated, and that the venue comply with the original application documents.

Motion: Commissioner King Second: Commissioner Nichols Passed: 7-0

E. PUBLIC HEARING: Consideration to Approve an Application for a Conditional Use Permit to install a Wireless Communications Tower at 110 Kachina Road, adjacent to the Phoenix Lodge, in the Village of Taos Ski Valley, by TSVI

Planning Director Nicholson said that Taos Ski Valley, Inc. is requesting approval for a Conditional Use Permit to install a wireless communication tower on the Phoenix Restaurant property within the Kachina Basin of the VTSV.

The proposed 65-foot high cell tower, considered an accessory use, is aimed at accommodating two providers, AT&T & Verizon Wireless, in order to provide better service coverage for the Village of Taos Ski Valley. The existing temporary Cellular on Wheels (COW) will be replaced. The proposed cell tower will have a galvanized steel finish. All supporting equipment will be housed in the Phoenix Restaurant building, minimizing impact on the surrounding landscape. The proposed tower also meets the standards

and regulations of the FAA and FCC, and satisfies applicable local and state building codes and safety regulations. The applicant's project narrative, zoning compliance, and site maps were presented.

Staff recommends a motion to Approve the Conditional Use Permit Subject to the Conditions outlined below:

1. A performance bond is required to ensure the proper and timely removal of the tower if it is no longer being used and any and all associated facilities. The form and amount of the performance bond will be established administratively by Village staff.
2. The applicant shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall provide a copy of all required franchises to the Planning Officer.
3. Provisions to allow the applicant to locate all of the ground based equipment inside the Phoenix Restaurant building and replace the requirement for fencing with a climb-proof gate around the base of the ladder on the tower.
4. Applicant shall remove and disable the existing Celltower on Wheels, aka the COW, from the site.
5. Any substantial changes to the application must be approved by the Planning and Zoning Commission; all other changes must be approved administratively by the Planning Officer and as required by the Zoning Regulations

TSVI Development Director, Peter Johnson, explained that the location will now be at the edge of the trees across from the Phoenix Restaurant. This site is the location designated for tower placement in the Wireless Communication Master Plan. Johnson said that this tower complements the new tower at the top of Lift #6 as well as the tower on the top of the Resort Center.

PUBLIC HEARING: Commission Chair Wittman opened the Public Hearing.

Peter Johnson spoke in favor of approving the application, saying that it would be good to remove the COW near this site. Peter Talty spoke in favor saying that this tower is critical for better coverage for the Village. Mayor Christof Brownell spoke in favor saying removing the COW and building this new tower would create a better view.

No one spoke against.

The Public Hearing was closed.

MOTION: To approve the Application for a Conditional Use Permit to install a Wireless Communications Tower at 110 Kachina Road, adjacent to the Phoenix Lodge, in the Village of Taos Ski Valley, by TSVI, with the conditions recommended by Staff

Motion: Commissioner Duffy Second: Commissioner King

Peter Johnson said that the tower, which has already been purchased, is a mono-pole. Most likely, additional height would need to be added in order to add additional carriers, although the technology is changing rapidly. Presently, no other carriers were interested in using this new tower. Alternatively, other carriers could apply for a permit to construct an additional tower. Mr. Johnson said that requiring a performance bond to be issued was onerous. He said that TSVI would want to remove the tower if it were no longer being used, as this is their private property.

Director Nicholson explained that this Conditional Use Permit doesn't regulate which carriers use the tower, or the number of carriers using the tower. The permit would only need revision if the height were more than 75 feet.

Mayor Brownell said that he hoped that cellular service in Amizette could be improved.

Commission Chair Wittman called for a vote. Passed: 7-0

F. Consideration to Recommend Approval of Open Space Land Dedication of Four Parcels to the Village of Taos Ski Valley by the Kachina Property Owners' Association

Kachina Homeowner Ben Cook, who is also the President of the Kachina Property Owners' Association (POA), explained that the POA would like to dedicate 4 parcels of open space land in the Kachina area to the Village. The hope is that a system of trails could be developed on this land, with directional signs for

pedestrian traffic. Mr. Cook said that perhaps the trail system could connect to the Kachina Vista Park eventually. There are no taxes due on these parcels, and no restrictions or easements.

Additionally, the Quast family is interested in dedicating an easement on the parcel above their house, once the slope has been mitigated.

Attorney Scott Sanger of Taos has drafted the dedication documents for the 4 parcels, which total approximately 7.5 acres.

MOTION: To Recommend Approval of Open Space Land Dedication of Four Parcels to the Village of Taos Ski Valley by the Kachina Property Owners' Association

Motion: Commissioner King Second: Commissioner Duffy

Brain Rupp, representing the Shopoff group, said that they are in favor of this dedication to enhance a trail system.

Peter Talty said that the dedication would conflict with the master plan process in understanding what the use would be for this land. He asked whether storm water management might be necessary. Attorney Baker explained that the deeds have a strong restriction that the use remains as open space.

Commission Chair Wittman called for a vote. Passed 6-0 (Commissioner Woodard abstaining)

V. OLD BUSINESS

VI. MISCELLANEOUS

A. Planning Director Nicholson reported that he had administratively approved a small reduction in size to the Parcel D riparian setback variance, granted previously by the Commission, because of final building footprint revisions.

B. There are possible upcoming Commissioner trainings available in May. More information will follow.

VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: The next meeting of the Planning & Zoning Commission will take place on Monday, March 4, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room. (Note: this meeting was later cancelled. The next meeting was scheduled for Monday, April 1, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.)

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner Duffy Second: Commissioner King Passed: 7-0

The meeting adjourned at 3:15 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk