



PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM
106 SUTTON PLACE
TAOS SKI VALLEY, NEW MEXICO
MONDAY, APRIL 1, 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. Commission members present: Richard Duffy, Neal King, Chris Stagg, Tom Wittman, and Jim Woodard. Commission Members absent: Henry Caldwell and Susan Nichols. 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, Councilor Pattison, Councilor Stagg, and Councilor Wittman.

II. APPROVAL OF THE AGENDA

Commission Chair Wittman asked to add, under Miscellaneous C., the selection of the P&Z Commission Chairperson.

MOTION: To approve the agenda as amended

Motion: Commissioner Stagg Second: Commissioner King Passed: 5-0

III. APPROVAL OF THE MINUTES OF THE FEBRUARY 4, 2019 P&Z COMMISSION MEETING

MOTION: To approve the minutes as presented

Motion: Commissioner Stagg Second: Commissioner King Passed: 5-0

(Commissioner Caldwell entered the meeting.) .

IV. NEW BUSINESS

A. PUBLIC HEARING: Consideration to Approve an Application for a Time Extension for a Conditional Use Permit previously granted for a temporary commercial building (Taos Tent) within the Village Core Zone on Lot 2, Block G

TSV, Inc. is requesting approval of a time extension for a previously granted Conditional Use Permit for a temporary commercial building (Taos Tent) within the Core Village Zone (CVZ). The applicant's request letter and floor plan documents were presented.

Staff Conditions of Approval were read as follows:

1. Within thirty (30) days, TSVI shall address the expressed exhaust fume concern from the diesel powered generator to the satisfaction of the Village Planning Officer. An effort to reduce the noise emitted from the generator shall also be undertaken.
2. The Conditional Use Permit will expire on May 19, 2023 or upon initiation of construction of the new mixed use development, whichever occurs first.
3. This Conditional Use Permit is for the project as presented. The original Conditions of Approval shall remain in effect. Any expansion of use or the construction of additional structures will require further approval by VTSV.

The Village Planning & Zoning Commission granted approval of the Conditional Use Permit (CUP) with Conditions on May 11, 2015. The current CUP expires on May 19, 2019. The conditions had been

adhered to. For this approval, an additional proposed condition has been added: within 30 days, applicant will address exhaust and noise reduction “to the satisfaction of the Village Planning Officer.” Mayor Christof Brownell, whose house is adjacent to the Taos Tent on the side of the generator, had written a letter of concern to the Village Planning Department. He said that when there is a power outage, the generator could be running for hours. When the wind blows away from the Chalet, which is most of the time, the fumes are not a problem. When the breeze blows toward the Chalet from the tent, however, the fumes are very intrusive, he said.

Building Official Bowden said that he had looked up requirements for such a generator, and the installation should be engineered. The generator is between the Tent and the Brownell Chalet.

PUBLIC HEARING: Commission Chair Wittman opened the Public Hearing. Speaking in favor of the application was Peter Johnson, saying that the generator is for emergencies. It is tested once a week for 15 minutes at a time. They have changed the time from 7:30 a.m. to 10:00 or 11:00 a.m. on Tuesdays. Mr. Johnson said that they have added a smokestack to direct smoke away from the neighbor.

Peter Talty spoke in favor of the application, saying that the sales and accounting staff are housed in this building, and they need continuous power.

Christof Brownell said that he was in favor, as long as the exhaust fumes are addressed. He said that the smoke gets into the Chalet even with the windows closed. He reported that the installation directions for such a generator state that the unit shall be installed “so that fumes do not affect neighbors.” He asked if the fuel source could be changed from diesel.

The Public Hearing was closed.

MOTION: To Approve an Application for a Time Extension with the recommended staff conditions for a Conditional Use Permit previously granted for a temporary commercial building (Taos Tent) within the Village Core Zone on Lot 2, Block G

Motion: Commissioner King Second: Commissioner Stagg

Building Official Bowden said that he had looked at the site of the generator, which is a tight space with surrounding structures and snow piles. He said that the sound could be augmented because it bounces around within the tight walls. He suggested that perhaps an afternoon testing time for the generator would have improved results since the winds normally change later in the day. Building Official Bowden suggested that the smokestack be made taller.

Mr. Johnson said that they are glad to change the time of the test. With the design of the building, the generator must be situated on that side of the building. He said that there is not much room on the site. Mr. Talty said that hopefully power outages will become more infrequent with the underground power now being used.

Mayor Brownell said that the noise is not an issue, just the exhaust fumes. Councilor Pattison suggested that perhaps the generator could be altered to use propane.

Mr. Talty said that TSVI would approach anything in good faith, but that there may not be a remedy to this problem.

Chairman Wittman called for a vote. Passed: 6-0

V. OLD BUSINESS

VI. MISCELLANEOUS

A. TSVI employee housing proposal at Lot 1, Block A within the O.E. Pattison Subdivision at the corner of Twining Road and O.E. Pattison Loop

Planning Director Nicholson said that he had wanted to get information out about the proposed four-story dormitory building proposed by TSVI at Block B, Lot 1. Drawings of the building were included in the meeting packet. Director Nicholson said that no formal proposal had been submitted yet. According to the Zoning Ordinance, it does not appear at this time that any Variances or Conditional Use Permits will be necessary for the project, he said. The P&Z Commission does not approve building permits, he said. Commission Chair Wittman noted that it was unusual for the P&Z Commission to discuss a potential application for a building permit. He said that the Commission should only discuss this as a miscellaneous agenda item. Commission Chair Wittman relayed that the decision to not involve the P&Z Commission in the building permit process had been made many years ago, but the Village Planning Department could

reconsider this decision at some time if desired. Commissioner Caldwell added that he didn't think the P&Z Commission should get involved in the building permit process.

TSVI's Peter Johnson said that TSVI has 50-60 employees who move to TSV for the winter from South America. This building will have 40 sleeping rooms and a unit for an on-site Manager. Mr. Johnson said that according to the Zoning Ordinance, 6-7 parking spaces would be needed. TSVI will identify several spaces for snow storage. The property is about 0.5 of an acre. This parcel is not in the B zone for avalanches. Commission Chair Wittman asked how TSVI could rationalize that a building with a 40-room occupancy would only require 6-7 parking spaces. Mr. Johnson replied that this was their interpretation of the Village Zoning Ordinance. Much discussion on this topic ensued.

Commissioner Caldwell said that the building would need to be monitored for behavior of its residents, as well as for high volumes of noise.

Homeowner Francie Parker said that this is a single-family home neighborhood. A new building like the one proposed would change the tenor of the neighborhood, she said. She asked why it was that this area had been zoned Commercial-Business, and Commissioners Stagg and Wittman replied that when the Village was incorporated, the Commission laid out the Zoning as they thought was most appropriate. This was adopted by the Village Council and has not changed for this neighborhood since 1996. The Chalet Montesano had been on O.E. Pattison Loop and the St. Moritz Condominium building was being built, which were both Commercial uses.

TSVI's Peter Talty said that the look of the building will fit in with the multi-use purposes of the neighborhood. He said that TSVI will have control over its employees. There is no plan to sell this building to anyone else. Mr. Talty said that the Geo-technical work had already been completed. TSVI is also concerned with the look of the building, he said. Commission Chair Wittman said that the use of this building in future years would be difficult to predict.

Administrator Avila asked Director Nicholson about the encroachment of the road into the property, and Director Nicholson replied that this would be addressed when an application was received.

Discussion took place. Building Official Bowden reported that the P&Z Commission is the appeals court for decisions of the Building Official, and given that, the Commission should not be involved in the building permit process.

B. P&Z Commissioner training opportunity

Planning Director Nicholson distributed information on an upcoming NMML Zoning Officials' training occurring in Albuquerque in early May. Administrator Avila said that this is a budgetary item, but that training for Zoning Officials is a benefit. Commissioners could pay their own way, if they desire. A notice of potential quorum will be posted for this training.

C. The Commission shall elect one its members as a Chair person each year.

MOTION: To Elect Commissioner Tom Wittman as Chair of the P&Z Commission

Motion: Commissioner King Second: Commissioner Woodard Passed: 5-0
(Commissioner Wittman abstaining)

VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING: The next meeting of the Planning & Zoning Commission will take place on Monday, May 6, 2019 at 1:00 p.m. at the Edelweiss Lodge Club Room.

VIII. ADJOURNMENT

MOTION: To adjourn.

Motion: Commissioner King Second: Commissioner Woodard Passed: 6-0

The meeting adjourned at 2:15 p.m.

Tom Wittman, Chairperson

ATTEST: _____
Ann M. Wooldridge, Village Clerk