



AGENDA
December 4, 2013
Planning and Zoning Commission
Regular Meeting

Town Council Chambers - 120 Civic Plaza Drive
5:30 PM

1. CALL TO ORDER BY THE CHAIRMAN

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES

A. November 13, 2013 Meeting Minutes

6. CITIZENS FORUM

Citizens wishing to speak shall limit their comments to 5 minutes or less at the Chairman's discretion. No action may be taken.

7. MATTERS FROM STAFF

8. PUBLIC HEARINGS

A. Case No. PZ 2013-6

M-R-S, Inc., property owner, Hugh MacQueen, agent is requesting a lot split and conditional use permit within the HCPD "Highway Corridor Protection District" zone of the Town of Taos. The subject property is .812 acres, which is proposed to be split into a .250 acre lot with an existing residential house on it and a .562 acre lot with a commercial building on it. The lot is located at 114 Este Es Road. In the Town of Taos Code Section 16.16. 160.4 a conditional use permit is required to allow a residential house on land zoned HCPD.

B. Case No. PZ 2013-18

Del Norte Properties, LLC/Glen Michael Tarleton, property owner, Mark Yaravitz, agent is requesting a rezoning from C-2 "General Commercial" zone to R-14 "Multi-Family Residential" for property consisting of approximately 1.501 acres currently zoned both C-2 and R-14 at 402 Paseo del Pueblo Norte within a Historic District Overlay in the Town of Taos. The land area zoned currently C-2 is approximately .65 acres.

C. Case No. PZ 2013-20

Frederick W. Burns and Elizabeth Jane Burns, property owners, are requesting a side yard

setback variance from the required seven (7) feet to a three foot and 7 inches (3' 7") side yard setback on property located at 115 Roberts Lane. The property is located within the R-14 (Multi-Family Residential) zone of the Town of Taos.

D. Case No. PZ 2013-21

Ordinance No. 13-13: An Ordinance amending sections of the existing Land Use Development Code, Chapter 16, Town of Taos Code sections: 16.12.040.5: APPLICATION PROCEDURE, 16.12.040.9: DECISION OF THE ZONING AUTHORITY, DRC, COMMISSION, HISTORIC PRESERVATION COMMISSION OR CODE ADMINISTRATOR, 16.20.080.1: PLANNED UNIT DEVELOPMENT PRELIMINARY SCHEMATIC SITE DEVELOPMENT PLANS, 16.20.070.5: NOTICE, REGISTRATION, VIOLATIONS, COMPLAINTS, VARIANCES, APPEALS to provide an alternative to the requirements for certified mailing of certain notices required, to convert the preliminary public hearing on pending applications from the Planning and Zoning Commission to the Development Review Committee and to amend the existing Application procedure to require the review and processing of completed Applications only by the Town of Taos Planning Department.

E. Case No. PZ 2013-22

Ordinance No. 13-16: An Ordinance Adding as Permitted Principal Uses to the Town of Town Code Section 16.16.140 et seq. for the C-2 "General Commercial Zone" to allow certain agricultural uses.

F. Case No. PZ 2013-23

Ordinance No. 13-17: An Ordinance Adding as Permitted Principal Uses to the Town of Town Code Section 16.16.120 et seq. for the R-14 "Multi-Family Residential Zone" to Allow as Permitted Principal Uses Professional Office or Service, Specialty Retail Establishments, and Other Commercial Uses that are Compatible and Complementary in Scale and Appearance with the Residential Environment and Provide Business Services and Office Facilities to Residents of the Neighborhood.

G. Case No. PZ 2013-24

Susan Meikle, property owner and Alex Abeyta, agent, are requesting a variance for the minimum lot size of 7,000 square feet for a proposed lot split of a .22 acre lot into 2 lots of .11 acres each within the R-14 (Multi-Family Residential) zone of the Town of Taos. This proposed lot split would create two lots smaller than the minimum lot size of 7,000 square feet: one lot would be 4,776 square feet and other lot would be 4,790 square feet. The existing lot is lot 10 of the Vigil Subdivision on Vigil Street in the Town of Taos.

9. MATTERS FROM THE PLANNING AND ZONING COMMISSION

10. ADJOURNMENT

- *To request details on an agenda item please contact the Dinah Gonzales, Taos New Mexico, 87571 (575) 751-2016.*
- *If you are an individual with a disability who is in need of aid or service to attend and/or participate in a meeting of the Town of Taos Council, please contact the office of the Town Clerk at 400 Camino de la Placita, Taos New Mexico, 87571 (575) 751-2005 at least 24 hours in advance.*
- *For copies of this agenda please pick-up at Town Hall.*



December 4, 2013

Title:

November 13, 2013 Meeting Minutes

Summary:

Background:

Attachments:

Click to download

📎 [November 13, 2013 P & Z Commission Meeting Minutes](#)



**MINUTES
November 13 2013
Planning and Zoning Commission
Regular Meeting**

**Town Council Chambers - 120 Civic Plaza Drive
5:30 PM**

- 1. CALL TO ORDER BY THE CHAIRMAN**
- 2. ROLL CALL**

Ms. Martha Perkins, Planning, Zoning and Buildings Director, called roll and a quorum was present.

Those present were:

Justin Lea
Dennis Garcia
Douglas Patterson
Pavel Lukes
Anthony Perez

Those Absent/Excused were:

Billy Romero
Eddie Lucero

Also present were:

Planning, Zoning and Buildings Director, Martha Perkins
Town Attorney, C. Brian James

- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**

Commissioners amended the Agenda Item 8 Public Hearing to change the number of A Case No. PZ 2013-16 to Case No. PZ 2013-06 and Item 8 Public Hearings to change the number of B Case No. PZ 2013-18 to Case No. PZ 2013-16 to match the staff reports.

Commissioner Garcia made a motion to approve the Agenda as amended.

Commissioner Lea seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson, Lukes & Perez.

5. APPROVAL OF MINUTES

A. June 05, 2013 Meeting Minutes

Commissioner Garcia made one correction to Item 4 Approval of Minutes A June 05, 2013 Meeting Minutes, Commissioner Garcia made a motion to approve the minutes from the May 01, 2013 Planning and Zoning Commission Meeting.

Commissioner Lukes made a motion to approve the Meeting Minutes from the June 05, 2013 Planning and Zoning Commission Meeting as amended.

Commissioner Garcia seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson, Lukes & Perez

B. July 03, 2013 Meeting Minutes

Commissioner Garcia made a correction to the July 03, 2013 Planning and Zoning Commission Meeting to add Chairman Patterson to Item 4 Approval of Agenda. It should read, Those voting AYE were the Commissioners: Lea, Garcia, Lukes & Patterson.

Commissioner Lukes made a motion to approve the Meeting Minutes from the July 03, 2013 Planning and Zoning Commission Meeting as amended.

Commissioner Lea seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson, Lukes & Perez

C. September 04, 2013 Meeting Minutes

Commissioner Garcia made a correction to Item 8 Matters from the Planning and Zoning Commission A Discussion on possible amendments to the C-1 "Neighborhood Commercial Zone" and C-2 "General Commercial Zone" for agricultural uses. The description was duplicated. He would like to strike one.

Commissioner Lukes made a motion to approve the Meeting Minutes from the September 04, 2013 Planning and Zoning Commission Meeting.

Commissioner Lea seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson, Lukes & Perez

D. October 02, 2013 Meeting Minutes

Commissioners amended Item 5 D October 02, 2013 Meeting Minutes to read October 02, 2013 Meeting Record since there was no quorum and the Commissioners that were present had discussions on the items on the agenda.

Commissioner Lukes made a motion to approve the Meeting Record from the October 02, 2013 Planning and Zoning Commission Meeting.

Chairman Patterson seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Patterson & Lukes.

Those abstaining were: Commissioners: Lea, Garcia & Perez.

6. CITIZENS FORUM

Chairman Patterson opened the Citizens Forum. **No one came forward.**

Citizens wishing to speak shall limit their comments to 5 minutes or less at the Chairman's discretion. No action may be taken.

7. MATTERS FROM STAFF

Town of Taos Attorney, Brian James, informed the Commission that at the Council Meeting the night before, November 12, 2013, the Mayor and Council asked that those Members of the Commission whose term is expiring in December to advise the Mayor if they wish to continue after December. Mr. James also stated any Commissioner who is on overtime if they wish to continue on overtime or would like to be replaced to express their wishes to the Mayor.

Commissioner Lukes ask Mr. James if he had the names of the Commissioners that are expiring.

Mr. James stated he thought Commissioner Lea and Commissioner Patterson terms were expiring. He thought Commissioner Perez is on overtime. Mr. James stated if he forgot a Commissioner he would send an email to them. He thought there were three and one but it could have been three all together.

8. PUBLIC HEARINGS

A. Case No. PZ 2013-06

M-R-S, Inc., property owner, Hugh MacQueen, agent is requesting a lot split and conditional use permit within the HCPD "Highway Corridor Protection District" zone of the Town of Taos. The subject property is .812 acres, which is proposed to be split into a .250 acre lot with an existing residential house on it and a .562 acre lot with a commercial building on it. The lot is located at 114 Este Es Road. In the Town of Taos Code Section 16.16. 160.4 a conditional use permit is required to allow a residential house on land zoned HCPD.

Hugh MacQueen gave a presentation on Case No. PZ 2013-06.

Commissioner Garcia stated he had a few questions. The questions were:

1. In reference to the well sharing agreement, does the agreement indicate there it would still be enforced with the lot split and the sharing of the well?

Mr. MacQueen stated it does.

2. Question directed to staff, in reference to the how the Highway Corridor Protection District Zone works, the guidelines indicate that there will be no visual appearance of the home occupation on the lot, the request has a home occupation that shall involve the primary sale of goods and services. How is that monitored by the Town if this is approved?

Ms. Martha Perkins stated she believed the applicants request is for a lot split which she can do administratively but she cannot allow the primary use of one of these lots to be residential in this zone so they decided the applicant needed to come before the Planning and Zoning Commission to ask for a special use permit which would allow this lot split and allow this residential home to be the primary use on the lot rather than a business. Ms. Perkins stated you cannot do a lot split without the special use permit being approved.

Chairman Patterson stated the Conditional Use Permit stays with the property.

Commissioner Perez asked if the property was Town limits or County limits when the home was placed on the property.

Mr. MacQueen stated he thought at the time it was the Town.

Commissioner Lukes stated Extra Territorial.

Ms. Perkins stated she would like the staff report to become part of the record. She also stated she had a typo underneath the subject, she has made that change.

The Staff Report was amended to state Conditional Use Application.

Chairman Patterson opened the public hearing. **No one came forward.**

After closing the public hearing, Chairman Patterson asked for questions from the Commission. There were not further questions.

Commissioner Lukes made a motion to approve (Preliminary) Case No. PZ 2013-06 based on the findings of facts and staff report to issue a Conditional Use Permit for residential use on that lot split.

Commissioner Perez seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson, Lukes & Perez

B. Case No. PZ 2013-16

Del Norte Properties, LLC/Glen Michael Tarleton, property owner, Mark Yaravitz, agent is requesting a rezoning from C-2 "General Commercial" zone to R-14 "Multi-Family Residential" for property consisting of approximately 1.501 acres currently zoned both C-2 and R-14 at 402 Paseo del Pueblo Norte within a Historic District Overlay in the Town of Taos. The land area zoned currently C-2 is approximately .65 acres.

Chairman Patterson asked the Commission if they had any potential conflict of interest.

Commissioner Garcia stated there was a possible conflict of interest. Commissioner Garcia recused himself from the case.

Town of Taos Attorney stated the Town Attorneys office would also appreciate the Chairman asking a question regarding ex parte communication.

Chairman Patterson asked if any members of the Commission had any conflict of interest or ex parte communication with the applicant.

The Commissioners had none.

Mark Yaravitz gave a presentation on Case No. PZ 2013-16.

Chairman Patterson asked if they were also approving a Conditional Use.

Ms. Martha Perkins stated the applicant asked for a Conditional Use but she actually did not see it when she was reviewing it. Ms. Perkins stated she was asking for re-zoning and to grandfather in the existing uses that are commercial uses on to that property. Ms. Perkins stated the Commission might have a different stance on the ability to grandfather these uses.

Chairman Patterson asked Town of Taos Attorney Brian James if this case was noticed only as a zone change (in the application binder there is an application for a Conditional Use and a Zone change) can the Commission rule on a zone change and a conditional use in this public hearing.

Mr. James asked if this was the first or second hearing.

Ms. Perkins stated it was the preliminary hearing.

Mr. James stated yes.

Mr. Yaravitz continued with his presentation.

Chairman Patterson stated the Commission would like the applicant to finish his presentation and stated the Commission was going to make two decisions, whether to approve or deny a zone change and whether to approve or deny a Conditional Use Permit. Chairman Patterson instructed Mr. Yaravitz to keep the presentation limited to those two items.

Chairman Patterson opened the public hearing. **No one came forward.**

After closing the public hearing, Chairman Patterson asked for questions from the Commission.

Commissioner Lukes stated he was in support of any sound projects taking place in Taos as long as the applicant complies with all that is required.

Commissioners had a discussion on what is allowed in the C2 "General Commercial" Zone.

Commissioner Lukes made a motion to approve Case No. PZ 2013-16 based on findings of facts and staff report to approve the zoning change to R-14.

Commissioner Lea seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Patterson, Lukes & Perez

Commissioner Garcia abstained. Commissioner Lucero who is now in attendance abstained as he came in late for the discussion.

Commissioner Lukes made a motion to approve Case No. PZ 2013-16 based on findings of facts and staff report to grant the applicant Conditional Use Permit.

Commissioner Perez seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Patterson, Lukes & Perez

Commissioners Garcia and Lucero abstained.

Commissioners had a brief discussion on the site plan review. The applicant must submit a new application for a site plan and bring to the Planning and Zoning Commission for a preliminary public hearing and then for a final public hearing.

C. Case No. PZ 2013-21

Ordinance No. 13-13: An Ordinance amending sections of the existing Land Use Development Code, Chapter 16, Town of Taos Code sections: 16.12.040.5:APPLICATION PROCEDURE, 16.12.040.9: DECISION OF THE ZONING AUTHORITY, DRC, COMMISSION, HISTORIC PRESERVATION COMMISSION OR CODE ADMINISTRATOR, 16.20.080.1: PLANNED UNIT DEVELOPMENT PRELIMINARY SCHEMATIC SITE DEVELOPMENT PLANS, 16.20.070.5: NOTICE, REGISTRATION, VIOLATIONS, COMPLAINTS, VARIANCES, APPEALS to provide

an alternative to the requirements for certified mailing of certain notices required, to convert the preliminary public hearing on pending applications from the Planning and Zoning Commission to the Development Review Committee and to amend the existing Application procedure to require the review and processing of completed Applications only by the Town of Taos Planning Department.

Ms. Martha Perkins gave a presentation on this Preliminary Public Hearing Case No. PZ 2013-21.

Ms. Perkins stated she would like the staff report to become part of the record.

Commissioners had a discussion on Case No. PZ 2013-21 Ordinance No. 13-13.

Commissioner Lukes made a motion to approve Case No. PZ 2013-21 and move it to the final hearing at the next regularly scheduled Planning and Zoning Commission Meeting on December 04, 2013.

Commissioner Perez seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson, Lukes, Perez & Lucero.

D. Case No. PZ 2013-22

Ordinance No. 13-16: An Ordinance Adding as Permitted Principal Uses to the Town of Town Code Section 16.16.140 et seq. for the C-2 "General Commercial Zone" to allow certain agricultural uses.

Ms. Martha Perkins gave a presentation on Case No. PZ 2013-22, Preliminary Hearing.

Commissioners had a discussion on Case No. 2013-22 Ordinance No. 13-16.

Commissioners Concerns were:

- Would like to make it easier for the applicants.
- What issues the Town Attorney has seen in his experience in other places.
- Would like to see staffs recommendations, what are the issues, what staff prefers.
- Are there any communities they can model after.

Chairman Patterson opened the public hearing.

Community Members that came forward to speak were:
Micah Roseberry

Commissioner Lea made a motion to move Case No. PZ 2013-22 to a final hearing as is to the next regularly scheduled Planning and Zoning Commission Meeting on December 04, 2013.

Commissioner Lukes seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson & Lukes

Those voting No were: Commissioners: Perez, Lucero

E. Case No. PZ 2013-23

Ordinance No. 13-17: An Ordinance Adding as Permitted Principal Uses to the Town of Town Code Section 16.16.120 et seq. for the R-14 "Multi-Family Residential Zone" to Allow as

Permitted Principal Uses Professional Office or Service, Specialty Retail Establishments, and Other Commercial Uses that are Compatible and Complementary in Scale and Appearance with the Residential Environment and Provide Business Services and Office Facilities to Residents of the Neighborhood.

Ms. Perkins gave a presentation on Case No. PZ 2013-23, Preliminary Hearing.

Commissioners had a discussion on Case No. PZ 2013-23.

Commissioner Lukes made a motion to approve Case No. PZ 2013-23 and move it to the final public hearing at the next regularly scheduled Planning and Zoning Meeting on December 04, 2013 based on findings of facts and staff report.

Commissioner Perez seconded the motion. The motion was Passed. Those voting AYE were the Commissioners: Lea, Garcia, Patterson, Lukes, Perez & Lucero.

9. MATTERS FROM THE PLANNING AND ZONING COMMITTEE

Commissioner Lukes asked Ms. Martha Perkins (hypothetically speaking) if he were to annex land that includes a mobile home park what zoning would he go for.

Ms. Perkins stated R-14 might work. she has some other ideas but she thinks they need a code change.

10. ADJOURNMENT

A motion was made by Commissioner Lukes to adjourn the meeting. The motion carried unanimously and the meeting adjourned.

APPROVED:

Chairperson

PLEASE NOTE: The Town of Taos video records all meetings of the Planning and Zoning Commission. Copies of DVDs are available upon request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00 per recording. Additionally, video recordings can be viewed at www.mediataos.org. You may also view agendas, agenda packets, and minutes at <http://public.taosgov.com/>.



December 4, 2013

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Summary:

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No Attachments Available



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Summary:

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