



Village of Corrales

Planning & Zoning Department
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PLANNING AND ZONING COMMISSION

Date of Meeting: Wednesday, Feb. 21, 2024, 6:30 PM

Location of Meeting: Council Chambers in-person, or via zoom teleconference

MEETING MINUTES

I. CALL TO ORDER

II. ROLL CALL

Present: Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall, Heather Balas. (A quorum was present)

III. APPROVAL OF AGENDA

Move to approve: Heather Balas, Second: Jerry Stermer. Vote, Yes: Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall, Heather Balas. (unanimous)

IV. APPROVAL OF MINUTES

Jan. 17, 2024 Meeting Minutes

Move to approve: Melissa Morris, Second: Elizabeth Marshall. Vote, Yes: Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall, Heather Balas. (unanimous)

V. CORRALEÑOS PUBLIC FORUM (Comment on items not otherwise on Agenda – 3- Minute limit) None

VI. PUBLIC HEARING ITEMS

Chair Black: Outlined presentation procedure.

Request for an extension of time to submit a Final Plat. Preliminary Plat SUB 23-03 was approved by the Commission in February of 2023. This will ultimately create Lots 1-6 of Novo Farm Subdivision. (An existing home on the property has a site address of 340 Pueblito Road.) A condition of approval was that the private roadway be constructed prior to submittal of Final Plat. Preliminary Plats normally expire after one year. Applicants **Community Sciences Corporation** are requesting a 12-month extension to submit Final Plat per **Village Code Section 18-86 (g) (1-4)**.

Planning and Zoning Administrator Stout (PZA): This is a request to extend the time period to submit a Final Plat by another 12 months. (Explained the applicants need more time to construct the road, and that the extension is allowed by Corrales Code. Explained the requirements for the Commission to grant an extension. Requested a condition that the private roadway be completed, with certified as-built

47 provided to the Village, before the extension expires, if extension is granted. All should be done 40 days
48 before the February 19, 2025 Planning and Zoning Commission.)

49 **Tom Patrick Community Sciences Corporation, 4481 Corrales Road (applicant's agent, sworn):**
50 We're here to ask for a one-year extension. (Explained there have been delays in construction. Wanted to
51 reassure the Commissioners that the construction plans are in place, along with a signed contract for
52 construction with Custom Grading by the applicants Gamma Development and Beta Investments.)
53 Custom Grading expects to begin construction within several weeks, and Community Sciences is ready to
54 do the construction staking.

55 **Chair Black:** Any public comment on this item? Seeing none, we'll close public comment.

56 **Commissioner Stermer:** There's no public harm that we can anticipate happening which would be
57 consistent with approval. I would move that we approve the request to extend the time period for SUB 23-
58 03, the Novo Farm subdivision preliminary plat, that extension of time would provide the applicant
59 opportunity to construct this private roadway and provide a certified as-built as was requested a year ago.

60 **Chair Black:** Could I ask for a date of January 9th as the date for all items to be completed? That gives as
61 recommended by staff the 40-day window.

62 **Commissioner Stermer:** (agreed to amendment of his motion.)
63

64 **Move to approve extension of time for SUB 23-03, finding request compliant with Code Section 18-**
65 **86 (g) (1-4):** Jerry Stermer, **Second:** Mary Chappelle. (as amended by Chair Black to provide a date
66 certain of January 9th, 2025 for all items (road w/certified as-built/Final Plat submittal.) **Vote, Yes:**
67 Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob Black, Elizabeth Marshall, Heather
68 Balas. **(unanimous)**
69

70 **ZMA 24-01. (Zone Map Amendment)** Applicant **Joan Lewis, 5093 Corrales Rd** requests **Zone Map**
71 **Amendment** approval for **5093 Corrales Road** (Lands of Adela W. C de Baca subdivision, Tract 2A). This
72 property is located within the Corrales Road Commercial Area, and she is requesting it be rezoned
73 **Commercial**. This 1.027-acre property is currently zoned *A-1 Agricultural and Rural Residential* and
74 contains a residence. While future plans include short-term rentals, restaurant, and a residence, those uses
75 will **not** be approved at this hearing. This approval, if granted, would only be for zoning change from
76 residential to commercial. (Also requires subsequent approval by Village Council.)
77

78 **PZA Stout:** Ms. Lewis owns 5093 Corrales Road which is located on the southwest corner of Old Church
79 Road and Corrales Rd. That lot is the northernmost lot eligible for commercial zoning west of Corrales
80 Road. She also owns the lot to the immediate south (of the subject lot) that is already zoned commercial
81 and is approved for 4 professional offices. (Explained relevant sections of the Comprehensive Plan as it
82 relates to commercial uses and the zone change. Noted this application is only a zone change request (a
83 Site Development Plan is not included). Asked applicant to provide an aerial photo showing potential
84 future uses for property to be addressed with site development plan submittal. Noted if the Commission
85 approves the zone change it will be forwarded to Council for approval. No *uses* will change now.)

86 **Joan Lewis, 5093 Corrales Rd (applicant, sworn):** We are currently looking at just changing it from
87 residential to commercial. At some point we'll have to determine based on expert opinion from the
88 architect who we've recently acquired (to determine) what is the best use of the lot. We don't have
89 anything definite right now in mind. We're just trying to get the commercial zoning so that we can then
90 proceed. And that will be a later Site Development Plan.

91 **Chair Black:** Any questions from the Commission at this point? Moving to public comment.

92 **Paul Matthew, 5094 Corrales Rd. (public commenter, sworn):** (Concerned that while commercial
93 zoning was good planning in the past it may not be today. Stated a lot of surrounding neighbors are
94 concerned about property to the south of the subject property as it does not meet ADA, commercial
95 building codes, or fire codes. Would like neighbors to understand what is going to happen with both
96 properties prior to approval of commercial zoning.)

97 **Chair Black:** Any other public comments? Seeing none, we'll close public comment.

98 **Commissioner Stermer:** I'm confused a reference we heard to a previous property.
99 **PZA Stout:** The approval for the adjacent property to the south (5065 Corrales Rd.) was for a 4-office
100 complex and it was approved with conditions. Those were to show (on the site plan) all setbacks from the
101 structure, show employee parking in the rear with parking and driveway dimensions and surface
102 treatment, and remove a reference to "City of" Corrales regulations. I went on to state in a letter to the
103 applicant back then, that "the Village is now in possession of this revised drawing sent by your architect
104 today. The conditions stated by the Commission have been met and you are free to pursue construction
105 permits for the project." Subsequently, a deck was built over the top of the ADA parking, blocking the
106 space, and I have spoken to the applicants and their new architect about that. Those issues will have to be
107 addressed on the adjacent property before any new uses are approved there.
108 **Chair Black:** Do you have a timeline on that application?
109 **PZA Stout:** Approved by this Commission on August 21st, 2019 for a 4-office complex, first floor.
110 **Commissioner Stermer:** So, this is 5065 Corrales Road you're talking about, what the gentleman was
111 referring to with his comments.
112 **PZA Stout:** Yes. The property you're looking at tonight only contains a three-bedroom residence. If the
113 zone change occurs tonight with this Commission, and is subsequently approved by Council, before
114 anything else could happen on subject lot, you would have to see a site development plan.
115 **Commissioner Stermer:** 5065 is now commercially zoned, but not used as a business?
116 **PZA Stout:** I would have the applicant answer that. I've seen "for lease" signs, but I have not seen cars
117 parked there.
118 **Trish Dawson, 1 Dona Marta Ct. (applicant, sworn):** I'm her attorney. When she originally purchased
119 the property, the zoning was such that she could have used the 350 feet in front for commercial and the
120 back for residential. After she purchased the property, the zoning laws changed in Corrales, she was no
121 longer able to build a separate (home) in the back. The front building's an office. She opened a clinic
122 there, she's a doctor, and what happened was it was the month of all the COVID restrictions. So right
123 now, there is one tenant in the building and we hope to have more. But with all the things that have
124 happened, we have had to go with whatever's happening in the world.
125 **Chair Black:** Just to clarify, you're talking about 5065 Corrales Rd.?
126 **Dawson:** Right.
127 **Commissioner Stermer:** And just so I'm clear on this. The is the (site) where the driveway doesn't
128 provide enough width for turnaround and fire access.
129 **Dawson:** Well, actually the fire department did approve a turn around and did approve us using it to get
130 our commercial there. What we would like to know, if it's in accordance with NMDOT and the Village,
131 what we'd like to do because she bought the second property—the first property is only 70 feet wide.
132 What we'd like to do if it meets standards, is put a large ingress/egress 24 feet wide between the two
133 properties, so we don't even have that issue.
134 **Commissioner Stermer:** Now both properties are owned by the same person?
135 **Dawson:** They are both owned by Dr. Lewis.
136 **Commissioner Stermer:** If they were both commercial, some other proposal would come before us?
137 **Dawson:** Yes, we would like to do something commercial with this lot and 5093.
138 **Commissioner Stermer:** And likely with (wider) access.
139 **Dawson:** Yes, so we only have one (entrance/exit) off Corrales Road as opposed to two now.
140 **Commissioner Harper:** I don't really understand the reference to Village of Corrales ordinances that
141 have changed. Because my recollection is the site development plan presented for 5065 showed a
142 driveway on the north side of between the building on 5065 and the north property line. And the width of
143 that driveway was inadequate to provide (access) but the ordinances have been in place for a long time,
144 requiring that this driveway be a minimum of 20 feet wide. That's so two cars can pass one another, one
145 as large as an emergency vehicle, and nothing would prevent anyone from using a commercially zoned
146 property for residential uses. Am I correct about that?
147 **Dawson:** Right.

148 **Commissioner Harper:** OK, so there's been no changes in the ordinances that prevent further
149 development of 5065. It's merely a decision not to trim down the size of the building to provide adequate
150 driveway width. Now I see where you're going, about having these two adjacent properties and maybe
151 even combining the two properties into a single one down the road.

152 **Dawson:** Correct.

153 **Commissioner Harper:** These shaded areas on the color photograph are proposed future uses, right?

154 **Dawson:** Proposed.

155 **Commissioner Harper:** (Asked if short-term living units existed yet.)

156 **Dawson:** No.

157 **Commissioner Harper:** (Expressed concern that the drawing did not show adjoining properties and the
158 structures on them.)

159 **PZA Stout:** (Stated future site development plan(s) will require showing any adjacent properties).

160 **Commissioner Stermer, PZA Stout, Commissioner Marshall:** (discussion about which properties
161 surround the subject site are commercial or residential. PZA Stout noted that the subject property is the
162 last property on the west side of Corrales Road that is in the Corrales Road commercial district. PZA
163 Stout noted some commercial properties were in existence in the area prior to Village incorporation.)

164 **Commissioner Stermer:** 5093 is not currently commercial?

165 **PZA Stout:** (Explained that properties in the commercial district were not automatically made
166 commercial, they had to apply for it, and default is residential.)

167 **Chair Black:** (to applicant) I would caution you to think about (your plans) going forward. I don't know
168 how the vote will go today, but you have a lot of really intense uses that you've described. Restaurants,
169 stores—those sorts of commercial uses in a very limited space would have to get approval from this
170 Commission and the Village. I caution you to think about that if there is an approval today. The
171 Commission would look very carefully as to what those uses are. And that's because there is such a
172 concern about the impact on a small space and the access in and out of Corrales Road.

173 **Commissioner Morris:** (The summary states) the access for 5093 is on Corrales Road. The summary
174 also says there's no driveway access off old Church Road.

175 **Chair Black, Commissioner Morris:** (discussed access to subject property and property to the south.)

176 **Commissioner Morris:** They both currently each have access off Corrales Road.

177 **Chair Black:** That is my understanding. That is testimony.

178 **Commissioner Balas:** Given that the Commission will have the authority to review a Site Development
179 Plan, and that we have stated our intention to review that site plan with care and our desire for the
180 applicant to be cautious in their future application to us in terms of egress and need for fire lane, and that
181 it is within the Village-approved commercial area and thus eligible for rezone, I move approval of the
182 rezoning application ZMA 24-01.

183 Public commenter (on zoom testified after motion to approve), Manuel C de Baca interrupted proceedings
184 to ask to make comments. It was decided to let him comment as the motion and second had been made.

185 The motion was tabled and the public commenter was allowed to speak.

186 **Manuel C de Baca, 1186 Old Church Rd. (public commenter, sworn):** (Concerned that 5065 Corrales
187 Rd.) on the state record indicates the property is residential. Stated that along the southern part of 5093,
188 there's a ditch 10-foot ditch easement that runs all along that property dividing the two lots.)

189 **Commissioner Balas:** (asked for confirmation that 5065 Corrales Rd. was zoned commercial.)

190 **PZA Stout:** (Confirmed commercial zoning. Had recently found minutes from 2004 where rezoning had
191 been approved there.)

192 **Chair Black, Commissioner Morris, Commissioner Harper:** (Discussion about commercial versus
193 residential properties south of subject site.)

194
195 **Move to approve ZMA 24-01, finding it compliant with Code Section 18-48 (b) (1-8):** Heather Balas,
196 **Second:** Melissa Morris. **Vote, Yes:** Mary Chappelle, Mick Harper, Melissa Morris, Jerry Stermer, Rob
197 **Black, Elizabeth Marshall, Heather Balas. (unanimous)**

198 **Chair Black:** You have approval; it can be appealed in the next 20 days.

199
200 **ZOC 24-02. (Home Occupation).** Applicant **John Young** of 411 Mockingbird Lane, Corrales, is requesting
201 **Home Occupation** permit approval to operate a supper club on land located at **4569 Corrales Road** and
202 occupied by Mary/Pat Young. His business is called "**Sandia Mountain Sauce Company**". He would like to
203 host up to 20 customers in an existing structure on site, one day a week, between 7pm – 9pm, April through
204 October. A portion of this property is zoned *C – Commercial* and a greater portion *A-1 Agricultural and*
205 *Rural Residential*. Most of the business activity will take place on the residentially zoned area.
206 **PZA Stout:** This is an application for a home occupation for a supper club on property owned by the
207 applicant's mother. (Asked applicant if that was correct.)
208 **John Young, 411 Mockingbird Ln. (applicant, sworn):** Yes.
209 **PZA Stout:** She has given permission in writing. (PZA explained the uses proposed on the lot. Stated that
210 the driveway and up to just past the west end of the driveway are zoned Commercial but the area where
211 the use will take place is zoned A-1, hence the home occupation application. Noted that the parking for
212 the business use will occur on the portion of the lot with commercial zoning. Only a small office space in
213 the home is going to be used for this home occupation. The area where customers will dine is noted as a
214 300 square foot accessory structure next to the greenhouse. (She noted that that structure is going to need
215 a building permit.) Food will be prepared in the yellow food truck that is shown in a photo provided by
216 the applicant. The food truck is stored at a separate location. The applicant attests there are no plans for
217 live or loud music in association with the Supper Club. There is a porta potty on site but under Village
218 Code can't be the business restroom. The applicant has stated via e-mail that guests would be allowed into
219 his mother's home for restroom facilities. He's noting the number of expected customers as between 11
220 and 20, the dinners will take place one day a week from 7pm to 9pm April through October.) I did go to
221 the site, there appears to be ample parking. This application as presented is substantially compliant with
222 Village Code section 18-45 (c) which governs home occupations approved by this Commission.
223 **Chair Black:** As I look at the red outlined map and then the applicants map, where they are marked with
224 crosshairs is where the location of where dining would take place? Does that building exist?
225 **PZA Stout:** It's partially built and it's going to need a building permit to be completed, but it's just north
226 of the greenhouse on site.
227 **Young:** (Stated the goal was a farm to table operation.) It will be served directly out of a certified food
228 truck that is licensed and insured. There is insurance on the property as well. (Noted guests would not be
229 on the property more than once a week, but there are likely to be several weeks during the season when
230 nothing happens due to other business commitments. Stated customers are contacted through Facebook
231 with a menu and a limited number of people are allowed to sign up for the events. Noted the activity
232 would be similar to catering an event at a private house in Corrales, except the location would not change.
233 Applicant stated that he is also trying to create a commissary kitchen in the Village for local agriculture,
234 canning, and food production.)
235 **Commissioner Harper:** It seems like quite a distance from the parking to the dining area here. Do you
236 aim to meet your diners with a golf cart or something and run them back there? Or do you make a stroll
237 through the farm part of the experience?
238 **Young:** It's an all-inclusive experience, the parking is up front. I make everybody aware that this is a
239 farm, there's a clear pathway to get back to the dining area. But you have to walk.
240 **Commissioner Chappelle:** So, you've already actually started doing this?
241 **Young:** I've done a few of them, experimental, yes.
242 **Commissioner Chappelle:** And there's a picture with what looks like, say, a temporary enclosure.
243 **Young:** Yes. That is a tent.
244 **Commissioner Chappelle:** But you're going to change that to a permanent building?
245 **Young:** It just depends on what the building permit is going to require. If we need to stick to a tent we
246 will. The temporary structure I had started doing is pallet walls on a frame and then a tarp would go on
247 top of that. But if that's not going to work, we'll just go back to a tent. I just like being able to have the
248 weight on there. We get wind.

249 **Commissioner Chappelle:** When you did (dinners) before, did you receive any complaints from
250 neighbors?
251 **Young:** No, ma'am. Nobody even knew we were doing it.
252 **Commissioner Morris:** (Had a question about the location of the residence.)
253 **Young:** (Showed location on drawing.) The red outlined property is the one in question. Where it gets
254 really skinny, that's on the Corrales Road side, the driveway, then it widens out. The first building on that
255 property is my mother's residence. The second building plainly there is the greenhouse. (Explained
256 location of buildings and uses on surrounding properties, many commercial.)
257 **Commissioner Morris:** Staff, there's no requirement that the (dining area) have its own bathroom?
258 **PZA Stout:** That's probably up to the Department of Health. I think they're going to want some type of
259 hand washing and restroom facilities. I've owned restaurants and they had bathrooms inside them. I don't
260 know in this situation what the health department would ask for.
261 **Chair Black, Commissioner Morris and applicant:** (Discussion about where the dining will take place
262 and where the restroom is.)
263 **John Young:** There's a bathroom at the back side of the residence separate from her restroom.
264 **Commissioner Morris:** (Questioned if there were any Village ordinances related to restrooms in
265 restaurants.)
266 **Commissioner Harper:** Not that we enforce.
267 **Young:** If we were doing a farm dinner at Wagner's farm, they would have to walk somewhere too.
268 **Commissioner Harper:** If we approve this home occupation application—the use of this property for this
269 purpose will not commence until you have what, exactly?
270 **PZA Stout:** Our in-house building official will issue a certificate of occupancy at the end of the building
271 permitting process. Fire inspection, then the business license.
272 **Commissioner Harper:** So, if we formulate a motion, we should make it a conditional motion
273 referencing the future approval.
274 **Commissioner Marshall:** What hours are you planning on operating?
275 **Young:** 7 till 9 (pm), I think is what I put on the letter, no later than 9pm.
276 **Chair Black:** Is there someone online who would like to provide public comment? I see a hand raised.
277 **Kathy Newman, 4543 Corrales Rd. (public commenter, sworn):** (Asked where the food truck would
278 be parked and how it would get there.)
279 **Chair Black:** So, ma'am, during public comment, we don't have a back and forth.
280 **Newman:** OK. The other comment I have is if the people coming to the supper club enter from Corrales
281 Road and not from the ditch. That's our concern.
282 **Chair Black:** Any questions that the Commissioners would like to ask or discuss? If the applicant could
283 please come up, I do want to follow up. I think the public comment raised a couple of interesting issues.
284 **Young:** All customers will come in from Corrales Road only, and I can work with my neighbors so they
285 are assured that our back gate at that property can be locked at the time. The food truck will enter from
286 Corrales Road. I don't know if you can see on that map specifically, but there is a way that I can enter
287 from Corrales Road, drive alongside the residence, get all the way back to the area where the dining will
288 occur. And then whenever the dining experience is done, it will leave.
289 **Chair Black:** Where would the truck be parked?
290 **Young:** On the east side of that greenhouse is where I will be parking.
291 **Chair Black:** So kind of between the greenhouse and that other structure.
292 **Young:** Yes.
293 **Commissioner Stermer:** I'm going to recuse myself. (has attended one of the dinners.)
294 **Commissioner Chappelle:** I'd like to note it's my understanding that vehicles are not allowed on the
295 ditch anyway by MRGCD. So unless that's your only ingress and egress to the property, your customers
296 shouldn't be on there.
297 **Young:** Explained he believes the neighbor is concerned about pedestrians and bicycles.
298 **Commissioner Morris:** I move that we approve ZOC 24-02, it appears that the use of the dwelling unit
299 for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. Not

300 more than 25% of the floor area and not more than 2000 square feet in an accessory building shall be
301 used. That no more than one person other than residents of the premises, shall be engaged in all home
302 occupations at any one time on the premises in A-1 zoned lots. No equipment or process should be used
303 which creates noise, vibration, glare, fumes, noxious odors, or other nuisances. And that there are no
304 plans for music or any for live or loud music.

305
306 **Move to approve:** Melissa Morris, **Second:** Heather Balas. **Vote, Yes:** Mary Chappelle, Mick Harper,
307 Melissa Morris, Rob Black, Elizabeth Marshall, Heather Balas. (unanimous) (Jerry Stermer recused.)
308

309 **Chair Black:** All right, Sir. You have your approval. It can be appealed within 20 days. Laurie will
310 follow up with you with next steps.

311 **Commissioner Morris:** (Made a suggestion that applicants put compass directions on their maps.)
312

313 VIII. OTHER BUSINESS

314 Commission discussion regarding potential recommendations to Council related to Code 315 Section 18-166, *Terrains and Stormwater Management*.

316
317
318 **PZA Stout:** (Introduced the subject and read portions of the text below and discussed proposed revision.
319 The goal of the amendment is to clarify the variance allowances, and what specifically can be applied for.
320 The revisions do not change policy, merely clarify the interpretation. **Section 18-164 (c) (2) (c).**)

321 **Note:** The Following is the Section of Code under consideration. (numbers in paragraph in italics and
322 parentheses are not part of code but supplied for purposes of clarity) and subject sentences underlined.
323

324 c. Natural slopes greater than fifteen percent (15%) shall remain undisturbed. *(1) A variance may be*
325 *granted, upon application, for isolated occurrences such as arroyo crossings and other limited areas with a*
326 *natural slope greater than fifteen percent (15%), where the disturbance does not exceed one thousand*
327 *(1,000) square feet in total. (2) If the applicant demonstrates to the satisfaction of the Village that strict*
328 *enforcement of this provision would prohibit access to the lot or placement of utilities, the Commission*
329 *may grant a variance from the terms of this Subsection 18-164 (c) (2) (c).* The Commission may seek the
330 advice of the Village Engineer in considering a request for variance under this subsection but shall not be
331 bound or limited by such advice. *(3) This variance provision shall apply solely to the construction of*
332 *streets, roadways, driveways, drainage ways, and utility placement and is not intended to permit*
333 *development on natural slopes exceeding fifteen percent (15%).*
334

335 **PZA Stout:** It now appears an applicant can ask for *any* amount of slope over 15% rather than the limit of
336 1,000 square feet that was intended. This was challenged a few years ago, by someone who was
337 requesting more than 14-thousand square feet of slope over 15%. By rearranging the sentences, it fixes
338 the problem.
339

340 c. Natural slopes greater than 15% shall remain undisturbed.

341 (Then new section):

342 d. *(1) If the applicant demonstrates to the satisfaction of the Village that the strict enforcement of this*
343 *provision would prohibit access to the lot or placement of utilities, the Commission may grant a variance*
344 *from the terms of this subsection 18-164 (2) (c).*

345 *(2) A variance may be granted, upon application, for isolated occurrences such as arroyo crossings, and*
346 *other limited areas with a natural slope greater than 15% where the disturbance does not exceed 1,000*
347 *square feet in total. The Commission may seek the advice of the Village Engineer in considering a*
348 *request for variance under this subsection, but shall not be bound or limited by such advice. (3) This*
349 *variance provision shall apply solely to the construction of streets, roadways, driveways, drainage ways,*

350 and utility placement and is not intended to permit development on natural slopes exceeding fifteen
351 percent (15%).
352 Remainder of the amended section would be renumbered.
353

354 **Commissioner Chappelle:** My concern is when you say isolated occurrences, is that what the term was?

355 **PZA Stout:** That's in Code now.

356 **Commissioner Chappelle:** So isolated occurrences are specifically defined then by arroyo etc. I'm
357 wondering if the isolated occurrence is per person, per property.

358 **PZA Stout:** Per lot. (Noted the variance cannot be used to create a building pad site.)

359 **Commissioner Chappelle:** Concerned that term could be used to ask for multiple variances on one
360 property as each request could be considered an isolated occurrence.

361 **PZA Stout:** We've always only allowed one per lot. I don't know if anyone's ever tried.

362 **Commissioner Chappelle:** But somewhere in the Code, it should say for one lot.

363 **Chair Black:** If you added that after 1000 square feet in total per lot.

364 **Commissioner Harper:** Ordinance needs to state no variance under this (section) shall exceed 1000
365 square feet in the second sentence.

366 **Chair Black:** You had mentioned that there was a legal opinion on this.

367 **PZA Stout:** (Stated an applicant had argued if they demonstrate to the Commission a Variance is
368 necessary, they can go as large as needed to build. PZA researched previous variances, and none
369 exceeded 1,000 square feet. Spoke with Village attorney at the time, and he agreed swapping the two
370 sentences should eliminate the argument that the 1,000 square feet can be exceeded.)

371 **Commissioner Morris:** Stated existing language for variance was limiting, but saw where "to permit
372 development" is vague.

373 **PZA Stout:** Yes, I have something in here about that. An explanation of what "development" means in
374 this particular instance.

375 **Commissioner Morris:** You suggest "not intended to create a house/accessory structure pad site", right?

376 **PZA Stout:** I put that out there for your consideration because the word development can mean a lot of
377 different things. In this case, the intent is only for a driveway, or retaining wall—not in lieu of the
378 minimum 2,000 square feet, under 15% slope, that already should exist for a future house.

379 **Commissioner Morris:** But it doesn't say that. Recommended language that the variance provision is not
380 intended to create a house, accessory structure (area).

381 **Chair Black:** For or allow. (to replace word intended)

382 **Commissioner Stermer:** I like the very specific words, house, accessory structure, pad site.

383 **PZA Stout:** Elsewhere in Village code it states very clearly that any given lot must have a 2,000 square
384 foot area (pad site for a home). It must already exist.

385 **Commissioner Stermer:** The variance should not allow those things, and we should say so.

386 **Chair Black:** On your first issue. The final sentence of the paragraph, the variance provision shall apply
387 solely to the construction of streets, roadways, driveways, drainage ways and utility placements. That's
388 limiting how we can give a variance. Not intended to allow a house, accessory structure, (or) pad site on
389 natural slopes exceeding 15%. Add the language "and does not exceed 1,000 square feet in total".

390 **Commissioner Balas:** (Asked for clarification of the 1,000 square feet for variance.)

391 **PZA Stout:** I do like, that the sentence that says the applicant will demonstrate to the satisfaction of the
392 Village that strict enforcement of the "don't touch over 15%" provision would prohibit access to the lot or
393 placement of utilities. Otherwise, any number of reasons could be requested.

394 **Chair Black:** Restated his understanding of the requested change.

395 **Commissioner Chappelle:** (Prefers when code reads you can get this variance if you meet A, B, C.) We
396 have it in the home occupation application. I think if this was laid out that way it would be clearer.

397 **PZA Stout:** Separate items. Instead of just one big paragraph. The submission requires that the applicant
398 provide an engineer stamped drawing of what they are disturbing and total square feet above 15%.

399 **Commissioner Chappelle:** There's nothing now that also addresses—you get to disturb this 15%. How is
400 that going to affect your downhill neighbors with water?

401 **PZA Stout:** (Noted in prior requests that issue had been addressed by the engineer in design.) We do
402 think about those things at every site. (Also spoke about another variance where the slope treatment
403 reduced the slope and water velocity, improving both the subject and adjacent sites.)
404 **Commissioner Marshall:** Wants statement that the applicants need designed and stamped approval of
405 their personal engineer for the request.
406 **PZA Stout:** They always do, then we have our engineer review the request. (PZA Note: Grading and
407 drainage plans identify all areas above 15% slope, and that is the base document for the variance to slope
408 request, when needed. Applicants MUST use a New Mexico licensed engineer who stamps and signs their
409 drawing.)
410 **Commissioner Harper:** Feels the new section needs to reference that the variance is limited to 1,000
411 square feet to prevent wiggle room.
412 **PZA Stout:** Summarized discussion and suggestions to that point.
413 **Chair Black:** (Would like to be more specific to what the term development means in this context.
414 Volunteered to review changes before they are placed on the next Commission meeting. Asked to have
415 text on numbered lines to make it easier to refer to the topic of discussion.)
416 **Commissioner Balas:** I have a draft, so I'm not going to read it out loud. But with the permission of the
417 Chair and staff, I'll just e-mail it over.
418 **Commissioner Morris: Attorney Strife, PZA Stout, Chair Black:** (Discussion about language and
419 placement of the variance restriction language in the revision.)
420 **Commissioner Marshall:** Note section under discussion is not just Section 18-166 Terrains and
421 Stormwater, as listed on the agenda.
422 **Chair Black:** We won't take any action on that because we wouldn't want to misrepresent to the broader
423 public what code section we're discussing, but I think that is a very fair articulation. I suggest that we
424 review that at a subsequent meeting, for recommendations to the Council.
425


426 **IX. PZA REPORT**

427
428 **PZA Stout:** (Summarized her report, the Building Officials Report and the Code Enforcement Officers
429 Report. Was asked by Commissioner Stermer to have the Code Enforcement Officer label photos more
430 clearly with "before and after" and addresses of sites.)
431

432 **X. COMMISSIONERS FORUM**

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434 **XI. NEXT MEETING: March 20, 2024 at 6:30pm**

435
436 **XII. ADJOURNMENT**

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443 _____
444 Rob Black, Chair
445 Planning and Zoning Commission

3/20/24

Date

446
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449 _____
450 Laurie Stout, Planning & Zoning Administrator

3-21-24

Date

