MEETING MINUTES

This will be a Teleconference Planning and Zoning Commission meeting. The public is allowed to join. You are encouraged to join the meeting before 6:35 pm. The meeting link is https://us02web.zoom.us/j/84630776405. Those without internet access or a computer microphone may also phone in to the meeting at 1-669-900-6833. The meeting ID is 846 3077 6405#. Please email Laurie Stout at LStout@corrales-nm.org if you wish to speak during the meeting, so we can acknowledge you and have you sworn in when that agenda item is heard.

I. CALL TO ORDER

II. ROLL CALL

Present: John McCandless, Sam Thompson, Michele Anderson, Melissa Morris, Ken Killebrew, Jerome Stermer, Cameron Barnes. A quorum was present.

III. APPROVAL OF AGENDA

Move to approve agenda: Ken Killebrew, Second: Sam Thompson. Vote: John McCandless, Sam Thompson, Michele Anderson, Melissa Morris, Ken Killebrew, Jerome Stermer, Cameron Barnes (unanimous)

IV. APPROVAL OF MINUTES (None this meeting)

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

VI. PUBLIC HEARING ITEMS

SUB 19-03 (Final Plat). Applicant and property owner (trustee) Joseph Cuellar requests Final Plat approval to subdivide two existing adjacent MRGCD Tracts (98-A-1-B-2 and 99-B-1) totaling 4.2882-acres. Proposed Lots 1, 2, 3 and 4 of “Lands of Cuellar” subdivision will each be one acre. The property is between Old Church Road and Loma Larga, and south of Entrada de los Martinez.
Joe Cuellar, 3615 Gun Club Road, Albuquerque: (property owner/trustee, sworn) We’re asking for a final plat. My family has been on that land for many years. It’s land that is no longer agriculturally viable. I just want to make family plots out of it.

Commissioner Anderson: Is your engineer or surveyor with you?

Cuellar: No, they’re not.

Commissioner Anderson: I’ve got a lot of questions because there are a lot of mistakes on the survey and the engineer drawing. In several locations it says that you are using a new corrugated metal pipe, but it gives a description of concrete pipe. Which one is it?

Cuellar: It’s a concrete ditch that has a galvanized metal pipe going through it.

Commissioner Anderson: What’s on the plan is not saying that, it says a 24’ reinforced concrete pipe. The profile is wrong. There’s a lot of technical problems with the plan. I was hoping I could talk to the engineer.

Cuellar: If there had been a problem, I should have known before.

Commissioner Anderson: What do you want to do?

PZA Laurie Stout: Commissioner Anderson, are you speaking about the plat itself? That document was reviewed by the Village Engineer and calculations are correct there. We relied on his engineer to provide the (separate) design for the roadway including the crossing over the concrete ditch.

Commissioner Anderson: According to NMDOT standards, you have to have 12 inches of cover over this 24” pipe (in the ditch). Looking at the details, you’ve got no cover. That’s why I wanted to ask the Fire Chief, how much does this fire truck weigh?

Cuellar: If this thing is going to fail, it will fail when I’m building the road.

Commissioner Anderson: This are legal documents, that are going to be registered. It’s got to be correct on here. There are a lot of things that are technically wrong with these plans.

Cuellar: I paid my professional people to do them. I can’t speak to that, I’m not an engineer or surveyor.

Chair McCandless: Commissioner Anderson, I understand you have a number of concerns. Could you list those, so we know the totality of them? I have one or two myself. So that Mr. Cuellar knows what those concerns are. I think you are talking about the plan/profile sheet, the design for the road?

Commissioner Anderson: We’ll start with North arrow (on road engineering detail). It is about 70 degrees off. In numerous locations where it says two 24” CMP and then you go to the detail it says “new RCP pipe”.

You have to have one foot of cover for corrugated metal pipe.

Cuellar: This is a private drive, and I understand our concern is to be able to get the fire truck in there without getting it stuck. I think my engineer knew what he was doing—there’s a slurry that has to go in there between the concrete and corrugated metal pipe. There will be 6’ of base course on top of that, plus the finish. You will have twelve inches of coverage.

Commissioner Anderson: But you’re not showing that, that’s the problem. This is a legal document. You say you are using corrugated metal pipe, but you give me a detail for reinforced concrete…

Cuellar: It’s a concrete ditch. The pipe goes across…

Commissioner Anderson: It says concrete pipe.

Chair McCandless: There is an inconsistency. In the title on the drawing it says “new RCP pipe”. That means reinforced concrete pipe. The arrow pointing to the pipe talks about 24” diameter CMP, which is corrugated metal.

Cuellar: I might have to have the engineer change that.

Chair McCandless: I might point out also that there’s nothing in the way of dimensions. There’s a reference to 6” of base course. That’s about it. One of my concerns is that that dimension, for a technical document, should be there. We want to make sure this gets done to your satisfaction but also to the Village’s satisfaction. It’s very important it be up to NMDOT standards.

Cuellar: I don’t know what to say. It’s very difficult to not be in person. I’ve already been put off three months because of Covid, I know you’re not responsible for that. It’s costing us money. As some point, we can do more engineering, it depends on what you want to do. Do you want to make a Tanoan out of Corrales? Or do you want to make it a place where all families can live?

Chair McCandless: I understand that. At the same time, it’s our job to make sure that the roads and subdivisions are constructed according to the ordinances that we have. And those ordinances are put in place for public safety. We have a responsibility we have to honor.
Cuellar: It’s becoming offensively costly at this point. I’ve changed things to convenience your needs.

Chair McCandless: In this case, I don’t know what to say. There are some concerns. Perhaps you could record some of the concerns that we have because it seems to me these could be fairly easily remedied.

Cuellar: Can we do that on a contingency that they get changed and remedied? If he has concrete pipe there, obviously it’s not going to be concrete pipe. It’s galvanized pipe.

Chair McCandless: It is possible for us to give a tentative approval whereby everything has to be addressed before the plat is signed.

Cuellar: I would ask you please to do that. I still have another subdivision to do through Bernalillo County.

Chair McCandless: Let’s go ahead and address the concerns that we have.

Commissioner Anderson: There are many mistakes. I could get with Ms. Stout, and we could go through them. There are a lot of them—CAD mistakes, profiles and elevations, inconsistencies between the surveyor’s plat document and the road design. Roads are marked “profile one, profile two, profile one” and it doesn’t make any sense. On the typical road section, they don’t have a transition from the 20 feet to 18 feet. I could just get with Ms. Stout and point them all out.

Commissioner Sterner: I would like Commissioner Anderson to articulate. Do you think those technical issues can be resolved in a more perfect set of documents, without changing the basic design?

Commissioner Anderson: Yes, if we can get with the surveyor and the engineer, it can be done.

Commissioner Morris: If we were to approve this with the condition that these things be corrected, how do we know they have been done?

PZA Stout: In my summary, I had asked that conditions already be put on this plat. And that was that the private road must be built, then an “as-built” certificate provided by the applicant’s engineer, and then general approval of the road and irrigation ditch crossing by the Fire Chief—before the plat would be signed and filed. The applicant would have 365 calendar days from (Commission conditional approval) to get this done, and if he did not, the plat would be null and he would have to start over. If there were additional conditions—I could certainly write a follow-up report for the Commission with the outcome of these and any other conditions.

Commissioner Morris: Who verifies that the corrections have been made, and that the road has been built correctly? When that’s done, who says that it’s been done correctly?

Cuellar: The engineer has to go back and certify that it was done up to a standard.

Chair McCandless: According to Ms. Stout, basically the signature is withheld on the plat until those conditions are met. One of my concerns here is that, we’re unable at this point to verify the correctness of the (road) design, the engineer who did this work is the one who certifies it. There is an inherent risk there. We do have one other check, and that is the Fire Chief also has to go out and make an inspection and make sure the road is serviceable for emergency vehicles.

Commissioner Morris: That would be reassuring. I’m trying to see what the process is to verify all this.

I do see the problem with having the cul-de-sac and road built if we haven’t clarified the details.

Cuellar: I’ll submit the paperwork prior to starting the road. So it’s as per your request. Prior to construction.

Commissioner Killebrew: The process I see is that Commissioner Anderson’s punch list will be forwarded and documented, and we’ll approve this on the condition that those items are completed within the certain time-frame. Doesn’t Corrales also have an engineer who can sign off on those?

PZA Stout: We do have an engineer. We as a Village do not pay him to certify (private) work, the applicant would have to pay for our engineer’s review of his project. If you’d like to require that. We’re going to ask for a certified as-built from the applicant’s engineer, but now there are some issues with what he’s designed.

Commissioner Killebrew: I would ask the engineer and surveyor re-submit what they’ve done with the proper corrections.

Commissioner Thompson: Could you clarify what an as-built certification is?

PZA Stout: Sure. We see those quite a bit with grading and drainage plans. An engineer designs something, and then it’s built. Afterwards that engineer has to certify that what was built is in substantial compliance with the intent of the design. It’s their stamp as a New Mexico licensed engineer, and their potential liability if they are wrong, as opposed to the Village’s liability. We ask this of applicant’s engineers for other items, too.

Chair McCandless: Is there anyone from the community who would like to address this application? (none)

Commissioner Morris: I was curious about the easement from Entrada de los Martinez to your lands. Is there anything on that that will get in the way of you putting a road there?

Cuellar: It is maintained as an easement. It’s gated, and open.
Chair McCandless: There is an easement shown on the south side, a 16-foot easement.

Cuellar: There’s an easement on the other side, that has nothing to do with my property.

Danielle: (public commenter, sworn, 474 Old Church Road): I was wondering if there would be any impact to the easement on the south side, because it’s an irrigation easement for myself and my neighbors.

Chair McCandless: Is that an easement shared by Mr. Cuellar?

Danielle: No, I don’t think so.

Cuellar: We do not have access to that easement. It doesn’t show on our property.

Chair McCandless: Will your utility easement run along the road?

Cuellar: We’re going to bring in utilities from Entrada de los Martinez, and Old Church for the front lot.

PZA Stout: On the plat drawing, the surveyor has placed “private access and utility easement to be granted with the filing of the plat, for the benefit of Lot 1 and Lot 3”, and then the existing easement between his land and the road is also designated to serve the dual purpose.

Chair McCandless: What was the purpose in changing the road width from 20 to 18 feet?

Cuellar: I think ultimately the concrete ditch will be eliminated. That’s five feet by itself. I see that as eventually going away.

Chair McCandless: From the cul-de-sac to Lots 2 and 3 is 18 feet? Then going the other direction is 20 feet.

Cuellar: Right.

Chair McCandless: I’m quite concerned that the design drawing put together by the engineer has quite a few errors. I’m not entirely comfortable approving until those design issues are addressed. I’m hesitant about approving and allowing the road to be built, based on an engineer certification, in which the engineer drew plans that we don’t think are sufficient.

Commissioner Killebrew: We were talking earlier that if we have a punch list for the changes needed and they do come back with those corrections, then we can give the preliminary OK, and then the ultimate OK of the road by the Fire Chief. Most look like CAD issues, not trying to pull something over on us.

Chair McCandless: I am concerned this is an official document that lays out the design of the road, and whoever is doing the construction is going to go by. One possibility would be to give a tentative approval, but before any approval is given on the road, that all the items on the punch list are done. Before any construction begins. It’s our job to approve these plans, I’m hesitant to put that on Ms. Stout.

Commissioner Morris: Is it possible that Commissioner Anderson can be a committee of one to approve these changes?

Chair McCandless: That would be very difficult. We as a body are approving or disapproving.

PZA Stout: Mr. Chair, you are correct.

Commissioner Killebrew: I move that we tentatively approve of SUB 19-03 based on the punch list provided by Commissioner Anderson, and gone over by Ms. Stout, that any corrections made by surveyor or engineer, and signed off on during and before construction by the Fire Marshall.

Chair McCandless: May I point out that we don’t know what that punch list is yet. We’d be approving a list that we haven’t seen.

Commissioner Morris: Commissioner Anderson, are you willing to read out those items?

Commissioner Anderson: We would be here for quite some time. I think if we postponed, get it all done and back in here, that would be more beneficial.

Commissioner Killebrew: So, what you are saying is that you will give your recommendations back to the applicant through Ms. Stout?

Commissioner Anderson: I can provide a detailed list.

Chair McCandless: I’d love to see this expedited, as long as we are staying within the bound of our ordinances.

Commissioner Killebrew: As Commissioners, we will all need to see that list, as it’s put out.

PZA Stout: As soon as I receive the list from Commissioner Anderson, I will send it to the applicant. And share it with all of you, via email. That would be appropriate.

Chair McCandless: I just have to remind everyone that there can be no discussion. That would fall under ex parte communication.

Commissioner Stermer: I think what we are looking for is a motion to postpone.
Ken Killebrew: I move that we postpone approving SUM 19-03 until the corrections are made and we'll relook at it. Second: Jerry Stermer. Chair McCandless: We have a motion to postpone until the questions raised by Commissioner Anderson are addressed.

Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Jerry Stermer, Melissa Morris, Ken Killebrew, Cameron Barnes. (Unanimous.)

Chair McCandless: Commissioner Anderson, you will share your concerns with Ms. Stout? And Ms. Stout will share those with Mr. Cuellar.

SUB 20-02 (Preliminary Plat). Applicant and property owner (trustee) Claudia Miller and Jennie Stonecipher of Dehier Surveying are requesting Preliminary Plat approval to create a 4-lot subdivision “Lands of Pete and Patricia Smith” from approximately 4.3-acre Tract 107D-1-A-1-B, Map 18. This property includes the site addresses of 294 Old Church Road, 266 Old Church Road, and 2 Sandy Lane. The platting action will also dedicate the adjoining portion of Old Church Road (an additional approximately .3-acres) to the Village of Corrales.

Claudia Miller, 1 Barbara Lane, Corrales (applicant/trustee, sworn): First, thank you for accommodating the applicants and the Village with zoom meetings, I know they must be frustrating.

Jennie Stonesifer, Dehier Land Surveying (sworn)

Miller: The application is complete. You have the description of what I’m asking for as well as the plat, you’ve seen this as a Sketch plan. You also have our request for a waiver, so that when we dedicate the 30-foot roadway to the Village, for that portion of Old Church Road, that the neighbor’s fencing does not have to come down until the Village actually has engineered road plans.

Chair McCandless: Let’s go ahead and address the subdivision first. Then we can take a look at the waiver.

Miller: There was a request at Sketch Plan that we provide a well-share agreement. And that was provided as a draft. The plat will continue to state that a well-share agreement is required. Also, between Laurie’s description and mine, I’ve gone out there since we wrote these—she indicates 17 feet wide pavement. I indicate 19.

Stonesifer: We are giving the Village the minimum of 30 feet (for Old Church Road public right-of-way). It’s a little more in some places.

Commissioner Anderson: On the exhibit request for waiver? It shows Old Church Road as parcel A, and the residence across the street. You’re showing Sandy Lane going across the north side of the residence. Sandy Lane ends at Old Church on the other side.

Stonesifer: That may be a drafting error, that’s a different named street.

Miller: On the west it’s Calle Conejo.

Commissioner Anderson: Let’s get that corrected.

Commissioner Morris: I was reading the request that the 16’ easement on the southern edge of the property be vacated. Do those properties to the south have some rights to that?

Stonesifer: No, they have no right to that. They have access off W. Ella. It was never intended for (their use). No one has ever used it. As things have been subdivided it’s been piece-mealed away.

Miller: It originally ran all the way between the two ditches. It no longer does that; it’s abandoned.

Commissioner Morris: I’m not sure the Commission needs to give approval.

Miller: We choose in this platting action to abandon it because I wouldn’t want Lot 4 utilizing it for access.

Stonesifer: When you own property and you have an easement on it, and there’s no use for that easement, you can vacate that easement. They want to vacate it so it’s not an encumbrance on their property.

Commissioner Morris: But that’s a legal—

Stonesifer: It’s done all the time in replatting. You can vacate a street in the City of Albuquerque.

Commissioner Morris: I just don’t know if we have the authority.

Stonesifer: As a surveyor, we routinely vacate easements. It is not a court proceeding, it is a platting action.

Chair McCandless: Ms. Stout, is vacating easements part of the platting? Is that common?

PZA Stout: Yes, it is common for an easement that’s no longer used, or never been used, to be vacated when platting. In this specific case, the Village Engineer, Fire Chief and myself visited the site. The easement itself is on the applicant’s property. The properties to the south and east have legal access via their various streets—W. Ella to the south and Reed Lane to the east. In addition, each of those properties were sent certified letters; and there have been no comments (re: the vacation).
Commissioner Thompson: Are we going to deal with the waiver?

Miller: I had prepared a video of the roadway but I was unaware that of your rules of procedure that Laurie informed me of, that I needed to submit that ten days ago. You as Chair can waive that requirement.

Chair McCandless: I appreciate the effort, but given our rules of transaction of business, we can’t do that. The members of the public must have access to those materials as well.

Miller: I want to tell you my motivation for the waiver. My motivation is that we don’t apply our zoning regulations in such a manner as that we begin to destroy the historic qualities of some of our traditional areas of the Village. I am a trained and degreed planner, who has worked in planning and historic preservation. I also worked for the Village. That roadway (Old Church) leads to one of the historic districts of the Village. Part of what you look at it is retaining or maintaining the character. Not just the buildings, but the surrounding environment. The one-acre zoning was based on two things: that one acre you could still farm, and that families could live together. Since then we have adapted a lot of norms from Albuquerque and Rio Rancho for roadway widths, for drainage. And we are doing what other historic towns try to do, to overlay those ordinances designed for open land, on historic property.

I would have liked to have asked for a waiver on the road width, but I was told that would be met with lots of opposition. So, I’m asking that we don’t impose “pipelines” for roadways on a historic, traditional road. If you look at the waiver document, you’ll see that Michael Chavez (Public Works Director) wants to knock the fence down and grade that area flat, so you’d have a dirt shoulder on that curve. He’s saying he believes that will make it safer. You can see around that curve. Before the Village (does that) I ask that they have a real engineered design plan for Old Church Road.

Commissioner Thompson: You were talking about being familiar with that area. You’ve got a lot of those salt cedars that are really creating a lot of blockage on being able to see around the curve. You indicated that you are going to prune those, but that it’s contingent upon approval of the preliminary plat?

Miller: We’ve done some things in the last two weeks. We got rid of some of the underbrush. I had originally said I do it on condition of the plat, because I didn’t know if you were going to alter some lot lines.

Chair McCandless: I fully appreciate your concern about the historic nature. One of the difficulties is that that part of the road is not in our historic district. If the Village were to (take the road) the Village is responsible for seeing that it follows current design standards. Mr. Chavez and the Village are constrained in some regards—if they own it, they have to make sure it’s up to snuff. The Village would be liable if something were to happen on that road. We have a legal requirement to make sure the road is safe. I appreciate your willingness to give up a chunk of your property to give us that road.

Commissioner Anderson: If we were to go with the proposed waiver, at some point of time in the future, who would actually be held responsible to ensure that the fence is moved out of the way? Is the lot owner across the street reliant on the current fencing for animals?

Miller: We could add a clause to this waiver that the property owner in whatever—pick a lot—would be responsible for removing the fence.

Commissioner Anderson: Will one of those lots still be within your family? Or is it strictly the neighbor across the street?

Miller: You could use their lot number. I prefer you use them, because then they can orchestrate putting up their own fence.

PZA Stout: I’m just going to say a few things to address some of the Commissioner’s questions. I do understand the applicant’s desire to keep Old Church narrow and historic. The reality though, is that now—today—it serves many residences and side roads that connect only to Old Church Road. A 30-foot width unobstructed right-of-way is the minimum allowed by our own ordinances. And it will improve an existing safety hazard with what I believe to be very little impact. In the ordinance language for a waiver, an application must be accompanied by letters from the Village Fire and Police Chiefs, endorsing the proposed waiver and specifically stating that in their opinion, approval of the waiver will not be detrimental to public health, safety or welfare. In my discussions with the chiefs, they were not willing to do that because there is a blind curve there. Opening up that roadway a bit will provide a place for people to walk, off the pavement. One other thing that was brought up; if the road is dedicated to the Village of Corrales, at the point in time when the approval of the plat is done and it is filed with the County, it then becomes Village property. The reason that Mr. Chavez wrote the letter, is his department didn’t want to get stuck having to take the fence down. I spoke with the neighbor across the road yesterday. He doesn’t want to have to take the fence down,
either. He was surprised to learn that he didn’t own the land up to the fence. I told him of the Village’s intent to
make the roadway area safer. There could have been an option for (the applicant) to dedicate some land on the
interior part of the curve, but it was her prerogative to dedicate it from the west side.

Chair McCandless: Do we know that the Village is willing to formally accept that section of road?
PZA Stout: Yes, I’ve already discussed this with the Mayor and Village Administrator.

Chair McCandless: Do any members of your family or the public wish to speak? (none)

Chair McCandless: Ms. Miller, would you consider decoupling this waiver from your subdivision
application? The reason I ask is that we’re talking about a bigger issue with regards to the historic nature of the
road and design standards. That may mean a broader discussion, involving the engineer, perhaps Council. We
might deal with the waiver at a later date.

Miller: It’s my understanding that you can de-couple it from the application.

Chair McCandless: The plat shows a 30-foot right-of-way. If it were changed, though, I guess we’d have to
re-do the plat.

Miller: I’m asking for two conversations. I ask that the waiver be de-coupled, and I ask that our Preliminary
Plat be approved.

Chair McCandless: Could we do the plat without dedicating the road at this point in time? And then
transferring the right-of-way at a later date.

PZA Stout: The plat as shown does state that the road is being dedicated; we would need a new set of
drawings showing it not being dedicated in order for approval tonight.

Miller: If you want that to just remain a private easement, we could change the language on the plat.

Stonesifer: If you did decide to make that an easement, then it doesn’t need to be 30 feet wide, right?

PZA Stout: Whether a roadway is public or private, it still needs to follow the design standard ordinance
roadway width.

Chair McCandless: The Village might be legally committed to the design standards of the road.

Stonesifer: Yes, you have to go with the Code.

Miller: The Commission does have the ability to alter the roadway width in your motion.

Chair McCandless: Our responsibility is to administer the ordinances as they stand.

Commissioner Killebrew: Is it my understanding that the Village of Corrales is willing to accept the
dedication, but then again don’t want it, because it means they are going to be responsible for it?

Chair McCandless: I don’t think so. The Village is willing to accept it, and the only condition is that the
current owner remove the fence. Is that correct, Ms. Stout?

PZA Stout: Yes, that’s correct.

Commissioner Killebrew: But if it’s not removed, they don’t want it?

PZA Stout: We have to abide by our ordinances. (Roadway width, encroachments, obstructions.) What we’re
asking for is that the 30 feet be unobstructed. That means removing the fence prior to final plat.

Chair McCandless: But the upshot is that the Village is not interested in the parcel unless the fence is
removed?

PZA Stout: I’m bound to present you with the ordinance requirements. The Village respectfully requests that a
condition of approval of this plat be that the fence in the proposed dedicated right-of-way be removed by the
applicant.

Commissioner Morris: Is what we’re discussing now just who is going to pay to remove the fence?

Chair McCandless: That’s the way it looks to me.

Commissioner Anderson: If the Village accepts the transfer of Old Church Road to them, then they assume
all liability. The 30-foot road, needs to be a 30-foot road, not something else. It has to follow the standards.
I’m looking at the liability side. If the Village accepts it, it has to be per Code.

Commissioner Thompson: That’s actually a route I take frequently. It is extremely narrow, it’s a designated
bike route, and you have people walking. It concerns me, because it is such a bottleneck right there. I think
public safety would be improved if the fence is taken down and the road widened. We have a lot of walking,
biking, and that area is very dangerous in my opinion. I see what is being proposed here and that would
improve public safety.

Commissioner Morris: I’ve been through the area and I think it’s dangerous to people who are walking and
on bicycles.

Commissioner Stermer: Is the Village going to say, we won’t take it unless they take down the fence?
PZA Stout: Our ordinances say that.
Commissioner Stermer: The ordinances say the Village will not accept a transfer of ownership of a portion of a road unless a fence is taken down?
PZA Stout: No. Village Code Section 31-28, *Encroachments Prohibited in Public Right-of-Way.* (Read out loud.) We’re asking that the encroachment be removed before (the road) is dedicated.
Chair McCandless: That’s what it comes down to. We have an offer to donate this portion of road to the Village, make it legally the Village’s, and the question is who is taking down the fence. The Village is asking that the encroachment be removed before they accept it.
Miller: Our concern was not who takes down the fence, our concern was taking down the fence for an ill-conceived road design. If the Commission would like to make it a requirement that the fence be removed from the proposed right-of-way before Final Plat, we can do that. There are plenty of right-of-way’s in the Village that are used with obstructions that the Village puts in—landscaping, water lines, curbs and gutters.
Chair McCandless: Would you agree to remove the fence at the time that the Village is ready to (improve road)?
Miller: The request for waiver was specific in that we asked at the time the Village provided an engineered and designed plan for the roadway improvements of Old Church Road, then we will then remove the fence. Our concern is that we’re all being arm-chair safety experts. If this is causing a great conundrum, we’ll take down the fence.
Stonesifer: Since she does own that portion of Old Church Road. Would you approve the configuration of those four lots if that portion of Old Church Road continues as (private easement)?
Chair McCandless: You’d have to go back and redo the application and change the plat.
Miller: I don’t want to do that.
Chair McCandless: What you’ve presented right now is what we have to deal with.
Miller: I have applied for a waiver, and my plat. Those things are de-coupled in my application. If you choose to move forward on the plat, the right-of-way will be dedicated. If you move forward on the waiver, the Village would provide engineered roadway plans for Old Church Road prior to removal.
Chair McCandless: And I am not sure we can impose conditions on the Village. What I can see us saying is that the roadway will be properly engineered, at the time that any work begins. The Village will work with their design standards.

Sam Thompson: I move we approve SUB 20-02 with the condition that the fence on the west side of Old Church Road be removed prior to Final Plat. Second: Melissa Morris. Vote: Yes: Cameron Barnes, Ken Killebrew, Melissa Morris, Jerry Stermer, Michele Anderson, Sam Thompson, John McCandless (unanimous)

John McCandless: May I have a motion on the requested waiver?

Motion on waiver: Jerry Stermer: Move to postpone action on waiver; Second: Sam Thompson. Vote: Yes: Cameron Barnes, Ken Killebrew, Melissa Morris, Jerry Stermer, Michele Anderson, Sam Thompson, John McCandless (unanimous)

VAR 20-01. (Variance) Applicant John McCandless of Tract A-1, Lands of Mary Jane Rose, site address 215 Coyote Trail, is requesting a Variance to 10’ side setback for an existing shop building that is approximately 8’ from the side property line.

(Chair was yielded to Commissioner Thompson for this agenda item)

John McCandless, (property owner and applicant, sworn): Back in December 2014, my wife and I applied for an owner-builder permit for a house and a 20 x 20 adobe shop building. In the process of laying out the shop, and trying to observe setbacks, I relied on the position of a fence that was in place at that time, thinking it was on the property line. In 2018, I came to know that the fence was not on the property line, it was not quite two feet into the neighbor’s property, which meant that my shop was less than ten feet from the true property line. The shop did go through the building permit process and all inspections. I am requesting a Variance for the shop setback on the basis that it’s not doing any harm, the neighbors on that adjacent property have no objection, and the cost of tearing it down and putting it back up would be considerable.

Commissioner Stermer: I have a question. These kinds of corrections through variances—are they somewhat common, or somewhat rare given that many people do not come forward?
PZA Stout: We have several a year, and generally they come up if there’s another (requested) action, or if it’s brought to someone’s attention.

Michele Anderson: Approve VAR 20-01 setback variance. Second: Cameron Barnes; Vote: Yes: Sam Thompson, Michele Anderson, Ken Killebrew, Jerry Stermer, Melissa Morris, Cameron Barnes. (Six yes)

John McCandless, as applicant, abstained.

VII. OTHER BUSINESS ELECTION OF OFFICERS

Sam Thompson: I would like to nominate John McCandless as Chair. Ken Killebrew: Second. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Ken Killebrew, Jerry Stermer, Melissa Morris, Cameron Barnes. (Unanimous)

John McCandless: I would like to nominate Commissioner Thompson as Vice-Chair. Second: Ken Killebrew. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Ken Killebrew, Jerry Stermer, Melissa Morris, Cameron Barnes. (Unanimous)

John McCandless: I would like to nominate Commissioner Morris as Secretary. Second: Sam Thompson; Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Ken Killebrew, Jerry Stermer, Melissa Morris, Cameron Barnes. (Unanimous)

VIII. PZA REPORT

IX. COMMISSIONERS FORUM

Chair McCandless: During the MRCOG webinar, I raised the question regarding our five-minute rule in Resolution 20-01. In Section 5, item 7, we said “community participants must join the meeting no later than the first five minutes after the Call to Order”. The MRCOG (attorney) suggested that was not a good idea. We should allow people to join anytime, as we would in a face-to-face meeting. I think we should change that to a “recommendation” and encourage them to join at that point. We would need to take a formal vote as an action item on the formal agenda. We can put that on next time.

(Commissioner Killebrew mentioned a group of citizens interested in doing something with the lateral ditch.)

X. NEXT HEARINGS: July 1, 2020 and July 15, 2020

XI. ADJOURNMENT

Ken Killebrew: Move to adjourn, Second: Sam Thompson. Vote: Yes: John McCandless, Sam Thompson, Michele Anderson, Ken Killebrew, Jerry Stermer, Melissa Morris, Cameron Barnes. (unanimous)

Laurie Stout, Planning and Zoning Administrator Date

John McCandless, Chair, Planning and Zoning Commission Date