



# PLANNING & ZONING COMMISSION DRAFT MEETING MINUTES

EDELWEISS LODGE CLUB ROOM  
TAOS SKI VALLEY, NEW MEXICO

MONDAY, JANUARY 5, 2015 1:00 P.M.

## I. CALL TO ORDER & ROLL CALL

Commission Chair Tom Wittman called the meeting to order at 1:05 p.m. Roll call was taken and a quorum was established. All Commission members were present: April Bender, Henry Caldwell, Richard Duffy, Susan Nichols, Chris Stagg, Tom Wittman, and Jim Woodard. Staff members present: Village Administrator Mark Fratrack, Community Development Director Don Schieber, Planner Matthew Foster, Clerk Ann Wooldridge, and Village Attorney Dennis Romero.

## II. APPROVAL OF THE AGENDA

Planner Foster asked to have a discussion of snow removal and snow storage under Old Business. Councilor Stagg asked to move item IV. B in front of IV. A.

**MOTION:** To approve the agenda as amended.

**Motion:** Chris Stagg      **Second:** Henry Caldwell      **Passed:** 7-0.

## III. APPROVAL OF THE MINUTES OF THE NOVEMBER 3, 2014 MEETING

**MOTION:** To approve the minutes as presented.

**Motion:** Susan Nichols      **Second:** Richard Duffy      **Passed:** 7-0.

## IV. NEW BUSINESS

**B.** Discussion and possible action regarding a Memorandum of Understanding and Agreement for Land Exchange, lot line adjustments and for development of Parcel "D" in the Core Village Zone, between the Village of Taos Ski Valley and Taos Ski Valley (TSV), Inc., Santander Holdings, LLC and Twining Development, LLC.

Staff introduced attorney Joe Canepa, representing Rio Hondo Holdings, owner of Parcel D. Canepa described the process that had been worked through in 2013 when excavation had begun on Parcel D and the wetlands had been discovered. The Army Corps of Engineers had required a relocation and mitigation of the wetlands, and Rio Hondo Holdings did so by moving the wetlands to a part of Kachina Subdivision Block 3 Lot 7, which they owned and planned to deed to the Village. The plan was presented to the Planning & Zoning Commission who approved. The Village Council approved signing a Memorandum of Understanding and Agreement at the April 15, 2013 meeting, which stated that the ownership of a 0.46 acre parcel be deeded to the Village upon completion of wetland mitigation and monitoring for five years by Rio Hondo Holdings, LLC. Canepa reported that the wetlands are doing well and that a walkway had been built to enable hikers to access the area. The second phase of the process is to consolidate three small parcels with Parcel D in the vicinity of the Ernie Blake Road spur, which would enable Rio Hondo Holdings to proceed with development of the parcel. TSV Inc. will deed .1 acre of land adjacent to the Sierra del Sol in exchange for the .09 parcel of the road. TSV Inc. will move the water and sewer lines at their cost. TSV Inc. will reimburse the Village for any increase in cost for snow removal in the area resulting from the change in ownership. Community Development Director Schieber noted that arrangements will need to be made for all of the snow on Thunderbird Road and on Ernie Blake Road, with each property taking their share, or else paying for their portion of the snow to be moved or stored. Included in the Memorandum are

provisions for TSV Inc. to extend the lease to the Village for the Kachina water storage tank by 4 years. Also, the lease on the fire substation will go to \$1,000 for 2014 and 2015, instead of remaining at \$5,000 as it was previously, or instead of making the planned increase to \$10,000. A Memorandum of Understanding will be finalized and presented to the Village Council at the February meeting.

**MOTION:** To Recommend approval by Council of a Memorandum of Understanding and Agreement for Land Exchange, lot line adjustments and for development of Parcel "D" in the Core Village Zone, between the Village of Taos Ski Valley and Taos Ski Valley (TSV), Inc., Santander Holdings, LLC and Twining Development, LLC.

**Motion:** Richard Duffy      **Second:** Susan Nichols      **Passed: 6-0 (Commissioner Stagg abstained)**

**A. PUBLIC HEARING:** Consideration of an application for Conditional Use Permit and Certificate of Compatibility for a MIXED-USE development at Parcel D (Lots 2 & 3, Block H of the O.E. Pattison subdivision) located within the Core Village Zone, consisting of two separate buildings, a shared parking garage, 55 condominium units, 16,400 square feet of retail, restaurant, and other commercial uses, a "Retail Street", a "Streamwalk" along the Lake Fork Stream, and an application for variances to the build-to line, building set-back, stream set-back, building height, and driveway width.

Planner Foster showed a Powerpoint presentation depicting the items presented by TSV Inc. for their development of Parcel D. All development in the Core Village Zone (CVZ) requires a conditional use permit, and this proposal comprises 54 condo units (not 55 as stated previously), 16,400 square feet of commercial uses, 77 parking spaces, a stream walk and stream park, a retail street and pedestrian bridge, as well as improvements to Thunderbird and Ernie Blake Roads. Diagrams in the presentation showed the building height at the road level as meeting the requirements in the CVZ but needing a variance for an additional 17 feet on the river side to allow for a river walk. Other variances are also required for the stream set-back, the building set-back, and the parking garage width. Planner Foster has set 21 conditions that will be required to be met as a result of approval of this project. Planner Foster recommended approval of the project according to the conditions that he had set forth.

Representatives from TSV Inc spoke about the project, including President Chaz Rockey and architects for the buildings. They addressed the fact that the walkway patterns have changed in an effort to maximize the vitality of the retail spaces. The building will be LEED – certified, and it was mentioned that the project owners are sensitive to environmental issues.

**PUBLIC HEARING:** The Public Hearing was opened. No one spoke against the project. Speaking in favor were architect John Birkholder, project manager Bob Daniel, Chaz Rockey, realtor Keith Dowell, Rio Hondo condominium owner David Strip, Sierra del Sol condo owner Carl Fesler, business owner Ken O'Neill, business owner Louise Pasaka, Lake Fork Condo owner Sheila Duffy, TSV Inc. CEO Gordon Briner, and property owner Tom Rawlinson. The hearing was closed.

**MOTION:** To approve the application for Conditional Use Permit, Certificate of Compatibility, and Variances.

**Motion:** Richard Duffy      **Second:** April Bender

Discussion took place, especially addressing how the flow of traffic would be handled. The option to make a roadway alongside the Twining Condominiums is no longer a viable option while the option to make Ernie Blake Road a two-way street appears to be a necessity.

**The question was called.      Passed: 6-0 (Commissioner Stagg abstained)**

**There was a 15 minute break.**

**C. Discussion regarding the AMENDMENTS to the Conditional Use Permit for Parcel G.**

Planner Foster explained that the developer had submitted an application for an amendment and variance to the conditional use permit for Parcel G. This permit was approved at the March 2014 P&Z meeting. The change in use is from condominiums to hotel rooms plus 7 condominiums. There will be an expanded building footprint, as well as a wall to shield the loading dock, a change in the driveway exit and a sidewalk improvement at Sutton Place. Foster explained these types of changes can be handled administratively, but he is required to post the changes in the conditional use permit at the location, for 30 days. If anyone brings an objection to the planning office, then Foster will be required to bring the application back to the P&Z Commission for approval.

**V. OLD BUSINESS**

**A. Village Snow Storage Plan**

Planner Foster made a presentation identifying objectives for the creation of a snow storage plan for the Village. He said that the goal would be to have the Council adopt a comprehensive and equitable snow storage plan for all property owners. One of the main objectives would be to protect water quality and to preserve the quality of the river. He will proceed with work on the plan.

**B. Update and discussion of Proposed Revision to Ordinance 04-38 – An Ordinance Adopting Regulations for Water Use within the Village of Taos Ski Valley.**

The next draft revision of the Ordinance Adopting Regulations for Water Use within the Village of Taos Ski Valley was presented for discussion. Attorney Romero explained that his research had shown that it would not be possible for the Village to require an entity to disconnect from their well and connect to the Village water supply. Only in the event of a well failure can the Village require connection to Village water supply. There was discussion on the possible steps to be taken if there was reasonable suspicion of a well failure and when the Village might involve the NMED.

**VI. MISCELLANEOUS**

Commissioner Nichols asked about any new developments in improving the cell service in Taos Ski Valley. Commissioner Stagg reported that the main problem lies with the connectivity between Taos and Taos Ski Valley, that Verizon's copper wires can't hold more than 200 calls at one time. AT&T service will improve when the cell tower and radio on top of the resort center are re-worked. AT&T is using a T-1 line over TaosNet. Verizon service will improve when the fiber optic line that Kit Carson recently strung on the wires going up the canyon are activated.

**VII. ANNOUNCEMENT OF THE DATE, TIME & PLACE OF THE NEXT MEETING:** The next meeting will take place on Monday, February 2, 2015 at 1:00 p.m. at the Edelweiss Lodge Club Room.

**VIII. ADJOURNMENT**

**MOTION:** To adjourn.

**Motion:** Jim Woodard

**Second:** Richard Duffy

**Passed:** 7-0.

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Tom Wittman, Chairperson