

**AGENDA  
TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION MEETING  
FEBRUARY 16, 2016 AT 6:00 PM  
EDGEWOOD COMMUNITY CENTER  
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

The Town of Edgewood Planning & Zoning Commission is pleased to have residents of the community take time to attend commission meetings. Attendance and participation is encouraged. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcome and should be given to the town administrator prior to the start of the meeting.

- 1. CALL TO ORDER & ROLL CALL.**
- 2. APPROVAL OF AGENDA.**
- 3. APPROVAL OF MINUTES.**
  - A. Draft Planning & Zoning Commission Meeting Minutes of February 2, 2016
- 4. PUBLIC COMMENT: (Limited to 2 minutes per person)**
- 5. PUBLIC HEARING**
  - A. Variance Request to use a greater amount of square footage than allowed by a RS-Residential Services zoning designation for retail business activities at the property located at:  
92B Church Street – Tract C, 2.26 acres of the Lands of Gervais & Patricia Williams,  
Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.
- 6. FINDINGS OF FACT & CONCLUSIONS OF LAW.**
  - A. Request For Approval Of A Preliminary Plat for a four (4) lot subdivision of 10 acres located in the Mountain Meadows Subdivision, East High Meadow Loop, Unit 2, Tract C-5-R-3, Lands Of the Maguire Family Trust, S 1/2, NE 1/4, Section 3, T10N R7E, Town Of Edgewood, Santa Fe County, N.M.P.M.
- 7. DISCUSSION & SUGGESTIONS FOR AMENDMENTS TO ORDINANCES.**
- 8. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.**
- 9. MATTERS FROM STAFF.**
- 10. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.**
  - A. Next Meeting March 16, 2016
- 11. ADJOURN.**

A copy of the agenda may be obtained at the Town Office, 1911 Historic Route 66 during regular business hours of 8:00 am - 5:00 pm. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town Clerk at 505-286-4518 at least one week prior to the meeting or as soon as possible.

**DRAFT MINUTES  
TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION MEETING  
FEBRUARY 2, 2016 AT 6:00 PM  
EDGEWOOD COMMUNITY CENTER  
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

**1. CALL TO ORDER & ROLL CALL.**

Madame Chair McGill called the meeting to order at 6:00 pm and asked for Roll Call.

Councilors present were: Chairperson Kay McGill, Dan Thompson, Pat Markley, Cheryl Huppertz, and Garry Bryant. Also present were: Attorney Bob White, Steve Shepherd, Town Administrator, Bonnie Pettee, Planning & Zoning, and Rebecca Sanchez, Town Secretary.

**2. APPROVAL OF AGENDA.**

**MOTION:** Commissioner Thompson made a motion to approve the agenda. Commissioner Markley seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye. Motion carried.

**3. APPROVAL OF MINUTES.**

A. Draft Planning & Zoning Commission Meeting Minutes of December 15, 2015

**MOTION:** Commissioner Markley made a motion to approve the Minutes of the December 15, 2015 meeting as written. Commissioner Thompson seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commissioner Markley voted aye. Madame Chair McGill voted aye. Commissioners Huppertz and Bryant were not present at the December 15<sup>th</sup> meeting, so were not eligible to vote.

**4. INTRODUCTION OF NEW COMMISSIONERS**

A. Cheryl Huppertz

B. Garry Bryant

Madame Chair McGill introduced the new members of the Commission. She reported that they were approved at Council on January 20, 2016 and sworn in shortly thereafter. She added they are ready to serve. Madame Chair McGill welcomed them, and stated she appreciated their willingness to serve. Attorney White also welcomed the new Commissioners and said he would be available to answer any questions they might have in the future regarding policies or procedures. Cheryl Huppertz and Garry Bryant spoke briefly about their history in Edgewood and acceptance of this position.

**5. PUBLIC COMMENT: (Limited to 2 minutes per person)**

Mr. John Bassett welcomed the new commissioners and advised them to get as much training as possible. He cited the New Mexico Municipal League for Zoning as a great resource for training.

**6. REQUEST FOR ZONE CHANGE FROM R-1, RESIDENTIAL TO RS, RESIDENTIAL SERVICES**

**Commission Review and Recommendation to Edgewood Town Council**  
for property located at:

- 92A Church Street - Tract A - 0.95 acres ,and
- 92C Church Street – Tract D - 0.95 acres, and
- 88 Church Street - Tract B - 0.86 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.

Bonnie Pettee presented the Staff Report. She stated that the applicant is requesting a change in zoning from R-1 Residential to RS- Residential and Services for the (3) three lots listed above. They are currently vacant land, and there are no plans for future development. She explained that the applicant had previously submitted a request to change the zoning for these parcels to C2- Commercial. The Planning & Zoning Commission reviewed the request and was concerned that C-2 Commercial zoning may not be appropriate for this area of Edgewood. The applicant withdrew his original request, and resubmitted an application for R-S Residential and Services zoning. This would allow Tract A, B, & D to be consistent with the zoning on Tract C. Ms. Pettee added that the request is consistent with the R-S Residential and Services zoning classification and will not impair the value, integrity, or character of the community. Therefore, staff recommends approval of this request.

Mr. Clay Williams, the applicant, stated the property had been in his family since 1978. There is an existing building on Tract C where his father operated various businesses on and off throughout the years. He would like to reuse the building for a new business venture and would like to make the zoning on all four lots consistent.

There were no questions for the applicant and no comments from the public.

Commissioner Markley stated he agreed with the findings, the changes seemed in order, and he felt the request should move forward as submitted to the Council.

**MOTION:** Commissioner Markley made a motion move this request forward to the Town Council. Commissioner Thompson seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commission Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye. Motion carried.

## **7. PUBLIC HEARING**

**A. Request For Approval Of A Preliminary Plat For A Four (4) Lot Subdivision Of 10 Acres Located In The Mountain Meadows Subdivision, East High Meadow Loop, Unit 2, Tract C-5-R-3, Lands Of The Maguire Family Trust, S 1/2, Ne 1/4, Section 3, T 10 N 1 R 7 E, Town Of Edgewood, Santa Fe County, N.M.P.M.**

Madame Chair McGill explained the Quasi-Judicial procedures and the role of the Commission. She asked if the Public Hearing Notice had been published as required.

Ms. Pettee confirmed the notice had been published as required.

Madame Chair McGill stated that the Commissioners would need to confirm that they have had no conflict of interest or ex-parte communication regarding this case. She asked Attorney White to clarify what that meant.

Commissioner Thompson confirmed that he had no conflict of interest or ex-parte communication. Commissioner Markley confirmed that he had no conflict of interest or ex-parte communication. Commissioner Huppertz confirmed that she had no conflict of interest or ex-parte communication. Commissioner Bryant confirmed that he had no conflict of interest or ex-parte communication.

Madame Chair McGill asked the public if they had any questions or issues with any of the Commissioners participating in this discussion. There were none.

John Bassett, Tim Oden, Delmar Gassner, Steve Shepherd and Bonnie Pettee were sworn in to give testimony.

Bonnie Pettee presented the staff report. She stated that this request is for a preliminary plat to divide a ten (10) acre parcel into four (4) 2.5 acres lots within the Mountain Meadows Subdivision. The subdivision was approved in 2006. Since, all of the roads, grading and drainage, and utilities were installed underground when the subdivision was approved, the applicant is asking that certain requirements for a preliminary plat be waived. Those requirements are:

- a) Benchmark Location,
- b) Utilities on and Adjacent to the Site,
- c) Existing Storm Drainage Facilities,
- d) Conditions on Adjacent Land,
- e) Ground Elevations, and
- f) Estimated Schedule of Lot Development.

She continued, stating that staff is of the opinion that the preliminary plat for Mountain Meadows Subdivision is in compliance with the requirements of the Subdivision Ordinance 2014-03, with the approval of the requested waiver of requirements. Staff recommends the Commission grant approval of MU Mixed Use zoning designation for Unit 2 of the Hillcrest Master Plan.

Mr. Tim Oden, agent for the applicant, he didn't have anything to add to the staff report but he stated he would answer any questions staff may have.

Commissioner Huppertz inquired about the reference to the Lands of Maguire Family Trust.

Mr. Oden replied that it was part of the legal description. The Maguire Family originally owned the land, but sold a portion to the Dugan Family.

John Bassett asked if the developing of this property would have any effect on using High Meadow Loop for the road that goes down the Section line.

Mr. Oden replied no, it would not.

Mr. Bassett noted that in the staff report the word "may" was used regarding requirements for future development. He stated that the word should be replaced with "shall". He also commented on the use of the checklist for Preliminary Plats. He continued to explain that the checklist is an informal document and should not be tied to the motion. Mr. Bassett asked staff why this was not done as a Preliminary /Final plat since the development is complete.

Steve Shepherd replied he was unaware that was an option.

Mr. Delmar Gassner stated that he was not opposed to the subdivision, however, had concerns about the impact on the utilities, as there has been problems in the past. He was also concerned about the dust that would be generated should the owners decide to build on these lots.

Commissioner Huppertz replied that when a utility signs off on an agreement they are assuring the public that they can meet the demands.

**MOTION:** Commissioner Thompson made a motion to approve the Preliminary Plat and requested waivers for a four (4) lot Subdivision of ten (10) acres located in the Mountain Meadows Subdivision, East High Meadow Loop, Unit 2, Tract C-5-R-3, Lands Of The Maguire Family Trust, S 1/2, NE 1/4, Section 3, T 10 N 1 R 7 E, Town of Edgewood, Santa Fe County, N.M.P.M.. This subdivision satisfies the requirements of the subdivision Ordinances. Commissioner Markley seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commission Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye. Motion carried.

**B. Request for an Amendment to the Hillcrest Master Plan, Unit 2, T10N, R7 E, S10, NMPM, Town of Edgewood, Santa Fe County, NM to designate (MU), Mixed Use Zoning on Approximately 45.14 Acres.**

Madame Chair McGill explained that this was another Quasi-Judicial procedure. She asked if the Public Hearing notice had been published properly.

Ms. Pettee confirmed that it had be published as required.

Commissioner Thompson confirmed that he had no conflict of interest or ex-parte communication. Commissioner Markley confirmed that he had no conflict of interest or ex-parte communication. Commissioner Huppertz confirmed that she had no conflict of interest or ex-parte communication. Commissioner Bryant confirmed that he had no conflict of interest or ex-parte communication. Madame Chair McGill stated she had conversations with the applicant regarding this request years ago when she served as the Town Administrator. She asked the Public if they had any comments or questions concerning any of the Commissioners participation in this case. There were none.

Steve Shepherd, John Bassett, Janelle Turner, and Bonnie Pettee were sworn in for testimony.

Bonnie Pettee presented the staff report. She explained that the applicant is seeking an amendment to the Hillcrest Master Plan. The Master Plan was approved in 2006 with the condition that a proposed RV park was removed. That left Unit 2 without a zoning designation. This current request is to designate zoning for that specific unit. The applicant is requesting MU-Mixed Use zoning be approved for that tract. Ms. Pettee continued stating that the applicant is proposing 140 townhouse/apartments units with 13 acres of open space and .6 miles of landscaped pedestrian trails. The overall density will result in approximately 3.1 dwelling units per acre and, therefore, will meet the density requirements of MU-Mixed Use zoning. She noted that the applicant has indicated that water service for domestic use and fire protection will be provided by EPCOR Water, as well as an onsite waste water treatment package. Ms. Pettee noted that there was a Traffic Impact Study done in 2006; part of which has been completed, but not the area of the subject property. She has a copy of that with her this evening, if anyone would want to see it.

Tim Oden addressed the Commissioners, Public, and staff. He is the managing member of Hillcrest LLC. Mr. Oden spoke briefly about the history of Hillcrest Master Plan. He reviewed the documents submitted with the application. Regarding the Density Analysis of 2010, Mr. Oden noted that he reconfigured the bulk tract in certain areas to give the airport a longer glide path. The glide path now goes from the airport to Hwy 344. This resulted in the loss of about 120 lots, which resulted in a lower density than what was allowed when the Master Plan was approved.

Commissioner Markley asked if the Master Plan will connect to the Edgewood waste water system. Mr. Oden replied he would gladly connect to it. In a couple of years, Section 16 may be connected. If so, the developer could bring the line up to Hillcrest. He would prefer that. Commissioner Markley ask where a treatment plant would go. Mr. Oden said it was in Preliminary Engineering Review now. They will produce conceptual cost and ideas. One of the ideas is to follow Bachelor Draw up. Regarding property consumption, it would take 2-5 acres. He spoke about another option; a "package plan", where the waste water is pretreated at each home, then flows into an onsite treatment plant.

Commissioner Bryant asked if all roads in the subdivision would be chip sealed or paved. Mr. Oden replied that they would be paved.

Commissioner Huppertz asked for clarification on how the density of the Master Plan did not change with the addition of 140 dwellings in Unit 2.

Mr. Oden reiterated his comments regarding the decrease in density mentioned prior. He added that in the original plan that called for an RV/Mobile Home park, there were approximately plans for 95 units which were eliminated.

Ms. Janelle Turner asked if EPCOR was going to provide water and waste water, did that mean that there would not be a Homeowners Association.

Tim Oden confirmed that was correct.

Ms. Turner continued stating that she lives across from the Master Plan and welcomes the new development. It is good to have some certainty in this after such a long time. She asked for clarification as to whether this is a zone change or an Amendment to a Master Plan. In a zone change, the Commission makes a recommendation to Council. In an Amendment, the Commission makes the decision.

Attorney White explained that this land is un-zoned and an establishment of zoning needs to be made. That's what is being done here tonight. The Commission will make their recommendation to Council. Council will make the final determination.

Ms. Turner expressed her concern with the traffic on 344 at the intersection of Venus Road. With all the new development in that area, as well as the school and First Choice Medical Center, the traffic has become problematic. She suggested the situation needed to be addressed before another development is built. She asked to see the Traffic Impact Study from 2006 and suggested staff include some of the information in their report.

Madame Chair McGill noted that the Commission was discussing a zoning designation. This intersection would be dealt with during the development phase.

Ms. Turner replied that putting it off was not a solution.

Mr. John Bassett also, commented on the advertisement of this request as an Amendment and therefore, the decision should be made here.

Attorney White disagreed with Mr. Bassett. He explained that there was no initial zoning designated for this unit. The decision has to be made by Council.

Mr. Bassett addressed the notification process for this case. He felt the staff was misleading in their report of noticing the residents within 500'. He felt that meant 500' from the perimeter of Hillcrest Master Plan. He added that there were a lot of people that surround the subdivision that are interested in what happens. They should have been notified.

Commissioners Markley and Huppertz were concerned with the amount of noticing the staff did and asked if more could be done for the Town Council meeting.

Attorney White cited that the Early Neighborhood Notification Ordinance which states "within 500' of the project", which is Unit 2 of Hillcrest.

In his closing statements, Mr. Oden said that there were three new subdivisions along Venus Road with several homes. The developers of those subdivisions did not do traffic studies. The NMDOT needs to be aware of the status of this area and know what threshold needs to be made. He continued stating, regarding Mr. Bassett's comments that the Stipulated Agreement that essentially approved Hillcrest Master Plan states that the decision for zoning for Unit 2 is to be made by Council. He thanked staff for their efforts in moving this forward.

**MOTION:** Commissioner Markley made a motion to recommend that the Amendment to Hillcrest Master Plan establishing a MU-Mixed Use zone for Unit 2, T10N, R7 E, S10, NMPM, Town of Edgewood, Santa Fe County, NM for approximately 45.14 acres move forward to the Town Council with proper notification revisited one more time. Commissioner Huppertz seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commission Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye. Motion carried.

**8. CALL FOR PUBLIC HEARING FOR FEBUARY 16, 2016 MEETING**

**A.** Variance Request to use a greater amount of square footage than allowed by a RS-Residential Services zoning designation for retail business activities at the property located at:

- 92B Church Street – Tract C, 2.26 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.

**MOTION:** Commissioner Thompson made a motion to Call for Public Hearing for a Variance Request to use a greater amount of square footage than allowed by a RS-Residential Services zoning designation for retail business activities at the property located at: 92B Church Street – Tract C, 2.26 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.

**VOTE:** Commissioner Thompson voted aye. Commission Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye. Motion carried.

**9. ORGANIZATIONAL MEETING**

**A.** Election of Officers

**MOTION:** Commissioner Markley nominated Commissioner Huppertz as Secretary to the Commission.  
(The motion was not seconded.)

**VOTE:** Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye.

**MOTION:** Commissioner Markley nominated Commissioner Thompson as Vice Chair. Commissioner Bryant seconded the nomination.

**VOTE:** Commissioner Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye. Motion carried.

**MOTION:** Commissioner Huppertz nominated Madame Chair McGill to be Chairperson. Commissioner Markley seconded the nomination.

**VOTE:** Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Motion carried.

**10. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.**

Madame Chair McGill thanked the Commissioners for their work in a difficult job. She expressed her appreciation for their service.

**11. MATTERS FROM STAFF.**

Bonnie Pettee reported that the new Planning & Zoning Fee Schedule had been approved by Council and the staff is currently working to update each application to reflect the new fee. Madame Chair McGill asked for clarification on the changes that had been made. Steve Shepherd reviewed the schedule noting the changes that had been made.

**12. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.**

**A.** Meeting of March 1, 2016 to be cancelled due to Elections.

After a brief discussion, the Commission agreed to not have an alternate date for the March 1, 2016 meeting. The March 16<sup>th</sup> meeting will be the only in during that month.

**13. ADJOURN.**

**MOTION:** Commissioner Bryant made a motion to adjourn the meeting of February 2, 2016.  
Commissioner Thompson seconded the motion.

**VOTE:** Commissioner Thompson voted aye. Commissioner Markley voted aye. Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Madame Chair McGill voted aye. Motion carried.

Madame Chair McGill adjourned the meeting at 8:27 pm.

**PASSED, APPROVED and ADOPTED this 2<sup>nd</sup> day of FEBRUARY, 2016.**

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Kay McGill, Chairperson

**ATTEST:**

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Cheryl Huppertz, Secretary

**TOWN OF EDGEWOOD  
PLANNING & ZONING COMMISSION  
STAFF REPORT**

**SUBJECT** : ITEM-2016-V001  
**APPLICANT:** Mr. Clay Williams

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**REQUESTED ACTION:**

The applicant is requesting a Variance to use a greater amount of square footage than allowed by the RS-Residential and Services zoning designation for retail business activities at the property located at 92B Church Street (Tract C), Edgewood, NM 87015.

**APPLICATION EXHIBITS:**

- A) Application for Variance
- B) Site Plan
- C) Plat: Lands of Gervias & Patricia Williams
- D) Warranty Deed: Recorded March 28, 1974
- E) New Mexico Power of Attorney Document
- F) Owner Letter of Request
- G) Zone Atlas Map

**APPLICABLE REGULATIONS:**

Zoning Ordinance 2014-02, as amended 08/05/15.

**LOCATION:**

Subject property is located at 92B Church Street (Tract C), 2.26 acres of the Lands of Gervais & Patricia Williams, Section 27, T10N, R7E, NMPM, Town of Edgewood, Santa Fe County, NM.

**NOTIFICATION:**

Public Hearing notice was printed in the Independent on January 27, 2016. Notification of the meeting was posted in two locations along the Church Street in front of the subject property and 15 letters to property owners within the 500 foot requirement were sent by U.S. Mail.

**BACKGROUND:**

The subject property contains an existing 8,000 square foot building that has been used for commercial purposes since 1978. A change in zoning was made in 2009 to RS-Residential and Services zoning. RS-Residential and Services zoning allows for the operation of small businesses that do not exceed a maximum of up to 3,000 for most retail uses or 6,000 square feet for

multipurpose convenience stores and medical offices. Since his future plans for this location is to open a neighborhood market place, the applicant submitted an application for a Variance to allow the use of up to 12,000 square feet, rather than the maximum 6,000 square feet allowed by RS-Residential and Services zoning. The extra square footage would allow him to use a larger portion of the building and possibly construct a pole barn for outdoor use when the weather permits.

The access road to the property has been recently upgraded with plans to pave in the spring of 2016. Parking area/spaces will be regulated by the Off Street Parking Requirements, Section 29 of the Town of Edgewood Zoning Ordinance 2014-02, as amended 08/05/15.

### **PROJECT DESCRIPTION:**

The subject property is 2.26 acres zoned RS-Residential and Services. The properties to the north are Tracts A & B, which have frontage along Church Street. Tract D is located to the southeast and has access only through an easement reserved on the Warranty Deed. The Planning & Zoning Commission recently recommended approval to Council to change the zoning on these lots to RS-Residential and Services zoning. If approved by Council, these lots will be consistent with the subject property. The property to the east is zoned R3-Residential/ Institutional; to the west is R1-Residential and to the south is Santa Fe County property that consists partially of the Edgewood Senior Center.

### **STAFF ANALYSIS:**

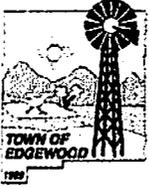
- 1) Staff performed a review of application, submitted materials and applicable ordinances.
- 2) The proposed use will continue to contribute to the local economy and the surrounding community as it has in the past.
- 3) Allowing the additional square footage will not be detrimental to or impair the value of the surrounding properties. It will not impair the integrity and character of the zoning district.
- 4) It is the opinion of the staff that this proposed use and requested variance is consistent with the general intent and purpose of the Zoning Ordinance.

### **STAFF RECOMMENDATION:**

It is the recommendation of the staff that the request for a variance be approved. As the project develops, staff will continue to work with the applicant on required parking and signage.

Any future development on this parcel will be required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire And Rescue Impact Fees 2004-09
- Grading & Drainage 2001-01, as amended 11/04/10
- Landscaping Ordinance 2000-25
- Sign Ordinance 2009-02
- Uniform Fire Code 1999-T
- Zoning Ordinance 2014-02, as amended 8/5/15



# APPLICATION FOR ZONING VARIANCE

### INSTRUCTIONS:

This application form is required to initiate a variance from the strict application of area, height, dimension, distance, setback, or off-street parking requirements of the Comprehensive Zoning Ordinance of the Town of Edgewood. This form must be completed and submitted with the required administrative fee of \$50.00 to the Municipal Office. A Variance may be granted by the Town Planning Commission at a regularly scheduled meeting following receipt of the completed application (Sec. 36, Edgewood Zoning Ordinance).

### APPLICANT INFORMATION:

Applicant Name, Mailing Address, and Phone Number:

Clay Williams  
P.O. Box 244 Edgewood NM 87015  
505-440-8119

### GENERAL INFORMATION:

This is a Variance for (check as appropriate):

- Area
- Height
- Setback
- Off-Street Parking
- Dimension
- Distance

Location and Legal Description of Property that is Subject of the Request:

92 B East Church St. Edgewood NM 87015  
Tract C

Zoning and Present Use of Property:

RS - Retail sales and storage

### REQUIRED ATTACHMENTS:

1. A written statement explaining the reason for the request, including the exceptional conditions that would justify a variance from the zoning regulations.
2. An accurate sketch plans (to scale) showing the relevant structures, property lines, and dimensional measurements of the subject property and contiguous properties.

Applicant Signature: Clay Williams Date: 30 Dec 2015

Received by: KMS Amount: \$50 Receipt No.: 889325 Date: 30 Dec 15

6045109  
0251050



- SUBJECT GENERAL NOTES**
- FOUND LAP BEING
  - FOUND LAP BEING
  - SET 5/4" BEARS AND YELLOW 1/4" CAP PROPERTY CORNER.
  - SET 5/4" BEARS AND YELLOW 1/4" CAP OUTLINE CORNER.
  - FOUND 5/4" BEARS AND YELLOW 1/4" CAP OUTLINE CORNER.
  - FOUND 5/4" BEARS AND YELLOW 1/4" CAP OUTLINE CORNER.
  - OVERHEAD POWERLINE

1. EXHIBIT SHOWS ARE BASED ON THE ADJUT LINE OF LANDS OF THE EAST...
2. THE PURPOSE OF THIS PLAT IS TO DIVIDE THE LANDS AS SHOWN HEREIN.

**SANTA FE COUNTY APPROVAL**

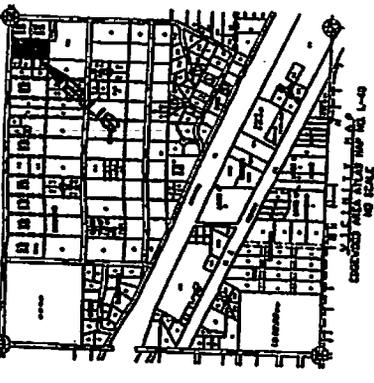
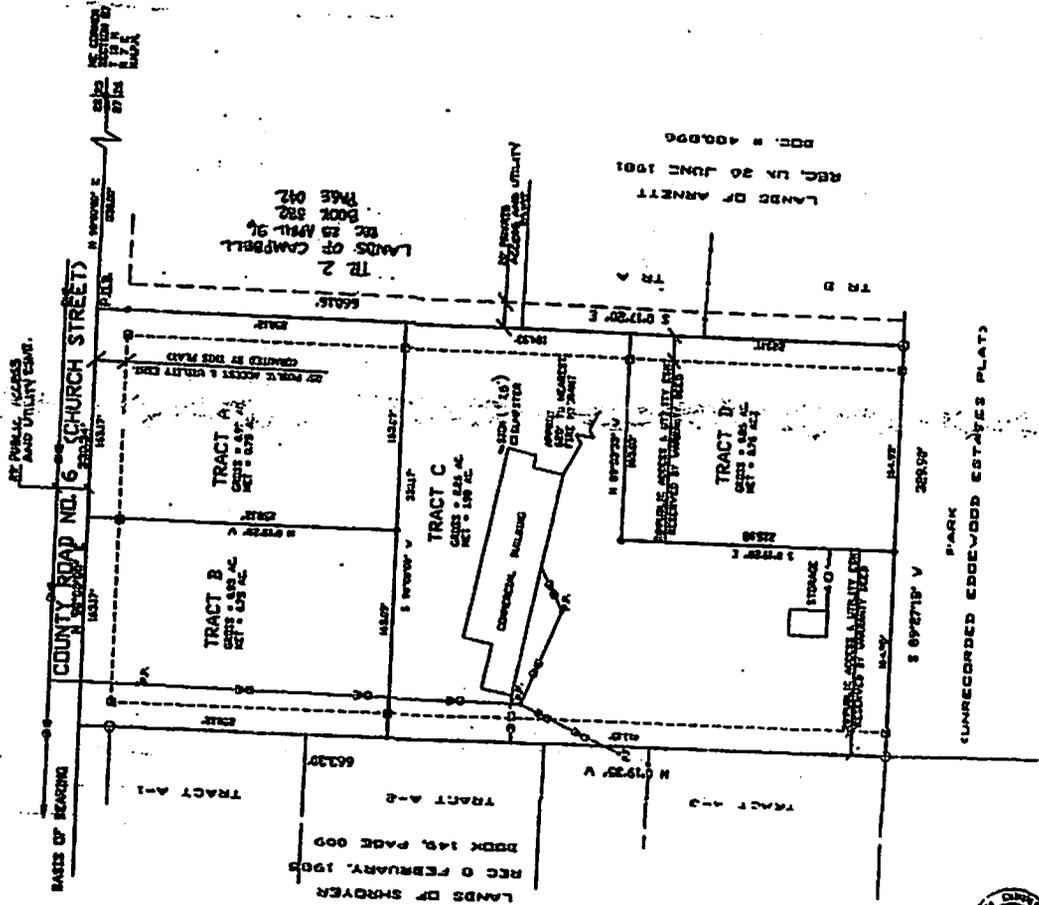
APPROVALS:  
COUNTY CLERK: [Signature]  
DATE: 5-8-96

1. THE APPLICANT HAS BEEN ADVISED OF THE RIGHTS OF THE PUBLIC AND PLANNING...
2. THE APPLICANT HAS BEEN ADVISED OF THE RIGHTS OF THE PUBLIC AND PLANNING...
3. THE APPLICANT HAS BEEN ADVISED OF THE RIGHTS OF THE PUBLIC AND PLANNING...
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5. THE APPLICANT HAS BEEN ADVISED OF THE RIGHTS OF THE PUBLIC AND PLANNING...
6. THE APPLICANT HAS BEEN ADVISED OF THE RIGHTS OF THE PUBLIC AND PLANNING...
7. THE APPLICANT HAS BEEN ADVISED OF THE RIGHTS OF THE PUBLIC AND PLANNING...

COUNTY OF SANTA FE, N.M.  
STATE OF NEW MEXICO: [Signature]  
COUNTY CLERK OF SANTA FE COUNTY

WITNESSES BY HAND AND SEAL OF OFFICE  
COUNTY CLERK OF SANTA FE COUNTY  
[Signature]  
[Seal]

LAND DIVISION OF THE LANDS OF  
**GERVAIS G & PATRICIA J. WILLIAMS**  
BEING THE 1/4 SEC 14, 1/4 SEC 15, 1/4 SEC 16, SECTION 27, T10N R7E, N40E,  
SANTA FE COUNTY, NEW MEXICO  
JUNE 1993



**DESCRIPTION**  
BEING ALL THAT CERTAIN LANDS WHICH ARE THE WEST 1/2 ONLY IN 1/2  
OF THE SW 1/4 OF SEC 14, 1/4 SEC 15, 1/4 SEC 16, SECTION 27, T10N R7E, N40E,  
SANTA FE COUNTY, NEW MEXICO, AS SHOWN ON THE PLAT OF THE LANDS  
RECORDED AS PLAT NO. 149, PAGE 600, REC. O FEBRUARY, 1993.

**LEGAL COMMENT**  
THE APPLICANT HAS BEEN ADVISED OF THE RIGHTS OF THE PUBLIC AND PLANNING...  
[Signature]

**ACKNOWLEDGEMENT**  
STATE OF NEW MEXICO: [Signature]  
COUNTY OF [Signature]  
ON THIS 14th day of March, 1996, the foregoing instrument  
was acknowledged before me by the persons whose name appears above.

**SUBJECT'S CERTIFICATION**  
I, the undersigned, being duly qualified and sworn, do hereby certify that the  
contents of the foregoing instrument are true and correct to the best of my  
knowledge and belief, and that the same have been duly recorded in the  
public records of the County of Santa Fe, New Mexico.

**WITNESSES**  
[Signature]  
[Signature]

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
COUNTY CLERK  
[Signature]  
[Seal]

FILED IN [Signature] to March 1996  
DATE

SUNRECORDED EDGEWOOD ESTATES PLATS

REC. UN 20 JUNE 1991  
DOC. # 400096

LANDS OF CAMPBELL  
TR 2  
REC. 13 APRIL 96  
DOC. 382  
PAGE 042

LANDS OF SPOYER  
BOOK 149, PAGE 600  
REC. O FEBRUARY, 1993



# WARRANTY DEED (Joint Tenants)

364755

ALVIN B. RICHARDS and EDITH MAE RICHARDS, his wife,

to GERVAIS G. WILLIAMS, for consideration paid, grant

and PATRICIA J. WILLIAMS, his wife,

as joint tenants the following described real estate in Santa Fe County, New Mexico:

W $\frac{1}{2}$  of W $\frac{1}{2}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , and E $\frac{1}{2}$  of W $\frac{1}{2}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  all in Section 27, Township 10 N., Range 7 E, N.M.P.M., and Containing five Acres, more or less.

(1) Mineral rights provision: Oil and mineral rights, if any, on subject premises, are granted to the Grantees herein.

(2) Reservations:

(A) Original Grantors, (Ray Bassett and Evelyn Bassett), herein reserve a 20 ft. easement along the West side, East side and North side, on subject premises for the purpose of road, and as designated on official map.

(B) Original Grantors, (Ray Bassett and Evelyn Bassett), herein reserve a 20 ft. easement (Location Grantors option) for the purpose of installing water pipe line, if and when Grantor so desires.

(C) Easements, Restrictions, and U. S. Patent Reservations of record.

(3) Restrictions: The following restrictions herein applicable shall run with the land.

(A) Any dwelling erected on this property conveyed, must contain a minimum of 800 square feet of floor space, and must be finished on the outside.

(B) If and when water is available for use herein, Grantees, their successors in interest, must install adequate plumbing facilities therefor.

(C) Property conveyed cannot be used for a junk yard, or any use that would constitute a nuisance to adjoining property. What constitutes a nuisance is to be determined by original grantors (Ray Bassett and Evelyn Bassett), or their heirs.

Subject to taxes for the year 1974 and subsequent years.

with warranty covenants.

WITNESS OUR hand S and seal S this 28<sup>th</sup> day of March, 1974

(Seal) Alvin B. Richards (Seal)

(Seal) Edith Mae Richards (Seal)

## ACKNOWLEDGMENT FOR NATURAL PERSONS

ss.

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of March, 1974, by Alvin B. Richards and Edith Mae Richards, his wife

(Name or Names of Person or Persons Acknowledging)

My commission expires: Sept. 18, 1977

Louis B. Ogden  
Notary Public

421904

## New Mexico Statutory Power of Attorney

NOTICE: THIS IS AN IMPORTANT DOCUMENT. THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT, CHAPTER 45, ARTICLE 5, PART 6 NMSA 1978. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, YOU SHOULD ASK A LAWYER TO EXPLAIN THEM TO YOU. THIS FORM DOES NOT PROHIBIT THE USE OF ANY OTHER FORM. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, Gervais G. Williams (Name) reside at  
P.O. Box 244 Edgewood Edgewood, (Address) New Mexico. 87015  
I appoint Clay & Bruce Williams PO Box 244 Edgewood N.M. 87015 4504 Almyr  
(Name(s) and address(es)) to serve as my attorney(s)-in-fact. Alb. Num 87114

If any attorney-in-fact appointed above is unable to serve, then I appoint  
Clay & Bruce Williams ggc to serve as successor attorney-in-fact in place  
of the person who is unable to serve.

This power of attorney shall not be affected by my incapacity but will terminate upon my death unless I have revoked it prior to my death. I intend by this power of attorney to avoid a court-supervised guardianship or conservatorship.

~~Should my attempt be defeated, I ask that my agent be appointed as guardian or conservator of my person or estate.~~

STRIKE THROUGH THE SENTENCE ABOVE IF YOU DO NOT WANT TO NOMINATE YOUR AGENT AS YOUR GUARDIAN OR CONSERVATOR.

CHECK AND INITIAL THE FOLLOWING PARAGRAPH ONLY IF YOU WANT YOUR ATTORNEY(S)-IN-FACT TO BE ABLE TO ACT ALONE AND INDEPENDENTLY OF EACH OTHER. IF YOU DO NOT CHECK AND INITIAL THE FOLLOWING PARAGRAPH AND MORE THAN ONE PERSON IS NAMED TO ACT ON YOUR BEHALF THEN THEY MUST ACT JOINTLY.

( ) \_\_\_\_\_ If more than one person is appointed to serve as my attorney-in-fact then they may act severally, alone and independently of each other.

My attorney(s)-in-fact shall have the power to act in my name, place and stead in any way which I myself could do with respect to the following matters to the extent permitted by law:

INITIAL IN THE BOX IN FRONT OF EACH AUTHORIZATION WHICH YOU DESIRE TO GIVE TO YOUR ATTORNEY(S)-IN-FACT. YOUR ATTORNEY(S)-IN-FACT SHALL BE AUTHORIZED TO ENGAGE ONLY IN THOSE ACTIVITIES WHICH ARE INITIALED.

INITIAL

1. real estate transactions.  
 2. stock and bond transactions.

- 3. commodity and option transactions.
- 4. tangible personal property transactions.
- 5. banking and other financial institution transactions.
- 6. business operating transactions.
- 7. insurance and annuity transactions.
- 8. estate, trust and other beneficiary transactions.
- 9. claims and litigation.
- 10. personal and family maintenance.
- 11. benefits from Social Security, Medicare, Medicaid or other government programs or civil or military service.
- 12. retirement plan transactions.
- 13. tax matters, including any transactions with the Internal Revenue Service.
- 14. decisions regarding lifesaving and life prolonging medical treatment.
- 15. decisions relating to medical treatment, surgical treatment, nursing care, medication, hospitalization, institutionalization in a nursing home or other facility and home health care.
- 16. transfer of property or income as a gift to the principal's spouse for the purpose of qualifying the principal for governmental medical assistance.
- 17. ALL OF THE ABOVE POWERS, INCLUDING FINANCIAL AND HEALTH CARE DECISIONS. IF YOU INITIAL THE BOX IN FRONT OF LINE 17, YOU NEED NOT INITIAL ANY OTHER LINES.

**SPECIAL INSTRUCTIONS: ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS YOU HAVE GRANTED TO YOUR AGENT.**

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**CHECK AND INITIAL THE FOLLOWING PARAGRAPH IF YOU INTEND FOR THIS POWER OF ATTORNEY TO BECOME EFFECTIVE ONLY IF YOU BECOME INCAPACITATED. YOUR FAILURE TO DO SO WILL MEAN THAT YOUR ATTORNEY(S)-IN-FACT ARE EMPOWERED TO ACT ON YOUR BEHALF FROM THE TIME YOU SIGN THIS DOCUMENT UNTIL YOUR DEATH UNLESS YOU REVOKE THE POWER BEFORE YOUR DEATH.**

\_\_\_\_\_ This power of attorney shall become effective only if I become incapacitated. My attorney(s)-in-fact shall be entitled to rely on notarized statements from two qualified health care professionals, one of whom shall be a physician, as to my incapacity. By incapacity I mean that

among other things, I am unable to effectively manage my personal care, property or financial affairs.

This power of attorney will not be affected by lapse of time. I agree that any third party who receives a copy of this power of attorney may act under it.

Gervais G. Williams  
(Signature)

(Optional, but preferred: Your social security number)

Dated: June 1<sup>st</sup>, 2013

ACKNOWLEDGEMENT

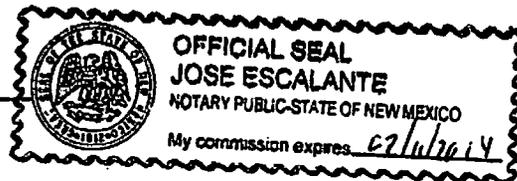
NOTICE: IF THIS POWER OF ATTORNEY AFFECTS REAL ESTATE, IT MUST BE RECORDED IN THE OFFICE OF THE COUNTY CLERK IN EACH COUNTY WHERE THE REAL ESTATE IS LOCATED.

STATE OF NEW MEXICO )  
COUNTY OF Santa Fe ) ss.

The foregoing instrument was acknowledged before me on June 01<sup>st</sup>, 2013, by Gervais G. Williams

[Signature]  
Notary Public  
My Commission Expires: 02/01/2014

(seal)



APPLICATION FOR ZONE CHANGE WITH TOWN OF EDGEWOOD

30 Dec. 2015

Property location: 88 E Church St. - 92 A E. Church St. - 92 C E. Church St.

Request to change the zoning on above property to RS

The above property is vacant land and undeveloped at this time. We have no plans to develop in the near future.

We are requesting the zone change so that these 3 lots will be zoned the same as lot 92 B, which they all share a common property line.

The only structure we would like to construct in the near future is a sign on the N.E. corner of lot 92 A to direct traffic to the retail property located behind. The sign would be subject to the approval process of the town of Edgewood.

Thank You

clay williams

**APPLICATION FOR ZONING VARIANCE 92 B East Church St**

This property had been zoned Commercial since 1978 and the existing building of 8500 sq. ft. has been used for wholesale and retail sales. The property was changed to a RS zoning in 2009. We would like to continue using the existing building and possibly construct a pole barn for outdoor use in the future. We are requesting that the allowable space be increased to 12000 sq. Ft. The building has been a part of the neighborhood since 1978 and has contributed to the local economy in the process. We plan to change the venue to a market place that will continue to contribute to the neighborhood. Thank you for your consideration.

Clay Williams

30 Dec 2015

# PROPOSED USE OF Building on 92 B E. CHURCH ST

We propose using Property for indoor market. THE space in the north building would be used as rental space for vendors. Spaces will be rented on a monthly - weekly - or daily basis.

The space in the S.E. section of the building will be maintained by myself as a retail area for additional sales.

Hours of OPERATION: 9:00 to 5:00 7 days a week

Number of EMPLOYEES: Vendors will man their own Booth. The remainder of the retail space will be owner OPERATED. We anticipate hiring no traditional employees.

TYPE of MACHINERY: Wood working tools in Small shop.  
Bobcat for ROAD maintenance.

Plans for Outdoor STORAGE: None at this Time

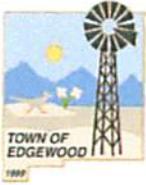
EFFECTS of OPERATION: AIR Pollution - NONE  
WATER Pollution - NONE  
ODOR - NONE SAFTY - NONE  
NOISE - GIARE - FIRE - NONE

TRAFFIC: Access Road Has been Recently UPGRADED With PLANS of PAVING in Spring of 2016.

PARKING will be in compliance of City Regs.

TRAFFIC VOLUME Should not be much more than the PRE-EXISTING BUSINESSES DATING BACK To 1984.





## BEFORE THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION

### FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

IN THE MATTER OF AN APPLICATION BY:

TIM ODEN & ASSOCIATES

CASE# 2016-SUB001

PRELIMINARY PLAT FOR PROPERTY LOCATED AT:

EAST HIGH MEADOW LOOP, MOUNTAIN MEADOWS SUBDIVISION, UNIT 2, BEING TRACT C-5-R-3 OF THE LANDS OF THE MAGUIRE FAMILY TRUST, S ½ OF THE NE ¼, SECTION 3, T10N, R7E, N.M.P.M., TOWN OF EDGEWOOD, SANTA FE COUNTY, NEW MEXICO

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#### I. APPLICATION PROCESS:

##### 1.1 LEGAL:

The applicant is seeking approval of a Preliminary Plat for a four (4) lot subdivision of ten (10) acres located on East High Meadow Loop in the Mountain Meadows Subdivision, Unit 2, Tract C-5-R-3 of the Lands of the Maguire Family Trust, S ½ of the NE ¼, Section 3, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico.

#### 2. PUBLIC MEETING:

On February 2, 2016 the Planning & Zoning Commission reviewed this application for approval of the Preliminary Plat.

2.1 APPLICANT SWORN IN FOR TESTIMONY: Mr. Tim Oden, Agent

2.2 WITNESSES SWORN IN FOR TESTIMONY: Mr. John Bassett, Ms. Janelle Turner, Mr. Delmar Gassner

2.3 STAFF SWORN IN FOR TESTIMONY: Ms. Bonnie Pettee and Mr. Steve Shepherd

#### 3. FINDINGS OF FACT:

3.1 The Edgewood Planning & Zoning Commission is authorized to hear this case and to make a determination if the preliminary plat satisfies the requirements of the Subdivision Ordinance.

3.2 Future development of these properties would conform with the surrounding properties.

3.3 Recommendation for approval of this preliminary plat will not be detrimental to the public welfare or cause a negative impact to the surrounding properties.

#### 4. CONCLUSIONS OF LAW:

The request for an approval of the Preliminary Plat for a four (4) lot subdivision of ten (10) acres located on East High Meadow Loop in the Mountain Meadows Subdivision, Unit 2, Tract C-5-R-3 of the Lands of the Maguire Family Trust, S ½ of the NE ¼, Section 3, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico is:

4.1 Determined to have met the requirements of the Subdivision Ordinance 2014-03, as amended 02/04/15, with the following conditions:

A. The following requirements of the Preliminary plat are not applicable and therefore waived by the Commission:

- Benchmark Location (5.c.)
- Utilities on and Adjacent to the Site (5.f.3.)
- Existing Storm Drainage Facilities (5, f.4)
- Conditions on Adjacent land (5.f.6.)
- Ground Elevation (5.f.8.d.1-4)
- Estimated schedule of Lot development (5.f.8.h)

B. Future development of the four (4) lots shall be required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire and Rescue Impact Fees 2004-09
- Grading & Drainage 2001-01, as amended 11/04/10
- Landscaping Ordinance 2000-25
- Uniform Fire Code 1999-T
- Zoning Ordinance 2014-02, as amended 08/05/15

4.2 The sub-division is not detrimental to the public health, safety or welfare in the zone in which it is proposed.

4.3 The sub-division will not have an adverse impact on neighboring properties.

**5. ORDER OF DECISION:**

Based on the Findings of Fact, Conclusions of Law, and the reasons stated, the Town of Edgewood Planning and Zoning Commission recommends approval of the Preliminary Plat, 2016-SUB001, for the property located on East High Meadow Loop in the Mountain Meadows Subdivision, Unit 2, Tract C-5-R-3 of the Lands of the Maguire Family Trust, S ½ of the NE ¼, Section 3, T10N, R7E, N.M.P.M., Town Of Edgewood, Santa Fe County, New Mexico

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**WRITTEN FINDINGS OF FACT, CONCLUSIONS OF LAW WAS APPROVED BY THE  
EDGEWOOD PLANNING AND ZONING COMMISSION FEBRUARY 16, 2016.**

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Kay McGill  
Planning and Zoning Commission Chairman

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Date

Attest:

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Cheryl Huppertz  
Planning and Zoning Secretary

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Date