

**AGENDA
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
OCTOBER 3, 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 September 19, 2016

4. PUBLIC COMMENTS

5. PUBLIC HEARING.

Quasi-judicial Procedure: Certification that Public Notice of this meeting has been posted as required: This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and to cross-examine persons giving testimony. Confirmation of no conflict of interest or ex-parte communication.

A. Request for approval of a 3 lot subdivision in Woods End Ranch, along Woodline Drive, Tract P-1-R-1-B, Section 21, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County, NM.

B. The applicant is seeking a Conditional Use Permit for a K1-12 Charter school located at Hwy 344, Tract A-2, Parcel A, Lone Pine Ranch, Section 22, T10N, R7E, N.M.P.M. Town of Edgewood, Santa Fe County, NM 87015.

6. FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

A. Conditional Use for Short Term Rentals for property located at:

506 Dinkle Road, Tract B, as shown on "Land Division of a portion of the Lands of Donald E & Mary E Huston", being located in portions of Sections 14, 23, & 24, T10N, R7E, N.M.P.M., Santa Fe County, Town of Edgewood, NM 87015

7. RESOLUTION TO AUTHORIZE CONTINUING MAINTENANCE FOR MEDICAL CENTER DRIVE

8. WORKSHOP

A. Amendments to the Zoning Ordinance – District Standards

B. Road Standards & Paving Priority List

9. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS

10. MATTERS FROM STAFF

11. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

A. Next Commission Meeting – October 17, 2016

1. Woods End Road - 2 lot subdivision

2. Tentative Joint Training- 4:00 pm
- B. Joint Workshop on Subdivisions – November 5th or 12th.

12. 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.

**MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
SEPTEMBER 19, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL

Chairman Dan Thompson called the meeting to order at 6:25 pm and asked for Roll Call. Commissioners present were: Cheryl Huppertz, Garry Bryant and Dan Thompson. Also present were Larry Sullivan, Planning Administrator, and Bonnie Pettee, Planning Assistant.

2. APPROVAL OF AGENDA

MOTION: Commissioner Huppertz made a motion to approve the agenda for the September 19, 2016 meeting. Commissioner Bryant seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

3. APPROVAL OF MINUTES:

A. Draft Planning & Zoning Commission Meeting Minutes of September 6, 2016

MOTION: Commissioner Huppertz made a motion to approve the Minutes of the September 6, 2016 meeting as presented. Commissioner Bryant seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

4. PUBLIC COMMENTS

There were none.

5. PUBLIC HEARING.

Quasi-judicial Procedure: Certification that Public Notice of this meeting has been posted as required:

Ms. Pettee confirmed the Public Notice had been posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Commissioner Huppertz confirmed she had no conflict of interest or ex-parte communication.

Commissioner Bryant confirmed he had no conflict of interest or ex-parte communication.

Chairman Dan Thompson confirmed he had no conflict of interest or ex-parte communication.

- A. The applicant is seeking a Conditional Use Permit for short term rentals at the home located on 7.5 acres located at 506 Dinkle Road, Tract B as shown on Land Division of a portion of the lands of Donald E & Mary E. Huston, being located in the portions of Sections 14,23, &24, T10N, R7E, N,M,.P,M, Town of Edgewood, Santa Fe County, NM 87015.

Larry & Dorothy Miller, applicant, and Larry Sullivan, Planning Administrator were sworn in for testimony.

Mr. Sullivan stated that staff will recommend approve of the Conditional Use as the staff analysis will show. He suggested the applicants present their narrative first.

Mr. Miller stated the house on the subject property was previously owned by Dorothy Millers parents. The Millers purchased the house after the parent's death. They would like to use the property for short term rentals, weekends mostly. They are not interested in providing meals or allowing alcohol on the premises.

Mr. Sullivan asked if they had abandoned the idea of using the shop for classes or events.

Mr. Miller replied they had not abandoned the idea. They were just focusing on getting the house ready. Mrs. Miller explained the house was built is two sections, so as to provide a separate area for a care taker, if needed. This would allow them to have two separate rental units.

Commissioner Huppertz expressed her delight in the use and felt it would be successful.

Mr. Sullivan explained the Conditional Use is based on the guidelines stated in the Town of Edgewood Zoning Ordinance. He read the Guidelines and the Staff Analysis.

Chairman Thompson inquired if provisions had been made or are needed for smokers.

Mrs. Millers replied that there would be no smoking allowed in the house, but would be allowed on the hard-surfaced patio.

Mr. Sullivan read the list of conditions for approval contained in the staff report and the additional suggested conditions.

Commissioner Huppertz questioned the condition regarding the trash pickup time. She stated most services pick up early, so after 9:00 am might become a problem.

Commissioner Bryant inquired about the maximum limit of people on the property at one time. He explained if one would have a small wedding, it could easily exceed 60 guests. He added, people can have more than that at their house for a party.

Mr. Sullivan spoke about a memorandum he would like the applicant to write regarding the conditions that he is agreeable to. He stated that he should change the number of guests to 120 and add that the parking will be managed.

MOTION: Commissioner Bryant made a motion to approve the request for Conditional Use at 506 Dinkle Road, Edgewood, NM with the conditions listed in the staff report, the changes to Items #8 & #9 and the extra 5 suggested at the meeting. Commissioner Huppertz seconded the motion.

VOTE: Commissioner Huppertz voted aye. Commissioner Bryant voted aye. Chairman Thompson voted aye. Motion carried.

B. Continuation of Public Hearing for request for approval of a Minor Subdivision consisting of 2 lots, located at 29 Woods End Road, Woods End Ranch, being tract P-5-A-2, Section 21, T10N, R7E, N.M.P.M., Town of Edgewood, Santa Fe County.

Ms. Pettee was sworn in for testimony. She stated the staff had received a letter from Mr. Oden, agent for Woods End Ranch, requesting that the Public Hearing be tabled again until October 17, 2016. Commissioner Huppertz inquired why he was not ready tonight.

Mr. Sullivan stated he was not sure, but he thought Mr. Pillars was waiting to see how the other application was resolved.

MOTION: Commissioner Huppertz made a motion to table the request for a Minor Subdivision located at 29 Woods End Road, Edgewood, NM until October 17, 2016 meeting. Commissioner Bryant seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

Mayor Bassett arrived at this time.

6. WORKSHOP

A. Amendments to the Zoning Ordinance -- District Standards

A discussion followed regarding the different options available to address the concerns of the maximum building heights for the District Standards portion of the Zoning Ordinance.

The Commissioners agreed that Mr. Sullivan could draw up a proposal of options to present to the Commissioners at the next meeting.

B. Road Standards & Paving Priority List

Mr. Sullivan stated that tonight the Commissioners would need to suggest some roads for preliminary paving priorities based on traffic and conditions.

Ms. Pettee presented a draft of the new road map for the Town.

Some suggestions made were: East Church Street- Quail to Williams Ranch Road, the full extension of Cactus Road, Horton-Venus to Hill Ranch Road and Horton – south from Dinkle to Camino Coyote.

Mr. Sullivan stated that staff would analysis the suggested roads to see if the qualify to be on the priority list. He added other issues to include which roads need trails, what types of surface they require, viewing distances from corners and possible acquisition of ROWs.

7. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS

There was nothing brought forward by the Commissioners.

8. MATTERS FROM STAFF

Larry Sullivan asked if the Commissioners would be interested in Parliamentary Procedures Training. There is a good source for such training and they would be willing to come to Edgewood. He also inquired if there was still interest in a joint meeting with Council to discussion some of the issues the Commission has been working on.

Mayor Bassett addressed the Commissioners. He spoke regarding the joint meetings have been done before. He thought it would be a great opportunity to discuss items and seek direction from the Council members.

Mr. Sullivan gave a brief summary of the Appeal for Woodline Drive that was heard at Council on the 7th of September. He explained that Council remanded it back to the Planning Commission. The case will be heard on October 3, 2016.

9. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

A. Next Commission Meeting – October 3, 2016

1. Woodline Drive - 3 lot subdivision
2. Conditional Use – K1-12 Charter School

Mr. Sullivan explained the Conditional Use that will be at the next meeting and talked briefly about the issues at hand.

10. ADJOURN.

MOTION: Commissioner Huppertz made a motion to adjourn tonight's meeting. Commissioner Bryant seconded the motion.

VOTE: All Commissioners present voted aye. Motion carried.

Chairman Dan Thompson adjourned the meeting of September 19, 2016 at 8:50 pm.

PASSED, APPROVED AND ADOPTED this 3rd day of OCTOBER.

Dan Thompson, Chairman

ATTEST:

Garry Bryant, Secretary

2016 Sub 004

Application of Jonathan Pillars

Staff Report on Remand from Town Council

Application for Minor Subdivision of an eight acre parcel out of the Lands of Jonathan Pillars in the Woods End Ranch Subdivision, Town of Edgewood.

STATEMENT OF CASE

This case comes to the Commission on remand from the Town Council, with the following instructions:

- 1) . . . determine whether or not [P&Z] can place covenants on private property;
- 2) . . . determine whether or not [P&Z] can require an applicant to improve a road beyond the area of his property;
- 3) . . . review the specified Road Maintenance Agreement . . . in relation to the request for subdivision; and
- 4) . . . [indicate whether] services in place (utilities and roadways) meet the requirements.

The directive of the Council did not require that P&Z rescind the original conditional approval and replace it with a different decision. New evidence was introduced after the first hearing. Thus we are advised that a *de novo* hearing could be appropriate. Public notice has been given of today's hearing on this matter.

RESPONDING TO THE DIRECTIVES

You are obliged to respond to the above directives in connection with a rehearing and decision on the application. Staff offers the following observations in that regard.

1. ***Authority to impose covenants on private property.*** The Commission was not advised until after the June 5 hearing that a private covenant in the documents governing transfers of the Pillars Family lands puts a 1.5 minimum acre restriction on conveyances to third parties. Thus one of the conditions was anticipated by the Pillars family and made the P&Z condition unnecessary.

Furthermore, there is legal precedent in New Mexico for a local planning authority to impose restrictive covenants as a condition for approval of a proposed subdivision. The application of this rule is found in the case of *Village of Los Ranchos de Albuquerque v. Shiveley*, 110 N.M. 15, 791 P.2d 466 (Civ App 1989). In *Shiveley* the Court upheld the right of village planning officials to enforce a covenant to prevent the subdivider from selling an undivided interest in a commons area created in connection with approval of the previous subdivision of a portion of the total tract land into ¼ acre lots. This case has been described as "controversial" by some, but it does not appear to have been overruled. It relies on 1978 NMSA §§ 3-19, 3-20 and 3-21, as well as three other New Mexico court opinions, specifically including the opinion in *Colborne v. Village of Corrales*, 106 N.M. 103, 739 P.2d 972 (Ct. App. 1987). So it appears to be the law of this state on this question. The principle was stated by the *Shiveley* court as follows: "We . . . hold that a planning authority has standing to enforce reasonable restrictions imposed as a condition of subdivision approval."

2. **Authority to require an applicant to improve a road beyond his property.** The Commission should acknowledge that making such a requirement would be improper. Condemnation proceedings would be necessary instead. But in the circumstances of this specific case, the question is no longer an issue because the Commission was led to believe that the property west of the parcel proposed to be subdivided did in fact also belong to the Applicant.

3. **Relationship of Road Maintenance Agreement to subdivision request.** Similarly, the Commission was not aware at the first hearing of the existence of the Road Maintenance Agreement in question. The proposed subdivision plat did not indicate that the easement for the north-south leg of Woodline Drive was an improved private road subject to a property owners' maintenance agreement. All of the land within the roadway easement appeared to be in Lands of Pillars and in Lands of Jonathan Pillars. The existence of the agreement did not come to light until after the June 5th hearing was over.

4. **Do services in place (utilities and roadways) meet the requirements?**

Roadway. There was evidence from the applicant and the agent that roadway improvements for the east-west access easement for Woodline Drive had not been put in place at the time of the hearing in June. There was also evidence that the gravel placed at the east end of the road cut for Woodline Drive was considerably less than 6" deep. The inspector for the county fire department indicated there would need to be a roadway there capable of bearing 75,000 lbs of fire department equipment [probably a 6" compacted base course] and there would need to be a turnaround of some kind at the east end of Woodline Drive. Thus it was reasonable to conclude that the subdivision roadway requirement had not been met.

Utilities. Although it was not shown on the plat for the proposed subdivision, the agent for the applicant testified at the June 5 hearing that underground utilities lines were available near the frontage of the proposed subdivision lots. Telecommunications services are easily accessible in the vicinity.

Water Service. After the June 5 hearing the Applicant indicated he believed it to be imprudent to extend water service to the proposed subdivision lots because buyers might want to drill private domestic wells rather than connect to existing water service lines. The applicant's agent pointed out there is a fire department test plug in the NE quadrant of the "knuckle" corner of Woodline Drive. The applicant showed planning staff a fire hydrant located less than 1000' travel distance away from the SE corner of proposed Lot 5. There was no evidence bearing on the question of whether it would be reasonable to assume a productive water well could be drilled in any of the lots.

Waste Disposal. There is no wastewater service to the neighborhood. It is generally believed soils in the vicinity will effectively support a septic system for a residence on a lot of one acre or more. Solid waste and recycling services are readily available where road capacities will support the refuse trucks.

In conclusion, it might be argued that with the exception of a suitable roadway, many of the required services could readily be obtained, even though in subdivision the time and expense of getting access would be shifted to lot purchasers at the time of Development Review. Staff is of the opinion the difficulties encountered by prospective purchasers might reduce their willingness to buy these lots.

RECOMMENDED ALTERNATIVES FOR DISPOSITION

The following major alternatives for disposition of this appeal present themselves:

I. DENY THE APPLICATION FOR MINOR SUBDIVISION WITHOUT PREJUDICE TO APPLY FOR MAJOR SUBDIVISION APPROVAL; RETURN THE APPLICATION FEE.

A. Determine that the proposal is not eligible for approval as a "minor" subdivision because:

1. No roadway access to all lots as required in the minor subdivision ordinance.
 2. The existing roadway will not support fire protection equipment.
 3. Abbreviated review of the minor subdivision process gives inadequate assurance that no infrastructure is needed.
- B. Major subdivision disclosure and review processes offer better assurance of protection for public health and safety and compliance with general subdivision policy.
- C. The Applicant failed to provide accurate and complete information to the Commission, which is in itself grounds for denial.

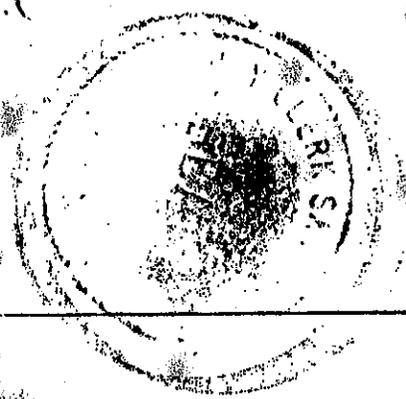
II. APPROVE THE MINOR SUBDIVISION, SUBJECT TO INSTALLATION OF ROAD IMPROVEMENTS THAT COMPLY WITH DESIGN STANDARDS SET OUT IN EXHIBIT "A"

III. RESCIND THE ORIGINAL ORDER IN ITS ENTIRETY AND START FROM STRATCH WITH THE INTRODUCTION OF EVIDENCE, ANALYSIS AND ARGUMENT APPROPRIATE TO DETERMINE THE FOLLOWING:

- A. Whether Applicant has carried the burden of showing roadway access to all the proposed lots, and
- B. Whether the Applicant has carried the burden of showing that no infrastructure is needed for the proposed subdivision.

576,619
COUNTY OF SANTA FE } SS
STATE OF NEW MEXICO }

I hereby certify that this instrument was filed for record on the 20 day of Sept A.D. 1985, at 10:34 o'clock A m. and was duly recorded in book 531, page 518 of the records of Santa Fe County. Witness my Hand and Seal of Office
ANGIE VIGIL PER
County Clerk, Santa Fe County, N.M.



RETURN TO: a-48,488
1600 SAN PEDRO, N.E. Carraher
NEW MEXICO TITLE CO. Ce Ce

Nend Cardenas
Deputy
ROAD MAINTENANCE AGREEMENT

1985

This agreement entered into this day 23rd of Sept., by the undersigned who are owners of parcels within land division known as Woods End Ranch, Lands of Oscar L. and Marjorie Pillars within SE1 of Sec 21, T10N, R7E NMPM Santa Fe County, N. M. declare that it is in their best interest and in the best interest of all future owners of parcels within this land development to be bound by an agreement to maintain the fifty foot (50) dedicated and private roadways as shown on attached plot should Santa Fe County fail to do so, with exception of owners of Tract A & B (front on Hwy 344).

A road maintenance committ is hereby established composed of three (3) persons chosen from among owners of parcels in the development. This committee is hereby authorized and empowered to contract with a suitable entity for the maintenance of such roads. Upon the death, resignation or refusal to act of a committee member the remaining members shall have full authority to designate a successor. The committee membefs shall serve without compensation of any kind.

For the purposes of voting hereunder the owners of each tract of land shall be entitled to one vote plus one vote per five acres for owners of unplotted land.

The committee has the authority to accept bids for road maintenance and after rolling membership to award contracts and assess each parcel. Each parcel owner shall be responsible for paying his pro-rata share of maintenance costs. Said assessment shall be paid yearly and be paid to the road maintenance committee. In event of failure of any parcel member to pay said assessment yearly, the road maintnance committee is hereby declared to have power to file a lien against said lot for unpaid assessments. Said lien, if not paid within one year of date of filing shall be foreclosed as provided by law.

LEGEND



IMPROVED SURFACE

--- EASEMENT LINE

EXHIBIT "A"

~160'

NOTE: 20' MIN. DRIVING SURFACE FOR ONE LOT

R=25'

TRACT P-5

LOT LINE

TRACT P-6

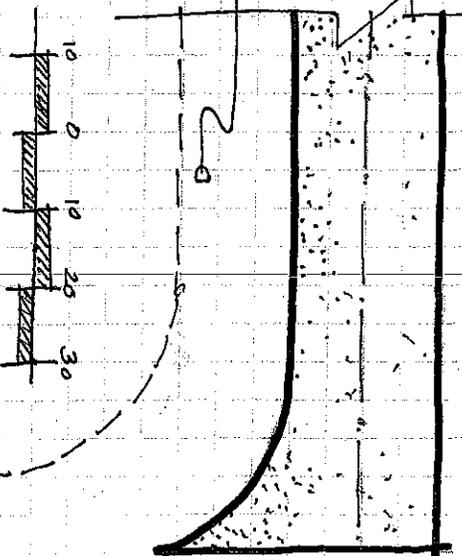
BUILD ROAD & TURNAROUND TO FIRE DEPT STANDARD: 6" COMPACTED BASE (OR EQUIVALENT) 3" ALL WEATHER SURFACE

EXISTING ACCESS / UTILITIES EASEMENT

20'

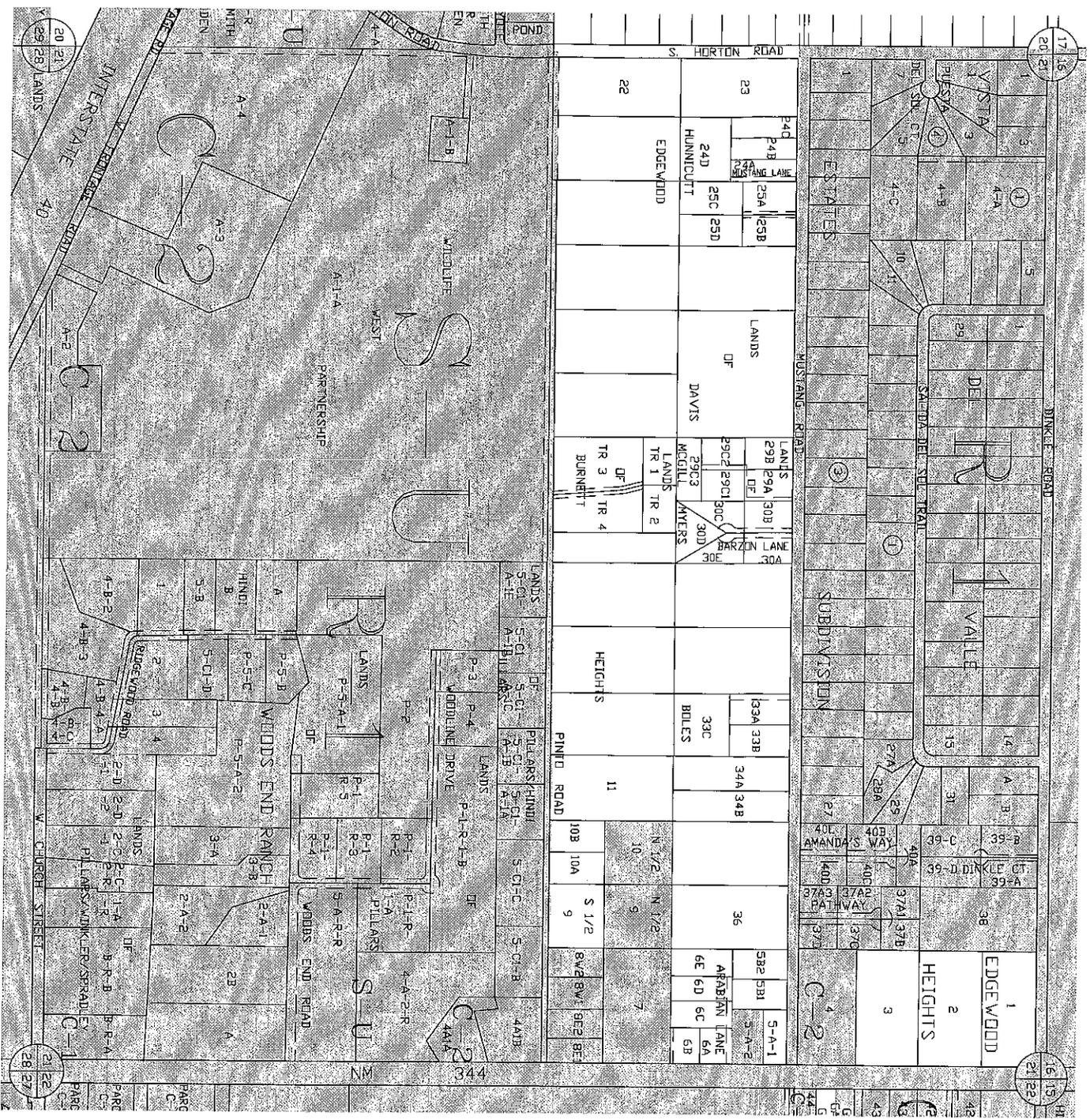
70' MIN.

60' MIN.



GRAPHIC SCALE

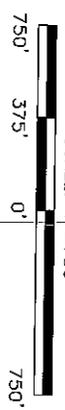




COPYRIGHT
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 ODEN & ASSOCIATES, INC.



SCALE: 1"=750'



LEGAL DESCRIPTION	T 10 N R 7 E SEC 21
UNIFORM PROPERTY CODE	1039057
MAP AMENDED THROUGH	JANUARY 1, 2013
K 39	

2016-CUP 002
Staff Report to the
Planning & Zoning Commission
Town of Edgewood

The application of Tierra West LLC and The Lone Pine Ranch, Inc. for a conditional use permit to operate a K-1 thru 12 charter school with a project enrollment of 700 students on premises located in an R-1 Residential district abutting the east right-of-way of NM 344.

CITED REGULATIONS

Section 12. R-1 Conventional Residential

Section 35. Conditional Use Permit

Edgewood Zoning Ordinance, Section 32. Performance Standards In All Districts – specifically Subsections D through H [heat, noise, air pollution, and odors]

Edgewood Zoning Ordinance, Section 36. Nuisances – abandoned or junk vehicles, dilapidated buildings, and other property nuisances such as debris, attractive nuisances, or hazardous conditions.

Santa Fe County Fire Code

BACKGROUND

1. Applicant submitted an application on August 31, 2016, for a conditional use permit to build and operate a charter school with an anticipated enrollment of up to 700 students on a 20-acre parcel located on the east side of NM 344 immediately across from the place where Pinto Road intersects NM 344. Preliminary engineering documents were submitted with a letter of application and certain title documents.
2. The 20-acre “Parcel A” out of the Lone Pine Ranch property was a lot previously approved for platting by the Planning and Zoning Commission as part of small subdivision fronting on NM 344. It retained the R-1 Residential zoning classification.
3. Applicant requested an early hearing on the Conditional Use Permit for an R-1 parcel. Staff set the matter for immediate hearing and gave notice to neighbors as required by law. Staff also noticed that several questions needed to be addressed, and mailed a letter of concerns to Tierra West on September 20, 2016 (copy attached). A 110-page traffic impact study, along with conceptual drawings for grading and drainage, were delivered to Planning Staff in Edgewood on September 28, 2016.

STAFF ANALYSIS

Directly Applicable Ordinances. Any “conditional use” proposed for an R1-Conventional 1-Acre Residential Zone requires notice of public hearing and review by the Planning & Zoning Commission for concerns listed in Guidelines in Section 35D of the zoning ordinance. The guidelines specify the following concerns:

“ . . . vehicular and pedestrian safety, traffic control, Off Street Parking, and emergency access in case of fire, flood or catastrophe [and] the economic, noise, glare, or odor effects of the [use] on contiguous properties; and general compatibility with contiguous properties and other properties in the area.”

Connections to water and sewer services and other public utilities, with reference to necessary easements or dedications;

Storm water drainage control and flood protection with references to the National Flood Insurance Program; Solid waste management systems and the potential for Hazardous Materials or other waste; and The economic noise, glare, or odor effects of the Conditional Use on contiguous properties, and general compatibility with contiguous properties and other properties in the area.”

In addition, SECTION 12.C.3. specifically provides that proposal for a public or private school must be supported by a development plan for the site acceptable to and approved by the town governing body.

ANALYSIS:

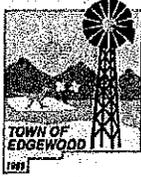
- **SITE DEVELOPMENT PLAN.** The site development plan is not sufficiently complete at this time for review or presentation to the town council. The concept drawing for the monument sign appears to comply with provisions of our sign ordinance. No landscape plan has been submitted. A conceptual grading plan has been made available, but it is not yet ready for detailed study by the planning staff and engineers. Conceptual grading appears to challenge primary objectives of the Edgewood Grading and Drainage Ordinance. Some, but not all site development plan elements and phases might be postponed for Development Review.
- **VEHICULAR & PEDESTRIAN SAFETY.** Required access for ingress and egress to the site will add risk for pedestrians and bicyclists, not to mention equestrian users on the walks and trails on the east side of the NM 344 right-of-way. Provision should be made to minimize obstructions to visibility at the places where travel modes intersect, and to provide suitable surfaces and grades for minimizing hazards. The ridge on NM 344 south of the site also presents visual obstruction for northbound motorists and risks to pedestrians and bicyclists associated with poor visibility on the roadway in the direction of the proposed site for the school. These additional risks should be addressed.
- **TRAFFIC CONTROL.** The traffic impact study commissioned by the Applicant indicates that a 325' deceleration lane will be needed for a right hand turn into the site, and that the site design “should maintain adequate sight distances for traffic at this location.” Staff is concerned about stopping distances in relation to visibility and icy slopes for northbound traffic on the south side of frontage of Parcel A. The concept plan does address recommendations as to turning radii and two-way traffic into and out of each proposed entrance to the site.

- **OFF-STREET PARKING.** Staff questions whether adequate off-street parking has been provided in the concept plan. Only 144 parking spaces are set aside. If enrollment reaches 350 students, off-street parking will not likely be adequate for special events such as athletic events or graduation exercises. When enrollment reaches 700 students the parking lot may would assuredly be too small to support school-wide events.
- **EMERGENCY ACCESS.** The current version of the site plan shows adequate access for fire equipment and other emergency vehicles on the street side of the building through the parking lot. However, it is not clear whether the conceptual plan supports access to the opposite side of the building, most especially through the sloped area between the building and the south property line. With an adequate turnaround on the southeast side of the proposed building, it might be possible to omit an access route around the south side. However, it is not yet clear that suitable provision has been made for such a turnaround. Nor is it clear that convenient access to east side of the building has been provided around the north side. Any emergency vehicle access to the “back side” of the property must be located 1.5 times the height of the build away from the exterior wall of the building. Conceptual slopes may be too steep at critical points along that route, and the roadway surface must be capable of carrying the load of heavy fire protection vehicles [6” gravel compacted to 95% of field capacity]
- **FIRE PREVENTION.** A more detailed assessment must await submittal of the detailed floor plan and systems specifications. The fire department must be told what “building type” is contemplated, where the exits will be located, the height of the structure, and so on.
- **ECONOMIC IMPACTS.** This property is located in a semi-rural setting alongside a major state roadway. The proposed building would enclose 60,200 square feet of space.
 - Retail sales & GRT. Daily activities associated with a charter school operating in a 60,000 sf building will undoubtedly increase gross revenue tax revenues in retail stores located in Edgewood on NM 344 and Old Route 66. It is certainly conceivable these activities would stimulate interest in more retail services along those corridors as well.
 - Development. Over time the location of the charter school might stimulate some interest in residential development, and perhaps commercial development too.
 - Construction spending. Site development and construction investments will for a time pump some cash into the Edgewood economy. The question of course is this: Will it be limited to out-of-town construction workers’ needs for gloves, gas and groceries? Or will Edgewood laborers, subcontractors, and suppliers of building materials get a reasonable share of the work?

- Multiplier Effect. To the extent Edgewood merchants and service providers can hold on to and recirculate the money spent here in connection with the construction and operation of the proposed charter school a “multiplier effect” will spread the wealth for the benefit of the citizens of the town. This is called the economic impact of the project, which can be determined for the Applicant and the Town of Edgewood by the state via the Estancia Valley Economic Development (EVEDA). This should take less than 30 days.
- **NOISE, GLARE & ODORS ASSOCIATED WITH THE PROPOSED USE.** Noise is possible, especially in connection with outdoor events. There are town ordinances governing noise, light glare, and odors. Fortunately, there are no residences in the immediate vicinity of the site. The frontage for the school is flanked on both north and south by commercial establishments, namely the 344 Storage and Wal-Mart, respectively.
- **CONNECTIONS TO WATER AND SEWER AND OTHER PUBLIC UTILITIES.** Applicant says EPCOR will supply water for consumption and fire protection, which presumably includes support for landscape planting. No indication was made as to connections for electric and telecommunications services. Inasmuch as Edgewood wastewater service lines do not currently extend that far north to Parcel A, it must be assumed that the Applicant intends to use on-site septic wastewater services. These should be specified for purposes of review.
- **GENERAL COMPATIBILITY WITH ADJACENT PROPERTIES.** The right-of-way dedicated to trails and sidewalks will be impacted by proposed curb cuts and deceleration lanes. Otherwise no current residential uses would appear to be compromised.
- **ELEVATION PLAN.** No elevation plan was submitted with the application. This was listed as a “filing requirement” and is needed as part of an architectural compatibility study.

RECOMMENDED ACTION.

Staff recommends that consideration on this application should be continued until the regular meeting of the Planning and Zoning Commission on November 7, 2016, to allow time for refinement of planning, engineering and architectural documents, and consideration of reports and comments from NMDOT, EVEDA, EPCOR, the Town Engineer, and other appropriate consultants.



Community Planning & Development

P.O. Box 3610, Edgewood, New Mexico, 87015
Phone (505) 286-4518 ext. 3 Fax (505) 286-4518

APPLICATION FOR CONDITIONAL USE PERMIT

APPLICANT(s): Tierra West, LLC

ADDRESS: 5571 Midway Park Place NE Albuquerque, NM 87109

PHONE NO (Home) _____ (Business) 505-858-3100 (Fax) 505-858-1118

NAME OF PROPERTY OWNER (If different): Audrey Payne

ADDRESS: TBD

LEGAL DESCRIPTION & LOCATION OF PROPERTY INVOLVED (Attach a map if necessary):

Lots Tract A-2 Block _____

Subdivision The Lone Pine Ranch Address _____

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form for Conditional Use Permit (CUP) must be completed and signed.

Fee: A \$50.00 non-refundable fee must be paid. The purpose of the filing fee is to cover printing and mailing of required legal notices.

Plot Plan: A plot plan of the proposed conditional use permit site **DRAWN TO SCALE** showing property lines, existing and proposed buildings, building setbacks, parking and loading areas, driveways and other pertinent information must be provided.

Elevation Plan: Elevation profile of all proposed building or alterations in sufficient detail to explain the nature of the request must be provided.

Note: One set of plans either 8 1/2" x 11" in size or 11" x 17" in size, must accompany the application submitted. A completed application must be received by the Planning Department at least seven (7) days prior to the next scheduled meeting of the Town of Edgewood Planning Commission.

Other Information: The applicant is encouraged to submit other information and documentation to support the request.

****If the applicant is different from the property owner, property owner consent in writing must be provided.**

1. Identify the zoning of the property: * SEE ATTACHED LETTER
2. Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required:
3. Explain in detail the type and nature of the use proposed on the property.
4. Explain how the use relates with other properties and uses in the immediate area:
5. Describe any unique features or characteristics, e.g. lot configuration, storm drainage, soil conditions, erosion susceptibility, or general typography, which may affect the use of the property:
6. Describe the general suitability and adequacy of the property to accommodate the proposed use.
7. Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.
8. Describe the amounts and type of traffic likely to be generated by the proposed use:
9. Describe the means and adequacy of off-street parking, loading and unloading, provided on the property.
10. Describe the type, dimensions and characteristics of any sign(s) being proposed:
11. Identify any outside storage of goods, materials or equipment on the property:
12. Identify any accessory buildings or structures associated with the proposed use on the property:

I, the applicant(s) (or authorized agent or employer of applicant) being first duly sworn, deposes and says that all of the above statements contained in this document submitted herewith are true and as to those matters stated on information, I believe the same to be true.

Signature: 

APPLICATION IS TO BE SUBMITTED AT LEAST 15 DAYS PRIOR TO THE NEXT PLANNING COMMISSION MEETING.

OFFICE USE ONLY

File No.: _____ Date _____
 Filed: _____

Fee Paid: \$50.⁰⁰ 8.31.16

Jan

TIERRA WEST, LLC

August 29, 2016

Ms. Bonnie Pettee
Town of Edgewood
1911 Historic Route 66
Edgewood, NM 87105

**RE: APPLICATION FOR CONDITIONAL USE PERMIT
TRACT A-2, MINOR SUBDIVISION OF
LONE PINE RANCH PARCEL A-2**

Dear Ms. Pettee

Tierra West LLC, on behalf of the property owner who is under contract with Estancia Valley Charter School, respectfully requests approval of a Conditional Use on Tract A-2 Lone Pine Ranch. The property is located off of NM 344 and is north of the Walmart on the east side. Enclosed please find the following responses to the questions listed on the application for the Conditional Use.

- **Identify the zoning of the property:**
The current zoning on the property is R-1 Single Family. Under that zoning a School is a Conditional Use and is permissive under the Conditional Use requirements.
- **Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required:**
Section 11 of the Town of Edgewood Zoning Ordinance lists schools as a Conditional Use under R-1.
- **Explain in detail the type and nature of the use proposed on the property:**
The use on the property is proposed as a new charter school which for levels 1 through 12 under charter school regulations. The site is accessible through two new driveway permits that will be issued by NMDOT for NM 344. EPCOR will supply water with an extension down NM 344 to service the property for both domestic and fire demands. Liquid waste is being handled by an onsite advanced treatment unit with leach fields. Onsite ponding will control the developed drainage to historic flows and follow existing drainage patterns to the northeast section of the site. The flows will exit the site and follow the historic drainage patterns.

5571 Midway Park Place NE Albuquerque, NM 87109
(505) 858-3100 Fax (505) 858-1118 1-800-245-3102
tierrawestllc.com

- **Explain how the use relates with other properties and uses in the immediate area:**

The property immediately to the south is zoned R-1. The next property to the south is zoned commercial and is currently vacant but owned by Walmart East Inc. The intent is to continue the development of commercial property along the NM 344 corridor and to abut the south side of the project. The property to the north and east is the balance of the Lone Pine Ranch, which is being purchased by another party and will hopefully continue to develop for commercial and other residential uses. The property to the west is a special use zone property containing the library.

- **Describe any unique features or characteristics, e.g. lot configuration, storm drainage, soil conditions, erosion susceptibility, or general topography, which may affect the use of the property:**

There are no existing unique features or characteristics related to the proposed site that may affect the use of the property as a charter school. The site has a slight gradient from southwest to northeast. Existing drainage patterns will be maintained.

- **Describe the general suitability and adequacy of the property to accommodate the proposed use:**

The property is ideally suited for the development of a charter school, which is centrally located and has good access for buses and student drop off. A complete Traffic Impact Study was completed and submitted to the NMDOT that shows the project will not have any adverse impacts on the network or surrounding properties. A driveway permit is being sought at this time.

- **Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.:**

The site has been oriented to minimize the drainage impacts and all developed flows will be retained onsite in a common drainage scheme for the school. The location of the drainage will be oriented towards the natural fall heading north and east from the site. A formal grading and drainage plan will be submitted to the Town for approval at time of the development.

- **Describe the amounts and type of traffic likely to be generated by the proposed use:**

Attached is the complete Traffic Impact Study that was completed for the project. The study shows that there are no adverse impacts. The access points for the school have been aligned with drive and spacing requirements established by the NMDOT State Access Manual.

- **Describe the means and adequacy of off-street parking, loading and unloading, provided on the property:**

The school parking lot was sized for the facility's staff, high school students and visitor's needs of the school. We believe there is adequate parking for the facility. Additional area is available should the parking lot need to be expanded in the future.

- **Describe the type, dimensions and characteristics of any sign(s) being proposed :**

Typical building signage will be placed on the charter school. Exact size and locations have yet to be determined. In addition to the building signage, a monument sign will be placed adjacent to NM344. The monument sign structure will be approximately 100" high by 72" long and 39" wide. It will have an illuminated sign face approximately 42" square. It will have a natural block base with stucco frame and cap, all with earth tone finishes.

- **Identify any outside storage of goods, materials or equipment on the property:**

The property will have long term fields and other play areas and recreational areas on site. A long term ancillary out building may be erected for storage of equipment and grounds maintenance in the future.

- **Identify any accessory buildings or structures associated with the proposed use on the property:**

At the current time the only structures that are contemplated is the main school structure as shown on the attached Site Development Plan. The front 10 acres of the site may be fenced off to keep cattle out of the school area. This would include barbed wire fence on the north, east and south sides. A more decorative fence consisting of 2 feet of block with wrought iron is planned for the west fence line along NM344. Security gates will be provided at the two entrances off NM344.

If you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Sincerely,



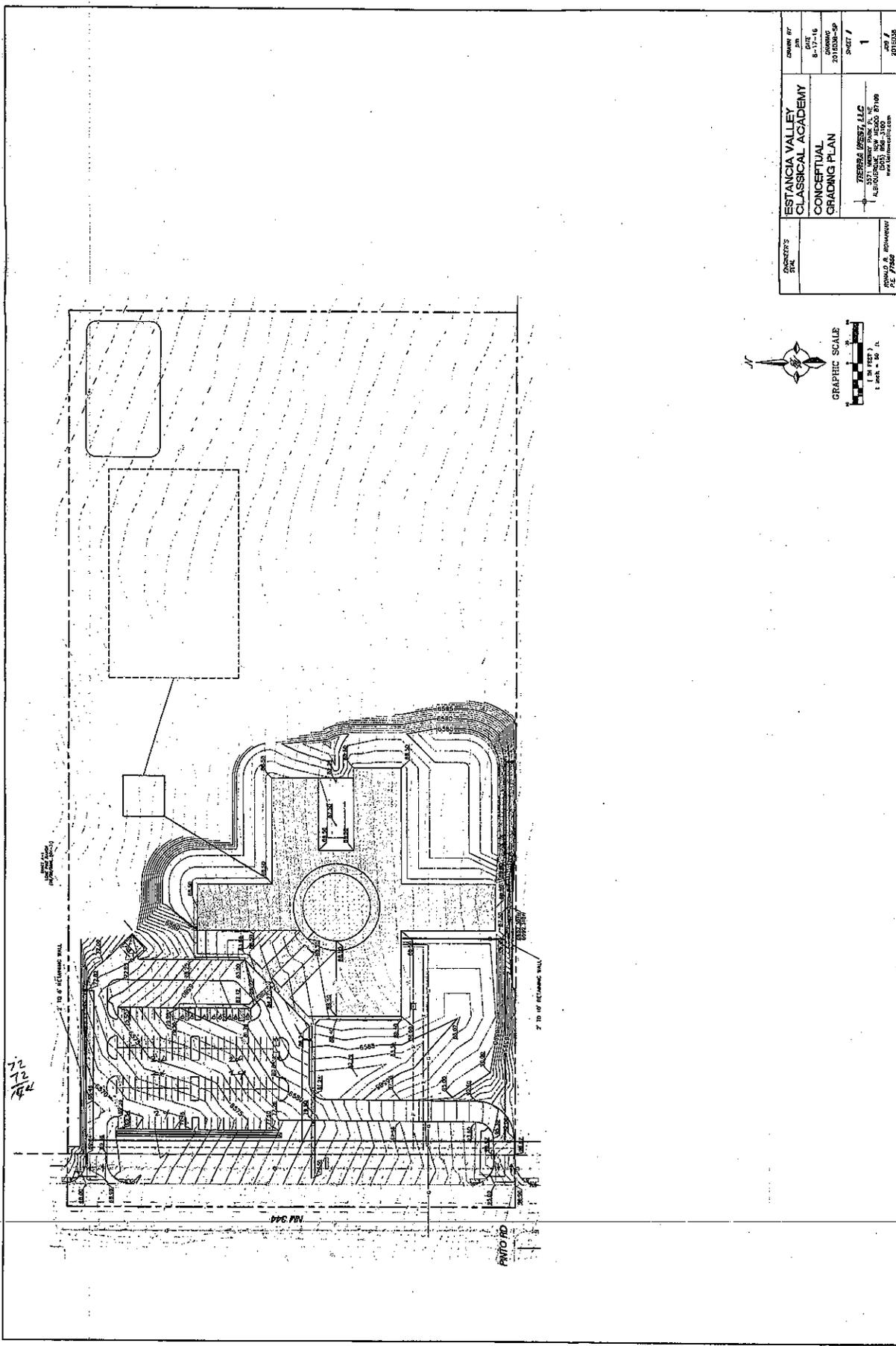
Ronald R. Bohannon, PE

cc: Steve Nakamura

Audrey Payne

JN: 2016038

RRB/kw

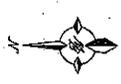


12/12/14

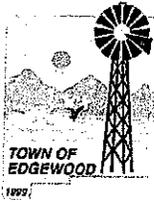
PPC PPI

PRV/D

OWNER'S NAME	ESTANCIA VALLEY CLASSICAL ACADEMY
OWNER'S ADDRESS	CONCEPTUAL GRADING PLAN
DATE	12/12/14
PROJECT NO.	201503-SP
SHEET /	1
DATE	2015.03
DESIGNER'S NAME	ZEPEDA ENGINEERS, LLC
DESIGNER'S ADDRESS	3571 WINTER PARK, P.O. BOX 1000, WINTER PARK, CO 81090
DESIGNER'S PHONE	970.838.3100
DESIGNER'S FAX	970.838.3100
DESIGNER'S WEBSITE	www.zepedaengineers.com
SCALE	AS SHOWN
DATE	12/12/14



GRAPHIC SCALE
 1" = 50'
 1" IN FEET
 1" = 50'



TOWN OF EDGEWOOD

Where the Mountains Meet the Plains

1911 Historic Route 66

P.O. Box 3610

Edgewood, NM 87015

Phone: (505) 286-4518 Fax (505) 286-4519

www.edgewood-nm.gov

September 20, 2016

Ronald Bohannon, PE
Tierra West, LLC
5571 Midway Park Place NE
Albuquerque NM 87107

IN RE: 2016 CU 002 – Tract A-2, Parcel A, Lone Pine Ranch, Edgewood NM –
Estancia Valley Charter School project

Dear Mr. Bohannon:

We are excited about the project described in your application for a conditional use permit. Accordingly, we mention here several important matters for your attention as you prepare for the public hearing scheduled for October 3, 2016.

There may arise the typical concerns found with every conditional use permit hearing, namely concerns about noise, trash, pollution and odors.

In addition, we understand you have requested comments from NMDOT regarding traffic impacts and ways you need to plan for mitigation of those impacts. Please be prepared to discuss the need for acceleration and deceleration lanes, stacking lanes and prospective traffic control signals along NM 344.

We notice significant slopes on the site, so we anticipate you will address carefully in your grading and drainage plans how the large areas of impervious surfaces will impact surface flows and the need for adequate management of contaminated runoff. Have you consulted our grading and drainage ordinance?

We note that the Town of Edgewood owns and maintains pedestrian and bicycle trails on the east side of the Hwy 344, so we will be looking for satisfactory ways to maintain the integrity and connectivity of those trails as they pass along the western edge of school property. We are aware you may need to dedicate another strip of land for that purpose on the east side of the existing ROW, and perhaps to create some kind of physical separation along the edge of that easement.

Finally, we also advise you to be prepared to address requirements of our "dark sky" lighting ordinance, our signs ordinance, and our landscape ordinance. We are familiar with your work at Wal-Mart, and we would expect a proposal for landscape no less sensitive to the aesthetic values of our community than what you created there.

Sincerely yours,

Larry N. Sullivan
Planning Administrator

Cc: Audrey Payne

John Bassett
Mayor

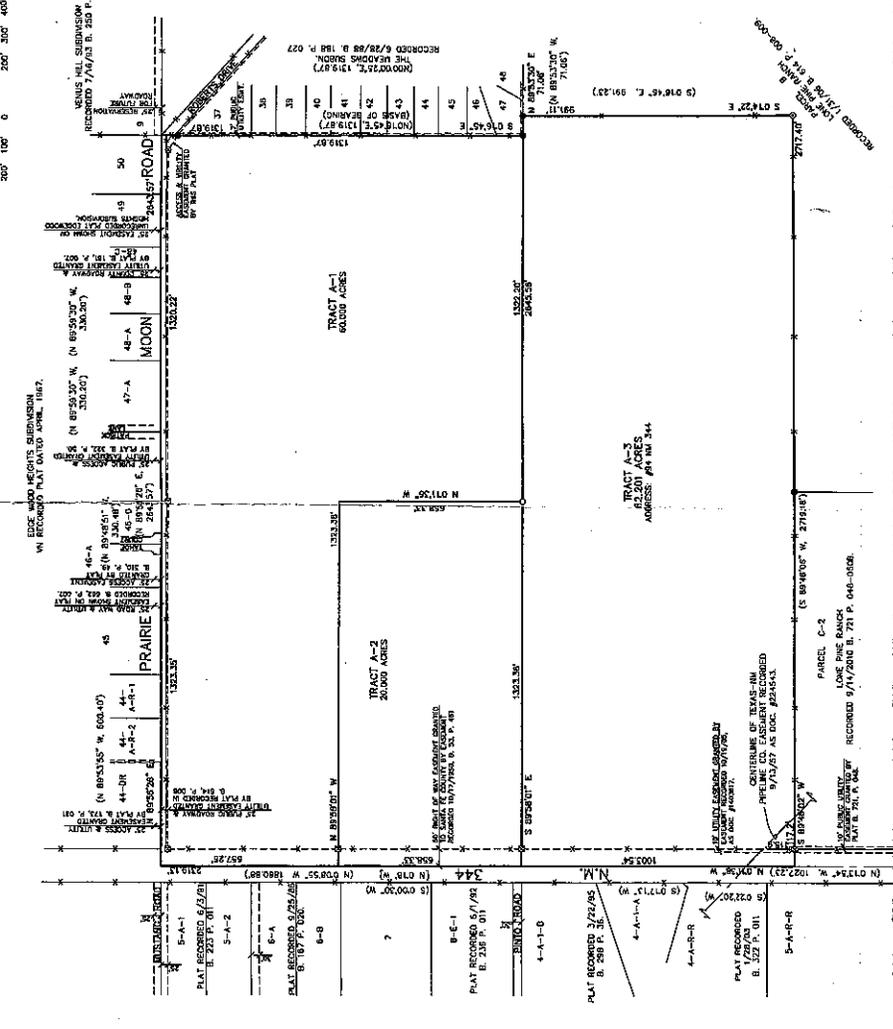
John Abrams
Sherry Abraham
Chuck Ring
Rita Loy Simmons
Town Councilors

Wm. H. White
Municipal Judge

Juan Torres
Clerk-Treasurer

Carla Salazar
Deputy Clerk-Treasurer

LONE PINE RANCH
 A SURVEY IN THE COUNTY OF SANTA FE, NEW MEXICO



DESCRIPTION
 BEING ALL THAT CERTAIN TRACT WHICH IS PARCEL A OF LONE PINE RANCH AS SHOWN ON THE SURVEY MAP AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT IT COMES WITHIN THE MANDATORY STANDARDS FOR SURVEYS IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SURVEY GENERAL NOTES
 1. THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE LANDS SHOWN BY LONE PINE RANCH INTO TRACTS A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-13, A-14, A-15, A-16, A-17, A-18, A-19, A-20, A-21, A-22, A-23, A-24, A-25, A-26, A-27, A-28, A-29, A-30, A-31, A-32, A-33, A-34, A-35, A-36, A-37, A-38, A-39, A-40, A-41, A-42, A-43, A-44, A-45, A-46, A-47, A-48, A-49, A-50, A-51, A-52, A-53, A-54, A-55, A-56, A-57, A-58, A-59, A-60, A-61, A-62, A-63, A-64, A-65, A-66, A-67, A-68, A-69, A-70, A-71, A-72, A-73, A-74, A-75, A-76, A-77, A-78, A-79, A-80, A-81, A-82, A-83, A-84, A-85, A-86, A-87, A-88, A-89, A-90, A-91, A-92, A-93, A-94, A-95, A-96, A-97, A-98, A-99, A-100.

ACKNOWLEDGEMENT FOR CORPORATION
 STATE OF _____
 COUNTY OF _____
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ 2016,
 BY _____ OF
 THE LONE PINE RANCH, INC.

INDEXING INFORMATION FOR THE COUNTY CLERK
 COUNTY OF SANTA FE
 STATE OF NEW MEXICO
 I hereby certify that this instrument has been filed for record on the _____ day of _____ A.D. 2016, at _____
 And has duly recorded on instrument # _____
 In Book _____ Page _____ of this volume of Santa Fe County
 Records, by _____
 County Clerk, Santa Fe, NM

NOTARY PUBLIC
 BY COMMISSION EXPIRES _____

LEGEND
 BOUNDARY LINE
 EASEMENT LINE
 WIRE FENCE
 FOUND 1/2" REBAR AND CAP STAMPED "PS 31987" ATTACHED 18"9
 FOUND 3/4" REBAR IN CONCRETE AT FENCE CORNER
 SET 5/8" WIRE LONG REBAR AND YELLOW CAP STAMPED "ON PS 14401"
 AS 3" X 3/4" WIRE CORNER
 SET 5/8" WIRE LONG REBAR AND YELLOW CAP STAMPED "ON PS 14401".

TOWN OF F.D.F.E.W.O.O.D. NOTES
 1. THE TOWN OF F.D.F.E.W.O.O.D. HAS REVIEWED THIS INSTRUMENT AND HAS DETERMINED THAT THE INSTRUMENT IS IN ACCORDANCE WITH THE TOWN CHARTER AND THE TOWN ORDINANCES AND THAT IT IS TRUE AND CORRECT TO THE BEST OF THE TOWN'S KNOWLEDGE AND BELIEF.
 2. THE TOWN OF F.D.F.E.W.O.O.D. HAS REVIEWED THIS INSTRUMENT AND HAS DETERMINED THAT THE INSTRUMENT IS IN ACCORDANCE WITH THE TOWN CHARTER AND THE TOWN ORDINANCES AND THAT IT IS TRUE AND CORRECT TO THE BEST OF THE TOWN'S KNOWLEDGE AND BELIEF.
 3. THE TOWN OF F.D.F.E.W.O.O.D. HAS REVIEWED THIS INSTRUMENT AND HAS DETERMINED THAT THE INSTRUMENT IS IN ACCORDANCE WITH THE TOWN CHARTER AND THE TOWN ORDINANCES AND THAT IT IS TRUE AND CORRECT TO THE BEST OF THE TOWN'S KNOWLEDGE AND BELIEF.

TOWN OF F.D.F.E.W.O.O.D. APPROVALS
 PLANNING AND ZONING COMMISSION BY ITS COMMISSIONER DATE _____
 CITY OF EDWARDS, BY ITS MAYOR DATE _____
 TOWN CLERK DATE _____
 SANTA FE COUNTY RURAL ADDRESSING DATE _____
 SANTA FE COUNTY TREASURER'S OFFICE DATE _____

ACKNOWLEDGEMENT FOR CORPORATION
 STATE OF _____
 COUNTY OF _____
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON _____ 2016,
 BY _____ OF
 THE LONE PINE RANCH, INC.

INDEXING INFORMATION FOR THE COUNTY CLERK
 COUNTY OF SANTA FE
 STATE OF NEW MEXICO
 I hereby certify that this instrument has been filed for record on the _____ day of _____ A.D. 2016, at _____
 And has duly recorded on instrument # _____
 In Book _____ Page _____ of this volume of Santa Fe County
 Records, by _____
 County Clerk, Santa Fe, NM

**TOWN OF EDGEWOOD
PLANNING AND ZONING COMMISSION RECOMMENDATION ON
CONTINUING MAINTENANCE FOR MEDICAL CENTER ROAD**

The following Recommendation was adopted by the Planning and Zoning Commission at its regular meeting on the 3rd day of October, 2016:

The 523' of Medical Center Road south of its intersection with W Venus Road should be added to the town road maintenance list, and maintenance of that portion of the roadway should be continued by the Edgewood Road Department, to provide safe and convenient public access to the First Choice Medical Clinic.

This Recommendation is based on the following findings:

- 1) In 2002 the Town of Edgewood identified a roadway alignment for public access to a health clinic to be located on state lands of Section 16 within Edgewood municipal boundaries,
- 2) The Town of Edgewood named it Medical Center Road and provided roadway improvements 22' wide by 532' long on the indicated alignment;
- 3) The Town of Edgewood Road Department has maintained Medical Center Road since 2002 as part of the commitment of the Town to the health and well-being of the citizens of Edgewood;
- 4) The fire department Inspector has determined Medical Center Road will support access for heavy fire department equipment at first Choice Medical Clinic; and
- 5) The Medical Center Road is on state land and should not be deemed to benefit some private interest.

PRESENTED TO THE TOWN COUNCIL this ____ day of _____, 2016.

Dan Thompson, Chairperson
Planning and Zoning Commission
Town of Edgewood

ATTEST:

Garry Bryant, Secretary
Planning and Zoning Commission
Town of Edgewood

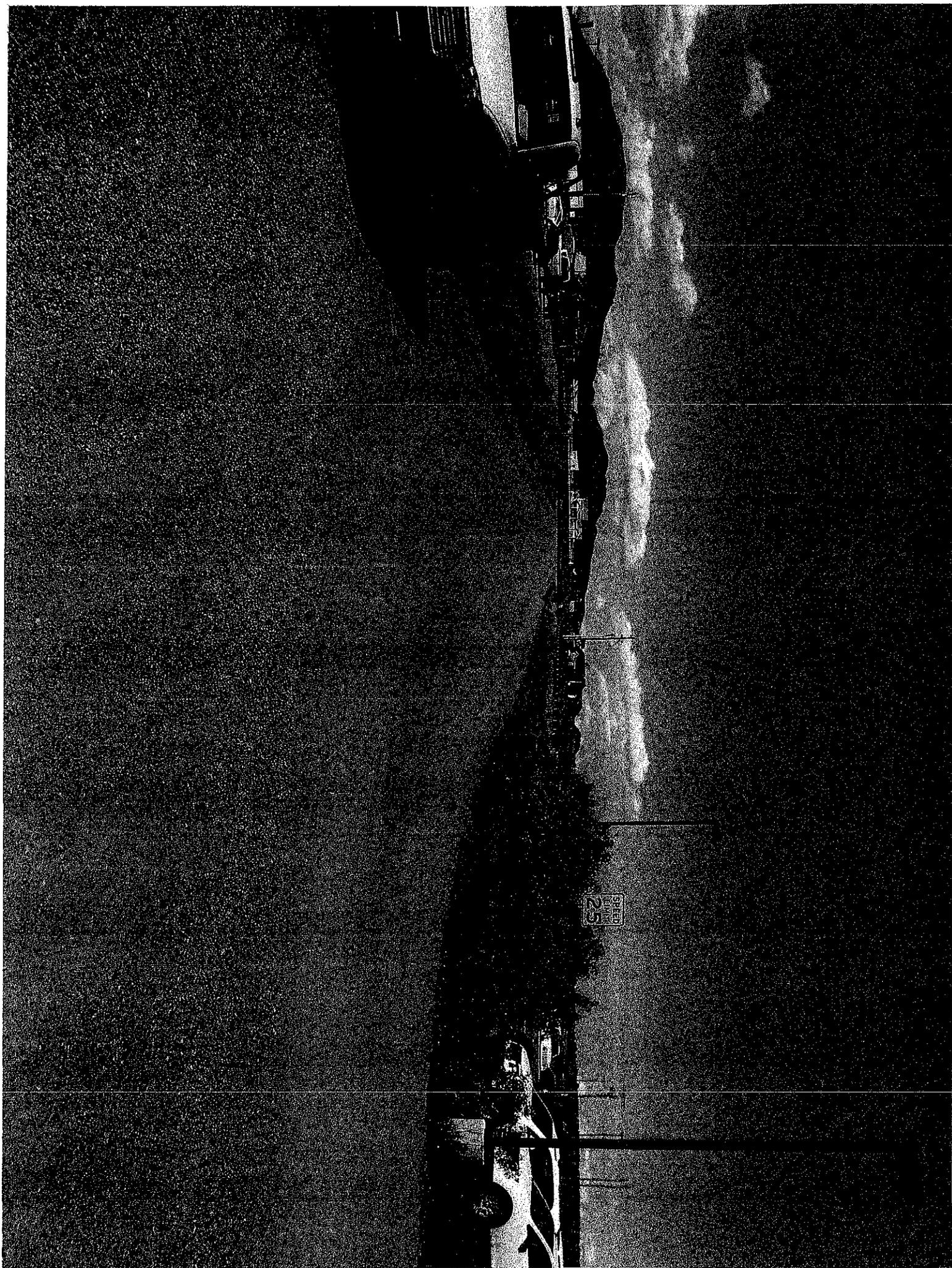
9-23-16

Inspection of Medical Center Road

An inspection of Medical Center Rd. revealed that there is approximately ½" of base course on the road with numerous bare spots . It is 22' wide and approximately 532' in length with bar ditches on each side. The road department has maintained the road for the last fourteen years because we were verbally told to. We just recently discovered that it was not on our road maintenance list and don't want to continue with maintenance until the town council votes to take over the road for maintenance. Attached are photos of Medical Center Road.

Respectfully

Norton Henninger
Road Supervisor
Town of Edgewood



25
MIDWAY

