
**PLANNING AND ZONING COMMISSION
REGULAR MEETING**

July 14th, 2016

MEMBERS PRESENT: Ms. Pam Lee, Chairman
Mr. Andrew "JR" Gomolak, First Vice-Chair
Mr. Arthur Alterson, Commissioner
Mr. Darron Williams, Commissioner
Mr. Eddie Kemp, Member

MEMBERS ABSENT: None

STAFF PRESENT: Ms. Maggie Paluch, Acting City Manager
Ms. Kristen Truitt, Assistant City Attorney
Ms. Stella Rael, P&Z Administrator
Ms. Melissa Walker, Recording Secretary

1. Call to Order: Ms. Lee, Chairman called the July 14th, 2016 Planning and Zoning Special Meeting to order at approximately 6:06 p.m. Ms. Lee noted that the Planning and Zoning Commission is meeting today on several assorted items.

2. Approval of Minutes: Ms. Lee noted that the correction that needed to be made to the May 12th, 2016 minutes had been made and was shown to her by staff and she approved and signed them. Ms. Lee then asked if there were any corrections or changes that needed to be made to the June 2nd, 2016 minutes. There were none and Commissioner Williams moved to accept as written. First Vice-Chair Gomolak seconded. Motioned passed 5-0-0

3. Case # M-2016-0001(A)

PETITIONER: The Heritage Group LLC, owner.

REQUEST: Approval of the Pre-Preliminary Plat

MESA VILLAGE 3. Ms. Rael began by apologizing for the regularly scheduled meeting having to be rescheduled to tonight's meeting. Ms. Rael explained the Ordinance 22-01-030 (Conditional approval of plats) and how vague it is on the procedure. Ms. Rael stated that she is working with the Assistant City Manager; Maggie Paluch and they are working on making some changes to the current ordinance. She said one of the reasons for that is because of the fact that according to the current ordinance, this item does not even have to be brought before the Planning and Zoning board. Ms. Rael added that however, because they are a recommending board, she is wanting to start including them on everything that comes through that is of great importance.

Mr. Alterson asked why this does not need to come before the Planning and Zoning Commission. Ms. Rael answered by pointing out section "B" in ordinance 22-01-030 which states "...within fifty (50) working days the Planning Authority shall inform the sub divider" and that she is the Planning Authority. Ms. Rael said that in 1991 the ordinance did indicate that it were to be brought before the Planning and Zoning board, but it changed to what it states now; that it does not have to be brought before the Planning and Zoning board. Mr. Alterson

asked if someone from the city attorney's office could confirm what or who the "Planning Authority" is. Ms. Truitt tried to explain, but also said it is very vague and after consultation with our former city attorney, the ordinance does in fact need to be amended because there is no real preliminary process.

Ms. Lee asked why they are looking at this and yet are being told it does not have to be presented to them. Ms. Rael reminded Ms. Lee that staff was asked to include the Planning and Zoning board on such things because it is important they get informed before it moves on to City Commission. Ms. Lee stated that she agrees that it should be brought before them, but she doesn't understand the order in which it was presented to them.

Mr. Alterson then asked after reading ordinance 03-19-11 if the sub divider is asking the city to accept streets. Ms. Rael answered that in the master plan, the final plat for Mesa Village did not include this phase.

Mr. Williams asked specifically if this is only being brought before them for discussion and opinion. Ms. Rael concurred and informed the Planning and Zoning board that this was already taken before the Technical Review Committee, they have reviewed it and do not have any concerns at this point. Mr. Williams then further explained that what they and more specifically Ms. Lee are asking for is a guide like what has been provided before that helps them assess what they are looking at/for. Mr. Williams then specified that what Mr. Alterson was referring to was based on the Comprehensive Plan and how it affects sub planning throughout the rest of the city. So, when things are added or affect public space, (streets being public space) that automatically means it needs to be reviewed and assessed regardless of what the ordinance says and that in essence we have two conflicting ordinances.

Ms. Lee then went on to explain that she would like to see from now on, the case being presented to them fully before being told why it does not even need to be brought to them for approval. She added that in this case she would like to just move on rather than worry about whether or not they have authority or not.

Ms. Truitt explained that their sole intent was to make the Committee aware that staff is anticipating making changes to this ordinance and that this particular issue brought that to light. Mr. Alterson added that it is taught in Planning school that the preliminary plat review procedure is what is important, not the final plat review procedure.

Commissioner Kemp added that he also did some research and asked if a traffic study, drainage report, etc. was submitted with the preliminary plat. Ms. Rael asked where he found this to be a requirement. Mr. Kemp answered that it was a part of The City of Las Cruces Ordinances. Ms. Rael said that is "their" requirement, not the City of Alamogordo's requirement, but that Ms. Margaret Dubin, the representative from Ideals Inc. could explain those different studies and whether or not they have been done.

Ms. Dubin from Ideals Inc. stepped up to the podium and began by stating that their company is the Engineer on record for this development and that Branden Langley is with Alamotero Land Surveys and is the surveyor on record for this development. She stated that during this phase, those studies are not provided however, that during the master plan a traffic study was provided and is on record with the city. Mr. Kemp pointed out a concern in regards to traffic and Ms. Dubin explained what their intent is. There were several more questions from the Commissioners and Ms. Dubin explained and answered to the best of her ability.

Mr. Alterson asked if the newly proposed phase will have outside access other than through units one (1) and two (2). Ms. Dubin answered "No.". He then asked if there is a unit four

(4). Ms. Dubin said not at this time, but there will be more units in the future depending on the market.

Mr. Branden Langley, from Alamotero Land Surveys stepped up to the podium to answer questions and explained to Mr. Alterson how one could exit this subdivision from this phase.

Ms. Lee asked for staffs view and recommendation on this plat. Ms. Rael explained that staffs only concern was traffic in the same area Mr. Kemp had a concern and that Ms. Dubin explained that for them. Ms. Rael said they cannot go into too much detailed review until it passes this point and are provided with all of the other reports. Ms. Rael added that it will then be reviewed by staff once again at final stage. Ms. Lee asked if it would then come before Planning and Zoning. Ms. Rael said no, it will then go straight to City Commission. Ms. Lee asked that it be brought back to Planning and Zoning again at that point.

Mr. Williams asked if the schools get involved with the traffic study part of it. Ms. Rael said no, they do not. Mr. Williams asked why not. Ms. Rael said she did not have any answer to that.

Mr. Alterson asked again about a drainage study. Ms. Dubin said that was done with the preliminary plat. She said a second study for this specific phase will be completed as required with the street utility and grading plan. Mr. Alterson then asked if the Engineer has reviewed the drainage of this development before it is set in stone. Ms. Rael answered that the original was reviewed back in 2005, otherwise it would not have been approved. Mr. Alterson asked what if the Engineer says it does not work. Ms. Dubin answered that they will work with them and make the necessary changes.

Mr. Alterson then asked if the building setbacks comply with what the zoning is supposed to be. Ms. Rael said that yes they do.

Mr. Williams moved to approve. Mr. Gomolak seconded. Ms. Lee stated it has been passed for recommendation for approval. Motion passed 5-0-0.

Ms. Lee then stated that she was going to move item #7 up to be discussed next since so much time was taken on item #3 and since guest speaker Dr. Terry Marquardt was present to speak on this item and did not want to hold him up any longer.

4. Update on Main Street USA: Dr. Terry Marquardt, Chairman of the board for Main Street Alamogordo stepped up to the podium to give an update on Main Street. He started by saying that Main Street is not a street nor is Main Street a downtown, but that it is a National Organization under the National Historic Trust in Washington D.C. Dr. Marquardt said that in New Mexico, Main Street is directed through the New Mexico Department of Economic Development. He said there are twenty-seven (27) Main Street communities in New Mexico and that Alamogordo has been an emerging community for about the past year. Dr. Marquardt said Main Street communities are non-profit. He added that the New Mexico Main Street program is in fact a part of the New Mexico Department of Economic Development and that there are four (4) basic consultants that they provide to the communities. Which are in the areas of 1.) Organization, 2.) Architectural Design, 3.) Promotion, and 4.) Economic Vitality. Dr. Marquardt stressed that the main purpose of Main Street is Economic Development for our communities and well as for our state. He stated that it is a private public partnership, so the city is a partner with the Main Street organization in Alamogordo as well as the county being a partner with their endeavor. They are in the process of hiring an Executive Director and the New Mexico Finance Authority will be obtaining the appropriate grant for a city master plan.

Dr. Marquardt went on to say that there have been many things that has happened with Main Street in the past year. He said that one is a \$15,000.00 PNM grant granted to Alamogordo Main Street and that is was used to take the 800 block of New York Ave and with the old

"Sears" building, the windows and doors were replaced with brand new windows and doors. Dr. Marquardt said that the Lowes Volunteer activity to community support is providing repairs to the upfront awnings for that block. He added that the back of that particular building that faces White Sands Boulevard, has been sand blasted and the surrounding deteriorated signs have been taken down and a mural will be painted on the building by the end of the year. He went on to say that the city has partnered with Main Street to refurbish, re-landscape and enhance lighting for the night time and looks like a nice enhancement to the community. He also said that another return on investment is a \$130,000.00 historical theatre grant that was received within this first year of Main Streets existence which will be used for a state of the art projector and sound system for the Flickinger Center not to be used to compete with theatre's in the area, but to provide film festival type activities in the theatre and attract competition not only throughout New Mexico, but throughout the country. Dr. Marquardt said when the system arrives in late September, there will be a two day film festival celebration along with a fundraising activity for the New Mexico Main Street. He reminded everyone that Main Streets main focus is Economic development and also discussed specific areas that the Main Street program covers. Dr. Marquardt added that there have been a growth of eleven (11) new businesses, twenty-seven (27) new jobs created, and one point two million (\$1,200,000.00) of private investment money into that quarter square mile within just the first year of existence. Dr. Marquardt then mentioned to the board that the Realtor's Association mentioned the rose bushes that used to exist along White Sands Boulevard and how a lot of them have died and are very sporadic. He offered that the Main Street Program work with the White Sands Beautification project with some of the grants to bring back rose bushes because it would be an easily done enhancement that would be immediately noticeable without a lot of expense or effort. Dr. Marquardt then mentioned the newsletter that Main Street puts out every month and offered to have it sent to whoever wanted to sign up for it.

Ms. Lee asked how much money they get from the City of Alamogordo on an annual basis. He said he would get to that answer in just a minute, and went on to say that Main Street had a fundraiser and raised ten-thousand dollars (\$10,000.00) of private investment money. He stated that the main investors in that were; The Corporate Investors at the thousand dollar (\$1000.00) level, Mc Donald's restaurant, Gerald Champion Hospital, Marquardt eye Associates, and Jack Wayne Construction.

Dr. Marquardt said the City's contribution in the first year was fifteen-thousand dollars (\$15,000.00) and that in the new fiscal year it has been bumped up to thirty-five thousand dollars (\$35,000.00). He added that the county is contributing ten thousand dollars (\$10,000.00) also to the same effort as a public private partner to the Main Street program. Ms. Lee stated that she would like to see the City of Alamogordo continue to contribute and both she and Dr. Marquardt emphasized the importance of investment in this. Dr. Marquardt thanked everyone for their support.

Mr. Kemp asked if the amount in private funds that have been contributed was really one point two million dollars combined. Dr. Marquardt said yes, and that there are property owners in the district who have contributed office space for the office for Main Street, and that Staples is wanting to provide contributions in the form of computers and electronic equipment etc. in the supporting effort.

Mr. Williams asked if the City of Alamogordo gets a copy of the Main Street report provided by the Economic Development. Dr. Marquardt said no because it was provided to Main Street Alamogordo by the state, however he doesn't mind sharing it with the city. Mr. Williams then asked if in the report if any of the structures identified for historic capabilities exceed the 7th street to 13th street block. Dr. Marquardt said no, it is limited to the Main Street district.

Mr. Alterson asked if the building that is getting the mural is the building that the quilting shop moved into. Dr. Marquardt said yes and added that four years ago when the base Commander made a presentation, he stated that if Alamogordo expects their officer's wives to come in to this community and spend money, we needed to clean up White Sands Boulevard. He said that the Commander also said that if we expect to get quality recruits and quality volunteers and airman to volunteer to come to Alamogordo, again, White Sands Boulevard needs to be cleaned up. Ms. Lee thanked Dr. Marquardt for his presentation.

5. Discussion: Park Dedication

The Heritage Group is proposing to donate to the City of Alamogordo a park/playground located within

the residential area of Mesa Village Subdivision: Ms. Rael introduced Ms. Ronnie Ortega, Community Services Director to present this item and stated that GB Oliver is the one who met with the former city attorney and that is why it is on tonight's agenda. Ms. Rael also introduced Erik Marion; Parks Supervisor and that he is available to answer questions. Ms. Ortega introduced herself stated that in first reviewing the park, it is in fact a nice park, but after further review and research, in section 22-01-110 of our city's ordinance mentioned that donation of a park size must be that of an acre. She stated that this park is .39 acres and does not meet The City of Alamogordo's Ordinance. Ms. Ortega also mentioned that this was not originally designated as a park, but that it was designated as a lot on a plat. Ms. Lee asked if it should then be pulled from the agenda. Ms. Ortega said she was asked if the city would accept the donation and there is some ADA compliance issues, but at this time it does not fall within City Ordinance to be able to accept it and so yes, it needs to be pulled from the agenda. Ms. Lee then asked Ms. Ortega if it is then her recommendation that this item not even be considered because of what she just told them. Ms. Ortega answered yes. Ms. Lee said she would accept a motion to withdraw the item from the agenda.

Mr. Alterson moved to remove this item from the agenda. Mr. Williams seconded. Motion passed to remove item from the agenda. Motion passed 5-0-0

6. Discussion of Medical Marijuana Dispensaries: Ms. Truitt stated that

This is just for discussion. She stated that within the past month, they have received two applications for marijuana dispensaries. She added that the state of New Mexico now allows medical marijuana dispensaries, but mandates where they are located in that they may not be within 300 feet of a school, church or daycare etc. She stated that in her opinion, this could be viewed two different ways:

One would be to look it as a pharmacy. The other is to view it as a dispensary and possibly amend the Ordinance to allow them in "x" zones.

Mr. Kemp asked if it could be considered retail. Mr. Kemp proposed that the ordinance be amended to read C-3 drug store. Mr. Kemp made the motion to amend. There was not a second. Discussion continued. Mr. Kemp then asked Ms. Rael how this is being handled in other areas since this particular subject was discussed at her last NMLZO conference. Ms. Rael answered that the attorneys that came to speak from northern New Mexico said they are being referred to as "pharmacies" and are being allowed in Industrial zoned areas. She also stated that what makes a difference is when it is being grown in house, otherwise they are considered a pharmacy.

Mr. Williams asked if there are some setback and spacing requirements. Ms. Truitt answered that yes, those were governed by the rules of the department of health.

Mr. Kemp again made the motion to amend the C-3 definition to allow drugstores. Mr. Williams seconded with final vote of 4-1-0 with Mr. Alterson voting "Nay". There was much more discussion on what was actually being voted on. In conclusion, it was agreed that the board was just asking that staff take a look at the current ordinance to re-word it to say that "drug stores" are allowed in a C-3 zone. Ms. Lee asked staff to look into this and prepare the correct verbiage to vote to amend this at next month's meeting. Ms. Truitt said that staff would look into this and prepare something for the board to address at next month's meeting and it will be simple to prepare.

7. Update on White Sands Beautification: Ms. Lee said it has gone before City Commission and has received approval to draft up an ordinance. Mr. Williams said their intent is to have a pretty solid draft to the next working meeting which will be next Monday July 18th, 2016 in preparation to presentation to the City Commission for the first of August. Ms. Rael then stood up to address Mr. Alterson's email in regards to the matter of site controls for new development. She informed Mr. Alterson that it cannot be put on the agenda for August, but that it can be put on the agenda for September's meeting. Mr. Alterson said that was fine, he is just looking to discuss it. Ms. Rael said that she and Ms. Truitt will look further into it.

8. Otero County Liaison Report: Mr. Gomolak said that the County Planning Commission has not met and that the next scheduled meeting is next Tuesday at 10:30 and that they are working on gathering a little more airspace for the F-16's off to the west side of the existing airspace.

9. Holloman Air Force Base Report: Mr. Alterson mentioned the departure of the German Airforce is the biggest crisis that this city has faced within the last ten years other than solidifying our source of drinking water. Mr. Alterson said he feels that there is no one in the city that is doing any planning regarding the departure of this large number of people that live in our community.

Mr. Williams said he presented to the county on behalf of Fox Hole Homes. He said county staff was directed to begin to work on a process to take advantage and or create an application process for use of these sustainability development test site packs which is unique to the state of New Mexico and essentially what it will do is allow the development of standard code exceptions and or new codes to the state code, building codes for non-standard building. He said he is bringing it to this body because eventually these homes will be coming into the city as well, so he just wanted to give a heads up and progress on moving forward with that process.

10. Unscheduled Public Communications: Mr. Hamilton stepped up to the podium to talk about Mr. Alterson's comment at last month's meeting on why we have a Planning and Zoning Commission.

11. Adjournment: Mr. Williams motioned to adjourn. Meeting adjourned at approximately 7:50pm.

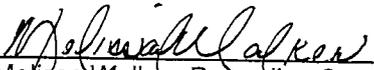
APPROVED:

(Date)

15 Sep 2016


First-Vice Chair

ATTEST:



Melissa Walker, Recording Secretary

Copies of the recorded Planning and Zoning meeting audio may be obtained at no cost to Commissioners. A fee will be charged to the public.