



47 Councilor Montoya moved to go back into regular session at 7:10 P.M. The motion was  
48 seconded by Councilor Jaramillo and carried unanimously.

49

50 Mayor Chávez stated that no action was taken in executive session.

51

52

53 **PERSONNEL:6a) Public Works Director. Presenter: Yolanda Mora**

54

55 Yolanda Mora stated that it was the recommendation of the committee to hire John Kolessar as  
56 the Public Works Director.

57

58 Councilor Sisneros asked Yolanda Mora how many applicants interviewed. Yolanda Mora  
59 stated 1 who met the requirements posted.

60

61 Councilor Sisneros asked Yolanda Mora how many applicants were there. Yolanda Mora stated  
62 4.

63

64 Yolanda Mora stated that over the 14 months that this has been posted only 10 applicants have  
65 applied. Out of the 10 applicants this applicant is the only one that has met the requirements.

66

67 Councilor Montoya asked was there a salary rate offered to this gentleman. Yolanda Mora stated  
68 no salary rate has been offered yet to John Kolessar.

69

70 Councilor Montoya asked the probation period for this individual. Stephen Jerge stated it was 1  
71 year.

72

73 Councilor Jaramillo asked will he be getting performance appraisals during this period. Stephen  
74 Jerge stated that he will be evaluated monthly.

75

76 Councilor Jaramillo moved to approve the hiring of John Kolessar as the Public Works Director.  
77 The motion was seconded by Councilor Torres.

78

79 Mayor Chávez asked for any further discussion. None occurred.

80

81 All those in Favor say Aye.

82

83 Councilor Torres

84 Councilor Jaramillo

85

86 All those Opposed say Nye.

87

88 Councilor Montoya

89 Councilor Sisneros

90

91 Mayor Chávez broke the vote and approved to hire John Kolessar as the Public Works Director.

92

93 **NEW BUSINESS: 7a) Discussion, Consideration and Action on Adoption of Ordinance**  
94 **# 242 An Ordinance Implementing an Amendment to the Zoning Map From C-1 and R-R**  
95 **to S-U (TOD Mixed-Use Development). Presenter: Eric Schoen**

96

97 Mayor Chávez asked for a motion to reconsider Ordinance #242.

98

99 Councilor Montoya made a motion to begin discussion on Ordinance # 242. The motion was  
100 seconded by Councilor Torres. Councilor Sisneros and Councilor Jaramillo voted Nye to  
101 reconsider.

102

103 Mayor Chávez broke the vote and voted for the reconsideration of Ordinance #242.

104

105 Mayor Chávez requested the applicants to address Council.

106

107 David Soule, developer stated density has been the issue, but has been submitted at less than  
108 TOD plan describes. Proposing nice affordable housing for the Town.

109

110 Mike Davis, builder stated homes start at 1,220 sq. ft. to almost 2,000 sq. ft. prices range from  
111 \$180,000 to \$225,000. They are duplex town homes they will attach on one side. The average  
112 lot size will be 4,440 sq. ft. a couple a little smaller and a couple a little larger. None under  
113 4,000 sq. ft. It is the goal to have affordable homes in the Town.

114

115 Councilor Torres asked why the zone change. David Soule, the zone change allows them to  
116 conform to the TOD plan.

117

118 Kelly Moe, Planning and Zoning Director, stated that the applicant was given a recommendation  
119 by the staff to conform to TOD plan. Gives a basis to start the process. They could have gone  
120 under R-2 but they would have required many variances. That's legally problematic and that may  
121 be something addressed at a later date. Variances under New Mexico law the property should  
122 have physical problems or a problematic site. The TOD plan is a mechanism offered to the  
123 applicant to use for this site.

124

125 Councilor Torres asked would this development work without the zone change.

126

127 Kelly Moe, stated that it could not base on lot size.

128

129 Councilor Jaramillo asked does it meet the 4,000 sq. ft.

130

131 David Soule, stated that the lot area itself is 3,200 sq. ft. if you include the road 4,700 sq. ft.

132

133 Councilor Jaramillo stated you are here for an amendment to zoning map and requesting Special  
134 Use.

135

136 David Soule, stated yes.

137

138 Councilor Jaramillo made a comment that we have a Comprehensive Zoning Ordinance Special  
139 Use is to be used for cemeteries, parking lots, amusement parks, shopping centers not for zoned  
140 housing. We have R-1, R-1A, R-R we have those zonings for housing. As it sits it is zone for R-1  
141 and its requirement is 4,000 sq. ft. That is what I would like to see. It conforms to its  
142 appropriate zoning.

143

144 Councilor Montoya, asked did you ever consider the R-2 zoning.

145

146 David Soule, stated that it would be very difficult to build an affordable home the lots would be  
147 reduced by 25%. The homes would increase by that 25%. This product would not work if we  
148 had to increase the lot by 25%.

149

150 Eric Schoen stated that this site is a very large partial. There is the Railrunner Transit  
151 Development and a Commercial Site. The Special Use is taking that all in to consideration.

152

153 Councilor Montoya stated that he was in favor of this Ordinance. But, the concern is the people  
154 are the housing in a Special Use Zone. Clarifying the Special Use Zone needs to be done.

155

156 Kelly Moe, stated that there is no doubt that in the Special Use Zone that these specific types of  
157 developments are not listed as one of the specific categories but the Special Use Zoning is a  
158 different kind of zone. This was used 4 ½ years ago for a development at the South End of town.  
159 It combined commercial along with residential. Our current code did not allow anybody to  
160 address that possibility. The Code was looked to potential address the request by the current  
161 Town Manager, Community Development Director, and by the Town Attorney. A case was  
162 made before the Council that indeed the language did relate to the Special Use Zone. In which it  
163 describes the nature of the Special Use Zone. It permits Special consideration because of the  
164 affect on surrounding properties. It would be case by case bases. Since then it has been used for  
165 residential use consistently. Approval of several similar developments has been given. The  
166 Flying Star is an example.

167

168 Councilor Montoya stated affordable housing is a big thing for him. Friends and family can not  
169 afford to live here and his nieces and nephews have to attend Rio Rancho Schools because they  
170 can not afford to live here. Approval for this is the future for his nieces and nephews and having  
171 an affordable place to live.

172

173 Councilor Torres stated that the developer is following the TOD plan and it is just a Plan and not  
174 an Ordinance.

175

176 Mayor Chávez asked for clarification if the Zone Change is approved. Can the condition be that  
177 any other uses in the future it would revert to R-1.

178

179 George Perez, Town Attorney stated yes. Also the development must have a plan presented.  
180 George Perez also agrees with Kelly Moe that this development due to the mixed use would fall  
181 under Special Use they fall under more than one category under our Ordinance.

182

183 Mayor Chávez stated during this whole process that there has been good faith by the developer,  
184 staff and council. The Governing Body has seen the holes and working on addressing the issues  
185 and make the ordinance more complete.

186

187 Councilor Jaramillo stated that proper procedure needs to be followed if the applicant is not  
188 happy with the decision made by the Council. Proper procedure needs to be followed if the plan  
189 has been modified they should go before the Planning and Zoning Commission. If the plan has  
190 not been modified it should not come back before the Council. They should not come back  
191 before the Council unless there is a change to the master plan. Precedence is being set.

192

193 Mayor Chávez asked for a clarification from Town Attorney George Perez.

194

195 George Perez stated no precedence is being set if the motion for reconsideration is made then  
196 may come before you. If there is not a motion then it can not be reconsidered.

197

198 Councilor Torres asked there are 4 tracts before us can we do different zoning for each tract.  
199 Tract D is already being developed by the County.

200

201 Kelly Moe, stated yes that can be do if so desired.

202

203 Mayor Chávez stated the conditions need to be specific

204

205 1. 50 ft. Roadway on Gross Property must be provided within 1 year.

206

2. Set back front no larger than 22 ft.

207

3. Units' height will be 22 ft minimum.

208

4. Extract Tract A from SU must follow Town Ordinance for C-1.

209

5. Drainage must be address to meet town regulations.

210

6. Concrete v/s asphalt for sidewalks.

211

7. Lot Elevation

212

Lot 1-17 elevation of wall consistent

213

Lots 18-22 elevation will be 1 ½ to 2 ft retaining wall

214

4-6 ft in small portions.

215  
216 Councilor Montoya made a motion to adopt Ordinance #242 for the S-U zone change with the  
217 conditions stated. Councilor Torres seconded the motion.

218  
219 Mayor Chávez asked for Roll Call Vote for the Zone Change.

220  
221 Roll Call Vote  
222 Councilor Torres Yea  
223 Councilor Montoya Yea  
224 Councilor Sisneros Nea  
225 Councilor Jaramillo Nea

226  
227 With that Madam Mayor Chávez your vote is the tie breaker.

228  
229 Mayor Chávez stated considering the effort of all parties working in good faith for the  
230 betterment of our community. The fact is we do need affordable housing. For acceptance of the  
231 quality development that has been presented as compared to those that came before us. With that  
232 I vote Yea to approve the Ordinance with the conditions.

233  
234 The motion passes to changes the Zoning from R-1 to S-U.

235  
236 **NEW BUSINESS: 7b) Discussion, Consideration and Action on Adoption of Ordinance**  
237 **# 224 & 225 Extends and Increasing Corporate Limits and Implementing and Initial**  
238 **Zoning to S-U and a Change in the Zoning Atlas from C-1 to S-U for A Master-Planned**  
239 **Retail Shopping and Business Center. Presenter: Kelly Moe**

240  
241 One Placitas Center. The applicant requested approval of an Amendment to the Zoning  
242 Ordinance for the Annexation and Initial Zoning (SU for retail shopping & business center with  
243 Master Plan) for the land comprising One Placitas Center, adjacent to the Town's east-northeast  
244 boundary, within Sandoval County, New Mexico.

245  
246 The item was heard by the Planning and Zoning Commission at its regular meeting of July 11,  
247 2006, and by the Council at its regular meeting of August 14, 2006. The item was TABLED by  
248 the Council at said meeting due to certain unresolved issues. The item could not be reconsidered  
249 until the TOD moratorium was lifted in November of 2007, because part of the property was  
250 included in the moratorium are. This item constitutes a raising of the original request from the  
251 table.

252  
253 **Drainage:** The development will contain all developed water on site, in conformance with  
254 Town requirements, while accommodating historic off-site flows through the project. I do think  
255 that it would be better to have the historic Piedra Lisa overflow drainage carried through the site  
256 in an open landscaped channel, although the drainage pipe can be made to work. An open

257 channel would be much easier to maintain, and landscaping it appropriately would help maintain  
258 the look of a natural arroyo, preserve Town character, help structure the development, and add  
259 amenity/ value to the project which would help maintain it success over time.

260

261 Councilor Torres asked if a meeting was held with the Water and Soil Conservation.

262

263 Stephen Jerge stated the meeting is not till the 15<sup>th</sup> of June.

264

265 Councilor Torres asked if the item should continue to be heard if that meeting has not taken  
266 place.

267

268 Stephen Jerge stated the Water and Soil Conservation has no authority over a zoning decision.

269

270 Councilor Jaramillo asked regarding the retail development do we know the type of business  
271 coming to the development.

272

273 Eric Schoen stated no we do not know the type of business at this time.

274

275 Councilor Jaramillo then how do we address the water rights.

276

277 Stephen Jerge stated at the time of development comes back for primary plat approval the plat  
278 will be sent to our consultants to review and indicate the amount of water rights required for the  
279 development.

280

281 Councilor Torres asked will we be held liable if anything happened to the property.

282

283 George Perez, stated no we are just annexing the property not taking any liability of the property.

284

285 Councilor Sisneros stated it's because it is below a dam and that is his concern.

286

287 George Perez, stated again that the town is not liable.

288

289 Mayor Chávez asked is the dam issue has been addressed.

290

291 David Soule, stated that it has been researched.

292

293 Mayor Chávez asked if a hotel has been proposed for the site in question.

294

295 Kelly Moe, stated no. Just wanted to flag that issue there are visibility issues to that site.

296

297 Councilor Torres made a motion to Table the item until Stephen Jerge meets with the Water and  
298 Soil Conservation on June 15<sup>th</sup>. Councilor Sisneros seconded the motion and carried

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299 unanimously.

300

301           There being no further business the meeting was adjourned at 8:20 P.M.

302

303 Done this 8th day of May 2008.

304

305

306 ATTEST:

307

308

309 \_\_\_\_\_  
Ida Fierro, Town Clerk

310 (seal)

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Patricia A. Chávez, Mayor