

## Director details Smith's plans in rezone area

By J.R. Logan

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The head of the town's planning and zoning department says he did not intentionally hide information from the public regarding a proposal to build a new Smith's grocery store near the center of Taos.

The town government is pushing a plan to rezone about 20 acres in the area between Los Pandos Road and Quesnel Street, just south of the historic district. The town says it is not asking for the rezoning on behalf of any specific developers, and it is hoping to spur economic development in the "gateway to downtown."

But town emails obtained through a request for public records show officials were meeting with John Mahoney, an Albuquerque real estate developer, about the Smith's project for more than a year, and there was talk of submitting a building permit application once the rezoning was approved.

The Taos Planning and Zoning Commission voted Feb. 3 to recommend that the town council rezone parts of the area. The town council has delayed a vote on the issue until March 17, which is after two new councilors elected March 1 will take office. No incumbents are running for re-election.

An informational forum will be held Thursday (March 3), 6-8 p.m. at the Town Council Chambers on Civic Plaza Drive.

Meetings between a potential developer and a municipal planning department are not unusual. Developers — especially those proposing big projects that require several layers of approvals — often discuss preliminary plans with local governments to find out what is and is not allowed under current zoning and building regulations.

But in this case, town officials initially gave no indication they were taking the unusual step of petitioning for rezoning on behalf of a specific developer with a specific project in mind for these specific properties. In fact, at the first planning meeting in January, no one from the town staff said anything about a possible Smith's project, though they had talked with Mahoney the day before and the day after that meeting.

At least one property owner in the area said he was not willing to sell to Smith's if the deal was contingent on the developer getting a zoning change past the town.

It wasn't until a planning meeting one month later that Louis Fineberg, director of Taos' planning and zoning department, and Taos Town Manager Rick Bellis offered details about the Smith's proposal to relocate their existing store to the other side of Paseo del Pueblo Sur.

When asked why he didn't mention the Smith's plan at the first public meeting on the rezoning, Fineberg said in an email "it didn't even occur" to him because he wanted to keep the conversation more general about what uses should go in that area.

“Smith’s made no formal submissions and it sounded as if a deal to purchase the property was a long way off,” Fineberg wrote. “It sounded to me as if they were still weighing their options. Far from Smith’s being a sure thing, I wanted the [planning and zoning] discussion to center around whether or not the site should be developed commercially or remain as it is.”

Fineberg went on to say he didn’t mention the company because nobody asked directly.

“Suffice it to say, if someone at the meeting asked if we met with Smith’s, I would have said we met with Smith’s,” he said.

A Dec. 15 email obtained by *The Taos News* as part of a request for public records implies Fineberg instructed his staff how to respond to the public if asked about the rezoning: “If asked why we are proposing a rezone, it’s to facilitate redevelopment of the area. If asked if we have received any proposals, not yet. If asked if we have spoken to any potential developers, we have. If asked who the developers are, Smiths. Let me know if you have any questions.”

When asked why he wrote the email, Fineberg said he wanted to keep his staff “informed.”

“We receive a large number of inquiries, I’m not always in the office and I wanted to make sure that citizens are given the correct information,” he wrote.

Fineberg said he was never told by his superiors not to volunteer information about the Smith’s proposal.

### **‘A starting point’**

During the planning commission meetings on the proposed zoning change, several members of that board said they would prefer to see plans or drawings of what was proposed to make a more informed decision. While the town says it has received no formal building applications, which would include site plans or drawings, Fineberg says Smith’s had shown him two preliminary proposals before the public hearings.

“They showed building location, parking configuration, realignment of Siler — Los Pandos intersection, ingress and egress, sidewalks and landscaping as I recall,” Fineberg wrote.

Fineberg said that, as he remembered, access to the store would be from Paseo and from Los Pandos. It appeared the store would extend from the intersection of Paseo and Los Pandos in the southwest and east into the southern end of the Couse Pasture.

Fineberg wrote that the plans showed a building in the back of the property and parking in the front. “I would not have given it approval as presented and told them that,” he wrote.

Generally, any records submitted to the town government are considered public records. However, Fineberg says he wasn’t given copies of the drawings, meaning at this point, the town has no records on hand to provide to the public.

Fineberg said the rezoning was given to him as one of several priority projects when he was hired last April, but the details of that plan were still being hashed out while town staff members were meeting with Smith’s representatives in the weeks before the first public meeting.

Emails obtained through a public record request show that, as late as mid-December, Fineberg and other town employees were still debating exactly what zoning to propose and to which properties it should apply.

In fact, the correspondence shows town staff members were up against a deadline to advertise the planning meeting while finalizing which changes to propose, including major decisions such as whether to include any properties on the west side of Paseo del Pueblo.

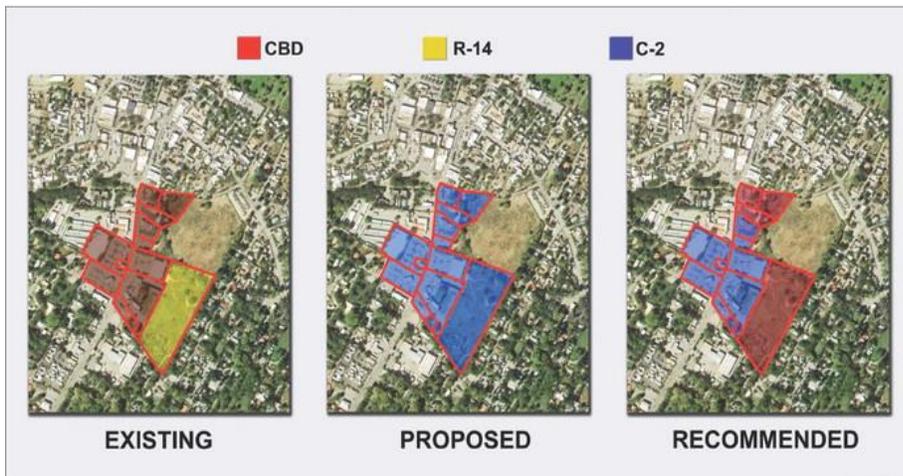
“We have a three-person staff that is always pressed for time,” Fineberg said when asked about the apparent rush. “We are always up against notification deadlines, and sometimes things are more rushed than I would like.”

Fineberg noted what his staff proposed in terms of zoning changes “was meant to be a starting point for discussion.”

As it turns out, that’s what it was.

When the planning commission voted Feb. 3 to recommend the rezoning to the town council, it approved a modified version of what town staff had proposed. The commission voted not to change any zoning for properties at the north end of the area (near the intersection of Paseo and Quesnel Street), and it chose to rezone the southern Couse Pasture as Central Business District (CBD) instead of C-2.

The CBD zone generally allows lighter commercial use, typical of the stores and galleries found in the historic district. But Fineberg said the change would allow the construction of a grocery store like the one Smith’s is considering.



A plan to rezone about 20 acres in the center of town would make it possible for a commercial developer to do a large retail project in the area north of Los Pandos Road along Paseo del Pueblo. The town originally proposed rezoning the entire area as “C-2,” which allows for large commercial developments. The Taos Planning and Zoning Commission recommended the town council approve an amended version, which excluded properties along Quesnel Street and designates the vacant Couse Pasture as Central Business District (CBD) — a zone intended for small business, but that could allow something as large as a grocery store.

Graphic by J.R. Logan