

PLANNING & ZONING COMMISSION MEETING
THURSDAY, JANUARY 9, 2020 – 6 PM
PLANNING & LAND USE CHAMBERS, CITY HALL
409 N PASEO DE OÑATE, ESPAÑOLA, NM 87532

I. CALL TO ORDER

Chair Wright called the meeting to order at 6:00 pm with the following in attendance:

COMMISSIONERS

A. ERLE WRIGHT, CHAIR
ADÁN CASADOS
ANISSA MARTINEZ
CLYDE VIGIL
DINA L. QUINTANA
ERIC MARTINEZ, VICE CHAIR

STAFF

RICHARD HUBLER, PLANNING DIRECTOR
ALISON GILLETTE, CITY PLANNER

PUBLIC

As documented by sign-in sheet

Mr. & Mrs. Louis Alarid
Virginia Lujan
Andres & Mary Gallegos
Charlene Guinn
Jesse Ortega
Reggie Maestas
David Herrera
Brian Hoffman
Robert B. Apodaca

II. PLEDGE OF ALLEGIANCE

Commissioner Quintana led the pledge of allegiance.

III. APPROVAL OF AGENDA

COMMISSIONER CASADOS MOTIONED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER VIGIL SECONDED. MOTION CARRIED 6-0.

----- *Agenda as Approved* -----

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Public Concerns/Business from Visitors**
- V. Items for Consideration/New Business**
 - Public Hearings**
 - 1. **2019-24 Final Plat:** Jorge Ortega Berumen, Applicant, is requesting approval of a Final Plat creating three new lots on a 1.33 acre lot currently addressed as 1111 La Joya St (UPC 1-048-120-014-458). The subject property is located in the R-6 Urban Residential District.
- VI. Approval of Minutes**
 - 1. November 14, 2019
 - 2. December 12, 2019
- VII. Matters from Staff**
 - 1. Department Report
- VIII. Matters from the Commission**
- IX. Adjournment**

----- *End* -----

IV. PUBLIC CONCERNS/BUSINESS FROM VISITORS

Brian Hoffman spoke about disc golf and requested the city consider building a disc golf course.

Commissioner Clyde Vigil commented again about the streetlights being out on S. Riverside Dr for the past six months. Director Hubler commented that the Public Works committee of the City Council had recently discussed this at a meeting, and the Public Works department was soliciting quotes to repair those lights.

V. ITEMS FOR CONSIDERATION/NEW BUSINESS [00:05:25]

1. **2019-24 Final Plat:** Jorge Ortega Berumen, Applicant, is requesting approval of a Final Plat creating three new lots on a 1.33 acre lot currently addressed as 1111 La Joya St (UPC 1-048-120-014-458). The subject property is located in the R-6 Urban Residential District.

6:07pm Chair Wright opened the public hearing by swearing in the parties and querying the Commission about conflicts of interest and ex-parte communications.

Director Hubler presented the case by reviewing the redlined comments and conditions from the preliminary plat. He clarified the existing zoning and briefly described the zone districts in the area. He stated that the Applicant's surveyor had submitted a final plat following the last Commission meeting, and that staff had commented on that. Director Hubler summarized that a number of the requirements from the Commission's review of the Preliminary Plat had not been met, prompting Staff's comments. He described how the Surveyor had submitted a revised final plat two days prior, following the packet material being distributed and stated it was this revised final version of the plat being reviewed this evening. He concluded that roughly half of the Commission requirements and several of the code requirements had not been met and recommended tabling the case. He requested specific direction from the Commission to not bring future final plat cases for review until the plat meet all the conditions of the code and previous Commission decisions.

Commission Vigil asked about the process for reviewing plats for a subdivision. Director Hubler replied that staff provides general guidance to an applicant at a "sketch plan" phase and that specific code requirements are given to the Applicant or Surveyor as necessary during the preliminary plat stage which follows. He stated that the majority of plats are lots splits which are handled administratively, and which have the same requirements for final plat. He clarified that since subdivisions require Commission and City Council approval, Staff has been making recommendations and comments on the application but not requiring specific changes, leaving that decision to the Commission. Director Hubler suggested that the best process would be to work with an Applicant and Surveyor to create a submittal that meets all requirements of the code and Staff's review, as well as any previous conditions from the Commission, prior to bringing the plat for review by the Commission. Commissioner Vigil asked for history on the placement of the mobile homes indicated on the survey and the ability to place multiple manufactured homes on the lot without Commission and Council approval. Director Hubler reviewed the case history and clarified that each legal lot is only allowed a single dwelling, which issue prompted the current case for subdivision.

Commissioner Quintana asked if the proposed lots would be suitable for site built homes. Director Hubler confirmed.

Vice-Chair E. Martinez asked about the double lines along the boundaries on the most recent version. Director Hubler stated he did not understand the origin of those lines as they didn't appear on any previous versions, and he suggested they may be a formatting error. Discussion ensued about the boundary fence and concluded that the fence generally met the requirements of the code and the Applicant was responsible for ensuring it did not encroach on neighboring properties or rights-of-way. Vice-Chair Martinez asked for clarification about the 10 foot easement previously required by the Commission. Director Hubler stated it would be up to the Applicant with Commission approval how to meet the code requirements, and that it would be reasonable to split the easement between adjacent lots in a subdivision. Vice-Chair Martinez asked if the city required public improvements. Director Hubler replied in the negative and explained that the property fronted an existing public street that provided utilities to lot boundaries. Vice-Chair Martinez asked about driveway locations. Director Hubler responded that individual permits were handled administratively for each lot as they developed. Discussion regarding sidewalks and existing right-of-way concluded with Director Hubler stating that Staff didn't expect the Applicant to install sidewalk for this property as it didn't generally exist elsewhere along La Joya.

Commissioner Casados asked if Megill was dedicated to the City. Director Hubler replied that this initial segment was publicly owned.

Commissioner A. Martinez asked for further clarification about the placement of the mobile homes. Director Hubler described the August permit for only the easternmost home and the subsequent actual placement of both homes currently on the lot. Commissioner A. Martinez asked about the future plans of the Applicant. Director Hubler stated he knew only of the request to place these two homes.

Vice-Chair E. Martinez stated that regarding submittals, he supported the idea that any plat application meet code requirements prior to the hearing by the Commission. Commission Vigil concurred.

Commissioner Vigil asked if it was okay for the Surveyor to place more of the requested information on sheet 1. Director Hubler confirmed.

Commissioner Quintana asked about HOAs and restrictive covenant requirements. Director Hubler stated that the city does not require those. Commissioner Quintana queried if fences posed a problem on the shared utility easement. Director Hubler clarified that the easement was shared in dimension, not in ownership and that fences are generally allowed to encroach on easements, but could be taken down by the utility as necessary.

Chair Wright made a statement about covenants not being enforceable by the city. He queried about requirements for addressing on the plat. Director Hubler stated that addresses aren't typically assigned until buildings are permitted. Chair Wright asked about the tax affidavit statement. Director Hubler responded that the particular language from the code is a certification by the owner for taxes, liens, lawsuits. Commissioner Vigil stated that state law requires payment of outstanding taxes during the subdivision process and the County Clerk requires an affidavit from the County Treasurer.

No questions from the Applicant for Staff.

Neighbor Mary Gallegos asked about requiring paving and curbs. Director Hubler stated that the city was not requiring those of the Applicant as he was not creating any new streets and La Joya already wasn't a complete street. Planner Gillette clarified that while this plat was technically a subdivision it only created three lots. Neighbor Gallegos asked about the gates and traffic impacts. Director Hubler replied that the city expects each lot to access La Joya. Neighbor Gallegos asked about property value. Director Hubler replied that this action wouldn't directly impact property values of neighbors.

Neighbor David Herrera stated that this property is in Santa Fe County and asked about the number of lots created by the proposal. Director Hubler confirmed the location and that the proposal is turning one lot into three new lots.

Neighbor Charlene Guinn expressed concerns about the location of the fence. Director Hubler clarified city requirements for fences at intersections. Neighbor Guinn asked about the impact of these lots on water and sewer infrastructure. Director Hubler replied that the Public Works department indicated there was adequate capacity.

Neighbor Herrera asked about size requirements for creating more lots. Director Hubler replied that this proposal met the size requirements, and that they Applicant would not be able to further subdivide under current rules. Chair Wright commented that the lot could support up to a 7 lot subdivision.

Applicant Jesse Ortega presented in favor of the application, stating that they planned to install three mobile homes and use some of the properties for rentals. He asked if the fence would need to be moved. Chair Wright commented that fencing was a separate permit, not part of this application and deferred to Director Hubler who stated Staff would review the location of the fence.

Commissioner Quintana asked about current occupancy of the two homes. The Applicant responded that the first two lots with homes are vacant and would be for rent or sale and he

wasn't sure what might happen to the third lot. Commissioner Quintana asked about consideration of a site built home for the currently vacant lot. The Applicant replied in the negative, due to cost.

Commissioner A. Martinez asked for more clarification on the planned use of the homes. Applicant Ortega stated that the family was still deciding and may sell or rent. Commissioner Martinez expressed that the neighborhood had concerns about what might happen on these properties which is why the code required public meetings.

No questions from Staff for the Applicant.

Neighbor Mary Gallegos expressed concern about the previous condition of the mobile homes and credited the Applicant for fixing them up.

Neighbor David Herrera asked about rental restrictions from city Code. Chair Wright stated that the code allowed one dwelling unit per legal lot on any lot in the city. Planner Gillette stated that the city did not restrict rentals.

Charlene Guinn requested the Applicant have a renter's agreement that required the lots be kept free of trash and weeds. She stated that Code Enforcement did not respond to complaints. The Applicant responded this was a concern to him as well. Neighbor Guinn stated that the lot was currently clean, and the mobile homes looked very nice now.

Commissioner A. Martinez commended the neighbors for recognizing the good efforts of the Applicant. She summarized the neighbors' concern about the long-term condition of the neighborhood and thanked the neighbors for participating in the meeting.

Neighbor David Herrera asked if there was a decision. Chair Wright replied that the Commission would make a recommendation to the council, but that the plat was incomplete and Staff recommended tabling the approval.

Neighbor Mary Alarid asked about notification of future meetings. Director Hubler confirmed notification would be provided to those on the sign-in sheet. Chair Wright summarized the detailed shortcomings of the current plat but stated that the general plan to subdivide into three lots is allowed by the city code.

Commissioner Quintana queried the Applicant about if he understood the violation for placement of the second mobile home and the proper process. The Applicant confirmed.

Neighbor Mary Gallegos asked about the letter she received. Director Hubler described the notification process for public hearings.

Neighbor David Herrera expressed concerns about setbacks. Director Hubler responded that the setbacks are indicated on the final plat and that Staff reviews site plans and setbacks during the placement or construction permit. Neighbor Herrera asked about irrigation rights. Director Hubler replied that the city has no regulations at present regarding acequias.

Neighbor Quinn asked if setbacks applied to fences. Director Hubler and Chair Wright responded in the negative.

Vice-Chair E. Martinez asked about concern of the neighbors regarding the condition of the mobile homes at the previous hearing on the preliminary plat. Neighbor Charlene Guinn responded that previously the homes were in very bad shape but the Applicant has fixed them up 1000%. Vice-Chair E. Martinez commented that he supports the amendment of existing zoning to protect existing site-built neighborhoods. Neighbor Guinn agreed and expressed concern about future housing values from mobile homes.

Commissioner Quintana stated that the Commission is working through the Comprehensive Plan to stabilize neighborhoods and increase value for site-built homes, which are half of those in surrounding communities. She encouraged the community and the Applicant to continue to participate and be engaged in positive change.

Chair Wright expressed support of the Code Enforcement and referred the neighbors to contact Staff. He also encouraged involvement in community meetings and expressed appreciation to the audience for their participation.

Applicant Jesse Ortega made a statement that property values are impacted not by mobile homes but by the general fabric of the community.

7:35pm Chair Wright closed the public hearing. [01:33:28]

VICE-CHAIR E. MARTINEZ MOTIONED TO TABLE CASE 2019-24 UNTIL THE APPLICANT MEETS THE REQUIREMENTS OF CITY CODE, STAFF ADDRESSES POTENTIAL ENCROACHMENTS, THE UTILITY EASEMENTS ARE SHOWN AND CAN BE SHARED BETWEEN ADJOINING LOTS. COMMISSIONER A. MARTINEZ SECONDED.

**Clyde Vigil – In favor
Dina Quintana – In favor
Anissa Martinez – In favor
Erle Wright, Chair – Opposed
Eric Martinez, Vice-Chair – In favor
Adan Casados – In favor**

Motion Passed 5-1.

Chair Wright clarified his vote in opposition allows the Commission to reconsider the motion at a later point, but he is in favor of tabling until the proposal meets the code requirements.

VI. APPROVAL OF MINUTES [01:38:45]

1. November 14, 2019

Vice-Chair E. Martinez and Commissioner A. Martinez recused themselves. Commissioner Vigil queried if Chair Wright's comments were documented correctly. Chair Wright affirmed. Chair Wright made a statement in favor of the redlined changes. Director Hubler stated that he had originally mischaracterized Chair Wright's comments.

COMMISSIONER VIGIL MOVED TO APPROVE THE MINUTES AS PRESENTED WITH REDLINED CORRECTIONS, SECONDED BY COMMISSIONER CASADOS. MOTION CARRIED 4-0.

2. December 12, 2019

Commissioner Vigil recused himself and asked for clarification about excused absences. Director Hubler summarized the policy as discussed in the last meeting. Chair Wright requested language changes to case 2019-25, discussion about the MRA boundary, and the status of 512 S Riverside application. Commissioner A. Martinez noted typographical errors. Chair Wright noted the same scrivener's error needed to be corrected on the November minutes just approved.

COMMISSIONER A. MARTINEZ MOVED TO APPROVE THE MINUTES AS AMENDED, SECONDED BY VICE-CHAIR E. MARTINEZ. MOTION CARRIED 5-0.

VII. MATTERS FROM THE PLANNING STAFF [03:38:44]

1. Department Report

Director Hubler presented the Department Report stating that the Clean & Lien Demolition for the first RFP was complete. He described the status of 312 Carr Ln including the recent fire, scheduled work by the VA to clear the lot, and its subsequent removal from the next RFP which is to be published this week. Mr. Hubler summarized the properties on that RFP to include demolition of 1008 Calle Vigil and 516 E Chamisa, cleanup of 803 S Riverside, and removal of two mobile homes and cleanup at 2004 N McCurdy. He stated that the contract is scheduled to be awarded by the City Council on February 25th, at which time they will make a decision about the existing bid for demolition at 2227 N. McCurdy. Director Hubler gave an update on the Affordable Housing Plan. Planner Gillette reminded the Commission that this is an update to the existing plan. Director Hubler requested a work session on January 23rd and stated that Staff is

finalizing the calendar for the year. Discussion ensued about the proposed work session, concluding it would be an informal discussion about implementing the comprehensive plan.

Vice-Chair E. Martinez asked about discussions regarding guidance from City Council and recommended the Commission use a work-session to set strategic goals and meet with City Council after the elections. Chair Wright reminded the Commission that the comprehensive plan has a time frame and expressed concern about postponing too long.

VIII. MATTERS FROM THE PLANNING COMMISSION

Commissioner Vigil commented in favor of Staff's process regarding utility signatures on final plats. He discussed state law regarding subdivisions.

Vice-Chair E. Martinez queried Staff about the Affordable Housing Plan. Planner Gillette described engagement with developers including SF Housing Trust, SF Civic Housing, and the renovation of senior housing on La Joya.

Chair Wright listed several areas for code revisions including landscape and drainage requirements, the Commission absences and voting, subdivision notification & easement language, rezoning and permitted uses. He asked for updates to 512 S Riverside and the text amendments. Director Hubler confirmed that 512 S Riverside is still open and that the text amendments for agriculture uses and ILPOD would be handled at the same meeting. He described the legal review for the ILPOD and concluded that Staff will be asking for direction from the City Council next Tuesday whether or not to proceed.

IX. ADJOURNMENT

Meeting adjourned at 8:18pm

APPROVED by the City of Española Planning & Zoning Commission this 13th day of FEBRUARY, 2020.



A. Erle Wright, Chair

ATTEST:



Richard Hubler, Planning Director