

**Planning Commission Meeting
April 8, 2010, 5:30 PM
Española Mision y Convento
101 Calle De Las Españolas, Española, NM**

Item I Call to order:

The meeting was called to order by Chairman Wright at 5:35 PM. The following were present:

Commissioner: Erle Wright, Chairman
Richard Beaudoin
Amrit Khalsa
Laurie Koontz
Anissa Martinez
Sunee Sandoval
Jacob Torres

Staff: Russell Naranjo, Planning Director
Isabelle Martinez, Code Enforcement Officer

Item II Pledge of Allegiance:

Commissioner Torres led the Pledge of Allegiance.

Item III Approval of Agenda:

Agenda as presented:

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Public Concerns
- V. Items for Consideration :
 1. Commercial Site Plan Review. A request from Advantage Asphalt to construct a proposed 5,888 square foot commercial structure located at 1111 North Riverside Drive. The property is located within a B-2, General Commercial District.
- VI. Approval of Minutes
March 11, 2010
- VII. Election of Officers
- VIII. Matters from the Planning Commission
- IX. Matters from the Planning Staff
- X. Adjournment

Commissioner Koontz moved to approve the agenda as presented. Commissioner Sandoval seconded the motion. Motion carried by a 7-0 vote.

Item IV Public Concerns:

NONE

Item V Items for Consideration:

1. **Commercial Site Plan Review. A request from Advantage Asphalt to construct a proposed 5,888 square foot commercial structure located at 1111 North Riverside Drive. The property is located within a B-2, General Commercial District.**

Mr. Russell Naranjo, Planning Director, read staff's report. Mr. Naranjo stated this request was first brought to the Commission in February 2010, however, was tabled at that time. The applicant is proposing to construct a 5,888 square foot commercial complex to be divided into three (3) commercial units. Baskin Robbins has been identified to occupy one of the units. According to the applicant and agent, a right-in and right-out ingress and egress is being proposed onto and off of Monterey Lane. Mr. Naranjo stated that staff does have a concern that Monterey Lane, even though a private drive, is currently being used as an easement for an estimated 13 mobile homes and site built homes. These residential structures are located to the east of the proposed property.

Mr. Naranjo stated that based on the recorded plats, Monterey Lane is only a utility easement for the eastern most developed area and not an ingress/egress easement. Therefore, staff can support the

closing of the roadway to residential traffic and opening the rightful access easement off of Fairview Lane for the residential development.

Mr. Naranjo stated that if this request is approved, the applicant/agent will be meeting with the Department of Transportation (DOT) to express their willingness to place a right-in right-out, ingress/egress. Mr. Naranjo added that by doing this, it will eliminate the possible liability of traffic attempting left-in left-out. This will also allow the applicant to control traffic movement of customers using signage as opposed to an entire residential area.

Mr. Naranjo said that staff has received a new submittal from the applicant. He added that the applicant had been given a copy of staff's memo stating the conditions of approval and they have been able to address the conditions in the new submittal.

Mr. Naranjo stated that the original submittals were reviewed by the DRT in January and conditions were mentioned and discussed with and agreed to by the applicant. He added that staff feels comfortable in recommending approval of this request. He said that he understands that the new submittals were received right before the meeting; however, the conditions of approval have been addressed. This is the city's assurance that compliance will be achieved. However, most conditions have already been met.

Commissioner Beaudoin asked how long the utility easement has been used as an ingress/egress. Mr. Naranjo stated that he is not sure; however, the plat was dated in the late 1960's. Commissioner Beaudoin stated if it has been used as an ingress/egress for several years it could now be considered a roadway. Mr. Naranjo stated that it will be up to the property owners to show proof that it is an ingress/egress easement. He added that the applicant went to the courthouse and the plat shows only a utility easement. Mr. Naranjo stated that there is a possibility that the applicant will be able to shut down the road and place a right-in right-out. Mr. Naranjo added that it is dangerous for the tenants using a left-in & left-out. He added that the applicant will meet with DOT to receive approval for no left turns.

Commissioner Torres asked if staff was comfortable with the proposed right-in & right-out. Mr. Naranjo responded yes.

Chairman Wright stated that there was a list of conditions set by DRT.

Mr. John Paul Romero, agent and project manager for this project, stated that the plans are approximately 90 percent complete and include the conditions set forth by staff. Mr. Romero stated the he was under the impression that the commission would only be reviewing the master plan and not the complete plans. He added that all the conditions set by staff have been agreed to, will be entered into the plans and will be submitted to staff for approval. Mr. Romero stated that DOT will not review this project without approval from the City.

Commissioner Torres stated he has concerns with the ingress/egress.

Mr. Romero stated that the access is dangerous if customers and residents will be attempting to use left-in and left-out. Mr. Romero added that they will work with the tenants to assure safety. Mr. Romero said they will propose to DOT the right-in, right-out access.

Commissioner Martinez asked why the applicant was not present. Mr. Romero stated that he was unable to attend. He added he was the agent and project manager and would be representing the applicant. Commissioner Martinez asked if signs will be placed or how people will know that left turns are not allowed. Mr. Romero responded that they will place what is called a "pork chop." The curb is raised and prohibits left-in and left-out access.

Commissioner Martinez asked if there have been any concerns from the surrounding property owners. Mr. Naranjo responded that one person had concerns on the development; however, once he reviewed the plans his concerns were answered. He added that the concerned property owner was very pleased that Baskin Robbins would be occupying a portion of the proposed site.

Commissioner Sandoval asked if the applicant had discussed the proposed right-in right-out access with the property owners on the west side of the proposed site. Mr. Romero stated that DOT will only raise the curb up to the proposed site.

Commissioner Torres asked when they will meet with DOT. Mr. Romero responded that they will meet with DOT as soon as they receive approval from the City. He added that once DOT gives approval they will contact the Planning Department to assure they have met all the terms of conditions and receive an administrative approval.

Commissioner Torres asked if DOT grants approval is the applicant required to come before the Planning Commission. Mr. Naranjo responded no, unless DOT makes changes.

Mr. Romero stated that they are waiting for the soil tests before presenting the paving plan.

Commissioner Wright asked if staff had reviewed the signage plan. Mr. Naranjo responded he had not reviewed that section yet. Commissioner Wright stated it was not to scale.

Commissioner Khalsa stated that the signage plan is not to scale but was not in compliance, because the 16 foot high sign was not up to code. Mr. Romero stated that there might be some typos on the plans.

Mr. Romero stated they would like to start construction by the end of May if possible.

Commissioner Wright asked for the requirements for the depth of the waterlines. Mr. Romero stated that the water line will be placed four feet (4') deep and the retention pond will be two and one half feet (2 ½') deep. Mr. Romero stated that he had spoken with Antonio Chavez, Water Department Foreman, and he had suggested placing the water line five to six feet deep.

Mr. Naranjo stated that a fire hydrant is needed at this location to provide fire protection for the surrounding area. He added that the City and the applicant have reached an agreement that the applicant will place a six inch (6") water line and the City will place the fire hydrant.

Commissioner Wright stated that the plans show three (3) separate water meters and the lines are running through the middle of the retention pond. Mr. Naranjo stated that DRT had reviewed the plans and did not have any concerns on the location of the lines.

Commissioner Khalsa stated that in this area 18 inches deep is enough to keep the line from freezing. Mr. Romero stated that pipes will be insulated to prevent the pipes from freezing.

Commissioner Beaudoin asked why the utility hookups will be placed on the side of the building instead of under the building. Mr. Romero responded that they are unsure what other tenants will be utilizing the building. He added that placing the lines on the side of the building was more economically feasible than running the lines under the concrete.

Commissioner Wright asked if the parking plan has been reviewed. Mr. Naranjo responded yes and it does meet requirements.

Commissioner Khalsa asked if they had tenants for the other two (2) buildings. Mr. Romero stated not at this time.

Commissioner Martinez asked if the parking lot will be paved and striped. Mr. Romero responded yes. Commissioner Martinez asked if the landscaping will meet the required five percent (5%). Mr. Romero responded yes.

Commissioner Martinez also asked if the required parking spaces will be utilized by employees. Mr. Romero responded yes and Baskin Robbins will only have two (2) employees at all times. Mr. Romero stated that the total amount of parking spaces is what is required by code.

Commissioner Martinez inquired about security. Mr. Romero stated they were not at that level yet. Commissioner Martinez asked about the lighting. Mr. Romero stated that they will have security lights on the building.

Commissioner Koontz asked if the applicant will be required to come before the Planning Commission for final approval. Mr. Naranjo responded no, staff will assure compliance of conditions.

(Mr. Romero stated he had another commitment and had to leave the meeting. He left at 6:10 PM)

Commissioner Torres moved to table this request. Commission Khalsa seconded the motion. Motion carried by a 6-1 vote. Commissioner Koontz voted against the motion.

Commissioner Beaudoin asked if the plans will be 100 % complete by the next meeting. Mr. Naranjo stated DOT will not address this issue until the applicant has received approval from the City.

Commissioner Khalsa asked if staff had reviewed the signage plans. Mr. Naranjo responded he had not reviewed the sign plan yet. He added that the signs will require proper permits to be reviewed at that time.

Commissioner Khalsa stated he objected to Mr. Romero leaving the meeting and the applicant not attending. Mr. Naranjo stated Mr. Romero is running for public office and had a forum scheduled. He added that Mr. Romero has been hired as the agent to represent this request. He added that in most municipalities only the agent attends the meeting, therefore, the owner may not be present at the meetings.

Commissioner Wright stated that the Planning Commission has never reviewed a master plan for any development. The Commission only takes action on complete plans. He added that Mr. Romero submitted the plans late and the Commission did not have time to review them. Mr. Naranjo stated that he had mentioned that to Mr. Romero and was aware that the request might be tabled for that reason.

Commissioner Sandoval stated she would like to see what DOT recommends or approves for the ingress/egress. She asked if the applicant will be required to meet with staff prior to starting construction. Mr. Naranjo responded yes, staff will assure compliance prior to issuing permits.

Commissioner Khalsa asked if the signs will require separate permits. Mr. Naranjo stated the Commission will not be approving the proposed signs. He added that a master sign plan will be submitted. Staff will review them and if they do not comply, a variance will be required. At that time the Planning Commission will review the request.

Commissioner Wright requested that DRT review the new utility plans, ingress/egress be reviewed by DOT, signage be reviewed and the paving detail be submitted. Commissioner Wright also requested that the number of parking spaces be reviewed to assure they are in compliance with the Code. Mr. Naranjo stated that the amount of parking spaces is in compliance with the Code for a retail shop. Commissioner Wright stated this request should be considered a drive-thru. Mr. Naranjo stated that would be a tough call to make because a drive-thru requires a separate bay. Commissioner Wright stated that the parking area will be very congested.

Commissioner Khalsa requested that a solid fence be placed on the south side to prevent access from the street on the south side.

Commissioner Torres asked if Monterey Lane is a single lane road. Mr. Naranjo responded that if it is scaled properly it is two (2) lanes. Mr. Naranjo stated that Monterey Lane will be closed and paved by the developer up to their property. He added that residents on Monterey Lane have an ingress/egress access off of Fairview Lane.

Commissioner Beaudoin asked if the developer was required to contact the property owners and inform them that there were proposing to close off the easement. Mr. Naranjo stated that notices were sent to adjacent property owners and no one attended the public hearing. Mr. Naranjo stated that public hearings are held to inform adjacent property owners of the proposed development and allow them to voice their concerns. Mr. Naranjo added that the easement situation will be an issue between the developer and the property owners, the city cannot get involved.

Mr. Naranjo stated that the owner from Radio Shack had contacted him and is in 100% support of the proposed development. He added that the Radio Shack owner showed him a plat which shows the ingress/egress easement, for the residents on Monterey Lane, directly behind Walgreens and another easement between the storage units.

Commissioner Beaudoin stated that a real estate title will show the easements. Mr. Naranjo stated the applicant has to show that Monterey Lane can be closed. Commissioner Beaudoin stated that a neighborhood meeting should be held to notify the owners of the proposed road closure. He added the use of the roadway may actually be considered adverse possession.

Commissioner Wright stated that if there are any problems this will become a civil issue between property owners. He added streets are named for 911 purposes and public safety issues.

Commissioner Koontz asked who the applicant for this development is. Mr. Naranjo responded that the applicant is Advantage Asphalt.

Commissioner Sandoval stated that there is no left turn for Bank of America. Mr. Naranjo stated that right-in and right-out are very common in other places.

Commissioner Wright stated the turning radius on the south side of the development may be difficult for the fire truck. He added that it appears that the drainage from Monterey Lane will be draining into the property and not off site.

Commissioner Wright requested that a proper survey plat be presented. He added that the code needs to be more specific on landscaping requirements.

Commissioner Martinez asked if the conditions set by DRT were addressed. Mr. Naranjo stated they had been.

Commissioner Beaudoin stated that a six inch (6") line has a lot of pressure for the size of building. Mr. Naranjo stated that the reason for the upgrade of the line is to place the fire hydrant. He added that the line will be reduced to the building.

The Commission requested that the following conditions be met, prior to the next meeting:

- A new DRT review be conducted
- Clarification of the proposed ingress/egress
- An overall sign plan reflective of sizes associated with all signage on the site including pole signs, directional signs, and building signs
- A complete paving detail
- Fire department review of a radius proposed on-site
- Drainage flow be directed to reflect no flow entering NM 68
- A survey plat be provided
- Trees be planted instead of the proposed bushes
- Overall status of the potential of closing Monterey to thru-traffic

Item VI Approval of Minutes:

There were a few corrections noted. Commissioner Koontz moved to approve the minutes with the mentioned corrections. Commissioner Torres seconded the motion. Motion carried by a 7-0 vote.

VII Election of Officers:

The election of officers was held by secret ballot, the results were as follows:

Commissioner Wright was elected as Chairman (seven votes)

Commissioner Koontz was elected as Vice-Chairwoman (four votes)

(Commissioner Martinez received three (3) votes for Vice-Chairwoman)

Item VIII Matters from the Planning Commission:

Commissioner Wright asked if all the Commissioners had received his e-mail. He requested that the Commissioners set goals for their term on the commission.

Commissioner Beaudoin stated that he would like to learn as much as possible to serve the City as a Commissioner. He added that he is a local business owner, and studied city planning in college.

Commissioner Torres stated that he is very interested in meeting green standards. He added that he would like to set requirements for all new buildings to comply with the green standards. He stated that by doing so will conserve a lot of energy. He said he would like to set up new ways to make money for the city. He added that the commission should get involved with the American Planning Association (APA). Commissioner Torres suggested getting a guidance program for the youth in order to get them involved with the City. Commissioner Torres stated that he will be graduating from college in May, he will be the first green engineering student to graduate from this college.

Commissioner Torres added that he would also like to draft a mobile home park ordinance that is in line with the comprehensive plan. He would like to recommend it to City Council, for their review and approval, within a reasonable time. Commissioner Torres presented the Commission with a draft of ideas for the ordinance.

Commissioner Koontz welcomed Commissioner Beaudoin to the commission. She stated that she would like to update the ordinances and get the community involved. She also suggested meeting with the Mayor and City Council to discuss what their goals are and see how they can work together. She added that her other goals are to get an accurate and complete zoning map, work on landscaping (adopt-a-median), work on the historic districts, address street issues, provide training for new commission members and staff and address the low income housing issue.

Commissioner Koontz stated that she would also like the commission to be involved in the budget review for the Planning Department, work with Rio Arriba County to correct the roadway problem on Simmons Lane, placement of homeless shelters, construction of softball fields and utilize the land on industrial park road for agricultural purposes. Commissioner Koontz suggested that the commission write a letter to the former mayor and city council and thank them for appointing them to the commission.

Commissioner Wright stated that he would like to echo Commissioner Torres on the green standards for new development. He added that the City of Española is land locked because it borders the Indian land. He hopes that the acequias are not done away with. He would like to keep as much irrigated land as possible. He would also like to create an inspection committee to assure compliance of mobile home parks. Commissioner Wright stated that he has a bachelor's degree in zoning and landscaping. He added that if he continues to pursue his master's degrees it will be in solar development.

Commissioner Khalsa stated the old code needs to be amended into the new code. He added that it does not make sense to have two codes in effect. He said it was important to have the code recodeified. Commissioner Khalsa also agreed that there is a lot of wasted energy and the green standards need to be developed. He added that he had attended the grand opening for the Santa Claran Hotel he stated this development is a great accomplishment for the city.

Commissioner Martinez stated she has worked for the state for the past 20 years, she added she likes to cook and is an excellent cook. She stated that she likes to read the newsletter inserted with the water bill. Commissioner Martinez stated that the City of Española was incorporated 85 years ago.

Commissioner Sandoval stated she works at the Los Alamos National Labs in the waste management division. She added she has a bachelor's degree in Environmental Science. Commissioner Sandoval asked where the new Del Norte Credit Union building would be accessed through. Mr. Naranjo responded that the access is off of Vietnam Veterans Memorial Park Road. Commissioner Sandoval stated that she had a concern because the area off of Paseo de Oñate is congested. Commissioner Sandoval stated that she had visited the Santa Claran Hotel and the top floor has very beautiful views. She added that the properties to the east are an eyesore, she would like to beautify the city. Commissioner Sandoval stated that she had spoken with the project manager for Santa Clara and he had stated they are proposing to construct a river walk.

Commissioner Sandoval asked if businesses are inspected to assure compliance. Mr. Naranjo responded that the fire department conducts inspections on a yearly basis.

Commissioner Martinez stated that she would like to beautify the medians.

Commissioner Koontz asked about the super fund site. Mr. Naranjo stated that there will be a request at the May meeting to utilize a building within the super fund site. He added that the landscaping will have to be planters because you cannot dig in that area and will need a variance on the paving because you cannot pave this area.

Commissioner Martinez stated she received her packet late, she requested that the information be emailed to her.

Commissioners requested that the Planning Commission calendar and the zoning map be emailed to them.

Item IX Matters from the Planning Staff:

Mr. Naranjo stated he had found information on the APA and if budget allows, a magazine will be ordered. Mr. Naranjo added that the goals for the Planning Department are to have the applications on line with GIS capabilities for the applicant to provide material and better information for the packets. He added architectural standards for the historic districts need to be set.

Commissioner Khalsa suggested forming an advisory committee for the architectural designs. He suggested asking architects to serve on the committee.

Mr. Naranjo also stated that the commission will be asked to review zoning districts throughout the city. There are several areas that are zoned commercial and cannot meet the criteria for commercial use. He added that the landscaping requirements have to be very specific. He asked the commission to take pictures if they saw any landscaping that they liked. The pictures will provide ideas to include in the requirements.

Mr. Naranjo stated that once a City Attorney has been appointed, he will request that they do a presentation to the commission.

Item X Adjournment:

Commissioner Koontz moved to adjourn the meeting. Motion was seconded by Commissioner Torres and carried unanimously. Meeting adjourned at 8:52 PM.

Bob Koontz 12 August 2010 Isabelle Martz 8/12/10
Chairman Date Secretary Date