

**Planning Commission Meeting**  
**July 8, 2010**  
**5:30 PM**  
**City Council Chambers**  
**405 N. Paseo de Oñate, Española, NM**

**Item I Call to Order:**

The meeting was called to order by Vice-Chairwoman Laurie Koontz at 5:35 PM. The following were present:

Commissioners: Laurie Koontz, Vice-Chairwoman  
Richard Beaudoin  
Anissa Martinez  
Sunee Sandoval  
Jacob Torres

Commissioners  
Absent: Erle Wright, Chairman  
Amrit Khalsa

Staff: Russell Naranjo, Planning Director  
Larry Valdez, Planning Tech  
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. Special Exception: A request from Eleanor Gomez dba Reliable Transmissions to allow additional square footage and height on an existing sign structure that exceeds the provisions of the existing sign ordinance, located at 512 Fairview Lane. This property is zoned B-2, General Commercial District.
  2. Special Exception: A request from Española Mercantile dba Española Transit Mix to allow approximately 282 square feet of signage and overall height that exceed the provisions of the existing sign ordinance, located at 1300 North Riverside Drive. This property is zoned B-2, General Commercial District.
- VI. Approval of Minutes:
  - May 13, 2010
  - June 10, 2010
- VII. Matters from the Planning Commission
- VIII. Matters from the Planning Staff
- IX. Adjournment

Commissioner Torres stated that being that the Chairman is absent, a Vice-Chair should be elected. Therefore, election of Vice-Chair was placed as item IV.

Commissioner Torres moved to approve the agenda as amended. Commissioner Sandoval seconded the motion. Motion carried by a 5-0 vote.

**Item IV Election of Vice-Chair:**

Chairwoman Koontz asked for nominations.

Commissioner Torres nominated Commissioner Anissa Martinez for Vice-Chairwoman. Commissioner Sandoval seconded the motion. Motion carried by a 5-0 vote.

**Item V Public Concerns:**

None

**Item VI Items for Consideration:**

1. **Special Exception.** A request from Eleanor Gomez dba Reliable Transmissions to allow additional square footage and height on an existing sign structure that exceeds the provisions of the existing sign ordinance, located at 512 Fairview Lane. This property is zoned B-2, General Commercial District.

Larry Valdez, Planning Tech, read staff's report. He stated that the request is not required to be reviewed by the Development Review Team; therefore, their recommendation is not submitted. Mr. Valdez stated that staff is obligated to recommend denial of this request because it is contrary to the Development Code.

Mr. Valdez read the criteria for a special exception. He added that this request does not meet the criteria.

Mr. Valdez stated that the Reliable Transmission sign would be placed approximately halfway on the pole. The pole is 28 feet in height and the sign will be placed sixteen feet (16') high. He added that there is an existing sign on the pole advertising "Efinity Networks" which has been placed without permits.

Commissioner Martinez stated that the proposed sign will be two feet (2') X thirteen feet (13'), which equals 26 square feet and the code allows 60 square feet.

Mr. Russell Naranjo, Planning Director, stated that this would be considered a commercial complex. He added that they are allowed 60 square feet for the complex name and 12 square feet per tenant. He added that the applicant is requesting to place a 21.88 square foot sign. He stated that the sign will be larger than the allowed square footage because of the way the sign poles are placed, they are placed further apart.

Commissioner Beaudoin asked if the existing sign structure was in compliance with the code. Mr. Naranjo responded no. Commissioner Beaudoin asked if it was placed without permits. Mr. Naranjo stated that the sign structure had permits; however, the existing sign is not permitted. Mr. Naranjo stated that when they were placed they were in compliance; however, the code has changed and does not meet the current code.

Mr. Naranjo suggested that an overall sign plan be approved to avoid having every potential tenant apply for a special exception.

Commissioner Beaudoin asked if the existing sign on the structure was legal and permitted. Mr. Naranjo stated that only the structure has been permitted.

Chairwoman Koontz asked if the sign structure was grandfathered in and the current signs would have to comply with the existing code. Mr. Naranjo responded yes.

Commissioner Beaudoin asked if the commission would be addressing only the request from Ms. Gomez. Mr. Naranjo stated that the special exception could be granted on all signs placed on the structure.

*Chairwoman Koontz opened the public hearing at 5:51 PM.*

Mr. JR Trujillo stated that he is the Chairman for the Business Advisory Committee and is representing the City. He added that the sign ordinance has recently been a major topic. He said that most signs in the valley are not in compliance. Mr. Trujillo stated that the city does not want to impose problems or have businesses incur unnecessary expenses. He stated that the ordinances need to be business friendly and work with the business and not against them. Mr. Trujillo added that the ordinance was written very well, however, it does not consider the existing business. He said that changes cannot occur overnight. He stated that the local businesses are very important to the city. Mr. Trujillo said that

businesses need to continue with their business, he asked that the commission consider granting the approval of this request. He stated that the ordinance was well written, however, it is not a good time to enforce it.

Chairman Koontz stated that the ordinance allows a specific time for current businesses to come into compliance. Mr. Trujillo stated that when the sign ordinance was written, the ordinance from Rio Rancho was used as a model. He added that Rio Rancho is a new city and the City of Española has been in existence for the last 400 years. He stated that he will be working with Mr. Naranjo on the ordinance so it will work with the existing businesses. He stated that they will work on the ordinance until they figure out how to incorporate the 400 year old city into the new code.

Commissioner Beaudoin asked Mr. Trujillo if he had any interest in Secure Logistic, LLC, who is the property owner. Mr. Trujillo responded no, but he is an adjacent property owner and is also representing the City, as Chairman of the Business Advisory Committee.

Commissioner Beaudoin stated that the sign has not been ordered and therefore an investment has not yet been made. He added that a proper sign could be ordered and be in compliance with the existing code.

Mr. Trujillo stated that he has respect for the ordinance. He added that placing the signs at the required height, the top of the sign structure will be vacant and will not look very attractive. He, once again, added that a "business friendly" ordinance has to be created.

Commissioner Beaudoin stated that the applicant will make a one-time investment by purchasing a sign that will comply with the existing code.

Mr. Max Archuleta, Manager for Reliable Transmission, stated they are relocating their business to this location. He stated that he has an existing sign that was being used at their previous location. He added that their current business is located off the main road (North Riverside Drive) and by placing the sign at 23 feet in height it will be visible from the main road.

Commissioner Beaudoin asked Mr. Archuleta for the size of their current sign. Mr. Archuleta stated it was a 4' X 8'.

Chairwoman Koontz asked if the actual height of the sign structure is 28 feet or 23 feet. Mr. Archuleta stated it is 23 feet high.

Mr. Jay Gould, property owner, stated that he had measured it and it is 23'4". He added that the structure was approved and paid for. He stated that the infrastructure box is approximately eight feet in height and it would be very expensive to re-do.

Mr. Archuleta stated that it will be a new sign but not a new business.

Mr. Naranjo stated that this would be considered a complex sign and the requirements are 60 square feet for the complex name and 12 square feet for each tenant, not to exceed a total of 150 square feet.

Mr. Gould suggested making the complex name smaller and the individual tenants signs larger. He added that signs are extremely important for businesses, especially when they are located off the main street.

Chairwoman Koontz asked if the special exception would be granted to the business and would be voided if the tenant moved from this building. Mr. Naranjo responded yes.

Commissioner Torres stated that the commissioners are not elected and are serving on a volunteer basis. He added that businesses are very important to the city. He said that when tourists visit the city he would like them to remember the beautiful views (mountains) and not the signs. He stated that the commission and business owners need to work together.

Commissioner Torres stated that the applicant does not meet any of the criteria outlined in the code for special exception. He added that based on that, the request should be denied.

Commissioner Torres suggested placing the existing sign at 16 feet high within 30 days. Mr. Gould stated that he had calculated the proposed signs and it is actually below the allowed 150 square feet. Commissioner Torres suggested allowing 21 square feet for each individual sign, if the applicant agrees to bring the height down.

Mr. Gould stated that he would be willing to place the signs on the big box at 19'8". Mr. Naranjo suggested setting conditions of approval, instead of delaying the request for 30 days in order for the commission to make a decision.

Mr. Archuleta stated that if the signs are placed to low they will be vandalized and will be subject to graffiti. Commissioner Torres stated that he had considered that and the city has a Graffiti Officer, who would be utilized as an option for removing the graffiti. Mr. Archuleta stated that would incur a cost for the city and the business owner.

Commissioner Beaudoin asked how many businesses would be in the complex. Mr. Gould stated that there would be four (4) possible tenants. He added that Efinity Networks had placed the sign without permission from him.

Chairwoman Koontz stated that they had to consider that the business is located off of a side street and not the main street. Mr. Naranjo stated that the intent of the ordinance is for the signs to be placed lower on the side street because they are next to residential areas.

*Chairwoman Koontz closed the public hearing at 6:30 PM.*

Mr. Gould stated that if the signs are allowed within the big box, that would be okay with him. Commissioner Martinez asked if the existing sign, Efinity Networks, would have to be permitted. Commissioner Torres asked if the existing sign, Efinity Networks, would be included as part of the complex sign. Mr. Naranjo stated that that would be the landlord's responsibility to either allow it or have them remove it. Mr. Gould stated that Mr. John Lucero, Efinity Networks owner, would probably want to keep the sign there.

Chairwoman Koontz asked if the structure is already in place, does it still have to be in compliance. Mr. Naranjo responded that once the signs are removed, the new signs have to be in compliance with the new code.

Mr. Valdez stated that the placement of four signs plus the marquee will be below the allowable 150 square feet. That will also eliminate the top portion of the structure.

**Commissioner Torres moved to approve the special exception with the following conditions: the sign be placed at 19'8", allow three (3) signs at 21.88 square feet, one (1) sign at 18.75 square feet and the marquee sign as proposed. Commissioner Martinez seconded the motion.**

Commissioner Beaudoin asked if the process was fine with the applicant because it is their request. He added that the applicant wanted to place their existing 4'X8' sign, from their previous location. Mr. Archuleta stated they will not be placing their old sign they will be placing a new sign. Commissioner Beaudoin stated that the commission is negotiating with the property owner and not the applicant.

**Commissioner Beaudoin moved to deny the special exception and meet with the property owner and come up with a solution.**

Mr. Naranjo stated that there is a motion and a second on the floor that needed to be acted on. Commissioner Beaudoin withdrew his motion.

**Motion carried by a 3-2 vote. Chairwoman Koontz and Commissioner Beaudoin voted against the motion.**

- (2) Special Exception. A request from Española Mercantile dba Española Transit Mix to allow approximately 282 square feet of signage and overall height that exceed the provisions of the existing sign ordinance, located at 1300 North Riverside Drive. This property is zoned B-2, General Commercial District.**

Mr. Valdez read staff's report. He stated that this request was not heard by the DRT; therefore, there is no recommendation from them. He added that staff recommends denial of this request. Mr. Valdez stated that this sign has been in place since 1978. The date precedes The Española Municipal Code of

1979. The parent company, Española Mercantile has been in existence for over 100 years. He added that the applicant has refurbished the existing sign, which, according to Section 407, Nonconforming Signs, time of Compliance, requires that the sign then be brought into compliance with the current sign code.

The sign currently exceeds allowable amounts in height and square footage. The allowed height is 16 feet and the allowable size is 60 square feet. The current sign is 282 square feet and 23 feet in height.

*Chairwoman Koontz opened the public hearing at 6:40 PM.*

Mr. Ignacio Lucero, representing Española Mercantile, stated that the sign has been placed there since 1978 or possibly longer. He added that Española Mercantile has been in business since 1905. He stated that this sign has been a landmark for many years.

Commissioner Beaudoin asked Mr. Lucero if they had contacted the city when they decided to place the new sign. Mr. Lucero stated they were only upgrading the sign and they did not contact the city.

Commissioner Torres asked Mr. Lucero if they were aware that they had to comply with the Municipal Code. Mr. Lucero stated it was an oversight on their part.

Commissioner Martinez asked Mr. Lucero if they had been contacted by the city when they were placing the sign. Mr. Lucero stated they had gone to city hall to meet with Larry and Russell on a different matter and were told at that time that a permit was needed. At that time they began the application process. Mr. Lucero stated that the faces for the sign had already been ordered when they filled out the application.

Chairwoman Koontz asked how long it took from the time they ordered the face to the time they finished placing them. Mr. Lucero stated that it took three (3) days to place the face. He was not involved in the order process, therefore, does not know when they were ordered.

Chairwoman Koontz asked if the poles are existing and there was no change in the business if a sign permit is still required. Mr. Naranjo responded yes, according to the code anytime maintenance is done to a sign they must come into compliance.

Commissioner Beaudoin asked what it would take to lower the sign five feet (5'). Mr. Lucero stated that lowering the sign it will be seven feet (7') off the ground and would become a target for graffiti. Mr. Lucero stated it is possible to lower the sign; they will have to bring a crane, cut the posts and re-weld them all the way around. He added that it would be costly.

Commissioner Beaudoin stated that there are rules that need to be complied with. He added that the local businesses are the heart of the city. He stated that if other businesses see that the local businesses are complying they will also comply. Commissioner Beaudoin suggested lowering the sign five feet (5') and that would make the sign 18 feet in height and seven feet (7') from the ground.

*Chairwoman Koontz closed the public hearing at 7:07 PM.*

Commissioner Beaudoin opened the discussion to possibly grant this request lowering the sign four feet (4'). That would lower the sign four feet (4') and it would be four feet (4') out of compliance. He added that the applicant has spent money on the sign.

Mr. Naranjo stated that the existing sign consists of 282 square feet and the allowable square footage is 60.

Commissioner Beaudoin stated that the sign could be placed there forever and become an eyesore and once you get a paint brush to make it look better you have to come into compliance. He stated that overall the sign code is a good thing.

Chairwoman Koontz asked why this project was not red-tagged. Mr. Naranjo stated that it was not red-tagged because when the sign was being worked on, the applicant had a meeting, with staff on a separate issue and they addressed the sign permit at that time. He added that the applicant agreed to apply for a special exception.

**Commissioner Beaudoin moved to grant the special exception with the conditions that the sign be lowered four feet (4') and the bottom of the sign be at eight feet (8') from the ground, within 30 days.**

Mr. Lucero stated that he would agree to that, however, he would have to relay the information to the owner. He added that the owner would make the final decision. Commissioner Torres seconded the motion. Motion failed by a 2-3 vote. Chairwoman Koontz, Commissioner Martinez and Commissioner Sandoval voted against the motion.

Chairwoman Koontz suggested tabling this request until the next meeting. This will allow Mr. Lucero to get a decision from the owner. Mr. Naranjo stated that if the applicant is willing to comply a little closer with the requirement, a possible agreement could be reached.

Commissioner Martinez moved to table this request until the August meeting. Commissioner Sandoval seconded the motion. Motion carried by a 5-0 vote.

**Item VII. Approval of Minutes:**

May 13, 2010

June 10, 2010

Chairwoman Koontz moved to table this item until the next meeting, in order for Chairman Wright and Commissioner Khalsa to be in attendance. Commissioner Sandoval seconded the motion. Motion carried by a 4-1 vote. Commissioner Beaudoin voted against the motion.

**Item VIII. Matters from the Planning Commission:**

Commissioner Sandoval asked if staff had measured the area where the proposed house on Lamb Street will be placed. She added that it was approved at the last meeting and it does not look like it is being placed in the approved area. She stated that she wanted the owners to get the best benefit of the property. Mr. Valdez stated that Mr. Joe Duran, Building Official, would be doing that.

Chairwoman Koontz stated that some of the commissioners have taken pictures of landscaping and asked if the pictures could be downloaded in order to keep them all together and for safekeeping.

Chairwoman Koontz stated that she had seen the New Mexico American Planning Association website and they will be hosting a conference on "Green" issues.

Commissioner Martinez stated that she had read the monthly city newsletter and there is a ban on burning in the city. She also added that the drinking water standards were included in the newsletter. She asked if there were any water restrictions. Mr. Naranjo stated that the city is still in a Stage III restrictions. Commissioner Martinez suggested that the public be reminded of the restrictions. She asked that everybody get out and support the upcoming Fiestas de Española.

Chairwoman Koontz stated that there have been several burglaries and several cars have been broken into. She asked if there was any possibility of placing a toll booth and fence at the Park and Ride parking lot. She added that placing a toll booth for a small fee may possibly pay for security. Mr. Naranjo responded that the Park and Ride is a state funded program and monitored by them. He added that they are proposing to relocate the Park and Ride parking lot to the vacant lot east of the old Hunter Ford property.

Chairwoman Koontz stated that she read in the Rio Grande Sun that the Police Department is proposing to start the Neighborhood Watch Program. She asked for a time frame on the proposed River Walk. Mr. Naranjo stated that was not a city project and he did not have any information. She asked that a Planning Commission work session be scheduled. The work session was scheduled for Thursday, August 26<sup>th</sup> at 5:30 PM in the Committee Room at City Hall.

Commissioner Beaudoin asked if the city had a contact person, from the neighboring pueblos, to contact on planning issues within city limits. Mr. Naranjo stated Ohkay Owingeh has a real estate person within their planning group and Santa Clara has a lot of information on their properties.

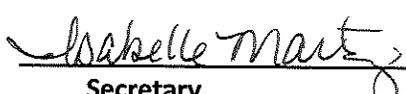
Commissioner Beaudoin stated that the commission will probably be hearing a lot of sign placement cases.

**Item IX Matters from the Planning Staff:**

**NONE**

Item X Adjournment:

Commissioner Beaudoin moved to adjourn the meeting. Chairwoman Koontz seconded the motion. Motion carried unanimously. Meeting adjourned at 7:41 PM.

 9/9/10  9/9/10  
Chairman Date Secretary Date