



Planning Commission Meeting
January 10, 2013
6:00 p.m.
City Council Chambers
405 N. Paseo de Onate, Espanola, New Mexico
Agenda

I. Call to Order

II. Pledge of Allegiance

III. Approval of Agenda

IV. Public Concerns.

V. Items for Consideration

1. Variance Request. Virginia Vigil, property owner, is requesting a variance from development code requirements on lot size dimensions, to create two legal nonconforming lots of record on property located at 885 Vigil Lane. This property is zoned R-6, Urban Residential District.

2. Historic District Review. Amy Archuleta, applicant, is requesting Historic District Review to operate a weight loss center in an existing building located at 326-A Paseo De Onate. The property is located within the Plaza De Espanola Historic District.

3. Commercial Site Plan Review. Antonio Martinez, applicant, is requesting commercial site plan review for the placement of a multipurpose facility on property owned by the United Pentecostal Church located at 322 Calle Chavez. The property is zoned B-1, Local Commercial District.

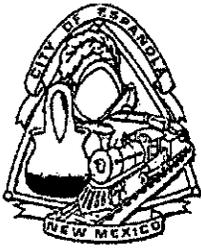
VI Approval of Minutes

November 8, 2012

VII Matters from the Planning Commission

VIII Matters from the Planning Staff

IX Adjournment



CITY OF ESPAÑOLA
 Planning & Zoning Department

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405 N. Paseo de Oñate
 Espanola, NM 87532
 (505) 747-6061

NAME:	PHONE #:
Eddis Vigil	747-2580
Ulivan Aronak	753-8955
August Vigil Antonio Martinez	753-3063
Amy Archuleta	747-0767
Dydia Martinez	747-2709
Dennis Montez	690-9328
Pamela Montez	692-0195
Bertha Marquez Vince U	_____
Allen Weiser	603-4673
CARLA ARAY WEISER	662-4673
Rafael Martinez	929-1378
Donald + Tomasita Montoya, Jr	614-6607
Lorelia Montoya	692-3344

City of Española
Planning and Zoning Department
405 N. Paseo De Oñate
Española, New Mexico 87532
(505) 747-6082 (505) 747-6084 fax



MEMO

Date: Prepared for January 10, 2013, Planning and Zoning Commission Meeting
To: All Members of Planning and Zoning Commission
Via: Russell Naranjo, Planning Director
Prepared By: Larry Valdez, Planning Technician

Variance Request: Virginia Vigil, property owner, is requesting variance from development code requirements, on lot size dimensions, to create two legal nonconforming lots of record on property located at 885 and 887 Vigil Lane. This property is zoned R-6, Urban Residential District.

Recommendations:

As is the case in any request for deviation from the Development Code, this office cannot recommend approval, though each request is approved or denied based on its own merits.

Executive Summary:

The City of Española, Development Code, Resolution 2004-20, **Site Development Requirements, Single Family Residential Districts**, states:

R-6 Districts: Required		Proposed
Lot Area:	6500 square feet	4252.5 square feet each
Setbacks:	20' Front, 25' Rear, 5' Sides	25' Front, 10' rear, 25' side
Lot Coverage:	35%	18%

In reviewing this variance request, the Planning Commission shall determine whether all of the following criteria has been met in making a determination of approval, conditional approval or denial.

Sec.156. Variance review criteria

- (a) The practical difficulty or unnecessary hardship is inherent to the lot and is peculiar because of size, shape, topography or some other characteristic of the lot which differentiates it from other lots in the vicinity or in the district. The hardship created should not be self-imposed.
 - (b) The practical difficulty or hardship created is caused by a strict interpretation of the provisions of this Ordinance, is not self-imposed and is not generally shared by other lots in the vicinity or the district.
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- (c) The granting of the requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which is possessed by others in the vicinity.
- (d) The granting of the variance sought will not be contrary to the purpose or intent of this Ordinance, or injurious to property within 100 feet or otherwise detrimental to the general health, safety or general welfare of the community.

Should any request for variance not meet all four of the above listed criteria, the Planning Commission shall deny the request.

Summary:

The homes located on Lot 2, identified as 887 & 885 Vigil Lane, are currently considered to be legal non-conforming, with regards to zoning standards in as far as the number of residential structure on one lot. A 1965 warranty deed provided to this office identifies the property being purchased at that time and officially recorded in 1976. The applicant has informed this office the homes were built shortly thereafter however, there is no building permit on file to verify this information.

The applicant is requesting permission to divide the property into two lots, neither lot meeting the minimum lot size requirements. The homes are currently rented on a monthly basis. Access to the homes is minimal with a 15 foot easement and a fire hydrant located beyond the east end of Lot 2.

The homes are currently served by City of Espanola, water and wastewater service, consisting of two (2) individual hookups.

Conditions of Approval:

1. A Legal Survey must be obtained, reviewed and recorded prior to sale of the property.

Comments:

This office did receive a call from an adjoining neighbor requesting further detail.

Exhibits:

1. Site plans of proposed request.
 2. Aerial photo of project location.
 3. Warranty Deed.
 4. Copy of Variance application.
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MEMO

Date: Prepared for January 10, 2013 Planning and Zoning Commission Meeting
To: All Members of Planning and Zoning Commission
Via: Russell Naranjo, Planning Director
Prepared By: Larry Valdez, Planning Technician

Historic District Review: Amy Archuleta, applicant, is requesting Historic District Review to operate a weight loss center in an existing building located at 326-A Paseo De Oñate. The property is located within the Plaza De Espanola Historic District.

Recommendations:

This request was not reviewed by DRT Committee due in fact that alterations to the building did not occur. Building and Fire Officials have inspected the building and granted approval for occupancy. This review process is presented as a courtesy for your approval

Executive Summary:

In accordance with the *City of Española, Municipal Ordinance, No. 603, Appendix C, Article XXI, Plaza De Espanola Historic District* the applicants shall comply with the following:

Section 3 Purpose

The promotion of the economic, cultural and general welfare of the citizens of the city as well as the promotion of the harmonious, efficient and orderly growth and development of the city make it essential by the governing body that the qualities relating to the history of the Espanola Valley and a harmonious appearance which preserves property values that also attracts tourism and fosters preservation be enhanced. Some of the qualities sought to be preserved are:

- 3.1 The continued existence and preservation of historical areas and buildings.
- 3.2 The continued construction of buildings or structures in adopted or recognized historical styles, and
- 3.3 A general harmony as to style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.

Preservation of mercantile character.

Review and approval of proposed work within this district is required. At the time application is made to the city for a permit for construction, alteration or demolition, the applicant shall be accompanied by drawings, specifications and descriptions as may be required to determine the

Executive Summary

Owner Amy B. Archuleta formally requests occupancy located at 326 A, Paseo de Onate, Espanola, NM 87532. This request is to operate the business formerly known as Curves.

Objectives

- Add a positive and pleasant atmosphere to the district.
- Cultivate a circle of support within the community.
- Provide members of the Española Valley with an effective wellness program.
- Aspire to make a strong emphasis on physical strength and overall wellness.

Mission

Create a positive environment for members of the community.

- New Year's resolution plan.
- Harvest an environment where members can be successful in reaching their goals.
- The Curves unique workout will inspire new members.
- Employ members of the community.

Keys to Success

Curves of Española keys to success are:

- Inspire work ethic between members and staff.
- Promote services to local companies, community members, and constituents.
- Lowering overall costs of overhead and operational budgets.

• Business hours :

• M & W	• T & TH	• FRI.
• 6:00am-1:00pm	• 8:00am-1:00pm	• 6:00am-1:00pm
• 3:30pm-7:00pm	• 3:30pm -7:00pm	• 3:30pm-6:00pm

• Business is closed from 1:00pm-3:30pm M-F.

Building

- Customer service provided to an average of (2) customers per hour.
- 1,500 square feet. Two restrooms with one unit handicap accessible.
- Two main entrances and exits.

747-0767 / 917-7811

characteristics of the proposed project. The city zoning administrator shall notify the planning commission of each application received for work within the district and shall not approve the issuance of a building permit until approval is received from the planning commission.

Summary:

The applicant has been conducting business at this location since December. Curves Complete, operated by Amy Archuleta, has been working diligently with staff to assure a safe work out environment for her customers.

Inspections of the premises by the building official and fire department have been conducted. Corrections to the premises have been noted and are in process. Final Certificate of Occupancy will be granted upon completion. Staff is also recommending that landscaping should be provided, at the very least in planters in front of the building.

The applicant has also requested a sign permit for the submitted Curves signage.

Conditions of Approval:

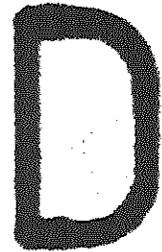
1. Landscaping as required.

Comments:

At this time staff has not received any comments from adjoining property owners or neighborhood groups.

Exhibits:

1. Aerial photos of project location.
 2. Photo of Curves signage.
 3. Copy of Planning Commission Application Form.
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MEMO

Date: Prepared for January 10, 2013 Planning and Zoning Commission Meeting
To: All Members of Planning and Zoning Commission
Via: Russell Naranjo, Planning Director
Prepared By: Larry Valdez, Planning Technician

Commercial Site Plan Review. Antonio Martinez, applicant is requesting a commercial site plan review for the placement of a multipurpose facility on property owned by the United Pentecostal Church, on an existing site for which there has never been an approved development plan, located at 322 Calle Chavez. . The property is zoned B-1, Local Commercial District.

Recommendations:

This request was reviewed by Staff as a result of not having a complete DRT Committee during the holiday break. Be assured, all aspects of the development code requirements have been reviewed against this proposal. Recommendations for approval have been addressed.

Executive Summary:

In accordance with the City of Española, Development Code, Article IV, Section 153, **Development Plan Approval**, the applicants shall comply with the following:

1. *Applicants for new construction of individual buildings or additions shall receive Planning Commission approval of a development plan prior to issuance of a building permit. A development plan is required in the following circumstances:*
 - a) *Any new commercial development*
 - b) *Any application for subdivision into three or more lots for residential or commercial use*
 - c) *Any expansion of an existing site for which there has never been an approval development plan*
 - d) *Any change of use for an existing site with or without an approved development plan*
 - e) *An expansion of more than 2000 square feet of gross floor area and/or land use area for an existing site with an approved development plan.*

 2. *A development plan for approval by the Planning Commission. For the purpose of this section, "development plan" means a plan drawn to scale, certified by an engineer and/or architect, showing the locations of existing and new structures; location map, lot coverage, height and gross floor area of structure; lot area, the placement and arraignment of buildings and the uses to be included; on site*
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drainage, retention and detention areas, drainage flow, proposed lighting of the premises; internal vehicular and pedestrian circulation; vehicular and pedestrian ingress and egress from adjoining streets; recorded and proposed easements; location of off street parking and loading facilities, any significant natural features, including drainage and vegetation; location and type of landscaping; and the type of visual screening such as walls, fences and landscaping. If it is proposed to develop the plan in phases, the phases of development shall be indicated along with any other information requested by the Planning Staff, DRT or Planning Commission.

Summary:

The Apostolic Lighthouse Church, located at 320 Calle Chavez, approached this office in early October 2012, for permission to locate this modular building on the adjoining property, owned by the Church, addressed as 322 Calle Chavez. Currently, the Church has an existing building on this lot which is in need of repair and is not fully meeting their congregational needs. Their intention is to demo the existing older building, create adequate accessibility to the grounds, install proper parking spaces (including handicap parking) and have H/C accessibility to the building. Landscaping was addressed early on and is determined to be met with the existing, surrounding vegetation. Interior and exterior renovations will be conducted on the new building, with building permits and final occupancy on the building upon completion. In reviewing the plans, it should be noted that existing utilities are to be transferred from the old building to the new building upon commencement of this project.

Although the property is located within a B-1 zoning district, the property is not of legal size. The building has been placed on the property with minimum R-6 zoning district, side setback and less for rear setback. The adjoining rear property is Santa Clara Tribal Land.

Conditions of Approval:

1. Buffering along the west boundary of the property between the residential and church property.

Comments:

At this time staff has not received any comments from adjoining property owners or neighborhood groups.

Exhibits:

1. 11 X 17 Development Plans.
 2. Copy of legal description.
 3. Aerial photos of project location.
 4. Copy of P & Z Application.
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Planning & Zoning Commission Meeting
Thursday, January 10, 2013—6:00 pm
City Council Chambers, City Hall
405 N. Paseo de Oñate, Española, NM

I. Call to Order:

Chairwoman Martinez called the meeting to order at 6:03 pm with the following in attendance:

Commissioners: Amrit Khalsa
Anissa Martinez, Chairwoman
Clyde Vigil
Erle Wright, Vice Chairman (arrived 6:05 pm)
John Ricci
Julie Atencio
Richard Beaudoin

Staff: Russell Naranjo, Planning Director
Larry Valdez, Planning Tech
Desirae Medina, Addressor/GIS Tech

Others: See Attached Sign in Sheet (*Attachment A*)

II. Pledge of Allegiance:

Commissioner Khalsa led the Pledge of Allegiance.

III. Approval of Agenda:

Commissioner Atencio made a motion to approve the agenda as presented, seconded by Commissioner Khalsa: Motion carried 7-0 vote.

IV. Public Concerns:

There were no public concerns.

V. Items for Consideration:

1. ***Variance Request.*** *Virginia Vigil, property owner, is requesting a variance from development code requirements on lot size dimensions, to create two (2) legal non-conforming lots of record for the property located at 885 Vigil Lane. This property is zoned R-6, Urban Residential District.*

Mr. Valdez read memorandum from staff. (See Attachment B)

Vivian Hrivnak, Virginia Vigil's daughter, stated she would be speaking on her behalf. Mrs. Hrivnak stated that the proposal is to create two (2) legal non-conforming lots and market them as "Sale by Owner." She informed that her mother has resided in the neighborhood since the early 60s. She is a single woman whose livelihood is dependent upon the rental of these properties; however, due to her age and the rental market, it has become unsafe and hard for her to manage the rentals. She concluded that they are aware of the lot line that goes through the existing carport and they are willing to move it.

Chairwoman Martinez opened the public hearing.

Eduardo Vigil, property owner to the south, informed that he is in the process of purchasing the lot directly to the south of these two (2) lots from his sister and he is in complete support of his neighbor. He expressed that he has lived in the neighborhood for 15 years and selling the lots would allow for "better people" to live there.

The public hearing was closed at 6:15 pm.

Commissioner Ricci asked what the maximum lot percentage would be for development on a lot of 4200 sq. ft., should the lot be split; Mr. Naranjo answered that 35percent is the allowable lot coverage within an R-6.

Commissioner Ricci asked if the lot would then be limited to what may be developed. Mr. Naranjo stated that buyers are not limited to the existing structure and have the option to demolish and rebuild. He noted that at that point the requirements would be resolved and any required variances would be addressed.

Commissioner Ricci asked if the structure was not demolished, could there be additions. He continued to ask what the maximum allowable size for construction would be. Mr. Naranjo replied that additions would be

limited; however, based on percentage, new construction could almost be doubled, but it would be based on whether a variance would be granted. He added that there is room for expansion, to a certain degree, if the structure is demolished. He concluded that there are options.

Commissioner Wright noted the encroaching carport onto the lot line and questioned if there were plans to remedy the issue. Mr. Naranjo stated that the applicant is willing to get rid of it altogether. Mrs. Hrivnak confirmed that they will modify or remove the carport in its entirety.

Commissioner Ricci asked if requirements would have to be made at the removal of the carport. Mr. Naranjo stated that staff would be willing to work with the applicant. He explained that it may not be in compliance on the rear to the north; however, approaching compliance is favorable.

Commissioner Ricci stated that the fence line goes against the house and the line would need to be defined. Mr. Naranjo informed that the lot line is actually beyond the fence; however, the fence will be removed.

Commissioner Atencio asked if they had prospective buyers. Mrs. Hrivnak stated that they have mentioned it to some people, but were waiting for approval before they continued with anything.

Commissioner Ricci asked if selling the property as a whole was considered as to not limit future buyers. Mrs. Hrivnak stated that based on value, her mother could get more money for two (2) individual lots.

Commissioner Wright stated that his concerns are with the variance criteria and setting precedents in the area for smaller sized lots. He questioned if there were a large number of undersized lots in the neighborhood that were less than 6500 sq. ft. Mr. Naranjo stated that the area is one of the oldest neighborhoods in the city and acknowledged that there appeared to be smaller lots to the south that do not meet R-6 standards; however, none as small as the proposed.

Commissioner Wright stated that the lots created would be of R-10 density and make setbacks tight. He expressed that if the lot were divided equally, they would still not meet requirements; however, the smaller lots would be closer to compliance. He concluded that setting precedents like this would create a higher density for the area and put constraints on the buyers.

Chairwoman Martinez asked if requiring a legal survey prior to the sale of the property was a legal condition. Mr. Naranjo stated that the lots could not be official until a survey is conducted and the city approves where the line will be drawn. Commissioner Vigil agreed that a survey needed to be completed before a legal lot could be divided. He explained that the survey requires approval from the Planning Department before it can be recorded.

Commissioner Khalsa asked if it was possible to reconfigure the lines to get closer to the minimum, assuming the carport is removed or modified. He stated that 5400 to 5600 sq.ft. per lot is obtainable. Mrs. Hrivnak expressed that doing so would be taking space away from her mother's parcel.

Commissioner Vigil agreed with Commissioner Khalsa and suggested moving the east and west lines out. He explained that it would increase the lots to approach the minimum square footage by decreasing 889 Vigil Lane, and then a lot line adjustment could be made rather than a boundary survey. Mrs. Hrivnak responded that her mother still lives on the property and they would like to save as much land for her as possible.

Mr. Eduardo Vigil stated that there are three (3) lots on E. Buena Vista St. that are the same size of the lots that are proposed. He added that there are also two (2) on W. Buena Vista St. and Calle de las Animas. He expressed that others have been approved without the concern of setting precedents and this approval would help the neighborhood, not hinder it. Commissioner Khalsa stated that the issue of precedents has more to do with wastewater treatment for an R-6 district. He explained that the city has determined that R-6 is as low as the city can go and still sustain treatment. He concluded that creating wastewater of R-10 density is beyond something that can be sustained.

Commissioner Beaudoin made a motion to deny the variance request based on failure to meet all four (4) variance review criterion set forth within the City of Española, Development Code, Section 156: Variance Review Criteria: Motion seconded by Commissioner Ricci, motion carried 7-0 Vote.

Mr. Naranjo explained the process for appeal to the City Council. Mrs. Hrivnak asked if there was a way to readdress the commission with their recommendations. Mr. Naranjo stated that if she wanted to allow the recommendations, it can be done as a condition of approval; He asked they were considering moving the line. Mrs. Hrivnak stated yes; therefore, Mr. Naranjo responded that it was possible for the commission to reconsider.

Commissioner Wright expressed that he would like to see the lots larger; nonetheless, Commissioner Beaudoin's motion was made because the request did not meet Section 156 requirements.

Commissioner Ricci stated that the zoning is based on what is sustainable and allowing these lots would defeat the purpose of what can be placed in an area for sustainability.

Mr. Naranjo informed that the commission can motion to reconsider and then table the item allowing the applicant time to provide a new proposal with line adjustments. Commissioner Beaudoin responded that the applicant is free to re-apply with adjustments at anytime.

Commissioner Vigil noted that the deed calls out a 15' road and asked if it is considered in the 6500 sq.ft. Mr. Naranjo answered that it had already been calculated into the equation.

Chairwoman Martinez made a motion to amend Commissioner Beaudoin's motion to deny into a motion to table. Commissioner Beaudoin stated that he would like to leave his motion as is; therefore, Chairwoman Martinez made a motion to reconsider, seconded by Commissioner Vigil.

Commissioner Khalsa asked if Commissioner Vigil could explain his reconfiguration of the lines to obtain minimum lot size. Commissioner Beaudoin stated that lot 2, subject lot, has the potential to move the east and west boundary lines out thus increasing the lots. He explained that Ms. Vigil owns all three (3) lots and can do a lot line adjustment, as long as setbacks are not violated.

Commissioner Ricci stated that if the lots came up to 6500 sq.ft., then they did not need a variance. Mr. Naranjo confirmed that should they acquire 6500 sq.ft per lot, a variance would not be needed; however, through calculations, it is not possible for them all to be 6500 sq.ft. He acknowledged that they would be approaching conformity, but they would be short. Mr. Valdez added that if they wanted to create 6500 sq. ft. for each lot, the line would go through the house.

Chairwoman Martinez called to question her motion to reconsider: Motion failed, 2-5 vote with Chairwoman Martinez and Commissioner Vigil voting in favor. Mr. Naranjo reminded the applicant of the appeal process.

- 2. Historic District Review. Amy Archuleta, applicant, is requesting Historic District Review to operate a weight loss center in an existing building located at 326-A S. Paseo de Oñate. The property is located within the Plaza de Española Historic District.***

Mr. Valdez read memorandum from staff. (See Attachment C)

Amy Archuleta, applicant, shared that she was born and raised in the valley: She stated Curves has been in Española for 12 years with members from ages 9-91. She expressed that she has been working closely with the department to meet all zoning requirements and she is willing accept suggestions.

Commissioner Beaudoin asked if Curves is a franchise, and if so, would they be willing to help make the sign go with the Historic District's character; or would the store be in violation with the company. Ms. Archuleta stated that they would be in violation; but, she would just have to provide documentation to headquarters.

Commissioner Ricci asked staff if they have provided Ms. Archuleta with the sign requirements for a Historic District. Mr. Naranjo explained that they did not know what Ms. Archuleta was going to do with signage. He informed that sign requirements are presented during the sign permitting process, but Ms. Archuleta is willing to work on the sign.

Commissioner Ricci stated that since the building is within a Historic District and landscaping is being addressed, he wanted to note that the wire meshing on the windows is not a historical part of the building. He requested removal and offered guidance to something more appealing if it is a security issue. He concluded that the removal of the meshing would be the landlord's decision. Mr. Naranjo stated that it was in the commission's realm to discuss the wire meshing.

Commissioner Vigil asked if there was on-site parking on the road: Ms. Archuleta stated yes.

Commissioner Beaudoin asked if the landlord would be willing to work with the Planning Department to try and move a step closer in meeting Historic District standards. Ms. Archuleta expressed that she could not speak for her landlord; however, he is a willing man.

Commissioner Vigil asked if it was appropriate to have the landlord meet with staff on the requirements of the Historic District. Mr. Naranjo stated that there are requirements that have to be met or a business is not allowed to open. He expressed that if a commercial building is downtown, then it has to meet those Historic District

requirements. Commissioner Beaudoin stated that a business is there and operating; therefore, the landlord may think that he has met the requirements.

Commissioner Khalsa stated that meeting the requirements was between the applicant and landlord and they needed to be met before a Certificate of Occupancy is issued. Commissioner Beaudoin expressed that he did not want to set roadblocks for her where she had no say. Commissioner Ricci stated that it is a great business and business is wanted downtown; however, there still needed to be standards.

Ms. Archuleta asked if it was just the screen and signage that they had concern with. She affirmed that she is willing to change the sign.

Commissioner Wright asked if she was aware of the conditions of approval listed by staff for landscaping and asked if staff was asking for planters, due to the street's concrete apron. Mr. Naranjo confirmed that planters are a way of getting landscaping into that area.

Commissioner Wright asked if it was possible to attach a time limit to the conditions of approval. Mr. Naranjo asked if she could accomplish the conditions of approval in 90 days. Ms. Archuleta stated that she could with the items on her end; however, she could not say for the property owner.

Mr. Naranjo asked if 90 days was acceptable by the commission. Commissioner Vigil asked for clarification. Mr. Naranjo explained that the 90 days would be the timeframe for Ms. Archuleta to create a sign within Historic District standards, remove the screen and begin to install landscaping. He acknowledged that the landscaping may be seasonal. Commissioner Vigil stated the 90 days was enough for the sign and screen, but due to weather, asked for more time for landscaping. Commissioner Ricci expressed that there were no specifics on the planters and any will suffice.

Commissioner Beaudoin asked that because someone needed to build and erect the sign, would it be reasonable to have the 90 days as the limit to just approve the sign plan. Mr. Naranjo stated that he fully agreed with the commission's intentions, but 90 days is reasonable to post a sign; however, if the commission feels that what is currently there is adequate until she can place one, then it is up to the commission.

Commissioner Atencio stated that if they are currently open then there was no problem setting a deadline for March or April, since the sign is not stopping her from opening her business.

Commissioner Ricci informed that the beautification committee is going to place 4X4 planters to line Main Street. He asked if the applicant were to sponsor one of the planters if it could be considered her required landscaping. Mr. Naranjo stated that generally in downtown areas, stores have their own plants in addition to those provided by the city.

Public hearing opened at 7:24 pm; however, there were no comments and the hearing was closed.

Commissioner Ricci made a motion to approve Curves Complete at 326-A Paseo de Oñate with the following requirements: landscaping as required and stated as being planters of any size, a proper Historic District sign, and the removal of wire screens. The conditions are to be completed within 120 days.

Mr. Naranjo suggested a specific drop date.

Commissioner Ricci amended his motion so that the conditions of approval are completed by May 1, 2013: Commissioner Wright seconded the amended motion, motion carried 7-0 vote.

3. ***Commercial Site Plan Review. Antonio Martinez, applicant, is requesting commercial site plan review for the placement of a multi-purpose facility on property owned by the United Pentecostal Church located at 322 Calle Chavez. The property is zoned B-1, Local Commercial District.***

Larry read memorandum from staff. (See Attachment D)

Antonio Martinez, applicant, stated that he and his wife, Sylvia, pastor the church. He informed that it has been in existence in the valley since 1941 and have been given the opportunity to purchase a metal building for their Sunday school class. He explained that their current building is old and needs repair so they are requesting permission for a 28X60 modular building. He stated that they have temporarily moved the building until all permits can be obtained and he acknowledges that there may be some suggested changes.

Public hearing opened at 7:31 pm.

Dennis Montoya, Donald Montoya Jr., and Cecilia Montoya, members of the church expressed that the building was old, had been in use for many years and would not be worth putting money into. They concluded that the modular building would be safer for their children.

Carla Weiser, United Pentecostal International board member, stated that she and her husband have known the Martinez's for seven (7) years and their ministry is a contribution to the community through their outreaches, such as donations to the crisis center. She shared that the church was established after WWII by a single Navajo woman and it is still alive, active and growing. She explained that the church is not independent and is a part of an international congregation. She expressed that the Texaco District is also in favor of their growth and supports the church through prayer and finances.

Bertha Marquez, member, reiterated that the little house was unfixable and a danger to the children. She expressed that she would be appreciative if approved.

Public hearing closed at 7:38 pm.

Commissioner Ricci asked if the parking was going to be paved. Pastor Martinez stated just the handicapped.

Commissioner Ricci stated that there would be a lot of space after the removal of the existing building and asked if designated parking was required. Mr. Naranjo stated that there are requirements for parking stall sizes, but there is not a set way they have to park. He stated that in the case of singular style parking he would suggest bumpers to designate the spaces. Commissioner Ricci suggested that parking be a requirement.

Commissioner Beaudoin asked if the applicant had a chance to read the conditions of approval. Pastor Martinez stated no (*He was provided with a list for review*). Pastor Martinez asked what would be acceptable buffering. Mr. Valdez answered that buffering is something that would designate between the two (2) property uses: solid buffering, such as a privacy fence.

Commissioner Beaudoin asked if the modular building would be used as a day school for children. Pastor Martinez explained that it be used for the children during Sunday school and any meetings or dinners, but not daily childcare.

Commissioner Beaudoin explained that right behind the parcel is a ditch and a river. He expressed that the fence would protect the children.

Commissioner Atencio made a motion to approve the commercial site plan review at 322 Calle Chavez with the conditions of approval made by staff. Commissioner Ricci amended the motion to include an approved parking plan.

Commission Beaudoin asked Commissioner Ricci to reconsider his amendment so the church would not be locked into a parking plan and then experience "new" piece of property. Commissioner Ricci clarified that the parking plan would be implemented for the property once the old building is removed.

Mr. Naranjo stated that technically a parking plan should have been submitted with a commercial site plan review; however, they have plenty of parking and staff could work with them on that.

Commissioner Vigil made a motion to amend the amendment.

Commissioner Vigil asked what the minimum rear setbacks should be. Mr. Naranjo responded that within a B-1, the setback is 25', but there have been difficulties in the past with properties that are next to tribal parcels because the lines sometimes drift; therefore, a zero setback is at times accepted.

Commissioner Vigil retracted his motion to amend Commissioner Ricci's amendment. Commissioner Wright seconded the motion to amend the motion to approve by Commission Ricci: Motion carried 7-0 vote to approve the Commercial Site Plan Review with conditions of approval made by staff and an approved parking plan.

VI. Approval of Minutes, November 8, 2012:

Commissioner Wright made a motion to approve the minutes as drafted, seconded by Commissioner Vigil: Motion carried 7-0 vote.

VII. Matters from the Planning Commission:

The commission had no matters; however, Chairwoman Martinez wanted to thank staff for working to get the updated minutes on the City's website.

VIII. Matters from the Planning Staff:

Mr. Naranjo informed that there are potential cases for February and asked if they wanted to reschedule, due to Valentine's Day: The commission decide to continue as scheduled. Commissioner Wright stated that he may be out of town that day.

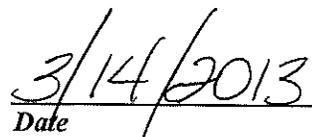
Mr. Naranjo notified the commission that the City's Code Enforcement Officer, Berlinda Trujillo, had resigned and Mr. Valdez would be taking on the responsibilities until the position could be advertised and a replacement is found. Commissioner Wright asked if Code Enforcement was actually two (2) positions. Mr. Naranjo explained that after the retirement of Isabelle Martinez, Code Enforcement was scaled down to one person. Commissioner Wright asked if the department would get the second position back. Mr. Naranjo stated that two (2) positions are needed and he would fight for it during the budget process in June.

The commission decided that they would support the department with a resolution to the City Council to regain the position.

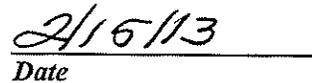
IX. Adjournment:

Commissioner Khalsa made a motion to adjourn the meeting, seconded by Commissioner Ricci: Motion carried 7-0 vote, meeting adjourned at 8:01 pm.


Chairman Signature


Date


Transcriber Signature


Date