

**City of Española**  
**Planning and Zoning Commission Meeting**  
**Thursday June 10, 2010**  
**City Council Chambers**  
**405 Paseo de Oñate, Española, NM**

**Call to Order**

The meeting was called to order at 5:48pm with the following in attendance;

Commissioners: Erle Wright, Chair  
Richard Beaudoin  
Amrit Khalsa (absent)  
Laurie Koontz  
Anissa Martinez  
Sunee Sandoval  
Jacob Torres

Staff: Russell Naranjo, Planning and Zoning Director  
Jessica Martinez, Executive Assistant

**Pledge of Allegiance**

Commissioner Wright led the Pledge of Allegiance.

**Approval of Agenda**

Commissioner Beaudoin made motion to approve agenda as presented, seconded by Commissioner Sandoval.

**Motion carried 6/0.**

**Public Concerns**

Commissioner Wright opened the floor for public concerns on issues other than those listed on the agenda. There were none.

**Items for Consideration**

**Variance Request- A request from Leonard Archuleta and Tracy Salazar on front and rear setbacks for a 1971 square foot site built home to be located at 295 Lamb Street. The property is located within an R-1, Rural Residential District.**

Russell Naranjo stated that this property was within an R-1 zoning area, with a minimum one-acre lot and 50 feet front and rear setbacks. He stated that due to the shape of the property, there was only 25 feet 1 inch in the front of the property and 25 feet in the rear. Mr. Naranjo stated that the request met all four criteria;

1. Hardship,
2. Lot size,
3. Shape of lot,
4. Water and sewer are available.

Commissioner Wright asked the Commission if they had any questions for staff or Mr. Archuleta.

Mr. Archuleta stated that the land was narrow and because of its shape he was requesting a variance for a descent look and to comply with the Fire Department. Ms. Salazar stated that the contractor was in attendance as well of there were any questions for him. Commissioner Sandoval stated that because Mr. Archuleta and Ms. Salazar were her neighbors, she recused herself from acting on this item. Commissioner Koontz also recused herself as Ms. Salazar and Mr. Archuleta were her neighbors as well.

**Public Hearing opened at 5:52pm.**

Dennis Chavez of El Duende spoke on behalf of Elizabeth Tapia. He started by congratulating Mr. Archuleta and Ms. Salazar on the purchase of their new home. He stated that being that this was a public hearing; he had some issues he wanted to bring up. He stated that 7 years ago a letter was sent out to Mr. Archuleta in regards to his fence line encroaching on Ms. Tapia's property. Mr. Chavez stated there was never a response to that letter, and wanted to know if this encroachment remained, would it affect Ms. Tapia's property. He asked Mr. Archuleta if he had ever received the letter. Mr. Archuleta stated that this was a different property. He stated that he did receive the letter and his lawyer is handling it. Mr. Archuleta stated that he had plats that showed no discrepancies. He stated to Mr. Chavez that if they had another plat we would be willing to take a look at it. Mr. Naranjo asked Mr. Chavez to identify the property on the map. Mr. Chavez identified the property on the map for the Commission. Mr. Chavez thanked the Commission and congratulated Mr. Archuleta and Ms. Salazar again. He stated that he only

wanted a resolution for this issue because he was concerned. Commissioner Wright stated that it was a civil matter, and Mr. Chavez did understand that.

Mr. Naranjo stated that staff was in receipt of a letter against the variance from Tarral Seaboy- 296 Lamb Street (distributed to the Commission prior to meeting)

**Public Hearing was closed at 6:06pm.**

Commissioner Torres stated that Mr. Archuleta and Ms. Salazar had made the best possible effort, but there was no possible way to get home in without a variance. He stated that all the criteria were met. Mr. Naranjo stated that the criteria were all met.

**Commissioner Torres made motion to approve, seconded by Commissioner Beaudoin.**

Commissioner Wright asked Mr. Naranjo if staff had reviewed the survey and the variance was requested off of the plat. Mr. Naranjo answered yes. Commissioner Wright asked if the variance was as planned now and not including a porch, etc in the future. Mr. Naranjo stated it was just as planned now. Commissioner Wright reviewed the four 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.
- (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.

**Motion carried 4/0**

**Commercial Site Plan Review-A request from Victory Faith Church to operate a 5320 square foot daycare facility to be located on the west portion of 823 Angel Duran Drive. The property is located within an R-6, Urban Residential District.**

Russell Naranjo stated that Victory Faith Church was requesting approval for a 5320 square foot metal building. He stated that a daycare is required to have 35 square feet for each child-indoors, and 75 square feet for each child-outdoor. Mr. Naranjo stated that staff had granted temporary approval for use of the Church for the months of June, July, and August until they got through the approval process for the new building. He stated there were six criteria that needed to be met;

- (1) *The request substantially conforms to the Comprehensive Plan, and the establishment, maintenance or operation of the use applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the vicinity of such proposed use, or be detrimental or injurious to property or to the value of property in the vicinity, or to the general welfare of the City of Espanola.*
- (2) *There are sufficient parking facilities that are adequately designated, shielded, landscaped and lighted to serve the use applied for based on the requirements of this Ordinance as found in Article VIII of this Ordinance.*
- (3) *The provisions for on-site and off-site ingress/egress and traffic circulation are in conformance with the City of Espanola Design Guidelines, that the public streets serving the use applied for are adequate to meet the traffic needs of the proposed use and that the proposed use will not adversely affect, neighboring properties by virtue of the type of traffic generated by the use.*
- (4) *The setbacks of buildings and parking facilities from the property lines, right-of-way and adjacent land uses are in conformance with the Ordinance and provide protection to and a transition from residential development, existing and contemplated in the vicinity; and that the height and bulk of the proposed buildings and structures are compatible with the general character of development in the vicinity of the use applied for.*

- (5) *The site plan including, but not limited to, landscaping, screen planting and fencing of the proposed development demonstrates that the site development will be compatible with adjoining areas and will conform to the site development standards of the district regulations.*
- (6) *The Planning and Zoning Commission shall prescribe point in time with which the Special use is to begin, not to exceed 90 days from the meeting date and a point in time when the Special Use shall expire, not to exceed five (5) years. Failure to begin or complete such actions shall void the Special Use. Special Use are not transferable and a transfer of the land ownership shall invalidate the Special Use.*

As well as the following conditions;

- Additional duplex lift station shall be installed
- HVAC system shall be screened
- Placement of trash bins shall be identified.

Commissioner Wright asked if the Commission had any questions for staff. Commissioner Beaudoin asked what size of sewer lines would be used. Commissioner Beaudoin asked for an explanation of lift station, what was required. Mr. Naranjo stated that upon construction it was required for the church and all properties along Angel Duran Drive currently being serviced by city waste water. DRT stated it was necessary to apply an addition. He stated that Victory Faith was willing to comply. Commissioner Beaudoin asked what was the effect on the overall system. Commissioner Torres stated that the sprinkler system was not on the site plan. Randy Martinez from Victory Faith stated that he was unsure if it was only recommended or if it was a necessity. Mr. Naranjo stated that they were in discussion with the building inspector and they have contacted a company to install. He stated that in regards to the dumpster, it had been revised to add dumpsters near the handicap parking. Commissioner Wright asked if North Central Solid Waste Authority had review for access. Mr. Naranjo stated that he would find out.

Commissioner Martinez stated in reviewing the plans, 5 percent of the total area was required to be landscaped, plan showed only .09 percent. Mr. Naranjo stated that 5 percent was required, and it looked like there was more than that. Mr. Martinez stated that below the trees there was a grass area, also along the western edge, fence line and vegetated channel. He stated that it did come out to 5 percent.

Commissioner Beaudoin asked if there was a time frame for this project. Mr. Martinez stated they were hoping August or September, based on Children Youth and Families.

Commissioner Wright stated that on the plans, it looked like there was a slight encroachment on the easement. Mr. Martinez stated that he was under the impression that the setback was 20 feet but it is 25, the architect had not shown it moved. Mr. Naranjo asked if it was a fence.

Commissioner Wright opened the floor to Victory Faith. Randy Martinez stated that the Church had been involved in the community for 20 years. He stated that a Daycare is needed in the community. He stated that they came to the City to ask for temporary approval because they wanted to provide a service during the summer months.

Commissioner Wright asked if they were willing to revise the site plan to be sure there was no encroachment and all criteria set forth in the code had been met. Mr. Martinez stated that they had no problem with that and it would have already been done if they knew.

Commissioner Martinez asked what the age range would be for the Daycare. Mr. Martinez stated that it would be 2 to 5 years olds with 3 separate classrooms, one room for 2 years olds, one for 3 year olds, and one for 4 and 5 year olds. Commissioner Martinez read the requirements of children per adult. She suggested a better plan may be to have one room for 2 year olds, one for 3 and 4 year olds and one for 5 year olds.

**Commissioner Wright opened the public hearing at 6:38 pm.**

There were no public comments/ concerns.

**Public hearing was closed at 6:39 pm.**

Commissioner Wright stated that the Daycare was something good and needed in our community.

Mr. Naranjo stated that due to an increase of traffic, he thought the road should be paved. He stated that it was not a condition of approval but he recommended. Commissioner Wright asked if the parking lot was required to be paved. Mr. Naranjo stated it was. Commissioner Wright stated he was unsure as they would also be paving other peoples' property as well. Mr. Naranjo stated that it was a dirt road that was servicing a school. He stated that there would be an increase in traffic, and it would cause a lot more dust. Commissioner Wright stated that he was unsure it could be required on a private road. Mr. Naranjo stated that at least the business portion of the road should be paved, R&E should pave their portion and Victory Faith theirs. Mr. Naranjo stated that the Commission could require them to pave their portion of the road. Commissioner Koontz asked if the Church had any egress/ingress from Fairview. Mr. Naranjo stated no, it was a State road and the State would not allow. Commissioner Koontz asked if the County had done anything to maintain the road in the past. Mr. Martinez stated that they just recently graded it. Commissioner Koontz asked if the County had been approached. Mr. Naranjo stated that the road was not owned by the County, it is a private road.

Commissioner Wright asked if there was a way for the City to impose an improvement district. Mr. Naranjo stated there was. Mr. Martinez stated that he knew Sombrillo did the road behind the movie theater. Commissioner Koontz stated that part was grant funding, but with the way the economy was a grant may be a slim possibility. Mr. Naranjo stated that the road incorporated each property as each property is one acre and part of that acre is the road. Mr. Naranjo stated that his concern was that this was a School/Daycare, and Church that was accessed on a dirt road. Commissioner Wright stated that pavement couldn't be required on a private road. Commissioner Sandoval stated that the Commission could require them to pave their portion.

Commissioner Martinez asked how large the retention pond was. Commissioner Wright stated that it was 4000 cubic feet. Commissioner Martinez stated that state statute stated that it must be protected. Mr. Martinez stated that there will be a fence around it.

Commissioner Wright made motion to approve with above stated criteria and conditions, and asked Mr. Naranjo if the site plan needed to be mentioned. Commissioner Sandoval stated that maybe in the future R&E would pave their portion if they have problems with the dust. Commissioner Torres asked Mr. Martinez how he felt about paving the road. Mr. Martinez stated that the Church was a non-profit and therefore money was an issue. He stated that this road services many others- all the way down to the river. Commissioner Wright stated that his concern with only a portion being paved would be the run-off problem. Mr. Martinez stated that is was an issue now. Commissioner Wright stated that there was no place for the water to go, and it could damage the rest of the road unless the whole road was paved. Commissioner Koontz stated that the City had to sit down and address this issue and think of the impact.

Commissioner Beaudoin asked why the application was dated April if they had been working on this for a year already. Mr. Naranjo stated that he had been working with them since the start and they didn't fill out the application until everything was ready to go. He stated that he wanted them to succeed. Mr. Martinez stated that the City has been very open and he appreciated that.

**Commissioner Wright made motion to approve, seconded by Commissioner Torres.**

**Motion carried 6/0**

**Variance Request- A request from Victory Faith Church on rear setbacks for a 5320 square foot daycare facility to be located on the west portion of 823 Angel Duran Drive. The property located within R-6, Urban Residential District.**

Commissioner Wright stated that the request was no longer needed as per the previous motion. He asked for comments or concerns from the Commission.

**Public Hearing opened at 7:14pm.**

No comments or concerns from public.

**Public Hearing closed 7:15pm.**

**Commissioner Torres made motion to deny, seconded by Commissioner Sandoval.**

**Motion carried 6/0.**

**Approval of Minutes:**

Mr. Naranjo asked that Commission wait until IsabelleMartinez was here to answer questions. Commissioner Koontz stated she had issues with not having a recording device; it should be used for back up.

**Commissioner Wright made motion to table until next meeting, seconded by Commissioner Torres.** Commissioner Wright encouraged everyone to be careful what they say. Commissioner Koontz stated that's why they were given the minutes to review.

**Motion carried 6/0.**

**Matters from the Planning Commission**

Commissioner Wright stated that Commissioner Khalsa would not be attending the July meeting. Mr. Naranjo stated that that was correct and Commissioner Wright would be out as well. Commissioner Wright stated he would be out of the country and he wanted to verify that everyone else would be here for a quorum, or they would cancel the meeting right away. Commissioner Sandoval, Commissioner Torres, and Commissioner Martinez stated that they would be here. Commissioner Koontz stated she would try. Mr. Naranjo suggested changing the meeting time to 6:00 PM as it seemed that would make it easier of everyone to make it on time.

Commissioner Torres handed out a book to the Commissioners.

Commissioner Koontz stated that there were some issues that needed to be discussed. Commissioner Wright asked the Commission if they would like to have a "sub" meeting. The Commission decided they did want to at some point.

Commissioner Koontz asked that everyone support the Fiestas. She stated that there was a Frito Pie Fundraiser next week.

Commissioner Sandoval stated that on their site visits, they passed a house on Calle Lucia that had torn up couches outside. Commissioner Wright showed Mr. Naranjo the house on a map. Mr. Naranjo stated that he would have staff check it out.

**Matters from the Staff**

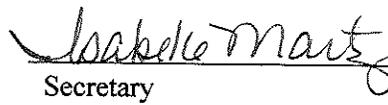
There were no matters brought up by the staff.

**Commissioner Koontz made motion to adjourn, seconded by Commissioner Sandoval.**

**Motion carried 6/0.**

Being there no other business, the meeting was adjourned at 7:37pm.

 9/22/10  
Chairman Date

 9/19/10  
Secretary Date