

CITY OF ESPAÑOLA
 Planning & Land Use Department

A

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

NAME:	PHONE #:
Danny C. Romero	505-747-0278
Dibbie L. Romero	505 747-0278
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Brandon Romero	505-747-0278
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B

Planning Commission Meeting
July 11, 2013
6:00 p.m.
City Council Chambers
405 N. Paseo de Oñate, Espanola, New Mexico
Agenda

I. Call to Order

II. Pledge of Allegiance

III. Approval of Agenda

IV. Public Concerns.

V. Old Business

1. Tabled, Commercial Site Plan Review. Jorge Lucero, applicant, is requesting commercial site plan review for construction of an 8100 sq. ft. building for retail use, located at 811 N. Riverside Drive. This property is zoned B-2, General Commercial District.

2. Tabled, Variance Request. Jorge Lucero, applicant, is requesting a variance on side and rear setbacks, for the construction of an 8100 sq. ft. commercial building located at 811 N. Riverside Drive. The property is zoned B-2, General Commercial District.

VI. Items for Consideration

1. Variance Request. Danny Romero, owner, is requesting a variance on front and rear setbacks for the construction of two covered decks on an existing structure located at 1120 St. Rd. 76. The property is zoned R-1, Rural Residential.

2. Commercial Site Plan Review. Ray Sisneros, applicant and representative for Desert Sun Espanola, Inc., is requesting commercial site plan review for the operations of an automobile dealership from an existing site, located at 507 and 517 N. Riverside Drive. This property is zoned B-2, General Commercial District.

VII Approval of Minutes

May 9, 2013

VIII Matters from the Planning Commission

XI Matters from the Planning Staff

X Adjourment

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 July 11, 2013 Planning and Zoning Commission Meeting
To: All Members of Planning and Zoning Commission
Via: Russell Naranjo, Deputy Planning Director
Prepared By: Larry Valdez, Planning Technician

Variance Request: Danny Romero, property owner, is requesting variance from development code requirements on front and rear setbacks for the construction of two covered decks on an existing structure located at 1120 State Road 76. This property is zoned R-1, Rural Residential District.

Recommendations:

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

Executive Summary:

In accordance with the City of Espanola, Development Code, Site Development Requirements, Single Family Residential Districts R-1, Table 1 states:

Required:	Existing/Proposed:
<i>Lot Area: 43,560 square feet</i>	<i>7196 square feet</i>
<i>Lot Width: 100 feet</i>	<i>69 feet</i>
<i>Setbacks: 50' Front 50' Rear 25' Sides</i>	<i>15' Front, Rear, 21.5' side</i>
<i>Lot Coverage: 35%</i>	<i>24%</i>
<i>No. of Dwelling Units per lot: (1) One</i>	<i>(1) One</i>

In reviewing this variance request, the Planning Commission shall determine whether all of the following Section 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.
- (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:

This request for variance on setbacks is being reviewed for the construction of two covered decks on an existing modular home located at 1120 State Road 76. This property is recognized as a legal non-conforming lot of record for the zoning district in which it is located. In 1994, the applicant was granted a special exception from the Board of Adjustments, for the placement of a manufactured home on this lot after an errant driver destroyed a large part of the existing home. The home was consequentially demolished and removed as a result.

In March 1998, a Boundary Line Adjustment & Access Easement survey plat was presented to the City of Espanola for approval, increasing the lot size of Mr. Romero's property. It may be noted that the majority of the homes in the general area are located on non-conforming lots of record and front setbacks on the homes across the street are also legal non-conforming.

Conditions of approval:

Building permits will be required upon approval of this request.

Comments:

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

Exhibits:

1. Site plan of proposed request.
2. Aerial photo of project location.
3. Copy of Variance application.

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

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MEMO

Date: Prepared for July 11, 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. Ray Sisneros, applicant and representative for Desert Sun Espanola, Inc. is requesting a commercial site plan review for the operation of an automobile dealership on an existing site for which there has never been an approved development plan, located at 507 and 517 N. Riverside Drive. The property is zoned B-2, General Commercial District.

Recommendations:

Staff has reviewed this proposal in its entirety. It has been brought to the attention of staff that although both 507 and 517 N. Riverside Drive are native American owned properties, the property located at 507 N. Riverside Drive is not considered by the Bureau of Indian Affairs as "Property in Trust" by the Pueblo of Santa Clara. Until such time that this property is considered to be "Property in Trust", the City of Espanola does have zoning and land use authority. The above mentioned properties were reviewed by staff using Article IV, Section 153 due to the history of the use of the properties as a car lot and service garage, staff recommends approval of the recommendation as proposed.

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 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:

Desert Sun Automotive, Inc. is presenting a request to occupy two existing structures on two adjacent lots. The proposal is to utilize the lots as a new and used car sales dealership along with a service area. The properties are zoned B-2, General Commercial District and would allow for the use presented.

As discussed in the recommendation portion of this memo, it is important to note that both properties are owned by Santa Clara Pueblo however only one of the properties is acknowledged by the BIA as being property held "in Trust". What this means is that until this property is held "in Trust", the City of Espanola remains the zoning and land use authority. The applicant has agreed, that due to the substantial impact this use will have on the community, the commercial review process will be adhered to rather than wait until the "Property in Trust" process is completed.

Based on the fact that historically, this property had housed a dealership, the site currently meets the minimum criteria necessary to operate this use including: drainage, parking, paved lot, landscaping, water/waste-water hookups, lighting and pedestrian/traffic circulation.

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. Statement from Santa Clara Pueblo.
3. Sign proposal.
4. Aerial photos of project location.
5. Copy of P & Z Application.

**Planning & Land Use
Commission Meeting**
Thursday, July 11, 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 6:05 pm with the following in attendance:

Commissioners: Anissa Martinez, Chairwoman
Clyde Vigil
Erle Wright, Vice Chairman
John Ricci
Julie Atencio

Commissioners

Absent: Amrit Khalsa
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 Wright led the Pledge of Allegiance.

III. Approval of Agenda:

Commissioner Atencio made a motion to approve the agenda as presented, seconded by Commissioner Ricci; motion carried 5-0 vote. (Attachment B)

IV. Public Concerns:

There were no public concerns.

V. Old Business:

1. ***Tabled, Commercial Site Plan Review.*** *Jorge Lucero, applicant, is requesting commercial site plan review for construction of an 8100 sq. ft. building for retail use, located at 811 N. Riverside Drive. This property is zoned B-2, General Commercial District.*

Jorge Lucero, applicant, stated that the request was tabled in May because it did not meet some criteria. He informed that changes have been made. Mr. Naranjo indicated that stamps have been provided; the parking plan has been rearranged; architecture has been redone to break up the building; lighting issues were addressed; pedestrian circulation was addressed and a full set of drawings are now provided. He stated that staff is more comfortable with what is presented today. Mr. Lucero concluded that all the changes that were requested have been addressed in conjunction with the Planning Department.

Chairwoman Martinez asked if sprinkling of the building had been addressed, as questioned in the Development Review Team (DRT) minutes for April 24th. Mr. Naranjo explained that the recommendation for sprinkling came due to the proposed 15' setback. The Fire Department agreed to allow for a 15' easement, provided that the building is sprinkled; however, 20' is now the proposed easement and meets requirements. The building will now only be required to be sprinkled if a kitchen is installed or the building is made for an assembly.

Chairwoman Martinez noted that there was another recommendation, within DRT, by the Water Department that required that each business have its own water meter. Mr. Lucero confirmed that each business will have its own water and electrical meter.

Chairwoman Martinez asked if the parking plan submitted met the criteria. Mr. Naranjo stated that it was reviewed with the code and it does meet the minimum criteria. Commissioner Wright asked if it was inclusive of Joe B's lot. Mr. Naranjo explained that Joe B's is a separate development; therefore, it is not included. He added that the drawing now includes sidewalks and pedestrian circulation.

Commissioner Wright questioned where the trash receptacles would be located and if they are intended to be large dumpsters. Mr. Lucero answered that they are commercial dumpsters, to be located at the northeast corner. Commissioner Wright expressed concerns will how the trucks would exit the property after collecting the trash. He recommended consulting with North Central Solid Waste Authority (NCSWA) to ensure that there is a sufficient turning radius. Commissioner Ricci asked if the parking was adequate; Mr. Naranjo confirmed.

Commissioner Ricci suggested removing a few parking spaces by the light pole and configuring the bins. Mr. Naranjo acknowledged that it would be best to meet with NSCWA to review the design. Mr. Lucero stated that he would schedule a meeting with them as early as tomorrow morning and review their suggestions with staff.

Commissioner Vigil asked who the surveyor was and whether he was licensed. Mr. Lucero stated Marvin Brandstetter, and he believed he is licensed. Commissioner Vigil expressed that he was not and advised that they be careful with that. He stated that as it stands, it could be grounds for reporting him to the Board of Engineers & Surveyors. Commissioner Ricci asked if that would affect anything. Commissioner Vigil explained that the plat sheet is not valid and from a geometrics' point of view, there are missing metes and bounds and boundary lines. Commissioner Ricci asked if there would be a problem if the project was approved and this plat was not valid. Commissioner Vigil stated that it would be the Planning & Zoning Department's decision if they require a legal survey. Commissioner Ricci questioned if all the drawings would be invalid or just the survey plat. Commissioner Vigil explained that it would just be the survey plat, but the issue was compounded when information was cut and pasted to the other drawings. Commissioner Ricci asked if the validation of the survey plat could be corrected if a licensed surveyor attested to it. Commissioner Vigil responded yes, if everything was checked to scale. Commissioner Ricci questioned how this could be approved or disapproved according to this drawing. Commissioner Vigil expressed that a survey should identify any and all encroachments and metes and bounds; it should all be disclosed and asked how is this going to affect Planning & Zoning. He asked the applicant if there was a recent legal survey. Mr. Lucero stated that there is a survey with the property deed.

Richard Lucero, property owner, stated that the original survey was divided into many lots and was completed for the Hendrix Subdivision. He explained that lots 1-3 and part of 5 encompasses the area. He stated it was the survey used for the original and then used to come up with this one. Commissioner Vigil asked if he then consolidated the lots; Mr. Lucero stated yes. Commissioner Vigil reiterated that it is up to the Planning Department to accept this survey. He stated that these are liability issues that can come up and if they require a certified topographic survey, get them one, with a certified surveyor. He concluded that it would benefit them as well.

Commissioner Ricci asked if staff would accept the survey. Mr. Naranjo stated that he has reviewed the criteria for Commercial Site Plan Review and there is nothing that specifies that a survey must be submitted as part of the package; however, he would highly recommend it. He expressed that he agrees with Commissioner Vigil, approving this would be sanctioning it to be correct. He stated that it can be approved with the condition that the drawing be modified to state that a surveyor did not complete the work. He added that staff is not requiring, but advising, that there be a lot consolidation.

Commissioner Wright expressed that he would like to see this moved forward; however, there are some details to look at, such as the electrical line behind the property now being displayed over the building. Mr. Lucero explained that he had met with engineers from Jemez and they agreed to relocate the poles onto the property line at the corner of Mr. Garcia's property. He informed that the drawings show the redesign for the move. He informed that the northeast corner would run underground into the building and the meters. He noted that they would coordinate with Jemez to move the relocation forward.

Public hearing opened at 6:36 pm.

David Romero stated that he has been a builder for many years and he would appreciate it if they would allow the project to go through. He informed that there is a registered survey, and never has he known that a stamped survey was required in the drawings. Mr. Naranjo clarified that it is not required; however, the stamped drawing's verbiage indicates that it is a survey by Marvin Brandstetter, and that is the problem. Commissioner Vigil added that Mr. Brandstetter is a great engineer, but he is not a surveyor and by projecting himself as such can be a problematic. He explained that any major plan has a survey, with topography, done by a surveyor and used by the engineer. Mr. Romero disputed that a stamped sheet was not required. Commissioner Vigil reiterated that it was for the staff to determine. He concluded that the drawing is being presented as survey and he is not a surveyor.

Commissioner Wright expressed that the drawings submitted are required to be scaled drawings; unfortunately, these drawings had no scale and he is unable to determine and scale the 24' driveway. He explained that the scale is necessary to determine critical decisions. Mr. Lucero stated that the drawings are done to scale, but in order to print them to scale they needed to be rendered in 11X17 to show the scale. He added that he can submit the same drawings with a scale.

Commissioner Wright noted that they were still in public hearing, but he is willing to work with staff on concerns that would result on a good project that will meet the city's code and needs.

Public hearing closed at 6:44 pm.

Commissioner Wright asked if the actual electrical boxes were in the vicinity of the trash receptacles. Mr. Lucero stated no, they are underground cables. Commissioner Wright stated that the drawings show a pad mount. Mr. Lucero informed that the pad mount sits on a concrete slab. Commissioner Wright expressed that his concern was that that they did not have an overall site plan showing the locations; therefore, it was making it difficult to make a determination.

Commissioner Wright inquired if the landscaping plan meets the landscaping criteria of 5%. Mr. Valdez acknowledged that he did not have time to review and calculate if it meets the 5%. Commissioner Wright pointed out that there were inconsistencies between the drawing and the listing sheet. Mr. Lucero explained that the landscaping plan designates areas for shrubs and trees, but is not specific. He noted that they would allow the landscaper to determine what would be placed in those areas. Commissioner Wright expressed that although the drawing was labeled as a landscaping plan, it was not. He recommended that the placement of landscaping be reviewed and approved by staff.

Commissioner Ricci asked if specifics of the landscaping were required. Mr. Naranjo stated that code does not reflect that and as of today it only requires 5%. He added details of plants are to ensure that species types are non-poisonous, but the 5% square footage is based on the beds themselves.

Chairwoman Martinez asked if the parking plan required 41 spaces. Mr. Naranjo stated that the parking, as presented today, is adequate. He stated the calculation is based on the net square footage of the building, which eliminates closet and storage space. Commissioner Wright noted they may be losing parking with the dumpster relocation; Mr. Naranjo acknowledged 2-3 parking spaces. Commissioner Wright informed that he counted 39 spaces and a couple of those are questionable. Mr. Naranjo explained that if they lost 1,000 sq. ft of the building to storage, it would drop the required spaces to 35.

Chairwoman Martinez inquired if there were requirements for ADA parking spaces. Mr. Valdez responded that the number, based on a calculated scale, is three (3). Commissioner Ricci asked if the calculation is an overall percentage or if it took into consideration the amount of businesses. Mr. Naranjo informed that ADA parking establishes a designated parking space. Chairwoman Martinez stated that the three (3) spaces are illustrated on the northwest corner and asked if they would be willing to space them out to have one on the north, south and middle of the lot. Mr. Lucero stated that it would require more ramps and interfere with the crosswalks, but he could. Mr. Naranjo explained that when staging and establishing ADA spaces, you want them next to each other. He expressed that separating them is not a good set-up and it is ideal to keep them all together.

Chairwoman Martinez questioned if they had thought about security. She noted that there will be four (4) businesses, one of which is a liquor store. Mr. Lucero stated that each business will have their own security; this will allow them to pick the company of their choice.

Chairwoman Martinez asked how many lights they would have. Mr. Lucero stated that there are three (3)-24' poles; one single and one double. He explained that the building will also have perimeter lighting.

Commissioner Wright expressed that he did not understand the calculations as illustrated on the drainage plan. He expressed that having no drainage counts was a concern. ***Commissioner Wright and Mr. Lucero discussed the calculations.*** Mr. Lucero stated that all the water is not supposed to be retained. Mr. Naranjo informed that 100% retention is required, but luckily this lot has an inlet into the storm water system. He explained new businesses are typically not allowed to use the storm water system; however, this one has it on site and it is their intention to drop into it. Commissioner Wright asked if staff had a recommendation for approval. He added that it was not a drainage plan because it lacks topography and flow lines. He acknowledged that 100% was not being asked, but would like to know what is acceptable by staff; therefore, recommended a stamped drainage plan for approval. Mr. Lucero informed that topography was displayed. Mr. Naranjo noted the condition of approval for a drainage plan by staff would be acceptable. He stated that staff required 100% prior to their conversation with the City Manager and knowledge of the inlet on the property.

Commissioner Vigil inquired if the topography displayed existing conditions or if they were planned contours. Mr. Lucero stated that they were existing, but he would check with the engineer. Mr. Vigil expressed that it could not be a plan because it does not have a contour indicator; he stated that the numbers were off, thus he is reluctant to accept it as survey. He explained that a drainage plan should show the planned contours, existing contours and how they relate to the plan. It should include the area and slope to where the water is planned on going. Mr. Lucero replied that he can provide that information. Mr. Vigil concluded that it would save a lot of time and liability.

Commissioner Wright added that the drawings do not make sense and are not correct as shown. He expressed that he still has a lot of concerns with what was submitted, but he is willing to run through the recommendations by staff and possible conditions of approval for a conclusion.

Commissioner Ricci asked if a sign plan was required. Mr. Lucero stated individual signs are proposed on the store front. Mr. Naranjo stated that they could approve a master sign plan or permit on a case by case basis, within house, and they would not be tied to specific plan. Commissioner Ricci stated that since it is within a shopping center there should be uniformity on the signs. Mr. Naranjo ensured that it will be held to the sign code and the sign code does give options, but it is something that can be permitted at a later date. Commissioner Wright recommended listing it as a condition of approval and approving a master plan.

Commissioners discussed the staff recommendations and possible conditions for approval.

Mr. Richard Lucero stated that district court issued a master deed with all the lots into one, and he can turn it over to staff. Commissioner Wright asked if he had been recorded with Rio Arriba County. Mr. Lucero confirmed. Commissioner Vigil asked if it was done by John Montoya; Mr. Lucero stated yes. Commissioner Vigil expressed that if the Commission and staff are accepting; he is willing to recognize that as a current survey

Mr. Richard Lucero stated that district court issued a master deed with all the lots into one, and he can turn it over to staff. Commissioner Wright asked if he had been recorded with Rio Arriba County. Mr. Lucero confirmed. Commissioner Vigil asked if it was done by John Montoya; Mr. Lucero stated yes. Commissioner Vigil expressed that if the Commission and staff are accepting; he is willing to recognize that as a current survey to be included with the plans. Mr. Naranjo informed that the survey plat drawn is based on this deed and includes multiple lots on one deed.

Commissioner Wright made a motion to approve the commercial site plan review for the construction of an 8100 sq. ft. building at 811 N. Riverside Drive, with the following conditions of approval:

1. *Lots need to be consolidated into a single lot, prior to a building permit;*
2. *A plat or survey needs to be prepared, submitted and approved by the Planning staff prior to a building permit;*
3. *Approval on variance for rear setbacks is required, prior to a building permit;*
4. *An 8" wastewater line for multiple tenants, with a manhole off of E. Pueblo Street;*
5. *A 1" water line for each tenant;*
6. *A certified stamped drainage plan must be submitted for review and approval prior to a building permit;*
7. *A certified stamped landscaping plan must be submitted for review and approval prior to a building permit;*
8. *Consultation with NCSWA and recommendations for waste collection provided to staff;*
9. *The relocation of overhead electric, as approved by Jemez Electric Co-Op;*
10. *Lighting and fixtures must be approved and comply with the City's night sky ordinance;*
11. *A paving plan must be submitted and approved by the Planning staff prior to a building permit;*
12. *All tenant signage is to be permitted on a case by case basis, by planning staff;*
13. *All plans must be drawn to scale and submitted for review prior to a building permit.*

Motion seconded by Commissioner Ricci; motion carried 5-0 vote.

2. *Tabled, Commercial Site Plan Review. Jorge Lucero, applicant, is requesting a variance on side and rear setbacks, for the construction of an 8100 sq. ft. commercial building located at 811 N. Riverside Drive. The property is zoned B-2, General Commercial District.*

Mr. Naranjo stated that the applicant has agreed to a 20' setback instead of the requested 15'. Commissioner Wright stated that he is also requesting a variance of 10' on the side setback on E. Pueblo Street. Mr. Valdez confirmed that the setback is 20' rear and a variance request for 10' side.

Commissioner Wright made a motion to approve the variance on side and rear setbacks in conjunction with the construction of an 8100 sq. ft. building at 811 N. Riverside Drive, 20' rear setback, east side, on the consolidated property and 10' for the east side on the south portion of the property; Commissioner Ricci seconded the motion.

Public hearing opened at 7:39 pm.

Travis Hicks expressed that he is certain that anything done with this property would be beneficial to the property, and he would like to see the plans.

Chairwoman Martinez stated that the plans can be obtained from the Planning Department.

Public hearing closed at 7:39 pm.

Motion carried, 5-0 vote.

VI. Items for Consideration:

1. *Variance Request. Danny Romero, owner, is requesting a variance on front and rear setbacks for the construction of two covered decks on an existing structure located at 1120 State Road 76. The property is zoned R-1, Rural Residential District.*

Larry Valdez presented the staff report at 7:41 pm. (Attachment C)

Danny Romero, applicant, stated that he is requesting the construction of two (2) porches at his residence.

Chairwoman Martinez stated that in 1994, Mr. Romero was granted a special exception because a driver destroyed a portion of his house. She inquired if he was worried that it could happen again. Mr. Romero stated that he has since built a rock wall around the property.

Commissioner Wright asked if the porches would be within the rock wall and whether it would extend beyond the porch. Mr. Romero stated that it would be facing SR 76 and extended back.

Commissioner Vigil asked if his house was once a two-story structure. Mr. Romero stated it was, but the vehicle destroyed the southeast corner of the home and with the weight of the second story, it came down. He concluded that it was recommended to bring it all down.

Public hearing opened at 7:46 pm.

Richard Lucero expressed that he remembers Mr. Romero's situation and what they went through. He stated that they just want to better their quality of life, so he highly recommends it.

Public hearing closed at 7:47 pm.

Commissioner Atencio made a motion to approve the 15' front and 21.5' rear variance on setbacks at 1120 State Road 76, zoned R-1 Rural Residential District. Commissioner Vigil seconded the motion.

Mr. Valdez informed that the request is for a 21.5' side variance.

Commissioner Atencio made motion to amend her motion as to approve the 15' front and 21.5' side variance on setbacks at 1120 State Road 76, zoned R-1 Rural Residential District. Commissioner Vigil seconded the motion; motion carried, 5-0 vote.

Commissioner Wright explained that he was in favor of the request because it met the variance criteria within the development code.

- 2. Commercial Site Plan Review. Ray Sisneros, applicant, and representative for Desert Sun Española, Inc., is requesting commercial site plan review for the operation of an automobile dealership from an existing site, located at 507 and 517 N. Riverside Drive. This property is zoned B-2, General Commercial District.***

Larry Valdez presented staff memorandum at 7:50 pm. (Attachment D)

Ray Sisneros and Travis Hicks stated that they represent Desert Sun Auto Incorporated. Mr. Sisneros informed that they have worked closely with the Planning and Zoning Department to adhere with the requirements. He stated the dealership is opened on the north portion of the property while the south is under general construction and renovations; He expressed that it will hopefully be opened by July 28th. He stated that full information regarding the lots has been provided in the packets. There will be no major changes, but some massive cleaning and landscaping to try and get the property back into standards. He stated full signage from Chrysler has been provided as well as the sign locations that are noted. He informed that the building was built in the 60s and has gone into renovations for service equipment such as lifts and other items necessary to run the business. He concluded that they have worked closely with staff and the Fire Marshall to bring it to code and a final inspection of the customer area is due next week by Lt. Tafoya.

Commissioner Wright stated that he signage plan illustrates a vertical height of 20'. He informed that the sign code allows for the maximum height of 16'; he asked if they are requesting special exception for the difference. Mr. Sisneros stated that the Chrysler Corporation that works on the design plans have made contact with the city and were provided guidance on the proposed sign. He expressed that there has been no final signed documentation; therefore, revisions can be made.

Commissioner Ricci informed that the measurements are showing 20' but the notations at the top of the page states 16'. Mr. Hicks stated that they can ensure that the 16' is the requirement and can be a simple fix.

Commissioner Wright asked if they were square foot complaint with where it is located on the street. Mr. Naranjo stated that they are fine.

Commissioner Ricci asked what type of sign the second one was. Mr. Sisneros responded that it is a 4' 9" directional sign. Commissioner Wright stated that only one free standing sign is allowed per property.

Commissioner Ricci questioned if they had jurisdiction on the signs. Mr. Naranjo explained that they are both pueblo lots; however, only one is held on the trust. He stated that the city has jurisdiction on the large one. Mr. Sisneros stated that both signs are held on the south property. Mr. Hicks explained that they used the previous sign to identify placement. Commissioner Ricci asks if they could keep it at 16' for the sake of being "good neighbors." Mr. Hicks stated that it is a simple call and can keep it at 16'; it is the interest of Desert Sun Group to be good neighbors and be a part of the community.

Commissioner Wright noted that the site plan shows an encroachment by the existing fence. Mr. Hicks acknowledged the encroachment. Commissioner Wright inquired if they were going to address it and the drainage issues that occur there. Mr. Hicks stated that they took out the brush and dead trees and filled the retention pond with large rocks for better flow. He shared that it is not their intention to stay on the property forever and are in the negotiations for another property to build on. Mr. Sisneros noted that the neighbor has not spoken forward and they did receive letters. Mr. Hicks informed that they cleaned up the south fence line for a safer area. Commissioner Wright suggested more landscaping; however, noted that he could not require it. Commissioner Ricci applauded the revitalization of a vacant building and hoped for great success. Mr. Hicks

expressed that the reality is if the property proves to be a successful endeavor, it would encourage them to retain it and utilize it for another capacity.

With no public comment the public hearing open and closed at 8:11 pm.

Commissioner Vigil made a motion to approve the commercial site plan review for Desert Sun Española, Incorporated for the operation of an automobile dealership located at 507 and 517 N. Riverside Drive. Commissioner Atencio seconded; Motion carried 5-0 vote.

VII. Approval of Minutes, May 9, 2013:

Commissioner Wright questioned criteria vs. criterion on page 2, first paragraph. Ms. Medina agreed that it should be criteria; however, it was autocorrected through word. He noted that "Vigil" should be inserted after "Commissioner" on page 2, paragraph 7 as to clarify who was speaking. He discussed perhaps "charted" on page 3, paragraph 5, third sentence should be "charged." He concluded that on page 4, second paragraph, first sentence was unclear. Mr. Naranjo expressed the sentence was not needed and suggested eliminating it.

Commissioner Wright made a motion to approve the minutes with the noted suggestion, seconded by Commissioner Atencio; Motion carried 5-0 vote.

VIII. Matters from the Planning Commission:

Commissioner Wright noted that he had met the new Code Enforcement Officer. Mr. Naranjo stated that Michael Marquez was recently hired to fill the Code Enforcement position and he is running with things; he anticipates big things with him.

Commissioner Wright informed that Santa Fe County was funding aerial photography for Spring 2014 and thought it would be beneficial to the City of Española to participate and get the entire city photographed. Mr. Naranjo replied that he would look into it and hopefully be able to contribute.

Chairwoman Martinez stated that the minutes have not been updated on the website. Ms. Medina informed that a request had been made to Deputy Clerk, Anna Squires, to make the updates; however, at this time, they are unable to access the site. Once they gain access from the developer, she will update them.

IX. Matters from the Planning Staff:

Mr. Naranjo stated that he has been attempting to get the Commission on the website. He asked for the commissioners to write a short biography and photographs can be taken when the webmaster can schedule it in.

Commission decided that biographies will be emailed to Ms. Medina and relayed to the Clerk's office; photographs will also be taken at next month's meeting.

Commissioner Ricci inquired if there was any training for commissioners. Mr. Naranjo stated that in the past the commissioners have been sent to different trainings; however, it is budget permitting. He explained the council has not been supportive of any travel and has gone as far as cutting out all the council's travel.

Commissioner Ricci informed that there is some training in Las Vegas, NM. Mr. Naranjo replied the American Planning Association usually has an annual conference, in the fall, with one day dedicated to commissioners. He informed that the commission also had a subscription to "The Commissioner", which is informative literature and will look into renewing it.

X. Adjournment:

Chairwoman Martinez made a motion to adjourn the meeting, seconded by Commissioner Wright; Motion carried 5-0 vote, meeting adjourned at 8:32 pm.



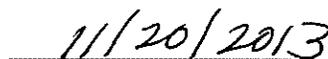
Chairman Signature



Date



Transcriber Signature



Date