

Planning Commission Meeting  
August 12, 2010  
5:30 PM  
City Council Chambers  
405 N. Paseo de Oñate, Española, NM

**Item I Call to Order:**

The Planning Commission Meeting was called to order by Chairman Erle Wright at 5:43 PM. The following were present: *(traffic problems delayed meeting)*

Commissioners: Erle Wright, Chairman  
Richard Beaudoin  
Anissa Martinez  
Sunee Sandoval  
Jacob Torres

Commissioners  
Absent: Amrit Khalsa  
Laurie Koontz

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

**Item II Pledge of Allegiance:**

Commissioner Beaudoin led the Pledge of Allegiance.

**Item III Approval of Agenda:**

**As presented:**

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Public Concerns
- V. Items for Consideration
  1. Commercial Site Plan Review. A request from CVS Pharmacy to construct a 14,500 square foot building to be located at 1202 N. Riverside Drive. The property is located within a B-2 General Commercial District.
  2. Special Exception, Tabled Agenda Items. A request from Española Mercantile dba Española Transit Mix to allow approximately 282 square feet of signage and overall height that exceed the provisions of the existing sign ordinance, located at 1300 N. Riverside Drive. This property is zoned B-2, General Commercial District.
  3. City of Española Business Advisory Committee. Request for discussion of proposed changes to the City of Española Development Code, Article IX, Signs.
- VI. Approval of Minutes:  
May 13, 2010  
June 10, 2010  
July 8, 2010
- VII. Matters from the Planning Commission
- VIII. Matters from the Planning Staff
- IX. Adjournment

Mr. Russell Naranjo, Planning Director, stated that Mr. JR Trujillo had requested that Item V-3 be moved to Item V-2. Chairman Wright stated that he would like to keep the agenda as presented. Mr. Trujillo stated he had pertinent information required for Item V-2. Chairman Wright asked Mr. Richard Cook, applicant for Item V-2, if he had any objections to being moved to item V-3. Mr. Cook responded no.

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

**Item IV Public concerns:**

**NONE**

**Item V Items for Consideration:**

- 1. Commercial Site Plan Review. A request from CVS Pharmacy to construct a 14,500 square foot building to be located at 1202 North Riverside Drive. The property is located within a B-2 General Commercial District.**

Mr. Naranjo read staff's report. It was as follows: "Mr. Chairman, members of the Commission. This request has been talked about and reviewed for quite some time now. Negotiations for property acquisition took place some 6 months ago. The overall goal of the city is to welcome new businesses, increase gross receipt taxes (GRT) and allow for friendly business competition that will hopefully and ultimately help with pricing while allowing our citizens additional shopping opportunities.

The proposal was reviewed by members of the DRT. There was much discussion referring to traffic ingress and egress, utility tap in location, landscaping, and vehicle and pedestrian circulation. Ultimately there were some suggestions made to the applicant whom has incorporated the suggestions into the submittal you have before you today.

The proposed location is at 1202 North Riverside Drive (Garcia Tire). The proposal is for new construction of a 14,500 square foot retail structure to house CVS Pharmacy. The property is zoned B-2 which according to the current zoning regulations would allow for this use.

It is being proposed that three access points, two on the property and one outside the property boundaries be used for ingress and egress. One of the biggest concerns is the allowance of a left turn into and out of the property. Today the NM 584 (Fairview Lane) is property of the state and NMDOT oversees all access permits. NMDOT has been adamant about not allowing any new curb cuts along this corridor. The City of Española is currently in negotiations to accept full ownership and maintenance of the roadway in the form of a "Road Exchange Agreement" at which point all new curb cuts and access permits will be governed by the city. This is expected to go through in 2011.

The main intersection in question would take place roughly 600 feet west from the Riverside/Fairview Lane signalized intersection. This proposal would take place on properties owned by Richard Cook.

There have been three proposals looked at by the applicant and their engineer at this location: 1) a non signalized intersection, 2) signalized intersection and 3) Round-a-bout. I would expect that the engineer will be presenting findings this evening. This decision of which proposal to go with should this proposal be approved this evening will be the decision of upper management as it will be findings presented to the NMDOT for action.

The project will be serviced by a four inch sewer line which taps into existing wastewater lines on North Riverside Drive. A one inch water service line will be installed for landscaping.

The building will be required to have a fire sprinkler system installed.

A master sign plan has been submitted and will require separate permitting by the Planning Department.

Staff has reviewed and evaluated the project in its entirety. Staff will schedule a meeting with NMDOT to discuss all proposed ingress and egress scenarios and will advise the applicant accordingly. As an overall project, staff recommends approval of the request as presented. However, requires additional review of the parking plan as it reflects the entire front entrance to be utilized for parking stalls. From a safety standpoint, the entrance to the front should be unobstructed. Also the possibility of the usage of portals should be looked at as a plane break and architectural detail.

If the Commission should choose to approve the proposal this evening, the conditions of approval listed within your staff report should be considered.

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

Commissioner Torres asked if the master sign plan had been submitted. Mr. Naranjo responded yes. Commissioner Torres stated that the New Mexico Department of Transportation (DOT) denied the curb

cut on the south side of the property. Mr. Scott Steffen, representative for CVS, stated that the District V Engineer for DOT had stated that they have access control. He added that DOT will be transferring ownership to the City of Española. He added that it would be quicker for the City to acquire ownership than it will be to go before the Access Control Committee. Mr. Steffen stated that they have not submitted an application to DOT; they did submit a traffic study and DOT had stated they are not in favor of the access off State Road 584 (Fairview Lane).

Commissioner Torres asked if there was a backup plan if CVS does not obtain access off Fairview Lane. Mr. Naranjo stated the city is hopeful that it will be approved by DOT; however, the decision will have to be made by upper city management, and submit an application to DOT.

Chairman Wright asked if a one inch water line will be sufficient for the sprinkler system. Mr. Steffen responded that they will be installing a separate six inch water line for fire suppression. The one inch line will be for domestic and irrigation purposes. He added that the water line will be placed on the southwest entrance of the building. He also stated that they will be placing a fire hydrant.

Chairman Wright stated that according to the DRT minutes the 12 inch water line off North Riverside Drive had too much pressure for the domestic use. Mr. Steffen stated that a pressure reduction valve will be placed.

Chairman Wright asked if there have been any additional changes or recommendations. Mr. Naranjo responded that there were none.

Commissioner Torres asked if the water for domestic use will be connected from North Riverside Drive. Mr. Steffen responded yes.

Mr. Naranjo stated that the fire system will be connected on the south side of the property. Mr. Steffen stated they had not submitted an upgraded utility plan; however, all changes will be presented in the current plans.

Commissioner Wright stated that at the DRT meeting, the Fire Chief had requested that the fire department connections be placed in a secure area that is accessible to employees and fire department personnel. He requested that the architect be notified of this request. Mr. Steffen stated that the Fire Chief's concern was that the brass fittings had been stolen at other locations.

Mr. Christopher Czyz, representing CVS, stated they have constructed approximately 500 stores in the past ten years. He added that the proposed store will be the largest in New Mexico. He added that they have been working on this located for the past two (2) years. Mr. Czyz stated that CVS is a very charitable company. He added that they have been very accommodating to pedestrians and handicapped people.

Mr. Steffen stated that there are currently four (4) businesses on the proposed site and they will be demolishing those buildings and constructing a new one. He added that they have expanded the islands, will be placing a larger entrance and will be providing cross walks for pedestrian; and there will be eight (8) ADA parking spaces. He added that in order to prevent graffiti on the north wall the elevation has been raised.

Mr. Steffen stated that there are currently two (2) entrances to the property and they will be closing the current south entrance. He added that they will be working on the entrance on the south side of the property. This entrance will provide full access to Mr. Cook's property.

He presented a traffic study with three (3) different options: Option 1) Un-signalized intersections; 2) signalized intersection and 3) roundabout. He added that the study recommends an un-signalized intersection for the current CVS Pharmacy. However, for future development a signalized intersection may be warranted. He added that a roundabout will cause delays for westbound traffic. Mr. Steffen stated that they will be placing a full auxiliary lane that may help with people making u-turns at the median.

Mr. Steffen stated that required landscape is five percent (5%) and they are proposing 16% and they have also provided a safe zone for pedestrians.

Commissioner Beaudoin asked if the right out lane will be shared by the large trucks from the Española Transit Mix. Mr. Steffen responded yes. Commissioner Beaudoin asked if the radius is sufficient and if a

ramp will be placed for the large trucks. Mr. Steffen responded that the radius is sufficient and the ramp can be accommodated.

Commissioner Beaudoin asked if the pavement would continue to the roadway or end at their property. Mr. Steffen stated that he does not know what Mr. Cook's intentions are because that is his property. Mr. Steffen added that they could possibly place a concrete apron.

Commissioner Martinez asked if DOT did not approve the curb cut, if they were going to contact them again to reconsider. Mr. Steffen stated that they submitted the traffic study and were advised that a curb cut would not be approved as long as DOT was the owner. He added that they could also appeal to the Access Control Committee; however, it will take longer to go before them than for the city to transfer ownership.

Commissioner Martinez asked if the master sign plan had been submitted. Mr. Steffen stated they had not submitted, but they are within code. Mr. Larry Valdez, Planning Tech, stated he has reviewed the sign plan and they are within code. He added that CVS Pharmacy will be allowed a total of 1,092 square feet of signage. Commissioner Martinez asked if the surety bond for landscaping would be included. Mr. Czyz stated they would agree to that request.

Commissioner Torres asked if the demolition permit would be obtained prior to commencing work. Mr. Steffen responded yes.

Chairman Wright asked if the traffic study addressed the left turn lane. Mr. Steffen stated that there is approximately a 30 second delay during peak hours. He added that there is enough stacking room to accommodate vehicles leaving the area.

Chairman Wright stated that the retention ponds are usually placed on the corner of the properties and the proposed pond is located in the middle of the property. Mr. Steffen stated that they have to provide sufficient room for delivery trucks to turn. He added that they will be placing a raised curb around the pond. Chairman Wright stated that the surety bond on landscaping is to assure that the plants are established. Mr. Steffen stated storm drains will be placed on the low points of the property.

Commissioner Martinez asked if a lighting plan and security plan had been provided. Mr. Steffen stated that lights are placed around the building and six (6) pole lights will be placed. Mr. Czyz stated that security cameras are placed inside the building, at the front door and throughout the building. He added that the outside will be well lit and there are no hidden alleys; therefore it should be very safe. Commissioner Martinez asked if liquor will be sold. Mr. Czyz responded yes.

Commissioner Martinez stated that she would like to mention to the applicant that there are a lot of problems at Walgreens with panhandlers. She asked if there will be some type of security to assure this does not happen. Mr. Czyz stated that they analyze the need for security and address it accordingly.

*Chairman Wright opened the public hearing at 6:35 PM.*

Mr. JR Trujillo stated that as a resident of Española he is in support of the request. He added that it will provide jobs and shopping and there is a need for the citizens.

**There was no more public input. Therefore the public hearing was closed at 6:36 PM.**

Commissioner Martinez stated that on the sign plan at the bottom of the pages it states "variance required." Mr. Czyz stated they use the same sign plan for other cities and it is just a typo.

Commissioner Beaudoin stated that he had reviewed the site plan and asked if they will be adding acceleration lanes. Mr. Naranjo stated that if the commission has concerns with the ingress/egress circulation of traffic, they can be added as a requirement.

Commissioner Wright complimented the applicant on the plans they submitted. He added that the plans were very well prepared.

**Commissioner Torres moved to approve this request with the following conditions:**

- master sign plan be provided and permitted prior to any installation;
- fire lane, sprinkler system and a secured FDC, accessible only to employees and fire department;
- connection to domestic water line be on the east side of property;

- ingress/egress proposed west of the property be reviewed and agreed upon by CVS management and City of Espanola Planning Department. Any decision made must be approved by NMDOT;
- bicycle racks be placed on the property;
- a surety bond is placed for a period of 3 years on all landscaping and drainage. Amount and details of bond to be determined by city planning staff;
- demolition permits be issued for the removal of existing buildings;
- ingress/egress proposed west of the property to include a "ramp up lane" for all large trucks exiting onto Fairview Lane.

Commissioner Martinez seconded the motion. Motion carried by a 5-0 vote.

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

Mr. Valdez read staff's report. He added that at the last meeting Mr. Ignacio Lucero, representative for application, had agreed to meet with staff and negotiate a possible solution; however, to date, staff has not been contacted.

Mr. Ralph Martinez, representative for Española Transit Mix, stated that the sign has been in existence for many years and has only been refurbished. He added that the sign looks much better and was quite costly to refurbish it. Mr. Martinez also said that no other changes were made to the sign, it was just improved.

Mr. Richard Cook, applicant, stated that the sign has been in place for approximately 30 years and has deteriorated. Mr. Cook added that the sign is on his property and the city should have sent him a letter complementing him for enhancing the beauty of the sign.

Commissioner Beaudoin stated that Mr. Cook has been in business in the Valley for a very long time. He does not understand how Mr. Cook did not know to contact the City for permits. Mr. Cook stated that he was only refurbishing the sign and was unaware that a new ordinance had been passed.

Commissioner Beaudoin stated that he understands that they were maintaining the sign on his own property, however, in all municipalities within the country inquiries have to be made with the city. Commissioner Beaudoin stated that when the sign code was being revised, several public hearings were held to receive public input. He added that by Mr. Cook not checking with the city he made a shaky business decision. Commissioner Beaudoin stated that the sign code was done in the best interest of the business owner and Mr. Cook took a big risk and now the Commission has to make a tough decision.

Commissioner Beaudoin stated that at the last meeting the Commission was willing to compromise with the applicant, however, the applicant failed to contact staff. He asked Mr. Cook why he was not willing to compromise with the city. Mr. Cook responded that they did a big improvement to the sign which had deteriorated. Mr. Martinez stated that the sign is the exact same dimensions that it has been for many years; the sign has only been maintained.

Chairman Wright stated that the Commission's job is to adhere to the City Code; they are bound to the City Development Code. He added that when the sign was placed, there was no code to comply with. Chairman Wright stated that the Commission worked on revising the sign code because several businesses had to request variances for signs. He added that the new code is a better code for the businesses. Chairman Wright stated that with the old code the sign in question was seven (7) times larger than allowed and according to the new code the sign is five (5) times larger than the allowed square footage. Chairman Wright stated that other businesses and new businesses are willing to comply with the new code.

Commissioner Wright informed Mr. Cook that it would have been less expensive to comply with the code than to refurbish the existing sign. Commissioner Wright stated that the community is aware of the code and the changes. He once again added that the code is extremely a good code and was written to reduce clutter of signs. Commissioner Wright stated that Mr. Cook has been a great citizen to the community as well as to the business community.

Commissioner Torres asked if there was any type of agreement with business owners to come into compliance. Mr. Naranjo stated that the code allows businesses six (6) years to come into compliance without being required to pay for a sign permit. He added that several public hearings were held when the code was being revised.

Commissioner Sandoval asked if existing businesses were notified of the six (6) year time limit. Mr. Naranjo responded that letters were sent to businesses and an ad was placed in the local newspaper.

Commissioner Torres stated that he highly respects Mr. Cook for what he has done for the community. He added that the Commission is willing to work with the businesses. Mr. Martinez asked what kind of compromise the Commission was willing to make. Commissioner Torres stated on the height of the sign because he would like people to see the beauty of the community not signs. He added that lowering the sign would meet the needs of both the city and the business; however, the applicant did not meet with city staff.

Mr. Martinez stated that what people remember are roadside vendors along Riverside Drive.

Commissioner Beaudoin asked if Mr. Lucero had briefed Mr. Cook on the discussion at the last meeting. Commissioner Beaudoin stated that at the last meeting it was proposed to keep the sign on the frame and cut the sign down a few feet. He added that the Commission bent over backward to compromise with the applicant and Mr. Lucero failed to notify Mr. Cook. He added that the communication got lost somewhere along the line.

Commissioner Beaudoin suggested that the Commission go back to the original proposal. Chairman Wright stated the applicant would also have the option to appeal the decision to City Council if it is denied. Commissioner Beaudoin asked if Mr. Cook would be willing discussion options with planning staff. Mr. Cook responded he would meet with staff.

Commissioner Beaudoin moved to table this request to the next meeting to allow Mr. Cook or a representative meet with staff. **Commissioner Sandoval seconded the motion. Motion tied with a 2-2 vote. Commissioners Beaudoin and Sandoval voted in favor of the request. Chairman Wright and Commissioner Torres voted against the motion and Commissioner Martinez abstained from voting. Therefore, the motion died.**

**Commissioner Torres moved to deny the request. Chairman Wright seconded the motion. Motion carried with a 3-2 vote. Chairman Wright and Commissioners Torres and Martinez voted in favor of the request. Commissioners Beaudoin and Sandoval voted against the motion.**

Chairman Wright informed Mr. Cook of this right to appeal the decision to the City Council within ten (10) days.

**3) City of Española Business Advisory Committee.** Request for discussion of proposed changes to the City of Española Development Code, Article IX, Signs.

Mr. JR Trujillo, Business Advisory Committee Chairman, stated that it is very challenging to enforce new ordinances in an old city. He stated that when Mayor Lucero ran for election, businesses were very important to her campaign. Mr. Trujillo stated that Española is suffering and needs businesses. He added that the city had to be business friendly in the permitting process. He also added that gross receipt taxes are down. Mr. Trujillo stated that municipalities need to be sensitive to the businesses needs.

Mr. Trujillo stated that according to the sign code the maximum square footage allowed for signs is 300. Mr. Valdez stated that the square footage is incorrect. He added the square footage is determined on the linear feet of building. Mr. Valdez used the proposed CVS Pharmacy as an example; they are allowed 1,092 square feet of signage.

Commissioner Wright stated that most of the Commissioners worked on the sign code for over six (6) months. Mr. Trujillo stated that he understands the need for proper ordinances; however, all existing signs within city are not in compliance with the new code. He added that it is easy for new businesses to comply but it poses an added expense for existing businesses.

Mr. Trujillo stated that existing businesses should be grandfathered in and allowed to maintain their existing signs. He added that the code does not allow it.

Mr. Trujillo stated that the Business Advisory Committee does not make policy they can only make recommendations. He added that business owners should spend money on something that brings them revenue instead of having an expense on signs.

Mr. Trujillo stated that he would like to invite a Planning Commission member to sit on the Business Advisory Committee. The committee meets on the third Thursday of every month.

Chairman Wright stated that the Commission is business friendly but need to enforce the ordinance. Chairman Wright stated that the Commission heavily considered the existing signs when they were revising the code. Chairman Wright stated that they allowed a grace period for existing business to comply. He added that if the ordinances are not enforced they will fail. The old sign code did not work, there were too many variances being requested. Chairman Wright added that there are larger issues than signs.

Chairman Wright stated that there are a lot of treasures in the valley and tradition is one. He added that we need to take care of our culture. He stated that not very many cities have acequias anymore and we need to preserve that. Chairman Wright stated the Commission would be willing to work with the Business Advisory Committee.

**Item VI Approval of Minutes:**

May 13, 2010

June 10, 2010

July 8, 2010

Commissioner Sandoval asked if the Commission could skip the approval of May minutes and approve the minutes for June and July. Chairman Wright stated that it could be skipped but they need to be approved because it is taking too long. Chairman Wright stated that Commissioner Koontz had submitted a set of edits and requested that they either be approved or disapproved as a whole.

**May 13, 2010 minutes:**

Chairman Wright moved not to accept Commissioner Koontz request to the changes as a whole. Commissioner Torres seconded the motion. Motion carried by a 5-0 vote.

Commissioner Torres moved to approve the minutes for May 13, 2010 with the mentioned corrections. Commissioner Sandoval seconded the motion. Motion carried by a 5-0 vote.

**June 10, 2010 minutes:**

Commissioner Wright moved to approve the minutes for June 10, 2010 with the mentioned corrections. Commissioner Martinez seconded the motion. Motion carried by a 5-0 vote.

**July 8, 2010 minutes:**

Commissioner Torres stated that Commissioner Koontz should be referred to as Chairwoman because she chaired the meeting and Commissioner Martinez should be referred to as Vice-Chairwoman.

Commissioner Beaudoin moved to approve the minutes for July 8, 2010 with the above mentioned corrections. Commissioner Sandoval seconded the motion. Motion carried by a 4-0 vote. Commissioner Wright was not present at the July 8<sup>th</sup> meeting, therefore he abstained from voting.

**Item VII Matters from the Planning Commission:**

Commissioner Wright stated that he read in the minutes that a work session has been scheduled for August 26, 2010.

Commissioner Wright asked if Mr. Cook decides to appeal tonight's decision to the City Council, when will it be heard. Mr. Naranjo responded that most likely in September.

Commissioner Wright stated that the Planning Commission meeting for November has been changed to the third Thursday, November 18<sup>th</sup> because of the holiday.

Commissioner Martinez stated that she read in the City newsletter that there are high levels of Uranium in the city drinking water. She asked if people should be concerned and start filtering their water. Mr. Naranjo stated no because the water is safe to drink. Commissioner Beaudoin asked if the source has been identified. Mr. Naranjo stated that he believes that it is a natural source.

Commissioner Martinez asked Mr. Naranjo if he has gotten the cards for the Commission to utilize the city recreation facilities. Mr. Naranjo stated that he has already received approval; however, he has not received the cards.

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

Mr. Naranjo asked what time the Commission would like to meet for the work session. The Commission agreed to meet at 6:00 PM in the Committee Room at City Hall on August 26<sup>th</sup>.

Mr. Naranjo added that "The Commissioner" booklet was included in the Commissioner's packets. He stated it is a quarterly booklet and will provide information for the Commissioners.

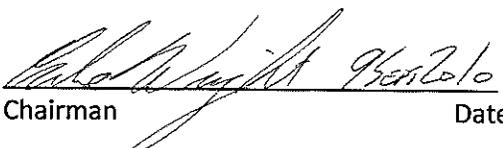
Commissioner Beaudoin asked if there was a device to record the meeting for the purpose of preparing the minutes. Commissioner Wright stated that it is hard to find a device that will record audibly. Commissioner Beaudoin stated that he will research and look for a recording device.

Mr. Naranjo asked what they would like to discuss at the work session. He added that in the past it was stated that the Mobile Home Park regulations and landscaping standards need to be addressed. Commissioner Beaudoin stated that the Mobile Home Park is the biggest liability.

Commissioner Wright stated that he will attend the next Business Advisory Committee meeting.

**Item IX Adjournment:**

Commissioner Torres moved to adjourn the meeting. Commissioner Martinez seconded the motion. Motion carried by a 5-0 vote. Meeting adjourned at 8:08 PM.

  
Chairman \_\_\_\_\_ Date 9/20/10

  
Secretary \_\_\_\_\_ Date 9/13/10