



Planning Commission Meeting  
January 13, 2011  
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 at 5:34 PM, by Chairman Wright. The following were present:

Commissioners: Erle Wright, Chairman  
Richard Beaudoin  
Amrit Khalsa  
Laurie Koontz (*arrived at 5:40 PM*)  
Anissa Martinez

Commissioner  
Absent: Sunee Sandoval

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

**Item II Pledge of Allegiance:**

Mr. Russell Naranjo, Planning Director, 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. Special Review. A request from Matthew Rivera, Sr., property owner, for the placement of a roof mounted sign, 10 square feet in excess of the allowed amount, located at 305 Calle Salazar. The property is located within the Plaza de Española Historic District.
  2. Variance Request. A variance request from Clyde Vigil, property owner, on lot size dimensions for a proposed lot split located at 909 Calle Lopez. The property is located within the R-6, Urban residential District.
  3. Variance Request. A second variance request from Clyde Vigil, property owner, on setbacks on an existing residential structure located at 909 Calle Lopez. The property is located within the R-6, Urban Residential District.
  4. Variance Request. A variance request from Bernadette Archuleta, property owner, to allow a third residential structure on a 10,454 square foot lot located at 1213 Taos Lane. The property is located within the R-6, Urban Residential District.
  5. Variance Request. A second variance request from Bernadette Archuleta, property owner, on front and rear setbacks of proposed structure if approved, located at 1213 Taos Lane. The property is located within the R-6, Urban Residential District.
  6. Variance Request. A variance request from Olga Garcia, property owner, on side setbacks for the consideration of a carport located at 819 La Joya Street. The property is located within the R-6, Urban Residential District.
  7. Variance Request. A second variance request from Olga Garcia, property owner, on total lot coverage, if structure is approved, located at 819 La Joya Street. The property is located within the R-6, Urban Residential District.
  8. Code Re-Codification.
- VI. Approval of Minutes  
November 18, 2010

- VII. Matters from the Planning Commission
- VIII. Matters from the Planning Staff
- IX. Adjournment

Mr. Naranjo stated that Ms. Olga Garcia, applicant for Item V- 6 & 7, had requested to be removed from the agenda.

Commissioner Khalsa moved to approve the agenda as amended. Commissioner Martinez seconded the motion. Motion carried by a 4-0 vote.

**Item IV Public Concerns:**

Ms. Angela Gingrich stated she resides at 914 Calle Lopez and did not receive a letter informing her of the meeting. Commissioner Khalsa stated that the addresses are obtained from the County Assessor's office. Mr. Naranjo stated that the letter addressed to Ms. Gingrich had been addressed to 914 Calle Lopez and was returned. Chairman Wright informed Ms. Gingrich to contact the county assessor and correct her address with them.

Ms. Geraldine Arebalos stated she resides at 903 Calle Loma and not Calle Lopez and had received a letter, informing her of the meeting. She added that it might have been sent to her by mistake.

Mr. Matthew Rivera stated that he had concerns on heavy truck traffic utilizing the Oñate Bridge. He added that the other bridges in town are newer and could possibly handle the heavy truck traffic better. Chairman Wright stated that he is under the impression that the speed limit will be lowered in that area. He informed Mr. Rivera that this type of action will be done by the City Council. Commissioner Wright asked staff to follow up on this concern.

**Item V. Items for Consideration:**

1. **Special Exception. A request from Matthew Rivera, Sr., property owner, for the placement of a roof mounted sign, 10 square feet in excess of the allowed amount located at 305 Calle Salazar. The property is located within the Plaza de Española Historic District.**

Mr. Larry Valdez, Planning Tech, read staff's report as follows:

**"Special Exception. A request from Matthew Rivera Sr., property owner, for the placement of a roof mounted sign, 10 square feet in excess of the allowed amount located at 305 Calle Salazar. The property is located within the Plaza De Espanola Historic District.**

**Recommendations:**

A special exception may be granted by the Planning and Zoning Commission if the Commission deems a special circumstance exists which warrants the special exception as noted below.

**Executive Summary:**

In accordance with the City of Española, Development Code, Article IX, Section 419, *Special Exceptions*, the request shall be reviewed against the following:

(A) An application for special exception may be applied for by submittal of an application to the Director or his or her designee, to be processed and submitted for review by the Planning and Zoning Commission. A special exception may be requested to deviate from certain requirements herein specified for signage including but not limited to area, dimensions, height, location and any other sign characteristics.

(B) A special exception may be granted by the Planning and Zoning Commission if the Commission deems a special circumstance exists which warrants the special exception. The following criteria shall be used in the review and approval of requests:

(1) A literal application of the code would not allow the property to be used at its highest and best use as zoned;

(2) The granting of the requested exception would not be materially detrimental to the property owners in the vicinity;

(3) Conditions exist which are unique to the property or type and size of development that would cause hardship under a literal interpretation of the sign code;

(4) The granting of the special exception is in the best interests of the public at large and would not be contrary to the general objectives of the sign code and adopted land use plans.

(C) The Planning and Zoning Commission may attach any additional conditions necessary to maintain the intent and purpose of this chapter, in the interest of the public.

(D) Notice shall be given to all property owners within 100 feet of the proposed sign location via certified letter no less than 15 days prior to the scheduled hearing date.

In addition, Article XXI, of the City of Espanola Municipal Ordinance No. 313 which provides guidance for the "Plaza De Espanola Historic District" identifies the following in **Section 6, Signage**:

Designs for all exterior signage must accompany all building applications. Signs shall be in the historical mode of the Plaza De Espanola. Flashing neon or similar signage will not be permitted. Exterior illumination will be permitted, but must be in the traditional character of the mercantile era.

**Summary:**

The applicant first approached this office with a request for information regarding wall signage. As noted in his letter to the Planning Department dated November 23, 2010, the applicant was under the impression that this sign would meet the allowable square footage per code. Upon review it was identified as a roof mounted sign approximately 50.1 square feet in size. As noted in Article IX, Section 421, Appendix B, of the Development Code, roof mounted signs are permitted to be up to 40 square feet, one per building and not to extend higher than (8) eight feet above the roof line. The placement of the roof sign would need to be done by a licensed general contractor.

Prior to the applicant's acquiring the funeral home, the business was known as Block Salazar Funeral Home. This building was established at this location in the early 60's.

As noted in the executive summary, this location is within the Plaza De Espanola Historic District. Therefore, the information provided from this article must be addressed.

It is the understanding of this office that the sign has already been fabricated.

The current existing wall signage was granted approval in 2006 and totals 48 square feet.

**Comments:**

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

Mr. Naranjo stated that he had received a phone call from Mr. Vigil, adjacent property owner, stating he was in favor of this request.

Commission Martinez stated that Section 6 of the Development Code, states that the sign "must be in the traditional character of the mercantile era." She asked what traditional mercantile era meant.

Commissioner Khalsa stated that the signs are off the wall and are lit. He added that the proposed sign will be within the mercantile era.

Mr. Matthew Rivera, property owner, stated that the proposed sign is part of an old sign that has been fabricated. He added that the old sign, which was removed, is larger than the proposed one. Mr. Rivera stated that he would like to place the sign so the building will be easier to find when coming across the Oñate Bridge. Mr. Rivera stated that the sign will not be placed by the door and has been designed to be anchored on the beams. Mr. Rivera stated he had the sign made according to what he thought was allowed. He added that the letters will be antique gold and will be illuminated. Mr. Rivera stated that there will be no neon, bright or flashing lights.

Chairman Wright stated that Espanola does not have a night sky ordinance; however, he would like to know how he will be illuminating the sign.

Mr. Rivera stated that he is proposing to place spot lights to shine on the sign. However, he is open to suggestions.

Mr. Naranjo stated that the City does have the Night Sky Ordinance and the lights cannot be pointing straight up.

Mr. Rivera stated that the sign will be placed between two (2) pitch roofs and will not be visible from Paseo de Oñate.

Chairman Wright asked Mr. Rivera to work with staff on the lighting issues.

*Chairman Wright opened the public hearing.*

Mr. Virgil Vigil spoke in favor of the request. He added that any improvements to the area would revive it.

*No one else spoke; therefore, Chairman Wright closed the public hearing.*

Commissioner Khalsa stated that the proposed sign is a perfect solution to the roof design. He added that it is very important that a funeral home be easy to locate.

Commissioner Koontz stated that the sign is very nice. She stated that she would like to respond to Mr. Virgil Vigil's comment. Commissioner Koontz added that she too would like to see the area revitalized. She stated that the Commission has had discussion on forming a historical committee and informed Mr. Vigil he was welcome if he would like to get involved.

**Commissioner Khalsa moved to approve this request with the condition that Mr. Rivera consult staff in the lighting issue. Commissioner Martinez seconded the motion. Motion carried by a 4-1 vote. Commissioner Beaudoin opposed.**

- 2. Variance Request. A variance request from Clyde Vigil, property owner, on lot size dimensions for a proposed lot split located at 909 Calle Lopez. The property is located within the R-6, Urban Residential District.**

Mr. Valdez read staff's report as follow:

**"Variance Request: A variance request from Clyde Vigil, property owner, on lot size dimensions for a proposed lot split located at 909 Calle Lopez. The property is located within the R-6, Urban Residential District.**

**Recommendations:**

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

**Executive Summary:**

In accordance with the City of Española, Development Code, Resolution 2004-20, **Site Development Requirements, Single Family Residential Districts, Table 1:**

<b>R-6 Districts:</b>		<b>Proposed/Existing</b>
<b>Lot Area:</b>	<b>6500 square feet</b>	<b>6612 square feet</b>
<b>Lot Width:</b>	<b>65 feet</b>	<b>34 feet</b>
<b>Setbacks:</b>	<b>20' Front 25' Rear 5' Sides</b>	<b>12' Front 3' Rear 8' Sides</b>
<b>Lot Coverage:</b>	<b>35%</b>	<b>13%</b>
<b>No. of Dwelling Units per lot:</b>	<b>(1) One</b>	<b>(1) One</b>

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:**

The request for variance on lot size dimensions is being proposed on an existing 15,000 square foot lot located at 909 Calle Lopez. The applicant is requesting to split the property to create two individual lots, each with its own residential home located on it.

This lot has an extensive history of exchange between owners which has led to confusion regarding the second home. This office has not been able to determine when the second home was allowed to be constructed on this property. The current property owner has not been able to provide information to this request either. Both homes are individually connected to city utilities and therefore this office will accept the second home as legal non-conforming.

The minimum lot size requirements for this area are 6500 square feet, with a minimum lot width dimension of 65 feet. The owner is proposing a lot size of 6612 square feet with a lot width at the largest point being approximately 34 feet. Currently, the larger home is unoccupied with renovations pending the outcome of this case.

**Conditions of approval:**

Should approval be granted to allow the proposed lot split, staff is recommending that the following be considered as conditions of approval:

1. An additional entrance must be created to support the primary home. The entrance should be a minimum of 20' wide, with curb cut permits being obtained.
2. Building permits must be obtained for the continued renovations of the primary home.

**Comments:**

Numerous individuals have contacted this office requesting information regarding this request. As of this memos writing, documentation has not been provided to this office, either for or against, this request."

Commissioner Koontz asked if it was correct that there was no record on the second structure on the lot Mr. Naranjo stated that this request is for the lot split, however, upon doing research building permits were not found.

Chairman Wright asked if this structure would be considered a legal non-conforming use. Mr. Naranjo stated that was correct.

Mr. Clyde Vigil stated that he had purchased the homes as an investment. He added the houses were not habitable however; he will be fixing the houses and selling them. He added that his intent is not to impede the neighborhood, only to improve it. He added that he will bring the houses up to code and will be applying for proper permits.

Commissioner Beaudoin stated that it was logical to include access when creating the lot split. He asked if access to the main house would be on the west side. Mr. Vigil added that it will be to the west and the second house will have access on the east side.

Mr. Vigil stated that he is trying to conform with setbacks on both lots. He added that his intent is to make the house more attractive and sell them to a family looking to purchase a house. Mr. Vigil said that he is currently renting the small house and they have expressed interest in purchasing the property.

Commissioner Koontz asked if this was a for profit request. Mr. Vigil stated that "House Healers" buy houses and rehabilitate them and sell them. He added that it was an investment for their retirement.

Chairman Wright stated that staff recommends that an additional 20 foot entrance is added and curb cut permit be obtained and that the proper permits be obtained for the remodeling of the homes. He asked if Mr. Vigil would be willing to comply with recommendations. Mr. Vigil responded yes.

Chairman Wright suggested that plat include an easement for the overhead power lines and utilities.

*Chairman Wright opened the public hearing.*

Mr. Virgil Vigil spoke in favor of the request. He stated that he is in support of providing more houses for people to live in.

Ms. Marguerite Kearns stated that she had a concern on the street name because it is referred to as "Calle Lopez" "Lopez Street and "Lopez Lane." She added that the street name sign reads "Lopez Lane."

Chairman Wright asked staff to correct this issue because it creates confusion for emergency responders.

Mr. Naranjo stated he will look into this issue. He added that the majority of the maps have "Calle Lopez."

Ms. Angela Gingrich stated that she and her husband support this request. Chairman Wright asked if she lived across the proposed property and was aware that another drive way will be added. Ms. Gingrich responded yes.

*Chairman Wright closed the public hearing.*

**Commissioner Koontz moved to approve this request with the following conditions; that a 20 foot wide access be added, a curb cut permit be obtained, building permit be obtained and the survey plat include easement for utilities. Commissioner Khalsa seconded the motion. Motion carried by a 5-0 vote.**

Commissioner Koontz commended Mr. Vigil for doing something nice for his community. Mr. Vigil introduced Mr. Scott Lee who is co-owner of the property.

**3. Variance Request. A second variance request from Clyde Vigil, property owner, on setbacks on an existing residential structure located at 909 Calle Lopez. The property is located within the R-6, Urban Residential District.**

Mr. Valdez read staff's report as follows:

**"Variance Request: A second variance request from Clyde Vigil, property owner, on setbacks on an existing residential structure located at 909 Calle Lopez. The property is located within the R-6, Urban Residential District.**

**Recommendations:**

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

**Executive Summary:**

In accordance with the City of Española, Development Code, Resolution 2004-20, **Site Development Requirements, Single Family Residential Districts, Table 1:**

<i>R-6 Districts:</i>		<i>Proposed/Existing</i>
<i>Lot Area:</i>	<i>6500 square feet</i>	<i>6612 square feet</i>
<i>Lot Width:</i>	<i>65 feet</i>	<i>34 feet</i>
<i>Setbacks:</i>	<i>20' Front 25' Rear 5' Sides</i>	<i>12' front 3' rear 8' sides</i>

Lot Coverage: 35%

13%

No. of Dwelling Units per lot: (1) One

(1) One

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 for the second home identified as 909 B Calle Lopez. As noted, the applicant is requesting to subdivide the property to create two individual lots, thus creating nonconforming setbacks on the second home. Should the proposal for lot split not be approved, the variance on setbacks will not be required as it is the opinion of this department; both homes on the lot are legal non-conforming, constructed prior to development code.

Currently, this home is noted to have a three (3) foot rear setback and a (12) twelve foot front setback. The minimum front and rear setback requirements for this zoning district are twenty-five (25) feet rear and twenty (20) feet front.

**Comments:**

Numerous individuals have contacted this office requesting information regarding this request. As of this memos writing, documentation has not been provided to this office, either for or against, this request."

Commissioner Beaudoin asked what the required setbacks for this request were. Mr. Naranjo stated they are required to be 20 feet and they currently have 12 feet. Commissioner Beaudoin stated that in order to meet the required setbacks a portion of the house will have to be torn down.

Commissioner Koontz stated that historically setbacks are hard to meet on properties on the west side of the city.

Mr. Naranjo stated that the setbacks were created when the lot spilt was approved.

Commission Khalsa asked if some type of fire protection would be installed. Mr. Vigil stated that placing a wall would be the only type of fire protection.

Commissioner Koontz stated that Fire Chief John Kitchen has stated, in the past, that the fire department will do whatever it takes to put out a fire.

Mr. Vigil stated that the houses are constructed of brick. Commissioner Khalsa asked if it was penitentiary brick. Mr. Scott Lee responded yes. Commissioner Khalsa stated that type of brick does not burn.

Chairman Wright stated that there are two (2) lots now and should no longer be A & B and should have their own individual house number. Mr. Naranjo stated that he will forward the information to the city addresser.

*Chairman Wright opened the public hearing.*

Mr. Lee stated that there has been a problem with the addresses on the property. He added that it was 906 then changed to 909, Mr. Lee said there is another lot on that street addressed as 906.

Ms. Lisa Marshall stated she had contacted the addresser and corrected the 906 address.

*Chairman Wright closed the public hearing.*

**Commissioner Martinez moved to approve the variance request for Clyde Vigil at 909 Calle Lopez. Commissioner Khalsa seconded the motion. Motion carried by a 5-0 vote.**

- 4. Variance Request. A variance request from Bernadette Archuleta, property owner, to allow a third residential structure on a 10,454 square foot lot located at 1213 Taos Lane. The property is located at within the R-6, Urban Residential District.**

Mr. Valdez read staff's report, as follows:

**"Variance Request: A variance request from Bernadette Archuleta, property owner, to allow a third residential structure on a 10,454 square foot lot located at 1213 Taos Lane. The property is located within the R-6, Urban Residential District.**

**Recommendations:**

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

**Executive Summary:**

In accordance with the City of Española, Development Code, *Section 6, Application of provisions*, the following requirements apply:

**(b) Except as provided in this Ordinance, the following general regulations apply:**

- (6) *Only one principal building and its customary accessory building may hereafter be erected on any lot, except as authorized in the RM multifamily district, nor shall any building erected on any lot which does not abut at least 25 feet on a publicly dedicated or maintained street.*

Also, *Article VII Nonconforming Uses, Section 305, Nonconforming uses of structures; structures and land in combination*, apply:

- (5) *When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for 180 days, the premises shall not thereafter be used except in conformity with the provisions of the district in which it is located.*

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**

- (e) 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.
- (f) 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.
- (g) 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.

- (h) 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 was heard by the Planning and Zoning Commission in June 2008, presented by the owner, Ms. Bernadette Archuleta. That request was denied and appealed to City Council where it also was denied. The applicant/owner has requested the variance be heard once again for the placement of a second mobile home on the property located at 1213 Taos Lane.

The previous owner of the property allowed the placement of a mobile home on the property, which was in extreme non-compliance of minimum setback requirements and thus required to be removed in 2008. At that time, the property owner was advised by this office of the consequences of non-conforming use being abandoned in excess of 180 days.

As stated in the executive summary, when a non-conforming use of a structure or structure and land in combination is discontinued or abandoned for 180 days, the premise shall not thereafter be used except in conformity with the provisions of the district in which it is located. (Development Code, 2003-15, Article VII, Section 305)

As noted in previous documentation, a lot split is not possible without Commission approval, due to the size of the property. This property is approximately 10,454 square feet in area. As in similar cases, the existence of separate utilities could indicate a legal non-conforming use of property. Staff is unable to make the determination as to how and when the second and third structures were placed based on extensive records review. Nevertheless, the non-conforming use section of the code needs to be considered which states: "When a nonconforming use of a structure or structure and land in combination is discontinued or abandoned for 180 days, the premise shall not thereafter be used except in conformity with the provisions of the district in which it is located".

Based on the fact that staff cannot determine the date or procedure taken in placing the mobile homes on the lot, it is understandably possible this may have been a legitimate placement. Therefore, should the applicant be granted approval for the placement of the mobile home, it should be required that the size of home not to exceed 16x 40.

**Conditions of approval:**

Should approval be granted to allow the placement of a second mobile home on this property, staff is recommending that the following be considered as a condition of approval:

3. The placement of any mobile home on the lot must be situated in such a way to allow for a 10' front and 10' rear setback. Staff has determined that anything larger than a 16x40 mobile home will not conform and therefore will not be allowed.
4. There shall be no vehicular street side parking.

**Comments:**

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

Commissioner Khalsa asked if a 16' X 40' mobile home exists. Mr. Naranjo stated that a 16'X40' mobile home is the size that will meet setback requirements.

Mr. Jason Archuleta, property owner, stated that a 16'X40' mobile home could probably be made; however, the proposed mobile home would not impede access on Taos Lane.

Ms. Bernadette Archuleta, property owner, stated that the previous owner had a mobile home at this location and the proposed mobile home will not exceed the size of the previous one. She added that

she will be removing the hitch from the mobile home and the proposed mobile home is 14'X55'. Ms. Archuleta stated she will be renting the mobile home and using the money for her retirement.

Mr. Naranjo stated that the information submitted by Ms. Archuleta shows the proposed mobile home as 15'7"X55'.

Commissioner Koontz asked for the year of the mobile home. Ms. Archuleta responded that it is a 2000.

Mr. Naranjo stated that the proposed rear setback is five feet (5') and staff recommends a minimum of ten feet (10').

Chairman Wright stated that in order to meet the ten feet (10') front and rear setback the mobile home cannot be larger than a 16'X40'. Mr. Naranjo stated that the mobile home could be narrower but not larger.

Mr. Valdez stated that during the site visits they visited an area that has mobile homes that are the similar size as suggested by staff.

Mr. Archuleta stated that by renting the mobile home people will live in the city and will add to the economy.

Chairman Wright stated that one of staff's recommendations, if approved, is that there is no parking on the street. Ms. Archuleta stated there is enough room on the lot for two (2) cars to park.

Chairman Wright stated that this request could be considered a mini mobile home park and the requirements for a mobile home parks need to be fixed. He asked if this request meets the criteria for a mobile home park.

Mr. Naranjo stated that mobile home parks require paved streets and this street is already paved; lighting and utility hookups also exist. He added that the setback requirements would not be met. Commissioner Khalsa stated that by placing a 40 foot mobile home the required 20 foot rear setback would not be met.

Commissioner Beaudoin asked what the zoning requirements for this neighborhood were. Mr. Naranjo stated that this area is an R-6 zoning district and requires 6500 square feet per lot.

Mr. Valdez stated that the mobile home park requires a minimum of three (3) acres and each lot shall consist of 5000 square feet. The applicant is proposing to place a mobile home within a 2700 square foot area.

Commissioner Koontz read section 215 of the Development Code pertaining to placement of Manufactured Homes.

Commissioner Martinez asked who would be living in the proposed mobile home. Ms. Archuleta responded that once her son moves to Santa Fe she will live there. However, for now she will rent it and use the money for her retirement.

Commissioner Martinez asked if the mobile home has already been purchased. Ms. Archuleta responded that she has purchased it from a church in Albuquerque.

Chairman Wright stated that the commission cannot grant temporary approval, therefore, the structure would be there permanently and houses could be placed there in the future.

Chairman Wright informed Ms. Archuleta that certain criteria must be met in order to apply for a variance.

Ms. Archuleta stated that she believes her case is a hardship because she was misinformed when she purchased the property. She added that her son rented from the previous owner and a mobile home was placed at this location. Ms. Archuleta said that when the previous property owner's son moved in a larger mobile home into this location the City asked him to remove it.

Ms. Archuleta stated that the mobile home will not create a fire hazard and vehicles will not be parked on the street.

Commissioner Wright read the variance request criteria:

1) 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.

Ms. Archuleta stated that she believes she meets this because her hardship is not self imposed

2) 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.

Ms. Archuleta stated that she also meets this section Chairman Wright stated that he does not believe she meets this section because there are already two (2) structures on the lot and the request is for placement of a third structure.

3) 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.

Chairman Wright stated that there is not sufficient room for a third structure. He added that some of the other structures in area are legal non-conforming

*Chairman Wright opened the public hearing.*

*There was no public in-put; therefore, Chairman Wright closed the public hearing.*

Commissioner Koontz stated that this request had already been denied by the commission and also by the city council. She added that staff recommends, if approved, the mobile home be a 16'X40'. Commissioner Koontz stated that if approved this will be the third structure on one lot.

Commissioner Koontz asked if a special use permit for five (5) years could be granted. Mr. Naranjo responded no.

Commissioner Koontz stated that she feels for Ms. Archuleta and she does care about the people of the community. She added that there were several conditions and the commission has to consider the safety issue.

Commissioner Khalsa stated that the area is less than half of the required area per dwelling. He added that the commission could either ignore staff's recommendation or stick to the development code. Commissioner Khalsa stated that Ms. Archuleta is requesting to place three (3) structures on 10,000 square foot lot.

**Commissioner Beaudoin moved to deny this request as well as item 5 for non-compliance and to be within the preview of the development code. Commissioner Koontz seconded the motion.**

Chairman Wright stated that the variance request is to place a third (3) structure on the lot which would double the allowed density. He added that he believes the hardship is self imposed.

**Motion carried by a 4-1. Chairman Wright opposed. He informed Ms. Archuleta of her right to appeal this decision to City Council within 15 calendar days.**

**5. Variance Request. A second variance request from Bernadette Archuleta, property owner, on front and rear setbacks of proposed structure, if approved. Located at 1213 Taos Lane. The property is located within the R-6, Urban Residential District.**

**Request denied (see above motion).**

6. **Variance request.** A variance request from Olga Garcia, property owner, on side setbacks for the consideration of a carport located at 819 La Joya Street. The property is located within the R-6, Urban Residential District.

Item removed from agenda.

7. **Variance request.** A second variance request from Olga Garcia, property owner, on total lot coverage if structure is approved, located at 819 La Joya Street. The property is located within the R-6, Urban Residential District.

Item removed from agenda.

8. **Code re-codification:**

**Commissioner Khalsa moved to forward Cyrus Samii work, on re-codifying the code to City Council, for their approval. Commissioner Beaudoin seconded the motion.**

Chairman Wright asked if Commissioner Martinez's comments would be included. He added that Commission Martinez added some valid points and should be included in the code.

**Commissioner Khalsa amended his motion to include Commissioner Martinez's comments. Commissioner Beaudoin seconded the amended motion. Motion carried by a 5-0 vote.**

Chairman Wright stated that the footnotes make it easier to locate the criteria, he would like for them to be left on.

#### **Item VI Approval of Minutes:**

November 18, 2010

Commissioner Martinez stated that "stream lining" on page 2 should read as one word "streamlining".

**Commissioner Khalsa moved to approve the minutes of the Planning Commission meeting of November 18, 2010 with the above noted correction. Commissioner Martinez seconded the motion. Motion carried by a 5-0 vote.**

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

Commissioner Khalsa asked if the commission would hold a work session after Mr. Samii had done his presentation. Mr. Naranjo responded that he would like to set up a work session prior to the presentation to discuss the sign code.

Commissioner Martinez asked if the commissioners, as volunteers, could utilize the city facilities at no charge. Mr. Naranjo responded yes.

Commissioner Koontz asked if another commissioner would be appointed to replace Commissioner Torres. Mr. Naranjo stated that the appointment will be placed on the city council agenda.

Chairman Wright stated that Commissioner Sandoval was not present; however, she has a concern that there is no stop sign as you exit the north entrance to the emergency room. Mr. Naranjo stated he would notify the hospital administrator.

Commissioner Martinez requested that name plates for the commissioners be placed for the meetings. Mr. Naranjo stated he would check for the old name plates and would also check the budget and see if there was money available in that line item.

Commissioner Koontz stated that a resident has approached her and inquired about abandoned buildings. She added that the resident stated they have called the police when they see activity in a vacant building and they have stated they cannot do anything because it is private property. Mr. Naranjo stated this issue has been brought up to public safety.

Commissioner Martinez stated that the packets for this meeting did not include minutes from the Development Review Team meeting. She added that they would have been helpful in Ms. Archuleta's case. She requested that the DRT minutes be included in future packets.