

**Planning Commission Meeting**  
**May 13, 2010**  
**5:30 PM**  
**Planning & Zoning Room**  
**405 N. Paseo de Oñate, Española, NM**

**Item I Call to Order:**

The meeting was called to order by Chairman Wright at 5:37 PM. The following were present:

Commissioners: Erle Wright, Chairman  
Richard Beaudoin  
Amrit Khalsa (*absent*)  
Laurie Koontz (*arrived 5:52 pm*)  
Anissa Martinez  
Sunee Sandoval  
Jacob Torres

Staff: Russell Naranjo, Planning Director  
Larry Valdez, Planning Tech  
Joe Duran, Building Official  
Isabelle Martinez, Code Enforcement Officer

**Item II Pledge of Allegiance:**

Commissioner Wright led the Pledge of Allegiance.

**Item III Approval of Agenda:**

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 Advantage Asphalt to construct a proposed 5,888 square foot commercial structure located at 1111 North Riverside Drive. The property is located within a B-2, General Commercial District.
  2. Commercial Site Plan Review. A request from Mr. Andres Vigil for proposed retail sales within a Motorcycle Shop to be located at 113 North Railroad Avenue. This property is zoned as Plaza De Española Historic District.
- VI. Approval of Minutes  
April 8, 2010
- VII. Matters from the Planning Commission
- VIII. Matters from the Planning Staff
- IX. Adjournment

Commissioner Beaudoin moved to approve the agenda as presented. Commissioner Martinez 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 Advantage Asphalt to construct a proposed 5,888 square foot commercial structure located at 1111 North Riverside Drive. The property is located within a B-2, General Commercial District.**

Mr. Russell Naranjo, Planning Director, stated that staff had presented their report at the last meeting. He added that the Commission had requested additional information and it has been addressed on the new submitted plans.

Mr. Jon Paul Romero, Agent, stated that the Commissioners concerns have been addressed. He added the access to the project will consist of a right-in, right-out, left turns will not be allowed. He stated that they will finalize the approval from the Department of Transportation (DOT) once the Commission grants approval for this request. Mr. Romero added that the curb and gutter will be raised in order to allow the right-in and right-out. He added that they will be proposing to plant trees that are drought tolerant. Mr. Romero stated that the easement issue is currently being reviewed by their attorney.

Commissioner Wright stated that the plans show the left turn into Bank of America. Mr. Romero stated that they cannot prohibit access to other businesses. He said that DOT will determine the exact dimensions for the raised curb.

Commissioner Beaudoin asked if the survey plat had been submitted. Mr. Romero stated that the plat had been submitted separately to Mr. Naranjo.

*(Commissioner Koontz arrived at 5:52 PM)*

Commissioner Torres stated that he had concerns with the ingress/egress and is satisfied with the proposed right-in, right-out. He added that he would like to see Monterey Lane closed to through traffic however; he knows that is a legal matter.

Mr. Romero stated they had anticipated opening Baskin Robbins by the first of June. However, they were unable to meet that target date. He added they will continue to work with city staff to assure that they provide a good service to Española.

Mr. Naranjo stated that he was unable to locate the survey plat; however, it has been submitted. He added the survey plat showed Monterey Lane as a utility easement and not a right-of-way.

Commissioner Martinez stated that the building will consist of three (3) separate areas. She asked for the total amount of parking spaces that will be provided. Mr. Romero responded there will be 19 spaces including the two (2) handicap spaces. He added that the code requires 17 spaces and they will be providing two (2) additional spaces.

Commissioner Wright stated that the Commission had asked that DRT review the turning radius for fire truck access. Mr. Naranjo stated that Fire Chief Kitchen had once again, reviewed the plans and did not have any concerns with the proposed radius. He added that Chief Kitchen had stated that in case of a fire, they will fight the fire from the roadway.

Commissioner Wright asked if the proposed signs have been reviewed. Mr. Naranjo responded that they will be reviewed and approved when the permits are applied for.

Commissioner Wright asked if DRT had reviewed the placement of the water lines under the retention pond. Mr. Naranjo stated that DRT does not object to the placement of water lines under the pond as long as they are insulated. DRT members suggested placing the lines on Monterey Lane; however, it is the developer's decision to place them where they see fit.

Mr. Romero stated that the owners are contractors and will be doing the work themselves. He added that the owners were present at the meeting.

Mr. Anthony Montoya, owner, stated that they own the Baskin Robbins franchise for northern New Mexico. He added that they will be working with DOT to eliminate any traffic problems. Mr. Montoya stated that they would like to start construction as soon as possible and provide something nice for the city.

**Commissioner Torres moved to approve this request with the condition that the applicant report back once they receive approval from DOT, that proper sign permits be obtained, that the water lines be insulated and the proposed landscaping plan be complied with. Commissioner Koontz seconded the motion. Motion carried by a 5-1 vote. Commissioner Beaudoin voted against the motion. Commissioner Beaudoin stated that he would like to see the survey plat and see if the easement is a right-of-way, utility easement, adverse possession or what it is plated as.**

**2. Commercial Site Plan Review. A request from Mr. Andres Vigil for proposed retail sales within a Motorcycle Shop to be located at 113 North Railroad Avenue. This property is zoned as Plaza de Española Historic District.**

Mr. Larry Valdez, Planning Technician, presented staff's report. Mr. Valdez stated this request has been reviewed by DRT and received a do pass recommendation from the committee.

Mr. Valdez stated that the proposed motorcycle parts store is within the Plaza De Española Historic District. The proposed building was formally known as Norge Town Dry Cleaners. The New Mexico Environment Department (NMED) is currently performing ongoing remediation activities to address the subsurface soil and ground water contamination associated with the former dry cleaning operations at this property. Prior to allowing the applicant to apply for this request, permission from NMED was required for this site.

Mr. Valdez added that NMED does not foresee any issues related to the use of the building as a motorcycle parts store although it does restrict the area immediately behind the building around the treatment system well vault from use of open flames, grinding or smoking. For this reason, the applicant will not be able to apply pavement or plant trees and shrubbery.

He added that a detention pond has been identified on the site plan but is restricted from being excavated in excess of twelve inches (12"). It has also been suggested that once the ongoing cleanup efforts have been completed, the applicant could pave the parking lot.

In reviewing this request, it was also noted that the proposed North Railroad realignment project would affect a portion of the property directly in front of the building. According to plans submitted for this project, this portion of the property would be used for the proposed roadway realignment. The North Railroad Realignment project has been placed on hold until the remediation process has been completed.

Mr. Valdez stated that staff has not received any complaints from adjacent property owners. The only comment that was received was that work was being conducted in the building during the late hours of the night.

Mr. Valdez added that staff recommends approval of this request with the following conditions:

- The handicap parking area is required to be hard surfaced. The applicant can pour a 3 ½ inch concrete pad.
- The parking lot must be paved upon completion of the remediation process and the North Railroad realignment project.

Commissioner Beaudoin asked if by placing the handicap parking space will that eliminate the need for a ramp. Mr. Valdez stated that the concrete will have to be raised to the level of the sidewalk. Commissioner Beaudoin asked if the ramp will require rails. Mr. Valdez stated that that will be determined when the building permit is issued. Commissioner Wright asked if the entrance will be at the front of the building. Mr. Valdez responded yes.

Commissioner Koontz asked how long of a process it is to clean the super fund area. Mr. Naranjo stated that he is not sure; however Commission Beaudoin may have an idea. Commissioner Beaudoin stated that the Environment Protection Agency (EPA) does not have a scheduled date, however he believes it will be monitored until 2015.

Commissioner Wright asked if it will be a retail shop or if repairs will be done on site. He also asked the applicant if he agreed to the conditions set by staff. Mr. Andres Vigil, applicant, responded that no repairs will be done and he does agree with the conditions that have been recommended.

Commissioner Torres stated he would like to assure that the applicant is aware of the dangers of smoking in this area. He wanted to assure that they would not do any grinding in the area.

Commissioner Koontz asked if the proposed sign complies with the historic district code. She added that when the realignment of North Railroad is done, there will be approximately five to six feet away from the entrance. She asked if the entrance will be relocated. Commissioner Wright stated that the applicant will have to be reconfigured the parking area.

Commissioner Koontz stated that there are no sidewalks in that area; she asked how the pedestrian's will be accommodated. Mr. Naranjo stated that the sidewalks are included in the Railroad realignment project. He added that it is not the applicant's responsibility to place sidewalks.

Commissioner Wright stated that the code requires that the submitted plans be stamped by an architect or engineer. He added that the applicant has submitted a nice set of plans and are not stamped. He added that the code may have to be reevaluated because requiring engineer/architect stamps may be placing an unnecessary burden on applicants. Mr. Naranjo stated that the stamps may be required for construction of new buildings.

Commissioner Wright complimented Mr. Vigil for the set of plans he submitted.

Commissioner Wright stated that this is a public hearing and asked for public input.

Mr. Elijah Mares stated that he lives at 504 East Chamisa. He added that he has not heard any noise with the work being done or any increase in traffic. Mr. Mares stated he was in favor of this request. He added that it will be one less abandoned building in the area.

Mr. Joe Duran stated that there are a lot of motorcyclists who have to travel to Santa Fe or Albuquerque to purchase parts for the motorcycles. This is an opportunity to keep money in the area. He spoke in favor of the request.

Mr. Jay Spore also spoke in favor of the request. He added that he knows Mr. Vigil will take good care of the property and will be an asset to the city.

Mr. Tom Daniels stated that there is a need for this type of business in the area. He said this business will increase tax revenue for the city. He added that Mr. Vigil will operate a successful business and asked that the commission consider granting approval of this request.

Mr. Ralph Sanchez stated that Mr. Vigil will operate a business in a building that is currently empty and will eventually get vandalized. He added that there is a need for this type of business in this area. He said that Mr. Vigil may be able to help the Vietnam Veterans riders when they ride through the area.

Mr. Harold Bustos stated that he currently works for Pro-Sec security and if approved they will be conducting courtesy rounds to the area to assure there is no vandalism to the business. He added that this business is something positive for the community and will keep money in the community.

Mr. Orlando Rodriguez stated that he also was in favor of the request.

Commissioner Koontz expressed her gratitude and welcomed the Vietnam Veterans home.

Commissioner Wright closed the public hearing.

**Commissioner Martinez moved to approve this request with the following conditions: the handicap parking space be hard surfaced, the parking lot be paved when allowed to excavate, the signage is in compliance with the Plaza De Española Historic code, a detention pond be placed once excavation is allowed. Commissioner Sandoval seconded the motion.**

Commissioner Torres asked if the motion could be amended to include that the five percent (5%) landscaping be complied with when excavation is allowed.

Commissioner Wright stated that the motion has already been seconded. However, a friendly amendment could be made.

Commissioner Martinez amended her motion to include that the five percent (5%) landscaping, required by code, be complied with as soon as excavation is allowed. Commissioner Sandoval seconded the amended motion.

Commissioner Wright called for the questions on the first motion. Motion carried by a 6-0 vote.

**Commissioner Wright called for the questions on the amended motion. Motion carried by a 6-0 vote.**

**Item VI Approval of Minutes:**

Commissioner Koontz stated that she meant the commission should be involved in the budget hearing not just her.

Mr. Naranjo stated that the budget process does not include the commission. Commissioner Koontz stated she had gotten that information from American Planning Association book.

**Commissioner Koontz moved to approve the minutes with the correction. Commissioner Sandoval seconded the motion. Motion carried by a 6-0 vote.**

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

Commissioner Torres stated that he would like to be more involved. He suggested that the commission schedule workshops.

Commissioner Beaudoin asked if it was appropriate for a commissioner to attend the DRT meeting. Mr. Naranjo stated that from a legal stand point he did not believe it was advisable for commissioners to attend the meeting. He added that attending the meeting may possibly influence the commission's way of voting. Mr. Naranjo stated that he would ask the attorney if it was advisable for a commissioner to attend.

Commissioner Wright stated that on page 23 of the Development Code, it does not exclude the commission from attending. He added that the professionals review the cases and submit the information to the commission. Commissioner Wright stated that in the past, not all DRT members would attend the meeting therefore, the commission would not receive information. He added that the commission had submitted a letter to the city manager, with a copy to the DRT member, advising him that the commission would not act on issues not heard by DRT. Commissioner Wright added that it is possible to taint the process by a commissioner attending the meeting.

Mr. Naranjo stated that every department has their own code and they review and submit their comments to the Planning Department.

Commissioner Beaudoin stated that he was unable to support the request from Advantage Asphalt because he had too many unanswered questions. He added that for example, he was not sure if there was access for delivery trucks and for the trash trucks. He added that by attending the DRT meeting he could have gotten the information.

Commissioner Wright stated the information in the packets should be reviewed prior to the meeting and if there are any questions staff should be contacted. Commissioner Wright stated that is why it is not a good idea to present plans at the meeting because they cannot review the plans properly.

Commissioner Koontz stated that in other cities she has seen delivery trucks park on the curb and deliver into the building.

Commissioner Beaudoin stated that he also wanted to see the survey plat to assure that Monterey Lane was a utility easement and not a roadway. Mr. Naranjo stated that would be a civil matter and does not affect the lot coverage for the size of the building.

Commissioner Koontz stated she would like for residents on Monterey Lane to access through the storage units.

Commissioner Koontz asked if anyone had written the thank you letter to the former mayor. She added that the commission needs to meet and possibly place a moratorium on mobile home parks until the policy complies with the comprehensive plan. She stated that she has been reading on urban planning that deals with streets, most cities do not deal with nonconforming lots.

Commissioner Wright stated that the commission is not a policy making body and has limited powers. The commission can only make recommendations to the City Council.

Commissioner Koontz stated that in order to be professional, they (the commission) have to get together other than at meetings.

Mr. Naranjo stated that work sessions need to be held. He added that the city currently does not have a city manager; therefore, the department has not received any direction on projects. He stated that overall the commission is doing a good job.

Commissioner Beaudoin asked if there was a process the applicant had to follow and a punch list to complete.

Commissioner Torres stated the commission could make recommendations and the city council might not take any action on them.

Mr. Naranjo asked the commission to list their priorities and work with the city council on the changes.

Commissioner Koontz stated that the comprehensive plan needs to be updated every five (5) years. She added that she would like to educate herself in order to make the right decisions.

*(Mr. Naranjo left the meeting at 7:00 pm to attend budget hearing)*

Commissioner Koontz stated that she had been misquoted in the Rio Grande Sun newspaper and had submitted a letter to the editor with the corrections.

Commissioner Wright stated that the commissioners have to be very cautious when making comments on active cases. Commissioner Koontz stated that someone has to make the corrections on misquotes.

Commissioner Beaudoin asked who is responsible for making corrections when there are misquotes. He suggested handling it as a commission and not individually.

Commissioner Koontz stated that someone has to inform the public of misquoting and make them aware of the corrections. Commissioner Wright once again cautioned the commission about making public comments on active cases.

Commissioner Koontz stated that the newspaper had printed that Commissioner Sandoval was unprofessional and they had no right printing that. Commissioner Sandoval stated that they quoted Phil Chacon for saying that.

Commissioner Sandoval suggested boycotting the local newspaper.

*(Commissioner Sandoval left the meeting at 7:14 PM)*

Commissioner Koontz stated she would like to know who is backstabbing the commission by taking information to the Rio Grande Sun.

Commissioner Torres recommended working together and decide as a commission on issuing corrections.

Commissioner Beaudoin asked who is responsible for sending corrections to the newspaper.

Commissioner Beaudoin stated that he had read the information Commissioner Torres presented at the last meeting. He added that he contacted the cities of Alamogordo, Silver City and Grants and requested a copy of their code on mobile home parks.

Commissioner Torres stated that was a good starting point.

Commissioner Wright stated that he also has gotten information on some adopted green ordinances. He added that the code on mobile home parks is well written the problem is that the inspection committee does not exist. Therefore, it is impossible to assure that the code is complied with.

Commissioner Beaudoin asked if it was possible to form sub-committees to work on different issues of the development code.

Mr. Valdez suggested to the commission that they review their packets when they get them and contact staff with any questions they may have. He added that staff will provide answers prior to the meeting and if the requested information is not available, the request may be removed from the agenda.

Commissioner Koontz stated she had attended the city council meeting, for the appeal from Mr. Phil Chacon. She added that Mayor Lucero had asked the city attorney if she could speak. The attorney had stated it was okay for her to speak. Commissioner Koontz stated she had spoken as a neutral person. She had informed the city council that Mr. Chacon has other options for utilizing this property, such as low income housing.

Commissioner Koontz stated that she does not have anything against mobile homes or being poor, she grew up poor. However, she cares enough for the people to protect them from slum lords.

Commissioner Wright stated that when making a motion to deny, the finding of facts had to be presented.

Commissioner Koontz stated that legal council should be present to assist the commission in making decisions. However, the city does not have an attorney.

Commissioner Wright stated that it takes time to provide the finding of facts.

Commissioner Koontz stated that she has an attorney she is consulting on the Comprehensive Plan.

Commissioner Koontz asked who is responsible for presenting the finding of facts. She stated that the portion of the mobile home park code states that 75 percent of adjacent property owners must approve. However, staff had stated that portion was illegal. Commissioner Wright stated that staff had researched that information.

**Items VIII Matters from Planning Staff:**

**NONE**

**Item IX Adjournment:**

**Commissioner Beaudoin move to adjourn the meeting. Commissioner Koontz seconded the motion. Motion carried by a 5-0 vote. Meeting adjourned at 7:47 PM.**

  
Chairman \_\_\_\_\_ Date \_\_\_\_\_ Secretary \_\_\_\_\_ Date \_\_\_\_\_