



City of Española
Planning and Zoning Department
405 North Paseo de Oñate
Española, NM 87532
(505)747-6061

October 13, 2011

NAME (PLEASE PRINT)	PHONE NUMBER
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Eddie Tafuya - WAL-MART	505.321.16184
Jake Beason - Patience	575-914-0492
William Klebesadel	505-310-3070
Lee Klebesadel	(505)920-5880
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Cara Merrinether	505 753-1656
Ramon Garcia	505 753-1656
Whitney Jones	505 753 2126
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Tony Rubin	505-666-2283
Dorinda Smith	505-423-3039
Kex Davidson	505-795 3540
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THOMAS CALDERA	747-1665

Planning & Zoning Commission Meeting

Thursday, October 13, 2011 – 6:00 pm
City Council Chambers, City Hall
405 N. Paseo de Oñate, Española, NM

I. Call to Order

The meeting was called to order by Chairman Erle Wright at 6:09 pm with the following in attendance:

Commissioners: Erle Wright, Chairman
Richard Beaudoin
Amrit Khalsa
Anissa Martinez
Sunee Sandoval

Staff: Russell Naranjo, Planning Director
Larry Valdez, Planning Tech
Isabelle Martinez, Code Enforcement Officer
Desirae Medina, Addressor/GIS Tech

Absent: Laurie Koontz

Others: See Attached Sign in Sheet

II. Pledge of Allegiance

Commissioner Anissa Martinez led the Pledge of Allegiance.

III. Approval of Agenda

Chairman Wright asked if there were any amendments to the agenda.

No changes were made, agenda proceeded as follows:

I. Call to Order

II. Pledge of Allegiance

III. Approval of Agenda

IV. Public Concerns

V. Old Business:

1. **Tabled Special Exception Request.** CMA Architectural Firm on behalf of Wal-Mart Store #2656 is requesting to replace an existing non-conforming pole sign in excess of the height and square footage criteria. The property is located at 1610 North Riverside Drive and is within the B-2, General Commercial District.

VI. Items for Consideration:

1. **Commercial Site Plan Review.** TECA Architects, on behalf of Las Cúmbres Learning Center, is requesting a commercial site plan review to place a 2400 square foot office building on property located on 104 N. Coronado Avenue. The property is located within the B-3, Central Business District.
2. **Special Exception Request.** Tom Piposar, on behalf of Petsense L.L.C., is requesting a special exception to install approximately 48 square feet of signage on an existing non-conforming pole sign, in excess of the height and square footage criteria and in violation of Article IX, of the City of Española Development code. The property is located at 628 N. Riverside Drive, Suite A, and is within the B-2, General Commercial District.
3. **Special Review and Variance Request.** Robert Purdy and Carol Merriweather, on behalf of the "Crisis Center of Northern New Mexico," are requesting a special review and variance request to place four (4) structures on approximately .68 acres for use as transitional homes for clients of the Crisis Center of Northern New Mexico. The property is located at 814 Fairview Lane, within the R-O-I, Residential, Office, Institutional District.

- VII. Approval of Minutes
- VIII. Matters from the Planning Commission
- IX. Matters from the Planning Staff
- X. Adjournment

IV. Public Concerns

Chairman Wright opened the floor for Public Concerns.
None were given.

V. Old Business:

1. *Tabled Special Exception Request. CMA Architectural Firm on behalf of Wal-Mart Store #2656 is requesting to replace an existing non-conforming pole sign in excess of the height and square footage criteria. The property is located at 1610 North Riverside Drive and is within the B-2, General Commercial District.*

Mr. Russell Naranjo presented the staff report at 6:11 pm as follows:

Mr. Chairman, members of the commission, the applicant, CMA architectural firm is proposing to resurface an existing legal non-conforming pole sign located on the property at 1610 N. Riverside Dr. The current dimensions of the legal non-conforming sign are approximately 32' in height and approximately 169 sq. ft. The applicant has been made aware of the new sign code adopted in 2009 which states in Sec 407 nonconforming signs that all business owners having existing legal non conforming signs within the current corporate boundaries of the City of Española established before the effective date of these new regulations may continue to display existing signs without sign modification notwithstanding the effect of any more restrictive regulations.

To further define the term sign modification: shall include any changes in style, business name, dimension or location, not to include alterations caused by ordinary maintenance or minor repairs which do not increase the useful life of the sign.

As defined, what is being proposed would be considered to be a new sign.

The code limits the height to 16' and a total square footage of a pole sign of 60 sq. ft. The application stands as presented with the new logos and facing being replaced to be kept at the same square footage and overall height.

In 1998 upon the initial construction of Wal-Mart, the Planning and Zoning entertained and granted a sign variance for the placement of 8 signs to be placed on the building siding. Based on new revised plans to remodel the existing structure, the signs will be scaled down from an existing 1,700 sq ft. to approximately 1,400 sq. ft. to be placed on the building face and considered by the code to be wall signs. Based on the current sign code the business is entitled to the greater of the following listed in appendix C. Maximum number of total square feet of 300 for all signs Percentage of ground floor area of principal building 1% Square feet of signage per linear foot street frontage 3.0

If we use the second of the above mentioned, this amount of wall signage would be in compliance with the current code. As you may recall it was the goal of this Commission and the approving City Council to lower the overall height of pole signs and increase the overall square footage while at the same time allowing businesses additional signage in the form of 32 different types of signage listed within the code.

It is unclear at this time of the plans for the proposed additional pole sign located on the property as within the current code only one pole sign is allowed per property.

As per the executive summary, within the city of Española dev. Code art. IX section 419 titled special exceptions, the request shall be reviewed against the following: A – D

At this time, as in most special exception requests and variance requests staff cannot recommend approval of this proposal as presented as it is in direct violation of the intentions of the sign code adopted 2009.

Staff has received a copy of a letter of opposition to this request from a Ms. Imelda E. Garcia.

Mr. Naranjo opened the floor for staffing questions from commission.

Chairman Wright stated he had concerns with Wal-Mart's second sign and asked if there was any progress on that.

Mr. Matt Green, CMA Architectural Firm, representing Wal-Mart, stated "yes" and presented the proposed design for the second sign which advertises the Tire & Lube Department.

Commissioner Khalsa asked how many square feet the second pole sign would be.

Mr. Green stated that last time he could not or should not make a decision for Wal-Mart, so at this time he would like to know what is available for Wal-Mart.

Chairman Wright stated that it was expressed by several members of the commission that they would like to bring the sign into compliance. He added that the sign code only allows for one pole sign and they would like to reduce the primary sign.

Mr. Eddie Tafoya, Wal-Mart #2656 Store Manager, asked what the allowed sign height was.

Chairman Wright answered 16 feet.

Mr. Tafoya announced that Wal-Mart is remodeling and would like to rebrand and suggested a compromise to bring down the primary sign and to keep the second one. "We get new customers everyday and would like to give them direction to where we are," he stated.

Commissioner Khalsa asked if Wal-Mart had discussed a monument sign.

Mr. Green stated that they had, but it does not seem like a monument sign would be plausible in sense of visibility.

Chairman Wright stated that he had done research of his own and would like to submit photos of the sign at the new Wal-Mart in Santa Fe, which has the new branding and has been installed as a monument sign.

Chairman Wright passed out photos.

Mr. Green stated that he had not seen that before.

Chairman Wright announced that not only is the sign displaying the new branding, but it is also the only sign on the property, other than what is on the building.

Mr. Green stated that the differences between the Santa Fe store and the Española store is the location: the Santa Fe store is all by itself.

Chairman Wright continued with the Santa Fe store comparison, stating that it is on a secondary road and part of a larger development, not to mention it sits well back so it would be in similar situation as the Española store. He added that if the Española sign was placed as the Santa Fe sign was, the signage would actually be off of Lowdermilk Lane.

Mr. Green stated that the sign would be nice and definitely works, but he did not normally see signs like it; however, he didn't know if it would work for the density of Riverside.

Mr. Tafoya explained that Wal-Mart is looking at the Wendy's and surrounding business signs and how their sign sits below those. Mr. Tafoya added that he gets 200-300 new customers a day and would like them to be able to see the sign.

Mr. Green stated that the size of the panel would be the same size and they would just be replacing the panel.

Commissioner Khalsa stated that the code is 60 square feet and they want 160.

Mr. Green agreed it is definitely larger than the standard, but in context to the street it is not relatively large. Mr. Green added that he understood the logic and reasoning and would like to find a nice medium.

Commissioner Beaudoin addressed Mr. Green and Mr. Tafoya explaining to them that when they discussed the sign at last meeting, the commission was trying to convey that Wal-Mart is a leader in the community, and when Wendy's and the others want to re-do their sign, and Wal-Mart does come down, then at that point, Wal-Mart's foot print would be larger. He added that

there will be a time when all signs come down and if there continues to be a compromise with everyone, the community will not get the signage they want. Based on the Santa Fe's ordinance and the decisions they have made, it should be doable to do the same in Española.

Commissioner Beaudoin asked that Wal-Mart's design teams take a look at the situation and see what they can do and have Wal-Mart take a leadership role. The goal is not to play "run-around the barn" and see what we can negotiate, but to work together and make our community the way we would like it to look and give the "leaders" a chance to lead.

Commissioner Sandoval shared that she was out of town recently and was in need of a Wal-Mart, so she "googled it" and had no need for a sign. "Google it and map it, signs are not much needed... you google it and it will take you right to the door," she added.

Mr. Green replied: "You are a very savvy Wal-Mart shopper."

Mr. Tafoya stated that what he was trying to do was delay a decision and get some approval from corporation and supervisors, but also to get to know what their options were. He wanted to know what the commission was expecting so that Wal-Mart could come up with a compromise. He added that he would touch base with those that make the decisions and will come back with a final resolution.

Commissioner Khalsa suggested he show them the pictures of the new Santa Fe store that Chairman Wright provided, and ask them why they cannot go with something like that for our store.

Mr. Tafoya affirmed that he would speak with his district manager and see what they could do.

Mr. Green stated that he would like to get together with the staff.

Mr. Naranjo stated: "Looking at the second sign you would be allowed several additional square footage and could increase that sign, if it went on the wall, which would actually be better." He added that Wal-Mart could put it on the corner of the wall displaying "Auto Center" and it could be more beneficial to Wal-Mart.

Mr. Green appreciated the recommendation and added that most communities like to have the direction sign on a pole rather than on the wall.

Mr. Naranjo also suggested that Wal-Mart consider a roof sign. He concluded: "There are alternatives that are worth looking into, if not, we can just look at the application as is."

Mr. Green acknowledged that there was enough wall space on the building to fit a sign on that portion of the building.

Chairman Wright stated that he would appreciate it if Mr. Green and Mr. Tafoya would go and look at the Santa Fe store and take all what they see back to corporation.

Chairman Wright asked if there was anyone present who would like to speak in favor of or against this case.

There was no response.

Commissioner Martinez made a motion to table.

Commissioner Khalsa seconded the motion.

The motion carried 5-0 vote.

IV. Items for Consideration:

1. *Commercial Site Plan Review. TECA Architects, on behalf of Las Cúmbres Learning Center, is requesting a commercial site plan review to place a 2400 square foot office building on property located at 104 N. Coronado Avenue. This property is located within the B-3, Central Business District.*

Staff report was read by Larry Valdez at 6:42, as follows:

Commercial Site Plan Review: TECA Architects, on behalf of Las Cúmbres Learning Center, is requesting a commercial site plan review to place a 2400 square foot office building on property

located at 104 North Coronado Avenue. This property is located within the B-3, Central Business District.

Recommendations:

This request was reviewed by the members of the DRT Committee during a regularly scheduled meeting. Minutes of the meeting are hereby provided. Recommendations for approval have been addressed and included in the submitted plans.

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:

Las Cúmbres Community Services is a non-profit agency that has been providing services to our community since 1971. The main office is located at 404 Hunter Street. In February 2008, Dr. Robert Fritch sold the property located at 104 N. Coronado Avenue to Las Cúmbres Community Services where they currently provide respite services to the developmentally disabled.

The request of Las Cúmbres is to place an additional building, approximately 2150 square feet, on the property for use as additional office space. Previously the primary building was used as a doctor's office, however, never received a commercial site plan review when the "use" was changed.

Discussion was held during the Developmental Review Team meeting regarding the relocation of the proposed retention pond. (The proposed location of the sanitary sewer line indicates it under the retention pond. Wastewater Services will not allow this due to settling, freeze, etc.)

The property is zoned B-3, Central Business District, as noted. In this zoning district, dimensional requirements are as follows:

➤ Lot Area.	Required. None, except as may be needed.	Proposed, 1.91 acres
➤ Lot Coverage.	Allowable. Unrestricted.	Proposed. .08 %
➤ Setbacks.	Allowable. Front, not req'd. Rear, 10' Sides, not req'd.	Proposed, Front 231', Rear 34', Side, 15'
➤ Parking overall	Required. None	Proposed, 34 Spaces total
➤ Pond Req.	Required volume to retain: 3741 CF	Proposed, 3741 CF
➤ Landscaping.	Required minimum, 5% of total lot area	Proposed, not indicated.
➤ Vehicular access.	Required minimum, 20'	Proposed, 13'
➤ Fire Hydrants	Located south of development, approved by Fire Dept.	

Conditions of Approval:

1. Due to the contour of the property and location of sanitary sewer line, the retention pond must be relocated.

Comments:

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

Mr. Valdez opened the floor for any questions for staff.

Commissioner Beaudoin asked when they originally occupied it was it not officially changed, keeping it a B-3, Zoning District.

Mr. Naranjo stated that originally it was a doctor's office in the 90s maybe 80s and at that time the zoning district was a B-3: the old zoning designated for B-3. Mr. Naranjo pointed out that the City could not down zone and for that reason it has not been down zoned and, therefore, will be looked at as a B-3.

Commissioner Beaudoin questioned if they were looking at an 84' or 34' on rear setbacks.

Mr. Valdez answered that it is 84'.

Commissioner Martinez stated that looking at the DRT minutes and the memorandum within their packets, there seemed to be a difference in square footage. "Which is correct," she asked.

Mr. Valdez answered that there were a couple of numbers proposed but they are looking at 2400 square feet.

Commissioner Martinez asked if the address was off of Barbee Street or Coronado Avenue. DRT states one and the memorandum another.

Mr. Valdez answered N. Coronado Avenue, Ms. Medina, Addressor, confirmed N. Coronado Avenue as well.

Commissioner Martinez pointed out that the Las Cúmbres site plan did not have a landscaping plan indicated. She asked if it had been discussed.

Mr. Valdez replied that there is some landscaping and some existing; however, it would be more of a detail: vegetation etc. Since it was not addressed during DRT the department did not propose it as a requirement, but it is something that can be addressed.

Commissioner Martinez asked if the landscaping could then be added as a condition of approval.

Mr. Valdez replied, "Correct."

Commissioner Martinez added that vehicular access is 24', but this plan only shows 20'. She asked what issues the difference would bring.

Mr. Naranjo answered that he was not sure of their egress ingress; however, they could ask the presenter.

Chairman Wright asked if the applicant was present.

Mr. Joseph Cordova stood to represent TECA Architects, on behalf of Las Cúmbres Learning Center, and stated that in regards to the property questioned, if you looked at site plan, Las Cúmbres exists off of Coronado with a 20' paved and existing driveway. He added that they have new paved parking and would also be adding new paving in front of the building for handicap parking. Mr. Cordova stated that there was also an existing 13', one lane wrap around for van access, which is used for pick-up and drop off. He stated that they meet current widths for driveways.

Mr. Cordova then addressed the second question regarding the retention pond, acknowledging that there is an 8" sewer line on the property; therefore, the retention pond was moved to the northeast corner, which would allow for the pond to be 15' away from the sewer line. He added that the landscaping does have trees and shrubs, with only 5 percent required, they have fulfilled the requirements and that is why a landscaping plan was not submitted.

Commissioner Beaudoin stated that he assumed the applicant has walked the property and explained that the commission was out at the property and two things struck him about the

pond: first of all, it sits on a gas line, and second of all, the building would sit on a knoll. Commissioner Beaudoin questioned if they were intending to pump the water out of the retention pond.

Mr. Cordova replied that with grading taking place the drainage would drain directly into the pond.

Commissioner Beaudoin asked about the drainage for parking spaces 1-20, he stated that there is a drainage slope that looks like it goes right into Coronado. He requested that the applicant give thought to create a drainage pond according to the natural lay of the land and drain into the landscape area: it would suck up the water and accent the land.

Commissioner Khalsa asked if 3700 ft was for the whole property, he then informed Mr. Cordova that he could reduce it significantly by considering Commissioner Beaudoin's suggestion on draining directly into the landscaping area and have a more manageable situation without disturbing a utility line or icing streets.

Mr. Cordova answered that he was willing to work with staff on that.

Chairman Wright opened up public hearing at 7:01 pm for questions, support or opposition.

Mrs. Lorraine Valdez, neighboring property owner, asked what kind of fence they were going to put up.

Mr. Cordova answered that the planning staff had requested a six (6) ft. fence. He stated that they are looking to have more residential look than a modern office space.

Ms. Valdez pointed to the southern property line on a drawing and asked if there was going to be access through Barbee Street.

Mr. Cordova answered that they do not have any access off of Barbee Street and all access was off of Coronado and Armada, which is existing.

Commissioner Khalsa asked what their hours of operation would be.

Mr. Cordova answered 8 o'clock am and occasionally opened as late as 7pm.

Commissioner Sandoval asked if they currently had any ideas of putting another building behind to the west of the proposed one.

Mr. Cordova answered that it would be a possibility in the future, should they need to go there, so it could increase in the future and future parking would also increase to meet requirements.

Commissioner Khalsa asked if it was going to be a site built unit or prefabricated.

Mr. Cordova answered, "Site built."

Chairman Wright informed the attendees that public hearing was still open, if anyone else had any questions for this case.

Commissioner Sandoval asked Mrs. Valdez if her question was answered to her satisfaction.

Mrs. Valdez answered, "Yes."

Chairman Wright stated that in regards to Mrs. Valdez's question there is a required buffer and maybe some landscaping would be added and be reasonable.

Chairman Wright closed public hearing at 7:07 pm.

Commissioner Sandoval asked staff if the applicant were to add on, would they be required to go before the commission again.

Mr. Naranjo answered, "Yes, they would have to come back." He continued to state that developers are asked to submit a Master Plan. If they do add on they would have to come back before the commission.

Chairman Wright was concerned that the setback to the west would not be maintained.

Commissioner Martinez asked what the total square footage of the building would be.

Mr. Cordova answered 2019 square feet of heated area and an additional 131 square feet for the portal, totaling 2150 square feet.

Commissioner Martinez asked staff if the square footage for the portal should be excluded from their calculations.

Mr. Naranjo stated that the overall square footage, including the portal, is looked at.

Commissioner Martinez pointed out that they were given three different numbers and wanted to clarify that they were getting the right numbers.

Commissioner Khalsa made a motion to approve with additional information requested by staff.

Commissioner Martinez seconded the motion.

Chairman Wright asked if there were any conditions.

Commissioner Khalsa replied that a landscaping plan needed to be submitted and the retention pond needs to be addressed.

Mr. Naranjo suggested the buffer be addressed as well.

Commissioner Khalsa stated that it is not required within a B-3; however, can be requested.

Chairman Wright corrected that a buffer was required between zone changes and indicated that a soft buffer could work on Barbee Street.

Commissioner Khalsa asked Mrs. Valdez what she, as a neighbor was thinking.

Mrs. Valdez replied that it is okay without a buffer.

Commissioner Sandoval asked Mrs. Valdez if she would like to see a buffer from the west to residential.

Ms. Valdez answered, "No."

Mr. Cordova stated that they could propose landscape along Barbee Street.

Commissioner Sandoval moved to amend the motion to insert a condition of west and south side buffer.

Commissioner Khalsa accepted the amendment.

Commissioner Martinez seconded that motion.

Motion carried 5-0 vote with the following conditions of approval: required landscaping plan, retention pond relocation be addressed and a buffer be applied to the south and west side of the property.

- 2. Special Exception Request. Tom Piposar, on behalf of Petsense L.L.C., is requesting a special exception to install approximately 48 square feet of signage on an existing nonconforming pole sign, in excess of the height and square footage criteria and in violation of Article IX, of the City of Española Development code. The property is located at 628 N. Riverside Drive, Suite A, and is within the B-2, General Commercial District.*

Staff Report was presented at 7:18pm by Mr. Larry Valdez as follows:

Special Exception Request. Tom Piposar, on behalf of Petsense, L.L.C., is requesting a special exception to install approximately 48 square feet of signage on an existing nonconforming pole sign, in excess of the height and square footage criteria and in violation of Article IX, of the City of Española Development Code. The property is located at 628 North Riverside Drive, Suite A and is within the B-2, General Commercial District.

Recommendations:

This request is not reviewed by the members of the DRT Committee, therefore recommendation is not submitted. 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

Section 407 Nonconforming Signs; Time of Compliance

- (A) All business owners having existing legal non-conforming signs within the current corporate boundaries of the City of Española established before the effective date of these new regulations may continue to display existing signs without sign-modifications notwithstanding the effect of any more restrictive regulations.
- (B) Within a six (6) year time-frame, any business bringing legal non-conforming signs into compliance with this code shall be waived of all sign permit expenses by the city in accordance with section 417 of this code. The permit process must still be followed and a permit must be obtained from the Planning and Zoning Department as described.
 - (4) Any sign whose owner is requesting to obtain either permission for a sign-remodel or permission to expand or enlarge the building or land use with which the sign is associated and the sign is affected by the expansion or enlargement or change of use.

Summary:

Petsense, the national pet supply store, occupied the existing location of the Movie Gallery in the earlier part of this year. The property owners, Rufina & South Meadow, L.L.C., had been advised prior to the Petsense occupancy of the requirements of the City of Española sign code. Riverside Plaza, the name of this business complex, received permission to place the structure advertising Movie Gallery and (5) additional tenants, in September of 2002. The permitted square footage was 45 square feet with 13.5 square feet per tenant. At that time, the allowable sign height was up to 40 feet above ground with a minimum of those requirements as established by the New Mexico State Highway Department at the time of erection. (City of Española, Municipal Ordinances, Article XII, Sec. 3.7, Ordinance No. 331, adopted May 15, 1979)

As noted in the current sign ordinance, allowable sign height is 16 feet. The allowable square footage for a multiple tenant sign is 60 square feet plus 12 square feet per tenant not to exceed 150 square feet total. Overall the current square footage amount of the freestanding sign is approximately 187.8 square feet and is approximately 35 feet in height.

The applicant is proposing to place approximately 48 square feet in the nonexistent Movie Gallery cabinet.

Comments:

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

The floor was opened for questions to staff.

Chairman Wright asked what the current wall sign's square footage was.

Mr. Valdez answered, "176 square feet."

Chairman Wright replied that it was against current code.

Chairman Wright asked if the other commissioners had questions for staff.

No further questions were asked.

Chairman Wright asked what was permitted in 2002, and questioned if it was 48 square feet with 13.5 square feet per tenant. He also asked how many tenants were on that property.

Mr. Valdez replied, "Three."

Chairman Wright stated that it would essentially mean 35 square feet per tenant and would be about 85 square feet which was allowed in 2002.

Mr. Valdez announced that the original permit issued to the property owners at the time allowed for Movie Gallery to put a sign.

Chairman Wright calculated that 112 square feet for five (5) tenants would have been allowed and then 13.5 per tenant; however, the current total square footage is an estimated 190' or 187.8' to be specific.

Mr. Valdez stated that the 176 square feet is what is on the building, and the wall sign is based on the linear square footage and 10 percent.

Chairman Wright stated that he was trying to get a clear understanding of what the allowed square footage is on the free standing sign.

Mr. Valdez clarified that 187.8 square feet, noted on the memorandum, was the total square footage on the sign at this point.

Chairman Wright asked if the commission had questions for staff.

Commissioner Khalsa asked who the landlord was.

Mr. Valdez answered that the property owners are *Rufina and South Metals LLC*. He added that he believed that it has changed ownership at this time.

Commissioner Khalsa stated that he was curious as to how it was possible to change the sign from 35 feet in height without the landlord being involved. He noted that this could go on with different tenants to the point that it would have to be modified by the landlord, who should be defending this and not the tenant.

Mr. Jake Brady, for Petsense, announced that they would like to replace the Movie Gallery sign with their Petsense sign. He added that they have customers that have informed him that they didn't even know they were in Española and even with the side sign people coming through still do not know where they are located.

Chairman Wright stated that he assumed Mr. Brady was here for the first case regarding Wal-Mart's sign, and explained that the problem is that these signs exceed the allowed sign height.

He acknowledged that Petsense was just looking to replace the panels; however, the commission really needed to speak with the landlord.

Mr. Brady explained that they had tried talking to him (property owner), but had to take this into their own hands.

Chairman Wright announced at 7:34 pm that it was a public hearing and asked if there were any questions for applicant.

There was none.

Commissioner Khalsa suggested that they place a 2x8 panel with the intent to acquire the top spot and then work to bring down the sign. He added that it would not cost them more.

Mr. Brady stated that they did not want to touch it at all without permission from the City.

Commissioner Khalsa added: "Then when Aaron's come in, we chop it down."

Chairman Wright asked if there were further questions for the applicant.

Commissioner Beaudoin asked Mr. Brady if he was aware that the sign code also allowed for them to put a sign on top of the building.

Mr. Brady replied that he did not know until that day.

Commissioner Beaudoin stated that the existing signage looked nice, and noted that when they were in the middle of the discussion it seemed as if Petsense would have incurred a cost and not have a say at the end. Commissioner Beaudoin asked if there was another option for them to appeal to their consumers and just leave it alone. He added that it was not the tenant's job to bring the sign into compliance, but the landlord's, and they are not willing to come in; however, eventually they will and then we can get them to comply. Commissioner Beaudoin questioned if this was a fight Mr. Brady wanted to take on.

Chairman Wright asked if there were further questions.

None were asked; therefore, public hearing was closed at 7:35 pm.

Chairman Wright asked what the will of the commission was.

Commissioner Sandoval stated that if they brought it down to a 2x8 and then Aaron's did the same, height would still be there.

Commissioner Khalsa added that at some point the landlord would need to come in.

Commissioner Beaudoin asked staff what the allowed roof square footage was.

Mr. Valdez replied, "40 square feet and 8 feet in height above roof."

Mr. Naranjo stated one per building, 40 square feet, not to exceed 8 feet in height from the building.

Commissioner Beaudoin asked Mr. Brady if he would be willing to withdraw and work with the staff to meet the business's needs. He informed Mr. Brady that he would get more square footage and not be in this battle.

Mr. Brady announced that he could not withdraw, but would take it to Mr. Piposar and see if he would be willing to withdraw.

Commissioner Sandoval asked if they did table, would Mr. Brady be able to get the landlord to come in, so that it could be fixed now.

Mr. Brady replied that he would try.

Commissioner Khalsa made a motion to table.

Commissioner Sandoval seconded the motion.

Motion carried with a 5-0 vote.

3. *Special Review and Variance Request. Robert Purdy and Carol Merriweather, on behalf of the "Crisis Center of Northern New Mexico," are requesting a special review and variance request to place four (4) structures on approximately .68 acres for use as transitional homes for clients of the Crisis Center of Northern New Mexico. The property is located at 814 Fairview Lane, within the R-O-I, Residential, Office, Institutional District.*

Mr. Larry Valdez read staff report at 7:44 pm as follows:

Special Review and Variance Request: Robert Purdy and Carol Merriweather, on behalf of the "Crisis Center of Northern New Mexico", are requesting a special review and variance request to place four (4) structures on approximately .68 acres for use as transitional homes for clients of the Crisis Center of Northern New Mexico. The property is located at 814 Fairview Lane, within the R-O-I, Residential, Office, Institutional District.

Recommendations:

This request was reviewed by the members of the DRT Committee during a regularly scheduled meeting. Minutes of the meeting are hereby provided. Recommendations for approval have been addressed and are included as conditions of approval. It should be noted that this office cannot recommend approval for deviation from the Development Code, although each request is approved or denied based on its own merits.

Executive Summary:

The City of Española, Development Code, Resolution 2004-20, Site Development Requirements, Residential-Office-Institutional Districts, states:

<i>R-O-I Districts: required</i>	<i>Proposed</i>
<i>Lot Area: 6500 square feet</i>	<i>30,056 square feet</i>
<i>Setbacks: 20' Front, 25' Rear, 5' Sides</i>	<i>+20' Front, 25' rear, 8' sides</i>
<i>Lot Coverage: 35%</i>	<i>19%</i>
<i>Number of D.U. per lot: 1</i>	<i>5</i>

In reviewing this variance request, the Planning Commission shall determine whether all of the following criteria have 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 Crisis Center of Northern New Mexico has been providing services to victims of domestic violence in Northern New Mexico since 1995. The proposal being presented today is to continue that service by providing transitional housing for women and children who qualify, for a period of up to 24 months. In addition to housing; counseling, education support, and job and life skills training will be offered.

Fairview Lane was rezoned from R-6 to R-O-I in 1997, approximately 250 feet from center line, north and south. The zoning designation, R-O-I, Residential, Office, Institutional, lends itself to the type of service the Crisis Center provides as observed with other facilities in that area.

The request to place five homes on this property is primarily presented as a special review to allow input from the surrounding neighbors and secondly to allow the applicant to explain the service. The variance for the number of dwelling units on the lot is heard following the special review, for the determination of the variance review criteria in allowing approval, conditional approval or denial.

The property in review has historically been occupied by more than one dwelling unit, although a search of variance requests did not reveal any previous approvals.

Conditions of Approval:

- 1) Individual water meters will be required for each structure.
- 2) If approved, upon replacement of the fifth home, the existing water lines need to be upgraded as required per ordinance.
- 3) A sanitary clean out will be required on the south end of the proposed 6" wastewater line, with a manhole required on Fairview Lane.
- 4) Evergreens need to be relocated from on top of the utility lines between the structures.

Comments:

This office has not received any response from adjoining neighbors or neighborhood groups regarding this request.

Chairman Wright asked staff if they were essentially doing a special review prior to a variance.

Mr. Naranjo answered, "Yes that is correct."

Chairman Wright stated that they could handle a single public hearing.

Mr. Naranjo stated that there were issues that lent themselves more to an overall review.

Commissioner Khalsa asked if these were mobile or prefabricated buildings.

Robert Purdy, representing Crisis Centers of Northern New Mexico answered, "Yes."

Commissiner Khalsa questioned if they would be on a solid foundation with a stucco exterior.

Mr. Purdy stated that they would be on a solid foundation and they would also stucco the stem wall.

Chairman Wright stated that this area was an R-O-I, but wondered what 200 feet beyond that was zoned.

Mr. Valdez answered, "R-6".

Chairman Wright asked if the entire lot was considered an R-O-I.

Mr. Valdez stated that based on the property 299 feet is considered to be part of the R-O-I.

Mr. Naranjo added that there is a percentage that can scale up a property's zoning and this property met that percentage.

Representatives for the Crisis Centers of Northern New Mexico were introduced as Carol Merriweather, Ramon Garcia and Robert Purdy.

Ms. Merriweather announced that they would like to present a slideshow of their intentions for the property.

The slideshow was presented by Mr. Garcia and Mr. Purdy illustrating the needs of the Crisis Centers and services that they provide to Española and surrounding areas. Its goal is to create five (5) transitional homes for families who have completed the 90 day program and are well on their way to rebuilding their lives. The slideshow also animated the removal of all current structures and some vegetation, then the insertion of the new structures. It also detailed proposed locations of utility lines (individual meters and cleanouts), a 6 foot privacy fence and 10x60 retention pond.

Ms. Merriweather explained that the Crisis Center of Northern New Mexico makes efforts to prevent domestic violence and support those who are victimized. Recently the center had obtained funding through HUD to generate transitional housing for families to get back on their feet and eventually be on their own. Ms. Merriweather added that Las Cruces was the only other place in New Mexico that offered such services.

Chairman Wright asked if the commission had any questions for the applicant.

Commissioner Sandoval asked if the retention pond would be fenced.

Mr. Purdy answered that there was no proposed fencing for the pond, but should it be needed they would for the safety of the children.

Commissioner Beaudoin asked when the property was purchased.

Mr. Purdy replied, "October 2010."

Commissioner Beaudoin asked if they were proposing single family living.

Mr. Purdy stated that there would be single families in each structure, either a mother with children or a father with children. In some cases one home may house single woman or man.

Commissioner Beaudoin pointed out that there was no proposed play space for the children.

Mr. Purdy explained that they would have two areas where the children could play.

Commissioner Beaudoin asked why this location was a fit.

Ms. Merriweather stated that it was an established neighborhood within walking distance of the main corridor and it was a community in itself.

Commissioner Beaudoin asked about the power lines and how far away the structures were.

Mr. Purdy stated that he had discussed it with Jemez Co-Op and 15' was required and the structures were 16.5' away.

Commissioner Beaudoin questioned the scale on the drawing to be accurate, and stated that the structures did not seem to be 16' away.

Mr. Purdy replied that he would discuss it with Jemez and move it, if they required it.

Commissioner Beaudoin asked about security and if it would be an issue.

Mr. Purdy stated that they could not say with certainty that nothing would not happen; however, within the 90 days these families are ready to go. All legal issues have been covered and victims are now looking for financial assistance.

Chairman Wright asked what was to prevent perpetrators.

Ms. Merriweather stated that all those issues are taken care of beforehand. She added that all the houses would be installed with state of the art alarm systems and staff on call 24/7.

Commissioner Martinez asked staff if public safety was present at the DRT meeting.

Mr. Naranjo stated that they were invited, but did not attend.

Commissioner Martinez recommended that they do attend for some cases, such as this.

Ms. Merriweather stated that within the seven years that the Crisis Center has been in El Llano they have only had to make two calls to the police department, due to a dangerous situation.

Mr. Valdez informed the commission that public safety is notified, but they cannot force them to attend; however, if the project is approved, they would need a *Certificate of Occupancy* and that is where fire and life safety gets involved.

Chairman Wright opened Public Hearing at 8:29 pm.

Jeannie Martinez-Rubin, 828 Fairview Lane, adjacent property owner, declared that she had a petition of opposition from the neighborhood (petition submitted into file). Mrs. Martinez-Rubin said she was voicing her and the neighborhood's concerns. She stated that these structures would stand to be a major fire hazard, because they would be placed too closely and she wasn't sure how they could meet setbacks on such a narrow property. She questioned if they were going to place a fire hydrant. Mrs. Martinez-Rubin expressed how afraid she was for her children, if this case was approved. She continued to point out that the access point to the property was a small entrance and if evacuation was needed, they would have a hard time getting out. She stated that this project would also have a great impact on the already congested Fairview Lane. Mrs. Martinez-Rubin questioned if this should be considered a trailer court and added that if so, it would deteriorate their property value. She also had concerns with the possibility of irate spouses, and stated that this would increase the crime rate in their neighborhood. She asked if whether the applicant had planned on providing 24 hour security and/or placing a security wall to exclude views of any activity. Mrs. Martinez-Rubin acknowledged the need for this type of project; however, concluded it should not be in a residential area.

Ms. Margaret Velarde stood up to voice her opposition of the project, stating that she was not a part of the neighborhood; however, had hoped to purchase the said property, when it was on the market. She informed the commission that she frequently travels through Fairview Lane and that there are already a lot of accidents on that street and the approval of this project would greatly impact buses, schools and the overall traffic. She also believed that the structures would be too close to one another that she supported a project like this, just not in a residential area.

Mr. Tony Rubin, 828 Fairview Lane, adjacent property owner, declared that if they were to move the electrical lines, they would be near his property.

Commissioner Khalsa asked if the lines were overhead or underground.

Mr. Purdy answered that the lines were overhead and would only be underground to the homes. He stated that the transformer was 45 foot box size and 16 feet from corner of structure and thus, relocation was not needed.

Commissioner Khalsa asked if it was currently a green transformer with underground electricity.

Mr. Purdy replied, "Yes."

Nora Valdez, 824 Fairview Lane, stated that she did not understand how they would get five (5) structures unto that lot and questioned how far they would be from fencing and also expressed that a six (6) foot fence would not be high enough and stated that they already had a lot of mobile home parks in the area, making the neighborhood surrounded by crisis. Ms. Valdez continued to state that the driveway was too narrow and reiterated the concern for a possible increase of traffic on Fairview Lane: she added that there was no promise of security and if this project did pass they would need more security and not just a six (6) foot fence. Ms. Valdez also concluded her concern with the retention pond and its potential risk to children, if not fenced.

Mr. Purdy stated that the pond in back was required by the City and it was not actually a pond, per se, but a retention area for water during rainfall.

Mr. Rubin proclaimed that the proposed construction would mean shutting down Fairview Lane. He stated that the street would be a mess and they would be unable to access their home from either side.

Mrs. Martinez-Rubin announced that Mr. Ross Chavez, a Fairview Lane property owner, was present at the hearing; however, had to leave, and had not had a chance to voice his concerns. She requested time to gather her neighbors and seek an attorney, if necessary.

Mr. Gerald Armijo, neighbor residing to the west side, questioned if the project would have any effect on the Santa Cruz acéquia.

Chairman Wright asked if he could point to its location on an Orthographic.

Mr. Armijo and Mr. Purdy both approached the commission to identify the acéquia.

Mr. Armijo concluded that he also had children and was concerned for their safety.

Mr. Jeff Atencio, Board of Directors for the Crisis Centers of Northern New Mexico, supported the development and stated that they have a lot of guidelines and regulations and many of the neighbor's concerns have already been discussed with the directors. He announced that they supported Carol and would love to see this project advance.

Mrs. Martinez-Rubin announced that her neighbors did not even know that this hearing was happening and yet, they have had contractors inquiring about the project.

Chairman Wright asked if there were any other comments.

Ms. Velarde questioned why these homes could not be placed in El Llano where the Crisis Center sits.

Ms. Merriweather stated that the property in El Llano is owned by the City.

Ms. Velarde suggested that the Crisis Center try to purchase the property from the City.

Ms. Merriweather replied that they currently own the property on Fairview Lane and that is where they wanted to do it.

Ms. Velarde asked if there was any other land where they can place it so that it would not be close to residents.

Chairman Wright replied that the Crisis Centers of Northern New Mexico are the property owners and therefore, have rights. He concluded that the project is also within the proper zoning.

Mr. Rubin questioned if these were mobile homes.

Chairman Wright volunteered to answer that question, stating that he believed them not to be mobile homes.

Chairman Wright closed the public hearing at 8:58 pm.

Ms. Merriweather made a final statement regarding the project stating that we as a community cannot continue to blame the victim. She added that they are not the criminals, but are families that need to be included within our community and healed within our community.

Mr. Purdy stated that they have a fire hydrant next to the property and that the water line runs in front of the homes, making any additional hydrant possible. He rebutted notification by stating that a yellow public notice sign was posted on the property over a month ago. He announced that out of 100 victims only four (4) have vehicles and therefore, increased traffic would not be an issue. Mr. Purdy also expressed that he had done his research to obtain HUD funding and endorsement; in fact, he had notebooks and notebooks of it, one of which included a noise level study and another being a 500 page traffic study. Mr. Purdy offered the study to whoever wanted to read it. He continued to defend the project by stating that all utility lines would be new and would ultimately have a positive effect on property value. He stressed that these were not mobile homes and the neighborhood's issues appeared to be more of a police department issue, and are not really concerns, but more of "what ifs."

Commissioner Khalsa asked if they had considered stuccoing the homes. He added that the cost is minimal if purchased as stucco.

Mr. Purdy replied that they have run cost analysis for the stucco based on project cost and at this time the stem wall will be stucco and as funding is received they would love to stucco the home entirely. He added that every home is required to sustain 20 years, so it would be optimal, but only when funding is available.

Chairman Wright announced that mobile homes are not allowed in this zoning and those that are there, are "grand-fathered in." He stated that they have not supported more mobile homes in the past, as a commission, and that they are very clear on what the plans are. He added that the utility lines and removal of current vegetation concerned him and suggested the applicant work with the neighborhood. He stated that the families that would occupy these homes would have been through the 90 days of crisis training and were ready to be integrating back into a community.

Mr. Purdy replied that page 8 was just a synopsis and clarified that not all vegetation was being taken away, only some of it and not both Elm trees. He added that people just do not understand.

Commissioner Khalsa stated that it was a marketing problem. He understood the mission, it makes sense; however, it would have to be sold to the people. He concluded that there was a gap here and it had to be bridged before it could go forward.

Ms. Merriweather voiced that she could understand this opposition if it were for criminals, but she was talking about victims. She questioned what was wrong with us as a community that we are so outraged. She stated that she was concerned about this because she did not want the children in these victimized families to feel isolated by their community.

Chairman Wright stated that there were a lot of things that could be done to fine tune this project. He added that there is state law protecting acéquias and informed Mr. Purdy that it should have been shown on the map. Chairman Wright stated that more work with Jemez was needed to resolve power line issues. He acknowledged the vision, but informed the applicant that they had more work to do and suggested tabling this and look at the project closely.

Chairman Wright asked staff if the notification letters were sent out.

Mr. Valdez answered that he had less than half; however, there was some confusion on whose address went on the "return address."

Chairman Wright stated that it was best to get notice out there and just because there is a giant yellow sign posted, does not mean people are going to read it.

Chairman Wright requested an aerial that would show adjoining lots a little better and labeled with property owners.

Chairman Wright informed everyone that they could make a final decision here at commission and they would have a right to appeal any decision; but he was moving for a table and would leave that to the commission.

Commissioner Sandoval made a motion to table the request.

Commissioner Khalsa seconded the motion.

Motion Carried 5-0 vote.

Approval of Minutes—September 8, 2011

Chairman Wright moved to approve the minutes with the following changes:

- Page 5, third paragraph should be changed from "credited" to "accredited"
- Also change "restricted" to "restrictive"

Commissioner Martinez seconded the motion.

The motion carried by a 5-0 vote.

VI. Matters from the Planning Commission

Commissioner Beaudoin stated that on their site visit to the previous case on Fairview Lane they had found some health issues.

Mr. Naranjo asked what the observation was.

It was stated that feces were bagged on the property.

Chairman Wright stated that it was an abandoned property and they were code enforcement office issues.

Mr. Naranjo made note to Ms. Isabelle Martinez, Code Enforcement Officer, to make a visit to the site.

Commissioner Beaudoin expressed that stewardship of one's property is fact.

Chairman Wright reminded the commission of a follow-up workshop for Wednesday, October 26th. He also announced that Commissioner Koontz is contemplating stepping down, which would make them two commissioners down and in danger for quorum.

VII. Matters from the Planning Staff

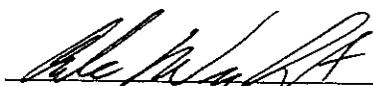
Mr. Naranjo thanked the commission for their work that evening stating that they did a really good job and thanked Chairman Wright for the photos he submitted of the Wal-Mart sign. He stated that he was not at the workshop; however, he heard that it went well and heard they were making progress.

VIII. Adjournment

Commissioner Khalsa made motion to adjourn the meeting.

Commissioner Sandoval seconded the motion.

Motion carried 5-0 vote, meeting adjourned at 9:33 pm.



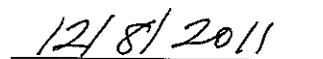
Chairman Signature



Date



Secretary Signature



Date