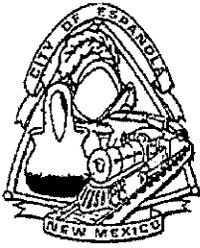


Meeting Date: September 13, 2012



**CITY OF ESPAÑOLA**  
Planning & Zoning Department

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

NAME:	PHONE #:
Arthur S. Lopez	505-747-3314
José Robal	467 9120
Emanuel Jayson	747 8381
Jerry Virden	505-927-4355
Hilario DeVargas	505-747-2746
Herdi Mathiasen	505-747-2339
Arturo Sanchez	505-753-7227
Donald Mathiasen	505-747-2339
Angelique Cordova	(505) 747-2339
JOSH SKARSGARD	(505) 998-9094
Mike Armijo	(505) 730-8404
ROD ABNEY	(404) 601-4000
MICHAEL GOMEZ	505-982-2845
Mik Moreno	929-1493
Gregg Quillen	Left. 5:55 PM
Luis Valador	920 2552
Dan Maes	692-5282
Jerry Miller	367-3005
Judy Virden	927-4354
WASK CAMPBELL	747-6360
Ann Cander	747-6360
Richard P. Coor	753-4447
Keegan	753-2145
David Bjo	753 5188

<u>NAME</u>	<u>Ph #</u>
Angela Bayce	692-9447
Autouk Vigil	929-1937
Francisco Ceiron	929-1937
Jim Paws	927-5748
Delfino Gomez	629 8007
Daniel Caballero	927-1258



**Planning Commission Meeting**  
**September 13, 2012**  
**6:00 p.m.**  
**City Council Chambers**  
**405 N. Paseo de Onate, Espanola, New Mexico**  
**Agenda**

**I. Call to Order**

**II. Pledge of Allegiance**

**III. Approval of Agenda**

**IV. Public Concerns.**

**V. Items for Consideration**

**1. Variance Request.** Luis Velador & Gabriella Ortega, property owners, are requesting a variance from development code requirements, to allow for the addition of a site built portal onto a manufactured home, with less than the required setbacks, at 1013 Calle Morena. This property is zoned R-6, Urban Residential District.

**2. Commercial Site Plan Review.** GreenbergFarrow, Architectural Planning Firm, applicants for Murphy Oil USA, Inc., are requesting a commercial site plan review to construct a gasoline service station, 1200 sq. ft. convenience store with related parking facilities, underground and above ground utilities, to include an underground detention pond, located at 1628 N. Riverside Drive. The property is zoned B-2, General Commercial District.

**3. Variance Request.** GreenbergFarrow, Architectural Planning Firm and applicants for Murphy Oil USA, Inc., are requesting variance on rear setbacks for the construction of a 7296 sq. ft. gasoline service station canopy for Murphy Express convenience store/service station. The property is located at 1628 N. Riverside Drive and is zoned B-2, General Commercial District.

**VI Approval of Minutes**

August 9, 2012

**VII Matters from the Planning Commission**

**VIII Matters from the Planning Staff**

**IX Adjournment**

**Planning & Zoning Commission Meeting**  
Thursday, September 13, 2012 – 6:00 pm  
City Council Chambers, City Hall  
405 N. Paseo de Oñate, Española, NM

**I. Call to Order:**

Commissioner Wright called the meeting to order at 6:05 pm with the following in attendance:

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

Staff: Russell Naranjo, Planning Director  
Larry Valdez, Planning Tech  
Desirae Medina, Addressor/GIS Tech

Others: See Attached Sign in Sheet

**II. Pledge of Allegiance:**

Commissioner Vigil led the Pledge of Allegiance.

**III. Approval of Agenda:**

*Commissioner Wright made a motion to approve the agenda as presented. (agenda attached)*

*Commissioner Khalsa seconded the motion.*

*Motion carried 7-0 vote.*

**IV. Public Concerns:**

Arthur Lopez, 1723 Starlighter Loop, stated that he has lived in the area for 12 years and has continuously had problems with the street. He stressed that it consists of potholes and the City tells him that they will fix them, but they only patch up the holes, which re-open a month later, but never re-pave.

Angela Boyce, 306 Carr Lane, stated that she also had concerns with the street, but wanted to address the dumping ground at the top of the street in conjunction with everything else that would be heard tonight regarding Carr Lane.

**V. Items for Consideration:**

1. *Variance Request. Luis Velador & Gabrielle Ortega, property owners, are requesting a variance from development code requirements, to allow for the addition of a site built portal onto a manufactured home, with less than the required setbacks, at 1013 Calle Morena. This property is zoned R-6, Urban Residential District.*

Larry Valdez read the staff report at 6:11 pm which included variance review criteria and explained that the property owners were proposing front setbacks at 17' in the front, an attached rear and +5' on side setbacks. This would be a deviation from the required setbacks set forth within the Development Code and therefore, staff could not recommend approval; however, should approval be granted to allow the construction of the portal, building and zoning permits shall be required and the noted 17' 6" easement must remain open.

Luis Velador, applicant, stated that Calle Morena was a private street and he was allowing 17' for the street.

Commissioner Wright stated that they had visited the site yesterday and asked if the concrete apron was 10' in width.

Mr. Velador acknowledged that it was 10'.

Commissioner Vigil asked if Calle Morena terminated at the west boundary of his property or if there was an easement through the property.

Mr. Velador stated that there was an easement, but no one goes through it.

***Chairwoman Martinez closed the public hearing at 6:18 pm.***

Commissioner Vigil noted that there were concerns with the narrowing of the easement.

Commissioner Ricci questioned what was inhibiting 12' at the beginning of the street.

Mr. Valdez explained that prior to arriving at the property in question; there is a utility pole that narrows the road to 12'. He stated that during the Development Review Team (DRT) meeting, Chief Branch was made aware of the situation and he understands that it opens back up to 17'.

Commissioner Ricci stated that by calculating the measurements on the drawing, it would actually be 16'.

Mr. Valdez explained that during his on-site visit, it had been physically measured and it will allow for 17'-6".

Commissioner Vigil asked what the recorded easement width was for Calle Morena.

Mr. Naranjo stated that it fluctuated on that street; however, it does not get smaller than 12'.

Commissioner Khalsa asked if 12' would meet fire code.

Mr. Naranjo replied that it does for a private street.

***Commissioner Khalsa made a motion to approve the variance request to allow for the addition of a site built portal onto a manufactured home, with less than the required setbacks at 1013 Calle Morena with the condition that the noted 17'-6" easement on Calle Morena remain open.***

***Commissioner Vigil seconded the motion.***

***Motion carried 7-0 vote.***

2. ***Commercial Site Plan Review. Greenberg Farrow, Architectural Planning Firm, applicants for Murphy Oil Inc., are requesting a commercial site plan review to construct a gasoline service station, 1200 square feet convenience store with related parking facilities, underground and above ground utilities, to include an underground detention pond, located at 1628 N. Riverside Drive. The property is zoned B-2, General Commercial District.***

Mr. Valdez read the staff report at 6:23 pm. In the report he reviewed the requirements set forth within the Development Code regarding development plan approval. He informed that the request had been reviewed by DRT and planning staff has recommendations for access and exiting of the property. The report summary included that location, access, water, wastewater, detention pond, fire suppression and signage had all been reviewed against the City of Española Development Code for compliancy. The report stated the following suggestions should be considered:

- **Hours of Operation.** Due to the proximity of a residential neighborhood, it is suggested that the hours of operation be between 6:00 am and 12:00 am and the lighting of the canopy be reduced after hours.

- **Pedestrian Circulation.** The plan submittals did not identify any crosswalks or "hatched areas" to protect the patrons; therefore, staff has suggested speed humps or hatching.
- **Additional Access.** Murphy Oil Inc. is under negotiations to acquire an additional access through the Wal-Mart parking lot to the west of the current Wendy's drive thru lane. Staff recommends that if this additional access is obtained, the entire access plan be reviewed again in front of the Planning & Zoning Commission in a public hearing.
- **Carr Lane Improvements.** The applicant has agreed to make road improvements to Carr Lane; increase the number of lanes; and redesign and construct an island and stacking lane in the middle of NM 68 (N. Riverside Drive).

Mr. Valdez concluded that staff has reviewed and evaluated the project in its entirety and has met with NMDOT to discuss all proposed ingress and egress scenarios. Staff has recommended the approval of a right in/right out with the utilization of a "bump out" style or "pork chop" median. The ingress/egress scenario will be re-evaluated in 180 days whereas the applicant has agreed to close the right in lane, if at the time of review, the option fails. Should this request be approved, the following are recommending conditions of approval:

1. Master Sign plan be provided prior to any installation.
2. Proper easements from adjacent land owners must be acquired for the use of the drainage system and pond area, if necessary.
3. Water Department requires a reduced pressure assembly in a hot box for the 2" domestic water line and suggests connection to the water line on the east of the property.
4. Bicycle racks are placed on the property.
5. Acceptance of grading and seeding shall be by landscape architect and/or owner. The contractor shall assume maintenance responsibilities for a minimum of (1) one year or until second cutting, whichever is longer. Maintenance shall include watering, weeding, reseeding and other operations necessary to keep all lawn areas in a thriving condition. Upon final acceptance owner shall assume all maintenance responsibilities. After lawn area has germinated, areas which fail to show a uniform stand of grass for any reason shall be re-seeded repeatedly until all areas are covered with a satisfactory stand of grass.

Rob Abney, Greenberg Farrow for Murphy Oil USA, Inc., stated that Murphy Oil has been around for 40 years and they are located in 23 states; however, they are new to New Mexico. He explained that they are trying to grow and they do want to be good neighbors and find a workable resolution.

Mike Gomez stated that he is a professional engineer and traffic operations engineer based out of Santa Fe. He discussed traffic comprehensive study mapping and traffic counts for NM 68 (N. Riverside Drive). He informed that capacity analysis shows that the Wal-Mart intersection would not differ with their traffic because 50% is already existing or "pass-by" traffic. He stated that the eastbound Carr Lane fails today because vehicles have to cross (2) two lanes, or 4-5 if you count the median traffic. Mr. Gomez introduced the options for access:

- **Alternative 1: Access from Carr Lane only-** He stated that this drawing is shown with the improvements to Carr Lane with the dedicated turning lane. The problem with this option is that all the traffic is in one area because there is no way to disperse the traffic.
- **Alternative 2A: Right In/Right Out with Shared Auxiliary Lane-** This option includes the improvements to Carr Lane, but adds a right in/right out unto N. Riverside Drive. He explained that there is a "pork chop" to disperse traffic and building an auxiliary lane to use as stacking for Wal-Mart. He informed that 60% of the traffic would use this access as well as the fueling trucks for exit.
- **Alternative 2B: Right In/Right Out with Separate Auxiliary Lanes-** He explained that this option was similar to the previous; however, there was a short stacking lane for the right in and it shortened the stacking for Wal-Mart. He concluded that it was more restrictive, but works well to control traffic.

- **Alternative 3: Right Out Only-** He explained that this eliminates the right in and only allows for the right out. He stated entry would be off Carr Lane, but traffic would be dispersed out.
- **Alternative 4: Right In/Right Out with no Turn Lane-** He stated that it is similar to the others; however, it would taper the lane.

Mr. Gomez stated that from an engineering standpoint he would recommend 2A and informed that these were only schematic drawings and NMDOT has to make the final approval, for which they will provide them with more detailed drawings.

Commissioner Khalsa asked for explanation on NMOT'S criteria for a traffic light.

Mr. Gomez stated that the minimal distance between traffic lights depends on the speed. He stated that an excess of half a mile requires a new traffic signal.

Commissioner Beudoin asked what the benefits of the schematic 2A were over the others.

Mr. Gomez stated it would allow for stacking at a longer distance, it would keep the traffic on the main line and off Carr Lane, and assist Murphy's Oil to get their fuel.

Commissioner Beudoin asked what the benefits of a recessed "pork chop."

Mr. Gomez stated that emergency personnel would have a flexible right turn. He concluded that NMDOT may go with option 2A or 2B.

Josh Skarsgard, property owner, expressed that this site plan solves the neighbors' problems with potholes and making a difficult left turn. He informed that Carr Lane residents would benefit with the following:

- Murphy Oil will resurface Carr Lane and include sidewalks
- Landscaping
- Carr Lane will increase in lanes to allow for a dedicated right turn lane.
- Murphys Oil will build a turning lane on NM 68 (N. Riverside Drive) which will allow for four (4) vehicles to stack (81') and safely turn left unto Carr Lane.
- The pending approval of a right in/right out will alleviate vehicles from Carr Lane.
- All improvements will be made with private funding.

Chairwoman Martinez asked if liquor will be sold.

Mr. Skarsgard stated that they were in negotiations to buy Red's liquor license.

Commissioner Wright questioned how acquiring the easement from Wal-Mart would change the circulation pattern.

Mr. Abney affirmed that it may change the pattern.

Mr. Naranjo explained that provisions would be included to have another public hearing should the easement be granted and look at all scenarios in their entirety.

Commissioner Wright asked what existing width of right of way was for Carr Lane.

Mr. Skarsgard stated that it is 21', but be widened to 40'.

Mr. Abney stated that proposal C-3 on the drainage plan shows an exposed pipe located toward the west of the bank that they would like to fix by flattening a slope; installing curb and gutter; and a storm drain to catch off Carr and drop into a "U" bottom ditch.

Commissioner Wright questioned if they had access to that property because there was not a drainage easement.

Mr. Abney stated that it is located in the existing right of way of Carr Lane. He expressed that they were working with a 120 day timeline and it was all a work in progress, but would be open

to conditional approval. He stated that they were trying to maximize the overall property value and capture the half acre to the west for Josh's (Skarsgard) plans for an additional tenant.

Commissioner Wright expressed his concern for not seeing the whole Master Plan for the site. He questioned if they were aware of the conditions they were asking for should the development plan be approved and explained that after public comment the list could expand.

Mr. Skarsgard stated that he believed that the storm drain was within the 40' of Carr Lane.

Mr. Naranjo stated that it needed to be looked into further.

Kelly Armstrong stated that Mr. Skarsgard needed to meet with her regarding her back property.

Mr. Skarsgard expressed that he was not trying to eliminate any of her access and asked if the commission could include a condition of approval that states that he is to not eliminate the curb cut for Community Bank.

Commissioner Wright asked if Carr Lane and the side streets were dedicated streets.

Mr. Naranjo confirmed that they were city streets.

Commissioner Ricci asked if NMDOT was waiting on their approval.

Mr. Gomez stated that Mr. Naranjo has joined him on the meetings they have held with NMDOT and they have their preference on the situation, but are awaiting the City's.

***Public hearing opened at 7:13 pm.***

Donald Mathiasen and Jim Powers, Starlighter Loop residents, stated that there are gas stations to the both sides of them and the city did not need another one.

Arthur Lopez, 1723 Starlighter Loop resident, expressed that he liked their plans for the Carr Lane improvements, but he was uncertain about the liquor.

Irma Candia, 1712 Star Lane, questioned if it were possible to have an alternate exit. She expressed that it would be nice to have the other two (2) Cal-de Sacs paved, but she is fine with a gas station as long as there is an alternate route or traffic light to ease the traffic.

Heidi Mathiasen, Starlighter Loop resident, stated that she has been a resident for 14 years and although she likes the improvement plans for Carr Lane, she would like to see improvements for her subdivision's road that is full of pot holes.

Ermenes Segovia, 1707 Star Lane, informed that the children's bus stop is at the bank's sign and they play in that corner. He expressed that accidents and traffic make it dangerous and he too would like to see something other than another gas station.

Jose Trujillo, 1734 Starlighter Loop, stated that he thought it was great and it would create jobs; however, he wanted it to be done right and his concerns were with access. He concluded that acquiring the Wal-Mart access would be helpful.

Mr. Mathiasen and Beth Sanchez asked if the Wal-Mart easement was granted would they still improve Carr Lane and create a right in/right out.

Mr. Abney stated yes.

Angelique Cordova stated that as neighbors they complain and complain about the street, but now that they are offering improvements, there are still complaints. She expressed that this would provide opportunities for the neighborhood.

Antoinette Vigil stated that just getting something in that location would be cleaning up the area and any development there would be beneficial.

Mike Armijo stated that he is the director of the Rock Christian Center and shared stories of people struggling with their alcoholism. He concluded that alcohol is their main source of revenue and not the gas and the City has enough stores selling alcohol.

Mrs. Boyce stated that they would like to have street and drainage improvements to the whole street. She asked if the City was going to maintain the street and drainage after improvements are made or if they had to make the request to the council.

Mr. Abney responded that they could not make that sort of investment on the whole street and explained that they are not required to improve Carr Lane or add the turning lane on SR 68 (N. Riverside Drive), but it is something they are proposing to do.

Mr. Naranjo stated that this commission reviews the site plan and initial construction plans for developments and he understands neighbor's concerns, but the City does not have the money to resurface the streets at this time; however, he did speak with the City Manager and he informed that starting next week staff would be filling in pot holes. He stressed that what the developers are proposing to improve is their property and that is all they are required to do.

Dan Maes affirmed that it would create jobs for people during this financial hardship; however, if the state is called they will inform that there is not one gas station that does not affect the environment and this neighborhood already has four (4) within the mile. He concluded that the high volume of gasoline will impact the community.

Mr. Lopez asked that if the plans should be approved, could he and his 31 neighbors review them before it is acted on. He informed that he had received a letter from the applicant notifying him of the meeting, but not from the City.

Mr. Abney assured that all the submitted plans are available in City Hall for anyone to review. He concluded that they have met all the requirements within the Development Code.

Mr. Naranjo confirmed that the notification letters were sent out by the applicant as they should have been.

Ms. Sanchez stated that having a gas station with liquor was not encouraging families to stay in the community. She expressed that she and her family would like to walk across the street to utilize the park; however, the increased volume of traffic does not allow for it and this would only increase the traffic.

Judy Garland questioned how they could approve a plan if a "real" plan had not been provided. She concluded that that good judgment could not be made and the time constraint is the developer's problem.

Mrs. Boyce reiterated that Red's was a dump and Mr. Naranjo noted the nuisance and stated that he would have Code Enforcement out there tomorrow.

***Public hearing closed at 8:05 pm.***

Commissioner Wright stated that he still wasn't sure if the right of way was City or private.

Mr. Naranjo stated that if the drainage was in private land then they would move the system to be in public right of way.

Commissioner Vigil asked where the drainage would go and how it would affect the integrity of Carr Lane.

Mr. Abney stated that it will go into the existing drainage on Carr Lane and exit into the ditch and out to the Rio Grande: It would make the integrity better.

Commissioner Wright read and reviewed the recommended conditions of approval from staff and Commissioner Khalsa questioned the "lawn" area noted.

Mr. Abney and Mr. Naranjo clarified that "lawn" and "grass" was verbiage to the planted area.

Mr. Naranjo stated that the utilization of a right-out satisfies the congestion of those trying to exit and provides for the fuel trucks. He expressed that option 2B is being recommended for the protection the bump out provides for the vehicle exiting at the right out.

Commissioner Atencio acknowledged that the citizens had a lot of questions and concerns and questioned if the item could be tabled as to gather more information.

Chairwoman Martinez affirmed that it was an option.

Mr. Abney expressed that they were doing a risk assessment and the more information they acquired the more that could be included in the assessment to determine the overall investment. He stated that tabling it would not be useful for the risk assessment and he is willing to provide them with more information.

Mr. Skarsgard stated that they are supportive in sharing the full set of plans with the neighbors and would like to set a date and time to meet with them.

Mr. Abney asked for direction on the access.

Commissioner Beaudoin requested that the neighborhood presentation be added to the list of conditions for approval and that a motion to approve with conditions or denial be made. He expressed that a lot of the concerns that were shared were the City's responsibility and they needed to address them.

Mr. Abney expressed that they would like to be approved with conditions so that they could move forward with NMDOT, meet with neighbors and revise the plan if necessary.

Mr. Skarsgard stated that the variance is conditioned with the Wal-Mart access and he could do a cross access with Wal-Mart and do a zero lot line, thus not requiring a variance; however, it is dependent on the access from Wal-Mart.

Commissioner Wright questioned why a lot consolidation was not being done to eliminate the need for a variance.

Mr. Naranjo stated that New Mexico outlaws conditions on a variance. He suggested it be safer to table the variance request and look at it as one lot and review the second lot when it is presented. At that time, it may not require a variance.

***Commissioner Ricci made a motion to vote on Alternative 2B and include it as a condition of approval.***

***Commissioner Beaudoin seconded the motion.***

***Motion carried 7-0.***

***Commissioner Wright made a motion to approve the commercial site plan for Murphy Oil USA, Inc., as per the plans submitted for the location of 1628 N. Riverside Drive with the following conditions of approval:***

- 1. Master Sign Plan must be provided prior to sign installation.***
- 2. Proper easements are acquired for drainage system, as necessary.***
- 3. Reduce pressure and hot box domestic water line***
- 4. Bicycle racks are placed on the property.***
- 5. Landscaping bond (10K) be placed for one year from the issued date of the Certificate of Occupancy.***
- 6. Ingress and Egress to NM 68 be as per alternate 2B as presented.***
- 7. Applicant must schedule a meeting with the neighborhood by October 1, 2012.***
- 8. Approval is contingent upon the consolidation of lots.***

***Commissioner Khalsa seconded the motion.***

***Motion carried 7-0 vote.***

- 3. Variance Request. GreenbergFarrow, Architectural Planning Firm, applicants for Murphy Oil USA, Inc., are requesting a variance on rear setbacks for the***

construction of a 7,296 sq.ft. gasoline service station canopy for Murphy Express convenience store/service station. The property is located at 1628 N. Riverside Drive and is zoned B-2, General Commercial District.

*Commissioner Khalsa made a motion to table the request.*

*Commissioner Ricci seconded the motion*

Mr. Naranjo informed that the applicant may not have a response from Wal-Mart at that time.

*Motion carried 7-0 vote.*

**VI. Approval of Minutes, August 9, 2012:**

*Commissioner Wright made a motion to approve the minutes as presented.*

*Commissioner Khalsa seconded the motion.*

*Motion carried 7-0 vote.*

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

Commissioner Wright reminded everyone that would not be able to attend October's meeting.

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

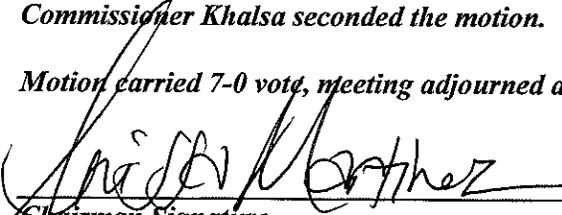
Mr. Valdez commended the commission for a job well done. He informed that the next meeting would consist of three (3) variance requests.

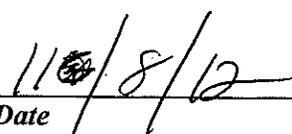
**IX. Adjournment:**

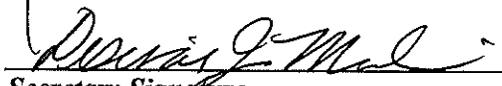
*Chairwoman Martinez moved to adjourn the meeting.*

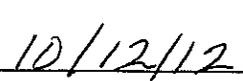
*Commissioner Khalsa seconded the motion.*

*Motion carried 7-0 vote, meeting adjourned at 9:01 pm.*

  
\_\_\_\_\_  
Chairman Signature

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Secretary Signature

  
\_\_\_\_\_  
Date