



Planning Commission Meeting
March 14, 2013
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. Old Business

1. Tabled, Commercial Site Plan Review. Stephanie Gallegos, applicant, is requesting a commercial site plan review for the operation of a landscaping material business on property owned by Richard Quintana, for which there has never been an approved development plan. The property is located at 614 S. Riverside Drive and is zoned B-2, General Commercial District.

VI Items for Consideration

1. Historic District Review. Wendy Hassemmer and Rosalia Triana, applicants, are requesting historic district review for the operation of a performing arts theater, to include a retail gallery operated by the building owner, Ray Smith, from the same building located at 500 S. Paseo De Onate. The property is zoned Plaza De Espanola Historic District.

2. Variance Request. Wilfred & Flora Lerma, property owners, are requesting a variance from development code requirements on lot size dimensions, to create one legal nonconforming lot of record on property located at 443 Pacheco Lane. This property is zoned R-1, Rural Residential District.

3. Expansion of Existing Subdivision Review. Jay Gould, property owner, is requesting a review for the expansion of the existing 16 lot subdivision, Vista Del Valle Subdivision, to allow an additional 15 lots be created on this property located at 571 El Llano Road. This property is zoned R-6, Urban Residential District.

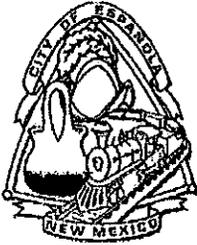
VII. Approval of Minutes

February 14, 2013

VIII. Matters from the Planning Commission

XI. Matters from the Planning Staff

X. Adjournment



CITY OF ESPAÑOLA

Planning & Zoning Department

A

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(505) 747-6061

NAME:	PHONE #:
Louis + Siria Salazar	505-747-1184
Mary Salazar	505 747-1184
Wendy Hassmer	809 -753-0877
Don Hassmer	685-4911
JAY GOULD	(505) 450-4767
Wilfred Lerma	505-747-3973
Flora Lerma	505-747-3973
Rose Caminetti	575-587-1766
Jordan Vigil	(505) 927 2258
Richard Quintan	505-901-379
Saul Racion	505-204-1951
Stephanie Madrigal	575-776-4171
Pilar Mendez	505-753-4060
Yimki Mestres	505-747-9397
Sally J. ...	"
Shirley Minett	"
Antonio ...	"
Phil Chaz	
Isabel Becker-Hudson	753-2318
Rosana ...	583-2558 / 753-0877
Sara ...	642-8602
Chayo Garcia	929-0870
JEFF TOOMEY	757-4460
Diane Dominguez + Ricky	927-5066 / 927-3404
Raymon ...	670-9220
Sarina ...	505-470-3541
Amy ...	505-747-0780

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B

MEMO

Date: Prepared for February 14, 2013 Planning and Zoning Commission Meeting

To: All Members of Planning and Zoning Commission

Via: ~~Russell Naranjo, Planning Director~~

Prepared By: Larry Valdez, Planning Technician

Commercial Site Plan Review. Stephanie Gallegos, applicant, is requesting a commercial site plan review for the operation of a landscape material business on property owned by Richard Quintana, for which there has never been an approved development plan, The property is located at 614 S. Riverside Drive and is zoned B-2, General Commercial District.

Recommendations:

The request was reviewed by Staff, whereby development code requirements were reviewed against this proposal. Recommendations for approval have been addressed.

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:

The applicant, Stephanie Gallegos, is proposing the operation of a commercial landscape material business on the property located at 614 S. Riverside Drive. This lot was occupied previously as a used car dealership. The applicant has submitted a business plan indicating the sale of flagstone, railroad ties, latillas, metal pipe, boulders, cacti and other assorted landscaping material.

The applicant is also requesting permission to allow for the use of a recreational vehicle as an office/security space for a period of at least (6) six months. Thereafter, or during the (6) six month period, the applicant will replace that with a removable modular type building, as shown on the submitted architectural plan in order to meet commercial building requirements for ADA compliance. Water and wastewater connections are available on the site, which the applicant will acquire an account from the City to connect.

Screening between the residential and commercial properties is also shown on the submitted plans, which also is a requirement of development code for use of commercial properties abutting residential properties.

The use of a sign structure located in the north east corner of the property for signage will be allowed following the proper permitting process. Licensing and bonding will be required as in any other commercial business.

Conditions of Approval:

1. Buffering, as proposed, will be required prior to the operation of the business.
2. If approved for use, the RV will be required to be connected to City utilities.
3. The RV will act as an office and ^{shall} be available for customer use.

Comments: 4. Additional condition of approval - specific date time for approval - ADA parking space be provided, in addition.
5. RV allowed no later than Aug 31,
At this time staff has not received any comments from adjoining property owners or neighborhood groups.

6. Applicant must provide the city with a hold harmless letter for release of liability
in the engineered report.

Exhibits:

1. (8) Eight page applicant proposal.
2. Aerial photos of project location.
3. Copy of P & Z Application.

C

City of Española
Planning and Zoning Department
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Española, New Mexico 87532
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MEMO

Date: Prepared for March 14, 2013 Planning and Zoning Commission Meeting

To: All Members of Planning and Zoning Commission

Via: Russell Naranjo, Planning Director 

Prepared By: Larry Valdez, Planning Technician 

Historic District Review: Wendy Hassemer and Rosalia Triana, applicants, are requesting historic district review for the operation of a performing arts theater, to include a retail gallery operated by the building owner, Ray Smith, from the same building located at 500 S. Paseo De Oñate. The property is located within the Plaza De Espanola Historic District.

Recommendations:

This request was presented to members of the Development Review Team for review. During this meeting it was noted that the building has adequate utilities and fire protection within 300 feet of the building. Building and Fire inspections will be required for occupancy of the building prior to any type of occupancy. DRT was in agreement with this request and stated that it be carried over to the Planning Commission.

Executive Summary:

In accordance with the *City of Española, Municipal Ordinance, No. 603, Appendix C, Article XXI, Plaza De Espanola Historic District* the applicants shall comply with the following:

Section 3 Purpose

Preservation of mercantile character.

Review and approval of proposed work within this district is required. At the time application is made to the city for a permit for construction, alteration or demolition, the applicant shall be accompanied by drawings, specifications and descriptions as may be required to determine the characteristics of the proposed project. The city zoning administrator shall notify the planning commission of each application received for work within the district and shall not approve the issuance of a building permit until approval is received from the planning commission.

Section 4. Standards.

The city recognizes that a certain style of architecture has evolved within the city. The architecture is characterized by:

4.1 Adobe building construction.

4.2 Roofs are steeply pitched, although flat roofs are common with the roofline extending minimally past building walls for drainage.

4.3 Facades are flat, varied by inset portals, exterior portals, projecting vigas or roof beams, canals or water spouts, structural buttresses and wooden lintels and architraves, which as well as doors and lintels are frequently carved and ornate in detail with bright colors inset into the carved areas. In this district, the influence of the mercantile era of the valley are sought to be preserved which includes Victorian and Gothic styles of architecture which were adapted to the local building materials available at the time and brought in by covered wagon or the railroad. Designs in keeping with the mercantile era of the city will be encouraged and promoted as the design character of this district.

4.4 All exterior walls of a building or structure are colored alike with exterior stucco type finishes. Colors range from light earth tones to dark earth tones or shades of white.

Summary:

The applicants Rosalia Triana and Wendy Hassemer, have coordinated with building owner Ray Smith, to occupy approximately 4,800 SF of the building formerly known as Smiths Video and Mainstreet Market, for the purpose of opening and operating a theatrical business to be known as, Espanola Mainstreet Theatre. The remaining 1,750 SF building space will utilized by the building owner, Smith's Antiques & Gallery.

Espanola Mainstreet Theater is a non-profit organization with roots in the Espanola Valley. The applicants are the founders of this business and have both been very active in teaching theatrics in northern New Mexico schools.

The Mainstreet Theater is requesting a 2 Phase Occupancy approval. Phase I will be to utilize the building as is, with minimal modification, for use in private lessons, meetings, auditions, etc. ADA accessibility for bathroom facilities will be addressed. Phase II would open the entire area for use, upon completion of proposed and required modifications. The proposed two phase occupancy is acceptable by staff, provided that all life safety issues have been addressed and final inspections conducted by Building and Fire personnel. The Gallery and Antiques space will follow the same protocol for ADA accessibility and inspections by Building and Fire personnel.

Conditions of Approval:

1. Modifications and renovations to this building will require an architect stamped, tenant improvement plan as per commercial building codes.

Comments:

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

Exhibits:

1. Aerial photos of project location.
2. Proposed Site/Floor Plan submittal.
3. Espanola Mainstreet Theatre Business Plan.
4. Copy of Planning Commission Application Form.

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D

MEMO

Date: Prepared for March 14, 2013, Planning and Zoning Commission Meeting

To: All Members of Planning and Zoning Commission,

Via: Russell Naranjo, Planning Director 

Prepared By: Larry Valdez, Planning Technician 

Variance Request: Wilfred & Flora Lerma, property owner's, are requesting variance from development code requirements on lot size dimensions, to create one legal nonconforming lot of record on property located at 443 Pacheco Lane. This property is zoned R-1, Rural Residential District.

Recommendations:

This request was presented to members of the Development Review Team for review. During this meeting it was verified that the applicant's property is connected to water and wastewater services. DRT was in agreement with the request and stated that it be carried over to the Planning Commission. As is the case in any request for deviation from the Development Code, this office cannot recommend approval, although each request is approved or denied based on its own merits.

Executive Summary:

The City of Española, Development Code, Resolution 2004-20, **Site Development Requirements, Single Family Residential Districts**, states:

<i>R-1 Districts: Required</i>	<i>Proposed W/Structure</i>
<i>Lot Area: 43,560 square feet</i>	<i>22,216.6 square feet</i>
<i>Setbacks: 50' Front, 50' Rear, 25' Sides</i>	<i>Front; 72.6', Rear; 50', Sides; existing</i>
<i>Lot Coverage: 35%</i>	<i>15%</i>

In reviewing this variance request, the Planning Commission shall determine whether all of the following criteria has been met in making a determination of approval, conditional approval or denial.

Sec.156. Variance review criteria

- (a) The practical difficulty or unnecessary hardship is inherent to the lot and is peculiar because of size, shape, topography or some other characteristic of the lot which differentiates it from other lots in the vicinity or in the district. The hardship created should not be self-imposed.

- (b) The practical difficulty or hardship created is caused by a strict interpretation of the provisions of this Ordinance, is not self-imposed and is not generally shared by other lots in the vicinity or the district.
- (c) The granting of the requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which is possessed by others in the vicinity.
- (d) The granting of the variance sought will not be contrary to the purpose or intent of this Ordinance, or injurious to property within 100 feet or otherwise detrimental to the general health, safety or general welfare of the community.

Should any request for variance not meet all four of the above listed criteria, the Planning Commission shall deny the request.

Summary:

The property located at 443 Pacheco Lane, is approximately 1.95 total acres. The applicants have been attempting to sell the property in various scenarios for some time. The request to create a lot split on the property will give the property owner the ability to sell the ½ acre with the home or the remaining 1.44 acres as vacant land for development. The applicant is proposing to create a 24 ft. roadway/easement along the southern boundary of the property for access to the remaining property. Water and wastewater services are available on Pacheco Lane for future development on the remaining vacant land, if the variance request is granted.

The applicant has been informed that the roadway known as Pacheco Lane, is a sub-standard roadway within the City. For several years, the City has attempted to obtain easements from the property owners in order for widening and paving of the roadway. At this time it is difficult for traffic circulation and emergency response. Any additional development of existing lots brings into question the City's ability to provide adequate service in the form of emergency response.

The property in question is currently zoned R-1 as a result of annexation in 1988. This area of town, in accordance with the Development Code, needs to be studied and looked into further as a rezoning classification.

Based on the current roadway conditions and provided that the applicant can show compliance with Section 406, Variance Review Criteria, the proposed lot split will not create additional traffic circulation to the current conditions. For this reason, Staff can support this request as presented but will not support future development of the remaining 1.44 acres until such time that either the area is studied and rezoned properly and/or the roadway conditions are improved.

Conditions of Approval:

1. Any request for future subdivision of this property will require full submittal of subdivision review criteria.

Comments:

This office did receive a visit from an adjoining property owner requesting further detail.

Exhibits:

1. Site plans of proposed request.
2. Aerial photo of project location.
3. Warranty Deed.
4. Copy of Variance application.

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E

MEMO

Date: Prepared for March 14, 2013 Planning and Zoning Commission Meeting
To: All Members of Planning and Zoning Commission
Via: Russell Naranjo, Planning Director
Prepared By: Larry Valdez, Planning Technician



Expansion of Existing Subdivision Review: Jay Gould, property owner, is requesting a review for the expansion of the existing 16 lot subdivision, Vista Del Valle Subdivision, to allow an additional 15 lots be created on this property located at 571 El Llano Road. This property is zoned R-6. Urban Residential District.

Recommendations:

This request was presented to members of the Development Review Team for review. During this meeting it was noted that the applicant's subdivision has adequate water and wastewater service. Fire hydrants have been installed on the site and fire department requirements for turnaround and steepness in grade were being met. After discussion, it was also noted that infrastructure on the subdivision would not be turned over to City of Espanola, as this will remain a private subdivision. DRT was in agreement with this request and stated that it be carried over to the Planning Commission. Staff concurs with the recommendations of approval from DRT for the proposed development.

History:

The existing 20 lot subdivision, 16 lots of which are addressed and 4 lots of which the applicant requests to further subdivide, was created through the Alternate Summary procedure over a period of four years, commencing on November 28, 2002. On December 21, 2005, then Planning Director, Marvin Vigil issued a letter to the applicant declaring the 16 lot subdivision, a legal conforming subdivision. During this time frame, necessary infrastructure required for the individual sale of these lots was installed. Due to the nature of how this subdivision was approved by Staff, the City was not held to accept the infrastructure. On March 30, 2009, a letter was issued to the applicant allowing him to sell lots on the subdivision upon the completion of the engineered retention pond and roadway. The applicant has complied.

At this time, having discussed this matter with legal staff, the City has accepted these existing 20 lots as legal nonconforming. Any further development of the property, would require the entire subdivision to be brought into substantial compliance with Ordinance 317, Section 4 &5. In compliance with the afore mentioned Ordinance, the applicant has been required to meet ponding, water, wastewater, cul-de-sac, landscaping and minimum lot size requirements. Because of the circumstances which have surfaced as to how Staff approved these initial 20 lots, staff is reviewing this application as an expansion of an existing subdivision.

The City is not currently in a position to accept roadway and infrastructure from developers, however, paving, curb, gutter and sidewalks will be required and have been agreed to by the applicant.

Summary:

The request for expansion of the existing subdivision located at 571 El Llano Road is to allow an additional 15 lots to be created from 4 large remaining lots within this subdivision. These proposed lots will range in size from 7400 sq. ft. to 14,000 sq. ft. and have all required utilities available for connection. The applicant has also agreed to pave the existing roadway and provide a 3 foot sidewalk on the north side of the street.

The following is a brief overview of the applicants proposed and existing developments on the subdivision.

Traffic Flow: The current roadway is a 12" compacted base course road, approximately 28 feet wide. With a proposed 3 foot sidewalk on the north side of the road, the proposed roadway will be a paved 24-foot wide road, with a 4 foot curb and sidewalk. The applicant proposes to implement these improvements upon the sale of 5 new lots.

Utilities: The existing utilities in the subdivision consist of 8" sewer main and 8" water main that include Fire Hydrants. Lines are PVC and manholes are per City of Espanola requirements. All other utilities are underground and include electricity, natural gas and telephone.

Drainage: The new lots will be consistent with the drainage requirements on the existing lots. Currently, each lot is required to have an individual retention pond along the west end of the property. These ponds are required prior to allowing connection to city utilities. Storm water and other generated sheet flow is collected at the entrance to the subdivision in two detention ponds with approximately 9,900 and 7,900 cubic feet of capacity.

Landscaping: The entrance to the subdivision is enhanced with an elaborate custom metal gate and coyote fencing. The applicant is proposing xeriscape landscaping in the form of gravel and boulders' with prickly pear cacti and cholla plants.

Fire: The applicant has installed two fire hydrants in the subdivision as required. At the end of subdivision, the applicant currently has an area identified for fire apparatus turnaround which will be improved with a dedicated and paved, 120' Hammerhead turnaround.

Lighting: There is currently not any lighting within the existing portion of the subdivision. The applicant has proposed solar powered lighting at the entrance to the subdivision in his landscape plan.

Comments:

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

Exhibits:

1. One binder with expansion details.
2. Aerial photos of project location.
3. Three letters of exhibit from Staff.
4. Copy of P & Z application.

Planning & Zoning Commission Meeting

Thursday, March 14, 2013 — 6:00 pm

City Council Chambers, City Hall

405 N. Paseo de Oñate, Española, NM

I. Call to Order:

Chairwoman Martinez called the meeting to order at 6:04 pm with the following in attendance:

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

Commissioners
Absent: Julie Atencio

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

Others: See Attached Sign in Sheet (*Attachment A*)

II. Pledge of Allegiance:

Commissioner Beaudoin led the Pledge of Allegiance.

III. Approval of Agenda:

Commissioner Wright made a motion to approve the agenda as presented, seconded by Commissioner Khalsa: Motion carried 6-0 vote.

IV. Public Concerns:

There were no public concerns.

V. Old Business:

- 1. Tabled, Commercial Site Plan Review. Stephanie Gallegos, applicant, is requesting commercial site plan review for the operation of a landscaping material business from a vacant lot belonging to Richard Quintana, located at 614 S. Riverside Drive. The property is zoned B-2, General Commercial District.*

Mr. Valdez read staff memorandum. (Attachment B)

Commissioner Wright made a motion to pull the item off the table for review. Commissioner Beaudoin seconded: Motion carried 6-0 vote.

Chairwoman Martinez stated that the request was heard at the last meeting and the Commission requested additional information: She asked if the applicants had that information. Mr. Naranjo stated that Joe Duran, Building Official, has submitted a letter regarding the construction of the wall and the applicant also has a few additional items. Mr. Chacon, on behalf of Ms. Gallegos, stated that they submitted a new site plan to reflect a five (5) foot buffer around the perimeter and a pond area. He informed that material will not get any closer than the five (5) feet. They also proposed poles with flagging to keep people out of the buffer. He stated that there is nothing in the code that requires a six (6) foot screening; therefore, they will maintain the four foot (4) baseball screening material with the five (5) foot buffer as shown on the second page of the new architectural drawings.

Commissioner Beaudoin asked who would enforce people from walking on the barrier and maintain the flags. Mr. Chacon replied that the tenant would. Commissioner Beaudoin asked what would happen to the flags when they get damaged. Mr. Chacon assured that they would be replaced. Commissioner Vigil asked if the flagged poles would allow traffic to go around the barrier or would they be set up against the string. Mr. Chacon expressed that they do not want people walking around the pallets, which is the purpose of the flags, it is a "Keep Out" zone.

Commissioner Wright recalled that the property owner was not comfortable with materials being stacked: He asked if this buffer satisfied him. Mr. Quintana stated yes.

Commissioner Wright stated that the RV would be temporarily used as an office and made available to customers. He noted that the ADA parking area will be compacted for handicapped access: He questioned

if August 31 was sufficient. Mr. Chacon responded that it would be nice to get six (6) months from today because it was going to take some time. Mr. Naranjo affirmed that it was entirely up to the Commission whether they felt that five (5) months would be adequate. Commissioner Wright expressed that a date would be preferred rather than a timeline: It is clearer for staff and the applicant. Commissioner Khalsa suggested September 30.

Commissioner Wright made a motion to approve the Commercial Site Plan Review for the operation of a landscaping material business at 614 S. Riverside Drive with conditions of approval as follows:

- 1. Buffering will be provided as proposed on the site plan submitted today*
- 2. Temporary use of RV will be allowed, but must connect to city utilities, act as an office and be made available to customers.*
- 3. ADA parking must be compacted with access to the business*
- 4. RV must be removed by September 30, 2013 and replaced with a permanent structure.*

Commissioner Ricci seconded the motion.

Commissioner Beaudoin stated that he would like to make an amendment. The Commission discussed the possibility of limiting the merchandise to the provided list of materials; however, after some discussion Commissioner Beaudoin withdrew his effort for an amendment.

Motion carried, 5-1 vote with Commissioner Beaudoin opposed.

VI. Items for Consideration:

- 1. Historic District Review. Wendy Hassemer and Rosalia Triana, applicants, are requesting historic district review for the operation of a performing arts theater to include a retail gallery operated by the building owner, Ray Smith, from the same building located at 500 S. Paseo de Oñate. The property is zoned Plaza de Espanola Historic District.*

Mr. Valdez read staff memorandum. (Attachment C)

Wendy Hassemer, applicant, stated that their business plan was within the packets and explained that they wanted to open a theater for all people to be a part of as well as to have lessons and create productions for all to come see and be a part of. She read their mission statement and expressed that there is no theatrics in Espanola and this would create productions of all kinds: drama, musical, voice and children's for example. She informed that she and Rosalina Triana are both retired teachers and this is a great way for them to do what they love.

Rosalina Triana stated that she was retired from Northern New Mexico College and she wanted to stress that this was partly educational, but mostly a place for people to gather. She informed that she was on the Mainstreet team and has an interest in bringing it some excitement and making it come alive. She shared that one of the projects would be to have participants interview their parents and grandparents about their history and then produce a play around their story. She added that the building was amazing and they hope to maintain its story of being a café and so much more. She concluded that the theater is a good fit for Historic District.

Commissioner Vigil questioned their parking. Ms. Triana explained that they did have parking in the back; however, they have spoken with Pastor Morales about using theirs. He stated that the church only uses it on Wednesday nights and Sundays. She stated that it was also possible to utilize the Park and Ride lot. She explained that the occupancy is small, for maybe 80-86 people. Commissioner Vigil asked what sort of clientele was expected. She answered teenagers would be the majority because there is no place for them and this would allow for them to interact with other ages: the young, the older, adults and elders. She expressed that they should be able to sustain themselves. Commissioner Vigil asked how they were planning on approaching the State of NM for the Park and Ride parking lot. Mr. Naranjo stated that he did do some research on that and the State leases it from the city Monday thru Friday. He explained that certain hours are associated with that, but weekends are open as they do not maintain the lease during the weekend. Clearing it up with the city, however, maybe something that can be considered.

Commissioner Ricci asked if the upgrades to the building would be done prior to occupying. Ms. Triana stated that there are two (2) Phases and they hope to do some class work in small groups as soon as possible. She informed that Ray Smith is the owner and contractor and assures that it will be put to code and completed by June so that the theater can hold a summer drama camp and a least one production this summer. Mr. Naranjo stated that all the improvements will be done through building permits and they will not be allowed to occupy until it is inspected and a Certificate of Occupancy is issued. Mrs. Hassemer explained that they are just requesting permission and then they will go through the permitting process. Commissioner Khalsa expressed that he had confidence that Mr. Smith would do a great job.

Commissioner Wright asked if the applicants were aware that one of the conditions of approval is a tenant improvement plan, stamped by an Architect for all modifications to the building. Mr. Smith stated that they were and it is currently being addressed.

Chairwoman Martinez opened the public hearing at 6:42 pm.

Jordan Vigil expressed that acting saved her life. She shared that four (4) years ago, before acting, she had a substance abuse problem; however, with acting she has a spark that just pushes her to move forward. She concluded that by approving the theater people would be given an opportunity.

Izzy Vigil stated that he was troubled with drinking before acting. He expressed that Mrs. Hassemer helped him fill the void and give a voice. He stated that the drama club gives a family. He added that it starts there and they just want to keep going.

Christian Very stated that he has enjoyed acting for five (5) years and he is currently volunteering. He expressed that the town has a lot of issues and this would be great.

Chloe Archuleta stated that she has been acting since she was five (5) years old and Rosalina has been a huge part of her life as a family friend and mentor. She expressed that she and Wendy were amazing and make great role models. She concluded that the theater is a great idea for the community.

Becky Archuleta acknowledged that she was Chloe's mother and a public health nurse. She stated that the community did not have a creative outlet and this was not just a theater.

Isabel Becker-Hudson informed that she was a native and she knew the applicants as well. She expressed that a real theater would be an asset to Espanola and could help revitalize its Mainstreet.

Robert Tomolson stated that it is a place for people to come in and hang with different people. He shared that there is just not the art aspect to it, but there is light and stage design. These take electricians and carpenters so everyone can benefit from this whole project.

Public Hearing closed at 6:49 pm.

Commissioner Ricci made a motion to approve the Historic District Review of 500 S. Paseo de Onate for a performing arts theater with the condition of approval, by staff, which requires that any modifications or renovations to this building require a tenant improvement plan with an architect stamp. Commissioner Khalsa seconded: Motion carried 6-0 vote.

2. ***Variance Request. Wilfred & Flora Lerma, property owners, are requesting a variance from development code requirements on lot size dimensions to create one legal non-conforming lot of record on property located at 443 Pacheco Lane. The property is zoned R-1, Rural Residential District.***

Mr. Valdez read staff memorandum. (Attachment D)

Wilfred Lerma, property owner, stated that he and his wife Flora would like to down-size. He expressed that he has tried to sell his property as a whole, but he is locked into selling the house with 2 AC. He stated that he can no longer maintain the property and since they no longer have family in the Valley, it would be necessary to hire someone or sell. He informed that the house is too big for the two (2) of them and they would like to reduce the property, sell it and move.

Commissioner Wright stated that the proposed access easement is on the south side of the house. He expressed and would take out some fruit trees. Mr. Lerma informed that they are non-bearing cherry and apple trees so it is not a big loss and they were going to be cut down anyways.

Mr. Lerma stated that they had received a letter from the city on the last project that they were working on and they stated that they were going to widen Pacheco Lane. He informed that there was 100 percent participation to give property to widen the street. He stated that they were told, by the city, that it was approved and Pacheco Lane would be widened.

With no public comment the Public Hearing was opened and closed at 7:00 pm.

Commissioner Khalsa stated that he was in favor of the variance.

Commissioner Ricci made a motion to approve the variance on lot size at 443 Pacheco Lane with the condition of approval that any request for future subdivision of this property requires a full submittal of subdivision review criteria: Commissioner Vigil seconded.

Commissioner Wright clarified the condition of approval, stating that any further subdivision would require a full submittal for subdivision criteria. Mr. Lerma stated that he did not want to do a subdivision and just wants to sell his house and sell the back property as a whole parcel.

Motion carries 6-0 vote.

3. *Expansion of Existing Subdivision Review. Jay Gould, property owner, is requesting a review for expansion of the existing 16 lot subdivision, Vista del Valle Subdivision, to allow additional 15 lots to be created on this property, located at 571 El Llano Road. This property is zoned R-6, Urban Residential District.*

Mr. Valdez read staff memorandum. (Attachment E)

Commissioner Wright asked if there were any conditions of approval from staff. He stated that he realized that the existing covenants are private and not subject to enforcement by the city; however, he questioned if some of its language needed to be within the conditions of approval, such as the verbiage for the retention pond on each lot. He noted that paving was not listed as a condition of approval. Mr. Naranjo stated that currently the subdivision is setting what drainage they need, provided that the extension is built to the existing conditions of what is out there. He informed that the applicant is willing to build to that caliber.

Commissioner Martinez asked if this was reviewed by the Development Review Team (DRT), and if so, did they have any recommendations. Mr. Valdez replied that it was reviewed by DRT and they noted that there was adequate fire, water and wastewater. Commissioner Ricci asked for clarification regarding a portion in the DRT minutes that mentions "...neighbors may contact the owner...". Mr. Naranjo explained that everyone in the subdivision has adequate utilities and are connected; however, the properties to the south fall into Santa Fe County and out of corporate boundary. He continued that Vista del Valle has a large enough waterline capacity and therefore, it is possible for others to hook-up, but because it is a private line, it would be up to the owner.

Jay Gould, applicant, informed that the owner of record is as Secure Logistics LLC., he stated that he had binders detailing the extension for anyone interested and presented the binder. Within his presentation he explained that he wanted to split four (4) lots into 15 and noted the following:

- **Road Improvement.** He proposed a paved road and maintaining it below a 7% slope. The road would benefit the entire subdivision.
- **Drainage.** He stated that drainage does exist on each lot and the new lots will be consistent with existing. No water will drain from any home lot to an outside lot. Ponds are proposed at the entrance for all other drainage.
- **Utilities.** He informed that water and wastewater are 8" lines and was not required at the time; however, Marvin Martinez made a request for a larger line so the possibility of tabbing off the line would be available and benefit the community.
- **Landscaping.** He stated that landscaping has been started and will be completed with xeriscape and other low maintenance plants.

He added that everything has been overbuilt and the subdivision is affordable and offers home ownership. There have been more requests for lots and that is why permission is being asked for an expansion. The subdivision has been built with the community in mind and the neighbors have been kept well informed. He concluded that letters of support have been included within his packet.

Commissioner Ricci asked how long it would take him to sell five (5) lots. Mr. Gould stated that previously, he sold them within a two (2) year frame. Commissioner Ricci acknowledged that paving would be a benefit for current owners as well as an incentive for future buyers. He asked that the paved roadway be installed within a year. Mr. Gould stated that a year goes by quickly, but he would see if there was something he could work out. He informed that paving is expensive and he would like to get some sales to pay for the paving which he estimates at \$105,000. He explained that selling five (5) lots could pay for about 60 percent. Commissioner Ricci reiterated that the road would benefit him and potential buyers. Mr. Gould stated that the roadway is stable with a 12" base, however, paving was better.

Mr. Gould expanded on the utilities stating that it was designed by an engineer and provided their details. He informed that everything was installed bigger than necessary: It was all permitted, inspected and approved.

Mr. Vigil asked who had designed the drainage plan. Mr. Gould replied an engineer named Serna from Santa Fe.

Commissioner Wright questioned where the sewer line ended. Mr. Gould responded that from the drawing it looks as if by homes 1812-1814, but it goes up close to the "K" turn (Mr. Gould's description of a hammerhead for fire department operation). He explained that the service lines meet up with the main line. Commissioner Wright stated that he had concerns with the lots on the slopes and making them buildable. He asked if the upper lots were numbered on the plan. Mr. Gould replied that they have not been addressed, once it is approved and divided, it can be addressed.

Mr. Gould informed that they plan to lower the elevation by 8-10 ft. and descend below 7% grade for public roadway. Commissioner Wright asked if the private drive would go straight down the middle. Mr. Gould stated that the "K" turn will be consistent with the level of the neighbor and get steeper to the level they will have at their own house. Commissioner Wright asked when the "K" turn would be leveled for emergency vehicles. Mr. Gould replied that the "K" turn will always be there, maybe temporarily moved at times, but always there. Commissioner Wright stated that he was not sure if an emergency vehicle could make that turn as it is now. Mr. Gould agreed, that it is steeper than what they would like it, but they are trying to cut it and blend it in to make the turn more accessible.

Commissioner Wright asked if they were just scraping the two (2) eastern lots and not the whole thing. Mr. Gould responded that they would have an 8-10 ft. difference to look over the valley, which provides incredible views. He stated that the last two (2) lots are larger lots at 13,000 sq. ft. Commissioner Wright discussed the contours and the grading: He asked if it would have an impact on the adjacent properties and require retaining walls. Mr. Gould responded that the service lines are 4" and they will go into the 8" line. He stated that they are proposing service lines from to the main for the seven (7) lots. Commissioner Wright asked where the main line stopped. Mr. Gould answered that it stopped by the "K" turn, close to the last three (3) lots. He concluded that they will leave a reasonable slope, but if it needs reinforcement they would do that with river rock.

Chairwoman Martinez asked if there was a designated open space. Mr. Gould replied that it is located at the front of the property where the retention pond is. He explained that they will be extending the coyote fence and landscape with rock and cacti. He stated that in addition, there will be a trailhead at the "K" turn to access the BML land for a hike or run.

Commissioner Martinez asked what the plans for lighting were. Mr. Gould replied that he would like to do solar lights at the front of the subdivision and extend a bit in distance. He noted that everyone has their porch lights and light poles would lower the quality of living. Commissioner Ricci questioned what the requirements are for lighting in a subdivision. Mr. Naranjo stated that lighting is a requirement for safety precautions. He noted that there is electrical on the road, should the commission request it. Commissioner Beaudoin asked if there is a provision for low level light, such as four (4) ft. for walk ways, because of the views and night sky. Mr. Naranjo stated the City did adopt the night sky ordinance for the styles of low and shield lighting so that light would not bleed into adjacent properties. He explained that the overhead cobras are necessary for large parking lots and commercial spaces; however, not for residential. Commissioner Beaudoin asked if low lighting was mandatory. Mr. Naranjo stated that he needed to do some research. Commissioner Beaudoin concluded that until there is clarification the applicant will do as he requested.

Chairwoman Martinez opened the public hearing at 7:51 pm.

Louis Salazar, 02 Camino de Duran, stated that the drainage is hurting his property. He expressed that this year he had 4-5 inches of water in his building, including mud. He informed that he has contacted the Senator, the State and other entities to address the problem. He stated that he was told that a lawsuit would be brought against him, if he did what he wanted to alleviate the problem. He informed that the ponds must not be set right and as a result he is getting flooded and Ms. Quintana lost her house. He stated that the wall is only 3 1/2 feet and it is not tall enough to hold the dirt. He noted that the city went to look at the wall and has not done anything. He concluded that it happens every year.

Commissioner Vigil asked when he was flooded last. Mr. Salazar stated last summer. Commissioner Vigil asked when they started moving earth. Mr. Gould replied that they leveled it out in 2002. Commissioner Vigil asked if he could account to why it is flooding. Mr. Gould responded that he does not believe that the water is coming from his property. He explained that he does plan to stabilize the hill and leave a bump to show that no water is coming from the property. Commissioner Vigil asked if he would continue to get flooding when they are done. Mr. Gould reiterated that it is not coming for his property and he cannot account for any other source.

Mr. Salazar shared that the Crisis Center removed pipes and will not put them back.

Diane Dominguez stated that she is in favor of the request. She informed that Mr. Salazar's property is located at the bottom of Camino de Duran and water runs down from the hill. She stated that water is not jumping the wall and onto Camino de Duran. She explained that Louis lives in a valley and that is why he is getting water from the hill. She stated that the house mentioned was flooded over 40 years ago when the Cemetery still had the old road to the dumpster. She concluded that it had nothing to do with Vista del Valle, but the Crisis Center itself.

Maria Salazar stated that she has seen the water flooding into the property and it is messing with her dad's house. She expressed that she should have taken proof. Commissioner Vigil recommended taking photos when it happens or hiring an engineer to do an analysis to get a professional opinion and if Mr. Gould is the cause then he should contribute to that study. Mr. Salazar expressed that he hopes the wall is completed because he just wants

to save his house and he is going to have to rent a back hoe or pay someone to remove the mud. He concluded that he will get pictures this summer and have proof.

Maria Salazar, 1750 Juanita's Ct., stated that she does see the water coming off there. Mr. Gould stated that he could take a look to see if the water is flowing, but even if it is, it would be fixed with the completion of the stabilizing. Rick Dominguez stated that he lives at the subdivision and works for Mr. Gould and they put a berm from the last house down, so Mr. Louie will not have water coming down.

The public hearing was closed at 8:09 pm.

Commissioner Ricci requested a hard date for the completion of the paving. Commissioner Wright stated concerns with the lots on the top and how much dirt would need to be moved. He reiterated that with the number of buildings there the road needed to be paved, especially the hammer head. He also expressed concerns that the retention pond of the subdivision sits on lots 1A-2F and 1B-2F. He suggested that they be pulled out and dedicated as open space to the subdivision or separate them from the lots and dedicate that to open space. Mr. Gould agreed that dividing the retention ponds from the lots would be best. Commissioner Khalsa asked if the moving of the earth would impact the ponds. Mr. Gould stated that eventually they will need maintenance, but each lot has its own lot and does not contribute to the pond at the bottom.

Commissioner Ricci stated that it is a narrow road and some kind of lighting is needed, but he is acceptable to the low level lights. Commissioner Wright suggested that the residents could place lights on their walls. *(The commission recommended coming back with lighting.)* Mr. Gould expressed that timing was a concern and he like to get an answer today so they could start financing. He asked if the lighting could be placed in staff's hands.

Commissioner Ricci made a recommendation to gather the conditions of approval before making a motion: Commissioner Vigil concurred. The commission discussed conditions of approval.

Commissioner Ricci made a motion to approve the expansion of the existing subdivision, Vista del Valle, located at 571 El Llano Road with the following conditions of approval (conditions read by Commissioner Wright):

- 1. The Entire Vista del Valle drive, serving all lots, must be paved one (1) year from the date of approval.*
- 2. Low level lighting, along the roadway, will be provided throughout the subdivision*
- 3. The retention ponds must be separated into distinct lots for common infrastructure. The detention areas on the west side of the property should reflect individual parcels on the final plat referencing the covenants, March 2009-Instrument #1555013, recorded in the Santa Fe County Clerk's office.*
- 4. Staff will be provided with an engineered drainage and grading plan for the review of tracts 2-A and 2-B.*

Commissioner Khalsa seconded the motion. Motion carried 6-0 vote.

VII. Approval of Minutes, February 14, 2013:

Commissioner Wright stated that the first sentence on page 2, paragraph 3, needed to be reworded. Commissioner Khalsa suggested changing it to "...will be the agent of behalf of..."

Commissioner Wright made a motion to approve the minutes with the noted suggestion, seconded by Chairwoman Martinez: Motion carried 6-0 vote.

VIII. Matters from the Planning Commission:

Commissioner Vigil expressed that this meeting was less stressful than last month's.

Commissioner Wright informed that a case that was heard by this body was appealed to the City Council and they had to rely on the minutes. He stated that a councilor and others gave compliments on the minutes and he would like to thank Desirae because it is far above her duty as Addressor/GIS Tech. He noted that it is important

to provide a clear record because it can get overturned. He concluded that applicants do have the right to go before the policy makers.

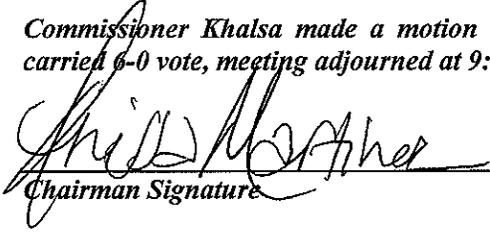
Commissioner Ricci echoed his sentiments and stated that the meeting was a job well done. He concluded that it was an honor to work with the commission.

IX. Matters from the Planning Staff:

Mr. Naranjo complimented the commission. He acknowledged that they are volunteers and they are doing a great job.

X. Adjournment:

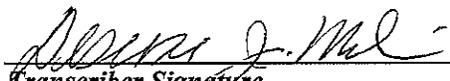
Commissioner Khalsa made a motion to adjourn the meeting, seconded by Commissioner Ricci: Motion carried 6-0 vote, meeting adjourned at 9:04 pm.



Chairman Signature



Date



Transcriber Signature



Date