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Planning Commission Meeting
November 14, 2013
6:00 p.m.
City Council Chambers
405 N. Paseo de Oate, 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. Brenda Salazar, owner, is requesting a variance on side setbacks for the placement of a metal carport on property located at 819 Bellas Lane. The property is zoned R-6, Urban Residential District.

2. Historic District Review. Kristin Hennelly, owner of Blue Heron Brewing Co. is requesting Historic District Review for the purpose of operating an establishment for the consumption of locally crafted beer and wine from an existing building located at 100 Los Alamos Highway. The property is zoned Plaza De Espanola Historic District.

3. Variance Request. Kristin Hennelly, owner of Blue Heron Brewing Co., is requesting a variance on setbacks for the purpose of operating an establishment for the consumption of locally crafted beer and wine from an existing building located at 100 Los Alamos Highway. The property is zoned Plaza De Espanola Historic District.

VII Approval of Minutes

July 11, 2013

VIII Matters from the Planning Commission

XI Matters from the Planning Staff

X Adjournment



City of Española
Planning and Zoning Department
 405 N. Paseo De Oñate
 Espanola, New Mexico 87532
 (5050 747-6082 (505) 747-6084 fax

MEMO

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

Variance Request: Brenda Salazar, owner, is requesting a variance on side setbacks for the placement of a metal carport on property located at 819 Bellas Lane. The property is zoned R-6, Urban Residential District.

Recommendations:

As is the case in any request for deviation from the Development Code, this office cannot recommend approval. Each request is approved or denied based on its own merits. DRT reviewed and commented on this request as noted in the attached minutes recommending approval of this request.

Executive Summary:

In accordance with the City of Espanola, Development Code, *Site Development Requirements, Single Family Residential Districts R-6, Table 1, Accessory building and structures* states:

Required:	Existing/Proposed:
<i>Lot Area: 6500 square feet</i>	<i>11,325 square feet</i>
<i>Lot Width: 65 feet</i>	<i>80 feet</i>
Accessory Structures:	
<i>Setbacks: 25' Front 10' Rear 5' Sides</i>	<i>+60' Front, +10 Rear, 2'9" side</i>
<i>Lot Coverage: 35%</i>	<i>28%</i>

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

Sec.156. Variance review criteria

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

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

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

Summary:

The applicant is requesting approval of a 2'3" variance on side setbacks for the placement of a metal carport on the property located at 819 Bellas Lane. The placement of the carport in this location is for the protection of the applicants RV. The applicant has determined that the carport has to be in that location in order for the fifth wheel RV to be backed into. In addition to this carport, the applicant is proposing placement of an additional carport that the RV will be backed up thru to get to the requested carport in back.

Conditions of approval:

Approval of this request requires building and zoning permits to be issued prior to the placement of the carports, in addition to the recommendation of DRT to assure private lines in the area are located before digging.

Comments:

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

Exhibits:

1. Site plan of proposed request.
2. Aerial photo of project location.
3. Copy of Variance application.

D

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Española, New Mexico 87532
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MEMO

Date: Prepared for November 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: Kristin Hennelly, applicant and owner of Bue Heron Brewing Co. is requesting Historic District Review for the purpose of operating an establishment for the consumption of locally crafted beer and wine from an existing building located at 100 Los Alamos Highway. The property is located within the Plaza De Espanola Historic District.

Recommendations:

This request was reviewed by members of the Development Review Team at our regularly scheduled meeting. Wastewater representative advised that the building did not have a grease trap when it operated as Rio Grande Café therefore, prior to operating as an eating establishment, the installation of one will be required. Additional comments regarding this request were that any alterations to the building be done to match the style of the plaza area.

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

The promotion of the economic, cultural and general welfare of the citizens of the city as well as the promotion of the harmonious, efficient and orderly growth and development of the city make it essential by the governing body that the qualities relating to the history of the Espanola Valley and a harmonies appearance which preserves property values that also attracts tourism and fosters preservation be enhanced. Some of the qualities sought to be preserved are:

- 3.1 The continued existence and preservation of historical areas and buildings.
- 3.2 The continued construction of buildings or structures in adopted or recognized historical styles, and
- 3.3 A general harmony as to style, form, color, proportion, texture and material between buildings of historic design and those of more modern design.

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.

Summary:

Blue Heron Brewing Co. has purchased the historic Rio Grande Café building located at 100 Los Alamos Highway. Blue Heron Brewing Co., referred to as BHB, is an existing brewery located in Embudo, New Mexico. This micro-brewery is proposing occupancy of this building as a second tap room, promoting a community and tourist meeting place for the purpose of experiencing hand-crafted beers, wines and eventually quality foods. Blue Heron Brewing Co. is licensed by New Mexico Alcohol and Gaming operating under a Small Brewers and Small Winegrowers license. According to the Blue Heron Brewing Co. business plan, approximately 7-10 new jobs will be available to local residents.

The addition of the covered patio area onto the existing building will be following the standards recognized by the Plaza De Espanola Historic guidelines; **Section 4, 4.1 through 4.4**. Signage for this business will be required to follow these guidelines also, maintaining the historical mode of the Plaza De Espanola. Flashing neon or similar signage will not be permitted.

Parking, landscaping, pedestrian and vehicular access and circulation have been identified and are in accordance with City of Espanola Development Code guidelines. The applicant will be requesting a time frame for paving the parking area for this project.

Prior to the Blue Heron Brewing Co. opening their doors for business, they will be required to follow the procedures of the New Mexico Alcohol and Gaming Division, obtaining approval from City Council.

Conditions of Approval:

1. Prior to operating as an eating establishment the installation of a grease trap will be required.
2. A time line for pavement, parking space striping, directional arrows and landscaping will be required.

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. Blue Heron Brewing Co. business plan.
3. Proposed project plans.
4. Copy of DRT Minutes.
5. Copy of Plaza De Espanola Historic District Ordinance.
6. Copy of Planning Commission Application Form.

Planning & Land Use: Commission Meeting
Thursday, November 14, 2013 — 6:00 pm
City Council Chambers, City Hall
405 N. Paseo de Oñate, Española, NM

I. Call to Order:

Commissioner Martinez called the meeting to order at 6:02 pm. The following were 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 (*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 7-0 vote. (Attachment B)

IV. Public Concerns:

There were no public concerns.

V. Items for Consideration:

1. **Variance Request.** *Brenda Salazar, owner, is requesting a variance on side setbacks for the placement of a metal carport on property located at 819 Bellas Lane. The property is zoned R-6, Urban Residential District.*

Mr. Valdez reported the staff memorandum. (Attachment C)

Chairwoman Martinez clarified that the additional carport was not to be addressed within this action; staff agreed.

Brenda Salazar, applicant, stated that she is requesting the placement of the carport for her fifth wheel. She explained that the driveway is narrow and it is hard to maneuver the RV into the space. Allowing the carport to be placed on the proposed location will enable her husband to drive it in from the street.

With no public comment the public hearing was opened and closed at 6:07 pm.

Commissioner Beaudoin stated that the Development Code lists four (4) variance review criteria that need to be met in order to grant a variance. He read each of them listed within the Development Code and explained how she met each one. Ms. Salazar concluded that she would be improving the neighborhood.

Chairwoman Martinez explained that staff has noted two (2) conditions for approval: the issuance of a building and zoning permit prior to the installation and the location of private lines in the area. Mrs. Salazar stated the conditions were not a problem and she could make a call to get them all located.

Chairwoman Martinez acknowledged that new participants had entered and allowed them the opportunity to speak.

Chris Roybal, Bellas Lane resident, expressed that he was in favor of Mrs. Salazar's request. He informed that he has been a resident of the neighborhood for 32 years and the property had been in disarray until the Salazar family purchased it. They have remodeled the home and improved the neighborhood. Everything they have done thus far has been done in a nice manner.

Commissioner Vigil questioned the material and whether or not it would be enclosed. Mrs. Salazar explained that it is metal and it will be partially closed to protect the RV from sun and wind. Commissioner Vigil asked if it would have electricity; she responded no.

Commissioner Khalsa made a motion to grant the variance request for Brenda Salazar at 819 Bellas Lane on side setbacks for the placement of a metal carport. Commissioner Ricci seconded.

Commissioner Wright noted that the recommendations for approval were not within the motion; therefore, he made a motion to amend Commissioner Khalsa's motion to include the conditions of approval from staff: the issuance of permits prior to placement of the structure and the location of private lines.

Commissioner Khalsa accepted the amendment. Commissioner Ricci seconded; Motion carried 7-0 vote.

2. ***Historic District Review.*** *Kristin Hennelly, owner of Blue Heron Brewing Co. is requesting Historic District Review for the purpose of operating an establishment for the consumption of locally crafted beer and wine from an existing building located at 100 Los Alamos Highway. The property is zoned Plaza de Española Historic District.*

Larry Valdez presented the staff memorandum at 6:16 pm. (Attachment D)

Commissioner Wright stated that one of the conditions of approval is the installation of a grease trap prior to food being prepared. He questioned how it would be regulated and would it require a change of use. Mr. Naranjo explained that the process is initiated and permitted through the Environmental Department. The city only needs to know when one is being placed and that it is placed according to the proper specifications. This building has a grease trap, but it was never permitted by the Environmental Department.

Commissioner Wright asked what would initiate the process. Chairwoman Martinez questioned if they would require an inspection from the Health Department. Mr. Naranjo expressed that he did not know what warrants a grease trap.

Commissioner Wright asked how they are to ensure that a grease trap gets installed when food is ready to be served. Mr. Naranjo explained that the applicant would need to be in full compliance with the Health Department in regards to a food establishment. Depending on what they will be serving, one would be needed. The state requires the grease traps; the city only needs to be knowledgeable that one is being placed.

Commissioner Ricci clarified that the City does not have to follow-up on it because the state will be upholding it. Commissioner Khalsa added that it is standard procedure and they would not be issued a restaurant license without one.

Commissioner Wright asked if any permits had been issued. Mr. Naranjo stated no, but since it is an existing building, they have had conversation with the Building Official to work on some demolition of non-bearing walls. Commissioner Khalsa expressed that performing demolition prior to be being heard before the Commission is not appropriate.

Commissioner Beaudoin expressed that when site visits are made and demolition is being done without any notice or permits posted on the doors, it is stepping out of bounds and those bounds need to be known.

Kristen Hennelly, applicant, stated that she is excited for this project and apologized for starting early.

Scott Hennelly, applicant, explained that Blue Heron would provide access to quality hand-crafted beer. He shared the history of the brewery and affirmed that they are dedicated to producing beverages for everyone. He stated that with Committee guidance, they will be renovating the interior and exterior of the building to be within compliance and creating a space that is inviting and comfortable. He noted diamond finish satio foot rests; south facing windows; cozy sitting area to the east; and in order to bring some of the outdoor in, a patio will be created and accessed through French doors. The building will possess character and be built in accordance with the Historic District standards.

Commissioner Ricci asked if the layout of the covered patio was part of the variance request. Mr. Naranjo confirmed.

Commissioner Beaudoin expressed that he thought it was a great idea and he supports it. He also noted that during the site visit he noticed that the southeast corner of the roof appears to have some structure failure; He asked what the architect has to say about the situation. Mr. Hennelly stated that the contractor had mentioned some sagging, but it was not structural and it was caused by rot; however, he will double-check with him to confirm it is the same area. If it is structural, it will be dealt with.

Chairwoman Martinez asked if they had thought of safety features to keep patrons away from NMSR 30 if they had too much to drink. Mr. Hennelly expressed that they have had massive amounts of training to serve alcohol; however, the proposed knee wall that will extend along the property would aide in keeping them from the street.

Commissioner Beaudoin asked if the ingress/egress at the end of the covered patio and parking lot was going to be closed; Mrs. Hennelly confirmed.

Commissioner Beaudoin noted that there were no building plans submitted and asked for clarification on what they were being asked to approve. Mr. Naranjo explained that they are looking at the historic significance of the site and how it pertains to this establishment and the functionality of the drains and taps. He informed that in discussion with the applicant, the plans have been completed by an architect or engineer. He stated the applicant first needs approval of a site plan, and then they can submit building plans for a building permit. The Building Official will require an architect or engineer stamp and he will do the review.

Jeff Atencio, President of the Board of Directors for the Chamber of Commerce, stated that he has come out to support this establishment. He informed that they will be neighbors to the Chamber and they have been working with them and the City to get the project going. He expressed that it is a great idea and it is the exact establishment that would bring some tourism and traffic to the plaza. He requested that it be approved so it can establish some jobs and add to the economy in Española.

Val Alonzo stated that it would be a huge improvement to the area and assist the community. He expressed that can be bigger than ever imagined.

Commissioner Beaudoin asked what the project cost investments were. Mr. Hennelly stated that the full completion, without property, is \$100,000.

Public hearing closed at 6:46 pm.

Commissioner Wright asked what the parking requirements were for an establishment like this. Mr. Naranjo replied that the Historic District allows for street side parking, but the property can give as much as possible. Should there be overflow, the City has agreed for them to utilize the parking of the plaza, provided that the City is not using it during that time.

Commissioner Wright asked if street side parking was allowed along E. Hill Street. Mr. Naranjo stated that it used to be, but has not seen it used since the plaza was built.

Commissioner Ricci asked what the parking on the property allowed. Commissioner Wright stated the plans show 13 spaces and two (2) handicapped. Mr. Hennelly informed that it is 27 spaces with three (3) handicapped.

Commissioner Khalsa questioned the occupancy limit for the building. Mr. Hennelly stated that he did not know the answer to that.

Commissioner Wright expressed that with the additional parking on the plaza, parking was plentiful. He asked what timeframe was being requested for the paving extension. Mr. Hennelly stated that two (2) years would be sufficient in paving the entire parking lot. He expressed that with the expenses right now, the cost of \$4 a sq. ft. would be impossible. Mrs. Hennelly added that it is a heavy fee to take on right now, and if they had to, they would not be able to open their doors. Commissioner Wright stated that he would be willing to accept that, but he would not consider leeway on ADA parking. The handicapped spaces absolutely have to be paved.

Commissioner Wright questioned soil testing on the site where the house was demolished. He advised that they look into how it was compacted and be aware of how it relates to moving vehicles before they pave it.

Chairwoman Martinez asked if they would be willing to pave the ADA parking prior to opening the doors; The Hennellys agreed.

Commissioner Atencio made a motion to approve the Historic District Review located at 100 Los Alamos Hwy, with the conditions listed by staff.

Chairwoman Martinez asked if the first condition would be as listed. Commissioner Atencio stated that it is important to keep some language; however, the Environmental Department will go further into the assurance of the installation.

Commissioner Atencio stated conditions of approval to be the installation of a grease trap upon food being served and that the parking lot will be paved within two (2) years, with the exception of handicapped parking which will be hard-surfaced upon opening.

Commissioner Vigil seconded the motion; Motion carried 7-0 vote.

3. ***Variance Request.*** *Kristin Hennelly, owner of Blue Heron Brewing Co., is requesting a variance on setbacks for the purpose of operating an establishment for the consumption of crafted beer and wine from an existing building located at 100 Los Alamos Highway. The property is zoned Plaza de Española Historic District.*

Mr. Valdez presented the staff memorandum at 6:59 pm.

Commissioner Wright stated that approving the variance will mean approving a zero lot line on the highway. He questioned the idea of setting precedents in the area.

Mr. Naranjo informed that variance requests are based on its own merits and does not set precedents.

Commissioner Wright asked if the project site is two (2) lots. Mr. Naranjo stated the lots had been consolidated. Commissioner Wright questioned if it was recorded. Mr. Naranjo explained that when it was purchased, they were advised to consolidate the lots; however, he is not sure if it was recorded with the County. Mr. Hennelly informed that when the property was purchased they were told that it had been consolidated. Mrs. Hennelly added that they, however, did not know if it actually was. Commissioner Vigil stated that it could have been done through a deed, but the issue of a lot consolidation is nothing and minimal work that can be done within a day.

Commissioner Wright noted that the zero lot line would be along the entire property.

Mr. Naranjo stated that at this point, staff does not think that precedent would be established by the Commission; each case has merits that have to be proven. If the Commission feels that the merits for this case warrant a zero lot line, then the only precedent set would be that anything along this roadway would need to come before the Commission for a variance based on their own merits. He explained that if staff took the initiative to administratively accept a zero lot line, then at that point a precedent is set.

Commissioner Wright stated that the merits for this case are fine, just for the covered patio. He expressed his concern is that the zero lot line would apply to both lots, forever. Commissioner Khalsa reiterated his concern. He concluded that the variance works for this project, but it may not for whatever comes after.

Commissioner Khalsa made a motion to approve the variance on setbacks for the existing building located at 100 Los Alamos Highway. Commissioner Wright seconded. Motion carried 6-1 vote, with Commissioner Beaudoin voting in opposition.

VI. Approval of Minutes, July 11, 2013:

Commissioner Wright stated that the following corrections need to be made:

Page 2, Paragraph 3, "Core of Engineers" needs to be changed to "Board of Engineers and Surveyors"; on the same paragraph, seven lines down, should read "Planning and Zoning Department," instead of just "Planning"; on page 5, on conditions of approval #8, the letters for North Central Solid Waste Authority were transposed, it should be NCSWA and on Page 7, the last word in the seventh paragraph should be "capacity".

Chairwoman Martinez made a motion to approve the minutes of July, 11, 2013 with the corrections made by Commissioner Wright. Commissioner Atencio seconded. Motion carried 7-0 vote.

VII. Matters from the Planning Commission:

Commissioner Beaudoin expressed how the applicants should know what criteria they have to meet in order to be approved. He asked that staff provide the applicants with the criteria so they can make their case around it. He stated that he will deny every request until it gets squared away.

Commissioner Ricci stated that the last Commercial Site Plan they heard had all sorts of requirements and questions, however, tonight's was different. He asked what the difference was. Mr. Naranjo explained that there is a difference between new construction and existing. New construction requires review on architecture, lighting, parking and many other aspects, because it is brand new. Existing only requires drainage, landscaping etc.

Commissioner Beaudoin congratulated Murphy's Express gas station. He stated that they had their grand opening and did a great job repairing the street and constructing exactly the way they said they would. Mr. Naranjo informed that their Española location currently has the lowest gas prices in the nation. He acknowledged the great job the Commission did with the Murphy's Express project and noted that there have been some pros and cons with the bump-out; however, it had been established that it would happen as a result of driver error.

Commissioner Khalsa stated that Washington Federal had installed a new sign and asked if they had dropped down the height to comply with the code. Mr. Naranjo confirmed that it was lowered.

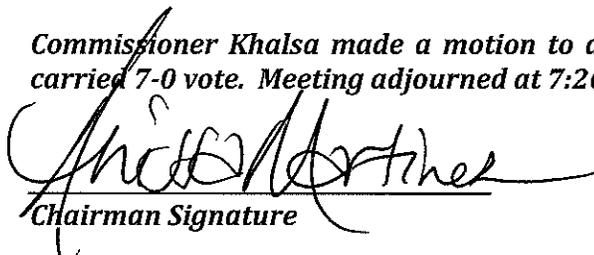
Chairwoman Martinez expressed that the entire City of Española website is outdated. She acknowledged budget constraints; however, she would like the City to keep pace with technology and not only be current, but provide their forms online. Mr. Naranjo explained that it is not due to budget, but that the webhost does not work on the premises and at times is not available. He agreed that it needs to be updated.

VIII. Matters from the Planning Staff:

Mr. Naranjo stated that the new Code Enforcement Officer, Michael Marquez, is working out well for the department and has already made a big impact. He expressed that a workshop is necessary in the upcoming months approaching the election season; however, due to the holidays, it was up to the Commission.

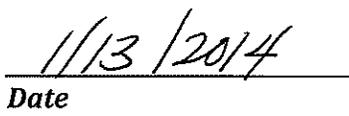
Chairwoman Martinez informed that the next meeting is to be held on December 12, 2013. She stated the Commission should plan on coming to the regularly scheduled meeting, even if there aren't any cases; the time will be utilized as a workshop.

Commissioner Khalsa made a motion to adjourn; seconded by Commissioner Atencio. Motion carried 7-0 vote. Meeting adjourned at 7:26 pm.


Chairman Signature


Date


Transcriber Signature


Date