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

December 8, 2011

NAME (PLEASE PRINT)	**PHONE NUMBER**
DENNIS Trujillo	852-4920
Orlando Trujillo	852-4420
Jason Salazar	250-4825
HOWARD FLOREZ	753-6033
MARIE MILLARD	753-3466
Bobby Romero	681-5398
PEGGY LSAnch	603-8062
Whitney JONES	753 2126
Joe Garcia Jr	753-2739
Alice Romero	681.5398
Jackie Cantrell	753-4202
Raymond Cantrell	753-4202
Camilla Bustamant	747-5454
MARCELLA D. CORIZ	753-2739 (WORK)
Melissa Salazar	505-747-2925
CLARK DE SCHWEINITZ	747-2512
Beth Elise Forman	541-554-5878
MIKE F. LOPEZ	505-753-9561
Phillip Charos	505-753-1873
Clarissa Duran	"
Jean Porteus	753-2045

Planning & Zoning Commission Meeting

Thursday, December 8, 2011 – 6:00 pm
City Council Chambers, City Hall
405 N. Paseo de Oñate, Española, NM

I. *Call to Order*

Commissioner Martinez announced that she would be chairing tonight's meeting and called the meeting to order at 6:07 pm; the following were present:

Commissioners:	Erle Wright, Chairman (arrived at 7: 25 PM)
	Amrit Khalsa
	Anissa Martinez
	Richard Beaudoin
	Sunee Sandoval
Staff:	Russell Naranjo, Planning Director
	Larry Valdez, Planning Technician
	Isabelle Martinez, Code Enforcement
	Desirae Medina, Addressor/GIS Tech
Others:	See Sign-In Sheet

II. *Pledge of Allegiance*

Commissioner Martinez led the pledge of allegiance.

III. *Approval of Agenda*

I. Call to Order
II. Pledge of Allegiance
III. Approval of Agenda
IV. Public Concerns
V. Items for Consideration:

1. **Commercial Site Plan Review.** Jason Salazar, property owner, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for purpose of the rental of a 2123 square foot building. The property is located at 237 N. Riverside Drive and is zoned B-2, General Commercial District.

2. **Commercial Site Plan Review.** Melissa Salazar, representative for the Española Community Market, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of operating a proposed retail co-op market from an existing building on the site. The property is located at 710 N. Paseo de Oñate and is zoned R-O-I, Residential, Office, Institutional.

3. **Commercial Site Plan Review.** Joe Gurule, representative for the Family Leraning Center, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of placement of a 900 foot modular building for use as office space. The property is located at 436 N. Paseo de Oñate and is zoned R-O-I, Residential, Office, Institutional.

VI. Approval of Minutes
VII. Matters from the Planning Commission
VIII. Matters from the Planning Staff

IX. Adjournment

Commissioner Khalsa made a motion to approve the agenda as presented.

Commissioner Sandoval seconded the motion.

Motion carried, 4-0 vote.

IV. *Public Concerns*

Commissioner Martinez asked if anyone had any public concerns.

Whitney Jones, Rio Grande SUN, informed the commission that she had been verbally harassed by a planning and zoning employee and requested to submit a letter in that reference .

Commissioner Martinez stated that they would accept the letter into the record.

Russell Naranjo stated that he would like to recognize Isabelle Martinez, who after 25 years of working for the City of Española will be retiring, making this meeting her last.

V. *Items for Consideration*

1. ***Commercial Site Plan Review. Jason Salazar, property owner, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of rental of a 2123 square foot building. The property is located at 237 N. Riverside Drive and is zoned B-2, General Commercial District.***

Staff report was presented by Larry Valdez at 6:10 pm as follows:
Commercial Site Plan Review: Jason Salazar, property owner, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of rental of a 2123 square foot building. The property is located at 237 N. Riverside Drive and is zoned B-2, General Commercial District.

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

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.

History:
To the best of staff's knowledge, the property in question had a building constructed on it in the early 1950's which was utilized as a liquor establishment/ dance hall and most recently as a hair salon. Access has always been on site without utilization of adjacent sites. Parking has also historically been on site.

Summary:
Mr. Jason Salazar, owner and operations manager of Triple S Management, L.L.C. has purchased the property located at 237 N. Riverside Drive. The property includes a 2123 square foot building on approximately .127 acres (5532 s.f.).
The property and building in review are recognized as a legal non-conforming lot of record with a legal non-conforming structure located on it. The owners request is to utilize the property in its capacity as a commercial structure within a commercial zoning district.

The use of this property and structure has been evaluated against the City of Española, Development Code Article VII, Nonconforming Uses, and is determined to meet the requirements.

The original request of the property owner was to utilize the adjoining streets, Buen Viaje and Costilla Lane, as a circular vehicle route around the property thus allowing for additional parking space on the property. As a result of concerns from DRT input and an adjacent property owner dispute, it has been determined that the access roads Buen Viaje and Costillla Lane are considered to be private drives of which the applicant has no legal right for use. Staff has advised the property owner of this fact. This will decrease the number of parking spaces on the property and adversely affect the ability of the property owner to rent without adjacent shared parking agreements. At this time it has not been requested of the applicant to submit a parking variance application due to the legal nonconforming status of both the structure and lot.

Staff has attempted to discuss on street parking scenario with NMDOT and will brief the Commission as this information becomes available.

The property is zoned B-2, General Commercial District, as noted. In this zoning district developmental requirements are as follows:

➢ *Lot Area (legal nonconforming)*	***Required Minimum:*** *10,890 s.f.*	***Existing:*** *5,520 s.f.*
➢ *Lot Coverage.*	***Allowable.*** *40 %*	***Existing:*** *41 %*
➢ *Setbacks (legal nonconforming)*	***Allowable:*** *Front, 50' Rear, 50' Sides, 25'*	***Existing:*** *F 27', R 14', Sides, 12' & 4'*
➢ *Parking (legal nonconforming)*	***Required:*** *1 space / 4 persons at max cap.*	***Proposed:*** *5 spaces*
➢ *Pond Req.*	***Not Identified:***	***Proposed:***
➢ *Landscaping.*	***Required minimum:*** *5% of total lot area*	***Proposed:*** *8%*
➢ *Vehicular access.*	***Required minimum,*** *20'*	***Proposed,*** *20'*
➢ *Fire Hydrants*	***Located south of development, within 300 feet.***	

Conditions of Approval:
1. *Proper parking spaces must be identified to include handicapped parking and accessibility.*

Comments:

Staff has been questioned by adjoining neighbors of the proposed use and notified of the ownership of the adjoining driveways.

Commissioner Martinez asked if there were any questions for staff.

Commissioner Beaudoin questioned if the ingress/egress at 20' is in one of the two private lanes or if it was within the curb cut of the building.

Mr. Naranjo stated that it appeared that the ingress/egress was to the lot itself.

Commissioner Beaudoin asked if that was located where parking spaces are proposed.

Mr. Naranjo replied that three spaces had been removed.

Commissioner Martinez stated that one of the requirements is that the applicant must submit certified plans, and asked if the plans were certified.

Mr. Naranjo answered that they were not certified and explained that part of the code within that section needs to be re-codified; therefore, staff has been lenient on the submittal of certified plans.

Commissioner Martinez asked if there were further questions for staff.

Commissioner Sandoval questioned if two of the parking spaces shown were on the highway.

Mr. Naranjo stated that street parking is being looked at as a possibility, should NMDOT allow it. He added that adjacent property owners are currently using street parking and a call has been placed to NMDOT; however, staff has not yet heard back from them and until they respond, street parking is only a proposal, but may be a usable avenue.

Commissioner Martinez asked if there were any further questions for staff.

There were none, therefore, Commissioner Martinez opened the floor to the applicant.

Jason Salazar, property owner, stated that he bought the building and would like to pave it and rent it. He stressed that he had no intentions of encroaching unto the neighbors' properties and any other issues have been addressed by Mr. Naranjo and Mr. Valdez. He added, "If I bought a building that could not get approved then it was garbage: Jackie recently ran a hair salon from that building and it has been commercial since I was a kid playing video games on the street." He explained that he was requesting approval so he can have someone rent the space and pay his mortgage. He stated that the plans were drawn by his friend, who is certified, but did not stamp the plans and if the neighbors wanted to be "mouthy," complain and put up a fence they were only inconveniencing themselves. He informed the commission that he had drainage and sign plans that are "all done up to specs"; however, because he just submitted them, they would not have them. He concluded that he wanted to beautify Española and noted that the Bridge Radiator Shop next door needed to be demolished, at the owner's cost, before it falls on an adjoining property.

Mr. Naranjo stated that Bridge Radiators is on pueblo land and the City cannot due much because it is a sovereign nation.

Mr. Salazar replied, "I only mentioned it because this ignorant man mentioned it and said it was his."

Commissioner Khalsa asked if he could get a tenant without parking.

Mr. Salazar stated that if he did not get approved he did not want to keep the building and he would default the loan.

Commissioner Khalsa stated, "That was not my question," and rephrased it by asking what he planned to do if he could not get parking.

Mr. Salazar answered that if the ex-mayor could get parking, as well as others, there was no reason why NMDOT wouldn't allow him to do the same.

Commissioner Beaudoin asked when the property was purchased.

Mr. Salazar replied, "June."

Commissioner Beaudoin asked how the parking was when he was playing video games on the street.

Mr. Salazar answered that he did not know; however, they were at these crossroads because they were not put on some historical list. He stated, "If I had to live in a box, I would have to do with living in a box and if the neighbors wanted to put a fence that was at their inconvenience." He concluded that Jackie had no parking problems.

Commissioner Beaudoin stated that the plans cite 360 square feet of unoccupied footage and asked what that meant.

Mr. Salazar stated that it is the built in bar and it will be blocked off; therefore, whoever he rents to will not be able to use it for the public.

Commissioner Beaudoin asked if the bar was in the wall or how it was positioned.

Mr. Salazar answered that it was a raised area and whoever rents it may use it as storage. He explained that if the ex-City Clerk rented it, like she wants, for Zumba, she will not be allowed to have class back there.

Comissioner Beaudoin asked if there was plumbing to the bar and kitchen.

Mr. Salazar stated yes; however, there was no access to the kitchen, but through the bar.

Comissioner Beaudoin asked if he had an existing contract for a dance, boxing or martial arts studio.

Mr. Salazar answered that he has no intention of running a business and it is a big empty space where those activities could be held. He reiterated that he wants to rent it and have someone else pay his mortgage.

Commissioner Beaudoin asked Mr. Salazar if he was aware that parking was going to be his headache when he purchased the building.

Mr. Salazar responded that it has always been a building and when he took it to Larry and found out it had never been approved for commercial, he had to start at ground zero.

Commissioner Beaudoin replied, "Thank You Mr. Salazar..."

Mr. Salazar interrupted Commissioner Beaudoin and stated that he was creating CRS gross receipt taxes and explained that it was what goes out and comes back to pay for streets, employees and the commission to sit there.

Commissioner Martinez replied, "Thank You Mr. Salazar."

Mr. Salazar responded, "Just so you know: now you are educated."

Commissioner Beaudoin stated that he was a volunteer and no one pays him to sit on the commission.

Commissioner Martinez asked if anyone would like to speak in favor of the applicant.

No one came forth.

Commissioner Martinez asked if anyone would like to speak against the application.

Howard Lopez, 501 Costilla Lane, stated that he was informed that Mr. Salazar wanted to use Buen Viaje and Costilla Lane to create a driveway around the building, but those lanes were private

driveways and he would be encroaching. Mr. Lopez added that Mr. Salazar was not a very friendly person and he did not want him in their driveway. He explained that the building was once a Laundromat, a store and then Ruby made a bar and customers would drive around and use Costilla Lane, until an incident occurred and it was fenced. He concluded that if he drove around the building he would go through their private driveway.

Raymond Cantrell stood to speak in general about this case. He informed the commission that he is the prior owner and the properties on both side have easements, so when Mr. Salazar bought the property he suggested a "U" around the building, since there are two (2) easements. He stated Mr. Lopez did place a fence there, but at the time it was a private drive, but now the driveways have utilities and are no longer private; so he assumed that a business could use them.

Jackie Cantrell stated that Mr. Lopez has always used the front area as his driveway to get to the back of his property and could not understand why he was upset and complaining.

Peggy Sanchez explained that she had concerns because she heard the building was going to be rented for parties, such as quinceañeras, which would result in litter and people turning into her driveway.

Cherie Romero stated that the main concern is the parking, but in her opinion you need to allow for a business even with minimal parking. She expressed that she would not want for him to default on his loan, but to occupy the building. It is best to create a viable business rather than having it sit there vacant.

Mr. Lopez confirmed that Jackie was right and he does use the driveway; however, she uses his as well to get to her property.

Commissioner Martinez stated that there is confusion to whether these are private driveways or not and asked if staff knew.

Mr. Naranjo replied that they are private driveways that have a utility easement, not a right-of-way easement. It allows for the City to run utility lines and gives them the right to service those lines, but it is not open to the public.

Commissioner Martinez asked if it was legal for non-owners to utilize the driveways.

Mr. Naranjo answered that it is a private lane and is not established as public unless it is dedicated to the City or if the owners grant easement, but it is his understanding that they do not wish to grant easement. Any others that utilize the driveway would be trespassing.

Commissioner Martinez asked who owned the lands.

Commissioner Sandoval questioned if the previous owners had easements to use those lands.

Mr. Naranjo responded that based on research there has been no easement dedicated to the owners of that structure for utilization of the private drives. He explained that the driveway did have a street name; however, it is given for 911 addressing purposes only and does not take away from it being private: the City does not service the street because it is not a City street, but private land.

Mr. Salazar stated that as mentioned in the beginning he only wants to pave his square and he does not think people, who are going to be patrons, would consciously park in the middle of Costilla Lane or Buen Viaje if it is a road. He stated that once it is paved you will be able to see who is encroaching, but people do not park in the middle of roads. He asked that the commission approve his application so he can rent it and support his city.

Commissioner Beaudoin asked if in a case like this, for a commercial building that has parking for only a specific uses, if there was something in the code that allowed for specific uses and not all uses.

Mr. Naranjo answered that the City has several buildings like this that are legal non-conforming and there are provisions that allow for land owners to acquire shared parking with adjacent owners, if possible. He stated that if approved the staff would recommend conditions of approval, that upon final determination of the occupant, the parking situation would go through planning and zoning to ensure that it is acceptable for that use. He added that if he is able to obtain shared parking after hours and goes into an agreement, then staff would be open to that as it is in the provisions of the code. He concluded that at a bird's eye view it appeared that he has 2-3 spaces and it is a possibility that he could go into an agreement with someone, and depending on the occupant, it could work.

Commissioner Beaudoin asked how many spaces the building would need in order to be parked correctly.

Commissioner Khalsa replied that it depended on the use.

Mr. Naranjo stated that if it is a dance studio it is one thing and if it is retail it shifts, and if it is food it shifts to a different equation all together.

Commissioner Beaudoin stated that the problems are inherent at this point and asked how they are to protect the neighbors against activity that will take place on their property if Mr. Salazar wishes to be an absentee landlord. He questioned that if they were to approve it, would they be approving anything to occupy the building or would it be legal to put a cavy on it.

Mr. Naranjo explained that any commercial building that goes through a process can have a developer come by with no idea of who they are going to be leasing to, and it is the parking that limits what the building can actually be rented out for: however, it does not take away from the fact that it is commercial. There is a limit as to what he can do with the building, but you cannot put much of a boundary on it.

Commissioner Sandoval asked if he were to rent out the building from 9 am-4 pm, with provided parking, for the herbal supplement store and then rent it out for Zumba classes from 4-8pm, with shared parking, was that something that he could do.

Mr. Naranjo answered that he was not sure because parking depends on calculations, but with quick math it could be eight (8) spaces for retail, but a dance studio require less. If it was vice-versus he may have the ability to acquire parking from Steve's Tint Shop.

Commissioner Khalsa stated that a certificate of occupancy would be needed and it would also limit what he can do with the building and who he can rent to.

Mr. Salazar stated that he understood that, and hypothetically, if after tonight he wished to open a dance studio temporarily he could seek to obtain shared parking from Valley National Bank, Steve's Tint Shop and Dynette then submit their permission to use their parking for herbals and Zumba. He added that parking is a major issue and until it is paved with the boundary it was hard to determine how many spaces he could create. He concluded that as a community they needed to get that building approved.

Commissioner Martinez stated that there may be something on page 50 of the Development Code that could be useful, because it allowed for off-site parking within 200'. She proposed that the applicant work with his neighbors to provide parking either across the street or on the lots over.

Mr. Salazar responded that he had already spoke with Russell about that and he said that it was exactly what he was going to have to do, and he understood that when he walked in today.
Commissioner Martinez expressed that she had no problems with the lots on the same side of the highway, but was concerned with having people walk across a busy highway, and right where it curves.

Mr. Naranjo added that the portion of the code referred to on page 50 protects the business after a shared parking agreement is acquired because shared parking cannot be terminated until the use changes.

Commissioner Martinez stated that big issue here was parking and asked Mr. Lopez if there was any way he could work with the applicant.

Mr. Lopez responded, "I do not want anyone on that driveway, period." He explained that the fence went up when an incident occurred between a neighbor and a customer at the liquor store's drive-thru, and he liked the fence.

Commissioner Beaudoin stated that based on Commissioner Khalsa, the approval has nothing to do with the parking, "it is what it is" and it is the tenant who has to come to Planning and Zoning to get parking approval for their specific use. Everything has to do with the tenant and not the landlord.

Mr. Naranjo replied that it was legal non-conforming and "parking is what parking is"; however, in a case where there is no parking you cannot grant a business, but this has some. Therefore, it is exactly as what Commissioner Khasla stated, it depends on the use and then it would have to go before Planning & Zoning.

Commissioner Martinez reminded everyone that it was still a public hearing and asked if anyone wanted to speak for or against the request.

Mike Lopez, adjacent property owner, stated that he resides north of Jackie's and between the property in question and Steve's Tint Shop. He expressed that he had concerns if shared parking was obtained from Steve because people would park in his lot and block his driveway.

Bobby Romero stated that he has been sitting here tonight listening to parking issues and staff has said that whatever parking he has is all that is needed to open a business. He expressed that it was the City of Española's police to enforce people to not park where they shouldn't: "It is what they are paid for." He explained that it was real easy to resolve by simply granting the approval, letting him pave and mark the allowed parking, and if they park illegally it is up to the police to make the determination. He concluded that they are all neighbors and as a community we should do our best to use these vacant buildings for good uses instead of pushing business out of the City.

Clarissa Duran stood to state that her father once owned a business and she was pro-economy. She expressed that we should beautify the City and create spaces for businesses and worry about how the neighbors and tenants get along later. Especially these old buildings, if we cannot use them then just get rid of them.

Mr. Salazar stated that the businesses on Oñate, from the light to the bridge all have poor parking, just like his. He concluded, "We have to do with what we got."

Public hearing was closed at 7:04 pm.

Commissioner Martinez asked if there was further discussion.

Commissioner Sandoval stated that she did not see a drainage plan, as Mr. Salazar stated, and asked if it would be best to table the application so they could review a full packet with an updated parking plan and any answer that may be received from NMDOT.

Mr. Naranjo answered that it was their choice to table the application or make a decision. He explained that "drainage is what drainage is" there. He informed the commission that they are one of few businesses that are allowed to drain into the road; any new commercial site would not be allowed to do the same. He stated that the applicant's drainage plan shows a curb inlet so it can do just that; however, it could be put it in their packets for next month, but it was not going to change.

He concluded that as far as the parking it was not going to change either, but he does have at least one parking space, therefore, he is allowed at this point.

Commissioner Beaudoin questioned if the building would be brought to code prior to being occupied.

Mr. Naranjo replied, "Yes."

Commissioner Sandoval asked if there were any conditions for approval.

Commissioner Beaudoin stated that he understood if the landlord could bring the building up to code then all conditions would be moved down to the potential tenant and they would deal with the parking situation.

Commissioner Sandoval made a motion to approve.

Commissioner Khalsa seconded the motion

Motion carried, 4-0 vote.

Commissioner Martinez concluded that she hopes Mr. Salazar and the neighbors can get along, but at this point he does not have a tenant and when he does they will have come back before the commission.

At the end of the motion Mr. Lopez was still under the impression that his driveway would be utilized. He was informed that the plan had changed because the applicant could not use his private driveway. Commissioner Beaudoin showed Mr. Lopez drawings to illustrate the change.

Commissioner Martinez called the meeting back into order at 7:13 pm.

2. **Commercial Site Plan Review.** Melissa Salazar, representative for the Española Community Market, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of operating a proposed retail co-op market from an existing building on the site. The property is located at 710 N. Paseo de Oñate and is zoned R-O-I, Residential, Office, Institutional.

Mr. Valdez read the staff report as follows:

Commercial Site Plan Review: Melissa Salazar, representative for the Espanola Community Market, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of operating a proposed retail co-op market from an existing building on the site. The property is located at 710 N. Paseo De Onate and is zoned R-O-I, Residential, Office, Institutional.

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

Executive Summary:
In accordance with the City of Española, Development Code, Article IV, Section 153, ***Development Plan Approval,*** *the applicants shall comply with the following:*

1. *Applicants for new construction of individual buildings or additions shall receive Planning Commission approval of a development plan prior to issuance of a building permit. A development plan is required in the following circumstances:*

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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 Espanola Community Market has entered into a lease agreement with the City of Espanola and Espanola Chamber of Commerce for the occupancy of the structure located at 710 N. Paseo De Onate. The property is owned by the City of Espanola and the structure by the Chamber of Commerce. In short, the Community Market is a start-up retail food market that provides shoppers with fruit, vegetables and other farm products from the Valley and surrounding areas. Currently the Espanola Community Market is a complete volunteer-run program with the goal of becoming a full scale retail market.

In reviewing the plans for this business, questions from staff as to ingress/egress, parking, traffic circulation and landscaping were brought up to the applicant. The applicant has expressed an understanding and willingness to eliminate the access off of 84/285. The primary access will be directly off of Coronado Street. (please see enclosed site plan).

The City has allowed the Chamber of Commerce to sublease the 1056 square foot structure.

The State of New Mexico, Environment Department has issued a letter to the market advising the Market does not need a food establishment permit until they start selling food that is prepared or start selling potentially hazardous food such as meats, cheese, milk or eggs.

This property is located within the R-O-I zoning district with the following development requirements as follows:

➢ *Lot Area.*	***Required.*** *6500 square feet*	***Existing,*** *7410 square feet*
➢ *Lot Coverage.*	***Allowable.*** *35 %*	***Proposed.*** *14 %*
➢ *Setbacks.*	***Allowable.*** *Front 20' Rear 25' Sides, 5'*	***Proposed,*** *Front 15', Rear 16', Side, 25' & 52'*
➢ *Parking.*	***Required.*** *1 space/ 200 s.f.*	***Proposed.*** *5 including H/C*
➢ *Pond Req.*	***Not Identified.***	***Proposed.***
➢ *Landscaping.*	***Required minimum,*** *5% of total lot area*	***Proposed.*** *.004% Planter Box*
➢ *Vehicular access.*	***Required minimum,*** *20'*	***Proposed.*** *24'*
➢ *Fire Hydrants*	***Located south of development within 350 feet***	

Conditions of Approval:

1. *Buffering along the north and east boundary of the property to restrict vehicular access onto the property from Paseo de Onate.*
2. *24 'curb cut on Coronado Avenue, to provide ingress/egress.*

Comments:

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

Commissioner Martinez asked if there were any questions for staff.

Commissioner Khalsa inquired if the City owned the property.

Mr. Naranjo answered, "Yes."

Commissioner Khalsa questioned if the curb cut would be the City's responsibility.

Mr. Naranjo replied, "Yes."

Commissioner Martinez questioned if the City would also be responsible for the buffer that is required for approval.

Mr. Naranjo stated that there was room for negotiation and it was above his pay grade to provide a definite response.

Commissioner Martinez asked if there were further questions for staff.

There were none, therefore, Commissioner Martinez asked to hear from the applicant.

Melissa Salazar, President of the Española Community Market, passed out a handout and explained that the market is cooperative, and starting earlier this fall they had began as a buying club where membership and the ordering of local products could be done online. She expressed that there is no overhead; therefore, they rented with the intent to distribute orders from the proposed site one day a week, Saturday. She stated that picking up groceries was all they were talking about at this point; however, the dream is that in six (6) months they could be a real store, but because it is all done by volunteers it would only be 2-3 days a week. She expressed that this site met their needs to promote positivity and agriculture in our City. She stated that their lease started on October 3, 2011 and ends on September 30, 2012 and they may need to renegotiate, but they hope to do well at the location without having to do too much work. She conveyed that she did not plan to do anything with the property and thought that everything was up to code. She concluded that they plan to increase the xeriscape in the back and make a curb cut to access off of North Coronado Avenue because it appears to be too dangerous to use 84/285.

Commissioner Martinez asked if there were any questions for the applicant.

None were made; therefore, the public hearing was opened at 7:22 pm.

Kelly Duran, President of the Chamber of the Commerce, stated that he supported the applicant and that they are doing great things. He explained that they had assumed that the site had all its zoning issues taken care of and was surprised to learn that it is R-O-I. He suggested that everyone work together to build commerce and he was in favor of the request and wished the commission would be as well.

John Young stated that he was the commercial contractor for the project and he applied for the permit on behalf of the Española Community Market. He added that the City and council knew that they were going to bring the building up to code and it was the right thing for life safety to relocate the ingress.

Camilla Bustamante, Northern New Mexico College, stated that she was here to speak on behalf of the college by saying that they support this project. She expressed that this would allow local product an avenue for self reliance and asked that the commission support it as well.

Clarissa Duran stated that she has worked for Dr. Bustamante and has watched the project grow and thought it was a fantastic opportunity for our heritage to grow with young people who want to farm and garden and have an avenue where they can take their products. She asked that the commission approve the project because it was something that was needed by the entire City and should not only be accessible in Santa Fe and Albuquerque, but kept here within our valley.

Jean Porteus stated that for many years she has had drive to Taos and Santa Fe to acquire healthy groceries and she was excited to now bring these groceries to our community. She expressed that it was exciting to support local growers and it was a positive thing.

Public hearing was closed at 7:28 pm.

Commissioner Martinez asked if there were any questions.

Commissioner Beaudoin questioned if any food would be stored on site.

Ms. Salazar responded that there would be no chopping, slicing, dicing or any processing in the store. Its only intention is to store packaged product until pick-up.

Commissioner Martinez stated that the DRT minutes mentioned concerns of ADA compliancy.

Mr. Naranjo stated that there had been discussion regarding where the handicap spaces were and whether they could be closer to the ramp; however, at this time they are in compliance.

Commissioner Martinez asked if there were further questions or discussion.

There were none.

Commissioner Martinez made a motion to approve the commercial site plan.

Commissioner Khalsa seconded the motion.

Commissioner Sandoval asked if they needed to put a condition to restrict the use of Oñate.

Mr. Naranjo responded that the applicant has already agreed to that, but they could place it as a condition.

Commissioner Martinez amended her motion to include the condition that the ingress/egress be located off of N. Coronado Avenue.

Commissioner Khalsa seconded the motion.

Chairman Wright abstained from voting due to his late arrival.

Motion carried, 4-0 vote.

3. *Commercial Site Plan Review.* Joe Gurule, representative for the Family Learning Center, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of placement of a 900 square foot modular building for use as office space. The property is located at 436 N. Paseo de Oñate and is zoned R-O-I, Residential, Office, Institutional.

Mr. Valdez read staff report as follows:

Commercial Site Plan Review: Joe Gurule, representative for the Family Learning Center, is requesting a commercial site plan review on an existing site for which there has never been an approved development plan, for the purpose of placement of a 900 square foot modular building for use as office space. The property is located at 436 N. Paseo De Onate and is zoned R-O-I, Residential, Office, Institutional.

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

Executive Summary:
In accordance with the City of Española, Development Code, Article IV, Section 153, ***Development Plan Approval,*** *the applicants shall comply with the following:*

1. *Applicants for new construction of individual buildings or additions shall receive Planning Commission approval of a development plan prior to issuance of a building permit. A development plan is required in the following circumstances:*

    a) *Any new commercial development*
    b) *Any application for subdivision into three or more lots for residential or commercial use*
    c) *Any expansion of an existing site for which there has never been an approval development plan*
    d) *Any change of use for an existing site with or without an approved development plan*
    e) *An expansion of more than 2000 square feet of gross floor area and/or land use area for an existing site with an approved development plan.*

2. *A development plan for approval by the Planning Commission. For the purpose of this section, "development plan" means a plan drawn to scale, certified by an engineer and/or architect, showing the locations of existing and new structures; location map, lot coverage, height and gross floor area of structure; lot area, the placement and arraignment of buildings and the uses to be included; on site drainage, retention and detention areas, drainage flow, proposed lighting of the premises; internal vehicular and pedestrian circulation; vehicular and pedestrian ingress and egress from adjoining streets; recorded and proposed easements; location of off street parking and loading facilities, any significant natural features, including drainage and vegetation; location and type of landscaping; and the type of visual screening such as walls, fences and landscaping. If it is proposed to develop the plan in phases, the phases of development shall be indicated along with any other information requested by the Planning Staff, DRT or Planning Commission.*

Summary:
The Family Learning Center, a non-profit organization located at 436 Paseo De Onate, has been providing services to the residents of Espanola and the surrounding area since 1980. At that time, Lucero Center was used as the location for providing these services and in the 90's relocated to the property now being reviewed. At the time of this relocation a commercial site plan review process was not required under the development code.
The Family Learning Center is proposing to place a 900 square foot modular building acquired from the Espanola Municipal Schools through the effort of Fr. Terry Brennan of the San Juan Charter School. This building is to be remodeled to meet all current day standards for use. Building plans have been submitted in anticipation of this development review.
With the placement of the proposed 900 square foot building, we are now requiring a commercial site plan review in accordance with the City of Espanola Development Code.
Staff has reviewed the submittals for completeness and it has been determined that t a landscape plan and ponding specs have not been submitted. The applicant has been made aware of this incompletes and will be briefing the commission accordingly. Due to a lack of submittals, staff cannot make a recommendation at this time.

This property is located within the R-O-I zoning district with the following development requirements as follows:

➢ *Lot Area.*	***Required.*** *6500 square feet*	***Proposed:*** *31,440 square feet*
➢ *Lot Coverage.*	***Allowable.*** *35%*	***Proposed.*** *14%*
➢ *Setbacks.*	***Allowable.*** *Front 20', Rear, 25' Sides, 5'*	***Proposed.*** *Front 44', Rear 132', Side, 15'*
➢ *Parking.*	***Required.*** *1 space/250 s.f. (3.8)*	***Proposed,*** *1 H/C Accessible*
➢ *Pond Req.*	***Not Identified***	***Proposed,***
➢ *Landscaping.*	***Required minimum,*** *5% of total lot area*	***Proposed,*** *not indicated.*
➢ *Vehicular access.*	***Required minimum,*** *20'*	***Proposed.*** *24'*
➢ *Fire Hydrants*	***Located west of development***	

Conditions of Approval:

1. *Identify and provide approved pick-up and drop-off area for children.*
2. *Future additions to the property will require approved grading and drainage plan with approved paved parking plan.*

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

Commissioner Martinez asked if there were any questions for staff.

Commissioner Beaudoin stated that conditions of approval #2 asked that parking and drainage issues be taken care of prior to their next development, he questioned if that included this modular or the next request.

Mr. Valdez answered that it did not include this modular; however, anything after would require a parking plan.

Commissioner Martinez asked to hear from the applicant.

Joe Gurule, representative for the Family Learning Center, stated that they were trying to grow with the City and provide for the citizens; however, due to their great services they were now limited with classroom space. He explained that they had been leasing the building but now they own it and were looking to expand. He expressed that they were a non-profit organization and did not have too many resources, but they wanted to take the steps to grow and they hoped to set this modular for office space and allow the children to fully utilize the existing building. He stated that he understood that there were steps that needed to be taken care of, but they are non-profit, one of the lowest paid institutions and collect a low minimum for tuition. He concluded that they were trying to do what they could with what they had and hopefully they can eventually comply with other needs.

Marcella Coriz, Administrative Assistant for the Family Learning Center, stated that they are CYFD licensed and are at a five (5) star level. They also have a NAYEC accreditation through National sub-station and at this time they charge $200 per month, per child, for ages 3-5 and provide a morning session, afternoon session, all day session, which is limited, and an after school program for Los Cariños. She expressed that she has been working with the school for ten (10) years and her son also attended the school and she was in full support of the project.

Commissioner Martinez questioned if it was possible to work with the applicant and set a timeline to complete the requested paved parking and drainage. Perhaps allow them to use gravel or base coarse versus asphalt. She asked, "What flexibilities do we have?"

Mr. Naranjo answered that the commission has all kinds of flexibilities. He added that they could do them; however, because the administration changes, it is a nightmare for staff. He concluded that he understood funding is an issue in trying to meet requirements right now, but staff is willing to work with them.

Mr. Gurule stated that they want to be a fine area and they have already looked into some plans to pave the parking in the near future, he stated that they currently have accessible handicap and some paved parking, unfortunately the gravel lays on top of it. He acknowledged that Jeff (Toomey) had helped formulate a plan and maybe later he would have an architect enhance it. He concluded that they were looking into grants.

Commissioner Sandoval asked if staff has spoken with the applicant to identify a drop- off and pick-up location.

Mr. Valdez replied that it does make sense to have a more controlled drop-off and pick-up in the future, or sooner if the commission requests, but the issue should be addressed.

Mr. Gurule responded that they are willing to work with Mr. Valdez and make a plan.

Mrs. Coriz stated that the children are not just dropped off. The parents are required to walk the child into the classroom.

Mr. Gurule added that the children are only 3-5 years; therefore, they have to be careful with them and have the parent sign them in and out.

Commissioner Beaudoin asked if they would be willing to work a flow chart that specifies entry and exit, because it is not a good thing to overlook traffic flow. He also suggested that perhaps they could drive around the building and create a loop. He questioned if they were willing to have that as a condition of approval.

Mr. Gurule responded that it was a viable condition and something similar was done in the past, but they had erected a fence since then and ultimately they are willing to work on it.

Chairman Wright asked if they received any state funding.

Mr. Gurule replied "No," and explained that they used to have pre-k funding, unfortunately funds had dried up last year and they were not given funding this year. He stated that they have to re-apply, and they plan to, then the application goes through criteria and if met they are awarded funds, but money has decreased due to the changes in economy and legislature also feels that they have other needs to fund. He stated that United Way, at this time, is their major funder.

Chairman Wright explained that where he was heading with that question was that if non-profit qualifies, they may be eligible for capital improvement funding.

Mr. Gurule responded that they have tried, but they seem to turn an eye on non-profit and fund public first, then if there is money left, they are considered.

Chairman Wright stated that he wondered if they were eligible for something because legislation is helping out where they can.

Commissioner Martinez had a question regarding the DRT minutes and stated that David Bustos questioned if a utility application had been paid for. She asked if the application had been taken care of.

Mr. Valdez responded that the application is to tap in and he would allow Mr. Gurule to answer that question.

Mr. Gurule stated that they planned to tap directly in, but the manhole will not give them grade, so they will now be submitting an application. He concluded that they have spoken with Mr. Bustos and will be paying the $500 application fee.

Chairman Wright asked if this had to be a condition of approval.

Mr. Naranjo replied, "That will happen anyways."

Commissioner Martinez asked if there were further questions or discussion.

Commissioner Sandoval questioned if they were going to make conditions of approval for drop-off and pick-up designations as well as paved parking.

Commissioner Martinez stated that conditions for a commercial site plan are landscaping, paving and drainage. She asked Mr. Gurule what kind of conditions he could promise or which conditions he would like them to work with him on, time wise.

Mr. Gurule responded that the parking was paved, but it was covered with gravel and he would like to pave it entirely. He stated that his intention was to go to the board and get more money;

however, the lowest estimate they received was $27,000 to pave and there were no capital monies available. He explained that his next plan was to re-apply and make sure to get that pavement up to grade as far as the drainage issue; he was not sure what he would require at this point and hopefully the person that will do the paving will deal with the drainage issues as well.

Commissioner Martinez asked about the landscaping.

Mr. Gurule stated that the plans have some landscaping already.

Commissioner Beaudoin asked staff if their conditions of approval required pavement and drainage at this project or if it would be the next. He stated that he understood that it wouldn't be dealt with until the next project.

Mr. Valdez stated that the project before them shows that they do have the parking area that is required by state and they do provide enough room for parents; however, the provided handicapped spaces may need to be identified. He added that the employees, as of now, are parking where ever they can and there should be some clarification as to where the parking is.

Commissioner Martinez asked if there were further questions or discussion.

Commissioner Beaudoin asked that without making it a required motion to identify pick-up and drop-off, could they designate a parking layout without striping.

Mr. Gurule responded that it was reasonable and he could draft something.

Commissioner Sandoval made a motion to approve the commercial site plan with the following conditions: applicant must identify and provide a pick-up and drop-off location, employee parking shall be designated, and any future additions require a drainage plan and paved parking.

Commissioner Khalsa seconded the motion.

Motion carried, 5-0 vote.

VI. *Approval of Minutes—November 10, 2011*

Chairman Wright asked if there were any changes to the minutes.

None were made, therefore, Chairman Wright made a motion to approve the minutes for November 10, 2011.

Commissioner Khalsa seconded the motion.

Motion carried, 5-0 vote.

VII. *Matters from the Planning Commission*

Commissioner Beaudoin asked if it would be a possibility to acquire a recording device to make it easier for taking minutes and to give them a direct recording.

Commissioner Sandoval questioned if there was money to purchase one.

Commissioner Khalsa commented that we could borrow Whitney's (Jones, Rio Grande SUN).

Ms. Jones asked if she could speak and stated that the clerk's office has one.

Chairman Wright explained that once the minutes are approved, the recordings are destroyed and the minutes are the record.

Ms. Jones stated that it was not true, and added that any video or audio recordings may be requested.

Chairman Wright replied that they can be requested; however, they did not have to be retained and since the minutes are the record any recording does not have to be retained. Chairman Wright asked if a recording device would help.

Desirae Medina, who is currently taking the minutes, stated that she understood that the use of a recording device was preference, but she wouldn't mind trying it and deciding from there if it was useful.

Mr. Naranjo stated that they, the person taking the minutes, used to take little notes and use a recording; however, they would kill a whole day trying to make out the recording, therefore, they advised the attorney and tried doing it verbatim and have been successful in doing it that way: in fact, the clerk's office does it the same. He concluded that the minutes were the official record and any recordings did not need to be retained, and if they wanted to, it could be looked into and considered an option.

Commissioner Martinez asked if anyone knew Commissioner Koontz's status and questioned if they were going to be a full commission.

Mr. Naranjo replied that he has not spoken with Commissioner Koontz, but to be aware that there is a portion of the code that discusses missed meetings and when a person misses so much they should be asked if they want to continue, if not, another commissioner needs to be appointed. He informed the commission that he would be scheduling a meeting with the Mayor and perhaps she will appoint two (2) more commissioners.

Commissioner Martinez asked if the Crisis Center filed for an appeal and if so, when was it scheduled for.

Mr. Naranjo stated that they have and it will be appealed at the City Council's January meeting.

Chairman Wright questioned if staff wanted the commission to contact Commissioner Koontz.

Mr. Naranjo asked if anyone had spoken with her.

Commissioner Sandoval stated that she had and she said she wasn't feeling well.

Mr. Naranjo stated that he did now know when the last time was that she attended a meeting.

Chairman Wright clarified that he would look into speaking with Commissioner Koontz first and asked to have a moment after the meeting with the commissioners. He added that November was a difficult meeting and acknowledged that he minutes were handled well.

Ms. Medina replied, "Thank You."

Chairman Wright concluded that he was proud to serve with his fellow commissioners.

Commissioner Beaudoin stated that Commissioner Koontz is currently the vice-chair and questioned when the appropriate time would be to select a new one; he asked if there was a protocol.

Mr. Naranjo responded that he thought Commissioner Martinez was vice-chair, but he did not have an answer to that.

Chairman Wright questioned if it had to be an agenda item.

Mr. Naranjo replied that it may need to be on the agenda.

Chairman Wright asked that vice-chair and perhaps chair be put on the agenda for next month's meeting.

Commissioner Martinez stated, "Just vice."

Commissioner Sandoval agreed with Commissioner Martinez and expressed that last month she had asked about the easement at El Paragua and while on her way home there was another accident at that location and another near Long John Silver's, she expressed that it is difficult to see in that area and was unsure if it was a state issue.

Mr. Naranjo stated that he had looked into it and it runs into the lines of a legal non-conforming situation and explained that that was the only location that could be handicap accessible; anywhere else would not be ADA compliant. He concluded that it was not always handicapped but more of a park at your own risk; however, because it is close to the front entrance it became what it is now.

Commissioner Sandoval stated that it may not have been an issue in the past, but there is concern now because of the new turning lane.

Mr. Naranjo responded that he had not noticed a new turning lane, but he would look into it further and see what the City could do. He stated that they have plenty of parking in the back, so it was just a handicap issue at this point, but maybe it can be repositioned.

Commissioner Martinez expressed that she was excited to see the DRT minutes and they do help; however, she would still like to request that public safety participate. She understood that the Chief is a busy man, but maybe he could send an officer or an assistant to carry back information.

Mr. Naranjo stated that he will see what he can do.

Commissioner Martinez concluded that public safety's participation would help with some of the cases.

VIII. *Matters from the Planning Staff*

There were none.

IX. **Adjournment**

Commissioner Khalsa made motion to adjourn the meeting.

Commissioner Sandoval seconded the motion.

Motion carried, 5-0 vote.

Meeting adjourned at 8:19 pm.

Chairman Signature — *Date* 2/9/2012

Secretary Signature — *Date* 1/17/2012