



Planning Commission Meeting
May 9, 2013
6:00 p.m.
City Council Chambers
405 N. Paseo de Oñate, Española, New Mexico
Agenda

B

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

1. Commercial Site Plan Review. Jorge Lucero, applicant, is requesting commercial site plan review for construction of an 8100 sq. ft. building for retail use, located at 811 N. Riverside Drive. This property is zoned B-2, General Commercial District.

2. Variance Request. Jorge Lucero, applicant, is requesting a variance on side and rear setbacks, for the construction of an 8100 sq. ft. commercial building located at 811 N. Riverside Drive. The property is zoned B-2, General Commercial District.

3. Variance Request. Bernadette Quintana, applicant, is requesting a variance on lot size dimensions for an existing .25 acre lot, located at 304 Santo Niño Lane. The property is zoned R-1, Rural Residential District.

4. Variance Request. Bernadette Quintana, applicant, is requesting a variance on front, side and rear setbacks for placement of a manufactured home on property located at 304 Santo Niño Lane. The property is zoned R-1, Rural Residential District.

VI Approval of Minutes

March 14, 2013

VII Matters from the Planning Commission

VIII Matters from the Planning Staff

IX Adjournment

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

C

MEMO

Date: Prepared for May 9, 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. Jorge Lucero, applicant, is requesting a commercial site plan review for construction of an 8100 sq, ft, building for retail use, located at 811 N. Riverside Drive. This property is located within a B-2, General Commercial District.

Recommendations:

This request was presented to DRT for review. Minutes of the meeting are included in your packets. The project was reviewed at length by DRT, with the recommendations for approval. It was concluded that a drainage and landscaping plan need to be submitted.

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 request for construction of an 8100 sf. building to be located at the corner of E. Pueblo St. and N. Riverside Dr. is being proposed as a metal "shell building" at this time. The applicant has expressed the possibility of a future tenant for a majority portion of the building, with smaller individual tenant spaces as determined. As of the preparation of this memo, a development plan, certified by an engineer and/or architect had not been provided. The applicant has been made aware that this is a necessary step in the process. The applicant has chosen to pursue this request before the body of the Planning and Zoning Commission. The applicant hopes to achieve approval of the development plan request with the conditions of approval reflecting that the necessary engineer/architect stamp drawings be submitted upon building permit submittal. Staff is not in agreement with this process; however the applicant has chosen this route. It is also noted that the submitted plan describes paving as limited to the front parking spaces only. Per Development Code requirements, Section 807, C, "all required parking facilities shall be paved and have grading and drainage as approved and shall be constructed in conformance with the Design Guidelines". Should the applicant wish to pursue this request on paving, a variance request will be required for this consideration to be heard at a later date.

Location: The property is located at 811 N. Riverside Drive with a zoning designation of B-2, General Commercial.

Access: The proposed project will be accessed off of Riverside Drive through an existing 24' curb cut.

Water: It has been noted that there is a 6" water line on E. Pueblo St. The requirement for commercial use is a 1" water line with individual ¾" meter's for each business. Water is allowed for landscaping.

Waste Water: 4" wastewater line for a single building is allowable however, should the plan be to subdivide, the wastewater supervisor recommends going with an 8" line with a manhole off of E. Pueblo St. .

Fire Protection: The Fire Dept. expressed concern with a 15' rear setback on a non=sprinkled building, recommending a 20' rear setback or allow for the variance of 15' with sprinkling. In addition, it was determined that 3200 sf. is the maximum allowable square footage for a building without separations or being sprinkled. Fire walls must be constructed to the roof.

Parking: Calculated at 1 space per 200 square feet of net usable floor area, the 8100 sf. building would require 41 parking spaces. The proposed development plan calls out 33 spaces including ADA. It has been noted that the parking and vehicular traffic plan are inadequate and will be addressed internally. 41 spaces can be accomplished.

Landscaping and drainage plan: As noted in the Development Review Team meeting, these plan's will be required to be submitted for review and approval prior to commencement of the project.

The following items have been reviewed against the City of Espanola, Development Code:

➤ Lot Coverage.	Allowable, 40%	Proposed, 25%
➤ Setbacks.	Allowable, 50' Front & Rear, 25' Side	Prop. 82' Front, 15' Rear, 10/48' Sides
➤ Parking.	Required for 8100 sf. retail.: 41	Proposed, 33 (re-submittal required)
➤ Pond Req.	Required volume to retain: Unknown	Proposed, Submittal required.
➤ Landscaping.	Required minimum, 5% of total lot area	Proposed, Submittal required.
➤ Vehicular access.	Required minimum, 20'	Proposed, 24'
➤ Fire Hydrants	Located on site, SW corner of property.	

Conditions of Approval:

1. The following conditions have been noted by DRT and staff as conditions of approval:
 - Rear set back variance contingent of sprinkling of building..
 - 8" wastewater line for multiple tenants, with a manhole off of E. Pueblo Street.
 - 1" water line for commercial buildings with individual water meters for each tenant.
 - 100 % of drainage is required to be contained on site. A certified and stamped drainage plan is required to be submitted for review and approval, prior to construction.

- A certified and stamped landscaping plan is required to be submitted for review and approval, prior to construction.

Comments:

Staff has not received any comments or concerns from adjoining property owners or neighborhood groups.

Exhibits:

1. Master plan of proposed development.
2. Aerial photos of project location.
3. Copy of DRT minutes.
4. Copy of P & Z Application.

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

MEMO

Date: Prepared for May 9, 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: Jorge Lucero, applicant, is requesting a variance on side and rear setbacks for the construction of an 8100 sq .ft. commercial building located at 811 N. Riverside Drive. This property is located within a B-2, General Commercial District.

Recommendations:

This request was reviewed by members of the DRT Committee during a regularly scheduled meeting. Minutes of the meeting are hereby provided. Conditions for approval have been noted.

Executive Summary:

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

	B-2 Districts: Required	Proposed
Lot Area:	10,890 square feet	31,798 square feet
Setbacks:	50' Front, 50' Rear, 25' Sides	82' Front, 15' rear, 10 & 48' side
Lot Coverage:	40%	25%

In reviewing this variance request, the Planning Commission shall determine whether all of the following variance review criteria have been met in making a determination of approval, conditional approval or denial. It is the task of the applicant to discuss in full the variance review criteria and to convince the Planning Commission that the granting of such variance request will not be detrimental to the health, safety or general welfare of the adjacent properties, citizens of the City of Espanola, or visitors alike.

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 is located at 811 N. Riverside Drive within the B-2 Zoning District. The applicant has requested a variance on rear and side setbacks, in order to fully utilize the entire property to meet parking and accessibility requirements. Development Review Team Staff have discussed this request with regards to rear setbacks. In conclusion, the fire department has stated that "they would like a 20' setback or allow the variance with a sprinkled building". If the building is not fully sprinkled it should be properly separated with fire walls extending to the top of the roof in order to reclassify it.

Staff Recommendation:

As a variance request, staff cannot make a recommendation for this request. This is in direct conflict with the development code we are required to uphold.

Comments:

Staff has not received any comments or concerns from adjoining property owners or neighborhood groups.

Exhibits:

1. Master plan of proposed development.
2. Aerial photos of project location.
3. Copy of DRT minutes.
4. Copy of P & Z Application

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MEMO

Date: Prepared for May 9, 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: Bernadette Quintana, property owner, is requesting variance from development code requirements on front, side and rear setbacks for the placement of a manufactured home on property located at 304 Santo Nino Lane. This property is zoned R-1, Rural Residential District.

Recommendations:

This case was heard during our scheduled DRT meeting. The consensus of the attending members was for approval of the request. 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:

R-1 Districts: Required		Proposed
<i>Lot Area:</i>	<i>43,560 square feet</i>	<i>10,890 square feet each</i>
<i>Setbacks:</i>	<i>50' Front, 50' Rear, 25' Sides</i>	<i>40' Front, 20' Rear, 20' & 43' Side</i>
<i>Lot Coverage:</i>	<i>35%</i>	<i>7%</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.

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MEMO

Date: Prepared for May 9, 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: Bernadette Quintana, property owner, is requesting variance from development code requirements on lot size dimensions for an existing .25 acre parcel located at 304 Santo Nino Lane. This property is zoned R-1, Rural Residential District.

Recommendations:

This case was heard during our scheduled DRT meeting. The consensus of the attending members was for approval of the request. As is the case in any request for deviation from the Development Code, this office cannot recommend approval or denial of the request. 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:

R-1 Districts: Required		Proposed
Lot Area:	43,560 square feet	10,890 square feet each
Setbacks:	50' Front, 50' Rear, 25' Sides	40' Front, 20' Rear, 20' & 43' Side
Lot Coverage:	35%	7%

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

Sec.156. Variance review criteria

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

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

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

Summary:

The property located at 304 Santo Nino Lane is currently located within an R-1 zoning district. At the time of subdivision of this property, this area was not considered to be located within the corporate limits of the City of Espanola. Annexation of this area was accomplished in 1996. As a result, numerous properties within the Santo Nino Lane, State Road 76 area have been zoned improperly.

Conditions of Approval:

1. A current legal survey should be obtained by the current property owner for purposes of identifying property boundaries and declaring the property legal nonconforming.

Comments:

Staff has not received any comments or concerns from adjoining property owners or neighborhood groups.

Exhibits:

1. Site plans of proposed request.
2. Aerial photo of project location.
3. Survey plat of area.
4. Copy of Variance application.

- (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 304 Santo Nino Lane is located within an R-1 zoning district. The applicant is requesting a variance on front, side and rear setbacks for the purpose of placement of a 14 X 56 manufactured home. It is evident that the applicant's home could meet side setback requirements if centered on the property. The applicant has expressed a desire to add onto the home at a later date thus requesting approval for variance on setbacks for future construction.

Conditions of Approval:

1. A current legal survey should be obtained by the current property owner.

Comments:

Staff has not received any comments or concerns from adjoining property owners or neighborhood groups

Exhibits:

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

Planning & Zoning Commission Meeting

Thursday, May 9, 2013 — 6:00 pm

City Council Chambers, City Hall

405 N. Paseo de Oñate, Española, NM

I. Call to Order:

Vice Chairman Wright called the meeting to order at 6:01pm with the following in attendance:

Commissioners: Amrit Khalsa
Clyde Vigil
Erle Wright, Vice Chairman
Julie Atencio
Richard Beaudoin

Commissioners
Absent: Anissa Martinez, Chairwoman
John Ricci

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 Atencio led the Pledge of Allegiance.

III. Approval of Agenda:

Commissioner Vigil made a motion to approve the agenda as presented; seconded by Commissioner Khalsa. Motion carried 5-0 vote. (Attachment B)

IV. Public Concerns:

There were no public concerns.

V. Items for Consideration:

- 1. Commercial Site Plan Review. Jorge Lucero, applicant, is requesting commercial site plan review for construction of an 8100 sq. ft. building for retail use, located at 811 N. Riverside Drive. The property is zoned B-2, General Commercial District.*

Mr. Valdez reported the staff memorandum at 6:03 pm. (Attachment C)

Mr. Naranjo informed that the Commission shall review the new plans submitted rather than the ones within their packets.

Commissioner Atencio stated that the Development Review Team (DRT) minutes mention that traffic circulation and parking is inadequate and shall be determined internally. She asked if “internally” referred to planning staff. Mr. Naranjo confirmed that staff would work with the design and attempt to approach the minimum requirements.

Commissioner Beaudoin announced that the criteria are not being met to review the request. He inquired if staff had informed the applicant of the required submittals of drawings and stamps for a Commercial Site Plan Review. Mr. Valdez confirmed that the applicant was provided with the criteria for the submittals. He explained that the proposal is as close to the requirements as the applicant could get, without stamps, at this point in time.

Commissioner Beaudoin asked why the Commission was reviewing the request. He stated that there has been no building plan submitted; therefore, it cannot be determined if the building is safe, meets fire code or is ADA compliant. He stressed that criteria is set up to review and make a reasonable judgment; however, what has been presented does not meet criteria. Mr. Naranjo affirmed that the applicant had been made aware that the criteria had not been met to be heard before the Commission; nevertheless, the thought, from the applicant, was that the fees associated with architect and engineering stamps could be paid during the permitting process. The applicant is requesting approval at this time without stamped plans and proposes to achieve them at a later date.

Mr. Valdez reminded that the review is for an 8100 sq. ft. shell building that can be altered to accommodate businesses as it is leased. The proposal is for an engineered metal building that will be modified to show some exterior aesthetics.

Commissioner Wright expressed that the recommendations from DRT, regarding utilities and fire, are contingent upon the size of the leased spaces. He questioned if reviewing the building at 8100 sq. ft. would meet fire requirements. Commissioner Khalsa noted that the request for the 15' setback to the east was changed and will now meet code. Mr. Naranjo added that sprinkling is based off of the square footage of the spaces and will be determined at a later date.

Jorge Lucero, applicant, stated that a sprinkling system would be required if the individual spaces exceeded 3200 sq. ft. or if the setback was less than 20'; however, the 20' has now been met with the new design and unless a food establishment were to lease a space, sprinkling will not be needed. He expressed that the metal building is engineered and comes with construction plans; an ADA bathroom for each complex; front and rear access to all areas and licensed contractors for plumbing and electrical will be hired during fabrication. He concluded that the new design proposes the traffic flow as a one-way.

Commissioner Khalsa stated that the occupancy will also determine the size of the sewer lines. Mr. Lucero expressed that he was not certain that an 8" main or a manhole near the building was necessary. He stated that the shops that will be leasing the spaces will not be using a lot of water or sewer. Commissioner Khalsa questioned if it would only be four (4) shops; Mr. Lucero confirmed.

Commissioner Vigil asked it was possible to obtain building plans from the manufacturer. Mr. Lucero states yes. Commissioner Vigil recommended that building plans, from the manufacturer, be submitted.

Commissioner Wright expressed concerns such as the proposal not including what was going into the building; a building plan or utilities. He acknowledged that at the moment there are only a couple of tenants; however, things change and so do tenants. He explained that the desire is for the building to be adequate in 5-10 years for different types of uses. Commissioner Wright affirmed that they made a good point regarding the parking. He asked how many lots were actually involved in the development. Mr. Lucero answered three (3). Commissioner Wright noted that the plans did not show the lots, but are reflected on the aerials provided by staff. He stated that there are landscaping sheets, but no plan or plant list; there are drainage calculations, but no plan or contours. He concluded that information is needed to be able to help move this project forward.

Richard Lucero, applicant's father, explained that they are asking whether the Commission wanted them to continue their project or it end it here. He stated that they do not want to spend money on fees to get denied. He requested preliminary approval and expressed that they had his word that stamps would be obtained, but not until the project is approved. He stated that the property is being used by vendors to sell oranges and chili and that is not what is wanted, they want to provide office space so that businesses can fill and meet the community's needs. He asked for confirmation that the Commission would like for them to proceed.

Commissioner Beaudoin applauded the applicant for the plan and his idea; however, he explained that the Commission is setup with rules and it cannot form those rules to fit anybody's word, or approve anything that cannot be touched by the City. He expressed that there are requirements that are needed in order to approve or disapprove a request. He noted that it was great idea to contact the manufacturer to obtain a set of plans to look at. He suggested a postponement until the applicant can submit the minimum criteria.

Commissioner Khalsa made a motion to table the Commercial Site Plan Review; seconded by Commissioner Atencio.

The Commission discussed protocol.

Commissioner Khalsa stated that they did not have enough information to make a motion of approval.

Commissioner Beaudoin expressed that they supported the project. Mr. Richard Lucero stated that his experience in the city speaks to what he can build and suggested the Commission make a motion to approve so they could move forward. Commissioner Wright stated that they were not charged to give conceptual approval. He requested a postponement date; Mr. Jorge Lucero agreed to a 30 day postponement. Commissioner Khalsa noted that they are public meetings and need to be posted or they were not legal.

Motion to table the Commercial Site Plan Review for 811 N. Riverside Drive for 30 days and review at the June 13, 2013 meeting carried 5-0 vote.

- 2. Variance Request. Jorge Lucero, applicant, is requesting a variance on side and rear setbacks for the construction of an 8100 sq. ft. commercial building located at 811 N. Riverside Drive. The property is zoned B-2, General Commercial District.***

[Request postponed, due to the previous motion to Table the Commercial Site Plan Review. Request will resume on June 13, 2013.]

- 3. Variance Request. Bernadette Quintana, applicant is requesting a variance on lot size dimensions for an existing .25 acre lot, located at 304 Santo Niño Lane. The property is zoned R-1, Rural Residential District.***

Mr. Valdez presented that staff memorandum at 6:40 pm. (Attachment D)

Mr. Naranjo informed that Commissioner Ricci had visited the site on his own. During his visit the adjacent owner, to the west, declared that he is not in favor of another residence in the area. Commissioner Wright asked if he was aware of tonight's meeting. Mr. Naranjo replied yes and stated that he was not able to attend; however, Commissioner Ricci wanted to make note of his statement.

Mr. Valdez stipulated that variance is on lot size. The property is zoned R-1, with the minimum requirement of an acre lot. Ms. Quintana only has .25 A.C.

Mr. Naranjo explained it is an acceptable lot by the City, upon annexation; however, upon submittal of plans to build, the bigger picture needs to be looked at and the building of the lot must go through the process. Commissioner Atencio asked if the plan was to place a mobile home. Mr. Naranjo confirmed.

Bernadette Quintana, applicant, stated that she initially had drawn a map that proposed a 10' rear setback; 10' setback to the south; 53' front setback to the east and 50' setback from the entrance. She explained that the proposal was to accommodate an addition to the home in the future. Commissioner Wright asked to what direction she intended an addition. Ms. Quintana answered the east; however, the City informed her that they would not recommend 10' so it was changed to 20'. Commissioner Beaudoin noted that he had visited the site. He expressed that the recommendation to increase the 10' setback is to create a safety barrier from the neighbor's structure, in the case of a fire.

Commissioner Wright asked if it was an existing lot of record; had it been split out and what is the lot dimension. Commissioner Vigil noted parcel A and stated that it is .25A.C.

Mr. Valdez stated that it was not approved by the city and recorded prior to the being annexed; therefore, staff is requesting a legal survey to be approved by the city for recording.

Commissioner Beaudoin expressed that once a legal survey is submitted the applicant will meet all the criteria set forth within Section 156, Variance Review Criteria.

Mr. Naranjo informed that the property, Lot A, reflects the house that used to be there.

With no public comment, public hearing was opened and closed at 6:51 pm.

Commissioner Khalsa made a motion to approve the lot size variance for Bernadette Quintana at 304 Santo Nino Lane, with the condition that a legal survey be submitted for approval by the City and recorded as a legal lot with Santa Fe County. Commissioner Vigil seconded; Motion carried 5-0 vote.

4. ***Variance Request. Bernadette Quintana, applicant, is requesting a variance on front, side and rear setbacks for placement of a manufactured home on property located at 304 Santo Niño Lane. The property is zoned R-1, Rural Residential District.***

Mr. Valdez stated that he had nothing else to include to the memorandum that was previously read. Ms. Quintana also informed that she had nothing to add.

Public hearing was opened and closed at 6:54 pm.

Commissioner Khalsa informed that the applicant could insist on her original setbacks, but it would hinder the property in the future. Ms. Quintana stated that staff had it changed, but did not give a reason why.

Commissioner Vigil inquired as to what was considered the front and the rear of the property. Mr. Naranjo replied that it is based on the access point of the property. Commissioner Khalsa acknowledged that the north was the access point, therefore, the front. Commissioner Vigil asked how she accessed her house. Ms. Quintana answered the east side.

Commissioner Khalsa made a motion to approve the variance on setbacks for 304 Santo Nino Lane, with the setbacks determined to be 56' front; 20' west; 43' east and 20' rear. Commissioner Beaudoin seconded.

Commissioner Wright asked if the applicant accepted the setbacks. She confirmed.

Ms. Quintana questioned a metal shed that appears to be on the easement. Commissioner Vigil informed that it would be a civil matter.

Mr. Naranjo expressed that he and Mr. Valdez were double checking the numbers and according to the drawing submitted and calculations, the front is 28' inclusive of the easement.

Commissioner Khalsa made a motion to amend his motion regarding the setbacks. The numbers were amended to be 28'-6" front; 20' west; 41' east and 20' south. Commissioner Beaudoin seconded the amendment. Motion to amend the motion carried, 5-0 vote.

Motion to approve the variance on setbacks for 304 Santa Nino Lane with the setbacks determined to be 28'-6" front; 20' west; 41' east and 20' south carried, 5-0 vote.

Commissioner Wright acknowledged that the shed on the plat could be encroaching unto the property. Commissioner Vigil continued that it was, however, a civil matter and cannot be determined by the City or this body. He recommended getting a survey that will include the shed in the drawing; make the property owner aware that it could be encumbering the easement and prescribe a realignment of the easement. He added that a real estate attorney could take a look at it, but it would be best to speak with the neighbor first.

VI. Approval of Minutes, March 14, 2013:

Commissioner Beaudoin made a motion to approve the minutes as presented. Commissioner Khalsa seconded the motion. Motion carried 5-0 vote.

VII. Matters from the Planning Commission:

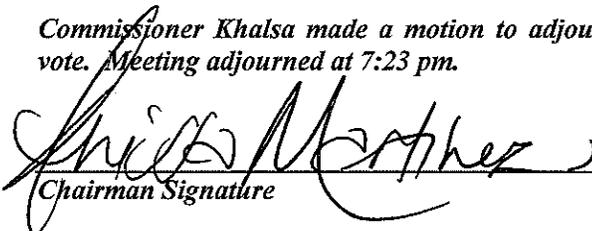
Commissioner Wright expressed that he would like to have the aerials that are submitted within the packets blown-up, 2-3 times in scale for variance requests so that the vicinity of the area is visible.

VIII. Matters from the Planning Staff:

There were no matters from staff.

IX. Adjournment:

Commissioner Khalsa made a motion to adjourn; seconded by Commissioner Wright. Motion carried 5-0 vote. Meeting adjourned at 7:23 pm.



Chairman Signature



Date



Transcriber Signature



Date