



## Planning & Zoning Commission Meeting

Thursday, September 8, 2011 – 6:00 pm

City Council Chambers, City Hall

405 N. Paseo de Oñate, Española, NM

### I. Call to Order

The meeting was called to order by Chairman Erle Wright at 6:27pm with the following in attendance:

Commissioners: Erle Wright, Chairman  
Richard Beaudoin  
Amrit Khalsa  
Anissa Martinez

Staff: Russell Naranjo, Planning Director  
Vincent Baldonado, Planning/GIS Tech  
Isabelle Martinez, Code Enforcement  
Desirae Medina, Addressor/GIS Tech  
Joe Duran, Building Inspector

Others: Matt Green, CMA Architectural Firm, representing Wal-Mart  
Whitney Jones, Rio Grande SUN reporter

### II. Pledge of Allegiance

Chairman Wright led the Pledge of Allegiance.

### III. Approval of Agenda

Chairman Wright made a motion to approve the agenda as presented:

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Public Concerns
- V. Items for Consideration:
  1. Special Exception Request. CMA Architectural Firm on behalf of Wal-Mart Store #2656 is requesting to replace an existing non-conforming pole sign in excess of the height and square footage criteria. The property is located at 1610 North Riverside Drive and is within the B-2, General Commercial District.
- VI. Approval of Minutes
- VII. Matters from the Planning Commission
- VIII. Matters from the Planning Staff
- IX. Adjournment

*No changes were made, agenda proceeded accordingly.*

### IV. Public Concerns

Chairman Wright asked if the Rio Grande SUN or any others in attendance had any concerns. No concerns were given.

### V. Items for Consideration

1. *Special Exception Request. CMA Architectural Firm on behalf of Wal-Mart Store #2656 is requesting to replace an existing non-conforming pole sign in excess of*

*the height and square footage criteria. The property is located at 1610 North Riverside Drive and is within the B-2, General Commercial District.*

Chairman Wright requested the staff report at 6:29 pm and was presented by Mr. Russell Naranjo as follows:

*Mr. Chairman, members of the commission, the applicant, CMA architectural firm is proposing to resurface an existing legal non-conforming pole sign located on the property at 1610 N. Riverside Dr. The current dimensions of the legal non-conforming sign are approximately 32' in height and approximately 169 sq. ft. The applicant has been made aware of the new sign code adopted in 2009 which states in Sec 407 nonconforming signs that all business owners having existing legal non conforming signs within the current corporate boundaries of the City of Espanola established before the effective date of these new regulations may continue to display existing signs without sign modification notwithstanding the effect of any more restrictive regulations.*

*To further define the term sign modification: shall include any changes in style, business name, dimension or location, not to include alterations caused by ordinary maintenance or minor repairs which do not increase the useful life of the sign.*

*As defined, what is being proposed would be considered to be a new sign.*

*The code limits the height to 16' and a total square footage of a pole sign of 60 sq. ft. The application stands as presented with the new logos and facing being replaced to be kept at the same square footage and overall height.*

*In 1998 upon the initial construction of Wal-Mart, the Planning and Zoning entertained and granted a sign variance for the placement of 8 signs to be placed on the building siding. Based on new revised plans to remodel the existing structure, the signs will be scaled down from an existing 1,700 sq ft. to approximately 1,400 sq. ft. to be placed on the building face and considered by the code to be wall signs. Based on the current sign code the business is entitled to the greater of the following listed in appendix C. Maximum number of total square feet of 300 for all signs Percentage of ground floor area of principal building 1% Square feet of signage per linear foot street frontage 3.0*

*If we use the second of the above mentioned, this amount of wall signage would be in compliance with the current code. As you may recall it was the goal of this Commission and the approving City Council to lower the overall height of pole signs and increase the overall square footage while at the same time allowing businesses additional signage in the form of 32 different types of signage listed within the code.*

*It is unclear at this time of the plans for the proposed additional pole sign located on the property as within the current code only one pole sign is allowed per property.*

*As per the executive summary, within the city of Espanola dev. Code art. IX section 419 titled special exceptions, the request shall be reviewed against the following: A – D*

*At this time, as in most special exception requests and variance requests staff cannot recommend approval of this proposal as presented as it is in direct violation of the intentions of the sign code adopted 2009.*

*Staff has received a copy of a letter of opposition to this request from a Ms. Imelda E. Garcia.*

Chairman Wright stated that the provided sign information packet have no specifications and he was not clear if whether or not the pole sign in the tire area would stay or be removed.

Mr. Naranjo made a request to the commission that the applicant's representative, Matt Green, with CMA Architectural Firm, on behalf of Wal-Mart, entertain the company's sign idea to the commission.

Mr. Green addressed the commission with Wal-Mart's intentions of rebranding themselves to "look better" and be aesthetically pleasing. Wal-Mart's tactics for accomplishing these are to remove the block lettering, add the new logo, reduce wall mount square footage, and overall down-size total signage.

*Commissioner Wright interrupted Mr. Green and asked that he formally introduce himself.*

Mr. Green apologized and introduced himself as Mr. Matt Green, Senior Manager with CMA Architectural Firm, the representative for Wal-Mart.

Mr. Green continued to present Wal-Mart's sign ideas for Española Store#2656, Mr. Green made reference to the images, included within the packets, of the existing sign and the proposed sign, stating that the new sign design would just be aesthetically pleasing and Wal-Mart's intentions are to simply "look better." Wal-Mart anticipates maintaining the sign's height, but refinishing it with backlit letters. Mr. Green stated that he did drive down North Riverside Drive and appreciated the low profile that the City is trying to accomplish, it is desirable; however, surrounding signs such as Wendy's and Texaco are taller and maintaining height. The Wal-Mart sign, as it exists today, is not too visible and lowering it would only put Wal-Mart at a greater disadvantage; due to the height of surrounding signs. As for the second proposed pylon sign, Mr. Green had not been given clear direction from Wal-Mart for its design. Mr. Green announced that the priority here would be the first pylon sign; therefore, Wal-Mart would be more likely to perhaps compromise for the second sign.

Chairman Wright identified a sign application concern and stated that there were plans for one pylon sign but did not have any for a second. Chairman Wright voiced his understanding to signage issues and concerns that Wal-Mart may have, but stated that the sign code does not allow for a sign to be that high. Chairman Wright also found it to be problematic that the application was incomplete.

Mr. Green stated that a variance request was all they could ask for at the moment and they would comply with any conditions placed by the commission. He also pointed out that city sign ordinances continue to change from time to time.

Chairman Wright clarified that the request was actually for a special exception. He also stated that the commission had spent a lot of time revising the sign code in order to lower signs. He appreciated the reduction in square footage; however, would like to see the height come down and avoid the City street gates from housing 20'-30' signs, which has been seen before.

Mr. Green stated elevation contributes to the sign's height, due to a grade change from the street to the sign. Commissioner Khalsa stated that it would still be ten feet (10') over the allowed height. Commissioner Khalsa added that there is nothing in the City, but Wal-Mart, and therefore, it does not need to advertise – everyone knows where Wal-Mart is. They are not competing with Lowe's and Chili's. Walgreens would be their only competitor and they have already lowered their sign. Wal-Mart would not endure any hardship in redesigning or re-evaluating a new idea.

*Commissioner Khalsa pointed out a possible typo in the design packets. Mr. Green agreed that it was a typo and should read 25' not 125.'*

Mr. Khalsa asked Mr. Green if whether or not a compromise would be possible.

Mr. Green answered that companies like Wal-Mart do not send him and his company with a "negotiating tool box." Green explained that he had no executive power to say "yes" or "no" to a compromise if a variance was not granted, but would relay to them the commission's requests and see how they would follow. Mr. Green stated that he represented Wal-Mart's interests only and it would be possible that they would send someone else with him to resolve any conflicts. Mr. Green expressed that he could not say what Wal-Mart would want to do, but that Española was the only place that has required a 50 percent decrease to a sign.

Commissioner Khalsa asked if elevation had been considered in the original sign code. Mr. Naranjo answered that there was nothing in the code and it had not been considered. Mr. Naranjo also pointed out that there was monument sign possibility at the intersection and definitely other options.

Commissioner Beaudoin accredited Mr. Green to having a better insight as to what Wal-Mart has to offer. He asked Mr. Green if he had seen any possible alternatives in Wal-Mart's advertising as opposed to a "Las Vegas strip" approach that would be in compliance with the City sign code. Mr. Green confirmed that Wal-Mart did have monument signs, but for the purpose of a multi-business property and not as a replacement for a pylon sign. He added that he has yet to see a pylon sign at 16' and noted that it was extremely restrictive—in his experience.

Commissioner Khalsa stated that a monument sign would be most favorable. He added that Walgreens replaced their sign and did it in compliance to the new code.

Mr. Green pointed out that if he were to drive Wal-Mart representatives down the street they would want the sign to be taller. They would think that the sign is already low on the totem pole and being taller would be what they want. They would be surprised.

Mr. Green continued that a monument sign would be possible if the development was larger and voiced that the sign needed to be visible from the street. Yes, locals know where Wal-Mart is, he stated, but it is the visitors that need to be able to see the sign.

Commissioner Beaudoin expressed that Wal-Mart is a big part of the Española community; however, the City is looking to achieve a cleaner profile to signs, instead of bright lights and circus elephants. He asked Mr. Green, if from his expertise, would Wal-Mart want to work with the community's needs. Mr. Green expressed that Wal-Mart wants to be valued, but they would question why they are being the first to be restricted when Wendy's and Texaco's signs are standing tall: they would see it as shrinking.

Commissioner Beaudoin stated that the current sign is a "T" pylon sign, but in Santa Fe, for instance, it is different. He challenged Mr. Green to view Española's Wal-Mart as a redevelopment and ask how Wal-Mart can be advertised differently. We are trying to enlist your company to help with our goal, he stated.

Mr. Green expressed that his primary function was to take what the commission had decided back to Wal-Mart and that there would be no way for him to determine how they would respond. Mr. Green stated that the sign could always move and sit at 16' alongside the traffic light; however, with a six foot (6') grade change it would look bad.

Commissioner Khalsa asked if he would prefer a letter of denial or to table the decision and come back after he speaks with Wal-Mart about a compromise.

Mr. Green stated that tabling the decision would give them more time for consideration.

Mr. Naranjo stated that the second sign may need to be eliminated. He added that a request to table would be better for Wal-Mart as it would allow the staff and commission to work on negotiating with them instead of a denial.

Mr. Green apologized for not having authority to negotiate and added that another month would allow for Wal-Mart to decide about the second sign.

*Commissioner Khalsa made motion to table this request.*

Commissioner Martinez stated in order to apply for a special exception; there were certain criteria that needed to be met, according to the *Development Code*. Commissioner Martinez read all four criteria aloud and added that she did not believe that the request met any of it and she would hate to table it without the likelihood of a negotiation.

Mr. Green stated that Wal-Mart would most likely negotiate before they would just say "no." He also recognized what the City was trying to accomplish with the new code, but expressed that it would be a challenge for the community. He stated that Wal-Mart would not like being on the sidewalk and he added that he was unsure if whether or not their property went that far up to begin with. Mr. Green informed the commission that it would also be costly to add utility lines, if needed.

Commissioner Khalsa stated that Wal-Mart takes a big chunk of money from the community and reiterated that there was no competition for them here. Mr. Khalsa declared that Wal-Mart could be leaders and come with forward thinking.

Mr. Green stated that if the board would be willing to look at this case again, then he would suggest a table.

Chairman Wright confirmed that Wal-Mart was not the first: there has been Phillips 66 and Walgreens. In fact, there were many local and national companies that have complied without being asked. Chairman Wright also informed Mr. Green that the City was waiving sign fees for the next six years in order to facilitate compliance with businesses. Chairman Wright added that Wal-Mart was a huge contributor to the City's gross receipt tax; however, he would have to agree with Commissioner Martinez that the criteria for a special exception was not being met, although it was unique, due to the elevation change, and perhaps they would be willing to negotiate for the second sign.

*Commissioner Martinez seconded the motion to table this request.*

*Motion carried 4-0 vote.*

Chairman Wright apologized to Mr. Green for starting the meeting late.

**VI. Approval of Minutes— August 11, 2011**

Chairman Wright pointed out a minor error on page 7, second paragraph, last sentence, and requested that "taxable" be changed to "tax deductible."

*Chairman Wright then moved to approve the Planning Commission Minutes of August 11, 2011, with the above changes.*

*Commissioner Khalsa seconded the motion.*

*The motion carried by a 4-0 vote.*

**VII. Matters from the Planning Commission**

Commissioner Martinez asked if whether or not Ms. Olga Garcia had accepted her appointment to the Commission. Mr. Naranjo stated that he was unsure if she had or not, but would make every effort to find out.

Commissioner Beaudoin asked if the City was equipped to negotiate with Wal-Mart. Mr. Naranjo stated that Wal-Mart would have to come before the commission. Commissioner Beaudoin questioned if the planning department had any expertise to deal with Wal-Mart and their design team. Mr. Naranjo answered that the staff would make contact with the company and negotiate on an acceptable sign, and then they would once again, go before the commission. Commissioner Beaudoin acknowledged that the staff would negotiate based on code and not on design concept.

Commissioner Khalsa asked if Wal-Mart would receive something from staff outlining their requests. Mr. Naranjo stated that yes the staff would generate a letter.

Commissioner Khalsa asked about the zoning on State Road 76, and whether or not the City had sewer on that street. Mr. Naranjo stated that as of today, there are city sewer lines on State Road 76; however, they end at the intersection of S. McCurdy Road, (SR 583).

Commissioner Khalsa asked if now that there was adequate sewer available, if there was a possibility to do a study and rezone that area from an R-1 to an R-6. Mr. Naranjo stated that there are many areas throughout the City that need to be studied and properly rezoned, but it would be a complex task.

Commissioner Beaudoin asked if trading zoning was possible. Chairman Wright answered that trading zones would be too complicated.

Chairman Wright asked the commissioners to please contact him whenever they were unable to attend a meeting.

**VIII. Matters from the Planning Staff**

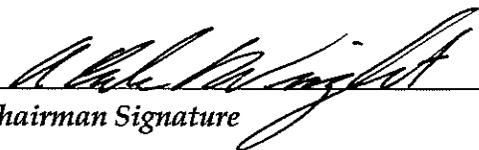
Mr. Naranjo announced that registration for the APA conference was complete and was hoping that the commission could conduct a workshop within a week or two after the conference to review Mobile Home Park regulations and abandoned buildings. The commission scheduled the workshop for Thursday, September 29, 2011, 6 pm.

**IX. Adjournment**

*Commissioner Khalsa made motion to adjourn the meeting.*

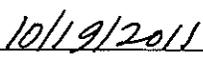
*Chairman Wright seconded the motion.*

*Motion carried 4-0 vote, meeting adjourned at 7:39 pm.*

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date