I. CALL TO ORDER
Chairman Vigil called the meeting to order at 6:01 pm with the following in attendance:

COMMISSIONERS
A. ERLE WRIGHT, PARLIAMENTARIAN
AMRIT KHALSA – EXIT AT 10:04 PM
ANISSA MARTINEZ - ABSENT
BRIAN THOMPSON
D. EDWARD HUNTER
ERIC MARTINEZ, VICE CHAIRMAN
CLYDE VIGIL, CHAIRMAN

STAFF
ALISON GILLETT, PLANNING DIRECTOR
RICHARD HUBLER, CITY PLANNER
MONICA VELASQUEZ, LEAD CODE ENFORCEMENT OFFICER
DESIRA E. LIJAN, GIS SPECIALIST

PUBLIC
KEVIN KILLHAM, FOOD SERVICE CONCEPTS, INC.
TED SCANLON, FOOD SERVICE CONCEPTS, INC.
YOLANDA A. ARCHULETA, 510 THORNTON LANE
DIANA WELLS, 603 THORNTON LANE
RONALD WELLS, 603 THORNTON LANE
JAKE A. MARTINEZ, 903 CALLE DON PEDRO
AUSTIN FISHER, RIO GRANDE SUN

II. PLEDGE OF ALLEGIANCE
Commissioner Thompson led the pledge of allegiance.

III. APPROVAL OF AGENDA
Chairman Vigil questioned the status of Agenda Item VI.3, Special Use Permit #2019-02. Director Gillette responded that the public notifications did not meet the deadline; therefore, she suggested opening Case #2019-02 and motioning to Table.

COMMISSIONER THOMPSON MOTIONED TO APPROVE THE AGENDA AS PRESENTED. VICE CHAIRMAN MARTINEZ SECONDED. MOTION CARRIED 7-0 VOTE.

------------- Agenda as Presented ---------------

I. Call to Order
II. Pledge of Allegiance
III. Approval of Agenda
IV. Approval of Minutes
   1. November 8, 2018
V. Public Concerns
VI. Items for Consideration

1. Subdivision Plat Review 2018-22: Food Services Concepts, Inc., applicant is requesting the division of UPC 1047121260326 on N. Riverside Dr. The lot is 2.877 acres, and the applicant is requesting permission to create three new lots — 1.266 acres, .896 acres, and .557 acres — and dedicate .149 acres as right-of-way to Thornton Lane.

2. Commercial Site Plan Review 2019-01: Food Service Concepts, Inc., applicant, is requesting a Commercial Site Plan Review for two new businesses at UPC 1047121260326. The first proposed business is to be a 2,419 square foot Del Taco with a drive thru, and will be located in the northwest corner of the property. The second proposed business is a 4,503 square foot Denny's to be located in the southwest corner of the property. The property is zoned B-2, General Commercial.
3. Special Use Permit 2019-02: Don Edward Hunter, applicant, is requesting permission from the Planning Commission for a Special Use Permit to operate a business on his property, 1621 N. McCurdy Rd., located in the R-6, Urban Residential zoning district. The applicant would like to operate a powder coating business from the accessory structure on the southwestern corner of the property. This accessory structure was approved by the Planning Commission on January 11, 2018.

VII. Old Business

VIII. Matters from the Planning Staff
   1. Code Enforcer’s Report
   2. Staff Report

IX. Adjournment

------- End -------

IV. APPROVAL OF MINUTES

1. NOVEMBER 8, 2018

Commissioner Wright noted changing the word “moderation” to “modernization” on Page 4.

COMMISSIONER KHALSA MOTIONED TO APPROVE AS AMENDED; COMMISSIONER WRIGHT SECONDED. MINUTES APPROVED WITH 6-0 VOTE.

V. PUBLIC CONCERNS

NONE PRESENTED.

VI. ITEMS FOR CONSIDERATION


Kevin Killham, Food Services Concepts, Inc., explained that 2K Holdings plans to divide the parcel for three (3) users: Denny’s restaurant, Del Taco and Champion Xpress Car Wash. They have designed and developed the Denny’s and Del Taco combination in Clovis and Alamogordo with great success. He announced that the proposed Denny’s will be a prototype and situated on the .896-acre lot; Del Taco will be on the .557-acre lot and the Champion Xpress Car Wash on 1.266 acres. He shared photos of how the proposed Denny’s and Del Taco would look [file Case 2018-22].

Chairman Vigil expressed concerns with the survey, and reported that he has redlined it with recommendations that he would like their surveyor to address [file Case 2018-22]. He detailed the redlines to consist of several items: changes to scale of bearing and distance text; notation of the material and size of positions; ID characteristics for BLM Monuments; addition of signature blocks for City Planning & Land Use and Utilities; legal descriptions; Book and Page reference for the existing 20’ wide ingress/egress on Thornton Lane; identification of basis of bearing and Notes specifications. He asked if the city would absorb the additional width of the street. If so, he questioned who would maintain it and would it be a separate Legal Lot of Record. Director Gillette reported that staff recommends the acceptance of the additional width to Thornton Lane; however, it will need to go before City Council for dedication approval. Chairman Vigil suggested an easement from NM-68 (N. Riverside Drive) onto Thornton Lane; the engineering plans should also reflect the easement.

Vice Chairman Martinez communicated that it appears that access for Tract 86-C would be shared with Tract 86-B. He questioned if they have direct access through Thornton Lane, and if they are proposing shared access. Mr. Killham replied that a cross-access easement would be provided for all three (3) lots. Vice Chairman Martinez commented that the plat should illustrate the cross-access easement, along with an access easement. Chairman Vigil added a request for a 7’ utility easement on Tract 86-B; Ted Scanlon, Engineer, acknowledged.

Chairman Vigil inquired if Tracts 86-A and 86-B had a permit from New Mexico Department of Transportation (NMDOT) for access from NM-68 (N. Riverside Dr.). Director Gillette replied that Matt Grush, NMDOT, has given preliminary approval for access from NM-68. Chairman Vigil
proposed a 7' wide utility easement around the boundary of the all lots; making the combined easement width at common boundary lines 14'; that can be construed as an ingress/egress. Mr. Scalon questioned the need for the said easements on interior lots. Chairman Vigil commented that the only dedication of easement is for Thornton Lane. Mr. Scalon informed that water and wastewater lines are available on Thornton Lane and run parallel to N. Riverside Drive. Chairman Vigil retracted his recommendation. Vice Chairman Martinez asked if they would vacate any easements. Mr. Scalon mentioned that there is not any documentation of easement for the power line, located mid-tract. They will remove the line, but all other easements will remain. Commissioner Wright inquired the "WO" noted within the tract. Mr. Scalon disclosed that it is an old water line that will be dealt with during construction.

Chairman Vigil reiterated his suggestions for the plat notations. He asked if there is an existing document that declares the south side of the property, Thornton Lane, as 20'. Director Gillette affirmed that if such certification exists, she would like to see it; on-site measurements were only 14'. Chairman Vigil stressed that this plat is not a Boundary Survey. In addition, the physical addresses and zoning need to be included. Commissioner Wright inquired about addressing assignment. Desirae Lujan, GIS Specialist, explained that should the plan be recommended for approval, the addresses would be assigned and provided within the applicant's follow-up letter. They can then be incorporated into the amended survey, with any other Conditions of Approval (COA). Mr. Scalon stated that the plat provided is not the Survey of Record; therefore, the recommendations can easily be communicated to the surveyor.

Vice Chairman Martinez asked if the right-of-way (ROW) dedication for Thornton Lane includes the additional width recommended by staff. Director Gillette disclosed that she had informed Othoniel Bejarano, Food Service Concepts, Inc., multiple times; that the dedication would be for the road only — the sidewalks and landscaping would not be included. The City would like Thornton Lane to have three (3) lanes. Mr. Scalon stated that the Traffic Management Impact Study (TMIS) classified the area as Travel-A, needing only two (2) lanes. Director Gillette noted that Thornton Lane is currently 16' wide at the intersection; she questioned how many cars the TMIS estimates. Mr. Scalon reported 43 cars; he stated that they plan to extend Thornton Lane to two-12' lanes. Director Gillette communicated that vehicles exiting Thornton Lane already have a difficult time turning left onto NM-68; by not providing a right-turn lane, vehicles will get held up and stack along Thornton Lane. Mr. Scalon explained that driver behavior distributes the vehicles; people heading north will use the driveway onto NM-68, not Thornton Lane. Director Gillette stated that Mr. Grush's report for the car wash has yet to be seen; she inquired about his recommendation. Mr. Scalon informed that they are meeting with him tomorrow; they will provide the outcome of that meeting. Mr. Killham added that the entrance for the car wash is on the south, with the exit being central, which would direct cars to exit directly onto NM-68.

Commissioner Khalsa questioned how Silkey Way intersects with this development. Director Gillette announced that any portion of land that could align the development with Silkey Way is not dedicated to the City; it belongs to North Central Regional Transportation District (NCRTD). She shared that NCRTD has recently requested vacation of the City's easement to Silkey Way; therefore, their willingness to allow access is unlikely. The Commission reviewed plat for NCRTD, 600 Silkey Way, and referenced the Dedication Affidavit on the plat. Commissioner Wright expressed that it would be a great service for Tract 86-C to have access to Silkey Way. It provides a traffic signal and the possibility for loop circulation through the property. He asked if the developer has explored the option to gain access rights to Silkey Way. Vice Chairman Martinez indicated that it does not appear that additional volumes for the car wash were included within the TMIS. Mr. Scalon replied that the car wash had not been determined at the time of the TMIS; the car wash may need to get an update for their Commercial Site Plan Review.

Mr. Scalon reported that a couple of traffic signals create quick gaps for turning. Vice Chairman Martinez responded that the queuing for those signals is past Thornton Lane. In regards to traffic volume, the analysis should include both north and south bound hourly volumes; Mr. Scalon agreed. Vice Chairman Martinez added that it would be beneficial to have a true volume count at the intersection during peak hours; it would make the data more accurate. Mr. Scalon stated that he would discuss it with Mr. Grush.

Chairman Vigil stated that if the lots are sold separately, there should be some consideration for easements. Mr. Scalon informed that a blanket easement would be made for access; it is the easiest language and can be added to the subdivision plat during dedication. Chairman Vigil acknowledged but commented that depicting the easement is best, suggesting they follow traffic pattern. Vice Chairman Martinez agreed; delineating the easement with line work and width protects the interest of the property owners should ownership change. It provides legal access to the property without conflict. Mr. Scalon replied that he would take the recommendation to their attorney for comment,
but they like the certainty of access shown. He asked if both ways could be done. Vice Chairman Martinez stated that he would defer to the developer; delineation is preferred, but he acknowledges the e-development aspect.

Commissioner Wright cited Municipal Code, Chapter 294: Subdivision of Land, communicating City Code requires clear ingress/egress to the property; he stressed the importance of preventing Tract 86-C from being land-locked. He reiterated favor to seek access to Silkey Way — it provides many opportunities. Commissioner Hunter inquired if having dialogue with NCRTD to grant access was an option. He asked for a description of the car wash. Mr. Killham provided a brief description and illustrations. Commissioner Hunter questioned the traffic volume the car wash will create. Mr. Scaalon explained how the traffic calculations were generated. He mentioned that Clovis and Alamogordo have identical facilities with less access and have not had issues.

STAFF REPORT PRESENTED, [Case File 2018-22]

Director Gillette summarized the request for Commercial Site Plan Review. She informed that the property is currently owned by Tsay Corporation, who is in the process of selling to Food Services Concepts, Inc. She referenced Municipal Code §294-14 (A) that outlines that only subdivisions of land of two lots or less, or those within an industrial zoning district, can be administratively approved; all other requests must obtain approval from the City of Española Planning Commission and, if approved, City Council. To the best of staff’s knowledge, the site has been vacant for over a decade; previous buildings were demolished between 2003 and 2005, though three (3) concrete slabs remain. Businesses that previously occupied the site included a Mighty Muffler shop, a veterinarian and an oil change shop.

She reiterated the applicant’s request to subdivide the lot into three (3) new lots — 1,256 acres at the ‘ear/eastern edge of the property, and .896 and .557 acres at the front/western of the property. The applicant has also proposed to dedicate .148 acres on the southern edge of the property to the City to expand Thornton Lane by 16’. The applicant is proposing three (3) new structures on the site: a 4,503 ft² Denny’s; a 2,418 ft² Del Taco drive-thru; and a 5,206 ft² Champion Xpress Car Wash.

Director Gillette advised that all lots appear to meet the City of Española’s B-2 Zoning District design standards, and the site plan indicates that each structure will have the ability to meet setbacks and lot coverage. However, based on the preliminary site plans provided, the Planning Department has the following concerns: (1) the applicant did obtain permission from NMDOT to have an ingress/egress onto N. Riverside Drive (NM-68); clearing ingress/egress for lots 86-A and 86-B. However, should lot 86-C be sold, an access is currently not proposed through direct access, nor Thornton Lane. (2) Of the 16 feet proposed for dedication to the City along Thornton Lane, the city requests it strictly be road, not road and sidewalk as it is not currently in the position to take ownership of additional sidewalk and landscaping. Street Supervisor, Elijah Mares, is concerned about the increased traffic onto this very narrow strip of road, and believes that having three - 12’ wide lanes would be best. She described the northern most lane to be a turn lane/decel lane, both for westbound travelers to turn right/deceleration into the Denny’s/Del Taco/car wash and to turn right/north onto N. Riverside Drive.

Director Gillette announced that the Planning & Land Use Department recommends approval of Case 2018-22 with the following COA:

1. Applicant must put Reciprocal Easement Agreement for Ingress & Egress in place to give access from lot 86-C directly onto Thornton Lane or propose an additional ingress/egress to/from lot 86-C to one or both of the two proposed entrance/exits. If the former is chosen, the Deputy Fire Chief requests a minimum of 24’ wide easement.

2. Applicant must clarify their dedication to the City and its proposed usage before approval. The dedication must be for roadway only. The required sidewalks and landscaping that will be constructed will remain as part of the private property, to be maintained, repaired and kept in compliance with Municipal Code by the property owner(s).

3. Utility easements, as requested by Jemez Mountains Electric Cooperative, New Mexico Gas Company, and the City of Española Public Works Department, must be shown on the final plat with a minimum of 10’ on each side.

4. The additional 16’ of roadway on the northern portion of Thornton Lane must be curbed and guttered, per § 294-9: Improvements.

5. Applicant is subject to the requirements of all proposed subdivision plats submitted for review, and must include all required contents and approvals necessary in the final plat.
6. In order to eliminate confusion concerning the additional 16' of roadway and its use, the applicant must stripe and label (with turns arrow(s)) the northern-most 12' of Thornton Lane.

Vice Chairman Martinez appreciated the recommendation of a turning lane; he proposed possible position and lengths for the lane. Commissioner Wright stated that the 16' dedication should be the length of the property. Chairman Vigil stated that the plat outlines the boundaries as approved; the design, however, can overlay differently.

7:25 PM - PUBLIC HEARING OPENED.

Jake Martinez, 903 Calle Don Pedro, introduced himself as an Ex-Planning & Zoning Commissioner and expressed support for the development of Denny's and Del Taco, but did not have too much knowledge of the car wash. He inquired if they owned the property; Mr. Killham revealed that the property is under contract, contingent upon subdivision and commercial approval. Mr. Martinez expressed concern for the crime that a car wash could attract. He asked if the developer had considered other locations; Mr. Killham confirmed. Mr. Martinez stated that he is a retired utility employee for Los Alamos County; the Commission should know more about their city utilities. He advised the developers to do their studies, because their investments may fail, and he did not want to see any more business fail in the city. Chairman Vigil advised that the current Public Hearing pertains to the division of land only.

Diana Wells, 603 Thornton Lane, communicated that she is not for, nor against the development. She would like to see plans and parking designations for the plat. She has questions that have yet to be answered. Chairman Vigil stated that if she compiled a list of questions, they could have them addressed; Mrs. Wells acknowledged.

Yolanda Archuleta, 510 Thornton Lane, specified that she resides behind the church, and feels that she may be most affected. She announced her main concern to be traffic. As it is today, she cannot exit Thornton Lane to turn left. Additionally, she has a concern with businesses vacating the southern portion of town. She informed that she is the owner of Beckers, and has been in business for over 47 years. She questioned why the city is attracting so many food establishments, and no other businesses; and why big corporations, and not small businesses. She shared that when she purchased her house, it was just a little dead-end street, but vehicle and foot traffic has greatly increased. The city has a huge drug problem and it goes right through her yard while she is sleeping. She questioned if traffic would be using her driveway to turn at night. Ms. Archuleta commented that it would be nice to have development, but something other than fast-food restaurants; she needs more information. Chairman Vigil responded that the Commission does not know why the city is attracting so many fast-food restaurants. Ms. Archuleta voiced that the community needs to do something to build small businesses and museums. Chairman Vigil invited her to any meeting to share her frustration and ideas during the Public Comment portion of the Agenda. Ms. Archuleta concluded that they are underestimating the traffic issue; she asked why they could not only use NM-68 (N. Riverside Drive).

Ronald Wells, 603 Thornton Lane, mentioned that the car wash would almost touch one of the lots that he rents. He would prefer something quieter, but at least a barrier or open space near that lot.

Chairman Vigil asked the representatives to take note of the public's concerns and take them to the developer.

7:40 PM - PUBLIC HEARING CLOSED.

Chairman Vigil asserted that his submitted recommendations are necessary for the Survey of Record. Commissioner Gillette added that Mr. Bejarano is also aware of the COAs. Commissioner Wright asked if the COAs were amenable. Mr. Killham responded with concerns for a third lane. He acknowledged the public's concerns, and the reasoning, but he is not sure if it will work. He explained that use of the rear lot (Tract 86-C) was not determined during the initial design of the property. He communicated that 2K Holdings will develop Denny's and Del Taco, but then sell Tract 86-C to Champion Xpress car wash; they are not developers. He described the original storm drainage to be located northeast of the property, but when development of the car wash was introduced, they required entire use of Tract 86-C; as a result, the drainage was moved to the southern corner of Denny's. If the site moved north, to accommodate additional footage, there may not be enough room for storm drainage. He agreed that a third lane would be beneficial for the residents and their customers, but they would have to decide how to accommodate the storm water. The third lane would have to make sense economically, or it will not happen.
Commissioner Khalsa questioned the necessary width for the street. Vice Chairman Martinez noted that the plat details 16’ for the asphalt dedication, and a 20’ public right-of-way; making the sum 36’. He described that the width can achieve a 4’ curb and gutter, two – 11’ lanes, and one-10’ lane. The sidewalk would be outside the ROW boundary. Commissioner Khalsa shared his experience with traffic in that area; not having that turning lane would be a disservice to their customers and the residents. The traffic needs to be experienced personally, and not by theoretical numbers. He voiced access to Silkey Way as the solution to their traffic issue.

COMMISSIONER KHALSA MOTIONED TO RECOMMEND APPROVAL OF CASE #2018-22, TO CITY COUNCIL, WITH THE CONDITIONS PRESENTED BY STAFF. COMMISSIONER THOMPSON SECONDED.

Chairman Vigil requested, if amenable by staff, that the COAs include that the surveyor follow the Ordinance set by the City and the red lines generated; Director Gillette accepted.

COMMISSIONER KHALSA AND THOMPSON ACCEPTED THE AMENDMENT TO THE MOTION WITH THE CONDITIONS AS FOLLOWS:

1. APPLICANT MUST PUT RECIPROCAL EASEMENT AGREEMENT FOR INGRESS & EGRESS IN PLACE TO GIVE ACCESS FROM LOT 86-C DIRECTLY ONTO THORTON LANE OR PROPOSE AN ADDITIONAL INGRESS/EGRESS TO/FROM LOT 86-C TO ONE OR BOTH OF THE TWO PROPOSED ENTRANCE/EXITS. IF THE FORMER IS CHOSEN, THE DEPUTY FIRE CHIEF REQUESTS A MINIMUM OF 24’ WIDE EASEMENT.

2. APPLICANT MUST CLARIFY THEIR DEDICATION TO THE CITY AND ITS PROPOSED USAGE BEFORE APPROVAL. THE DEDICATION MUST BE FOR ROADWAY ONLY. THE REQUIRED SIDEWALKS AND LANDSCAPING THAT WILL BE CONSTRUCTED WILL REMAIN AS PART OF THE PRIVATE PROPERTY, TO BE MAINTAINED, REPAIRED AND KEPT IN COMPLIANCE WITH MUNICIPAL CODE BY THE PROPERTY OWNER(S).

3. UTILITY EASEMENTS, AS REQUESTED BY JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, NEW MEXICO GAS COMPANY, AND THE CITY OF ESPAÑOLA PUBLIC WORKS DEPARTMENT, MUST BE SHOWN ON THE FINAL PLAT.

4. THE ADDITIONAL 16’ OF ROADWAY ON THE NORTHERN PORTION OF THORTON LANE MUST BE CURBED AND GUTTERED, PER § 294-9: IMPROVEMENTS.

5. APPLICANT IS SUBJECT TO THE REQUIREMENTS OF ALL PROPOSED SUBDIVISION PLATS SUBMITTED FOR REVIEW, AND MUST INCLUDE ALL REQUIRED CONTENTS AND APPROVALS NECESSARY IN THE FINAL PLAT.

6. IN ORDER TO ELIMINATE CONFUSION CONCERNING THE ADDITIONAL 16’ OF ROADWAY AND ITS USE, THE APPLICANT MUST STRIPE AND LABEL (WITH TURNS ARROW(S)) THE NORTHERNMOST 12’ OF THORTON LANE.

7. THE SURVEYOR MUST FOLLOW THE ORDINANCE SET BY THE CITY AND RED LINES GENERATED ON THE SURVEY AND PROVIDED TO THE SURVEYOR AND APPLICANT.

THE MOTION TO AMEND CARRIED 6-0 VOTE.

VICE CHAIRMAN MARTINEZ SECONDED THE MOTION AS AMENDED. MOTION TO APPROVE CASE 2018-22 CARRIED 6-0 VOTE.

THE MEETING RECESS AT 7:59 PM AND RECONVENED AT 8:11 PM.
Chairman Vigil stressed that this review does not include the proposal of a car wash on Tract 86-C.

Mr. Killham, Food Service Concepts Inc., shared that Del Taco will have 25 parking spaces, and Denny’s has plans for 56 spaces. He deferred to the Commission for questions. Vice Chairman Martinez noted that there is little information regarding the drainage and storm water management; he asked how the water would be collected from the rooftops and property — has it been calculated. Ted Scanlon, Civil Engineer with Food Service Concepts, Inc., replied that the areas to the left and below Denny’s would be ponding; the parking lot is designed to drain into, and run-down, the upper curb. Vice Chairman Martinez noted that the analysis was not provided; he inquired the calculations and assumptions in terms of quantity of storm water. Mr. Scanlon stated that it is normally within the detailed construction plans. Director Gillette reported that it is a requirement: that was communicated to Mr. Bejarano, but was never provided. Mr. Scanlon acknowledged that the drainage calculations would need to be added to the plat.

Vice Chairman Martinez mentioned that the traffic study had been discussed during Case #2018-22; he expressed the need for analysis of the proposed land use that will occupy Tract 86-C. He recommended the study to be updated with at the minimum, a 9-peak hour count; Mr. Scanlon acknowledged.

Vice Chairman Martinez referenced the Geo-Technical Engineering report for Thorton Lane and asked if they are suggesting replacing the asphalt with the pavement design outlined within the report; Mr. Scanlon confirmed.

Commissioner Hunter questioned lighting. Director Gillette explained that the eastern portion of the Denny’s has four (4) parking spaces near a dumpster. She is requesting that the area have increased lighting to deter loitering and hiding within that area. Mr. Killham provided a photometric design that illustrated lighting for the parking lot; it will have to be adjusted to meet the request.

8:27 PM — STAFF REPORT PRESENTED [Case File 2019-01]

Director Gillette summarized Commercial Site Plan Review request, Case 2019-01, and noted past uses, such as a Mighty Muffler, that led the current property owners, Tsay Corporation to seek out a Phase I Environmental Site Assessment in 2018. The assessment found there to be “no recognized environmental concerns” (RECs) identified with respect to the property, or adjacent properties.

She outlined that the property is zoned B-2; therefore, all proposed uses are permitted. The site is within the FEMA Flood Zone X, which does not require any building modifications to accommodate the flood zone.

Director Gillette described the parking and traffic flow for Denny’s and Del Taco; they will meet the city’s required number of parking spaces and 10-car stacking requirement for the drive-thru. However, the ADA parking spaces do not appear compliant in size. She recommended a condition for parking to be constructed consistent with minimum dimensions as required by §350, Article VIII. She added that Deputy Fire Chief Tafoya is satisfied with the width of the proposed lanes, but would like the two landscaped islands, within the parking lot and between Denny’s and Del “aco, to be removed — this will make it safer for the fire truck to complete a turn in the parking lot if necessary. Staff also believes that 24’ is wide enough for a sufficient turn in/back out radius for cars, however, should the parking space width and depth minimums need adjusting, staff recommends angle parking for increased space efficiency and safer traffic flow.

She stated that the proposed site plan indicates a separation of traffic flow between the Denny’s and Del Taco with parking design and landscape islands. However, the suggested removal of these landscape islands, by the Fire Department, to enhance maneuverability decreases this separation. Staff defers to the judgement of DC Tafoya regarding their removal, but has concerns regarding large volume traffic flow through Del Taco. Drive-thru traffic in excess of the ten cars in the ‘stack’ will likely obstruct parked vehicles and prevent effective ingress/egress to the site, particularly from NM-68, and within the designated fire lane.

Commissioner Khalsa questioned the height of the landscape curb; Director Gillette responded 6-8”. Commissioner Wright noted that a roll over curbs could work best. Vice Chairman Martinez acknowledged DC Tafoya’s concern, but suggested requesting a turning template to confirm adequate space. He stated that he would prefer to keep the greenspace and slope the nose of the curb. Commissioner Hunter suggested shortening the islands, but keeping them long enough to keep the...
green space. Richard Hubler, City Planner, mentioned that the site does exceed parking spaces — removing one of the paired parking spaces allows the radius to open. Vice Chairman Martinez suggested that it be considered, should analysis show the need.

Director Gillette commented that there is not a clear drainage plan for the site, and the Lighting Plan leaves room for improvement. Although Denny’s will be opened 24-hours a day, there is limited lighting abutting the restaurant parking lot. She reiterated concern with the lighting on the eastern façade of the building, and the recommendation for increased lighting.

Mr. Hubler communicated that signage review indicates that the wall signs are generally consistent with §350, Article IX, but the development complex sign does not comply. Additionally, the menu signage for the drive thru portion of Del-Taco is not well addressed by Española’s sign code. Specifically, Denny’s wall signs account for 406.14 of the allowed 672 ft², and the signage per wall is less than 10% of each façade, with the exception of the south side that exceeds the allowable area by about 60 ft². The Denny’s sign on the main, north façade complies with neither the provisions for a wall or roof sign, due to its location, and needs modification or a special exception.

Director Gillette outlined the Plan’s conformance with the seven review criteria. The COAs are meant to try to make the Plan better conform with and meet the review criteria. She noted that the site provides a wonderful view shed of the Jemez Mountains, and thus she requested outdoor seating if possible. Mr. Killham explained that Denny’s tried outdoor seating, but it did not work, and Del Taco was very explicit about not using it. She concluded that staff recommends Conditional Approval of Case #2019-01, with the following COA:

1. Applicant must obtain a survey of UPC 1047121262306 (Española Valley Church of Christ), and verify whether, or not a northbound deceleration lane, which turns onto Thornton Lane would encroach onto the Española Valley Church of Christ’s property, or in any way disrupt their business and services.
   a. If it turns out that the proposed deceleration lane would encroach on the Church’s property, the applicant shall approach Española Valley Church of Christ about the potential to cut a deceleration lane into their property at 1311 N. Riverside Dr. This would allow for a safer and more efficient right-hand turn onto Thornton Lane.
      i. If Española Valley Church of Christ permits the installation of the deceleration lane (terms of the agreement to be worked out by the parties), applicant must coordinate with the City of Española and NMDOT to determine acceptable width, length, and turning radius for the lane. Applicant will also be responsible for obtaining any easement or other agreement necessary to make this happen.
      ii. If Española Valley Church of Christ does not agree to the installation, applicant must provide proof of attempt to work with Church of Christ (e.g., a letter from the church representative) saying that they did not agree to the installation of a deceleration lane.

2. Applicant must complete street improvements on Thornton Lane.
   a. Applicant must pave newly dedicated roadway with a minimum of 2" SPIV asphalt. Should there be a subgrade failure or any other unanticipated road issues, the applicant is still responsible for redoing the road back to its original and improved condition.
   b. Applicant must install curb and gutters to the north side of Thornton Lane from the intersection of N. Riverside Dr. to the eastern end of the current property (where Champion Xpress Car Wash will go).

3. Applicant must install sidewalks along the northern portion of Thornton Lane from the intersection of N. Riverside Dr. to the end eastern end of the property (where Champion Xpress Car Wash will go).
   a. Sidewalks must be a minimum of 5' wide.
   b. Sidewalks must be ADA-compliant.
   c. Sidewalk shall be located outside the expanded ROW and on applicant property and shall be maintained by the applicant.

4. Applicant must submit a drainage plan for approval by the Public Works Department by Friday, February 15, 2019.

5. Applicant must comply with NMDOT requests, including, but not limited to:
   a. Installing a deceleration lane on N. Riverside Dr. into the Denny’s/Del Taco parking lot. Length and width will be determined by NMDOT.
b. Investigating the installation of northbound deceleration lane that turns onto Thorton Lane.
c. Construct or reconstruct all sidewalks abutting the property to ensure that they are ADA-compliant.

6. Applicant must install a stop sign at each exit onto N. Riverside Dr. and Thorton Lane.

7. Applicant must comply with all requests made by the City of Española Water, Streets and Wastewater Divisions.

8. Applicant must paint the curbs red along N. Riverside Dr. and Thorton Lane as recommended by the Deputy Fire Chief. In white lettering at least 6" high, "No Parking" Fire Lane" must be written along the vertical exterior of the curb. Four "No Parking: Fire Lane" signs must also be erected where indicated by DC Tafoya.

9. The applicant must stripe a 24' fire lane from the entrance off of N. Riverside Dr. to the rear of lots 86-A and 86-B, per the Deputy Fire Chief's instructions.

10. The applicant must construct parking spaces to meet minimum standards for both traditional and ADA-compliant dimensions.

11. The applicant must designate the Del Taco parking area between the restaurant and the drive-thru lane as "Employee Parking Only" via signage.

12. All on-site lighting must be compliant with the New Mexico Night Skies Protection Act.

13. The applicant shall increase exterior lighting on east façade of Denny's.

Commissioner Thompson inquired if the Grading and Drainage Plan could be approved administratively. Director Gillette explained that it would be forwarded to Public Works for their approval. Vice Chairman Martinez acknowledged that new asphalt would be applied to the section of Thorton Lane that is widening; but questioned if staff was accepting of the proposed seal coating from the old to new asphalt transition. Director Gillette asked for his input. Vice Chairman Martinez stated that the seal would help, but only for a few years. Water infiltration would get into the subgrade, and cause a long-term issue for the city.

Vice Chairman Martinez voiced that the curb ramps would need to be improved, and the curb return on Thorton Lane needs improvement. Director Gillette mentioned that there is a streetlight in the way. Vice Chairman Martinez responded that it could be relocated to the other side. Chairman Vigil agreed that a curb return on Thorton Lane should be added to the COAs. He appreciated the green infrastructure, but was uncertain if additional drainage on Thorton Lane had been considered. He questioned the request of the identified employee parking. Director Gillette replied that it was to address a traffic flow concern.

The Commission discussed whether they would prefer making a decision after they are in receipt of a complete submittal. Chairman Vigil expressed concern with approving a Commercial Site Plan without a Grading and Drainage Plan. Vice Chairman acknowledged that the developer has a timeline for the sale of land, but he was not comfortable with approving when submittals are lacking. Mr. Kilham confirmed that they were given a deadline to break ground by the end of the last year; delaying the site plan would affect the sale of the property. He affirmed that if they were approved with conditions, they would quickly submit to show good faith that they are moving on the project. Commissioner Khalsha voiced that these are great professional projects, with well-respected entities; they will submit a Grading and Drainage Plan, or their investment will be in trouble. He suggested approval. Chairman Vigil reported that a Grading and Drainage Plan is a requirement. Vice Chairman Martinez inquired how the conditions would work. Director Gillette informed that she would be reporting submittal updates at forthcoming meetings, but no action would be allowed. Commissioner Wright noted that was true, unless they are advertised as an action item, but typically COAs have to be met.

Commissioner Wright agreed that a 9-peak hour traffic count should be included; he noted conflicts with the COAs and that the site plan does not reflect the sidewalk on the applicant's property — outside the R-D-W. He stated that a fire hydrant would need to be relocated, as the approved plat depicts the hydrant at the edge, but the plans show it in the middle of the proposed development. Chairman Vigil informed that the hydrant is dead. He noted concern with COA 3; he questioned if it is within their purview to require that something be done on someone else's property. Director Gillette acknowledged; she stated that they could omit it. It was an attempt to resolve the need for an immediate stop.

9:21 PM - PUBLIC HEARING OPENED.
Jake Martinez, 603 Calle Don Pedro, introduced himself and thanked the applicant for considering Española. He inquired their projected tax revenue for the city; whether their jobs would be full-time, and provided with benefits; hours of operation; and whether local contractors would be used for the construction. He added the drainage is important to study, as Big 5 has had issues with their private pond and has needed the city to help with pumping. He concluded that the turning lane onto Thornton Lane should be studied and done correctly. Overall, he supports the project.

9:27 PM - PUBLIC HEARING CLOSED.

Mr. Scanlon informed that they would be using the existing grade. Vice Chairman Martinez asked where the water from the parking stalls on the western edge would go. Mr. Scanlon described the water flow, and assured that they are willing to comply with the COAs. Mr. Killham shared that they will be meeting with NMDOT tomorrow and will meet their requirements. He asked that the request for the decel lane be subject to NMDOT’s recommendations. They will abide by COA #2, if the Streets Division is accepting. He asked that COA-11 be excluded. He stated the company is from New Mexico (NM) and has been in business for 25 years; they take to heart in doing business in NM. In regards to rules and regulations, the company offers benefits that are beyond what is required. He shared that Denny’s will start with 100-120 employees, but will likely settle to 40-45; Del Taco will have about 30.

Mr. Killham stated that they have closely been listening to the residents and Commission; they have convinced him that the left-turn lane off Thornton is a necessity. However, he would have to defer the right-turn lane to NMDOT — it all comes back to economics. He shared that he is the contractor, and the work will go to bid, but usually most of the subcontractors travel from Albuquerque.

Commissioner Hunter inquired if they knew why developments desired properties north of Fairview Lane. Mr. Killham reported that they looked at other properties for three (3) years; everyone says that this is the best intersection in Española and the owner wanted to make it happen.

VICE CHAIRMAN MARTINEZ MOVED TO CONDITIONALLY APPROVE CASE # 2019-01 WITH THE FOLLOWING CONDITIONS:

1. THE APPLICANT SHALL WORK WITH NMDOT IN DETERMINING THE NEED FOR A DECELERATION LANE ALONG NORTH BOUND NM-68, ONTO THORNTON LANE, AND EVALUATE THE AMOUNT OF RIGHT-OF-WAY THAT MAY BE AVAILABLE FOR THAT PURPOSE. FURTHERMORE, THE APPLICANT WILL INCREASE THE TURNING RADIUS FOR VEHICLES ENTERING RIGHT INTO THORNTON LANE.

2. UPON APPROVAL BY THE PUBLIC WORKS DEPARTMENT, THE APPLICANT MUST COMPLETE STREET IMPROVEMENTS ON THORNTON LANE BY:
   a. RECONSTRUCTING THE ASPHALT ALONG THORNTON LANE, PER THE DESIGN ON THE GEO-TECH REPORT, STARTING AT NM-68 AND CONTINUING TO APPROXIMATELY THE WESTERN LOT OF 86-C;
   b. THE REMAINING ASPHALT SECTION OF THORNTON LANE MUST BE MILLED AND OVERLAIRED WITH MINIMUM 2” SP IV ASPHALT AND ADDRESS ANY SUBGRADE FAILURES OR ANY OTHER ROAD ISSUES ON THORNTON LANE; AND
   c. THE APPLICANT SHALL INSTALL CURB AND GUTTER ON THE NORTHSIDE OF THORNTON LANE FROM THE INTERSECTION OF RIVERSIDE DRIVE TO THE EASTERN END OF PROPERTY 86-C.

   a. SIDEWALKS MUST BE A MINIMUM OF 5’ WIDE.
   b. SIDEWALKS MUST BE ADA-COMPLIANT.
c. SIDEWALK SHALL BE LOCATED OUTSIDE THE EXPANDED ROW AND ON APPLICANT PROPERTY AND SHALL BE MAINTAINED BY THE APPLICANT.

4. APPLICANT MUST SUBMIT A DRAINAGE PLAN FOR APPROVAL BY THE PUBLIC WORKS DEPARTMENT BY FRIDAY, FEBRUARY 15, 2019. THE PLAN SHOULD INCLUDE STORM WATER INFRASTRUCTURE WITH CURRENT ENGINEERING STANDARDS, AND STAMPED BY A LICENSED PROFESSIONAL ENGINEER.

5. APPLICANT MUST COMPLY WITH NMDOT REQUESTS, INCLUDING, BUT NOT LIMITED TO:

a. INSTALLING A DECELERATION LANE ON N. RIVERSIDE DR. INTO THE DENNY’S/DEL TACO PARKING LOT. LENGTH AND WIDTH WILL BE DETERMINED BY NMDOT.

b. INVESTIGATING THE INSTALLATION OF NORTHBOUND DECELERATION LANE THAT TURNS ONTO THORTON LANE.

c. CONSTRUCT OR RECONSTRUCT ALL SIDEWALKS ABUTTING THE PROPERTY TO ENSURE THAT THEY ARE ADA-COMPLIANT.

6. APPLICANT MUST INSTALL A STOP SIGN AT EACH EXIT ONTO N. RIVERSIDE DR. AND THORTON LANE.

7. APPLICANT MUST COMPLY WITH ALL REQUESTS MADE BY THE CITY OF ESPAÑOLA WATER, STREETS AND WASTEWATER DIVISIONS.

8. APPLICANT MUST PAINT THE CURBS RED ALONG N. RIVERSIDE DR. AND THORTON LANE AS RECOMMENDED BY THE DEPUTY FIRE CHIEF. IN WHITE LETTERING AT LEAST 6” HIGH, “NO PARKING” FIRE LANE” MUST BE WRITTEN ALONG THE VERTICAL EXTERIOR OF THE CURB. FOUR “NO PARKING: FIRE LANE” SIGNS MUST ALSO BE ERECTED WHERE INDICATED BY DC TAFOYA.


10. THE APPLICANT MUST CONSTRUCT PARKING SPACES TO MEET MINIMUM STANDARDS FOR BOTH TRADITIONAL AND ADA-COMPLIANT DIMENSIONS.

11. THE APPLICANT MUST COMPLETE A 9-HOUR TRAFFIC COUNT AT NM-68 AND THORTON LANE TO INCLUDE WITHIN THE TRAFFIC ANALYSIS, AND USE THE DATA TO UPDATE THE CAPACITY ANALYSIS OF THE INTERSECTION; AND INCLUDE ADDITIONAL TRIPS GENERATED FROM THE POTENTIAL DEVELOPMENT OF 86-C.

12. ALL ON-SITE LIGHTING MUST BE COMPLIANT WITH THE NEW MEXICO NIGHT SKIES PROTECTION ACT.

13. THE APPLICANT SHALL INCREASE EXTERIOR LIGHTING ON EAST FAÇADE OF DENNY’S.

COMMISSIONER THOMPSON SECONDED. MOTION CARRIED 6-0 VOTE.

3. SPECIAL USE PERMIT 2019-02: DON EDWARD HUNTER, APPLICANT, IS REQUESTING PERMISSION FROM THE PLANNING COMMISSION FOR A SPECIAL USE PERMIT TO OPERATE A BUSINESS ON HIS PROPERTY, 1621 N. MCCURDY RD., LOCATED IN THE R-6, URBAN RESIDENTIAL ZONING DISTRICT. THE APPLICANT WOULD LIKE TO OPERATE A POWDER COATING BUSINESS FROM THE ACCESSORY STRUCTURE ON THE SOUTHWESTERN CORNER OF THE PROPERTY. THIS ACCESSORY STRUCTURE WAS APPROVED BY THE PLANNING COMMISSION ON JANUARY 11, 2018.
Director Gillette requested that Case 2019-02 be Tabled to February 14, 2019.

COMMISSIONER WRIGHT MOTIONED TO TABLE CASE #2019-02 TO FEBRUARY 14, 2019. VICE CHAIRMAN MARTINEZ SECONDED THE MOTION. MOTION CARRIED 4-0 VOTE, WITH COMMISSIONER HUNTER ABSTAINING.

VII. MATTERS FROM PLANNING STAFF

1. CODE ENFORCER’S REPORT

Monica Velasquez, Lead Code Enforcement Officer, presented their Notice of Violation (NOV) year-to-end 2018 caseload, with a total of 646 NOVs sent and 62% compliance. She highlighted the current case breakdown as 100 open, 271 closed and nine (9) court pending. Ms. Velasquez shared the division’s 2019 goals to become Certified Code Enforcement Officers through the International Code Council (ICC); scan all hard-copy files into the server; continue working with the ‘Clean & Lien’ properties, and move forward with Vacant Structure Registry.

Ms. Velasquez informed that they are taking the initiative in ensuring that properties properly display their address placards. She referenced city code that states the owner’s responsibility to display their house number. They have also been offering placards to those whose addresses have changed, or need assistance. She added that Code Enforcement continues to educate the commercial property owners and business owners on banner signs, flags, “feathers”, and other temporary signage. She concluded with BEFORE and AFTER pictures of recent cases.

Director Gillette shared that new duties for Code Enforcement have been surfacing — such as enforcement of Business Registrations and grease traps. This is in part, to how the Code is written. The Department is working with the Wastewater Division Supervisor, Ernest Bermudez, to create a Grease Trap Enforcement process that will not involve Code Enforcement until it is their last option.

2. STAFF REPORT

Director Gillette updated the Commission on Zia Credit Union’s submissions — they are on track and moving forward. Harbor Freight is having issues with the Water Department, and they believe the subgrade on E. Jiron Street is failing. She reported that she asked Vice Chairman Martinez for some friendly advice. Vice Chairman Martinez commented that the subgrade failure appears to be due to drainage at the entrance. He suggested removing that section and replacing it. If the City barres, perhaps they can fix the upgrade and then have the applicant overlay in accordance with the Conditions of Approval listed. Director Gillette alluded that the Streets Division has been severely under budgeted; Streets Supervisor, Elijah Mares, estimates that it would cost $10,000. Commissioner Hunter specified two ways to address the subgrade: (1) recycle the base course, which is cheaper, (2) or introduce raw cement after leveling. This would buffer and builds up the subgrade; then the asphalt can be laid.

Director Gillette revealed that Harbor Freight would now only be utilizing Mountain View Street for their trucks.

Director Gillette informed that Sonic is at an impasse with NMDOT; they are requiring a right-turn lane off Upper San Pedro Road, and acquiring the property adjacent is not feasible.

Director Gillette expressed that she would like to hold a Work Session in February. The Planning Department held their own Work Session and listed out 2019 goals. Therefore, staff will start by proposing a Small Tower Ordinance in response to the 2018 legislation Wireless Consumer Advanced Infrastructure Investment Act, and a Short Term Rental Ordinance. In addition, the allowance of livestock within other zoning districts needs to be addressed. Vice Chairman Martinez inquired the status of what resulted from the Mobile/Manufactured Home Work Session. Director Gillette responded that Mr. Eddington has submitted a bold draft for this area; it will be revisited in March.

Director Gillette introduced Richard Hubler, newly hired City Planner. Mr. Hubler gave a brief background to the Commission.

VIII. MATTERS FROM PLANNING COMMISSION

Commissioner Wright suggested moving the Code Enforcement Officers report up the Agenda. This will allow the public an opportunity to see it and the positive impact they are having. The Commission agreed.
IX. ADJOURNMENT

VICE CHAIRMAN MARTINEZ MOTIONED TO ADJOURN; COMMISSIONER THOMPSON SECONDED. MEETING ADJOURNED AT 10:47 PM WITH 5-0 VOTE.

APPROVED by the City of Española Planning Commission this 14th day of February, 2019.

Clyde Vigil, Chairman

ATTEST:

Destrie J. Lujan, GIS Specialist

2/15/19