

PLANNING & ZONING COMMISSION MEETING

THURSDAY, FEBRUARY 14, 2019- 6 PM
CITY COUNCIL CHAMBERS, CITY HALL
405 N PASEO DE OÑATE, ESPAÑOLA, NM 87532

I. CALL TO ORDER

Chairman Vigil called the meeting to order at 6:02 pm with the following in attendance:

COMMISSIONERS

- A. ERLE WRIGHT, PARLIAMENTARIAN – **EXCUSED ABSENCE**
- AMRIT KHALSA – **ABSENT**
- ANISSA MARTINEZ
- D. EDWARD HUNTER
- ERIC MARTINEZ, VICE CHAIRMAN
- CLYDE VIGIL, CHAIRMAN

STAFF

- ALISON GILLETTE, PLANNING DIRECTOR
- RICHARD HUBLER, CITY PLANNER
- DESIRAE J. LUJAN, GIS SPECIALIST
- XAVIER MARTINEZ, INTERIM CITY MANAGER

PUBLIC

- KEVIN KILLHAM, FOOD SERVICE CONCEPTS, INC.
- YOLANDA A. ARCHULETA, 510 THORTON LANE
- DIANA WELLS, 603 THORTON LANE
- RONALD WELLS, 603 THORTON LANE
- MATT GRUSH, NMDOT
- AUSTIN FISHER, RIO GRANDE SUN

II. PLEDGE OF ALLEGIANCE

Commissioner Anissa Martinez led the pledge of allegiance.

III. APPROVAL OF AGENDA

VICE CHAIRMAN MARTINEZ MOTIONED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER ANISSA MARTINEZ SECONDED. MOTION CARRIED 4-0 VOTE.

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

- I. *Call to Order*
- II. *Pledge of Allegiance*
- III. *Approval of Agenda*
- IV. *Approval of Minutes*
 - 1. *January 10, 2019*
- V. *Public Concerns*
 - 1. *Matt Grush, NMDOT Traffic Engineer*
- VI. *Items for Consideration*
 - 1. *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.*
 - 2. *Variance Request 2019-03: Food Service Concepts, Inc., applicant is requesting a Variance Review Request for the property at UPC 1047121260326 within the B-2, General Commercial, zoning district. In light of the Conditions of Approval from the January 10, 2019 Planning & Zoning Commission meeting, the applicant will need to adjust their site plan in a manner that causes an eight-foot encroachment on the northern boundary of the property. The applicant would like a variance to reduce the side setback at this location from 20' to 12'.*

- VII. *Old Business*
 - 1. *Harbor Freight Tools*
 - 2. *Zia Credit Union*
- VIII. *Matters from the Planning Staff*
 - 1. *Staff Report*
- IX. *Matters from the Planning Commission*
- X. *Adjournment*

----- End -----

IV. APPROVAL OF MINUTES

- 1. JANUARY 10, 2019

Vice Chairman Martinez noted some minor changes on pages 4, 9, 12, and 13; Mrs. Lujan acknowledged.

VICE CHAIRMAN MARTINEZ MOTIONED TO APPROVE AS AMENDED; COMMISSIONER HUNTER SECONDED. MINUTES APPROVED WITH 4-0 VOTE.

V. PUBLIC CONCERNS

- 1. MATT GRUSH, NMDOT TRAFFIC ENGINEER

At the request of Vice Chairman Martinez, Mr. Grush spoke about the application of access management standards. He stated that NMDOT uses the State Access Manual; its purpose is to provide safe point-point access for residents on NMDOT streets. Their focus is operation of the highway, but access is a part of that. Property owners are granted access if they have no other means available; there are, however, some exceptions. He communicated that when working within towns and cities, operation is compromised because access has to be allowed to properties. He shared that most recently city staff has been inviting them to their development meetings where they discuss current proposals, utilities, city needs and access. They provide a review and the Development Review Team (DRT) requests necessary improvements. He elaborated by sharing some issues that have been encountered when dealing with developments.

Mr. Grush explained how the streets are analyzed and how mitigations for failures are addressed. He stated that the City of Española would continue to experience conditions where many will not be granted access directly from a State Road without compromising the intersection. He disclosed some methods used to address movement concerns such as traffic lights and only allowing right-in/right-out access. He stated that residential access is not as troublesome, nor small businesses that do not generate much traffic. However, 100+ more cars an hour requires mitigation treatments. He has encouraged the city to start finding other methods to provide access to business, such as a frontage road, or shared access. He reported that traffic engineers do not have much success with getting shared access; owners are possessive of their driveways. Vice Chairman Martinez agreed; it is difficult because of property right issues and the acquisition of easements. Chairman Vigil asked if he knew of any cities that have Ordinances to require shared access. Mr. Grush responded no, but it could provide an advantage; it would be encouraged.

Mr. Grush shared some situations they have experienced with right-of-way encroachments. He reported that they have mechanisms to handle encroachments, but they need to be resolved before a project is addressed.

Vice Chairman Martinez inquired if NMDOT has any scheduled projects for the city, and improvements to NMSR-68. Mr. Grush responded that David Quintana would be the best contact for such information. He did disclose that pavement is due for rehabilitation. Unfortunately, projects range from 5-10 Million, and the entire district receives 30-35 Million to maintain 2,200 miles of highway.

Director Gillette stated that Riverside Drive is becoming really congested, and perpendicular turns are tight — some could be 90-degree turns. She questioned NMDOT's authority to require new developments to improve an access street. Mr. Grush confirmed that NMDOT has authority and specifications for curb returns. Director Gillette questioned how NMDOT follows up on conditions set for the developers. Mr. Grush advised that communication and updates from the local entity is best. She asked if the city was at capacity for traffic light signals. He confirmed that for some areas, but reiterated alternative remedies such as roundabouts and right-in/right-out access.

Vice Chairman Martinez requested his opinion on double-left-turn lanes versus turning lanes with raised medians. Mr. Grush voiced that double-left-turn lanes are only good if their purpose is to turn left and where there is not a lot of access. He expressed that delineated medians are access management tools; adding a raised median with a turning lane always improves safety. Director Gillette inquired funding resources for raised medians. Mr. Grush informed that if there is a safety problem, the Highway Safety Improvement Program (HSIP) could help with some intersections, but cannot afford an entire corridor. He voiced that drainage also needs to be considered when installing raised medians.

VI. ITEMS FOR CONSIDERATION

1. 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.

Chairman Vigil explained that because Commissioner Hunter would have to recuse himself for this case, a quorum is not present to take action on this item at this time; Commissioner Hunter acknowledged.

COMMISSIONER ANISSA MARTINEZ MOTIONED TO TABLE SPECIAL USE PERMIT CASE #2019-02 TO MARCH 14, 2019. MOTION SECONDED BY VICE CHAIRMAN MARTINEZ. MOTION WAS UNANIMOUS.

2. VARIANCE REQUEST 2019-03: FOOD SERVICE CONCEPTS, INC., APPLICANT IS REQUESTING A VARIANCE REVIEW REQUEST FOR THE PROPERTY AT UPC 1047121260326 WITHIN THE B-2, GENERAL COMMERCIAL, ZONING DISTRICT. IN LIGHT OF THE CONDITIONS OF APPROVAL FROM THE JANUARY 10, 2019 PLANNING & ZONING COMMISSION MEETING, THE APPLICANT WILL NEED TO ADJUST THEIR SITE PLAN IN A MANNER THAT CAUSES AN EIGHT-FOOT ENCROACHMENT ON THE NORTHERN BOUNDARY OF THE PROPERTY. THE APPLICANT WOULD LIKE A VARIANCE TO REDUCE THE SIDE SETBACK AT THIS LOCATION FROM 20' TO 12'.

Kevin Killham, Food Service Concepts, Inc., Project Manager and Representative, revealed that because of a Condition of Approval (COA) made for the Commercial Site Plan Review, they would need to modify their site plan. The modification would accommodate the widening of Thorton Lane from 16' to 36', and provide a large amount of landscaping behind the proposed Denny's that will be used as a retention pond for the storm drainage of both Denny's and Del Taco. In order to achieve the COA, a variance is necessary to encroach into the 20' setback.

Vice Chairman Martinez recapped the last meeting and asked if they had conducted an additional traffic analysis and submitted a drainage analysis. He inquired if the results would change the site. Mr. Killham responded that a traffic count was taken on the Friday of the Martin Luther King holiday weekend — the numbers were off the charts. Therefore, they will retake the count on Wednesday to get a normal count. Vice Chairman Martinez asked if the drainage was going to accommodate the run-off. Mr. Killham communicated that he would not anticipate the site changing, but it cannot be assessed until the traffic count is performed. This would reveal what to expect and how to design.

Vice Chairman Martinez emphasized that the purpose for requesting such data upfront is so that a well-informed decision can be made. The traffic can affect drainage. Mr. Killham assured that they would submit the study to Mr. Grush for his determination on the necessity of a decel lane. The traffic study was conducted within a week of the last meeting, and was forwarded to Mr. Grush. They have not yet received a formal response, and cannot formulate a plan without one. They are going to do a recount and hope that the numbers come in appropriately. Vice Chairman Martinez acknowledged that date selection for a traffic count is important, and the numbers should be based on a normal day. Richard Hubler, City Planner, disclosed that the Drainage Plan that they referenced last month, had been submitted.

Vice Chairman Martinez stated that a resident from last month's public hearing had concerns that developments did not have adequate retention. The COA for a Drainage Plan is to ensure drainage calculations are provided for sufficient capacity for the proposal, and that an engineer can certify the Plan and protect the neighboring properties from receiving drainage from the site. Mr. Killham acknowledged, he replied that they want to ensure that drainage is contained — calculations will be

provided. Vice Chairman Martinez added that the calculations should include the means and methods used.

STAFF REPORT PRESENTED BY MR. HUBLER. [Case File 2019-03]

Mr. Hubler summarized the request for variance of 8' to allow a side setback of 12' to the north property line for the proposed construction of a new 2,418-ft² drive-through restaurant at 1321 N. Riverside Dr. The need for the variance results from shifting the entire Denny's and Del-Taco development to the north in order to accommodate the widening of Thorton Lane. As a Condition of Approval for Case 2019-01, the developer was required to dedicate 16' along the southern property line to widen Thorton Lane. In order to accommodate the necessary storm water detention between the Denny's and Thorton Lane, and to maintain traffic circulation and parking access, the entire development for both restaurants shifted north, but otherwise maintained the same layout, parking areas and traffic management.

Mr. Hubler explained that during the course of review for any variance request, the Planning Commission shall determine whether all of the requirements set forth within Municipal Code, Chapter 350, Zoning & Development, §406 –Variance Review Criteria have been met. He presented an analysis of the four criteria as the following:

1. The commercial plan approved in Case 2019-01 specified parking lot areas, traffic management and general layout specific to this lot. The dedication of the property along the south boundary line to widen Thorton Lane, coupled with the need for storm water management detention/retention, requires setback encroachment.
2. Strict interpretation of the required setback works against compliance with the conditions of approval for cases 2018-22 and 2019-01. To accommodate the Thorton Lane dedication and not encroach to the north setback as proposed, the development would either lose parking along the south of the Del Taco building or a row of parking on the Denny's lot or be unable to adequately manage storm water. The hardship is not self-imposed.
3. The Commercial Site Plan and Subdivision Plat for this lot have received conditional approval from the Planning Commission. Granting of this variance is required to proceed with the approved development.
4. The encroachment to the north side property line has minimal impact, and only to the adjacent NCRTD property. It does not change the use or overall impact, but effectively narrows the landscape buffer that was proposed between the Del Taco building and the NCRTD parking lot. This variance has no impact to the general health, safety or welfare of the community.

Mr. Hubler concluded that the Commission shall make a determination of approval, conditional approval or denial. As the encroachment does not create a condition injurious to any property within 100', nor would, it otherwise be detrimental to the general health, safety, or general welfare of the community; therefore, the Planning & Land Use Department recommends Conditional Approval of Case #2019-03, with the following condition:

1. Approval of this variance request is contingent on the applicant satisfying all conditions set forth within Case #2018-22 and Case 2019-01.

Vice Chairman Martinez asked if the analysis affected the site plan, would the developer have to return for an amendment. Mr. Hubler confirmed that if an approved site plan were substantially different, it would have to go before the Commission for an amendment. He does not expect major changes; they do have some space to shift without dramatically changing the plan. However, if it did dramatically change, it would have to return for a second analysis.

Vice Chairman Martinez suggested that they continue to work with NMDOT on the decel lane. He communicated that if the site is moving north, it could affect the eastern easements on the plat. Mr. Hubler reported that he was in receipt of an updated draft of the plat, and they are working on the easement component; it can accommodate the variance without changing the plat. Vice Chairman Martinez inquired if they were able to proceed with the land purchase; Mr. Killham confirmed. Mr. Hubler disclosed that the new ownership documents are within their packets.

Commissioner Anissa Martinez presented questions regarding the signage and security. Mr. Hubler shared the details of the proposed signage— a final application has not been submitted. Director Gillette mentioned that at the last meeting, the Lighting Plan was discussed. She had concerns

regarding the lighting on the eastern entrance to Denny's; they have addressed the concern by updating the Lighting Plan. Commissioner Anissa Martinez asked if it would be opened 24/7; Director Gillette confirmed.

PUBLIC HEARING OPENED.

Diana Wells, 603 Thorton Lane, expressed support for the development, but as the property owner to the east, she would like a noise barrier on the property line. She feels that the block wall would help with the noise and protection of their property. She questioned the acceptance of allowing the developer to redo the traffic count on a Wednesday, asking if it is a 24-hour count. Vice Chairman Martinez explained that a traffic count is 9-hours taken three (3) times during the peak hours of 6 am-9 am, 11am – 1 pm, and 3 pm – 6 pm. The reason this is recommended is to calculate an ordinary day of the week rather than a weekend or holiday. It best represents the average of common traffic operation. Mrs. Wells stated that Friday afternoon to Monday morning should be considered.

Yolanda Archuleta, 510 Thorton Lane, voiced support for the development; however, she reiterated concern with the traffic volume that it would create. She questioned how she would keep people from using her yard — would they assist with a wall or large fence. She wondered if traffic would shine headlights into her bedroom window. She asked the developer to be accommodating, and consider the neighbors' concerns. She added that she feels as if the traffic numbers are being manipulated by doing the count on a Wednesday versus a Friday. She inquired if the city intended to continue Thorton Lane to McCurdy Road. Chairman Vigil communicated that connecting Thorton Lane to McCurdy Road would require acquiring many properties. Director Gillette agreed and assured that making Thorton Lane a through street was not feasible. Ms. Archuleta concluded with concerns with a 24-hours business, privacy and safety. Chairman Vigil acknowledged her concerns.

Stacey McGuire, NCRTD, informed that last year they had completed a project to install sidewalks from Thorton Lane to Silkey Way, in addition to a bus pullout that avoids impeding traffic. This was a \$250,000 project; therefore, from their perspective, they would ask that infrastructure be maintained and replaced to a similar level of accessibility. She noted that she has questions regarding a variance for the north setback: If it diminishes to 12', would the Del-Taco drive-thru be against the property line, or does it allow for some spacing. Chairman Vigil explained that 12' is the distance between the building and the boundary line. The drive-thru will not necessarily occupy the entire 12'. Mr. Hubler clarified that the space between the property line and the drive-thru is just under 2' from the drive-thru to the wall.

Ms. McGuire informed that their HVAC is on the south, so there is some concern with idling cars at the drive-thru and air quality. She asked that the city make a request for the developers to find ways to mitigate potential issues. She noted that she would like to know more about the impact. Mr. Hubler referenced an aerial to demonstrate the location of the Del-Taco building and drive-thru. Ms. McGuire acknowledged, she voiced that it was encouraging to see its location and it may be a non-issue, however, she would still be curious to see what impacts there could be. She noted no further questions or concerns, and expressed support for improvements to vacant lots along Riverside Drive. Mr. Hubler affirmed that the Conditions of Approval address the maintenance of sidewalks, and they should remain good as current.

7:38 PM — PUBLIC HEARING CLOSED.

Mr. Killham stated that the street is currently 16' wide; initially the plans were to make it 24', but it will now be improved to 36'. Mr. Hubler detailed that the widening of the street will run approximately 245' east, along the project site. Mr. Killham described the buildings to be facing each other; the activity will be in the middle of the lot. Denny's and Del Taco is the first phase and 200' away from the Well's property. He assured that they want to be good neighbors; they can place a condition on the sale of the property for a block wall on the eastern property line.

Mr. Killham detailed the location of two (2) streetlights on Thorton Lane. Director Gillette shared the Lighting Plan; Mr. Hubler noted that the light diminishes to the south.

Commissioner Anissa Martinez inquired if crosswalks had been considered for pedestrians walking between the two (2) businesses. Mr. Killham stated that pedestrians have access to the city sidewalks from Denny's, but normally pedestrians will use the space closest to their destination. The design

purposely channels pedestrians away from the parking lot. She asked if speed bumps were considered. Mr. Killham responded that they have not considered speed bumps in any development.

COMMISSIONER HUNTER MOTIONED TO ACCEPT THE VARIANCE REQUEST 2019-03 FOR FOOD CONCEPTS INC., FOR THE PROPERTY AT UPC#1-047-121-260-326, IN THE B-2, GENERAL COMMERCIAL, ZONING DISTRICT. IN LIGHT OF THE CONDITIONS OF APPROVAL FROM THE JANUARY 10, 2019 PLANNING & ZONING COMMISSION MEETING, THE APPLICANT NEEDS TO ADJUST THEIR SITE PLAN IN A MANNER THAT CAUSES AN EIGHT-FOOT ENCROACHMENT ON THE NORTHERN BOUNDARY OF THE PROPERTY. THE VARIANCE WOULD REDUCE THE SIDE SETBACK AT THIS LOCATION FROM 20' TO 12', WITH THE CONDITIONS THAT THE APPLICANT SATISFY ALL CONDITIONS SET FORTH WITHIN CASE #2018-22 AND CASE #2019-01.

VICE CHAIRMAN MARTINEZ SECONDED THE MOTION. MOTION CARRIED 4-0 VOTE.

VII. OLD BUSINESS

Director Gillette informed that she spoke with Peter Dwyer and Stacy McGuire, NCRTD, regarding their property on Silkey Way. She reported that in 2009 a recorded plat dissolved Black Mesa Association, which vacated any easement, but left a small stub that is still potentially dedicated to the city. NCRTD purchased the property and would like that stub vacated. She asked that Ms. McGuire follow-up on questions the Commission had regarding Silkey Way.

Ms. McGuire informed that they have recently been awarded a federal grant for a maintenance facility for their seven (7) acres east of their building. They also have a section dedicated for development to occur in that area with possible mixed-use or small storefronts. This development would improve connectivity and mitigate the traffic on Riverside Drive. They are excited to stimulate the city's economy and would be willing to contribute to the betterment of the city. Director Gillette concluded that although that easement was vacated — great things are coming.

1. HARBOR FREIGHT

Director Gillette stated that Harbor Freight opened in January. They have been working diligently with their engineers to move the development forward and meet their Conditions of Approval. Desert Fox Construction will address the subgrade issues on E. Jiron Street by excavating and remedying the damage area. She added that the hydrant will be installed and connected, and they updated the landscaping to meet the 5% requirement.

2. ZIA CREDIT UNION

Zia Credit Union has officially purchased the property, and the contractor is preparing for demolition. They have been in communication with staff to ensure that they obtain all State permits. The landscaping contractor also confirmed their buffering for the site.

Vice Chairman Martinez noted that Mr. Grush was unaware that Harbor Freight opened. He encouraged discussion on how to improve communication and sharing of information between NMDOT and the local jurisdiction. Director Gillette agreed, she added that the department is working on laying down some policies and procedures.

VIII. MATTERS FROM PLANNING STAFF

1. STAFF REPORT

Director Gillette disclosed that Code Enforcement would now be providing quarterly reports, at the beginning of the Agenda. She stated the request for a code revision session for February 28 to address a Small Tower Ordinance, Short-Term Rentals Ordinance, and the allowance of farm animals. She shared that there have been a number of issues regarding the acceptance of undomesticated animals within city limits. Homesteading is making a wave back into culture, and staff would like to consider the possibilities.

Director Gillette informed that the Walkability Audit is complete. They are working through finalizing it and presenting it to Council as a Resolution for adoption to make the west side more bicycle and pedestrian friendly. She added that funding for the 'Clean & Lien' has been set-up. The money is from

the Arrow Motel lien, and its recent sale. She shared that a grants calendar is in creation, and Standard Operating Procedures are being written within the department.

The New Mexico League of Zoning Officials has a conference from May 1-3, 2019 in Albuquerque. They have dedicated Thursday to a Commissioner training. She stated that she would keep them informed of the cost and the City Manager's decision to fund the training. She asked that the Commission share any training ideas and resources they may have for staff.

IX. MATTERS FROM PLANNING COMMISSION

Chairman Vigil requested a moment of silence in remembrance of Commissioner Thompson, who passed away last week. He gave to this community unselfishly and was a positive influence.

MOMENT OF SILENCE OBSERVED.

Chairman Vigil expressed appreciation for staff and cited excitement for what is going to happen.

Vice Chairman Martinez agreed that Commissioner Thompson was a positive influence. He took pride in his community and wanted to do right by it; he had vested interested in helping it. He will be sorely missed. He concluded with appreciation for staff responding to the Commission's requests.

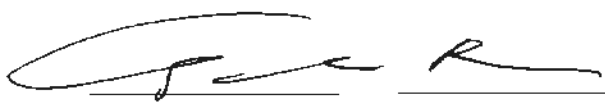
Commissioner Anissa Martinez echoed the appreciation for staff and their efforts.

Commissioner Hunter stated that he was a student of Commissioner Thompson, and his dedication was not only to the citizens of Española as a Commissioner, but was an incredible teacher. He shared a memory of Commissioner Thompson as his teacher — he had an interesting way of teaching.

X. ADJOURNMENT

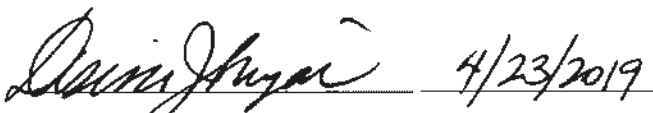
VICE CHAIRMAN MARTINEZ MOTIONED TO ADJOURN; COMMISSIONER HUNTER SECONDED. MEETING ADJOURNED AT 8:27 PM WITH 4-0 VOTE.

APPROVED by the City of Española Planning Commission this ____ day of _____, 2019.



Clyde Vigil, Chairman

ATTEST:



Desirae J. Lujan, GIS Specialist

