



**AGENDA
PLANNING COMMISSION MEETING
MAY 12, 2022 AT 6:00 PM
PLANNING CHAMBERS
PLANNING AND LAND USE DEPARTMENT
405 N. PASEO DE OÑATE ESPAÑOLA, N.M.**

I. CALL TO ORDER

Time: 6:04pm

II. ROLL CALL/ DETERMINATION OF QUORUM

Adrianna Ortiz
Ross Chavez
J.D. Martinez
J.R. Trujillo
Joe Salazar
Charlene Guinn

III. PLEDGE OF ALLEGIANCE

Commissioner J. R. Trujillo led the Pledge of Allegiance.

IV. ELECTION OF PLANNING COMMISSION CHAIR & THE VICE CHAIR

(6:06pm - 6:09pm [0:11 -0:13])

Director Muhammad Hussain stated that the Commissioners could select their choice of nominees from the Commission members for Chair and Vice Chair positions.

Commissioner Ortiz nominated J.R. Trujillo for the position of Chair.

Commissioner Salazar seconded the motion.

Director Hussain conducted a Roll Call vote:

Motion: Commissioner Adrianna Ortiz Second: Commissioner Joe Salazar Passed: 5-0

Adrianna Ortiz - *in favor*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo
Joe Salazar - *in favor*
Charlene Guinn - *in favor*

Director Hussain passed on the Chairing of the meeting to Chair J.R. Trujillo.

Chair Trujillo welcomed everyone and stated that their next order of business would be to nominate their Vice Chair.

Commissioner Salazar nominated Commissioner Ortiz to be Vice Chair.

Chair Trujillo seconded the motion.

Motion: Commissioner Joe Salazar Second: Chair J.R. Trujillo Passed: 6-0

Adrianna Ortiz - *in favor*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*

V. APPROVAL OF AGENDA

(6:09pm - 6:12pm [0:14 - 0:17])

Motion Commissioner Adrianna Ortiz 2nd Commissioner Ross Chavez Passed: 6-0

Adrianna Ortiz - *in favor*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*

VI. PUBLIC COMMENTS/BUSINESS FROM VISITORS

No Public Comment or Business from Visitors.

VII. ITEMS TABLED FROM PRIOR MEETINGS

No Items Tabled from Prior Meetings.

VIII. ITEMS FOR CONSIDERATION/NEW BUSINESS

PUBLIC HEARINGS

1. **2022-4 Preliminary Plat: Lawrence Martinez requests approval of preliminary plat creating three (3) from one (1) existing lot currently addressed as 1314 S. Kiva Lane, located in Urban Residential Zone District R-6, UPC 1-048-121-160-011.**

(6:17pm - 6:56pm [0:21 - 1:01])

Chair Trujillo swore in Mr. Martinez's son.

Mr. Martinez explained that his father had left the estate for him to handle and that the survey had not been registered. He stated that he had Mr. Clyde Vigil survey the land for him, and then he had checked with the City to see how large the lots had to be for a dwelling and was told that they had to be 75'. He explained that the property altogether was 250' more or less so he had Mr. Vigil divide them up evenly which came up to approximately 83' so if he would sell them, they would be big enough for somebody to put a dwelling. He stated that there was power, water, and sewer on one and there had been power, water, and sewer on another so the lines were there, but on the third lot, there was no power, water, or sewer. He stated that as executor, he was to divide the estate, sell the lots, and divide the money to the heirs.

Commissioner Salazar stated that Kiva Road was considered a private drive and not owned by the City. He pointed out recommendations from the Utility Company to clear trees which would create an issue for the Fire Department if there was a fire. He stated that he would need to get together with the neighbors to do that and to request the fencing to be moved out of the way.

Mr. Martinez replied they had tried that for the past 20 years and had multiple meetings with the City and Fire Department involved, but some of the neighbors disagreed.

Commissioner Salazar replied that he also lived off a rural community road that required the community to get together to work it out, and that the City could not just go in there. He stated that another Commissioner and he had gone there and seen one fence line that caused concern.

Mr. Martinez stated that the fence was a neighbor's who refused to give the 15' that she was supposed to.

Commissioner _____ asked if he had a survey that showed the 15'.

Mr. Martinez replied that he had seen it on the survey that showed that piece of property, and gave a brief history of the properties there.

Commissioner _____ asked if he would agree that the majority of the citizens there would agree that the fence should be removed.

Mr. Martinez stated that the majority did agree and that he would be happy to get another neighborhood meeting going.

Director Hussain presented the case as a preliminary plat review which would create three lots from a single lot. He explained that Mr. Martinez had asked if he could split the lot so he could place another mobile home. He explained the sizes, zone district, and requirements of the property. He stated that Public Hearing had been noticed in the Rio Grande Sun and had been posted on the property, and that 30 property owners located within 30' of the property had also been notified. He gave a brief history of the property. He also explained the setback requirements and easement. He explained that North Kiva Lane was a private street, which was divided into north and south and that every road should be 25' minimum for Fire access. He explained that the Emergency vehicles had issues getting to those properties because of how those streets were, which was why they had come to the consensus that the barrier should be removed. He again mentioned the setback requirements and easements of the property.

Commissioner _____ interjected that he had seen the DRT plans and that it made perfect sense that there were conditions on properties that were owned by the applicant. He asked if widening the road was the recommendation.

Director Hussain replied that it was one recommendation, but the basic recommendation was to remove the barriers between North and South Kiva Lane and just made it Kiva Lane.

Chair Trujillo stated that he did not believe there was a Homeowners' Association in that area so anything done in that area would have to be done by the City as a condemnation unless he would be lucky enough to get everybody to participate.

Director Hussain stated that since it was a private street, the City did not have any domain on it or on the private properties.

Vice Chair Ortiz stated that she read the DRT, she had questions but understood the safety implications and why they were suggested. She clarified that it looked like everything under the preliminary plat criteria had been met so under the regulations of the Development Review Team, so it was strictly the widening of the road at that time.

Director Hussain replied that was correct.

Commissioner Salazar asked if they were splitting the lot to put another mobile home.

Director Hussain replied that if they wanted to place another mobile home and met the minimum size requirements, they were allowed to split the lot once per year.

Commissioner Salazar asked if the lots would be sold as residential properties and not as rentals.

Vice Chair Ortiz asked about the subdivision and preliminary plat and what the next step would be and if Director Hussain could mention them again.

Director Hussain mentioned that the requirements would be mentioned when the final review would come.

Commissioner _____ stated that he mentioned it was a private road, but that the City had run the sewer, water, and fire hydrants there. He asked if they would have any type of say-so on making the two roads into one.

Director Hussain stated that there was City Infrastructure there. He also stated that it was mostly done under easements so it was not legal ownership of the land.

Chair Trujillo asked Director Hussain to explain where they were in the process.

Director Hussain explained the process. He stated that Mr. Martinez had been given counsel on the process and how he would need to proceed. He again explained the lot sizes.

Mr. Clyde Vigil, CRV Land Surveying, stated he was there to answer any questions they might have concerning the survey that had been done on the project.

Chair Trujillo asked about the simpler way to accomplish the subdivision, and if he knew why he might have chosen that path instead.

Mr. Vigil replied that he had no idea since there was a simpler path. He commented on the fence and the street. He commented on the setbacks requirements and easement as well as the Final Plat Review.

Mr. Martinez stated that they had mentioned that there was an easier route to go, but that they had made it confusing when he went to Planning and Zoning when he told them what he wanted to do. He stated that nobody told him there was an easier route. He explained what they had told him.

Chair Trujillo stated that what he could have done was to divide it and then divide it again once per year as long as it met the size requirements.

Mr. Martinez replied that if he would have known that, he would have done that.

Chair Trujillo stated that they could honor his request for the Preliminary Plat Approval process or if he would like to retract and not go that process, he could meet with the Planning Director on the Summary Review Process, it would be his right to do so.

Mr. Martinez asked, if he continued, what issues would be run into. He also asked what he would go through if he went the other way.

Director Hussain explained both processes.

Mr. Martinez stated that he did not want to have to go through putting in paved roads and sidewalks, and that he just wanted to make the property available for someone to buy and be able to put a home on it. He was not trying to put in a subdivision. He reiterated that he was just trying to divide the property so he could sell it. He stated that whatever would be the easiest way for him to get that done, he would like to do it.

Chair Trujillo called the meeting back to order and asked Director Hussain if Mr. Martinez could retract his request at that time and revisit it. He and Director Hussain reiterated that Mr. Martinez could only split it once per year.

Mr. Martinez asked that if he did the two splits, he would not have to do the sidewalks and extra stuff.

Chair Trujillo and Director Hussain discussed the options again.

Mr. Martinez stated that they would get it done although it would cost him a lot more money, but if he could do it sooner, he would do it that way and talk to Mr. Vigil about splitting it into two pieces then they would go back and visit it again.

Commissioner Guinn commented that it would not change the fact that he would still have to have access whether it was two lots or three lots. It would still require access, still require getting rid of the fence, and have the 25' access no matter what.

Director Hussain replied that that was what they would consider. He addressed the City's Code requirement for this type of situation, and stated that a lot split had different standards.

Mr. Martinez asked that if he could not convince his neighbors to take the fence down, then he would be stuck with the property and could not do anything with it.

Chair Trujillo suggested that could be an outcome, but that he was of the opinion that property owners should not be held hostage by other properties that they had no control over. He stated that it would be something that he could discuss with Mr. Hussain. He stated that he was not making any promises, but it would be worth a discussion. He asked what they would need to do if he chose that retraction.

Director Hussain replied that they could table it or reject it and they could go back with a new request.

Chair Trujillo asked Mr. Martinez if he would like to retract his request and work with Staff to find a better solution.

Mr. Martinez replied that he would have to because he could not do all the things they were asking on the other one. For the record, he retracted his request.

Chair Trujillo requested a motion to table the request.

Vice Chair Ortiz echoed Chair Trujillo's comments. She motioned to dismiss the request.

Commissioner Guinn seconded.

Open:

Closed: 6:56pm

Motion to dismiss Item 2022-4 Preliminary Plat Request

Motion Vice Chair Adrianna Ortiz

2nd Commissioner Charlene Guinn

Passed 6-0

Adrianna Ortiz - *in favor*

Ross Chavez - *in favor*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *in favor*

Charlene Guinn - *in favor*

- 2. 2022-5 Rezone Request: Brandon Stormont requests rezone from Rural Residential District R-1 to Local Commercial District B-1. The property is currently addressed as 1914 Evergreen Dr UPC 1-049-119-010-528.**

(6:56pm - 8:00pm [1:01-2:04])

Chair Trujillo swore in the parties.

Mr. Brandon Stormont stated that they would like to rezone from Residential to Commercial so they could put a grow house facility for cannabis production. He stated that the project was a 50' x 60' Quonset hut completely enclosed. He explained they were approximately 350' from Public Access and 50' from any property line.

Chair Trujillo asked about his source of water, electricity, and how big of an operation it would be.

Mr. Stormont replied that it would be approximately a 1,500 plant operation consuming about 390,000 gallons of water per year which they would ask the City of Espanola if they could tie into their Municipal Water. He commented on the security fencing which would be put up to meet the Cannabis Regulation Division requirements. He stated that he had looked into using the irrigation water he owned, but did not want to grow outside. He stated that they were looking at a higher quality cannabis for medical use and supplementing suppliers. He stated that there would be no activity on that property such as reselling, distributing, or manufacturing, just specifically growing.

Commissioner Guinn asked about the City Utilities and if the Water and Sewer had been run up to that point.

Mr. Stormont replied that they currently had Water, but would not be tying into Sewer as they would be utilizing hydroponics to utilize the wastewater without having to dispose of it.

Commissioner _____ asked about the pond.

Mr. Stormont replied that they had discussed utilizing a reciprocating pond, but they had found different means.

Commissioner Chavez asked about the house and if it belonged to Mr. Stormont.

Mr. Stormont replied yes. He stated that they were able to separate the lower portion from the upper portion so they would not get the mix of Residential with Commercial. He stated that the idea was to make the entire piece Commercial.

Chair Trujillo asked him to explain the licensing process.

Mr. Stormont replied that they were in the process of getting their permit, but they were missing a place to set up.

Chair Trujillo stated that this was (and what he would be hearing a lot about) spot zoning. He stated that it was a far stretch though they would listen to Staff's recommendations and review. He stated that they would review the current cannabis ordinance and there was potential that they would be doing something with R-1.

Commissioner Martinez asked what kind of fencing there would be. He also asked how high it would be.

Mr. Stormont replied that they would have the security fencing required by the CRD, which would be a chain-link fence with barbed wire on top. He stated that it would probably be around 9' but that they would only have a single entry from the bottom piece. He stated that they would have cameras and an alarm system as well.

There was some discussion regarding the exact location. The Commission commended him on putting together a good packet. They also discussed the involvement of the colleges and businesses as well as the impact on the community.

Mr. Stormont emphasized their desire for cannabis to be used medicinally.

Director Hussain explained Mr. Stormont's request and the structures. He reiterated that this request should not be considered for only one specific use as it could be used for any use that the Zone District would allow. He stated that the 5-acre lot was located on Highway 76, which was mostly Residential R-1. He pointed out on the slide that every single lot was R-1 Residential, and that the commercial activities should not be allowed in that area for the safety of the people and for the well-being of the community as well as to keep the comprehensive and more coherent use of the properties in the neighborhood. He stated that was why it would be Spot Zoning and that it would increase the intensity of the use when it would be Commercial. He stated that he was not sure, especially at that intersection, what impact it would have on the neighborhood. He commented on the current zoning as per their Code Criteria and stated that the R-1 more aligned into their Comprehensive Plan. He stated that it could have an adverse impact on the neighborhood in terms of the use and what it would bring. He stated that as per DRT Review and Legal and the Planning Staff who had analyzed it, it was recommended to deny the application to rezone based on Spot Zoning and to have comprehensive use as well as for the safety and well-being.

Chair Trujillo commented on the Cannabis Ordinance and asked what zones commercial cannabis was allowed in.

Director Hussain replied that commercial cannabis activities were allowed in B-1, B-2, B-3, and the Tourism Commercial District.

Chair Trujillo stated that some of them did not receive the Zoning Map and asked for clarification.

They shared in discussion about the various Zoning Districts.

Mr. Manny Valdez, neighbor to Mr. Stormont, provided photos of the neighboring property which he stated was overgrown and that there was a pond in question which was never maintained and during the melt and monsoon seasons would be overfilled and flooded. He stated that many attempts to contact Mr. Stormont were unsuccessful and that it was difficult to get him to do something about the flooding. He commented on fallen trees that have not been tended to either. He stated that Mr. Stormont intended to build structures to harvest his plants, but that with a security fence and structure – and that there were many crimes committed at the Country Store location – but if they put up a cannabis grow location, even with the security, it would still get broken into and there would still be problems. He stated that currently, there were no problems that would occur east of the Country Store. He asked that if that plan were to go through, what would be the progress in the coming years. He stated that if it were to continue to grow, it could bring the neighboring property values down. He commented on the potential fire danger with electrical and water issues. He commented on the condition of the property seen in the photos and potential for mold and fungus to cause respiratory or bacterial issues. He expressed that they were very strongly against this plan and with no disrespect to Mr. Stormont wished him the best, just not in that location.

Mr. Stormont commented on the pond situation.

Mr. Dennis Duran, neighbor of Mr. Stormont, read a newspaper headline regarding the cannabis industry. He offered his perspective regarding the cannabis industry in New Mexico and the negative impacts of it. He stated that he was against the operation.

Mr. Dennis Gallegos, neighbor of Mr. Stormont, gave a brief history of the property having belonged to his family. He stated that he was against this being there because it was not a place for medical marijuana to be done as there were other places in the City that would be fine. He spoke about the pond and water as well as the crime in the area. He stated that there were other places that were more suitable to that type of business.

Commissioner _____ asked Mr Valdez if he had children and asked for their ages. He also asked if he had spoken to his children about this plan.

Mr. Valdez replied yes and gave their ages. He replied that they had heard them talk about it and that if they were against something, they would explain to their children why they were against it so they could understand it more.

Commissioner _____ asked what they felt about it.

Mr. Valdez replied that they felt the same way they did in that it would not be a good idea for that type of business or agricultural field to be placed there.

There was further discussion regarding the properties in that area.

Ms. Anna Flores, neighbor to Mr. Stormont, spoke about her family living in that area. She stated that they were against the request. She spoke about the water aquifers and wells being depleted. She stated as Director Hussain had stated that once it was Commercial property, anything could be done with it. She stated that with their families there and it being Residential, they wanted to keep it that way.

Mr. Mike Smith, Mr. Stormont's business partner, gave a general background of their potential business and their plans for it.

Chair Trujillo closed the Public Hearing and asked for a motion.

Commissioner Charlene Guinn motioned that she was against the request because of the Spot Zoning.

Commissioner Ross Chavez seconded.

Commissioner Guinn expressed that she was against it because of the Spot Zoning, which would not spot someone from adding a dispensary or sales right out of there. She stated that was her only issue.

Vice-Chair Ortiz agreed with Commissioner Guinn strictly on the basis of the Rezone Request. She stated that looking at it, this was not an allowed situation for them.

Commissioner _____ commented that the location was the issue.

Chair Trujillo commented that he welcomed the opportunity of cannabis which was a legal item and did have medicinal value. He called for a Roll Call vote.

Open:

Closed: 7:52pm

Motion to deny 2022-5 Rezone Request

Motion Commissioner Charlene Guinn 2nd Commissioner Ross Chavez Passed 6-0

Adrianna Ortiz - in favor

Ross Chavez - in favor

J.D. Martinez - in favor

J.R. Trujillo - in favor

Joe Salazar - in favor

Charlene Guinn - in favor

They took a recess at 8:00pm and resumed at 8:04pm.

- 3. 2022-6 Variance Request: La Nortena LLP, requests variance to establish a cannabis retail dispensary/business at 908 (Unit C&D) N. Riverside Dr. The property is zoned as General Commercial District B-2 UPC 1-047-121-248-096. (8:04pm - 8:50pm [2:09 - 2:55])**

Ms. Lou Baker, and Ms. Ines Palmarin of Boston (via Zoom), stated that they had begun discussing this about 18 months prior to get as informed as possible. She stated that there had previously been a cannabis dispensary in that location. She stated that they were requesting a variance because a church had opened up at the other end of the same strip mall. She stated that they had a letter from the pastor, who had no problems with it at all. She stated that the name of their partnership was La Nortena. She stated that they wanted to work with the community and the

college, either Northern or UNM, the Chamber of Commerce, the Crisis Center, and Tewa Women United. She stated that it was important to empower women.

Commissioner Chavez stated that they had been out there and that there was a recovery center in the building. He asked if they had a letter from them as well. He also asked if they were aware of what they wanted to do.

Ms. Baker replied that she did not have a letter from them as there was not a recovery center there when they had gone to see that location. She also replied that she would assume they were aware due to the notifications and that she had put up a sign which had blown away a few times.

Commissioner Chavez stated that he had not seen a sign and that, as of two days prior, the recovery center had stated they were not aware.

Commissioner Martinez asked if the place that fixed cars had been told about what they were going to build.

Ms. Baker replied she would believe so. She yielded to Mr. Hussain to reply regarding the notifications.

Director Hussain explained the notification requirements. He stated that the notification would go to the property owners, not to the tenants.

Commissioner Salazar commented on the Counseling Service that helped people with addictions. He stated that they had been asked to move due to problems that they had been having at their previous location. He stated that he had read their packet and did not see anything regarding security.

Ms. Baker explained their plans for security and operation.

Commissioner Salazar asked if their landlord had advised them that that program would be moving in next door.

Ms. Baker replied that it was the first time she had heard about it.

Chair Trujillo asked Director Hussain which organizations were called out in the Ordinance that there had to be at least a 300' separation.

Director Hussain that as per their Ordinance, it was daycares, schools, and facilities of religious worship.

Ms. Ines expressed that she truly believed in relationships. She stated that they would get to know those from the recovery center and expressed that this was an economic opportunity.

Commissioner Salazar stated that he was not talking about the type of businesses in that place, but rather safety issues.

Commissioner Guinn commented that they were also going to be putting in a Gracie Barra Jiu Jitsu gym where they would be having children's and adult classes, day and night. She stated that her concern was also one of safety.

Chair Trujillo thanked her for providing an opportunity for Hispanic women to advance in the business of cannabis. He also asked about them potentially asking for a manufacturer's license.

Ms. Baker replied that she and Ms. Inez had talked about it, but that they were not interested in that as they did not have the expertise.

Chair Trujillo clarified that they would be charging Gross Receipts Tax on their products as well as their Excise Tax.

Ms. Baker stated that they would not be growing so there would not be a water issue. She stated that there would be one toilet and one sink, and asked respectfully if that condition could be waived.

Director Hussain explained that La Nortena was requesting a variance to open a store which was located in Commercial District B-2. He stated that according to their Cannabis Ordinance, it was an allowed use. He stated that one of the things that hampered the activity was the location of the mall because it was within 300' of a facility of religious worship. He explained the Regulation. He stated that it met all criteria except the location. He offered his recommendations and stated that there was no obligation by the State to restrict the business. He suggested that the Planning Commission allow this cannabis retail store with consideration of DRT Review.

Commissioner _____ asked Director Hussain if a place like Inside Out, the counseling center, to go before the City Council to move next to a cannabis place for a licensing purpose or permit.

Director Hussain replied that they were not required, but that if there were any commercial developments starting from scratch, they would go before the Planning Commission.

Commissioner _____ asked if this was something that Director Hussain knew about.

Director Hussain replied no because it was already commercial, they just had to register it as a business. He stated that if there was not a church in that area, Ms. Baker would not have to have been there that day.

Commissioner Chavez clarified that the State did not allow a cannabis place within 300' of a church.

Director Hussain replied that initially it had been included for the Stated, but they waved it off and removed it from the updated Ordinance, but that the City contained it in their Ordinance.

Commissioner Chavez asked about the letter from the church and asked if it superseded that regulation.

Director Hussain replied yes.

Commissioner _____ stated that it would not supersede it.

Director Hussain stated that that it could not supersede, but they could suggest their own and that this came under their jurisdiction to either allow or reject to grant the variance.

Chair Trujillo pointed out that the church had issued a letter stating that they had no problem with it, but that if they had stated the opposite, then they would probably vote against it. He stated that since they had no problem with it, they could move forward.

Director Hussain clarified that they would not be able to grant a variance if there was a school or daycare within 300' of the vicinity.

Vice Chair Ortiz asked about the conditions of the DRT regarding the separate utility hookups and if that was something that was the same for every unit there.

Director Hussain replied and explained the situation as far as it being the responsibility of the owner.

Commissioner _____ asked if it concerned the sewer as well.

Director Hussain stated that it was mostly for the water.

Chair Trujillo expressed his concern over forcing them to retrofit the entire building. He stated that in regards to any water situations, the tenants could leave if they did not want to deal with the situation. He stated that he would not recommend going with the condition, though he was in favor of the business coming into Espanola.

Director Hussain stated that the Staff recommended and appreciated the business and their support of the community. He stated that they were just advisory and technical advisors and were just there to express what they had discussed in their meeting. He stated that ultimately it was their authority to decide what would work best.

Chair Trujillo closed the Public Hearing and asked for a motion.

Vice Chair Ortiz motioned to approve Case 2022-6 Variance Request without any conditions.

Commissioner Martinez seconded.

Chair Trujillo directed to Commissioner Chavez that he agreed people fighting addictions needed less temptation, but that in this case the building owner should pay more attention as to whether or not her tenants would "mix". He called for a Roll Call vote.

As there was a tie vote, Director Hussain stated that the motion was not carried since there was a 50/50 vote.

Chair Trujillo asked if the decision was made without the conditions or because of the existing other tenants in the building.

Commissioner Chavez stated that it was based upon the In and Out Recovery Center and individuals going to recover as well as because there were AA meetings there. He stated that there would also be kids and adults in the Jiu Jitsu classes being held there.

Chair Trujillo asked for clarification from Staff because of the situation.

Commissioner Salazar called for a point of order as he felt Chair Trujillo was trying to persuade them to change their vote and that he was going to stand by his vote and leave everybody else to stand by their vote.

Chair Trujillo stated that he was going to ask Director Hussain what type of legal ramifications they might have because they were denying the request not based on the Ordinance, but off personal feelings which could be an issue.

Director Hussain stated that if they decided on a vote, they should follow the Code. He explained the criteria they were to consider.

Chair Trujillo clarified that they would then be able to counsel Ms. Baker and Ms. Inez regarding an appeal process.

Director Hussain stated that Ms. Baker and her business partners could appeal and they would entertain it then.

Open:

Closed: 8:44pm

Motion to approve Case 2022-6 Variance Request to establish a cannabis retail dispensary business without any conditions

Motion Vice Chair Adrianna Ortiz

2nd Commissioner J.D. Martinez

Failed 3-3

Adrianna Ortiz - *in favor*

Ross Chavez - *against*

J.D. Martinez - *in favor*

J.R. Trujillo - *in favor*

Joe Salazar - *against*

Charlene Guinn - *against*

4. 2022-7 Variance Request: Miguel Salazar requests variance to place a mobile home/manufactured house at 613A Eloy Martinez Lane. The property is zoned General Commercial District B-2 UPC 1-047-122-312-198.

(8:50pm - 9:11pm [2:55 - 3:15])

Chair Trujillo swore in the parties.

Ms. Cristina Walford presented their Case in place of her father. She stated that it was her daughter who wanted to place a mobile home there and that it had existing hookups from when her uncle had lived there. She stated that she did not know much about it, but would try to answer as best as she could.

Chair Trujillo asked if she knew if they owned the property all the way to Riverside Drive or just the back piece.

Ms. Walford explained what she knew.

Chair Trujillo asked if they could widen the road if necessary.

Ms. Walford replied yes.

Commissioner _____ stated that he knew her parents and uncles and asked about a previous access from McCurdy.

Ms. Walford replied that there was an easement from that direction, but that her parents did not own that property.

Commissioner Chavez confirmed that there had been a trailer there that had water, sewer, and gas.

Ms. Walford confirmed this.

Commissioner Martinez asked who owned the property to the left and to the right. He also asked about getting the 25'.

Ms. Walford replied that she thought it was her uncle's and her mother's. She also replied that she would assume they could get it or they would not purchase the trailer.

Commissioner Martinez stated that they had 18-feet, but the City was asking for a 25-foot roadway.

Ms. Walford asked if it was to get the trailer in.

Director Hussain replied that it was for Emergency vehicles and that they would require a roundabout for them to enter and then exit.

Ms. Walford replied that there was one there already and that it would be possible for a 25' widening.

Commissioner Salazar interjected that he thought her father was going to purchase the property from her uncle, but they could go to the Assessor's Office to see who really owned the properties.

Director Hussain presented the Staff report. He gave the measurements and a brief history of the conditions of the previous trailer there and the City Code regarding Zone Districts. He mentioned previous variances and stated that there had been previous variances which should have been allowed which was not a proper way to deal with the cases, but that the proper way was the Rezone. He mentioned the Street Code condition as being an International Code.

Chair Trujillo stated that the property as well as many others as being Zoned what would be allowed for business opportunity in the City. He commented that they would do some Rezoning processes that would eventually make that property mixed use, which would allow businesses and residential properties to co-exist. He pointed out the two recommendations from the DRT: the 25-foot road and a 96-foot hammerhead.

They discussed the turnaround area for the Emergency vehicles and the amount of property it would take up. They also discussed the recommendations for Zoning.

Chair Trujillo closed the Public Hearing and asked for a motion.

Commissioner Guinn motioned to approve with conditions.

Commissioner Chavez seconded.

Open:

Closed: 9:09pm

Motion to approve Case 2022-7 with conditions as stated by the DRT

Motion Commissioner Charlene Guinn 2nd Commissioner Ross Chavez Passed 6-0

Adrianna Ortiz - *in favor*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*

5. 2022-8 Variance Request: Isaac Martinez requests variance to allow two dwelling units/homes on a single lot UPC 1-048-434-007. The property is currently zoned as Rural Residential R-1.

(9:11pm - 10:28pm [3:16 - 4:32])

Chair Trujillo swore in the parties.

Mr. Isaac Martinez introduced his request and gave a brief history of their situation.

Chair Trujillo asked if they had given them notification regarding the sewer going in. He asked if Mr. Martinez intended to hook up to City sewer and water. He also asked if they had considered any other zoning opportunities, such as R-2.

Mr. Martinez replied yes, that was his intention. He also replied that he had a discussion with Director Hussain regarding zoning options.

Chair Trujillo explained that they were not allowed to put the two homes on one lot which was not allowed by the Ordinance.

Director Hussain presented the Staff Report and stated that the vacant parcel was 1.83 acres on Highway 76. He explained that according to the Code, they would be allowed to place one mobile home without going to the Planning Commission. He stated that according to their Code, they also had to connect to City Infrastructure and that for a second home or development, it was subject to the availability of the City Sewer and Water. He stated that as the City was unable to find a contractor to install the Sewer and Water previously, it would be subject to place a second mobile home to the availability of the City Infrastructure that they hoped would be there by the late summer.

Chair Trujillo asked about the possibility of rezoning to R-2, which would allow a mobile home on each piece.

Director Hussain stated that they could possibly split the lot and not have to change the zone.

They continued to discuss the possibility of zoning differently and what would be potential outcomes. There was also discussion of changes, Codes, and involvement in DRT Reviews.

Director Hussain stated that they could table the request for four months or place one mobile home and go back for a second variance as the second home would be subject to the connection to the City Infrastructure.

Commissioner Guinn pointed out the many properties and homes that did not seem to follow the rural community standards.

Director Hussain stated that the City water and sewer were about 400' from that property so some of them may have had that privilege.

Chair Trujillo stated that the hour was late and asked that they continue their discussion at another time as they had all seen the issues they needed to address.

Mrs. Trina Martinez, married to Isaac Martinez, stated that she had grown up on the property which had been given to them by her mother. She pointed out that most of their neighbors did not adhere to the one acre condition and shared some research that they had done. She explained her thoughts on the area and the rural, agricultural farming and the appearance that this property would still be a true R-1 with water and irrigation. She stated that the variance would not be far from the rural property character. She explained the processes that they had already gone through.

Chair Trujillo asked what their timeline was.

Mrs. Martinez replied that they hoped to have something in place for their daughter by December.

Chair Trujillo informed them that if they chose to continue on that path, they would still have to deal with a second variance for equal size homes as well as the fact that if they were to spend the money for a septic system for each home (which would be up to EID approval) and if City sewer was put in and if they would be within 300' of the City sewer, they Ordinance required that they would have to connect. He also encouraged them to explore options.

Mrs. Martinez concurred with her husband that they would want to follow through with the variance and would wait for the second variance as it was pretty reasonable. She asked, regarding the City initiating rezoning, how realistic it was.

Chair Trujillo replied that the process had not begun yet, but that they, as a new body, would like to undertake with Public input.

Mrs. Martinez reiterated her previous comments.

Ms. Anna Flores stated that in 2005, they had purchased their home and property from Isaac and Trina. She explained the situations they had dealt with with their property and with the City and Planning and Zoning Commission previously.

Director Hussain answered a question regarding multiple dwelling units. He explained that it was default zoning because it was not part of the City, but was annexed within the City which was why it reflected differently from what showed in the Code.

The father of Isaac Martinez spoke on behalf of Isaac and Trina Martinez and explained their purpose.

Chair Martinez discussed possible options for the Martinez's with Director Hussain.

There was also discussion with Mr. Martinez regarding the laws in regards to requirements of hooking up to the City sewer. They also discussed what could be done in regards to the problem with the zoning situation.

Ms. _____ spoke about the neighborhood and expressed that she wanted a community where decisions were made for everyone.

There was further discussion which was inaudible.

Chair Trujillo closed the Public Hearing and entertained a motion.

Commissioner Ross Chavez motioned to allow the request with the conditions as stated by the DRT.

Commissioner Joe Salazar seconded.

Chair Trujillo commented on the zoning and intentions for those zones. He also commented on what the Martinez's would possibly have to do in the future.

Open:

Closed: 10:22pm

Motion to allow 2022-8 Variance Request: the two dwelling units with the condition as per DRT Review

Motion Commissioner Ross Chavez 2nd Commissioner Joe Salazar Passed 6-0

Adrianna Ortiz - *in favor*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*

VIII. APPROVAL OF MINUTES

(10:28pm - 10:29pm[4:32 -4:34])

1. March 10, 2022

Motion to approve March 10, 2022

Motion Vice Chair Adrianna Ortiz 2nd Commissioner Joe Salazar Passed 6-0

Adrianna Ortiz - *in favor*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*

They took a short recess at 10:29pm. They resumed at 10:32pm.

IX. OLD BUSINESS

1. March 10, 2022 Meeting Approval of Final Decisions

(10:32pm - 10:38pm [4:37 -4:43])

i. Case 2022-2

Director Hussain explained the decisions, one of which was the ownership transfer of a City-owned street which was Los Arboles Circle. He explained that the residents had been under the impression that it was a private street. He stated that the Planning Commission had recommended to the Governing Body to reconsider, design, and introduce some regulations for the gated communities because they could not lock up public right-of-way. He explained that the City could not grant them ownership because that would be against the anti-donation act of the State.

Chair Trujillo asked what they were doing in regards to the past decisions.

Director Hussain replied that it was what the previous Planning Commission had decided to do.

Vice Chair Ortiz stated that she thought the intent was to make a final approval of the decisions from the past Commission. She stated that for Case 2022-2, she would like to abstain from the discussion and vote due to a conflict of interest.

Chair Trujillo clarified the decision.

Commissioner Martinez asked that if the City were to deny it, would they still be able to gate it.

Director Hussain replied that they could not gate it because it would be a violation of the City Code. He explained the situation of the gate at the community.

Motion to approve

Motion Commissioner Joe Salazar 2nd Commissioner J.D. Martinez Passed 5-0-1(abstain)

Adrianna Ortiz - *abstain*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *in favor*
Charlene Guinn - *in favor*

ii. Case 2022-3

Director Hussain stated that this was a rezone case for the Skilled Nursing and Rehabilitation Facility Hospital. He stated that the Governing Body had taken action and rezoned it.

Motion to approve

Motion Commissioner Ross Chavez 2nd Commissioner Charlene Guinn Passed 5-1

Adrianna Ortiz - *in favor*
Ross Chavez - *in favor*
J.D. Martinez - *in favor*
J.R. Trujillo - *in favor*
Joe Salazar - *against*
Charlene Guinn - *in favor*

XI. MATTERS FROM STAFF

(10:38pm - 10:41pm [4:43 -4:45])

Director Hussain thanked them all for bearing with them for the long meeting. He warmly welcomed them and stated that they were all very excited to work with them. He commented on things that they were looking forward to working on together such as: Subdivision Regulation Ordinance changes and Zoning changes. He welcomed their recommendations and suggestions, and stated that they had also requested financial resources for Zoning changes and City Code updates. He explained items they were looking forward to working on together. He apologized for the lack of Staff Report in their packets and explained some recommendations.

Chair Trujillo asked what positions Director Hussain had filled.

Director Hussain replied that they had a new Code Enforcement Officer. He stated that they were still hiring a new City Planner, but that they had been actively recruiting since the previous July.

XI. MATTERS FROM THE COMMISSION

(10:41pm - 10:56pm [4:45 - 5:00])

Vice Chair Ortiz suggested more meetings.

Chair Trujillo suggested the second and fourth Thursdays.

Commissioner Martinez asked a question.

Chair Trujillo replied that they could appeal to the City Council.

Director Hussain stated that they could go to District Court if the Governing Body decided no.

Chair Trujillo explained some of the meetings he had attended with other Commissioners and Director Hussain, and stated that they had a lot of work to do. He stated that it would be smart for them to have the two meetings per month that they had discussed. He stated that the second and fourth Thursdays would probably fall within the schedule and not conflict. He stated that he would like to have their meetings within the Planning and Zoning Chambers. He explained that they would be working with the Mayor, as he wanted to work on certain areas as fast as they could with Subdivision Ordinance being one of them. He reiterated that they would need to work on Zoning issues as well. He commented on their next meeting being the fourth Thursday and stated that Director Hussain had many backed up cases so they could do two or three the following meeting.

Director Hussain stated that if they were to decide that, they could begin the following month because they had to have 15 days to advertise cases so they would not be able to include action items.

Chair Trujillo stated that for the next meeting, they would come together and have more of an educational meeting.

They discussed items that they will be working on in the future.

Chair Trujillo stated that he would never try to persuade them to do anything other than what their conscience and gut would tell them to do. He stated that their votes were all equal on the Commission.

There was further discussion regarding one of the cases, much of which was inaudible.

XII. ADJOURNMENT

Time: 10:56pm

The Meeting will be livestreamed via the City of Española's YouTube page:

<https://www.youtube.com/channel/UCNyQrejtrB6fG4qaDvplveg>

In order to participate in the meeting, offer comments, or ask questions, we are also hosting the meeting online through Zoom. For more information or to speak, please contact the Planning & Land Use Office at (505)747-6103.

Zoom link: <https://>