

PLANNING & ZONING COMMISSION MEETING
THURSDAY, June 11, 2020 – 6 PM
ONLINE THROUGH ZOOM AND
CITY COUNCIL CHAMBERS, CITY HALL
405 N PASEO DE OÑATE, ESPAÑOLA, NM 87532

I. CALL TO ORDER

Chair Wright called the meeting to order at 6:15 pm with the following in attendance:

COMMISSIONERS

A. ERLE WRIGHT, CHAIR
ADÁN CASADOS
ANISSA MARTINEZ
CLYDE VIGIL
DINA L. QUINTANA
ERIC MARTINEZ, VICE CHAIR

STAFF

RICHARD HUBLER, PLANNING DIRECTOR

PUBLIC

As documented by sign-in sheet & Zoom attendance

Debbie Martinez
Eddie Vigil
Carla Martinez
Mary Davis
Lydia Armijo
Bryon Pippin
Eli Martinez
Ella Martinez
Christopher Madrid
John Layman
Jeff Lymburner
Juan Cruz

II. PLEDGE OF ALLEGIANCE

Chair Wright led the pledge of allegiance.

III. APPROVAL OF AGENDA

COMMISSIONER CASADOS MOTIONED TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER VIGIL SECONDED. MOTION CARRIED 6-0.

----- *Agenda as Approved* -----

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Approval of the Agenda**
- IV. Public Concerns/Business from Visitors**
- V. Items for Consideration/New Business**
 - Public Hearings**
 - 1. **2020-03 Special Use Permit** – Eli Martinez of Creation Station Daycare & Development Center, Applicant, is requesting approval of a Special Use Permit to operate a Child-Care Center on property currently addressed as 1102 N Paseo de Oñate (UPC 1-046-121-050-124). The subject property is located in the B-1 Local Commercial District.
 - i. Adoption of proposed Final Decision for case 2020-03
 - 2. **2020-04 Commercial Site Plan Review** – Juan Cruz of J.C. Auto Shop, Applicant, is requesting approval of a Commercial Site Plan for a Public Garage on property currently addressed as 711 N Paseo de Oñate (UPC 1-046-120-140-469). The subject property is located in the B-1 Local Commercial District.
 - i. Adoption of proposed Final Decision for case 2020-04
 - 3. **2020-05 Commercial Site Plan Review** – Rio Arriba County, Applicant, on behalf of Darrin’s Place is requesting approval of a Commercial Site Plan for a Group Home on property currently addressed as 807 Calle Chamisal and previously addressed as 720 Calle Hacienda (UPC 1-047-

121-405-105). The subject property is located in the R-O-I Residential Office Institutional District.

i. Adoption of proposed Final Decision for case 2020-05

VI. Approval of Minutes

1. February 13, 2020 Regular Meeting

VII. Matters from Staff

1. Adoption of Policy Statement on Deadlines for Packet Submittal, Packet Completeness, and Readiness of Packets for Public Hearings.

VIII. Matters from the Commission

IX. Adjournment

----- End -----

IV. PUBLIC CONCERNS/BUSINESS FROM VISITORS

No response from the audience

V. ITEMS FOR CONSIDERATION/NEW BUSINESS [00:04:46]

1. **2020-03 Special Use Permit** – Eli Martinez of Creation Station Daycare & Development Center, Applicant, is requesting approval of a Special Use Permit to operate a Child-Care Center on property currently addressed as 1102 N Paseo de Oñate (UPC 1-046-121-050-124). The subject property is located in the B-1 Local Commercial District.

6:22pm Chair Wright opened the public hearing by querying the Commission about conflicts of interest and ex-parte communications. Vice-Chair E. Martinez disclosed that he is related to neighbors of the subject property but felt there is no conflict.

Chair Wright swore in Director Hubler who then presented the case by summarizing the proposal to expand an existing day care service in neighboring Rio Arriba County to a second facility on the subject property. He reviewed the need for a special use permit, describing that the Applicant proposed to convert the 5000 square foot building, consistent with CYFD regulations. He noted that an inspection by the Española Fire Department had identified a few minor items to correct, that NMDOT had identified a need for an access permit, and that Staff suggested some conditions related to parking and the fenced play area. Director Hubler discussed the review criteria in the City Code and summarized the proposed conditions to include complying with outstanding CYFD requirements for occupancy permits, fire inspections and licensure, coordination with NMDOT, updating existing parking to indicate 10 spaces and comply with ADA, repairing fencing, and applying for renewal in 2025. He concluded by suggesting new wording for the condition regarding parking to remove the requirement for concrete bumpers.

Commissioner Quintana questioned the number of children allowed. Director Hubler replied that the Commission could set a maximum that referred to the number permitted by CYFD.

Commissioner Quintana sought clarification regarding the timing for renewing the permit. Director Hubler responded that they could apply any time prior to the expiration and that they could match the timing on the lease. Commissioner Quintana asked if the special use permit applied only this site and Applicant, Director Hubler confirmed.

Vice-Chair E. Martinez recommended including a condition regarding maximum number of children. Director Hubler agreed. Vice-Chair E. Martinez sought clarification regarding the requirement for a drop-off and pick-up plan. Director Hubler replied that Staff was satisfied with the submitted illustration for site ingress/egress and deferred to the Applicant regarding the floor plan. Vice-Chair E. Martinez asked about the use of the adjacent property for access and if NMDOT would address this through the access permit. Director Hubler replied that existing road conditions do not limit access to the site and Staff understood NMDOT would address this in their permitting process. He further stated that a written agreement or easement may be required as part of that process. Vice-Chair E. Martinez queried about the existing medians and Director Hubler noted that cross traffic turning is currently problematic. Vice-Chair E. Martinez stated that the proposed signage condition could create issues with NMDOT. Director Hubler and Vice-Chair E. Martinez discussed specific changes to the condition language.

Commissioner Vigil expressed safety concerns about the edge of the concrete sidewalk and the ADA ramps and queried if a condition could address them. Director Hubler commented that Staff would address the ADA ramps and supported the idea of yellow paint on the curb edge.

The Applicant had no questions. Neighbor Bryon Pippin identified himself and expressed concerns regarding ingress and egress to the property. Chair Wright requested he wait until later in the meeting.

Commissioner A. Martinez asked for clarification on the proposed 45 children related to Commissioner Quintana's earlier question. Director Hubler replied that the Applicant had proposed 45 children and that could be the basis for a condition.

[00:39:45]

Chair Wright swore in Eli and Ella Martinez, Applicants who presented their proposal by describing their background operating a facility near Española Valley Highschool over the past 6 years. Mr. Eli Martinez described their vision to provide developmentally-sound, high-quality services for infants to 5-year olds, mirroring their other site which serves 40 children and is at capacity. He stated that 90% of their clients are subsidized by CFYD and they feel there is a huge need for their services. Mr. Martinez described the proposed operation to serve 45 children in different age segments on weekdays from 7 am to 5:30pm. He reviewed their achievement as a three-star facility and their plan to be 5 star accredited. Ms. Ella Martinez detailed the community need and summarized her 30 years of experience. Mr. Martinez spoke about their response to the COVID pandemic and noted that to promote safety the initial enrollment and operation would be adjusted in keeping with best practices recommended by the state.

Commissioner Vigil asked about painting the curb yellow for safety. Mr. Eli Martinez agreed with the recommendation.

Chair Wright asked if the Applicant accepted Staff conditions, Mr. Eli Martinez confirmed. Chair Wright queried the Applicant about the term of the permit. Ensuing discussion concluded that an acceptable term would be July 1, 2020 and end March 31, 2025. Chair Wright questioned if an easement exists across the adjacent property to allow use of that exit and expressed it could be an issue. Mr. Eli Martinez responded that they would rely on the DOT to help resolve that. Director Hubler clarified the existence of two legal lots owned by Mr. John Rodriguez, of which the Applicant is renting property on the northern lot and the questions relate to access to Paseo de Oñate from the southern lot.

Commissioner A. Martinez asked about mold remediation as noted by CYFD. Applicant Eli Martinez responded they have mitigated the mold and worked with the property owner to replace the roof.

Director Hubler asked about the maximum number of children that could be served based on the facility floorplan per CYFD regulations. Applicant Eli Martinez replied fifty children would be the maximum.

Chair Wright swore in neighbor Bryon Pippin who asked about access and expressed concerns regarding adjacent private street Pippin Way. He described his family's historic ownership of the land and expressed support for the day care. He stated that past businesses, including 8 Northern Pueblos, HOY, and Alcoholics Anonymous had customers cutting across the end of Pippin Way with disregard to other vehicles. He summarized that his chief concern is safety and wanted to express the issue to the Applicants. Mr. Pippin stated that trash has been an issue and suggested the Commission designate an area for dumpsters. Chair Wright questioned if NMDOT would address the easement issues. Vice-Chair E. Martinez stated that he trusts Director Hubler to express these concerns to NMDOT and that DOT regulations cover safe ingress/egress. Director Hubler commented that his conversations with NMDOT indicated they understand these issues on this site.

Commissioner Vigil referenced a survey from 2000 and stated that ingress/egress appears to be a free-for-all and queried if that was Mr. Pippin's chief concern. Mr. Pippin affirmed and noted this has been an issue with previous business neighbors. Commissioner Vigil asked about a proposed remedy. Mr. Pippin replied that he understood this to be an issue that the property owner Mr. Rodriguez would need to address and suggested signage and speedbumps. Mr. Vigil asked Director Hubler for the City's recommendations to improve the traffic flow. Director Hubler stated that the challenge is common with small streets and that Staff would coordinate with the Applicants and the property owner to work through NMDOT's process. He suggested

the Applicant could help educate and manage their clients use of the property, but a condition should not be necessary. Commissioner Vigil asked about current tenants and traffic on the Rodriguez property. Mr. Pippin indicated one tenant and minimal traffic at present and expressed the daycare could have traffic patterns similar to past tenants with high traffic.

Vice-Chair E. Martinez stated that current driveway spacing is too close. He recommended Director Hubler bring this to the attention of NMDOT and recommended consolidating the driveways on the two Rodriguez properties to a single access in between the two lots and in alignment with the parking and drive aisle. He suggested including Bryon Pippin in the discussions with NMDOT, and Mr. Pippin expressed his willingness to engage.

Applicant Eli Martinez made a statement regarding their desire to be a good neighbor and assuring everyone that safety is paramount. Their policies include pick-up/drop-off safety rules that must be followed by parents. Mr. Pippin replied that he believes they will be good neighbors, appreciated the Applicant's presentation, and hoped their proposal is approved.

No comments from members of the public.

7:41pm Chair Wright closed the public hearing. [01:27:18]

VICE-CHAIR E. MARTINEZ MOTIONED TO APPROVE CASE 2020-03 WITH TWELVE CONDITIONS. COMMISSIONER A. MARTINEZ SECONDED. FOLLOWING DISCUSSION, THE CONDITIONS WERE FINALIZED AS:

1. Special Use Permit shall begin July 1, 2020 and shall expire on March 31, 2025. Special Use Permits are not transferable, and a transfer of the land ownership shall invalidate the special use.
2. Final construction drawings shall be provided to the City as part of the Construction Industries Division reclassification and building application packet.
3. The Applicant must submit a site plan and written procedure for the drop-off and pick-up of children.
4. The Applicant shall show proof that a full building and fire safety inspection has conformed with the Española Fire Department and/or State Fire Marshal requests.
5. The Applicant shall provide a copy of the new childcare center operator's license as issued by the State of New Mexico Children, Youth and Families Department.
6. The Applicant must obtain a business registration from the City of Española.
7. The Applicant shall coordinate with the New Mexico Department of Transportation regarding an Access Permit, safe ingress/egress and any warning signage for the site.
8. All recreation areas must be fenced in from adjoining properties and in good repair.
9. Outdoor activities for the children shall not be allowed before 7:30am or after 6:00 pm.
10. The Applicant shall indicate 10 parking spaces, re-stripe ADA spaces and stripe the curb for visibility, in coordination with the Department.
11. The Applicant must reapply to the Planning & Zoning Commission at the expiration of the Special Use Permit in March 2025.
12. The maximum number of children allowed will be per CYFD regulations and approval.

MOTION CARRIED 6-0.

- i. Adoption of proposed Final Decision for case 2020-03

CHAIR WRIGHT MOTIONED TO TABLE THIS ITEM UNTIL LATER IN THE MEETING. COMMISSIONERS CASADOS AND A. MARTINEZ SECONDED. MOTION CARRIED 6-0.

2. **2020-04 Commercial Site Plan Review** – Juan Cruz of J.C. Auto Shop, Applicant, is requesting approval of a Commercial Site Plan for a Public Garage on property currently

addressed as 711 N Paseo de Oñate (UPC 1-046-120-140-469). The subject property is located in the B-1 Local Commercial District.

7:56pm Chair Wright opened the public hearing by querying the Commission about conflicts of interest and ex-parte communications. [01:41:20]

Chair Wright swore in Director Hubler who then presented the case by reviewing past recent actions of the City to allow automotive services in the B-1 district. He stated that Staff had addressed a number of concerns with the Applicant, including parking, circulation, drainage and landscaping. He detailed Staff recommendations to include installation of a berm along the southeast corner of the property to capture runoff and to install landscaping in the same area of 1100 square feet. Director Hubler specified the indication of 8 parking spaces including an ADA van accessible space, removal of 50 feet of pipe fencing along the entrance to provide a wider drive aisle, a 2 foot high swale/berm and approval by the Department for lighting and signage. He summarized by illustrating the proposed conditions on the revised site plan submitted by Staff with the correction to have 3 pull-in parking spaces, including the ADA space, along the southern boundary in front of the building, 2 spaces along the building next to the service bay door, and the remaining 3 spaces at the rear of the property as indicated. Director Hubler suggested adding a condition that the Applicant get an Access Permit from NMDOT. He discussed existing signage and indicated the Staff supports a condition that requires signage be brought into compliance. In response to Chair Wright, Director Hubler proposed specific language to address the access permit and signage.

Vice-Chair E. Martinez asked about the requirement for development plans to be certified by an engineer or architect. Director Hubler replied that Staff felt that the broad variety of applications from small redevelopments to large new developments necessitated flexibility in submittal requirements. He stated that as larger developments naturally had their own engineers and architects, professionally developed plans and studies were already available, whereas small local business that re-purposed existing facilities generally lacked the capacity to produce such items. He expressed that a concern about overly burdening an applicant balanced against the need to promote redevelopment, particularly in underdeveloped areas of the City. He concluded that the guiding principle related to the scope and scale of the development and if building or other permits also required professional plans then the City would require them but would also look to accommodate applicants proposing minimal re-development. Vice-Chair E. Martinez stated a preference for more polished applications but understood the challenges for small businesses. Chair Wright supported this concern and identified this as another issue to address in code revisions. He noted that requirements to show easements helped when evaluating parking and circulation and landscape plans could address the desires of the Comprehensive Plan. He concluded that being inconsistent in the review requirements could lead to arbitrary and capricious decisions. Vice-Chair E. Martinez asked about the zoning of the adjacent lot to the east and buffering between adjacent uses. Director Hubler replied it was split between B-1 and R-6 and commented that Staff's suggestions for landscaping would create a landscape buffer. Vice-Chair E. Martinez asked about comments from the neighbors, Director Hubler answered that Staff had only received questions from a property owner across Paseo de Oñate. Vice-Chair E. Martinez suggested replacing the existing trees with non-invasive species as possible. He asked about fuel storage allowed by the use. Director Hubler read the definition of the use permitted by the recent code change to prohibit the storage of gasoline, therefore no condition was required for this case.

Commissioner Vigil provided some information regarding the existence of a recorded easement fifteen feet wide along the north property boundary and extending to the adjacent property to the east, from book 531/page 621 and Book 107/page 391 and book 131/page 403.

Commissioner Quintana asked about the absence of a property owner's signature on the application. Director Hubler replied that the submitted lease and Staff's conversations with property owner Paul Lujan served to verify authority of the Applicant for the proposed development. Commissioner Quintana queried Commissioner Vigil about the documents he referenced regarding the easement. Commissioner Vigil clarified.

Chair Wright swore in Applicant Juan Cruz who briefly described his plan to start his first business.

Vice-Chair E. Martinez questioned the Applicant about improving the vegetation and removing the elm trees. Mr. Cruz stated he would address the landscaping and drainage swale with the property owner.

Chair Wright commented that while the City couldn't require street trees, he recommended them and would be willing to donate some trees.

Commissioner Vigil asked the Applicant about the specific services he would provide. Mr. Cruz replied selling and changing tires and basic maintenance to include oil changes and brakes. Commissioner Vigil expressed a concern for managing hazardous waste. Applicant Cruz stated that he is purchasing a system for storing and recycling fluids and is exploring appropriate disposal of the tires. Director Hubler commented that the Hazardous Waste Bureau of the NMED has an education program that Staff is connecting with local businesses for free analysis and support and suggested Earthship Biotechnology in Taos should be interested in taking the tires.

8:41pm Chair Wright closed the public hearing.[02:24:01]

COMMISSIONER VIGIL MOTIONED TO APPROVE CASE 2020-04 WITH SEVEN CONDITIONS. DISCUSSION CLARIFIED THE CONDITIONS TO BE:

1. The Applicant shall stripe 8 parking spaces, including 1 ADA-compliant van accessible space as illustrated on the revised site plan.
2. The Applicant shall remove approximately 50 feet of pipe fencing along the entrance drive as illustrated on the revised site plan.
3. The Applicant shall create a swale of at least two feet in height along the eastern edge and southeast corner of the property to prevent storm runoff to adjacent residential areas.
4. All exterior lighting shall be administratively approved by the Department and shall comply with the New Mexico Night Skies Protection Act.
5. All signage will require permit application to the Department for review and approval, and existing signage shall be brought into compliance.
6. The Applicant shall install additional plantings, mulch and groundcover to complete the landscaping in the southeast corner of at least 1100 square feet, as administratively approved by the Department.
7. The Applicant shall coordinate with the New Mexico Department of Transportation regarding an Access Permit for the site.

COMMISSIONER QUINTANA SECONDED. CHAIR WRIGHT VERIFIED THAT THE APPLICANT ACCEPTED THE PROPOSED CONDITIONS. MOTION PASSED 6-0.

- i. Adoption of proposed Final Decision for case 2020-04

CHAIR WRIGHT MOTIONED TO TABLE THIS ITEM UNTIL LATER IN THE MEETING. COMMISSIONERS CASADOS SECONDED. MOTION CARRIED 6-0

3. **2020-05 Commercial Site Plan Review** – Rio Arriba County, Applicant, on behalf of Darrin's Place is requesting approval of a Commercial Site Plan for a Group Home on property currently addressed as 807 Calle Chamisal and previously addressed as 720 Calle Hacienda (UPC 1-047-121-405-105). The subject property is located in the R-O-I Residential Office Institutional District.

8:57pm Chair Wright opened the public hearing by querying the Commission about conflicts of interest and ex-parte communications. [02:35:48]

Chair Wright swore in Director Hubler who then presented the case by summarizing the history of the site. He discussed the previous zoning change and highlighted the present case to be a site plan review to consider the access, parking and circulation, drainage, and landscaping. He stated that the proposed use was evaluated relative to a group home for parking requirements for staff. He described the relocation of the main entrance and fencing as efforts to mitigate off-site impacts. Mr. Hubler noted that DRT review had approved the new entrance as well as required fire lane markings along the drive aisle curb. He discussed the drainage issues, describing the off-site flows that enter the subject property from Paseo Melendez to the east and leave the site along Calle Chamisal to the south. He stressed that the City had concerns about this drainage and

worked with the Applicant to allow pass through of off-site sources while retaining all on-site stormwater runoff. Mr. Hubler discussed the existing site lighting and recommended a condition to limit light pollution while meeting the security needs of the Applicant. He described the existing landscaping as meeting the requirements and suggested a condition regarding maintenance. He concluded that this project supports the comprehensive plan, especially in the collaboration exhibited by the multi-entity public-private partnerships and diverse funding sources. He concluded by reviewing the proposed conditions and noted that the perimeter fencing was handled administratively by a prior permit.

Commissioner Quintana asked about the definition of a group home and signage. Director Hubler commented that this illustrated the code deficiencies as the definition of group home was intended to apply for a congregate living situation in a typical single-family home but was the closest definition for evaluation of the proposal. He stated that Staff supports commercial signage for this site. Commissioner Quintana asked about the fence application, Director Hubler replied it was there for reference. He also noted that while the City referred to this as a Residential Treatment Facility, the industry considered the proposal a substance abuse treatment center with on-site/community housing and deferred to the Applicant for further clarification.

Vice-Chair E. Martinez asked about notes on the site plan regarding the fencing. Director Hubler clarified that the submittals had some similar pages with conflicting notes and deferred the question to the Applicant. Vice-Chair E. Martinez asked if the City had received comments from the Española Schools or neighboring property owners. Director Hubler replied that the Department had received no comments from the schools but did get some questions from neighbors and noted that some neighboring property owners were present in the Chambers. Vice-Chair E. Martinez asked if the fencing and screening satisfy the buffering requirements under the code, Director Hubler confirmed. Vice-Chair E. Martinez asked about consideration of a drainage easement to formalize the existing drainage.

Commissioner Vigil provided information about the potential specifics of the drainage easement and recommended dedication of an easement to the city. Chair Wright referenced the easements in the Warranty Deed. Vice-Chair E. Martinez noted that easement was indicated on the Alta Survey along the west boundary. Chair Wright asked if any water rights were connected to this property.

Neither the Applicant nor audience had questions.

Chair Wright swore in Christopher Madrid, John Layman, and Jeff Lymburner to speak on the application. Mr. Madrid gave a brief history of the closing of the nursing home and the county's involvement in the property. He described engagement with the operator's other facility in Rio Rancho and introduced Jeff Lymburner from Darrin's Place. Mr. Lymburner described the supportive collaboration and expressed excitement to serve the community. He discussed the operation as providing 16-20 different therapies tailored to individual therapeutic plans. He stated that the community housing accommodation are provided at their cost to provide a stable environment for the clients, who stay for 90-180 days. Mr. Lymburner spoke about the "soft landing" for graduates of the program. He explained that the fence and security is both for comfort and peace of mind of the neighboring community and to manage the environment for their clients. He detailed the security measures to include 24/7 security staff and a 60 camera system with facial recognition software to help people be in the right place. He concluded that the facility will be an oasis of safety. Mr. Madrid stated that his dozen visits to the sister facility in Rio Rancho included multiple interactions with appreciative residents. He stated that the County Detention Manager prefers to refer individuals to Darrin's Place as they are known throughout the state for their effectiveness. Mr. Madrid discussed that HOY also had safety concerns prior to its opening but is now recognized as a quality facility and has had no issues. Mr. Layman clarified that the current proposal is for a propanel fence. He further described that the drainage ditch is really a shallow swale that drains through a culvert under Calle Chamisal. He stated that the retention pond is sized to handle runoff from the on-site improvements and allow excess water from off-site to continue to flow through. He detailed the parking and access improvements. Mr. Madrid stated that the fence is designed to be functional and aesthetic.

Vice-Chair E. Martinez asked if the County had received formal support from the Española School Board. Mr. Madrid stated that they had invited City leadership and Española Schools to

participate in several of the site visits to the sister facility in Rio Rancho. He described that they had discussed the proposal at a school board meeting, and he felt the board was satisfied with the exchange of information. Mr. Lymburner indicated he had participated in the community safety council session and other events that included school representatives and he felt the questions raised were satisfactorily answered. Vice-Chair E. Martinez noted that seemed substantial outreach and asked about engagement with the residential neighbors. Mr. Madrid recalled that neighbors had come to the prior meeting to re-zone the property. Mr. Lymburner described a brief encounter with a neighbor (who is in the audience). Mr. Madrid described how utilizing abandoned buildings kept them from becoming dilapidated and added value to the neighborhood. Vice-Chair E. Martinez stated that the proposed fence should alleviate some neighbor concerns and asked how much of the property would be fenced. Mr. Madrid replied it would encompass all 1450 linear feet of the perimeter. Vice-Chair E. Martinez asked about the average length of stay. Mr. Lymburner responded that depending on the client, they either stayed 90 or 180 days. Mr. Madrid stated that the County expected to provide additional support services to the clients after their program is over. Vice-Chair E. Martinez asked if the Applicants accepted Staff's proposed conditions and if they would consider the drainage easement. Mr. Madrid confirmed. Vice-Chair E. Martinez referenced note #9 on the site plan and asked if that was designed to keep water out of the culvert under Calle Chamisal and put it on the street. Mr. Layman affirmed and suggested further investigation. Director Hubler responded that he would follow-up with the Streets Department but understood that the desire was for excess water to continue under Calle Chamisal as it does now.

Commissioner Casados asked if the facility is only for in patient care. Mr. Lymburner replied that the technical industry classification is "intensive out-patient", related to specific treatment regimes. He further clarified that the majority of users are housed on site but they do serve day treatment as well. He stated that at the sister facility in Rio Rancho, 85% of their clients live on site.

10:05pm Commissioner A. Martinez left the meeting.

Director Hubler asked the Applicant to describe the agreement between Darrin's Place and the Española Police Department. Mr. Lymburner described a reciprocity where the PD will help with continuing education of security staff in exchange for Darrin's Place providing mental health counseling for PD officers.

Neighbor Mary Davis asked if clients would have "day passes" or otherwise be able to leave the facility. Mr. Lymburner replied that they do not have freedom to leave at will and would be escorted for appointments. Ms. Davis noted the neighboring apartments and school and stated she felt they were putting a lot of people at harm. Mr. Lymburner replied that the structure of their operation insulates their clients from neighbors and passers-by and they will be safer than the neighborhood. Ms. Davis noted consistent issues with people wandering the neighborhood at night, trespassing, and dealing drugs. Mr. Madrid stated that while the concerns are natural and legitimate, eighteen years of experience with HOY in Velarde shows that proper management, controls, and security create a safe and wonderful facility. He described that the Rio Rancho facility is located between two day-cares and has had a positive experience. Mr. Madrid stated that empty buildings harbor vandals and squatters, as they experienced with this building months ago.

Chair Wright swore in neighbor Mary Davis who spoke about drainage issues along McCurdy rd. She stated that stormwater drains from McCurdy through Zuni and Paseo Melendez to get to the subject property. She commented that the county has done a good job cleaning the property. She further detailed the issues with drainage and stormwater and said that the culvert that drains Paseo Melendez goes through her property at 819 Paseo Melendez and has a 10 foot wide easement.

Director Hubler asked Ms. Davis about the existence of an easement for the street drain. Ms. Davis confirmed.

Chair Wright swore in neighbor Eddie Vigil who stated that many of this concerns had been answered. He expressed concern about the proximity of the school and asked about the length of client stay, the impact to property values, and if Calle Chamisal would be repaved. Director Hubler replied that the entryway would be paved but not the remainder of the road. He stated

that earlier testimony indicated a 3-6 month stay. Regarding property values, Director Hubler clarified that there is no direct change proposed to neighboring property but re-purposing a vacant building with a professionally run facility should be a positive impact.

Chair Wright swore in Debra Martinez who stated that she supports the idea as it addresses a long-standing need. She expressed that while using this building is a good thing for the neighborhood, it is too close to the school for the proposed use. She stated that the neighborhood has kids and she worried about people leaving the facility. Ms. Martinez also stated that she didn't know about the project until today and wondered if the parents from the school knew about it. She asked if there was an endorsement or letter of support from the school board. She reiterated the feeling that the school was "blindsided" because of the long time to complete the project and COVID. She stated that her understanding of this as an in-patient facility didn't match with the testimony about day treatment. She asked if "these people coming in" had criminal records or were sexual offenders and felt it was too dangerous to be close to a school and families. Ms. Martinez asked about patient screening and restated that while she wanted to help people with substance abuse issues, this wasn't the right place. She asked about the number of residents and suggested police instead of security guards. She suggested a remote place to put all these facilities together.

Commissioner Quintana asked where else would be a viable location. Ms. Martinez stated that the collaborations between entities is good and perhaps the City could work to purchase property or build a centralized facility at a remote location, like Delancey. She restated her concern about people with problems and/or criminal records being welcomed into the school.

Director Hubler reviewed the public notice process and requirements, identified Ms. Martinez's house and clarified why she did not receive a certified mailer.

Mr. Lymburner stated that the proposed facility will be the safest place in the area, describing the current situation where random addicts and criminals walk freely through the area, including the school and the apartments. He restated that all clients are evaluated and accompanied, whether they live on site or not. He described a team of 20 security personnel directed by a police officer. He concluded that because the clients preferred to stay in the facility, and the issue is unwanted items coming in from outside more than their clients leaving, the facility will be much safer than the surrounding neighborhood. He stated that the concerns for safety and children are legitimate and the reality is that the facility will be safe. Mr. Lymburner clarified that residents were not free to come and go. Ms. Martinez restated her position that this is a good idea but she believes this is wrong place.

Neighbor Mary Davis noted an issue with the sign posting as her neighborhood accesses from McCurdy. Discussion ensued about the difficulty in getting public engagement and the details of public notice.

10:53pm Chair Wright closed the public hearing. [04:40:20]

VICE-CHAIR E. MARTINEZ MOTIONED TO APPROVE CASE 2020-03 WITH THE FOLLOWING FIVE CONDITIONS:

1. The Applicant shall stripe the proposed parking spaces, including 3 ADA-compliant spaces as indicted on the site plan and shall stripe a fire lane along the building edge of the parking lot, including under the carport.
2. All existing exterior lighting shall be reviewed by the Applicant and fixtures updated or relocated to prevent light pollution on adjacent properties. All exterior lighting shall comply with the New Mexico Night Skies Protection Act.
3. All signage will require permit application to the Department for review and approval.
4. Applicant shall be responsible for maintaining existing percentage of landscaping and shall preserve existing mature trees and replace as necessary.
5. The Applicant shall coordinate drainage outfall design with City staff and dedicate a drainage easement of appropriate size to accommodate storm water from Paseo

Melendez to Calle Chamisal.

COMMISSIONER VIGIL SECONDED.

Under discussion, Vice-Chair E. Martinez stated that he understood the concerns of adjoining properties and the testimony received illustrates the applicant has addressed these issues. Commissioner Quintana echoed these comments, stating that the site is very close to a school, but she is confident in the commitment of the Applicants to watch their residents and the children.

MOTION CARRIED 4-1, COMMISSIONER CASADOS VOTING AGAINST.

Chair Wright notified the audience of the right and process to appeal. He thanked the Applicant for their participation and noted that this proposal addresses a community need. He concluded by echoing Commissioner Quintana's comments that the presentation alleviated some of the valid concerns expressed by the community and he hoped that the City and County would work together to make this successful.

Applicant Chris Madrid thanked the Commission and the community for their engagement and stated that safety, especially of kids, is paramount to the County and they are confident that safety will not be an issue with this project.

- i. Adoption of proposed Final Decision for case 2020-05 [4:55:35]

VICE-CHAIR MARTINEZ MOTIONED TO APPROVE AS AMENDED. CHAIR WRIGHT SECONDED. MOTION CARRIED 5-0

VICE-CHAIR E. MARTINEZ MOTIONED TO BRING ITEMS V.1.i Adoption of proposed Final Decision for case 2020-03 and V.2.i. Adoption of proposed Final Decision for case 2020-04 OFF THE TABLE. COMMISSIONER VIGIL SECONDED. MOTION CARRIED 5-0

Director Hubler and the Commission reviewed the changes to the document for Case #2020-03 to reflect the motion made earlier in the meeting.

VICE-CHAIR E. MARTINEZ MOTIONED TO APPROVE FINAL DECISION FOR CASE #2020-03 AS AMENDED. COMMISSIONER VIGIL SECONDED. MOTION CARRIED 5-0

Director Hubler and the Commission reviewed the changes to the document for Case #2020-04 to reflect the motion made earlier in the meeting. Chair Wright commented on language referencing the "revised site plan" in condition #1, noting that had been the motion but the Commission had amended the parking layout beyond what that plan illustrated.

COMMISSIONER VIGIL MOTIONED TO APPROVE FINAL DECISION FOR CASE #2020-04 AS AMENDED. COMMISSIONER CASADOS SECONDED. MOTION CARRIED 5-0

VI. APPROVAL OF MINUTES

- 1. February 13, 2020 Regular Meeting

Chair Wright and Commissioner Vigil requested corrections.

CHAIR WRIGHT MOTIONED TO APPROVE THE MINUTES AS AMENDED, SECONDED BY VICE-CHAIR E. MARTINEZ. MOTION CARRIED 5-0.

VII. MATTERS FROM THE PLANNING STAFF

- 1. Adoption of Policy Statement on Deadlines for Packet Submittal, Packet Completeness, and Readiness of Packets for Public Hearings.

VICE-CHAIR E. MARTINEZ MOTIONED TO TABLE. COMMISSIONER CASADOS SECONDED. MOTION CARRIED 5-0

VIII. MATTERS FROM THE PLANNING COMMISSION

Chair Wright commented on the maps and aerial imagery.
Commissioner Vigil commented on the subdivision ordinance.
Commissioner Quintana commented on legal opinions.
Chair Wright commented on applying the code and regulations consistently.
Vice-Chair E. Martinez commented on useful information versus written requirements.

IX. ADJOURNMENT

Meeting adjourned at 11:54 pm

APPROVED by the City of Española Planning & Zoning Commission this 10 day of SEPTEMBER, 2020.


A. Erle Wright, Chair

ATTEST:


Richard Hubler, Planning Director