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**REGULAR MEETING OF THE
EXTRA-TERRITORIAL ZONING COMMISSION
FOR THE CITY OF LAS CRUCES
DONA ANA COUNTY GOVERNMENT OFFICES
FEBRUARY 6, 2014 DRAFT MINUTES
6:00 p.m.**

BOARD MEMBERS PRESENT:

John Villescas, Chairman
Kenneth Allin, Vice Chairman
Janet Acosta, Secretary
Robert Hearn, Member
John S. Townsend, Member
Tim Sanders, Member

BOARD MEMBERS ABSENT:

Douglas Hoffman, Member

STAFF PRESENT:

Susana Montana, Planner CLC
Robert Cabello, Legal Staff CLC
Janine Divyak, Planner DAC
Steve Meadows, Planner DAC
Becky Baum, RC Creations, LLC, Recording Secretary

I. CALL TO ORDER (6:07 P.M.)

Villescas: I'll call this meeting of the ETZ to order. Today's Thursday February 6th, 2014 approximately 6:07. Commission Members shall not privately discuss with any interested persons the merit of any case which is pending before this Commission. If there has been any such discussion, it should be disclosed at this time. Because this Commission acts in a quasi-judicial capacity, this hearing tonight follows the procedures mandated by the New Mexico Court of Appeals. Anyone wishing to give testimony on a case must be recognized by the Chair, go to the podium, state his or her name, address, and be sworn in. An applicant's presentation may be limited to four minutes. Neighborhood representatives or representatives of other groups may be limited to three minutes. You may speak more than once on a case, but the Chair reserves the right to further limit the time allocated to speak. This meeting will be conducted by a modified form of Robert's Rules of Order. It takes four affirmative votes for a passage of a case. Please note that a Commissioner may vote "yes" on an amendment to a motion, yet vote "no" on the main motion. Any affected party may appeal the decision made by the Commission to the ETA. Janet would you call roll please.

1 Acosta: Commissioner Hearn.
2
3 Hearn: Here.
4
5 Acosta: Commissioner Sanders.
6
7 Sanders: Here.
8
9 Acosta: Commissioner Townsend.
10
11 Townsend: Here.
12
13 Acosta: Commissioner Hoffman. Commissioner Allin.
14
15 Allin: Here.
16
17 Acosta: Commissioner Acosta's present. And Chairman Villescas.
18
19 Villescas: I'm here.
20

21 **II. ANNOUNCEMENTS**
22

23 Villescas: Item two, announcements. Do we have any announcements? Any
24 announcements from the board?
25

26 **III. APPROVAL OF MINUTES - November 7, 2013**
27

28 Villescas: Three, approval of minutes November 7th, 2013. Do I have a motion?
29

30 Sanders: I so move.
31

32 Villescas: Do I have a second?
33

34 Allin: Second.
35

36 Villescas: Any discussion? If there's no discussion, Ms. Acosta will you take roll
37 please.
38

39 Acosta: Commissioner Sanders.
40

41 Sanders: Aye.
42

43 Acosta: Commissioner Hearn.
44

45 Hearn: Aye.
46

1 Acosta: Commissioner Allin.
2
3 Allin: Aye.
4
5 Acosta: Commissioner Acosta votes aye. And Chairman Villescas.
6
7 Villescas: I vote aye.
8
9 Townsend: Do I get to vote?
10
11 Acosta: Commissioner ... I'm sorry. Commissioner Townsend. Apologize Mr.
12 Chair. Commissioner Townsend.
13
14 Townsend: Aye.
15
16 Acosta: Thank you.
17
18 Villescas: After all that you forgot your vote.
19

20 IV. OLD BUSINESS

21
22 1. **Case #Z13-007/Villalobos**
23 **Property Owner/Applicant:** Octavio Villalobos, Borderland Engineering,
24 Agent
25 **Request:** Zone Change from ER4 to E11 for a construction storage yard
26 **Location:** 8425 Bataan Memorial West, Las Cruces
27 **Lot Size:** 13.48-acres
28 **Legal Information:** Recorded in the Dona Ana County Clerk's Office on Jan.
29 14, 2009 in Book 22, Pages 629-630. Map Code # 4-014-128-324-335
30

31 Villescas: Next we go right straight in. Item four, old business. Oh, before I go into
32 that should I ... let me ask you all, are we having any changes to the order
33 for the agenda? Okay. Item four, old business. Case number Z13-007/
34 Villalobos. Can you swear him in Janet?
35

36 Acosta: Yes. Mr. Meadows.
37

38 Meadows: Steve Meadows, Dona Ana County Planning.
39

40 Acosta: Address please.
41

42 Meadows: 1685 Joshua Court.
43

44 Acosta: Do you swear and affirm the testimony you are about to give is the truth
45 and nothing but the truth under penalty of law?
46

1 Meadows: I do.
2
3 Acosta: Thank you sir.
4
5 Villescascas: Mr. Meadows, please go ahead.
6
7 Meadows: Okay. Thank you. Thank you Mr. Chairman. Okay, our case tonight is
8 item number one on the old business and this is the applicant and owner,
9 Mr. Octavio Villalobos. Borderland Engineering and Surveyors Inc. is
10 acting as their agent. And this is at 8425 Bataan Memorial West, which
11 right now is ... the current zoning is ER4 and the change request is for a
12 zone change to E11 and this is a 13.4-acre, about 13.5-acres. And this is
13 to establish a storage construction yard which E11 zone would allow. This
14 gives you an idea of where we're talking about on 70. Here we go, there it
15 is. This is the property here. This is Weisner Road right here and it's on
16 the north side there of Highway 70. And this is the aerial of that area
17 showing the 13.5-acres here and here's the Weisner exit and bridge here.
18 Here's the current zoning map that we see and you can see this is
19 an ER4 area that is within and you see a lot of zones in here, a lot of
20 residential zones here along the corridor, where you see commercial and
21 industrial. And so this is the zoning map of that area. And again, just 13.5
22 acres approximately in an ER4. And it's located on Bataan Memorial
23 West which would be the only access allowed and that's a minor arterial
24 road. Water to be provided by Moongate Water. There is no water at this
25 particular site or parcel because it hasn't ever been developed. And
26 wastewater disposal would be by conventional septic system at the time of
27 development, both the water and the septic system would have to be put
28 in at that time. And this is a close up area showing the aerial ... the
29 notification area that was originally notified and showing you the
30 surrounding neighborhoods and land use there. And this is a close up of
31 the property which is kind of hard to see this line though, but that's it right
32 there. Of course 70 here, and there we see the back yards of some of the
33 homes in the Wagons East Trail neighborhood there just to the north west
34 of the parcel and to the west of it.
35 This is a survey of the property and try to get a little closer in
36 showing you it's just basically the 13.5-acres here with ... their proposing
37 to put the storage construction yard on. And looking at it again, it's ... in
38 the background you can see the Wagons East Trail neighborhood, the
39 Wagons East neighborhood back in the background. It's just empty land
40 right now. And a little better showing in particular the houses that abut
41 against the four or five parcels that specifically abut this parcel. And the
42 Bataan Memorial West, the access, or the exit comes in here, the property
43 is to our right and I went down to the ... and here you see that exit coming
44 in. This is the property here heading to the north that way. There's just
45 not much you can show. Now, so I went over and this is the Wagons
46 looking north on Wagons East Trail and this is looking south. This shows

1 more of these properties that abut the proposal, the zone change request
2 proposal. And you know just ... that was, the road is right here in front of
3 them, Wagons East Trail, and these are those parcels that I was
4 discussing. And one of the signs that went up. And as you recall this was
5 postponed back in January because we had some issues with the signs
6 being down from wind or whatever, but they weren't ... they did not meet
7 the 15-days. When I went out there to look the day before the meeting
8 they were not up and so we had to postpone, and we postponed it to date
9 certain tonight which is the reason why we put the signs up and of course
10 it went in the paper, but we didn't have to send out the letters again
11 because we're allowed ... if we specifically give a date and time and place
12 then we don't have to send the letters out again and save the money
13 there. And so this is one of the signs that was up. And again like I said it
14 was from the January 16th meeting that it was postponed. We had sent
15 out 31 letters to the surrounding property owners at that time and we had
16 posted it in the paper and placed it on the website.

17 Now we received a couple of letters and an e-mail and petition and
18 I'll go through him. And the first letter is in your packet on page 19 from
19 Mr. Ortega who we found owns number four and number six properties
20 there on the notification list. And we received that on January 8th, it was a
21 little odd cause it voiced concern about the placement of a mobile home
22 park on the site which is not what this proposal is about and an E11
23 wouldn't be the appropriate zone for a mobile home park anyway. But you
24 can see that letter on page 19. An e-mail was received on January 9th
25 from ... and you see that on pages 20 and 21, and that was from Mr.
26 Gregory Friedel, I'm sorry, excuse me if I mispronounced that, and Ms.
27 Judith Ubando who own number 24 in the notification list. And they were
28 opposing the request citing the adverse effects to property and
29 neighborhood including the loss of privacy, potential obstruction of views,
30 increased traffic and noise, and devaluation of the property values. And
31 then on the 9th we also received a petition which you'll see on pages 23
32 and 24 of your packet with 23 signatures. And the petition cited increased
33 traffic, road, and noise impacts, the resulting negative effect of the
34 property values, and concerns over it being a spot zone. And then lastly
35 on the 16th we received a letter which you seen on page 22 from Mr. And
36 Mrs. Altamirano. We couldn't find their name on the notification list but we
37 did get the letter and you can see it there. And they were voicing their
38 opposition due to the types of businesses that are allowed in an E11
39 district, the traffic impact on the neighborhood roads, the safety issues for
40 schoolchildren, and increase in noise and pollution in the immediate area.

41 Now this we put in and you'll see that in your packet also, we had
42 our GIS folks map the folks that had signed the petition based on the
43 information that we had on the petition and you can see this is the area of
44 notification, here's the property of course, and all of these orange-ish
45 colors, those are all the ones that we could find that were in that
46 neighborhood. And so to show you where the signatories of the petition

1 live, and again that was all of this area up and down in through here was
2 where those signatories came from and you see the area of notification of
3 course. And this is that list that has all the people that are on ... that we
4 get from the GIS folks and that's how we match up with the notification list
5 and the name, if we've got an address we can try to match it up through
6 this table right here.

7 Now for any zone change the evaluation (inaudible) we looked at
8 the ETZ ordinance of course. We looked at the Comp Plan in the state of
9 New Mexico. We looked at the "Miller" criteria. We looked at the Section
10 2.1.D evaluation criteria. And then we looked at the spot zoning criteria.
11 And so let me go through those. The first one, the ETZ ordinance, well in
12 section 2.1.A the zoning commission and the authority in their duties and
13 procedures you are given the task of hearing zone change cases and
14 making a recommendation to the ETZ Authority and so that's why we're
15 here for this case. Section 2.1.C, the application procedures where the
16 applicant has complied with the application submittal requirements, so we
17 meet that one. And then 2.1.G is our public hearing and notice
18 requirements and all those requirements have been met again. So we
19 meet these sections of the ordinance which come into play.

20 So I'll move on to the ETZ Comp Plan and we did find a ... this one
21 here, program 8.1.1.1 of the ETZ Comp Plan that it meets and it says that
22 development of industrial sites shall be encouraged to locate on existing
23 or planned arterial or in planned industrial parks or planned arterial roads.
24 And this of course is on Bataan Memorial West which our Mesilla Valley
25 MPO, the local MPO classifies it as a minor arterial, so it meets this
26 program 8.1.1.1. Secondly, policy 8.3.3 says the County should
27 encourage development of businesses which can be integrated into the
28 ETZ without adverse impacts on the County's resources, and this one, the
29 site will not need any County resources. The road is in place, the access
30 road is already there which would be their primary and only access point is
31 off of that because it is a minor arterial. And water will be provided by
32 Moongate and wastewater disposal, all of that will be at the developer's
33 expense, and so the County resources won't be used at any time.
34 However, we did find that it did not meet objective 8.1 which says that use
35 existing resources, structures, and commercial or industrial zone spaces
36 for economic development activities in a manner that will support the
37 expansion and diversification of the region's economic base. And this of
38 course is being proposed on a residentially zoned parcel, so we don't say
39 that it meets objective 8.1.

40 Moving on to the "Miller" criteria. This is the Supreme Court case in
41 1976 which basically says that the fundamental justification for an
42 amendatory or repealing zoning ordinance is a change of conditions
43 making the amendment or repeal reasonably necessary to protect the
44 public interest. And also, a zoning amendment may cover and perfect
45 previous defective ordinances or correct mistakes or injustices therein. In
46 other words, there's a change or there was a mistake in the original

1 zoning. There's been a change of conditions or again like I say
2 reasonably necessary you know to fix one that was put there improperly.
3 Now we feel that ... the staff analysis shows that it does meet the change
4 of conditions, there are many, there have been quite a few commercial
5 industrial zone properties along the north side of Highway 70 and also on
6 the south side. In fact we ... this body met in I believe it was in November
7 for a zoning change that's literally across the street on the other side of 70
8 to go to an industrial zone over there. And you can see on page 26 of the
9 zoning map, you can see all the industrial zoned maps, industrial and
10 commercial zone parcels on the north and the south side. And so we
11 think all of these changes is a change that meets the change and
12 conditions of the "Miller" criteria. And so to change it again, it needs to be
13 to protect the public, it can change this one for this use.

14 And the applicant has overcome the presumption that the current
15 zoning is the most appropriate, as I said because Highway 70 corridor has
16 historically had many uses, commercial industrial uses and it has many
17 zones of those commercial and industrial uses and there have been quite
18 a few of these zone changes over the last 12-15 years along 70 there in
19 the immediate area. And I can show you a few of those, like this E11C,
20 this changed in 1998; this EC1 changed in 2004; this E12 right here was in
21 2003; and as I spoke we did one in 2013 just literally almost across the
22 highway in 2013. This EC1 occurred in 2009. And this E11 here was ...
23 occurred in 2010. So just in this immediate area you can see there've
24 been several in this area of the corridor along the access roads of
25 Highway 70 which are all arterials and which allows the industrial siting
26 and industrial zoning and commercial zoning also.

27 And so getting to the 2.1.D staff analysis. Of course first thing is
28 there is no water to the parcel 'cause it hasn't been developed and so
29 Moongate Water will provide the water at the time of development. We
30 received paperwork for that. Wastewater disposal, same thing, of course
31 the 13.5 acres is large enough to meet the New Mexico Environmental
32 Department 0.75-acre standard for a conventional septic system and
33 that's what they're proposing. And there ADT, their traffic analysis
34 showed that it would have an access and exit count of about 15 using an
35 ITE category of 150 which was submitted and that would not adversely
36 impact the traffic on the frontage road which is Bataan Memorial West
37 which is the road that has to be used, they can't get into the
38 neighborhoods or anything like that because those are local roads and so,
39 but this is the count and we didn't receive any adverse comments from the
40 Engineering Department on this traffic count and so we feel that's
41 adequate. We know that there's ... there are no known environmentally
42 sensitive or historically significant areas present at the site. And there are
43 no known endangered species or plant ... animal or plant species on the
44 site.

45 And so lastly what the impact of it, if all of the regulatory and local
46 ordinance and developmental requirements are met at the time that this is

1 developed, the proposal would have minimal adverse impact to the
2 surrounding properties in our opinion. Some of those things ... and one of
3 those things is ... and I know this comes up is that any industrial site, any
4 industrial parcel that abuts any residential site must be landscaped and
5 buffered with an opaque six-foot fence and with landscaping that goes in
6 all the way around it and so to mitigate sound and site and some dust
7 pollution that would occur. Of course also if this was approved and it was
8 developed they would have to have ... they couldn't use their roads to get
9 in and out of it, it would have to be improved roads which would keep the
10 dust down. And of course there ... another thing is that their proposal is
11 for a storage construction site and if I may, I know the engineer's here who
12 will talk more clearly about this and more concisely, but my understanding
13 is that they are going to be storing bridge structures, I can't seem to think
14 of the word. Trusses, and they'll just be brought to the site, stored in the
15 building and then when a building ... when a bridge is repaired, built or
16 whatever, they would come, get those trusses and it would be taken away.
17 And that's what the use is that they're proposing. And Mr. Scanlon, their
18 engineer, will be able to answer any detailed questions about their
19 operation and stuff there. So I just wanted to clear that up there because
20 of some of the letters asking about what the uses were and that's their
21 primary use that they want for this storage site. And because of it being
22 construction in nature in the sense that it ... they're going to be storing
23 these materials and these trusses, these ready-made trusses, they won't
24 be manufacturing them there. That's why you have to have an industrial
25 because any kind of a contractor's yard, whether it's something like this or
26 even a landscaping yard which is E11 also, you have to have E11 zoning
27 for some type of contractors yard like that.

28 And so getting to the spot zone which is based on a case that was
29 for the City of Las Cruces actually back in 1999, Bennett vs. the City of
30 Las Cruces, and it's determined on an ad hoc basis. Each one is you
31 know one by one each case and you look at the disharmony with the
32 surrounding area, the size of the area that's going to be rezoned, and then
33 the benefit of the rezoning to the community or to the owner of the parcel.
34 And staff doesn't consider this a spot zone per the '99 Bennett ruling
35 because the proposed zoning district will meet and be in harmony with the
36 large amount of industrial and commercial zones up and down Bataan
37 Memorial West and East, on both sides, and only Bataan Memorial West
38 can be utilized for the access so it's not going to impact the local roads of
39 the neighborhoods in that area. The 13.5-acres to be rezoned is
40 considered large enough to be rezoned because it's a large zone and it's
41 just as you can see in the maps, it's right along the access road as some
42 of these other zones is you can see. And the applicant will be required to
43 add the buffering and the ... all of the things that will mitigate the sound
44 and noise and dust problems that you might ... that might occur. And so
45 this will help benefit and protect the public and not only just the applicant.

1 And so staff findings which you'll see on pages 14 and 15, we met
2 section 2.1.C and 2.1.G as I went through a little earlier. Subject property
3 is within the ETZ and so the ETZ Commission has jurisdiction to review
4 this case. The zone change does meet program 8.1.1.1 and policy 8.3.3
5 of the goals, policies, and objectives of the ETZ Comp Plan 2000-2020. It
6 however does not meet objective 8.1 of the goals and policies and
7 objectives of the Comp Plan. It does satisfy the 2.1.D evaluation criteria,
8 the subject parcel will be in harmony with commercial industrial zone
9 properties that are along Bataan Memorial West and would help benefit
10 the public as the parcel will be landscaped and buffered from the
11 surrounding residential properties as would be required for any kind of
12 building permit. And last, the 13.48-acre parcel is a large enough of an
13 area to not be considered a spot zone. And per the "Miller" criteria the E11
14 zone change request does meet the change of conditions as we have all
15 these zone changes that have been ... occurred along both sides of
16 Highway 70 frontage roads and in the recent past. And the applicant has
17 overcome the presumption that the existing zoning is the most appropriate
18 and the zone change is necessary to protect the public. Based on the
19 request meeting the "Miller" criteria, the 2.1.D evaluation criteria, two
20 policies and objectives of the Comp Plan, and is not considered a spot
21 zone, staff recommends approval of the zone change request Case Z13-
22 007/Villalobos. And with that I'll be happy to answer any questions.

23
24 Villescas: Could you please, for the benefit of the public that's here, and I don't want
25 you to go into detail because it could become very long and monotonous,
26 but tell us what zone ER4 allows and what E11 allows?
27

28 Meadows: Okay. Let's see.
29

30 Villescas: Like I said I don't want you to go into depth, just a general.
31

32 Meadows: Yeah, no, I understand. Let me just find it in the package here.
33

34 Villescas: I understand.
35

36 Meadows: Cause I have it in the packet. Of course ER4 is the half-acre lots.
37

38 Villescas: Residential.
39

40 Meadows: Residential half-acre lots.
41

42 Hearn: The E11 is page six.
43

44 Meadows: Yeah, and page four is the ER4. Thank you Mr. Hearn, Commissioner
45 Hearn. And of course with special use permits and stuff like that the
46 residual uses can be expanded to you know boarding houses and rest

1 homes, guest ranches, parks, golf courses, churches, public utility
2 installations in case there's a sewer plant or something, keeping of large
3 animals and fowl on less than an acre if you get a special use permit, you
4 could have a veterinary facility. And then recently we changed one to
5 where wineries or wine tasting rooms would actually be allowed if you go
6 through the special use permit process. Now for the industrial district, that
7 is basically ... it's to provide a wide variety of light industry, fabricating,
8 processing, wholesale, distributing, and warehousing uses appropriately
9 located relative to major transportation facilities. And so, the major portion
10 of the business activity must be conducted within the enclosed buildings.
11 That seems to be the case here with the storage of these trusses. And
12 the land use in this district shall be constructed and operated to ensure
13 there is no excessive noise, vibration, smoke, dust, or other particulate
14 matter, toxic or noxious matter, humidity, heat, or flare at or beyond any lot
15 line of the parcel in which it is located.
16

17 Villescas: And that would include like retail stores, small retail stores, a Pic-Quik?

18
19 Meadows: No, those are in commercial districts Mr. Chairman, members of the
20 Commission.
21

22 Villescas: Okay, as opposed to light industrial.
23

24 Meadows: Correct.
25

26 Villescas: Okay.
27

28 Meadows: And they're on page seven, you can see there's permitted uses,
29 everything from automobile and truck parking garages, to business offices,
30 commercial or trade schools, engraving shops, hardware stores,
31 lumberyards. Of course there's a lumberyard just to the west of this, on
32 the other side of Weisner, there on the west side of Weisner. Newspaper
33 establishments, restaurants with no drive-in service, paint supplies, sign
34 construction and sales, and you see number 19, storage building and
35 warehouses which is what the proposed use falls underneath. You could
36 have telephone exchange stations, tire sales, welding and light fabrication.
37 And then of course with conditions and with special use permits you can
38 ... you get a little further, when see on page eight you see number two
39 there which this also is part of a construction contractor's yard, but it has a
40 caveat that the yard shall be maintained in a neat and orderly fashion,
41 enclosed by a solid wall or fence at least six-feet in height, and there shall
42 be no fence or wall more than three-feet of a street intersection, that's our
43 clear site triangle regulations. You could have heavy equipment repair
44 service. Of course all of these have this list on page eight, those have
45 caveats to them, that's why they're permitted but there are conditions to
46 be able to do that. And then when you look on the next page, nine, you'll

1 see the special use permits, in E11 you could have a heliport or an airport,
2 major facilities for the generation of energy, water treatment plants, sewer
3 plants, commercial and public radio and television broadcasting, recycling
4 centers which there're recycling centers down further to the west along
5 Bataan Memorial West, wind driven electrical generators, and of course
6 you can have a mobile home for the purpose of a security guard. And
7 almost all of our industrial and commercial zones you can normally have a
8 small mobile home as a security emplacement and so. But those are a
9 shortened list of some of the things that can ... are allowed both in the
10 ER4 and in the ER1, E11, excuse me zones.

11
12 Villescascas: Okay. Well the reason I wanted you to let the public know is basically
13 when we change a zone it's permanent, or semi-permanent I guess I
14 should say so if the business that is intended to store these trusses for
15 bridges goes belly-up in six years, all these other things can be done with
16 that property because we approved the zone change. Number two, as
17 you know throughout all my many years on this board I am an advocate
18 for light industrial and commercial uses along highways, freeways. I think
19 they should be you know like commercial property along the highway for
20 instance and benefits both parties. Most residents don't want to live
21 underneath the freeway and for the business person or the commercial
22 person it makes it easy to get to their location and it acts as a buffer
23 between the noises of the highway/freeway and their residential area.

24 The one thing that grabs me about this that's kind of gnawing at me
25 right now is that it is a large piece, in that slide you showed and you were
26 calling out the dates of when we changed those zones, there, right there,
27 they're relatively small pieces that abut the highway there. This one goes
28 deep into the residential area and that I see is a significant difference.
29 When you see the EC1 right next to it, as I look at it to my left, if it were ...
30 there you go ... if it were in line with that I wouldn't have a problem with it,
31 but it goes deep into the residential part, at least seven lots that I can see.
32 And your photographs showed some very nice housing there, so if we
33 were to approve this are we able ... I know that the ... it mandates solid
34 buffering but can we take that even further and say it must be a rock wall.
35 And I think the limit right now is six-feet, can we say eight-feet? Are we
36 able to or is that outside our jurisdiction?

37
38 Meadows: Mr. Chairman, members of the Commission, actually you know you can
39 put any kind of condition on there. You can make it be a taller fence, you
40 can cut out some of those uses, it is at your purview to condition this zone
41 change if that's what you want to do in any way you want.

42
43 Villescascas: Okay.

44
45 Meadows: Of course it must then go through to the ETA for final approval as all zone
46 changes do.

1
2 Villescas: Right.
3
4 Meadows: But yes it is within your purview to add additional conditions or add on to a
5 condition to make it even taller in this instance for a taller fence. They're
6 called opaque fences but I think it's pretty well known around here that is a
7 rock walk or a brick masonry.
8
9 Villescas: Or cinderblock, yeah, something like that.
10
11 Meadows: Yeah, cinderblock wall. And that's what we've seen up and down 70, is
12 that what almost all of them except maybe the older ones that were there
13 previously or prior to the zoning have done. All the new ones though in
14 general we see usually that kind of a fence.
15
16 Villescas: Yeah case we have seen the chain-link with the ... they try to put those
17 metal strips through it.
18
19 Meadows: With the slats.
20
21 Villescas: And that lasts until the first windstorm and then that's pretty much gone.
22
23 Meadows: Correct, yeah and we try. I mean it is semi-opaque and ... but we always
24 counsel against that type of fencing for, especially for something like this,
25 you know we have true buffering and an opaque fence to us means.
26
27 Villescas: Solid.
28
29 Meadows: It could be ... yeah solid. I mean you could have a solid wood I suspect
30 and we do have metal, solid metal fences too we've seen that are sturdy
31 and ...
32
33 Villescas: And some of them actually look pretty nice too.
34
35 Meadows: Yeah, look nice. Yeah there's some there on the other side of 70 in fact, a
36 couple of auto repair places that have metal fences along them. But you,
37 again I have to reiterate you can impose or you can put other conditions or
38 make conditions more stringent than what is here. It's at your purview to
39 do that.
40
41 Villescas: Okay. Well those are my comments and questions for Mr. Meadows.
42 Does anyone else from the Commission have any comments or questions
43 while Mr. Meadows is up? No, then I guess the applicant has a
44 presentation Mr. Meadows?
45
46 Meadows: I'm not sure if he's got a formal presentation but he'll be able to beguile us.

1
2 Villescas: Oh, Mr. Scanlon. Good evening Mr. Scanlon, would you please raise your
3 right hand and Janet, Ms. Acosta, will swear you in?
4
5 Acosta: Mr. Scanlon please state your name and address for the record.
6
7 Scanlon: Ted Scanlon. My address is 2540 North Telshor Boulevard.
8
9 Acosta: Thank you. Do you swear and affirm the testimony you're about to give is
10 the truth and nothing but the truth under penalty of law?
11
12 Scanlon: I do.
13
14 Acosta: Thank you sir.
15
16 Scanlon: As usual Mr. Meadows has done a very thorough job in explaining all of
17 the intricate issues and so forth with respect to this case and so I'm going
18 to talk, just speak real briefly about it. I'm not going to go into a big long
19 formal presentation about it. But I do want to touch on a few things, first of
20 all Mr. Villalobos is in the business of building bridges, and has been in
21 that business for 28 years. That's what he does. And he wants to put on
22 this an office/warehouse/shop building for his bridge building business.
23 He will have sometimes nobody there at all. They do a lot, most of their
24 work out of town and they're on bridge sites. But occasionally there will be
25 as many as between 10 and 20 employees at this facility. If you think
26 about the traffic, for one thing traffic to get to this building you've got to go
27 all the way down to Brahman and come back down Bataan. Then when
28 you leave in the evening of course you can use the intersection of Weisner
29 and get on the freeway just past that. But, in ER4 zoning traffic is a
30 concern. In ER4 zoning on a 13.5-acre tract you can get roughly 20 lots
31 and 20 lots would generate somewhere upwards of 200 vehicle trip ins per
32 day instead of 10, between 10 and 20. Mr. Villalobos has ... understands
33 all of the requirements of the development standards that he will have to
34 meet as far as the buffering and landscaping and ponding and of those
35 things and he is absolutely willing and anxious to get those things put in
36 place. Another issue is he's going to have one septic tank not 20 septic
37 tanks out there, so this is ... the impact from that standpoint is much less
38 also.
39 The question came up as to whether or not we would want to be
40 required to build a taller fence or taller wall. And I don't think that would
41 be an issue, but I would think that maybe the six-foot wall might have less
42 of an impact on views from that neighborhood than an eight-foot wall
43 would. And so I would caution maybe that an eight-foot wall might not be
44 the best idea. And that's basically the points that I wanted to make. I'd be
45 happy to answer any questions. Mr. Villalobos is here tonight too in case
46 you have any questions of him.

1
2 Villescas: Mr. Scanlon where's Mr. Villalobos's business presently located?
3
4 Villalobos: In Dona Ana.
5
6 Villescas: In Dona Ana.
7
8 Villalobos: Exit nine, yes.
9
10 Villescas: Okay. Is it just too small or he just wants to move closer into the city or
11 ...?
12
13 Villalobos: (inaudible) I believe Highway 70 is ...
14
15 Acosta: Mr. Chair.
16
17 Villescas: Yes, ma'am.
18
19 Acosta: He will need to ... he will need to come to the microphone for the record
20 please.
21
22 Villescas: Oh yeah, we'll need to bring you up and swear you in Mr. Villalobos. Sorry
23 about that Ms. Acosta. Can you raise your right hand Mr. Villalobos and
24 we'll swear you in?
25
26 Acosta: Sir can you state your name and address for the record.
27
28 Villalobos: My name is Octavio Villalobos and my address is 5669 Charles Russell
29 Road, Las Cruces.
30
31 Acosta: Do you swear and affirm that the testimony you're about to give is the truth
32 and nothing but the truth under penalty of law?
33
34 Villalobos: I do.
35
36 Acosta: Thank you sir.
37
38 Villescas: Mr. Villalobos I'm sorry about that. The question was where you're
39 presently located and why you would like to move the business to this
40 location.
41
42 Villalobos: Size is one reason and access. The lot that I currently own is only six-
43 acres.
44
45 Villescas: This is twice as big.
46

1 Villalobos: That is correct. And I considered, it's a better access on Highway 70 than
2 what it is Thorpe Road in Dona Ana.
3
4 Villescascas: And I imagine bridge work you do all over the state.
5
6 Villalobos: That is correct.
7
8 Villescascas: Yeah. All right. Thank you. Anyone else have any questions for either
9 Mr. Scanlon or Mr. Villalobos while they're both up here? Go ahead.
10
11 Acosta: Mr. Chairman if I may.
12
13 Villescascas: Yes ma'am.
14
15 Acosta: Mr. Villalobos do you own the current property that you're requesting the
16 zone change?
17
18 Villalobos: Yes.
19
20 Acosta: You solely own it?
21
22 Villalobos: Yes.
23
24 Acosta: Do you ... are you ... is your business Summer Holdings, LLC?
25
26 Villalobos: That's correct.
27
28 Acosta: Okay. Thank you.
29
30 Villescascas: Next person with questions. Can you turn your mike on please?
31
32 Sanders: Yes, I'm just curious what your plans, if you have any plans for the parcel
33 you own that's to the north of this parcel?
34
35 Villalobos: At the moment no plans at all.
36
37 Sanders: Okay.
38
39 Villescascas: Any other questions for Mr. Scanlon or Mr. Villalobos?
40
41 Hearn: Yeah, Mr. Chairman.
42
43 Villescascas: Mr. Hearn please go ahead.
44
45 Hearn: Thank you. Mr. Villalobos I'm sure that you want to be a good neighbor
46 with the changes and zoning and use of this property. Would you be

1 willing at a point to meet with the neighbors whose property is right there
2 and discuss walls and that sort of thing as you're getting ready to put them
3 up?
4
5 Villalobos: Absolutely. If it's for a good cause, yes, I'm willing to do that.
6
7 Hearn: Sure. Thank you.
8
9 Villescas: Any others? Mr. Scanlon, Mr Villalobos thank you very much we may be
10 calling you back.
11
12 Villalobos: You're very welcome.
13
14 Villescas: At this point I'd like to open it up to members of the public. If there's any
15 members of the public who would like to make a statement on this, come
16 on up sir and Ms. Acosta will swear you in.
17
18 Friedel: Hi.
19
20 Acosta: Hi. If you could state your name and address for the record please.
21
22 Friedel: Yeah, I'm Gregory Friedel, 6310 Wagons East Trail.
23
24 Acosta: Mr. Friedel, do you swear and affirm the testimony you're about to give is
25 the truth and nothing but the truth under penalty of law?
26
27 Friedel: Yes.
28
29 Acosta: Thank you.
30
31 Friedel: Greetings. Like I said I'm Greg Friedel. I live at 6310 Wagons East Trail
32 with my wife Judith. We've lived there since 2008. When I talked my wife
33 into coming to Las Cruces, one of the reasons we came to this city was
34 because it was advertised as a top 10 city you know, nice place to live.
35 We chose to live on you know the East Mesa because it was you know
36 beautiful view of the Organ Mountains, had nice dark skies, and it was
37 quiet. We bought knowing that the surrounding area ... I live in lot 27 on
38 there, so I'm right in the middle of where that constructions going to go.
39 We bought knowing that the community was going to grow around us. We
40 knew that all the land was zoned for you know residential. We wanted to
41 live in a residential area and we had planned that. And I believe when you
42 know Mr. Villalobos bought the land he knew that it was residential also.
43 He bought it for I assume for developing not for you know storing
44 construction material on. So over the years since you know I've lived in
45 the community, you know I've done my part to improve my land;
46 landscape maintained, keep up to codes. I believe this action's really

1 going to hurt my land value. It's going to destroy it. It's going to make it
2 look terrible out there. You've seen ... you've seen other developments
3 along 70, they're not maintained. There's no walls. There's no what
4 would you say, you know buffering. They just build you know, build the
5 lumberyards next to us and, the lumberyard's been there but it's ... you
6 know there's nothing that buffers it, nothing that you know keeps it from
7 the public eye. It ... they're all eyesores out there. This will be an
8 eyesore. We know that, we see that. I believe rezoning is going to you
9 know really hurt the neighborhood. It's caused light pollution, noise
10 pollution. Like I said the owner knew that when he bought this the land
11 was for houses. You know, I know you wouldn't want this in your
12 backyard and that's going to be in my backyard. That's all I have to say.
13
14 Villescas: One question, does the solid buffering to six-feet help you at all?
15
16 Friedel: I doubt it would.
17
18 Villescas: Okay.
19
20 Friedel: It's going to be a dirt lot. You know it's going to be a building with a dirt lot
21 around it. It's not going to be paved. It's not going to help. And as far as
22 having one septic tank, you know that's really not an issue. Whether
23 there's commercial residence there or not you know or houses there or not
24 you know it wouldn't matter. The traffic, they said there'd be up to 200
25 cars a day there. That's probably true if there was houses there, but now
26 we're going to deal with semis coming through there every day or
27 whenever they go through you know. Starting those up in the middle of
28 the night, midmorning, that we know are going to be running, they run
29 whenever they run. You've got a semi (inaudible) out your backyard for
30 an hour while it's being loaded you know. I'm sure these bridge things
31 take a while to load, they're not just ready to go, so.
32
33 Villescas: Well, going back to your statement that you were expecting residential
34 homes you were expecting residential traffic.
35
36 Friedel: I did expect residential traffic and I was all for that.
37
38 Villescas: Yeah.
39
40 Friedel: I'm all for neighbors, you know, I have a lot of my neighbors here. All
41 these people back here they're all opposed to this. You know we want
42 neighbors in the neighborhood. That's why it's a neighborhood and not a
43 residential, or a construction area.
44
45 Villescas: Are most of these people as far as you know on this petition that we see in
46 front of us?

1
2 Friedel: Yes.
3
4 Villescascas: Okay. Does anyone else have any questions? Please go ahead.
5
6 Sanders: Yes, Mr. Friedel is that correct?
7
8 Friedel: Friedel, yes.
9
10 Sanders: I don't think it's necessarily our role, but have you discussed offsetting the
11 wall or the construction area from your neighborhood. Having some sort
12 of a buffer between ...
13
14 Friedel: I built a five-foot wall already and it's, you know I don't think a six-foot
15 wall's going to matter if I'm looking at a construction zone.
16
17 Sanders: No, I guess what I was asking is if the owner would be willing to leave land
18 between your back property boundary and where he starts ...
19
20 Friedel: If he left 13-acres that'd be acceptable, you know, so. I'm all for that. And
21 you know as you stated earlier none of the other rezoning has gone back
22 as far this one does. You know if it went from the normal rezoning which
23 these ... cause the front lots are already rezoned like, what is it 35 and 32,
24 I believe those are already zoned for some kind of you know commercial
25 use or you know store use, but that just goes so far back. Then you look
26 at the lot behind that, behind what he wants to do, he owns that too so in a
27 couple of years is he going to want to rezone that, take away more
28 housing? It doesn't make sense, at all.
29
30 Villescascas: Anyone else have any questions? Mr. Hearn.
31
32 Hearn: No, thank you.
33
34 Villescascas: Okay.
35
36 Friedel: Okay. Thank you.
37
38 Villescascas: Thank you very much. Would anyone else in the public like to come
39 forward? Please state your name and address for the record and Ms.
40 Acosta will swear you in.
41
42 Altamirano: Larry Altamirano, 9170 Lisa Lane.
43
44 Acosta: Do you swear and affirm the testimony you're about to give is the truth and
45 nothing but the truth under penalty of law?
46

1 Altamirano: I do.
2
3 Acosta: Thank you sir.
4
5 Altamirano: Chairman.
6
7 Villescascas: I'm sorry, before you begin, could you repeat your name.
8
9 Altamirano: Larry Altamirano.
10
11 Villescascas: Okay, thank you. I'm sorry.
12
13 Altamirano: Mr. Chairman, members of the Commission. Once again I think a lot of it
14 has been discussed, however I'd like to talk about a couple of things; one
15 the vibration of these houses that are right next to it. There is going to be
16 vibration and there is going to be damage to the houses because of the
17 semi-trucks. I agree with what my neighbor said regarding the 200 versus
18 the 20 semi-trucks that are idling, so I'll agree. If I could get staff to put up
19 the current zoning map I would appreciate it. The other thing ... thank you
20 very much. The other thing is that if you look at the zoning he's right in the
21 middle, so he's divided the residential because I believe further on you
22 can see the EC1 and so now he has split the residential zoning between
23 the ... where the resident is and then the next one over so now you're
24 going ... his property could be surrounded by residential homes if they
25 would elect to be next to a storage for beams and things like that.
26 The other thing that I would like to speak about is once again I'm on
27 the TAC committee, the Traffic Advisory Commission or Committee for
28 MPO and one of the things that we have dealt with is the building of
29 Highway 25 and 10, when I went to many of the public hearings the
30 people there were concerned about the buffer and here again there is not
31 going to be a buffer that is going to protect the noise. Okay, if you can get
32 the rock wall up, nice, now he can open up his window and he can look at
33 the rock wall as opposed to the Organ Mountains. The other issue is, is
34 the fact that yes staffing has said three of the four it meets criteria but
35 common sense says when I looked at that residential area to move into I
36 did look at where the commercial, where the residential was, what was
37 where, and that was one of the reasons I live out there because it's ... at
38 night there aren't any street lights. We see the stars and yes I'm aware
39 that the highway is right there. I work for the school system. I was the
40 assistant superintendent for construction and when we built Onate High
41 School out there, there was nothing out there. Now they built a
42 subdivision next to it and guess what, we do have complaints from the
43 people that are there saying it's too loud, there's too much traffic. On that
44 case Onate was there first. They knew it was there. It's not any different
45 sir as you mentioned being next to an airport. I know there's an airport
46 there, I'm going to assume there's a hazard. There's going to be fuel.

1 There's going to be a possible crash. There is going to be noise. I don't
2 know exactly when the subdivision was approved but I'm going to say
3 you've been on the Commission long enough sir, that it was prior ... all
4 this adjustment was made, the rezoning was made prior to that
5 subdivision being approved by the County and the city. The other thing sir
6 is once again I do feel that it would deter any other people from going out
7 there and continuing the growth of that subdivision with the quality of
8 homes that we have there. I stand for questions if there are any.
9

10 Villescas: Just a comment, going back to your position and when you put Onate out
11 there.
12

13 Altamirano: Yes sir.
14

15 Villescas: We've had similar things come before us, a person puts something before
16 us to be able to build their home next to a farm and then six months later
17 they're in front of us complaining about the tractor noise and the smell of
18 the farm animals, so it's kind of the same thing. So we have seen that
19 before.
20

21 Altamirano: Yes sir. And that is true. Once again, if this particular building would've
22 been there prior to, I don't think anybody would've developed that area as
23 it is. So, you know we are looking at growth in that area I think, in a few
24 years the industry and subsequently start kicking back. We are, as a
25 district, looking at two additional schools come around the next bond and
26 we had the bond pass and are very thankful for that. And so there is
27 going to be growth out on the East Mesa. Hopefully it will be growth that
28 will bring in additional housing and also nothing against the ... Mr.
29 Villalobos regarding his wanting to have an opportunity to run his
30 business, I just think with the number of other places along the Highway
31 70 corridor, especially on the south side where you don't have any
32 subdivisions going in, there aren't any houses, that there are options
33 besides where he would like to do it at this time.
34

35 Villescas: Understood. Does anyone on the Commission have any questions?
36

37 Acosta: Mr. Chair.
38

39 Villescas: Ms Acosta, go ahead.
40

41 Acosta: Staff if you can go to the slide for me that has the numbers of where the
42 residents live please?
43

44 Altamirano: The ones on the petition or the ...
45

46 Acosta: No just the zoning.

1
2 Altamirano: Notification.
3
4 Acosta: Mr. Altamirano can you tell me what, where you live on this first lot?
5
6 Altamirano: Right there where you see Lisa Lane.
7
8 Acosta: Can you give me a number, is that possible?
9
10 Altamirano: I'm sorry I don't have my glasses.
11
12 Villescas: I've got mine on and I can hardly see.
13
14 Altamirano: I can't read it from here. I apologize. Is this Lisa Lane up here? Yeah,
15 okay go up to where you were sir. I'm the only house on the border.
16 Right there. Down just a little bit, up, that house on the border. That's me
17 right there.
18
19 Acosta: Very good. Thank you so much.
20
21 Villescas: Just outside the area. Okay.
22
23 Altamirano: And it is outside however we belong to the same subdivision.
24
25 Acosta: Very well sir. Thank you.
26
27 Villescas: I couldn't find your name on the list. All right, anyone else? If not, thank
28 you very much.
29
30 Altamirano: Thank you.
31
32 Villescas: Come on up. In fact if we have all kinds of people why don't we make a
33 line up to and then we can just make this a lot quicker. And also, we ask if
34 you have something different to say that hasn't already been said. Sir, if
35 you could state your name and address for the record Ms. Acosta will
36 swear you in.
37
38 Perez: Retired Sargent Louis Perez, 6334 Wagons East Trail. I'm also here on
39 behalf of Lot 18 and my Lot is 13 on the map which is directly next to the
40 property in question.
41
42 Acosta: Mr. Perez Do you swear and affirm the testimony you're about to give is
43 the truth and nothing but the truth under penalty of law?
44
45 Perez: I do.
46

1 Acosta: Thank you.
2
3 Perez: The reason I'm up here is when we got the property we knew that it was
4 residential around us. I didn't want to live in the city. I was tired of it. I've
5 got severe mental issues, high anxiety because of what I suffered in the
6 military and I just wanted to be away from all of that. I like people, I like
7 living around somewhere safe where my kids can grow up in a
8 neighborhood where they can ride their bikes down the street. Several
9 years ago I lost a friend who his son had got killed by somebody that didn't
10 know how to drive in the city so he wanted to live somewhere safe. So I
11 moved out here. I knew that the property behind me was residential,
12 that's why we went ahead and accepted it. We liked the landscaping. We
13 wanted to be somewhere safe where everybody knows everybody.
14 Nobody goes down our block unless somebody there knows who they are,
15 we like it that way. It's simple as that. Property that Mr. Villalobos bought
16 he knew it was residential. He's been trying to sell it. Couldn't happen, he
17 wants to turn it commercial, wants to do something with it, make a profit. I
18 have nothing against that. People have to make a living. But not where I
19 live, not with my kids, not with my friends and my family. I'm going to fight
20 it. If you have any questions for me go ahead.
21
22 Villescas: Any questions from the Commissioners? I just want you to be aware that
23 in either case, whatever decision this board makes will got the ETZA, so
24 be prepared for that as well.
25
26 Perez: I understand that. I also wanted to add one more thing, excuse me. The
27 rock wall, it's a great idea, it really is. I mean that's better than having a
28 fence there no doubt about it, but I'm not living out there to look at another
29 rock wall after spending several years looking at walls in the military. So
30 thank you but you know there's got to be a better solution.
31
32 Villescas: Understood. Thank you very much. Next person come up.
33
34 Meadows: Mr. Chairman.
35
36 Villescas: Yes sir.
37
38 Meadows: Staff. Could I please interject?
39
40 Villescas: Yes sir.
41
42 Meadows: I just wanted to correct your statement. If this is ... if approval is
43 recommended by this Commission then it automatically goes to the
44 Authority. If it is ... if you deny it.
45
46 Villescas: Disapproved it ends here?

1
2 Meadows: Then the applicant has to appeal to the ETA. I just wanted to clear that
3 up.
4
5 Villescas: I'm glad you said that because I thought in either case it was going to go
6 to the ETZA.
7
8 Meadows: Right. And I had one other thing is they were talking previously about dust
9 and everything and section 6.6 which our development requirements
10 require that paving would be mandatory for the parking lot and the
11 entrance and exits it wouldn't be a dirt lot, it would have to be paved. And
12 the buffering that would be required has to have 25-feet of buffering and
13 it's trees and bushes, 25-feet thick from the property. Besides the wall
14 you would also have the trees and buffering, yeah 25-feet of landscaping.
15 That's correct. I just wanted to clear those up.
16
17 Villescas: Those are very good points. Thank you for doing so. If you could state
18 your name and address for the record Ms. Acosta will swear you in.
19
20 Rojas: My name is Francisco Rojas. I live at 6335 Wagons East Trails and I'm in
21 Lot 12.
22
23 Acosta: Mr. Rojas, do you swear and affirm, can you raise your right hand for me
24 please sir? Thank you. Do you swear and affirm that the testimony you're
25 about to give is the truth and nothing but the truth under penalty of law?
26
27 Rojas: Yes.
28
29 Acosta: Thank you sir.
30
31 Villescas: Please go ahead.
32
33 Rojas: I'm an owner/builder and I'm the last, so far I'm the latest one to build a
34 house there and I could give you a couple of statistics. On Lot 12 there's
35 a ... I haven't finished my house, there's a three-percent grade on the
36 East Mesa and in Lot 12 from the front of my house and the back of my
37 house there's a three-foot drop. So the back of my house is on Weisner
38 Road. If I build a six-foot fence on Weisner Road which is a quarter of an
39 acre, it's only, well it'll only go up three-feet from my back yard, therefore if
40 I want to have a true six-foot fence in reference to the grade for my house,
41 I need to build a nine-foot fence due to the grade. So if we look at this
42 property adjacent where you want to do an industrial, your engineers need
43 to calculate a three-percent grade from one side of that property all the
44 way to the other side. That's one thing. The other thing, so the fence is
45 not going to be six-feet. You're going to have about 25-30 foot fence by
46 the time you cross all that area cause you're not going to have all the

1 property sloping, it has to be level for your diesels, for structures, for
2 everything else. The other thing is, the environmental committee told me I
3 had to have, based on that hundred year formula, you cannot have runoff
4 from your property go onto another person's property, therefore I have a
5 5,000 foot slab, that's how big my slab is for the house, so I have to have
6 on my property two equivalent drainage areas so that all the rain water
7 from the roof of my property stays on my lot. So I have two big indentions.
8 So that has to be taken into account in the industrial area. The other
9 things that I see here is there's a couple of issues, first of all once you do
10 that how tall are your buildings for the storage area? And the second
11 thing is all along north of Highway 70 based on the maps that we're shown
12 and I've driven it back and forth, you have a lot of fading businesses out
13 there. The only true successful businesses that are out there right now in
14 our area for north of Highway 70 is a Moongate Café and the Moongate
15 water district. That's it. Savers has gone out of business. The
16 lumberyard, they've been trying to sell it for a while, Frank's Lumberyard.
17 Next to that is a mechanic shop, it's a fly by night operation. We go down
18 the road where you have the, what is it called, like the other restaurant,
19 Machitos or Machos or something like that, all that property's for sale.
20 You go past that, there are other properties where there used to be
21 restaurants there, the roofs are caving in. So, the bottom line is there are
22 lot of failures out there and if this doesn't succeed you're going to have a
23 13-acre failure there in our back yard and I have kids and we go up and
24 down the street with our bicycles. If one of the diesel drivers decides not
25 to come in on Brahman they're going to have to go through Weisner all the
26 way up to that street up there, then come down the Moongate. Those do
27 not accommodate diesels. So just for any reason if the driver doesn't
28 follow the directions that are provided to him which not all the drivers will
29 d, due to any conditions, they're going to have diesels going around those
30 areas and you have kids and people running, some people do their horse
31 stuff everything, so yeah you're going to have accidents. And the final
32 thing is, you're going to have bridges being these big bridges that you're
33 going to carry, you know your barriers, they're going to go on the Highway
34 70 and I-25 interchange. There are diesels that go through there but
35 that's going to cause some serious congestion. And there's nothing this
36 Commission or anybody can do about it because the roads are narrow on
37 those interchanges and they'll have to rebuild the bridges. Thank you. If
38 there's any other questions.

39
40 Villescascas: Any questions or comments? Please go ahead.

41
42 Hearn: Yes, I'm just curios whether yourself or any of the neighbors have met with
43 Mr. Villalobos or attempted to meet with him or.

44
45 Rojas: No, not yet. I only learned about it from the ... when we received the
46 letters in the mail from the post office and then when we came to the

1 meeting last week or last month all we saw was a cancellation and then
2 this is the first time that we actually meet everybody here and then we
3 actually see Mr. Villalobos.
4
5 Hearn: Okay.
6
7 Rojas: If not we would've met before.
8
9 Hearn: Somebody behind you.
10
11 Rojas: Thank you.
12
13 Acosta: Mr. Perez one second please. You have to give him permission to talk.
14
15 Villescascas: I'm sorry?
16
17 Acosta: You need to give him permission to talk, Mr. Perez, because he's got
18 someone behind him already.
19
20 Villescascas: Right, so we need to go to the person behind you. Correct.
21
22 Acosta: Other than that or we need to ... I've got questions for Mr. Scanlon.
23
24 Villescascas: Okay.
25
26 Acosta: Based on what this ... Mr. Rojas has stated.
27
28 Villescascas: Right. We'll do that after we finish listening to the public.
29
30 Rojas: Well thank you.
31
32 Villescascas: Thank you. Please come on up sir. State your name and address for the
33 record and Ms. Acosta will swear you in.
34
35 Clemons: All right. My name is Theotis Clemons, and I live at 6406 Wagons East
36 Trail. So I am a little bit up above what you're showing on your map. So
37 you have those two houses that are there, I'm the next house ... those two
38 houses on your, let's see above that eight?, no above three, you have two
39 houses right here.
40
41 Villescascas: Right.
42
43 Clemons: I'm the next house up above that.
44
45 Villescascas: Understood.
46

1 Acosta: And sir I'm sorry, can you say your last name for me once more?
2
3 Clemons: Clemons. C l e m o n s.
4
5 Acosta: Thank you and you did state the address for the record.
6
7 Clemons: 6404 Wagons East Trail.
8
9 Acosta: Thank you. Do you swear and affirm that the testimony you're about to
10 give is the truth and nothing but the truth under penalty of law?
11
12 Clemons: I do.
13
14 Acosta: Thank you sir.
15
16 Clemons: All right.
17
18 Villescas: Go ahead Mr. Clemons.
19
20 Clemons: So I have a big issue. All right, it don't ... we don't get a lot of rain out
21 here in Las Cruces, but when we do get heavy rains ... my house, two
22 houses up above I have a big problem with the floods that come down
23 through there. What he's proposing to do right here, I'm already having
24 problems with the water that runs because we live actually on a downhill
25 slope, so he is ... what he's doing there is now even affecting us even
26 more on the far end of this because every (inaudible), the last time we
27 really had heavy rains water was, and I have a, I put a big ditch in my front
28 yard trying to keep the water flowing down the road. There's nowhere for
29 this water to go. It has to go downhill. As it goes downhill everything on
30 the far end of that road is flooded, so for me I'm looking at even a bigger
31 issue now because everything that you do down on this end if it's ... if
32 you're putting up a rock wall, that water when it hits your rock wall guess
33 what it's doing, it's going around it and it's going down to my house. So
34 now you've almost put me in a flood zone based on your decisions.
35
36 Villescas: Actually if you look at the map that's up right now you can almost see a
37 natural arroyo heading right to your property.
38
39 Clemons: Yes sir. Yes sir.
40
41 Villescas: Anyone have any questions? If not, thank you Mr. Clemons. Next, yes
42 sir, you're already sworn in so you don't have to do that again. Please go
43 ahead.
44
45 Perez: I'm sorry I was going to answer a question that somebody requested that if
46 we had contacted Mr. Villalobos.

1
2 Villescas: Yes sir.
3
4 Perez: I did contact him four times or the number that Mr. Miller gave us and I did
5 speak to someone I don't know if it was Mr. Villalobos or someone at his
6 office and they refused to tell me what they were going to do with the
7 property or talk to me and discuss it with the landowner. And I did try to
8 talk to them on four separate occasions on four different days and we got
9 nowhere with that. We couldn't even find out what was going on with the
10 property, negotiate something, talk to anyone. I just kept hitting a wall
11 when I did try to talk to them. So no matter what the decision is, I think if
12 it's approved, disapproved, whatever, after we go to appeal, I think once
13 the landscaping starts we're still going to have problems with that
14 regardless. I mean, come on, you see where we live. You put up a 25-
15 foot, I'm not seeing any mountains. I'm seeing walls and shrubbery, so
16 that is going to be a problem. But we did try to contact him on four
17 separate occasions just so you can have that on record.
18
19 Acosta: Thank you.
20
21 Villescas: Thank you.
22
23 Acosta: Mr. Chairman.
24
25 Villescas: Yes ma'am.
26
27 Acosta: Did you get his name for the record? That was ... okay ... Luis Perez.
28 Thank you.
29
30 Villescas: Yes sir and you're already sworn in as well if you want to make an
31 additional comment.
32
33 Altamirano: Yes sir. For the record Larry Altamirano.
34
35 Acosta: Thank you.
36
37 Altamirano: Now I'm representing the school district. Something was brought up so for
38 information for the Commission here, on Lisa Lane I take care of
39 transportation for the students to and from school on a daily basis. I have
40 over 15 bus stops on Lisa Lane. If the bus ... if the vehicle, semi-trucks
41 happen to miss and go down Lisa Lane and do the turn around, you're
42 going to possibly have children in the morning and in the ... after school
43 as well as the children that walk to the bus stop in that particular area. So,
44 just clarification as to some more information for you, regarding if the
45 trucks happen to miss the turnoff and go down Weisner Road going north.
46

1 Villescas: Okay. Thank you for the comment.
2
3 Altamirano: Yes sir.
4
5 Villescas: If there's anyone from the public that has a comment that has not been
6 made to date, please come forward. State your name and address for the
7 record and Ms. Acosta will swear you in.
8
9 Kaplan: My name is Ilene Caplan.
10
11 Acosta: Ma'am can you speak into the microphone so the ...
12
13 Kaplan: My name is Ilene Caplan.
14
15 Acosta: Thank you.
16
17 Kaplan: And I live at 6422 Wagons East Trail. I believe I'm about four houses
18 above Lisa Lane to the north. My concern ... my concern, I have ...
19
20 Acosta: I need to swear you in I'm so sorry.
21
22 Kaplan: Okay, sorry.
23
24 Acosta: For interrupting you. Do you swear and affirm the testimony you are about
25 to give is the truth and nothing but the truth under penalty of law?
26
27 Kaplan: I do.
28
29 Acosta: Thank you ma'am.
30
31 Villescas: Please go ahead.
32
33 Kaplan: Okay, I agree with what everyone in the neighborhood has been voicing
34 as opinions against this change from residential to light industrial and I'd
35 like to add a couple more things. One, in our neighborhood one of the
36 covenants we do have is that we cannot have metal fences so that idea of
37 having a metal fence wouldn't fly if the property were to be in our
38 neighborhood. The other thing is that in 2005 December the land here
39 changed from being able to have septic tanks for ... on three-quarter acre
40 lots which many of us have in this neighborhood to requiring a full acre lot.
41 So when I bought my house in 2007 the realtor had checked into that and
42 so the idea was that the residential area behind us would not be any more
43 dense than what we have now. Now when we're talking about 13.47
44 acres, that would not allow 20 septic tanks according to the current
45 restrictions as I understand it. There would be at most 13 septic tanks
46 allowed. And, so the other thing is that I just want to reiterate that when I

1 bought the house in 2007 for my daughter and I, is that we bought it with
2 the idea that it would all be a residential area. And we don't want to see
3 that change and even though this is not directly in my backyard, all that
4 has to happen is for that one parcel to get changed and then the other
5 ones will have had a precedent for getting changed as well and I think that
6 would be a very sad thing.
7
8 Villescas: Okay, thank you. Just one comment is that the property in question would
9 not fall underneath the present covenants. Anyone else have any
10 comments, questions? If not, thank you very much. Is there anyone else
11 in the public that has a comment that has not been covered already? If
12 not, I'd like to close it off to the public and open it up to the Commission.
13 Ms. Acosta I know you had a question for ... I'm not sure if it was for staff
14 or for Mr. Scanlon.
15
16 Acosta: Mr. Scanlon.
17
18 Villescas: Mr. Scanlon would you come back forward. Thank you.
19
20 Acosta: Mr. Scanlon I don't want to spend too much time on this but looking at the
21 review packet we are aware that this particular parcel is in a flood zone,
22 correct?
23
24 Scanlon: I believe so.
25
26 Acosta: So can you clarify that ... to the public so that they know that it is required,
27 it's not an option, that there's going to be additional grading and certain
28 standards that will need to be met regarding this particular parcel being on
29 a flood zone.
30
31 Scanlon: We have to meet all of the ...
32
33 Acosta: As far as draining and such.
34
35 Scanlon: All of the County and the ETZ requirements as far as drainage design and
36 grading and those type of things. We have to meet them all, so.
37
38 Acosta: And you will have to hold your own water in that particular parcel just like
39 you do a residential in some way?
40
41 Scanlon: Absolutely. Yes.
42
43 Acosta: Okay. I just wanted that for the clarification and for the record. Thank
44 you.
45

1 Villescas: Anyone else have any questions for Mr. Scanlon while he's standing
2 here? And thank you Mr. Scanlon. Anyone else from the Commission
3 have any discussion and can include staff or ... yes sir, please go ahead.
4
5 Sanders: Yes I have a question for Mr. Villalobos.
6
7 Villescas: Mr. Villalobos would you come forward please?
8
9 Sanders: Yes, as you can see this is sort of a situation where you've come in with a
10 proposal, the neighbors are upset. It falls to the ETZ to sort it out. I guess
11 what I'm a little perplexed about is your willingness or efforts to meet with
12 neighbors ahead of this meeting. What are your thoughts on that?
13
14 Villalobos: I, as before, if (inaudible) yes we can talk. Yes.
15
16 Sanders: I'm sorry.
17
18 Villalobos: I am willing to talk to the neighbors, yes. And respond to whatever's
19 needed.
20
21 Sanders: Yeah, but I think it would be much easier for everybody if it ... you know if
22 those discussions would've taken place before this meeting so we knew at
23 this stage whether there could be some sort of resolution to their issues or
24 not. So I guess I think those efforts should've taken place earlier. I'm just
25 curious why they didn't.
26
27 Villalobos: I didn't know it was needed. Was it needed? I need a little bit of
28 assistance.
29
30 Scanlon: It's not a requirement. Sometimes, in certain cases people will do that. I
31 don't know that it would be a bad idea maybe to meet with them between
32 this meeting and the ETA.
33
34 Villescas: Yeah, at this point, yeah it's kind of a moot point, we can't ... beforehand,
35 it's already taken place.
36
37 Scanlon: Sure.
38
39 Villescas: So if there is a meeting to be had it would be between now and a meeting
40 with or presentation before the ETZA.
41
42 Scanlon: Sure.
43
44 Villescas: Great. Thank you.
45
46 Villalobos: Anything else?

1
2 Villescas: Anything else from the Commission? Okay, any discussion between
3 Commissioners?
4
5 Hearn: Mr. Chairman.
6
7 Villescas: Mr. Hearn.
8
9 Hearn: Some questions for Mr. Meadows.
10
11 Villescas: Please go ahead.
12
13 Hearn: Could you ... first of all in the justifications there's the phrase that this is ...
14 could be done to protect the public. Could you tell me what that means?
15
16 Meadows: Mr. Chairman and members of the Commission, Commissioner Hearn, we
17 feel like with the buffer C which you know and, and the wall, excuse me.
18 The buffer would be 25-foot thick and that this would protect the public
19 from, and as we said they're going to have to pave everything. They're
20 going to have to meet all the development requirements so that they don't
21 impact Mr. Clemons or any other property, but that would protect the
22 public and feel like that would benefit them by doing it that way it does add
23 ... there will be an increase ... there will be some jobs. I know that most
24 likely Mr. Villalobos already has his people on site or that drive his trucks
25 but there could be the potential for that. And that's because they're
26 required to only use the minor arterial of the access road it would stay off
27 of the local road there and protect them that way. Even though I'm ...
28 there could possibly and potentially be someone who misses the turn and
29 we would hope that Mr. Villalobos would counsel all his drivers and train
30 his drivers you know on how to get there and where he is so that those
31 incidences would be very very limited and would coincide with Mr.
32 Altamirano's, excuse me, with his concerns of school bus stops in the area
33 and it affecting that. And so we felt that it would in fact benefit them to
34 buffer it and meet all the development standards and stay within the
35 required access that the industrial zone would require.
36
37 Hearn: I appreciate that but this phrase "protect the public" is part of the "Miller"
38 criteria, right?
39
40 Meadows: Yes, and that's ...
41
42 Hearn: It's a reason for being able to do it. It says you can do it if there's a need
43 for a change. If there's been a change, if there was an original mistake
44 and protect the public and I don't see how changing the zoning has
45 anything to do with protecting the public. I just don't understand that.
46 Maybe there's no answer right now. Could you put up the chart showing

1 the existing zoning and the larger map of the area? The ER4 area to the
2 north of this property, if that were to be developed is there access to is if
3 this bottom part is not available?
4
5 Meadows: Right, yeah. They would have to get their access from up here it looks
6 like.
7
8 Hearn: Coming through to the top.
9
10 Meadows: Yeah and then they'd have to build you know internal roads or whatever.
11
12 Hearn: Okay.
13
14 Meadows: Would be required yes.
15
16 Hearn: Just as a comment, I just have a continuing problem with the way this area
17 and a lot of the others which are old, largely unbuilt, are just developing
18 haphazardly without any real plan. Somebody did this, so somebody can
19 do that. We change the zoning here so we can change the zoning there.
20 There's no plan, there's no rhyme or reason to it. There was an original
21 zoning which made a lot of sense and part of it is that these two lots are
22 residential, backing up the other residential lots. And I really don't see any
23 reason to change that. I don't ... that's just the way I look at it right now.
24 And the fact that all these other things have been done piecemeal, I think
25 that's unfortunate. I just can't see another way of looking at it. Thank you.
26
27 Villescascas: Mr. Meadows while you're up. I have a question on the spot zone. Are
28 you saying that this is not considered a spot zone merely because of the
29 size of it?
30
31 Meadows: No, the other issues too Mr. Chairman.
32
33 Villescascas: The same ones that are in the bottom of the "Miller" criteria here on the
34 comments.
35
36 Meadows: Let me look at it real quick.
37
38 Villescascas: And even the "Miller" criteria, going back to what Mr. Hearn said, I don't
39 think there's been a change that would justify the "Miller" criteria. I think
40 any changes have been made by either the ETZC or the ETZA, but
41 nothing that affects the "Miller" criteria per se. And that's just my opinion.
42
43 Meadows: Okay. Well Mr. Chairman to answer the first part about the spot zone is
44 you know it has to be in harmony. We feel that the ever expanding
45 commercial industrial districts up and down both sides of 70, you know
46 that would be in harmony with that. That was part of that. And it is large

1 enough of an area to be rezoned and that if all of the development
2 requirements are met then it would benefit the public by protecting them
3 and mitigating any of the circumstances that could be associated with a
4 E11 industry going ... taking place there. And if I may Mr. Scanlon just
5 informed me that Mr. Villalobos has just informed him that he would be
6 willing to move the building toward the front near the access road there,
7 Bataan Memorial West, which would further mitigate the issues that the
8 citizens are voicing their concerns about.
9

10 Villescas: Understood.

11

12 Meadows: But yeah you can have your opinion of which way you see it as all this
13 board can do.

14

15 Villescas: Okay. Any other comments, questions from the Commission?

16

17 Acosta: Mr. Chairman.

18

19 Villescas: Ms. Acosta.

20

21 Acosta: I haven't quite decided yea or nay on this but just going to say this, I see
22 both sides and what Mr. Meadows just started with the harmony, down the
23 highway you do see a lot of you know industrial or commercial so that is a
24 good statement there. And then with the "Miller" criteria, if you look at that
25 whole surrounding area it has changed in conditions going back to when
26 the "Miller" criteria was instated, so that is a good point there in my
27 prospective. I do take into consideration what our public comments are as
28 well, like I said I haven't decided which way I'm going to vote based on the
29 information, facts and information presented to us, but I just wanted to
30 share my thoughts.

31

32 Villescas: Ms. Acosta while we're on the subject let me ask you under the staff
33 findings where they recommend approval of the case and the following
34 findings and then under staff recommendation for approval would you, and
35 this is just a question, would you add a statement or a qualification that
36 says the building shall be moved to the front portion of the property
37 alongside the Highway 70?
38

39 Acosta: That would be a consideration. I would consider if I was leaning towards
40 approving this. Saying that, any structure, the large structure building to
41 be placed in the front or closest to the highway as stated.

42

43 Villescas: Okay. Any other Commissioners have any other comments, questions?

44

45 Sanders: I just have one comment. I guess, I probably made it clear, but I think
46 negotiating these kind of placements of buildings and you know sort of

1 mitigating the neighborhoods concerns, I would feel much more
2 comfortable if Mr. Villalobos would've done that when he submitted or
3 when he determined he wanted to rezone this property. You know I
4 believe that him in coming to this Commission and stating that he had met
5 with the neighbors and even if they totally disagreed I would feel a lot
6 more comfortable knowing that those meetings had taken place even
7 though they're not required. And so I'm a little perplexed about this whole
8 zoning, but I just think those discussions would've much better taken place
9 earlier than sort of at the last minute.

10
11 Villescas: Okay. And then like is stated before to the same statement, the only time
12 that can happen now is if this board rejects the zone change and the
13 applicant appeals to the ETZA, then he would have the opportunity to
14 meet with the neighbors prior to meeting with the ETZA. That would be, I
15 mean prior, yeah it would've been nice but it's a moot point.

16
17 Sanders: Very good point.

18
19 Scanlon: Mr. Chairman.

20
21 Villescas: Who am I hearing from?

22
23 Scanlon: It's me.

24
25 Villescas: Oh, Mr. Scanlon. I'm sorry.

26
27 Scanlon: I just spoke with Mr. Villalobos and he has agreed to an idea that I had to
28 table this case for a month and give us a chance to meet with the
29 neighbors and then come back.

30
31 Villescas: I for one applaud that, but staff, you have tell me if that is, like last time it
32 was because ... we postponed it because it didn't meet the 15-day on the
33 posting. In this case could we postpone it at no charge or does he have to
34 pay the fee once again?

35
36 Acosta: He will have to pay the fee.

37
38 Meadows: Oh Mr. Chairman, no it would still be part of the application that's already
39 been paid for all of that. It wouldn't need an additional cost there, no.

40
41 Villescas: Okay, then ...

42
43 Meadows: But it would be, have to be ...

44

1 Villescas: In order to do so what would have to happen is someone from this
2 Commission would have to make a motion to table to a specific date, is
3 that not correct?
4

5 Meadows: Yes, that is correct Mr. Chairman and if you said it again like this one with
6 a date certain which would be the March 20th, excuse me, April, what's
7 the date. A second meeting in March which would be ...
8

9 Villescas: Didn't we post ... didn't we ... didn't we cancel the meeting for March?
10

11 Meadows: We haven't officially no. But it would be March 20th.
12

13 Villescas: Okay, I mean not that it matters to me I just thought we had cancelled it
14 from that ... I got a call from Jonathan on I think it was Friday and then I
15 think ... I believe he sent an e-mail to all the Commissioners saying ...
16 stating that it was cancelled.
17

18 Meadows: But it can be reinstated. We still have time you know ...
19

20 Villescas: That is true.
21

22 Meadows: To get package together, get all that stuff. And so it could still take place.
23

24 Villescas: Yeah, and this is quite an issue.
25

26 Meadows: And that one was specifically for a case that we were going to hear which
27 ... and then decided to postpone that one, but that's why it was cancelled.
28

29 Villescas: Okay.
30

31 Meadows: But it could be reinstated.
32

33 Villescas: Reinstated.
34

35 Meadows: But again we would have to have a motion.
36

37 Allin: Mr. Chair.
38

39 Villescas: Mr. Allin.
40

41 Meadows: No not February, it'd have to go to March 20th.
42

43 Allin: Why would it not be the first Thursday in the month? Why are we going to
44 the second?
45

46 Villescas: Well yeah, good question.

1
2 Meadows: The reason we cancelled the February meeting to March 6th was because
3 it was a case that's going to be off of Dripping Springs Road and we were
4 trying to isolate it, that one case on that one night. And then we moved
5 that ...
6
7 Villescas: Cause it's going to be ... yeah.
8
9 Meadows: So we're going to move that to March 6th. But that left open the March
10 20th meeting.
11
12 Villescas: Suggest a meeting prior to that. But we could technically add it to the
13 March ... so you're saying we have a choice as long as we put a definite
14 date, right. Could we put the definite date to April, as long as we put a
15 definite date?
16
17 Meadows: Yeah as long as you pick a definite date which I would hope that we would
18 talk with the applicant or you know we could see if the applicant's okay
19 with the April date versus the March date.
20
21 Villescas: Of course March 20th gives us ... I would assume give them plenty of time
22 to meet. That's six, seven weeks from now, you know.
23
24 Meadows: That gives them about ... correct. And that would be the regular meeting
25 of the ETZ Commission for the County zoning meetings.
26
27 Villescas: Mr. Allin does that answer your question?
28
29 Allin: No, I thought this was scheduled this week because it's a city meeting.
30
31 Meadows: Yes it is. Mr. Chairman and Vice Chair Allin, this one was scheduled for
32 February 6th so that it would not go into the February 19th meeting
33 because at one time we had thought that this Dripping Springs meeting
34 would be then and we were trying to keep them apart. And the city was
35 good enough to allow us to come in tonight at this meeting which we've
36 allowed them to come to our meetings and do the same thing.
37
38 Allin: Okay.
39
40 Meadows: As an expedience for the applicants. And that's the reason we had moved
41 that one to this ... the Villalobos to this one when we postponed it last
42 month.
43
44 Allin: Okay.
45

1 Meadows: But if you wanted to postpone it to the March 20th meeting or until the
2 April meeting I mean that can be done we just need the motion to re-date
3 certain, this time, and this place, on this date.
4
5 Villescas: Okay. I just again, just my opinion, I would rather postpone it to the
6 County meeting cause I think we've stepped on the city's toes enough
7 tonight.
8
9 Acosta: And that would be March 20th, correct.
10
11 Villescas: That would be March ... I heard you say the 19th and the 20th.
12
13 Meadows: The 20th. It would be March 20th. Thursday night.
14
15 Villescas: March 20th. Okay.
16
17 Acosta: Mr. Chair.
18
19 Villescas: Ms. Acosta.
20
21 Acosta: I'd like to make a motion to postpone case number Z13-001/Villalobos to
22 our ... March the 20th.
23
24 Hearn: Second.
25
26 Villescas: Do I have a second to ... we have a first and a second, do we have any
27 discussion?
28
29 Meadows: Mr. Chairman. I'm sorry. We need to know exact date, time, and place.
30 That's the only way we can legally set it to a date certain without having to
31 go through everything.
32
33 Villescas: I thought she did that.
34
35 Meadows: No she just said March 20th is all she said.
36
37 Villescas: Oh, okay.
38
39 Acosta: Public is closed.
40
41 Villescas: No, we closed off to public discussion. I'm sorry. Ms. Acosta would you
42 like to restate your motion?
43
44 Acosta: Yes, I'd like to make a motion to table Z13-007/Villalobos to the date of ...
45 to rehear the case on the date of March 20th, 2014 at 6:00 in the County
46 chambers.

1
2 Meadows: Perfect.
3
4 Villescas: And do you want to redo your second?
5
6 Hearn: I'll second that.
7
8 Villescas: Okay, do we have any discussion?
9
10 Hearn: Mr. Chairman.
11
12 Villescas: Yes sir Mr. Hearn.
13
14 Hearn: Not to trample all over Robert's Rules but I sure would like to hear what
15 the public folks have to say since we've really taken a major change in the
16 whole process here. Would it not be possible to hear from them?
17
18 Villescas: I'd have to defer to staff. I mean we can't force them to have a meeting
19 but it gives them the opportunity to meet.
20
21 Hearn: It just seems in the spirit of being open and giving everyone a chance to
22 participate it would be a reasonable thing to do.
23
24 Villescas: I'll tell you what, I don't want to extend this all night and reopen it to the
25 public and have you know a whole parade of people give us their feelings
26 on it. I could ask for a show of hands.
27
28 Acosta: My only concern is that ... Mr. Chairman my only concern is we will need
29 to know from the County based on Robert's Rules of Order and the legal
30 aspect of that because we are sworn to Robert's Rules of Order.
31
32 Meadows: Mr. Chairman, members of the Commission, it is as you stated a modified
33 Robert's Rules of Order and you have a motion on the table that was
34 made and seconded. It was closed off to public discussion and if ...
35
36 Villescas: We need to stay with it.
37
38 Meadows: It's at the chair's prerogative.
39
40 Villescas: Yeah, we'll stay with it. Any more discussion? If not, Ms. Acosta would
41 you please call roll.
42
43 Acosta: Commissioner Hearn.
44
45 Hearn: Yes.
46

1 Acosta: Commissioner Sanders.
2
3 Sanders: Yes.
4
5 Acosta: Commissioner Townsend.
6
7 Townsend: Yes.
8
9 Acosta: Commissioner Allin.
10
11 Allin: Yes.
12
13 Acosta: Commissioner Acosta votes aye. And Chairman Villescas.
14
15 Villescas: I vote aye. Now we have effectively tabled this motion before us, Z13-
16 007/Villalobos to the meeting of March 20th at 6:00 in the same chambers,
17 Dona Ana County chambers in the hopes that a meeting will take place
18 between the developer, the owner, and the residents of the area. Okay,
19 and I'd like to say thank you to the city for allowing us to do that and I also
20 apologize, I had no idea it was going to take that amount of time. That
21 takes care of old business.
22

23 V. NEW BUSINESS -

24
25 1. **Case ETZS-13-018W; D.B. Tracts, Replat No. 1 Road Improvement,**
26 **Length and Width Waiver Request.** Request for waiver from ETZ
27 Subdivision Ordinance road improvement standards for surface material,
28 road width and road length and from ETZ Zoning Ordinance requirements
29 for road width and length. The waiver is associated with a proposed two-
30 lot split of a 7.47-acre property located at 4095 Dona Ana Road, Parcel
31 No. 03-19950. Submitted by property owner Donald Billings.
32

33 Villescas: New business. City, Case ETZS-13-018W. And actually before we get in
34 that does anyone need a break or can we go straight in?
35

36 Hearn: I'm good.
37

38 Villescas: Okay let's go straight in. Please, city. Whenever you're ready please go
39 ahead.
40

41 Acosta: Name and address for the record please.
42

43 Montana: Susana Montana with the Community Development Department of the
44 City of Las Cruces, 700 N. Main Street, Las Cruces.
45

1 Acosta: Ma'am, do you swear and affirm the testimony you're about to give is the
2 truth and nothing but the truth under penalty of law?
3

4 Montana: Yes I do.
5

6 Acosta: Thank you ma'am.
7

8 Montana: Thank you Commission. You have before you a request for a waiver of
9 road improvements for a minor subdivision known as D.B. Tracts Replat
10 No. 1. Just give you an idea, it's on Dona Ana Road and access from,
11 excuse me, a private drive or a private easement from Dona Ana Road.
12 Here's a better image of it. Again, Dona Ana Road, smaller minor roads
13 here and the access easement. This access easement serves about four
14 parcels. The property here, if you can't see it I'm sorry, the property here
15 and the subject property are owned by the applicant Mr. Billings. It is
16 zoned ER7C. The condition related to some previous rezonings that
17 allowed apartments on Mr. Billing's closer property to Dona Ana Road and
18 then it was ... the rezoning actually affected both parcels which would
19 allow a total of 15 dwelling units on both parcels. There are 10 dwelling
20 units now on both parcels. The applicant has proposed a two-lot split
21 which would allow one-acre parcel to be developed by the applicant's
22 granddaughter and her husband so that they can build a home and live
23 next to Mr. Billings. The parent parcel is 7.47-acres, again, one-acre
24 would be granted or given to the granddaughter and her husband. Access
25 to the two lots is from the 50-foot wide private road easement which is not
26 now built to County standards. Slides I'll show you in a few minutes will
27 show you the condition of the road; if you haven't been able to make a site
28 visit. The replat would trigger all the road improvements including length,
29 width, turn-around for the terminus and surface materials. This is a little
30 slide showing the two lot splits. Here is the parent lot and the one-acre for
31 the granddaughter. This is Mr. Billings home here and there are pasture
32 lands. And part of the pasture land would be the one-acre lot.

33 Again an aerial view, the access easement private road is graveled
34 and about here on the next slide it'll show you the distance from Dona Ana
35 Road to this access easement here for both lots and the terminus here.
36 This slide shows that the point where the access road meets Dona Ana
37 Road is 28-feet wide, and then it narrows to about 20 and then it narrows
38 further to 11.5. At this point where it reaches the new lot, the two new
39 lots, it's about 930-feet distant from Dona Ana Road and then the terminus
40 is about 1,400-feet distant from Dona Ana Road.

41 This is the entranceway from Dona Ana Road. The access road is
42 graveled. This is the point where it's 20.5-feet. As you can see there's a
43 rock wall on this side but this is a wooden fence and that can be moved
44 further distant. Again Mr. Billings owns both lots that abut the access road
45 on the north side. This is the end of the road and then it becomes this, a
46 turnaround and a barn but it doesn't meet County standards with regard to

1 the terminus. And this slide shows again the access road but this is
2 vegetation, wooden fence that could be moved, wooden fence that could
3 be moved, vegetation here that could be moved, so cul-de-sac or
4 turnaround that does meet the County standards could be developed
5 here.

6 Now you have in your packet each of these sections of the Zoning
7 Code and the Subdivision Code and the County development standards or
8 design standards so I will not read them to you. I will paraphrase. The
9 applicant seeks to retain the gravel surface road. The County subdivision
10 standards state that gravel road is unacceptable. The applicant seeks to
11 retain the road width that varies from 11.5-feet to 28-feet. And the access
12 road itself, the easement is 50-feet, but the travel-way is much narrower
13 than that. According to the Zoning Code, subdivisions must be accessed
14 by a road that meets minor local road standards which is 50-feet with 25-
15 feet paved travel-way and the road to the lots cannot exceed, shall not
16 exceed 150-feet; in this case the road to the two new lots would be 930-
17 feet and again the road varies from 11.5 to 28-feet.

18 The Dona Ana County Development Design Standards require the
19 turnaround to be adequate for the fire apparatus. It is deficient and the
20 applicant seeks to retain the existing deficiency, and seeks to retain the
21 gravel road. Just again, a rural local road, standard is 50-feet wide right-
22 of-way which it does meet, but it doesn't meet the surface material, the
23 base material that is required by the design standards. So the applicant is
24 asking for these waivers. They cite financial hardship. The rationale by
25 the applicant is in your packet as well so I'll just paraphrase, they state
26 that road is adequate to serve the existing four lots and the two new lots.
27 And that the subdivision is not for profit, it's for a family member to live
28 close to her grandfather.

29 Staff met as the ETZ Development Review Committee, they met
30 with the applicant, the applicant's representative and city staff deferred to
31 the County engineer. The County engineer recommended denial based
32 on all the criteria that you saw in your staff report and I just showed on
33 slides. However, this Commission has the ability to waive, to approve
34 waivers if you believe that meeting the standards would result in
35 substantial hardship. The Code says the hardship should be to the
36 subdivider because of exceptional topographic, soil, or other surface or
37 subsurface conditions or that the conditions would result in inhibiting the
38 achievement and of the objectives of these regulations. And if that were
39 the case you could decide to vary, modify, or waive the requirements. The
40 applicant is asking for 100% waiver of the requirements.

41 Your options tonight Commission would be to vote yes to approve
42 the requested waivers either individually or combined; to approve the
43 waivers with conditions such as moving back the fences and that sort of
44 thing; or to vote to deny the requested waivers or to table or postpone this
45 action. That completes my presentation. I'm happy to answer any

1 questions you may have. The applicant's representative is here as well as
2 the applicant and his family members.
3
4 Villescas: Before we lose you, does anyone have questions at this point? How
5 many feet are we talking about? And it's ... right now it's private, correct?
6
7 Montana: I didn't hear the first part of that question.
8
9 Villescas: How much road are we talking about? Are we talking about all sides or
10 that one road?
11
12 Montana: This private easement is 1,400-feet long, 50-feet wide, but the travel way,
13 the graveled-way is about 25-feet wide.
14
15 Villescas: Okay. Anyone else have any questions for staff? If not, if the applicant
16 would like to come forward or his representative, or both. If you could
17 state your name and address please, Ms. Acosta will swear you in.
18
19 Gutierrez: My name is Anthony Gutierrez. I'm with Western Land Surveying. Our
20 address is 1705 ... 2705 West Hadley.
21
22 Acosta: Sir, can you raise your right hand for me please? Do you swear and affirm
23 the testimony you are about to give is the truth and nothing but the truth
24 under penalty of law?
25
26 Gutierrez: Yes ma'am.
27
28 Acosta: Thank you.
29
30 Gutierrez: Can I set up my computer here? I can just set it up on top if you like.
31
32 Montana: Oh, I see.
33
34 Villescas: Here come the boss.
35
36 Gutierrez: Okay. Before I begin I would like to submit to the Commission if I could.
37
38 Acosta: Mr. Gutierrez can you please speak into your microphone for the record.
39 Thank you so much.
40
41 Gutierrez: Sure. I'd like to submit this to the Commission, it's a letter. It's been
42 signed by all the neighborhood as well, so we can get that so before we
43 start.
44
45 Villescas: You have copies or just one. Oh you do, fantastic. Thank you.
46

1 Acosta: For the record Mr. Chair do you approve?
2
3 Villescas: Do I approve submission of the letter?
4
5 Acosta: Yes.
6
7 Villescas: Yes, ma'am.
8
9 Acosta: Thank you.
10
11 Villescas: And it's just entitled waiver request letter January 4th, 2014 to the City of
12 Las Cruces, RE: D.B. Tracts Replat No. 1. Case number ETZS-13-018,
13 yes as submitted.
14
15 Gutierrez: The applicant has gone and met with all of the neighbors and they
16 approve of the request. Now basically just to add to Ms. Montana's
17 presentation, we're going to ... some of the references to this road on
18 Google Maps are called Copa Lane, that's incorrect, we're aware of that.
19 That is incorrect, Copa Lane is actually to the south. This is a private
20 drive however we use these map images that comes up. This is a picture
21 of the proposed subdivision. Just to clear up any confusion on that, some
22 of what was presented made it sound like there were going to be two new
23 lots, but there is one new lot in addition to a lot that already exists, I'll call
24 the parent tract from this point forward. We had, in our meeting with the
25 EDRC, with DRC, we made the suggestion to meet with the fire marshall
26 because turnarounds are not in place right now however the applicant
27 does want to put the proper turnarounds in, in conformance with national
28 fire codes. So we met with the assistant fire marshall and based on his
29 recommendations we proceeded also to have the roadbed tested.
30 Terracon was hired and we had that roadway tested, so also will be part of
31 the presentation. We also contacted the Dona Ana Mutual Domestic
32 Water Association and got fire flow statistics on two hydrants that are in
33 the area; one that's within the proper radius of the proposed new lot which
34 will have a home on it, and one that's near the current electric office on
35 Dona Ana Road. The fire hydrant that's closest is not sufficient for
36 constant fire flow through the hydrant there but it's not sufficient.
37 However, the ... one of the suggestions from the fire marshall was that
38 they would like to improve the access to that fire hydrant. If we make
39 improvements that we're talking about and presenting here, that access
40 will be improved.
41 Here's some pictures looking at the road. I'd also like to add that
42 the measurements that the city took on site were the area that's actually
43 driven on. The actual distance from the wood fence that you can see and
44 the rock wall are more than that, that real narrow 20-foot, and we can
45 provide detail measurements if that's necessary. However, the applicant

1 is willing if a condition is stated to widen and move that wood fence so that
2 that entire roadway surface is in the correct location and is wide enough.

3 Here's a map that we made showing the alterations we would make
4 to provide the turnarounds and make this entire private drive in
5 conformance with national fire code. And this is in strict conformance with
6 the fire marshall. And on the note we show the date we met with him.
7 Eric Crispin was the one we consulted with, he's the assistant fire
8 marshall. And he really worked hard on this with us to negotiate an
9 effective solution. This would not only improve the fire access for our lot
10 but it would also improve the access for the apartments that are in the
11 adjoining lot. So we also provide a total length, proposed 26-foot base
12 course roadway surface, 1,006-foot total length from Dona Ana Road.
13 Now the fire marshall also said that right now they do use, they have used
14 this private drive to access the rear side of homes along that drive and
15 they have to back out right now. Those homes are not part of this
16 subdivision but will benefit from ... the fire marshall will benefit, the fire
17 department will benefit from having a turnaround right there and then
18 another one further west.

19 These are the pavement design recommendations based on
20 subsurface analysis provided by Terracon. Right now there's an average
21 of 10 inches of base course on site right now. If that's scarified and just
22 moistened and compacted it'll meet fire standards for vehicle weight. If it
23 is (inaudible) and the subgrade is prepped and then that material is
24 replaced to compaction and proper moisture it'll support double the
25 weight. So there is sufficient material on site. Our client's also willing to
26 bring the property material on if there's not enough, but there is good
27 material there. There are the right conditions in place for this to be
28 modified and to provide the appropriate density and weight requirements
29 that emergency vehicles require. We can provide copies of this report as
30 well.

31 Here's a copy of the same letter I gave you, just in case there was
32 any of the public here that wanted to see it. So in ... basically we are
33 requesting a waiver from approving the private drive with curb and gutter
34 and paved asphalt surface for City of Las Cruces design standards.
35 Subdivision for specific use by a direct family member. The new lot is a
36 gift to his granddaughter. Requesting a waiver for the maximum drive
37 length requirement of 150-feet. Kind of went over some of the benefits
38 already. But one of the ones that I wanted to note was density in the area
39 will remain lower than the current zoning of the parent tract. So if we put
40 this lot in, in order to re-subdivide it they're going to have to improve the
41 road at that time. You know they won't be able to continue doing this over
42 and over again. But they're putting a lot in that's larger than what they're
43 allowed to do. And there's kind of ... Jeff Billings here is another family
44 member, he's Donald's son. He lives just to the south of Mr. Billings, the
45 applicant. And they are following the same routine. Their family is using
46 the same area. And the ... one of the benefits to the surrounding

1 neighborhood is that pastureland stays the way it is, it stays open. And it's
2 very beautiful ... and if you had a chance to go out there.

3 Another thing that Mr. Billings has done is he was out of
4 conformance with the zoning code, he had horses on the tract and he ...
5 as part of this has come into compliance. I talked to Mr. Kessler about
6 that, there was a letter that had been on file and Mr. Billings went through
7 the effort and got those horses moved and hopefully ... I'd asked for some
8 ... for Mr. Kessler to be here to present that to you as well, I don't know if
9 that made it or not. But the move is to do it right. Yes we want a waiver
10 from the typical section, we want a waiver for the length, but we're not
11 asking to cut corners on emergency vehicular access, we'll actually
12 improve the entire area. It'll improve the access for emergency vehicles to
13 the adjacent neighbors to the south as well. If it stays as is which it will if
14 we don't get the waivers because he can't afford to put in that for one new
15 house, then no one will benefit. In fact according to the fire marshall it'll
16 just stay as is and it's not a good situation right now. Do you have any
17 questions?

18

19 Villescas: Just a couple of comments. One, I want to applaud you on meeting with
20 the neighbors prior to your presentation tonight. You just heard an hour
21 and 45 minutes of what can happen when you don't do that.

22

23 Gutierrez: Yeah.

24

25 Villescas: Number two, your waiver request letter that you were kind enough to give
26 us copies of, is actually in the packet, the only thing that is missing of
27 course are the signatures at the bottom. And, which brings up my
28 question. Is that, whose signatures are those?

29

30 Gutierrez: These are all the adjacent property owners.

31

32 Villescas: Okay. The neighborhood.

33

34 Gutierrez: Yes, the neighborhood.

35

36 Villescas: Okay. And so what you're really asking is ... you're going to provide ...
37 you met again very intelligently with the assistant fire marshall and you
38 two worked hard together to come up with those turnarounds. And the
39 appropriate width and you've made arrangements for improvements to the
40 road for the weight required.

41

42 Gutierrez: Yes.

43

44 Villescas: Is that my understanding?

45

46 Gutierrez: That's correct.

1
2 Villescas: So really what you are asking for a waiver on is the pavement, sidewalks,
3 lighting, that kind of thing.
4
5 Gutierrez: The typical section that's required right now.
6
7 Villescas: Right.
8
9 Gutierrez: Exactly.
10
11 Villescas: Okay. Just so I understand things. Anyone else have any comments or
12 questions? Please go ahead.
13
14 Acosta: Mr. Gutierrez can you just put it back to the map that you proposed with
15 the fire marshall? Thank you.
16
17 Villescas: That one.
18
19 Acosta: Go ahead.
20
21 Sanders: Yeah I just had one question, I think it's probably obvious, but does this
22 road ... it looks to me like it doesn't provide any access to those
23 apartments that are owned by Mr. Billings is that correct or?
24
25 Gutierrez: No, it doesn't provide direct access but it provides hose length access.
26
27 Sanders: So it mainly would just serve as the back property and it's not intended to
28 support those apartments at all.
29
30 Gutierrez: No.
31
32 Sanders: Okay. Thank you.
33
34 Gutierrez: I'd also like to add if I can, this would be an easement. Jeff Billings is also
35 submitting a replat to bring, I don't know if you saw on the previous map
36 that Ms. Montana had up, it showed there was a zone up in the northeast
37 corner that's commercial? We're cutting that lot out and it's part of the
38 replat for that. We'll include the easement that you see here along that
39 parcel. In lieu of that, we're going to create an easement and file it at the
40 County so that there actually is the appropriate designation there to go
41 along with that surface.
42
43 Villescas: While we've got this slide up too, you know one thinks of a turnaround as
44 a culvert looking thing. The turnarounds here are actually that, looks like, I
45 don't know, for better, lack of a better term, top of the T.
46

1 Gutierrez: Yeah.
2
3 Villegas: Three-point turn.
4
5 Gutierrez: Yeah it's kind of like a hammerhead design.
6
7 Villegas: There you go.
8
9 Gutierrez: Yeah. It's in accordance with the national fire code.
10
11 Villegas: Okay.
12
13 Gutierrez: Those types of turnarounds are designed in even when you don't see
14 them typically in parking lots, you'll see them striped out, but they don't ...
15 it's just to ensure that there is enough area there for a fire truck to turn
16 around.
17
18 Villegas: And just to reiterate, it does not provide access to the apartments,
19 however the fire department can throw a hose over if there's a fence
20 there, for hose access to the hydrants.
21
22 Gutierrez: Yes. But just to clarify, it's actually more useful be gained by the
23 subdivision to the south than the apartments.
24
25 Villegas: Okay.
26
27 Gutierrez: Because the apartments do have really good access off of Dona Ana
28 Road already.
29
30 Villegas: Okay.
31
32 Gutierrez: And so that wasn't ... the concern is actually ... you know when there's an
33 emergency they want the closest access.
34
35 Villegas: Sure.
36
37 Gutierrez: If there's a fire on the rear of the house and there's access, the fire
38 marshall will go back there.
39
40 Villegas: Yeah they're going to take it ... take it where they can get it.
41
42 Gutierrez: Exactly. So that's ...
43
44 Villegas: Yeah if there's a lake there they'll take from the lake.
45
46 Gutierrez: Exactly.

1
2 Villescas: Anyone else have any questions, comments? If not, thank you very much.
3 And does the applicant want to make any comments, questions? If not, I'd
4 like to open it up to the public. Would anyone from the public like to come
5 forward and make a statement, question, comment on this proposal? Ms.
6 Acosta.
7
8 Acosta: Sir can you state your name and address for the record please.
9
10 Billings: Jeff Billings, 716 Loomis Road.
11
12 Acosta: Sir, do you swear or affirm the testimony you're about to give is the truth
13 and nothing but the truth under penalty of law?
14
15 Billings: Yes ma'am.
16
17 Acosta: Thank you.
18
19 Billings: I just ... a little history. My grandparents farmed this since the late '50s
20 and they moved there in 1962 and built their home. And we've all lived
21 there. And it's a subdivision but it's not for profit, it's just a family deal and
22 that's all I really wanted to say.
23
24 Villescas: Thank you. Anyone else from the public care to come forward? If not
25 we'll close it off to the public and open it up to the Commission. Any
26 comments, questions, discussion by the Commission?
27
28 Hearn: Mr. Chairman.
29
30 Villescas: Mr. Hearn.
31
32 Hearn: Question for Ms. Montana I guess. If the applicant, I'm not suggesting a
33 change just a curiosity, if the applicant had requested to simply build a
34 second house on that large parcel would that have been doable?
35
36 Montana: Yes.
37
38 Hearn: Without subdividing?
39
40 Montana: Mr. Chair, Commissioner, that is correct. The current zoning allows up to
41 15 units on both parcels, both abutting parcels and by the applicant, so
42 yes he could build a second house on this parent parcel.
43
44 Hearn: Right and if he had elected to do that would that have triggered the
45 concerns about the road?
46

1 Villescas: I don't think so.
2
3 Montana: No, I don't believe so.
4
5 Hearn: Okay. Thank you very much.
6
7 Montana: It would've been a building permit.
8
9 Hearn: So there in effect could've been the same thing done without any worry at
10 all about changing the road?
11
12 Montana: Without the subdivision, yes there could've been just another dwelling unit.
13
14 Hearn: Okay. Thank you very much.
15
16 Villescas: Which brings up the question, and you may not know, but why did they
17 choose to go this route as opposed to just building a second house?
18 Would the applicant please come back forward, or the applicant's
19 representative? I'm sorry.
20
21 Gutierrez: Other than ...
22
23 Villescas: Did you understand the question?
24
25 Gutierrez: Yes.
26
27 Villescas: Okay.
28
29 Gutierrez: Other than things like mortgage and involving all of the properties.
30
31 Villescas: Oh yeah.
32
33 Gutierrez: You know all of the improvements to that tract which include Mr. Billings
34 home, warehouse that at the north, but also drive length is still an issue,
35 so that still becomes an issue when you go to planning and zoning for
36 your application.
37
38 Villescas: Okay. It just seemed like an easier way to go.
39
40 Gutierrez: This allows their family to act as a separate unit when they go to the bank
41 or want a home loan or ...
42
43 Villescas: Yeah, if you get a mortgage and such.
44
45 Gutierrez: Exactly.
46

1 Villescas: Sure. Thank you.
2
3 Acosta: Very true.
4
5 Villescas: Any other discussion among the Commission?
6
7 Acosta: Mr. Chairman.
8
9 Villescas: Ms. Acosta.
10
11 Acosta: I personally like what Mr. Gutierrez has proposed. Obviously he's done
12 his homework and met with the neighbors and met with the fire ...
13 assistant fire chief if that's correct. I personally don't know how to put that
14 in a motion to ... I mean I would consider putting in a motion based on
15 what he proposed. That's kind of my thoughts at this point. I want to
16 share that too with the Commission.
17
18 Montana: Mr. Chair.
19
20 Villescas: I understand what you're saying because his road improvements
21 (inaudible) what they are to meet the fire safety and yet get a waiver to
22 road improvements.
23
24 Acosta: I mean I agree.
25
26 Villescas: How do you put that into a motion?
27
28 Acosta: I mean he's going to ...
29
30 Montana: Mr. Chair if I may suggest.
31
32 Villescas: Yes ma'am.
33
34 Montana: Perhaps what you could do is to recommend approval of the four waivers
35 with the conditions as stipulated by Mr. Gutierrez that those improvements
36 as stipulated by Mr. Gutierrez would be made.
37
38 Villescas: Okay. For the record though do we not have to actually state what those
39 are?
40
41 Montana: The record will ... the verbatim record will state what those improvements
42 that he's committed to are and we would be able to write a notice of
43 decision based on that.
44
45 Villescas: Okay.
46

1 Acosta: Is there any way we can get those recommendations or that map back on
2 the screen please?
3
4 Hearn: You're not going to be able to disconnect your computer by the way.
5
6 Gutierrez: Okay.
7
8 Hearn: We own it now.
9
10 Gutierrez: Oh yeah, sure. Basically, one that we would file an easement for the
11 roadway surface.
12
13 Denise: They need the maps from their PowerPoint.
14
15 Gutierrez: Did you want this map?
16
17 Acosta: No this map here.
18
19 Villescas: Yes this is what we wanted.
20
21 Acosta: It had just blanked off and I couldn't see anything so.
22
23 Villescas: Actually, excuse me before you start. Ms. Acosta what would you think of
24 this, if you make the motion and then as, with your cooperation Mr.
25 Gutierrez, make a sentence for Janet, then you could reiterate into your
26 motion. You know what I mean?
27
28 Acosta: No.
29
30 Villescas: In other words ...
31
32 Acosta: Sorry.
33
34 Villescas: He says we are going to x y z, and then under ... you would make your
35 motion, I approve whatever ... I move to approve Case number ETZS-13-
36 018W with the following conditions and then Mr. Gutierrez says we intend
37 to blah, blah, blah and then you would say under the conditions that one
38 exactly what Mr. Gutierrez said.
39
40 Acosta: Okay, I'm willing to do that if you ...
41
42 Garrett: I can summarize suggestions. You want me to just summarize
43 suggestions really quick and that'll work, right?
44
45 Acosta: Yeah if you're okay with that Mr. Gutierrez. And the body of this
46 Commission, are we okay with that?

1
2 Villescas: Commission is that all right? Anybody have any objection to that?
3
4 Acosta: No objections. Okay.
5
6 Villescas: Does the staff have an objection to that? Then why don't we start off with
7 you Ms. Acosta.
8
9 Acosta: Mr. Chairman I'd like to make a motion to approve Case number ETZS-
10 13-018W.
11
12 Villescas: Under the ... oh, I'm sorry.
13
14 Acosta: Under the following conditions.
15
16 Gutierrez: That the applicant brings the roadway surface in accordance with the fire
17 marshal's suggestions. That the applicant file an easement across tract
18 two of the D.B. Tracts and incorporates the extension of the said
19 easement into the replat that we are proposing. The surface of the road
20 will be brought to accordance with the fire marshal's suggestions and the
21 report furnished by Terracon.
22
23 Acosta: And also to include the proposed document of titled D.B. Tracts Replat
24 No. 1, proposed roadway improvements for emergency vehicle access.
25
26 Gutierrez: Yes.
27
28 Villescas: Is that it?
29
30 Gutierrez: I believe that's it. Did I miss anything?
31
32 Villescas: What about the easement?
33
34 Gutierrez: Yeah we got that.
35
36 Acosta: We talked about that.
37
38 Hearn: Second.
39
40 Villescas: We have a first and a ... we have a motion and we have a second.
41
42 Sanders: Bob did.
43
44 Villescas: Who did it, Mr. Hearn?
45
46 Hearn: Yes.

1
2 Villescas: Do we have any further discussion? If there's no further discussion, Ms.
3 Acosta I ask you to call for the roll please.
4
5 Acosta: Commissioner Townsend.
6
7 Townsend: Aye.
8
9 Acosta: Commissioner Sanders.
10
11 Sanders: Aye.
12
13 Acosta: Commissioner Hearn.
14
15 Hearn: Aye.
16
17 Acosta: Commissioner Allin.
18
19 Allin: Aye.
20
21 Acosta: Commissioner Acosta votes aye. And Chairman Villescas.
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23 Villescas: I vote aye. So we have approval as amended for Case number ETZS-13-
24 018W. And just for the record Mr. Gutierrez I'd like to commend you on
25 your presentation. It's obviously not the first time you've ridden that pony.
26
27 Gutierrez: Thank you.
28
29 Villescas: Next item on the agenda.
30
31 Acosta: Thank you Mr. Gutierrez.
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33 Gutierrez: Thank you.
34
35 **VI. STAFF INPUT**
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37 **1. Monthly Subdivision Report**
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39 Villescas: Next item is item number six, staff input. Staff you're ... oh the monthly
40 subdivision report.
41
42 Montana: Mr. Chair, Commission I apologize Katherine Harrison-Rogers was not
43 able to attend tonight. She had that report. She had an ill child. So we
44 would have to continue this until our next meeting.
45
46 Villescas: That is fine. Do you have any other input?

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Montana: I do not.

Villescas: Okay. Item seven, so as to item five the monthly subdivision report we will get that one, in fact we'll get two in one at the next city meeting.

VII. COMMISSION INPUT

Villescas: Item number seven, Commission input. Do we have any Commission input?

VIII. PUBLIC INPUT

Villescas: Item number eight, public input. Do we have any input from the public? Boy most of them left with the first one.

IX. ADJOURNMENT (8:27 P.M.)

Villescas: And number nine, do I have a motion for adjournment?

Hearn: I so move.

Acosta: Second it.

Villescas: All in favor.

ALL: AYE.

Villescas: All opposed. This meeting is adjourned. Thank you.

Chairperson