

**EXTRA-TERRITORIAL ZONING COMMISSION
REGULAR MEETING
April 19, 2012**

THESE ARE NOT VERBATIM MINUTES, THESE ARE SUMMARY MINUTES

MEMBERS PRESENT:

Kenneth Allin, Vice-Chairman
Cliff Terry, Member
John Townsend, Member
Bob Hearn, Member
Stephen Pacheco, Member
Janet Acosta, Secretary
John Villescascas, Chairman

OTHERS PRESENT:

Janine Divyak, Chief Planner
Steve Meadows, Planner
Isabel De La Rosa, Recording Secretary

1. CALL TO ORDER:

Chairman Villescascas called the Regular Meeting of the Extra-Territorial Zoning Commission to order at 6:04 p.m., Thursday, April 19, 2012 in the Commission Chambers in the Doña Ana County Government Center, 845 N. Motel Boulevard, Las Cruces, N.M.

2. ROLL CALL:

Commissioner Allin	Here
Commissioner Terry	Here
Commissioner Townsend	Here
Commissioner Hearn	Here
Commissioner Pacheco	Here
Commissioner Acosta	Present
Chairman Villescascas	Here

3. ANNOUNCEMENTS:

Commissioner Townsend disclosed that he knew one of the opposing parties in the Bogart case. **Chairman Villescascas** stated it was okay and there was no conflict.

4. APPROVAL OF MINUTES: Regular Meeting of March 22, 2012.

Commissioner Terry moved to approve the minutes.
Commissioner Townsend seconded the motion.

Roll Call

Commissioner Allin	Yes
Commissioner Terry	Yes
Commissioner Townsend	Yes
Commissioner Hearn	Yes
Commissioner Pacheco	Yes
Commissioner Acosta	Yes
Chairman Villescascas	Yes

By a vote of 7-0-0, the minutes were **APPROVED**.

5. CHANGES TO THE AGENDA: Stands as written.

**NEW BUSINESS
REVIEW / DISCUSSION / ACTION**

6. CASE #SU12-002: Montoya

- **Property Owner/Applicant:** Veronica Montoya
- **Request:** A Special Use Permit to place a 1,216 sq. ft. mobile home as an accessory dwelling, on a 0.27-acre parcel located within the EV (Village District) Zoning District.
- **Location:** 109 De La O Dr., Doña Ana
- **Lot Size:** 0.27-acre
- **Legal Information:** Recorded in the office of the Doña Ana County Clerk on Sept. 23, 1964 in Book 9, Pages 42. Map Code #4-005-129-047-262.
- **Recommendation:** Approval
- **Case Manager:** Steve Meadow

Steve Meadows, DAC Planner, sworn in. He presented the case and based on Staff analysis and proposed findings, Staff recommended **CONDITIONAL APPROVAL**.

Veronica Montoya, Applicant, sworn in. She stated that her daughter suffers from rheumatoid arthritis and fibromyalgia and she takes care of her and her grandson main mobile home. She would like to live closer to her daughter to help her out with the grandson.

Commissioner Allin moved to approve case #SU12-002 with recommended conditions:

- 1) The SUP shall be permitted for five years, and expire on May 21, 2017 when a new application for a new SUP shall be submitted.
- 2) Storage shed must be removed.

Commissioner Terry seconded the motion.

Roll Call

Commissioner Allin	Yes
Commissioner Terry	Yes
Commissioner Townsend	Yes
Commissioner Hearn	Yes
Commissioner Pacheco	Yes
Commissioner Acosta	Yes
Chairman Villescas	Yes

By a vote of 7-0-0 the motion was **APPROVED** and SUP granted.

7. CASE #Z12-001: Bogart Development, LLD

- **Property Owner/Applicant:** Bogart Development, LLC
- **Request:** A Zone Change from ER2 (Residential, 2.0-acre minimum new lot size, single family site built homes) to ER3 (Residential, 1.0-acre minimum new lot size, single family site built homes) for an ETZ Subdivision.
- **Location:** 2901 N. Valley Dr.
- **Lot Size:** 36.8-acres
- **Legal information:** Recorded in the office of the Doña Ana County Clerk on Sept. 21, 2004 in Book 552, Pages 584-585. Map Code #4-005-133-365-198.
- **Recommendation:** Denial
- **Case Manager:** Steve Meadows

Steve Meadows, DAC Planner, presented case and based on Staff analysis and proposed findings, Staff recommended **DENIAL**.

Larry Underwood, Agent Underwood Engineering, sworn in. He stated that the plan was to create a buffer for dissimilar uses and create a transition zone between the ER2 area and the ER4 zoning areas; and would create a homogenous area.

Vodene Schultz, sworn in. In opposition due to only having to accesses that lead dead ends; not sure that a 12 inch line would be sufficient for all homes; infrastructure comes first before it is zoned; and concerned with existing wells.

David Dollahon, 4330 Bogart Lane, sworn in. In opposition due to property for sale; issue is density; no proof of a zoning mistake; nothing has changed in area - no justification; and pure speculation.

Ronald Miller, 925 Swartz Road, sworn in. In opposition due to not helping the property values in the area; stated that there are multiple parcels that are greater than ½ acre lots; stated that he paid to install a 2 inch water line; and father paid at his own cost for a water line.

William Kelly, 935 Swartz Road, sworn in. In opposition due to property is for sale; area rural and would like it to remain the same way; about 4 subdivisions sitting idle; prefer seeing weeds than vacant lots; and process is backwards.

Billy Armijo, 2854 Swartz Road, sworn in. In opposition due to having to pay for 2" water line; no gas line, dead end road; poorly maintained road; Swartz Road cannot stand bigger traffic; Engler would dead end unto Valley; poor soil – owner cannot farm land.

Miles Krenzel, 3542 Travis Lane, sworn in. For change due to not large impact; only adding 16 more homes; an improvement for the area; and mandate promote sustainable growth.

Oscar Vasquez-Butler, 6480 Grapevine Yard Road, sworn in. In opposition on behalf of Arispe Trust - due to congestion and traffic; the three criteria of the comprehensive plan was not met per his opinion; and Miller criteria' threshold was not met to allow the zoning to go forward.

David Krenzel, 2902 N. Valley Dr., sworn in. For change due to maintenance standpoint; 2 to 1 acre common sense because it is easier to maintain; people who buy 2 acres cannot take care of it because it is a lot of work; economic benefit to 1 acre being and would be a vast improvement for the community

Pat Arrington, Realtor, 30 Horseshoe Circle, sworn in. For change due to larger lots have animals that can cause pollution; developer would work on roads and will be beneficial to the public; area needs face lift and this could raise home values.

Christian Dollahon, 4330 Bogart Lane, sworn in. In opposition due threatening to quality of life – feel of the valley, farm land; esthetics important and like the valley to have differences – size lots types of homes, and having animals.

Commissioner Hearn stated that after lots of consideration and zoning being a way to guide the implementation for planning long-term; that the R2 zoning was consistent with planning of the area – the planning was good without regard to water, sewer; it just how the area looks in the future and saw no reason to change what has been done; the Miller criteria was not satisfied, but even it were, a zone change does not need to be approved. He further stated that Mr. Underwood's transition idea was interesting, but he did not find it compelling or effective. He stated that it did not matter who might build there; does not matter when or why because it is all in the future; it deals with what is right and how the zoning happened; not about farm land preservation as it is already zoned for development; density is the issue; few 2 acre lots; and finding himself very solidly on the side of keeping things the way they are.

Chairman Villescas reminded Commissioners that issue is zone change.

Commissioner Allin agreed with Commissioner Hearn in that it did not meet the Miller's criteria.

Commissioner Terry stated that he goes along with Commissioner Hearn's thoughts as he too has failed to see a demonstration for the need of change in the decisions that were prior made in the comprehensive plan especially because many of the goals and policies and objectives identified have not been met as well.

Commissioner Acosta moved to approve case #Z12-001/Bogart Development, LLC based on proposed findings and Staff's recommendations.

Commissioner Allin seconded the motion.

Roll Call

Commissioner Allin	No
Commissioner Terry	No
Commissioner Townsend	No
Commissioner Pacheco	Yes
Commissioner Hearn	No
Commissioner Acosta	No based on Staff's recommendation and findings.
Chairman Villescas	No

By a vote of 1-6-0 the motion was DENIED.

8. ADMINISTRATIVE APPROVALS:

Janine Divyak stated 5 new family residential dwelling units; 13 additions to residential structures and 1 commercial building; and 30 mobile home permits were issued in the month of March.

9. PUBLIC INPUT: None.

10. STAFF INPUT:

Janine Divyak reminded that there would be a work session on May 3, 2012 to review the proposed amendment to the ETZ ordinance and cell tower proposal.

11. COMMISSION INPUT: None.

12. ADJOURNMENT:

Commissioner Allin moved to adjourn the meeting.

Commissioner Terry seconded the motion.

All Ayes.

Chairman Villescas adjourned the meeting at 9:10 p.m.

Officer: Extra-Territorial Zoning Commission

Submitted by: Isabel De La Rosa, Recording Secretary