

MINUTES OF THE EXTRA-TERRITORIAL ZONING COMMISSION (ETZ) MEETING

October 16, 2014

6:00 p.m.

(Note: These are not verbatim minutes; they are summary notes unless marked otherwise.)

MEMBERS PRESENT:

Kenneth Allin, Vice-Chair
Janet Acosta, Secretary
Tim Sanders, Commissioner
Robert Hearn, Commissioner
John Villescas, Chair

OTHERS PRESENT:

Janine Divyak, Chief Planner, Community Development
Steve Meadows, Planner, Community Development

MEMBERS ABSENT:

John Townsend
Douglas Hoffman

1. CALL TO ORDER

Chair Villescas called the Regular Meeting of the Extra-Territorial Zoning Commission to order at 6:10 p.m. Thursday, October 16, 2014 in the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM.

2. ROLL CALL

Kenneth Allin, Vice-Chair	Here
Douglas Hoffman, Commissioner	Absent
John Townsend, Commissioner	Absent
Janet Acosta, Secretary	Here
Tim Sanders, Commissioner	Here
Robert Hearn, Commissioner	Here
John Villescas, Chair	Here

3. ANNOUNCEMENTS

None.

4. APPROVAL OF MINUTES: September 18, 2014 Meeting Minutes

Commissioner Allin made a motion to approve the minutes with **Commissioner Hearn** seconding the motion.

Commissioner Allin	Aye
Commissioner Acosta	Aye
Commissioner Sanders	Aye
Commissioner Hearn	Aye

Chair Villescascas

Aye

The vote was 5-0-0 to **APPROVE** the minutes.

5. CHANGES TO THE AGENDA

None.

**OLD BUSINESS
REVIEW / DISCUSSION / ACTION**

6. CASE #SU14-007 – Cedar Hills Tabernacle, Inc., 5550 Stern Dr., Las Cruces

The applicant, Cedar Hills Tabernacle, Inc., is requesting a Special Use Permit to permit and construct a 5,000 sq. ft. church recreation/activity center on their property. The 1.05-acre parcel, zoned EC1, is located at 5550 Stern Drive in Las Cruces. The property was recorded in the Doña Ana County Clerk's Office on August 16, 1995, in Book 18, Page 313. The subject property can be further identified by Map Code #4-010-139-196-201.

Steve Meadows, Planner, was sworn in and presented the case.

Commission Comments:

- a) Would the access to the property be from Lassiter?
- b) Would a bridge over the easement be considered construction?
- c) Would the construction of a water tower allow the applicant to meet fire code?
- d) If the applicant accessed the lot from 16B would they need to build a bridge over the drainage easement?

Steve Meadows' Responses:

- a) There would be no direct access from Lassiter to the property.
- b) Yes, a bridge would be considered construction but the Flood Commission would have to weigh in on what sort of design could be used, if any.
- c) Yes, the proposed tank would be appropriately sized to meet fire code for fire flow.
- d) Yes, the applicant would need to build a bridge over the drainage easement if access was from 16B.

Benjamin Guerra and Pastor Caleb Perez, representatives of Cedar Hills Tabernacle, Inc., were sworn in and gave a brief presentation on the request for a Special Use Permit.

Commission Comments:

- a) What is the plan for dealing with access? Are you planning a bridge?
- b) Would it be acceptable to you if we pass the request in the form recommended by staff?

Applicant's Responses:

- a) We are trying to get approval from DOT to directly access the property from Stern Drive.

Erin Ford, engineer for the church, was sworn in and answered questions on the project.

Erin Ford's Responses:

- b) The last thing we want to do is to affect drainage patterns or flows. When we submit for permit to construct, we will also submit an application for driveway permit to NMDOT for direct access from Stern.

Commission Comments:

- a) Does the church now have access from Stern Drive?
- b) Do you have to provide ponding for water that runs off the lot? Is that taken care of by the drainage easement?
- c) Would the area for overflow parking be about halfway from the proposed entrance?

Mr. Ford's Responses:

- a) Yes, the church's access is about 300 feet to the south.
- b) No, we will provide on-lot ponding.
- c) We are proposing to use the area near the corner of the storage facility. The second access would be approximately in this area.

Harry Miller, 5523 Lassiter Road, was sworn in and spoke about his concerns of water drainage from the church property onto his property and the distance between his well and the proposed septic system.

Commission Comments:

- a) I would add to staff's recommendation that the DOT has the final say on access and that the Fire Marshal's requirements must be met. Also, based on the comments from the gentleman from the public, I would also add a condition that the applicant ensure that the drainage easement remain open and unblocked so that water can flow freely through there.
- b) I would encourage the nearby residents to get together and talk about the drainage easement with the church and NMED regarding their septic system.

Steve Meadows' Responses:

- b) The ordinance requires a septic system to be at least 100 feet from any water well.

Commissioner Sanders made a motion to approve the Special Use Permit with the conditions that access to the parcel shall be from Lot 16B to the south unless direct access from Stern is approved by NMDOT. **Commissioner Acosta** seconded the motion.

Commissioner Allin	Aye
Commissioner Acosta	Aye
Commissioner Sanders	Aye
Commissioner Hearn	Aye
Chair Villescas	Aye

The motion was **APPROVED** by a vote of 5-0-0.

7. ADMINISTRATIVE APPROVALS

Steve Meadows, Planner, reported on administrative approvals for the month of September.

8. PUBLIC INPUT

None.

9. STAFF INPUT

Janine Divyak reported that four positions on the ETZ Commission (for Commissioners Allin, Hearn, Sanders, and Hoffman) would be expiring October 22. The BOCC will make the appointments on October 28. Everyone has indicated that they are willing to serve again. Mr. Allin's position is appointed by the ETZ members. We will have a vote at the next meeting to reappoint Mr. Allin's position. We have received one phone call so I am expecting one application.

10. COMMISSION INPUT

None.

11. ADJOURNMENT

Commissioner Acosta made a motion for adjournment, with **Commissioner Sanders** seconding the motion. A vote of all "ayes" was heard from the Commissioners. The meeting was adjourned at 7:14 p.m.

Officer: Extra-Territorial Zoning Commission