

**MINUTES OF THE DOÑA ANA COUNTY
PLANNING AND ZONING COMMISSION
REGULAR MEETING OF
January 24, 2019**

CALL TO ORDER

09:02:11

Chair Acosta called the Regular Meeting of the Planning and Zoning Commission to order at 9:02 a.m., Thursday, January 24, 2019 in the County Commissioners Chambers, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico.

1. ROLL CALL

Time: 09:02:36

Mel Acosta –Chair – Present
Robert Czerniak-Vice Chair - Present
Tom Phillips – Secretary - Present
Ken Thurston – Commissioner - Absent
Bruce Jackson – Commissioner - Present
Bill Shattuck – Commissioner - Absent
John Townsend –Commissioner – Present

2. APPROVAL OR CHANGES TO THE AGENDA

Time: 09:03:24

Time: 09:03:34

Tom Phillips: I make a motion to accept the agenda as written.

Motion: Tom Phillips
Second: John Townsend

The motion passed by a vote of “ayes” from all Commissioners present.

3. APPROVAL OF MINUTES:

09:03:57

None.

4. Old Business:

09:04:04

None.

5. New Business:

09:04:06

- a. **Case # Z18-002:** Submitted by Henry Magallanez, agent, for Chin Jae Man, owner, a Zone Change request on a 11.42-acre parcel from a D2-L (Medium Density Residential – Limited) Zoning to C3 (Regional Commercial) Zoning on 6.818 acres and I2 (Medium Industrial) Zoning on 4.625 acres. The subject property is described as Lot 2 of the Enchanted Mesa Subdivision No. 2, one-quarter mile east of Weisner Road on Bataan Memorial West and recorded in the Office of the Doña Ana County Clerk on August 11, 2003, Book 22 page 631 and can be further identified by Parcel ID #R0329237.

Luis Marmolejo presented the PowerPoint case to the Commission.

Time: 10:09:29

Robert Czerniak: I am going to make a motion that based on public input and findings of facts from staff that we deny the zone change request for I2 and C3 for Case #Z18-002.

Motion: Robert Czerniak
Second: Tom Phillips

Tom Phillips: I have been thinking through my concerns for potential approval for the zone change. I certainly look at Section 350-203 Zone Change requirements; it does not seem too offer me a lot of flexibility as there are primarily four requirements and I do not, in my mind, find that two have been met. One is that the justification for the zone change addressing the additional decisional criteria contained in this section and I do not find that it has as we have talked. However, it also says that a conceptual site plan showing an arrangement of proposed uses and since we have nothing proposed it is hard for me to envision a need for the zone change. I am certainly leaning towards with agreeing with the motion and voting for it, which is to deny it. Those two items are key to our decision as laid out in the UDC.

John Townsend: If we were to pass that motion that would just be for the C3 and Industrial, is that correct?

Robert Czerniak: Yes, I mean it is the request of the property owner and I am just going back to the original request.

John Townsend: Okay, what we could do a later date or with another request is to make that a C2?

Robert Czerniak: At a later date, possibly, yes.

John Townsend: You are not blocking that out?

Robert Czerniak: No, I am just addressing the request.

Tom Phillips: Based on what Commissioner Townsend had mentioned I wanted to voice my concerns because if it comes back I would hope that these two items would be addressed.

	Yes	No	Abstain
Commissioner John Townsend	x		
Commissioner Bruce Jackson	x		
Commissioner Tom Phillips	x		
Vice-chair Robert Czerniak	x		
Chair Mel Acosta	x		

The motion passed by a vote of 5-0 from all Commissioners present and Zone Change is denied.

- b. **Case #Z18-008:** A County-initiated Zone Change for Tawfig Hindash, agent for the North American Islamic Trust, owner on 1.25 acres from D1 (Low Density Residential) Zoning to I1 (Light Industrial) Zoning to expand an existing cemetery. The property is located at the intersection of N. Jornada Road and Salina Road within Section 22, Township 21 South, Range 2 East, as recorded in the Office of the Doña Ana County Clerk on June 6, 1982, Book 274 page 250 and can be further identified by Parcel ID # R0313131.

Luis Marmolejo presented the PowerPoint case to the Commission.

Time: 10:22:43

Tom Phillips: The motion is based on the request meeting applicable sections of Doña Ana County Code Chapter 350 of the UDC and the findings listed, staff recommendations, and staff presentation. I recommend approval of Case # Z18-008.

Motion: Tom Phillips
Second: John Townsend

	Yes	No	
Commissioner Bruce Jackson	x		
Commissioner John Townsend	x		
Commissioner Tom Phillips	x		
Vice Chair Robert Czerniak	x		
Chair Mel Acosta	x		

The motion passed by a vote of 5-0 “ayes” from all Commissioners present.

- c. **Case # Z18-009:** Submitted by John Bruker, a Zone Change for 0.9 acres on a 2.42-acre parcel that currently has a T2 (Rural) and T4 (General Neighborhood) zoning classification. The request is to extend the T4 zone to the entire parcel to provide a new parking area for the proposed craft brewery. The subject property is located south of E. Provencio Road on Highway 28 in Chamberino, NM within Section 18, Township 26 South, Range 3 East and was recorded in the Office of the Doña Ana County Clerk on June 18, 2018 with Instrument #1814484 and can be further identified by Parcel # ID R1902510.

Albert Casillas presented the PowerPoint case to the Commission.

Time: 11:26:41

John Townsend: I move that, based on the findings of facts, that we approve the request as submitted by the applicant.

Robert Czerniak: We got a request from staff to put a one-year limit on the paving. I am going to try an add a friendly amendment to your motion. Assuming that he cannot get the original variance moved, I am recommending that this motion state that he have a two-year limit on the paving and that he be required to do the street screening as required by staff.

John Townsend: I have no objection to the amendment but the reason I stated my motion was that is what he asked us to do was to change the vote, he did not ask us to do anything about the parking.

Robert Czerniak: Yes, he did.

John Townsend: In the original request?

Robert Czerniak: That was the staff recommendation from the sheet. When he testified, I heard him say that staff wanted a one-year limit on the paving.

John Townsend: That is my understanding also, but the original request that came in on the sheet that we have there says that they have asked us to change the zoning that was all we were asked to do. If they wanted to do that, I have no objections to that.

Robert Czerniak: No, they had conditions, there were two conditions. One was the time limit on the paving and number two was the street screening. I am agreeing with the screening request from staff and I am suggesting a two-year time limit on the paving because Mr. Bruker asked for an extension on that.

John Bruker: Yes, although are you saying that your amendment is to not consider the two conditions.

John Townsend: No, we will have to find out from legal if we can move that variance, he does already have a variance on that. If we can move it.

Janine Divyak: That is what we are going to check with legal to see if we can move it.

John Townsend: That is was the reason why I did not put it in there; I have no objection to it. As long as we are following proper protocol.

Robert Czerniak: If they move it then the parking issue goes away.

John Townsend: I have no problem with that, I will accept the amendment.

Mel Acosta: Let us clarify this a little bit. Your motion stands, right?

John Townsend: Yes, as the original request to change that zoning so he can do that.

Mel Acosta: According to staff recommendations, right?

John Townsend: Yes.

Mel Acosta: okay. The friendly amendment we have, is?

Robert Czerniak: Is to extend the time limit for paving for two-years and to meet the condition of screening that staff requests.

John Townsend: One question, does that mean he has to pave it?

Robert Czerniak: No, the code requires it. If they allow them to move the variance than that will go away.

Tom Phillips: To further clarify, if at some point he later decides that he would really like to get a variance he could come back through the process to get a variance on the paving component.

Motion: John Townsend

Second: Tom Phillips

	Yes	No	
Commissioner Tom Phillips	x		
Commissioner Bruce Jackson	x		
Commissioner John Townsend	x		
Vice Chair Robert Czerniak	x		
Chair Mel Acosta	x		

The motion passed by a vote of 5-0 “ayes” from all Commissioners present.

6. Committee Reports

11:32:36

None.

7. Administrative Approvals

11:32:39

None.

8. Staff Input

11:32:42

None.

9. Commission Input

11:32:58

Tom Phillips: What does the schedule look like for the next meeting?

Albert Casillas: No cases for the first meeting in February. Maybe one or two towards the second meeting.

10. ADJOURNMENT

11:33:30

Officer: Planning and Zoning Commission

The minutes contained herein are not verbatim. They summarize the actions and decisions of the Planning and Zoning Commission. For full verbatim minutes, please reference the recording on the County website located at: <https://donaanacounty.org/pz/video>.