

**MINUTES OF THE DOÑA ANA COUNTY
PLANNING AND ZONING COMMISSION**

August 09, 2018

CALL TO ORDER

09:00:50

Vice-chair Czerniak called the Regular Meeting of the Planning and Zoning Commission to order at 9:04 a.m., Thursday, August 09, 2018 in the County Commissioners Chambers, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico.

1. ROLL CALL

09:00:57

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

2. APPROVAL OR CHANGES TO THE AGENDA

Time: 09:01:32

Bill Shattuck: I make a motion to approve the agenda as presented.

Motion: Bill Shattuck
Second: John Townsend

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

3. APPROVAL OF MINUTES:

09:01:48

Time: 09:02:02

Bill Shattuck: I make a motion to approve the minutes of the regular meeting of July 26, 2018 as presented.

Motion: Bill Shattuck
Second: Ken Thurston

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

4. Old Business:

09:02:20

None.

5. New Business:

09:02:25

Case # Z18-003: The applicant, Larry Underwood agent for Shri Enterprises/owner, is requesting a Zone Change on a 4.177-acre parcel from a D1 (Low Density Residential) Zoning District to a C2 (Community Commercial) Zoning District. The applicant is requesting the Zone Change for the development of approximately 40,000 sq. ft. of mixed use commercial activities such as retail

services, office space and restaurant facilities. The property is identified as being within Section 14, Township 22 South, Range 1 East as recorded in the Office of the County Clerk on August 11, 2003 in Book 20 page 40. The subject parcel is described as the Re-plat of Lot 1 Valverde II Subdivision and can be further identified by Parcel No. R0324044.

Luis Marmolejo presented the case and public input was heard from Charles Huestis and Susan Richardson.

Robert Czerniak: If the County is admitting they made a mistake, do you charge the applicant for the zone change?

Luis Marmolejo: We did. During the analysis is when we discovered that this area is transitioning and commercial may be the most appropriate, but that was discovered after the submittal.

Janine Divyak: It does comply with the Miller Criteria and that is why we really pointed it out.

Robert Czerniak: I agree with that, but the Ordinance states that if an error is found, the county should initiate the zone change, correct the error on the zoning map at no cost to the applicant. My question is, should you refund the money to the applicant because the error was the County's? What is the mechanism for doing that, what is the policy on county initiated zone changes?

Tom Phillips: In hindsight, it seems logical that this would be a presentation by Planning Staff for our consideration and one option would be to remand this and ask for that. That would be very process oriented and wouldn't serve the end very well, so I don't think that is a wise way to go. But, I am stumped as to our role about making recommendations about fees. We don't administer fees, but maybe we can formulate a motion to make reference to the fees, for compensation, as an appropriate recommendation to staff, just to put it on the record.

Ken Thurston: Would it be appropriate to ask the applicant how he feels about the fees?

Mr. Lahti: I am not worried about the fees at this point; we bought the property in 1980 from Mr. Weiss who developed a mobile home park in 1968. He felt the front five acres would be best for commercial property. I am not going to worry about the money.

Time:09:54:45

John Townsend: Based on the finding of the facts and recommendations of the staff I move the approval of Case # Z18-003.

Tom Phillips: I put it on the record through my comment, I think the fees are an administrative action and I do not have any recommendations for amending.

Motion: John Townsend
Second: Bill Shattuck

	Yes	No	\
Vice Chair Robert Czerniak	x		
Commissioner Bill Shattuck	x		
Commissioner John Townsend	x		
Commissioner Tom Phillips	x		
Commissioner Kent Thurston	x		

The motion passed by a vote of "ayes" from all Commissioners present

6. Committee Reports

09:55:58

None

7. Administrative Approvals

09:55:59

Janine Divyak: Presented the July 2018 Monthly Approvals.

8. Staff Input

09:57:28

Janine Divyak: We are moving forward on the second amendment to the UDC. I sent out an email to various departments to see if they had any recommendations and if you all have anything, please let us know at your earliest convenience.

9. Commission Input

09:59:06

None

10. ADJOURNMENT

10:02:06

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>.