

**EXTRA-TERRITORIAL ZONING COMMISSION  
REGULAR MEETING**

**March 22, 2012**

**THESE ARE NOT VERBATIM MINUTES, THESE ARE SUMMARY MINUTES**

**MEMBERS PRESENT:**

Kenneth Allin, Vice-Chairman  
Cliff Terry, Member  
John Townsend, 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

**MEMBERS ABSENT:**

Bob Hearn, Member

**1. CALL TO ORDER:**

Chairman Villescascas called the Regular Meeting of the Extra-Territorial Zoning Commission to order at 6:08 p.m., Thursday, March 22, 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 Pacheco	Here
Commissioner Acosta	Here
Chairman Villescascas	Here

**3. ANNOUNCEMENTS:**

**Chairman Villescascas** stated that 6 Commissioners are present and according to Robert's modified Rules of Order it takes 4 votes for affirmative action.

**4. APPROVAL OF MINUTES: Regular Meeting of February 16, 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 Pacheco	Yes
Commissioner Acosta	Yes
Chairman Villescascas	Yes

By a vote of 6-0-0, the minutes were **APPROVED**.

**5. CHANGES TO THE AGENDA: None.**

**OLD BUSINESS  
REVIEW / DISCUSSION / ACTION**

**6. CASE #Z11-006/Chávez:**

- **Property Owner:** Rudy Chávez
- **Request:** A Zone Change from ER2 to ER4M to E11 to permit an existing fencing business.
- **Location:** 655 Taos Lane.
- **Lot Size:** .49acres
- **Legal Information:** Recorded in the office of the Doña Ana County Clerk on November 17, 1994, in Book 387, Pages 199-201. Map Code #4-007-138-492-382.
- **Recommendation:** Denial
- **Case Manager:** Steve Meadows
- **ETZ Commission postponed this case by a 7-0-0 vote to the March 22, ETC hearing.**

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

**Rudy Chávez, Applicant, 655 Taos Lane, sworn in.** He stated that the bobcat has been stored somewhere else; panels have been taken to cousin's home; cleaning up area; and one of his neighbors have found a yard to store his materials. He stated that the complaint originated when his loaded truck bumped the neighbor's light pole and woke him up. He further stated that the bobcat was connected to the truck.

**Norma Chávez, 3889 Calle de las Margaritas, sworn in.** She related that the big jobs are subcontracted to Applicant's cousin; the yard holds less material; Applicant will do his part to continue with his business; Applicant performs work at job sites and does the paperwork at home; and neighbors happy to have him there because crime is nonexistent due to Applicant having to come back and forth to his property.

**Marina Chávez, 655 Taos Lane, sworn in.** She stated that Applicant has been there for a long time; concerned with neighbor who initiated the complaint due to him being bossy and wanting to be in charge of the area; her husband has operated the business for a long time; saddened due to her husband needing to move his equipment; struggling – having economic hard times; and not sure what they will do.

**Commissioner Acosta** stated that she and her fellow Commissioners have tried to find ways to assist Applicant, but felt that they needed to accept Staff's recommendation based on the ordinance. She also stated that she felt grateful for the Codes Department to be willing to work with Applicant.

**Commissioner Allin** moved to approve case #Z11-006 based on proposed findings in Staff analysis 1-6 on page 15 of the packet.

**Commissioner Acosta** seconded the motion.

**Commissioner Terry** stated to go forward with vote on motion because they have worked so hard to attempt to help the home business, and one thing not permitted to happen is the welding. He hoped that a plan of action that has been agreed upon and the Applicant conforms to the requirements stated within it and if Applicant needs additional time, it would be granted.

**Chairman Villescas** stated that based on findings of fact that it obviously is spot zoning, unquestionably industrial, and did not want anyone put out of business. He hoped that it would be resolved under the home occupation rules and it can be resolved over time.

**Commissioner Allin** stated that he agreed with the Chairman and that the way the ordinance was written he felt a disservice had to be done to the Applicant but there was no option.

**Commissioner Pacheco** stated that it was terrible thing but did not see any way around it.

**Roll Call**

Commissioner Allin	No
Commissioner Terry	No
Commissioner Townsend	Yes
Commissioner Pacheco	No
Commissioner Acosta	No based on Staff’s analysis and proposed findings.
Chairman Villescascas	No

By a vote of 1-5-0 the motion was DENIED.

**NEW BUSINESS  
REVIEW / DISCUSSION / ACTION**

**7. CASE #SU11-020: Moreno**

- **Property Owner/Applicant:** Oscar Moreno
- **Request:** An Administrative Request to permit a second mobile home as an accessory dwelling in the ER4M (Residential, ½ acre minimum new lot size) Zoning District.
- **Location:** 4568 Ampere Road, northwest of the City of Las Cruces.
- **Lot Size:** 0.53acre
- **Recommendation:** Approval
- **Case Manager:** Steve Meadows

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

**Oscar Moreno, Applicant, 4568-B Ampere Road, sworn in.** He stated that this was to bring a family member in.

**Commissioner Townsend** based on finding of fact and all of the hurdles that have been cleared by the Applicant, he moved to approve case #SU11-020 with the following conditions:

- 1) Per Section 7.2.D, the accessory living quarters shall NOT be used for the conduct of business or the commercial sheltering of individuals.
- 2) The SUP shall be permitted for five years and expire on March 22, 2017 when a new application for a new SUP shall be submitted.

**Commissioner Acosta** seconded the motion.

**Roll Call**

Commissioner Allin	Yes
Commissioner Terry	Yes
Commissioner Townsend	Yes
Commissioner Pacheco	Yes
Commissioner Acosta	Yes based on findings of fact.
Chairman Villescascas	Yes based on findings of fact.

By a vote of 6-0-0 the motion was APPROVED.

**8. PROPOSED AMENDMENT 2011-01 TO THE Las Cruces Extra-Territorial Zoning Ordinance (No. 88-02), Article I, “Purpose, Authority, and Scope of the Code”, Section 1.6: “Definitions”, Article III, “Zoning Districts and Special Use Permits”, Section 3.1: “General Districts: Purposes and Uses”; and Section 3.4: “Home Occupation Permits”, Article VII, “Accessory Buildings”, Section 7.1.A, “Height and Setback Requirements for All Residential Districts”. The ETA requests that the ETZ Commission revisit this amendment based on public input received.**

**Janine Divyak** stated this was the amendment that was reviewed back in July; reviewed in 2 public meetings, a work session; went to the Authority who revamped it; went thru public hearing; had numerous comments; concerned with items 1 thru 8 noted in the packet.

**Chairman Villescas** stated that he would like to review and bring it back next meeting.

**Janine Divyak** asked for their direction to take back to the Authority; does not have to be immediate; hold a work session, review it, agree or disagree with what has been submitted; or start new.

**Commissioner Terry** stated that he would like to review it individually and collectively at another time in the future.

**Chairman Villescas** stated that he would like that and also would like to know what is happening about the cell phone towers and would like to add it to a work session.

**Janine Divyak** stated that the proper avenue would be to get a formal recommendation from the Commission. She further stated that as to the cell towers, a public meeting will be held on April 26, 2012 with the P&Z Commission, and members of the industry would be in attendance.

**Chairman Villescas** stated that the consensus was to schedule a work session and suggested on April 5, 2012 and asked that an email be sent to verify the time; and asked that the cell tower draft be emailed also.

**9. ADMINISTRATIVE APPROVALS:**

**Janine Divyak** stated 7 new family residential dwelling units; 8 additions to residential structures and 1 commercial sign; 2 claims of exemption; and 23 mobile home permits were issued in the month of February.

**10. PUBLIC INPUT: None.**

**11. STAFF INPUT: None.**

**12. COMMISSION INPUT: None.**

**13. ADJOURNMENT:**

**Commissioner Allin** moved to adjourn the meeting.

**Commissioner Townsend** seconded the motion.

**All Ayes.**

**Chairman Villescas** adjourned the meeting at 8:30 p.m.

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Officer: Extra-Territorial Zoning Commission

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Submitted by: Isabel De La Rosa, Recording Secretary