

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

**March 5, 2015
6:00 p.m.**

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

MEMBERS PRESENT:

Kenneth Allin, Vice-Chairman
Carlos Coontz, Commissioner
John Townsend, Commissioner
Janet Acosta, Secretary
Robert Hearn, Commissioner
John Villescas, Chairman

OTHERS PRESENT:

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

MEMBERS ABSENT:

Tim Sanders

1. CALL TO ORDER

Chair Villescas called the regular meeting of the Extra-Territorial Zoning Commission to order at 6:14 p.m. Thursday, March 5, 2015 in the Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, NM.

2. ROLL CALL

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

3. ANNOUNCEMENTS

None.

4. APPROVAL OF MINUTES: January 29, 2015 Meeting Minutes

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

Kenneth Allin, Vice-Chair	Yes
Carlos Coontz, Commissioner	Yes
John Townsend, Commissioner	Yes
Robert Hearn, Commissioner	Yes

Janet Acosta, Secretary Yes
John Villescascas, Chair Yes

The vote was 6-0-0 to **APPROVE** the minutes.

5. CHANGES TO THE AGENDA

None.

6. CASE #Z14-002/Denney, 4425 Doña Ana Road, Las Cruces

The applicant, Jerry Denney, is requesting a zone change from ER3 to EC2 in order to establish and operate a mini storage unit business on the subject property. This 3.38-acre parcel is located at 4425 Doña Ana Road, Las Cruces. The property was recorded in the Doña Ana County Clerk's Office on August 29, 1994 in Book 594, Pages 89-95. This property can also be further identified by Map Code #4-005-131-323-367.

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

Commissioners' Comments:

- a. Was there a sewer connection there at one time when there was a mobile home park?
- b. Is the retention basin a requirement?
- c. I am not comfortable that this situation meets the Miller criteria. I don't feel there has been a change in the area that justifies a zone change.
- d. I think this business goes hand-in-hand with the neighborhood with very little noise and very little traffic. I do personally feel this is a spot zone.

Steve Meadows' Responses:

- a. No, the mobile home park used a septic system.
- b. Yes, per the Flood Commission, any time you put paving in or buildings you need to install a retention pond. It will be a part of the construction plans.

Jerry Denny, the applicant, was sworn in and gave a brief presentation on his request.

Commissioners' Comments:

- e. Is it the intent of staff to restrict this zone change to storage only?

Steve Meadows' Responses:

- e. We didn't, but the Commission, in its duties, can put any kind of restriction in the conditions for the zone change. You can place a condition of single use on the approval of this zone change.

Mr. Denny's Responses:

- e. That condition is acceptable to me.

Commissioner Hearn made a motion to approve this request with a condition that the zoning is solely for a mini storage unit facility, with **Commissioner Coontz** seconding the motion.

Commission Townsend said this restrictive condition makes it sound very much like a Special Use Permit as opposed to a zoning change. He said he could not support this condition.

Commissioner Hearn said he could not support an open-ended EC2 zoning.

Commissioner Townsend suggested adding in that the zoning would revert to the original zoning of ER3 at the sale of the property.

Chair Villescas said that he felt they were too far into the process for that.

Kenneth Allin, Vice-Chair	No
Carlos Coontz, Commissioner	Yes
John Townsend, Commissioner	No
Robert Hearn, Commissioner	Yes
Janet Acosta, Secretary	Yes
John Villescas, Chair	Yes

The vote was 4-2-0 to **APPROVE** the zone change.

7. CASE #Z14-003/McNutt, 414 and 455 Hummingbird Lane, Las Cruces

The applicants, Ralph E. and Della McNutt, are requesting a zone change on two lots from ER2M to ER4M to pursue an ETZ subdivision. The two lots of 3.45 acres and 0.61 acres are located at 414 and 455 Hummingbird Lane, Las Cruces. The properties were recorded in the Doña Ana County Clerk's Office on July 24, 2012 as Instrument #1217851. The properties can also be further identified by Map Code #4-005-131-320-205 and 4-005-131-338-200.

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

Commissioners' Comments:

- a. Are the 4 lots on the south side owned by other people?
- b. Do the people that own the 4 small lots have guaranteed permanent access?
- c. Is it a designated road?
- d. Would that change impact access to those mobile homes to the south?

Steve Meadows' Responses:

- a. Yes, they are owned by other people.
- b. Yes, their access is an easement and guaranteed.
- c. Yes, it is designated as Hummingbird Lane.

d. No, their access would not be impacted.

Eddie McNutt, the applicant, was sworn in and gave a brief presentation of the request.

Monique St. Laurent was sworn in and expressed her opinion on the zone change request and the covenants of the homeowners association.

Elizabeth Duran was sworn in and expressed her concern of putting mobile homes on the southern lot belonging to the McNutts.

Antoine Magareras was sworn in and expressed his opinion on spot zoning and the odd shape of Mr. McNutt's southern property.

Commissioners' Comments:

- e. Have you considered changing the zoning to exclude mobile homes?
- f. Which option would you prefer?
- g. If we change from ER4M to ER4, do we have to renotify the neighborhood?

Ralph McNutt's Responses:

- e. I would be happy to request the zoning to exclude mobile homes.
- f. I would prefer it to be done by condition.

Steve Meadows' Responses:

- e. There are two options that can be used to exclude mobile homes, either with a condition on the motion or by covenant with the homeowner's association. The caveat would be that if a covenant were used, the County could not enforce the exclusion; it would be the association's duty to go to court if they had to enforce the covenant to exclude mobile homes.

Janine Divyak, Chief Planner, was sworn in and answered questions.

- g. No, you can place the condition on the motion without renotifying the neighborhood. The fact that the neighbors are present tonight in this public hearing notifies them that the zoning will be changed to ER4.

Commissioner Hearn made a motion to approve this zone change from ER2M to ER4 with **Commissioner Coontz** seconding the motion.

Kenneth Allin, Vice-Chair	Yes
Carlos Coontz, Commissioner	Yes
John Townsend, Commissioner	Yes
Robert Hearn, Commissioner	Yes
Janet Acosta, Secretary	Yes
John Villescas, Chair	Yes

The vote was 6-0-0 to **APPROVE** the zone change.

8. ADMINISTRATIVE APPROVALS

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

9. PUBLIC INPUT

None.

10. STAFF INPUT

Janine Divyak gave an update on the Viva Doña Ana Planning Initiative. The first draft of the Comp Plan was released in January. On February 23rd the Unified Development Code was released and is available for public input. We just had a joint work session this afternoon with the Planning & Zoning Committee as well as the Regional Leadership Committee. We are receiving comments until April 10th on the Comp Plan.

Janine Divyak and Steve Meadows reported that the Doña Ana Sand & Gravel case will be back in front of the ETZC shortly and staff thought it would be best to hear it during a special meeting, possibly April 23rd or 30th.

Commissioner Hearn suggested combining a City and County meeting with few cases to free up a date to use for the Doña Ana Sand & Gravel case.

11. COMMISSION INPUT

None.

12. ADJOURNMENT

The next meeting will be Thursday, March 19, 2015.

Commissioner Townsend made a motion to adjourn, with **Commissioner Acosta** seconding the motion. A vote of all “ayes” was heard from the Commissioners. The meeting was adjourned at 8:20 p.m.

Officer: Extra-Territorial Zoning Commission