

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

**April 16, 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
Tim Sanders, Commissioner
Robert Hearn, Commissioner
John Villescascas, Chairman (arrived 6:55 p.m.)

OTHERS PRESENT:

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

MEMBERS ABSENT:

None

1. CALL TO ORDER

Vice-Chair Allin called the regular meeting of the Extra-Territorial Zoning Commission to order at 6:13 p.m. Thursday, April 16, 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	Here
Janet Acosta, Secretary	Here
John Villescascas, Chair	Absent (arrived at 6:55 p.m.)

3. ANNOUNCEMENTS

None.

4. APPROVAL OF MINUTES: March 19, 2015 Meeting Minutes

Commissioner Townsend made a motion to approve the minutes of the March 19, 2015 meeting with **Commissioner Hearn** seconding the motion.

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

Robert Hearn, Commissioner	Yes
Tim Sanders, Commissioner	Yes
Janet Acosta, Secretary	Yes

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

5. CHANGES TO THE AGENDA

None.

**NEW BUSINESS
REVIEW / DISCUSSION / ACTION**

6. CASE #SU15-001/Muñoz, 6010 Ermita Road, Las Cruces, NM

The applicant, Mirna Muñoz, is requesting a Special Use Permit to place a 1,720 sq. ft. double-wide manufactured home as the primary dwelling and designate the existing 1,180 sq. ft. single wide mobile home as the accessory dwelling on a 1.0-acre parcel zoned ER4M, located at 6010 Ermita Road, Las Cruces, NM 88012. The property, Lot #2, Ermita Mesa Plat No. 1, was recorded in the Doña Ana County Clerk's Office on April 3, 2013, with Instrument #1308282. The property can be further identified as Parcel ID #03-15330.

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

Commissioners' Comments:

- a. Is the zoning here ½ acre minimum?
- b. So the owner could propose to split this lot in half and put a dwelling on the second half?

Steve Meadows' Responses:

- a. Yes, ER4M, ½ acre minimum lots.
- b. Yes, she could, but only if she could meet the net space required in order to subdivide the lot.

Mirna Muñoz, the applicant, was sworn in and spoke with a translator about her request to obtain a Special Use Permit.

Commissioners' Comments:

- c. How long have you been in that residence?

Mirna Muñoz Responses:

- c. About six years.

Thomas Cruzanka, 5005 Via Sierra Segrato, was sworn in and asked questions.

- d. How can you put two residences on one parcel without dividing the property?

- e. Can this accessory dwelling be rented out?

Steve Meadows' Responses:

- d. In order to put a second dwelling on a parcel you have to go through a Special Use Permit process and have septic systems approved by the NMED. In the ETZ, the only way you can have another residence on a parcel, is to go through this process. This accessory dwelling can only be used for family members and not rented out.

Daniel Benoit, 6024 Ermita Road, was sworn in and discussed his opposition to the applicant's request for a Special Use Permit.

Commissioners' Comments:

- e. The accessory dwelling can only be used for family.
- f. Will the approval of the permit change the dynamics of the right for the property owners to subdivide the property?

Steve Meadows' Responses:

- f. No, it will not change the rights of the owners, but I don't know if they can meet the net footage required by the City.

Chairman Villescas arrived at 6:55 p.m.

Commissioner Townsend made a motion to approve this request for a Special Use Permit based on staff's facts and findings with **Commissioner Hearn** seconding the motion.

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

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

7. CASE #SU15-003/Johnson & Moten, 12745 Canyon De Oro, Las Cruces, NM

The applicants, Genius Johnson and Lurethia Moten, are requesting a Special Use Permit to place a 982 sq. ft. casita as an accessory dwelling on a 7.5-acre parcel located at 12745 Canyon de Oro, Las Cruces, NM 88011. The property, zoned ER1, a tract east of Las Cruces, NM in Section 23, Township 23 S, Range 3 east of the U.S.G.L.O. Surveys was recorded in the Doña Ana County Clerk's Office on October 1, 2010, with Instrument #1027556. The property can be further identified as Parcel ID #03-29436.

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

Commissioners' Comments:

- a. Is that the Organ Mountains showing on the photo of the northeast view?
- b. What are the lot sizes of lots nos. 1, 12, and 16? They all seem to be more than five acres.
- c. If they had an enclosure or hallway from the casita to the garage which is attached to the main house, that would be a house expansion rather than an additional structure?
- d. What is the difference in elevation from the garage to the casita?
- e. When you were taking photos, was your head level with the floor of the garage?

Steve Meadows' Responses:

- a. Yes, that is the southern part of the Organ Mountains.
- b. The Gomez property is 5 acres or more, but I don't know specifically about the other lots.
- c. No, it would still be considered an accessory dwelling.
- d. The applicant's agent could answer this.
- e. That's about right.

Pat Bellestri Martinez, 4969 Tierra Blanca Rd., the applicant's agent, was sworn in and gave a brief presentation on the project.

Melissa Bellestri, 309 Wall Avenue, was sworn in and assisted with the presentation.

Commissioners' Comments:

- f. Which is the higher home, the Gomez home or the applicant's?
- g. Is the home under construction on this photo?
- h. Is there anything in the law that addresses the preservation of views?

Pat Bellestri's Responses:

- f. The Moten property is higher than the Gomez home.
- g. No, it does not show on that photo?

Steve Meadows' Responses:

- h. In New Mexico there is nothing in the law that addresses the preservation of views.

Thomas Cruzanka, 5005 Via Sierra Segrato, was sworn in and asked several questions about the proposed casita.

Manuel Gomez, 5045 Ladera Canyon Road, was sworn in and expressed opposition of the proposed casita.

Commissioners' Comments:

- i. Has the new house that has been built affected your views?
- j. Is the casita 10 feet over the existing structure? Ten feet from where?
- k. With regarding to the existing structure, will the casita be below, even, above?
- l. How will people access the casita?

Manuel Gomez' Responses:

- i. It has taken a large chunk of the view.

Lurethia Moten, 12745 Canyon de Oro, the applicant, was sworn in and spoke about her proposed project.

Pat Bellestri's Responses:

- j. The elevation, ground level, of the existing structure from the ground is 10 feet above the height of the ground level where the casita will be.
- k. The top of the casita will be about 2 feet above the ground level of the garage.
- l. Access to the casita will be the original driveway into the property. There will be no carport or garage built for the casita. Guests will park in the main home garage. There will be a walkway from the drive down to the casita.

Commissioners' Comments:

- m. We are here to make sure the applicant follows the Uniform Development Code. We are not here to dissect or question the applicant on every little detail.
- n. I agree, but would probably say it a little softer.

Commissioner Sanders made a motion to approve this request for a Special Use Permit, with **Commissioner Townsend** seconding the motion.

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

The vote was 7-0-0 to **APPROVE** the request.

Chairman Villescas called for a five minute break and reconvened at 8:05 p.m.

8. CASE #Z15-001/Giesbrecht, 6265 Las Alturas, Las Cruces, NM

The applicant, Johan Giesbrecht, is requesting a zone change from EC1 to E11 to establish a light equipment sales business located at 6265 Las Alturas, Las Cruces, NM 88011. The property, a tract being part of Lots 2, 3, 4, and 21, Block 7, Elephant Butte

Land & Trust Co., Subdivision "B" was recorded in the Office of the Doña Ana County Clerk on June 20, 2013 with Instrument #1315600. The property can be further identified as Parcel ID #03-08469.

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

Commissioners' Comments:

- a. Did you refer to a maximum lot size of 5,000 square foot area earlier in your presentation?
- b. In one of your pictures it showed a fire hydrant; why are they going to the expense and maintenance of a well?
- c. Several years ago, with these 35 acres, what was their justification for rezoning, getting around the Miller Criteria?
- d. Who owns the ECN2 area with the dam?
- e. What was the use for that building before?

Steve Meadows' Responses:

- a. If they break the parcel into a light industrial park which is what the plan for the parcel to the north is, 5,000 square feet is the smallest you can go.
- b. I know this fire hydrant was put in because of the proposed ER7 residential zoning to the south, which never took place. This parcel already has an existing well. It is not known if this water is available for fire fighting or not.
- c. I am stumped on that question. That was six years ago. I don't remember.
- d. The ECN2 area is owned by EBID.
- e. I know that at one time there was a paint ball operation there. That building has been there since 1983. I don't know what the original use was.

Thomas Sotomayor, 4106 Tres Encantes, the applicant's agent, was sworn in and gave a brief presentation.

Commissioner Townsend made a motion to approve this request for a Special Use Permit based on staff's findings and recommendation with **Commissioner Hearn** seconding the motion.

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

The vote was 7-0-0 to **APPROVE** the request for a Special Use Permit.

9. ADMINISTRATIVE APPROVALS

Steve Meadows reported on the administrative approvals and permits for the month of March.

10. PUBLIC INPUT

None.

11. STAFF INPUT

Janine Divyak reminded that they were still soliciting comments on the draft Unified Development Code. The deadline is April 30. Also, two weeks from tonight will be the special meeting for the Doña Ana Sand & Gravel case. The packets will be going out a week from tomorrow.

12. COMMISSION INPUT

Chairman Villescas asked when would we know how many commissioners will be at the special meeting? **Steve Meadows** reported that there was a chance there will only be five commissioners present.

13. ADJOURNMENT

Commissioner Townsend made a motion to adjourn, with **Commissioner Acosta** seconding the motion. A vote of all “ayes” was heard from the Commissioners. **Chairman Villescas** adjourned the meeting at 8:50 p.m.

Officer: Extra-Territorial Zoning Commission