

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

July 26, 2018

CALL TO ORDER

09:01:41

Chair Acosta called the Regular Meeting of the Planning and Zoning Commission to order at 9:04 a.m., Thursday, July 26, 2018 in the County Commissioners Chambers, Doña Ana County Government Center, 845 N. Motel Blvd., Las Cruces, New Mexico.

1. ROLL CALL

09:02:00

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

2. APPROVAL OR CHANGES TO THE AGENDA

09:02:21

Time: 09:04:10

Tom Phillips: Recommended change to the agenda: I move to reschedule Item # 5 New Business Case # Z18-003 to the August 9th Meeting.

Motion: Tom Phillips
Second: Robert Czerniak

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

3. APPROVAL OF MINUTES:

09:05:33

Time: 09:05:42

Robert Czerniak: Move to accept the minutes of the regular meeting of July 12, 2018 as presented

Motion: Robert Czerniak
Second: Bill Shattuck

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

4. Old Business:

09:06:10

- a. Case #V18-009: The applicants, Ramon Najera and Eva Uranga, are requesting a Variance to the side setback requirements on a residential property. The applicant is proposing a 2’ 6” side yard setback, where 5’ is required in order to build a 675 sq. ft. addition to an existing dwelling within the T3 Zone. The 0.16-acre parcel is addressed at 129 S. Perea Street in Chamberino, NM, is identified as Lots 20 and 21, Block 11 of the Chamberino Townsite recorded on January 29, 1917

in Book 5, Page 16 in the Office of the County Clerk. The subject parcel can be further identified by Parcel No. R1716883.

Time: 09:27:45

Robert Czerniak: In looking at the site plan, on the south the variance request is for four and a half inches, I do not have a problem with that. On the north side, the variance request is for two feet four inches, there is a rock wall there and the house is already built, they are just extending the house. We can't base our decision on the findings of fact as this is a violation of the Code. In this case, it is an exception to the findings and I will accept Staff's recommendations. I would like to make a motion that we approve the variance with the following conditions:

1. The applicant shall obtain a Building Permit for all structures that are not permitted and shall be Tripled Fee.
2. The property will be made available for all required inspections including if you have to cut into the foundation, walls, and inspecting the infrastructure of the building to make sure it meets building code. County is not responsible the property owner will have to restore the building. I am not sure if that was explained to the applicant.
3. The applicant shall obtain a final Certificate of Occupancy.
4. Prior to the issuance of the certificate of occupancy, the applicant shall build and have approved a ponding area to accommodate all existing and increased runoff from the buildings on the lot in accordance with the recommendation of the DAC Flood Commission as indicated on page 4 of the case analysis. Time line: 180 Days

Motion: Robert Czerniak

Second: Tom Phillips

Commissioner Philips pointed out that if the Variance is denied, the homeowner would have to comply with the Code, so this is a good compromise. Commissioner Shattuck inquired about the timeline for completing the project and getting the building permit. Frankie Estrada, DAC Zoning Enforcement, mentioned that a permit is good for 180 days, after that the homeowner can pay half of the original fee and get an extension. Staff confirmed with the homeowner that they understood the motion.

	Yes	No	\
Chair Mel Acosta	x		
Vice Chair Robert Czerniak	x		
Commissioner Bruce Jackson	x		
Commissioner Bill Shattuck	x		
Commissioner Tom Phillips	x		

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

- b. Case #SD17-005: The applicant, Ken Thurston, is requesting a Type III Subdivision to be known as Bunkie Estates for 16 lots on 20 acres ranging in size from 1.001 acres to 1.236 acres located near the intersection of Mount Baldie Street and Thurmond Rd. The property is identified as being in Sections 17 and 20, Township 22 South, Range 2 East, as recorded in the Office of the County Clerk on June 20, 2002, with Instrument No. 18773. The subject parcel can be further identified by Parcel No. R0328943.

Time: 10:21:05

Bill Shattuck: I make a motion we approve Case #SD17-005 with the approval that they satisfy all of the conditions of the final plat that is required by County Staff.

Motion: Bill Shattuck
Second: Tom Phillips

Commissioner Phillips mentioned that the applicant and the engineer seemed to address the concerns brought forward by the neighbors regarding the run-off and potential flooding in the area.

	Yes	No	\
Commissioner Bruce Jackson	x		
Commissioner Bill Shattuck	x		
Commissioner Tom Phillips	x		
Vice Chair Robert Czerniak	x		
Chair Mel Acosta	x		

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

5. New Business

- a. 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.

This Case is postponed to the August 9, 2018 meeting.

6. Committee Reports
10:23:24

Tom Phillips: Do we have any committees, these would be committees of the board?

Mel Acosta: We can do committees. Prior to the UDC we had several committees simply because of the work load.

Janine Divyak: We can start to set up an Ad Hoc Committee to start looking at further amendments to the UDC.

7. Administrative Approvals
10:33:28
None.

8. Staff Input
10:33:34

Janine Divyak: Doña Ana County is holding a Blood Drive tomorrow July 27th in honor and in memory of Judy Price who was the former Director of Community Development back in the 90's. This year will be the 18th Annual blood drive to be held in conjunction with Battle of the Badges.

9. Commission Input

10:34:29

Robert Czerniak: Suggests that roll call and votes should be in a random order and not the same order all of the time because the same person is always casting the deciding vote.

10. ADJOURNMENT

10:36:22

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>.