



VALENCIA COUNTY PLANNING & ZONING COMMISSION

MINUTES

January 22, 2014

4:00 PM

Valencia County Courthouse Commission Chambers
444 Luna Ave, Los Lunas, NM 87031

Roll Call:

Present: Commission-Chair Artiaga, Commission Vice-Chair Gaudette, Commissioner Garcia-Shaffner, Commissioner Louie, Hoss Foster (Not Voting), Jacobo Martinez (Not voting).

1. CALL THE MEETING TO ORDER

Chairman Artiaga

2. PLEDGE OF ALLIGANCE

Hoss Foster

3. APPROVAL OF AGENDA

Action: Approve

Moved by Commissioner Garcia-Shaffner

Seconded by Commissioner Gaudette

Motion passed unanimously.

4. APPROVAL OF MINUTES: December 12, 2013

Action: Tabled

5. SWEARING IN OF PARTICIPANTS

Chairman Artiaga

6. ACTION ITEM(S):

A. RE-ORGANIZATION OF PLANNING & ZONING COMMISSION

i. ELECT CHAIR AND VICE-CHAIR

Commissioner Garcia-Schaffner nominated Commissioner Artiaga as Chairman.

Seconded by Commissioner Gaudette.

Action: Approve

Motion passed unanimously.

Commissioner Garcia-Schaffner nominated Commissioner Gaudette as Vice-Chair. Seconded by Commissioner Louie.

Action: Approve

Motion passed unanimously

ii. ADOPT OPEN MEETINGS ACT FOR 2014

Action: Approve

Moved by Vice-Chair Gaudette

Seconded by Commissioner Garcia-Schaffner

Motion passed unanimously.

Mr. Martinez announced Resolution 2014-001.



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iii. ADOPT ROBERT'S RULES OF ORDER

Action: Approve
Moved by Commissioner Louie
Seconded by Commissioner Garcia-Schaffner
Motion passed unanimously
Mr. Martinez announced Resolution 2014-002.

iv. ADOPT 2014 P&Z COMMISSION SCHEDULE

Action: Approve
Moved by Commissioner Loieue
Seconded by Commissioner Garcia-Schaffner
Motion passed unanimously
Mr. Martinez announced Resolution 2014-003.

B. REQUEST FOR A ZONE CHANGE FROM RR-2 TO C-2: Joseph E. Padilla:

Legal Description: T5N, R2E, Section 20, Map 102, N.M.P.M.; Land of Robert L. Sanchez Tract 106A; Zoned RR-2; Filed in Book 12, Page 183 of the office of the Valencia County Clerk; Also known as 34 Maestas Rd., Belen, NM 87002.

MR. MARTINEZ: If I may, Madam Chair. Exhibit (1) shows the location of the property. This location is South of Belen and Jarales. (Inaudible) Road runs North to South and Maestas Road runs east to West. This location is in Commission District Four, and is surrounded by RR-2 and Agricultural Zones.

And if I may Madam Chair, I will provide some photos. Exhibit (2) does show the Zone Change map with some aerial photos next to it. It is mostly residential in this area and this is the only existing business I saw driving up and down the road. It is mostly residential spaces other than this business.

Madam Chair, Commissioner I will also provide some photos if I may. Exhibit (3A to 3E). The first three shows the property has a commercial size structure with cars parked on it and a mobile home parked on it as well. 3D does show the street of Maestas Rd. and the existing houses across from the existing business.

Two more if I may. Madam Chair and Commissioners, what I just handed out are two reports from the Assessor's Office showing 2004 and 2014 taxes. This property has been taxed as a commercial property since at least 2004 and there were commercial property taxes last year in 2014. When the applicant came in we first thought was a possible grandfathering in as a non-conforming use, and what we found in our research is that the land use has changed in the past year. Before 2013 in 2012 it was used as a cabinet shop and I don't know if it was used as an actual business at that time. It has only been in the last year that I have found it has been used as an automotive repair garage. And also couldn't prove it was a continuous business throughout that whole time as well. For a grand-father clause you need to continuously use the land in the same manner for ten years and if it's not used in that same manner for six months it reverts back to the RR-2 zoning land use laws of it. So we couldn't prove that and that is why we are in front of you today to ask for a Zone Change from the

RR-2 use of the property. I did one letter from one resident objecting to the Zone Change. I will provide it for the record. That is the lay of the land as far as what we see from our office. Again the property is zoned RR-2 and there is a commercial business on there. Code Enforcement has also received complaints regarding the automotive repair garage as well, and we do have those documented. When they came in for a business license we saw that it was RR-2 and we tried to investigate if there was a grandfather rule that we could utilize, we did our



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investigation and found that they did not qualify for a grandfather rule and we suggested that they go through the Zone Change process. The applicant is here to provide any more information that you might need and I will stand for any questions.

CHAIRMAN ARTIAGA: I have two questions. First, what is the white building right across the street from it?

MR. MARTINEZ: Madam Chair, Commissioners, what I saw as that large white building is a pole barn.

CHAIRMAN ARTIAGA: A pole barn?

MR. MARTINEZ: Yes.

CHAIRMAN ARTIAGA: And this one?

MR. MARTINEZ: A pole barn as well, that would house a tractor, agricultural equipment, and hay.

CHAIRMAN ARTIAGA: Another question, this lady who wrote the letter, Delma Castillo, can you show me which lot she owns.

MR. MARTINEZ: Madam, I cannot. I do not know which lot she owns. She did receive a certified letter which means that she is within three hundred feet of the property.

VICE-CHAIR GAUDETTE: It has to be across the street because her address is 35 Maestas and his address is 34 Maestas.

CHAIRMAN ARTIAGA: Regarding this petition here, that we have the copy of in our packet, "We the undersigned have witnessed that a business has been located at 34...for twenty years..." So they all signed this and some of them live on Jaramillo, Maestas, and Jarales Road. Were they indicating that they were in favor of this? It doesn't say whether they are in favor or...

MR. MARTINEZ: Madam Chair, when we were going through the process of the grandfathering in we did try to get witnesses, we did tell the owner to try to get witnesses of the land use, so that we might be able to continue with the process of the grandfather clause, but what was provided did not satisfy our office.

CHAIRMAN ARTIAGA: Ok. Alright. Are there any more questions from the Commissioners?

CHAIRMAN ARTIAGA: I do have one more question. I don't know why I am so inquisitive today, usually I am not. What were the complaints from, um.

MR. MARTINEZ: Madam Chair, Commissioners, those complaints have been high speed cars going up and down the road and loud noises from the automotive repair garage.



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CHAIRMAN ARTIAGA: But the zoning enforcement officer was sent out for some violations?

MR. MARTINEZ: Madam Chair, Commissioners, Code Enforcement was sent out and they came back saying that it looks like it was a business and didn't know how long it was there. We did our investigative work and that is why we are bringing it before you today.

CHAIRMAN ARTIAGA: So it was because they were running a business?

MR. MARTINEZ: Correct.

CHAIRMAN ARTIAGA: Ok. Do the Commissioners have any more questions? Ok. Is Mr. Padilla here? Please come forward and state your name and write your name and address on the sheet there for us and tell us why you would like us to change the zoning. Tell us your story.

MR. PADILLA: Joseph Padilla, 34 Maestas, it's not 32. I bought the place for an investment, but I live on the property. It already had a residential plus on the side of it I can prove that it says commercial. I have been paying commercial property taxes for five years and I have proof that it was an automotive back before 2000. The only reason that I am going through the application is that Mr. Martinez had me do it, just the Zone Change. I would like to keep it a, I financed it through the Credit Union, I would like to keep it through there because they said was listed as a residential area, but it has a commercial to it, on the side of it, and I will show you proof of it.

CHAIRMAN ARTIAGA: And this is dated when?

MR. PADILLA: It had to be back before 2000. And the Relator, Ruben Baca, who is a well-known business man in Valencia County, he is the one who sold it to me. And his son used to run that shop. So if you need him to come in I will bring him in.

CHAIRMAN ARTIAGA: Do any of the Commissioners have any questions for Mr. Padilla?

COMMISSIONER GARCIA-SHAFFNER: I do. The issue of noise around your shop, is it from people gunning engines? Have you personally had any complaints, or is this the first you have heard about complaints?

MR. PADILLA: This is pretty much the first. The only thing is that there has been, you know there are people down the road, neighbors, a neighbor that has a diesel, and he likes to go up and down. There are a lot of drugs down the road on Jaramillo, and it used to be like a freeway there until I got in there and I tried to slow it down. I have neighbor here, across the street, he has had a nephew who has run into the fence, and I didn't complain about him. There are people that run up and down, just like every other road. Jarales is worse, almost as bad as Maestas.

He does have some customer's that like to rev their engines, but we have been good neighbors and I aint never had no complaints.

COMMISSIONER GARCIA-SHAFFNER: Loud noise past ten or eleven o'clock?

MR. PADILLA: Oh no, he closes down at seven. The ones past eight or nine o'clock are from down the road. Other than that, that is it.



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COMMISSIONER GARCIA-SHAFFNER: Ok thank you.

VICE-CHAIR GAUDETTE: Can you tell me more about the business that is going to be operating there. What kind of business is going to be done?

MR. PADILLA: It's automotive. He works on diesel and any type of automotive. He has a certain place for his oils. He does not litter. He doesn't throw trash around the yard, he keeps it really nice.

And I live on the side of the property. There is a mobile home there that I live in. I pretty much watch the property and keep the security and stuff, but that is pretty much it.

VICE-CHAIR GAUDETTE: Hours of operation.

MR. PADILLA: Eight to Four. Plus, I am not the only business there. There is a trash company down the road from us. If he would have actually looked at it, his name is Charles, um, I forgot the name of the trash company, he has a trash company.

CHAIRMAN ARTIAGA: A/C Disposal?

MR. PADILLA: Yes, A/C Disposal. He has trucks there. And then my other neighbor down the road, he has a semi-truck, he hauls hay. But they are not loud noises. They are big trucks. But they are the same as my property. I don't have loud noises, but I guess it's the Cummings motor, it just. Maybe there is a little bit of noise, but not loud like their trucks. They have a lot of traffic. But pretty much the same as mine. I don't have that much traffic on my property.

CHAIRMAN ARTIAGA: Vehicles traveling at a high rate of speed, is that contributed to you or just the general area?

MR. PADILLA: No, just the general area. I would say we put speed bumps there but I guess we would have to talk to the County about that. The customer's that he has there don't race up and down the road.

CHAIRMAN ARTIAGA: Ok. If there aren't any more questions from the Commissioners, would you please have a seat and we will see if there is anyone else.

Is there anyone else here who is in favor of this Zone Change? Anybody who would like to come forward and speak on his behalf? Good, would you come forward and state your name, and write it and put your address on the sheet for the record.

MR. CHAVEZ: Irvin Chavez.

CHAIRMAN ARTIAGA: Mr. Chavez where do you live?

MR. CHAVEZ: I live at 37 Maestas Road, right across from Mr. Padilla's garage.

CHAIRMAN ARTIAGA: Ok, and what would you like to tell us.



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MR. CHAVEZ: I would like to tell you that I have lived at 37 Maestas Road for the last sixty years and it has always been real quiet. But now, a lot of people have moved east of my house, and they are the ones that make all the noise. Mr. Padilla and his business, or Mr. Brook's business, they don't make that much noise and I'd appreciate it if they could keep the noise down, because I sleep a lot during the day because I am disabled. And I don't mind Mr. Padilla's business there because they are not the ones making all the noise, they are not the ones traveling that fast, it's usually the people on the east side of my house. And like I said, if they could just keep the noise down along with those other people.

In fact I am trying to get signatures from the neighbors in the area to get some speed humps there. Mr. Hoss has told me that I need at least seventy-five percent of the neighborhood signatures, is that correct?

CHAIRMAN ARTIAGA: I don't know. What percentage of people do they need Hoss?

HOSS FOSTER: I am not really sure, that is the Public Works. He will have to hold of them.

CHAIRMAN ARTIAGA: Ok, you will have to ask Public Works.

MR. CHAVEZ: I think they told me seventy-five percent, but either way, it's not all the way to Maestas Road, because it goes for about two miles. From the stop sign from Jarales all the way to the river, maybe it's about a mile, but I only need them from about three hundred yards east and west, because that's where they really get going because it's a strip.

CHAIRMAN ARTIAGA: Ok, thank you. Commissioners do you have any questions for Mr. Chavez.

VICE-CHAIR GAUDETTE: Mr. Chavez, do you know Delma Carrillo? She lives at 35 Maestas?

MR. CHAVEZ: Oh yes, she is my niece.

VICE-CHAIR GAUDETTE: Your niece?

MR. CHAVEZ: Yes sir my niece.

VICE-CHAIR GAUDETTE: Because she wrote a letter adamantly opposed to the requested zone change.

MR. CHAVEZ: Oh I see.

VICE-CHAIR GAUDETTE: She stated that there is a lot of noise.

MR. CHAVEZ: Yea, because her dad, my brother lived at 35 Maestas Road, right next to my house, and maybe I guess she was concerned about it. But my brother passed on already. But Delma lives in Bosque.

CHAIRMAN ARTIAGA: She doesn't live here?



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MR. CHAVEZ: No. Her mom lives there and her brother's.

VICE-CHAIR GAUDETTE: So Ms. Delma Carrillo signed this letter with an address of 35 Maestas Road, and she is your niece, and she doesn't live at this address, she lives in Bosque. Does she sometimes spend the night at this address?

MR. CHAVEZ: She goes to see her mom because her mom has been real sick since my brother, my sister-in-laws husband passed away and now they put her in a rest home and I guess Delma was real concerned when her mom was living there on 35 Maestas Road, I guess she was concerned about the noise and the traffic.

VICE-CHAIR GAUDETTE: So your sister-in-law doesn't live there now either. She lives in a nursing home?

MR. CHAVEZ: Right, but my nephew lives there, Delma's brother.

CHAIRMAN ARTIAGA: Would anyone else like to come forward and speak in favor of this zone change? Please come up and state your name and write your address on the sign in sheet.

MRS. SANCHEZ: My name is Laura Sanchez and I am actually here for a different reason, but I don't live in the neighborhood, but Danny Brooks is my mechanic and I just wanted to state that I have been there during the day and it goes really safe and its quiet and he operates a really good business and the road is kind of winding so I don't see how people could actually speed through there because you actually have to drive slow to go down that road to get there, but I don't know if it's okay for me to speak in favor of him.

VICE-CHAIR GAUDETTE: Ma'am, when you go, how often do you go to this place of business?

MRS. SANCHEZ: I would say probably twice a month. I have kids and I have vehicles and we are getting the oil changed or something, and he always seems to be available when we need him but if you are not there by five o'clock he is shut down and you have to catch him right when he is there and they do have a big shop and everything is done inside the shop and not outside the shop and it does keep the noise down. So when you drive up it just looks like vehicles in the parking lot.

VICE-CHAIR GAUDETTE: And how long have you been going to his business?

MRS. SANCHEZ: Probably a year, maybe two.

VICE-CHAIR GAUDETTE: And in this period of time how would you describe the property and the way it's kept?

MRS. SANCHEZ: It's actually pretty nice. You can tell he does a lot of business and he does have his vehicles but they are all lined up when you drive in there, and I feel safe leaving my vehicle there.



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VICE-CHAIR GAUDETTE: The vehicles that are there, do they look junky, abandoned or trashy at all?

MRS. CHAVEZ: No, there are very nice vehicle there.

VICE-CHAIR GAUDETTE: And do you know his hours of operation?

MRS. CHAVEZ: Like I said, usually Nine or Ten until about Five or Six o'clock, unless he has to stay late.

VICE-CHAIR GAUDETTE: Is he the only person working there or does he have employees?

MRS. CHAVEZ: I have seen a couple of other people working there. He has runners that pick up stuff and supplies for him.

VICE-CHAIR GAUDETTE: And do you think that this business causes any more traffic on that road? What do you think the impact is?

MRS. CHAVEZ: I don't think it does. I think it's great and a safe place. Like I said, I feel safe leaving my vehicle there over night. It's a good business and it is a good opportunity for him to continue it.

VICE-CHAIR GAUDETTE: Thank you for coming forward.

CHAIRMAN ARTIAGA: Do any of the Commissioners have questions for Laura? Ok thank you. Now, would anybody like to come forward who is opposed to the Zone Change? Please come forward and state your name for the record, and write your name and address on the sign in sheet there.

MRS. INGRAM: I am Virginia Ingram and we have farm land that abuts his property. Maestas Road has, ok we now have this business here of the auto, the trash business and we have Del Mar with his big semi's when he is hauling hay back and forth. Maestas Road is not even a two lane road and you have to be careful when you are passing. We do have a lot of issues in that area. We have a lot of theft on our farm property, we have culverts that have been stolen, and we have four wheelers that run up and down Maestas Road going really fast. There are issues with trespassers on the property. I go up and down Maestas Road going over to Jarales Road on to my son's property, and that road is always got a lot of traffic and people like to go fast up and down that road. I don't know that I am just so necessarily opposed to the business it is just it's getting to be too much, we got too much traffic on there up and down Maestas Road, and it is not a road that was built to handle all of that traffic. And there are probably about twenty vehicles there now, and I have seen them pull out, not necessarily in front of me but in front of some other folks. Maestas, they have some signs posted for twenty five miles an hour, but nobody goes twenty five. There are a lot of people that are just coming in and out and too much business for that neighborhood and that road cannot handle that much traffic.

CHAIRMAN ARTIAGA: How many years have you lived at this location?



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MRS. INGRAM: At least forty-three years.

CHAIRMAN ARTIAGA: Has this been an auto mechanic shop or repair shop in the past?

MRS. INGRAM: Yes. It was a cabinet shop to begin with and then the auto repair came in after that.

CHAIRMAN ARTIAGA: So it's been there quite a while as an auto repair. Would you say it has more business now or then.

MRS. INGRAM: Yes.

CHAIRMAN ARTIAGA: So there is more business now. And the people that are coming and going fast, would you say it is the customers that are coming and going from the shop?

MRS. INGRAM: That I don't know. It is just a heavy traffic road. It seems like there is a lot of traffic going in and out of his place, but I don't live on that road, I just go there to visit my son and grandsons. I live over on Jarales Road.

COMMISSIONER GARCIA-SHAFFNER: So you are just frustrated that there is just so much traffic and that traffic is so fast?

MRS. INGRAM: Yes. People don't know slow, they only know fast.

VICE-CHAIR GAUDETTE: Can you attribute theft and trespassing and the drugs to this business? Do you think this business attracts it?

MRS. INGRAM: Attracts it? No I wouldn't say that it necessarily attracts it. It's just sign of the times and that's what people do.

VICE-CHAIR GAUDETTE: And you said that there is a waste disposal?

MRS. INGRAM: There is a waste disposal and they have a lot of traffic coming in and out.

VICE-CHAIR GAUDETTE: And where is that in relation to this business?

MRS. INGRAM: There is a road called Apache Lane.

VICE-CHAIR GAUDETTE: Can you point it out on the map.

MRS. INGRAM: (Stepped away from microphone to point out on map where the roads and business were located)

VICE-CHAIR GAUDETTE: Mr. Martinez are these permitted uses in a RR-2 zone?

MR. MARTINEZ: In an RR-2 they would not be permitted. We would have to check the licenses and investigate the properties a little more. They might have been there for some time now or more than ten years.



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VICE-CHAIR GAUDETTE: Possibly grandfathered in?

CHAIRMAN ARITAGA: How long have they been there?

MRS. INGRAM: About five or six years they butt up against our business. We don't have trash or anything over there. They are always dumping and hauling, and there is always activity there.

VICE-CHAIR GAUDETTE: Have you made any complaints about that business?

MRS. INGRAM: No I haven't. I am out and about because I walk every morning and afternoon and watch the business and they have the big trucks. I don't know if they have their property commercial or not. I just assumed they had gone before you. But we did not receive a letter for them and we did for this one.

VICE-CHAIR GAUDETTE: Mr. Martinez if you could please check that out because I don't think that it is fair to these people.

CHAIRMAN ARITAGA: Commissioners are there any more questions? Is there anybody else here who is opposed to the zone change? (There were none).

Mr. Padilla please come forward. So when you bought this property five years ago it was presented to you as commercial property and you have been taxed for commercial property for the last five years assuming that it was commercial property? And that is what you bought, that is what you financed and that's what you have been paying taxes on and this was a surprise when you were told that it was residential?

MR. PADILLA: Yes.

VICE-CHAIR GAUDETTE: Would you have still bought the property if was zoned residential?

MR. PADILLA: Yes sir.

CHAIRMAN ARTIAGA: I will entertain a motion for a recommendation to the Board of County Commissioners to approve the zone change.

Action: Approve

Moved by Vice-Chair Gaudette

Seconded by Commissioner Louie

Conditions: Hours of business operation are to be between 8:00 am & 6:00 pm.

Roll Call Vote: Commissioner Louie-Yes

Commissioner Garcia-Schaffner-Yes

Vice-Chair Gaudette-Yes

Chairman Artiaga-Yes

Motion passed unanimously



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MR. MARTINEZ: Mr. Padilla there has been a recommendation for the application for a change from an RR-2 to a C-2 with the condition of the hours of operation. The next step will be that it goes before the Board of County Commissioners and I will send you a letter letting you know when that will be.

C. REQUEST FOR A ZONE CHANGE FROM OD TO I-3: PNM, Laurie Moye-Agent:
Legal Description: T7N, R3E, Section 33, N.M.P.M.; The West 1,643ft. of the NW ¼
Section; Zoned OD; Valencia County, NM.

(See attached minutes)

7. **DISCUSSION**
8. **NEXT MEETING: February 26, 2014**
9. **ADJOURNMENT**