



VALENCIA COUNTY PLANNING & ZONING COMMISSION

M-I-N-U-T-E-S

Tuesday February 27, 2024 @ 3:00 pm
Valencia County Administration Building
444 Luna Ave, Los Lunas, NM 87031

PRESENT	ABSENT
Philip Sublett, Chair	
Ralph Freeman, Vice Chair	
Mike Montoya, Member	
Sue Moran, Member	
Mark Aguilar, Member	
Ryan Baca, Land Use Planner	
Jerrie Romero, Land Use Planner Assistant	
Melissa Jaramillo, Community Development Director	

Also present were: Rick Torres, Sean Gabaldon, John Kirkpatrick, Jayson Natera

1) CALL THE MEETING TO ORDER

A. At 3:01 PM Chair Sublett brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

B. Melissa Jaramillo lead the Planning & Zoning Commission and the audience in the Pledge of Allegiance.

3) APPROVAL OF AGENDA

C. Planning & Zoning Commissioners reviewed the Agenda;

APPROVAL: Motion to approve agenda

MOVED: Commissioner Freeman

SECONDED: Commissioner Montoya

CARRIED: Motion PASSED on a Vote of **5 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Montoya – YES; Commissioner Freeman – YES; Commissioner Aguilar-YES; Commissioner Sublett –YES).**

4) APPROVAL OF MINUTES January 23, 2024 County Planning & Zoning Minutes.

D.

APPROVAL: Motion to approve Minutes as presented.

MOVED: Commissioner Aguilar

SECONDED: Commissioner Montoya

CARRIED: Motion PASSED on a Vote of **5 FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Montoya – YES; Commissioner Freeman – YES; Commissioner Aguilar-YES; Commissioner Sublett-YES).**



VALENCIA COUNTY PLANNING & ZONING COMMISSION

5) STAFF REPORT: Land Use Planner **Ryan Baca** reports on the Board of County Commission approved ZC#2023-094 LEMAR Properties and ZC#2023-089 Tinnin was tabled, the Village of Los Lunas will be annexing portions of Morris Corridor on March 7th at their city hall meeting. Jerrie Romero was Recognized and congratulated for Employee of the Month. Ryan encouraged the commissioners to take a look at the P&Z website and the bulletin board it was updated with new commissioner photos. Melissa reported on the Older American Program, having a promotional event on fitness at the Belen Senior Center.

6) SWEARING IN OF PARTICIPANTS

Chairman Sublett swore in participants who would be speaking during hearing.

7) ACTION ITEM(S)

A. Zone Change #2023-095 (District IV, P&Z Commissioner Sublett, BoCC Bizzell)

Roberto Torres requests a Zone Change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2) for future development. Legal Descriptions:

- Subd: LANDS OF FRANK SANCHEZ Tract: A2 S: 19 T: 6N R: 2E; UPC 1007033221443;
- Subd: LANDS OF FRANK SANCHEZ Tract: A3 S: 19 T: 6N R: 2E, UPC 1007033210405;
- Subd: LANDS OF FRANK SANCHEZ Tract: B S: 19 T: 6N R: 2E; UPC 1007033312425;

Located on Seabell Rd west of Cut Tree Ln, in Los Chavez, NM 87002; Zoned Agricultural Preservation District (AP)

Background: This request is for Zone Change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2). Based upon the application and all available supporting information, this request does appear to meet all the applicable standards and criteria

Sublett, to staff on authorization form signed by property owner Robert Torres and Rick Torres, **Staff** in response Yes

Discussion ensued: Rick Torres presented for Robert Torres on the request for a zone change from Agricultural Preservation District (AP) to Rural Residential District 2 (RR-2). This zone change will allow for transfer of properties to family, neighbors and to create more affordable building sites to make it more manageable. It is becoming a challenge to maintain larger parcels, costs, maintenance, labors. This property is located in the Los Chavez area and approximately .12 acres, the lots will have legal access from Seabell Rd. and this proposed change will maintain existing commercial agriculture potential and conserve agricultural value

P & Z/Public Line of Questioning: **Sublett**, on the total acreage impacted is two 6 acre lots? **Rick**, no there is a total of 20 acres, 8 acres in front and 12 acres across the ditch. **Sublett**, why RR2 and not RR1? **Rick**, the plan is for a minimal of 2 acre lots. **Sublett**, Is the access to the other properties going to be off of Seabell Rd., a drainage ditch? **Rick**, yes it is a recorded easement a drainage between both of those properties **Staff**, identifies that along the eastern tract B there is a 40 ft. easement along the southern



VALENCIA COUNTY PLANNING & ZONING COMMISSION

boundary going across and has been platted. **Rick**, MRGCD has permitted the easement because there was no legal access to the back property. **Montoya**, what are the weight limits of the crossing over the ditch. **Rick**, MRGCD designed and engineered the easement, it has a 6ft.x 40ft. culvert they had to put in, this is a private road easement and not maintained by the county. **Sublett**, redirected back to the question of why zone to RR2 and not RR1? **Rick**, for the preservation of the land. There were no members of the public in favor and one member with standing against this request had concerns of the easement off of Seabell Rd. and the property value dropping if mobile homes are allowed and turns into a mobile home park.

APPROVAL:

Motion to Approve Zone Change # 2023-095

Approved

MOVED: Commissioner Sublett

SECONDED: Commissioner Montoya

CARRIED: Motion approved on a Vote of 5

FOR and 0 AGAINST (Commissioner Moran – YES;

Commissioner Montoya – YES; Commissioner Freeman–

YES; Commissioner Aguilar-YES; Commissioner Sublett-

YES).

B. Zone Change #2024-008 (District II, P&Z Commissioner Freeman, BoCC Richardson)

Vermillion Lake, Land, & Cattle LLC requests a Zone Change from Suburban Residential District (SR) to Community Commercial District (C-2) for future commercial development.

Legal Description:

- Subd: CYPRESS GARDENS B-6-31 Lot: 216 1.01 ACRES; 1-013-037-342-513-000000

- Subd: CYPRESS GARDENS B-6-31 Lot: 217 0.87 ACRE; 1-013-037-357-515-000000

- Subd: CYPRESS GARDENS B-6-31 Lot: 218 0.70 ACRE; 1-013-037-372-519-000000

- Subd: CYPRESS GARDENS B-6-31 Lot: 219 0.92 ACRE; 1-013-037-388-517-000000

- Subd: CYPRESS GARDENS B-6-31 Lot: 220 0.86 ACRE; 1-013-037-405-517-000000

*Located at the southwest corner of Meadowlake Rd and Cypress Blvd, in Los Lunas, NM 87031;
Zoned Suburban Residential District (SR)*

Background: This request is for Zone Change from Suburban Residential District (SR) to Community Commercial District (C-2). Based upon the application and all available supporting information, this request does appear to meet all the applicable standards and criteria for a zone change within Sections 154.061 of the Valencia County Zoning Code.

Discussion ensued: Sean Gabaldon and John Kirkpatrick. Sean is a 3rd generation developer and builder who partners with his wife they have invested in Cypress Gardens Subdivision. They are requesting a zone change to continue the vision of revitalization on multi and single family housing and infrastructures for



VALENCIA COUNTY PLANNING & ZONING COMMISSION

the neighborhood. Currently in the Cypress Gardens there are 500 standing homes, 250 within the last 3 years and 105 building lots are ready with infrastructures with an additional of 403 more phases. For tonight Lots 216-220 seeking C2 zone to start marketing for proper infrastructures such as gas stations, laundromat, convenient store, office space, fast food restaurant, a market place or a possible strip mall to service the entire neighborhood. John Kirkpatrick acting agent and architect representing Sean, relayed to the board the zoning under SR does not allow any commercial development and Sean cannot represent the property as commercial property. The total site requested for the zone change 5 total lots totaling 4.5 acres. Kirkpatrick mentions this proposed change is consistent with the goals and policies of the comprehensive plan and are appropriate considering the density and burgeoning growth pattern of the area. This proposed change will enhance the county's health, safety and welfare, to help support the residents.

P & Z/Public Line of Questioning: *Freeman* to Kirkpatrick on wanting a zone change to market to another entity that comes in with that gas station. *Sean*, exactly so the people would not have to travel so far for these services and Meadowlake is a priority growth corridor with no infrastructures. *Montoya*, on potential investors? *Sean*, yes we are looking out for specific chains a Maverick or Walmart market place, there is five acres that will serve the neighborhood. *Aguilar*, on residents adjacent to this proposed area and any proposed buildings to be done to the south? *Sean* No there is a large buffer of lots that falls behind the tracts and they were platted at one time but it's all vacant land undeveloped and no proposed buildings on that section to the south will be empty lots. *Sean* re-directed to Commissioner Montoya's question on investors. Yes, there are many groups of investors who would like to invest in Valencia County and there are more phases to meet long term investments. *Kirkpatrick*, there will be stop gaps in the zoning regulations between residential and commercial, to protect neighbors. The transition between both zones is critical, so the desire of the owner is to create a buffer that will require commercial development to separate itself. *Aguilar*, brought up concerns on noise and the night time act, to have no lights shining into resident's yards. *Kirkpatrick*, Compliance with all zoning requirements will be met if this request is approved. *Sublett*, questions the lots to the south are projected vacant lots, but are identified on the map Sparling Court lot 1,3,5,7 & 9 all have residential *Sean*, the lots 1,2 & 3 are residential and lot 4 and everything else down the hill are not, the proposed lots are far from the residents. *Montoya*, If the commercial property is developed will walls be considered for noise reduction for the properties behind the proposed area? *Sean*, yes it's in the HOA covenants a 6ft. masonry block wall. There were no members of the public in favor and one member with standing against this request, the *Member* asked for clarification if the HOA or the county will be dictating on what is built if the proposed property is commercialized? *Sublett*, to a point, *Moran* added to the discussion, no industrial projects will be developed. The *Member* also mentioned if the zone is changed to commercial property, Cypress Gardens will be like any other city, and will take away from the peace and quiet of a small community.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

APPROVAL:

Motion to Approve Zone Change # 2024-008

Approved

MOVED:

Commissioner Freeman

SECONDED:

Commissioner Moran

CARRIED:

Motion approved on a Vote of **4**

FOR and 1 AGAINST (Commissioner Moran – YES;

Commissioner Montoya – YES; Commissioner Freeman–

YES; Commissioner Aguilar-NO; Commissioner Sublett–

YES).

C. Zone Change #2023-076 (District III, P&Z Commissioner Moran, BoCC Sparkman)

Overland Engineering, LLC request a Zone Change from Rural Residential District 2 (RR-2) to Community Commercial District (C-2) to develop a Dollar General retail store. Legal Description: Tract: 85A2B2 S: 31 T: 5N R: 2E; 1.98 ACRES Located at the corner of Highway 116 and E Baca Rd in Jarales, approximately 2 miles south of S Main St and Highway 116; UPC 1007025072112; Zoned Rural Residential District 2 (RR-2).

Background: This request is for Zone Change from Rural Residential District 2 (RR-2) to Community Commercial District (C-2). Based upon the application and all available supporting information, this request does appear to meet all the applicable standards and criteria for a zone change within Sections 154.061 of the Valencia County Zoning Code.

Discussion ensued: on ZOOM Jayson Natera a land surveyor presented on behalf of Overland Engineering **Sublett** asked staff if a letter of authorization was signed, **Staff**, yes one was submitted. Sublett continued with swearing in Jayson Natera. Jayson opened his presentation to the board by relaying that Overland Engineering was proposing a zone change from RR2 to Community Commercial District to develop a Dollar General retail store.

P & Z/Public Line of Questioning: No line of questioning between Presenter, Jayson Natera and the Board There were no members of the public in favor of this request and 13 members with standing against this request who expressed many concerns of safety for the public, no growth area in the comprehensive plan, an over saturation of Dollar Generals in a short distance of 3 miles, the proposed area has no infrastructure on this corridor to support the development and flooding. Many members agreed that this change would disturb the preservation of agriculture and the disruption of a quiet home living. Also was mentioned was the road traffic where the proposed area is there are small farmers transporting farming equipment and school busses travel on these two lanes sharing the roads with semi-trucks would be dangerous. This is a rural area and should remain as such. **Freeman** directed to a members concern on flooding by mentioning if this zone change was recommended, the store would



VALENCIA COUNTY PLANNING & ZONING COMMISSION

have to develop their own drainage pond, **Aguilar** added, the drainage pond would have to be engineered and maintained. **Staff**, agreed.

APPROVAL:

Motion to Deny ZC # 2023-076

Approved

MOVED:

Commissioner Moran

SECONDED:

Commissioner Montoya

CARRIED:

Motion approved on a Vote of 5

FOR and 0 AGAINST (Commissioner Moran – YES; Commissioner Montoya – YES; Commissioner Freeman – YES; Commissioner Aguilar- YES; Commissioner Sublett- YES).

8) Next Meeting: Tuesday March 26, 2024 at 3:00 p.m.

9) Adjournment:

MOVED:

Motion to adjourn made by Commissioner Freeman

SECONDED:

Motioned second by Commissioner Aguilar

CARRIED:

Motion PASSED on a Vote of **5 FOR and 0 AGAINST (Commissioner Moran - YES; Commissioner Montoya- YES; Commissioner Freeman – YES; Commissioner Aguilar-YES; Commissioner Sublett-YES).**

Minutes are not verbatim. The complete audio file from this meeting can be requested from P&Z Dept. contact Jerrie Romero at (505) 866-2054