



VALENCIA COUNTY PLANNING & ZONING COMMISSION MINUTES

April 25, 2012

3:00 PM

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

- 1. CALL TO ORDER**
Commissioner Lane
Commissioner Edeal were not present for the meeting.
- 2. PLEDGE OF ALLEGIANCE**
Commissioner Lane
- 3. APPROVAL OF AGENDA**
Commissioner Artiaga
Commissioner Gaudette
- 4. APPROVAL OF AMENDED MINUTES: March 28, 2012**
Commissioner McCartney
Commissioner Artiaga
- 5. SWEARING IN OF PARTICIPANTS**
Commissioner Lane
- 6. ACTION ITEMS**
 - A. REQUES FOR A ZONE CHANGE FROM C-1 TO C-2: Bernardo H. Garcia: Legal Description: T6N, R2E, Section 15, Map 85; NMPM; Tract 16-B-1-A; Zoned C-1; Filed in Book 366, Page 1386; Of the office of the Valencia County Clerk; Also known as 2975 Highway 47, Los Lunas, NM.**

Mr. William stated that his name is Anthony and his address is 529 Highway 314 Los Lunas, NM.

Commissioner Lane stated that he read the letter and asked if he would like to explain to the commissioners what he is here today.

Mr. William stated that he is asked the commission to table the agenda item for reason provided by the letter. Just introduced to the case and would like to have more detail. Clients had a vacation plan and will come back later today. Wanted to explore the issue of the grandfather status of the property. Has and obligation to explore that. Most everyone remembers that if was and El Cid greenhouse that was promoted by a county effort in argument has merit or not but wast to explore. Beyond that, because of completely legal activity and as it was zoned for commercial uses, the idea that it is not an appropriate location for a business is difficult to see with the history of the building. Understand that there was a history with thiscase of an automotive repair facility. He got into this with a clear understanding that there would not be a backdoor attempt to put in an automotive repair shop. The C-2 zoning allows for a lof of stuff that is way beyond the scope of this business of what they want. When his clients have the opportunity to present this in front of the commission they will say that their desire is to have a home on a business.

Commissioner Gaudette stated that they need to decide if this is going to be tabled.

Mr. William stated that he would like to explore how to present this case to make an enforceable binding agreement that doesn't expand the C-2 option. He would like to explore that in the interim.

Commissioner Gaudette asked if they want the residents of the neighborhood.



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Mr. William stated that is correct.

Commissioner Lane asked why would like come before the commission if his clients knew they were going to go on vacation.

Mr. Williams stated that it was his recommendation.

Commissioner Lane stated that he understands that he was retained just a week ago, and asked Mr. Martinez to read what the permissive used for C-2 zoning.

Mr. Martinez stated that under 154.121 Permitted uses, All uses permitted in the C-1 District; Shopping centers; Hotel or motel; Tavern bar or lounge; Farm equipment sales; Greenhouses, plant nurseries, or landscaping; Indoor recreational facilities; Veterinary hospitals with outdoor facilities; Lumber sales; Gas stations and repair; Amimal feed stores; with outside storage facilities; Essential public utility structures; Dwelling in conjunction with a commercial use.

Commissioner Gaudette stated that they need to act on the request.

Commissioner Lane stated that he hopes this is not a back door deal.

Mr. Williams stated that he believes that his clients are sincere and figure out a way to satisfy the commission and the community about the business. It is a question of how do we do it in a way that their intentions are fulfilled.

Commissioner Artiaga stated that she missed the meeting of the automotive repair shot but she did read the minutes and she feels that they have a lot of money invested and she thinks that postponing the request is reasonable, and she would like to make a motion to recommend it being tabled.

Commissioner Gaudette stated that the cost of notification should be passed on to the parties.

Commissioner Lane stated that the county should not bare the cost of the notification.

Commissioner McCartney stated that Mr. Martinez should ask the lawyers.

Commissioner Lane stated that he does not want to be unfair.

Commissioner Artiaga made a motion to table if the applicable party requestion to table the request and the applicants should pay for the notification for the new hearing if the lawayer okay that.

Commissioner Gaudette secounded the motion.

Mr. Martinez called for a vote.

Commissioner Artiaga stated yes.

Commissioner Gaudette stated yes.

Commissioner McCartney stated yes.

Commissioner Lane stated no.



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Mr. Martinez stated to Mr. Williams that there has been a motion passed 3 to 1 to table the action item, he will talk to him about the recommendation or conditions of that motion after the meeting.

Mr. Williams thanked the commissioners.

7. DISCUSSION:

Commissioner Lane asked if there was any discussion. Mr. Martinez stated that he does not have anything prepared for discussion items, but he did have news that he will be moving to another position within the county, he will be moving as the Public Works Director as of right now he is handling both the Public Works and the Planning and Zoning departments and he foresees that happening for at least for the next couple of months until the new fiscal year arrives and they advertise for the position, and the transition will be slow. Commissioner Lane asked if they have not started to advertise for the position yet. Mr. Martinez stated no. Commissioner Lane asked if there was a County Manager yet. Mr. Martinez stated that yes there is a new county manager and he started on the 23rd and his name is Bruce Swingle. Commissioner Lane congratulated Mr. Martinez on his new position and obviously he wanted to apply for that current position and took it. Commissioner Artiaga congratulated Mr. Martinez as well. Commissioner Lane stated that he knows that Mr. Martinez will be successful there at that position as he has been successful in the Planning and Zoning department, and he thinks that working with him for the past year and a half. Mr. Martinez stated that it has been 2 years now. Commissioner Lane stated that time flies when they are having fun, and he has really enjoy it and he has learned quite a few from him. Mr. Martinez stated that he has learned a lot from him as well. Commissioner McCartney stated that there are people in the audience would like to speak. Commissioner Lane asked if the discussion would include the audience. Mr. Martinez stated no and really he thinks that it would be up to the commission if they would like to provide room for public comments but they do not have agenda item for public comments, and they are here probably to speak on that item that was tabled and therefore it would be up to the commissioners if they would like to hear them. Commissioner Lane stated that this meeting is not usually open for public comments it is just open for discussion on the board and he knows that they would like to talk about what was just tabled and he is going to ask the fellow commissioners what they think, and he personally advises against it. Commissioner McCartney stated that their attorney has left the building and there should be no comments on the previous item that was tabled. Commissioner Artiaga stated that is right and the people are not here to defend themselves and the item has been tabled for a different meeting. Commissioner Lane asked Commissioner Gaudette how he feels. Lady from the audience stated that it is not fair because they were called to this meeting and they wanted to speak the commission is going out of their way to accomodate one party and all the residents of Tome have expressed how they feel and they are against the request. Commissioner McCartney stated that under the rules they are allowed to ask for a continuance period and that's what their attorney did for his clients and he was granted that request on a vote 3 to 1. Lady from the audience stated that does not matter and they have the county ordinances to protect them but they are not helping them. Commissioner McCartney stated that they defied this same case in the last meeting. Commissioner Lane stated that there is not going to be any public discussion at this time. Charles Eton stated that there was a motion and discussion there should have been allowed discussion from the public to be made on that motion. Commissioner Artiaga stated that discussion is on the commission side. Commissioner Gaudette stated that it would not be on action items. Commissioner Lane stated that they made a decision to table the case and the decision was made and that was the end of the discussion. Charles Eton stated that the commission did not give the other side and opportunity to speak. Commissioner Lane stated that the reason they did not do that was because there was nothing to discuss because it was tabled. Lady from the audience stated that if they would have known that the case was going to be tabled they would have sent their lawyers here today. Commissioner Artiaga stated that there is nothing to discuss because the item has been postponed and they have not made a decision on the request and it would be inappropriate to discuss the item. Commissioner Lane stated that he wanted to know why they wanted to table the item, he thought that it was unusual for him to table the item when the appointment had already been made the commission voted 3 to 1 to table the request and he voted no to table it but the commission voted and it was tabled and that would be the end of the discussion and the next time that it comes up



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they are all more than welcome to come back and speak again. Lady from the audience stated that it is a lot of hours. Man for the audience stated that in all the meetings he has never received notice and he lives right across street. Commissioner Lane stated that after the meeting he should talk to Mr. Martinez's office and let them know about that, and asked if there was anymore discussion among the commissioners. No more discussion.

8. NEXT MEETING: **May 23, 2012**

9. **ADJOURN**