



Approved 5-0
June 27, 2017

VALENCIA COUNTY PLANNING & ZONING COMMISSION AGENDA

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

Tuesday May 23, 2017@ 3:00 pm

Valencia County Administration Building

Commission Chambers, 444 Luna Ave, Los Lunas, NM 87031

PRESENT	ABSENT
Michael McCartney, Chairman	
LeRoy Baca, Vice-Chair	
Steven R. Otero, Member	
Frank A. Gurule, Member	
Sue Moran, Member	
James M. Aranda, Community Development Director	
Trey Sampson, Rural Addressor/E-911	

ALSO PRESENT WERE: Amanda Melendrez, Roxanne Martinez, Richard Martinez, Raul Medrano, Roberto Gabaldon, Corina O., Arturo Carrillo.

1) CALL THE MEETING TO ORDER

- At 3:00 PM Chairman McCartney brought the meeting to order.

2) PLEDGE OF ALLEGIANCE

- Chairman McCartney asked Commissioner Otero to lead the Planning & Zoning Commission and the audience in the Pledge of Allegiance.

3) APPROVAL OF AGENDA

- Community Development Director James Aranda presented the Agenda to the Planning & Zoning Commission.

APPROVAL: Motion to approve

MOVED: Commissioner Baca

SECONDED: Commissioner Moran

CARRIED: Motion passed on a vote of 5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST

4) APPROVAL OF MINUTES April 25, 2017

APPROVAL: Motion to approve

MOVED: Commissioner Gurule

SECONDED: Commissioner Moran

CARRIED: Motion passed on a vote of 5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST

5) SWEARING IN OF PARTICIPANTS

- Chairman McCartney swore in participants who would be speaking during the hearing.



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6) ACTION ITEM(S)

A) REQUEST FOR A CONDITIONAL USE HOME OCCUPATION IN AN RR-2 ZONE DISTRICT

*Application: CU #2017164; Applicant: Amanda Melendrez; Purpose: This is a request for permission for a home based business to manufacture, store And sell homemade soap and skin care products. Location: 11 Gilcrease Road, Los Lunas, NM. **LEGAL DESCRIPTION: T7N; R3E; Section 30; Map 71; N.M.P.M.; Lands of Barbara Tenbrink; Tract: 4; 1.0 Acres; Zoned Rural Residential 2 (RR-2); Filed in Plat Book 2, Page 273 in the Office of the Valencia County Clerk, Los Lunas, NM 87031***

Background: The applicant wants to apply for a business license to make and sell homemade soaps, lotions, and other skincare items. The home is owned by Kari and Michael Melendrez, who have given the applicant permission to run her business from their home. The home will be used for the manufacturing, storage, and general office work, with no customers coming to the home. Department reviews were distributed April 26, 2017. As of now, there have been no concerns from any department. **Analysis:** This request is for a small home occupation. According to the applicants, the proposed use will require no changes, modifications or improvements to the subject property. Also, there will not be any visual evidence of the home occupation from adjacent roads or properties. Furthermore, the proposed use will not result in any unreasonable interference with existing uses on nearby land or other uses permitted in the RR-2 Zone in which the property is located Based upon the application and all available supporting information, this request appears to meet all the applicable standards and criteria for a conditional use home occupation within Section 154.168 of the Valencia County Zoning Code. Furthermore, there are no outstanding taxes or code violations associated with the subject property. Therefore the Planning and Zoning Department recommends approval of this request.

Discussion ensued. There was no one who spoke in favor of the application. There was no one who spoke against the application. There was a vote to APPROVE the Conditional Use Home Occupation for two years without conditions.

APPROVAL: Motion to approve

MOVED: Commissioner Otero

SECONDED: Commissioner Gurule

CARRIED: Motion passed on a vote of **5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST**

B) REQUEST FOR A ZONE CHANGE FROM RURAL RESIDENTIAL 2 (RR-2) TO COMMUNITY

COMMERCIAL (C-2); Application: ZC #2017168; Applicant: Richard & Roxanne Martinez; Purpose: The zone change request is to allow the applicant's to operate an auto body and refinishing shop on the property. Location: 5 Sausal Road, Belen, NM 87002; **LEGAL DESCRIPTION: T5N; R2E; Section 4; Map 95; N.M.P.M; Lands of Barnes & Rael; Tract: B; 1.0 Acres; Zoned Rural Residential 2 (RR-2); Filed in Plat Book 14, Page 127 in the Office of the Valencia County Clerk, Los Lunas, NM 87031**

Background: The business located on this property is currently operating out of compliance with the Valencia County Code of Ordinances. The purpose of this request is to change the zoning to C-2, so they can operate the auto collision repair shop. The applicants will also apply for a business license, as their last one was suspended. Department reviews were sent out April 28, 2017. Public Works would like to see proposed road improvements. Code Enforcement would like to see a grading and drainage plan. There are no other issues at this time. **Analysis:** This request is to rezone the subject property from RR-2 to C-2. This new zoning category would be compatible with the current use, which is restricted per the current zoning. C-2 would allow for this use, per Section 154.121 (B)(10) of the Valencia County Code of Ordinances: (B) *Permitted Uses*. In the C-2 District, the following uses shall be permitted subject to the standards and limitations set for in division (F) and pursuant to Sections 154.035



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through 154.140 for site design review: (10) Gas stations and repair; This request would require no changes, modifications, or improvements to the subject property. It would simply allow for the property to continue to be used in the way that it is currently being used. However, concerns have been raised regarding the quality of the road easement. Based upon the application and all available supporting information, this request appears to meet all the applicable standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code. Furthermore, there are no outstanding taxes or code violations associated with the subject property. The applicants have worked with the department to come into compliance, therefore the Planning and Zoning Department has no issue with approval of this request.

Discussion ensued. There was no one who spoke in favor of the application. There was no one who spoke against the application. There was a vote to recommend APPROVAL of the request for a zone change to the Board of County Commissioners.

APPROVAL: Motion to recommend approval

MOVED: Commissioner Baca

SECONDED: Commissioner Otero

CARRIED: Motion passed on a vote of **5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartnev-yes) FOR and 0 AGAINST**

C) REQUEST FOR A ZONE CHANGE FROM NEIGHBORHOOD COMMERCIAL (C-1) TO COMMUNITY COMMERCIAL (C-2); *Application: ZC #2017170; Applicant: Roberto Gabaldon-Southwest Emporium; Purpose: The zone change request is to allow the applicants to continue to operate a U-Haul trailer rental and other uses allowed within a C-2 Zoning District. LEGAL DESCRIPTION: T5N; R2E; Section 6; Map 96; N.M.P.M.; Lands of Jerry Rogers; Tract: 1; 1.19 Acres; and Tract: 2; 1.19 Acres; Zoned Neighborhood Commercial (C-1); Filed in Plat Book K, Plat Number 446; in the Office of the Valencia County Clerk, Los Lunas, NM 87031*

Background: The business specializes in antiques and collectibles, and is an authorized dealer for Weather King portable buildings, U-Haul rentals, and Eagle Carports. The property has passed its most recent fire inspection. The department reviews were distributed May 1, 2017. Code Enforcement has requested a grading and drainage plan. Public Works would like to clarify with NMDOT if a TIA is needed. There are no outstanding issues with the property otherwise. This request is simply an attempt to maintain the current use while coming into compliance.

Analysis: This request is to rezone the subject property from C-1 to C-2. This new zoning category would be compatible with the current use, some of which is restricted per the current zoning, namely the renting of U-Hauls. C-2 would allow for this use, per Section 154.121 (B)(15)(e)(2) and (3) of the Valencia County Code of Ordinances: 2. Auto, trailer and truck rental, service, sales, storage, provided the lot is graded and surfaced with paving or other pervious material. 3. Trucks and trailers parked outdoors for rental sales or storage, provided stored or inoperable vehicles shall be screened and subject to the site design review of Sections 154.035 through 154.140 of this chapter; This request would require no changes, modifications, or improvements to the subject property. It would simply allow for the property to continue to be used in the way that it is currently being used. Based upon the application and all available supporting information, this request appears to meet all the applicable standards and criteria for a zone change within Section 154.061 of the Valencia County Zoning Code. Furthermore, there are no outstanding taxes or code violations associated with the subject property. Therefore the Planning and Zoning Department recommends approval of this request.



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Discussion ensued. There was no one who spoke in favor of the application. There was no one who spoke against the application. There was a vote to recommend APPROVAL of the request for a zone change to the Board of County Commissioners.

APPROVAL: Motion to recommend approval

MOVED: Commissioner Baca

SECONDED: Commissioner Gurule

CARRIED: Motion passed on a vote of 5 (Commissioner Otero-yes; Commissioner Gurule-yes; Commissioner Baca-yes; Commissioner Moran-yes; Commissioner McCartney-yes) FOR and 0 AGAINST

D) REQUEST FOR A VARIANCE ON SET-BACKS BETWEEN STRUCTURES IN AN RR-1 ZONE

Application: Variance #2017171; Applicant: Raul H. Medrano Varela; Purpose: This request is to allow for a 4 set-back between the existing garage and existing home. Location: 247 High Mesa Road, Los Lunas, NM 87031. LEGAL DESCRIPTION: T7N; R3E; Section 28; N.M.P.M.; Mesa View Subdivision; Block: 1; Tract: 3H1; 1.47 Acres; Zoned Rural Residential 1 (RR-1); Filed in Plat Book K, Page 1429 in the Office of the Valencia County Clerk, Los Lunas, NM 87031

Background: According to the application, the applicant constructed a garage four feet from the mobile home on the property without knowing that they would need a permit for the construction. Upon notification from the Planning & Zoning Department, the applicant submitted a variance request in order to allow for the garage to stay in its current location. Department Reviews were handed out on May 1, 2017. The Fire Department expresses that their recommendation is the relocation of the garage for safety reasons. **Analysis:** Pursuant to Section 154.058 (A)(1) of the Valencia County Zoning Code, the purpose of a variance is to provide administrative relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access or other dimensional requirements would impose practical difficulties or unnecessary hardship. These difficulties or hardships may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. Based on all available information, the lot does not have any physical conditions which would require the garage to be located so closely to the mobile home. It is the determination of the Planning and Zoning Department that this request does not meet the requirements for a variance.

Discussion ensued. Mr. Antonio M. Carillo spoke in favor of the application. There was no one who spoke against the application.

There was motion for APPROVAL of the Variance.

APPROVAL: Motion to approve

MOVED: Commissioner Otero

SECONDED: Commissioner McCartney

NOT CARRIED: Motion was voted down on a vote of 2 (Commissioner Otero-yes; Commissioner McCartney- yes) FOR and Commissioner Gurule-no; Commissioner Baca-no; Commissioner Moran-no) 3 AGAINST

The request for a Variance was DENIED on a vote of 3-2 against approval

Mr. Aranda informed the applicant that as discussed during the meeting, he could construct a breezeway between the two structures as long as he came in to obtain the proper permits.



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184 **7) Discussion**

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186 **8) Next Meeting:**

187 Tuesday- June 27, 2017 @ 3:00 pm

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189 **9) Adjournment**