



## **VALENCIA COUNTY PLANNING & ZONING COMMISSION**

### **AGENDA**

**July 23, 2014**

**4:00 PM**

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

#### **Roll Call**

#### **Present:**

**Chairwoman Artiaga  
Commissioner Garcia-Shaffner  
Commissioner Baca  
Commissioner Huey  
Jacobo Martinez (Not Voting)**

**Absent: Vice-Chair Gaudette**

- 1. CALL THE MEETING TO ORDER**  
**Chairwoman Artiaga**
- 2. PLEDGE OF ALLIGANCE**
- 3. APPROVAL OF AGENDA**  
Action: Approve  
Moved By: Commissioner Baca  
Seconded By: Commissioner Louie  
Motion passed: Unanimously
- 4. APPROVAL OF MINUTES: June 25, 2014**  
Action: Approve  
Moved By: Commissioner Baca  
Seconded By: Commissioner Louie  
Motion passed: Unanimously
- 5. SWEARING IN OF PARTICIPANTS**
- 6. ACTION ITEM(S):**

#### **A. REQUEST FOR A VARIANCE**

**Applicant: Christopher Ryan**  
**Purpose: RV Carport**  
**Address: 8 Phillips Dr.**

Legal Description: T7N, R2E, Section 25, Map 71, N.M.P.M.; Freeman Subdivision: Lot 20;  
Zoned RR-2; Filed in Book 359, Page Number 22,771 in the office of the Valencia County  
Clerk; Also known as 8 Phillips Dr., Los Lunas, NM 87031.

***Property is located NE of Monica Rd. & Phillips Rd.***

Mr. Ryan stated his name is Christopher and lives at 8 Phillip Dr. and has carport for the RV that he and his wife purchased for their retirement, and was told by the former owner that there were not any restrictions on metal buildings. Mr. Ryan stated he talked with the neighbors as well and nobody had a problem with it. Mr. Ryan stated the building is and Eagle carport and attached to

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cinder block that has rebar and a twelve inch deep foundation underneath it as required by Eagle. Mr. Ryan stated he is bothered by the fact that Eagle did not mention needing a permit and was under the assumption they were the experts. Mr. Ryan stated there are other properties around him that also have structures that do not meet set back requirements and therefore went ahead and put it up.

Chairwoman Artiaga asked Mr. Ryan if the company he purchased the carport from did the installation.

Mr. Ryan stated yes.

Chairwoman Artiaga asked if he saw a license/contractors number.

Mr. Ryan stated he believes there was one on the receipt.

Chairwoman Artiaga stated the company is responsible to get a building permit for the structure.

Commissioner Baca asked Mr. Ryan which code he is in violation of.

Chairwoman Artiaga stated the fifteen foot set-back.

Commissioner Baca asked if the carport causes an obstruction to local traffic.

Mr. Ryan stated not that he can see as he put it back as far as possible.

Commissioner Louie asked Mr. Ryan if there is a small building on the other side of the property.

Mr. Ryan stated there is a carport.

Chairwoman Artiaga asked if there was anybody who wished to speak in favor of the application. There was nobody to speak in favor of the application.

Chairwoman Artiaga asked if there was anybody who wished to speak in opposition to the application. There was nobody to speak against the application.

Action: Approve  
Moved By: Commissioner Louie  
Seconded By: Commissioner Baca  
Motion passed: Unanimously

Roll Call Vote: Commissioner Louie-Yes  
Commissioner Baca-Yes  
Commissioner Louie-Yes  
Commissioner Garcia-Shaffner-Yes  
Chairwoman Artiaga-Yes

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### B. REQUEST FOR A VARIANCE

**Applicant:** Juan Ramirez

**Purpose:** Garage

**Address:** 1807 N Mesa Rd.

Legal Description: T5N, R1E, Section 1, Map 96, N.M.P.M.; Land of Anthony Chavez: Tract 2; Zoned RR-2; Filed in Book 334, Page Number 973 in the office of the Valencia County Clerk; Also known as 1807 N Mesa Rd., Belen, NM 87022.

***Property is located off of NW of Ventana Rd. and N Mesa Rd.***

Mr. Ramirez stated his name is Juan and is here to apply for a variance as he did not know it was an issue being so close to the property line, and even though he has plenty of room on the West side of the property if the garage was put there it would be too far from the house.

Chairwoman Artiaga asked Mr. Ramirez if had already begun construction and how close is it to the property line.

Mr. Ramirez stated it is twenty eight inches from the property line.

Chairwoman Artiaga asked what is on the other side of the property line from where the garage is being built.

Mr. Ramirez stated there is nothing nearby; the neighbors are about one hundred to one hundred fifty feet from the property.

Chairwoman Artiaga asked Mr. Ramirez how far along he is in his construction.

Mr. Ramirez stated he has the posts up and part of the structure.

Chairwoman Artiaga asked Mr. Ramirez if he got a building permit.

Mr. Ramirez stated he did not.

Chairwoman Artiaga asked if there was anybody who would like to speak in favor of the application. There was nobody to speak in favor of the application.

Chairwoman Artiaga asked if there was anyone who would like to speak in opposition of the application.

Mrs. De Vargas stated her name is Christina and is opposed to the application as the structure is practically on her fence line and if Mr. Ramirez builds this structure they will not have a view anymore. Mrs. De Vargas also stated that Mr. Ramirez has a railroad car/semi-trailer on the fence line as well and she did not complain about that. Mrs. De Vargas stated Mr. Ramirez is not a very clean man and she takes good care of her yard.

Commissioner Garcia-Shaffner asked Mrs. De Vargas if the only thing dividing the properties was the rail road ties.

Mrs. De Vargas stated yes.

Commissioner Baca asked Mrs. De Vargas if the rail road ties were the boundaries of the two properties.

Mrs. De Vargas stated yes.

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Commissioner Garcia-Schaffner stated she asked Mrs. De Vargas to clarify the photo she showed to the Commission of the metal trailer, tractor trailer type thing and also where the drive way is in relationship to the picture shown by Mrs. De Vargas.

Chairwoman Artiaga asked Mr. Foster if he had been out to inspect the site.

Mr. Foster stated the officers had.

Chairwoman Artiaga asked if the tractor trailer being used for storage is legal.

Mr. Foster stated no with a nod of his head.

Chairwoman Artiaga asked if they had been cited.

Mr. Foster stated with a nod of his head they had been cited.

Chairwoman Artiaga asked Mr. Foster if Mr. Ramirez is required to have a fifteen foot set back from the easement also.

(Unable to record Mr. Foster's response)

Chairwoman Artiaga asked Mr. Foster if Mr. Ramirez needs a fifteen foot set back from the easement and a fifteen foot set back from the property line.

Mr. Foster stated the road easement is a twenty foot road easement and from that easement line he must set fifteen feet back from that point plus fifteen from the back side.

Chairwoman Artiaga asked if Mr. Ramirez would like to rebut any of the testimony given.

Mr. Ramirez stated no.

Chairwoman Artiaga stated the reason there are zoning laws and regulations is to protect neighbors from each other and this is a blatant violation and Mr. Ramirez should have had a permit, should have followed the setbacks and should also be getting along better with his neighbors, and as far as the containers go they are illegal and feels it would not be appropriate to approve the variance but that is up to the other Commissioners.

Action: Deny  
Moved By: Commissioner Baca  
Seconded By: Commissioner Garcia-Shaffner  
Motion passed: Unanimously

Roll Call Vote: Commissioner Louie-Yes  
Commissioner Baca-Yes  
Commissioner Garcia-Shaffner-Yes  
Chairwoman Artiaga- Yes

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### C. REQUEST FOR A ZONE CHANGE FROM RR-1 TO C-2:

**Applicant:** RSBR Investments, LLC-Overland Engineering, LLC as agent.

**Purpose:** Construction of a Dollar General Retail Store

Legal Description: T7N, REE, Section 28, N.M.P.M.; Land of Jimmy Duncan; Tracts B&C; Zoned RR-2; Filed in the office of the Valencia County Clerk; Also known as 276 Meadow Lake Rd., Los Lunas, NM 87031.

*Property is located at the SE corner of Saxon Rd. and Meadow Lake Rd.*

Mr. Martinez showed the Commission where the subject property is located. Mr. Martinez stated it is two pieces of property where an old church exists and an open field piece of property. Mr. Martinez stated the applicant is looking to acquire the parcels of property and then sub-divide the properties to put the Dollar General on, so they would acquire the larger piece of property and then sub-divide it into three different lots. Mr. Martinez stated lot one is the property seeking the zone change from RR-1 to C-2 in order to accommodate the Dollar General Store. Mr. Martinez stated the application was brought to the Planning & Zoning office in March and was going to be brought to the Commission and packets were handed out to the Commission in March of 2013 but there was some concern from Public Works regarding the access and the rounded corner of Meadow Lake Rd. Mr. Martinez stated Public Works list about seven items of concern in their Department Review which is in the Commissioners packets. Mr. Martinez stated the Investment Group reworked the site plan and it does satisfy the concerns of Public Works. Mr. Martinez stated a left hand turn lane, a deceleration lane into a left hand turn lane, a deceleration lane on the right side, moved the parking lot a little more to the center of the area and not out onto the curb, and made a clear vision site line area around the curb by moving the building back. Mr. Martinez stated Public Works has been satisfied with the new site plan. Mr. Martinez stated the total site will be 1.5 acres; the proposed use is a 9100 square foot retail establishment that will carry principally dry goods, opened 7 days a week from 8am to 9pm, approximately 5-7 employees and will generate 40-50 trips per day. Mr. Martinez stated currently the land is zoned RR-1 as said before and a retail establishment greater than 5,000 square foot is defined as a permissive use in a C-2 zone and that is why this is being brought forth for a zone change for a C-2 and not a C-1 zone. Mr. Martinez stated Planning has found that the site is not within an actual activity center, as defined by the Valencia County Comprehensive Plan, a place for more intense development and those activity centers are the circled areas here, down in the industrial park in the south, the airport in Belen, the interchange towards Belen, the UNM campus and Manzerro Express near El Cerro Mission. Mr. Martinez stated the property is in Meadow Lakes so it is not really defined as an activity center. Mr. Martinez stated the Commission should evaluate this as quasi-judicial zone change by 154.061c and the evaluation for that is three fold. One, does the proposed change, is it consistent with the goals, policies and other applicable provisions of the Comprehensive Plan. Two, is the proposed change appropriate concerning the surrounding land uses, the density and pattern of development in the area, any changes which may occurred in the vicinity to support the proposed amendment, and the availability of service utilities and services likely to be needed. And three, does the proposed change enhance the Counties protection of public health, welfare and safety of Valencia County. Mr. Martinez stated the applicant is in attendance to answer any questions the Commission might have.

Chairwoman Artiaga asked Mr. Martinez if according to his evaluation and the three criteria he gave is this appropriate.

Mr. Martinez stated an argument could be made that it is appropriate if one wants to talk about the Comprehensive Plan and diversifying economics and economy concerns. Mr. Martinez stated he could make the argument that it is appropriate or he could make the argument that it is not. Mr. Martinez stated it will be the respect of the Commission on how they would like to judge the application.

Commissioner Garcia-Shaffner asked Mr. Martinez if there is a master plan put together by the Meadow Lake Community with regards to what they want to see happen in their community as she recalls an article in the Albuquerque Journal in which people were wanting to revive the Meadow Lake area and make it more attractive and use it for what it was intended to be thirty years ago.

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Mr. Martinez stated there has not been a Master Plan established for the Meadow Lake Community and knows that people have been coming together and organizing and want to start moving towards that but one has not been created yet and will.

Mr. Martinez stated this is the Meadow Lake area up on the east mesa comprising about seven miles from west to east, mostly residential, RR-1 in the area, with some areas C-1 and C-2 zones and pointed out where the other Family Dollar has been located as well.

Commissioner Garcia-Shaffner asked if there are any other small businesses out in the Meadow Lake area.

Mr. Martinez stated there is an RV park, a couple of mobile home parks, and a small mini-mart out in that area, but other than that not much as far as retail.

Commissioner Baca asked Mr. Martinez if the store will be built on lot one now that the revision has been made.

Mr. Martinez stated yes, the intent is to build on lot one, 1.593 acres.

Commissioner Baca asked Mr. Martinez if the road is the white spot on the map.

Mr. Martinez stated it is.

Commissioner Baca stated if one looks at the road in this perspective and then looks at it on the other map it can be deceiving and does not want to see something built like they did in Tome where the road is really sharp, and can foresee some problems there and would like to really study this because he knows that Commissioner Garcia-Schaffner has seen the one in Tome and probably Mr. Martinez has seen it as well and it is very sharp for people that are going into that Dollar General and the people that are not going into there have to take a big curve and does not want that to happen here and make sure there is ease of access without causing problems for people to drive in and out of that area.

Mr. Martinez stated Kelly Bouska, Public Works Director, agrees with that and did list out some very specific criteria they had to meet in order to make this road as safe as possible including making that deceleration lane with a one hundred and fifty foot deceleration entry taper and got all of the numbers from the New Mexico Department of Transportation and their safety guidelines in order to make this as safe as possible and a public infrastructure agreement will be entered into with the developer in order to make sure the letter is followed to the T as far as exactly what they propose and what they are actually going to build out there as well.

Commissioner Baca asked Mr. Martinez that since a line of site was put on there to prevent any obstructions further down the road, what could happen later on such as building something there later on that would obstruct the road there.

Mr. Martinez stated if something else is built on the C-2 property a site design review process and that process can either go through a type A or type B process. A type A process is an administrative process and if it is felt, as an administration, the Public Works Director, Planning and Zoning, and Code Enforcement, that requirements have been met to build another building and does meet all safety and health requirements then it can be approved at that time. Mr. Martinez also stated that they could go by a type process as well in which the site plan is brought back in front of the Planning and Zoning Commission for a public hearing as well.

Commissioner Baca stated that he perceives the road to be unsafe, and even though the plan goes through certain revisions to make sure it is safe, does not want what happened in Tome to happen at this site.

Mr. Martinez stated he respects that and believes that to be a quality statement.

Mr. Brewster stated his name is Bill and he is with Sauder, Miller and Associates and is representing the agent and Mr. Duncan the owner and are the surveyors for the project. Mr. Brewster stated he just wanted to re-iterate that since the last meeting there was a list of items the Public Works Director had on the site and believe the items have been

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addressed. Mr. Brewster stated he believes a professional traffic engineer's services were retained to make these recommendations.

Mr. Brewster referenced the projected map showing the proposed site of the building and the parking area around the building and showed there would not be any building in the parking area.

Mr. Brewster stated there is parking around the building so the line of site will be clear, which was a concern as well as the addition of a deceleration lane and a right turn deceleration lane into the properties and a street lighting was added to the intersection.

Commissioner Garcia-Shaffner asked Mr. Brewster what members are part of the RSBR group.

Mr. Brewster stated the group is the engineers for the project.

Commissioner Garcia-Shaffner asked who will own this building and business.

Mr. Brewster stated it would be the RSBR Investments.

Commissioner Garcia-Shaffner asked who they are; what are their names.

Mr. Brewster apologized and stated he does not know the specific names.

Commissioner Garcia-Shaffner asked if they are local people or investors from across the country.

Mr. Brewster he believes so and perhaps Mr. Duncan would know more.

Commissioner Garcia-Shaffner stated that all we know is this is an investment group and do not know the people we are dealing with here.

Mr. Brewster stated that is correct.

Commissioner Garcia-Shaffner asked if this store will sell local products.

Mr. Brewster stated he does not know.

Commissioner Garcia-Shaffner asked if they would be national goods or international goods.

Mr. Brewster stated he believes more national goods.

Commissioner Garcia-Shaffner asked Mr. Brewster to give her an idea of what dry goods the store would be selling.

Mr. Brewster stated as typical dollar store there would be housewares, food products such as can food, dry food such as crackers, peanuts, snack food, bread, some refrigerated and frozen goods such as egg and lunchmeats as well as housewares such as mops, brooms and detergents. Mr. Brewster stated they are a scaled down grocery store.

Commissioner Garcia-Shaffner stated she read they will employ four to five people.

Mr. Brewster stated that is his understanding.

Commissioner Garcia-Shaffner asked Mr. Brewster what the wage will be.

Mr. Brewster stated he does not know as he does not know what their salary structure is.

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Commissioner Garcia-Shaffner stated she is glad to see that this Dollar General is not down in the valley taking up valuable farm land and that it is up in the foot hills.

Commissioner Baca asked Mr. Brewster to clarify which is the deceleration lane going to the entrance.

Mr. Brewster showed the Commission on the map where, heading west bound it goes from two lanes to a Y creating a third lane, so there is the one east bound lane, and then a continuous lane west bound and it widens to create a left turn lane into the facility and appears to him that the holding lane is actually very wide at about 150-200 feet, judging by the scale of the drawing; and coming east bound it widens out and has your typical drop lane where there is right turn lane so there are three lanes across there and it is painted out so there is an actual right turn lane into the facility and going from two lanes to three lanes at the intersection.

Commissioner Baca stated it looks as though when going east it is a very difficult turn.

Mr. Brewster asked why he says that.

Commissioner Baca stated because the curvature makes a steep angle and feels the curve might create some issues.

Mr. Foster stated it is a standard twenty five foot radius.

Commissioner Baca asked for the degree of the curve.

Mr. Brewster stated the right of way line is four hundred and 466 feet at the center and the radius would be about 448 feet on the big curve and the 25 foot radius compounding into it and does not see that it would be a difficult movement at all.

Commissioner Baca asked if there is a steep slope there or is it a flat area.

Mr. Brewster stated a flat area.

Commissioner Baca asked if there is dip out there.

Mr. Brewster stated it is very flat.

Mr. Foster stated he wanted to correct the radius on the turn as it is a 40 foot radius because of the more gradual turn to make it in and the other side of the road is a 25 foot radius.

Mr. Brewster stated the radius was made larger to accommodate larger vehicles.

Commissioner Louie asked if there was a grading a drainage plan.

Mr. Foster stated it will be approved when they come in for a building permit.

Mr. Martinez stated a copy of the grading and drainage plan has been provided in the packets.

Chairwoman Artiaga asked Mr. Foster if he feels the applicant has satisfied the concerns of Public Works and Code Enforcement.

Chairwoman Artiaga asked if the Commission is looking at just the zone change or are they also looking at the site plan.

Mr. Martinez stated if the Commission feels they enough information to approve the site plan they may.

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Chairwoman Artiaga asked if there is anyone who would like to speak in favor of the application.

Mr. Duncan stated he may be able to provide some clarification for the Commission and proceeded to the map and gave testimony (inaudible).

Mr. Duncan stated he would classify Dollar General as an old time dime store that sells a little bit of everything, and would be more convenient than having to drive all the way into town to for a few items.

Chairwoman Artiaga asked if the church congregation is excited about the store possibly being built out there.

Mr. Duncan stated that it does not bother them.

Commissioner Garcia-Shaffner asked Mr. Duncan if he lives in the area.

Mr. Duncan stated he lives at the bottom of the hill.

Chairwoman Artiaga asked if there is anyone else who would like to speak in favor of the application. There was no one else to speak in favor of the application.

Chairwoman Artiaga asked if there was anyone who would like to speak in opposition to this request. There was no one to speak in opposition to this request.

Commissioner Baca stated he is for development but wants to make sure a mistake is not made such as in Tome and if he had to make the motion he would table it until he, or anybody else, could go check the area for themselves and verify that what people are telling the Commission is true and that it would be a safe area for that store.

Commissioner Garcia-Shaffner stated she is glad to see that it is not taking up farmland in the valley and her concern is that it will put local businesses out of commission. Commissioner Garcia-Schaffner also stated she would like to see each community would come up with its own Master Plan so that the Commission is not deciding what is best for them and will help guide the Commission to help make decisions for their community.

Chairwoman Artiaga stated she is familiar with the area and the people that live up there and a lot of them are poor, do not have transportation to make it down the hill or get a ride to Albertsons to buy some Spam, a package of tortillas, or in the middle of the evening to have to drive fifteen miles round trip for laundry soap. Chairwoman Artiaga also stated that when there is this many people that live out in a community like this, stores are needed for them, and is comfortable with the turning lanes and feels that if Commissioner Baca is uncomfortable and wants to study this some more that the Commission respects his concerns.

Action:	Tabled for August P&Z Meeting
Moved By:	Commissioner Garcia-Shaffner
Seconded By	Commissioner Baca
Motion passed:	Unanimously
Roll Call Vote:	Commissioner Garcia-Shaffner-Yes
	Commissioner Baca-Yes
	Commissioner Louie-Yes
	Chairwoman Artiaga-Yes

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### **D. SOLAR OVERLAY PRELIMINARY REPORT**

Action: Approval of Preliminary Report  
Moved By: Commissioner Garcia-Shaffner  
Seconded By: Commissioner Baca  
Motion passed: Unanimously

Roll Call Vote: Commissioner Garcia-Shaffner-Yes  
Commissioner Baca-Yes  
Commissioner Louie-Yes  
Chairwoman Artiaga-Yes

### **7. DISCUSSION**

### **8. NEXT MEETING: August 27, 2014 @ 4:00 P.M.**

### **9. ADJOURNMENT**

**Baca**  
**Louie**

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