



**VALENCIA COUNTY PLANNING & ZONING COMMISSION
MINUTES**

August 27, 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
Jacobito Martinez (Not Voting)**

Absent: Vice-Chair Gaudette

1. CALL THE MEETING TO ORDER

Chairwoman Artiaga

2. PLEDGE OF ALLIGANCE

Commissioner Louie

3. APPROVAL OF AGENDA

**Action: Approve
Moved By: Commissioner Garcia-Shaffner
Seconded By Commissioner Louie
Motion passed: Unanimously**

4. APPROVAL OF MINUTES: July 23, 2014

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

5. SWEARING IN OF PARTICIPANTS

Chairwoman Artiaga

6. ACTION ITEM(S):

A. REQUEST FOR A Conditional Use-Home Occupation

Applicant: Sandra Arroyos Castaneda

Purpose: Conduct Zumba Classes

Address: 17 Meadow Lake Circle

**Legal Description: T7N, R4E, Section 29, N.M.P.M.; Meadow Lake Subdivision: Tract 20;
Zoned RR-1; Filed in Plat Cabinet C-9, Page Number 39 in the office of the Valencia County
Clerk; Also known as 17 Meadow Lake Circle, Los Lunas, NM 87031.**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Planning & Zoning Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2050 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Martinez stated the property is located on the western half of Meadow Lake Road and zoned RR-1, and there are not any neighbors on either side of the house or across the street from the house but there are some neighbors on the other side. Mr. Martinez also stated the applicant is requesting the Conditional-Use Home Occupation in order to hold a dance/Zumba Class at her residence and will be held twice daily, and will be held in her garage.

Commissioner Baca asked how far the subject property is from their neighbors behind them.

Mr. Martinez stated about two-hundred feet.

Mr. Arroyos stated his name is Aldo and he will be translating for Sandra Arroyos Castaneda, his wife since she only speaks Spanish.

Mrs. Castaneda stated her name is Sandra and she likes to dance and has been participating in Zumba Classes for about five years and decided she would like to become an instructor and participated in the Basic Instructors class to get her license and felt it was difficult driving from Meadow Lake to Los Lunas and thought it would be a good idea to hold classes for her and her friends at her residence for her benefit and the benefit of the community.

Chairwoman Artiaga asked Mrs. Arroyos if she would be charging for the classes.

Mrs. Arroyos stated yes she would be charging two dollars as she heard that in Los Lunas the classes cost about five to eight dollars.

Commissioner Shaffner asked Mr. Martinez if it correct that if Mrs. Arroyos uses her garage as a place of business and when she no longer wants to teach Zumba then the Conditional Use is no longer in effect.

Mr. Martinez stated that is correct, the Conditional Use runs with the applicant and the application and if she ever wants to change into a different type of business she would have to come and reapply for a different Home Occupation.

Commissioner Baca asked Mrs. Arroyos why she is conducting the classes in the evening as this is dinner time for most people and the music would be loud and possibly disturbing them.

Mrs. Arroyos stated her classes are from 5 pm to 6 pm for the people who get off work at 4 pm, and then holds another class from 6:30 pm to 7:30 pm for the people who get off work at 5:30 pm.

Commissioner Baca stated he concerned about approving something like this as it could pit one neighbor against the other because perhaps the music is too loud. Commissioner Baca said he doesn't know if there are barriers to stop the loud music going to the neighbors and he knows he would not want that in his area.

Mrs. Arroyos stated the music isn't too loud as she has small speakers and is just loud enough for them to hear it in the garage.

Commissioner Baca asked Mrs. Arroyos how many people she has going to the classes.

Mrs. Arroyos stated between three and four and sometimes it can be between six and eight as the number of clients is not regular.

Mr. Martinez stated that the applicants have to meet the nuisance requirements for non-vehicular noise in the area zoned as residential from 7pm to 10 pm the maximum permissible level is 80 dba or 10 dba above the ambient noise and Code Enforcement does have the ability to check that and if they did go above that they would be cited for it.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Planning & Zoning Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2050 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Commissioner Baca stated he wants to ensure the applicants are being checked on regularly to ensure they are not creating a disturbance for the area.

Mr. Martinez stated a conditional approval can be placed on the Home Occupation requiring a review every twelve months following the day the permit was issued so the Commission can require Code Enforcement to check up on them within that amount of time.

Commissioner Louie asked if all of the participants for the classes would be parking on their property.

Mrs. Arroyos stated yes.

Commissioner Louie asked if there is a door on the garage.

Mr. Arroyos stated there is and that it is opened up during the class and there is proper ventilation as well as fans.

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

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

Action: Approve
Moved By: Commissioner Garcia-Shaffner
Seconded By: Commissioner Louie
Motion passed: Unanimously

Conditions:

- a) Music levels are to be within levels provided by County Ordinance.
- b) Code Enforcement is to inspect business and property to ensure noise levels are within County Ordinance levels.
- c) Planning & Zoning is to report back to the Commission in six months to ensure there are not any violations.

Roll Call Vote:

Commissioner Garcia-Shaffner	Yes
Commissioner Baca	Yes
Commissioner Louie	Yes
Chairwoman Artiaga	Yes

B. 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.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Planning & Zoning Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2050 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Martinez stated the applicant is requesting a Zone Change from RR-1 to C-2 for the construction of a Dollar store and this application was brought in front of the Commission last meeting and was tabled for discussion today. Mr. Martinez stated RSB Investment is requesting the Zone Change from RR-1 to C-2. Mr. Martinez stated the site is a total of 1.59 acres, the proposed use being a 9100 square foot retail establishment that would carry principally dry goods. Mr. Martinez stated the store would open seven days a week from 8 am to 9 pm with approximately seven employees, and will generate approximately forty to fifty trips a day. Mr. Martinez stated currently the land is an RR-1 and a retail establishment greater than 5,000 square feet is defined as a permissive use under the C-2 Zone Ordinance. Mr. Martinez stated in the last meeting the site plan was discussed and showed the Commission a photo of the site plan on the screen. Mr. Martinez stated there are two lots and the applicant would like to split the lot up into three different parcels of land and lot one will hold the retail establishment. Mr. Martinez stated the applicant has had discussions with the Public Works Director and the Public Works Director has given the applicant a list of items by which they have to improve the road to make sure the road is as safe as possible and the applicants have stated they are willing to make those improvements to the road and are currently working with the Public Works Director right now to enter into a contract with the County should this zone change pass to work with the County to make sure that those road improvements are guaranteed and those road improvements are made and the road improvements would include a left hand turn deceleration lane and a left hand turn lane and a right hand deceleration lane to provide for a straight clear line of sight around the bend. Mr. Martinez stated the item was brought up at the last meeting and was tabled so there has been a lot of discussion surrounding this item.

Chairwoman Artiaga stated that at the last meeting it was suggest that Commissioner Baca go out to the site and take a look at the road situation because he was concerned about the line of site.

Commissioner Baca stated he went by the site and took pictures and did not see the road was any problem, and if the one in Tome was approved then any area could get approved and does not feel the road was any issue whatsoever. Commissioner Baca stated he was there about 5:00 pm and there were a lot of vehicle going by and one can see very well down the area.

Mr. Brewster stated his name is Bill and is with Sauder, Miller and Associates and is the surveyor for the project and is representing RSBR Investments and was here at the meeting last time and went over the line of site distances and thought Mr. Martinez did a good presentation of the site and the amenities that the developer has agreed to to clear the site distance including illumination of the street light, parking, which he feels is adequate for the facility.

Chairwoman Artiaga asked Mr. Brewster why the developer is sending the surveyor to represent them and is not here themselves to represent this plan that is going to impact the community because there were a lot of questions last time that he did not have the information for and could not speak for his client. Chairwoman Artiaga stated she is hoping that the Commission is not going to do that again as he not in authority to speak to or to answer. Chairwoman Artiaga asked it is common practice for the client to send the surveyor as its representative.

Mr. Brewster it is probably not common practice and Sauder Miller is local and local to the community perhaps the developer thought they should represent them. Mr. Brewster stated regarding some of the questions the Commission had last time-RSBR Investment only develops Dollar General Stores and are located in Missouri with their corporate headquarters in Missouri and Alabama. Mr. Brewster stated Dollar General fits the profile of a local community store, dry goods store and will do the best he can to answer any the Commissions questions.

Commissioner Baca asked Mr. Brewster if he thought the Company may try to move out of the country like other franchises have such as Walgreens and Whataburger to avoid paying taxes.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Planning & Zoning Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2050 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

Mr. Brewster stated he could not answer that question.

Commissioner Baca stated he is concerned that some of the local stores, such as the J&J Mart on Highway 47 have gone out of business, as well as other businesses that have gone out of business since stores such as Wal-Mart came in, and wonders what kind of impact this store would have on the community in the future, especially since there is a Family Dollar and another Dollar General that have opened up in the area and he is concerned with how this will impact the mom and pop stores by adding this type of store to the area.

Mr. Brewster stated he realizes the Commissioners concern and Dollar General is by no means on the scale of Wal-Mart or even a Wal-Mart neighborhood store and thinks the model of Dollar General is local community service. Mr. Brewster stated if one looks at the Meadow Lake subdivision area there is no one local to their and does not know how Dollar General does it but they survive on the local traffic as it is not a destination shopping center by any means and does not see it as a threat to any of the other community stores.

Commissioner Garcia-Shaffner stated to Mr. Brewster that he was sent by the developer because he is local, but do they not think enough of us to send a representative to answer our questions, so her concern is that we may be nothing to them, and would like to know why they don't come to answer our questions and suggested to Mr. Brewster that he go back to the developer with this concern.

Mr. Brewster stated he would.

Commissioner Baca asked Mr. Brewster how much money actually would stay here being as the corporate headquarters are in Missouri and would like to have people from the area develop and protect them so that the money stays here. Commissioner Baca asked Mr. Brewster what the corporation can do to help the community as we are opening our doors to them. Commissioner Baca stated that he knows that in some areas such in Albuquerque, Intel built schools for the area and suggests that if we allow them to come in and sell their products they should do something to help the community develop.

Mr. Brewster stated that all he can tell the Commission is that the corporation is creating five to seven jobs, paying gross receipts tax, and doing localized improvements on the property by going from a two lane road to a three lane and new pavement is always good. Mr. Brewster also stated that whether they do well or not they are going to hang in there as a large corporation and pay their gross receipts tax and hire the people and keep them on. Mr. Brewster stated they don't back off of their model which is local community service, they are not a Wal-Mart and their model is not to replace local mom and pop stores as their model is kind of mom and pop and sees them as a good thing and they are not going to put a store up and if things get rocky they are not going to abandon it as they have a long term lease on the property.

Commissioner Baca asked how come they didn't choose a different area besides a RR-1.

Mr. Brewster stated he does not know as they do models and look at population growth and think this is probably a good area to be in for the future.

Commissioner Garcia-Shaffner stated this is probably a question for Mr. Martinez.

Commissioner Garcia-Shaffner asked Mr. Martinez if there were any other C-1 or C-2 in the area rather than Rural Residential.

Mr. Martinez stated he could show the Commission on the map. Mr. Martinez stated that as one starts to drive down Meadow Lake there are a few C-1 properties as well as a couple of C-2 properties along the way. Mr. Martinez stated to keep in mind that this building is 9, 100 square feet and a C-1 property would not allow for a building size greater than 5,000 square feet and wants to remind the Commission that the Quasi-Judicial Zone change may be authorized pursuant to the section provided that the request satisfies all applicable requirements in the chapter and also provide that the applicant demonstrates compliance with the

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Planning & Zoning Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2050 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

following criteria: 1) That the proposed change is consistent with the goals, policies and other applicable provisions of the Comprehensive Plan; 2) the proposed change is appropriate concerning the surrounding land uses, the density and pattern of development in the area, any changes which may have occurred in the vicinity to support the proposed amendment, and the availability of utilities and services, and 3) would the proposed change enhance the Counties protection of public health, safety and welfare of Valencia County. Mr. Martinez stated these are the three criteria by which they are trying to vote on zone change-does this new zone, this new C-2 zone that is going to be going up there, fit the criteria of those three within the application.

Commissioner Garcia-Shaffner asked Mr. Martinez if there is any C-2 in the area.

Mr. Martinez indicated on the map where the C-2 properties were, and stated that a certain property was granted a C-2 as it is an automobile repair garage.

Commissioner Garcia-Shaffner asked Mr. Martinez where the density of population is with regards to the C-2's.

Mr. Martinez stated density populations in Meadow Lake are usually found in this corner of the area (indicating it on the map) and is a lot less dense on the Western side, although there are pockets of density as you can see by the subdivisions.

Commissioner Garcia-Shaffner stated that if the Dollar General were going to service the community it makes more sense to move up to where there is more population rather than on the West side where there is very little population and recalls from the last meeting that it would be nice to have a store where people could walk to.

Mr. Martinez stated there is a Family Dollar that has recently gone up in the area as well and as feels. Mr. Martinez stated as far as where they will best fit their stores, that would be up to where they think is best. Mr. Martinez stated that what the Commission has to consider is what is best for our community and the zonings that we have and how the zoning fits within that.

Commission Chair Artiaga asked Mr. Martinez to show the Commission where Valencia High School is in relation to the site being discussed.

Mr. Martinez pointed out the location on the map stating the Valencia High School is further south-south of El Cerro. Mr. Martinez also stated that the Comprehensive Plan does establish activity centers for Valencia County and pointed out the proposed activity centers on the map. Mr. Martinez stated that activity centers are defined as those centers that are considered to be more dense and more commercialized in the future. Mr. Martinez stated not much has gone up in the way of activity centers in El Cerro and there is an activity center in El Cerro Mission that was identified but those activity centers have not been established in a codified manner, just suggested.

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

Chairwoman Artiaga asked if there was anyone who would like to speak against the application. There was no one.

Commission Chair Artiaga stated the Commission is charged with administering the Planning and Zoning laws and Mr. Martinez checked it carefully and read off the different criteria under the law that we are allowed to make a determination as to whether or not to recommend to the County Commission that they change the zoning and that is what is being asked of the Commission today based on the law and whether or not they meet the criteria to support the law and personally feels that they have done their homework and did what was required of them in regards to the concerns of Public Works and as far as ruling any other

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Planning & Zoning Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2050 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.



VALENCIA COUNTY PLANNING & ZONING COMMISSION

businesses out, if they don't get enough business then, capitalism rules and close up your doors. Commission Chair Artiaga also stated she feels that they have done what is required of them under the law.

Action: Approve
Moved By: Commissioner Garcia-Shaffner
Seconded By: Commissioner Louie
Motion passed: Unanimously

Roll Call Vote:

Commissioner Garcia-Shaffner	Yes
Commissioner Baca	Yes
Commissioner Louie	Yes
Chairwoman Artiaga	Yes

C. REQUEST FOR A CONDITIONAL USE-UTILITY FACILITY

Applicant: PNM

Purpose: To Construct an Electric Substation Facility

Address: Lots 3,4,5,6,7,8,14, and walkway in Block 27 of Rio Del Oro Unit 56

Legal Description: T6N, R2E, Section 26, Map 96, N.M.P.M.; Lots 3,4,5,6,7,8,14 and walkway; Block 27, Unit 56, Rio Del Oro Subdivision, Zoned PD; Filed in Plat Cabinet 14, Plat Number 137 in the office of the Valencia County Clerk.

Property is located approximately 0.17 miles NE of La Entrada Rd. and S Rio Del Oro Loop

Action: Approved
Moved By: Commissioner Louie
Seconded By: Commissioner Garcia-Shaffner
Motion passed: 3-1

Roll Call Vote:

Commissioner Louie	Yes
Commissioner Baca	No
Commissioner Garcia-Shaffner	Yes
Chairwoman Artiaga	Yes

7. DISCUSSION

Land Use and Zoning...Village District

8. NEXT MEETING: October 22, 2014 @ 4:00 P.M.

9. ADJOURNMENT

Moved By: Commissioner Baca
Seconded By: Commissioner Garcia-Schaffner

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Valencia County Planning & Zoning Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2050 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Valencia County Manager's Office at the old Valencia County Courthouse if a summary or other type of accessible format is needed.