

February 8, 2012
Agenda
5:00 p.m. Public Hearing Meeting
Valencia County Commission Chambers
444 Luna Avenue
Los Lunas, NM 87031

Board of County Commissioners
Donald E Holliday, Chair District V
Georgia Otero-Kirkham, Vice-Chair District II
Mary Andersen District I
Lawrence R. Romero District III
Ron Gentry District IV

- 1) Call Meeting to Order
- 2) Pledge of Allegiance
- 3) Approval of Agenda

Donald Holliday

SWEARING IN OF PARTICIPANTS

PUBLIC HEARING ITEM(S):

- 4) Consideration to hear an appeal of a decision made by the Planning and Zoning Commission to deny a Conditional Use for an automotive repair garage in a Neighborhood Commercial (C-1) Zoning District:
Eric Zamora / Jacobo Martinez

PUBLIC COMMENT:

Please sign up on the sheet located just outside the Commission Chambers. The Board will allow each member of the public wishing to address the Board a full and complete opportunity to address the Commission.

NEXT COMMISSION MEETING:

- ♦ February 15, 2012- Business Meeting @ 9:30A.M.
Valencia County Commission Board Room 444 Luna Ave. LL, NM

ADJOURN:

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 Manager's Office at the Valencia County Courthouse, Los Lunas, New Mexico, (505) 866-2014 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.

Please Silence All Electronic Devices – Thank You!

VALENCIA COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING MEETING

FEBRUARY 8, 2012

PRESENT	
Donald E. Holliday, Chairman	
Georgia Otero Kirkham, Vice-Chair	
Lawrence R. Romero, Member	
Ron Gentry, Member	
Mary J. Andersen, Member	
Eric Zamora, County Manager	
Adren Nance & Dave Pato, County Attorneys	
Sally Perea, County Clerk	
Press and Public	

1) The meeting was called to Order by Chairman Holliday at 5:06 P.M. due to recording technical difficulties.

2) Chairman Holliday led the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Otero-Kirkham moved for approval of the agenda. Seconded by Commissioner Gentry. Motion carried unanimously.

SWEARING IN OF PARTICIPANTS:

County Clerk Sally Perea administered the oath to those members of the audience wishing to give testimony.

PUBLIC HEARING ITEM(S):

4) Consideration to Hear an Appeal of a Decision Made by Planning and Zoning Commission to Deny a Conditional Use for an Automotive Repair Garage in a Neighborhood Commercial (C-1) Zoning District- Eric Zamora / Jacobo Martinez.

Valencia County Planner Jacobo Martinez stated on December 15, 2011 the Planning and Zoning, after hearing testimony voted to deny the request 3-0 for a Conditional Use within a C-1 Zoning District.

The Planning and Zoning Department found that the proposed use would substantially alter the character of the surrounding area and does not meet the goals of the comprehensive plan specifically; Goal B protects and enhances the distinctive identities of the unincorporated communities and sub-regions within the county, Goal M protects and improves the quality of water resources available to the county, Goal S preserves and enhances features, structures and places that are historically and culturally significant in the county and Goal T protects the scenic resources and the unique visual elements of the county.

An appeal was made on December 27, 2011 by citizens concerning this request. The appellant states they do meet the requirements of a Conditional Use and they meet the following goals of the comprehensive plan; Goal J steers urbanizing development to areas where adequate infrastructure, utilities and public services are available and Goal P strengthens the economic base of the county, expands employment opportunities and improves local workforce skills and abilities.

Since the Planning and Zonings decision the appellants have received a business registration license from the county for a retail establishment to sell car stereo equipment. This is a C-1 Zone, which is a neighborhood commercial zone which allows for small scale type of commercial business, so they are allowed to have retail establishment in that zone but need a Conditional Use for the automotive repair garage.

The building on the site was initially built in 2005. Russell Romero owned the land at the time of the application which shows that the building was going to be utilized as a storage shop, nothing about a commercial shop was indicated on that application for a storage building.

Chairman Holliday asked who currently owns that property. Mr. Chris Crispin and Bernardo Garcia was Mr. Martinez's response.

Commissioner Otero-Kirkham said prior to the meeting the commissioners received a packet containing a letter stating that Mr. Crispin is no longer an owner of the business and now belongs to Bernardo Garcia. So apparently Mr. Crispin is out of the picture.

Mr. Bernardo Garcia said he is requesting a Conditional Use permit to run a collision and mechanical shop which would be an automotive shop to repair cars, tractors and various vehicles.

Mrs. Garcia stated they are requesting a reconsideration of use for the property located at 2975 Hwy 47, Los Lunas, New Mexico 87031. In November of 2011 Mr. and Mrs. Garcia found this location which they considered to be the perfect location to establish a business. This building meets the needs of a majority of individuals who either reside or drive by the local area. Thus far they have not been granted the opportunity to function as a full auto body shop and are seeking the commission's approval to do so. They are currently licensed to conduct business as retail auto accessories sales. The amount of care being requested by their clients would require them to obtain a Conditional Use Permit. They are in the process of working with the CID and EPA making certain that they are in compliance with all the requirements in order to receive whatever permits are required for them to conduct business. Mrs. Garcia feels by allowing them this opportunity it would alleviate a high demand of needs from a large amount of the community, as well all the surrounding areas. The Environment Department has preformed an inspection and all the findings of the inspection have all fallen within the compliance and guidelines. Her husband, Bernardo Garcia, has thirty plus years of experience on the maintenance and repair of any and all types of automobiles, is a master technician as well as certified in the i-Car Certification Program. Mrs. Garcia presented the commission with character letters and signed petition forms.

Chairman Holliday asked Mr. Garcia if he will be working on motors or will it be a paint and body shop or both and what will the working hours be.

Mr. Garcia said both and they will open at 7:00 A.M. until 6:00 P.M.

Tome resident Sandra Flemming stated she has resided in Tome for twenty eight years and she has seen the big change in the area. She stated there are several merchants along Hwy 47 and as voters and we need to have that money growing in this area instead of it going to different areas of the county. Ms. Flemming works in Albuquerque, so it would be a convenience for her to drop off her vehicle there for servicing, go back to her home and pickup another car and go on to work. Mr. and Mrs. Garcia have done a great job with the upkeep of the property. We have newcomers moving in and we have to open doors for these newcomers's, not shut our doors to them.

Chairman Holliday asked about outdoor lighting on the premises and if so are they intending to place more.

Mrs. Garcia said yes and we plan on placing the street lamp lights as well as security motion lights around the building.

Commissioner Otero-Kirkham said she had a call from a constituent whose concern was they could conceivably have several parked cars on the premises for one reason or another.

Mr. Garcia said in the event that vehicles were not picked up, there's a ten day period in which they will file for a lien on it and will dispose of that vehicle immediately. With his experience, he is not anticipating any work that's going to be valued more than the repair so he doesn't see getting a vehicle in his shop that he knows he's going to be stuck with. Most of the vehicles that he'll be dealing with are newer vehicles and the older vehicles right off hand, he'll tell them it's not worth putting money into.

Commissioner Andersen said Hwy 47 is a state road and when you put a business on a state road, isn't it not necessary to have a traffic study?

Mr. Martinez said I believe they have been in contact with the Department of Transportation and the Department of Transportation has not given him the indication that they would need a full traffic study completed for that site, although he hasn't received an actual reply on this as of yet and will try to reach the DOT by next week with an answer.

Commissioner Gentry asked the Garcia's if they plan on doing anything in the course of their auto body business that isn't done by all other body shops. Is there something extra ordinary as there are body shops all over this county?

Mr. Garcia said the reason why there won't be a lot of traffic is because he does custom work. He works on vehicles doing modifications and paint which usually takes longer then just doing a normal vehicle. That's why the volume will probably be less then normal.

Commissioner Andersen was concerned about the water and ground water contamination and asked what would be the water consumption for a given day and the information in the packet indicates the septic tank on this property was done for a conventional home, not a commercial septic tank. Mr. Garcia said the restroom would probably be the most often used. Everything else is dry sanded and they do wash vehicles which is low volume. Also oils are always contained; he has giant catches that

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are placed under the vehicles to catch the oil even though they don't really leak much. They have a company that picks up the oils and anti freeze.

Mrs. Garcia said being that there are other body shops in this area what makes their business different from any other auto shop in the county. They are very easy to work with and they guarantee their work and their prices are reasonable.

Mr. Garcia said they will also be installing auto alarms and stereos, they won't always be busy doing body work and does not cause any contamination or pollution.

Chairman Holliday said he believes the concern is that the residents in the area are afraid that as you start your venture, you'll have vehicles in different stages parked on the premises polluting the area, look bad and then it starts looking like a junk yard and then you have a chop shop and you have the stereo's blasting.

Mr. Garcia said if we're not given the chance to try, you'll never know and it's their intention not to do that. We want to save the environment as much as any one else.

Tome resident Adam Solis, Tome resident Vicky Aragon, Tome resident Jennifer Malone, Mary Ann Perea, Gary Vervle, Isabel Santianas, Valencia resident Mike Wood, Clarke Metcalf and Alice Torwrit were all in support of the request.

Rita Padilla Gutierrez, Patricia Sanchez and James Fischer were opposed to the request.

Tome Resident Jerri Rhodes believes that the Conditional Use Permit is to make very clear what those regulations are and to ask these people if they have good intentions to observe those conditions and we'll find out soon enough if they're willing to go to the expense to meet them.

Tome resident Phillip Elrod said he doesn't have a problem with the business being there, he has a problem with the traffic issue it's going to create which he feels will be a major issue.

Valencia County resident Lisa Chavez said although she is no longer a Tome resident, she would ask that the commission consider the opinions and concerns of the Tome residents who live near this facility. Please consider the uniqueness and the beauty of the community. We do need progress and growth but the opinions of the people who live in the immediate area should be your priority and anyone that has any conflict of interest should recues themselves from the voting in order to have a fair decision made for all.

Mr. Garcia said they are being accused of dumping toxic waste. We have talked to the EPA, they've checked us and there is no wrong doing on our part. We are doing everything that we possibly can to please everyone, but there are some individuals that are trashing us and have thrown us through the gutter. I do care about the community and how it's going to look. People have to accept the fact that I am part of the community now and I am going to do the best that I possibility can do to keep this site looking as it looks right now.

PUBLIC COMMENTS:

Those members of the audience that spoke at tonight's meeting were Valencia County residents Mike Wood, Sue Moran, Mary Wood and Clarke Metcalf.

NEXT COMMISSION MEETING:


The next Regular Meeting of the Valencia County Board of County Commission will be held on February 15, 2012 at 9:30 A.M. in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT:

Commissioner Otero-Kirkham moved for adjournment. Seconded by Commissioner Andersen. Motion carried unanimously.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the February 8, 2012 Public Hearing Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

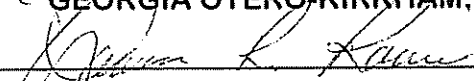
VALENCIA COUNTY BOARD OF COMMISSIONERS



DONALD E. HOLLIDAY, CHAIRMAN



GEORGIA OTERO-KIRKHAM, VICE-CHAIR



LAWRENCE R. ROMERO, MEMBER

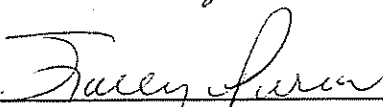


RON GENTRY, MEMBER



MARY J. ANDERSEN, MEMBER

ATTEST:



SALLY PEREA, COUNTY CLERK

3.7.2012

DATE