

Court Chambers
820 Highway 478
Anthony, NM 88021

City of Anthony
Board of Trustees: Public Hearing
MINUTES
January 18th, 2023
5:00PM

Diana Murillo, Mayor
Elva Flores, MPT
Javier Silva, Trustee
Daniel Barreras, Trustee
Gabriel I. Holguin, Trustee

**You can join meeting using your phone
by dialing.**

United States: +1 (872)240-3212
Access Code: 135-707-901

**Please join meeting from your computer,
tablet or smartphone.**

<https://meet.goto.com/135707901>

All members of the public entity participating remotely must identify themselves whenever they speak and must be clearly audible to the other members.

1. CALL TO ORDER by Mayor Diana Murillo at 5:12pm

2. PLEDGE OF ALLEGIANCE led by Trustee Javier Silva

3. ROLL CALL	Present:	MPT Elva Flores	YES	NO
		Trustee Javier Silva	YES	NO
		Trustee Daniel Barreras	YES	NO
		Trustee Gabriel I. Holguin	YES	NO
		Mayor Diana Murillo	YES	NO
		Quorum Established	YES	NO

Traducción del inglés al español y del español al inglés está disponible a petición.

Si necesita un traductor, informe la Secretaria de la Ciudad a más tardar una semana antes de la fecha programada de la reunión

4. APPROVAL OF AGENDA ORDER

1st motion: Trustee Silva

MPT Elva Flores

Trustee Daniel Barreras

Trustee Javier Silva

Trustee Gabriel I. Holguin

2nd Motion: Trustee Barreras

YES NO

YES NO

YES NO

YES NO

4 to 0 vote, motion passes.

5. ITEMS FROM THE FLOOR-PUBLIC COMMENTS

**City Attorney advised public comments be moved to after the discussion so they can be made under oath and can be taken into consideration when making the decision.*

Jose Romero: Mi nombre es Jose Santiago Romero y nada más vengo atender a la junta del [inaudible] que se quiere hacer. Vivo en el 104 [inaudible] Street y por mi parte no hay ninguna inconveniencia, yo estoy de acuerdo.

6. CONSIDERATION AND ACTION

a. Consideration and Action to approve a rezone appeal for property located at 620 Highway 478, from Village Residential (VR-1) to Community Commercial (CC-1), ***Presented by the Neighborhood Services Supervisor.***

Neighborhood Services Supervisor (Eddie Salazar): Good evening, my name is Eddie Salazar, Neighborhood Services Director, thank you for listening to me tonight on this hearing. What I am going to do is pass out a packet about the case as I go along, you guys go along with it. I'm gonna give you a brief description, what the packer is about, and then we'll go ahead and introduce Mr. Andazola, the applicant that applied for this appeal, and that way he

can give his part on the hearing. What I did is, is the very first page here, you'll see it says, you know its got a title about this hearing and got some dates, this kind of gives idea as far as how long this case has been held or open. And I am happy that maybe hopefully tonight we'll decide the end of it right? The solution or decision. May 3rd is when the applicant applied for...

***City Attorney advised to have Mr. Salazar sworn in by the City Clerk before continuing.*

Neighborhood Services Supervisor: *Would you like me to start over? I'm pretty much at the beginning.*

Mayor Murillo: *Yes, please.*

Neighborhood Services Supervisor: *The beginning was just an intro. My name is Eddie Salazar, Neighborhood Services, this meeting is about an appeal for the decision of our P&Z Commission that occurred some time last year, I will get to that. Anyway, the applicant Gustavo Andazola, applied for rezone for his property 620 Highway 478, he did that on May 3rd, 2022. He came into my office, he wanted a rezone and actually he wanted a commercial business license, and I told him the properties in our records is showing that they are VR-1, residential. So, he, I explained to him the process of how to rezone, how to apply for a rezoning and he did and paid the fees. You'll notice on the packet, on May 3rd is where he applied and you'll see a copy of his check, where he submitted his fee for the application. After that, we scheduled the rezone for June 22nd, 2022, was the first try that we attempted. The P&Z at the time had some commissioners absent and did not have quorum, at the time we decided to reschedule [inaudible] to August 10th. August 10th, the second hearing, you know, there was a mishap on the date of the notice that was sent out, that I take responsibility for that, it wasn't the correct day so had to reschedule that, again, due to the notices that were mailed out were not correct. On September 9th, was the third notice, was when the hearing was held. On that day, the planning and zoning decision was to deny the request due to, two reasons, one that I wrote down there on the packet. I will slow down a little bit, if you guys need me to slow down. It's called Findings and Conclusions, and it basically what it states is a decision was based on, it would infringe upon the residential community and what not to ensure harmonious development and not in the City's best interest to continue commercial zoning too far into the residential community.*

**Time was giving for the interpreter to set up.*

Neighborhood Services Supervisor: *The P&Z denied the request for a rezone. One of the reasons why is stated, as I just mentioned, and another reason why is because, the nearby neighbors, residents in the area attended that... I want to explain, that attended that hearing that day and there are quite a few residents, it was a bit outcome, some are here today. I want to just express that there was big push for the request to be denied, I just want that to be on record. After it was denied, I explained to Mr. Andazola the procedures, what the next steps would be and he accepted to appeal for the decision that was made by P&Z. At that point, also...I was, he informed me that he had made some calls to the county and he, you know, he did his homework in a sense, and he came up with new evidence, right? And he came up with new evidence that made me, bring us here tonight. Ok, and the new evidence you'll see it's going to be number three, I put numbers on top, it says number three and this new evidence states that upon looking at the records that Doña Ana County, the Doña Ana County has this property listed as nonresidential commercial property. I called the county and I spoke with Martha Heft, you can see that in the email I have attached here, she did write a brief summary of what we've talked about. And the fact is, that this property is recorded in the county as a nonresidential commercial and you'll see she also included some property record card that state that non-residential, industrial, architectural style, you'll notice the cards that were included in this email. So it was, and also, I asked her has this property been being taxed for commercial, for quite some time. I didn't get an actual time, but she made it seem like it was years that it's been, has been being taxed as commercial. So, I did seek the guidance from the City Manager, and he also suggest we include our City Manager, I'm sorry our City Attorney and with his, which is number four the email, his recommendations you know, he recommended that the appeal application proceeds into this hearing tonight and that is why we are here. The last item, number five, is just basically proof that the meeting was sent out, the notices were posted, it was put on a newspaper and so the meeting is legit, as they say. Any questions for me so far?*

Trustee Barreras: *Madam Mayor.*

Mayor Murillo: *Yes, Trustee Barreras you have the floor.*

Trustee Barreras: *On this changing for the zoning, what business were they wanting to put? Because, to my*

information, residents did not want no more cannabis or stores like that in that area. What are they going to apply for, what business?

Neighborhood Services Supervisor: The owner of the property is a real estate agent. He purchased the property, he'll explain that to you here in a bit right, and as I explained to the P&Z and I explained to some of the residents that were there that one night, the purpose of the business at this point is irrelevant. What is relevant is, should it be changed to a commercial property? Regardless of what is in there, if it cannabis we cannot discriminate against the business because it's a legal business which within the right, within our ordinance to be there. But as Mr. Andazola mentioned he did send me letter stating that he doesn't plan to having them, at first, he was planning because that was a tenant, he had at the time but that tenant pulled out and moved on and gone. Now, he just wants to be able to rent it out to whatever business happens to be able to fit into that style of property and business, right. So obviously, once if considered as commercial property, then the next step will be, what kind of business he is allowed to have on that property. But obviously, we're not going to be able to put in there, you know, a large restaurant, because then parking comes into play, the traffic and all those kinds of things. Maybe a small business as a tax prep, you know studio photography, whatever but again that is after. Right now we're considering the concerns for the citizens, the residents, you know and the applicant to be able to see: Can I put...Can I do a rezone to be able to make this property commercial? Any questions.

Mayor Murillo: No

Neighborhood Services Supervisor: With that said, with your permission, I would like to request/ask Mr. Andazola to come up and speak on his behalf, thank you.

*Mr. Andazola was sworn in by the City Clerk.

Mr. Andazola: Good evening, everyone, well thanks for having me come back and hear my...I guess my comments and stuff. Obviously, we all know why I am here; I feel that this property, the best and highest use is commercial. I feel that it, I brought a slide show, it's not completely like as much as I liked to because I didn't have that much time to set it up. As you can see, I mean the orange part is where the little village is. Go to the next slide show. Then, so, another thing that I wanted to comment is obviously, you know, being a newly incorporated town, Anthony, it's not that big of an area of four-by-four-mile radius, is not that big and so you know you only have a few main drives. You can go to the next one. And as you know, this new development of Dos Lagos, obviously you all are doing with the younger generation likes to live and work and play in the same area. I feel that my shop, my property has a lot of potential to be able to offer a coffee shop, like Mr. Eddie said...Salazar said I don't know exactly what I wanted to do to be honest, I did have a tenant and then he moved on. And I had talked to Mr. Torriones on the water company probable before that, two years ago and so the whole time...I mean this property has been listed probably 15 years ago, three times when I bought it. I bought it straight from the owner, he put it for sale by owner and I bought it around 2019, I think it was, if I remember the date correct. And with no plans but obviously, figuring that it was commercial, just if you see the building it looks like an old gas station, it looks like an tire place right. I mean it is what it is, when I went to see what the zoning was, it's not and that is why I'm here right now, just because I feel that it's the best and highest use for it. If I can save those buildings, fine, if I can't I would building a smaller shopping center, either four units, whatever the architecture or whatever the zoning allows me to. I bought some samples of that, but...if you can just go to the next one. And as you can see right there, well, I mean, that's what I was talking about on the Dos Lagos, if you notice they are doing, you know, they're going to put commercial, residential and retail in the same area. So those are some of the old listings I was talking about. And so, the current zoning right now, when I went and met after they denied it, I went and met with Mr. Infante and another gentleman and so he made it sound like certain commercial stuff was allowed. But when I left the meeting and I actually went over the zoning, it's not, you have to actually live in the house, and you could have a business in the house, and it has to be somebody that lives in the house that has to manage that business or be there, you really can't employ anybody. So it's a home based business where it makes it very limited, right, and as you know my neighbor next door has the daycare, home health care, she's got another, she has like three different businesses, which I don't mind. I feel like she should be rezoned herself also, because she is right next to Wells Fargo, she's on the same highway as I am and I feel that it would benefit both of us, not just myself. Anyways, she has Studio 478, which obviously is not a house and she is in the same zoning as I am. So it's La Familia Health Care and then

Familia Care and I know she has a secretary there, it's like I said, I'm not here to fight against anybody. I'm here to even hear the neighbors and stuff, I am not here to fight with them, I am trying to...I have been a part of this community since 2003, I own a property on 417 and 419 Gorman, another 975 Church and I have this property here. I used to own the property at 104 Elm Street, you know remodeled it and so I have bought a few houses, remodeled them and put them back into the market where their taxable and livable what whatnot. So, I am not here, I mean like this town Anthony so I am not here to be the bad guy. You know, so, but anyways, that just the zoning, that it says and so it makes it very limited to have anything possible. So those are the building that old and I don't know if I could actually save them, I mean, I would have to get in there if I could, I'd like to, but my idea is to put a rent to lease, to suit, you know, build to suit or something and see what kind of tenants I get and it not, then I would obviously, if I can't save them then I would knock them down. But those are the properties, I'm talking about right next door that I think that would benefit from being commercial. I mean if I am in violation, they would be in violation. I mean, like I don't care to be here for that, I mean I think they should be in commercial as well. When they build that studio, I actually own the house right behind which Mr. Romero lives in now, I never complained about it because it's on a main highway I figured it was commercial. There's Wells Fargo too so you can see that those. Then, you know, I put some, if you keep going on the slideshow, so you can see that, right there the Texas line is if you go right around those, the highway on both sides, you'll see houses right behind all those buildings at one time are even homes or were commercial the whole time but there's residential right behind it. And you can see that all the way from Doniphan all the way down from Sunland Park, where I put a few pictures, there's a perfect neighborhood that ended up being, that was all desert and ended up being will all the commercial all around it. It's right there on Atlantic where Saint's Jude Church is off of Doniphan right, kind of close to Sunland Park that first neighborhood when're you're coming up to the right. If you keep going a little bit there, that's it right there, you can see how I got stuck there and some of that red in the front which is C3 was residential, some of them were houses. Obviously if you want a town to grown and you, know reap the benefits of the growing town as in tax money, as in businesses, having employment for your residents close by, I feel like I can offer that. So, those are just the pictures, I mean, so you can see it, and so you know, these are the shops now that used to be a house too and now it's a tire shop that looks just like mine and there's residential right behind it, as you were able to see on the top on the other slideshow. This another area, if you come down to Canutillo, there is a little white dot on the left where you can see the river, that's Doniphan Drive, so you can see its commercial and residential in between there, over here where the red is it's closer to I-10. So, you know, there's a Western Valley and so if you go back one, go back one, so you see that red dot, right there that's Western Valley right there. And you can see that they brought it up to [inaudible] residential in the back, I mean, like I said, I am not trying to do something that is not normal for a growing City that, especially when you such a small radius and I'm on a main highway which I feel is going to get busier. You're going to have more of these types of meetings, I think Highway 478 is going to get busier than highway...than Anthony Drive just cause its throughway all the way to Las Cruces, you can just keep going on the slideshows. I mean, this is just examples of just same stuff in Canutillo that happened, I mean, gentrification, when you gotta town that incorporates and you're starting to move in, you know and be commercial; that is just my survey right there. And so, these are just examples, I mean, you know, I don't know exactly if they could let me fit something like that or smaller or whatever but I just kind of went there and put examples of what I would do and put it in the back. I mean, a small, you know, having a bakery, a coffee shop, if I want to put a real estate or an insurance guy wants to rents or whatever businesses want to be there. But I think I can fit four businesses in there or whatever they allow me to, depending on the size with the usage. And that's it, I mean, I just feel that the best and highest use for my property would be rezoning, and like I said, I'm open to your comments and stuff from the neighbors. I'm not here to be bad guy, I just think it's the best use. Thank you for your time.

Mayor Murillo: Any questions from the board? Mayor Pro Tem Flores you have the floor.

MPT Flores: By any chance do you know if these buildings are historical?

Mr. Andazola: They are not historical at this point because it's not a historical district, so I did find that out. So no they are not, right now.

Mayor Murillo: Any other questions or comments?

Trustee Silva: Madam Mayor, Trustee Silva?

Mayor Murillo: Yes

Trustee Silva: Have you had any kind of inspection on the buildings? I know there was an attempt to put another business and somebody had mentioned that they probably ought to just be demolished.

Mr. Andazola: You know, I've had a few architects look at it, some of them have told me yes, some of them have told me I could save the building. The one in the middles, actually, that's the one I actually got inspected, the one on the left is probably, which is the old gas station, is a little bit worse, that one I have not gotten inspected. The other one I have, if you ever been to Rosa's Cantina, it has the same ceiling, the same type of studs inside as the building that I have. So, I am not sure and that's one of the questions that I said, if I can't save them then, I mean, if I can rent it like this for now, I probably would but in the future, I would probably if I can, then I would try to do something new right. And it makes more sense and put it more in the back and just a regular and nice-looking shopping center that not going to be and eyesore, that's going to be nice and good for the neighbors. I mean that they can walk, get a coffee or if it's an I don't know, a clothing, drycleaners or whatever it is, I mean, I really do not have an idea what businesses will go in the, but I just feel the best and highest use is commercial.

Mayor Murillo: Any other questions from the board?

Trustee Holguin: Mayor if I may, Trustee Holguin?

Mayor Murillo: Yes, Trustee Holguin, you have the floor.

Trustee Holguin: I just wanted to see to help build a picture of a decision, how much, approximately have you invested in the property, expecting it to be commercial?

Mr. Andazola: You know, when I first talked to the gentlemen about the water and the water company, so he, they were going to charge me like...you know it's probably been like three years that I've been at it on that and so obviously prices have gone up tremendously. So, so I did put the sewer and the water there, in the middle building but then when I found out about the zoning, then I kind of put a halt to it because, I mean I thought, if you see his letter from the water company, I mean, it says that I could do commercial but not necessarily in those words but what I could use it, obviously but it is...it does say that it says, if I wanted to do anything like agriculture, which that was the cannabis thing that I would have to re-apply and that I would have to pay for a commercial tap. And so, I probably spent \$12,000 just cleaning and, in the water, tap and difference stuff, I mean I haven't spent a whole lot, I mean and what the cost of building costed me, you know?

Trustee Holguin: I used to live on Camino Real, which is the street right behind the businesses and it is, you know, all the other businesses are pretty accessible, I am also in against that the, you know, it's right off the freeway, I mean not the freeway but the highway and businesses are right next door. I don't see an issue, again I used to live in Camino Real and directly, you know, right behind...it's a white building, right next door that's where I used to live. In all honesty, I do not see it as an issue, you know, with respect to any business going in there. Again, you know I'm also aware where what's been spent on the property and stuff like that, being...expecting it to be commercial but, you know, I am in agreeance with making it commercial.

Mr. Andazola: Ok, and I forgot to mention, since Camino Real, this young lady by the name of Angie Chacon has approached me that she wanted to put like a hair salon, I think she runs it out of her house, maybe or does it part-time from there. And so, she did say, she did mention to me that if, that if I was going to do something, then maybe I would rent to her for that, and so I just remembered that she told me that. And so, I feel that, you know, there's been...well I guess that's it, I mean, you know like, I just feel it's the best and the highest use. If I can talk after, and...or if somebody has questions, I guess I'm willing to answer anything else.

Mayor Murillo: Yes, Trustee Barreras.

Trustee Barreras: I believe, when I was doing codes, it was registered as that and I've never had any issues with that, it being a commercial property. So, I remember when one gentleman opened the business and he opened it because it was registered as...

Mr. Andazola: [inaudible] boxing I think, yeah that was, I think, the last business or gym or something in there like boxing or something.

Trustee Barreras: My thought, as I was doing codes for 6 years, we kept it like that for all that time, so we never had an issues with it being registered as commercial. So I mean...

Mr. Andazola: And that's why I mentioned when it was listed, I mean 15 years ago and [inaudible] and there's a couple of listings in there that I had, I mean it was kind of a sloppy slideshow but I mean he put two commercial

buildings and that's just the way it's always been advertised. But I mean, it is what it is and so we're here for that reason.

Mayor Murillo: Thank you, sir.

Mr. Andazola: Thank you very much.

Trustee Silva: Madam Mayor...

Mayor Murillo: Yes, Trustee Silva.

Trustee Silva: You referenced the letter from the Water Company, I don't see it in here.

Mr. Andazola: Those were my papers but if you go back, let me see if you go into my...

City Clerk: into the documents?

Mr. Andazola: Yeah, it will say "Letter from Water Company" or something...it'll be a PDF.

City Clerk: Oh, right here.

Mr. Andazola: So that's it right there, if you'll scroll up a bit, I mean that is about everything. I have a copy of it actually, if you want to see. So I ended up paying for it and got one of the taps and so now I kind of put it on hold just to see what I can do, if I can even use that tap or...

Trustee Silva: I can't read it all but does it say anything on...

Mr. Andazola: It says "Water service will be available after AWSO receiving a copy of an approved permits or certificate of occupancy as well as meeting all AWSO policy, regulations, and fee requirements. Water service will continue to be provided as long as the account remains in good standing and meets ordinances, statues, polices, regulations and fees, as amended from time to time. Water rights will be paid at the time of an approved permit from the State of New Mexico. If consumption exceeds the estimated amount of water rights initially estimated, adjustments will be made per AWSO policies."

Trustee Silva: But that does not state whether they're charging you as a commercial or residential, it just saying that the water rights will be approved.

Mr. Andazola: Right, the water rights will be provided right, let me see I have another...like I said, I've been doing at this for a little bit so probably [inaudible]. I'm sure Mr. Jose Terrones or if you like, I'm sure I can email a copy of it. He put in one of the letters that if I actually did anything agriculture which is probably the greenhouse that he was talking about or something like that, that has to do with probably the cannabis which was my last person that was gonna rent it, is where he references that.

Trustee Silva: And the reason I'm asking that is because, if that was the case, obviously, you know, that he's on board and he voted no.

Mr. Andazola: Exactly, so its strange to me. Yes...

Trustee Silva: So, that's just, I mean, unless there is no documents that says, you know that they are providing commercial water, then I can understand why he would vote no.

Mr. Andazola: Right, but it does not specify that it's residential water, so for me I understood it was commercial the whole time, right? I mean, and in him putting that if I was going to be doing anything as in agriculture, that I would have to re-apply or pay a commercial fee for it if I was going to do anything agriculture.

Trustee Silva: Ok, alright. I was asking because you referenced it a while ago but I see which one you are talking about.

Mr. Andazola: [inaudible] the type of use changes to agricultures use, service will be disconnected...[inaudible]

Trustee Silva: So, that is saying that they're charging you as residential and if you decide to go commercial with agriculture then they'll change...

Mr. Andazola: But yeah, agriculture is difference commercial than your regular office building or...

Trustee Silva: That's true, yeah, I understand. Thank you.

Mr. Andazola: Any more questions?

Mayor Murillo: Thank you. Yes, Alan.

City Attorney (Alan Dahl): Just to dot our 'i's and cross our 't's, since it's a hearing, both the applicants and those opposed should get a chance to do cross examination if they have any questions for each other. So, if anyone had questions for the applicant at this time they can ask them or when they get up for the opposition, the applicant can then ask them questions...

Mayor Murillo: *Ok, I see. Thank you.*

Mr. Andazola: *Thank you very much. Thanks.*

Mayor Murillo: *Ok so who do we have first?*

City Clerk: *Mr. Romero*

Mayor Murillo: *Mr. Roman?*

City Clerk: *Romero*

Mayor Murillo: *Oh Mr. Romero, he already spoke.*

City Clerk: *Oh so we're just going to...*

Mayor Murillo: *Yes...I'm sorry.*

City Clerk: *Lauren Cervantes. Lauren Macias Cervantes*

**Mrs. Cervantes was sworn in by the City Clerk.*

Mayor Murillo: *You may proceed.*

Mrs. Cervantes: *Good Evening Mayor and Anthony Board of Trustee, my name is Lauren Macias Cervantes, I appreciate the opportunity to address you tonight. My home is at 625 Camino Real, directly behind the two locations up for rezoning. I not only represent myself tonight as a concerned citizen, but also my late mother Juanita or Jenny Macias which many of you knew. Our house at 625 Camino Real, has been in our family for more than 50 years, as it belonged to my late grandparents before it became my late mother's and now, mine. While some neighbors have passed, others moved, one thing has remained the same, keeping an eye out for one another. The Planning and Zoning Committee witnessed that the times that we gathered here to discuss this item, several of us turned out to voice our disapproval of the request. Our sentiments haven't changed an while I understand it is the landowner's right to appeal, it is unfortunate that the community's voice and the community's actions are being challenged. Rezoning for a future business, is not the best interest of the residents, many elderly, and several non-English speakers, there are young children, and even new residents moving in. While the use of buildings and lack of parking is a concern, I am worried about the type of clientele and activity of business, like a cannabis growing, processing and dispensary facility can bring. This is what initial paperwork submitted with this requested indicated the future business to be, as you all have known. I requested any additional paperwork filed but never received any after many multiple request this time around. I do understand the need for new/more businesses in Anthony but a business, especially one like this one does not belong in my backyard, in others' backyard, in a residential area. I understand a new industry can bring needed taxed dollars but at what cost to our residents and how [inaudible] is enough? There is already several and there are other places, future dispensaries can set up if that's the type of future, this Council and the Committee decides is best. I've lived here all my life and although I could have moved away, I chose not to. I also chose the Gadsden School District for all my children, the last having graduated almost one year ago. I am here and I stayed here because I choose to. You all have a big responsibility tonight, one that can potentially change people's lives, I ask you not to rezone, protect our neighborhood. What would you do to protect your family and your home? I thank you for your time and thank you in advance for your consideration.*

Mayor Murillo: *Thank you ma'am. Who is next?*

City Clerk: *I am sorry, I cannot read the last name but Donna...*

Mayor Murillo and Mrs. Heddleston : *...Heddleston.*

**Mrs. Heddleston was sworn in by the City Clerk.*

Mrs. Heddleston: *First I wanted to...I do have the papers from the Water Company, and it's a basic, we got it from the City, it's a basic setup, \$1,200 for the [inaudible] fee, water tap, it came out to \$5,000 [inaudible] which would have cost anybody the same for residential. If he wanted to go to commercial, it would have been \$9,470, so he knew it was just going to be a regular residential. And on the zoning, in the last meeting, oh, my address is 109 Madero, on the last meeting, we tried to find out about the codes; we called, I called, well my daughter emailed the...Albert Casias, the Senior Planner in Doña Ana and he said...this is his letter, I gave it to...I've never been told you can't hear me. And it says "the two addresses that you pointed out are in the jurisdiction of the City of Anthony, you will need to call the Planning Department and inquire about the existing zoning regulations." In 2011, I believe, is when you guys zoned it*

as residential and Doña Ana has nothing to do with it anymore, I've got...the codes man has got the copies of it. I also called Las Cruces because they're in Doña Ana and I asked them "Does Doña Ana tell you how to do codes?" and they said "no it's Las Cruces codes". Santa Teresa, its Santa Teresa codes, it is not Doña Ana whatever is on the records [inaudible]. This man was a...is a real estate agent, I found all this information very easy and if I was going to be selling or buying property again, certainly find out what it is. So, whatever the zoning department said the last time when we had the meeting, should stick, I know we're doing an appeal and all that and that's fine. You know, I lived, my in-laws lived in that house and then now my husband and I live in that house on Madero, so it's 50 years already and it's a quiet little neighborhood, it's one of the oldest neighborhoods in Anthony. He said Anthony is four miles by four miles well there is also three cannabis places within half a block, so our fourth one would be four in every mile in Anthony and I've been hearing that, you know, he doesn't want to put the cannabis in there anymore and blah blah blah and that it would be signed that he wouldn't. It doesn't matter if you put a hair salon in there, there is no parking in that area, the employees alone would take up all the parking space, and then then you'll be parking in front of our house and our neighbor's house, and everyone else's house, there is absolutely no room in there. It's an old neighborhood, it needs to be...it's just I mean, every family there has been there for at least 50 years. He did bring up something about being zoned you have to live in the home to have it residential...I mean commercial, well the Helping Hands right next door, which is on another block, it's not on his block. Valerie's father lives in that house so that wouldn't even add hers to be commercial, but the screen printing does not affect anybody in the house, this place it would be 20 feet from my property line to their property line, 20 feet, so I don't know where anybody's going to park, I would say that property is probably 50 by 100 yards...not even 100 yards, 70 yards. I don't know how you can get all these little businesses, it's a school bus drop, they drop all the kids that live in that/our area here because otherwise they have to cross 460 to go to the park so there is a school bus stop there, right at that house...I mean building. It's just, it's an old part of town, you know there is nothing that's gonna fit in there, the other businesses that were there, it was a mechanic's shop when I first got married, the guy pulled all the cars in, there was no cars in the parking lot, no cars anywhere. The last one was a tire store, where you said in 2010, it was a tire store, you pulled into the building, you changed your tire and you left, there was no parking because there is no parking there. I cannot see how any business or any kind would be able to work in that area. I 'm hoping this is the last time we have to do this but we will be back as many times as we have to. Thank you.

City Clerk: That is everyone.

Mayor Murillo: ok, any other questions from the Board or members? Questions or discussion?

Trustee Silva: Madam Mayor, Trustee Silva, I have a question...

Mayor Murillo: Yes

Trustee Silva: I have a question for Mr. Salazar, Mrs. Heddleston had a comment that, that area was rezoned in 2011, do we have documents that show that was rezoned, or where did we get information from?

Mrs. Heddleston: [inaudible] I assumed it was 2011...

Neighborhood Services Supervisor: I believe she's speaking when the City incorporated in 2010, they sent a letter out, it was a posting like a...I think it was 2011 and it stated that you know, the applicants who sent in you know, an application to request their property to be zoned a certain way when the City incorporated, I believe that is what's talking about.

Mayor Murillo: Yes, Alan.

City Attorney: Yes, May I ask a clarifying question so the Board had all the relevant information?

Mayor Murillo: Yes.

City Attorney: So it is currently zoned as VR-1?

Neighborhood Services Supervisor: Yes

Mayor Murillo: Any further questions or discussion?

Trustee Barreras: Madam Mayor?

Mayor Murillo: Yes.

Trustee Barreras: I am a little bit confused, on the properties that they want to zone, it is just those two buildings? Or including the building that he has on that corner by the roundabout?

Trustee Silva: I don't know, you have to ask him.

Neighborhood Services Supervisor: It's going to be both buildings, the two that were in the pictures, the two historical buildings, that are in the same parcel with the County. One difference between us and Las Cruces and Doña Ana when it comes to the zoning is that, we don't keep records for ourselves right? That's why, one of my beginning issues, we don't keep records for ourselves when it comes to property information. So, Doña Ana County does the record keeping for us, so a lot of the decisions that we make here is based on what they have record of. So, you're only suppose to change any records in the Doña Ana County mapping or...yeah, the department and the taxes and all that unless we send a letter, an approval letter of a stamped city, you know, embroidered on it. So that's they only difference is, is the county keeps records for us and we base our decisions we make here when it comes to permits regarding what the county has on records.

Mayor Murillo: Thank you. Any further questions or discussion from the board? I see and hear none.

Mr. Andazola: Can I make one more comment?

Mayor Murillo: Yes, go ahead before we do the vote.

Mr. Andazola: So yeah, I'm surprised the neighbors Valerie and Ruben aren't here because they were obviously one of the ones that were opposed to it, but obviously they have theirs and they probably know they are in violation but I did find the letter from the Water Company and it does say right here, commercial deposit, it does say water rights right here for \$4,000 extra if you want to see this. And I guess that was it, my closing...

Mayor Murillo: Thank you. So, we'll go ahead and move on to...

Mrs. Heddleston: [inaudible]

Mr. Andazola: [inaudible]

City Attorney: Madam Mayor?

Mayor Murillo: Yes, sir.

City Attorney: Before the board makes a decision on this, I just want to make sure that it's clear what the standard that the decision has to be based on, for a rezoning within the City there are three criteria: must be in the public's interest, must conform to the City's Master Plan and must be consistent with the surrounding areas. So those are the three key criteria to take into consideration.

Mayor Murillo: Ok, thank you.

Trustee Silva: Madam Mayor, question for the attorney...I mean, you mentioned those three criteria right there but how about the fact that according to our...Mr. Salazar, it's zoned as...and the reason that I'm asking that questions is because I'm assuming that our Planning and Zoning Department, I can't speak for them but, you know, I'd like to know why they denied it. Did it get denied it because it is zoned as a V1 right now?

City Attorney: It is zoned, according to Mr. Salazar as VR1, and that is why the applicant is seeking a zone change.

Trustee Silva: Oh VR1

City Attorney: So yeah, it is currently zoned as VR1 and for that reason the applicant can't do commercial things on the property. So that tells you, what it's currently zoned as, you can obviously that's where you start and then consider whether changing it from VR1 would be in the public interest, conform to the City's Master Plan and be consistent with the surrounding areas.

Trustee Silva: Ok, thank you.

Mayor Murillo: Any other questions or discussion on this item?

Trustee Barreras: Madam Mayor, should we table or just...

Mayor Murillo: We go with a decision or what we heard, of what was discussed. I see and hear none, so may we get a roll call?

*City Clerk proceeded with the roll call vote.

1st Motion: Trustee Silva

2nd Motion: Trustee Barreras

MPT Elva Flores YES NO - **Abstained**

Trustee Daniel Barreras **YES** NO

Trustee Javier Silva **YES** NO

2-1 vote, motion denied¹.

Trustee Gabriel I. Holguin **YES** NO

7. AJOURNMENT

1st Motion: Trustee Holguin

2nd Motion: Trustee Barreras

MPT Elva Flores **YES** NO

Trustee Daniel Barreras **YES** NO

Trustee Javier Silva **YES** NO

4-0 vote, motion passes at 6:05pm.

Trustee Gabriel I. Holguin **YES** NO



Diana Murillo

Diana Murillo, Mayor

{SEAL}

Attest:

KOA

Karla Oropeza, City Clerk

¹ Motion was denied due to lack of majority vote that is required to "reverse or affirm any order, requirement, decision or determination of the Planning and Zoning Commission" in accordance with Ordinance 2020-001, Section 6(A).