

## REGULAR MEETING

City of Anthony, NM Planning and Zoning Commission  
Municipal Building  
824 Anthony Drive  
Anthony, NM 88021

Thursday, September 13, 2012  
6:00 P.M.

### AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

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THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ONE BY ONE MOTION UNLESS A COUNCILOR REQUESTS THAT A SPECIFIC ITEM BE REMOVED AND PLACED ON THE REGULAR AGENDA FOR DISCUSSION PURPOSES.

4. APPROVAL OF AGENDA ORDER

5. APPROVAL OF MINUTES

- \* Regular Meeting June 14, 2012
- \* Special Meeting August 23, 2012
- \* Regular Meeting August 23, 2012

6. PUBLIC MEETING

Cases for Action:

- A. **Case No. 12.09.001** – Ms. Norma Zubiata and Ms. Ana Ortiz wishing to obtain a business permit to establish a clothing/accessories store for women located at 132 Anthony Drive. (*Zone CC-1*)
- B. **Case No. 12.09.002** – Mr. Jaime Carrasco wishing to obtain a business permit to establish a retail business located at 136 Anthony Drive Space # A. (*Zone CC-1*)
- C. **Case No. 12.09.003** – Ms. Maria Chavez wishing to obtain a business permit to establish a second hand clothing business on 1810-1 Acosta Rd. (*Zone CR-1*)
- D. **Case No. 12.09.004** – Ms. Dela Sanchez Florez wishing to obtain a mobile home permit to install a mobile home on 715 N. Second St. (*Zone VR-2*)
- E. **Case No. 12.07.004** – Mr. Javier Murguia requesting a zone change for property located on 4<sup>th</sup> Street between Hettinga Rd. and Curry Ct. for a possible flea market in a residential area. (*Zone CR-3*)
- F. **Case No. 11.09.005** – Resident Guadalupe Saenz wishing to obtain a permit to subdivide lot located at 1400 Church Street under a hardship. (*Zone CR-1M*)

7. PUBLIC COMMENTS

8. COMMISSION MEMBER COMMENTS

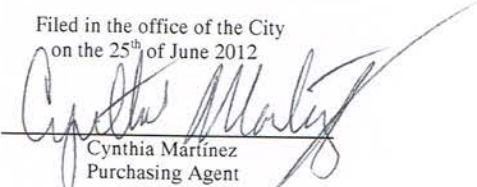
9. CHAIRMAN COMMENTS

10. ADJOURNMENT

**POSTED:**

City of Anthony City Clerk Office  
El Paso Electric Company  
NM Gas Company  
Anthony Post Office  
Senior Citizen Center  
Anthony Water & Sanitation District

Filed in the office of the City  
on the 25<sup>th</sup> of June 2012

  
Cynthia Martínez  
Purchasing Agent

**PLEASE NOTE:** *If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Office of the City Clerk at 575-882-2983 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 Office of the City Clerk at 575-882-2983, if a summary or other type of accessible format is needed.*

## REGULAR MEETING

City of Anthony, NM Planning and Zoning Commission  
Municipal Building  
824 Anthony Drive  
Anthony, NM 88021

Thursday, September 13, 2012  
6:00 P.M.

### MINUTES

1. **CALL TO ORDER @ 6:00 pm** by *Fernando Herrera*
2. **PLEDGE OF ALLEGIANCE** by *Commissioner Janny Brumlow*
3. **ROLL CALL:** *Present – Chair Herrera, Comm. Madrid (via conference call), Comm. Gonzalez, Comm. Brumlow, Comm. Gomez, Absent - None*
4. **APPROVAL OF AGENDA ORDER** - *Motion was made by Comm. Gonzalez to move Case E. before Case A, 2<sup>nd</sup> by Comm. Brumlow, unanimous vote, motion passed and agenda was approved.*
5. **APPROVAL OF MINUTES**
  - \* Regular Meeting June 14, 2012 – *Comm. Gonzalez asked about the section of the minutes for Commissioner comments which said that the Mayor did not want to have a joint meeting with the Planning and Zoning Commission to talk about the Subdivision Ordinance that is pending approval. Chairman Herrera said that the Mayor had not informed him about this decision. Trustee Diana Murillo who was in the audience was asked by Comm. Gonzalez if this was right. Trustee Murillo said that she was not aware of this. She said she would need to find out because she may have missed a meeting in which this may have been discussed. Also, in the audience was Trustee Betty Gonzalez who said that she would like to have a joint meeting with Planning and Zoning to discuss the Subdivision Ordinance. A motion was made by Comm. Brumlow to approve these minutes, there was no second, therefore the minutes were not approved for this meeting.*
  - \* Special Meeting August 23, 2012 – *Motion was made by Comm. Brumlow to approve these minutes, 2<sup>nd</sup> by Comm. Madrid, unanimous vote, motion passed and minutes were approved.*
  - \* Regular Meeting August 23, 2012 – *Motion was made by Comm. Brumlow to approve these minutes with the condition of making a correction on the Public Meeting section for Case No. 12.08.002 in which the vote was not Unanimous because it was a 2-1 vote, 2<sup>nd</sup> by Comm. Gomez, unanimous vote, motion passed and minutes were approved.*
6. **PUBLIC MEETING**
  - Chairman Herrera said that Commissioner Madrid was out of town and was via conference call for this meeting. Chairman Herrera said that Commissioner Madrid was out of town and wanted Case No. 12.07.004-Mr. Javier Murguia requesting a zone change for property located on 4<sup>th</sup> Street between Hettinga Rd. and Curry Ct. for a possible flea market in a*

residential area. (Zone CR-3). A motion was made to move Case No. 12.07.004 to be heard first before Case No. 12-.09.001 by Comm. Gomez, 2<sup>nd</sup> by Comm. Gonzalez, unanimous vote, motion carried and case order was approved.

**Cases:**

A. **Case No. 12.07.004** – Mr. Javier Murguia requesting a zone change for property located on 4<sup>th</sup> Street between Hettinga Rd. and Curry Ct. for a possible flea market in a residential area. (Zone CR-3)

*Discussion: Chairman Herrera stated that it would not be to the best interest to the city to have a flea market in a residential area. A motion was made by Commissioner Brumlow to not approve this case, 2<sup>nd</sup> by Comm. Madrid. Unanimous vote, motion passed, Case No. 12.07.004 was not approved.*

B. **Case No. 12.09.001** – Ms. Norma Zubiata and Ms. Ana Ortiz wishing to obtain a business permit to establish a clothing/accessories store for women located at 132 Anthony Drive. (Zone CC-1).

*Discussion: Ms. Zubiata and Ms. Ortiz would like to obtain a business permit to establish a clothing/accessory store because they do not see that many stores here in Anthony. Chairman Herrera asked if Mr. Eleazar Roman, Codes Enforcement/Building Inspector had inspected the building and he said no. Comm. Gonzalez asked the location where they would have this business and was told it would be at 132 Anthony Drive close to Gillette Insurance. Mr. Roman said that this location would need a fire inspection. Chairman Herrera said that they could approve this case with the condition of doing a fire inspection on Monday, September 17, 2012 and pending those results they would get final approval. Chairman Herrera asked both owners if they agreed with this and when would be a good time to do the inspection. Both owners said they would need to check their schedule because they both work as bus drivers. Comm. Gomez asked if they could not make it to the inspection because of their working schedules maybe someone they knew could represent them. Both owners said yes and Chairman Herrera asked if Monday, September 17, 2012 at 4:00 p.m. would be a good time. Both owners agreed to the time and depending if they passed the inspection then their case would be approved. A motion was made by Comm. Brumlow to approve Case No. 12.09.001 upon the condition that depending on the fire inspection results their business permit would be granted, 2<sup>nd</sup> by Comm. Gonzalez, unanimous vote, motion carried and case was approved.*

C. **Case No. 12.09.002** – Jaime Carrasco wishing to obtain a business permit to establish a retail business located at 136 Anthony Drive Space #A. (Zone CC-1).

*Discussion: Mr. Carrasco would like to open a retail shop to open a business of cigars and tobacco. Comm. Gonzalez asked Mr. Carrasco if he would be selling pipes. Mr. Carrasco said yes that he would be selling pipes in his business. Chairman Herrera asked if he would be selling tobacco products. Mr. Eleazar Roman said that Mr. Carrasco had opened his business without a business permit. Mr. Roman also said that all the products he has mentioned were not in the business because he had other products such as paraphernalia. Mr. Carrasco said he was not aware that he needed to have a business permit. Mr. Roman said that when Mr. Carrasco came to submit information twice, both of them were different. Chairman Herrera said that residence did not need to be discussed. Mr. Carrasco presented to the Commissioners an email that he received from the state. Commissioner reviewed the information and said that he had opened a business and had people there. Mr. Carrasco said*

that he just wants to open his business and support his family and he wants to go through the right process in order to obtain a business permit. Commissioner Gonzalez said that prior to this business there was a cigarette shop and he is concerned that something else may be sold. Commissioner Brumlow said that she was concerned about the misuse of paraphernalia. Mr. Carrasco said that he will have warning signs for his clients to be cautious of what they consume. Comm. Brumlow said that having this type of business here in Anthony would not be a good idea. Comm. Brumlow said that if she ever walked into the business and found other products what would Mr. Carrasco have to say. Mr. Carrasco said that all he wants to do is just open his business and support his family. Comm. Gonzalez said if this business would open, it would not benefit the community in any way with this type of business and said he could guarantee that this business would not bring anything good for the youth and residents. Mr. Carrasco presented a petition of signatures of people he asked at the La Feria grocery store in Anthony, Texas who live in Anthony, New Mexico and agreed to having this business open. Trustee Betty Gonzalez said that she opposes to this business because she said that she would not want this type of business in the community since they are trying to help it grow for the good of residents. Mr. Carrasco said that local gas stations sell cigarettes. Chairman said that enough information has been presented. There was no motion to approve or disapproved this case. Mr. Carrasco asked if there was anything else he could do. Chairman Herrera said that he could go to the Board of Trustees and present his case to them.

D. **Case No. 12.09.003** – Maria Chavez wishing to obtain a business permit to establish a secondhand clothing business on 1810-1 Acosta Rd. (Zone CR-1).  
*Discussion:* Owner would like to obtain a business permit to sell second hand clothing. She said that all her life she has worked in the fields as a farm worker and that because of her age she can no longer do that. Owner said that this would be her only source of income in order for her to make a living. Chairman Herrera asked if this business would be held in her home. Owner said yes. Mr. Roman has been to the property and said that according to city codes, she can operate a second hand clothing store. Comm. Gonzalez asked if parking would be an issue. Mr. Roman said that there is no issue with parking and owner is permitted to have this home business. Comm. Brumlow asked the location of this possible home business. Mr. Roman said that it is East of Acosta Rd. Chairman Herrera asked if this would require a fire inspection. Mr. Roman said that this would be an outdoor business not an indoor one. Mr. Roman also said that when the owner set up a yard-sale she had a few items on the fence. Comm. Brumlow said that maybe she should restrict those items to the inside of her property and not outside. Comm. Gonzalez asked what her hours of operation would be. Owner said that she would operate between the hours of 7 a.m.-3 p.m. She also said that she is also remodeling her property Mr. Roman said that the owner would be allowed to have up to five vehicles in her property at the same time. Comm. Gomez asked what portion would be used for this business. He said it would be best if the owner could bring a map showing where and what portion of the property would be used. Comm. Gonzalez said that it would be best to bring a diagram and it would be best to postpone a decision until the next meeting so that the Commissioner could get a better understanding of what the owner would like to do. Comm. Gomez said it would resolve this case if she brought this diagram. Mr. Roman said he could help her if she needed help. This case will be tabled for next meeting and a decision will be given to the owner pending the further documents she needs to submit.

E. **Case No. 12.09.004** – Resident Dela Sanchez Florez wishing to obtain a mobile home permit to install a mobile home on 715 N. Second St. (Zone VR-2).

*Discussion: Resident has been a resident here in Anthony and want to replace her old mobile home with a new one. Chairman Herrera asked if she had talked to the inspector. Resident said yes. Chairman Herrera said that if this was an upgrade he agrees because this would make Anthony look better. Chairman asked if there were any Commissioner comments. No Commissioner comments. Chairman asked Mr. Roman if there would be a an inspection after the mobile home was installed. Mr. Roman said yes he would inspect the new mobile home. A motion was made by Comm. Gonzalez to approve Case No. 12.09.004, 2<sup>nd</sup> by Comm. Brumlow, unanimous vote, motion passed and case was approved.*

F. **Case No. 11.09.005** – Resident Guadalupe Saenz wishing to obtain a permit to subdivide lot located at 1400 Church Street under a hardship. (Zone CR-1M)

*Discussion: Chairman Herrera said that this resident has been coming to Planning and Zoning Commissioners to ask to obtain a permit to subdivide her lot. She has complied with everything that she has been told to fix. Chairman Herrera said he would recommend this case. Mr. Roman said that she was advised to clean and dispose of some items and she has been compliant and has done so. A motion was made by Comm. Gonzalez to approve Case No. 11.09.005 under a hardship, 2<sup>nd</sup> by Comm. Brumlow, unanimous vote, motion passed and case was approved.*

7. **PUBLIC COMMENTS**

*Greg Paulier- said that the location where he is trying to establish and open up the business, the previous business before them was a cigarrete store. When they spoke to the landlord of that property, they were told that they could open without a problem.*

*Chairman Herrera- thanked Mr. Paulier for the comments but a decision had been made and could appeal to the Board of Trustees.*

*Javier Murguia- said that his case had been voted without his presence which did not allow him to voice his opinion.*

*Chairman Herrera- said that the reason why his case was moved to be heard first was because Commissioner Madrid was out of town and wanted to hear when this case was heard.*

*Javier Murguia- said that he did not agree with the case being moved up first because the agenda order said that he was the fifth case and not the first case and said that the agenda order should not be moved once it is published. He also said that every time he comes to the Planning and Zoning meetings there are always residents coming to the meeting to request a permit to open a business in their home. He said he was upset because the Commission is letting people open a home business and this will eventually turn the city into a flea market. However, the Commissioners are not allowing him to open up this flea market.*

8. **COMMISSION MEMBER COMMENTS** – no comments

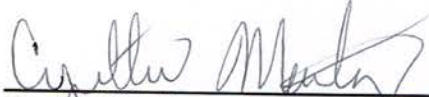
9. **CHAIRMAN COMMENTS** – no comments

10. **ADJOURNMENT @ 7:09 pm**, motion made to adjourn by Comm. Gonzalez, 2<sup>nd</sup> by Comm. Brumlow, unanimous vote, meeting adjourned.

**APPROVED:**

  
\_\_\_\_\_  
Fernando Herrera, Chair

**ATTEST:**

  
\_\_\_\_\_  
Cynthia Martínez, Purchasing Agent

{SEAL}

*Prepared by Cynthia Martínez  
Approved at Regular Meeting held on September 27, 2012*

## SPECIAL MEETING-WORK SESSION

City of Anthony, NM Planning and Zoning Commission  
Municipal Building  
824 Anthony Drive  
Anthony, NM 88021

Thursday, September 20, 2012  
5:30 P.M.

### AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

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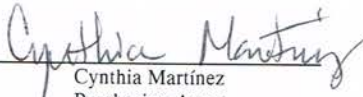
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4. APPROVAL OF AGENDA ORDER
5. PUBLIC MEETING  
Work Session:
  - A. Special Procedures- to discuss “no votes” on Planning and Zoning Regular Meetings.
7. PUBLIC COMMENTS
8. COMMISSION MEMBER COMMENTS
9. CHAIRMAN COMMENTS
10. ADJOURNMENT

#### POSTED:

City of Anthony City Clerk Office  
El Paso Electric Company  
NM Gas Company  
Anthony Post Office  
Senior Citizen Center  
Anthony Water & Sanitation District

Filed in the office of the City  
on the 18<sup>th</sup> of September 2012

  
Cynthia Martinez  
Purchasing Agent

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## SPECIAL MEETING

City of Anthony, NM Planning and Zoning Commission  
Municipal Building  
824 Anthony Drive  
Anthony, NM 88021

Thursday, September 20, 2012  
5:30 P.M.

### MINUTES

1. **CALL TO ORDER** @ 5:30 pm by *Fernando Herrera*
2. **PLEDGE OF ALLEGIANCE** by *Comm. Ramon Gonzalez*
3. **ROLL CALL:** Present – *Chair Herrera, Comm. Madrid, Comm. Gonzalez, Comm. Brumlow, Comm. Gomez*, Absent - *None*

### 5. PUBLIC MEETING

#### Discussion (Work-Session):

*Chairman Herrera- said this special meeting was to discuss voting procedures. Said he would like to start by commenting on two previous cases from the last meeting that were not voted on. Javier Carrasco did not get a vote from the Commissioners on whether he could open a retail business here in Anthony. Chairman Herrera said that as the Commission of Planning and Zoning they need to vote on these cases. Also there was a no vote on the minutes for June 14, 2012 held at 6:00 p.m. Chairman said that minutes need to be voted on because if someone ever asks why minutes were not approved for a meeting or even if someone wants to see them because they may have a question and if there are no minutes approved then the Commission could be questioned on that. Chairman urges that when meetings take place they need to vote on cases. An example of this would be the Javier Carrasco case which did not get voted on and as the Commissioners they cannot let cases like this one go by. Chairman and the Mayor talked about the comments that were stated on the June 14, 2012 minutes which said that the Board of Trustees did not want to meet with Planning and Zoning Commissioners to discuss the Subdivision Ordinance. The Mayor said that it was a misunderstanding. The Subdivision Draft Ordinance has been submitted to the city attorney for review and will come back to the Board of Trustees for final approval. Chairman Herrera said they feel Commissioners did a good job putting it together. Commissioner Brumlow said that it took Commissioners a long time to put it together and feels that the Board of Trustees may not understand that it is a long process and possibly may not understand the terminology. Chairman said that there had been a misunderstanding on the minutes. He does not see a reason why the Board of Trustees would not approve the Subdivision Ordinance. Chairman also acknowledged that the Commissioners have volunteered their time to help our residents. Chairman has talked to the Mayor about compensating Commissioners for their time and the Mayor agreed. However, this would need to be brought up to the Board of Trustees and they would need to approve it. Chairman said he will settle with what the Board of Trustees decides to compensate the Commissioners for their time. Chairman said that it would just be fair to compensate all Commissioners. Comm. Gonzalez said he agreed because the city is hiring more staff and is sure that there would be*

sufficient money for a possible compensation. Comm. Brumlow said that maybe they could ask \$100 per meeting and if the Board of Trustees approved that she would be fine with it if not she would still continue to attend the meetings. Comm. Madrid said that maybe the same amount that the Board of Trustees gets could be given to Commissioners. Comm. Gomez said that Commissioners dedicate their time to the meetings and it would be great to get compensated because they have to place their normal duties aside to attend the Planning and Zoning meetings. However, Comm. Gomez did not join the Commission to make money. Comm. Gonzalez said that the cost of gas and driving around adds up. Comm. Gomez said that this is his second meeting since he joined and said that these meetings can last between one to two hours and within a year time adds up. Chairman Herrera said he agreed to getting a compensation and recommended to the Mayor a compensation of \$150 per meeting. Comm. Brumlow said that it could be equal to what Board of Trustee members get. Comm. Gomez agreed with Comm. Brumlow. Chairman Herrera said that something similar to what the Board gets would be fair. Comm. Gonzalez suggested to Mr. Roman that when people come to have their case be heard, the case should be ready to be voted on. Like the last case, the amount of space and hours of operation should be submitted prior to the meeting. Mr. Roman said that he had advised that resident about submitting this information and that it was a requirement she needed to fulfill. Mr. Roman said that it would be a good idea if both him and Chairman do a pre-inspection prior to hearing the case. Chairman Herrera talked about the inspection he and Mr. Roman did for the ladies from the last case who wanted to open a women's clothing store off of Anthony Drive. They need to fix some of the things that were found during the inspection. Comm. Gonzalez said that inspections should be taken care of before the case comes to Planning and Zoning. Mr. Roman said that in the case of the two ladies that Chairman just addressed, that it a case that needs to be settled between the renter and landlord. Comm. Gomez said that it would be a good idea to have the mid plans that way they can say yes or no. In this case, they need to have the tenant make the improvements on the property. He also said that it would be a good idea to have an occupancy capacity sign. Chairman Herrera said that inspections need to be done and the city has decided that if they do not pass the inspection then they cannot open their business. Mr. Roman said that when he does an inspection he writes what he finds and includes it in his report and if they do not comply then they will not pass the inspection. Comm. Gomez suggested that maybe Mr. Roman could create a spreadsheet where he can write down what he finds in each individual inspection and sit down with that person and explain what he found and what needs to be fixed before they come to Planning and Zoning. Mr. Roman said he could probably create another sheet that he can include in the packet of the requirements he hands to those who wish to come to Planning and Zoning to have their case be heard. Chairman Herrera said that it would be best if a pre-inspection was conducted before coming to the meeting to present a case and that would be more beneficial. All Commissioners agreed to this idea and said yes. Comm. Gomez said that it would help and would give people an idea of where they can put their business. Chairman Herrera said that this would definitely be beneficial to both residents and Commissioners. Comm. Gonzalez said that he thinks that since Chairman Herrera conducts Fire Inspections he needs to be compensated for his time. Since Chairman Herrera takes time off to do these inspections then he should be compensated for his time. Comm. Gomez said that for now Chairman may have one to two inspections but later as the city continues to grow they will have more and more cases. Chairman Herrera said that this would be something that the Board of Trustees decides. Comm. Gonzalez said that Chairman is helping the city but it would only be fair for him to get compensated for his work. Comm. Brumlow said that in regards to the case of the

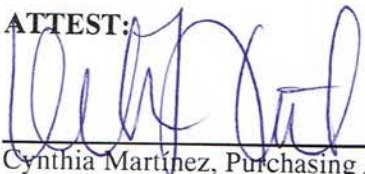
resident who requested a home business permit as well as the resident who is currently requesting a second hand clothing business permit should have the same restrictions as to having a fire extinguisher just like commercial zones have strict safety restrictions. Mr. Roman said that commercial businesses need to have lighted exit signs as well as fire extinguishers. Chairman said that the state may not require certain things but the Commissioners can add more. According to the city code, the only issue would be sufficient parking in case of an emergency as stated in the city's code book. Chairman also stated that Mr. Roman is very particular when he does his inspections. Mr. Roman thanked Chairman for his comments and said that he is just looking out for the well of the city. Chairman also suggested that the Board of Trustees should look at the codes book because those codes were just taken from other areas. Chairman mentioned that when Commissioners receive their agenda packets prior to each meeting, it would be best if they review those cases and study them and relate them to the ordinances in the book. Chairman asked about an ordinance pertaining to a property by the golf course. This is the fence wire case, according to the city, there cannot be fence wires. Also, many residents are making additions to their homes without coming to Planning and Zoning. Mr. Roman cannot do it all, please as Commissioners let's be eyes and ears to inform him of any stuff we see out there. Comm. Brumlow asked if an email would work. Mr. Roman said that it would be fine. Chairman said that's all he had, he asked if there were any Commissioner comments. Comm. Brumlow and Comm. Madrid had a question about zoning. They said that now that Comm. Gomez has joined Planning and Zoning maybe he can help out since he has a lot of experience. Comm. Gomez asked what questions they had about the ordinance. Chairman said that there have been several procedures that have not been followed. There are many mobile homes that are coming in from CR-1 no mobile are allowed in CR-1, now from CR-2 which is Anthony Drive to Highway 478, mobile homes are allowed and can be established. Mr. Roman just wanted to warn Commissioners that Dos Lagos Golf Course is for sale, the person that is interested in possibly buying this property would like to build homes and is closer to Anthony Drive which would be commercial. Comm. Gonzalez said that just like the property next to the Golf Course that belongs to Sandia is commercial and is right off the freeway. Comm. Gomez said that it would be best to follow proper procedures. Mr. Roman said that maybe Commissioners can submit a request to the Board of Trustees for possible zoning changes which would lead to posting signs in order to follow proper procedures. Commissioner Madrid said he still remembers when the first Planning and Zoning meeting took place at Anthony Water and Sanitation District and is glad that Planning and Zoning is progressing. Chairman Herrera said it is really important to vote in cases and does not want to see cases go by without Commissioners voting. Mr. Roman also advised the Commissioners that Mr. Jaime Carrasco who had come to Planning and Zoning is looking for property outside city limits and that would belong to the County. Comm. Gonzalez said that the people that have requested to be put on the agenda to present a case should be here to listen and hear the decision that the Commissioners will give. Referring to the case of Mr. Murguia who was not present and a decision was made. Chairman said that it is legal to change the order of the agenda because the Board of Trustees does it too. Chairman also said that there is a sign-in sheet for people who come to the meeting and wish to express their opinion during the section of public comments. Comm. Madrid said that it would be best to hear a case once and not twice like the case of resident Guadalupe Saenz who kept asking for a Subdivision Variance. Chairman Herrera said that this resident came asking for a variance or a hardship and if needed they may have to hear cases over and over for the best of the city.

8. **ADJOURNMENT @ 6:17pm**, motion made to adjourn by Comm. Gomez, 2<sup>nd</sup> by Comm. Madrid, unanimous vote, meeting adjourned.

**APPROVED:**

  
\_\_\_\_\_  
Fernando Herrera, Chair

**ATTEST:**

  
\_\_\_\_\_  
Cynthia Martínez, Purchasing Agent (in place of C. Martinez)  
term date 10-15-12

{SEAL}

Prepared by Cynthia Martínez  
Approved at Regular Meeting held on October 11, 2012

REGULAR MEETING

City of Anthony, NM Planning and Zoning Commission  
Municipal Building  
824 Anthony Drive  
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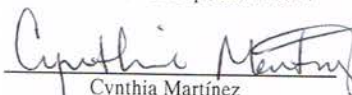
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5. APPROVAL OF MINUTES
6. PUBLIC MEETING  
Cases for Action:
  - A. Case No. 12.09.002 – Jaime Carrasco wishing to obtain a business permit to establish a retail business located at 136 Anthony Drive Space #A. (Zone CC-1)
  - B. Case No. 12.09.003 – Resident Maria Chavez wishing to obtain a business permit to establish a second hand clothing business at 1810-1 Acosta Rd. (Zone CR-1).
  - C. Case No. 12.09.005 –Sylvia Torres wishing to obtain a business permit to establish a Health Care-Development Disabilities Center located at 1275 Anthony Drive Suite B-10.(Zone CC-1)
  - D. Case No. 12.09.006 – Mr. Roberto P. Jacquez wishing to obtain a business permit to establish a Counseling practice office located at 800 Anthony Drive Ste. B. (Zone CC-1)
  - E. Case No. 12.09.007- Ignacio and Celia Lara wishing to obtain a business permit to establish a second hand clothing store located at 1616 Mercure Ct. (Zone CR-1)
  - F. Case No. 12.09.008- Anthony Water Works subdivision of lot located at 750 Landers. Presented by Mr. Eleazar Roman, Codes Enforcement/Building Inspector.(Zone CR-1)
7. PUBLIC COMMENTS
8. COMMISSION MEMBER COMMENTS
9. CHAIRMAN COMMENTS
10. ADJOURNMENT

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Cynthia Martínez  
Purchasing Agent

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## REGULAR MEETING

City of Anthony, NM Planning and Zoning Commission  
Municipal Building  
824 Anthony Drive  
Anthony, NM 88021

Thursday, September 27, 2012  
6:00 P.M.

### MINUTES

1. **CALL TO ORDER @ 6:00 pm** by *Fernando Herrera*
2. **PLEDGE OF ALLEGIANCE** by *Mr. Paul Howard*
3. **ROLL CALL:** *Present – Chair Herrera, Comm. Madrid, Comm. Brumlow, Comm. Gomez, Comm. Gonzalez, Absent - None*
4. **APPROVAL OF AGENDA ORDER** *Motion was made by Comm. Brumlow to approve the agenda order, 2<sup>nd</sup> by Comm. Gonzalez, unanimous vote, motion passed and agenda was approved.*
5. **APPROVAL OF MINUTES**
  - \* Regular Meeting June 14, 2012 – *Motion was made by Comm. Gomez to approve these minutes, 2<sup>nd</sup> by Comm. Gonzalez, unanimous vote, motion passed and minutes were approved.*
  - \* Regular Meeting September 13, 2012 – *Motion was made by Comm. Gonzalez to approve these minutes, 2<sup>nd</sup> by Comm. Gomez, unanimous vote, motion passed and minutes were approved.*
  - \* Special Meeting September 20, 2012 – *The minutes for this meeting were tabled until the next Planning and Zoning meeting scheduled for October 11, 2012.*
6. **PUBLIC MEETING**

#### Cases:

A. **Case No. 12.09.002** – Jaime Carrasco wishing to obtain a business permit to establish a retail business located at 136 Anthony Drive Space #A. (Zone CC-1).  
*Discussion: Chairman Herrera said this case was brought back to get an official vote. Chairman Herrera asked Mr. Carrasco if there was anything else he would like to present before a final decision was made. Mr. Carrasco said that he just wants to open a cigarette shop here in Anthony. Chairman Herrera said that this case was brought again to Planning and Zoning because this case has to get an official vote. Mr. Carrasco said that he does not plan to sell anything illegal. Chairman Herrera said to Mr. Carrasco that the Commissioners have been hearing cases of businesses that wish to open here in Anthony and some of those have been found not to be suited for the city. A motion was made by Comm. Gonzalez to not approve this case being determined that it is not suited for the City of Anthony, 2<sup>nd</sup> by Comm. Brumlow. Unanimous vote, motion passed, Case No. 12.09.002 was not approved for the establishment of the business Mr. Carrasco wished to open.*

B. **Case No. 12.09.003** – Resident Maria Chavez wishing to obtain a business permit to establish a second hand clothing business at 1810-1 Acosta Rd. (Zone CR-1).  
*Discussion: Chairman Herrera said that this case had been heard at the last meeting but the resident was asked to submit a diagram of her house and specify what areas of her house she would use. The resident provided a visual diagram to Commissioners for review. Chairman Herrera asked if parking would be an issue. Mr. Roman said that there is enough parking for up to 6 vehicles to be there at the same time. Chairman asked what the hours of operation would be. The resident replied by saying that they would be between the hours of 8 a.m. to 4p.m. Mr. Roman said that the resident can operate her business until 6 p.m. Commissioner Gomez said that diagrams help a lot because it allows them to see what part of the property will be used. Comm. Gomez wanted to thank the resident for bringing in the diagram. A motion was made by Comm. Gonzalez to approve Case No. 12.09.003 for resident Maria Chavez to obtain a business permit to establish a second hand clothing business in her home, 2<sup>nd</sup> by Comm. Madrid. Vote was 2-2. Commissioners Brumlow and Gomez voted no on this case. Roll Call: Comm. Gonzalez, yes, Comm. Madrid, yes, Comm. Brumlow, no, Comm. Gomez, no, Vote 2-2, Chairman broke the equal vote, motion carried and case was approved.*

C. **Case No. 12.09.005** – Sylvia Torres wishing to obtain a business permit to establish a Health Care-Development Disabilities Center located at 1275 Anthony Drive Suite B-10 (Zone CC-1).  
*Discussion: Ms. Torres passed out flyers to Commissioners so that they could get an idea of what kind of business she is trying to establish. Commissioners asked the location of this business. Owner said that it was located at the Bold Shopping Center in the same area that the Pediatrics office is at off of Anthony Drive. Chairman Herrera asked the owner to present the type of business that she wanted to establish here in Anthony. Owner said that the business she wants to open is to serve individuals with disabilities. She would like to provide day to day services and said that the agency that currently operates is closing and they would like to continue those services for the residents here in Anthony instead of them having to go to Las Cruces. Chairman said that when he did the inspection it seemed like it was going to be more of a gathering place. Chairman said that the occupancy is 25 people. Mr. Roman said that as of this Wednesday, the corrections that they recommended were done and they complied. A motion was made by Comm. Brumlow to approve Case No. 12.09.005 to open a Health Care-Development Disabilities Center, 2<sup>nd</sup> by Comm. Gomez, unanimous vote, motion carried and case was approved.*

D. **Case No. 12.09.006** – Roberto Jacquez wishing to obtain a business permit to establish a Counseling practice office located at 800 Anthony Drive Ste. B (Zone CC-1).  
*Discussion: Mr. Jacquez said that he has been providing services in this area and he does some home visits. Mr. Jacquez said that he is trying to establish an office here in Anthony because Medicaid requires that he has a settled office. He also said that the address is incorrect and it should be 1275 Anthony Drive. Mr. Jacquez said that he would work in the same office as the previous case and they would have different business hours. Comm. Gonzalez asked how this business would benefit the community of Anthony. Mr. Jacquez said that he pays his taxes and he will help children and their families with counseling services. He said he has a tax payer identification number and sees that there is a great need for counseling services here in Anthony. Chairman asked if any of the Commissioners had any questions for Mr. Jacquez. A motion was made by Comm. Gonzalez to approve Case No.*

12.09.006 to allow Mr. Jacquez to open up a counseling practice at 1275 Anthony Drive, 2<sup>nd</sup> by Comm. Madrid, unanimous vote, motion carried and case was approved.

E. **Case No. 12.09.007** – Ignacio and Celia Lara wishing to obtain a business permit to establish a second hand clothing store located at 1616 Mercure Ct. (Zone CR-1).  
*Discussion:* Resident would like to obtain a business permit to help out her husband with the home expenses. She said this would also help the city because she would pay taxes.  
*Chairman* asked if the property had been inspected by the city inspector. *Mr. Roman* said that he had inspected the property and has sufficient space as well as parking and it should not be a problem. *Commissioner Brumlow* is concerned that that the resident will use the car-port for her business. She mentioned that in the past, there was a case that was denied because of the car-port. *Chairman* asked if it meets the code regulation of the city. *Mr. Roman* said that some modification could be done. *Chairman* asked if the Commissioners had any questions. *Comm. Brumlow* said that the last case in which the resident wanted to establish a home business to sell fruit , her business was going to be in a closed area. She is just concerned that this will be an outdoor business. *Mr. Roman* said that he had advised her and owner is aware. *Chairman Herrera* asked *Comm. Gomez* if he thought a diagram was need from the resident. *Comm. Gomez* said that it would be a good idea for the resident to bring that diagram. The resident apologized and said that she misunderstood and did not bring the diagram. A motion was made by *Comm. Gomez* to table this case for the next regular meeting until proper paperwork is brought, 2<sup>nd</sup> by *Comm. Brumlow*. *Comm. Gonzalez* asked *Mr. Roman* to create a list of items that the residents need to bring to the meeting. *Chairman* said that this case will be heard at the next regular meeting.

F. **Case No. 12.09.008** – Anthony Water Works subdivision of lot located at 750 Landers. Presented by *Mr. Eleazar Roman*, Codes Enforcement/Building Inspector. (Zone CR-1).

*Discussion:* *Mr. Roman* said that the surveyor did not submit the paperwork *Mr. Roman* needed, therefore it may not be ready until next meeting. He said this is the property that is next to the library. Said he needs to get together with *Mr. Jose Terrones* from Anthony Water & Sanitation District and the surveyor to gather information and possibly have it ready by the next meeting. *Comm. Gomez* asked why there had been a case # assigned and then it said it was a presentation. *Chairman* said that it will be something that needs to be voted on. A motion was made by *Comm. Gomez* to table this case/presentation for the next meeting, 2<sup>nd</sup> by *Comm. Brumlow*.

## 7. PUBLIC COMMENTS

*Paul Howard*– said he had an article about information on mobile homes. He also believes that business opportunities are good and provided Commissioners with a copy of the article. Recommends to possibly modify some of the regulations stated on the land use ordinance.  
*Chairman Herrera*- said that in the past, *Mr. Howard* has been compensated for his time during the Subdivision Ordinance and said that the Commission may still need his help on trying to rezone and his guidance would be beneficial in this process. He also asked *Mr. Howard* that if the city is willing to compensate him, if he would still be interested in helping.  
*Mr. Howard*- said he would and has the sufficient experience and has worked at the Doña Ana County and would be able to help.  
*Chairman*- said that he will be asking the Mayor and the Board of Trustees for compensation for Planning and Zoning members and said that he will be going to the next Board of



Trustees meeting to ask the board members and will ask to be put on the next agenda as an item for action.

Mr. Howard- said he is concerned about the home business permit.

Comm. Brumlow- asked if business permits were good for a year?

Mr. Roman- said yes, permits are good for a year and some with conditions such as inspections prior to renewal.

Chairman Herrera- said that the way the ordinances are written puts limitations on certain cases.

**8. COMMISSION MEMBER COMMENTS**

Comm. Madrid – asked about the compensation that was going to be address to the Board of Trustees. Said that if needed, he will go and help Chairman Herrera do a presentation on the next Board of Trustees meeting.

Comm. Brumlow – said that on the prior case which fall under the yard sales, which people are allowed to have one every 3 months. Said that the previous case from the last meeting, the resident had enough space, this case that was heard today does not and is not suited for a business. She does not agree with the current case that was heard today.

Mr. Roman- explained how yard sales work and that residents are only to have four yard sales per year per residence and if they want to have more yard sales, they need a business permit.

Comm. Gomez-said he did research for Case B. and said that he reviewed the Ordinance book and it says that no businesses are allowed in residential areas and some cases are not fit to the book.

**9. CHAIRMAN COMMENTS – would like to call for a special workshop meeting on October 20, 2012 @ 10:00 a.m. at Villa Sereno to discuss the ordinance and make some revisions.**

**10. ADJOURNMENT @ 6:49pm, motion made to adjourn by Comm. Gonzalez, 2<sup>nd</sup> by Comm. Brumlow, unanimous vote, meeting adjourned.**

**APPROVED:**

  
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Fernando Herrera, Chair

**ATTEST:**

  
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Cynthia Martínez, Purchasing Agent

(in place of C. Martinez)  
term date 10/15/12

{SEAL}

Prepared by Cynthia Martínez  
Approved at Regular Meeting held on October 11, 2012