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**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
JUNE 27, 2011**

Chairman Rod Storey called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

Roll call being taken is as follows:

PRESENT: Chairman Rod Storey
Vice-Chair Dubra Karnes-Padilla
Commissioner Steven Fitzgerald
Commissioner Max Cordova

ABSENT: Commissioner Jon Trujillo

CITY STAFF: Lisa Miller, Zoning Enforcement Specialist
Andrew DiCamillo, Planning & Zoning Director

OTHERS: Jerah R Cordova, Belen Mainstreet Partnership
Gilbert Tabet, Citizen
Janet Wright, Citizen
Mr. & Ms. Michael Botts, Belen Bakery
Ross Lovato, Petitioner
Brent Ruther, VCNB
Anthony Garcia, Citizen
Ernestina Merranis, Citizen

APPROVAL OF AGENDA:

Vice Chair Dubra Karnes-Padilla moved to approve the Agenda as presented.

Commissioner Steven Fitzgerald seconded the motion.

Motion carried.

APPROVE OF MINUTES:

Commissioner Steven Fitzgerald moved to approve the Minutes of April 19, 2011 as presented.

Commissioner Max Cordova seconded the motion.

Motion carried.

ACTION ITEMS

**A. REQUEST FOR A TEN FOOT VARIANCE ON THE REAR SETBACK:
ROSS LOVATO/ DANNY BERNAL AGENT. LEGAL DESCRIPTION:**

Township 5 North, Range 2 East, Section 7 , 1And of Gilbert Jaramillo, Tract 48A2A. AKA 900 Impala Dr., Belen NM 87002

Lisa Miller informed the Commission that this issue was generated by a citizen who called to inquire about a garage being built at 900 Impala. Construction Industries Division (CID) was contacted and there no permit had been issued. CID red tagged the garage and instructed Mr. Bernal that he needed to apply for a building permit before he could finish the garage. Upon further inspection it was determined that the garage also encroached on the rear setback. It is ok on the side setbacks. The rear setback is 15 feet and the side setback is 5 feet. The legal owner of the property, Ross Lovato, said that Mr. Danny Bernal was under a rent to own agreement with him and that he was probably not aware that a permit was needed for a garage. Mr. Lovato said that he was unaware that the rear setback was 15 feet. He thought it was 5. Mr. Lovato filled out the paperwork required for a Variance and informed me that Mr. Bernal is in the process of getting the paperwork completed for the building permit.

Mr. Ross Lovato, owner of 900 Impala Dr., said that he understood that the setback was 5 feet. It had always been that way. He thought that Mr. Bernal had gotten a permit but at the time CID red tagged the garage Mr. Bernal was in the process of getting a building permit. Mr. Bernal was informed that he needed to settle the issues with the City before they would issue the building permit.

Lisa Miller informed the Commission that the process of getting a building permits is a little different now then it used to be. CID now requires the signature of the local Planning & Zoning Departments before they will issue a building permit. CID now handles the building permits for the City of Belen due to the fact that there is no building inspector for the City.

Chairman Rod Storey asked if there were any site plans other than the ruff drawn one that was provided with the packet.

Mr. Ross Lovato said no just the one submitted.

Chairman Rod Storey asked if one was being done to be submitted to the State CID.

Mr. Ross Lovato said that Mr. Bernal is working on the final paperwork to submit to the State. That includes blueprint drawings, site plan, etc. Mr. Bernal is waiting for the approval of the variance before submitting them to the State.

Chairman Rod Storey informed Mr. Lovato that variances are granted on hardship and need and wanted to know what his needs were.

Mr. Lovato said that right next door the city drainage. At one time the city tried to purchase that section of the property due to the access to the drainage but the city decided to move the drainage. He thought that he had five feet instead of the 15 that is now required. There are no other utilities on the back of the property. The city drainage is a pipe for the purpose of relieving the overflow on Impala.

Chairman Rod Storey asked if the slab was already in place.

Mr. Lovato said yes.

Lisa Miller explained to the Commission that the city drainage is not on Mr. Lovato's property and that if he puts the garage in any other area it would be too close to the home.

Commissioner Max Cordova asked if the variance is granted is CID going to approve the garage.

Mr. Lovato said that CID has already told them that it would be given a permit that he needed to have the variance approved first.

Chairman Rod Storey asked if it was just a garage or were there plans for anything else. Was there going to be any plumbing or electricity within the building.

Mr. Lovato said that it was just going to be a garage with no utilities.

Ms. Janet Wright informed the Commission that it was her understanding that there was an alley easement back there and that research should have been done. She does not want for the building to be there because it is part of the alley that Mr. Bernal has blocked off.

Chairman Rod Storey asked if there were any other plats except the one that was provided.

Mr. Lovato said that there was never an alley there that his property is not a part of the Moya Subdivision. The electric poles in that area stop near his property line. It was addressed approximately five years ago with the City Council and it was established that that was his property. He has the deed and the plat that shows that it was not a part of the Moya Subdivision.

Ms Wright informed them that if they would go back to some of the plats, the 1982 plat, it does not show all the easements but states that not all of easements are shown or stated. She feels that it should be further researched to make sure that that is not an alley way.

Lisa Miller informed the Commission that the original Impala Dr. was from Balboa to a cul-de-sac that ended at the Jaramillo property line and that the alley did dead end at the property that Mr. Lovato purchased. The railroad decided to close the access on Balboa so they purchased the property next to Mr. Lovato's so that an access could be made from Main St. When Belen purchased the property on the east side the access was complete.

Ms. Wright said that the owner of the property at some time when Moya Subdivision was set up put it place for Impala Dr. to go all the way through to Main St.

Chairman Rod Storey said that it is the same one that they were provided and that it clearly states that it is not a certified survey.

Andrew DiCamillo said that the parcel data at the county is what we have to go by and asking Lisa to verify that it is what the county has.

Lisa Miller said that the warrantee deed does include that piece of land that is in question and that is what she is going on and Mr. Lovato has the original plat.

Ms. Wright wants the Commission to at least table the issue until a recorded plat showing the property line could be brought in because it is her understanding that that piece was part of the alley and wants it put back in place.

Commissioner Steven Fitzgerald moved to table the issue until a recorded plat with the deed can be provided.

Vice-Chair seconded the motion.

Motion carried.

Vote is as Follows:

Commissioner Steven Fitzgerald	Yes
Commissioner Max Cordova	Yes
Vice-Chair Dubra Karnes-Padilla	Yes

Mr. Lovato also asked that the minutes of the Council Meeting about five years ago, also be provided to the Commission.

B. APPROVE OR DISAPPROVE FOR RECOMMENDATION TO THE CITY COUNCIL: MURAL APPLICATION.

Mr. Andrew DiCamillo provided a copy of the application, which was received the day before, to make sure that there were no changes or to identify the changes for the Commission. It appears that it is the same application that was discussed at a previous meeting.

Leeanae Griego, representing the Main Street Board informed the Commission that this was the same application but would like to improve on this because it is a revolutionary process being that it is so new. They would like to impose an application fee, something minimal, the same as with any other issue or request made through the City. They would also like to impose a notice to the neighbors within 100 feet of the proposed mural.

Chairman Rod Storey asked if this would be done after the mural was approved by them or before.

Ms. Griego said that it would be a part of the application process because there will also be a sketch attached to the notification.

Chairman Rod Storey asked who was going to decide on what to charge for a fee.

Ms. Griego said that she would like the P & Z Commission to help with input on this since it is such a new process.

Chairman Rod Storey said that the fees for Variances, Conditional Use, Zone Change, Etc. are set around \$150 but feels that this is a little to high for this and asked if there had already been a fee applied to the application.

Ms. Griego said that there had not been a fee applied to the application at this time.

Chairman Rod Storey asked if there had been a Board assigned to review the applications.

Ms. Griego said that a Board has been established.

Chairman Rod Storey asked if there were any City employees on the Board of the review committee.

Ms. Griego said that Andrew DiCamillo and Jarah Cordova were on the Board.

Andrew DiCamillo informed the Commission that he would not be reviewing the application with the Main Street Partnership because he would be a part of the City review.

Chairman Rod Storey asked if the application would be going to City Hall first or to Main Street Partnership.

Ms. Griego said that it would be going to Main Street Partnership first.

Chairman Rod Storey asked if the building owner or the applicant would be paying for the permit fee.

Ms. Griego said it would be the building owner.

Chairman Rod Storey suggested a \$50.00 fee.

Ms. Griego said that what the Commission suggested would be presented to the Main Street Partnership Board at the meeting scheduled for the next day.

Commissioner Max Cordova asked if the neighbors within the 100 feet of the requested area were to be notified after the application was approved or before.

Ms. Griego said that the application would be turned in and that the neighbors would be notified as a part of the application approval process. This is an evolutionary process and they are always looking for new ways to make the application more efficient, etc.

Vice-Chair Dubra Karnes-Padilla asked what type of sketch would be provided with the application.

Ms. Griego said that it would be a conceptual sketch and the finished project has to be along the guidelines of the sketch submitted. The image itself has to go by the conceptual sketch but the colors may vary.

Vice-Chair Dubra Karnes-Padilla said that you might want to ask them to be more specific so that the actual mural is what was submitted.

Ms. Griego said that they could imply that on the application.

Chairman Rod Storey understood that the City Council has the final say on this issue but that the P & Z Commission is approving the recommendations to the City Council. He asked if the Mural applications had been placed on the Council Agenda.

Ms. Griego said that she did not know if it was on the Council Agenda or not at this time.

Andrew DiCamillo said that it would more than likely be on the Agenda for Tuesday July 5, 2011.

Ms. Griego said that they are trying to get it done so that it can go on the Agenda but if not it will be on the next one. They are open to any other suggestions to make it a better process.

Vice-Chair Dubra Karnes-Padilla suggested that they be very clear on what they want for the sketch. Not just something that they did on a napkin but more on the lines of a conceptual drawing.

Chairman Rod Storey asked if the wording would be changed where it said sketch attached.

Vice-Chair Dubra Karnes-Padilla said that an artist has everything sketched out which would include a too scale drawing of the painting along with the colors, etc.

Andrew DiCamillo said that the appropriate language would be the artist term of an artists rendering.

Ms. Griego said that the language can be changed on the application from sketch attached to rendering attached.

Vice-Chair Dubra Karnes-Padilla said that it need to be a detailed rendering, an exact rendering to scale or you will have a lot of problems later on.

Commissioner Steven Fitzgerald asked if the application still only pertain to the Main Street Overlay.

Ms. Griego said that that was her understanding.

Chairman Rod Storey said that we would be adopting also as City code to include the whole City.

Andrew DiCamillo said the way that the application is now it pertains to the whole City. I was mentioned in the previous minutes that Main Street does not mind being a kind of clearing house for the entire city and as it evolves Main Street will have its own character theme and the Main Street Partnership is going to want to see that an application coming in for the east side is not in conflict with the special characteristics on the Main Street district or even the characteristics of that are because there might be several different areas that have separate themes.

Ms. Griego said that they would like to establish the Main Street district specifically.

Vice-Chair Dubra Karnes-Padilla informed the Commission and public that as she was doing some research and going through some ordinances from other places, that the application process in Denver is a very good one that we should take a look at. It goes from the procedures to application review, non-conforming proposals, landmark preservation, City Council notification, a check off list to make sure that the mural got done as proposed, materials, project management, location, time line for execution, etc. It also asks for a biography of the artists so that it can be used to promote the city.

Ms. Griego said that all of these things can eventually be implemented because it is an evolutionary process.

Chairman Rod Storey said that he liked the idea of having a release form for the biography of the artist so that it can be used to promote the city.

Ms. Griego said that it can be incorporated into the application process somehow.

Chairman Rod Storey asked if these need to be considered before the application is considered or is that more of a City handling process after it is approved.

Vice-Chair Dubra Karnes-Padilla said that we need to move forward with this but that we need to go into more depth as the Planning & Zoning Commission and the City, but we need to move forward and have something in place as we move forward in this process.

Ms. Griego said that at this time they are trying to keep the application simple and then evolve with it as time goes on.

Vice-Chair Dubra Karnes-Padilla said that she had hoped that it would have changed from the original application that was presented to the P & Z Commission with some changes that were suggested the previous time, such as a fee, the rendering, maintenance, etc. She thinks that there should be more clarity in the application so that you do not run into problems right from the start.

Ms. Griego said that she understood that some of the language needs to be changed and that it is an evolving process with changes that may go on.

Mr. Michael Botts informed the Commission that he had no particular objection to the process and feels it is a good basis to start with. It does not include property rights of adjoining properties, and the other problem that he sees is the fact that there are City Employees that are on the Board. They are not a bonified Commission and a City Council member as a president of the group is a conflict of interest. Other than that

he feels it is a good start, it is a 268 year old City with a lot a rich history and he would like to see that included in the main theme.

Vice-Chair Dubra Karnes-Padilla moved to accept the application with the changes of a \$50.00 fee, an artist rendering to scales, and an artist release form is added to the application being presented to the Council with our recommendation of approval.

Commissioner Max Cordova seconded the motion.

Motion approved.

Vote is as follows:

Vice-Chair Dubra Karnes-Padilla	Yes
Commissioner Steven Fitzgerald	Yes
Commissioner Max Cordova	Yes

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Vice-Chair Dubra Karnes-Padilla moved to adjourn.

Commissioner Steven Fitzgerald seconded the motion.

Motion carried

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:30 PM

/s/

Roderick Storey, Chairman

ATTEST:

/s/

Andrew DiCamillo

Planning & Economic Development Director