

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
JUNE 30, 2008**

Vice-Chair Connie Baca called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

Roll call being taken is as follows:

PRESENT: Connie Baca, Vice- Chair
Rod Storey, Commissioner
Jon Trujillo, Commissioner
Dubra Karnes-Padilla, Commissioner
Steven Fitzgerald, Commissioner

CITY STAFF: Andrew DiCamillo, Planning & Zoning Director
Lisa Miller, Code Enforcement Officer
Gary Barreras, Building Inspector

OTHERS: BD Goodson, Self
Pat Goodson, Self
Bob McKague, Neighbor
Hollie Blakesley, Neighbor
David Blakesley, Neighbor
Helen Abeyta, Property Owner
Jeff Abeyta, Abeyta's Radiator Service

APPROVAL OF AGENDA:

Vice-Chair Connie Baca requested that item number three, which is re-organization, be moved after the action items so that the people in attendance would not have to be at the meeting all night. That would move number 6, the action items, to number 4, and the agenda would be as follows:

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Action Items
5. Approval of Minutes

6. Re-Organization
7. Discussion
8. Adjournment

Commissioner Rod Storey moved to approve the Agenda as revised.

Commissioner Dubra Karnes-Padilla seconded the motion.

Motion carried.

ACTION ITEMS

REQUEST FOR AMEND TO ZONE MAP FROM R-1 TO C-1: JEFF ABEYTA (ABEYTA'S RADIATOR SHOP) for the purpose of re-opening fathers' radiator shop.
LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 17, Map 99, Tract 49-A-2, consisting of 1.38 acres, AKA 302 ½ Gabaldon Rd., Belen, NM, 87002.

Mr. Jeff Abeyta informed the Commission that he was not prepared to be first, but he wishes to open up the radiator shop on Gabaldon Rd, which his father had there since 1972 and he (Jeff) ran it until 1998, and put a building there to run the business. He has been here three or four times before and had other issues and he would now like to address the issues as they come up instead of trying to remember all of them at once. One of the issues is that the neighbors would like us to put up a fence to hide the activities, sort of secluded and he does not have a problem with that in fact he has already purchased some of the materials to start that and as a matter of fact he has considered moving the driveway further west so it keeps the traffic away from the Green Acres driveway. He has spoken to a couple of people to have a couple of speed bumps placed on Gabaldon Rd., as the area residents well know, and he knows, that the traffic, 25 MPH is exceeded by everyone, so he is trying to get that done. Other than that, everything else is pretty self explanatory about what he wants to do. He has the plans worked out, the building and everything is ready to go, except he needs the P & Z approval for the City Council approval for the Building permit and so on. He is just waiting for the ok because he can start tomorrow. He needs to get the Zone change in order to get the building permits, etc. It has been a long haul to get things done and he feels he has everything in order. The building, he has, has everything that the building inspector has wanted and he can not issue a building permit without the zone change.

Vice-Chair Connie Baca asked if there was anyone from the audience who wishes to speak either for or against this request.

Ms. Pat Goodson informed the Commission that she had written a letter because she is to emotionally involved in this issue and this way they will have a record of what she feels. She read the letter she has written to the Commission. A copy of her letter is attached.

Exhibit #1.

She showed the Commission some photos that she had taken on April 27th, of what Mr. Abeyta has been doing on the weekend. She informed the Commission that she brought the photos into Gary on a Monday, and that Gary did go out, which she appreciated, but when he came back he informed her that everything that he saw on the photos was covered up. She then showed the Commission the photos, that she had taken the other day, of the activities she saw of someone that is supposedly not in business, does not have a business license, they already have signs out recruiting business, so she feels that he has not played by the rules and he does as he wants to do and so if he had followed the same rules and regulations that they have had to do for building in the Green Acres Subdivision, they had to raise the ground 2 ½ feet, so many things that they had to do to make this property attractive and meet standards, which she appreciates, because they want a good looking community and that whole area sits at a perfect spot, it is close to the Railrunner, and have reasonable housing for people in that area. The townhomes that are being built are priced right for the Community. They are from 1,200 to 1,400 sq feet and they range from \$119,000, and they are three bedroom two bath, to \$129,000 so they are priced so they can bring people into the Community. It is so hard because she has shown the plans to so many people, and when they come to visit the site they were rejected because of the way the area looked.

Mr. Bob McKague and I am a partner in the development that is going in across the street from Mr. Abeyta's. He apposes the zone change also because Mr. Abeyta feels that he can do anything that he wants to, and as you can see by the pictures, he works on Saturdays and Sundays to finish projects. Gary did go over there and red tagged it and Jeff just tore it down. The signs are already up and who knows how many other businesses he is going to want to start there, a junk yard, car sales, etc. and it looks awful over there. He says that he is going to build a fence there, but it seems like now he is trying to cater to us to keep out of trouble so that he can get the zone change. Mr. Abeyta thinks that he can do anything that he wants to and it is not fair to the neighborhood. They had to do things, Gary would come out and check it, and if it was not done correctly we had to do them over until they were done correctly. Jeff had not had to do anything because he seems to do it on the weekends and Gary and the office is closed at that time. It is not Gary's fault or the office, Jeff is doing things illegally on the weekends because he knows this.

Mr. BD Goodson informed the Commission that he was in the market for one of the townhomes being built so that he could be next to his daughter, he is 90 and his wife is 86, and he thought it would be nice if he could have the one next door so that his

daughter could look in on them and his wife told him no way because of the junk yard across the road did not appeal to her. He would like to live next to his daughter. He lives in the Rio Communities and he would prefer to move next to his daughter because he and his wife do need some help occasionally. He apposes the zone change for those main reasons.

Ms. Hollie Blakesley told the Commission that she also apposes the zone change. She is a resident of the neighborhood and she agrees with Ms. Goodson and Mr. McKague. Mr. Abeyta already has signs up and is conducting businesses, the signs are not professional and it looks like you are being invited to a rummage sale and there are multiple junk cars around. She would like to know if Mr. Abeyta has made any plans for Environmental Protections because he deals with solvents, anti freeze, oils and where are all of those chemicals going, what is he doing with them. He has already attempted to put up a building that was deemed insufficient and has demonstrated that, so why should they entrust him to move forward. He wants to put up a fence, that is great but it still does not alleviate the noise, he is conducting business during hours that are traditionally family time in a residential neighborhood. He has already admitted that there is a traffic issue, yet he wants to bring more traffic into the neighborhood. It does not make sense to her because a residential neighborhood is a family community and should stay so. It is not intended for business. In the community there are several buildings empty that are equipped to deal with this type of business and the type of chemicals that he is using. Why does he not employ one of them? She will admit that her yard is a mess right now as well, but she is in the process of a major renovation trying to better it and improve the appearance of the neighborhood therefore raise the value of the property as well. She strongly encouraged the Commission to please consider keeping their residential neighborhood a residential area.

Ms Helen Abeyta told the Commission that her husbands family has lived in that home since 1925 and has owned that property since 1935. The house has been there all those years and the business has been there most all of these years and yes, her son does work there on Saturday's and Sunday's doing what is necessary because he does have another full time job during the week in which to sustain himself and the only opportunity that he has to work is the evenings and weekends. She has been a part of this community for almost 50 years and has served on Boards and continues to serve on Boards and she is as much and has contributed as much to this community as anyone. She has lived on that property, she has seen weeds across the street 10 feet high and right now there is a prairie dog community on that field and she does not feel that it is right for someone to move in and think that they can change everything. This has been there all of these years and her home has been there since 1964. She has raised her family in that house, they have gone to school here and there is just no way that anyone can say that there is anything wrong with what Jeff is doing. He owns a lot of cars, four mail cars that he uses for his two routes, she has three cars, he owns three personal cars, there a lot of families that own three cars and she feels that it is no different than anyone else.

Mr. Bob McKague told the Commission that his partner, Pat Goodson has also lived in the Community for 50 some years also and has contributed to many things and this is not al old boys issue, this is an issue that needs to go by the laws and not the old boy laws.

Commissioner Rod Storey asked Mr. DiCamillo who the actual owner of the property in question.

Mr. Andrew DiCamillo said that the owner of record is Mr. & Ms. Abeyta.

Commissioner Rod Storey asked if that needs to be clarified because the owners affidavit shows Jeff Abeyta's signature as the owner and since he is not the legal owner can he apply for the zone change.

Ms. Helen Abeyta said that it has not been made an issue up to this point.

Mr. Andrew DiCamillo said that technically it should have been signed by the registered owner of the property but it is at the discretion of the Commission if they want to continue. Mr. Jeff Abeyta does reside there and has majority control since his father has passed away.

Commissioner Rod Storey asked Ms. Abeyta if she currently live there.

Ms. Helen Abeyta responded by saying yes.

Commissioner Rod Storey said that this may need to be a question that we need to confer with Legal Council on.

Mr. Andrew DiCamillo told the Commission that we should.

Commissioner Rod Storey asked Ms. Abeyta, looking at the aerial, if there were two houses on the property.

Ms. Helen Abeyta told him yes.

Commissioner Steven Fitzgerald asked how big the area was.

Mr. Jeff Abeyta responded by saying five acres.

Vice-Chair Connie Baca responded by saying it was advertised as being 1.38 acres at 302 ½ Gabaldon Rd.

Ms. Helen Abeyta informed the Commission that there are two parcels there and their total is 5 acres.

Commissioner Dubra Karnes-Padilla said that she was looking back at minutes from previous meetings and noticed that we were asking for stipulations from Mr. Abeyta at an earlier time. She asked Mr. DiCamillo if Mr. Abeyta had obtained his business license.

Mr. Andrew DiCamillo told the Commission that he had gotten his business license.

Commissioner Dubra Karnes-Padilla then asked if compliance with all zoning codes had occurred.

Mr. Andrew DiCamillo responded no.

Commissioner Dubra Karnes-Padilla asked if the submittal of detailed engineered drawings had occurred.

Mr. Andrew DiCamillo said yes.

Commissioner Dubra Karnes-Padilla asked if the chemical safety that would be affected by the EPA (OSHA) had occurred.

Mr. Andrew DiCamillo said no.

Commissioner Dubra Karnes-Padilla asked if they would be residential spot zoning that they would be approving.

Mr. Andrew DiCamillo said yes this would be Commercial spot zoning.

Commissioner Jon Trujillo asked if we made this property commercial the neighbor next to him could actually go in and say he has a commercial piece of land lets put a Wendy's here.

Mr. Andrew DiCamillo said yes. This issue came up about a year ago, June 25th of last year and it was a Conditional Use Permit for a radiator shop.

Vice-Chair Connie Baca asked if it was brought forward because at the time he was operating without a permit.

Mr. Andrew DiCamillo said yes. He was running a business without a business license and a permit plus there were issues about the proper storage of hazardous materials that generate from radiators and working on vehicles. The Conditional Use did have stipulations or conditions and all but one of those were not met except for the business

license. The original business use was for a radiator shop, not for tire repair, welding, AC service, which by the photos you can see is what is being advertised and done. The original conditions also included submitting a set of building plans and Mr. Abeyta did submit a set of plans but those set of plans was for an engineered steel building dated for the year 2000 so they were basically outdated and he submitted them as a commercial building. The Building Inspector, I and a City Councilor explained to Mr. Abeyta that if he was to present those plans as a residential garage he would be able to get the permit so the statement at the beginning of our meeting tonight is not quite accurate, but calling it and submitting it as a commercial building to do a commercial business is correct that he cannot build that on a residential property. He can build a garage and he was told that and failed to do that. The six months was up in January, which was tabled at the time, and by our Municipal Code the six month conditional use expires, just runs out and it does not mean that you can not renew it, and we have made every effort that we have made when we came to you in a hearing and asked Mr. Abeyta come in a re-apply, regardless of the lapse of time, he failed to do so.

Vice-Chair Connie Baca asked if he could, at that time, continue to run the shop.

Mr. Andrew DiCamillo said no. He was supposed to cease and desist. That did not happen and we expected him to come in a re-apply for his Conditional Use but he came in a applied for a Zone Change, which was discussed, but as Ms. Abeyta said her son (Jeff) does have a full time mail service and the as was stated at a previous time, the radiator shop was going to be a mom and pop based business that he was going to utilize for his vehicles that he uses for his mail service and a few friends. Mr. Abeyta also testified that it would not generate traffic, clean up the yard, look at doing some fencing and today he is saying that he is willing to fence. Mr. Abeyta has not complied with the original stipulations of the Conditional Use and the change that he is applying for he did not consult me on or any one in our office of what the appropriate zone would be on what he is doing. A C-1 is for mechanic operations which would allow him to do more than just the radiator shop, he could do a full blown mechanic shop and he could turn around and sell the property then a major business can go in there. What was discussed, in the past, was that if all of the original stipulations were met that the zone change would be a C-R, which is a commercial residential. This would not allow the primary commercial uses but would allow for the mom and pop business, which was his original intent.

Commissioner Jon Trujillo asked Mr. Abeyta if he had been operating his business since the sex month conditional use expired.

Mr. Jeff Abeyta told the Commission that he has a valid business license to run a business.

Commissioner Rod Storey informed him that you can have a business license and a business license is for a full year but your conditional use permit was only for a set amount of time.

Commissioner Jon Trujillo asked Mr. Abeyta if he was aware of the fact that his conditional use permit had expired.

Mr. Jeff Abeyta told the Commission that his business license was for a full year.

Commissioner Jon Trujillo informed Mr. Abeyta that he can have a business name and a business license but that the time on the conditional use has expired.

Mr. Jeff Abeyta informed the Commission that he had an extension, a 60 day extension.

Commissioner Jon Trujillo said that he has already passed that extension.

Mr. Andrew DiCamillo clarified that at that time there was a transition of Commissioners going on and instead of a meeting there was a workshop, so in fact Mr. Abeyta has gotten more than the 60 days, however when Mr. Abeyta showed up at the meeting of May he was not on the agenda and we had a discussion with Mr. Abeyta. Legal Council was consulted and we were informed that according to the Municipal Code and the guidelines the six month conditional use just expires and at that point the applicant can re-apply.

Vice-Chair Connie Baca informed Mr. Abeyta that what is being said is you have a business license, you can have a business, but you can not do it on that property at this time. The Conditional Use that allowed you to do this has expired and now that you have come before us for a zone change, we will vote tonight to either recommend approval or disapproval to the City Council.

Mr. Jeff Abeyta expressed that every one of the cars run, they are not junk cars, they are registered, running and all have a purpose. He has four Subaru's he uses for the mail run, he has a truck that he uses to pick up broke down vehicles, a motor home.

Vice-Chair Connie Baca commented that there were two motor homes located on his property.

Mr. Jeff Abeyta told her that he is working on one of them.

Commissioner Rod Storey asked Mr. DiCamillo if this property was always in the City limits or was it annexed in.

Mr. Andrew DiCamillo informed the Commission that he believes that it was annexed into the City in 1996.

Ms. Helen Abeyta informed the Commission that it was annexed in 1986.

Commissioner Rod Storey asked if there was any County property buffering this property.

Mr. Andrew DiCamillo said that there was not. Unfortunately the City limits are staggered and jagged. Even with the County that area is Rural Residential with a two acre minimum and under our zoning designation of R-1 the lot size is a minimum of 6,000 sq. ft. There is a considerable amount of difference between the two. As was mentioned if we do change this to C-1 it will open the door for other suitors to fall in and it does bread the buffer of Gabaldon Rd. which currently separates commercial property.

Commissioner Jon Trujillo asked, being that there are a lot of places in Belen that have the proper zoning that are specifically designed for a business like this and they are zoned correctly and you Mr. Abeyta can just step right in. It is convenient to be able to do this right out of the house and it is right there but this is a residential area and a very nice area and it is understandable what the neighbors are talking about.

Mr. David Blakesley informed the Commission that if the zoning is changed to C-1 that he would buy all of the property around him and guarantees that he will sell it to commercial businesses.

Mr. Jeff Abeyta told the Commission that the property that they are trying to get rezoned is within 500 feet of existing commercial properties and if he remembers correctly there are guidelines that say if you are within 500 feet of a C-1 property, which the property that is directly across from me is also within the 500 feet.

Vice-Chair Connie Baca informed Mr. Abeyta that it also has to be ok with your neighbors and you just can not put something there if your neighbors are against it.

Mr. Andrew DiCamillo clarified that the criteria of having to be within 500 feet of other commercial property which basically creates a contiguous area.

Commissioner Jon Trujillo responded saying that what it probably means is, say you have ALCO here on Reinken and the property in question was along the same Reinken path.

Mr. Andrew DiCamillo said that you do have to buffer your way into different zones and Gabaldon Rd. has been designated and creates a buffer from heavy commercial into high density then into residential.

Commissioner Jon Trujillo asked what the rules or regulations for personal vehicles per lot within the City limits.

Mr. Andrew DiCamillo said that per lot depends on the zone. In a residential area, if you had like they have, five acres, they could have the amount of vehicles that they currently have there, but they do need to be registered and owned by the residents of the property and not be other people's vehicles.

Commissioner Rod Storey wanted to know if it was for the purpose of another business because Mr. Abeyta already has one business as a contract Mail Carrier.

Mr. Andrew DiCamillo informed the Commission that if they were large commercial vehicles like semi trucks, then that would not be permissible but being that the vehicles that Mr. Abeyta uses for his Carrier service are all small and personally owned. The point of contention and the issue has always been the exposure to public right of way, you can see it, and granting him the Conditional Use, in the beginning, to do this radiator shop was going to generate a certain amount of traffic and a certain amount of vehicles there but it was agreed that there would be some type of fencing to camouflage it and that he would straighten up the place and that was not complied with. If it was a regular residential lot of 6,000 sq. ft. you are only allowed to have three vehicles there.

Commissioner Jon Trujillo asked Mr. Abeyta how many of the vehicles there does he own himself.

Mr. Jeff Abeyta informed the Commission that he owned nine of them and that they were all titled under his name.

Ms. Helen Abeyta informed the Commission that the reference has been made that Gabaldon Rd is a buffer for businesses, between commercial and residential. Actually the commercial property is on the opposite side of us on Gabaldon Rd. where Auges, Alco, The Dollar Store, Etc. are between River Rd and Gabaldon Rd., so the argument that Gabaldon Rd. is a buffer just does not make sense because all of those stores are on the opposite side, across the street of us and if we set up a business it does not mean the neighbors are going to buy land and set of a Wendy's because anyone can do that, anyone has a right to come in and say I am going to buy this land, come in and get it rezoned, then build a commercial business on it.

Vice-Chair Connie Baca explained that this was considered spot zoning because the on Gabaldon Rd. there is no place that is zoned commercial that is in the City limits. We are not allowed to spot zone, by law.

Ms. Helen Abeyta asked about Auges.

Vice-Chair Connie Baca informed Ms. Abeyta that it is located on River Rd. and not Gabaldon Rd.

Ms. Helen Abeyta clarified and told them the one where all of the prairie dogs are that is directly across from them, the empty field.

Mr. Andrew DiCamillo informed Ms. Abeyta that it is zoned R-1, residential.

Ms. Helen Abeyta said that what they are saying is that Gabaldon Rd. is a stopping place for commercial.

Mr. Andrew DiCamillo clarified the meaning of buffer zone by explaining that it is basically is a transition zone, so Gabaldon Rd. is not necessarily a barrier from any more commercial going that way but it is a transitional zone from heavy commercial like Auges to more of a convenience commercial, even though it is zoned R-1, you could put things like book stores, neighborhood restaurants, neighborhood convenience stores, stuff like that, then when you cross the road to residential. Gabaldon Rd. does provide a great transition from commercial to residential or agriculture because, as you said, in 1925 on that whole area was ranch and farm land and that is something to be preserved and that is where we use Gabaldon Rd. as a transition into preserving that area.

Ms. Helen Abeyta informed the Commission that the traffic, when they redid Reinken-River Rd. in that area Auges built the dirt road across the field behind Alco in order to access their property more readily and that has a awful lot of traffic and dust and dirt and it is full of mud when it rains.

Vice-Chair Connie Baca said that it was a private road.

Ms. Helen Baca said that it was being used as a public road and a short cut to Alco and that Auge built that on purpose so they would have better access to not only Alco but to Auges. The traffic has always been there and has not been created by anyone on her property, they do go in and out but they did not create the traffic that is on Gabaldon Rd.

Commissioner Jon Trujillo said that you do understand that if there was a business there and decide to go there to get their radiator check, the tire pressure checked, and while they were there the AC worked on that it is naturally going to increase business which will increase traffic in that area also.

Ms. Helen Abeyta said that she did not feel it would increase the traffic any more than what is already on Gabaldon Rd. at the present time. There is a tremendous amount of traffic on that road. The Sheriff's Department uses that road, the Fire Department, people going to Los Lunas because they do not want to go through the center of Belen, everyone uses that road as a short cut from the area to 314 and she feels that one more business is going to create that much more traffic. This is not anything new. That road has always had a lot of traffic.

Commissioner Rod Storey asked with Mr. Abeyta trying to put up this building and the zone change does not go through is Mr. Abeyta allowed to put the building up being a residential zone anyway.

Mr. Andrew DiCamillo informed the Commission that Mr. Abeyta can in a residential zone build a detached garage, but not as a commercial building but as a resident for private use.

Commissioner Steven Fitzgerald asked if there were any more C-1 Zones on Gabaldon Rd. at all.

Mr. Andrew DiCamillo said no, not in the City limits but the only one that he is aware of in the area is where Gabaldon Rd. changes into Eastside School Rd. on the other side (South Side) of River Rd., right across from the School, and it is a body shop.

Commissioner Rod Storey said that Monarch is on Gabaldon Rd.

Mr. Andrew DiCamillo said that it was but on the complete opposite end of Gabaldon Rd. and that is in the County.

Vice-Chair Connie Baca asked the Commission if there were any more questions. There were none.

Commissioner Rod Storey moved to send this request to the City Council with a no recommendation.

Dubra Karnes-Padilla seconded the motion.

Motion carried.

Mr. Bob McKague asked what will happen now and will Mr. Abeyta have to remove the signs, etc.

Mr. DiCamillo informed them that if the City Council denies the zone change Mr. Abeyta can not go forward with his business.

Bob McKague informed him that he was still running the business and all of his signs are still there and according to what he has heard tonight, Mr. Abeyta's Conditional Use expired and he is no longer allowed to conduct business.

Mr. Andrew DiCamillo informed him that if it is denied it automatically becomes a code enforcement issue, at that point we can issue a Notice & Order to remove trash, debris,

inoperable vehicles, running a business in a residential zone, etc. and if he does not comply within the allowed time it will go to Court.

Commissioner Rod Storey said that he still is going to build his shop and do the same thing that he is doing now.

Mr. Andrew DiCamillo told them that when you face the Judge, at that point, you are going to deal with Court fines and other fines, etc.

Commissioner Dubra Karnes-Padilla asked about the lift that is on the property.

Mr. Andrew DiCamillo told them that the lift would also be included in that letter with the requirement of taking it down or enclosing it in a building.

Commissioner Steven Fitzgerald asked if he could still keep it at that time.

Mr. Andrew DiCamillo informed him that he could because others do have them and use them on their own personal vehicles or tractors, etc. and it is permissible but he will have to enclose it. Another whole issue that was not discussed was the liability issue, that is specifically why we put those stipulations on the Conditional Use Permit, the proper storage of chemicals and toxic materials, etc..

Commissioner Rod Storey said that his business is still going to continue to operate the same as it has been whether we ok it or not.

Mr. Gary Barreras, City of Belen Building Inspector, told them that if he keeps running his business like that it does not mean that someone can not turn him into the State Environment Department or OSHA.

Ms. Lisa Miller informed the Commission that it is true that his father ran the business there for a long time. It was grandfathered in when the zoning went into affect but when he stopped conducting business and the shop closed he can not come back and re-open the business at a later time. He has to follow the present zoning.

APPROVAL OF MINUTES

Commissioner Dubra Karnes-Padilla said that there was a mistake on the minutes on page 10. It was not Vice-Chair Connie Baca who asked Ms. Miller to inform Mr. & Ms. Abeyta of the next deadline date, that it was her.

Commissioner Rod Storey moved to approve the minutes of May 28, 2008 as corrected.

Commissioner Dubra Karnes-Padilla seconded the motion.

RE-ORGANIZATION

Vice Chair Connie Baca asked Mr. Andrew DiCamillo if all Commission members vote because in Roberts Rules of Order the Chairman does not vote unless there is a tie.

Mr. Andrew DiCamillo informed the Commission that it is at the discretion of the Commission but on the issue of re-organization all Commission members vote but if the Commission wishes to change the way voting is done they can create new bylaws that are reflected in the minutes.

Commissioner Dubra Karnes-Padilla said that wasn't the reason the Chairman voted was to break a tie.

Commissioner Rod Storey said that in the situation where it is needed, yes, and that with the Planning & Zoning Commission and how many members we have, that is the best way to go.

Commissioner Jon Trujillo moved to nominate Rod Storey for Chairman.

Commissioner Steven Fitzgerald seconded the motion.

Motion carried.

Chairman Rod Storey accepted position and asked for nominations for Vice-Chair.

Commissioner Steven Fitzgerald moved to nominate Commissioner Dubra Karnes-Padilla as Vice-Chair.

Commissioner Connie Baca seconded the motion.

Motion carried.

Commissioner Dubra Karnes-Padilla accepted the position

DISCUSSION

Vice-Chair Dubra Karnes-Padilla asked Mr. Andrew DiCamillo if there were trainings available for Commissioners on conflict mediation, etc.

Mr. Andrew DiCamillo informed the Commission that he has spoken with Human Resource staff and the Mayor about this and at the request of Commissioner Connie Baca a pamphlet was included in your packets on the Rules of Procedure for Planning Commissions which gives a run down of the roles and responsibilities of the Planning & Zoning Commission.

Commissioner Connie Baca informed the Commission that there is a library available to them.

Mr. Andrew DiCamillo told the Commission that there was somewhat of a library but he is building it as we go but we do have the resources to get information if the Commission has questions or concerns.

Commissioner Connie Baca asked the Commission if the date, the last Monday of the month, and the time, 6:00 PM was agreeable with the Commission on their meetings.

Every one agreed that it was a good time.

Chairman Rod Storey suggested that one member of the Planning & Zoning Commission attends the City Council meeting to represent the Commission.

Every one thought that it was a good idea.

Commissioner Jon Trujillo asked if the City Counsel usually went along with the recommendations from the Planning & Zoning Commission because he has seen that in the County they usually end up on opposite ends. The Planning & Zoning Commission votes one way and then the County Commission another.

Mr. Andrew DiCamillo informed him that the City Counsel, at least what he has seen here with the City, goes with the recommendations of the Planning & Zoning Commission. The purpose of the Planning & Zoning Commission is as an advisory board.

Commissioner Jon Trujillo asked why a Conditional Use Permit for Mr. Abeyta allowed in the first place.

Mr. Andrew DiCamillo informed him that in the beginning it was going to be just a small radiator shop but there were issues and the original Conditional Use Permit had those conditions placed on it due to the fact that we did not fully believe that it was going to just be a small radiator shop.

Commissioner Connie Baca informed them that when he came back for the renewal he informed us that he had spent so much money, it was around \$50,000 on trying to get this

up and running but he never proved, with receipts, etc. that it was that amount of money that was spent. Therefore, the Commission gave him the chance.

Chairman Rod Storey asked if the new apartments going up on Aragon were complying with all the rules and regulations.

Mr. Gary Barreras informed the Commission that at this time he was but that in the beginning there were some issues that he did not want to comply with. After the developer reviewed these issues with the state, he complied.

Mr. Andrew DiCamillo told them that the process for that development has taken almost a year to complete. The developer is now complying with all requirements and they are now building the development. Water rights were an issue for awhile but that has all been worked out also.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Connie Baca moved to adjourn.

Commissioner Dubra Karnes-Padilla seconded the motion.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:40 p.m.

Rod Storey, Chairman
City of Belen Planning & Zoning Commission

ATTEST:

Andrew DiCamillo, Director
City of Belen Planning & Zoning Department