

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
MAY 28, 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
Dubra Karnes-Padilla, Commissioner
Steve Fitzgerald, Commissioner

ABSENT: Jon Trujillo, Commissioner

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

OTHERS: Patricia Rael, Belen Consolidated Schools
Richard Baldonado, Citizen
Marjorie Rutherford-Carr, Citizen
Gary W. Moore, Citizen
Jeff Abeyta, Citizen
Moises Vasquez, Contractor
Philip Sablett, Citizen

RE-ORGANIZATION: Vice-Chair Connie Baca asked Andrew DiCamillo if the re-organization can be done due to the fact that the whole Commission was not present.

Andrew DiCamillo informed the Commissioners present that it could be done because there was a quorum present so they could proceed. They could also table this item with the existing Commission with the current Vice-Chair until a full Commission is present to re-organize.

Vice-Chair Connie Baca asked the Commissioners present what they would like to do.

Commissioner Rod Storey moved to table the Re-Organization until all the Commissioners are present.

Commissioner Dubra Karnes-Padilla seconded the motion.

Motion carried.

APPROVAL OF AGENDA: Commissioner Rod Storey moved to approve the Agenda as corrected. Commissioner Dubra Karnes-Padilla seconded the motion. Motion carried.

APPROVE OF MINUTES: Commissioner Dubra Karnes-Padilla moved to approve the Minutes of March 31, 2008 with the spelling corrections. Commissioner Rod Storey seconded the motion. Motion carried.

ACTION ITEMS

- A. REQUEST FOR A CONDITIONAL USE PERMIT: BELEN CONSOLIDATED SCHOOLS/ART CASTILLO - AGENT** for the purpose of having a caretaker residence on the property **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 6, Tract 41B1A containing 3.34 acres, and Tract A1A containing 2.25 acres, Land of Casey & Beverly Luna, AKA 19383 HWY 85

Mr. Art Castillo could not be present so Dr. Patricia Rael will be presenting the request.

Dr. Rael thanked the Planning & Zoning Commission for allowing her to present the request. The School District has property in North Belen, commonly known as the lands of Casey & Beverly Luna. There is a warehouse that houses equipment, materials and a lot of staff that supports the school district. They have had a lot of break ins and thefts and they were in the process of placing a Manufactured Home there for a caretaker and since we began that process we have learned a lot about the requirements to make sure that it is done properly. The person that they were going to move in is now deceased and they will be moving the Manufactured Home that was his. Since the Manufactured Home was moved onto that property they have learned that it is not Zoned properly and that the Schools would need to get a Conditional Use Permit for them to have a caretakers residence on the property. The School District is requesting the Conditional Use Permit for that property allowing them to place a caretakers residence there so they can move forward and get someone in there who can help them with security.

Commissioner Rod Storey asked Dr. Rael how the occupants of this residence would be selected.

Dr. Rael told the Commission that the criteria for the selection would follow a process. They would have to apply for the selection, then a background check would be done. They want to place someone there who would be an asset.

Commissioner Dubra Karnes-Padilla asked Dr. Rael if they also had stipulations as far as pets, would they also be grounds keepers, allowed to have party's, etc.

Dr. Rael informed the Commission that they do have stipulations that they have to abide by just like any other resident within the City of Belen.

Commissioner Rod Storey asked if the home that would be brought in would be one that the School would provide or would it be one that the resident would provide.

Dr. Rael told the Commission that it would be one that the resident would provide. We provide them with a place to put their home in turn for them being present on the property.

Commissioner Dubra Karnes-Padilla asked Mr. DiCamillo for the definition of a Conditional Use Permit.

Mr. DiCamillo explained that under the Commercial Zone, a caretaker can be moved in for security purposes as long as it is approved by the Planning & Zoning Commission and a public hearing has taken place. It could be a mobile home, a modular unit, structures that are not normally allowed as residences in that Zone but are allowed as long as it is for a caretaker, etc.

Vice-Chair Connie Baca asked what the cut off date was for a Manufactured Home, a mobile home, etc.

Mr. DiCamillo informed the Commission that the cut off date was 1976. It can not be any older than that. The unit that is there was moved from Los Lunas and we did go by to inspect it because the individual that was going to be there had special needs and we were going to allow them to move in during this process because of the specific situation that they were in but we found that the unit had been red tagged by the State Manufactured Housing authority, who controls all the inspection processes for manufactured homes, mobile homes, etc.

Commissioner Rod Storey asked if the unit had been removed.

Dr. Rael informed the Commission that the unit was still there but was in the process of having it removed.

Mr. DiCamillo told the Commission that one a unit does come in there that it still has to go through the process of getting a permit from the City and then go to Manufactured Housing for the set up permit, etc.

Commissioner Steven Fitzgerald asked Mr. DiCamillo if this issue is going to have to come before the Commission every six months.

Mr. DiCamillo informed the Commission that being public entity that this would be a permanent Conditional Use. He also explained that the Commission could impose a condition on the Conditional Use Permit. It is not required.

Commissioner Rod Storey asked if this property is for equipment, supplies, etc. and not for a school.

Dr. Rael informed the Commission that the property is just for equipment, supplies, housing the technology, technicians, warehouse, maintenance, food service office, etc. There would be no school children. She asked the Commission that they not impose other conditions like six months to a year because it would be difficult to find someone who would want to move there for a short period of time and run the risk of not being allowed to stay there.

Commissioner Rod Storey asked if the utilities were available for this.

Dr. Rael told them that they were there already and that is why they were unaware of the process to bring a caretaker residence in.

Commissioner Steven Fitzgerald asked if the site was completely fenced in.

Dr. Rael informed the Commission that it was.

Commissioner Rod Storey moved to grant the Conditional Use Permit to the Belen Consolidated Schools.

Commissioner Dubra Karnes-Padilla seconded the motion.

Motion carried. 4-0

B. REQUEST TO AMEND THE ZONING MAP FROM C-R TO R-3: JOE MAESTAS/RICHARD BALDONADO – AGENT for the purpose of two multi-family dwellings. **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tract 149B1C1A, containing .17 ac., AKA 417 C S 6th St. and Tract 149B1B, containing .22 ac., Tract 149B1C2, containing .02 ac., Land of Juan J & Irene G Tafoya.

Mr. DiCamillo informed the Commission that the original notice had the zoning as C-1 when it is a C-R but that the change is still going to be to a R-3. He spoke with legal counsel on this and he was informed that as long as it was noted on record and that the Commission has no problem with it the issue will not have to be tabled until another date. The property is located on 6th St. as you will see on the map and with this new zone they wish to add up to six more duplex units with a road that would loop around and come out onto 6th St. They have agreed that they would do sidewalk, curb and gutters, infrastructure as needed which would be sewer and water around the loop and fire suppression. They are going to have a very nice little community. They already have one duplex there but in order to proceed with their plans they need a zone change to allow for additional units. Part of the properties, as you can see on the map, have older homes that are going to be removed and cleared off for this development. Mr. Baldonado is here tonight to answer all questions that you might have.

Mr. Baldonado showed the Commission the blueprints, pictures of the units that are already there. He showed the Commission what he plans on doing when the process is complete. He wants to add more units, bring the road around in a loop, add sidewalks, curbs and gutters, etc. They want to put up to 4 to five units in there. They are looking to try for the senior citizens and making it a senior citizen community.

Commissioner Rod Storey asked Mr. DiCamillo what the current zoning was for the surrounding neighbors.

Mr. DiCamillo informed the Commission that just south on Bernard it is zoned R-1A, the area on 7th is zoned C-1, on the north it is R-1.

Mr. Baldonado informed the Commission that they are putting a 6 foot cedar fence around the area with pipe fence along the backside.

Commissioner Dubra Karnes-Padilla asked if these development plans had already been approved.

Mr. DiCamillo told the Commission that the dwellings that have already been constructed have been approved but the plan to improve the roads, etc. are going to be required when he submits plans for the third structure, which he cannot do until he gets the Zone Change. At this time it would be considered a development. These will be individual units on individual lots.

Commissioner Dubra Karnes-Padilla asked if any carports or parking garages had been planned for these units.

Mr. Baldonado told the Commission that he had not planned on that because of the available space but there is space for each one to have two parking spaces for each unit and be located off the street.

Mr. DiCamillo informed the Commission that landscaping will also be required and some of that would be that there would have to be trees located every 20 feet along the roadways creating a corridor of trees.

Vice-Chair Connie Baca asked Mr. DiCamillo when Mr. Baldonado finished the third unit and at that time he would walk him through the development process.

Mr. DiCamillo told the Commission that once the Zone Change was approved he will have to submit plans to his office and at that time they would make sure that the improvements that were discussed were noted and they could be brought before the Planning & Zoning Commission when he has brought them in. The permits for this will not be issued until that is done. We do have design criteria that need to be followed for multi-family developments.

Commissioner Rod Storey asked Mr. DiCamillo if this also has to go before City Council with the Planning & Zoning recommendation.

Mr. DiCamillo informed the Commission that this does have to go before City Council for final approval.

Vice-Chair Connie Baca asked if there was anyone present who would like to comment on this issue. There was none.

Commissioner Dubra Karnes-Padilla moved to recommend approval of the Zone Change to the City Council.

Commissioner Steven Fitzgerald seconded the motion.

Motion carried. 4-0

DISCUSSION

Vice-Chair Connie Baca asked the audience if they were there for any specific reason or just to watch and listen.

Ms. Marjorie Rutherford-Carr and Mr. Gary Moore informed the Commission that they were there because they read in the paper that there would be information pertaining to the Aragon Overpass to explain some of the changes to the design of the overpass.

Mr. DiCamillo informed them that it was for the City Council.

Vice-Chair Connie Baca also asked Mr. Abeyta if he was there for that same issue.

Mr. Jeff Abeyta informed the Commission that he was there for his Conditional Use issue that was granted a 60 day extension at the February meeting.

Vice-Chair Connie Baca asked Mr. Abeyta if he had gone in and filled out the paperwork so that it could be placed on the Agenda for this meeting because it has to be published as a public hearing.

Mr. Abeyta told them that it was published for the meeting in August and February.

Vice-Chair Connie Baca informed Mr. Abeyta that it has to be published each time so the issue is unable to be discussed due to the fact that the paperwork was not filled out and it was not published.

Mr. Abeyta told the Commission that he was told to be here at the next meeting.

Vice-Chair Connie Baca informed Mr. Abeyta that he needed to submit the paper work.

Mr. DiCamillo told the Commission that him and Gary, the building inspector, had met with Mr. Abeyta at his property and discussed with him the building concerns that they had and the application that he needs to submit to put him on the Agenda and that he needed to come in and fill out the appropriate paperwork, pay his fees and Mr. Abeyta failed to do that and this is the reason why he is not on this Agenda. He is checking with Legal Counsel to see, being that he was notified when they spoke with Mr. Abeyta at the residence informing him of the steps that he needs to take and if that inaction on Mr. Abeyta's part has waived his right to a public hearing and that would make his Conditional Use Permit no longer Valid. This was explained to Mr. Abeyta.

Mr. Abeyta told the Commission that he did not advise him of that and that Mr. DiCamillo recommended that he not proceed. He filled the application out in August and he was here in February and the Commission gave him a 60 day extension at the February meeting. He has all of his paperwork with him.

Vice-Chair Connie Baca asked Mr. Abeyta if he had filed the paperwork with Ms. Miller at the Planning & Zoning Office.

Mr. Abeyta told the Commission that he filed it back in August.

Vice-Chair Connie Baca informed Mr. Abeyta that she was not talking about the one in August but the paperwork for this meeting.

Mr. Abeyta informed the Commission that he was not told that he had to file the paperwork. In August he filed and in February he was given another 60 days. There was no meeting in April.

Vice-Chair Connie Baca informed Mr. Abeyta that he has to fill out the paperwork for each one so that a public hearing notice can be published in the local paper.

Mr. Abeyta told them that it was publicly mentioned at the meeting in February that it was extended for another 60 days.

Vice-Chair Connie Baca told Mr. Abeyta that there was paperwork that he had to submit within 60 days, even if there was no meeting that month and it ended up being 90 days. That paperwork needed to be submitted so that it could be published and that is Open Meetings Law. She told Mr. Abeyta that the Commission can not do anything without it first being published.

Mr. Abeyta asked the Commission what happens now.

Mr. DiCamillo told the Commission that Mr. Abeyta needs to come into the office and fill out the application paperwork for the next meeting which would be on June 30th and this is contingent on what we hear from our Legal Counsel as to whether or not we are obligated to grant him a public hearing being that he did not meet any of the criteria he agreed to for the original Conditional Use Permit. Mr. Abeyta has violated the Building Code several times and in many ways by not pulling proper permits and not submitting proper plans. He has been told the steps that he has to go through for this. It is up to Mr. Abeyta to come into the office and fill out the proper paperwork and proceed from there.

Ms. Helen Abeyta asked the Commission if there was any appeal process so that they can continue working on this instead of continuing to back up and start all over again time after time.

Commissioner Rod Storey told Ms. Abeyta to provide the necessary requirements and paperwork that is requested.

Ms. Abeyta told the Commission that even though they have been in contact with the Planning & Zoning office time and time again, no one has told him (her son) that he had to file again for another hearing. It seems like we are just spinning our wheels and not able to go forward on this.

Vice-Chair Connie Baca told her that it was true, at this point you can not go forward on this as far as being heard at this meeting.

Ms. Abeyta asked the Commission why there was not an appeal process so that they do not have to keep backing up and starting all over again. My son applied and his plans

have been submitted and somebody has been out there numerous times and yet he is being told that he has to back up now and start all over again.

Ms. Miller informed the Commission that it is not backing up, it was explained at the last meeting that Mr. Abeyta attended, that everytime, unless specified, that a Conditional Use Permit is allowed it is for six months and at that six months end he has to come back and fill out the paperwork again. He was also informed that he had to bring in plans and get them approved before he could be heard again.

Vice-Chair Connie Baca also said to pay the proper fees.

Ms. Miller answered Yes.

Ms. Abeyta told the Commission that this was done and that she brought in the plans herself.

Mr. DiCamillo informed the Commission that the plans were not approved because there were several issues that needed to be addressed. Regardless, it is a public hearing and there is a process that needs to be followed.

Ms. Abeyta said that it seems that all of this is being done verbally and that there is no written notice of this.

Mr. DiCamillo informed them that he was notified. There are issues that need to be addressed in both the Planning & Zoning Department and the Building Inspector with Mr. Abeyta.

Mr. Abeyta told the Commission that he has never been red tagged to stop building, he has done no construction.

Vice-Chair Connie Baca informed Mr. Abeyta that he has to go through the proper channels and that there is an ordinance that they have to follow. You have to go through the proper procedures.

Mr. DiCamillo told Mr. Abeyta that the Commission has not ruled on anything but he has to come in and fill out the paperwork, come before them in a public hearing, have them rule and then appeal if the ruling was not in favor.

Mr. Abeyta informed them that he was given 60 days to get his paperwork together.

Vice-Chair Connie Baca told Mr. Abeyta that he did not submit the paperwork and that he was told that he had to submit the paperwork to the planning & Zoning office.

Mr. Abeyta told them so he can no longer operate.

Vice-Chair Connie Baca informed Mr. Abeyta that he could not.

Ms. Abeyta asked what they had to do now.

Mr. DiCamillo told them that they had to submit the paperwork to the office.

Mr. Abeyta asked if he had fifteen days before the meetings to submit the paperwork to get placed on the Agenda.

Ms. Miller informed the Commission that being that it has to be published 15 days before the meeting and being that the local paper only comes out two times a week, the deadline dates are going to be different then 15 days before a meeting. It takes time to get things together to publish. The notices have to be into the paper three days before being published in the next paper, for example, the notices in Saturday's paper have to be submitted no later than Wednesday at 4:00 pm. You just can not come in 15 days before a meeting and expect it to be in the paper the next day.

Mr. Abeyta said that he spoke to the office at least 19 days before the meeting and was told that he was to late for that months meeting.

Ms. Miller told the Commission that Mr. Abeyta was informed of the deadline date and that he failed to bring in the paperwork and pay the appropriate fees.

Commissioner Dubra Karnes-Padilla asked if Mr. Abeyta could be given the next deadline date for the next meeting.

Ms. Miller told the Commission that she could.

Vice-Chair Connie Baca informed Mr. Abeyta and Ms. Abeyta that Ms. Miller will give them the next deadline date.

A. CDBG-Strategic Growth Plan Grant Funding-Andrew DiCamillo

Mr. DiCamillo informed the Commission that the CDBG Grant Funding that they had applied for back in January was awarded to our office for a Strategic Growth Plan. The MRGCD will be assisting us on forming that plan and in the packets that are before you it gives you an overview of the project and how it is going to be formed. You can see where we answered the call on what was stipulated in our Comprehensive Plan for some critical need planning and efforts that we need to do as a City to move forward. The focus of the Strategic Growth Plan will be around our downtown and historic districts. This has been established but not as an overlay or map yet. It will also focus on our connectivity to our activity centers through Main Street, the I-25 Bypass, Camino Del

Llano and the southern part of the City. We will identify themes in that area and work those into regulatory guidelines that, just like our Main Street Overlay, will work on façade, improvements to buildings, etc., that will have to be complied with. The next step is to form a Steering Committee to help us form this Plan and feedback. We will also be writing some guideline and regulatory regulations for the airport. The next page shows the timeline for the project and this will be a one year process. Once the funding is in place we will start to conduct public hearings for the neighborhoods that this will affect and for the public in general for feedback, etc. We want as much input as possible on this because it will affect a lot of people.

B. APA Planning Conference report-Andrew DiCamillo

Mr. DiCamillo gave a brief report on a Conference in Las Vegas that he attended which focused around Climate Change, basically the doom and gloom of climate change. There are a lot of new regulations out there that are putting a lot of focus on site regulations for new developments. The vegetation is a strategic component of a development. Albuquerque has already adopted a very restrictive Conservation Code that is making it very difficult to build. We are not quite there yet but we are looking at changing our landscape regulations. He did get to hear several good speakers that gave out a lot of information that is very depressing on how catastrophic our climate changes are.

He informed the Commission that he has also applied for a Grant that would retrofit City Hall to Solar, so that we could be carbon neutral with the Energy and Natural Resources Department.

Vice-Chair Connie Baca informed the Commission that She and Rod Storey attended the Annual Planning Commission Workshop done with the Mid Region Council of Governments and they talked about how things are changing, the regulation of water use, and the one item that struck them was the item of Findings, Facts, and Conclusions and that we need to place this in our minutes, etc.

Mr. DiCamillo said that this all leads to the fact that we need to have our Attorney present because he is the one that can determine, through the minutes, what those findings, facts, and conclusions are. You give them verbally the reason why you make your motions at the meetings but it is the Attorney that determines, through the minutes, what those findings, facts, and conclusions are.

Vice-Chair Connie Baca said that they were informed that they have to give the findings, facts, and conclusion with their motions.

Mr. DiCamillo said that the Commission gives them verbally, but the Attorney, going through the minutes, narrates what those findings, facts, and conclusions are and why the Commission voted that way.

Vice-Chair Connie Baca suggested that the recorded minutes of the Planning & Zoning Commission meetings be kept for a period of time, lets say a year, so that if there were any questions concerning transcription of the minutes, etc. they are available to listen to.

Everyone was in agreement. No motion was made.

ADJOURNMENT

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

Commissioner Dubra Karnes-Padilla seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:00 P.M.

Connie Baca, Vice-Chair
City of Belen Planning & Zoning Commission

ATTEST:

Andrew DiCamillo, Planning & Zoning Director
City of Belen Planning & Zoning Department