

CITY OF BELEN
PLANNING AND ZONING COMMISSION MEETING
MINUTES
NOVEMBER 26, 2007
6:00 PM

It was decided, being that the Chairman and Vice-Chairman were unable to attend, that Commissioner Ron Tabet conduct the meeting of the Belen Planning and Zoning Commission meeting.

Commissioner Ron Tabet 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: Ron Tabet, Commissioner
Rod Storey, Commissioner
Mark Anthony Baca, Commissioner

ABSENT: Sean Gabaldon, Chairman
Connie Baca, Vice-Chairman
(Both excused)

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

OTHERS: Wilfred O Chavez, Share N Care Pharmacy
Wayne Scovil, Share N Care Pharmacy
Ronald Paiz, Self
Nino Trujillo, Nino Trujillo & Co.
Bernadine Paiz, Self
Bob, McKagree, Self
Robert Aragon, Self
Ron Paiz Jr, Masonry Construction Co.

APPROVAL OF AGENDA: Andrew DiCamillo pointed out that the Request for a Summary Plat Approval was not a public hearing but an approval of the Re-plat by the Commission.

Commissioner Rod Storey moved to approve the agenda as corrected. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

APPROVAL OF MINUTES: Commissioner Rod Storey moved to approve the minutes of October 29, 2007 as presented. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

ACTION ITEMS

- A. REQUEST TO AMEND THE ZONE MAP FROM R-1 TO R-3: GEORGE D JR. & MARY MARGARET BENTON/RONALD PAIZ – AGENT.** Public hearing and Recommendation for Approval to the Belen City Council to Amend the Zone Map. **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 7, Map 97, Tract 184A2A2A containing 1.34 acres, Tract 184A1A2 containing .90 acres, and Tract 184A2A2B containing .44 acres. Located on 10th Street and Aragon Road.

Andrew DiCamillo explained that this property is located on the corner of 10th Street and Aragon, on the Southeast side of the street. Ronald Paiz has or is in the process of purchasing this property and wishes to develop this further down the road, contiguous to the development that he has submitted on 1020 Aragon Street. This designation will allow for a higher density such town homes or multi-family development. Mr. Paiz is here and will answer any questions.

Commissioner Ron Tabet asked what kind of housing project he was planning on putting in.

Ronald Paiz explained that right now the plan for this property is in the future. As soon as he has the occupancy in the apartment development he has planned, for the other property just down the road, he will proceed with development of this particular piece. He is trying to build affordable housing for Belen.

Commissioner Ron Tabet asked if this would also be apartments.

Ronald Paiz stated that it would depend on the demand or need at the time. He could not state exactly at this time. He has acquired the Trujillo property, and had it annexed into the City, which they plan on having a few units plus an activity center, which would include a swimming pool, and once they get the occupancy in that unit along with the other apartments, they will then proceed with the development of this piece of property. He went on to say that it takes so long to project a project of this size, for him it does, that he does not see something for this property he is looking at 2009 and he wants to acquire this property and lock it in now so that he doesn't have to worry about it.

Commissioner Ron Tabet asked if there was anyone in the audience who wished to speak in favor or against this request. (There was none) He asked if the Planning and Zoning office had received any correspondence on this issue.

Andrew DiCamillo said that the office had not received any correspondence concerning this issue and that the required notification had been done.

Commissioner Rod Storey moved to send this to the City Council with a recommendation for approval. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

B. REQUEST TO AMEND THE ZONE MAP FROM R-1 TO R-3: SUNRISE BUILDERS INC./JEFF BALDONADO - AGENT. Public hearing and Recommendation for Approval to the Belen City Council to Amend the Zone Map.
Legal Description: Township 5 North, Range 2 East, Section 18, Map 100, Block 3, Lots 5,6,7, Gilbert Addition. AKA 917 Gilbert, Belen NM.

Andrew DiCamillo explained that this was a property located approximately one block west of main street where the designation along that area is C-1 and the property that Mr. Baldonado acquired was an old burned residential unit, that they have since pulled permits and have demolished that unit, this change will allow them to put in a higher density residential units which is contiguous with the current zoning area. Unfortunately Mr. Baldonado or any representative is not present tonight so if you wish to proceed you may do so and we have received no correspondence concerning this action, although there was a neighbor that came in to express their concern about the type of management or the type of residents that may be housed in this development and to the best of his knowledge, Mr. Baldonado addressed this concern directly with this individual. The individual was invited to the meeting tonight and this individual lives directly west of this property and he was informed of this meeting tonight however he is not present.

Commissioner Ron Tabet made the comment that this structure has been sitting there burnt for several months and they took the initiative to take the structure down and he remembers approving a recommendation for apartments directly behind this. He asked if there was any one in the audience who wished to speak in favor or against this request. (There were none)

Commissioner Rod Storey asked Mr. DiCamillo what was planned for this.

Andrew DiCamillo stated that Sunrise Builders planned on a duplex or a triplex for this property and that nothing has been submitted at this time.

Commissioner Rod Storey said that there was not an issue of spot zoning being that the area behind it was approved for an apartment and that directly across the street there is a duplex.

Andrew DiCamillo said that when there is an opportunity where individuals want to invest in our Community where these properties are abandoned or burnt, it is an opportunity to accommodate that areas theme and in that area where it is one block away from a Commercial zone, it is appropriate.

Commissioner Rod Storey asked if it was going to require a re-plat.

Andrew DiCamillo said that at this time it is three lots and depending on what they do it will need to be re-platted depending on what they do but that will be done at the time they pull a building permit.

Commissioner Rod Storey moved to send this to the Council with a recommendation of approval. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

C. REQUEST FOR A CONDITIONAL USE PERMIT: SHARE N CARE PHARMACY/WILFRED CHAVEZ - AGENT. Public Hearing and Approval for a Conditional Use Permit for the purpose of approving an extended parking area for the Share N Care Pharmacy. **Legal Description:** Township 5 North, Range 2 East, Section 18, BTS Addition, Block 32, Lot 1, 2, 3, 4, 5. Located on Goebel & 7th.

Andrew DiCamillo explained that this property is located directly north of the Share N Care Pharmacy and that Mr. Chavez is the owner of the property. It is currently zoned C-1 and this does allow for a parking lot with a Conditional Use Permit. This is not a six month provision but a permanent Conditional Use. Mr. Chavez is currently using this property for parking for his employees and his business is growing and wanted to utilize this property for his employees to park and be able to walk to work.

Commissioner Rod Storey asked what brought on the request for a Conditional Use Permit.

Andrew DiCamillo said that the City requested it after seeing that there were some improvements going on where he was in the process of building carports for his employees to park under and being that it is zoned C-1 there is a Conditional Use Permit required to allow for this.

Mr. Wilfred Chaves said that they have owned this property for a long time and he just bought another lot to the west of this. His employees have always parked there and he did not realize that a Conditional Use was needed for that. He wishes to get a Conditional Use Permit legally so that he can continue with the covered parking area for his employees.

Commissioner Ron Tabet asked if there was any one present for or against this request. (There were none)

Andrew DiCamillo informed the Commission that there were no phone calls or correspondence in reference to this issue.

Commissioner Rod Storey moved to grant the permanent Conditional Use Permit. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

D. REQUEST TO AMEND THE CITY OF BELEN MUNICIPAL CODE, TITLE 17; ZONING AND TITLE 16; SUBDIVISION. Public Hearing and Recommendation for Approval to the Belen City Council to Amend the City of Belen Municipal Code Title 17; Zoning; Chapter 17.36 Main Street Overlay Zone; Amending Section 17.36.030 Regulations and Title 16; Subdivision; Chapter 16.04; Amending Section 16.04.070 General Information and Guidance.

Andrew DiCamillo explained that Title 17 is in regards to the Main Street Overlay Zone and, at the request of the Mayor and the Administration, to look at what we have in terms of the language that we have in our Municipal Codes for this area being that it is not specific enough and promotes the aesthetics that we would like to see along Main Street. Part 1 Section 17.04.040 Definitions, we do not currently have a definition for Blight and this is what we are adding to this with a definition to the word Blight and that definition layers into Part 2 Section 17.36.030 C, which is the design criteria for Main Street. As you can see the first part states what is currently in the Codes and the second part is what is being requested and this also relates to Section 17.36.030 C2 which the language is being changed to include earth tone materials and adding that the City has to approve any building decoration or bold patterns and large graphics. This gives artist a chance to decorate with the approval of the City to do so.

Commissioner Ron Tabet commented that it would give someone a chance to display their art if it was able to be approved by the City.

Andrew DiCamillo explained that the next Ordinance would change the Subdivision Regulations pertaining to the outside the corporate limits of the city and a State Statute does require that Municipalities review Subdivisions that come in within the extra territorial range of Municipalities which is three miles from the City boundary. If you take our city boundary and go three miles out, the City should be reviewing all the Subdivisions as if they were our own and really the only change in the Ordinance is the fact that the current one states two miles and the suggested new Ordinance states three like the State Statute. This was brought about by just reading through the Municipal Code and seeing that it was a little off and the fact that we have found that the County Assessors office and the County Clerks office has over half of our City properties listed as County properties and our tax revenues from some of this is from subdivisions that were approved years ago are still showing in the County and we are

meeting with the County to discuss how we can better coordinate our efforts when we do annex and to insure what we do annex into the City is being properly taxed as being in the City. When you think about it the extra three mile boundary includes Rio Communities, it includes subdivisions going in on Jaramillo and Orchard Road so we are going to see subdivisions coming in that are not in the City but by law also have to come to us for review.

Commissioner Rod Storey asked if the earth tones is the wording that the request definitely wants in the new Code.

Andrew DiCamillo said yes and that it was heard as a discussion item at the last City Council meeting.

Commissioner Rod Storey said that the wording on this would require the owner of a business, if he or she wanted something other than earth tones, would have to get permission from the City of Belen.

Andrew DiCamillo said yes and right now any building that was does before this would not have to do this but the new ones would have to come before the City for permission in the Overlay Zones. The bold patterns and graphics would need permission.

Commissioner Ron Tabet asked if this was an approval or a recommendation to the Council to approve the Code changes.

Andrew DiCamillo said that it was a recommendation to the Council for approval of the changes.

Commissioner Rod Storey asked if this also address metal buildings. He remembers a metal building being put up that was required to have a brick front or a brick veneer front on it.

Andrew DiCamillo said that the Becker Street Overlay requires all of the buildings to have either a brick or a brick veneer on it.

Commissioner Ron Tabet said that this was also for Main Street, that no metal building could be put up within 150 feet of Main Street.

Andrew DiCamillo said that this corresponds to Item C and if you read the list it lists, under item D or E and it does list that metal buildings are not allowed.

Commissioner Rod Storey stated is that, in this respect, it does not change any of the other requirements other than the decorating and painting in these zones.

Andrew DiCamillo said yes and nothing else changes but the wording in the Ordinance and we have not received any correspondence in favor or against this.

Commissioner Rod Storey moved to send to the City Council with a recommendation of approval as stated. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

E. REQUEST FOR A SUMMARY PLAT APPROVAL-RE-PLAT: B JAR CONSTRUCTION/BRANDON JARAMILLO – AGENT. Public Hearing and Approval of a Re-Plat of Lot 1 & Lots 5 thru 9 of Green Acres Subdivision.

Legal Description: Township 5N, Range 2 East, Section 17, Map 99, Lots 1 & 5 thru 9 of Green Acres Subdivision, Filed in the Office of the County Clerk of Valencia County Cabinet D, Page 73.

Andrew DiCamillo explained that Mr. Jaramillo is bringing to full build out a subdivision that was approved in 1983, which is formerly known as Green Acres, and the plat before you is allowing Mr. Jaramillo to adjust his lot lines and not increasing or decreasing the size of the approved subdivision the overall acreage is the same allowing for the lots to exist to build out town homes that will be zero lot lines or common lot lines. They will be town homes which is contiguous with the originally approved subdivision. This is a re-plat to show individual lots. Mr. Jaramillo is here to answer any questions if you have them.

Commissioner Ron Tabet stated that the plat he has shows four lots and that Andrew stated that in 1983 it was approved for a subdivision or town homes so the new lot line adjustment shows where some of those are cut into two and some are cut into three, so where was this changed from the original.

Andrew DiCamillo said that the lot 2B and lot 2C on the original plat does not show these two individual lots and that was at the fault of the developer and the surveyor at the time because they are now have two town homes on these lots. It is showing it there now, the surveyor was accountable for showing it now because it exists and it needs to be filed as such and Mr. Jaramillo is showing accurately where each lot is going to be placed and each lot will have one dwelling on it, again the existing survey, the one at the courthouse, is showing one lot when in fact there are two according to the subdivision approved.

Commissioner Rod Storey asked if the property at the time of the subdivision approval was County or City.

Andrew DiCamillo said that it was City at the time and at construction, when it was approved, a survey showing individual lots for the individual town homes was not conducted. In fact the surveyor now, Tim Martinez, did some research and found no survey relating to that specific dwelling on that lot and the original plat only has one lot. In 1982 when this was brought before the Planning and Zoning Commission it was Zoned R-2, and at that time it was the only zone designation that we had for town homes, for the record, the city should have changed the zoning when they redid all of

the zoning, which at this time the more appropriate zone for this would be an R-3, but it is currently R-2.

Commissioner Rod Storey stated that according to the R-2 designation it has a minimum lot requirement of 7,000 square feet.

Andrew DiCamillo said yes but that in 1983, when this subdivision was approved, an R-2 was the Zone designation for town homes, which the lot requirement was 4,000 square feet, so when we came through and redid all of our zoning the City should have changed all that was going to be affected by it, that is why there is a difference. Mr. Jaramillo and the Goodsons are bringing to full build out the subdivision that was started twenty years ago.

Commissioner Rod Storey said that he was just trying to make sure that they were not going to have to come in and ask for a variance some time later because of this.

Andrew DiCamillo said that they would not because it was approved before the new Zone designations went into effect.

Commissioner Ron Tabet asked if anyone has contacted the office who is against this.

Andrew DiCamillo said that he had not received any correspondence concerning this issue.

Lisa Miller commented that she had received a few phone calls asking what was going on over there because they are moving a lot of dirt and she informed them that they were planning on building it out as originally planned and that these people were glad that it was going to be done.

Commissioner Rod Storey stated that he wanted to just make sure that they would not have any questions or problems with the lot size being that it is at 7,000 square feet.

Andrew DiCamillo stated that being this is a pre-approved subdivision that there would be no problems with that.

Commissioner Ron Tabet asked if the cul-de-sac would be the turn around for that area and that there would be no more traffic going through there without the ingress and egress being Gabaldon Road.

Mr. Jaramillo said that Gabaldon Road would be the only entrance and exit to the area.

Commissioner Rod Storey asked Mr. Jaramillo if there were going to be any provisions for the existing homes, because of the build up of the site pads due to elevation.

Mr. Jaramillo stated that there is no need for retaining walls, that all of the drainage will be going to the back yard or the front yard of the home. There are areas designated on each one for this ponding.

Commissioner Ron Tabet asked Mr. Jaramillo if the units on the east side are also going to be built up.

Mr. Jaramillo explained that this is now required due to the current flood zone.

Andrew DiCamillo said that this is required, there is going to be compacting testing done, the drainage is engineered to be ponded in the rear. There was an illegal structure built in lot 1B which is causing run off on the other lot so the space in between these lots is going to have a swell that is will be placed there to prevent any run off going to that lot and it will be ponded in the back and if the spillway for the pond reaches capacity the run off will go towards Gabaldon Road. The engineering and the site pad placement will keep from flooding out the existing structures. The new fences are going to be cinder block and not cedar fence as it was planned in the original subdivision design.

Commissioner Rod Storey asked if the utilities were going to be brought in through the front or is there going to be an easement in the back.

Mr. Jaramillo stated that the utilities are already there in the front, along the existing road and they are sized sufficiently for the amount of home that will be going in there.

Commissioner Rod Storey moved to approve the Re-Plat. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

ADJOURNMENT

There being no further business to come before the City of Belen Planning and Zoning Commission, Commissioner Rod Storey moved to adjourn. Commissioner Mark Anthony seconded the motion. Motion carried

ss/
Ron Tabet, Acting Chairman
Planning & Zoning Commission

ATTEST:

ss/
Andrew DiCamillo, Planning & Zoning Director