

CITY OF BELEN
PLANNING AND ZONING COMMISSION MEETING

OCTOBER 29, 2007

6:00 PM

Chairman Sean Gabaldon 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: Sean Gabaldon, Chairman
Connie Baca, Vice-Chairman
Ron Tabet, Commissioner
Rod Storey, Commissioner

ABSENT: Mark Anthony Baca, Commissioner

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

OTHERS: Ronald Paiz, Self/Patrocino Trujillo
Beth Paiz, Homeowner
Ronnie Torres, Mayor, City of Belen
Tim Lardner, Lardner Cellers & Winery
Mr. Sales, Homeowner

APPROVAL OF AGENDA: Commissioner Rod Storey moved to approve the agenda as written. Commissioner Ron Tabet seconded the motion. Motion carried.

APPROVAL OF MINUTES: Commissioner Rod Storey moved to approve the minutes of June 25, 2007 as corrected. Commissioner Ron Tabet seconded the motion. Motion carried.

Commissioner Connie Baca moved to approve the minutes of September 24, 2007 as corrected. Commissioner Rod Storey seconded the motion. Motion carried.

ACTION ITEMS

A. REQUEST FOR ANNEXATION OF PROPERTY INTO THE CITY OF BELEN WITH A R-3 (Small Lot Residential) ZONING DESIGNATION: PATRONCINO

TRUJILLO/RONALD PAIZ - AGENT. Public hearing and Recommendation for Approval to the Belen City Council to Annex property with a R-3 Zone into the City of Belen. **Legal Description:** Township 5 North, Range 1 East, Section 12, Map 97, Tract 101C2B containing .15 acres and Tract 137B2 containing .85 acres, located on West Aragon Road.

Andrew DiCamillo explained that this is an annexation of property directly west of a proposed development by Mr. Paiz. Mr. Paiz is the active agent for Mr. Trujillo and as the acting agent is requesting to bring this property into the City to continue the development that has been started just west of him, which is a 64 unit apartment building and the property that he is asking for annexation is a continuation of this project as is noted in the letter to the Commission. He is wanting to add a swimming pool, park and recreation facility that will complement the Apartments on the adjacent property.

Commissioner Connie Baca asked if it was the property with the little house on it.

Andrew DiCamillo said that it was not and that this property is vacant property - that it is east of the property with the little house on it. Mr. Paiz is proposing to build the apartments just west of where Jeff Baldonado is building.

Commissioner Rod Storey asked what the zoning was in the County.

Andrew DiCamillo informed them that it was zoned RR-2 in the County.

Commissioner Connie Baca asked what the total area is that he is going to be building on.

Andrew DiCamillo said that it was one acre and that it was a separate development and that it would be two separate developments, the apartments and this one. One would complement the other. Tract 101C2B contains .15 acres and Tract 137B2 contains .85 acres for a total of one acre.

Commissioner Rod Storey asked how the utilities are on West Aragon for the accommodation of the Apartment complex and this development.

Andrew DiCamillo said that from what he understands there is a 12 inch water line and a 8 inch sewer line that runs along West Aragon and that the infrastructure is there to accommodate this type of proposed development and the development under this type of zoning.

Commissioner Sean Gabaldon asked Andrew why he recommends an R-3 Zoning when the one next to this is an R-2.

Andrew DiCamillo explained that with this property Mr. Paiz would like to do is a similar, or a higher density, and after discussing this with him, the R-3 zoning would be more appropriate for what he was proposing to do.

Commissioner Connie Baca said that she thought that this was going to be a playground, swimming pool and a community center.

Andrew DiCamillo said that they would be included in this development and that those facilities would be there to complement and also to be used by the apartment development that he is building.

Mr. Paiz explained that being he is building the Apartments next door and by adding apartments on this particular property we have to put something there to borrow money. By building some apartments on the back of this property, we are asking for the R-3 so that it will serve the whole complex better -- the apartments at the back of this property and the other apartment complex next door. It would bring a lot of money into the tax base, along with the construction, to the City of Belen.

Commissioner Rod Storey asked if that facility was going to be used for both developments.

Mr. Paiz explained that it has to be done separately and that the facilities would be used by both complexes.

Commissioner Sean Gabaldon asked if the apartments next door are at 10th and Aragon.

Mr. Paiz said yes and instead of fencing in two acres in essence it would be fencing in three acres. One enhances the other.

Commissioner Sean Gabaldon asked what the difference is between the density of a R-2 and a R-3 zone.

Andrew DiCamillo explained that the allowable build-able lot size decreases. R-2 Commercial is 4,500 and R-3 is 3,500 square feet and what it does is forces them to build up.

Commissioner Sean Gabaldon said that he understands Mr. Paiz needs to have separate property lines and in order for one complex to utilize the other, he has to have some structures on it but as he is utilizing some of this land with the nice amenities, then we have to give him something to build on.

He asked if there was anyone from the audience who has any questions or concerns on this issue.

There were none.

Commissioner Ron Tabet moved to recommend approval of the annexation of this property to the City Council.

Commissioner Rod Storey seconded and Commissioner Connie Baca seconded the motion.

Motion carried.

B. REQUEST FOR CONDITIONAL USE PERMIT: HUSKY DRILLING CO./TREVOR C HERRERA – AGENT. Public hearing and Approval for a Conditional Use Permit for the purpose of having a caretaker residence on the property. **Legal Description:** Township 5 North, Range 2 East, Section 17, Rio Grande Mobile Estates Lot 1 & 2, AKA 707 E. River Road and #3 Al Seery.

Andrew DiCamillo explained that this was a six month Conditional Use Permit for the purpose of a Caretaker establishment on the property. Mr. Herrera is not present but he would like to have a caretaker residence to watch over the business. From what I understand, he purchased the property just behind the business for the caretaker establishment, and instead of moving it out he would like to use it as a caretaker home to look after things for him at night.

Commissioner Rod Tabet asked if Mr. Herrera had intentions of being here tonight.

Andrew DiCamillo said that he had spoken to him earlier a couple of weeks ago and he had intentions of being present.

Commissioner Rod Tabet suggested that the issue be tabled until Mr. Herrera is present.

Commissioner Ron Storey said that there was, at one time, a real estate office there on the property and asked if it was still there.

Andrew DiCamillo said that it is still there and that he wasn't moving one in there that he had purchased the property directly behind and on that acre there was a structure already there and he wishes to use it as a caretaker residence.

Commissioner Ron Storey commented that there had been one there at one time but it had been pulled off of the present property.

Andrew DiCamillo informed the Commission that if they would like to table this issue until Mr. Herrera was present that he would let Mr. Herrera know.

Commissioner Rod Storey suggested that it be tabled to hear from Mr. Herrera.

Commissioner Connie Baca asked if there had been any responses from the neighbors.

Andrew DiCamillo said no and that notices had been mailed out within the designated are and have received no response, negative or positive.

Commissioner Connie Baca asked if he mentioned having any problems in the past as far as vandalism, etc. goes.

Andrew DiCamillo said that Mr. Herrera had mentioned having problems with vandalism and being broken into several times and it was a real concern for the safety of the business because of that.

Commissioner Ron Tabet asked if this was a Conditional Use for just six months.

Andrew DiCamillo said yes for a caretaker and that in every zone designation it is for six months unless specified as a Permanent Conditional Use.

Commissioner Ron Tabet expressed his concern on the future plans of the building or residence.

Commissioner Connie Baca said that it was limited to six months and that he will have to come in at that time for another six months.

Andrew DiCamillo said that if there was any indication that the business was being run out of this residence that it would be a violation that it was only to be used as a caretaker residence.

Commissioner Connie Baca said that they have a residence at the high school because of the break ins.

Commissioner Ron Table moved to approve the Conditional Use Permit for six months and that Mr. Herrera will need to be present at the next hearing if it is to continue again.

Commissioner Connie Baca seconded the motion.

Motion carried.

C. REQUEST FOR A CONDITIONAL USE PERMIT: TIMOTHY LARDNER/DBA LARDNER CELLARS & WINERY. Public Hearing and Approval for a Conditional Use Permit for the purpose of selling Alcohol in a B-A Zone. **Legal Description:** Township 5 North, Range 2 East, Section 18, BTS Addition, Block 34, Lot 1, 2, 3, 4, 5, 6, 7; AKA 503 Becker Ave.

Andrew DiCamillo explained that this Conditional Use Permit was for a Permanent Conditional Use and it is in the Becker Ave. Zone. Mr. Lardner is under an agreement with the City of Belen. The Conditional Use is for a Liquor License and from what is understood, it would be for beer and wine.

Mr. Lardner commented that it was only for wine.

Andrew DiCamillo said that this was for the Master Wine Growers License that Mr. Lardner has applied for and Mr. Lardner is here to answer any questions.

Commissioners all asked Mr. Lardner to tell them more about this.

Mr. Lardner explained that the project consists of renovating the building and making wine and to utilize the building for retail of New Mexico wines, other than the ones that we will make there, there will also be a wine tasting room so there will be alcohol served there and that is why he is applying for the Master Wine Growers License. He also explained that in the future he would like to serve breads and cheese with the wine but not a full restaurant.

Commissioner Connie Baca asked Mr. Lardner if he was doing some major renovations to the building.

Mr. Lardner said that he has gutted out a lot of the building and that the City has been very helpful in coming in and doing the asbestos removal and that is now taken care of. They have slowed down a little because they need to make sure that they get the provisional consent from us, then a few other things with the state before they continue.

Commissioner Connie Baca asked if it was a WPA building.

Mr. Lardner said that it might be a WPA building but it is not a historical building. They are planning on using the old jail cells as private wine tasting rooms.

Commissioner Sean Gabaldon asked Andrew if he was going to have to come in every six months for a Conditional Use Permit.

Andrew DiCamillo informed the Commissioners that this was for a Permanent Conditional Use.

Commissioner Connie Baca asked if this was just for him and not the building.

Andrew DiCamillo said that it was for him, not the building, and if the building was to change hands that the Conditional Use does not go with the building.

Commissioner Sean Gabaldon asked if any one in the audience has any questions, comments or concerns.

Mayor Ronnie Torres said that the City is allowed to lease out their property for a dollar a year under the Community Economic Development Act with the thought behind it of bringing economic development into the City and we thought that that building had a lot of potential and with Mr. Lardner in there that is a plus. We want the building to stay there, it was built in 1936 or 1937 and is a WPA building but it is not on the Historical Register so we would like to see it remain although he can renovate the interior. It is a great win/win situation for the City and Mr. Lardner. It is such a fantastic idea to get a historical building and pump a little money into it and keep it.

Commissioner Sean Gabaldon said that he thought it fit in real well with the theme that the City is trying to do in the Becker Ave. Zone.

Mayor Ronnie Torres said that it ties in with the whole theme of the Heart of Belen project and it is hard to get private individuals to invest in communities and we now have somebody who is going to be doing this. It is a win/win situation.

Commissioner Connie Baca moved to approve the Permanent Conditional Use Permit for Lardner Cellars & Winery.

Commissioner Ron Tabet seconded the motion.

Motion carried.

D. REQUEST TO AMEND THE CITY OF BELEN MUNICIPAL CODE, CHAPTER 17; ZONING. Public Hearing and Recommendation for Approval to the Belen City Council to Amend the City of Belen Municipal Code, Zoning; Chapter 17, Section 17.04.040 General Provisions and Definitions; Section 17.12.030 A-R Agricultural/Residential Supplementary Regulations; Section 17.16.030 R-1 Single-Family Residential Supplementary Regulations; Section 17.24.030 R-2 Multifamily Residential Supplementary Regulations, and Section 17.26.030 R-3 Small Lot Residential Supplementary Regulations.

Andrew DiCamillo explained that this was in response to the request of the Commissions discussion from the last meeting. It is now before you in Ordinance form for your recommendation to the City Council for approval and note that all pertinent sections have been noted here and states what changes will be made to the Municipal Code. In particular to part 2 Section 17.16.030, this language is redundant but it is referencing each and every section of the Municipal Code and it reads as follows:

Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than 200 square feet in floor area and there is a separation of no less than ten feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with Chapter 15.32 Drainage Regulations of the Municipal Code and maintain any and all Public Utility Easements.

An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five feet from the alley.

Commissioner Sean Gabaldon asked if there were any questions, comments, or concerns from the audience.

There were none.

Commissioner Ron Tabet moved to recommend approval of the Ordinance Amending the City of Belen Municipal Code as pertaining to the Regulation of Accessory Buildings.

Commissioner Connie Baca seconded the motion.

Motion carried

ADJOURNMENT

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

Commissioner Ron Tabet seconded the motion.

Motion carried.

ss/
Sean Gabaldon, Chairman
Planning & Zoning Commission

ATTEST:

ss/
Andrew DiCamillo, Planning & Zoning Director