

**THE CITY OF BELEN
PLANNING AND ZONING COMMISSION MEETING**

SEPTEMBER 24, 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
Mark Anthony Baca, Commissioner

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

OTHERS: Gary Wimberly, Petersons Properties-Del Rio Plaza
Kimberly Silva, Homeowner
Gilbert Salas, Homeowner
Doug Belmore, Silver Spruce Water Co.
Lorraine Marquez, Homeowner
Lawrence Chavez, Homeowner
Lorraine Chavez, Homeowner
Felix Casaus, 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 Connie Baca asked about the minutes of June 25, 2007.

Andrew DiCamillo explained that the minutes of the June 25, 2007 minutes are not complete and that he would have the summarization at the next meeting.

Commissioner Connie Baca moved to approve the minutes of July 30, 2007 with the few typing corrections. Commissioner Rod Storey seconded the motion. Motion carried.

ACTION ITEMS

A. REQUEST FOR A SUMMARY PLAT APPROVAL – LOT SPLIT:

NORBERT MOYA. Public hearing and approval for a lot split for the property located on First Street between Gilbert and Baca. **Legal Description:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts B, 82A2, 135B; Containing 1.8142 Acres.

Andrew DiCamillo explained that this was the final step in a process that was started several months ago concerning Hodges Oil and that this was the section of Norbert Moya's property that Bennie Lee Hodges has purchased.

Commissioner Connie Baca moved to approve the Summary Plat Approval-Lot Split for Mr. Moya. Commissioner Mark Anthony Baca seconded the motion. Motion carried.

B. REQUEST FOR CONDITIONAL USE: PETERSON

PROPERTIES/CHRIS RIVER & GARY WIMBERLY – AGENTS: Public hearing and Approval for a Conditional Use for the purpose of a flea-Market. **Legal Description:** Township 5 North, Range 2 East, Section 17, Berkley Homesite, Block C, Map 99, Tract A, Tract B-3 & Northeasterly portion of Lot 5, Containing 8.492 Acres; AKA Del Rio Plaza.

Gary Wimberly explained that he is trying to bring some business back into that area, giving people a chance to bring their things to be sold, with the stipulation that it is not wholesale items, just things that you would see at some garage sales, produce from the local people, things like that. Portable restrooms will be provided; he does have insurance, and at this time does not plan on having any overnight vendors. There will be no alcoholic beverages allowed and he will provide security of he sees that it will be necessary.

Commissioner Connie Baca asked if this was for a six month time period to be renewed every six months.

Andrew DiCamillo said that if that is what the Commission wanted then it would be.

Commissioner Connie Baca said yes and asked how much of the area will be used for the flea-market.

Gary Wimberly said about half, the part in front of the old Furr's Supermarket. He stated that it was going to be on Saturday and Sunday and that he was checking on perhaps Friday also. The area will be cleaned every night during the time that the flea-market is there. There will be no firearms or any such paraphernalia.

The Commissioners asked if the food vendors needed a license.

Andrew DiCamillo said that being they were local farmers and the products are seasonal, he did not believe it was required.

Commissioner Sean Gabaldon asked if there had been any responses to this request.

Andrew DiCamillo said that there had been none.

Commissioner Sean Gabaldon asked if there were any comments from the audience concerning this request. (There were none.)

Commissioner Ron Tabet moved to approve the Conditional Use Permit with a six month limit, for the flea-Market located at the Del Rio Plaza. Commissioner Connie Baca seconded the motion. Motion carried.

C. REQUEST FOR ANNEXATION OF PROPERTY INTO THE CITY OF BELEN WITH A CR (Commercial/Residential) ZONING DESIGNATION: KIMBERLY SILVA. Public hearing and Recommendation for Approval to the Belen City Council to Annex property with a CR Zone into the City of Belen. Legal Description: Township 5 North, Range 2 East, Section 6, Map 96, Tract 41A4A2, Containing 2.14 Acres; and Township 5 North, Range 2 East, Section 6 Map 96, Tract 43, Containing 3.03 Acres. Both located off of Barns Road and the North fence line of PNM, Belen NM.

Kimberly Silva explained to the Commission that she would like to annex the property that her father has left her into the City of Belen for several reasons and one of them being that the response time of the emergency services for the County was not very good and she felt that Belen would be better being as they are closer. She also wishes to, at some time in the future, to sell some of the land that is there; that it is really too much for her to handle and being in the County she is limited to the size of the land she can sell (two acre minimum). She also explained where the property was located.

Andrew DiCamillo read the Annexation Agreement that was drawn up for Ms. Silva and if all parties are in agreement this Agreement would become a part of the Annexation.

Commissioner Rod Storey asked what the reason behind the CR Zoning request.

Andrew DiCamillo said that it was contingent with the surrounding area; being that the adjoining areas are zoned C-1 and she has a residence on her property.

Commissioner Sean Gabaldon asked if there had been any responses to the request?

Andrew DiCamillo said that there had been none.

Commissioner Sean Gabaldon asked if there was any one in the audience in response to this request. (There was none)

Commissioner Rod Storey moved to recommend approval for this Annexation to the City Council. Commissioner Mark Anthony and Commissioner Connie Baca both seconded the motion. Motion carried.

D. REQUEST FOR ANNEXATION OF PROPERTY INTO THE CITY OF BELEN WITH A R-1 (Single-Family Residential) ZONING

DESIGNATION: ANDREW & VIVIAN JARAMILLO. Public Hearing and Recommendation for Approval to the Belen City Council to Annex property with a R-1 Zone into the City of Belen. **Legal Description:** Being Lots 1-34 of Silver Spruce Estates in Book B-244, Lying within the Nicolas Duran De Chavez Grant: Township 5 North, Range 2 East, Section 6, N.M.P.M., Valencia County, NM, Containing approximately 20 acres.

Andrew Jaramillo explained that the area he'd like to annexed into the City were for the same basic reason as Ms. Silva's, which are the emergency services. He explained that all but two of the residents in the area signed Owners Affidavits and that the other two had no problems with coming into the city. He also explained that the existing water company for that area would still supply water.

Commissioner Ron Tabet asked about the septic systems in that area, due to the fact that there have been problems.

Andrew Jaramillo explained that the septic systems are all tanks in that area. He also said that in the future they would like to be able to hook up to the City sewer system.

Andrew DiCamillo read the Annexation Agreement for the Annexation of this area and explained that in the agreement it does say that the property owners will be responsible for the hook up to the City sewer system and the water system at a future date, when the infrastructure is there. They, along with the City, are trying to find

funding sources to make that happen. If all parties are in agreement with the Annexation Agreement, it will be a part of the Annexation.

Commissioner Sean Gabaldon asked why the R-1 Zoning when the whole area is filled with trailers. He notes R-1 is not the correct zoning for that.

Andrew DiCamillo said that it was decided to go to R-1 zoning, even though it would be a non-conforming zone. The reason behind that is the fact that when a trailer moves out the next owner has to comply with the new zoning and that they are trying to get stick built homes in the area when that happens. It would then bring them into compliance at that time. As far as the addressing goes, once he assigns the address, it will then go to MSAG which is the Master Street Address Guild, then the emergency services will respond to it. There is a mutual aid agreement with the County of Valencia, so if the need arises, both should be responding. The City of Belen just received all of the new GIS equipment so that we could keep better watch and see what is going on in the Belen area. We have depended on the County for too long and we are finding out that there are some properties that are still on the County records as being in the County, when in fact they are in the City or that the County has the City boundary, like with Ms. Silva, in the wrong place. Part of Ms. Silva's property was being shown as being City, when in fact it was all County. It was found out just recently that Wal-Mart was still showing as being County and not City. It was showing that it was in the City limits but that it was still paying County property taxes and not City property taxes. There are a lot of areas in Belen that are that way and this is very problematic for our Gross Receipts revenue and for our emergency services.

Commissioner Sean Gabaldon said that he feels that with the coordinated effort, since we are trying to find funding to get them water and sewer, that we are approaching a septic problem that is basically in our own back yard.

Andrew DiCamillo said that he has been getting phone calls from _____ in the State Department who is in charge of the Construction Bureau, and he has pledged to help us with this in any way that he can as this is a contaminated area. People have lived there for years and we are trying to help get rid of a problem. Right next door is the Peterbilt Subdivision which they are site built homes and they are also on septic systems.

Commissioner Sean Gabaldon asked if there was any further discussion on this matter. (There was none)

Commissioner Connie Baca moved to recommend approval to the City Council. Commissioner Ron Storey seconded the motion. Motion carried.

E. REQUEST TO AMEND THE CITY OF BELEN MUNICIPAL CODE, SUBDIVISION DESIGN STANDARDS. Public Hearing and Recommendation for Approval to the Belen City Council to Amend the City of Belen Municipal Code, Subdivision Design Standards; Chapter 16, Section 16.16.030, Paragraph (A); Summary Procedure.

Andrew DiCamillo read the Ordinance and explained to the Commission that this basically would give the Planning and Zoning Administrator authority to approve a Summary Plat Approval, such as with Mr. Moya's request, without bringing it to the Commission. The signature block would not change and it would still require the signature of the Planning and Zoning Chairman along with the others. Commissioner Sean Gabaldon and Commissioner Connie Baca both agreed that the Chairman or Vice-Chairman should still sign the plats.

Andrew DiCamillo suggested that a report be given to the Commission to keep them informed about how many, where, etc. on a regular basis.

The Commission agreed.

Commissioner Sean Gabaldon asked if there were any comments or opposition to this request. (There were none)

Commissioner Ron Tabet moved to recommend approval of the request to Amend the City of Belen Municipal Code, Subdivision Design Standards to the City Council. Commissioner Rod Storey seconded the motion. Motion carried.

DISCUSSION ITEM

An Ordinance Amending the City of Belen Municipal Code as pertaining to the Regulation of Accessory Buildings.

Andrew DiCamillo explained that this was a proposed Ordinance, for the commission's consideration and discussion, to allow accessory buildings within the setbacks. Any accessory building 200 feet or less could fall within the rear setback and it must be set no less than 10 feet from any other structure within that property or the adjacent property. If there was a shed on the adjacent property next to you, you could not put your shed right next to the other structure. You'll have to stagger those structures at least ten feet away from each other and it has to be ten feet away from any other structure on the property or the neighbor's property. The language is very straightforward, part one and two are saying basically the same thing but in different parts of the sections of the Municipal Code. Accessory structures are allowed in Albuquerque but they do have to be staggered.

Commissioner Ron Tabet asked if this was a permanent structure or a movable structure because it does not really state what kind it is.

Andrew DiCamillo said that an accessory structure consists of a storage unit, shed, and garage. It specifically states that it cannot be a residential structure, such as a mother-in-law quarters. This is just on the rear setbacks. This does not specify whether the structure has to be permanent or moveable. It can specify one way or another. This does allow us to enforce against tractor trailer rigs being placed back there and used for storage. There is a lot of that around town.

Commissioner Rod Storey felt that the relaxation of the setbacks for accessory buildings is fine but he would like to see at least a 5 foot minimum from the property line due to utility lines, etc.

Andrew DiCamillo explained that the language can be changed to require all utility easements to be maintained and that would give you the five feet.

Commissioner Sean Gabaldon also suggested that there should also be proper language in it to require proper drainage, which should be contained on their lots and not on the neighbors. The overhang of the accessory structure, should be located on the property. not hanging over onto the adjacent property.

Commissioner Rod Storey said that the utility easement needs to be maintained because the utility lines and access to these lines needs to be maintained.

Andrew DiCamillo said that the language can be put in the Ordinance that proper drainage and utility easements must be maintained or recognized.

Commissioner Connie Baca asked how are we going to know if someone has put an accessory structure up, if a permit is not required for that structure.

Commissioner Ron Tabet said the same way they do it now, by just bringing one in and setting it up. The neighbors will call us.

Andrew DiCamillo said that we should work towards doing something or it is going to get out of control.

Commissioner Sean Gabaldon asked the Commission if they wished to send this to the City Council with the adjustments or publish it and bring it back to the Planning and Zoning Commission next month and vote on it with a recommendation for the City Council. What is wanted in the Ordinance is to make sure that the unit be self-contained with proper drainage and all the existing utility easements and any other easements are respected and maintained with a minimum of a five foot easement.

Andrew DiCamillo said that there is still a permit required for this and that is a zoning permit but unless it is over 200 square feet and then there is a building permit

involved and there would be a fee for that and if there is any electrical hook up for the shed, it will also have to have a permit. There is still a permitting process because zoning will have to look at it to make sure that setbacks, drainage, etc are being met.

Commissioner Sean Gabaldon and commissioners said to go ahead and write up the new ordinance. publish it for the next meeting of the Planning and Zoning Commission for the recommendation to the City Council.

ADJOURNMENT

There being no further business to come before the City of Belen Planning and Zoning Commission, Commissioner Ron Tabet moved to adjourn. Commissioner Connie Baca seconded the motion. Motion carried.

ss/
Sean Gabaldon, Chairman
City Of Belen Planning & Zoning Commission

ATTEST:

ss/
Andrew DiCammillo, Planning & Zoning Director