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CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
APRIL 29, 2013

Chairman Rod Storey called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

Roll call being taken is as follows:

PRESENT: Chairman Rod Storey
Vice-Chair Dubra Karnes-Padilla
Commissioner Steven Fitzgerald
Commissioner Max Cordova
Commissioner Tom Greer

CITY STAFF: Lisa Miller, Zoning Enforcement Specialist
Steven Tomita, Planning & Zoning Director

OTHERS: Judy Sanchez, Citizen
Dale Davis, Citizen
Bob Young, Citizen
Ken & Annette Sandlin, French's Mortuary
Barbara Horton, Citizen

APPROVAL OF AGENDA:

Commissioner Steven Fitzgerald moved to have the Agenda approved as presented..

Commissioner Tom Greer seconded the motion.

Motion carried.

APPROVE OF MINUTES:

The Minutes of March 25, 2013 were reviewed.

Vice Chair Dubra Karnes-Padilla moved to approve the Minutes of March 25, 2013 as corrected.

Commissioner Max Cordova seconded the motion.

Motion carried.

ACTION ITEMS

A. REQUEST FOR A CONDITIONAL USE PERMIT (on the corner of W Chavez & N Main St): RAUL & TANYA CORLEY. CARISA LUNA-AGENT.

Ms Luna informed the Commission Raul & Tanya Corley are wanting to open a business selling Morningstar sheds. They have one in Grants and one in Albuquerque at this time and want to place one here in Belen, temporarily for now and maybe permanently in the future. I would be the one to run the business here.

Chairman Rod Storey asked her for more details as to why they were asking for a Conditional Use permit.

Ms. Luna said that some of the sheds would be placed on the property. Morningstar would handle the financing or rental agreements. In Albuquerque they have 11 units ranging from 8' X 10' to 12' X 32' in size and some look like tuff sheds while some look like cabins.

Chairman Rod Storey asked Lisa Miller what the zone was for that lot.

Ms. Miller said that the zoning was C-1.

Chairman Rod Storey asked if the Conditional Use request was for the placement of the sheds on that lot or for the type of business it was.

Ms. Miller said that it was for a temporary office, since one of the sheds would be used as an office.

Steven Tomita said that it would not have a foundation and they would not have restroom facilities but would be using portable restrooms.

Commissioner Tom Greer asked if the other buildings on the property be used or would they be the ones for sale or rent.

Ms Luna said they would be the ones for show, sale and rent but one would be used as an office. They would have at least ten sheds on location. They would be placed on the property so that it would be easy to get around and nicely placed so that they would not look bad.

Commissioner Max Cordova asked where they were manufactured.

Ms. Luna said they were manufactured in Grants.

Vice Chair Dubra Karnes-Padilla asked if a business was required to have restroom services.

Steven Tomita said that they originally proposed to use of an adjoining businesses restroom facilities and the P & Z Department was faxed some more information, on April 29, 2013, the day of the meeting saying that they were going to provide portable facilities instead.

Chairman Rod Storey asked if it was a requirement by state health.

Ms. Miller explained that if it is a public business it is required to have restroom facilities.

Commissioner Steven Fitzgerald asked if the portable facilities would be acceptable.

Steven Tomita said he did not know.

Chairman Rod Storey asked if there would be a permanent employee there or if the public would just have a number to call, like he has seen on some lots in Los Lunas and Bosque Farms.

Ms. Luna said that she would be their full time.

Vice Chair Dubra Karnes-Padilla asked if she had any idea how long it would be a temporary office.

Ms. Luna said that she did not know.

Chairman Rod Storey asked if she had a site plan showing the layout of the office and the buildings being placed on the lot.

Ms. Luna said that she did not but that it would probably be located in the corner facing Walgreens.

Commissioner Tom Greer asked about the parking situation and the access in and out of the lot.

Ms. Luna said that there would be plenty of parking on the lot and that the only access is off of W Chavez. You would have to exit Main on to W Chavez before you could access the lot.

Chairman Rod Storey asked if one of their own structures was going to be used as the temporary office.

Ms. Luna said that they would use one of their own cabin looking structure. It would be the one with a small porch in front, and looks very nice.

Commissioner Max Cordova asked if the reason that they needed and Conditional Use was because of the fact that the office is temporary and not on a permanent foundation.

Steven Tomita said yes.

Commissioner asked if this request for a Conditional Use was for six months causing them to return every six months for a continuance.

Ms. Miller said not necessarily, that it was up to the Commission as to whether they wanted it to be reviewed every six months or not.

Steven Tomita said they were originally asking for a year but our general policy is six months but the Commission has the authority to place a reasonable time period on the Conditional Use.

Commissioner Max Cordova asked if they got the approval for this how soon would they be setting up the buildings and the office.

Ms. Luna said that they would move in immediately. There are already some buildings ready and they would be able to finish setting up so that it would be around Thursday or Friday when it would open.

Chairman Rod Storey asked about the business license.

Ms. Miller said that they have already applied for a business license.

Commissioner Max Cordova asked if the State Building Inspectors would have to inspect any of the buildings.

Ms. Luna said that they would not. Weather King delivers them within a fifty mile radius of the business and sets them up according to where the customer wants them placed.

Commissioner Max Cordova asked if they have any ruff in for any electrical, etc.

Ms. Luna said no but they would be putting outlets into the one that would be used as an office.

Chairman Rod Storey asked if there has been any reply from the surrounding owners.

Ms. Miller said no.

Commissioner Max Cordova said that he is all for businesses coming to Belen and he would suggest that the Conditional Use be for the intended 6 month period.

Commissioner Tom Greer moved that the Commission approve the Conditional Use request for a six month period to be reviewed again after that time.

Commissioner Steven Fitzgerald seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Tom Greer	Yes
Commissioner Max Cordova	Yes
Vice Chair Dubra Karnes-Padilla	Yes
Commissioner Steven Fitzgerald	Yes

B. REQUEST TO AMEND THE ZONE MAP FROM C-1 TO SU-1 (For future expansion and/or addition of an on-site crematory): ROBERT C NOBLIN

Chairman Rod Storey informed the Commission that this is a request for a Zone Change and therefore the Commission will hear it and make a recommendation to the City Council and then the City Council will make the final decision.

Mr. Robert Noblin informed the Commission that Noblin Funeral Home was requesting the Zone Change for an addition of a crematorium at 418 W Reinken Ave. He purchased the funeral home eight years ago and at that time they were a very small business serving about sixty (60) families a year. This year they estimate it will be over three hundred families (300). Sixty percent (60%) of those will choose cremation as a means of disposition of their loved ones. There is currently a crematory in Valencia County but it is located in the County and not the City. They are asking so that they can provide this service to the families without having to use a third party.

Commissioner Tom Greer asked for more information about what the building would do and how this would impact the community such as noise, air quality, etc.

Mr. Noblin explained that most people do not know much about a crematory. A crematory is operated by natural gas and the unit is what the body is placed in for the disposition. The unit is about 14' 8" long by 6 1/2' wide and 8 foot tall and be housed in a facility similar to a three car garage where one area would hold the crematory. It would look much like the existing garage as also look similar to the funeral home. It is required to have a chimney stack that will extend three feet above the roof line. What is emitted from the stack is the heat generated from the cremation. There is no smoke, or any smell, just heat generated from the process. There is a main chamber where the cremation takes place with a high temperature afterburner chamber. As far a emissions, the owner of the crematory manufacturing company said that if our crematory were operating 24/7 seven days a week, the emissions would be less than what the local McDonalds emits. They are very advanced machines now. On a single cremation the emissions are less than a single car puts out.

Chairman Rod Storey asked if there were any special permits that are required for a crematory.

Mr. Noblin said that there are no longer any air quality permits required, due to the efficiency of the units. The ones who operate the unit will have to acquire a license thru the New Mexico Board of Funeral Services. There will be a yearly inspection of the unit and facility by the New Mexico Board of Funeral Services.

Chairman Rod Story asked if the facility would be placed on the second parcel that they own.

Mr. Noblin said that he provided a proposed layout of the building with the material required along with the application. There are a couple of options, one was to be built adjacent to the existing garage, the other was to place it at the west end of the property. The estimated size is 28' x 28'.

Chairman Rod Storey asked how it would affect the existing parking for the funeral home.

Mr. Noblin said that it would take away approximately three parking spaces.

Vice-Chair Dubra Karnes-Padilla asked how many parking spaces there are now.

Mr. Noblin said that it was difficult to say due to the fact that the parking lot is not paved, but he figured there were approximately 40. The parking lot will not be paved until the crematory project is complete.

Vice-Chair Dubra Karnes-Padilla asked if they would be changing the zone on just that lot or would it include both the lot and the funeral home. If it was changed what could go into that type of zone.

Ms. Lisa Miller explained it would be just for that lot.

Commissioner Tom Greer asked if they would be paving the parking lot after the completion of the project.

Mr. Noblin said they would.

Vice-Chair Dubra Karnes-Padilla asked what other types of businesses are in a SU-1 zone.

Ms. Miller said a wrecking yard, recycling facility, mobile home park, etc.

Chairman Rod Storey said that they would have to consider whether this is spot zoning and what the impact would be to change just that one to the overall community.

Ms. Miller said the only reason that the zone needs to be changed is because the Municipal Codes require a SU-1 zone for a crematory.

Commissioner Max Cordova asked where the crematory in the county was located.

Mr. Noblin said that it is located on Aragon Rd. at Terrace Grove Cemetery.

Commissioner Tom Greer asked Steven Tomita is he had any concerns about taking just the one lot and placing a SU-1 zone there.

Steven Tomita said that there can be some concern due to some of the uses under a SU-1 zone, they are more intense than what you would want to see in that area and before going in front of the City Council they should consider if they can limit it to that small area and limit it to that specific use only. It can be zoned SU-1 for a crematory only. He would like to check with the City Attorney to make sure this could be done before going to Council for final approval.

Commissioner Tom Greer said that he would not even entertain a zone change like this unless it was adjacent to an existing business and this is next to an existing funeral home which having a crematory is just a part of that type of business.

Commissioner Steven Fitzgerald asked if there are any other such properties in the area with this zone and if not would it be considered spot zoning.

Mr. Tomita informed the Commission that there were no other SU-1 in the area but it wouldn't be considered spot zoning because it would be tied into a business or operation that it would make it a part of the complete business. It fits in with the funeral home, mortuary business. He does not feel that it is spot zoning or a precedence in this instance.

Ms. Miller informed the Commission that the SU-1 can be specified to a certain use only.

Vice-Chair Dubra Karnes-Padilla asked if they purchased the business with the idea that they would be placing a crematorium on the property at a later date.

Mr. Noblin said that he purchased an existing business. It was a Funeral Home/Mortuary when he purchased it.

Commissioner Tom Greer said that if they could find some verbiage that ties it to the Funeral Home, he would be more comfortable with this zone change.

Steven Tomita said that part of the verbiage has already been used in that it was said that there has been a change where they are seeing an increase in cremation by about 65% in this area which is a major revolution on funeral services in this area. The trend in funeral services are lending themselves more and more towards cremations and that the two joint operations are a more cohesive operation and therefore warranted.

Mr. Noblin said that as a funeral home director it is our responsibility to the community is the disposition of loved ones in the community and cremation is one of the ways to provide this. Typically with a funeral home that has a crematory the business doubles within one year.

Mr. Tomita said the recommendation would be for the SU-1 for a crematorium to provide for a fully comprehensive funeral home.

Commissioner Tom Greer said he would be happy to make that motion as long as it had that type of verbiage.

Commissioner Steven Fitzgerald said that even though it was compared to the emission from McDonalds' there has got to be some emission and a number to that emission and he would like to hear what that is.

Mr. Noblin said that he was speaking with the Department of Air Quality Control and has that information in an email, if the Commission would allow him a few minutes to get that information from his phone.

Chairman Rod Storey asked for any questions or comments from the audience while Mr. Noblin got his information.

Ms. Judy Sanchez informed the Commission that she lives a block and a half away from the Funeral Home and has no problem with a crematory in the area. She said it was nice to see something like this to bring more business to an existing business and bring this to the City of Belen.

Mr. Dale Davis, of Davis Floral, said that most people would never know that it was there, and that most people are not aware that Terrace Grove has one. There are a lot of Funeral Homes in Albuquerque that have an on site crematory and it is unknown to the neighbors. He would like to see this in our town and has no problem with it being in the area. It would be a great addition to the area.

Mr. Bob Young said that since Mr. Noblin has taken possession of that property, he has done a remarkable job of maintaining it. It is a pleasure to look at, it is nice that it is there, and he maintains it very well. The addition of a crematory would be a good addition to the community and it would not be an eye sore. It would look similar to the funeral home.

Mr. Will Arisman said that Mr. Noblin interred his step father in 2009 and his mother in 2012 and he did a perfect job for his family and has faith that he would do the same for this. He believes that it would be a positive contribution to the City of Belen and to our economy.

Ms. Barbara Horton said that since there was a crematory in Belen, at Terrace Grove, why would you not continue to use them.

Mr. Noblin said that they pay to use their services and the cost is substantial, and that cost is past to the consumer, and there is a certain comfort that comes from knowing that everything from beginning to end is done by the same individual on the premises. A loved one is not changing hands, everything is done on site.

Ms. Horton said that being embalmed involves several chemicals, which is a concern for her, and that a crematory concerns her also.

Mr. Noblin informed the Commission that the information from the New Mexico Quality Air Division, Cymer Hardison, where there is no permit required from the State of New Mexico for a crematory unless the emissions are over ten tons per year. Then you would need a notice of intent and would need a permit for that. She goes on to say that this is usually generated by medical waste facilities and similar businesses. If the emissions is less than 10 tons per year per regulation 20.2.73 NMAC, no permit is required.

Vice-Chair Dubra Karnes-Padilla asked what the emissions would be for the unit he is going to purchase.

Chairman Rod Storey said they would like to hear the specifics on the unit he is going to purchase.

Mr. Noblin said that he could get them for the Commission, but obviously it does not emit much or he would need a permit.

Ms. Susann Kunier and she is in support of this. Her father is 94 and she feels that when his time comes she would rather him stay at one place instead of many, and she would definitely trust his care to Mr. Noblin.

Ms. Annette Sandlin, who works with the office of Medical investigators, sees it as a big asset for the city, not only for the families but for the community.

Mr. Kenneth Sandlin said that with the way the economy is today it is nice to see a business trying to grow, not only to the community but for the City itself. It would be a plus to have such facilities in the area.

Mr. Joel Chavez, a director of French's Mortuary in Albuquerque, and French's is the largest Mortuary in the state of New Mexico and they own and operate their own crematory. Families see a great value in keeping their loved ones in one company and feels that Mr. Noblin would also provide that comfort and ease of mind when they are handing over their loved ones.

Chairman Rod Storey said that they have heard a number of comments as far as requesting more information concerning emissions and believes that the new units are pretty efficient and safe to use, but without these numbers other may have concerns that need to be addressed. Some of these are the fact that it is in a residential area, there is a park across the street, the farmers markets happens at the park during the summer, etc. These all need to be considered.

Mr. Noblin said that solid matter emitted by a crematory, particulate emissions, which are expressed in pounds per hour, the accepted State Standard is .39 pounds per hour, a normal cremation with a casket is .08 pounds per hour compared to a diesel truck at .14 pounds per hour compared to McDonalds at .18 pounds per hour. The average carbon monoxide from a crematory; accepted state standard is .24 pounds per hour, cremation in a casket is .06 pounds per hour, a wood stove is 3.5 pounds per hour, and a diesel truck is 22 pounds per hour. This is from Matthews Crematory, who is one of the manufacturers of crematory units and actually the largest manufacturer of crematory products.

Commissioner Tom Greer asked if they had purchased the unit already.

Mr. Noblin said that they had not but were waiting on the outcome of this so as to know where to place such a unit or whether they would be able to have a unit.

Commissioner Max Cordova said that everyone is in favor of new businesses in Belen, but call him old fashioned, he did not think he could live next to one. People would be going by and saying that was where they burn bodies, with the park being next door and in his personal opinion would not want it in his back yard.

Ms. Sanchez commented that it would not have a big sign on it to announce to the world that it was a crematory. None of them have signs on them.

Chairman Rod Storey asked if he had a specific layout for the property.

Ms. Miller said that after approval, Mr. Noblin will be required as part of the building permit process, bring a set of blueprints for the City's approval before CID will approve the building permit.

Commissioner Tom Greer asked if they would see this again before completion.

Ms. Miller said that the Planning & Zoning department would review them again

Commissioner Tom Greer said that he thinks the community along with Mr. Noblin, about not changing hands concerning the deceased, the ability to provide all services at one location, and this is a value to the business and community.

Chairman Rod Storey asked if there had been any other public comment whether by main or phone conversations.

Ms. Miller said that she has not.

Mr. Tomita has had none either.

Mr. Art Sadillo said everyone enjoys what he has done to the funeral home and the only concern now is that he will eliminate parking spaces. There have been issues with parking in the area when there was a big funeral with people parking in neighbors driveways, all along the streets, etc.

Mr. Kenneth Sandlin said that one of the things Mr. Noblin said was that he would be paving the parking area, and as you know when you drive into an unpaved parking area people have a tendency to park where ever. Once it is paved and lined you will be able to get more cars into the same space.

Mr. Chavez said that having a crematory on the residence is not going to affect the parking situation because when he has a service there is going to be so many people there, whether it is a lot or not, and this is whether he cremates on the facilities or off the facilities. It does not make a whole lot of difference, it is always going to be the same.

Chairman Rod Storey said that is a concern of his because there is not having a layout because of the size of the structure being placed there.

Mr. Noblin said that parking has always been a concern and will always be at a funeral home. Some funerals are big and some are small and some are in between. The structure is going to be about the same size as a two car garage, three car garage at the max. That parking lot is mainly used for the business end of it. When they come in and make

arrangements for a loved one. Most of the time the guests for a funeral park along Anna Becker Park. This structure will take away two parking spaces.

Chairman Rod Storey asked if the whole area would be inspected by CID or would it be just the building and the parking would be a separate issue.

Mr. Tomita said that they would be separate issues. Most mortuary's do not have enough parking at one time or another. That business is kind of an unusual animal because it fluctuates so much and it is hard to regulate the amount of parking.

Commissioner Max Cordova asked about the alley that separates the two properties and wanted to know if they have had any problems with blocking it off at times.

Mr. Noblin said that they try to have an employee or himself out there during a service to make sure that the alley does not become blocked.

Vice-Chair Dubra Karnes-Padilla asked if there has been any issues with ponding at that site and if he is going to be required to put in ponding.

Mr. Tomita said that ponding is not an issue at this time due to the fact that it is gravel and it is assumed that the water, if there is some, is absorbed. New State Statutes now require you to keep all on your property, so when he does pave it he will have to have some kind of ponding installed for run off.

Chairman Rod Storey said that is a concern of his also, that is why he would like more information on the emissions of the crematory unit, a site drawing that would include parking diagrams along with ponding, so that an informed decision can be made. I would rather make a decision knowing all of the factors instead of going on a hypothetical situation.

Commissioner Tom Greer said that the paving of the lot is not a component of building this crematory at this point.

Ms. Miller said that at the time he would like to pave the parking lot he would be required to submit a drainage plan to the Planning & Zoning Department for review.

Chairman Rod Storey said that it does not tell us what the drainage plan is now.

Vice-Chair Dubra Karnes-Padilla said that it might take away more of the parking if he will have to have a drainage pond.

Mr. Tomita said it would. The problem he has is what parking is required for a funeral home, if there is any, because the sizes of funerals vary so much and he does not know if there is a specific requirement.

Chairman Rod Storey said that it should be in the Commercial Building Code.

Mr. Noblin said that the paving would not take place immediately. They are looking at a five year period to complete it. It is not in the immediate budget.

Commissioner Steven Fitzgerald said that he agrees with Tom in that the paving is a separate issue. The emissions come from the manufacturer and would like a little more information on that.

Chairman Rod Storey said he would like to see more of a plan, a layout of the property, the placement of the structure, future paving and parking area. A more complete plan.

Commissioner Max Cordova said that he thinks they are not separate issues. He feels that a more complete plan needs to be presented with the future paving included and also emission numbers from the manufacturer, on the unit he will be purchasing.

Mr. Noblin said that the Commission only needs to tell him what they need and he will provide that information for them.

Mr. Tomita said that it is a given that there is sometimes not sufficient parking at a funeral home but the question to be answered is that, is the removal of two to three lots, in relationship to what is there and what is happening there going to be significantly impacted.

Vice-Chair Dubra Karnes-Padilla said she would like to see the listing of emissions, the state standards, the manufacturers' projected emissions for the unit. She would like more information before being heard by the City Council.

Commissioner Max Cordova asked if this zone was change would the land be open to other SU-1 uses if it were sold or changed at a later date.

Mr. Tomita said that it can be designated for that specific use and that use only. That it is strictly for a crematorium that is in conjunction to the funeral home.

Commissioner Steven Fitzgerald asked if the Commission were to send it to Council with a recommendation of changing the zone, could the Commission place requirements, restrictions, etc. on it.

Mr. Tomita said that it is up to the Commission as to what their recommendations are to the Council and they can recommend certain requirements and restrictions. It would be up to Council to make the final decision.

Ms. Miller informed the Commission and Audience that it is a two step processes. The P & Z Commission hears the request, then the City Council hears the request with the

recommendations of the Commission as a part of the hearing, then on the following meeting the City Council makes the final decision.

Vice-Chair Dubra Karnes moved that this be tabled until more information can be provided, an emissions report, loss of parking and proposed future parking and a more detailed site plan.

Commissioner Max Cordova seconded the motion.

Motion carried.

Vote is as follows:

Commissioner Tom Greer	Yes
Commissioner Max Cordova	Yes
Vice Chair Dubra Karnes-Padilla	Yes
Commissioner Steven Fitzgerald	Opposed

PRESENTATION

CLUSTERED HOUSING

Mr. Steven Tomita informed the Commission that the reason he was presenting the Clustered Housing presentation was because of the Affordable Housing Plan that the City Council accepted. It was introduced by the state to look at ways to provide affordable housing development areas. One of those ways was to increase the amount of housing units in a given area and cluster housing is one of them. He has been a part of this cluster housing development in Arizona. He presented a power point with the different type of cluster housing that was developed in Arizona and explained the concepts of the cluster housing. It includes 15 to 18 units per acre.

If you are interested in showing this presentation to others please do not hesitate to contact Steven Tomita and City Hall.

OPEN COMMENTS/REQUESTS

Chairman Rod Storey reminded everyone of the Conference for the New Mexico Municipal League of Zoning Officials and reminded everyone to attend. They are registered to go.

Vice-Chair Dubra Karnes-Padilla said she attended a Town Hall meeting. They are looking at all angles for future development. On May 16 PNM will be helping at the Community Gardens.

Commissioner Tom Greer updated everyone of the projects that were done by the Main Street group along Becker Ave. The old City hall is repainted on the front of the building.

Mr. Tomita informed the Commission that a Special Events Committee has been formed. They have different agencies involved with this and it will be focused on bringing different special events and increase them. Combine several into one and have one a month to bring in new possibilities into the City. It is talking about really big festivals.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Vice Chair Dubra Karnes-Padilla moved to adjourn.

Commissioner Max Cordova seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 8:25 pm.

//s _____
Roderick Storey, Chairman

ATTEST:

//s _____
Steven P. Tomita, Planning and Zoning Director