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CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
JULY 13, 2015

Chairman Tom Greer called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

PRESENT: Chairman Tom Greer
Vice Chair Steve Ethridge
Commissioner Claudine Montano
Commissioner Debbie Thompson
Commissioner Gordon Reeves

CITY STAFF: Steven Tomita
Lisa R Miller, Planning & Zoning Administrator

APPROVAL OF AGENDA:

Commissioner Claudine Montano moved to approve the Agenda.

Commissioner Gordon Reeves seconded the Motion.

Motion Carried.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of June 29, 2015 were reviewed.

Commissioner Claudine Montano moved to approve the minutes.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

HEARING WITH POSSIBLE ACTION

A. Hearing to consider the abandonment of an alley. The alley is located between N Main St. & LaLa St. and W Chavez Ave & W Picard Ave. in Township 5 North, Range 2 East, Section 18, Map 100, CTS Addition, Block 8.

Chairman Tom Greer informed Steven Tomita that he was surprised that there were no representatives of the property owners at the meeting.

Steven Tomita said he was also surprised and asked what the position of the Commission, as to having the hearing and discussion, was being no representatives showed up.

Lisa Miller informed the Commission explained that the owner of the property that is abutting Mr. Moya's has requested that the City abate the alley. She explained the process. She presented the responses from the Utility Companies and the response that she has received for the other adjoining property owners.

Chairman Tom Greer said that both of those properties have plenty of access areas, both on LaLa St., on W Chavez Ave, and on W Picard Ave.

Lisa Miller said that some of the issues are the fact that the alley is blocked off in the middle of the alley with a chain link fence and at the end of the alley on Picard by a dumpster. This was done by Mr. Moya.

Steven Tomita said that they have encroached on City Property.

Chairman Tom Greer said that there is also a curb at the end of the alley on W Picard.

Lisa Miller said that there is a four inch sewer line in that alley, which the City did not put in, and we are unfortunately maintaining that sewer line. It may end up being located on the west side of the alley which would be the section of the alley that would possibly go to Mr. Peter. Half of the alley can be abandoned if that is what the City chooses, but you are still going to have the problem of the encroachment by Mr. Moya.

Chairman Tom Greer asked what the main reason was for abating the alley, other than maintaining it..

Commissioner Claudine Montano feels that the owner of the lot next to Rutillios does not like the fact that the employees of Rutillios are using his property as a parking lot.

Lisa Miller informed them that Mr. Luna wishes to either sell the property or develop it. The alley is not being utilized so why not add it to his property.

Chairman Tom Greer said that in some places, if it is not being used within a certain amount of time, it is automatically abated.

Steven Tomita said that the City can determine that the alley is of no purpose and the adjoining property owners have adequate access to their property on two sides, but the issue would still be the fact that Mr. Moya is encroaching on City Property. If the City

abandoned the alley Mr. Norbert would still have to remove things, so either way there is a problem. Either way the encroachment will have to be addressed.

Chairman Tom Greer said that the simplest answer is to not abandon the alley.

Steven Tomita said that it would be the simplest answer. The Luna's were not there for questions, the Peter's were not there with any of their concerns, so without anyone being there to testify, just do not even consider the alley abatement.

Commissioner Gordon Reeves said that the City will then have to address the encroachment problems and just leave it as it is.

Vice Chair Steve Ethridge said without anyone being there it needs to be a fair decision, he moved that this issue be tabled until everyone is in attendance.

Commissioner Claudine Montano Seconded the motion.

Commissioner Gordon Reeves said that the problem is that this cannot be addressed until the City addresses the problem of encroachment. Get those issues addressed then move forward on the alley abatement.

Chairman Tom Greer said that another alternative is to take no action and let the City handle the encroachment. The Commission is not changing anything, we are just making a recommendation to the Council.

Commissioner Debbie Thompson said that the response from Mr. Peter has made contains several things he wants fixed, but without anyone being there we cannot ask questions.

Steven Tomita said that his concern is that the City goes in there and cleans that up, the Mr. Peter comes back and says ok now abandon it.

Lisa Miller said that according to the Ordinance, the Commission is to make a recommendation to the City Council, and it is up to the City Council to have the public hearing for the abatement of the alley.

Lisa Miller informed the Commission that they have a motion on the floor and before they change any of it there needs to be a vote on the existing motion.

Motion Failed.

Vote was as follows

Commissioner Montano	Yes
Commissioner Gordon Reeves	No
Commissioner Debbie Thompson	No
Vice Chair Steve Ethridge	Yes
Chairman Tom Greer	No

Commissioner Gordon Reeves moved that the Commission take no action, due to the fact that there was no representation by interested parties.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Claudine Montano	No
Commissioner Gordon Reeves	Yes
Commissioner Debbie Thompson	Yes
Vice Chair Steve Ethridge	No
Chairman Tom Greer	Yes

Steven Tomita asked if the Commission wants this to move onto the Council with and No Action.

Chairman Tom Greer said that the public hearing has to go before City Council, according to the Ordinance, let them make the decision on what they want to do with it. He made the editorial comment that the Commission is in no position to make a determination on this because nobody has showed up for this.

B. Hearing to consider the abandonment of an alley. The alley is located at the end of North Twelfth St. On the Northeast corner of Township 5 North, Range 1 East, Section 13, Map 100, Tract B, Land of Kenneth L. Gibson.

Lisa Miller informed the Commission that this alley is a very small piece of property. The alley that it was a part of was abated a long time ago yet they forgot this little section. There are no utilities on this.

Vice Chair Steve Ethridge asked if the property surrounding this alley belongs to the petitioner.

Lisa Miller said yes. It is surrounded on three sides by that owner. The other side faces the street.

Vice Chair Steve Ethridge said that he was just making sure due to the fact that the wording in the petitioners request is a little strong where he wished the City to donate the property to him.

Lisa Miller said that the City cannot donate the property, the Council is going to have to decide if they want to sell it the for ten dollar, 15 dollar, a dollar, etc.

Chairman Tom Greer said that it is not a very useful piece of property.

Vice Chair Steven Ethridge moved that abatement of this alley be approved.

Commissioner Debbie Thompson seconded the motion.

