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**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
JULY 28, 2014**

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

PRESENT: Vice-Chair Gordon Reeves
Chairman Tom Greer
Commissioner Steve Ethridge
Commissioner Selma Martinez
Commissioner Rod Storey

CITY STAFF: Steven Tomita, Planning & Zoning Director
Lisa Miller, Sr. Code Enforcement Officer

OTHERS Michael Shiplet, Citizen
Rick Gonzales Jr., Citizen
Mike Moreno, Citizen
Vidal Garcia, Citizen
Vladimir Garcia, Citizen
Irma Garcia, Citizen
Isidro Garcia, Citizen

APPROVAL OF AGENDA:

Commissioner Rod Storey moved to approve the Agenda.

Commissioner Selma Martinez seconded the motion.

Motion carried.

APPROVE OF MINUTES:

The Minutes of May 27, 2014, were reviewed.

Commissioner Steve Ethridge moved to approve the minutes.

Vice-Chair Gordon Reeves seconded the motion.

Motion carried.

ACTION ITEM

- A. REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTIONS: MICHAEL & LORRAINE SHIPLET, VIDAL GARCIA, & RICK GONZALES. Legal Description:** Township 5 North, Range 2 East, Section 18, Map 100, Mrs. Horacio Trujillo Subdivision, Lots B & C, and Township 5 North, Range 2 East, Section 18, Lots 4 & 5, Block 47, BTS Addition. AKA 302 S Second St, 304, S Second St, and 303 S Second St., Belen NM 87002

Lisa Miller informed the Commission that this came to her attention while she was out doing field checks. She saw that the front fences on 302 and 304 S Second were at least six feet high. The owners were notified that they had a violation. They responded with an office visit and requested the information on how they could get a variance on this. They were given the forms and the three neighbors came in as a group and filed for a variance.

Chairman Tom Greer asked if any of them had already been done.

Lisa Miller explained that they had.

Chairman Tom Greer said that they are not the first ones that have come in after the fact.

Commissioner Rod Storey asked if the request was for one property.

Lisa Miller said that it was for three property owners as the legal describes.

Commissioner Rod Storey said that he feels that they should have been published separately being that it is three different properties and three different property owners.

The Commissioners and the Chairman felt that it needs to be done that way.

Steven Tomita informed the Commission that he would recommend that the Commission hear the request at this time and then re-advertise them as separate requests and make a decision at the next Commission meeting.

Commissioner Rod Storey moved that this be tabled until they can be published separately.

Vice-Chair Gordon Reeves seconded the motion.

Vote was as follows:

Commissioner Selma Martinez	No
Vice-Chair Gordon Reeves	Yes
Commissioner Rod Storey	Yes
Commissioner Steve Ethridge	No
Chairman Tom Greer	No

Chairman Tom Greer moved that they hear the requests at this time and table the decision until the next Commission meeting.

Commissioner Steve Ethridge seconded the motion.

Vote was as follows:

Commissioner Selma Martinez	Yes
Vice-Chair Gordon Reeves	Yes
Commissioner Rod Storey	No
Commissioner Steve Ethridge	Yes
Chairman Tom Greer	Yes

Mr. Rick Gonzales, who lives at 303 S Second St., informed the Commission that he did not receive a notice but that he had moved in and the fence was already up, but when the neighbors informed him of what was going on he decided to be a part of it to make his fence legal. He would like to replace some of his fence so he wants to make sure that it is legal when he does change it. There are a lot of bad elements in the area, drug dealing, stealing, stray dogs, etc. It is a safety issue and a higher fence is a deterrent. He provided some photos of some of the activities that have and are still going on in the alley behind his home.

Chairman Tom Greer asked if he would be replacing what is there with a similar fence as the one that the neighbors have put up.

Rick Gonzales said that it would be a wire fence in the front and more than likely a pro-panel fence in the back and on the sides.

Chairman Tom Greer asked if the appropriate authorities have been contacted.

Rick Gonzales said that they are continually calling the appropriate authorities.

Steven Tomita asked if he would give us permission to take the photos to the police station.

Rick Gonzales said yes.

Chairman Rod Storey asked Mr. Gonzales to provide specifics for the fence. He needs information like height, materials, access points, construction, etc.

Rick Gonzales said that he would need information on what is allowed by Ordinances so that he is aware of the restrictions on this.

Lisa Miller informed him that the Ordinances specify that 20 feet back from the front property line requirements are just the height. That area needs to be four feet if it is a wire, like chain link, etc, and if you go solid it is three feet. The remaining fence is allowed to be six feet high. The materials are not specified in the Ordinances.

Mr. Mike Shiplet informed the Commission that he has lived at 304 S Second for 40 years. When he purchased the property it already had a six foot fence all the way around it until someone ran into his fence and he replaced it with a 3 ½ foot fence and then he started having problems with people jumping over the fence at all times of the day or night. There has been an incident that a pit bull jumped the fence and had my wife pinned between the truck and the door of the house. He had just come home when he saw this and blew a bull horn at the dog. The dog jumped back over the fence and left. He fears for his grandchildren, which play in the front yard.

Commissioner Rod Storey asked if his fence was already in place and all that he is asking is to keep it that way, in the front.

Mike Shiplet said yes.

Mr. Vidal Garcia and his wife informed the Commission that they have had several break-ins at the home and he is concerned about the safety of his children, grandchildren and his wife.

Chairman Tom Greer asked if this is one of the existing fences that were put up before coming in for the permit.

Vidal Garcia said yes.

Commissioner Rod Storey asked if the fence between the two properties was a shared fence and how high was it.

Mike Shiplet said that it was a shared fence and it has always been six feet high.

Lisa Miller said they were in compliance with that fence.

Chairman Tom Greer informed the Commission that he was satisfied as to why they want and are requesting this variance and now staff will publish it as three different requests and furnish the rest of the paperwork and the Commission will make its decision at the next Commission meeting.

DISCUSSION/REVIEW

Art Signage and Awning for 513 Becker Ave. (Old Domestic Shelter Bldg.)

Mike Moreno informed the Commission that he is working on a project with putting an art related program in the City at the Old Domestic Shelter Bldg. He said that he has not submitted a sign permit application due to the fact that he is going to be changing what was originally going on the sign. There is an existing awning on the structure but he needs to change the fabric on the awning so he will need to take it down and then change it and put it back up.

Steve Tomita said that there is no reason for him to get a permit for replacing the existing fabric on the one that is there. He informed the Commission that the two reasons he was asked to appear before the Commission is the fact that the signage does have to do with art and it requires an approval for that. The other reason is the fact that it is a City owned building and because of this it needs the approval of the Commission and Council.

Commissioner Rod Storey asked if the building is changing hands or being sold.

Mike Moreno explained that there are three separate areas within the building and he will be in one area.

Steven Tomita explained that the food pantry already occupies the back section, the Socorro Housing Authority will be in another section and the Mike Moreno will be in the final section. They will be addressed as 513 A, B & C. The Socorro Housing Authority is presently in Los Lunas and will be moving in at the end of August.

Mike Moreno informed the Commission that they are separate areas and showed the Commission that there are two separate doors located in the front going into two separate areas. He will be located on the right and the Housing Authority will be located on the left side of the building. The food bank is located at the back of the building. He will bring the sign design drawing in when it is completed and get the permit at that time. He plans on having his area up and runner by the end of September.

Sound Ordinance Update

Steven Tomita informed the Commission that the P & Z department they took the draft that the Commission had done and added criteria, recommendations, decibel levels to be considered, and a chart showing the compatibility of different areas. When looking at the decibel levels, especially for industrial areas, is the fact that once this Ordinance is in place we will need to go back over the different lands uses and add buffer criteria for areas like this, but this is done within the Zoning Ordinance and not the Sound

Ordinance. Another thing that has also been added is the use of impact equipment, hydraulic equipment, etc. have be prohibited unless contained within a structure such as a garage. The City is moving forward with the Downtown Master Plan and the Comprehensive Plan. Site Southwest has been chosen as the consultants.

Lisa Miller asked the Commission to read over the draft and suggest any changes they think need to be done and get it back to her so that she can make the changes.

Commissioner Steve Ethridge said that he could make a few comments now due to the fact that he has read it. He has a problem with the defining daytime and nighttime differently depending on what day it is. He feels is should be a constant common sense thing.

Steven Tomita said the reason that it was put in there was because during the daytime the sound levels are going to be higher and the nighttime, daytime difference allows us to set a different level during a time that occur during those times.

Chairman Tom Greer said that it could get a little confusing when you read the definitions and sees this might be a problem and they might want to make it consistent.

Commissioner Steve Ethridge said that daytime is daytime and nighttime is nighttime no matter what day it is.

Chairman Tom Greer said that anytime someone does not fit into a regulation can request a variance when it comes to a specific day or time and could be a site specific difference from the Ordinance.

Lisa Miller said that when you get to weekdays or weekends most of this is based on the quiet hours because they are different for weekends than they are for weekdays.

Chairman Tom Greer suggested that it be less complicated and be something like 10 – 6 Monday thru Thursday. Lets see if we can stream line this so that people will understand.

Commissioner Rod Storey said that there also is an issue of is it daytime or nighttime in a residential zone and if it is different for a commercial or an industrial zone. All of this needs to be accounted for.

Steven Tomita said that it has to be spelled out or we will basically be in the same situation as we are now.

Commissioner Steve Ethridge said that there is a spelling error and he is also unclear on the meaning of #3 and the wording.

Steven Tomita said that is a yes because it involves places like a hospital area, etc. A lot of the noise sensitive areas have sound attenuation and you would have to have that noise really cranked up for them to hear it, therefore if it can be heard it is too loud.

Commissioner Steve Ethridge asked why, under exemptions, the government is exempt.

Steven Tomita said it enables us to hold community events and the City is not going to hear itself at a hearing, and you cannot expect emergency vehicles to turn off sirens in the City. It is for things of this nature that government activities are exempt.

Vice-Chair Gordon Reeves asked if Waste Management will be notified of this so that they may adjust their schedule so as to not be out and about until the correct hours of this Ordinance.

Steven Tomita said that what we would have to do is to notify our administration so that it can be placed on the contract as to what times they are limited to. The Waste Management contract is coming up for renewal and therefore we can make it a part of that contract. They are in essence exempt due to the fact that they are under contract with the City and the City is exempt.

OPEN COMMENTS/REQUESTS

The City Council and Mayor are assigning the task of looking at the City Boundaries to the P & Z Commission. The Commission is also going to be going through the Ordinances to update them and it is going to be a lot of work on the part of the Commission and staff. This is going to make the P & Z Commission meetings a little longer but it needs to be done. He asked if they would like to make this a regular item on the agenda or would they rather meet at another time during the month and if the Commission chooses the hold more than one meeting a month he would present to the Council that the P & Z Commission needs to be compensated for their extra time.

Chairman Tom Greer said that he would prefer to have more than one meeting a month because you can limit the second meeting to a specific time period and a specific item.

Steven Tomita informed the Commission that there are two companies looking at Solo Cup. One of these companies is an international company. There is also a company looking at the airport to bring charter planes in and also the possibility of producing small engine aircraft. There are also 4 other companies looking at the Rancho Cielo area. He has been working on all of this for about a year and it seems that things are going to be picking up very quickly.

Commissioner Steve Ethridge asked if any of those companies count on the Government for any kind of government money.

Steven Tomita said no it is all private. He will keep the Commission informed as time goes by.

