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**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
MARCH 25, 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: Regina Elkins, Citizen

APPROVAL OF AGENDA:

Vice-Chair Dubra Kanes-Padilla moved to have the Agenda approved as presented..

Commissioner Max Cordova seconded the motion.

Motion carried.

APPROVE OF MINUTES:

The Minutes of February 25, 2013 were reviewed.

Commissioner Tom Greer moved to approve the Minutes of February 25, 2013 as corrected.

Vice Chair Dubra Karnes-Padilla seconded the motion.

Motion carried.

ACTION ITEMS

A. REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTIONS: COMMUNITY GARDENS, DUBRA KARNES-PADILLA-AGENT.

Vice Chair Dubra Karnes-Padilla recused herself on this issue.

Ms. Dubra Karnes-Padilla the Commission that she was speaking on behalf of the Community Gardens. They are asking for a height variance on the east and south side of the lot on the corner of Sixth and Dalies. They would like to create a wall, at this time, a wall of doors to create a barrier around the parameter except where the picnic table is. There may be different types of walls but at this time they would like to start on the east and south side of the area. This type of fence was seen in Albuquerque and a few photos were provided so that the Commission could get an idea of what this type of fence can look like. Toby's doors has donated some of the doors already, some have been found out on the mesa where they were dumped and they need eighteen (18) more doors to finish this section of doors. These doors can be left raw or painted but they will be protected with water seal.

Commissioner Max Cordova asked if these doors would be by her home.

Ms. Dubra Karnes-Padilla said that the property right next to her fence belongs to Mr. Chavez. The property that the Community Gardens is on is right next to that, right on the corner of Sixth and Dalies.

Commissioner Tom Greer said that he liked the doors concept and doing a backdrop of a scene setup on the south and east wall and leaving the rest open or with a fence that is a type of fence that can be seen thru otherwise you loose the visual concept of the gardens. He feels the backdrop would be very useful.

Ms. Dubra Karnes-Padilla said that they have talked about putting up a latia fence on the rest of it but that is not a definite yet.

Commissioner Tom Greer asked what the construction methodology of the fence due to the winds we have in the area, like the north wind that we hade this last weekend where several fences did not make it and his fence was very challenged where it has never been challenged before.

Ms. Dubra Karnes-Padilla said that they were going to use three poles instead of the two that they first were planning on using, to give it more stability.

Steven Tomita reminded everyone that under state statutes, any fence over six feet has to be engineered.

Ms. Dubra Karnes-Padilla said that the City owns the property and therefore the Community Garden committee is not responsible for that.

Commissioner Tom Greer asked if the fence was going to be the height of the doors, which is usually eighty (80) inches tall.

Ms. Dubra Karnes-Padilla said yes they are going to be the height of an average household door which is 80"x 34".

Commissioner Tom Greer asked if any consideration was give to the sun angles because it is a garden area and the door fence may block the garden and put it in the shade most of the time.

Ms. Dubra Karnes-Padilla said that she thought it would be fine with the direct sunlight during most of the day. At this time they have fifteen (15) boxes and eventually would like to have a total of thirty (30). Everything so far has been donated.

Commissioner Tom Greer asked if the doors were shortened to meet the six foot regulation.

Ms. Dubra Karnes-Padilla said that it could happen but would lose some of the character of the doors which is what they were wanting. They are also thinking of placing bird houses on one of the door walls.

Commissioner Tom Greer said that it certainly fitting in the visual sense of how he sees that neighborhood.

Chairman Rod Storey asked if the doors were going to be staggered and would they be adjoining each other or would there be a space between each door.

Ms. Dubra Karnes-Padilla said no they want the doors all the same height and would be adjoining. They feel it would be stronger that way.

Chairman Rod Storey stated that the request for the variance was strictly for the height, the structure, or the line of sight and not the aesthetics of the area.

Ms. Dubra Karnes-Padilla said that is why they want the fence along the west side and the north side to be lower and see through so that anyone at the picnic table can enjoy the

view of the garden or anyone walking by on the west and north side can enjoy the view. Because it is being kept clean and nice they have had no problems concerning graffiti, or destroying the plants or boxes, taking things, etc.

Steven Tomita said that he believes that they would be reviewing the aesthetics of the area because they would be granting a variance from the regulations. They need to look at all aspects of the requested variance.

Chairman Rod Storey said that this was a variance on the height, spacing and the setback and not necessarily the aesthetics of the fence.

Ms. Dubra Karnes-Padilla said that the maintenance on the fence would be done regularly with a water seal so that the sun would not eat up the wood.

Commissioner Tom Greer said that an interesting concept that was discussed concerning different types of art along main street was to periodically allow people to paint different images, and the one thing that can come of this is to allow people to paint different images on the fence periodically so that background motif would be a revolving motif all the time. That way you have agreements with people taking ownership of a section of the wall and these people have a tendency to become more defensive and possessive of the wall and would see that it was maintained.

Steven Tomita informed the Commission that the type of wood in a door, that may need to be aged so that they are similar and that is what was meant by maintenance, etc.

Ms. Dubra Karnes-Padilla said that it might look nice if you have one door aged and another one painted.

Commissioner Tom Greer said that as long as they are exterior doors they are designed for those conditions.

Ms. Dubra Karnes-Padilla said that she saw a fence done this way in Albuquerque and that it would be a good idea for a fence around the Community Gardens.

Chairman Rod Storey asked if this variance includes the west side of the property also.

Lisa Miller said that the property is a double front property and that the Community Gardens does not know what type of fence they want along the two sides that are fronting Sixth and Dalies and feels that when the group decides what type of fence they would like in that area then they would need to come back for a variance depending on the fence height.

Chairman Rod Storey said that he would feel comfortable granting a variance for the east, south and west side of the property and the north side can be used as the front.

Commissioner Tom Greer said that he would like to see the east and south sides as the first phase of the project and agree on what the conditions would be for the whole fence but that the P & Z Department review it on each phase so that you would not have to come back before the Commission for the rest of the fence.

Ms. Dubra Karnes-Padilla said that she would like that if it was possible. The group does have \$2,000 for fencing, which is enough to get the framing done for this section of the fence.

Commissioner Tom Greer asked what the City would be comfortable with as far as the structural aspects of the fence.

Steven Tomita said that a meeting with John Best, who is an engineer consultant for the city, and see if he would feel comfortable with it so that we can decide weather it needs to be stamped by a registered engineer.

Commissioner Tom Greer asked if the neighbors had been notified.

Lisa R. Miller said that they had.

Steven Tomita said that they may place spaces between the door to create an area for wind to go through so that the full fence does not take the onslaught of the full impact of the wind.

Commissioner Tom Greer said that you could also use windowed doors next to solid doors and remove the glass to get the same.

Ms. Dubra Karnes-Padilla said there a many ideas that can be used. The Gardens are already getting some recognition within the community and this type of fence will help define the gardens.

Ms. Regina Elkins informed the Commission that she owns property across the street from the gardens and she has no objection to the fence.

Commissioner Steven Fitzgerald asked about the restrictions on a double sided front

Lisa R. Miller said that on a double sided front property the two sides that face a street are considered fronts. The regulations state that the fence heights on these sides are three feet if it is a solid fence and four feet if it is a fence similar to chain link. The fence can then go up to six feet twenty feet back from the property lines.

Steven Tomita informed the Commission that once you start fencing you really need to have an area that is open or see through so that the police or fire can get a clear view in case of any emergency that happens. That is why there are the height restrictions for fencing.

Commissioner Tom Greer felt that the west side and the north side fences need to be a viewing side.

Ms. Dubra Karnes-Padilla said that the Community Gardens Group did look into that type of fence around the whole parameter of the property but the cost would be around \$14,000 so they had to look at different types.

Chairman Rod Storey said that if the Commission so chooses they could include all sides of the fence for this variance.

Commissioner Max Cordova said that the fence should be structured so that it could stand up to the elements, especially the wind in this area.

Steven Tomita reminded the Commission that it would need to be engineered, due to the fact that it is over six feet high, whether it has a footing or not, or whatever design that an engineer would approve for this type and height of fence. This would also require a building permit from Construction Industries Division.

Commissioner Steven Fitzgerald moved to approve the variance on the fence height restrictions for the height of a standard door on the east, south and west sides of the property.

Commissioner Tom Greer seconded the motion.

Motion passed.

Vote is as follows:

Commissioner Tom Greer	Yes
Commissioner Max Cordova	Yes
Commissioner Steven Fitzgerald	Yes

DISCUSSION

MURAL ORDINANCE UPDATE

Lisa Miller informed the Commission that she was unable to find anything at the office concerning the Mural Ordinance. She provided a packet of Ordinance examples from other cities and an example of a permit application that could be used. She informed the Commission that she did find a few separate Mural Ordinances but that most of them are a part of a public art ordinance. It was suggested that a Public Art Ordinance be established.

Vice Chair Dubra Karnes-Padilla said that the one that they had come up with was a Public Art Ordinance with the different forms of art described, the only thing that was not addressed was the difference between what signage is and what a mural would be.

Lisa Miller said that they could go through the example ordinances that she provided and decide what they would like to be the meaning of mural and signage.

Chairman Rod Storey said that an ordinance went to Council. It would have been somewhere around March of last year.

Vice Chair Dubra Karnes-Padilla said that they met in December of 2010 at a workshop, then went to City Council in March of 2012. Rod and Dubra both went to the Council meeting to answer any questions and listen to their concerns so that the ordinance could be adjusted.

Steven Tomita asked if it was a full Public Art Ordinance.

Vice Chair Dubra Karnes-Padilla said that it was.

Chairman Rod Storey said that it was a Public Art Ordinance.

Lisa Miller said that the only thing that she could find was the information on was public murals as art information.

Vice Chair Dubra Karnes –Padilla said that it should be a part of the City Council Minutes for March 2012.

Lisa Miller said that the only thing that she found was what she present to the Commission and a copy of a draft permit application for the Main Street Partnership on murals.

Chairman Rod Storey said that they spent three months drafting the Ordinance and it went to City Council in March 2012 for final review.

Lisa said that she did find minutes from the City Council dating back in early 2011 with suggestions they had for the Ordinance, but that was all she found. She looked at the minutes from the Council and there was nothing there.

Vice Chair Dubra Karnes-Padilla said that it was not the meetings in early 2011 but in March 2012 that the final draft was presented.

Lisa Miller said she will get with Leona and look into the 2012 packet for around March 2012.

Chairman Rod Storey said that Andrew was the one they met with and he was the one who presented it to the Council in March 2012.

Lisa Miller said that she was unable to locate any information the Andrew might have had to help out.

Commissioner Tom Greer suggested poling the City Council to see if they had a copy of what was presented to them.

Chairman Rod Storey said that Council Jarah Cordova would be the one to have it.

Commissioner Tom Greer said that if he saw him on Wednesday he will ask Jarah to get a copy to Lisa.

Chairman Rod Storey and Vice Chair Dubra Karnes-Padilla said they would look to see if they still had their information on this and get it to Lisa if they found it.

UPDATE ON HOLIDAY DECORATIONS-STORAGE AND UTILIZATION

Lisa Miller informed the Commissioners that she spoke with Leroy on the Holiday Decorations, their storage, etc. Leroy informed her that they are kept down on south main street in the street shop. There was a lot of damage, by two legged vandals, on the horse, the tin soldiers and the jack in the box head. These were thrown away due to the damage. The lights are accounted for and they are kept in a separate area. They were able to keep the boxes that were put up this year. She suggested that if they wish to see something different, the Manager or Dale the Utility Director can be contacted.

Steven Tomita said that it would be more under the Managers control.

Vice Chair Dubra Karnes-Padilla suggested that more maintenance to done before they are put up because many of the lights, etc. were not even working last year

SETBACK INFORMATION

Lisa Miller also provided the Commission with the information on the setback requirements that they requested at the last meeting. The setbacks are in each Zoning Category in the Zoning Ordinance, some are also in the Subdivision Ordinance.

Commissioner Max Cordova asked what the setback for a fence that is placed along a sidewalk, street, etc.

Lisa Miller said that it was the property line, but if it is on the front the fence has to be three feet high if it is a solid fence and four foot high if it is similar to chain link, then when it is 20 feet back from the property line they can go up to six feet.

OPEN COMMENTS

Chairman Rod Storey said that he remembers when they changed the minimum lot size to approximately 4500 sq. ft. but noticed on the information given to them it is at 6,000 sq. ft.

Steven Tomita said that typically, when he was a developer, if you needed to go down to that size of lot you would request a Variance. He had to show why he was benefitting the Community using that small of a lot.

Commissioner Tom Greer asked about the small buildings that are located in the area under consideration for an art district, because most of them look like they are less than 7,000 sq. ft. which is the requirement under the C-R Zoning.

Lisa Miller informed the Commission that a lot of those have been grandfathered in because they were there before the Zoning Ordinance went into affect.

Steven Tomita said that you could define the lot restrictions when you define an overlay zone, such as the art district. For this district you need small, high density and this would need to be put in the district designations. The Affordable Housing Plan calls for higher density development and it needs to be looked at. Clustered housing is one option. He does have a presentation on this type of housing and can present it to the Commission at the next meeting

Lisa Miller informed the Commission that the other information in their packets was the information on the New Mexico League of Zoning Officials conference that is to be held in Albuquerque from May 1-3. She would like them to fill out the registration forms and get them back to here ASAP so that she can obtain a PO.

Commissioner Max Cordova asked Steven Tomita for an update on the Hospital.

Steven Tomita said that the amendments to the JPA with the City and County are being done at this time. The County Commission has directed their staff to issue a questionnaire to the hospitals for more information and then they would decided which hospital they prefer, and which is more viable.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Max Cordoba moved to adjourn.

Commissioner Tom Greer seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:20 pm.

/s/ _____
Roderick Storey, Chairman

ATTEST:

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