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**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
NOVEMBER 25, 2013**

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

PRESENT: Commissioner 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

OTHER: Dubra Karnes-Padilla, Community Gardens

APPROVAL OF AGENDA:

Commissioner Rod Storey moved to approve the Agenda.

Vice- Chair Gordon Reeves seconded the motion.

Motion carried.

APPROVE OF MINUTES:

The Minutes of October 28, 2013 were reviewed.

Commissioner Selma Martinez pointed out some errors that needed to be corrected.

Lisa Miller informed the Commission that they would be corrected.

Vice Chair Gordon Reeves moved to approve the minutes as corrected.

Commissioner Selma Martinez seconded the motion.

Motion carried.

DISCUSSION

A. Portable Potting Shed for Community Gardens.

Dubra Karnes-Padilla informed the Commission that the Community Gardens Group would like to put up a Portable Potting Shed within the Gardens. The proposed shed would be made out of recycled doors and would be made by the shop students from the Middle School. The instructor was asked to come with her to explain the plans for this structure but is not in attendance. She would respond to any questions as best as she could. The roof would be tin and the shed would be on skids so that it is movable. The Community Gardens has received \$2,000 from the PNM grant to be used on this project.

Vice- Chair Gordon Reeves asked what kind of doors they were.

Dubra Karnes-Padilla said that they were wooden exterior doors.

Commissioner Selma Martinez asked Dubra Karnes-Padilla to explain a little more about this.

Dubra Karnes-Padilla said that it would be a portable shed, nine feet by six feet and 8 feet tall with clear story windows along the front, for light, above the door with a lock so that it may be used for storage of supplies such as potting soil garden implements, etc.

Commissioner Steve Ethridge asked if there was a plot plan.

Dubra Karnes-Padilla said that it would be located in the center of the Gardens, but it would be able to be moved if the need arises.

Commissioner Steve Ethridge asked if it was City Property.

Dubra Karnes-Padilla said that it was City Property. The City also provides the water and the trash pick up.

Vice-Chair Gordon Reeves asked where the property was located.

Dubra Karnes-Padilla said at the corner of Sixth and Dalies. The gardens from the summer have been cleared, weeds cleared, and ten new garden beds have been added. There are now a total of thirty six beds at the present time.

Commissioner Steve Etheridge asked if there was a reason it is to be a portable shed.

Dubra Karnes-Padilla informed the Commission that it was designed that way so that it could be moved but also due to the fact that it is located on City property it would have more restrictions and regulations if it was on a permanent foundation, plus being that it is portable there are less restrictions and regulations.

Lisa explained to the Commission that if the City built it they would be required to get a building permit through CID which, the City would have to hire an architect design it and a builder to build it. At this time the City does not have the funds for this.

Vice-Chair Gordon Reeves asked about the materials inside the structure due to the fact he has some concerns about there not being any ventilation planned for the structure.

Dubra Karnes-Padilla said that they are not using any kind of chemicals in their garden. It is an organic, natural garden.

Commissioner Steve Ethridge said that he could see the point of having ventilation in the structure even though no chemicals are planned to be used. They would be for ventilation inside the structure. Eve vents or floor vents are a possibility.

Dubra Karnes-Padilla said that she would talk to Patrick about adding ventilation.

Chairman Tom Greer asked Steven Tomita what the Commission is being asked to do on this issue.

Steven Tomita said that they are being asked to the approval to place the structure there, its make up, and the type of structure it is.

Chairman Tom Greer asked if it needed any kind of permitting at all.

Lisa Miller said that being on City property, the approval from the Commission is needed plus it is less than 200 sq feet and would therefore require no other permitting.

Chairman Tom Greer asked if there would be gutters on the shed so that the rain water could be used in the Garden.

Dubra Karnes-Padilla said that they could be placed on there and would look into that.

Chairman Rod Storey said that he appreciated all the time and hard work that the Garden Group has put in to making the Garden. It is a nice addition to the City and the Neighborhood.

Dubra Karnes- Padilla informed the Commission that next year, when this is completed, it will be used in conjunction with the festivals, as an educational tool and a place where the local citizens can get involved with a Garden.

Vice-Chair Gordon Reeves moved to approve the shed as the plans depict with the stipulation that adequate ventilation be added to the structure.

Chairman Rod Storey seconded the motion.

Motion carried.

Motion was voted as follows:

Commissioner Selma Martinez	Yes
Vice-Chair Gordon Reeves	Yes
Commissioner Rod Storey	Yes
Commissioner Steve Ethridge	Yes

B. Sound Ordinance

Steven Tomita informed the Commission that there were two example Ordinances provided at the last Commission meeting and another Ordinances provided with their packets for this meeting. This Ordinance is from the town of Temecula, and this one does include decibel and included a table on different levels for different zones. There is also the fact that if there were three violations within a certain time frame it is a misdemeanor. There are now three different Ordinances that can be looked at and discussed to consider when changing and updating ours. These can be added to, wording changed, etc. to come up with a draft Ordinance to present to the public for suggestions, the Commission for approval, and then the Council for final approval.

Vice-Chair Gordon Reeves asked Steven Tomita if he has had a chance to change the pdf files that he was asked to do for the other two Ordinances because if they were put into word form they would be easier to cut and paste into one.

Steven Tomita said that he has not been able to get with the IT personnel to get this done but he would do this with them all.

Commissioner Selma Martinez asked about the decibel meter.

Steven Tomita said that if the Ordinance has decibel levels in it that the City would need to purchase the meters. The personnel most likely to have them would be the Police Department.

Commissioner Selma Martinez suggested that we get the cost of the meters for information to include with the Ordinance.

Steven Tomita said that the meters are not expensive. A standard would need to be set with the meters. The decibel reading is an accurate way of backing up an Ordinance but it should also include a distance. The Temecula Ordinance uses both a distance and decibels. Using both is a more reasonable enforcement way of accomplishing this. One of the issues we will be facing, no matter what we pass, would involve Becker Street Pub, because of its size, its location of being right next to a resident, it has no walls to buffer the sound, but this will have to be dealt with no matter what Ordinance we pass.

Chairman Tom Greer said that one of the solutions for that type of situation would be the acoustical design of the patio area. Until we come up with a standard that is acceptable there is no way for an engineer to come up with a solution.

Chairman Rod Storey asked what was being done for that situation at the present time.

Steven Tomita said that she is no longer able to have bands, DJ's, etc. On the patio but can have them inside the building.

Commissioner Rod Storey asked if there were any steps being taken to work with them to come to an acceptable compromise because it is a bar and it is in a Commercial Zone.

Steven Tomita informed them that steps had been taken and no agreement was reached between the parties. We have asked Cladine Montano to come up with an accommodation plan to inform us as to how she was going to compromise with the neighbors but she has not presented one to us as of today. That area is zoned C-R which is Commercial Residential and this zone is treated differently than a C-1 Commercial zone. The main problem was the fact that when she was asked to reduce the sound, she would, but the minute the Police left it would be turned up to a higher level than before and she would run past the time specified. She has a special events permit but we rescinded the outside portion of that.

Chairman Tom Greer said that until you have a more solid Ordinance with guidelines in it, it is very difficult to mitigate a plan that will work. This is not objecting to her trying to do business and generate GRT's but to have a way to mitigate these circumstances so that it works for everybody.

Commissioner Steve Ethridge asked if we had an existing Sound Ordinance.

Steven Tomita said that we do but it is not an Ordinance. It is a section in the Public Peace, Morals and Welfare Ordinance and it is very vague. We need to have a Sound Ordinance to address all the issues that may involve different types of nuisance noise.

Chairman Steve Ethridge asked if the issue with the sound at Becker Street Pub has been going on for several years and there seems to be a lot of bad blood between them and the neighbors.

Steven Tomita informed the Commission that the neighbors were not pleased with the music at the beginning but the neighbors tolerated it until recently when the noise was just way too much. The Chief of Police tried to keep this down but it just got out of control with the DJ's so it was stopped. With this new Ordinance we will have guidelines in which to say what is acceptable and what we can enforce. When we pass a Sound Ordinance the neighbors will also have to adhere to it and not just the businesses. He will get the PDF's put into Word so that they can work this so that by the next meeting there was some idea of what we would like to see in the Ordinance and come up with a draft Ordinance.

Chairman Tom Greer also suggested that the Commission provide comments to the Planning & Zoning personnel to also help with the process.

C. Update on the Art Ordinance

Steven Tomita checked several communities to see if they had an Art Ordinance. Most did not.

Chairman Tom Greer said that Main Street will be getting information on this. They will be getting information from Gallup and Raton. Gallup did send me a copy of their downtown action team's plan which was in the form of a CD. This can hopefully be printed out so that we can look at it. It is very comprehensive; a segmented plan for the downtown mainstreet district but it covers all the aspects of lighting, signs, etc. He has just gotten it and as not had a chance to print it up so that we can review it but from what he saw it has some really useful information.

Steven Tomita said that Temecula also has a very good one. Their downtown area is very similar to our Becker Street and they have a specific plan for their downtown area. It is quite an extensive plan. Councilor Cordova will be looking at it for signage and architectural designs, etc. as part of the process as the Mainstreet Group gets underway on the Downtown Master Plan and the Economic Development Plan but will also be looking at the Art Ordinance as a part of this. The Temecula Plan will also be converted to word so that the Commission may look and work on this also. This is a good document to start with.

Commissioner Rod Storey asked if we had any luck in finding the one that they already worked on.

Steven Tomita said no.

OPEN COMMENTS/REQUESTS

Lisa Miller gave the new Commissioners their new email address.

Commissioner Rod Storey welcomed the new Commission members. He commented on the fact that he felt extremely disappointed on the communication in reference to appointing the new Planning & Zoning Commission. It did seem a little odd to have the Mayor run the meeting but it is what occurred.

Vice-Chair Gordon Reeves commented on when they go out looking at the areas, which come before the Planning & Zoning Commission, if they, as a Commission, need any kind of identification on them.

Commissioner Rod Storey informed the new Commissioners that they are not supposed to be going to the site that is being heard by the Commission.

Steven Tomita said that the Commission hears the issue on the facts presented. It does not go out for field visits. The Commission is basically a court of law and goes by what is presented.

Vice-Chair Gordon Reeves would like to see the Vacant & Foreclosed list of properties and a report, to get an idea on how that is going.

Chairman Tom Greer said that we do have an inventory of these buildings.

Lisa Miller said that they did not.

Chairman Tom Greer said that he would contribute to the information from the Mainstreet district. The Mainstreet Group has a list that they have been gathering as part of their studies.

Lisa Miller said that mainstreet is not the hard part. It is limited to a specific area. The harder part is the vacant & foreclosed homes that are scattered throughout the City of Belen. Notices went out to all the Banks informing them of the new ordinance, along with a registration form for them to use if they have a home in Belen.

Steven Tomita informed the Commission that there are a few identified buildings that are empty that we are not pursuing at this time due to the fact that these buildings have a cultural historic significance. The City can declare a building to be of historic significance to the City and therefore the City can intercede in keeping it from being demolished. One property owner has already said that if we bothered him on his empty building that he would tear it down. That is not what the City wants. The City is in the process of forming the Historical Committee so that this can be done. That Committee is

the one who decides the significance and presents it to the City Council for the final decision. This way we can keep the building from being brought down.

Commissioner Steve Ethridge said that being they are the Planning & Zoning Commission, and he sees that zoning seems to be the main issue and he would like to see the Commission more involved with planning also. He would like to see the siren used as part of the Sound Ordinance and see it go off at 10 PM so that the citizens and the businesses know it is now quiet time. He would also like us to follow up on the Amtrack agreement to see if we can get them here in Belen.

Steven Tomita said that he has already looked into this. At a legislative dinner he attended, it was discussed at length. The feeling of the participants at this dinner felt that Amtrack was using this as a hammer to get the government funds and some of the legislators do not even know how great having Amtrack is in the first place. He presented the idea of bringing it down to Belen. They seemed to like that aspect but at this point nobody knows what Amtrack is going to really do. Amtrack is saying that their funding is dropping off and they need to replace old tracks so they are asking each state that they go through for the money to replace these tracks. They are also asking the other Railroads and the Federal Government to come up with the funds to accomplish this. The Federal Government at this time, is saying that they do know if it is worth that, so Amtrack is saying fine, we will drop that service and come down to the southern rail lanes. If they do this many areas will lose the Amtrack train service, some being Albuquerque and Santa Fe.

ADJOURNMENT

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

Commissioner Selma Martinez seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:25 pm.

/s/
Tom Greer, Chairman

ATTEST:

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