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CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
OCTOBER 12, 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

OTHER: Cathy McCartney
Greg Sachs
Glenda Miller

PLEDGE OF ALLEGEANCE

Chairman Tom Greer led the Pledge.

APPROVAL OF AGENDA:

Commissioner Claudine Montano moved to approve the corrected Agenda..

Commissioner Debbie Thompson seconded the Motion.

Motion Carried.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of September 28, 2015 were reviewed.

Commissioner Claudine Montano moved to approve the minutes.

Commissioner Debbie Thompson seconded the motion.

Motion carried.

PUBLIC HEARING WITH POSSIBLE ACTION

- A. **REQUEST FOR A CONDITIONAL USE PERMIT CATHY MCCARTNEY** for the purpose of a private club that endorses wellness, fitness and nutrition at 1018 W Ross Ave., Belen NM 87002

Lisa Miller informed the Commission that Cathy McCartney had come to her office to see if she could open up a health and wellness establishment a home she owned at 1018 W Ross Ave. This home is across the street from her home. She is asking for the conditional use for placing this in a residential area (R-1).

Ms. Cathy McCartney said that they had purchased this home to rent it out but she is now wanting to use it as a private club. It will be used as a place where people can come in and learn about nutrition, fitness and wellness. They work with herbalife. It will be a community thing with a lot of community involvement. She will be working with individuals who will then form their own team. They will be having weekly meetings and will abide by all rules and regulations. She asked if the Commissioners had any questions.

Commissioner Claudine Montano said that she goes there every once in a while for a shake and the home is set up nicely.

Chairman Tom Greer said that it sounded like a home occupation.

Steven Tomita said yes and no. Our concern was because it is located within a residential area and could not be re-zoned. We also had a concern over how big this might become. This could become a traffic concern if it became too big. A home occupation is one that there is a certain area within the home used for business and the traffic is no more than what is normally within the neighborhood. That is why we suggested the conditional use. This gives her time to see how the business is going to prosper and if she were to get bigger than that we will require her to secure a larger structure in an appropriate zone.

Chairman Tom Greer said that he had read the letter from Fire Chief Manny Garcia and it also talks about also having room and board there. He asked if there would be someone living in the house also.

Cathy McCartney said that nobody would be living there. There are two rooms which will be used for weigh in, etc., and another that is going to be used as a teaching teleconference room. She called the fire department to see what she would need in that aspect of a business. To see what the occupancy capacity is so we could follow the rules and regulations.

Commissioner Claudine Montano asked how long of a time period is the Conditional Use Permit for.

Lisa Miller said it can be for six months or a year.

Steven Tomita said that it needs to be noted that Manny said that it needs to be engineered for a commercial use before they can give it an inspection. It may not need to be engineered but it needs to be inspected by a qualified person who can tell her what is needed to bring it up to code as a commercial use based on the use.

Lisa Miller said that is what Manny is talking about. It is an actual residence and he cannot put an occupancy load on it. There is a difference in the building codes from a residential home to a commercial structure.

Chairman Tom Greer asked if it was the intention to become a commercial building in the future.

Cathy McCartney said that she wants it to stay the same. She does not want it to be a commercial building.

Chairman Tom Greer said that he was trying to get some distinction between the use and Zoning.

Steven Tomita said the use will be commercial with a Conditional Use. What he would suggest is that they could put conditions on the Conditional Use Permit.

Lisa Miller said the reason we went with a Conditional Use was the fact that we were informed that if she got big enough she would find a suitable building in the proper zone.

Cathy McCartney said that if they ever got to big for the building they would try to find a studio that was suitable. She hopes that she does not get that big. Her objective is to pass it on to her clients and teams to take it from there for the purpose of passing it on to their members. This way it can spread over a larger area or even all over the county. It is like, I train you then you train someone else, then they train someone else. They will all be forming their own clubs.

Commissioner Gordon Reeves asked what her hours of operation were going to be.

Cathy McCartney said her normal operational hours would be from 7 AM to 2 PM but there will be times after hours that we will be having meetings internationally and sometimes with clients that make appointments with me. She would do it at their own home but her partners hours are odd and it would make it hard to do. The parking is not going to be a problem. She does not expect that there will be too many there at one time and all of the neighbors have been informed about this and have no problem with it as long as their driveways are not blocked. There is a park a little down the street where there is also parking available.

Vice Chair Steve Ethridge asked if they had gotten a hold of the occupant at 1015, because their signature was not on the petition.

Cathy McCartney said that she repeatedly tried to get a hold of him but was never able to do so. He travels a lot and is hard to get a hold of .

Vice Chair Steve Ethridge asked her how long she has been in business.

Cathy McCartney said she has been with Herbalife for three years but she has not taken it to this level until now.

Vice Chair Steve Ethridge said that he had read in the papers about a walk N run event that happens every Saturday at this same address. He then read the paper. It is in the Noticias.

She said that she started this a long time ago and has had only two people on average show up.

Vice Chair Steve Ethridge said that he would really like to know if the neighbor at 1015 is ok with it.

Chairman Tom Greer asked if he was notified.

Lisa Miller said yes. She sent each neighbor a certified letter on the hearing. He was aware of it.

Cathy McCartney said that she would stop be his home again after the meeting to see if he was ok with this.

Vice Chair Steve Ethridge asked what her charges are for her services.

Cathy McCartney said there were no charges for the services but there is a charge for being a club member. It is a membership fee. It is a private club. Gross receipts taxes are charged and paid to the state.

Vice Chair Steve Ethridge asked if she is ADA compliant and if she is going to have older people there.

Cathy McCartney said that if they wished to participate they can. She has a Silver Sneakers certification, a Zumba certification and a Yoga certification. She will use her own name for these.

Vice Chair Steve Ethridge said that the good thing is that it is a Conditional Use and that gives you a certain amount of time to see if it is going to work or not.

Cathy McCartney asked how much time would it give her because she is not sure how much time it is going to take her to get this going.

Lisa Miller said that it can be 6 months to a year.

Cathy McCartney said that she needs a minimum of a year to get this going.

Chairman Tom Greer said that it would be something simple to come and get the Conditional Use renewed.

Cathy McCartney asked if she would have to come back and pay another \$150.00 to extend it.

Steven Tomita said that we could have a review of the Conditional Use in six months and waive the charges but we could not after a year. She would have to submit the request with the fees.

Chairman Tom Greer said that the reason it is done that way is because of the nature of a Conditional Use. It is a non-conforming use and we are not sure how it will work out for you and the City. The City needs to be able to analyze it after a certain amount of time.

Commissioner Debbie Thompson asked what paperwork is required for a new business license.

Lisa Miller said that it would depend on the type of business. The paperwork that I would need for hers is our form along with a CRS Number, a Fire Inspection and the fees. If it was something like a Beautician, I would also need proof of a State license.

Steven Tomita said that the Conditional Use would not go into effect until those requirements are met.

Commissioner Claudine Montano moved to approve the Conditional Use with the following conditions be met:

1. All paperwork required for a business license,
2. It will be a six month Conditional Use to be revisited at that time, with the fees waived,
3. All required inspections are done and approved

Commissioner Gordon Reeves seconded the motion.

Motion approved.

Vote was as follows:

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

DISCUSSION/REVIEW

Downtown Master Plan and Redevelopment Plan

Steven Tomita asked the Commission if they have read the copy that they were furnished with.

The majority of the Commission have read most of it.

Steven Tomita informed the Commission on the status of the Plan. There have been two Workshops. The Plan is in two parts, The Downtown Master Plan and the Metropolitan Redevelopment Plan. The purpose of it being on the Agenda is to have a discussion to convey any other comments or recommendations to be included or modified. At the next meeting it will be on the Agenda as an action item with a recommendation of approval for the Council. The second part of the document, The Metropolitan Redevelopment Plan, will open up opportunities and open up avenues for finance mechanisms. It allows the City, if it has funds, to invest in start up businesses and renewal. It will then go to Council for a public hearing, then again as an action item. This has to be done by the middle of December.

Chairman Tom Greer said that he has been involved with the process of writing this plan and feels that it is done well.

Steven Tomita went over some the projects that are listed in the plan. A brief discussion on the top three projects that and they are the lack of motel rooms, the Old City Hall renovation and the third is building up the tourism in Belen.

Lisa Miller asked the Commission to please read over the document again and make any comments/recommendation by phone, email, or bringing them by the office, so that they can be included by the next P & Z Commission meeting.

Review the findings on the Public Workshop on Architectural Designs

Steven Tomita presented the slide show that was used to rank the different types of architectural designs that were gone over at the workshop. He showed them the ones that were voted out and the ones that were in question.

The Commission decided to leave the ones in question and add a few more, then hold another workshop to see if we can get more participation from the public.

Chairman Tom Greer said that he would send some different photos of buildings that he took while in Temecula to be added to the slides.

Steven Tomita said with the residential slides they seem to go towards the old plantation style, gothic styles, along that line of style.

Commissioner Debbie Thompson asked when they would hold the next workshop on this.

Lisa Miller suggested the last meeting of November.

It was decided that this would be done at the last meeting in November.

OPEN COMMENTS/REQUESTS

Steven Tomita said that the Commission needs to go over the Zoning Ordinance to change the things that really stand out as being something that needs to change. He also said that they need to also be looking at, in conjunction with the County, an overlay zone for the airport. We need to be able to control what goes where around the airport. The reason this has come up is the fact that someone wants to build a home in a direct line with the runway. We can't stop the house from being built. It is approximately 1400 feet away from the runway area. Our only alternative at this point is to turn it over to the FAA because they have restrictions on how close you can build to an airport and its runways.

Chairman Tom Greer asked if we knew why they want to build there.

Steven Tomita said because they own the lot.

Chairman Tom Greer suggested that we find one of our properties and do a land exchange.

