

## AGENDA

**FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 14<sup>TH</sup> OF AUGUST 2017 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

*A COPY OF THE AGENDA MAY BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGENCE**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES:**  
July 31, 2017
- 6. OPEN COMMENTS/REQUESTS**
- 7. PUBLIC HEARING WITH POSSIBLE ACTION**
  - A. REQUEST FOR A ZONE CHANGE FROM A-G TO C-1: ROLAND & VALERIE SANCHEZ.**  
**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Tract 267-B-3 and a six (6) foot strip of Tract 267-B-1-A, containing .4032 acres, located on the corner of Mesa Rd and Camino Del Llano. AKA 701 S Mesa Rd., Belen NM 87002
  - B. REQUEST FOR A ZONE CHANGE FROM R-1 TO C-2: CITY OF BELEN.**  
**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Map 100, a portion of Tract B-1, B-2 & D, Land of the Estate of Beulah Mae Reid, containing 12.48 acres, located on the South side of the Belen High School on Christopher Rd.
  - C. REQUEST FOR A ZONE CHANGE FROM R-1 TO R-2: JUDY JEW,** for the purpose of bringing a non-conforming use into compliance.  
**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Lots 21, 22 & E ½ of 23, Block 10, BTS Addition, aka 310 & 312 W Chavez Ave., Belen, NM, 87002.
  - D. REQUEST FOR A VARIANCE TO ESTABLISH THE USABLE REAR AND SIDE YARD: LAWRENCE & MARGIE GRIEGO**  
**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 19, Lot 4, Luz Sanchez Addition, aka 811 La Luz Dr., Belen, NM, 87002.
  - E. REQUEST FOR CONDITIONAL USE TO INCREASE ALLOWABLE FENCE HEIGHT: ERIN PADILLA AGENT** he purpose of a six foot high front fence height. AKA 517 Gabaldon Rd., Belen NM 87002  
**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 17, Tract C, Land of Clarence Gabaldon, containing .34 ac.
  - F. REQUEST TO CONTINUE THE CONDITIONAL USE: HUB CITY BREWING CO. AT THE RAIL CAFÉ /TOM GREER-AGENT** for the purpose of brewing and distributing Beer in a C-R Zone:

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Tract 46 containing .83 acres, Map 99 MRGCD, AKA: 202 De Soto Ave., Belen, NM.

**8. INFORMATIONAL ITEMS**

- a. Communication from the Commission and Staff

**9. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/

Lisa R Miller

Planning & Zoning Administrator

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact 505-966-2746 at least one week prior to the meeting.

cc: Mayor & City Council  
News Bulletin

Belen Chamber of Commerce  
Belen Recreation Center

Belen Public Library  
Belen City Hall

**JERAH R CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2746  
[www.belen-nm.gov](http://www.belen-nm.gov)

**WAYNE GALLEGOS**  
CITY COUNCIL  
**DAVID CARTER**  
CITY COUNCIL  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCIL

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
JULY 31, 2017**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:02 p.m.

**PRESENT:** Chairman Steve Ethridge  
Vice Chair Pete Armstrong  
Commissioner Claudine Montano

**ABSENT:** Commissioner Gordon Reeves

**CITY STAFF:** Steven Tomita, Economic Development

**PLEDGE OF ALLEGIANCE**

Chairman Steve Ethridge led the Pledge of allegiance.

**APPROVAL OF AGENDA:**

Commissioner Claudine Montano moved to approve the Agenda.

Vice Chair Pete Armstrong seconded the motion.

Motion Carried.

**APPROVAL OF MINUTES:**

Vice Chair Pete Armstrong moved to approve the minutes of June 26, 2017.

Commissioner Claudine Montano seconded the motion.

Motion carried.

**PUBLIC COMMENT**

None.

**DISCUSSION**

**Fencing and Landscape Ordinance**

Steven Tomita informed the Commission that the definitions that have been updated are included in their packet.

Vice Chair Pete Armstrong said that the only thing that he sees wrong with the definitions is that there are a few miss spelling errors in them.

Lisa Miller said that she has already corrected them.

Steven Tomita said that there was a workshop on the fencing & walls. He informed the Commission that they need to attend the workshops especially since they are the ones putting on the workshop. There were two people that attended the workshop. There were some things that were mentioned concerning the fences in the front yard setbacks. It was his understanding that the Commission had decided that there would be no fencing in the front except on large lots, with the exception of a courtyard fence. At the present the draft is saying that a fence can be installed in the front yard once the front setback has been met. It was discussed at the workshop, that there are some big lots within the City where the homes are set at the back of the lots. He informed the Commission that a decision needs to be made as to what was considered a large lot.

Vice Chair Pete Armstrong said that most of the newer developments will have to fall under these guidelines that they are developing now and he is a little troubled about what the impact it will have on the existing fences within the front yards. He has a lot where his home is at least twenty nine feet from the sidewalk and they are looking at homes that are twenty feet back from the sidewalk. He asked how were the ones that are more than the twenty feet minimum required setback.

Steven Tomita said that is where it needs to be defined to maybe ten thousand feet or bigger.

Chairman Steve Ethridge said it also depends on where the home is placed on the lot.

Steven Tomita said you can place a home anywhere on the lot as long as setbacks are met and that is where they need to distinguish the size of the lot. If there is not going to be any fencing in the front yard then they need to look at the size of the lot and distinguish what size of lot these restrictions will pertain to. Will it be 8,000 square feet or smaller, or will it be 10,000 square feet. A part of the problem with our ordinance is that the lot size is not identified. In Queen Creek's ordinances, it identifies the size of the lots. If it is an R-6, it means that the lot is 6,000 square feet. If it says R-9 it is 9,000 square feet. Queen Creek defines the lot size.

Chairman Steve Ethridge asked what the typical lot size is.

Steven Tomita said that a typical lot is approximately 6,000 square feet. There is a subdivision in Albuquerque where the lots are 12,000 square feet.

Vice Chair Pete Armstrong said that he has recently lived in a subdivision where the lots are at least ½ acre in size.

Steven Tomita said that is why he is bringing up the question of lot size. He said that they need to allow a front fence in larger lots and define what a larger lot is.

Commissioner Claudine Montano said that most of the lots in Rio Communities are ¼ acre in size.

Lisa Miller said that her home in Rio Communities is on one acre.

Steven Tomita said that his recommendation would be 12,000 square feet. You are not going to see many lots that size anymore. It is not economical.

Vice Chair Pete Armstrong said that governments are moving away from that also. The more lots they get on an acre the more tax revenue they get.

Steven Tomita said that single family housing does not support itself. It is a burden to the government unless you have 25 homes per acre and then you will only break even.

Vice Chair Pete Armstrong said that he is for a specific size and suggested 10,000. It is a good dividing point.

Everyone agreed.

Steven Tomita said the language needs to be changed to stipulate that. It needs to read that fencing is not allowed in the front yard past the front corner of the building including a front facing garage on any lot 10,000 square feet or smaller. A private courtyard will be allowed in the front for privacy.

Chairman Steve Ethridge asked if the Ordinances have numbers other than the minimum lot sizes.

Steven Tomita said the Ordinance don't have any. There is nothing that defines the actual lot sizes. It was noted, in the workshop, that the examples of the fences did not match the wording. This has been corrected.

Vice Chair Pete Armstrong said that there was some language that talks about allowing things given certain circumstances. Recently his truck was stolen and with working that issue he has come to realize that this community has a very large crime component. One of the things he would like to caution everyone on some of the things that the Commission is doing is only adding to the appeal of our residences for property crime. This is a very delicate subject and it is something that the Commission needs to walk around very lightly and take in the current conditions that exists within this community. This is happening all over and not just in Belen.

Steven Tomita said that he understood what he was saying but are we going to assume that it will never change and we are board ourselves into fortresses.

Vice Chair Pete Armstrong said that what he is saying is that front fencing has been allowed in some areas and it still hasn't had an impact on the crime that has been happening there. As they move forward and if crime stays the way it is today, that any new residential subdivision development, we are asking for the residents within the subdivision to become easier targets for criminal elements.

Chairman Steve Ethridge said that there is not a lot that you can really do about crime except keep plugging along. He doesn't feel that they are encouraging crime by not having a front fence.

Steven Tomita said that you can have as many fences as you want and it still would not stop crime if they were set on it. It is the neighborhood itself that is going to have to stop it.

Vice Chair Pete Armstrong said that he understood that because he has had people come in over his four foot fence and also over his six foot rear fence, but he would hate to see what would happen if he had not front fence at all.

Steven Tomita said that crime comes and goes no matter what is done. If there is an issue concerning this a person can request a conditional use. You are creating a neighborhood that says we have nothing but crime and if you are going to move here, bring your big guard dogs, bring your firearms, etc. because it is an unsafe area.

Vice Chair Pete Armstrong said that there needs to be some type of language included that opens the opportunity for them to come to the city and request a variation to the ordinances due to certain situations.

Steven Tomita asked if the wording needs to be placed in the ordinance that for exceptions they will need to apply for a conditional use. He suggested that it should be placed at the beginning of the Zoning Ordinance under application. This way it is placed in front of the Ordinance so that anything within the Zoning Ordinance may be subject to a variance or conditional use exception. He is hoping that the new neighborhood watch groups that are being formed will help with the problem of criminal activities within a neighborhood. He said the Main St. Group is trying to organize a Walk in the Park or a Walk down Main event where everyone can come together to meet and greet everybody.

Chairman Steve Ethridge asked if he was having problems with criminal activity, what would stop him if he decided to put a couple of geese on his property. Geese are better watchdogs than dogs are and they are not afraid to attack.

Lisa Miller said that there are restrictions for domestic livestock within the City. You may have one unit which consists of one cow, or one horse, or fifteen chickens, etc. per 20,000 square feet of property. She said that she thought that it was four or five geese are considered a unit.

Chairman Steve Ethridge said that you could realistically put a goose or two on your property.

Commissioner Claudine Montano said that if they get too noisy you will have the neighbors complaining.

Steven Tomita said that another problem with geese is that they will even attack their owners. He asked if there was anything else that the Commission sees in the fencing and walls portion of this

Ordinance that needs to be addressed because he would like to move this forward to the City Council. He asked the Commission if they would like to make a motion on the Fencing & Walls Ordinance so that it can move forward to the City Council.

Vice Chair Pete Armstrong moved to approve the Fencing & Walls portion, as modified, and forward this to the City Council for review and approval.

Commissioner Claudine Montano seconded the motion.

Motion carried.

Chairman Steve Ethridge said that he would like to see the final version before moving it forward.

Steven Tomita said that if they do that it will have to come back to the next meeting and it would not be reviewed and approved until September.

Chairman Steve Ethridge asked if there is some importance that this move forward.

Steven Tomita said yes. There is another Ordinance that the Commission needs to work on.

Vice Chair Pete Armstrong said that the Commission owes the Council a new version. The previous one was sent back to be done again.

Steven Tomita said that if a comment is made that you want a change, and it is not a major change, the Commission may adopt that without having the Commission reconvene on it.

Chairman Steve Ethridge said that if it is under the agenda item of discussion should it not have been placed on the agenda as an action item if they are voting on it.

Steven Tomita said that it is questionable because they have already acted on it. They approved it and held a workshop on it for any public comments. It is not a zoning issue. The Commission is accepting as it is and moving it on to the City Council for final review and approval.

Vice Chair said that this was the second time they had seen it and it is ready to go to City Council.

Steven Tomita said that it will be printed up so that you may review it in its final version. He spoke on the terms of a Conditional Use and a Variance. A Variance is used if there is a physical condition. A Conditional Use is used for a certain set of circumstances. The Variance has been overused. A Conditional Use is what should be used for a fence height request. He would also like to implement an agreement between the applicant and the City on the terms of any Conditional Use and Variance. The Commission needs to establish the length of time for each Conditional Use. As it is, it is either 6 months or a year.

Vice Chair Pete Armstrong said that it is his understanding that they are talking about residential at this time and not expanding it to other uses in the City.

Steven Tomita said that a Conditional Use and a Variance applies to all land uses within the zoning ordinance.

Vice Chair Pete Armstrong said that he has some issues on the impact that it may have on the applicant if the time frames are too short.

Steven Tomita said that it is what the Commission will decide when an applicant comes for a hearing. The time periods will be decided on an individual basis.

Chairman Steve Ethridge asked if a person came in and asked for a conditional use to place a second (Mobil home) on the property to take care of an elderly parent/relative, this agreement would say that it would be allowable until the ill or elderly parent/relative passed away and at that point the second home (Mobile home) would have to be removed.

Lisa Miller said that the county has it that way, but you have to prove that the elderly parent/relative needs care. That is usually done with doctor's written acknowledgement. It is then that the second home is removed.

Steven Tomita said that he would like the Commission to look over the landscape Ordinance from Queen Creek. The City's existing one does not go into any great detail. The Commission has worked on this before but needs to get into more detail. Queen Creek's landscaping regulations go into a lot more detail. Queen Creek wanted 25% shade trees to keep out some of the heat in the area. The Commission needs to really look at the types of trees and incorporate planting methodology that promotes root growth that goes down instead of spreading out and causing problems with uplifting sidewalks, etc.

Commissioner Claudine Montano asked what makes some of the sidewalks shift and uplift even if there are no trees around.

Steven Tomita said that the expanding roots from trees can travel some distances and sometimes it has to do with the expansion joints in the sidewalk.

Vice Chair Pete Armstrong asked if the Queen Creek regulations apply to individual lots and subdivision lots.

Steven Tomita said they apply to individual lots and to the whole area, including public areas. A developer is expected to provide landscaping when he develops a subdivision or offices, etc. An individual home builder will have to provide the landscaping for his own front and back yard.

Vice Chair Pete Armstrong said that he would like a little time to go over the Queen Creek regulations before moving on. He would also like to see an approved list of shrubs, trees, ground cover plants for our area. Chinese Elms are a problem with the City and so are the mulberry trees. In some places you can see where the fruit of the mulberry tree are covering the ground, staining sidewalks, etc. A little thought needs to go into what is existing and what we would like in the future.

Steven Tomita said it is very critical. It isn't just for new development but also for what is re-developed and repaired. There is now a horticulturist that is living in the City that we may be able to get with her on some of this.

Vice Chair Pete Armstrong said that you also need to take into consideration on who is going to maintain areas such as the parkways, the public sidewalks areas, etc.

Steven Tomita said that is usually done by the City and in some Cities the homeowner is responsible for the sidewalk area in front of their homes.

Commissioner Claudine Montano said that our Main Street is pretty dull.

Steven Tomita said that there is no water available. The City's irrigation system is not working at this time. The City is working on getting it repaired and turned back on.

Chairman Steve Ethridge said that he liked where Queen Creek has restricted planting trees under or too close to street lights.

Steven Tomita said that Queen Creek goes into more detail. They also go into open spaces, how wide streetscapes should be, landscaping under the trees and the spaces between plants.

The Commission had a discussion on Bermuda grass. The plus and the minus of having Bermuda grass in a yard.

Steven Tomita said that in Arizona they have two seasons of grasses that are used. During the summer they grow the tiff grass because it can take the heat and is drought tolerant. During the winter they grow fescue. This way it is always green.

Chairman Steve Ethridge asked if the Commission could go over half of Queen Creeks regulations and have comments and suggestions at the next meeting.

Lisa Miller said that the Commission will not have time to work on this at the next meeting. There are six requests that a scheduled for that meeting.

Steven Tomita said that Lisa will incorporate what the Commission has already done into the Queen Creek regulations. He reminded the Commission that the land uses in the Queen Creek regulations such as R130, refers to the lot size. An R 130 is a 13,000 square foot lot.

Vice Chair Pete Armstrong said that he would like a follow-up on the existing Comprehensive Plan copies for the Commission.

Lisa Miller apologized and said that she forgot to make copies for them.

Steven Tomita informed the Commission that the application for the CDBG grant money to write a new Comprehensive Plan got denied and returned. He has to go back and do major revisions to the application. It was not written by him so this time he is going to write it.

Chairman Steve Ethridge asked who reviews those applications.

Steven Tomita said that it is federal funding and it is reviewed by the state. The DFA.

**COMMUNICATIONS FROM THE COMMISSION AND STAFF**

Steven Tomita said that there a lot of investors looking at Belen. Land is being purchased. Jardin De Belen has been purchased. It is his understanding that there will be a home builder coming in to build home and then rent them out. De La Reina has been sold for developing out that subdivision. The construction permit has been issued for the Love's Truck Stop and they are ready to break ground. Circle k is moving forward with their plans to build a new store just south of where they are presently. Dominos is moving forward with getting a new store. It will be located on the corner of Reinken Ave. and Main St. where Bernie's used to be.

Lisa Miller said that Yucca Veterinary will be submitting their construction plans for the new vet clinic that is going in on S Main St.

Chairman Steve Ethridge asked if local contractors will be used.

Steven Tomita said that a contractor out of Los Lunas, which does a lot of the local work, will be the one building in the Jardin De Belen Subdivision. He has been a home builder for years. There will be some announcements in a couple of weeks.

Chairman Steve Ethridge said that he will be the number one cheerleader for all of the new developments that are going to happen.

Vice Chair Pete Armstrong said that as people start looking at this community, this community has to get some of the problems discussed earlier, taken care of or minimized. Those type of issues are deal breakers.

Commissioner Claudine Montano said that she could not believe that the thugs are walking the streets at three in the morning.

Chairman Steve Ethridge said that they never sleep.

Vice Chair Pete Armstrong said they sleep all day and roam all night. He has been informed that the fencers give out lists of what to look for.

Chairman Steve Ethridge said that he likes the new layout of the agenda. He thinks the new big screen in the Council Chambers is a good thing but can be a distraction. By distraction he means that if he is looking at his notes and loses his place on the screen.

Steven Tomita said it is useful because it does draw attention to it. The public needs to see what the Council or Commission are looking at. It also gives a clearer picture on a big screen. An example of its use is when he used it to show the two homes that the Council was looking at to condemn. On a regular screen you could not really see what he and Charles saw when they inspected these homes, but on the big screen it is very clear.

Chairman Steve Ethridge asked if he always went with Charles to inspect homes like that.

Steven Tomita said yes because the Fire Department also needs to declare a building unsafe and unlivable so that it can be condemned by the City.

Commissioner Claudine Montano asked for clarity on where the new Circle K will be building.

Steven Tomita said that they will be building just south of their present location. They will be from Aragon South to where Garcia & Sons are located. Three homes will be taken down on Aragon and the trailer court will disappear. The location of the building will be within three hundred feet of the overflow parking lot next to the school. This parking lot is owned by the school. This is the area that Circle K is requesting a waiver from the City. The state has requested that the City grant a waiver for the overflow parking lot. The store will at least have a deli in it and have seven pumps.

Commissioner Claudine Montano said that she has seen what the new Circle K's look like. There is a new one on Coors in Albuquerque. It is very nice.

**ADJOURNMENT**

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

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:45 pm.

\_\_\_\_\_  
Chairman Steve Ethridge

**ATTEST:** \_\_\_\_\_  
Steven Tomita, Economic Development Director

**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



**CITY OF BELEN**  
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**FRANK ORTEGA**  
CITY COUNCILOR

July 26, 2017

Roland K III & Valerie Sanchez  
701 S Mesa Rd  
Belen NM 87002

RE: Zone Change Request-701 S Mesa Rd

Dear Mr. & Mrs. Sanchez:

Attached you will find the public notice of hearing for the request for a zone change from A-R to C-1 for the above referenced location. Please plan to attend this meeting to present your request and answer any questions that the Planning & Zoning Commission might have.

You will also find the two notices that need to be posted at the above referenced location. Please post one on the S Mesa Rd location and one on the Camino Del Llano location. These notices must be posted 15 days before the hearing date.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Lisa R Miller". The signature is written in a cursive style.

Lisa R Miller  
Planning & Zoning Administrator

cc: File

**CITY OF BELEN, NEW MEXICO  
AMENDMENT TO ZONING MAP APPLICATION  
(ZONE CHANGE)**

Applicants Name: Roland & Valene Sanchez (La Luz Dental Laboratory) Phone: 505-864-7000  
Address: 701 S. Mesa Rd  
Authorized Agents Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Address of Property: 701 S. Mesa Rd Belen, NM 87002  
Block and Lot: \_\_\_\_\_ Addition: \_\_\_\_\_  
Tract Number: 267-B-3 & 6th strip of 267-B-1-A Map: MRGLD Map 100  
Total acreage in Tract: .4032  
Number of Dwellings: 2 Density/Acre: \_\_\_\_\_  
Zoning of Property: Agriculture Present Use: residential  
Requested Zoning: Commercial

**APPLICATION REQUIREMENTS**

- The following material must be provided by applicant.
- Filing fee of \$250.00
  - Letter of transmittal, describing existing zoning, proposed zoning and reasons for the request.
  - Affidavit of ownership.
  - A scaled drawing describing the survey of tract boundaries, the location of all roads on and adjacent to the tract, the existing zoning for the tract and adjacent properties.
  - Survey plat showing boundary, metes and bounds description of the land proposed for rezoning.
- The Applicant must also do the following:
- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.
- NOTE:** Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Amendment to the Zoning Map. I have examined and am familiar with the zoning regulations of the present zone and the requested zone. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

[Signature] \_\_\_\_\_ Date: 6/23/2017

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION AND THE BELEN CITY COUNCIL.**

Planning and Zoning Commission Meeting Date: 8-14-17 Approved/Disapproved: \_\_\_\_\_  
Belen City Council Meeting Date: \_\_\_\_\_ Approved/Disapproved: \_\_\_\_\_

FEE PAID: \$250.00 6-23-17 RECEIPT NO.: 14-004792 DATE: 6-23-17

OWNERS AFFIDAVIT

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We,  
I Valerie Sanchez  
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
701 S. Mesa Rd Belen, NM 87002, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

zone change through the City of Belen. Furthermore, (I) (we) hereby appoint  
\_\_\_\_\_ of \_\_\_\_\_ as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

Signed

Valerie Sanchez  
704 Christopher Rd

Address

Belen, NM 87002

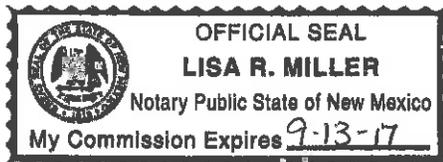
505-363-1776  
Phone

Subscribed and sworn to before me this 23 day of June, 20 17.

Lisa R. Miller  
Notary

My Commission Expires:

9-13-17



06/23/2017

Letter of transmittal

Re: 701 S. Mesa Rd., Belen, NM 87002

To whom it may concern,

I am requesting our recently purchased property be rezoned. Currently the address is zoned as agricultural. We would like the property to be zoned commercial. We plan to conduct business for our dental laboratory, La Luz Dental Laboratory, out of this location. Our laboratory manufactures and repairs prosthetic dental appliances such as dentures and partial dentures. This business does not serve the public. We work directly with dental offices who send work from their practices. We currently have two employees. Our tax-id # is 81-4690849.

Thank you so much for considering this request. Should you have any questions, please give me a call.



Valerie Sanchez  
505-363-1776  
505-864-7000



701 S Mesa Rd  
Zone Change Request

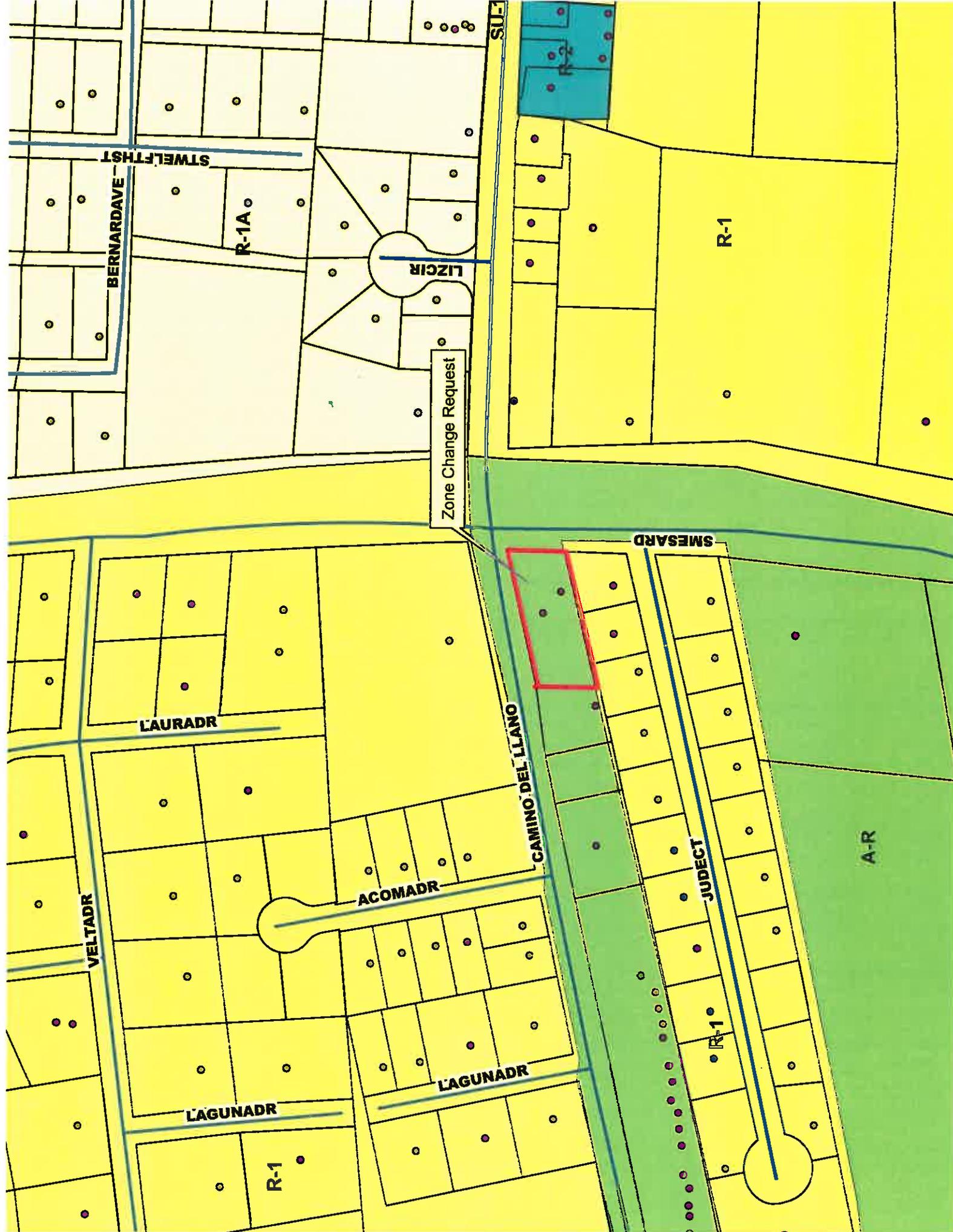
CAMINO DEL LLANO

LAURADR

LIZCIR

SMESARD

JUDECT



Zone Change Request

STWELTHST

BERNARDAVE

R-1A

LIZCIR

SU-

R-1

SMESARD

LAURADR

CAMINO DEL LLANO

ACOMADR

JUEDECT

A-R

VELTADR

LAGUNADR

LAGUNADR

R-1

R-1



**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A ZONE CHANGE FROM A-G TO C-1: ROLAND & VALERIE SANCHEZ.**

**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Tract 267-B-3 and a six (6) foot strip of Tract 267-B-1-A, containing .4032 acres, located on the corner of Mesa Rd and Camino Del Llano. AKA 701 S Mesa Rd., Belen NM 87002

You are further notified that this public hearing will be held on **Monday, August 14, 2017 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: July 27, 2017**

VALENCIA  
COUNTY

# News-Bulletin

For Inquiries Please Call: (505) 864-4472

Account Number  
1001840

## Ad Proof/Order Confirmation

Ad Order Number  
0001362596

CITY OF BELEN  
100 SOUTH MAIN ST  
BELEN, NM 87002 USA

Ordered By LISA  
Customer EMail  
Ad Cost \$34.61  
Tax Amount \$2.88  
Total Amount \$37.49  
Amount Due \$37.49

Customer Phone 5058648221  
PO Number 1236  
Sales Rep abaldonado  
Order Taker abaldonado  
Payment Method Credit Card  
Payment Amount \$0.00

Joint Ad #

Affidavits 0

Product News Bulletin  
Ad Number 0001362596-01  
Ad Type 0 Legals  
Ad Size 1 X 47 li  
Color

Pick Up #

Placement 0Legal Notices  
Classification 0Government  
Sort Text NOPH- MESA RD

Run Date  
07/27/2017

WYSIWYG Content

CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a REQUEST FOR A ZONE CHANGE FROM A-G TO C-1: ROLAND & VALERIE SANCHEZ.

**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Tract 267-B-3 and a six (6) foot strip of Tract 267-B-1-A, containing .4032 acres, located on the corner of Mesa Rd and Camino Del Llano. AKA 701 S Mesa Rd., Belen NM 87002.

You are further notified that this public hearing will be held on Monday, August 14, 2017 at 8:00 PM, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

Published in the Valencia County News-Bulletin on July 27, 2017.

17.48.010

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2
Hospital; sanatorium; private nursing home	C			C	C	C	X				C	C	X
Hotel; motel; motor lodge							X			X			X
Ice cream store						X	X			X			X
Ice house							X	X					
Interior decorators						X	X	X		X			X
Janitorial service; supplies							X	X					X
Jewelry manufacture and wholesalers							X	X		X			C
Jewelry store (retail)						X	X			X			X
Judo, karate instruction						C	X			X			X
Junk yard; salvage operation									X				
Laboratory (dental, medical)							X	X					C
Laboratory (research, testing)							C	X					C
Laundromat; dry cleaning; linen supply				C	C	C	X	X					X
Library	X	X	X	X	X	X	X			X	X	X	X
Liquor wholesalers							X	X					
Locksmith						X	X	X		X			X
Lumber yard (retail and wholesale)							X	X					
Machine shop; metal fabrication; products								X					
Mobilehome parks									X				
Mobilehome and trailer sales; service; repair							X	X					
Motorcycle sales; service; repair							X	X					X
Moving and transfer company							X	X					
Museum						C	X			X			X
Music store						X	X			X			X
Nonprofit membership clubs				X		X	X	X		X			X



08.04.2017 10:14



08.04.2017 10:15



08.04.2017 10:15



08.04.2017 10:15



08.04.2017 10:16



08.04.2017 10:16

## Chapter 17.12 - A-R AGRICULTURAL/RESIDENTIAL

**Sections:**

## 17.12.010 - Intent.

The purpose of this zone is to provide for agricultural and related activities, and low density residential uses that are conducive to a rural atmosphere and do not attract large numbers of people. Residential density shall not exceed one (1) single-family dwelling unit per acre.

(Ord. No. 2015-14, 11-16-2015)

## 17.12.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses allowed in this zone district.
- B. Stands for the display and sale of agricultural products.
- C. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat, camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not connected to utilities. The boat, camper, trailer, or vehicle must be stored on private property.
- D. Home occupations are permitted only to the extent authorized by the definitions in this title.
- E. Fences or walls not exceeding six (6) feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four (4) feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three (3) feet in height for a wall or solid fence in those areas within the front setback of a lot.

(Ord. No. 2015-14, 11-16-2015)

## 17.12.030 - Supplementary regulations.

- A. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise provided in this title.
- B. Setback.
  - 1. Front, twenty (20) feet;
  - 2. Rear, fifteen (15) feet:
    - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten (10) feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with chapter 15.32 drainage regulations of the Municipal Code and maintain any and all public utility easements.
    - b.

An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five (5) feet from the alley.

3. Side, five (5) feet on each side.

C. Off-Street Parking. Provided in chapter 17.56 of this title.

D. Off-Street Loading. Provided in chapter 17.56 of this title.

(Ord. No. 2015-14, 11-16-2015)

## 17.32 - C-1 GENERAL COMMERCIAL

### Sections:

#### 17.32.010 - Intent.

The purpose of this zone is to provide for those commercial uses which serve the community on a day-to-day basis such as retailing, financial, and personal services.

(Ord. No. 2015-14, 11-16-2015)

#### 17.32.020 - Accessory uses.

All accessory uses in this zone shall be the same as those listed in the R-2 zone district.

(Ord. No. 2015-14, 11-16-2015)

#### 17.32.030 - Supplementary regulations.

A. Area. Any lot under a residential use shall have a minimum ground area of seven thousand (7,000) square feet and a minimum width of seventy (70) feet.

B. Setback. Any lot under a residential use shall have the same setback requirements as those prescribed in the R-2 zone district. Any lot in commercial use shall have a front setback of six (6) feet.

C. Height. No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.

D. Off-Street Parking. Provided in chapter 17.56 of this title.

(Ord. No. 2015-14, 11-16-2015)

## Chapter 17.56 - OFF-STREET PARKING AND LOADING

**Sections:**

## 17.56.010 - Off-street parking requirements.

- A. In all zone districts, there shall be provided, at the time any new building or structure is erected, off-street parking spaces as set forth in the following subsections. All existing buildings or structures need supply such parking only to the extent ground space is available. Off-street parking must be provided on site or within three hundred (300) feet of the site.
- B. The minimum number of parking spaces to be provided shall be as shown on the following list:
1. Single-family dwellings: two (2) spaces per dwelling unit;
  2. Multifamily dwellings: two (2) spaces per dwelling unit;
  3. Mobilehome parks and travel trailer courts: two (2) parking spaces per mobilehome space or travel trailer space;
  4. Home occupation: no additional spaces;
  5. Hotels and motels: one (1) space per unit and one (1) space per two (2) employees;
  6. Hospitals, clinics, and convalescent or nursing homes: one (1) space per two (2) beds and one (1) space per staff doctor;
  7. Medical and dental offices: five (5) spaces per doctor;
  8. Places of public assembly, including churches, community centers, auditoriums, theaters, gymnasiums, arenas, and mortuaries: one (1) space per four (4) seats;
  9. Club, lodge, or fraternal organization: one (1) space per two hundred (200) square feet of floor area;
  10. Banks, offices, service establishments, retail businesses, and public buildings: one (1) space per three hundred (300) square feet of floor area;
  11. Restaurants (except drive-ins), bars: one (1) space per four (4) seats;
  12. Industrial, manufacturing, and wholesale establishments: one (1) space per two (2) employees on largest shift;
  13. Shopping center developments: five (5) spaces per one thousand (1,000) square feet of floor area;
  14. Bowling alleys: four (4) spaces per alley;
  15. Laundromats: one (1) space per three (3) machines.
- C. For mixed uses within the same building or structure, the total requirement for off-street parking spaces shall be the sum of the requirements of each use computed separately.
- D. The following minimum design standards shall be observed in laying out off-street parking facilities:
1. All facilities must provide appropriate access to a street, alley, or public thoroughfare.
  2. All driveways shall be of sufficient width to permit access into parking spaces, but in no case less than twenty (20) feet wide.

3. Each parking space shall consist of an area not less than nine (9) feet wide by twenty (20) feet long exclusive of driveway area.
- E. An applicant for a building permit must submit plans showing the off-street parking required by this section. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory to the zoning enforcement officer.

(Ord. No. 2015-14, 11-16-2015)

#### 17.56.020 - Off-street loading requirements.

- A. Under the conditions of this section, loading space shall be provided for bulk pickups and deliveries and accessible to delivery vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included in the computation of required off-street parking space.
- B. Individual loading spaces required under this section shall be at least fifty (50) feet long and twelve (12) feet wide, and shall be located on private property.
- C. Every building or structure used for commercial or industrial purposes shall be provided with off-street loading space.
- D. Buildings or structures used for office or research purposes and having a total floor area of at least twenty thousand (20,000) square feet shall be provided with off-street loading space.

(Ord. No. 2015-14, 11-16-2015)

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(Ord. No. 2015-14, 11-16-2015)



**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2730 • FAX (505) 864-8408  
www.belen-nm.gov

**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

August 7, 2017

**ZONE CHANGE REQUEST**

**Location: 701 S Mesa Rd., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential-vacant      **Lot Size:** Tract B-2 (7.0152 Acres) & Tract D (5.4635 Acres)

Direction	Zoning	Existing Land Use
North	R-1	Single Family Residential
East	R-1A & R-1	Single Family Residential and Paradigm Physical Therapy Business
South	R-1	Single Family Residential
West	A-R & R-1	Single Family Residential

\*See attached zone map.

**REQUEST**

The applicant is requesting a Zone Change from R-1 to C-2

A-R Requirements	C-1 Requirements
1 Residence per acre	Residential Use is 7,000 Square Feet Commercial – does not say
Front Setback- 20 Feet	Commercial-6 Feet, Residential-20 Feet
Rear Setback- 15 Feet	15 Feet
Side Setback- 5 Feet	5 Feet
Off Street Parking – 2 per Single Family Dwelling	As per 17.56

\*See attached A-R and C-1 Zoning Regulations & Off-Street Parking

### **STAFF FINDINGS**

1. The Zoning surrounding this request is R-1, A-R and R-1A.
2. The surrounding area consists of Single Family Residential Homes, and Paradigm Physical Therapy Business. Farther to the west is a Mobile Home/RV park. Up by the I-25 Interchange there is a Loves Truck Stop going in.
3. Camino Del Llano is an Arterial Road going from S Main and connecting to an I-25 Interchange. Mesa Road is a Major Collector Road all the way from I-25 Bypass to Camino Del Llano.

**CITY OF BELEN, NEW MEXICO  
AMENDMENT TO ZONING MAP APPLICATION  
(ZONE CHANGE)**

Applicants Name: City of Belen Phone: 505-966-2745  
Address: 100 S. Main Street  
Authorized Agents Name: Steven Tamara Phone: 505-966-2745  
Address: \_\_\_\_\_

Address of Property: South side of Belen High school on Christopher  
Block and Lot: \_\_\_\_\_ Addition: \_\_\_\_\_  
Tract Number: Portion of tract B-1, B-2 + D Map: 100  
Total acreage in Tract: 12.48 AC  
Number of Dwellings: NONE Density/Acre: \_\_\_\_\_  
Zoning of Property: R-1 Present Use: empty land  
Requested Zoning: C-2

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

- Filing fee of \$250.00 N/A
- Letter of transmittal, describing existing zoning, proposed zoning and reasons for the request.
- Affidavit of ownership. N/A
- A scaled drawing describing the survey of tract boundaries, the location of all roads on and adjacent to the tract, the existing zoning for the tract and adjacent properties.
- Survey plat showing boundary, metes and bounds description of the land proposed for rezoning.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

**NOTE:** Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Amendment to the Zoning Map. I have examined and am familiar with the zoning regulations of the present zone and the requested zone. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

[Signature]  
Signature of Applicant

7/28/17  
Date

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION AND THE BELEN CITY COUNCIL.**

Planning and Zoning Commission Meeting Date: 8-14-17 Approved/Disapproved: \_\_\_\_\_  
Belen City Council Meeting Date: \_\_\_\_\_ Approved/Disapproved: \_\_\_\_\_

FEE PAID: N/A RECEIPT NO.: \_\_\_\_\_ DATE: 7-28-17

In June 2017, the Belen Planning & Zoning Commission heard a zone change request, for two parcels located directly to the north of these two parcels laying on each side of Christopher Road and bordering the Belen High School. That request was to rezone those two parcels to Commercial C-2 which allows for a mixture of higher intensity uses including commercial, multifamily, entertainment, etc. The Commission voted unanimously to recommend approval of the rezoning by the City Council at which time the case moved forward to City Council and was approved.

It was noted in the rezoning hearing that there were two parcels directly adjoining the rezoned parcels that remained with a residential zoning designation and they were an island amongst higher intensity zoning all along Christopher Road. During the hearing, it was suggested by Planning Staff and supported by the Commission members that the City initiate rezoning of those two remaining parcels of land to C-2 to bring them into consistency with adjoining properties and land along Christopher Road. The owner of these two parcels was present at that Commission meeting and staff approached him at the end of the hearing to inquire if he would be supportive of the City initiating the rezoning. The owner expressed his support.

Although the City has to authority to initiate rezoning of properties within the City without owner authorization, if it is deemed that rezoning is consistent with surrounding land uses, the City's Comprehensive Plan and any other applicable master planning, City staff contacted the property owner and officially obtained his approval for the City to initiate this rezoning action taking the land use from R-1 to C-2.

As noted above and as presented in the previous rezoning case, the C-2 land use would be consistent with the land uses existing along Christopher Road and adjoining Camino del Llano. The rezoning would establish what the Planning Department deems as the highest and best use of the parcels considering the High School to the north and traffic along Christopher Road, the Presbyterian urgent care center and other medical offices along the road, multifamily housing and planned further clinics, possible hospital and commercial activities planned to occur both along Christopher Road and Camino del Llano.

The Planning and Zoning Department recommends and requests the Planning & Zoning Commission approve this rezoning from R-1 to C-2 commercial use.

If an email will work, here it is:

Dear City of Belen,

I have no issue with the city of Belen changing the property with Parcel Number 1006028100185000000 to be changed from R1 to C2. This property is located on Christopher Road and south of Belen High School.

Thank you,  
David Faucett  
email: [dlfauce@msn.com](mailto:dlfauce@msn.com)  
phone (505)296-0896

Thank you Lisa for your quick response.  
David Faucett

---

**From:** Lisa Miller <[Lisa.Miller@belen-nm.gov](mailto:Lisa.Miller@belen-nm.gov)>  
**Sent:** Friday, July 21, 2017 2:31:42 PM  
**To:** [dlfauce@msn.com](mailto:dlfauce@msn.com)  
**Subject:** Zone Change

David,  
What I need from you is a letter stating that you do not have an issue with the City changing the zoning on your property up by the High School.

Lisa Miller | Planning & Zoning Administrator

Planning & Zoning Department  
City of Belen  
100 S. Main St  
Belen, NM 87002  
Office/Fax: 505-966-2746

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Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

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**CITY OF BELEN  
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**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A ZONE CHANGE FROM R-1 TO C-2: CITY OF BELEN.**

**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Map 100, a portion of Tract B-1, B-2 & D, Land of the Estate of Beulah Mae Reid, containing 12.48 acres, located on the South side of the Belen High School on Christopher Rd.

You are further notified that this public hearing will be held on **Monday, August 14, 2017 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: July 27, 2017**

# VALENCIA COUNTY News-Bulletin

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Account Number  
1001840

## Ad Proof/Order Confirmation

Ad Order Number  
0001362708

CITY OF BELEN  
100 SOUTH MAIN ST  
BELEN, NM 87002 USA

Ordered By LISA

Customer Phone 5058648221

Joint Ad #

Customer Email

PO Number 41236

Ad Cost \$33.98

Sales Rep abaldonado

Tax Amount \$2.83

Order Taker abaldonado

Total Amount \$36.81

Payment Method Credit Card

Amount Due \$36.81

Payment Amount \$0.00

Affidavits 0

Pick Up #

Product News Bulletin  
Ad Number 0001362708-01  
Ad Type 0 Legals

Placement Classification  
Sort Text

0Legal Notices  
0Government  
NOPH- BEULAH MAE REID

Ad Size 1 X 46 li

Color

Run Date  
07/27/2017

WYSIWYG Content

CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221

**NOTICE OF  
PUBLIC HEARING**

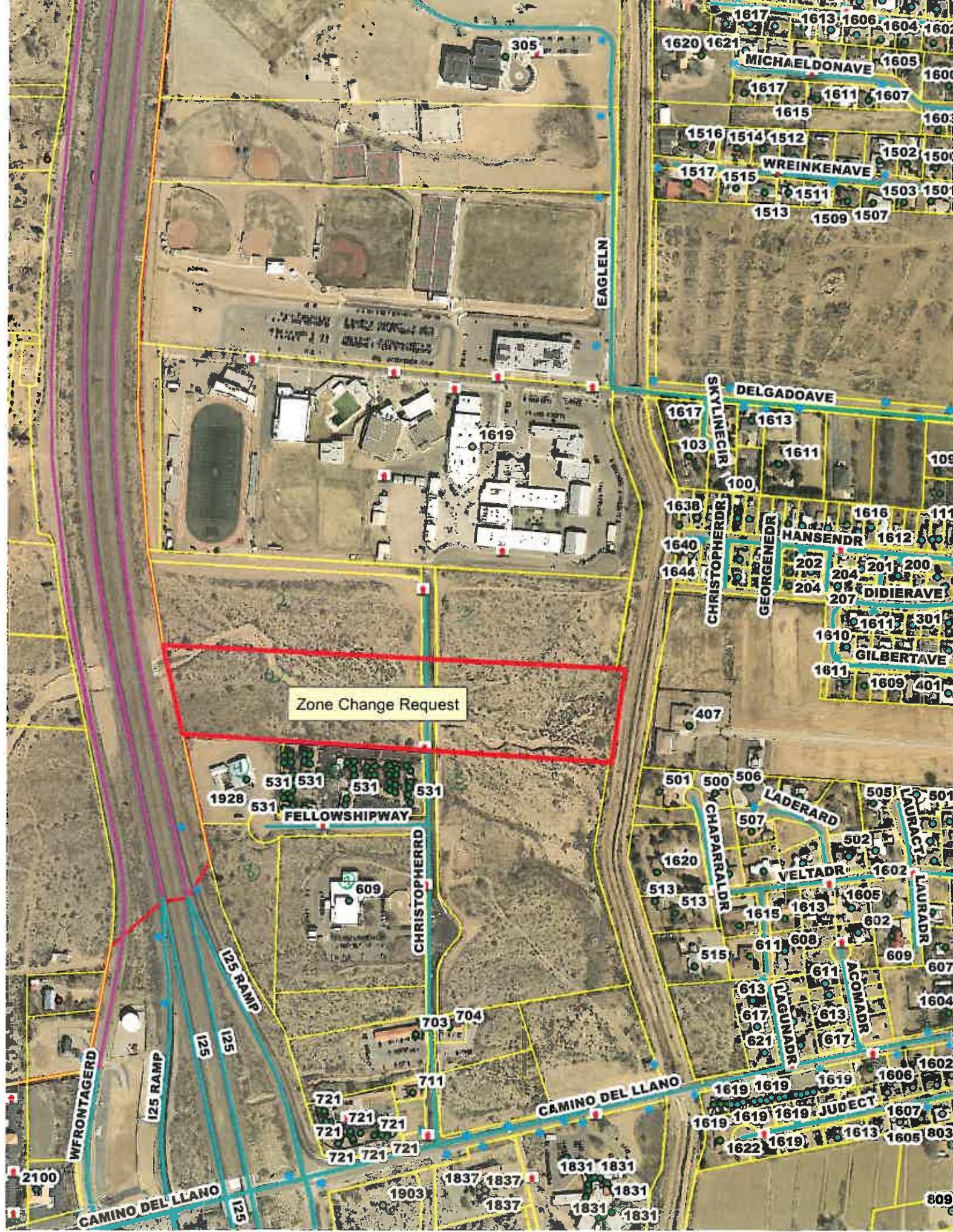
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Published in the Valencia County News-Bulletin on July 27, 2017.





Zone Change Request

EAGLELN

MICHAELDONAVE

WREINKENAVE

DELGADOAVE

SKYLINECIR

HANSENDR

GEORGENDR

DIDIERAVE

GILBERTAVE

FELLOWSHIPWAY

CHRISTOPHERDR

CHAPARRALDR

LADERARD

VELTADR

ACOMADR

LAGUNADR

CAMINO DEL LLANO

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I25 RAMP

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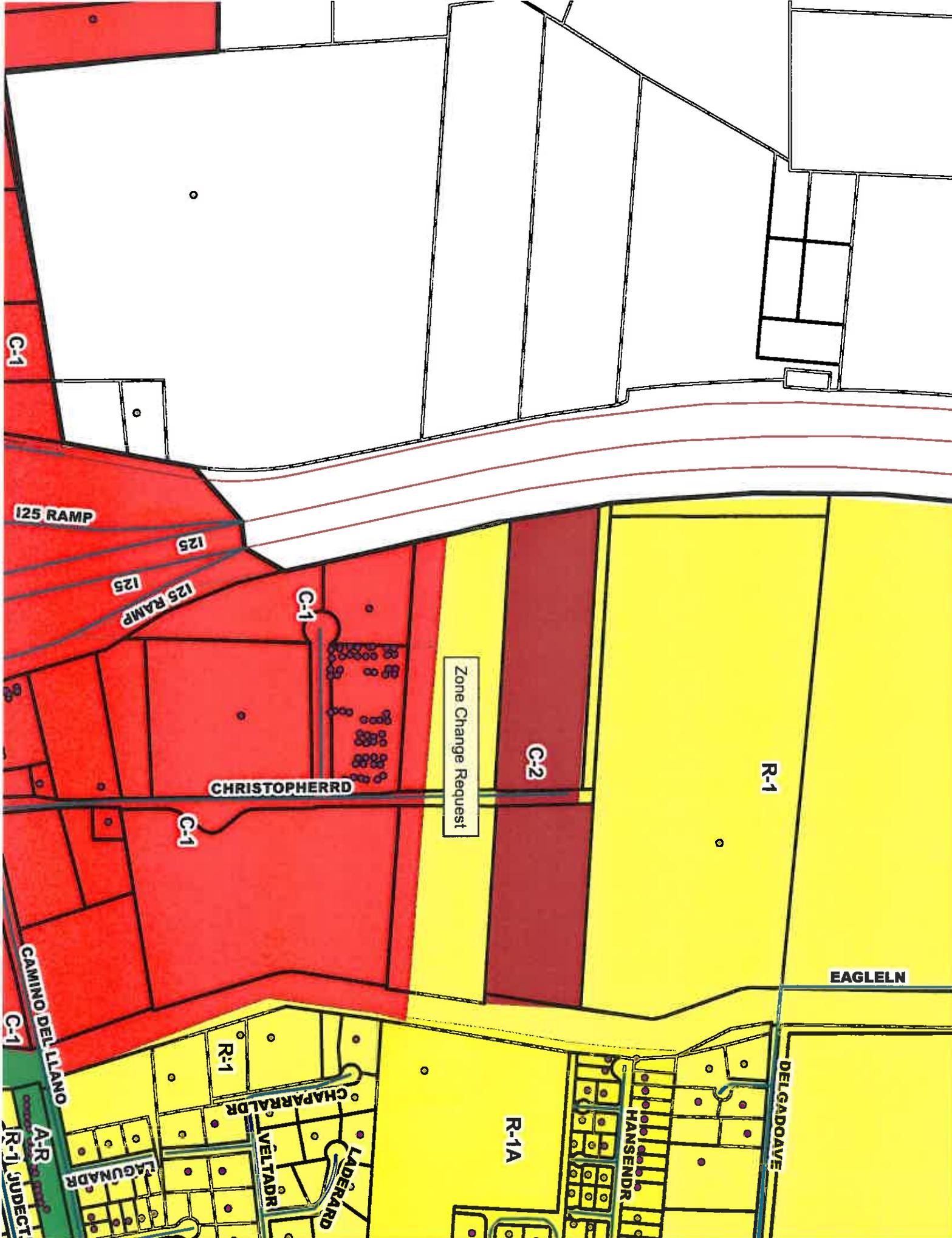
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C-1

125 RAMP

125

125

125 RAMP

C-1

CHRISTOPHER RD

C-1

Zone Change Request

C-2

R-1

EAGLE LN

CAMINO DEL LLANO

C-1

R-1

CHAPARRAL DR

VELTADR

LADÉARD

LAGUNADR

R-1A

HANSEDR

DELGADO AVE

A-R  
R-1 SUBJECT



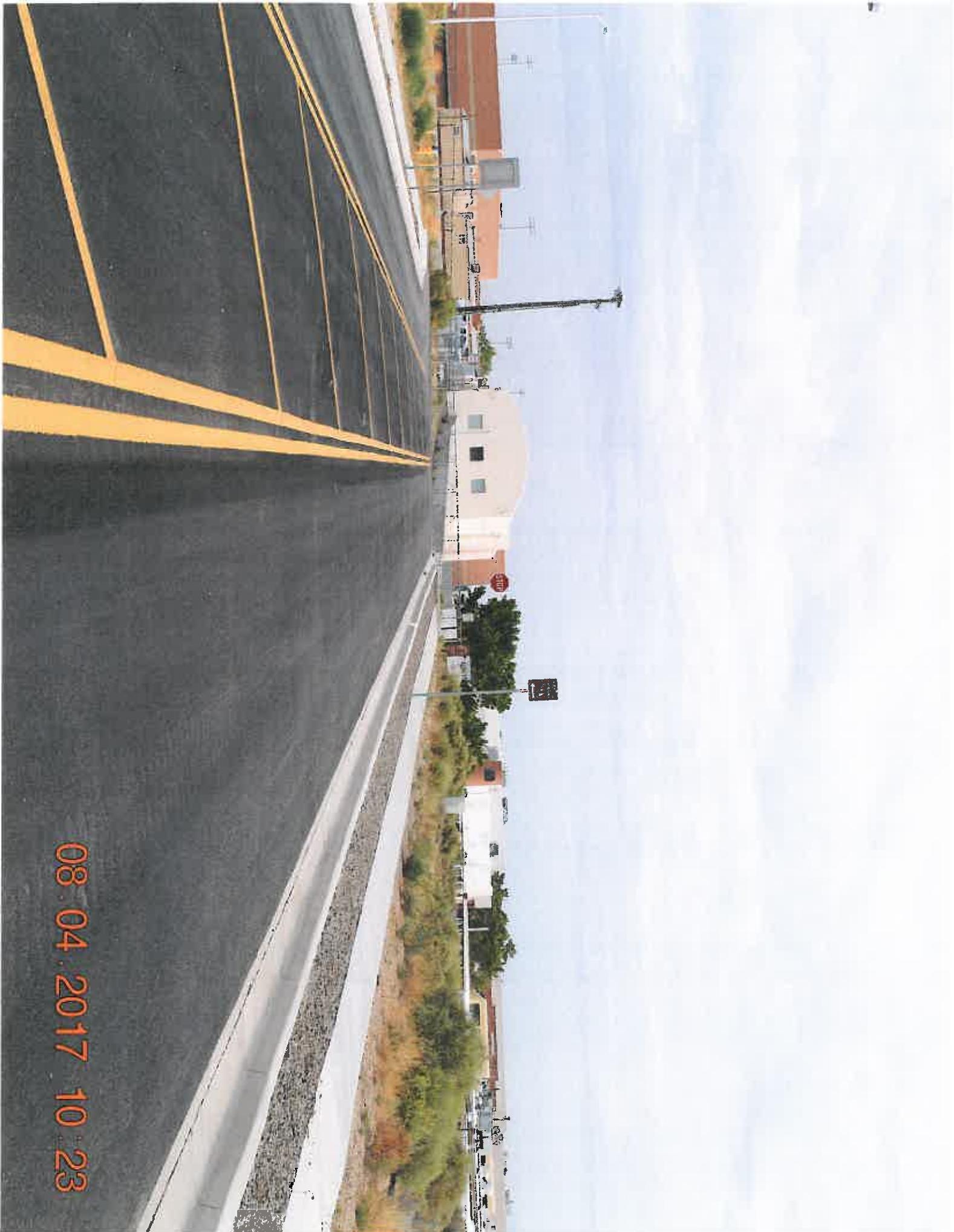
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## Chapter 17.16 - R-1 SINGLE-FAMILY RESIDENTIAL

**Sections:**

## 17.16.010 - Intent.

The purpose of this zone is to allow conventional, on-site constructed, single-family dwelling units and those uses which are both compatible with and convenient to the residents of such a neighborhood. Density shall be limited to one (1) dwelling unit per lot. Land uses such as churches, schools, and parks are allowed.

(Ord. No. 2015-14, 11-16-2015)

## 17.16.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses in this zone district.
- B. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat, camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not connected to utilities. The boat, camper, trailer or vehicle must be stored in a rear or side yard.
- C. Home occupations are permitted only to the extent authorized by the definitions in this title.
- D. Fences or walls not exceeding six (6) feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four (4) feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three (3) feet in height for a wall or solid fence in those areas within the front setback of a lot.

(Ord. No. 2015-14, 11-16-2015)

## 17.16.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of six thousand (6,000) square feet and a minimum width of sixty (60) feet.
- B. Setback.
  1. Front, twenty (20) feet;
  2. Rear, fifteen (15) feet:
    - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten (10) feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with chapter 15.32 drainage regulations of the Municipal Code and maintain any and all public utility easements.
    - b. An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five (5) feet from the alley;

3. Side, five (5) feet on each side.
  - C. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise provided in this title.
  - D. Off-Street Parking. Provided in chapter 17.56 of this title.
- (Ord. No. 2015-14, 11-16-2015)

## Chapter 17.33 - C-2 MIXED USE

### Sections:

#### 17.33.010 - Intent.

The purpose of this zone is to permit a mixture of housing, office, retail, entertainment, medical, and civic uses.

- Encourage a greater intensity of development in order to attract the people and commerce necessary to create a vibrant and diverse urban center.
- Encourage a blending of residential, civic, commercial and office uses in close proximity to each other with active commercial and retail uses along arterial and collector street frontages, and encouraging residential uses above the ground floor or behind a commercial building that fronts the street.
- Encourage a mixture of service and employment uses so that residents will have the opportunity to work as well as shop and play within walking distance from their homes.
- Encourage planning, design and detailing that reflects the needs of pedestrians, establishes multi-modal circulation opportunities, and creates memorable civic spaces.
- Encourage the use of multi-modal transportation systems and reduce the amount of impervious surface.

(Ord. No. 2015-14, 11-16-2015)

#### 17.33.020 - Accessory uses.

- A. Buildings or structures customarily incidental to uses allowed in this zone district.
- B. Home occupations are permitted only to the extent authorized by the city of Belen's zoning ordinance.
- C. Fences or walls not exceeding six (6) feet in height may occur within the rear or side yard setbacks of a residential lot and not exceed four (4) feet in height for a non-solid fence or three (3) feet for a solid fence within the front yard setback of a lot, unless buffering is required.
- D.

Accessory structures are not allowed in front or side yards facing a public street and shall not exceed two hundred (200) square feet in floor area.

- E. Trash containers and trash compactors shall be at least fifteen (15) feet from the property line when adjacent to land planned or zoned for a single-family residential.
- Trash containers and trash compactors shall be screened from a public right-of-way by decorative wall or enclosure and shall be not less than two (2) feet above the height of the trash container or compactor.
- F. Flag poles twenty-five (25) feet from any property line, with a maximum height of thirty-five (35) feet. Pole heights greater than thirty-five (35) feet may be approved by a conditional use permit.

Additional permitted and accessory uses are listed on the revised table of allowable land use (see [section 17.48.010](#)).

(Ord. No. 2015-14, 11-16-2015)

#### 17.33.030 - Supplementary regulations.

- A. Setback. Minimum setbacks as measured from property line or right-of-way.
1. Mixed use front: zero (0) feet;
  2. Mixed use rear: fifteen (15) feet;
  3. Mixed use side: zero (0) feet.
- B. Height. No building or structure shall exceed sixty-five (65) feet except as otherwise provided for in the city of Belen's zoning ordinance.
- C. Off-Street Parking. Shall be required as set forth in [chapter 17.56](#) of this title, except for:
- Street frontage for pedestrian connections and circulation. On site with multiple buildings, parking is allowed in front of or between buildings that are interior to the site.
  - Application requests for a reduction in the number of required off-street parking spaces as the result of shared parking will be considered.
  - Shopping centers shall provide a minimum of four (4) parking spaces per one thousand (1,000) square feet of floor area.
- D. Loading. Loading shall be integrated within the site plan and wherever possible integrated within the building's architecture. Innovative loading solutions are to be encouraged.

(Ord. No. 2015-14, 11-16-2015)

#### 17.33.040 - Development regulations.

- A. Consideration for Approval.
- 1.

Plans should comply with the intent and requirements of a mix of land uses set forth herein and not be used for a single land use.

2. Plans must include residential and nonresidential uses within or in close proximity to the district with shared access and adequate pedestrian linkages.
3. The total area of the proposed development must be a minimum of two (2) acres, but may be smaller with an approved conditional use permit.
4. Plan may also include civic or community building, public utility and/or public spaces within the district.

**B. Development Review Process.**

1. An applicant wishing to develop property zoned C-2 must submit a master plan and design and development guidelines for the mixed use development for a preliminary review.
2. Following preliminary review, the application will be subject to the review and approval of the planning and zoning commission.
3. Upon approval, the master plan and accompanying documents will be used as the official guide for future development within the district.
4. Site development within the district will require the submission of a site development permit application. The site development permit application will be evaluated based on compliance with the approved master plan and guidelines.

**C. Landscaping.** Landscaping shall provide visual relief of the zoning district, with safe, comfortable and attractive spaces for pedestrians. Landscaping will be evaluated as part of the submittal process. Landscaping requirement for buffering shall be as established in the M-1 Zone.

**D. Lighting.** Lighting shall comply with the Night Sky Protection Act and be shielded and placed to direct the light away from adjacent properties.

(Ord. No. 2015-14, 11-16-2015)

## Chapter 17.56 - OFF-STREET PARKING AND LOADING

**Sections:**

## 17.56.010 - Off-street parking requirements.

- A. In all zone districts, there shall be provided, at the time any new building or structure is erected, off-street parking spaces as set forth in the following subsections. All existing buildings or structures need supply such parking only to the extent ground space is available. Off-street parking must be provided on site or within three hundred (300) feet of the site.
- B. The minimum number of parking spaces to be provided shall be as shown on the following list:
1. Single-family dwellings: two (2) spaces per dwelling unit;
  2. Multifamily dwellings: two (2) spaces per dwelling unit;
  3. Mobilehome parks and travel trailer courts: two (2) parking spaces per mobilehome space or travel trailer space;
  4. Home occupation: no additional spaces;
  5. Hotels and motels: one (1) space per unit and one (1) space per two (2) employees;
  6. Hospitals, clinics, and convalescent or nursing homes: one (1) space per two (2) beds and one (1) space per staff doctor;
  7. Medical and dental offices: five (5) spaces per doctor;
  8. Places of public assembly, including churches, community centers, auditoriums, theaters, gymnasiums, arenas, and mortuaries: one (1) space per four (4) seats;
  9. Club, lodge, or fraternal organization: one (1) space per two hundred (200) square feet of floor area;
  10. Banks, offices, service establishments, retail businesses, and public buildings: one (1) space per three hundred (300) square feet of floor area;
  11. Restaurants (except drive-ins), bars: one (1) space per four (4) seats;
  12. Industrial, manufacturing, and wholesale establishments: one (1) space per two (2) employees on largest shift;
  13. Shopping center developments: five (5) spaces per one thousand (1,000) square feet of floor area;
  14. Bowling alleys: four (4) spaces per alley;
  15. Laundromats: one (1) space per three (3) machines.
- C. For mixed uses within the same building or structure, the total requirement for off-street parking spaces shall be the sum of the requirements of each use computed separately.
- D. The following minimum design standards shall be observed in laying out off-street parking facilities:
1. All facilities must provide appropriate access to a street, alley, or public thoroughfare.
  2. All driveways shall be of sufficient width to permit access into parking spaces, but in no case less than twenty (20) feet wide.

3. Each parking space shall consist of an area not less than nine (9) feet wide by twenty (20) feet long exclusive of driveway area.
- E. An applicant for a building permit must submit plans showing the off-street parking required by this section. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory to the zoning enforcement officer.

(Ord. No. 2015-14, 11-16-2015)

#### 17.56.020 - Off-street loading requirements.

- A. Under the conditions of this section, loading space shall be provided for bulk pickups and deliveries and accessible to delivery vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included in the computation of required off-street parking space.
- B. Individual loading spaces required under this section shall be at least fifty (50) feet long and twelve (12) feet wide, and shall be located on private property.
- C. Every building or structure used for commercial or industrial purposes shall be provided with off-street loading space.
- D. Buildings or structures used for office or research purposes and having a total floor area of at least twenty thousand (20,000) square feet shall be provided with off-street loading space.

(Ord. No. 2015-14, 11-16-2015)



**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2730 • FAX (505) 864-8408  
www.belen-nm.gov

**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

August 7, 2017

**ZONE CHANGE REQUEST**

**Location:** Christopher Road just north of the Belen Vista Apartments at 531 Christopher Rd.

**SITE DATA**

**Existing Use:** Residential-vacant      **Lot Size:** Tract B-2 (7.0152 Acres) & Tract D (5.4635 Acres)

Direction	Zoning	Existing Land Use
North	C-2	Vacant Land
East	R-1A	Residential area across the canal
South	C-1	Apartments
West	OD	I-25 Freeway-Outland District-Valencia County

\*See attached zone map.

**REQUEST**

The applicant is requesting a Zone Change from R-1 to C-2

R-1 Requirements	C-2 Requirements
6500 Sq. Ft.	None
Front Setback- 20 Feet	0
Rear Setback- 15 Feet	15 Feet
Side Setback- 5 Feet	0
Off Street Parking – 2 per Single Family Dwelling	As per 17.56

\*See attached R-1 and C-2 Zoning Regulations & Off-Street Parking

### **STAFF FINDINGS**

1. These vacant lots sit just south of the Belen High School. It has been vacant for many years.
2. The surrounding area consists of vacant land on the North, Residential area on the East across the canal, apartments on the South, and the 1-25 freeway on the West.
3. Christopher Rd going south consists of apartments, a dental office, a physician's office, the Urgent care, a church, more apartments and a lot of vacant land.
4. The surrounding Zoning is C-1 to the South C-2 on the North.
5. The zone change request is deemed an appropriate use as it encourages mixed use. In evaluating the existing activities in the area, and the surrounding zones it would be in the best interest to change the zone to correlate with the surrounding zones.



**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

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**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

July 26, 2017

Kin Jew  
Jew Living Trust  
6901 Suerte Pl NE  
Albuquerque NM 87113

RE: Zone Change Request-310 & 312 W Chavez Ave.

Dear Mrs. Jew:

Attached you will find the public notice of hearing for the request for a zone change from R-1 to R-2 for the above referenced location. Please plan to attend this meeting to present your request and answer any questions that the Planning & Zoning Commission might have.

You will also find the two notices that need to be posted at the above referenced location. Please post them on the front face of the homes on W Chavez Ave. These notices must be posted 15 days before the hearing date.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lisa R Miller".

Lisa R Miller  
Planning & Zoning Administrator

cc: File

**CITY OF BELEN, NEW MEXICO**  
**AMENDMENT TO ZONING MAP APPLICATION**  
**(ZONE CHANGE)**

Applicants Name: Judy Jew Phone: 505 797-9550  
Address: 6901 Suerte PINE ABQ 87113  
Authorized Agents Name: Clarissa Chavez Phone: 505 450-6682  
Address: 511 Hwy 314 SW, Los Lunas 87031

Address of Property: 310 & 312 Chavez, Belen 87002  
Block and Lot: Lots 21, 22 & E. 1/2 of 23, Block 10, Addition: B1S Addition Map 100  
Tract Number: Lots 21, 22 & E. 1/2 of 23, Block 10, Map: 100  
Total acreage in Tract: .19  
Number of Dwellings: 3 Density/Acre: \_\_\_\_\_  
Zoning of Property: R-1 Present Use: Rental Property  
Requested Zoning: R-2

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

- Filing fee of \$250.00
- Letter of transmittal, describing existing zoning, proposed zoning and reasons for the request.
- Affidavit of ownership.
- A scaled drawing describing the survey of tract boundaries, the location of all roads on and adjacent to the tract, the existing zoning for the tract and adjacent properties.
- Survey plat showing boundary, metes and bounds description of the land proposed for rezoning.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

**NOTE:** Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Amendment to the Zoning Map. I have examined and am familiar with the zoning regulations of the present zone and the requested zone. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Judy Jew  
Signature of Applicant

7/24/17  
Date

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION AND THE BELEN CITY COUNCIL.**

Planning and Zoning Commission Meeting Date: 8-14-17 Approved/Disapproved: \_\_\_\_\_  
Belen City Council Meeting Date: \_\_\_\_\_ Approved/Disapproved: \_\_\_\_\_

FEE PAID: \$250.00 RECEIPT NO.: 14.005769 DATE: 7-24-17

OWNERS AFFIDAVIT

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We,  
I Judy Jew  
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
310/312 Chavez Belen NM 87002, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

Zone Change through the City of Belen. Furthermore, (I) (we) hereby appoint  
Clarissa Chavez of Gerald Chavez Realty as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

Signed Judy Jew

6901 Suerte PINE  
Address

ABQ, NM 87113

505 225-5589  
Phone

Subscribed and sworn to before me this 24 day of July, 20 17.

Lisa R Miller  
Notary

My Commission Expires:  
9-13-17



July 24, 2017

City of Belen, New Mexico  
Planning and Zoning Commission  
Belen City Council

Re: Application for Zoning Change at 310 and 312 W. Chavez, Belen, NM

Dear Sir or Madam:

I am requesting a rezone of my property from the current R-1 to R-2. The property consists of one single family home and a residential duplex. The address is 310 W. Chavez and includes 312 W. Chavez.

I purchased the property in 2013 as a triplex. I have not increased the use of the property since I purchased it, and this zoning change will not increase the use and will have no negative impact to my neighbors or the area.

The proposed zoning change will reflect the current legal use of the property. Without this change, I will be unable to obtain financing and it will be difficult sell.

I have been a good property owner, offering my residents affordable housing. I have diligently maintained the premises. I have also maintained a desirable resident population and have not hesitated in taking decisive action against undesirable tenant behavior when warranted.

This change in is keeping with the general zoning of the area. I have attached a color-coded map. You will note my unit is essentially across the street from R-2, and near a C-1. Further, there are many multi-family units around the premises. The second attached map indicates where multi-family units exists in the area.

In sum, the zoning change will not result in increased use of the premises. The change is consistent with the zoning and use of the area. Finally, the zoning will allow me to obtain financing to maintain and improve the quality of the premises and attract good residents.

I appreciate your time and consideration.

Respectfully,



Judy Jew





**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A ZONE CHANGE FROM R-1 TO R-2: JUDY JEW**, for the purpose of bringing a non-conforming use into compliance.

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Lots 21, 22 & E ½ of 23, Block 10, BTS Addition, aka 310 & 312 W Chavez Ave., Belen, NM, 87002.

You are further notified that this public hearing will be held on **Monday, August 14, 2017 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: July 27, 2017**

# VALENCIA COUNTY News-Bulletin

For Inquiries Please Call: (505) 864-4472

Account Number  
1001840

## Ad Proof/Order Confirmation

Ad Order Number  
0001362697

CITY OF BELEN  
100 SOUTH MAIN ST  
BELEN, NM 87002 USA

Ordered By LISA  
Customer Email  
Ad Cost \$33.98  
Tax Amount \$2.83  
Total Amount \$36.81  
Amount Due \$36.81

Customer Phone 5058648221  
PO Number 41236  
Sales Rep abaldonado  
Order Taker abaldonado  
Payment Method Credit Card  
Payment Amount \$0.00

Joint Ad #

Affidavits 0

### Pick Up #

Product News Bulletin  
Ad Number 0001362697-01  
Ad Type 0 Legals  
Ad Size 1 X 46 li  
Color

Placement  
Classification  
Sort Text

0Legal Notices  
0Government  
NOPH- WCHAVEZ AVE

Run Date  
07/27/2017

WYSIWYG Content

CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221

**NOTICE OF  
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Published in the Valencia County News-Bulletin on July 27, 2017.





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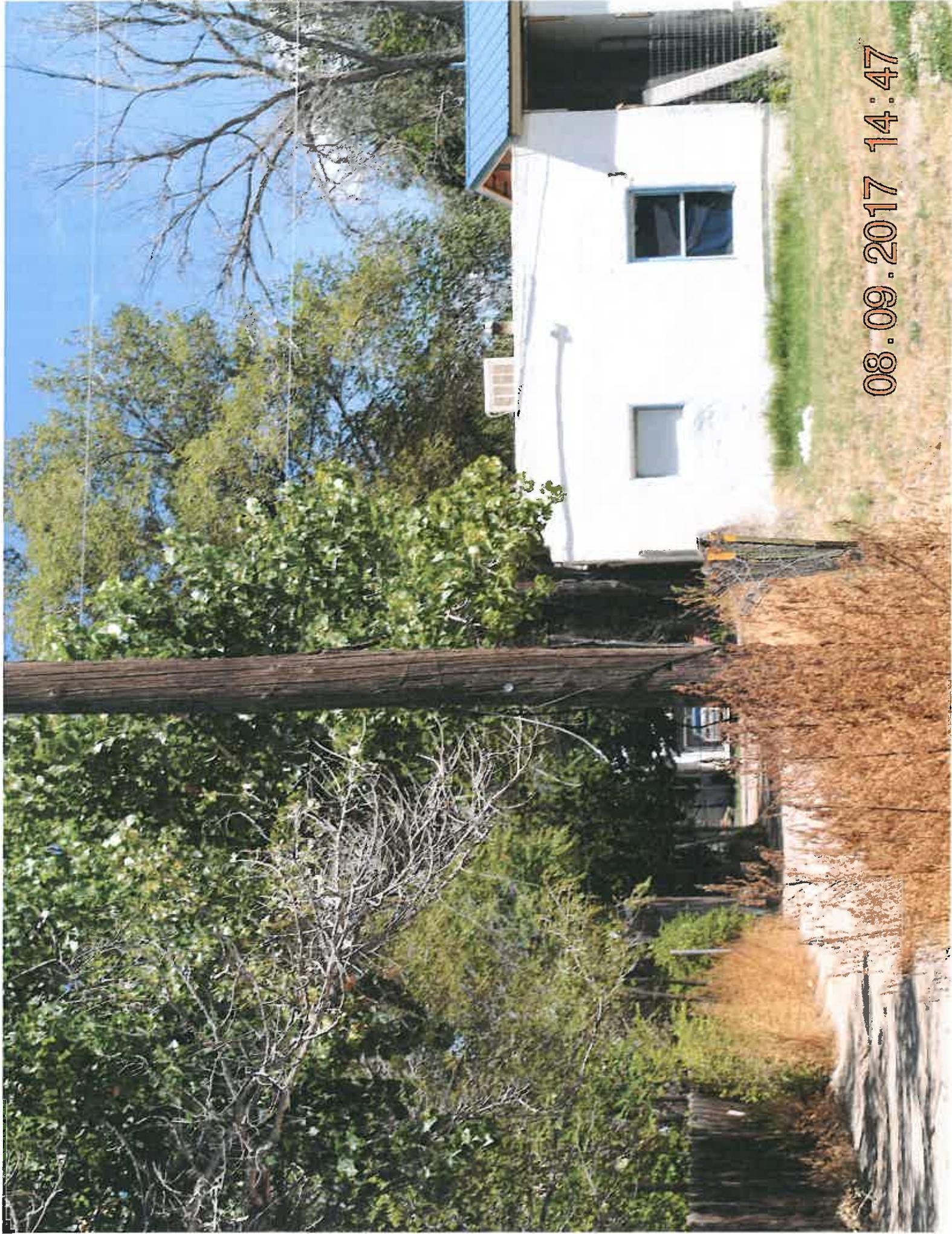
ALLOWED  
**PARK CLOSED**  
AFTER 10:00 PM

**REGULATIONS**

- 1 NO ABUSIVE LANGUAGE
- 2 NO ALCOHOLIC BEVERAGES
- 3 NO FIGHTING OR VIOLENCE

PARK CLOSURE AT 10:00 PM  
VIOLATORS WILL BE SUBJECT  
TO FINE  
ORDINANCE # 2-1-B

08.04.2017 10:57



08.09.2017 14:47



08 09 2017 14:47



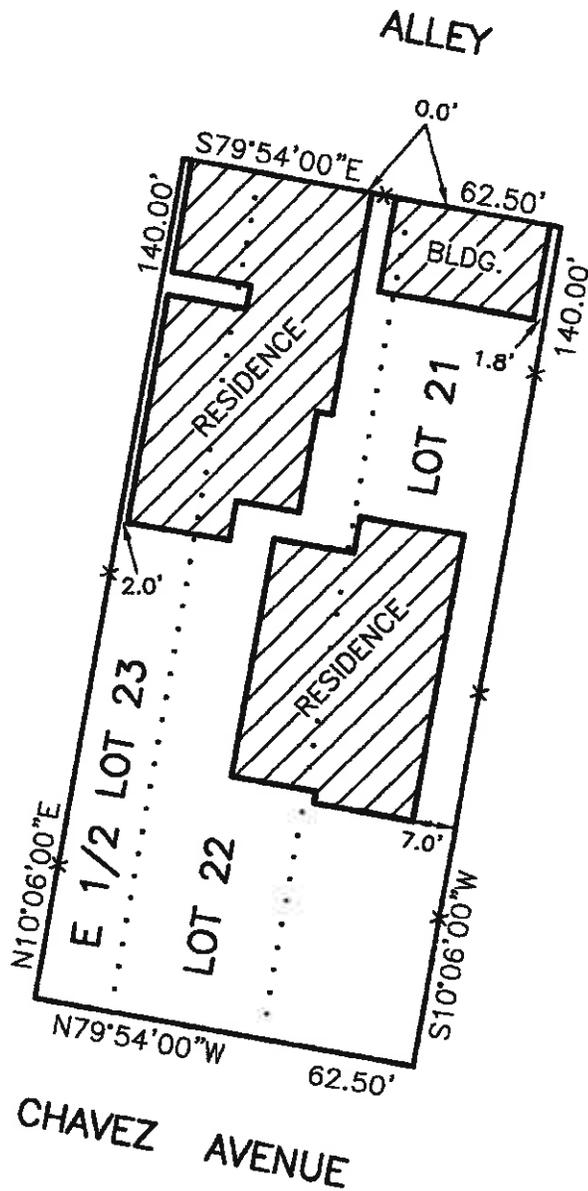
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SCALE 1" = 30'

**LEGEND**

- \* - \* = FENCELINE/BLOCKWALL
- = GAS METER

**SKETCH**

LOTS 21, 22, & EAST HALF OF LOT 23, BLOCK 10, BELEN TOWNSITE  
 310, 312A & 312B CHAVEZ AVENUE

THIS IS NOT A SURVEY FOR  
 USE BY A PROPERTY OWNER  
 FOR ANY PURPOSE.

**TM SURVEYING**

1130 LA VEGA ROAD  
 BOSQUE FARMS, N.M. 87068  
 PHONE: 869-0711  
 FAX: 869-0499

V01107AE

**IMPROVEMENT LOCATION REPORT**

**THIS IS TO CERTIFY:**

**THAT ON AUGUST 9, 2017, I MADE AN INSPECTION OF THE PREMISES AT 310 WEST CHAVEZ STREET IN BELEN, VALENCIA COUNTY, NEW MEXICO, BEING DESCRIBED AS:**

**LOT NUMBERED TWENTY-ONE (21), AND TWENTY-TWO (22) AND THE E1/2 OF LOT TWENTY THREE (23) IN BLOCK NUMBERED TEN (10) IN THE TOWN BELEN, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON THE PLAT OF BELEN TOWNSITE FILED IN THE OFFICE OF THE PROBATE CLERK AND EX OFFICIO RECORDER OF THE COUNTY OF VALENCIA STATE OF NEW MEXICO, THE 26TH DAY OF JULY 1909, AND RECORDED IN PLAT BOOK A, FOLIO 39.**

**NOTE: THE BEARINGS, DISTANCES AND/OR CURVE DATA ARE TAKEN FROM THIS RECORDED SUBDIVISION PLAT. THERE IS -NO- MATHEMATICAL ERROR OF CLOSURE IN THE DESCRIBED LOTS.**

**THE EASEMENTS SHOWN HEREON ARE FROM THE PLAT OF RECORD OR AS LISTED IN TITLE COMMITMENT N/A PROVIDED BY TITLE COMPANY.**

**IMPROVEMENT LOCATION IS BASED ON PREVIOUS PROPERTY SURVEYS. NO MONUMENTS WERE SET. THESE LOTS ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD WHICH PERTAIN. THIS REPORT IS NOT TO BE RELIED ON FOR THE ESTABLISHMENT OF FENCES, BUILDINGS OR OTHER FUTURE IMPROVEMENTS.**

**I FURTHER CERTIFY AS TO THE EXISTENCE OF THE FOLLOWING AT THE TIME OF MY LAST INSPECTION:**

**1. EVIDENCE OF RIGHTS OF WAY, OLD HIGHWAYS OR ABANDONED ROADS, LANES, TRAILS OR DRIVEWAYS, SEWER, DRAINS, WATER, GAS OR OIL PIPE LINES ON OR CROSSING SAID PREMISES (SHOW LOCATION, IF NONE VISIBLE, SO INDICATE): NONE VISIBLE.**

**2. SPRINGS, STREAMS, RIVERS, PONDS, OR LAKES LOCATED, ON OR THROUGH SAID PREMISES: NONE VISIBLE.**

**3. EVIDENCE OF CEMETERIES OR FAMILY BURIAL GROUNDS LOCATED ON SAID PREMISES (SHOW LOCATION): NONE VISIBLE.**

**4. OVERHEAD UTILITY POLES, ANCHORS, PEDESTALS, WIRES OR LINES OVERHANGING OR CROSSING SAID PREMISES AND SERVING OTHER PROPERTIES (SHOW LOCATION): AS SHOWN ON ATTACHED SKETCH.**

5. JOINT DRIVEWAYS OR WALKWAYS, JOINT GARAGES, PARTY WALLS OR RIGHTS OF SUPPORT, STEPS OR ROOFS IN COMMON OR JOINT GARAGES: NONE VISIBLE.

6. APPARENT ENCROACHMENTS. IF THE BUILDING, PROJECTIONS OR CORNICES THEREOF, OR SIGNS AFFIXED THERETO, FENCES OR OTHER INDICATIONS OF OCCUPANCY APPEAR TO ENCROACH UPON OR OVERHANG ADJOINING PROPERTY, OR THE LIKE APPEAR TO ENCROACH UPON OR OVERHANG INSPECTED PREMISES, SPECIFY ALL SUCH (SHOW LOCATION): NONE.

7. SPECIFIC PHYSICAL EVIDENCE OF BOUNDARY LINES ON ALL SIDES: FENCE ON THE WEST AND EAST SIDES. PUBLIC ROAD ON THE SOUTH SIDE.

8. IS THE PROPERTY IMPROVED? ---YES---. (IF STRUCTURE APPEARS TO ENCROACH OR APPEARS TO VIOLATE SET BACK LINES, SHOW APPROXIMATE DISTANCES): NO VISIBLE ENCROACHMENTS.

9. INDICATIONS OF RECENT BUILDING CONSTRUCTION, ALTERATIONS OR REPAIRS: NONE.

10. APPROXIMATE DISTANCE OF STRUCTURE FROM AT LEAST TWO LOT LINES MUST BE SHOWN. AS SHOWN ON ATTACHED SKETCH.

11. I HEREBY CERTIFY THAT THE PROPERTY -DOES- LIE WITHIN ZONE "A", AS SHOWN ON FLOOD INSURANCE RATE MAP; COMMUNITY PANEL NUMBER 35061C 0395 E, EFFECTIVE DATE: AUGUST 19, 2010.



TIM S. MARTINEZ, NMRPS #13982  
(FILE #V01107AE.ORT)

THE ABOVE INFORMATION IS BASED ON BOUNDARY INFORMATION TAKEN FROM A PREVIOUS SURVEY AND MAY NOT REFLECT THAT WHICH MAY BE DISCLOSED BY A BOUNDARY SURVEY.







310 & 312 W Chavez Ave  
Zone Change Request

WPICARDAVE

WCHAVEZAVE

NFOURTHST

NTHIRDST

501

504

505

500

501

504

500

425

424

423

417

417

213

414

415

415

409

411

401

310 & 312 W Chavez Ave  
Zone Change Request

405

410

408

306

300

404

400

319

317

315

311

307

418

300

324

320

318

314

## Chapter 17.52 - NONCONFORMING USES AND STRUCTURES

**Sections:**

## 17.52.010 - Nonconforming uses and structures.

- A. Within the districts established by this title, or amendments that may later be adopted, there exist: lots; structures; uses of land and structures; and characteristics of use which were lawful before the ordinance codified in this title was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this title or future amendment. It is the intent of this title to allow these nonconformities to continue until they are removed, but not to encourage their survival.
- B. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls; provided, that the cubic content of the building as it existed at the time of the passage of Ordinance No. 370 shall not be increased. Nothing in this title shall prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting public safety, on order of such official.
- C. A nonconformity shall not be enlarged, expanded, or extended, but the addition of a lawful use to any portion of a nonconforming building which existed prior to the enactment of the ordinance codified in this title shall not be deemed an extension of such nonconforming use.
- D. A single-family dwelling and any customary accessory buildings may be erected on any single lot of record preceding the effective date of adoption or amendment of the ordinance codified in this title. This provision shall apply even though such lot fails to meet the minimum requirements for area or width, or both, that are hereafter applicable within the zoning district; provided that setback and any other requirements of the lot shall conform to the regulations for the district in which such lot is located.
- E. A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding an aggregate cost of twenty-five (25) percent of the assessed value of the building unless said building is changed to a conforming use. No building damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed value shall be restored or rebuilt except in conformity with the provisions of this title.
- F. Whenever a nonconforming use has been discontinued for a period of ninety (90) days or more, such use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this title.
- G. Nothing in this title shall require any change in plans, construction, or designated use of a building for which a building permit has been issued prior to enactment of this title.

(Ord. No. 2015-14, 11-16-2015)

## Chapter 17.16 - R-1 SINGLE-FAMILY RESIDENTIAL

**Sections:**

## 17.16.010 - Intent.

The purpose of this zone is to allow conventional, on-site constructed, single-family dwelling units and those uses which are both compatible with and convenient to the residents of such a neighborhood. Density shall be limited to one (1) dwelling unit per lot. Land uses such as churches, schools, and parks are allowed.

(Ord. No. 2015-14, 11-16-2015)

## 17.16.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses in this zone district.
- B. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat, camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not connected to utilities. The boat, camper, trailer or vehicle must be stored in a rear or side yard.
- C. Home occupations are permitted only to the extent authorized by the definitions in this title.
- D. Fences or walls not exceeding six (6) feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four (4) feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three (3) feet in height for a wall or solid fence in those areas within the front setback of a lot.

(Ord. No. 2015-14, 11-16-2015)

## 17.16.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of six thousand (6,000) square feet and a minimum width of sixty (60) feet.
- B. Setback.
  1. Front, twenty (20) feet;
  2. Rear, fifteen (15) feet:
    - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten (10) feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with chapter 15.32 drainage regulations of the Municipal Code and maintain any and all public utility easements.
    - b. An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five (5) feet from the alley;

3. Side, five (5) feet on each side.
  - C. Height. No building or structure shall exceed thirty-five (35) feet except as otherwise provided in this title.
  - D. Off-Street Parking. Provided in chapter 17.56 of this title.
- (Ord. No. 2015-14, 11-16-2015)

## Chapter 17.24 - R-2 MULTIFAMILY RESIDENTIAL

### Sections:

#### 17.24.010 - Intent.

The purpose of this zone is to allow for a medium density residential district excluding uses which are not compatible with and convenient to the residents of such a district. Offices and certain nonresidential uses which are of particular convenience to the residents of this zone are allowed. Apartments, condominiums, and boarding houses are allowed in this zone.

(Ord. No. 2015-14, 11-16-2015)

#### 17.24.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses in this zone district.
- B. Home occupations are permitted only to the extent authorized by the definitions in this title.
- C. Fences or walls not exceeding six (6) feet in height in those areas within the rear or side setbacks of a lot, and not exceeding four (4) feet in height for a non-solid fence in those areas within the front setback of a lot and not exceeding three (3) feet in height for a wall or solid fence in those areas within the front setback of a lot.

(Ord. No. 2015-14, 11-16-2015)

#### 17.24.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of seven thousand (7,000) square feet and a minimum width of seventy (70) feet.
- B. Floor area ratio, 1.0.
- C. Setback.
  1. Front, twenty (20) feet;
  2. Rear, fifteen (15) feet:
    - a.

Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten (10) feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with chapter 15.32 drainage regulations of the Municipal Code and maintain any and all public utility easements.

- b. An accessory building used as a garage for off-street parking with access to an alley shall maintain a setback of at least five (5) feet from the alley;
3. Side, five (5) feet on each side.
- D. Height. No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.
  - E. Off-street parking. Provided in chapter 17.56 of this title.
  - F. Off-street loading. Provided in chapter 17.56 of this title.
  - G. Paved off-street parking is required for structures containing three (3) or more dwelling units, and shall be constructed using standard curbing and pavement design specifications subject to review and approval by the city engineer.
  - H. Landscaping is required on all multifamily residential lots to the extent that it enhances the appearance of the development, alleviates drainage problems, and blends with the surrounding area. Existing trees should be preserved to the extent possible. A minimum of ten (10) percent of total square footage of the lot area shall be devoted to landscaping. Landscaping will consist of a combination of grass, shrubs, gravel and trees, developer will provide irrigation system if necessary.
  - I. Area lighting shall be provided in the development for safety and security purposes. All street lights shall be designed and placed in accordance with the subdivision design standards of the city of Belen.
  - J. In the event a development is being proposed next to an irrigation ditch, the developer shall construct a six-foot tall chain link fence or a fence of similar construction along the property line which borders said irrigation ditch. Irrigation ditch shall be defined as a lateral or canal and shall not be meant to include a bar ditch or small ditch for individual use.
  - K. A storm drainage management plan is required for all multifamily residential developments. It shall be in compliance with city drainage regulations and shall be subject to review and approval by the city engineer.
  - L. Trash bins shall be provided in the amount the sanitation department feels necessary, and shall be three-sided with block or wood, and shall be six (6) feet in height. The placement of trash bin shall be approved by sanitation department for proper pickup.

(Ord. No. 2015-14, 11-16-2015)

#### 17.24.040 - Fees.

- A. For consideration of a variance application, one hundred fifty dollars (\$150.00);
- B. For consideration of a conditional use permit, one hundred fifty dollars (\$150.00);

- C. For consideration of zone changes and amendments to this chapter, two hundred fifty dollars (\$250.00);
- D. For consideration of an appeal to the city council under the provisions of this chapter, one hundred dollars (\$100.00);
- E. For consideration of mobile/manufactured homes on a permanent foundation, an installation permit fee of two hundred fifty dollars (\$250.00).
- F. For consideration of mobilehome park rental spaces for mobilehomes, recreational vehicles and camping trailers, an installation permit fee of twenty-five dollars (\$25.00).

(Ord. No. 2015-14, 11-16-2015)

## Chapter 17.56 - OFF-STREET PARKING AND LOADING

## Sections:

## 17.56.010 - Off-street parking requirements.

- A. In all zone districts, there shall be provided, at the time any new building or structure is erected, off-street parking spaces as set forth in the following subsections. All existing buildings or structures need supply such parking only to the extent ground space is available. Off-street parking must be provided on site or within three hundred (300) feet of the site.
- B. The minimum number of parking spaces to be provided shall be as shown on the following list:
1. Single-family dwellings: two (2) spaces per dwelling unit;
  2. Multifamily dwellings: two (2) spaces per dwelling unit;
  3. Mobilehome parks and travel trailer courts: two (2) parking spaces per mobilehome space or travel trailer space;
  4. Home occupation: no additional spaces;
  5. Hotels and motels: one (1) space per unit and one (1) space per two (2) employees;
  6. Hospitals, clinics, and convalescent or nursing homes: one (1) space per two (2) beds and one (1) space per staff doctor;
  7. Medical and dental offices: five (5) spaces per doctor;
  8. Places of public assembly, including churches, community centers, auditoriums, theaters, gymnasiums, arenas, and mortuaries: one (1) space per four (4) seats;
  9. Club, lodge, or fraternal organization: one (1) space per two hundred (200) square feet of floor area;
  10. Banks, offices, service establishments, retail businesses, and public buildings: one (1) space per three hundred (300) square feet of floor area;
  11. Restaurants (except drive-ins), bars: one (1) space per four (4) seats;
  12. Industrial, manufacturing, and wholesale establishments: one (1) space per two (2) employees on largest shift;
  13. Shopping center developments: five (5) spaces per one thousand (1,000) square feet of floor area;
  14. Bowling alleys: four (4) spaces per alley;
  15. Laundromats: one (1) space per three (3) machines.
- C. For mixed uses within the same building or structure, the total requirement for off-street parking spaces shall be the sum of the requirements of each use computed separately.
- D. The following minimum design standards shall be observed in laying out off-street parking facilities:
1. All facilities must provide appropriate access to a street, alley, or public thoroughfare.
  2. All driveways shall be of sufficient width to permit access into parking spaces, but in no case less than twenty (20) feet wide.

3. Each parking space shall consist of an area not less than nine (9) feet wide by twenty (20) feet long exclusive of driveway area.
- E. An applicant for a building permit must submit plans showing the off-street parking required by this section. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory to the zoning enforcement officer.

(Ord. No. 2015-14, 11-16-2015)

#### 17.56.020 - Off-street loading requirements.

- A. Under the conditions of this section, loading space shall be provided for bulk pickups and deliveries and accessible to delivery vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included in the computation of required off-street parking space.
- B. Individual loading spaces required under this section shall be at least fifty (50) feet long and twelve (12) feet wide, and shall be located on private property.
- C. Every building or structure used for commercial or industrial purposes shall be provided with off-street loading space.
- D. Buildings or structures used for office or research purposes and having a total floor area of at least twenty thousand (20,000) square feet shall be provided with off-street loading space.

(Ord. No. 2015-14, 11-16-2015)



**JERAH R CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2730 • FAX (505) 864-8408  
www.belen-nm.gov

**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

May 24, 2017

**ZONE CHANGE REQUEST**

Location: 310 & 312W Chavez Ave., Belen NM 87002

**SITE DATA**

**Existing Use:** Residential

**Lot Size:** .19 acres (8,276.40 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1	Single Family Residential
East	R-1	Single Family Residential
South	R-1	Anna Becker Park
West	R-1	Single Family Residential

\*See attached zone map.

**REQUEST**

The applicant is requesting a Zone Change from R-1 to R-2

R-1 Requirements	R-2 Requirements
6,000 Sq. Ft.	7,000 Sq. Ft.
Front Setback- 20 Feet	Front Setback-20 Feet
Rear Setback- 15 Feet	Rear Setback-15 Feet
Side Setback- 5 Feet	Side Setback-5 Feet
Off Street Parking -- 2 per Single Family Dwelling	Of Street Parking -- 2 per family Dwelling unit

\*See attached R-1 and R-2 Zoning Regulations

## **STAFF FINDINGS**

1. Under its present zone, it is a non-conforming use.
2. This lot consists of a single-family resident and a duplex unit and it does not meet setback requirements for its present or proposed zoning.
3. The surrounding area primarily consists of single-family residential lots. On the south side is Anna Becker Park. Directly to the west is an empty lot. On the east and north are single-family residential homes.
4. There are 179 R-1 parcels from Aragon Rd. to Reinken Ave. and N Main St to the Rail Road Yard. Only 4% of these parcels have multiple units on them.
5. An R-2 zone starts from the East side of N Third and goes to the West Side of N First with a small portion going to the Railroad Tracks.
6. The closest C-1 zone is starting at Noblin's Funeral Home and the Building Blocks Learning Center. See Attached Zone Map.



**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



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MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

July 26, 2017

Lawrence & Margie Griego  
811 La Luz Dr.  
Belen NM 87002

RE: Variance Request-811 La Luz Dr.

Dear Mr. & Ms. Griego:

Attached you will find the public notice of hearing for the request for a Variance for the above referenced location. Please plan to attend this meeting to present your request and answer any questions that the Planning & Zoning Commission might have.

You will also find the two notices that need to be posted at the above referenced location. Please post one on the La Luz side and one on the San Lorenzo side. These notices must be posted 15 days before the hearing date.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Lisa R Miller". The signature is written in a cursive style.

Lisa R Miller  
Planning & Zoning Administrator

cc: File

**CITY OF BELEN, NEW MEXICO**  
**APPLICATION FOR ZONING VARIANCE**

Section 17.04.040 City of Belen Municipal code: "Variance" means a relaxation of the terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this title would result in unnecessary and undue hardship. As used in this title, a variance may be authorized only for area, height, dimension, distance, setback, off-street parking, and off street loading requirements

---

Applicants Name: Lawrence + Margie Griego Phone: 864-5962  
Address: 811 La Luz Dr Belen  
Authorized Agents Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

---

Address of Property: 811 La Luz Dr  
Block and Lot: 4 Addition: duz Sanchez addition  
Tract Number: \_\_\_\_\_ Map: \_\_\_\_\_  
Total acreage in Tract: \_\_\_\_\_  
Number of Dwellings: 1 Density/Acre: \_\_\_\_\_  
Zoning of Property: R-1 Present Use: Residential  
T5N, R1E, Sec 19

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

- ~~Filing fee payment of \$150.00~~ Double application fees will be charged for uses commenced without approval under the Municipal Code and/or the Zoning Ordinance and for which a citation (violation) may have been issued.
- Letter of transmittal, state why a literal enforcement of Section 17.04.040 City of Belen Municipal Code would result in unnecessary and undue hardship.
- Specify type of variance requested, height, setback, lot coverage, parking requirement.
- Affidavit of ownership.
- ~~Survey~~ plat or scaled drawing of property describing property line, lot dimensions, easements, structures and accessory structures where variance is requested. Indicate dimensions of all structure heights and size of signs.

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

**NOTE:** Failure to do so is grounds for deferral or denial of this application.

---

Accompanying this application are the above listed requirements for the proposed Zoning Variance. I have examined and am familiar with the zoning regulations of the present zone and the requested variance. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Margie Griego \_\_\_\_\_ 7-9-17 \_\_\_\_\_  
Signature of Applicant Date

---

**THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION**

Planning and Zoning Commission Meeting Date: 8-14-17 Approved/Disapproved: \_\_\_\_\_

FEE PAID: Waived RECEIPT NO.: N/A DATE: N/A

OWNERS AFFIDAVIT

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We,  
I Lawrence + Margie Griego  
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
811 La Luz Dr Belen New Mexico, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal)  
Variance through the City of Belen. Furthermore, (I) (we) hereby appoint  
\_\_\_\_\_ of \_\_\_\_\_ as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

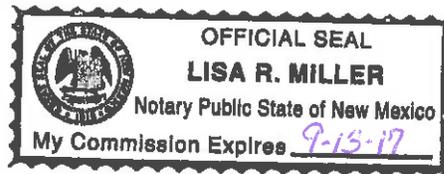
Margie Griego  
Signed  
811 La Luz Dr  
Address  
Belen NM  
864-5965  
Phone

Subscribed and sworn to before me this 9 day of June, 20 17.

Lisa R Miller  
Notary

My Commission Expires:

9-13-17



June 4, 17

city planning dept,

This is a letter of transmittal for height variance of back wall within our own yard. As it is written we have two front yards. I would like a back yard to be determined and ask permission to build up our fence. The hardship being that everybody deserves a back yard with minimal privacy. The fence is now three feet and ten inches at its highest point and is a block wall. I would like to have it built up to an even five feet with wood along all the block wall.

Thank you  
Maggi Guineo

**CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A VARIANCE TO ESTABLISH THE USABLE REAR AND SIDE YARD: LAWRENCE & MARGIE GRIEGO**

**LEGAL DESCRIPTION:** Township 5 North, Range 1East, Section 19, Lot 4, Luz Sanchez Addition, aka 811 La Luz Dr., Belen, NM, 87002.

You are further notified that this public hearing will be held on **Monday, August 14, 2017 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: July 27, 2017**

# VALENCIA COUNTY News-Bulletin

For Inquiries Please Call: (505) 864-4472

Account Number  
1001840

## Ad Proof/Order Confirmation

Ad Order Number  
0001362594

CITY OF BELEN  
100 SOUTH MAIN ST  
BELEN, NM 87002 USA

Ordered By LISA

Customer Phone 5058648221

Joint Ad #

Customer Email

PO Number 1236

Ad Cost \$32.72

Sales Rep abaldonado

Tax Amount \$2.72

Order Taker abaldonado

Total Amount \$35.44

Payment Method Credit Card

Amount Due \$35.44

Payment Amount \$0.00

Affidavits 0

Pick Up #

Product News Bulletin  
Ad Number 0001362594-01  
Ad Type 0 Legals

Placement 0Legal Notices  
Classification 0Government  
Sort Text NOPH- LA LUZ DR

Ad Size 1 X 44 ii

Color

Run Date  
07/27/2017

WYSIWYG Content

CITY OF BELEN  
100 SOUTH MAIN STREET  
BELEN, NM 87002  
(505) 864-8221

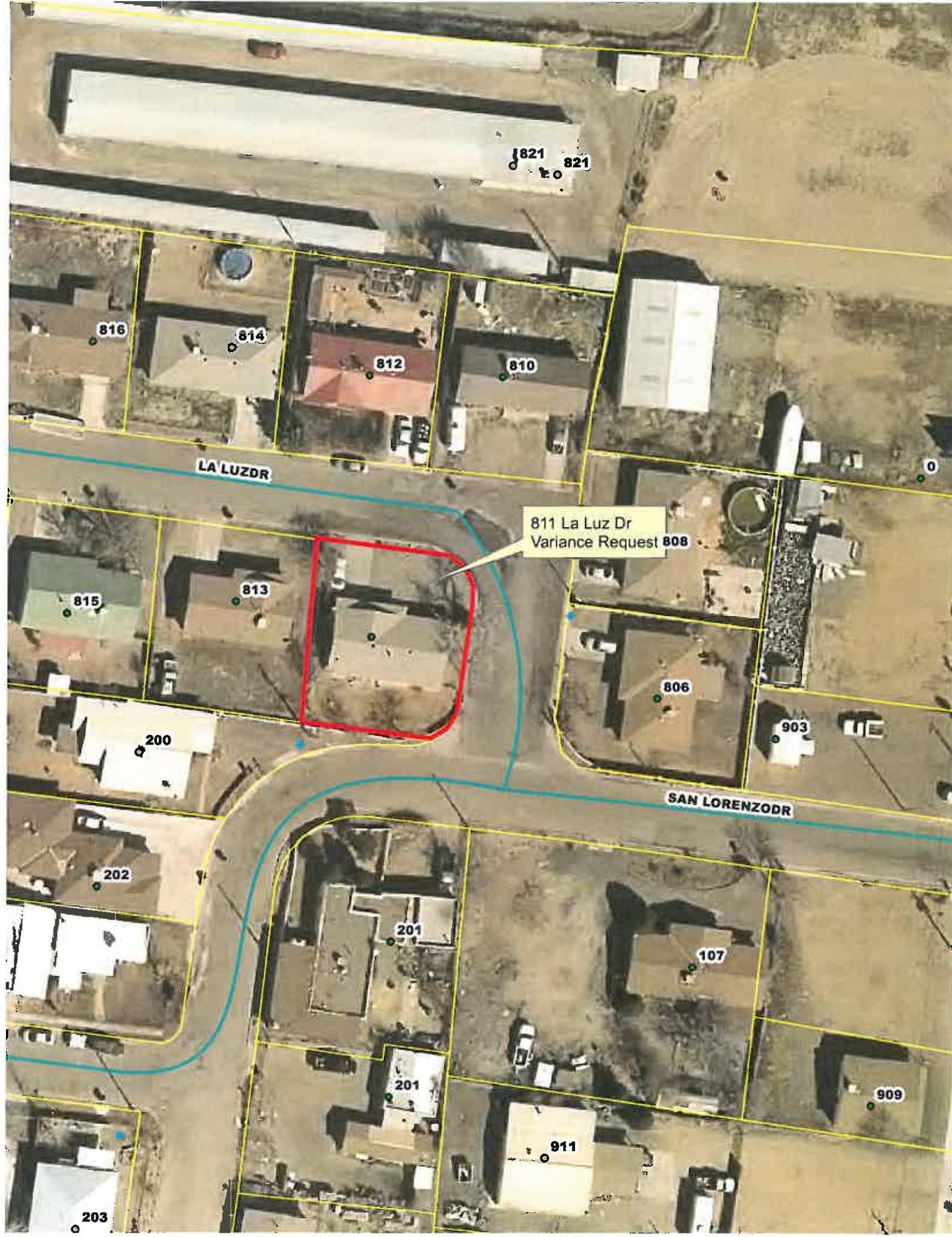
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Published in the Valencia County News-Bulletin on July 27, 2017.



821 821

816

814

812

810

LA LUZ DR

811 La Luz Dr  
Variance Request 808

815

813

806

903

200

SAN LORENZO DR

202

201

107

201

911

909

203



Variance Request

C-1

R-1A

ANTHONYDR

SMAINST

LA LUZDR

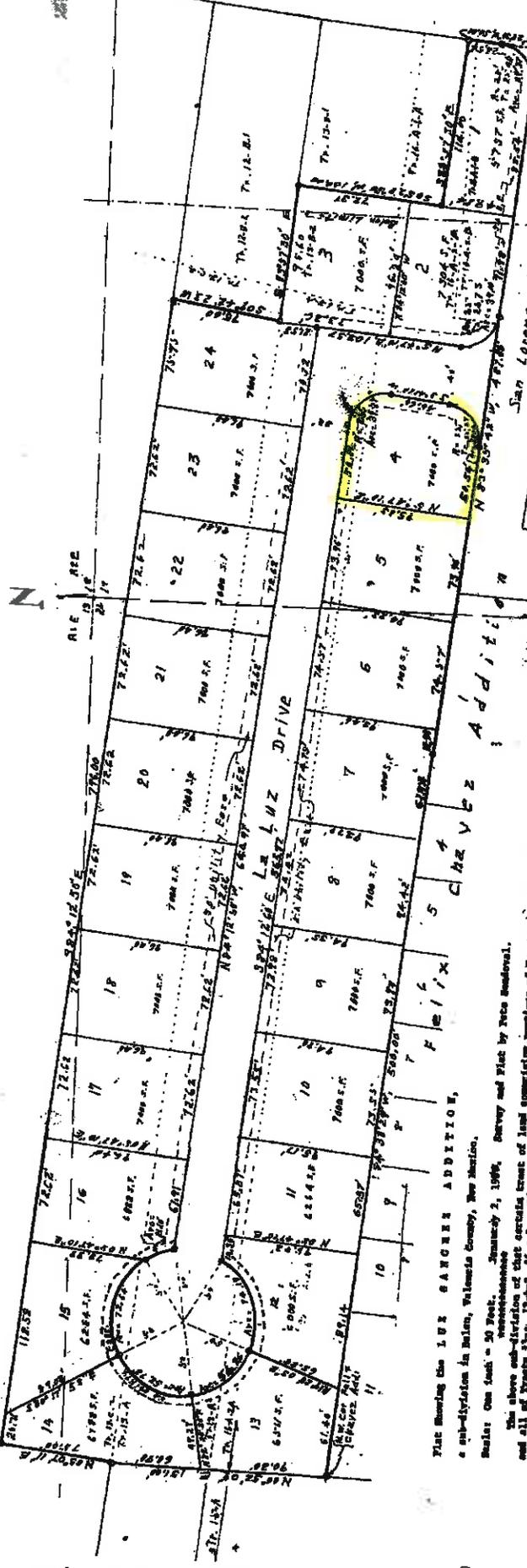
R-1

SAN LORENZODR

TORRESDR

A-R

U.S. Highway No. 85



San Lorenzo Drive

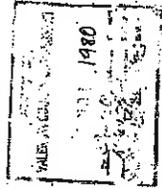
CHAVEZ Addition

LA LUZ DRIVE

15 16 17 18 19 20 21 22 23 24

1 2 3 4 5 6 7 8 9 10 11 12 13 14

APPROVED  
PUBLIC PLANNING COMMISSION  
DATE: 10/10/80



APPROVED  
PUBLIC PLANNING COMMISSION  
DATE: 10/10/80



THE SHOWING THE LUX SANGREN ADDITION,  
a subdivision in Bolin, Valmonte County, New Mexico.

Scale: One inch = 40 feet.

Surveyed January 7, 1966. Survey and Plat by Two Redwood.

The above subdivision of the certain tract of land comprising portions of Tracts 13-15, 18-20, 23-24, 27-29, 32-34, 37-39, 42-44, 47-49, 52-54, 57-59, 62-64, 67-69, 72-74, 77-79, 82-84, 87-89, 92-94, 97-99, 102-104, 107-109, 112-114, 117-119, 122-124, 127-129, 132-134, 137-139, 142-144, 147-149, 152-154, 157-159, 162-164, 167-169, 172-174, 177-179, 182-184, 187-189, 192-194, 197-199, 202-204, 207-209, 212-214, 217-219, 222-224, 227-229, 232-234, 237-239, 242-244, 247-249, 252-254, 257-259, 262-264, 267-269, 272-274, 277-279, 282-284, 287-289, 292-294, 297-299, 302-304, 307-309, 312-314, 317-319, 322-324, 327-329, 332-334, 337-339, 342-344, 347-349, 352-354, 357-359, 362-364, 367-369, 372-374, 377-379, 382-384, 387-389, 392-394, 397-399, 402-404, 407-409, 412-414, 417-419, 422-424, 427-429, 432-434, 437-439, 442-444, 447-449, 452-454, 457-459, 462-464, 467-469, 472-474, 477-479, 482-484, 487-489, 492-494, 497-499, 502-504, 507-509, 512-514, 517-519, 522-524, 527-529, 532-534, 537-539, 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08.04.2017 10:08



**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2730 • FAX (505) 864-8408  
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**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

**August 7, 2017**

**VARIANCE REQUEST**

**Location: 811 La Luz Dr., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential

**Lot Size:** Approximately .14 acres (6,237.71 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1	Single Family Residential
East	R-1	Single Family Residential
South	R-1	Anna Becker Park
West	R-1	Single Family Residential

\*See attached zone map.

**REQUEST**

The applicant is requesting Variance to establish a usable rear and side yard to place a 6' fence along that rear yard.

Variance Requirements:

1. A case of exceptional physical conditions where the strict application of the Zoning Ordinance regulation would result in a practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building.
2. Type of Variance Requested and why.
3. Survey Plat
4. Location of Variance request

\*See attached Variance Procedures

### **STAFF FINDINGS**

1. The surrounding area primarily consists of single-family residential lots.
2. The area is zoned R-1
3. At the present time this property has three fronts restricting the use of the back yard.
4. These three fronts are located on the front, on the east side, and on south side (back Yard area). On the west side is a residential home.
5. A Variance was requested due to the fact that this is a hardship that would deprive the owner of his reasonable use of his property.
6. No significant hazard or inconvenience to the surrounding neighbors is evident.
7. This will not significantly change the character of the neighborhood.



814

812

810

LA LUZDR

813

811

808

806

200

Variance Request Area

SAN LORENZODR

201

107

201

911

909



814

812

810

LA LUZDR

813

811

808

806

200

Fence Location

SAN LORENZODR

201

107

201

911

909

**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
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**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

July 26, 2017

Erin Padilla  
513 N Gabaldon Rd.  
Belen NM 87002

**RE: Request for a Conditional Use-517 Gabaldon Rd.**

Dear Ms. Padilla:

Attached you will find the public notice of hearing for the request for a Conditional Use for the above referenced location. Please plan to attend this meeting to present your request and answer any questions that the Planning & Zoning Commission might have.

You will also find the two notices that need to be posted at the above referenced location. Please post. These notices must be posted 15 days before the hearing date.

Please remit application fee and affidavit of ownership by August 4, 2017. Failure to do so will delay this request.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,

Lisa R Miller  
Planning & Zoning Administrator

cc: File

CITY OF BELEN, NEW MEXICO  
APPLICATION FOR CONDITIONAL USE

REGULAR X

SIX MONTHS

NOTE: The following conditional uses are limited to six months duration, at the end of which time such use must be reviewed and a new permit granted in order for it to be continued:

- Amusement Parks, Carnival, Circus. Conditional use in any A-R, C-1 or M-C zone.
- Dwelling, Temporary Watchman or Caretaker. Conditional use in all zones.
- Offices, Temporary (Real Estate Sales, Etc. Conditional use in all zones.
- Flea Markets. Conditional use in C-1 and M-C zones only, subject to district regulations and any supplementary regulations or special condition imposed by the Planning & Zoning Commission.

Applicants Name: Erin Padilla Phone: 331-1972  
 Address: 513 N Gabaldon rd Belen NH 87002  
 Authorized Agents Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_

Address of Property: 517 N Gabaldon Rd  
 Block and Lot: \_\_\_\_\_ Addition: land of Clarence Gabaldon  
 Tract Number: TRC Map: 99  
 Total acreage in Tract: .34 ac  
 Number of Dwellings: 1 Density/Acre: .34 ac  
 Zoning of Property: R-1 Present Use: Residential  
T5N, R2E, S 17 G 136

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee payment of \$150.00
- Letter of transmittal, state nature of request, include name of applicant and address where conditional use is requested.
- Affidavit of ownership
- Scaled drawing of property indicating location of structures, on-site parking and points of access to public streets

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

Accompanying this application are the above listed requirements for the proposed Conditional Use. I have examined and am familiar with the zoning regulations of the present zone and the requested Conditional Use. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Signature of Applicant

Date

THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION

Planning and Zoning Commission Meeting Date: 8-14-17 Approved/Disapproved: \_\_\_\_\_  
 FEE PAID: 150.00 RECEIPT NO.: 16,000170 DATE: 7-28-17

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**TO:** LISA MILLER- CITY OF BELEN PLANNING AND ZONING DEPARTMENT  
**FROM:** ERIN PADILLA  
**SUBJECT:** REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTION:  
517 N GABALDON RD BELEN, NM 87002  
**DATE:** JUNE 13, 2014

---

To whom it may concern,

I am writing this in response to an alleged city code violation for a six foot wooden fence that was placed at 517 N Gabaldon Rd (See Attached Picture). I want to take a moment to address a few issues on why the fence was set up to replace an original six foot chain link fence. In January of 2017, the owner of the property my Uncle Leo Gabaldon was placed into hospice care due to extreme illness. Following Mr. Gabaldon's placement into hospice care, there were several break-ins that took place on the house and vehicles on the property of 517 N Gabaldon Rd and 513 N Gabaldon Rd B, which are located on the same piece of land behind the fence (See Attached Reports). At one point, the original six foot chain link fence was pushed down and broken by an unknown source, making it easier for people to climb over and break into the house and cars on the property. It was then decided by family members of Mr. Gabaldon to replace the broken six foot chain link fence with a sturdier fence. Unknowing of code violation, because the original fence was six feet tall and the neighbor's fence stands at six feet tall (See Attached Picture) A wooden fence was purchased and placed in the same spot the chain link fence stood. This was done purely to attempt to stop the burglaries on the properties. Since, April of 2017 when the wooden fence was placed there has not been another burglary on the properties. So, in conclusion a fence height variance is being requested for the front of the property, based on the circumstances in the neighborhood and the fact that there was an existing fence at 517 N Gabaldon Rd. at one time that was six feet high. If you have any questions or concerns, please feel free to contact me at (505)331-1972. I appreciate your time.

Thank You,



Erin Padilla

**OWNERS AFFIDAVIT**

STATE OF NEW MEXICO       )  
COUNTY OF VALENCIA       ) SS  
CITY OF BELEN                )

We,  
I Richard Sanchez and Gloria Sanchez  
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
517 N Gabaldon Road, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

Conditional use through the City of Belen. Furthermore, (I) (we) hereby appoint  
Erin Padilla of \_\_\_\_\_ as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

Richard Sanchez  
Signed

513 Gabaldon rd  
Address

Belen NM 87002

(505) 916-7854  
Phone

Subscribed and sworn to before me this 28<sup>th</sup> day of July, 2017.

Dayna Shipp  
Notary

My Commission Expires:

10.5.2019

City of Belen  
100 South Main Street  
Belen, NM 87002  
(505) 864-8221

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to hear a **REQUEST FOR CONDITIONAL USE TO INCREASE ALLOWABLE FENCE HEIGHT: ERIN PADILLA AGENT** he purpose of a six foot high front fence height. AKA 517 Gabaldon Rd., Belen NM 87002

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 17, Tract C, Land of Clarence Gabaldon, containing .34 ac.

You are further notified that this public hearing will be held on **Monday, August 14, 2017 at 6:00 P.M.**, in the Council Chambers at City Hall, 100 South Main Street, Belen, New Mexico 87002. Any person having objections or wishing to be heard should make such protest to the Commission at the above stated date and time or write comments to the Planning and Zoning Commission, 100 South Main Street, Belen, New Mexico 87002.

Property owners within 100 feet excluding public right-of-way of said tract desiring to comment may write to the City of Belen Planning & Zoning Department at 100 South Main Street, Belen nm 87002

**LEGAL NOTICE PUBLISHED: July 27, 2017**

# VALENCIA COUNTY News-Bulletin

For Inquiries Please Call: (505) 864-4472

## Ad Proof/Order Confirmation

Account Number  
1001840

Ad Order Number  
0001362601

CITY OF BELEN  
100 SOUTH MAIN ST  
BELEN, NM 87002 USA

Ordered By LISA  
Customer EMail  
Ad Cost \$33.98  
Tax Amount \$2.83  
Total Amount \$36.81  
Amount Due \$36.81

Customer Phone 5058648221  
PO Number 1236  
Sales Rep abaldonado  
Order Taker abaldonado  
Payment Method Credit Card  
Payment Amount \$0.00

Joint Ad #

Affidavits 0

### Pick Up #

Product News Bulletin  
Ad Number 0001362601-01  
Ad Type 0 Legals  
Ad Size 1 X 46 li  
Color

Placement  
Classification  
Sort Text

0Legal Notices  
0Government  
NOPH- GABALDON RD

Run Date  
07/27/2017

WYSIWYG Content

City of Belen  
100 South Main Street  
Belen, NM 87002  
(505) 864-8221

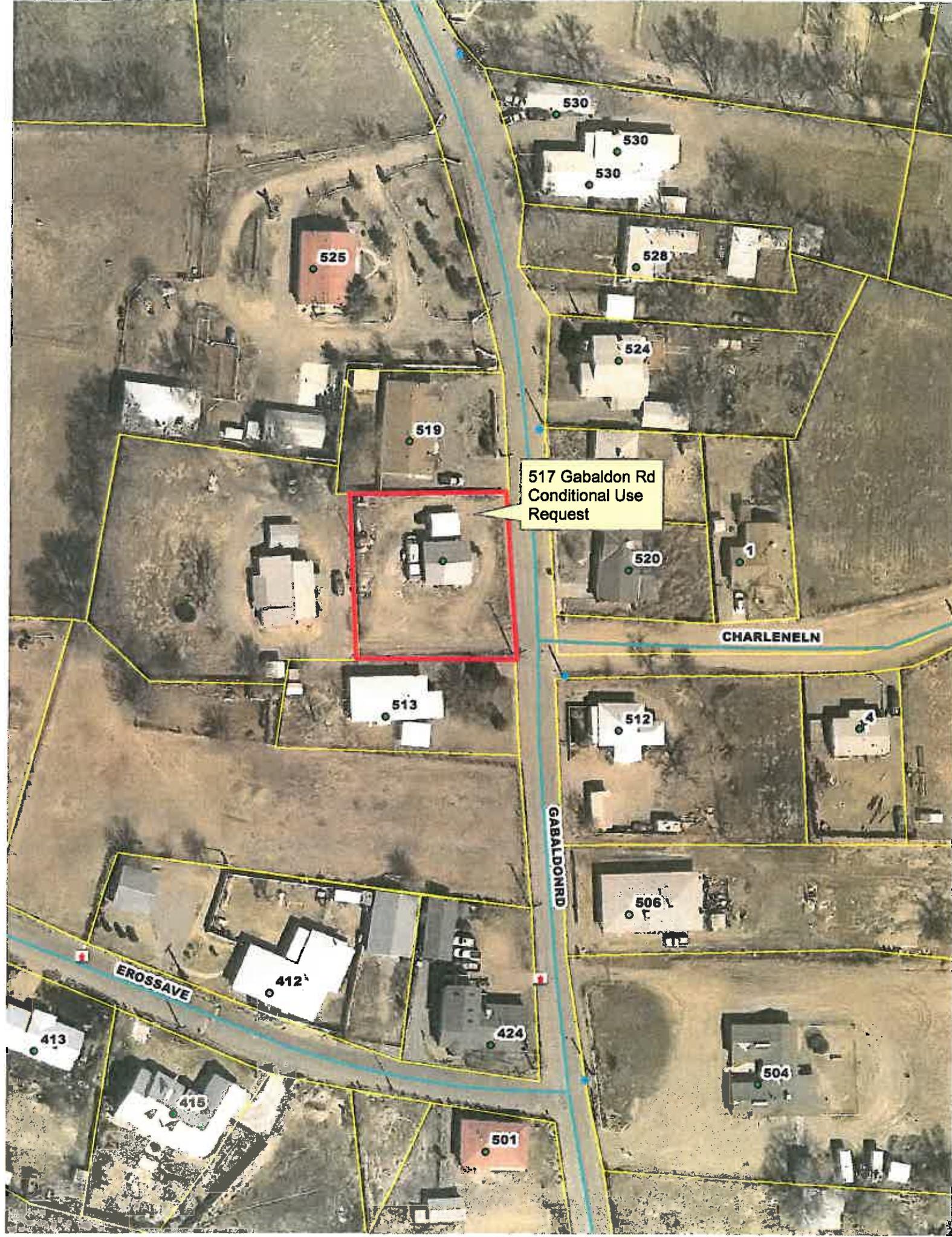
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Published in the Valencia County News-Bulletin on July 27, 2017.



517 Gabaldon Rd  
Conditional Use  
Request

525

519

513

412

413

415

424

501

530

530

530

528

524

520

1

512

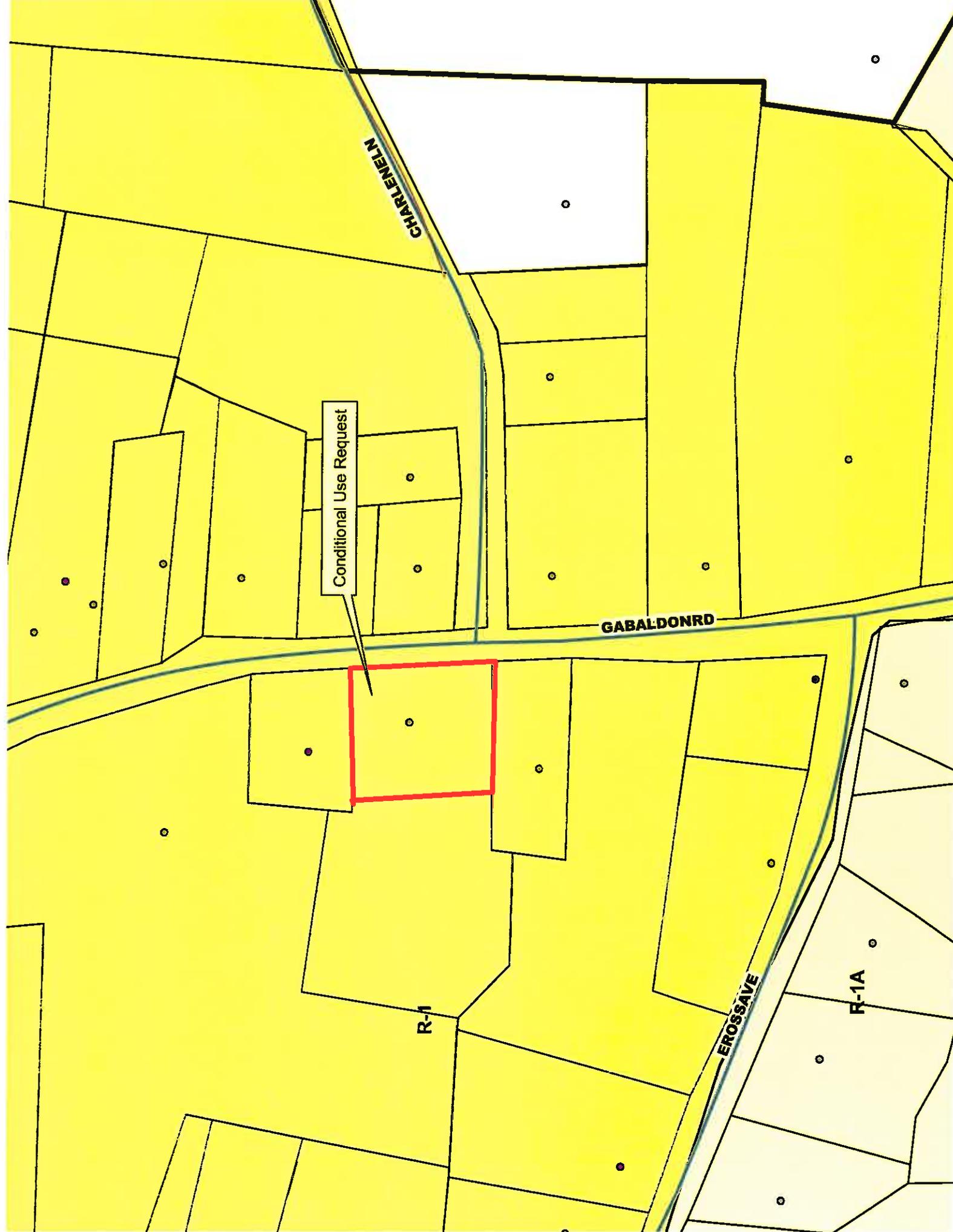
506

504

CHARLENELN

GABALDONRD

EROSSAVE



Conditional Use Request

CHARLEMEN

GABALDONRD

EROSAVE

R-1

R-1A



525

519

517

513

412

424

530

530

528

524

522

520

512

506

1

4

Fence Location

CHARLENELN

GABALDONRD

EROSAVE

This plat is to Replat said Tracts 25-A-1, 25-A-2, 25-B-1, 25-B-2, Tract 27 and a small portion of Tract 18 to a such that they may be surveyed and the survey of the Middle Rio Grande Conservancy District into Towns 18 N and 19 N in accordance with the wishes and desires of Owners. This is for the purpose of re-allocating property to match existing fences.

**LEGAL DESCRIPTION:**

A certain tract of land situated in Belton, Valencia County, New Mexico, comprising Tracts 25-A-1, 25-A-2, 25-B-1, 25-B-2 and a small portion of Tract 18 in the Middle Rio Grande Conservancy District and the following description of the same as shown on plat prepared on April 26, 1976 (no recording data found), being within the Belton Grant and within projected Section 17, Township 5 North, Range 2 East of the New Mexico Principal Meridian and more particularly described as follows:  
Beginning at the southeast corner of tract herein described, thence New Mexico State Highway Commission Brass Cap stamped "N.M.-6-3" bears S. 39 deg. 28' 34" W., 1,599.05 feet to a point;  
Thence N. 06 deg. 50' 34" E., 487.40 feet to a point;  
Thence N. 69 deg. 37' 19" W., 111.91 feet to a point;  
Thence N. 46 deg. 50' 05" N., 69.18 feet to a point;  
Thence N. 08 deg. 55' 04" E., 143.24 feet to the northwest corner of said tract;  
Thence N. 82 deg. 32' 24" E., 157.34 feet to a point;  
Thence N. 04 deg. 12' 33" E., 75.34 feet to a point;  
Thence S. 89 deg. 03' 59" E., 116.31 feet to the northeast corner of said tract, said point lying on the westerly right-of-way line of Cabaldon Road;  
Thence S. 03 deg. 28' 18" E., 289.64 feet along said westerly right-of-way line to the southeast corner of said tract;  
Thence N. 69 deg. 20' 48" W., 133.10 feet to the southeast corner of said tract and point of beginning.

**DEDICATION:**

Replat is with the free consent of and in accordance with the wishes and desires of the undersigned Owner(s).

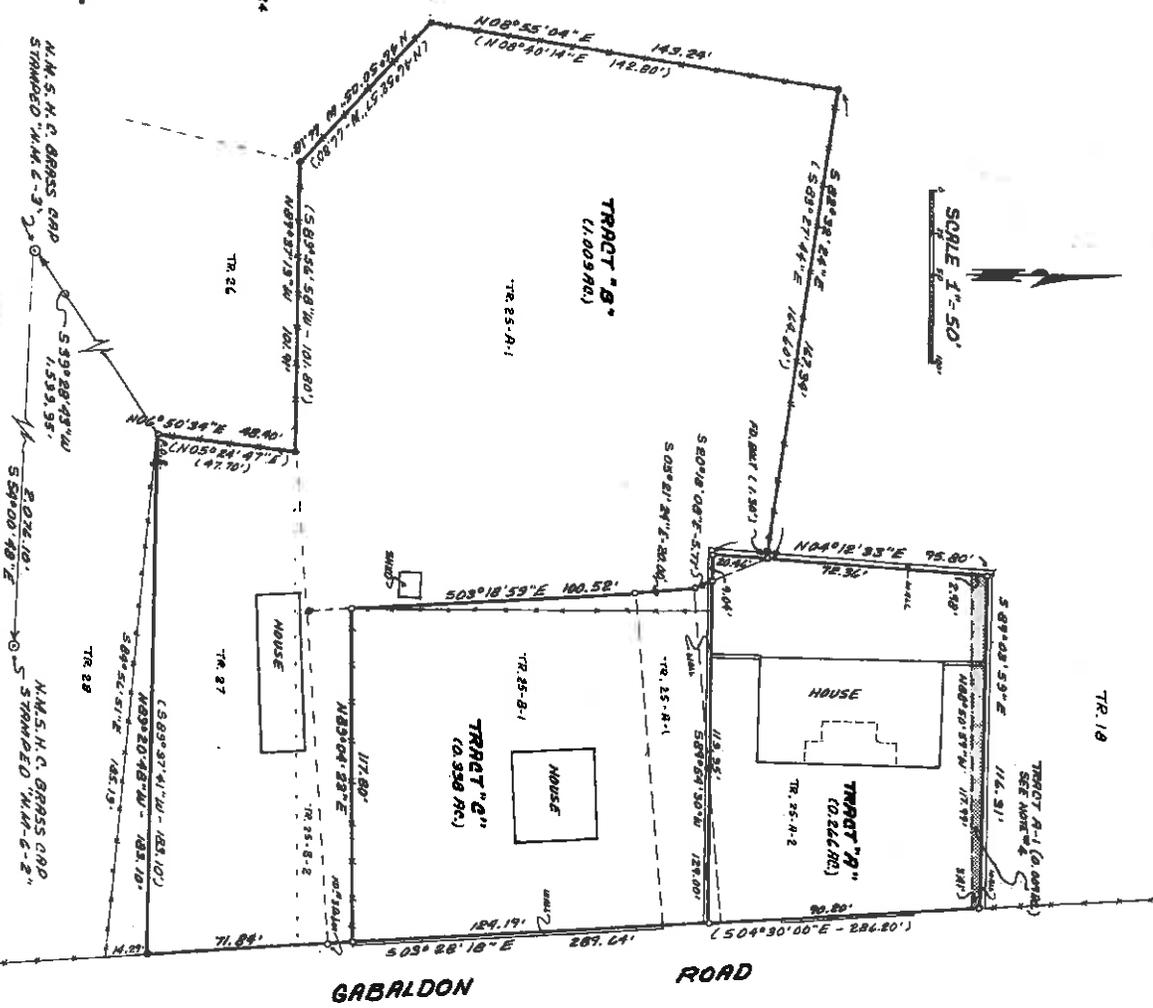
*Witness*  
N.M. PUBLIC COUNTY CLERK  
ATTEST  
*Oliver Sanchez*  
County Clerk  
Dated: 7-11-94  
OWNER (S) TRACT 25-A-1, 25-B-1 & TRACT 27  
OWNER (S) TRACT 18  
OWNER (S) TRACT 18

STATE OF NEW MEXICO)  
COUNTY OF VALENCIA )  
On this 11 day of October, 1994 the foregoing instrument was acknowledged before me by *Alfredo Cabaldon*  
BY COMMISSION EXPIRES 7-11-94  
OFFICE OF *Shelby Anthony*  
NOTARY PUBLIC  
NATURAL  
My Public Power Expires 7-11-94  
My Commission Number 11560

Recorded in Book Number 6 Page 134 of record of said County.  
Rec'd by *Clarence Cabaldon*  
Notary Public  
Kandi Cochran  
Clerk and Recorder  
Dated: 7-11-94  
Quantia Rose  
Deputy

**OWNER'S REPRESENTATIONS:**

- 1.) Unless otherwise indicated, Found square head bolts.
- 2.) Bearings for survey are based on those computed between 25-B-1, 25-B-2, 25-B-3, 25-B-4, 25-B-5 and 25-B-6 (River Road), from old iron stake No. 8 (River Road).
- 3.) Survey plat prepared by Pete Sandoval (L.S. 240) for Landmark Cabaldon on 04-26-1976, was used. (no recording data found). Bearings and/or distances within parentheses are those shown on said Plat prepared by Pete Sandoval.
- 4.) Tract "A-1" (0.000 AC.) (being a portion of Tract 18) is shown for information purposes only. Tract "A-1" will be deeded to owner of Tract 25-A-2 to create New Tract "X".



This is to certify that I am a Professional Land Surveyor, that the plat shown hereon was prepared from field notes of actual surveys made by me or under my direction and that the same are true and correct to the best of my knowledge and belief.

010162  
NEW MEXICO REGISTERED LAND SURVEYOR NO. 7915  
*Emilio J. Valdez*  
LAND SURVEYOR

6226-C



**Case Report**

**Administrative**

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Case Report Number	I17-000260-001	Verification	
Subject	Breaking and Entering	Verification Level	
Disposition	Active	Jurisdiction	East
Entered On	1/31/2017 3:56:06 PM	Grid	
Entered By	Skopek, Jason	Sector	
Reported On	1/31/2017	Map	
Reporting Officer	Skopek, Jason	Census/Geo Code	
Reporting Agency	BPD - Belen Police Department	Call Source	Dispatch
Report Type	Crime Report	Related Cases	
Assisted By		Means	
Occurred On (Date and Time)	Monday 1/30/2017 10:00:00 PM	Other Means	
Or Between (Date and Time)		Motives	
Location	517 Gabaldon	Other Motives	
CSZ	Belen, NM 87002	Vehicle Activity	
Location Name		Direction Vehicle Traveling	
		Cross Street	
		Notified	

**For Exceptional Clearances**

Clearance Basis  
 Exceptional Clearance Date

**Offense**

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Offense	Breaking and Entering 4th DF	Crime Against UCR Hierarchy	Property
Code Section		Location Type	05
IBR Code		Completed	Residence/Home
IBR Group		Hate/Bias	Yes
			None (No Bias)



Employer Address  
 Employer CSZ  
 Occupation/Grade  
 MO

Other MO  
 Habitual Offender  
 Status

Notes

**Victims**

**Name: Padilla, Erin**

Victim Type                      **Individual**  
 Victim of                         **30-14-8 - Breaking and Entering 4th DF**

**Aliases**

Alias
-------

Alerts

**Addresses**

Address Type	Address	CSZ	County	Country
H - Home	513 Gabaldon Rd	Belen, NM 87002	Valencia	USA - United States of America

**Phones**

Phone Type	Phone Number
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**Emails**

Email Address
---------------

Sex	<b>Female</b>	Complexion	
Race	<b>Hispanic</b>	Height	
Ethnicity	<b>Hispanic or Latino</b>	Weight	
Age	<b>27</b>	Resident	<b>Resident</b>
Eye Color	<b>Brown</b>	POB	
Hair Color	<b>Brown</b>	DLN	<b>503407272</b>
Facial Hair		DL State	<b>New Mexico</b>
		DL Country	<b>United States of America</b>



### Vehicle Information

Vehicle Type	License Number
Vehicle Year	License Exp. Date
Body Style	License State

Color Type	Color
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### Drug Information

Drug Type  
Drug Quantity  
Drug Measure

Notes

### Narrative

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Narrative Subject    Breaking and Entering

Date Entered         1/31/2017

Entered By          855 - Skopek, Jason

Narrative:

On January 31, 2017 at approximately 1523 hours I, Officer J. Skopek of the Belen Police Department was dispatched to 517 N Gabaldon Rd in reference to a burglary. Upon arrival I made contact with the report party who became know to me as Erin Padilla (09/21/1989) Erin stated that she is watching the above mentioned residence, located directly in front of her residence, for her uncle who is in the hospital. On January 30, 2017 at approximately 2200 hours Erin heard a noise coming from her uncle's house. Erin went outside to check what the noise was but did not see anyone. On January 31, 2017 at approximately 1525 hours Erin noticed that the back door to her uncle's residence was open. I was escorted to the back door that was forced open. I observed visible damage to the door and door frame from the forced entry. Erin stated that she went through her uncle's house and nothing of appears to be missing at this time. There are no further leads or suspects at this time. I did follow up and Erin stated that nothing was missing.

J. Skopek



## Case Report

### Administrative

---

Case Report Number	I17-000746-001	Verification	
Subject	Disorderly Conduct	Verification Level	
Disposition	Arrest	Jurisdiction	East
Entered On	4/7/2017 2:28:29 PM	Grid	
Entered By	Cordova, Jerome	Sector	
Reported On	4/7/2017	Map	
Reporting Officer	Cordova, Jerome	Census/Geo Code	
Reporting Agency	BPD - Belen Police Department	Call Source	Dispatch
Report Type	Arrest Report	Related Cases	
Assisted By	Espinoza, Gerald Hernandez, Braulio	Means	
Occurred On (Date and Time)	Friday 4/7/2017 12:30:00 PM	Other Means	
Or Between (Date and Time)		Motives	
Location	513 N Gabladon	Other Motives	
CSZ	Belen, NM 87002	Vehicle Activity	
Location Name	Residence	Direction Vehicle Traveling	
		Cross Street	
		Notified	

### For Exceptional Clearances

Clearance Basis

Exceptional Clearance Date

### Offense

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Offense	Disorderly conduct PM	Crime Against	Society
Code Section		UCR Hierarchy	24
IBR Code		Location Type	Residence/Home
IBR Group		Completed	Yes



America
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**Phones**

Phone Type	Phone Number
------------	--------------

**Emails**

Email Address
---------------

Sex	Male	Teeth	
Race	Hispanic	Build	
Ethnicity	Hispanic or Latino	Height	5' 6"
		Weight	140
Age	32	Resident	Resident
Eye Color	Brown	POB	
Hair Color	Brown	DLN	
Hair Style		DL State	
Hair Length		DL Country	
Facial Hair			
Complexion			

**Scars, Marks and Tattoos**

SMT	Location	Description
-----	----------	-------------

Attire  
 Employer/School  
 Employer Address  
 Employer CSZ  
 Occupation/Grade  
 MO  
 Other MO  
 Habitual Offender Status

**Arrest Information**

Arrest For	30-15-1 - Criminal Property Damage \$1000/less PM	Arrest Number	conduct PM 320100170116
	30-20-1 - Disorderly	Arrest Type	Taken Into Custody



Sex	Male	POB	
Race	Hispanic	DLN	123614682
Ethnicity		DL State	New Mexico
		DL Country	United States of America
Age	34	Attire	
Eye Color	Brown	Employer/School	
Hair Color		Employer Address	
Facial Hair		Employer CSZ	
Complexion		Occupation/Grade	
Height	6' 4"	Testify	
Weight	200	Injury	
Resident	Resident		

Offender Relationships

Offender	Relationship
----------	--------------

Circumstances  
Just. Hom. Circ.

LEOKA Info

Type	Activity
Assignment	ORI-Other Jurisdiction

Notes

**Name: Benavidez, Joe Campos**

Victim Type	Individual
Victim of	30-15-1 - Criminal Property Damage \$1000/less PM

Aliases

Alias
-------

Alerts

Addresses



Witnesses \_\_\_\_\_

Other Entities \_\_\_\_\_

Properties \_\_\_\_\_

Narrative \_\_\_\_\_

Narrative Subject     Disorderly Conduct

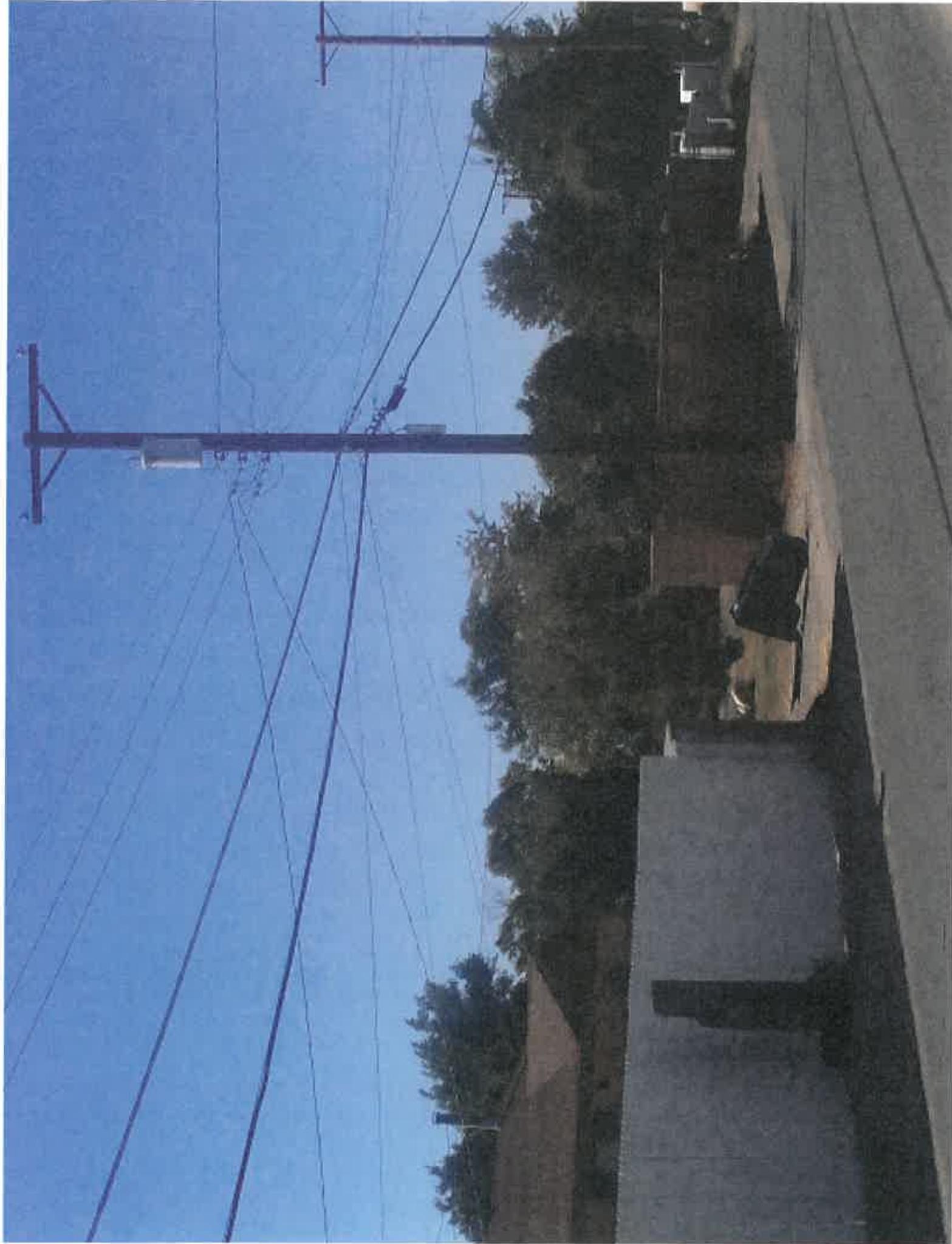
Date Entered            4/8/2017

Entered By              794 - Cordova, Jerome

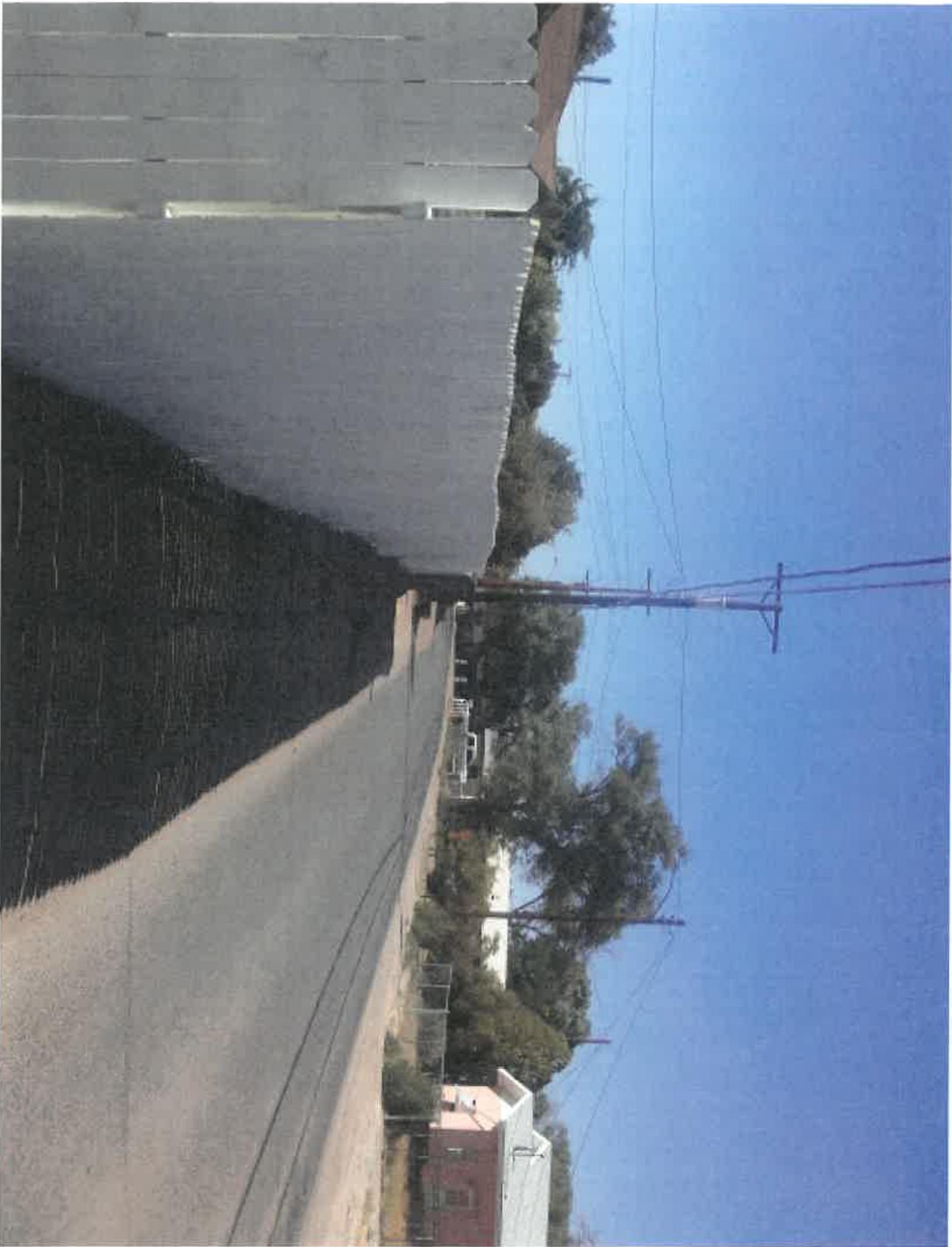
Narrative:

On Friday April 7th 2017 at approximately 1230 hours Officers of the Belen Police Department were dispatched to the area of 513 Gabaldon road in reference to a disturbance. Upon arrival I met with reporting person who stated he had just witnessed a male individual brake a window to the residence of 512 Gabaldon Road. Reporting person Alfonzo Padilla stated that the male was shouting obscenities and appeared to be highly intoxicated. I then made contact with suspect identified as Michael Roha. Michael was in the backyard of 516 Gabaldon pacing back and forth talking to himself. I asked Michael if he was ok. Michael told me that he was upset that his neighbor was a sex offender. It appeared that Michael was intoxicated at this time due to an odor of alcohol emitting from his person. Michael stated he was upset and he did in fact break the window to the home of 512 Gabaldon. I then attempted to make contact with the owner of 512 Gabaldon but was unsuccessful due to nobody being home at this time. I then retrieved a written witness statement from reporting person Alfonso Padilla. Michael was then placed under arrest for Criminal Damage to Property and Disorderly Conduct. Michael was then transported to the Belen Police Department for paperwork. Michael was then transported to Valencia County Detention Center for booking. Nothing further to report. No dependents were effected by this arrest.

Officer J.Cordova















**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2730 • FAX (505) 864-8408  
www.belen-nm.gov

**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

August 7, 2017

**CONDITIONAL USE REQUEST**

**Location: 517 Gabaldon Rd., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential

**Lot Size:** .34 acres (15,257 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1	Single Family Residential
East	R-1	Single Family Residential
South	R-1	Anna Becker Park
West	R-1	Single Family Residential

\*See attached zone map.

**REQUEST**

The applicant is requesting Conditional Use to replace an existing 6' chain link fence with a solid wood fence for safety reasons.

Conditional Use Requirements:

1. Type of Conditional Use and why.
2. Location of Conditional Use request.
3. Survey Plat
4. Time Period of Conditional Use request.

\*See attached Conditional Use Procedures

### **STAFF FINDINGS**

1. The surrounding area primarily consists of single-family residential lots.
2. The area is zoned R-1
3. An existing 6' chain link fence was replaced by a 6' wooden fence.
4. Several homes within the surrounding area have 6' fences.
5. The Conditional Use request is due to the criminal activity happening.
6. No significant hazard or inconvenience to the surrounding neighbors is evident.
7. The fence is set back approximately 7.5 to 8 feet from Gabaldon Rd.
8. There is a 373 Ft view down Gabaldon Rd., going North then there is a slight curve in the Rd.
9. There is a 509 Ft view down Gabaldon Rd., going South then there is a slight curve in the Rd.





525

528

519

524

522

517

520

1

Fence Location

CHARLENE LN

513

512

GABALDONRD

412

506

EROSAVE



**JERAH R  
CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
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**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

July 26, 2017

**SUN RANCH DEVELOPMENT LL**  
c/o Tom Greer  
3058 HWY 47  
Los Lunas NM 87031

RE: Continuance of Conditional Use-202 Desoto Ave.

Dear Mr. Greer:

Attached you will find the public notice of hearing for the request to continue a Conditional Use for the above referenced location. Please plan to attend this meeting to present your request and answer any questions that the Planning & Zoning Commission might have.

You will also find the two notices that need to be posted at the above referenced location. Please post. These notices must be posted 15 days before the hearing date.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Lisa R Miller". The signature is written in a cursive, flowing style.

Lisa R Miller  
Planning & Zoning Administrator

cc: File

CITY OF BELEN, NEW MEXICO  
APPLICATION FOR CONDITIONAL USE

REGULAR X renewal

SIX MONTHS \_\_\_\_\_

NOTE: The following conditional uses are limited to six months duration, at the end of which time such use must be reviewed and a new permit granted in order for it to be continued:

- Amusement Parks, Carnival, Circus. Conditional use in any A-R, C-1 or M-C zone.
- Dwelling, Temporary Watchman or Caretaker. Conditional use in all zones.
- Offices, Temporary (Real Estate Sales, Etc. Conditional use in all zones.
- Flea Markets. Conditional use in C-1 and M-C zones only, subject to district regulations and any supplementary regulations or special condition imposed by the Planning & Zoning Commission.

Applicants Name: Holo City Brewing CO LLC Phone: 303-358-1851  
Address: 202 Desoto Ave  
Authorized Agents Name: Tom Green Phone: 303-358-1851  
Address: 3058 St. Hwy 47 Las Lunas Nm 87031

Address of Property: 202 Desoto Ave  
Block and Lot: \_\_\_\_\_ Addition: \_\_\_\_\_  
Tract Number: S18, T5N, R2E TR 46 Map: 100  
Total acreage in Tract: .83  
Number of Dwellings: 2 Density/Acre: \_\_\_\_\_  
Zoning of Property: C-R Present Use: Brewery

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee payment of \$150.00
- Letter of transmittal, state nature of request, include name of applicant and address where conditional use is requested.
- Affidavit of ownership
- Scaled drawing of property indicating location of structures, on-site parking and points of access to public streets

The Applicant must also do the following:

- Post and maintain one or more signs on the premises involved at least fifteen days prior Public Hearing Date and remove such signs within five days after Public Hearing Date.

NOTE: Failure to do so is grounds for deferral or denial of this application.

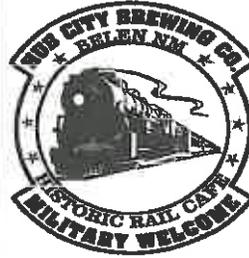
Accompanying this application are the above listed requirements for the proposed Conditional Use. I have examined and am familiar with the zoning regulations of the present zone and the requested Conditional Use. I understand that the City of Belen will not assume any liability for a possible lack of understanding on my part.

Signature of Applicant

Date

THIS APPLICATION REQUIRES A PUBLIC HEARING BY THE PLANNING & ZONING COMMISSION

Planning and Zoning Commission Meeting Date: 8-14-17 Approved/Disapproved: \_\_\_\_\_  
FEE PAID: \$150 RECEIPT NO.: 14-005677 DATE: 7-14-17



City of Belen  
Planning and Zoning Dept.

7/6/17

Attached is my request for a renewal of our Conditional Use Permit for Hub City Brewing Co, LLC located at 202 Desoto Ave in Belen. I, Tom Greer, am the Registered agent for Hub City Brewing Co, LLC and also the property owner.

Thanks, Tom Greer

Hub City Brewing Co. at the Rail Café  
202 Desoto Ave. at the Rail Runner Station  
Belen , New Mexico 87002

**OWNERS AFFIDAVIT**

STATE OF NEW MEXICO )  
COUNTY OF VALENCIA ) SS  
CITY OF BELEN )

We, Tom Green  
I \_\_\_\_\_  
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
202 Desert Ave, Belen, for which (I am) (we are)  
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

conditional use renewal through the City of Belen. Furthermore, (I) (we) hereby appoint  
Tom Green of Hub City Brung Co LLC as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

Tom Green  
Signed

3058 St Hwy 47  
Address

Los Lunas NM 87031

303-358-1801  
Phone

Subscribed and sworn to before me this 10 day of July, 2017.

Reyannon Lujan  
Notary

My Commission Expires:  
Nov. 25, 2018

  
**OFFICIAL SEAL**  
**Reyannon Lujan**  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My Commission Expires: 11/25/18

City of Belen  
100 South Main Street  
Belen, NM 87002  
(505) 864-8221

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to hear a **REQUEST TO CONTINUE THE CONDITIONAL USE: HUB CITY BREWING CO. AT THE RAIL CAFÉ /TOM GREER-AGENT** for the purpose of brewing and distributing Beer in a C-R Zone:

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Tract 46 containing .83 acres, Map 99 MRGCD, AKA: 202 De Soto Ave., Belen, NM.

You are further notified that this public hearing will be held on **Monday, August 14, 2017 at 6:00 P.M.**, in the Council Chambers at City Hall, 100 South Main Street, Belen, New Mexico 87002. Any person having objections or wishing to be heard should make such protest to the Commission at the above stated date and time or write comments to the Planning and Zoning Commission, 100 South Main Street, Belen, New Mexico 87002.

Property owners within 100 feet excluding public right-of-way of said tract desiring to comment may write to the City of Belen Planning & Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: July 27, 2017**

# VALENCIA COUNTY News-Bulletin

For Inquiries Please Call: (505) 864-4472

## Ad Proof/Order Confirmation

Account Number  
1001840

Ad Order Number  
0001362606

CITY OF BELEN  
100 SOUTH MAIN ST  
BELEN, NM 87002 USA

Ordered By LISA

Customer Phone 5058648221

Joint Ad #

Customer EMail

PO Number 1236

Ad Cost \$39.65

Sales Rep abaldonado

Tax Amount \$3.30

Order Taker abaldonado

Total Amount \$42.95

Payment Method Credit Card

Amount Due \$42.95

Payment Amount \$0.00

Affidavits 0

### Pick Up #

Product News Bulletin

Placement

0Legal Notices

Ad Number 0001362606-01

Classification

0Government

Ad Type 0 Legals

Sort Text

NOPH- RAIL CAFE

Ad Size 1 X 55 li

Color

Run Date

07/27/2017

WYSIWYG Content

City of Belen  
100 South Main Street  
Belen, NM 87002  
(505) 864-9221

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Published in the Valencia County News-Bulletin on July 27, 2017.



## REALTORS® ASSOCIATION OF NEW MEXICO REAL ESTATE CONTRACT - 2013

**WARNING: THIS IS NOT A PURCHASE AGREEMENT. Unlike a purchase agreement, a Real Estate Contract (this "Contract") has the effect of immediately transferring equitable title to real estate. You should consult your attorney with regards to the effectiveness, validity, or consequences of any use of this form.**

This form does not contain disclosures required by Federal Reserve Regulation Z and Consumer Protection Act "Truth in Lending." Use this form only in conjunction with another instrument incorporating the required disclosures or for transactions exempt from the Act.

THIS CONTRACT IS MADE ON May 3, 2013 (the "Effective Date"), by  
Sun Ranch Development LLC., Max Kiehne, Managing Member ("Seller")  
 whose address is 2206 Sun Ranch Village Loop, Los Lunas, NM 87031  
 and Hub City Brewing Co. LLC., Tom Greer ("Buyer")  
 whose address is 3058 Highway 47, Los Lunas, NM 87031  
 who is purchasing as:  TENANTS IN COMMON  JOINT TENANTS  OTHER

**1. SALE:** Seller sells to Buyer the following described real estate (the "Property"):

202 & 202 1/2 Desoto Ave. Belen 87002  
 Address City Zip Code  
S 18, T5N, R2E TR 46 Map 100  
 Legal Description

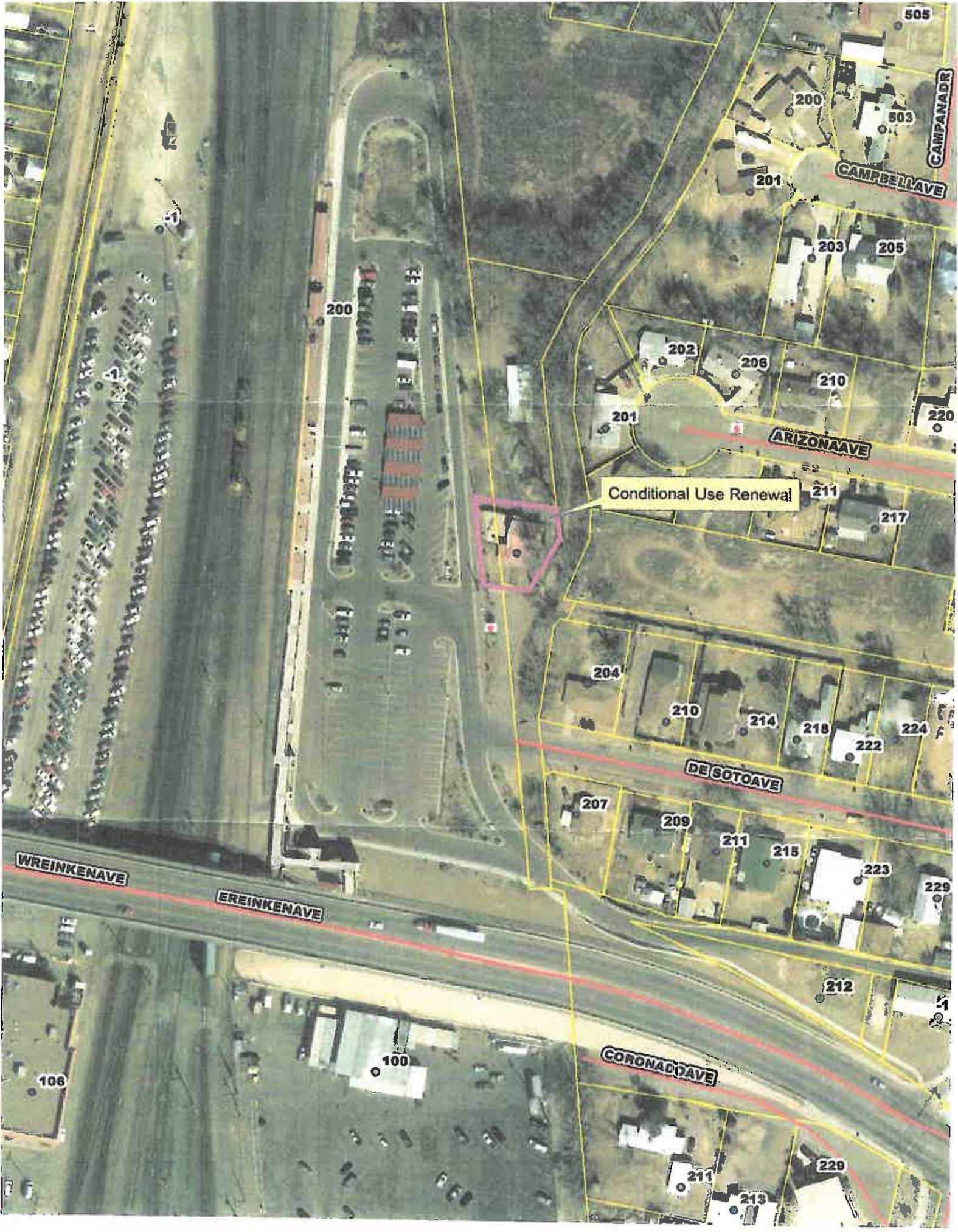
or see metes and bounds description attached as Exhibit Valencia County, New Mexico.  
 Subject to reservations, restrictions, covenants, easements of record, taxes and assessments and the "Prior Obligations" (the "Permitted Exceptions").

**2. PRICE AND PAYMENT.**

**A. BUYER WILL PAY:**

CONTRACT SALE PRICE (Total of Down Payment, Assumed Prior Obligations and Balance Due Seller)	\$ <u>218,000.00</u>
( <u>Two Hundred Eighteen Thousand</u> Dollars)	
(1) DOWN PAYMENT	\$ _____ Dollars)
(2) ASSUMED PRIOR OBLIGATIONS	\$ <u>218,000.00</u> Dollars)
( <u>Two Hundred Eighteen Thousand</u> Dollars)	
(3) BALANCE DUE SELLER (including wrapped Prior Obligations)	\$ _____ Dollars)

This form and all REALTORS® Association of New Mexico (RANM) forms are for the sole use of RANM members and those New Mexico Real Estate Licensees to whom RANM has granted prior written authorization. Distribution of RANM forms to non-RANM members or unauthorized Real Estate Licensees is strictly prohibited. RANM makes no warranty of the legal effectiveness or validity of this form and disclaims any liability for damages resulting from its use. By use of this form, the parties agree to the limitations set forth in this paragraph. The parties hereby release RANM, the Real Estate Brokers, their Agents and employees from any liability arising out of the use of this form. You should consult your attorney with regards to the effectiveness, validity or consequences of any use of this form. Use of this form is not intended to identify the user as a REALTOR®. REALTOR® is a registered collective membership mark which may be used only by Real Estate Licensees who are members of the National Association of REALTORS® and who subscribe to the Association's strict Code of Ethics.





June 13, 2016

RE: Letter of Understanding

Tom Greer, Proprietor  
Hub City Brewing Company LLC  
202 Desoto Avenue  
Belen, NM 87002

Dear Mr. Greer,

In a cooperative effort between the business community and the New Mexico Rail Runner Express, it is fine when necessary that patrons of Hub City Brewing Company utilize spaces in the Rail Runner parking lot. We have enjoyed a working understanding for several years now, as this agreement has been in place since the business originally opened as the Rail Café back in February of 2007.

Thanks for your continued cooperation.

Sincerely,

Augusta L. Meyers  
Communications Manager, NM Rail Runner Express





*State of New Mexico*

REGULATION AND LICENSING DEPARTMENT  
ALCOHOL AND GAMING DIVISION

Susana Martinez  
Governor

Mary Kay Root  
Director

LIQUOR LICENSE NO. 67078  
**RESIDENT AGENT LICENSE**

THOMAS GREER

**HUB CITY BREWING AT THE RAIL CAFE**

Business Location  
202 Desoto Avenue  
Belen, NM

Owner  
HUB CITY BREWING CO., LLC

LESSEE

  
\_\_\_\_\_  
DIRECTOR



*State of New Mexico*

REGULATION AND LICENSING DEPARTMENT  
ALCOHOL AND GAMING DIVISION

Suzanne Matthews  
Governor

Robert "Mikey" Burke  
Superintendent

Mary Kay Kook  
Director

# SMALL BREWER LICENSE # 67078 HUB CITY BREWING AT THE RAIL CAFE

Business Location  
202 DESOTO AVENUE  
BELLEN, NM

Owner  
HUB CITY BREWING CO., LLC

Lessee



LICENSE EXPIRES: February 28, 2018



*[Signature]*  
DIRECTOR

**JERAH R CORDOVA**  
MAYOR  
**LEONAA VIGIL**  
CITY MANAGER



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2746 • FAX (505) 966-2746  
[www.belen-nm.gov](http://www.belen-nm.gov)

**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**WAYNE GALLEGOS**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

June 14, 2016

Hub City Brewing Co., LLC  
C/O Tom Greer  
202 DeSoto Ave  
Belen, NM 87002

RE: Amended Conditional Use Permit

**Legal Description:** Township 5 North, Range 2 East, Section 18, Tract 46 containing .83 acres, Map 100 MRGCD, AKA: Rail Café, 202 De Soto Ave., Belen, NM

Dear Mr. Greer:

At the City of Belen Planning & Zoning Commission meeting of June 13, 2016 the Commission approved the Request to Continue the Conditional Use Permit for the purpose of a Microbrewery for manufacturing, distribution, and on and off premise consumption of Beer at 202 De Soto Ave., Belen NM 87002, in a C-R Zone.

If we can be of any other service please do not hesitate to contact us at 966-2746.

Sincerely,

Lisa R. Miller  
Planning & Zoning Administrator

cc: File

City of Belen  
100 South Main Street  
Belen, NM 87002  
(505) 864-8221

**NOTICE OF PUBLIC HEARING**

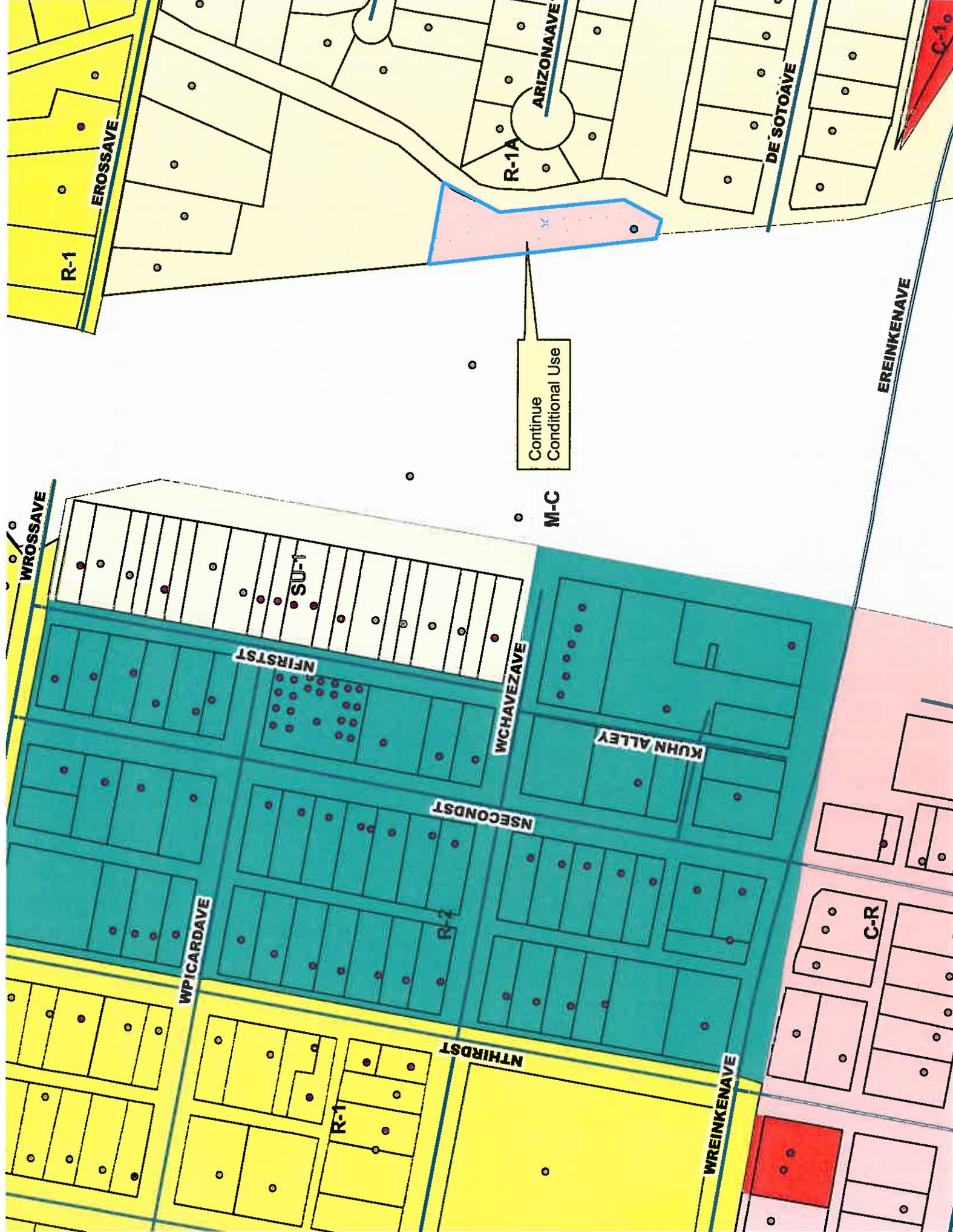
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**LEGAL NOTICE PUBLISHED: July 27, 2017**



ERROSSAVE

R-1

ARIZONA AVE

R-1A

DE SOTO AVE

EREINKEN AVE

Continue  
Conditional Use

M-C

WROSSAVE

SU-1

WFIRSTST

WCHAVEZ AVE

KUHNS ALLEY

WSECONDST

WPICARDAVE

WTHIRDST

WREINKEN AVE

R-1

C-R



08.04.2017 09:59



08 04 2017 09 59



08.04.2017 09:59



08 04 2017 09 59



08 04 2017 10:00



**JERAH R CORDOVA**  
MAYOR  
**LEONA VIGIL**  
CITY MANAGER

**CITY OF BELEN**  
100 SOUTH MAIN STREET  
BELEN, NEW MEXICO 87002  
(505) 966-2730 • FAX (505) 864-8408  
www.belen-nm.gov

**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**DARLEEN ARAGON**  
MAYOR PRO-TEM  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

August 7, 2017

**CONDITIONAL USE CONTINUATION REQUEST**

**Location: 202 De Soto Ave., Belen NM 87002**

**SITE DATA**

**Existing Use:** C-R

**Lot Size:** .34 acres (15,257 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1A	Single Family Residential
East	R-1A	Single Family Residential
South	R-1A	Single Family Residential
West	M-C	Rail Road Yard

\*See attached zone map.

**REQUEST**

The applicant is requesting a Conditional Use continuance.

Conditional Use Requirements:

1. Type of Conditional Use and why.
2. Location of Conditional Use request.
3. Survey Plat
4. Time Period of Conditional Use request.

\*See attached Conditional Use Procedures

**STAFF FINDINGS**

1. The surrounding area primarily consists of single-family residential lots on the North, South, and East areas of the area.
2. The area is zoned R-1A.
3. The Rail Road Yard and Rail Runner are located on the West side of the Rail Café Location.
4. The Continuing Conditional Use is to extend the Conditional Use for another period of time.
5. There have been no significant hazards or inconveniences to the surrounding neighborhood from 2007 until June 2017 when the outdoor music venue started. See attached letter from a local resident.
6. A Special Events permit has been issued for this outdoor music venue to occur on Saturdays from 7:30 PM to 10:00 PM.



# City of Belen Special Event Permit 100 S Main St Belen

PERMIT #  
\_\_\_\_\_

COMPLETE THIS FORM AND SUBMIT IT TO THE CITY OF BELEN 30 (THIRTY) DAYS PRIOR TO THE EVENT

Name of Organization Hub City Brewing CO  
 Contact Person Tom Gendler Contact Phone # 303-358-1851  
 Mailing Address 3058 St Hwy 47 City/State/Zip Los Lunas NM 8703  
 Event Location 202 Desoto Ave Date of Event every Sat 6/3-8/26/17  
 Reason for the Event Sat night music Describe your event: Sat night as part of Belen in the Summer time efforts to put videos on the Rail Runner  
 Time of barricades set up & tear down (if needed) Set up: none Tear Down: none

CHECK ALL THAT APPLY (if city services are needed fill out form EP-3)

The event will name the City of Belen as additional insurer for the minimum of \$100,000. (Required ONLY if using city property for the event.) Insurance Company: no city property involved

- Certificate of Insurance naming the City of Belen as additional insurer.
- Notify the Belen Police Department of event Signature of contact [Signature]
  - Special Request: will notify Belen Police
  - Welfare Checks
  - Extra Patrol
  - Road closures list streets and duration: \_\_\_\_\_

- Hire additional event security if needed.
- Name of Company: none Signature of contact \_\_\_\_\_

- Notify the Belen Fire Department, Fire Chief Signature of contact WARREN 5/23/17
  - Special Request: will notify Fire Dept
  - Fire Truck
  - EMS/Rescue

- Notify the Street Department
  - Notify Planning and Zoning done Signature of contact \_\_\_\_\_
  - Notify the Parks Department (if needed) Signature of contact \_\_\_\_\_

Comments/concerns: all on private property at the RR station  
 Signature of event Sponsor/Organizer [Signature] Date 5/23/17

City of Belen Risk Manager [Signature] Date 06/29/2017



# CITY OF BELEN - SPECIAL EVENT CITY SERVICES REQUEST FORM

Before requesting services, please ensure that the event meets the following requirements:

1. Expected attendance exceeds 100 persons.
2. Event is open to the public.
3. Form is received three (3) months prior to date of event.

Type of Organization:

Non-Profit  
  For-Profit  
  City

5/23/17  
Date

Holo City Brewing Co      Tom Green  
 Organization Name      Primary Contact

Sat. Belen Music Series      303-358-1851  
 6/3-8/26      Event Name      Telephone Number

8-10p      50-100      Mailing Address  
 Date of Event      Time of Event      Expected Attendance

202 Deep Ave      brewbeer4u@comcast.com  
 Location of Event      Email Address

### City Services for Request

Please indicate the necessary services and include approximate times when services are required. Exact services provided to be determined by the City of Belen. The costs for services will be determined by the City of Belen's finance department. The requesting organization will be responsible for 50% of the total costs of approved services. A request for services does not guarantee availability or approval of services.

Available Services	Times Needed for Services	Employees Needed	Costs (to be determined by City)	
<input type="checkbox"/> Police Services			/	
<input type="checkbox"/> Fire/Emergency Medical Services				
<input type="checkbox"/> Set-Up (please see below)	NONE NEEDED			
<input type="checkbox"/> Street Services				
<input type="checkbox"/> Electrical Hookups				
<input type="checkbox"/> Water				
<input type="checkbox"/> Park Rental (Please provide verification of rental availability)				
<input type="checkbox"/> Facility Rental (Please provide verification of rental availability)				
<input type="checkbox"/> Road Closure (If state road, Traffic Control Permit required.)*				
<input type="checkbox"/> Other (Please explain in space below)				
			<b>Total:</b>	
			<b>50% of Total:</b>	

Set-Up Materials Requested: \_\_\_\_\_ # of Chairs \_\_\_\_\_ # of Tables  Stage

\*Additional fees not subject to 50% adjustment may be required.

100% on private property  
Business has Liability Alcohol  
policy in place

**Event Insurance Requirements**

Indemnitor will secure, purchase and maintain, at its own expense, the following insurance policies in full force and affect during the entire period of the Event, including any set up and tear down, covered by this Agreement:

- 1. Statutory Workers Compensation Insurance and Employer's Liability Insurance in amounts no less than \$500,000 per accident or disease.
- 2. Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence with a minimum of \$2,000,000 general aggregate.

The Commercial General Liability policy shall be endorsed to name the City of Belen, its governing board, officers, employees, agents and representatives as Additional Insureds. Coverage for the Additional Insureds shall apply on a primary basis irrespective of any other insurance, collectable or not.

Indemnitor will, at least thirty days prior to the Event, deliver to the City of Belen, and certificates of insurance evidencing compliance with all insurance provisions noted above.

Indemnitor will require any subcontractors or others acting under its direction or control to: 1.) execute an indemnification provision in favor of the City of Belen, its governing board, officers, employees, agents and representatives agreeing to the same terms and conditions as contained herein, 2.) maintain the same insurance coverage as set forth above, and 3.) provide certificates of insurance evidencing the required coverage and naming the City of Belen, its governing board, officers, employees, agents and representatives as Additional Insureds.

In addition, if liquor is to be served at or during the event, then Indemnitor will be required to purchase liquor liability of an amount no less than \$1,000,000 per occurrence.

**City of Belen Services Use Agreement**

*By agreeing to use city services, the organization also agrees to leave the facility as found and be responsible for any and all waste and clean-up generated at the event site.*

*The organization named above including its respective employees, agents, invitees or others acting under its direction or control, hereinafter referred to as Indemnitor, agrees to defend, indemnify and hold harmless the City of Belen, its governing board, officers, employees, agents and representatives, against any and all losses, expenses, claims, demands, damages, judgments, liabilities or alleged liabilities (including attorneys' fees) of any nature whatsoever resulting from, arising out of or in consequence of, any action or cause of action in connection with the Event contemplated in this Agreement including, but not limited to, damage to property, any injuries or death sustained by any person or persons, employees, agents, invitees and the like, any infringement of copyright, royalty or other proprietary right, caused by the negligence or intentional acts of Indemnitor. Indemnitor hereby waives any rights of subrogation against the City of Belen, its governing board, officers, employees, agents and representatives.*

*The organization understands that 50% of total charged will be due two (2) weeks prior to event and the remaining balance will be due two (2) weeks after event completion.*

*Failure to comply with these terms will restrict the organization from future use of city services.*

*[Handwritten Signature]*  
Signature of Primary Event Organizer

*5/23/17*  
Date

When complete, submit form and all necessary attachments to the Administrative Assistant at the City Hall of Belen. Organization will be notified as to approval for use of city services within forty-five (45) days of receipt of request.

**FOR OFFICE USE ONLY**

Request Approved  Request Denied

Certificate of Liability Insurance Received  Facility Rental Scheduled  Park Rental Scheduled

Reviewed and approved by

Department	Initials	Department	Initials	Department	Initials
Admin. Assistant		Police		Fiscal	
Public Works		Fire			

Notes

Approval Sent	
Invoice Sent	
Deposit Rec'd	
Total Rec'd	

Mr. Victor French and Ms. Laura Laidler  
203 Arizona  
Belen, NM 87002  
August 6, 2017

City of Belen  
Planning and Zoning Department  
100 South Main Street  
Belen, NM 87002

Dear Commissioners:

**This letter is to inform you that we strongly oppose the continuation of the conditional use granted to Tom Greer as the agent for the Hub City Brewing Co. at the Rail Runner Café which is located at 202 De Soto Ave., Belen, NM 87002.** We further respectfully ask that you please give consideration to the following comments and enter them into the public record at the hearing on this matter scheduled for Monday August 14, 2017.

Our family has resided at 203 Arizona for the past twelve years. Several years ago, we were invited to attend a Belen city council meeting where Mr. Greer informed local residents that he intended to begin selling alcoholic beverages at the residence at 202 Desoto. At that time, Mr. Greer placated rightfully concerned residents by describing his business as one where his customers would purchase craft alcoholic beverages that would be sold in growlers that would then be consumed at home.

It has become clearly evident in recent months that this is far from the type of business that we now have in our neighborhood. As of June 3<sup>rd</sup> 2017, Hub City Brewing Co. began an outdoor music venue that has occurred and is scheduled to continue occurring throughout the summer, and perhaps beyond. Unfortunately, the noise level that emanates from Hub City Brewing Co. during these outdoor events is exceedingly loud, unnecessary and wholly inappropriate for any business that is located adjacent to occupied residences in the city of Belen. The booming bass that emanates from Mr. Greer's property typically begins at around 7:30 PM each and every Saturday and usually doesn't subside until 10:00 PM, or sometimes even later. Those of us who live in the vicinity of Hub City Brewing Co. are being subjected to noise levels that we cannot escape; even with our doors and windows closed in the farthest reaches of our homes. It has been sufficiently objectionable that our family has purchased noise cancelling headphones in an attempt to

mitigate this regular annoyance caused by the inconsiderate actions of Hub City Brewing Co. Even this extreme measure has proven ineffective. In addition, on several occasions we have called Belen dispatch pleading for assistance in mitigating this nuisance under existing noise ordinances. At no time has this effort ever resulted in even a brief lessening of the noise pollution being generated at Hub City Brewing Co. It is puzzling to us that the City of Belen has asked for and obtained quiet zones along the nearby rail corridor through town, while allowing Hub City Brewing Co. to generate much more noise over a much more prolonged period of time.

Moreover, it is extremely inconsistent with good zoning policy, and a potential liability to our city, to endorse activities where potentially inebriated patrons can only leave Hub City Brewing Co. by driving through residential neighborhoods where children often congregate. As you are undoubtedly aware, there is an abundance of abandoned and unused commercial properties in our city that would be appropriate for this type of business.

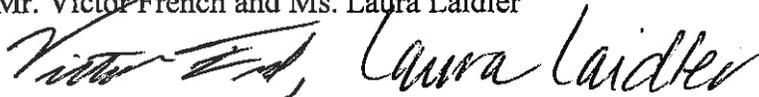
It is also not lost upon us that Mr. Greer, the owner and proprietor of Hub City Brewing Co., has been and presumably continues to be the chairman of the Planning and Zoning Commission for the city of Belen. We would hate to think that the above mentioned inconsistent zoning policies and the lack of enforcement of existing noise ordinances are the result of any impropriety or undue influence that may be occurring behind the scenes.

In summary, it is our position that Hub City Brewing Co. under the present business model has become an unreasonable nuisance that deprives adjacent residents of the use and enjoyment of their properties. The City of Belen, through the Planning and Zoning Commission, has a responsibility to its citizens to assert its independence from any improper influence and mitigate this nuisance by denying the request for continued conditional use by Hub City Brewing Co.

Thank you for your prompt attention to this matter.

Sincerely,

Mr. Victor French and Ms. Laura Laidler

Handwritten signatures of Victor French and Laura Laidler in black ink.

CC: Jerah Cordova, Mayor  
Dwayne Pena, Code Enforcement Officer

## 17.60.020 - Conditional use procedures.

- A. No conditional use shall be established in any zone district except upon permit issued by the planning and zoning commission, which shall be guided in making a decision by the criteria set forth in this section. Any person seeking a conditional use permit shall provide to the planning and zoning commission such information as it may reasonably require to determine whether the grant of the requested conditional use permit is consistent with the intent and purpose of this title.
- B. Any request for a conditional use permit shall be submitted to the planning and zoning commission through the zoning enforcement officer on prescribed application forms. The planning and zoning commission shall approve or disapprove the application following consideration at one (1) of its regular meetings. The planning and zoning commission shall conduct a public hearing on each request for conditional use. Public notice shall be given in a newspaper of general circulation in the area at least fifteen (15) days prior to the date of the meeting. Notice of the public hearing, time, date, place and a brief description of the requested conditional use shall be mailed by certified mail, return receipt requested to the owners of land within one hundred (100) feet of the exterior boundary of the tract of land where the conditional use is requested.
- C. In considering an application for a conditional use permit, the planning and zoning commission shall not grant any conditional use permit unless satisfactory provision and arrangement has been made concerning the following, where applicable:
  1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  2. Off-street parking and loading areas where required, with particular attention to refuse and service areas;
  3. Public and private utilities, with reference to locations, availability, and compatibility;
  4. The economic, noise, glare, or odor effects of the conditional use on adjoining properties; and
  5. General compatibility with adjacent properties and other property in the district.
- D. The following conditional uses are limited to six (6) months duration, at the end of which time such use must be reviewed and a new permit granted in order for it to be continued:
  1. Amusement parks, carnival, circus. Conditional use in any A-R, C-1 or M-C zone.
  2. Dwelling, temporary watchman or caretaker. Conditional use in all zones.
  3. Offices, temporary (real estate sales, etc.). Conditional use in all zones.
  4. Flea markets as a conditional use in the C-1 and M-C zones, subject to the following requirements:
    - a. There shall be at least two (2) off-street parking spaces per rental stall on the premises;
    - b. Adequate refuse containers shall be provided to control litter;
    - c. Adequate sanitary facilities (restrooms), either portable or permanent, shall be provided on site;

- d. Sale of animals is prohibited with the exception of dogs, cats, rabbits, birds and other common household pets;
  - e. No merchandise intended for sale shall be stored on site after business hours which shall be between 7:00 a.m. and 6:00 p.m.,
  - f. All tarps, tents or sunshades must be securely attached to prevent a safety hazard and must be removed at daily closing time; and
  - g. A site plan designed in accordance with the above requirements shall be submitted as part of the approval process.
- E. The planning and zoning commission may impose supplementary regulations and special conditions on requests for conditional uses. Any special conditions imposed by the planning and zoning commission shall apply in addition to the district regulations, and shall govern over any less restrictive zoning regulation.

(Ord. No. 2015-14, 11-16-2015)