

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 TUESDAY THE 10th OF OCTOBER 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 ALLEGEANCE**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF MINUTES:**
September 25, 2017
6. **PUBLIC COMMENT 3 MINUTE PRESENTATIONS:** If more time is needed for presentation, please ask to be scheduled on the next agenda.
7. **PUBLIC HEARING WITH POSSIBLE ACTION**
 - a. **REQUEST FOR CONDITIONAL USE FOR A WINE TASTING ROOM IN A C-R ZONE LOCATED AT 114 BECKER AVE.,** for the purpose of tasting and selling wine. **AGENT: ROBERT C JARAMILLO. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Block 25, Lots 19 & 20, BTS Addition. AKA 114 Becker Ave., Belen NM 87002.
 - b.
8. **DISCUSSION**
Landscape Ordinance
9. **INFORMATIONAL ITEMS**
 - a. Communication from the Commission and Staff
10. **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

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

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
SEPTEMBER 25, 2017**

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 p.m.

PRESENT: Chairman Steve Etheridge
Vice Chair Pete Armstrong
Commissioner Gordon Reeves
Commissioner Claudine Montano
Commissioner Jim Lardner

CITY STAFF: Steven Tomita, Economic Development
Lisa R Miller, Planning & Zoning Administrator

PLEDGE OF ALLEGIANCE

Chairman Steve Etheridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Vice Chair Pete Armstrong moved to approve the Agenda with the addition Swearing in the Commission after the approval of the agenda.

Commissioner Gordon Reeves seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Commissioner Gordon Reeves moved to approve the minutes of September 11, 2017.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

PUBLIC COMMENT

Steven Tomita informed the Commission that he would like to inform them on how to deal with a potential conflict of interest situation. If there is hearing going on in a specific case and you feel that you have some association with that case, or the person presenting it, and there may be a conflict of interest, you need to state you need to state that before the issue is addressed. You may say that you may have a conflict of interest and recuse yourself from the proceedings. At that time it is the best procedure is to step down from you chair and either sit in the audience to step out of the room until the hearing is done. You are not to ask any questions etc., concerning the issue. There was a situation that occurred recently where a person was going to recuse themselves from voting, was asking questions of the applicant but when the vote was taken they recuse themselves. This is improper procedure.

PUBLIC HEARING WITH POSSIBLE ACTION

- A. **BROADBAND UTILITY POLE: BROADBAND NETWORK OF NEW MEXICO LLC. AGENT: Kevin Winner. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts 159A1, 159A2, 156B & a portion of Land of Par 2 Enterprises, containing 1.59 ac.

Mr. Kevin Winner informed the Commission about the project that he had been before the P & Z Commission at a previous date. The Broadband Network of New Mexico will be installing some new wireless data utility poles. It combine fiber repeaters and microwave technology to ensure that the network is low impact and cost effective to the community and can be effectively upgraded in the future. This is meeting the demand for wireless services for the City of Belen. The location of this pole is proposed at the corner of Main St. and Bernard. They are proposing a 50 foot wood utility pole. The coverage objective is downtown Belen.

Vice Chair Pete Armstrong asked if this was the same as the previous request that was brought before the Commission, with the exception of it being located in a different area and it is less in height.

Mr. Winner said yes but the other one was 70 feet and this one is 50 feet. The company did the core analysis to get the signal repeated at the other site that was approved and the signal was not strong enough in that area so they had re-design it with this location.

Commissioner Gordon Reeves asked how far this location would reach.

Mr. Winner said about 800 meters in each direction. The first proposed tower was closer to the middle school.

Commissioner Gordon Reeves asked if they foresaw further towers being needed.

Mr. Winner said yes, there could be more towers in the future. This one is for the wireless carrier Sprint. The other companies may be coming in and looking for improved signal areas in this area also.

Chairman Steve Ethridge asked if they would be on the same pole.

Mr. Winner said that it would not be on the same pole. It would be on another pole as far as 200 feet away from this one. There could be a series of small cell poles.

Steven Tomita said that it does raise one concern. If you get a bunch of carriers coming in and placing a whole bunch of poles together or will they be spread out. It will create a visual problem, especially on a main street.

Mr. Winner said that is why they lowered the height of the pole. This way it blends in more with the existing poles in the area.

Commissioner Gordon Reeves asked if this was for network services.

Mr. Winner said that it was for network data services, basically wireless internet.

Chairman Steve Ethridge asked when the one that was previously approved would be going up.

Mr. Winner said that the location on Baca and Sixth is being replaced with this new location. They had to move it to the new location for reception purposes. The new location would receive better reception.

Chairman Steve Ethridge said that maybe they should consider a time restriction for the construction of these poles. He is concerned about seeing a forest of utility poles all over the City. It seems like the wireless telecommunications facilities have agreements where you can share with other carriers and asked if this pole can be used in that capacity.

Mr. Winner said that the way the tower industry has developed was they went from their own single tower to a shared tower where it is designed to accommodate more than one carrier. This pole is designed to handle just one carrier. The fact that it is this kind of pole limits its capacity as to how much it can handle. The reason is that the footprint that this is covering is so small that they do not need to be centrally located any more. The possibility of the other carriers needing this location is pretty low at this time.

Chairman Steve Ethridge said that the land or spot that this is proposed is on Main St. and the information provided says that the local jurisdictions are taken into account and asked if they were aware of who owns the property that they are proposing belongs to.

Mr. Winner said that he is aware of who the property owner is and has spoken with them. His project is based on placing the pole in a public right of way and they would be working with DOT to place the pole within their right of way. They have submitted an application to the DOT for this location but have not heard from them.

Chairman Steve Ethridge said that he was concerned and he knows that there is a three phase line that is located in that area, but along Main St. everything is pretty much brown tapered aluminum poles that have break away bases due to the high volume of traffic in the area. He would like to know what would happen if a vehicle hit this pole.

Mr. Winner said that typically the car would lose, it is a solid pole. They do have a design with a galvanized break away base pole that can be used and sometimes the DOT will require that poles be placed around the poles to protect them. They could possibly move it off Main St. and place it on Bernard Ave. in the City's right of way on the south east corner where the sidewalk ends about 100 feet from the existing proposed location.

Chairman Steve Ethridge asked what difference that different location would make.

Mr. Winner said that that location would not make that much of a difference as long as it is not blocked by any buildings or trees.

Commissioner Gordon Reeves asked if they would use a metal pole. He would like to see less wooden poles.

Mr. Winner said that they could use a metal pole, it would be more expensive but it could be done.

Chairman Steve Ethridge asked if it was a breakaway base would the wires also have this breakaway option or would they have to be called in to replace any damaged wires.

Mr. Winner said that they would have to be called in. They have their own network monitoring equipment, so if the site was damaged in any way we would automatically be notified.

Commissioner Gordon Reeves said that the reason he would like to see a metal pole is because people run around stapling and taking up flyers, signs, etc. and generally damaging wooden poles.

Lisa Miller said that the area in question is zoned C-1. The original position that was proposed was located on private property and not on the right of way. If it goes on Bernard

Chairman Steve Ethridge said that there are overhead wires to consider.

Mr. Winner said that they could use underground wiring for it. In the report provided it also mentions that an actual light pole was rejected due to safety concerns. He asked what kind of concerns those would be.

Mr. Winner said it would be just another obstruction. They do have a pole attachment agreement with PNM on a street light design pole and that is something that they could do as well. They want it to blend in and not stand out but still get the coverage that they need.

Steven Tomita said that his concern with the actual street light is that we would be getting a multitude of calls that the light is out.

Chairman Steve Ethridge asked if the 50 foot height was essential.

Mr. Winner said that it would serve the area they are considering.

Chairman Steve Ethridge said that he like the idea of placing it along Bernard and getting it off of Main St. He would like to see it closer to the first existing pole that is on Bernard.

Steven Tomita said that it would be approximately 195 feet from the original proposed location.

Mr. Winner said that location would be one that they probably be ok with. He asked how wide the right of way is in that area.

Steven Tomita said that it is approximately 38 feet. That is back of sidewalk to back of sidewalk.

Mr. Winner said that the other challenge that they had was that they had to meet ADA requirements for the sidewalk area but if they moved it onto the Bernard location they might be able to avoid that. They are trying to be flexible.

Commissioner Gordon Reeves moved to approve the application of a wooden utility pole to be placed on Bernard Ave. as discussed.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

Vote was as follows:	Commissioner Claudine Montano	Yes
	Commissioner Gordon Reeves	Yes
	Vice Chair Pete Armstrong	Yes
	Commissioner Jim Lardner	Yes

DISCUSSION

Landscape Ordinance

Page 8 on Prohibited Plants is where they had finished at the previous Commission meeting.

Chairman Steve Ethridge informed Commissioner Lardner and Commission Montano where they had left off so that they were aware of what they were doing.

Vice Chair Pete Armstrong said that they had finished with the prohibited plants and stopped at the Street right-of-way landscaping.

Steven Tomita asked if they had decided on the different types of trees.

Vice Chair Pete Armstrong said that they had decided that it would consist of non-pollinating trees and that the Mulberry Trees was taken out because there are some Mulberry Trees that are not pollen producing.

Lisa Miller said that they had discussed the plants that are listed and had decided that some Olive Trees are ok, some Fountain Grass is ok, and some Bermuda grass is ok. They did bring up the State list of trees and shrubs.

Vice Chair Pete Armstrong said that there is an extensive list of vegetation that has been approved by the City of Albuquerque.

Steven Tomita said that he needs to get that list so that the Commission can review it and suggested that the Commission re-visit that section when they have had a chance to review that list.

They moved on to Street Rights-of-way Landscaping.

Steven Tomita said that this section is mainly for new construction because on some of our existing streets you are not going to be able to get the five foot strip of landscaping that is covered in this section. He suggests that where possible needs to be added.

Chairman Steve Ethridge said that he would also like to see continuity added to the design elements.

Steven Tomita suggested that harmony be used instead of continuity. Continuity means the same all the way and if you use harmony you are blending in with the rest.

Chairman Steve Ethridge suggested that the spacing between trees should be changed to 40 feet instead of 30 feet.

Steven Tomita said that it needs to depend on the size of the tree canopy. Each type of tree may have a different size of canopy. He suggested that it say that required spacing all be such to achieve a maximum tree canopy for the species of tree used. He also suggested that the word block needs to be replaced with development project and where applicable. You can also add another sentence that says that in circumstances where existing trees have been removed or destroyed they shall be replaced at the same time within a year.

Chairman Steve Ethridge suggested removing the required six shrubs completely.

Steven Tomita suggested that it should say that shrubs should be employed to create ground vegetation.

Vice Chair Pete Armstrong said that someone may not want to put any vegetation in that area and instead use crusher fine. It does not define what type of street. Is it a residential street, an arterial street, or a collector street?

Commissioner Gordon Reeves said that we should have trees.

Commissioner Jim Lardner asked what the long term cost to the City would be.

Steven Tomita said that on Main St. and Reinken Ave., the City would be willing to maintain but along residential areas you will get in a situation where City may require the homeowner to maintain it. Where he lives in Albuquerque you are not allowed to place trees in that right-of-way area. Our subdivision regulations requires there to be a separation of three feet between the sidewalk and the curb. This needs to be addressed. His opinion is that on a residential street it should be the responsibility of the homeowner to maintain that area. On the main arterial, collector streets the City typically maintain them. This is something that we need to look at.

Commissioner Jim Lardner asked if the Commission has determined what will be allowed on residential lots.

Steven Tomita said no. His suggestion is that they keep the tree canopy along the arterial roads and on the residential area you have two trees on the lots.

Chairman Steve Ethridge said that if he had two trees on his lot and nothing in the three foot division area in the front and that would be ok but if his neighbor had a tree in that three foot area and wanted to take it down would he be able to do so without any repercussions from the City, being it is their easement area.

Steven Tomita said that would be something that the Commission will have to confirm by placing it somewhere in the Ordinance.

Vice Chair Pete Armstrong has a problem with this because it is a lot of not only financial burden but a labor burden on the homeowner to maintain a right-of-way easement that belongs to the City.

Steven Tomita said that the City is maintaining that area at this time. Some homeowners are doing it on their own but on day the City might decide that it wants to replace all those areas with something else and will just come in and do that.

Chairman Steve Ethridge said that this is geared more toward new developments and not existing areas.

Steven Tomita said that the Commission could address the existing areas by adding them into a separate section of the regulation and asked the Commission it re-visit this section at a later time to reword it.

The parking lot landscaping will be addressed later.

Vice Chair Pete Armstrong suggested that the Commission eliminate the Native Plant Preservation and Landscape Plan Standards section completely.

Steven Tomita said that they need to address the Bosque.

Vice Chair Pete Armstrong said then replace it with the Bosque and address that later.

Chairman Steve Ethridge said that the purpose under that section should say something like the purpose is to minimize soil erosion and preserve existing vegetation, habitat terrain and water permeability.

Steven Tomita said that does not really pertain to the Bosque. He asked what is here in Belen that we need to preserve, other than the Bosque.

Chairman Steve Ethridge said that there is a tree that has a special memory attached to it because you carved your initials in it and had a tree house in it.

Steven Tomita said what if there is a 6,000 sq. ft. lot and the tree is located right in the middle of this lot and someone is planning on putting in a 4,000 sq. ft. home on that lot. If we kept that protected then that tree would be located right in the middle of that home. He does not see anything out there to preserve other than the Bosque. The Bosque is a unique environment for walkways, pathways, bike trails etc.

Commissioner Jim Lardner said that there are plants that are in the Bosque that you do not want there. There are Russian Olives and Salt Cedar.

Steven Tomita said that low water use plants can be incorporated into the regulations.

Chairman Steve Ethridge said that he does not see the Salt Cedar as an invasive tree. He thinks that a maintained Salt Cedar tree can be a beautiful tree.

Steven Tomita said that before they move on to Open Space, he would like the Commission to review the Required Open Space table that Queen Creek has in their Landscaping Ordinances. This chart shows the different open spacing that they are requiring for each zone area. This Commission can be defining how big of an open space we need to request especially when we have new development that are typically the lots will run between 6,000 sq. ft. to 4,500 sq. ft. These new developments are geared for young people just out of College that are not looking for a big yard and a big home to maintain. They are more focused on their career. Another fast growing population is the empty nesters who are looking for the same thing. In these developments the pocket parks are going to be important. You will have major parks and pocket parks. Pocket parks usually consists of play stations with swing sets, monkey bars, etc. The main parks have all the different play areas and are usually a community park. This area of the landscape regulations is the more complicated area and is the most controversial area.

Chairman Steve Ethridge asked the Commission if they have reviewed this section and are ready to move forward or would they rather be given the time to go back over it and be ready to review it at the next Commission meeting.

Vice Chair Pete Armstrong said that he has gone over it and he saw no issues with any of it. The only thing that he feels needs going over is the table. It needs to be adjusted to fit Belen.

Steven Tomita said that most of the new developments going in around Albuquerque are being required to provide 20% open spaces. He showed them one of the developments that he lived in, in Arizona. He said that Albuquerque is also giving a developer the options for a high density development of not having any open spaces and the developer has to pay the city for its

equivalent. The City then goes and buys an area for an open space in another location that needs one.

Commissioner Jim Lardner asked if there were any calculations provided that shows what the approximate cost of maintenance is for open spaces. He said that this should also be a consideration on determining the amount of open spaces required.

Steven Tomita said that the open space does not have to be completely green. It can consist of walkways that are lined with desert plants, rocks, etc. The type of things that are low water tolerant. He showed the Commission one more example in Arizona. He said that a pocket park is typically put in for every two hundred lots. That is because a pocket park would be easily accessed by those two hundred lots owners. Some developers will also use the drainage ponds and a park area. The City of Belen was going to use the area all along Christopher to create a par-core. A par-core is where you have little exercise stations along a walking path such as a sidewalk.

Chairman Steve Ethridge asked the Commission to review the next section for the next Commission meeting.

COMMUNICATIONS FROM THE COMMISSION AND STAFF.

Steven Tomita said that the schools are beginning to re-pave the old Alco parking lot. Once that is done Tractor Supply will come in and do the inside remodeling. They hope to be open in January. Plans have been submitted for Dominos and that building. There will be three separate sections to that building. Circle K is moving forward with their planning. The company, that was considering the Bargain Square building, is adamant about locating in Belen. The construction on the De La Rena subdivision streets is supposed to start sometime this fall. All of the Utilities are already installed, they just have to re-do the streets. There is a company looking to set up a commercial kitchen at the business center. There is an event sponsored by the RSVP going on Thursday. There will be a Arts & Craft & Garden show at the business center on the 15th. The City will be putting in store front glass doors on the Conference room area of the Business Center. They will also be putting the same type of doors going into the big auditorium area. We are also going to increase the parking area around that building. Dreamland will be filming in the Becker and Third St. area near the end of October.

Commissioner Jim Lardner said that his business is really busy now and that he and his wife will be celebrating their 25th wedding anniversary tomorrow (September 26th).

Chairman Steve Ethridge said that he was looking at the Tractor Supply plans and saw that they were also going to have an animal washing area.

Steven Tomita said that the film industry will not be able to help with the follow the star stage sets so they are asking for volunteers to help.

ADJOURNMENT

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

Commissioner Claudine Montano seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:59 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

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 FOR A WINE TASTING ROOM IN A C-R ZONE LOCATED AT 114 BECKER AVE.,** for the purpose of tasting and selling wine. **AGENT: ROBERT C JARAMILLO**

LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 18, Map 100, Block 25, Lots 19 & 20, BTS Addition. AKA 114 Becker Ave., Belen NM 87002.

You are further notified that this public hearing will be held on **Tuesday, October 10, 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: September 21, 2017

**CITY OF BELEN, NEW MEXICO
APPLICATION FOR CONDITIONAL USE**

REGULAR ✓

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: Chip & Lenora Wylie Phone: _____
Address: 114 Becker Ave, Belen, NM 87002
Authorized Agents Name: Robert C. Jeremillo Phone: 505-859-0951
Address: 30 Camino Nopales, Belen, NM 87002

Address of Property: 114 Becker Ave, Belen, NM 87002
Block and Lot: Block 25, Lots 19 + 20 Addition: _____
Tract Number: 1-007-028-358-262-000000 Map: _____
Total acreage in Tract: .163 acre
Number of Dwellings: 1 Density/Acre: _____
Zoning of Property: CR1 Present Use: commercial leasing space

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

9-15-17

Date

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

Planning and Zoning Commission Meeting Date: 10-10-17 Approved/Disapproved: _____
FEE PAID: 150.00 RECEIPT NO.: 12.003217 DATE: 9-15-17

OWNERS AFFIDAVIT

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

We,
I Chip Wily OR LINDA Wily
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at
114 Becker Ave, 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.)

through the City of Belen. Furthermore, (I) (we) hereby appoint
Robert C. Jaramillo of Jaramillo Vineyards LLC as our agent to act in our
behalf on all matters pertaining to the processing of this application.

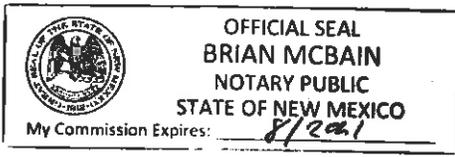
[Signature]
Signed
114 BECKER AVE
Address
BELEN, NM 87002
505-864-6215
Phone

Subscribed and sworn to before me this 15th day of September, 20 17.

[Signature]
Notary

My Commission Expires:

8/23/2021



Central Parlour LLC
Chip Wyly and Lenora Wyly
114 Becker Avenue
Belen, NM 87002

9-15-2017

Dear Belen Planning and Zoning Commission,

Central Parlour LLC is leasing 1075 sq/ft on the first floor of our building to Jaramillo Vineyards LLC for the purpose of use for said space as a Wine Tasting Room. This property is currently zoned as C-~~R~~Commercial and we would like to add the additional permission of use to the zoning permit for this building.

Drawing of building and property attached.

Requesting permission of use allowing sales and services to include: storage and selling of alcoholic beverages, specifically New Mexico produced wine and craft beer under the tenant's Wine Growers License in New Mexico # 60026, on-site premises consumption of alcohol as a permitted use within this zone and the sale of package alcohol for off-premises consumption.

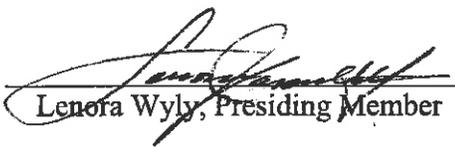
Jaramillo Vineyards LLC requires a zoning statement from the City of Belen to include in their Winegrower Off-Site Liquor License Application with the New Mexico Alcohol and Gaming Division. This zoning statement must include:

- Complete physical address of the proposed establishment: 114 Becker Avenue, Belen, NM 87002
- Zoning type (example C-1, Commercial)
- Statement regarding permitted use for the type of liquor license applied for which is a Winegrower Off-Site Liquor License with the permitted use: on premises storage and selling of alcoholic beverages, on premises consumption of alcohol within this zone and sale of package alcohol for off-premises consumption.

Robert Jaramillo, owner of Jaramillo Vineyards LLC, in the absence of Jim Perry, Registered Agent and Manager of Central Parlour, LLC, or ourselves, will be our agent to act in our behalf on matters pertaining to the processing of this application. Notarized Owners Affidavit attached.

Thank you for your consideration of this application.


Chip Wyly, Executive Officer


Lenora Wyly, Presiding Member

Existing Zero Lot Line Structure

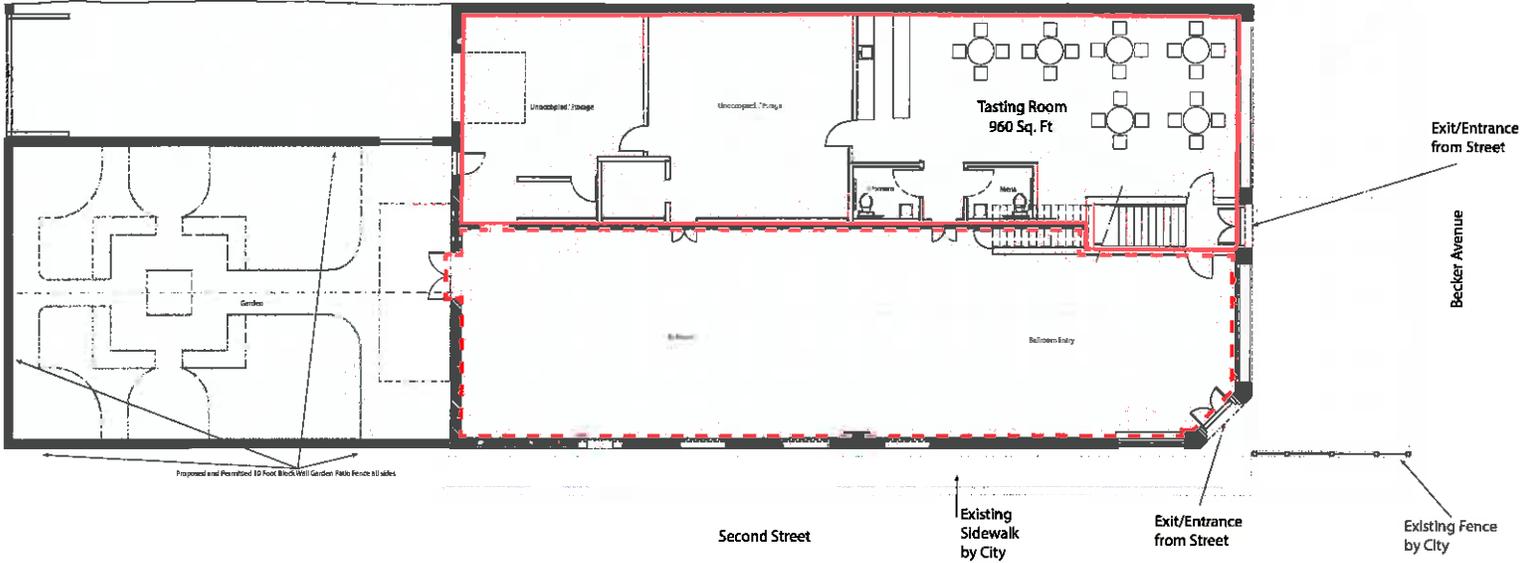


Exhibit A

10 Foot High Block Wall

Leased Area

Suspended Use Area



Central Parlour

Property Drawing - 114 Becker Ave. 87002

Specs:

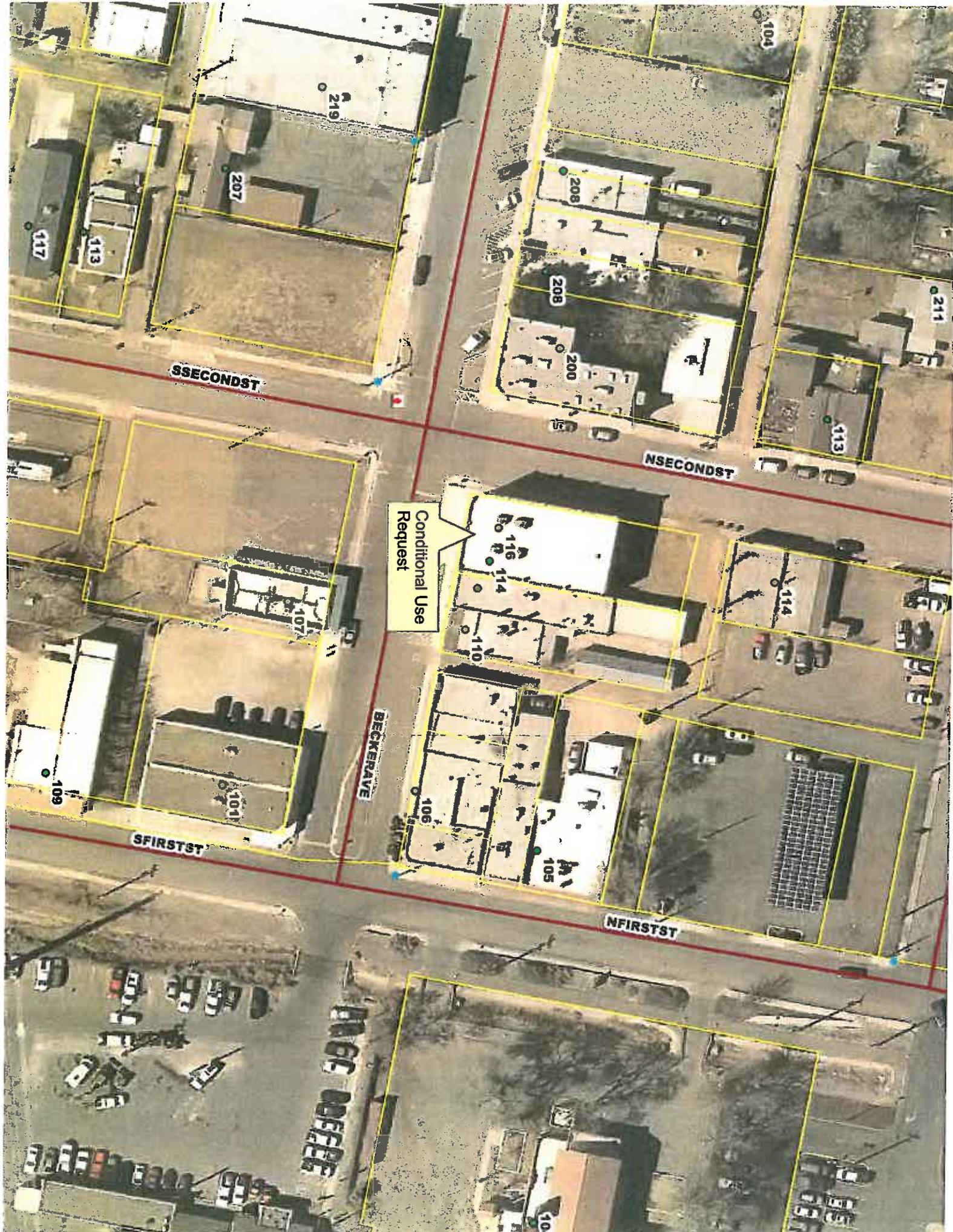
Scale: 1/16" = 1'

062215 - Rev 091717

CH17_FirstFloor_LocationPlan_NP_cw1.ai



HOTEL
 BAGGAGE
 REST
 COTTONWOOD TREES



Conditional Use Request

S SECOND ST

N SECOND ST

S FIRST ST

N FIRST ST

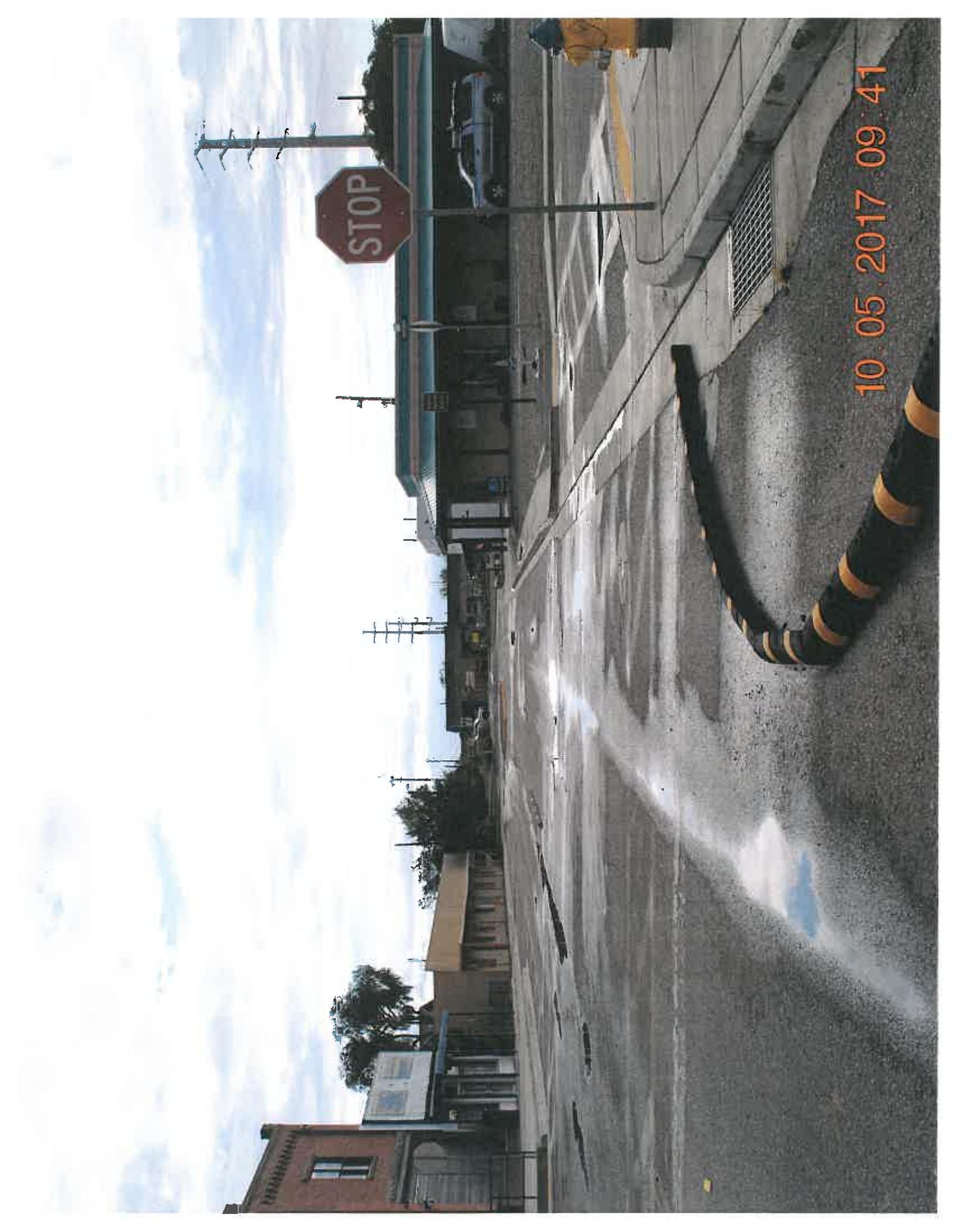
BECKER AVE

MAGS OBEER





10.05.2017 09:41



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10.05.2017 09.41



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

CITY OF BELEN
100 SOUTH MAIN STREET
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MAYOR PRO-TEM
FRANK ORTEGA
CITY COUNCILOR

CASE REPORT
October 5, 2017

CONDITIONAL USE CONTINUATION REQUEST
Location: 114 Becker Ave., Belen NM 87002

SITE DATA

Existing Use: C-R

Lot Size: .163 acres (7,175 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	C-R	Business-NM Reefer Svc.
East	C-R	Vacant Structures-Businesses
South	C-R	Vacant Lot
West	C-R	Art Studio-Residence

*See attached zone map.

REQUEST

The applicant is requesting a Conditional for the purpose of tasting and selling wine.

Conditional Use Requirements:

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

STAFF FINDINGS

1. The surrounding area primarily consists of Businesses.
2. The area is zoned C-R.
3. A Boutique Winery is allowable with a Conditional Use Permit.

Chapter 17.28 - C-R COMMERCIAL/ RESIDENTIAL

Sections:

17.28.010 - Intent.

The purpose of this zone is to permit a limited mixture of residential and retail commercial activities. This zone establishes and preserves areas for those commercial facilities which are essentially useful in close proximity to residential areas, while minimizing the undesirable impact of such commercial uses on the neighborhoods which they service. Any commercial establishment, other than a home occupation, located in this zone shall contain a total floor area no greater than four thousand (4,000) square feet.

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

17.28.020 - 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)

17.28.030 - Supplementary regulations.

All supplementary regulations in this zone shall be the same as those listed in the R-2 zone district, except that signs indicating a commercial or business establishment may not exceed forty (40) square feet per sign with a minimum width of two (2) feet.

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

Chapter 17.48 - ALLOWABLE LAND USES

Sections:

17.48.010 - Table of allowable land uses.

The following table indicates allowable land uses in specific districts of the city of Belen:

- X = Permitted use
- C = Conditional use
- C* = Conditional use (six-month permit)

A-R = Agricultural/Residential	R-1 = Single-Family Residential
R-1A = Single-Family Mixed	R-2 = Multifamily Residential

R-2A = High Density Residential	R-3 = Small Lot Residential
R-4 = Medium Residential	C-R = Commercial/Residential
C-1 = General Commercial	C-2 = Mixed Use

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	M-1
Airports; aircraft sales and service									X					X
Ambulance service							X	X						X
Amusement parks; carnival; circus	C*						C*	C*		C*				C
Animal shelter; dog pound; kennel	C						X	X						X
Antique dealers							X	X		X			X	C
Appliance store; repairs							X	X					X	C
Armory							C	C						C
Art gallery; art schools						X	X	X		X			X	
Auction houses (excluding livestock)							X	X					X	X
Automobile sales; service; repair							X	X					C	X
Automobile rental							X	X					C	
Automobile wrecking, dismantling, salvage									X					C
Bakery, confectionery store (retail)						X	X			X			X	
Bakery, candy and confectionery manufacture (wholesale)							X	X					C	X

Ballrooms; dancing instruction					C	X			X			X	
Bank; savings and loan; trust company						X			X			X	
Bars, lounges, and package liquor stores						X			C			X	
Barber or beauty shop				C	C	X	X	C		X		X	C
Batching plant (concrete or asphalt)							X						X
Bed and breakfast						X			X	C	C	X	
Boat dealers; marine supplies						X	X		X				X
Book store					X	X	X					X	
Bottling plant							X						X
Boutique Winery; Craft Brewing					C	X			C			X	
Bowling alley						X	X		X			X	
Brewery; Winery												C	X
Brick products; manufacture							X						X
Buildings; prefab assembly							X						X
Bus lines (depot and maintenance)						X	X					C	X
Cabinet makers					C	X	X					C	X
Camper equipment, retail sales					X	X	X					X	X
Candle manufacturing; wholesaling						X	X						X
Care home, assisted living, senior housing, group home				C	C	C	X		X	C	C	X	
Car wash						X	X					X	C



Queen Creek Zoning Ordinance



Original adoption January 6, 1999. Updated April 19, 2017. Ordinance No's 628-17 through 636-17.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

1. The applicant, property owner, and / or subsequent or successor owners and their agents shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development as specified in this Section. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not be limited to, mowing, edging, pruning, fertilizing, watering, weeding, and other activities common to the maintenance of landscaping.
2. Landscaped areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.
3. All required plant material shall be maintained in a healthy, growing condition as is appropriate for the season. Plant materials which exhibit evidence of insect pests, disease, and / or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation. If replacement is necessary, all plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development order or development permit.

the proposed development corresponding the zoning district as set forth in Columns "B" and "C" in Table 5.4-1 hereto.

Table 5.4-1 Required Open Space

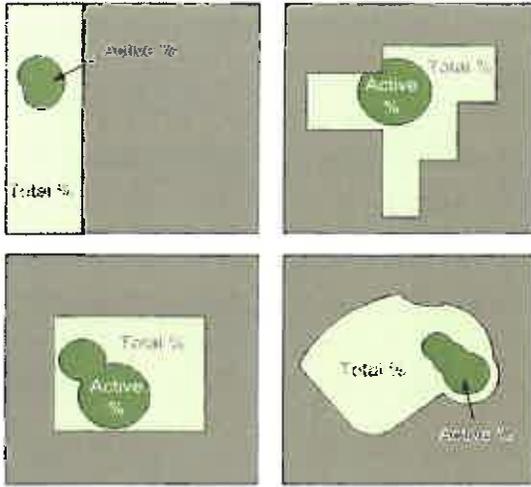
(A) Zoning District	(B) Total Open Space	(C) Active Open Space
Rural Residential (A-1, R1-190, R1-145, R1-108)	0%	0%
Estate Residential (R1-54 R1-43)	0%	0%
Suburban Type-A (R1-35)	5%	10%
Suburban Type-B (R1-18, R1-15, R1-12)	7.5%	15%
Urban Residential (R1-9, R1-8, R1-7, R1-6, R1-5, R1-4, R1-3, MDR, and HDR)	20%	30%
Commercial (B1, C-1, C-2, C-3, MU, AT and TC)	15%	N/A
Industrial (EMP-A and EMP-B)	10%	N/A

5.4 Open Space

- A. All new development in the Town of Queen Creek shall provide Open Space as provided herein and designed as required in Chapter 6 of the Town of Queen Creek Subdivision Ordinance.
- B. *Community Trails System.* The applicant shall provide a community open space network and / or trails system, which system shall be integrated with the *Parks Trails and Open Space Master Plan*, which is hereby incorporated by this reference as if set forth in its entirety herein. The trails shall be maintained by the applicant.
- C. *Required Open Space.* Required open space shall be reserved for any development in the zoning districts types forth in Column "A" of Table 5.4-1, below, based upon the percentage of net acres in

1. *Active Open Space.* Active Open Space shall be provided as referred in Table 5.4-1 may include, but shall not be limited to: recreational activities as golf courses, sport courts / fields, picnic areas, playgrounds and trails as defined in Section 1.14. Additional active amenities and reduction in active open space may be approved by the Planning Administrator.
2. *Passive Open Space.* Open Space not defined as Active maybe considered as Passive Open Space as defined in Article 1, Section 1.14 of this Ordinance.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS



D. **Open Space Designation.** Open space shall not be further than the following distances from any lot or, if the proposed development does not involve a subdivision, any primary building, and the entrance allowing people, bikes, or equestrians to enter into the open space or view the open space area:

1. One-sixth (1/6th) of a mile or eight-hundred and eighty feet (880') from passive open space; and,
2. One-fourth (1/4th) of a mile or one-thousand, three-hundred and twenty feet (1,320') from active open space.

E. **Open Space Maintenance.** Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed except as provided below.

1. Any areas reserved as open space shall be indicated on the sketch plan and preliminary site plan or subdivision plat. An Open Space Provision and Maintenance Plan shall be submitted as a part of the application for development approval including the project phasing schedule. This plan shall designate and indicate the boundaries of all open space areas required by this Ordinance. The plan shall:
 - a. Designate areas to be reserved as open space. The specific design of open space areas shall be sensitive to the physical and design characteristics of the site;

- b. Designate the type of open space which will be provided; and,
 - c. Specify the manner in which the open space shall be perpetuated, maintained, and administered.
2. The types of open space which may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:

- a. Passive open space shall be maintained in a healthy, neat, clean, and weed-free condition. Waterways and landscaped areas lying between public right-of-way lines and the property, unless such streets, waterways, or landscaped areas are expressly designated to be maintained by a designated governmental authority shall be free-flowing and devoid of debris;
 - b. No specific maintenance is required for agricultural uses;
 - c. Active open space areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions; and,
 - d. Greenways are linear green belts linking residential areas with other open-space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
3. All designated open space shall be of suitable size, location, dimension, topography and general character and shall have proper road and / or pedestrian access, as may be appropriate, to be usable open space.

- a. The minimum dimension for usable open space shall be thirty feet (30') and the minimum area shall be one-thousand (1,000) square feet.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

b. Retention areas or detention basins which are required as part of this Ordinance or the Subdivision Ordinance shall not qualify as an open space area unless fifty percent (50%) or more of the active and usable area is above the twenty-five (25) year storm and is designed for multiple area(s) conforms to the requirements of subsection (1) and (2) below. This standard shall not apply to non-residential developments which shall be permitted to calculate the retention and detention area as part of the required open space area.

1) Retention or detention areas shall be an integral part of the subdivision either as a greenbelt, or as a single basin. Retention areas shall be improved so as to be useable and accessible. Site and architectural amenities, such as armadas or benches shall be provided. "Tot lots", playground equipment, and sport courts equipment shall be elevated above the bottom of the basin for uninterrupted use.

2) Retention or detention areas shall be given a natural character and shall be constructed of natural materials. Terracing, berming and contouring is required in order to naturalize and enhance the aesthetics of the basin. Basin slopes shall not exceed a three to one (3:1) slope.

c. Open space areas shall be landscaped and the majority of the area shall be visible from at least one (1) adjoining arterial, collector, or local street.

F. *Preservation of Open Space.* Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as determined by the Town Council by any of the following mechanisms or combinations thereof:

1. Dedication of open space to the Town, an appropriate public agency, or a non-profit entity if there is a public or non-profit agency willing to accept the dedication and financially capable of maintaining such open space. The Town may not

accept the dedication of open space unless such dedication is part of a linked open space or trails system included in the Queen Creek Open Space and Trails Plan. Dedication of Sonoqui and Queen Creek washes may be required along with rezoning and / or plat approval if the Town demonstrates that impacts of the development on stormwater discharge, public recreation, or water quality are proportionate to the amount of wash area being dedicated. The applicant for plat approval or rezoning may consent to said dedication, pursuant to Section 3.4 of this Ordinance or as a condition of development approval, and said consent shall be deemed to waive any and all constitutional challenges to said dedication requirement;

2. Common ownership of the open space by a homeowner's or neighborhood association which assumes full responsibility for its maintenance except for lands dedicated to the Town. The restrictive covenants shall provide that, in the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the Town may, following reasonable notice and demand that deficiency of maintenance be corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space and shall constitute a lien upon the property and buildable lots of the subdivision or development site; and,

3. Payment of a fee in lieu of dedication of open space, if:

a. The Town Council establishes an Open Space Acquisition Trust Fund for the receipt of fees and other financial commitments for the acquisition and development of public open space.

b. The Town Council adopts an ordinance establishing a fee in lieu or dedication of land for open space. The ordinance shall include the following:

1) The fee amount per residential dwelling unit or equivalent residential dwelling unit;

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

- 2) Time of determination of the fee;
- 3) Time of payment of the fee;
- 4) Form of payment of the fee;
- 5) Restrictions on use of the fees collected;
- 6) Time limit on expenditure of fees;
- 7) Placement of fees in the Open Space Acquisition Trust Fund;
- 8) Maintenance of financial records;
- 9) Allocation of interest on trust fund accounts; and,
- 10) Refund procedures.

G. *Open Space Requirements.* As a part of any application for development approval such as rezoning, site plan, and subdivision and in conjunction with the required landscape plans in Section 5.3, the applicant shall submit an Open Space Provision and Maintenance Plan meeting the requirement of subsections A through C herein.

5.5 Lighting

A. *Purpose.* These provisions are intended to control the use of outdoor artificial illuminating devices emitting rays into the night sky which have a detrimental effect on the rural atmosphere, astronomical observations, and which create glare. It is the intention of this Ordinance to encourage good lighting practices such that lighting systems are designed to conserve energy and money, to minimize glare, to protect the use and enjoyment of surrounding property, and to increasing nighttime safety, utility, security, and productivity. The provisions of this Section are authorized by Section 49-1106, A.R.S., which provides that the provisions of Section 49-1101 through Section 49-1106, A.R.S., are cumulative and supplemental and shall not apply within any county, city or town which by ordinance or resolution has adopted provisions restricting light pollution which are equal to or more stringent than the provisions of this Section.

B. *Conformance with Applicable Codes.*

1. All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this section and the building code of the Town of Queen Creek.
2. Where any provisions of the Arizona Revised Statutes, or any Federal law, or any companion Ordinance conflicts with the requirements of this outdoor light control provision, the most restrictive shall govern.
3. The provisions of this section are not intended to prevent the use of any material or method of installation not specifically prescribed by this Ordinance. In considering any variance from the provisions of this Ordinance, the Board of Adjustment shall take into consideration any state of the art technology which is consistent with the intent of the Ordinance as new lighting technology develops which is useful in reducing light above the horizontal plane.

C. *Shielding and Filtration.*

1. All non-exempt outdoor lighting fixtures shall limited to the types of fixtures specified in Table 5.5-1 of this Ordinance and shall have shielding and filtration as required by Table 5.5-1 of this Ordinance.
2. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a four to one (4:1) ratio.
3. Poles and standards. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.

D. *Illumination.* In order to minimize glare and hazardous conditions, illumination levels shall not exceed the levels set forth in Table 5.5-2 for any use permitted by this Ordinance. The maximum illumination shall be measured at grade at the property line of the site in accordance with subsection J of this Section.

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

Table 5.5-1 Shielding Requirement

Area / Activity	Lux (lx)	Footcandles (fc)
Residential Zoning Districts		
Building Exterior	50	5.0
Front, side, or rear yard (at property line)	10	1.0
Non-residential zoning districts		
Adjoining another non-residential zoning district along major arterial	20	2.0
Adjoining residential zoning district along major arterial	10	1.0
Adjoining another non-residential zoning district along minor arterial or collector street	6	0.6
Adjoining another non-residential zoning district along local street	4	0.4
Adjoining another non-residential zoning district along property line	10	0.9
Adjoining residential zoning district along property line	2	0.2
Outdoor Events		
Adjoining non-residential zoning district	1,000	100
Adjoining or within one-thousand feet (1,000') of residential zoning district	100	10

Notes:

- [1] This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.
- [2] Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries.
- [3] Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects.
- [4] For the purposes of this Code, quartz lamps shall not be considered an incandescent light source.
- [5] Warm white and natural lamps are preferred to minimize detrimental effects.

- [6] Metal halide fixture lamp types shall be filtered. "Filtered" means any outdoor light fixture which has a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).

Table 5.5-2 Illumination Standards

Fixture Lamp Type	Shielded	Filtered
Low Pressure Sodium [1]	Partially	None
High Pressure Sodium	Fully	None
Metal Halide	Fully [2, 6]	Yes
Fluorescent	Partially [3, 5]	Yes
Quartz [4]	Partially	None
Incandescent, Greater than 150W	Partially	None
Incandescent, 150W or Less	No	None
Fossil Fuel	No	None
Glass Tubes filled with Neon, Argon, Krypton	No	None

E. Control of Glare.

1. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct light emitting part of the luminaire.
2. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens shall be mounted at a height not exceeding the value $3 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed twenty-five feet (25').
3. *Exceptions.*
 - a. Any luminaire with a lamp or lamps rated at a total of 1,800 lumens or less and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or less may be used without restriction to light distribution or mounting height except that if any spot or flood

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

luminaire rated 900 lumens or less is aimed, directed or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be re-directed or its light output controlled as necessary to eliminate such conditions.

- b. Luminaires used for public roadway illumination may be installed at a maximum height of twenty-five feet (25') and may be positioned at that height up to the edge of any bordering property.
- c. All temporary emergency lighting needed by the Police, the Fire Departments or other emergency services as well as all vehicular luminaires shall be exempt from the requirements of this Ordinance.

F. Prohibitions.

1. *Mercury Vapor Fixtures and Lamps.* The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
2. *Certain Other Fixtures and Lamps.* The installation of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp that does not comply with the shielding requirements of Table 5.5-1 and the illumination standards of Table 5.5-2 is prohibited.
3. *Laser Source Light.* The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
4. *Searchlights.* The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.
5. *Recreational Facilities.* No outdoor recreational facility, public or private, shall be illuminated by non-conforming means after 11:00 p.m., unless

otherwise permitted by the Town Council pursuant to a conditional use permit, except to conclude specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m. All recreational outdoor lighting shall comply with height restrictions as specified in the building codes. Outdoor lighting for open-air arenas primarily used for rodeo and roping activities, shall be permitted to a maximum height of thirty feet (30'), provided shielding and filtration requirements are met.

6. *Outdoor Building or Landscaping Illumination.* The unshielded outdoor illumination of any building, landscaping, signing or other purpose is prohibited, except with incandescent fixtures of 150 Watts or less, or low pressure sodium fixtures.

G. *Exceptions.* The following types of light fixtures shall be exempt from the provisions of this Section:

1. *Non-Conforming Fixtures.* All outdoor light fixtures installed prior to January 1, 1985, those equipped with a permanent automatic shut-off device may remain unchanged, except that the subject light fixtures shall not be operated between the hours of 11:00 p.m. and sunrise.
 2. *Fossil Fuel Light.* Light which is produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
 3. *Low Intensity Fixtures.* Any outdoor lighting fixture which has a maximum candle power or less than one-thousand (1,000) candelas is exempt from these provisions, if equipped with an automatic device which shuts off the fixture between the hours of 11:00 p.m. and sunrise.
- H. *Recreational Facilities.* Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to football fields, soccer fields, baseball fields, softball fields, tennis courts, auto race-tracks, horse race-tracks or show

ARTICLE 5 – SITE IMPROVEMENT STANDARDS

arenas, consistent with the illumination standards specified in Table 5.5-2 herein, provided all of the following conditions are met:

1. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m.; except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
 3. The height of such lighting shall be a maximum of eighty feet (80').
- I. *Outdoor Display Lots.* Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to, automobile sales or rental, recreational vehicle sales or building material sales, provided all of the following conditions are met:
1. All fixtures used for display lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light and glare.
 2. Display lot lighting shall be turned off within thirty (30) minutes after the closing of the business. The full illumination of the lot may be permitted after 11:00 p.m., pursuant to a Temporary Use Permit (see Section 3.6). Any lighting used after shall be used as security lighting.
- J. *Residential Neighborhoods.* Adequate lighting for residential neighborhoods may be provided for all outdoor amenities areas used at night (i.e. parks, trails, fields, open space areas, sport courts, etc). Lighting sources shall be appropriately shielded from adjacent residential uses to minimize any negative impacts. The following additional standards shall apply:
- a. All outdoor amenity area lighting within 100 feet of a residential property line shall not exceed a maximum height of fifteen feet (15');
 - b. In all other amenity areas lighting shall not exceed a maximum height of twenty five feet (25');
 - c. All outdoor amenity area lighting shall be setback from all property lines by a minimum distance of fifteen feet (15');
 - d. *Submittal Requirements.* A Lighting Plan shall be submitted as part of the Site Plan or Preliminary Plat application which details the location and specifications of all proposed lighting. An ISO foot-candle diagram shall also be provided to indicate the level and extent of proposed lighting.
- K. *Measurement.*
1. *Metering Equipment.* Lighting levels are to be measured in foot-candles with a direct-reading, portable light meter. The meter typically has a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five percent (5%). It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of its use.
 2. *Method of Measurement.* The meter sensor shall be mounted not more than six inches (6") above ground level in a horizontal position. Readings are taken by qualified personnel only after the cell has been exposed long enough to provide a constant reading. Measurements are made after dark with the light sources in question on, then with the same sources off. The difference between the two (2) readings shall be compared to the maximum permitted illumination and property line at ground level. This procedure eliminates the effects of moonlight and other ambient light sources. Where light patterns overlap, their total intensity shall be the sum of their individual intensities.