

## 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 30<sup>th</sup> 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:**  
October 10, 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 A ZONE CHANGE FROM C-1 TO R-1: Raymond Salazar. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts A & B, containing a total of .4546 ac. Aka 312 & 314 River Road, Belen NM 87002.
  - b. **REQUEST FOR A ZONE CHANGE FROM R-1 TO C-1: Circle D Stores, Inc, Agent Sofia Hernandez.** Township 5 North, Range 2 East, Section 18, Map 100, Lots 8, 9, 10, CTS Addition, containing .36 ac., aka 616-620 N Seventh St, Belen NM and Township 5 North, Range 2 East Section 18, Map 97, Tracts 170A, 171A1, 171BAB, 171B1A2, containing .58 ac. Aka 705, 701, 621 W Aragon Rd., Belen NM 87002.
8. **DISCUSSION**  
Fencing & Walls Ordinance
9. **INFORMATIONAL ITEMS**
  - a. Communication from the Commission and Staff
10. **ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/  
Lisa R Miller  
Planning & Zoning Administrator

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

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
OCTOBER 10, 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 Ethridge  
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

**OTHERS:** Camille Padilla, Pete's Café  
Robert & Barbara Jaramillo, Jaramillo Vineyards  
Jim & Debbie Perry, Self  
Ginger Mercer, Self  
Marie Torres, Pete's Café  
Theresa M Padilla, Pete's Café

**PLEDGE OF ALLEGIANCE**

Chairman Steve Etheridge led the Pledge of allegiance.

**APPROVAL OF AGENDA:**

Commissioner Gordon Reeves moved to approve the Agenda of October 10, 2017.

Commissioner Claudine Montano seconded the motion.

Motion Carried.

**APPROVAL OF MINUTES:**

Commissioner Claudine Montano moved to approve the minutes of September 25, 2017.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

**PUBLIC COMMENT**

Steven Tomita said that the Belen Main St. and the City of Belen was awarded the Great Blocks Grant. This grant is revitalization of area in a community. The area of Main St. going down First St. to Becker Ave. then up to Second St. then back to Main St. was submitted. A revitalization design will be created for this area. There will be a workshop on this on November 17. The intent is to take that area and make it more pedestrian friendly. The City of Belen and the Belen Main St. was awarded \$80,000.00. He would like for everyone in that area to be very involved with this process since it will affect them.

**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.

Steven Tomita showed the Commission and the audience an aerial of the area in question. He pointed out what is already existing within that area.

Lisa Miller informed the Commission that the primary area around the area are businesses. It is zoned C-R and under the City allowable land use table in our Ordinances, a boutique winery is allowed within a C-R zone with a Condition Use. Included in their packets was the definition of the C-R zone. A diagram of the building has been provided showing what area this request is for. The parking requirements can be met. This is going to be a tasting room with samples and not a drinking establishment.

Mr. Robert Jaramillo and Barbara Jaramillo informed the Commission that they are the owners of a vineyard located on Juan P Sanchez Road in Los Chavez. They have 10 acres of grapes and 99% of their wines are produced with their grapes. These 10 acres produce around 40 tons of grapes. They have been doing tastings at the vineyard by appointment only and would like to bring this into Belen.

Mr. Jaramillo said that his sister purchased the building with the purpose of restoring and preserving some of the local history. His family grew up in this area. He will be leasing the entire bottom floor of the structure. Nine hundred square feet of that will be the tasting room.

Ms. Jaramillo said that they are not going to be open late at night. They plan to open at 11:00 am – 5:00 pm or from 12:00 pm to 6:00 pm. The main purpose is to bring people in to taste our 15 to 20 varieties of wine and purchase to take them home. A lot of people have asked why they want to open a tasting room in Belen. They now have a wine club of 200 members and half of them are within driving distance of Belen. They have been promoting the fact that these members will no longer have to make appointments for a tasting at the winery because they will have regular hours at the tasting room in Belen. They plan on being open from Thursday thru Sunday. She feels this will bring more people to the Community and spend a little time here. They will be making the tasting room dog friendly because everyone has dogs and they will have an area for children to play in or color while the parents taste the wine. There may be times when they will hold events such as wine and crafts parties for women. Things like anniversary parties, etc. can also be arranged. These will be private events and eventually a music event. They want to promote New Mexico Wines.

Mr. Jaramillo said that for the longest time New Mexico wines were horrible and his main goal was to have it said that this is a good wine and happens to come from New Mexico. His wines have won double golds in San Francisco and silver medals at the Internationals in New York. He thinks this will draw higher income people into the area. They would like to eventually be able to have tables outside where someone may purchase a glass of wine and sit outside to enjoy it. They are one of the larger wineries in New Mexico and one of the higher quality wineries in New Mexico. We just need a classy place to start and his sister has done a wonderful job on the building.

Steven Tomita said that he has been watching the renovations of the building and they have done a beautiful job on it.

Ms. Jaramillo said that several antiques will be on display within the tasting area. They would also like to promote some of the local produces also. She will be attending a grant workshop called the Producers Grant and is hoping that she could get support for a billboard or two along the Freeway to get people off the freeway and down into Belen.

Commissioner Gordon Reeves asked how many tasting rooms there were within Valencia County.

Mr. Jaramillo said that there are at least four in the area but not all of them are within Valencia County. With ours it would be only two in Valencia County. The other is one in Socorro and Santa Fe. They would like it if there were three or four because the more the better. There is a lot of traffic that goes up and down I-25 and don't have a reason to exit off the freeway. We have so much potential here.

Mr. Jaramillo said that one just opened in Jarales called Jarvis Winery. It is a small vineyard but you have to start somewhere.

Commissioner Gordon Reeves asked what the price range of his wines were.

Ms. Jaramillo said they range from \$14.00 to \$38.00 and club members get 20% off on all of them. Wine tasting at the tasting room is also free for club members. This is an incentive to keep them coming back.

Commissioner Gordon Reeves asked if there was a fee to be a club member.

Ms. Jaramillo said no but you have to purchase a minimum of two cases of wine a year. They make good gifts. Fat Sat's already carries our wines. She didn't think that it would sell due to the fact that they mostly stock beer. She made a deal with them to buy wholesale and if it did not set she would buy it back. He now sells one to two cases a month.

Vice Chair Pete Armstrong asked if they understand all the requirements with a Conditional Use. There will be an agreement between you and the City with specific timelines and there is going to be some work on their part to keep that Conditional Use.

Chairman Steve Ethridge said that the Commission set the Conditions and not the City Staff.

Vice Chair Pete Armstrong said that he understood that but what they are voting on now is the concept and not the conditions of the Conditional Use.

Commissioner Gordon Reeves said that the Commission is hearing a request for a Conditional Use and they have to set up the conditions attached to that conditional use at the time of approval.

Steven Tomita said that all conditions that you might want to set on this is done before the approval of a Conditional Use. One those conditions are agreed upon then the Commission votes either to approve or di-approve the Conditional Use.

Chairman Steve Ethridge asked if there was anyone from the audience who wished to speak on this matter.

Ms. Theresa Padilla, of Pete's Café, said that they were thrilled that something like this is coming to their area. Her and her daughter and niece are excited to see this open.

Steven Tomita informed the Commission that he received an email from Donald Woodman and Judy Chicago saying that they enthusiastically support the application to open a wine bar and they believe it will be good for the neighborhood to have more high quality retail operations which will highlight some of Belen's attractions and eventually to Becker Ave again becoming a thriving area instead of a desolate street. They asked the City to support small businesses in Belen by approving the application.

Ms. Ginger Mercer said that she is in support of the wine tasting room in Belen.

Mr. Jim Perry said that he will be supervising that operation while Chip and Lenore are away and he supports Robert and Barbara's wine tasting room. It will be a great addition to the building. He has worked with the Jaramillo's' for many years and has put have of the vines they have in the ground and works with them on all the festivals they attend. He sees the demand and the quality of the wine that is being produced. In the Wine community they have what is called a Wine crawl and that is where there are maps

provided of all the wineries in a certain area and how to get to them to sample the wines. It will be good to get Belen on one of the maps for this area.

Ms. Leslie Gill said that she had attended the Rio Abajo festival and was impressed. She has just moved into the area and would like to see more of this kind of activity in Belen.

Chairman Steve Ethridge asked if there were any other comments from the public or questions from the Commission. He suggested they discuss possible conditions for this application.

Commissioner Jim Lardner asked the Jaramillo's when they expected to have this up and running.

Mr. Perry said they were waiting on one final inspection from CID on the occupancy of the building.

Ms. Jaramillo said they are in the process of getting an off-site wine growers license and this is a part of that process. They need a letter from the City stating the wine tasting and sales is an allowable use within this zone. Once the state gets the completed package it will take a maximum of four months to get there license. That would put the opening around March.

Commissioner Lardner said that the reason he was asking is if this was approved for one year it does not make sense to have that year start at the present date.

Steven Tomita suggested that the Commission make the time period start from the date that they open for business.

Commissioner Claudine Montano said that they have already stated that they would be open from Thursday thru Sunday.

Ms. Jaramillo said that they would start at two days, Saturday and Sunday for a few months and then go to the Thursday thru Sunday. The hours of operation would be from 11:00 am to 5:00 pm or 12 noon to 6:00 pm. She said this would more than likely be till 6:00 pm during the summer and 5:00 pm during the winter. She does not want to be out after dark. Special events may last a little longer but will be private affairs. The ball room will also be used for graduations, birthday parties, and anniversaries but not all of them will have access to the wine tasting room or alcohol. The wine tasting room will be locked at those times.

Commissioner Gordon Reeves asked if there would be a grand opening.

Ms. Jaramillo said that they would like to hold grand opening on two weekends so that their club members can get familiar with where they are now and bring in new people. She said there may be some music during these grand openings.

Commissioner Gordon Reeves moved to approve the Conditional Use Permit for a period of one year from the date they open for business with the hours of 11:00 am to 5:00 pm

or 12 noon to 6:00 pm, depending on the season, from Thursday thru Sunday with the occasional parties or functions.

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**

Steven Tomita informed the public that the Planning & Zoning Commission is developing the City's Landscaping Ordinance. The first part of it was the fencing section which has been done and ready to be reviewed by the Council. That part of the Ordinance has got a lot of substantial changes. Now the Commission is going into the Landscaping part of the Ordinance. They have gone through dealing with street scape vegetation, tress, etc. and spacing. They are now getting into an even more controversial area and that involves open spaces. Everything that the Commission has been using as a reference has come from Queen Creek AZ and how they have developed from a farming community to a well thought out developed community. We are looking at this with the thought of what we would like Belen to look like 15 to 20 years from now, and how we would like to see it in the future. What is existing will be grandfathered in but once something is change you will have to conform to the new regulations. Once this is done a public workshop will be conducted to get public input. We need this input. If we want Belen to appeal to new people coming in these changes need to be done.

Lisa Miller informed the Commission that they had ended at open spaces but that they needed to go back and look at the different plants and tress they approve of. Pete Armstrong has provided the list of the Albuquerque approved vegetation.

### **Open Space**

Under Community Trails System they changed it to read the applicant shall provide a common open space network within the development that will allow connections to exterior systems as their plan development. Trails shall be maintained by the applicant.

Steven Tomita said that when looking at that table, there is a difference between total open space and active open space. Active open space needs to be used as trail systems, parks, play area, etc. Total open space is the combination of any drainage etc. along with the active open spaces.

Commissioner Jim Lardner asked if his business decided to put in warehousing space, would they have to convert 20% of the new development into open spaces.

Steven Tomita said that he is in an industrial zone which would be 10% and that could be some form of landscaping around the building. In an Industrial zone you are mainly looking for appearance. One of the things that they will be looking at is buffering and how you separate a

zone like an industrial zone from a residential zone and high density residential from low residential area, etc. If an industrial business comes in and wants to build next to a residential area they are going to have to create a greenbelt to create a sound barrier between the two.

They discussed the Required Open Space table. This table will be changed to reflect our local zoning designations along with the same % rates that are in the Queen Creek table.

Steven Tomita said it is going to be difficult to make some of the incorporations from their designations to our designations. He thinks they are going to need to go by lot size ranges. He asked Lisa what the largest and average downtown Belen lot sizes are.

Lisa Miller said that the average lot is .18 of an acre.

Steven Tomita said that a quarter acres is 12,000 sq. ft. The Commission can use the sq. ft. that is on the chart. This would designate the Urban Residential area as being lot sizes from 3,000 to 9,000 sq. ft. This would be going by square footage and not the zoning designation.

Vice Chair Pete Armstrong said that as a first draft he feels they are good numbers.

Steven Tomita said there is a gap between the Urban Residential and the Suburban Residential square footage which needs to be addressed.

Vice Chair Pete Armstrong said that they were a planned community and did not have a lot of existing lots to address.

Steven Tomita suggested they take the Urban Residential to 10,000 square feet and the Suburban Residential picks up at 11,000 – 18,000 square feet. The more square footage the less open space is required. He spoke of the different type of clustered housing and how they were able to provide open spaces. The city of Albuquerque has in their Subdivision Regulations that if a development cannot provide the amount of open space required then they must buy it by either paying the city for open space or pay for a park at a different location.

Vice Chair Pete Armstrong asked if the apartments and duplexes fall under the Commercial open space designation.

Steven Tomita said that they fall under the MDR (Medium Density Residential) and the HDR (High Density Residential).

Vice Chair Pete Armstrong said the reason he is asking is because there is a large apartment complex in Belen that has a very large parking lot.

Steven Tomita said that a parking lot does not count for open space. There are some developments that will be able to provide open space and that is why we have to provide another avenue to be able to do something. When you start developing, you start living on top of each other, you need spaces where people can go, whether it is a pocket park or a big park. Be aware that in some Cities in a new development, those park areas are owned by the development and not the City. The development is the one that maintains them. The public is welcome to use them but if they are misused the development has the right to ban its use from them. He suggested the language under passive open space read “Active Open Space shall be provided as referred in

Table 5.4-1-1 and shall be defined as usable public space such as golf courses, port court/fields, picnic areas, playgrounds and trails and under Passive Open Space, open space not defined as active open space may be considered as Passive Open Space and would qualify as the total required open space.

Vice Chair Pete Armstrong asked how this plays out for the development that is south of CEMCO.

Steven Tomita said that it is already built and all infrastructure is in place. They will be redoing to streets to conform to City standards and build out. It was pre-existing.

It was decided to use square footage in the table and not the zone designations. The only percentage change was under Urban Residential. They changed the 20% to 15%.

#### Under Open Space Designation

Steven Tomita said that it is trying to create active open spaces within walking distance and it with passive open spaces within a shorter distance. If you are going to have trails, etc. you need to have parks available for them to walk to or bike to. This way the neighborhood within the development has access to it. He suggested that they delete the passive open space.

Commissioner Jim Lardner asked if this ¼ mile distance was distinguished by the home that is located the farthest away in the development.

Steven Tomita said that it is a quarter mile you have to walk. In one of the subdivisions that he developed they put little gateways from the subdivision into the trail systems going to the park. He said it was real easy to do. Albuquerque does not have this in their regulations but Rio Rancho does. They are a good example of how it is done.

Chairman Steve Ethridge asked if an abandoned alley or any alley can be turned or used as open spaces.

Steven Tomita said that they could and would make a perfect pathway.

Chairman Steve Ethridge said that the only bad part about that is that they could also become the thugs hang out places like some are already.

Steven Tomita said that open fencing along these areas is a deterrent.

Commissioner Jim Lardner said that there are subdivisions that have road that go all over the place. One minute they are going north and then all of a sudden they are going east how they can determine a distance.

Steven Tomita said that is the best place to create those little gates into the trail system. Belen is a good place for this to occur. With the areas that can develop it would be a great place to have this in place to develop these kind of trail systems.

#### Open Space Maintenance

Steven Tomita said that was done with an HOA being a part of the subdivision.

Vice Chair Pete Armstrong said that he is a little tentative about HOA's. He has seen some good ones and he has seen some that in a very short time became cost prohibitive.

Commissioner Gordon Reeves said a lot of this is mismanagement.

Steven Tomita said that the best ones that he has seen have been the ones that were turned over to a legal firm for management and they would not allow any changes unless they were approved by the members of the HOA and they would not allow the HOA to be shut down either.

#### Number 1

The Commission agreed to leave what was written in the first section as it is.

Steven Tomita asked if waterways were anticipated. In some areas waterways were created by grey water to be used for the landscaping irrigation. Arizona is one of those areas that do this.

Chairman Steve Ethridge said that someday, with the development of the Rancho Cielo area, that would be a viable option. Los Maravillas uses their pond for landscape irrigation.

#### Number 2

All Commissioners were satisfied with section two of the Open Space Maintenance.

#### Number 3

Steven Tomita said that he had a real problem with some developers when they were proposing to place just a sidewalk as a walkway for the access to the trails but at least with the dimensions being placed in the Ordinance it will prevent this from happening. He suggested reducing the dimension.

Commissioner Gordon Reeves suggested 15 feet.

Chairman Steve Ethridge does not like any of the dimensions.

The Commission decided to revisit this area of section three at a later date.

Steven Tomita said that they have defined retention areas can be used for open space with certain criteria in letter be of this section. There were instances where a portion of a drainage pond was used as a soccer field. They could not play soccer when it was full but the elevated area where there were play stations could be used.

Chairman Steve Ethridge said that when he hears play station he thinks of the little hand held computer game.

Steven Tomita said that a play station is a single unit of playground equipment. A slide is considered one play station. Some places require a certain amount of play stations per park.

Chairman Steve Ethridge said that he is sure that there a strict rules regulating the installation of playground equipment.

Vice Chair Pete Armstrong said that there is a certification process they have to go through.

The Commission decided to continue this review at a future time and start back on number three of the Preservation of Open Space.

**COMMUNICATIONS FROM THE COMMISSION AND STAFF.**

Steve Tomita informed the Commission that he has submitted a proposal for a very, very large business to go into Rancho Cielo. He does not think that we will get it but he was asked to submit a proposal by the State Economic Development Dept. The City is getting a lot more recognition from the State and the Albuquerque Economic Development Boards to bring businesses in. He has also submitted a proposal for a call center and they are really trying to get that here. He will also be submitting one on a large aircraft R&D manufacturing company. This company need a 90,000 square foot building near an airport. If there is not a 90,000 square foot building available they will also entertain a 10,000 square foot area to use as their offices for one to two years while the other building is being constructed. Tractor Supply is now moving forward with the remodel now that the parking lot has been repaved. We are getting recognized now and we are now getting more interest. He informed the Commission that Belen is the employment hub of Valencia County. Los Lunas may have a lot of retail be we have all the large employers in Belen. There is the BNSF, the City, the Schools, Sisneros Manufacturing, and all the other manufacturers in our area makes us the employment hub of Valencia County. How they look at Belen is changing.

Commissioner Claudine Montano asked about the Bargain Square Building.

Steven Tomita said that there is a company looking at it and they are working out a rental agreement with Adelante. Once that is signed the company can be announced.

Commissioner Claudine Montano asked if Circle K had gotten approval from DOT.

Steven Tomita said that they are still working on this.

Commissioner Claudine Montano asked if the building that will be going up for Dominos was going to be a little strip mall area.

Steven Tomita said that there will be the possibility of three businesses in that building. It is a 4,000 square foot building and Dominos will be taking up 2,000 square feet of it. There are plans for three tenants. The City Council has given him the go ahead to work with MRGCD for the annexation of the Willie Chavez Park by the River. The Business Center has been very busy lately. Several events have taken place. There will be movie filming going on the 23 of October on Becker Ave. The movie is called Dreamland.

Vice Chair Pete Armstrong provided a list of the approved plants that was promised. The Albuquerque plant list is very extensive and a useful tool. The other list is from a local nursery.

Commissioner Gordon Reeves said that the new sewer line going to the Los Chaves School has been pressurized and the stub out for the Moose lodge will be put in soon. The Moose Lodge is having a Matanzas on November 11<sup>th</sup>. Everyone is welcome.

Commissioner Claudine Montano said that the former City Manager is now the City Manager of Sunland Park, NM.

Chairman Steve Ethridge said that he would like to see a way that the City could address the multiple car issues that he has seen. Some places have multiple cars that are actually running a business out of their homes. He would like to see this pursued.

Steven Tomita said that we have done that with one individual that was repairing cars. He was always claiming that they were his kid's cars and their friend's cars and his families cars that he was helping out with. The police had tried several sting operations to catch him charging and running a business and our judge said that it was not enough proof and it was thrown out repeatedly until she said not to bring that case back again. It is not easy to do. The best thing to do is if you see it then report it.

**ADJOURNMENT**

There being no further business to come before the City of Belen Planning & Zoning Commission, Commissioner Gordon Reeves 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 8:09 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 consider a **REQUEST FOR A ZONE CHANGE FROM C-1 TO R-1: Raymond C Salazar**

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tracts A & B, containing a total of .4546 ac. aka 312 & 314 River Road, Belen, NM, 87002.

You are further notified that this public hearing will be held on **Monday, October 30, 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.

The Belen City Council will consider the recommendation of the Belen Planning & Zoning Commission on the request to Amend the Zone Map at a public hearing which will be held on **Monday November 6, 2011 at 6:00 PM** in the Council Chambers at City Hall, 100 South Main Street, Belen NM 87002.

The Belen City Council will take final action at the Regular Meeting on **November 20, 2011 at 6:00 PM** in the Council Chambers at City Hall, 100 S Main Street, Belen, New Mexico 87002.

**LEGAL NOTICE PUBLISHED: October 12, 2017 & October 19, 2017**



Zone Change Request

CORONADO AVE

DE SOTO AVE

WASHINGTON ST

MICHIGAN ST

CORONADO AVE

ATKINSON AVE

ERENKEN AVE

RIVER RD

SUNSHINER DR

JARALES RD

MARQUEZ ST

229

301

307

309

323

401

409

419

420

500

501

502

506

211

213

229

301

302

309

315

322

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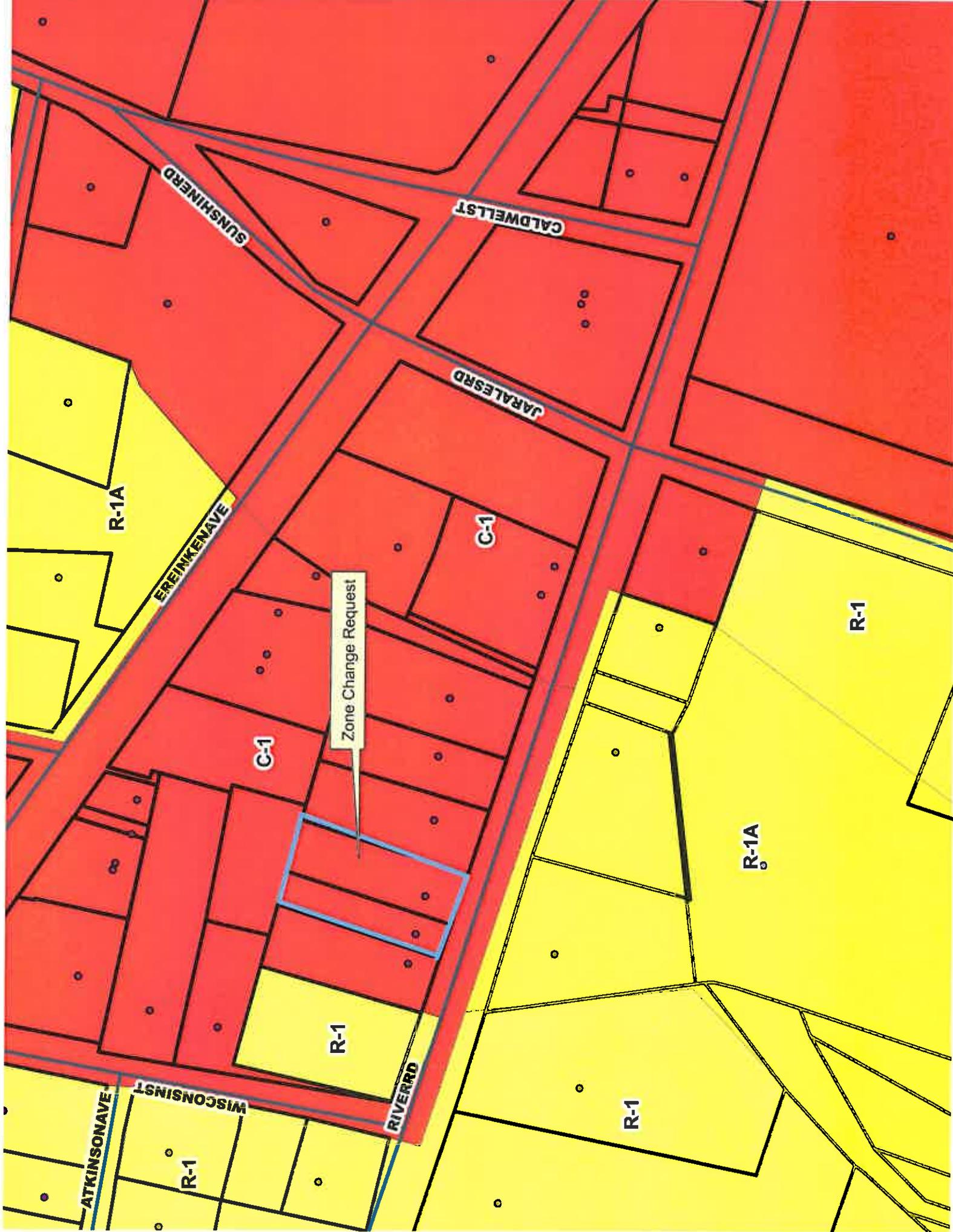
764

763

21

17

22



SUNSHINERD

CALDWELLST

JARALESRD

EREINKENAVE

R-1A

C-1

Zone Change Request

C-1

R-1

R-1A

R-1

R-1

ATKINSONAVE

WISCINSINST

RIVERRD

R-1

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

Applicants Name: Raymond Carl Salazar Phone: 505-615-6120  
Address: P.O. Box 433 Bosque, N.M. 87006  
Authorized Agents Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Address of Property: 314 East River Road, Belen NM 87002  
Block and Lot: \_\_\_\_\_ Addition: \_\_\_\_\_  
Tract Number: 52-A-2-B Map: #100  
Total acreage in Tract: .27  
Number of Dwellings: 1 Density/Acre: 0.4546 more or less  
Zoning of Property: C-1 Present Use: R-1  
Requested Zoning: R-1

**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.

Raymond Carl Salazar  
Signature of Applicant

October 5, 2017  
Date

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

Planning and Zoning Commission Meeting Date: 10-30-17 Approved/Disapproved: \_\_\_\_\_  
Belen City Council Meeting Date: \_\_\_\_\_ Approved/Disapproved: \_\_\_\_\_

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

*OWNERS AFFIDAVIT*

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

We,

I \_\_\_\_\_  
(Please PRINT name in full)

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

\_\_\_\_\_, 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

\_\_\_\_\_ of \_\_\_\_\_ as our agent to act in our

behalf on all matters pertaining to the processing of this application.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary

My Commission Expires:

\_\_\_\_\_

Date: Sept. 20, 2017

To: City of Belen, New Mexico  
Zoning Department

From: Raymond CARL Salazar  
Raymond Carl Salazar

Subject: (Zone Change)

I Raymond CARL Salazar request that my 2 lots, located by East River Road, Belen N.M. be considered for (Zone Change) from C-1 to R-1. Both 312 East River Road and 314 East River Road are Residential Houses on said locations. I agree with Belen Zoning Staff.

On July 25 I had a Heart Attack and am slowly trying to recover; After Seven days in the Hospital at Presbyterian, Albuquerque N.M. I am trying to recover both healthwise and financially. Due to hardship under Doctors Orders I need to change my life activities.

I have listed both 312 and 314 houses with Gerald Chavez Realty. The zone change from C-1 to R-1 would allow more people to qualify to purchase the properties, through programs like Fannie Mae and other Lending opportunities, according to Gerald Chavez Realty Staff. (Clarrisa).

Thankyou, to MR. Steven Tomita and Ms Lisa Miller for initiating this (Zone Change). Staff like this will keep Belen, New Mexico moving in a positive direction.

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

Applicants Name: Raymond Carl Salazar Phone: 505-615-6120  
Address: P.O. Box 433 Bosque, NM 87006  
Authorized Agents Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Address of Property: 312 East River Road, Belen NM 87002  
Block and Lot: \_\_\_\_\_ Addition: \_\_\_\_\_  
Tract Number: 52-A-2-B Map: # 100  
Total acreage in Tract: .18  
Number of Dwellings: 1 Density/Acre: 0.4546 more or less  
Zoning of Property: C-1 Present Use: R-1  
Requested Zoning: R-1

**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.

Raymond C. Salazar  
Signature of Applicant

October 5, 2017  
Date

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

Planning and Zoning Commission Meeting Date: 10-30-17 Approved/Disapproved: \_\_\_\_\_  
Belen City Council Meeting Date: \_\_\_\_\_ Approved/Disapproved: \_\_\_\_\_

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

OWNERS AFFIDAVIT

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

We, Raymond C. Salazar Therese L. Salazar  
I (Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
312 East River Road 314 East River Road, 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  
Raymond C. Salazar as our agent to act in our  
behalf on all matters pertaining to the processing of this application.

Raymond C. Salazar  
Signed

P.O. Box 433  
Address

Bosque, N.M. 87006

505-615-6120  
Phone

Subscribed and sworn to before me this 21 day of September, 2017.

Lisa R Miller  
Notary

My Commission Expires:

9-18-2021





C-1

312 River Rd

314 River Rd

C-1

RIVER RD

R-1A

R-1

R-1

WISCONSIN ST

R-1

PLAT OF DIVISION OF TRACT 52-A-2-B,  
M.R.G.C.D. PROPERTY MAP NO. 100  
BELONGING TO

MR. & MRS. RAYMOND SALAZAR

BELEN, NEW MEXICO (Valencia County)  
MAY, 1989

SEVEN RANGES SURVEYING SERVICE  
BELEN, NEW MEXICO

Approved City of Belen, New Mexico

By BELEN PLANNING COMMISSION

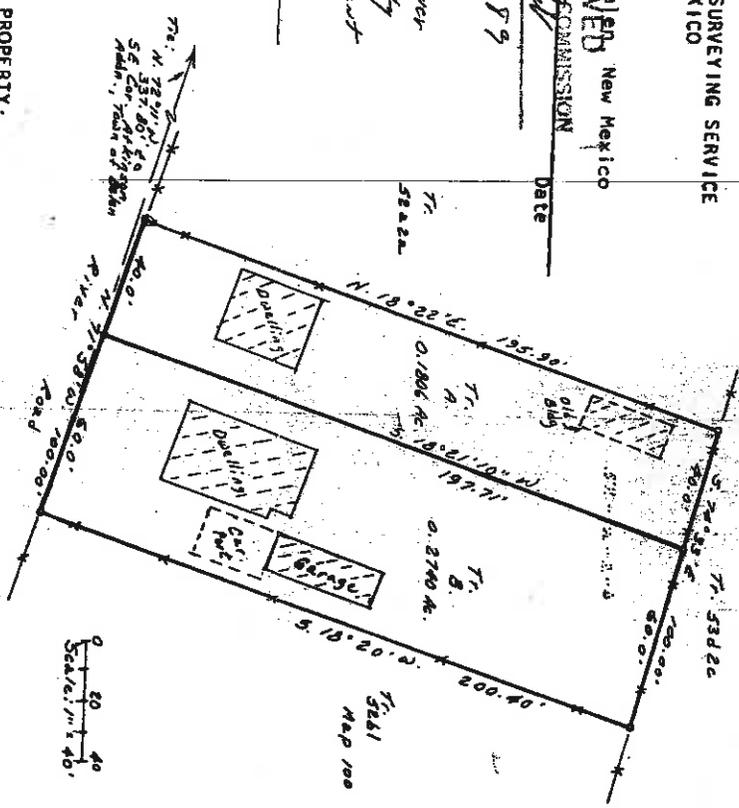
APPROVED

DATE: 1 June 89

Current title owner  
notified of property  
division improvement  
30 Aug 89

DESCRIPTION OF PROPERTY:

Tract 52-a-2-b as the same is shown and designated on Middle Rio Grande Conservancy District  
Property Map No. 100 and being within Section 18, T.5N., R.2E., N.M.P.M. RAIR, V.1.



087342



**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 24, 2017

**ZONE CHANGE REQUEST**

**Location: 312 & 314 River Rd., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential      **Lot Size:** Tract 52A2B (.18 Acres) & Tract B (.27 Acres)

Direction	Zoning	Existing Land Use
North	C-1	Single Family Residential
East	C-1 & R-1	Single Family Residential
South	R-1	Single Family Residential
West	C-1 & R-1	Single Family Residential/ RR

\*See attached zone map.

**REQUEST**

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

C-1 Requirements	R-1 Requirements
Square Footage: Does not say	Residential Use-6,000
Front Setback: Commercial-6 feet, residential- 20 Feet	Residential-20 Feet
Rear Setback- 15 Feet	15 Feet
Side Setback- 5 Feet	5 Feet
Off Street parking-As per 17.56	Two per dwelling

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

### **STAFF FINDINGS**

1. The Zoning surrounding this request is R-1, C-1.
2. On the North side of these lots is Reinken Ave. which consist of businesses. The rest of the surrounding area consists of Single Family Residential Homes, 1 Business (Automotive repair) and the Railroad.
3. The original zone was R-1 in 1975. Sometime between 1975 and 1994, the zone was changed to C-1 according to the zone maps.



10.23.2017 15:14



10 23 2017 15 14



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**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 C-1: Circle K Stores Inc, Agent Sofia Hernandez**

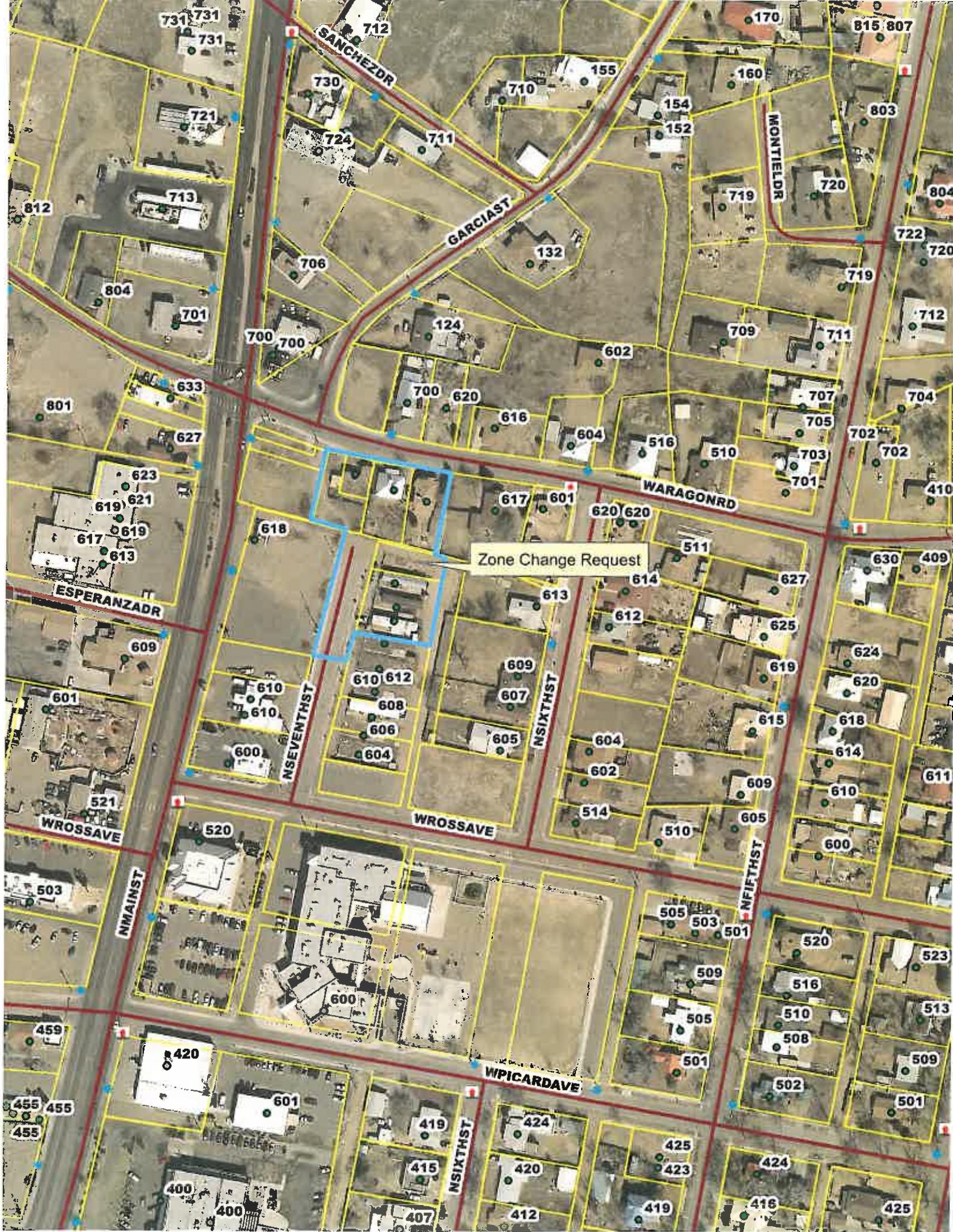
**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Lots 8, 9, 10, CTS Addition, containing .36 ac., aka 616-620 N Seventh St., Belen, NM, 87002. In addition, Township 5 North, Range 2 East, Section 18, Map 97, Tracts 170A, 171A1, 171BAB, 171B1A2, containing .58 ac., aka 705, 701, 621 W Aragon Rd.

You are further notified that this public hearing will be held on **Monday, October 30, 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.

The Belen City Council will consider the recommendation of the Belen Planning & Zoning Commission on the request to Amend the Zone Map at a public hearing which will be held on **Monday November 6, 2011 at 6:00 PM** in the Council Chambers at City Hall, 100 South Main Street, Belen NM 87002.

The Belen City Council will take final action at the Regular Meeting on **November 20, 2011 at 6:00 PM** in the Council Chambers at City Hall, 100 S Main Street, Belen, New Mexico 87002.

**LEGAL NOTICE PUBLISHED: October 12, 2017 & October 19, 2017**



Zone Change Request

SANCHEZ DR

GARCIA ST

MONTIEL DR

WARAGON RD

ESPERANZA DR

WROSS AVE

N MAIN ST

N SEVENTH ST

N SIXTH ST

N FIFTH ST

W PICARD AVE

731 731

712

170

815 807

155

160

730

710

154

803

724

711

152

720

804

812

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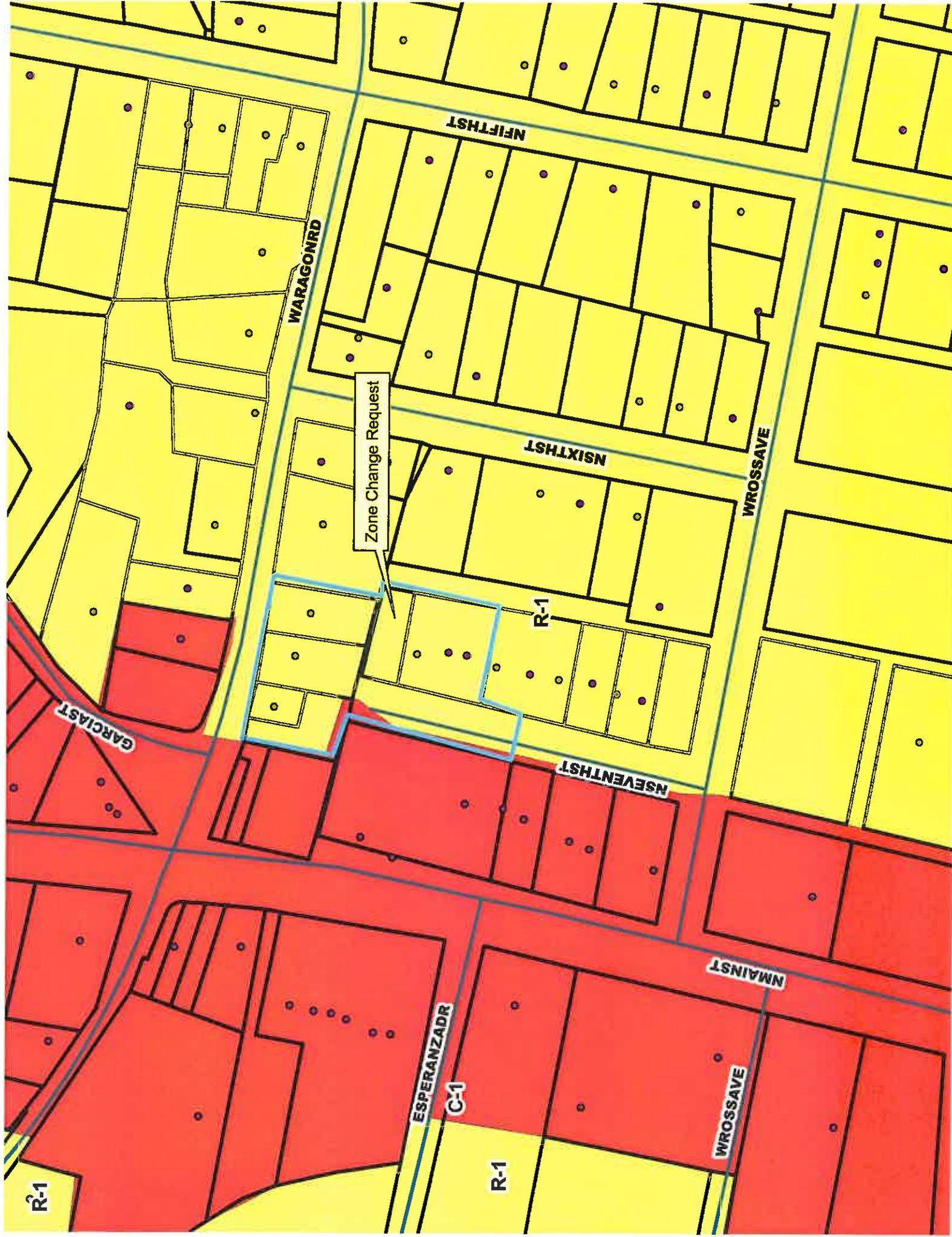
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Zone Change Request

WARAGONRD

NSFIFTHST

NSIXTHST

WROSSAVE

R-1

GARCIASST

NSSEVENTHST

MAINST

ESPERANZADR

C-1

WROSSAVE

R-1

R-1

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

Applicants Name: Circle K Stores Inc. Phone: \_\_\_\_\_  
Address: 5500 S. Quebec St. Suite 100 Greenwood Village, CO 80011  
Authorized Agents Name: Sofia Hernandez Phone: (480) 414-2420  
Address: 11811 N. Tatum Blvd. Ste. 1051 Phoenix, AZ 85028

Address of Property: SEC Main St. & Argon Rd.  
Block and Lot: Please see attached. Addition: \_\_\_\_\_  
Tract Number: \_\_\_\_\_ Map: \_\_\_\_\_  
Total acreage in Tract: \_\_\_\_\_  
Number of Dwellings: \_\_\_\_\_ Density/Acre: \_\_\_\_\_  
Zoning of Property: R-1 Present Use: residential  
Requested Zoning: C-1

**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 of Applicant

\_\_\_\_\_  
Date

September 15, 2017

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

Planning and Zoning Commission Meeting Date: 10-30-17 Approved/Disapproved: \_\_\_\_\_  
Belen City Council Meeting Date: \_\_\_\_\_ Approved/Disapproved: \_\_\_\_\_

FEE PAID: 9-28-17 RECEIPT NO.: 14 007139 DATE: Sept 28, 2017



**LAND DEVELOPMENT**  
CONSULTANTS, LLC

---

September 15, 2017

City of Belen  
ATT: Lisa Miller  
100 S. Main St.  
Belen, NM 87002

**RE: Circle K Zone Change application - Letter of Transmittal**

Ms. Miller:

The purpose of the rezone request for the various listed properties as part of this application, is to allow for the development of a new Circle K convenience store at the SEC of Main St. & Argon Rd.

A rezone to C-1 is being requested for the properties which are currently zoned R-1. Legal descriptions for the associated properties are enclosed with this letter. A request to zone the vacated portion of 7<sup>th</sup> Street to C-1 is also requested.

If additional information is needed please feel free to contact me.

Regards,

Sofia Hernandez  
(480) 414-2420

## Legal Descriptions

### **Subdivision #1:**

Central Townsite Addition No. 1

Lots 8 thru 10, Block 2

### **Subdivision #2:**

Lands of Trinidad and Margaret Anaya

Tracts 170-A and 171-A-1

### **Subdivision #3:**

Lands of Susan Pauline Anaya

Tracts 171-B1B, 171-B1A2



Circle K Owner's Affidavit

Lisa,

Owner's affidavit executed by Circle K allowing Land Development Consultants to act on their behalf. Additionally, copies of the executed statements by the current land owners allowing Circle K to act on their behalf are enclosed.

If there are any questions or additional documentation is needed please let me know.

Regards,

Sofia Hernandez

**OWNERS AFFIDAVIT**

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

We,  
I Tim Peters, Real Estate Director on behalf of Circle K Stores Inc.  
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at  
Southeast corner of Main St. and W. Argon Rd., 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 & Replat through the City of Belen. Furthermore, (I) (we) hereby appoint  
Sofia Hernandez of Land Development Consultants as our agent to act in our  
behalf on all matters pertaining to the processing of this application.



Signed

5500 S. Quebec St.

Address

Greenwood Village, CO 80011

940-453-0015

Phone

Subscribed and sworn to before me this 22<sup>ND</sup> day of September, 2017.

  
Notary

My Commission Expires:

11.02.2017



**EXHIBIT D**  
**Authorization of Property Owner**

Property Address:

Current Zoning Unknown:

Proposed Use: Circle K convenience store and gas station

By my signature below, I swear and affirm that I am the owner of the property. As the owner of the property, I give Circle K Stores Inc. permission to submit all necessary documentation in support of applications required by the City of Belen for the above-listed proposed use of the property and to serve as my representative for this request.

**PROPERTY OWNER**

~~John Anaya~~  
Susana Pauline Anaya

By: \_\_\_\_\_  
Name: ~~John Anaya~~

Date: \_\_\_\_\_

By: Susana Pauline Anaya  
Name: Susana Pauline Anaya

Date: March 14, 2017

by: Carly Sheldon  
Agent  
4.14.2017

**EXHIBIT A  
LEGAL DESCRIPTION**

- a. SUBD: LAND OF TRINIDAD & MARGARET ANAYA TRACT: 170A .16 AC 2003 REV MAP 97 D-5-18A
- b. SUBD: LAND OF TRINIDAD & MARGARET ANAYA TRACT: 171A1 .17 AC 2003 REV MAP 97 D-5-18A
- c. S: 18 T: 5N R: 2E MAP 97 TR 171B-1-A-2 .16 AC. QCD 256/2656
- d. S: 18 T: 5N R: 2E MAP 100 171B1B .09 AC D-5-18A
- e. S: 18 T: 5N R: 2E MAP 97 TR 171B2A .16 AC
- f. S: 18 T: 5N R: 2E MAP 97 TR 171B1A1B .09 AC
- g. S: 18 T: 5N R: 2E MAP 97 TR 171B1A1A .02 AC

**Exhibit "A"**



**EXHIBIT D**  
**Authorization of Property Owner**

**Property Address:**

**Current Zoning Unknown:**

**Proposed Use: Circle K convenience store and gas station**

By my signature below, I swear and affirm that I am the owner of the property. As the owner of the property, I give Circle K Stores Inc. permission to submit all necessary documentation in support of applications required by the City of Belen for the above-listed proposed use of the property and to serve as my representative for this request.

**PROPERTY OWNER**

**Lonnie Trujillo**

By:   
Name: Lonnie Trujillo

Date: MARCH 1-2017

  
Initials: \_\_\_\_\_

**EXHIBIT A  
LEGAL DESCRIPTION**

**SUBD: CTS ADDITION D-5-18A & D BLOCK: 3 TRACT: 9 SUBD: CTS ADDITION D-5-18A & D BLOCK: 3 TRACT: 10 SUBD: CTS  
ADDITION D-5-18A Lots 6-9**



Initials  
AB

Authorization of Property Owner

Property Address:

Current Zoning:

Proposed Use: Circle K convenience store and gas station

By my signature below, I swear and affirm that I am the owner of the property. As the owner of the property, I give Circle K Stores Inc. permission to submit all necessary documentation in support of applications required by the City of Belen for the above-listed proposed use of the property and to serve as my representative for this request.

PROPERTY OWNER



\_\_\_\_\_  
DAVID ULIBARRI



\_\_\_\_\_  
SHARON ULIBARRI



**EXHIBIT A  
LEGAL DESCRIPTION**

- a. SUBD: CTS ADDITION D-5-18A & D BLOCK: 2 TRACT: 8
- b. SUBD: CTS ADDITION D-5-18A & D BLOCK: 2 TRACT: 9 & 10 SUBD: CTS  
ADDITION D-5-18A & D BLOCK: 2 TRACT: 10 MH# 361709 MH# 308870



*126*  
*A.U.* *[Signature]*



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

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

**CASE REPORT**  
August 24, 2017

**ZONE CHANGE REQUEST**  
Location: N Seventh St., Belen NM 87002

**SITE DATA**

**Existing Use:** Residential-Commercial-vacant Lots      **Lot Size:** Lots \*-10 CTS Addition (.36 Ac) & Lots 170A, 171A1, 171BAB, 171 B1A2 (.58 ac.)

Direction	Zoning	Existing Land Use
North	R-1 & C-1	Single Family Residential-Existing Businesses
East	R-1	Single Family Residential
South	R-1 & C-1	Single Family Residential-Central Elementary School-Existing Businesses
West	C-1	Businesses

\*See attached zone map.

**REQUEST**

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

R-1 Requirements	C-1 Requirements
Single Family residential	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 R-1 and C-1 Zoning Regulations & Off-Street Parking

### **STAFF FINDINGS**

1. The Zoning surrounding this request is a combination of R-1 and C-1.
2. The surrounding area consists of Single Family Residential Homes, Businesses (Gilbert Garcia & Little Caesars'), the Belen Consolidated Schools administration Building, and the Central Elementary School. The empty lot on the West side abuts N Main St. and is zoned C-1.
3. The zone change request is deemed an appropriate use as it encourages the expansion of businesses along Main St.



10-23-2017 15:06



10.23.2017 15:05



10-23-2017 15:05



10 23 2017 15:05

## 17.54.060 FENCING & WALLS

### Purpose

The intent of fencing standards is to establish a uniformity of fencing appearance and materials of construction and create a general front yard harmony of one building with another in relation to the street.

Pre-existing fencing shall be grand fathered in and not subject to change under this Ordinance unless existing fencing is replaced, then it shall meet current standards.

All new fence construction shall require City Planning Department approval prior to construction.

### A. General standards

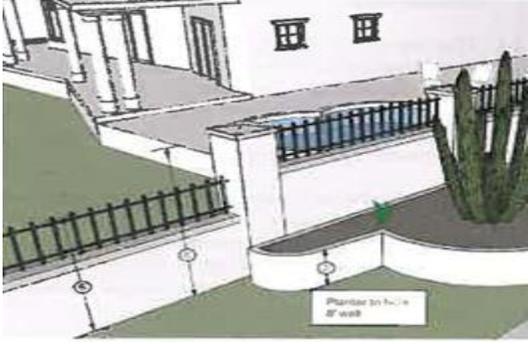
1. Fencing and screening shall be permitted as provided in the Section
2. Fencing materials shall be durable and consistent with abutting fences.
3. The height and location requirements of this section may be modified as part of a subdivision, planned area and development, special use, or conditional use approval. For fences on retaining walls, see definition of a retaining wall.
4. Any parcel in residential use with a lot size of 10,000 square feet or smaller shall have no fencing or screening located within the front yard with the exception of private courtyards.



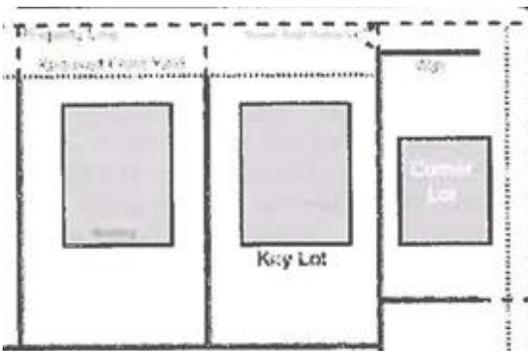
5. Front courtyard fencing shall not exceed thirty-six inches (36") in height. Such fences may be increased to forty-eight inches (48") maximum height if the fencing material extending above the thirty-six in height is an open material such as wrought iron or vinyl rail.



6. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight feet (8'). Where the fence height exceeds six (6') on the lower side, a view fence shall be required for the portion above (6') in height.



7. Any fence above six feet (6') in height shall be designed by a New Mexico registered structural engineer and approved by the City.
8. On that part of the lot other than the required front yard setback area, fences may be erected up to six (6') feet in height.
9. For fencing purposes on a double front lot: the front shall be defined by the address assigned and the second street side shall be considered the side or rear of the property. Fencing along the side or rear of a corner lot shall be set back from the street side property line not less than half (1/2) the depth of the required front yard setback.



10. The fencing details shall show the proposed method of construction and anchoring of the fence, posts, gate and foundation details if applicable.
11. The fencing details shall clearly show the proposed distance between the

fence and the abutting property lines and the sight line of a street right-of-way to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained as per 18.31.6 NMAC State Highway Access Management Requirements Table 18.F-2.

12. Front courtyard privacy fencing up to four feet (4') is allowed but must meet setback regulations.
13. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.
14. The use of barbed wire, wire mesh, electric fencing, or chain link shall not be used within Residential Zoning Districts of R-1, R-1A, R-2, R-2A, R-3, R-4.



15. Railroad ties and pallets shall not be used in any zoning districts.
16. Razor Wire, railroad ties, pallets, corrugated steel or electric fencing shall not be used in any Residential Zoning districts.
17. Storage areas, solid waste dumpsters, and large items for solid waste pick-up

shall be confined in an enclosed area and shall be of solid construction, six feet (6') high with locking gates providing access.

18. Fence lighting shall adhere to the night sky regulations, be low profile, no more than eighteen inches (18") above the fence line and not be in a position to interfere with abutting owners privacy.
19. All fencing shall be maintained in like new conditions with proper repairs to replace any damaged fencing or posts. Any repairs shall not be with wire, zip ties, duct tape or other like material.

**B. New Subdivisions & Agricultural Zoning District (A-R).**

1. All fencing along the perimeter of an Agricultural Zoning District (A-R) and new subdivision not adjacent to an arterial or collector street shall be full view fencing of an open style material.



2. All fencing along arterial and collector streets shall be either full view fencing or partial view fencing (4' solid-2' view). The top of any view fence, if constructed of ornamental iron or a similar material shall have a rail or horizontal member such that no portion of the view fence protrudes not more than two inches (2") above the top rail or horizontal member.



3. Construction of solid fences no taller than six feet (6') shall be limited to the lots within the subdivision. However, view fencing no taller than six feet (6') shall be limited to the buildable area of the lot within the building envelope. However, view fencing no taller than size feet (6') (3' solid – 3' view) may be allowed along property boundaries interior to the subdivision in accordance with the provisions of the title.



4. All solid and view fences within the building envelope shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.





**C. Residential Zoning Districts R-1, R-1A, R-2, R-2A, R-3, R-4.**

1. Fences adjacent to streets may be solid and no taller than six feet (6') in height.
2. Fences adjacent to a community open space system or trail shall be partial view fencing (4' Solid – 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes not more than two inches (2") above the top rail or horizontal member.
3. All fences shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.



**D. Commercial Zone Districts C-R, C-1, C-2**

1. All residential uses located in a Commercial Zone shall use the Residential Zoning District fence regulations.
2. A fence constructed on a side or rear property line shall not exceed a height of seven feet (7') with one foot (1') of

out rigging for a total of eight feet (8') from the highest finished grade adjacent to the fence, nor more than ten feet (10') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset (s) or similar enhancements to mast height differences, and when adjacent to single or multi-family residential the fence height shall not exceed eight feet (8').

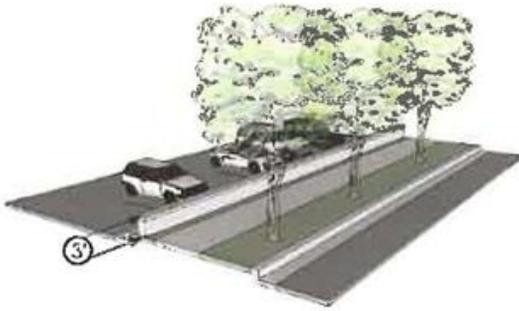


3. Front fencing and perimeter fencing shall be allowed in the following Commercial uses;
  - a. Storage units, Warehouses, Equipment buildings, Automotive related activities, utility buildings, open storage and impound areas.
4. All perimeter fences adjacent to an arterial or major collector shall be decorative. A decorative variation shall be provided every fifty feet.



5. All perimeter fences shall be finished on all sides to match the commercial and or industrial product architectural style and design.

6. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.

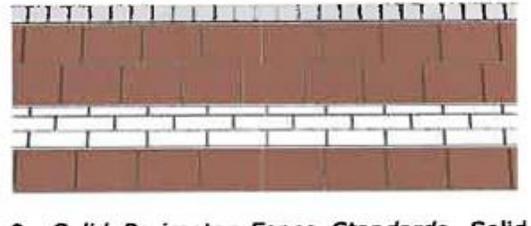


7. All other Commercial uses shall follow setback regulations for the specified Commercial zone provided in Title 17 of the City of Belen Municipal Codes.

**E. Manufacturing and Industrial Zone Districts M-C, M-1.**

1. Residential uses located within a Manufacturing and Industrial Zone District shall use the Residential Zoning District regulations.
2. A fence constructed on a side or rear property line shall not exceed a maximum height of Twelve feet (12'). Any fence of more than ten feet (10') in height side shall use berming, landscaping, fence offset (s) or similar enhancements to mast height.
3. Solid fencing use along arterial and collector street on the perimeter of residential projects addresses individual property concerns regarding noise, light, privacy and safety. Because solid fence use

affects the image, character, safety, and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.



4. Solid fence designs shall require use of a minimum of three (3) materials including stone, brick, block or textured block including treated, split-face, single-score or patterned integrally colored block or similar enhancement and may include changes in color or texture.



5. Fencing within the Manufacturing and Industrial Zone districts shall require a plan review by the Planning & Zoning Commission.



**F. Special Use Zone District SU-1.**

1. The underlying use within the Special Use Zone shall determine what fence regulations apply.
2. Fencing within the Special Use Zone shall require a plan review by the Planning and Zoning Commission.