

## PUBLIC NOTICE

DUE TO THE FACT THAT OCTOBER 8, 2018 IS COLUMBUS DAY THE REGULAR MEETING OF THE PLANNING & ZONING COMMISSION HAS BEEN MOVED FROM MONDAY OCTOBER 8, 2018 TO TUESDAY OCTOBER 9, 2018.

### AGENDA

FOR THE REGULAR MEETING OF THE CITY OF BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE 9<sup>th</sup> OF OCTOBER 2018 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**

Minutes of September 24, 2018

**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 TO CONSIDER CORRECTIONS AND AMEND THE ZONE MAP**

**FROM C-1 TO R-4: City of Belen. LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 25, Tract A, Lands of Louis & Gloria Trujillo, Containing 16.33 Acres, located off of Don Luis Trujillo Blvd, Belen NM 87002.

**B. REQUEST FOR FINAL PLAT APPROVAL OF DE LA REINA SUBDIVISION:**

**GNA INVESTMENTS. LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 25, Tract A, Lands of Louis & Gloria Trujillo, Containing 16.33 Acres, located off of Don Luis Trujillo Blvd, Belen NM 87002.

**C. REQUEST FOR A CONDITION USE for the purpose of placing a fence within the front setback at 508 Becker Ave, Belen NM 87002: James Kelly Cross. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, BTS addition, Lots 19 & 20, Block 29.

cc: Mayor & City Council  
News Bulletin

Belen Chamber of Commerce  
Belen Recreation Center

Belen Public Library  
Belen City Hall

**D. REQUEST TO EXTEND THE CONDITIONAL USE for the purpose of temporarily parking an RV and using this RV as living quarter at 904 Didier Ave., Belen NM 87002: Dolores Quintana. LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Map 100, Didier Addition, Lots 1-6, Block 3, Containing .30 acres.

**8. DISCUSSION**

**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  
**RONNIE TORRES**  
CITY COUNCIL  
**FRANK ORTEGA**  
CITY COUNCIL

**CITY OF BELEN  
PLANNING & ZONING COMMISSION MEETING  
MINUTES  
SEPTEMBER 24, 2018**

Vice Chair Pete Armstrong called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:00 PM.

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

**ABSENT:** Commissioner Gordon Reeves  
Commissioner Jim Lardner

**CITY STAFF:** Lisa R Miller, Planning & Zoning Administrator

**APPROVAL OF THE AGENDA**

Commissioner Claudine Montano moved to approve the Agenda as presented.

Vice Chair Pete Armstrong seconded the motion.

Motion Carried.

**APPROVAL OF THE MINUTES**

The minutes of September 10, 2018 were read.

Commissioner Claudine Montano moved to approve the minutes of September 10, 2018 as presented.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

**PUBLIC COMMENT – 3 MINUTE PRESENTATIONS**

There were none.

## **DISCUSSION**

### **Comprehensive Plan**

Lisa Miller informed the Commission that they had left off on page 40.

Chairman Steve Ethridge said that he thought they left off on page 30.

Lisa Miller said that the Comprehensive Plan will be left off of the next meeting agenda because of a full agenda and because the staff needs a little time to start imputing the numbers into the tables of the Comprehensive Plan.

Chairman Steve Ethridge started with page 31.

Vice Chair Pete Armstrong said that the Comprehensive Plans states that the City has 20 police officers, including the chief. He feels that is not enough and the numbers need to be updated. They need the new numbers for the paid firemen and the volunteer fireman.

Chairman Steve Ethridge said that the information about the parks needs to be updated to include all the equipment that is in those parks like the gazebo with electricity in Anna Becker Park and the children's play equipment in the Rosedale Park. The park that is located within the Jardin De Belen subdivision needs to be clarified so that it is understood that it is the Community Gardens Park. The 10<sup>th</sup> and Ross Park is actually called the RSVP Park. Coronado Mini Park was questioned. It was decided that it is located on the corner of Wisconsin and Reinken Ave. Where it mentions the Police, Fire, and Ambulance needs to read Police, Fire, and Rescue and all numbers need to be updated as to the equipment they have.

The information in the Solid Waste Disposal needs to read the new company that is hauling our solid waste. It was discussed that the name does not even need to be mentioned because it changes. The spelling needs to be edited. Under the Health Care paragraph it needs to expand to include the full variety of health care providers. They want to leave out names of agencies and doctors and just list the number of health care providers that are here, even the alternative medicine. The names of the financial services needs to be excluded because they also change often. The number of financial services needs to be there and not the names. They want the information on the Valencia County News-Bulletin from twice weekly to once weekly. And update the other papers that are serving the area. All the telephone services needs to be updated. And the type of transmission lines need to be changed. The average cost for the phone, gas and electric services needs to be deleted, they change all the time. Research needs to be done on how many phone and network services are in the area. In Part III, under Forecast of Population, Housing, and Employment out to 2025 needs to preface that by where we have been the last six years and where we are today. The mention of the major recession and the fact that we are now starting to come out of it needs to be added. It was thought that this section was the most interesting part of the whole document and most informative. The fact that the tables are after the paragraph explaining the information in the tables needs to be changed where the table comes first then the paragraph. This needs to be done throughout the document. The fact that the numbers go as far back as 1960 was discussed and it was felt that the numbers from the 1960's and 1970's need to be removed. The charts need to go from 1980 up to the present. They asked if some of the information in these charts were done by MRCOG could be taken to them and reviewed and updated by them also.

Lisa Miller said that MRCOG is obligated to review data to a certain point. We can get sections together and asked them to review this information and make suggestions is something we can consider.

The graphics that are on page 35 need to be updated. They need to be enlarged. The Commission had problems with the low population and high population projections. These rates, in some cases, are less than one tenth of a point apart and wandered if they need to go into that level of detail for all of the percentages of low and high population projections. They didn't know how relevant they actually were. They also wanted to remove 1960 & 1970 on these tables for consistency. Some were confused about the information and felt that they needed to revisit these projections when they can obtain more information as to the importance of these tables. They discussed the difference between housing units and households. A housing unit may contain multifamily units such as apartments, condominiums, duplex units, or a home that has more than one family living in the same home. A single household is just one family per unit. On the employment and average growth rate, they felt that there would be an increase in the numbers due to the new businesses, like Loves Travel Stop and Keter, adding more employment numbers.

Vice Chair Pete Armstrong said that Keter is adding to their business again by building another huge building to the complex.

Commissioner Claudine Montano said that they also just rented the other part of the old cabinet maker shop where another part of that building is being used by the water bottling company in Los Lunas.

Lisa Miller said that the fact that the Belen area is the largest manufacturing hub in this County needs to be added to this document.

Vice Chair Pete Armstrong said that this document is very interesting for being written in 2003. The numbers are all positive for up to 2018. Things are trending up and looking good for this area.

They stopped on page 40 and will continue on the next 10 pages the next time the Comprehensive Plan is reviewed again. The Commission asked if there were going to be Public Hearings concerning the Comprehensive Plan.

Lisa Miller said that they would be holding Public Meetings to get input and public comments and suggestions for the Comprehensive Plan. This will be done with different sections at a time.

### **INFORMATIONAL ITEMS**

#### **Communications from the Commission and Staff**

Lisa Miller informed the Commission that the meeting scheduled for the 8<sup>th</sup> of October has been moved to the 9<sup>th</sup> of October due to the fact that October 8<sup>th</sup> is Columbus Day and City Hall will be closed. Letters will be sent to the surrounding neighbors informing them of this change. This will also be posted so that the population is informed. She informed the Commission that she and Steven Tomita would be gone starting on Wednesday the 26<sup>th</sup> of September until Monday the 1<sup>st</sup> of October. She and Steven Tomita will be attending a NMLZO Conference in Read River. She also

informed them that her GIS computer is dying. It started acting up and then it got to the point where she was not even able to open her maps so the IT Department created another sign in so that she could use the map as reference with not capability of doing any editing and additions. The IT has ordered her another computer that would be able to house the GIS program and maps along with the information contained in the office computer. She will have one computer for all of it.

Commissioner Claudine Montano said that she was happy to see that First Choice and a Church has moved into Del Rio Plaza.

Lisa Miller said that they had moved from the buildings downtown to the Del Rio Plaza due to the excess flooding that happened. Some of those downtown buildings sustained some big time flooding. She informed the Commission that the building behind the tire shop on Dalies Ave has been purchased and they are going to be restore it and putting a business there.

Chairman Steve Ethridge informed the Commission that he has looked into the Tiny Home issue as far as an electrician is concerned. By what he is seeing they are being addressed under a park trailer in the Electrical Codes. He thinks that the Commission will need to address this when they start moving into the area. It is a big giant gray area and we will have to address it one of these days in the near future.

**ADJOURN**

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

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 6:53 p.m.

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

**ATTEST:** \_\_\_\_\_  
Lisa R Miller, Planning & Zoning Administrator

**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 TO CONSIDER CORRECTIONS AND AMEND THE ZONE MAP FROM C-1 TO R-4: CITY OF BELEN.**

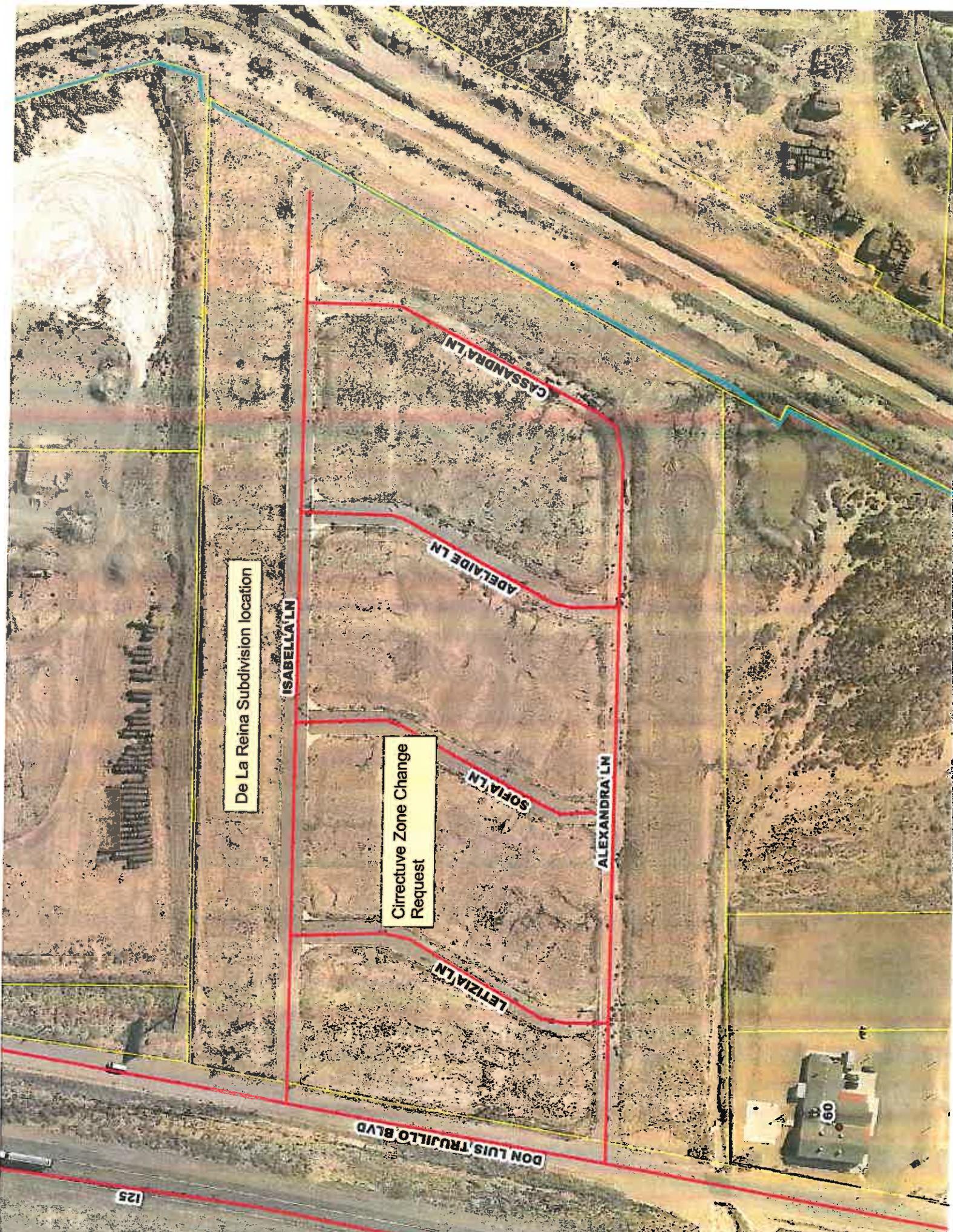
**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 25, Tract A, Lands of Louis & Gloria Trujillo, containing 16.33 acres, located off of Don Louis Trujillo Blvd., Belen NM 87002.

You are further notified that this public hearing will be held on **Monday October 8, 2018 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002.

The Belen City Council will consider the recommendation of the Belen Planning & Zoning Commission and take action on the request to Amend the Zone Map at a public hearing which will be held on **Monday, October 15, 2018 at 6:00 P.M.**, 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 and the Belen City Council at the above stated dates and times. Comments can be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

**LEGAL NOTICE PUBLISHED: September 13, 2018 and September 20, 2018**



De La Reina Subdivision location

Currective Zone Change Request

ISABELLA LN

CASSANDRA LN

ADELAIDE LN

SOFIA LN

ALEXANDRA LN

LETIZIA LN

DON LUIS TRUJILLO BLVD

125

60



## CITY OF BELEN PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box.

ADMINISTRATIVE PERMIT	SUBDIVISION	ZONING
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Summary Plat-Replat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Manufactured Home-MHP	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Manufactured Home	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Variance
<input type="checkbox"/> Other	<input type="checkbox"/> Street Name	<input type="checkbox"/> Site Plan
		<input checked="" type="checkbox"/> Zone Map Amendment
		<input type="checkbox"/> Zoning Certification
		<input type="checkbox"/> Wireless Telecommunications Facility

Applicant Name: City of Belen

Address: 100 South Main Street

City: Belen

Deed of Ownership Verification Provided:

**DESCRIPTION OF REQUEST: Please add additional sheet(s) if necessary.**

Corrective Change of C-1 Zoning to R-4 Residential. No records have been located by City staff that substantiate the property was approved as an R-1 Single Family Residential. The Project has undergone Sketch Plat and Preliminary Plat approval, the subdivision was constructed under preliminary plans, the Development was inspected by City personnel and the City Consultant. A lot size Variance was granted to accommodate smaller lots and permits were issued for the construction of 5 homes – all without zoning.

**SITE INFORMATION: Please provide accurate legal description**

Subdivision/Unit: De la Reina Subdivision

Existing Zoning: C-1

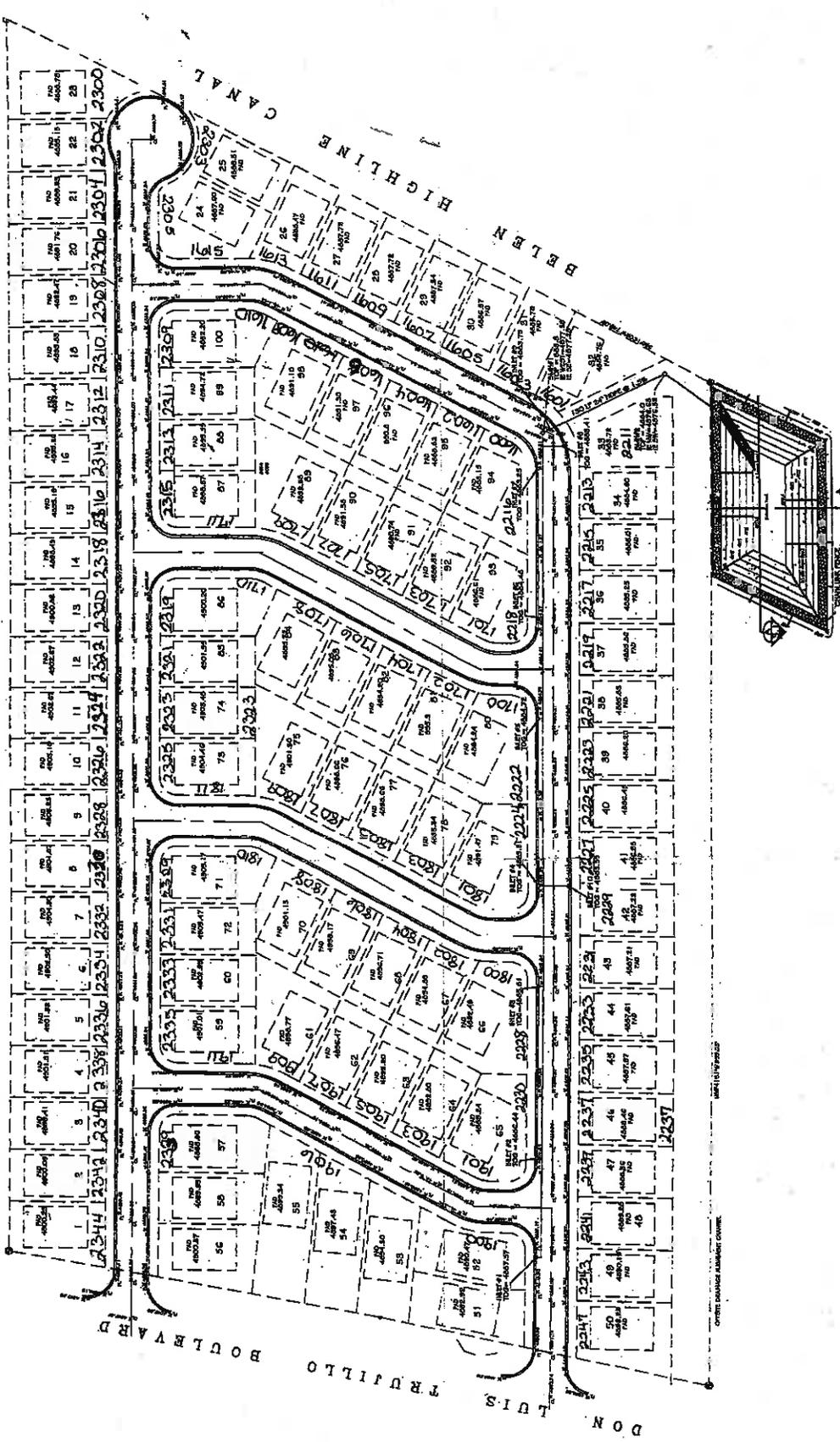
No. of proposed Lots: 92

**ACKNOWLEDGEMENT**

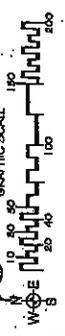
*[Handwritten Signature]*

**FOR OFFICIAL USE ONLY**

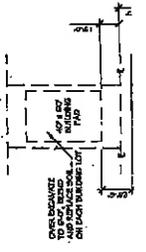
PROJECT #



(A) MASTER GRADING & DRAINAGE PLAN 1" = 50.00'



TYPICAL GRADING ALIGNMENT



SEE SHEET FOR TEMPORARY SOLE EMBANKMENT AND CONTROL MEASUREMENTS AVAILABLE FROM THE ASSOCIATES

EXISTING CONTOURS  
 ESTIMATED FROM COUNTY LISTS, ELEVATIONS WERE OBTAINED FROM DATA OBTAINED FROM THE

THE MAP USER WAS COMPILED TO VERIFY MATERIAL AND ACCURACY OF THE DATA AT A HORIZONTAL SCALE OF 1" = 100' AND A VERTICAL INTERVAL OF 1'.

JERAH R  
CORDOVA  
MAYOR  
LEONA VIGIL  
CITY MANAGER



**CITY OF BELEN**  
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CITY COUNCILOR  
DAVID CARTER  
CITY COUNCILOR  
RONNIE TORRES  
CITY COUNCILOR  
FRANK ORTEGA  
CITY COUNCILOR

September 25, 2018

GNA Investments LLC  
9600 Tennyson St NE  
Albuquerque NM 87122

**RE: A. REQUEST TO CONSIDER CORRECTIONS AND AMEND THE ZONE MAP FROM C-1 TO R-4: City of Belen. LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 25, Tract A, Lands of Louis & Gloria Trujillo, Containing 16.33 Acres, located off of Don Luis Trujillo Blvd, Belen NM 87002.

**B. REQUEST FOR FINAL PLAT APPROVAL OF DE LA REINA SUBDIVISION: GNA INVESTMENTS. LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 25, Tract A, Lands of Louis & Gloria Trujillo, Containing 16.33 Acres, located off of Don Luis Trujillo Blvd, Belen NM 87002.

Due to the fact that October 8<sup>th</sup>, 2018 is Columbus Day, and the City of Belen will be closed, the above referenced request has been moved to Tuesday the **9<sup>th</sup> of October, 2018 at 6:00 PM** at the City Hall Council Chambers, 100 S Main St., Belen NM 87002.

We apologize for any inconvenience this may have caused.

Sincerely,

Lisa R Miller  
P & Z Administrator

cc: File

Zone Change Request  
De la Reina Subdivision

M-C

C-1

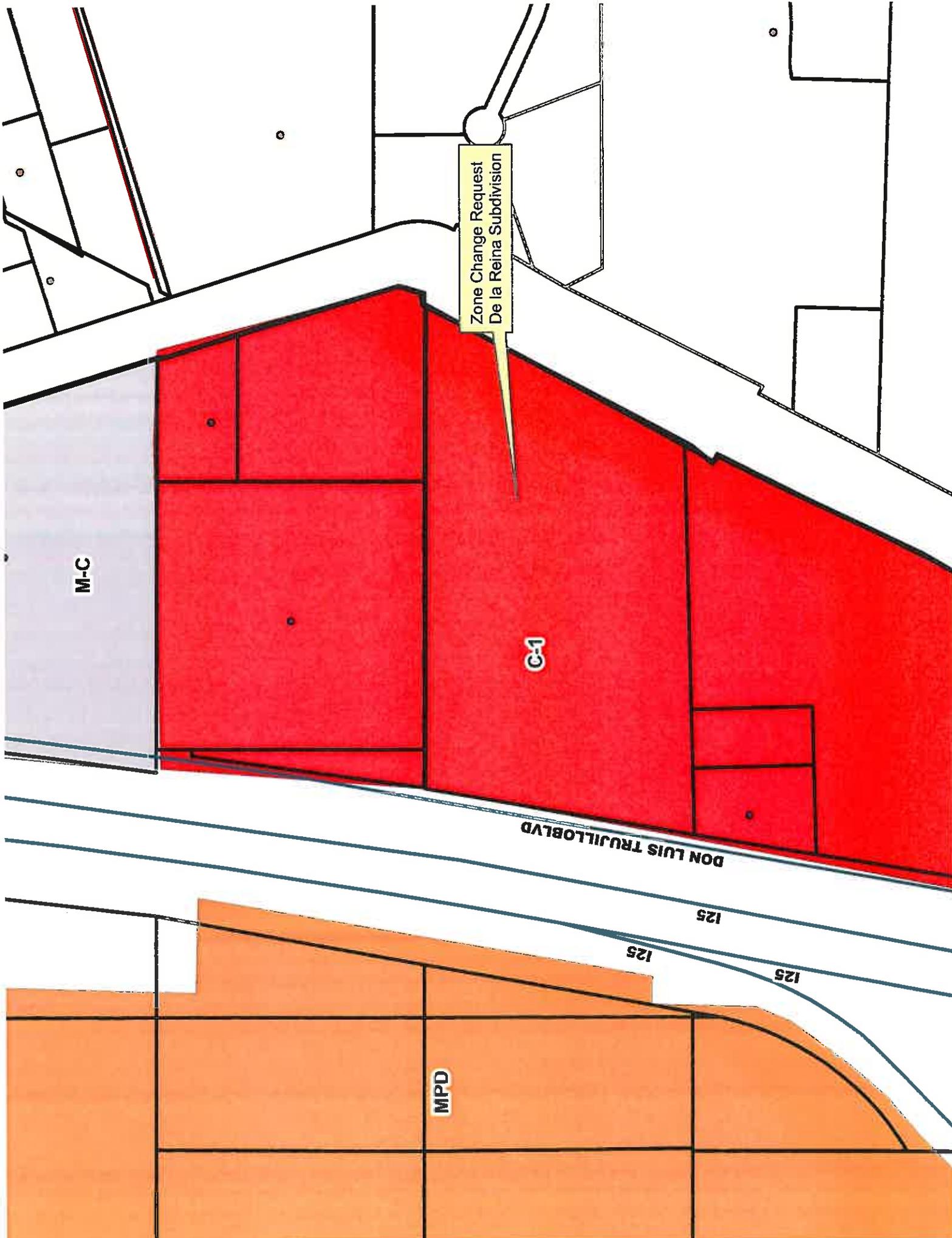
DON LUIS TRUJILLOBLVD

125

125

125

MPD





Corrective Zone Change Request

ISABELLA LN

CASSANDRA LN

ADELAIDE LN

SOFIA LN

ALEXANDRA LN

LETIZIA LN

DON LUIS TRUJILLO BLVD

30

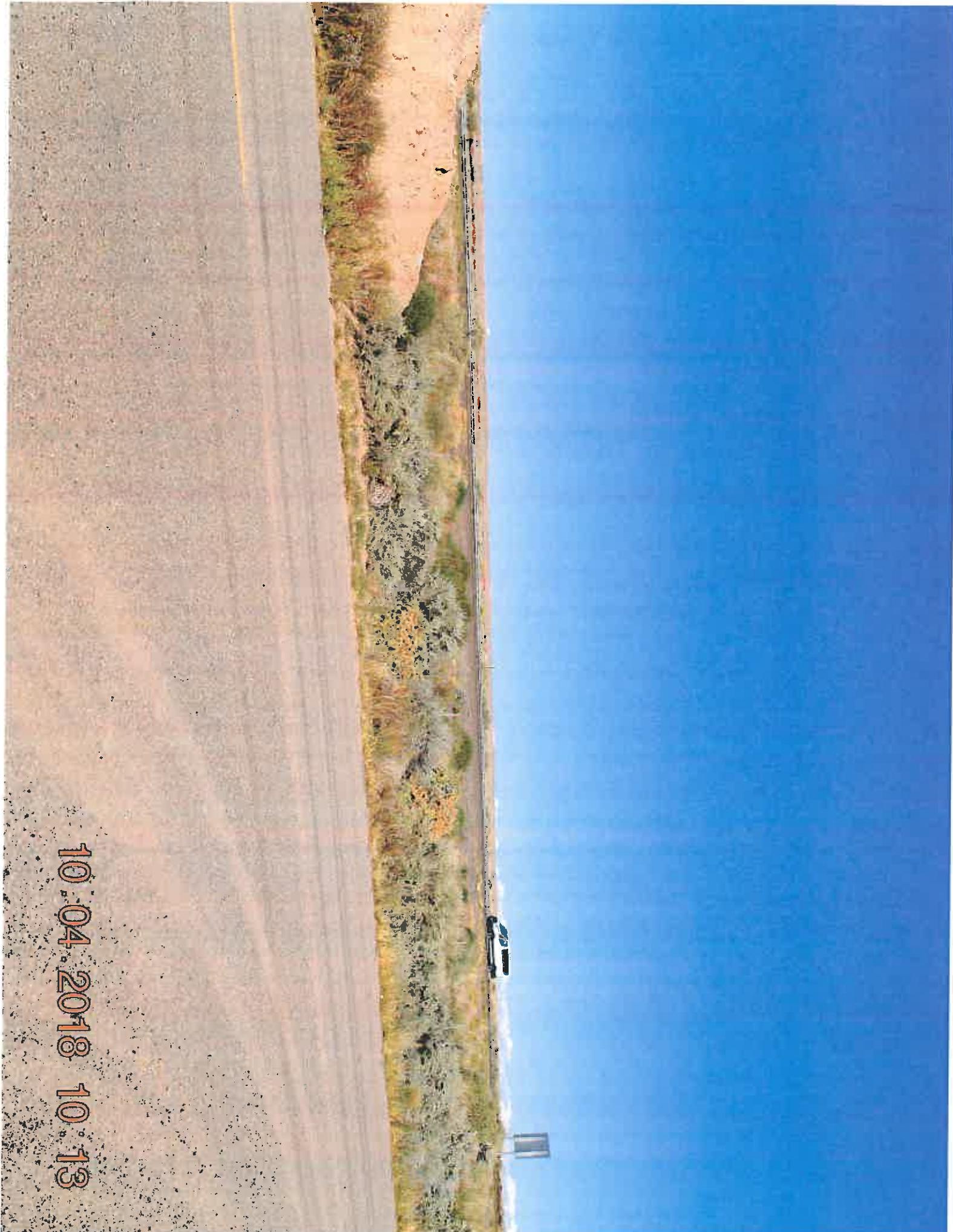
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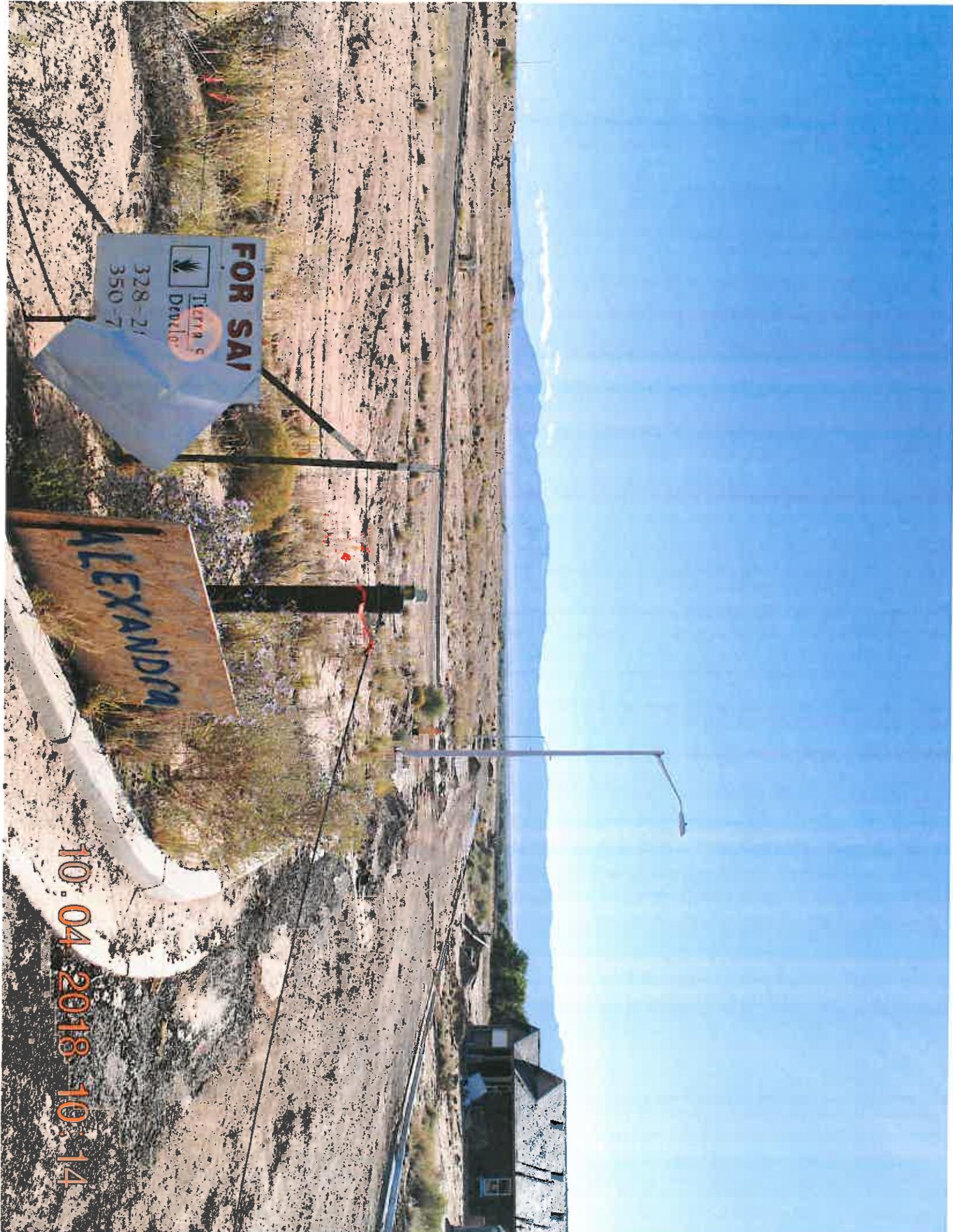
125



10:04 2018 10:13



10-04-2018 10-14



10.04.2018 10:14



10-04-2018 10:14



10-04-2018 10:15



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

**CITY OF BELEN**  
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CITY COUNCILOR

**CASE REPORT**

October 3, 2018

**CONDITIONAL USE REQUEST**

**Location:** Property off of Don Luis Trujillo Blvd., Belen NM 87002  
(De La Reina Subdivision)

**SITE DATA**

**Existing Use:** Commercial

**Lot Size:** 6.306 acres (26,136 sq. ft.)

Direction	Zoning	Existing Land Use
North	M-1	Tabet Batch Plant and Cemco
East	RR-1	Ditch & Residential in County
South	C-1	Church & Vacant Land
West	O	Freeway & Vacant Land in County

\*See attached zone map.

**REQUEST**

The applicant is requesting a Corrective Zone Change.

**STAFF FINDINGS**

1. The Property around the above mentioned located is mainly Commercial & Manufacturing.
2. The Property is a partially developed Subdivision.
3. The Preliminary Plat was approved in 2006 and the infrastructure was installed.
4. Two homes are being constructed.
5. The final Plat approval is pending.
6. This is a residential subdivision in a Commercial zone.

## Chapter 17.27 - R-4 MEDIUM RESIDENTIAL

**Sections:**

## 17.27.010 - Intent.

The purpose of this zone is to allow for a variety of single-family detached and single-family attached (duplex units) lot sizes. This zone allows for a traditional compact residential neighborhood and those uses that are both compatible with and convenient to the residents of such a district. Offices and certain nonresidential uses which are of particular convenience to the residents of this zone are allowed.

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

## 17.27.020 - Accessory uses.

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

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

## 17.27.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of four thousand (4,000) square feet and a minimum width of forty (40) feet.
- B. Floor area ratio: 1.0.
- C. Setback.
  - 1. Front: ten (10) feet;
  - 2. Rear: fifteen (15) feet;
  - 3. Side: five (5) feet;
  - 4. Garage: twenty (20) feet for front facing;
  - 5. Garage: ten (10) feet for side turned;
  - 6. Alley: five (5) feet for garage.

- D. Height. No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.
- E. Off-street parking. Provided in chapter 17.56 of this title.
- F. Off-street loading. Provided in chapter 17.56 of this title.
- G. Paved off-street parking is required for structures containing three (3) or more dwelling units, and shall be constructed using standard curbing and pavement design specifications subject to review and approval by the city engineer.
- H. Landscaping is required on all multifamily residential lots to the extent that it enhances the appearance of the development, alleviates drainage problems, and blends with the surrounding area. Existing trees should be preserved to the extent possible. A minimum of ten (10) percent of total square footage of the lot area shall be devoted to landscaping.

Landscaping will consist of a combination of grass, shrubs, grave and trees, developer will provide irrigation system if necessary.

- I. Area lighting shall be provided in the development for safety and security purposes. All street lights shall be designed and placed in accordance with the subdivision design standards of the city of Belen.
- J. In the event a development is being proposed next to an irrigation ditch, the developer shall construct a six-foot tall chain link fence or a fence of similar construction along the property line which borders said irrigation ditch. Irrigation ditch shall not be meant to include a bar ditch or small ditch for individual use.
- K. A storm drainage management plan is required for all multifamily residential developments. It shall be in compliance with city drainage regulations and shall be subject to review and approval by the city engineer.
- L. Trash bins shall be provided in the amount the sanitation department feels necessary, and shall be three-sided with block or wood, and shall be six (6) feet in height. The placement of trash bin shall be approved by sanitation department for proper pickup.

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

17.32 - C-1 GENERAL COMMERCIAL

**Sections:**

17.32.010 - Intent.

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

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

17.32.020 - Accessory uses.

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

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

17.32.030 - Supplementary regulations.

- A. Area. Any lot under a residential use shall have a minimum ground area of seven thousand (7,000) square feet and a minimum width of seventy (70) feet.
- B. Setback. Any lot under a residential use shall have the same setback requirements as those prescribed in the R-2 zone district. Any lot in commercial use shall have a front setback of six (6) feet.
- C. Height. No building or structure shall exceed forty-five (45) feet except as otherwise provided in this title.
- D. Off-Street Parking. Provided in chapter 17.56 of this title.

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

**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 TO CONSIDER CORRECTIONS AND AMEND THE ZONE MAP FROM C-1 TO R-4: CITY OF BELEN.**

**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 25, Tract A, Lands of Louis & Gloria Trujillo, containing 16.33 acres, located off of Don Louis Trujillo Blvd., Belen NM 87002.

You are further notified that this public hearing will be held on **Monday October 8, 2018 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002.

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**LEGAL NOTICE PUBLISHED: September 13, 2018 and September 20, 2018**

125

DON LUIS TRUJILLO BLVD



LETIZIA LN

Corrective Zone Change Request

De La Reina Subdivision location

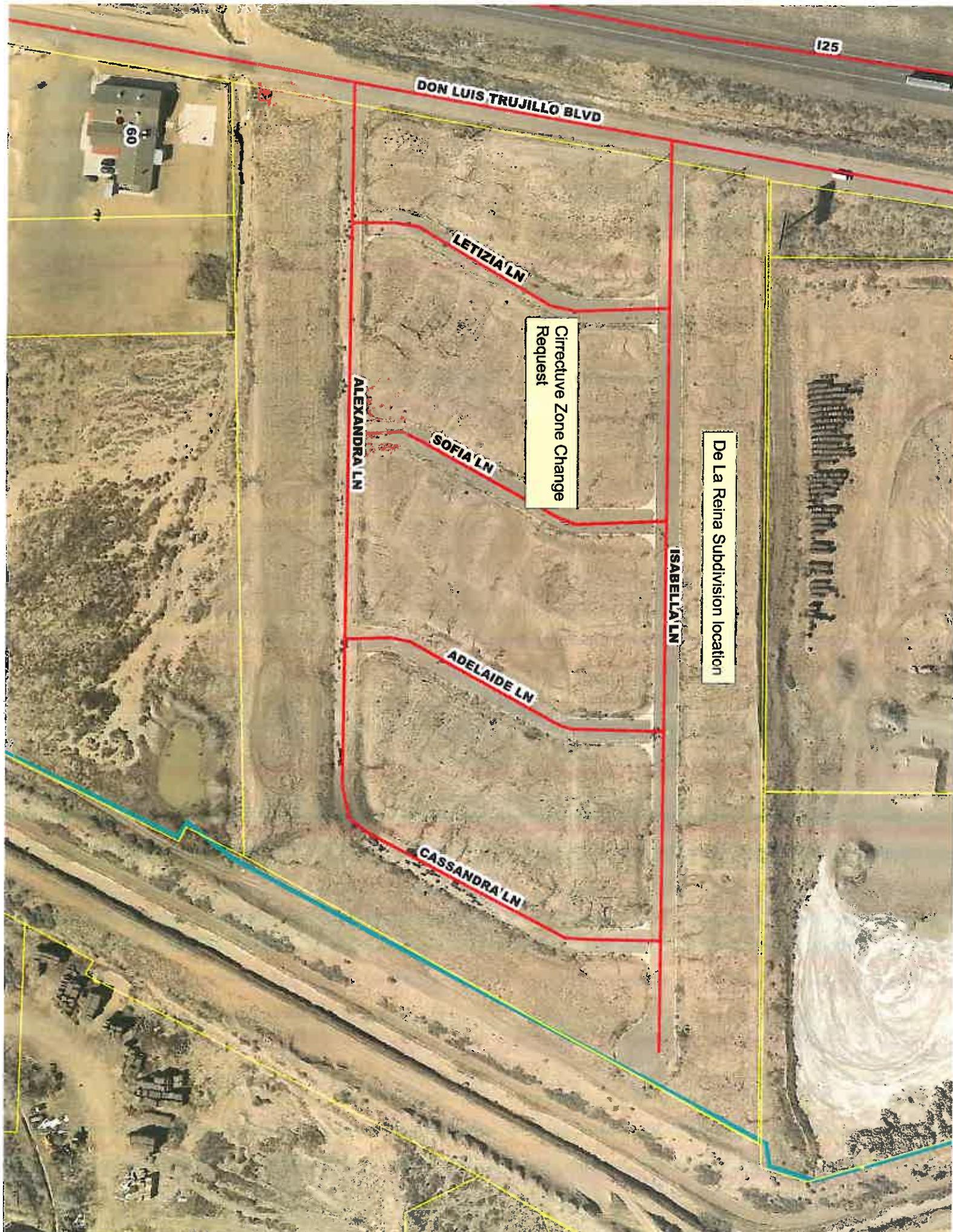
ALEXANDRA LN

SOFIA LN

ISABELLA LN

ADELAIDE LN

CASSANDRA LN



**CITY OF BELEN, NEW MEXICO  
DEVELOPMENT REVIEW APPLICATION**

Date of Application: \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Case Number: \_\_\_\_\_

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**TYPE OF DEVELOPMENT**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Subdivision     | <input type="checkbox"/> Special Use Permit        |
| <input type="checkbox"/> Sketch Plan                | <input type="checkbox"/> Conditional Use Permit    |
| <input type="checkbox"/> Preliminary Plat           | <input type="checkbox"/> Limited to six months     |
| <input checked="" type="checkbox"/> Final Plat      | <input type="checkbox"/> Variance                  |
| <input type="checkbox"/> Preliminary and Final Plat | <input type="checkbox"/> Appeal                    |
| <input type="checkbox"/> Amendment to Zoning Map    | <input type="checkbox"/> Annexation: _____ acreage |

Applicants Name: GNA Investments II, LLC Phone: 210-796A

Address: 9600 Tennyson St. NE, Albuquerque, NM 87122

Authorized Agents Name: <sup>Tom Patrick</sup>Community Sciences Phone: 897-0000

Address: PO Box 1370, Corralos, NM 87040

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Address of Property: NOT ADDRESSED

Block and Lot: - Addition: land of Louis & Gloria Trujillo

Tract Number: A Map: \_\_\_\_\_

Total acreage in Tract: 16.3060

Number of Dwellings: 93 Density/Acre: 5.7

Zoning of Property: Commercial/Residential Present Use: in Residential Development

Requested Zoning: C-4

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**ADMINISTRATION**

Application Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Filing Fee: \_\_\_\_\_

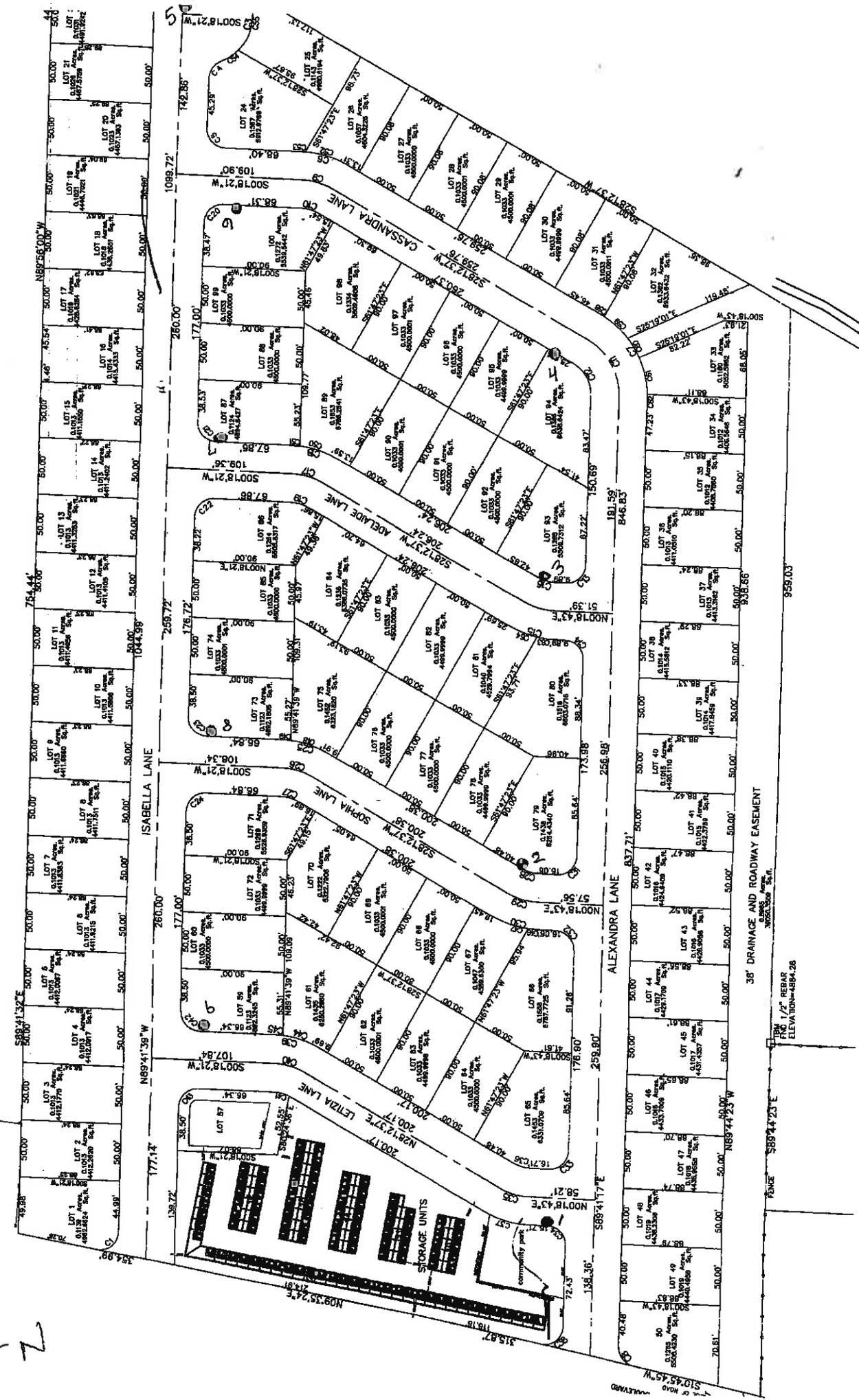
Scheduled Review of Application by: \_\_\_\_\_

Planning and Zoning Commission Date: 10-9-18

Belen City Council: Date: \_\_\_\_\_

Original Mylar Submitted: ( ) Yes (X) No Date: \_\_\_\_\_

NZ



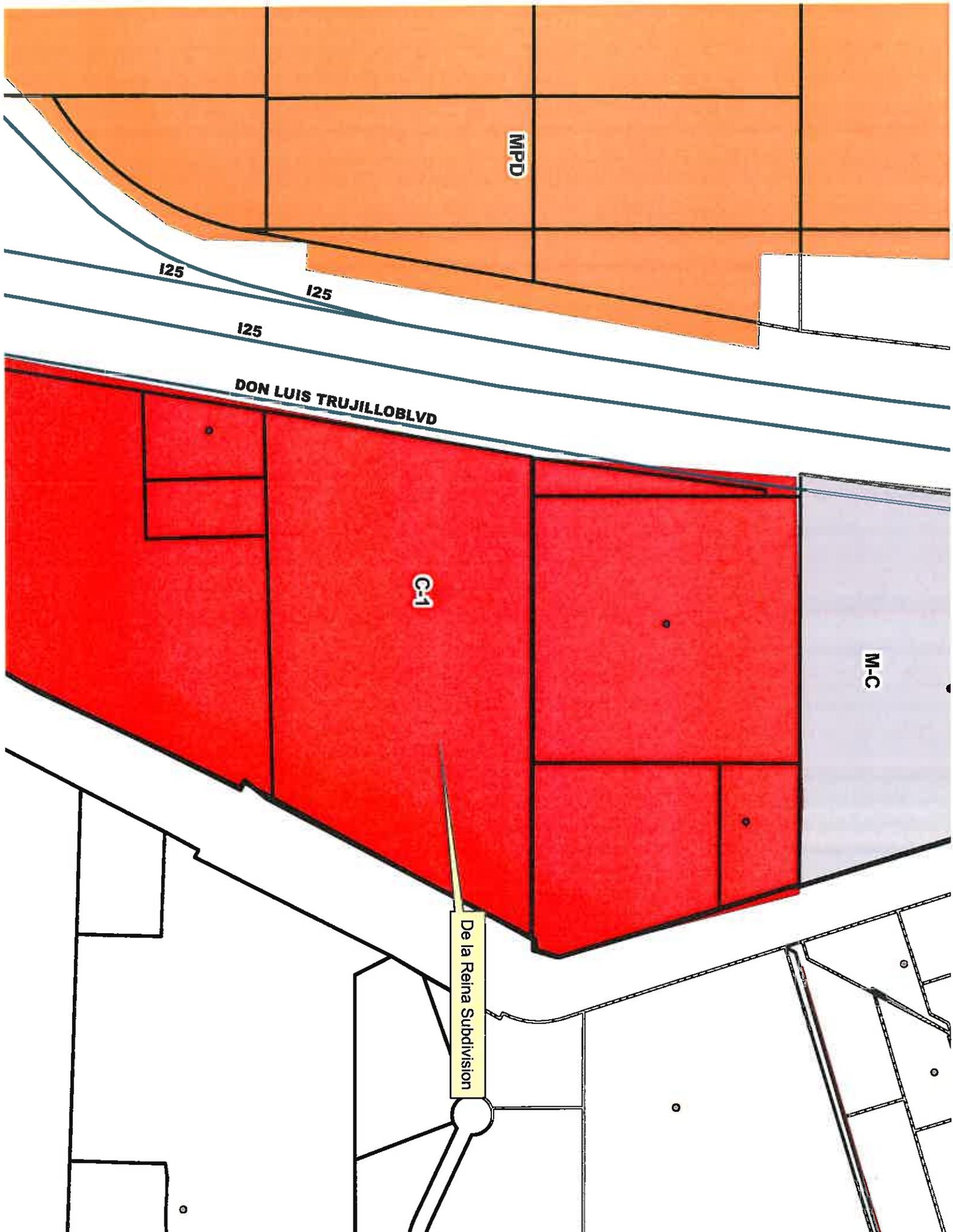
38' DRAINAGE AND ROADWAY EASEMENT

FRONT 1/2" REBAR  
ELEVATION=4884.28

FENCE

FRONT 1/2" REBAR  
ELEVATION=4884.28





MPPD

125

125

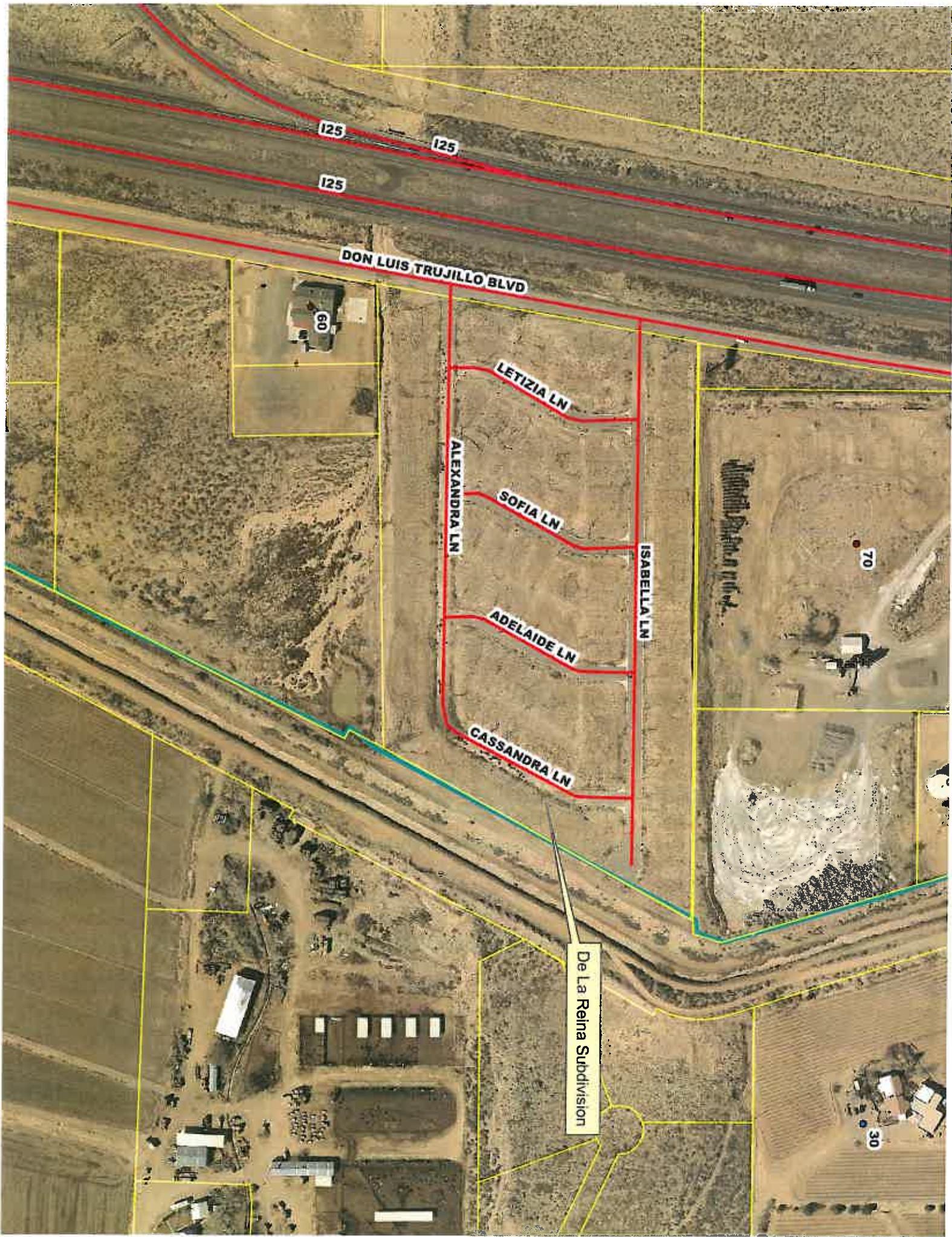
125

DON LUIS TRUJILLOBLVD

C-1

M-C

De la Reina Subdivision



125

125

125

DON LUIS TRUJILLO BLVD

09

LETIZIA LN

ALEXANDRA LN

SOFIA LN

ISABELLA LN

ADELAIDE LN

70

CASSANDRA LN

De La Reina Subdivision

30

## AGENDA

**FOR THE REGULAR MEETING OF THE BELEN PLANNING AND ZONING COMMISSION, STATE OF NEW MEXICO, COUNTY OF VALENCIA TO BE HELD ON MONDAY THE THIRTIETH DAY OF JANUARY 2006 AT 6:00 PM, IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.**

1. Roll Call:
2. Approval of Agenda:
3. Approval of Minutes:     November 28, 2005  
  December 14, 2005
4. Public hearing and take action on a variance request for the front and side setback requirements to construct carports on property located at 610 Campana Drive: Christopher Higgins
5. Public hearing and recommendation on a request for annexation and establishing a permanent zoning designation of R-1 for property located West of Interstate 25 land situated in section 22, 23, 26 and 27 Township 5 North, Range 1 East, Tracts 7A thru 7E, Tracts 8A thru 8E and all of Tract 9 of the Lands of Rafael B. Sanchez as shown in the New Mexico Principal Meridian, Valencia County New Mexico: John Valdez
6. Public hearing and take action on a variance request for the minimum lot size requirement for a subdivision on property located at 64 Don Luis Trujillo Boulevard: Richard Burton
7. Public hearing and take action on a request for De La Reina Sketch Plat approval for a subdivision on property located at 64 Don Luis Trujillo Boulevard: Richard Burton
8. Public hearing and take action on a request for a wireless telecommunication facilities application for property located at 525 Becker Avenue: Julie Baca
9. Public hearing and recommendation on a request for annexation and establishing a permanent zoning designation of R-1 for property located on 27 Gonzales Road: Julie Baca
10. Adjournment:

RESPECTFULLY SUBMITTED,



Julie Baca  
Planning and Zoning Director

CC: Planning and Zoning Commission  
Raul Sedillo, City Attorney  
Mayor & City Council  
KARS Radio  
Valencia County News Bulletin

# BELEN PLANNING AND ZONING COMMISSION MEETING

January 30, 2006

6:00 PM

Chairman Sean Gabaldon called this regular meeting of the Belen Planning and Zoning Commission to order at 6:00 PM. Roll call being taken is as follows:

**PRESENT:** Sean Gabaldon, Chairman  
Connie Baca, Vice-Chairman  
Ron Tabet, Commissioner  
Rod Storey, Commissioner

**ABSENT:** Mark Anthony Baca, Commissioner

**CITY STAFF:** Julie Baca, Planning and Zoning Officer  
Raul Sedillo, City Attorney  
Ramon Barela, Code Enforcement/Building Official

**OTHERS:** John Aragon, Citizen  
John Burgund, Citizen  
Christopher Higgins, Citizen  
Richard Burton, Citizen  
Jackie Schlotfeldt, New Bulletin  
Karen Marcotte, Concensus  
Paul Huckabee, Consensus  
Joan Artiaga, Citizen  
Pasqual Armijo, Citizen  
Twining Land Corp., Represented by Joan Artiaga  
Dr. Malayaman Represented by Joan Artiaga  
Nino Trujillo, Citizen  
Louis Trujillo Jr., Citizen  
Alice L. Gallegos, Citizen  
Gilbert Tabet, Citizen  
Herman Tabet, Citizen  
Doug Rupp, Citizen  
Sal and Chris Martinez, Citizens  
T & J Sopiwnik, Citizens  
Michael Jaramillo Jr., Citizen  
Eric Beach, Citizen  
Kenneth Trujillo, Citizen  
Ana Trujillo, Citizen  
Jose Gallegos, Citizen

**APPROVAL OF AGENDA:** Commissioner Ron Tabet moved to approve the agenda as written. Commissioner Ron Storey seconded the motion. Motion Carried.

**APPROVAL OF MINUTES:** There being corrections to the minutes of November 28, 2005 page 2, flea market mentioned is the one on Highway 314 vendors. Page 3, concerns received were the setbacks requirements on the barbeque grill is adhered to. There being no other corrections the Minutes of November 28, 2005 and December 14, 2005 were approved by Commissioner Ron Tabet. Commissioner Connie Baca seconded the motion. Motion Carried.

**PUBLIC HEARING AND TAKE ACTION ON A VARIANCE REQUEST FOR THE FRONT AND SIDE SETBACK REQUIREMENTS TO CONSTRUCT CARPORTS ON PROPERTY LOCATED AT 610 CAMPANA DRIVE:** Christopher Higgins stated that he had the patio cover removed and the drainage gutters were installed in the front and sides of the carports.

Julie Baca stated that he was asked to remove the patio structure and place the gutters along the carports and then the Commission would act on his request for the two front carports.

Commissioner Ron Tabet moved to grant Mr. Christopher Higgins a front setback variance. Commissioner Rod Storey seconded the motion. Motion Carried.

**PUBLIC HEARING AND RECOMMENDATION ON A REQUEST FOR ANNEXATION AND ESTABLISHING A PERMANENT ZONING DESIGNATION OF R-1 FOR PROPERTY LOCATED WEST OF INTERSTATE 25, SOUTH OF CAMINO DEL LLANO LAND SITUATED IN SECTION 22, 23, 26, AND 27 TOWNSHIP 5 NORTH, RANGE 1 EAST, TRACTS 7A THRU 7E, TRACTS 8A THRU 8E, AND ALL OF TRACT 9 OF THE LANDS OF RAFAEL B. SANCHEZ AS SHOWN IN THE NEW MEXICO PRINCIPAL MERIDIAN, VALENCIA COUNTY, NEW MEXICO:** Karen Marcotte is here with Consensus Planning as agents of record for the property owners. Karen Marcotte stated that she has indicated on the maps where the property is located and it includes 567 acres of land west of Interstate 25 and it is contiguous to the city lands. Karen Marcotte stated that they are requesting R-1 zoning and it does meet some of the Comprehensive goals. Karen stated that they have been working with the staff and engineers and they will be submitting subdivision designs in phases.

Karen Marcotte stated that they are just trying to get it annexed and zoning and they will follow up with subdivision. "This will be a phased project and as the homes sell they will be ready with phase two."

Commissioner Rod Storey asked how soon they were looking to get started.

Karen Marcotte stated that they are looking to get it approved by Council early next month and then as soon as that is done they will start with design and submittal of first phase with about 100 acres.

Karen Marcotte stated that there is a lot of interest and felt it will get started off soon. "It is a large area and will be able to accommodate a lot of the builders.

Joanie Artiaga asked on the R-1 zoning what size of lots will they be.

Julie Baca stated that it was her understanding that they had talked about ¼, ½ and 1 acre lots.

Karen Marcotte stated they have not decided on the lot size requirements at this time; they can be a range of lot size from standard R-1, 6,000 square feet to one acre lot sizes. "There will be larger lots and they have not done any design until they were annexed and had the appropriate zoning."

Jose Gallegos asked when the zoning will be done.

Chairman Sean Gabaldon stated that the Planning and zoning tonight is just recommending to the City Council, they will have final approval on this February 6, 2006.

Joanie Artiaga stated that she was concerned about the water drainage would be going down by their property who is liable.

Julie Baca stated that they will have to submit proper drainage.

Chairman Sean Gabaldon stated that the developer is responsible to make sure they have holding ponds.

Joanie Artiaga asked once the ponding is approved, will it become the responsibility of the City.

Julie Baca stated yes, if done right the city will accept it for maintenance at time of dedication.

A gentleman asked if the City of Belen would consider annexing the property that is not included.

Commissioner Connie Baca stated that they would have to petition for annexation.

Chairman Sean Gabaldon stated that they have not denied an annexation; they have pretty much annexed anyone who wishes to come into the city.

Commissioner Connie Baca moved to recommend annexation and permanent zone of R-1 to the City Council. Commissioner Ron Tabet seconded the motion. Motion Carried.

**PUBLIC HEARING AND TAKE ACTION ON A VARIANCE REQUEST FOR THE MINIMUM LOT SIZE REQUIREMENT FOR A SUBDIVISION ON PROPERTY LOCATED AT 64 DON LUIS TRUJILLO BOULEVARD:** Richard Burton stated that he would like to request a variance on the minimum lot size

requirement. Mr. Burton stated that they are proposing a 99 lot subdivision off of Don Luis Trujillo Boulevard, by the CEMCO Plant.

Mr. Richard Burton stated that they would like to propose a minimum lot size of 50X90 "That is what Fuller Homes is building homes on." Mr. Burton stated that they have in their packet pictures of the homes, and they will be in the price range of \$130,000.00 to \$150,000.00.

Mr. Richard Burton stated that they will all be stick built homes, all attached.

Commissioner Rod Storey asked if the variance was for all the lots.

Mr. Richard Burton stated that it will be for all 99 lots that they are seeking the variance on.

Commissioner Rod Storey asked about the two lots that will have a common drive, where would those lots be?

Mr. Richard Burton stated 21 and 22 the Northeast corner of the subdivision.

Commissioner Rod Storey asked if this would be done in phases or is it ready to go.

Mr. Richard Burton stated that they would build the development in full and have the builders come in after that.

Commissioner Connie Baca asked if the homes would be single and double storey homes, as in the pictures.

Mr. Richard Burton stated yes, but most of the houses will be two storey homes.

Herman Tabet stated that he has information on this property, next to this property he has purchased ten acres that is zoned manufacturing and he wants them to be aware that he does plan to put in a batch plant.

Mr. Herman Tabet stated that the only reason he is putting it out there is that they would not allow him to put it in Town. "The rules are getting a little tough, not just Belen it is the State."

Mr. Herman Tabet stated that the permit has already gone to air quality and the equipment has all been purchased. Mr. Herman Tabet stated that the development of single homes does not bother him any, but he would not like what he is doing to be bothering them.

Julie Baca stated that the zoning has been changed to manufacturing and a batch plant is a permissive use in this zone.

Mr. Herman Tabet stated that there is a hill that separates the two properties and he wants them to be aware of it and they can call air quality control.

Louis Trujillo asked if ne is just putting in a batch plant or is he planning to put in another manufacturing company to sell concrete or it just a batch plant.

Mr. Herman Tabet stated that right now it is just going to be sand and gravel and concrete. Mr. Herman Tabet stated that he is spending 2 million and that is all that will be there right now.

Chairman Sean Gabaldon asked Mr. Burton why they need the variance, when this is a new development.

Mr. Burton advised to get more lots and that is what they are building in Albuquerque, smaller lots.

Mr. Herman Tabet stated that in Los Lunas by the football field they have done the same concept and it has worked out really well.

Chairman Sean Gabaldon stated that he is not against the variance, but really was asking to know if land is starting to get to the price where peoples numbers are not working and does the City of Belen need to approach to smaller lots in order to promote development in Belen.

Mr. Burton stated yes, the trend is bigger homes on smaller lots, and this reduces the infrastructure costs. "It is really the construction costs; the trend is lower water use, smaller front yards, and small back yards."

Commissioner Ron Tabet moved to approve the variance request. Commissioner Rod Storey seconded the motion. Motion Carried.

The vote is as follows:	Commissioner Ron Tabet	Yes
	Commissioner Rod Storey	Yes
	Commissioner Connie Baca	No

**PUBLIC HEARING AND TAKE ACTION ON A REQUEST FOR THE DE LA REINA SKETCH PLAT APPROVAL FOR A SUBDIVISION ON PROPERTY LOCATED AT 64 DON LUIS TRUJILLO BOULEVARD:** Mr. Richard Burton stated that they would like to get sketch plat approval on the second plat submitted for the subdivision that has the two entrances.

Commissioner Rod Storey moved to approve the sketch plat with two entrances and 99 lots. Commissioner Ron Tabet seconded the motion. Motion Carried.

**PUBLIC HEARING AND TAKE ACTION ON A REQUEST FOR A WIRELESS TELECOMMUNICATION FACILITIES APPLICATION FOR PROPERTY LOCATED AT 525 BECKER AVENUE:** John Aragon stated that he is representing Tixs for kids and is submitting this request to place an antennae on the water tower located at 525 Becker Avenue. John Aragon would also like to place a 10X10 shed on the property.

Commissioner Ron Tabet asked what is Tixs for kids.

John Aragon stated that it is a non-profit organization that he founded about six years ago to help assist kids of New Mexico that are going through a bad time. "We help kids that are going through hard times financially, emotionally or physically."

Commissioner Ron Tabet asked what is the purpose of the antennae?

John Aragon stated that eight years ago this whole project started and six years ago he went with the City Manager Sally Garley and Wayne Gallegos and did not think the project would get started. "The FCC issued us a license and we are now at time limit to put it on and with the assistance of the City of Belen we will have the first FM station in Belen."

Commissioner Rod Storey asked if the City of Belen was all right with building a shed on the property.

Julie Baca stated that we had agreed to that so that we would not have to have it stored in our buildings it would be his unit for his sole purpose.

Chairman Sean Gabaldon opened this up for any questions or concerns. There were no comments or concerns.

Gilbert Tabet asked if it will be on top of the tank.

Commissioner Ron Tabet stated it will be below the tank.

Commissioner Ron Tabet moved to approve this application request. Commissioner Rod Storey seconded the motion. Motion Carried.

**PUBLIC HEARING AND RECOMMENDATION TO CONSIDER A REQUEST FOR ANNEXATION AND ESTABLISHING A PERMANENT ZONING DESIGNATION OF R-1 FOR PROPERTY LOCATED AT 27 GONZALES ROAD:**

Julie Baca stated that this request is coming from LeAnn Johnson. Julie Baca stated that when they annexed Gonzales Road, the property owners that did not come into the city had to annex before the services were allowed to them. Julie Baca stated that all stub outs were left to each lot and at this time Mrs. Johnson is seeking annexation to the City of Belen to tap into the water and sewer services.

Commissioner Rod Storey asked where it was on the map since the property was not highlighted.

Julie Baca showed the Commission where the lot was and stated that her property fronts Fermin Road, but the stub out are on Gonzales Road.

Commissioner Rod Storey stated that the project turned out real nice.

Julie Baca stated that they will have about four more property owners that are looking to annex and all stub outs were left there for future development.

Mrs. Martinez stated that she is also off of Gonzales Road and she is looking to tie into the city water and sewer and she was not included in the initial annexation.

Julie Baca did get her name and find out where she was located and will include her in future talks to annex her into the city limits with the other residents on this roadway wanting to be annexed.

Commissioner Rod Storey moved to recommend this annexation and zone change to the Council. Commissioner Connie Baca seconded the motion. Motion Carried.

**NEW HIRE:** Julie Baca at this time did introduce Ramon Barela as the new Code Enforcement Officer and Building Official.

**ADJOURNMENT:** There being no further business to come before the Belen Planning and Zoning Commission, Commissioner Rod Storey moved to adjourn this regular meeting. Commissioner Ron Tabet seconded the motion. Motion carried.

**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 preliminary approval of De La Reina Subdivision on **Monday, January 29, 2007 at 6:00 P.M.** in the Council Chamber at City Hall, 100 South Main Street, Belen, NM 87002.

The property is located at 64 Don Luis Trujillo Boulevard in Belen, New Mexico 87002. The property consists of the East and West portions of Lot 30, a portion of Lot 29 and a portion of Lot 31 (15.48 acres more or less) as shown within projected Section 25, Township 6 North, Range 1 East of the New Mexico Principal Meridian.

The Belen City Council will consider the recommendation of the Planning and Zoning Commission and take action on this preliminary approval on **Monday, February 5, 2007 at 6:00 P.M.** 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 Planning and Zoning Commission and City Council on 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

A copy of the preliminary plat can be viewed for public inspection or comments Monday through Friday, 8:00 AM to 5:00 PM in the Planning and Zoning Office, 100 South Main Street, Belen, NM 87002.

**Publish: Legal: January 13, 2007**

January 3, 2007

Ms. Julie Baca  
Planning and Zoning Director  
City of Belen  
100 South Main Street  
Belen, New Mexico 87002

Re: Preliminary Plat  
De La Reina Subdivision

Dear Ms. Baca:

Enclosed please find our check in the amount of \$16,925 in payment of the initial one and one half percent (1 1/2%) fee for plat review and preliminary approval. We would appreciate a hearing at the earliest possible date so that we can proceed with this residential development.

Thank you for your continued assistance in this matter.

Sincerely,

  
Robert O. Moore

1101-00-313-15  
planning + zoning  
fee.  
plat Review

**BELEN PLANNING AND ZONING COMMISSION MEETING**

**January 29, 2007**

**6:00 PM**

Chairman Sean Gabaldon called this regular meeting of the Belen Planning and Zoning Commission to order at 6:00 PM. Roll call being taken is as follows:

**PRESENT:** Sean Gabaldon, Chairman  
Connie Baca, Vice-Chairman  
Ron Tabet, Commissioner  
Rod Storey, Commissioner

**ABSENT:** Mark Anthony Baca, Commissioner

**CITY STAFF:** Julie Baca, Planning and Zoning Officer  
Raul Sedillo, City Attorney

**OTHERS:** Bob Moore, De La Reina Subdivision  
Bernie Loeffler, De La Reina Subdivision  
Meldon Cook, Citizen  
Mirka Stoker, Citizen  
Ed Kubisak, Citizen  
Fil and Alice Serrano, Citizens  
Joseph Aragon, Citizen  
Ronald D. Brown, Sunrise Bluffs  
Jose Esquivel, Quik Draw Engineering

**APPROVAL OF AGENDA:** Commissioner Connie Baca moved to approve the agenda as written. Commissioner Rod Storey seconded the motion. Motion Carried.

**PUBLIC HEARING AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON A REQUEST FOR PRELIMINARY APPROVAL OF THE DE LA REINA SUBDIVISION PROPERTY LOCATED AT 64 DON LUIS TRUJILLO BOULEVARD IN BELEN, NEW MEXICO 87002. THE PROPERTY CONSISTS OF THE EAST AND WEST PORTIONS OF LOT 30, A PORTION OF LOT 29 AND A PORTION OF LOT 31 (15.49 ACRES MORE OR LESS) AS SHOWN WITHIN PROJECTED SECTION 25, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN:** Robert Moore stated that he has put together this development plan and he believes they have complied with everything. There seems to be a good working relationship with Molzen-Corbin & Associates and his engineer.”

Mr. Robert Moore stated that he has a presentation for the Commission.

Mr. Bernard Loeffler, Jr. BPL & Associates, Inc., did an overview of the project. "The whole master plan, lots, water and sewer, fire hydrants, street lights, street layouts, drainage, as are required by the Subdivision Design Standards. Mr. Loeffler explained to the Commission where the property was located, and continued with his explanation and details of the project. "The project consists of 16.38 acres, and the land will be subdivided with 100 lots."

Mr. Bernard Loeffler pointed out that they have no exceptions to the subdivision design standards; they have followed the standards, plus advice of Molzen-Corbin & Associates. Mr. Bernard Loeffler went over several layers that covered every detail of the proposed subdivision.

Commissioner Rod Storey asked where the fire hydrants will be located.

Mr. Bernard Loeffler stated that they will be inside the right of way, behind curb and gutter and before the sidewalk, there is a five foot separation that allows for the utilities.

Mr. Bernard Loeffler indicated that they will not require a lift station. "Grading and Drainage were the hardest part of this project for them." Drainage will flow into a retention pond that has a natural flow; there will be no drainage onto Don Luis Trujillo Boulevard." "There will be no side drainage from lot to lot, it will all be back to front, there will be no retaining walls."

Commissioner Rod Storey asked if they will have any storm drains or is it all from curb to the pond.

Mr. Bernard Loeffler stated everything will flow to the drainage pond with drain inlets. "The drainage was one of the biggest challenges, because we wanted to keep it as natural as we could, without redoing the entire parcel."

Commissioner Rod Storey asked if they will be built out in phases.

Mr. Bob Moore stated that Fuller Homes is obligated to take 12 lots from him every 90 days and he hopes to deliver lots late April.

Commissioner Rod Storey asked if they do not progress, is there a time line on building the sidewalks.

Mr. Bob Moore stated that he does not have anything written in, but felt they would move reasonably quick.

Chairman Sean Gabaldon informed Mr. Moore that the presentation was great and felt this would be an asset to the City of Belen.

Commissioner Connie Baca informed Mr. Moore that the City of Belen does not enforce restrictive covenants.

Mr. Bob Moore understood that it would have to be by the title.

Julie Baca stated that most are enforced by the neighborhood association.

Commissioner Connie Baca moved that they recommend to the City Council preliminary approval. Commissioner Rod Storey seconded the motion. Motion Carried.

**PUBLIC HEARING AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON A REQUEST FOR A ZONE CHANGE FROM C-1/A-R TO SU-1 TO ESTABLISH A MOBILE HOME PARK. THE PROPERTY IS LOCATED AT 1022 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002. PROPERTY CONSISTING OF TRACT B AND C OF THE LANDS OF E.R. AND K. ROMAN AND TRACT 25A, AS SHOWN ON MAP 101 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, BEING WITHIN SECTION 19, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN:**

This item was moved to the bottom of the agenda because they may be running late, and see if they show up to do their presentation.

**PUBLIC HEARING AND TAKE ACTION ON A VARIANCE REQUEST FOR A VARIANCE ON THE SIDE SETBACK REQUIREMENT TO CONSTRUCT A CARPORT ON THE PROPERTY. THE PROPERTY IS LOCATED AT 1632 ALAN COURT IN BELEN, NEW MEXICO 87002. PROPERTY CONSISTING OF LOT 17 OF BLOCK 2 OF THE DILS ADDITION AS SHOWN ON MAP 97 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AS BEING WITHIN SECTION 12, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN IN BELEN, VALENCIA COUNTY:**

Kenny Maestas stated that the lot is odd chapped and he is having a hard time placing his RV on the property. Mr. Maestas would like to build a metal carport for shade for his RV.

Julie Baca stated that he would like to relax the side setback from five feet to two feet.

Commissioner Rod Storey asked if he would be sloping the structure onto his property.

Mr. Kenny Maestas stated that is why he would like to keep it two feet, to make sure it drains into his property and to the front.

Mr. Kenny Maestas stated he would not need it from the back, he would stay within five feet.

Commissioner Rod Storey informed him that the back setback is fifteen feet.

Mr. Kenny Maestas stated that he wanted to go within five feet.

Julie Baca asked why he needed the back setback if his intention was to attach it, and place it even with the home.

Mr. Kenny Maestas stated that he could pull it up and felt that it was five feet and did not realize. Mr. Kenny Maestas stated that he would like to have it in the back also.

Julie Baca stated that she did not publish for the back.

Mr. Kenny Maestas asked that it be left as it was.

Julie Baca asked that it be tabled and we can bring it up again, if that is what he wants.

Commissioner Connie Baca moved that this item be tabled until the next meeting for the specifications may be drawn up. Commissioner Rod Storey seconded the motion. Motion Carried.

Commissioner Rod Storey asked that Mr. Kenny Maestas come back have some type of drainage pattern.

**PUBLIC HEARING ON A REQUEST FOR A VARIANCE ON THE FRONT HEIGHT REQUIREMENT TO PLACE A SIX FOOT FENCE ON THE PROPERTY. THE PROPERTY IS LOCATED AT 1600 WEST ARAGON ROAD IN BELEN, NEW MEXICO 87002. PROPERTY CONSISTING OF LOT 1 OF BLOCK 1 OF THE DILS ADDITION AS SHOWN ON MAP 97 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AS BEING WITHIN SECTION 12, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN IN BELEN, VALENCIA COUNTY:** Mr. Meldon Cook stated that he has a drawing on the computer the way he wants to put the fence.

Mirka Stoker stated that they currently have an eight foot chain link fence, and there are holes in the bottom of the chain link fence that need repairs to it. "We have a big dog who keeps escaping from our back yard and what we want to do is build this solid fence, so that the dog will not be able to dig under it. He also scares the joggers and he is not mean, but he scares people and I don't want him to disturb other people or have anyone get hurt." "The fence will sit back more than forty feet from the sidewalk, and there is not vehicle access of Mesa Road, nor will it be blocking the stop sign or blocking anyone's view."

Mr. Meldon Cook stated that they would like to place a six foot fence around the home for privacy; right now they do not have any privacy from Mesa Road and it is heavily traffic.

Commissioner Connie Baca asked how far back the house sits from Aragon Road.

Mr. Meldon Cook stated about thirty-seven feet.

Commissioner Rod Storey asked if the piece that goes East and West between the house and Mesa Road meet standards or does that have to be stepped back.

Julie Baca stated that would all be considered a front, anything that fronts the road is considered a front.

Ms. Mirka Stoker stated that they consider that their back yard, but was told it is still a front because it faces the road.

Mrs. Alice Serrano stated that she was written a letter to be here tonight, and the fence adjoins her back property.

Mrs. Alice Serrano would like to know if it would continue to the back because they had a problem with the dog because he likes to dig, and he dug up her vines and tore up the fence.

Mrs. Serrano asked that the fence go all the way across in the back, to not let the dog dig.

Mr. Meldon Cook stated that they would have the fence all the way around and dig it up in the bottom so that the dog will not be able to dig on the bottom. "They will either be chicken wire or cement so that he will not get under."

Mrs. Alice Serrano stated that she is very much afraid of the dogs, they are very big.

Mrs. Alice Serrano stated that they have sold the vacant lot, and she did tell him about the problem. "They will be building a house there and sell it. If they build a house will the new owner be able to build a fence there too."

Julie Baca stated that they would have to come in and apply for a variance.

Mrs. Alice Serrano stated that they are not protesting the fence, but the smell of the dog poop and she has told them the poop smells awful, and they need to clean it up.

Julie Baca stated that she could call us, and we can go out if they are not picking up and keeping it clean.

Mrs. Alice Serrano asked that they pick it up and put it in a plastic and throw it away, "we have a tiny puppy and we do that every day."

Ms. Mirka Stoker stated that she is doing it once a week and it did get bad.

Mrs. Alice Serrano stated that they have two dogs, and they are very big, and they keep them inside a lot, but they have a loud bark.

Mrs. Alice Serrano asked what they were building

Mr. Meldon Cook stated that they are building a 700 foot addition, extending their bedroom.

Mrs. Alice Serrano stated that they have no objection to the fence she felt it would be very nice for you and us. Mrs. Alice Serrano felt if the dog does not see her it won't bark.

Commissioner Rod Storey stated that he can appreciate them trying to keep the dog inside, but felt it would be a hazard for traffic coming down Aragon East and Mesa coming South, the road narrows and turns into that sidewalk and if you get those four wheelers and ATV running that stop sign, and he felt that the south bound traffic will have some vision impeded.

Mr. Meldon Cook stated that he can go 150 feet and still see the stop sign.

Mrs. Alice Serrano asked if it was against the law for the ATV to be on that road.

Commissioner Rod Storey advised that they are not supposed to be there, but that doesn't mean they don't do it.

Mrs. Alice Serrano stated that she goes walking and she gets out of their way because they go so fast.

Mr. Meldon Cook stated that there is still a lot of view from the roadway, and he was told all he needed was to have the clear site triangle.

Ms. Mirka Stoker stated that it is farther than twenty feet back from the corner lot, and there is a good view to see. "The stop sign is thirty feet from the fence."

Julie Baca stated that it is not an access or back out, and it does exceed the clear site triangle. "The ordinance states that if a lot fronts the roadway, it is considered a front and on a corner lot, you have two fronts."

Commissioner Rod Storey stated that another concern he has is on the South side of Joan Street, the gentlemen was told to take down his solid fence and if this is allowed, and then the corner lot is allowed then it opens up another ball of wax and they want to extend their fence and come in for another variance.

Ms. Mirka Stoker stated that if they have visibility to the street, she doesn't understand, all she wants is more privacy.

Commissioner Rod Storey felt that it does block visibility.

Commissioner Connie Baca felt that it was a hardship case, because that road is heavily traveled and they do not have any privacy in that corner, when they stop.

Ms. Mirka Stoker and Mrs. Alice Serrano stated that they have a lot of traffic, and people are always throwing beer cans and bottles inside their yards.

Commissioner Connie Baca moved to recommend that the variance be approved. Commissioner Ron Tabet seconded the motion. Motion Carried.

Vote is as follows:	Commissioner Connie Baca:	Yes
	Commissioner Ron Tabet:	Yes
	Commissioner Rod Storey:	No

**SUMMARY PLAT APPROVAL FOR PROPERTY LOCATED AT 1023 WEST ARAGON ROAD IN BELEN, NEW MEXICO 87002. A LAND DIVISION COMPRISING OF TRACT 188B2B AS SHOWN ON MAP 97 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT BEING WITHIN PROJECTED**

**SECTION 12 AND SECTION 7 TOWNSHIP 5 NORTH, RANGE 1 EAST AND RANGE 2 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN IN**

**VALENCIA COUNTY, NEW MEXICO:** Julie Baca stated that this request is coming before you from Felipe Sanchez, he has sold the property and he would like to sell the home and retain the back portion; with this plat he will be creating a twenty foot access to the remaining property in back.

Julie Baca stated that the property owner is aware that it will stay as one parcel for one dwelling or if he did choose to develop the back property he would have to purchase property from the east to make an adequate right of way.

Commissioner Rod Storey moved to approve this summary plat. Commissioner Connie Baca seconded the motion. Motion Carried.

**REQUEST LETTER FROM RONALD BROWN, PRESIDENT OF SUNRISE**

**BLUFFS ON RV PORTS:** Ron Brown stated that his request is for clarification and in his letter the Commission has a copy he did request RV ports on the lots, and that is where the question came up with utility hook ups and occupancy of the units. "The City of Belen has ordinances that prohibit both, we had proposed utility service packs adjacent to the RV so that people can service the vehicles in the RV port and that is where the question arises." "The people that are buying these units are self contained without being hooked up to utilities, the requirement is not let them be occupied and to only utilize the utilities when they are servicing the unit." "What we are proposing is that they have a utility packet for fourteen lots that could have RV ports on them."

Mr. Ron Brown stated that the dilemma is how do we provide a convenience to the owner and at the same time ensure that we don't have the ordinance abused.

Commissioner Connie Baca asked how they normally clean them out.

Mr. Ron Brown stated that they have to go to a service station with a clean out to empty it, and normally they do not have a hose to wash it and clean it out.

Mr. Ron Brown stated that they are under a special use zone, and under the restrictive covenants they are very strict, and if anyone is violating these restrictions he hears about it the very next day.

Mr. Ron Brown stated that these are new lots being created that will have these utility hook ups.

Commissioner Ron Tabet clarified that someone would come back from their trip, pull in the RV and empty it and clean it out.

City Attorney asked on the lots that do not have this capability, what do they do.

Mr. Ron Brown stated that they would have to go to the service station.

Commissioner Rod Storey advised they can also go to any RV place along the freeway.

Mr. Ron Brown read the regulation in the rules and regulations pertaining to parking, and 3.B.5 and 3.B.6 and states that stored vehicles cannot be used as a dwelling unit. "This is making it very clear that it cannot be done, they must sleep in the house or go to an RV Park, and stored vehicles can only be hooked up temporarily to service the vehicle."

Commissioner Rod Storey asked on these utility packs, are they just going to be sticking up or an apron built around them.

Mr. Ron Brown stated that it would be an apron built around them, and with the sewer clean out a cap that would have a splash block around it.

Mr. Ron Brown stated that it is for safety and convenience and it will be good for those people who can come and go, and Belen has the best four season weather.

Commissioner Ron Tabet asked how the rule would address someone who leaves it plugged in for several months.

Mr. Ron Brown stated that it is on a temporary basis, just to service, and if someone breaks those rules he is informed immediately by someone else in the community.

Commissioner Connie Baca asked if it would be an additional hook up fee.

Julie Baca stated that it is one hook up with an extension to the one lot.

Mr. Ron Brown asked that he be allowed to do these utility packs with the added language of temporarily only for servicing the vehicle and not to be used as dwelling units.

Commissioner Rod Storey asked if this is just for the new lots, he is not going to be adding any to the other lots.

Mr. Ron Brown stated that this is only for the ones that have RV ports, none of the other lots are permitted to have these.

Commissioner Ron Tabet moved to approve this concept. Commissioner Rod Storey seconded the motion. Motion Carried.

**PUBLIC HEARING AND MAKE RECOMMENDATION TO THE CITY COUNCIL ON A REQUEST FOR A ZONE CHANGE FROM C-1/A-R TO SU-1 TO ESTABLISH A MOBILE HOME PARK. THE PROPERTY IS LOCATED AT 1022 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002. PROPERTY CONSISTING OF TRACT B AND C OF THE LANDS OF E.R. AND K. ROMAN AND TRACT 25A, AS SHOWN ON MAP 101 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, BEING WITHIN SECTION 19, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN:** Jose Esquibel with Quik Draw Engineering stated that he is here requesting this zone change because the property owner would like to do a mobile home park.

Chairman Sean Gabaldon recused himself from this issue since he is the person who sold the property.

Julie Baca stated that all the requirements will have to follow the Subdivision Design Standards.

Commissioner Rod Storey asked if this will be rental units.

Mr. Jose Esquibel informed him that this will all be rental lots.

There was some discussion as to whether this will be one master meter or individual meters.

Raul Sedillo stated that they went to individual meters for control, and then they realized that they were being the collector of the water, the landlord was not being responsible.

Julie Baca stated that on special use we do not maintain the lines in the mobile home park, and they should be on a master meter, if they want control inside the park then they can be metered by the owner.

Commissioner Ron Tabet stated that the property owner should put in the meters and maintain them. Commissioner Ron Tabet stated that this is different, it is one property owner, and this is not a subdivision.

Commissioner Connie Baca asked how we enforce the mobile homes 1974 or newer.

Julie Baca stated that is by ordinance.

Jose Esquibel stated that the owner is aware of that.

Commissioner Connie Baca asked how that is being enforced, by what form.

Commissioner Rod Storey stated that it should be on the title.

Julie Baca stated that we have installation permits that require that information.

Commissioner Ron Tabet asked what his plan was if they have a mobile home with broken windows and one that is trashed out.

Jose Esquibel stated that the owner owns the property, and the people own the trailer, the owner should have some guidelines with a contract that they have 30 days to get it out or repaired.

Commissioner Ron Tabet stated that what about someone who has three broken down cars, what are your plans.

Jose Esquibel stated that Ruben Rodriguez wants something nice, and he will have covenants with these individuals.

Commissioner Ron Tabet stated that their only concern is that the mobile home stay nice and be well kept.

Commissioner Connie Baca stated that she would like to see the owner work with Julie Baca and Ramon Barela on some restrictions for his tenants.

Jose Esquibel stated that he will get with the owner, and get something in writing.

Commissioner Ron Tabet asked if this house in front will be for a manager.

Jose Esquibel stated that they will have a manager on site, and there is another site where Mr. Ruben Rodriguez plans to live in the mobile home park.

Julie Baca stated that if the owner is willing to live on site and spend all that money on the infrastructure with parks it is something that is going to be nice.

Commissioner Ron Tabet moved to recommend this zone change request. Commissioner Rod Storey seconded the motion. Motion Carried.

**ADJOURNMENT:** There being no further business to come before the Belen Planning and Zoning Commission, Commissioner Rod Storey moved to adjourn this regular meeting. Commissioner Ron Tabet seconded the motion. Motion carried.

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Sean Gabaldon, Chairman

ATTEST:

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Julie Baca, Planning and Zoning Director

**REGULAR CITY COUNCIL MEETING**

**February 5, 2007**

**6:00 P.M.**

Mayor Ronnie Torres called the Regular Meeting of the Belen City Council to order at 6:00 P.M.  
Roll call taken by Julie Baca, P/Z Director

**PRESENT:**

Mayor Ronnie Torres  
Councilor Rudy Jaramillo  
Mayor Pro-Tem Jeff Trembly  
Councilor David Lopez

**ABSENT:**

Councilor Terese Ulivarri

**CITY STAFF:**

Julie Baca, P/Z Director  
Audrey Torres, Procurement Specialist  
Mike Chavez, Police Chief  
Mike Halpin, Airport Manager

**OTHERS:**

Raul Sedillo, CA  
Jackie Schlotfeldt, VCNB  
Kenneth Griego, Belen School  
Philip & Yolanda Tabet  
Diane M. Mattson  
Helen Mattson  
B. Paul Ortega  
Consuelo Layton  
Michael Layton  
Beah Dutcher  
Claudette Riley  
Guadalupe Baldonado  
Jim Maestas  
Bob Moore  
Bernie Loeffler  
Stephen Tapia

***APPROVAL OF AGENDA:***

Mayor Ronnie Torres requested approval of tonight's agenda. Mayor Pro-tem Jeff Trembly moved to approve the agenda with corrections as presented. Councilor Rudy Jaramillo seconds the motion, motion carried.

***PLEDGE OF ALLEGIANCE:***

Mayor Ronnie Torres asked Mike Halpin, Airport Director to lead the pledge of allegiance.

***APPROVAL OF MINUTES:***

***Regular Meeting: November 20, 2006***

Mayor Ronnie Torres requested approval of the minutes for November 20, 2006 Councilor David Lopez made a motion to approve the minutes. Mayor Pro-Tem Jeff Trembly seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Regular Meeting: December 4, 2006***

Mayor Ronnie Torres requested approval of the minutes for December 4, 2006 Mayor Pro-Tem Jeff Trembly made a motion to approve the minutes. Councilor Rudy Jaramillo seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Regular Meeting: December 18, 2006***

Mayor Ronnie Torres requested approval of the minutes for December 18, 2006 Councilor Rudy Jaramillo made a motion to approve the minutes. Councilor David Lopez seconds the motion, motion carried.

***APPROVAL OF MINUTES:***

***Special Meeting: January 8, 2007***

Mayor Ronnie Torres requested approval of the minutes for January 8, 2007 Councilor David Lopez made a motion to approve the minutes. Mayor Pro-Tem Jeff Trembly seconds the motion, motion carried.

***CITIZENS PETITIONS:***

Mayor Ronnie Torres asked if there were any citizen petitions. Diane Matson read a lengthy prepared statement aloud in reference to the relocation of a sewer/water line on Mesa Road. She continued to read the letter aloud stating that the Mayor had a copy of said letter.

Mayor Ronnie Torres asked if there were any further citizen petitions. B. Paul Ortega read aloud a lengthy prepared statement. He advised he wished to elaborate on Diane Matson's earlier petition and advised City Council that he understood Councilor Rudy Jaramillo had presented this problem to the City Council and successfully argued that the City's mistakes were the reasons her house at 109 S. Mesa was built over water and sewer lines. At this point he asked if City Councilor Rudy Jaramillo had any questions or wanted to say anything about what happened at the meeting. Mayor Ronnie Torres asked Mr. Ortega to finish his Citizen Petition. Mr. Ortega continued reading his lengthy petition and advised City Council they were in violation of several laws. Mr. Ortega mentioned a letter he wrote to Mayor Torres and advised he did not have a chance to read the letter at the prior City Council Meeting because there was no Citizen Petition at a Special Council Meeting. At this point Mayor Torres asked if he had seen the letter. Mr. Ortega said yes, Ms. Matson presented it to him. Mayor Torres stopped this citizen petition because the issue has been listened to over and over and countless meetings have been held, open dialogue. City Council has met on this issue with him and agreed on things and Mr. Ortega has not followed through with his portion. Mr. Ortega has been told what the City can do for them, and that it would be worked on-Mayor Torres was under the assumption that the issue had been taken care of. Ms. Matson and Mr. Ortega were now speaking out of turn. Mayor Torres advised that since the City has exhausted all resources to help them and the petitioners had not followed through then we would probably have to confront each other in court. Mr. Ortega and Ms. Matson were again speaking out of turn. Mayor Torres asked Chief of Police Mike Chavez to please escort the petitioners out of the Council Meeting. At this point Ms. Matson remarked "you better pray tonight".

Mayor Torres asked if there were any further citizen petitions. Philip Tabet approached the podium and advised that he and his wife had taken the Rail Runner to Abq. On the way back they were speaking to some individuals headed to Belen that were, curious to know why they were traveling to Belen, Philip asked them why they were coming to Belen. The passengers advised they were retired and did not have anything to do so they decided to come to Belen to eat and see the City. They asked if there was any transportation and Mr. Tabet told them, he did not know. So, his question was if there are any plans for transportation from the Station to town? He wanted to know who was in charge of keeping it clean.

Mayor Torres advised he has been talking with COG to get another van for transportation. Once that is in place the van will be at the site. It will not be like Alb. Shuttle but something like that. Mayor Torres advised transportation would be a great business to start now.

Mayor Torres asked if there were further citizen petitions. Judge Mike Hawkes approached the City Council and advised that he wants to volunteer the services of Community Service hours to be expanded to keep the station clean.

***BOND ELECTION PRESENTATION: Belen School Superintendent Kenny Griego***

Mayor Ronnie Torres read the next agenda item referring to Bond Election Presentation as presented by Kenny Griego. Mr. Griego made a lengthy presentation on the Bond Election and wanted to advised everyone to please support the Bond for the betterment of the school system.

***ECONOMIC DEVELOPMENT UPDATE: Claudette Riley***

Mayor Ronnie Torres read the next agenda item referring to Economic Development as presented by Claudette Riley. Claudette Riley made a presentation and an update on Economic Development. She handed out a "Belen, NM an Economic Prospectus. It is a booklet she takes to conferences to promote the City of Belen, a copy of the booklet is attached hereto and made an integral part of these minutes by reference. Another hand out was a pamphlet "2007 Incentives for Jobs" it gives information on incentives for jobs 2007 legislative agenda, this pamphlet which is attached hereto and made an integral part of these minutes by reference. The final report was on banners that were purchased with an appropriation through Lodgers Tax. A sheet showing the banners purchased was handed out and is made an integral part of these minutes by reference. A reminder that Belen Day at the Legislature is March 7<sup>th</sup>. This is the day we take legislative lunches. Over 200 sandwiches have been ordered locally. Another day to put aside is March 31, it will be the Heart of Belen Celebration, it will be in conjunction with the Parks and Recreation Mardi Gras Celebration. It is planned to be at the pavilion. The heart of Belen project has been in the works for the past two years. It is nice to drive down the paved street.

***PUBLIC HEARING OF APPLICATION #510117 WHICH WAS MADE BY APPLICATION HENRY EDWIN HAIDER D/BA/ TAJMAHAL ZESTY CURRIES FOR A NEW RESTAURANT LICENSE FOR BEER AND WINE ON THE PREMISES WHICH IS LOCATED AT 325 SOUTH MAIN STREET, SUITE D, IN BELEN, NM 87002: As presented by Julie Baca, P/Z Director***

Mayor Torres opened the public hearing of application #510117 which was made by application Henry Edwin Haider d/b/a Tajmahal Zesty Curries for a new restaurant license for beer and wine on the premises which is located at 325 South Main Street, Suite D, in Belen, NM 87002 as presented by Julie Baca, P/Z Director who advised that she is requesting approval or denial of an application for a new restaurant license for beer and wine on the premises as stated above all fees have been paid. Mayor Torres asked if there were any questions or comments from the Council or the audience, no comments presented. Mayor Torres closed the public hearing.

***PUBLIC HEARING ON A REQUEST FOR PRELIMINARY PLAT APPROVAL OF THE DE LA REINA SUBDIVISION PROPERTY LOCATED AT 64 DON LUIS TRUJILLO BOULEVARD IN BELEN, NEW MEXICO 87002. THE PROPERTY CONSISTS OF THE EAST AND WEST PORTIONS OF LOT 30, A PORTION OF LOT 29 AND A PORTION OF LOT 31 (15.49 ACRES MORE OR LESS) AS SHOWN WITHIN PROJECTED SECTION 25, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN: Bernard Loeffler, Jr. BPL & Associates, Inc.***

Mayor Torres opened the public hearing of request for preliminary plat approval as stated above and presented by Bernard Loeffler Jr. BPL & Associates, Inc. Julie Baca, P/Z Director advised that the planning and zoning commission did hear this request on January 29, 2007 and gave a do pass recommendation to approve preliminary approval. Mr. Loeffler gave a powerpoint presentation of which is attached hereto and made an integral part hereof. Mayor Torres asked if there were any questions. Councilor David Lopez had a question on drainage, how is that being

addressed? After the powerpoint presentation Mayor Torres asked what were plans for a park? Mr. Loeffler said he would work on the park situation. Mayor Torres asked if there were any questions or comments from the Council or the audience, no comments presented. Mayor Torres closed the public hearing

***PUBLIC HEARING ON INTENT TO ADOPT AN ORDINANCE TO CONSIDER THE RECOMMENDATION FOR THE PLANNING AND ZONING COMMISSION ON A REQUEST FOR A ZONE CHANGE FROM C-1/A-R TO SU-1 TO ESTABLISH A MOBILE HOME PARK. THE PROPERTY IS LOCATED AT 1022 SOUTH MAIN STREET IN BELEN, NEW MEXICO 87002. PROPERTY CONSISTING OF TRACT B AND C OF THE LANDS OF E.R. AND K. ROMAN AND TRACT 25A, AS SHOWN ON MAP 101 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, BEING WITHIN SECTION 19, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN: Quickdraw Engineering, Steven Tapia***

Mayor Torres opened the public hearing on intent to adopt an ordinance to consider the recommendation as stated above and as presented by Steven Tapia of Quickdraw Engineering and Julie Baca, P/Z Director who advised that the planning and zoning commission did hear this request on January 29, 2007 and gave a do pass recommendation to change the zone. Julie advised it is a mobile home park it does come under the guidelines as a subdivision so it will have the same requirements as a subdivision. A proposed layout of the plan was presented for forty-four units and drainage is addressed. Mayor Torres asked if there were any questions. The following individuals were opposed to the approval; Consuelo Baldonado, Lupe Baldonado, Bea Dietcher. Most of the concerns were drugs, carports, and conditions of the mobile homes allowed, security and noise pollution. They were worried about looking like the Trailer Park across the street. After lengthy conversation between Quickdraw and the adjacent residents, Quickdraw advised they would modify the plans and resubmit them, at a later date, along with the application for rental space. Mayor Torres asked if there were any further questions or comments from the Council or the audience, no comments presented. Mayor Torres closed the public hearing

### ***ACTION ITEMS***

***APPROVAL OR DENIAL OF APPLICATION #510117 WHICH WAS MADE BY APPLICATION HENRY EDWIN HAIDER D/BA/ TAJMAHAL ZESTY CURRIES FOR A NEW RESTAURANT LICENSE FOR BEER AND WINE ON THE PREMISES WHICH IS LOCATED AT 325 SOUTH MAIN STREET, SUITE D, IN BELEN, NM 87002: As presented by Julie Baca, P/Z Director***

Mayor Torres read the next agenda item pertaining to approval or denial of application #510117 as presented during public hearing. Mayor Torres asked if there were any questions or comments if none he so entertains a motion. Councilor Rudy Jaramillo so moved to approve as presented. Councilor David Lopez seconds the motion, motion carried.

**APPROVAL OR DENIAL OF A REQUEST FOR PRELIMINARY PLAT APPROVAL OF THE DE LA REINA SUBDIVISION PROPERTY LOCATED AT 64 DON LUIS TRUJILLO BOULEVARD IN BELEN, NEW MEXICO 87002. THE PROPERTY CONSISTS OF THE EAST AND WEST PORTIONS OF LOT 30, A PORTION OF LOT 29 AND A PORTION OF LOT 31 (15.49 ACRES MORE OR LESS) AS SHOWN WITHIN PROJECTED SECTION 25, TOWNSHIP 6 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN: Bernard Loeffler, Jr. BPL & Associates, Inc.**

Mayor Torres read the next agenda item pertaining to approval or denial of a preliminary plat approval as presented during public hearing. Mayor Torres asked if there were any questions or comments if none he so entertains a motion. Mayor Pro-Tem Jeff Tremble so moved to approve as presented. Councilor Rudy Jaramillo seconds the motion, motion carried.

**INTENT TO ADOPT AN ORDINANCE TO CONSIDER THE RECOMMENDATION FOR THE PLANNING AND ZONING COMMISSION ON A REQUEST FOR A ZONE CHANGE FROM C-1/A-R TO SU-1 TO ESTABLISH A MOBILE HOME PARK. THE PROPERTY IS LOCATED AT 1022 SOUTH MAIN STREET IN BELEN, NEW MEXICO 87002. PROPERTY CONSISTING OF TRACT B AND C OF THE LANDS OF E.R. AND K. ROMAN AND TRACT 25A, AS SHOWN ON MAP 101 OF THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT, BEING WITHIN SECTION 19, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE NEW MEXICO PRINCIPAL MERIDIAN: Quickdraw Engineering, Steven Tapia**

Mayor Torres read the next agenda item pertaining to intent to adopt an ordinance to consider the recommendation as presented during public hearing. Mayor Torres asked if there were any questions or comments. Mayor Torres asked Julie if the proper notification had taken place, she advised it had been done appropriately. Many of the residents advised they never received the notifications. Mayor Torres asked those present what would make them happy if this were to become a mobile home park. Fewer spaces or what do you want to feel comfortable with on the same note we cannot discriminate. There are some individuals that cannot afford a house and a mobile home is all they can afford. City Attorney, Raul Sedillo advised this needed to be tabled to review the covenants and guidelines required in the application for space and approve those also along with the plat. Mayor Torres asked if there were any questions or comments if none he so entertains a motion. Councilor David Lopez made a motion to table the recommendation to adopt an ordinance. Councilor Rudy Jaramillo seconds the motion, motion carried.

**ADOPTION OF RESOLUTION 2007-02 AUTHORIZING THE CITY OF BELEN TO PARTICIPATE IN TRANSIT ORIENTED DEVELOPMENT PLANNING AND IMPLEMENTATION EFFORTS FOR THE BELEN RAIL RUNNER EXPRESS COMMUTER RAIL STATION AREA: Tony Sylvester**

Mayor Ronnie Torres read the next agenda item in reference to adoption of Resolution 2007-02 authorizing the City of Belen to participate in transit oriented development planning and implementation efforts for the Belen Rail Runner Express Commuter Rail Station Area as

presented Tony Sylvester. Mr. Sylvester wanted to begin planning and implementation efforts by appropriated funding from the State of NM. The City needs to only endorse the plan by resolution. Mayor Torres asked if there were any questions or comments. Councilor David Lopez made a motion to table the recommendation to adopt an ordinance. Councilor Rudy Jaramillo seconds the motion, motion carried.

***ADOPTION OF RESOLUTION 2007-03 A FUNDING RESOLUTION OF THE NEW MEXICO DEPARTMENT OF TRANSPORTATION AVIATION DIVISION: Mike Halpin, Airport Director.***

Mayor Ronnie Torres read the next agenda item in reference to adoption of Resolution 2007-03 a funding resolution of the New Mexico Department of Transportation Aviation Division as presented. Mike Halpin, Airport Manager advised that approximately one month ago FAA wanted us to repair the existing runway before funding would be appropriated for the new runway. This resolutions required by the State so they can give us their share of the funding which is 95% FAA, 5% to equal 2.5% State and 2.5% City. Mayor Torres asked if there were any questions or comments. Councilor Rudy Jaramillo made a motion to adopt the resolution. Mayor Pro-Tem Jeff Trembly seconds the motion, motion carried.

***ADOPTION OF RESOLUTION 2007-04 AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY: Claudette Riley***

Mayor Ronnie Torres read the next agenda item in reference to adoption of Resolution 2007-04 authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico Finance Authority- further advising this item needs to be tabled. Mayor Pro-Tem Jeff Trembly made a motion to table the adoption of resolution. Councilor Rudy Jaramillo seconds the motion, motion carried.

***INFORMATIONAL ITEMS:***

***COMMUNICATIONS FROM CITY COUNCIL:***

**Councilor Rudy Jaramillo:** attended a ribbon cutting on Friday at the Rail Runner. Never got a chance to take a look at the Rail Café but it looks nice and hopefully they will do good business there. Please don't forget to vote tomorrow.

**Mayor Pro-Tem Jeff Trembly:** he also attended the ribbon cutting just in time as he was delayed by an accident in Albuquerque. Scheduling is going to take time. But transportation issues from the station will take time. Good things happen and take time.

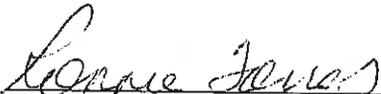
**Mayor Torres:** advised that there are individuals from Belen who recruit people from their jobs to pick them up at the rail station. People are creative. He went to Santa Fe with other Mayors last week to talk to the State Engineers office to talk about the arsenic problem. It is a problem we have and are trying to work on as well as other communities in the state. Becker Street is open and check out the lights at night. Thanks to the business on that street for their patience it has been a long haul. He read a letter aloud on thanks to the Police Department and Chief, Mike Chavez for their help in recovering a vehicle and avoiding a 19 thousand dollar loss.

**Councilor David Lopez:** attended a State Chambers meeting with the Mayor on what the State of New Mexico has to offer to the world. There was a good turnout. We had a chance to sample the fine arts and food. Lt. Governor did a good job with the ribbon cutting. Max Kiehne gave us a tour of the Café. He is putting a box car to the north of the building which will be the cooking facility. MLK was a good turnout.

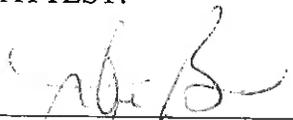
***ADJOURNMENT:***

Mayor Ronnie Torres asked for a motion to adjourn tonight's meeting.

Councilor Terese Ulivarri moved to adjourn the meeting. Councilor David Lopez seconds the motion, motion carried.

  
\_\_\_\_\_  
Mayor Ronnie Torres

ATTEST:

  
\_\_\_\_\_  
Julie Baca, P/Z Director



**BPLAA, Inc.**  
708 San Mateo Se  
Albuquerque, NM 87108  
VOICE: 505-254-7565  
FAX: 505-266-1802

June 14, 2007

Mr. Andrew DiCamillo  
Planning and Zoning Director  
City of Belen  
100 South Main  
Belen, New Mexico 87002

RE: De La reina Subdivision  
Construction Plan and Drainage report

Dear Mr. DiCamillo,

This letter serves to respond to the Molzen-Corbin & Associates review comments of the drawings submitted for the De La Reina Project. Review comments and action taken are listed below.

**Construction Plans:**

- The sidewalk section has been extended along Don Trujillo with ADA requirements as recommended.
- Water pressure has been verified at minimum 65 psi by the City Water Department.
- Improvements for the easement that leads to the pond include positive drainage away from the pond. Sheet flow from existing is planned, with coordinated effort between land owners, once the development of the neighboring parcel has been confirmed.
- Manhole invert elevations have been confirmed, corrections made, and verified with elevations.
- Roadway slopes and applicable vertical curve (with transitions) have been provided for.
- Curb return flowline elevations have been provided for.
- Waterline minimum bury of 2'-0" will be provided.
- Land use assumptions will be as discussed in our meeting on May 16<sup>th</sup>. Please see the attached worksheet.

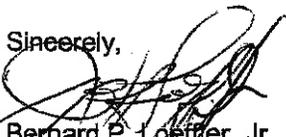
**Grading and Drainage**

- See the attached revised grading and drainage analysis.
- All storm sewer pipe has been changed to 24". The storm line has been revised to include the addition of an inlet on RW02 near lots 41 and 42.

Corrections have been identified on sheets marked "Rev 1", to ensure that the contractor has current drawings. All subsequent changes or revisions through final plat will be marked and forwarded to you.

Three copies have been forwarded to you, one for your records and two for Molzrn-Corbin & Associates. If additional information is needed, please feel free to contact me at 505-250-4739.

Sincerely,

  
Bernard P. Loetler, Jr  
BPLAA, Inc.  
Project Manager

ATTACHMENTS: 3 Copies of Construction Drawings  
Drainage Report  
Sanitary Sewer Calculation table

**DE LA REINA SUBDIVISION  
SANITARY SEWER DESIGN ANALYSIS**

REFERENCE: SHEETS 7.0 THROUGH 7.4 DE LA REINA SUBDIVISION

1. De La Reina Sub-division Sanitary Sewer Design Considerations. De La Reina (DLR) is located on lots 29, 30 and 31 of the Annexation Plat of Trujillo Business Park, Belen, New Mexico. The tract contains 15.4840 (net) land area, and is subdivided into 100 residential (R-1) lots. The design of the sanitary sewer requirements for the subdivision are based on the guidelines outlined in the Belen Sub-division regulation.

Design Criteria: (Reference 109.2): Houses at 380 GPD Average 855 GPD Peak @145% = 1,239.75 GPD  
Total number of houses: 100 @ 1,240 GPD = 124,000 GPD (86.11 gpm) Design Flow requirements leaving the development site.

Data (Table 2 – Pipe Data based on Size and Slope) indicates that an 8" line at minimum slope is sufficient (377.4 gpm) for desired flow.

2. Off-Site Flow to Existing Manhole. The existing sanitary sewer service is located approximately 3,400 feet SSW of the development site. The invert of the existing manhole has sufficient depth to serve the developed area (Sheets 7.1 through 7.5), the land area between the developed area and sewer access is currently zoned C-1, commercial use. Design flow calculations are based on a preliminary plot plan prepared to calculate maximum density of building area, based on the following criteria:

Minimum Lot size, C-1 Use: 7,000 sq ft Lot Size used in Flow Analysis: 8,100 sq ft  
(Best Minimum size for maximum building area)

Required Lot set backs on each Lot: Front: 6', Sides: 5', Rear: 15'

Parking allocation for each Lot is based on 1 space per 300 sq ft of gross building area for business use, and 1 space per 1,000 sq ft for retail (strip mall) use.

Allocation of 10% of gross land area is for landscape. Lot size used for analysis: 60'x135'

Standard Commercial Lots (8,100 sf)

Front set back (6')	360 sf
Side set backs (5')	1,350 sf
Rear set back (15')	900 sf
Landscape	810 sf
Net land area	4,680 sf
Parking (300 sf/space)	2,340 sf
Gross building area	2,340 sf

Retail Commercial Lots (see Plan)

Front set back (6')	8,520 sf
Side set backs (5')	5,100 sf
Rear set back (15')	19,500 sf
Landscape	38,345 sf
Net land area	4,680 sf
Parking and access	179,225sf
Gross building area	132,755 sf

Occupancy for Commercial use is determined by the IBC, Chapter 10, Means of Egress, Table 1004.1.2  
Fixture count for occupancy use is determined by the IBC Chapter 29, Plumbing Systems, Table 2902.1

In the determination of design flow, building area (as determined by maximum building area allowable) occupancy is calculated based on Table IBC 1004.1.2, with plumbing fixture requirements based on this occupancy as determined by IBC Table 2902.1. Flow requirements of each fixture is determined by the allocated Drainage Fixture Unit (DFU) assigned by UPC Table 7-3. The total fixture count, adjusted for intermittent Use (UPC Table 7-4) is used for the design flow (gpm). The design for off-site flows for this project increases the incremental use adjustment to allow for high water use facilities and to ensure that there is sufficient expansion allowance (Table 1 – Sanitary Sewer Extension Design Flow Chart).

3. Assuming that all of Lots 35 and 36 are developed as commercial lots at 8,100 sq ft each. With right-of ways and roadways, a total of 51 lots is platted. The 51 lots at 2,340 sq ft of building area, an occupancy of 24 each requires 13.5 DFU's each, adjusted to 3 DFU's each, with a total of 220,320 GPD, including the off-site flow from DLA (124,000 GPD) off-site sewer flow, a total design flow of 344,320 GPD (239.1 gpm) is required. An

8" line at .0057ft/ft slope = 543,456 GPD or 377.4 gpm. Required flow: 239.1 gpm – Provided: 377.4 gpm. (Table 1). Allowed Intermittent Use adjustment for this site is 2 Units, design consideration used is 3 Units.

4. Assuming that all of Lots 45 and 46 are developed as commercial lots at 8,100 sq ft each. With right-of ways and roadways, a total of 33 lots is platted. The 33 lots at 2,340 sq ft of building area, an occupancy of 24 each requires 13.5 DFU's each, adjusted to 4 DFU's each, with a total of 190,080 GPD, including the off-site flow down stream (344,320 GPD) off-site sewer flow, a total design flow of 534,400 GPD (371.1 gpm) is required. An 8" line at .0057ft/ft slope = 543,456 GPD or 377.4 gpm. Required flow: 371.1 gpm – Provided: 377.4 gpm. (Table 1). Allowed Intermittent Use adjustment for this site is 2 Units, design consideration used is 4 Units.
5. Assuming that a portion of Lots 51, 52, 61 and 62 are developed as commercial lots at 8,100 sq ft each, with right-of ways and roadways, and a retail strip mall is used for the remainder of the site. The design consideration includes 19 lots at 2,340 sq ft of building area, an occupancy of 24 each requires 13.5 DFU's each, adjusted to 8 DFU's each, and a 132,755 sf retail mall, a total of 253,440 GPD is required. Including the down stream (534,400 GPD) off-site sewer flow, a total design flow of 787,840 GPD (547.1 gpm) is required. A 10" line at .0075ft/ft slope = 1,128,528 GPD or 783.7 gpm. Required flow: 547.1 gpm – Provided: 783.7 gpm. (Table 1). Allowed Intermittent Use adjustment for this site is 2 Units, business use and 6 Units Retail. Design consideration used is 8 Units and 24 Units respectively (Table 1).
6. Assuming that lots 5 and 6 are developed as a commercial lot with business use, a building size of 26,400 sq ft is used in the design consideration. Assuming a total occupancy of 264 requires 35.5 DFU's adjusted to 30 DFU's produces a design flow of 43,200 GPD (30 gpm). Including the down stream (787,840 GPD) off-site sewer flow, a total design flow of 831,040 GPD (577.1 gpm) is required. A 10" line at .01ft/ft slope = 1,303,200 GPD or 905.0 gpm. Required flow: 577.1 gpm – Provided: 905.0 gpm. (Table 1).
7. Conclusion. Off-site sewer flow projections including all available land between the existing sewer service and De La Reina Subdivision has been considered, using the current zoning of C-1. An attempt has been made to plan the sites (based on current zoning codes) to determine a reasonable assumption for flow requirements. Regardless of use, it is the designer's belief that maximum building area has been represented in this analysis. Total flow requirements indicate that an 8" sewer line from the subdivision to Man Hole E-10 and a 10" line between E-10 and the existing manhole is more than adequate for the anticipated flow. Calculations based on conversion of all lots to R-1 with high density (5 units per acre) has a design flow at the existing manhole of 409,200 GPD (284.2 gpm).

Prepared by:

Bernard P. Loeffler, Jr.  
Project Manager  
BPLAA, Inc.

Drawing Reference:  
Sheet 7.1 (REV-1)

Reviewed by:



George Coiner, PE  
Project Engineer  
BPLAA, Inc.

**TABLE 1 -- SANITARY SEWER EXTENSION DESIGN FLOW CHART**

DRAWING REFERENCE: SHEET 7-1 (REV-1)

DESIGN FLOW AT MH E-03		DESIGN ASSUMPTION: 8" PIPE AT 0.57% SLOPE		C-1											
COMMERCIAL SUBDIVISION		COMMERCIAL DEVELOPMENT -- BUSINESS AREAS		NO FIXTURE (ICC TABLE 2902.1) DFU (UPC TABLE 7-3)											
MASTER PLAN REF ACRES	TOTAL AREA SQ FT	PLAN TOTAL LOTS	AVERAGE LOT SIZE SQ FT	LOT BLDG AREA SQ FT	TOTAL OCCUPANT LOAD		WC	LAV	DF	SVC	TOTAL/LOT DFU/GPM	INTERMITTENT USE ADJUST ALLOWANCE	DESIGN ADJUST USED	TOTAL FLOW DESIGN GPH	DOWN STREAM FLOW GPM
					ICC TABLE 1004.4.1.2	DFU									
35 & 36	615,503	51	8,100	100 SF/OCCUPANT	24	2.0	2.0	2.0	1.0	1.0	13.5	8 TO 15	3.0	9,180	86
14.13				24	8.0	2.0	0.5	3.0						220,320	124,000
NOTES: BUILDING AREA BASED ON 5' SIDE, 6' FRONT, AND 15' REAR SETBACKS WITH 10% LANDSCAPE ALLOWANCE FOR PARKING: 1/300SF @ 300 SF EACH. GROSS AREA: 8,100 SF LESS PARKING (2,340) LESS SET BACKS (2,610) LESS LANDSCAPE (810) -- MAXIMUM GROSS BUILDING AREA: 2,340 SF.															

INTERMITTENT ADJUSTED 1.5 TIMES ALLOWED

DESIGN FLOW AT MH E-05		DESIGN ASSUMPTION: 8" PIPE AT 0.57% SLOPE		C-1											
COMMERCIAL SUBDIVISION		COMMERCIAL DEVELOPMENT -- BUSINESS AREAS		NO FIXTURE (ICC TABLE 2902.1) DFU (UPC TABLE 7-3)											
MASTER PLAN REF ACRES	TOTAL AREA SQ FT	PLAN TOTAL LOTS	AVERAGE LOT SIZE SQ FT	LOT BLDG AREA SQ FT	TOTAL OCCUPANT LOAD		WC	LAV	DF	SVC	TOTAL/LOT DFU/GPM	INTERMITTENT USE ADJUST ALLOWANCE	DESIGN ADJUST USED	TOTAL FLOW DESIGN GPH	DOWN STREAM FLOW GPM
					ICC TABLE 1004.4.1.2	DFU									
45 & 46	470,448	33	8,100	100 SF/OCCUPANT	24	2.0	2.0	1.0	1.0	1.0	13.5	8 TO 15	4.0	7,920	239.1
10.80				24	8.0	2.0	0.5	3.0						190,080	344,320
NOTES: BUILDING AREA BASED ON 5' SIDE, 6' FRONT, AND 15' REAR SETBACKS WITH 10% LANDSCAPE ALLOWANCE FOR PARKING: 1/300SF @ 300 SF EACH. GROSS AREA: 8,100 SF LESS PARKING (2,340) LESS SET BACKS (2,610) LESS LANDSCAPE (810) -- MAXIMUM GROSS BUILDING AREA: 2,340 SF.															

INTERMITTENT ADJUSTED 2 TIMES ALLOWED

DESIGN FLOW AT MH E-10		DESIGN ASSUMPTION: 10" PIPE AT 0.75% SLOPE		C-1											
COMMERCIAL SUBDIVISION		COMMERCIAL DEVELOPMENT -- STRIP MALL WITH COMMERCIAL LOTS - BUSINESS USE		NO FIXTURE (ICC TABLE 2902.1) DFU (UPC TABLE 7-3)											
MASTER PLAN REF ACRES	TOTAL AREA SQ FT	PLAN TOTAL LOTS	AVERAGE LOT SIZE SQ FT	LOT BLDG AREA SQ FT	TOTAL OCCUPANT LOAD		WC	LAV	DF	SVC	TOTAL/LOT DFU/GPM	INTERMITTENT USE ADJUST ALLOWANCE	DESIGN ADJUST USED	TOTAL FLOW DESIGN GPH	DOWN STREAM FLOW GPM
					ICC TABLE 1004.4.1.2	DFU									
51 & 52	359,860	1	359,860	60 & 100 SF/OCCUPANT	50	3.0	3.0	2.0	2.0	2.0	30.5	31 TO 50	24.0	1,440	534,400
61 & 62	132,755	19	8,100	24	8.0	2.0	0.5	3.0						34,560	787,840
19.21				24	8.0	2.0	1.0	1.0						9,120	371.1
NOTES: BUILDING AREA BASED ON 5' SIDE, 6' FRONT, AND 15' REAR SETBACKS WITH 10% LANDSCAPE ALLOWANCE FOR PARKING: 1/300SF @ 300 SF EACH. GROSS AREA: 8,100 SF LESS PARKING (2,340) LESS SET BACKS (2,610) LESS LANDSCAPE (810) -- MAXIMUM GROSS BUILDING AREA: 2,340 SF.															

INTERMITTENT ADJUSTED 4 TIMES ALLOWED

DESIGN FLOW AT MH EXIST		DESIGN ASSUMPTION: 10" PIPE AT 1% SLOPE		C-1											
COMMERCIAL SUBDIVISION		COMMERCIAL DEVELOPMENT -- BUSINESS AREAS		NO FIXTURE (ICC TABLE 2902.1) DFU (UPC TABLE 7-3)											
MASTER PLAN REF ACRES	TOTAL AREA SQ FT	PLAN TOTAL LOTS	AVERAGE LOT SIZE SQ FT	LOT BLDG AREA SQ FT	TOTAL OCCUPANT LOAD		WC	LAV	DF	SVC	TOTAL/LOT DFU/GPM	INTERMITTENT USE ADJUST ALLOWANCE	DESIGN ADJUST USED	TOTAL FLOW DESIGN GPH	DOWN STREAM FLOW GPM
					ICC TABLE 1004.4.1.2	DFU									
5 & 6	88,637	1	88,637	60 & 100 SF/OCCUPANT	60	4.0	3.0	2.0	2.0	2.0	35.5	31 TO 50	30.0	1,800	547.1
2.04	26,400	264	24.0	24.0	4.0	1.5	6.0							43,200	787,840
NOTES: BUILDING AREA BASED ON 5' SIDE, 6' FRONT, AND 15' REAR SETBACKS WITH 10% LANDSCAPE ALLOWANCE FOR PARKING: 1/300SF @ 300 SF EACH. GROSS AREA: 8,100 SF LESS PARKING (2,340) LESS SET BACKS (2,610) LESS LANDSCAPE (810) -- MAXIMUM GROSS BUILDING AREA: 2,340 SF.															

INTERMITTENT ADJUSTED 5 TIMES ALLOWED

**TABLE 2 -- PIPE DATA BASED ON SIZE AND SLOPE**

PIPE DATA	ABS PIPE n=0.13	fps	cfs	gpm	FROM TO MH	REQUIRED AT 75% PIPE FILL	PIPE DATA	ABS PIPE n=0.13	fps	cfs	gpm	FROM TO MH
8"	0.057%	2.99	0.84	377.4	E-01 - E-03	> 239.1	10"	0.057%	3.47	1.52	683.2	E-01 - E-03
8"	0.057%	2.99	0.84	377.4	E-03 - E-05	> 371.1	10"	0.057%	3.47	1.52	683.2	E-03 - E-05
8"	0.075%	3.43	0.96	432.9	E-05 - E-10	< 547.1	10"	0.075%	3.98	1.75	783.7	E-05 - E-10
8"	1.0%	3.97	1.11	499.9	E-10 - EXIST	< 577.1	10"	1.0%	4.6	2.02	905.0	E-10 - EXIST



*Ronnie M. Torres*  
Mayor  
*Sally G. Garley*  
City Manager

**CITY OF BELEN**  
100 South Main Street  
Belen, NM 87002  
(505) 864-8221-(505) 864-7476

*Wayne Gallegos*  
City Councilor  
*Rudy Jaramilo*  
City Councilor  
*David Lopez*  
City Councilor  
*A. Terese Ulivarri*  
City Councilor

## **Memorandum**

**Date:** August 17, 2009

**To:** Robert Moore  
The Moore Organization  
P. O. Box 91388  
Albuquerque, NM 87199

**From:** Anita Romero

**RE:** Memorandum Agreement confirmation of the agreement between the City of Belen, Dereina Partnership, SB Investors, LLC and Robert Moore-Water Rights.

---

Attached for your files is a fully executed copy of the above referenced document.

## MEMORANDUM

DATE: July 5, 2008  
TO: Andrew DiCamillo  
FROM: Carole Cristiano  
RE: De La Reina Subdivision Water Rights Transfers

At your request, this memo summarizes the water rights requirement and status of transfers on behalf of De La Reina subdivision. I have attached my memo of 2006 that summarizes the water budget for this subdivision. The water rights requirement is 24 AFY (consumptive use). Thus far, Mr. Moore has transferred two parcels of rights to meet this requirement.

1. The OSE has approved the transfer of 2.67 AF of rights formerly owned by Good Homes. This transfer is complete.
2. The OSE has approved the transfer of 19.30 AF of rights owned by Flora Van Tol. This transfer is now complete.

Mr. Moore currently has 21.97 AF of rights. The City ordinance requires that sufficient rights be transferred; the City will not accept payments in lieu of rights. To meet his complete water rights requirement, Mr. Moore will need to transfer an additional 2.03 AF of rights or acquire credits to rights that have been transferred into City wells. As we have discussed, the Lovato rights could serve as the source of credits to complete his water rights requirement.

Please convey this information to Mr. Moore and let me know how he would like to proceed.

Cc:Sally Garley  
Julie Baca

**MEMORANDUM AGREEMENT**

Robert Moore  
10919 Fourth St. NW  
Albuquerque, New Mexico 87114

City of Belen  
100 S. Main St.  
Belen, N.M 87002

This memorandum will serve to confirm the agreement between the City of Belen, De La Reina Partnership, SB Investors, LLC and Robert Moore with respect to water rights transferred on behalf of De La Reina Subdivision and to summarize the Town's policy with respect to such transfers.

1. The water rights requirement for De La Reina subdivision is 24.0 AFY consumptive use. The OSE has approved the transfer of two parcels of rights that total 21.97 AFY of consumptive use rights.
2. Moore, with De La Reina Partnership and SB Investors, LLC has purchased 2.03 AFY of water rights credits from the City, which will be credited to De La Reina subdivision, completing the 24.0 AFY consumptive use requirement.
3. If these rights are not used for De La Reina Subdivision, De La Reina Partnership/SB Investors, LLC shall have the right to market and sell the water rights credits of 24.0 AFY, consumptive use, to another party, sell the rights to the City and/or maintain the credits for future use within the municipal boundaries of the City of Belen.
5. The transfers are permanent. Neither De La Reina Partnership, SB Investors, LLC, Robert Moore, nor any successor or purchaser of the excess credits will be able to transfer the rights out of the City wells.

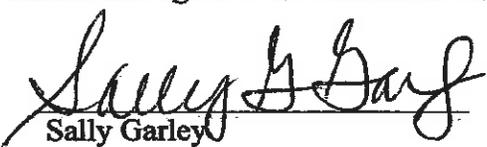
The undersigned have read this memorandum agreement and agree to all statements contained herein.

  
\_\_\_\_\_  
Robert Moore

  
\_\_\_\_\_  
De La Reina Partnership

  
\_\_\_\_\_  
SB Investors, LLC

Date 7/31/09

  
\_\_\_\_\_  
Sally Garley  
City Manager  
City of Belen

Date 08/17/09

## MEMORANDUM

DATE: October 14, 2006  
TO: Julie Baca  
FROM: Carole Cristiano  
RE: De La Reina Subdivision Water Budget

As we discussed, I have reviewed the relevant information for De La Reina subdivision planned for development by Bob Moore. The following are my assumptions.

- The subdivision will have 100 units.
- Average lot size will be 4500 square feet.
- Average home size will be 1500 square feet.
- Garage, driveway and sidewalk areas will be 800 square feet.
- The covenants will limit traditional irrigation to 800 square feet.
- Average household size will be 4 persons per household.

Using these assumptions, and our usual factors of water use, I estimate that each unit will use 0.204 AF/CU/unit. As you know, the water rights requirement includes a percentage to cover associated miscellaneous use. We estimate this percentage to be 15 percent of anticipated residential use. This would increase the consumptive use associated with the development to 0.235 AF/unit (0.204 plus 0.031 AF). If the developers do include the irrigation restrictions in the covenants, I believe it is appropriate to reduce the water rights requirement for this neighborhood from 0.336 AF/CU per unit to 0.24 AF/CU per AF. Thus, the total water rights requirement is 24 AFY/CU. Please be advised that I have reviewed this memo with Dr. Lee Wilson, who concurs with my calculations and this recommendation.

Please call me if you or Mr. Moore have any questions about the projected water budget.

cc: Sally Garley  
Bob Moore

**DE LA REINA SUBDIVISION WATER BUDGET**

Irrigation:		<u>Diversion</u>	<u>C.U.</u>
Traditional	(0.018 ac.)	0.075 AFY	0.075 AFY
Conservation	(0.032 ac.)	0.048 AFY	0.048 AFY
In-house use:		<u>0.269 AFY</u>	<u>0.081 AFY</u>
		0.392 AFY	0.204 AFY

**Irrigation Assumptions:**

Average lot size	4500 square feet		
Average home size		<u>1500 square feet</u>	
		3000 square feet	
Garage/driveway/sidewalk		<u>800 square feet</u>	
Land available to be landscaped		2200 square feet	(0.104 acre)
Traditional irrigation:		800 square feet	(0.018 acre)
Conservation irrigation		1400 square feet	(0.032 acre)

Traditional Irrigation	@ 4.17 AFY Div.;	2.50 AFY C.U.
Conservation Irrigation	@ 1.50 AFY Div.;	1.00 AFY C.U.

**In-House Use Assumptions:**

4 persons per household @ 60 gpcd  
 C.U. is 30% of diversion

Acre=43,560 sq. ft.

Data Sources: Consumptive use for traditional irrigation: Doug Bennett, Albuquerque Water Conservation Office

Diversion for traditional irrigation: Draft Guidelines for Review of Water Rights Applications, Brian Wilson, OSE, September, 1998. De La Reina

10/10/2008  
10/10/2008  
10/10/2008  
10/10/2008  
10/10/2008

Receipt No: 20071010 10/10/2008  
DE LA REINA COUNCIL OF WOMEN

Monthly dues received  
10/10/2008 10/10/2008  
10/10/2008  
10/10/2008  
10/10/2008  
Total: 10/10/2008

Balance forward  
10/10/2008  
Total Balance  
10/10/2008  
George Tamboreski  
10/10/2008

Signature: [Signature]

Print Name: George Tamboreski

Email  
sally.garley@belco-nm.gov  
FAX: 505-864-8408



OFFICE: 505-864-8221  
Cell: 505-710-6328

**Sally G. Garley**  
City Manager / Clerk  
CITY OF BELEN

100 S. MAIN STREET  
BELEN, NM 87002

OFFICE HOURS  
8:00 a.m. - 5:00 p.m.  
MON - FRI

2701 MILES RD SE  
ALBUQUERQUE, NM 87106  
TEL: 505.242.5700  
FAX: 505.242.0673



**MOLZEN-CORBIN**  
**& Associates**

ENGINEERS/ARCHITECTS/PLANNERS

November 23, 2009

Mr. Andrew DiCamillo  
Planning and Zoning Director  
City of Belen  
100 South Main Street  
Belen, New Mexico 87002

**RE: De La Reina Subdivision  
Final Construction Plan and Drainage Report**

BLN043-20.R20

Dear Mr. Di Camillo:

Molzen-Corbin & Associates has reviewed the revised construction plans and drainage report for the referenced site and has found that the general concept of this material appears to comply, from an engineering standpoint, with the requirements of the City of Belen. Prior to the issuance of building permits, we would recommend that the following issue be addressed:

- We are concerned with the proximity of the offsite flows near the south edge of the property and recommend that the Developer and the City address both an interim and a long-term plan for safeguarding future residences as well as other developments in the area.

**Based on the information provided by BPLAA, Inc., we recommend approval of the referenced documents based on receiving formal documentation from the adjacent landowner for the above-referenced offsite drainage.**

Please be aware that this comment letter is based on a Final Plan submittal. It is our understanding that the development has completed construction at this time. Therefore, a walk-through will need to be coordinated, and comments in a future letter based on the walk-through will be required to be addressed. Also, the Developer is required to submit the appropriate Close-Out documentation as stipulated in the Subdivision Design Regulations.

Please contact me if you have questions.

Sincerely,

MOLZEN-CORBIN & ASSOCIATES

Kevin W. Eades, P.E.  
Vice President / Civil Department Leader

JF:ps

cc: Mr. Bernard Loeffler, BPLAA, Inc.  
Mr. Bob Moore

2701 MILES RD SE  
ALBUQUERQUE, NM 87106  
TEL: 505.242.5700  
FAX: 505.242.0673



**MOLZEN-CORBIN** & Associates

ENGINEERS/ARCHITECTS/PLANNERS

December 9, 2009

Mr. Andrew DiCamillo  
Planning and Zoning Director  
City of Belen  
100 S. Main Street  
Belen, New Mexico 87002

**RE: De La Reina Subdivision  
Preliminary Punch List**

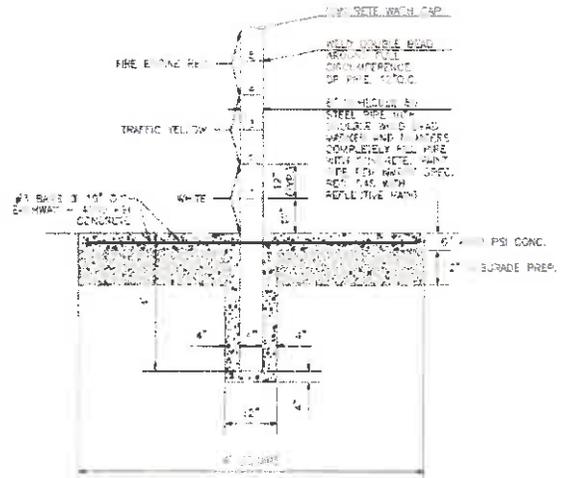
BLN043-20

Dear Mr. DiCamillo:

Representatives from Molzen-Corbin & Associates, the City of Belen, the Developer for the subdivision, and BPLAA, Inc., met for a walkthrough of the referenced subdivision on December 8, 2009. In general, the subdivision appears to have been built according to the approved construction plans; however, there are several unfinished items and issues that need to be addressed prior to acceptance of maintenance of the infrastructure:

- The Don Trujillo entrances and frontage need to be developed with sidewalk (including 2' buffer offset) and associated ADA improvements.
- Significant asphalt cracking was noticed throughout. Although in most areas it was not suggestive of subgrade failure, it will not be acceptable as is. Furthermore, there are areas such as at the north end of Marie NW (see enclosed picture) with significant uneven surfaces which will need to be reconstructed.
- Related to the item above, we recommend that the City require an extended warranty on asphalt improvements due to the apparent signs of roadway section deficiencies.
- SWPPP elements were severely under-maintained or non-existent. The Developer should be aware of the EPA's strict guidelines and penalties for non-compliance.
- Bird baths within the cul-de-sac need to be addressed.
- The pond was not complete. Missing elements included 6' fencing with gates, 5/8" – 6" deep crushed rock lining and access road, as shown on plans. Furthermore, it appears the lack of erosion control will now necessitate restoring the overall shape and structure of the outlet. The entire easement area also needs to be cleared and grubbed.
- Utilities were not a part of the walkthrough, but we understand that their compliance will be assessed at a future date. We recommend, at a minimum, ensuring that the fire hydrants function properly (valve, flow, weep holes drain, etc.), all WL valves can be exercised, and that manholes are properly grouted, finished, and free of debris (particularly from rocks and grout droppings).
- It appeared that a light pole near the south entrance needs to be fixed or replaced.
- There are a few sections of concrete (curb and gutter, valley gutter, etc.) that exhibit cracking. Any sections of concrete with cracks wider than the width of a credit card and/or gouges deeper than a golf ball, will need to be removed and replaced. All others can be carefully addressed with an epoxy or similar product. These areas will be monitored during the warranty period.

- The original pond bottom needs to be reestablished for and equipped with a sediment indicator. An example of an acceptable scheme is shown below:



- According to the Developer, the Home Builder will be responsible for elements that will be constructed within City R/W (once accepted for maintenance). That party needs to be aware that those improvements shall comply with City Standards; otherwise, it will likely impede the issuance of building permits for the related home(s). This includes, but is not limited to:
  - Sidewalks, wheelchair ramps, and all related ADA requirements, clearances, driveway cross-slopes, transitions, and detectable warning surfaces.
  - Final grading and landscaping within sidewalk/buffer areas.
  - Replacement of etched S's on gutter pan at locations where the sewer service ends up under the driveway.
  - Placement of stop bars and stop signs/street signs with breakaway posts.
  - Placement of a concrete mat around fire hydrants where they land outside of sidewalk areas.
- It appears that sharp curb cuts were left at future wheelchair ramp locations. Be advised that these will need to be sloped and smoothed once the ramp is constructed.

The Developer / Developer's Engineer is required to comply with Section 103 of the subdivision standards for construction inspection, testing, reports, certification of completion, and other specified items. These items will need to be submitted to the City /City Engineer (including "as-builts" (1), blueines (2), and electronic file (1)).

Sincerely,

MOLZEN-CORBIN & ASSOCIATES

Abiel Carrillo, P.E.

AC:ps

cc: Ms. Sally G. Garley, City Manager, City of Belen  
Mr. Bob Moore, Developer, De La Reina Subdivision  
Mr. Bernard Loeffler, P.E., BPLAA, Inc  
Mr. Kevin W. Eades, P.E., Molzen-Corbin & Associates  
Ms. Jacquie Flann, Molzen-Corbin & Associates

**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 Final Plat approval of De La Reina Subdivision on **Monday, October 26, 2009 at 6:30 P.M.** in the Council Chamber at City Hall, 100 South Main Street, Belen, NM 87002.

The property is located at 64 Don Luis Trujillo Boulevard in Belen, New Mexico 87002. The property consists of the East and West portions of Lot 30, a portion of Lot 29 and a portion of Lot 31 (15.48 acres more or less) as shown within projected Section 25, Township 6 North, Range 1 East of the New Mexico Principal Meridian.

The Belen City Council will consider the recommendation of the Planning and Zoning Commission and take action on this Final Plat approval on **Monday, November 16, 2009 at 6:00 P.M.** 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 Planning and Zoning Commission and City Council on 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

**Publish: Legal: October 10, 2009**

# Valencia County GIS Web Search Tool

- Owner Name
- Parcel#
- Owner#
- Find an Address
- Find a Road
- City Limits
- Community
- Park or School
- MRGCD Map#
- Print



DE LA REINA SUBDIVISION



**\* \* \* Proof \* \* \***

**Number Nine Media, Inc.  
1837 Camino Del Llano  
Belen, NM 87002  
(505) 864-4472**

**Account Information**

**Phone:** (505) 864-8221  
**Name:** CITY OF BELEN  
**Account #:** C400337  
**Address:** 100 SOUTH MAIN ST  
  
BELEN, NM 87002  
**Client:**  
**Placed by:**  
**Fax #:**

**Ad Information**

**Classification:** 0000-Legals - Government  
**Size:** 1 x 55.530  
**Start date:** 10-10-09  
**Stop date:** 10-10-09  
**Insertions:** 1  
**Rate code:** Government Legals  
**Publications:** News-Bulletin  
**Billed size:** 56.00 9pt lines  
**Ad #:** 337104  
**Ad type:** Liner Ad

**Ad Cost:** \$ 35.28  
**Tax @ 7.8125%:** \$ 3.15  
**Tax @ 7.3125%:** \$  
**Tax @ 6.8750%:** \$  
**Total:** \$ 43.43

Ad Copy:

**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 Final Plat approval of De La Reina Subdivision on Monday, October 26, 2009 at 6:30 P.M. in the Council Chamber at City Hall, 100 South Main Street, Belen, NM 87002.

The property is located at 64 Don Luis Trujillo Boulevard in Belen, New Mexico 87002. The property consists of the East and West portions of Lot 30, a portion of Lot 29 and a portion of Lot 31 (15.48 acres more or less) as shown within projected Section 25, Town-

**\* \* \* Proof \* \* \***

ship 6 North, Range 1 East of the New Mexico Principal Meridian.

The Belen City Council will consider the recommendation of the Planning and Zoning Commission and take action on this Final Plat approval on Monday, November 16, 2009 at 6:00 P.M. 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 Planning and Zoning Commission and City Council on the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

Published on October 10, 2009.

**Number Nine Media, Inc.  
1837 Camino Del Llano  
Belen, NM 87002  
(505) 864-4472**

## Chapter 16.16 - FINAL PLATS

**Sections:**

## 16.16.010 - Final plat procedure.

- A. **Submission.** Application for approval of the final plat shall be submitted on prescribed forms to the commission at least fourteen (14) days prior to the meeting at which it is to be considered. An original and two copies of the final plat and other required exhibits shall be submitted to the commission within twelve (12) months following approval of the preliminary plat; otherwise, such approval shall become null and void unless an extension of time has been granted by the council. The final plat shall conform substantially to the preliminary plat as approved.
- B. **Review.** The commission and city engineer shall review the final plat and other exhibits submitted for conformity to these regulations, and shall insure that the conditions of the preliminary plat as approved have been met.
- C. **Decision.** If the final plat is in conformance with the preliminary plat as approved and conforms with these regulations, it shall be approved by the council.

Should the final plat be disapproved, the council shall express in writing the reasons for disapproval. The reasons for disapproval shall be referenced and attached to two copies of the final plat. One of said copies shall be returned to the subdivider and the other shall become part of the files of the city manager's office.

Approval or disapproval shall be given within thirty-five (35) working days of the date of final plat submission, unless the subdivider agrees in writing to a deferral.

If the final plat is approved by the council, such approval shall be recorded on the face of the original drawing of the final plat and on two copies thereof and shall be dated and verified by the signature of the mayor or designated representative of the council.

- D. **Recording.** The final plat is in full force and effect only after having been duly recorded in the office of the Valencia County clerk and copies filed with the city manager. Approval of the final plat shall become null and void if the plat is not so recorded within three months after the date of approval, unless an extension of time is granted by the council. Submittal for recording is the subdivider's responsibility.

In the case of a replat, the subdivider shall request the Valencia County clerk to mark the original plat with the words "replatted" or "partially replatted" and refer on the original plat to the filed location of the replat. The council shall mark the copies of the original plat on file in the offices of the city in a similar manner.

After having filed the original drawing of the final plat with the Valencia County clerk, (official copy), the subdivider shall submit to the city two copies of the final plat as recorded and properly stamped by the Valencia County clerk. No building permits shall be issued until copies of the recorded final plat have been placed on file with the city.

- E. Replat. After final approval of the plat, no lot or block shall be further subdivided or the area of any platted lot diminished, and no change shall be made in the platting of any street, alley or easement established by said plat except upon the filing with the council of a replat, showing such proposed change, or changes, and securing its approval in accordance with the procedures herein established. The provisions of this paragraph shall apply to all proposed replats or changes in lot lines, dimensions of lots, streets, alleys and easements in any platted area within the city planning and platting jurisdiction.
- F. Acceptance of Land. Approval of the final plat by the council shall be deemed to constitute acceptance by the city of dedication of proposed public easements, and public areas shown on the plat, excluding streets, provided the final plat is properly recorded with the Valencia County clerk and the city manager.

(Ord. 1993-3 § 13)

#### 16.16.020 - Plans and data for final approval.

- A. Final Plat. The subdivider shall submit the original and two copies of the final plat to the commission for review in accordance with the following provisions.
- B. Size, Scale, Material. The final plat shall be drawn, scribed or photo-reproduced in black ink on tracing cloth or stable-base polyester material, on sheets, twenty-four (24) by thirty-six (36) inches in size, and shall be at a scale of one inch to one hundred (100) feet. Enough sheets shall be used to show the subdivision in its entirety, with each sheet numbered in relation to the total number of sheets involved, and each shall have a small key map showing its relationship to the whole.
- C. Information. The final plat shall contain the following information:

1. Name of subdivision;
2. Title, scale, north arrow, and date of survey;
3. Location and description of all monuments found or set within the plat area, and all these referred to, including benchmarks with elevation shown, and property corners;
4. Plat boundary lines: bearing in degrees, minutes, and seconds, with basis for bearings noted or shown; distances in feet and hundredths, or other functional reference system; both the record and measured bearings and distances;
5. Reference the plat to the New Mexico state plane coordinate system. Total acreage of subdivision, to four decimal places;
6. Lot lines, and right-of-way lines, existing and proposed; lines to be eliminated shown as dashed lines. Names of streets, right-of-way lines existing and proposed; lines to be eliminated shown as dashed lines. Names of streets, right-of-way widths, and centerline data and all streets and alleys, including private streets and alleys. The length, central angle, and radius of all curves. The requirements set forth in subsection (C)(4) of this section shall also be complied with;
7. Location, dimensions, and purpose of all easements existing or proposed, and any limitations thereof;
8. Numbers and letters to identify lot and block;
9. Location, dimensions, areas, and purposes of lots proposed to be dedicated or reserved for the public;
10. Reference to recorded subdivision plats of adjoining platted land by recorded name, date, book, and page number in the office of the Valencia County clerk;
11. Mileage of streets created;
12. Certification by the Valencia County treasurer or by a duly qualified abstract company that the previous ten year's property taxes due and payable have been paid in full;
13. Statement that the subdivision is with the free consent and in accordance with the desire of the undersigned owner of the land, acknowledged in a manner required for acknowledgement of deeds;
14. Signed statements by the subdivider dedicating any sites for public use, and

granting the shown easements for public use;

15. Certification and seal by a surveyor, in accordance with the laws of the state of New Mexico, certifying the accuracy of the survey and plat, that he or she prepared or supervised preparation of the plat, and that he or she has shown all easements of record;
16. Certification that all monuments are in place;
17. Approval by land authorities and utility companies having franchise in the area, including approval (signature) by city public works director;
18. Approval by council verified by mayor's signature, and approval by planning and zoning commission verified by chairman's signature;
19. Such other certificates, affidavits, endorsements, or dedications as may be required by the council in the enforcement of these regulations.

(Ord. 1993-3 § 14)

#### 16.16.030 - Summary procedure.

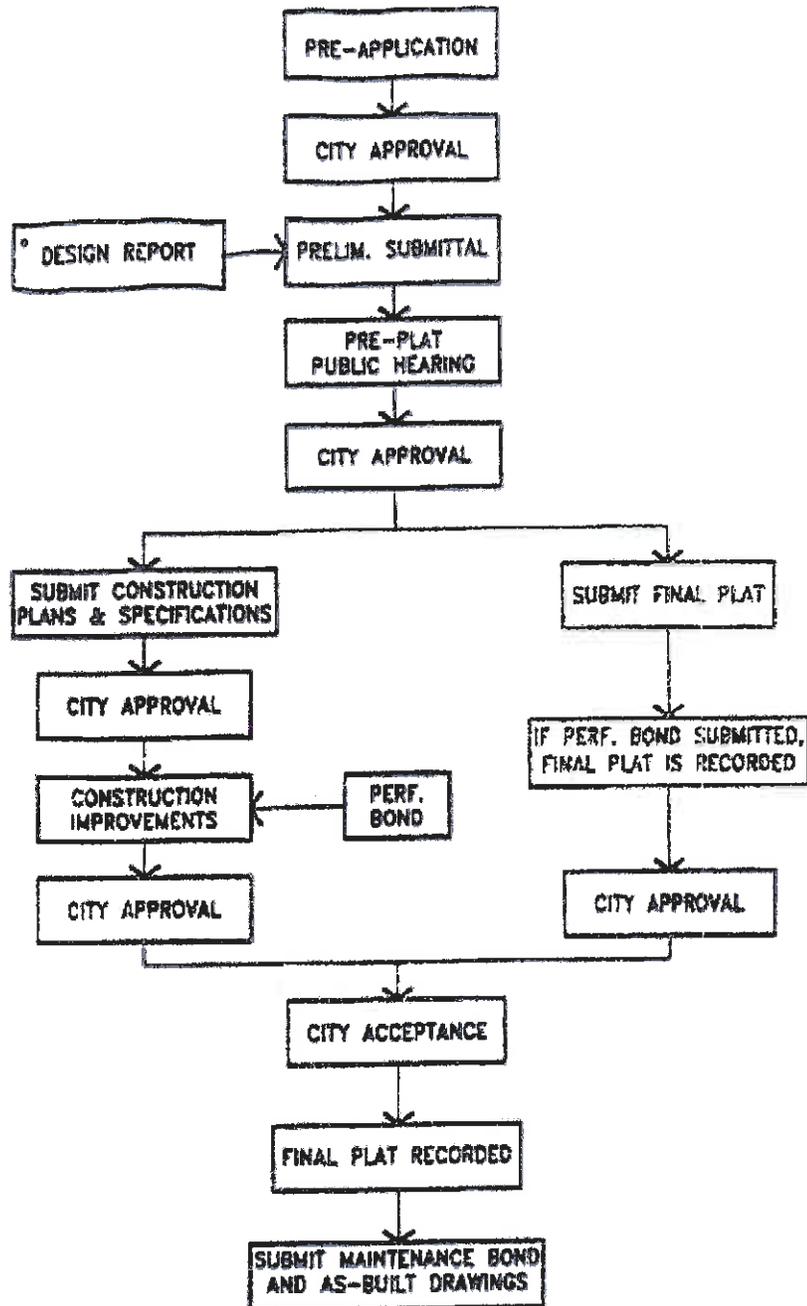
- A. In accordance with the alternate summary procedures authorize by Section 3-20-8 NMSA 1978, the city council or planning and zoning commission or planning and zoning director may approve a subdivision as a combined preliminary and final plat in any case where no public purposes would be served by separate steps. Such summary approval shall be given only when one or both of the following conditions exists:
  1. The subdivision contains no more than two lots.
  2. Re-subdivisions, where the combination or recombination or portions of previously platted lots does not increase the total number of lots.
- B. In all cases, the subdivision plat being considered for approval under this summary procedure shall be prepared according to the standards for plans and data for both preliminary and final plats as contained herein.

(Ord. 2007-11: Ord. 1996-10: Ord. 1993-3 § 15)

16.04.080 - Subdivision plat approval process flow chart.

The following flow chart illustrates the subdivision plat approval process for the city of Belen.

**SUBDIVISION PLAT APPROVAL PROCESS\***



\* Design Report—Shall include storm drain management report, soils analysis, schedule of development, sewer and waterline calculations, special problems analysis, and any other information deemed necessary by the design engineer or the city.

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

**NOTICE OF PUBLIC HEARING**

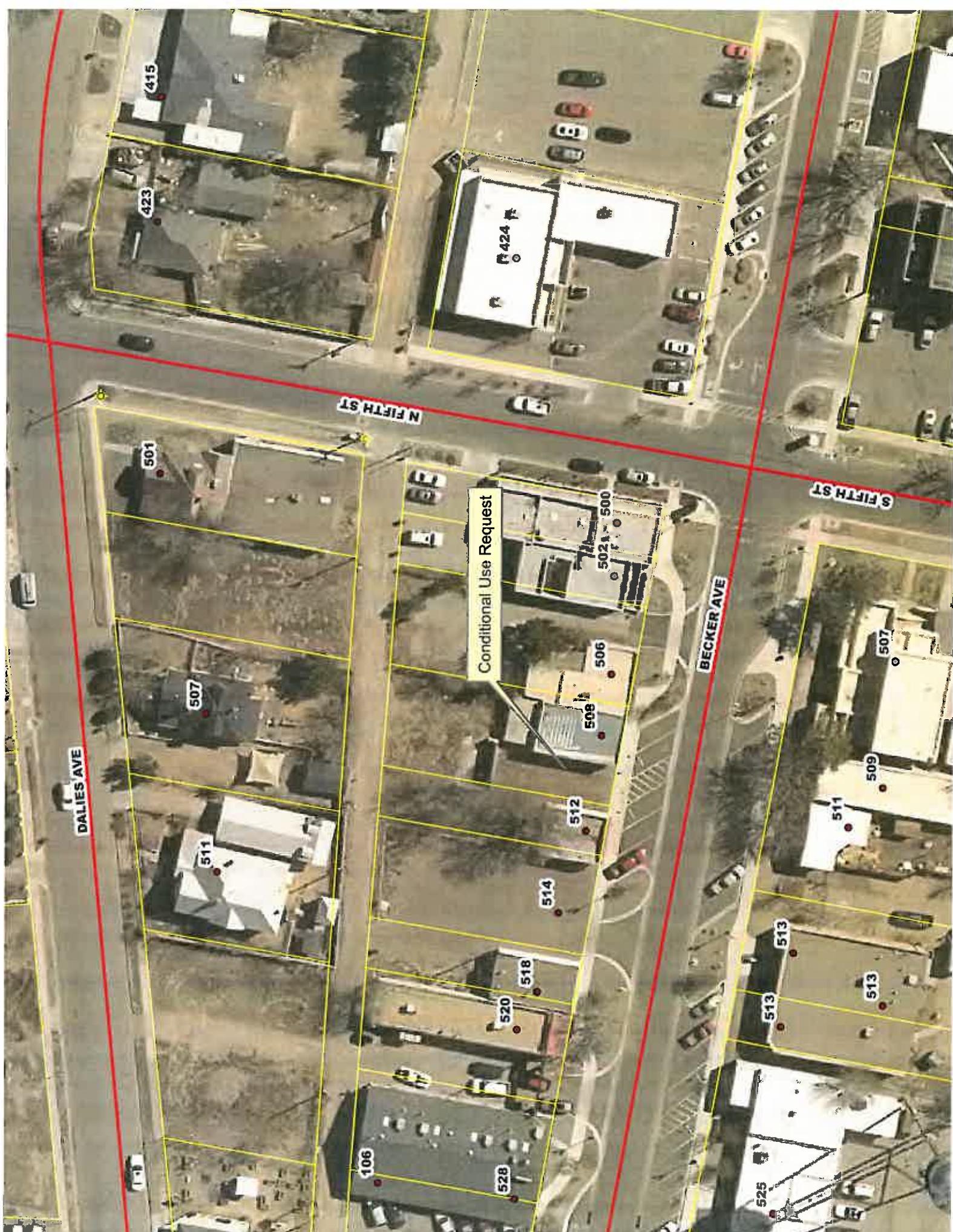
**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to hear a **REQUEST FOR CONDITIONAL USE** for the purpose of placing a fence within the front setback 508 Becker Ave., Belen NM 87002: **James Kelly Cross.**

**LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, BTS Addition, Lots 19 & 20, Block 29., aka 508 Becker Ave., Belen NM 87002

You are further notified that this public hearing will be held on **Monday, October 8, 2018 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 20, 2018**



Conditional Use Request

415

423

424

501

507

511

506

508

514

512

528

106

525

513

513

511

509

507

502

500

DALIES AVE

N FIFTH ST

BECKER AVE

S FIFTH ST



**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  
**RONNIE TORRES**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

September 25, 2018

James Kelly Cross  
508 Becker Ave  
Belen NM 87002

**RE: A. REQUEST FOR A CONDITION USE** for the purpose of placing a fence within the front setback at 508 Becker Ave, Belen NM 87002: **James Kelly Cross. LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, BTS addition, Lots 19 & 20, Block 29.

Due to the fact that October 8<sup>th</sup>, 2018 is Columbus Day, and the City of Belen will be closed, the above referenced request has been moved to Tuesday the 9<sup>th</sup> of October, 2018 at 6:00 PM at the City Hall Council Chambers, 100 S Main St., Belen NM 87002.

We apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in purple ink that reads "Lisa R Miller".

Lisa R Miller  
P & Z Administrator

cc: File



## CITY OF BELEN PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box.

**Please Print in Ink Only or Type**

ADMINISTRATIVE PERMIT	SUBDIVISION	ZONING
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Summary Plat-Replat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Manufactured Home-MHP	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Manufactured Home	<input type="checkbox"/> Final Plat	<input checked="" type="checkbox"/> Conditional Use
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Variance
<input type="checkbox"/> Other	<input type="checkbox"/> Street Name	<input type="checkbox"/> Site Plan
		<input type="checkbox"/> Zone Map Amendment
		<input type="checkbox"/> Zoning Certification
		<input type="checkbox"/> Wireless Telecommunications Facility

**Application must be complete. Please attach the appropriate checklist & Materials for the action you are requesting.**

### APPLICANT/AGENT INFORMATION

Applicant Name: <i>James Kelly Cross</i>		Phone: <i>505-353-2242</i>
Address: <i>508 Becker Ave.</i>		Email: <i>51vr58ddy@gmail.com</i>
City: <i>Belen</i>	State: <i>NM</i>	Zip Code: <i>87002</i>
Deed of Ownership Verification Provided:		Letter of Authorization Provided:

### DESCRIPTION OF REQUEST: Please add additional sheet(s) if necessary.

*6' Privacy fence across south side of vacant lot between 508 and 512 Becker Avenue, to be erected 6' north of the sidewalk.*

### SITE INFORMATION: Please provide accurate legal description

Subdivision/Unit: <i>BTS Addition</i>	Block(s): <i>29</i>	Lot(s): <i>19920</i>
Existing Zoning: <i>C-R</i>	Proposed Zoning:	No. of existing lots: <i>1</i>
No. of proposed Lots: <i>1</i>	Total area of site:	Length & width of lot(s): <i>25'</i>

### ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Belen as outlined in all applicable laws, ordinances and regulations.

Print name: <i>James Kelly Cross</i>	Applicant:	Agent:
Signature: <i>[Signature]</i>	Date:	

### FOR OFFICIAL USE ONLY

PROJECT #	FEE(S)	RECEIPT #
	<i>\$150.00</i>	<i>12.006221</i>



CITY OF BELEN  
PLANNING & ZONING DEPARTMENT  
100 S MAIN ST  
BELEN NM 87002

## **CONDITIONAL USE PROCESS AND CHECKLIST**

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### **SUBMITTAL REQUIREMENTS (ALL INFORMATION MUST BE CLEAR AND LEGIBLE)**

With the submittal of the application and checklist, the applicant attests that the following is submitted:  
Failure to provide the requested information or falsifying information may result in a continuance or denial of your case.

- Completed Land Use Application
- A letter of authorization from the property owner stating that he/she is aware of the Conditional Use Permit being requested and that the applicant may act as his/her agent, if the applicant is other than the property owner.
- Owners affidavit
- Justification, including the scope of the request, and addressing criteria for granting a Conditional Use:
  - Specify the type of Conditional Use Permit requested. There exists a special circumstance(s) applicable to the property.
  - Ingress and egress to property and structures thereon
  - Automotive and pedestrian safety and convenience
  - Traffic flow and control
  - Access in case of a fire or catastrophe
  - Off street parking and loading area where required, with particular attention to refuse and service area
  - Public and private utilities, with reference to locations & availability
  - The impact of any economic, noise, glare, or odor effects on or to adjoining properties
  - General Compatibility with adjacent properties and other properties in the area
- An accurate site plan showing:
  - The location of any buildings on the property in relation to the property lines and other building
  - Adjoining property, abutting streets and alleys, and a north directional arrow should be indicated
  - Property dimensions and site conditions
  - Parking spaces
  - Height of the structure
- A copy of the present zoning of the premises involved.
- 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. Condition use in any A-R, C-1, or M-C Zone.

- Dwelling, Temporary Watchman or Caretaker. Conditional use in all zones.
- Office, Temporary (Real Estate Sales, Etc.). Conditional use in all zones.
- Flee Markets as a conditional use in the C-1 and M-C zones are subject to the following requirements:
  1. Two off-street parking spaces per rental stall
  2. Adequate refuse containers to control litter
  3. Adequate sanitary facilities shall be provided on site
  4. Sale of animals is prohibited with the exception of dogs, cats, rabbits, birds and other common household pets
  5. No merchandise intended for sale shall be stored on site after hours, which shall be between 7:00 a.m. and 6:00 p.m.
  6. All tarps, tents or sunshades must be securely attached to prevent a safety hazard and be removed at the daily closing time
  7. A site plan in accordance with the above requirement

The Applicant must also do the following:

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

The Planning & Zoning Commission may impose supplementary regulations and special conditions. Any special conditions imposed shall apply in addition to the local zoning regulations.

All approved Conditional shall require the Uses owners/agents to sign a Conditional Use Agreement with the City of Belen to comply with all the Terms and Conditions set forth and that a breach of any or all of the named Conditions is grounds for Termination of the Conditional Use.

September 17, 2018

City Of Belen

Planning and Zoning Department

Please reference the attached drawing for my proposed fencing project to be located at 508 Becker Avenue. I am requesting a Conditional Allowance to construct a six (6) foot fence on the South side of the lot between 508 and 512. The lot is part of my property at 508 and will be used as my private yard. On occasion I will use the area behind the fence as an Art Market or other functions, private and/or public, at which time the proposed gates will be opened for access to the lot. I am asking for permission to construct the fence within five (5) feet to the north of the existing sidewalk. As the attached plan shows, the five (5) foot area will be landscaped and maintained by myself, property owner.

Thank you for your consideration on this proposal.

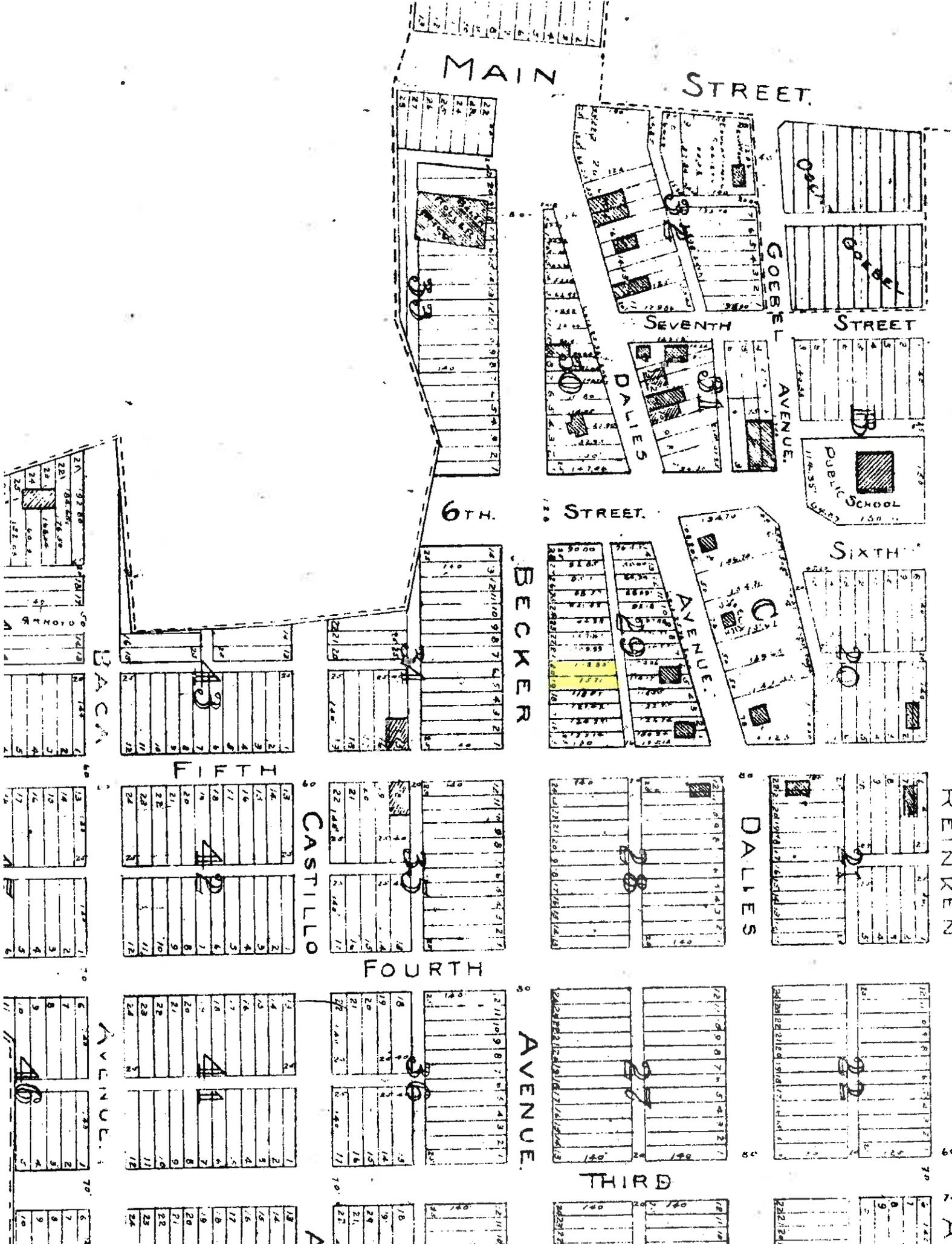


J. Kelly Cross

508 Becker Avenue

505-353-2242





MAIN STREET

GOEBE AVENUE

SEVENTH STREET

STREET

6TH STREET

STREET

BECKER AVENUE

SIXTH STREET

PUBLIC SCHOOL

BACKA AVENUE

FIFTH STREET

CASTILLO AVENUE

FOURTH STREET

AVENUE

DALES AVENUE

RENKEN AVENUE

AVENUE

THIRD STREET

AVENUE



500

502

506

508

512

514

BECKER AVE



SSIXTHST

C-1

NSIXTHST

BECKERAVE

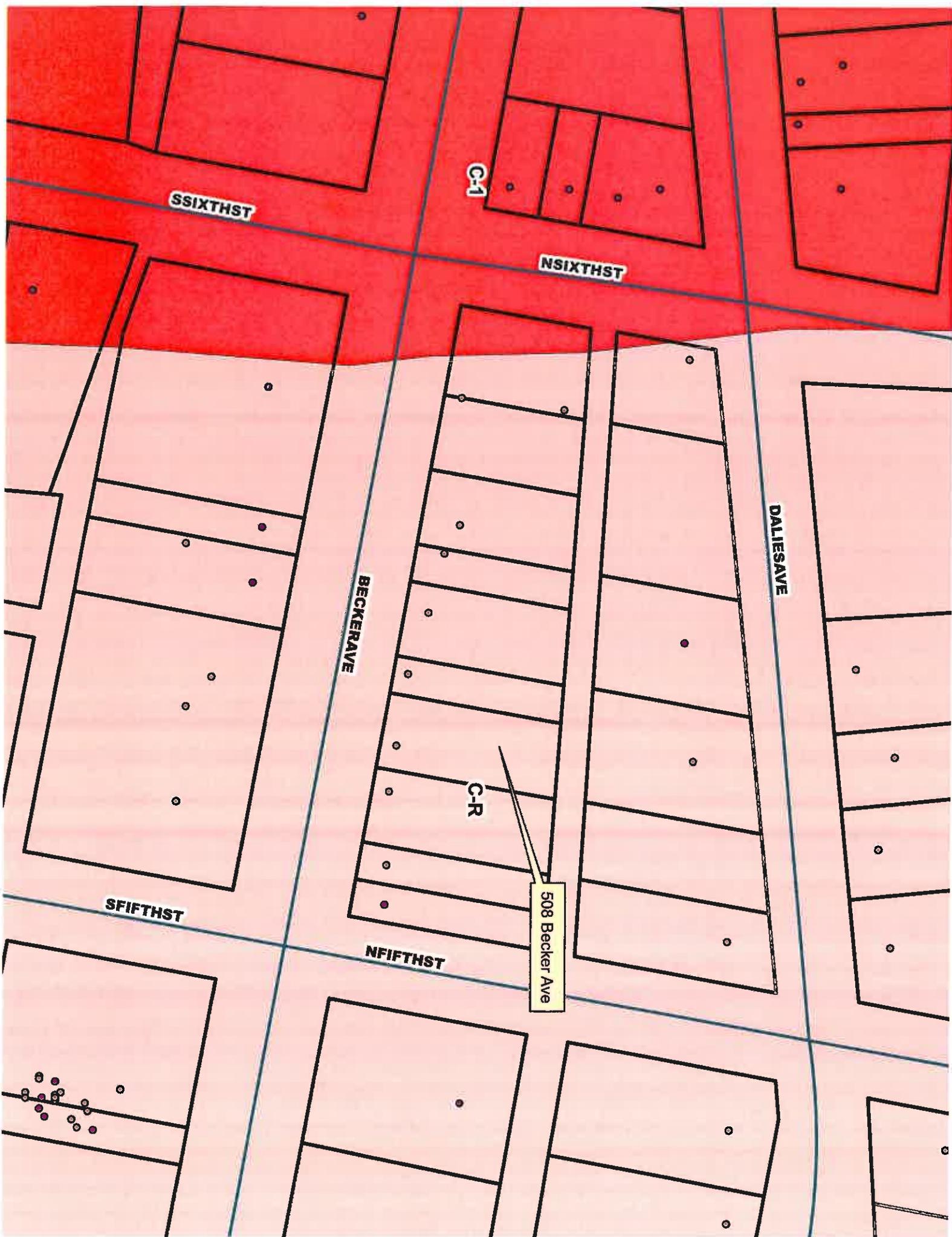
DALIESAVE

C-R

SFIFTHST

NFIFTHST

508 Becker Ave





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

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

**CASE REPORT**

October 3, 2018

**CONDITIONAL USE REQUEST**

**Location: 508 Becker Ave., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential/Commercial

**Lot Size:** .13 acres (5,852.23 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	C-R	Mainly Residential
East	C-R	Small Commercial
South	C-R	Small Commercial
West	C-1	Businesses

\*See attached zone map.

**REQUEST**

The applicant is requesting a Conditional Use to Place an open sided carport within the front setback.

Conditional Use Requirements:

1. Type of Conditional Use requested and why
2. Affidavit of ownership
3. Location of Conditional Use request.
4. A map showing the location of structures, on-site parking and point of access to public streets

**STAFF FINDINGS**

1. Becker Ave. consists of small businesses
2. Properties along Dalies Ave are mainly Residential.

3. On the East side of 508 Becker Ave. is an Educational Service Business and a set of Attorneys offices. On the West side is an empty building, an empty lot and a Barber Shop and restaurant. Across the street is the old City Hall, the Art League, the new Belen Bookstore and the Municipal Court.
4. The setbacks are the same as for R-2 zone which is 20' front, 15' rear, and 5' sides.
5. The fence will be located between two existing buildings.
6. There is an alley located behind the property therefore providing access from the alley or off of Becker Ave.
7. There are no clear site issues for vehicle traffic or pedestrian traffic.
8. The fence height restrictions are three feet solid for the front setback of 20' from the property line or a four foot clear view within that front setback.
9. Owner wishes to place a 6' foot privacy fence, with gates to open up for functions such as an Art Market, etc., and 5' back from the sidewalk.

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 17.24 - R-2 MULTIFAMILY RESIDENTIAL

**Sections:**

## 17.24.010 - Intent.

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

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

## 17.24.020 - Accessory uses.

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

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

## 17.24.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of seven thousand (7,000) square feet and a minimum width of seventy (70) feet.
- B. Floor area ratio, 1.0.
- C. Setback.
  1. Front, twenty (20) feet;
  2. Rear, fifteen (15) feet:
    - a. Accessory buildings may be located anywhere within the rear setback area provided that the accessory building is less than two hundred (200) square feet in floor area and there is a separation of no less than ten

(10) feet between the accessory building and any other building on the lot or adjacent lots. Such building shall comply with chapter 15.32 drainage regulations of the Municipal Code and maintain any and all public utility easements.

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

Trash bins shall be provided in the amount the sanitation department feels necessary, and shall be three-sided with block or wood, and shall be six (6) feet in height. The placement of trash bin shall be approved by sanitation department for proper pickup.

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

#### 17.24.040 - Fees.

- A. For consideration of a variance application, one hundred fifty dollars (\$150.00);
- B. For consideration of a conditional use permit, one hundred fifty dollars (\$150.00);
- C. For consideration of zone changes and amendments to this chapter, two hundred fifty dollars (\$250.00);
- D. For consideration of an appeal to the city council under the provisions of this chapter, one hundred dollars (\$100.00);
- E. For consideration of mobile/manufactured homes on a permanent foundation, an installation permit fee of two hundred fifty dollars (\$250.00).
- F. For consideration of mobilehome park rental spaces for mobilehomes, recreational vehicles and camping trailers, an installation permit fee of twenty-five dollars (\$25.00).

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

#### Chapter 17.28 - 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.

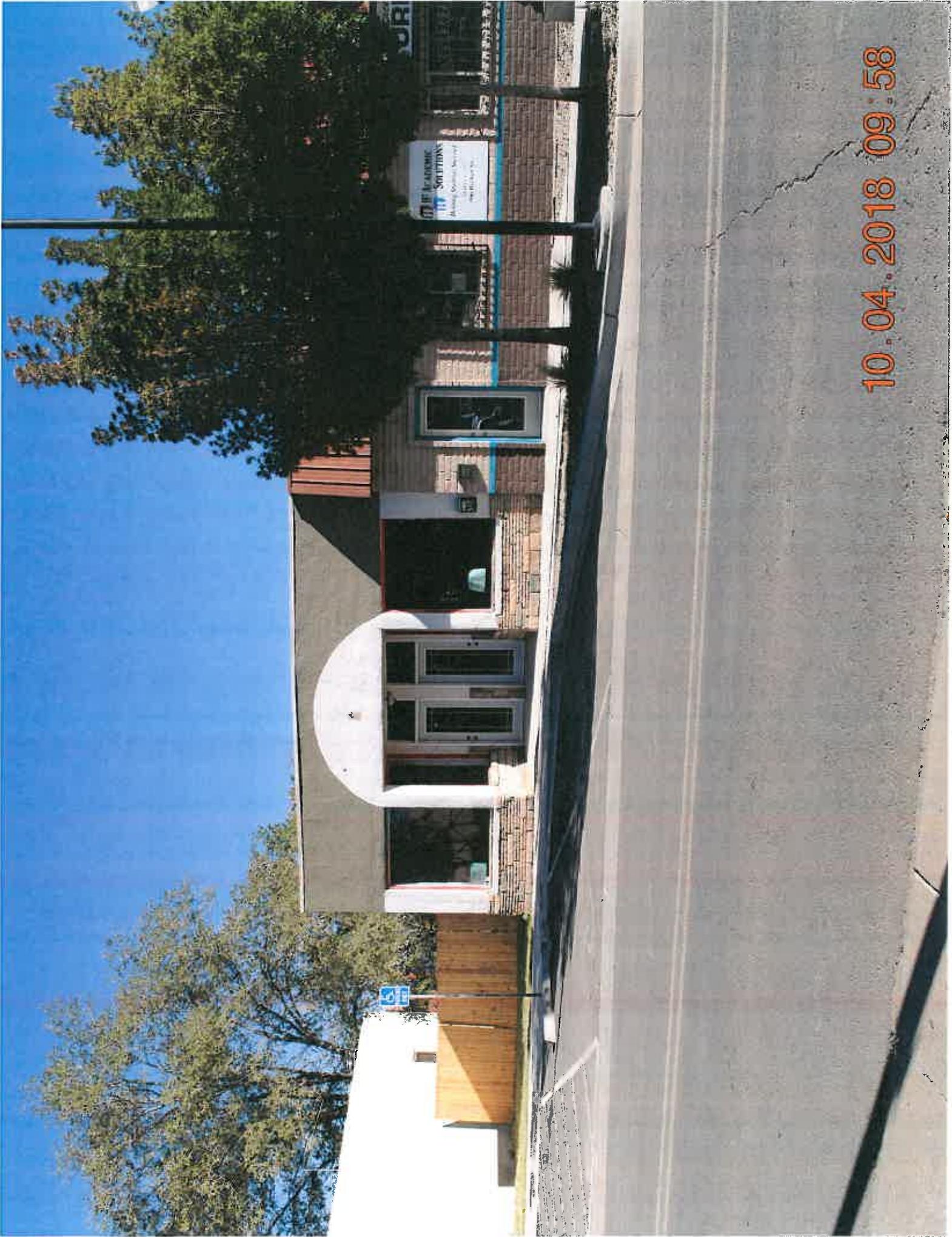
All accessory uses in this zone shall be the same as those listed in the R-2 zone district.

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

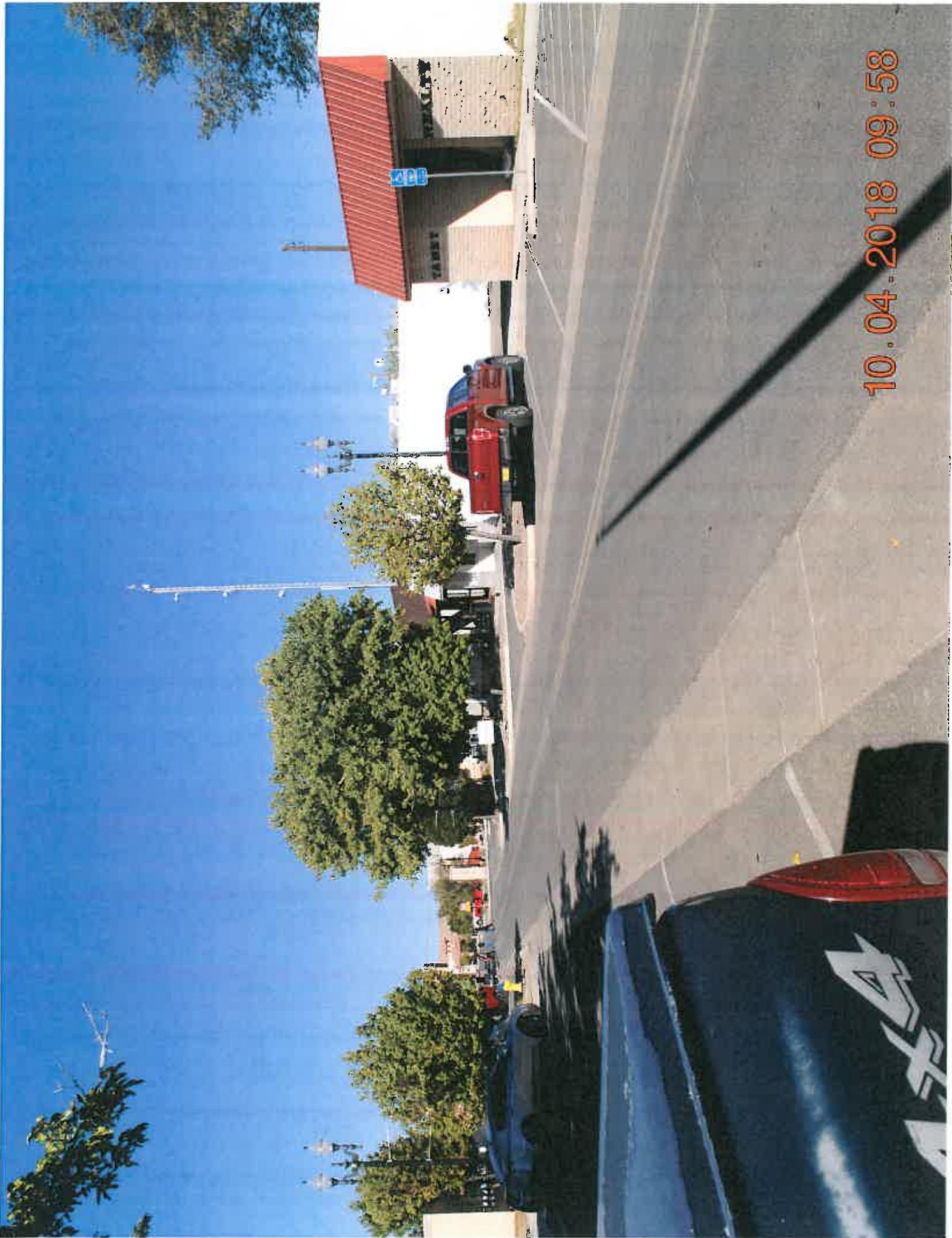
17.28.030 - Supplementary regulations.

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.

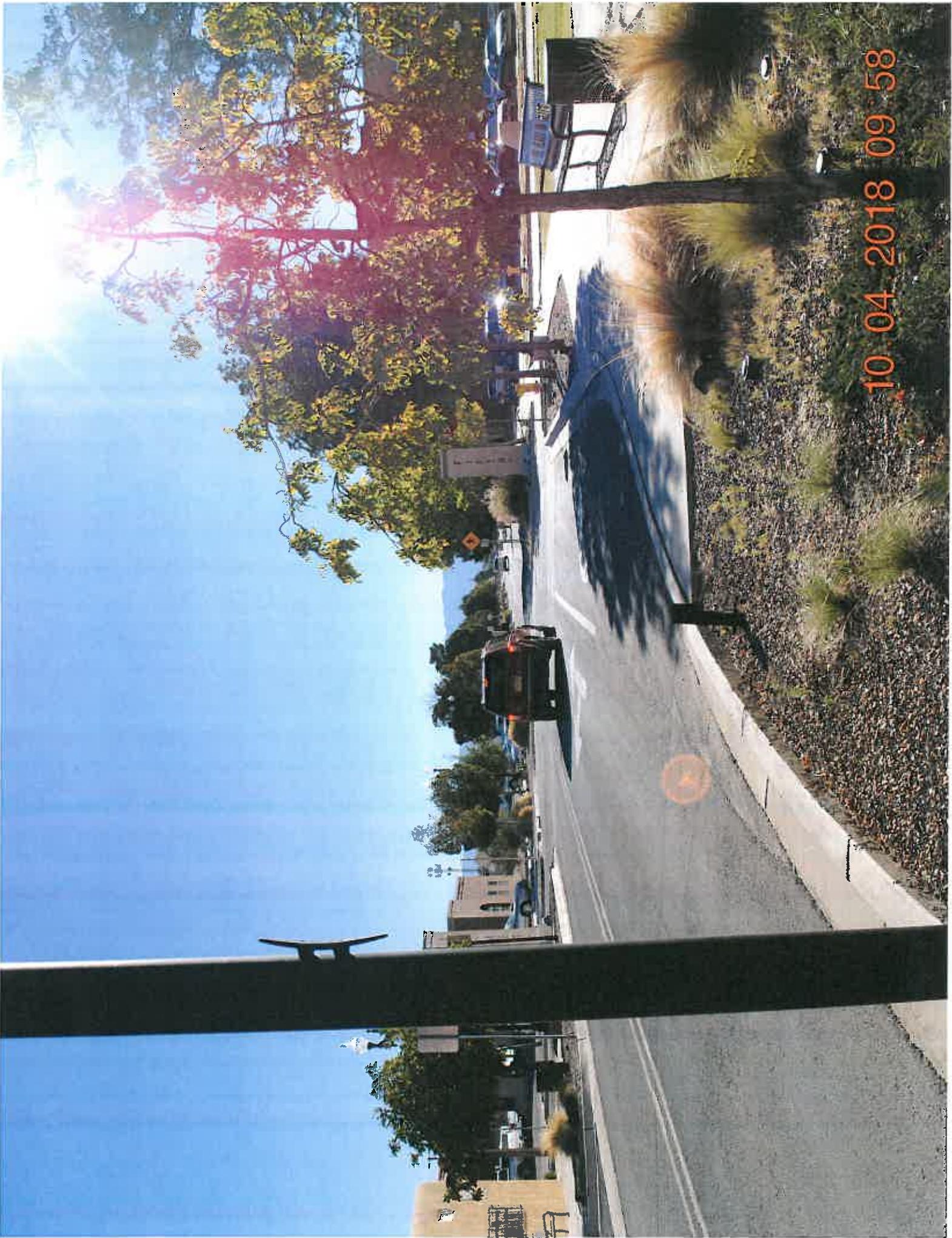
(Ord. No. 2015-14, 11-16-2015)



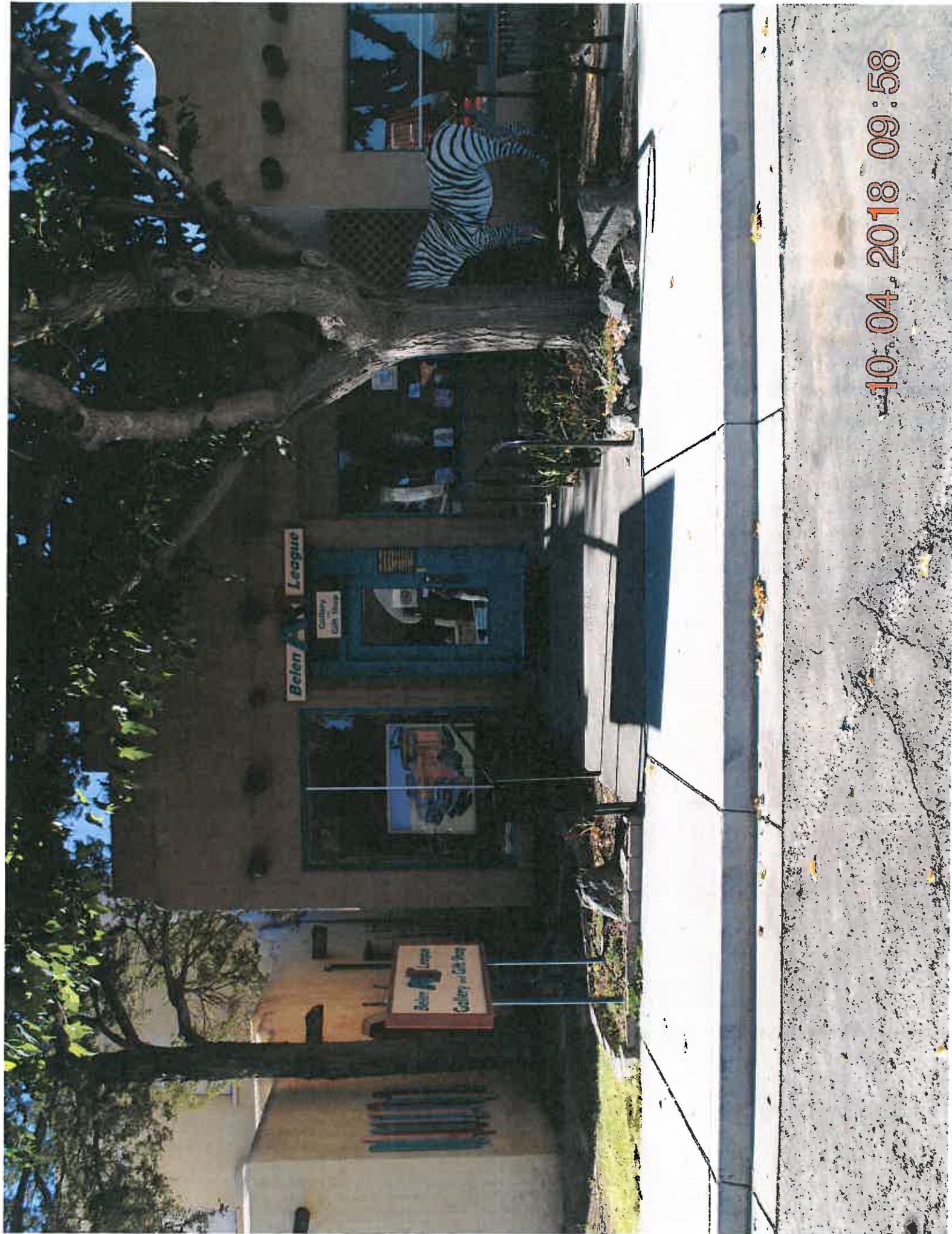
10.04.2018 09:58



10.04.2018 09:58



10 04 2018 09 58



10-04-2018 09:58

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

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to hear a **REQUEST TO EXTEND THE CONDITIONAL USE** for the purpose of temporarily parking an RV and using this RV as living quarters at 904 Didier Ave., Belen NM 87002: **Dolores Quintana.**

**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Map 100, Didier Addition, Lots 1-6, Block 3, containing .39 ac.

You are further notified that this public hearing will be held on **Monday, October 8, 2018 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 20, 2018**

S TENTH ST

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DIDIER AVE

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S NINTH ST

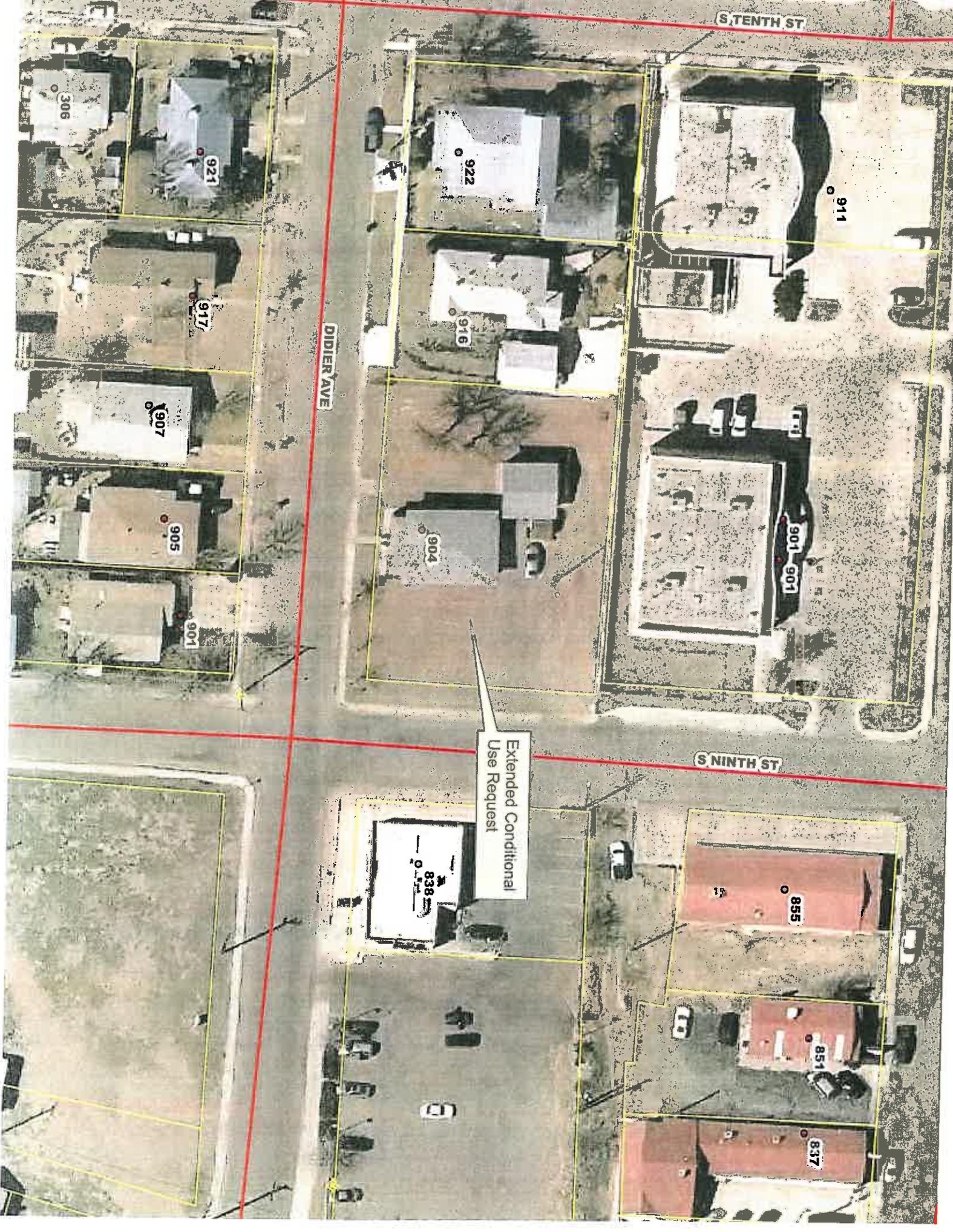
855

851

837

Extended Conditional Use Request

838





## CITY OF BELEN PLANNING & ZONING LAND USE APPLICATION

Please check appropriate box.

**Please Print in Ink Only or Type**

ADMINISTRATIVE PERMIT	SUBDIVISION	ZONING
<input type="checkbox"/> Home Occupation	<input type="checkbox"/> Summary Plat-Replat	<input type="checkbox"/> Annexation
<input type="checkbox"/> Manufactured Home-MHP	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Appeal
<input type="checkbox"/> Manufactured Home	<input type="checkbox"/> Final Plat	<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Sign Permit	<input type="checkbox"/> Vacation of Plat	<input type="checkbox"/> Variance
<input checked="" type="checkbox"/> Other	<input type="checkbox"/> Street Name	<input type="checkbox"/> Site Plan
CONDITIONAL USE EXTENSION		<input type="checkbox"/> Zone Map Amendment
		<input type="checkbox"/> Zoning Certification
		<input type="checkbox"/> Wireless Telecommunications Facility

**Application must be complete. Please attach the appropriate checklist & Materials for the action you are requesting.**

### APPLICANT/AGENT INFORMATION

Applicant Name: Dolores Lola Quintana		Phone:
Address: 904 Didi- Ave		Email:
City: Belen New Mexico	State: NM	Zip Code: 87002
Deed of Ownership Verification Provided:		Letter of Authorization Provided:

### DESCRIPTION OF REQUEST: Please add additional sheet(s) if necessary.

Requesting additional use of an existing conditional use permit. Have not been able to find a place for the trailer in Belen.

### SITE INFORMATION: Please provide accurate legal description

Subdivision/Unit:	Block(s):	Lot(s):
Existing Zoning: R-1	Proposed Zoning:	No. of existing lots:
No. of proposed Lots:	Total area of site:	Length & width of lot(s):

### ACKNOWLEDGEMENT

I hereby acknowledge that I have read this entire application and affirm that all information provided is correct. I agree to comply with the requirements of the City of Belen as outlined in all applicable laws, ordinances and regulations.

Print name: Dolores Lola Quintana	Applicant:	Agent:
Signature: Dolores Lola Quintana		Date: Sept 14 2018

### FOR OFFICIAL USE ONLY

PROJECT #	FEE(S)	RECEIPT #



**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  
**RONNIE TORRES**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

June 19, 2018

**CONDITIONAL USE REQUEST**

**Location: 904 Didier Ave., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential

**Lot Size:** .39 acres (16,988 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1	Magistrate Court
East	C-1	Beauty Salon
South	R-1	Single Family Residential
West	R-1	Single Family Residential

\*See attached zone map.

**REQUEST**

The applicant is requesting an extension to the Conditional Use to temporarily park an RV to be used as living quarters at the above referenced location.

Conditional Use Requirements:

1. Type of Conditional Use requested and why
2. Affidavit of ownership
3. Location of Conditional Use request.
4. A map showing the location of structures, on-site parking and point of access to public streets

**STAFF FINDINGS**

1. The surrounding area consists of single-family residential lots on the West, South, and North. The property on the East side is Commercial.

2. Located on the East Side is a Beauty Salon. On the North side is the Magistrate Court. All other surrounding acres consists of single-family residential homes.
3. This lot is on the corner of Didier Ave and S 9<sup>th</sup> St. It also has two off-road accesses, one on Didier Ave. and one on S 9<sup>th</sup> St. There is plenty of parking for the home and the RV.
4. The RV is located on the East side up close to the home and does not affect any clear site issues.
5. July 18<sup>th</sup> 2018 the Conditional Use Agreement was signed and notarized by both Dolores Quintana and Steven Tomita. Both understood the conditions of this agreement. (A copy of this agreement is attached. Please read this document.)
6. On September 11, 2018 and October 3, 2018 a site visit was conducted and the RV is still connected to public utilities. They were to be disconnected as per signed agreement. (See attached photos.)
7. There have been no monthly update and progress reports submitted to the Planning & Zoning Department as per signed agreement.
8. A copy of the original request packet and the current request form is attached.

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



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

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

September 12, 2018

Dolores Lola Quintana  
904 Didier Ave  
Belen NM 87002

## NOTICE AND ORDER TO CEASE AND DESIST

RE: Legal Description: Township 5 North, Range 1 East, Section 13, Map 100, Didier Addition, Lots 1-6, Block 3, containing .39 acres, aka 904 Didier Ave., Belen NM 87002.

Dear Ms. Quintana:

On Monday, July 9, 2018, the Belen Planning \* Zoning Commission approved your request for a Condition Use Permit with the following conditions:

### CONDITIONS OF APPROVAL

2. The Condition Use Permit is for 90 days.
3. The RV shall be kept in a clean and sanitary condition.
4. The RV shall not be connected to City sewer & water facilities
5. A monthly update & progress report on seeking an approved RV facility site shall be submitted to the Planning & Zoning Department.

The Owner thereby agreed with the City of Belen to comply with all Terms and Conditions set forth and acknowledges that breach of any or all of the named Conditions is grounds for Termination of the Conditional Use Permit.

Conditions number 4 and number 5 have not been met. Please meet these two conditions by Monday September 17, 2018 or the Conditional Use Permit will be deemed null and void.

A handwritten signature in purple ink that reads "Lisa R Miller".  
Lisa R Miller

Planning & Zoning Administrator

Cc: File



09 11 2018 16 03



10:04 2018 10:40

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



**CITY OF BELEN**  
100 SOUTH MAIN STREET  
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**WAYNE GALLEGOS**  
CITY COUNCILOR  
**DAVID CARTER**  
CITY COUNCILOR  
**RONNIE TORRES**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

### **CONDITIONAL USE AGREEMENT**

This matter appeared before the City of Belen Planning & Zoning Commission on July 9, 2018 for a public hearing pursuant to Section 17.60.020 of the City Municipal Codes. The hearing was conducted as a quasi-judicial hearing with the purpose of considering a request to grant a conditional use to allow an RV to be used as temporary living quarters at 904 Didier Ave. Legal Description: Township 5 North, Range 1 East, Section 13, Map 100 of the New Mexico Principal Meridian in Valencia County, New Mexico, Lots 1-6, Block 3, Didier Addition, containing .39 ac.

### **CONDITIONS OF APPROVAL**

1. Ms. Dolores Lyla Quintana- hereafter referenced as "owners" shall complete and return signed Conditional Use Agreement within 60 days.
2. Failure to complete the Conditional Use Agreement within those 60 days will void the approval of said Conditional Use.
3. This Conditional Use is for a time period of 90 days from date of approval.
4. Said RV shall be kept in a clean and sanitary condition.
5. Said RV shall not be connected to City sewer & water facilities.
6. A monthly update & progress report on seeking an approved RV Facility site shall be submitted to the Planning & Zoning Department.
7. If an extension is needed after the 90 days, the owner shall appear before the Planning & Zoning Commission for approval. Written documentation of attempts to find an approved RV Facility shall be submitted for review.
8. By accepting approval of this Conditional Use, the owners/applicant agrees to comply with the conditions set.
9. The Mayor, Mayor pro-tem or the City Manager are authorized to sign this Conditional Use Agreement as accepted by the City of Belen Planning & Zoning Commission as a whole.
10. This Agreement shall be binding upon all entities and employees of the City including the City Planning & Zoning Commission.



**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: Dolores Lola Quintana Phone: \_\_\_\_\_  
Address: 904 Didier Ave Belen, New Mexico 87002  
Authorized Agents Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

---

Address of Property: 904 Didier Ave Belen, New Mexico 87002  
Block and Lot: 1-6 BK 3 Addition: Didier Addition  
Tract Number: \_\_\_\_\_ Map: 100  
Total acreage in Tract: \_\_\_\_\_  
Number of Dwellings: 1 home, 1 garage, 1 shed Density/Acre: .39 ac  
Zoning of Property: R-1 Present Use: Residence

**APPLICATION REQUIREMENTS**

The following material must be provided by applicant.

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

The Applicant must also do the following:

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

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

---

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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

Planning and Zoning Commission Meeting Date: 6-25-18 Approved/Disapproved: \_\_\_\_\_  
FEE PAID: 150 RECEIPT NO.: 9.003398 DATE: 6-4-18

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



**CITY OF BELEN**  
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**WAYNE GALLEGOS**  
CITY COUNCILOR  
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CITY COUNCILOR  
**RONNIE TORRES**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

July 3, 2018

**Residents Surrounding**  
904 Didier Ave  
Belen NM 87002

**RE: Public Hearing-904 Didier Ave**

**Dear Resident:**

Due to an error in the published Agenda of June 25, 2018 the above referenced public hearing was changed to July 9, 2018 at 6:00 pm. The hearing will take place in the City Council chambers at 100 S Main St, Belen NM 87002.

Any and all correspondence received concerning this request is still valid.

I apologize for this error and any inconveniences it may have caused.

Sincerely,

Lisa R Miller  
City of Belen  
Planning & Zoning Administrator

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 the purpose of temporarily parking an RV and use this RV as a living quarters at 904 Didier Ave., Belen NM 87002: **Dolores Quintana.**

**LEGAL DESCRIPTION:** Township 5 North, Range 1 East, Section 13, Map 100, Didier Addition, Lots 1-6, Block 3, containing .39 ac.

You are further notified that this public hearing will be held on **Monday, July 9, 2018 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

S TENTH ST

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DIDIER AVE

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S NINTH ST

855

Extended Conditional Use Request

838

851

837



OWNERS AFFIDAVIT

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

We,  
I Dolores Quintana  
(Please PRINT name in full)

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

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal)  
Conditional Use through the City of Belen. Furthermore, (I) (we) hereby appoint  
N/A of N/A as our agent to act in our

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

Dolores Lake Quintana  
Signed

904 Didier Ave  
Address

Belen, New Mexico 87002

505 - 274 - 5891  
Phone

Subscribed and sworn to before me this 30 day of May, 2018.

Lisa R Miller  
Notary

My Commission Expires:  
9-18-21



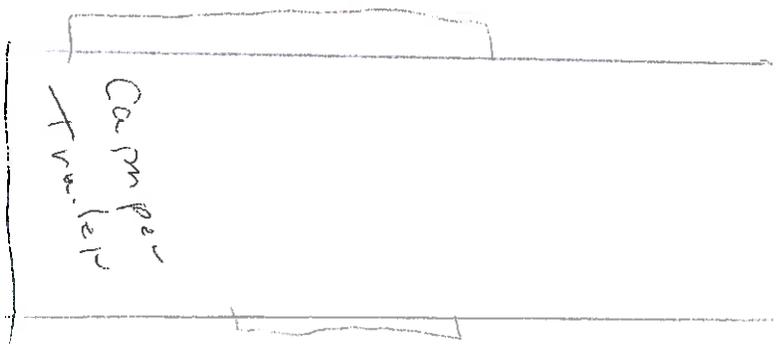
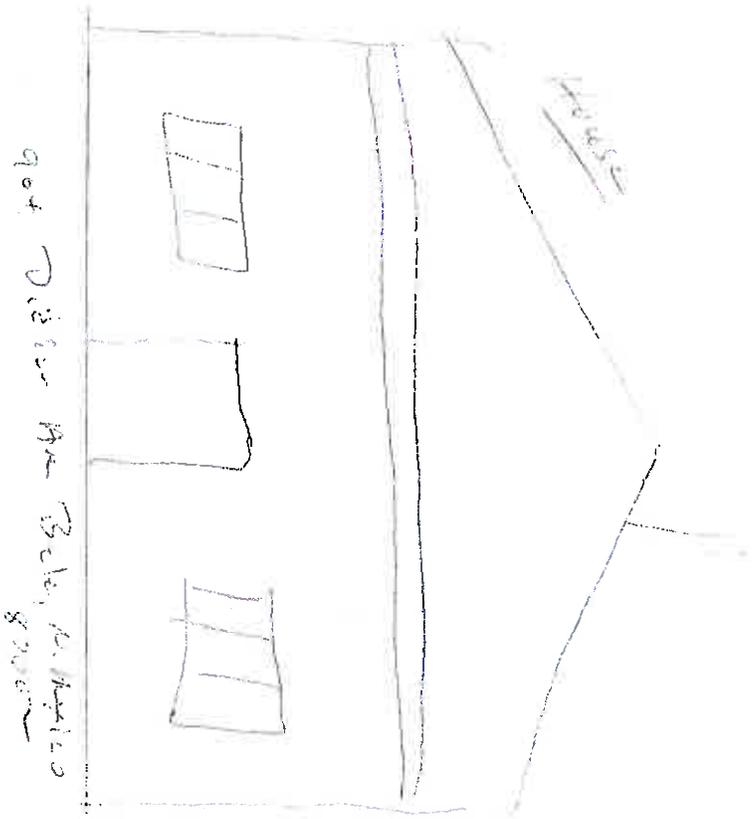
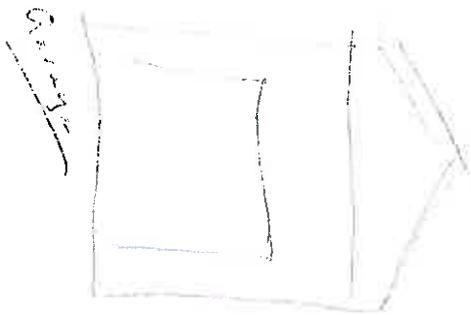
May 30, 2018

Temporary housing for granddaughter, her  
baby and husband.

There are no Campsites Available  
for us here in Bala. All of them are  
full.

We will have to wait awhile before  
any openings occur.

Dolores Lolo Pundam



Side walk

Street Dover



917

916

DIDIER AVE

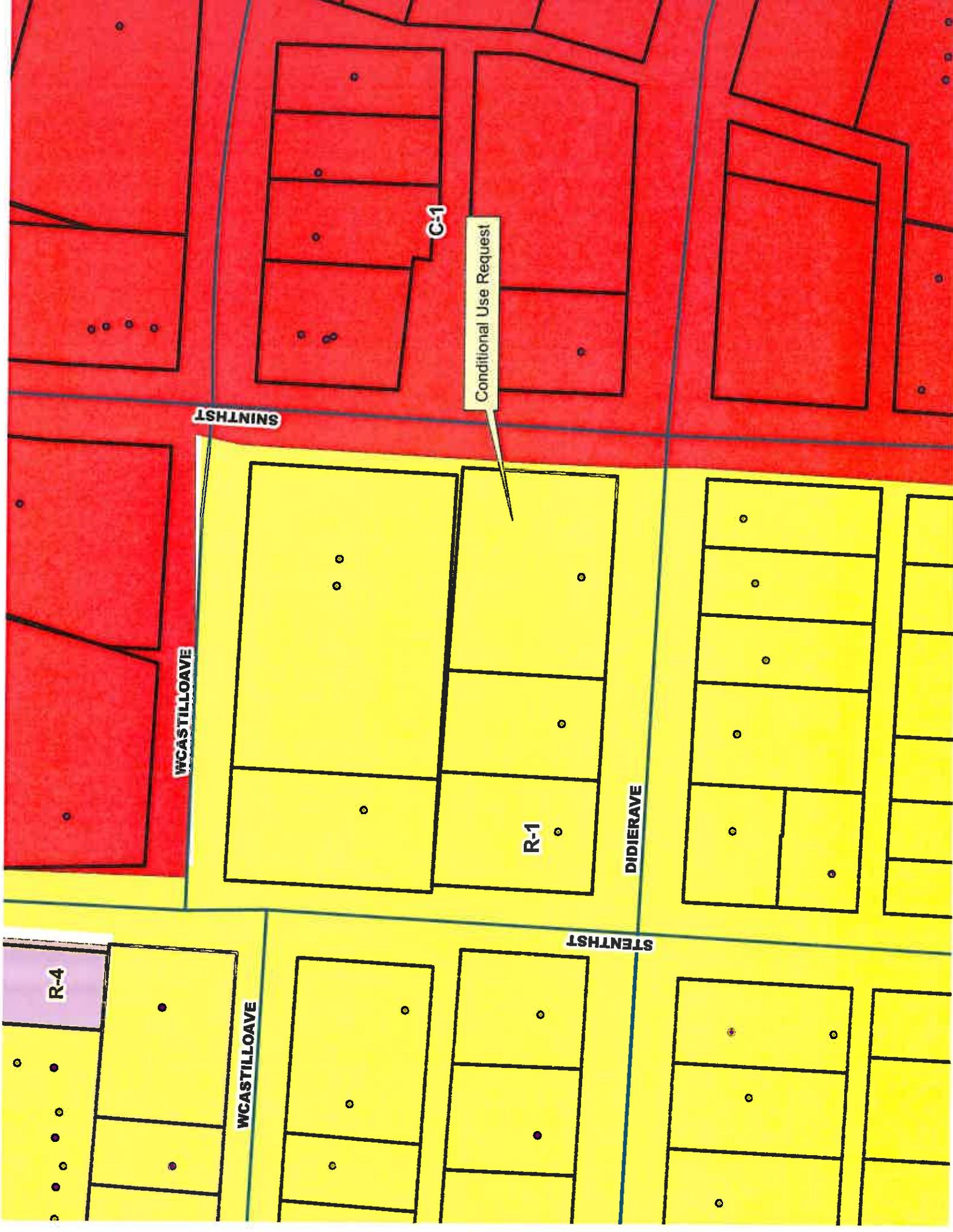
904

RV\*

S NINTH ST

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Conditional Use Request

C-1

SNINTHST

WCASTILLOAVE

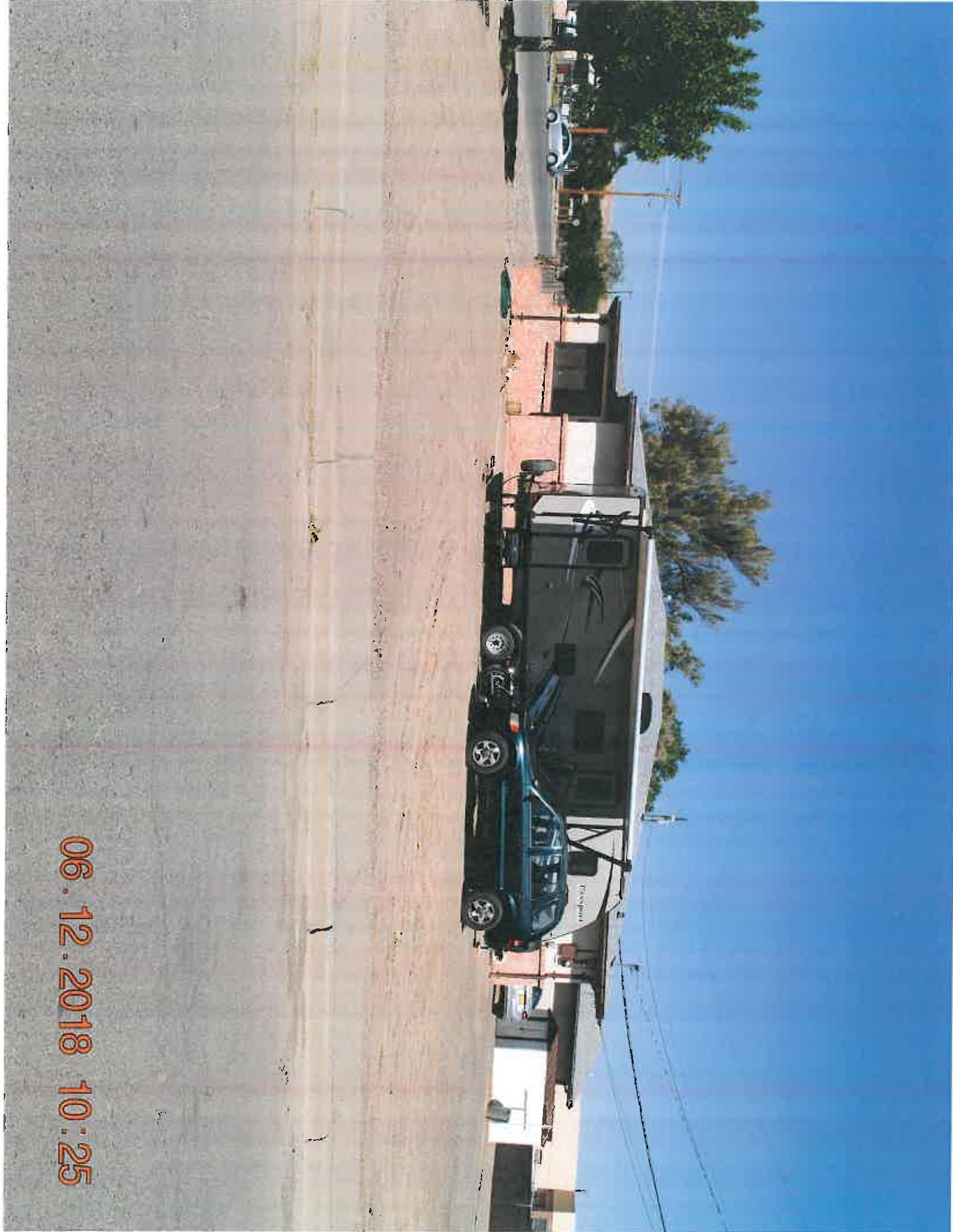
R-1

DIDIERAVE

STENTHST

WCASTILLOAVE

R-4



06.12.2018 10:25



**CODE ENFORCEMENT**  
607 BECKER AVENUE  
BELEN, NEW MEXICO 87002  
(505) 966-2689 • FAX (505) 966-2689  
[www.belen-nm.gov](http://www.belen-nm.gov)

**NOTICE OF MUNICIPAL CODE VIOLATION**

**“OFFICIAL NOTICE”**

**May 25, 2018**

**Lola Quintana  
904 Didier Ave  
BELEN, NM 87002**

**RE: Property located at 904 Didier Ave. Belen, NM 87002**

**Legal Description: Subd: DIDIER ADDITION Lot: 1 THRU 6 Block: 3 0.39 ACRE MAP 100**

**Dear Property Owner,**

This letter is to inform you that the travel trailer you have parked on the side of your home at 904 Didier Ave is in violation of city of Belen ordinances. Please see ordinance violations listed below.

The Code Enforcement Department performs regular inspections of your community. On behalf of the City of Belen, I would like to make you aware of the violation referenced below that was noticed in my last inspection.

While it is neither the intention nor the desire of the City to cause residents expense or inconvenience, it is the responsibility of the Code Enforcement Department to enforce the City of Belen Municipal Code for the benefit of all property owners and residents. Therefore, I am asking your cooperation in correcting the violation **ON OR BEFORE June 4, 2018.**

Should you have any questions regarding this matter, please contact Dwayne Pena at 505-966-2689. You can find a copy of the City of Belen Municipal Code at:  
[https://www.municode.com/library/nm/belen/codes/code\\_of\\_ordinances](https://www.municode.com/library/nm/belen/codes/code_of_ordinances)

If this violation has already been corrected, please accept our thanks and disregard this notice.

**City Of Belen Municipal Code 15.10. Section 17.16.020 - Accessory Uses.**

- B. Storage of a boat, camper, trailer, or other recreational vehicle as long as such boat, camper, trailer, or vehicle is not used as a dwelling or additional living quarters and is not connected to utilities. The boat, camper, trailer or vehicle must be stored in a rear or side yard.

**CORRECTIVE ACTION REQUIRED/PLEASE DO THE FOLOWING:**

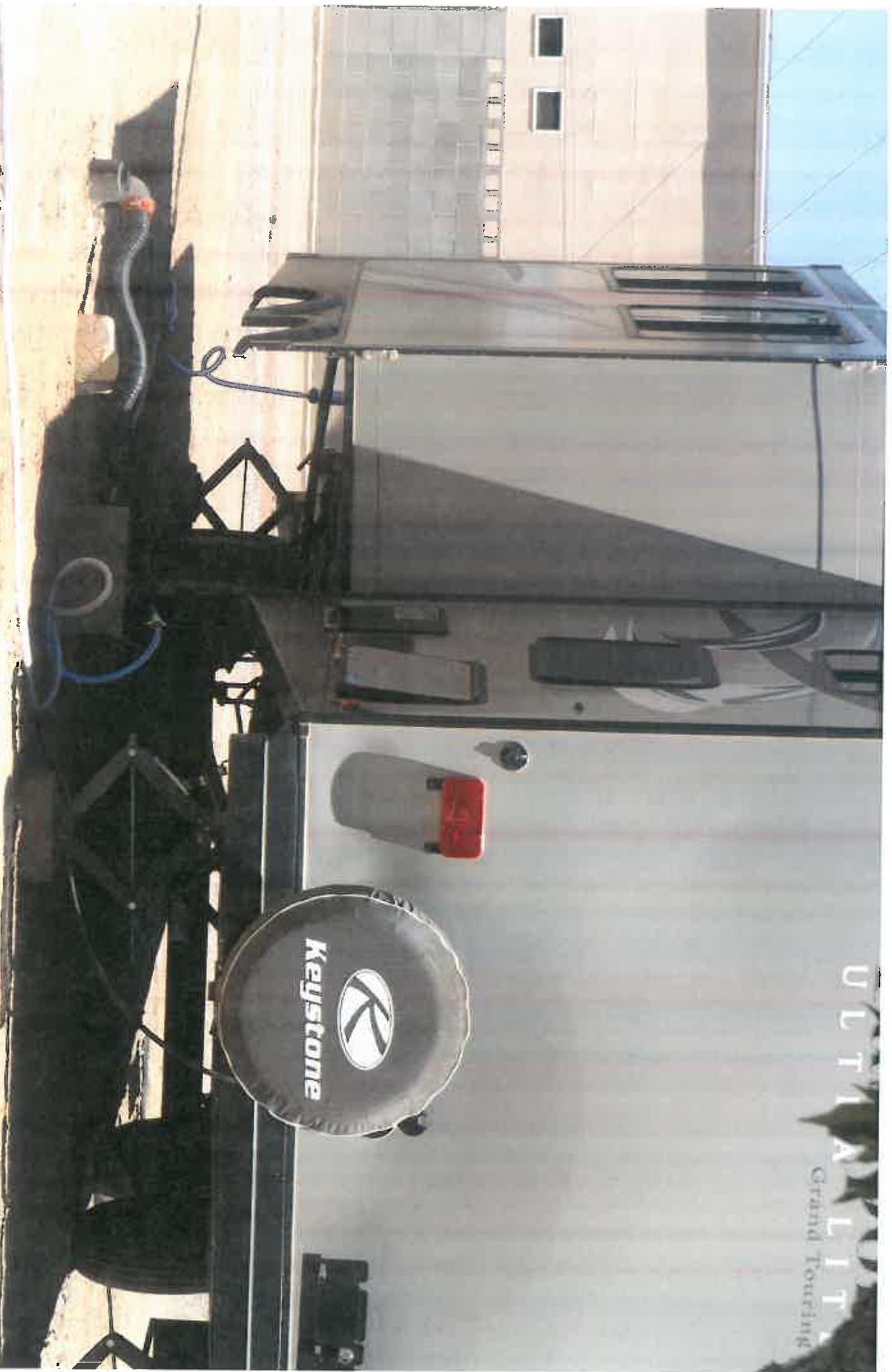
- **TRAVEL TRAILER PARKED ON SIDE OF HOME NEEDS TO HAVE ALL ELECTRICAL, WATER AND SOUR DISCONNECTED FROM IT.**
- **NOONE SHOULD BE LIVING IN TRAVEL TRAILER.**
- **SHOULD YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE CONTACT THIS OFFICE.**

*106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.*

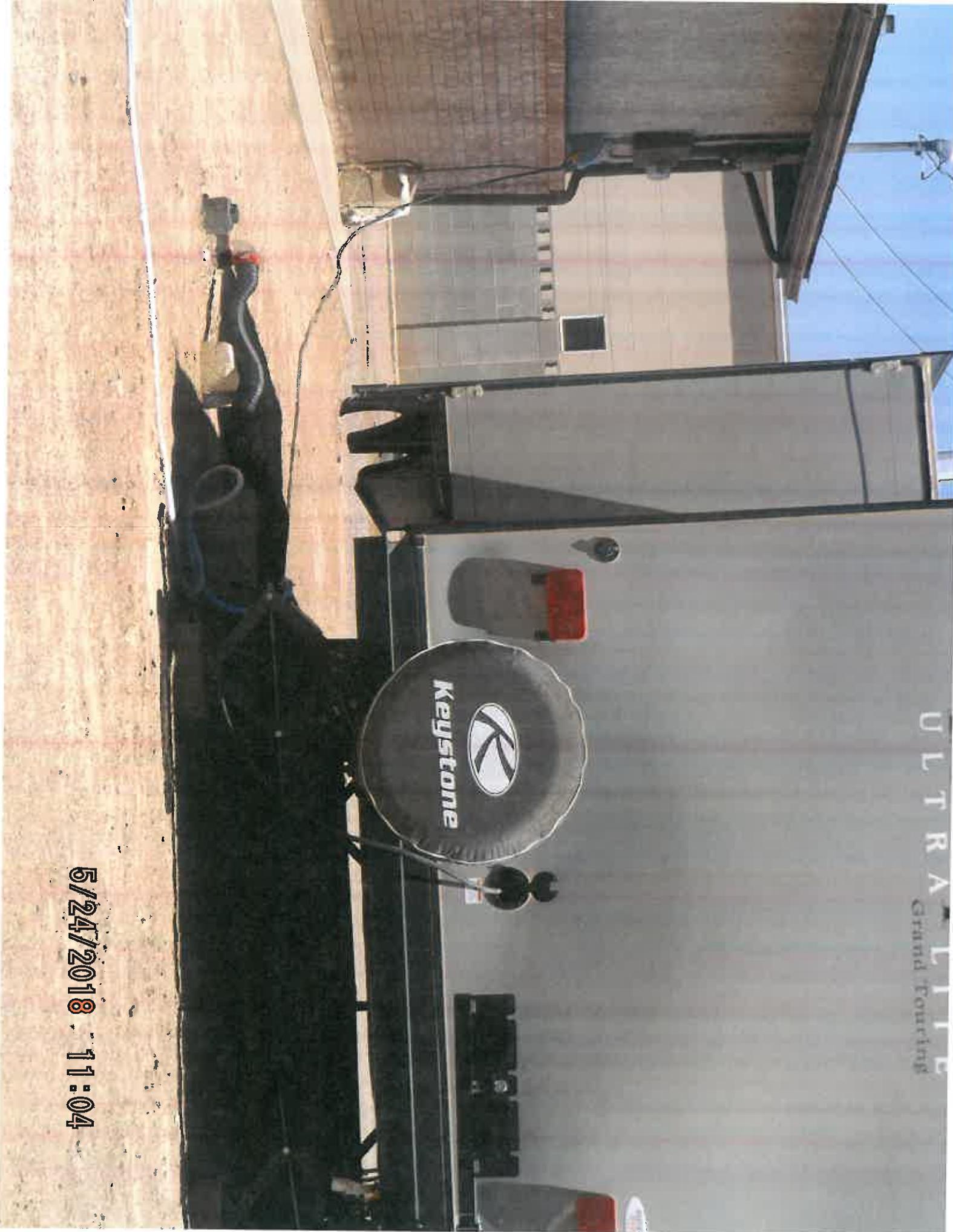
Thank you for helping to keep our city safe and beautiful,

**Questions about this notice can be directed to:**

Dwayne Pena – Code Enforcement Officer – [dwayne.pena@belen-nm.gov](mailto:dwayne.pena@belen-nm.gov) - 505-966-2689



5/24/2018 11:04



5/24/2018 11:04

904

5/24/2018

11:05

REALTY  
XFINITY  
HOME



June 21, 2018

City of Belen

100 S. Main Street

Belen, NM 87002

**RE: Public hearing for conditional use at 904 Didier Avenue**

**ATTN: Planning and Zoning Commission:**

**We are neighbors to the west of 904 Didier. We have some comments regarding placing an RV on said property for residential use.**

- **Based on zoning ordinance, if the city should give permission for the RV, it is important to enforce the conditional use and temporary parking as stipulated in the ordinance.**
- **Will this RV create an inconsistency within the neighborhood? It is visually apparent from Main Street and may open up a precedent to other RV parking in other vacant lots, etc.**

**The Quintana's have always been good neighbors to us and to the city as well. We understand this is their property, however please give this careful thought as it may not be a positive for the city of Belen.**

**Thank you for your consideration.**

**Sincerely,**

**Ruben and Patricia S. Armendariz**

**916 Didier Avenue**

**Belen, NM 87002**



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

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**RONNIE TORRES**  
CITY COUNCILOR  
**FRANK ORTEGA**  
CITY COUNCILOR

**CASE REPORT**

June 19, 2018

**CONDITIONAL USE REQUEST**

**Location: 904 Didier Ave., Belen NM 87002**

**SITE DATA**

**Existing Use:** Residential

**Lot Size:** .39 acres (16,988 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	R-1	Magistrate Court
East	C-1	Beauty Salon
South	R-1	Single Family Residential
West	R-1	Single Family Residential

\*See attached zone map.

**REQUEST**

The applicant is requesting a Conditional Use to temporarily park an RV to be used as living quarters at the above referenced location.

Conditional Use Requirements:

1. Type of Conditional Use requested and why
2. Affidavit of ownership
3. Location of Conditional Use request.
4. A map showing the location of structures, on-site parking and point of access to public streets

**STAFF FINDINGS**

1. The surrounding area consists of single-family residential lots on the West, South, and North sides. The property on the East side is Commercial.

2. Located on the East side is a Beauty Salon. On the North Side is the Magistrate Court. All other surrounding area consists of single-family residential homes.
3. This lot is on the corner of Didier and S Ninth St. It also has two off-road accesses, one on Didier and one on S Ninth St. There is plenty of parking for the home and the RV
4. The RV is located on the East side up close to the home and does not affect any clear site issues.
5. It is a temporary request until they can find a local RV park space to rent.