

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 13TH OF FEBRUARY 2017 AT 6:30 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 CAN 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 January 30, 2017
- 6. DISCUSSION**
Airport Overlay Zone
Fence Ordinance
- 7. OPEN COMMENTS/REQUESTS**
- 8. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/S/
Lisa R Miller
Planning & Zoning Administrator

cc: Mayor & City Council
Belen Public Library
Belen Recreation Center

Belen Chamber of Commerce
News Bulletin
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



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

CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
JANUARY 30, 2017

Chairman Steve Etheridge called the regular meeting of the Belen Planning and Zoning Commission meeting to order at 6:30 p.m.

PRESENT: Vice Chair Pete Armstrong
Commissioner Debbie Thompson
Commissioner Claudine Montano
Commissioner Gordon Reeves

ABSENT: Chairman Steve Etheridge

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

PLEDGE OF ALLEGENCE

Vice Chair Pete Armstrong

APPROVAL OF AGENDA:

Commissioner Claudine Montano moved to approve the Agenda.

Commissioner Debbie Thompson seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Corrections were given and the minutes were changed to reflect this.

Vice Chair Pete Armstrong asked Steven Tomita is he had contacted MRCOG or the FAA yet.

Steve Tomita said that he has spoken to MRCOG, and has not followed up with the FAA. When he spoke with Sandy Gaiser of MRCOG, he asked her to attend the next meeting and she said she would. She will discuss the airport and the overlay Master Plan. She did recommend that we move forward with this plan and not wait until the Comprehensive Plan is complete. She has done these types of plans and he feels that she can really help the Commission with theirs. Steven said that he would look to see if he can find some funds somewhere so that she can help us write that plan.

Commissioner Debbie Thompson moved to approve the minutes as corrected.

Commissioner Claudine Montano seconded the motion.

Motion carried.

PUBLIC HEARING WITH POSSIBLE ACTION:

A: REQUEST FOR A VARIANCE ON FENCE HEIGHT RESTRICTIONS: ED AUGE.

Legal Description: Township 5 North, Range 2 East, Section 17, Map 99, Tract 69A1A2A, containing 4.48 acres. Location just west of the existing Auge's Sales & Service car lot.

Vice Chair Pete Armstrong wanted to know if outriggers or toppers figure into the total height of the fence or is it just the fabric of the fence.

Steven Tomita said that it was the total fence.

Lisa Miller informed the Commission that Mr. Auge came by the office to make sure that he could extend his fence that is around his car lot. He wanted to take it farther west than its present location and he wanted it to be six feet tall.

Vice Chair Pete Armstrong said that in his request he also said that he was going to be putting a topper on that fence.

Mr. Auge said the total fence would be around seven ½ feet tall.

Vice Chair Pete Armstrong said that it is over six feet and that is why Mr. Auge is asking for a variance.

Lisa Miller said that it is over four feet high. The current fence height is four feet chain link in front.

Vice Chair Pete Armstrong said that the way he understands it is that the Ordinance for commercial states that six feet is acceptable on all sides of a commercial zoned area.

Lisa Miller said that is what they are working on now. It is not the one in effect.

Commissioner Debbie Thompson said that the one in their packet is the one that they are working on and not the one that is currently on the books.

Mr. Auge explained that he would only be using the 60 x 120 foot area specified in his request packet and not the full 4.48 acres. He would like to expand his car lot. The best advertising is where people can see the cars and having the cars lined up along River Road gives them more visibility of the vehicles available.

Commissioner Gordon Reeves asked if the existing fence on the west side would be removed and if he would be using the existing gate on the east as accessibility to the lot.

Mr. Auge said yes, they were going to remove the west side fence when they expanded it and use the existing gate as the access point. There would be no gates along River Road.

Commissioner Gordon Reeves asked if they were going to be putting in more lighting.

Mr. Auge said that they were still working on that. There is an existing pole and they are looking into upgrading that. The lighting along River Rd is adequate for the front area. They keep it pretty lit up.

Commissioner Claudine Montano moved that they grant the variance in height restrictions on the 60x 120 foot area specified in the applicants packet.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Claudine Montano	Yes
Commissioner Gordon Reeves	Yes
Commissioner Debbie Thompson	Yes
Vice Chair Pete Armstrong	Yes

B. REQUEST FOR A WIRELESS TELECOMMUNICATIONS FACILITIES PERMIT: BROADBAND NETWORK OF NEW MEXICO LLC. KEVIN WINNER AGENT. Legal Description: Township 5 North, Range 2 East, Section 18, Map 100, located within the City Right of Way on the south side of the intersection at Baca Ave and Sixth St.

Steven Tomita informed the Commission that in reviewing the packet and Lisa going over the Ordinance, it was obvious that there were several items in the Ordinance that the applicant did not address. Lisa will present this to you. The other thing is that the applicant wishes to go over the 75 feet restriction that is in the present Ordinance which would require a variance; however in the Ordinance it does say that it could be discussed at the P & Z Commission meeting and be addressed at that time., or it can be decided by the Commission that the applicant also needs to fill out the forms for a variance request. After Lisa addresses the Commission he will leave it up to the Commission to address the Variance during this process of have the applicant file for a variance on a separate application.

Lisa Miller informed the Commission that she had email a copy of the application along with a copy of the Ordinance to the applicant. They did not provide a site plan for the ¼ mile radius of the proposed site showing major roads and other features, a vicinity map showing property line of the location site and surrounding properties adjacent to proposed site, an on- site and vicinity zoning map, Documentation regarding collocation, property lines showing distances with topography sufficient to characterize site drainage, a notarized statement from the applicant describing the facility's capacity and declares the number and types of antennas that it can accommodate, an engineer's stamp and registration number, a five-year plan stating their intentions and not subject to change, and a letter of intent committing the owner to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions of shared use. The Ordinance also says , under collocation, that no existing tower, structure of public utility structure can be used in lieu of new construction to accommodate the applicants proposed site and evidence shall be submitted which demonstrates that no existing tower structure, or public utility structure within one-quarter-mile radius can reasonable accommodate the applicants tower.

Vice Chair Pete Armstrong said that he did not see any documentation that shows what service area the tower would serve. He thought that given the location in the valley, which would be important information to disclose.

Steven Tomita said that another question that needs to be addressed is the fall down zone, which is one foot for every foot of the tower height.

Kevin Winner, representing Broadband of New Mexico, informed the Commission that he is the permit manager. He oversees the whole state of New Mexico and 51 jurisdictions that he is currently working on the permitting for the pole locations. They are trying to enhance the wireless services for the City of Belen. This site will service the citizens and visitors in the community of Belen. Broadband of New Mexico does not look at these poles as a communications tower they are small cell utility poles located closer to the area they are trying to serve. The pole would be a wood utility pole like the ones that PNM uses. He provided a picture of an existing pole that they have. These utility poles are typically located in the write-of-way and they do have power to the pole and has small radio equipment located at the top with a small antenna to broadcast and transmit signals. They did provide just a general location map of the proposed site. This is the only proposed site within the City at this time. They looked at collocations at other facilities. They don't typically put them on private land and that is why there is not a setback per say. It is just like any other utility pole. It usually installed the same as with any other utility pole and it is not climbable. The work is usually done with a bucket truck. They do design them for future collocations so that if any other company wanted to put up a cable or wimax or wifi, etc. The service area is the middle school and the downtown area. It is not a breakaway pole, it's just the sale as any typical utility pole.

Steven Tomita said that the way the applicant has described this, would they be better off defining this as a utility pole and not a wireless pole. A typical wireless pole has guide wires, a heavier structure and this is more in the way of what you see PNM use which range between 50 and 75 feet. He asked how the Commission wanted to define this being it is more utility pole than a tower.

Commissioner Claudine Montano said that the plans say it is a utility pole.

Steven Tomita said yes but it involves communications, which it kind of falls into that category of a wireless tower but they can go either way as to how they want to define this.

Commissioner Debbie Thompson asked if it could be leased out to other entities for their use.

Kevin Winner said yes.

Commissioner Debbie Thompson asked what the other equipment would look like and would it be similar to what is on a telecommunication tower.

Kevin Winner said that it will not handle any typical panels.. Those you would find on a tower and are called macro sites. There are some in the area along the freeways, down by the railroad yard and others and they are used to broadcast bigger distances. The signals are rebroadcast from small cell poles to the macro towers and back again. The larger towers cause a greater wind load but the pole we are proposing is not built for that type or array. The bigger array would impact the integrity of the pole and that is not what it is designed for.

Steven Tomita said that you could limit this permit to the type of antenna that is being proposed.

Commissioner Claudine Montano asked why they chose Baca Ave and Sixth St for their location.

Kevin Winner said they are based on propagation studies and this location was identified in those studies.

Vice Chair Pete Armstrong asked if 75 feet was the maximum, according to our Ordinance, without a variance, and your pole is going 82'1"...

Kevin Winner said the top of the pole is 79' and the antenna is approximately 3'1" attached to the top of it so the overall height will be 82'1".

Vice Chair Pete Armstrong said that the 82'1" is what they need to be looking at and asked if it was conceivable or plausible that the pole could be shortened by a few feet.

Kevin Winner said that they would prefer the variance on the height and that height would allow for additional equipment in the future and if you lowered the pole height you would not be able to add additional antenna to the pole. It would not be co-locatable if you shortened it.

Commissioner Gordon Reeves asked if the pole was structurally engineered for just their antenna or for multiple antennae.

Kevin Winner said that there could be additional antenna located on the pole.

Lisa Miller said that she had a few questions that the P & Z Chairman wanted to ask. He left them with her because he could not attend the meeting. She asked why there was not an engineer's stamp on the design plans.

Kevin Winner said that the drawings is a part of the documentation supplied to the permitting team and once the permits are acquired then they will provide the engineered stamped design for building permits.

Lisa Miller said that the other questions have already been answered except what would protect the pole from a stunt like the one that flew into the railroad yard.

Kevin Winner said it is like any other utility pole. Apparently this is the first utility pole application that you have had for this type of installation and it is because technology is changing and we would like to bring them into Belen.

Vice Chairman Pete Armstrong would like to see a footprint of what area this is going to service and what service it will provide. He asked if any of the property owners surrounding the area have provided any input on this request.

Lisa Miller said that she has heard nothing from any of the surrounding property owners. They had been notified of the request.

Commissioner Gordon Reeves said that he would address this as a utility pole and not a wireless tower because it looks just like a PNM pole. He asked what area this antenna would service.

Kevin Winner said that the range on this is not the whole City. They will still be the use of the areas wireless towers that exist now. This just offers more capacity. You have coverage now but people are now using more data and this will add extra capacity to the downtown and middle school area.

Vice Chair Pete Armstrong asked for any recommendations.

Steve Tomita recommended that since the applicant has answered a majority of the questions and concerns and look at this as more of a utility pole and not a tower. He would suggest an action for approval be based upon the applicant coming back with a request for a variance on the pole height and that some kind of restriction be placed on it as to the type of antenna that can be used on this pole.

Vice Chair Pete Armstrong said that this is just a tentative plan and what he proposes is that the things that they have talked about be included in that final plan and brought back before the Commission for approval.

Commissioner Debbie Thompson moved to have Broadband of New Mexico come back before the Commission for final approval with a letter of intent, a request for a variance on the pole height, restrictions on the type of antenna that can be used, a final plan and a written document showing the service area of the antenna.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

Vote was as follows:

Commissioner Claudine Montano	Yes
Commissioner Gordon Reeves	Yes
Commissioner Debbie Thompson	Yes
Vice Chair Pete Armstrong	Yes

DISCUSSION

Fence Ordinance

Steven Tomita informed the Commission that he would like to take a different approach to this Ordinance. That approach would be to look at what we do not want to see as a fence and not we would like to see. Keep it simple. He would still like to see chain link put back in and to leave the front fence area restricted as it is in this document. If a person needs a front fence they can come before the Commission for a variance. He would also like to see that the double front street corner lots be defined by the address that is assigned to the home and the other street side be considered the side and not another front.

Vice Chair Pete Armstrong said that he is in agreement with this except he feels that it should be stated that any existing fence should be grand fathered in.

Steven Tomita said that it needs to say that pre-existing condition of fencing shall be grand fathered in and not subject to change under this Ordinance. Instead of describing the types of fencing we would like to see would require a lengthy Ordinance along with photo examples and it would be so much easier and to the point if we just list what fencing is not allowed. If you are going to allow chain link fencing then it also need s to state that they be maintained in like new condition and proper repairs to replace any damaged fencing or posts not be patched with wire or other like material.

Vice Chair Pete Armstrong suggested that it be a general statement for all fencing, not just chain link.

Commissioner Debbie Thompson asked if the front fencing would have a limit of four feet high.

Steven Tomita said it would be that no fence is in the front unless they came in and asked for a variance.

Vice Chair Pete Armstrong said that he supports that but he also says that in high crime area neighborhoods, property owners need to be able to protect their property.

Steven Tomita said that is what a variance is for. He said there is another purpose for this too, there are areas where people are really pushing a fence in the front because of the crime and this is an alert to our police force that they need to start concentrating in those areas.

Commissioner Gordon Reeves suggested that the temporary fencing that goes up during new construction needs to be addressed in the Ordinance.

Steven Tomita said that is addressed when they come in for a building permit. He informed the Commission that the changes and adjustments that have been discussed will be applied to the Ordinance and the final will be brought before the Commission for their final review at the next meeting.

Commissioner Debbie Thompson said that she would like to add body and towing shops to the list of the front fencing being allowed in a commercial area.

Steven Tomita said that it could be done by saying automotive related activities.

Vice Chair Pete Armstrong asked if there was something sacred about the fence over six feet tall being designed by a registered New Mexico structural engineer.

Lisa Miller said that it is a State Statute requirement.

Steve Tomita said to reconfirm that because a chain link fence should not require an engineer but that is a structural fence that requires just a footing. He said that Lisa would confirm that.

OPEN COMMENTS/REQUESTS

Commissioner Gordon Reeves said that he thinks that the Planning & Zoning is doing a great job with the stuff that is going on. He wanted to say Thank You.

Steven Tomita thanked the Commission for the job that they are doing and said that we have a good Commission that works very hard to help.

Vice Chair Pete Armstrong said that he is very pleased to be working with the Commission. He informed them that it has been a big learning curve for him and he has really enjoyed it.

ADJOURNMENT

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

Commissioner Gordon Reeves seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 7:31 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Planning & Economic Development Director

1 **17.54.060 – Fences**

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

5 **A. General Standards**

- 6 1) Fences and screening shall be permitted in all zones, as provided in this Section.
7 2) The height and location requirement of this section may be modified as provided in
8 **Chapter 17.54.070, Administration and Enforcement**, of this title.
9 3) Any fence above six feet (6) in height shall be approved by the City of Belen and may
10 require a permit.
11 a. The fence details shall show the proposed method of construction and anchoring of
12 the fence, posts, and gate.
13 b. The fence details shall clearly show the distance to the sight line of a street right-of-
14 way to the sight line of a street right-of-way intersection. Adequate sight distance
15 shall be maintained as per **18.31.6 NMAC, State Highway Access Management**
16 **Requirements Table 18.F-2**.
17 4) All fencing shall be maintained in like new conditions with proper repairs to replace any
18 damaged fencing or posts. Any patching shall not be with wire or other like material.
19 5) For fencing purposes on a double front lot; the front shall be defined by the address
20 assigned and the second street side shall be considered the side or rear.
21 6) Pre-existing fencing shall be grand fathered in and not subject to change under this
22 Ordinance unless existing fencing is replaced, then it shall meet current standards.

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

- 24 1) A fence constructed on a side or rear property line shall not exceed a height of six
25 feet (6') from highest finished grade adjacent to the fence.
26 2) Street facing fences shall be in a color that matches or is in harmony with the
27 structure/home.
28 3) Barbed wire and wire mesh shall not be allowed within the Residential Zoning
29 Districts unless in an agricultural zone.
30 4) Railroad ties, pallets, corrugated steel and razor wire shall not be permitted within
31 the Residential Zoning districts.
32 5) Fence lighting shall adhere to night sky regulation, be low profile, no more that 18"
33 above fence line and not be in a position to interfere with abutting owners privacy.
34 6) There shall be no fences or screening located from the front corner of the house or
35 garage within the front setback.

36 7) Front Courtyard privacy fencing up to four (4') feet is allowed but must meet
37 setbacks.
38

39 C. Commercial Zone Districts C-R, C-1, C-2.

- 40 1) All Residential uses located in a Commercial Zone shall use the Residential Zoning
41 Districts fence regulations.
- 42 2) Fence height restriction shall be seven (7) feet with one (1) foot of out rigging for a total
43 of eight (8) feet.
- 44 3) Out rigging shall be located on the top of the fence.
- 45 4) Front fencing in together with Parameter fencing shall be allowed in the following
46 Commercial uses;
- 47 a. Storage units, Warehouses, Equipment buildings, Automotive related activities,
48 utility buildings, open storage and impound areas.
- 49 5) All other Commercial uses shall follow setback regulations, for the specified Commercial
50 Zone, provided in **Title 17 Zoning**, of the City of Belen Municipal Codes.
- 51 6) Railroad ties, pallets, and corrugated steel shall not be permitted within the Commercial
52 zones.
53

54 D. Manufacturing and Industrial Zone Districts M-C, M-1

- 55
- 56 1) All residential uses located within a Manufacturing and Industrial Zone District shall use
57 the Residential Zoning District regulations.
- 58 2) Fence height restrictions shall be a maximum of twelve (12) feet in height including out
59 rigging.
- 60 3) Out rigging shall be located on the top of the fence.
- 61 4) Fencing within the Manufacturing and Industrial Zone Districts shall require a plan
62 review by the Planning and Zoning Commission
- 63 5) Railroad ties and pallets shall not be permitted within the Manufacturing and Industrial
64 Zone Districts.
65

66 E. Special Use Zone District SU-1.

- 67
- 68 1) The underlying use within the SU-1 Zone District shall determine what fence regulations
69 apply.
- 70 2) Fencing within the Special Use Zone shall require a plan review by the Planning and
71 Zoning Commission
72