

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 25th OF MARCH 2019 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 February 11, 2019
Minutes February 25, 2019
- 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. Swearing in of participants**
 - B. Request for a Conditional Use** for the purpose of a large animal veterinary clinic: **Yucca Veterinary Medical Center. Legal Description:** Township 5 North, Range 1 East, Section 24, Tract D1B, Land of Tibo Chavez, containing 2.00 ac, aka 1837 Comino Del Llano, Belen NM 87002.
 - C. Request for a Variance on height restrictions** for the purpose of putting up a 50' flagpole: **Canon Christian Academy. Legal Description:** Township 5 North, Range 2 East, Section 6, Map 96 Tract B, Land of Casey Luna, containing 8.10 ac., aka 19831 HWY 314, Belen NM 87002.
- 8. DISCUSSION**
Annexation Procedures
- 9. INFORMATIONAL ITEMS**
 - a. Communication from the Commission and Staff
- 10. ADJOURNMENT**

RESPECTFULLY SUBMITTED

/s/
Lisa R Miller, P & Z 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

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WAYNE GALLEGOS
CITY COUNCIL
DAVID CARTER
CITY COUNCIL
RONNIE TORRES
CITY COUNCIL
FRANK ORTEGA
CITY COUNCIL

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
FEBRUARY 11, 2019**

Chairman Steve Ethridge 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 Gordon Reeves
Commissioner Jim Lardner
Commissioner Claudine Montano

CITY STAFF: Steven Tomita, Planning & Economic Development Director

OTHERS: Henry Rau, Belen Main Street Group
Jerah Cordova, City of Belen Mayor

APPROVAL OF THE AGENDA

Steven Tomita informed the Commission that the Mayor has requested to speak to the Planning & Zoning Commission and this needs to be added to the agenda. It should be added after the Main Street presentation.

Chairman Steve Ethridge said that it should be added after the Main Street presentation.

Vice Chair Pete Armstrong moved to approve the Agenda with the added agenda item.

Commissioner Gordon Reeves seconded the motion.

Motion Carried.

APPROVAL OF THE MINUTES

The minutes of January 14, 2019 were reviewed.

Vice Chair Pete Armstrong moved to approve the minutes of January 14, 2019.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

The minutes of January 28, 2019 were reviewed.
Vice Chair Pete Armstrong moved to approve the minutes of January 28, 2019.

Commissioner Claudine Montano seconded the motion.

Motion carried.

PRESENTATION

Steven Tomita informed the Commission that this presentation was presented to the Main Street group last month and it really presents the things that you look at to begin to turn a Community around. It was a really simple, strait forward and he felt it was something that the Commission needs to look at. The person who is going to present this is Henry Rau.

Belen Main Street presentation

Henry Rau informed the Commission that the presentation was based on a book that he had read, published by an organization called The Project for Public Spaces. This organization has been around for several decades and has begun to work in conjunction with the National Main Street Organization. He found some interesting and relevant points that could apply here in Belen. The book is all about place making. Place making is a term defined as a process of creating quality spaces. If you design a place that is attractive and appealing it becomes transformative for the local economy. It encourages institutions and entrepreneurs' to take notice and participate. He showed the Commission a video concerning this subject. He said it is important that people all over the country working to help make places better. Belen has some places that have the potential be great but they are not there yet. Instead of looking at giant places that take years to complete. It is more useful to make an existing place better, with minimal investment. An example is a little place called Cascade in Idaho. They have no traffic lights with a 25 mph speed limit, used flags, planters in front of businesses and parks. Small things that did not cost much but added a lot. There are four main areas of interest. They are Uses and Activities; Comfort and Image; Access and Linkages; and Social Ability. These four areas of interest make the difference between a place that is potentially great or a place that is great. To him the Uses and Activities are the most important one. In designing places we need to think about what people do there. Comfort and image are important. Safety, cleanliness and image are very important. Access is also an important aspect. Another big item in the book is the power of 10. When you reach a tipping of about 10 things that makes a difference in a place that is noticed and a place that is un-noticed. He thought of nine destinations in Belen. The railroad district is one. The Harvey House is in that district. The films that were done in the railroad district plus they could tour the Duddle Bug. There is an Art District. There is the Anna Becker Park area. Even the Onate Theater can be one. There are a few things that are east of town. The Great Blocks Grant area is also one. These are some of the things that we need to think about. He thanked everyone for listening.

Vice Chair Pete Armstrong said that the railroad is a big draw.

Henry Rau said that there is a website, called virtualrailfan.com that has webcams located along railroad tracks all over the world, including the Belen Harvey House area. You can watch trains any time you want. This is one thing that people need to be made a aware of.

Chairman Steve Ethridge asked if the Harvey House could have a little deck built that you could wire with sound so that people could use.

Henry Rau said that there is a deck on the roof of the Harvey House. It is on the portico. It has a doorway that leads to that.

Chairman Steve Ethridge said that the River Park is one of those areas.

Vice Chair Pete Armstrong said there is also a park area a little north of there, called the Whitfield Farms. They have a lot of programs and trails going on there.

Presentation by the City Mayor, Jerah Cordova

The Mayor informed the Commission that he has come up with a Direct Impact Projects for the City of Belen. Sometimes when the Council reviews some of the plans that are presented to us, we come up with some things that are just really not possible. To counter that he has put together this plan. The introduction includes a current growth that the City has been seeing. We have had a lot of fluctuation in growth up until 2014. In 2014 we see consistent surge in growth that held pretty steady until 2018. In 2018 you see an incredible jump in growth. The momentum is in our favor right now and there is a lot of opportunity for growth in Belen. Things are starting to build. What he is trying to do with this plan is outline different ways in which we can have activity, and different ways that we can invest in town, and where as a City we should put our focus. First and foremost we need to understand what our assets are in the City. We need to identify and establish new economic anchors. This is incredibly important to any of those activity centers that we are developing. In order for us to create activities in an area you have to have an anchor to draw those people in. The railroad is a huge draw to bring people into the railroad district area. There are these types of area in Belen. Promoting a marketing the City's quality and its economic engines is another area that is important. We are an incredibly historic and cultural area but we do not do very much to promote that. We need to build on this to bring people to our town. There is a need to invest to improve our infrastructure. We need to determine what projects we can do with our own resources. This is a difficult project to accomplish but we need to look at projects like pocket parks, etc., things that we can do ourselves. Code enforcement is also very important. We also need to increase the local spending over outside spending. The more we can bring it home the better off we will be. The basic strategy we need to work on is to determine what our overall direction and what is our plan for the future and how we are going to approach this and complete them. We also need to specific projects we need to accomplish. We have a ton of assets in town. We need to promote ourselves as best as we can. There is an opportunity for tourism. We need to do a better job of marketing our town. He spoke of the different areas that Belen can use for business opportunities. We need to build up our economy. Another concept is to help is creating a bypass along the freeway between Los Lunas and Belen. The opportunity to see the rail yards grow. The airport is another area that can really grow. We have a lot of cool history and culture in the area that we can use. There are a lot of famous people from Belen that need to be used and recognized. He went over some of the projects that he would like to see completed. We need to create good circulation off of Main St. The more circulation we create the more development we will see. He went over a list of areas that he sees potential for increasing circulation and repairing some of the infrastructure. He went over some of the properties that the City owns so that we can use some of that funding for some of these projects.

He spoke about increasing signage in Belen. All of these things need to be kept in mind. Some of these things can be included in the Master Plan that the Commission is working on.

Chairman Steve Ethridge said that he thinks it would be good if we brought in some of the manufactures and recognize them. We need to have better communications. We have a lot of cultural assets that we can use.

PUBLIC COMMENT – 3 MINUTE PRESENTATIONS

There were none.

DISCUSSION

Comprehensive Plan/Master Plan (Pages 34-44)

Vice Chair Pete Armstrong said that there were many errors on the document that they are working on.

Steven Tomita said that the document was taken from a PDF file and converted into a word document so that it could be worked on. When this is done you get all kinds of funky errors showing up that are not on the original document. When the document was done they predicted projects for that time but we need to move this into what we want to see going from now going forward. Everything that needs to be looked at need to be looked at. The world has changed since this document has been done.

Vice Chair Pete Armstrong said that there needs to be consistency within this document.

Steven Tomita said that what they are going to need to do is to decide what we want the end results are for the 20 year period. You then came back to the present and move in increments' of time periods to accomplish the end result.

Chairman Steve Ethridge said that it is a difference between the charts and the figures.

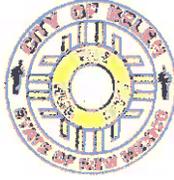
Steven Tomita said that anything that you project in the document needs to make sense. It needs to be read and understood by all. When you are writing a document you typically write for a person with an eighth grade education.

Chairman Steve Ethridge said that he was under the impression that this document was mainly for developers, etc. looking at this area.

Steven Tomita brought up Queen Creek and the process he went through to develop in that area. The Commission needs to keep the document balanced. They need to be looking at our history and our now and where we want to go.

The Commission went over the first few pages and had no comments.

Steven Tomita said that the Commission is skipping over these pages without any comments when this is the area where we need to be showing where we want to go. This is looking at the projections. These pages are to the point we are going to need to project the future and where we want to be. We are in the real meat of the document. They are now to the point of going forward.



JERAH R CORDOVA
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**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
FEBRUARY 25, 2019**

Chairman Steve Ethridge 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 Jim Lardner

Commissioner Gordon Reeves
Commissioner Claudine Montano

CITY STAFF: Steven Tomita, Planning & Economic Development Director

OTHERS: Henry Rau, Belen Main Street Group
Jerah Cordova, City of Belen Mayor

APPROVAL OF THE AGENDA

Vice Chair Pete Armstrong moved to approve the Agenda with the added agenda item.

Commissioner Jim Lardner seconded the motion.

Motion Carried.

APPROVAL OF THE MINUTES

The minutes of February 11, 2019 were not available at the time.

Commissioner Jim Lardner moved to table the minutes of February 1, 2019 until next meeting.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

PUBLIC COMMENT – 3 MINUTE PRESENTATIONS

There were none.

DISCUSSION

Master Plan/Comprehensive Plan

Steven Tomita informed the Commission that at the last meeting the Mayor made a presentation and has provided a copy of this for the Commission. He wanted to point out the chart that was in the presentation. It has information that the Commission needs to look at as they go into the next section of the Master Plan. The population growth and the economic growth will be looked at and the Mayors chart shows the impact of both. These numbers are not available with the Census Bureau and they have not gotten with the Finance Department to see if they can help update the numbers.

Commissioner Jim Lardner said that they were informed that this information came from our gross receipts. The City basis their budget on the projected gross receipts. He asked how far the numbers could be off since they are based off the projected gross receipts.

Steven Tomita said that he will have to get the real gross receipts tax numbers from our Finance Department.

Chairman Steve Ethridge said that it sounds like the Mayor and the City Manager sat down and went over some of this to get the report the Mayor presented.

Steven Tomita said that they did not. The Mayor did this report on his own.

Vice Chair Pete Armstrong asked if the chart really impacts anything.

Commissioner Jim Lardner said it does because it shows you the growth and business activity in Belen, but if it is not current it really doesn't mean much.

Steven Tomita said that the chart can be good to show in the Master Plan to show what is happening. They are going to need to find out if this is because of just growth and new businesses moving into the area or does it also include the construction workers that come in and then leave after a project is done. This is also good information for the Committee that will be reviewing the Master Plan.

Vice Chair Pete Armstrong asked if this Committee will be acting as an advisory group for the Commission.

Steven Tomita said yeas. He showed them a copy of the Mayor's chart and then a copy of the charts provided in the Belen Economic Development Association's report. There was also a report done by the Main Street Group that also has numbers in it. He showed them numbers that he had picked up in 2018. In 2018 Keter hit the 100 employee mark. These were employees that will be working in the factory and not on the construction. Loves is at 75 employees. Ace Hardware is at 45. Clairiant has been averaging about new 15 employees a year. Just those company's employed 235 in 2018. These jobs impacted the area.

Vice Chair Pete Armstrong asked what the total population at Clairiant was.

Steven Tomita said that he thought it is 300 employees.

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 a large animal veterinary clinic: **Yucca Veterinary Medical Center**.

LEGAL DESCRIPTION: 1837 Camino Del Llano, Land of Tibo Chavez Tract D1B Recorded in 1989, Book 14, Page 184 containing 2.0 Acres.

You are further notified that this public hearing will be held on **Monday, March 25, 2019 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: February 28, 2019



CAMINO DEL LLANO

CHRISTOPHER RD

CAMINO DEL LLANO

Conditional Use Request

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**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: Florian Sanchez Phone: 505-379-7781
Address: 1006 S Main Belen, NM 87002
Authorized Agents Name: _____ Phone: _____
Address: _____

Address of Property: 1837 Camino Del Llano Belen, NM 87002
Block and Lot: Subd. Land of Tibo Chavez Addition: _____
Tract Number: D1B - 2.00 ACD-4-24 1995 Map: _____
Total acreage in Tract: 2 acres Amended
Number of Dwellings: _____ Density/Acre: _____
Zoning of Property: C-1 Present Use: 1

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

2/21/19
Date

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

Planning and Zoning Commission Meeting Date: 3-25-19 Approved/Disapproved: _____
FEE PAID: \$150.00 RECEIPT NO.: 9,605959 DATE: 2-22-19



1006 S MAIN ST

BELEN, NM 87002

505-864-6001

FLORIAN SANCHEZ, DVM

February 21, 2019

Conditional Use Permit for 1837 Camino Del Llano Belen, NM 87002

Florian Sanchez, DVM/ Yucca Veterinary Medical Center, LLC

Currently zoned C-1 would like to Conditional Use Permit to add for Large Animal Veterinary Clinic

I, Florian Sanchez, Owner and Veterinarian of Yucca Veterinary Medical Center, in Belen, NM am very optimistic to purchase 1837 Camino Del Llano Belen, in hopes to remodel the building into a mixed animal practice facility. Currently, the property is zoned C-1 and will allow for only small animal veterinary medicine and boarding kennels. I would like to request a conditional use permit to be added so that I may practice on large animals as well. If approved by the City of Belen, I plan to place an attractive metal perimeter fence around the property with a metal gate on the north and south side of the docking area. We will have an internal corral system on the inside of the fencing to create a second barrier for human and animal safety. This will protect any animal from getting onto the road and safety for anyone bringing a trailer into the clinic. The warehouse portion of the building will be remodeled with metal panel stalls, a small corral system and cattle chute to accommodate the safety of the animals and our employees. All overnight housing, if needed, will be indoors in the warehouse portion of the building. We are invested into remodeling the building to give it a fresh, newer and appealing look.

I also request that as long as the property is being used as a mixed animal veterinary clinic, even if sold to another veterinarian, that the conditional use permit remain in place. I can be reached at 505-379-7781 with any questions.

Thank you,

Florian Sanchez, DVM

Purchase Agreement

This Purchase Agreement is entered into as of the 19 day of February 2019, by and between **Yucca Veterinary Medical Center LLC and/or Assigns** a limited liability company (the "Purchaser"), and **Number Nine Media Inc**, a New Mexico Company (the "Seller"). The parties recite and agree as follows:

Recitals

A. The Seller holds the fee simple title to certain real estate hereinafter described which the Purchaser desires to purchase.

B. The Seller has agreed to sell the Property to the Purchaser on the terms and conditions set forth herein and the Purchaser has agreed to purchase the Property from the Seller on the terms and conditions set forth herein.

Now, therefore, for and in consideration of the foregoing, and in consideration of the Purchase Price hereinafter described and the covenants from the Purchaser and the Seller and the other terms and conditions hereinafter set forth, the parties agree as follows:

Agreement

1. Definitions. As used in this Purchase Agreement, the following capitalized terms shall have the following meanings:

- a. Purchase Agreement. This Purchase Agreement.
- b. Closing. The closing of the purchase and sale described herein. The Closing date shall be on or before ten (10) days following the expiration of the Feasibility Period as set forth in **Section 4**, including any extensions for review the title commitment under Section 5.2, the survey under Section 6.2 and the Phase I under Section 7.2, and the Financing Contingency Period (the "Closing Date" or "Closing").
- c. Property. The real property known as 1837 Camino Del Llano, consisting of approximately 5,200 square feet of an office building and 3,984 square feet of warehouse situated on approximately 2.0 acres of land, located in the county of Valencia, NM, more particularly described on the attached **Exhibit A** (the "Real Property").
- d. Purchaser. **Yucca Veterinary Medical Center LLC and/or Assigns** a limited liability company
- e. Seller. **Number Nine Media Inc**, a New Mexico company
- f. Title Company. Stewart Title Insurance Company, Attn: Gail Torino Escrow Officer, 7801 Academy, Building 1. NE, Albuquerque, NM 87109.

2. Agreement to Sell and Purchase. The Seller hereby agrees to sell and the Purchaser hereby agrees to purchase the Property, subject to the terms, covenants and conditions set forth in this Purchase Agreement.

3. Purchase Price/Earnest Money.

3.1 The purchase price for the Property shall be [REDACTED] Thousand Dollars [REDACTED] (the "Purchase Price"). The Purchase Price shall be payable by the Purchaser in cash or cashiers' check at Closing.

3.2 Seller, within five (5) business days after delivery from Purchaser of a copy of this Agreement executed by Purchaser, will request the opening of an escrow with Escrow Agent by depositing with it a copy of this Agreement, together with Ten Thousand Dollars (\$10,000.00) (the "Earnest Money") received from Purchaser to bind this sale. The Earnest Money will promptly be placed in an interest-bearing account. All interest earned thereon will be deemed Earnest Money for the purpose of this Agreement. Except as otherwise provided in this Agreement, the Earnest Money shall be applied to payment of the Purchase Price at Closing.

4. Feasibility Period.

4.1 The Purchaser shall have forty-five (45) days from the date of this Agreement to undertake all investigations necessary to determine, in the Purchaser's sole discretion and expense, the feasibility of utilizing the Property for the Purchaser's intended use (the "Feasibility Period"). In the event the Purchaser determines, for any reason, that it is not feasible for the Purchaser to utilize the Property for the Purchaser's intended use, the Purchaser shall have the right to terminate the Purchase Agreement by notifying the Seller

4.2 At all reasonable times during the Feasibility Period, the Purchaser and Purchaser's agents shall be entitled to access to the Property following reasonable notice to the Seller in order to conduct various tests and inspections, including physical inspections (including without limitation, additional soil tests and environmental site assessments) and to undertake such other due diligence as the Purchaser shall deem appropriate. Except as otherwise provided herein, any and all inspections, tests, audits and other investigations performed by the Purchaser or its agents and representatives shall be at Purchaser's sole cost and expense and without liability to the Seller, and shall be conducted during normal business hours, and shall not disrupt or interfere with the tenants of the Property. The Purchaser shall leave the Property in the same condition as it was before the Purchaser's inspection of the Property and shall indemnify the Seller against any claims that may be asserted against the Seller as a result of the Purchaser's investigation of the Property. The obligations of the Purchaser pursuant to this Section will survive the Closing or termination of this Agreement.

4.3 Documents Provided by Seller. Within five (5) business days after execution of this Agreement the Seller shall deliver to Purchaser the following documents in Seller's possession or control, if any;

- a) All agreements, studies, warranties and contracts relating to the ownership and use of the Property;
- b) All information reasonably available to the Seller relating to the operation and maintenance of the Property for the last twenty-four (24) months;
- c) All notices or reports regarding the Property, including notices and reports that have been received from governmental authorities;
- d) Copies of all actions, suits, or proceedings pending or threatened before any court, tribunal, governmental department, commission, board, bureau, agency, or instrumentality that would affect the Property, the right or ability of any owner to convey the Property, or the right or ability of Seller to comply with all the terms of this Agreement;
- e) All construction and site plans
- f) All existing warranties including but not limited to roof and mechanical systems;

In addition, upon Purchaser's reasonable request Seller shall deliver or make available to Purchaser any and all other materials in Seller's possession reasonably relating to the Property.

5. Title.

5.1 Merchantable and insurable title to the Property shall be conveyed by the Seller to the Purchaser by Special Warranty Deed, free of all liens and encumbrances, except for any exceptions shown in the title policy which are specifically approved or waived by the Purchaser in writing pursuant to the provisions of **Section 5.2** below.

5.2 Within five (5) days following the execution of the Purchase Agreement, the Seller, at the Seller's expense, shall deliver to the Purchaser a title commitment (with legible copies of all documents listed or described therein) to issue an ALTA owner's policy of title insurance in the amount of the Purchase Price with respect to the Property. The Purchaser shall notify the Seller of any objections the Purchaser has to the title commitment in writing within fifteen (15) days prior to the expiration of the Feasibility Period. Any objections not timely made are deemed waived. The Seller shall, within ten (10) days of receipt of the Purchaser's objections, notify the Purchaser in writing of the objections which the Seller intends to cure. Failure of the Seller to respond to the Purchaser's objections within the ten (10) day period shall be deemed a refusal to cure such objections, if any. The Purchaser shall then either proceed with the Closing, waiving any of the uncured objections, or may terminate this Purchase Agreement. All objections that the Seller consents to cure shall be cured as a condition precedent to Closing. In the event the Seller does not timely deliver the title commitment to the Purchaser, then the Purchaser's objection period shall be extended by the same number of days as the number of days the title commitment is delivered late.

EXHIBIT A
Real Property
(outlined in red)



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



CITY OF BELEN
100 SOUTH MAIN STREET
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CITY COUNCILOR

CASE REPORT

March 18, 2019

CONDITIONAL USE REQUEST

Location: 1837 Camino Del Llano, Belen NM 87002

SITE DATA

Existing Use: Commercial

Lot Size: 2 acres (87,120 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	C-1	Commercial/businesses
East	C-1	Commercial/businesses
South	C-1	Commercial/business
West	C-1	Commercial

*See attached zone map.

REQUEST

The applicant is requesting a Conditional Use to Place a large animal Veterinary Clinic on the property.

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. This section of Camino Del Llano consists of commercial zoned properties.
2. The building is currently being used by the Belen News Bulletin.

3. Loves Truck Stop is located on the west side. The Belen Meadows Healthcare & Rehab Center is on the east side. The Westside Apartments are on the northwest side along with empty land on northeast side.
4. The setbacks on a Commercial lot are 6 foot front, 15 Feet rear, and 5' sides.
5. Fence Height regulations are three foot solid within the front setback, four foot for a clear view within the front setback. Side and rear height restriction are 6 foot, after the front setback.
6. There are no clear site issues for vehicle traffic or pedestrian traffic at this time.
7. The warehouse is going to be used as the large animal enclosure with on & off loading located where the existing loading dock is on the east side of the property. This will include an fenced in area around the dock with enclosures within that fence for the protection of the animals and safety from the streets.
8. There are no issues with fire protection and access to fire suppressant utilities.
9. There is an entrance and exit off of Camino Del Llano to accommodate trailers and large trucks. There is also an entrance and exit off of Christopher.
10. There is more than adequate parking for employees and the public.
11. Off Street loading already exists and is adequate for the proposed use.

Chapter 17.48 - ALLOWABLE LAND USES

17.48.010 - Table of allowable land uses.

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

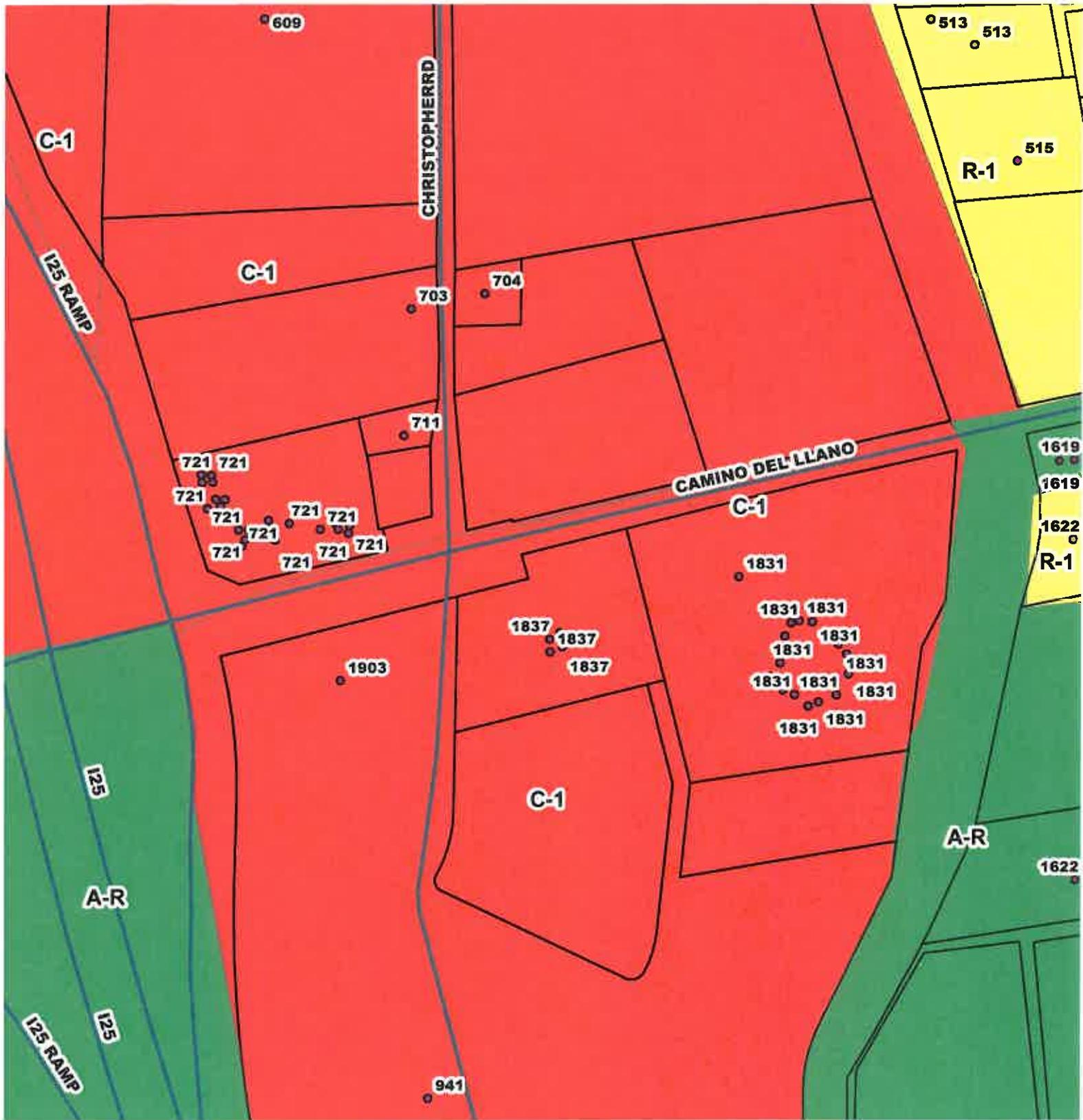
X = Permitted use

C = Conditional use

C* = Conditional use (six-month permit)

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

Allowable Land Uses	A-R	R-1	R-1A	R-2	R-3	C-R	C-1	M-C	SU-1	B-A	R-2A	R-4	C-2	M-1
Veterinary hospital (small animal) (completely enclosed)	X					C	X	X			X		X	
Veterinary hospital (large animal)	X						C	X						
Vulcanizing shop, recapping								X						X
Watch repair						X	X	X		X			X	



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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A VARIANCE ON HEIGHT RESTRICTIONS** for the purpose of putting up a 50' Flag Pole: **CANNON CHRISTIAN ACADEMY**.

LEGAL DESCRIPTION: Township 5 North, Range 2 East, Section 6, Map 96, Land of Casey Luna, Tract B, containing 8.10 Ac, aka 19381 HWY 314, Belen NM 87002.

You are further notified that this public hearing will be held on **Monday, March 25, 2019 at 6:00 PM.**, 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 Belen Planning & Zoning Commission at the above stated date and time.

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: March 7, 2019

**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 checked="" 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 |

Please Print in Ink Only or Type

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

APPLICANT/AGENT INFORMATION

Applicant Name: Canon Christian Academy Phone: 505-459-0912
 Address: 19381 N. Hwy 314 Email: Shawn@ccrgu.com
 City: Belen State: NM Zip Code: 87002
 Deed of Ownership Verification Provided: _____ Letter of Authorization Provided: _____

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

WAIVER TO INSTALL A 50' FLAG POLE FOR THE
WARRIOR WALK OF VALOR

SITE INFORMATION: Please provide accurate legal description

Subdivision/Unit: Portion of Tract Block(s): _____ Lot(s): _____
 Existing Zoning: 41-A-2-A Proposed Zoning: _____ No. of existing lots: _____
 No. of proposed Lots: 000 US ALIEN SITE 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: Shawn L. Gibson Applicant: _____ Agent: _____
 Signature: [Signature] Date: _____

FOR OFFICIAL USE ONLY

PROJECT # _____ FEE(S) _____ RECEIPT # _____

LAND OF CASEY LUNA
Tract: B
1990 REV 8.10 AC MAP 96
D-5-6 AMENDED - 1995

CALVARY CHAPEL
Rio Grande Valley

March 4, 2018

City of Belen
Planning and Zoning Department
100 S. Main St.
Belen, NM 87002

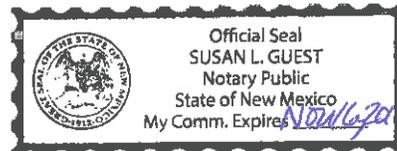
Please accept this letter to verify that we are aware of the zoning variance being requested. The applicant, Canon Christian Academy, is acting as our agent.

If you have any questions, please contact me at 505-459-0912.

Sincerely,



Shaun Gibson, Headmaster
Calvary Chapel Rio Grande Valley



Susan L. Guest
March 4, 2019

ELEVATE. EQUIP. EVANGELIZE.

19381 N. HWY 314 | BELEN, NEW MEXICO | 505-864-6611 | www.ccr gv.com



CANON CHRISTIAN ACADEMY

A MINISTRY OF CALVARI CHAPEL AND DIXIE VALLEY



March 4, 2019

To the Planning and Zoning Commission

This letter is being submitted in explanation of the request for variance to the City's 45' height limitation. The Senior class of Canon Christian Academy are working on their senior project. This is a project conceived and executed by the seniors. The project for the 2019 class is the "Warrior Walk of Valor" which is a monument to honor the men and women who have served and are now serving in the military and as first responders. The central piece of the honor park is an American flag. The students researched the U.S. Flag Code and found a 50' flag pole is required for a flag 10' by 15'. The students are working with Senator Tom Udall's office to secure a flag flown over our Nations' capitol or National monument. The pole will be located in front of the Academy for all students to pass by on their way to and from school. We are asking for a variance so we may install the 50' flag pole. The senior class appreciates the efforts of our local government in helping us honor those who have sacrificed and served to secure our safety and freedom.

Sincerely, the Senior Class of CCA 2019

Christ Centered • Life Application • Student Discipleship

GENERAL NOTES:
 A. SCALE OF ADJUSTING BEAMS OF FLOOR IS IN THE REVERSE OF FIRST FLOOR AREA NOTED.
 B. IF THIS SHEET IS NOT 27"x36" IN SIZE THEN IT IS A REDUCED SIZE.
 C. PLANTING SCALE APPROXIMATE.

GENERAL CONTRACTORS
 DLS CONSTRUCTION INC.
 LIC # 30835
 DEAN GALLEGOS
 II VENTA DR
 BELEN, NM 87002
 (505) 864-0414

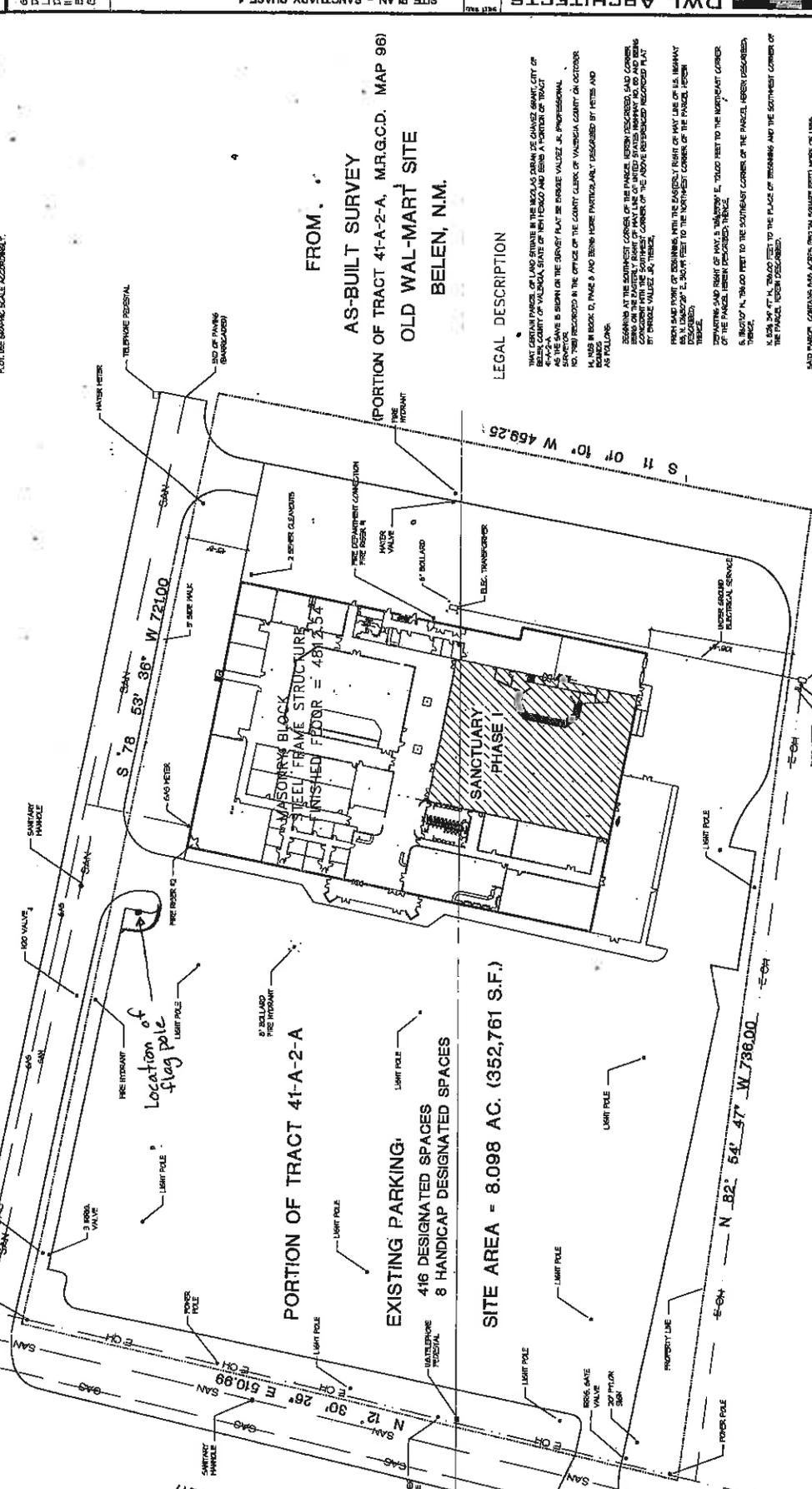
ADAPTIVE REUSE OF FORMER WALMART
RIO GRANDE VALLEY
 BELEN, NEW MEXICO 87002

DWL ARCHITECTS & PLANNERS, INC.
 OF NEW MEXICO
 825 CENTRAL AVE. WEST COURTYARD
 SUITE 110
 ALBUQUERQUE, NM 87102
 (505) 242-0202
 FAX (505) 242-4199

DWL ARCHITECTS

DATE	T = 40	M. ALVAREZ
DATE	February 20, 04	M. EASTMAN
DATE		
DATE		

SITE PLAN
C-101
 SHEETS



LEGAL DESCRIPTION

THE SOUTHWEST CORNER OF LAND SHOWN IN THE MEXICO BELEN DE GRAYSON GRANT, CITY OF BELEN, COUNTY OF SUCUIA STATE OF NEW MEXICO AND BEING A PORTION OF TRACT 41-A-2-A.

THE SURVEY IS SHOWN ON THE SURVEY PLAN BY ENGINEER VALDEZ, J.R. PROFESSIONAL ENGINEER NO. 7088 REGISTERED IN THE OFFICE OF THE COUNTY CLERK OF VALDEZ COUNTY AN OUTDOOR 14.105 IN BLOCK D, PAGE 8 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEING AT THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED, LAND CORNER 14.105 IN BLOCK D, PAGE 8 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED, LAND CORNER 14.105 IN BLOCK D, PAGE 8 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED, LAND CORNER 14.105 IN BLOCK D, PAGE 8 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED, LAND CORNER 14.105 IN BLOCK D, PAGE 8 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED, LAND CORNER 14.105 IN BLOCK D, PAGE 8 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BENCHMARK:
 AT SOUTHWEST CORNER OF SITE
 PROPERTY CORNER, 2" PIPE W/ CAP 7270
 ELEV. 4,808.48' USCGS DATUM

SCALE: 1" = 40'-0"

DATE: FEBRUARY 20, 2004

PROJECT: ADAPTIVE REUSE OF FORMER WALMART

CLIENT: DLS CONSTRUCTION INC.

LOCATION: BELEN, NEW MEXICO

PROJECT NO.: C-101

DATE: FEBRUARY 20, 2004

PROJECT: ADAPTIVE REUSE OF FORMER WALMART

CLIENT: DLS CONSTRUCTION INC.

LOCATION: BELEN, NEW MEXICO

PROJECT NO.: C-101

DATE: FEBRUARY 20, 2004

PROJECT: ADAPTIVE REUSE OF FORMER WALMART

CLIENT: DLS CONSTRUCTION INC.

LOCATION: BELEN, NEW MEXICO

PROJECT NO.: C-101



**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

March 18, 2019

VARIANCE REQUEST

Location: 19831 HWY 314, Belen NM 87002

SITE DATA

Existing Use: Commercial

Lot Size: 8.10 acres (348,480 Sq. Ft.)

Direction	Zoning	Existing Land Use
North	C-1	Commercial/businesses
East	C-1	Commercial/businesses
South	C-1	Commercial/businesses
West	C-1	Commercial/businesses

*See attached zone map.

REQUEST

The applicant is requesting a Variance to place a 50' flagpole on the property.

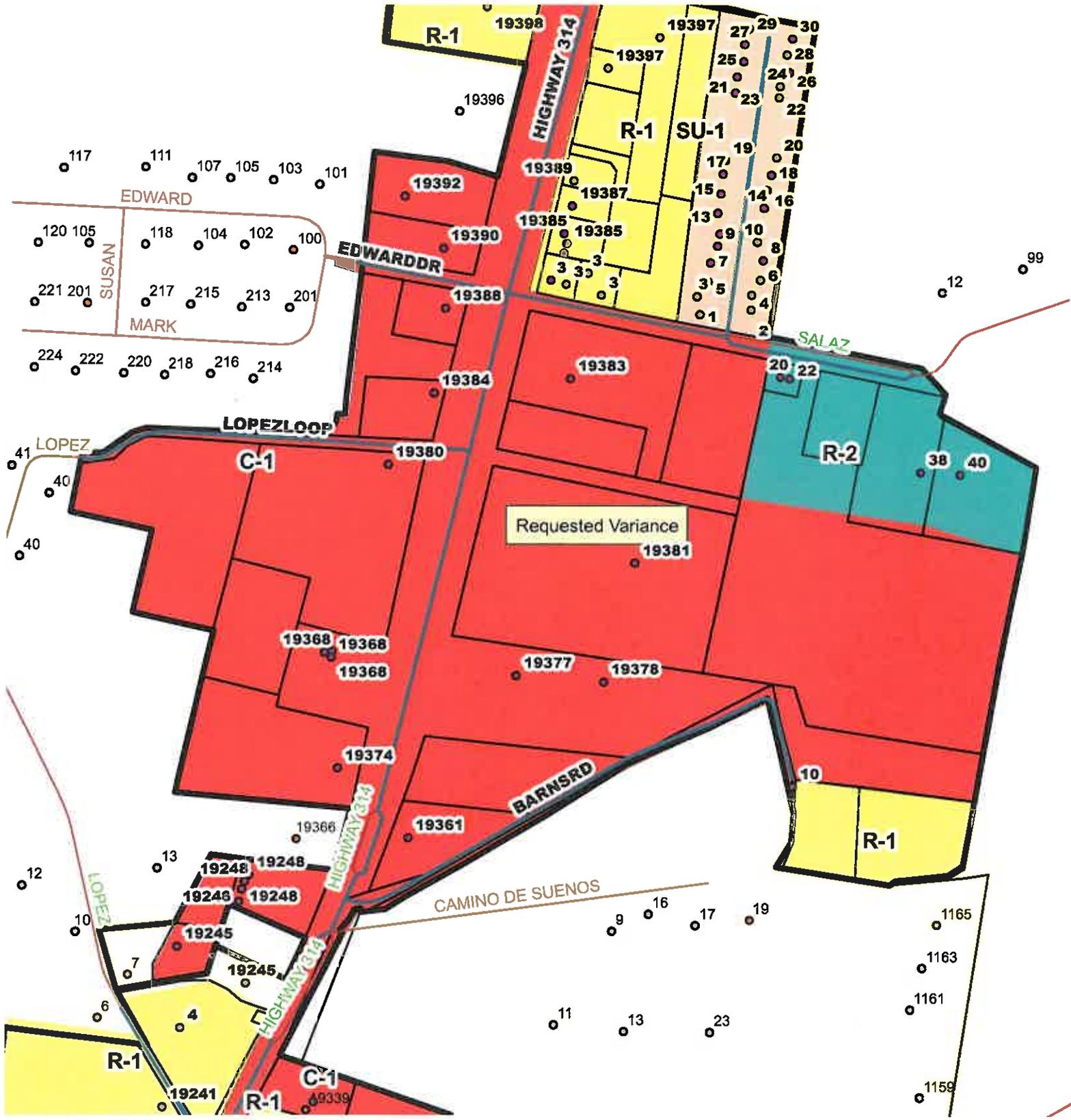
Conditional Use Requirements:

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

STAFF FINDINGS

1. 19831 and surrounding area consists of commercial zoned properties.
2. The building is currently being used by Calvary Chapel Rio Grande Valley and the Canon Christian Academy.

3. The Giant Gas Station and a restaurant are on the west side. The east code consists of vacant land used for outdoor activities by the Calvary Chapel Rio Grande Valley and the Canon Christian Academy. The Belen School Maintenance Yard is on the north side and the PNM Buildings are on the south side.
4. Height restrict for a C-1 zone is 45'.
5. The setbacks on a Commercial lot are 6 foot front, 15 Feet rear, and 5' sides.
6. There are no clear site issues for vehicle traffic or pedestrian traffic at this time.
7. There is one Entrance and exit off HWY 314 and one entrance and exit off Lopez Loop.
8. There are no issues with fire protection and access to fire suppressant utilities.
9. There is more than adequate parking for employees and the public.
10. There is and entrance and exit for off-site loading off Lopez Loop.
11. The seniors at the Canon Christian Academy, for a Senior Project, wish to place a small Veterans Memorial located on the first exit off Lopez. This project would require removing a few of the existing parking spaces to accommodate this Memorial. They are requesting a variance on the height restriction so that they may place a 50' flagpole within the Veterans Memorial.



17.60.050 - Annexation.

- A. Annexation and zoning of land to the city of Belen is initiated by application to the zoning enforcement officer on prescribed forms.**
- B. Requests for annexation shall first be reviewed by the planning and zoning commission to examine the request for conformance with city policy and to determine the appropriate zoning for the territory to be annexed to the city of Belen. The planning and zoning commission shall hold a public hearing on the request. Notification of the time and place of the public hearing shall be published in a newspaper of general circulation in the area at least fifteen (15) days prior to the hearing. Notice of the public hearing time, date, place and a brief description of the location and size of the request shall be mailed by certified mail, return receipt requested to the owners of land within one hundred (100) feet of the land proposed for annexation and zoning of territory being annexed, excluding easements and public right-of-way. This notice shall be mailed at least fifteen (15) days prior to the date of hearing.**
- C. The city council shall hold a public hearing, at which time the council shall receive the recommendation from the planning and zoning commission on the annexation and determination of the appropriate zone. Further, the city council of the city of Belen shall receive public comment on the proposed zones. The same public notification procedures required for the public hearing before the planning and zoning commission are required for the public hearing conducted by the city council.**
- D. After the hearing conducted by the city council of the city of Belen on the annexation request and proposed zoning of territory annexed to the city of Belen, the council shall, by ordinance, designate permanent zones for the annexed territory.**

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

**CITY OF BELEN, NEW MEXICO
DEVELOPMENT PERMIT FEES**

PLANNING AND ZONING APPLICATION FEES

AMENDMENT TO ZONING MAP OR TEXT.....	\$250.00
SPECIAL USE ZONE.....	\$250.00
CONDITIONAL USE PERMIT.....	\$150.00
VARIANCE REQUEST.....	\$150.00
APPEAL PROCESS.....	\$100.00

ANNEXATION

Less than one acre.....	\$25.00
One to Five acre.....	\$50.00
Six to Twenty acres.....	\$75.00
Twenty One acres to Fifty acres	\$100.00
(\$1.00 per acre for each acre over fifty acres)	

SUBDIVISION

Summary Procedure (lot split or lot line adjustment).....	\$125.00
Preliminary Plat and Final Plat as per City of Belen Subdivision Design Standards	

NOTE: All fees must be paid concurrent with the application.



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 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:		Phone:
Address:		Email:
City:	State:	Zip Code:
Deed of Ownership Verification Provided:		Letter of Authorization Provided:

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

SITE INFORMATION: Please provide accurate legal description

Subdivision/Unit:	Block(s):	Lot(s):
Existing Zoning:	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:	Applicant:	Agent:
Signature:	Date:	

FOR OFFICIAL USE ONLY

PROJECT #	FEE(S)	RECEIPT #

***CITY OF BELEN, NEW MEXICO
SUBMITTAL CHECKLIST
ANNEXATION***

Required Submittals:

The following material must be delivered to the Planning and Zoning Officer to satisfy all submittal requirements:

- () Filing fee payment
- () Letter of transmittal, describing nature of request
- () Petition for annexation including the following:
 - () Date
 - () Legal description of property certified by New Mexico Professional Surveyor
 - () Name of property owners
 - () Address of property owners
 - () Acreage for land owned by each property owner and respective percentage of ownership compared to total land area within proposed annexation
 - () Notarized signatures of property owners
- () Annexation Plat on 24" x 36" sheet at 1" = 100' or other appropriate scale which shows:
 - () Annexation name
 - () Acreage within annexation
 - () Location map
 - () North arrow
 - () Signature block for Mayor & City Clerk
 - () Certification and seal of New Mexico Professional Land Surveyor
 - () Plat boundaries with bearings and distances
 - () Public rights-of-way within or adjacent to annexation with names and width shown
 - () Existing city limits delineated

Note: The original mylar will be submitted to the City of Belen for recording with the Valencia County Clerk.

PETITION FOR ANNEXATION

Name and address of Petitioner (s):

I (We), own the following-described property:

The total acreage of the property is:

The above-described property is located within the area that is proposed for annexation, as shown on the attached plat and description.

I (WE), hereby petition the City of Belen to annex the territory as designated on the attached plat and description.

NAME:

DATE:

Instruction:

- 1. Fill in your name and address; property description, and the total acreage of your property.***
- 2. Attach a survey and legal description of your property.***
- 3. Sign and date your petition; file the petition with the City Planning and Zoning Department and request a date on which your petition will be presented to the Planning and Zoning Commission and City Council.***

3-7-1. Methods of annexation.

A. There shall be three methods of annexing territory to a municipality:

- (1) the arbitration method as provided in [Sections 3-7-5](#) through [3-7-10](#) NMSA 1978;
- (2) the boundary commission method as provided in [Sections 3-7-11](#) through [3-7-16](#) NMSA 1978; and
- (3) the petition method as provided in [Section 3-7-17](#) NMSA 1978.

B. Territory may be annexed to a municipality by any one of the three methods of annexation provided for in [Sections 3-7-5](#) through [3-7-18](#) NMSA 1978 except where limitations of annexation are provided by law. The provisions of this section apply to annexations of all municipalities except those that are otherwise specifically provided by law. The arbitration method of annexation may be used for municipal annexation of a traditional historic community only upon petition of a majority of the registered qualified electors of the territory within the traditional historic community.

History: 1953 Comp., § 14-7-1, enacted by Laws 1965, ch. 300; 1979, ch. 159, § 1; 1995, ch. 170, § 2; 1995, ch. 211, § 1.