

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 12TH OF JUNE 2017 AT 6:00 PM IN THE COUNCIL CHAMBERS AT CITY HALL, 100 SOUTH MAIN STREET, BELEN, NEW MEXICO 87002.

ALL P & Z COMMISSION MEETINGS ARE VIDEO AND AUDIO RECORDED.

A COPY OF THE AGENDA MAY BE OBTAINED FROM THE OFFICE OF THE CITY OF BELEN PLANNING & ZONING DEPARTMENT.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGEANCE

4. APPROVAL OF AGENDA

5. APPROVAL OF MINUTES:
May 30, 2017

6. PUBLIC HEARING WITH POSSIBLE ACTION

A. REQUEST FOR A ZONE CHANGE FROM R-1 TO C-2: JOHN LEWIS.

LEGAL DESCRIPTION: Township 5 North, Range 1 East, Section 13, Map 100, Tract A-2 & C, Land of Una L Halford, containing 12.48 acres, located on the South side of the Belen High School on Christopher Rd.

7. DISCUSSION

Landscape Ordinance

8. OPEN COMMENTS/REQUESTS

9. ADJOURNMENT

RESPECTFULLY SUBMITTED

/s/

Lisa R Miller

Planning & Zoning Administrator

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact 505-966-2746 at least one week prior to the meeting.

cc: Mayor & City Council
News Bulletin

Belen Chamber of Commerce
Belen Recreation Center

Belen Public Library
Belen City Hall

JERAH R CORDOVA
MAYOR
LEONA VIGIL
CITY MANAGER



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

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

**CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
MAY 30 2017**

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

PRESENT: Chairman Steve Etheridge
Vice Chair Pete Armstrong
Commissioner Claudine Montano

ABSENT: Commissioner Debbie Thompson
Commissioner Gordon Reeves

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

PLEDGE OF ALLEGIANCE

Chairman Steve Etheridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Vice Chair Pete Armstrong moved to approve the Agenda.

Commissioner Claudine Montano seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Commissioner Claudine Montano moved to approve the minutes of May 8, 2017.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

PUBLIC HEARING WITH POSSIBLE ACTION

- A. **REQUEST FOR A ZONE CHANGE FROM R-1 TO R-4: MIKE BALDONADO**, for the purpose of constructing a duplex. **LEGAL DESCRIPTION:** Township 5 North, Range 2 East, Section 18, Map 100, Tract 57A1, containing .11 acres, aka 133 S Tenth St, Belen NM 87002.

Lisa Miller gave her case report on the requested zone change. She went over the requirements for an R-1 Zone and the R-4 Zone. She explained that the property in question consisted of 4,791.60 square feet and the surrounding area included an attorney's office, a thrift store, apartments, a magistrate court and a single family residential home. She explained that Mr. Baldonado had changed the size of the structure so he could meet the parking requirements of two cars per unit and has met the required setbacks for the requested zone. At the present time the lot does not meet the requirements of its present zoning, which is R-1. After reviewing all the materials provided the staff finds that the granting of this zone change would not adversely affect the health, safety, welfare, or the neighborhood character. She recommended that if the Planning & Zoning Commission votes to approve that the applicant must adhere to the R-4 rules and regulations plus obtain the necessary permit to begin construction and must comply with the applicable state stands, and be completed within one year of the issuance of the building permit.

Vice Chair Pete Armstrong said that he sees issues with the lot size. On the plat it shows the lot consists of .10786 acres and the MLS listing has it at 3,920 sq. ft. (.098 acres). He asked which one was correct.

Lisa Miller said that the recorded plat is the correct one.

Vice Chair Pete Armstrong said the other thing that concerned him was that the application still had the requested zone as being R-2 and not R-4.

Lisa Miller informed the Commission that she had forgotten to have Mr. Baldonado correct that and it has since been corrected to read the correct requested zone. It was properly advertised in the paper.

Vice Chair Pete Armstrong asked how an attorney's office was placed in an R-1 zone.

Lisa Miller said it happened and is considered a non-conforming use.

Chairman Steve Ethridge asked Mr. Baldonado to come forward.

Mr. Baldonado informed the Commission that he would like to build a duplex consisting of two one bedroom dwelling units. He has allowed the required twenty feet for each unit for the two car parking requirements. They would be located on the front of the building. The apartments would be shaped like an L with the parking in the center.

Steven Tomita asked if he understood that the R-4 does allow for a duplex and has the correct lot size, but he will be unable to sell the units. It has to stay as one lot and cannot be split to sell off each unit. It has to remain as one lot containing one structure.

Mr. Baldonado understood that if he wanted to sell it, it would have to be the whole unit on the one lot and not individual apartments on separate lots. It cannot be split.

Chairman Steve Ethridge asked if there was anyone within the audience who wished to speak.

Mr. Norm McDonald came forward to speak. He informed the Commission that the property where his attorney's office is located, was zoned R-1 when it was a residence. The zoning was changed to C-R before it was turned into an attorney's office. In Mr. Baldonado's case, his concern is with the zoning R-4. If you look at the R-1 zone, it requires 6,000 square feet, R-2 requires 7,000 square feet and then the R-4 zone requires only 4,000 square feet, which is 1/3 less than the R-1. He said that an R-4 zoning designation for a Multi Dwelling unit is a stretch which allows for properties to be overbuilt and creates a roadmap for spot zoning. Most of Belen is spot zoned because the City of Belen is very receptive to new construction and it bends the requirements to accommodate this. The R-4 Zone is nothing but a way around the R-2 Zone. He encouraged them to look on Gilbert Ave, where the neighborhood is an R-1, single family residential area and then right in the middle of the block there is a tri-plex. It is not what you want a neighborhood like that to look like. The other R-4 requirements includes a storm drainage management plan and should be in compliance with the City drainage regulations and subject to review by the City Engineer, and he did not see that included with the information Mr. Baldonado provided. The whole R-4 rationale is highly suspect and the Commission needs to look at it along with the rest of the Zoning Ordinance. It is very outdated.

Steven Tomita that when you are talking about Multi Family and a 7,000 square foot lot, it is not one building or one unit on the lot. It is a grouping of apartments, a multi-family units, not just one. The lot size is deceiving. It is not just one building with multiple units it is several buildings with multiple units in each. The intensity is much higher. The intensity of the R-4 is a transition of intensity and not density. Commercial is our higher intensity use and a single family is the lower intensity. The R-4 is really a transition from the Commercial on down to the single family residential area. Everything that is in the R-4 Zone is called out and the applicant must comply with this when he submits his plans for review. He (Mr. Baldonado) submitted a site plan to give the Commission and Staff an idea of the building layout, the parking, the setbacks, etc. Once the zoning is approved, the applicant starts in with the full building plans and submit them for review and approval thru the Planning & Zoning Department.

Martin Chavez informed the Commission that he lives across the street from the attorney's office and said that he was ok for development, but a multi-family dwelling just does not seem to fit in that area.

Chairman Steve Ethridge said that some properties are just odd shaped and undersized. He can see where the R-4 zone can be utilized. You have to allow for development. As long as it is not encroaching on anybody he sees the plus side to having a way to help make these oddities fit in. At this point he closed the public hearing and put it before the Commission for discussion or a motion.

Commissioner Claudine Montano moved they approve the zone change from R-1 to R-4, for this property.

Vice Chair Pete Armstrong seconded the motion.

Motion carried.

Motion was as follows:

Commissioner Claudine Montano	Yes
Vice Chair Pete Armstrong	Yes
Chairman Steve Ethridge	Yes

Lisa Miller informed the applicant that they will now go before the Council for the final approval. She will notify them the same way that was done for this hearing.

Steven Tomita said that the City is in need of updating their Comprehensive Plan and have applied for funding to that. The Commission knows that our Zoning Ordinance is outdated, a lot of it does not make sense and is convoluted and it needs to be updated. However, we need to update our Comprehensive Plan first. Once we update that the zoning ordinance must be amended to be in compliance with the Comprehensive Plan. WE are taking on this huge role of modifying and updating everything to bring it all up to where it should be.

DISCUSSION

Landscape Ordinance

Steven Tomita informed the Commission that they had been provided a copy of the Queen Creek Landscaping Ordinance at the previous meeting. He always trying to refer the Commission to existing ordinances to communities around the same size of Belen. He also tries to provide them with Ordinances that have been vetted. This is so that we know it has be legally tested. That is why he has given the Commission Queen Creek Landscaping Ordinance. It is a community that has faced what Belen shall face in the future as the City starts to grow and evolve. He would like to take that Ordinance and take it piece by piece, work on it and then take it for public workshops.

Vice Chair Pete Armstrong said that he has had discussions with different people and it seems that the thought is that the Landscaping Ordinance and the Fence Ordinance should be worked in tandem.

Steven Tomita said that is our intent. What is critical is, when they were trying to address the fence ordinance then they were all of a sudden trying to deal with trees.

Steve Ethridge said that the Queen Creek Ordinance has a lot of good things in it.

Steven Tomita said that as we move through this, we need to provide a list of allowable plants and trees. Tree canopies affects the distance that the trees shall be planted. You don't want a tree that has a thirty foot canopy spaced ten feet apart. These things have to be considered.

Vice Chair Pete Armstrong said that we have a very, very old City with a lot of old tress and there was no thought process put into the planting of those trees. They didn't consider the type of trees, how far apart they need to be, or how long there life span is. As a result of this, there are trees

that need to be removed and some that need a little TLC so that they are not a danger to the public.

Steven Tomita said that the preservation of trees, the size of trees, types of plants and trees all goes in the ordinance. The maintenance of landscaping is a policy and does not go into an ordinance.

Variance & Conditional Use Criteria

Steven Tomita informed the Commission that the NMLZO conference conducted a workshop on Variances and Conditional Uses. It was emphasized the importance of limiting the application of a variance. A variance is supposed to be due to a hardship based on a lot size or configuration that makes it extremely difficult to develop based on the present zoning. Using the variance for fence height because of safety reasons is not due to a physical hardship. It is a condition due crime, etc. This would be more applicable for a conditional use. Conditions can be applied to a variance and a condition use. The time periods of a conditional use need to be addressed. A maximum 1 year, which is what is existing, is not necessarily reasonable. The Commission should be able to place a time period that is reasonable. The Commission needs to assess our ordinance and make changes where they are needed. Some of the issues the Commission hear may not necessarily be a variance but a conditional use.

Vice Chair Pete Armstrong asked if a variance was permanent and a conditional use is temporary.

Steven Tomita said yes.

Chairman Steve Ethridge said that another option needs to be placed on the application for a longer period of time.

Steven Tomita said that there should not be a time period at all, on the application, the Commission should be the deciding body as to the length of time. We also need to enter into an agreement for both the variance and the conditional use. This agreement would be between the city and the applicant. This agreement sets forth why it was granted, how long it was granted for, and the conditions of the variance or conditional use. He said that he would like to adopt the landscape ordinance and the criteria of the variance and conditional use at the same time we flip the C-1 and C-2 changes.

Chairman Steve Ethridge said that ideally the Commission should not have to ask any questions because all items should be addressed when the application is submitted.

Steven Tomita said not necessarily, we can only take the information given to us. We can interpret the code but, we are not addressing public opinion or comment. The Commission is the one who will be asking public opinion and staff opinion and make a decision from the information provided.

Chairman Steve Ethridge said that when they are listening to a request, they are the judges and must go by what is presented to them. He gets more weight is what is presented with the application and the paperwork that goes with it.

Steven Tomita said not necessarily. The public may interpret it one way and staff may interpret another. That is why it is good to hear both sides and then public opinion. It is important that for

the Commission to hear this. It is pretty rare for the Commission to go without asking questions. If the Commission has covered everything then the City Council can make the final decision without asking any questions.

OPEN COMMENTS/REQUESTS

Commissioner Montano asked if the Zone Change for the apartments on Gilbert went through this process because she does not remember it coming to the Commission.

Steven Tomita said that the Commission did approve the zone change and so did the City Council.

Lisa Miller said that none of the present Commission were here when it was approved. It was done around 2008.

ADJOURNMENT

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 7:03 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to the public and all parties of interest that the Belen Planning and Zoning Commission will conduct a public hearing to consider a **REQUEST FOR A ZONE CHANGE FROM R-1 TO C-2: JOHN LEWIS.**

LEGAL DESCRIPTION: Township 5 North, Range 1 East, Section 13, Map 100, Tract A-2 & C, Land of Una L Halford, containing 12.48 acres, located on the South side of the Belen High School on Christopher Rd.

You are further notified that this public hearing will be held on **Monday, June 12, 2017 at 6:00 PM**, in the Council Chambers at City Hall, 100 South Main Street, Belen, NM 87002. Any person having objections or wishing to be heard should make such protests to the Belen Planning and Zoning Commission at the above stated date and time. Comments should be mailed to the Belen Planning and Zoning Department at 100 South Main Street, Belen, NM 87002.

LEGAL NOTICE PUBLISHED: May 25, 2017

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

Applicants Name: John Lewis Phone: 415-235-5089
Address: 610 Oak Ave. San Anselmo, CA 94960
Authorized Agents Name: Michael Skolnick Phone: 505-239-8833
Address: 8916 Adams St. Ne Ste. B Albuquerque, NM 87113

Address of Property: 400 + 401 Christopher Rd. Belen, NM 87002
Block and Lot: _____ Addition: Land of Una L. Halford.
Tract Number: A-2 + C Map: _____
Total acreage in Tract: 12.4787
Number of Dwellings: _____ Density/Acre: _____
Zoning of Property: _____ Present Use: Vacant Land.
Requested Zoning: _____

APPLICATION REQUIREMENTS

The following material must be provided by applicant.

- Filing fee of \$250.00
- Letter of transmittal, describing existing zoning, proposed zoning and reasons for the request.
- Affidavit of ownership.
- A scaled drawing describing the survey of tract boundaries, the location of all roads on and adjacent to the tract, the existing zoning for the tract and adjacent properties.
- Survey plat showing boundary, metes and bounds description of the land proposed for rezoning.

The Applicant must also do the following:

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

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

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


Signature of Applicant

4-20-17
Date

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

Planning and Zoning Commission Meeting
Belen City Council Meeting

Date: _____ Approved/Disapproved: _____
Date: _____ Approved/Disapproved: _____

FEE PAID: _____ RECEIPT NO.: _____ DATE: _____

John Lewis
AB Southwest
610 Oak Ave.
San Anselmo, CA 94960

April 10, 2017

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

Subject: Proposed Amendment to the Belen Zoning Map

Dear City of Belen,

I am a land owner in the state of New Mexico and operate under the business, AB Southwest. In light of the development in and around Belen, my team and I have purchased a twelve acre parcel adjacent to the Belen High School on the Eastside of the I-25. Currently, the piece is zoned residential R-1 to allow single family dwelling units; however, we believe the highest and best use of the raw land would be to zone it as C-2, Mixed Use, a mixture of housing, office, retail, entertainment, medical, and civic uses.

We have had discussions with the Mayor of Belen, Mr. Cordova, the Planning and Economic Development Manager for Belen, Mr. Tomita, and several realtors in the area. All have expressed a variety of use cases, but primarily the need for housing to accommodate the forthcoming job and population growth from the development of the Facebook data center, New Mexico Rail Park, and the establishment or expansion of several manufacturing companies in Belen. Already there is high to full occupancy in the surrounding hotels, lodges, and apartments and we believe high density housing would be more efficient than single family homes. Furthermore, there is senior housing and healthcare centers in and around the area, and we believe medical offices or a hospital would complement the area very nicely. Also with the adjacency to a major arterial road like I-25, it makes sense to build commercial properties that fronts the highway.

Given the dynamic landscape of the area, we would like to have the optionality and flexibility to deliver the highest and best use for our piece of land. We are long-term owners that believe a mixture of uses under our proposed zone, C-2, would serve better than the current R-1 zoning of single family residential homes. Thank you very much for your consideration.

Best,

John Lewis

OWNERS AFFIDAVIT

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

We,
I John Lewis
(Please PRINT name in full)

being duly sworn, depose and say that (I am) (we are) the owner(s) of property located at
400 Christopher + 401 Christopher., for which (I am) (we are)
(Address)

requesting a (Zone Change, Special Use Permit, Variance, Conditional Use, Annexation, Appeal, Replat, Lot Split, Etc.)

Zone Change through the City of Belen. Furthermore, (I) (we) hereby appoint
_____ of _____ as our agent to act in our
behalf on all matters pertaining to the processing of this application.

Signed

610 Oak Ave

Address

San Anselmo, CA 94960

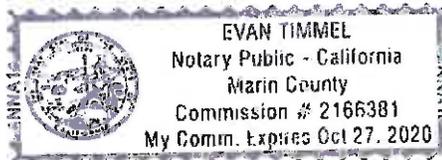
Phone _____

Subscribed and sworn to before me this 20 day of April, 2017.

Evan Timmel
Notary

My Commission Expires:

10/27/2020



BOUNDARY SURVEY FOR
TRACT A-2 & C, LANDS OF UNA L. HALFORD
WITHIN THE
BELEN GRANT
PROJECTED SECTION 13
TOWNSHIP 5 NORTH, RANGE 1 EAST, NMPM
CITY OF BELEN
VALENCIA COUNTY, NEW MEXICO

"SEE SHEET 2 OF 4, 3 OF 4 AND 4 OF 4 FOR EXHIBITS"

NOTES

1. Bearings are based on the plat "LAND OF THE ESTATE OF BEULAH MAE REID" filed November 30, 2012, in Cabinet M, Folio 219.
2. Distances are ground.
3. Basis of boundary Tract A-2 - LANDS OF UNA L. HALFORD (06-18-2002, K-1412) and Tract C - LANDS OF UNA L. HALFORD (07-08-1969, 202-878).
4. Field survey performed on March 16, 2017.
5. Title Policy: Old Republic National Title Insurance Company, File No. 1700898, Effective Date: February 10, 2017.

FLOOD CERTIFICATION

This property does not lie within the 100 Year Flood Plain, as established by the Federal Emergency Management Agency and shown on Panel 395 of 725, FLOOD INSURANCE RATE MAP, dated August 19, 2010, City of Belen, Valencia County, New Mexico.

DESCRIPTION

Tract lettered A-Two (A-2), Division Plat of **LANDS OF UNA L. HALFORD**, City of Belen, Valencia County, New Mexico, as the same is shown and designated on the plat of said Subdivision, filed in the office of the County Clerk of Valencia County, New Mexico, on June 18, 2002, in Book Number "K", folio 1412.

AND

Tract C, as surveyed by Pete Sandoval on June 29, 1966, being within the Belen Grant and within Sections 13 and 14, Township 5 North, Range 1 East of the New Mexico Principal Meridian and being more particularly described as follows:
A Certain tract of land comprising a portion of Tract 260-A, as shown on Map 100 of the surveys of the Middle Rio Grande Conservancy District and being more particularly described as follows:

BEGINNING at the northeast corner of Tract 260-A, M.R.G.C.D. Map 100 and running as follows:
Thence N 86 deg. 09' W, 37.73 feet to a Point;
Thence S 3 deg. 51' W, 30.00 feet to a Point;
Thence N 86 deg. 09' W, 734.73 feet to the northwest corner;
Thence S 0 deg. 37' E, 324.41 feet to the southwest corner;
Thence S 86 deg. 09' E, 713.79 feet to the southeast corner;
Thence N 9 deg. 14' E, 355.00 feet to the northeast corner and the point of beginning.

CERTIFICATION

"I, Timothy Aldrich, do hereby certify that this survey was prepared by me or under my supervision, meets the Minimum Standards for Land Surveying in the State of New Mexico, and is true and correct to the best of my knowledge and belief."



Timothy Aldrich, P.S. 7719

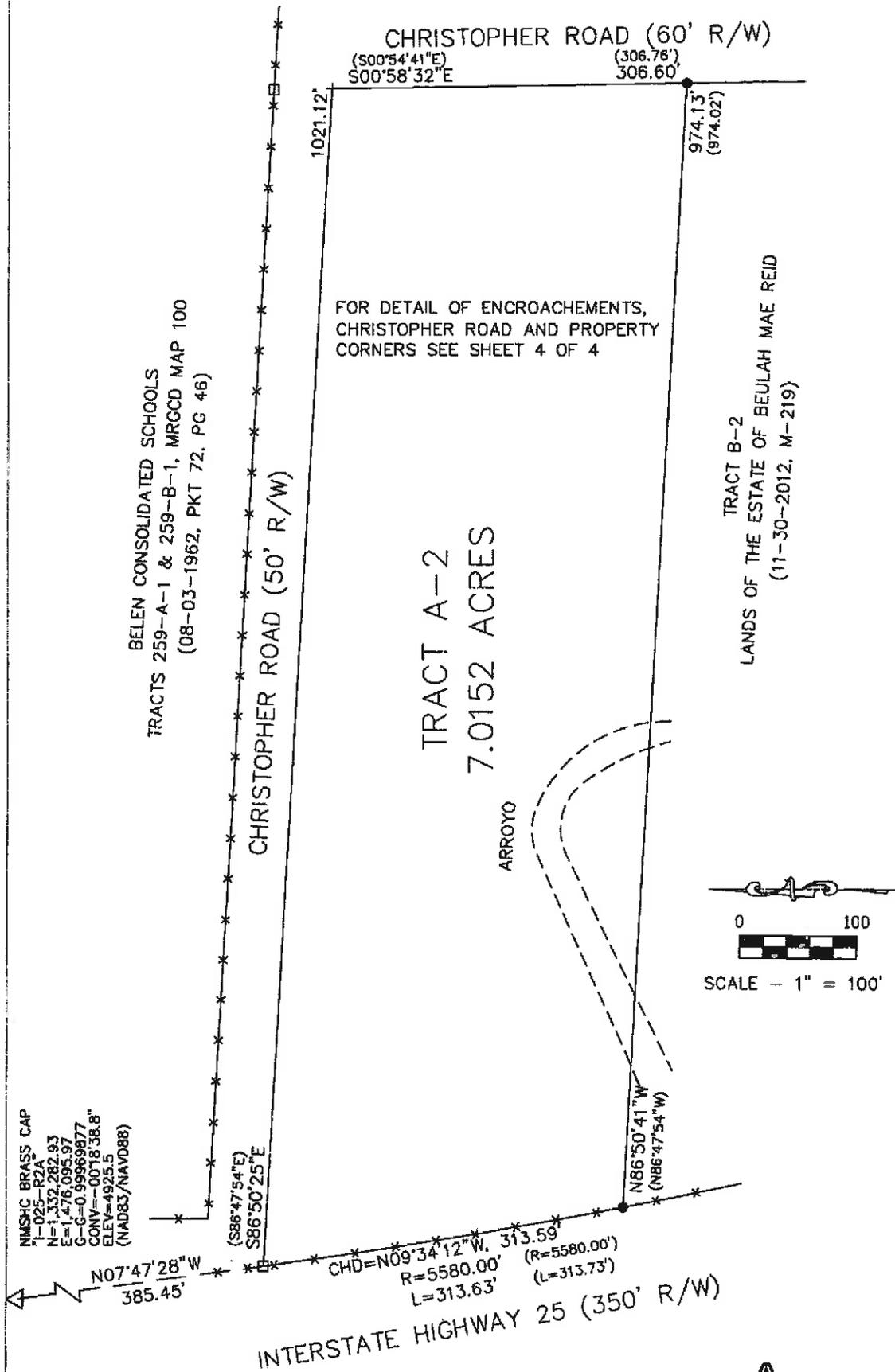


03/17/2017

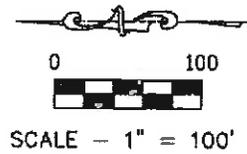
Date

ALDRICH LAND SURVEYING, P.O. BOX 30701, ALBUQUERQUE, N.M., 87190
505-884-1990 ALS FILE NO. 17-029

TRACT A-2, LANDS OF UNA L. HALFORD



FOR DETAIL OF ENCROACHMENTS,
CHRISTOPHER ROAD AND PROPERTY
CORNERS SEE SHEET 4 OF 4

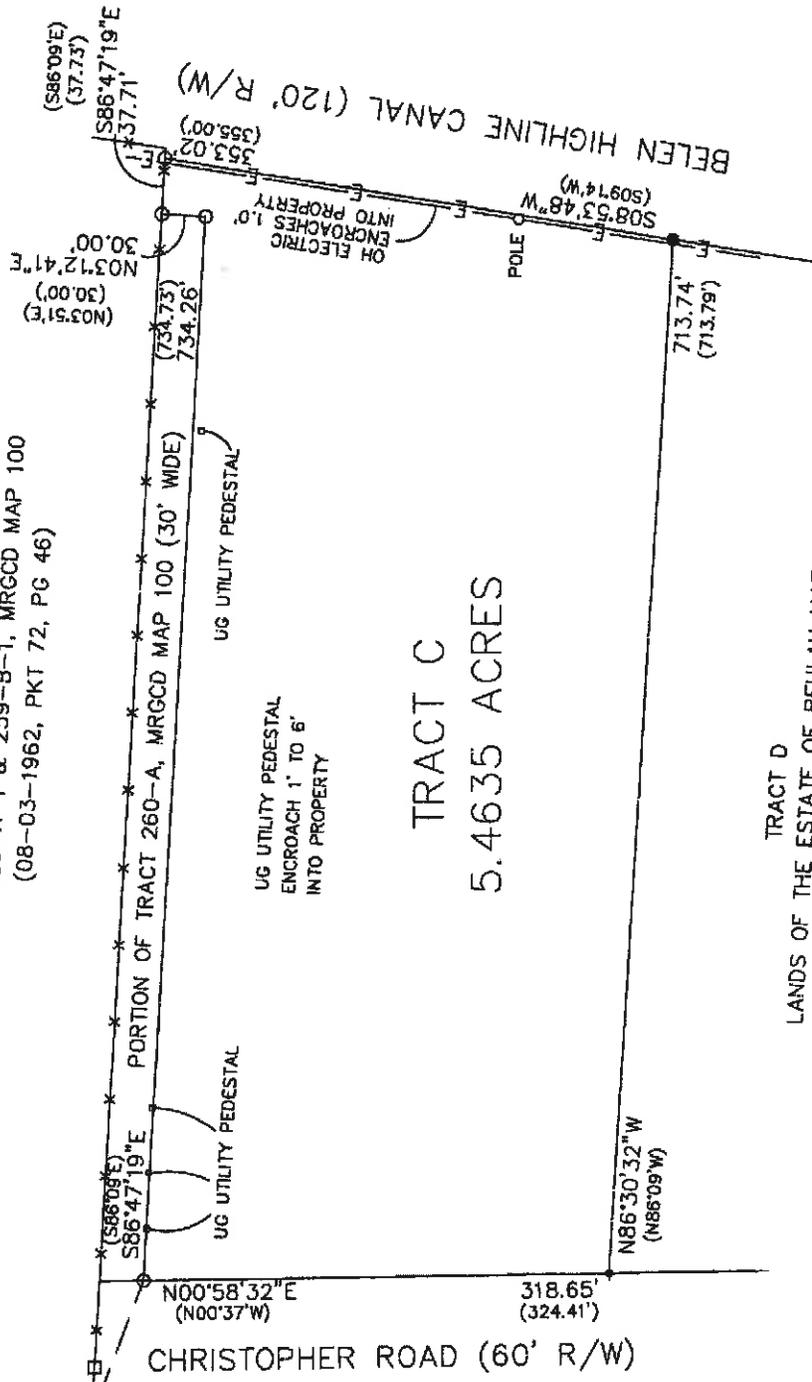


TRACT C, LANDS OF UNA L. HALFORD

BELEN CONSOLIDATED SCHOOLS
 TRACTS 259-A-1 & 259-B-1, MRCCD MAP 100
 (08-03-1962, PKT 72, PG 46)

TRACT C
 5.4635 ACRES

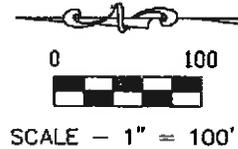
TRACT D
 LANDS OF THE ESTATE OF BEULAH MAE REID
 (11-30-2012, M-219)



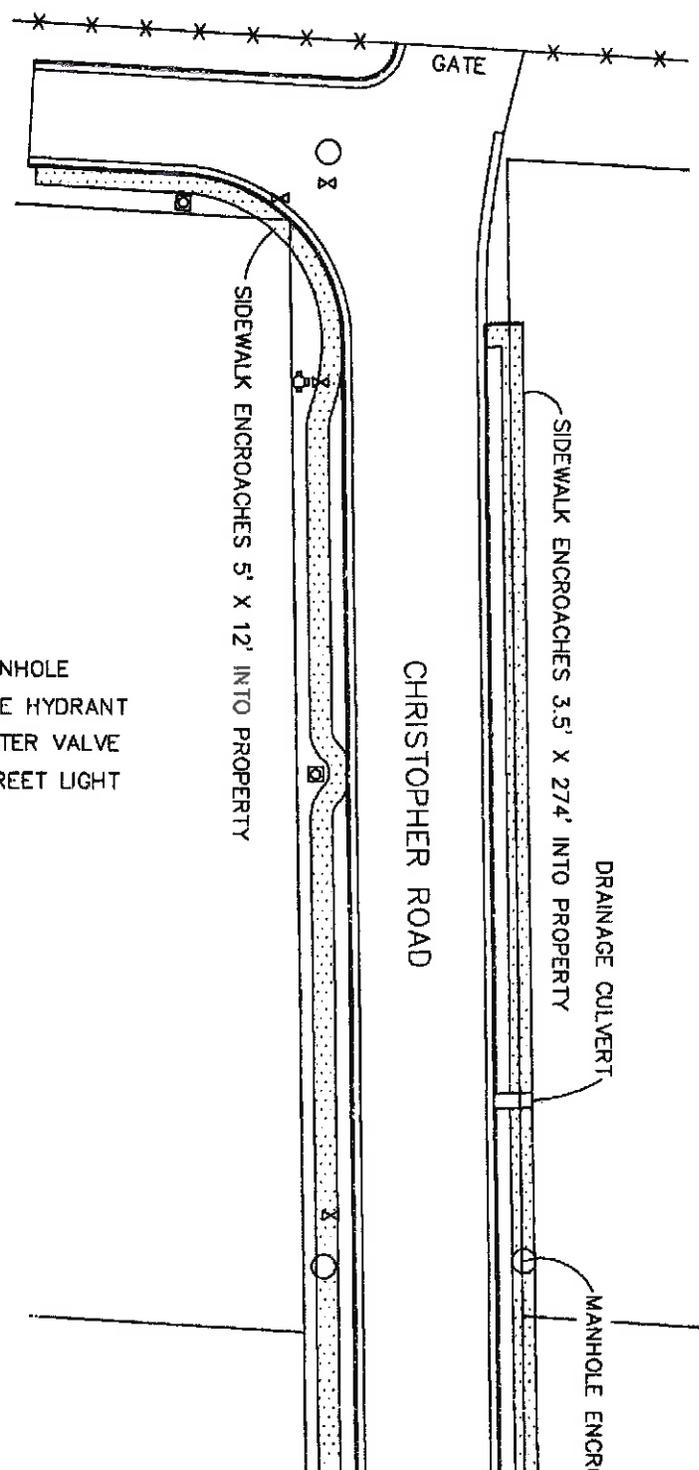
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 G-C=0.99969877
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 ELEV=4925.5
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FOR DETAIL OF ENCROACHMENTS,
 CHRISTOPHER ROAD AND PROPERTY
 CORNERS SEE SHEET 4 OF 4



DETAIL OF CHRISTOPHER ROAD

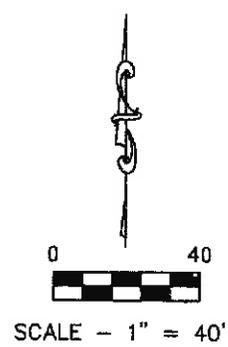


LEGEND

- MANHOLE
- ⊕ FIRE HYDRANT
- ⊗ WATER VALVE
- ⊠ STREET LIGHT

PROPERTY CORNERS

- FOUND 5/8" REBAR WITH CAP "LS 10024" (TYPICAL)
- ⊠ FOUND 1/2" REBAR WITH CAP "LS 7915" (TYPICAL)
- SET 1/2" REBAR WITH CAP "LS 7719" (TYPICAL)
- + SET CROSS ON CONCRETE (TYPICAL)





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

CITY OF BELEN
100 SOUTH MAIN STREET
BELEN, NEW MEXICO 87002
(505) 966-2730 • FAX (505) 864-8408
www.belen-nm.gov

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

CASE REPORT

June 6, 2017

ZONE CHANGE REQUEST

Location: Christopher Road Next to High School

SITE DATA

Existing Use: Residential-vacant **Lot Size:** Tract A-2 (7.0152 Acres) & Tract C (5.4635 Acres)

Direction	Zoning	Existing Land Use
North	R-1	High School
East	R-1A	Residential area across the canal
South	R-1	Vacant Land
West	OD	I-25 Freeway-Outland District-Valencia County

*See attached zone map.

REQUEST

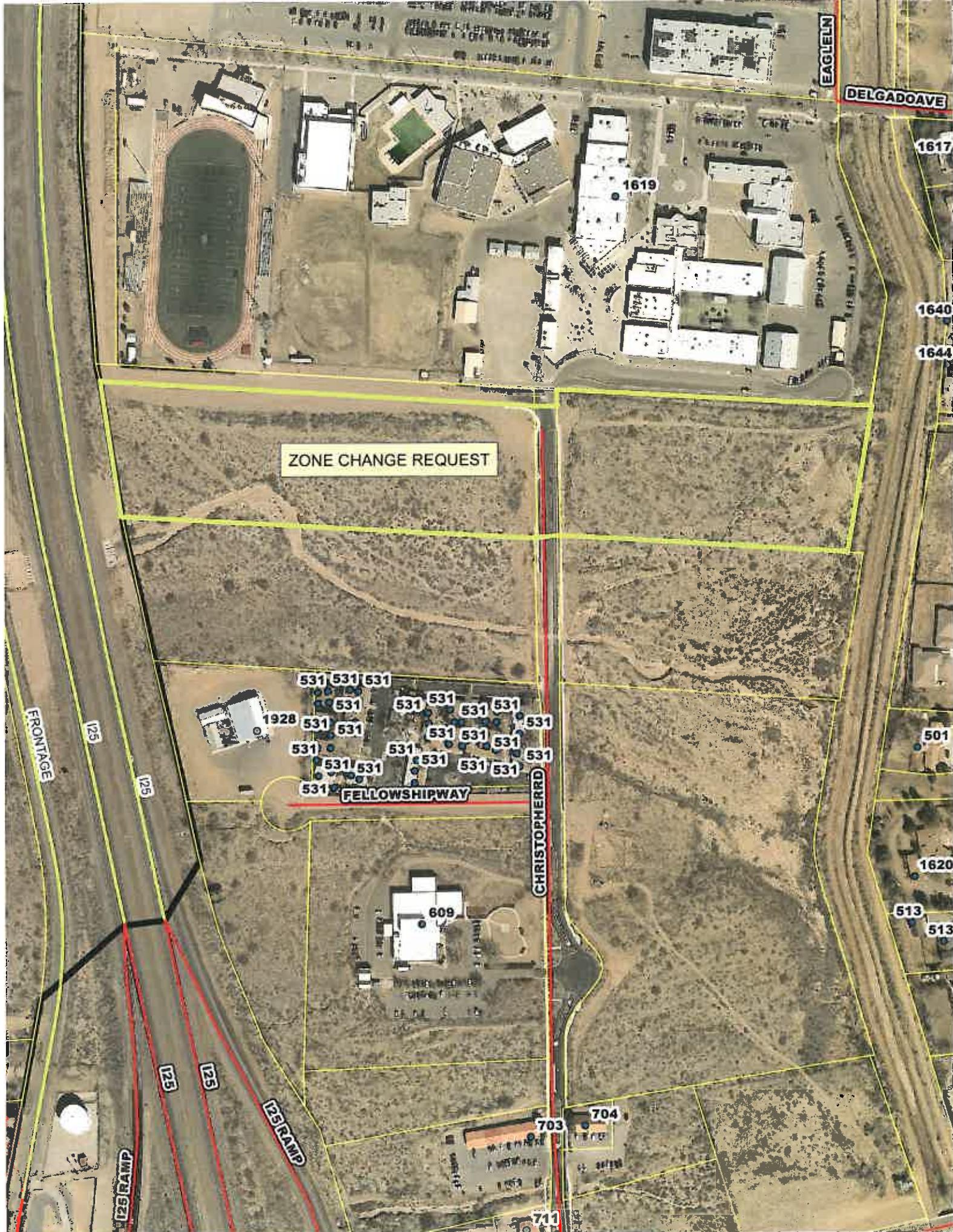
The applicant is requesting a Zone Change from R-1 to C-2

R-1 Requirements	C-2 Requirements
6500 Sq. Ft.	None
Front Setback- 20 Feet	0
Rear Setback- 15 Feet	15 Feet
Side Setback- 5 Feet	0
Off Street Parking – 2 per Single Family Dwelling	As per 17.56

*See attached R-1 and C-2 Zoning Regulations & Off-Street Parking

STAFF FINDINGS AND RECOMMENDATIONS

1. These vacant lots sit just south of the Belen High School. It has been vacant for many years.
2. The surrounding area consists of a High School on the North, Residential area on the East across the canal, vacant land then apartments on the South, and the 1-25 freeway on the West.
3. Christopher Rd going south consists of apartments, a dental office, a physician's office, the Urgent care, a church, more apartments and a lot of vacant land.
4. The zone change request is deemed an appropriate use as it encourages mixed use; however, the change would create an R-1 island. In evaluating the existing activities in the area, the R-1 zone may not be the highest and best use.



EAGLELN

DELGADO AVE

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1644

ZONE CHANGE REQUEST

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FRONTAGE

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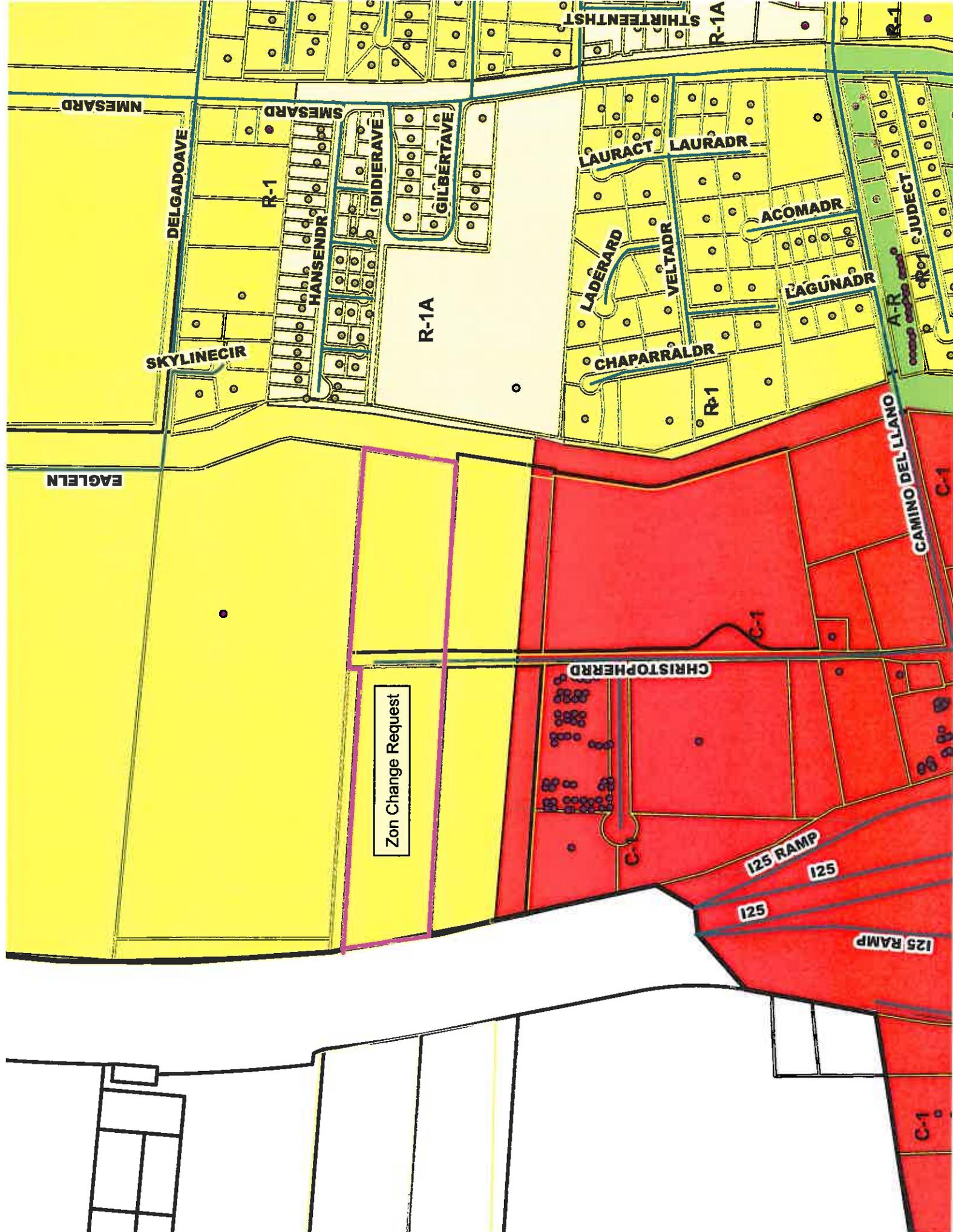
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125

125

125 RAMP

125 RAMP



SHIRTEENTH ST
R-1A

NMSARD

DELGADOAVE

SMSARD

R-1

HANSENDR

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Chapter 17.16 - R-1 SINGLE-FAMILY RESIDENTIAL**Sections:****17.16.010 - Intent.**

The purpose of this zone is to allow conventional, on-site constructed, single-family dwelling units and those uses which are both compatible with and convenient to the residents of such a neighborhood. Density shall be limited to one (1) dwelling unit per lot. Land uses such as churches, schools, and parks are allowed.

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

17.16.020 - Accessory uses.

- A. Buildings or structures customarily incident to uses in this zone district.
- 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.
- C. Home occupations are permitted only to the extent authorized by the definitions in this title.
- D. 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)

17.16.030 - Supplementary regulations.

- A. Area. Each lot shall have a minimum ground area of six thousand (6,000) square feet and a minimum width of sixty (60) feet.
- B. 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.
- C. Height. No building or structure shall exceed thirty-five (35) 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)

Chapter 17.33 - C-2 MIXED USE

Sections:

17.33.010 - Intent.

The purpose of this zone is to permit a mixture of housing, office, retail, entertainment, medical, and civic uses.

- Encourage a greater intensity of development in order to attract the people and commerce necessary to create a vibrant and diverse urban center.
- Encourage a blending of residential, civic, commercial and office uses in close proximity to each other with active commercial and retail uses along arterial and collector street frontages, and encouraging residential uses above the ground floor or behind a commercial building that fronts the street.
- Encourage a mixture of service and employment uses so that residents will have the opportunity to work as well as shop and play within walking distance from their homes.
- Encourage planning, design and detailing that reflects the needs of pedestrians, establishes multi-modal circulation opportunities, and creates memorable civic spaces.
- Encourage the use of multi-modal transportation systems and reduce the amount of impervious surface.

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

17.33.020 - 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 a residential 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, unless buffering is required.

- D. Accessory structures are not allowed in front or side yards facing a public street and shall not exceed two hundred (200) square feet in floor area.
- E. Trash containers and trash compactors shall be at least fifteen (15) feet from the property line when adjacent to land planned or zoned for a single-family residential.
- Trash containers and trash compactors shall be screened from a public right-of-way by decorative wall or enclosure and shall be not less than two (2) feet above the height of the trash container or compactor.
- F. Flag poles twenty-five (25) feet from any property line, with a maximum height of thirty-five (35) feet. Pole heights greater than thirty-five (35) feet may be approved by a conditional use permit.

Additional permitted and accessory uses are listed on the revised table of allowable land use (see [section 17.48.010](#)).

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

17.33.030 - Supplementary regulations.

- A. Setback. Minimum setbacks as measured from property line or right-of-way.
1. Mixed use front: zero (0) feet;
 2. Mixed use rear: fifteen (15) feet;
 3. Mixed use side: zero (0) feet.
- B. Height. No building or structure shall exceed sixty-five (65) feet except as otherwise provided for in the city of Belen's zoning ordinance.
- C. Off-Street Parking. Shall be required as set forth in [chapter 17.56](#) of this title, except for:
- Street frontage for pedestrian connections and circulation. On site with multiple buildings, parking is allowed in front of or between buildings that are interior to the site.
 - Application requests for a reduction in the number of required off-street parking spaces as the result of shared parking will be considered.
 - Shopping centers shall provide a minimum of four (4) parking spaces per one thousand (1,000) square feet of floor area.
- D. Loading. Loading shall be integrated within the site plan and wherever possible integrated within the building's architecture. Innovative loading solutions are to be encouraged.

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

17.33.040 - Development regulations.

A. Consideration for Approval.

1. Plans should comply with the intent and requirements of a mix of land uses set forth herein and not be used for a single land use.
2. Plans must include residential and nonresidential uses within or in close proximity to the district with shared access and adequate pedestrian linkages.
3. The total area of the proposed development must be a minimum of two (2) acres, but may be smaller with an approved conditional use permit.
4. Plan may also include civic or community building, public utility and/or public spaces within the district.

B. Development Review Process.

1. An applicant wishing to develop property zoned C-2 must submit a master plan and design and development guidelines for the mixed use development for a preliminary review.
2. Following preliminary review, the application will be subject to the review and approval of the planning and zoning commission.
3. Upon approval, the master plan and accompanying documents will be used as the official guide for future development within the district.
4. Site development within the district will require the submission of a site development permit application. The site development permit application will be evaluated based on compliance with the approved master plan and guidelines.

C. Landscaping. Landscaping shall provide visual relief of the zoning district, with safe, comfortable and attractive spaces for pedestrians. Landscaping will be evaluated as part of the submittal process. Landscaping requirement for buffering shall be as established in the M-1 Zone.

D. Lighting. Lighting shall comply with the Night Sky Protection Act and be shielded and placed to direct the light away from adjacent properties.

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

Chapter 17.56 - OFF-STREET PARKING AND LOADING

Sections:

17.56.010 - Off-street parking requirements.

- A. In all zone districts, there shall be provided, at the time any new building or structure is erected, off-street parking spaces as set forth in the following subsections. All existing buildings or structures need supply such parking only to the extent ground space is available. Off-street parking must be provided on site or within three hundred (300) feet of the site.

- B. The minimum number of parking spaces to be provided shall be as shown on the following list:
1. Single-family dwellings: two (2) spaces per dwelling unit;
 2. Multifamily dwellings: two (2) spaces per dwelling unit;
 3. Mobilehome parks and travel trailer courts: two (2) parking spaces per mobilehome space or travel trailer space;
 4. Home occupation: no additional spaces;
 5. Hotels and motels: one (1) space per unit and one (1) space per two (2) employees;
 6. Hospitals, clinics, and convalescent or nursing homes: one (1) space per two (2) beds and one (1) space per staff doctor;
 7. Medical and dental offices: five (5) spaces per doctor;
 8. Places of public assembly, including churches, community centers, auditoriums, theaters, gymnasiums, arenas, and mortuaries: one (1) space per four (4) seats;
 9. Club, lodge, or fraternal organization: one (1) space per two hundred (200) square feet of floor area;
 10. Banks, offices, service establishments, retail businesses, and public buildings: one (1) space per three hundred (300) square feet of floor area;
 11. Restaurants (except drive-ins), bars: one (1) space per four (4) seats;
 12. Industrial, manufacturing, and wholesale establishments: one (1) space per two (2) employees on largest shift;
 13. Shopping center developments: five (5) spaces per one thousand (1,000) square feet of floor area;
 14. Bowling alleys: four (4) spaces per alley;
 15. Laundromats: one (1) space per three (3) machines.
- C. For mixed uses within the same building or structure, the total requirement for off-street parking spaces shall be the sum of the requirements of each use computed separately.
- D. The following minimum design standards shall be observed in laying out off-street parking facilities:
1. All facilities must provide appropriate access to a street, alley, or public thoroughfare.
 2. All driveways shall be of sufficient width to permit access into parking spaces, but in no case less than twenty (20) feet wide.
 3. Each parking space shall consist of an area not less than nine (9) feet wide by twenty (20) feet long exclusive of driveway area.
- E. An applicant for a building permit must submit plans showing the off-street parking required by this section. These plans must show location, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress in a manner satisfactory to the zoning enforcement officer.

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

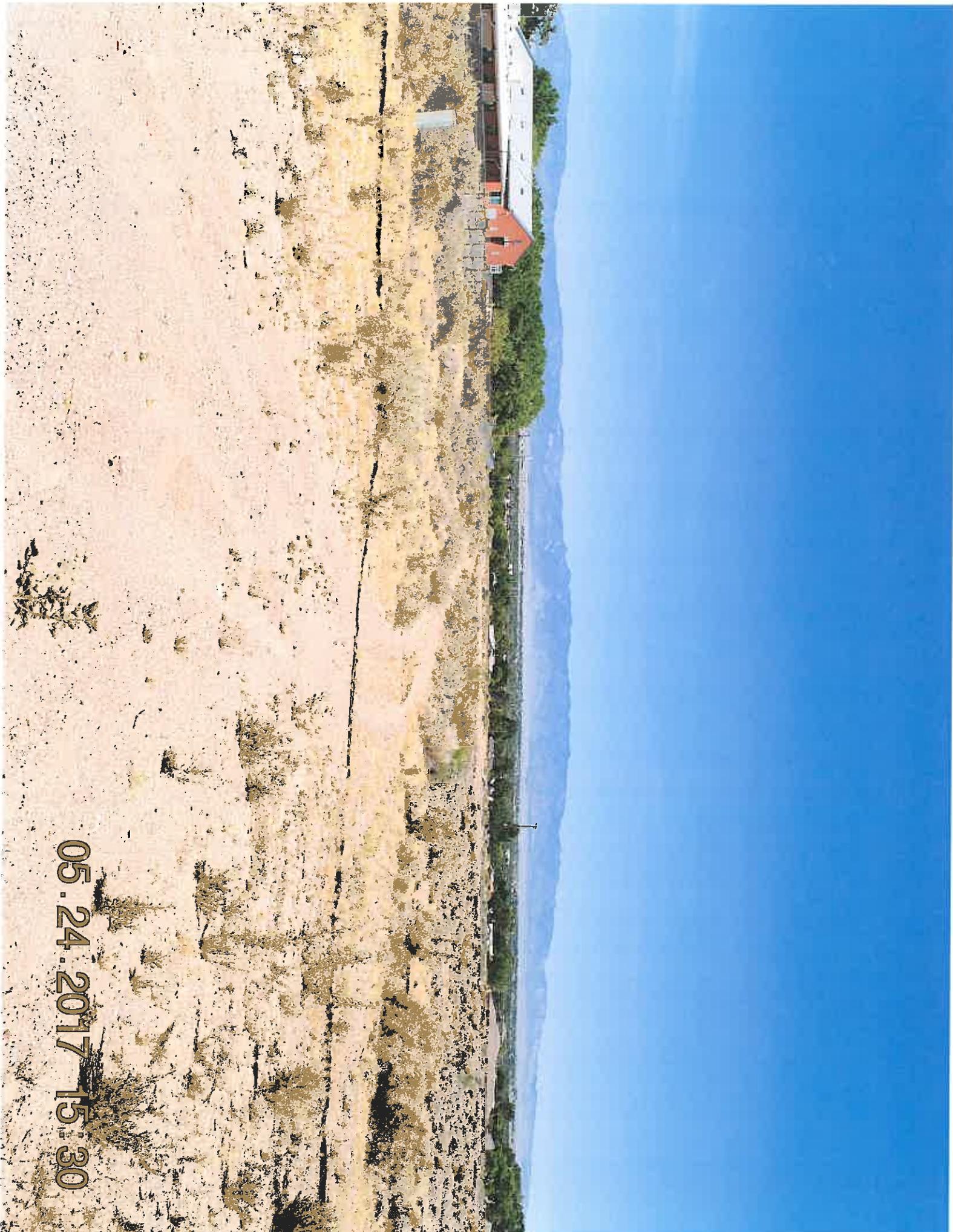
17.56.020 - Off-street loading requirements.

- A. Under the conditions of this section, loading space shall be provided for bulk pickups and deliveries and accessible to delivery vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included in the computation of required off-street parking space.
- B. Individual loading spaces required under this section shall be at least fifty (50) feet long and twelve (12) feet wide, and shall be located on private property.
- C. Every building or structure used for commercial or industrial purposes shall be provided with off-street loading space.
- D. Buildings or structures used for office or research purposes and having a total floor area of at least twenty thousand (20,000) square feet shall be provided with off-street loading space.

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



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