

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 26TH 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 ALLEGENCE**
4. **APPROVAL OF AGENDA**
5. **APPROVAL OF MINUTES:**
June 12, 2017
6. **OPEN COMMENTS/REQUESTS**
7. **DISCUSSION**
Landscape Ordinance
8. **INFORMATIONAL ITEMS**
 - a. Communication from the Commission and Staff
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



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

CITY OF BELEN
PLANNING & ZONING COMMISSION MEETING
MINUTES
JUNE 12, 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
Commissioner Gordon Reeves

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

OTHER: Elmer & Roberta Candelaris
David Faucett
Scott Faucett
Sonya Sanchez

PLEDGE OF ALLEGIANCE

Chairman Steve Etheridge led the Pledge of allegiance.

APPROVAL OF AGENDA:

Chairman Steve Etheridge said he would like to add an item to the agenda. That item would be 5B, Public Comment.

Commissioner Gordon Reeves moved to approve the amended Agenda.

Commissioner Claudine Montano seconded the motion.

Motion Carried.

APPROVAL OF MINUTES:

Commissioner Claudine Montano moved to approve the minutes of May 30, 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 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.

Sonya Sanchez informed the Commission that she was there as representation for Mr. Lewis. A signed affidavit for this was presented to the Commission.

Steven Tomita informed the Commission that, with the affidavit, it empowers her to be able to bind Mr. Lewis on anything that we request as far as any conditions, etc.

Chairman Steve Ethridge asked Ms. Sanchez why they were requesting a zone change for that property.

Sonya Sanchez said that the current owners have no preliminary plans as of yet, but given what is happening in the community and Valencia County, they feel like the best use for the land would be to change it to a C-2 zone. For a broader spectrum to develop the property. R-1 is just too restrictive.

Steven Tomita said that the C-2 use does allow a mixed use which allows commercial, offices, entertainment, high density residential and is truly a mixed use. There is commercial all along the other areas of Christopher Rd. The other parcel between this one and the rest of Christopher Rd. is also an R-1. This has raised a concern with staff, that an island is being created, however staff feels that the R-1 is not a representation of the highest and best use along that corridor because of the existing businesses along Christopher Rd. It would be staffs suggestion, if the Commission recommends that approval so that staff can approach the owner of the other R-1 property and ask permission to initiate a re-zoning of that property to make that whole corridor compatible.

Vice Chair Pete Armstrong said that he supports this endeavor but asked if the infrastructure along Christopher Rd. would support this kind of development. Christopher Rd. is only a two lane road and this would increase the population within that area.

Steven Tomita said that Christopher Rd. was designed as a fifty foot right-of-way with center lane turning lanes. It is a collector road and was built as a collector road. It is ultimately the goal of the City to improve the road improvements to extend it and go around the High School on the west side and eventually connect to Aragon Rd so that you would have a full corridor feed. This would also allow the schools to utilize this road for their buses.

Commissioner Claudine Montano asked Lisa if the applicant had paid for the Zone Change.

Lisa Miller said that they had. It was received after the Commission Packets were distributed.

Chairman Steve Ethridge said that it is nice to see something happen in that area. He asked if they were aware of what the C-2 involves and its regulations.

Sonya Sanchez said that the owners of this property have had lengthy discussions with the City staff.

Chairman Steve Ethridge said that anything that they would be doing to this property would come before the Commission anyway.

Steven Tomita said that this was a conventional zoning. Whatever is decided on this, if it is allowed within that zone, is final. Any building would come to City staff for review and approval. If they decided to do something a little out of the ordinary then it would go before the Commission and then the Council.

Sonya Sanchez said that she hopes that the Commission wants to see the city grow.

Chairman Steve Ethridge asked if there were any comments from the audience. There were none. He then asked Lisa Miller for her report.

Lisa Miller said that Mr. Lewis has come by the office on several occasions and spoke with staff. He asked what the zoning was and was informed that it was R-1. He asked about the process to change the zone and was informed what was needed. He purchased the property and now would like to see the zone change. The location of the property is directly on the south side of the Belen High School property. She explained what some of the regulations are for an R-1 zone and then a C-2 zone. North from this property is the Belen High School. On the east side, across from the canal is residential. On the south the other empty lot and next an apartment. On the west is the freeway. Photos and a copy of the zone map, of the property were provided in the Commission Packet. She explained that these lots have been vacant for a very long time. They were empty when she attended High School in the 1970's. What is existing is the High School, apartments, Urgent Care, Doctor's office, Dentist office and another set of apartments. She said that the zone change is an appropriate use, as it encourages new growth and the change would create an island but the city staff will approach the owner to see if they would be interested in changing the zoning to bring that whole area up to accommodate a more appropriate use. After evaluating the activities in the area, it was determined that the R-1 zone is not the highest and best use for that area.

Steven Tomita said that there was one other item he wanted to add to the report and that this property and the one just south of it are significantly impacted by the storm water run-off from the bluffs down to the east. It is to the extent that it would be costly to develop this property as single family housing. The City is working on securing fund to put in some ponding on the other side of the freeway to alleviate some of the flooding in that area. In the meantime it would be a costly challenge for single family development on those properties.

Vice Chair Pete Armstrong asked if the present property owners understand that they will lose some of that acreage for the ponds.

Steven Tomita said that the ponds on their land would only be the ones required for a development. The ponding that he is referring to would be on the other side of the freeway. The storm water that passes through the property is allowed through under federal laws. They do have to pond anything that falls on their land.

Vice Chair Pete Armstrong said that he was looking at the photo provided and there is a pretty good size arroyo on the western section of those twelve acres. He just wanted to know if the owners were aware of this potential problem.

Lisa Miller said that they were.

Chairman Steve Ethridge asked if the R-1 zone for the High School was a non-conforming use.

Lisa Miller said that it was not. Schools are allowed in all but two zones within the City. The ones that they are not allowed in are the M-C and the SU-1 zones.

Chairman Steve Ethridge asked if that strip of land would be impacted by this.

Steven Tomita said that as far as a development, as long as they do not block the run-off from the arroyo, block access or hinder use of the lands, they will not be impacted. He sees no impact from the types of activities that would occur in that area. If it stayed the R-1 zone there could be some impact.

Chairman Steve Ethridge asked if there were any other questions on this request. There were none so he closed the public hearing. He then asked for a motion.

Vice Chair Pete Armstrong moved to approve the zone change from R-1 to C-2.

Commissioner Gordon Reeves seconded the motion.

Motion was as follows:

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

Steven Tomita informed the Commission and the participants that the vote does not approve the zone change. The P & Z Commission acts as a review board for the Council

Lisa Miller informed the Commission and the participants that this would now go to the City Council for final approval on July 3, 2017 with a recommendation approval for the zone change.

DISCUSSION

Landscape Ordinance

Vice Chair Pete Armstrong said that he was impressed with the thought process, and the levels of details that has gone into the development of the Ordinance from Queen Creek.

Steven Tomita explained to the Commission and the public that there are a lot of issues with our present Zoning Ordinance and we are trying to go through our Zoning Ordinance because they are very outdated. New procedures and updates to the current Ordinance need to be done. At this time the Commission is working on the landscaping part of the Ordinance. We may be doing pieces of the Zoning Ordinance that need our attention at this time, but we are leaving off a big chunk of it because we are trying to get funding to update the City's Comprehensive Plan. The Comprehensive Plan sets the future of the City of Belen. What we want to see happen over the next fifteen to twenty years. How we will develop, how we re-develop, what kind of activities we want to see, how we preserve our history and culture, protect our open spaces, these are all in the Comprehensive Plan. It is supposed to be updated every five years and the last one that was done was in 2008. If it is not updated the city loses its ability to get state and federal funding. Once the Comprehensive Plan is updated, which will take a year, we are mandated by the State to go back over our Ordinances to be in compliance with the Comprehensive Plan. We do not want to do too much until that is done. We are trying to fix urgent things right now and then dig into our Zoning Ordinance later. In our present Landscaping Ordinance, if you want to vary from the Ordinance, you apply for a variance. There is a problem with that because a variance is something that is permanent and is supposed to be based on a hardship because of physical restraints and it is being used on a variety of issues where a conditional use is what should be used. The Landscaping Ordinance of Queen Creek, AZ was used because it is very similar to Belen. They were a community of approximately 2,000 and have since grown into a community of approximately 100,000. Queen Creek put in place their Ordinance so that they could keep the existing history and culture of the area along with growth in a good practical, reasonable manner. Several years went into the development of Queen Creek's Ordinances and has held up to the challenges that has faced that community. It is a nice governing document and it is why he recommended the use of that one to update and develop the City's.

Chairman Steve Ethridge said that he appreciates that fact that there are a few in the audience and would like to see them continue to attend this process because public input is very important.

Steven Tomita said that there will be public workshops for public input as we go through the different stages of the Ordinance.

Chairman Steve Ethridge said that he was impressed with some of the things that were in the Queen Creek Ordinance. Some of it he liked and some he didn't and asked if they wanted to go through this page by page.

Steven Tomita said to take a section at a time, so that when they get through that section, a workshop needs to be held.

Chairman Steve Ethridge said that sections 5.2 and 5.3 in the Queen Creek Ordinance, which covers fencing and landscaping, is the area that is a bigger concern for the City of Belen at this time.

Vice Chair Pete Armstrong said that it is important to mention that this is being done for new construction and some of the areas in the City that, it is recognized that a lot of areas within the City that are older areas where the new rules and regulations are just not going to work. A mechanism to address those areas, and keep those areas. As the other areas develop, these new requirements and regulations will be implemented.

Chairman Steve Ethridge started going over the Fencing and Walls section of the Queen Creek Ordinance to make suggestions as to what he feels should be placed in the City's Ordinance. He also likes the fact that there are pictures included so that you can actually see what they are talking about.

The Commission, Staff and public continued to go over the Queen Creek Ordinance to discuss what they felt would fit the City of Belen.

Steven Tomita said that Queen Creek was really into open fencing.

Vice Chair Pete Armstrong said that he really likes the way they use different aggregate to break up a six foot solid wall fence to give it more texture.

Steven Tomita said a problem, especially in Arizona, is when you see developments come in and the homes are all the same color and similar in design, this creates a row of homes that look the same and Queen Creek has adopted the changes in the textures and colors to break up that sameness and create a visual aesthetics as you go down the street.

Chairman Steve Ethridge said that this sameness can be dangerous. Especially to older people. His mother walked into her neighbor's home because it looked the same as hers.

Lisa Miller informed the Commission that CID does not permit any fencing now.

Steven Tomita said that the City is responsible for the permitting on fences at this time.

Chairman Steve Ethridge asked if the packets and agenda for the public meetings were posted so that the public has access to this packet/agenda.

Lisa Miller said that they were posted on the web site. She said if anyone at the meeting were interested in receiving a packet, all they will need to do is include their email address next to their name on the sign in sheet and she would get one to them.

Vice Chair Pete Armstrong said that there are a lot of things that are discussed are strange to people but there are two purposes for it. One is for new construction and new activities within the City, with fence, etc., but also if you change an existing fence, it will fall under the new Ordinance also. If you want to keep the fence you have now, you will need to maintain that fence.

Chairman Steve Ethridge said that they need to review this again so that they can go over them at the meetings. He would like to start with Fencing and Walls. He asked if Lisa could go over this and change any numbers or zone districts with the ones that the Commission has already done.

Steven Tomita said that the Commission will also need to go over the Ordinances and change any area that they feel that a conditional use be used instead of a variance. When this is taken to the Council for final review and adoption, we also need to address some of the things that we have already gone over. He would really like to see some of these things on the proposed Ordinance and he would like to see an initial written signed agreement in place for a variance and conditional use which would stipulate conditions, timelines, and any other things that are involved.

Vice Pete Armstrong said that this would form a partnership between the City and the applicant. He would also like to see the draft reflect out different zone districts.

Steven Tomita explained some of the zoning districts for Queen Creek and said that Lisa would go through them and compare them to distinguish which of ours correlate with theirs. He also explained the different costs associated with housing densities. He said that as they work on the Comprehensive Plan, new categories will likely be added to deal with things like tiny houses. The trend that is happening now is smaller lots with smaller homes.

OPEN COMMENTS/REQUESTS

Commissioner Gordon Reeves informed the Commission and public that the alley next to Rutilio's was brought before the Commission for abatement. He asked if staff had read from the daughter of the person who made the request, had contacted us or not. He feels that it has been dropped.

Lisa Miller informed him that she has not contacted her concerning this issue.

Commissioner Gordon Reeves said that was the same as what was said the last time and wants to get Code Enforcement involved to address this and if there is still no response then it needs to advance to the next step. It needs to be addressed. They either need to move forward with an abatement request or get it cleaned up. It needs to be completed.

Steven Tomita said that Code Enforcement will be notified.

Chairman Steve Ethridge thanked all of the public that attended and invited them back for more participation. He attended the Council meeting last week and said that he is pro-business and has always been pro-business. He is hoping to get more support from the people in the City concerning new development and new jobs.

ADJOURNMENT

There being no further business to come before the City of Belen Planning & Zoning Commission, Vice Chair Pete Armstrong moved to adjourn.

Commissioner Gordon Reeves seconded the motion.

Motion carried.

The regular meeting of the City of Belen Planning & Zoning Commission adjourned at 6:59 pm.

Chairman Steve Ethridge

ATTEST: _____
Steven Tomita, Economic Development Director

17.54.060 FENCING & WALLS

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

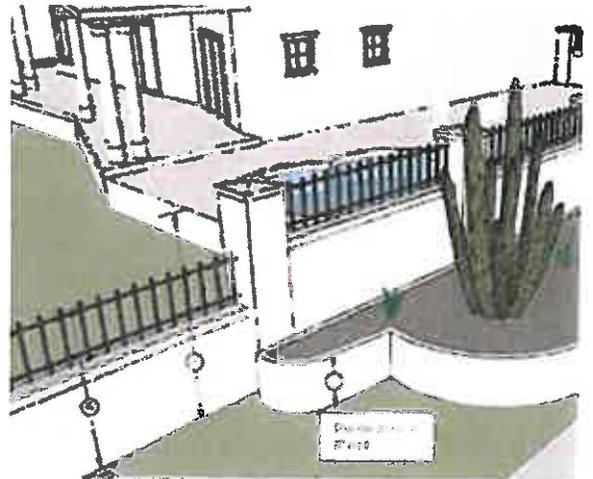
A. General standards

1. Fencing and screening shall be permitted as provided in the Section
2. Fencing materials shall be durable and consistent with abutting fences.
3. The height and location requirements of this section may be modified as part of a subdivision, planned area and development, special use, or conditional use approval. For fences on retaining walls, see definition of a retaining wall.
4. Fences in the required front yard setback shall not exceed thirty-six inches (36") in height. Such fences may be increased to forty eight inches (48") maximum height if the fencing material extending above the thirty-six inch height in an open material such as wrought iron or vinyl rail. Parcels that are zoned A-R, R-1, R-1A, R-2, R-2A, R-3, R-4 shall have no fencing or screening located within the front setback.

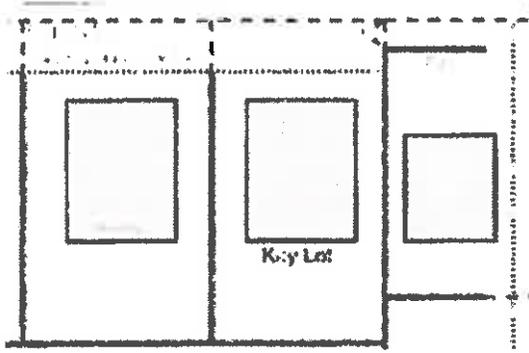


5. A fence constructed on a side or rear property line shall not exceed a height of six feet (6') from highest finished

grade adjacent to the fence, nor more than eight feet (8') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset(s) or similar enhancements to mask height differences, and in no case shall the fence height exceed eight feet (8'). Where the fence height exceeds six (6') on the lower side, a view fence shall be required for the portion above (6') in height.



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



9. The fencing details shall show the proposed method of construction and anchoring of the fence, posts, gate and foundation details of applicable.
10. The fencing details shall clearly show the proposed distance between the fence and the abutting property lines and the sight line of a street right-of-way to the sight line of a street right-of-way intersection. Adequate sight distance shall be maintained as per 18.31.6 NMAC State Highway Access Management Requirements Table 18.F-2.
11. Front courtyard privacy fencing up to four feet (4') is allowed but must meet setback regulations.
12. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase in height shall be allowed when spacing for drainage under the fence is needed.
13. The use of barbed wire, wire mesh, or chain link shall not be used within Residential Zoning Districts of R-1, R-1A, R-2, R-2A, R-3, R-4.
14. Razor Wire, railroad ties, pallets or corrugated steel shall not be used in any zoning district.
15. Storage areas, solid waste dumpsters, and large items for solid waste pick-up

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

16. Fence lighting shall adhere to the night sky regulations, be low profile, no more than eighteen inches (18") above the fence line and not be in a position to interfere with abutting owners privacy.
17. All fencing shall be maintained in like new conditions with proper repairs to replace any damaged fencing or posts. Any repairs shall not be with wire or other like material.
18. Pre-existing fencing shall be grandfathered in and not subject to change under this Ordinance unless existing fencing is replaced, then it shall meet current standards.

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

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

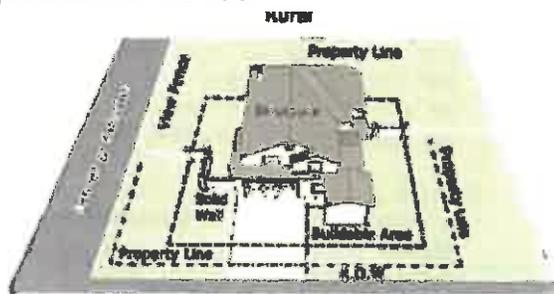


2. All fencing along arterial and collector streets shall be either full view fencing or partial view fencing (4' solid-2' view). The top of any view fence, if constructed of ornamental iron or a similar

material shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.

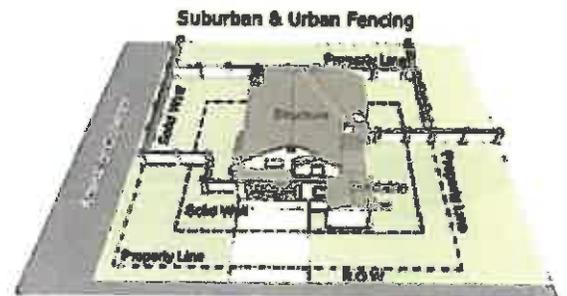


3. Construction of solid fences no taller than six feet (6') shall be limited to the lots within the subdivision. However, view fencing no taller than six feet (6') shall be limited to the buildable area of the lot within the building envelope. However, view fencing no taller than size feet (6') (3'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



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

1. Fences adjacent to streets may be solid and no taller than six feet(6') in height.
2. Fences adjacent to a community open space system or trail shall be partial view fencing (4' Solid – 2' view). The top of any view fence, if constructed of ornamental iron or a similar material, shall have a rail or horizontal member such that no portion of the view fence protrudes above the top rail or horizontal member.
3. All fences shall be decoratively treated on the public side to match the architectural style and design of the neighborhood.



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

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

1. All residential uses located in a Commercial Zone shall use the Residential Zoning District fence regulations.

2. A fence constructed on a side or rear property line shall not exceed a height of seven feet (7') with one foot (1') of out rigging for a total of eight feet (8') from the highest finished grade adjacent to the fence, nor more than ten feet (10') from the lowest grade adjacent to the fence. Any fence of more than six feet (6') in height on the low side shall use berming, landscaping, fence offset (s) or similar enhancements to mast height differences, and when adjacent to single or multi-family residential the fence height shall not exceed eight feet (8').

3. Front fencing and perimeter fencing shall be allowed in the following Commercial uses;

- a. Storage units, Warehouses, Equipment buildings, Automotive related activities, utility buildings, open storage and impound areas.

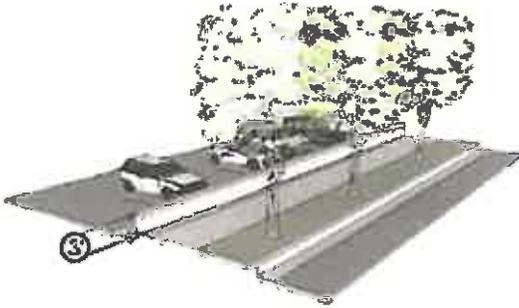
4. All perimeter fences adjacent to an arterial or major collector shall be decorative. A decorative variation shall be provided every fifty feet.



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

6. Parking areas adjacent to the required front yard shall provide a decorative screen wall or landscape

berm or combination thereof to a height not to exceed three feet (3') in order to adequately screen the undercarriages of the parked vehicles.



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

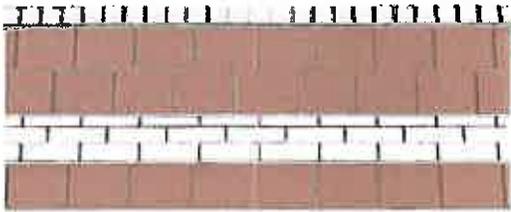
E. Manufacturing and Industrial Zone Districts M-C, M-1.

1. Residential uses located within a Manufacturing and Industrial Zone District shall use the Residential Zoning District regulations.

2. A fence constructed on a side or rear property line shall not exceed a maximum height of Twelve feet (12'). Any fence of more than ten feet (10') in height side shall use berming, landscaping, fence offset (s) or similar enhancements to mast height.

3. Solid fencing use along arterial and collector street on the perimeter of residential projects addresses individual property concerns

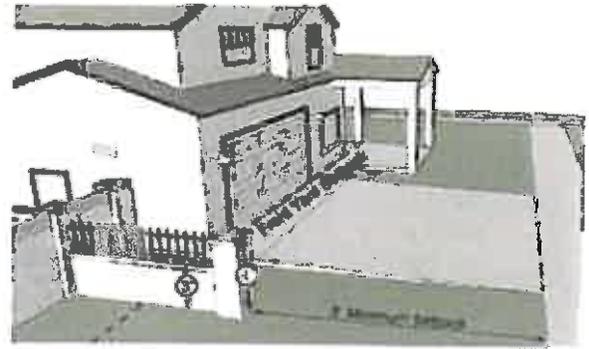
regarding noise, light, privacy and safety. Because solid fence use affects the image, character, safety, and privacy of the community, design upgrades such as material choices and additional buffering to offset the reduction in project openness and reduce the impact of solid fencing is required.



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



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



F. Special Use Zone District SU-1.

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