

A G E N D A

Administrative Review Board
City Council Chambers
800 Municipal Drive, Farmington, NM

February 4, 2016 at 6:00 p.m.

Item No.		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes from the December 3, 2015 Meeting	27
4	Petition No. ARB 16-01 – a request from Fellowship of Spirit Church, represented by William F. Clark, for a variance from the requirements of ‘Off-site signs’ in the GC General Commercial District located at the intersection of 13 th Street and Farmington Avenue. (Steven Saavedra)	1
5	Business from: Floor: Chairman: Members: Staff:	
6	Adjournment	

ATTENTION PERSONS WITH DISABILITIES:

The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.

ADMINISTRATIVE REVIEW BOARD
Petition ARB 16-01
Fellowship of the Spirit, off-site Sign
February 4, 2016

DESCRIPTION OF PETITION

Petition No. ARB 16-01 is a request from the Fellowship of Spirit Church, represented by William F. Clark, for a variance to allow an off-site sign to be located along a collector and local street (not an arterial street) with a minimum right-of-way width of less than 200 feet located at E. 13th Street & Farmington Ave in the GC General Commercial District. The property is legally described as:

Commercial Way Subdivision Replat A, a Replat of Lots 11 & 12, Block 2, in the City of Farmington, San Juan County, New Mexico. Otherwise located at E. 13th Street and Farmington Avenue

GENERAL INFORMATION

PetitionerFellowship of Spirit
RepresentativeWilliam F. Clark
Property Owner..... David Cooper and Manalynn Trust
Nature of Petition.....The petitioner has an existing portable freestanding sign at the intersection of Farmington Ave & E. 13th St.
Location of PropertyFarmington Ave & E. 13th St.
Applicable RegulationsPursuant to Section 5.8.7.A.18 of the City of Farmington Unified Development Code, off-site signs and billboards are permitted along principal arterial streets as shown on the City of Farmington Major Thoroughfare Plan, except along the designated Native Heritage Trails Byway (U.S. Highway 64, including Murray Drive), which have a minimum right-of-way width of 200 feet, but only:

- a. having a total area of not more than one square foot for each five linear feet of highway frontage;
- b. having a total area of not more than 200 square feet;
- c. having a height not exceeding 26 feet;
- d. being at least 750 feet from any other off-site sign and shall include both sides of the street; back-to-back parallel faces shall constitute one sign; and
- e. being at least 100 feet from any on-site, freestanding sign or residential building; such distance shall be measured as a radius.

ZoningGC General Commercial District

Existing UseVacant

Surrounding Zoning

And Land Use

North: GC General Commercial/Vacant
South: GC General Commercial/Commercial
East: SF-7 Single Family Residential/Residential
West: GC General Commercial/Commercial

Public Notice..... Publication of Notice of this petition appeared in the Daily Times on Sunday January 17, 2016. Adjoining property owners were sent notice by certified mail on Wednesday, January 13, 2016, and a sign was posted on the property on Friday, January 22, 2016.

Staff.....Steven Saavedra, Associate Planner

BACKGROUND

The Zoning Code states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Administrative Review Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Code will result in an unnecessary hardship. The Code also states that a variance should not be approved unless the spirit and intent of the Code is observed, and substantial justice done to the application and surrounding neighborhood.

The Fellowship of Spirit Church is requesting a variance to allow an off-site sign at the intersection of Farmington Avenue and East 13th Street. The parcel of property is 0.42-acres and is currently vacant, only the off-site sign in question is located on the property. David Cooper and Manalynn Trust own the vacant property, according to the San Juan County Assessor Office. The vacant property is in the GC General Commercial Zoning District. The location of the sign is on a collector street (Farmington Avenue) with a right-of-way of 50-feet and a local street (E. 13th Street) with a right-of-way of 50-feet.

The Fellowship of Spirit Church is located at 2009 E. 13th Street. The petitioners indicated their location does not allow an optimal view from Farmington Avenue and an off-site freestanding sign will better direct individuals to their institution. In 1978, the building located at 2009 E. 13th Street was originally constructed. The church is located in the GC General Commercial District. Namaste Family Services was the previous business located at 2009 E. 13th Street. On December 16, 2014, the Building Division at the Community Development Department issued a permit for an addition to the structure. In 2015, the addition was constructed and the structure extends further north towards the property line.

The Fellowship of Spirit Church is approximately 160-feet from the vacant parcel of property where the sign is located and approximately 310-feet from the location of the current off-site sign in question. The off-site sign was brought to the City of Farmington's

attention, as it was placed in the site distant triangle at the intersection of Farmington Avenue and E. 13th Street, (please see exhibit 1-A). Off-site signs are limited Pursuant to Section 5.8.7.(A)18 of the Unified Development Code. Additionally, the sign in question is a portable sign, placed on movable skids. Pursuant to 5.8.7(A)10 of the UDC portable signs are prohibited. Furthermore, the petitioner has a banner wall sign on their building, (see exhibit 2-A). Pursuant to UDC 5.8.7.(7) banner signs are allowed for a maximum of 30-days per year. As of January 20, 2016 the wall banner sign remains and is out of compliance with the UDC. The Fellowship of Spirit Church does not have any sign permits with the City of Farmington.

Pursuant to UDC 5.8.7 “The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the pleasing look of the city; to preserve Farmington as a city that is attractive to business; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to otherwise implement relevant provisions of the Farmington Comprehensive Plan.”

ANALYSIS

Variance Criteria - Section 8.12.4, UDC

A variance may be granted only where a literal enforcement of the Code provisions would result in unnecessary hardship for a particular property. In order to grant a variance, the ARB must make a positive finding of fact concerning each of the following or, if a positive finding of fact cannot be made that, the ARB specifically describes the circumstance that would outweigh the strict requirement for a positive finding of fact and determine that the variance will not be a public detriment:

1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and, furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant.

The subject property where the sign is currently located is vacant. There are no structures on the parcel of property, other than the sign in question. There are no special conditions or circumstances unique to this property. The sign placed at this location was self-imposed. The building structure located at 2009 E. 13th Street is 38 years old. The Fellowship of Spirit Church is a recent tenant located at the subject property. The petitioners were aware of their location and proximity to Farmington Avenue. Therefore, their actions are self-created.

This criterion IS NOT met.

2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.

The UDC requires offsite signs must be located solely on principle arterial streets. East 13th Street is a local street and Farmington Avenue is a collector Street. The UDC prohibits off-site signs on minor arterial streets, collector streets, and local streets. In an effort to make the City of Farmington beautiful and safe, the UDC restricts the size, location, and volume of freestanding signs. Staff is not aware of any off-site signs located on local and collector streets. Other individuals in and around the area do not enjoy the rights of an off-site sign. Therefore, this criterion is not met.

This criterion IS NOT met.

3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building, or structure.

The requirements for off-site signs are as follows: *Off-site signs and billboards*. Such signs may be placed along principal arterial streets as shown on the city's major thoroughfare plan, except along the designated Native Heritage Trails Byway (U.S Highway 64, including Murray Drive), which have a minimum right-of-way width of 200 feet, but only:

- Having a total area of not more than one square foot for each five lineal feet of highway frontage;
- Having a total area of not more than 200 square feet;
- Having a height not exceeding 26 feet;
- Being at least 750 feet from any other off-site sign and shall include both sides of the street; back-to-back parallel faces shall constitute one sign; and
- Being at least 100 feet from any on-site, freestanding sign or residential building; such distance shall be measured as a radius.

The current sign is less than 200 square feet, it does not exceed 26 feet in height, and there are no other off-site signs in this area. However, the sign is approximately 100-feet from the residential building located at 2101 Farmington Avenue. The off-site sign for the Fellowship of Spirit Church is located on a collector street (Farmington Avenue) with a right-of-way of 50-feet and a local street (E. 13th Street) with a right-of-way of 50-feet. A principal arterial street with 200-foot right-of-way is required for an off-site sign. This request is proposing a 75% reduction in the required 200-foot right-of-way width. This is not a minimum easing of the Code requirements.

This criterion IS NOT met.

4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare.

According to the UDC "The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the pleasing look of the city; to preserve Farmington as a city that is attractive to business; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to otherwise implement relevant provisions of the Farmington Comprehensive Plan."

The intent of the UDC 5.8.7 is to keep off-site signs in appropriate areas, such as highways and commercial corridors. The Fellowship of Spirit Church sign is adjacent to a residential neighborhood, 60-feet from a residential parcel of property. The intersection of Farmington Avenue and E. 13th Street is residential in nature. Allowing this request creates the incentive and potential to see other off-site advertising signs aligned up and down residential corridors around the City.

This criterion IS NOT met.

5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.

Collector and local streets prohibit the use of off-site signs. No other sign in the area advertises off-site institutions or businesses.

This criterion IS met.

6. That no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts has been or shall be considered grounds for the issuance of a variance.

There was no nonconforming use of neighboring lands, structures, or buildings in the same district considered in the evaluation of this variance.

This criterion IS met.

7. That the applicant would suffer an unnecessary hardship if the variance requested were denied.

If denied, the petitioner would not suffer an unnecessary hardship. Staff empathizes with the petitioner's need for exposure and growth. The petitioner has the opportunity to install both an on-site freestanding sign and wall sign in the GC General Commercial District. The GC General Commercial District allows 200 square feet of signage for a freestanding sign. In addition, the GC District allows a freestanding sign 45-feet in height. Furthermore, the petitioner's building structure

extends further north towards the property line. The building structure is viewable from Farmington Avenue. Community members of the City of Farmington created sign regulations “*to minimize the possible adverse effects of signs on nearby public and private property.*”

This criterion IS NOT met.

CONCLUSION

There are numerous local and collector streets in the City of Farmington. In an effort to make the City beautiful and safe, the Unified Development Code restricts the size, location, and volume of freestanding signs. The current sign is an off-site portable sign, prohibited in the City of Farmington. This sign is located along a collector and local street, with a right-of-way width of 50-feet. An off-site sign is allowed only on principle arterial street(s), with right-of-way width(s) of 200-feet. The Community Development Department understands the petitioners need for exposure and growth. The petitioner has the opportunity to install both an on-site freestanding sign and wall sign at 2009 E. 13th Street. The GC General Commercial District allows 200 square feet of signage for a freestanding sign. In addition, the GC District allows freestanding 45-feet in height. The petitioner’s building extends further north towards the property line. This building is visible from Farmington Avenue.

The request in question is not a minimum easing of the code, there are no special conditions unique to this property, other institutions in the area do not have off-site signs, and the off-site sign is not in harmony with the general interest, the general purpose, and intent of the Code. The criteria justifying the approval of this variance are not met.

RECOMMENDATION

The Community Development Department recommends denial of Petition No. ARB 16-01, a request from the Fellowship of Spirit Church, represented by William F. Clark, for a variance to allow an off-site sign located at the intersection of Farmington Avenue and E. 13th Street.



Zoning District

- General commercial
- Single-family 7
- Roads Labels

COMMUNITY DEVELOPMENT
DEPARTMENT

Date: 1/7/2016





Fellowship Of Spirit



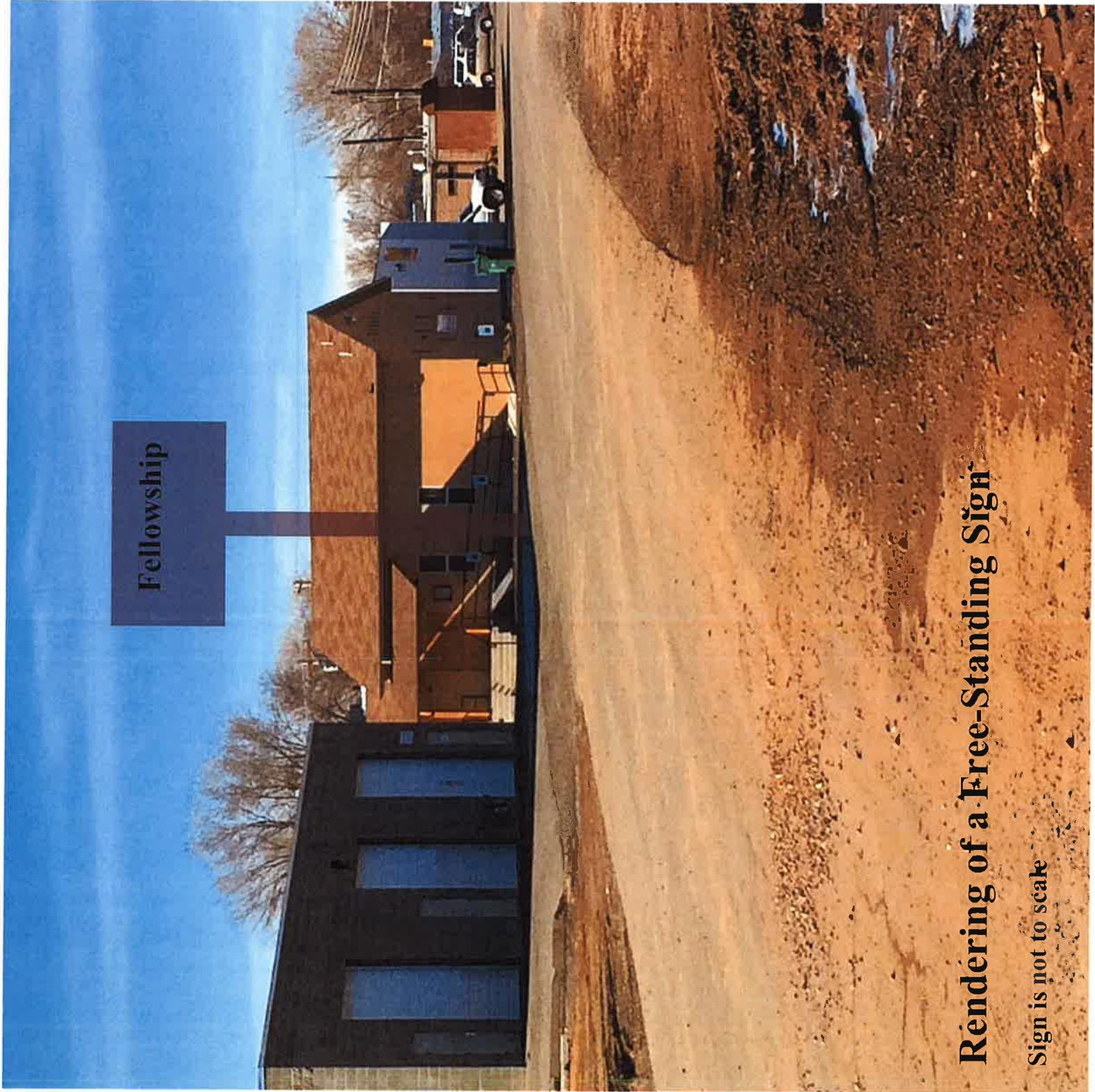
2009 E. 13th Street
505-326-5103

Exhibit 2-A

10.23.201



Size of a sign allowed in the GC District



Rendering of a Free-Standing Sign

Sign is not to scale



PLANNING MEMO COMMENTS SUMMARY

ARB 16-01 13TH ST & FARMINGTON AVE.

Deadline: 1/14/16

City of Farmington Departments

CD	Director – Mary Holton	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – Derrick Childers	1- I the sign is a permanent sign, a building permit will need to be applied for.
CD	Long Range Planner	
CD	MPO – Duane Wakan	
CD	Oil & Gas Inspector – Leona Sims	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	No comment
ELEC	Electrical Engineering - Luwil Aligarbes	No conflict
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	Will not interfere with firefighting operations
LEGAL	City Attorney – Jennifer Breakell	
LEGAL	Deputy City Attorney-Russel Frost	
POLICE	Code Compliance -	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	No comment

Other Entities

New Mexico Gas Company	
CenturyLink-Willatto	No comment
Qwest Communications	
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI	
Williams Field Services	
Farmington School District	



Complete applications will not be accepted.

Return completed application to:

Planning Division
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

- | | | |
|---|--|---|
| <input type="checkbox"/> Annexation and / or Zoning | <input type="checkbox"/> Summary Plat | <input type="checkbox"/> Zone Change to _____ District |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Final Plan | <input checked="" type="checkbox"/> Variance (ARB) | Proposed Length of Use: _____ |
| | | <input type="checkbox"/> Well site equipment modification |

INFORMATION

Applicant's Name: Fellowship of Spirit	Project Location: 13th St & Farmington Ave
Address: 2009 E. 13th	Existing Use: .
E-Mail: fellowshipofspirit1@gmail.com	Proposed Use: off premise signage
Telephone: 505-326-5103 OR 505-716-7106	Current Zoning: .
Relationship to Property Owner: friend	Assessor's Parcel I.D. and/or Tax I.D. Number: R0022634

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes No
If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: William F. Clark	E-Mail: bill@apluswell.com
Phone: 505-320-4174	Address: 4441 CARDON DR Farmington NM 87401

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: Cy Cooper Phone: 505 327 0474	Name: Phone:
Address: 615 W. Maple	Address:

OWNER CERTIFICATION

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Cy Cooper	Address: 4000 Crestridge Dr
Owner's Signature: [Signature]	Phone / Email: 505-486-1402 cy@cooperfirepro.com

*** STAFF USE ONLY ***

Received By _____
Date _____ Fee Received _____
Project File No. _____
Date of Hearing/Meeting: _____

- Blueline Copies of Plans _____
- Ownership Report (subject and surrounding properties)
- Legal Description _____
- Detailed Statement of Proposed Use

Fellowship of Spirit

PO Box 1665

Farmington, NM 87499

January 4, 2016

City of Farmington
Community Development
800 Municipal Drive
Farmington, NM 87401

Re: Petition Application Supplemental Information
Request for Zoning Code Variance - Offsite Signage

Introduction / Summary:

Fellowship of Spirit, a non-denominational church, located in the middle of the block on 13th Street, between Schofield Street and Farmington Avenue, respectfully requests a zoning variance to permit an off premise sign to be allowed at the SW corner of 13th Street and Farmington Avenue.

Our building is not visible from Farmington Avenue and 4' x 6' temporary sign at the corner will greatly help people find our meeting place. The Fellowship of Spirit cannot envision a circumstance in which the presence of this relatively small sign would be injurious to the neighborhood or detrimental to public welfare.

Justification of Variance Request

1. Our church is located on the South side of 13th Street and does not have visibility from the main thoroughfare, Farmington Avenue, due to the size and location of the adjacent commercial buildings.
2. The other buildings near our property on 13th Street have superior position which prevents the Fellowship of Spirit building from being easily found by the general public.
3. Granting this variance would not create a hardship or unreasonable use of the vacant lot on which this off premise sign would be placed. The owner of the vacant lot on the Southwest corner of 13th Street and Farmington Avenue, Mr. Cy Cooper, where the sign will be located has given his permission.
4. This sign will not cause harm to any individual in the neighborhood. Please note, this block of 13th Street is zoned mostly Commercial and there is only one residential property located on the Northeast corner facing Schofield; a full city block away from the proposed sign.
5. This variance will not affect any other uses in the area of concern.
6. This variance is being requested on its own merits and to our knowledge there is no other off premise signs in this general area.

Fellowship of Spirit
PO Box 1665
Farmington, NM 87499

January 4, 2016

City of Farmington
Page 2
Petition Request - Offsite Signage

7. It is imperative for the Fellowship of Spirit to have good exposure for the growth opportunity and denying this request would be a limiting factor and thus be a hardship.

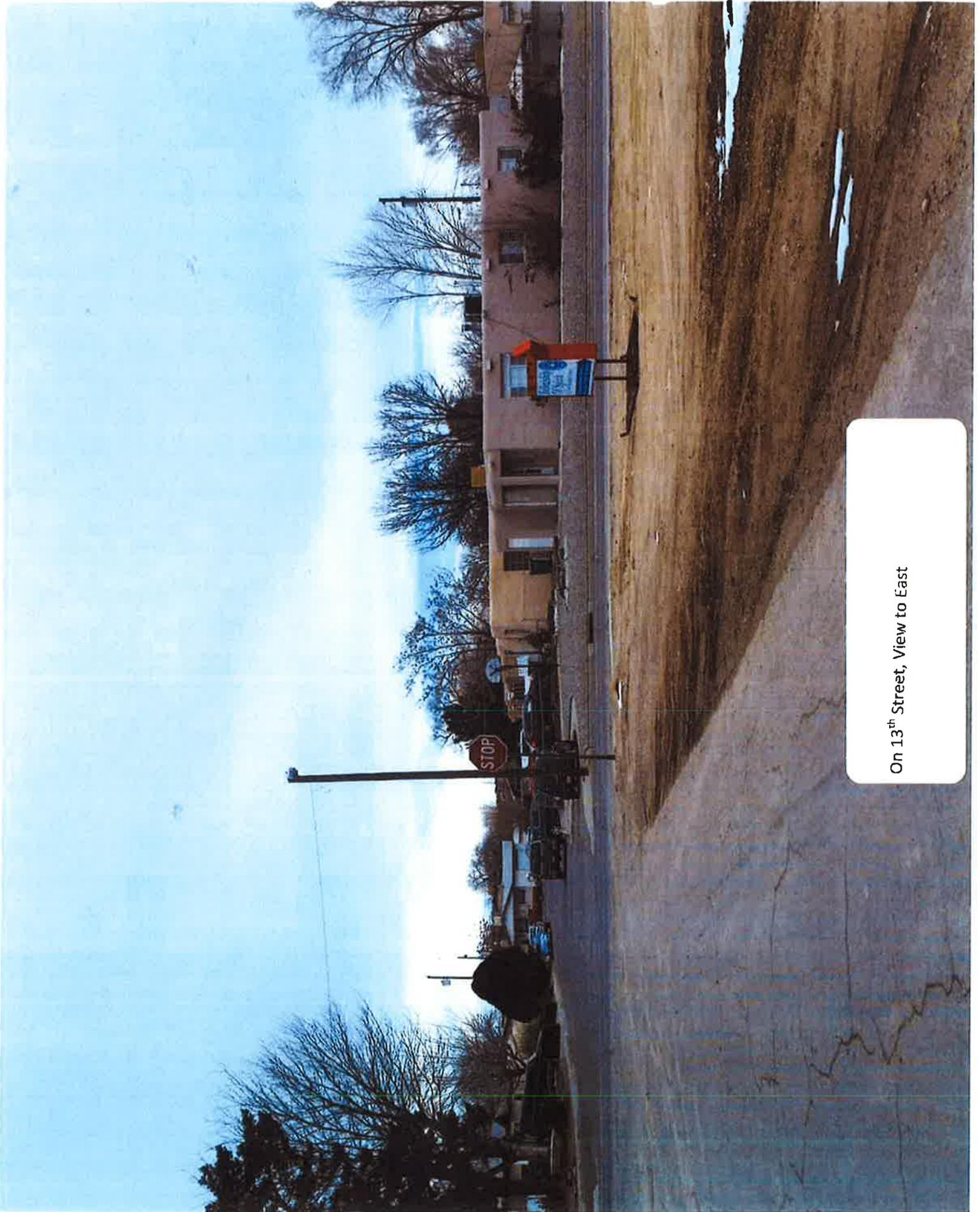
Please note, during 2015 the Fellowship of Spirit expanded our building and incurred significant additional costs to comply with the City's fire codes, (we were required to fully sprinkle the existing building and new addition at a cost of \$28,000.00) because the water line serving this block of 13th Street is undersized.

If you have any questions, please contact me at (505) 320-4174.

Sincerely,



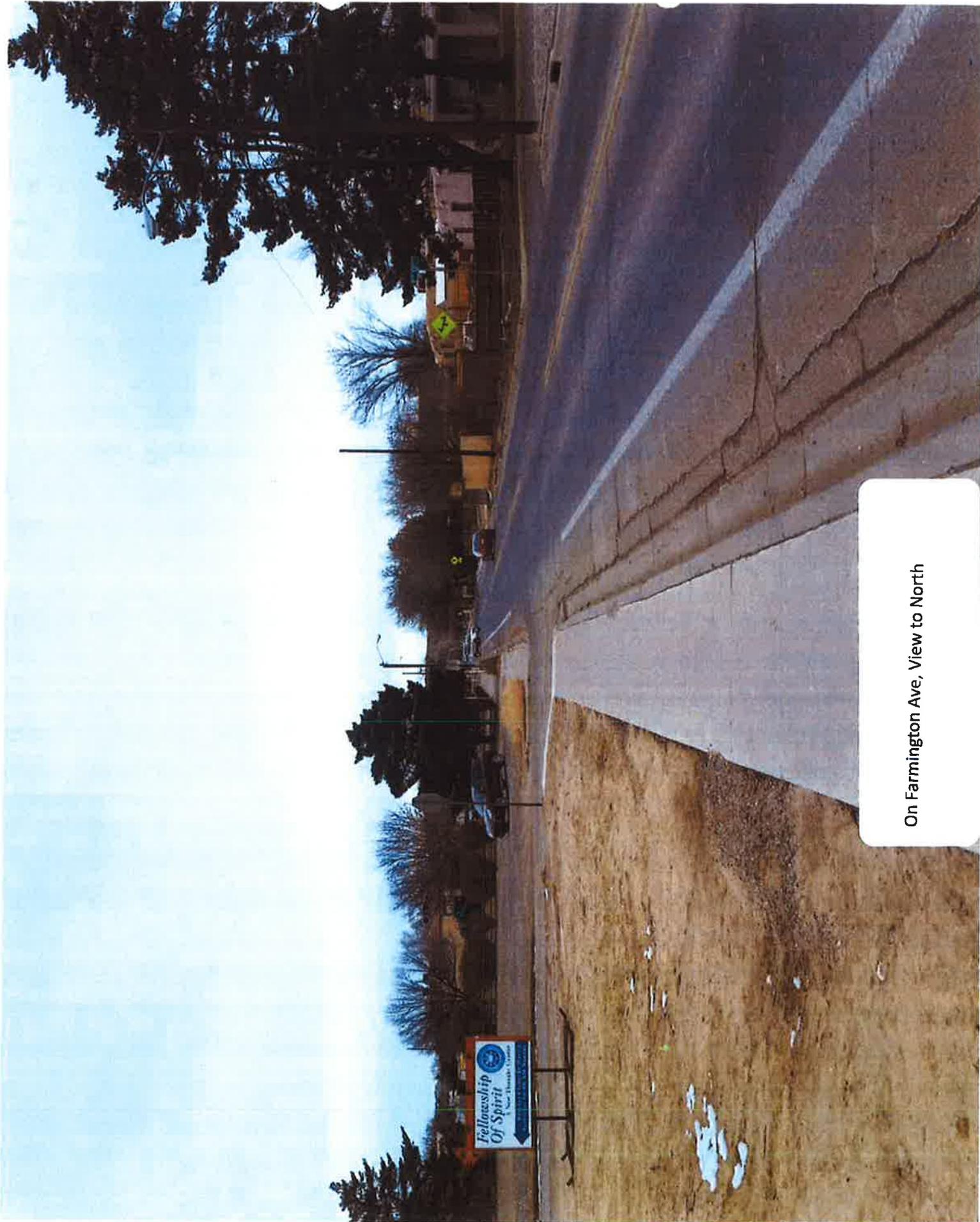
William F. Clark
President of the Board



On 13th Street, View to East



On Farmington Ave, View to South



On Farmington Ave, View to North

**(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING**

Notice is hereby given that the following applications have been filed with the Administrative Review Board of the City of Farmington.

Petition No. ARB 16-01 - a request from Fellowship of Spirit Church, represented by William F. Clark, for a variance from the requirements of Section 5.8.7 A (18) 'Off-site signs' of the UDC in the GC General Commercial District located at the intersection of 13th Street and Farmington Avenue.

LEGAL DESCRIPTION:

Commercial Way Subdivision Replat A, a Replat of Lots 11 & 12, Block 2, in the City of Farmington, San Juan County, New Mexico.

**Otherwise located at 13th Street and
Farmington Avenue**

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, February 4, 2016, at 6:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider these variance requests. All persons in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

Karen Walker
Administrative Assistant

Legal No. 72281 published in the Daily Times on January 17, 2016.

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-01**

January 13, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Administrative Review Board of the City of Farmington, New Mexico, a request from Fellowship of Spirit Church, represented by William F. Clark, for a variance from the requirements of Section 5.8.7 A (18). If approved, this variance may allow an off-site freestanding sign in the GC General Commercial District at the intersection of 13th Street and Farmington Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Commercial Way Subdivision, Replat A, a Replat of Lots 11 & 12, Block 2, in the City of Farmington, San Juan County, New Mexico.

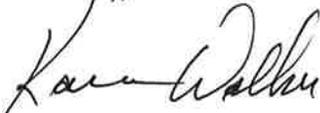
Otherwise located at 13th St. and Farmington Avenue

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, February 4, 2016, at 6:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider this variance request. All persons in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department – Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Steven Saavedra, Associate Planner, at 505-599-1282 or ssaavedra@fmtn.org.

Sincerely,



Karen Walker
Administrative Assistant

GUARDIAN ABSTRACT & TITLE CO., INC.
221 NORTH AUBURN
FARMINGTON, NEW MEXICO 87401

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF THE FOLLOWING DESCRIBED PROPERTY: **Commercial Way Subdivision Replat "A", a Replat of Lots 11 & 12, Block 2 Block 2 Lot 11A, also a portion of an abandoned alley**

OWNER: Cooper, David C. "CY" and Manalynn Trustees
 4000 Crestridge Dr.
 Farmington, NM 87401-0000
 1544/710, 1380/565

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Irvin, Richard W. 730/545, 1380/565	2018 E. 12 th Farmington, NM 87401-7461	Commercial Way Subdivision Block 2 Lot 13 Also A portion of an abandoned alley
Willis, W.D. and Patricia A. 1195/84, 1380/565	50 Road 6050 Farmington, NM 87401	Commercial Way Subdivision Block 2 Lot 14 Also A portion of an abandoned alley
Malone, James E. and Deborah Malone, Ryan Kelly 1413/567, 1417/442 1380/565	301 Mc Donald Rd. Farmington, NM 87401	Commercial Way Subdivision Block 2 Lots 15 and 16 Also A portion of an abandoned alley

Uselman, Mark W. and
Valerie A. Trustees
1374/424, 1374/426
1380/565

1111 Farmington, Ave.
Farmington, NM
87401-7400

Commercial Way
Subdivision
Block 2
Lot 17
Also
A portion of an abandoned
Alley
and
Uselman Subdivision
Block 3
Lot 10A

Fellowship of Spirit, Inc.
1436/684, 1380/565

P.O Box 1979
Farmington, NM
87499

Commercial Way
Subdivision
Block 2
Lot 8
Also
A portion of an abandoned
alley

Cooper, David C. "CY" and
Manalynn Trustees
1293/754, 1380/565

4000 Crestridge
Farmington, NM
87401-9310

Commercial Way
Subdivision
Block 2
Lots 9 and 10
Also
A portion of an abandoned
alley

James, Chris A. Trust
1307/549, 1307/550

6100 Rinconada
Farmington, NM
87402

Commercial Way
Subdivision
Block 1
Lots 2, 3, 4 and 5

Crowley, James D. and
Jana S. Trustees
1570/746

P.O Box 601
Aztec, NM
87410

Commercial Way
Subdivision
Block 1
Lot 6

City of Farmington
996/515

800 Municipal Dr.
Farmington, NM
87401-2663

The VonTungeln
Subdivision
Tract 2

Anderson, Christine L. and Jered A. 1479/901	2101 E. 15 th St. Farmington, NM 87401-0000	Fairview Village Subdivision Block 8 Lot 10
Kaber, Jacob V. and Gentry 1594/998	2105 E. 15 th St. Farmington, NM 87401	Fairview Village Subdivision Block 8 Lot 9
Montoya, Flaviano and Imelda 1278/643	2100 E. 13 th St. Farmington, NM 87401-9255	Fairview Village Subdivision Block 8 Lot 1
Contreras, Marvin 1462/146	2104 E. 13 th St. Farmington, NM 87401-0000	Fairview Village Subdivision Block 8 Lot 2
Vallejos, Leo E. and Matilda A. Living Trust 1327/782	2108 E. 13 th St. Farmington, NM 87401-7558	Fairview Village Subdivision Block 8 Lot 3
Evans, Wanda J. Trustee 1429/450	622 Gladeview Dr. Farmington, NM 87401	Fairview Village Subdivision Block 6 Lot 10
Nichols, James A. 1439/277	2105 E. 13 th Farmington, NM 87401	Fairview Village Subdivision Block 6 Lot 9
Cardin, Christopher J. 1397/100	2109 E. 13 th St. Farmington, NM 87401	Fairview Village Subdivision Block 6 Lot 8
Logsdon, Barbara 1062/224	2100 E. 12 th St. Farmington, NM 87401-7574	Fairview Village Subdivision Block 6 Lot 1

Simkins, Daniel Charles and
Sandra Gail
1387/531

2104 E. 12th St.
Farmington, NM
87401-7574

Fairview Village
Subdivision
Block 6
Lot 2

Webb, Brandy M.
1564/925

2101 E. 12th St.
Farmington, NM
87401-0000

Fairview Village
Subdivision
Block 4
Lot 18

**MINUTES
ADMINISTRATIVE REVIEW BOARD
December 3, 2015 – 6:00 P.M.**

The Administrative Review Board met in regular session on Thursday, December 3, 2015 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present: Chairman Ireke Cooper
James Dennis
Paul Martin
Lynn Scott
Adam Soukup (Via Phone)

Members absent: None

Staff present: Mary Holton
Cindy Lopez
Keith Neil
Steven Saavedra
Karen Walker

Others addressing the board: Mark Arambula
Tim Christensen
Jim Colter

Call to Order

The meeting was called to order at 6:00 p.m. by Chair Cooper and there being a quorum present the following proceedings were duly had and taken.

Approval of the Agenda

A motion was made by Board Member Dennis, seconded by Board Member Scott, to approve the agenda. The motion passed unanimously by a vote of 5-0.

Approval of the Minutes from the October 8 and November 5, 2015 Regular Meetings

Board Member Martin made a motion to approve the minutes of the October 8, 2015 regular meeting. The motion was seconded by Board Member Dennis and passed unanimously by a vote of 5-0. Board Member Dennis made a motion to approve the minutes of November 5, 2015 regular meeting. The motion was seconded by Board Member Scott and passed unanimously by a vote of 5-0.

Swearing in of Witnesses

All parties that wished to speak on behalf of any agenda item were sworn in by Karen Walker.

**Petition No. ARB 15-15
A Variance to the Required Side Yard Setback**

Discussion of ARB No. 15-15 on December 3, 2015

Board Member Martin recused himself from this petition.

Associate Planner Keith Neil presented the staff report for ARB 15-15, a request from R & D Investments, LLC, represented by Othoniel Bejarano of Food Service Concepts Inc., for a variance to the required 30 foot front yard setback to a 10 foot front yard setback in the IND Industrial District, for property located at 600 Scott Avenue.

The property currently contains a Denny's Restaurant. The petitioner will be constructing a new Denny's Restaurant on the same property. Approximately 440 square feet of the new restaurant will be encroaching into the required 30 foot front yard setback. The petitioner desires to continue operating the existing restaurant while construction takes place on the new restaurant. The petitioner believes that the proximity of the new restaurant being constructed closer to Scott Ave. will increase the visual awareness for their potential customer base and increase revenue. The petitioner is working with FEMA to mitigate floodway construction issues as the new building will be located in the floodway.

Staff recommends approval of ARB 15-15.

Board Member Dennis asked if the proposed design with the encroachment would enhance the parking layout. Mr. Neil responded that it would add six more parking spots.

Jim Colter of P.O. Box 95313, Albuquerque, NM, is the district leader with Denny's Restaurants. Mr. Colter stated the company is looking forward to the new building which will seat approximately 160 people.

Board Member Scott asked when the old building would be torn down. Mr. Colter stated that the old building would be torn down within three days of the opening of the new building.

Administrative Review Board Action of December 3, 2015

A motion was made by Board Member Dennis and seconded by Board Member Scott to **approve** Petition No. ARB 15-15, a request from R & D Investments, LLC, represented by Othoniel Bejarano of Food Service Concepts Inc., for a variance to the required 30 foot front yard setback to a 10 foot front yard setback in the IND Industrial District, for property located at 600 Scott Avenue.

AYE: Chair Cooper, Board Members Dennis, Scott, and Soukup.

NAY: None

RECUSED: Board Member Martin.

ABSTAIN: None

ABSENT: None

MOTION TO APPROVE 4-0

Petition No. ARB 15-16 A Variance to the Required Side Yard Setback

Discussion of ARB No. 15-16 on December 3, 2015

Board Members Dennis and Martin recused themselves from this petition and left the room.

Associate Planner Steven Saavedra presented the staff report for ARB 15-16, a request from Top Performance Management LLC., represented by Timothy Christensen Architect, for Beckland Dental, for a variance to the required 20 foot side yard setback to a 10 foot side yard setback in the LNC Local Neighborhood Commercial Zoning District, for property located at Beckland Drive next to Enterprise Rent-A-Car.

The petitioner requests to construct a 10,464 square foot building on 1.52-acres. Currently, the property is undeveloped. The occupants for the intended building are a dentist office and restaurant. The property was zone changed on June 2, 2015 from R-4 to LNC. The R-4 zoning district was eliminated with the adoption of the Unified Development Code in 2008. The Future Land Use Plan map of the City's Comprehensive Plan shows this parcel as commercial and requires an interior side yard setback of 20-feet for a principal structure in the LNC District. This variance request, if approved, will reduce the northeast interior side yard setback from 20-feet to 10-feet.

Staff recommends approval of ARB 15-16.

Board Member Scott questioned as to why the first, second, and seventh variance criteria were not met. Mr. Saavedra explained the first criteria asks if special conditions and circumstances exist, which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district. Staff believed the slope of the land and the hill contained in the property could cause a challenge and extra building costs. However, staff did not feel it was impossible to construct the building with the right design.

Mr. Saavedra continued to explain that the second criteria asks if a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district. Staff determined a church building to the northeast is approximately 45-feet from the interior side yard setback. Two commercial buildings to the south have side setbacks greater than 20-feet. Therefore, the interpretation of the provisions of the Code would not deprive the rights commonly enjoyed by others in the area.

The seventh variance asks if the applicant would suffer an unnecessary hardship if the variance requested were denied. Staff felt the intent of the setback is to separate buildings and principal structures of adjacent property owners and therefore, the criteria was not met.

Tim Christensen of 2120 N. Sullivan stated the owner wants to build as much building as possible on the property. The proposed design adds more parking and makes the property more usable.

Mark Arambula of 3901 Beckland is the Operations Manager for Enterprise Rent-A-Car. He asked if Enterprise would be sharing a driveway with the new building. Mr. Christensen stated that they would be sharing easements, but not the driveway.

Administrative Review Board Action of December 3, 2015

A motion was made by Board Member Scott and seconded by Board Member Soukup to **approve** Petition No. ARB 15-16, a request from Top Performance Management LLC., represented by Timothy Christensen Architect, for Beckland Dental, for a variance to the required 20 foot side yard setback to a 10 foot side yard setback in the LNC Local Neighborhood Commercial Zoning District, for property located at Beckland Drive next to Enterprise Rent-A-Car.

AYE: Chair Cooper, Board Members Scott, and Soukup.

NAY: None

RECUSED: Board Members Dennis and Martin.

ABSTAIN: None

ABSENT: None

MOTION TO APPROVE 3-0

Review and Approval of the 2016 ARB Meeting Calendar

Senior Planner Cindy Lopez presented the 2016 ARB Meeting Calendar. She explained the Calendar had previously been approved with the Open Meetings Act. The calendar was being presented to determine if there were any meeting dates that would conflict with holidays. Board Member Dennis made a motion to approve the 2016 ARB Meeting Calendar as presented. The motion was seconded by Board Member Martin.

MOTION TO APPROVE 5-0

Business from the Floor: There was no business from the Floor.

Business from the Chair: There was no business from the Chair.

Business from the Members: Chair Cooper asked for three printed copies of the Agenda Book to be provided for use the Board Members during each meeting.

Business from Staff: There was no business from Staff.

Adjournment: The December 3, 2015 meeting of the Administrative Review Board was adjourned at 6:33 p.m.

Ireke Cooper-Chairman

Karen Walker-Administrative Assistant