

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
February 11, 2016, at 3:00 p.m.**

Item		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes of the January 14, 2016 P&Z Meeting	16
4	Petition No. ZC 16-01 – a request from Keystone Investments, LLC, John and Amy Clawson, and Russell Casazza, represented by Marlo Webb for a zone change from IND Industrial to SF-MH Single Family-Mobile Home, located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street. (Keith Neil)	1
5	Business from: Floor: Chairman: Members: Staff:	
6	Adjournment	

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, February 23, 2016.

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.

COMMUNITY DEVELOPMENT PETITION REPORT
PETITION ZC 16-01
Zone Change from IND to SF-MH
Fox Street

A. STAFF REPORT, February 11, 2016

PROJECT INFORMATION

Applicants	Keystone Investments, John and Amy Clawson, Russell Casazza
Representative	Marlo Webb
Date of Application	January 14, 2016
Requested Action	Zone Change from IND Industrial to SF-MH Single-Family Mobile Home
Location	2703, 2701, 2609, 2607, 2605, 2601 Fox Street
Existing Land Use	Residential
Existing Zoning	IND Industrial
Surrounding Zoning and Land Use	North & South: IND properties, parking lots East: SF-7 SMHAO Single-family Residential with a Special Mobile Home Area Overlay/Residential West: GC-General Commercial/ Webb Toyota
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, January 24, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 20, 2016 and a sign was posted on Thursday, January 29, 2016.
Staff Planner	Keith M. Neil, Associate Planner

STAFF ANALYSIS

Project Description:

The petitioners are requesting a zone change from the IND Industrial District to the SF-MH Single-family Residential Mobile Home District for six (6) residences along the western side of Fox Street. The properties are north of Herrera Road and south of Hannon Drive directly behind Webb Toyota. There is a single-family home on the corner of Fox Street and Hannon Drive while the remaining parcels possess mobile homes. The mobile home located at 2701 Fox Street was destroyed by fire this fall and Mr. Webb of Keystone Investments would like to replace the mobile home. Due to the mobile home being located in the IND Industrial District, which does not permit residences, it currently is described as being a legal, non-conforming structure. According to Section 9.3.3 which states *"If a non-conforming structure is destroyed by fire, the*

elements, or other cause, it may not be rebuilt except to conform to the provisions of this UDC", Mr. Webb is not permitted to replace the mobile home and must come into conformity with the IND District.

Keystone Investments, LLC is the property owner for 2703, 2701, 2609 and 2607 Fox Street. Russell Casazza is the property owner of 2605 Fox Street. John and Amy Clawson are the property owners for 2601 Fox Street. These property owners are seeking a zone change to SF-MH, Single Family-Mobile Home, jointly to come into conformity with the UDC.

These parcels and a large area that surrounds them were annexed into the City of Farmington in 1956 and entered as IND Industrial properties. Since that time, the property to the west, Webb Toyota, had a zone change to GC General Commercial and the properties to the east, all residential, had a zone change to SF-7, SMHA Special Mobile Home Area Overlay.

Section 8.7.4 of the UDC outlines *Issues for consideration* in determining a proposed zone change as follows:

- A. Is the proposed zoning consistent with the Farmington Comprehensive Plan?
- B. Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?
- C. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?
- D. Is the proposed density and intensity of use permitted in the proposed zoning district?
- E. Is the site physically suitable for development of uses and density permitted by the proposed zoning district?
- F. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the extension of public facilities and services necessary to service the proposed development?
- G. Does the proposed change constitute "spot zoning" as defined in Article 11, definitions?

Article 11 defines "spot zoning" as "Where a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan." The Comprehensive Plan 2020 Future Land Use Plan shows the area as *Commercial*.

However, these parcels have been residential in nature since 1956 and are small parcels that would find it difficult to meet the current IND setback requirements. The area to the east is also residential and this request is compatible with the character of the area. The request will not be detrimental to the surrounding neighborhood as it has existed prior to 1956.

The proposed zoning better suits the current conditions in the area than the existing IND zoning. The properties are already serviced by sewer, water, and electric.

STAFF CONCLUSION

Staff concludes that the proposal does not constitute a spot zone and will not adversely impact the area. Approval of ZC 16-01 is appropriate.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition ZC 16-01, a request from Keystone Investments, LLC, Russell Casazza, and John and Amy Clawson, represented by Marlo Webb, for a zone change from the IND Industrial District to the SF-MH Single-family Mobile Home District for six (6) properties located on Fox Street.



SF-MH

SF-7

Z-705
PIP

WEBB
CHEVROLET

IND

HAYMON DR

IND

BRIST ST

HERRERA RD

IND

SF-7

SMHA

GG

IND

WEBB
TOYOTA

E MAIN ST

E MAIN ST

GG

GCPD

CEFFSIDE DR

SF-7

ALTA VISTA DR

SF-7

STAR
PLAZA

HOME
DEPOT



WEBB TOYOTA

GC

2601

2605

2607

IND

2609

2701

2703

FOX ST

**SF-7
SMHA**

IND

HANNON DR

BEST ST

PLANNING MEMO COMMENTS SUMMARY

ZC 16-01 FOX STREET

Deadline: 1/28/16

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	
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	
ELEC	Electrical Engineering - Luwil Aligarbes	
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	No comment from the Fire Marshal’s office
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	I have no comment on ZC 16-01 Fox St
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	

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	

PETITION APPLICATION



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

INFORMATION

Applicant's Name: <u>KEYSTONE INVESTMENTS LLC</u>	Project Location: <u>WEST SIDE FOX ST 2505-2700</u>
Address: <u>PO BOX 127</u>	Existing Use: <u>HOME & MOBILE HOMES</u>
E-Mail: <u>PAPAWEBB@WEBBAUTO.COM</u>	Proposed Use: <u>HOME & MOBILE HOMES</u>
Telephone: <u>505-320-2590</u>	Current Zoning: <u>INDUSTRIAL</u>
Relationship to Property Owner: <u>OWN</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>VARIOUS - ATTACHED</u>

Legal Description of Subject Property: INCLUDED ATTACHED

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: <u>MARLO L WEBB</u>	E-Mail: <u>PAPAWEBB@WEBBAUTO.COM</u>
Phone: <u>320-2590</u>	Address: <u>5425 SANTA THERESA CT FARMINGTON, N.M. 87402</u>

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) <u>NONE</u>
Name: <u>KEYSTONE INVESTMENTS LLC</u> Phone: <u>320-2590</u>	Name: _____ Phone: _____
Address: <u>511 E. MAIN ST FARMINGTON, N.M.</u>	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: <u>Marlo L Webb</u>	Address: <u>2590 SANTA THERESA CT FARMINGTON, N.M. 87402</u>
Owner's Signature: _____	Phone / Email: <u>320-2590 PAPA WEBB@WEBBAUTO.COM</u>

****** STAFF USE ONLY ******

Received By _____	<input type="checkbox"/> Blueline Copies of Plans _____
Date _____ Fee Received _____	<input type="checkbox"/> Ownership Report (subject and surrounding properties)
Project File No. _____	<input type="checkbox"/> Legal Description _____
Date of Hearing/Meeting: _____	<input type="checkbox"/> Detailed Statement of Proposed Use



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)

- Annexation and / or Zoning
Preliminary Plat
Final Plan
Summary Plat
Special Use Permit
Variance (ARB)
Zone Change to SFEMH District
Temporary Use Permit
Proposed Length of Use:
Well site equipment modification

INFORMATION

Applicant's Name: RUSSELL CASAZZA
Project Location: 2605 Fox-Behind Webb Toyota
Address: 2605 1/2 Fox St
Existing Use: MOBIL HOME
E-Mail:
Proposed Use: MOBIL HOME
Telephone: 505-215-5280
Current Zoning: INDUSTRIAL
Relationship to Property Owner: OWNER
Assessor's Parcel I.D. and/or Tax I.D. Number: ATTACHED

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: MARLO L. WEBB
E-Mail: MARLO.WEBB@WEBB AUTO.COM
Phone: 320-259- Address: 5425 SANTA TERESA ST. FARMINGTON, N.M. 87402

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: Phone: Name: Phone:
Address: Address:

OWNER CERTIFICATION

*(Physical and Mailing)

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:
Owner's Signature:
Address:
Phone / Email:

*** STAFF USE ONLY ***

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

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



Incomplete 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)

- Annexation and / or Zoning
Preliminary Plat
Final Plan
Summary Plat
Special Use Permit
Variance (ARB)
Zone Change to SFEM District
Temporary Use Permit
Proposed Length of Use:
Well site equipment modification

INFORMATION

Applicant's Name: JOHN C AND ARY CLAWSON
Address: 2601 FOX ST
Project Location: Behind Webb Toyota
Existing Use: MOBILE HOME
Proposed Use: MOBILE HOME
Current Zoning: INDUSTRIAL
Assessor's Parcel I.D. and/or Tax I.D. Number: ATTACHED

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: MARLO L. WEBB
E-Mail: PAPA.WEBB@WEBB AUTO. CO.
Address: 5425 SANTA TERESA CT
FARMINGTON N.M. 87402

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: Phone:
Address: * (Physical and Mailing)

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 understand and agree 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: John C. Clawson
Address:
Owner's Signature: John C. Clawson
Phone / Email: 505-258-8389 / 505-486-2081

**** 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

Zone Change

Marlow Webb <papawebb@webbauto.net>
To: "Neil, Keith" <kneil@fmtn.org>

Fri, Jan 15, 2016 at 3:33 PM

WE ARE REQUESTING THIS REZONING IN ORDER TO REPLACE OUR MOBIL HOME THAT BURNED AND LOOKING TO THE FUTURE FOR ANY UPGRADES AND SIMILAR REPLACEMENTS. We never anticipate that we would use these lots for industrial purposes because of location and small size lots. WE would drop the rezoning request if we could get an immediate variance on the one lot in order that we could get immediate use (rent) from this investment, leaving the rezoning decision down the road.

From: Neil, Keith [mailto:kneil@fmtn.org]
Sent: Friday, January 15, 2016 3:27 PM
To: papawebb@webbauto.com
Subject: Zone Change

[Quoted text hidden]

Notice: New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with City officials or employees should expect that any communications could be released to the public and that this disclosure could include the email addresses of those communicating with City officials or employees.

**P&Z PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. ZC 16-01 - a request from Keystone Investments, LLC, John and Amy Clawson, and Russell Casazza, represented by Marlo Webb for a zone change from IND Industrial to SF-MH Single Family-Mobile Home, located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street, located in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lots 5, 6, 7, 8, 9, and 10, in Block 1, of the FOX SUBDIVISION, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, February 11, 2016 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, February 23, 2016 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

Legal No. 72295 published in The Daily Times on January 24, 2016.

**NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT
PETITION NO. ZC 16-01**

January 20, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Keystone Investments, LLC, John and Amy Clawson, and Russell Casazza, represented by Marlo Webb for a zone change from IND Industrial to SF-MH Single Family-Mobile Home, located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lots 5, 6, 7, 8, 9, and 10, in Block 1, of the FOX SUBDIVISION, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2601, 2605, 2607, 2609, 2701, and 2703 Fox Street

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on **Thursday, February 11, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, February 23, 2016, at 6:00 p.m.**, in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

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 hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that this petition could be cancelled or withdrawn prior to the meeting date.

If you have any questions regarding this notice, or would like additional information regarding this petition, please contact Keith Neil at 505-599-1333 or kneil@fmtn.org.

Sincerely,



Karen Walker
Administrative Assistant

**Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet
(excluding roadways and easements) of the Following Described Property
Referenced as TRACT 1:**

Lots 5, 6, 7, 8, 9 and 10, in Block 1, of the FOX SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 7, 1958.

TRACT 1

Keystone Investments LLC
P.O. Box 127
Farmington, NM 87499

Lot 10, Block 1 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1535, page 987
AND

Lot 9, Block 1 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1569, page 29
AND

~~Lots 7 and 8~~, Block 1 of the FOX
SUBDIVISION, filed for record October 7, 1958.

Book 1574, page 824

Harvey G. and Genevieve L. Hart
c/o Russell Casazza
2605 Fox Street
Farmington, NM 87402

Lot 6, Block 1 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1306, page 167, re-recorded in
Book 1311, page 761

John C. and Amy B. Clawson
2601 Fox Street
Farmington, NM 87402

Lot 5, Block 1 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1491, page 530

TRACT 2

Marlo L. and Louise M. Webb Revocable Trust
P.O. Box 127
Farmington, NM 87499

That part of the N/2NW/4SE/4 of Section 1,
Township 29 North of Range 13 West, N.M.P.M.,
San Juan County, New Mexico.

Book 1150, page 523

TRACT 3

Dolores L. Martinez
P.O. Box 1842
Farmington, NM 87499

Lot 10A, Block 2 of the FOX SUBDIVISION,
REPLAT A filed for record September 29, 2007.

Book 1195, page 816 and in
Book 1199, page 293

TRACT 4

Theodore S. and Chena Martinez
2703 Best Street
Farmington, NM 87402

Lot 11, Block 2 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1222, page 103

TRACT 5

Albert L. and Starla J. Aranda
2701 Best Street
Farmington, NM 87402

Lot 12, Block 2 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1280, page 549

TRACT 6

~~X~~ John C. and Amy B. Clawson
2606 Fox Street
Farmington, NM 87402

Lots 7 and 8, Block 2 of the FOX
SUBDIVISION, filed for record October 7, 1958.

Book 1537, page 54

TRACT 7

Charles S. and Virginia I. Grace
2609 Best Street
Farmington, NM 87402

Lot 13, Block 2 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1278, page 108 and in
Book 1297, page 423

TRACT 8

Freddie and LaRose W. Charley
2607 Best Street
Farmington, NM 87402

Lot 14, Block 2 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1373, page 708

TRACT 9

Jesus and Patricia Clemente
2604 Fox Street
Farmington, NM 87402

Lot 6, Block 2 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1561, page 316

TRACT 10

James F. and Jean Moore
2605 Best Street
Farmington, NM 87402

Lot 15, Block 2 of the FOX SUBDIVISION, filed
for record October 7, 1958.

Book 1338, page 215

TRACT 11

Richard E. Turnbull
2602 Fox Street
Farmington, NM 87402

Lots 4 and 5, Block 2 of the FOX
SUBDIVISION, filed for record October 7, 1958.

Book 1327, page 115

TRACT 12

Rafael Clemente-Zambrano and Catalina V. Clemente
1109 Smith Lane No. 18
Farmington, NM 87401

Lot 16, Block 2 of the FOX SUBDIVISION, filed for record October 7, 1958.

Book 1451, page 563

TRACT 13, 14, & 15

X Keystone Investments LLC
P.O. Box 127
Farmington, NM 87499

Lots 1, 2, 3 and 4, Block 1 of the FOX SUBDIVISION, filed for record October 7, 1958.

Book 1514, page 103

AND

That part of NW/4SE/4 of Section 1, Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1380, page 5 and in

Book 1378, page 134

TRACT 16

Delbert Ronald Boice and Nora May Boice Revocable Trust
4251 W. Earnhart Way
Chandler, AZ 85226

Lot 1 of the HANNON SUBDIVISION, filed for record January 26, 1982.

Book 1385, page 312

TO: December 18, 2015. 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Jennifer Jenkins, Abstracter

MINUTES
PLANNING & ZONING COMMISSION

January 14, 2016

The Planning and Zoning Commission met in a regular session on January 14, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

Chair-Joyce Cardon
Ryan Brown
Shay Davis
Clint Freeman
Rory Jaquez
Kristin Langenfeld
Paul Thompson
Cody Waldroup
Del Washburn

P&Z Members Absent:

Cheryl Ragsdale

Staff Present:

Russel Frost
Mary Holton
Cynthia Lopez
Keith Neil
Steven Saavedra
Karen Walker
Nica Westerling

Others Who Addressed the Commission:

Heather Alexander
Josh Johnson
Brad Salzman

Call to Order

Chair Cardon called the meeting to order at 3:00 p.m. There being a quorum present the following proceedings were duly had and taken.

Presentation of the Agenda

There were no changes to the agenda.

Approval of the Minutes

A motion was made by Commissioner Langenfeld and seconded by Commissioner Waldroup to approve the minutes of the December 10, 2015 P&Z Meeting. This motion was approved unanimously by a 9-0 vote.

Swearing in of Witnesses

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

COMMUNITY DEVELOPMENT PETITION REPORT

Petition No. FP 15-07

Pinon Hills Community Church Subdivision

Planning & Zoning Commission Discussion of Petition FP 15-07 on January 14, 2016

Senior Planner Cindy Lopez presented the staff report for SUP 15-07, a request from Brad Salzman of Piñon Hills Community Church, represented by George Walters of Cheney-Walters-Echols Inc., for a Final Plat for property located on the northwest corner of Piñon Hills Boulevard and Dustin Avenue.

Ms. Lopez explained the petitioner requests final plat approval of the road dedication for the extension of Dustin Avenue north of Saguaro Trail. The property is owned by Piñon Hills Community Church. The church was approved for a planned development (PD 08-01) on April 22, 2008 and an amendment to the planned development (PD 14-01) on July 22, 2014. The amendment specified that no new buildings can be constructed on the site until Dustin Avenue improvements have been extended to the north property line. The Preliminary Plan for the dedication of North Dustin Avenue was approved by City Council on September 8, 2015.

Staff recommends approval.

Brad Salzman of 4501 Rancho De Animas Drive stated that he had no changes to make.

Planning & Zoning Commission Action of Petition FP 15-07 on January 14, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition SUP 15-07, a request from Brad Salzman of Piñon Hills Community Church, represented by George Walters of Cheney-Walters-Echols Inc., for a Final Plat for property located on the northwest corner of Piñon Hills Boulevard and Dustin Avenue.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 9-0

COMMUNITY DEVELOPMENT PETITION REPORT

Preliminary Plan and Final Plat for
Nygren Subdivision No. 5, Replat B
Petition No. PFP 15-01

Planning & Zoning Commission Discussion of Petition PFP 15-01 on January 14, 2016

Associate Planner Keith Neil presented the staff report for PFP 15-01, a request from Four Corners Land, LLC, represented by George Walters of Cheney-Walters-Echols, for a Preliminary Plan and Final Plat for 3.94 acres located at 2500 Farmington Avenue.

Mr. Neil explained the petitioner is requesting to replat the existing Lot B of the Nygren Subdivision No. 5, Replat A into three separate lots. According to section 6.3B of the UDC, lots of record subdivided after July 22, 1971 are required to follow summary plat guidelines. Lot B-1 is 0.75 acres and was created through a warranty deed in July 1996 which did not comply with the subdivision regulations. The City of Farmington does not recognize Lot B-1 as being legally subdivided. Pond Chiropractic is the business located on Lot B-1.

Mr. Neil stated that the proposed Lot B-2 is 2.18 acres and is currently being developed as the 4-Corners Spine and Pain medical office. Per an agreement dated January 27, 1992, signed and recorded with the SJC Clerk's Office (B1148 P794) between the initial property owner, William Nygren, and the City of Farmington, "the City of Farmington is responsible for improvements on Cliffside Drive from Huntzinger Ave. to Farmington Ave. when the City believes it is an appropriate time for the improvements to take place. If the property owner wishes to develop land that is adjacent to Cliffside Drive, the owners shall be required to bear the cost of such improvement." With the construction of the medical office and the request of a subdivision of the property, the January 1992 agreement is activated and improvements must be made to Cliffside Drive by the property owner.

Lot B-3 is 1.01 acres. The southwest corner of the parcel being consolidated was obtained by WBR Properties from the City of Farmington in a land exchange that took place in September of 1996.

Staff recommends approval with the following conditions:

- a. Improvements, outlined in Section 6.9.1 of the UDC, to Cliffside Drive must be completed prior to the issuance of a Certificate of Occupancy for the medical office being constructed on proposed Lot B-2.
- b. If at any point and time access to proposed Lot B-2 from Huntzinger Avenue is desired, the property owner shall be responsible for improvements to the western half of Huntzinger Avenue from Cliffside Drive to the north property line of proposed Lot B-2.

Commissioner Freeman inquired as to why this agreement was not found prior to the beginning of construction on the property. Mr. Neil explained that staff began to research the property once it was found that the top portion of the property had been illegally subdivided. At that time, the agreement was discovered.

Commissioner Thompson asked how the property owner was planning to access Lot B-3. Mr. Neil stated that Farmington Avenue is currently being used, but a 24 foot shared access agreement is included in the plat that will connect Cliffside Drive to the property. There is already a curb cut on Farmington Avenue to access Lot B-2.

Commissioner Waldroup inquired as to whether traffic might be a concern into and out of the office complex. Ms. Lopez explained that staff felt Cliffside Drive is far enough away from the intersection to prevent traffic from becoming an issue.

Commissioner Thompson asked why Cliffside Drive would need to be developed if the complex will not take access from that point. Mr. Neil commented that the agreement of 1992 required the property owner to develop that portion of Cliffside Drive.

Commissioner Davis voiced a concern that the property owner would not be allowed to open the office complex if Cliffside Drive was not completed.

Commissioner Freeman commented that he would recommend tabling the petition because the property owner did not come to the Planning and Zoning Meeting.

Chair Cardon asked if a temporary Certificate of Occupancy, C.O., could be issued if the complex was finished but Cliffside Drive was not complete. Ms. Lopez stated the City would work with the property owner. The staff report had been sent to the petitioner, and the petitioner still had time to discuss the petition with staff before it went to City Council.

Commissioner Freeman asked if there was a legal impact if the City did not enforce the completion of Cliffside Drive. Russel Frost, Deputy City Attorney for the City of Farmington, stated the agreement was legally filed with the City Clerk in 1992 and subsequent owners of the property would be notified of the agreement when the land was purchased. To obtain the summary plat without the terms and conditions stated would be a breach of contract and might not be possible to enforce at a later date.

Ms. Holton stated the agreement will be discussed with the petitioner and the petitioner will have the option to revisit with the Planning and Zoning Board before the petition is presented to City Council.

Planning & Zoning Commission Action of Petition PFP 15-01 on January 14, 2016

A motion was made by Commissioner Thompson and seconded by Commissioner Davis to **approve** Petition PFP 15-01, a request from Four Corners Land, LLC, represented by George Walters of Cheney-Walters-Echols, for a Preliminary Plan and Final Plat for 3.94 acres located at 2500 Farmington Avenue with the conditions recommended by staff.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: Commissioner Freeman

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 8-1

The Board was polled.

Commissioner Thompson stated the agreement is known to the parties and the improvement would be difficult to enforce later. The Board should not make an exception for the petitioner. Commissioner Davis stated he agreed the parties have been notified and the City would work with the petitioner in regards to a temporary C.O.

Commissioner Freeman stated he could not make a clear decision without hearing from the petitioner.

Commissioner Brown stated the agreement is a standing agreement and the petitioner had been notified.

Commissioner Waldroup stated it was unfortunate that the petitioner had not attended the Planning & Zoning meeting but the petitioner had been notified and the City was willing to work with the petitioner in regards to a C.O.

Chair Cardon stated the legalities were clear cut and the City should abide by the agreement. Commissioner Washburn stated the City Council would have the last say on the matter. Commissioner Langenfeld stated the petitioner had been notified and had the opportunity to attend the Planning & Zoning meeting. Commissioner Jaquez stated the agreement was clear and the parties were aware of the conditions.

COMMUNITY DEVELOPMENT PETITION REPORT

Preliminary Plan and Final Plat for Piñon Hills Right-of-Way Subdivision No. 2 Petition No. PFP 15-02

Planning & Zoning Commission Discussion of Petition PFP 15-02 on January 14, 2016

Senior Planner Cindy Lopez presented the staff report for PFP 15-02, a request from the City of Farmington, represented by Nica Westerling, for a Preliminary Plan and Final Plat for the dedication of Piñon Hills Boulevard south of NM 516/E. Main Street to County Road 3000.

The Preliminary Plan and Final Plat is for the consolidation of 30 lots into four (4) tracts of land, to grant nine (9) easements, to dedicate right-of-way for the extension of Paseo del Rancho, and to abandon a portion of Hubbard Street that was dedicated with the Sun Valley Subdivision No.2 up to the Piñon Hills Boulevard extension.

The Sun Valley Subdivision No. 2 was recorded in the San Juan County Clerk's Office on August 30, 1968. It was a 25 lot subdivision that the City of Farmington bought from the developer in its entirety. Another parcel of land that is part of this plat is the old railroad right-of-way which was deeded to the City of Farmington on April 28, 1971. The other lots were also purchased by the City of Farmington specifically for the future dedication of the extension of Piñon Hills Boulevard.

The plat proposes to dedicate 21.6558 acres of land for the right-of-way for the extension of Piñon Hills Boulevard. It also dedicates 0.0624 acres of right-of-way for the extension of Paseo del Rancho on Tract 4. Tract 1 will be 35.6667 acres of land. Tract 2 will be 13.9069 acres. Tract 3 will be 8.9016 acres and Tract 4 will be 2.7459 acres.

This plat will also grant several easements. These easements are primarily drainage and slope easements.

Staff recommends approval.

Nica Westerling, Engineer for the City of Farmington, stated this PFP is a requirement by the Department of Transportation, DOT, to carve out the right-of-way (R.O.W.) and to get R.O.W. certification to go forward with Phase 1. Ms. Westerling said most of the lots were purchased in 2001. Environmental certification will also need to be obtained to move forward. That certification should be completed very soon. Ms. Westerling commented that public outreach was done previously and may be done again when construction begins. The stop light at Main Street will be reconfigured to include dual left turn lanes.

Commissioner Thompson asked if the River Trail would connect to this R.O.W. Ms. Westerling commented that it would connect.

Planning & Zoning Commission Action of Petition PFP 15-02 on January 14, 2016

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to **approve** Petition PFP 15-02, a request from the City of Farmington, represented by Nica Westerling, for a Preliminary Plan and Final Plat for the dedication of Piñon Hills Boulevard south of NM 516/E. Main Street to County Road 3000.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 9-0

COMMUNITY DEVELOPMENT PETITION REPORT
Special Use Permit for a Body Art Establishment
Petition No. SUP 15-08
115 E. Main

Planning & Zoning Commission Discussion of Petition SUP 15-08 on January 14, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 15-08, a request from Heather Alexander and Joshua Johnson, for a Special Use Permit for a body art establishment in the Central Business District and a waiver to Farmington's City Code Sec. 8.15.3, for property located at 115-A E. Main Street.

Mr. Saavedra stated that according to Section 8.15.3 of Farmington City Code, no body art establishment shall be located within 300 feet of a school, church, or residence unless waived by the City Council. The Journey Church, located at 205 E. Main Street is approximately 180-feet from the proposed body art establishment.

Mr. Saavedra explained that the building was originally built in 1951 as a retail store. It is approximately 942 square feet and is on 0.09 acres. Digman Properties, LLC are the property owners according to the San Juan County Assessor's Office. The property is currently vacant. To the east is Hewett Jackson Tax Services, 3 Rivers Brewery to the west, and north is M&M Tax Services. The petitioner plans to operate from the hours of 11:00 am to 10:00 pm, Monday through Saturday. There have not been any comments or concerns from the public or the City of Farmington against the establishment opening at this location.

Staff recommends approval.

Commissioner Thompson asked if the church had specifically been noticed. Ms. Saavedra said the church was notified.

Heather Alexander and Joshua Johnson of 19013 E. 16th Avenue, Aurora, CO. Mr. Johnson submitted a rendering of what the sign might look like. He stated that the body art establishment will also be an art gallery. Mr. Johnson mentioned that the body art manager attempted to contact the church but was unable to reach them. This will be the second body art establishment for Mr. Johnson and Ms. Alexander. They have another business in Denver, CO.

Mr. Freeman asked if the petitioners would be relocating to Farmington. Mr. Johnson said they would have a second residence in Farmington. Their main residence is in Aurora, CO.

Planning & Zoning Commission Action of Petition SUP 15-08 on January 14, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Jaquez to **approve** Petition SUP 15-07, a request from Heather Alexander and Joshua Johnson, for a Special Use Permit for a body art establishment in the Central Business District and a waiver to Farmington's City Code Sec. 8.15.3, for property located at 115-A E. Main Street.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 9-0

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: Commissioner Davis complimented staff on their presentation of petitions.

Business from Staff: Ms. Lopez welcomed Ryan Brown, a new Planning & Zoning Board Member. Ms. Lopez reported that Petition SUP 15-07, a request from William Cillessen for a Special Use Permit for outside storage for reels of stainless steel tubing and other small business related materials at 935 Malta Avenue passed on consent at the January 12, 2016 City Council Meeting.

Adjournment: With no further business and a motion by Commissioner Davis and seconded by Commissioner Thompson, the Planning and Zoning Commission meeting of January 14, 2016 was adjourned at 3:55 p.m.

Joyce Cardon
Chair

Karen Walker
Administrative Assistant