

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
April 28, 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 April 14, 2016 P&Z Meeting	13
4	Petition No. ZC 16-03 – a request from Carolyn Crowley for a zone change from RA Rural Agricultural to OP Office Professional for 1.7 acres located at 4951 N. Butler Avenue. (Steven Saavedra)	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, May 10, 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 16-03
Zone Change from RA to OP
4951 N Butler Ave.

A. STAFF REPORT, April 28, 2016

PROJECT INFORMATION

Applicant	Carolyn Crowley
Representative	None
Date of Application	March 30, 2016
Requested Action	Zone Change from RA Rural Agriculture to the OP Office Professional
Location	4951 N Butler Ave
Existing Land Use	Vacant Land
Existing Zoning	RA Rural Agriculture
Surrounding Zoning / Land Use	North: OP Office Professional / Commercial South: OP Office Professional / Commercial East: RA Rural Agriculture / Vacant West: SF-10 Single-family Residential / Residential
Notice	A notice was published in the Daily Times on Sunday, April 10, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, April 6, 2016, and a sign posted on Friday, April 15, 2016.
Staff Planner	Steven Saavedra, Associate Planner

Project Description:

The petitioner requests a zone change from the RA Rural Agriculture District to the OP Office Professional District. The subject property is approximately 1.7-acres and is located at 4951 N Butler Ave. The petitioner seeks this zone change to allow for office use. The San Juan County Assessor lists the property as a vacant land classification. Figure 4.2 2020 Future Land Use Map of the Comprehensive Plan recommends the subject property to be Office Professional.

Office & Professional District:

The OP district is primarily intended to accommodate office, office park, and research park development generally adjacent to collectors and arterials. Standards that apply to development in the OP district ensure that development will be visually attractive and well buffered from abutting roadways and residential

areas. The OP district is intended to implement the planning policies of the comprehensive plan's "Office Professional" land use designation.

STAFF ANALYSIS

Density and Dimensional Table 2.8.2 in Office & Professional zones the maximum building coverage is 50 percent. Development of the property would have to meet standards of UDC Article 5 including residential protections. The proposed zone change would allow Office and Professional uses. These uses could include most office uses and some limited retail uses.

Section 8.7.4 of the UDC sets forth issues to be considered for a zone change request.

- **Consistency with the Comprehensive Plan:**

The 2020 Future Land Use Plan of the Farmington Comprehensive Plan recommends that the subject property be Office Professional. The zone change request is consistent with Farmington's Comprehensive Plan Future Land Use Map (Figure 4.2).

- **Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:**

There are residential properties west of the 4951 N Butler Ave. However, the subject property fronts North Butler, with Office Professional zoning and office uses on the north, south, and southeast. Office Professional zoning is compatible with surrounding zoning and land uses in the area.

- **Creation of adverse impacts and the ability to mitigate these impacts:**

Office Professional uses are generally less impactful than commercial uses. Operational hours are typically limited to 8:00 am to 5:30 pm throughout the week, with limited to no hours of operation on Saturday and Sunday.

- **The ability of the proposed use to be accomplished by the proposed zoning district:**

Table 2.3, permitted uses, of the UDC indicates that Office and Professional uses would permit the petitioner to build facilities to provide most offices, medical support services, and limited retail uses.

- **The suitability of the land for the proposed development:**

According to the Public Works Department, there is a natural drainage wash (tributary arroyo) on the subject property. This wash may influence the size, design, and location of future building structures on the subject property. These issues will be further assessed with the application for a building permit.

- **The existence of or the applicant's ability and willingness to provide adequate public facilities:**

The property owner needs to provide all necessary public facilities for the development and construct access to the subject property.

- Whether the proposed zoning constitutes a spot zone as defined in Article 11 of the UDC:

In Article 11 of the UDC, spot zoning is “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.” Office Professional zoning is directly north, south, and southeast of the subject property. The proposed zone change does not constitute a spot zone.

STAFF CONCLUSION

Staff concludes that approval of ZC 16-03 is appropriate. The proposal is consistent with the comprehensive plan and surrounding land uses.

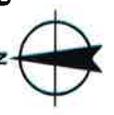
STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition ZC 16-03, a request from Carolyn Crowley, for a zone change from RA Rural Agriculture to OP Office Professional zoning district for 1.7-acres, located at 4951 N Butler Ave.



City_Zone	city_zone	City_Zone
RA	RE-1	SF-10
O-P		

ZC 16-03



PLANNING MEMO COMMENTS SUMMARY

ZC 16-03 4951 N BUTLER AVE

Deadline: 4/11/16

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	Building inspection has no comments on ZC 16-03 4951 N butler AVE
CD	Long Range Planner	
CD	MPO – Duane Wakan	
CD	Oil & Gas Inspector – Leona Simms	
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	
LEGAL	City Attorney – Jennifer Breakell	
LEGAL	Deputy City Attorney-Russel Frost	
POLICE	Code Compliance – Todd Johnston	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	I have no comments in regards to ZC 16-03 4951 N Butler Ave
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	
PW	Water/Waste Water – Manuel Tso	No comment

Other Entities

New Mexico Gas Company-Ronnie Owens	
CenturyLink-Diane Willatto	
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI-Ron Rosen	
Williams Field Services	
Farmington School District-Cindy Lyons	

PETITION APPLICATION

6



RECEIVED
MAR 30 2015
COMM DEV DEPT

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

INFORMATION

Applicant's Name: <u>Carolyn J. Crowley</u>	Project Location: <u>4951 N. Butler Ave.</u>
Address: <u>7492 CR 84, Ft. Collins, CO 80524</u>	Existing Use: <u>Vacant Lot.</u>
E-Mail: <u>cjcrowley707@gmail.com</u>	Proposed Use: <u>Vacant Lot.</u>
Telephone: <u>970-377-1299 C: 970-420-0607</u>	Current Zoning: <u>RA.</u>
Relationship to Property Owner: <u>Self.</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R0030607</u>

Legal Description of Subject Property: Sunrise Sub Replat Replat of Lots 1-10 Lot 6 B. 1323 P. 739

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:	E-Mail:
Phone:	Address:

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: <u>Carolyn Crowley</u> Phone: <u>970-377-1299</u>	Name: _____ Phone: _____
Address: <u>7492 CR 84, Ft. Collins, CO 80524</u>	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: <u>Carolyn Crowley</u>	Address: <u>7492 CR 84, Ft. Collins, CO 80524</u>
Owner's Signature: <u>Carolyn J. Crowley</u>	Phone / Email: <u>970-377-1299 cjcrowley707@gmail.com</u>

**** STAFF USE ONLY ****

Planning Division

Community Development Department

City of Farmington

Attachment to Petition Application for: Carolyn J. Crowley

Project Location: 4951 N Butler Avenue

Detailed Statement of Proposed Use:

The requested zone change of 4951 N Butler Avenue from Rural Agriculture to Office Professional is being submitted at this time to comply with the current development in the North Butler area. This change will also facilitate interested parties in development of the lot.

Thank you for your consideration of this request.

A handwritten signature in cursive script that reads "Carolyn J. Crowley". The signature is written in black ink and is positioned above the typed name and address.

Carolyn J. Crowley

7492 CR 84

Fort Collins, CO 80524

**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 16-03 - a request from Carolyn Crowley for a zone change from the RA- Rural Agricultural zoning district to the OP- Office Professional zoning district for 1.7 acres located at 4951 N. Butler Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 6 of the SUNRISE SUBDIVISION, as shown on the Replat of Lots 1 thru 10 of said Subdivision filed for record June 29, 1988, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 4951 N. Butler Avenue

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, April 28, 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, May 10, 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. 72575 published in The Daily Times on April 10, 2016.

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 16-03**

April 6, 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 Carolyn Crowley for a zone change from the RA- Rural Agricultural zoning district to the OP- Office Professional zoning district for 1.7 acres for property located at 4951 N. Butler Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 6 of the SUNRISE SUBDIVISION, as shown on the Replat of Lots 1 thru 10 of said Subdivision filed for record June 29, 1988, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 4951 N. Butler Avenue

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, April 28, 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, May 10, 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:**

Lot 6 of the SUNRISE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Replat of Lots 1 thru 10 of said Subdivision filed for record June 29, 1988.

TRACT 1

Carolyn J. Crowley
7492 Weld County Road 84
Fort Collins, CO 80524

Lot 6 of the SUNRISE SUBDIVISION, filed for record June 29, 1988.

Book 1323, page 739

TRACT 2

United Food Stores NO. 3 Inc.
900 Schofield Lane
Farmington, NM 87401

That part of the SW/4SE/4NE/4NE/4 of Section 34, Township 30 North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1555, page 764

TRACT 3, 4 & 11

City of Farmington
800 Municipal Drive
Farmington, NM 87401

That part of the SE/4SE/4NE/4NE/4 of Section 34, Township 30 North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 834, page 494, Book 1074, page 837 and Book 1077, page 515

AND

Lot 5 of the SUNRISE SUBDIVISION, filed for record August 6, 1973.

Book 849, page 422

AND

That part of the SE/4SW/4NE/4NE/4 of Section 34, Township 30 North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

TRACT 5

S & V Clark Properties LTD
4202 Skyline Drive
Farmington, NM 87401

Lot 4A of the SUNRISE SUBDIVISION
NUMBER ONE, REPLAT 6, filed for record
April 10, 2006.

Book 1432, page 479

TRACT 6

Joma Properties, LLC
141 Thompson Lane
Durango, CO 81301

Building L of the BUTLER PROFESSIONAL
CENTER OFFICE CONDOMINIUM, filed for
record March 6, 2000.

Book 1423, page 783

TRACT 7

ROLOW Properties, LLC
P.O. Box 3830
Farmington, NM 87499

Building J and K of the BUTLER
PROFESSIONAL CENTER OFFICE
CONDOMINIUM, filed for record March 6,
2000.

Book 1423, page 376

TRACT 8

Donald Ray Reeves Jr, et ux
2700 East 20th Street
Farmington, NM 87401

Lot 15 in Block 1 of the SUNRISE
SUBDIVISION NUMBER ONE, REPLAT
THREE, filed for record April 3, 1995.

Book 1259, page 87

TRACT 9

Steven and Patricia Wells
4774 Sundown Road
Farmington, NM 87401

Lot 14 in Block 1 of the SUNRISE
SUBDIVISION NUMBER ONE, REPLAT
THREE, filed for record April 3, 1995.

Book 1558, page 421

TRACT 10

Robert and Kristy Williams
4784 Sundown Road
Farmington, NM 87401

Lot 13 in Block 1 of the SUNRISE
SUBDIVISION NUMBER ONE, REPLAT
THREE, filed for record April 3, 1995.

Book 1361, page 897

TO: March 16, 2016. 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

A handwritten signature in cursive script, appearing to read "Jennifer Jenkins".

By: Jennifer Jenkins, Abstracter

MINUTES
PLANNING & ZONING COMMISSION

April 14, 2016

The Planning and Zoning Commission met in a regular session on April 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
Shay Davis
Cheryl Ragsdale
Cody Waldroup
Del Washburn (Via Phone)

P&Z Members Absent:

Ryan Brown
Clint Freeman
Kristin Langenfeld
Rory Jaquez
Paul Thompson

Staff Present:

Julie Baird
Mary Holton
Cynthia Lopez
Keith Neil
Steven Saavedra
Toni Sitta
Charlie Trask
Duane Wakan
Karen Walker

Others Who Addressed the Commission:

Linda Dunn
William Sharer
Kyle Stowell

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. Commissioner Del Washburn participated via telephone.

Presentation of the Agenda

There were no changes to the agenda.

Approval of the Minutes

A motion was made by Commissioner Ragsdale and seconded by Commissioner Waldroup to approve the minutes of the March 24, 2016 P&Z Meeting. This motion was approved unanimously by a 5-0 vote.

Approval of the Open Meetings Resolution

A motion was made by Commissioner Ragsdale and seconded by Commissioner Waldroup to approve the Open Meeting Resolution. This motion was approved unanimously by a 5-0 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. SUP 16-02

Special Use Permit allowing a drive-through window at 509 E. 20th Street

Planning & Zoning Commission Discussion of Petition SUP 16-02 on April 14, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 16-02, a request from Kyle Stowell for a Special Use Permit for a drive-through on 0.75 acres located at 509 E. 20th Street.

Mr. Saavedra reported that pursuant to Section 2.3 the Use Table of the UDC, a drive-through restaurant is permitted in the LNC district with an approved special use permit. The site plan provided by the petitioner indicates eight stacking spaces. Stacking spaces must be a minimum 9 feet by 20 feet each. The Planning & Zoning Division calculations indicate six (6) stacking spaces, 9 feet by 20 feet from the order window. The planned stacking spaces meet the UDC's requirements.

Mr. Saavedra continued to explain that the building is approximately 4,100 square feet: 1,440 square feet for office space and 2,666 for a restaurant. The current parking site plan indicates thirty-nine parking spaces. The preliminary building floor plan shows thirty seats for the restaurant. Based on the number of seats, the restaurant needs ten parking spaces and the office building needs five parking spaces. Fifteen total parking spaces are required for the subject property. The parking requirements will be reviewed during the building permit process.

Staff concludes approval of SUP 16-02 is appropriate. However, staff feels there may be concern with the current parking space arrangement.

The Community Development Department recommends approval of Petition SUP 16-02, a request from Johnny O's Spudnuts, represented by Kyle Stowell, for a special use permit to have a drive-through at 509 E. 20th Street, in the LNC Local Neighborhood Commercial District subject to the following condition:

The parking plan should be revised to accommodate the stacking spaces, circulation plan, and solid waste collection. These issues will be further assessed with the application for a building permit.

Commissioner Waldroup asked if the Spudnuts building shared a parking lot with the building to the east. Mr. Saavedra confirmed that it would be a shared parking area.

Kyle Stowell of 519 Summer Solstice and owner of the proposed Spudnuts commented that the drive-through is an existing drive-through that has been at this location for over 25 years. The building has been used for financial services and as a drug store pharmacy in the past. Mr. Stowell said he is aware of the parking situation and feels eliminating a few parking spaces that may interfere with the drive-through will not be a problem due to the fact that there are thirty-nine parking spaces and only fifteen are required by the UDC.

Mr. Stowell discussed the circulation plan for the parking lot. He stated there were four exits, which includes the alley in the back.

Commissioner Davis asked if Spudnuts expected to have a large volume of drive-through traffic at one time. Mr. Stowell commented that the mornings may see a heavier volume, but the turnaround time for the drive-through is anticipated to be less than one minute for each car.

Linda Dunn, 505 E. 20th Street, works at the physician's office to the west and is a co-owner of that building. Ms. Dunn's husband is a physician in the office and frequently has elderly patients. Her concern has to do with the clientele visiting the drive-through and the possibility of putting the elderly patient's safety in jeopardy in the parking lot. Ms. Dunn is also concerned about the amount of noise from cars at the drive-through as the patient's rooms were on the side of the building closest to the drive-through. Her suggestion is to build a wall to cut down on the noise level.

William Sharer, 509 E. 20th and owner of the Spudnut building, stated the current parking can be changed and spaces can be eliminated. Exiting the parking lot can be through the alley, onto Butler or around the building and back onto 20th Street. Mr. Sharer stated that a fence could be built, but he was not willing to build a soundproof wall. Most of the business for Spudnuts is anticipated in the morning. There may be some traffic during the lunch period. Mr. Sharer mentioned that he went to other locations with drive-through windows and did not hear a lot of loud engines. He stated that if it became a problem, he would be willing to work with the physician's office.

Kyle Stowell suggested adding bump stops to the physician's parking lot if speeding cars became a problem.

Planning & Zoning Commission Action of Petition SUP 16-02 on April 14, 2016

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to **approve** Petition SUP 16-02, a request from Kyle Stowell for a Special Use Permit for a drive-through on 0.75 acres located at 509 E. 20th Street.

AYE: Chair Cardon, Commissioners Davis, Ragsdale, Waldroup and Washburn.

NAY: None

Abstained: None

Absent: Commissioners Brown, Freeman, Jaquez, Langenfeld, and Thompson.

Motion passed 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: There was no business from Members.

Business from Staff: Ms. Lopez commented that Petition PP 16-03, a request from Pat Messerli, represented by Cheney-Walters-Echols, Inc., for a lot split for property located at the intersection of Cannery Court and Nelson Avenue, passed on consent at the April 12, 2016 City Council Meeting.

Petition ZC 16-02, a request from San Juan Regional Medical Center for a zone change from the OP Office Professional and MU Mixed Use zoning districts to the PD Planned Development was denied at the April 12, 2016 City Council Meeting.

Adjournment: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting April 14, 2016 was adjourned at 3:33 p.m.

Joyce Cardon
Chair

Karen Walker
Administrative Assistant