

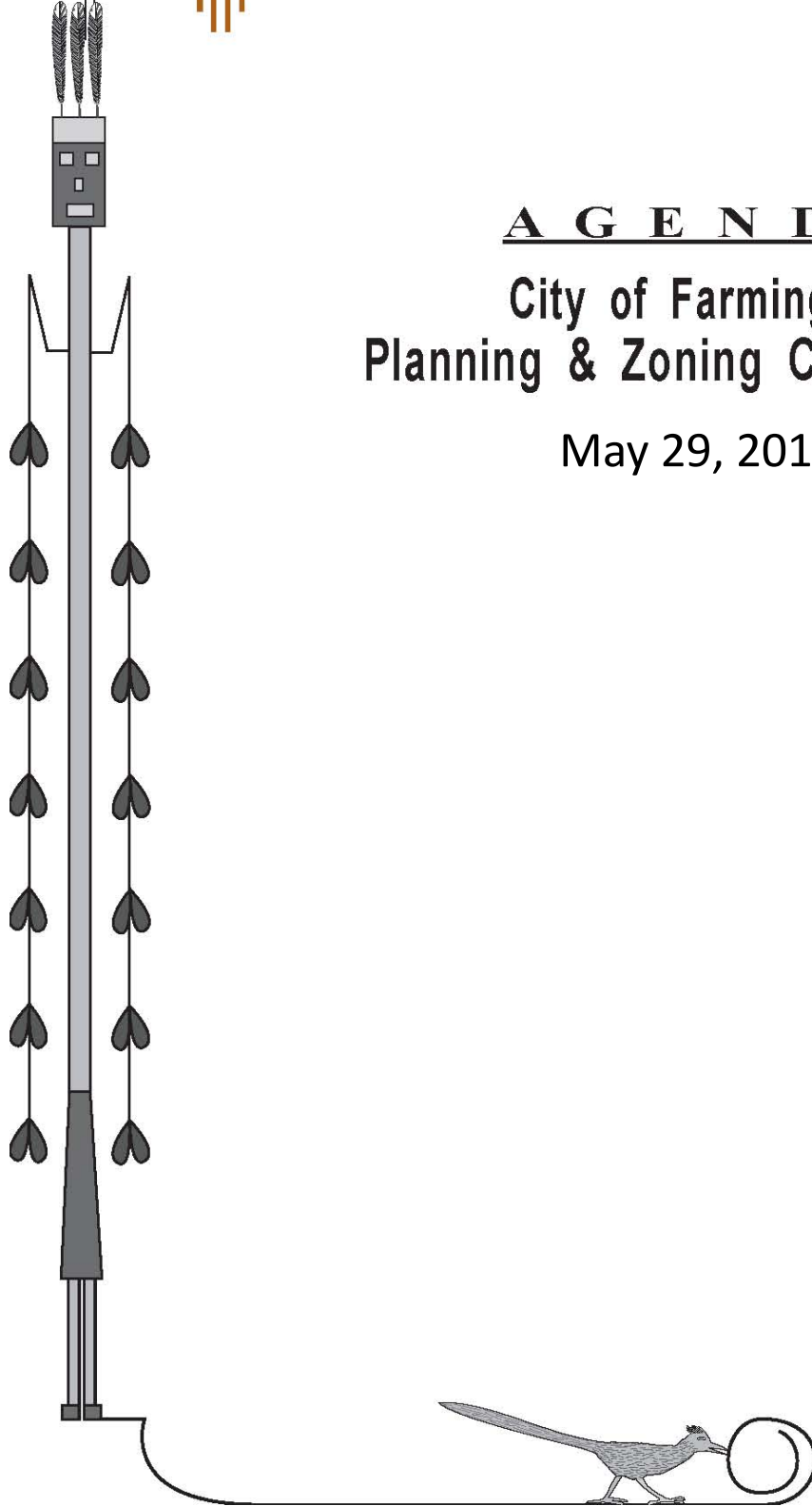
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A G E N D A

City of Farmington Planning & Zoning Commission

May 29, 2014



A G E N D A

Planning & Zoning Commission May 29, 2014, at 3:00 p.m.

Item		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes of the May 15, 2014 P&Z Meeting	2
4	Petition No. SUP 14-05 – resumption of the recessed quasi-judicial hearing from the April 24, 2014, Planning and Zoning Commission Meeting. The petition is a request from the City of Farmington, for reconsideration of the crematorium use (SUP 12-06) at Memory Gardens, for property located in 6917 E. Main. The manufacturer will be available by teleconference to answer questions. *	1
5	Presentation of the findings by the consultant regarding the Parks, Recreation and Cultural Affairs Master Plan – Cory Styron, PRCA Director	
6	Business from: Floor: Chairman: Members: Staff:	
7	Adjournment	

* Previously distributed Information for this petition is available on-line at www.fmtn.org The April 24, 2014 Agenda and April 24, 2014 Minutes are available on the Agenda & Minutes page.

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, June 10, 2014.

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.

Memo

To: Planning & Zoning Commission
From: Mary L. Holton, AICP, Director
Date: May 22, 2014
Subject: SUP 14-05 Staff Follow-Up since the Public Hearing on April 24, 2014

In response to several concerns voiced by Commissioners during the public hearing on SUP 14-05 on April 24, 2014, we provided videos and photos that were entered into the record during testimony at that meeting to the Fire Marshal, the Farmington Electric Utility System, and New Mexico Environmental Department for their review and comment. Here are their comments:

Bob Popa, Fire Marshal: "There should be no comments on our part. There are no hazards per the IFC."

Luwil Aligarbes, FEUS: "I went out there again this morning to double check the distance of the building to the electric pole structure to be sure that we have enough distance where carbon contamination from smoke will not cause any circuit interruption now or in the near future. The distance between the chimney and the transformer pole structure is about 70-feet. I do believe that the clearance is good enough where the smoke coming out of chimney will not create a problem with the electric power line that runs parallel to the building, along Drinen Lane."

Tom Collins, NMED: Mr. Collins advises that he cannot formally comment or formally reopen an investigation based on videos or photographs. However, he suggested that the manufacturer be asked whether or not the smokestack is at the proper height and whether or not the black smoke and fireball could be the result of shutting off the second chamber in the smokestack that is designed to reduce emissions. He advises some operators will do this to quicken the process.

M I N U T E S
PLANNING AND ZONING COMMISSION
May 15, 2014

The Planning and Zoning Commission met in a regular session on May 15, 2014, at 3:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:	Chair:	Joyce Cardon
	Commissioners:	Daniel Arnold
		Clint Freeman
		Cheryl Ragsdale
		Carl Waldroup
		Del Washburn (Alt)

P&Z Members Absent:	Commissioner:	Shay Davis
		Rory Jaques
		Kristin Langenfeld
		Paul Thompson

Staff Present:	Mary Holton
	Cynthia Lopez
	Sam Montoia
	Dee Dee Moore

Others Who Addressed the Commission:	Mike Beasley
	Sherry Blackman
	Debbie Hernandez
	Gail Hoffman
	Robert Kimball
	Nathalie Martin
	Paul Martin
	Phil McKinney
	Theodosia Ortega

Call to Order

The meeting was called to order at 3:00 p.m. by Chair Cardon. 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 Freeman and seconded by Commissioner Ragsdale to approve the minutes of the May 15, 2014 P&Z Meeting. This motion was approved unanimously by a 6-0 vote.

Chair Cardon advised that the following proceeding would be held as a quasi-judicial meeting and provided a brief explanation of how the meeting would be run. Anyone wishing to speak on behalf of a petition was sworn in by Secretary Dee Dee Moore.

**COMMUNITY DEVELOPMENT PETITION REPORT
SUP 14-06 – 6065 Anasazi Trail
Chicken Keeping**

Planning and Zoning Commission Discussion of SUP 14-06 on May 15, 2014

Senior Planner Cynthia Lopez presented the staff report, a request from Robert Kimball to keep 10 chickens on 2.5 acres located at 6065 Anasazi Trail in the RE-1 Residential Estates district. The chickens will be housed in a coop inside a fenced area. The coop is located approximately 70 feet from the north property line, and 138 feet from the west property line, and an even greater distance to the south and east property lines. Staff received no complaints from neighbors and the petitioner is not planning to have any roosters. Staff received one letter of support. Staff recommends approval of SUP14-06.

Commissioner Freeman asked if a condition should be added to stipulate no roosters. Ms. Lopez stated that staff did not make that a condition, but the Commission could add it if they choose to.

Petitioner Robert Kimball stated he had reviewed staffs report and recommendation and had no questions. He stated he planned to have about 5 chickens but was asked to specify a number for the petition request, so he chose 10. He added that a benefit to chickens is that they eat insects, grasshoppers, weeds and, of course, produce eggs. He added that his chickens will be secured at night and will not be permitted to roam the property.

There were no other affected parties to speak in favor or opposition to this petition. There were no other parties to address this petition.

There was no discussion among the Commission regarding this petition.

A motion was made by Commissioner Freeman, seconded by Commissioner Arnold, to approve Petition SUP 14-06 as recommended by staff.

Planning and Zoning Commission Action of SUP 14-06 on May 15, 2014

A motion was made by Commissioner Freeman, seconded by Commissioner Arnold, to **approve** Petition SUP 14-06, a request from Robert Kimball for a special use for the keeping of ten (10) chickens in the RE-1 Residential District located at 6065 Anasazi Trail.

AYE: Chair Cardon, Commissioners Arnold, Freeman, Ragsdale, Waldroup,
and Washburn (Alt)
NAY: None
ABSTAINED: None
ABSENT: Commissioners Davis, Jaques, Langenfeld and Thompson

Motion passed 6-0

**COMMUNITY DEVELOPMENT PETITION REPORT
SUP 14-07 – Asphalt Recycling Plant
4100 Twin Peaks**

Planning and Zoning Commission Discussion of SUP 14-07 on May 15, 2014

Senior Planner Cynthia Lopez presented the staff report for a special use permit to allow an asphalt recycling plant on approximately 14.42 acres in the IND Industrial District for property located at 4100 Twin Peaks. She stated that the IND district meets the requirements for an asphalt/ready mix plant and has more than the minimum lot size of 5 acres. There are no residential properties within 100 feet of this location. The petitioner is required to maintain the roads in a dust-free condition and to asphalt up to 100 feet at the access point to the arterial road. The property is south of Twin Peaks Boulevard and west of the new Tibbetts Middle School. The Comprehensive Plan shows this area as light industrial and this use meets that definition. The petitioner provided a site plan and staff is recommending approval.

Commissioner Freeman asked if this was the same equipment that was used in the downtown area. Ms. Lopez stated it was and that the owner is moving and expanding that operation.

Petitioner Phil McKinney of 4001 Twin Peaks Boulevard, currently at 101 E. Pinon, is looking to change his operating location. He explained the process for the Commissioners. He added that the business will expand into the crushing business for chunk concrete and asphalt. He informed the Commission that he is in talks with Hermosa Jr High to accept block, concrete and asphalt that will be recycled to provide base for the new construction of that school. He added that by recycling, the disposal fees are eliminated and the cost of the recycled product is a savings of \$5 per ton to the taxpayers for this project. In regards to the dust-free condition of the roads he shared that they will be using crushed concrete and that additional water suppression will be used as needed to control the dust.

Chair Cardon asked if this equipment also met the EPA Standards, as did the equipment that she observed previously. Mr. McKinney stated that the product is clean of dirt, trash and weeds before it is crushed and that any dust would be controlled by water suppression. Chair Cardon asked if this crusher would create the same level of sound as the recycling machine. Mr. McKinney stated that the crusher actually creates less sound because it is a closed unit.

Commissioner Arnold asked how the rebar that is found in concrete would be salvaged from the concrete. Mr. McKinney stated that there is an electro-magnet that removes the rebar as the concrete is crushed, the rebar is drawn to the magnet and placed in a scrape bin located on site.

There were no affected or interested parties to speak in regards to this petition.

Planning and Zoning Commission Action of SUP 14-07 on May 15, 2014

A motion was made by Commissioner Washburn, seconded by Commissioner Arnold, to **approve** Petition SUP 14-07, a request from Dirt Bandit Sweeping, represented by Phil

McKinney for a special use permit for the operation of an asphalt/recycling plant on 14.42 acres in the IND Industrial District located at 4100 Twin Peaks Boulevard.

- AYE: Chair Cardon, Commissioners Arnold, Freeman, Ragsdale, Waldroup, and Washburn (Alt)
NAY: None
ABSTAINED: None
ABSENT: Commissioners Davis, Jaques, Langenfeld and Thompson

Motion passed 6-0

**COMMUNITY DEVELOPMENT PETITION REPORT
ZC 14-05 – SF-7 to MF-M
5420 Hubbard Street**

Planning and Zoning Commission Discussion of ZC 14-05 on May 15, 2014

Senior Planner Cynthia Lopez presented the staff report for a request for a zone change from the SF-7 Single-family Residential District to the MF-M Multi-family Medium Density District for property located at 5420 Hubbard Road. There is approximately 0.2916 acres that is currently vacant with a proposed use to build a four-plex on the site. The Comprehensive Plan shows this area as Residential Urban. There is currently a well site to the west which requires a 100-foot buffer for any building located adjacent to the well site. All of the properties surrounding the parcel are zoned SF-7. This property had a manufactured home, as evident by the foundation, which was required to be elevated above the floodplain and also had an elevation certificate. The closest multiple family district to this site is approximately 1/3 of a mile away. Staff has identified many constraints that exist on this property and recommends denial.

Commissioner Freeman asked if the well-site location pre-dated the home. Ms. Lopez stated she did not know. Commissioner Freeman asked if a four-plex would be able to fit on the property because of the well-site restriction and any flood plain issues. Ms. Lopez stated that the setbacks for SF-7 are 25 feet front, 15 feet rear and in MF-M the front is 20 feet and the rear is 25 feet. Ms. Lopez stated that staff feels because of the well-site restriction, the flood plain issues and this being a spot zone, that this is not a good location for MF-M zoning.

Petitioner's representative Paul Martin of Sakura Engineering, 125 W. Main Street, stated he had read the staff report. He stated that regardless of the zoning for this property, the constraints will still exist, especially the flood plain and well-site restrictions. Mr. Martin stated that the proposed site plan will need to be modified to work with the space available to build on. Commissioner Arnold asked if the proposed units would have a crawl space and if there was enough room for parking. Mr. Martin stated no, there would be a slab on grade, and the parking could go on the west side of the property.

Commissioner Freeman stated he was struggling with approval and unable to envision the newly proposed units that are different from the ones in the application packet. Mr. Martin stated that the outside of the units would look like the ones proposed in the

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application, but that the configuration would need to fit the property. He added that his client did not want to spend extra money to design for this property if the petition was not granted. Mr. Martin stated that there is a need for nice rentals in the city, like the one's that Mike Clawson had built in the downtown area. Commissioner Freeman asked if there were pictures of the surrounding neighborhood. Ms. Lopez stated that south of this property are modular homes and the area has a Special Mobile Home Overlay Area (SMHOA), there are also some single family homes to the east, but most of the surrounding land is the well site and vacant land to the north.

Commissioner Waldroup asked how the design could change if this petition was approved. Ms. Lopez stated that the maximum number of units would be six, but could be less. The developer would also have to meet drainage requirements and provide elevation certificates. Ms. Lopez stated that staff does not think this is a good area for multi-family. Commissioner Freeman identified that it appears there are not a lot of multi-family areas available in the city and asked if staff is looking to redefine any areas to multi-family. Ms. Lopez stated no but on the large parcel to the north, maybe, but the arroyo runs through that area. Commissioner Freeman asked about the drainage. Mr. Martin stated that no matter what is built on that lot, the developer will need to deal with any drainage issues.

Allan Brown of 4001 Gold stated that he is against this zone change. He added that this is a bad place to build because the arroyo goes from about 50 feet across and is channeled into 15 feet across the road. He felt that building on this property is too close to the well. He stated that the mobile home was there before the well-site, he thought around 1977. Chair Cardon asked Mr. Brown if the water from this property drained onto his property. He said the water crosses the road and goes down Hubbard to the 15 foot channel. He added that the Hood Arroyo does not drain and when it floods all the properties are affected. Chair Cardon asked if there was noise from the compressor. Mr. Brown stated that there was vibration at first, but the well company changed the compressor and the vibrations have lessened.

Commissioner Arnold stated that he is familiar with this area and agreed that it is prone to drainage issues when it rains. Mr. Brown stated that during the heavy rains last summer there was water on both sides of his house and that before the dam was built there was no flooding of his property.

Gail Hoffman of 3912 Gold Ave, stated she did not receive a letter but since the hotel has gone in to the north, she has had flooding too. She was against the petition, because if the developer put in blacktop the water would just run off of there too. She added that there are a lot of deer in that area that might leave the area if something is built there.

Mike Beasley of 4002 Gold Ave., stated he was against this petition too. He stated he has lived in the area since the mid 80's. He added that the extra units would create more traffic in the area and people already use Rowe Avenue as a short-cut to the liquor store on main. Chair Cardon asked if he would object if it was just a single family home. Mr. Beasley stated that a home owner takes better care of the property then renters do.

Mr. Martin readdressed the property owners concerns. He restated that whoever builds on that site, whether his client or someone else, they still have to meet the building codes and the well site restrictions. He added that everyone has a right to want to live in

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a nice home and that does not just mean a single family home. He said that you can't discriminate the type of home being built and that a owner has a right to develop their property. Mr. Martin added that Code Compliance monitors things like weeds or trash and upkeep of a property. He reminded the Commission that this petition is for zoning, not about the flooding issues the city has or about who someone may or may not want as a neighbor.

Commissioner Arnold stated he believes there is a huge need for multi-family units and that on this piece of property drainage will be an issue. He felt if the developer was able to come up with a design to meet those guidelines then some of the issues and concerns could be removed. Commissioner Freeman stated he also felt along that same line and thought maybe this could be tabled until an appropriate site plan that fit this site, including parking was submitted. Commissioner Arnold stated that as a builder he thinks maybe a 2- or 3-plex might better fit this location. Chair Cardon stated that this is one little spot zone that would be different from the rest of the area, but it could open the door in the future to allow more building of this type. She added that she also feels that it could be tabled, but to remember this request is only for the zone change.

Director Holton stated that with the zone change petition a site plan is not a requirement. She added that if the Commission is considering tabling this petition, they should check with the petitioner to see if he would consider bringing back a revised site plan. She reminded the Commission that it is not required and that they are not permitted to ask for one. Director Holton added that the proposed plan was provided for review and consideration and is not binding. Chair Cardon asked the petitioner's representative to come forward. Mr. Paul Martin and Ms. Sherry Blackman of Sakura Engineering approached the podium. Commissioner Arnold stated that he was hoping that the petitioner would be able to provide more information as a redesign and how the project would sit on the property. Ms. Blackman stated that she felt the petitioner could provide something that would fit on this particular property, but reminded the Commissioner that it would only be an example since they are not required for a zone change. Commissioner Arnold asked if a 30-day time frame would be enough time. Ms. Blackman felt it was, but might even be less. Mr. Martin stated that he would need to speak with the client.

Commissioner Freeman made a motion to postpone petition ZC14-05 until more information is obtained and this petition is returned at a later date. Commissioner Arnold seconded this motion. The motion for postponement passed by a 6-0 vote.

Planning and Zoning Commission Action of ZC 14-05 on May 15, 2014

A motion was made by Commissioner Freeman, seconded by Commissioner Arnold, to **postpone** Petition ZC 14-05, a request from Berean Investments, LLC., represented by Sakura Engineering & Surveying, for a zone change from the SF-7 Single-family Residential District to the MF-M Multi-family Medium Density District for property located at 5420 Hubbard Road.

- AYE: Chair Cardon, Commissioners Arnold, Freeman, Ragsdale, Waldroup, and Washburn (Alt)
- NAY: None
- ABSTAINED: None
- ABSENT: Commissioners Davis, Jaques, Langenfeld and Thompson

Motion passed 6-0

**COMMUNITY DEVELOPMENT PETITION REPORT
SUP 14-08 – 5611 Tee Drive
Chicken Keeping**

Planning and Zoning Commission Discussion of SUP 14-08 on May 15, 2014

Associate Planner Sam Montoia presented the staff report for a request from Nathalie Martin to keep 6 chickens on 0.51 acres located at 5611 Tee Drive in the RE-20 Residential Estates district. The chickens will be housed in a coop located to the southwest of the dwelling. The petitioner is not planning to keep any roosters. The coop location is approximately 40 feet from the south and the west property lines. Staff is recommending approval and stands for questions.

Chair Cardon asked if the petitioner was advised to have only hens. Mr. Montoia stated that the petitioner does not want to keep roosters because of the noise. Chair Cardon asked if it would be wise for the commission to make no roosters a condition. Director Holton stated that if roosters were desired the petitioner would need to come back to this commission to revise the special use permit. Commissioner Freeman asked which streets are located to the west and to the south. Mr. Montoia stated that Foothills Drive is the road to the west and Holmes Avenue is to the south. The addresses of the properties south of the petitioners' property are 5604 and 5602 Holmes, and 6000 Foothills Drive is the property to the west.

Nathalie Martin of 5611 Tee Drive stated that she had read staff's report and had no questions. Chair Cardon asked about cleanup for the chickens and the style of the coop. Ms. Martin stated that they were waiting on the outcome of this hearing to finalize the coop, but would like to include space attached to the coop for the chickens to roam around in and to have it enclosed by chicken wire. She added that the chicks are currently in the home and are her daughters' pets. She stated that she does not want a rooster at all.

Theodosia Ortega of 6000 Foothills Drive stated that she is opposed to having chickens behind her home. She added that she can look into Ms. Martin's yard from her back porch and that she felt they would be a nuisance, and have a negative effect on the resale of her home because she could see the coop from her yard. Chair Cardon asked if Ms. Ortega could see into Ms. Martin's yard. Ms. Ortega stated there was a fence between the properties but she could see over it into the yard.

Commissioner Freeman asked Ms. Ortega if she has had experience with chickens. She stated she did because she had grown up on a farm, and if there was a rooster there would be a lot of mess, and if not, there would still be some mess from the chickens.

Ms. Martin readdressed the commission stating that her husband has built part of the pen that would attach to the coop and is about 4 feet tall by 10 feet long. She added that

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her property is lower than Ms. Ortega's and she could not place the coop closer to Ms. Ortega's property because there is a hill that goes up about 4 feet, then the fence sits on top of the hill, so it's about 8 feet high. She added that they may want to move the coop a little closer just so that it will be in the shade from the trees.

Ms. Ortega of 6000 Foothills Drive stated that there is no coop there right now or as big as she is talking about. She added that she is only 5 foot 2 inches and can see over the back fence. She was concerned that the location near the trees puts the coop closer than the original 40 feet on the drawing.

Mr. Montoia clarified that the original site plan on page 54 of the Commission's packet showed the location the petitioner is requesting for the coop location. Chair Cardon stated she didn't see any trees. Ms. Martin explained that the trees are on the small hill to the west of the property. She said they were still trying to figure out where the shade would be and that the location is very close to the original drawing. She pointed out that the most of the west side of the home is on the hill and so the coop couldn't go there. Commissioner Ragsdale asked if she could turn the coop to keep it from getting closer to the fences. Ms. Martin stated she could move it a little, or if the commission wanted it left where the drawing shows it, she could leave it there.

Chair Cardon asked if there was a distance requirement from neighboring property lines for the coop location. Mr. Montoia stated that he is not aware of any restrictions, and that the 40 feet mentioned was an approximate measurement obtained from the site plan submitted by the petitioner. Director Holton stated that the site plan, if revised, would be part of the recommendation from the Commission and is required to be included in the packet and recommendation submitted to City Council for their consideration.

Commissioner Waldroup asked if Ms. Martin would like to present a new site plan showing the location of the coop. Ms. Martin stated that they would just keep it where the drawing shows it. Ms. Ortega asked if she could receive a copy of any revisions to the location of the coop before City Council met. Director Holton stated that staff would provide that information if the site plan was revised.

There was no one else to speak in favor or in opposition to this petition.

Commissioner Arnold asked for clarification regarding the coop and any new drawing that might be received. Chair Cardon stated that if the petitioner was going to move the location of the coop, that a condition could be included to require a revised site plan prior to the City Council meeting.

A motion was made by Commissioner Arnold to approved SUP14-08 based on staff's recommendation and add that if there is any change to the location, the petition will need to submit a revised site plan. Commissioner Ragsdale seconded the motion.

Planning and Zoning Commission Action of SUP 14-08 on May 15, 2014

A motion was made by Commissioner Arnold, seconded by Commissioner Ragsdale, to **approve** Petition SUP 14-08, a request from Nathalie Martin for a special use for the keeping of six (6) chickens in the RE-20 Residential Estates District located at 5611 Tee Drive

AYE: Chair Cardon, Commissioners Arnold, Ragsdale, Waldroup, and Washburn (Alt)
NAY: Commissioner Freeman
ABSTAINED: None
ABSENT: Commissioners Davis, Jaques, Langenfeld and Thompson

MOTION PASSED: 5-1

**COMMUNITY DEVELOPMENT PETITION REPORT
ZC 14-03 – 2007 Brothers
GC to MF-M**

Planning and Zoning Commission Discussion of ZC 14-03 on May 15, 2014

Associate Planner Sam Montoia presented the staff report, a request from Debbie Hernandez for a zone change from the GC General Commercial District to the MF-M Multifamily Medium Density District for property located at 2007 Brothers Avenue. There was a special use permit granted in 1974 for a mobile home, however, previous aerial photography from 2007 and 2009 show that the mobile home was removed so the special use permit is no longer active.

The petition is in support of placing a manufactured home or a duplex on this site. This lot is currently vacant. The site map shows this property is located to the north of the Pizza Hut on 20th Street, south of a self storage facility but is not adjacent to the MF-M zoning which is north along 22nd Street. Mr. Montoia stated that the Comprehensive Plan recommends this area as commercial and the area to the north as residential. This property size could support 2 dwelling units. Staff feels that the zone change request is inappropriate and would be spot zoning. This property is in the commercial zone and a zone change to MF-M would allow uses that are not allowed to other property owners in that neighborhood. Staff recommends denial.

Commissioner Waldroup asked what the zoning before GC was and if it allowed the mobile home. Chair Cardon stated that since the mobile homes have been removed, the special use permit is no longer in effect and that the requirements for General Commercial zoning are now applicable. Mr. Montoia added that the mobile home has lost its non-conforming status to allow the use as residential within a General Commercial district. Commissioner Freeman asked if this zone change was approved if the petitioner could place both a mobile home and a duplex on the property. Mr. Montoia stated not a mobile home, but a manufactured home or a duplex that could be manufactured multi section units. Commissioner Freeman asked for a definition of multi-section. Mr. Montoia stated that the code describes a multi-section manufactured home as being greater than 24-feet by 38-feet in dimension. Commissioner Arnold asked if a double wide met that standard. Mr. Montoia stated it would, if installed with the HUD standard foundation. Chair Cardon asked if there was enough room for the required parking. Mr. Montoia stated the parking requirement is 2 parking spaces per dwelling unit. Chair Cardon reminded the Commission that their task is to look at the request for a zone change and that items such as parking would be the responsibility of the Building Inspection department when a permit was issued. She also stated that if only the property is reviewed, the fact that this is a spot zone remains. Mr. Montoia added that

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the scratched out zone on the application was due to the petitioner filing two applications at once and that zone was written in on the wrong application, so it was corrected by the petitioner to the closest residential zone district.

Chair Cardon asked if the MF-M area shown in the Comprehensive Plan was once zoned as GC. Mr. Montoia stated he was not aware if it was. Commissioner Freeman reminded everyone that the Comprehensive Plan was approved in 2002 and Chair Cardon added that it is due to be reviewed starting in September 2014.

Commissioner Arnold asked for clarification about the type of dwelling permitted within that zone change. Mr. Montoia stated that in Article 11, the manufactured home minimum requirement is 24-feet by 38-feet on installed on a foundation. Commissioner Freeman asked why SF-7 was not being proposed for this property. Mr. Montoia stated that the MF-M allows the property owner the flexibility to place 2 dwelling units on the property. Chair Cardon asked if under this zone change the petition could be allowed to have a business or to use one of the buildings as a business. Mr. Montoia stated that commercial uses would not be allowed if the zone change was granted.

Chair Cardon asked about the duplex and the home on this property. Mr. Montoia explained that the parcel size was 8,100 square feet. In the MF-M district, each dwelling unit requires 4,000 square feet, so in order to meet the code only 2 units could be built. The property would not be allowed to have both.

Chair Cardon stated that if the petitioner wanted to replace the mobile home, why not just ask for a special use permit, like the one before. Mr. Montoia stated that the code is now different and to allow a mobile home, it would have to be by a zone change. He added that many of the commercial uses would not be permitted within the MF-M zoning district.

Petitioner Debbie Hernandez explained that the owner has wanted to sell this property as commercial for several years but there are many vacant properties on the market. So as an alternative to commercial building this request for the zone change could allow housing that would be within walking distance of many businesses. Chair Cardon asked if these units would be used as rentals. Ms. Hernandez stated that if a manufactured home was installed that property would need to be sold as a land/home package. Commissioner Freeman asked if there was access to this property via an alleyway. Ms. Hernandez stated that no, there is a fence and the alley just ends there.

Commissioner Arnold asked if there were 2 separate dwellings on this property was it possible that the owner is looking in the future to sell the property. Ms. Hernandez stated that if there was a duplex it could be sold, but if 2 separate units the land would have to be split in order to sell.

Commissioner Waldroup asked how a MF-M district could allow only 1 unit to be placed on the property. Mr. Montoia stated that the property could have up to 2 units, so single family homes are allowed within the guidelines for multi-family. However, multi-family dwellings are not allowed within SF districts.

There were no affected or interested parties to speak in favor or in opposition to the petition.

Commissioner Freeman stated he felt that a duplex seemed more feasible on that property, though there are similar areas to the north and to the west, but felt that a home is not the right use for that property. Chair Cardon added that a residential area would create issues for the people that reside in the units and that the current General Commercial zoning fits best for this property.

Planning and Zoning Commission Action of ZC 14-03 on May 15, 2014

A motion was made by Commissioner Freeman, seconded by Commissioner Waldroup, to **deny** Petition ZC 14-03, a request from Debbie Hernandez, for a zone change from the GC General Commercial District to the MF-M Multifamily Medium Density District for property located at 2007 Brothers Avenue.

AYE: Chair Cardon Commissioners Arnold, Daniel, Freeman, Ragsdale,
Waldroup and Washburn (Alt)
NAY: None
ABSTAINED: None
ABSENT: Commissioners Davis, Jaques, Langenfeld and Thompson

MOTION PASSED 6-0

**COMMUNITY DEVELOPMENT PETITION REPORT
ZC 14-04 – 505 W. Maple
IND to MU**

Planning and Zoning Commission Discussion of ZC 14-04 on May 15, 2014

Associate Planner Sam Montoia presented the staff report, a request from Debbie Hernandez for a zone change from the IND Industrial District to the MU Mixed-Use District for property located at 505 W. Maple. He indicated that the MRA Commission had sent in comments regarding their support for this zone change request. Mr. Montoia stated that the property is approximately 0.58 acres and could possibly be subdivided into a minimum size parcel of 6,000 square feet. The zone change to mixed-use could provide both commercial uses and residential uses.

Mr. Montoia stated that the MRA Plan recommends changing properties to mixed use within the Animas District of the MRA. Figure 4 of the Comprehensive Plan shows this area as institutional use with Mixed Use adjacent to the east. The street view photos showed that this property is mostly vacant with a couple of mobile homes & RV's stored there. Chair Cardon asked if there were hookups for the RV and if anyone was living there. Mr. Montoia stated he did not know if there were hookups and staff was not aware of anyone living there.

Staff is recommending approval with conditions: to meet the landscaping standards as required in section 5.5 of the City of Farmington, to provide sidewalks and streetlights, and to remove the non-conforming mobile homes & RV's from the site.

Petitioner Debbie Hernandez stated she is excited to be able to update this property that has been used as a parking lot, and used to be a trailer court. If this zone change is granted she would like to place multi section manufactured homes on permanent

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foundations. She feels that this zone change would allow better use of the land and also provide housing close to the hospital.

Gene Valencia of 507 S. Auburn, stated that yes, there used to be a trailer park there, but that it is an industrial area now, and he has trucks that come in every night at 2:00 am and the drivers run the trucks to stay warm while they are sleeping. If this zone change was granted the residents may complain about the noise. He stated that Ms. Hernandez hasn't been a very good neighbor as she has had vehicles towed off her property and the tow truck comes by every day. Mr. Valencia recommends that the commission deny this zone change. Chair Cardon identified that the line on the map is not accurate because of the oblique angle of the photo, so probably doesn't go through Mr. Sanchez building and is not representative of an accurate survey. Mr. Valencia felt that you can't change this area back to what it was in the 1960's. He added that San Juan Gravel has trucks show up a 4:00 am.

Commissioner Freeman asked Mr. Valencia is he was familiar with the MRA Plan and what they are trying to accomplish. Mr. Valencia stated that beautification makes sense and the area will get prettier as companies move out and it becomes more commercial. But he lived right next door to his business. He added that no one wants to put up with industrial noises and you can't make trucks quieter. He stated that the delivery truck will block off the road so residents would not like that.

Ms. Hernandez readdressed Mr. Valencia's concerns. She stated she has had vehicle(s) towed from her property that were parking there illegally. She stated that there have been vehicles for sale placed on the corner and no one has asked for permission. The yard does have goat heads, thought they are trying to clean up the property. She added that she has never heard any complaints from people that live there regarding to the trucks running at 2:00 am every day. Ms. Hernandez stated that they are trying to sell this property and do not want other people using this space for parking or selling of vehicles, especially without permission. Chair Cardon asked about Mr. Valencia's statement about someone living on the property. Ms. Hernandez stated that there is an elderly person how has been there at least 9 years and he is aware that they are trying to sell this property. She concluded that they are trying to do what the City Code states they can do.

There were no other affected or interested parties to speak in favor or opposition of this petition.

Commissioner Freeman stated that the MRA vision is to move the industrial out of the downtown to areas like Harper Hill and that the bigger picture provides for more mixed-use and less industrial. He felt that a project more like the housing built by Mike Clawson was a better fit in this area than manufactured homes. Ms. Hernandez asked where the buildings are that Mike Clawson built and the location on Cedar and Animas was identified.

Chair Cardon asked if the MRA process has ever discussed manufactured home or if that was left out of the plan, or deleted from it. Ms. Lopez stated that the MRA Plan addresses the need for residential and commercial uses since each needs the other to succeed. In regards to manufactured homes, the State Statue clearly states that you can not differentiate because the homes are manufactured, if they meet HUD standards then they are considered the same as traditional or site built homes. These homes can

go anywhere in the city. She added that any area within the MRA that may be developed needs to have options. Commissioner Ragsdale asked how many lots this parcel could be split into. Mr. Montoya stated that if this lot was subdivided, it could only be into 4 parcels to meet the density requirement for a mixed-use district. Mixed use also supports a dwelling unit density of 1 per 2500 square feet. Ms. Lopez reminded the commission that each district has its own landscaping requirements that would need to be met during construction.

Planning and Zoning Commission Action of ZC 14-04 on May 15, 2014

A motion was made by Commissioner Freeman, seconded by Commissioner Daniel to **approve** Petition ZC 14-04, a request from Debbie Hernandez, for a zone change from the IND Industrial District to the MU Mixed-Use District for property located at 505 W. Maple with conditions:

- a. The developer must meet landscaping requirements as required in section 5.5 of the City of Farmington UDC.
- b. Sidewalks and street lighting must be installed to City Standards.
- c. Nonconforming single section mobile homes must be removed.

AYE: Commissioners Freeman and Arnold
NAY: Chair Cardon, Commissioners Ragsdale, Waldroup and Washburn (Alt)
ABSTAINED: None
ABSENT: Commissioners Davis, Jaques, Langenfeld and Thompson

MOTION FAILED: 2-4

A second motion was made by Commissioner Washburn, seconded by Commissioner Waldroup, to **deny** Petition ZC 14-04, a request from Debbie Hernandez, for a zone change from the IND Industrial District to the MU Mixed-Use District for property located at 505 W. Maple.

AYE: Chair Cardon, Commissioners Ragsdale, Waldroup, and Washburn (Alt)
NAY: Commissioners Freeman & Arnold
ABSTAINED: None
ABSENT: Commissioners Davis, Jaques, Langenfeld and Thompson

MOTION PASSED: 4-2

The Commissioner explained their voting. Commissioner Washburn stated he voted to deny this petition because he didn't feel this fits in with the Industrial Area for living standards.

Commissioner Freeman stated he voted to approve this petition. He stated that he felt there will always be a transition period to get to the bigger picture for the community and that nobody likes changes. He feels that this zone change would benefit the city and help to get the downtown back to a downtown and help reach the goal to utilize the river area.

Chair Cardon stated she voted to deny this petition because she felt that this particular property was in the middle of an industrial area. She is in agreement with the MRA Plan, but objects to the type of building proposed on this property, being across the street from industrial.

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Commissioner Ragsdale stated she voted to deny this petition for the same reasons as Commissioner Washburn.

Commissioner Waldroup stated he voted to deny this petition for the same reasons as stated by the other commissioners and that he does feel there is a need for housing.

Commissioner Arnold stated he voted to approve this petition and is in favor of the MRA Plan to revitalize and change blighted areas. He felt that a project like the apartments built by Mr. Clawson would be an asset at this location.

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

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

Business from Members: .

Business from Staff:
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Adjournment

The Planning and Zoning Commission meeting of May 15, 2014, was adjourned at 5:48 p.m.

Joyce Cardon
Chair

Dee Dee Moore
Office Manager