

A G E N D A

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

June 9, 2016 at 6:00 p.m.

Item No.		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes from the May 5, 2016 Meeting	14
4	Petition No. ARB 16-29 – a request from Emilio Ortega for a variance to the required front yard setback of 20 feet to allow 10 feet and the required rear yard setback of 25 feet to allow 7 feet in the MF-L Multi-Family Low Density SMHA Special Mobile Home Area Overlay zoning district for a mobile home to be placed on property located at 1205 S. Butler Avenue. (Keith Neil)	1
7	Business from: Floor: Chairman: Members: Staff:	
8	Adjournment	

ATTENTION PERSONS WITH DISABILITIES:

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

ADMINISTRATIVE REVIEW BOARD

Petition ARB 16-29

Variance to the front and rear yard setbacks for the MF-L zoning district for property located at 1205 S. Butler Ave.

June 9, 2016

DESCRIPTION OF PETITION

Petition No. ARB 16-29 is a request from Emilio and Irma Ortega for a variance to allow a 10' front yard setback and a 7' rear yard setback for the property located at 1205 S. Butler Ave. in the MF-L Multi Family Low Density District with a SMHA Special Mobile Home Area Overlay. Pursuant to UDC Section 2.8 Residential District Density and Dimensional Schedule, the MF-L setbacks require 20' in the front yard and 25' in the rear yard. The property is legally described as:

Shady Grove Amended Plat Block 1, Lot #3, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 1205 S. Butler Ave.

GENERAL INFORMATION

Applicant..... Emilio and Irma Ortega
Property Owner..... Emilio and Irma Ortega
Location of Property..... 1205 S. Butler Ave.
Nature of Petition..... The applicant requests a variance to allow a 10' front yard setback and a 7' rear yard setback.
Applicable Regulations City of Farmington Unified Development Code (UDC): Pursuant to Section 2.8 MF-L setbacks require a 20' front yard setback and a 25' rear yard setback
Zoning MF-L Multi-Family Low Density District, SMHA Special Mobile Home Area
Surrounding Zoning..... North: MF-L Multi-Family Low Density, SMHA
South: MF-L Multi-Family Low Density, SMHA
East: MF-L Multi-Family Low Density, SMHA
West: SF-MH Single-Family Mobile Home
Surrounding Land Use... North: Residential Mobile Home
South: Multi-Family Duplex
East: Multi-Family Duplex
West: Mobile Home Park and Residential Mobile Home
Public Notice..... Publication of Notice of this petition appeared in the Daily Times on Thursday, May 19, 2016. Adjoining property owners were sent notice by certified mail on Wednesday, May 18, 2016, and a sign was posted on the property on Friday, May 27, 2016.
Staff Keith M. Neil, Associate Planner

BACKGROUND

The petitioner is requesting a variance to the required front and rear yard setbacks. The property currently has several storage sheds and a small building that are in the process of all being demolished and removed. The petitioner had already purchased a Mobile Home measuring 76' x 14' in size for placement on the property prior to seeking approval from the City. The setback requirements of the MF-L zoning district will add up to 45 feet from the 95

feet of lot length leaving only 50 feet of buildable length on the lot. To place the mobile home on the parcel a variance to the front and rear yard setbacks is needed. The Planning Division worked several times with Mrs. Ortega to determine a solution to the challenge of a mobile home too large for this particular parcel. After considering the nature of the surrounding properties, the setback averaging method was utilized to determine the need for a variance to reduce the required setbacks by approximately 40% in the front yard and approximately 58% in the rear. The setback averaging method analyzes properties within 200 feet of either side of the parcel (same side of the street) and calculates an average for the setbacks to determine a setback that would be consistent with the neighborhood, but in no case less than 10 feet. The possibility of orienting the mobile home in an angled fashion, thereby requiring a request for variance was explored yet it was determined that this would be out of character with the nature of the surrounding neighborhood. This proposed location will be more in line with the existing Mobile Homes in the area. The subdivision was platted in 1956 and mobile homes have been placed throughout the subdivision prior to the adoption of the UDC in 2008. New mobile homes purchased today are typically too large to fit on lots of this size. With the proposed location of the mobile home, the front door will be facing south. The 14' width of the mobile home will allow for open space similar to the area required for the front and rear yard.

ANALYSIS

Variance Criteria – Section 8.12.4, UDC

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

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

The parcel measures 95' x 75' and with the MF-L setback requirements, the petitioner is limited to a building footprint of 50' x 59'. In order to place a medium-sized mobile home on the parcel, the petitioner would be exceeding the required setbacks. A Special Mobile Home Area Overlay allows for the placement of single-section mobile homes on the property. However, mobile home manufacturers rarely construct new mobile homes that would meet the 50 foot or 59 foot requirement.

This criterion IS met.

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

Of the 10 properties that are located on the western side of S. Butler Ave. only one of the residential units meets current setback regulations for the MF-L zoning district. Many of the surrounding properties have residences built on or across boundary lines as well. There have been mobile homes in the neighborhood prior to the implementation of the 2008 UDC that today are considered legal non-conforming.

This criterion IS met.

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

When utilizing the setback averaging method highlighted in the UDC section 2.8.C(6) based on the way the surrounding properties are setback from their property lines, the petitioner's property would be required to have a front and rear yard setback of 17 feet. This would equate to a reduction of 40% in the front yard and a 58% reduction in the rear yard. Upon observation of all properties in the neighborhood, these reductions would constitute a minimum easing of the code. Directly behind the parcel lies a 20 ft. utility and ditch easement on the adjacent property. Although belonging to the adjacent property owner, construction on the easement is prohibited, thereby allowing for approximately 20 feet between the proposed mobile home and any accessory structure located on the rear parcel.

This criterion IS met.

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

The intent of the code was to establish uniform dimensional and density standards for neighborhoods. Mobile homes have been a fixture in the area for years and the general character of the area demonstrates a continued use of mobile homes. The lots were subdivided to accommodate the use of single section mobile homes that used to be manufactured in smaller lengths than they are typically being manufactured today. Another aspect of the intent of the code is to have requirements that would allow for open space around each residence to maintain separation from other residences. The area of open space required for this lot is 3,375 square feet. Because the mobile home is 14' wide, the area of open space on the lot if the variance is approved will be approximately 5,700 square feet.

This criterion IS met.

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

This proposed variance will not be permitting a use that is otherwise allowed in the underlying district.

This criterion IS met.

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

No nonconforming uses, structures or building in the same district have been considered as grounds for this variance request.

This criterion IS met.

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

The applicant would suffer an unnecessary hardship if the variance were denied. With the petitioner having already purchased the mobile home in question, a denial of this variance would require the purchase of an additional mobile home that meets the strict setback standards of the MF-L district. Property adjacent to the rear of this parcel is currently zoned SF-MH which has more appropriate setback standards more closely relating to current mobile home size and dimension standards.

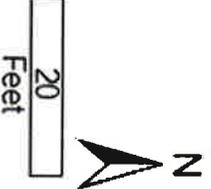
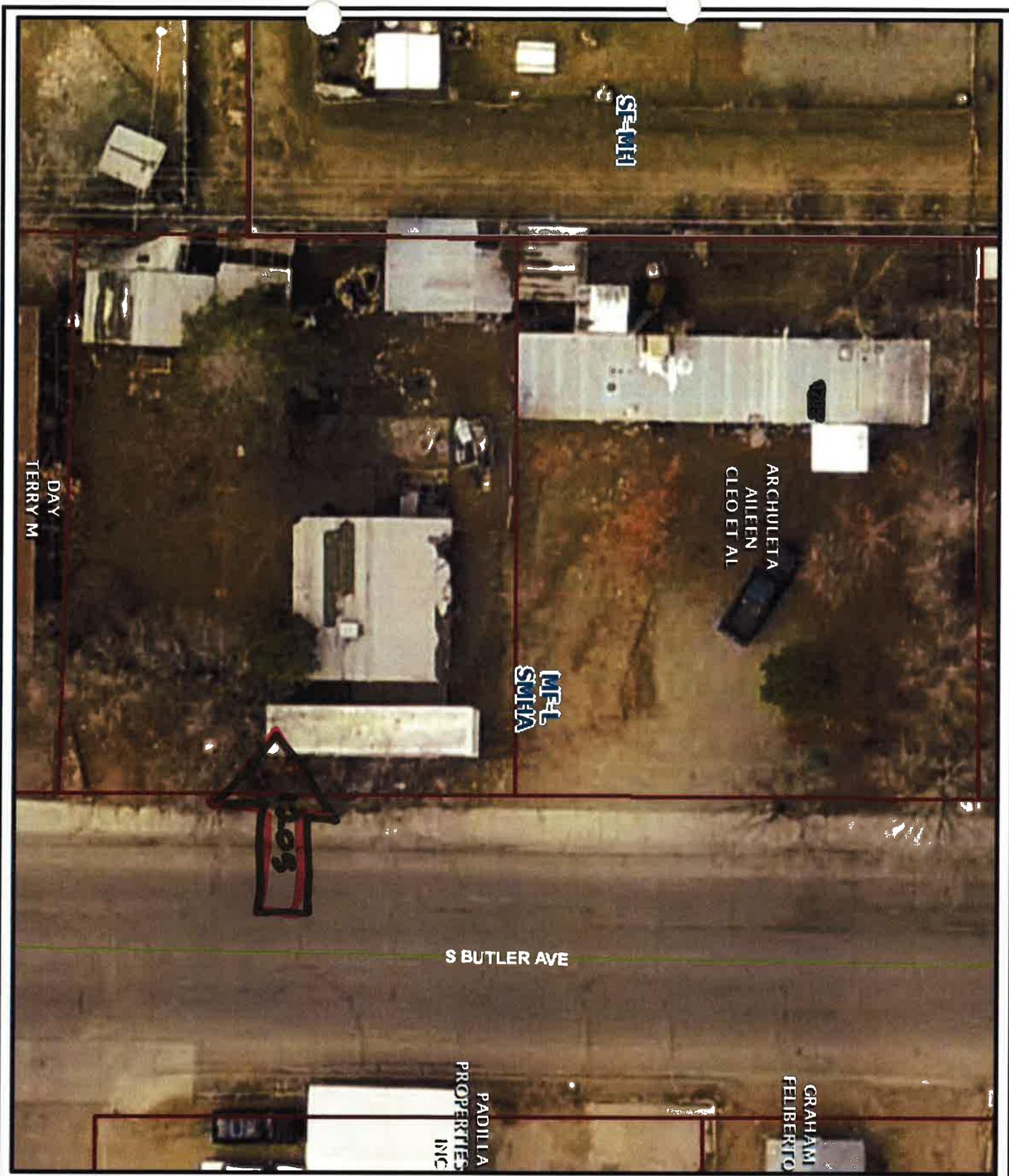
This criterion IS met.

CONCLUSION

The Community Development Department concludes that approval of ARB 16-29 is appropriate. The request will not adversely affect the surrounding properties and will accommodate the special circumstances of this unique property location. The request conforms to the existing character and nature of the area and the amount of open space on the lot meets the intent of the UDC.

RECOMMENDATION

The Community Development Department recommends approval of Petition ARB 16-29, a request from Emilio and Irma Ortega for a variance to allow a 10' front yard setback and a 7' rear yard setback for the property located at 1205 S. Butler Ave. in the MF-L Multi Family Low Density District with an SMHA Special Mobile Home Area Overlay.



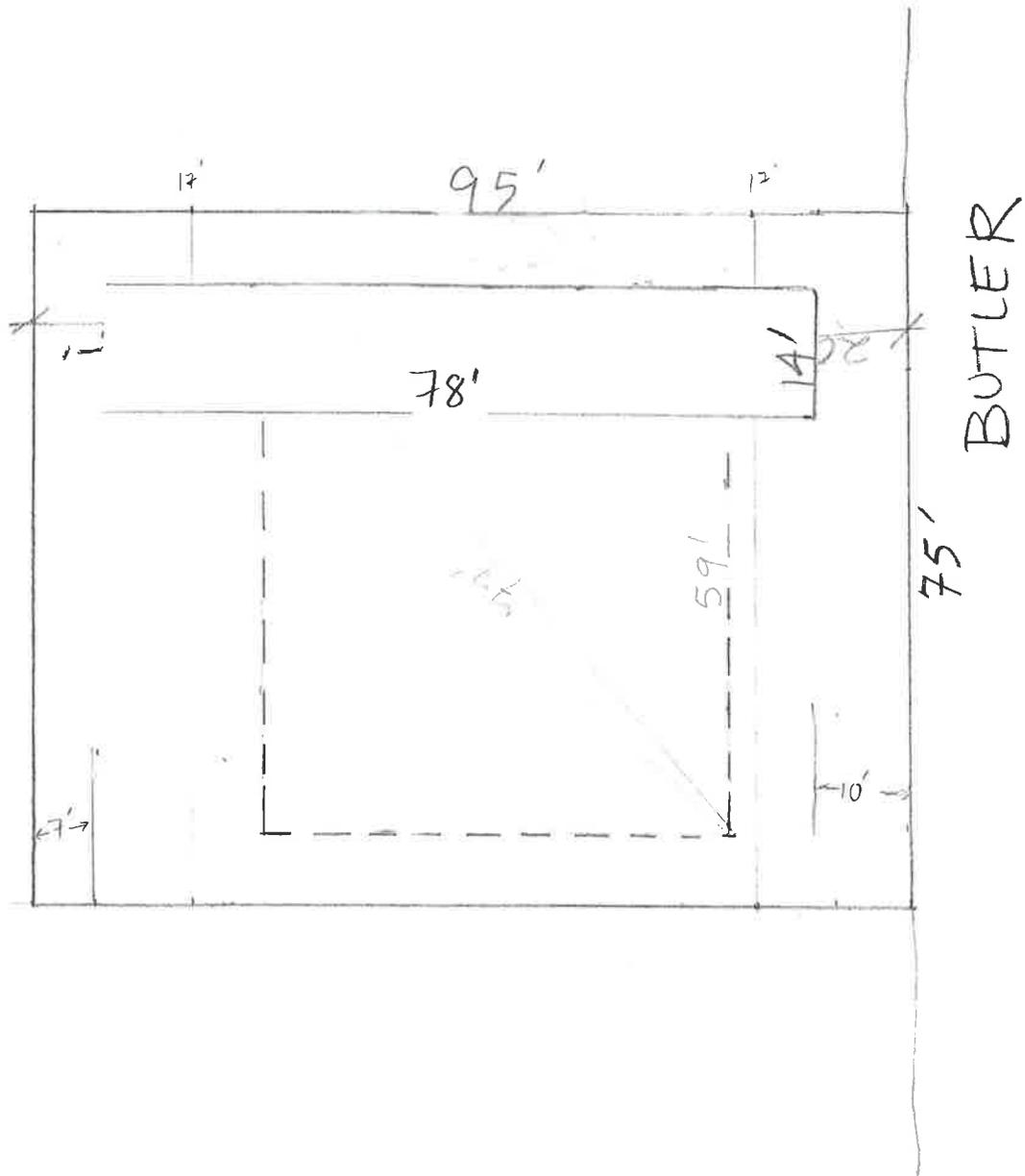
**AREA UNDER CONSIDERATION
ARB 16-29 1205 S. Butler**

**COMMUNITY
DEVELOPMENT
DEPARTMENT**

Date: 4/25/2016



Image: 3/7/15



1" = 20'

PLANNING MEMO COMMENTS SUMMARY

ARB 16-29 ARB 16-29 1205 S. BUTLER AVE.

Deadline: 5/6/16

City of Farmington Departments

CD	Director	Project planner should evaluate request by reviewing the average of established setbacks adjacent to the property. Petitioner should discuss the proposed mobile home placement location with the adjoining property owner on the south ^{North} side as it will have direct impact on that owner. Petitioner should get their approval if possible. Moving it more centrally for that neighbor should be considered if necessary. Variance granted, all existing buildings and rest of site should be cleared/cleaned up before mobile home parking permit is issued
CD	Addressing – Planning Division	
CD	Chief Building Official	Building inspection has no comment on ARB 16-29 1205 S. Butler Ave.
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	
ELEC	Customer Care Manager	No comment
ELEC	Electrical Engineering	No comment
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	Legal has no objection to the set back with the understanding that the aerial photo submitted with the application does not represent the current condition. Specifically, the aerial photo shows a trailer sitting on the southwest corner of the lot. Legal assumes this housing unit has been removed.
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	No comment-Mary Gardocki
PW	City Engineer	
PW	Engineering	I have no comment on ARB 16-29 1205 S Butler Ave.
PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	No comment

PETITION APPLICATION

#1



Incomplete applications may not be accepted.

Return completed application to:

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

PROJECT TYPE (Check Those Applicable)

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

Applicant's Name: <i>Emilio Ortega</i>	Project Location: <i>1205 S. Butler</i>
Address: <i>5 Rd. 5478 Farmington NM 87401</i>	Existing Use: <i>Residential</i>
E-Mail: <i>N/A</i>	Proposed Use: <i>Residential</i>
Telephone: <i>(505) 608-2243</i>	Current Zoning: <i>Residential</i>
Relationship to Property Owner: <i>owner</i>	Assessor's Parcel I.D. and/or Tax I.D. Number: <i>R0024279</i>

Legal Description of Subject Property: *Shady Grove Amended Plat Block 1 Lot #3*

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes
 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: <i>Emilio Ortega</i> Phone: <i>(505) 608-2243</i>	Name: _____ Phone: _____
Address: <i>5 Rd 5478 Farmington NM 87401</i>	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.

Owner's Signature: *Emilio Ortega*

*** STAFF USE ONLY ***

Planner: KN

Received By <i>KW</i> Date <i>4/25/16</i> Fee Received <i>70⁰⁰</i> Project File No. <i>ARB 16-29 - 1205 S. Butler Ave.</i> Date of Hearing/Meeting: <i>June 9, 2016</i>	<input type="checkbox"/> Site Plan <input type="checkbox"/> Ownership List (subject and surrounding properties) <input type="checkbox"/> Legal Description <input type="checkbox"/> Project Description
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JUSTIFICATION OF VARIANCE

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

1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and; furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant. *78' Mobile home will not fit on parcel because of small parcel size and large setbacks.*
2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code. *Many other homes in neighborhood are in the setback areas.*
3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building or structure. *Asking for 7' of rear setback and 10' of front yard setback*
4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare. *This request is in harmony with the general interest of the neighborhood.*
5. That the proposed variance will not permit a use not otherwise allowed in the underlying district. *This is not allowing a use that isn't already allowed.*

JUSTIFICATION OF VARIANCE

(Continued)

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

Already purchased trailer before learning of setback requirements.

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

Would have to sell Mobile home and purchase an older, smaller home to fit into the setback requirements.

Signature of Petitioner: _____

Ama Ortega

Date: 07-26-16

Attach additional sheets if necessary or use the space below

(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING

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

Petition No. ARB 16-29 - a request from Emilio Ortega for a variance to the required front yard setback of 20 feet to allow 10 feet and the required rear yard setback of 25 feet to allow 7 feet in the MF-L Multi-Family Low Density, SMHA Special Mobile Home Overlay zoning district for a mobile home to be placed on property located at 1205 S. Butler Avenue.

LEGAL DESCRIPTION:

Shady Grove Subdivision Amended
Replat, Block 1, Lot 3, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 1205 S. Butler Avenue

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday June 9, 2016, at 6:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider these variance requests. All persons in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

Karen Walker
Administrative Assistant

Legal No. 72728 published in The Daily Times on May 22, 2016.

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-29**

May 18, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Administrative Review Board of the City of Farmington, New Mexico, a request from Emilio Ortega for a variance to the required front yard setback of 20 feet to allow 10 feet and the required rear yard setback of 25 feet to allow 7 feet, in the MF-L Multi-Family Low-Density, SMHA Special Mobile Home Area Overlay zoning district for a mobile home to be placed on property located at 1205 S. Butler Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Shady Grove Subdivision Amended Replat, Block 1, Lot 3, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 1205 S. Butler Avenue

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, June 9, 2016, at 6:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider this variance request. All persons in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

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

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

Sincerely,



Karen Walker
Administrative Assistant

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

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF
 THE FOLLOWING DESCRIBED PROPERTY: **Shady Grove Subdivision**
Amended Replat
Block 1, Lot 3

OWNER: Ortega, Emilio and Irma
 5 Road 5478
 Farmington, NM 87401-0000
 1588/305

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Ortega, Emilio and Irma 1588/305	5 Road 5478 Farmington, NM 87401-0000	Shady Grove Subdivision Amended Replat Block 1 Lot 4
Munoz, Gumaro and Elaine 897/522, 1208/368	1201 S Butler Farmington, NM 87401-6645	Replat of Lots 5, 6, & 7 of Block One of the Shady Grove Subdivision Block 1 Lot 5
Graham, Feliberto 701/418, 1486/232	ATTN: Monica Sandoval 819 S Laguna Ave Farmington, NM 87401	Shady Grove Subdivision Amended Replat Block 3 Lot 6
Padilla Properties, Inc. 1111/16	446 Road 3000 Aztec, NM 87410-9502	Shady Grove Subdivision Amended Replat Block 3 Lots 1 and 2
Graham, Antonio Maria and Delvina V 1048/116, 1331/579	808 Peach St Farmington, NM 87401-6656	Shady Grove Subdivision Amended Replat Block 4 Lots 2 and 3

Martinez, Israel and Rosario 1406/389	1208 S Butler Ave Sp B Farmington, NM 87401	Shady Grove Subdivision Amended Replat Block 4 Lot 1
Dinning, Thomas M and K. Eileen Living Trust 1370/880, 1488/860	62 Road 6050 Farmington, NM 87401	Shady Grove Subdivision Amended Replat Block 1 Lot 1
Day, Terry M 1443/473	P.O Box 2715 Kirtland, NM 87417	Shady Grove Subdivision Amended Replat Block 1 Lot 2
Strickland, Troy R Isbell, E V and Dorothy Living Trust 787/506, 1286/680	598 Road 6100 Kirtland, NM 87417	T29N, R13W, Sec. 22 Pt. NW1/4NW1/4
Martinez, Alberto and Olivama 1031/308	619 Poplar Farmington, NM 87401-6675	Larkspur Subdivision Lot 11
Beardsley, Dolores A. 1383/4	617 Poplar Farmington, NM 87401	Larkspur Subdivision Lot 12

**MINUTES
ADMINISTRATIVE REVIEW BOARD
May 5, 2016 – 6:00 P.M.**

The Administrative Review Board met in regular session on Thursday, May 5, 2016 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present: Chairman Ireke Cooper
Vice Chairman James Dennis
Via Phone-Lynn Scott
Adam Soukup

Members absent: Paul Martin

Staff present: Mary Holton
Keith Neil
Steven Saavedra
Karen Walker

Others addressing the board: Ken Coleman
Jeremy Galloway
Johnny Quintana

Call to Order

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

Approval of the Agenda

A motion was made by Board Member Dennis, seconded by Board Member Soukup, to approve the agenda. The motion passed unanimously by a vote of 4-0.

Approval of the Minutes from the February 4, 2016 Regular Meetings

Board Member Dennis made a motion to approve the minutes of the February 4, 2016 regular meeting. The motion was seconded by Board Member Soukup and passed unanimously by a vote of 4-0.

Open Meetings Resolution

Board Member Dennis made a motion to approve the Open Meeting Resolution to continue with the same date and time for the regular ARB meetings. The motion was seconded by Board Member Soukup and passed unanimously by a vote of 4-0

Swearing in of Witnesses

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

**Petition No. ARB 16-02
Variance to the Off-Site Sign 200 feet Right-of-Way Requirement
5600 E. Main Street**

Discussion of ARB No. 16-02 on May 5, 2016

Associate Planner Keith Neil presented the staff report for ARB 16-02, a request from US Eagle Credit Union, represented by Jeremy Galloway of Young Electric Sign Company (YESCO), for a variance to allow an off-site sign to be located along Pinon Hills Blvd. without the required 200 feet of right-of-way for the property located at 5600 E. Main St. in the GC General Commercial District.

The property was recently subdivided into two parcels, both owned by US Eagle Federal Credit Union. Currently the US Eagle Credit Union is constructing a new branch on the southern parcel abutting East Main Street. The northern parcel is vacant at this time.

Mr. Neil mentioned the vehicular access issues at 5600 E. Main St. Along E. Main Street, access is limited by a "right turn in, right turn out" only pattern. Access is prohibited along Pinon Hills Blvd. The secondary access is along the north property line by way of Foothills Drive. This traffic access pattern includes three lanes: one for entrance and two for exiting the property. Permits have been obtained for one principal freestanding sign to be located on the southern parcel along E. Main Street. The petitioner believes that a second sign is necessary to direct customers traveling along Pinon Hills Blvd. to the northern entrance along Foothills Drive.

The need for a variance is due to the subdividing of the property. The second sign will be an off-site sign. The proposed sign will total approximately 40 square feet and will extend to a maximum height of approximately 12'9". Off-site signs require a minimum right-of-way width of 200 feet, a total area of not more than 200 square feet, not to exceed 26 feet in height, 750 feet from other off-site signs, and 100 feet from any on-site sign or residence. There is an on-site freestanding sign on the north side of Foothills Drive for the Pinon Hills Dental Complex that is approximately 127 feet from the proposed sign location.

Recommendations from Traffic and Engineering Staff addressed safety concerns of the proposed sign's location in relation to the corner sight-triangle of Foothills Dr. and Pinon Hills Blvd. The petitioner has agreed to raise the overall height with a base of 7 feet, extending to 12'9". This will provide a traffic line-of-sight for motorists traveling south on Foothills Drive and those traveling north on Pinon Hills Blvd.

Staff recommends approval with the condition that when future development occurs on the adjacent parcel, the off-site sign must either be removed or area for signage to negotiated with the adjacent property owner.

Jeremy Galloway of 6725 W. Chicago Street, Chandler, AZ, works for YESCO Young Electric Sign Company. His company will be installing the sign for US Eagle Credit Union. Mr. Galloway noted that the Traffic Division asked to have the sign raised. He stated that he has no problem with raising the sign.

Administrative Review Board Action of May 5, 2016

A motion was made by Board Member Dennis and seconded by Board Member Soukup to **approve** Petition No. ARB 16-02, a request from US Eagle Credit Union, represented by Jeremy Galloway of Young Electric Sign Company (YESCO), for a variance to allow an off-site sign to be located along Pinon Hills Blvd. without the required 200 feet of right-of-way for the property located at 5600 E. Main St. in the GC General Commercial District, with recommendations by staff that when future development occurs on the parcel, the off-site sign will either be removed or negotiations made with the adjacent parcel owners.

AYE: Chair Cooper, Board Members Dennis, Scott (Via Phone), and Soukup.

NAY: None

ABSTAIN: None

ABSENT: Martin

APPROVED 4-0

**Petition No. ARB 16-20
Variance to Increase the Maximum Allowed Size of a Sign
3903 Beckland Drive**

Board Member Dennis recused himself prior to the hearing of this petition.

Discussion of ARB No. 16-20 on May 5, 2016

Associate Planner Steven Saavedra presented the staff report for ARB 16-20, a request from Ken Coleman, represented by Ram Studio Signs, for a variance to increase the maximum allowed size from 50 square feet to 93 square feet and height from 10 feet to 20 feet for a principal freestanding sign for property located at 3903 Beckland Drive in the LNC, Local Neighborhood Commercial, district.

Mr. Saavedra noted that there was a variance to this property on December 3, 2015. Farmington's Administrative Review Board approved a variance from the required 20-foot side yard setback to 10-feet for the property. The property was re-zoned in May of 2015 from R-4 to LNC. The LNC zone change was recommended because there is commercial to the south of the property with Enterprise, Burger King, and Sam's Club on the east. LNC was chosen because there are residential properties to the north and northwest. LNC is intended to accommodate neighborhood-oriented low-intensity retail sales and service uses.

Mr. Saavedra explained that the proposed freestanding sign is a single-faced box-style frame, with internal fluorescent lighting and a scrolling message on the bottom. The proposed sign would face south, towards East Main Street. The petitioner indicated there will be no signage facing north toward the residential area. The building currently being constructed is over 10,000 square feet and will house two tenants. One of the future tenants is Sundance Dental. If approved this variance prevents the other tenant located at 3903 Beckland Drive the opportunity of signage on a freestanding sign.

Mr. Saavedra noted that a variance may be granted only where a hardship would be the result for a particular property. The variance must prove positive in regards to seven criteria as described in Section 8.12.4 of the Unified Development Code. Mr. Saavedra explained each of those criteria and commented that only one of the seven criteria was met.

The Community Development Department understands the petitioners need for exposure and growth. However, ARB 16-20, said Mr. Saavedra, is not a minimum easing of the code, there are no special conditions unique for this variance, the sign is not in harmony with the general interest, the general purpose, and intent of the Code. The criteria justifying the approval of this variance are not met. Therefore, staff recommends denial of Petition ARB 16-20.

Commissioner Cooper asked how the second tenant will advertise their business. Mr. Saavedra explained that the sign could not be added on to. The face of the sign could be changed or divided to advertise the second tenant.

Ken Coleman of 6530 Clubhouse Drive, Farmington, NM, stated the building needs a large sign to allow more visibility from Main Street. The Burger King and Enterprise buildings in front of the 5600 Beckland tend to block the building. Mr. Coleman felt that because the building was next to GC General Commercial district, it should not be a problem to allow him to have a larger sign even though he is in the LNC district. Mr. Coleman noted that the closest resident is over 100 yards away.

Johnny Quintana of 1111 San Juan Boulevard and owner of Ram Signs stated that the bottom of the sign will have a rolling digital message that will advertise the second tenant.

Mr. Coleman stated that he would not be opposed to lowering the sign. He also stated that the sign could be reduced in size, but would like to have it a little larger than what was allowed in LNC. Mr. Coleman felt the scrolling message might be difficult to read if it was too small. Mr. Coleman asked if the property could be rezoned to GC. Community Development Director Mary Holton stated that the property was zoned LNC to protect the adjacent residential properties. Ms. Holton did not feel rezoning to GC would be acceptable for the property.

The Commissioners, Ms. Holton, Mr. Coleman, Mr. Quintana, and Mr. Saavedra continued to discuss possible designs in height and size concerning the proposed signage. The final decision by Mr. Coleman after discussion was to withdraw Petition ARB 16-20 and discuss an Administrative Adjustment with the Planning Division at a later date.

Administrative Review Board Action of May 5, 2016

There was no action made by the ARB Board. Commissioners accepted the withdrawal of Petition No. ARB 16-20, a request from Ken Coleman, represented by Ram Studio Signs, for a variance to increase the maximum allowed size from 50 square feet to 93 square feet and height from 10 feet to 20 feet for a principal freestanding sign for property located at 3903 Beckland Drive.

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 the Members.

Business from Staff: There was no business from Staff.

Adjournment: The May 5, 2016 meeting of the Administrative Review Board was adjourned at 6:58 p.m.

Ireke Cooper-Chairman

Karen Walker-Administrative Assistant