

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
June 30, 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 June 16, 2016 P&Z Meeting	17
4	Petition No. ZC 16-41 – a request from Tamrock Investments, LLC, represented by Rocky Bridges, for a zone change from SF-10 Single Family Residential to MF-L Multi-Family Low Density, for 0.18 acres for property located at 5206 Lyle Avenue. (Keith Neil)	1
5	Business from: Floor: Chairman: Members: Staff:	
6	Adjournment	

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, July 12, 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 STAFF REPORT
Zone Change from SF-10 Single Family Residential to
MF-L Multi-Family Low Density Residential
Petition ZC 16-41
5206 Lyle Ave.

A. STAFF REPORT June 21, 2016

PROJECT INFORMATION

Applicant	Tamrock Investments, LLC
Representative	Rocky Bridges
Date of Application	May 27, 2016
Requested Action	Zone Change from SF-10 to MF-L
Location	5206 Lyle Ave.
Existing Land Use	Single parcel with a residence and mobile home both of which are vacant
Existing Zoning	SF-10
Surrounding Zoning and Land Use	North: MF-L Multi-Family Low Density / Vacant South: SF-10 Single Family / Residential East: SF-10 Single Family / Residential West: MF-M Multi-Family Medium Density / Residential
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, June 12, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, June 8, 2016 and a sign was posted on Friday, June 17, 2016.
Staff Planner	Keith M. Neil, Associate Planner

STAFF ANALYSIS

Project Description:

The petitioner requests a zone change to MF-L Multi-Family Low Density from the SF-10 Single Family zoning district in order to construct a duplex on the parcel. The property had previously been utilized as a rental property with a single family residence for rent and a single section mobile home being rented as well. The petitioner desires to remove the mobile home and demolish the residence. The intent in pursuing the zone change is to legally establish a duplex on the parcel and continue the use as a rental property. The current zoning of SF-10, Single Family minimum 10,000 Square Feet, prohibits multifamily uses within the zoning district. This proposed zone change to MF-L, Multi-Family Low Density, will permit the proposed duplex by right.

The City of Farmington UDC section 2.4.49 *Single-family and duplex dwellings, and multi-section manufactured homes* (Residential land use categories; household living) states:

“All single-family and duplex dwellings, including multi-section manufactured homes, shall comply with the standards of this section. Such uses shall:

A) Be placed on a slab-on-grade or permanent stem-wall foundation.

(1) *Exception.* There may be an exception to this requirement where geographical conditions require alternate foundations such as piers.

B) Utilize nonreflective siding materials such as wood, stucco, adobe, brick, or stone, or materials that look similar to wood, stucco, adobe, brick, or stone.”

The parcel that abuts the property under consideration to the east is zoned SF-10 and contains a single family residence. South of the parcel is an additional single family residence in the SF-10 zoning district. The parcel in question is located on a corner with Lyle Ave. abutting the west of the property and Dee St. abutting the north property line. To the west of Lyle Ave. is a large Multi-Family Medium Density complex with condominiums. Across Dee St. to the north is a Multi-Family Low Density parcel that is currently vacant.

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 Residential Single Family Urban. The Comprehensive Plan does not address Multi-Family Residential locations on the map but does mention affordable housing to meet the diversified housing needs of the City of Farmington. The zone change request is consistent with Farmington’s Comprehensive Plan Future Land Use Plan in regards to establishing affordable housing.
- **Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:**
The properties to the north and are zoned for multi-family residential. The property currently contains two rental residences. This zone change will be consistent with the character of the neighborhood.
- **Creation of adverse impacts and the ability to mitigate these impacts:**
The proposed zone change will not have an adverse impact on the surrounding areas. The proposed use as a duplex will provide the same impacts as currently exist with the two residences on site.
- **The ability of the proposed use to be accomplished by the proposed zoning district:**
Table 2.3, permitted uses, of the UDC indicates that the MF-L, Multi-Family Low Density district permits a duplex to be constructed on the parcel by right. Residential uses will continue to be permitted with this zone change. The lot is approximately 8,200 square feet in size. This lot size will allow for a maximum of two residences, a duplex or a single-family residence according to the Density and Dimensional Standards in Section 2.8 of the Unified Development Code.
- **The suitability of the land for the proposed development:**
The Public Works Department has made no comments in regard to issues with drainage, water/wastewater, or traffic concerns. The parcel is suitable for the

proposed development. All infrastructure exists to accommodate this use. Water and sewer lines have already been provided for this lot.

- 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. All utilities are already provided and the street is existing.

- 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." Due to the proximity of MF-L zoning to the north of the parcel and MF-M zoning to the west, the proposed zone change does not constitute a spot zone. The parcel pre-exists as a multi-family use with two residences. The zone change will allow it to continue providing much needed rental property.

STAFF CONCLUSION

Staff concludes that approval of ZC 16-41 is appropriate. The requested zone change is in accordance with the City's desire for affordable housing and is consistent with the residential nature of the area.

STAFF RECOMMENDATION

The Planning Division of the Community Development Department recommends approval of Petition ZC 16-41, a request from Tamrock Investments, for a zone change from the SF-10, Single-Family zoning district, to the MF-L, Multi-Family Low Density zoning district, for property located at 5206 Lyle Ave.



ERICKSON AND ERICKSON PARTNERSHIP

JESSEN ELEANOR J TRUST

LAGOSTE PAUL JOSEPH AND KATHERINE TRUST

MEM

CHAMBERS BARBARA M AND ERICKSON PARTNERSHIP

ERICKSON AND ERICKSON PARTNERSHIP

LYLE AVE

MF-L

DEE ST

5206
-1/12

SF-10

5206

RADER RALPH H

ORTIZ MARTIN C ET UX

5204

BOSTICK ROBERT AND M LEORA HERRERA

AREA UNDER CONSIDERATION

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 5/27/2016



PLANNING MEMO COMMENTS SUMMARY

SP 16-41 ZC 5206 LYLE AVE

Deadline: 06/8/16

City of Farmington Departments

CD	Director	<p>The 2020 Future Land Use Plan recommends single-family residential uses for this area. However, the City's 2002 Comprehensive Plan asserts "an important priority (for Farmington) is the availability and affordability of housing to meet the diverse needs of the population over the next twenty years."</p> <p>Chapter 7, Housing, identifies the following key issues in the City: a need for a mixture of housing types; a lack of a variety of available housing units; a need for more quality housing units; a need for quality housing; housing for senior citizens; new construction of infill housing; and the provision of affordable housing. Objective 7.1 supports this proposed rezoning: "Provide for a variety of housing options, including traditional subdivisions and mixed use developments, to accommodate housing needs of all residents in Farmington including the elderly, disable, students, and low-income residents."</p> <p>While this parcel is zoned SF-7, an MF-L District is located immediately to the North and an MF-M District is located immediately to the West. Zoning this parcel to MF-L would not be a spot zoning and should be seriously considered.</p> <p>It is recommended that Teri Clashin also review this proposal, but in the context of the 2014 CDBG Consolidated Plan and the 2011 Affordable Housing Plan for Northeast San Juan County, NM.</p>
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	CDBG	<p>The 2014-2018 Consolidated Plan and the 2011 Affordable Housing Plan for Northeast San Juan County supports the need for additional housing development. Both documents have suggested strategies to remove or ameliorate the barriers to affordable housing, which includes zoning changes.</p> <p>Therefore, CDBG documents support housing development projects with regards to allowable zoning changes to meet the housing needs of the community.</p>
CD	MPO	

CD	Oil & Gas Inspector	
CITY	City Manager's Office	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No comment
ELEC	T & D	
FIRE	Fire Captain	No comment
FIRE	Fire Marshall	
LEGAL	City Attorney	Legal has no comment.
LEGAL	Deputy City Attorney	
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	
PW	City Engineer	
PW	Engineering	No comment
PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	No comment

Other Entities

New Mexico Gas Company	
CenturyLink	
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

PETITION APPLICATION



Incomplete applications will not be accepted.

Return completed application to:

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

PROJECT TYPE (Check Those Applicable)

- | | | |
|--|--|---|
| <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>MF-L</u> District
<input type="checkbox"/> Temporary Use Permit
Proposed Length of Use: _____
<input type="checkbox"/> Well site equipment modification |
|--|--|---|

INFORMATION

Applicant's Name: <u>Tamrock Investments LLC</u>	Project Location: <u>5206 Lyle Ave</u>
Address: <u>601 DeKalb Farmington NM 87401</u>	Existing Use: <u>VACANT</u>
E-Mail: <u>rocky@fourstarspipeandsupply.com</u>	Proposed Use: <u>New Duplex</u>
Telephone: <u>505 402 8952</u>	Current Zoning: <u>SF10</u>
Relationship to Property Owner: <u>We Own Property</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>Property Code # 0021715</u> <u>TAMROCK TAX ID # 45-4714420</u>

Legal Description of Subject Property: Please see Attached "Exhibit A"

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: <u>Rocky Bridges</u>	E-Mail: <u>rocky@fourstarspipeandsupply.com</u>
Phone: <u>402-8952</u>	Address: <u>601 DeKalb Street Farmington NM</u>

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any) <u>N/A</u>
Name: <u>TAMROCK Invest</u> Phone: <u>402 8592</u>	Name: _____ Phone: _____
Address: <u>601 DeKalb Farmington NM 87401</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>Rocky Bridges</u>	Address: <u>601 DeKalb Street Farmington</u>
Owner's Signature: <u>[Signature]</u>	Phone / Email: <u>402 8952</u>

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

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

5206 Lyle Ave.

Rocky Bridges <rocky@fourstarspipeandsupply.com>
To: "Neil, Keith" <kneil@fmtn.org>

Thu, Jun 2, 2016 at 4:05 PM

Mr. Neil,

Please accept this email as explanation as to our desire with 5206 Lyle Ave. There are currently two dwellings located on said property. A mobile home built in 1968, which is individually metered and has an address on 5206 ½ Lyle. There is also a cinder block house located on said property. Our plan is to remove the mobile home and demolish the cinder block house. The lot would then we leveled and cleaned up. Our plan is to construct a duplex on that property. The duplex would consist of two, two bedroom one bath units, each totaling 1216 sf of livable space. I have attached preliminary drawings on what we would like to do. The rest of the lot will be xeriscaped, and cleaned up to match the new construction of the building. If you require any additional information, please feel free to call or contact me.

Thanks Keith.

Rock

From: Neil, Keith [mailto:kneil@fmtn.org]
Sent: Wednesday, June 1, 2016 4:16 PM
To: rocky@fourstarspipeandsupply.com
Subject: 5206 Lyle Ave.

Mr. Bridges,

[Quoted text hidden]

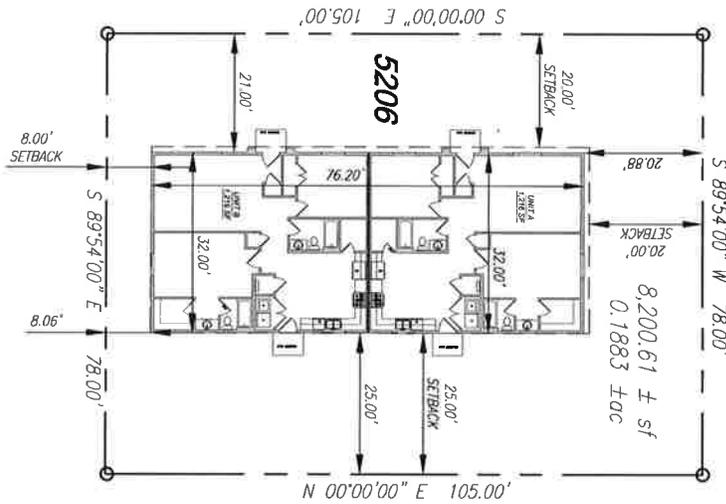
Notice: New Mexico law requires government agencies to disclose to the public, upon request, most written communications, including those in electronic form. Persons communicating with City officials or employees should expect that any communications could be released to the public and that this disclosure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

 **Rocky Bridges_Duplex 5206 Lyle Ave-001 (3).pdf**
236K

LOCATION MAP
NOT TO SCALE



LYLE AVENUE



DEE STREET

SITE PLAN
SCALE: 1" = 10'

DRAINAGE NOTE:
1) PROVIDE ADEQUATE DRAINAGE AWAY FROM AND AROUND ALL SIDES OF THE BUILDING, ESPECIALLY OUT OF COURTYARDS AND LANDSCAPE AREAS, TO PREVENT UNWANTED SOILS MOISTURE, FROST-HEAVE, OR SIMILAR PROBLEMS.

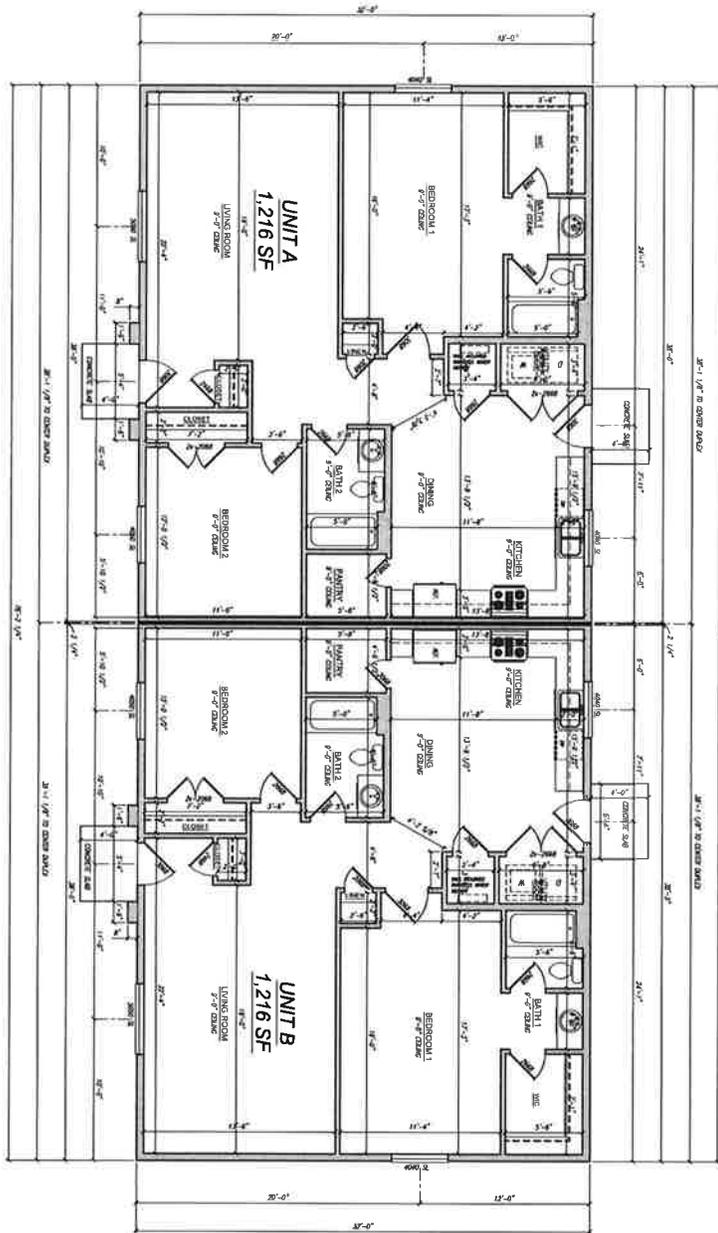
LEGAL DESCRIPTION:
S206 LYLE MENUE
BOOK 1597, PAGE 821
8,200.61 ± SF, 0.1883 ± ACRES
ZONE:
SECTION 31, 130N, R12W, N.M.P.M.
FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

DATE	BY	REVISION
10/15/2011	JM	1

SITE PLAN & INDEX SHEET
NEW DUPLEX APARTMENT FOR ROCKY BRIDGES
ADDRESS: 5206 LYLE AVENUE
FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

DATE	BY	REVISION
10/15/2011	JM	1

iDRAW
CAD SERVICES
NORA BEAVER, 505.402.2542
PO BOX 185
FRUITLAND, NEW MEXICO 87416



MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

GENERAL NOTES:

1) UNIT 1A
 UNIT 1B
 TOTAL AREA
 = 1,216 SF
 = 1,216 SF
 = 2,432 SF

2	DATE	NO.

FLOOR PLAN
 NEW DUPLEX APARTMENT FOR ROCKY BRIDGES
 ADDRESS: 5206 LYLE AVENUE
 FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

PROJECT	DATE	BY

iDRAW
 CAD SERVICES
 NORM REGATE, 505.402.3542
 PO BOX 185
 FRUITLAND, NEW MEXICO 87414

**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 16-41 - a request from Tamrock Investments, LLC, represented by Rocky Bridges. The petitioner is requesting a zone change from Single Family Residential to Multi-Family Low Density. The petitioner is planning to remove the mobile home and demolish the residence. The structures will be replaced with a duplex. The subject property is 0.18 acres and located at 5206 Lyle Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

T30N, R12W, Sec.31, Pt. NE1/4NE1/4, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 5206 Lyle 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, June 30, 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, July 12, 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. 72811 published in The Daily Times on June 12, 2016.



June 8, 2016

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 16-41**

CITY OF FARMINGTON

800 MUNICIPAL DRIVE

FARMINGTON, NEW MEXICO 87401-2663

FAX: (505) 599-1299

www.fmtn.org

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 Tamrock Investments, LLC, represented by Rocky Bridges. The petitioner is requesting a zone change from Single Family Residential to Multi-Family Low Density. The petitioner is planning to remove the mobile home and demolish the residence. The structures will be replaced with a duplex. The subject property is 0.18 acres and located at 5206 Lyle Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

T30N, R12W, Sec.31, Pt. NE1/4NE1/4, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 5206 Lyle 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, June 30, 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, July 12, 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

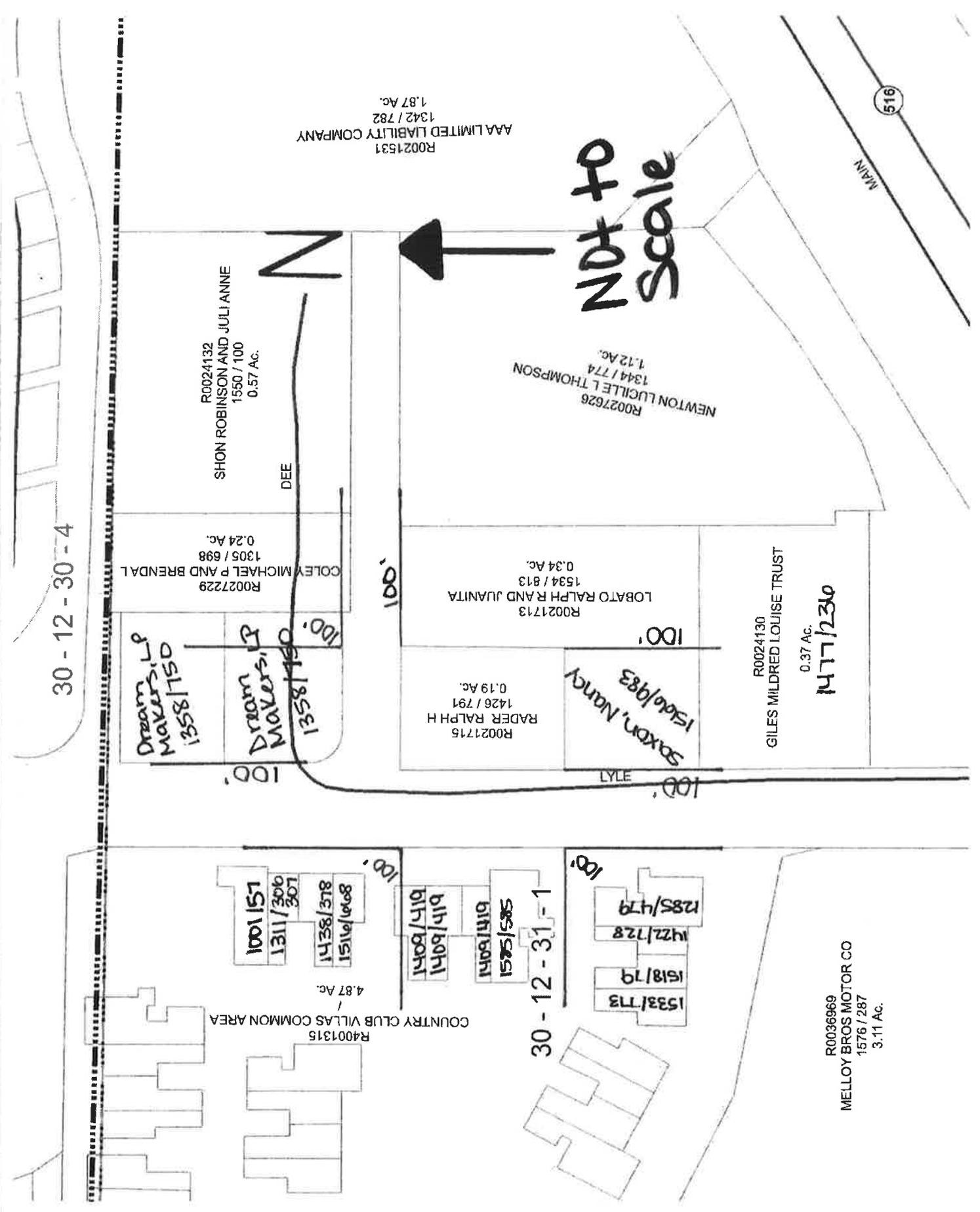
GUARDIAN ABSTRACT & TITLE CO., INC.
221 NORTH AUBURN
FARMINGTON, NEW MEXICO 87401

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF
 THE FOLLOWING DESCRIBED PROPERTY: T30N, R12W, Sec.31
Pt. NE1/4NE1/4

OWNER: Rader, Ralph H.
 1350 Tanqueray DR. Unit 101
 Lake Havasu City, AZ 86404-1952
 1426/791

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Lobato, Ralph R. and Juanita 1534/813	5004 Hallmarc DR Farmington, NM 87402	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4NE1/4
Newton, Lucille L. Thompson Thompson, Lucille L. Newton 1479/221	2552 Cabezon DR NE Rio Rancho, NM 87144-6734	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Giles, Mildred Louise Living Trust 1477/236	5110 Lyle Ave Farmington, NM 87401-8288	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Saxton, Nancy J. Ewing Ewing, Nancy J. Saxton 1566/983	5204 Lyle Ave. Farmington, NM 87402	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Kester, Nancy D. 1285/479	P.O Box 1992 Farmington, NM 87499	Country Club Villas Unit 18A
Tedrow, Gwendolyn C. 1422/728	5200 Villa View DR 18B Farmington, NM 87402	Country Club Villas Unit 18B

Moeller, Frederick A. Jr. and Rae B. Trustees The Dragonetti Revocable Trust 1518/79	3720 N Bennett ST Durango, CO 81301	Country Club Villas Unit 18C
Pinkard, James 1533/773	5200 Villa View DR 18D Farmington, NM 87402	Country Club Villas Unit 18D
Ansley, Linda Jean Living Trust 1580/585	5200 Villa View Drive No. 17A Farmington, NM 87402	Country Club Villas Unit 17A
Erickson and Erickson Partnership 1409/419, 1311/306, 1311/307	3110 Pontiac DR Farmington, NM 87401	Country Club Villas Units 17B, 17C, 17D 16B
Reinhardt, Gaye L. and Leczal, Judy Sinclair 1516/668	Attn: Eleanor Jessen 7 Road 5222 Bloomfield, NM 87413	Country Club Villas Unit 16D
Lacoste, Paul Joseph and Katherine Trustees 1438/378	2530 San Marin LN Sacramento, CA 95835	Country Club Villas Unit 16C
Graham, Gary L. and Marcia A. 1001/57	5200 Villa View DR No. 16A Farmington, NM 87401-8256	Country Club Villas Unit 16A
Dream Makers Limited Partnership 1358/750	P.O Box 1633 Kirtland, NM 87417	Rayco West Subdivision Tracts 1 and 2
Coley, Michael P. and Brenda L. 1305/698	6210 Dee ST Farmington, NM 87401-8234	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4
Shon, Robinson and Juli Anne 1550/100	6140 Azalea DR Anchorage, AK 99516	T30N, R12W, Sec. 31 Pt. NE1/4NE1/4



30 - 12 - 30 - 4

Dream Makers, LP
1358/150

Dream Makers, LP
1358/150

R0027229
COLEY MICHAEL P AND BRENDA L
1305 / 698
0.24 Ac.

R0024132
SHON ROBINSON AND JULI ANNE
1550 / 100
0.57 Ac.



R0021531
AAA LIMITED LIABILITY COMPANY
1342 / 782
1.87 Ac.

R0027626
NEWTON LUCILLE L THOMPSON
1344 / 774
1.12 Ac.

R0021713
LOBATO RALPH R AND JUANITA
1534 / 813
0.34 Ac.

R0021715
RADER RALPH H
1426 / 791
0.19 Ac.

Saxon, Nancy
1540/183

R0024130
GILES MILDRED LOUISE TRUST
0.37 Ac.
1477/230

R4001315
COUNTRY CLUB VILAS COMMON AREA
4.87 Ac.

1001/151
1311/306
307

1438/378
1510/1008

1409/410
1409/410

1409/410
1525/305

30 - 12 - 31 - 1

1533/773
1518/79
1422/728
1285/479

R0036969
MELLOY BROS MOTOR CO
1576 / 287
3.11 Ac.

NOT TO SCALE

516

MAIN

MINUTES
PLANNING & ZONING COMMISSION

June 16, 2016

The Planning and Zoning Commission met in a regular session on June 16, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

Chair-Joyce Cardon
Clint Freeman
Ryan Brown
Shay Davis
Kristin Langenfeld
Cheryl Ragsdale
Paul Thompson
Cody Waldroup

P&Z Members Absent:

Del Washburn

Staff Present:

Julie Baird
Jennifer Breakell
Mary Holton
Cindy Lopez
Keith Neil
Steven Saavedra
Toni Sitta
Karen Walker

Others Who Addressed the Commission:

Lavonne Gallegos
Vera Matthews
Frank Santiago

Call to Order

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

Presentation of the Agenda

There were no changes to the agenda.

Approval of the Minutes

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to approve the minutes of the May 26, 2016 P&Z Meeting. This motion was approved unanimously by an 8-0 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. ZC 16-35

Zone Change from RE-1 to RA

7000 Hood Mesa Trail

Planning & Zoning Commission Discussion of Petition ZC 16-35 on June 16, 2016

Associate Planner Steven Saavedra presented the staff report for ZC 16-35, a request from Vera Matthews for a zone change from RE-1 Residential Estate 1 to RA Rural Agriculture and a variance to allow three horses on 2.5 acres for property located at 7000 Hood Mesa Trail. Mr. Saavedra distributed a comment to the Commissioners that was received late from Deputy City Attorney, Russel Frost. The comment stated that spot zoning may have implications in the future when this area is developed. Mr. Frost's comment also stated that this may become a main transportation artery in the future due to its close proximity to the intersection of Hood Mesa Trail and North College Blvd.

Mr. Saavedra explained that the property borders vacant land to the north outside the City, which is owned by the Bureau of Land Management, BLM. The surrounding properties to the east, west, and south are zoned RE-1 and are undeveloped at this time. The property was annexed into the City in 2000 and the RE-1 Residential Estate zoning district was assigned to 28.62 square miles of land.

Mr. Saavedra explained that the RE-1 district is intended to accommodate low-density, large-lot residential development. It serves those who want to live in rural, low-density estate areas. The RA district permits development compatible with a more rural character that allows various animals and agricultural uses.

The petitioner recently purchased the property. She would like to purchase the property to the east. Ms. Matthews plans to have three horses on the property. According to the City of Farmington Unified Development Code, UDC, keeping horses is allowed in the RA district and requires one horse per acre. Ms. Matthews would like to have three horses on the 2.5 acre lot.

Staff feels this is consistent with the Comprehensive Plan. It will not adversely affect the surrounding properties and the land appears to be suitable for the proposed use. Therefore, staff recommends approval of the zone change and approval of the variance to allow three horses on 2.5 acres of land, with the condition that the animals are cared for and the waste is handled as stated in the Farmington Municipal Code, Chapter 6, under animals.

Commissioner Waldroup inquired as to how far homes are from this property. Mr. Saavedra commented that the homes are quite a distance from the property, but he did not know exactly how far.

Commissioner Thompson asked if the zone change would stay with the property if the property was sold. Mr. Saavedra commented that it would stay with the property. Mr. Thompson asked if there is any alternative rather than a zone change that would allow the petitioner to keep horses on the property. Mr. Saavedra stated that a Special Use Permit, SUP, or a Planned Development, PD, was discussed with the petitioner. Either one would allow a horse, yet retain the current zoning. The petitioner preferred pursuing a zone change for this property.

Commissioner Thompson questioned whether a Sunset Clause could be recommended. A Sunset Clause is a provision where a law will expire on a particular date unless the law is reauthorized. Senior Planner Cindy Lopez stated that a zone change can only be reversed if the City initiated a zone change using the same process. Ms. Lopez commented that this area has large parcels, is very rural in nature, and horses seem consistent with this area.

Commissioner Freeman voiced a concern for granting a zone change verses an SUP. Mr. Freeman noted that there was a property to the north with an SUP to allow horses. He commented that a zone change would allow all types of farm animals.

Mr. Freeman asked if there were plans to pave that part of Hood Mesa Trail. Toni Sitta, City of Farmington Engineer, stated that a cost estimate has been done to see what paving would cost. At this time, funding is not available to pursue paving Hood Mesa Trail. Ms. Lopez commented that she did not believe there would be plans to pave this part of Hood Mesa Trail for at least 5 to 10 years because the City of Farmington has not acquired all of the right-of-ways and there is some resistance from the community to pave the road.

Mr. Saavedra mentioned that if the petitioner wants to use barbed wire to fence in the horses, barbed wire is allowed only in the Rural Agricultural and Industrial zoning districts.

Vera Matthews, of 5991 Hood Mesa Trail, mentioned that the SUP that was mentioned by Mr. Freeman is not surrounded by City of Albuquerque and BLM land. Ms. Matthews also noted that there is a limit on the number of animals allowed in the RA district. Ms. Matthews commented that the property between her property and the pavement at College Blvd. is approximately 1 ½-2 miles.

Chair Cardon asked Ms. Matthews how many acres she is attempting to acquire. Ms. Matthews stated she hopes to purchase a total of ten acres. Commissioner Waldroup asked Ms. Matthews if she would want to change the zoning on the entire ten acres. She commented that she might like to change the zoning.

Chair Cardon asked Ms. Matthews why she preferred a zone change rather than an SUP. Ms. Matthews commented that the RE-1 district had several restrictions and she wanted to develop the property if she was able to acquire all ten acres.

Commissioner Freeman asked Ms. Matthews what she wanted to do to develop the property. Ms. Matthews said she initially wants an area for her horses. Eventually, she would like to have a business, possibly a restaurant. Ms. Matthews commented that she lives within walking distance of the property. She obtained an SUP to have a horse on her current property, but wanted a more suitable location for her horse and two other horses. Ms. Matthews mentioned that she has lived around horses all her life, and has had boarding and training facilities for horses.

Commissioner Langenfeld commented that she has a problem with rezoning the property and is concerned with the possibility of commercial use if the zone change is approved. Ms. Langenfeld stated that she feels the petitioner could accomplish the same results with an SUP and still protect the surrounding RE-1 properties. Commissioners Thompson and Ragsdale agreed with Ms. Langenfeld.

Commissioner Thompson asked for clarification from the legal department on whether a change could be made at this hearing so that a motion could be made for an SUP. Jennifer Breakell, City Attorney for Farmington, stated that the Commissioners cannot make a motion for an SUP because an SUP would require a new noticing process as it results in a substantial change in the zoning rights and obligations of the property owner.

Planning & Zoning Commission Action of Petition ZC 16-35 on June 16, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Thompson to **deny** Petition ZC 16-35, a request from Vera Matthews for a zone change from RE-1

Residential Estate 1 to RA Rural Agriculture and a variance to allow three horses on 2.5 acres for property located at 7000 Hood Mesa Trail.

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

NAY: None

Abstained: None

Absent: Commissioner Washburn.

Motion to deny 8-0

COMMUNITY DEVELOPMENT PETITION REPORT
Petition No. ANX 16-02
Proposed Annexation and Zoning Assignment
Southeast of City Limits along US 64

Planning & Zoning Commission Discussion of Petition ANX 16-02 on June 16, 2016

Director Mary Holton presented the staff report for ANX 16-02, a request from the City of Farmington to consider an annexation of 235.23 acres of land located immediately east and south of the corporate boundaries of the City along the north side of US 64 from east of 1150 Madison Lane extending eastward to approximately 1,310 feet east of Andrea Drive, plus 5525 US 64 which is located on the south side of US 64.

Ms. Holton referred the Commissioners to the information provided in the Agenda packet concerning this petition. She noted the planned utilization of the Petition or Municipal Boundary Methods for the annexation. At this time, stated Ms. Holton, staff has 33.462% of the more than 50% of signatures necessary to continue with the petition process. Efforts are being made with the Bureau of Land Management, BLM, to obtain consent on two parcels.

Ms. Holton referred the Commissioners to page 21 of the Agenda which shows the proposed assigned zoning for the annexation area. She noted the last paragraph of the memo which says, "When developing their recommendation, the Commission should direct staff to continue to proceed with the Petition Method at this time, and if a sufficient acreage of petitions is not attained prior to the City Council meeting, the Commission should recommend that the City

Council authorize the Mayor and City Clerk to sign the Municipal Boundary Commission petition, and direct staff to submit it as directed by the City Council.”

Commissioner Thompson asked why General Commercial, GC, was recommended for the area on the east side. Ms. Holton replied that GC was requested by Fred Whistle. Mr. Thompson asked why the Conoco Phillips area was recommended as Industrial, IND, zoning. Ms. Holton replied that IND would give Conoco Phillips the most flexibility in terms of uses.

Commissioner Davis asked where the line was between the IND and GC zoning areas. Ms. Holton stated that the mid-point of the roads will be the division line for the IND and GC zoning area. With the annexation, the City would become responsible for the maintenance of those roads.

Commissioner Waldroup asked why the zoning to the west was IND. Ms. Holton responded that the petitioners in that area requested IND zoning, and the IND best fits the current uses.

Frank Santiago of 5525 US 64, a representative of Conoco Phillips, stated that Conoco Phillips had no opposition to the annexation. Mr. Santiago said the annexation would entail a tax increase for Conoco Phillips. He stated that Conoco Phillips would like to be considered for city water services, as well as other city services. Currently, Conoco Phillips utilizes the Lee Acres Water Association.

Lavonne Gallegos of 5418 US 64 stated that the annexation did not benefit her, yet taxes would be higher. She said that she cannot tie into the city sewer or water, and there is no high-speed internet in the area. Jennifer Breakell, City Attorney for the City of Farmington, stated that the City has no control over the internet system. In reference to city water, Ms. Holton stated that she would have to refer her to the Lee Acres Water Association. As to city sewer, Ms. Holton referred her to the water/wastewater division in Public Works. Ms. Holton offered to provide contact numbers and names.

Commissioner Thompson asked what the advantages will be if the area is annexed. Ms. Holton said police and fire service would provide better response time. Commissioner Freeman asked if the maintenance to the dirt roads would be provided by the City. Ms. Holton responded that the roads would be maintained, and over time, the roads would be improved as the area developed.

Commissioner Brown asked how many residents lived in the area. Ms. Holton stated that there are estimated to be three residential dwellings. They are proposed to be zoned IND but would retain legal nonconforming status until changes are made to the property.

Julie Baird, Assistant City Manager to the City of Farmington, discussed City rates for utilities.

Planning & Zoning Commission Action of Petition ANX 16-02 on June 16, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Waldroup to **approve** Petition ANX 16-02 as recommended by staff with the recommended proposed zoning as shown on page 21 of the June 16, 2016 Planning & Zoning Agenda.

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

NAY: None

Abstained: None

Absent: Commissioner Washburn.

Motion passed 8-0

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 SUP 16-30, a request from the City of Farmington, represented by Cory Styron, for a Special Use Permit for a Private Day Care in the MF-M Multiple Family Medium Density Residential District, for property located at 4500 Wildflower Mesa Drive, passed at the June 14, 2016 City Council Meeting. Petition SUP 16-31, a request from Lance Myler for a Special Use Permit to allow a Family Care Unit to be constructed next to a primary residence for 1.04 acres, for property located at 7100 Driftwood Avenue, also passed at the June 14, 2016 City Council Meeting.

Ms. Lopez also reminded the Commissioners of training on June 27, 2016 from 1:30-4:00 at the Farmington Civic Center for Boards and Commissioners. The training will be presented by Randy Van Bleck and will cover Ex-parte Communication, Quasi-judicial proceedings, and the Open Meetings Act.

Adjournment: With no further business and a motion by Commissioner Ragsdale and seconded by Commissioner Davis, the Planning and Zoning Commission meeting June 16, 2016 was adjourned at 3:59 p.m.

Joyce Cardon
Chair

Karen Walker
Administrative Assistant