

A G E N D A

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

July 7, 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 June 9, 2016 Meeting	16
4	Petition No. ARB 16-47 – a request from Jesse Averett, represented by Cheney-Walters-Echols, for a variance to allow a 188-foot flagpole lot on properties located at 171 and 181 S. Browning Parkway. (Steven Saavedra)	1
5	Business from: Floor: Chairman: Members: Staff:	
6	Adjournment	

All decision of the Administrative Review Board are final unless appealed in writing to the City Clerk 's office within 15 days.

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

July 7, 2016

Petition ARB 16-47

DESCRIPTION OF PETITION

Petition ARB 16-47 is a request from Jesse Averett, represented by Cheney, Walters, Echols, for a variance to allow a 188-foot flagpole lot. Pursuant to UDC 6.4.5 (C) the depth of the flagpole or panhandle shall not exceed 150 feet as measured from the adjacent public or private street right-of-way. The subject properties are part of the Dos Hombres Replat "B" Subdivision. The subject properties are in the IND Industrial District and are located at 171 and 181 S. Browning Pkwy, Farmington, NM 87401. The property is legally described as:

Dos Hombres Subdivision, Replat "B," Lot 1-A, in the City of Farmington, San Juan County, New Mexico.

GENERAL INFORMATION

Petitioner:.....Jesse Averett

Representative:.....Cheney, Walters, Echols

Property Owner:Jesse Averett

Nature of Petition: The applicant is requesting a variance to allow a 188-foot flagpole lot from the maximum allowed 150 foot flagpole lot.

Location of Property:171 and 181 S. Browning Pkwy

Applicable Regulations: .Unified Development Code, Section 6.4.5 (C) the depth of the flagpole or panhandle shall not exceed 150 foot as measured from the adjacent public or private street right-of-way.

Zoning:IND Industrial

Existing Use:.....Commercial

Surrounding Zoning and Land Use:..... North: IND Industrial / Commercial
South: IND Industrial / Commercial
East: IND Industrial / Commercial
West: IND Industrial / Commercial

Public Notice:.....Publication of Notice of this petition appeared in the Daily Times on Sunday June 19, 2016. Adjoining property owners were sent notice by certified mail on Monday, June 13, 2016 and a sign was posted on the property on Friday, June 24, 2016

Staff:Steven Saavedra, Associate Planner

PROJECT DESCRIPTION

The petitioner requests a variance to the subdivision standards Section 6.4.5(C) of the Unified Development Code. Pursuant to Section 6.4.5 (C) the depth of the flagpole or panhandle shall not exceed 150 feet as measured from the adjacent public or private street right-of-way. The Dos Hombres Replat "B" Subdivision creates two lots, Lot 1-A1 (1.99-acres), and Lot 2A (2.35-acres). United Rentals Inc. is currently utilizing the subject properties. The Dos Hombres Replat "A" subdivision consolidated the two lots into one lot. The Dos Hombres Replat "B" subdivision splits the lots: United Rentals Inc. will be on Lot 1-A1 and the building structure located 181 S. Browning will be on lot 2A. The flagpole lot will serve as an access for Lot 2A. The petitioner is requesting a variance to allow a 188-foot flagpole lot, as shown on the Dos Hombres Replat "B" Subdivision. The subject properties are located at 171 and 181 S Browning Parkway and are in the IND Subdivision.

The Unified Development Code Article 5 provides development standards for the City. Farmington's UDC allows flag lots as long as certain requirements are met, including the lot having at least 24 feet of frontage on a dedicated public or private street, which frontage serves as access to the subject lot or parcel. The length of the pole portion cannot exceed 150 feet (without a waiver granted by City Council or the Administrative Review Board) as measured from the adjacent public or private street right-of-way, and the pole is not included in meeting the minimum lot area. For pole portions over 150 feet, the City's Fire Code requires that either a turn-around for fire trucks be provided within the site or that the buildings be constructed with sprinkler systems.

Administrative Review

The Unified Development Code states that no variance shall be granted unless the Administrative Review Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Code will result in an unnecessary hardship. The Code also states that a variance should not be approved unless the spirit and intent of the Code is observed, and substantial justice done to the application and surrounding neighborhood.

ISSUES

Fire Marshall Brandy Vega – 505-599-1439

- The petitioner needs to assure the width of the access is sufficient for two fire apparatus to pass and assure the appropriate size turn around area. Location of the closest hydrant may also be a concern.

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.

There are numerous building structures and a fuel tank on the respected lots. This flagpole lot follows the fence line in-between 171 and 181 S. Browning Parkway. The flagpole lot has been utilized as a shared access serving the property for over 10 years. However, there are no conditions or circumstance peculiar to the property that are different from other parcels in the same district.

This criterion **IS not 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.

Outside storage is crucial to industrial businesses. These structures have been used by two different businesses that both have the need of outside storage. It is reasonable to split the lot along the existing fence line that has historically separated the businesses.

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.

The City of Farmington allows flagpole lots up to 150 feet in length. The petitioner requests a flagpole lot of 188 feet. This is a 25 percent increase Pursuant to Section 6.4.5 (C). This is a minimum easing of the code.

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 requested flagpole lot has been utilized by current and past businesses for over ten years according to aerial photographs and other sources. Should the petitioner, incorporate an area where emergency personnel can easily access the lots, this criterion is met.

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. Strict adherence to the Code, would remove the petitioner's ability to access lot 2A, as it has been accessed for the past 10 years. Re-orienting the uses on the land as they have been used for the past 10 years will be a heavy burden on both businesses.

This criterion **IS Met.**

CONCLUSION

The Community Development Department concludes approval of ARB 16-47 is appropriate. If Farmington's Fire Department standards are incorporated to the flagpole lot, this request will not adversely affect surrounding properties and will accommodate the lots in this area. The request conforms to the past and existing uses.

RECOMMENDATION

The Community Development Department recommends **approval** of Petition ARB 16-47, a request from Jesse Averett, represented by Cheney, Walters, Echols, for a variance to allow a 188-foot flagpole lot, located at 171 and 181 S. Browning Pkwy, in the IND District, with the following condition:

- A. The end of the flagpole lot needs to remain clear of all storage and other structures to accommodate an area that can be used by emergency vehicles as a turn-around.

ARB 16-47



Parcels

Zoning District

Zoning Classification



Industrial (1)



Roads Labels

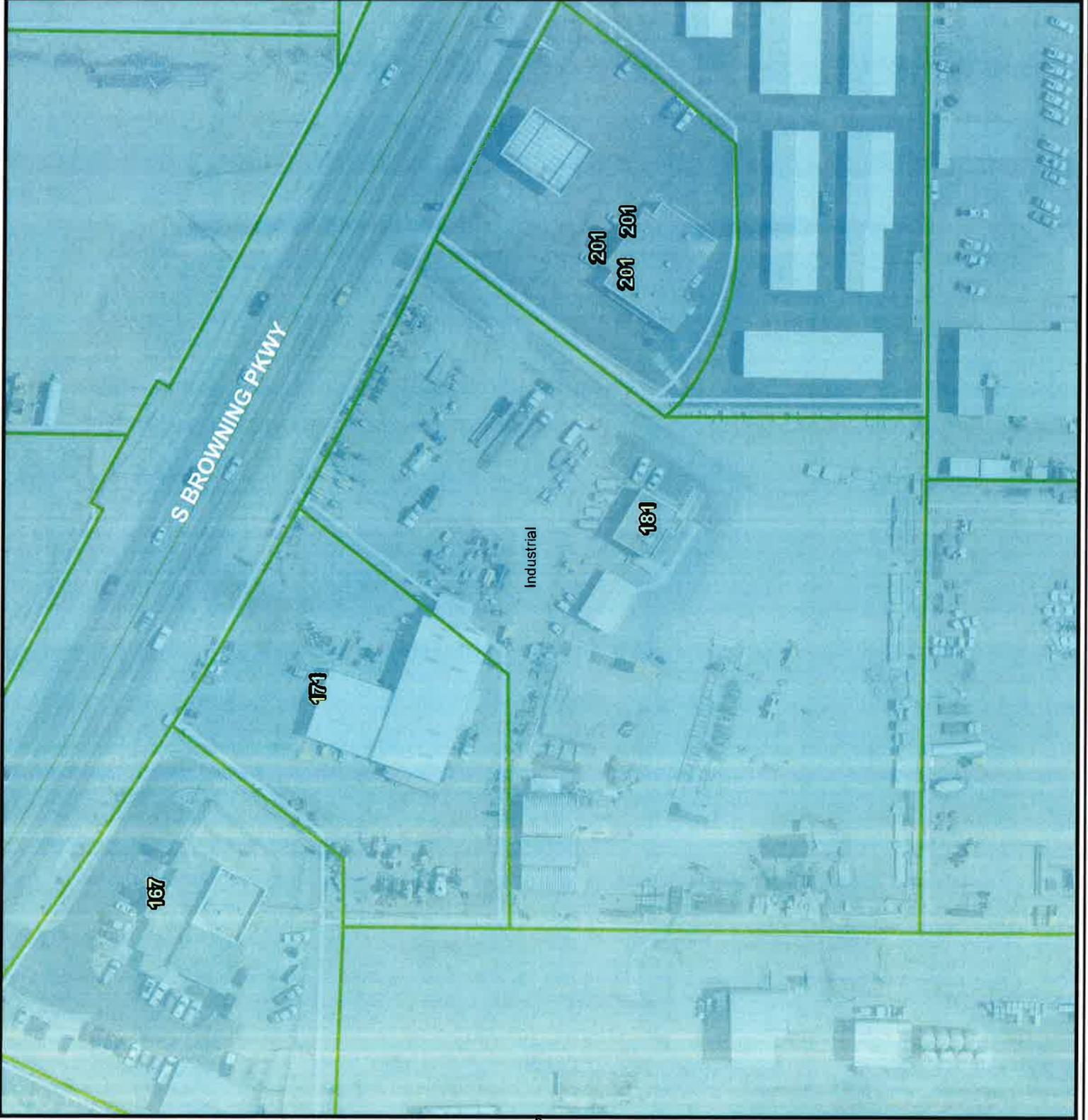


90

Feet



COMMUNITY
DEVELOPMENT
DEPARTMENT



PETITION APPLICATION



Incomplete applications will not be accepted.

Return completed application to:

Planning Division
Community Development Dept.
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 checked="" type="checkbox"/> Summary Plat
<input type="checkbox"/> Special Use Permit
<input checked="" type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to _____ District
<input type="checkbox"/> Temporary Use Permit
Proposed Length of Use: _____ |
|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|

INFORMATION

Applicant's Name: Jesse Averett	Project Location: Browning Parkway
Address: 10420 Tasajillo Cove, Austin, TX, 78789	Existing Use: Commercial
E-Mail: budaverett@gmail.com	Proposed Use: Commercial
Telephone: 512-694-2018	Current Zoning:
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number: R0037050

Legal Description of Subject Property: *See Attached Plat*

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: George T. Walters	Email: gtw@c-w-e.com
Phone: (505) 327-3303	Address: 909 West Apache, Farmington, NM, 87401

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: Jesse Averett	Name:
Phone: 512-694-2018	Phone:
Address: 10420 Tasajillo Cove, Austin, TX, 78789	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: Jesse Averett	Address: 10420 Tasajillo Cove, Austin, TX, 78789
Owner's Signature: <i>Jesse F. Averett</i>	Phone / Email: budaverett@gmail.com

*** STAFF USE ONLY ***

Received By _____ Time _____ Date _____ Fee Received _____ Project File No. _____ Date of Hearing/Meeting: _____	<input type="checkbox"/> Blue-line 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 _____
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SUMMARY PLAT APPLICATION

Incomplete applications will not be accepted.

Return completed application to:
 Development Services Division
 Community Development Dept.
 City of Farmington
 800 Municipal Drive
 Farmington, NM 87401
 (505) 599-1317

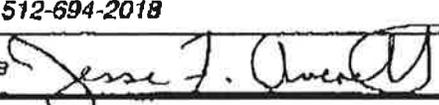
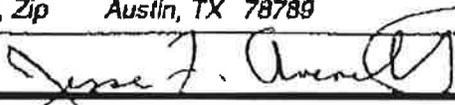
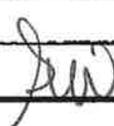
(505) 599-1299 (fax) Summary Plat Type

Boundary Line Adjustment Lot Consolidation Lot Split

Summary Plat Information

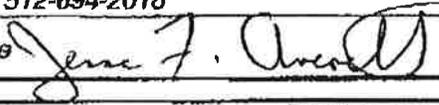
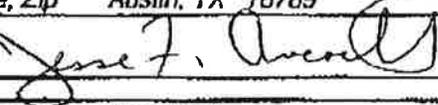
Name of Subdivision: Dos Hombres Subdivision, Replat "B"			
Location	Within City Limits?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Within the 5-mile Planning & Platting Jurisdiction?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Size of Property	3.34 Acres		
Current Use of Property	Commercial		

Contact Information

Applicant			
Name Jesse Averett		Address 10420 Tasajillo Cove	
Phone 512-694-2018		City, State, Zip Austin, TX 78789	
Signature 		Signature 	
Representative			
Name George T. Walters, P.S.		Address 909 West Apache	
Phone (505) 327-3303		City, State, Zip Farmington, NM 87401	
Signature 		Email gtw@c-w-e.com	

Owner Certification

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name Jesse Averett		Address 10420 Tasajillo Cove	
Phone 512-694-2018		City, State, Zip Austin, TX 78789	
Signature 		Signature 	

Development Services Acceptance (Staff Use Only)

Date		8 full size copies & 1 reduction	Current Zoning District
Time		Checklist signed	
Fee		Legal Description	
Initials		File No.	

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.

Special conditions exist as the upper level has one elevation and the lower level a different elevation. This business site has been used in this manner for many years.

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.

This site has been used in this manner for many years creating a flag lot of 180+ feet.

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.

Minimum flag lot length is 150', ours is 185'.

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.

It is consistent with surrounding neighborhoods and has been for many years.

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

No change in use of land.

Jfa

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.

It will remain the same buildings that exist in the existing district.

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

The Petitioner has two businesses on this site. He would like to keep leasing the upper portion with the possibility of selling the lower portion at a later date.

Signature of Petitioner:

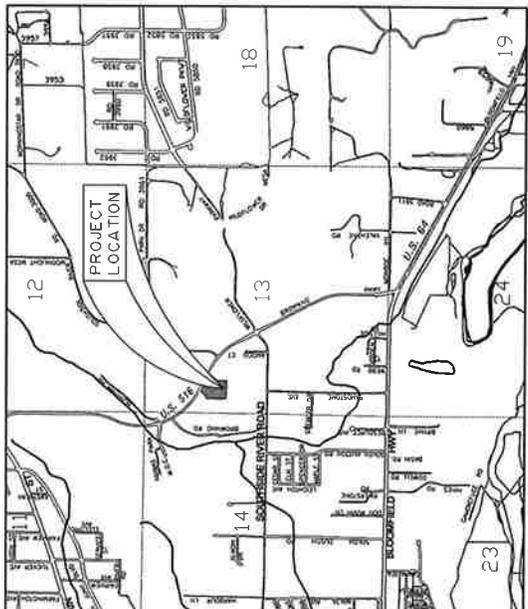
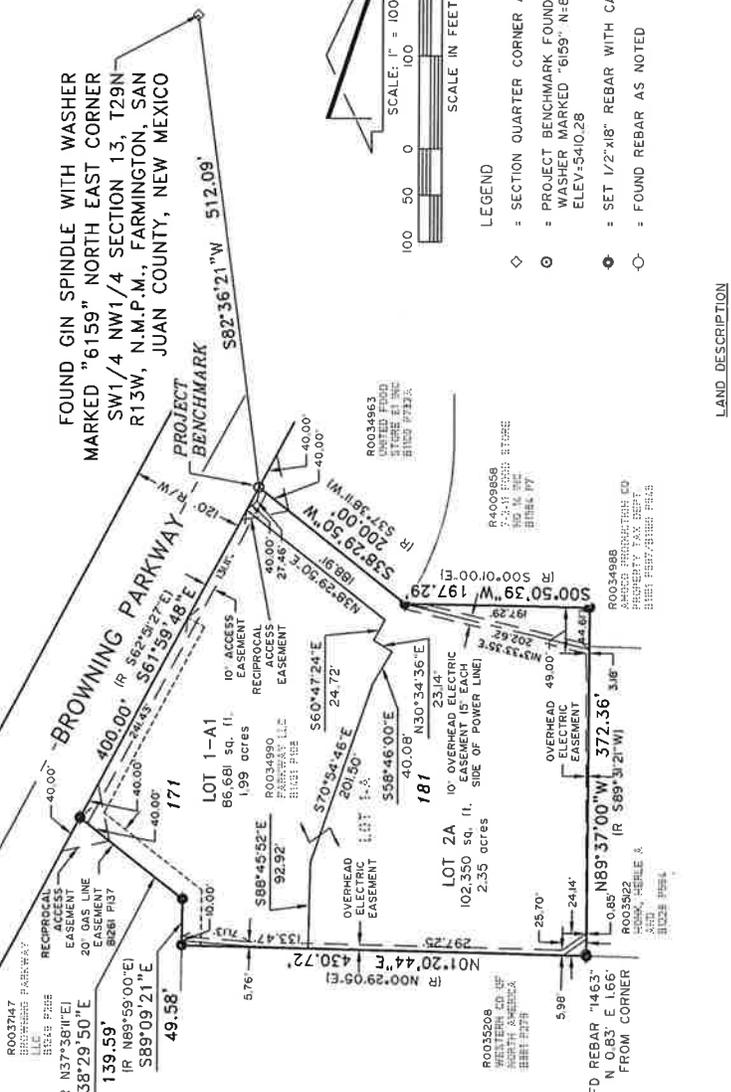
Jesse F. Averett

Date:

6/6/16

Attach additional sheets if necessary or use the space below

DOS HOMBRES SUBDIVISION, REPLAT "B"
A REPLAT OF LOT 1-A OF DOS HOMBRES SUBDIVISION REPLAT "A"
AS FILED FOR RECORD IN BOOK 1594 PAGE 272 ON NOVEMBER 6, 2015
SITUATED IN THE W1/2 NW1/4 OF SECTION 13
T29N R13W, N.M.P.M. FARMINGTON, SAN JUAN COUNTY, NEW MEXICO



DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Parkway LLC, a New Mexico Limited Liability Company, being the sole Owners and Proprietors of the land above described, have made a subdivision of said land, and that said subdivision is named and shall be known as:

DOS HOMBRES SUBDIVISION, REPLAT "B"

That the said subdivision, as shown on this plat, is with the consent and in accordance with the desires of said Owner, and the streets and easements shown are dedicated for public use as such, together with easements for public utilities, including easements for overhead of service wires of pole line, and easements for underground or buried service wires with the right to include necessary maintenance of the same, and right of ingress and egress to and from said easements.

Jesse F. Averett, Trustee

AFFIDAVIT

Now comes Jesse F. Averett, Agent for Parkway LLC, a New Mexico Limited Liability Company, first duly sworn upon his oath and states that the subdivision shown hereon lies wholly within the planning and platting jurisdiction of the City of Farmington, New Mexico.

Jesse F. Averett, Trustee

State of _____

County of _____

The foregoing dedication and affidavit were acknowledged before me the _____ day of _____, by Jesse F. Averett,

My Commission Expires: _____

Notary Public

APPROVAL - CITY OF FARMINGTON

Approved and accepted pursuant to summary procedure of the United Development Code of the City of Farmington on this _____ day of _____

By: _____
Community Development Director

City Engineer

New Mexico Gas Company

Enterprise Field Services, LLC

COUNTY TREASURER APPROVAL

Approved pursuant to Senate Bill 406, that requires all taxes, penalties, interest and fees through the current taxable year be paid prior to the division or combining of any real property in San Juan County.

San Juan County Treasurer or Designee

Date

CERTIFICATION

I, George T. Walters, a New Mexico Professional Surveyor, certify that I conducted and am responsible for this Survey, that this Survey Plat is true and correct to the best of my knowledge and belief, and that this Survey and Plat meet the Minimum Standards for Surveying in New Mexico. I further certify that this is a division of land as defined in the New Mexico Subdivision Act.

George T. Walters
Professional Land Surveyor No. 6159
State of New Mexico

Date

LAND DESCRIPTION

Lot 1-A of Dos Hombres Subdivision Replat "A" as filed for record in Book 1594 Page 272 on November 6, 2015, lying in the West half of the Northwest Quarter (W1/2 NW1/4) of Section 13, T29N R13W, N.M.P.M., Farmington, San Juan County, New Mexico.

PLAT NOTES:

BASSIS OF BEARING: CITY OF FARMINGTON GPS CONTROL NETWORK

DATE OF FIELD SURVEY: 07/15/2015

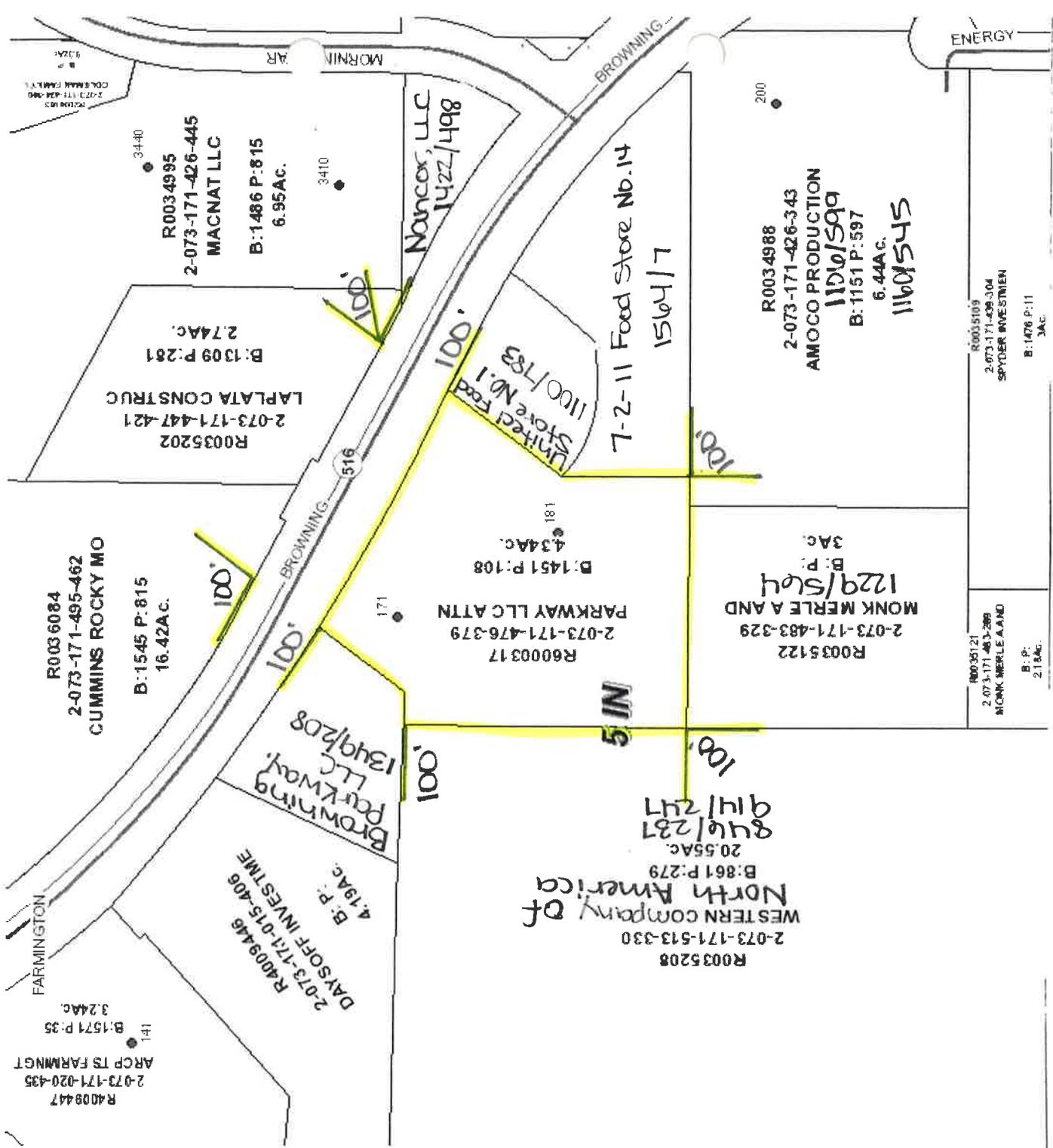
ALL COURSES ARE RECORD AND MEASURED UNLESS NOTED OTHERWISE

REFERENCE LIST

- R1. SAN JUAN COUNTY CLERK ON-LINE PROPERTY OWNERSHIP MAP 09/17/2015
- R2. DOS HOMBRES SUBDIVISION AS FILED FOR RECORD IN BOOK 1160 PAGE 550 ON MARCH 23, 1993
- R3. A SURVEY TITLED "A SURVEY FOR AMOCO PRODUCTION COMPANY, ROBERTS B-1 LATERAL 20" PIPELINE EASEMENT" PREPARED BY UNITED FIELD SERVICES INC. SIGNED BY HENRY P. BROADHURST, JR. PLS #1393 AS FILED FOR RECORD IN BOOK 1281 PAGE 137 ON JUNE 10, 1998
- R3. DOS HOMBRES SUBDIVISION REPLAT "A" AS FILED FOR RECORD IN BOOK 1594 PAGE 272 ON NOVEMBER 6, 2015

Not to Scale

N ↑



**(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-~~47~~ - a request from Jessie Averett, represented by Cheney-Walters-Echols, for a variance to allow a 188.91 foot flagpole lot for property located at 171 and 181 S. Browning Parkway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Dos Hombres Subdivision, Replat "A", Lot 1-A, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 171 and 181 S. Browning Parkway

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday July 7, 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. 72836 published in The Daily Times on June 19, 2016.

NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-47

June 15, 2016

Dear Property Owner:

Notice is hereby given that the following application has been filed with the Administrative Review Board of the City of Farmington, New Mexico: a request from Jessie Averett, represented by Cheney-Walters-Echols, for a variance to allow a 188.91 foot flagpole lot for property located at 171 and 181 S. Browning Parkway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Dos Hombres Subdivision, Replat "A", Lot 1-A, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 171 and 181 S. Browning Parkway

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, July 7, 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 Steven Saavedra at 505-599-1282 or ssaavedra@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: *Dos Hombres Subdivision, Replat "A"*
Lot 1-A

OWNERS: Parkway, LLC
Attn: Jesse F. Averett
10420 Tasajillo Cove
Austin, TX 78739
1451/108

ADJOINING OWNER	ADDRESS	LEGAL DESCRIPTION
United Food Store No. 1, Inc. 1100/783	900 Schofield LN Farmington, NM 87401-7431	Seven Two Eleven Subdivision Replat A Lot 1A
7-2-11 Food Store No. 14, Inc. 1564/7	900 Schofield LN Farmington, NM 87401-7431	Seven Two Eleven Subdivision Replat A Lot 1A
Amoco Production Company 1106/599, 1141/597 1160/545	Attn: Prop Tax Dept P.O Box 3092 Houston, TX 77253-3092	Coy Hill Industrial Subdivision Lots 2 and 3
Monk, Merle A. and Cheryl Ann 1229/564	3114 Southside River RD Farmington, NM 87401-1030	T29N, R13W, Sec.13 Pt. SW1/4NW1/4
Western Company of North America 846/237, 861/279 914/247	Attn: B J Service Co. P.O Box 4740 Houston, TX 77210-4740	T29N, R13W, Sec.13 Pt. SW1/4NW1/4 T29N, R13W, Sec.14 Pt. SE1/4NE1/4

Browning Parkway, LLC
1349/208

Attn: Loyd G. Lillywhite T29N, R13W, Sec.13
167 S. Browning Parkway Pt. NW1/4NW1/4
Farmington, NM
87401

Cummins Rocky Mountain, LLC
1545/815

390 Interlocken
Crescent STE 200
Broomfield, CO
80021

T29N, R13W, Sec.13
Pt. NW1/4NW1/4
T29N, R13W, Sec.14
Pt. NE1/4NE/14

La Plata Construction, Inc.
1309/281

1611 HWY 170
La Plata, NM
87418

Coleman Subdivision
No. 1
Lot 1

Macnat, LLC
1486/815

P.O Box 144
Farmington, NM
87499-0144

Coleman Subdivision
No. 1
Lot 2

Nancor, LLC
1422/498

4300 E. Main ST
Farmington, NM
87402

Coy Hill Industrial
Subdivision
Pt. of Lot 5

**MINUTES
ADMINISTRATIVE REVIEW BOARD
June 9, 2016 – 6:00 P.M.**

The Administrative Review Board met in regular session on Thursday, June 9, 2016 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present:

Co-Chair-Paul Martin
Vice Chairman James Dennis
Adam Soukup

Members absent:

Ireke Cooper
Lynn Scott

Staff present:

Mary Holton
Cindy Lopez
Keith Neil
Karen Walker

Others addressing the board:

Christian Ortega

Call to Order

The meeting was called to order at 6:02 p.m. by Co-Chair Paul Martin 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 3-0.

Approval of the Minutes from the May 5, 2016 Regular Meetings

Board Member Dennis made a motion to approve the minutes of the May 5, 2016 regular meeting. The motion was seconded by Board Member Soukup and passed unanimously by a vote of 3-0

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 16-29
Variance to the Required Front Yard Setback
1205 S. Butler Avenue**

Discussion of ARB No. 16-29 on June 9, 2016

Associate Planner Keith Neil presented the staff report for ARB 16-29, a request from Emilio and Irma Ortega for a variance to allow a 10 foot front yard setback and a 7 foot rear yard setback for property located at 1205 S. Butler in the MF-L Multi-Family Low Density District with an SMHA Special Mobile Home Area Overlay. The property currently has several storage sheds, a small building and some dead trees that are in the process of 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.

Mr. Neil went on to state that there are a large number of mobile homes in the area. Most of these mobile homes are non-conforming. This proposed location for Mr. Ortega will be in line with the existing mobile homes in the area. 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. On the west end of the property, explained Mr. Neil, is a 20 foot utility easement. This 20 foot easement will allow a minimum of 27 feet between the property line and the mobile home. Staff is recommending a minimum of 10 feet from the mobile home to the north and the new mobile home on this property. This proposal will be consistent with the other mobile homes in the area.

Staff recommends approval with a recommendation of a minimum of 8 feet from the north property line and a minimum of 10 feet from the residence on the north property.

Board Member Dennis asked for clarification on how far the mobile home would be from the north property line. Mr. Neil said the UDC requires 8 feet, but staff was asking for 10 feet from the mobile home on the adjoining property.

Board Member Martin asked if a 10 foot setback can be a condition of approval of the petition and if the Building Department could measure the setback prior to granting occupancy of the mobile home. Mr. Neil commented that it could be a condition of approval and the petitioner would need to provide a site plan prior to receiving a parking permit.

Mr. Dennis was concerned about the lack of conformity. The concern stemmed around any future development that will not be in conformity in this area. Mr. Neil stated that the size of the mobile home parcels is limited by the setbacks which are 25 feet in the front and 20 feet in the rear. The Mobile Home Overlay permits mobile homes in this area.

Mr. Dennis questioned as to whether improvements were being made to the neighborhood. Mr. Neil said there will be improvements with the clean-up of the shrubbery and the demolition of the buildings on this lot.

Christian Ortega of 1205 S. Butler Avenue, Emilio Ortega's son, stated that the demolition is almost complete.

Administrative Review Board Action of June 9, 2016

A motion was made by Board Member Dennis and seconded by Board Member Soukup to **approve** Petition No. ARB 16-29, a request from Emilio and Irma Ortega for a variance to allow a 10 foot front yard setback and a 7 foot rear yard setback for property located at 1205 S. Butler in the MF-L Multi-Family Low Density District with an SMHA Special Mobile Home Area Overlay with the condition that the north side yard setback be a minimum of 10 feet.

AYE: Board Members Dennis, Martin, and Soukup.

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Scott

APPROVED 3-0

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 the Members.

Business from Staff: Senior Planner Cindy Lopez reminded the Board Members of the June 27, 2016 training presented by the NM Municipal League General Counsel for Boards and Commissioners. The training will be at the Civic Center from 1:30 to 4:00 and will cover Ex-parte Communication, Quasi-Judicial proceedings and the Open Meetings Act. Ms. Lopez asked the Board Members to R.S.V.P. as soon as possible.

Adjournment: The June 9, 2016 meeting of the Administrative Review Board was adjourned at 6:25 p.m.

Paul Martin-Co Chairman

Karen Walker-Administrative Assistant