

# A G E N D A

**Planning & Zoning Commission  
City Council Chambers – 800 Municipal Drive  
July 28, 2016, at 3:00 p.m.**

<b>Item</b>		<b>Page</b>
<b>1</b>	<b>Call Meeting to Order</b>	
<b>2</b>	<b>Approval of the Agenda</b>	
<b>3</b>	<b>Approval of the Minutes of the June 30, 2016 P&amp;Z Meeting</b>	78
<b>4</b>	<b>Petition No. SUP 16-57</b> – a request from Vera Matthews for a Special Use Permit to allow three horses and a shade structure on 2.5 acres for property located at 7000 Hood Mesa Trail. (Steven Saavedra)	1
<b>5</b>	<b>Petition No. ZC 16-58</b> – a request from Brandi Thrower, represented by Cheney-Walters-Echols, for a Zone Change from SF-10 to SF-7 for 1.71 acres located at Chilton Court and 20 <sup>th</sup> Street. (Steven Saavedra)	15
<b>6</b>	<b>Petition No. ZC 16-59</b> – a request from Residential Rentals, LLC, represented by Gayle Goeden, for a Zone Change from IND to MU for 0.25 acres located at 115 E. Corcorran Drive. (Keith Neil)	27
<b>7</b>	<b>Petition No. SUP 16-61</b> – a request from Faraz Sandhu for a Special Use Permit to allow a Family Care Unit for property located at 4002 San Paula Avenue. (Keith Neil)	42
<b>8</b>	<b>Petition No. SUP 16-62</b> – a request from Sandy Foxwell, represented by Casa Linda Holdings, LLC, for a Special Use Permit to allow the structure to be rebuilt if destroyed by more than 50% for property located at 113 N. Wall Street. (Steven Saavedra)	55
<b>9</b>	<b>Discussion and action on corrections to the Planning and Zoning Commission Rules of Procedure</b>	69
<b>10</b>	<b>Business from:</b> Floor: Chairman: Members: Staff:	
<b>11</b>	<b>Adjournment</b>	

*The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, August 9, 2016.*

**ATTENTION PERSONS WITH DISABILITIES:**

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



**COMMUNITY DEVELOPMENT PETITION REPORT  
PETITION SUP 16-57**

**Special Use Permit to allow three (3) horses and a shade structure on 2.5 acres at 7000 Hood Mesa TRL**

**A. STAFF REPORT, July 28, 2016**

**PROJECT INFORMATION**

Applicant	Vera Mathews
Representative	None
Date of Application	June 24, 2016
Requested Action	The Community Development Department has received a request from Vera Matthews for a Special Use Permit to allow three (3) horses and a shade barn structure on 2.5 acres. Pursuant to UDC 11.1 a horse requires a minimum 1 acre of land in the RE-1 District. In addition, the petitioner is seeking a waiver to UDC 2.5.1 (A) to allow for a shade barn, prior to the construction of a principal residential structure.
Location	7000 Hood Mesa Trail
Existing Land Use	Undeveloped Land
Existing Zoning	RE-1 Residential Estate
Surrounding Zoning / Land Use	North: None/ Undeveloped South: RE-1 Residential Estate / Undeveloped East: RE-1 Residential Estate / Undeveloped West: RE-1 Residential Estate / Undeveloped
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, July 10, 2016. Property owners within 100 feet were sent notice by certified mail on Tuesday, July 5, 2016 and a sign was posted on Friday, July 15, 2016.
Staff Planner	Steven Saavedra, Associate Planner

**Project Description:**

The petitioner requests a Special Use Permit to allow (3) horses within 2.5 acres. In addition, the petitioner is seeking a waiver to UDC 2.5.1 (A) to allow for a shade structure for the horses prior to the construction of a principal residential structure and a waiver to UDC 11.1 to allow 3 horses on 2.5 acres.

The subject property is located in the RE-1 Residential Estate District. The RE-1 District is on the East, West, and South and all surrounding properties are vacant and undeveloped. There are no water lines, no sewer lines, Hood Mesa Trail is not paved, and access to the property is not paved. Infrastructure is scarce to none existent in and around the area. The property borders vacant land to the north owned by the Bureau of Land Management located outside of the City of Farmington municipal boundary. The subject 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.

The petitioner indicated that there have been animals on the property in the past and plans to have three horses on the property in the future. According to Table 2.3 of the City of Farmington Unified Development Code (UDC), keeping horses (and other animals or fowl) is allowed in the RE-1 district with an approved special use permit. The applicant must comply with the use standards of Section 2.4.7, Animals or Fowl, of the UDC. According to this section, the minimum lot area per animal unit is determined by the SUP, but Section 11.1 of the UDC recommends that the minimum lot area per horse is 1 acre. An animal unit is defined in Article 11 of the UDC as one horse, or one mare with a foal; miniature horses are one-half an animal unit.

Section 2.4.7 D states:

“Adequate fencing, screening or separation from adjoining premises shall be provided based upon the type, number and size of animals ... for protection of the animals; ... protection of the public; and for control of dust, noise, odors or similar nuisance factors.”

Also, the use shall be maintained in compliance with Chapter 6 of the Farmington City Code. Section 6-1-5 of the Farmington City Code states that:

- (a) No person who is the owner, tenant or person in possession and control of any stable, corral, lot, pasture, stall, shed, apartment, yard or premises in the city in which any animal, including ...horses, is kept or maintained shall allow the accumulation of manure, water, moisture, animal droppings, or liquid discharges of such animal which create a stench or emit offensive odors or which are otherwise injurious to the public health and safety.
- (b) Stalls or stables, corrals, lots or pastures shall be kept sprayed with disinfectant to kill germs and to prevent the premises from becoming a breeding place for flies, mosquitoes or other insects.”

## **ISSUES**

### **Chief Building Official – Derrick Childers -599-1305**

- A building permit will be required to construct the shade structure.

## **STAFF ANALYSIS**

### **Special Use Permit Criteria – Section 8.9.4 of the UDC**

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that an SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

- A. Effect on environment: The location, size, design and operation characteristics of the proposed use shall not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

The collective characteristics of this permit will not be substantially detrimental to health, welfare, and/or safety of the surrounding neighborhood. The petitioner intends to keep three horses and will need to clean up their waste on a weekly basis. The property is surrounded on all sides by large vacant pastureland. The lack of residential density, development, and Infrastructure conforms to the requested special use permit. The subject property is rural in nature and abuts BLM property to the north, outside of city limits.

- B. Compatible with surrounding area: The proposed site plan, circulation plan and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

The petitioner has submitted a conceptual site plan shows the barn and horses in the petitioner's front yard. The proposed site plan needs to be modified to account for dimensional standards of the RE-1 District to ensure the horses will not impact surrounding properties. The backyard will be fenced along the North, South, East, and West according the petitioner's site plan.

- C. External impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

The property is surrounded on all sides by large vacant pastureland. The proposed use should not have any negative impacts on existing uses in the area. The applicant needs to follow Section 6-1-5 of the Farmington City Code: The accumulation of manure, water, moisture, animal droppings, or liquid discharges of such animal which create a stench or emit offensive odors or which are otherwise injurious to the public health

and safety is not permitted. In addition, all stalls or stables, corrals, lots or pastures shall be kept sprayed with disinfectant to kill germs and to prevent the premises from becoming a breeding place for flies, mosquitoes or other insects.

- D. Infrastructure impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

There are no negative impacts to infrastructure anticipated in relation to the proposed use. Infrastructure is scarce to none existent in and around the area. There are no water lines, no sewer lines, and Hood Mesa Trail is not paved.

- E. Consistent with the UDC and Comprehensive Plan: The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The 2020 Future Land Use Plan of the Farmington Comprehensive Plan identifies the subject property to be Residential Single Family Low Density (greater than or equal to 1.0 acre lot). A horse(s) is an allowed use with an approved special use permit.

- F. Parcel size: The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

According to Section 11.1 of the UDC, a lot, which is 1.00 acre, is recommended to be adequate for one horse. The petitioner requests to keep three horse on 2.5 acres of land. The petitioner is seeking a waiver to UDC 11.1, since three acres is needed for three horses. The area is consistent with the keeping of three horses.

- G. Site Plan: The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.

The proposed conceptual site plan conforms to standards of Section 8.5. The petitioner is seeking a waiver to UDC 2.5.1 (A) to allow for a shade barn, prior to the construction of a principal residential structure.

**STAFF CONCLUSION**

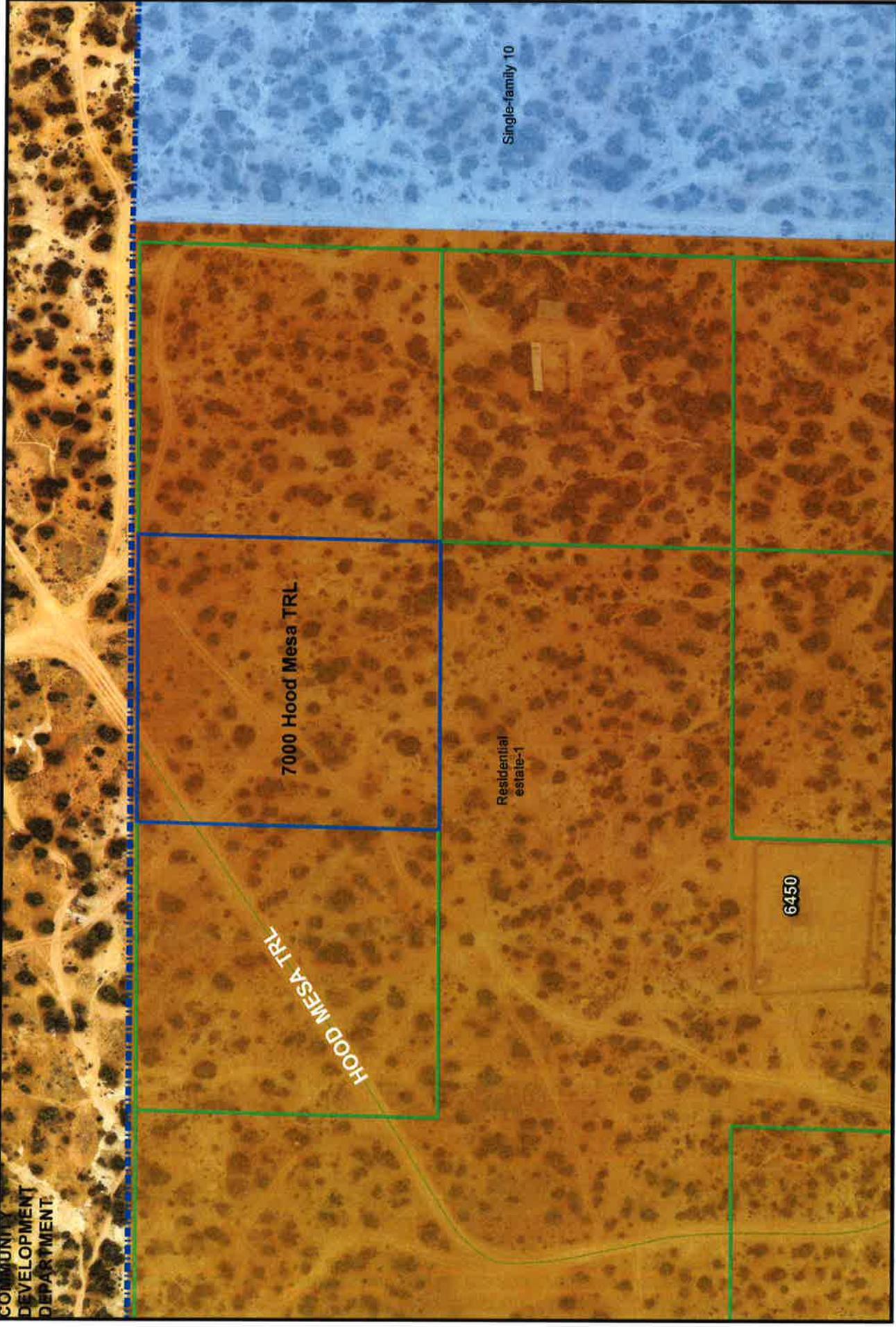
Staff concludes that approval of SUP 16-57 is appropriate. The property is surrounded on all sides by large vacant pastureland. The closest residential structure is approximately 1,000 feet from 7000 Hood Mesa Trail. The petitioner needs to mitigate the impact of the horses by maintaining the corrals and removing the waste as proposed.

**STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition SUP 16-57, a request from Vera Mathews, for a Special Use Permit to allow (3) horses and a shade structure on 2.5 acres, subject to the following conditions:

- A. Petitioner adheres to all Municipal Codes as set forth in Farmington's City Code Chapter 6, animals.
- B. Reduction in the area of the lot shall require a review of the SUP, if granted.

COMMUNITY  
DEVELOPMENT  
DEPARTMENT



# SUP 16-57

FMTN City Limit (1) Zoning District Zoning Classification ■ Residential estate-1 (1) ■ Single-family 10 (1)

## PLANNING MEMO COMMENTS SUMMARY

**SUP 16-57 SUP 16-57 VERA MATTHEWS-ALLOW BARN AND 3 HORSES ON 2.5 ACRES**

**Deadline: 7/12/16**

### City of Farmington Departments

CD	Director	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official	A building permit will be required to construct the shade barn.
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	No comment
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	Legal has no position or comment on a variance, and defers to the recommendations of Planning and Zoning and the position of surrounding neighbors.
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	No comment
Enterprise Field Services	
Comcast Cable	
CH2MHILL OMI	
Field Services	
Farmington School District	

# PETITION APPLICATION



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)**

- Annexation / Zoning
- Preliminary Plat
- Final Plan

- Summary Plat
- Special Use Permit
- Variance (ARB)

- Zone Change to
  - Temporary Use Permit
- Proposed Length of Use:
- Well site equipment modification

**INFORMATION**

T30N R13W sec 26

Applicant's Name: <u>Vera Matthews</u>	Project Location: <u>NW 1/4 NE 1/4 E 1/4 NE 1/4</u>
Address: <u>5991 Hood Mesa Trail</u>	Existing Use: <u>Vacant land</u>
E-Mail: <u>Royal Easy L999@aol.com</u>	Proposed Use: <u>RA - to house personal horses</u>
Telephone: <u>719-320-6523</u>	Current Zoning: <u>RE</u>
Relationship to Property Owner: <u>Self</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R 005 1233</u>

Legal Description of Subject Property: T30N R13W sec.26 NW 1/4 NE 1/4 NE 1/4 NE 1/4.

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>Vera Matthews</u>	E-Mail: <u>Royal Easy L999@aol.com</u>
Phone: <u>719320 6523</u>	Address: <u>5991 Hood Mesa Trl. Farmington, NM 87401</u>

**OWNERSHIP**

<p><b>PROPERTY OWNER</b> (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)</p>	<p><b>MORTGAGE HOLDERS</b> (If any)</p>
Name: _____ Phone: _____	Name: _____ Phone: _____
Address: _____	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: \_\_\_\_\_

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

Received By SS  
 Date 5/2/16 Fee Received \$100 -  
 Project File No. RET-34-Matthews  
50 P16-57  
 Date of Hearing/Meeting: \_\_\_\_\_

- Site Plan
- Ownership List (subject and surrounding properties)
- Legal Description
- Project Description



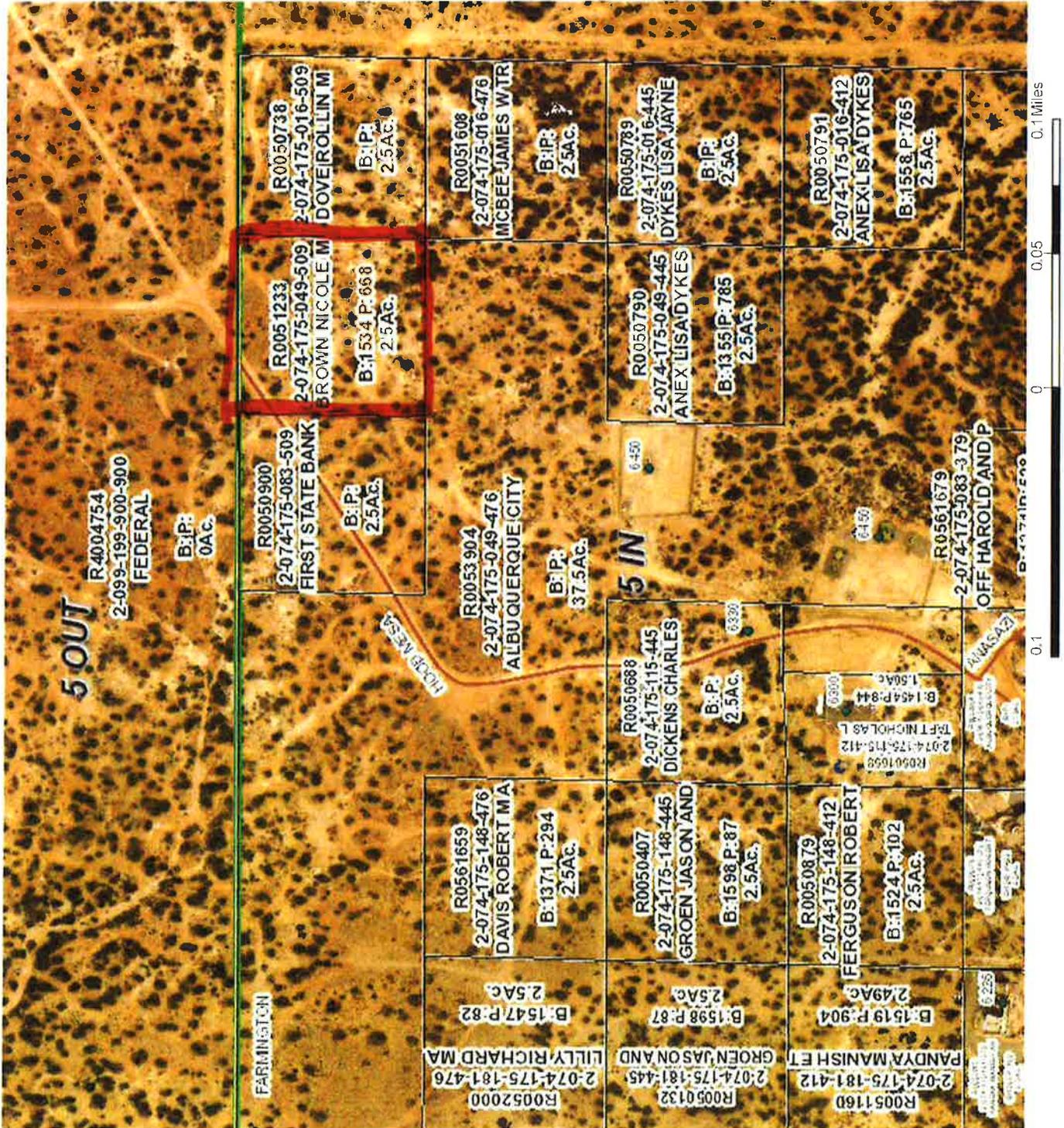
**Legend**

- County & City Addresses - Nur
- Searchable Parcels
- Parcels - No Labels
- Regional Highways-US
- Regional Highways-State
- City Roads
- Other Roads
- County Maintained
- Lesser County Maintained
- Navajo Route
- Oilfield Roads
- Private Roads
- Lakes
- Rivers
- Aztec City Limits
- Bloomfield City Limits
- Farmington City Limits
- School Districts
- San Juan County Bounds
- Reservation

1: 2,951



The San Juan County Assessor's Office provides no warranty, expressed or implied, as to the accuracy, reliability or completeness of furnished data. This map is not intended to be used as a survey. For assessment purposes only.



**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. SUP 16-57** - a request from Vera Matthews for a Special Use Permit to allow three horses and a barn on 2.5 acres. Pursuant to UDC 11.1, a horse requires 1 acre of land. The property is located at 7000 Hood Mesa Trail, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

T29N, R13W, Sec. 26, NW1/4NE1/4NE1/4  
NE1/4, in the City of Farmington, San  
Juan County, New Mexico.

Otherwise located at 7000 Hood Mesa Trail

**Petition No. ZC 16-58** - a request from Brandt Thrower, represented by Cheney-Walters-Echols, for a Zone Change from SF-10, Single Family minimum 10,000 sq. ft. to SF-7, Single Family minimum 7,000 sq. ft. for 1.71 acres located at Chilton Court and 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Bryn Mawr Subdivision, Block 1 Lot 1 And  
T29N, R13W, Sec. 9, Pt. NE1/4NW1/4, in  
the City of Farmington, San Juan County,  
New Mexico.

Otherwise located at Chilton Court  
/20th Street

**Petition No. ZC 16-59** - a request from Residential Rentals, LLC, represented by Gayle Goeden, for a Zone Change from IND, Industrial to MU, Mixed-Use for 0.25 acres located at 115 E. Corcorran Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lots 6 and 7, in Block 1, of the Riverside  
Addition, in the City of Farmington, San  
Juan County, New Mexico.

Otherwise located at 115 E. Corcorran Drive

**Petition No. SUP 16-61** - a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care (Mother-in-Law) Unit, for property located at 4002 San Paula Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 1, in Block 2, of the Cardon Robles  
Subdivision #3, in the City of Farmington,  
San Juan County, New Mexico.

Otherwise located at 4002 San Paula Avenue

**Petition No. SUP 16-62** - a request from Sandy Foxwell, represented by Casa Linda Holdings, LLC, for a Special Use Permit for a nonconforming residential use in the CB, Central Business District, to allow a structure to be rebuilt if destroyed by more than 50% for property located at 113 N. Wall Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 30, Block 4, of the McHenry's 2nd Addition, in the City of Farmington, San Juan County, New Mexico.  
Otherwise located at 113 N. Wall 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, July 28, 2016 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, August 9, 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 72900 published in The Daily Times on July 10, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. SUP 16-57**

July 6, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Vera Matthews for a Special Use Permit to allow three horses and a shade barn on 2.5 acres. Pursuant to UDC 11.1, a horse requires 1 acre of land and pursuant to UDC 2.5.1(A), an accessory structure must be associated with a primary use. The property is located at 7000 Hood Mesa Trail, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

T29N, R13W, Sec 26, NW1/4NE1/4NE1/4NE1/4, in the City of Farmington, San Juan County, New Mexico.

**Otherwise located at 7000 Hood Mesa Trail**

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, July 28, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, August 9, 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 Steven Saavedra at 505-599-1282 or ssaavedra @fmrn.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: T29N, R13W, Sec. 26  
NW1/4NE1/4NE1/4NE1/4

OWNER: Matthews, Vera  
 5991 Hood Mesa Trail  
 Farmington, NM 87401  
 1601/253

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Dove, Rollin M. 384/13	6100 Gray St Arvada, CO 80003-5145	T30N, R13W, Sec. 26 NE1/4NE1/4NE1/4NE1/4
McBee, James W. Trustee 1265/420	1502 N Chaco Farmington, NM 87401-7006	T30N, R13W, Sec. 26 SE1/4NE1/4NE1/4NE1/4
City of Albuquerque 959/228	P.O Box 1293 Albuquerque, NM 87103-1293	T30N, R13W, Sec. 26 Pt. NE1/4
First State Bank 576/299	P.O Box Z Socorro, NM 87801-0479	T30N, R13W, Sec. 26 NE1/4NW1/4NE1/4NE1/4
United States of America (Federal Lands)	Attn: BLM Office 6251 College Blvd. Ste. A Farmington, NM 87402 (Per Phone Book) Note: No address in San Juan County records For United States of America	T30N, R13W, Sec. 23 Pt. SE1/4

**COMMUNITY DEVELOPMENT PETITION REPORT**  
**PETITION ZC 16-58**  
**Zone Change from SF-7 & SF-10 to SF-7**  
**1921 Chilton Court**

A. STAFF REPORT, July 28, 2016

**PROJECT INFORMATION**

Applicant	Brandt Thrower
Representative	Cheney, Walters, Echols
Date of Application	July 5, 2016
Requested Action	Zone Change from the combined Single-family Residential SF-7 & SF-10 Districts to the SF-7 Single-family Residential District.
Location	1921 Chilton Court
Existing Land Use	Vacant Land
Existing Zoning	Combined Single-family Residential SF-7 & SF-10 District
Surrounding Zoning / Land Use	North: SF-7 Single-family Residential / Residential South: SF-10 Single-family Residential / Residential East: SF-7 Single-family Residential / Residential West: SF-10 Single-family Residential / Vacant Land
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, July 10, 2016. Property owners within 100 feet were sent notice by certified mail on Tuesday, July 5, 2016 and a sign was posted on Friday, July 15, 2016.
Staff Planner	Steven Saavedra, Associate Planner

**Project Description:**

The petitioner requests a zone change from the combined Single-family Residential SF-7 & SF-10 Districts to the Single-family Residential SF-7 District. The subject property is approximately 0.3199-acres (13,934.84 square feet) and is located at 1921 Chilton Court. The subject property is originally part of the Puesta Del Sol Subdivision, lot 9. Pursuant to UDC 2.2.3, whenever a lot of record is divided by a zoning boundary, the development of the lot shall conform to the land use and design criteria of the zoning district in place on the specification of the lot. Multiple zoning on a single parcel should be avoided. Where the opportunity arises to correct multiple zoning, such parcels should be rezoned to a single district. The petitioner seeks this zone change to allow for a

single zoning district on this lot. The San Juan County Assessor lists the property as a vacant land classification. Figure 4.2 2020 Future Land Use Map of the Comprehensive Plan recommends the subject property to be Single Family Residential Urban.

### **Single-family Residential District:**

The single-family 10, 7, and 5 (SF-10, SF-7, and SF-5) districts are expected to accommodate a large percentage of the residential growth projected in the city over the 20-year planning horizon covered by the comprehensive plan. The districts are primarily intended to accommodate low to moderate density residential development that can be served by the full range of infrastructure. The districts are generally intended to be applied in areas with existing infrastructure. The uses and densities allowed in the SF-10, SF-7 and SF-5 districts (3.4 to 6.8 units per net acre) offer city residents a variety of housing choices in the low to moderate density range.

## **STAFF ANALYSIS**

### **Planning Division: Steven Saavedra 599-1282**

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 shows the subject property as residential single-family use with lots of less than 20,000 square feet. A zone change from the SF-10 district to the SF-7 district is consistent with the Comprehensive Plan.
- **Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:**  
A zone change from the SF-10 district to the SF-7 district is compatible with the existing development in the SF-7 district, though the subdivision can be more densely developed. Lots in the SF-10 district must have a minimum area of 10,000 square feet; lots in the SF-7 district must have a minimum area of 7,000 square feet. The subject zone change does not change the character of the neighborhood except for increasing the density of development.
- **Creation of adverse impacts and the ability to mitigate these impacts:**  
The zone change does not change the proposed land use: single-family residential. Staff does not anticipate any adverse impacts caused by the subject zone change.
- **The ability of the proposed use to be accomplished by the proposed zoning district:**  
Table 2.3, permitted uses, of the UDC indicates that single-family residential development is permitted in the SF-7 district.

- The suitability of the land for the proposed development:  
The subject property is vacant and no issues regarding its suitability for development have been identified.
- The existence of or the applicant's ability and willingness to provide adequate public facilities:  
The petitioner is responsible to provide all the necessary public facilities for the property. Access to the area of this zone change will be from Chilton Court.
- 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." The subject zone change does not change the land use or grant special privileges not granted but does increase the density of development. The subject zone change is consistent with the Comprehensive Plan. The SF-7 district is to the north and east of the subject property. Therefore, this zone change does not constitute a spot zone as defined in Article 11 of the UDC.

### **STAFF CONCLUSION**

Staff concludes that approval of ZC 16-58 is appropriate. The proposal is consistent with the comprehensive plan and surrounding land uses. Pursuant to UDC 2.2.3, whenever a lot of record is divided by a zoning boundary, the development of the lot shall conform to the land use and design criteria of the zoning district in place on the specification of the lot. Multiple zoning on a single parcel should be avoided. Where the opportunity arises to correct multiple zoning, such parcels should be rezoned to a single district.

### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ZC 16-58, a request from Brandt Thrower, represented by Cheney, Walters, Echols, for a zone change from the combined Single-family Residential SF-7 & SF-10 Districts to the SF-7 Single-family Residential District for 0.3199-acres (13,934.84 square feet) located at 1921 Chilton Court.



Parcels



Zoning District

Zoning Classification

Single-family 10

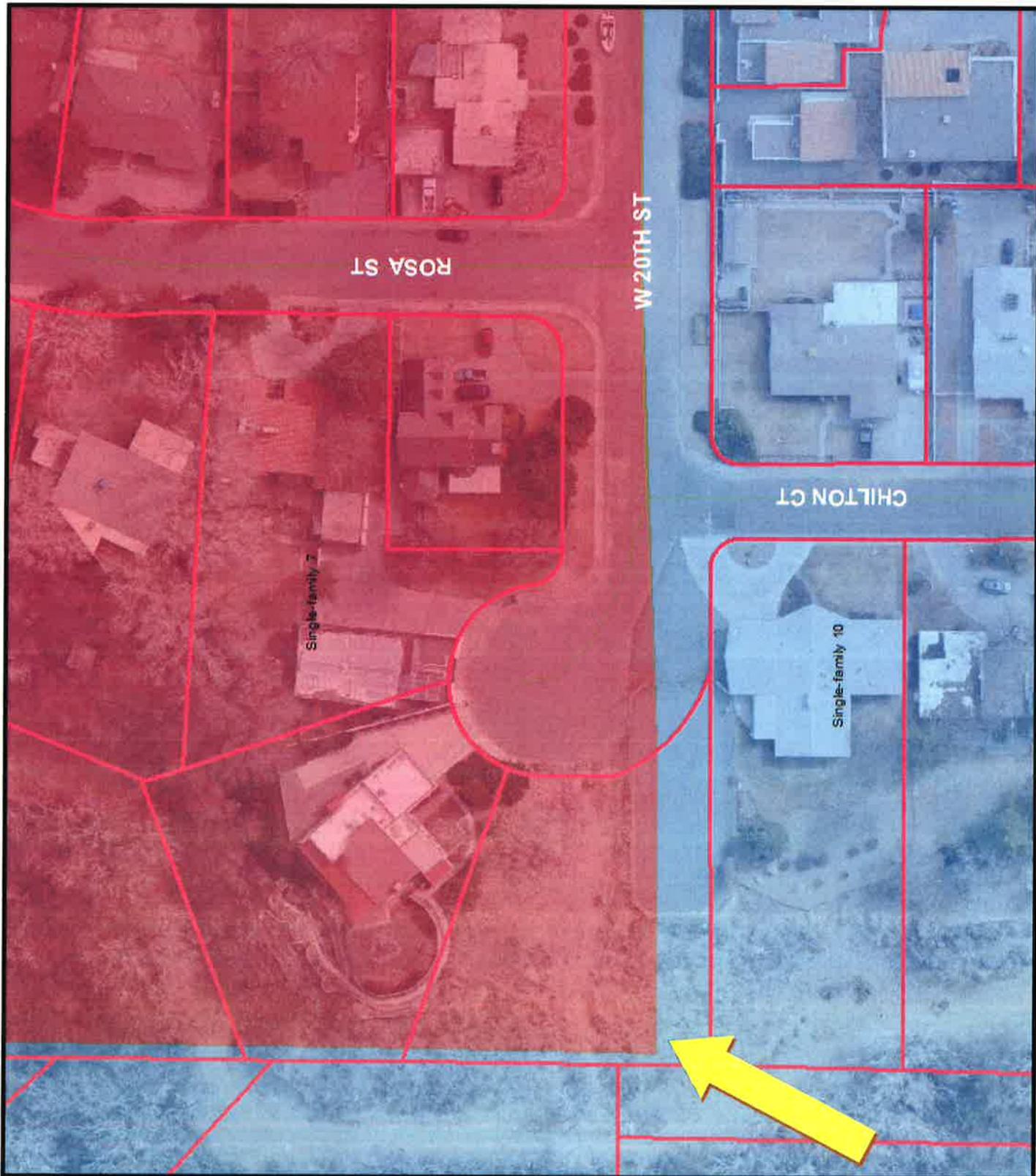
Single-family 7

Roads Labels



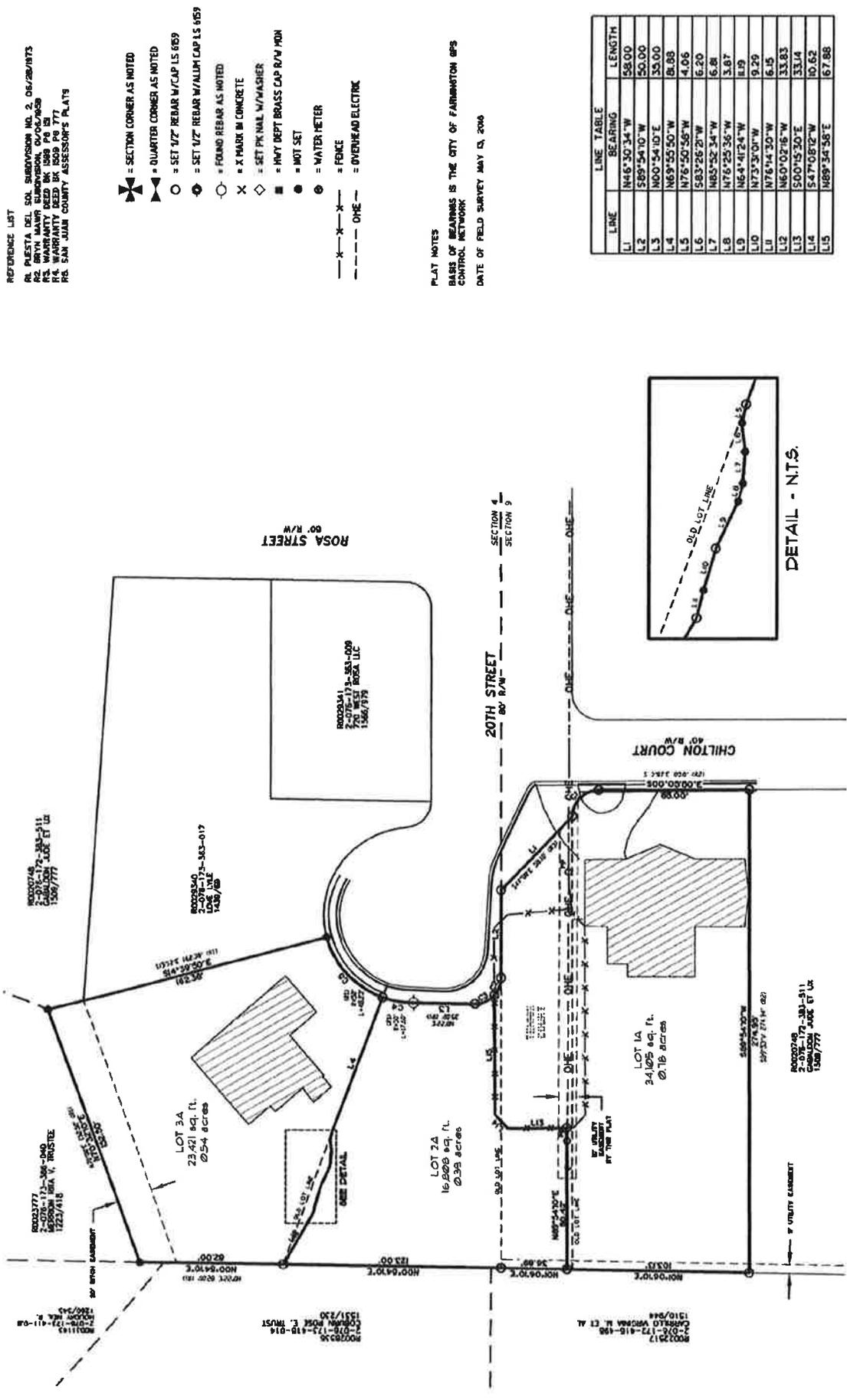
60

Feet



# FUESTA DEL SOL SUBDIVISION NO. 2 REPLAT A

LYING IN THE SE1/4 SW1/4 OF SECTION 4 AND THE NE1/4 NW1/4 OF SECTION 9, T29N R2W N1/2M. IN THE CITY OF FARMINGTON, SAN JUAN COUNTY, NEW MEXICO FOR MORRISON AND THROUWER FAMILY COMPANY, LLC ET AL



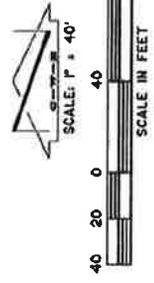
- REFERENCE LIST
- R1. FUESTA DEL SOL SUBDIVISION NO. 2, 06/26/1973
  - R2. BRYN MAWR SUBDIVISION, C/OAKWOOD
  - R3. WARRANTY DEED BK 1589 P 6 51
  - R4. WARRANTY DEED BK 1508 P 6 777
  - R5. SAN JUAN COUNTY ASSESSOR'S PLATS

- ⊕ = SECTION CORNER AS NOTED
- ⊙ = QUARTER CORNER AS NOTED
- = SET 1/2" REBAR W/CAP LS 659
- ◊ = SET 1/2" REBAR W/ALUM CAP LS 659
- = FOUND REBAR AS NOTED
- × = X MARK IN CONCRETE
- ◇ = SET PK NAIL W/HASHER
- = HWY DEPT BRASS CAP R/W MDN
- = MOT SET
- ⊗ = WATER METER
- x — x — = FENCE
- — — — — = OVERHEAD ELECTRIC

PLAT NOTES  
 BASES OF BEARINGS IS THE CITY OF FARMINGTON GPS CONTROL NETWORK  
 DATE OF FIELD SURVEY MAY 13, 2016

LINE	BEARING	LENGTH
L1	N46°30'34"W	58.00
L2	S89°54'10"W	50.00
L3	N00°54'10"E	35.00
L4	N69°55'50"W	8.08
L5	N76°50'50"W	4.06
L6	S83°28'21"W	6.20
L7	N85°52'34"W	6.28
L8	N76°25'36"W	3.67
L9	N64°41'24"W	8.79
L10	N73°31'01"W	9.29
L11	N76°14'30"W	6.15
L12	N60°02'16"W	33.83
L13	S00°15'30"E	33.14
L14	S47°08'12"W	10.62
L15	N69°34'58"E	67.88

NUMBER	R =	L =	D =	T =	LC =	CD =
C1	15.00	23.56	90°00'00"	15.00	21.21	N45°05'50"W
C2	15.00	10.72	40°57'41"	5.60	10.50	S58°36'13"E
C3	15.00	12.57	48°00'57"	6.68	12.21	S24°08'54"E
C4	50.00	17.60	20°10'18"	8.89	17.51	S09°55'19"W
C5	50.00	48.21	55°14'49"	26.17	46.37	S47°41'53"W



FOR REVIEW ONLY

ISSUE DATE: 05/24/2016 - CRT  
 PRINTED: MAY 31, 2016  
 FILE: C:\D:\DWG-CR\2016\GRT\16473\16473.dwg

**CHEY-WALTERS ECHOLS**  
 ENGINEERS - SURVEYORS

**PLANNING MEMO COMMENTS SUMMARY**  
**ZC 16-58 ZC 16-58 PUESTA DEL SOL SD #2 REPLAT A**  
**Deadline: 7/12/16**

**City of Farmington Departments**

CD	Director	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	No comment
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	No comment
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 Dept.**  
**City of Farmington**  
**800 Municipal Drive**  
**Farmington, NM 87401**  
**(505) 599-1317**  
**(505) 599-1299 (fax)**

### PROJECT TYPE (Check Those Applicable)

- Annexation and / or Zoning
- Preliminary Plat
- Final Plan

- Summary Plat
- Special Use Permit
- Variance (ARB)

- Zone Change to SF-7 District
  - Temporary Use Permit
- Proposed Length of Use: \_\_\_\_\_

### INFORMATION

Applicant's Name: Brandt Thrower

Project Location: Chilton Court / 20th Street

Address: 412 W. Arrington, Farmington, NM, 87401

Existing Use: Residential

E-Mail:

Proposed Use: Residential

Telephone: 486-2625

Current Zoning: SF-10

Relationship to Property Owner:

Assessor's Parcel I.D. and/or Tax I.D. Number:  
**R0026843**

Legal Description of Subject Property: *See Attached Plat*

Is Property subject to deed restrictions, covenants, or homeowners' association agreements?  
If Yes, please provide copy with application.

Yes

No

### 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: Brandt Thrower

Phone: 486-2625

Name:

Phone:

Address: 412 W. Arrington, Farmington, NM, 87401

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: Brandt Thrower

Address: 412 W. Arrington, Farmington, NM, 87401

Owner's Signature:

Phone / Email: 486-2625

### \*\*\*\* STAFF USE ONLY \*\*\*\*

Received By \_\_\_\_\_ Time \_\_\_\_\_

Date \_\_\_\_\_ Fee Received \_\_\_\_\_

Project File No. \_\_\_\_\_

Date of Hearing/Meeting: \_\_\_\_\_

- Blueline Copies of Plans \_\_\_\_\_
- Ownership Report (subject and surrounding properties)
- Legal Description \_\_\_\_\_
- Detailed Statement of Proposed Use \_\_\_\_\_

**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. SUP 16-57** - a request from Vera Matthews for a Special Use Permit to allow three horses and a barn on 2.5 acres. Pursuant to UDC 11.1, a horse requires 1 acre of land. The property is located at 7000 Hood Mesa Trail, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**  
T29N, R13W, Sec. 26, NW1/4NE1/4NE1/4  
NE1/4, in the City of Farmington, San  
Juan County, New Mexico.  
Otherwise located at 7000 Hood Mesa Trail

**Petition No. ZC 16-58** - a request from Brandi Thrower, represented by Cheney-Walters-Echols, for a Zone Change from SF-10, Single Family minimum 10,000 sq. ft. to SF-7, Single Family minimum 7,000 sq. ft. for 1.71 acres located at Chilton Court and 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**  
Bryn Mawr Subdivision, Block 1 Lot 1 And  
T29N, R13W, Sec. 9, Pt. NE1/4NW1/4, in  
the City of Farmington, San Juan County,  
New Mexico.  
Otherwise located at Chilton Court  
/20th Street

**Petition No. ZC 16-59** - a request from Residential Rentals, LLC, represented by Gayle Goeden, for a Zone Change from IND, Industrial to MU, Mixed-Use for 0.25 acres located at 115 E. Corcorran Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**  
Lots 6 and 7, in Block 1, of the Riverside  
Addition, in the City of Farmington, San  
Juan County, New Mexico.  
Otherwise located at 115 E. Corcorran Drive

**Petition No. SUP 16-61** - a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care (Mother-in-Law) Unit, for property located at 4002 San Paula Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**  
Lot 1, in Block 2, of the Cardon Robles  
Subdivision #3, in the City of Farmington,  
San Juan County, New Mexico.  
Otherwise located at 4002 San Paula Avenue

**Petition No. SUP 16-62** - a request from Sandy Foxwell, represented by Casa Linda Holdings, LLC, for a Special Use Permit for a nonconforming residential use in the CB, Central Business District, to allow a structure to be rebuilt if destroyed by more than 50% for property located at 113 N. Wall Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 30, Block 4, of the McHenry's 2nd Addition, in the City of Farmington, San Juan County, New Mexico.  
Otherwise located at 113 N. Wall 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, July 28, 2016 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, August 9, 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 72900 published in The Daily Times on July 10, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. ZC 16-58**

July 6, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Brandi Thrower, represented by Cheney-Walters-Echols, for a Zone Change from SF-10, Single Family to SF-7, Single Family for 1.71 acres located at Chilton Court and 20<sup>th</sup> Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Bryn Mawr Subdivision, Block 1 Lot 1 And T29N, R13W, Sec. 9, Pt. NE1/4NW1/4,  
in the City of Farmington, San Juan County, New Mexico.

**Otherwise located at Chilton Court/20<sup>th</sup> Street**

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, July 28, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, August 9, 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 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: *Bryn Mawr Subdivision*

*Block 1 Lot 1*

*And*

*T29N, R13W, Sec. 9*

*Pt. NE1/4NW1/4*

OWNERS: Morrison and Thrower Family Company, LLC  
 412 W. Arrington  
 Farmington, NM 87401  
 1599/151

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Morrison and Thrower Family Company, LLC 1599/151	412 W. Arrington Farmington, NM 87401	Puesta Del Sol Subdivision No. 2 Block 4 Lot 9
Love, Lyle 1439/69	P.O Box 279 Flora Vista, NM 87415-0279	Puesta Del Sol Subdivision No. 2 Block 4 Lots 5 and 7
720 West Rosa, LLC 1566/979	1300 Brynie Lane Farmington, NM 87401	Puesta Del Sol Subdivision No. 2 Block 4 Lot 6
Pruitt, Harold G. and Connie L. 863/169	1916 Chilton CT Farmington, NM 87401	Bryn Mawr Subdivision Block 1 Lot 16
Gent, Glenn N. and Debra 1363/61	1908 Chilton CT Farmington, NM 87401	Bryn Mawr Subdivision Block 1 Lot 15

Gabaldon, Jude and  
Lucero, Diana  
1509/777

1909 Chilton CT  
Farmington, NM  
87401

Bryn Mawr Subdivision  
Block 1  
Lots 2 and 3

Carrillo, Virginia and  
Collard, James P.  
1510/944

1908 Glade RD  
Farmington, NM  
87401-5440

T29N, R13W, Sec. 9  
Pt. NW1/4NW1/4

Bedford, Larry A. and  
Royce M. Living Trust  
1244/351

1912 Glade RD  
Farmington, NM  
87401-5440

T29N, R13W, Sec. 9  
Pt. NW1/4NW1/4

Coburn, Rose E. Living  
Trust  
1531/230

P.O Box 305  
Farmington, NM  
87499

Wildwood Glen  
Subdivision  
Block 1  
Lot 10

**COMMUNITY DEVELOPMENT DEPARTMENT  
 PETITION REPORT  
 ZONE CHANGE from IND to MU  
 Petition No. ZC 16-59**

**A. STAFF REPORT, July 19, 2016**

**PROJECT INFORMATION**

<b>Applicant</b>	Residential Rentals, LLC
<b>Representative</b>	Gayle Goeden
<b>Date of Application</b>	6/29/16
<b>Requested Action</b>	Zone change from IND Industrial to MU Mixed Use
<b>Location</b>	115 E CORCORRAN DR FM
<b>Existing Land Use</b>	Private School and parking lot
<b>Existing Zoning</b>	IND Industrial
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> IND Industrial/ Vacant Land <b>South:</b> IND Industrial/ City of Farmington Park <b>East:</b> IND Industrial/Vacant Land <b>West:</b> IND Industrial/Vacant Land
<b>Notice</b>	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, July 17, 2016. Property owners within 100 feet were sent notice by certified mail, on Wednesday, July 20, 2016 and a sign was posted on Friday, July 15, 2016.
<b>Staff Planner</b>	Keith M. Neil, Associate Planner

**STAFF ANALYSIS**

**Project Description**

The petitioner is requesting a zone change from the IND Industrial zoning district to the MU Mixed Use district. The request is for the two adjoining properties owned by the petitioner, Residential Rentals, LLC., Lot 6 and Lot 7 of Block 1 of the Riverside Addition. Currently Lot 6 serves as the parking lot for the business located on Lot 7.

The building located on Lot 7 is currently being rented by a private school. According to Section 2.3 Permitted Use Table of the Unified Development Code (UDC), a private school is not a permitted use within the IND Industrial zoning district. This would constitute a legal, non-conforming use within the district. A zone change from IND to MU, Mixed Use would thereby bring the

use as a private school into conformity with the UDC and would permit the private school use by right.

When the use as a private school ceases, the petitioner would like have a wider variety of options for permitted uses which they believe will be made available with the change to Mixed Use.

The properties are surrounded by vacant parcels on three sides and have Boyd Park to the south. All properties in the immediate vicinity of these properties are zoned IND, however there are many vacant properties in the neighborhood.

These properties are located within the Animas District of the Metropolitan Redevelopment Area. According to the **MRA Plan: XIII. Catalyst Projects #1- Development Opportunity Area 1- Animas Riverfront:**

*“This area represents the largest geographic opportunity of all the catalyst projects, has the greatest potential for transforming the MRA district over time. It leverages the critical advantage of the river with its attendant parks, trails and naturally enticing environment... Much of this plan has been implemented and the development suggested herein will serve to enhance, enliven, and further improve access and enjoyment of the Riverine Area. The positive influence the river area, once remediated, will have on market demand, developer interest, and long-term sustainability of projects summarized below cannot be underestimated. Every effort during implementation of the MRA Plan should be made to maximize this critical advantage.”*

*“This area will host a master-planned urban village in the southern quadrant that can include but not be limited to the following:*

- *Mixed use components- retail and office*
- *Residential- market rate single family detached homes, condominiums, townhouses, apartments*
- *Office- Class ‘A’ park*
- *Lodging/Hospitality- hotel and meeting space*
- *Restaurants and entertainment”*

Additional consideration for the Animas District is made within the 2002 City of Farmington Comprehensive Plan-

*“Animas Neighborhood Goal: Redevelop the Animas Neighborhood as a mixed-use development with new types of affordable housing, expanded medical and cultural facilities linking Downtown to the Riverwalk.*

**Objective 13C.9:** *Encourage mixed-use residential and commercial by allowing creative housing types.*

**Objective 13C.10:** *Connect Downtown neighborhoods with the Animas Riverwalk.”*

Section 8.7.4 of the UDC outlines *Issues for consideration* in determining a proposed zone change as follows:

- A. Is the proposed zoning consistent with the Farmington Comprehensive Plan?
- B. Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?
- C. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?
- D. Is the proposed density and intensity of use permitted in the proposed zoning district?
- E. Is the site physically suitable for development of uses and density permitted by the proposed zoning district?
- F. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the extension of public facilities and services necessary to service the proposed development?
- G. Does the proposed change constitute "spot zoning" as defined in Article 11, definitions?

The 2020 Future Land Use Map of the Comprehensive Plan calls for Mixed-Use development in this location. With the large amount of vacant land surrounding these properties and their potential to be utilized as mixed use development as well, this proposed zone change would be in character with the area. The zone change to MU will not have adverse impacts on the neighborhood as the use is not changing. As the building currently sits on the property, it does not conform with IND density standards for setbacks. A zone change to MU will bring the building into conformity with MU setbacks on three sides. The continued use as a private school will be permitted by right with the approval of this zone change request. The facility is adequately served by city utilities. Further development or expansion of the footprint would require a lot consolidation and a Hydraulic and Hydrology Study to be completed. When considering the potential zone change in regards to "spot zoning," a consideration must be made for the Animas District as a whole as outlined in the MRA Plan and Comprehensive Plan. A distinct move towards the rezoning of areas in this district away from the IND Industrial zoning to the MU Mixed Use zoning district has been a priority for the Community Development Department. Although this property does not directly abut other properties in the neighborhood that are zoned Mixed Use, this change is part of the overall strategic goals and future land use plan for the Animas District.

## ISSUES

Engineering staff has highlighted that the location of these properties is within the Zone AE Floodway of the Animas River. Any improvements to the existing building that increase the footprint area, fencing, secondary structures, etc. will

require a Hydraulic and Hydrology Study completed and submitted to FEMA for approval prior to the issuance of any building permits. These are FEMA requirements which cannot be waived by the City Engineer.

### **STAFF CONCLUSION**

The Community Development Department believes that the requirements outlined in the City of Farmington Unified Development Code for zone changes have been fulfilled with this request. Staff believes that approval of this request would be appropriate based upon the MRA Plan and Future Land Use Plan recommendations for the area as well as the character and nature of the surrounding land uses.

### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ZC 16-59, a request from Residential Rentals, LLC for a zone change from the IND Industrial zoning district to the MU Mixed Use zoning district for Lots 6 and 7, Block 1 of the Riverside Addition, otherwise known as 115 E. Corcorran Drive.



GRAVES OIL AND BUTANE CO INC

ABAS ENERGY INC

ABAS ENERGY INC

210

ABAS ENERGY INC

E CORCORRAN DR

GOEDEN GAYLE LOUISE 115

IND

CHURCH NEW HAVEN BAPTIST TEM

FARMINGTON CITY OF

PYRAMID PETROLEUM CO

ANGLIN WILLIAM DET. UX

707

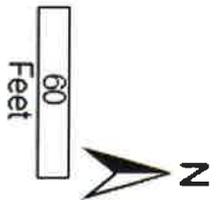
S COMMERCIAL AVE

S MILLER AVE

# AREA UNDER CONSIDERATION ZC 16-59 E. Corcorran

COMMUNITY DEVELOPMENT DEPARTMENT

Date: 7/1/2016



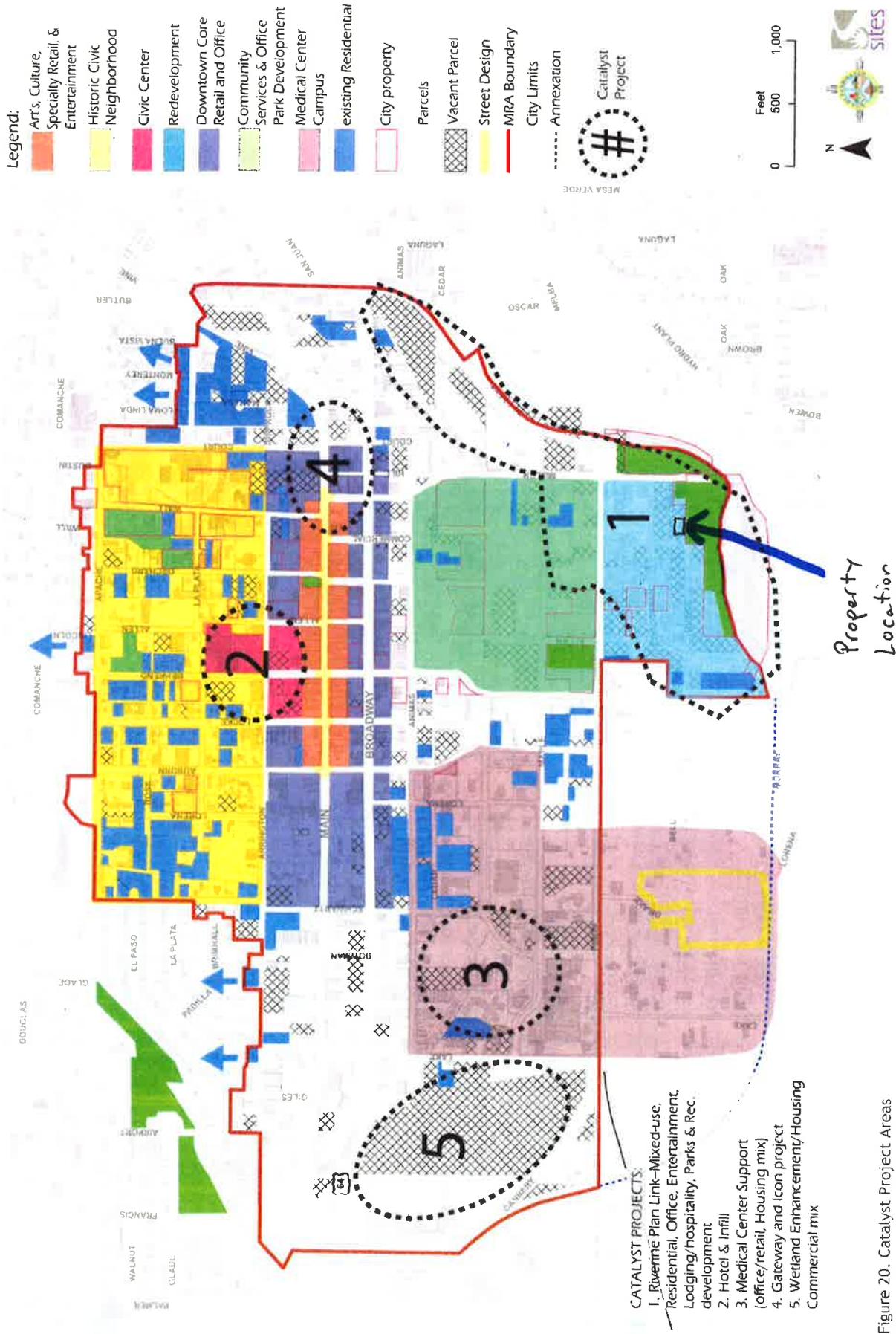


Figure 20. Catalyst Project Areas

# PLANNING MEMO COMMENTS SUMMARY

**ZC 16-59 ZC 16-59 115 E. CORCORRAN**

**Deadline: 7/8/16**

## City of Farmington Departments

CD		<p>The site appears to be a private school building– Is it associated with the adjacent parking lot to the west in Lot 8 and/or with the church to the east (Lots 4 &amp; 5)? If so, why aren't those lots included in the rezoning request?</p> <p>The Tax Assessor's website identifies this land area as only Lot 6. Has this parcel been consolidated as Lot 6? If not, where is Lot 7?</p> <p>The site is located within the Animas District of the MRA. The project planner needs to cite applicable provisions in the MRA Plan to support staff's recommendation.</p>
CD	Director	
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No comment
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	
POLICE	Code Compliance	No Comment from Code Compliance.
POLICE	Sergeant	
PRCA	Director	
PW	City Engineer	
PW	Engineering	<p>- Please be advised that the property at 115 E Corcorran Drive is located within Zone AE Floodway of the Animas River. Any improvements to the existing building that increase the footprint area, any fencing, secondary structures, etc. will require a Hydraulic and Hydrology Study completed and submitted to FEMA for approval prior to the issuance of any building permits. These are FEMA requirements which cannot be waived by the City Engineer.</p>

PW	Streets Superintendent	
PW	Traffic Engineer	
PW	Water/Waste Water	No comment

**Other Entities**

New Mexico Gas Company	
CenturyLink	No comment
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<br><input type="checkbox"/> Preliminary Plat<br><input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat<br><input type="checkbox"/> Special Use Permit<br><input type="checkbox"/> Variance (ARB) | <input checked="" type="checkbox"/> Zone Change to <u>mixed use</u> District<br><input type="checkbox"/> Temporary Use Permit<br>Proposed Length of Use: _____<br><input type="checkbox"/> Well site equipment modification |
|---|---|---|

**INFORMATION**

Applicant's Name: <u>Residential Rentals,</u>	Project Location: <u>115 E. Corcoran</u>
Address: <u>3340 Burson Lane LLC</u>	Existing Use: <u>Christian School - IND</u>
E-Mail: <u>Gayle.G29@gmail.com</u>	Proposed Use: <u>Mixed Use - MU</u>
Telephone: <u>505-327-1313</u>	Current Zoning: <u>Industrial</u>
Relationship to Property Owner: <u>Principle Member</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>Tax Bill # R0020225</u>

Legal Description of Subject Property: Riverside Addition, lot 6 and 7, Block 1 Bk. 1576 pg. 354

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>Gayle Goeden</u>	E-Mail: <u>Gayle.G29@gmail.com</u>
Phone: <u>327-1313</u>	Address: <u>3340 Burson, Farmington NM 87402</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) Name: <u>Gayle Goeden</u> Phone: <u>505-327-1313</u> Address: <u>3340 Burson Ln. Farmington, NM 87402-8382</u>	MORTGAGE HOLDERS (If any) <u>None</u> Name: <u>N/A</u> Phone: _____ Address: <u>N/A</u>
---	---

**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>Gayle Goeden</u>	Address: <u>3340 Burson Lane</u>
Owner's Signature: <u>Gayle Goeden</u>	Phone / Email: <u>327-1313 / Gayle.G29@gmail.com</u>

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

Received By <u>Keith Neal</u>	<input type="checkbox"/> Blueline Copies of Plans _____
Date <u>6/29/16</u> Fee Received <u>\$100.00</u>	<input type="checkbox"/> Ownership Report (subject and surrounding properties)
Project File No <u>22C116-59 115 E. Corcoran</u>	<input checked="" type="checkbox"/> Legal Description _____
Date of Hearing/Meeting: <u>7/28/16</u>	<input checked="" type="checkbox"/> Detailed Statement of Proposed Use

June 29, 2016

To: The City of Farmington

From: Residential Rentals, LLC

RE: Petition Application for zoning change  
Property Address: 115 E. Corcoran  
Farmington, NM 87401  
Petition for a zone change from INDUSTRIAL to MIXED USE

To Whom It May Concern:

Residential Rentals, LLC is requesting a zone change from "Industrial" to "Mixed Use" for the purpose of long-term lease or sales planning. The principle member of the LLC is of retirement age and is seeking additional property options.

The "Mixed Use" zoning request is also in alignment with the City of Farmington's 2020 Comprehensive Plan for this property, which is in the MRA Animas District.

  
Gayle Goeden, Principle  
Residential Rentals, LLC

**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. SUP 16-57** - a request from Vera Matthews for a Special Use Permit to allow three horses and a barn on 2.5 acres. Pursuant to UDC 11.1, a horse requires 1 acre of land. The property is located at 7000 Hood Mesa Trail, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

T29N, R13W, Sec. 26, NW1/4NE1/4NE1/4  
NE1/4, in the City of Farmington, San  
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Otherwise located at 7000 Hood Mesa Trail

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the City of Farmington, San Juan County,  
New Mexico.

Otherwise located at Chilton Court  
/20th Street

**Petition No. ZC 16-59** - a request from Residential Rentals, LLC, represented by Gayle Goeden, for a Zone Change from IND, Industrial to MU, Mixed-Use for 0.25 acres located at 115 E. Corcorran Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lots 6 and 7, in Block 1, of the Riverside  
Addition, in the City of Farmington, San  
Juan County, New Mexico.

Otherwise located at 115 E. Corcorran Drive

**Petition No. SUP 16-61** - a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care (Mother-in-Law) Unit, for property located at 4002 San Paula Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 1, in Block 2, of the Cardon Robles  
Subdivision #3, in the City of Farmington,  
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Otherwise located at 4002 San Paula Avenue

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Karen Walker  
Administrative Assistant

Legal No 72900 published in The Daily Times on July 10, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. ZC 16-59**

July 6, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Residential Rentals, LLC, represented by Gayle Goeden, for a Zone Change from IND, Industrial to MU, Mixed-Use for 0.25 acres for property located at 115 E. Corcorran Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

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

Sincerely,



Karen Walker  
Administrative Assistant

**Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet  
(excluding roadways and easements) of the Following Described Property  
Referenced as TRACT 1:**

Lots 6 and 7, in Block 1, of the RIVERSIDE ADDITION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Addition filed for record March 11, 1958.

**TRACT 1**

Residential Rentals, LLC  
3340 Burson Lane  
Farmington, NM 87401

Lots 6 & 7, in Block 1 of the RIVERSIDE  
ADDITION, filed March 11, 1958.

Book 1576, page 354

**TRACT 2**

Graves Oil and Butane Company  
118 West Holt Boulevard  
Ontario, CA 91762

Lots 4, 5, 6, 7, & 8, in Block 2 of the RIVERSIDE  
ADDITION, filed March 11, 1958.

Book 1597, page 1005

**TRACT 3**

Ruff Rhodes LLC  
618 Lester Street  
Houston, TX 77007

That part of the SE/4SE/4 of Section 16,  
Township 29 North, Range 13 West, N.M.P.M.,  
San Juan County, New Mexico.

Book 1598, page 933

**TRACT 4 & 5**

New Haven Baptist Temple  
P.O. Box 3123  
Farmington, NM 87499

Lot 4, in Block 1, of the RIVERSIDE  
ADDITION, filed March 11, 1958.

Book 1261, page 892

AND

Lot 4, in Block 1, of the RIVERSIDE  
ADDITION, filed March 11, 1958.

Book 1261, page 893

**TRACT 6**

City of Farmington  
800 Municipal Drive  
Farmington, NM 87401

That part of the S/2SE/4SE/4 of Section 16,  
Township 29 North, Range 13 West, N.M.P.M.,  
San Juan County, New Mexico.

Book 895, page 115

**TRACT 7**

New Haven Christian Academy  
P.O. Box 3123  
Farmington, NM 87499

Lot 8, in Block 1, of the RIVERSIDE  
ADDITION, filed March 11, 1958.

Book 1417, page 296

**TRACT 8**

Randy S. and Thipsuda Orbesen  
29 Road 2290  
Aztec, NM 87410

Lots 21 and 22, in Block 7, of the RIVERSIDE  
ADDITION, filed March 11, 1958.  
AND a portion of an alley described in Book  
1545, page 104

Book 1581, page 795

**TRACT 9**

William and Claytie Cole Trust  
3105 McColm Drive  
Farmington, NM 87402

Lot 1, in Block 7, of the RIVERSIDE  
ADDITION, filed March 11, 1958.  
AND a portion of an alley described in Book  
1545, page 104

Book 1528, page 817

**TRACT 10**

McInvestments, LLC  
6200 Quail Run  
Farmington, NM 87402

Lots 8 and 9, in Block 3, of the RIVERSIDE  
ADDITION, filed March 11, 1958.

Book 1473, page 630

TO: June 23, 2016. 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Jennifer Jenkins, Abstracter

**COMMUNITY DEVELOPMENT DEPARTMENT  
 PETITION REPORT  
 SPECIAL USE PERMIT  
 Petition No. SUP 16-61**

**A. STAFF REPORT July 19, 2016**

**PROJECT INFORMATION**

<b>Applicant</b>	Faraz Sandhu
<b>Representative</b>	
<b>Date of Application</b>	6/30/16
<b>Requested Action</b>	Special Use Permit to allow an attached family care unit with a second stove to be installed.
<b>Location</b>	4002 SAN PAULA AVE FM
<b>Existing Land Use</b>	Residential
<b>Existing Zoning</b>	SF-10
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> SF-10/Vacant <b>South:</b> SF-7/Single Family Residential <b>East:</b> SF-10/Single Family Residential <b>West:</b> SF-10/Single Family Residential
<b>Notice</b>	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, July 10, 2016. Property owners within 100 feet were sent notice by certified mail, on Wednesday, July 6, 2016 and a sign was posted on Friday, July 15, 2016.
<b>Staff Planner</b>	Keith M. Neil, Associate Planner

**STAFF ANALYSIS**

**Project Description**

The petitioner is requesting a Special Use Permit to allow a family care unit with the installation of an additional stove (natural gas) in a downstairs kitchenette area for property located at 4002 San Paula Ave. Currently the petitioner has a two-story home with a full kitchen on the upper floor. The lower floor contains a kitchenette with all the appliances typically associated with a full kitchen yet does not have a stove. The addition of a second stove at a residence in a single-family residential zoning district is permitted by Special Use Permit for a Family Care Unit (Mother-in-Law quarters). Family Care Units may be attached or detached from the principal structure.

The petitioner has stated that due to health concerns and the age of his parents more consistent and watchful care is needed, while offering a feeling of independence as

well. The petitioner plans to relocate his parents to the first floor of the residence with full, independent living considerations.

Pursuant to Section 2.5.7 of the UDC **Attached Family Care Units:**

*“Units that are attached to or part of the principal building shall conform to the minimum height and setback requirements for the principal building. The floor area of an attached unit shall not exceed 30 percent of the floor of the principal dwelling up to a maximum of 700 square feet.”*

The proposed family care unit portion of the first floor of the residence is approximately 622 square feet.

### **Special Use Permit Criteria – Section 8.9.4 of the UDC**

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that an SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

A. Effect on environment: The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

The use as an Attached Family Care Unit will have no impacts upon the surrounding neighborhood. Due to the unit being fully enclosed within the existing residence, there will be no expansion of the building footprint and there will be no visual change. The Family Care Unit will require one additional off-street parking space. There is sufficient space in the existing driveway area to provide the required parking space.

B. Compatible with surrounding area: The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

All amendments to the existing residence will be performed internally and present no external changes to the surrounding area.

C. External impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

The inclusion of the second stove will not create an increase of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact to the surrounding area.

D. Infrastructure impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

The necessary city services are existing on the parcel and will not require additional services to be provided.

- E. Consistent with the UDC and Comprehensive Plan: The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The Comprehensive Plan calls for this area to be residential. An SUP for a Family Care Unit in a residential district is consistent with the UDC and the Comprehensive Plan.

- F. Parcel size: The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

N/A

- G. Site Plan: The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.

A conceptual site plan was provided to the Building Division of Community Development.

#### **STAFF CONCLUSION**

The Community Development Department believes that the requirements for an attached family care unit have been met by the petitioner and approval of the Special Use Permit is appropriate.

#### **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition SUP 16-61, a request from Faraz Sandhu to allow a second stove to be located within an attached family care unit for a single-family residence located at 4002 San Paula Ave in the SF-10 zoning district.



SAN PAULA AVE

CHILTON  
WEBSTER A  
AND KAREN S

PAUL ROBERT  
V AND  
BARBARA F

4002

SF-10

SF-7

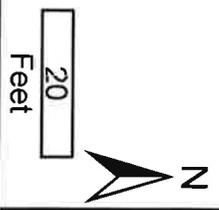
MAULE MARK  
K ET UX

WAGNON  
DEBBIE A AND  
MARVIN L

**AREA UNDER CONSIDERATION  
SUP 16-61 4002 San Paula**

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

Date: 7/5/2016



## PLANNING MEMO COMMENTS SUMMARY

**SUP 16-61 SUP 16-61 4002 SAN PAULA**

**Deadline: 7/11/16**

### City of Farmington Departments

CD	Director	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	Legal has no comment
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	No comment
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<br><input type="checkbox"/> Preliminary Plat<br><input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat<br><input checked="" type="checkbox"/> Special Use Permit<br><input type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to _____ District<br><input type="checkbox"/> Temporary Use Permit<br>Proposed Length of Use: _____<br><input type="checkbox"/> Well site equipment modification |
|---|--|---|

**INFORMATION**

Applicant's Name: FARAZ SANDHU	Project Location: 1st floor of house
Address: 4002 SAN PAULA AVE., FARMINGTON, NM 87401	Existing Use: Kitchenette
E-Mail: fara2sandhu@hotmail.com	Proposed Use: Full Kitchen (Inlaw kitchen)
Telephone: 802-922-6755	Current Zoning: SF10
Relationship to Property Owner: self	Assessor's Parcel I.D. and/or Tax I.D. Number:

Legal Description of Subject Property: Amended Carbon Robles SD #3 Block 2, Lot 1

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

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name:	E-Mail:
Phone:	Address:

**OWNERSHIP**

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name: FARAZ SANDHU	Name:
Phone: 802-922-6755	Phone:
Address: 4002 SAN PAULA AVE., FARMINGTON, NM 87401	Address:

**OWNER CERTIFICATION**

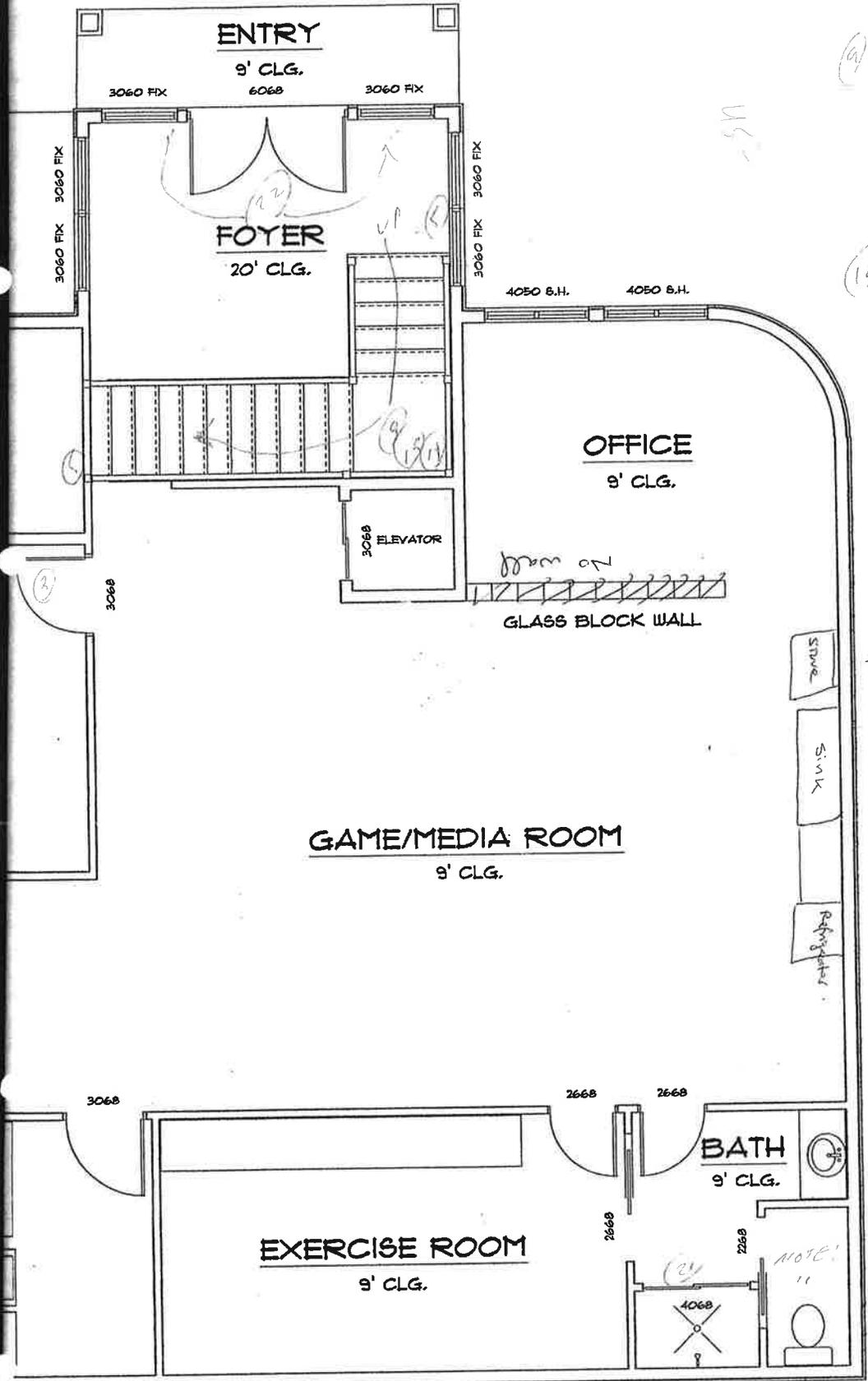
\* (Physical and Mailing)

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: FARAZ SANDHU	Address: 4002 SAN PAULA AVE., FARMINGTON, NM 87401
Owner's Signature: FARAZ	Phone / Email: 802-922-6755

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

Received By: <u>Keith</u> Date: <u>6/30/10</u> Fee Received: _____ Project File No. <u>SUP 116-61 4002 San Paula</u> Date of Hearing/Meeting: <u>7/28 - 8/9</u> <span style="margin-left: 100px;">PEZ</span> <span style="margin-left: 100px;">CC</span>	<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
--	--



(a) The top of guardrails on floors, stairways, landings, balconies, and porches, which are not of floor level, shall be not less than 42 inches above the finished floor surface.

(b) Floors, stairways, landings, balconies, and porches, which are not of floor level, shall be not less than 42 inches above the finished floor surface.

(c) When guardrails are not have an opening such that a person cannot pass through, the guardrail shall be such that a person can pass through.

(d) The top of guardrails on their landings, shall be not less than 42 inches above the finished floor surface.

US-

No wall

STOVE

SINK

Refrigerator

Check pipe

NOTE!

City of Farmington

Neil, Keith &lt;kneil@fmtn.org&gt;

RECEIVED

JUL 01 2016

COMM DEV DEPT

**Full kitchen**

1 message

**Faraz Sandhu** <farazsandhu@hotmail.com>  
To: kneil@fmtn.org

Fri, Jul 1, 2016 at 12:43 AM

To who it may concern,

I wish to install a stove in my kitchenette to make it a full kitchen. My aging parents have moved in to live with us and will need a kitchen to cook for themselves. I have therefore submitted an application to request permission to install a stove.

I do not intend to rent my house and the kitchen is for my parents use only. Please feel free to contact me with any questions.

Sincerely,  
Faraz Sandhu,  
4002 San Paula Ave.  
Farmington, NM, 87401  
802-922-6755

Sent from my iPad

**P&Z PLANNING & ZONING COMMISSION  
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Karen Walker  
Administrative Assistant

Legal No 72900 published in The Daily Times on July 10, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. SUP 16-61**

July 6, 2016

Dear Property Owner:

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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: *Ammended Cardon Robles Subdivision*  
*Number Three*  
*Block 2, Lot 1*

OWNERS: Sandhu, Faraz and Cynthia Rapp  
 4002 N. San Paula Ave  
 Farmington, NM 87401  
 1520/524

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Chilton, Webster A. and Karen S. 1402/1006	4100 N. Buena Vista Farmington, NM 87401	Ammended Cardon Robles Subdivision Number Three Block 2 Lot 2
Edwards, James F. and Rayleen J. 1317/560	2067 Spur Cross RD Grand Junction, CO 81507	Ammended Cardon Robles Subdivision Number Three Block 2 Lot 12
Englebrecht, Lloyd H. and Dorothy R. Trustees 1332/558	1605 Camina Placer Farmington, NM 87401-8019	Ammended Cardon Robles Subdivision Number Three Block 2 Lot 13
Hunter, Christopher M. and Kathryn M. Trustees 1597/180	614 E. Diamond ST Farmington, NM 87401	A Replat of Block 12, Lots 1-10 of Block 13 and Lots 1-6 of Block 14 in the Northridge Subdivision No. 2 Block 13 Lot 4

Van Klaveren, Brian C.  
1528/838

612 E. Diamond ST  
Farmington, NM  
87401-0000

A Replat of Block 12, Lots  
1-10 of Block 13 and Lots  
1-6 of Block 14 in the  
Northridge Subdivision  
No. 2  
Block 13  
Lot 3

Maule, Mark K. and  
Patricia A.  
1181/862

610 E. Diamond  
Farmington, NM  
87401-2385

A Replat of Block 12, Lots  
1-10 of Block 13 and Lots  
1-6 of Block 14 in the  
Northridge Subdivision  
No. 2  
Block 13  
Lot 2

Nicholson, Dennis L. and  
Carolyn J.  
1279/708

608 E. Diamond ST  
Farmington, NM  
87401-0000

A Replat of Block 12, Lots  
1-10 of Block 13 and Lots  
1-6 of Block 14 in the  
Northridge Subdivision  
No. 2  
Block 13  
Lot 1

Martin, Paul and  
Marie Trust  
1443/718

606 E. Diamond ST  
Farmington, NM  
87401-2322

A Replat of Block 12, Lots  
1-10 of Block 13 and Lots  
1-6 of Block 14 in the  
Northridge Subdivision  
No. 2  
Block 12  
Lot 7

Hartman, Raymond T.  
Living Trust  
1376/1150

4010 N. Buena  
Vista AVE  
Farmington, NM  
87401

Ammended Cardon  
Robles Subdivision  
Number Three  
Block 1  
Lot 5

Young, Jeffrey Lynn and  
Deborah  
1156/522

4008 N. Buena  
Vista AVE  
Farmington, NM  
87401-0000

Ammended Cardon  
Robles Subdivision  
Number Three  
Block 1  
Lot 4

**COMMUNITY DEVELOPMENT  
PETITION REPORT  
Petition SUP 16-62  
Special Use Permit for a Nonconforming Use  
located at 113 N. Wall Ave**

**A. STAFF REPORT July 28, 2016**

**PROJECT INFORMATION**

<b>Applicant</b>	Sandy Foxwell
<b>Representatives</b>	Sandy Foxwell
<b>Date of Application</b>	July 1, 2016
<b>Requested Action</b>	Approval of a Special Use Permit for a nonconforming residence in the CB District to be rebuilt if destroyed by more than 50%
<b>Location</b>	113 N. Wall Avenue
<b>Existing Land Use</b>	Residential
<b>Existing Zoning</b>	CB Central Business District
<b>Surrounding Zoning and Land Use</b>	<b>North:</b> CB: Central Business / Residential <b>South:</b> CB: Central Business / Commercial <b>East:</b> GC: General Commercial / Office Use <b>West:</b> CB: Central Business / Commercial
<b>Notice</b>	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, July 10, 2016. Property owners within 100 feet were sent notice by certified mail on Tuesday, July 5, 2016 and a sign was posted on Friday, July 15, 2016.
<b>Staff Planner</b>	Steven Saavedra, Associate Planner

**STAFF ANALYSIS**

**Project Description:**

The petitioners are requesting a Special Use Permit for a nonconforming residential use in the CB (Central Business) District to allow the residential structure to be rebuilt if destroyed by more than 50% for the property located at 113 N Wall Avenue. The petitioner was initially attempting to refinance the property when she was made aware of the non-conforming status. In order for the petitioner to gain refinancing and insurance for this property, certain stipulations must be met. An insurance company would not insure the property due to the potential situation in which the property would be destroyed by more than 50% of its value, and cannot be rebuilt as it exists currently. If destroyed by more than 50% it must come into conformity with the Unified Development Code. Additionally, financing companies are unlikely to provide financing toward a residential purchase knowing that their investment is unable to be reconstructed in the event of more than 50% destruction.

The property is a residential parcel of land totaling approximately 0.1773 acres that is part of the McHenry's Addition Subdivision. The residential structure is a one-story house of approximately 819 square feet that was built in 1953. The subject property is approximately 205 feet north of East Main Street. Directly to the north and northeast are other legal, non-conforming residences located in the CB District.

With the approval of this Special Use Permit, the residential structure on the property would be allowed to be rebuilt to the current size and in the exact same location. These structures will not be allowed to be expanded.

Section 9.2.4 of the Unified Development Code states: "If a nonconforming use or structure containing a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except in conformity with the provisions of this UDC. In the case of partial destruction of such a use not exceeding 50 percent of its replacement value, reconstruction may be permitted by special use permit, provided: the size and function of the nonconforming use shall not be expanded; and work on the restoration of the use must begin within six months and be completed within 12 months of the time of the calamity." However, Section 9.2.6(A) states: "Any lawful nonconforming use of a building shall be considered to be in conformity with the terms of this Code upon application and approval of a special use permit. In order to grant a special use permit, the City Council must find:

- The use is compatible, in terms of scale, building size and intensity of land use, with the existing and permitted uses in the local neighborhood;
- The use does not create excessive additional traffic in the neighborhood; and
- The use does not generate noise, smoke or other environmental pollutants that are foreign to the neighborhood."

The residential uses generate less traffic than commercial properties to the south. It will generate the same amount of traffic as the residential property to the immediate north. A residential use will not create excessive noise, smoke or other environmental pollutants. It will have a much less impact of the surrounding neighbors than the commercial uses that currently exist in the area.

The Future Land Use Plan of the City's Comprehensive Plan identifies the area of this request as Commercial in nature. The subject property is located in the Civic Center neighborhood of the Metropolitan Redevelopment Area (MRA); most of the area is zoned MU-RPO and is residential in nature.

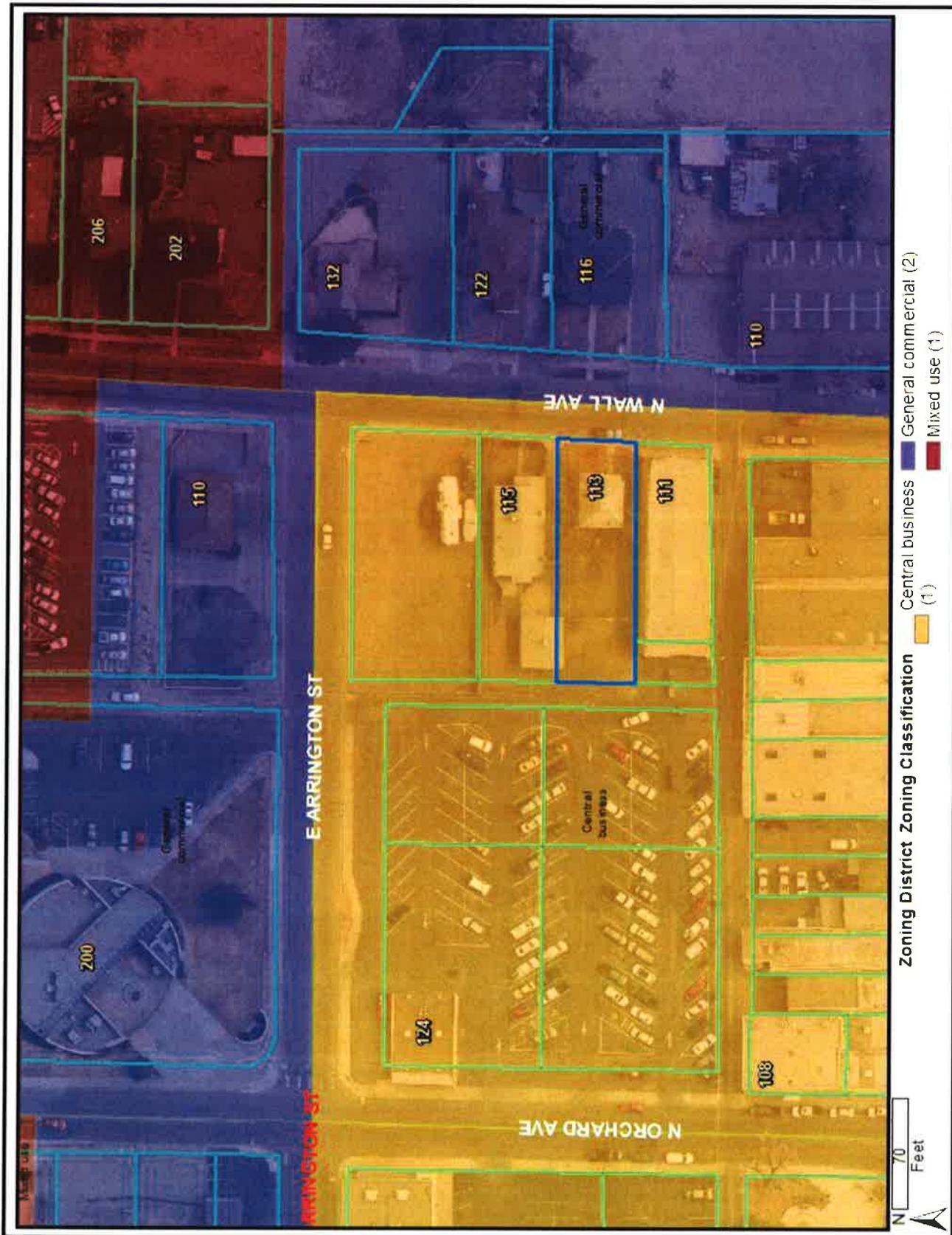
## **STAFF CONCLUSION**

Staff concludes that approval of SUP 16-62 is appropriate. The petitioner's request is in compliance with Section 9.2.6(A) of the Unified Development Code.

## **STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition SUP 16-62, a request from Sandy Foxwell to allow a nonconforming residential use to be rebuilt to the same size and location of the existing nonconforming use but not be expanded if

destroyed by more than 50% in the CB Central Business District for property located at 113 N Wall Avenue.



# PLANNING MEMO COMMENTS SUMMARY

SUP 16-62 SUP 16-62 113 N. WALL AVE.

Deadline: 7/8/16

## City of Farmington Departments

CD	Director	"The site is located within the Civic Center District of the MRA. The project planner should cite applicable provisions from the MRA Plan to support staff's recommendation."
CD	Addressing – Planning Division	
CD	Chief Building Official	No comment
CD	Long Range Planner	
CD	MPO	
CD	Oil & Gas Inspector	
CITY	City Manager's Office	No comment
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No comment
ELEC	T & D	
FIRE	Fire Marshall	No comment
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	Legal is not opposed to allowing a special use permit to be granted to the individual property owner and not allow an exception to run with the property.
POLICE	Code Compliance	No comment
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	No comment
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<br><input type="checkbox"/> Preliminary Plat<br><input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat<br><input checked="" type="checkbox"/> Special Use Permit<br><input type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to _____ District<br><input type="checkbox"/> Temporary Use Permit<br>Proposed Length of Use: _____<br><input type="checkbox"/> Well site equipment modification |
|---|--|---|

**INFORMATION**

Applicant's Name: <u>SANDY FOXWELL</u>	Project Location: <u>113 N WALL AVE</u>
Address: <u>1900 Cliffside Dr</u>	Existing Use: <u>Residential</u>
E-Mail: <u>sandy.foxwell@coldwellbanker.com</u>	Proposed Use: <u>Residential</u>
Telephone: <u>505-330-6163</u>	Current Zoning: <u>Commercial</u>
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>2076171046376 R0025216</u>
Legal Description of Subject Property: <u>McHenry's 2nd Add Lot 30 Block 4</u>	
Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If Yes, please provide copy with application.	

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

Name:	E-Mail:
Phone:	Address:

**OWNERSHIP**

<b>PROPERTY OWNER</b> (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	<b>MORTGAGE HOLDERS</b> (If any)
Name: <u>Casa Linda Holdings LLC</u> Phone: <u>505 320 6094</u>	Name: <u>Linda Barbeau</u> Phone: <u>505 320 5094</u>
Address: <u>6020 San Marcos Frnt NM 87402</u>	Address: <u>6020 San Marcos Frnt NM 87402</u>

**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: <u>LINDA BARBEAU Mgr. Casa Linda Holdings</u>	Address: <u>6020 San Marcos Dr FMN NM 87402</u>
Owner's Signature: <u>Linda Barbeau</u>	Phone / Email: <u>505 320-5094 barbeaus@msu.com</u>

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

Received By: <u>Steven</u>	<input type="checkbox"/> Blueline Copies of Plans _____
Date: <u>6/30/10</u> Fee Received: _____	<input type="checkbox"/> Ownership Report (subject and surrounding properties)
Project File No. <u>SUP 16-02 N. Wall Ave</u>	<input type="checkbox"/> Legal Description _____
Date of Hearing/Meeting: <u>7/28 8/9</u>	<input type="checkbox"/> Detailed Statement of Proposed Use

PE2 CC



**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. SUP 16-57** - a request from Vera Matthews for a Special Use Permit to allow three horses and a barn on 2.5 acres. Pursuant to UDC 11.1, a horse requires 1 acre of land. The property is located at 7000 Hood Mesa Trail, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

T29N, R13W, Sec. 26, NW1/4NE1/4NE1/4  
NE1/4, in the City of Farmington, San  
Juan County, New Mexico.

Otherwise located at 7000 Hood Mesa Trail

**Petition No. ZC 16-58** - a request from Brandi Thrower, represented by Cheney-Walters-Echols, for a Zone Change from SF-10, Single Family minimum 10,000 sq. ft. to SF-7, Single Family minimum 7,000 sq. ft. for 1.71 acres located at Chilton Court and 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Bryn Mawr Subdivision, Block 1 Lot 1 And  
T29N, R13W, Sec. 9, Pt. NE1/4NW1/4, in  
the City of Farmington, San Juan County,  
New Mexico.

Otherwise located at Chilton Court  
/20th Street

**Petition No. ZC 16-59** - a request from Residential Rentals, LLC, represented by Gayle Goaden, for a Zone Change from IND, Industrial to MU, Mixed-Use for 0.25 acres located at 115 E. Corcorran Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lots 6 and 7, in Block 1, of the Riverside  
Addition, in the City of Farmington, San  
Juan County, New Mexico.

Otherwise located at 115 E. Corcorran Drive

**Petition No. SUP 16-61** - a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care (Mother-in-Law) Unit, for property located at 4002 San Paula Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 1, in Block 2, of the Cardon Robles  
Subdivision #3, in the City of Farmington,  
San Juan County, New Mexico.

Otherwise located at 4002 San Paula Avenue

**Petition No. SUP 16-62** - a request from Sandy Foxwell, represented by Casa Linda Holdings, LLC, for a Special Use Permit for a nonconforming residential use in the CB, Central Business District, to allow a structure to be rebuilt if destroyed by more than 50% for property located at 113 N. Wall Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 30, Block 4, of the McHenry's 2nd Addition, in the City of Farmington, San Juan County, New Mexico.  
Otherwise located at 113 N. Wall 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, July 28, 2016 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, August 9, 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 72900 published in The Daily Times on July 10, 2016.

**NOTICE OF PUBLIC HEARING  
ZONE CHANGE  
PETITION NO. SUP 16-62**

July 6, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Sandy Foxwell, represented by Casa Linda Holdings, LLC for a Special Use Permit for a nonconforming residential use in the CB, Central Business District, to allow a structure to be rebuilt if destroyed by more than 50% for property located at 113 N. Wall Street, in the City of Farmington, San Juan County, New Mexico, as described below:

**LEGAL DESCRIPTION**

Lot 30, Block 4, of the McHenry's 2<sup>nd</sup> Addition, in the City of Farmington, San Juan County, New Mexico.

**Otherwise located at 113 N. Wall Ave.**

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, July 28, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, August 9, 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 Steven Saavedra at 505-599-1282 or [ssaavedra@fmtn.org](mailto:ssaavedra@fmtn.org).

Sincerely,



Karen Walker  
Administrative Assistant

**Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet  
(excluding roadways and easements) of the Following Described Property  
Referenced as TRACT 1:**

Lot Thirty (30), in Block Four (4), of the MCHENRY'S 2<sup>nd</sup> ADDITION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Addition filed for record September 1, 1905.

**TRACT 1**

Casa Linda Holdings, LLC  
6020 San Marcos Drive  
Farmington, NM 87402

Lot Thirty (30), in Block Four (4), of the  
MCHENRY'S 2<sup>nd</sup> ADDITION, San Juan County,  
New Mexico, filed for record September 1, 1905;

Book 1516, page 32

**TRACT 2**

Derrick C. Rangel  
5901 West Main Street  
Farmington, NM 87401

Lot Twenty-Nine (29), in Block Four (4), of the  
MCHENRY'S 2<sup>nd</sup> ADDITION, San Juan County,  
New Mexico, filed for record September 1, 1905;

Book 1563, page 244

**TRACT 3 & 5**

Glen W. Russell and Michele J. Russell  
122 North Wall Avenue  
Farmington, NM 87401

Part of Lot Twenty-Seven (27), and all of Lot  
Twenty-Eight (28), in Block Four (4), of the  
MCHENRY'S 2<sup>nd</sup> ADDITION San Juan County,  
New Mexico, filed for record September 1, 1905;  
AND  
The North One-Half of Lot Eleven (11), and all of  
Lots Twelve (12), and Thirteen (13), in Block  
Two (2), of the MCHENRY'S FIRST  
ADDITION, San Juan County, New Mexico, filed  
for record December 10, 1897;

Book 1478, page 628

Book 1438, page 106

**TRACT 4**

Bobby L. and Carrie S. Willis Trust  
P.O. Box 377  
Kirtland, NM 87417

Lots Fourteen (14), Fifteen (15), Sixteen (16), and  
Seventeen (17), in Block Two (2), of the  
MCHENRY'S FIRST ADDITION, San Juan  
County, New Mexico, filed for record December  
10, 1897;

Book 1480, page 412

**TRACT 6**

Martha L. Rangle Revocable Trust  
C/O Scott J. Ferrara and Edie E. Ferrara  
217 East Comanche Street  
Farmington, NM 87401

The North Ten feet of Lot Eight (8), all of Lots Nine (9) and Ten (10), and South One-Half (S1/2) of Lot Eleven (11), in Block Two (2), of the MCHENRY'S FIRST ADDITION, San Juan County, New Mexico, filed for record December 10, 1897;

Book 1590, page 799

**TRACT 7**

Thomas C. Taylor and Beverly D. Taylor  
Revocable Trust  
5909 Rinconada  
Farmington, NM 87401

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7), in Block Two (2), of the MCHENRY'S FIRST ADDITION, San Juan County, New Mexico, filed for record December 10, 1897;

Book 1029, page 204

**TRACT 8 & 13**

Englebrecht Revocable Trust  
1605 Camina Placer  
Farmington, NM 87401

The East One-Half of Lot One (1), in Block Three (3), of the ORIGINAL TOWNSITE OF FARMINGTON, San Juan County, New Mexico, filed for record August 19, 1891;

AND

Lot Eight (8), in Block One (1), of the MCHENRY'S FIRST ADDITION, San Juan County, New Mexico, filed for record September 1, 1905;

AND

The East 125 feet of Lot Thirty-One (31), in Block Four (4), of the MCHENRY'S 2<sup>nd</sup> ADDITION, San Juan County, New Mexico, filed for record September 1, 1905;

Book 1332, page 558

**TRACT 9 & 11**

126 East Main, LLC  
126 East Main Street  
Farmington, NM 87401

Lot Thirty-One (31), in Block Four (4), of the MCHENRY'S 2<sup>nd</sup> ADDITION, San Juan County, New Mexico, filed for record September 1, 1905, Less the East 125 feet of said Lot 31;

AND

Lot Six (6), in Block One (1), of the MCHENRY'S FIRST ADDITION, San Juan County, New Mexico, filed for record September 1, 1905;

Book 1517, page 269

**TRACT 10**

Basin Development, Co.  
P.O. Box 194  
Farmington, NM 87499

Lots One (1), Two (2), Three (3), Four (4), and Five (5), in Block One (1), of the MCHENRY'S FIRST ADDITION, San Juan County, New Mexico, filed for record September 1, 1905;

Book 409, page 270

**TRACT 12**

124 East Main, LLC  
126 East Main Street  
Farmington, NM 87401

Lot Seven (7), in Block One (1), of the MCHENRY'S FRIST ADDITION, San Juan County, New Mexico, filed for record September 1, 1905;

Book 1517, page 267

**TRACT 14, 15, 16 17**

City of Farmington  
800 Municipal Drive  
Farmington, NM 87401

The West One-Half of Lot One (1), in Block Three (3), of the ORIGINAL TOWNSITE OF FARMINGTON, San Juan County, New Mexico, filed for record August 19, 1891;

AND

Lots One (1), Two (2), Five (5), and Six (6), in Block Four (4), of the MCHENRY'S 2<sup>nd</sup> ADDITION, San Juan County, New Mexico, filed for record December 10, 1899;

AND

All of Lots One (1), Two (2), and South Sixteen feet of Three (3), in Block One (1), of the HUNTERS ADDITION, San Juan County, New Mexico, filed for record March 17, 1893.

AND

Lots Three (3), and Four (4), in Block Four (4), of the MCHENRY'S 2<sup>nd</sup> ADDITION, San Juan County, New Mexico, filed for record December 10, 1899;

Book 676, page 21

Book 686, page 533

Book 900, page 417

**TRACT 18**

Mangum Properties, LLC  
124 North Orchard Avenue  
Farmington, NM 87401

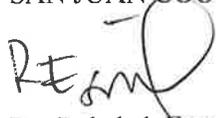
Lot Four (4), and North Thirty-Four feet of Lot Three (3), in Block One (1), of the HUNTERS ADDITION, San Juan County, New Mexico, filed for record March 17, 1893.

Book 1379, page 349

TO: June 22, 2016. 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

A handwritten signature in black ink, appearing to read 'REMIOL', with a large, stylized flourish extending from the end of the signature.

By: Rebekah Esmiol , Abstracter

# **City of Farmington Planning and Zoning Commission Rules of Procedure**

## **Article 1 Organization**

These rules are supplementary to the provisions of the Farmington Municipal Code, Sec. 2-4-181 through Sec. 2-4-189 for the City of Farmington Planning and Zoning Commission and the Unified Development Code (UDC). The Planning and Zoning Commission (Commission) shall consist of nine (9) members and one alternate who shall be residents of the City of Farmington, appointed by the Mayor and confirmed by the City Council.

## **Article 2 Officers and Duties**

### **Section 1. Powers and Duties**

The Commission shall primarily act as a legislative advisory review commission to the City Council. It shall be the duty of the Commission to advise and submit its recommendations to the City Council on matters submitted to it. More specifically, the Commission shall have the following powers and duties, unless otherwise directed by the City Council. The City Attorney shall be consulted in cases where the powers of the Commission are not clearly defined.

### **Section 2. Officers**

The officers of the Commission shall be a Chairperson and a Vice-Chairperson elected for one year terms at the first meeting of the Commission in each calendar year.

### **Section 3. Chairperson**

The Chairperson shall be a voting member of the Commission and shall:

- A. Call meetings of the Commission;
- B. Act as spokesperson for the Commission;
- C. Preside at all meetings;
- D. Sign documents for the Commission;
- E. Perform other duties approved by the Commission.

### **Section 4. Vice-Chairperson**

The Vice-Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, an Acting Chairperson shall be elected by majority vote of the members present.

**Section 5. Alternates**

Alternates may be appointed as deemed necessary by the Mayor and confirmed by the City Council. Alternates will be bound by the same requirements as other Commission members. They shall vote as a Commission member when fewer than nine (9) Commissioners are present at a meeting. Alternates shall not vote when all nine (9) Commissioners are present, but may take part in discussion.

**Section 6. Staff**

Per Section 7.5.1 of the Unified Development Code, "The person designated by the City Manager as the Community Development Director of the City shall be the Director." Staff shall be defined as employees of the City of Farmington including the Director and subordinates of the Director. The Director shall provide Staff, as needed, to the Commission.

**Section 7. Membership Terms**

- A. The Mayor may appoint Commissioners from a variety of professional, occupational, and other groups within the city at his or her discretion for the purpose of creating a representative cross-section of the community.
- B. Members of the Commission shall serve staggered terms of two (2) years each. Following the expiration of such term, appointments to the Commission shall be automatically extended until the vacancy is filled by appointment of the Mayor, and confirmed by the City Council.
- C. A vacancy occurring in the membership of the Commission shall be filled as soon as is reasonably possible as appointed by the Mayor and confirmed by the City Council for the remainder of the unexpired term of such member.
- D. Members may be removed by the Mayor for cause, subject to the approval of the City Council in the manner specified in NMSA 1978, §3-19-2.

**Article 3  
Meetings**

**Section 1. Definition**

Meeting shall be defined as an "open public forum" held by an advisory board, as opposed to a decision making body which holds "hearings".

**Section 2. Time and Place**

- A. Regular meetings shall be held on each Thursday following each second and fourth Tuesday of each month at 3:00 p.m. in the City Council Chambers, unless such day is a City-designated holiday.
- B. Regular meetings may be canceled by the Chairperson when there are no cases pending. Notification must be given to members not less than forty-eight (48) hours prior to the set date and time for such meeting. Public notice must also be given of a cancelled meeting.
- C. Special meetings may be called by the Chairperson at his or her discretion, or upon the request of two (2) or more members, provided that 48 hours notice is given to each member.
- D. All meetings shall be open to the public.

### **Section 3. Agenda**

A written agenda shall be furnished by Staff to each member of the Commission, and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be added to the agenda by majority vote at a meeting.

### **Section 4. Notices for Meetings**

An annual schedule of regular meetings shall be adopted, published and posted at the office of the Community Development Department in December of each year. Special meetings may be called by the Chairperson upon twenty-four (24) hours notice, posted and delivered to all members and local news media. Meetings shall be held at the location stated in the notice, and shall be open to the public.

## **Article 4 Procedures**

### **Section 1. Legislative Meetings versus Quasi-judicial Meetings**

All Meetings of the Commission shall be assumed to be Legislative Meetings unless otherwise stated on the agenda or during the meeting to be Quasi-judicial Meetings as defined in Article 7, Section 1. A specific portion of a meeting may be specified to be Quasi-judicial while the rest of the meeting is legislative, in which case the item to be heard as Quasi-judicial should be the last item on the agenda, prior to business from the floor.

### **Section 2. Order of Business**

In matters brought before the Commission which were initiated by an applicant, the normal order of the meeting, subject to modification by the Chairperson, shall be as follows:

- A. Statement of matter to be heard (Chairperson)
- B. Presentation by Staff
- C. Presentation by Applicant and/or Representative
- D. Presentation by Opponents
- E. Rebuttal by Applicant and/or Representative
- F. Other public comment when appropriate
- G. The Commission may question participants at any point in the meeting
- H. Matters in which additional time is needed may be moved to the end of the agenda

### **Section 3. Applicant**

Applicant shall be defined as a person, firm, or corporation submitting an application for development, a permit, or other required approval under the Farmington Municipal Code. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner. The Applicant, or person acting on the applicant's behalf (Representative) for consideration of items before the Commission, shall appear at the scheduled public meeting. Failure to appear on planning and zoning-related applications submitted by the Applicant shall not bar the Commission from acting on the item. The Commission may, at its discretion, conduct the public meeting as scheduled, taking public comment from those in attendance.

#### **Section 4. Requests for Tabling**

Any applicant may request that the Commission table their application by submitting such request in writing to Staff. The Commission may, upon good cause shown, table such item upon its own motion. Items should be tabled to a specific meeting date whenever possible, but may also be tabled indefinitely.

#### **Section 5. Withdrawal**

If an applicant desires to have an application removed from the table, the applicant shall notify the Staff in writing. If tabled to a date-specific meeting, the applicant does not have to request removal for that date.

## **Article 5 Conduct**

#### **Section 1. Ex Parte Communications**

Ex Parte Communications are defined as talking, either in person or by phone, to a commission member when the other side is not present; or presenting information to the member that the other side does not receive.

A. The Planning and Zoning Commission recognizes that the prevention of ex parte communications may be impossible. In order to do our best to ensure a fair and open meeting and decision making process, the Commission will use the following protocol when involved in contacts with the public outside of the public meeting:

1. Keep such contacts to a minimum in those areas of concern, especially when the issue involves final action by the Commission
2. If there are ex parte contacts with the applicant or opponent that result in new information, such contacts and the information should be disclosed on the record to give the other side the opportunity to refute. After a public meeting is closed, such contacts should be kept to a minimum.
3. On items that are likely to generate a request to defer the vote for additional information or continued discussion, the Commission should continue the public meeting.
4. The Commissioners will request that comments or additional information be put in writing and sent to the Community Development Department for distribution to all Commissioners, as well as the applicant and his/her representative.
5. Commissioners may contact Staff to ask generalized questions. Staff shall endeavor to send written responses to all commission members.
6. Staff may not provide specific information about upcoming applications that is not already included in the agenda and backup materials.

#### **Section 2. Conflicts of Interest**

A Conflict of Interest is a contradiction between an individual's personal interest and his or her public duty. It can include a financial interest, meaning an interest held by a person, that person's spouse or minor children, which is any ownership interest in a business, any employment, or any prospective employment for which negotiations have already begun. A conflict of interest can exist whether or not there is a financial interest involved. If a Commissioner feels they have a possible or perceived conflict of interest, they must disclose the circumstances to the Chairperson during the scheduled meeting for that specific item. Conflicts of interest should be disclosed prior to the presentation of the applicable item, or immediately after a Commissioner becomes aware of the conflict of interest, whichever

occurs first. After disclosing the conflict of interest to the Chairperson, the Commissioner shall then choose from the following options:

- A. If the Commissioner feels they are unable to remain neutral or if they feel that the appearance of impropriety would prevent them from participating, they may voluntarily withdraw from further discussion or action by requesting Recusal from the Chairperson. If the Recusal is granted, the Commissioner should leave the room only for the item in question.
- B. If the Commissioner feels they are able to remain neutral and participate with regard to the item, the Commission may discuss the conflict of interest, ask questions, and vote for Disqualification. If the Commission votes for Disqualification, the Commissioner should not participate in the discussion or vote on the item. If the Commission votes against Disqualification, the Commissioner may fully participate in discussion and vote on the item.

### **Section 3. Meeting Conduct**

- A. The Commission shall deal with only one matter at a time.
- B. All people attending the meeting have equal rights, privileges, and obligations.
- C. Every matter presented for decision should be discussed fully.
- D. A member always has the right to request information on any question or motion presented that he or she does not thoroughly understand.

### **Section 4. Individuals Addressing the Commission**

- A. Persons addressing the Commission should direct their comments to the Chairperson unless addressing a specific Commission member's question or statement. Unless stated to be a quasi-judicial meeting, at no time shall speakers address any one but the Commission.
- B. While addressing the Commission, all persons will be courteous and shall not make any personal, impertinent, or slanderous remarks. No person shall act in a disorderly manner.
- C. The Chairperson may prohibit any person, who violates these rules, or fails to comply with directions given by the Chairperson, from continuing to speak and may also have him or her removed from the meeting.
- D. Requests to speak shall be addressed to the Chairperson and the person shall not speak until recognized by the Chairperson.
- E. All speakers must state their name and address for the record at the beginning of their remarks. No one who refuses to identify themselves shall be recognized.
- F. Only one person may speak at a time.
- G. No one may interrupt a person who is speaking except: A member of the Commission to ask a question, after which the speaker may continue speaking unless he or she has been ruled out of order; or the Chairperson in order to enforce these rules.
- H. No person speaking at a public meeting shall be subject to cross-examination unless it has been stated to be a quasi-judicial meeting. All questions shall be posed by members of the Commission. In matters not initiated by an applicant, members of the public shall speak in the order in which requests were received, or in such order as the Commission shall determine.
- I. A public meeting or meeting is understood to be a forum for people interested in the subject matter to present information to the Commission for their consideration as they deliberate an issue. It is not a forum for opponents and proponents to debate their differences, and neither is it a forum for debate or argument between members of the Commission and opponents or proponents, or each other.

### **Section 5. Attendance and Punctuality**

All Commission members are expected to attend meetings regularly and punctually. There may be times when Commission members will be unable to attend meetings or to report on time, due to illness, accident, or emergency situations. Such occurrences should be kept to a minimum. Commission members shall provide notice to Staff at least forty-eight (48) hours prior to any scheduled meeting that they will be unable to attend or report to on time. Staff shall include in the minutes both those Commissioners who are present and those who are absent or arrive after the meeting has already been called to order. The Mayor may request an attendance report be compiled by Staff for the current membership term of any or all current members of the Commission. Such attendance reports may be used by the Mayor as a factor in determining a Commissioner's suitability for reappointment to the Commission.

## **Article 6 Decisions**

### **Section 1. Motions**

Motions should be made in the affirmative (for example, "I move that we recommend approval/denial...") after the Chairperson has stated "we will entertain a motion." A commission member must second the motion. Motions that are not seconded have failed. The Chairperson will restate the motion and entertain discussion. The member making the motion is allowed to speak first. All discussion on the motion should be directed to the Chairperson.

### **Section 2. Discussion**

The Chairperson shall ask if there is any further discussion after a motion has been made and seconded. At this time, any Commissioner may speak, ask questions, or request time to think. This discussion shall be limited to all members of the Commission; however, it must still take place in an open meeting.

### **Section 3. Voting**

A member must be present to vote. Each member shall vote on every question unless abstaining, disqualified, or absent due to recusal. Voting shall take place by voice vote when the vote is called by the Chairperson, unless the Chairperson chooses to poll each Commissioner in order. Poll voting may take place at the Chairperson's discretion when a controversial item has been presented, or the Chairperson otherwise feels it would benefit the Commission, Staff, and/or public. If the Chairperson chooses to poll votes, he or she shall request the staff member taking minutes to poll the Commissioners. Staff shall then poll each member beginning on one side of the podium and polling in turn, including the Chairperson, until all members have voted. Voting must take place in the order polled by Staff. Each Commissioner should provide a brief justification for his or her vote when polled.

### **Section 4. Abstentions**

A non-vote is an abstention. A Commissioner who wishes to abstain due to lack of sufficient information shall request permission from the Chairperson to abstain immediately after a motion has been made and seconded. At this time, the Chairperson may request that further discussion take place in an effort to provide further information sufficient for each Commissioner to vote.

**Section 5. Quorum**

Pursuant to the City of Farmington Municipal Code Sec. 2-4-185: "The Planning and Zoning Commission may conduct an official meeting with a quorum of as few as five members present. A majority vote of such quorum shall suffice for transaction of business. The Chairperson or Acting Chairperson shall vote unless disqualified due to a conflict of interest."

**Section 6. Recommendations**

- A. The Commission shall review and make recommendations to the City Council on matters that are primarily of a legislative nature, subject to the terms and conditions set forth for such uses in the UDC for the following:
  - 1. Special Use Permits
  - 2. Zoning Map Amendments (Rezoning);
  - 3. Planned Developments;
  - 4. Planned Unit Developments;
  - 5. Text Amendments;
  - 6. Preliminary Plans; and
  - 7. Comprehensive Plan (including Plan Amendments)
  - 8. Other applicable plans, such as the Access Management Plan, Major Thoroughfare Plan, or similar.
- B. Recommendations to the City Council may include the following content:
  - 1. A summary of the application, matter or action, the substance of the recommendation and Specific Findings
  - 2. Specific findings upon the following:
    - a. Consistency with the Comprehensive Plan;
    - b. Compliance with the applicable standards of this UDC;
    - c. Specific Conditions; and
    - d. Compliance with other applicable plans
  - 3. Conditions of operation, location, arrangement, and construction of any use for which approval is recommended by the Commission. In authorizing the location of any use, the Commission may impose such development standards and safeguards as the conditions and location indicate to be important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, traffic circulation or other undesirable or hazardous conditions.
- C. The Commission shall make every effort to send a recommendation to City Council. The Chairperson may choose to send no recommendation to City Council only after two (2) or more motions have been made, seconded, and failed.

**Section 7. Final Action**

The Commission shall hear and take final action on Final Plats.

## **Article 7**

### **Quasi-Judicial Meetings**

#### **Section 1. Definition**

Quasi-Judicial Meetings are defined as matters which meet one or more of the following requirements:

- A. Have a direct affect on the applicant's legal rights in regard to a specific issue and location
- B. Require a formal record of evidence and facts presented, and justification for votes of Commissioners
- C. Involve a strict application of an existing law or ordinance in a specific instance and location
- D. Require the Commission to narrow its focus to a single, well-defined question that must be answered using only presented facts
- E. Include the interests of specific parties who are easily identifiable

#### **Section 2. Specific Rules for Quasi-judicial Meetings**

The policies and procedures listed elsewhere in this document shall apply to Quasi-judicial meetings, as well as the rules specifically listed below. Where conflict occurs between the rules below and those listed elsewhere in this document, the rules below shall be used.

- A. Testimony – All parties and their witnesses offering testimony shall first be sworn to tell the truth by a Notary Public. All persons offering testimony shall be subject to cross-examination by all other parties, staff and members of the Governing Body. Objections against any testimony must be made at the time it is offered.
- B. Order – The order of presentation of evidence will be determined by the Chairperson, but will normally be (1) staff, (2) proponents, (3) opponents, (4) proponents rebuttal.
- C. Documents – Parties may submit relevant written documents at any time before the hearing is closed. All relevant written materials presented by parties other than staff will be marked and numbered prior to or at the time of submission. Submission shall be to the Staff. All proceedings, testimony or documents considered by any board, commission or other City body on the same matter prior to consideration by the Planning and Zoning Commission, will be considered part of the record before the Planning and Zoning Commission.
- D. Argument – Oral argument will only be allowed by the Chairperson. Written arguments may be submitted at any time prior to the closing of the hearing.
- E. Ex Parte Communication – Members of the Planning and Zoning Commission shall refuse to discuss the merits of any matter that is or will come before them in a quasi-judicial proceeding outside of the formal hearing before the entire Commission. Likewise, they should not read or consider any written materials not included as a part of the record of the hearing.
- F. Findings and Decision – At the conclusion of the hearing, the Chairperson will entertain a motion to vote. No motion will be accepted that does not provide sufficient findings to support the proposed decision. After the findings and decision are approved, the Chairperson shall cause such findings and decision (facts, findings and conclusions of law) to be put in proper written form, which shall then be signed by the Chairperson and attested to by the Staff. The executed findings and decision shall then be served on all parties as provided by law.

## **Article 8 Records**

The Commission shall keep a record of its resolutions, transactions, findings and determinations, which shall be a matter of public record. Permanent records of all proceedings of the Commission shall be kept and minutes thereof shall be submitted to the City Council within (ten) 10 days of the date of any Commission hearing.

## **Article 9 Amendment of Rules**

The rules may be amended by an affirmative majority vote of all members of the Commission. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

## **Article 10 Conflicts**

In the event that any of these rules are found to be inconsistent with one another, the more specific provision shall control. If any of these rules conflict with any existing statute, code, ordinance or regulation of the State of New Mexico or City of Farmington, said provisions shall prevail over any of these rules which are less restrictive.

Approved this 13<sup>th</sup> day of July 2011 and AMENDED February 16, 2012.

ATTEST:

\_\_\_\_\_  
Dennis R. Ivie, Chairman

\_\_\_\_\_  
Dee Dee Moore, Office Manager

**MINUTES**  
**PLANNING & ZONING COMMISSION**

**June 30, 2016**

The Planning and Zoning Commission met in a regular session on June 30, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

Chair-Joyce Cardon  
Ryan Brown  
Shay Davis  
Kristin Langenfeld  
Cheryl Ragsdale  
Cody Waldroup  
Del Washburn  
Dacia Yazzie

P&Z Members Absent:

Clint Freeman  
Paul Thompson

Staff Present:

Julie Baird  
Cindy Lopez  
Keith Neil  
Steven Saavedra  
Karen Walker

Others Who Addressed the Commission:

Rocky Bridges

**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 Ragsdale and seconded by Commissioner Waldroup to approve the minutes of the April 28, 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 16-41 Zone Change from SF-10 to MF-L 5206 Lyle Avenue**

#### **Planning & Zoning Commission Discussion of Petition ZC 16-41 on June 30, 2016**

Associate Planner Keith Neil presented the staff report for 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 of property located at 5206 Lyle Avenue.

The petitioner wants to construct a duplex on the parcel. The property had previously been used as a rental property with a single family residence and a single-section mobile home. Both residences are currently vacant. The petitioner wants to remove the mobile home and demolish the residence, stated Mr. Neil. The intent is to build a two family duplex on the property. The current zoning of SF-10 prohibits multi-family uses.

Mr. Neil stated the area has been changing from single-family to multi-family since 1975. At that time, the property to the west containing Villa View Condominiums changed to MF-M, Multi-Family Medium Density. In 1977 the property to the east changed to MF-L, Multi-Family Low Density. In 1997 the property to the north changed to MF-L as well.

The property has a 2,500 square foot building footprint with the setbacks that are required, explained Mr. Neil. The property can only have two units.

Mr. Neil stated the zone change request is consistent with Farmington's Comprehensive Plan in regards to establishing affordable housing. It is consistent with the character of the neighborhood. The proposed use will provide the same impacts as currently exist with the two residences on site. There will be no adverse effects and it will not be a spot zone.

Staff recommends approval as appropriate.

Rocky Bridges of 4901 Holmes Drive stated the area has been used for Multi Family for years. Mr. Bridges wants to clean up the property.

**Planning & Zoning Commission Action of Petition ZC 16-41 on June 30, 2016**

A motion was made by Commissioner Davis and seconded by Commissioner Brown to **approve** Petition 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 of property located at 5206 Lyle Avenue.

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

NAY: None

Abstained: None

Absent: Commissioners Freeman, and Thompson.

**Motion passed 6-0**

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

**Business from the Chair:** Chair Cardon welcomed Dacia Yazzie, the newest Planning and Zoning Commissioner. Ms. Yazzie said she is excited to be on the board. She currently works at the Farmington Library and is a graduate of the University of New Mexico with a Bachelor degree in Business Administration.

**Business from the Members:** There was no business from Members.

**Business from Staff:** Ms. Lopez mentioned that the Commissioner training by Randy Van Vleck on June 27 was very informative. Mr. Van Vleck will be doing training sometime in May in Albuquerque. Ms. Lopez said she will let the Commissioners know when that training will be.

Ms. Lopez commented that Petition ZC 16-35, a request from Vera Matthews for a zone change and a variance to allow three horses was withdrawn from the June 29, 2016 City Council Meeting.

Petition ANX 16-02, a request from the City of Farmington to consider an annexation of 235.23 acres of land located 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, located on the south side of US 64, passed at the June 28, 2016 City Council Meeting.

Ms. Lopez gave each of the Commissioners a copy of the City of Farmington Planning and Zoning Commission Rules of Procedure to review. She asked the Commissioners to make

suggestions for any necessary revisions before the July 28, 2016 Planning and Zoning Meeting. Discussion and any motion will be made at that meeting if changes need to be made.

**Adjournment:** With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting of June 30, 2016 was adjourned at 3:15 p.m.

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Joyce Cardon  
Chair

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Karen Walker  
Administrative Assistant