

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
August 25, 2016, at 3:00 p.m.**

Item		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes of the August 11, 2016 P&Z Meeting	43
4	Petition No. ZC 16-70 – a request from the City of Farmington, represented by Julie Baird, Assistant City Manager, for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue. (Cindy Lopez)	1
5	Petition No. ZC 16-72 – a request from William Fortner, represented by George Walters of Cheney-Walters-Echols, for a zone change from RE-1 Residential estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road. (Cindy Lopez)	13
6	Petition No. SUP 16-73 – a request from Mary Frances Leupold for a special use permit to allow a detached Family Care Unit (Mother-in-Law Quarters) at 1803 Sage Drive. (Steven Saavedra)	27
7	Business from: Floor: Chairman: Members: Staff:	
8	Adjournment	

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, September 13, 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 ZC 16-70
 Zone Change from RA to MF-M
 Between 1901 and 2101 Southside River Road**

A. STAFF REPORT, August 25, 2016

PROJECT INFORMATION

Applicant	City of Farmington
Representative	Julie Baird, Assistant City Manager
Date of Application	July 25, 2016
Requested Action	Zone Change from RA Rural Agriculture to the MF-M Multiple Family Residential
Location	South of Southside River Road between 1901 and 2101 Southside River Road
Existing Land Use	Vacant Land
Existing Zoning	RA Rural Agriculture
Surrounding Zoning / Land Use	North: RA Rural Agriculture/Residence and MF-M Multiple Family Residential/Multiple Family South: RA Rural Agriculture/Residence East: RA Rural Agriculture / Vacant West: RA Rural Agriculture/Legal Non-conforming Residence
Notice	A notice was published in the Daily Times on Sunday, August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 3, 2016, and a sign posted on Friday, August 12, 2016.
Staff Planner	Cynthia Lopez, Senior Planner

Project Description:

The petitioner requests a zone change from the RA Rural Agriculture District to the MF-M Multiple Family Residential District for 5 lots of approximately 1.113 acres of vacant land located south of Southside River Road between 1901 and 2101 Southside River Road. The 5 lots are in the process of being consolidated. These parcels of land are remainder parcels left over after the City of Farmington purchased the land for the purpose of widening Southside River Road. Many of these lots had residences on them which have since been demolished.

The area of the zone change excludes the right-of-way for Southside River Road and the area of the property used for the neighborhood box units with the drive up area. The property has a ditch that runs along the south property line. The city is requesting the zone change and lot consolidation in preparation of selling this property.

Multifamily Medium Density

The MF-M Multiple Family Medium Density District is intended to accommodate a substantial portion of the city's residential growth as covered by the comprehensive plan. Allowing multifamily housing provides a range of options for city residents. The range of housing options can be from detached houses on small lots to relatively high density apartments. Multiple Family Residential is intended to implement the residential planning policies of the comprehensive plan's "Residential High Density" land use designation.

This lot is approximately 1.113 acres. Medium Density will allow up to 24 dwellings on this property (21 units per acre). An apartment complex is located to the west on the southwest corner of Dekalb and Southside River Road (zoned MF-M). To the southeast is a single-family mobile home area that allows seven (7) units per acre. Across Southside River Road to the northwest is MF-M Multiple Family Medium Density Residential.

STAFF ANALYSIS

Section 8.7.4 of the UDC sets forth issues to be considered for a zone change request.

- **Consistency with the Comprehensive Plan:**

The 2020 Future Land Use Plan of the Farmington Comprehensive Plan recommends that the subject property be Residential Single Family Urban (less than 20,000 square feet per lot). However, the plan recommends "Residential High Density" to the south and Commercial to the west and southwest. Multiple family housing works best as a transition between commercial uses and single family uses. It acts as a buffer transitioning from high traffic areas to lower intensity traffic.

- **Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:**

The Farmington Comprehensive Plan states: "It is desirable that well-built, safe, and accessible housing in a variety of styles be available in the City for all types of households. Southside River Road is a busy street with a mixture of residential and commercial uses. Multiple family will provide much needed rental residential near other higher density residential in the area. It will be in character with other zoning and uses in the general vicinity.

- **Creation of adverse impacts and the ability to mitigate these impacts:**

Any multiple family units that are approved for this lot will need to meet all of the requirements of the Unified Development Code, including parking,

landscaping and setbacks. Meeting these requirements has a tendency to reduce the number of units that can fit on a parcel. Any developer will also be required to meet all other regulations, such as drainage, etc. A ditch runs along the south property line.

- The ability of the proposed use to be accomplished by the proposed zoning district:

If the zone change is approved, the City will be able to sell the property to a developer who can provide multiple residential units. This will meet the needs of the City for alternate housing types as noted in the comprehensive plan.

- The suitability of the land for the proposed development:

This property is in a location that is primarily residential in nature with several areas of medium density close by. It has access to a minor arterial (Southside River Road) and has access to both Broadway to the southwest and Browning Parkway to the east. The land is relatively flat and had residences in the past.

- The existence of or the applicant's ability and willingness to provide adequate public facilities:

Public facilities exist in Southside River Road and any developer will be required to provide facilities to any new development.

- 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." Multiple family medium density zoning is adjacent to the property across Southside River Road to the north and two lots over to the west. The proposed zone change does not constitute a spot zone.

STAFF CONCLUSION

Staff concludes that approval of ZC 16-70 is appropriate. The proposal is consistent with the comprehensive plan and surrounding land uses.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition ZC 16-70, a request from the City of Farmington, represented by Julie Baird, Assistant City Manager for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential for 1.113 acres of vacant land located between 1901 and 2101 Southside River Road.

PLANNING MEMO COMMENTS SUMMARY
ZC 16-70 ZC 16-70 SOUTHSIDE RIVER ROAD
Deadline: 8/4/16

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	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	No comment
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



Complete applications will not be accepted.

Return completed application to:

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

PROJECT TYPE (Check Those Applicable)

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation and / or Zoning
<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat
<input type="checkbox"/> Special Use Permit
<input type="checkbox"/> Variance (ARB) | <input checked="" type="checkbox"/> Zone Change to MF-M District
<input type="checkbox"/> Temporary Use Permit
Proposed Length of Use: _____
<input type="checkbox"/> Well site equipment modification |
|--|--|--|

INFORMATION

Applicant's Name: <u>City of Farmington</u>	Project Location: <u>Southside River Rd</u> <u>Between 190 1/2 and 2101</u>
Address: <u>800 Municipal Dr.</u>	Existing Use: <u>Vacant</u>
E-Mail: <u>jbaird@fntn.org</u>	Proposed Use: <u>multi family housing</u>
Telephone: <u>599-1102</u>	Current Zoning: <u>RA</u>
Relationship to Property Owner: <u>Asst. City Manager</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R0035097; R0035075; R0035228; R0035227; + R0035006</u>

Legal Description of Subject Property:

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>Julie Baird, Asst. City Manager</u>	E-Mail: <u>jbaird@fntn.org</u>
Phone: <u>599-1102</u>	Address: <u>800 Municipal Dr. Farmington NM 87401</u>

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)

MORTGAGE HOLDERS (If any)

Name:	Phone:	Name:	Phone:
Address:		Address:	

OWNER CERTIFICATION

* (Physical and Mailing)

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

Name: <u>City of Farmington</u>	Address: <u>800 Municipal Dr. Farmington NM</u>
Owner's Signature: <u>Julie Baird</u>	Phone / Email: <u>599-1102 jbaird@fntn.org</u>

**** STAFF USE ONLY ****

Received By Cindy
 Date 7/25/16 Fee Received —
 Project File No. ZC16-70
 Date of Hearing/Meeting: PER 8/25 CC 8/30

- 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. ZC 16-70 - a request from the City of Farmington, represented by Julie Baird, Assistant City Manager, for a Zone Change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

A tract of land located in the T29N, R13W, Sec. 14, NW/4SW/4, in the City of Farmington, San Juan County, New Mexico.

Beginning at a point, being a set 1/2" iron 1' S of an existing 5' sidewalk said point being the "Point of Beginning", Whence the W/4 corner of said Sec. 14 being a set PK nail with brass washer bears N 81°18'17" W 339.42'.

THENCE, S 89°16'08" E for a distance of 5.85' to the beginning of a curve, to the right through an angle of 52°31'57", having a radius of 1.00', and whose long chord bears S 63°00'10" E for a distance of 0.89'.

THENCE, S 36°44'11" E for a distance of 27.61' to the beginning of a curve to the left through an angle of 50°01'08", having a radius of 10.00', and whose long chord bears S 61°44'45" E for a distance of 8.46'.

THENCE, S 86°45'19" E for a distance of 2.24' to a point on a line,

THENCE, S 01°19'50" W for a distance of 7.92' to a point on a line,

THENCE, S 89°14'24" E for a distance of 31.93' to a point on a line,

THENCE, N 01°12'42" E for a distance of 8.10' to a point on a line,

THENCE, E for a distance of 3.04' to the beginning of a curve to the left through an angle of 49°49'57", having a radius of 10.00', and whose long chord bears N 65°05'02" E for a distance of 8.43'.

THENCE, N 4°00'10" E for a distance of 26.50' to the beginning of a curve to the right through an angle of 51°01'26", having a radius of 5.00', and whose long chord bears N 65°40'46" E for a distance of 4.31'.

THENCE, S 89°03'05" E for a distance of 121.27' to the NE corner,

THENCE, S 01°03'31" W for a distance of 107.02' to the SE corner,

THENCE, S 74°49'59" W a distance of 273.79'.

THENCE, N 0°00'49'36" E for a distance of 183.02' to the point of beginning.

Otherwise located south of Southside River Road and east of Dekalb Avenue

Petition No. ZC 16-72 - a request from William Fortner, represented by Cheney-Walters-Echols, for a Zone Change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard

and Piñon Frontage Road, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

T30N, R13W, Sec. 26, SE1/4NE1/4SE1/4S
E1/4.

Otherwise located west of College Blvd. and north of Piñon Hills Boulevard and Piñon Frontage Road.

Petition No. SUP 16-73 - a request from Mary Frances and Wayne Leupold, for a Special Use Permit to allow the construction of a 500 sq. ft. Family Care Unit (Mother-in-Law Quarters), on 0.41 acres located at 1803 Sage Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 2, in Block 5, of the Yucca Subdivision, San Juan County, New Mexico.

Otherwise located at 1803 Sage Drive

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, August 25, 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, September 13, 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. 72989 published in The Daily Times on August 7, 2016.

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 16-70**

August 3, 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 the City of Farmington, represented by Julie Baird, Assistant City Manager, for a zone change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

A tract of land located in the T29N, R13W, Sec. 14, NW/4SW/4, in the City of Farmington, San Juan County, New Mexico.

Beginning at a point, being a set ½" iron 1' S of an existing 5' sidewalk said point being the "Point of Beginning", Whence the W/4 corner of said Sec. 14 being a set PK nail with brass washer bears N 81°18'17" W 339.42';

THENCE, S 89°16'08" E for a distance of 5.85' to the beginning of a curve, to the right through an angle of 52°31'57", having a radius of 1.00', and whose long chord bears S 63°00'10" E for a distance of 0.89',

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THENCE, S 01°19'50" W for a distance of 7.92' to a point on a line,

THENCE, S 89°14'24" E for a distance of 31.93' to a point on a line,

THENCE, N 01°12'42" E for a distance of 8.10' to a point on a line,

THENCE, E for a distance of 3.04' to the beginning of a curve to the left through an angle of 49°49'57", having a radius of 10.00', and whose long chord bears N 65°05'02" E for a distance of 8.43',

THENCE, N 40°10'03" E for a distance of 26.50' to the beginning of a curve to the right through an angle of 51°01'26", having a radius of 5.00', and whose long chord bears N 65°40'46" E for a distance of 4.31',

THENCE, S 89°03'05" E for a distance of 121.27' to the NE corner,

THENCE, S 01°03'31" W for a distance of 107.02' to the SE corner,

THENCE, S 74°49'59" W a distance of 273.79',

THENCE, N 00°49'36" E for a distance of 183.02' to the point of beginning.

Otherwise located south of Southside River Road and east of Dekalb 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, August 25, 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, September 13, 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 Cindy Lopez at 505-599-1448 or clopez@fmtm.org.

Sincerely,

A handwritten signature in black ink that reads "Karen Walker". The signature is written in a cursive, flowing style.

Karen Walker
Administrative Assistant

Mattie Buller Trust
2103 Southside River Rd.
Farmington 87401-7884

^{w.}
John Pennington
303 Dekalb
Farmington 87401-7826

Ray E and Mattie K. Buller Trust
2013 Southside River Rd.
Farmington 87401

Jesus Gonzalez
90 Road 3961
Farmington 87401-6626

Garland Lowe Trustees ETAL
108 E. Gladden Dr.
Farmington. 87401-6126

Charlie G and Cindy Blanco
1205 W. Third St.
Roswell, NM 88201

Rebecca J. Rhien Trust
711 Crestview Dr.
Farmington 87401

Chevron USA Inc.
P.O. Box 285
Houston, TX 77001-0285

R and PH Herrera LLC
37 Road 5117
Bloomfield, 87413

COMMUNITY DEVELOPMENT PETITION REPORT

PETITION ZC 16-72

Zone Change from RE-1 to OP

West of College Blvd. & north of Piñon Hills Blvd.

A. STAFF REPORT, August 25, 2016

PROJECT INFORMATION

Applicant	William Fortner
Representative	George Walters of Cheney-Walters-Echols Inc.
Date of Application	July 25, 2016
Requested Action	Zone Change from the RE-1 Residential Estates district to the OP Office Professional district
Location	West of College Blvd. and north of Piñon Hills Blvd. (Tax ID R0051321)
Existing Land Use	Vacant Land
Existing Zoning	RE-1 Residential Estates
Surrounding Zoning / Land Use	North: RE-1 Residential Estates/Vacant South: RE-1 Residential Estates/Vacant East: SF-10 Single Family Residential / Vacant West: RE-1 Residential Estates/Vacant
Notice	A notice was published in the Daily Times on Sunday, August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 3, 2016, and a sign posted on Friday, August 12, 2016.
Staff Planner	Cynthia Lopez, Senior Planner

Project Description:

The petitioner is requesting a zone change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road (Tax ID R0051321). The property fronts College Boulevard on the east where College Boulevard starts to curve from a northerly direction to the east. The 2002 Comprehensive Plan Land Use Map recommends the lot as Residential Single Family Low Density (greater than or equal to 1.0 acre lot). However, the 2004 Piñon Hills Boulevard Corridor Plan recommends that the lot be designated as Office/Business Park.

The petitioner is requesting the zone change to be able to construct a medical facility of the site. He proposes to build a dentist office and a plastic surgeons office.

The City of Farmington owns the parcel of land to east on the other side of College Boulevard and Piedra Vista High School is to the east of the City's parcel. There are two lots between this property and Piñon Hills Boulevard to the south. Pinon Frontage road abuts this property to the south where Piñon Frontage turns east from its north direction to connect to College Boulevard. Cactus Trail as designated on several maps is on the west side of the property. However, Cactus Trail has not been dedicated as a street, it exists in a patent easement on the property to the west.

The Jehovahs Witness Church is two lots to the north. The surrounding properties are vacant. An insurance company is along Piñon Frontage to the southwest and is zoned OP Office Professional. The two lots to the west of the insurance company are zoned LNC Local Neighborhood Commercial and west of those are more OP Office Professional zoned properties. The Piñon Hills Boulevard Corridor Plan recommends that the three lots at the southwest corner of Piñon Hills Boulevard and College Boulevard be zoned as Neighborhood Commercial and that this lot and the lot to the north of this lot be zoned as OP Office Professional.

STAFF ANALYSIS

Section 8.7.4 of the UDC sets forth issues to be considered for a zone change request.

- Consistency with the Comprehensive Plan:

The 2002 Comprehensive Plan Land Use Map recommends the lot as Residential Single Family Low Density (greater than or equal to 1.0 acre lot). However, the 2004 Piñon Hills Boulevard Corridor Plan recommends that the lot be designated as Office/Business Park. The Piñon Hills Boulevard Corridor Plan was approved by Council subsequent to the Comprehensive Plan and is the regulating 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:

The properties surrounding this lot are all vacant. There are two residences to west and northwest that do not abut this lot. A church is to the north and an insurance company is to the southwest. The Piñon Hills Boulevard Corridor Plan recommends that this corner along Piñon Hills Boulevard and College Boulevard be zoned as Neighborhood Commercial and OP Office Professional. This zone change will be in character with the recommendation of the Piñon Hills Boulevard Corridor Plan.

- Creation of adverse impacts and the ability to mitigate these impacts:

This zone change meets the recommendation of the Piñon Hills Boulevard Corridor Plan. Any new building will be required to meet the density and

dimensional standards and the development standards as set forth in the Unified Development Code at the time of building permitting.

- The ability of the proposed use to be accomplished by the proposed zoning district:

The petitioner is requesting the zone change to be able to construct a medical facility of the site. He proposes to build a dentist office and a plastic surgeons office. Both of these uses are permitted in the OP Office Professional district.

- The suitability of the land for the proposed development:

The land is 2.5 acres of land that has frontage on College Boulevard and Piñon Frontage. The south property line is approximately 650 feet from the intersection of College Boulevard and Piñon Hills Boulevard. Water and sewer exists in College Boulevard which is accessible to this property. This parcel is suitable to the proposed use.

- The existence of or the applicant's ability and willingness to provide adequate public facilities:

Public facilities exist in College Boulevard and the developer will be required to provide water and sewer for any new development.

- 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." Although the Comprehensive Plan recommends this property for Residential Single Family Low Density (greater than or equal to 1.0 acre lot), the Piñon Hills Boulevard Corridor Plan recommends the property be zoned as Office/Business Park. The Piñon Hills Boulevard Corridor Plan was approved by Council subsequent to the Comprehensive Plan and is the regulating plan for this area of the City. The proposed use meets the recommendation of the Piñon Hills Boulevard Corridor Plan

STAFF CONCLUSION

Staff concludes that approval of ZC 16-72 is appropriate. The proposed use is consistent with the Piñon Hills Boulevard Corridor Plan. The areas along College Boulevard and Piñon Hills Boulevard have been developing consistently with the Piñon Hills Boulevard Corridor Plan into office parks. Public utilities are available to this parcel from College Boulevard.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition ZC 16-72, a request from the William Fortner, represented by George Walters of Cheney-Walters-Echols, Inc., for a zone change from RE-1 Residential Estates to

OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard.

Legend

- County & City Addresses - Nur
- Searchable Parcels
- Parcels - No Labels
- Condos
- 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

1:2,836

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.



PLANNING MEMO COMMENTS SUMMARY
ZC 16-72 ZC 16-72 COLLEGE BLVD.
Deadline: 8/4/16

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	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	The office professional use seems to be more consistent with the surrounding properties. Legal has no objection to zone change.
LEGAL	Deputy City Attorney	
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 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 OP District
 Temporary Use Permit
 Proposed Length of Use: _____

INFORMATION

Applicant's Name: William A. Fortner

Project Location: College Boulevard

Address: 2890 Pinon Frontage Rd., Farmington, NM, 87401

Existing Use: RE-1

E-Mail:

Proposed Use: OP

Telephone: 702-401-5087

Current Zoning:

Relationship to Property Owner:
Same

Assessor's Parcel I.D. and/or Tax I.D. Number:
R0051321

Legal Description of Subject Property: *See Attached Plat*

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: George T. Walters

Email: gtw@c-w-e.com

Phone: (505) 327-3303

Address: 909 West Apache, Farmington, NM, 87401

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)

MORTGAGE HOLDERS (If any)

Name: William A. Fortner

Phone: 702-401-5087

Name:

Phone:

Address: 2890 Pinon Frontage Rd., 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: William A. Fortner

Address: 2890 Pinon Frontage Rd., Farmington, NM, 87401

Owner's Signature: *William A Fortner*

Phone / Email: 702-401-5087

**** STAFF USE ONLY ****

Received By _____ Time _____

Date 7/27/10 Fee Received 100

Project File No. 2010-72 College Blvd

Date of Hearing/Meeting: PEZ 8/25 - CC 9/13

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

07/26/16

Date

CITY OF FARMINGTON
PLANNING AND ZONING COMMISSION

Gentlemen:

The undersigned respectfully petitions the change in zoning classification of the property described as follows:

DESCRIPTION

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter (SE1/4 NE1/4 SE1/4 SE1/4) of Section Twenty-Six (26), in Township Thirty (30) North of Range Thirteen (13) West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

FROM: RE-1 Zone

TO: OP Zone



Owner

**P&Z PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico:

Petition No. ZC 16-70 - a request from the City of Farmington, represented by Julia Baird, Assistant City Manager, for a Zone Change from RA Rural Agriculture to MF-M Multiple Family Medium Density Residential, for 5 lots totaling 1.113 acres of vacant land located south of Southside River Road and east of Dekalb Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

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A tract of land located in the T29N, R13W, Sec. 14, NW/4SW/4, in the City of Farmington, San Juan County, New Mexico.
Beginning at a point, being a set 1/2" iron 1' S of an existing 5' sidewalk said point being the "Point of Beginning", Whence the W/4 corner of said Sec. 14 being a set PK nail with brass washer bears N 81°18'17" W 339.42';
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THENCE, S 36°44'11" E for a distance of 27.61' to the beginning of a curve to the left through an angle of 50°01'08", having a radius of 10.00', and whose long chord bears S 61°44'45" E for a distance of 8.46';
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THENCE, S 01°19'50" W for a distance of 7.92' to a point on a line,
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THENCE, N 0°00'49'36" E for a distance of 183.02' to the point of beginning.
Otherwise located south of Southside River Road and east of Dekalb Avenue

Petition No. ZC 16-72 - a request from William Fortner, represented by Cheney-Walters-Echols, for a Zone Change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard

and Piñon Frontage Road, in the City of Farmington, San Juan County, New Mexico, as described below:

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T30N, R13W, Sec. 26, SE1/4NE1/4SE1/4S E1/4.

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Petition No. SUP 16-73 - a request from Mary Frances and Wayne Leupold, for a Special Use Permit to allow the construction of a 500 sq. ft. Family Care Unit (Mother-in-Law Quarters), on 0.41 acres located at 1803 Sage Drive, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 2, in Block 5, of the Yucca Subdivision, San Juan County, New Mexico.

Otherwise located at 1803 Sage Drive

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, August 25, 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, September 13, 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. 72989 published in The Daily Times on August 7, 2016.

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 16-72**

August 3, 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 William Fortner, represented by Cheney-Walters-Echols, for a Zone Change from RE-1 Residential Estates to OP Office Professional for 2.5 acres of vacant land located west of College Boulevard and north of Piñon Hills Boulevard and Piñon Frontage Road, in the City of Farmington, San Juan County, New Mexico, as described below:

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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 Cindy Lopez at 505-599-1448 or clopez@fmtn.org.

Sincerely,



Karen Walker
Administrative Assistant

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

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF THE FOLLOWING DESCRIBED PROPERTY: T30N, R13W, Sec. 26
SE1/4NE1/4SE1/4SE1/4

OWNERS: William A. Fortner Investments, LLC
2890 Pinon Frontage Road
Farmington, NM 87401
1447/539

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Completed Seven, LLC 1579/79	305 La Cuesta Farmington, NM 87401	T30N, R13W, Sec. 26 NE1/4NE1/4SE1/4SE1/4
City of Farmington 1325/979	800 Municipal Dr. Farmington, NM 87401-2663	T30N, R13W, Sec. 25 SW1/4SW/14
Kozimor, Stan Kozimor, Joe Kozimor, Jacque Monahan, Sylvia Trustee 1424/929, 1603/971	P.O Box 629 Farmington, NM 87499	T30N, R13W, Sec. 26 NE1/4SE1/4SE1/4SE1/4
Hooper, Brett L. and Patricia Trustees Watson, Timothy J. and Shannon S. 1275/538, 1564/1000	P.O Box 2811 Farmington, NM 87499	T30N, R13W, Sec. 26 NW1/4SE1/4SE1/4SE1/4
Clayton, Richard F. and Lavean Trustees 1268/719	2102 N. Lee Ave. Farmington, NM 87401-4434	T30N, R13W, Sec. 26 SW1/4NE1/4SE1/4SE1/4

Kleinegger, James P.
Scarborough, Leslie
1570/374

5000 Sandalwood
Farmington, NM
87402

T30N, R13W, Sec. 26
NW1/4NE1/4SE1/4SE1/4

**COMMUNITY DEVELOPMENT
 PETITION REPORT**
**Petition SUP 16-73 Special Use Permit allowing a detached Family
 Care Unit (Mother-in-law Quarters) at 1803 Sage Drive.**

A. STAFF REPORT August 25, 2016

PROJECT INFORMATION

Applicant	Wayne and Mary Frances Leupold
Representative	Same
Date of Application	August 1, 2016
Requested Action	Approval of a special use permit to allow a detached Family Care Unit in the SF-7 Single-Family zoning district.
Location	1803 Sage Drive
Existing Land Use	Residential
Existing Zoning	SF-7 Single-Family zoning district
Surrounding Zoning & Land Use	North, South, East & West: SF-7 Single-Family zoning district / Residential
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times Sunday August 7, 2016. Property owners within 100 feet were sent notice by certified mail on Wednesday August 3, 2016 and a sign was posted on Friday, August 12, 2016.
Staff Planner	Steven M. Saavedra, Associate Planner

STAFF ANALYSIS

Petition Description and History

The petitioner requests a special use permit to allow a detached Family Care Unit to be located at 1803 Sage Drive. The proposed two-story structure totals 2,239 square feet, of which 500 square feet will be used for the family care unit on the upper level. In addition, the two-story structure will house a 629 square foot storage area on the second floor and a 1,200 square foot two-car garage on the first floor. The structure has two floors, with the living dwelling unit on the second-story. The proposed Family Care Unit will be placed in the northwest section of the property, adjacent to Yucca Ave. The proposed family-care unit is for the petitioner’s father and mother.

Pursuant to Section 2.5.7 of the UDC, detached family care units are permitted when it is determined by the City Council that it is impractical to attach the unit to the principal building due to special conditions on the petitioner’s property, including but not limited to the location or design of existing structures, the restriction of setbacks, of the size or shape of the lot. The floor area of the detached unit shall not exceed 500 square feet and must meet the required height and setback requirements of the

UDC, with a minimum rear yard setback of 5 feet, a street side yard setback of at least 15 feet and minimum separation from the principal structure of 10 feet. Pursuant to UDC 2.5.7(D) a detached family-care unit may be permitted on a lot with a single-family dwelling in a residential zoning district. Both the single-family dwelling and the family care unit shall remain under single ownership.

In terms of occupancy, both the principal structure and family care unit shall be occupied by one family, but no more than two persons may occupy the family care unit. At least one person living in the unit or in the principal structure shall be the owner of the property and at least one person shall be 55 years of age or older.

The UDC further states that the entrance to the unit shall not be directly from the front of the principal dwelling and all exterior modifications shall maintain the appearance of a single-family dwelling. The unit will also be required to have AN additional off-street parking space behind the required front yard setback.

The proposed location will allow the petitioner to place the unit in such a position that will not divert attention from the principal dwelling.

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 a 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 proposed use will not be detrimental to the surrounding properties. The Family Care Unit will meet all required setbacks and height restrictions as well as maintain the existing character of the area.

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 site is in the SF-7 Single-Family Residential zoning district. The proposed Family Care Unit is allowed with an approved Special Use Permit in the SF-7 district and is compatible with 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.

There are no negative impacts concerning noise, glare fumes, dust smoke, or vibration. Pursuant to UDC 3.12, standards pertain but are not

limited to building setbacks, building height, screening, dumpsters, and outdoor lighting.

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 proposed use will should not have a negative impact on any infrastructure. The Family Care Unit will be located in an area that is accessible to all protection service providers.

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 Single-Family residential. A 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 and is included with this petition report.

ISSUES

Community Development Director: Mary Holton- 599-1285

- If the SUP is approved, the site plan will be attached to the Findings of Fact.

Engineering: Toni Sitta- 599-1399

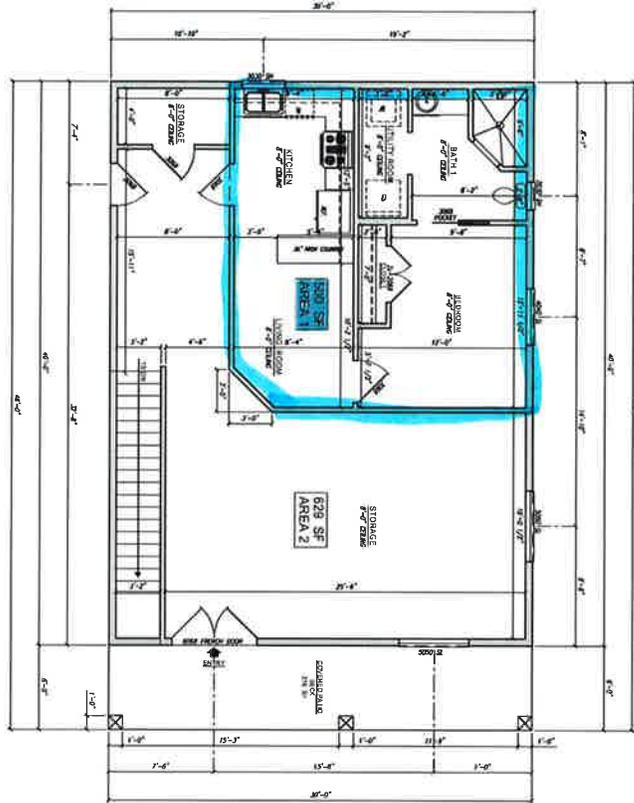
- Any secondary structure will need to obtain a building permit and adhere to all residential drainage standards (Positive drainage away from the structure and to the street).

STAFF CONCLUSION

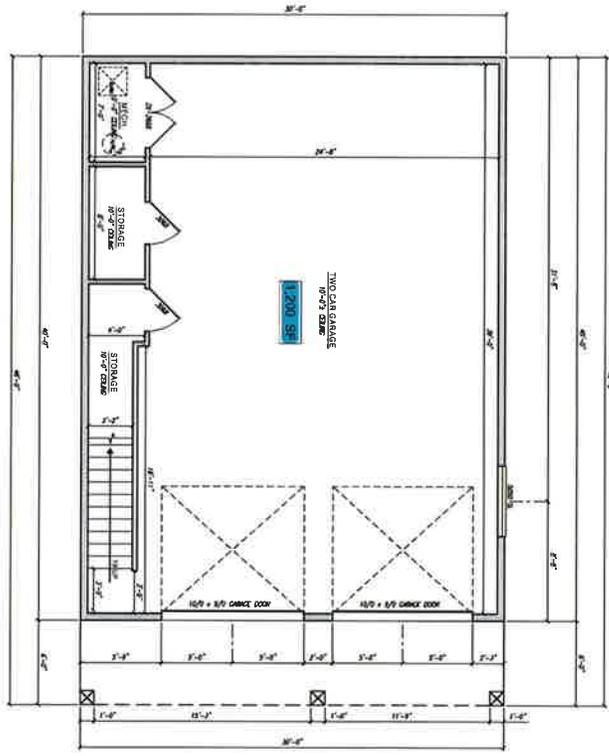
Staff concludes approval of SUP 16-73 is appropriate for an attached family care unit.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition SUP 16-73, a request from Wayne and Mary Frances Leupold for a special use permit to allow a detached Family Care Unit at 1803 Sage Drive., in the SF-7 Single-Family Residential zoning district.



UPPER FLOOR PLAN
SCALE: 1/8" = 1'-0"



GARAGE FLOOR PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

- 1. UPPER FLOOR AREA 1: = 629 SF
- UPPER FLOOR AREA 2: = 629 SF
- TOTAL UPPER AREA = 1,258 SF
- GARAGE AREA = 1,200 SF
- TOTAL COVERED AREA = 2,458 SF**

2

PROPOSED GARAGE & GUEST HOUSE
 NEW GUEST HOUSE FOR MARY FRANCES LEUPOLD
 ADDRESS: 1803 SAGE DRIVE, LOT 2
 FARMINGTON, SAN JUAN COUNTY, NEW MEXICO

NO.	REVISION	DATE	BY

iDRAW
 CAD SERVICES
 NORM BEGAYE, 505 402 3542
 PO BOX 185
 FRUITLAND, NEW MEXICO 87416

PLANNING MEMO COMMENTS SUMMARY

SUP 16-73 SUP 16-73 1803 SAGE DRIVE

Deadline: 8/7/16

City of Farmington Departments

CD		<p>The submitted site plan is very confusing. I have requested that the petitioner redraw it to scale and include the lot's boundaries, all existing structures/buildings (home & accessory structures), driveways, and the proposed family care unit building. If the SUP is approved, the site plan will be attached to the Findings of Fact.</p> <p>Additional comments will be incorporated into the staff report.</p>
	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	
ELEC	Customer Care Manager	
ELEC	Electrical Engineering	No conflict
ELEC	T & D	
FIRE	Fire Marshall	
LEGAL	City Attorney	
LEGAL	Deputy City Attorney	<p>The Petitioner has attached a drawing of the proposed building which will be constructed as a Family Care Unit. The drawing indicates a much larger structure will be completed, and Petitioner intends to designate one (1) room as a Family Care Unit. This does not comply with the UDC. The structure as a whole can be 500 square foot. To allow a structure which is much bigger than 500 square foot violates the code because the structure will be no different than any other multi-room family home. The purpose of the exception to building two (2) homes on one lot, is to allow a very small structure which would be a supplemental living quarters for a family member. Anything larger than 500 square feet may be used as a rental unit, which is specifically prohibited.</p>
POLICE	Code Compliance	
POLICE	Sergeant	
PRCA	Director	

PW	City Engineer	
PW	Engineering	- Any secondary structure will need to obtain a building permit and adhere to all residential drainage standards (Positive drainage away from structure and to the street).
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



Complete applications will not be accepted.

Return completed application to:

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

PROJECT TYPE (Check Those Applicable)

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

INFORMATION

Applicant's Name: <u>Mary Frances Leupold</u>	Project Location: <u>1803 Sage drive</u>
Address: <u>Wayne leupold</u> <u>1803 Sage drive</u>	Existing Use: <u>residential</u>
E-Mail: <u>WLeupold@fms.k12.us</u>	Proposed Use: <u>residential</u>
Telephone: <u>327 7817</u> <u>US</u>	Current Zoning: <u>SF 10</u>
Relationship to Property Owner: <u>owner</u>	Assessor's Parcel I.D. and/or Tax I.D. Number:

Legal Description of Subject Property:

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>Mary Frances Leupold</u>	E-Mail: <u>wleupold@fms.k12.nm.us</u>
Phone: <u>same</u>	Address: <u>same</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>Mary Frances</u> <u>Wayne</u> Phone: <u>327-7817</u>	MORTGAGE HOLDERS (If any) Name: <u>Quicken</u> Phone: _____ Address: _____
Address: <u>1803 Sage dr.</u>	Address: _____

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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>MFLeupold</u>	Address: <u>1803 Sage dr.</u>
Owner's Signature: <u>MFLeupold</u>	Phone / Email: <u>wleupold@fms.k12.us</u>

**** STAFF USE ONLY ****

Received By _____
 Date 8/1/16 Fee Received \$80
 Project File No. SUP16-73-1803 Sage Dr
 Date of Hearing/Meeting: 8/25/16-PC2
9/13/16-CC

- Blueline Copies of Plans _____ nm.us
- Ownership Report (subject and surrounding properties)
- Legal Description _____
- Detailed Statement of Proposed Use

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Karen Walker
Administrative Assistant

Legal No. 72989 published in The Daily Times on August 7, 2016.

**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. SUP 16-73**

August 3, 2016

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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, August 25, 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, September 13, 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

**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 Two (2), of the YUCCA SUBDIVISION, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record May 30, 1991.

TRACT 1

Wayne Arthur Leupold and Mary Frances
Leupold
1803 Sage Drive
Farmington, NM 87401

Lot 2, of the YUCCA SUBDIVISION, as shown
on the Plat of said Subdivision filed for record
May 30, 1991;

Book 1122, page 267

TRACT 2

Davis W. Begay and Alberta Begay
P.O. Box 1906
Farmington, NM 87499

Lot 10, in Block 2, of the ZIA SUBDIVISION
REPLAT, as shown on the Replat of said
Subdivision filed for record January 13, 1977;

Book 1211, page 1077

TRACT 3

Donovan Stearns and Jordan Stearns
1602 Yucca Avenue
Farmington, NM 87401

Lot 9, in Block 2, of the ZIA SUBDIVISION
REPLAT, as shown on the Replat of said
Subdivision filed for record January 13, 1977;

Book 1603, page 620

TRACT 4

Robert L. Woodside and Gerri Woodside
1604 Yucca Avenue
Farmington, NM 87401

Lot 8, in Block 2, of the ZIA SUBDIVISION
REPLAT, as shown on the Replat of said
Subdivision filed for record January 13, 1977;

Book 1283, page 960

TRACT 5

Nick Candelaria and Carmen Candelaria
511 East Broadway
Farmington, NM 87401

Lot 7, in Block 2, of the ZIA SUBDIVISION
REPLAT, as shown on the Replat of said
Subdivision filed for record January 13, 1977;

Book 1279, page 548

TRACT 6

Robert Wilson and Sandra Wilson
1608 Yucca Avenue
Farmington, NM 87401

Lot 6, in Block 2; of the ZIA SUBDIVISION
REPLAT, as shown on the Replat of said
Subdivision filed for record January 13, 1977;

Book 1155, page 167

TRACT 7

Michael Strayhand and Gale Strayhand
1610 Yucca Avenue
Farmington, NM 87401

Lot 5, in Block 2, of the ZIA SUBDIVISION
REPLAT, as shown on the Replat of said
Subdivision filed for record January 13, 1977;

Book 1559, page 950

TRACT 8

Perry G. Stewart and Emily J. Stewart
1605 Yucca Avenue
Farmington, NM 87401

That part of Lot 6, in Block 5, of the ZIA
SUBDIVISION AMENDED REPLAT, as shown
on the Replat of said Subdivision filed for record
November 29, 1972;

Book 1134, page 448

TRACT 9

Wilfred Hawbecker and Rebecca King
1804 Sage Drive
Farmington, NM 87401

Lot 7, in Block 5, of the ZIA SUBDIVISION, as
shown on the Plat of said Subdivision filed for
record June 12, 1957;

Book 1284, page 219

TRACT 10

Victor W. Sutton and Valerie A. Sutton
1802 Sage Drive
Farmington, NM 87401

All of Lot 4, and that part of Lot 3, in Block 5, of
the ZIA SUBDIVISION, as shown on the Plat of
said Subdivision filed for record June 12, 1957;

Book 1446, page 958

TRACT 11

Yvette R. Matamoros and John G. Matamoros
1801 Sage Drive
Farmington, NM 87401

That part of Lot 3, in Block 5, of the ZIA
SUBDIVISION as shown on the Plat of said
Subdivision filed for record June 12, 1957;

Book 1320, page 905

TRACT 12

Scott M. Silverman and Toni Michele Silverman
1704 Knudsen Avenue
Farmington, NM 87401

Lots 1 and 2, in Block 3, of the KNUDSEN
SUBDIVISION, as shown on the Plat of said
Subdivision filed for record August 14, 1958;

Book 1156, page 249

TRACT 13

Charles M. Wilson and Kim L. Wilson
1804 Knudsen Avenue
Farmington, NM 87401

Lot 1B, of the YUCCA SUBDIVISION, as shown
on the Plat of said Subdivision filed for record
May 30, 1991;

Book 1323, page 109

TRACT 14

Ralph E. Gregg, Jr., and Vanessa Gregg
1808 Knudsen Avenue
Farmington, NM 87401

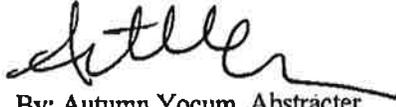
Lot 1A, of the YUCCA SUBDIVISION, as shown
on the Plat of said Subdivision filed for record
May 30, 1991;

Book 1598, page 598

TO: July 26, 2016, at 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 'Autumn Yocum', with a long horizontal flourish extending to the right.

By: Autumn Yocum, Abstracter

MINUTES
PLANNING & ZONING COMMISSION

August 11, 2016

The Planning and Zoning Commission met in a regular session on August 11, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

Chair-Joyce Cardon
Shay Davis
Kristin Langenfeld
Cheryl Ragsdale
Cody Waldroup

P&Z Members Absent:

Ryan Brown
Clint Freeman
Paul Thompson
Del Washburn
Dacia Yazzie

Staff Present:

Teri Clashin
Russel Frost
Lisa Hale BlueEyes
Mary Holton
Cindy Lopez
Steven Saavedra
Toni Sitta
Cory Styron
Karen Walker

Others Who Addressed the Commission:

Fernando Gil
Victor Gil
Kenneth Kendrick
Joe Kozimor
Jay Seyfarth
Heather Stotz

Call to Order

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

Presentation of the Agenda

There were no changes to the agenda.

Approval of the Minutes

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to approve the minutes of the June 30, 2016 P&Z Meeting. This motion was approved unanimously by a 5-0 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. PP 16-65

Preliminary Plat for Little Creek Subdivision Phase VI

North of Piedras Street

Planning & Zoning Commission Discussion of Petition PP 16-65 on August 11, 2016

Associate Planner Steven Saavedra presented the staff report for PP 16-65, a request from Joe Kozimor, represented by Cheney-Walters-Echols, for a Preliminary Plan for a Class 1, 46-lot subdivision in the Little Creek Subdivision Phase VI on 13.64 acres, located north of Little Creek Subdivision, Phase V and north of Piedras Street. The property was annexed into the City with SF-7 zoning in 2013. This zoning requires a minimum of 7,000 square foot per lot.

Mr. Saavedra concluded that staff recommends approval with the following conditions:

1. The petitioner is required to revise and update the NMDOT Access Permit and install all roads and access upgrades prior to any building permits being issued for Little Creek Phase VI.
2. Residential construction along the through lots with frontage on, but no access to, Piedras Street will be required to install sidewalks on Piedras Street per City Standard. A plat note enumerating the same will be required.
3. Safe sight triangles must be addressed and anticipated at all intersections pursuant to Section 5.3.6 of the UDC, as shown on the Little Creek Subdivision Phase VI plat.
4. A letter of commitment regarding the future location and use of the drainage pond for the development, with the submittal of the final plat.

Commissioner Langenfeld asked if staff believes the conditions cover all the issues. Director Mary Holton referred Commissioners to page 8 of the Planning & Zoning Agenda which refers to an agreement with Public Works and Community Development staff, and Mr. Kozimor to address access and drainage issues for the subdivision. Ms. Holton said Little Creek Phase I and III have drainage that flows to an arroyo on the east side of the development. There were

issues with a detention pond on the west side for Phases 4, 5, 6, and any future development. Ms. Holton stated that Mr. Kozimor has agreed to commit an area outside the city limits for a detention pond and an agreement will be signed to that commitment soon. Another issue concerned Starling Road. Staff feels those issues will be worked out as they will be tied to the building permits.

Joe Kozimor of 503 French Drive in Aztec stated that this process has been very long. He said the driveway permit holdup was taken care of last December, and the drainage issue should not even be a question because the detention pond will handle anything that can happen. Mr. Kozimor said he wants to sign an agreement that will grant the pond to the city.

Ms. Holton commented that Mr. Kozimor has promised to dedicate park land to the city, but the detention pond has to stay with the development due to maintenance. Mr. Kozimor responded that he would not be around to clean out the detention pond. He wanted the city to do that and did not realize the pond would stay with the development. Mr. Kozimor also stated that if there was a mistake on the calculations for the size of the pond, his engineers will redo those calculations.

Chair Cardon asked if the detention pond existed currently. Mr. Kozimor said it would be developed with future developments. The next phase will drain to a different area and Mr. Kozimor said he doesn't have a problem building a detention pond.

Commissioner Waldroup asked if it would drain toward the highway. Mr. Kozimor said it would drain toward the highway and a 30 inch pipe has already been laid if it becomes necessary to handle future runoff.

Planning & Zoning Commission Action of Petition PP 16-65 on August 11, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition PP 16-65, a request from Joe Kozimor, represented by Cheney-Walters-Echols, for a Preliminary Plan for a 46-lot subdivision of the Little Creek Subdivision Phase VI on 13.64 acres, located north of Piedras Street.

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

NAY: None

Abstained: None

Absent: Commissioners Brown, Freeman, Thompson, Washburn, and Yazzie.

Motion passed 5-0

COMMUNITY DEVELOPMENT PETITION REPORT

Petition No. SUP 16-66

Special Use Permit to Allow Chickens

6116 Jackrabbit Junction

Planning & Zoning Commission Discussion of Petition SUP 16-66 on August 11, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 16-66, a request from Heather and Bill Stotz for a Special Use Permit to allow chickens on five acres in the RE-2 Residential District, for property located at 6116 Jackrabbit Junction.

The request is for thirty chickens and a rooster on a 5.0-acre parcel of land in the RE-2 Residential Estates District. According to Table 2.3 of the City of Farmington Unified Development Code (UDC), keeping chickens is allowed in the RE-2 district with an approved special use permit. Section 11.1 of the UDC recommends that the minimum lot area per chicken is 0.02 acres. A 5-acre parcel would allow 250 chickens.

Mr. Saavedra stated the petitioner has a 64 square foot chicken coop and a 32 square foot chicken run on the southeast side of the property. The regular cleaning and disposal of waste is required so that it does not become detrimental to the health, safety, and welfare of the surrounding neighborhood. Also, adequate fencing and screening are required. Community Development has traditionally recommended against roosters due to noise, aggression, and the breeding of other chickens and roosters.

The petitioner is attempting to mitigate the noise from the rooster with a restriction collar. Animal Control and Community Developments Zoning Compliance Officer, Leona Simms, went to the site and took readings at various times on the noise level. Animal Control and Ms. Simms both said they did not hear anything. Mr. Saavedra played a video of the rooster attempting to crow with the collar on. The noise was minimal due to the collar.

The Community Development Department recommends approval subject to the following conditions:

1. Regular cleaning of the chicken coop and yard is required so that the use will not become detrimental to the health, welfare, and safety of the surrounding neighborhood.

2. A screening fence around the chicken coop is required, which encloses the coop and will provide some separation of the use from neighboring properties.
3. The petitioner needs to ensure any chicken waste does not run off onto neighboring properties.
4. The keeping of chickens on site cannot be used for commercial purposes.

Commissioner Davis asked why none of the conditions addressed the rooster. Mr. Saavedra replied that Community Development typically does not recommend the keeping of a rooster even though the City does not have a code that prohibits roosters.

Heather Stotz of 6116 Jackrabbit Junction stated that her chickens are rare Swedish breeds. She has found homes for the four larger roosters. She is trying to keep one rooster that is a Bantam rooster and is listed on the endangered species list. There are fewer than 100 of these chickens left in the world and she has six of them. Ms. Stotz stated that she is trying to preserve the breed. The roosters Ms. Stotz found homes for were given to people interested in preservation. Ms. Stotz noted that she had to drive to neighboring states to find these people.

Ms. Stotz stated that she is aware of the decibel level with several roosters. The one rooster she is attempting to keep has a collar that prevents it from opening its vocal chords and she feels this has reduced the decibel levels considerably. The decibel readings Ms. Stotz said she took were at 55 decibels when she was standing approximately two feet from the rooster. Normal speaking is over 50 decibels, she said. Ms. Stotz estimated her nearest neighbor to be about 300 feet away. Ms. Stotz showed the Commissioners photos and literature about her chickens. If she cannot keep the rooster, Ms. Stotz said, she would need time to find a home for the rooster with someone knowledgeable in the breed.

Ms. Stotz commented that she became interested in this breed because of a boyfriend who was from Sweden who gave her Swedish chickens. The boyfriend has since passed away. Most of the breeds that Ms. Stotz has are rare and number 200 or less in the world.

Commissioner Davis asked how long Ms. Stotz has had just one rooster and has been trying to mitigate the noise. Ms. Stotz stated that she received a notice in June and actively began trying to mitigate the noise. She tried the collars on all the roosters, but it did not work on the larger roosters. She was only able to get the decibels down to 75. About 2 weeks ago, Ms. Stotz stated, she had just one rooster with a collar. She mentioned that the collar needs adjusting at times because it is a Velcro collar.

Commissioner Waldroup asked if the rooster she kept is full grown. Ms. Stotz said it was full grown. It is smaller due to the breed. Mr. Waldroup asked about the temperament of the rooster. Ms. Stotz said it has a nice temperament.

Commissioner Langenfeld asked if the chickens were confined in cages all the time. Ms. Stotz said that there is a hot wire around the coop. Ms. Langenfeld asked what will happen when the population increases. Ms. Stotz responded that she exchanges eggs with people who have the breed. She said this particular breed is difficult to hatch and quite often only one in every twelve actually hatches. Ms. Stotz said she does not intend to hatch eggs commercially. She is trying to keep the integrity of the breed and keep her flock stable.

Commissioner Langenfeld asked how many chickens Ms. Stotz had in total. Ms. Stotz said she had 20 at this time and did not intend to go over 30 chickens. Ms. Langenfeld asked what Ms. Stotz would do if one of the eggs she exchanged was a rooster. Ms. Stotz said she is working to become a member of the NPIP, National Poultry Improvement Plan. As a member, she will be able to ship live birds. State inspections are a part of this membership. Ms. Stotz said she will not replace the other breeds as they die. She intends to focus on the breed with the rooster that she would like to continue to keep.

Commissioner Langenfeld asked if Ms. Stotz intended to always keep a rooster for the breeding program. Ms. Stotz said she would like to keep at least one rooster if she can maintain the noise limit. If she happens to get a louder rooster, she would exchange it for a quieter rooster. This will be possible if she is able to ship live birds because New Mexico does not have many people interested in rare breeds. It is easier to find homes for chickens outside of New Mexico for the rare breeds.

Commissioner Waldroup asked Ms. Stotz if she is compensated with these transactions. Ms. Stotz said she is only compensated for the shipping costs. She is not selling the eggs and this is not a business.

Fernando Gil of 6110 Jackrabbit Junction stated Heather Stotz has been there for 3-4 months and does not have the permit required to have chickens. The noise has calmed down tremendously, said Mr. Gil. He played a recording from his phone of the noise from the chickens as of a few weeks ago. Mr. Gil said he is concerned the chickens will bring down the value of his property. He said he has spoken with several realtors who say the chickens will lower his property value. Mr. Gil asked who will be responsible for monitoring the cleanliness and number of chickens Ms. Stotz has. Chair Cardon stated that Code Compliance and Animal Control usually monitor those issues.

Mr. Gil commented that all of the complaint reports are not in the Planning & Zoning Agenda Book. He said he spoke to a clerk who told him she was there and there was not a barn on the property. Mr. Gil stated that Ms. Lopez sent Leona Simms, Community Development Code Compliance Officer, to the property. Mr. Gil claimed that Ms. Simms said the structure was a house. Mr. Gil claimed that Ms. Simms said she could hear the roosters and noticed the smell. Mr. Gil asked why Ms. Simms report and pictures that she took were not in the Agenda Book. Mr. Gil brought pictures of the barn/house on the Stotz property. The pictures showed the drainage issue around Mr. Gil's house. Mr. Gil said there was an electric fence on the Stotz property that is not allowed in this area. He stated there was drainage that contains chicken waste coming onto his property when it rains. Mr. Gil stated that he had to build a retaining wall due to the drainage issue coming from the Stotz property. He said it flooded his garage a few years ago. Mr. Gil stated his biggest concern is the drainage that comes onto his property from the Stotz property. The water from the Stotz driveway carries chicken waste and runs onto his property like a river.

Commissioner Langenfeld asked how far the chicken coop was from Mr. Gil's lot line. Mr. Gil stated the coop is approximately 300 feet away. He said the noise has quieted down, but 30 chickens will smell and leave a mess. The rooster with the collar, said Mr. Gil, sounds sick. There are no containments on the ground for the chicken waste. Mr. Gil claimed that Ms. Simms said she noticed the smell and said she would put it in her report. Mr. Gil was upset that Ms. Simms report was not in the Agenda Book.

Commissioner Landefeld asked Mr. Gil what would make him comfortable. Mr. Gil said the noise, smell, containment and drainage were a problem. He would like to see no chickens due to the property value decline.

Commissioner Ragsdale asked if there was a residence on the Stotz property. Mr. Gil said there was a barn that they are living in. He said it was not a house. Ms. Ragsdale asked if it would matter if the coop was moved to a different location on the property. Mr. Gil said the drainage issue would still be a problem and he was concerned with the electric fence because of the wildlife in the area, including fox. He said he could not enjoy the outside with the smell of the chickens.

Chair Cardon asked how many times Mr. Gil had reported the smell to Ms. Simms. Mr. Gil said he reported it once and then found out about this hearing for the chickens. He said the Stotz property has an incline. He said on the west side Dr. Whitehorn has horses on his property.

The horses are grandfathered in but he cannot obtain more horses on the property. When the current animals die, they cannot be replaced, stated Mr. Gil.

Ms. Stotz asked if she could look at the pictures submitted by Mr. Gil. She noted the smaller chicken coops are now empty because of the chickens she has found homes for. Those coops have been cleaned out. The chicken coop that is raised is the one she currently uses. Ms. Stotz said there is an arroyo that goes off to one side of the property. She pointed out the washout near the driveway is coming down from the oil easement. Ms. Stotz also noted the barn blocks any runoff near the chicken coop. The roof over the chicken coop prevents water from washing under the coop. Ms. Stotz said she lived in Aztec and a flood killed some of her chickens, so she planned the area for the coop to be away from possible flooding. Ms. Stotz said she sprays the chicken coop after she has cleaned it out with a disinfectant and odor neutralizer. She also uses pine shavings inside the coop. Outside the coop is sand that she rakes to clean up the chicken waste. Ms. Stotz said the electric fence is not very strong. She was not aware she was not allowed to have an electric fence.

Ms. Stotz stated that she could show the web site for the chicken collar. The chickens are not harmed by the collar. She stated that she does not believe the chickens will bring down property value. The chickens are rare and therefore are very expensive.

Chair Cardon asked Ms. Stotz if she plans to build a home on the property. Ms. Stotz said she has blue prints and the loan approval to build the home. The home will be built on the other side of the driveway on the higher ground. Chair Cardon asked if she planned to move the chicken coop. Ms. Stotz said she did not plan to move it unless it was necessary.

Jay Seyfarth of 6106 Jackrabbit Junction said he is opposed to the chickens due to the drop in property value. He does not think the value of the chickens makes any difference. He is also concerned about the electric fence and the noise of the rooster. Chair Cardon asked if the noise level was better lately. Mr. Seyfarth said the noise is significantly better. Ms. Cardon asked if he was aware that chickens were allowed with a Special Use Permit. Mr. Seyfarth said he was aware.

Victor Gil of 5205 Largo Street, son of Sue and Fernando Gil, said he lived in his parent's home for 10 years and never had an issue with smell. The house is in a valley and the wind comes from the northern property. Chamisa Road is on a hill and water runs south from the Stotz property to Fernando Gil's property. Mr. Gil does not believe the barn on the Stotz property will prevent water from washing chicken waste onto Fernando Gil's property. Mr. Gil stated that he has worked around chickens before and the smell is horrendous with a high ammonia

and sulfuric smell. Chair Cardon asked if he was aware that chickens were allowed. Mr. Gil said he was not aware.

Commissioner Langenfeld asked if there was more information that was not included in the staff report. Mr. Saavedra said he was not aware of the electric fence or the smell. Neither was mentioned by Ms. Simms. Animal Control did not mention smell. Mr. Saavedra said he did not notice the electric fence or the smell when he visited the property. Mr. Saavedra said the electric fence is not allowed and he has no knowledge of a permit for the fence.

Mr. Saavedra stated that he is investigating the public's desire for chickens. He said there are various communities that allow chickens such as Durango, Rio Rancho, and Santa Fe. The primary reason people want chickens, said Mr. Saavedra, are for pets. Drainage, fencing, and cleanliness always need to be mitigated with chickens. Las Cruces has found chickens beneficial as they kill insects and the manure is good fertilizer. Commissioner Langenfeld asked if chickens would then be allowed by right. Mr. Saavedra said they would be allowed by right based on the zoning for the area such as Single Family zoning areas.

Commissioner Langenfeld asked Ms. Stotz what she did with the chicken waste when it was cleaned from the coop. Ms. Stotz said she bags it and puts it in the trash. She said she generally cleans the coop once a week unless it appears to be needed more often.

Mary Holton told the Commissioners the structure on the property is a primary residence with the idea of converting it to a guest house once the new home is built.

Derrick Childers, City of Farmington Chief Building Inspector, stated Ms. Stotz wanted to build a barn first, but intended to build a house. The UDC does not allow an accessory structure without a primary residence, but Ms. Stotz made the barn meet the minimum requirements for a primary dwelling. It is a primary home as far as the Building Department is concerned. This has been done on properties before.

Commissioner Langenfeld stated that she thought this should be tabled until more questions were answered on the runoff issue and on the issue of chicken waste. She said she would like to talk with Code Compliance. Ms. Langenfeld was concerned that more information was needed to make a fair decision. Commissioner Ragsdale said she would like to visit the property and observe the situation. She said, as a realtor, she understood the possibility of a loss in property value. Commissioner Davis and Waldroup agreed that a site visit would be beneficial. Ms. Holton said an observation visit will be arranged by staff.

Planning & Zoning Commission Action of Petition SUP 16-66 on August 11, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **table** Petition SUP 16-66, a request from Heather and Bill Stotz for a Special Use Permit to allow chickens on five acres in the RE-2 Residential district, for property located at 6116 Jackrabbit Junction, pending an observation site visit.

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

NAY: None

Abstained: None

Absent: Commissioners Brown, Freeman, Thompson, Washburn, and Yazzie.

Motion passed 5-0

COMMUNITY DEVELOPMENT PETITION REPORT
Petition No. PFP 16-67
Preliminary Final Plat for Kendrick Subdivision
South of Murray Drive

Planning & Zoning Commission Discussion of Petition PFP 16-67 on August 11, 2016

Senior Planner Cindy Lopez presented the staff report for PFP 16-67, a request from Kenneth Kendrick, represented by Souder Miller Associates, for a Preliminary Final Plat for the Kendrick Subdivision, on 34.13 acres, located south of Murray Drive, east of Farmington's Sewer/Water Treatment Plant and west of Curtis Place.

The Preliminary Plan and Final Plat will subdivide four lots into eight lots. The Animas River runs through the property on the east and south. Lots H and G will be incorporated and donated to the City for ditch maintenance and storm water. The Kendrick's will keep Lots A, C and E. The City is purchasing Lots B, D, and F for the extension of the trail system. Kenneth Kendrick lives on one parcel (1451 Shannon Lane) that has several structures and two ponds. Shannon Lane takes access to Murray Drive through a separate parcel to the north. One of the other lots has two structures and takes access to Murray from S. Lorena Avenue.

Staff recommends approval.

Commissioner Davis asked if the City's property would stay connected. Cory Styron, Parks, Recreation, and Cultural Affairs (PRCA) Director, explained that everything to the south and east of the dirt road will belong to the City. Mr. Kendrick is donating the drainage ditch area to the City for maintenance of the ditch and for storm water. Everything north of Shannon Lane will be retained by Mr. Kendrick. Commissioner Ragsdale asked who would own Shannon Lane. Ms. Lopez stated Mr. Kendrick would keep Shannon Lane.

Planning & Zoning Commission Action of Petition PFP 16-67 on August 11, 2016

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to **approve** Petition ZC 16-59, a request from Kenneth Kendrick, represented by Souder Miller Associates, for a Preliminary Final Plat for the Kendrick Subdivision, located south of Murray Drive east of Farmington's Sewer/Water Treatment Plant and west of Curtis Place.

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

NAY: None

Abstained: None

Absent: Commissioners Brown, Freeman, Thompson, Washburn, and Yazzie.

Motion passed 5-0

**Discussion and Action on Corrections to the Planning & Zoning
Rules of Procedure**

The Commissioners discussed a suggestion to change the time of the Planning & Zoning meeting but decided to keep the time at 3:00. No other changes were discussed.

A motion was made by Commissioner Ragsdale and seconded by Commissioner Davis to approve the Planning & Zoning Rules of Procedure as it is currently written.

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

NAY: None

Abstained: None

Absent: Commissioners Brown, Freeman, Thompson, Washburn, and Yazzie.

Motion passed 5-0

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

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

Business from the Members: Commissioner Davis inquired as to whether the City was considering the issue of chickens and horses within the City limits. Ms. Lopez said the Planning & Zoning Division is researching the issue. More people are interested in having chickens either for pets or the fresh eggs. Chickens also help eliminate bugs. Horses are a little different due to the size of the animal. A horse demands a larger lot size to maintain the animal's requirements. The current cost to obtain a Special Use Permit (SUP) to keep chickens is very high. The petitioner is required to obtain from a title company a list of surrounding property owners within 100 feet. That typically costs \$300-\$400. The application fee for a SUP is \$80.

Commissioner Langenfeld said she applauded the City for moving forward in regards to petitions on chickens. If someone wanted a large number of chickens, it might require a review to make sure the chickens are properly treated. Ms. Lopez said Animal Control and Code Compliance work with people in regards to the treatment of animals.

Business from Staff: Ms. Lopez commented that Petition SUP 16-57, 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, Petition ZC 16-58, 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 20th Street, Petition ZC 16-59, 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, Petition SUP 16-61, a request from Faraz Sandhu for a Special Use Permit to allow a Family Care Unit for property located at 4002 San Paula Avenue, and Petition SUP 16-62, 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, all passed on consent at the August 9, 2016 City Council Meeting.

Adjournment: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting July 28, 2016 was adjourned at 4:57 p.m.

Joyce Cardon
Chair

Karen Walker
Administrative Assistant