

A G E N D A

Administrative Review Board
City Council Chambers
800 Municipal Drive, Farmington, NM
October 6, 2016 at 6:00 p.m.

| Item No. | | Page |
|-----------------|--|-------------|
| 1 | Call Meeting to Order | |
| 2 | Approval of the Agenda | |
| 3 | Approval of the Minutes from the July 7, 2015 Meeting | 71 |
| 4 | Petition No. ARB 16-84 – a request from Gerald Cimino Trustee, represented by San Juan Signs, for a variance from the requirements for Off-site Signs at Carl’s Jr. in the GC, General Commercial District, for property located at 2300 E. Main Street. (Cindy Lopez) | 1 |
| 5 | Petition No. ARB 16-85 – a request from Aaron’s, Inc., represented by San Juan Signs, for a wall sign variance in the GC, General Commercial District, for property located at 2523 E. Main Street. (Cindy Lopez) | 22 |
| 6 | Petition No. ARB 16-86 – a request from Vectra Bank, represented by San Juan Signs, for a freestanding sign variance in the LNC, Local Neighborhood Commercial District, for property located at 2000 E. 20 th Street. (Cindy Lopez) | 41 |
| 7 | Petition No. ARB 16-87 – a request from Kenneth Harrison, represented by Cheney-Walters-Echols, Inc., for a variance to the minimum lot size requirement and front yard setback requirement in the RA, Rural Agriculture District, for property located at 2995 La Plata Highway. (Cindy Lopez) | 60 |
| 8 | Business from: Floor: Chairman: Members: Staff: | |
| 9 | Adjournment | |

ATTENTION PERSONS WITH DISABILITIES:

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

ADMINISTRATIVE REVIEW BOARD
Petition ARB 16-84
Variance to the Off-Site Sign 200 feet Right-of-Way requirement
2300 E. Main Street
October 6, 2016

DESCRIPTION OF PETITION

Petition No. ARB 16-84 is a request from Gerald Cimino Trustee, represented by Robert Bailey at San Juan Signs, for a variance to allow an off-site sign to be located on the northeast corner of E. Main Street and Tucker Avenue at 2300 E. Main Street in the GC General Commercial District. E. Main Street does not meet the 200 feet of right-of-way requirement for an off-site sign. Pursuant to Section 5.8.18 *Off-Site Signs and Billboards* of the Unified Development Code, off-site signs are permitted along principal arterial streets having a minimum right-of-way width of 200 feet. The property is legally described as:

Fairview Village Subdivision Replat "H", Tract 8B, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2300 E. Main Street

GENERAL INFORMATION

Applicant Gerald Cimino Trustee, represented by Robert Bailey at San Juan Signs
Property Owner Gerald and Erla H. Cimino Living Trust
Location of Property 2300 E. Main Street
Nature of Petition The variance will be to the 200 foot right-of-way width requirement. The right-of-way on E. Main Street at this location is approximately 127 feet wide.
Applicable Regulations City of Farmington Unified Development Code (UDC): Pursuant to Section 5.8.18, off-site signs are permitted along principal arterial streets having a minimum right-of-way width of 200 feet.
Zoning GC General Commercial District
Surrounding Zoning North: GC General Commercial
South: GC General Commercial
East: GC General Commercial
West: GC General Commercial and LNC Local Neighborhood Commercial
Surrounding Land Use... North: Jumbo Mini Storage/MI BOX Storage/U-Haul
South: Car Dealer & Various Retail Stores
East: Vacant Restaurant Building
West: Taco Bell and Accountant Offices
Public Notice Publication of Notice of this petition appeared in the Daily Times on Sunday, September 18, 2016. Adjoining property owners were sent notice by certified mail on Wednesday, September 14, 2016, and a sign was posted on the property on Friday, September 23, 2016.
Staff Cynthia Lopez, Senior Planner

BACKGROUND

The petitioner is requesting a variance to Section 5.8.7 A (18) of the UDC, which requires that an off-site sign can only be placed on a principal arterial street with at least 200 feet of right-of-way and limits the size of the sign to one square foot of sign per 5 linear foot of highway frontage. The width of Main Street at this location is approximately 127 feet. The street frontage is 274 linear feet, which would allow 54.8 square feet of off-site signage, if the right-of-way width were 200 feet or more. The off-site sign for the Jumbo Storage and MI BOX is 48 square feet. Section 5.8.7 A (1) allows one square foot in sign area for each linear foot of street frontage up to a maximum of 200 square feet in the GC General Commercial district for the on-site sign. The Carl's Jr sign is 120.25 square feet and there is also a reader board that is 16 square feet. Carl's Jr signage is 136.25 square feet. Adding the 48 square feet for the off-site signage for Jumbo Storage and MI BOX will bring the total signage to 184.25 square feet.

The location of the sign is on the northeast corner of Tucker Avenue and E. Main Street. Main Street is a principal arterial. However, Tucker Avenue is a local street. The Jumbo Storage/MI BOX/U-Haul sign existed on the site at 2300 E. Main Street prior to the adoption of the Unified Development Code (UDC) in 2008. It was a legal non-conforming sign. The property that Carl's Jr is located on and the property to the north that has Jumbo Storage and MI BOX are owned by the Gerald and Erla H. Cimino Living Trust. Carl's Jr leases the land from the trust. The petitioner would like to co-locate the pre-existing storage sign with the Carl's Jr sign so customers can locate his business on the north property.

ISSUES

Electrical Engineering

The proposed sign meets the minimum clearance requirements of the NESC and does not impact the existing ROW easement of the existing three-phase power line.

ANALYSIS

Variance Criteria – Section 8.12.4, UDC

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

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

The property at 2300 E. Main Street has the same owner as the property to the north. The sign existed at this location for many years prior to the adoption of the Unified Development Code. The sign is intended as a directional sign so that customer will find it easier to locate the Jumbo Storage, MI BOX Storage and the U-Haul business to the north along Tucker Avenue. The sign does exist on a separate property from the business and is therefore classified as an off-site sign. However, the signage meets the requirements for off-site signage for size and is co-located with an allowed sign. Together they both meet the size requirements.

This criterion IS met.

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

The two signs for the Carl's Jr and the storage facility together meet the maximum allowable signage for properties in the GC General Commercial district. They are consistent with other signage in the immediate vicinity (Taco Bell, McDonalds, Golden Dragon, etc.). Approving this off-site sign would allow a right enjoyed by other properties in the same district.

This criterion IS met.

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

Pursuant to section 5.8.18, the minimum required right-of-way width for an off-site sign is 200 feet. The actual right-of-way width for Main Street at this location is approximately 127 feet wide. This request is a reasonable use of the land in that both the Carl's Jr and the storage facility will utilize the same pole and still be under the 200 square feet of allowable signage in the General Commercial district. The signs will also be comparable to the surrounding commercial signs.

This criterion IS met.

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

The two signs on the same pole meet the intent of the code because both signs together are less than the allowed 200 square feet of signage in the GC General Commercial district. It will not be injurious to the neighborhood as the off-site sign has been in existence at this location for many years prior to the construction of the Carl's Jr and the neighborhood has become accustomed to seeing the sign here.

This criterion IS met.

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

The proposed off-site sign along with the on-site sign together will have only 184.25 square feet of area which is less than the 200 square feet allowed in GC General Commercial. This request is for a sign that will not have changing copy or digital messages and will only advertise a business that shares ownership with the property on which the sign is located.

This criterion IS met.

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

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

This criterion IS met.

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

The applicant would suffer an unnecessary hardship if the variance were denied. The petitioner would like to co-locate the pre-existing storage sign with the Carl's Jr sign so customers can locate his business on the north property. Tucker is a local street and easily missed when traveling along Main Street. Co-locating the sign with the Carl's Jr sign will allow the storage facility customers to more easily find Jumbo Storage and MI BOX.

This criterion IS met.

CONCLUSION

The Community Development Department concludes that approval of ARB 16-84 is appropriate. The request will not adversely affect the surrounding properties and meets the intent of the code. The request conforms to the existing character of the area and complies with all sight-safety concerns from staff.

RECOMMENDATION

The Community Development Department recommends approval of Petition ARB 16-84 from Gerald Cimino Trustee, represented by Robert Bailey of San Juan Signs, for a variance to allow an off-site sign to be located along E. Main Street without the required 200 feet of right-of-way for the property located at 2300 E. Main St. in the GC General Commercial District.



2300 E. Main Street
GC General Commercial

PLANNING MEMO COMMENTS SUMMARY

ARB 16-84 ARB 16-84 CARL'S JR.2300 E. MAIN

Deadline: 9/9/16

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 | The proposed sign meets the minimum clearance requirements of the NESC and does not impact the existing ROW easement of the existing three-phase power line. No comments or recommendations. |
| ELEC | T & D | |
| FIRE | Fire Marshall | The Fire Marshal's office has no comments for the 16-84, 16-85, 16-86, or 16-87. |
| LEGAL | City Attorney | |
| LEGAL | Deputy City Attorney | 9-22-16 The sign violates the UDC. The requested reasons for variance are insufficient to support variance. However, Staff may be able to supplement and provide sufficient reasons to support variance. |
| 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

| | |
|---|--|
| Applicant's Name: Gerald Cimino Trustee | Project Location: 2300 E. Main |
| Address: 2300 E. Main Farmington, NM | Existing Use: GC |
| E-Mail: xcrazyboy@msn.com | Proposed Use: GC |
| Telephone: 505-326-6989 | Current Zoning: GC |
| Relationship to Property Owner: Owner | Assessor's Parcel I.D. and/or Tax I.D. Number: 2074172315217 |

Legal Description of Subject Property: AMERICAN STREET SUBDIVISION LOT 2 BK.1422 PG.343BK.1439 PG.525TDD BK.1550 PG.812

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

| | |
|----------------------------|---|
| Name: Robert Bailey | E-Mail: Robert@sanjuansigns.com |
| Phone: 505-326-5511 | Address: 736 E. Main Farmington NM 87401 |

OWNERSHIP

| | |
|--|---|
| <p><small>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)</small></p> <p>Name: Cody Waldroup Phone: 505-326-6989</p> <p>Address: 908 N. Tucker Ave. Farmington</p> | <p><small>MORTGAGE HOLDERS (If any)</small></p> <p>Name: _____ Phone: _____</p> <p>Address: _____</p> |
|--|---|

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 ****

| | |
|---|--|
| <p>Received By: <i>Cindy</i></p> <p>Date: <i>8/31/10</i> Fee Received: <i>20</i></p> <p>Project File No. <i>ARB 16-84 - Carl's Jr.</i></p> <p>Date of Hearing/Meeting: <i>10/6/10</i></p> | <ul style="list-style-type: none"> <input type="checkbox"/> Site Plan <input type="checkbox"/> Ownership List (subject and surrounding properties) <input type="checkbox"/> Legal Description <input type="checkbox"/> Project Description |
|---|--|

JUSTIFICATION OF VARIANCE

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

1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and; furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant.
The 2300 E. Main property is Zoned GC with a 274 feet of Main St. frontage. This would allow 200 sq.ft. pole sign.
2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.
Jumbo Mini Storage has/had a existing pole sign in exact location of new Carls Jr pole sign location.
3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building or structure.
Jumbo Mini Storage would like to attach previous sign to Carls Jr pole sign. The combined signs of Carls Jr and Jumbo signs would be total of 184 sq.ft. That would be less of 200 allowable.
4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare.
Jumbo Mini Storage would like to attach previous sign to Carls Jr pole sign. The combined signs of Carls Jr and Jumbo signs would be total of 184 sq.ft. That would be less of 200 allowable. Carls Jr 136.25 sq.ft. of on-site signage. Jumbo 48 sq.ft. off-site signage.
5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.
Jumbo 48 sq.ft. off-site signage.

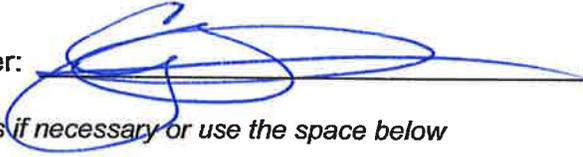
JUSTIFICATION OF VARIANCE

(Continued)

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

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

Signature of Petitioner:



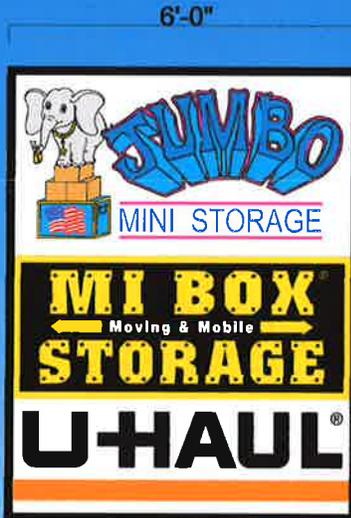
Date:

8-31-16

Attach additional sheets if necessary or use the space below

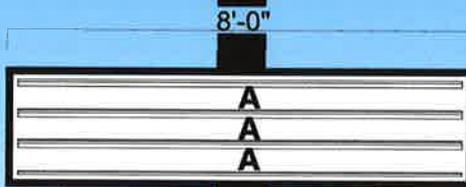


120.25 Sq.Ft.



48 Sq.Ft.

| | |
|----------------------|---------------|
| Carl's Main ID | 120.25 |
| Jumbo ID | 48 |
| Reader Board | 16 |
| Total Sq. Ft. | 184.25 |



16 Sq.Ft.

18'-6"
6'-6"
3'-0"
8'-0"
30'-6"
3'-0"
2'-0"
8'-0"







**GOLDEN
DRAGON**
Cocktails

DRIVE-THRU

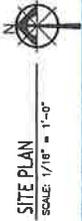
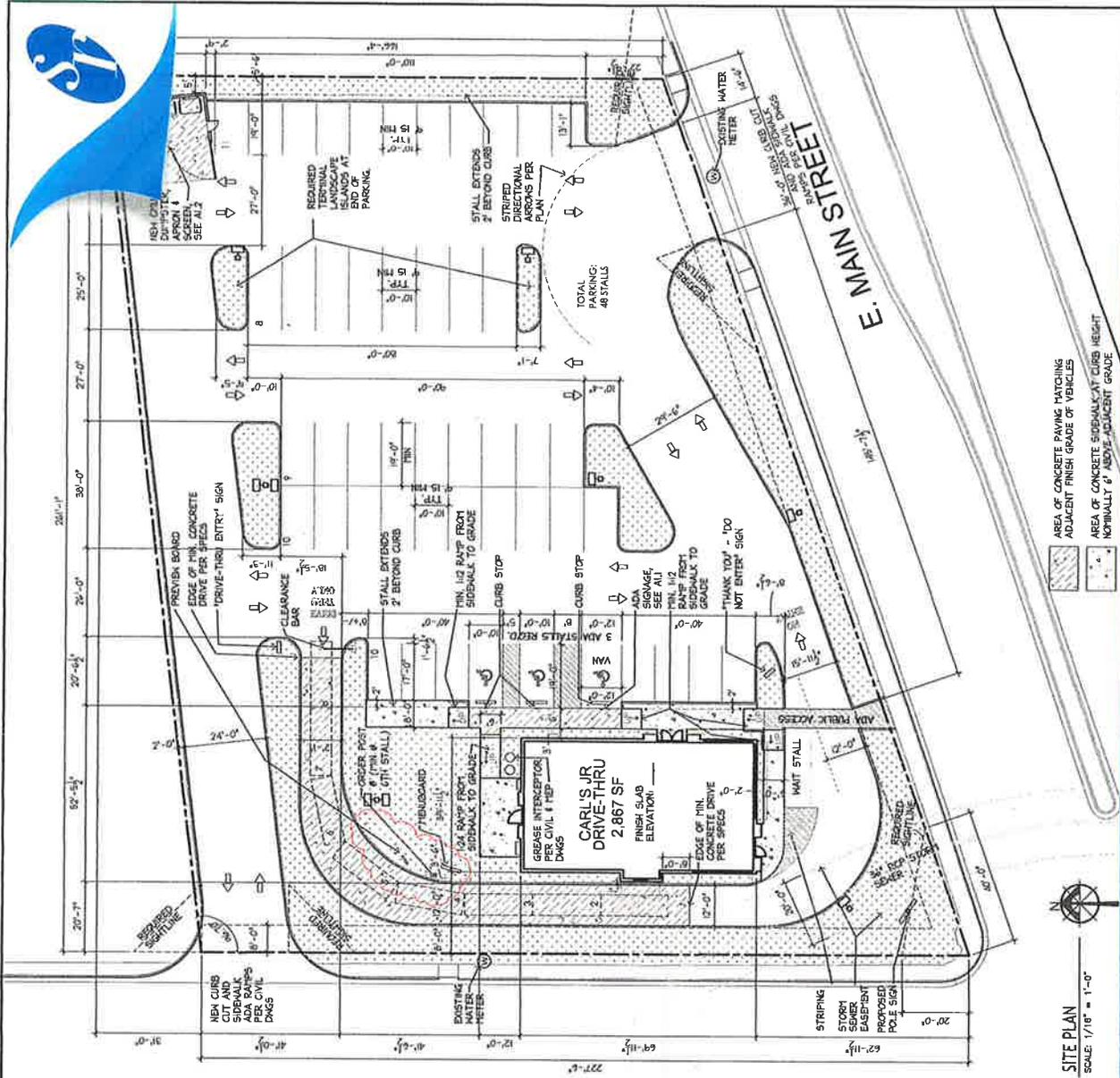
FRESH FISH RESTAURANT

COKE

SCOPE OF WORK

| DESCRIPTION | PART # | QUANTITY | PAGE # |
|---|--------------|----------|--------|
| A CARL'S JR. 42" CLOUD ILSF SIGN | CW42CD-LED | 2 | 5 |
| B CARL'S JR. 36" CLOUD ILSF SIGN | CW36CD-LED | 2 | 6 |
| C CARL'S JR. Pylon SIGN | CW6PYLON-LED | 1 | 7 |
| D READERBOARD(TBD) | SRSIGN | 2 | 8 |
| E DIRECTIONAL SIGN (COPY/THANK YOU/EXIT ONLY) | CW202000-006 | 1 | 10 |
| F DIRECTIONAL SIGN (COPY TO BE DETERMINED) | SRSIGN | 1 | 11 |
| G 6' RED AWNING | SRSIGN | 1 | 12 |
| H 23'-6" RED AWNING | SRSIGN | 1 | 13 |
| I 11'-6" RED AWNING | SRSIGN | 1 | 14 |
| J 19' RED AWNING | SRSIGN | 1 | 15 |
| K 7" RED AWNING | SRSIGN | 1 | 16 |
| L 8'-2" RED AWNING | SRSIGN | 1 | 17 |
| M 18'-3" RED AWNING | SRSIGN | 1 | 17 |

1' JOG X 1" DEEP



DESCRIPTION

AREA OF CONCRETE PAVING MATCHING ADJACENT FINISH GRADE OF VEHICLES

AREA OF CONCRETE SIDEWALK AT CURB HEIGHT NORMALLY @ ABOVE ADJACENT GRADE

CURB STOP

SITE PLAN

SCALE: 1/16" = 1'-0"

800.423.4383 • Fax: 333.560.7143
Website: www.sprsource.com



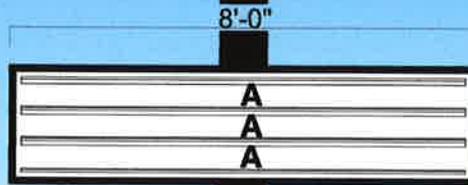


120.25 Sq.Ft.



48 Sq.Ft.

| | |
|----------------------|---------------|
| Carl's Main ID | 120.25 |
| Jumbo ID | 48 |
| Reader Board | 16 |
| Total Sq. Ft. | 184.25 |



16 Sq.Ft.

18'-6"
6'-6"
3'-0"
8'-0"
30'-6"
3'-0"
2'-0"
8'-0"



**(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING**

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

Petition No. ARB 16-84 - a request from Gerald Cimino, Trustee, represented by San Juan Signs, for a variance from the requirements of Section 5.8.7A (18) Off-site signs of the UDC in the GC General Commercial District for property located at 2300 E. Main Street, in the City of Farmington (Carl's Jr.), San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Tract 88 of the Fairview Village Subdivision Replat H, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2300 E. Main

Petition No. ARB 16-85 - a request from Aaron's, Inc., represented by San Juan Signs, for four additional wall signs for property located at 2523 E. Main Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

American Street Subdivision, Lot 2, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2523 E. Main

Petition No. ARB 16-86 - a request from Vectra Bank, represented by San Juan Signs, to replace the existing freestanding sign and increase the height to 20 feet, for property located at 2000 E. 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Lot 2 of the Clayton Investment Subdivision, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2000 E. 20th Street

Petition No. ARB 16-87 - a request from Kenneth Harrison, represented by Cheney-Walters-Echols, Inc., for a variance to the minimum lot size requirement (1 acre to 0.47 acres) and front yard setback requirement (50 feet to 28 feet) in the RA Rural Agriculture district for property located at 2995 La Plata Highway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Beg. S 330', W 420', and S 231.30' from NE corner of SWNE 062913 than S 98.70', E 187.25', N 116.31', S 84'38" W 188.08' to beg., B1415 P872, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2995 La Plata Highway

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

Karen Walker

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-84**

September 14, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Administrative Review Board of the City of Farmington, New Mexico, a request from Gerald Cimino, Trustee, represented by San Juan Signs, for a variance from the requirements of Section 5.8.7A (18) Off-site signs of the UDC in the GC General Commercial District for property located at 2300 E. Main Street (Carl's Jr.), in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Tract 88 of the Fairview Village Subdivision Replat H, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2300 E. Main Street

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

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

If you have any questions or would like additional information regarding this notice or the petition, please contact 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: **Fairview Village Subdivision Replat "H"**
Tract 8B

OWNER: Cimino, Gerald and Erla H. Living Trust
 Box 2025
 Farmington, NM 87499-2025
 1600/860

| <u>ADJOINING OWNER</u> | <u>ADDRESS</u> | <u>LEGAL DESCRIPTION</u> |
|---------------------------------------|---|--|
| Jumbo Storage, Inc. 1600/861 | P.O Box 2025 Farmington, NM 87499 | Fairview Village Subdivision Replat "H" Tract 8A |
| Hsu, Teresa Trustee 1188/576 | 13459 Mountain AVE Chino, CA 91710-0 | T29N, R13W, Sec. 11 Pt. NE1/4SW1/4 |
| 2333 Main, LLC 1505/727 | 6715 Pryor LN Farmington, NM 87401-5116 | T29N, R13W, Sec. 11 Pt. NE1/4SW1/4 |
| 2317 E. Main, LLC 1505/746 | 6715 Pryor LN Farmington, NM 87402 | T29N, R13W, Sec. 11 Pt. NE1/4SW1/4 |
| Totah Music, Inc. 669/413 | 2313 E. Main Farmington, NM 87401-7719 | T29N, R13W, Sec. 11 Pt. NE1/4SW1/4 |
| Pelistar Investments, LLC 1334/876 | 2307 E. Main Farmington, NM 87401 | T29N, R13W, Sec. 11 Pt. NE1/4SW1/4 |

McDonald's Real Estate
Company
1536/760

555 S. Camino Del Rio
Ste A-3
Durango, CO
81303

T29N, R13W, Sec. 11
Pt. NE1/4SW1/4

Four Corners Tacos, Inc.
849/204, 1005/277, 1490/871

2226 E. Main
Farmington, NM
87401-7718

Fairview Village
Subdivision, Replat "G"
Block 1
Lot 23A

MJ and TS Investments, LLC
1471/579, 1490/870, 1471/580

901 N. Tucker
Farmington, NM
87401

Fairview Village
Subdivision, Replat "G"
Block 1
Lot 19A
and
Lot 18A



FAIRVIEW



Not to Scale

R0031252
BASIN PERFORATORS INC
1037 / 1
0.84 Ac.

R0028043
PAJIS NM DE LLC
1545 / 478
0.7 Ac.

R0021075
2333 MAIN LLC
1505 / 727
0.69 Ac.

R0020253
DNH INVESTMENTS LLC
1435 / 689
0.73 Ac.

R0025678
HSU TERESA TRUSTEE
1188 / 576
0.85 Ac.

R0038073
2317 E MAIN LLC
1505 / 746
0.96 Ac.

R0027719
DNH INVESTMENTS LLC
1504 / 419
1.95 Ac.

Jumbo Storage
10018101

Living Trust
Cimino, Gerald
11000/860

Total Music, Inc.
1009/413

R2000169
PELISTAR INVESTMENTS LLC
1334/876

29-13-11-3

MAIN

TUCKER

TUCKER

MJ and TS
Investments, LLC
1471/580, 1490/870

MJ and TS
Investments, LLC
1471/519, 1490/870

R4008077
FOUR CORNERS TACOS INC
1490 / 871
0.85 Ac.

McDonald's
Real Estate
Company
152617100

R0029101
HODGES RUSSELL L
1406 / 160
0.58 Ac.

R0030852
7 2 11 FOOD STORE NO 14 INC
1555 / 766
6.08 Ac.

R0023473
SUNWEST BANK OF FARMINGTON
1052 / 118
3.5 Ac.

R0025837
HALE PATRICK J
1357 / 565
0.55 Ac.

FAIRVIEW

ADMINISTRATIVE REVIEW BOARD
Petition ARB 16-85
Variance to the maximum size for wall signs
October 6, 2016

DESCRIPTION OF PETITION

Petition ARB 16-85 is a request from Aaron's Inc., represented by San Juan Signs, for a variance to the allowed maximum size of wall signs for property located at 2523 E. Main Street in the GC General Commercial zoning district. The property is legally described as:

American Street Subdivision, Lot 2, in the City of Farmington, San Juan County, New Mexico.

GENERAL INFORMATION

Petitioner:.....Aaron's Inc., a Furniture & Appliance store

Representative:.....San Juan Signs

Property Owner:Tracy Lewis

Nature of Petition: The petitioner is requesting four (4) additional wall signs of 38.8 square feet in total to the existing 69.3 square foot wall sign, for a combined total of 108 square feet of wall signage for the front elevation.

Location of Property:2523 E. Main Street

Applicable Regulations: .The City of Farmington Unified Development Code (UDC): Pursuant to Section 5.8.7 (2) A "The total area of wall signs on a particular wall or a section of wall shall not exceed one square foot of wall sign for each linear foot of length of that wall, which length shall be measured by applying the same principles as are used to measure building frontage, subject to residential restrictions."

Zoning:GC General Commercial District.

Existing Use:.....Commercial

Surrounding Zoning and Land Use:.....North: GC General Commercial / Commercial
South: GC General Commercial / Commercial
East: GC General Commercial / Commercial
West: GC General Commercial / Commercial

Public Notice:.....Publication of Notice of this petition appeared in the Daily Times on Sunday September 18, 2016. Adjoining property owners were sent notice by certified mail on Wednesday, September 12, 2016 and a sign was posted on the property on Friday, September 23, 2016

Staff:Steven Saavedra, Associate Planner

PROJECT DESCRIPTION

Aaron's Inc., a furniture & appliance store is requesting a variance to the size of wall signage for property located at 2523 E. Main Street, in GC General Commercial District. A furniture & appliance store may be located in the GC District as set forth in Table 2.3 of the UDC. The GC District allows both principal freestanding signs and wall signs. Pursuant to Section 5.8.7 (2) A *"The total area of wall signs on a particular wall or a section of wall shall not exceed one square foot of wall sign for each linear foot of length of that wall, which length shall be measured by applying the same principles as are used to measure building frontage"*. The building frontage for Aaron's Inc. is 70.5 feet. The subject property is allowed a wall sign up to 70.5 square feet for the front elevation. Aaron's currently has a wall sign of 69.3 square feet. The applicant is requesting four additional wall signs, totaling 38.8 square feet. If approved, this would allow the applicant 108.1 square feet of wall signage.

Pursuant to UDC 5.8.7 "The purpose of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the pleasing look of the city; to preserve Farmington as a city that is attractive to business; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to otherwise implement relevant provisions of the Farmington Comprehensive Plan."

Administrative Review

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

ISSUES

Community Development Director: Mary Holton- 599-1285

- Petitioner's justification for asking for 50% more wall signage is based on what a neighbor has. The neighbor's signage holds legal nonconforming status. Petitioner needs to provide a valid justification for additional signage within the site.

Legal: Assistant City Attorney Russel Frost – 505-599-1124

- The City Council approved the UDC 5.8.7 which regulates the size of a sign for each business as a factor of the amount of building frontage. Therefore, the ARB must assume City Council wants every business to have a sign which is in compliance with the UDC.
- Pursuant to UDC 5.8.7 (A) 2, the petitioner is allowed 70.05 square feet of wall signage for the front elevation. It is clear that petitioner currently uses 69.3 Square feet of wall signage for the front elevation, and the petitioner is asking for

additional signs which would far exceed the permitted size. The reasons listed by the petitioner to use more than 70.05 square feet, do not satisfy requirements to allow for a variance. Specifically, the petitioner lists other properties with similar signs but makes no statement if those signs are in compliance with the UDC or if the ARB allowed for a sign variance. Without this critical piece of information, all of the petitioner's request for a variance is a request without justification.

- Further, it appears the petitioner was asked to come into conformance in the past and complied with the request. It now appears petitioner is asking for a variance, on the basis that they followed the code in the past? This is not a sufficient justification for a variance, and should not be approved without additional sufficient reasoning.

ANALYSIS

Variance Criteria – Section 8.12.4, UDC

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

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

There is no conditions or circumstance peculiar to the parcel that are different from other parcels in the same district. The petitioner is requesting four addition signs, which are self-created, and a result of the applicant. There are no changes in elevations, slopes, hills, or anything peculiar to the land. The applicants Representative stated "*Bruces Easy Rents Much More Footage Across Street*". This would not meet the criteria justifying this variance condition.

This criterion **IS NOT MET.**

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

The subject property is zoned GC. Properties to the north, east, and west are zoned GC; property to the south is zoned IND Industrial. The subject property to the north, known as Bruce's Easy Rent exceeds the wall signs requirements of 5.8.7 (2)A. However, Bruce's Easy Rents is considered a legal nonconforming sign, as it was legally established prior to the adoption of the UDC. If these signs are discontinued the business will be required to meet the current code.

This criterion **IS NOT MET.**

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

The building frontage for Aaron's Inc. is 70.5 feet. The subject property is allowed a wall sign up to 70.5 square feet. Aaron's currently has a wall sign of 69.3 square feet. The applicant is requesting four additional wall signs. In total, the four additional wall signs are 38.8 square feet. If approved, the applicant would have 108.1 square feet of wall signage. This is a 53.19% increase from what is allowed. This is not a minimum easing of the code.

This criterion **IS NOT MET.**

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

The Comprehensive Plan States: "Urban design is a major emphasis of the comprehensive plan. In particular, Chapter 10 of the plan provides design guidelines recognizing expressly that 'improvements to the appearance of one element (of urban design) will foster improvements in other areas. The city's sign standards should include regulations for maximum allowable signage for wall, ground, window signs, sign-spacing and even recommend styles in keeping with the desired overall visual appearance, formed through consensus of citizens and elected officials."

"A major purpose of this UDC is to ensure that signs in the community are compatible with the image that the city seeks and in which the city continually invests."

Limiting the size of signs is intended to improve the visual appearance of the community with standards formed through consensus of citizens and elected officials. The sign standards are intended to enhance the pleasing look of the city. The variance requested is not in harmony with the intent of the sign standards of the UDC.

This criterion **IS NOT MET.**

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

Granting this variance will not permit a use that is not otherwise allowed in the GC district. The applicant's request is for a variance to a wall sign and wall signs are allowed in the GC district.

This criterion **IS MET.**

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

No nonconforming signs (Bruce's Easy Rents, etc.) have been considered as justification for this variance

This criterion **IS MET.**

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

The applicant would not suffer an unnecessary hardship if the variance were denied. The applicant currently has a wall sign of 69.3 square feet and a 30-foot principal freestanding sign with a LED message center. Section 5.8.1 of the UDC describes the purpose for sign regulations and cites the need to set standards for the maximum size of wall signs, among other sign regulations, in order to meet various goals identified in the Comprehensive Plan.

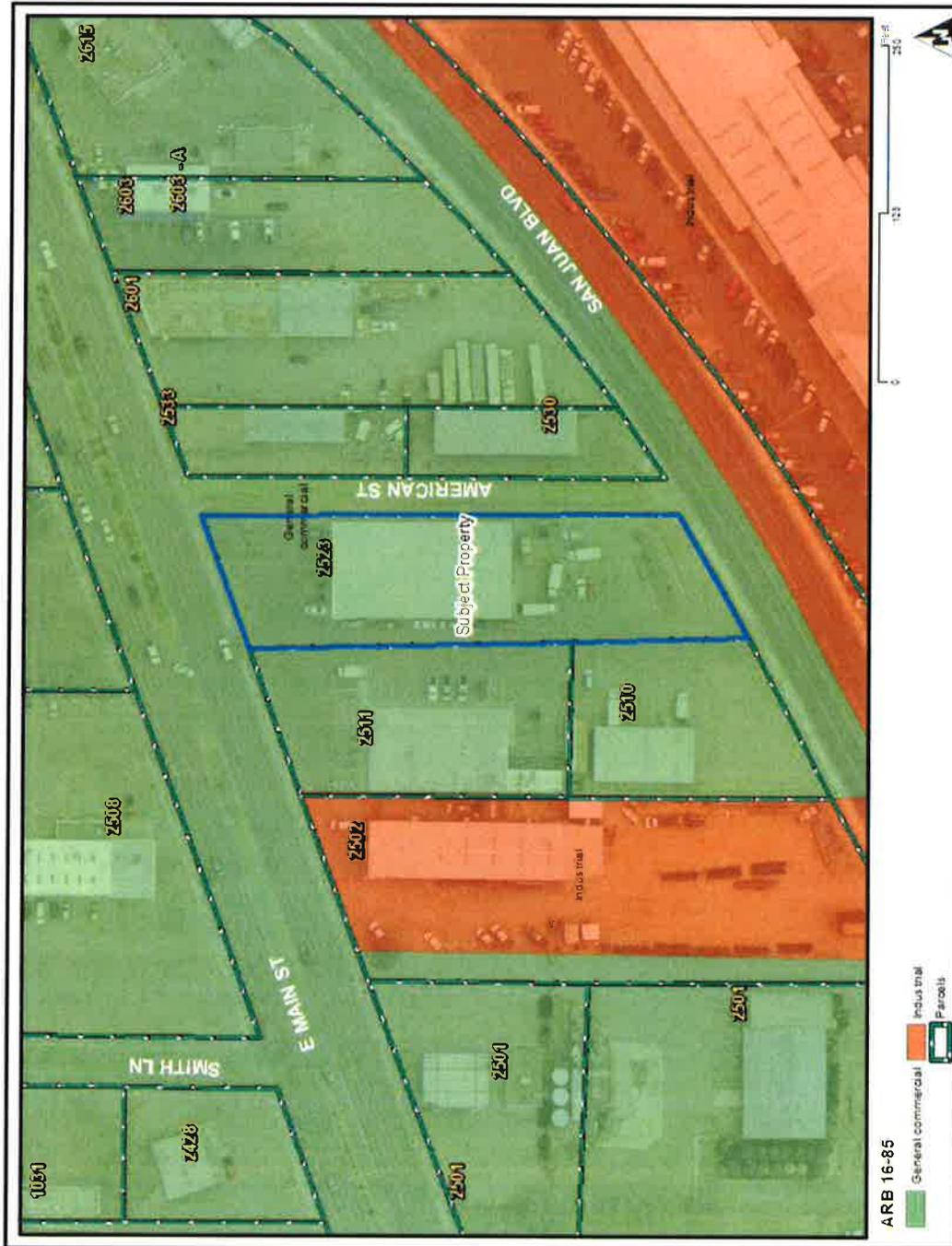
This criterion **IS NOT MET.**

CONCLUSION

The Community Development Department concludes that denial of ARB 16-86 is appropriate. The variance request is not a minimum easing of the requirements of the UDC and the applicant failed to justify the reason for the variance. Pursuant to Section 5.8.1 of the UDC describes the purpose for sign regulations and cites the need to set standards for the maximum size of wall signs, among other sign regulations, in order to meet various goals identified in the Comprehensive Plan.

RECOMMENDATION

The Community Development Department recommends **Denial** of Petition No. ARB 16-86, a request from Aaron's Inc, represented by San Juan Signs, for a variance to increase the maximum signage size and location of wall signs for property located for property located at 2523 E. Main Street in the GC General Commercial zoning district.



Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.

PLANNING MEMO COMMENTS SUMMARY

ARB 16-85 ARB 16-85 AARONS 2523 E. MAIN

Deadline: 9/8/16

City of Farmington Departments

| | | |
|-------|--------------------------------|---|
| CD | | <p>Petitioner's justification for asking for 50% more wall signage is based on what a neighbor has. The neighbor's signage may hold legal nonconforming status. Petitioner needs to provide a valid justification for additional signage within his site.</p> <p>Additional comments will be incorporated into the staff memo.</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 | The Fire Marshal's office has no comments for the 16-84, 16-85, 16-86, or 16-87. |
| LEGAL | City Attorney | |
| LEGAL | Deputy City Attorney | <p>9-21-16</p> <p>The City Council approved the UDC 5.8.7 which regulates the size of a sign for each business as a factor of the amount of street frontage. Therefore, the ARB must assume City Council does wants every business to have a sign which is in compliance with the UDC.</p> <p>Pursuant to UDC 5.8.7 (A) 2, the petitioner is allowed 70.05 square feet of wall signage for the front elevation. It is clear that petitioner currently uses 70. Square feet of wall signage for the front elevation, and the petitioner is asking for additional signs which would far exceed the permitted size. The reasons listed by the petitioner to use more than 70.05 square feet, do not satisfy requirements to allow for a variance. Specifically, petitioner list other properties with similar signs, but makes no statement if those signs are in compliance with the UDC or if the ARB allowed for a sign variance. Without this critical piece of information, all of petitioner's request for variance is a request without</p> |

| | | |
|--------|------------------------|--|
| | | justification. Further, it appears the petitioner was asked to come into conformance in the past, and complied with the request. It now appears petitioner is asking for a variance, on the basis that they followed the code in the past? This is not a sufficient justification for a variance, and should not be approved without additional sufficient reasoning. |
| 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 | | |
|---|---|--|
|  | <p>Incomplete applications may not be accepted.</p> <p>Return completed application to:</p> | <p>Planning Division Community Development Department City of Farmington 800 Municipal Drive Farmington, NM 87401 (505) 599-1317</p> |
| PROJECT TYPE (Check Those Applicable) | | |
| <input type="checkbox"/> Annexation / Zoning <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat <input type="checkbox"/> Special Use Permit <input type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to <input type="checkbox"/> Temporary Use Permit Proposed Length of Use: <input type="checkbox"/> Well site equipment modification |
| INFORMATION | | |
| Applicant's Name: AARONS | Project Location: 2523 E MAIN | |
| Address: 2523 E. MAIN | Existing Use: RETAIL | |
| E-Mail: | Proposed Use: RETAIL | |
| Telephone: 423-352-9060 | Current Zoning: GC | |
| Relationship to Property Owner: OWNER | Assessor's Parcel I.D. and/or Tax I.D. Number: 2074172187221 | |
| Legal Description of Subject Property: AMERICAN ST. SUBDIVISION LOT BK 1422 PG 243 BK PG 525 TDD BK 1550 PG 812 | | |
| Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes <input type="checkbox"/> If Yes, please provide copy with application. | | |
| REPRESENTATIVE / CONTACT PERSON (if other than applicant) | | |
| Name: ROBERT BAILEY | E-Mail: ROBERT@SANJUANSGNS.COM | |
| Phone: 325-5511 | Address: 736 E. MAIN FARMINGTON NM | |
| OWNERSHIP | | |
| <small>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)</small> | | <small>MORTGAGE HOLDERS (if any)</small> |
| Name: <i>Member</i> David Holland | Phone: 432-352-9060 | Name: _____ |
| Address: 2000 N Garfield, Ste 107 <i>Midland, TX 79705</i> | | Address: _____ |
| OWNER CERTIFICATION: I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review. | | |
| Owner's Signature: <i>David Holland</i> | | |
| **** STAFF USE ONLY **** | | |
| Received By: stewen | <input type="checkbox"/> Site Plan | |
| Date: 2/3/16 | <input type="checkbox"/> Ownership List (subject and surrounding properties) | |
| Fee Received: 70- | <input type="checkbox"/> Legal Description | |
| Project File No. ARB16-25 Aarons | <input type="checkbox"/> Project Description | |
| Date of Hearing/Meeting: 10/6/16 | | |

G:\Commdev\USERS\CDShare\Forms\Application\Universal Application Form\Universal Application Form.dotx

Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.

JUSTIFICATION OF VARIANCE

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

1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and; furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant.
BRUCE'S DASHY RENTS MUCH MORE SQUARE FOOTAGE
ACROSS STREET
2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.
~~ACROSS~~ STREET @ BRUCE'S DASHY RENT MUCH MORE
SIGNAGE. AARNS NOT ASKING TO MATCH OR EXCEED
3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building or structure.
ASKING FOR 20% MORE SQUARE FOOT
4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare.
PAST SIGNAGE LESS THEN AARNS IS REQUESTING
5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.

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JUSTIFICATION OF VARIANCE
(Continued)

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

BRUCES EASY RENT ALSO GC & ACROSS STREET

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

ARLON'S UPDATED SIGNAGE BY DOING THIS & CODE WAS UP DATED, LETTERS HAD TO BE REMOVED TO MEET NEW CODE. ASKING TO REINSTALL LETTERS

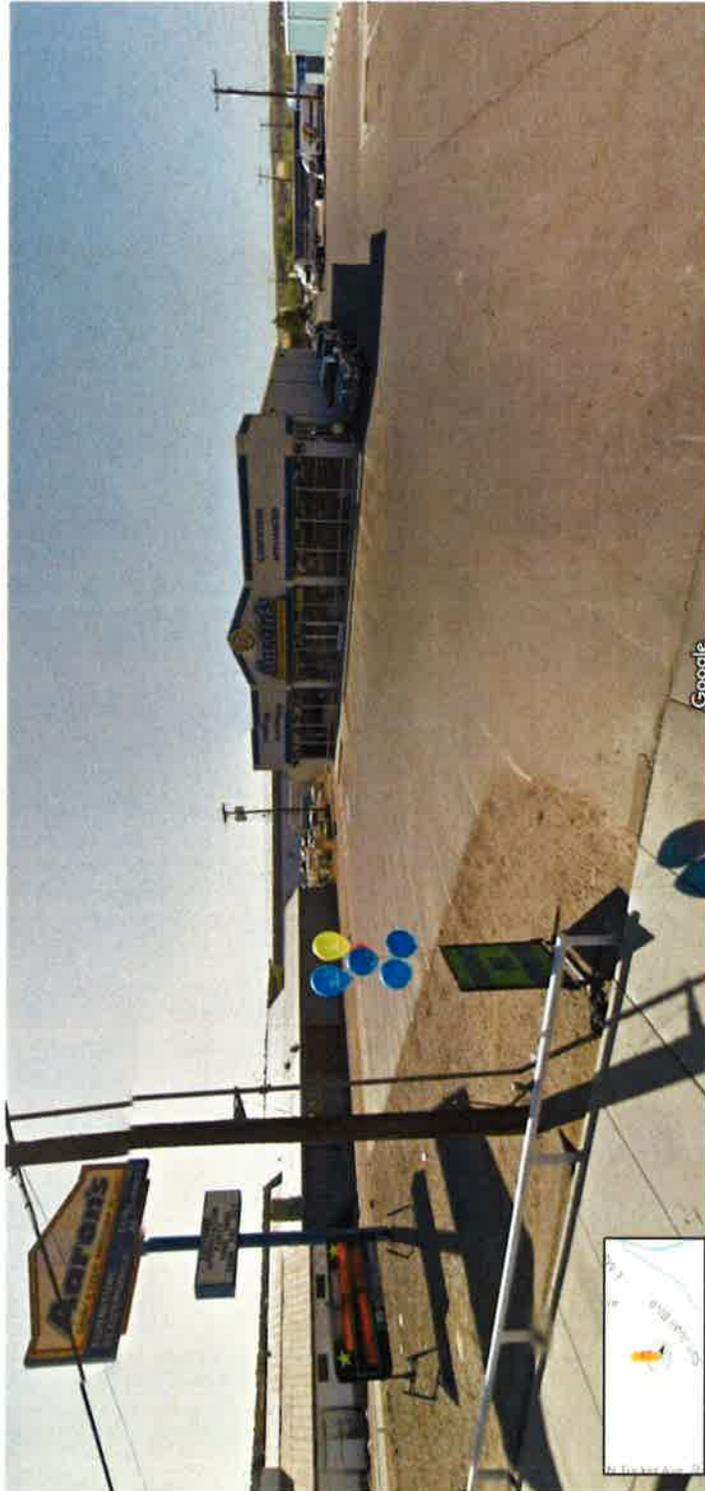
Signature of Petitioner: _____



Date: _____

Attach additional sheets if necessary or use the space below

Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.



Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.

PROPOSE NEW CLOUD SIGN, WINDOW GRAPHICS AND AWNINGS

70'-5"

20'-10"

21'-10"

21'-0"

22'-0"

8'-9"

14'-0"

FURNITURE ELECTRONICS

Aaron's

COMPUTERS APPLIANCES

FOR AARON'S SEAM MUST BUTT UP EVENLY, NO VISIBLE GAP BETWEEN CABINETS

REMOVAL OF OLD WINDOW GRAPHICS REQUIRED

PHOTO SURVEY

Project Manager: Lisa R. Date: 4/11/13 Rev: 2/27/14
 Store: F0284 PM Approval:
 WOC: 100575 Drawn by: S.J. Jantjes Scale: 1/8" = 1'

FRONT ELEVATION

Pg 2

2523 East Main Street Farmington, NM 87401

Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.

35.8 SQ. FEET

INSTALLATION NOTE
 DO NOT PENETRATE
 FLASHING
 CANT STRIP
 ROOF MEMBRANE

8'-0" 8.0 SQ. FT

12" **FURNITURE**

9'-11 3/4" 9.97 SQ. FT

12" **ELECTRONICS**

8'-10 3/4" 8.89 SQ. FT

12" **COMPUTERS**

9'-0 3/8" 9.03 SQ. FT

12" **APPLIANCES**

FONT: HELVETICA (GEMINI)

COLORS SPECS
 ■ GEMINI 2860 "MED. BLUE"

SIGN DESCRIPTION:

Install (1) ONE set of Gemini Letters, Injection molded. Stud and silicone flush mount. Non-illuminated.

MOUNT INJECTION MOLDED LETTERS FLUSH TO WALL WITH STUDS AND SILICONE ADHESIVE

3/16" (10-24) ALUM STUDS

FASCIA

Project Manager: Lisa R. Date: 4/11/13 Rev 9/2/27/14 as
 Store: F0284 PM Approval: _____
 WO: 100579 Drawn by: S. Jenkins Scale: 3/8" = 1'-0"

12" SUB COPY

Pg 5

2523 East Main Street Farmington, NM 87401

Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.



**(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING**

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

Petition No. ARB 16-84 - a request from Gerald Cimino, Trustee, represented by San Juan Signs, for a variance from the requirements of Section 5.8.7A (18) Off-site signs of the UDC in the GC General Commercial District for property located at 2300 E. Main Street, in the City of Farmington (Carl's Jr.), San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Tract 88 of the Fairview Village Subdivision Replat H, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2300 E. Main

Petition No. ARB 16-85 - a request from Aaron's, Inc., represented by San Juan Signs, for four additional wall signs for property located at 2523 E. Main Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

American Street Subdivision, Lot 2, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2523 E. Main

Petition No. ARB 16-86 - a request from Vectra Bank, represented by San Juan Signs, to replace the existing freestanding sign and increase the height to 20 feet, for property located at 2000 E. 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Lot 2 of the Clayton Investment Subdivision, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2000 E. 20th Street

Petition No. ARB 16-87 - a request from Kenneth Harrison, represented by Cheney-Walters-Echols, Inc., for a variance to the minimum lot size requirement (1 acre to 0.47 acres) and front yard setback requirement (50 feet to 28 feet) in the RA Rural Agriculture district for property located at 2995 La Plata Highway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Beg. S 330', W 420', and S 231.30' from NE corner of SWNE 062913 than S 98.70', E 187.25', N 116.31', S 84'38" W 188.08' to beg., B1415 P872, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2995 La Plata Highway

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

Karen Walker

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-85**

September 14, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Administrative Review Board of the City of Farmington, New Mexico, a request from Aaron's, Inc., represented by San Juan Signs, for four additional wall signs for property located at 2523 E. Main Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

American Street Subdivision, Lot 2, in the City of Farmington, San Juan County,
New Mexico.

Otherwise located at 2523 E. Main Street

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

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

If you have any questions or would like additional information regarding this notice or the petition, please contact Steven Saavedra at 505-599-1282 or ssaavedra@fmtn.org.

Sincerely,



Karen Walker
Administrative Assistant

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

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF
 THE FOLLOWING DESCRIBED PROPERTY: **American Street Subdivision**
Lot 2

OWNER: Berg, Dorlisa H. FKA
 Thomas, Dorlisa H.
 Lamorte, Suellen Trustee
 Lewis, Tracy
 284 B Tano RD
 Santa Fe, NM 87506
 1422/343, 1439/525

| ADJOINING OWNER | ADDRESS | LEGAL DESCRIPTION |
|---|---|---|
| March, Kirk 1253/181, 1543/886 | 43 Road 4909 Bloomfield, NM 87413 | T29N, R13W, Sec. 11 Pt. NW1/4SE1/4 |
| Hastings, Bill R. and Phyllis R. Family Trust 1143/745 | 600 E Saguaro DR Unit 274 Benson, AZ 85602 | T29N, R13W, Sec. 11 Pt. NW1/4SE1/4 |
| Henkenius, G. Michael and Amy E. Trustees 1538/485 | 2607 Edgecliff DR Farmington, NM 87402-4525 | T29N, R13W, Sec. 11 Pt. NW1/4SE1/4 |
| Riley Industrial Services, Inc. 1189/651 | P.O Box 2014 Farmington, NM 87499-2014 | T29N, R13W, Sec. 11 Pt. E1/2W1/2SE1/4 |
| Jensen, Randy and Sharon Jensen, Kory 1533/854, 1536/463 | 2517 San Juan BLVD Farmington, NM 87401-0000 | T29N, R13W, Sec. 11 Pt. SW1/4SE1/4 Pt. NW1/4SE1/4 |

Dees, Kellie A.
1512/657

P.O Box 21
Aztec, NM
87410

American Street
Subdivision Replat "B"
Lot 1B

Archibeques Reliable Rent
to Own and Sales, LLC
1528/912

2511 E Main ST
Farmington, NM
87401

American Street
Subdivision Replat "B"
Lot 1A

WBR Properties, Inc.
1321/498

P.O Box 1827
Farmington, NM
87499

T29N, R13W, Sec. 11
Pt. NW1/4SE1/4

Franconia Investments, LLC
1486/854

460 Quarter Horse RD
Durango, CO
81303

Industrial Subdivision
Block 1
Lot 16
And
T29N, R13W, Sec. 11
Pt. NE1/4SW1/4
Pt. NW1/4SE1/4

Ray Kysar Investments, LLC
1516/743

300 W Arrington
Suite 100
Farmington, NM
87401

Hicks Subdivision #2
Lots 1 and 2

ADMINISTRATIVE REVIEW BOARD
Petition ARB 16-86
Variance to the height of a principal freestanding sign
October 6, 2016

Petition ARB 16-86 is a request from Vector Back, represented by San Juan Signs, for a variance to increase the height of a freestanding sign located at 2000 E. 20th Street in the LNC Local Neighborhood Commercial District. Pursuant to Unified Development Code 5.8.7. (A) The LNC District limits the height of freestanding signs to ten (10) feet. The property is legally described as:

Lot 2 of the Clayton Investment Subdivision, in the City of Farmington, San Juan County,
New Mexico.

Otherwise located at 2000 E. 20th Street.

GENERAL INFORMATION

Petitioner:.....Vector Bank

Representative:.....San Juan Signs

Property Owner:Vector Bank Colorado NA

Nature of Petition: The petitioner is requesting to increase the height of a freestanding sign to 20 feet. The height restriction for a principal freestanding sign is 10 feet in the LNC District.

Location of Property:2000 E. 20th Street

Applicable Regulations: .Unified Development Code Section 5.8.7(A) 1.b.: Allowable Height on a Principal Freestanding Sign

Zoning:LNC Local Neighborhood Commercial

Existing Use:.....Commercial

Surrounding Zoning..... ..North: PD Planned Development / Intuitional
and Land Use: South: LNC Local Neighborhood Commercial / Commercial
 East: Single-Family 7 / Intuitional
 West: PD Planned Development / Intuitional

Public Notice:.....Publication of Notice of this petition appeared in the Daily Times on Sunday September 18, 2016. Adjoining property owners were sent notice by certified mail on Wednesday, September 12, 2016 and a sign was posted on the property on Friday, September 23, 2016

Staff:Steven Saavedra, Associate Planner

PROJECT DESCRIPTION

Vector Bank is requesting a variance to the maximum height limitation on a principal freestanding sign in the LNC (Local Neighborhood Commercial) District. The maximum allowable height is ten (10) feet and the petitioner is requesting the sign to be 20 feet in height. Currently, Vector Bank has a 16-foot freestanding sign. This sign is considered a legal nonconformity. The proposed sign face is 22.8 square feet; the maximum allowable square footage allowed in the LNC District is 50 square feet. The proposed sign would face east and west, towards 20th Street.

Local Neighborhood Commercial (LNC).

The Local Neighborhood Commercial (LNC) district is intended to accommodate neighborhood-oriented, low-intensity retail sales and service uses in commercial clusters and/or nodes along thoroughfares and at intersections that are readily accessible from surrounding residential areas. LNC district uses attract customers from a limited area and are typically located along collector or arterial streets. The LNC district includes specific standards designed to ensure the compatibility with the residential-scale and style of the neighborhoods they serve. The sign requirements of UDC Section 5.8, signs states: all signs shall be architecturally integrated with the building by including materials, shapes, and/or colors utilized in the building design.

Administrative Review

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

ISSUES

Community Development Director: Mary Holton- 599-1285

- Petitioner's justification should not be based on a neighbor's sign. It should only address the need for the variance within the subject site. The justification form is incomplete, and needs to be completed before the ARB meeting.

Legal Deputy City Attorney: Russel Frost- 599-1124

- This sign is currently in violation of the UDC and is only allowed because it was constructed prior to 2008. The petitioner shares the rest of the block with Farmington Library, which has no signs and only grass and trees, therefore, a larger, non-conforming sign, is not necessary because petitioner's sign does not compete with any other sign. Petitioner has stated reason for a variance, (another business has a larger sign) is not a valid independent reason to grant a variance. See UDC codes listed below.

- Pursuant to UDC 1.2, the UDC applies to all development, public and private, within the City of Farmington. All structures and land uses constructed or commenced after adoption of this UDC (January 1, 2008) and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this UDC.
- 9.5.1 A lawfully existing nonconforming sign may continue exceptany nonconforming sign shall either be eliminated or made to conform to the requirements of section 5.8, signs, when any substantial alteration to the sign or structure is performed, other than change of text or sign panels, routine maintenance, or repair.
- The LNC District limits the height of freestanding signs to 10 feet in height.
- Sec. 9.7 - Elimination of nonconforming status.
9.7.2 Nonconforming structures and signs. The owner of a nonconforming use, structure, or sign may employ the following mechanisms in an attempt to eliminate the nonconformity:
 - A. Modify the structure or sign to conform;
 - B. Apply for a variance to allow the structure or sign as built; or
 - C. Rezone to a district where the structure would conform.

ANALYSIS

Variance Criteria – Section 8.12.4, UDC

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

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

There are no conditions or circumstance peculiar to this parcel of land that is different from other parcels of land in the same district. This petitioner is requesting a sign that is twice the allowed height and this request is self-created by the petitioner. The petitioner did not meet this justification in the variance application.

This criterion **IS NOT MET.**

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

The Animas Credit Union (south of Vector Bank) has a principal freestanding sign that does not meet the maximum allowable height of ten (10) feet. The Animas Credit Union freestanding sign was established prior to the existing code and is considered a legal nonconforming sign. If the Animas Credit Union freestanding sign is removed or discontinued it will be required to come into compliance with the UDC.

This criterion **IS NOT MET.**

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

The LNC District allows freestanding signs, which cannot exceed 50 square feet and ten feet in height. The petitioner requests a variance for the sign to be 20 feet in height. This is a 100% increase from the requirements and is not a minimum easing of the code.

This criterion **IS NOT MET.**

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

Pursuant to the UDC, "Urban design is a major emphasis of the comprehensive plan. In particular, Chapter 10 of the plan provides design guidelines recognizing expressly that 'improvements to the appearance of one element (of urban design) will foster improvements in other areas. The city's sign standards should include regulations for maximum allowable signage for wall, ground, and window signs, sign-spacing and even recommend styles in keeping with the desired overall visual appearance, formed through consensus of citizens and elected officials."

"A major purpose of this UDC is to ensure that signs in the community are compatible with the image that the city seeks and in which the city continually invests." Limiting the size of signs is intended to improve the visual appearance of the community with standards formed through consensus of citizens and elected officials. The sign standards are intended to enhance the pleasing look of the city. The proposed sign could be in harmony with the intent of the code, if the height remains at a maximum of 16-feet, is out of the sight distance triangle, and does not encroach on any and all easements. The community is used to seeing this sign at 16 feet and the therefor would be in harmony if it remained at the height.

This criterion **IS NOT MET.**

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

Granting this variance will not permit a use that is not otherwise allowed in the LNC district. The applicant's request is for a variance to a principal freestanding sign and principal freestanding signs are allowed in the LNC district.

This criterion **IS MET.**

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

In their application, the applicant relies on a nonconforming sign as justification of the variance (another business has a larger sign) is not a valid independent reason to grant a variance. Pursuant to UDC 1.2, the UDC applies to all development, public and private, within the City of Farmington. All structures and land uses constructed or commenced after adoption of this UDC (January 1, 2008) and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this UDC. 9.5.1 A lawfully existing nonconforming sign may continue except any nonconforming sign shall either be eliminated or made to conform to the requirements of section 5.8, signs, when any substantial alteration to the sign or structure is performed, other than change of text or sign panels, routine maintenance, or repair.

This criterion **IS NOT MET.**

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

The applicant would not suffer an unnecessary hardship if the variance were denied. The LNC district includes specific standards designed to ensure the compatibility with the residential-scale and style of the neighborhoods they serve. The variance request is not a minimum easing of the requirements of the UDC, but is a 100 percent increase of the allowable height of a principal freestanding sign. Section 5.8.1 of the UDC describes the purpose for sign regulations and cites the need to set standards for the maximum size of wall signs, among other sign regulations, in order to meet various goals identified in the Comprehensive Plan.

This criterion **IS NOT MET.**

CONCLUSION

The Community Development Department concludes that denial of ARB 16-86 is appropriate. The variance request is not a minimum easing of the requirements. The applicant failed to justify the criteria for the variance application. Section 5.8.1 of the UDC describes the purpose for sign regulations and cites the need to set standards for the maximum size height of principal freestanding signs, among other sign regulations,

in order to meet various goals identified in the Comprehensive Plan. If the petitioner limits the height of the new freestanding sign to 16 feet, is out of the sight distance triangle, and does not encroach on any and all easements, the Community Development Department could recommend approval of this sign.

RECOMMENDATION

The Community Development Department recommends **Denial** of Petition No. ARB 16-86, a request from Vector Bank, represented by San Juan Signs, for a variance to the maximum height limitation on a principal freestanding sign, located at 2000 E. 20th Street in the LNC Local Neighborhood District.



Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.

PLANNING MEMO COMMENTS SUMMARY

ARB 16-86 ARB 16-86 VECTRA BANK 2000 E. MAIN

Deadline: 9/8/16

City of Farmington Departments

| | | |
|-------|--------------------------------|--|
| CD | Director | <p>Petitioner's justification should not be based on a neighbor's sign. It should only address the need for the variance within the subject site. The justification form is incomplete, and needs to be completed before the ARB meeting.</p> <p>Additional comments will be incorporated into the staff memo.</p> |
| 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 | The existing sign is already 20' tall and with the proposed sign should not be a problem. Location is the same. No recommendation. |
| ELEC | T & D | |
| FIRE | Fire Marshall | The Fire Marshal's office has no comments for the 16-84, 16-85, 16-86, or 16-87. |
| LEGAL | City Attorney | |
| LEGAL | Deputy City Attorney | <p>9-26-16 This sign is currently in violation of the UDC and is only allowed because it was constructed prior to 2008. The petitioner shares the rest of the block with Farmington Library, which has no signs and only grass and trees, therefore, a larger, non-conforming sign, is not necessary because petitioner's sign doesn't compete with any other sign. Petitioner's stated reason for a variance, (another businesses has a larger sign) is not a valid independent reason to grant a variance. See UDC codes listed below.</p> <p>Pursuant to UDC 1.2, the UDC applies to all development, public and private, within the City of Farmington. All structures and land uses constructed or commenced after adoption of this UDC (January 1, 2008) and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to this UDC.</p> <p>9.5.1 A lawfully existing nonconforming sign may</p> |

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|--------|------------------------|---|
| | | <p>continue exceptany nonconforming sign shall either be eliminated or made to conform to the requirements of section 5.8, signs, when any substantial alteration to the sign or structure is performed, other than change of text or sign panels, routine maintenance, or repair.</p> <p>The LNC District limits the height of freestanding signs to 10 feet in height.</p> <p>Sec. 9.7 - Elimination of nonconforming status. 9.7.2 Nonconforming structures and signs. The owner of a nonconforming use, structure, or sign may employ the following mechanisms in an attempt to eliminate the nonconformity:</p> <p>A.Modify the structure or sign to conform; B.Apply for a variance to allow the structure or sign as built; or C.Rezone to a district where the structure would conform.</p> |
| 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 | |

| | | | | | | | | | | | | | | | | | | |
|---|--|---|--|---|--|--|---|--|--|---|---|--|---|---|---|--|---|--|
|  | <p>complete applications will not be accepted.</p> <p>Return completed application to:</p> | <p>Planning Division Community Development Department City of Farmington 800 Municipal Drive Farmington, NM 87401 (505) 599-1317 (505) 599-1299 (fax)</p> | | | | | | | | | | | | | | | | |
| | <p>PROJECT TYPE (Check Those Applicable)</p> <table border="0"> <tr> <td><input type="checkbox"/> Annexation and / or Zoning</td> <td><input type="checkbox"/> Summary Plat</td> <td><input type="checkbox"/> Zone Change to _____ District</td> </tr> <tr> <td><input type="checkbox"/> Preliminary Plat</td> <td><input type="checkbox"/> Special Use Permit</td> <td><input type="checkbox"/> Temporary Use Permit</td> </tr> <tr> <td><input type="checkbox"/> Final Plan</td> <td><input type="checkbox"/> Variance (ARB)</td> <td>Proposed Length of Use: _____</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Well site equipment modification</td> </tr> </table> | | <input type="checkbox"/> Annexation and / or Zoning | <input type="checkbox"/> Summary Plat | <input type="checkbox"/> Zone Change to _____ District | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> Final Plan | <input type="checkbox"/> Variance (ARB) | Proposed Length of Use: _____ | | | <input type="checkbox"/> Well site equipment modification | | | | |
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| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Temporary Use Permit | | | | | | | | | | | | | | | | |
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| <p>INFORMATION</p> <table border="0"> <tr> <td>Applicant's Name: <u>VECTRA BANK</u></td> <td>Project Location: <u>2000 E 20TH</u></td> </tr> <tr> <td>Address: <u>2000 E 20TH</u></td> <td>Existing Use: <u>BANK</u></td> </tr> <tr> <td>E-Mail:</td> <td>Proposed Use: <u>BANK</u></td> </tr> <tr> <td>Telephone:</td> <td>Current Zoning: <u>LNC</u></td> </tr> <tr> <td>Relationship to Property Owner: <u>OWNER</u></td> <td>Assessor's Parcel I.D. and/or Tax I.D. Number: <u>2074173411016</u></td> </tr> <tr> <td colspan="2">Legal Description of Subject Property: <u>CLAYTON INVESTMENT SUBDIVISION LOT 2 B1165 P477</u></td> </tr> <tr> <td colspan="2">Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></td> </tr> <tr> <td colspan="2">If Yes, please provide copy with application.</td> </tr> </table> | | | Applicant's Name: <u>VECTRA BANK</u> | Project Location: <u>2000 E 20TH</u> | Address: <u>2000 E 20TH</u> | Existing Use: <u>BANK</u> | E-Mail: | Proposed Use: <u>BANK</u> | Telephone: | Current Zoning: <u>LNC</u> | Relationship to Property Owner: <u>OWNER</u> | Assessor's Parcel I.D. and/or Tax I.D. Number: <u>2074173411016</u> | Legal Description of Subject Property: <u>CLAYTON INVESTMENT SUBDIVISION LOT 2 B1165 P477</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. | |
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| <p>REPRESENTATIVE / CONTACT PERSON (if other than applicant)</p> <table border="0"> <tr> <td>Name: <u>ROBERT BAILEY</u></td> <td>E-Mail: <u>ROBERT@SANJUANSIGNS.COM</u></td> </tr> <tr> <td>Phone: <u>326-5511</u></td> <td>Address: <u>734 E MAIN FARMINGTON NM</u></td> </tr> </table> | | | Name: <u>ROBERT BAILEY</u> | E-Mail: <u>ROBERT@SANJUANSIGNS.COM</u> | Phone: <u>326-5511</u> | Address: <u>734 E MAIN FARMINGTON NM</u> | | | | | | | | | | | | |
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| <p>OWNERSHIP</p> <table border="0"> <tr> <td>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)</td> <td>MORTGAGE HOLDERS (if any)</td> </tr> <tr> <td>Name: <u>Elizabeth Maye</u> Phone: <u>505-326-4342</u></td> <td>Name: _____ Phone: _____</td> </tr> <tr> <td>Address: <u>2000 E 20th, Farmington NM</u></td> <td>Address: _____</td> </tr> </table> | | | 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: <u>Elizabeth Maye</u> Phone: <u>505-326-4342</u> | Name: _____ Phone: _____ | Address: <u>2000 E 20th, Farmington NM</u> | Address: _____ | | | | | | | | | | |
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| Address: <u>2000 E 20th, Farmington NM</u> | Address: _____ | | | | | | | | | | | | | | | | | |
| <p>OWNER CERTIFICATION * (Physical and Mailing)</p> <p>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.</p> <table border="0"> <tr> <td>Name: _____</td> <td>Address: _____</td> </tr> <tr> <td>Owner's Signature: <u>Elizabeth Maye</u></td> <td>Phone / Email: _____</td> </tr> </table> <p style="text-align: center;">**** STAFF USE ONLY ****</p> | | | Name: _____ | Address: _____ | Owner's Signature: <u>Elizabeth Maye</u> | Phone / Email: _____ | | | | | | | | | | | | |
| Name: _____ | Address: _____ | | | | | | | | | | | | | | | | | |
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Document2

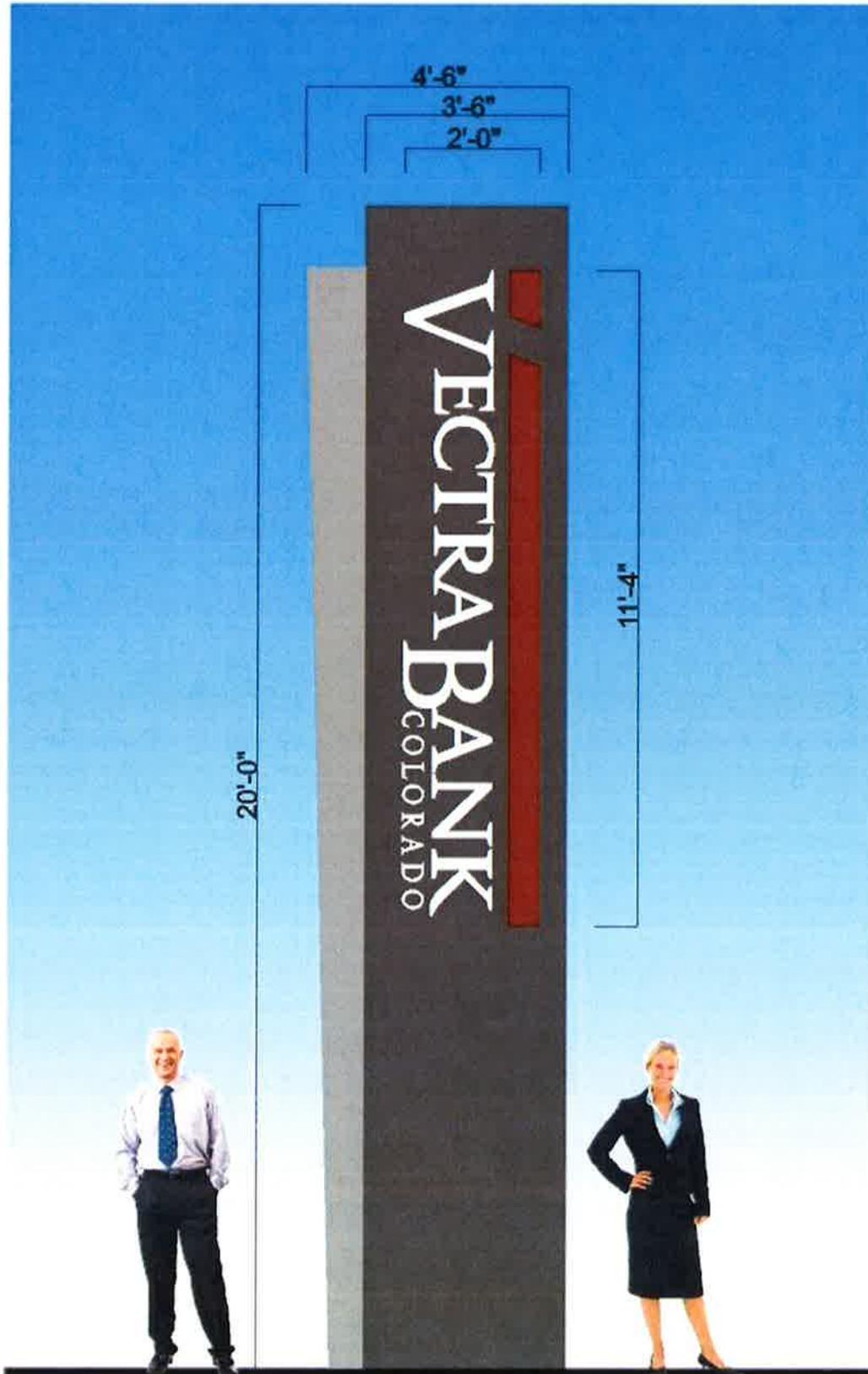
Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.

JUSTIFICATION OF VARIANCE

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

1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and; furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant.
2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.
ANIMAS CREDIT UNION ALSO HAD MUCH LARGER SIGN
OVER 10' OAH
3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building or structure.
EXISTING SIGN IS 10' OAH ASKING FOR 20' OAH
4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare.
NO SAFETY ISSUES OUT OF VIEW FROM JRG
NOT AS LARGE AS ANIMAS CREDIT UNION ALSO HAD
5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.

Please review the attachments and return your comments and recommendations to this office by the above-stated deadline date; however, if your department has no comments to offer on the proposed changes, please sign the copy and return to this office. PLEASE NOTE THAT THE ATTACHMENTS ARE FOR YOUR FILES.



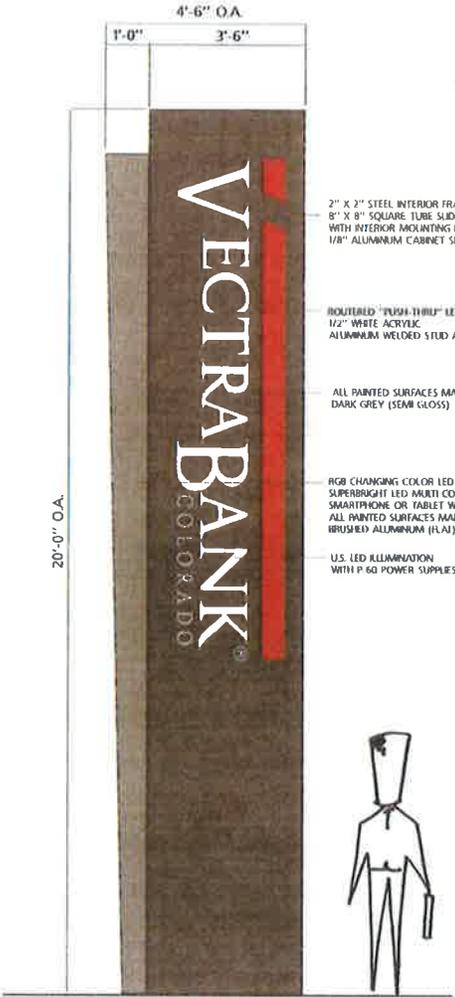
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SIGN A



PROPOSED

EXISTING



4'-6" O.A.
1'-0" 3'-6"
20'-0" O.A.

- 2" X 2" STEEL INTERIOR FRAME
8" X 8" SQUARE TUBE SLIDE OVER
WITH INTERIOR MOUNTING PLATE
1/8" ALUMINUM CABINET SKIN
- ROUTERED "PUSH THRU" LETTERS
1/2" WHITE ACRYLIC
ALUMINUM WELDED STUD ATTACHMENT
- ALL PAINTED SURFACES MAP PAINT SYSTEM
DARK GREY (SEMI GLOSS)
- RGB CHANGING COLOR LED STRIP
SUPERBRIGHT LED MULTI COLOR STRIPS
SMARTPHONE OR TABLET (WIFI) COMPATIBLE CONTROLLER
ALL PAINTED SURFACES MAP PAINT SYSTEM
BRUSHED ALUMINUM (FLAT)
- U.S. LED ILLUMINATION
WITH P-60 POWER SUPPLIES 120 VOLT

VECTRA BANK FREESTANDING SIGN
2000 E. 20TH. FARMINGTON

DESIGN PROPERTY OF
Bud's SIGNS
and Neon
970-245-7700




© COPYRIGHT 1997 BUD'S SIGNS, INCORPORATED

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**(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING**

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

Petition No. ARB 16-84 - a request from Gerald Cimino, Trustee, represented by San Juan Signs, for a variance from the requirements of Section 5.8.7A (18) Off-site signs of the UDC in the GC General Commercial District for property located at 2300 E. Main Street, in the City of Farmington (Carl's Jr.), San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Tract 88 of the Fairview Village Subdivision Replat H, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2300 E. Main

Petition No. ARB 16-85 - a request from Aaron's, Inc., represented by San Juan Signs, for four additional wall signs for property located at 2523 E. Main Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

American Street Subdivision, Lot 2, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2523 E. Main

Petition No. ARB 16-86 - a request from Vectra Bank, represented by San Juan Signs, to replace the existing freestanding sign and increase the height to 20 feet, for property located at 2000 E. 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Lot 2 of the Clayton Investment Subdivision, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2000 E. 20th Street

Petition No. ARB 16-87 - a request from Kenneth Harrison, represented by Cheney-Walters-Echols, Inc., for a variance to the minimum lot size requirement (1 acre to 0.47 acres) and front yard setback requirement (50 feet to 28 feet) in the RA Rural Agriculture district for property located at 2995 La Plata Highway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Beg. S 330', W 420', and S 231.30' from NE corner of SWNE 062913 than S 98.70', E 187.25', N 116.31', S 84'38" W 188.08' to beg., B1415 P872, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2995 La Plata Highway

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

Karen Walker

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-86**

October 14, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Administrative Review Board of the City of Farmington, New Mexico, a request from Vectra Bank, represented by San Juan Signs, to replace the existing freestanding sign and increase the height to 20 feet, for property located at 2000 E. 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot 2 of the Clayton Investment Subdivision, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2000 E. 20th Street

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

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

If you have any questions or would like additional information regarding this notice or the petition, please contact Steven Saavedra at 505-599-1282 or ssaavedra@fmtn.org.

Sincerely,



Karen Walker
Administrative Assistant

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

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF
 THE FOLLOWING DESCRIBED PROPERTY: **Clayton Investment Subdivision**
Lot 2

OWNER: Vectra Bank Colorado, NA FKA
 Centennial Savings Bank
 2000 S. Colorado Blvd. Ste. 2 900
 Denver, CO 80222
 1165/477

| <u>ADJOINING OWNER</u> | <u>ADDRESS</u> | <u>LEGAL DESCRIPTION</u> |
|--|---|--|
| Roman Catholic Diocese Of Gallup 474/183 | Attn: St. Mary's Parish P.O Box 2840 Farmington, NM 87499-2840 | Catholic Church Subdivision Lot 2 |
| Animas Credit Union 1350/377 | 2101 E. 20 th St. Farmington, NM 87401-8901 | Regency Park Subdivision Replat "B" Lot 1 |
| Titus & Murphy, LLC 1233/188 | 2021 E. 20 th Farmington, NM 87401-2516 | T29N, R13W, Sec. 11 Pt. NW1/4NW1/4 |
| Cross, Richard R. II and Mary Kay Trustees 1349, 931, 1372/896 1453/553 | 2017 E. 20 th St. Ste. A Farmington, NM 87401 | T29N, R13W, Sec. 11 Pt. NW1/4NW1/4 |
| Daggett, R. Howard Trustee Daggett, Deena R. Trustee 1179/916, 1184/898 | 4410 N. Dustin Farmington, NM 87401-9247 | T29N, R13W, Sec. 11 Pt. NW1/4NW1/4 |
| City of Farmington 1304/798 | 800 Municipal Dr. Farmington, NM 87401-2663 | Clayton Investment Subdivision Replat "A" Lot 1A |

ADMINISTRATIVE REVIEW BOARD
Petition ARB 16-87
Variance to the Minimum Lot Size and Front Yard Setback
2995 La Plata Highway
October 6, 2016

DESCRIPTION OF PETITION

Petition No. ARB 16-84 is a request from Kenneth Harrison, represented by George Walters of Cheney-Walters-Echols Inc., for a variance to allow a lot to be 0.47 acres and to allow a 28 foot front yard setback for property located at 2995 La Plata Highway in the RA Rural Agricultural District. Pursuant to Table 2.3 of the Unified Development Code the minimum lot size for a property in the RA Rural Agricultural District is 1 acre and the minimum front yard setback is 50 feet. The property is legally described as:

Harrison Heights Subdivision, Lot 1, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2995 La Plata Highway

GENERAL INFORMATION

Applicant Kenneth Harrison, represented by George Walters of Cheney-Walters-Echols Inc.

Property Owner Kenneth Harrison

Location of Property 2995 La Plata Highway

Nature of Petition The variance will be to the minimum size of a lot and the front yard setback in the RA Rural Agricultural District

Applicable Regulations City of Farmington Unified Development Code (UDC): Pursuant to Table 2.3 of the Unified Development Code the minimum lot size for a property in the RA Rural Agricultural District is 1 acre and the minimum front yard setback is 50 feet.

Zoning RA Rural Agricultural District

Surrounding Zoning North: RA Rural Agricultural
South: RA Rural Agricultural
East: GC General Commercial
West: RA Rural Agricultural

Surrounding Land Use... North: Vacant
South: Vacant
East: Commercial
West: Vacant

Public Notice..... Publication of Notice of this petition appeared in the Daily Times on Sunday, September 18, 2016. Adjoining property owners were sent notice by certified mail on Wednesday, September 14, 2016, and a sign was posted on the property on Friday, September 23, 2016.

Staff Cynthia Lopez, Senior Planner

BACKGROUND

Section 6.3 B of the Unified Development Code requires that for a property to be considered a "Lot of Record" a lot, parcel or tract of land was created prior to the effective date of the original subdivision regulations (adopted June 22, 1971) of the City of Farmington or meets the

subdivision regulations as established in 1971. In order to get electricity or to be able to get a building permit the lot, parcel or tract must conform to the subdivision regulations. Mr. Harrison was notified that his parcel does not meet the subdivision regulations. Mr. Harrison has submitted to the City a plat for review and approval.

This area of the City was annexed into the City in 1977 and prior to that was in the City's Planning and Platting Jurisdiction. The house was constructed in 1981. San Juan County records indicate that the land was owned by a William Ramsey who sold it on a Real Estate Contract in 1999 through a deed. Mr. Ramsey took back ownership in 2000. Later than 2000 Mr. Harrison bought the property with the existing residence by deed.

The parcel is in the RA Rural Agriculture zoning district which requires a minimum one (1) acre lot size with a setback requirement of 50 feet in the front and rear, and 15 feet on the interior sides from the property line. The parcel he purchased is 0.47 acres and the residence is located 28 feet from the front property line. The residence meets the minimum requirement for the rear and side yard setbacks.

The property is served by septic. NMED only required 0.5 acres for a lot to be served by septic at the time this property was deeded.

The petitioner is requesting a variance to the minimum lot size requirement to allow a 0.47 acre parcel and to allow a front yard setback of 28 feet. There are several other properties in this annexed area that are less than one acre.

ANALYSIS

Variance Criteria – Section 8.12.4, UDC

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

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

The property at 2995 La Plata Highway was created by deed and was never reviewed or approved by the City of Farmington. The lot was created as a 0.47 acre parcel and the house was constructed within 28 feet of the front property line. The lot and residence exist in the RA Rural Agricultural District. Mr. Harrison is in the process of platting the lot to meet the subdivision regulations. This circumstance was not created in 1981 prior to ownership by Mr. Harrison. There are other non-conforming lots in this area that were annexed in 1977.

This criterion IS met.

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

Several other properties in this area annexed in 1977 are less than one acre. The zoning across La Plata Highway is IND Industrial and has industrial uses. The property directly to the east (adjacent) of 2995 La Plata Highway is zoned GC General Commercial and has a commercial use. This area of the City is a mixture of commercial,

industrial and residential uses. This residence has existed here since 1981. The literal interpretation of the code would deprive the applicant of rights commonly enjoyed by other properties in the area.

This criterion IS met.

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

The residential structure was built in 1981 and has passed through several owners since then. The building exists and is not a nuisance to other properties in the vicinity.

This criterion IS met.

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

The residential structure exists at this location and has not been a nuisance or injurious to the neighboring properties. The granting of this variance is in harmony with the general interest, general purpose and intent of the code.

This criterion IS met.

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

The variance will not permit a use not otherwise allowed in the RA District. RA allows residential uses.

This criterion IS met.

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

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

This criterion IS met.

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

The applicant would suffer an unnecessary hardship if the variance were denied. The owner bought this property with good faith that it was a legal residence. The applicant is in the process of platting the property to come into conformity with the Unified Development Code. The residence exists and has existed at this location since 1981.

This criterion IS met.

CONCLUSION

The Community Development Department concludes that approval of ARB 16-87 is appropriate. The property has existed since 1981 and will not adversely affect the surrounding properties. This area is a mixture of residential and commercial properties. Approval of this request will alleviate a hardship on the property owner.

RECOMMENDATION

The Community Development Department recommends approval of Petition ARB 16-87 from Kenneth Harrison, represented by George Walters of Cheney-Walters-Echols Inc., for a variance to allow a lot to be 0.47 acres and to allow a 28 foot front yard setback for property located at 2995 La Plata Highway in the RA Rural Agricultural District.



2995 La Plata Highway
 RA Rural Agricultural

PLANNING MEMO COMMENTS SUMMARY

ARB 16-87 ARB 16-87 HARRISON HEIGHTS

Deadline: 9/9/16

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 comment |
| ELEC | T & D | |
| FIRE | Fire Marshall | The Fire Marshal's office has no comments for the 16-84, 16-85, 16-86, or 16-87. |
| LEGAL | City Attorney | |
| LEGAL | Deputy City Attorney | 9-22-16 I have no objection granting this petition. Mr. Harrison purchased the lot in this condition and was not aware of the UDC requirements at the time of purchase. I applaud his efforts to come into compliance. |
| POLICE | Code Compliance | |
| POLICE | Sergeant | |
| PRCA | Director | |
| PW | City Engineer | |
| PW | Engineering | No Comment – NMED approved the permit for the 0.5 acre lot and has jurisdiction over septic systems. |
| 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)

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

INFORMATION

| | |
|---|---|
| Applicant's Name: Kenneth Harrison | Project Location: Highway 170 |
| Address: 2995 La Plata Highway, Farmington, NM, 87401 | Existing Use: Residential |
| E-Mail: | Proposed Use: Residential |
| Telephone: 860-9345 | Current Zoning: |
| Relationship to Property Owner: | Assessor's Parcel I.D. and/or Tax I.D. Number: R0020262 |

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: Kenneth Harrison | Phone: 860-9345 |
| Address: 2995 La Plata Highway, Farmington, NM, 87401 | 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: Kenneth Harrison | Address: 2995 La Plata Highway, Farmington, NM, 87401 |
| Owner's Signature: <i>Kenneth Harrison</i> | Phone / Email: 860-9345 |

**** STAFF USE ONLY ****

| | |
|---|--|
| Received By <u>CL</u> Time _____ Date <u>8/31/16</u> Fee Received <u>No Fee</u> Project File No. <u>ARB 16-87 Harrison Heights</u> Date of Hearing/Meeting: <u>10/6/16</u> | <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 _____ |
|---|--|

**(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING**

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

Petition No. ARB 16-84 - a request from Gerald Cimino, Trustee, represented by San Juan Signs, for a variance from the requirements of Section 5.8.7A (18) Off-site signs of the UDC in the GC General Commercial District for property located at 2300 E. Main Street, in the City of Farmington (Carl's Jr.), San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Tract 88 of the Fairview Village Subdivision Replat H, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2300 E. Main

Petition No. ARB 16-85 - a request from Aaron's, Inc., represented by San Juan Signs, for four additional wall signs for property located at 2523 E. Main Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

American Street Subdivision, Lot 2, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2523 E. Main

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LEGAL DESCRIPTION:

Lot 2 of the Clayton Investment Subdivision, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2000 E. 20th Street

Petition No. ARB 16-87 - a request from Kenneth Harrison, represented by Cheney-Walters-Echols, Inc., for a variance to the minimum lot size requirement (1 acre to 0.47 acres) and front yard setback requirement (50 feet to 28 feet) in the RA Rural Agriculture district for property located at 2995 La Plata Highway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:

Beg. S 330', W 420', and S 231.30' from NE corner of SWNE 062913 than S 98.70', E 187.25', N 116.31', S 84'38" W 188.08' to beg., B1415 P872, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 2995 La Plata Highway

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

Karen Walker

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-87**

October 14, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Administrative Review Board of the City of Farmington, New Mexico, a request from Kenneth Harrison, represented by Cheney-Walters-Echols, Inc., for a variance to the minimum lot size requirement (1 acre to 0.47 acres) and front yard setback requirement (50 feet to 28 feet) in the RA Rural Agriculture district for property located at 2995 La Plata Highway, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Beg. S 330', W 420', and S 231.30' from NE corner of SWNE 062913 than S 98.70', E 187.25', N 116.31', S 84'38" W 188.08' to beg., B1415 P872, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 2995 La Plata Highway

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

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

If you have any questions or would like additional information regarding this notice or the petition, please contact Cindy Lopez at 505-599-1448 or clopez@fmtn.org.

Sincerely,



Karen Walker
Administrative Assistant

Harrison Heights Subdivision Lot 1

Legal: Beg S 330 FT., W 420 FT and S 231.30 FT FROM NE
Corner of SW NE 062913 Than S 98.70 FT, E 187.25 FT,
N 116.31 FT, S 84' 38" W 188.08 FT TO BEG.
E1415 P872

Johnnie Jr. & Latairra Pete
2955 Twin Peaks Blvd.
Farmington, NM 87401

Randall M. & Nancy J. Linscott
12293 Road 120
Hesperus, CO 81326

INDUSTRIAL MECHANICAL INC.
P.O. Box 2408
Farmington 87499-2408

Joe S. Pino
2951 La Plata
Farmington 87401

Gary W. & Eva Duncan
3810 Gold Ave.
Farmington 87402

**MINUTES
ADMINISTRATIVE REVIEW BOARD
July 7, 2016 – 6:00 P.M.**

The Administrative Review Board met in regular session on Thursday, July 7, 2016 at 6:00 p.m. in the City Council Chamber, 800 Municipal Drive, Farmington, New Mexico.

Members present:

Chair-Ireke Cooper
Vice Chairman James Dennis
Paul Martin
Lynn Scott

Members absent:

Adam Soukup

Staff present:

Mary Holton
Steven Saavedra
Karen Walker

Others addressing the board:

Bob Echols

Call to Order

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

Approval of the Agenda

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

Approval of the Minutes from the June 9, 2016 Regular Meetings

Board Member Dennis made a motion to approve the minutes of the June 9, 2016 regular meeting. The motion was seconded by Board Member Martin and passed unanimously by a vote of 4-0

Swearing in of Witnesses

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

**Petition No. ARB 16-47
Variance to the Size of a Flagpole Lot**

Discussion of ARB No. 16-47 on July 7, 2016

Associate Planner Steven Saavedra presented the staff report for ARB 16-47, a request from Jesse Averett, represented by Cheney-Walters-Echols, for a variance to allow a 188.91-foot flagpole lot on properties located at 171 and 181 S. Browning Parkway.

The property is part of the Dos Hombres Subdivision Replat B which creates lots 1A and 2A in the IND Industrial District. Pursuant to Section 6.4.5 (C), the depth of the flagpole or panhandle shall not exceed 150 feet. The flagpole lot will serve as access for lot 2A. Lot 1A houses United Rentals Inc. Mr. Saavedra stated the length of the flagpole lot, according to the UDC, should not exceed 150 feet due to the City's Fire Code which requires that a turn-around for fire trucks be provided within the site. Lot 2A has a turn-around area for emergency vehicles.

The flagpole lot has been utilized as a shared access serving the property for over 10 years. The request is a 25 percent increase, and therefore a minimum easing of the code. The applicant would suffer an unnecessary hardship if the variance were denied as it would not allow access to lot 2A as it has been accessed for the past 10 years.

The Community Development Department recommends approval with the condition the end of the flagpole lot needs to remain clear of all storage and other structures to accommodate an area that can be used by emergency vehicles as a turn-around and that a plat note be put on the plat indicating this approval.

Board Member Martin stated that he thought the properties had originally been one property. Mr. Saavedra explained that a lot split had divided the two properties.

Mr. Martin asked if Lot 2A would be able to place a sign at the end of the flagpole lot. Director Mary Holton stated the petitioner did not ask for a sign variance with this petition and it would have to be discussed at a later date due to noticing regulations.

Bob Echols of Cheney-Walters-Echols, 909 W. Apache, stated that he has no objections.

Administrative Review Board Action of July 7, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **approve** Petition No. ARB 16-47, a request from Jesse Averett, represented by Cheney-Walters-Echols, for a variance to allow a 188.91-foot flagpole lot on properties located at 171 and 181 S. Browning Parkway, with the condition the end of the flagpole lot remain clear of all storage and other structures to accommodate a turn-around area for emergency vehicles and that a plat note be put on the plat indicating this approval.

AYE: Chair Cooper, Board Members Dennis, Martin, and Scott.

NAY: None

ABSTAIN: None

ABSENT: Board Member Soukup

APPROVED 4-0

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

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

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

Business from Staff: There was no business from Staff.

Adjournment: The July 7, 2016 meeting of the Administrative Review Board was adjourned at 6:14 p.m.

Ireke Cooper-Chairman

Karen Walker-Administrative Assistant