

A G E N D A

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

November 3, 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 October 6, 2016 Meeting	18
4	Petition No. ARB 16-97 – a request from Cornerstone Holdings, Inc., represented by Doug Pilling for a variance to allow a 5-foot rear yard setback in the LNC, Local Neighborhood Commercial District, for property located at 802 E. 20 th Street. (Cindy Lopez)	1
5	Business from: Floor: Chairman: Members: Staff:	
6	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 16-97
Variance to allow a 5 foot Rear Yard Setback
802 E. 20th Street
November 3, 2016

DESCRIPTION OF PETITION

Petition No. ARB 16-97 is a request from Cornerstone Holdings, Inc., represented by Doug Pilling, for a variance to allow a 5 foot rear yard setback for property located at 802 E. 20th Street in the LNC Local Neighborhood Commercial District. The LNC district requires a 30 foot rear yard setback. The property is legally described as:

Lots 1, 2 and the East 20' of Lot 3, in Block 2, of the BYRD SUBDIVISION, in the city of Farmington, San Juan County, New Mexico.

Otherwise located at 802 E. 20th Street

GENERAL INFORMATION

Applicant..... Cornerstone Holdings, Inc., represented by Doug Pilling
Property Owner..... Cornerstone Holdings, Inc., Sandy Foxwell
Location of Property..... 802 E. 20th Street
Nature of Petition..... The variance will allow a 5 foot rear yard setback in the required 30 foot rear yard setback for the LNC Local Neighborhood Commercial District.
Applicable Regulations City of Farmington Unified Development Code (UDC): Pursuant to Table 2.8 the required rear yard setback in the LNC Local Neighborhood Commercial District is 30 feet.
Zoning LNC Local Neighborhood Commercial District
Surrounding Zoning..... North: OP Office Professional
South: SF-7 Single Family Residential
East: LNC Local Neighborhood Commercial
West: LNC Local Neighborhood Commercial
Surrounding Land Use... North: Office Complex
South: Residential
East: 7-11 Convenience Store
West: Offices
Public Notice..... Publication of Notice of this petition appeared in the Daily Times on Sunday, October 16, 2016. Adjoining property owners were sent notice by certified mail on Wednesday, October 12, 2016, and a sign was posted on the property on Friday, October 21, 2016.
Staff Cynthia Lopez, Senior Planner

BACKGROUND

The petitioner is requesting a variance to Table 2.8 of the Unified Development Code (UDC), which requires a 30 foot rear yard setback in the LNC Local Neighborhood Commercial District. The petitioner is requesting a variance to allow a 5 foot rear yard setback for the real estate offices at 802 E. 20th Street. The existing building is approximately 2,763 square feet and the petitioner would like to add approximately 1,560 square feet to the rear of the building.

The UDC allows a maximum building coverage for lots in the LNC zoning district of 50%. This lot is approximately 14,396 square feet. At 50% coverage the site would allow a building of 7,198 square feet. The petitioner is requesting, including the addition, to have a building total of 4,323 square feet.

The San Juan County Assessor's site identifies that this building was constructed in 1976 and that the properties surrounding this site were established in the late 1960's through the 1970's. The three properties to the west up to Butler Avenue do not meet the setback requirements as set forth in the UDC. Prior to the adoption of the UDC in 2008 this area was designated as a C-1 Local Commercial zoning district which only required a rear yard setback of 20 feet with no side yard setback requirement for non-residential buildings.

This property is in a long established commercial area. The driveway to the east serves this property, the office complex to the north, San Juan Nursery to northeast and the 7-11 Convenience Store to the east. The driveway dead-ends at San Juan Nursery.

Cornerstone Holdings Inc. owns the building which houses Coldwell Bankers, a real estate office. The building fronts onto E. 20th Street. The petitioner would like to expand the building to the north at the rear of the building 5 feet from the north property line. The property abuts the parking lot for the office complex on the north.

The office complex to the north is in the OP Office Professional zoning district and has over 15,000 square feet of office space. The north office complex is required to have 60 or more parking spaces. Therefore the parking lot on this site will most likely not ever change.

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.**

This property is in an older well established commercial area along E. 20th Street east of Butler Avenue. The lot is small for a district that requires a 30 foot front, rear and street side yard setback and a 20 interior side yard setback. The parcel is approximately 118 feet by 122 feet (14,396 square feet). The established parking lot along the north property line abutting the area that the petitioner is requesting to expand provides sufficient open space to the rear of the building.

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.**

Property owners in this area have been allowed to build from 0-15 feet from the rear property line as established in the prior zoning code. The area was established in the 1960's to the 1970's and some of the commercial lots are small for commercial properties. The literal interpretation of the code would not allow the existing building to

be rebuilt as it exists today and does not allow for expansion of this business. The intent of the code is to allow sufficient open space around the building for safety purposes. With the established parking lot on the north there is sufficient open space to allow for the expansion of this building.

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 intent of the code is to allow sufficient open space around the building for safety purposes. With the established parking lot on the north there is sufficient open space to allow for the expansion of this building. Allowing a 5 foot rear yard setback in this case is a minimum easing of the code.

This criterion IS met.

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

The intent of the code is to allow sufficient open space around the building for safety purposes. The open parking lot on the north property provides sufficient open space around this building after it expands. The request is in harmony with the general interest, 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.**

A real estate office is an allowed use in the LNC district. It is in conformity with other uses in the district.

This criterion IS met.

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

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

This criterion IS met.

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

The business is constrained by the size of the property located in the LNC Local Neighborhood Commercial district. The business desires to grow and provide services to the community. Expanding on this building will allow the business to better serve the community. The property can accommodate the expansion and still allow for sufficient open space around the property. Denying the request will create an unnecessary hardship.

This criterion IS met.

CONCLUSION

The Community Development Department concludes that approval of ARB 16-97 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.

RECOMMENDATION

The Community Development Department recommends approval of Petition ARB 16-97 from Cornerstone Holdings Inc., represented by Doug Pilling, for a variance to allow a 5 foot rear yard setback for property located at 802 E. 20th Street in the LNC Local Neighborhood Commercial District.



ARB 16-97
802 E. 20th Street

PLANNING MEMO COMMENTS SUMMARY

ARB 16-97 ARB 16-97 COLDWELL BANKER

Deadline: 10-12-16

City of Farmington Departments

CD	Director – M. Holton	<p>Smart Growth best practices dictate that parking be placed behind buildings. However, pragmatism must be used since this site has already been built upon and there isn't enough room for parking in the rear currently.</p> <p>The petitioner's request for a smaller rear setback for the addition is reasonable as the area is immediately adjacent to a parking lot. The smaller rear setback will blend in visually.</p> <p>Any additional comments will be incorporated into the staff memo.</p>
CD	Addressing – Planning Division	
CD	Chief Building Official – D. Childers	No comment
CD	Long Range Planner	
CD	MPO – D. Garcia	
CD	Oil & Gas Inspector – L. Simms	
CITY	City Manager's Office – J. Baird	No comment
ELEC	Customer Care Manager – L. Richardson	
ELEC	Electrical Engineering – L. Aligarbes	No conflict
ELEC	T & D – R. Romero	
FIRE	Fire Captain – D. Doudy	
FIRE	Fire Marshall – B. Vega	16-97 is acceptable to the Fire Marshal's office due to the accessibility of the building.
LEGAL	City Attorney – J. Breakell	
LEGAL	Deputy City Attorney – R. Frost	I have no objection. The applicant has stated what appears to be a valid reason to violate the set back. Legal concurs with recommendations of staff.
POLICE	Code Compliance – T. Johnston	
POLICE	Sergeant – P. Flores	
PRCA	M. Gardocki	
PW	City Engineer – N. Westerling	
PW	Engineering – L. Hale-BlueEyes	No comment
PW	Streets Superintendent – J. Couch	
PW	Traffic Engineer – C. Trask	
PW	Water/Waste Water – M. Tso	No comment

Other Entities

New Mexico Gas Company – R. Owens	
CenturyLink – D. Willato	
Enterprise Field Services	
Comcast Cable – M. Johnson	
CH2MHILL OMI – R. Rosen	
Field Services	
Farmington School District – C. Lyons	



Complete applications will not be accepted.

Return completed application to:

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

PROJECT TYPE (Check Those Applicable)

- Annexation and / or Zoning
Preliminary Plat
Final Plan
Summary Plat
Special Use Permit
Variance (ARB)
Zone Change to District
Temporary Use Permit
Proposed Length of Use:
Well site equipment modification

INFORMATION

Applicant's Name: CORNERSTONE HOLDINGS, INC
Address: 802 E 20TH ST, FARMINGTON
E-Mail: HOME@COLDWELLBANKER.COM
Telephone: 505-325-7788
Relationship to Property Owner: OWNER -
Project Location: 802 E 20TH ST
Existing Use: REAL ESTATE OFFICE
Proposed Use: SAME
Current Zoning: LNC
Assessor's Parcel I.D. and/or Tax I.D. Number:

Legal Description of Subject Property:

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: Doug Pilling
E-Mail: HOME@COLDWELLBANKER.COM
Phone: 402-3351
Address: 802 E 20TH ST, FARMINGTON

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) BANK OF SOUTHWEST
Name: SANDY FOXWELL Phone: 325-7788
Name: LYNN THOMPSON Phone: 325-7788
Address: 802 E. 20TH ST
Address: 802 E. 20TH ST.

OWNER CERTIFICATION

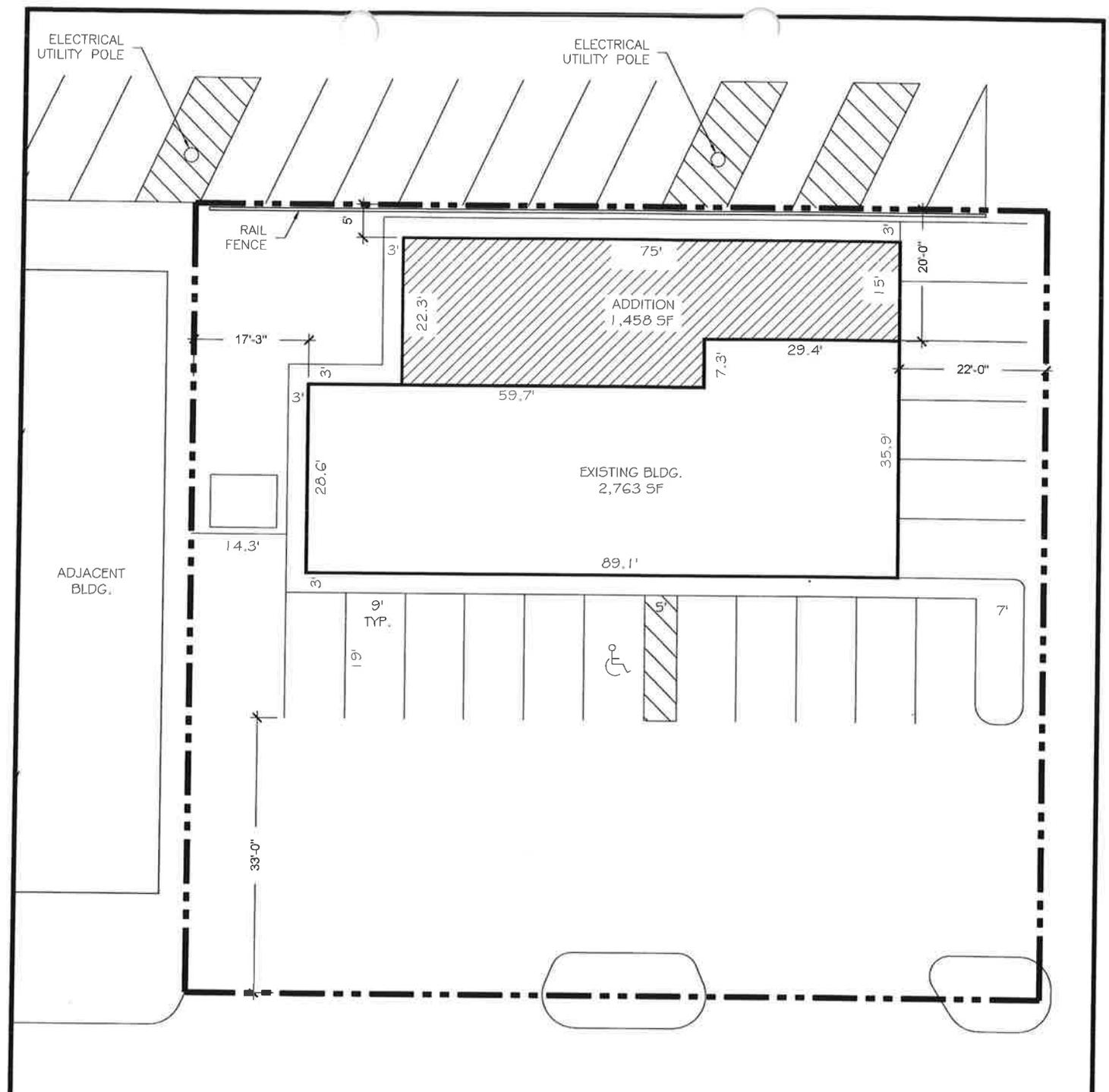
I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action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

Name: Doug Pilling
Address: 802 E 20TH ST, FARMINGTON
Owner's Signature: Doug Pilling
Phone / Email: 505-402-3351

*** STAFF USE ONLY ***

Received By: CL
Date: 10/5/10 Fee Received: 70
Project File No.: ARB 1697
Date of Hearing/Meeting: 11/3/10

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



20TH STREET

BUILDING COVERAGE:	PARKING NOTES:
TOTAL SITE = 15,340 SF	OFFICE SPACE = 1 SPACE PER 250SF
50% COVERAGE ALLOWABLE = 7,670 SF	EXISTING BLDG. 5F = 2,763 SF
EXISTING BLDG. 5F = 2,763 SF	2,763 SF / 250 = 12 SPACES
2,763 SF / 15,340 SF = 18% COVERAGE	PROPOSED ADDITION = 1,458 SF
PROPOSED ADDITION = 1,458 SF	2,763 + 1,458 = 4,221 TOTAL SF
2,763 + 1,458 = 4,221 TOTAL SF	4,221 TOTAL SF / 250 = 17 SPACES
4,221 SF / 15,340 SF = 28% COVERAGE	

REV	BY	DATE	DESCRIPTION

REVISIONS			
RECORD	BY	DATE	
DESIGN			
DRAFTING			
CHECKED			
APPROVED			
PROJECT:			
SCALE:	3/32" = 1'-0"		

<p>COLDWELL BANKER 802 EAST 20TH STREET FARMINGTON, NM 87401</p>		SHEET
		TOTAL
DRAWING NUMBER	SITE PLAN	REV A

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. *PREVIOUS OWNER CONSTRUCTED THE BUILDING VERY CLOSE TO REAR SETBACK + OVER 55' SETBACK FROM FRONT PROPERTY LINE, DEPRIVING APPLICANT THE RIGHT TO 50% BUILDING COVERAGE ON SITE*
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. *OTHER PROPERTIES ARE ALLOWED BUILDING COVERAGE UP TO 50% OF THE SITE SF, TERMS OF THE CODE DEPRIVING APPLICANT TO ONLY 18% OF BUILDING COVERAGE.*
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 REAR SETBACK IS ADJACENT TO A PARKING LOT AND PROPOSED ADDITION ALLOWS A 5' SETBACK*
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 ADDITION WILL ONLY APPROACH THE SETBACK WHERE ONLY A PARKING LOT IS WITHIN 50' MIN. ADEQUATE OFF-STREET PARKING WILL NOT INTERFERE WITH THE HARMONY OF ADJACENT PROPERTY*
5. That the proposed variance will not permit a use not otherwise allowed in the underlying district. *THE USE WILL NOT BE CHANGED, BUILDING IS TO REMAIN A REAL ESTATE OFFICE*

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.

THE SITE AND BUSINESS USE HAS ITS INDIVIDUAL UNIQUE PROBLEMS, THE FRONT SETBACK DOES NOT ALLOW FOR NECESSARY BUILDING COVERAGE ON THE SITE.

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

APPLICANT WOULD SUFFER SERIOUS HARDSHIP BY DEPRIVING VITAL AND NECESSARY BUSINESS' GROWTH OPPORTUNITY TO REMAIN COMPETITIVE AND SUPPLY THE COMMUNITY WITH SERVICES

Signature of Petitioner: _____



Date: 10-5-16

Attach additional sheets if necessary or use the space below

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

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

Petition No. ARB 16-97 - a request from Cornerstone Holdings, Inc., represented by Doug Piling for a variance to allow a 5 foot rear yard setback in the LNC, Local Neighborhood Commercial District, for property located at 802 E. 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION:
Lots 1, 2, and the East 20' of Lot 3, in Block 2, of the BYRD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico.
Otherwise located at 802 E. 20th Street

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, November 3, 2016, at 6:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider these variance requests. All persons in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.
Karen Walker
Administrative Assistant

Legal No. 73208 published in The Daily Times on October 16, 2016.

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 16-97**

October 12, 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 Cornerstone Holdings, Inc., represented by Doug Piling for a variance to allow a 5 foot rear yard setback in the LNC, Local Neighborhood Commercial District, for property located at 802 E. 20th Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lots 1, 2, and the East 20' of Lot 3, in Block 2, of the BYRD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 802 E. 20th Street

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, November 3, 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

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

Lots One (1), and Two (2) and the East 20 feet of Lot Three (3), in Block Two (2), of the BYRD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 18, 1956;

LESS AND EXCEPT, HOWEVER, that portion granted to the City of Farmington by Permanent Order of Entry recorded in Book 1060, page 579 of the Records of said County and being more particularly described as follows:

BEGINNING at the Southeast Corner of Lot 1 of Block 2 of BYRD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record September 18, 1956;

THENCE North 88°55' West 5.11 feet to a curve to the left whose radius point bears North 53°57'11" West, a distance of 25.00 feet, and whose central angle is 32°32'38";

THENCE along said curve, 14.20 feet;

THENCE South 00°27' East 11.07 feet to the point of beginning.

TRACT 1

Cornerstone Holdings, Inc.
802 East 20th Street
Farmington, NM 87401

Lots 1, 2, and the East 20' of Lot 3, in Block 2, of the BYRD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record September 18, 1956, less and except parts.

Book 1434, page 4

TRACT 2

710 East 20th Street, LLC
3555 East Main Street Suite A
Farmington, NM 87402

That part of the S½SE¼SW¼ of Section 3, in Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico, and being part of the BYRD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record November 29, 1972.

Book 1572, page 765

TRACT 3

Frazer Rentals, LLC
900 Schofield Lane
Farmington, NM 87401

That part of the SE¼SW¼ of Section 3, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

AND

Lots 1 and 2, in Block 1, of the BYRD SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record November 29, 1972.

Book 1584, page 506

TRACT 4

Arthur J. Ulibarri and Shirley A. Ulibarri
2005 North Mesa Verde Avenue
Farmington, NM 87401

Lot 3, in Block 3, of the MOSSMAN
SUBDIVISION NO. 7, in the City of Farmington,
San Juan County, New Mexico, filed for record
March 10, 1954.

Book 1268, page 207

TRACT 5

Donald R. Conner and Karma Conner
2003 Mesa Verde Avenue
Farmington, NM 87401

Lot 2, in Block 3, of the MOSSMAN
SUBDIVISION NO. 7, in the City of Farmington,
San Juan County, New Mexico, filed for record
March 10, 1954.

Book 1120, page 698

TRACT 6

David McBee and Theresa McBee
Nathan McBee and Rachel McBee
21 County Road 5402
Farmington, NM 87401

Lot 1, in Block 3, of the MOSSMAN
SUBDIVISION NO. 7, in the City of Farmington,
San Juan County, New Mexico, filed for record
March 10, 1954.

Book 1583, page 690

TRACT 7, 8, 11, & 13

City of Farmington
800 Municipal Drive
Farmington, NM 87401

Lot 14, in Block 5, of the NOB HILL
SUBDIVISION NO. 2, in the City of Farmington,
San Juan County, New Mexico, filed for record
February 11, 1954.

Book 978, page 68

AND

Lot 7, in Block 7, of the NOB HILL
SUBDIVISION NO. 2, in the City of Farmington,
San Juan County, New Mexico, filed for record
February 11, 1954.

Book 1020, page 125

AND

Lot 8, in Block 7, of the KNOB HILL
SUBDIVISION NO. 3, in the City of Farmington,
San Juan County, New Mexico, filed for record
June 10, 1955.

Book 1018, page 228

AND

Lot 1, in Block 9, of KNOB HILL
SUBDIVISION NO. 3, in the City of Farmington,
San Juan County, New Mexico, filed for record
June 10, 1955.

Book 1020, page 2

TRACT 9

Fred E. Higginson and Mary L. Higginson Trust
1811 North Laguna Avenue
Farmington, NM 87401

Lot 6, in Block 7, of the NOB HILL
SUBDIVISION NO.2, in the City of Farmington,
San Juan County, New Mexico, filed for record
February 11, 1954.

Book 1147, page 102

TRACT 10

Janice Cordova
1808 North Chaco Avenue
Farmington, NM 87401

Lot 9, in Block 7, of the KNOB HILL
SUBDIVISION NO. 3, in the City of Farmington,
San Juan County, New Mexico, filed for record
June 10, 1955.

Book 1364, page 561

TRACT 12

Jeremy J. Low and Lindsey M. Low
1809 North Chaco Avenue
Farmington, NM 87401

Lot 2, in Block 9, of the KNOB HILL
SUBDIVISION NO. 3, in the City of Farmington,
San Juan County, New Mexico, filed for record
June 10, 1955.

Book 1486, page 719

TRACT 14

Deborah E. Fouts
804 Santa Barbara Drive
Farmington, NM 87401

Lot 4, and the West 30' of Lot 3, in Block 2, of
the BYRD SUBDIVISION, in the City of
Farmington, San Juan County, New Mexico, filed
for record September 18, 1956, less and except
parts.

Book 1356, page 1121

TRACT 15

20th Street Professional Offices
708 East 20th Street
Farmington, NM 87401

The E½ of Lot 1, in Block 3, of the BYRD
SUBDIVISION REPLAT "A", in the City of
Farmington, San Juan County, New Mexico, filed
for record October 21, 1993.

Book 1236, page 468

Book 1236, page 469

Book 1236, page 470

TO: September 27, 2016. 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Autumn Yocum, Abstracter

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

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

Members present: Vice Chairman James Dennis
Paul Martin
Lynn Scott

Members absent: Chair-Ireke Cooper
Adam Soukup

Staff present: Cindy Lopez
Karen Walker

Others addressing the board: Robert Bailey
Ken Harrison

Call to Order

The meeting was called to order at 6:00 p.m. by Vice Chairman James Dennis 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 Martin, seconded by Board Member Scott to approve the agenda. The motion passed unanimously by a vote of 3-0

Approval of the Minutes from the July 7, 2016 Regular Meetings

Board Member Martin made a motion to approve the minutes of the July 7, 2016 regular meeting. The motion was seconded by Board Member Scott and passed unanimously by a vote of 3-0

Swearing in of Witnesses

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

**Petition No. ARB 16-84
Variance to the Off-Site Sign 200 feet Right-of-Way Requirement**

Discussion of ARB No. 16-84 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for ARB 16-84, a request from Gerald Cimino Trustee, represented by 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.

Ms. Lopez noted this parcel had been vacant land and the Jumbo and MI Box Storage sign had existed on the property prior to the adoption of the UDC, Unified Development Code. Both the Storage Unit and Carl's Jr properties are owned by Gerald and Erla Cimino Living Trust. Carl's Jr leases the land from the trust. The petitioner is requesting a variance to the UDC code that

states an off-site sign can only be placed on a principal arterial street with at least 200 feet of right-of-way. Main Street is the principal arterial and is approximately 127 feet wide.

Ms. Lopez explained that the off-site sign for Jumbo Storage and MI Box is 48 square feet. The Carl's Jr sign is 136.25 square feet. Adding the 48 square feet for the off-site signage will bring the total signage to 184.25 square feet. If approved, the Jumbo and MI Box Storage sign would be put on the same pole as the Carl's Jr sign.

Staff recommends approval of ARB 16-84 as it will not adversely affect the surrounding properties and meets the intent of the code. Ms. Lopez concluded that the request conforms to the existing character of the area and complies with all sight-safety concerns.

Board Member Martin pointed out that he worked with the engineers for Carl's Jr but has no conflict of interest in this petition.

Robert Bailey of 736 E. Main Street said he is the representative of San Juan Signs. He does not have any issues with the recommendation.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **approve** Petition No. ARB 16-84, a request from Gerald Cimino Trustee, represented by 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.

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

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

**Petition No. ARB 16-85
Variance to the Maximum Size for Wall Signs**

Discussion of ARB No. 16-85 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for 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.

The property in this zoning district is allowed up to 70.5 square feet of signage. The current sign is 69.3 square feet. The petitioner is requesting four additional wall signs that total 38.8 square feet. This would be a combined total of 108.1 square feet of wall signage. The petitioner had to come into compliance when they chose to change their signage.

According to Section 5.8.7 (2) A of the UDC, Unified Development Code, *"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"*. This request is a 53% increase in signage.

Staff feels this request does not meet the intent of the code and is excessive. Staff recommends denial.

Board Member Dennis asked if Aaron's could put signage on their awnings or on their windows. Ms. Lopez said they could put it on the awnings, but would still need to meet the wall sign requirements. They could place signs in their windows.

Board Member Martin mentioned the signage of Bruce's Easy Rent which is close to Aaron's. Ms. Lopez said Bruce's Easy Rent is legal non-conforming because it was there prior to the UDC change in 2008. If Bruce's Easy Rent changes their signage, they will have to come into conformity.

Board Member Dennis asked if Aaron's could put a digital sign in their window. Ms. Lopez said they could put a digital sign in their window.

Robert Bailey of 736 E. Main Street stated that Aaron's has reduced the square footage of signage with the current change. The change was due to a different logo for the Aaron's chain. Aaron's would like to advertise the other things they offer such as electronics and computers. Only the Aaron's sign will be lit up at night. The additional signage is the signage that was originally on the building prior to the change. Aaron's would just like to put it back up.

Board Member Martin said the code is there to maintain an attractive, uncluttered look in the City. Mr. Martin said he did not feel having verbiage all over the building was attractive.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Scott and seconded by Board Member Martin to **deny** 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.

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

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

**Petition No. ARB 16-86
Variance to the Height of a Principal Freestanding Sign**

Discussion of ARB No. 16-86 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for ARB 16-86, a request from Vectra Bank, represented by San Juan Signs, for a variance in the height of a freestanding sign in the LNC, Local Neighborhood Commercial District, for property located at 2000 E. 20th Street.

The current sign for Vectra Bank is on the corner of Farmington Avenue and 20th Street in front of the Public Library. Ms. Lopez explained the maximum allowable height is 10 feet for a freestanding sign in the LNC district. The petitioner is requesting the sign to be 20 feet in

height. Currently, Vectra Bank has a 16 foot freestanding sign. This sign is considered legal non-conforming as it was established prior to the change in the UDC, Unified Development Code.

Staff recommends denial of Petition ARB 16-86 as a 20 foot sign is a 100% increase in what is allowed by code. Ms. Lopez said staff could support a 16 foot sign as that is the height of the current sign.

Board Member Scott asked why Vectra Bank was changing their sign. Ms. Lopez said the bank wanted a more modern look. She mentioned the intent of the LNC zoning is to support the neighborhood that surrounds the area. Signage should be more tasteful and limited in size. Ms. Lopez said Vectra Bank could just change the face of the existing sign without changing the structure. That type of change would be considered maintenance and would not be subject to the UDC code change that was approved in 2008.

Robert Bailey of 736 E. Main Street mentioned that there are various zones along 20th Street. The next block north is GC, General Commercial. Allen Theaters is in this block and has a large digital sign. Mr. Bailey said a lot of the signage in this area was 20 feet tall. If the Vectra Bank sign is shorter, Mr. Bailey felt it would not be as visible.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **approve** Petition No. ARB 16-86, a request from Vectra Bank, represented by San Juan Signs, with the condition that the freestanding sign not exceed the height of the current sign, for property located at 2000 E. 20th Street.

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

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

**Petition No. ARB 16-87
Variance to the Minimum Lot Size and Front Yard Setback**

Discussion of ARB No. 16-87 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for ARB 16-87, a request from Kenneth Harrison, represented by 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.

The parcel is in the RA, Rural Agriculture zoning district which requires a minimum 1 acre lot size with a setback requirement of 50 feet in the front and rear. The property is 0.47 acres and the residence is located 28 feet from the front property line. The property has a septic system permit from NMED, New Mexico Environment Department.

Ms. Lopez explained that this area was annexed into the City in 1977. The house was constructed in 1981. San Juan County records indicate that the land was sold on a real estate

contract in 1999 through a deed. Later, Mr. Harrison bought the property and residence by deed. A plat was submitted to the City by Mr. Harrison and Harrison Heights Subdivision was recorded on September 29, 2016.

Staff recommends approval of Petition ARB 16-87.

Board Member Martin asked if this will clear up the mess in this area. Ms. Lopez said it will clear up Mr. Harrison's property, but not the whole area.

Ken Harrison of 2995 La Plata Highway discussed the many improvements and changes he has had to make to the property since he and his family bought it. The property had issues with septic and erosion. Mr. Harrison said he has invested a lot of money and feels he was made to foot the bill for someone else's mistakes. Mr. Harrison said he did not find out about the issues until he tried to refinance recently. The issues were not caught when he refinanced in 2010 or when he purchased the property.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **approve** Petition No. ARB 16-87, a request from Kenneth Harrison, represented by 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.

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

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

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

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

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

Business from Staff: There was no business from Staff.

Adjournment: The October 6, 2016 meeting of the Administrative Review Board was adjourned at 7:10 p.m. with a motion by Board Member Martin that was seconded by Board Member Scott. Vote 3-0.

James Dennis-Vice Chairman

Karen Walker-Administrative Assistant