

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
January 30, 2020, at 3:00 p.m.**

Item		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Election of Officers	
4	Approval of the Minutes of the December 12, 2019 P&Z Meeting	15
5	Petition No. SUP 20-01 - a request from Michael Smith, property owner, for a special use permit to allow for the operation of a home mortgage loan company in the LNC, Local Neighborhood Commercial District, located at 211 N. Auburn Ave. (Beth Escobar)	1
6	Business from: Floor: Chairman: Members: Staff:	
7	Adjournment	

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, February 11, 2020.

ATTENTION PERSONS WITH DISABILITIES:

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



**COMMUNITY DEVELOPMENT
PETITION REPORT**
Petition SUP 20-01 Special Use Permit
**to allow for a Union Home Mortgage Company in the LNC – Local
Neighborhood Commercial Zoning District at 211 N. Auburn Avenue**

A. STAFF REPORT, January 30, 2020

PROJECT INFORMATION

Applicant	Michael L. Smith
Representative	
Date of Application	January 3, 2020
Requested Action	Approval of a special use permit to allow for a Home Mortgage Company in the LNC – Local Neighborhood Commercial Zoning District
Location	211 N. Auburn Ave R0030042
Existing Land Use	Commercial building for lease
Existing Zoning	LNC – Local Neighborhood Commercial
Surrounding Zoning & Land Use	North: LNC – Local Neighborhood Commercial South: LNC – Local Neighborhood Commercial East: MU – Mixed Use West: LNC – Local Neighborhood Commercial
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission and City Council appeared in the Daily Times on Sunday, January 12, 2020. Property owners within 100 feet were sent notice by certified mail on Tuesday, January 7, 2020 and a sign was posted on Friday, January 17, 2020.
Staff Planner	Beth Escobar, Planning Manager

STAFF ANALYSIS

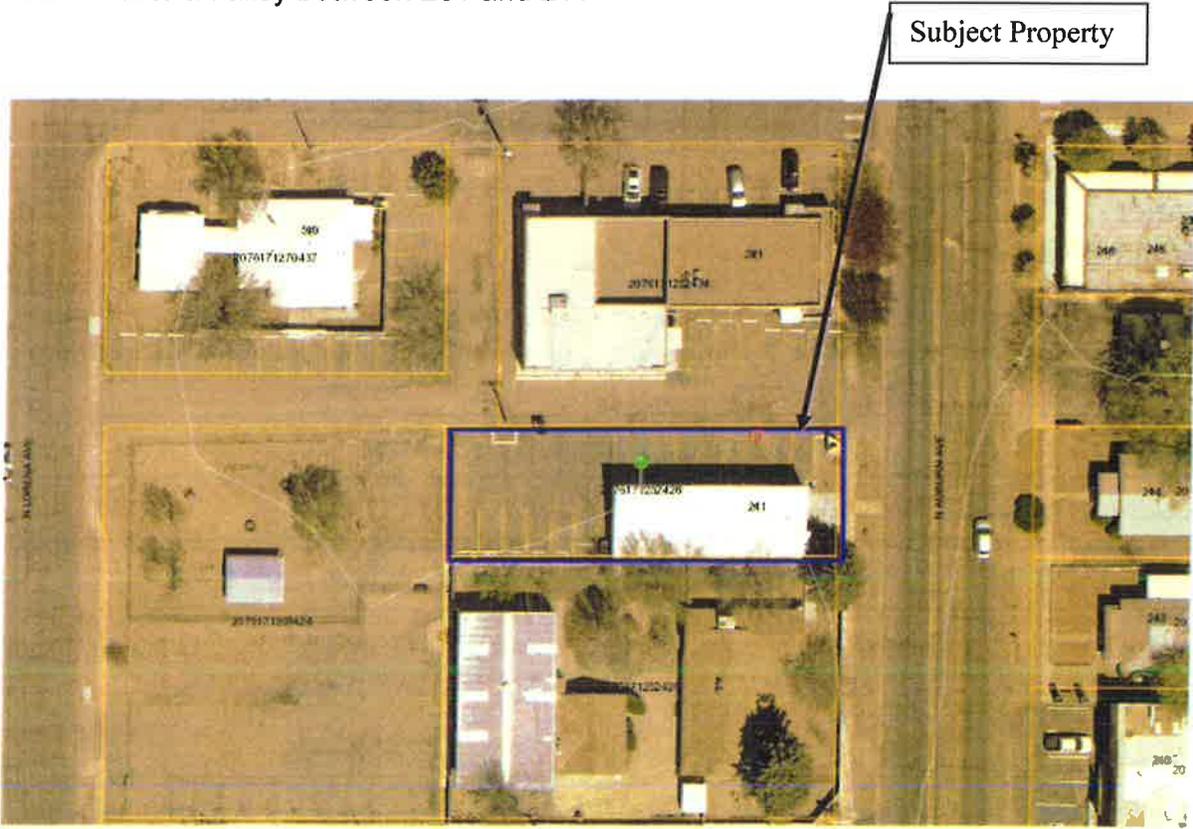
Background

The applicant and property owner, Mike Smith, is requesting a Special Use Permit to allow for operation of a Union Home Mortgage Company on a 0.17 acre parcel located at 211 N. Auburn Avenue. This property is zoned LNC – Local Neighborhood Commercial. Loan companies are permitted by right in the GC – General Commercial Zoning District but are required to obtain a Special Use Permit in the LNC – Local

Neighborhood Commercial. The subject parcel is located in the Mahany Tract of the Ross's Second Addition Subdivision platted in 1905.

Figure 1. Aerial View

The subject property has an existing structure constructed in 1975 and renovated in 1994. The property is used as a commercial rental. Access to the property is from N. Auburn onto an alley between 201 and 211



The applicant owns the property directly to the north which is currently occupied by a real estate office.

Consistency with the Comprehensive Plan

Figure 3. Future Land Use Plan



The subject property is designated as Mixed Use in the 2020 Future Land Use Map

Mixed Use is defined as a combination of businesses and residential use in areas of older structures.

The subject property conforms with this designation.

Unified Development Code (UDC)

The purpose of a Special Use Permit is to allow for discretionary approval of uses with unique operating characteristics.

Loan Companies are permitted by right only in the GC – General Commercial Zoning District. They are permitted in a LNC – Local Neighborhood Commercial District with a Special Use Permit. This type of business is not allowed in any other zoning district.

Some loan companies, such as payday loan businesses, can be an intensive, high traffic use not compatible with a neighborhood location.

Union Home Mortgage, the proposed tenant at 211 N. Auburn, is not a payday loan company. They are an Ohio based full-service banking company. This use would not be any more impactful to the neighborhood than a real estate office.

Special use permits associated with commercial uses are transferrable.

UDC 8.9A. Special Use Permits:

- A. Except as provided herein or specified in the conditions of a special use permit, ownership of a special use permit is not transferrable. *However, special use permits associated with nonresidential uses are transferrable.*

Special Use Permit Criteria – Section 8.9.4 of the UDC

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

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

The subject property is located in an area with existing office and residential uses. The addition of a home mortgage company would not have a negative impact on the surrounding neighborhood.

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

Existing circulation and parking is harmonious with the character of the area and meets the requirements of the Unified Development Code.

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

There are no anticipated negative impacts foreseen for this business.

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

The proposed use should have no impact on existing infrastructure.

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

The Comprehensive Plan indicates this area is appropriate for mixed-use development which combines business and residential uses in the same neighborhood. The proposed use at this property complies with this designation.

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

The parcel is 0.17 acres in size and is adequate for the proposed use.

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

This parcel is fully developed. The existing building is approximately 1,800 square feet in size. There are 14 parking spaces on the site. Eight parking spaces are required for the proposed use.

STAFF CONCLUSION

Staff concludes approval of Petition SUP 20-01 is appropriate. The subject property has been used as a commercial rental for an extended period of time. Minimum lot size and setback requirements do not conform to the Local Neighborhood Commercial standards, however, the lot is determined to be legal, non-conforming. Lot coverage and minimum parking requirements and building setbacks comply with the Unified Development Code. Operation at this location of a home mortgage company is compatible with the surrounding neighborhood and meets the intent of the Local Neighborhood Commercial District to accommodate neighborhood-oriented, low-intensity retail sales and services.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition SUP 20-01, a request from Mike Smith to allow for operation of a home mortgage loan company at 211 N. Auburn Avenue, a 0.17-acre property located at 211 N. Auburn Avenue, Tax ID # R0030042.

PLANNING MEMO COMMENTS SUMMARY
SUP 20-01 211 N. AUBURN
Deadline: 01/16/20

City of Farmington Departments

CW	Planning Manager – B. Escobar	
CW	Addressing – Planning Division	
CW	Chief Building Official – D. Childers	No comment
CW	Long Range Planner	
CW	MFO	
CW	Oil & Gas Inspector	
CITY	City Manager's Office – J. Baird	No Comment
ELEC	Customer Care Manager – L. Richardson	
ELEC	Electrical Engineering – L. Alcarbas	No Comment
ELEC	T & D – Field Op – L. Lugones	
FIRE	Fire Captain – K. Ric	No Comment
FIRE	Fire Marshall – B. Vega	No Comment
LEGAL	City Attorney – J. Breakell	
LEGAL	Deputy City Attorney – E. Wayne	No Comment
POLICE	Code Compliance – M. Romero	
POLICE	Sergeant – S. Goodsell	No Comment
PRCA	S. Reeves / R. Crosby	No comment
PRCA	CRU – W. Unsticker	
CW	City Engineer – N. Westwood	
CW	Engineering – T. Sitta	No Comment
CW	Streets Superintendent – C. Fuller	
CW	Traffic Engineer – J. BlueFives	No Comment
CW	Water/Waste Water – M. Tso	No comment

Other Entities

New Mexico Gas Company – R. Castillo	No Comment
CenturyLink – D. Willato	No Comment
Enterprise Field Services – M. Westfall	No Comment
Comcast Cable – M. Johnson	
JACOBS CH2M:HILL OMI	
Surface Land Negotiator for BF – M. Vanzara	
Farmington School District – C. Lyons	

PETITION APPLICATION			
	<p style="font-size: 1.2em; color: blue;">RECEIVED</p> <p style="font-size: 1.2em; color: blue;">COMM DEV DEPT</p>	<p style="text-align: right;">Planning Division Community Works Department City of Farmington 800 Municipal Drive Farmington, NM 87401 (505) 599-1317 (505) 599-1299 (fax)</p>	
PROJECT TYPE (Check Those Applicable)			
<input type="checkbox"/> Annexation and / or Zoning <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plan	<input type="checkbox"/> Summary Plat <input checked="" type="checkbox"/> Special Use Permit <input type="checkbox"/> Variance (ARB) <input type="checkbox"/> Appeal	<input type="checkbox"/> Zone Change to _____ District <input type="checkbox"/> Temporary Use Permit Proposed Length of Use: _____ <input type="checkbox"/> Well site equipment modification	
INFORMATION			
Applicant's Name: <u>Michael L Smith</u>		Project Location: <u>211 N. Auburn</u>	
Address: <u>PO Box 3136, Farm NM 87499</u>		Existing Use: <u>Office</u>	
E-Mail: <u>mikeocp@iccnm.net</u>		Proposed Use: <u>Office</u>	
Telephone: <u>505-330-0750</u>		Current Zoning: <u>LNC</u>	
Relationship to Property Owner: <u>Owner</u>		Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R0050042</u>	
Legal Description of Subject Property: <u>Ross's Second Addition - 50x130 + 51x20</u>			
Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If Yes, please provide copy with application.			
REPRESENTATIVE / CONTACT PERSON (if other than applicant)			
Name: <u>Same as applicant</u>		E-Mail:	
Phone:		Address:	
OWNERSHIP			
PROPERTY OWNER (Specify General Partner, Managing Partner, Corporation President and Secretary, Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)		MORTGAGE HOLDERS (if any)	
Name: <u>Michael L Smith, Trustee</u>		Name: <u>First Citizens Bank</u>	
Phone: <u>505-330-0750</u>		Phone: <u>505-330-0000</u>	
Address: <u>PO Box 3136, Farm NM 87499</u>		Address: <u>PO Box 3136 Farm NM 87499</u>	
OWNER CERTIFICATION * (Physical and Mailing)			
I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the PSZ review.			
Name: <u>Michael L Smith, Trustee</u>		Address: <u>PO Box 3136 Farm NM 87499</u>	
Owner's Signature: <u>Michael L Smith</u>		Phone / Email: <u>mikeocp@iccnm.net</u>	
**** STAFF USE ONLY ****			
Received By: <u>KW</u>		<input type="checkbox"/> Blue-line Copies of Plans	
Date: <u>11/3/20</u>		<input type="checkbox"/> Ownership Report (subject and surrounding properties)	
Project File No: <u>20-01</u>		<input type="checkbox"/> Legal Description	
Date of Hearing/Meeting: <u>11/30/20 CC 2/11/20</u>		<input type="checkbox"/> Detailed Statement of Proposed Use	

**NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT
PETITION NO. SUP 20-01**

January 7, 2020

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Michael L. Smith, property owner, for a special use permit to allow for the operation of a home mortgage loan company in the LNC Local Neighborhood Commercial district located at 211 N. Auburn Ave., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

That part of the NW/4NE/4 of Sec. 16, TS 29, N. of R. 13 W. N.M.P.M., SJC, NM, also being a part of that certain Tract of land marked "MAHANY TRACT" on the ROSS'S SECOND ADDITION, in the City of Farmington, SJC, NM, as shown and on the Plat of said Addition filed for record April 26, 1905.

Otherwise located at 211 N. Auburn Ave.

Pursuant to the provisions of Section 3-21-6, New Mexico statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on **Thursday, January 30, 2020 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, February 11, 2020 at 6:00 p.m.** in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons of interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the 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 Beth Escobar at 505-599-1285 or bescobar@fmountn.org.

Sincerely,



Elizabeth Sandoval
Administrative Assistant

Text of Ad: 01/10/2020

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

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

Petition No. SUP 20-01 - a request from Michael L. Smith for a special use permit to allow for the operation of a home mortgage loan company in the LNC Local Neighborhood Commercial district located at 211 N. Auburn Ave., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

That part of the NW/4NE/4 of Sec. 16, TS 29, N. of R. 13 W. N.M.P.M., SJC, NM, also being a part of that certain Tract of land marked "MAHANY TRACT" on the ROSS'S SECOND ADDITION, in the City of Farmington, SJC, NM, as shown and on the Plat of said Addition filed for record April 26, 1905.

Otherwise located at 211 N. Auburn Ave.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, January 30, 2020 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, February 11, 2020 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Elizabeth Sandoval
Administrative Assistant
#3997944, Daily Times, Jan 12, 2020

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

TRACT I:

That part of the Northwest Quarter of the Northeast Quarter (NW/4NE/4) of Section Sixteen (16), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, also being a part of that certain Tract of land marked "MAHANY TRACT" on the ROSS'S SECOND ADDITION, in the City of Farmington, San Juan County, New Mexico, as shown and on the Plat of said Addition filed for record April 26, 1905, and described as follows:

BEGINNING at the Northeast corner of said Mahaney Tract:

THENCE West 130.00 feet;

THENCE South 50.00 feet;

THENCE East 130.00 feet;

THENCE North 50.00 feet to the point of beginning;

TRACT II:

That part of the Northwest Quarter of the Northeast Quarter (NW/4NE/4) of Section Sixteen (16), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, also being a part of that certain Tract of land marked "MAHANY TRACT" on the ROSS'S SECOND ADDITION, in the City of Farmington, San Juan County, New Mexico, as shown and on the Plat of said Addition filed for record April 26, 1905, and described as follows:

BEGINNING 130.00 feet West from the Northeast corner of said MAHANY TRACT;

THENCE South 51.00 feet;

THENCE West 20.00 feet;

THENCE North 51.00 feet;

THENCE East 20.00 feet to the point of beginning.

TRACT I

Michael L. and Jesse L. Smith
P.O. Box 1136
Farmington, NM 87499

TRACT I:

That part of the Northwest Quarter of the Northeast Quarter (NW/4NE/4) of Section Sixteen (16), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, also being a part of that certain Tract of land marked "MAHANY TRACT" on the ROSS'S SECOND ADDITION, in the City of Farmington, San Juan County, New Mexico, as shown and on the Plat of said Addition filed for record April 26, 1905, and described as follows:

BEGINNING at the Northeast corner of said Mahaney Tract

THENCE West 130.00 feet;

THENCE South 50.00 feet;

THENCE East 130.00 feet;

THENCE North 50.00 feet to the point of beginning;

TRACT II:

That part of the Northwest Quarter of the Northeast Quarter (NW/4NE/4) of Section Sixteen (16), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, also being a part of that certain Tract of land marked "MAHANY TRACT" on the ROSS'S SECOND ADDITION, in the City of Farmington, San Juan County, New Mexico, as shown and on the Plat of said Addition filed for record April 26, 1905, and described as follows:

BEGINNING 130.00 feet West from the Northeast corner of said MAHANY TRACT;
THENCE South 51.00 feet;
THENCE West 20.00 feet;
THENCE North 51.00 feet;
THENCE East 20.00 feet to the point of beginning.

Book 1436, page 864

TRACT 2

Michael L. and Jesse L. Smith Trust
P O Box 3136
Farmington, NM 87499

Lot One (1) and Two (2) in Block One (1) of the ROSS 2ND ADDITION, in the City of Farmington, San Juan County, New Mexico, on the Plat of said Addition filed for record April 26, 1905
Also 20 feet alley lying South of Lot 1

Book 1543, page 854

Book 1138, page 209

TRACT 3

Nysse LLC
3591 Nyland Way
Lafayette, CO 80026

Lot Ten (10) in Block One (1) of the ROSS SUBDIVISION in the City of Farmington, San Juan County, New Mexico, on the Plat of said Subdivision filed for record December 19, 1901

Book 1458, page 899

Book 1139, page 817

Book 1458, page 5

Book 1493, page 132

Book 1493, page 136 (D)

Book 1614, page 27, 30

Book 1614, page 608

TRACT 4

Brian and Janice Huffhines
3605 N Melrose Drive
Farmington, NM 87401

Lot Eleven (11) in Block One (1) of the ROSS
SUBDIVISION in the City of Farmington, San Juan
County, New Mexico, on the Plat of said Subdivision
filed for record December 19, 1901.

Book 1389, page 332

TRACT 5

Russell D. Little
3708 Irving Blvd NW
Albuquerque, NM 87114

Lot Twelve (12) in Block One (1) of the ROSS
SUBDIVISION in the City of Farmington, San Juan
County, New Mexico, on the Plat of said Subdivision
filed for record December 19, 1901

Book 1527, page 431

TRACT 6

Felix Jr and Viola Brunes Trust
1017 Crestview Cir
Farmington, NM 87401-9142

Lot Thirteen (13) in Block One (1) of the ROSS
SUBDIVISION in the City of Farmington, San Juan
County, New Mexico, on the Plat of said Subdivision
filed for record December 19, 1901

Book 1535, page 410

TRACT 7

Resource Associates Grant Writing and Evaluation
Services
P O Box 6517
Farmington, NM 87499

Lot Fourteen (14) and the North 12.5 feet of Lot
Fifteen (15), in Block One (1), of the ROSS'
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, as shown on the Plat
of said Subdivision filed for record December 19,
1901.

Book 1615, page 761

TRACT 8

Jarrod C. and Kristen M. Santesson
4320 Cristo Rey Street
Farmington, NM 87401-8634

Those parts of the MAHANY TRACT in ROSS'S
SECOND ADDITION, as shown on the Plat of
said Addition filed for record April 18, 1905
described as follows:

TRACT 1

The West 130 feet of the North 150 feet of the
said MAHANY TRACT

TRACT 2

BEGINNING at a point which is 150 feet South
of the Northeast corner of the said MAHANY
TRACT,

THENCE West 130 feet;

THENCE North 100 feet;

THENCE East 130 feet;

THENCE South 100 feet to the point of
beginning.

TRACT 3

BEGINNING at a point which is 110 feet West and 51 feet South of the Northeast corner of the said MAHANY TRACT;
THENCE South 100 feet;
THENCE West 20 feet;
THENCE North 100 feet;
THENCE East 20 feet to the point of beginning

Book 1627, page 750

TRACT 9

Ryan Dale Niehaus and Tennille Taylor
508 West Arrington St
Farmington, NM 87401

Those certain tracts in the Southwest Quarter of the Northwest Quarter of the Northeast Quarter (SW/4NW/4NE/4) and in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE/4NE/4NW/4) of Section Sixteen (16), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., conveyed to Grantor by Special Warranty Deed recorded in Book 1081, page 950 of the Records of San Juan County, State of New Mexico described as follows:

(1) BEGINNING at a point on the North side of Arrington Avenue which is 76 feet West of the West side of Auburn Street.

THENCE West 80 feet along the North line of said Arrington Avenue;

THENCE North 175 feet;

THENCE East 80 feet;

THENCE South 175 feet to the point of beginning;

(2) BEGINNING at a point on the West side of Auburn Street which is North 175 feet from the intersection of the West side of said Auburn Street with the North line of Arrington Avenue;

THENCE West 280 feet to the East side of Lorena Street.

THENCE North 15 feet along the East side of Lorena Street;

THENCE East 280 feet to the West line of Auburn Street;

THENCE South 15 feet to the point of beginning

Book 1628, page 985

TRACT 10

Jared C. and Kristen M. Santesson
4220 Cristo Rey Street
Farmington, NM 87401-8634

Those parts of the MAHANY TRACT in ROSS'S
SECOND ADDITION, as shown on the Plat of
said Addition filed for record April 18, 1905
described as follows:

TRACT 1

The West 130 feet of the North 150 feet of the
said MAHANY TRACT

TRACT 2

BEGINNING at a point which is 150 feet South
of the Northeast corner of the said MAHANY
TRACT,
THENCE West 130 feet,
THENCE North 100 feet,
THENCE East 130 feet,
THENCE South 100 feet to the point of
beginning

TRACT 3

BEGINNING at a point which is 130 feet West
and 51 feet South of the Northeast corner of the
said MAHANY TRACT
THENCE South 100 feet,
THENCE West 20 feet,
THENCE North 100 feet,
THENCE East 20 feet to the point of beginning

Book 1627, page 150

TRACT 11

Michael L. and Jessie L. Smith Trust
P.O. Box 1136
Farmington, NM 87409

Lots 13 and Four (4) in Block One (1) of the ROSS
2ND ADDITION in the City of Farmington, San Juan
County, New Mexico, on the Plat of said Addition filed
for record April 26, 1905

Book 1543, page 854

10 December 27, 2019, 4:10 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY



By: Rebekah Formol, Abstractor

MINUTES
PLANNING & ZONING COMMISSION

December 12, 2019

The Planning and Zoning Commission met in a regular session on December 12, 2019 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:

Chair-Joyce Cardon
Shay Davis
Clint Freeman
Kristin Langenfeld
Elizabeth Lockmiller
Wayne Mangum
Cheryl Ragsdale
Gary Smouse
Cody Waldroup

P&Z Members Absent:

Ryan Brown
Mitch Sewell

Staff Present:

Beth Escobar
Karen Walker
Elizabeth Sandoval
Toni Sitta

Others Who Addressed the Commission:

Elizabeth Jill Glover
Joseph Schrag

Call to Order

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

Presentation of the Agenda

There were no changes to the agenda.

Approval of the Minutes

A motion was made by Commissioner Ragsdale and seconded by Commissioner Mangum to approve the minutes of the November 14, 2019 P&Z Meeting. This motion was approved unanimously by a 9-0 vote.

Swearing in of Witnesses

Elizabeth Sandoval, Administrative Assistant, swore in all parties that wished to speak on behalf of any agenda items.

CONSIDERATION & RECOMMENDATION

SUP 19-94

Special Use Permit to allow for the keeping of two horses on a 1.98 acre parcel located at 5302 Marcy Place

Planning & Zoning Commission Discussion of Petition SUP 19-94 on December 12, 2019

Planning Manager Beth Escobar presented the staff report for SUP 19-94, a request from Elizabeth Jill Glover for a special use permit to allow for the keeping of two horses on 1.98 acres of property in the SF-10, Single-family District, located at 5302 Marcy Place.

The property is located in the A.T. Hogan Addition First Extension Replat B Subdivision and is currently vacant. The applicant plans to construct a new residence and barn on the property. Access to the property is through a 30-foot easement from the end of Marcy Place.

There is an electric utility transfer station and a well site to the northwest of the property. The 4.30-acre parcel to the north and the 5.60-acre to the west are currently undeveloped. South and west of the property have developed as single-family residences on parcels ranging from 1-2 acres in size.

A significant arroyo transects the property across the northeast corner.

The subject property is designated as Residential Single Family Suburban, (less than 20,000 square feet per lot).

The purpose of a Special Use Permit is to allow for discretionary approval of uses with unique operating characteristics.

Per Section 2.4.7.A.1, the keeping of animals is permitted in the RA – Rural Agricultural District. The number of animals permitted is based on a table in Article 11. One horse per acre is the standard allowance. To keep horses in all other residential districts requires a Special Use Permit.

The City Council has granted four Special Use Permits to allow horses since 2016:

7000 Hood Mesa	SUP 16-57
750 Valentine Road	SUP 16-120
715 Ensenada Way	SUP 17-09
5301 Tampico Way	SUP 18-58

UDC 8.9A. Special Use Permits states:

- A. Except as provided herein or specified in the conditions of a special use permit, ownership of a special use permit is not transferrable

Staff concludes approval of Petition SUP 18-94 is appropriate with conditions. The property is 1.98 acres and is surrounded by other 1-2 acre parcels of land. The applicant needs to mitigate the impact of the horses by maintaining the barn and removing waste. Additionally, drainage design and construction of the shelter for the animals should be taken into consideration. Best management practices need to be implemented to minimize storm water contact with animal waste and prevent runoff of the waste or contaminated waters from leaving the property.

The Community Development Department recommends approval of Petition SUP 19-94, a request from Elizabeth Jill Glover to keep two horses on her 1.98-acre parcel located at 5302 Marcy Place, Assessor's Parcel I.D. 2072174502519 subject to the following conditions/UDC requirements:

1. The residence and the shelter for the animals shall be constructed prior to the keeping of the animals.
2. Building permits for the development and/or improvements of subject property are required.
3. Any proposed development within a natural drainage way shall be required to include a drainage and grading plan, completed by a licensed professional engineer, to reasonably mitigate potential hazards due to flooding and to preserve the primary function of the natural drainage way. If such mitigation cannot be reasonably mitigated, development may be prohibited within the drainage way.
4. The number of horses kept on the subject property is limited to two (2).
5. The SUP shall apply only to the property owner, Elizabeth Jill Glover, for property located at 5302 Marcy Way.
6. Pursuant to the UDC 8.9.6(A) Expiration of approval. "A. Special use permits shall be valid for a period of 18 months from the date of approval. If construction or operation of the approved use has not commenced within this period, the special use permit shall expire."

Commissioner Smouse asked if the permit would be good for only 18 months if the permit sunsets or if there is no construction.

Ms. Escobar said that the permit would expire if construction does not begin within 18 months.

Commissioner Freeman asked if there is a wash or drainage area that crosses the property and if the homeowner/land owner would have to regulate the horse manure in the wash area.

Ms. Escobar said that City Code Enforcement and Building Inspection would monitor the area if neighbors were concerned. If neighbors call, the calls would be sent to Code Enforcement for action.

There was discussion about the drainage near the property. It was stated by Ms. Escobar that the City Engineering Department will review the plans to ensure all conditions are met before the horses are allowed on the property.

Elizabeth Jill Glover, 552 Cypress St., Farmington NM 87402, said that Ms. Sitta, of the City Engineering Department, went to the property and drainage was discussed.

Commissioner Cardon asked about fencing and Ms. Glover said that everything would be installed before the horses arrived on the property. Ms. Glover also stated that she has trained horses her whole life and the waste would be collected weekly.

Joseph Schrag, 5300 Marcy Place, said that he opposes horses on the neighboring property due to smell, rodents and waste. Mr. Schrag states that he would not have purchased his property if he knew horses were going to be on the neighboring property.

Commissioner Cardon asked Mr. Schrag to indicate his property on the map. Ms. Escobar asked Mr. Schrag if an access easement existed. Mr. Schrag stated that the previous home owner owned both lots and the access easement is on the east side of his property.

Commissioner Mangum asked Mr. Schrag how far the barn would be from his house. Mr. Schrag said the barn would be less than 100 yards from his house.

Commissioner Waldroup asked how long Mr. Schrag has lived at his current residence. Mr. Schrag stated that he has lived at his current residence for 3 years. Commissioner Waldroup

asked Mr. Schrag if there was any water runoff from rain on his property. Mr. Schrag said no, that water runs northwest to southeast.

Commissioner Freeman asked Mr. Schrag if there were any conditions that would make him not opposed. Mr Schrag said that if his concerns voiced could be mitigated. He was concerned horses on the adjoining property might affect the resale value of his home.

Commissioner Cardon asked Ms. Sitta what the concerns are concerning drainage and the nearby arroyo. Ms. Sitta stated that the area where the barn would go is off the edge and it does appear that the water had jumped in the area. Ms. Sitta also stated that there is not a map for flood plain for this area.

Ms. Sitta stated that permits would need to be obtained and the fencing would have to be reviewed for flow of flood waters. Commissioner Cardon states that staff will address any issues when the permits are obtained.

Commissioner Waldroup asked if this is the same arroyo that runs through Crestwood Estates. Ms. Sitta stated that the area in question has not been mapped.

Commissioner Davis referred to condition #3 requiring a drainage study with the permit.

Commissioner Freeman asked how the other four properties who have obtained special use permits to allow horses are performing. Ms. Esobar stated that there have been no issues per Code Enforcement.

Planning & Zoning Commission Action of Petition SUP 19-94 on December 12, 2019

A motion was made by Commissioner Davis and seconded by Commissioner Mangum to **approve** Petition SUP 19-94, a request from Elizabeth Jill Glover for a special use permit to allow for two horses on 1.98 acres of property in the SF-10, Single-family District, located at 5302 Marcy Place subject to the following conditions:

1. The residence and the shelter for the animals shall be constructed prior to the keeping of the animals.
2. Building permits for the development and/or improvements of subject property are required.
3. Any proposed development within a natural drainage way shall be required to include a drainage and grading plan, completed by a licensed professional engineer, to reasonably mitigate potential hazards due to flooding and to preserve the primary function of the

natural drainage way. If such mitigation cannot be reasonably mitigated, development may be prohibited within the drainage way.

4. The number of horses kept on the subject property is limited to two (2).
5. The SUP shall apply only to the property owner, Elizabeth Jill Glover, for property located at 5302 Marcy Way.
6. Pursuant to the UDC 8.9.6(A) Expiration of approval. "A. Special use permits shall be valid for a period of 18 months from the date of approval. If construction or operation of the approved use has not commenced within this period, the special use permit shall expire."

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Lockmiller, Mangum, Ragsdale, Sewell, and Waldroup

NAY: Commissioner Freeman

Abstained: None

Absent: Commissioners Brown and Swell

Commissioner Lockmiller said because she lives in the area and there are horses in the vicinity. Commissioner Lockmiller stated that there is a major arroyo in the area and there have been no problems for the 20 years that she has been there.

Commissioner Smouse said because Code Enforcement would be available to the home owners in the area and this is an opportunity to prove that the current home owner can uphold the standards as they stand.

Commissioner Davis said because special use permits fall under the UDC and Code Compliance is a resource for the property owners in the area if there are issues.

Commissioner Freeman votes NAY because he is not comfortable about the drainage, as it looks like it jumps the wash. The other horse properties are further north. Horses are not conducive to the location being addressed.

Commissioner Waldroup said because there are precautions in place and the SUP can be revoked if conditions are not met.

Commissioner Cardon said because she has faith in staff and that there have been four other permits approved.

Commissioner Ragsdale said because it is in a neighborhood that is conducive to horses and the Planning Department will take care of issues. Code Compliance will be there if needed.

Commissioner Langenfeld said because conditions are listed and offer the necessary precautions protecting neighbors and the land owner.

Commissioner Mangum said because the area is a rural area and as long as we mitigate any problems, it does make sense.

Commissioner Cardon moves for approval and states that this will go to City Council on January 14, 2020.

Motion passed 8-1

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: Beth Escobar introduced Elizabeth Sandoval as the new Administrative Assistant.

Ms. Escobar announced the Ted Talk at the Farmington Civic Center on January 30, 2020 at 5:30 p.m.

Adjournment: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting of December 12, 2019 was adjourned at 3:46 p.m.

Joyce Cardon
Chair

Elizabeth Sandoval
Administrative Assistant

