

MINUTES
PLANNING & ZONING COMMISSION

January 14, 2016

The Planning and Zoning Commission met in a regular session on January 14, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

	Chair-Joyce Cardon
	Ryan Brown
	Shay Davis
	Clint Freeman
	Rory Jaquez
	Kristin Langenfeld
	Paul Thompson
	Cody Waldroup
	Del Washburn

P&Z Members Absent:

	Cheryl Ragsdale
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Staff Present:

	Russel Frost
	Mary Holton
	Cynthia Lopez
	Keith Neil
	Steven Saavedra
	Karen Walker
	Nica Westerling

Others Who Addressed the Commission:

	Heather Alexander
	Josh Johnson
	Brad Salzman

Call to Order

Chair 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 Langenfeld and seconded by Commissioner Waldroup to approve the minutes of the December 10, 2015 P&Z Meeting. This motion was approved unanimously by a 9-0 vote.

Swearing in of Witnesses

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

COMMUNITY DEVELOPMENT PETITION REPORT

Petition No. FP 15-07

Pinon Hills Community Church Subdivision

Planning & Zoning Commission Discussion of Petition FP 15-07 on January 14, 2016

Senior Planner Cindy Lopez presented the staff report for SUP 15-07, a request from Brad Salzman of Piñon Hills Community Church, represented by George Walters of Cheney-Walters-Echols Inc., for a Final Plat for property located on the northwest corner of Piñon Hills Boulevard and Dustin Avenue.

Ms. Lopez explained the petitioner requests final plat approval of the road dedication for the extension of Dustin Avenue north of Saguaro Trail. The property is owned by Piñon Hills Community Church. The church was approved for a planned development (PD 08-01) on April 22, 2008 and an amendment to the planned development (PD 14-01) on July 22, 2014. The amendment specified that no new buildings can be constructed on the site until Dustin Avenue improvements have been extended to the north property line. The Preliminary Plan for the dedication of North Dustin Avenue was approved by City Council on September 8, 2015.

Staff recommends approval.

Brad Salzman of 4501 Rancho De Animas Drive stated that he had no changes to make.

Planning & Zoning Commission Action of Petition FP 15-07 on January 14, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition SUP 15-07, a request from Brad Salzman of Piñon Hills Community Church, represented by George Walters of Cheney-Walters-Echols Inc., for a Final Plat for property located on the northwest corner of Piñon Hills Boulevard and Dustin Avenue.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 9-0

<p style="text-align: center;">COMMUNITY DEVELOPMENT PETITION REPORT Preliminary Plan and Final Plat for Nygren Subdivision No. 5, Replat B Petition No. PFP 15-01</p>

Planning & Zoning Commission Discussion of Petition PFP 15-01 on January 14, 2016

Associate Planner Keith Neil presented the staff report for PFP 15-01, a request from Four Corners Land, LLC, represented by George Walters of Cheney-Walters-Echols, for a Preliminary Plan and Final Plat for 3.94 acres located at 2500 Farmington Avenue.

Mr. Neil explained the petitioner is requesting to replat the existing Lot B of the Nygren Subdivision No. 5, Replat A into three separate lots. According to section 6.3B of the UDC, lots of record subdivided after July 22, 1971 are required to follow summary plat guidelines. Lot B-1 is 0.75 acres and was created through a warranty deed in July 1996 which did not comply with the subdivision regulations. The City of Farmington does not recognize Lot B-1 as being legally subdivided. Pond Chiropractic is the business located on Lot B-1.

Mr. Neil stated that the proposed Lot B-2 is 2.18 acres and is currently being developed as the 4-Corners Spine and Pain medical office. Per an agreement dated January 27, 1992, signed and recorded with the SJC Clerk's Office (B1148 P794) between the initial property owner, William Nygren, and the City of Farmington, "the City of Farmington is responsible for improvements on Cliffside Drive from Huntzinger Ave. to Farmington Ave. when the City believes it is an appropriate time for the improvements to take place. If the property owner wishes to develop land that is adjacent to Cliffside Drive, the owners shall be required to bear the cost of such improvement." With the construction of the medical office and the request of a subdivision of the property, the January 1992 agreement is activated and improvements must be made to Cliffside Drive by the property owner.

Lot B-3 is 1.01 acres. The southwest corner of the parcel being consolidated was obtained by WBR Properties from the City of Farmington in a land exchange that took place in September of 1996.

Staff recommends approval with the following conditions:

- a. Improvements, outlined in Section 6.9.1 of the UDC, to Cliffside Drive must be completed prior to the issuance of a Certificate of Occupancy for the medical office being constructed on proposed Lot B-2.
- b. If at any point and time access to proposed Lot B-2 from Huntzinger Avenue is desired, the property owner shall be responsible for improvements to the western half of Huntzinger Avenue from Cliffside Drive to the north property line of proposed Lot B-2.

Commissioner Freeman inquired as to why this agreement was not found prior to the beginning of construction on the property. Mr. Neil explained that staff began to research the property once it was found that the top portion of the property had been illegally subdivided. At that time, the agreement was discovered.

Commissioner Thompson asked how the property owner was planning to access Lot B-3. Mr. Neil stated that Farmington Avenue is currently being used, but a 24 foot shared access agreement is included in the plat that will connect Cliffside Drive to the property. There is already a curb cut on Farmington Avenue to access Lot B-2.

Commissioner Waldroup inquired as to whether traffic might be a concern into and out of the office complex. Ms. Lopez explained that staff felt Cliffside Drive is far enough away from the intersection to prevent traffic from becoming an issue.

Commissioner Thompson asked why Cliffside Drive would need to be developed if the complex will not take access from that point. Mr. Neil commented that the agreement of 1992 required the property owner to develop that portion of Cliffside Drive.

Commissioner Davis voiced a concern that the property owner would not be allowed to open the office complex if Cliffside Drive was not completed.

Commissioner Freeman commented that he would recommend tabling the petition because the property owner did not come to the Planning and Zoning Meeting.

Chair Cardon asked if a temporary Certificate of Occupancy, C.O., could be issued if the complex was finished but Cliffside Drive was not complete. Ms. Lopez stated the City would work with

the property owner. The staff report had been sent to the petitioner, and the petitioner still had time to discuss the petition with staff before it went to City Council.

Commissioner Freeman asked if there was a legal impact if the City did not enforce the completion of Cliffside Drive. Russel Frost, Deputy City Attorney for the City of Farmington, stated the agreement was legally filed with the City Clerk in 1992 and subsequent owners of the property would be notified of the agreement when the land was purchased. To obtain the summary plat without the terms and conditions stated would be a breach of contract and might not be possible to enforce at a later date.

Ms. Holton stated the agreement will be discussed with the petitioner and the petitioner will have the option to revisit with the Planning and Zoning Board before the petition is presented to City Council.

Planning & Zoning Commission Action of Petition PFP 15-01 on January 14, 2016

A motion was made by Commissioner Thompson and seconded by Commissioner Davis to **approve** Petition PFP 15-01, a request from Four Corners Land, LLC, represented by George Walters of Cheney-Walters-Echols, for a Preliminary Plan and Final Plat for 3.94 acres located at 2500 Farmington Avenue with the conditions recommended by staff.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: Commissioner Freeman

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 8-1

The Board was polled.

Commissioner Thompson stated the agreement is known to the parties and the improvement would be difficult to enforce later. The Board should not make an exception for the petitioner. Commissioner Davis stated he agreed the parties have been notified and the City would work with the petitioner in regards to a temporary C.O.

Commissioner Freeman stated he could not make a clear decision without hearing from the petitioner.

Commissioner Brown stated the agreement is a standing agreement and the petitioner had been notified.

Commissioner Waldroup stated it was unfortunate that the petitioner had not attended the Planning & Zoning meeting but the petitioner had been notified and the City was willing to work with the petitioner in regards to a C.O.

Chair Cardon stated the legalities were clear cut and the City should abide by the agreement.

Commissioner Washburn stated the City Council would have the last say on the matter.

Commissioner Langenfeld stated the petitioner had been notified and had the opportunity to attend the Planning & Zoning meeting.

Commissioner Jaquez stated the agreement was clear and the parties were aware of the conditions.

COMMUNITY DEVELOPMENT PETITION REPORT**Preliminary Plan and Final Plat for
Piñon Hills Right-of-Way Subdivision No. 2
Petition No. PFP 15-02****Planning & Zoning Commission Discussion of Petition PFP 15-02 on January 14, 2016**

Senior Planner Cindy Lopez presented the staff report for PFP 15-02, a request from the City of Farmington, represented by Nica Westerling, for a Preliminary Plan and Final Plat for the dedication of Piñon Hills Boulevard south of NM 516/E. Main Street to County Road 3000.

The Preliminary Plan and Final Plat is for the consolidation of 30 lots into four (4) tracts of land, to grant nine (9) easements, to dedicate right-of-way for the extension of Paseo del Rancho, and to abandon a portion of Hubbard Street that was dedicated with the Sun Valley Subdivision No.2 up to the Piñon Hills Boulevard extension.

The Sun Valley Subdivision No. 2 was recorded in the San Juan County Clerk's Office on August 30, 1968. It was a 25 lot subdivision that the City of Farmington bought from the developer in its entirety. Another parcel of land that is part of this plat is the old railroad right-of-way which was deeded to the City of Farmington on April 28, 1971. The other lots were also purchased by the City of Farmington specifically for the future dedication of the extension of Piñon Hills Boulevard.

The plat proposes to dedicate 21.6558 acres of land for the right-of-way for the extension of Piñon Hills Boulevard. It also dedicates 0.0624 acres of right-of-way for the extension of Paseo del Rancho on Tract 4. Tract 1 will be 35.6667 acres of land. Tract 2 will be 13.9069 acres. Tract 3 will be 8.9016 acres and Tract 4 will be 2.7459 acres.

This plat will also grant several easements. These easements are primarily drainage and slope easements.

Staff recommends approval.

Nica Westerling, Engineer for the City of Farmington, stated this PFP is a requirement by the Department of Transportation, DOT, to carve out the right-of-way, (R.O.W.) and to get R.O.W. certification to go forward with Phase 1. Ms. Westerling said most of the lots were purchased in 2001. Environmental certification will also need to be obtained to move forward. That certification should be completed very soon. Ms. Westerling commented that public outreach was done previously and may be done again when construction begins. The stop light at Main Street will be reconfigured to include dual left turn lanes.

Commissioner Thompson asked if the River Trail would connect to this R.O.W. Ms. Westerling commented that it would connect.

Planning & Zoning Commission Action of Petition PFP 15-02 on January 14, 2016

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to **approve** Petition PFP 15-02, a request from the City of Farmington, represented by Nica Westerling, for a Preliminary Plan and Final Plat for the dedication of Piñon Hills Boulevard south of NM 516/E. Main Street to County Road 3000.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 9-0

COMMUNITY DEVELOPMENT PETITION REPORT
Special Use Permit for a Body Art Establishment
Petition No. SUP 15-08
115 E. Main

Planning & Zoning Commission Discussion of Petition SUP 15-08 on January 14, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 15-08, a request from Heather Alexander and Joshua Johnson, for a Special Use Permit for a body art establishment in the Central Business District and a waiver to Farmington’s City Code Sec. 8.15.3, for property located at 115-A E. Main Street.

Mr. Saavedra stated that according to Section 8.15.3 of Farmington City Code, no body art establishment shall be located within 300 feet of a school, church, or residence unless waived by the City Council. The Journey Church, located at 205 E. Main Street is approximately 180-feet from the proposed body art establishment.

Mr. Saavedra explained that the building was originally built in 1951 as a retail store. It is approximately 942 square feet and is on 0.09 acres. Digman Properties, LLC are the property owners according to the San Juan County Assessor’s Office. The property is currently vacant. To the east is Hewett Jackson Tax Services, 3 Rivers Brewery to the west, and north is M&M Tax Services. The petitioner plans to operate from the hours of 11:00 am to 10:00 pm, Monday through Saturday. There have not been any comments or concerns from the public or the City of Farmington against the establishment opening at this location.

Staff recommends approval.

Commissioner Thompson asked if the church had specifically been noticed. Ms. Saavedra said the church was notified.

Heather Alexander and Joshua Johnson of 19013 E. 16th Avenue, Aurora, CO. Mr. Johnson submitted a rendering of what the sign might look like. He stated that the body art establishment will also be an art gallery. Mr. Johnson mentioned that the body art manager attempted to contact the church but was unable to reach them. This will be the second body art establishment for Mr. Johnson and Ms. Alexander. They have another business in Denver, CO.

Mr. Freeman asked if the petitioners would be relocating to Farmington. Mr. Johnson said they would have a second residence in Farmington. Their main residence is in Aurora, CO.

Planning & Zoning Commission Action of Petition SUP 15-08 on January 14, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Jaquez to **approve** Petition SUP 15-07, a request from Heather Alexander and Joshua Johnson, for a Special Use Permit for a body art establishment in the Central Business District and a waiver to Farmington's City Code Sec. 8.15.3, for property located at 115-A E. Main Street.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Jaquez, Langenfeld, Thompson, Waldroup, and Washburn.

NAY: None

Abstained: None

Absent: Commissioner Ragsdale

Motion passed 9-0

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

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

Business from the Members: Commissioner Davis complimented staff on their presentation of petitions.

Business from Staff: Ms. Lopez welcomed Ryan Brown, a new Planning & Zoning Board Member. Ms. Lopez reported that Petition SUP 15-07, a request from William Cillessen for a Special Use Permit for outside storage for reels of stainless steel tubing and other small business related materials at 935 Malta Avenue passed on consent at the January 12, 2016 City Council Meeting.

Adjournment: With no further business and a motion by Commissioner Davis and seconded by Commissioner Thompson, the Planning and Zoning Commission meeting of January 14, 2016 was adjourned at 3:55 p.m.


Joyce Cardon
Chair


Karen Walker
Administrative Assistant

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