MINUTES
ADMINISTRATIVE REVIEW BOARD
February 4, 2016 – 6:00 P.M.

The Administrative Review Board met in regular session on Thursday, February 4, 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 Adam Soukup
Members absent:	Chairman Ireke Cooper
Staff present:	Mary Holton Cindy Lopez Keith Neil Steven Saavedra Karen Walker
Others addressing the board:	William Clark

Call to Order
The meeting was called to order at 6:00 p.m. by Acting Co-Chair 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 4-0.

Approval of the Minutes from the December 3, 2015 Regular Meetings
Board Member Martin made a motion to approve the minutes of the December 3, 2015 regular meeting. The motion was seconded by Board Member Soukup and passed unanimously by a vote of 4-0.

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

Petition No. ARB 16-01
Fellowship of the Spirit – Off-site Sign

Discussion of ARB No. 16-01 on February 4, 2016
Associate Planner Steven Saavedra presented the staff report for ARB 16-01, a request from Fellowship of Spirit Church, represented by William F. Clark, for a variance from the requirements of Section 5.8.7 (18), to allow an off-site freestanding sign in the GC General Commercial District at the intersection of 13th Street and Farmington Avenue. The parcel of property is 0.42-acres and is currently vacant.
Mr. Saavedra explained that the Unified Development Code restricts the size, location, and number of freestanding signs. The current sign is an off-site portable sign which is prohibited in the City of Farmington. This sign is located along a collector and local street, with a right-of-way width of 50-feet. An off-site sign is allowed only on principle arterial street(s), with right-of-way width(s) of 200-feet. An off-site sign cannot be within 100 feet of a residential unit, and it cannot be greater than 26-feet in height or more than 200 square feet in area.

Mr. Saavedra continued to explain that the Fellowship of Spirit Church is approximately 160-feet from the vacant parcel of property where the sign is located, and approximately 310-feet from the location of the current off-site sign in question. The sign is also located approximately 100-feet from the closest residential unit. The off-site sign was brought to the City of `Farmington's attention because it was in the site distance triangle at the intersection of Farmington Avenue and E. 13th Street. Also, the sign is a portable sign on movable skids. According to the UDC, portable signs are prohibited.

Mr. Saavedra went on to say that the church has a banner wall sign on their building. Banner signs are allowed for a maximum of 30-days per year. The Fellowship of Spirit Church does not have any sign permits with the City of Farmington for either sign.

The Zoning Code states that no variance shall be granted where economics are the basis for the application. The zoning of the church property does not prevent placing the sign on their own property. The church is visible from Farmington Avenue. There are no other businesses in the area using off-site signs. Mr. Saavedra noted that the purpose of the City of Farmington sign ordinance is to maintain the look of the city and to keep it attractive for residents and businesses. Mr. Saavedra commented that the sign is not hurting anyone, but by allowing the church to keep their sign at this location it would demonstrate to other businesses that it is alright to have off-site signs.

Mr. Saavedra described the history of the property at 2009 E. 13th Street. In 1978, the building was originally constructed. The church is located in the GC General Commercial District. Namaste Family Services was the previous business located at 2009 E. 13th Street. On December 16, 2014, the Building Division at the Community Development Department issued a permit for an addition to the structure. In 2015, the addition was constructed and the structure extends further north towards the property line. Mr. Saavedra stated that the church has the opportunity to install an on-site freestanding sign. The GC General Commercial District allows 200 square feet of signage for a freestanding sign. In addition, the GC District allows freestanding signs 45-feet in height.

The criteria justifying the approval of this variance are not met. This off-site sign is a violation of the zoning code. A permanent off-site sign needs to be located on a principle arterial street, with a right-of-way width of 200-feet and cannot be within 100-feet of a residential unit. The Community Development Department recommends denial.

Board member Martin asked who owns the vacant property that the sign is currently located on. Mr. Saavedra said David Cooper is the owner. Mr. Martin inquired what would happen to the sign if the variance was granted and the property sold. Mr. Saavedra commented that the sign could stay. However, no two freestanding signs are allowed on the property. Any new business would not be able to install a sign.

Mr. Martin asked if some freestanding signs were exempt from the ordinance. Senior Planner Cindy Lopez stated that the code allowed political and real estate signs for a specific time frame. Free standing signs on skids are not allowed.

William Clark of 4441 Cardon Drive stated that he has been with Fellowship of Spirit Church for the last 15 years. He has been a Board President for the last 6 years. Mr. Clark mentioned that the church had permission from the property owner to put the sign at that location. The church offered to maintain the vacant property in return. Mr. Clark commented that the sign would be removed if the vacant property was developed. The sign is a modest sign according to Mr. Clark and he feels the location is a minimum easing of the code. Mr. Clark explained that the church has had many monetary expenditures recently in the way of water line extension fees, sprinkler system and alarm system for the church. Erecting a permanent sign would be expensive. Mr. Clark said RAM signs had told him he would need a permit and a variance to place the sign on the vacant lot.

Mr. Clark said he was willing to remove the sign if the vacant property sold or to remove the skids and make the sign more permanent. Ms. Lopez noted that an off-site sign was prohibited by code except on a principle arterial street. Board Member Soukup asked if the sign were permanent, would it still not be allowed. Ms. Lopez said it would not be allowed.

Board Member Dennis clarified that the temporary sign was not recommended by staff and the sign was a violation of code. A permanent off-site sign would be within 100-feet of a residence and not on a principle arterial with a 200-foot right-of-way, which is a code violation.

Administrative Review Board Action of February 4, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **deny** Petition No. ARB 16-01, a request from Fellowship of Spirit Church, represented by William F. Clark, for a variance from the requirements of Section 5.8.7 (18), to allow an off-site freestanding sign in the GC General Commercial District at the intersection of 13th Street and Farmington Avenue.

AYE: Board Members Dennis, Martin, Scott, and Soukup.

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper

DENIED WITH FINDINGS 4-0

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

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

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

Business from Staff: Ms. Lopez informed the Board that the next ARB meeting would most likely be cancelled due to a lack of petitions.

Adjournment: The February 4, 2016 meeting of the Administrative Review Board was adjourned at 6:43 p.m.

James Dennis-Acting Co-Chairman

Karen Walker-Administrative Assistant

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