

**MINUTES  
PLANNING & ZONING COMMISSION**

**March 10, 2016**

The Planning and Zoning Commission met in a regular session on March 10, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

**P&Z Members Present:**

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

**P&Z Members Absent:**

Joyce Cardon  
Cheryl Ragsdale

**Staff Present:**

Bob Campbell  
Russel Frost  
Mary Holton  
Cynthia Lopez  
Keith Neil  
Toni Sitta  
Karen Walker

**Others Who Addressed the Commission:**

Vernon Gladden  
Mario Marquez

**Call to Order**

Vice Chair Thompson 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**

Cindy Lopez mentioned that she will be presenting Petitions PP 16-01 and PP 16-02 together, even though it will be necessary to have separate motions for each petition.

Paul Thompson, Vice Chair, recommended that the agenda be changed to hear Petition SUP 16-01 first because it is a 'quasi-judicial' hearing and then hear the Preliminary Plans after. The Commissioners agreed.

**Approval of the Minutes**

A motion was made by Commissioner Freeman and seconded by Commissioner Waldroup to approve the minutes of the February 11, 2016 P&Z Meeting. This motion was approved unanimously by an 8-0 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**  
**Special Use Permit for a Nonconforming Use for 4307 Hannon Drive**  
**Petition No. SUP 16-01**

**Planning & Zoning Commission Discussion of Petition SUP 16-01 on March 10, 2016**

Associate Planner Keith Neil presented the staff report for SUP 16-01, a request from Martha and Alexander Wu, Sy Ming Deng, and Kang Ho for a Special Use Permit for a nonconforming residential use in the IND Industrial District to allow the structure to be rebuilt if destroyed by more than 50% for property located at 4307 Hannon Drive.

Mr. Neil explained the petitioners were attempting to refinance the property when they were made aware of the non-conforming status. The property is a residential parcel of land that was part of an area annexed into the City of Farmington in 1956. The annexed area was zoned IND Industrial at that time. The residence was built in 1940. The property also contains additional accessory structures. Mr. Neil noted the property is surrounded on three sides (west, east and south) by the Ralph W. Miller Inc. Company. To the northeast of the property are additional residences located within the SF-7 Single Family zoning district. Directly to the north is another legal, non-conforming residence located in the IND district.

Mr. Neil pointed out that Section 9.2.4 of the Unified Development Code states: "If a nonconforming use or structure containing a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except in conformity with the provisions of this UDC. However, Section 9.2.6(A) states: "Any lawful nonconforming use of a building shall be considered to be in conformity with the terms of this Code upon application and approval of a Special Use Permit."

Staff recommends approval.

Commissioner Thompson asked if there was any other option to protect residential properties located in IND. Ms. Lopez explained that a Special Use Permit was the best option for these types of situations. It allows the property owner to obtain financing and insurance for their property, but also allows the property to remain IND. This is beneficial if the market changed and the property required the IND zoning.

Commissioner Freeman asked if the Special Use Permit stayed with the property forever. Mr. Neil confirmed that it did stay with the property forever.

Mario Marquez of 5208 Hallmark informed the Commissioners that he was speaking for the Wu family. Mr. Marquez indicated that when the Wu's went to refinance their house, they were informed by the bank that a loan would not be approved with the current nonconforming issue.

**Planning & Zoning Commission Action of Petition SUP 16-01 on March 10, 2016**

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to **approve** Petition SUP 16-01, a request from Martha and Alexander Wu, Sy Ming Deng, and Kang Ho for a Special Use Permit for a nonconforming residential use in the IND Industrial District to allow the structure to be rebuilt if destroyed by more than 50% for property located at 4307 Hannon Drive.

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

NAY: None

Abstained: None

Absent: Commissioners Cardon and Ragsdale.

Motion passed 8-0

**COMMUNITY DEVELOPMENT PETITION REPORT**  
**Preliminary Plan for L and V Subdivision No. 1 & No. 2**  
**Petitions No. PP 16-01 & PP 16-02**

**Planning & Zoning Commission Discussion of Petitions PP 16-01 and PP 16-02 on March 10, 2016**

Senior Planner Cindy Lopez presented the staff report for PP 16-01 and PP 16-02, requests from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for Preliminary Plans for L & V Subdivision No. 1 and L & V Subdivision No. 2. These are 5-lot subdivisions, each on 4.73 acres located at the intersection of County Road 6480 and 6478. All of the lots are 0.75-acres to 0.87-acres in size.

These properties do not meet subdivision standards because they were subdivided by deed in 1974. They were required to be reviewed and approved by the City of Farmington. The review and approval had been required for subdivisions in the City's Planning and Platting Jurisdiction since 1971. The Preliminary Plans will establish the two large lots as legal lots and allow them to further subdivide as proposed.

Staff recommends approval.

Commissioner Freeman asked if the petitioner would be required to pave the road. Ms. Lopez stated that the properties are in the county and would follow county standards.

Vernon Gladden of P.O. Box 1065, Kirtland, NM commented that he has spoken with Dave Burnett from the county and paving of the road would not be required.

**Planning & Zoning Commission Action of Petition PP 16-01 on March 10, 2016**

A motion was made by Commissioner Freeman and seconded by Commissioner Jaquez to **approve** Petition PP 16-01, a request from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for a Preliminary Plan for L & V Subdivision No. 1, a 5-lot subdivision on 4.73 acres located at the intersection of County Road 6480 and 6478.

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

NAY: None

Abstained: None

Absent: Commissioners Cardon and Ragsdale.

Motion passed 8-0

**Planning & Zoning Commission Action of Petition PP 16-02 on March 10, 2016**

A motion was made by Commissioner Freeman and seconded by Commissioner Washburn to **approve** Petition PP 16-02, a request from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for a Preliminary Plan for L and V Subdivision No. 2, a 5-lot subdivision on 4.73 acres located at the intersection of County Road 6480 and 6478.

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

**NAY:** None

**Abstained:** None

**Absent:** Commissioners Cardon and Ragsdale.

**Motion passed 8-0**

**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 Members.

**Business from Staff:** Ms. Lopez informed the Commissioners that Petition ZC 16-01, a Zone Change from IND to SF-MH for properties located on Fox Street was approved at the February 23, 2016 City Council meeting.

Ms. Lopez noted that Petition PFP 15-01, a Preliminary Final Plat for Nygren Subdivision No. 5, Replat B, was approved at the February 23, 2016 City Council meeting with a condition to meet the 1992 agreement.

**Adjournment:** With no further business and a motion by Commissioner Washburn and seconded by Commissioner Davis the Planning and Zoning Commission meeting March 10, 2016 was adjourned at 3:23 p.m.



Paul Thompson  
Vice-Chair



Karen Walker  
Administrative Assistant