

MINUTES
PLANNING & ZONING COMMISSION

May 26, 2016

The Planning and Zoning Commission met in a regular session on May 26, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

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

P&Z Members Absent:

None

Staff Present:

Cindy Lopez
Keith Neil
Toni Sitta
Cory Styron
Karen Walker

Others Who Addressed the Commission:

Lance Myler
Barbara Tedrow

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

Petition No. PPJ 16-01-a request from Mark Duncan, Mayor of the Town of Kirtland, for a Memorandum of Understanding with the City of Farmington, regarding the extent of the Town of Kirtland's Planning and Platting Jurisdiction to be located within San Juan County was removed from the agenda at the request of Mayor Mark Duncan on May 24, 2016.

Approval of the Minutes

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to approve the minutes of the April 28, 2016 P&Z Meeting. This motion was approved unanimously by a 10-0 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. SUP 16-30 Special Use Permit for a Day Care 4500 Wildflower Mesa Drive

Planning & Zoning Commission Discussion of Petition SUP 16-30 on May 26, 2016

Senior Planner Cindy Lopez presented the staff report for SUP 16-30, a request from the City of Farmington, represented by Cory Styron, Director of Parks, Recreation and Cultural Affairs (PRCA), for a Special Use Permit for a Private Day Care in the MF-M Multiple Family Medium Density Residential District for property located at 4500 Wildflower Drive.

The property is owned by the City of Farmington PRCA. The Gold Star Academy has been awarded a lease from the City of Farmington to run a day care in the building for toddler and pre-kindergarten care, as well as, a licensed after-school program and summer programs.

Ms. Lopez stated that the properties to the north, east and west of 4500 Wildflower Mesa Drive are vacant land. To the south are Mesa View Middle School and Esperanza Elementary School. The building at 4500 Wildflower Mesa is located on a 3 acre parcel of land. This building was previously used as a Community Center. The building and parking lot are located back from Wildflower Mesa Drive enough to accommodate traffic.

Staff concludes approval of SUP 16-30 is appropriate.

Cory Styron, PRCA Director with the City of Farmington, 901 Fairgrounds Road, informed the Commissioners that the building had originally been called Halvorson House and was a half-way house for the County. It was built as a large residential house, which makes it difficult to monitor children in multiple rooms. In 2014, discussion began on using the structure as a day care for 3 year olds and older. Children below 3 years of age present fire and management challenges.

Barbara Tedrow of 3101 McColm Drive and owner of Gold Star Academy stated that she is expanding her day care services to that area of Farmington. Ms. Tedrow stated that she will be instituting a pilot phase of a New Mexico Pre-K program for 3 year olds and wished to serve 3 year olds and after school programs.

Planning & Zoning Commission Action of Petition SUP 16-30 on May 26, 2016

A motion was made by Commissioner Waldroup and seconded by Commissioner Washburn to **approve** Petition SUP 16-30, a request from the City of Farmington, represented by Cory Styron, Director of Parks, Recreation and Cultural Affairs, for a Special Use Permit for a Private Day Care in the MF-M Multiple Family Medium Density Residential District for property located at 4500 Wildflower Drive, subject to meeting all requirements of the building and fire codes.

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

NAY: None

Abstained: None

Absent: None

Motion passed 10-0

COMMUNITY DEVELOPMENT PETITION REPORT
Petition No. SUP 16-31
Special Use Permit allowing a detached Family Care Unit
7100 Driftwood Avenue

Planning & Zoning Commission Discussion of Petition SUP 16-31 on May 26, 2016

Associate Planner Keith Neil presented the staff report for SUP 16-31, a request from Lance Myler to allow a detached family care unit (Mother-in-law quarters), for property located at 7110 Driftwood Avenue.

According to the Unified Development Code (UDC), explained Mr. Neil, detached family care units are permitted when it is determined by the Planning & Zoning Commission and the City Council that it is not practical to attach the unit to the principal building due to special conditions to the lot or to the principal structure. The lot has grading issues toward the rear that would require extensive dirt work, and the principal structure's master bedroom faces the north side of the house which makes it impractical to attach the family care unit.

According to the UDC, the floor area of the detached unit shall not exceed 500 square feet. The petitioner is asking for a 528 square foot unit. The additional square footage can be approved with this Special Use Permit. The unit will also have a minimum side yard of at least 5 feet and a minimum separation from the principal structure of 10 feet.

Mr. Neil stated that an accessory unit to a single-family dwelling must remain under single ownership. Both the principal structure and the accessory unit shall be occupied by one family, and no more than two persons may occupy the accessory unit. At least one person shall be 55 years of age or older. The proposed unit will be constructed for the petitioner's mother-in-law who is currently 79 years of age.

The UDC further states that the entrance to the unit shall not be directly from the front of the principal dwelling and all exterior modifications shall maintain the appearance of a single-family dwelling. The proposed unit will have a side entrance that faces the principal structure. The family care unit will also be required to have an additional off-street parking space behind the required front yard setback. The unit will have an attached 24' x 24' two car garage that is approximately 576 square feet to meet the requirements for off-street parking.

At such time that the use is no longer necessary, the petitioner has plans to remove the stove and replace it with a cabinet which will meet the requirement for a guesthouse.

The proposed family care unit will not negatively affect the neighborhood and is compatible with the UDC. Staff received one concern from a neighbor on the drainage of the lot. City Engineer, Toni Sitta, looked at the property and made recommendations.

Staff concludes approval is appropriate with the mitigating of drainage concerns.

Commissioner Thompson asked to have the difference between a guest house and a Family Care Unit explained. Mr. Neil said the only difference was that a guest house could not contain a kitchen stove. The reason for this is to try to prevent property owners from renting the units

to people who are not part of the family. Mr. Thompson asked if the utilities could be separated. Mr. Neil said the utilities could not be separated.

Lance Myler of 7110 Driftwood, stated that the garage will be attached to the unit and the garage doors will face the front of the property. The primary entrance to the unit will be on the side of the unit. Mr. Myler stated that City staff have been very helpful. He felt this was the best option to have the ability to take care of his Mother-in-Law and still give her autonomy.

Mr. Thompson asked if there were covenants in the neighborhood. Mr. Myler said there were not any covenants and that there were several homes in the area with guest houses. Mr. Myler said he did not have any issues with the condition of a drainage plan by a New Mexico Professional Engineer.

Planning & Zoning Commission Action of Petition SUP 16-31 on May 26, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition SUP 16-31 a request from Lance Myler for a Special Use Permit to allow a Family Care Unit to be constructed next to a primary residence for 1.04 acres, for property located at 7110 Driftwood Avenue with the following condition:

- A drainage plan shall be prepared, stamped and sealed by the New Mexico Professional engineer and submitted to the City of Farmington with the building permit application for review. The plan must consider on-site and off-site storm water.

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

NAY: None

Abstained: None

Absent: None

Motion passed 10-0

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

Business from the Chair: Chair Cardon mentioned that this meeting is the end of Commissioner Jaquez term and he is resigning. Ms. Cardon thanked Mr. Jaquez for his time and commitment.

Business from the Members: Commissioner Freeman asked if the Planning & Zoning Division was considering the movement toward 'Tiny Houses'. Ms. Lopez said there were building codes regulating the size of rooms, total square footage, and the smallest lot size. If the housing unit is on wheels, it is considered a Recreational Vehicle and must be in an RV Park. The Special Use Permit is used on these types of housing units so that neighbors will be included in the process.

Ms. Lopez mentioned that staff looks on smaller living units favorably for some couples or young families as they provide affordable places to live. Staff does not see an issue with these housing units.

Business from Staff: Ms. Lopez commented that Commissioners Cardon, Waldroup, Ragsdale, Freeman, and Brown were reappointed for two year terms to the Planning & Zoning Commission by Mayor Tommy Roberts at the May 24, 2016 City Council Meeting.

Adjournment: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Langenfeld the Planning and Zoning Commission meeting May 26, 2016 was adjourned at 3:32 p.m.



Joyce Cardon
Chair



Karen Walker
Administrative Assistant

This page left intentionally blank