

MINUTES

PLANNING & ZONING COMMISSION

June 16, 2016

The Planning and Zoning Commission met in a regular session on June 16, 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
- Kristin Langenfeld
- Cheryl Ragsdale
- Paul Thompson
- Cody Waldroup

P&Z Members Absent:

- Del Washburn

Staff Present:

- Julie Baird
- Jennifer Breakell
- Mary Holton
- Cindy Lopez
- Keith Neil
- Steven Saavedra
- Toni Sitta
- Karen Walker

Others Who Addressed the Commission:

- Lavonne Gallegos
- Vera Matthews
- Frank Santiago

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 Davis and seconded by Commissioner Waldroup to approve the minutes of the May 26, 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.

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| <p>COMMUNITY DEVELOPMENT PETITION REPORT</p> <p>Petition No. ZC 16-35</p> <p>Zone Change from RE-1 to RA</p> <p>7000 Hood Mesa Trail</p> |
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Planning & Zoning Commission Discussion of Petition ZC 16-35 on June 16, 2016

Associate Planner Steven Saavedra presented the staff report for ZC 16-35, a request from Vera Matthews for a zone change from RE-1 Residential Estate 1 to RA Rural Agriculture and a variance to allow three horses on 2.5 acres for property located at 7000 Hood Mesa Trail. Mr. Saavedra distributed a comment to the Commissioners that was received late from Deputy City Attorney, Russel Frost. The comment stated that spot zoning may have implications in the future when this area is developed. Mr. Frost's comment also stated that this may become a main transportation artery in the future due to its close proximity to the intersection of Hood Mesa Trail and North College Blvd.

Mr. Saavedra explained that the property borders vacant land to the north outside the City, which is owned by the Bureau of Land Management, BLM. The surrounding properties to the east, west, and south are zoned RE-1 and are undeveloped at this time. The property was annexed into the City in 2000 and the RE-1 Residential Estate zoning district was assigned to 28.62 square miles of land.

Mr. Saavedra explained that the RE-1 district is intended to accommodate low-density, large-lot residential development. It serves those who want to live in rural, low-density estate areas. The RA district permits development compatible with a more rural character that allows various animals and agricultural uses.

The petitioner recently purchased the property. She would like to purchase the property to the east. Ms. Matthews plans to have three horses on the property. According to the City of Farmington Unified Development Code, UDC, keeping horses is allowed in the RA district and requires one horse per acre. Ms. Matthews would like to have three horses on the 2.5 acre lot.

Staff feels this is consistent with the Comprehensive Plan. It will not adversely affect the surrounding properties and the land appears to be suitable for the proposed use. Therefore, staff recommends approval of the zone change and approval of the variance to allow three horses on 2.5 acres of land, with the condition that the animals are cared for and the waste is handled as stated in the Farmington Municipal Code, Chapter 6, under animals.

Commissioner Waldroup inquired as to how far homes are from this property. Mr. Saavedra commented that the homes are quite a distance from the property, but he did not know exactly how far.

Commissioner Thompson asked if the zone change would stay with the property if the property was sold. Mr. Saavedra commented that it would stay with the property. Mr. Thompson asked if there is any alternative rather than a zone change that would allow the petitioner to keep horses on the property. Mr. Saavedra stated that a Special Use Permit, SUP, or a Planned Development, PD, was discussed with the petitioner. Either one would allow a horse, yet retain the current zoning. The petitioner preferred pursuing a zone change for this property.

Commissioner Thompson questioned whether a Sunset Clause could be recommended. A Sunset Clause is a provision where a law will expire on a particular date unless the law is reauthorized. Senior Planner Cindy Lopez stated that a zone change can only be reversed if the City initiated a zone change using the same process. Ms. Lopez commented that this area has large parcels, is very rural in nature, and horses seem consistent with this area.

Commissioner Freeman voiced a concern for granting a zone change verses an SUP. Mr. Freeman noted that there was a property to the north with an SUP to allow horses. He commented that a zone change would allow all types of farm animals.

Mr. Freeman asked if there were plans to pave that part of Hood Mesa Trail. Toni Sitta, City of Farmington Engineer, stated that a cost estimate has been done to see what paving would cost. At this time, funding is not available to pursue paving Hood Mesa Trail. Ms. Lopez commented that she did not believe there would be plans to pave this part of Hood Mesa Trail for at least 5 to 10 years because the City of Farmington has not acquired all of the right-of-ways and there is some resistance from the community to pave the road.

Mr. Saavedra mentioned that if the petitioner wants to use barbed wire to fence in the horses, barbed wire is allowed only in the Rural Agricultural and Industrial zoning districts.

Vera Matthews, of 5991 Hood Mesa Trail, mentioned that the SUP that was mentioned by Mr. Freeman is not surrounded by City of Albuquerque and BLM land. Ms. Matthews also noted that there is a limit on the number of animals allowed in the RA district. Ms. Matthews commented that the property between her property and the pavement at College Blvd. is approximately 1 ½-2 miles.

Chair Cardon asked Ms. Matthews how many acres she is attempting to acquire. Ms. Matthews stated she hopes to purchase a total of ten acres. Commissioner Waldroup asked Ms. Matthews if she would want to change the zoning on the entire ten acres. She commented that she might like to change the zoning.

Chair Cardon asked Ms. Matthews why she preferred a zone change rather than an SUP. Ms. Matthews commented that the RE-1 district had several restrictions and she wanted to develop the property if she was able to acquire all ten acres.

Commissioner Freeman asked Ms. Matthews what she wanted to do to develop the property. Ms. Matthews said she initially wants an area for her horses. Eventually, she would like to have a business, possibly a restaurant. Ms. Matthews commented that she lives within walking distance of the property. She obtained an SUP to have a horse on her current property, but wanted a more suitable location for her horse and two other horses. Ms. Matthews mentioned that she has lived around horses all her life, and has had boarding and training facilities for horses.

Commissioner Langenfeld commented that she has a problem with rezoning the property and is concerned with the possibility of commercial use if the zone change is approved. Ms. Langenfeld stated that she feels the petitioner could accomplish the same results with an SUP and still protect the surrounding RE-1 properties. Commissioners Thompson and Ragsdale agreed with Ms. Langenfeld.

Commissioner Thompson asked for clarification from the legal department on whether a change could be made at this hearing so that a motion could be made for an SUP. Jennifer Breakell, City Attorney for Farmington, stated that the Commissioners cannot make a motion for an SUP because an SUP would require a new noticing process as it results in a substantial change in the zoning rights and obligations of the property owner.

Planning & Zoning Commission Action of Petition ZC 16-35 on June 16, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Thompson to **deny** Petition ZC 16-35, a request from Vera Matthews for a zone change from RE-1 Residential Estate 1 to RA Rural Agriculture and a variance to allow three horses on 2.5 acres for property located at 7000 Hood Mesa Trail.

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

NAY: None

Abstained: None

Absent: Commissioner Washburn.

Motion to deny 8-0

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| <p>COMMUNITY DEVELOPMENT PETITION REPORT</p> <p>Petition No. ANX 16-02</p> <p>Proposed Annexation and Zoning Assignment</p> <p>Southeast of City Limits along US 64</p> |
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Planning & Zoning Commission Discussion of Petition ANX 16-02 on June 16, 2016

Director Mary Holton presented the staff report for ANX 16-02, a request from the City of Farmington to consider an annexation of 235.23 acres of land located immediately east and south of the corporate boundaries of the City along the north side of US 64 from east of 1150 Madison Lane extending eastward to approximately 1,310 feet east of Andrea Drive, plus 5525 US 64 which is located on the south side of US 64.

Ms. Holton referred the Commissioners to the information provided in the Agenda packet concerning this petition. She noted the planned utilization of the Petition or Municipal Boundary Methods for the annexation. At this time, stated Ms. Holton, staff has 33.462% of the more than 50% of signatures necessary to continue with the petition process. Efforts are being made with the Bureau of Land Management, BLM, to obtain consent on two parcels.

Ms. Holton referred the Commissioners to page 21 of the Agenda which shows the proposed assigned zoning for the annexation area. She noted the last paragraph of the memo which says, "When developing their recommendation, the Commission should direct staff to continue to proceed with the Petition Method at this time, and if a sufficient acreage of petitions is not attained prior to the City Council meeting, the Commission should recommend that the City Council authorize the Mayor and City Clerk to sign the Municipal Boundary Commission petition, and direct staff to submit it as directed by the City Council."

Commissioner Thompson asked why General Commercial, GC, was recommended for the area on the east side. Ms. Holton replied that GC was requested by Fred Whistle. Mr. Thompson asked why the Conoco Phillips area was recommended as Industrial, IND, zoning. Ms. Holton replied that IND would give Conoco Phillips the most flexibility in terms of uses.

Commissioner Davis asked where the line was between the IND and GC zoning areas. Ms. Holton stated that the mid-point of the roads will be the division line for the IND and GC zoning

area. With the annexation, the City would become responsible for the maintenance of those roads.

Commissioner Waldroup asked why the zoning to the west was IND. Ms. Holton responded that the petitioners in that area requested IND zoning, and the IND best fits the current uses.

Frank Santiago of 5525 US 64, a representative of Conoco Phillips, stated that Conoco Phillips had no opposition to the annexation. Mr. Santiago said the annexation would entail a tax increase for Conoco Phillips. He stated that Conoco Phillips would like to be considered for city water services, as well as other city services. Currently, Conoco Phillips utilizes the Lee Acres Water Association.

Lavonne Gallegos of 5418 US 64 stated that the annexation did not benefit her, yet taxes would be higher. She said that she cannot tie into the city sewer or water, and there is no high-speed internet in the area. Jennifer Breakell, City Attorney for the City of Farmington, stated that the City has no control over the internet system. In reference to city water, Ms. Holton stated that she would have to refer her to the Lee Acres Water Association. As to city sewer, Ms. Holton referred her to the water/wastewater division in Public Works. Ms. Holton offered to provide contact numbers and names.

Commissioner Thompson asked what the advantages will be if the area is annexed. Ms. Holton said police and fire service would provide better response time. Commissioner Freeman asked if the maintenance to the dirt roads would be provided by the City. Ms. Holton responded that the roads would be maintained, and over time, the roads would be improved as the area developed.

Commissioner Brown asked how many residents lived in the area. Ms. Holton stated that there are estimated to be three residential dwellings. They are proposed to be zoned IND but would retain legal nonconforming status until changes are made to the property.

Julie Baird, Assistant City Manager to the City of Farmington, discussed City rates for utilities.

Planning & Zoning Commission Action of Petition ANX 16-02 on June 16, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Waldroup to **approve** Petition ANX 16-02 as recommended by staff with the recommended proposed zoning as shown on page 21 of the June 16, 2016 Planning & Zoning Agenda.

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

NAY: None

Abstained: None

Absent: Commissioner Washburn.

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 commented that Petition SUP 16-30, a request from the City of Farmington, represented by Cory Styron, 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 Mesa Drive, passed at the June 14, 2016 City Council Meeting. 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 7100 Driftwood Avenue, also passed at the June 14, 2016 City Council Meeting.

Ms. Lopez also reminded the Commissioners of training on June 27, 2016 from 1:30-4:00 at the Farmington Civic Center for Boards and Commissioners. The training will be presented by Randy Van Bleck and will cover Ex-parte Communication, Quasi-judicial proceedings, and the Open Meetings Act.

Adjournment: With no further business and a motion by Commissioner Ragsdale and seconded by Commissioner Davis, the Planning and Zoning Commission meeting June 16, 2016 was adjourned at 3:59 p.m.


Joyce Cardon
Chair


Karen Walker
Administrative Assistant