

MINUTES
PLANNING & ZONING COMMISSION

July 28, 2016

The Planning and Zoning Commission met in a regular session on July 28, 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
Shay Davis
Kristin Langenfeld
Cheryl Ragsdale
Dacia Yazzie

P&Z Members Absent:

Ryan Brown
Paul Thompson
Cody Waldroup
Del Washburn

Staff Present:

Julie Baird
Teri Clashin
Derrick Garcia
Mary Holton
Cindy Lopez
Keith Neil
Steven Saavedra
Karen Walker

Others Who Addressed the Commission:

Sandy Foxwell
Vera Matthews
Faraz Sandhu
Brandt Thrower

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 Ragsdale and seconded by Commissioner Freeman to approve the minutes of the June 30, 2016 P&Z Meeting. This motion was approved unanimously by a 6-0 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 16-57
To Allow 3 Horses & a Barn
7000 Hood Mesa Trail**

Planning & Zoning Commission Discussion of Petition SUP 16-57 on July 28, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 16-57, a request from Vera Matthews for a Special Use Permit to allow three horses and a shade structure on 2.5 acres for property located at 7000 Hood Mesa Trail.

The petitioner is seeking a waiver to UDC 2.5.1 (A) to allow for a shade structure for the horses prior to the construction of a principal residential structure and a waiver to UDC 11.1 to allow 3 horses on 2.5 acres.

Mr. Saavedra said the property is located in the RE-1 Residential Estate District and is undeveloped. Surrounding the property is RE-1 on the east, west, and south. All surrounding properties are vacant and undeveloped. To the north is BLM, Bureau of Land Management, property and is outside the city limits.

Staff recommends approval with the following conditions:

- a. Petitioner adheres to all Municipal Codes as set forth in Farmington's City Code Chapter 6, animals.
- b. Reduction in the area of the lot shall require a review of the SUP.

Commissioner Freeman asked if a principle structure was built on the property, would three horses still be allowed. Cindy Lopez stated that a principle structure will not affect the SUP. The old code stated that horses need 10,000 square feet of grazing area. The new code states 1 acre per horse. There is plenty of room for a principle structure.

Planning & Zoning Commission Action of Petition SUP 16-57 on July 28, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition SUP 16-57, a request from Vera Matthews for a Special Use Permit to allow three horses and a shade structure on 2.5 acres for property located at 7000 Hood Mesa Trail with the following conditions recommended by staff:

- a. Petitioner adheres to all Municipal Codes as set forth in Farmington's City Code Chapter 6, animals.
- b. Reduction in the area of the lot shall require a review of the SUP.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

Motion passed 6-0

COMMUNITY DEVELOPMENT PETITION REPORT

Petition No. ZC 16-58

From SF-10 to SF-7

Chilton Court & 20th Street

Planning & Zoning Commission Discussion of Petition ZC 16-58 on July 28, 2016

Associate Planner Steven Saavedra presented the staff report for ZC 16-58, a request from Brandt Thrower, represented by Cheney-Walters-Echols, for a Zone Change from the combined Single-family Residential SF-7 and SF-10 Districts to the SF-7, Single-family Residential District, on 0.3199 acres for property located at 1921 Chilton Court.

The property is part of the Puesta Del Sol Subdivision. According to UDC 2.2.3, multiple zoning on a single parcel should be avoided. The 2020 Future Land Use Map of the Comprehensive Plan recommends the property be Single Family Residential. The zone change will make the property compatible with the neighborhood. There are no adverse impacts and it is not a spot zone.

Staff concludes that approval of ZC 16-58 is appropriate.

Brandt Thrower of 1917 Chilton Court, stated that the house on the property was built in the 1960s. SF-7 and SF-10 have different setbacks, but that is academic in this case, said Mr. Thrower. In a survey that was done, the tennis court and a sidewalk were not on the correct lots. Mr. Thrower said he gave the neighbors the sidewalk and the tennis court needs to be with the house. Mr. Thrower stated that he would request that the Commissioners approve the petition so that he can go ahead and finish the subdivision so the neighbor can have their sidewalk and he can have the tennis court.

Planning & Zoning Commission Action of Petition ZC 16-58 on July 28, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition ZC 16-58, a request from Brandt Thrower, represented by Cheney-Walters-Echols, for a Zone Change from the combined Single-family Residential SF-7 and SF-10 Districts to the SF-7 Single-family Residential District for property located at 1921 Chilton Court.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

Motion passed 6-0

COMMUNITY DEVELOPMENT PETITION REPORT

Petition No. ZC 16-59

From IND to MU

115 E. Corcorran Drive

Planning & Zoning Commission Discussion of Petition ZC 16-59 on July 28, 2016

Associate Planner Keith Neil presented the staff report for ZC 16-59, a request from Residential Rentals, LLC, represented by Gayle Goeden for a zone change from IND Industrial zoning district to MU Mixed Use zoning district for 0.25 acres, located at 115 E. Corcorran Drive.

The request is for the two adjoining properties, Lot 6 and Lot 7. Currently Lot 6 is the parking lot for the business located on Lot 7. The building located on Lot 7 is currently being rented by a private school and is legal non-conforming because it is not allowed in the IND district. A zone change from IND to MU will bring the use as a private school into conformity with the UDC and would permit the private school use by right. If the private school ceases, the petitioner would have a wider variety of options of permitted uses with a MU zone.

Mr. Neil stated the surrounding properties to the north and west are vacant parcels. There is a playground for the school to the east, and Boyd Park is to the south. All properties in the immediate vicinity of these properties are zoned IND.

The 2020 Comprehensive Plan designates this area as MU, said Mr. Neil. The MRA, Metropolitan Redevelopment Agency's Catalyst Project 1 calls for this area to be MU. At the MRA meeting on July 21, 2016, the Commissioners discussed this petition and voted 5-0 for approval of MU. The overall goal of the MRA is to change this area to MU whenever possible. It would be a spot zone, but it would be the beginning of the goal of the MRA.

Staff recommends approval of Petition ZC 16-59.

Commissioner Freeman commented that he has an issue with voting on a petition when the petitioner is not present. Mr. Neil said Ms. Goeden, the petitioner has health issues and was concerned about attending the meeting. Ms. Goeden is agreeable with the recommendations.

Planning & Zoning Commission Action of Petition ZC 16-59 on July 28, 2016

A motion was made by Commissioner Davis and seconded by Commissioner Langenfeld to **approve** Petition ZC 16-59, a request from Residential Rentals, LLC, represented by Gayle Goeden for a Zone Change from IND Industrial zoning district to MU Mixed Use zoning district for Lots 6 and 7, located at 115 E. Corcorran Drive.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

Motion passed 6-0

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| <p>COMMUNITY DEVELOPMENT PETITION REPORT</p> |
| <p>Petition No. SUP 16-61</p> |
| <p>To Allow a Stove for a Family Care Unit</p> |
| <p>4002 San Paula Avenue</p> |

Planning & Zoning Commission Discussion of Petition SUP 16-61 on July 28, 2016

Associate Planner Keith Neil presented the staff report for SUP 16-61, a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care Unit (Mother-in-Law Quarters) on 0.43 acres for property located at 4002 San Paula Avenue.

The petitioner has stated, said Mr. Neil, that due to health concerns and the age of his parents, more consistent and watchful care is needed, while still offering a feeling of independence. The proposed family care unit portion of the first floor of the residence is approximately 450 square feet of living space.

The attached family care unit will have no adverse impacts upon the surrounding neighborhood. As it is a part of the existing home, it is compatible with the surrounding area and has no external impacts on the neighborhood. The addition of the second stove will not create an increase of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact to the surrounding area. It is consistent with the UDC and Comprehensive Plan.

Staff recommends approval of Petition SUP 16- 61.

Faraz Sandhu of 4002 San Paulo Avenue had no further questions.

Planning & Zoning Commission Action of Petition SUP 16-61 on July 28, 2016

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition SUP 16-61, a request from Faraz Sandhu for a Special Use Permit to allow a second stove to be installed for a Family Care Unit (Mother-in-Law Quarters) on 0.43 acres for property located at 4002 San Paula Avenue.

AYE: Chair Cardon, Commissioners Davis, Freeman, Langenfeld, Ragsdale, and Yazzie.

NAY: None

Abstained: None

Absent: Commissioners Brown, Thompson, Waldroup, and Washburn.

Motion passed 6-0

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| <p align="center">COMMUNITY DEVELOPMENT PETITION REPORT</p> |
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| <p align="center">Petition No. SUP 16-62</p> |
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| <p align="center">To Allow a Structure to be Rebuilt if Destroyed by more than 50%</p> |
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| <p align="center">113 N. Wall Street</p> |
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Planning & Zoning Commission Discussion of Petition SUP 16-62 on July 28, 2016

Associate Planner Steven Saavedra presented the staff report for SUP 16-62, a request from Sandy Foxwell for a Special Use Permit for a nonconforming residential use in the CB Central Business District to allow the structure to be rebuilt if destroyed by more than 50% for 0.17 acres located at 113 N. Wall Street.

The house is approximately 819 square feet and the owner stated that it was built in 1886. The property is approximately 205 feet north of East Main Street. Directly to the north and northeast are other legal, nonconforming residences located in the CB District.

The petitioner is asking for the SUP for insurance and lending purposes, said Mr. Saavedra. With the approval of this SUP, the residential structure will be allowed to be rebuilt to the same size and location. It will not be allowed to be expanded.

The property is located north of Main Street in the Central Business district of the Metropolitan Redevelopment Area, MRA. This petition was presented at the July 21, 2016 MRA meeting and was approved by a 5-0 vote.

Staff recommends approval of Petition SUP 16-62.

Commissioner Langenfeld asked if a SUP had been done on the property to the north of this property. Cindy Lopez commented that the property to the north has an SUP for the same reason, that the residence could be rebuilt if destroyed by more than 50%. Mr. Saavedra added that the building cannot be expanded upon and the SUP is tied to the property if it is sold.

Commissioner Langenfeld noted that she has read the MRA minutes that were emailed to her by Community Development staff. The motion by the MRA included a discussion that if the house was destroyed that it should be rebuilt in the historic style. Ms. Lopez stated that there is concern about attaching a design standard to a property. She is not sure the UDC can support this type of condition.

Commissioner Langenfeld asked if a condition of a Residential Preservation Overlay, RPO, can be applied. Ms. Lopez stated an RPO affects the general look of the building in terms of scale and character. It also addresses putting parking in the rear if possible and locating low fencing in the front. The way that the legal nonconforming code is written, these concerns are already addressed. The structure cannot be expanded upon in terms of the footprint or height when it is rebuilt, which would restrict what it looks like. Commissioner Freeman commented that the house appears to have been updated and modified through the years. A stipulation that the house be rebuilt in a historic style might put an extra burden on the owner. Ms. Lopez commented that an RPO would still allow the owner to change the color, roof, or siding on the residence. Currently the structure can be brought demolished and rebuilt as a commercial building.

Sandy Foxwell of 1900 Cliffside Drive, said the building is less likely to burn since it is adobe. She mentioned that the roof has been replaced due to a fire in the past.

Planning & Zoning Commission Action of Petition SUP 16-62 on July 28, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition SUP 16-62, a request from Sandy Foxwell for a Special Use Permit for a nonconforming residential use in the CB Central Business District to allow the structure to be rebuilt if destroyed by more than 50% for the property located at 113 N. Wall Street.

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

NAY: None

Abstained: None

Absent: Commissioner Thompson.

Motion passed 6-0

**DISCUSSION AND ACTION ON CORRECTIONS TO THE PLANNING &
ZONING COMMISSION RULES OF PROCEDURE**

Commissioner Freeman said he is reluctant to approve a petition when the petitioner is not present at the meeting. Discussion followed between the Commissioners. Cindy Lopez mentioned that if there are no objections or comments on a petition, it would be the discretion of the Commissioner whether to proceed or not. Quasi-judicial proceedings require that all parties have the right to be heard. If the Commissioners would like more information from the petitioner, the Commissioners can vote to postpone the petition. Commissioner Langenfeld stated that she would feel comfortable with something in writing, including e-mail, from the petitioner if the petitioner was not able to attend the meeting.

Chair Cardon asked the Commissioners if they wished to change the time of the Planning & Zoning meetings. The Commissioners discussed the pros and cons of occasionally having a meeting later in the evening to make it more convenient for petitioners. Ms. Lopez mentioned that people can submit their comments in writing if they are unable to come to the meetings. Ms. Lopez also mentioned that the City is revising the budget and no overtime will be allowed for employees. Therefore, the time of the meetings may need to be adjusted to accommodate the overtime situation.

Chair Cardon asked that the discussion and motion be tabled until more Commissioners are available to make comments. Ms. Cardon asked Karen Walker to email the Commissioners and ask their opinions.

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

Business from the Chair: Chair Cardon mentioned that Keith Neil is taking a job with another business. This is Mr. Neil's last meeting with the Planning & Zoning Commissioners.

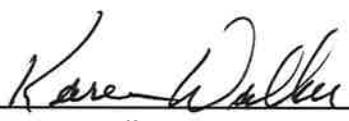
Business from the Members: There was no business from Members.

Business from Staff: Ms. Lopez commented that Petition ZC 16-41, a request from Tamrock Investments, LLC, represented by Rocky Bridges on 0.18 acres for property located at 5206 Lyle Avenue passed on consent at the July 12, 2016 City Council Meeting.

Adjournment: With no further business and a motion by Commissioner Langenfeld and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting July 28, 2016 was adjourned at 4:12 p.m.



Joyce Cardon
Chair



Karen Walker
Administrative Assistant

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