

**MINUTES
ADMINISTRATIVE REVIEW BOARD
October 6, 2016 – 6:00 P.M.**

The Administrative Review Board met in regular session on Thursday, October 6, 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
Members absent:	Chair-Ireke Cooper Adam Soukup
Staff present:	Cindy Lopez Karen Walker
Others addressing the board:	Robert Bailey Ken Harrison

Call to Order

The meeting was called to order at 6:00 p.m. by Vice Chairman 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 3-0

Approval of the Minutes from the July 7, 2016 Regular Meetings

Board Member Martin made a motion to approve the minutes of the July 7, 2016 regular meeting. The motion was seconded by Board Member Scott and passed unanimously by a vote of 3-0

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 16-84
Variance to the Off-Site Sign 200 feet Right-of-Way Requirement**

Discussion of ARB No. 16-84 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for ARB 16-84, a request from Gerald Cimino Trustee, represented by San Juan Signs, for a variance to allow an off-site sign to be located on the northeast corner of E. Main Street and Tucker Avenue at 2300 E. Main Street in the GC, General Commercial District.

Ms. Lopez noted this parcel had been vacant land and the Jumbo and MI Box Storage sign had existed on the property prior to the adoption of the UDC, Unified Development Code. Both the Storage Unit and Carl's Jr properties are owned by Gerald and Erla Cimino Living Trust. Carl's Jr leases the land from the trust. The petitioner is requesting a variance to the UDC code that states an off-site sign can only be placed on a principal arterial street with at least 200 feet of right-of-way. Main Street is the principal arterial and is approximately 127 feet wide.

Ms. Lopez explained that the off-site sign for Jumbo Storage and MI Box is 48 square feet. The Carl's Jr sign is 136.25 square feet. Adding the 48 square feet for the off-site signage will bring the total signage to 184.25 square feet. If approved, the Jumbo and MI Box Storage sign would be put on the same pole as the Carl's Jr sign.

Staff recommends approval of ARB 16-84 as it will not adversely affect the surrounding properties and meets the intent of the code. Ms. Lopez concluded that the request conforms to the existing character of the area and complies with all sight-safety concerns.

Board Member Martin pointed out that he worked with the engineers for Carl's Jr but has no conflict of interest in this petition.

Robert Bailey of 736 E. Main Street said he is the representative of San Juan Signs. He does not have any issues with the recommendation.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **approve** Petition No. ARB 16-84, a request from Gerald Cimino Trustee, represented by San Juan Signs, for a variance to allow an off-site sign to be located on the northeast corner of E. Main Street and Tucker Avenue at 2300 E. Main Street in the GC, General Commercial District.

AYE: Vice Chair Dennis, Board Members Martin and Scott.

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

**Petition No. ARB 16-85
Variance to the Maximum Size for Wall Signs**

Discussion of ARB No. 16-85 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for ARB 16-85, a request from Aaron's, Inc., represented by San Juan Signs, for a wall sign variance in the GC, General Commercial District, for property located at 2523 E. Main Street.

The property in this zoning district is allowed up to 70.5 square feet of signage. The current sign is 69.3 square feet. The petitioner is requesting four additional wall signs that total 38.8 square feet. This would be a combined total of 108.1 square feet of wall signage. The petitioner had to come into compliance when they chose to change their signage.

According to Section 5.8.7 (2) A of the UDC, Unified Development Code, *"The total area of wall signs on a particular wall or a section of wall shall not exceed one square foot of wall sign for each linear foot of length of that wall, which length shall be measured by applying the same principles as are used to measure building frontage"*. This request is a 53% increase in signage.

Staff feels this request does not meet the intent of the code and is excessive. Staff recommends denial.

Board Member Dennis asked if Aaron's could put signage on their awnings or on their windows. Ms. Lopez said they could put it on the awnings, but would still need to meet the wall sign requirements. They could place signs in their windows.

Board Member Martin mentioned the signage of Bruce's Easy Rent which is close to Aaron's. Ms. Lopez said Bruce's Easy Rent is legal non-conforming because it was there prior to the UDC change in 2008. If Bruce's Easy Rent changes their signage, they will have to come into conformity.

Board Member Dennis asked if Aaron's could put a digital sign in their window. Ms. Lopez said they could put a digital sign in their window.

Robert Bailey of 736 E. Main Street stated that Aaron's has reduced the square footage of signage with the current change. The change was due to a different logo for the Aaron's chain. Aaron's would like to advertise the other things they offer such as electronics and computers. Only the Aaron's sign will be lit up at night. The additional signage is the signage that was originally on the building prior to the change. Aaron's would just like to put it back up.

Board Member Martin said the code is there to maintain an attractive, uncluttered look in the City. Mr. Martin said he did not feel having verbiage all over the building was attractive.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Scott and seconded by Board Member Martin to **deny** Petition No. ARB 16-85, a request from Aaron's, Inc., represented by San Juan Signs, for a wall sign variance in the GC, General Commercial District, for property located at 2523 E. Main Street.

AYE: Vice Chair Dennis, Board Members Martin and Scott.

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

**Petition No. ARB 16-86
Variance to the Height of a Principal Freestanding Sign**

Discussion of ARB No. 16-86 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for ARB 16-86, a request from Vectra Bank, represented by San Juan Signs, for a variance in the height of a freestanding sign in the LNC, Local Neighborhood Commercial District, for property located at 2000 E. 20th Street.

The current sign for Vectra Bank is on the corner of Farmington Avenue and 20th Street in front of the Public Library. Ms. Lopez explained the maximum allowable height is 10 feet for a freestanding sign in the LNC district. The petitioner is requesting the sign to be 20 feet in height. Currently, Vectra Bank has a 16 foot freestanding sign. This sign is considered legal non-conforming as it was established prior to the change in the UDC, Unified Development Code.

Staff recommends denial of Petition ARB 16-86 as a 20 foot sign is a 100% increase in what is allowed by code. Ms. Lopez said staff could support a 16 foot sign as that is the height of the current sign.

Board Member Scott asked why Vectra Bank was changing their sign. Ms. Lopez said the bank wanted a more modern look. She mentioned the intent of the LNC zoning is to support the neighborhood that surrounds the area. Signage should be more tasteful and limited in size. Ms. Lopez said Vectra Bank could just change the face of the existing sign without changing the structure. That type of change would be considered maintenance and would not be subject to the UDC code change that was approved in 2008.

Robert Bailey of 736 E. Main Street mentioned that there are various zones along 20th Street. The next block north is GC, General Commercial. Allen Theaters is in this block and has a large digital sign. Mr. Bailey said a lot of the signage in this area was 20 feet tall. If the Vectra Bank sign is shorter, Mr. Bailey felt it would not be as visible.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **approve** Petition No. ARB 16-86, a request from Vectra Bank, represented by San Juan Signs, with the condition that the freestanding sign not exceed the height of the current sign, for property located at 2000 E. 20th Street.

AYE: Vice Chair Dennis, Board Members Martin and Scott.

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

**Petition No. ARB 16-87
Variance to the Minimum Lot Size and Front Yard Setback**

Discussion of ARB No. 16-87 on October 6, 2016

Senior Planner Cindy Lopez presented the staff report for ARB 16-87, a request from Kenneth Harrison, represented by Cheney-Walters-Echols Inc., for a variance to allow a lot to be 0.47 acres and to allow a 28 foot front yard setback for property located at 2995 La Plata Highway in the RA Rural Agricultural District.

The parcel is in the RA, Rural Agriculture zoning district which requires a minimum 1 acre lot size with a setback requirement of 50 feet in the front and rear. The property is 0.47 acres and the residence is located 28 feet from the front property line. The property has a septic system permit from NMED, New Mexico Environment Department.

Ms. Lopez explained that this area was annexed into the City in 1977. The house was constructed in 1981. San Juan County records indicate that the land was sold on a real estate contract in 1999 through a deed. Later, Mr. Harrison bought the property and residence by deed. A plat was submitted to the City by Mr. Harrison and Harrison Heights Subdivision was recorded on September 29, 2016.

Staff recommends approval of Petition ARB 16-87.

Board Member Martin asked if this will clear up the mess in this area. Ms. Lopez said it will clear up Mr. Harrison’s property, but not the whole area.

Ken Harrison of 2995 La Plata Highway discussed the many improvements and changes he has had to make to the property since he and his family bought it. The property had issues with septic and erosion. Mr. Harrison said he has invested a lot of money and feels he was made to foot the bill for someone else’s mistakes. Mr. Harrison said he did not find out about the issues until he tried to refinance recently. The issues were not caught when he refinanced in 2010 or when he purchased the property.

Administrative Review Board Action of October 6, 2016

A motion was made by Board Member Martin and seconded by Board Member Scott to **approve** Petition No. ARB 16-87, a request from Kenneth Harrison, represented by Cheney-Walters-Echois Inc., for a variance to allow a lot to be 0.47 acres and to allow a 28 foot front yard setback for property located at 2995 La Plata Highway in the RA Rural Agricultural District.

AYE: Vice Chair Dennis, Board Members Martin and Scott.

NAY: None

ABSTAIN: None

ABSENT: Chair Cooper and Board Member Soukup

APPROVED 3-0

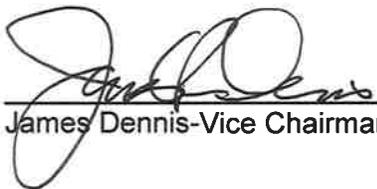
Business from the Floor: There was no business from the Floor.

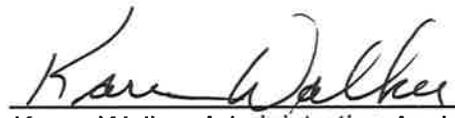
Business from the Chair: There was no business from the Chair.

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

Business from Staff: There was no business from Staff.

Adjournment: The October 6, 2016 meeting of the Administrative Review Board was adjourned at 7:10 p.m. with a motion by Board Member Martin that was seconded by Board Member Scott. Vote 3-0.


James Dennis-Vice Chairman


Karen Walker-Administrative Assistant