

MINUTES
PLANNING & ZONING COMMISSION

January 10, 2019

The Planning and Zoning Commission met in a regular session on January 10, 2019 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:

Chair-Joyce Cardon
Ryan Brown
Shay Davis
Kristin Langenfeld
Cheryl Ragsdale
Mitchell Sewell
Cody Waldroup

P&Z Members Absent:

Clint Freeman
Wayne Mangum

Staff Present:

Rachelle Crosby
Helen Landaverde
Gary Leikness
Mary Holton
Toni Sitta
Cory Styron
Karen Walker

Others Who Addressed the Commission:

Misty Hensley
Elaine Martin
Paul Martin
Scott Martin
Jonathan Palmer

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 Waldroup and seconded by Commissioner Davis to approve the minutes of the December 13, 2018 P&Z Meeting. This motion was approved unanimously by a 7-0 vote.

Swearing in of Witnesses

All parties that wished to speak on behalf of any agenda items were sworn in by Karen Walker.

CONSIDERATION & RECOMMENDATION

ABD 18-92

Abandonment of a City owned alley (west of Poulson Avenue and a portion of Poplar Street)

Planning & Zoning Commission Discussion of Petition ABD 18-92 on January 10, 2019

Associate Planner Helen Landaverde presented the staff report for ABD 18-92, a request from Doug Murray, represented by Sakura Engineering & Surveying, for the abandonment of a city owned alley and street: (1) the northern half of a 40-foot alley (20 feet), approximately 604-feet long, in between Block 7 in the Inez Subdivision and west of Poulson Street along Lots 1-6 and Lot 11 in Block 8; and (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7. The alley was publicly dedicated to the city when the plat was recorded in 1957.

The subject area is undeveloped and there is no evidence of use of the 40-foot wide alley. All of the lots in Block 7 and 8 in the Inez Subdivision have access to Poplar Street. It does not appear that the abutting properties rely on the existing 40-foot wide alley for access to the rear of their properties and/or to access Poulson Avenue. The subject site is within close proximity to the Animas River.

Ms. Landaverde said the petitioner initially submitted a summary plat application, Petition SP 18-83, to consolidate Lots 6 and 7 in Block 7 and Lots 9, 10 and 11 in Block 8 in the Inez Subdivision. The proposed plat indicated the partial abandonment of the 40-foot wide alley in between Block 7 and the abandonment of Poplar Street. Research indicates that the abandonment of the alley has not yet been approved by City Council.

Pursuant to UDC 8.8.7A "An abandonment/vacation plat shall be required where a resubdivision or replat vacates or relocates any street, alley, or other public right-of-way." In addition, City Council shall review and have final action on the abandonment/vacation plat.

Because the petitioner would like to consolidate Lots 6 and 7 in Block 7 and Lots 9, 10 and 11 in Block 8 (in SP 18-83) and meet the setback requirements in the MF-L SMHAO District, he is also proposing to shorten the south side of the cul-de-sac on Poplar Street.

The setback requirements in the MF-L SMHAO District are as follow:

Front: 20 feet

Side: 8 feet

Rear: 25 feet

The petitioner is proposing to incorporate the proposed abandonment of the 20-foot wide alley into his properties and the neighboring properties.

The proposed replat is subject to conditions for Petition 1966 approved by City Council on June 24, 2003 for a zone change from M-1, Light Industrial District to R-2, Multiple-Family Residential.

There is irrigation and a private ditch within the proposed area of the abandonment. The private ditch company, Farmington Echo Ditch, and entities with an interest in the alley were sent the public notice. Tommy Bolack, who is a board member of the Ditch Company, has expressed verbally that Echo Ditch will not abandon the ditch within the 40-foot alley. This was

expressed via phone between staff and Mr. Bolack earlier this week. However, nothing has been received in writing from the Echo Ditch company or from Mr. Bolack.

The Comprehensive Plan Chapter 9 recommends to “Provide opportunities and facilities for outdoor and active recreation”. The following actions, objectives and goals indicate that the City would like to continue improvements to the Animas Riverwalk. Currently, the Animas Riverwalk extends from Animas Park at Browning Parkway to Berg Park near Scott Avenue. City staff has indicated an interest in the expansion of the Animas Riverwalk and a desire to connect nature walking trails to other areas.

Parks, Recreation, and Cultural Affairs, PRCA, recently acquired property to the west of the subject site, east of Shannon Lane and west of Curtis Place, and is extending the Animas River Trail southwest of the Animas Riverwalk.

This trail extension supports PRCA’s Master Plan Update of 2014, Recreational Connectivity - Provide Easier and More Convenient Connections for Users to Parks and Facilities. The Boyd Park and Sycamore Community Center are relatively close to the subject site and the subject site is near the Animas River. The Animas River Trail Extension also supports the 2008 Farmington Metropolitan Planning Organization’s (FMPO) Proposed Farmington Bicycle/Pedestrian Improvements.

However, the City’s Major Thoroughfare Plan does not address the proposed alley abandonment nor are there any specific plans or policies directly related to the proposed abandonment. The PRCA’s Master Plan further supports Farmington’s Comprehensive Plan Chapter 9-Parks and Recreation goals and objectives.

In determining whether to approve, approve with modifications, or deny the proposed abandonment/vacation plat, the city shall consider the criteria listed in 8.8.7B of the UDC. Those criteria are listed in the Planning & Zoning January 10, 2019 Agenda Book on page 9.

The Community Development Department recommends denial of Petition ABD 18-92; however, the Department recommends approval of abandoning the cul-de-sac portion of Poplar Street.

Commissioner Freeman asked for clarification on what portion of Poplar Street is proposed in the abandonment recommendation. Ms. Landaverde presented a PowerPoint picture indicating the southern portion of the cul-de-sac to be the proposed abandonment. Mary Holton noted reference to an aerial picture on page 12 of the Planning & Zoning Agenda Book.

Chair Cardon asked for clarification on why the petition is divided into two recommendations. Ms. Landaverde said the denial is to deny the petitioners request as a whole. The approval is to clarify that approval is recommended for abandonment of just the southern portion of Poplar Street. Ms. Cardon asked if the setbacks will be appropriate with this recommendation. Ms. Landaverde said the setbacks will be correct due to the consolidation of lots.

Commissioner Waldroup asked for clarity on what is actually proposed in the abandonment. Ms. Landaverde said the abandonment includes the northern half of Poplar Street and does not include the ditch. Mr. Waldroup requested more information on the location of the ditch and the proposed abandonment. Mr. Waldroup mentioned Cory Styron’s comment that this not be abandoned because the City may need it for public access in the future.

Cory Styron, Director of the Outdoor Recreation Industry Initiative, ORII, said that with the renewed interest in trails for outdoor recreation, the City has regrets about abandoning previous right-of-ways, particularly the railroad right-of-ways. One of the tasks now, said Mr. Styron, is how to connect trails from various destination points in the City. Mr. Styron said Boyd Park could be connected to the trail system, and it would be nice to preserve land to connect Sycamore Park or other areas on that side of town. Mr. Styron said the City is trying to keep City owned property that could be a connector in the future.

Commissioner Langenfeld asked for clarification on what section the City would retain for a connection. Mr. Styron said more research needs to be done on the placement of the ditch. He recommends not abandoning the alley completely. Ms. Holton was in favor of more information on the ditch. She requested a survey of the area. Ms. Holton mentioned the option to postpone this petition until further information is provided.

Paul Martin, 125 W. Main St., Sakura Engineering. Mr. Martin is a representative for the petitioner, Doug Murray. Mr. Martin discussed the current trail system along that area of the river and the topographical issues for access to the river near the petitioner's property. Mr. Martin said the Echo Ditch Company had informed him years ago that the ditch ended at the intersection of Miller and Murray. Mr. Martin stated that he spoke with Tommy Bolack today and made a mutual agreement with Mr. Bolack that the ditch right-of-way is a private lateral and the maintenance of the lateral is up to the property owners. The Echo Ditch Company does not maintain the ditch, said Mr. Martin.

Mr. Martin said the petitioner would give the ditch company an easement across their property to make the ditch become a ditch of record. The petitioner may have a need to use the ditch in the future to facilitate water rights to the south.

Mr. Martin said he spoke with Greg Price and the Echo Ditch Company. They have no problems with what the petitioner is trying to do, said Mr. Martin. The president of Sakura Engineering, Scott Martin, is a licensed surveyor in the state of New Mexico, said Mr. Martin. He prepared the plat and knows where the ditch is. Mr. Martin said he is willing to say that they are going to maintain the ditch right-of-way on that section of land and put it on the plat that will be prepared for the abandonment of a portion of the Poplar cul-de-sac and the City alley that runs east and west for the length of the lot.

Mr. Martin said he met today with Shaña Reeves, Director of Parks, Recreation, and Cultural Affairs, PRCA, and the Parks Planner, Rachele Crosby, and worked out an agreement that the alley would be able to meet the requirements of the 20-feet to the south for a park access. Mr. Martin said the Parks Department does not need 40-feet for the trail system. Mr. Martin said Mr. Murray needs the property to meet the setbacks and requirements for his home.

Commissioner Waldroup asked Mr. Martin if it would be better to table this petition until everything is finalized. Mr. Martin said the petitioner would like to proceed with his house plans and other issues involving the cul-de-sac.

Scott Martin pointed out the location of the ditch on the southern boundary line of the property. Ms. Holton asked for the ditch location to be put on the proposed plat by the surveyor. She said all of the agreements that Mr. Martin mentioned need to be in writing so documentation can be provided to the Commission for their consideration. Mr. Paul Martin said he could have the Echo Ditch Company sign off on the plat with a legal description of

where the ditch is located. Ms. Holton recommended the Commissioners postpone the petition until documentation is provided.

The Commissioners discussed the recommendation to postpone the petition and were in consensus on postponement until documentation can be provided on the mentioned agreements. Commissioner Davis asked for a consolidation of agreements with the City to show a land revised plat.

Planning & Zoning Commission Action of Petition ABD 18-92 on January 10, 2019

A motion was made by Commissioner Langenfeld and seconded by Commissioner Waldroup to **postpone** Petition ABD 18-92, a request from Doug Murray, represented by Sakura Engineering & Surveying, for the abandonment of a city owned alley and street: (1) the northern half of a 40-foot alley (20 feet) in between Block 7 in the Inez Subdivision and west of Poulson Street along Lots 1-6 and Lot 11 in Block 8; and (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7 until documentation can be provided from the Echo Ditch Company, the Corley family, and PRCA, as well as a revised plat proposal that included the location of the ditch.

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

NAY: None

Abstained: None

Absent: Commissioners Freeman and Mangum.

Motion passed 7-0

CONSIDERATION & RECOMMENDATION

ZC 18-95

**Zone Change from SF-7, Single Family District to MF-L, Multi-family District and a variance to several setbacks and lot size requirements
2303 & 2305 Nathan Avenue**

Planning & Zoning Commission Discussion of Petition ZC 18-95 on January 10, 2019

Planning Manager Gary Leikness presented the staff report for ZC 18-95, a request from Billy Randall, represented by Misty Hensley, for a zone change from SF-7, Single Family District, to MF-L, Multi-family Low Density District, and a variance to certain yard setbacks and lot size requirements, to allow for two (2) existing duplexes to be in conformance with the UDC for property located at 2303 & 2305 Nathan Avenue.

The petitioner is the owner of two duplexes. They are currently legal non-conforming. The duplexes were built in 1957. No information was found as to why the duplexes were allowed to be built in this area at that time.

The 2020 Future Land Use Plan Map indicates that this area is to remain as Residential Single Family Urban.

The second part of this request includes the variances. The existing carports at the rear of the properties extend into the rear yard setback. The required rear yard setback is 25-feet. Both

properties have an 8-foot rear yard setback. The required side yard setback is 8-feet. The property at 2305 Nathan has a 6-foot side yard setback.

The required lot size that would enable the subject properties to be in conformance with a potential rezone to MF-L, Multi Family Low is 8,000 sq. ft. The lot size of 2302 Nathan is only 6,800 sq. ft.

The Community Development Department recommends approval of a zone change from the SF-7, Single Family Zoning to MF-L, Multi Family Low, and a request for variances to the rear and side yard setbacks, as well as the lot size with the following condition:

- a. Approval of the requested variances found in petition ZC 18-95 will only be applicable if the subject properties are rezoned to MF-L, Multi Family Low Density District.

Chair Cardon said the zoning appears to be spot zoning, but the structures are grandfathered because they were built in the 50s.

Commissioner Waldroup asked what the benefit would be to rezone these properties and grant the variances. Mr. Leikness said the benefit pertained to lending issues for the petitioner. According to City Code, if the building were to burn down, the owners would have to build a single family home due to the current SF-7 zoning.

Commissioner Waldroup asked why the other two duplexes were not part of this petition as they seem to have similar issues. Mr. Leikness said the owners of the other two duplexes recently called to inquire about the rezoning process.

Commissioner Brown asked what the maximum size would be that could be built on the property if the current building burned down. Mr. Leikness said that only two units on each property could be built, which is the same as the current structures on the properties. The building footprint could not expand.

Misty Hensley, 37 Road 54, Bloomfield, said she is the petitioner's representative and listing broker. Ms. Hensley said the bank is not willing to proceed with the purchase of the property if there is not a guarantee that it can be replaced if destroyed.

Elaine Martin, 2401 N. Wagner, said she has lived in the neighborhood since 1960. The duplexes have been there for a long time and have been good neighbors. Ms. Martin said she has no objections to the duplexes.

Jonathan Palmer, 2309 Wagner, said when he bought his house in the neighborhood, the value was less due to the duplexes. Mr. Palmer objected to the broken down cars parked in the carports and cars parked in the vacant lots or over by the ditch. He said he would support the zone change if the duplexes were improved upon. Mr. Palmer said the tenants have dogs that run through the alley and no one cleans up after the animals. Chair Cardon suggested Mr. Palmer talk to Code Compliance. Mr. Palmer said his main reservation is a lack of parking and would oppose the petitioner for that reason. If the owners were planning to fix up the properties, he would be in favor of the petition.

Commissioner Discussion

Commissioner Langenfeld said she was concerned about spot zoning and would not be in favor of approval for that reason.

Commissioner Sewell said he agreed with the spot zoning, but believes all duplexes in the area should be rezoned correctly.

Commissioner Waldroup asked Ms. Holton if, due to the Comprehensive Plan and the large number of multifamily dwellings in the area, would it be beneficial to rezone all of the duplexes. Ms. Holton said it would definitely be more favorable for the property owners in regards to lending purposes. She said the updating of the Comprehensive Plan will begin in the next year and changes could be made at that time. Ms. Holton emphasized the need for affordable housing.

Chair Cardon noted that the grandfathering clause is important because some areas of Farmington are very old. She said a zone change would not negatively impact this neighborhood.

Commissioner Langenfeld said an unintentional lowering of neighboring property values is a concern, but she understands the logic for the zone change.

Commissioner Ragsdale said that if the duplexes were already in the area, then people should understand that their property values might be lower.

Gary Leikness noted that if all four lots were purchased by the same person, they could be consolidated and a new building could be built.

Commissioner Davis said if a property owner could not finance the property, it would become a blight area. The duplexes in the area are a condition of living in that neighborhood.

Planning & Zoning Commission Action of Petition ZC 18-95 on January 10, 2019

A motion was made by Commissioner Sewell and seconded by Commissioner Davis to **approve** Petition ZC 18-95, a request from Billy Randall, represented by Misty Hensley, for a zone change from SF-7, Single Family District, to MF-L, Multi-family Low Density District, and a variance to certain yard setbacks and lot size requirements, to allow for two (2) existing duplexes to be in conformance with the UDC for property located at 2303 & 2305 Nathan Avenue.

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

NAY: None

Abstained: None

Absent: Commissioners Freeman, and Mangum.

Motion passed 7-0

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

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

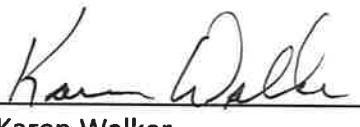
Business from the Members: There was no business from the Members

Business from Staff: Ms. Holton said that the P&Z recommendations for Petitions ZC 18-86, a request from El Rancho Holdings, LLC for property located at 103 Gower Road, and ZC 18-89, a request from Doug Hunt for property located at 1105 Schofield Lane, passed on consent at the January 8, 2019 City Council meeting.

Adjournment: With no further business and a motion by Commissioner Davis and seconded by Commissioner Waldroup, the Planning and Zoning Commission meeting of January 10, 2019 was adjourned at 4:26 p.m.



Joyce Cardon
Chair



Karen Walker
Administrative Assistant