

MINUTES
PLANNING & ZONING COMMISSION

April 25, 2019

The Planning and Zoning Commission met in a regular session on April 25, 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
Clint Freeman
Elizabeth Lockmiller
Cheryl Ragsdale
Mitch Sewell
Cody Waldroup

P&Z Members Absent:

Shay Davis
Kristin Langenfeld
Joseph Mangum

Staff Present:

Helen Landaverde
Toni Sitta
David Sypher
Karen Walker

Others Who Addressed the Commission:

Brandon Bailey
Brad Carley
Jett Cowgill
Ruby Cowgill
Kimberly Cogan
Robert Ekwall
Misty Hensley
Gracia Montoya
Jennifer Nixon
Billy Randall
Randy Rogers
Mary Pearman
Dennis Peterson
Renee Stone
Charles Vanden Broeck
Toby Williams
Daniel Wilson

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 Waldroup to approve the minutes of the March 14, 2019 P&Z Meeting. This motion was approved unanimously by a 6-0 vote.

Approval of the Open Meetings Resolution

A motion was made by Commissioner Waldroup and seconded by Commissioner Ragsdale to approve the Open Meetings Resolution of 2019. The 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.

CONSIDERATION & RECOMMENDATION
ZC 19-27
Zone Change from SF-7, Single Family, to GC, General Commercial
6007 E. Main Street

Planning & Zoning Commission Discussion of Petition ZC 19-27 on April 25, 2019

Associate Planner Helen Landaverde presented the staff report for ZC 19-27, a request from Randy Rogers with Cornerstone Enterprises, LLC, for a zone change from SF-7, Single Family, to GC, General Commercial, for 0.25 acres for property located behind 6007 E. Main Street.

The applicant would like to expand the commercial use, Farmington Fire Equipment, at 6007 E. Main Street into the subject property for the storage of vehicles and equipment. The applicant has been expanding the commercial use by storing equipment to the south and into the southern residential parcel without a zone change and/or a boundary line adjustment.

The applicant initially proposed a boundary line adjustment for both parcels. Upon review, the proposed boundary line adjustment would have created a split-zoned parcel and would not have allowed for the expansion of Farmington Fire Equipment on to the subject property, which is zoned residential, without an approved zone change.

Ms. Landaverde said the applicant expressed that he would like for a portion, 0.25 acres of the residential parcel, zoned GC. It should be noted that Petition SP 19-11, proposes a zone change for 0.31 acres.

The 2020 Future Land Use Plan recommends Residential Single Family Urban for the subject area. The proposed zone change does not support the Future Land Use Plan; however, it promotes the City's Economic Development Plan regarding retention and expansion of local businesses.

Also, the subject property has access to primary streets and major thoroughfares. It has direct access to E. Main Street.

The Community Development Department recommends approval of Petition ZC 19-27 for a zone change for a portion of parcel R0022453, 0.25 acres, from SF-7, Single Family Residential District to GC, General Commercial District, for property located east of Pryor Court and North of Pryor Lane and behind 6007 E. Main Street to allow for the commercial expansion of Farmington Fire Equipment with the conditions listed from Staff on page 11 of the Agenda Book.

Commissioner Freeman asked Ms. Landaverde for clarification on the boundary lines of the two parcels and where the expansion would be located for 6007 E. Main Street. Ms. Landaverde explained the rear of the Pryor Lane property, only 0.25 acres, will be zoned GC and it will then

be included in the Main Street property with a boundary line adjustment through a Summary Plat.

Randy Rogers, 6007 E. Main Street, said he owns both properties. He said the neighbors made their concerns known to him. He said the lot facing Pryor Lane will remain residential. It will be 0.75 acres so that it can support a septic system. He intends to build a house on it in the future. Mr. Rogers said it is not practical to access the Main Street property through the Pryor Lane property. He said he has cleaned up the Pryor Lane property and feels he has improved the area. Mr. Rogers noted that the two lots are on two different elevation levels. The rear of the Pryor Lane property is approximately the same level as the Main Street property. The rear section is approximately 66-feet.

Dennis Peterson, 6104 Pryor Lane, noted that the property has been cleaned up. He said he has already discussed with Mr. Rogers the notion of building a fence between the Main Street property and the Pryor Lane property to protect the residential neighborhood. Mr. Peterson asked that a fence be required and that the Pryor Lane property be maintained as residential. Mr. Rogers said he intends to build a fence.

Charles Vanden Broeck, 6103 Pryor Lane, said he objects to the vegetation having been removed from the Pryor Lane property. He mentioned that he saw vehicles exiting the Main Street property through the Pryor Lane property. Mr. Vanden Broeck said the value of his home has dropped by \$8,000 in the past few years and feels it is possibly due to the changes on the Pryor Lane property. He said the San Juan County Assessor's office said his property was changed from 'Household Plus' to 'Household Average'. He mentioned that he supports a fence between the two properties.

Randy Rogers said he cannot imagine how the changes he has made has reduced property values. He said the road on the side of the property could be filled in to prevent access between the two lots, but he feels it would cause drainage issues if it were filled in. Mr. Rogers said he would not have a problem making that access inaccessible as part of the zone change. He expressed his desire to be a good neighbor. The trees that he removed from the lot were either dead or invasive cottonwood trees. Mr. Rogers clarified for Commissioner Sewell that the fence would be at the edge of the upper level to block his equipment from view of the residential area.

Commissioner Freeman asked staff to clarify the requirements for screening between GC and residential. Ms. Landaverde said screening requirements would be triggered if there was an expansion to the floor area of the building. Since Mr. Rogers is not expanding the floor area, the screening devices would not be required. The expansion is to park equipment. If Mr. Rogers were expanding the parking lot, said Ms. Landaverde, screening devices would be required.

Commissioner Freeman asked what the screening requirements would be if the building was expanded or the public parking lot was expanded. Ms. Landaverde said UDC (Unified Development Code) 5.5.7 Section C states that the options include an opaque fence or wall, a dense planting of trees and shrubs, or a combination thereof. Due to the property location near residential, the Code states that screening shall include an opaque vinyl or wood fence or a masonry wall. This can also include dense planting, she said.

Commissioner Brown asked if there were any rules concerning access to a commercial property through a residential district. Ms. Landaverde said if the property was for commercial use, the

UDC and the Comprehensive Plan asks for access to arterial streets and major thoroughfares. Access through a local street would not be recommended.

The Commissioners discussed fence and gate options and requirements.

David Sypher, Acting Community Development Director, clarified the definition of an opaque fence as defined as masonry, wood, or vinyl. The intent of vinyl is noted as vinyl panels. Mr. Sypher's impression is that the neighbors would like a chain-link fence with slats. Access rights between the two lots is up to the owner of the properties. The neighbors seem to be concerned with use after hours. A gate between the properties would facilitate access for the owner, yet limit unauthorized people from using it.

Planning & Zoning Commission Action of Petition ZC 19-27 on April 25, 2019

A motion was made by Commissioner Freeman and seconded by Commissioner Ragsdale to approve Petition ZC 19-27, a request from Randy Rogers for a zone change from SF-7, Single Family, to GC, General Commercial, for the 0.25-acre rear portion of the Pryor Lane property located behind 6007 E. Main Street with the requirement that screening be provided per UDC 5.5.7C.

AYE: Chair Cardon, Commissioners Brown, Freeman, Lockmiller, Ragsdale, Sewell, and Waldroup.

NAY: None

Abstained: None

Absent: Commissioners Davis, Langenfeld, and Mangum.

Motion passed 7-0

CONSIDERATION & RECOMMENDATION
ZC 19-28 & SUP 19-29
Zone Change from SF-10, Single Family, to LNC, Local Neighborhood Commercial and a Special Use Permit to allow for a recreational vehicle storage yard
5001 Redwood Avenue

Commissioner Ragsdale recused herself from this petition.

Planning & Zoning Commission Discussion of Petition ZC 19-28 & SUP 19-29 on April 25, 2019

Associate Planner Helen Landaverde presented the staff report for ZC 19-28 and SUP 19-29, a request from Billy Randall, represented by Misty Hensley-Muñoz, for a zone change from SF-10, Single Family, to LNC, Local Neighborhood Commercial, and for a special use permit to allow for a recreational vehicle storage yard for property located at 5001 Redwood Avenue.

The size of the property is 5.22 acres, and there is well site equipment on the subject property. The portion of the property is located within the floodplain of the Hood Arroyo.

The property was annexed into the City in 1959 and is considered to be a lot of record. Access to the site would be through Sagebrush Street and Alder Street. A recreational vehicle storage yard is permitted in the LNC District with an approved special use permit.

The applicant is proposing to have a dry storage lot with 72 uncovered spaces that will vary in size. The proposed recreational vehicle storage yard will be secured; fenced and gated.

The parking area will consist of road base and gravel. Most of the requested RV storage yard will be located outside of the designated floodplain.

According to the applicant, the RV storage yard will store recreation vehicles weighing less than 7,500 lbs. No hazardous or flammable materials or food would be stored within the storage yard.

Also, the applicant is proposing to build a three-car garage approximately 28' x 72' on the northwest side of the property and 100 feet away from the well site.

The applicant is proposing to place a six-foot tall perimeter fence; chain-link with privacy slats, to minimize potential visual impacts between the RV storage yard and adjacent residential properties. However, pursuant to UDC 5.5.7C *Screening Standards*, an opaque fence or wall, a dense planting of trees and shrubs, or a combination is required. Also, opaque is defined as vinyl or wood fence or masonry wall.

The hours of operation would be from 8:00 a.m. to 5:00 p.m. Monday through Friday. Saturday, 8:00 a.m. to 12:00 p.m. and closed on Sundays. According to the applicant, the customers will be provided with a key card to have access to the storage yard during business hours only.

The 2020 Future Land Use Plan recommends this area to be Residential Single Family Urban. However, the proposed request supports the City's Economic Development Plan regarding local businesses.

The Piñon Hills Boulevard Corridor Plan (PHBCP) recommends OP, Office Professional for the subject property, however, in 2004 Community Development Department noted that it would be difficult to develop this location due to the special circumstances of the property. LNC, Local Neighborhood Commercial was recommended if the obstacles to development can be overcome. Special circumstances exist which limit the applicant from developing the property.

The Community Development Department recommends approval.

Commissioner Freeman asked if there are any restriction on parking near the well head or accessing the area near the well head. Ms. Landaverde said the only restrictions apply to structures. David Sypher said the Traffic Division did not see any issues with access to this site.

Commissioner Freeman said in the previous petition it was stated that opaque did not include chain-link fencing with slats, yet that is what is written for this proposal. If we recommend that, do we need to amend the UDC to allow chain-link with slats? Ms. Landaverde said the UDC requests opaque. What Mr. Randall is proposing does not fall into alignment with the UDC. It would be up to the Commission to allow that type of opaque fence.

Commissioner Waldroup asked if this requirement has recently changed as he has a vehicle storage business and has chain-link fencing with slats at his business. David Sypher said the UDC may have been interpreted differently at that time or the Planning Commissioner may have recommended chain-link with slats. Mr. Waldroup said he did not have to go to the

Planning Commission for his business and suggested the difference may have been due to the zoning.

Commissioner Waldroup asked why the petitioner is not able to have access from Piñon Hills Boulevard. Mr. Sypher said there is an Access Management Agreement for Piñon Hills Boulevard. Access may not be allowed due to the Piñon Hills Boulevard Corridor Plan. Further investigation would be required if access is proposed.

Misty Hensley-Muñoz, 37 Road 5413, Bloomfield, said the intention was to create something positive for the neighborhood and utilize the property. With the flood zone, the well site, and the terrain, the property is challenging. We intended to use chain-link around the property.

Billy Randall, 5001 Redwood Avenue, said the 6-foot tall fence with slats is what we would propose to do. There may be a block wall at the entrance. Mr. Randall said XTO owns the well. XTO only needs access to get to the well.

Commissioner Sewell asked Mr. Randall if he owns the property. Mr. Randall said he intends to buy the property if the special use permit is approved. Mr. Randall said his proposal is to park RV's along the perimeter of the property except on the south side. On the south side, RV's will be parked along the perimeter and along the well site fence. The north side will be open for access to the well site. The proposed 3-car garage will be only for personal use, said Mr. Randall. The gate will be electronic and offset by approximately 15-feet from the sidewalk. Ms. Hensley-Muñoz said the fencing on the west side will be outside the wash area and a block wall would interfere with the flow of water from the wash.

Commissioner Lockmiller asked about an easement for a pipeline from the well site. Ms. Landaverde said that information was not known because the lot was annexed in 1959 and is a lot of record. Commissioner Freeman noted that a pipeline easement would be addressed during the building permit stage.

Commissioner Waldroup said residential zoning is not the best use for this property. Mr. Waldroup said he feels a recreational vehicle storage yard is a good use for this property.

Brandon Bailey, 5402 Cleone Place, said he is concerned about traffic from large vehicles. A fence in the wash would also be an issue. Mr. Bailey said the property is not designed for commercial use. A chain-link fence with slats will not last long before it begins to deteriorate. Mr. Bailey said he is also concerned about the type of people who will be parking vehicles on the property. There may be people who do not have the best intentions. Mr. Bailey said he did not want a recreational vehicle storage yard on the property.

Renee Stone, 5403 Cleone Place, said she did not want to look at other people's broken down vehicles. She said she is also concerned about security and possible break-ins.

Robert Ekwall, 5403 Cleone Place, said he works in the oil field and is concerned about the pipeline from the well site. He also did not want to look at other people's junk. Mr. Ekwall said he is concerned about the traffic and property values.

Kimberly Cogan, 5507 Cypress Street, said she is concerned about the traffic in the neighborhood in regards to the children who reside there and use the park.

Toby Williams, 5500 Sagebrush Street, said he represents the Seventh-day Adventist Church and school. Mr. Williams said a blast wall was built between the school and the well site when the school was built. He said he has concerns about RV's with propane tanks so near the well site. There are 81 residents in the neighborhood, he said. This is a residential street and there is not a lot of room for RV's and other large vehicles. He asked if there was a limit on the number of RV's that can be stored on the property. Chair Cardon mentioned that staff has researched these issues.

Gracia Montoya, 5500 Cypress Street, said she is concerned about more traffic around the park and large vehicles making the turn from Sagebrush Street onto Redwood Avenue. There are usually cars parked on the street next to the park. She is concerned about people in the park after dark. Ms. Montoya said that even with a fence, RV's and other vehicles will be visible from Piñon Hills Boulevard. Ms. Montoya mentioned that staff said there will be no hazardous chemicals stored on the property, yet RV's have batteries, gas, and propane that could spill and go into the wash. She said when the well site company comes to the property, they have people who direct traffic.

Jett Cowgill said he is in the process of buying the property at 5500 Cypress Street. He is concerned about excessive traffic and the number of children in the neighborhood. Mr. Cowgill said he is also concerned about the look of a fence on the property. He prefers the natural landscape.

Misty Hensley-Muñoz said the intention was to put a fence on the east side of the wash. The area will be cleaned up. People who wish to store their vehicles on the property will go through a background check and all vehicles must be running. Staff has addressed any traffic issues and RV's in the neighborhood go up and down the streets in the neighborhood already.

Ruby Cowgill, 5506 Cypress Street, noted possible access from Piñon Hills Boulevard would eliminate the traffic issues in the neighborhood. She said she would not have a problem with the RV storage if there were a different access.

Mary Pearman, 5506 Sagebrush Street, said she has the same concerns as the other neighbors. She said she does not agree with an RV storage yard in the neighborhood.

Jennifer Nixon, 5201 Ironwood Street, said she is uncomfortable with large vehicles and chemicals on the property. She does not want a view of the top of RV's that might deteriorate into a junkyard.

Daniel Wilson, 5300 Thomas Drive, said he has lived in the neighborhood for 30 years and has seen Hood Arroyo flood. The Lakewood detention pond did not change the flooding. He said he would recommend denial of the petition due to flood issues. A fence of any kind will not last if the arroyo floods.

Misty Hensley-Muñoz said an elevation study has been ordered even though it was not necessary due to no permanent structures in the flood zone on the property. The majority of the spaces on the south side of the well site are out of the flood zone. A portion that is in the flood zone will be left open. The arroyo has brought in debris that will be cleaned up. The fence will be on the east side of the arroyo and the flood zone.

Brad Carley, 5524 Hill 'n Dale Drive, said all the houses directly west and north of the arroyo had covenants in the late 60s and early 70s. The covenants were ratified into the City when the

Carl Sigmon Subdivision was annexed into the City. The covenant says that the lots to the west of Foothills can only have one residential home. Where this commercial business is coming in on a residential street, it already has limited access due to the school on Foothills.

The Commissioners discussed the access issues, a traffic count, modeling on the wash, feasibility, and issues with fencing. Commissioner Freeman suggested tabling the petition until more information can be gathered on these issues.

Planning & Zoning Commission Action of Petition ZC 19-28 & SUP 19-29 on April 25, 2019

A motion was made by Commissioner Freeman and seconded by Commissioner Brown to **table** Petition ZC 19-28 and SUP 19-29, a request from Billy Randall, represented by Misty Hensley-Muñoz for a zone change from SF-10, Single Family, to LNC, Local Neighborhood Commercial, and for a special use permit to allow for a recreational vehicle storage yard for property located at 5001 Redwood Avenue until more information can be provided on traffic flow, outlay, feasibility, and information on the oil well.

AYE: Chair Cardon, Commissioners Brown, Freeman, Lockmiller, Sewell, and Waldroup.

NAY: None

Abstained: Ragsdale

Absent: Commissioners Davis, Langenfeld, and Mangum.

Motion passed 6-0

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: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Sewell, the Planning and Zoning Commission meeting of April 25, 2019 was adjourned at 4:53 p.m.


Joyce Cardon
Chair


Karen Walker
Administrative Assistant