

MINUTES
PLANNING & ZONING COMMISSION

July 25, 2019

The Planning and Zoning Commission met in a regular session on July 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
Shay Davis
Kristin Langenfeld
Elizabeth Lockmiller
Wayne Mangum
Cheryl Ragsdale
Mitch Sewell
Gary Smouse

P&Z Members Absent:

Clint Freeman
Cody Waldroup

Staff Present:

Beth Escobar
Helen Landaverde
Toni Sitta
David Sypher
Karen Walker

Others Who Addressed the Commission:

Bob Dinning
James Easley

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.

David Sypher, Community Development/Public Works Director, welcomed Beth Escobar, the new Planning Manager for Community Development.

David Sypher announced the kick off for the development of the new Comprehensive Plan. Mr. Sypher asked for three individuals from the Planning & Zoning Commissioner to volunteer to be on the committee for this plan.

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 Mangum to approve the minutes of the June 27, 2019 P&Z Meeting. This motion was approved unanimously by a 9-0 vote.

Swearing in of Witnesses

Karen Walker swore in all parties that wished to speak on behalf of any agenda items.

CONSIDERATION & RECOMMENDATION**ZC 19-55****Zone Change for LNC to MF-L & Variance to Street Side Setback****706 W. Apache****Planning & Zoning Commission Discussion of Petition ZC 19-55 on July 25, 2019**

Associate Planner Helen Landaverde presented the staff report for ZC 19-55, a request from J.W. Easley for (1) a zone change from the LNC, Local Neighborhood Commercial District, to the MF-L, Multifamily Low Density District, to allow for residential use on the property, and (2) a variance to reduce the street side yard setback for the existing structure from 20 feet to 7 feet to come into compliance, for property located at 706 W. Apache.

The property is 0.380 acres and is in the Apache Subdivision, Tract B, and is a corner lot. There is an existing single-family dwelling on the property. This part of the City was annexed in 1947. Research shows that as early as 1976 this area was zoned single-family residential and there were some duplexes within this single-family residential district.

On December 1976, City Council approved Petition 426 for a zone change from R1-B, Single-family residential to R-2, Multi-family Low Density for nearby property located at 503 Glade Place.

The property had been zoned OP since 2004 until a zone change from OP, Office Professional to LNC, Local Neighborhood Commercial was approved by City Council in 2010.

The applicant stated that he recently purchased the property and is renting two units as residences. The applicant has requested a new address and another separate electric meter for one of the units.

Currently, the area is mixed use, as there is commercial, office professional and residential in the surrounding area. Upper story residential is only permitted in the LNC District, which is why the applicant is requesting a zone change to allow for the nonconforming use.

The applicant would like to continue using the building on the subject property as a multifamily residence. The applicant would like to have two two-bedroom residential units on the property. A zone change to MF-L would allow a maximum of five units.

The property owner would have to provide sufficient off-street parking for the residential uses on the property. The total required off-street parking for the proposed residential use is two spaces, including ADA parking. Additionally, the required off-street parking shall be paved pursuant to Unified Development Code Section 5.3.3A *Driveways and parking lot access*.

The minimum driveway width for multifamily dwellings is 10 feet. Currently, there is a small semi-circular driveway partially paved, asphalt and gravel, in the south street side yard. The street side and rear yard area is mostly covered with gravel. Pursuant to 3.9.4 *District standards*, all parking shall be located in the side or rear yard.

Furthermore, the proposed zone change to residential use will required that street access for the subject property be directly through a local street. Because West Apache Street is a minor arterial street, the proposed residential use cannot take direct access to the arterial street via West Apache Street, and must take access through San Juan Place per UDC 5.3.2A.

The 2020 Future Land Use Plan recommends Office Professional for this area; therefore, the proposal does not support the Future Land Use Plan. It does promote the Land Use and Development and Housing goals, and objectives of the Comprehensive Plan.

The applicant is also requesting a variance to reduce the street side yard setback for the existing structure from 20 feet to seven 7 feet to come into compliance with the UDC.

Currently, the existing structure's street side yard setback is approximately 7 feet and does not meet the required street side yard setback in the MF-L District. If approved, it would come into compliance with the UDC.

The Community Development Department recommends approval of Petition ZC 19-55 with the following condition:

- Variance to the required 20-foot street side yard setback shall apply for the existing structure only. If the existing structures are removed/demolish for any reason, they shall be replaced at 20 feet from the street side yard setback from the property line.

James Easley, 708 W. Douglas, stated that he bought the property because his dad built the house in 1937. It has been vacant for several years and was going to be torn down. The house is an adobe house. New windows and doors have been installed. Currently, there are renters in the house. Mr. Easley said he would like to put more rentals on the property in the future.

Commissioner Langenfeld was concerned about possible spot zoning, but feels the zoning in this area varies. Chair Cardon said she has the same concerns, but feels that this is an older section of town and the new Comprehensive Plan may address these areas. Commissioner Davis said it might be a spot zone, but is conforming to the surrounding properties.

Planning & Zoning Commission Action of Petition ZC 19-55 on July 25, 2019

A motion was made by Commissioner Davis and seconded by Commissioner Brown to **approve** Petition ZC 19-55, a request from J.W. Easley for (1) a zone change from the LNC, Local Neighborhood Commercial District, to the MF-L, Multifamily Low Density District, and (2) a variance to reduce the street side yard setback for the existing structure from 20 feet to 7 feet, for property located at 706 W. Apache with the following conditions:

- Variance to the required 20-foot street side yard setback shall apply for the existing structure only. If the existing structures are removed/demolish for any reason, they shall be replaced at 20 feet from the street side yard setback from the property line.

AYE: Chair Cardon, Commissioners Brown, Davis, Langenfeld, Lockmiller, Mangum, Ragsdale, Sewell, and Smouse.

NAY: None

Abstained: None

Absent: Commissioners Freeman and Waldroup.

Motion passed 9-0

CONSIDERATION & RECOMMENDATION
SUP 19-60
Special Use Permit to Allow a Loan Company in LNC
2222 B E. 20th Street

Planning & Zoning Commission Discussion of Petition SUP 19-60 on July 25, 2019

Associate Planner Helen Landaverde presented the staff report for SUP 19-60, a request from Security Finance of New Mexico, LLC, DBA Continental Loans, represented by Robert Dinning for a Special Use Permit to allow for the relocation of an existing loan company/financial service office in the LNC, Local Neighborhood Commercial District for property located at 2222 Suite B E. 20th Street.

The surrounding area is commercial and residential. The applicant is proposing to relocate the office from 1903 E. 20th Street to 2222 Suite B, E. 20th Street. The UDC considers loan companies to be an office use, and office uses are permitted in the LNC District with a Special Use Permit.

San Juan County Tax Assessor's records show that the size of the subject property is 0.547 acres. The existing building measures approximately 8,098 sq. ft.

According to the applicant, Continental Loans has been in business for nearly 30 years in the City of Farmington. The applicant would like to relocate the existing financial services office to 2222 Suite B, E. 20th Street within the existing commercial strip center and is proposing to occupy 2000 sq. ft. of floor area.

The applicant stated that the proposed office relocation would allow for easier parking access for customers and more office space. The hours of operation will be Monday to Friday from 9:00 a.m. – 6:00 p.m., and by appointment only on Saturday.

Pursuant to the UDC 5.2.3 Minimum off-street parking requirements the proposed use requires a minimum of eight spaces, including ADA parking. There are two existing uses in the commercial strip center, Cannon wholesale sales office and ASAP MVD office. It does not appear that the proposed use will interfere with the existing parking at that location.

According to the applicant the Cannon wholesale sales office occupies approximately 2,000 sq. ft. of floor area. The minimum required off-street parking for this use is 0.6 per employee. The ASAP MVD office also occupies approximately 2,000 sq. ft. of floor area. The minimum required off-street parking for this use is eight spaces.

There are currently 12 parking spaces that are marked, but not clearly designated. Pursuant to UDC 5.2.11, *Parking design standards* Required parking spaces shall be permanently and clearly designated for all facilities requiring five or more spaces. Each such parking space and off-street parking facility shall be identified by surface markings and shall be maintained in a manner to be readily visible and accessible at all times.

The applicant is proposing to utilize the street side and rear yard area for additional parking.

The proposed SUP is consistent with the 2020 Future Land Use Plan. It is recommended for this area to be commercial. The proposed use is considered an office use and offices are permitted by right in the City's commercial district, including loan companies. The proposed use would

promote and facilitate the City's Economic Development Plan, core goals and priorities goal #3 *Affirmative support of local business creation, retention and expansion*, and priority #4 *Businesses and industries that produce goods or services locally, for distribution within the region to displace imported goods and services*.

If this SUP is approved, it will be transferrable and run with the land pursuant to UDC 8.9A *Special Use Permits*. SUP 19-60 meets the criteria listed in Section 8.9.4 of the UDC.

The Community Development Department recommends approval of Petition SUP 19-60 to allow for the relocation of the existing loan company subject to the following conditions/UDC requirements:

- Pursuant to 5.2.11 *Parking design standards* The applicant is required to clearly designate all of the minimum off-street parking spaces (8 spaces) including ADA parking. The surface markings shall be maintained visible and accessible at all times including handicapped designated areas.

Commissioner Davis asked why this type of business required an SUP. Ms. Landaverde said for loan companies, there might be a misunderstanding that a business open 24 hours would be allowed. The residential area is nearby and neighbors might not like this type of business in the area. Ms. Landaverde mentioned Payday Loans as an example that is open 24 hours. The UDC sees it as an office use and the applicant will maintain office hours. Those hours may not be maintained in the future if another type of Loan Company occupies the space.

Commissioner Langenfeld clarified that the SUP would stay with the land and even though the current applicant intends to maintain regular office hours, a future tenant could occupy the space and would be allowed to stay open 24 hours. Ms. Landaverde said it is possible, but the SUP could be revoked if someone complains. Ms. Langenfeld asked if there was any benefit to include a condition with the approval of the SUP. Ms. Landaverde said a condition could be included.

Bob Dinning, 7219 Driftwood, said he has no concerns or questions as long as the petition is recommended for approval.

Commissioner Sewell asked the nature of Continental Loans. Mr. Dinning said they do small loans and people make payments at the office. To his knowledge, there has never been any complaints in the 30 years the company has been in Farmington.

Commissioner Brown asked if a restriction on business hours would hurt the business. Mr. Dinning said that should not be a problem, but would hate to come back to Planning & Zoning if the business decides to stay open until 7:00 p.m.

Planning & Zoning Commission Action of Petition SUP 19-60 on July 25, 2019

A motion was made by Commissioner Sewell and seconded by Commissioner Smouse to **approve** Petition SUP 19-60, a request from Security Finance of New Mexico, LLC, DBA Continental Loans, represented by Robert Dinning for a Special Use Permit to allow a loan company to do business in the LNC, Local Neighborhood Commercial District for property located at 2222 Suite B E. 20th Street with the following condition:

- Pursuant to 5.2.11 *Parking design standards* The applicant is required to clearly designate all of the minimum off-street parking spaces (8 spaces) including ADA parking.

The surface markings shall be maintained visible and accessible at all times including handicapped designated areas.

AYE: Chair Cardon, Commissioners Brown, Davis, Langenfeld, Lockmiller, Mangum, Ragsdale, Sewell, and Smouse.

NAY: None

Abstained: None

Absent: Commissioners Freeman and Waldroup.

Motion passed 9-0

Business from the Floor: Chair Cardon asked for volunteers to be on the committee for the development of the new Comprehensive Plan. Ms. Cardon volunteered. Commissioner Brown volunteered. Commissioner Freeman was nominated by other Commissioners.

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: David Sypher reported that Petition ABD 19-51 passed on consent at the July 9, 2019 City Council meeting.

Adjournment: With no further business and a motion by Commissioner Davis and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting of July 25, 2019 was adjourned at 3:36 p.m.



Joyce Cardon
Chair



Karen Walker
Administrative Assistant