

A G E N D A

City of Farmington

**Administrative
Review
Board**

November 6, 2014

A G E N D A

Administrative Review Board
City Council Chambers
800 Municipal Drive, Farmington, NM

November 6, 2014 at 6:00 p.m.

Item No.		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes from the October 9, 2014 Meeting	17
4	Petition No. ARB 14-15 – a request from Sam Barela for a variance to allow an existing vehicle repair shop (auto detailing) that is within 200 feet of the residential district boundary (MF-L Multiple-family Residential) in the GC General Commercial District at 2010 E. 16 th Street. (Cynthia Lopez)	1
5	Presentation on Quasi-judicial Procedures by Jennifer Breakell, Deputy City Attorney.	15
6	Business from: Floor: Chairman: Members: Staff:	
7	Adjournment	

ATTENTION PERSONS WITH DISABILITIES:

The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.

ADMINISTRATIVE REVIEW BOARD

Petition ARB 14-15

Variance to the required distance of 200 feet from any Residential District

November 6, 2014

DESCRIPTION OF PETITION

Petition No. ARB 14-15 is a request from Sam Barela for a variance to the required distance of 200 feet from any residential district boundary for the operation of an automotive repair business (auto detailing) for property located at 2010 E. 16th Street in the GC General Commercial District. The property is legally described as:

That part of the Northeast Quarter of the Northeast Quarter (NE¼NE¼) of Section Twenty-Three (23), Township Twenty-Nine (29) North, Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, described as follows: BEGINNING North 89°47' West 245 feet and South 540 feet from the Northeast corner of said Section 23; THENCE South 100 feet; THENCE North 89°47' West 195 feet; THENCE North 100 feet; THENCE South 89°47' East 195 feet to the point of beginning.

Otherwise located at 2010 E. 16th Street.

GENERAL INFORMATION

Applicant..... Sam Barela
Representative..... Sam Barela
Property Owner Sam Otero
Location of Property 2010 E. 16th Street
Nature of Petition..... The applicant requests a variance to the required distance of 200 feet from any residential district boundary for the operation of an automotive business (auto detailing).
Applicable Regulations City of Farmington Unified Development Code (UDC): Pursuant to Section 2.4.59 Vehicle repair: 1). "No repairs shall be conducted within 200 feet of any residential district boundary".
Zoning GC General Commercial District
Previous/Existing Use Tax Services/Auto Detailing
Surrounding Zoning North, South, West and East: GC General Commercial
Surrounding Land Use... North: Industrial Business
South: Industrial Business
East: Church
West: Vehicle Repair
Public Notice..... Publication of Notice of this petition appeared in the Daily Times on Tuesday, October 21, 2014. Adjoining property owners were sent notice by certified mail on Friday, October 17, 2014, and a sign was posted on the property on Friday, October 24, 2014.
Staff..... Cynthia Lopez, Senior Planner

BACKGROUND

Sam Barela, the owner of Bubbles Detailing, requests a variance to the required distance of 200 feet from any residential district boundary for the operation of an automotive repair business (auto detailing) for an existing building on property located at 2010 E. 16th Street in the GC General Commercial District. Section 2.7.5(G)3 of the Unified Development Code lists auto detailing as a vehicle repair.

The applicant rents 2010 E. 16th Street. The property is in the GC General Commercial District and vehicle repairs are a permitted use in this district. When applying for a business license, it was learned that the property is within 200 feet of a residential district to the east, which is zoned MF-L Multiple Family Low Density. There is an apartment complex on the site. A church is between this business and the residential district/use to the east. Pursuant to Section 2.4.59 for vehicle repairs "No repairs shall be conducted within 200 feet of any residential district boundary." The apartment site boundary is approximately 124 feet from this auto business.

The property at 2010 16th Street is owned by Sam Otero. Ms. Barela's business is one space within a larger business complex. The space to the west of Ms. Barela's business is a vehicle repair that has been in operation (15 years) since before the Unified Development Code was adopted on January 1, 2008 and is a legal nonconforming use. Previously Ms. Barela's space was a tax service business.

Ms. Barela's defines her business as a full detail business that, wipes down and vacuums seats, hand washes carpets, cleans vents and the dash. They provide pressure washing on the exterior unless requested to wash by hand. Washing, waxing and polishing is done by hand. They operate Monday 8am-5pm and by appointments only on Tuesday through Saturday from 8am to 5pm (may be to 8pm).

ANALYSIS

Variance Criteria – Section 8.12.4, UDC

A variance may be granted only where a literal enforcement of the Code provisions would result in unnecessary hardship for a particular property. In order to grant a variance, the ARB must make a positive finding of fact concerning each of the following or, if a positive finding of fact cannot be made that the ARB specifically describes the circumstance that would outweigh the strict requirement for a positive finding of fact and determine that the variance will not be a public detriment:

- 1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and, furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant.**

Special circumstances do exist at the subject property. The residential zone district is separated from this business by a church that acts as a buffer to mitigate noise and fumes. Auto detailing is less intrusive to residential than most other types of auto repair. The business is an allowed use in this district and there are other auto repair businesses in this zoning district.

This criterion IS met.

- 2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.**

The literal interpretation of the provisions of the UDC would deprive the applicant of some of the rights commonly enjoyed by other property owners in the surrounding GC district. Other auto repair businesses in this general vicinity are within 200 feet of the residential district. These businesses have been in business for many years and meet the requirements as nonconforming uses.

This criterion IS met.

- 3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building or structure.**

The requested variance is a minimum easing of the UDC. The applicant proposes to do auto detailing work. Auto detailing work includes washing/waxing the exterior of the automobile and cleaning the interior. This type of auto repair produces less noise than other auto repair businesses and does not have toxic or caustic fumes that will adversely impact the residential use. The owner of the business proposes that the normal operating hours will be 8am to 5pm, except for the occasional 8pm appointment. In any case the work will be completed before 10pm and should not adversely affect the residential use.

This criterion IS met.

- 4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare.**

The requested variance is in harmony with the general interest, purpose and intent of the UDC. The requested variance will not be injurious to the surrounding neighborhood or otherwise detrimental to the public welfare. The petitioner has agreed to limit her hours of operation from 8am to 5pm, except for the occasional 8pm appointment. Auto detailing is less intensive than auto repair and should not increase noise or fumes. These considerations will limit the nuisances ascribed to typical automotive businesses from residential neighbors.

This criterion IS met.

- 5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.**

Granting this variance will not allow a use not otherwise allowed in the GC district. Vehicle repair (auto detailing) is an allowed use in the district.

This criterion IS met.

- 6. That no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts has been or shall be considered grounds for the issuance of a variance.**

No non-conforming uses or buildings on other properties are used to justify the requested variance.

This criterion IS met.

7. That the applicant would suffer an unnecessary hardship if the variance requested were denied.

The applicant would suffer an unnecessary hardship if the variance were denied. Strict adherence to the Code, would remove the petitioner's ability to conduct a business that is allowed in this zone district. The building has other vehicle repair businesses that are legally conforming on site. Other businesses in the area create similar if not more egregious neighborhood nuisances and are not subject to the same restrictions as an auto detailing business.

This criterion IS met.

CONCLUSION

The Community Development Department concludes that approval of ARB 14-15 is appropriate. The request is a minimum easing of the code. The petitioner is generally in harmony with the neighborhood and will not be injurious to the neighbors. The church between this business and the residences will buffer any impacts to the residences, which is in general harmony with the neighborhood. The variance will allow a use that is allowed by right by other properties in the same district, even the same building.

RECOMMENDATION

The Community Development Department recommends approval of Petition ARB 14-15 from Sam Barela for a variance to the required distance of 200 feet from any residential district boundary for the operation of an automotive repair business (auto detailing) for property located at 2010 E. 16th Street in the GC General Commercial District.

P ZONING APPLICATION



Planning Division
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

- | | | |
|---|--|---|
| <input type="checkbox"/> Annexation and / or Zoning
<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat
<input type="checkbox"/> Special Use Permit
<input checked="" type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to _____ District
<input type="checkbox"/> Temporary Use Permit
Proposed Length of Use: _____
<input type="checkbox"/> Well site equipment modification |
|---|--|---|

INFORMATION

Applicant's Name: <u>Sam Barela</u>	Project Location: <u>Same</u>
Address: <u>2010 E. 16th</u>	Existing Use: <u>Vehicle Repair Vacant</u>
E-Mail: <u>dreamer6711@gmail.com</u>	Proposed Use: <u>Vehicle Repair</u>
Telephone: <u>505-419-2669</u>	Current Zoning: <u>GC</u>
Relationship to Property Owner:	Assessor's Parcel I.D. and/or Tax I.D. Number:

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes No
 If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: <u>Sam Barela</u>	E-Mail:
Phone: <u>320-7447</u>	Address: <u>515 Glade Rd.</u>

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (If any)
Name:	Name:
Phone:	Phone:
Address:	Address:

OWNER CERTIFICATION

*(Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: <u>Sam Otero</u>	Address: <u>515 Glade Rd</u>
Owner's Signature: <u>Sam Otero</u>	Phone / Email: <u>(505) 320-7447</u>

*** STAFF USE ONLY ***

Received By: <u>C. Lopez</u>	<input type="checkbox"/> Blueline Copies of Plans <input type="checkbox"/> Ownership Report (subject and surrounding properties) <input type="checkbox"/> Legal Description <input type="checkbox"/> Detailed Statement of Proposed Use
Date: <u>11/14/2014</u>	Fee Received: <u>70.00</u>
Project File No. <u>ARB 14-15</u>	
Date of Hearing/Meeting: <u>11/6/14</u>	

Distance of 200' to a Residential Boundary District

10-16-14

Bubbles Detailing provides
Full detail of Autos.

We wipe down and vacuum
Seats. Hand wash carpets.
Clean vents and dash.

We provide total car
cleaning Monday and
after hours until 8 pm

by appointment only Tuesday
and Saturday 8am-5pm.

We pressure wash exterior
unless requested to do by
hand. All washing, waxing
and polishing is by hand.

New Haven Baptist Temple is located between 2010 E16th and Residence. Their hours of services ~~ended~~ ^{ended} 7:00pm and various times through out Sunday are when my services are closed. There fore keeping any and all contact with Neighboring residence and their guests to a minimum

2. The surrounding buildings are Auto shops and Garages - that have been established for 15 years or more.

3. Bubbles Detailing is just that. We wipe down the interior and exterior of vehicles. Our hrs. of operation are Monday - Appointments only Tuesday thru Saturday 8am - 5pm - appointments until 8pm. Minimizing noise from Bubbles Detail is a priority.

4. Bubbles detail will in no way be a nuisance or injurious to the surrounding neighborhood. Also will run in conjunction with surrounding businesses. We run our hours in convenience to general public. ~~and direct~~

5. Granting this variance will ~~not~~ allow a use not otherwise in the GC district. Automotive Repair is allowed and per Section 2.4.59 Article 2 Use Regulations per the City of Farmington Unified Development Code. Auto Detailing is considered Vehicle Repair; Paint and Body Shops

6. No non-conforming uses or buildings on other properties are used to justify the requested variance

7. ~~The~~ Bubblers Detailing would suffer an unnecessary hardship if the variance were denied. Strict adherence to the Code would remove Bubblers Detailing's ability to conduct a business that is allowed in this zone district. The building had been used by previous owners as a paint and body shop (sinbacks) in 2008. Other businesses in the area create similar if not more egregious nuisance than Bubblers Detailing.

Sara
Bauer
10-16-14

PETITION NO. ARB14-15

2010 E 16TH ST.

Deadline: October 24, 2014

City of Farmington Departments

CD	Director – Mary L. Holton	Comments are incorporated in the staff memo.
CD	Addressing – Planning Division	No Comments
CD	Chief Building Inspector – Leo Hardie	No Comment
CD	MPO - Joe Delmagori	No comments from the MPO
CD	Oil & Gas Inspector	No Comments
City	Manager's Office – Bob Campbell	No objections
ELEC	Customer Care Manager – Nicki Parks	No Comment
ELEC	Engineering - Luwil Aligarbes	No Conflict
ELEC	T & D – Rodney Romero	No Response
FIRE	Fire Marshall – Bob Popa	Fire Department criteria will be met through the Building Inspection process.
LEGAL	Deputy City Attorney – Jennifer Breakell	No Comment
POLICE	Code Compliance	No Response
POLICE	Sergeant Flores	The Farmington Police Department has no immediate concerns.
PRCA	Roger Drayer	No Comment from PRCA
PW	Engineering- Virginia King	No Response
PW	Engineering – Nica Westerling	No Response
PW	Streets Superintendent - Jim Couch	No Response
PW	Traffic Engineering Admin – Steve Krest	No Response
PW	Water/Wastewater Admin – Ruben Salcido	No Response

Other Entities

CH2MHILL OMI	No Response
Comcast Cable - Mark Johnson	No Response
New Mexico Gas Company - Ryan Holden	No Response
Enterprise Field Services	No Response
Farmington School District	No Response
CenturyLink – Laurence Joe	No Response
U.S. Post Office	No Response
Williams Field Services - Lloyd Bell	No Response

ARB 11-6-2014

Post-it Fax Note 7671		Date: 10-20-2014	
To	Laura Erickson	From	Melissa
Co./Dept.	Coff	Co.	The Daily Times
Phone #	599 1317	Phone #	504 4566
Fax #	599 1299	Fax #	504 4567

**(ARB) ADMINISTRATIVE REVIEW BOARD
NOTICE OF HEARING**

Notice is hereby given that the following applications have been filed with the Administrative Review Board of the City of Farmington:
 Petition No. ARB 14-15 - a request from Sam Barata for a variance to allow a vehicle repair shop (auto detailing) that is within 200 feet of the residential district boundary (MF-L Multiple-family Residential) in the GC General Commercial District at 2010 E. 16th Street as described below:

LEGAL DESCRIPTION:

A tract of land located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE/4NW/4NW/4) of Section Eleven (11) in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M. in the City of Farmington, San Juan County, New Mexico and being more particularly described as follows:
 BEGINNING North 89°45' East 660 feet and South 0°14' East 1170 feet from the Northwest corner of said section 11;
 THENCE South 90 feet; THENCE East 333 feet; THENCE North 90 feet; THENCE West 333 feet to the point of beginning.
 Otherwise located at 2010 E. 16th Street

A public hearing will be held before the Administrative Review Board of the City of Farmington on Thursday, November 6, 2014, at 6:00 P.M. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider this variance request. All persons in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

Laura Erickson
 Administrative Assistant

Legal No. 70810 published in The Daily Times on October 21, 2014.



October 17, 2014

CITY OF FARMINGTON

800 Municipal Drive
Farmington, NM 87401-2663
Fax: (505) 599-1299
www.fmtn.org

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. ARB 14-15**

MAILED
October 17, 2014

Dear Property Owner:

Notice is hereby given that the following application has been filed with the Administrative Review Board of the City of Farmington, New Mexico: a request from Sam Barela for a variance to allow a vehicle repair shop (auto detailing) that is within 200 feet of the residential district boundary (MF-L Multiple-family Residential) in the GC General Commercial District, for property described below:

LEGAL DESCRIPTION

A tract of land located in the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE/4NW/4NW/4) of Section Eleven (11) in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M, in the City of Farmington, San Juan County, New Mexico and being more particularly described as follows: BEGINNING North 89°45' East 660 feet and South 0°14' East 1170 feet from the Northwest corner of said section 11; THENCE South 90 feet; THENCE East 333 feet; THENCE North 90 feet; THENCE West 333 feet to the point of beginning.
Otherwise known as 2010 E. 16th Street

A public hearing will be held before the Administrative Review Board of the City of Farmington on **Thursday, November 6, 2014, at 6:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico to consider this variance request. All persons in interest are invited to attend said hearing and shall have an opportunity to be heard on why said application should be granted or denied.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department – Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Cynthia Lopez, Senior Planner at 599-1448 or clopez@fmtn.org.

Sincerely,

Laura Erickson
Administrative Assistant

COMMUNITY DEVELOPMENT

GUARDIAN ABSTRACT & TITLE CO., INC.
221 NORTH AUBURN
FARMINGTON, NEW MEXICO 87401

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF
 THE FOLLOWING DESCRIBED PROPERTY: T29N, R13W, Sec. 11
Pt. NW1/4NW1/4

OWNER: Otero, Samuel Louis
 2006 E. 16th St.
 Farmington, NM 87401-7401
 1515/262

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Otero, Samuel Louis 1515/262	2006 E. 16 th St. Farmington, NM 87401-7401	T29N, R13W, Sec. 11 Pt. NW1/4NW1/4
New Haven Baptist Temple 1284/256	P.O Box 3123 Farmington, NM 87499-7499	Showcase Subdivision No. 2 Lot 5
Ferguson, Horace B. and Ellen B. Trustees 1330/897, 1182/813	660 Camino De Los Mares No. 210 San Clemente, CA 92673-2673	Showcase Subdivision No. 2 Lots 1 and 2
City of Farmington 996/515	800 Municipal Dr. Farmington, NM 87401-2663	The Vontungeln Subdivision Tract 2
Hall, Ace K. and Mary L. Trustees 1294/812	P.O Box 2141 Durango, CO 81302-2141	The Vontungeln Subdivision Tract 1
CCJ LLC 1449/958	P.O Box 342 Farmington, NM 87499-7499	Moss-Clayton Subdivision Lot 2

Johnson, Brady and
Lori
1560/320

P.O Box 1297
Flora Vista, NM
87415-7415

T29N, R13W. Sec. 11
Pt. NW1/4NW1/4

Schofield Lane LLC
1352/316

Attn: Lonny Rutherford
and Marilyn A. Mobley
P.O Box 2133
Farmington, NM
87499-2133

T29N, R13W. Sec. 11
Pt. NW1/4NW1/4

Foutz, D. Decker and
Linda C. Revocable Trust
1306/58

2873 E. Elgin St.
Chandler, AZ
85225-5225

T29N, R13W. Sec. 11
Pt. NW1/4NW1/4

Poor, Elton Derwood and
Joyce Willyne Trustees
1233/516

6004 Bayhill Dr.
Farmington, NM
87402-5044

T29N, R13W. Sec. 11
Pt. NW1/4NW1/4

Quasi-Judicial Hearing

Chairman's Script

At this (time) I call the meeting of (date) of the Planning and Zoning Commission to order.

Petition #(s) _____ is (are) being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties to the proceedings. Anyone who wishes to speak at this hearing will be sworn in by the Secretary.

Staff will present the petition, then the commission will hear testimony from the petitioner and all affected parties. Affected parties are the petitioner and the petitioner's representatives, and those property owners who have received letters from the City and are within 100 feet of the petitioner's property. The affected parties will have the right to cross-examine persons giving testimony. Any other person who wishes to be heard (interested party) will have the opportunity to speak after all evidence from the affected parties have been heard and the cross-examination is complete.

Are there any members of the board who want to declare a conflict of interest or any ex-parte communications?

Anyone who wishes to be heard regarding petition _____, please stand and raise your right hand.

Swear-in those who wish to speak.

- Staff presents the staff report.
- Are there any questions of staff by the commission?
- Is the petitioner or the petitioner's representative here? Please come forward. Please come forward and state your name and address for the record. Have you read staff's report and recommendation? Do you have questions or would you like to add any evidence to the commission?
- Are there any questions of the petitioner or petitioner's representative by the commission?
- Is there anyone who received a letter or who owns property within 100 feet of this property (affected party), who would like to speak in favor of this petition? Please come forward and state your name and address for the record.
- Are there any questions of (name of person testifying) by the commission?

- Would the petitioner like to cross-examine the affected party?
- Is there anyone who received a letter or who owns property within 100 feet of this property, who would like to speak in opposition to this petition? Please come forward and state your name and address for the record.
- Are there any questions of (name of person testifying) by the commission?
- Would the petitioner like to cross-examine the affected party?
- Are there any other persons who would like to speak? Please come forward and state your name and address for the record.
- At this time we will close the Public Comments. Are there any other persons who would like to speak?
- Is there a Commissioner prepared to make a motion?
- Is there any Discussion?
- All in favor please say aye. All opposed say nay. (If the vote is unclear, ask the Secretary to call the roll).

The recommendation of the Planning and Zoning Commission in approving, approving with conditions or denying this application is forwarded to heard at the City Council regular meeting of (date) for consideration and final decision.

MINUTES
ADMINISTRATIVE REVIEW BOARD
October 9, 2014 - 6:00 P.M.

The Administrative Review Board met in regular session on Thursday, October 9, 2014 at 6:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

Members Present: Chairman Tom O'Keefe
Ireke Cooper
Paul Martin

Members Absent: James Dennis
Nick Martin

Staff Present Mary Holton
Sam Montoia
Dee Dee Moore

Others Addressing the Board Richard Armistead
Alfonso Garcia

Call to Order

The meeting was called to order at 6:35 p.m. by Chair O'Keefe and there being a quorum present the following proceedings were duly had and taken.

Approval of the Agenda

There were no changes to the agenda except the Quasi-Judicial Workshop will be held at a later date to be determined.

Approval of the Minutes from the September 4, 2014, Regular Meeting

A motion was made by Board Member Cooper to approve the minutes from the September 4, 2014, regular meeting. The motion was seconded by Board Member Martin and passed unanimously by a vote of 3-0.

Petition ARB 14-14

1209 Basin Road – Automotive Repair Business

Discussion of ARB 14-14 on October 9, 2014

Associate Planner Sam Montoia presented the staff report, a request from Richard Armistead, represented by Stacey Armistead, for a variance to allow the operation of an automotive restoration business within 200 feet of a residential zone district boundary in the IND Industrial District at 1209 Basin Road. Mr. Armistead owns and operates Hot Rod Garage. The property is bordered on the east, west and south by the IND Industrial District. Staff is recommending

approval with a request that the business hours of operation are from 7:00 a.m. to 7:00 p.m. per the Farmington City Code Noise Ordinance.

There were no questions of staff by the Board.

Richard Armistead of 1209 Basin Road stated he has been in Farmington his whole life, and he restores old vehicles. He added that he had visited with the neighbors about his business and also has cleaned up the landscaping at this location. He stated that he does have an air compressor but it is located at the rear of the building and he has also increased the insulation in the building.

Alfonso Garcia of 1200 Basin Road stated that he appreciates Mr. Armistead visiting with him about the business. He stated that he has no objections to this business and is happy to work with Richard Armistead.

There were no other parties that spoke in favor of this petition. There were no parties to speak in opposition to this petition.

Board Member Cooper stated that staff had provided a good job on the petition report. He felt that the hours of 7-7 were somewhat restrictive, because sometimes you may be in the middle of something you are working on. Director Holton stated that the owner agreed to hours of operation of 8a-5p with the neighbors, and that the 7a-7p restriction is based on the hours referenced by the City's noise ordinance. Board Member Cooper stated that he felt the restriction could be misconstrued.

Mr. Armistead re-addressed the Board adding the he had talked with the owners about the noise, and that he too felt there could be some type of window work or wiring that could be performed after those hours, but would not produce noise. He does not want any business noise to intrude on the neighbors and stated that the doors would be closed to reduce any noise.

Director Holton suggested that the 7a-7p language, rather than limiting the house, the petition wording could "encourage" the hours of work between 7a-7p. She reminded the Board that any noise violations would need to be reported by the neighbors.

Board Member Ireke Cooper made a motion to approve ARB 14-14 with the addition of the wording to encourage the hours of operation to be between 7a-7p. The motion was seconded by Board Member Martin and upon voice vote passed by 3-0.

Administrative Review Board Action of October 9, 2014

A motion was made by Board Member Cooper and seconded by Board Member Martin to **approve** Petition No. ARB 14-14, a request from Richard Armistead, represented by Stacey Armistead, for a variance to allow the operation of an automotive restoration business within 200 feet of a residential zone district boundary in the IND Industrial District at 1209 Basin Road; encouraging the hours of operation to remain within 7a-7p.

AYE: Chairman O'Keefe and Board Members Cooper and Martin
NAY: None
ABSTAIN: None
ABSENT: None

MOTION TO APPROVE 3-0

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

Business from the Chair: Chairman O'Keefe asked that each Board Member provide their cell phone number and that a list be provided to each board member to ensure quorum is met at meetings since the membership is down to four.

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

Business from Staff: Director Holton informed the Board that this was Dee Dee Moore's last meeting as secretary because she has accepted a different position with the City.

Adjournment: The October 9, 2014 Meeting of the Administration Review Board was adjourned at 6:52 pm.

Tom O'Keefe – Chairman