

**MINUTES**

**PLANNING & ZONING COMMISSION**

**January 30, 2020**

The Planning and Zoning Commission met in a regular session on January 30, 2020 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:

Chair-Joyce Cardon  
 Vice Chair-Clint Freeman  
 Kristin Langenfeld  
 Elizabeth Lockmiller  
 Cheryl Ragsdale  
 Mitch Sewell  
 Gary Smouse

P&Z Members Absent:

Ryan Brown  
 Shay Davis  
 Wayne Mangum  
 Cody Waldroup

Staff Present:

Beth Escobar  
 Elizabeth Sandoval

Others Who Addressed the Commission:

Michael Smith

**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 Smouse to approve the minutes of the December 12, 2019 P&Z Meeting. This motion was approved unanimously by a 7-0 vote.

**Swearing in of Witnesses**

Elizabeth Sandoval, Administrative Assistant, swore in all parties that wished to speak on behalf of any agenda items.

<p><b>CONSIDERATION &amp; RECOMMENDATION</b></p> <p><b>SUP 20-01</b></p> <p><b>Special Use Permit to allow for the operation of a home mortgage loan company on developed 0.17 acre parcel in the LNC, Local Neighborhood Commercial District, 211 N. Auburn Ave.</b></p>
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**Planning & Zoning Commission Discussion of Petition SUP 20-01 on January 30, 2020**

Beth Escobar, Planning Manager, presented the staff report for SUP 20-01, a request from Michael Smith, property owner, for a special use permit to allow for the operation of a home mortgage loan company in the LNC, Local Neighborhood Commercial District, located at 211 N. Auburn Ave.



Loan companies are permitted by right in the GC – General Commercial Zoning District but are required to obtain a Special Use Permit in the LNC – Local Neighborhood Commercial. The subject parcel is located in the Mahany Tract of the Ross's Second Addition Subdivision platted in 1905.

The subject property has an existing structure constructed in 1975 and renovated in 1994. The property is used as a commercial rental. Access to the property is from N. Auburn onto an alley between 201 and 211. The applicant owns the property directly to the north which is currently occupied by a real estate office.

The 2002 Comprehensive Plan indicates this area is appropriate for mixed-use development which combines business and residential uses in the same neighborhood.

The proposed use at the subject property complies with this designation.

The purpose of a Special Use Permit is to allow for discretionary approval of uses with unique operating characteristics.

Some loan businesses, such as payday loans, can be an intensive, high traffic use not compatible with a neighborhood location. Union home mortgage, the proposed tenant at 211 N. Auburn Ave. is a full service mortgage company and does not process payday loans.

If granted, this special use permit for a commercial business would be transferable to future owners.

The subject property is located in an area with existing office and residential uses. The addition of a home mortgage company would not have a negative impact on the surrounding neighborhood.

Existing circulation and parking is harmonious with the character of the surrounding area and meets the requirements of the Unified Development Code.

The proposed use should have minimal impact on existing infrastructure.

There are eleven properties within the effected area, two of these properties are owned by the Petitioner.

Staff concludes approval of Petition SUP 20-01 is appropriate. The subject property has been used as a commercial rental for an extended period of time. Minimum lot size and setback requirements do not conform to the Local Neighborhood Commercial standards, however, the lot is determined to be legal, non-conforming. Lot coverage and minimum parking requirements and building setbacks comply with the Unified Development Code. Operation at this location of a home mortgage company is compatible with the surrounding neighborhood and meets the intent of the Local Neighborhood Commercial District to accommodate neighborhood-oriented, low-intensity retail sales and services.

The Community Development Department recommends approval of Petition SUP 20-01, a request from Mike Smith to allow for operation of a home mortgage loan company at 211 N. Auburn Avenue, a 0.17-acre property located at 211 N. Auburn Avenue, Tax ID # R0030042.

Ms. Escobar asked if there were any questions.

Commissioner Freeman asked if the applicant is the owner and if the owner sells the property is the SUP transferable.

Ms. Escobar responded that the applicant is the owner and that the SUP is transferable.

Commissioner Freeman asked if the SUP could specify that it is only for a home mortgage loan company and not for payday loan companies.

Michael Smith, 102 E. Nambe, Farmington, NM, asked if loan company was primarily put in the code so payday loans and title loan companies would not be located in local neighborhood areas and if small loan companies, such as Security Finance, are considered payday loan or title loans.

Ms. Escobar responded that if they list it as a service they offer, then yes. Ms. Escobar also stated that payday loan and title loan companies are not prohibited, but do have to go through the SUP process.

**Planning & Zoning Commission Action of Petition SUP 20-01 on January 30, 2020**

A motion was made by Commissioner Freeman and seconded by Commissioner Smouse to approve Petition SUP 20-01, a request from Michael Smith, property owner, for a special use permit to allow for the operation of a home mortgage loan company in the LNC, Local Neighborhood Commercial District, located at 211 N. Auburn Ave., with the condition that the SUP will apply to home mortgage companies and will exclude payday loans.

Michael Smith, petitioner, asked if the SUP applied to home mortgage or union home mortgages.

Ms. Escobar stated that it was home mortgage only.

Commissioner Langenfeld asked if the loan type language had been covered.

Ms. Escobar said that she could not think of anything else.

Commissioner Freeman stated that clarification to his motion could be made that the language could state that the SUP only covered home mortgage companies and excluded payday loans, vehicle title loans or anything similar.

Commissioner Smouse agreed to the amendment motion.

AYE: Chair-Joyce Cardon, Commissioner Freeman, Commissioner Langenfeld, Commissioner Lockmiller, Commissioner Ragsdale, Commissioner Sewell, Commissioner Smouse

NAY: None

Abstained: None

Absent: Commissioner Brown, Commissioner Davis, Commissioner Mangum, Commissioner Waldroup

Chair Cardon stated this petition will go to City Council on Tuesday, February 11, 2020.

**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. Escobar stated that City Council denied SUP 19-94, Elizabeth Jill Glover's petition for keeping of two horses on 1.98 acres parcel, located at 5302 Marcy Place, at the January 14, 2020 City Council meeting. The vote was 3-1, 2 Council members thought the keeping of horses was not appropriate in that neighborhood and 1 Council member did not support the application.

Ms. Escobar also stated that the Main Street Project has started, with the contract being awarded to AUI, a New Mexico company. Ms. Escobar stated that updates about the project are provided online on the City's webpage.

Ms. Escobar announced that there is an Abandonment Petition set for the February 27, 2020 P&Z meeting.

**Adjournment:** With no further business and a motion by Commissioner Langenfeld and seconded by Commissioner Freeman, the Planning and Zoning Commission meeting of January 30, 2020 was adjourned at 3:21 p.m.

  
Joyce Cardon  
Chair

  
Elizabeth Sandoval  
Administrative Assistant