

Requested Action	Zone change from the GC General Commercial District to the MU Mixed Use District.
Location	406 West Cedar Street, Lots 7-8, Block 2 of the West Broadway Addition, south of Animas Street, north of Cedar Street between Locke Avenue and Auburn Avenue
Existing Land Use	Residence, legal nonconforming use
Existing Zoning	GC General Commercial District
Surrounding Zoning & Land Use	North: GC General Commercial District / Commercial South: IND Industrial District / Industrial with outdoor storage East: GC General Commercial District / Vacant West: GC General Commercial District / Residence
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission and also the City Council appeared in the Daily Times on Wednesday, December 29, 2010. Property owners within 100 feet were sent notice by certified mail on Friday, December 30, 2010 and a sign was posted on Wednesday, December 22, 2010.
Staff Planner	Cynthia Lopez, Senior Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting a zone change from the GC General Commercial District to the MU Mixed Use District for a 0.14-acre lot with a residence located at 406 W. Cedar Street, legally described as Lots 7 and 8 Block Two (2) of the West Broadway Addition. The petitioner owns the six lots to the east of this property and was approved by City Council for a zone change (ZC 10-10) on those lots on November 9, 2010. The petitioner secured a purchase agreement on these two lots after applying for the previous zone change for the six lots he already owns.

The petitioner is proposing to construct an apartment complex on the properties. He has an application in to the Administrative Review Board (ARB) for a variance to the front yard setback from 10 feet to zero on both Locke Avenue and Animas Street and for a variance to the residential protection requirement of a 30 foot setback to 10 foot setback on the west property line. ARB 10-19 is scheduled for the January 6, 2011 ARB meeting (see attached preliminary sketch site plan).

The property of this petition has an existing house, which is currently inhabited. The petitioner has not had the opportunity to inspect the existing residence and therefore has not determined if he will renovate or demolish the structure. The Community Development Department has received phone calls from the current resident of the property with questions regarding the zone change.

ISSUES

City Engineer: Nica Westerling – 599-1316

- Sight triangles need to be submitted in accordance with Section 5.3.6 of the City of Farmington Unified Development Code (UDC). There are current sight obstructions in the downtown area due to buildings at lot lines.
- Street improvements, including street widening, curb and gutter and sidewalk are required on Locke Avenue. Sidewalk and curb and gutter is required where missing on Cedar Street and Animas Street. All streets require 5-foot sidewalks.

Water & Wastewater O&M Manager: Ruben Salcido – 599-1284

- The existing sewer main is along Cedar Street and the water main is along Animas Street.
- If these lots are consolidated into one lot, there should be no further issues with water and sewer lines crossing property lines.

Planning Division: Fran Fillerup – 599-1282

- In November 2010, the petitioner received approval for a similar zone change from the GC to the MU district for the adjacent property to the east (ZC 10-10). This is an expansion of the petitioner's proposed multi-family residential project.
- The requested zone change meets the goals of the Metropolitan Redevelopment Area (MRA) Plan. According to the MRA Plan, the vision for

the Animas District is to “Redevelop the Animas Neighborhood as a mixed-use development with new types of affordable housing, expanded medical and cultural facilities linking Downtown to the Riverwalk.”

- The requested zone change is also in accordance with the Farmington Comprehensive Plan. The 2020 Future Land Use Plan shows the subject property as mixed use.
- Development of the project shall be in accordance with the requirements of the UDC. The site plan will be reviewed at the time of application is made for building permits for the subject parcel. If the subject property is developed as multi-family residential, it shall conform to the Residential Protection standards of Section 5.10 of the UDC, including screening, dumpster location 20 feet from the adjacent residential property, building setback and outdoor lighting. The petitioner has applied for variances to setbacks on the north and west property lines. A single-family home is located to the west at 409 West Animas Street.
- With the adoption of the UDC in January 2008, two new zoning districts were created: the LNC and MU districts. Section 12.5.8 of Farmington City Code does not contain receiving sound levels for these two districts. Staff is addressing this matter as an amendment to City Code. Presently, staff interprets the maximum permissible sound level to correspond to the sound levels for commercial receiving districts until City Code is amended.

STAFF CONCLUSION

Staff concludes that approval of ZC 10-14 is appropriate. The requested zone change is in accordance with the Farmington Comprehensive Plan and the MRA Plan.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition ZC 10-14, a request from M&H Construction, represented by Mike Clawson, for a zone change from the GC General Commercial District to the MU Mixed Use District for 0.14 acres, Lots 7 and 8 Block 2 of the West Broadway Addition located at 406 West Cedar Street.

B. PLANNING AND ZONING COMMISSION PUBLIC HEARING, January 13, 2011

The Planning and Zoning Commission held a public hearing on Thursday, January 13, 2011. The petitioner was present at the hearing and spoke in favor of the zone change.

FINDINGS OF THE PLANNING AND ZONING COMMISSION

1. The requested zone change meets the goals of the Metropolitan Redevelopment Area (MRA) Plan by providing for mixed use development in the Animas District. The stated future use of the property is multi-family housing which will bring more activity to the area of the MRA.
2. The requested zone change is also in accordance with the Farmington Comprehensive Plan as the 2020 Future Land Use Plan shows the subject property as mixed use.
3. The subject property will be required to comply with Residential Protections required by Section 5.10 of the UDC for a single-family residence to the west.
4. The site plan provided by the applicant requires revision in accordance with the UDC, including safe sight triangles at the driveways, parking and circulation standards and setbacks required under residential protections.

DISCUSSION

Associate Planner Fran Fillerup presented the staff report to the commission and stated that the zone change for the six adjacent lots to the east of these two lots was approved in November 2010. In addition to the zone change, the petition for variances to the setbacks for these two lots was approved at the January 6, 2011 Administrative Review Board meeting.

Mr. Jim Dennis, Architect, representing M&H Construction stated that, while trying to redesign the site plan to best fit the original six lots, his client noticed that the adjoining properties were listed for sale. His client now has a purchase agreement

with the owner for those two lots. These additional two lots will allow for more flexibility in the site design when added to the original six lots to the east.

Chairman Ivie questioned if the 10-foot setback variance was approved for the west side of the original six lots or the west side of the two lots being purchased. Ms. Lopez stated that if the purchase is completed, then the setback would be on the west property line of all eight lots; if the purchase falls through, the setback would be on the west property line of the original six lots.

Commissioner Langenfeld mentioned that some of the east end, of the original six lots, is being used for parking for The Well and the construction would cause an increase in the vehicles parking along Animas Street.

PLANNING AND ZONING COMMISSION ACTION of January 13, 2011:

A motion was made by Commissioner Cardon, seconded by Commissioner Byrom, to approve Petition ZC 10-14, a request from M&H Construction, represented by Mike Clawson, for a zone change from the GC General Commercial District to the MU Mixed Use District for 0.14 acres, Lots 7 and 8, Block 2 of the West Broadway Addition located at 406 West Cedar Street.

- AYE:** Chairman Ivie, Commissioners Buchanan, Byrom, Cardon, Freeman, Langenfeld, Washburn (Alt.) and Ziesmer (Alt.)
- NAY:** None
- ABSTAINED:** None
- ABSENT:** Commissioners Jaques, Kuchera and Simpson

THE MOTION PASSED 8-0

COMMUNITY DEVELOPMENT PETITION REPORT
 Certificate of Appropriateness
 Petition SUP 10-17 COA – Sacred Heart Parish

A. STAFF REPORT, January 13, 2011

PROJECT INFORMATION

Applicant	Sacred Heart Parish
Representative	Timothy Christensen
Date of Application	December 9, 2010
Requested Action	Certificate of Appropriateness to demolish and replace an existing structure in a Residential Protection Overlay District
Location	204 W. Ross Avenue
Existing Land Use	Institutional (youth center)
Existing Zoning	MU/RPO, Mixed-Use with a Residential Protection Overlay
Surrounding Zoning & Land Use	<p>North: MU/RPO, Mixed Use with Residential Protection Overlay</p> <p>South: MU/RPO, Mixed Use with Residential Protection Overlay</p> <p>East: MU/RPO, Mixed Use with Residential Protection Overlay</p> <p>West: MU/RPO, Mixed Use with Residential Protection Overlay</p>

Notice	Publication of Notice for public hearings of the Planning and Zoning Commission and also the City Council appeared in the Daily Times on Monday, December 27, 2010. Property owners within 100 feet were sent notice by certified mail on Tuesday, December 28, 2010, and a sign was posted on Wednesday, December 23, 2010.
Staff Planner	Margaret Ambrosino

STAFF ANALYSIS

Project Description

The petitioner is requesting a Certificate of Appropriateness (COA) to demolish and replace an existing structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use, Residential Protection Overlay District. The subject property is located within the MRA Civic Center District. Within this particular zone district, approval is required to demolish or alter a structure, with replacement structures to be in the character of the Civic Center neighborhood. There is currently a small house that the Sacred Heart Parish uses for a youth center. The petitioner is planning to replace the existing home with a larger, more modern structure that would accommodate all of the participants and program activities that the current center cannot. Along with this petition is a variance to be heard by the Administrative Review Board on January 6, 2011 for the request to encroach entirely in to the required 15-foot rear yard setback in order to accommodate for both parking and the expanse in square footage of the new proposed structure.

The MRA Board heard the request at their December 16, 2010 meeting. The board indicated that some architectural modifications should take place to the proposed design to fit in better with the Sacred Heart campus and/or Civic Center area of the MRA. They passed a unanimous decision to approve the COA to include a condition to alter the architecture to match the design on other buildings in the area.

ISSUES

City Engineer: Nica Westerling – 599-1316

- The parking lot needs to be paved, as gravel is currently being dragged onto Ross causing safety issues

Water & Wastewater O&M Manager: Ruben Salcido – 599-1284

- The subdivision map shows two separate lots. There is an existing house on the west lot. If development occurs on the east lot, the sewer main may need to be extended or sewer mainline fees will be due for this lot.
- There appears to be at least two water meters on these lots. The owner will need to verify the size and location of meter cans on the properties.
- There is no water or sewer main within the access road fronting the southern boundary of these properties. However, there's a sewer manhole at southwest corner of the property – the existing house sewer lateral probably connects close to this manhole. The sewer main heads due south through an alleyway or easement area to W. La Plata Dr.

Planning Division: Margaret Ambrosino – 599-1333

- The petitioner has proposed to pave the front yard in the current site plan and build the new proposed structure to 0' rear yard setback per the variance (ARB 10-18) associated with this petition. However, Section 4.4.5 B. requires that all parking shall be located in the rear yard to the extent practical, and paving of the front yard for parking shall be prohibited. Due to the topographical constraints presented in the aforementioned variance, that prohibit sitting the building in the front and allowing parking in the rear, the *variance shall serve to waive this condition*. Ultimately, the architect (petitioner) will be required to work through any engineering issues with the City Engineer and to provide paved parking where necessary and practical for the site.
- Any subsequent revisions to the architectural design as presented to and approved by the MRA Board on December 16, 2010, shall be brought back to the board for final review and approval to ensure adherence to Section 4.4.5 C.

Parks, Recreation and Cultural Affairs: Roger Drayer – 599-1405

- PRCA would like to work with the church and the architect to create a positive interaction between the youth center and U.S. West Park to the direct north.
- In particular, PRCA would like to preserve the existing mature trees on the south edge of the park property and coordinate with the architect on the significant grade change between the two properties.

STAFF CONCLUSION

Staff concludes that approval of SUP 10-17 is appropriate with conditions. The requested COA is generally in accordance with the UDC. However, any revisions or enhancements to the architecture as proposed should be brought before the MRA Board for final review.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition SUP 10-17, a request from Sacred Heart Parish, represented by Timothy Christensen, for a Certificate of Appropriateness (COA) to demolish and replace an existing structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use, Residential Protection Overlay District with the following conditions:

- a. The petitioner shall submit any revisions to the architectural design as proposed to the Metropolitan Redevelopment Area Board for review.
- b. The petitioner shall coordinate the final proposed building design and site plan with the Parks, Recreation and Cultural Affairs Department to create the best interaction between the youth center and the U.S. West Park.

DISCUSSION FROM THE PLANNING & ZONING COMMISSION

Ms. Ambrosino presented the staff report to the Commission including a handout of a revised building design with changes to the window design and the addition of a porch to match the neighborhood. Staff recommends approval with conditions “a and b” as stated above and informed the commission that the conditions have been discussed with the architect.

Chairman Ivie questioned if there were conditions to the type of windows or the rendering of the portico. Commissioner Byrom mentioned that if the Sacred Heart Parish was trying to match existing architecture within the MRA Civic Center District there are too many types represented to pick just one. Ms. Ambrosino added that the design will be in line with the current church campus. Commissioner Langenfeld asked about the height of the building. Ms. Lopez added that there are height restrictions within this zone and that currently properties to the west have two-story homes and this building will be lower than that.

The petitioners’ representative, Mr. Tim Christensen, addressed the commission and stated that the Sacred Heart Parish has been redoing their campus and that they would like to utilize these two pieces of property as a youth center. Chairman Ivie asked if there were design concerns for the south facing building and the ability to make it more energy efficient. Mr. Christensen said that they were taking that into account and that the building is only a one story, but will use the windows to create heat. They have indicated a porch to match other designs in the area. He stated that he was willing to meet with the MRA Board to discuss design details. During this process the site has shifted because of the 15 foot setback on the west side and he is proposing to move the building south to accommodate the drainage issue on the north.

Commissioner Byrom motioned to approve SUP 10-17 COA as recommended by staff. The motion was seconded by Commissioner Buchanan and passed by unanimous vote of 8-0.

PLANNING AND ZONING COMMISSION ACTION of January 13, 2011:

A motion was made by Commissioner Byrom, seconded by Commissioner Buchanan, to approve Petition SUP 10-17, a request from the Sacred Heart Parish, represented by Tim Christensen, for a Certificate of Appropriateness (COA) to demolish and replace an existing structure located at 204 W. Ross Avenue in the MU/RPO, Mixed-Use, Residential Protection Overlay District with the following conditions:

- a. The petitioner shall submit any revisions to the architectural design as proposed to the Metropolitan Redevelopment Area Board for review.
- b. The petitioner shall coordinate the final proposed building design and site plan with the Parks, Recreation and Cultural Affairs Department to create the best interaction between the youth center and the U.S. West Park.

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, Cardon, Freeman, Langenfeld, Washburn (Alt.) and Ziesmer (Alt.)
NAY: None
ABSTAINED: None
ABSENT: Commissioners Jaques, Kuchera and Simpson

THE MOTION PASSED 8-0

<u>Business from the Floor</u>	There was no business from the Floor
<u>Business from the Chairman</u>	There was no business from the Chairman
<u>Business from the Members</u>	There was no business from the Members.
<u>Business from the Staff</u>	The commission was informed that City Council passed both of the petitions presented to them, and that the condition added during the motion from the P&Z Commission for zoning of the ANX 10-03 petition to be GC along Twin Peaks frontage property will remain zoned as staff recommended, which was IND.

Adjournment

With no further business the meeting was adjourned at 2:31 p.m.

Dennis R. Ivie
Chairman

Dee Dee Moore
Office Manager