

Existing Land Use	Navajo Ministries campus: offices, radio station, conference rooms, housing, animal keeping, educational facilities.
Existing Zoning	GC General Commercial and RA Rural Agricultural District
Surrounding Zoning & Land Use	North: GC General Commercial District / Commercial South: Unincorporated / San Juan River East: GC General Commercial and RA Rural Agricultural District / Commercial and Residential West: GC General Commercial and RA Rural Agricultural District / Commercial and Residential
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily-Times on Wednesday, January 26, 2011. Property owners within 100 feet were sent notice by certified mail on Wednesday, January 26, 2011 and a sign was posted on Friday, January 28, 2011.
Staff Planner	Fran Fillerup, Associate Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting a zone change from the GC General Commercial and RA Rural Agricultural Districts to the MU Mixed Use District for 15.73 acres. The property is owned by Navajo Ministries, Inc. and includes administrative offices, a radio station, conference rooms, housing, animal keeping and educational and counseling facilities. The petitioner recently recorded a summary plat consolidating their four properties into one lot. However, both GC and RA districts existed on the property. Staff recommended that the petitioner seek a zone change to assign one zoning district to the property that would accommodate existing uses and future plans.

ISSUES

Planning Division: Fran Fillerup – 599-1282

- The 2020 Future Land Use Plan of the Farmington Comprehensive Plan shows commercial uses intended to develop along West Main Street, with residential single-family uses to the south of frontage properties. This request is consistent with the Comprehensive Plan as the petitioner's campus includes offices, a conference center, housing and institutional uses. Residential Protections of Section 5.10 of the City of Farmington Unified Development Code will apply to future development adjacent to residential uses.
- Where multiple zoning districts exist on a single parcel of land, Section 2.2.3 of the City of Farmington Unified Development Code allows land use in accordance with the zoning of the separate parts. However, multiple zoning districts on a single parcel should be avoided. Where the opportunity arises to correct multiple zoning, such parcels should be rezoned to a single district.

STAFF CONCLUSION

Staff concludes that approval of ZC 11-01 is appropriate. The requested zone change clarifies the issue of the multiple zone districts which resulted from the petitioner's lot consolidation. Further, the MU district is an appropriate zone district for the variety of uses located at the subject property.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition ZC 11-01, a request from Navajo Ministries, Inc., represented by Robert Fitz, for a zone change from the GC General Commercial and RA Rural Agricultural Districts to the MU Mixed Use District for 15.73 acres located at 2103 West Main Street.

Discussion

Mr. Fran Fillerup presented the staff report to the commission identifying that the petitioner is requesting a MU Mixed-use district for their property of approximately 15 acres. After the presentation and recommendation for approval, Chairman Ivie questioned if the MU zone was restricted to the downtown redevelopment district. Mr. Fillerup stated that the MU zoning was created during the UDC process and that there have been petitions asking for the MU zoning that were within the MRA boundaries. The UDC states that the MU district was intended to be used in limited use areas identified in the City's Comprehensive Plan. However, the MU zoning is open to any place within the city. Director Holton also stated that yes, this zoning district is generally seen within the MRA but that it is available to any property owner and that this was the recommendation by staff that best fit the uses on this property.

Mr. Lonnie Moffett, 214 N. Auburn, spoke as a member of the UDC Implementation Committee and confirmed that the intent was never to limit the MU zoning to just the MRA, but that the MRA was instrumental in its beginning.

Mr. Robert Fitz, petitioner for Navajo Ministries, stated that he agreed with the recommendation from staff. Commissioner Buchanan mentioned that in the Comment Summary, Parks & Recreation indicated there is a remote possibility that they may want to acquire some property to create a wider trail along the river. Mr. Fillerup responded that the property owner can grant access with an easement, but stated that access was not being requested at this time. Mr. Fitz stated that he was aware of the possibility of a request from the city and would work closely with them to assist in the Riverine project.

Planning and Zoning Commission Action of February 10, 2011

A motion was made by Commissioner Freeman to **approve** ZC 11-01 as recommendation by staff. The motion was seconded by Commissioner Buchanan and passed by unanimous vote.

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, Freeman, Langenfeld, Simpson and Ziesmer (Alt)

NAY: None

ABSTAINED: None

ABSENT: Commissioners Cardon, Jaques, Kuchera, Washburn (Alt)

THE MOTION PASSED 7-0

<p>COMMUNITY DEVELOPMENT PETITION REPORT Zone Change from SF-10 to MF-M Petition ZC 11-02 - Piñon Hills Villa</p>

A. STAFF REPORT, February 10, 2011

PROJECT INFORMATION

Applicant	Silver Ridge Development
Representative	Craig Stoabs
Date of Application	January 13, 2011
Requested Action	Zone change from the SF-10, Single-family Residential District to the MF-M, Multi-family Medium-Density Residential District.
Location	South side of Messina Drive at Camaron
Existing Land Use	Vacant
Existing Zoning	SF-10, Single-family Residential
Surrounding Zoning & Land Use	North: OP, Office and Professional / Office South: SF-10, Single-family Residential / Vacant East: SF-7 Single-family Residential / Residential West: OP, Office and Professional / Office
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, January 26, 2011. Property owners within 100 feet were sent notice by certified mail on Thursday, January 27, 2011 and a sign was posted on Friday, January 28, 2011.
Staff Planner	Margaret Ambrosino, Associate Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting a zone change from the SF-10, Single-family Residential District to the MF-M, Multi-family Medium-density Residential District for a 5.61-acre lot located at Messina Drive and Camaron. The petitioner is proposing to construct an apartment complex on the vacant property, consisting of 96 units. A sample site plan is attached to this report.

A previous zone change (Z-1430) was approved in 1996 to change the R1-A district (presently SF-10) to the R-3 district (presently MF-M) that allowed a similar multifamily development but has since expired. Its conditions stipulated the following:

- a.) *The apartment complex, except as noted below, being generally developed as shown on a site plan under a single ownership and meeting all City Codes with development commencing within five years of the date of City Council approval, or the zoning reverting back to R-1A" (SF-10)*
- b.) *The parking lot plan being revised to provide for connection between the two main parking areas or to otherwise provide adequate turnaround and locations for dumpsters in a manner acceptable to the Development Services Division;*
- c.) *The R-3 (MF-M) area being platted into a separate lot including full street dedication and street improvement requirements or a separate street dedication and street improvement agreement being approved by the City to address the need for streets to be constructed by the developer prior to the issuance of a building permit; and*
- d.) *Landscaping being provided on the site for all areas not covered by pavement or buildings, including an attractive ground cover which controls dust or areas being left natural, and a landscaped buffer, including a combination of trees and shrubs, adjacent to the streets and single family residential lots with a landscape plan being submitted for review and approval by the Development Services Division with the building permit."*

The conditions concerning street improvements, landscaping, and parking lot design revision would still apply per the Unified Development Code. The original site plan in Petition Z-1430 proposed 84 units on 5.61 acres. The UDC stipulates that Multi-family Medium Density zoning would allow up to 122 total units to be built.

The Community Development Department has received one phone call in opposition to this zone change and two letters in opposition. The Community Development Department mailed Certified Letter notifications to adjacent property owners within 100 feet of this proposed development Thursday, January 27. The petitioner mailed letters to surrounding property owners notifying them of a zone change and description of the residential complex on January 19. It is presently unknown exactly to whom these letters were sent. A copy is attached to this report.

ISSUES

City Engineer: Nica Westerling – 599-1316

- Sidewalks will be required
- Verify the stipulations requiring the connection to Piñon Hills Boulevard from the previous zone change (Planning note: as shown above no specific condition was referenced regarding this connection within Z-1430. However, a more recent zone change ZC 08-15 did note connections to PHB).
- All requirements arising from the TIA need to be paid for by the Developer including the connection to Piñon Hills.

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

- This property may be serviced from one of two pressure zones – not both. A pressure reducing valve is located at the intersection of Messina Dr and Cameron Ave. The higher water pressure is along Messina St.
- The owner has the choice of providing a single water master meter to service the entire property including fire flow, if required. Otherwise, smaller meters may be provided for each building or each unit along the City's right-of-way near the street.
- Both 8" water and sewer mains exist within Messina Dr. and Cameron Ave.

Planning Division: Margaret Ambrosino – 599-1333

- With an anticipated excess of 100 trips in and out of this residential development per day, a Traffic Impact Analysis is required, per Section 13.4 of the UDC, which will provide recommendations on access points.
- According to Section 6.4.6 (A) Large Tracts or Parcels: When land is subdivided, rather than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further subdivisions. Although this is not a subdivision, the same concept applies with large tracts or parcels of this type (5.61 acres) requiring more than one access point. Currently one access point is proposed on Messina but at least one more may be required, for both resident and Fire Department access.
- The City of Farmington's 2020 Land Use Plan Figure 4.2 designates this area as office professional, neighborhood commercial and a portion of residential high density to the approximate north of Messina. To the south is residential single family.
- Per the more recent Piñon Hills Boulevard Corridor Plan Figure LU-CD, the north side of Messina (between College and PHB) shows a northward transition of office/professional, multi-family residential and high-intensity commercial uses. Although the land use is marked Residential (less than 20,000 sq.ft. lots), a similar transition eastward from College toward Messina of office/professional to multi family could work *with conditions* to mitigate for the higher intensity that multi-family development would create. Furthermore, the map legend notes "Future Road" and shows a connection of Messina to PHB.
- A multi-family development in proximity to San Juan College may provide flexibility in housing options, walkability to and from the College, and a general convenience for staff and students.
- A 2,000 square foot minimum lot area per dwelling unit is required in the Multi-family Medium-Density District. Therefore, 122 total units may be built as per the following calculation:
 - $43,561 \text{ s.f. per acre} \times 5.61 \text{ acres} = 244,372 \text{ square feet}$
 - $244,372 \div 2,000 \text{ s.f.} = 122 \text{ units}$
- Review of an up to date master plan for this and adjacent development must take place prior to approval.

Traffic Engineering Administration: Steve Krest – 599-8201

- Traffic Impact Analysis Report will be justified for this development per Section 13.4 of the UDC.
- Driveway design is also an issue.

STAFF CONCLUSION

This development may provide flexibility and benefit in housing options for San Juan College students, staff and others in the area. However, several issues will need to be resolved prior to the issuance of building permits, such as a review of a current master plan, access points in to and out of the development, and secondary/tertiary access points from local streets and arterials. Staff concludes that approval of ZC 11-02 is appropriate with a condition.

STAFF RECOMMENDATION

The Community Development Department recommends approval of ZC 11-02 from Silver Ridge Development, represented by Craig Stoabs, from the SF-10, Single-family Residential District to the MF-M, Multi-family Medium-density Residential District for a 5.61-acre lot located at Messina Drive and Camaron with the following condition:

- (a) Prior to the issuance of building permits, the petitioner will submit a Traffic Impact Analysis (TIA), and will adhere to all conditions stated for access to the development therein.

Discussion

This petition was withdrawn and therefore no discussion.

UNIFIED DEVELOPMENT CODE IMPLEMENTATION COMMITTEE Section 2.5.65 Medical Cannabis Producer
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STAFF CONCLUSION & UDC RECOMMENDATION

Adding Licensed Medical Cannabis Producer as a permitted use in the IND Industrial and PIP Planned Industrial Park districts to Table 2.3 of the UDC under Industrial Use Categories, Manufacturing and Production. It is also recommended that Licensed Medical Cannabis Producer be added to the Use Standards Section 2.4.65.

Discussion

Ms. Lopez provided state information on the Medical Cannabis Regulations in a PowerPoint presentation. She stated that the state of New Mexico has some of the strictest regulations for producers and that the city is pre-empted from zoning out medical marijuana. The UDCIC is recommending that all producers are to be in the IND and PIP districts because of the current criteria that must be met within those districts

In addition to the NM Secretary of Health distance separation requirements, the UDCIC wanted to include youth facilities, park or recreations facilities, and residential zoning districts.

Commissioner Buchanan asked if this producer fit under the greenhouse definition and therefore be allowed within a RA district. Ms. Lopez stated that they did not because of the state criteria that the area must be secured, and would be more like a laboratory environment. Mr. Moffitt, member of the UDCIC, spoke to the commission regarding the reasons the IND/PIP districts were selected. He stated that the producer will grow the limited number of plant within a controlled environment inside a building with locked access and an outside perimeter fence that could include razor wire.

Ms. Lopez also stated that the confidentiality of the producers would be compromised if there was a special use permit required. The state does not allow the producer to have signage advertising their business. If this recommendation to identify the districts in which the business would be allowed is not passed, it is then possible for the business to apply anywhere they wanted.

Mr. Paul Martin, 125 W. Main, asked if these two recommendations were going to be treated as one request or two separate requests. Ms. Lopez stated that they would be considered by the commission separately.

Commission Byrom stated that in his experience sometimes there can numerous restrictions that would eventually prevent something from happening. He asked if there were other restrictions that could be added. Ms. Lopez stated that the UDCIC also asked that question, however, city legal counsel mentioned that even if we do request greater restrictions than currently regulated, we may not be able to enforce them. Commissioner Buchanan asked if the commission did nothing what would staffs recommendation for zoning be. Ms. Lopez stated that it is up to the interpretation of the planner to choose the district that best fit the producer business.

Because the commission had questions that could only be answer by legal representative, the commission decided to table this UDC recommendation until the next P&Z meeting on February 24, 2011 and directed staff to invite the City Attorney.

UNIFIED DEVELOPMENT CODE IMPLEMENTATION COMMITTEE Section 2.5.2 (E) General Standards

STAFF CONCLUSION & UDC RECOMMENDATION

[Section 2.5.2 (E)] – Continuing to prohibit the use of shipping crates, railroad cars, trucks or bus bodies and other similar containers, including semi-trailers, from all districts (especially residential districts) except the IND district but to allow their use in the GC General Commercial district if they are placed in the rear yard and screened from view of any street and/or residence in accordance with Sec 5.5.6 Screening Standards.

Discussion

Ms. Lopez presented the recommendations from the UDCIC to the Planning and Zoning Commission regarding modifying the UDC language to include semi-trailer and shipping crates. The intent of the UDCIC was that the semi-trailer should have been included from the beginning and only allowed within the GC General Commercial zoning district as secure storage being fenced and screened from view. Chairman Ivie asked if this language is changed does Zoning Compliance have the authority to have them removed. Ms. Lopez stated that if they were in place prior to January 1, 2008 they can continue to be used.

Mr. Paul Martin of Sakura Engineering, 125 W. Main Street, addressed the commission and stated that he appreciated all the work that staff and the UDC committee has done for the city. This change in the code would help to clarify the definitions and assist his firm as to what is allowed on a construction site. Mr. Martin presented to the commission a petition signed by 40 people who are in agreement with this change.

Ms. Anita Hagen, 935 E. Navajo, was also in favor of the recommended changes. She spoke that there is a semi-trailer located next door to her property and that she is unable to landscape or fence an area to shield her view of the trailer. She stated that she believes that they do not belong in a residential area.

Commissioner Buchanan asked what the difference was between a semi-trailer and a recreational vehicle. Ms. Lopez stated the definition of a RV is clearly defined in the code. She also stated that there are instances when the temporary use of these containers are allowed with written approval from staff.

Planning and Zoning Commission Action of February 10, 2011

A motion was made by Commissioner Buchanan to **approve** staff recommendations from the UDCIC committee to Section 2.5. The motion was seconded by Commissioner Ziesmer and passed by unanimous vote of 7-0.

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

THE MOTION PASSED 7-0

Business from the Floor

There was no business from the Floor

Business from the Chairman

There was no business from the Chairman

Business from the Members

There was no business from the Members.

Business from the Staff

petition SUP10-18.

The commission was informed that City Council passed

Adjournment

Motion was made by Commissioner Byrom to adjourn. With no further business the meeting was adjourned at 3:24 p.m.

Dennis R. Ivie
Chairman

Dee Dee Moore
Office Manager