

Surrounding Zoning & Land Use	North: SF-7 Single-family District / Single-family Residential South: SF-7 Single-family District / Multi-family Residential East: SF-7 Single-family District / Single-family Residential West: SF-7 Single-family District / Single-family Residential
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily-Times on Sunday, February 20, 2011. Property owners within 100 feet were sent notice by certified mail on Tuesday, February 22, 2011 and a sign was posted on Friday, February 25, 2011.
Staff Planner	Fran Fillerup, Associate Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting a special use permit to allow an accessory apartment at his residence located at 509 East Hopi Street. There is an existing residence at the subject property. The property is 50 feet wide and 121 feet long and there is also a 16-foot alley on the rear of the property. The proposed apartment will be 15 feet deep and 34 feet wide. The subject property currently has two paved parking spaces. The petitioner is asking for this special use permit for an apartment to house an elderly family member.

ISSUES

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

- It appears the existing sewer lateral may stem from the alleyway along the south side of the property where a sewer main exists. There's another sewer main along Hopi Street. However, our records do not show a sewer lateral connection leading to this property from Hopi Street. We have no lateral connection records from the sewer main along the alleyway. The owner is responsible to verify where the existing sewer lateral connection is located and where it extends within the property prior to development.

Electrical Engineering: Luwil Aligarbes – 599-8321

- The service drop wire going to the existing structure needs to be relocated to make room for the new structure in order to meet code. (Please see attached drawing.)

Planning Division: Fran Fillerup – 599-1282

- Section 2.5.4 of the City of Farmington Unified Development Code states the criteria for accessory apartments at a single-family dwelling. The criteria include:
 - allowing only one accessory apartment or guest house at the property;
 - requiring the apartment to be similar in appearance to the principal dwelling;
 - allowing rental but not sale of the apartment;
 - requiring shared utilities for the principal dwelling and apartment;
 - requiring one off-street parking space for the apartment;
 - requiring that the owner of the property shall live in the principal dwelling or the apartment; and
 - requiring review of an apartment SUP after 5 years with possibility of renewal by the Community Development Director.
- According to Section 5.2 of the UDC, residential parking spaces are 9 feet by 19 feet. The property currently has two paved off-street parking spaces in the front of the principal dwelling. An additional paved parking space shall be provided on the subject property for the accessory apartment.
- On a property with an alley at the rear property line, the rear yard setback may be reduced by half the width of the alley, according to Section 2.8.3.C.4 (a) of the UDC. According to Section 2.8.1 of the UDC, the rear yard setback in the SF-7 district is 15 feet. The subject property has a 16-foot alley and one half is 8 feet. Therefore, the required rear yard setback for the subject property is 7 feet.

STAFF CONCLUSION

Staff concludes that approval of SUP 11-01 is appropriate. By adding another paved off-street parking space and constructing the apartment as indicated on the petitioner's site plan, the applicant can meet the requirements of the UDC for an accessory apartment.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition SUP 11-01, a request from Daniel Westbury for a special use permit for an accessory apartment at the property located at 509 East Hopi Street in the SF-7 Single-family Residential District.

DISCUSSION FROM THE PLANNING & ZONING COMMISSION

Mr. Fran Fillerup presented the staff report to the commission, explaining that the petitioner would be in compliance with the UDC by adding one parking space and relocating the overhead electric service drop. He stated that in the Petition Report, the Electric Engineer identified that the service drop wire could not cross over the new structure. Mr. Fillerup stated that the petitioner plans to attach the electric service drop directly to the apartment and then proceed underground to the residence. Mr. Fillerup said he confirmed that this plan would be suitable with the City Electrical Inspector.

Chairman Ivie asked if the added parking space would be on Hopi or in the alley. Mr. Fillerup said that the petitioner plans to widen the driveway from 14 feet to 18 feet to accommodate the

one extra required parking space (one will be located in the carport and two will be in the driveway). Chairman Ivie also asked if adding the additional width in concrete would exceed the allowable percentage for the front yard. Mr. Fillerup stated that the percentage would be within the UDC requirement. Commissioner Kuchera asked if the utilities would be shared between the apartment and the original dwelling. Mr. Fillerup answered that the home and the apartment would share utilities which would keep the property from becoming like a multi-family. He also stated that the owner of the property must be a resident of one of the structures.

Mr. Daniel Westbury, the petitioner, addressed the commission and said he had no questions or concerns with staff's report. Commissioner Freeman asked whether Mr. Westbury had spoken to any of the neighbors. Mr. Westbury stated that the only neighbor to talk to him about the apartment was the resident at 511 Hopi who had no objection to this apartment. Chairman Ivie stated that this petition was similar to the apartment that currently exists at 511 Hopi. There were no comments from the public.

Planning and Zoning Commission Action of March 24, 2011

A motion was made by Commissioner Freeman and seconded by Commissioner Cardon to **approve** SUP 11-01 as recommended by staff. The motion passed by unanimous vote of 8-0.

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

THE MOTION PASSED 8-0

COMMUNITY DEVELOPMENT PETITION REPORT

Zone Change from IND to MU

Petition ZC 11-05A through I – Zone Change of 48 Parcels
 in the IND District of the Metropolitan Redevelopment Area

B. STAFF REPORT, March 24, 2011

PROJECT INFORMATION

Applicant	City of Farmington
Representative	Fran Fillerup, Associate Planner, City of Farmington
Date of Application	February 23, 2011
Requested Action	Zone change from the IND Industrial District to the MU Mixed Use District.
Location, Please see attached maps	<p>25 City-owned parcels, shown on maps A1 through A6 attached</p> <p><u>Map ZC 11-05A1:</u> 0.16 acres on the Southwest corner of South Auburn Avenue and West Cedar Street. Parcel Number: 2076171233248</p> <p><u>Map ZC 11-05A2:</u> 405 South Behrend Avenue. Parcel Number 2076171169256 (One deed in two parts)</p> <p><u>Map ZC 11-05A3:</u> 100 South Behrend Avenue. Parcel Number 2076171110244 1.46 acres on the Northwest corner of South Orchard Avenue and West Elm Street. Parcel Number 2076171112232 0.37 acres West of South Orchard in the South Farmington Addition. Parcel Number 2076171110247 101 East Cedar Street. Parcel Number 2076171082251 401 South Commercial Avenue. Parcel Number 2076171061243 South Commercial Avenue, Blake's South Farmington Addition, Replat "E" Lot 1B Block 1. Parcel Number 2076171022250</p> <p><u>Map ZC 11-05A4:</u> 700 South Miller Avenue. Parcel Number 2075171518091 (parcel in two parts, also riverine land in map ZC11-05A5)</p> <p><u>Map ZC 11-05A5:</u> Two parcels of 16.74 acres and 0.51 acres on the Northwest corner of Murray Drive and Miller Avenue. Parcel Number 2076171078041 700 South Miller Avenue. Parcel Number 2075171518091 (parcel in two parts, also riverine land in map ZC11-05A4) East Corcoran Drive, Riverside Addition Lots 1 and 2 Block 1. Parcel Number</p>

	<p>2076171011070 East Corcorran Drive, Riverside Addition Lot 3 Block 1. Parcel Number 2076171020066</p> <p><u>Map ZC 11-05A6:</u> 213 West Maple Street. Parcel Number 2076171158164 601 South Allen Avenue. Parcel Number 6076171143164 South Behrend Avenue, South Farmington Addition West ½ North ½ South ½ of Block 16. Parcel Number 2076171164149 621 South Allen Avenue. Parcel Number 2076171143149 612 South Behrend Avenue. Parcel Number 2076171154141 East Piñon Street, South Farmington Addition, West ½ of Block 15. Parcel Number 207617112154 East Piñon Street, South Farmington Addition, Southeast ¼ of Block 15. Parcel Number 2076171102145 East Piñon Street, Riverside Addition Lot 3 Block 4. Parcel Number 2076171104120 South Orchard Avenue, Riverside Addition, Lot 8 Block 4. Parcel Number 2076171098110 South Orchard Avenue, Riverside Addition, Lot 9 Block 4. Parcel Number 2076171098104 South Orchard Avenue, Riverside Addition, Lot 10 Block 4. Parcel Number 2076171093098 East Corcorran Drive, Riverside Addition Lot 11 Block 4. Parcel Number 2076171100098 East Corcorran Drive, Riverside Addition Lot 5 Block 7. Parcel Number 2076171090081</p> <p>One parcel owned by Linda Barbeau <u>Map ZC 11-05B:</u> 511 West Maple Street, 0.67 acres on the southeast corner of West Maple Street and South Lorena Avenue. Parcel Number 2076171252164</p> <p>Three parcels owned by Ideal Baptist Church <u>Map ZC 11-05C:</u> 203 East Elm Street. Three parcels of land. Parcel Numbers 2076171038215, 2076171029211 and 2076171038215</p> <p>One parcel owned by Robert Dinning <u>Map ZC 11-05D:</u> 512 South Commercial. Parcel Number 2076171040195</p> <p>One Parcel owned by San Juan County <u>Map ZC 11-05E:</u> 355 South Miller Avenue. Parcel Number 2076171022232</p> <p>13 parcels owned by San Juan Regional Medical Center <u>Map ZC 11-05F:</u> 710 West Maple Street. Parcel Number 2076171371186 712 West Maple Street. Parcel Number 2076171376186 0.67 acres south of intersection of South Schwartz Avenue and West Elm Street. Parcel Number 2076171355207 522 South Schwartz Avenue. Parcel Number 2076171365196 657 West Maple Street. Parcel Number 2076171350169 Black's Circle Subdivision Lot 1. Parcel Number 2076171341224 2 parcels at 634 West Piñon Street. Parcel Numbers 2076171357144 and 2076171351164 708 West Maple Street. Parcel Number 2076171366186 620 West Piñon Street. Parcel Number 2076171335157 630 B West Maple Street. Parcel Number 2076171340197 706 West Maple Street. Parcel Number 2076171360186 Hubbard Acre Tracts Lot 9, also 50 feet by 385 feet or an abandoned street. Parcel Number 2076171368156</p> <p>Two parcels owned by Bernard Strunk <u>Map ZC 11-05G:</u> 2 parcels of 4.89 acres and 0.05 acres on the southwest corner of East Broadway and Piñon Street. Parcel Numbers 2075171408284 and 2075171401312</p> <p>One parcel owned by Leo Vallejos <u>Map ZC 11-05H:</u> 610 South Lorena Avenue. Parcel Number 2076171254151</p> <p>One parcel owned by the David A. Jolley Trust <u>Map ZC 11-05I:</u> 0.346 acres West of Cannery Court and West Piñon Street. Parcel Number 2076171519140</p>
Existing Land Use	Varied uses, including offices, a church, parks and riverine land, parking, a recycling center, storage and vacant land.

Existing Zoning	IND Industrial District
Surrounding Zoning & Land Use	The zoning of the area surrounding these parcels are also IND district for the most part. A variety of land uses exist in the area, including industrial and commercial uses, single-family and multi-family residences, storage yards, offices, churches and parks and riverine lands.
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily-Times on Wednesday, March 9, 2011. Property owners within 100 feet were sent notice by first-class mail on Friday, March 11 and Tuesday March 15, 2011 and signs were posted on Friday, March 11, 2011.
Staff Planner	Fran Fillerup, Associate Planner

STAFF ANALYSIS

Project Description

The City of Farmington has initiated a zone change for 48 parcels, 25 owned by the City and 23 owned by eight other property owners. The parcels included in this zone change are located throughout the Animas District of the Metropolitan Redevelopment Area (MRA) and all are in the IND Industrial District. The requested zone change is from the IND Industrial District to the MU Mixed Use District.

In 2009, the City Council approved the Metropolitan Redevelopment Area Plan (MRA Plan). The MRA Plan identifies three areas of the city and describes goals and objectives for their redevelopment. The areas are Downtown Farmington (Main Street and Broadway); the Civic Center Neighborhood (north of Downtown to Apache Street) and the Animas District (south of Broadway to Piñon Street and the Animas River). The goal 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”. This zone change request is an early step to allow the goals of the MRA Plan to be met.

The Community Development Department presented the requested zone change to the City of Farmington Metropolitan Redevelopment Agency (MRA) Board as an information item on March 17, 2011. The Board’s comments will be provided on a separate memo.

ISSUES

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

- Water and sewer mains are available throughout the area of these zone changes. However, not all parcels have water and sewer in the street in front of them. As long as there are no development plans connected with this zone change, the adequacy of the infrastructure for this zone change is not yet determined. The adequacy of the infrastructure will depend on the development plans on a case by case basis. (Details regarding the location and size of water and sewer utilities for the City’s parcels are attached in staff’s comment summary).

Planning Division: Fran Fillerup – 599-1282

- The requested zone change meets the goals of the Metropolitan Redevelopment Area (MRA) Plan. According to the MRA Plan, the goal 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.” A zone change to the MU district will allow for the mix of uses identified by the MRA Plan.
- The 2020 Future Land Use Plan of the Farmington Comprehensive Plan shows the subject properties as being office professional and mixed use.
- According to Section 11.1 of the UDC, a spot zone is created when “a particular tract within a larger area is specifically zoned so as to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges not granted generally, not done in pursuance of the Comprehensive Plan.” While the subject zone changes would make these properties zoned as MU surrounded by GC and CB districts, the subject request would not create a spot zone as defined in the City of Farmington Unified Development Code (UDC) because the request is in pursuance of the Comprehensive Plan and the MRA Plan.

STAFF CONCLUSION

Staff concludes that approval of ZC 11-05 A through I is appropriate. The requested zone change is in accordance with the Farmington Comprehensive Plan and the Metropolitan Redevelopment Area Plan.

STAFF RECOMMENDATION

The Community Development Department recommends **approval** of Petition ZC 11-05A through I, a request from the City of Farmington for a zone change from the IND Industrial District to the MU Mixed Use District for 48 parcels located in the Animas District in the Metropolitan Redevelopment Area.

DISCUSSION FROM THE PLANNING & ZONING COMMISSION

Mr. Fran Fillerup presented the following information in memo form to the Commission of comments/discussions made at the March 17, 2011 Metropolitan Redevelopment Agency Meeting regarding this petition.

MEMORANDUM

TO: Planning and Zoning Commission
 FROM: Fran Fillerup, Associate Planner
 DATE: March 24, 2011
 SUBJECT: ZC 11-05 A through I – comments of the Metropolitan Redevelopment Agency Board

The Community Development Department presented petition ZC 11-05 A through I to the Metropolitan Redevelopment Agency Board (MRA Board) as a discussion item at their meeting March 17, 2011. The MRA Board had the following questions and comments (staff's answers are in italics):

- Chairman Derald Polston – This zone change is a first good effort.
- Board Member George Sharpe – This zone change will raise publicity for what is being done in the MRA. Were all property owners invited?

No, for this petition, not all properties were included as there are so many. This petition includes City-owned parcels, vacant parcels, churches, San Juan Regional Medical Center, and parcels owned by other property owners who had previously shown interest. Each property owner in this petition has authorized the rezone request and for the City to represent them. Additional petitions will be processed in the future for additional property owners who wish to participate.

- Board Member Linda Barbeau – What amount of interest was received from those invited to participate in the zone change?

Less than half of the private property owners who were invited to participate in the zone change chose to participate (8 out of 19).

Mr. Fillerup presented the staff report explaining that the Community Development department has received numerous phone calls and visits regarding this petition. Individuals that had previously expressed an interest in a zone change were invited to participate, as were owners of vacant land, churches and the San Juan Regional Medical Center. A letter was sent to these owners to sign if they concurred with the zone change. If they did not sign the letter, their property was not included in this zone change.

Mr. Fillerup informed the commission that there is currently no new development planned for any of the parcels within this petition. Chairman Ivie asked if there were any properties that would be rendered non-conforming by this zone change. Mr. Fillerup stated that one property that has storage would become non-conforming status. He also stated that the current city operated recycle center would be non-conforming, but that during the staff review it was brought up that it would be moving. Chairman Ivie asked what type of notification was used. Mr. Fillerup stated that according to the UDC all property owners with a 100-foot radius of an identified parcel were notified by letter, signs were posted and a legal ad was placed in the paper.

Commissioner Jaques asked how these parcels were identified and if there would be any other zone changes at another time. Mr. Fillerup said that yes, there may be other owners interested in rezoning and that the current owners interested in the zone change did sign a letter. Commission Freeman stated that out of the 19 people that were asked to participate 11 chose not to. If they change their mind they would be able to be included in a second round of zone changes. Commissioner Langenfeld asked if all of the city property in that area was being rezoned. Commissioner Freeman also asked about the recycle center move. Mr. Fillerup addressed these questions and reminded the commission that relocation of the recycle center was mentioned in the staff review meeting.

Ms. Jill Tannis, a neighboring land owner of 503 S. Behrend, had a concern about future expansion and how her property will fit in with those changes. She agrees that something in that area is needed and yet wants to be able to make the best opportunities for her property. Chairman Ivie asked what type of business was currently on her property. She stated that it is industrial in nature. Mr. Fillerup assured Ms. Tannis that her property would remain as currently zoned and that if a zone changes happened at her property then the current business would be considered a legal non-conforming use.

Mr. Brian McCarty owns several properties within the 100-foot notification area and asked if these were spot zone changes. Chairman Ivie stated that 24 of the parcels are city property. Mr. McCarty asked if the city was changing the zoning to make their parcels more marketable. Chairman Ivie stated that the changes are to bring this area into harmony with the Metropolitan Redevelopment Area. Recently, there have been three or four petitions asking for the change to a Mixed Use zone for better use of their property. Mr. McCarty stated that he believed that there was a plan for this zone change and that he had spoken with several of his neighbors about using some land for industrial uses. Chairman Ivie stated that there was no development plan existing for these parcels, and that Mr. McCarty had the ability to determine the use of any of his properties as long as the uses comply with the UDC.

Mr. Joe Durbin, property owner of 100 E. Pinon, asked what the difference is between IND and MU and how it would affect him. It was explained that IND is generally manufacturing and heavy duty work and that the MU allows homes and retail services. Ms. Lopez, Senior Planner, stated that a list could be provided to show the differences of what is allowed within each zone.

Mr. Paul Bright represented the Desert View Indian Mission at 235 W. Pinon. He is concerned that they were in the county, not the city, and what might happen if their parcel was annexed into the city. Mr. Fillerup stated that the City of Farmington has explored the annexation of that area, but that this zone

change petition was a separate item. Chairman Ivie stated that these zone changes would have no negative effect on the Desert View Indian Mission.

The commission had no further questions and Chairman Ivie entertained a motion. Commissioner Freeman made the motion to approve ZC 11-05 A through I, per staff's recommendation. Commissioner Kuchera seconded the motion. The motion passed unanimously with a 8-0 vote.

Planning and Zoning Commission Action of March 24, 2011

A motion was made by Commissioner Freeman and seconded by Commissioner Cardon to approve ZC11-05 A through I, as recommended by staff. The motion passed by unanimous vote of 8-0.

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

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

Business from the Chairman: Chairman Ivie reminded the commission to review the policy and procedure information previously sent to them. Commissioner Freeman shared that he felt the rules that the City of Anderson were pretty good, being short and sweet.

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

Business from Staff: The commission was informed that City Council approved ZC 11-03 and SUP11-01 on consent agenda. ZC 11-04 will be heard on April 12, 2011 and that the Legal Department is working on the Medical Cannabis ordinance.

Adjournment

Motion was made by Commissioner Freeman to adjourn. With no further business the Planning and Zoning meeting of March 24, 2011 was adjourned at 3:00 p.m.

Dennis R. Ivie
 Chairman

Dee Dee Moore
 Office Manager