

MINUTES
PLANNING AND ZONING COMMISSION
April 28, 2011

The Planning and Zoning Commission met in a regular session on April 28, 2011 at 2:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:	Chairman:	Dennis Ivie
	Commissioners:	Bruce Buchanan
		John Byrom
		Clint Freeman
		Rory Jaques
		Kristin Langenfeld
		Del Washburn (Alt)
		Amy Ziesmer (Alt)

P&Z Members Absent:	Commissioners:	Joyce Cardon
		Kate Kuchera
		Patricia L. Simpson

Staff Present:		Fran Fillerup
		Mary Holton
		Cindy Lopez
		Dee Dee Moore

Others Present:		Mike Clawson
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Call to Order:

The meeting was called to order at 2:00 p.m. by Chairman Ivie and there being a quorum present the following proceedings were duly had and taken.

Presentation of the Agenda:

There were no changes to the agenda.

Re-Approval of Minutes of the March 24, 2011 P&Z Meeting

Commissioner Byrom motioned to re-approve the minutes with the changes from the March 24, 2011 P&Z Commission Meeting. The motion was seconded by Commissioner Langenfeld and passed by unanimous vote of 8-0.

Approval of Minutes of the April 14, 2011 P&Z Meeting

Commissioner Langenfeld motioned to approve the minutes from the April 14, 2011 P&Z Commission Meeting. The motion was seconded by Commissioner Buchanan and passed by unanimous vote of 8-0.

<p>COMMUNITY DEVELOPMENT PETITION REPORT PLANNING AND ZONING COMMISSION ACTION SUMMARY Abandonment of Portions of ROW of Animas Street and Locke Avenue Petition ABD 11-01 – SW Corner of Animas Street and Locke Avenue</p>

A. STAFF REPORT, April 28, 2011

PROJECT INFORMATION

Applicant	M&H Construction
Representative	Mike Clawson
Date of Application	March 25, 2011
Requested Action	Abandonment of the south 14 feet of West Animas Street and the west 14 feet of South Locke Avenue adjacent to Lots 1 through 6, Block 2 of the West Broadway Addition.
Location	Public right-of-way adjacent to 400 West Cedar Street on the southwest corner of the intersection of West Animas Street and South Locke Avenue.

Existing Land Use	Public street
Existing Zoning	MU Mixed Use 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 / Residential
Notice	Public notice is not required for abandonment requests.
Staff Planner	Fran Fillerup, Associate Planner

STAFF ANALYSIS

Project Description

The petitioner is requesting the abandonment of an area 14 feet wide and 163 feet long on the south side of West Animas Street and an area 14 feet wide and 119 feet long on the west side of South Locke Avenue. The requested area is adjacent to the petitioner's property, Lot 1A of the West Broadway Addition, Replat A. The subject area is located on the southwest corner of the intersection of West Animas Street and South Locke Avenue.

The petitioner is proposing to consolidate the requested area to be a part of his property where he is building a 7-unit multi-family residential building. A wall is shown on the site plan for the new building which would create additional outdoor space for each of the units. The total area requested for abandonment is 3,962 square feet.

ISSUES

Community Development Director: Mary Holton – 599-1285

- Please change the signature line on the plat to be for the Mayor as the plat will need to receive the approval of the City Council.

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

- There are sewer lines in the area on the east side of the right-of-way of Locke Avenue and in Cedar Street. A water line exists on the north side of the Animas Street right-of-way.
- An easement needs to be provided for the hydrant on the west end of the abandonment, four feet wide around the hydrant to the street.
- Meter cans will need to be on the City side of the new property line, or easements must be provided. The meter cans cannot be in the sidewalk or the street and they cannot be behind the proposed wall. They must be accessible from the street.

Electrical Engineering: Luwil Aligarbes – 599-8321

- Please indicate the 5-foot electrical easement that exists on the south side of the lot.

Planning Division: Fran Fillerup – 599-1282

- The petitioner is the only private property owner adjoining the abandonment.
- The Metropolitan Redevelopment Agency Board (MRA Board) reviewed site plans of the petitioner's multi-family development and provided feedback to the petitioner's architect in their meeting of March 17, 2011. As a part of their feedback, they encouraged the applicant to provide more space along Animas Street and Locke Avenue for residents to be outdoors. This abandonment would allow for an outdoor space for each unit along the streets.
- The petitioner is required to install curb, gutter and sidewalk along both Animas Street and Locke Avenue in the remaining right-of-way.

STAFF CONCLUSION

Staff concludes that approval of ABD 11-01 is appropriate. The proposed abandonment will improve the visibility to the street from the residences in the petitioner's development. The right-of-way is not needed for utilities or street width on Animas Street and Locke Avenue.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition ABD 11-01, a request from M&H Construction, represented by Mike Clawson, for the abandonment of the south 14 feet of the right-of-way in West Animas Street and the west 14 feet of the right-of-way of South Locke Avenue adjacent to Lot 1A of the West Broadway Addition, Replat A, located at 400 West Cedar Street, subject to the condition that a plat will be recorded within one year of approval to memorialize the abandonment and with technical and corrective changes as required by staff.

DISCUSSION FROM THE PLANNING & ZONING COMMISSION ON APRIL 28, 2011

Mr. Fillerup presented the staff report to the commission. He stated that there are multi-family units under construction on the lot on the southwest corner of Animas Street & Locke Avenue. The back of the units will face the abandonment area. The Metropolitan Redevelopment Area Board recommended that the abandonment area be used as outdoor space. Chairman Ivie asked what the current right-of-way was on Locke Avenue and Animas Street and Mr. Fillerup replied that they are currently 80 feet. Questions from Commissioners Langenfeld and Byrom about the fencing were referred to the petitioner.

Mr. Mike Clawson, M&H Construction, 6149 Santo Domingo, addressed the commissioners' questions regarding the height and type of fence that was to be constructed. He stated that it would be located approximately five feet behind the sidewalk and the lower three feet would be cinderblock with the remainder being wrought iron, or a comparable type of see through fencing. It would not be a chain link fence. In addition, to make use of this space, Mr. Clawson has also changed his initial design of the units to accommodate back doors and patios. Commissioner Buchanan asked why the see-through type fencing would be used and not something solid to provide more privacy to the tenants. Mr. Clawson stated that it is to increase the tenants' ability to watch the surrounding streets. Chairman Ivie asked if it was for the sight triangle. Ms. Lopez, Senior Planner stated that the idea is to have "eyes on the street" and create "Crime Prevention Through Environmental Design". Chairman Ivie asked about having no entrance points to the sidewalk and also that the backyard area seemed exposed to the street. Ms. Lopez stated that these design elements help to prevent criminal activity because of the possibility of being seen. When areas are walled off a visual tunnel is created that can attract criminal activity. Commissioner Langenfeld asked that in addition to patios and doors, if there would also be windows on that area of the units. Mr. Clawson stated that there will be windows. Commissioner Langenfeld questioned how the owner planned to keep people from using the patios for storage space. Mr. Clawson stated that he will be managing the project for the next 15 years and that the lots he owns to the west will be used for an office. He plans to have very strict leasing agreements to prohibit the tenants from using that space for storage.

Commissioner Byrom commended the petitioner and staff for raising the standard of development and for considering the view from the street. Commissioner Byrom made the motion to approve ABD 11-01 as proposed by staff and the motion was seconded by Commissioner Langenfeld. The motion passed by a unanimous vote of 8-0.

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

THE MOTION PASSED 8-0

Rules and Regulations

DISCUSSION FROM THE PLANNING & ZONING COMMISSION ON APRIL 28, 2011

Chairman Ivie began the discussion with regards to the Rules and Regulations being set up for the P&Z Commission and suggested that the basic Robert's Rules be followed with items added or removed to best fit this commission. He also asked for discussion about the role of the chairman as to whether the chairman can make a motion, vote or just conduct the meeting.

Various topics to include within the rules and regulations were discussed, such as: using the "call for question" rule and who is able to use it; whether there can be discussion after a motion is made; and is the Chairman able to make a motion and vote, or just conduct the meeting. Commissioner Langenfeld stated that she was not a fan of Robert's Rules and that some of the samples were outlined in a simpler way and that the commission needs to work these rules and regulations into a procedure that will work for the commission. Perhaps a 3-5 step method, with points and parts of Robert's Rules, because they are difficult to understand and somebody must know exactly what they are to make that clear to all of the commission. Commissioner Buchanan stated he agreed with the statements of Commissioner Langenfeld in that Robert's Rules provides order, but he is a fan of simplicity.

Chairman Ivie reminded the commission that during any discussion the commissioners need to keep in mind that they must be careful to remain a judge, and not be a witness for either side. Ms. Lopez stated that the role of the commissioner is to get all the information you can get by asking hard questions, and the commission is expected to make a judgement. The commission should try to ask hard questions but word them objectively. Director Holton agreed that the commission should ask hard questions and that staff counts on them to do just that.

After additional discussion regarding likes and dislikes among the previous samples, Ms. Lopez stated that Margaret Ambrosino, Associate Planner, would be working with the Commissioners to compile their recommendations into a set of Rules and Regulations.

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 Staff: The commission was informed that City Council approved the Cedar & Animas request on consent. ZC11-05 was denied by council and ZC11-05 for the MU district within the MRA district was tabled until the May 10, 2011 meeting. Petition ZC11-04 located at Messina and Camaron was withdrawn. The City Council approved the Ordinance for Medical Cannabis with the extra language restrictions recommended by the UDCIC being removed. The City Council opted to add the GC General Commercial district in addition to the IND and PIP.

Adjournment

With no further business the Planning and Zoning Commission meeting of April 28, 2011 was adjourned at 3:24 p.m.

Dennis R. Ivie
Chairman

Dee Dee Moore
Office Manager