

MINUTES
PLANNING AND ZONING COMMISSION
June 30, 2011

The Planning and Zoning Commission met in a regular session on June 30, 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
		Joyce Cardon
		Clint Freeman
		Kristin Langenfeld
		Rory Jaques
		Cheryl Ragsdale
		Del Washburn (Alt)

P&Z Members Absent:	Commissioners:	Paul Thompson
		Amy Ziesmer

Staff Present:		Fran Fillerup
		Cindy Lopez
		Derra Mattina
		Dee Dee Moore

Others Present:		Aron Largo
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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.

Approval of Minutes of the June 16, 2011 P&Z Meeting

Commissioner Cardon motioned to approve the minutes from the June 16, 2011 P&Z Commission Meeting. The motion was seconded by Commissioner Buchanan and passed by unanimous vote of 8-0.

COMMUNITY DEVELOPMENT PETITION REPORT

Planning and Zoning Commission Action Summary
 Zone Change from GC District to MU District
 Petition ZC 11-07 – 411 West Animas Street Zone Change

A. STAFF REPORT, June 30, 2011

PROJECT INFORMATION

Applicant	Aron Largo
Representative	Aron Largo
Date of Application	June 2, 2011
Requested Action	Zone change from the GC General Commercial District to the MU Mixed Use District.
Location	411 West Animas Street, legally described as Lots 11 and 12, Block 2 of the West Broadway Addition to the City of Farmington.
Existing Land Use	Residential
Existing Zoning	GC General Commercial District
Surrounding Zoning & Land Use	North: GC General Commercial District / Vacant South: IND Industrial District / Industrial East: GC General Commercial District / Residential West: GC General Commercial District / Commercial
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily-Times on Wednesday, June 15, 2011. Property owners within 100 feet were sent notice by certified mail on Monday, June 13, 2011 and a sign was posted on Monday, June 20, 2011.
Staff Planner	Fran Fillerup, Associate 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 0.138 acres located at 411 West Animas Street. There is an existing residence at the subject property. Because the property is in the GC district, the existing residence is a legal non-conforming use. According to the petitioner, the purpose of the zone change is to allow the home to continue to be used as a residence. A zone change to the MU district will make the residence a conforming use, and allow for the refinancing of the property.

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

- There is an 8-inch sewer main within Cedar Street south of the property and a 12-inch water main along Animas Street and Auburn Avenue fronting the property.

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 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 2020 Future Land Use Plan of the Farmington Comprehensive Plan shows the subject property as being mixed use.
- The petitioner’s stated purpose for the zone change is to make the residence a legal use, conforming with the City of Farmington Unified Development Code (UDC) in order to refinance the property.
- 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.” 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 harmony with the Comprehensive Plan and the MRA Plan.
- This zone change is on the same block as properties which received zone changes from the GC district to the MU district in 2010, ZC 10-10 and ZC 10-14. These properties are the site of a multi-family residential project currently under construction.
- A similar zone change request from GC district to MU district at 608 West Animas Street was also approved in March 2011. The request gave legal status to an existing residence in order for the property to be sold.

STAFF CONCLUSION

Staff concludes that approval of ZC 11-07 is appropriate. The requested zone change is in accordance with the Metropolitan Redevelopment Area Plan and the City of Farmington Comprehensive Plan.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition ZC 11-07, a request from Aron Largo, for a zone change from the GC General Commercial District to the MU Mixed Use District for 0.138 acres located at 411 West Animas Street.

B. FINDINGS OF THE PLANNING AND ZONING COMMISSION

On June 30, 2011, the Planning and Zoning Commission held a public meeting for ZC 11-07 and made the following findings:

1. The owner of the property is Aron Largo.
2. The property is located at 411 West Animas Street.
3. The subject property is 0.138 acres and is legally described as Lots 11 and 12 Block 2 of West Broadway Addition to the City of Farmington.
4. The petitioner is requesting a zone change from the GC General Commercial District to the MU Mixed Use District.
5. The subject property is currently used as a single-family residence.
6. According to Table 2.3 of the City of Farmington Unified Development Code, a single-family residence is not permitted in the GC district but is permitted in the MU district. The applicant’s purpose in pursuing this zone change is to make the residential use a conforming use of the property.
7. The requested zone change meets the goals of the Metropolitan Redevelopment Area Plan by providing for mixed use zoning in the Animas District.

PLANNING AND ZONING COMMISSION DISCUSSION OF ZC11-07 on June 30, 2011

Associate Planner Fran Fillerup presented the staff report and identified that this request for a zone change to MU Mixed Use District is within the Animas District of the Metropolitan Redevelopment Area and located at 411 W. Animas. This request is similar to a previous request at 608 W Animas. Staff is recommending approval of the petition.

Chairman Ivie stated that this is a win-win situation for both the city and the petitioner, who would be able to rebuild if the home was destroyed. Commissioner Buchanan asked if Ruben Salcido had issues with the water and sewer main, since they were mentioned on the comment summary. Mr. Fillerup stated that it was not an issue, but Mr. Salcido prefers to show that the infrastructure is adequate at this time. Commissioner Buchanan asked if it was large enough for an apartment building. Chairman Ivie answered that anything could be built as long as it fitted within the MU criteria, and it is helpful to have that kind of information in the report.

Mr. Aron Largo of 411 W. Animas addressed the commission and stated that his basic reason for the zone change request is to allow him the ability to refinance his property and is in agreement with staff’s recommendation.

Commissioner Freeman made the motion to approve ZC 11-07, the zone change from the GC General Commercial District to the MU Mixed Use District for 411 W. Animas Street as presented by staff. The motion was seconded by Commissioner Ragsdale and was passed by unanimous vote of 8-0.

PLANNING AND ZONING COMMISSION ACTION OF June 30, 2011

A motion was made by Commissioner Freeman and seconded by Commissioner Ragsdale to approve ZC 11-07, a request from Aron Largo for a zone change from the GC General Commercial District to the MU Mixed Use District for 0.138 acres located at 411 West Animas Street.

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

THE MOTION PASSED 8-0**DISCUSSION & REVIEW OF THE POLICY & PROCEDURES:**

Ms. Mattina asked if the Commission had any comments regarding the draft proposal that was distributed in the agenda. Commissioner Langenfeld stated that her opinion was that staff did a really good job of meeting the recommendations made by herself and Commissioner Ziesmer. She asked the remaining commissioners if they felt that all of their concerns were addressed within this draft.

Commissioner Buchanan referenced the section copied from the Farmington City Code that states the commissioners may be appointed from professional and occupational groups. Commissioner Buchanan asked if this implied Commissioners should only be appointed from those groups. Chairman Ivie stated that he understood that the intent was to get a wide variety of backgrounds to temper the view of the commission and to not create bias. Ms. Mattina asked if the Commission would like to see wording somewhere in the Policies and Procedures stating that Commissioners should be appointed with the intent of creating a cross-section of the community. Chairman Ivie added that he would like to make sure the Policies and Procedures language gives the Mayor the latitude to meet this intent without any restrictions.

Commissioner Buchanan expressed concern over the Voting section language and stated that he does not support polling the commissioners for a vote since it has the possibility to sway other commissioners' votes. It does have some benefits, but he would like it worded to be at the chairman's discretion. Commissioner Freeman asked that the wording say "may" be at the chairman's discretion. Chairman Ivie reminded the commission that it is okay to vote no, even if you are the only one. He stated that he had heard a complaint that the commission always votes unanimously, so don't just vote a certain way unless that's the way you feel. Commissioner Washburn asked for a recap of the changes to be made. Ms. Mattina stated that the wording will be changed from "the Chairman shall vote by polling" to "the Chairman may call for a poll vote". Commissioner Buchanan also asked to add that the chairman may also ask for an explanation of the commissioners' vote and has that right. Commissioner Freeman asked that the last sentence be reworded.

Commissioner Buchanan had concerns regarding Section 4 – Abstentions. His concern was regarding a non-vote or abstention counting as a vote for the majority. Chairman Ivie reminded him that that occurred only when there is a majority, not if the votes are tied. Commissioner Langenfeld suggested that the language be changed to clarify that a Commissioner should request permission to abstain after a motion has been made and seconded. Commissioner Freeman added that if a Commissioner or Commissioners didn't have enough information, the petition could be tabled. Commissioner Cardon reminded the commission that they are here in an advisory capacity and an abstention or negative vote does not give the city council the impression that someone is indecisive, but gives them an insight that there were concerns and so City Council is more prepared during their meeting. Chairman Ivie stated that during a previous meeting there was an abstention, and as more discussion took place that abstention became a vote. Chairman Ivie stated that it takes courage to vote individually and that if all vote at one time it eliminates the peer pressure. After this discussion, Ms. Mattina stated that she understood the Commission wanted to allow the Chairman to choose to poll the commissioners at his discretion and use a voice vote at all other times. Commissioner Buchanan added that he had not seen any language on whether a failed motion cannot be forwarded to City Council. Chairman Ivie added that a tie vote, if forwarded, would be a non-recommendation to City Council. Ms. Mattina reminded the commissioner that at a previous meeting where a motion had failed, City Attorney Jay Burnham had advised the Commission to then put forth a motion that supported the opposite position of the motion that had failed. If both motions fail, the Commission could then choose to table the petition, pursue further discussion, or send a non-recommendation to City Council.