

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**July 14, 2011**

The Planning and Zoning Commission met in a regular session on July 14, 2011 at 2:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:	Acting Chairman: Commissioners:	Joyce Cardon Bruce Buchanan Clint Freeman Rory Jaques Kristin Langenfeld Paul Thompson Del Washburn (Alt) Amy Ziesmer
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P&Z Members Absent:	Commissioners:	Dennis Ivie Cheryl Ragsdale
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Staff Present:	Fran Fillerup Cindy Lopez Mary Holton Dee Dee Moore
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Others Present:

**Call to Order:**

The meeting was called to order at 2:00 p.m. by Acting Chairman Cardon 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 30, 2011 P&Z Meeting**

Commissioner Buchanan motioned to approve the minutes from the June 30, 2011 P&Z Commission Meeting. The motion was seconded by Commissioner Freeman and passed by unanimous vote of 8-0.

**COMMUNITY DEVELOPMENT PETITION REPORT**

Petition ADB 11-02 – Abandonment of Alley behind Lots 1 through 8,  
Block 3, Shady Grove Subdivision #2

**A. STAFF REPORT, July 7, 2011**

**PROJECT INFORMATION**

<b>Applicant</b>	Property owners of Lots 1 through 8, Block 3, Shady Grove Subdivision #2, all property owners adjacent to requested abandonment area
<b>Representative</b>	Evelyn Garcia
<b>Date of Application</b>	June 17, 2011
<b>Requested Action</b>	Abandonment of 295 feet of alley behind properties fronting on Sycamore Street and Spruce Street, east of Butler Avenue
<b>Location</b>	Alley between Lots 1 through 4 and Lots 5 through 8, Block 3, Shady Grove Subdivision #2
<b>Existing Land Use</b>	Alley, noncompliant structures and fences
<b>Existing Zoning</b>	MF-L Multi-family Low Density Residential District with SMHAO Special Mobile Home Area Overlay
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> MF-L Multi-family Low Density with SMHAO - Residential <b>South:</b> MF-L Multi-family Low Density with SMHAO - Residential <b>East:</b> MF-L Multi-family Low Density with SMHAO - Residential <b>West:</b> MF-L Multi-family Low Density with SMHAO - Residential
<b>Notice</b>	Public notice is not required for abandonment requests.
<b>Staff Planner</b>	Derra Mattina

**STAFF ANALYSIS**

**Project Description**

The petitioner is requesting the abandonment of an area 20 feet wide and 295 feet long currently platted as an alley, located behind Lots 1 through 8, Block 3, Shady Grove Subdivision #2. The subject area is located east of Butler Avenue, between Sycamore Street and Spruce Street. The petitioners are proposing to split the alley evenly among adjacent property owners by extending their rear property lines 10 feet into the alley. The total area requested for abandonment is 5,900 square feet.

**ISSUES****Police Department: Captain Keith McPheeters – 599-1552**

Alleyways do provide access to emergency personnel during matters of police operations as well as during fires and similar related emergency situations. The Police Department cannot reliably foresee the comparative value of maintaining the city services access via the alley compared with relinquishing the property to the asset value of the lots' owner.

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

There are no in ground utilities located in this alley.

**Electrical Engineering: Luwil Aligarbes – 599-8321**

The Electric Utility Department needs a 15-foot wide utility easement through the alley to allow them access to the power poles for repair and maintenance.

**Zoning Enforcement: Leona Simms – 599-1323**

Zoning Enforcement mailed letters to the property owners on May 17, 2011 notifying them that their fences and accessory structures located inside the alley were noncompliant with the Unified Development Code. Further action by Zoning Enforcement has been stayed pending the conclusion of this petition.

Existing fences and structures located in the alley are currently noncompliant with the Unified Development Code. The fence located south of 701 E. Spruce St. is currently 25 feet past the southern boundary of said property.

**STAFF CONCLUSION**

Staff concludes that approval of ABD 11-02 is appropriate. The proposed abandonment will make the existing structures and fences compliant and will not be detrimental to the city.

**STAFF RECOMMENDATION**

The Community Development Department recommends approval of Petition ABD 11-02, a request from property owners of Lots 1 through 8, Block 3, Shady Grove Subdivision #2, represented by Evelyn Garcia, for the abandonment of 295 feet of alley behind properties fronting on Sycamore Street and Spruce Street, east of Butler Avenue, subject to the following conditions:

- a. A plat showing a 15-foot utility easement behind Lots 1 through 8 will be recorded within one year of approval to memorialize the abandonment and with technical and corrective changes as required by staff.
- b. The owner of 701 E. Spruce St. will leave the gate at the southwest corner of his fence unlocked, or otherwise allow access to City of Farmington Utility Department.

**DISCUSSION OF ABD 11-02 ON JULY 14, 2011:**

Senior Planner Cindy Lopez presented the staff report to the commission indicating that there are changes to the recommended conditions listed in the report. The 15-foot electric utility easement mentioned in condition "a" was discussed with the electric utility and the electric utility agreed to a 10-foot easement as long as they were allowed access to the easement by the adjacent property owners across their properties. Also condition "b" can be deleted.

Commissioner Ziesmer asked staff if there were any sewer or gas lines located in the alleyway. Ms. Lopez stated that only the electric utilities are located in the alley. Commissioner Thompson asked if the 10-foot easement was 10-feet on each side of the properties. Ms. Lopez stated that a 10-foot easement would be from the center of the alley which would be a 5-foot easement on each property, for a total of 10-feet.

Commissioner Freeman asked if there were any issues related to the structures currently within the easement. Director Holton stated that most of the structures have been cleaned out and Ms. Lopez added that the electric utility department is currently able to get into the area. She also stated that there is one utility pole between the corner of lots of 701 Spruce Street and 700 Sycamore Street and also one utility pole at the east end of the existing alley between 807 Spruce Street and 804 Sycamore Street. Commissioner Freeman addressed the issue of the aerial which shows a white roof structure within the alley. Ms. Lopez stated that structure was a shed and is not attached to the house. Commissioner Jaques asked how the utility vehicles can access the pole line with the structures in the way. Ms. Lopez stated that the utilities have been and are still being maintained as the structures currently exist. She added that the change in the conditions would allow the utility to ask each property owner for access if maintenance was needed. Commissioner Buchanan asked if each of the property owners would need to file a separate plat. Ms. Lopez stated that all eight lots could be done together but that each owner would need to sign the plat.

Evelyn Garcia of 7319 Naples, representative for the petitioners, spoke in favor of the abandonment of the alley. Acting Chairman Cardon asked the representative if there were still structures within the alley. Ms. Garcia stated that the residents along the alley had received a letter from the City of Farmington stating that they had 21 days to remove the fences and structures. Some of the owners removed their structures, while other owners, upon learning of the opportunity to ask the city for the alley's abandonment, did not remove their encroaching structures as they decided to wait for the outcome of the petition. Ms. Garcia confirmed to Commissioner Freeman that some of the fences and structures still exist and have been in

place for more than 20 years. Commissioner Thompson asked if the owners were okay with replatting. Ms. Garcia stated that all owners are okay with that requirement.

Mr. Selph of 701 Spruce stated that he had lived at this location for 30 years and was told that the alley had already been abandoned. He was also told by the city previously it could be used as long as there was not a permanent structure built on that section of land. He currently has a 19-foot wide gate that is always unlocked and the utilities currently use that gate to access the pole behind his home. Commissioner Buchanan asked Mr. Selph if the petition was approved would it affect his use of his property. Mr. Selph stated no, because the gate is already used for access to his backyard.

Ms. Wilma Charley of 804 Sycamore addressed the commission stating that she is also in favor of the abandonment and that the other utility pole is located to the rear of her property. She also stated that the electric utility always has access to the pole.

#### **PLANNING AND ZONING COMMISSION ACTION OF JULY 14, 2011**

A motion was made by Commissioner Freeman and seconded by Commissioner Thompson to **approve** ABD 11-02, a request from all property owners of Lots 1-8, Block 3 of the Shady Grove Subdivision No.2, represented by Evelyn Garcia, for the abandonment of the alley (295 feet long & 20 feet wide) located east of S. Butler Ave., between Sycamore St. and Spruce St., subject to the condition that the recorded plat for the abandonment will show a 10-foot utility easement behind Lots 1-8, Block 3 of the Shady Groves Subdivision No. 2 and the plat will include a note stating that the property owners adjoining the access easement will allow the Electric Utility access through their properties whenever the utility should need to repair or maintain their utility lines/poles.

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

#### **THE MOTION PASSED 8-0**

#### **DISCUSSION & REVIEW OF THE POLICY & PROCEDURES:**

Ms. Lopez informed the commission that the revisions from the legal department were not received until yesterday, so there were no revisions incorporated into the Policies and Procedures for discussion or review today. Staff recommends placing the discussion and review on the agenda for the July 28, 2011 meeting. Commissioner Freeman stated that he understood that there were no changes since the last meeting. Acting Chairman Cardon stated that she would like the commission to receive the revised document prior to the next meeting, either by U.S.Mail or electronically.

**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:** Ms. Lopez stated that the zone change petition ZC11-07 for 411 W. Animas was approved on the Council's consent agenda. The special use permit for Mr. & Mrs. Efird was withdrawn after covenants were submitted that restricted the rights of the property owner to convert a detached garage into an apartment. Also approved were the changes to the UDC regarding the front yard parking restriction and the revised wording for the vacation/abandonment section. The UDC changes will be provided to the commissioners for inclusion into their existing UDC notebooks. Ms. Lopez introduced Ms. Brandi Brown, the Community Development Department's Summer Intern. Ms. Brown will be assisting the department for approximately eight weeks.

#### **Adjournment**

With no further business the Planning and Zoning Commission meeting of July 14, 2011 was adjourned at 2:24 p.m. with a motion from Commissioner Washburn and a second from Commissioner Freeman.

  
 Joyce Cardon  
 Acting Chairman

  
 Dee Dee Moore  
 Office Manager