

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**July 28, 2011**

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

P&Z Members Present:	Chairman: Commissioners	Dennis Ivie Bruce Buchanan Joyce Cardon Rory Jaques Kristin Langenfeld Cheryl Ragsdale Amy Ziesmer
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P&Z Members Absent:	Commissioners:	Clint Freeman Paul Thompson Del Washburn(Alt)
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Staff Present:	Margaret Ambrosino Fran Fillerup Cindy Lopez Mary Holton Dee Dee Moore
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Others Present:	Craig Stoabs - Petitioner
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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 July 14, 2011 P&Z Meeting**

Commissioner Cardon motioned to approve the minutes from the July 14, 2011 P&Z Commission Meeting. The motion was seconded by Commissioner Buchanan and passed by unanimous vote of 7-0.

**DISCUSSION OF ZC 11-08 ON JULY 28, 2011:**

Chairman Ivie informed the commission that ZC11-08 was withdrawn by the petitioner and that the meeting would move to the next item on the agenda.

**DISCUSSION OF ZC 11-09 ON JULY 28, 2011:**

Chairman Ivie explained how the meeting would progress and that everyone would have a chance to speak. He asked that all who wished to speak to place their name on the sign-up list and he would call them to the lectern. Each speaker would have 2 minutes to present their opinion on the zone change petition (ZC11-09) before the commission. Chairman Ivie explained that the Planning & Zoning Commission has the task to make a recommendation to the City Council and that the decision made today is in no way final. The City Council will hear the petition and make a decision at their regularly scheduled August 9, 2011, 7:00 p.m. meeting. The Planning & Zoning Commission will use and review all aspects of zoning, code and the comprehensive plan to help establish a format to assist with their recommendation. Twenty-four people signed up to address the commission, which includes the petitioner.

Commissioner Ziesmer asked that she be recused from the meeting citing a conflict of interest because a member of her family owns property affected by this petition. Chairman Ivie acknowledged the recusal and asked Commissioner Ziesmer to remove herself from the meeting room during the discussion and vote. Commissioner Ziesmer left the meeting.

Associate Planner, Fran Fillerup presented a packet of additional public comments to the commission that had been received after the compilation of the current P&Z Agenda, which occurred on July 21, 2011. There were seven additional pages to add to the packet. Mr. Fillerup stated that the Community Development Department also received a map from Victoria Lacey, which she will present during her comments. Mr. Fillerup continued to present the staff report to the commission. The zone change of the 10.25 acres to Multi-Family Medium Density would allow for a maximum of 223 units to be built on this property. The site plan submitted by the petitioner shows a two phase development. The first phase shows 13 buildings, common areas and pool and access on Victoria Way. The second phase identifies only the portion of the property that lies at the north portion of the land, and does not indicate any locations for buildings.

Chairman Ivie asked Mr. Fillerup if the buildings at Windsor and College required Special Use Permits when they were built. Mr. Fillerup stated that churches and daycare facilities are permitted within residential districts with certain conditions and are typical within that zoning district. Mr. Fillerup continued his report and showed the Farmington Comprehensive Plan's Future Land Use Map, which indicates single-family uses within the area of the subject petition. Staff has advised that there will be a need for a TIA to determine what type of improvements should be made to support multi-family development according to UDC Section 13.4. Chairman Ivie asked how many units were being proposed in Phase 1. Mr. Fillerup stated that Mr. Stoabs would be more able to answer that question.

Mr. Fillerup stated that Residential Protections will apply to the properties located to the east and the north. They include the height of the proposed buildings, the distance from the existing properties, any lighting installed would need to be downward casting, the trash receptacles would need to be enclosed and 30-foot setbacks maintained from property lines adjacent to residential properties. Mr. Fillerup also stated that the infrastructure may need to be upgraded to support the proposed increase in density.

Staff is recommending denial of Petition No. ZC11-09 as the proposed zoning does not comply with the Comprehensive Plan Land Use Map. However, a Planned Development (PD) may be an option in that it is also a zone change process. A PD requires a review of a master plan and sets density and dimensional standards. Chairman Ivie asked how, if MF is not allowed within the Comprehensive Plan, then how can a Planned Development fit into that same plan. Mr. Fillerup stated that allowing multi-family is what is at question with the petition. Mr. Fillerup explained that a Planned Development has a Master Plan review and staff is able to address specific requirements on how the project develops. Chairman Ivie asked if the density could be the same, and Mr. Fillerup stated that it could but that a PD would set how the property would be developed. Chairman Ivie reiterated that a zone change would allow the petitioner to build as long as the Unified Development and City Codes were met, but that a Planned Development is required to submit a Master Plan and follow that plan to completion. Mr. Fillerup agreed and stated that review of the Master Plan would be held in public meetings and could address all issues brought forward, including the number of units and buildings. Chairman Ivie questioned whether this zone change could be converted to a Planned Development. Mr. Fillerup stated that the process would need to be resubmitted as a Planned Development petition which would begin the application process as a new petition including public notification timeframes.

Commissioner Jaques asked staff why they did not recommend a Planned Development application instead of the MF-M zone change. Mr. Fillerup stated that the applicant submitted for a zone change to MF-M. Commissioner Buchanan asked for clarification of the term Master Plan, which was used in two different contexts. Mr. Fillerup explained that the use of the Master Plan is related to the site plans submitted for approval, whereas the Comprehensive Plan may have been referred to as a master plan in regards to the future land use map. Senior Planner Cindy Lopez stated that the Comprehensive Plan was originally completed in 2002 and at that time this area was identified as Single-family. A Planned Development is an overlay and does not exist as a designated zoning district on the zoning map. There is not PD Zoning district. They are designated through a zone change process only. Chairman Ivie asked how much weight the Comprehensive Plan had in staff's decision. Ms. Lopez stated that it is a guideline for how the city wants to see the area grow. She stated that a comprehensive plan is typically updated every 5 years. However, the City of Farmington's plan has not been updated since 2002, but that it is still used as a planning tool. Commissioner Buchanan stated that he understood that this petition is for a zone change and that the plans for the property are insignificant. Regardless if the apartments will be expensive,