AGENDA

Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
January 10, 2019, at 3:00 p.m.

<table>
<thead>
<tr>
<th>Item</th>
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1. Call Meeting to Order
2. Approval of the Agenda
3. Approval of the Minutes of the December 13, 2018 P&Z Meeting
4. Petition No. ABD 18-92 – a request from Doug Murray, represented by Sakura Engineering & Surveying, for the abandonment of a City owned alley and street: (1) the northern half of a 40’ alley (20 feet) in between Block 7 in the Inez Subdivision and west of Poulson Street along Lots 1-6 and Lot 11 in Block 8; and (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7. (Helen Landaverde)
5. Petition No. ZC 18-95 – a request from Billy Randall, represented by Misty Hensley, for a zone change from SF-7, Single Family District, to the MF-L, Multi-family Low Density District to allow for 2 existing duplexes to be in conformance with the UDC for property located at 2303 and 2305 Nathan Avenue. (Gary Leikness)
6. Business from:
   - Floor:
   - Chairman:
   - Members:
   - Staff:
7. Adjournment

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, January 22, 2019.

ATTENTION PERSONS WITH DISABILITIES:
The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk’s office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.
COMMUNITY DEVELOPMENT PETITION REPORT
ABD 18-92
Abandonment of a City owned alley (west of Poulson Avenue) and a portion of Poplar Street

A. STAFF REPORT, January 10, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Doug Murray</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Scott Martin of Sakura Engineering &amp; Surveying</td>
</tr>
<tr>
<td>Date of Application</td>
<td>November 30, 2018</td>
</tr>
</tbody>
</table>

Requested Action
Abandonment of a City owned alley and street: (1) the northern half of a 40' wide alley (20 feet) approximately 604' long west of Poulson Avenue and in between Block 7 in the Inez Subdivision Lots 1-6 and Lot 11 in Block 8; and (2) a portion of Poplar Street (cul-de-sac) along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7 in the Inez Subdivision.

Location
West of Poulson Avenue in Block 7 and 8 in the Inez Subdivision and a portion of Poplar Street

Existing Land Use
Undeveloped Rights-of-Way

Existing Zoning
MF-L SMHAO, Multi-family Low Density Special Mobile Home Area Overlay

Surrounding Zoning & Land Use
North: IND, Industrial / Undeveloped
South: IND, Industrial / Industrial
East: MF-L SMHAO, Multi-family Low Density Special Mobile Home Area Overlay/ Undeveloped
West: Unincorporated San Juan County/ Undeveloped and residential

Notice
Publication of Notice for public hearings of the Planning and Zoning Commission and the City Council appeared in the Farmington Daily Times on Sunday, December 23, 2018. Property owners within 100 feet of both rights-of-way were sent notice by certified mail on Wednesday, December 19, 2018 and a sign was posted at the site on Friday, December 28, 2018.

Staff Planner
Helen Landaverde, Associate Planner

STAFF ANALYSIS

Project Description
The petitioner is requesting the abandonment of a City owned alley and street: (1) the northern half of a 40' wide alley (20 feet) approximately 604' long west of Poulson Avenue and in between Block 7 in the Inez Subdivision Lots 1-6 and Lot 11 in Block 8; and (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7 in the Inez Subdivision. The alley was publicly dedicated to the city when the plat was recorded in 1957.
According to a 2018 aerial photo, the subject area is undeveloped and there is no evidence of use of the 40' wide alley. All of the lots in Block 7 and 8 in the Inez Subdivision have access to Poplar Street (see Figure 1). It does not appear that the abutting properties rely on the existing 40' wide alley for access to the rear of their properties and/or to access Poulson Avenue. The subject site is within close proximity to the Animas River.

**Figure 1. Aerial of Subject Area.**

There is irrigation and a private ditch within the proposed area of the abandonment (see Figure 2). The private ditch company, Farmington Echo Ditch, and entities with an interest in the alley were sent the public notice.
Figure 2. Ditch Irrigation Map

Proposal

The petitioner initially submitted a summary plat application, Petition SP 18-83, to consolidate Lots 6 and 7 in Block 7 and Lots 9, 10 and 11 in Block 8. The proposed plat indicated the partial abandonment of the 40’ wide alley in between Block 7 in the Inez Subdivision. Research indicates that the abandonment of the alley, as shown on the proposed plat, has not yet been approved by City Council (see attachment).

Pursuant to UDC 8.8.7A Abandonment/vacation plat application process. "An abandonment/vacation plat shall be required where a resubdivision or replat vacates or relocates any street, alley, or other public right-of-way." Pursuant to UDC 8.8.7C City Council shall review and have final action on the abandonment/vacation plat.

Additionally, the San Juan County Tax Assessor’s website indicates that abutting property is under one ownership – the Petitioner, meaning that they are in agreement of the proposed abandonment (see Proposal).

Because the petitioner would like to consolidate Lots 6 and 7 in Block 7 and Lots 9, 10 and 11 in Block 8 (in SP 18-83) and meet the setback requirements in the MF-L SMHAO District, he is also proposing to shorten the south side of the cul-de-sac on Poplar Street; thus the request to abandon a portion of Poplar Street to develop the property.
The setback requirements in the MF-L SMHAO District are as follow:

Front: 20 feet
Side: 8 feet
Rear: 25 feet

According to the petitioner, the “alley has not had any use other than being vacant land as shown on the aerials. It does not have accessible access to the west and minimal access to the east. One might say the alley is land locked.” (See Statement and Proposal).

The petitioner is proposing to incorporate the proposed abandonment of the 20-foot wide alley into his properties and the neighboring properties (Lots 1-5 in Block 7).

It should be noted that the proposed replat is subject to the following conditions for Petition 1966 approved by City Council on June 24, 2003 for a zone change from M-1, Light Industrial District to R-2, Multiple-Family Residential:

A. Any development of multi-family residential uses on the property shall require site plan review by the Planning and Zoning Commission and landscaping buffers on the north and south sides in accordance with the Development Services Division landscape policy.

B. Any future development or replatting shall require the installation of City Utilities.

**Consistency with the Comprehensive Plan**

The Comprehensive Plan recommends to “Provide opportunities and facilities for outdoor and active recreation”¹. Action 9.2.1 specifically proposes the continuance of “improvements to the Animas Riverwalk for walking, jogging and biking.”² Currently, the Animas Riverwalk extends from Animas Park at Browning Parkway to Berg Park near Scott Avenue. Yet, City staff has indicated an interest in the expansion of the Animas Riverwalk and a desire to connect nature walking trails to other areas³. The Comprehensive Plan also recommends “an adequate blend of facilities”⁴ such as:

**Park Trails** – These trails are located in greenways, natural areas and parks. They could also be located in drainage ways, along irrigation canals, on levees, abandoned railroads, utility easements and scenic routes.

**Connector Trails** - These trails are developed to provide connections between parks, cities and major activity centers.

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Parks, Recreation, and Cultural Affairs (PRCA) recently acquired property to the west of the subject site, east of Shannon Lane and west of Curtis Place, and is extending the Animas River Trail southwest of the Animas Riverwalk (see Figure 3 and 4).

**Figure 3. Animas River Trail Extension Vicinity Map**
Figure 4. Animas River Trail Extension

This trail extension supports PRCA’s Master Plan Update of 2014, Recreational Connectivity - Provide Easier and More Convenient Connections for Users to Parks and Facilities\(^5\). In this respect, the Boyd Park and Sycamore Community Center are relatively close to the subject site and the subject site is near the Animas River (see Figure 5). The Animas River Trail Extension also supports the 2008 Farmington Metropolitan Planning Organization’s (FMPO) Proposed Farmington Bicycle/Pedestrian Improvements (see Figure 6).

Figure 5. Location of Parks and Facilities

Figure 6. Proposed Farmington Bicycle/Pedestrian Improvements
However, the City’s Major Thoroughfare Plan does not address the proposed alley abandonment nor are there any specific plans or policies directly related to the proposed abandonment.

Figure 7. Farmington Major Thoroughfare Plan 2012

Even so, the PRCA’s Master Plan suggests that “New trails may be added to merge trail networks and improve overall connectivity”\(^6\). Yet, “Building a trail system involves many considerations beyond the control of park and recreation managers. Vacant lands, utility easements, street right-of-ways, and existing social trails may be worth investigating for trail feasibility and to determine how trail development in these areas might impact overall connectivity.”\(^7\)

The PRCA’s Master Plan’s recommendations and action plans further promote and maintain the Comprehensive Plan’s Chapter 9 Parks and Recreation goals and objectives. As indicated in the Comprehensive Plan, the community has again expressed a desire for a trail system along the Animas River in PRCA’s Master Plan\(^8\).

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\(^8\) City of Farmington Parks, Recreation, and Cultural Affairs Master Plan Update (2014). Appendix A – Community Input Summary, pp. 133
ANALYSIS

Abandonment/vacation plat Criteria – Section 8.8.7D, UDC
In determining whether to approve, approve with modifications, or deny the proposed abandonment/vacation plat, the city shall consider the following criteria:

1. Consistency with the comprehensive plan:

The Comprehensive Plan and the City’s Major Thoroughfare Plan do not specifically address the proposed 20-foot wide alley abandonment and/or the partial abandonment of Poplar Street. However, the Comprehensive Plan encourages and recommends an adequate blend of facilities such as Park Trails and Connector Trails as well as the continuation of improvements to the Animas Riverwalk for walking, jogging and biking; which is further supported by PRCA’s Master Plan’s recommendations and action plans.

Yet, the proposed partial alley abandonment and a partial abandonment of Poplar Street would still provide flexibility for the remaining 20-foot wide alley to the southern abutting properties and for the existing private ditch irrigation. The City has contacted the affected private ditch irrigation company, Farmington Echo Ditch. Staff has not received comments regarding the proposed 20-foot wide alley abandonment.

2. Transportation and circulation needs of nearby property, the neighborhood and the city;

The proposed abandonment would not impede the reasonable means of ingress and egress to the properties in Block 7 and 8 in the Inez Subdivision. Although the City does not have any specific plans to extend the existing right-of-way (alley) through private property and/or create a connection with existing trails, the community has expressed a desire for connectivity along the Animas River and a desire to connect to nature walking trails to other areas in the City.

3. Right-of-way needs relative to sewer, water, and stormwater facilities.

Although the 40-foot wide alley does not appear to be used by motor vehicles and is not currently a part of the City’s trail network, the alley could be compatible with the connectivity and the extension of trails along the Animas River as desired by the community.

As of today, the abandonment request would not interrupt access to and from public streets, Poplar Street and Poulson Avenue, nor would it negatively impact other properties. If approved, the petitioner should coordinate any and all utility relocations prior to the recordation of the abandonment/vacation plat.
ISSUES

Director – M. Holton

- The Public Notice needs to include the reference to the current plat (not the proposed summary plat) - Inez Subdivision, Lots 9, 10, 11 of Block 8 and Lots 6 and 7 of Block 7.

- The following adjoining owners must be included in the noticing: R0021865, R4001985, R4003461, and the applicable Ditch Company located in the alley.

- Recommended Condition - The Ditch Company must agree to the abandonment in writing before the City Council considers the abandonment.

ORII – C. Styron

- The alley in this area may have long-term value as a pedestrian trail connecting greenspace to other venues. I would request that we keep the alley in control of the City of Farmington.

Engineering – T. Sitta

- Public Works Engineering has no issues with abandoning the northern 20 feet of the alley that is adjacent to Lot 11 of Block 8 and Lot 6 of Block 7 and the portion of Poplar Street adjacent to Lots 9-11 of Block 8 and Lots 6-7 of Block 7 of the Inez Subdivision.

- The submitted plat shall show the entire area to be abandoned (alley and street).

- An irrigation map the City of Farmington has on file shows a private irrigation lateral occupying the northern portion of the proposed alley abandonment. A minimum 10 foot easement should be provided for the private irrigation lateral.

STAFF CONCLUSION

Staff concludes the following is appropriate for ARB 18-19:

- Denial for the abandonment of the northern half of a 40' wide alley (20 feet) approximately 604' long west of Poulson Avenue and in between Block 7 in the Inez Subdivision Lots 1-6 and Lot 11 in Block 8. This request is not consistent with the Comprehensive Plan and the community’s desire for connectivity along the Animas River and a desire to connect to nature walking trails to other areas in the City.

- Approval for the abandonment of a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7 in the Inez Subdivision.
• If City Council approves an abandonment of the right-of-way, the property owners need to submit a replat of the Inez Industrial Subdivision, to reflect the change in property.

STAFF RECOMMENDATION

The Community Development Department recommends denial of Petition ABD 18-92, a request from Doug Murray, represented by Scott Martin of Sakura Engineering & Surveying, to abandon of a City owned alley and street: (1) the northern half of a 40' wide alley (20 feet) approximately 604' long west of Poulson Avenue and in between Block 7 in the Inez Subdivision Lots 1-6 and Lot 11 in Block 8; and (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7 in the Inez Subdivision and in the MF-L SMHAO, Multi-family Low Density Special Mobile Home Area Overlay District.

However, the Community Development Department recommends approval for the abandonment of a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7 in the Inez Subdivision as shown on the proposed replat.
CITY OF FARMINGTON
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION
PETITION 1988 – ZONE CHANGE

REQUEST:

Petition 1988 is a request from Don Corley seeking a zone change from M-1, Light Industrial District to R-2, Multiple-Family Residential District for all of Blocks 7 and 8 of the Nez Subdivision, approximately 8.25 acres, located west of Poulson Avenue and north of Spruce Street.

PUBLIC PARTICIPATION:

A. A notice was published in The Daily Times on Wednesday, April 30, 2003. Certified notification letters were sent on Friday, May 2, 2003 to owners of property within 100 feet of the proposed site. The property was posted with a sign on Monday, May 5, 2003.

B. The Planning and Zoning Commission conducted a public hearing on this request on Thursday, May 15, 2003. The matter was remanded by the City Council after receipt of a letter of protest from Waste Management, Inc., and was reconsidered by the Commission on June 12, 2003.

C. Dennis Gallegos, representing Waste Management, Inc., spoke in opposition to the Petition at the June 12, 2003 meeting of the Planning & Zoning Commission.

SUMMARY OF RELATED FACTS:

A. The Property

<table>
<thead>
<tr>
<th>Location</th>
<th>Northwest corner of Spruce Street and Poulson Avenue</th>
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<tr>
<td>Physical Characteristics</td>
<td>The property is generally flat pasture. There is a high water table and the property is served by irrigation ditches.</td>
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<tr>
<td>Existing Land Use</td>
<td>Vacant Pasture</td>
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<tr>
<td>Existing Zoning</td>
<td>M-1, Light Industrial District</td>
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B. Surrounding Land Use and Zoning

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<tr>
<th>North</th>
<th>M-1 and Sand and Gravel Yard</th>
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<tbody>
<tr>
<td>East</td>
<td>R-2/SMHA and Vacant</td>
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<tr>
<td>South</td>
<td>M-2 and Waste Management</td>
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<tr>
<td>West</td>
<td>Unzoned San Juan County</td>
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FINDINGS:

A. Don Corley is the owner of the property.
B. The Inez Subdivision is a "paper" subdivision and has never had roads or utilities developed.

C. The adjacent properties to the north and south are zoned M-1, Light Industrial District and M-2, Heavy Industrial District. These industrial properties could create noise, traffic, and other impacts for the proposed residential uses.

D. Any future platting to reconfigure the lots in this subdivision or the development of the property would trigger the need for road construction and utility improvements.

E. The petitioner has stated that his intent is to consolidate the property and to develop three homes for family members.

PLANNING & ZONING COMMISSION ACTION MAY 15, 2003:

Motion was made by Commissioner Wimsatt and seconded by Commissioner Kuchera to approve Petition No. 1966 from Don Corley seeking a zone change from M-1, Light Industrial District to R-2, Multiple-Family Residential District for all of Blocks 7 and 8 of the Inez Subdivision, approximately 8.25 acres, located west of Poulson Avenue and north of Spruce Street, subject to the following conditions:

A. Any development of multi-family residential uses on the property shall require site plan review by the Planning and Zoning Commission and landscaping buffers on the north and south sides in accordance with the Development Services Division landscape policy.

B. Any future development or replatting shall require the installation of City Utilities.

AYE: Chairman Shields, Commissioners Kysar, Kuchera, Wimsatt, Williams, and Simpson

NAY: None

ABSTAINED: None

ABSENT: Commissioners Merrion, and Moffett

The motion passed (6-0).

Having been remanded by the City Council, Petition No. 1966 was reconsidered by the Planning and Zoning Commission on June 12, 2003.

PLANNING & ZONING COMMISSION ACTION JUNE 12, 2003:

Motion was made by Commissioner Kysar to approve Petition No. 1966 from Don Corley seeking a zone change from M-1, Light Industrial District to R-2, Multiple-Family Residential District, for Blocks 7 and 8 of the Inez Subdivision, located west of Poulson Avenue and north of Spruce Street, provided, however, that Lots 8-15 of Block 8, lying between Peach Street and Spruce Street be excluded from the rezoning, and subject to the following conditions:

A. Any development of multi-family residential uses on the property shall require site plan review by the Planning and Zoning Commission and landscaping buffers on the north and south sides in accordance with the Development Services Division landscape policy.

B. Any future development or replatting shall require the installation of City Utilities.
C. Development of the rezoned property is limited to three houses, with subsequent development preceded by a replat of the subdivision.

AYE: Chairman Shields, Commissioners Kysar, Kuchera, Simpson, and Moffett

NAY: None

ABSTAINED: None

ABSENT: Commissioners Merrion, Williams, and Wimsatt

The motion passed (5-0).

COUNCIL ACTION JUNE 24, 2003:

After extensive discussion, the City Council, by a vote of four (4) in favor, none (0) opposed, adopted (with modification) the Planning and Zoning Commission Action Summary and approved Petition No. 1966. a request from Don Corley seeking a zone change from M-1, Light Industrial District, to R-2, Multiple-Family Residential District for Blocks 7 and 8 of the Inez Subdivision, located west of Poulson Avenue and north of Spruce Street, provided, however, that Lots 8-15 of Block 8, lying between Peach Street and Spruce Street be excluded from the rezoning, and subject to the following conditions:

A. Any development of multi-family residential uses on the property shall require site plan review by the Planning and Zoning Commission and landscaping buffers on the north and south sides in accordance with the Development Services Division landscape policy.

B. Any future development or replatting shall require the installation of City Utilities.

Note: The City Council deleted condition "C" of the Commission's recommendation.

Approved this 22nd day of January, 2004.

William E. Standley, Mayor

ATTEST:

Gina M. Morris, City Clerk
# PLANNING MEMO COMMENTS SUMMARY

**ABD 18-92 DOUG MURRAY**  
**Deadline: 12/13/18**

## City of Farmington Departments

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<td>CD</td>
<td>The Public Notice needs to include the reference to the current plat (not the proposed summary plat) - Inez Subdivision, Lots 9, 10, 11 of Block 8 and Lots 6 and 7 of Block 7. The following adjoining owners must be included in the noticing: R0021865, R4001985, R4003461, and the applicable Ditch Company located in the alley. Recommended Condition - The Ditch Company must agree to the abandonment in writing before the City Council considers the abandonment.</td>
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<tr>
<td>CD</td>
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<td>CD</td>
<td>Chief Building Official – D. Childers</td>
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<td>CD</td>
<td>MPO</td>
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<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
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<td>Electrical Engineering – L Aligarbes</td>
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<td>T &amp; D – R. Romero</td>
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<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
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<td>ORII – C. Styron</td>
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<td>PW</td>
<td>City Engineer – N. Westerling</td>
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<tr>
<td>PW</td>
<td>PW Engineering – T. Sitta</td>
</tr>
<tr>
<td>PW</td>
<td>Streets Superintendent</td>
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<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
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<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
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**Other Entities**

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<td>New Mexico Gas Company – R. Castillo</td>
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<td>Enterprise Field Services</td>
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<td>CH2MHILL OMI</td>
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<td>Surface Land Negotiator for BP – R. Mora</td>
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<td>Farmington School District – C. Lyons</td>
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# PLANNING MEMO COMMENTS SUMMARY

**SP 18-83 DESERT PROPERTIES OF THE SOUTHWEST SUBDIVISION**  
Deadline: 11/8/18

## City of Farmington Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>Director – M. Holton</td>
<td>No comments, except that any waivers requested to the subdivision regulations will require a meeting with the Director of Community Development and the Director of Public Works with the applicant prior to the Planning &amp; Zoning Commission's consideration.</td>
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<tr>
<td>CD</td>
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<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
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<tr>
<td>ELEC</td>
<td>Electrical Engineering – L Aligarbes</td>
<td>Need 10’ wide electric utility easement along front property (10’ wide behind cul-de-sac). See attached drawing.</td>
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<tr>
<td>ELEC</td>
<td>T &amp; D – R. Romero</td>
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<td>Deputy City Attorney – E. Wayne</td>
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<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
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</tbody>
</table>
| PW         | Engineering – T. Sitta | Please include a benchmark elevation to the Northing and Easting information provided on the plat.  
Please provide a note on the surveyed map as a connection to the Flood Note provided.  
Please check the references section of the map. Where is R-4 on the map?  
Please provide a reference for the alley and street abandonments. I was unable to locate documentation regarding prior alley or street abandonments in this area (Inez Subdivision). Abandonments will need to go through the proper process through the City. |
Please provide a reference for the dedication of the cul-de-sac area. I was unable to locate documentation regarding prior street dedication for the cul-de-sac. Any street dedication needs to go through the proper process through the City.

There appears to be a fire hydrant located in the center of the proposed cul-de-sac. The petitioner will be responsible for the payment of relocating this fire hydrant as it is in the center of the proposed cul-de-sac.

<table>
<thead>
<tr>
<th>PW</th>
<th>Streets Superintendent</th>
</tr>
</thead>
<tbody>
<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
</tr>
<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
</tr>
</tbody>
</table>

**Other Entities**

| New Mexico Gas Company – R. Castillo | No comment |
| CenturyLink – D. Willato             | No comment |
| Enterprise Field Services            |            |
| Comcast Cable – M. Johnson           |            |
| CH2MILL OMI                           |            |
| Surface Land Negotiator for BP – M. Roland | No comment |
| Farmington School District – C. Lyons |            |
**PETITION APPLICATION**

**Planning Division**
Community Development Dept.
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

**Incomplete applications will not be accepted.**

Return completed application to:

**PROJECT TYPE (Check Those Applicable)**
- [ ] Annexation and/or Zoning
- [ ] Preliminary Plat
- [ ] Final Plan
- [ ] Summary Plat
- [ ] Special Use Permit
- [ ] Variance (ARB)
- [ ] Zone Change to _____
- [ ] Temporary Use Permit

**Proposed Length of Use:**

**INFORMATION**

Applicant's Name: Doug Murray

Address: 1004 5th Ave.

E-Mail:

Telephone: 505-328-2

Relationship to Property Owner: Owner

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements?  Yes [ ] No [x]

**Project Location:**

Existing Use: Vacant

Proposed Use: Residential

Current Zoning: 81636P 146

Assessor's Parcel I.D. and/or Tax I.D. Number:

**PRESENTATIVE / CONTACT PERSON (If other than applicant)**

Name: Scott Meakin

E-Mail: skrane@cityoffarmington.com

Phone: 505-328-2

Address: 81636P 146

**OWNERSHIP**

PROPERTY OWNER: (Specify General Partners, Managing Partner, Corporation President and Secretary, Specify type of ownership interest, Fee, Real Estate Contract, Option to Purchase)

MORTGAGE HOLDERS (If any)

Name: Phone:

Name: Phone:

Address:

**OWNER CERTIFICATION**

I certify that I am an owner and the information provided is true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand that the applications will generally be reviewed by the City Council at their first regular session following the P&Z review.

Name: Doug Murray

Owner's Signature: [Signature]

Address:

Phone / Email:

**STAFF USE ONLY**

Received By: Al Time:

Date: 11/15/16 Fee Received 145 re: File No. ABD16-42

Date of Hearing/Meeting: 1/9/16

**Options:**
- [ ] Blueprints of Plans
- [ ] Ownership Report (subject and surrounding properties)
- [ ] Legal Description
- [ ] Detailed Statement of Proposed Use
PETITION APPLICATION

Incomplete applications will not be accepted. Return completed application to:

Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

- □ Annexation and/or Zoning
- □ Preliminary Plat
- □ Final Plan
- □ Summary Plat
- □ Special Use Permit
- □ Variance (ARB)
- □ Zone Change to ______ District
- □ Temporary Use Permit
- □ Proposed Length of Use:
- □ Well site equipment modification

INFORMATION

Applicant's Name: Douglas A. Murray

Address: 1004 3rd Ave

E-Mail:

Telephone: 325-628-9

Relationship to Property Owner: Owner

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes □ No □ If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (If other than applicant)

Name: Scott Martin

Phone: 505-616-1
Address: 125 W Main Farmington, NM

E-Mail: ScottWMartin.com

OWNERSHIP

PROPERTY OWNER (Identify General Partner, Managing Partner, Corporation President and Secretary. Specify type of ownership interests: Fee, Real Estate Contracts, Option to Purchase)

Name: 
Phone: 
Address: 

MORTGAGE HOLDERS (If any)

Name: 
Phone: 
Address: 

OWNER CERTIFICATION

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Name: Douglas A. Murray
Owner's Signature: 

Address: 
Phone / Email: 

received By XW

date 11/20/18 Fee Received XWS

Obj File No. ABD 18-92

date of Hearing/Meeting: PEZ 1/10/18

- □ Blueline Copies of Plans
- □ Ownership Report (subject and surrounding properties)
- □ Legal Description
- □ Detailed Statement of Proposed Use

**** STAFF USE ONLY ****
November 28, 2018

Helen Landaverde  
Associate Planner  
City of Farmington  
800 Municipal Dr.  
Farmington, NM 87401

Re: Abandonment/Vacation of the North Half of the Alley South of Doug Murray’s Property Between Poplar and Spruce Streets.

Dear Helen:

Our client, Doug Murray owns property under the name of Desert Properties of the Southwest Inc. These properties have R numbers of R4001986, R4003460, and R4001986 and said properties abut Poplar Street. Douglas A and Juliann N. Murray own the properties to the east of the petitioner’s property and also wish to have the north half of the 40-foot alley vacated. Their R numbers are R6000400 and R6000401.

Under the requirements of the City Abandonment/Vacation Procedures requires a statement for the reasons why the abandonment is necessary. The following is their justification for vacation of the north half of the alley that abuts both parties south property line from Poulson Street to the petitioner’s west property line.

Mr. Murray is in the process of developing his property and Sakura has prepared a Summary Plat combining his property into one lot. In addition to combining those lots the original Cal-da-sac would be relocated to the north as shown on the attached Summary Plat. Due to UDC requirements the radius of the south side of the Cal-da-sac would protrude into the property on the north side of the proposed lot. This protrusion would prom agate a greater set back into the property and make a hardship on the petitioner’s house depth that they are in the process of designing. By abandonment of one half of the alley this would alleviate that issue and solve the setback issue. In the design of the property landscaping and outbuilding issues and meet setback issues for those items the petitioner’s needs to maximize lot size. The best solution is to abandon the north half of the alley. This alley has not had any use other than being vacant land as shown on the aerials. It has no accessible access to the west and minimal to the east. One might say the alley is land locked.

Douglas A. and Juliann Murray would also increase their lot size to better utilize their property.

It should be noted that the total alley width is 40-feet and the south half could be used for future utilities or infrastructure that the City may need.

Designing for Your Future  
125 West Main Street, Suite A · Farmington, New Mexico 87401  
Phone: 505-564-2139  
www.sakura@sakuraeng.com
Please accept our justification for our client as part of the Abandonment/Vacation Procedures.

We are open for any question and can be reached at 1-505-564-2139.

Sincerely,
Paul F. Martin MBA, P.E. New Mexico
Colorado, Utah, Arizona, and Texas.
Principal Engineer and CFO for Sakura

File: 2018-460
AFFIDAVIT OF PUBLICATION

Ad No. 0001271941

Roselyn Porter
CITY OF FARMINGTON
LEGAL ADS
600 MUNICIPAL DR
ATTN: ACCOUNTS PAYABLE
FARMINGTON NM 87401

I, being duly sworn, say: THE DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the hereto attached Legal Notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the State of New Mexico for publication and appeared in the internet at The Daily Times web site on the following day(s):

12/23/18

Subscribed and sworn before me this 26th of December 2018.

State of WI, County of Brown
NOTARY PUBLIC

P&Z PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico:

Petition No. ABD 18-92 - a request from Doug Murray, represented by Sakura Engineering and Surveying, for the abandonment of a City owned alley and street: (1) the northern half of a 40' alley in between Block 7 in the Inez Subdivision and west of Poulson Street along Lots 1-6 in Block 7, and Lot 11 in Block 8; (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 5 and 7 in Block 7, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Lots 1, 2, 3, 4, 5, 6, and 7, Block 7, and Lots 8, 9, 10, and 11 of the Inez Subdivision, San Juan County, New Mexico.
Otherwise: west of Poulson St, in Block 7 & 8 in the Inez Subdivision

Petition No. ZC 18-95 - a request from Billy Randall, represented by Misty Hensley for (1) a zone change from the SF-7, Single Family District, to the MF-4, Multi-Family Low Density District; (2) a variance to the setbacks; and (3) a variance to the lot size for properties located at 2303 and 2305 Nathan Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
The North 50 1/2 feet of Lot 12, in Block 3, the South 5 1/2 feet of Lot 12, and the North 45 feet of Lot 13, in Block 3 of the Nygren-Keough Addition, San Juan County, New Mexico.
Otherwise known as 2303 & 2305 Nathan Avenue

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday January 10, 2019 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, January 22, 2019 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

Legal No. 1271941 published in The Daily Times
NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ABD 18-92

December 19, 2018

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Doug Murray, represented by Sakura Engineering and Surveying, for the abandonment of a City owned alley and street: (1) the northern half of a 40’ alley (20 feet) in between Block 7 in the Inez Subdivision and west of Poulson Street along Lots 1-6 in Block 7, and Lot 11 in Block 8; (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Lots 1, 2, 3, 4, 5, 6, and 7, Block 7, and Lots 8, 9, 10, and 11 of the Inez Subdivision, San Juan County, New Mexico.
Otherwise: west of Poulson St. In Block 7 & 8 in the Inez Subdivision

Pursuant to the provisions of Section 3-21-6, New Mexico statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on Thursday, January 10, 2019 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on Tuesday, January 22, 2019 at 6:00 p.m. in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons of interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department – Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Helen Landaverde at 505-599-1282 or hlandaverde@fmtn.org.

Sincerely,

Karen Walker
Administrative Assistant
Names and Tax-Roll Addresses of Owners Within One Hundred (100) Feet (excluding roadways and easements) of the Following Described Property Referenced as TRACT 1:

Lot One (1), in Block Seven (7), of the INEZ SUBDIVISION, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 23, 1958.

AND

Lots Two (2), Three (3), Four (4) and Five (5), in Block Seven (7), of the INEZ SUBDIVISION, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record September 23, 1958.

AND

Lot Seven (7), in Block Seven (7), of the INEZ SUBDIVISION, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 16, 1957.

AND

Lot Six (6), in Block Seven (7) and Lots Nine (9), Ten (10), and Eleven (11), in Block Eight (8), of the INEZ SUBDIVISION, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 16, 1957.

TRACT 1

Douglas A. Murray and Juliann N. Murray
117 Poplar Street
Farmington, NM 87401

Lot 1, in Block 7, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record September 23, 1958.

Book 1632, page 651

AND

Desert Properties of the Southwest, Inc.
1004 South Lake Street
Farmington, NM 87401

Lot 7, in Block 7, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record October 16, 1957.

Book 1635, page 446

AND

Lot 6, in Block 7 and Lots 9, 10, and 11, in Block 8, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record October 16, 1957.

Book 1635, page 446
TRACT 2 & 10  
Royce J.O. Bowden and Agatha Teresa Bowden  
P.O. Box 1924  
Farmington, NM 87401  
That part of the NW/4NE/4 of Section 21,  
Township 29 North, Range 13 West, N.M.P.M.,  
San Juan County, New Mexico.  
Book 1132, page 601  
AND  
That part of the NW/4NE/4 of Section 21,  
Township 29 North, Range 13 West, N.M.P.M.,  
San Juan County, New Mexico.  
Book 999, page 36  
Book 1132, page 601

TRACT 3 & 4  
V. Keith Corley and Rachel V. Corley  
108 Poplar Street  
Farmington, NM 87401  
Lots 5, 6, 7, and 8 in Block 8, of the INEZ  
SUBDIVISION, San Juan County, New Mexico,  
filed for record October 16, 1957.  
Book 1368, page 1170  
AND  
Lots 1, 2, 3, and 4 in Block 8, of the INEZ  
SUBDIVISION, San Juan County, New Mexico,  
filed for record October 16, 1957.  
Book 1421, page 640

TRACT 5  
Neil Foerster and Colleen Foerster  
1105 South Miller  
Farmington, NM 87401  
Lots 3, 4, 7, 8, 9 and 10, in Block 1, of the INEZ  
SUBDIVISION, San Juan County, New Mexico,  
filed for record October 16, 1957.  
Book 1403, page 205

TRACT 6  
Michael Corley and Leah Corley  
1105 South Miller  
Farmington, NM 87401  
Lot 5, 6, 7, and 8 in Block 2, of the INEZ  
SUBDIVISION, San Juan County, New Mexico,  
filed for record October 16, 1957.  
Book 1392, page 1012
TRACT 7
Don Lynn Corley and Alberta Corley Trust
1105 South Miller
Farmington, NM 87401

Lots 11 and 12 in Block 1, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record October 16, 1957.

AND

Lots 9, 10, 11, 12, 13, 14, 15, 16, and 17, in Block 2, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record October 16, 1957.

AND

Lots 2, 3, and 4, in Block 3, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record October 16, 1957.

AND

Lots 8, 9, 10, 11, 12, 13, 14, 15, Block 7, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record October 16, 1957.

AND

That part of the NE/4 of Section 21, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

AND

That part of the NE/4NE/4 of Section 21, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1511, page 637

TRACT 8
Nugent Burson Corley and Deborah Corley Living Trust
120 Albert Place
Farmington, NM 87401

Lots 1, 2, 3, 4, 5, 6, 7, 8, in Block 4, of the INEZ SUBDIVISION, San Juan County, New Mexico, filed for record September 23, 1958.

Book 1475, page 803
TRACT 9
Waste Control of New Mexico
P.O. Box 1450
Chicago, IL 60690-1450

Lot A, including all streets, alleys and easements,
of the W.C. SUBDIVISION, San Juan County,
New Mexico, filed for record July 29, 1981.

Book 924, page 235
Book 921, page 152
Book 921, page 153
Book 921, page 154
Book 921, page 155
Book 921, page 156
Book 921, page 157
Book 921, page 158
Book 921, page 159
Book 921, page 160
Book 921, page 161
Book 921, page 162
Book 921, page 163

TO: November 19, 2018, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Kristina Mitchell, Abstractor
Landaverde, Helen

to Mary, me

Here are the Ditch Company's mailing addresses:

Ralph Fenton
293 P.O. Box
Farmington, NM 87499

Tommy Bolack
3901 Bloomfield Hwy.
Farmington, NM 87401
COMMUNITY DEVELOPMENT PETITION REPORT
Petition ZC 18-95 – A Zone Change Request from a Single Family (SF-7) District to a Multi-family Low Density (MF-L) District and, a Variance Request from Certain Yard Setbacks as well as Lot Size Requirements At 2303 and 2305 Nathan Ave.

A. STAFF REPORT, January 10, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Billy Randall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Misti Hensley</td>
</tr>
<tr>
<td>Date of Application</td>
<td>December 13, 2018</td>
</tr>
<tr>
<td>Requested Action</td>
<td>A Zone Change Request from a Single Family (SF-7) District to a Multi-family Low Density (MF-L) District and, a Variance Request from Certain Yard Setback as well as Lot Size Requirements</td>
</tr>
<tr>
<td>Location</td>
<td>2303 Nathan Ave and 2305 Nathan Ave, henceforth referred to as “subject properties” as they are contiguous to one another.</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>2303 Nathan Ave, Duplex</td>
</tr>
<tr>
<td></td>
<td>2305 Nathan Ave, Duplex</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>SF-7, Single Family</td>
</tr>
<tr>
<td>Surrounding Zoning &amp; Land Use</td>
<td><strong>North:</strong> SF-7, Single Family/Single Family and Duplexes  &lt;br&gt; <strong>South:</strong> SF-7, Single Family/Single Family and Duplexes  &lt;br&gt; <strong>East:</strong> SF-7, Single Family/Single Family  &lt;br&gt; <strong>West:</strong> SF-7, Single Family/Single Family</td>
</tr>
<tr>
<td>Notice</td>
<td>Publication of Notice for public hearings of the Planning and Zoning Commission and the City Council appeared in the Farmington Daily Times on Sunday, December 23, 2018. Property owners within 100 feet were sent notice by certified mail on Wednesday, December 19, 2018 and a public notice sign was posted at the site on Friday, December 28, 2018.</td>
</tr>
<tr>
<td>Staff Planner</td>
<td>Gary Leikness, AICP, CFM Planning Manager</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS

Project Description
The Community Development Department received a request from Billy Randall, represented by Misty Hensley, for a zone change from SF-7, Single Family, to the MF-L, Multi-family Low Density, to ensure conformance for two existing (built in 1957) duplexes with the Unified Development Code (UDC). Duplex units are not allowed in the SF-7 zone, but are allowed in the MF-L zone.
In addition, the request requires and includes a variance to certain yard setbacks, and lot sizes. The variance to yard setbacks and lot sizes would address issues that arise by going from SF-7 to the ML-F Zone.

The petitioner is the owner of two duplexes that are currently "non-conforming uses" in the SF-7 zone. They wish to obtain a zone change to allow the duplexes as "conforming" uses. As the zone changes, new setbacks and minimum lot sizes are required to be met. Therefore the petitioner is also seeking relief from some of the new required setbacks and minimum lot size of the new MF-L zone.

The zone change and variance would allow the applicant to rebuild should the buildings be destroyed. In addition, the zone change and the variance would also allow the property to be sold, with assurance that the structures could be rebuilt and that the land uses may continue.

San Juan County Tax Assessor's records list the size of the 2303 Nathan Ave property as 0.16 acres (6803 ft.²), while the 2305 Nathan Ave property is listed as 0.18 acres (8049 ft.²). On the subject properties, there is one duplex structure, per lot. Both duplexes are approximately 1638 ft.², in size, and are both one story structures, built in 1957.

The following is a breakdown of the requested variances within a MF-L zone¹:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>2303 Nathan Ave</th>
<th>2305 Nathan Ave</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Required Proposed Deviation</td>
<td>Required Proposed Deviation</td>
</tr>
<tr>
<td>Sebacks Front (ft)</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Sebacks Rear (ft)</td>
<td>25</td>
<td>8</td>
</tr>
<tr>
<td>Sebacks Side, north (ft)</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Sebacks Side, south (ft)</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Lot Size (sq ft)</td>
<td>8000</td>
<td>6800</td>
</tr>
</tbody>
</table>

Table 1

¹ Table is based on the approval of the zone change request. The deviations are to the new MF-L zone.
Figure 1. Aerial of subject properties.
Figure 2. Zoning Map of General Vicinity.
Figure 3. Original Plat
**Consistency with the Farmington Comprehensive Plan**

The 2020 Future Land Use Plan Map indicates that this area is to remain as Residential Single Family Urban, therefore the request is **not** supported by the Future Land Use Map (Figure 4).

**Figure 4. Comprehensive Plan, Land Use Map**
The following Content from the Comprehensive Plan, with goals and objectives, are applicable to this requested change in zoning:

**Land Use and Development**

Goal: Plan and facilitate land use and development that is consistent, orderly, functional, in harmony with the natural environment, and promotes a progressive, vibrant, scenic, and safe community.

"Objective 4.1: Assure the provision of a variety of different land use types in suitable locations, densities, and patterns while avoiding mixing of incompatible uses in close proximity to each other."

**Housing**

Goal: Promote quality, affordable, and safe housing that meets the needs of the community and assure implementation of sound standards for orderly development and growth.

Objective 7.1: Provide for variety of housing options, including traditional subdivisions and mixed-use developments, to accommodate housing needs of all residents in Farmington including the elderly, disables, students, and low-income residents.

Key Issues: the comprehensive plan, in addressing infill opportunities, suggests, "Zoning districts could be created or modified to allow higher housing unit densities."  

The Comprehensive Plan identifies that, "Older homes are not being restored or rehabilitated due to zoning and building code provisions or restrictions that either do not allow a mixed use or are cost prohibited to bring them into compliance with current standards."

In addition, the regional Affordable Housing Plan targets Affordable Rentals as the "greatest need in the study area." It further states, "They are needed by both cost-burdened renter households, as well as a portion of cost-burdened owner households who may be facing foreclosure and need to downsize into a rental home."

---

6 Affordable Housing Plan for Northeast San Juan County, NM. 2011, pp. 53
Compatibility with the Surrounding Area
The subject properties are surrounded by single family homes, except for two duplexes to the south. The subject properties are surrounded by SF-7, Single Family zoning.

The subject properties include two duplexes that are existing, and have existed since 1957. The units are single story and are arranged such that their appearance from the road is in harmony with other structures. Vehicular access to the subject properties is either on Nathan Ave, or through an alley at the rear. Both duplexes have carports in the rear, with direct access to the alley.

The proposed MF-L zoning does not allow structures to exceed the SF-7 zoning, as both zones have a height limit of 35-feet.

STAFF ANALYSIS

A. Is the proposed zoning consistent with the Farmington Comprehensive Plan?

The requested zone change from SF-7, Single Family to MF-L, Multi Family Low is generally consistent with the provided sections of the Comprehensive Plan, goals and objectives listed previously in this report. However, the request is not consistent with the Comprehensive Plan Map, in that the request is seeking MF-L Zoning, where the Comprehensive Plan designates future land uses as Single Family.

This criterion is partially met.

B. Is the proposed zoning and land use(s) compatible with the present zoning and conforming uses of nearby property and the character of the neighborhood?

The proposed zoning is residential in nature, MF-L, Multi Family Low. The lots would only allow two dwelling units per each lot with approval of the accompanying variance request. So, with a new zone, the subject properties would still remain as duplexes, even if they were destroyed or demolished.

The properties to the north are zoned as SF-7, and contains single family residences. The properties to the South are zoned as SF-7, but have two duplexes and single family residences. The properties to the east and west are zoned SF-7 and are single family residences.

The proposed zoning for the subject properties is generally compatible with the present zoning and character of the neighborhood.

This criterion is met.
C. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?

There are no anticipated adverse impacts by a rezone to MF-L, because the lot size requirements will constrain future redevelopment of the subject properties to be either single family homes, or duplexes. There would be no more increase in housing densities than already exists.

This criterion is met.

D. Is the proposed density and intensity of use permitted in the proposed zoning district?

The lot size requirements will constrain future redevelopment of the subject properties to be either single family homes, or duplexes. There would be no more increase in housing densities than already exists. The lot sizes were addressed in the Variance criteria, below. If the variances are approved,

This criterion is met.

E. Are adequate public facilities and services available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended by the applicant? Is the applicant willing to pay for the extension of public facilities and services necessary to serve the proposed development?
The subject properties have been developed. Public services have been provided and City services such as Police and Fire would be able to serve existing and new developments to this area.

Water, Sewer, and Electric are available at the subject property. Future developments may necessitate the need for upgrade infrastructure. The applicant will have to manage his costs for future development, as he works with the City through the development process.

This criterion is met

F. Does the proposed change constitute "spot zoning" as defined in Article 11, definitions?

Article 11 defines “spot zoning” as “where 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 proposed zone change for the subject properties allows duplexes, which do not comply with the Comprehensive Plan Map.

The proposal would grant to the subject properties, “special privileges not granted generally.” However, as noted in this report, the buildings were constructed as duplexes in 1957. The proposed zone change could constitute spot zoning. The information in this report should be considered in this criteria, as it addresses the Comprehensive plan needs and goals.

This criterion is partially met.

---

7 The concept of “spot zoning” is addressed in the definition section, UDC:12, “Where a particular tract within a larger area is specifically zoned so as to impose on 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.”
Variances

As a reminder, Table 1 of this staff report lists the requested variances. It is provided here as well:

<table>
<thead>
<tr>
<th>Zoning</th>
<th>2303 Nathan Ave Required</th>
<th>2303 Nathan Ave Proposed</th>
<th>Deviation</th>
<th>2305 Nathan Ave Required</th>
<th>2305 Nathan Ave Proposed</th>
<th>Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sebacks Front (ft)</td>
<td>20</td>
<td>20</td>
<td>0</td>
<td>20</td>
<td>20</td>
<td>0</td>
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<tr>
<td>Setbacks Rear (ft)</td>
<td>25</td>
<td>8</td>
<td>17</td>
<td>25</td>
<td>8</td>
<td>17</td>
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<tr>
<td>Setbacks Side, north (ft)</td>
<td>8</td>
<td>8</td>
<td>0</td>
<td>8</td>
<td>6</td>
<td>2</td>
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<tr>
<td>Setbacks Side, south (ft)</td>
<td>8</td>
<td>8</td>
<td>0</td>
<td>8</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Lot Size (sq ft)</td>
<td>8000</td>
<td>6800</td>
<td>1200</td>
<td>8000</td>
<td>8000</td>
<td>0</td>
</tr>
</tbody>
</table>

Variance Criteria – Section 8.12.4, UDC

A variance may be granted only where a literal enforcement of the Code provisions would result in unnecessary hardship for a particular property. In order to grant a variance, the ARB must make a positive finding of fact concerning each of the following or, if a positive finding of fact cannot be made that, the ARB specifically describes the circumstance that would outweigh the strict requirement for a positive finding of fact and determine that the variance will not be a public detriment:

1. That special conditions and circumstances exist, which are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district; and, furthermore, that they are not self-imposed, self-created or otherwise the result of actions by the applicant.

Rear Yard Setback

The subject properties are two of only four duplexes in the general vicinity. The duplexes have existed since 1957. The existing carports at the rear of the property have existed for an undetermined time. The subject properties have only the carports at the rear of the property to provide off-street parking. Other property in the vicinity have alley access as well, but also enjoy the use of off-street parking in the front of the lot. The carports represent a large component of the requested variances.
Side Yard Setbacks
The side yard setbacks are required to bring the property into compliance with the potential rezone to MF-L. These side yard setback reductions would only allow for the structures to be rebuilding in substantially the way they exist today.

Lot Sizes
Lot sizes are listed that would enable the subject properties to be in conformance with a potential rezone to MF-L, Multi Family Low. This a reasonable request due to the fact that this will only allow the subject properties to be rebuilt substantially the same as they exist today. The proposed variances will not exceed existing densities.

This criterion **is met.**

2. That a literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Code.

Strict application of the regulation would deprive the applicant of "rights commonly enjoyed by other properties...," The subject properties are two of only four duplexes in the general vicinity. The duplexes have existed since 1957. The existing carports at the rear of the property have existed for an undetermined time. The subject properties have only the carports at the rear of the property to provide off-street parking. Other property in the vicinity have alley access as well, but also enjoy the use of off-street parking in the front of the lot. The carports represent a large component of the requested variances.

This criterion **is met.**

3. The applicant demonstrates that the request is a minimum easing of the Code requirements, making possible the reasonable use of the land, building, or structure.

The requested variance represents the minimum easing of the Code requirements, in that the requested setbacks are generally the same as the existing seebacks.

This criterion **is met.**

4. That the granting of the variance is in harmony with the general interest, the general purpose and intent of the Code, and is not injurious to the neighborhood or otherwise detrimental to the public welfare.

Setbacks are utilized to achieve access to sunlight and free flowing air. They are to protect adjacent properties from negative impacts. The single family homes in the vicinity will continue to have access to air and light.
This criterion is met.

5. That the proposed variance will not permit a use not otherwise allowed in the underlying district.

The granting of this variance will not allow a use that is not otherwise allowed in the MF-L District. Duplexes are an allowed use in the MF-L, Multi Family Zoning.

This criterion is met.

6. That no nonconforming use of neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts has been or shall be considered grounds for the issuance of a variance.

No nonconforming uses, structures or buildings in the same district have been considered as grounds for this variance request.

This criterion is met.

7. That the applicant would suffer an unnecessary hardship if the variance requested were denied.

The applicant would suffer an unnecessary hardship if the variances were denied. The property owner is striving to find a way that the existing duplexes can exist in a “conforming” manner. Having the variance would allow this to occur. The hardship would include the knowledge that the duplexes, if destroyed by any means could not be rebuilt to the same dimensions as the existing buildings.

This criterion is met.

STAFF COMMENTS

Community Development Director: “Shouldn’t the adjoining duplex buildings located at 2101 Nathan be included in this petition?”

The applicant’s representative has been asked about this, but they are moving forward with these requests without the other duplex lots joining in on the petition.

STAFF CONCLUSION

Staff concludes that the requested ZC 18-95 meets the required criteria for approval of a zone change.

Staff concludes that the requested ZC 18-95 meets the criteria for granting a variance.
STAFF RECOMMENDATION

1) The Community Development Department recommends approval of the Petition ZC 18-95, a requested zone change from the SF-7, Single Family Zoning to MF-L, Multi Family Low.

2) The Community Development Department recommends approval of Petition ZC 18-95 a request for variances to the specified regulations as found in Table 1 of this staff report. The following condition applies:
   a. Approval of the requested variances found in petition ZC 18-95 will only be applicable if the subject properties are rezoned to MF-L, Multi Family.
# PLANNING MEMO COMMENTS SUMMARY

**ZC 18-95 2303 & 2305 NATHAN**  
**Deadline: 12/27/18**

<table>
<thead>
<tr>
<th>City of Farmington Departments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>Director – M. Holton</td>
</tr>
<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
</tr>
<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
</tr>
<tr>
<td>CD</td>
<td>Long Range Planner</td>
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<tr>
<td>CD</td>
<td>MPO</td>
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<tr>
<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
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<tr>
<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
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<tr>
<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
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<td>ELEC</td>
<td>Electrical Engineering – L. Algarbe</td>
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<td>ELEC</td>
<td>T &amp; D – R. Romero</td>
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<tr>
<td>FIRE</td>
<td>Fire Captain – D. Doudy</td>
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<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
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<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
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<tr>
<td>LEGAL</td>
<td>Deputy City Attorney –</td>
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<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
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<tr>
<td>POLICE</td>
<td>Sergeant – P. Flores</td>
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<tr>
<td>PRCA</td>
<td>S. Reeves/R. Crosby</td>
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<tr>
<td>PRCA</td>
<td>ORII – C. Styron</td>
</tr>
<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
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<tr>
<td>PW</td>
<td>Streets Superintendent</td>
</tr>
<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
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<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
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</tbody>
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<table>
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<tr>
<th>Other Entities</th>
<th></th>
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<tbody>
<tr>
<td>New Mexico Gas Company – R. Castillo</td>
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<tr>
<td>CenturyLink – D. Willalo</td>
<td>No comment</td>
</tr>
<tr>
<td>Enterprise Field Services</td>
<td></td>
</tr>
<tr>
<td>Comcast Cable – M. Johnson</td>
<td></td>
</tr>
<tr>
<td>CH2MILLIOMI</td>
<td></td>
</tr>
<tr>
<td>Surface Land Negotiator for BP – R. Mora</td>
<td>No comment</td>
</tr>
<tr>
<td>Farmington School District – C. Lyons</td>
<td></td>
</tr>
</tbody>
</table>
PETITION APPLICATION

Incomplete applications will not be accepted.

Return completed application to:

Planning Division
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1317
(505) 599-1299 (fax)

PROJECT TYPE (Check Those Applicable)

☑ Annexation and/or Zoning
☐ Preliminary Plat
☐ Final Plan

☐ Summary Plat
☐ Special Use Permit
☐ Variance (ARB)

☑ Zone Change to HF-L District
☐ Temporary Use Permit

Proposed Length of Use:

☐ Well site equipment modification

INFORMATION

Applicant's Name: Billy Randall
Address: 1212 N. Hwy. 190
Farmington, NM 87401
E-Mail: brandall.stone@gmail.com
Telephone: (505) 496-3446
Relationship to Property Owner:

Legal Description of Subject Property: Nogren Sf section addition

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes ☐ No ☐

If Yes, please provide copy with application.

REPRESENTATIVE/CONTACT PERSON (If other than applicant)

Name: mistysharrill@gmail.com
Phone: 505-999-4545
Address: Ill N. Municipal Farmington, NM 87401

E-Mail: mistysharrill@gmail.com

OWNERSHIP

PROPERTY OWNER (Family General Partners, Managing Partner, Corporation President and Secretary, Specified type of ownership interest, Fee, Real Estate Contract, Option to Purchase)

Name: Billy Randall
Phone: 505-496-3446
Address: Same as above

MORTGAGE HOLDERS (If any)

Bank of the Southwest

Name: Same as above
Phone: Same as above
Address: Same as above

OWNER CERTIFICATION

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge and belief. I authorize the City of Farmington, or any authorized officer thereof, to accept the premises described in this application. I understand any request for approval of this application requires review and approval by the Planning and Zoning Commission.

Name: Billy Randall
Owner’s Signature: [Signature]
Date: [Date]

Received By: [Signature]
Date: [Date]
Fee Received: [Amount]
Project File No.: [Number]
Date of Hearing/Meeting: [Date]

☑ BlueLine Copies of Plans
☑ Ownership Report (subject and surrounding properties)
☑ Legal Description
☑ Detailed Statement of Proposed Use
TO: Title Company
FROM: Misty Hensley for Billy Randall

Address 1113 N. Austin
City Farmington, NM
Phone 505-419-1905

Date: December 9, 2018

RECEIVED
DEC 13 2018
COMM DEV DEPT

For Property: 2303 Nathan
2305 Nathan

Please provide me with a list of property owners in conformance with Section 3-21-6 of the NMSA 1978 Comp. and the following specifications:

1. The names and mailing addresses of all property owners within the area described in the legal description which should be referenced on the ownership list;

2. The names and mailing addresses of all property owners within 100 feet of the area excluding public rights-of-way, described in the legal description transmitted herewith.

3. Each property owner name and address should be accompanied by a brief reference to the property that they own or should be referenced on a map that may be attached to the ownership list.

Example: John Jones
100 Lover's Lane
Anytown, New Mexico 87401
Lot 1, Block 10
Jones Subdivision

4. Multiple page ownership lists should contain page numbers using the following format: "Page 1 of 4".

5. The ownership list must be certified by an authorized agent or representative of the title company as to its being accurate and as having been compiled within the 30 days before the application is submitted.

Any title company having questions regarding the preparation of an ownership list related to a zoning petition should contact the City of Farmington Development Services Division - Community Development Department for assistance at 599-1317.
Plot plan
2303 S 2305 Nathan
Randall, Billy

Legend

Other Roads:

- Road
- Less
- Navy
- Other
- Raw
- Line
- River
- Action
- Block
- Four
- Other
- Ranch
- River
- Red
- Green
- Blue

San Ju
Assessor
180 W.
Arteson
505 3
AFFIDAVIT OF PUBLICATION

Ad No.
001271841

RECEIVED
DEC 7 2006
COMM DEV DEPT

Rossyn Potter
CITY OF FARMINGTON LEGAL ADS
800 MUNICIPAL DR
ATTN: ACCOUNTS PAYABLE
FARMINGTON NM 87401

I, being duly sworn say: The DAILY TIMES, a daily newspaper of general circulation published in English at Farmington, said county and state, and that the ad and attached legal notice was published in a regular and entire issue of the said DAILY TIMES, a daily newspaper duly qualified for the purpose within the State of New Mexico for publication and appeared in the internet at The Daily Times website on the following day(s):

12/23/18

Subscribed and sworn before me this 26th of December 2018.

State of NM, County of Farmington
NOTARY PUBLIC

P&Z PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING

Notice is hereby given that the following application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. ABD 10-92 - a request from Doug Murray, represented by Sakura Engineering and Surveying, for the abandonment of a City owned alley and street (1) the northern half of a 40' alley in between Block 7 in the Inez Subdivision and west of Poulson Street along Lots 1-6 in Block 7, and Lot 11 in Block 8; (2) a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Lots 1, 2, 3, 4, 5, 6, and 7, Block 7, and Lots 8, 9, 10, and 11 of the Inez Subdivision, San Juan County, New Mexico.
Otherwise: west of Poulson St. in Block 7 & 8 in the Inez Subdivision

Petition No. ZC 18-85 - a request from Billy Rondall, represented by Misty Hensley for (1) a zone change from the SF-3, Single Family District, to the MF-L, Multi-family Low Density District; (2) a variance to the setbacks; and (3) a variance to the lot size for properties located at 2303 and 2305 Nathan Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
The North 59 1/2 feet of Lot 12, in Block 3, the South 5 1/2 feet of Lot 12, and the North 45 feet of Lot 13, in Block 3 of the Nygren-Shoemaker Addition, San Juan County, New Mexico.
Otherwise known as 2303 & 2305 Nathan Avenue

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that these petitions will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday January 10, 2019 at 3:00 p.m. in the City Council Chambers at City Hall, 600 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, January 22, 2019 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

Legal No. 1271841 published in The Daily Times
NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 18-95

December 19, 2018

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Billy Randall, represented by Misty Hensley for (1) a zone change from the SF-7, Single Family District, to the MF-L, Multi-family Low Density District; (2) a variance to the setbacks; and (3) a variance to the lot size for properties located at 2303 and 2305 Nathan Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
The North 59 3/4 feet of Lot 12, in Block 3, the South 5 3/4 feet of Lot 12, and the North 45 feet of Lot 13, in Block 3 of the Nygren-Skousen Addition, in the City of Farmington, San Juan County, New Mexico.
Otherwise known as 2303 & 2305 Nathan Avenue

Pursuant to the provisions of Section 3-21-6, New Mexico statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by the Planning and Zoning Commission of the City of Farmington on Thursday, January 10, 2019 at 3:00 p.m., in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on Tuesday, January 22, 2019 at 6:00 p.m., in the City Council Chambers. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons of interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department – Planning Division at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that all submitted comments will become public record and that there is the possibility that any petition may be withdrawn before the hearing date.

If you have any questions or would like additional information regarding this notice or the petition, please contact Gary Leikness at 505-599-1309 or gleikness@fmtn.org.

Sincerely,

Karen Walker
Administrative Assistant
### 100ft Notification Address List

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dolores River Self Storage, LLC</td>
<td>5737 Road 321, Ignacio, CO 81137</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Dolores Louene Papin Trust</td>
<td>2303 N. Cochiti Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Aileen C. Archuleta</td>
<td>2306 N. Cochiti Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Phillip D. &amp; Loretta A. Lemons</td>
<td>2400 N. Cochiti Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Lizette N. Vannest</td>
<td>2402 Cochiti Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Crystal A. Garcia</td>
<td>3101 Greenbrier Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Mary P. Harmon Living Trust</td>
<td>2406 Cochiti Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Bernabe C. Sandoval</td>
<td>910 W. Main St., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Greg &amp; Georgette M. Allen</td>
<td>2405 Nathan Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Louise Thomason</td>
<td>2406 Nathan Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Other H. &amp; Pauline N. Sorrels Living Trust</td>
<td>2408 Nathan Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>B. Patsy Martin Living Trust</td>
<td>P.O. Box 2018, Farmington, NM 87499</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Brad Allen &amp; Sara Katherine Maxwell</td>
<td>2321 N. Wagner Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>David C. Bowman</td>
<td>42 Road 2390, Aztec, NM 87410</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Jonathan &amp; Kami Palmer</td>
<td>2309 N. Wagner Ave., Farmington, NM 87401</td>
<td>ZC 18-95</td>
</tr>
<tr>
<td>Gregory Joe Roach, Donna Lynn Rhoden &amp; Ralph Jack Roach</td>
<td>477 W. St., Whiteland, ID 46184</td>
<td>ZC 18-95</td>
</tr>
</tbody>
</table>
The Planning and Zoning Commission met in a regular session on December 13, 2018 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present: Chair-Joyce Cardon
Ryan Brown
Shay Davis
Cheryl Ragsdale
Cody Waldroup

P&Z Members Absent: Clint Freeman
Kristin Langenfeld
Mitchell Sewell

Staff Present: Helen Landaverde
Gary Leikness
Andrea Jones

Others Who Addressed the Commission: Mike Atchison
Tyrell Atchison
Shawn Carlson
Doug Hunt
Rick Kelly
Sheryl Kelly

Call to Order
Chair Joyce Cardon called the meeting to order at 3:09 p.m. 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 the Minutes
A motion was made by Commissioner Waldroup and seconded by Commissioner Davis to approve the minutes of the November 15, 2018 P&Z Meeting. This motion was approved unanimously by a 5-0 vote.
Discussion and Approval to reschedule or cancel the P&Z meetings for Nov. 28, 2019 and Dec. 26, 2019.

A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to cancel the November 28, 2019 and December 26, 2019 P&Z meetings. The vote was 5-0.

Swearing in of Witnesses

All parties that wished to speak on behalf of any agenda items were sworn in by Andrea Jones.

CONSIDERATION & RECOMMENDATION
ZC 18-86
Zone Change from GC to MU
2000 W. Main St. & 103 Gower Road

Planning & Zoning Commission Discussion of Petition ZC 18-86 on December 13, 2018

Planning Manager Gary Leikness presented the staff report for ZC 18-86, a request from El Rancho Holdings, LLC, represented by Mike Atchison, for a zone change from the GC, General Commercial District to the MU, Mixed-Use District, to allow for household living and mixed uses on properties located at 2000 W. Main St. and 103 Gower Road.

Zoning to the north is GC, General Commercial with some nonconforming single family residences along Gower Road. To the south is MU, Mixed Use. East and West is GC.

The petitioner is proposing the zone change to allow for the use of the existing structure on 2000 W. Main Street as a single family home with the option to “run an at-home business.” The Gower property is currently vacant with no immediate plans for development.

Pursuant to UDC 5.3.2(A), “All residential uses take direct access to local streets.” Furthermore, “No single-family residential use shall take direct access to arterial streets. Ground floor single family dwellings are not permitted in the GC District according to UDC Table 2.3. Therefore, the structure cannot be used as a single family home with the current zoning.

Pursuant to UDC 3.11.1 MU is “…intended to accommodate low-intensity mixed uses with a strong residential character. The MU district provides specific standards for the development of limited business, office, or service uses in existing residential structures, or in new structures within residential areas.”

An analysis of the UDC, said Mr. Leikness, shows how the MU zoning may or may not allow more land uses than GC. The comparison shows that the MU zone allows more residential
types of land uses, and less commercial and industrial land uses. While the GC zone has fewer residential land use options, but more commercial and industrial opportunities.

Mr. Leikness presented various maps and aerials to determine the area in question.

The zone change request is for MU, which is generally consistent with the goals and objectives in the Comprehensive Plan. However, it is not consistent with the 2020 Future Land Use Map, stated Mr. Leikness. The 2020 Future Land Use Plan Map indicates that this area is to remain as GC. The proposed zoning may place limits on adjacent commercial properties in the future.

Spot zoning is where 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. The proposed zone change allows residential uses, but is limited with commercial and industrial land use options.

Mr. Leikness said the Community Development Director had concerns about a MU zoning due to the activity by fast food chains and the industrial and commercial characterization of the area.

Public Works Engineering had comments regarding access limited to Gower if used as a residence.

Staff concludes that the requested zone change fails to meet four of the six criteria for approval. Community Development recommends denial.

Mike Atchison, 2000 W. Main, representative of El Rancho Holdings, said he was asking for the zone change so he could do something with the empty building on the property. He said there has not been very much development in that area recently. Mr. Atchison said he wanted to put a small apartment in the current structure. Mr. Atchison said the property could always be rezoned back to Commercial. Mr. Atchison said he did not receive a copy of the Planning & Zoning Agenda and staff did not talk with him about the denial prior to this meeting.

Sheryl Kelly, 2012 N. Fairview Avenue, owns the property next to Mr. Atchison and would also like a zone change to MU. She said she is having trouble selling her property with the current zoning.

Tyrell Atchison, 13B Road 5481, Mike Atchison’s son, said there are several properties in the area that are zoned GC but are used as residential because they are grandfathered in. Mr. Atchison asked how MU could affect future businesses. Ms. Cardon explained that residences should not be in that area based on the Future Land Use Plan. Ms. Cardon discussed commercial uses in an area that would inhibit residential uses.

Mr. Atchison said that MU would allow an at-home business that would blend in with the commercial businesses that are currently there. Gary Leikness noted criteria C in the Planning
& Zoning agenda Book on page 6 concerning adverse impacts that says, “There may be some incompatibility between a single family home and an auto repair center, for example, adverse impacts: future development on the subject property and surrounding properties will follow all applicable codes, which are intended to ensure Life/Safety.”

Mr. Leikness mentioned the possibility of a Special Use Permit to allow two uses next to each other that might not normally be compatible. However, in this situation, said Mr. Leikness, a commercial business could produce noise, odor, or other adverse effects. Mr. Leikness also referenced page 5 of the agenda book.

Commissioner Davis commented that he was concerned that the applicant was not consulted about the denial before going through the entire process. Chair Cardon voiced the same concern.

Planning & Zoning Commission Action of Petition ZC 18-86 on December 13, 2018
A motion was made by Commissioner Davis and seconded by Commissioner Waldroup to deny Petition ZC 18-86, a request from El Rancho Holdings, LLC, represented by Mike Atchison, for a zone change from the GC, General Commercial district to the MU, Mixed-Use District, to allow for household living and mixed uses on properties located at 2000 W. Main St. and 103 Gower Road.

AYE: Chair Cardon, Commissioners Brown, Davis, Ragsdale, and Waldroup
NAY: None
Absented: None

Motion passed 5-0

CONSIDERATION & RECOMMENDATION
ZC 18-89
Zone Change from MF-L SMHAO to GC
1105 Schofield Lane

Planning & Zoning Commission Discussion of Petition ZC 18-89 on December 13, 2018
Associate Planner Helen Landaverde presented the staff report for ZC 18-89, a request from Doug Hunt, represented by Teresa Hunt, for a zone change from the MF-L SMHAO, Multi-family
Low Density Special Mobile Home Area Overlay District, to GC, General Commercial, to allow for commercial use on property located at 1105 Schofield Lane.

San Juan County Tax Assessor’s records show that the size of the subject property is 1.009 acres. There is a residence and a detached storage building on the property.

Ms. Landaverde stated the properties to the north are zoned MF-L SMHAO and GC, General Commercial. The properties to the west and south are zoned as MF-L SMHAO and the property to the east is zoned as GC. There are some residential uses along Schofield Lane; however, most of the land use on Schofield Lane is commercial and it is zoned as GC.

The applicant would like to construct a 2,000 ft.² office building for commercial use and a 2,400 ft.² garage to store company vehicles on the property. According to the applicant, Hard Rock Builders, Inc., a concrete construction business, has been experiencing burglaries at their existing location and they would like to use the subject property for a new location or for the relocation of the company. Commercial uses and offices are not permitted in the MF-L SMHAO, Multifamily Low Density Special Mobile Home Area Overlay District. A zone change to GC would allow commercial and/or office use on the property, said Ms. Landaverde.

The property owner would have to provide sufficient off-street parking for commercial and/or office use. The applicant is proposing to have 14 off-street parking spaces. The minimum required off-street parking for office use is eight spaces. The minimum required off-street parking for retail sales and services will vary depending on the proposed use. Parking could vary depending on the use of the retail space.

The General Commercial District is intended to accommodate commercial uses, stated Ms. Landaverde. It may also be used to accommodate new development proposals. The GC district is intended to implement the planning policies of the Comprehensive Plan's "Commercial" land use designation.

The 2020 Future Land Use Plan recommends commercial use for the subject property. The proposed zone change supports the Land Use and Development objectives in the Comprehensive Plan. The proposed zone change will not be a spot zone.

The Community Development Department recommends approval.

Commissioner Davis questioned the existing zoning adjacent to the property. Ms. Landaverde said there are two zoning districts to the north, GC and MF-L SMHAO. To the south is MF-L
SMHAO. To the east is GC, but there are residential uses that are legal nonconforming and are grandfathered in. The zoning district along Schofield is GC.

Doug Hunt, 4103 Old Mission Road, said he has owned the property for 13 years as a single family residence, and would like to turn it into commercial suites. Currently, it is a rental property.

Shawn Carlson, 1815 E. 11th Street, said the petitioner’s property backs up to her property. She said there is enough traffic and noise in the area and is concerned about another business going in to the neighborhood. Currently there is a lot of trash and debris. Ms. Carlson said the property and a 10-foot utility easement have not been maintained. She said a garage would not be acceptable next to her property. She was concerned that another business would lower property values for the residences. Ms. Carlson said she is against the zone change.

Commissioner Ragsdale asked Ms. Carlson how long she has owned her property. Ms. Carlson said she has owned the property for two years and bought it because it was a quiet neighborhood.

Mr. Hunt said if the property is developed, there will be a 6-foot privacy fence and the property will be cleaned up. He said he is aware that the property has not been maintained.

Commissioner Brown asked Mr. Hunt what he intended to use the garage for. Mr. Hunt said the garage would be used to store equipment and trucks. It will not be a mechanic shop.

Ms. Landaverde noted that a vehicle repair shop would not be allowed that close to the residences. Noise levels would have to follow City code and would be enforced by Code Compliance.

**Planning & Zoning Commission Action of Petition ZC 18-89 on December 13, 2018**
A motion was made by Commissioner Brown and seconded by Commissioner Ragsdale to approve Petition ZC 18-89, a request from Doug Hunt, represented by Teresa Hunt, for a zone change from the MF-L SMHAO, Multi-family Low Density Special Mobile Home Area Overlay District, to GC, General Commercial, to allow for commercial use on property located at 1105 Schofield Lane.

AYE: Chair Cardon, Commissioners Brown, Davis, Ragsdale, and Waldroup

NAY: None
Abstained: None

Absent: Commissioners, Freeman, Langenfeld, and Sewell.

**Motion passed 5-0**

**Business from the Floor:** There was no business from the Floor.

**Business from the Chair:** There was no business from the Chair.

**Business from the Members:** There was no business from the Members

**Business from Staff:** Gary Leikness introduced himself to the Commissioners.

**Adjournment:** With no further business and a motion by Commissioner Davis and seconded by Commissioner Waldroup, the Planning and Zoning Commission meeting of December 13, 2018 was adjourned at 4:02 p.m.

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Joyce Cardon       Karen Walker
Chair         Administrative Assistant