AGENDA
Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
May 16, 2019, at 3:00 p.m.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Call Meeting to Order</td>
</tr>
<tr>
<td>2</td>
<td>Approval of the Agenda</td>
</tr>
<tr>
<td>3</td>
<td>Approval of the Minutes of the March 14, 2019 P&amp;Z Meeting</td>
</tr>
<tr>
<td>4</td>
<td>Petition No. ZC 19-33 – a request from Tristan Hawkins for a zone change from LNC, Local Neighborhood Commercial to MU, Mixed Use, and for variances (1) to the rear yard setback from the required 15 feet to 5 feet, (2) to allow for one off-street parking space in the front yard area, and (3) to allow for an additional curb cut of 32 feet to access a proposed driveway with four parking spaces and two proposed, attached one-car garages for property located at 401 N. Auburn Avenue. (Francisco Alvarado)</td>
</tr>
<tr>
<td>5</td>
<td>Business from:</td>
</tr>
<tr>
<td></td>
<td>Floor:</td>
</tr>
<tr>
<td></td>
<td>Chairman:</td>
</tr>
<tr>
<td></td>
<td>Members:</td>
</tr>
<tr>
<td></td>
<td>Staff:</td>
</tr>
<tr>
<td>6</td>
<td>Adjournment</td>
</tr>
</tbody>
</table>

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, May 28, 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
Petition ZC 19-33 – Zone Change from the LNC, Local Neighborhood Commercial District to the MU, Mixed Use District and variances to the rear yard setback and to allow for one off-street parking space in the front yard area for property located at 401 N Auburn Avenue

A. STAFF REPORT, May 16, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Tristan Hawkins</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Tristan Hawkins</td>
</tr>
<tr>
<td>Date of Application</td>
<td>April 18, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Zone change from the LNC, Local Neighborhood Commercial District to the MU, Mixed Use Residential District, and variances (1) to the rear yard setback from the required 15 feet to 5 feet setback, (2) to allow for one off-street parking space in the front yard area, and (3) to allow for an additional curb cut of 32 feet.</td>
</tr>
<tr>
<td>Location</td>
<td>401 N. Auburn Avenue (R0022520)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Residence</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>LNC, Local Neighborhood Commercial District</td>
</tr>
<tr>
<td>Surrounding Zoning &amp; Land Use</td>
<td><strong>North:</strong> LNC, Local Neighborhood Commercial/Commercial <strong>South:</strong> LNC, Local Neighborhood Commercial/Commercial <strong>East:</strong> MU/RPO, Mixed Use with a Residential Preservation Overlay/Residential and Commercial <strong>West:</strong> MF-H, Multifamily Low High/Residential</td>
</tr>
<tr>
<td>Notice</td>
<td>Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, April 28, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, April 24, 2019 and a sign was posted on Friday, May 3, 2019.</td>
</tr>
<tr>
<td>Staff Planner</td>
<td>Helen Landaverde, Associate Planner</td>
</tr>
</tbody>
</table>

STAFF ANALYSIS

Project Description
The applicant Tristan Hawkins is requesting a zone change from the LNC, Local Neighborhood Commercial District to the MU, Mixed Use District, and variances (1) to the rear yard setback from the required 15 feet to 5 feet, (2) to allow for one off-street parking space in the front yard area, and (3) to allow for an additional curb cut of 32 feet to access a proposed driveway with four parking spaces and two proposed, attached one-car garages for property located at 401 N. Auburn Avenue and in the Civic Center Neighborhood in the Metropolitan Redevelopment Area Plan (MRA).
San Juan County Tax Assessor’s records show that the size of the property is 0.130 acres (8,291.80 ft.²). The property was annexed into the City in 1901 and is considered to be a lot of record. There is a residential structure consisting of three (3) rooms with separate entrances, and an additional storage room on the subject property. Multifamily dwellings are not an allowed use in LNC, the current district at this location, but they are allowed in MU, the proposed zoning district.

The properties in the general area are also in the Civic Center Neighborhood in the MRA Plan (see Figure 3).

Proposal
The applicant would like to redevelop the subject property. He would like to have residential and commercial uses on the property. He is proposing to build three (3) residential units with three (3) attached garages; two (2) garages will face W. Ross Street and one (1) garage will face N. Auburn Avenue. Garage dimensions are proposed to be approximately 13 by 22 feet.

He is also requesting a variance to reduce the rear yard setback from 15 feet to 5 feet. Additionally, he is requesting a variance to allow for one off-street parking space in the front yard area. Moreover, he is requesting a variance for an additional curb cut of 32 feet to gain access to a proposed side yard driveway with four (4) parking spaces and the two (2) garages facing W. Ross Street.

A zone change to MU would allow household living and commercial uses on the property. In the MU District, the maximum allowed units on the subject property would be three (3) (8,291.80 ft.² + 2,500 ft.²). The property owner would have to provide sufficient parking for residential uses (see Table 1) and commercial uses; parking requirements for commercial uses will vary depending on the proposed use (UDC 5.2.3A). The applicant has expressed his interest for residential use mainly, with commercial use only if future tenants are able to comply with UDC regulations.

The applicant stated that the proposed three (3) residential units will consist of the following:

- Two (2) units – two (2) bedrooms;
- One (1) unit – three (3) bedrooms.

The total required off-street parking for the proposed residential use is five (5) spaces. The applicant is proposing to have three (3) attached one-car garages (13’ by 22’) on the property, four (4) additional off-street parking spaces on a proposed 26’ by 44’ driveway on West Ross Street, and one (1) off-street parking space on an existing driveway on N. Auburn Avenue that he plans to modify. The driveway would be approximately 40 feet wide and 38 feet long, but irregular in shape (see Proposal). It is not intended for extra parking, but to allow for a vehicle to back up, turn around and have safe front access to N. Auburn Avenue. The driveway would keep the existing 16-foot curb cut.
Table 1. UDC 5.2.3.A - Minimum off-street parking

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>Minimum Number of Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwellings</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Multifamily dwellings</td>
<td></td>
</tr>
<tr>
<td>Efficiency &amp; one-bedroom</td>
<td>1.5 per dwelling unit</td>
</tr>
<tr>
<td>2-bedroom</td>
<td>1.75 per dwelling unit</td>
</tr>
<tr>
<td>3-bedroom</td>
<td>2.0 per dwelling unit</td>
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Figure 1. City of Farmington Zoning Map

Consistency with the Farmington Comprehensive Plan and MRA Plan
The 2020 Future Land Use Plan recommends office professional for the subject property (see Figure 2). However, the Metropolitan Redevelopment Area (MRA) Plan recommends mixed use, “Mainly single-family residential, some light office and multifamily”\(^1\) for the subject property (see Figure 3).

\(^1\) Metropolitan Redevelopment Area Plan City of Farmington (2019: B-39).
Although the proposed zone change does not support the 2020 Future Land Use Plan, it does promote the following goals and objectives of the Comprehensive Plan:

**Land Use and Development**

“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.”

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While the zoning districts of the subject and adjacent properties are different, the proposed mixed use (residential and commercial) is compatible with the uses in the adjacent areas (multifamily residential, and commercial).

“Objective 4.1.3: Create new or amend existing zoning districts to allow smaller lots for starter homes, senior living, and cluster homes.”

**Housing**[^1]

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.

“Action 7.1: Provide for a variety of housing options, including…mixed use development to accommodate housing needs for all residents in Farmington...”

“Action 7.1.1: Revise existing zoning districts to allow for smaller lots, yards, and setback requirements to encourage new and diverse housing options.”

“Objective 7.4: Support the rehabilitation and restoration of residential areas in the City.”

**Variance Requests**

Pursuant to UDC 3.11.4(A) Mixed Use District Standards: All parking shall be located in the rear yard, or interior of the property, and accessed from an alley where such alley access is available.

Because the applicant would like to redevelop the property and maintain a similar layout to the existing structure/development, he is proposing to preserve the existing off-street parking driveway in the front yard. For this reason, the applicant is requesting a variance to allow for one (1) existing off-street parking in the front yard area as shown on the Proposal.

The applicant is requesting a variance to reduce the rear yard setback from 15 feet to five (5) feet. Currently, the existing structure’s rear yard setback is approximately 12 feet and does not meet the required rear yard setback in the MU District.

The required setbacks in the MU District are as follows:

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<tbody>
<tr>
<td>Front</td>
<td>10’</td>
</tr>
<tr>
<td>Side</td>
<td>5’</td>
</tr>
<tr>
<td>Street Side</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td>15’</td>
</tr>
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</table>

Pursuant to UDC 5.3.3(C)(1), curb cuts shall conform to the following maximum width requirements:

[^1]: Farmington Comprehensive Plan (2002). Chapter 7 Housing, pp. 7-11, 12.
a. Curb cuts accessing one-car garages, carports or paved driveway: 12 feet.
d. The maximum curb cut for any residential property shall not exceed 32 feet.

In order to meet the total required off-street parking of five (5) spaces for the proposed residential use, the applicant is requesting a variance for a 32-foot curb cut on West Ross Street. This would allow for access to a proposed 26- by 44-foot driveway with four (4) parking spaces and two (2) attached one-car garages. The applicant has an existing curb cut of approximately 16 feet on N. Auburn Ave that he wishes to maintain as part of his proposed redevelopment. The existing curb cut would allow for two (2) off-street parking spaces: one (1) in a driveway and one (1) in an attached one-car garage. The total width of the proposed and existing curb cuts would be 48 feet.

On-street parking
The subject property’s curb of 79 feet on W. Ross Street currently allows for three on-street parking spaces, given the 20-foot sight triangle at the intersection with N. Auburn Avenue. No vehicles can park by the subject property on N. Auburn Avenue because of traffic flow. The subject property has the shortest curb for on-street parking compared to the adjacent properties. The adjacent residential properties also have off-street parking accessible from an alley, and the adjacent commercial properties have parking lots.

The MRA Plan and Setbacks
The MRA Plan recommends the following concerning Urban Fabric and setbacks4:

“Farmington should consider relaxing these guidelines within the MRA to promote dense, pedestrian-friendly development...

The City must determine the appropriate minimum setback (if any) and how to apply that setback based on the immediate local context. It may choose to create an overlay zone within the MRA that eliminates minimum setbacks, modify the setbacks in the UDC citywide, or apply new standards on a block-by-block basis to align with existing building facades. These standards should take into account the potential for landscaping, al fresco dining, and other uses that might take place between the building facade and the edge of the property.”

Mixed Use (UDC Sec. 3.11.1)
The mixed use (MU) district 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.
The MU district is intended to implement the planning policies of the comprehensive plan’s "Mixed Use" land use designation, in the Animas Neighborhood (South of Broadway) and the Civic Center Neighborhood (north and west of the Civic Center).

4 Metropolitan Redevelopment Area Plan City of Farmington (2019: B-33).
STAFF ANALYSIS

A. 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, MU, Mixed Use District, is compatible with the present zoning of the area. The existing land uses of the adjacent properties are LNC and MF-H. Half a block from the subject property, there is a large area of 65 acres zoned as MU, Mixed Use District.

The subject property is in the Civic Center Neighborhood of the Comprehensive Plan and the MRA Plan. The Comprehensive Plan and the MRA Plan encourage mixed use developments and the preservation of neighborhoods including residential appearance.

B. Will there be adverse impacts; and/or can any adverse impacts be adequately mitigated?

The subject property has already been developed. The applicant is proposing to redevelop the subject property and is proposing to reduce the rear yard setback from 15 feet to five (5) feet to maximize the use of the property.

The MRA plan (2009) recommends the creation of an overlay zone within the MRA that eliminates minimum setbacks, modify the setbacks in the UDC citywide, or apply new standards on a block-by-block basis to align with existing building facades.

Moreover, the proposed additional curb cut would not deprive neighbors’ guests of parking spaces, given that the adjacent properties have wider curbs for on-street parking, access to off-street parking from an alley, and commercial parking lots.

There should be no adverse impacts; however, the applicant is required to mitigate adverse impacts.

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

Yes, the zone change request is MU, Mixed Use. The applicant is proposing to redevelop the subject property and have three (3) units to be used for household living and/or offices. Household living and offices are permitted in the MU District.

Also, the requested variances to (1) the rear yard setback, (2) to allow for one off-street parking space in the front yard area, and (3) an additional curb cut to allow for access to off-street parking in the side yard, support and promote the MRA’s vision concerning Urban Fabric.
Any future demolition and redevelopment will need to meet established requirements of the zone district and off-street parking regulations, as well as fire and building codes.

D. 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 property has already been developed. Public facilities have been provided. Any future demolition and redevelopment will need to meet established requirements of the district, as well as fire and building codes.

E. 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 and variance requests for the subject property are consistent with several goals and objectives of the Comprehensive Plan and the MRA Plan (Land Use and Development, Housing chapters). While the zoning districts of the subject and adjacent properties are different, the proposed mixed use (residential and commercial) is compatible with the uses in the adjacent areas (multifamily residential, and commercial). Moreover, the existing land use of the general area east of the subject property is mixed use. The requested zone change and variance requests will not be detrimental to the surrounding neighborhood and will not be a spot zone.

STAFF CONCLUSION
Staff concludes that approval of ZC 19-33 to MU, Mixed Use District and variance requests to (1) the rear yard setback, (2) to allow for one off-street parking area in the front yard area and (3) to allow for an additional 32-curb cut is appropriate. The subject property is in the Civic Center Neighborhood of the Comprehensive Plan and the Metropolitan Redevelopment Area (MRA) Plan. Both plans strongly encourage mixed uses for this area. The current land use for the area half a block away is mixed use.

The intent for off-street parking in the rear yard and/or side yard setback is for the safety of pedestrians and to minimize visual and noise impacts. It is recommended that the applicant have screening devices in the front yard area (N. Auburn Avenue) to minimize the visual and adverse impacts of the proposed off-street parking, such as low landscaping to meet sight triangle standards (UDC 5.3.6.A) between the off-street parking and public right-of-way.
STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition ZC 19-33, a request from Tristan Hawkins for (1) a zone change from the LNC, Local Neighborhood Commercial District to the MU, Mixed Use District and (2) variances to the rear yard setback, (3) to allow for one off-street parking area in the front yard area, and (4) to allow for an additional 32-foot curb cut for property located at 401 N. Auburn Avenue, in the Civic Center Neighborhood and in the Metropolitan Redevelopment Area (MRA) with the following condition(s) as recommended by the MRA Plan regarding off-street front parking:

- Plant trees and shrubs to soften the overall impact of parking areas in order to provide shade and reduce noise (MRA plan)\(^5\).

\(^5\) Metropolitan Redevelopment Area Plan City of Farmington (2019: B-40).
Photo of subject property
## PLANNING MEMO COMMENTS SUMMARY
### ZC 19-33 401 N. AUBURN
**Deadline: 4/30/19**

### City of Farmington Departments

| CD  | Director –                  |
| CD  | Addressing – Planning Division |
| CD  | Chief Building Official – D. Childers | **No comment** |
| CD  | Long Range Planner          |
| CD  | MPO                         |
| CD  | Oil & Gas Inspector – L. Simms |
| CITY | City Manager’s Office – J. Baird | **No comment** |
| ELEC | Customer Care Manager – L. Richardson |
| ELEC | Electrical Engineering – L Aligarbes | **No conflict** |
| ELEC | T & D – R. Romero           |
| FIRE | Fire Captain – K. Rix       |
| FIRE | Fire Marshall – B. Vega     | **No comment** |
| LEGAL | City Attorney – J. Breakell |
| LEGAL | Deputy City Attorney – E. Wayne | **No comment** |
| POLICE | Code Compliance – M. Romero  |
| POLICE | Sergeant – P. Flores         |
| PRCA | S. Reeves/ R. Crosby        | **No comment** |
| PRCA | ORII – C. Styron            | **No comment** |
| PW  | City Engineer – N. Westerling |
| PW  | Engineering – T. Sitta      | Site triangles must be maintained and free of structures at the intersection of Ross St/Auburn and the parking entrance to the adjacent property to the North. |
| PW  | Streets Superintendent     |
| PW  | Traffic Engineer – I. BlueEyes | **No comment** |
| PW  | Water/Waste Water – M. Tso  | **No comment** |

### Other Entities

| New Mexico Gas Company – R. Castillo | **No comment** |
| CenturyLink – D. Willato            |
| Enterprise Field Services           |
| Comcast Cable – M. Johnson          |
| CH2MHILL OMI                         |
| Surface Land Negotiator for BP – M. Venzara |
| Farmington School District – C. Lyons |
Received the Notice of Public HEaring - Zone Change - Petition No. ZC 19-33

Pam Zanzucchi <PamZanzucchi@msn.com>
To: "hillandaverde@fmtn.org" <hillandaverde@fmtn.org>
Cc: Joe Zanzucchi <joezanzucchi@msn.com>  Thu, May 2, 2019 at 10:08 AM

Hello Helen:

We are writing to you as we have just received the notice of the petition mentioned above for the 401 N. Auburn Ave. property. This property is directly next to our property on Ross Street (508 and 510 and 1/2 Ross street). We are concerned after reading this request as to what exactly is being proposed for the Mixed Use, and the "variance to the rear yard setback"? and the front yard off-street parking. This request does appear to be a change that will directly effect our property and the comfort of our tenants. We are not in agreement with this change as we set it now... and we do want additional information regarding the petition requests.

Please contact us regarding the additional information regarding this petition or let us know how to obtain as much information as possible as soon as possible.

Thank you in advance.

Pam and Joe Zanzucchi (602) 432-0227
**PETITION APPLICATION**

| Incomplete applications will not be accepted. | Planning Division
| Planning Development Department
| City of Farmington
| 800 Municipal Drive
| Farmington, NM 87401
| (505) 599-1317
| (505) 599-1299 (fax) |

**COMM DEV DEPT**

| Annexation and / or Zoning | Summary Plat
| Preliminary Plat | Special Use Permit
| Final Plan | Variance (ARB) |

**ZONE CHANGE TO:***

| District |
| Temporary Use Permit |
| Proposed Length of Use: |
| Well site equipment modification |

**PROJECT TYPE (Check Those Applicable)**

**INFORMATION**

| Applicant's Name: *Trista Hawkins* | Project Location: *401 N Auburn*
| Address: *5009 Large St* | Existing Use: *Residential*
| E-Mail: *Trichakw@outlook.com* | Proposed Use: *Residential?*
| Telephone: *(505) 270-3897* | Current Zoning: *LNC, ML?*
| Relationship to Property Owner: *Brother* | Assessor’s Parcel ID and/or Tax ID Number: *2076171249493*

**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: |
| Phone: | Address: |
| E-Mail: |

**OWNERSHIP**

**PROPERTY OWNER (Identify 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: *Lance Hawkins* | Phone: *440-0509* |
| 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 filling 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: *Lance Hawkins* |
| Owner’s Signature: *[Signature]* |
| Address: *1212 camino entrada* |
| Phone / Email: *440-0509@wmail.com* |

**Received By:***

| Date: |
| Fee Received: |
| Project File No: |
| Date of Hearing/Meeting: |

**STAFF USE ONLY:***

- Blue Line Copies of Plans
- Ownership Report (subject and surrounding properties)
- Legal Description
- Detailed Statement of Proposed Use
LIOLN AUBURN
Zone Change and Variance

The requested variance to the MU set backs is to allow the new structure to be set 5 feet off the back/side. The street side set backs are acceptable.

If the zone change and subsequent variance are approved, it will provide a more open and aesthetically pleasing area between the roadways and structure. It will also place the structure more in line with the adjacent buildings. This will provide a much safer entrance and exit between the property and roadways as well as drastically improving visibility when entering Auburn from Ross. This is of particular importance as this intersection is frequently used by emergency vehicles associated with the fire station.

Thank you for your consideration.

Tristan Hawkins

[Signature]

4-18-2019
JUSTIFICATION OF VARIANCE

COMM DEV DEPT

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. It's a small lot on a corner.

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. 

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.

        Being acorn lot I has either two sides or two backs and the variance would be to treat the non street sides as side.

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.

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

        There is both residential and commercial uses adjacent to the property.
JUSTIFICATION OF VARIANCE
(Continued)

6. That no non-conforming 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. OK

7. That the applicant would suffer an unnecessary hardship if the variance required were denied. See attachment

Signature of Petitioner: ____________________________ Date: 4-13-2019

Attach additional sheets if necessary or use the space below
Proposed Site Plan
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. ZC 19-33 - a request from Tristan for (1) a zone change from LNC, Local Neighborhood Commercial, to MU, Mixed Use, (2) a variance to the rear yard setback, and (3) to allow one off-street parking area in the front yard for property located at 401 N. Auburn Avenue, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the NW/4 NW/4 NE/4 of Section 16, Township 29 North of Range 13 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Otherwise located at 401 N. Auburn Avenue

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, May 16, 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, May 28, 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

NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 19-33

April 24, 2019

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 Tristan Hawkins for (1) a zone change from LNC, Local Neighborhood Commercial, to MU, Mixed Use, (2) a variance to the rear yard setback, and (3) to allow one off-street parking area in the front yard for property located at 401 N. Auburn Avenue in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the NW/4 NW/4 NE/4 of Section 16, Township 29 North of Range 13 West, Book 1328, page 856 and Book 1604, page 351N.M.P.M., San Juan County, New Mexico.

Otherwise known as 401 N. Auburn 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, May 16, 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, May 28, 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:

That part of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW¼NW¼NE¼) of Section Sixteen (16), in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, described as follows:
BEGINNING 50 feet North and 5 feet East of the Northeast corner of Block Two (2) of ROSS' SECOND ADDITION, in the City of Farmington, San Juan County, New Mexico;
THENCE West 72.19 feet;
THENCE North 03°38' East 86.17 feet;
THENCE East 66.73 feet;
THENCE South 86 feet to the point of beginning.

TRACT 1
Kathleen N. Love
C/O Lance Hawkins
1212 Camina Entrada
Farmington, NM 87401

That part of the NW¼NW¼NE¼ of Section 16, Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1328, page 856
Book 1604, page 351

TRACT 2
S&Z LLC
10858 North 11th Street
Phoenix, AZ 85020

That part of the NW¼NW¼NE¼ of Section 16, Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1399, page 981

TRACT 3
Amicus Investments, LLC
407 North Auburn
Farmington, NM 87401

That part of the NW¼NE¼ and the NE¼NW¼ of Section 16, Township 29 North of Range 13 West, N.M.P.M., San Juan County, New Mexico.
Book 1389, page 161

TRACT 4
Stephen Snider and Ivy Snider
10 South Sugar Hill Drive
Arcadia, OK 73007

That part of Lot 20, Lot 21, and that part of Lot 22, all in Block 3, of the ROSS SUBDIVISION, in the City of Farmington, San Juan County, filed for record December 19, 1991.
Book 1550, page 810
TRACT 5 & 6
Rent NM, LLC
501 East Cedar Street
Farmington, NM 87401

That part of Lot 22 and Lot 23, in Block 3, of the ROSS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record December 19, 1901.

AND

That part of Lot 22 and Lot 24, in Block 3, of the ROSS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record December 19, 1901.

Book 1635, page 814

TRACT 7
Presbyterian Medical Services
P.O. Box 2267
Santa Fe, NM 87504

Lot 26, and that part of Lot 25, in Block 3, of the ROSS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record December 19, 1901.

Book 1376, page 1145

TRACT 8
S H & W Partnership
6102 Quail Run
Farmington, NM 87402

Lots 27-32, in Block 3, of the ROSS SUBDIVISION, San Juan County, New Mexico, filed for record December 19, 1901.

Book 1109, page 682

TRACT 9
Stephen L. Jaquez and Antonia R. Jaquez
3712 North Sunset Avenue
Farmington, NM 87401

Lots 7-8, and that part of Lot 6, in Block 2, of the ROSS'S 2nd ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record April 26, 1905.

Book 1092, page 387

TRACT 10
Patricia A. Yarborough and Patricia V. Sceales
311 North Auburn Avenue
Farmington, NM 87401

That part of Lot 4, all of Lot 5, and that part of Lot 6, in Block 2, of the ROSS'S 2nd ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record April 26, 1905.

Book 1566, page 589
TRACT 11
Celso Eloy Trujillo
316 North Lorena
Farmington, NM 87401

Lot 9, and that part of Lot 10, in Block 2, of the ROSS'S 2ND ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record April 26, 1905.

Book 863, page 49

TRACT 12
John L. Lyons and Cindy L. Lyons
2003 Turry Terrace
Farmington, NM 87402

That part of Lot 10 and Lot 11, in Block 2, of the ROSS'S 2ND ADDITION, in the City of Farmington, San Juan County, New Mexico, filed for record April 26, 1905.

Book 1402, page 925

TO: April 8, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Shayle Terry, Abstractor
MINUTES
PLANNING & ZONING COMMISSION
April 25, 2019

The Planning and Zoning Commission met in a regular session on April 25, 2019 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
                                      Clint Freeman
                                      Elizabeth Lockmiller
                                      Cheryl Ragsdale
                                      Mitch Sewell
                                      Cody Waldroup

P&Z Members Absent: Shay Davis
                                  Kristin Langenfeld
                                  Joseph Mangum

Staff Present: Helen Landaverde
                                      Toni Sitta
                                      David Sypher
                                      Karen Walker

Others Who Addressed the Commission: Brandon Bailey
                                         Brad Carley
                                         Jett Cowgill
                                         Ruby Cowgill
                                         Kimberly Cogan
                                         Robert Ekwall
                                         Misty Hensley
                                         Gracia Montoya
                                         Jennifer Nixon
                                         Billy Randall
                                         Randy Rogers
                                         Mary Pearman
                                         Dennis Peterson
                                         Renee Stone
                                         Charles Vanden Broeck
                                         Toby Williams
                                         Daniel Wilson
Call to Order
Chair Joyce Cardon called the meeting to order at 3:00 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 Ragsdale and seconded by Commissioner Waldroup to approve the minutes of the March 14, 2019 P&Z Meeting. This motion was approved unanimously by a 6-0 vote.

Approval of the Open Meetings Resolution
A motion was made by Commissioner Waldroup and seconded by Commissioner Ragsdale to approve the Open Meetings Resolution of 2019. The motion was approved unanimously by a 6-0 vote.

Swearing in of Witnesses
All parties that wished to speak on behalf of any agenda items were sworn in by Karen Walker.

CONSIDERATION & RECOMMENDATION
ZC 19-27
Zone Change from SF-7, Single Family, to GC, General Commercial
6007 E. Main Street

Planning & Zoning Commission Discussion of Petition ZC 19-27 on April 25, 2019
Associate Planner Helen Landaverde presented the staff report for ZC 19-27, a request from Randy Rogers with Cornerstone Enterprises, LLC, for a zone change from SF-7, Single Family, to GC, General Commercial, for 0.25 acres for property located behind 6007 E. Main Street.

The applicant would like to expand the commercial use, Farmington Fire Equipment, at 6007 E. Main Street into the subject property for the storage of vehicles and equipment. The applicant has been expanding the commercial use by storing equipment to the south and into the southern residential parcel without a zone change and/or a boundary line adjustment.

The applicant initially proposed a boundary line adjustment for both parcels. Upon review, the proposed boundary line adjustment would have created a split-zoned parcel and would not
have allowed for the expansion of Farmington Fire Equipment on to the subject property, which is zoned residential, without an approved zone change.

Ms. Landaverde said the applicant expressed that he would like for a portion, 0.25 acres of the residential parcel, zoned GC. It should be noted that Petition SP 19-11, proposes a zone change for 0.31 acres.

The 2020 Future Land Use Plan recommends Residential Single Family Urban for the subject area. The proposed zone change does not support the Future Land Use Plan; however, it promotes the City's Economic Development Plan regarding retention and expansion of local businesses.

Also, the subject property has access to primary streets and major thoroughfares. It has direct access to E. Main Street.

The Community Development Department recommends approval of Petition ZC 19-27 for a zone change for a portion of parcel R0022453, 0.25 acres, from SF-7, Single Family Residential District to GC, General Commercial District, for property located east of Pryor Court and North of Pryor Lane and behind 6007 E. Main Street to allow for the commercial expansion of Farmington Fire Equipment with the conditions listed from Staff on page 11 of the Agenda Book.

Commissioner Freeman asked Ms. Landaverde for clarification on the boundary lines of the two parcels and where the expansion would be located for 6007 E. Main Street. Ms. Landaverde explained the rear of the Pryor Lane property, only 0.25 acres, will be zoned GC and it will then be included in the Main Street property with a boundary line adjustment through a Summary Plat.

Randy Rogers, 6007 E. Main Street, said he owns both properties. He said the neighbors made their concerns known to him. He said the lot facing Pryor Lane will remain residential. It will be 0.75 acres so that it can support a septic system. He intends to build a house on it in the future. Mr. Rogers said it is not practical to access the Main Street property through the Pryor Lane property. He said he has cleaned up the Pryor Lane property and feels he has improved the area. Mr. Rogers noted that the two lots are on two different elevation levels. The rear of the Pryor Lane property is approximately the same level as the Main Street property. The rear section is approximately 66-feet.
Dennis Peterson, 6104 Pryor Lane, noted that the property has been cleaned up. He said he has already discussed with Mr. Rogers the notion of building a fence between the Main Street property and the Pryor Lane property to protect the residential neighborhood. Mr. Peterson asked that a fence be required and that the Pryor Lane property be maintained as residential. Mr. Rogers said he intends to build a fence.

Charles Vanden Broeck, 6103 Pryor Lane, said he objects to the vegetation having been removed from the Pryor Lane property. He mentioned that he saw vehicles exiting the Main Street property through the Pryor Lane property. Mr. Vanden Broeck said the value of his home has dropped by $8,000 in the past few years and feels it is possibly due to the changes on the Pryor Lane property. He said the San Juan County Assessor’s office said his property was changed from ‘Household Plus’ to ‘Household Average’. He mentioned that he supports a fence between the two properties.

Randy Rogers said he cannot imagine how the changes he has made has reduced property values. He said the road on the side of the property could be filled in to prevent access between the two lots, but he feels it would cause drainage issues if it were filled in. Mr. Rogers said he would not have a problem making that access inaccessible as part of the zone change. He expressed his desire to be a good neighbor. The trees that he removed from the lot were either dead or invasive cottonwood trees. Mr. Rogers clarified for Commissioner Sewell that the fence would be at the edge of the upper level to block his equipment from view of the residential area.

Commissioner Freeman asked staff to clarify the requirements for screening between GC and residential. Ms. Landaverde said screening requirements would be triggered if there was an expansion to the floor area of the building. Since Mr. Rogers is not expanding the floor area, the screening devices would not be required. The expansion is to park equipment. If Mr. Rogers were expanding the parking lot, said Ms. Landaverde, screening devices would be required.

Commissioner Freeman asked what the screening requirements would be if the building was expanded or the public parking lot was expanded. Ms. Landaverde said UDC (Unified Development Code) 5.5.7 Section C states that the options include an opaque fence or wall, a dense planting of trees and shrubs, or a combination thereof. Due to the property location near residential, the Code states that screening shall include an opaque vinyl or wood fence or a masonry wall. This can also include dense planting, she said.
Commissioner Brown asked if there were any rules concerning access to a commercial property through a residential district. Ms. Landaverde said if the property was for commercial use, the UDC and the Comprehensive Plan asks for access to arterial streets and major thoroughfares. Access through a local street would not be recommended.

The Commissioners discussed fence and gate options and requirements.

David Sypher, Acting Community Development Director, clarified the definition of an opaque fence as defined as masonry, wood, or vinyl. The intent of vinyl is noted as vinyl panels. Mr. Sypher’s impression is that the neighbors would like a chain-link fence with slats. Access rights between the two lots is up to the owner of the properties. The neighbors seem to be concerned with use after hours. A gate between the properties would facilitate access for the owner, yet limit unauthorized people from using it.

**Planning & Zoning Commission Action of Petition ZC 19-27 on April 25, 2019**

A motion was made by Commissioner Freeman and seconded by Commissioner Ragsdale to approve Petition ZC 19-27, a request from Randy Rogers for a zone change from SF-7, Single Family, to GC, General Commercial, for the 0.25-acre rear portion of the Pryor Lane property located behind 6007 E. Main Street with the requirement that screening be provided per UDC 5.5.7C.

AYE: Chair Cardon, Commissioners Brown, Freeman, Lockmiller, Ragsdale, Sewell, and Waldroup.

NAY: None

Abstained: None

Absent: Commissioners Davis, Langenfeld, and Mangum.

Motion passed 7-0
Commissioner Ragsdale recused herself from this petition.

**Planning & Zoning Commission Discussion of Petition ZC 19-28 & SUP 19-29 on April 25, 2019**

Associate Planner Helen Landaverde presented the staff report for ZC 19-28 and SUP 19-29, a request from Billy Randall, represented by Misty Hensley-Muñoz, for a zone change from SF-10, Single Family, to LNC, Local Neighborhood Commercial, and for a special use permit to allow for a recreational vehicle storage yard for property located at 5001 Redwood Avenue.

The size of the property is 5.22 acres, and there is well site equipment on the subject property. The portion of the property is located within the floodplain of the Hood Arroyo.

The property was annexed into the City in 1959 and is considered to be a lot of record. Access to the site would be through Sagebrush Street and Alder Street. A recreational vehicle storage yard is permitted in the LNC District with an approved special use permit.

The applicant is proposing to have a dry storage lot with 72 uncovered spaces that will vary in size. The proposed recreational vehicle storage yard will be secured; fenced and gated.

The parking area will consist of road base and gravel. Most of the requested RV storage yard will be located outside of the designated floodplain.

According to the applicant, the RV storage yard will store recreation vehicles weighing less than 7,500 lbs. No hazardous or flammable materials or food would be stored within the storage yard.

Also, the applicant is proposing to build a three-car garage approximately 28’ x 72’ on the northwest side of the property and 100 feet away from the well site.
The applicant is proposing to place a six-foot tall perimeter fence; chain-link with privacy slats, to minimize potential visual impacts between the RV storage yard and adjacent residential properties. However, pursuant to UDC 5.5.7C Screening Standards, an opaque fence or wall, a dense planting of trees and shrubs, or a combination is required. Also, opaque is defined as vinyl or wood fence or masonry wall.

The hours of operation would be from 8:00 a.m. to 5:00 p.m. Monday through Friday. Saturday, 8:00 a.m. to 12:00 p.m. and closed on Sundays. According to the applicant, the customers will be provided with a key card to have access to the storage yard during business hours only.

The 2020 Future Land Use Plan recommends this area to be Residential Single Family Urban. However, the proposed request supports the City's Economic Development Plan regarding local businesses.

The Piñon Hills Boulevard Corridor Plan (PHBCP) recommends OP, Office Professional for the subject property, however, in 2004 Community Development Department noted that it would be difficult to develop this location due to the special circumstances of the property. LNC, Local Neighborhood Commercial was recommended if the obstacles to development can be overcome. Special circumstances exist which limit the applicant from developing the property.

The Community Development Department recommends approval.

Commissioner Freeman asked if there are any restriction on parking near the well head or accessing the area near the well head. Ms. Landaverde said the only restrictions apply to structures. David Sypher said the Traffic Division did not see any issues with access to this site.

Commissioner Freeman said in the previous petition it was stated that opaque did not include chain-link fencing with slats, yet that is what is written for this proposal. If we recommend that, do we need to amend the UDC to allow chain-link with slats? Ms. Landaverde said the UDC requests opaque. What Mr. Randall is proposing does not fall into alignment with the UDC. It would be up to the Commission to allow that type of opaque fence.

Commissioner Waldroup asked if this requirement has recently changed as he has a vehicle storage business and has chain-link fencing with slats at his business. David Sypher said the UDC may have been interpreted differently at that time or the Planning Commissioner may have recommended chain-link with slats. Mr. Waldroup said he did not have to go to the
Planning Commission for his business and suggested the difference may have been due to the zoning.

Commissioner Waldroup asked why the petitioner is not able to have access from Piñon Hills Boulevard. Mr. Sypher said there is an Access Management Agreement for Piñon Hills Boulevard. Access may not be allowed due to the Piñon Hills Boulevard Corridor Plan. Further investigation would be required if access is proposed.

Misty Hensley-Muñoz, 37 Road 5413, Bloomfield, said the intention was to create something positive for the neighborhood and utilize the property. With the flood zone, the well site, and the terrain, the property is challenging. We intended to use chain-link around the property.

Billy Randall, 5001 Redwood Avenue, said the 6-foot tall fence with slats is what we would propose to do. There may be a block wall at the entrance. Mr. Randall said XTO owns the well. XTO only needs access to get to the well.

Commissioner Sewell asked Mr. Randall if he owns the property. Mr. Randall said he intends to buy the property if the special use permit is approved. Mr. Randall said his proposal is to park RV’s along the perimeter of the property except on the south side. On the south side, RV’s will be parked along the perimeter and along the well site fence. The north side will be open for access to the well site. The proposed 3-car garage will be only for personal use, said Mr. Randall. The gate will be electronic and offset by approximately 15-feet from the sidewalk. Ms. Hensley-Muñoz said the fencing on the west side will be outside the wash area and a block wall would interfere with the flow of water from the wash.

Commissioner Lockmiller asked about an easement for a pipeline from the well site. Ms. Landaverde said that information was not known because the lot was annexed in 1959 and is a lot of record. Commissioner Freeman noted that a pipeline easement would be addressed during the building permit stage.

Commissioner Waldroup said residential zoning is not the best use for this property. Mr. Waldroup said he feels a recreational vehicle storage yard is a good use for this property.

Brandon Bailey, 5402 Cleone Place, said he is concerned about traffic from large vehicles. A fence in the wash would also be an issue. Mr. Bailey said the property is not designed for commercial use. A chain-link fence with slats will not last long before it begins to deteriorate. Mr. Bailey said he is also concerned about the type of people who will be parking vehicles on
the property. There may be people who do not have the best intentions. Mr. Bailey said he did not want a recreational vehicle storage yard on the property.

Renee Stone, 5403 Cleone Place, said she did not want to look at other people’s broken down vehicles. She said she is also concerned about security and possible break-ins.

Robert Ekwall, 5403 Cleone Place, said he works in the oil field and is concerned about the pipeline from the well site. He also did not want to look at other people’s junk. Mr. Ekwall said he is concerned about the traffic and property values.

Kimberly Cogan, 5507 Cypress Street, said she is concerned about the traffic in the neighborhood in regards to the children who reside there and use the park.

Toby Williams, 5500 Sagebrush Street, said he represents the Seventh-day Adventist Church and school. Mr. Williams said a blast wall was built between the school and the well site when the school was built. He said he has concerns about RV’s with propane tanks so near the well site. There are 81 residents in the neighborhood, he said. This is a residential street and there is not a lot of room for RV’s and other large vehicles. He asked if there was a limit on the number of RV’s that can be stored on the property. Chair Cardon mentioned that staff has researched these issues.

Gracia Montoya, 5500 Cypress Street, said she is concerned about more traffic around the park and large vehicles making the turn from Sagebrush Street onto Redwood Avenue. There are usually cars parked on the street next to the park. She is concerned about people in the park after dark. Ms. Montoya said that even with a fence, RV’s and other vehicles will be visible from Piñon Hills Boulevard. Ms. Montoya mentioned that staff said there will be no hazardous chemicals stored on the property, yet RV’s have batteries, gas, and propane that could spill and go into the wash. She said when the well site company comes to the property, they have people who direct traffic.

Jett Cowgill said he is in the process of buying the property at 5500 Cypress Street. He is concerned about excessive traffic and the number of children in the neighborhood. Mr. Cowgill said he is also concerned about the look of a fence on the property. He prefers the natural landscape.

Misty Hensley-Muñoz said the intention was to put a fence on the east side of the wash. The area will be cleaned up. People who wish to store their vehicles on the property will go through
a background check and all vehicles must be running. Staff has addressed any traffic issues and RV’s in the neighborhood go up and down the streets in the neighborhood already.

Ruby Cowgill, 5506 Cypress Street, noted possible access from Piñon Hills Boulevard would eliminate the traffic issues in the neighborhood. She said she would not have a problem with the RV storage if there were a different access.

Mary Pearman, 5506 Sagebrush Street, said she has the same concerns as the other neighbors. She said she does not agree with an RV storage yard in the neighborhood.

Jennifer Nixon, 5201 Ironwood Street, said she is uncomfortable with large vehicles and chemicals on the property. She does not want a view of the top of RV’s that might deteriorate into a junkyard.

Daniel Wilson, 5300 Thomas Drive, said he has lived in the neighborhood for 30 years and has seen Hood Arroyo flood. The Lakewood detention pond did not change the flooding. He said he would recommend denial of the petition due to flood issues. A fence of any kind will not last if the arroyo floods.

Misty Hensley-Muñoz said an elevation study has been ordered even though it was not necessary due to no permanent structures in the flood zone on the property. The majority of the spaces on the south side of the well site are out of the flood zone. A portion that is in the flood zone will be left open. The arroyo has brought in debris that will be cleaned up. The fence will be on the east side of the arroyo and the flood zone.

Brad Carley, 5524 Hill ‘n Dale Drive, said all the houses directly west and north of the arroyo had covenants in the late 60s and early 70s. The covenants were ratified into the City when the Carl Sigmon Subdivision was annexed into the City. The covenant says that the lots to the west of Foothills can only have one residential home. Where this commercial business is coming in on a residential street, it already has limited access due to the school on Foothills.

The Commissioners discussed the access issues, a traffic count, modeling on the wash, feasibility, and issues with fencing. Commissioner Freeman suggested tabling the petition until more information can be gathered on these issues.

**Planning & Zoning Commission Action of Petition ZC 19-28 & SUP 19-29 on April 25, 2019**
A motion was made by Commissioner Freeman and seconded by Commissioner Brown to **table** Petition ZC 19-28 and SUP 19-29, a request from Billy Randall, represented by Misty Hensley-
Muñoz for a zone change from SF-10, Single Family, to LNC, Local Neighborhood Commercial, and for a special use permit to allow for a recreational vehicle storage yard for property located at 5001 Redwood Avenue until more information can be provided on traffic flow, outlay, feasibility, and information on the oil well.

AYE: Chair Cardon, Commissioners Brown, Freeman, Lockmiller, Sewell, and Waldroup.

NAY: None

Abstained: Ragsdale

Absent: Commissioners Davis, Langenfeld, and Mangum.

Motion passed 6-0

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: There was no business from Staff.

Adjournment: With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Sewell, the Planning and Zoning Commission meeting of April 25, 2019 was adjourned at 4:53 p.m.

__________________________________________    _____________________________
Joyce Cardon       Karen Walker
Chair         Administrative Assistant