### AGENDA

Planning & Zoning Commission  
City Council Chambers – 800 Municipal Drive  
May 30, 2019, at 3:00 p.m.

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</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 May 16, 2019 P&amp;Z Meeting</td>
</tr>
<tr>
<td>4</td>
<td>Petition No. PP 19-35 – a request from Stonetown Animas Lender, LLC., represented by Cheney-Walters-Echols for a Preliminary Plan approval of the Sunset Ridge Subdivision Phase 1, consisting of 17 lots on 64.17 acres located at the intersection of Road 3000 and Road 3950 in Tier II of Farmington’s Platting and Planning Jurisdiction. (Helen Landaverde)</td>
</tr>
<tr>
<td>5</td>
<td>Petition No. ZC 19-37 – a request from Ngyuen Duc Chi Vyong, represented by Anita Graciano, for a Zone Change from SF-7, Single family Residential, to MF-L, Multi-family Low Density, for property located at 1212 Smith Lane. (Francisco Alvarado)</td>
</tr>
<tr>
<td>6</td>
<td>Petition No. ZC 19-38 and SUP 19-39 – a request from Sagebrush Community Church, represented by Derald Polston to rezone the properties into one zoning designation of MF-M, Multi-family Medium Density and to request a Special Use Permit to allow a sanctuary space of more than 4,000 sq. ft. (Cindy Lopez)</td>
</tr>
</tbody>
</table>
| 7    | Business from:  
  Floor:  
  Chairman:  
  Members:  
  Staff:  
| 8    | Adjournment |

*The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, June 11, 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
STAFF REPORT
Sunset Ridge Subdivision Phase 1
Petition No. PP 19-35

A. STAFF REPORT, May 30, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Stonetown Animas Lender LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Cecil Tullis of Cheney-Walters-Echols, Inc.</td>
</tr>
<tr>
<td>Date of Application</td>
<td>April 22, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Preliminary Plan Approval</td>
</tr>
<tr>
<td>Location</td>
<td>At the intersection of Road 3000 and Road 3950 (Morningstar) in Tier II of Farmington's Platting and Planning Jurisdiction (R0050231)</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>N/A; Tier II of Farmington's Platting and Planning Jurisdiction</td>
</tr>
<tr>
<td>Surrounding Zoning and Land Use</td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Unincorporated San Juan County/Residential</td>
</tr>
<tr>
<td>South</td>
<td>Unincorporated San Juan County/Undeveloped</td>
</tr>
<tr>
<td>East</td>
<td>Unincorporated San Juan County/Residential</td>
</tr>
<tr>
<td>West</td>
<td>Unincorporated San Juan County/Residential</td>
</tr>
<tr>
<td>Subdivision Class</td>
<td>Class 1</td>
</tr>
<tr>
<td>Notice</td>
<td>Preliminary Plans do not require notice</td>
</tr>
<tr>
<td>Staff Planner</td>
<td>Helen Landaverde, Associate Planner</td>
</tr>
</tbody>
</table>

SUBDIVISION INFORMATION

<table>
<thead>
<tr>
<th>Number of Lots</th>
<th>17 Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acres of Land</td>
<td>64.17 Acres</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>N/A</td>
</tr>
<tr>
<td>Utilities</td>
<td>Water: Per City Standards</td>
</tr>
<tr>
<td></td>
<td>Sewer: Per City Standards</td>
</tr>
<tr>
<td></td>
<td>Electric: Per FEUS Engineering</td>
</tr>
<tr>
<td>Access &amp; Circulation</td>
<td>Per City Standards</td>
</tr>
<tr>
<td>Street Lights</td>
<td>Per City Standards</td>
</tr>
<tr>
<td>Street Sign</td>
<td>Per City Standards</td>
</tr>
<tr>
<td>Fire Hydrants</td>
<td>Per City Standards</td>
</tr>
<tr>
<td>Drainage</td>
<td>Per City Standards</td>
</tr>
<tr>
<td>Parks &amp; Rec.'s Fees</td>
<td>Per City Standards</td>
</tr>
<tr>
<td>NBU Mail Box</td>
<td>Coordinate with USPS</td>
</tr>
</tbody>
</table>
GENERAL INFORMATION

The petitioner is requesting a preliminary plan approval of the Sunset Ridge Subdivision Phase 1, Class 1, 17-lot subdivision on 64.17 acres of undeveloped land for property located at the intersection of Road 3000 and Road 3950 (Morningstar) in Tier II of Farmington’s Platting and Planning Jurisdiction (R0050231). The lot sizes for Phase 1 range from 1.23 acres to 2.31 acres.

ISSUES

Fire Marshall – B. Vega: 599-1439 and bvega@firenet.org
- This area is fine now, but may cause issues if it is annexed in the future (for the Fire Department’s response time and coverage).

Engineering Staff – Toni Sitta: 599-1399 and tsitta@fmtn.org
1) Please include a description of all monuments found or set.

2) The layouts of Lots 3-7 do not meet the City of Farmington Standards per the Unified Development Code (UDC) Section 6.4.7.N and Section 6.4.7.H. CR 3000 is considered a Minor Arterial per the Farmington MPO Major Thoroughfare Plan.
   a. “No lot shall have direct access to a principal or minor arterial” (Farmington UDC 6.4.7.N).
   b. “No single-family residential use shall take direct access to arterial streets. When uses take access to an arterial street, the point of access shall be directly across from another existing point of access, or spaced at least 200 feet from any intersecting street or other point of access to the arterial, except when no other reasonable alternative is available (Farmington UDC 5.3.2.C).

3) Please submit “topographic contours at two-foot intervals and all easements or right-of-ways necessary for drainage within or without the boundaries of the subdivision.” (UDC 13.2.12.F)

4) Please submit a drainage report per UDC 13.2.12.

5) Is CR 3944 being dedicated to the County? If not, who will maintain CR 3944 after 1 year (Road Maintenance, Sheet 3 of 3)? Per the UDC Section 6.10, a homeowners association or agreement for maintenance may be required prior to the recording of this plat.

6) Per the UDC Section 6.4.7: “Temporary turnarounds shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet. The developer shall provide a sign at the dead-end declaring that the particular street shall connect with any further development.”

STAFF CONCLUSION

Staff concludes approval of Petition 19-35, Sunset Ridge Subdivision Phase 1, is appropriate, subject to technical and corrective changes as enumerated in this report.
STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition 19-35, a request from Stonetown Animas Lender LLC, represented by Cecil Tullis of Cheney-Walters-Echols, Inc. for a preliminary plan of a Class 1, 17-lot subdivision on 64.17 acres of undeveloped land (R4005962 and R4003620) located at the intersection of Road 3000 and Road 3950 (Morningstar) in Tier II of Farmington’s Platting and Planning Jurisdiction and with the following conditions:

- All technical corrections to the plat and construction drawings will be finalized and approved prior to submittal of the final plat, including noted issues in this report.
## City of Farmington Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Contact Person</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>Director</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
<td>No comment</td>
</tr>
<tr>
<td>CD</td>
<td>Long Range Planner</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>MPO</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
<td></td>
</tr>
<tr>
<td>CITY</td>
<td>City Manager's Office – J. Baird</td>
<td>No comment</td>
</tr>
<tr>
<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
<td></td>
</tr>
<tr>
<td>ELEC</td>
<td>Electrical Engineering – L Aligarbes</td>
<td>No comment</td>
</tr>
<tr>
<td>ELEC</td>
<td>T &amp; D – R. Romero</td>
<td></td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Captain – K. Rix</td>
<td></td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
<td>This area is fine now, but may cause issues if it is annexed in the future.</td>
</tr>
<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
<td></td>
</tr>
<tr>
<td>LEGAL</td>
<td>Deputy City Attorney – E. Wayne</td>
<td>No comment</td>
</tr>
<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
<td>No comment</td>
</tr>
<tr>
<td>POLICE</td>
<td>Sergeant – P. Flores</td>
<td></td>
</tr>
<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
<td>No comment</td>
</tr>
<tr>
<td>PRCA</td>
<td>ORII – C. Styron</td>
<td>No comment</td>
</tr>
<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
<td></td>
</tr>
</tbody>
</table>

7) Please include a description of all monuments found or set.

8) The layouts of Lots 3-7 do not meet the City of Farmington Standards per the Unified Development Code (UDC) Section 6.4.7.N and Section 6.4.7.H. CR 3000 is considered a Minor Arterial per the Farmington MPO Major Thoroughfare Plan.

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direct access to arterial streets. When uses take access to an arterial street, the point of access shall be directly across from another existing point of access, or spaced at least 200 feet from any intersecting street or other point of access to the arterial, except when no other reasonable alternative is available (Farmington UDC 5.3.2.C).

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<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>
<tr>
<td>Other Entities</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>New Mexico Gas Company – R. Castillo</td>
<td>No comment</td>
</tr>
<tr>
<td>CenturyLink – D. Willato</td>
<td></td>
</tr>
<tr>
<td>Enterprise Field Services</td>
<td></td>
</tr>
<tr>
<td>Comcast Cable – M. Johnson</td>
<td></td>
</tr>
<tr>
<td>CH2MHIll OMI</td>
<td></td>
</tr>
<tr>
<td>Surface Land Negotiator for BP – M. Venzara</td>
<td></td>
</tr>
<tr>
<td>Farmington School District – C. Lyons</td>
<td></td>
</tr>
</tbody>
</table>
# PETITION APPLICATION

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

Planning Division Community Development Dept.
City of Farmington
809 Municipal Drive
Farmington, NM 87401
(505) 699-1317
(505) 699-1289 (fax)

## PROJECT TYPE
(Select Those Applicable)
- [ ] Annexation and/or Zoning
- [ ] Preliminary Plan
- [ ] Final Plan
- [ ] Summary Plan
- [ ] Special Use Permit
- [ ] Variance (ARB)
- [ ] Zone Change to ______ District
- [ ] Temporary Use Permit
- [ ] Proposed Length of Use: ______

## INFORMATION

**Applicant's Name:** Stonetown Animas Lender, LLC, Maxwell Key  
**Address:** 720 S. Colorado Blvd. #1150-N, Glendale, CO 80246  
**E-Mail:** mk@stonetowncapital.com  
**Telephone:** 303-407-3009

**Project Location:** Road 3000 and Road 3650  
**Existing Use:** Residential  
**Proposed Use:** Residential

**Relationship to Property Owner:** Agent  
**Asseessor's Parcel I.D. and/or Tax I.D. Number:** R0050231

**Legal Description of Subject Property:** See Attached Plat

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

**If Yes, please provide copy with application.**

## REPRESENTATIVE / CONTACT PERSON (if other than applicant)

**Name:** Cecil Tullis  
**Phone:** (505) 327-3303  
**Address:** 909 West Apache, Farmington, NM, 87401  
**Email:** cecil@c-w-a.com

## OWNERSHIP

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

**Name:** Stonetown Animas Lender, LLC  
**Phone:** 303-407-3009  
**Address:** 720 S. Colorado Blvd. #1150-N, Glendale, CO 80246

**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 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:** Maxwell Key  
**Phone:** 303-407-3009/9  
**Email:** mk@stonetowncapital.com

**Address:** 720 S. Colorado Blvd. #1150-N, Glendale, CO 80246

**Owner's Signature:**

## STAFF USE ONLY

**Received by FA**  
**Date:** 7/22/19  
**Time:**[ ]  
**Fee Received:**[ ]  
**BlueLine Copies of Plans:**[ ]

**Project File No.:** BP 19-35 Sunset Ridge Subdivision  
**Date of Hearing/Meeting:** 7/22/19  
**Related to:**[ ]

**Designated Statement of Proposed Use:**[ ]

---

8
### SUMMARY PLAT APPLICATION

Incomplete applications will not be accepted.

Return completed application to:
Development Services Division
Community Development Dept.
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 696-1317
(505) 599-1229 (fax)

<table>
<thead>
<tr>
<th>Summary Plat Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Boundary Line Adjustment  ☑ Lot Consolidation  ☑ Lot Split</td>
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</table>

#### Summary Plat Information

<table>
<thead>
<tr>
<th>Name of Subdivision:</th>
<th>Sunset Ridge Subdivision Phase 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location Within City Limits?</td>
<td>☑ Yes ☐ No</td>
</tr>
<tr>
<td>Within the 5-mile Planning &amp; Platting Jurisdiction?</td>
<td>☑ Yes ☐ No</td>
</tr>
<tr>
<td>Size of Property</td>
<td>28.9 acres</td>
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<tr>
<td>Current Use of Property:</td>
<td>residential/vacant</td>
</tr>
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</table>

#### Contact Information

<table>
<thead>
<tr>
<th>Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Stonetown America Lender, LLC, Maxwell-Voly</td>
</tr>
<tr>
<td>Phone: 505-407-3009</td>
</tr>
<tr>
<td>Signature</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Robert A. Echols, Jr., Chaney-Watters-Echols</td>
</tr>
<tr>
<td>Phone: 505-327-3303</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

#### 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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Maxwell-Voly</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>720 S. Colorado Blvd. #1150-N</td>
</tr>
<tr>
<td>Phone</td>
<td>505-407-3009</td>
</tr>
<tr>
<td>Signature</td>
<td></td>
</tr>
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</table>

#### Development Services Acceptance (for use only)

<table>
<thead>
<tr>
<th>Date</th>
<th>8 full size copies &amp; 1 reduction</th>
<th>Current Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td>Checklist signed</td>
<td></td>
</tr>
<tr>
<td>Fee</td>
<td>Legal Description</td>
<td></td>
</tr>
<tr>
<td>Initials</td>
<td>File No.</td>
<td></td>
</tr>
</tbody>
</table>
PRELIMINARY PLAN
SUNSET RIDGE SUBDIVISION PHASE 1
A TIER 2 CLASS 3 SUBDIVISION
LYING IN THE
NW QUARTER OF SECTION 7, T29N, R12W,
& THE SE1/4 OF THE SE1/4 OF THE
NE1/4, (SE1/4 SE1/4 NE1/4) OF
SECTION 12, T29N, R13W, N.M.P.M.,
SAN JUAN COUNTY, NEW MEXICO

PLAT NOTES:
-- FOR REVIEW ONLY --

1.  ONE OF LOT SHALL BE A NO BUILD LOT WITH
   THE CLEAVING OR SUBDIVISION AS PERMITTED ON THE LOT.
2.  LOT NO. 6 SHALL NOT HAVE ACCESS TO ROAD 2000.

ENGINEERS
SURVEYORS

SEAL: E. R. WILLIAMS, P.E.

ISSUE DATE: 05/27/2019

Scale: 1" = 100'

SHEET No. 2 OF 3
COMMUNITY DEVELOPMENT PETITION REPORT
Petition ZC 19-37 – Zone change from the SF-7, Single-family 7 Residential District to the MF-L, Multifamily Low Density Residential District, to allow for the placement of two manufactured homes in the backyard, for property located at 1212 Smith Lane

A. STAFF REPORT, May 30, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Nguyen Duc Chi Vuong</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Anita Graciano</td>
</tr>
<tr>
<td>Date of Application</td>
<td>April 29, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Zone change from the SF-7, Single-family Residential District to the MF-L, Multifamily Low Density Residential District.</td>
</tr>
<tr>
<td>Location</td>
<td>1212 Smith Lane (R0020493)</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Residence</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>SF-7, Single-family Residential District</td>
</tr>
</tbody>
</table>

Surrounding Zoning & Land Use

| North:        | MF-L, Multifamily Low Density with a SMHAO, Special Mobile Home Area Overlay / Residential. |
| West:         | SF-7, Single-family with a SMHAO, Special Mobile Home Area Overlay / Residential. |

Notice

Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, May 12, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, May 8, 2019 and a sign was posted on Friday, May 17, 2019.

Staff Planner

Francisco Alvarado, Associate Planner

STAFF ANALYSIS

Project Description

The petitioner, Nguyen Duc Chi Vuong, is requesting a zone change from the SF-7, Single-family Residential District to the MF-L, Multifamily Low Density Residential District, to allow for the placement of two (2) multi-section manufactured homes in the backyard of property located at 1212 Smith Lane (R0020493).

San Juan County Tax Assessor’s records show that the size of the property is 0.438 acres (19079.28 square feet). The property was annexed into the City in 1954 and is considered to be a lot of record. Aerial photographs and other sources provided in this memo indicate...
that there is a duplex and two accessory structures (sheds) on the subject property. Each unit in the duplex has one bedroom. One unit has an office space.

The property has a special mobile home area overlay (SMHAO). The abutting property to the north is zoned MF-L, Multifamily Low Density. The abutting property to the south is zoned MF-M, Multifamily Medium Density. The properties to the east and west are zoned SF-7, Single-family. All the abutting properties have a special mobile home area overlay (SMHAO).

Figure 1. City of Farmington Zoning Map

Multi-section manufactured homes are not permitted in the SF-7 District; as a result the applicant is requesting a zone change to MF-L, Multi-family Low Density to allow for multi-section manufactured homes on the subject property.

The residence, built in 1959, sits at 20 feet from the front yard property line and does not meet the current SF-7 District setbacks. The property would, however, meet the required setbacks for the proposed MF-L District and come into compliance with the City code.
### Table 1. UDC 2.8.1 - Setbacks for subject property.

<table>
<thead>
<tr>
<th></th>
<th>SF-7</th>
<th>MF-L</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>25’</td>
<td>20’</td>
</tr>
<tr>
<td>Interior Side</td>
<td>5’</td>
<td>8’</td>
</tr>
<tr>
<td>Rear</td>
<td>15’</td>
<td>25’</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting a zone change from the SF-7, Single-family Residential District to the MF-L, Multifamily Low Density Residential District to allow for the placement of two (2) manufactured homes (multi-section) on the property, in addition to the current residence. Future income received from renting the homes would allow him to pay for his children’s education. Under current zoning (SF-7), the property’s special mobile home area overlay (SMHAO) allows for one single-section mobile or manufactured home on the lot. He has not requested a change regarding the SMHAO.

Pursuant to UDC Section 2.8 Density and dimensional standards, the minimum lot area per multifamily dwelling unit in the MF-L District shall be 3,500 sq. ft. The subject property is 19,079.28 sq. ft., and the existing residence is 1,512 sq. ft. The maximum allowed number of multifamily units in the remaining lot area (17,567.28 ÷ 3,500) is five (5).

The applicant has expressed his interest for two (2) multifamily manufactured homes (24’ x 54’, 1,296 sq. ft.). One home will be placed vertically, next to the rear lot line. The second home will be placed horizontally, next to the southern lot line, by the first home (Figure 2).

**Figure 2. Proposed Placement**
The petitioner’s representative, Anita Graciano, has indicated that Mr. Nguyen would like for each manufactured home to have three bedrooms and two bathrooms. The petitioner would have to provide sufficient off-street parking for the proposed homes. The minimum requirements for off-street parking are two (2) spaces per manufactured dwelling unit.

**Table 2. 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, manufactured dwellings, and mobile homes</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>
</tr>
</tbody>
</table>

**Consistency with the Farmington Comprehensive Plan**

The 2020 Future Land Use Plan visualizes this area as having a Residential Single Family Urban land use. The proposed use supports the following core goals and objectives in the Comprehensive Plan:

**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.

Objective 4.1.2: Continue to recommend appropriate locations for…multi-family residential areas as shown on the 2020 Future Land Use Plan…

**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.*

Action 7.1: Provide for a variety of housing options…to accommodate housing needs of all residents in Farmington…

---

1 Farmington Comprehensive Plan (2002). Chapter 4 Land Use and Development, pp. 4-11 – 4-12.

Compatible Land Use with the Neighboring Area

The property to the north is zoned MF-L, Multi-family Low Density and the property to the south is zoned MF-M, Multi-family Medium Density. The properties to the east and west are zoned SF-7, Single-Family Residential. All the abutting properties have a Special Mobile Home Area Overlay (SMHAO).

The proposed zone change to MF-L, Multi-family Low Density would allow for development consistent with the current land uses and character of the surrounding area. Although zoning in the general area is SF-7, the proposed land use is compatible with mobile/manufactured homes in the neighborhood, as well as the abutting multi-family low and medium density districts.

Multifamily, low, medium and high density (MF-L, MF-M, and MF-H)

Multifamily Low, Medium and High Density (MF-L, MF-M and MF-H) Districts are intended to accommodate a substantial portion of the city's residential growth over the 20-year planning horizon covered by the comprehensive plan. By allowing many residential development options (from detached houses on small lots to relatively high density apartments), the MF-L, MF-M and MF-H districts provide the widest range of housing choices for city residents. The provision of pedestrian facilities is strongly encouraged (UDC 3.9).

STAFF ANALYSIS

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

The zone change request is for MF-L, Multi-family Low Density is consistent with several goals and objectives of the Comprehensive Plan for Land Use and Development regarding multi-family residential areas and housing options for the community.
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 property to the north is zoned MF-L, Multi-family Low Density and the property to the south is zoned MF-M, Multi-family Medium Density. The properties to the east and west are zoned SF-7, Single-Family Residential. All the abutting properties have a Special Mobile Home Area Overlay (SMHAO).

The proposed zoning for this property is compatible with the present zoning and character of the neighborhood. Additionally, the proposed zone change supports the goals and objectives in the Comprehensive Plan for Land Use and Development and Housing.

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

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

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

The zone change request is MF-L, Multi-family Low Density and multi-section manufactured homes are allowed. At the moment, the subject property does not meet the front yard setback for the existing principal structure. The applicant would come into compliance with the City’s Code regarding residential density and dimensional standards in the MF-L District.

Any future demolition and redevelopment will need to meet established requirements of the zone district and off-street parking regulations.

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 property has already been developed. Public facilities have been provided. Any future demolition and redevelopment will need to meet established requirements of the district.

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 property is in line with several goals and objectives of the Comprehensive Plan regarding land use and development, as well as housing. Although the 2020 Future Land Use Plan visualizes this area as Residential Single Family Urban and the current zoning is SF-7, Single-family Residential, the existing land use on Smith Lane and the surrounding area is multifamily. The requested zone change to MF-L is consistent with the character of the area and will not be detrimental to the surrounding neighborhood. The proposed zone change will not be a spot zone.

STAFF CONCLUSION
Staff concludes that approval of ZC 19-37 is appropriate. The requested zone change to MF-L is consistent with the land use and character of the area and will not be detrimental to the surrounding neighborhood.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition ZC 19-37, a request from Ngyuen Duc Chi Vuong for a zone change from the SF-7, Single-Family Residential to MF-L, Multi-family Low Density District to allow for the placement of two multi-section manufactured homes in the backyard, for property located at 1212 Smith Lane and subject to the following conditions and/or UDC requirements:

- The property will maintain the Special Mobile Home Area Overlay (SMHAO).
- The manufactured housing units will need to be placed a minimum of 10 feet apart from each other and from other accessory structures, including those in adjacent properties (2015 IRC: Table R302.1(1) & Sec. R202).
- Sidewalk installation will be required as part of any building or mobile home parking permit (UDC 7.1.2)
Photos of subject property
PLANNING MEMO COMMENTS SUMMARY  
ZC 19-37 1212 SMITH LANE  
Deadline: 5/13/19

City of Farmington Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Position</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>Director</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Addressing – Planning Division</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Chief Building Official – D. Childers</td>
<td>The manufactured housing units will need to be placed a minimum of 10 feet apart.</td>
</tr>
<tr>
<td>CD</td>
<td>Long Range Planner</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>MPO</td>
<td></td>
</tr>
<tr>
<td>CD</td>
<td>Oil &amp; Gas Inspector – L. Simms</td>
<td></td>
</tr>
<tr>
<td>CITY</td>
<td>City Manager’s Office – J. Baird</td>
<td>No comment</td>
</tr>
<tr>
<td>ELEC</td>
<td>Customer Care Manager – L. Richardson</td>
<td></td>
</tr>
<tr>
<td>ELEC</td>
<td>Electrical Engineering – L Aligarbes</td>
<td>No comment</td>
</tr>
<tr>
<td>ELEC</td>
<td>T &amp; D – R. Romero</td>
<td></td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Captain – K. Rix</td>
<td></td>
</tr>
<tr>
<td>FIRE</td>
<td>Fire Marshall – B. Vega</td>
<td>No comment</td>
</tr>
<tr>
<td>LEGAL</td>
<td>City Attorney – J. Breakell</td>
<td>No comment</td>
</tr>
<tr>
<td>LEGAL</td>
<td>Deputy City Attorney – E. Wayne</td>
<td></td>
</tr>
<tr>
<td>POLICE</td>
<td>Code Compliance – M. Romero</td>
<td>No comment</td>
</tr>
<tr>
<td>POLICE</td>
<td>Sergeant – P. Flores</td>
<td></td>
</tr>
<tr>
<td>PRCA</td>
<td>S. Reeves/ R. Crosby</td>
<td>No comment</td>
</tr>
<tr>
<td>PRCA</td>
<td>ORII – C. Styron</td>
<td>No comment</td>
</tr>
<tr>
<td>PW</td>
<td>City Engineer – N. Westerling</td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Engineering – T. Sitta</td>
<td>No comment regarding the zone change. However, sidewalk installation will be required as part of any building or mobile home parking permit in accordance with City Ordinance Section 7-1-2.</td>
</tr>
<tr>
<td>PW</td>
<td>Streets Superintendent</td>
<td></td>
</tr>
<tr>
<td>PW</td>
<td>Traffic Engineer – I. BlueEyes</td>
<td>No comment</td>
</tr>
<tr>
<td>PW</td>
<td>Water/Waste Water – M. Tso</td>
<td>No comment</td>
</tr>
</tbody>
</table>

Other Entities

<table>
<thead>
<tr>
<th>Entity</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico Gas Company – R. Castillo</td>
<td>No comment</td>
</tr>
<tr>
<td>CenturyLink – D. Willato</td>
<td></td>
</tr>
<tr>
<td>Enterprise Field Services</td>
<td></td>
</tr>
<tr>
<td>Comcast Cable – M. Johnson</td>
<td></td>
</tr>
<tr>
<td>CH2MHILL OMI</td>
<td></td>
</tr>
<tr>
<td>Surface Land Negotiator for BP – M. Venzara</td>
<td></td>
</tr>
<tr>
<td>Farmington School District – C. Lyons</td>
<td></td>
</tr>
</tbody>
</table>
# Pettition 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 Zoning District
- [ ] Temporary Use Permit
- Proposed Length of Use:
- [ ] Well site equipment modification

**INFORMATION**

<table>
<thead>
<tr>
<th>Applicant's Name</th>
<th>Project Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGUYEN HUY CHI YUONG</td>
<td>1232 SOUTHWEST FARMING</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>2312 EAST 11TH STREET</td>
<td>RESIDENTIAL</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-Mail</th>
<th>Proposed Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:EMHACCHIYUONG@GMAIL.COM">EMHACCHIYUONG@GMAIL.COM</a></td>
<td>NEW Mix-Use LOW DENSITY</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone</th>
<th>Current Zoning</th>
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</thead>
<tbody>
<tr>
<td>505-947-5711</td>
<td>0-7</td>
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</table>

<table>
<thead>
<tr>
<th>Relationship to Property Owner</th>
<th>Assessor's Parcel I.D. and/or Tax I.D. Number</th>
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</thead>
<tbody>
<tr>
<td>USTF</td>
<td>020.02.0463</td>
</tr>
</tbody>
</table>

**Legal Description of Subject Property:** (SEE ATTACHMENT)

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

If Yes, please provide copy with application.

**REPRESENTATIVE / CONTACT PERSON (if other than applicant)**

<table>
<thead>
<tr>
<th>Name</th>
<th>E-Mail</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANITA GRACIANO</td>
<td><a href="mailto:ANITAGRACIANO@YAHOO.COM">ANITAGRACIANO@YAHOO.COM</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>505-275-1464</td>
<td>P.O. BOX 503</td>
</tr>
</tbody>
</table>

**OWNERSHIP**

**PROPERTY OWNER** (Identify General Partner, Managing Partner, Corporation President and Secretary, Specify type of ownership interest, fee, Real Estate Contract, Option to Purchase)

**MORTGAGE HOLDERS (if any)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone</th>
</tr>
</thead>
</table>

- [ ] Owner Certification (Physical and Mailing)

I certify that I am the owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting within my authority and consent 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. Land use applications will generally be reviewed by City Council at their first regular session following the P&Z review.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGUYEN HUY CHI YUONG</td>
<td>S 4800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner's Signature</th>
<th>Phone / Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
<td>SIGNATURE</td>
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- [ ] STAFF USE ONLY

<table>
<thead>
<tr>
<th>Received By</th>
<th>Fee Received</th>
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<tbody>
<tr>
<td>BILL</td>
<td>100</td>
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<table>
<thead>
<tr>
<th>Date</th>
<th>Project File No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/12/2019</td>
<td>ZC 69:3712 LA</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of Hearing/Meeting</th>
<th>(2/25/2019)</th>
</tr>
</thead>
</table>

- [ ] Blueprint copies of plans
- [ ] Ownership report (subject and surrounding properties)
- [ ] Legal description
- [ ] Detailed statement of proposed use
April 23, 2019

Ms. Helen Landaverde
800 Municipal Drive
Farmington, NM 87401

Nguyen Duc Chi Vuong
2312 East 11th Street
Farmington, NM 87401

Dear Ms. Landaverde,

Please accept my application requesting a zone change (from S7 to multi-family, low density) for my property located at 1212 Smith Lane. This change would allow me to place two mobile homes on the property, in addition to the current house on the property. The mobile homes would be clean, and enhance the appearance of the property. The income from these mobile homes will also provide financial means for my children’s education.

I appreciate your consideration of this request.

Please let me know if you need additional information.

Respectfully,

Nguyen Duc Chi Vuong
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 19-37 - a request from Nguyen Duc Tho Vuong, represented by Anita Gradano, for a zone change from SF-7, Single-family, to MF-L, Multi-family Low Density, for property located at 1212 Smith Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SW/4NE/4 of Section 11, in Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Otherwise known as 1212 Smith Lane

Petition No. ZC 19-38 & SUP 19-39 - a request from Sagebrush Community Church represented by Derald Polston, for a zone change from MF-L & MF-M, Multi-family low & medium density, to MF-M, Multi-family Medium Density, and for a special use permit to allow a Place of Worship with a sanctuary space of more than 4,000 sq. ft. property located at 5301 Sunrise Pkwy., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
All of the Butler Subdivision No. 1, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record December 23, 1991.

Otherwise known as 5301 Sunrise Pkwy.

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 30, 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, June 11, 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 19-37

May 8, 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 Nguyen Duc Chi Vuong, represented by Anita Graciano, for a zone change from SF-7, Single-family, to MF-L, Multi-family Low Density, for property located at 1212 Smith Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SW/4NE/4 of Section 11, Township 29, North, Range 13 West, N.M.P.M., San Juan County, New Mexico.
Otherwise known as 1212 Smith Lane

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 30, 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, June 11, 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 Francisco Alvarado at 505-599-1333 or falvarado@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:

A tract of land lying in the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Eleven (11) in Township Twenty-Nine (29) North of Range Thirteen (13) West, N.M.P.M., San Juan County, New Mexico, described as follows:
BEGINNING from a point that is North 69°36' East 453.80 feet and North 00°59' East 864.30 feet from the point where the North line of the right-of-way of Highway No. 550 (Farmington-Aztec Highway) intersects the West line of the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section 11, Township 29 North of Range 13 West, more particularly described as follows:
THENCE North 00°59' East 75.5 feet;
THENCE South 89°01' East 252.40 feet;
THENCE South 00°49' West 75.5 feet;
THENCE North 89°01' West 252.64 feet, to the point of beginning.

TRACT 1
Duchi V. Nguyen
4917 East Main Street
Farmington, NM 87402

That part of the SW1/4NE1/4 of Section 11, Township 29 North, Range 13 West, N.M.P.M., San Juan County, New Mexico.

Book 1642, page 230

TRACT 2 & 3
Kenneth Campbell
1204 Smith Lane
Farmington, NM 87401

Lot 2, of the MHC SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record December 29, 2006.

Book 1566, page 179

AND

Lot 1, of the MHC SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record December 29, 2006.

Book 1564, page 521

TRACT 4
Perfecto Quintana and Twila Quintana Revocable Trust
10 Road 6185
Kirtland, NM 87417

That part of Lot 2, of the ELMO SMITH SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record September 20, 1956.

Book 1634, page 76
Book 1597, page 214
Book 1444, page 362
TRACT 5
J.D and Shirley Noyes Living Trust
C/O Ronald H and Karen Jones
4761 West Camino De Manana
Tucson, AZ 85742
That part of Lot 2, of the ELMO SMITH
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
September 20, 1956.
Book 1585, page 452

TRACT 6
J & J Realty Co., LLC
1621 West Murray Drive
Farmington, NM 87401
That part of Lot 3, of the ELMO SMITH
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
September 20, 1956.
Book 1630, page 530

TRACT 7 & 8
Theresa K. Donisthorpe and Brian L. Donisthorpe
1305 Smith Lane
Farmington, NM 87401
That part of Lot 3, of the ELMO SMITH
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
September 20, 1956.
Book 1557, page 528

AND
That part of Lot 4, of the ELMO SMITH
SUBDIVISION, in the City of Farmington, San
Juan County, New Mexico, filed for record
September 20, 1956.
Book 1084, page 666

TRACT 9
Dudley G. Welch Revocable Living Trust
1304 Smith Lane
Farmington, NM 87401
That part of the SW1/4NE1/4 of Section 11,
Township 29 North, Range 13 West, N.M.P.M.,
San Juan County, New Mexico.
Book 1615, page 605

TRACT 10
Jerry W. Pittman and Patricia M. Pittman
1302 Smith Lane
Farmington, NM 87401
That part of the SW1/4NE1/4 of Section 11,
Township 29 North, Range 13 West, N.M.P.M.,
San Juan County, New Mexico.
Book 1277, page 864
TRACT 11
Protemlude Quest Trust
1301 Utten Lane
Farmington, NM 87401

Lot 8, in Block 1, of the INDUSTRIAL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record January 25, 1954.

Book 1440, page 385

TRACT 12
Barbara J. Hutchison Living Trust
1221 Utten Lane
Farmington, NM 87401

Lot 9, in Block 1, of the INDUSTRIAL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record January 25, 1954.

Book 1471, page 1053

TRACT 13
Melvin Ward and Mary E Ward Living Trust
C/O Beau Dibble and Monique Dibble
P.O. Box 3801
Farmington, NM 87499

Lot 10, in Block 1, of the INDUSTRIAL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record January 25, 1954.

Book 1477, page 449
Book 1623, page 374

TRACT 14
Luis D Aguirre and Viviana Aguirre
1215 Utten Lane
Farmington, NM 87401

Lot 11, in Block 1, of the INDUSTRIAL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record January 25, 1954.

Book 1472, page 138

TRACT 15
Randall G. Gordon
1705 Boulder Road
Gallup, NM 87301

Lot 12, in Block 1, of the INDUSTRIAL SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record January 25, 1954.

Book 1565, page 90

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

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE,

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Austin, Abstracter
COMMUNITY DEVELOPMENT PETITION REPORT
Petition ZC 19-38 and SUP 19-39 – Zone Change from the MF-L, Multifamily Low Density District to the MF-M, Multifamily Medium Density District and for a Special Use Permit to allow a Place of Worship with more than 4,000 square feet of sanctuary space located at
1501 Sunrise Parkway

A. STAFF REPORT, May 30, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Sagebrush Community Church</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Derald Polston</td>
</tr>
<tr>
<td>Date of Application</td>
<td>May 2, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Zone change from the MF-L, Multifamily Low Density District to the MF-M, Multifamily Medium Density District and for a Special Use Permit to allow a Place of Worship with more than 4,000 square feet of sanctuary space.</td>
</tr>
<tr>
<td>Location</td>
<td>1501 Sunrise Parkway (R0036724 and R0036723)</td>
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<td>Existing Land Use</td>
<td>Church</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>MF-L, Multifamily Low Density and MF-M, Multifamily Medium Density</td>
</tr>
</tbody>
</table>
| Surrounding Zoning & Land Use | **North:** SF-10 Single-family and LNC Local Neighborhood Commercial/Residential and Vacant  
                              | **South:** MF-M Multifamily Medium Density/Vacant  
                              | **East:** LNC Local Neighborhood Commercial/Vacant  
                              | **West:** MF-L Multifamily Low Density/Vacant  
                              | **Northeast-Diagonally:** LNC Local Neighborhood Commercial/Social Security Offices |
| Notice                    | Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, May 12, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, May 8, 2019 and a sign was posted on Friday, May 17, 2019. |
| Staff Planner             | Cynthia Lopez, Senior Planner |

STAFF ANALYSIS

Project Description
The petitioner is requesting a zone change and special use permit for Sagebrush Community Church at 1501 Sunrise Parkway. Derald Polston is representing the petitioner. The 4 acre parcel of land is Lot 1 of the Butler Subdivision. The subdivision plat was reviewed/approved by the City of Farmington and recorded at the San Juan County Clerk’s Office on December 23, 1991. Approximately one week after recording the Butler Subdivision plat, the north one-acre portion of the lot was deeded as a
separate parcel. This subsequent subdivision of Lot 1 of Butler Subdivision into two lots did not meet the requirements of the subdivision regulations of the City at the time it was deeded. Therefore, the City considers the property as one lot of 4 acres. The San Juan County Assessor’s map shows the property as two lots. The petitioner will need to correct this subdivision error.

The Butler Subdivision plat shows:
- a 10 foot utility easement along the property line on Sunrise and Butler;
- a dedication of a 10 foot strip along Sunrise dedicated to the City of Farmington;
- a 20 foot drainage easement diagonally across the northeast corner of the property; and,
- a reciprocal access easement on the southeast corner of the lot between this property and the property to the south.

A plat note labeled **Access Restrictions** states: “Two permitted access locations to Butler Avenue are to be located within the reciprocal access easement shown at the southeast corner and at location to be determined, but not less than ninety (90) south of the north property line.” (90 feet south of the north property line)

The property has two zoning designations, MF-L Multifamily Low Density on the west side and MF-M Multifamily Medium Density on the east side. The vacant properties to the north and east are zoned LNC Local Neighborhood Commercial. The vacant properties to the south and west are zoned multifamily. The Farmington Social Security Offices are diagonally across the intersection of Sunrise and Butler from the Sagebrush Community Church.

The property has an existing church building of approximately 12,560 square feet. The property has 52 paved parking spaces, three of which are handicapped parking spaces. The church is on the southwest corner of Sunrise Parkway and Butler Avenue. Current access to the property is from Sunrise Parkway. Sunrise Parkway is a collector street (60 ft. right-of-way required) and Butler Avenue is a minor arterial (80 ft. right-of-way required). A local residential street has a required 50 ft. right-of-way.

**Proposal**

The petitioner is proposing a zone change so that the property has only one zoning designation of MF-M Multifamily Medium Density instead of the two current designations. This request complies with the “Commentary” of Section 2.2.3 Multiple Zoning Districts of the Unified Development Code that states: “Multiple zoning on a single parcel should be avoided. Where the opportunity arises to correct multiple zoning, such parcels should be rezoned to a single district.”

Sagebrush Community Church is proposing to expand its facility to include a sanctuary space of more than 4,000 square feet. They propose a 7,200 square foot sanctuary space that will accommodate 563 seats. The Unified Development Code requires a special use permit in any multifamily zoning district for a Place of Worship with a sanctuary space of more than 4,000 square feet.

The proposal is to remodel the existing building (approximately 12,560 square feet) into several auxiliary spaces for church functions. A new addition will be added to the east and south to include the lobby and sanctuary space.
With the addition to the existing church, a new parking plan is proposed. Parking requirements for 563 seats inside the sanctuary space is 112 parking spaces with eight (8) of those required to be handicapped parking spaces. The petition is showing a parking plan that includes 240 regular parking spaces and 8 handicapped parking spaces. The proposal also shows a second street access along Butler Avenue.

The site plan as proposed shows a detention pond in the southeast corner of the property. The detention pond cannot restrict the “Reciprocal Access Easement” in that location. The detention pond appears to be located on top of or very near to a sandstone outcropping that has a significant drop to the rest of the property. The proposed site plans, floor plans and elevations that were submitted with this application will not be considered final or approved with this request. They are required to be submitted as part of the building plan set and may need to be revised to meet codes.

**Consistency with the Farmington Comprehensive Plan**

The Farmington Comprehensive Plan recommends the property/area as Residential Single-Family Urban (less than 20,000 sq. acre lot). Churches provide services to the community and “…should complement, but not infringe on nearby residential areas. They should be accessible and adjacent to major streets to accommodate traffic.” The proposed church is located at the intersection of a collector and minor arterial that can accommodate the traffic generated by the use. The church may buffer the residential uses to the north and west from the Local Neighborhood Commercial (LNC) uses on the other three corners of the intersection.

**ISSUES**

**Building Inspection Division: Derrick Childers – 599-1305**

- The occupant load of the proposed building will require a fire suppression system.

**Fire Marshall: Brandy Vega—599-1349**

- This change in structure will most likely require a sprinkler system, but plans must be submitted to ascertain. We also have concerns about the elevation change and the feasibility of getting the fire trucks in and out of the property on the east side.

**Engineering: Toni Sitta—599-1399**

- The site plan that was submitted for the proposed Zone Change is not an acceptable site plan for review or approval through public works engineering.
- A complete site plan to include the grading (contours) and site drainage (to include calculations) that show the City’s Supplemental Drainage requirements are met (UDC) will be required to be submitted for review upon the submittal of the building permit application. The approval of the Zone Change is not an approval of the site plan submitted for the Zone Change Request.
San Juan County, Subdivision Review Officer: David Barnett—334-4248

- There is an agreement recorded right after the subdivision that may be of interest. It looks like the north 1 ac. was split by deed the week after the subdivision was recorded in 1991. The most recent deed describes the entire lot including the 1 ac. I would advise the owner to contact the Assessor's office to combine the two tax accounts back into one account.

Planning Division: Cynthia Lopez – 599-1309

- The proposed site plans, floor plans and elevations that were submitted with this application will not be considered final or approved with this request. They are required to be submitted as part of the building plan set and may need to be revised to meet codes.
- Pursuant to Section 13.4.1 of the Unified Development Code the Public Works Director or the City Engineer may require a Traffic Impact Analysis to determine the potential traffic impacts of the proposed development as part of the building plan submittal. Section 13.4.1 states: "A traffic impact analysis (TIA) shall be prepared for proposed developments, or additions to existing developments, that generate more than 100 vehicle trips during the morning or afternoon peak hour period."

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 property has two zoning designations, which are both currently multifamily residential. The properties to the west and south are zoned multifamily residential, one is zoned for low density and one is zoned for medium density. A Place of Worship exists on the property, built in 2011. The properties to the north and east are zoned Local Neighborhood Commercial. The property is 4 acres which is sufficient area for the proposed expansion of the church. The proposed zoning and land use (Place of Worship) is compatible with the present zoning and conforms to the future uses of nearby properties, which are vacant.

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

The property is at the intersection of a collector street and an minor arterial street. Both roadways are designed to accommodate heavier traffic volumes and will be able to handle traffic generated by the expansion of the church. The petitioner proposes to keep the access to Sunrise Parkway and to add an access to Butler Avenue, which will help to divert traffic from entering or exiting the property from one access point.

The zoning of the property to MF-M will not have any adverse impacts on the area. The use of the property as a church will not have any adverse impacts. The petitioner will be required to submit building plans to the City for review and approval. The site plan, floor plans and elevations submitted with this application are not final, nor does approval of this request signify approval of the site plan, floor plans and elevations as shown in this petition. The petitioner will need to meet all requirements of City codes.
C. Is the proposed density and intensity of use permitted in the proposed zoning district?
The proposed addition and remodel for the church is permitted in the MF-M Multifamily Medium Density zoning district with the approval of a Special Use Permit. The property is 4 acres and can accommodate this use.

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?
There are adequate public facilities to accommodate the proposed remodel and addition for the church.

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."

Sagebrush Community Church exists on the site and the property is currently zoned MF-L and MF-M (multifamily). The zone change will meet the intent of the Unified Development Code by rezoning the property with only one zoning designation. The properties to the west and south are zoned for multifamily uses.

STAFF CONCLUSION
Staff concludes that approval of the proposal to consolidate the dual zoning of this 4-acre parcel of land into one zoning district meets the intent of the Farmington Comprehensive Plan and the Unified Development Code. The use of the property for a Place of Worship with a sanctuary space of more than 4,000 square feet also meets the intent and requirements of the UDC. The church is located at an intersection of a collector and minor arterial that will be able to handle any traffic generated by the use. It is surrounded by Local Neighborhood Commercial and Multifamily properties and will not adversely affect the area.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition ZC 19-38 and SUP 19-39, a request from Sagebrush Community Church, represented by Derald Polston to rezone Lot 1 of the Butler Subdivision from two zoning designations of MF-L Multifamily Low Density and MF-M Multifamily Medium Density to one zoning designation of MF-M Multifamily Medium Density, and for a Special Use Permit to allow a Place of Worship with a sanctuary space of more than 4,000 square feet, with the following conditions:

- The petitioner will work with the San Juan County Assessor to combine the two tax accounts on the property back to one account.
- All zoning, building and fire codes must be met prior to the issuance of a building permit.
Butler Subdivision Plat
Sagebrush Community
1501 Sunrise Parkway
Annexed into Farmington 12/18/1956
Existing Floor Plan from San Juan County Assessor's

Account:

Account: R9036723

TOTAL BLDG SQ FTG 12,560

170 LF OF 6 FT CHAIN LINK

2 STORY CLASROOMS

SECOND FLOOR

8500.0 sf

UNFINISHED

3600.0 sf

PLANTER

Sketch by Agnes (drawn by Prog)
Photo from San Juan County Assessor's

5/17/2019

Account

- Account Search
- View Created Report
- Help?
- San Juan County Assessor
- San Juan County Office
- San Juan County Treasurer
- Lavalette Public

Account: R0036723 Real Property Account

property.sjcounty.net/assessor/taxweb/account.jsp?accountNum=R0036723&doc=R0036723.15501716868865&an=0&page=1&view=true
Photo from San Juan County Assessor's

5/17/2019

Account

- Account Search
- View Current Report(s)
- Update
- San Juan County Assessor
- San Juan County Office
- San Juan County Treasurer
- Leases Public

Account: R0036723 Real Property Account

[Image of the property account and details]
WARRANTY DEED

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY, Trustee under
the N.M.S. Trust Agreement dated January 1, 1987 for the purposes
of making a charitable contribution under the provisions of the
Internal Revenue Code of 1986, as amended, grants to FIRST
CHRISTIAN CHURCH IN FARMINGTON, Farmington, New Mexico whose
address is 405 East Gladden Drive, Farmington, New Mexico 87401
the following described real estate in San Juan County, New Mexico:
the part of the SAN JUAN SUBDIVISION NUMBER ONE, in the
city of Farmington, San Juan County, New Mexico, as shown on
the plat of said Subdivision filed for record December 21,
1981 described as follows:
BEGINNING at a point which is 10.00 feet South 00°55'04" West
from the Northwest corner of said Subdivision, said point
being on the South right-of-way line of Sunrise Parkway;
THENCE South 89°04'56" East 168.67 feet along said right-of-
way line;
THENCE along a curve in the right on said right-of-way line
for a distance of 49.30 feet whose radius is 31.95 feet and
has a chord of South 86°42'03" East for 45.49 feet to a point
on the West right-of-way line of North Butler Avenue;
THENCE South 80°19'11" East and along said right-of-way line
for a distance of 78.16 feet;
THENCE leaving said right-of-way line and North 89°54'56" West
for a distance of 600.08 feet;
THENCE North 80°19'09" West for a distance of 108.43 feet to
the point of beginning, containing 1.00 acre, more or less.
SUBJECT TO TAXES for the year 1982 and thereafter;
general reservations and/or conveyances heretofore made; and
any and all easements and servitudes, public or private, of
whatever kind or nature, in existence at the date hereof;
SUBJECT TO A REVERSIONARY INTEREST in favor of N.M.S.
Trust and its beneficiaries, successors, and assigns. The
above described premises and all improvements situated thereon
shall revert to N.M.S. Trust (or its beneficiaries,
successors, or assigns) if and when First Christian Church in
Farmington, Farmington, New Mexico (or its successors or
assigns) fail or cease to use such premises and any
improvements situated thereon for church purposes.

with WITNESS the hand and seal this ___ day of December 1991.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY,

by its President

STATE OF NEW MEXICO

COUNTY OF SAN JUAN

The foregoing instrument was acknowledged before me this
___ day of December 1991, by Ronald O. Tucker, President of San
Juan County Abstract & Title Company, a New Mexico corporation, on
behalf of said corporation in said corporation's duly appointed
constituted capacity of Trustee under the N.M.S. Trust Agreement

Notary Public

FILED OR RECORDED

SAN JUAN COUNTY, NEW MEXICO

DEC 30 1991

Expires:

30 JUN 94
EXHIBIT 1
LEGAL DESCRIPTION

All of the BUTLER SUBDIVISION NUMBER ONE, in the City of Farmington, San Juan
County, New Mexico, as shown on the Plat of said Subdivision filed for record on December 23,
EXHIBIT 2
PERMITTED EXCEPTIONS

1. Taxes for the year 2018, and thereafter, not yet due and payable.

2. Reservations contained in the Patent, from the United States of America recorded in Book 60, page 67 and re-recorded in Book 213, page 40 of the Records of said County, including title to all of the oil, gas and other minerals and mineral substances, and all rights, privileges and easements appurtenant thereto.

3. Terms, conditions and provisions of the Oil and Gas Lease recorded in Book 180, page 31 of the Records of said County.

4. Easement(s) to Mountain States Telephone and Telegraph Company recorded in Book 93, page 394 of the Records of said County.

5. Easement(s) to Basin Light and Power Company recorded in Book 386, page 105 of the Records of said County.

6. Restrictions as set forth in Warranty Deed recorded in Book 1140, pages 417 and 522 of the Records of said County.

7. Terms, conditions and provisions of the Agreement regarding Land Subdivision Improvements entered into between the City of Farmington, San Juan County, New Mexico, a municipal corporation and San Juan County Abstract Company, Trustee filed for record in Book 1140, page 251 of the Records of said County.

8. Utility easement across the Northerly and Easterly Ten (10) feet, Twenty (20) foot wide drainage easement across the Northeastern corner and reciprocal access easement across the Southwesterly corner of said property, as shown on said Plat(s) of said Subdivision.

9. Terms, conditions, provisions, disclaimers and restrictions, and other matters as noted on the Plat of said Subdivision.

10. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in this Exhibit 2.
AGREEMENT

LAND SUBDIVISION IMPROVEMENTS

BUTLER SUBDIVISION NUMBER ONE

THIS AGREEMENT made and entered into between the CITY OF FARMINGTON, a municipal corporation of San Juan County, New Mexico, hereinafter called the "City", and SAN JUAN COUNTY ABSTRACT & TITLE COMPANY, a New Mexico corporation, Trustee under NNS Trust Agreement dated January 1, 1987, herein for convenience called the "Subdivider";

WITNESSETH:

WHEREAS, the Subdivider has proposed the subdivision of certain property to be known as the Butler Subdivision Number One to be located in the NE1/4 SE1/4 of Section 34, T30N, R13W, NMPH, San Juan County, New Mexico, and has presented a final plat for such subdivision to the City for approval as required by the subdivision regulations of the City; and

WHEREAS, the City has agreed to allow the Subdivider two years to install streets, sidewalks, utilities, and other improvements required by the Land Subdivision Regulations of the City of Farmington upon certain conditions; and

WHEREAS, it is further understood that this Agreement concerns and pertains to the above described land which is to be subdivided and it shall be a covenant to run with the land and to attach to each lot and parcel of real property in the said subdivision; and

WHEREAS, the parties wish to reduce such understanding and Agreement in writing to assure compliance with the Land Subdivision Regulations of the City of Farmington and to provide notice to all subsequent purchasers of the real property located in the said subdivision that said Agreement has been entered into and does run with and attach to land within the subdivision.

NOW, THEREFORE, in consideration of the mutual covenants between them, the parties agree as follows:

1. The City shall, within a reasonable time after the execution of this Agreement, take the necessary steps to approve the summary plat of the Butler Subdivision Number One pursuant to Section 8 of Article VII of the Land Subdivision Regulations of the City of Farmington, New Mexico. This Agreement shall be recorded with the Clerk of San Juan County, New Mexico, at the time of filing of said plat.

2. Subdivider shall install all streets, sidewalks, utilities and other improvements required by the Land Subdivision Regulations of the City of Farmington in a satisfactory manner in accordance with all minimum standards established by the City prior to two years from the date of this Agreement. Both parties agree that the City will issue no building permits until such time as all required public improvements have received acceptance by the City.

   a. In addition to the required subdivision improvements, the subdivider, its heirs, successors and assigns, agrees to, at its sole expense,
SUNRISE CHRISTIAN CHURCH, a New Mexico nonprofit corporation formerly known as First Christian Church in Farmington ("Grantor"), for consideration paid, grants to SAGEBRUSH COMMUNITY CHURCH, a New Mexico nonprofit corporation, whose address is 6440 Coors Boulevard NW. Albuquerque, New Mexico 87120, that certain real estate in San Juan County, New Mexico, more particularly described on Exhibit 1 attached hereto and incorporated herein by reference, with special warranty covenants, and subject only to those matters listed on Exhibit 2 attached hereto.

IN WITNESS WHEREOF, Grantor has made, executed and delivered this Special Warranty Deed as of the 23rd day of August, 2018.

GRANTOR:

SUNRISE CHRISTIAN CHURCH,
a New Mexico nonprofit corporation formerly known as First Christian Church in Farmington

By

Doyle Meyer

Name: Doyle Meyer

Title: President

STATE OF NEW MEXICO  §

COUNTY OF SAN JUAN  §

This instrument was acknowledged before me this 23rd day of August, 2018, by Doyle Meyer, President of Sunrise Christian Church, a New Mexico nonprofit corporation formerly known as First Christian Church in Farmington, on behalf of said corporation.

[Notary Seal]

[Official Seal]

Jeri Loleit
Notary Public

My Commission Expires: 12/20/20
construct center medians within the Sunrise Parkway right-of-way adjacent to Butler Subdivision Number One. Said medians will be similar to those within Sunrise Parkway in Sunrise Subdivision No. 2.

In the event that Subdivider fails to install improvements prior to such time, the Subdivider shall be deemed to be in default of this Agreement and the City reserves the right, upon such default, to refuse to issue building permits on any lot or parcel of land in the said Subdivision until the required improvements are installed for that particular lot or parcel of land, and may seek any and all remedies it may have against the Subdivider whether at law, or in equity or otherwise.

3. Subdivider further agrees that:

a. Following construction and installation of the improvements required by this Agreement, they shall make, execute and deliver to the Director of Community Development "as built" or "as constructed" drawings which shall:

1. Be in such form and size as the Director may require;

2. Be prepared on reproducible mylar or similar material satisfactory to the Director;

3. Show horizontal and vertical locations (above and below ground) of all improvements required by the Agreement and all public utilities, including, but not necessarily limited to streets, drainage ways, storm drainage, irrigation facilities, utility (gas, water, sewer, electric, cable TV, etc.) lines and facilities, recreation areas and facilities, common use areas, and slope stabilization, which the City, at present or in the future, may be required to locate or to maintain.

b. The location of improvements on such drawings shall be tied to lines which can be re-established through survey, i.e., a survey base line tied to section corners, quarter corners, other survey reference markers, property lines or right-of-way lines. Horizontal location of underground improvements or facilities shall be within one foot of the exact location and vertical locations shall be within one-half foot of the exact location.

c. All such "as built" or "as constructed" drawings shall be submitted to and approved by the City Engineer prior to acceptance by the City of the improvement, development or facility.

4. If on the date which is two years from the date of this Agreement any improvements not guaranteed by bond as provided above are not installed which are required by the Land Subdivision Regulations of the City of Farmington, the City reserves the right, but is not required to, install the required improvements at the expense of the then owner of the lot or parcel of land which the improvements benefit, with the cost of providing such improvements constituting a lien against the lot or parcel of land benefitted.

5. This Agreement shall constitute a covenant which shall run with the land and shall attach to and every lot or parcel of land in the said Butler Subdivision Number One and shall be binding upon the Subdivider, its heirs, successors and assigns, and all future owners of any lots or parcels of land in said Subdivision.
6. It is further understood and agreed that a reasonable attorney's fee shall be allowed the City should it be necessary for the City to enforce this Agreement against the Subdivider in the courts. The parties further agree that the laws of the State of New Mexico shall govern the interpretation of this Agreement and that venue of any suit filed in any court to enforce the terms of this Agreement shall lie in San Juan County, State of New Mexico.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 24th day of December, 1991.

CITY OF FARMINGTON
COMPANY,

SUBDIVIDER
SAN JUAN COUNTY ABSTRACT & TITLE
a New Mexico Corporation, TRUSTEE
under NNS Trust Agreement dated
January 1, 1987

By
Ronald O. Tucker, President

SEAL

ATTEST:

Mary J. Banks, City Clerk

By
Daniel Hairgrove, Secretary

STATE OF NEW MEXICO
COUNTY OF SAN JUAN

The above and foregoing Agreement was acknowledged before me this 24th day of December, 1991, by Ronald O. Tucker, President of San Juan County Abstract & Title Company, a New Mexico corporation, on behalf of said corporation as Trustee under NNS Trust Agreement dated January 1, 1987.

My Commission expires: September 8, 1992
STATE OF NEW MEXICO  
COUNTY OF SAN JUAN  

The above and foregoing Agreement was acknowledged before me this  
23rd day of January, 1991, by Thomas C. Taylor, Mayor of the City of  
Farmington, a municipal corporation, on behalf of said corporation.

[Signature]
NOTARY PUBLIC

NOTH Commission expires: 1/13/91

FILED OR RECORDED
BOOK 1140  PAGE 251  
SAN JUAN COUNTY, NEW MEXICO

DEC 23 1991  
P
Clerk
COUNTY CLERK
COUNTY CLERK
PLANNING MEMO COMMENTS SUMMARY
ZC 19-38 SAGEBRUSH COMMUNITY CHURCH (SUP 19-39)
Deadline: 5/14/19

| City of Farmington Departments |  
|-------------------------------|--------------------------------------------------|
| CD Director                   |  
| CD Addressing – Planning Division | The occupant load of the proposed building will require a fire suppression system.  
| CD Chief Building Official – D. Childers |  
| 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. Algarbes | No comment  
| ELEC T & D – R. Romero |  
| FIRE Fire Captain – K. Rix |  
| FIRE Fire Marshall – B. Vega | This change in structure will most likely require a sprinkler system, but plans must be submitted to ascertain. We also have concerns about the elevation change and the feasibility of getting the fire trucks in and out of the property on the east side.  
| LEGAL City Attorney – J. Breakell |  
| LEGAL Deputy City Attorney – E. Wayne | No comment  
| POLICE Code Compliance – M. Romero | No comment  
| 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 | No comment  
| 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 |  
Subdivision Review Officer – D. Barnett | There is an agreement recorded right after the subdivision that may be of interest. It looks like the north 1 ac. Was split by deed the week after the subdivision was recorded in 1991. The most recent deed describes the
<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Comcast Cable – M. Johnson</td>
<td></td>
</tr>
<tr>
<td>CH2M HILL OMI!</td>
<td></td>
</tr>
<tr>
<td>Surface Land Negotiator for BP – M. Venzara</td>
<td></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 Plan
- [ ] Final Plan
- [x] Summary Plat
- [ ] Special Use Permit
- [ ] Variance (ARB)
- [ ] Zone Change to MFM District
- [ ] Temporary Use Permit
- [ ] Proposed Length of Use
- [ ] Well site equipment modification

INFORMATION

Applicant's Name: Sagebrush Community Church
Project Location: SW Corner Butler & Sunrise

Address: 6440 Coors Blvd NW ABQ 87120
Existing Use: Church

E-Mail: bobc@sagebrush.church
Proposed Use: Church

Telephone: 505.205.4876
Current Zoning: MFM & MFL

Relationship to Property Owner:
Assessor's Parcel I.D. and/or Tax I.D. Number:
R0036724 R0036723

Legal Description of Subject Property: Lot 1 of the Butler Subdivision

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

If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: Derald Polston
Phone: 793-7285
Email: moder-n-southwest@gmail.com
Address: 5315 Calibri Pl Farmington, NM 87402

OWNERSHIP

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

Name: Sagebrush
Phone: 505.922-9200
Address: 6440 Coors Blvd NW ABQ 87120

MORTGAGE HOLDERS (If any)
Name: NA
Phone: NA

OWNER CERTIFICATION

I certify that I am an owner and the information and exhibits hereon 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 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: Todd Cook
Owner's Signature: [Signature]

Address: 6440 Coors Blvd NW ABQ 87120
Phone / Email: 505.205.4876 bobc@sagebrush.church

Fees Received: $120

项目文件号: ZC 19-38 & SUP 19

工作人员使用只限

5/3/19

状态: 5/3/19
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 19-37 - a request from Nguyen Duc Chi Vuong, represented by Anita Graziano, for a zone change from SF-7, Single-family to MF-L, Multi-family Low Density, for property located at 1212 Smith Lane, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of the SW/4NE/4 of Section 11, in Township 20 North, Range 13 West, R.M.P.M. San Juan County, New Mexico.
Otherwise known as 1212 Smith Lane

Petition No. ZC 19-38 & SUP 19-39 - a request from Sagebrush Community Church represented by Gerald Polston, for a zone change from MF-L & MF-M, Multi-family low & medium density, to MF-M, Multi-family Medium Density, and for a special use permit to allow a Place of Worship with a sanctuary space of more than 4,000 sq. ft. property located at 5301 Sunrise Pkwy., in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
All of the Butler Subdivision No. 1, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record December 23, 1993.
Otherwise known as 5301 Sunrise Pkwy.

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 30, 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, June 11, 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 19-38 & SUP 19-39

May 8, 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 Sagebrush Community Church represented by Derald Polston, for a zone change from MF-L & MF-M, Multi-family low & medium density, to MF-M, Multi-family Medium Density, and for a special use permit to allow a Place of Worship with a sanctuary space of more than 4,000 sq. ft. for property located at 5301 Sunrise Pkwy, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
All of the Butler Subdivision No. 1, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record December 23, 1991. Otherwise known as 5301 Sunrise Pkwy.

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 30 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, June 11, 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 Francisco Alvarado at 505-599-1333 or falvarado@fmatn.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:

All of the BUTLER SUBDIVISION NUMBER ONE, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record December 23, 1991.

TRACT 1
Sagebrush Community Church
6440 Coors Boulevard NW
Albuquerque, NM 87120

TRACT 2
Church of Jesus Christ of Latter-Day Saints
50 East North Temple Street 12th Floor
Salt Lake City, UT 84110

TRACT 3
Paul Ketchell and Aleta Ketchell
4701 Sundown Road
Farmington, NM 87401

TRACT 4
Eric Rasmussen and Michelle R. Rasmussen
4706 Sundown Road
Farmington, NM 87401

TRACT 5
Stephen C. Clark, Violet C. Clark and McCannies
Family LJP
4202 Skyline Drive
Farmington, NM 87401

TRACT 1
All of the BUTLER SUBDIVISION NUMBER ONE, in the City of Farmington, San Juan County, New Mexico, filed for record December 23, 1991.

Book 1634, page 539

TRACT 2
Lot 1, of the SUNRISE CHURCH ESTATES SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record December 12, 2012.

Book 1550, page 960

TRACT 3
Lot 18, in Block 2, of the SUNRISE SUBDIVISION NUMBER ONE, REPLAT THREE, in the City of Farmington, San Juan County, New Mexico, filed for record April 1, 1995.

Book 1500, page 509

TRACT 4
Lot 22, in Block 1, of the SUNRISE SUBDIVISION NUMBER ONE, REPLAT THREE, in the City of Farmington, San Juan County, New Mexico, filed for record April 3, 1995.

Book 1395, page 130

TRACT 5
Lot 10, of the SUNRISE SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record June 29, 1988.

Book 1283, page 937
Book 1475, page 229
Book 1475, page 230
Book 1475, page 231
TRACT 6
C.B.R. Properties, L.L.C.
P.O. Box 1998
Farmington, NM 87499

TRACT 7 & 8
Butler Hills Development L.L.C.
5870 Vista Grande Drive
Farmington, NM 87401

TRACT 9
Teton Development
4690 Old North Butler
Farmington, NM 87401

TO: April 16, 2019, 4:30 p.m.

LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

[Signature]
By: Lorraine Austin, Abstractor
Paul & Aletha Ketchell
4703 Sundown rd
Farmington NM  87401

5/14/19

City of Farmington
Community Development Department Planning Division
800 Municipal dr
Farmington NM  87401

RE: Notice of Public hearing zone change petition NO ZC19-38 & Sup 19-39

To Whom it may concern;

As a property owner within 100 feet of proposed zoning change, we are concerned with the increase in traffic at this location and intersection. This intersection is already very busy, especially in the mornings and evenings. On Wednesday evenings there is especially high traffic due to the church holding Wednesday night functions. As a homeowner on the corner of Sunrise pkwy and Sundown road, I am concerned about the increase in traffic and parking obstacles when the church is open, especially with the increase in size they are proposing. It is our suggestion that the ingress and egress of this property be changed to the NON Residential street of Butler Ave for the new property and parking. As a property owner here for many years, it is our desire to keep our residential area just that. If after studies are performed and the ingress and egress of this property cannot be changed to Butler ave, then We would have to oppose this zoning change. That is quite a large property that will bring a different atmosphere to our home and area.

Thank you for the opportunity to express our concerns, and we hope our idea will be taken into consideration.

Sincerely,

[Signature]

Paul & Aletha Ketchell
The Planning and Zoning Commission met in a regular session on May 16, 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
Shay Davis
Clint Freeman
Kristin Langenfeld
Joseph Mangum
Cheryl Ragsdale
Gary Smouse

P&Z Members Absent: Elizabeth Lockmiller
Mitch Sewell
Cody Waldroup

Staff Present: Francisco Alvarado
Cindy Lopez
Toni Sitta
David Sypher
Karen Walker

Others Who Addressed the Commission: Felix Briones
Tristan Hawkins

Call to Order
Chair Joyce Cardon called the meeting to order at 3:01 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 Freeman and seconded by Commissioner Ragsdale to approve the minutes of the April 25, 2019 P&Z Meeting. This motion was approved unanimously by an 8-0 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 19-33
Zone Change from LNC, Local Neighborhood Commercial to MU, Mixed Use
401 N. Auburn Avenue

Planning & Zoning Commission Discussion of Petition ZC 19-33 on May 16, 2019
Associate Planner Francisco Alvarado presented the staff report for 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. Staff determined item (3) is not needed for this petition.

This property is located in the Civic Center neighborhood of the MRA, Metropolitan Redevelopment Area. San Juan County Tax Assessor’s records show that the size of the property is 0.13 acres. 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 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 applicant would like to redevelop the subject property. He is proposing to build three residential units with three attached garages. Two garages will face Ross Street and one garage will face Auburn Avenue. Garage dimensions are proposed to be approximately 13 x 22 feet.

Mr. Hawkins 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. Initially, staff considered the need for a variance for an additional curb cut of 32 feet on Ross Street, but upon further review, since the existing and proposed districts are nonresidential, the variance is not necessary if the proposed curb cut is less than 35 feet.
A zone change to MU would allow household living and commercial uses on the property. In the MU District, the maximum allowed units would be three for this property. The property owner would have to provide sufficient parking for residential uses and commercial uses. The parking requirements will vary depending on the proposed use. The applicant has expressed his interest for mainly residential use, with commercial use only if future tenants are able to comply with UDC regulations.

The petitioner is proposing 2 two-bedroom units that will require (a total of) 3 parking spaces, and one 3-bedroom unit that will require 2 parking spaces. The total required off-street parking for the proposed residential use is five spaces. In the MU District, 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 pursuant to UDC, Unified Development Code, Section 3.11.4(A).

Because the applicant would like to redevelop the property and maintain a similar layout to the existing structure or 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 existing off-street parking in the front yard.

The applicant is requesting a variance to reduce the rear yard setback from 15 feet to 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 2020 Future Land Use Plan recommends OP, Office Professional for this property. However, the MRA Plan recommends MU. MU is located within 0.5 blocks from this property.

The MRA Plan recommends a variety of uses that include Single Family, Multifamily, and light office uses. The MRA Plan concerning urban fabric and setbacks recommends relaxing the guidelines within the MRA to promote dense, pedestrian-friendly development, and says the City must determine the appropriate minimum setback and how to apply that setback based on the immediate local context. The City may choose to create an overlay zone within the MRA that eliminates minimum setbacks.

Staff 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 from 15 feet to 5 feet, and (3) to allow for one off-street parking area in the front yard area.

Commissioner Freeman asked what the zoning was from Main Street to Apache Street on Auburn. Cindy Lopez said there is mostly LNC on Auburn with MU around the Civic Center area. There is also some single family and multifamily in the area. Some areas are legal nonconforming. Ms. Lopez said this is not a spot zoning issue as there is multifamily on the
west side. The petitioner is proposing to use the property primarily as multifamily, and is replacing what is currently existing with possibly a small commercial office space.

Commissioner Langenfeld asked if a Residential Protection Overlay, RPO, would be required for this area. Ms. Lopez said RPO was designed for the Civic Center area to preserve the residential character of the neighborhood. This neighborhood on Auburn does not have a residential character as there are several businesses in the area. Ms. Langenfeld questioned whether there would be enough parking if one of the units became an office. Ms. Lopez said there is off-street parking available and said there should be enough parking for an office.

David Sypher, Acting Community Development Director, said it is difficult for staff to determine parking until the building permit stage. Parking requirements will need to be met at that time.

Tristan Hawkins, 5009 Largo Street, said commercial use is not part of his plan at this time. He said he is asking for MU to accommodate someone who might want to work out of their home. Parking will not be an issue as there should be 8 spaces once construction is completed. Mr. Hawkins said he does not feel tenants will be using neighboring parking spaces. The units will be 2-levels, but plans have not been finalized yet.

Felix Briones, 1017 Crestview Circle, practices law with his son Paul Briones next to the property in question. Mr. Briones said he is concerned about safety when entering and exiting his parking lot. He is concerned about the number of units and the number of cars that will be using the lot next to his property. For every person who rents a unit, there may be several cars. Mr. Briones said he is happy the property is being improved. Mr. Hawkins is trying to do the right thing, but Mr. Briones asked that his concerns be taken into account.

Commissioner Mangum asked about the square footage of the existing building. Mr. Hawkins said the existing building is approximately 2,400 sq. ft. and there is currently only one off-street parking space.

Commissioner Langenfeld asked what the square footage will be for each proposed units. Mr. Hawkins said each unit will be roughly 1,000 sq. ft. on 2 levels.

Chair Cardon clarified that letters received from neighbors or others concerned are to be disregarded if the person does not attend the meeting. That is protocol.

Ms. Lopez added that legally at a quasi-judicial hearing, all parties have the right to cross examine. Evidence has to be heard at the hearing so there is opportunity for cross examination. Letters and emails are not fair to the other party because the person cannot be cross examined. The letters and emails are included in the agenda book so the Commissioners know there are concerns.

**Planning & Zoning Commission Action of Petition ZC 19-33 on May 16, 2019**
A motion was made by Commissioner Brown and seconded by Commissioner Ragsdale to approve Petition 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, and (2) to allow for one off-street parking space in the front yard area for property located at 401 N. Auburn Avenue.

AYE: Chair Cardon, Commissioners Brown, Davis, Freeman, Langenfeld, Mangum, Ragsdale, and Smouse.

NAY: None

Abstained: None

Absent: Commissioners Lockmiller, Sewell, and Waldroup.

Motion passed 8-0

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

Business from the Chair: Chair Cardon welcomed new Planning & Zoning member Gary Smouse.

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

Business from Staff: David Sypher mentioned that Cindy Lopez is working temporarily with Community Development until a new Planning Manager can be hired.

Adjournment: With no further business and a motion by Commissioner Davis and seconded by Commissioner Ragsdale, the Planning and Zoning Commission meeting of May 16, 2019 was adjourned at 3:47 p.m.

____________________________    _____________________________
Joyce Cardon       Karen Walker
Chair         Administrative Assistant