### A G E N D A

Planning & Zoning Commission  
City Council Chambers – 800 Municipal Drive  
September 12, 2019, at 3:00 p.m.

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Call Meeting to Order</td>
<td></td>
</tr>
<tr>
<td>2 Approval of the Agenda</td>
<td></td>
</tr>
<tr>
<td>3 Approval of the Minutes of the August 29, 2019 P&amp;Z Meeting</td>
<td>16</td>
</tr>
<tr>
<td>4 Petition No. ZC 19-75 – a request from Donna Brimhall, represented by Sakura Engineering, for a zone change from SF-10, Single-family Residential, to GC, General commercial, for vacant property located at the northeast corner of the intersection of Country Club Drive and E. Main St. (6610 E. Main St.) (Beth Escobar)</td>
<td>1</td>
</tr>
<tr>
<td>5 Business from: Floor: Chairman: Members: Staff:</td>
<td></td>
</tr>
<tr>
<td>6 Adjournment</td>
<td></td>
</tr>
</tbody>
</table>

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, September 24, 2019.

**ATTENTION PERSONS WITH DISABILITIES:**  
The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.
COMMUNITY DEVELOPMENT PETITION REPORT
PETITION ZC 19-75

A zone change from the SF-10, Single-family Residential District to GC, General Commercial District for a vacant parcel located at the northeast corner of the intersection of Country Club Drive and E. Main Street.

A. STAFF REPORT, September 12, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicants</th>
<th>Donna D. Brimhall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Sakura Engineering</td>
</tr>
<tr>
<td>Date of Application</td>
<td>August 13, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>A zone change from SF-10, Single-family residential to GC, General Commercial District for a vacant parcel located at the northeast corner of the intersection of Country Club Drive and E. Main Street.</td>
</tr>
<tr>
<td>Location</td>
<td>6610 E. Main Street R0021342</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Vacant and undeveloped</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>SF-10, Single-family Residential District</td>
</tr>
</tbody>
</table>
| Surrounding Zoning and Land Use | **North:** SF-10, Single-family Residential  
**West:** GC, General Commercial, existing Chiropractor Office  
**South:** GC, General Commercial and SF-7, Single-family Residential District/Residential |
| Notice              | Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday, August 25, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, August 21, 2019 and a sign was posted on Friday, August 30, 2019. |
| Staff Planner       | Beth Escobar, Planning Manager |

Project Description:
The petitioner is requesting a zone change from the SF-10, Single-family Residential District to the GC, General Commercial for a vacant parcel located at the northeast corner of the intersection of Country Club Dr. and E Main Street. The subject property is approximately 1.14 acres. It is adjacent to a 1.10-acre parcel with an existing commercial office that can be accessed from Country Club Drive across the subject property.

The intersection of East Main and Country Club Drive has a traffic signal. There is an existing off-site sign in the right-of-way west of the subject property as well as utility infrastructure along the western boundary of the property.
No specific use is being proposed with this zone change request.

Aerial View of Subject Property

Farmington Comprehensive Plan
The Comprehensive Plan’s 2020 Future Land Use Map recommends the subject area as “Commercial”. The request for the zone change therefore complies with the recommendation in the Future Land Use map. In addition, the request is in line with the following Guidelines of the Comprehensive Plan:

Chapter 4 Land Use and Development
- Action 4.5.1: Concentrate new commercial development in clusters at major intersections and other appropriate locations as opposed to scattered and/or “strip” development.
- Action 4.5.5: Revise existing zoning districts and designations in the Unified Development Code to support and encourage viable commercial areas …

Chapter 8 Economic Development
- Objective 8.2: Assure that there are adequate and appropriate sites for industrial and commercial business locations.
The zone change request is supported by Chapter 22 of the Municipal Code since it is located on a major commercial thoroughfare and the infrastructure is in place to support commercial development on this property.

Figure 3. Farmington Major Thoroughfare Plan

The subject property abuts E. Main Street, a principal arterial road as identified in the 2012 Major Thoroughfare Plan
STAFF ANALYSIS

The UDC states that the City shall consider whether the proposed zoning and land use are compatible with the conforming zoning and land use of nearby properties and with the character of the neighborhood. Section 8.7.4 of the UDC outlines *Issues for consideration* in determining a proposed zone change as follows:

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

The proposed zone change for the subject property is consistent with the Comprehensive Plan’s Chapter 4 Land Use Development, Chapter 8 Economic Development and the City’s Municipal Code Chapter 22 Economic Development Plan.

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 subject property is located on a busy intersection of Main Street and is adjacent to an existing office use. An additional commercial business on this corner should have minimal impact to the existing residential neighborhoods.

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

The proposed zone change to GC-General Commercial should not have an adverse impact on the surrounding area. The subject property is located on a busy intersection along the main commercial road in the City.

There is a 40-foot alley access directly to the north of the subject property that is part of the Ellsworth Subdivision. This provides substantial buffering for the existing residential homes to the north.

The other nearest residential uses are across Country Club Drive to the east. Country Club Drive is approximately 65 feet in width.

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

No specific use is being proposed with this zone change request. The property could support development of another professional office or retail store but is probably too small to be developed as more intense commercial use. The existing driveway from Country Club Drive that provides access to the property to the east would further restrict construction on this site.

The General Commercial District is intended to accommodate commercial uses. Permitted uses in the GC District include retail sales and services, professional offices, as well as more intense commercial uses such as gas stations and car washes.
E. Is the site physically suitable for development of uses and density permitted by the proposed zoning district?

The subject property is 1.14 acres and abuts a major arterial road with an existing traffic signal.

F. 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 service the proposed development?

The subject property is vacant and undeveloped. The petitioner would be responsible to provide all the necessary infrastructure for the property.

G. 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 consistent with the Comprehensive Plan’s Chapter 4 Land Use Development, Chapter 8 Economic Development and the City’s Municipal Code Chapter 22 Economic Development Plan.

The requested zone change to GC is compatible with the character of the area along E. Main Street. It is not anticipated that the zone change will be detrimental to the surrounding neighborhood nor will it grant special privileges.

STAFF COMMENTS
Public Works: Tony Sitta

- All commercial development requires the construction of 5-foot wide sidewalk along the property boundaries. (COF Unified Development Code (UDC) Section 6.4.8 and COF Ordinance Section 7-1-2).
- All commercial development must comply with the supplemental drainage requirements of COF UDC Section 5.7.3.
- Compliance with any additional non-residential standards set forth by the COF UDC and COF ordinance.

City Engineer: N. Westerling

- Prior to getting a building permit from the City, the property owner will need to get an updated highway access permit from NMDOT to allow access for a second business at the shared access point. I do not have any concerns with the rezoning.
ADDITIONAL COMMENTS
Staff has received an email from the owner of a business at 6600 E. Main St. in support of the zone change request.

STAFF CONCLUSION
Staff concludes the following is appropriate for ZC 19-75:

1) Approval for the zone change request. The proposal does not constitute spot zoning and would not adversely impact the area. Rezoning to General Commercial is consistent with sections of the Comprehensive Plan and the City’s Municipal Code Chapter 22 Economic Development Plan.

STAFF RECOMMENDATION
The Community Development Department recommends approval of Petition ZC 19-75, a request from Donna D. Brimhall for a zone change from the SF-10, Single-family Residential District to the GC, General Commercial District for a 1.14-acre property, Assessor’s Parcel ID R0021342, located at 6610 E. Main Street, subject to the following conditions/UDC requirements:

1) Approval for the zone change request, the proposal does not constitute a spot zone and would not adversely impact the area. The proposed zoning for this property is consistent with sections of the Comprehensive Plan and the City’s Municipal Code Chapter 22 Economic Development Plan;
2) Upon development of a commercial use on the property, construction of 5-foot wide sidewalk along the property boundaries shall be required. (COF Unified Development Code (UDC) Section 6.4.8 and COF Ordinance Section 7-1-2).
3) All commercial development must comply with the supplemental drainage requirements of COF UDC Section 5.7.3.
4) Compliance with any additional non-residential standards set forth by the COF UDC and COF ordinance.
5) Prior to getting a building permit from the City, the property owner will need to get an updated highway access permit from NMDOT to allow access for a second business at the shared access point.
# PLANNING MEMO COMMENTS SUMMARY

## City of Farmington Departments

<table>
<thead>
<tr>
<th>Department</th>
<th>Name</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD Director</td>
<td></td>
<td>No comment</td>
</tr>
<tr>
<td>CD Addressing – Planning Division</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CD Chief Building Official – D. Childers</td>
<td></td>
<td>No comment</td>
</tr>
<tr>
<td>CD Long Range Planner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CD MPO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CD Oil &amp; Gas Inspector – L. Simms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CITY City Manager’s Office – J. Baird</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELEC Customer Care Manager – L. Richardson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELEC Electrical Engineering – L Aligarges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELEC T &amp; D – R. Romero</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRE Fire Captain – K. Rix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIRE Fire Marshall – B. Vega</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LEGAL City Attorney – J. Breakell</td>
<td>No comment</td>
<td></td>
</tr>
<tr>
<td>LEGAL Deputy City Attorney – E. Wayne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>POLICE Code Compliance – M. Romero</td>
<td>No comment</td>
<td></td>
</tr>
<tr>
<td>POLICE Sergeant – P. Flores</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PRCA S. Reeves/ R. Crosby</td>
<td>No comment</td>
<td></td>
</tr>
<tr>
<td>PRCA ORII – C. Styron</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PW City Engineer – N. Westerling</td>
<td>Prior to getting a building permit from the City, the property owner will need to get an updated highway access permit from NMDOT to allow access for a second business at the shared access point. I do not have any concerns with the rezoning.</td>
<td></td>
</tr>
</tbody>
</table>
| PW Engineering – T. Sitta | - All commercial development requires the construction of 5-foot wide sidewalk along the property boundaries. (COF Unified Development Code (UDC) Section 6.4.8 and COF Ordinance Section 7-1-2).  
- All commercial development must comply with the supplemental drainage requirements of COF UDC Section 5.7.3.  
- Compliance with any additional non-residential standards set forth by the COF UDC and COF ordinance. |
<p>| PW Streets Superintendent | | |
| PW Traffic Engineer – I. BlueEyes | No comment |
| PW Water/Waste Water – M. Tso | No comment |</p>
<table>
<thead>
<tr>
<th>Other Entities</th>
<th></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>No comment</td>
</tr>
<tr>
<td>Enterprise Field Services – M. Waszut</td>
<td>No comment</td>
</tr>
<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

RECEIVED
AUG 13 2019
COMM DEP

PROJECT TYPE (Check Those Applicable):

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

INFORMATION

Applicant's Name: Kim D. Brimhall
Address: 5800 Pryor Ln
E-Mail: mzysd@ymail.com
Telephone: 505-710-5120
Relationship to Property Owner: Self

Project Location:
Existing Use: Residential
Proposed Use: Commercial
Current Zoning: Residential
Assessor's Parcel ID. and/or Tax I.D. Num:

Legal Description of Subject Property:

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

If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (If other than applicant)

Name: Kim D. Brimhall
E-Mail: mzysd@ymail.com
Phone: 505-710-5120

OWNERSHIP

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

Name: Kim D. Brimhall
Phone: 505-710-5120
Address: 6800 Pryor Ln.

MORTGAGE HOLDERS (If any)

Name: None
Phone: None
Address: None

OWNER CERTIFICATION * (Physical and Mailing)

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 to 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 PZ review.

Name: Kim D. Brimhall
Address: 6800 Pryor Ln.
Owner's Signature: [Signature]

STAFF USE ONLY

Received By: Kw
Date: 4/13/19
Fee Received: 100
Project File No.: ZC 19-75 4610

Date of Hearing/Meeting: 6/29/19, 7/9/19

- [ ] Blue line Copies of Plans
- [ ] Ownership Report (subject and surrounding properties)
- [ ] Legal Description
- [ ] Detailed Statement of Proposed Use
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 19-75 - a request from Donna Brimhall, represented by Sakura Engineering for a Zone Change from SF-7, Single-family Residential, to GC, General Commercial, for vacant property located at 6610 E. Main Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of Sec. 29, T30N, R12W, and That part of the NW/4SE/4SW/4, Book 1634, page 292, 294, and 476, in the City of Farmington, San Juan County, New Mexico. Otherwise known as 6610 E. Main Street

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, September 12, 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, September 24, 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 19-75

August 21, 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 Donna Brimhall, represented by Sakura Engineering, for a Zone Change from SF-7, Single-family Residential, to GC, General Commercial, for vacant property located at 6610 E. Main Street, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
That part of Sec. 29, T30N, R12W, and That part of the NW/4SE/4SW/4, Book 1634, page 292, 294, and 476, in the City of Farmington, San Juan County, New Mexico.
Otherwise known as 6610 E. Main Street

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, September 12, 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, September 24, 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 Beth Escobar at 505-599-1285 or bescobar@fmtn.org.

Sincerely,

Karen Walker
Administrative Assistant
TRACT 3
Ervin D. and Angela D. Ward Trust
5501 Country Club Drive
Farmington, NM 87402
Lot 2B, of the OGREN SUBDIVISION, REPLAT "B", in the City of Farmington, San Juan County, New Mexico, filed for record July 29, 2008
Book 1626, page 547

TRACT 4 & 5
Richard T. Bandy
5505 Country Club Drive
Farmington, NM 87402
Lot 1, of the HODGES SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record February 1, 2005.
Book 1407, page 279
AND
Lot 2, of the HODGES SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record February 1, 2005.
Book 1407, page 279

TRACT 6
Summer Rene Jakino
5511 Country Club Drive
Farmington, NM 87402
Lot 24, in Block 3 of the COUNTRY CLUB MANOR SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record October 15, 1958.
Book 1632, page 504

TRACT 7
Jonathan N. Begay and Deidre P. Begay
5504 Country Club Drive
Farmington, NM 87402
Lot 2, in Block 1, of the ELLSWORTH SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record June 10, 1957.
Book 1587, page 716

TRACT 8
Eugene D. Yazzie and Andrea A. Yazzie
5502 Country Club Drive
Farmington, NM 87402
Lot 1, in Block 1, of the ELLSWORTH SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record June 10, 1957.
Book 1453, page 951
TRACT 9 & 10
Walter Mosley and Jackie R. Mosley
5507 Arroyo Drive
Farmington, NM 87402
Lots 8, 9 and 10, in Block 1, of the ELLSWORTH SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record June 10, 1957.
Book 683, page 305
AND
Lots 1 and 2, in Block 6, of the ELLSWORTH SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record June 10, 1957.
Book 981, page 564

TRACT 11
David M. Meffett
6700 East Main Street
Farmington, NM 87402
That part of the N¼SE¼SW¼ of Section 29, in Township 30 North of Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.
Book 1609, page 928

TRACT 13
Elliott Candelaria and Bonnie C. Candelaria
1212 Lupine Road
Bloomfield, NM 87413
That part of the E¼SE¼SW¼ of Section 29, in Township 30 North of Range 12 West, N.M.P.M., San Juan County, New Mexico.
Book 1227, page 566

TRACT 14
UNKNOWN OWNER

TRACT 15
Dewey E. Scholten Trust
5312 Hallmar Drive
Farmington, NM 87402
That part of the W½ SE¼SW¼ of Section 29, in Township 30 North of Range 12 West, N.M.P.M., San Juan County, New Mexico.
Book 1307, page 682
TRACT 16
Michael J. Petrie and Julie L. Petrie
5251 Mesa Del Oso
Farmington, NM 87402
Lot 1, of the EVANS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 1, 1997.
Book 1595, page 315

TRACT 17
Gene A. Whitehorn, Elaine Whitehorn, David Wolfe, and Lee Anne Wolfe
6603 East Main Street
Farmington, NM 87402
Lot 3, of the EVANS SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record August 1, 1997.
Book 1200, page 657

TRACT 18
Dennis L. Cunningham and Leona Cunningham
6504 Logans Cove Place
Farmington, NM 87402
Lot 2C, of the EVANS SUBDIVISION REPLAT “A”, in the City of Farmington, San Juan County, New Mexico, filed for record August 1, 1997.
Book 1362, page 836

TRACT 19
Rodney Foss and Sheri Foss
P.O. Box 1084
Aztec, NM 87410
That part of the SW\(\frac{1}{4}\)SW\(\frac{1}{4}\) of Section 29, in Township 30 North of Range 12 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

TO: July 26, 2019, 4:30 p.m.
LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Kristina Mitchell, Abstracter
Ivy Tornow <ivytorow@gmail.com>
to me
Fri, Aug 30, 7:15 AM (5 days ago)

We will not be able to attend the meeting on September 12, 2019 regarding Donna Smolfej's property noted above. We own Cloud 9 Sleep Center at 8600 E Main St in Farmington. We think that this property should be rezoned to General Commercial.

Thank you,
The Planning and Zoning Commission met in a regular session on August 29, 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
Wayne Mangum
Cheryl Ragsdale
Mitch Sewell

P&Z Members Absent: Elizabeth Lockmiller
Gary Smouse
Cody Waldroup

Staff Present: Beth Escobar
Toni Sitta
Karen Walker

Others Who Addressed the Commission: Burson Corley
Don Corley
Juanita Murray

Call to Order
Chair Joyce Cardon called the meeting to order at 3:00 p.m. There being a quorum present the
following proceedings were duly had and taken.

Presentation of the Agenda
There were no changes to the agenda.

Approval of the Minutes
A motion was made by Commissioner Ragsdale and seconded by Commissioner Brown to
approve the minutes of the August 15, 2019 P&Z Meeting. This motion was approved
unanimously by an 8-0 vote.

Swearing in of Witnesses
Karen Walker swore in all parties that wished to speak on behalf of any agenda items.

CONSIDERATION & RECOMMENDATION
ABD 19-74
Abandonment of a City owned street – partial abandonment of Poplar Street right-of-way

Planning & Zoning Commission Discussion of Petition ABD 19-74 on August 29, 2019
Planning Manager Beth Escobar presented the staff report for ABD 19-74, a request from Doug Murray, represented by Paul Martin with Sakura Engineering & Surveying, for the abandonment of a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7. The property is zoned MF-L SMHАО, Multi-family Low Density with a Special Mobile Home Area Overlay. The Inez Subdivision was platted in 1957.

The portion of the abandonment is a cul-de-sac that leads to an alley. Ms. Escobar noted the fire hydrant located in the portion of the road that is to be abandoned. The proposal is to abandon the cul-de-sac at the south end and redevelop the area to provide access for emergency vehicles at the north end of the property. The applicant owns all three properties that will be impacted. Access to the private ditch would be from the rear of the properties.

The Comprehensive Plan provides the following typical criteria for street and land development, incorporated as a part of the City’s thoroughfare development standards:

“Existing streets in adjacent areas should be continued and, when an adjacent area is undeveloped, the street layout should provide for future projection and continuation of streets into the undeveloped area.”

Ms. Escobar presented maps showing opportunities for continuation of the streets in other areas. Abandonment of this right-of-way will not land lock any future developments.

This portion of Poplar Street is not considered in the City’s current Major Thoroughfare Plan and has no impact on the plan. In addition, it is not part of the Red Apple Transit route.

Staff concludes approval of Petition ABD 19-74 with five stipulations. There were several technical comments submitted by the engineering department. The applicant is aware of those comments. The major issue is if the roadway is abandoned, and a new cul-de-sac is developed, it will need to be based on city standards and it will need to be dedicated to the City.
The Community Development Department recommends approval of Petition ABD 19- 74 with the following conditions:

1. The approval shall be subject to any technical corrective changes, or easements required by the Community Development Department.
2. All technical corrections (including noted issues in the staff report) to the right-of-way abandonment and proposed summary plat must be completed and approved by the City prior to submittal of the Mylar for signatures.
3. All conditions of approval are required to be completed before the abandonment can be recorded and finalized.
4. The newly aligned cul-de-sac at the end of Poplar Street shall be dedicated to the City.
5. The abandonment will be effective after the execution of the Findings of Fact and after the recordation of the Abandonment/vacation plat, pursuant to UDC 8.8.7.

Juanita Murray, 113 W. Apache, said she and her husband bought the lots with the intention of building a house on the property and developing it as one piece of property. She said she understands the conditions.

Burson Corley, 120 Albert Place, said he owns the property next to these lots and he had questions as to where the property lines were located.

Don Corley, 1105 S. Miller, said he bought the property in the 1960s and he would like to know where the boundary lines are located that border his land.

Ms. Escobar noted the original Inez Subdivision plat and stated that the corners match up with the legal description. The abandonment only affects the property of the petitioner. The Commissioners can stipulate that the corners be marked before moving forward to City Council.

Burson Corley said he would like the corners to be marked. Chair Cardon asked Mr. Corley if he understood that the evidence does not affect his property. The fire hydrant will be moved and emergency vehicles will need access.

Don Corley said the owner of the adjoining property, Mr. Bowden, is 92 years old and does not want his property affected by the abandonment.

Ms. Escobar said the cul-de-sac does not provide access to anything. The petitioner is not asking to abandon the road that is currently being used. The corner is the legal corner for the Murray’s property, and should not affect any of the neighbors.
Commissioner Sewell asked if the alley does not extend into Mr. Bowden’s land. Ms. Escobar commented that access to the ditch would remain the same through the alleyway. The original review was for a replat, which had wider ramifications than the request to abandon the right-of-way.

Burson Corley stated that Mr. Bowden did not want the ditch closed even though he has not used it for a while. This proposal, he said, is different from the original plat abandonment. He stated that he does not have any problems with the current proposal in regards to the ditch.

**Planning & Zoning Commission Action of Petition ABD 19-74 on August 29, 2019**

A motion was made by Commissioner Brown and seconded by Commissioner Davis to **approve** Petition ABD 19-74, a request from Doug Murray, represented by Sakura Engineering & Surveying, for the abandonment of a portion of Poplar Street along Lots 9-11 in Block 8 and Lots 6 and 7 in Block 7 with the following conditions:

1. The approval shall be subject to any technical corrective changes, or easements required by the Community Development Department.
2. All technical corrections (including noted issues in the staff report) to the right-of-way abandonment and proposed summary plat must be completed and approved by the City prior to submittal of the Mylar for signatures.
3. All conditions of approval are required to be completed before the abandonment can be recorded and finalized.
4. The newly aligned cul-de-sac at the end of Poplar Street shall be dedicated to the City.
5. The abandonment will be effective after the execution of the Findings of Fact and after the recordation of the Abandonment/vacation plat, pursuant to UDC 8.8.7.
6. The property will be surveyed and the corners will be marked.

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

**NAY:** None

**Abstained:** None

**Absent:** Commissioners Lockmiller, Smouse, and Waldroup.

**Motion passed 8-0**

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

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

**Business from Staff:** There was no business from Staff.

**Adjournment:** With no further business and a motion by Commissioner Ragsdale and seconded by Commissioner Davis, the Planning and Zoning Commission meeting of August 29, 2019 was adjourned at 3:26 p.m.

_________________________________________  _______________________
Joyce Cardon                                    Karen Walker
Chair                                           Administrative Assistant