AGENDA
Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
September 26, 2019, at 3:00 p.m.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Call Meeting to Order</td>
</tr>
<tr>
<td>2</td>
<td>Approval of the Agenda</td>
</tr>
<tr>
<td>3</td>
<td>Approval of the Minutes of the September 12, 2019 P&amp;Z Meeting</td>
</tr>
<tr>
<td>4</td>
<td><strong>Petition No. SUP 19-78</strong> – a request from Douglas Murray of ABC Concrete &amp; Manufacturing for an extension of an existing special use permit to allow for mining of sand and gravel for 10.38 acres of vacant property located at 3030 Troy King Road. (Beth Escobar)</td>
</tr>
<tr>
<td>5</td>
<td>Discussion regarding Security at City Hall</td>
</tr>
<tr>
<td>6</td>
<td>Business from:</td>
</tr>
<tr>
<td></td>
<td>Floor:</td>
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<tr>
<td></td>
<td>Chairman:</td>
</tr>
<tr>
<td></td>
<td>Members:</td>
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<tr>
<td></td>
<td>Staff:</td>
</tr>
<tr>
<td>7</td>
<td>Adjournment</td>
</tr>
</tbody>
</table>

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, October 8, 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 SUP 19-78 Special Use Permit
to allow mining of sand and gravel on 10.38 acres of vacant property
located at 3030 Troy King Road

A. STAFF REPORT, September 26, 2019

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Applicant</th>
<th>ABC Concrete &amp; Manufacturing, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative</td>
<td>Nathan A. Barton, Wasteline, Inc.</td>
</tr>
<tr>
<td>Date of Application</td>
<td>August 20, 2019</td>
</tr>
<tr>
<td>Requested Action</td>
<td>Approval of a special use permit to allow for mining of sand and gravel on 10.38 acres of vacant property.</td>
</tr>
<tr>
<td>Location</td>
<td>3030 Troy King Rd. R6000964</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Vacant</td>
</tr>
<tr>
<td>Existing Zoning</td>
<td>GC, General Commercial</td>
</tr>
</tbody>
</table>
| Surrounding Zoning & Land Use | North: GC, Manufacturing  
                             | South: IND, Vacant Land            
                             | East: RA, Vacant Land             
                             | West: IND, Vacant Land existing SUP for mining |
| Notice                     | Publication of Notice for public hearings of the Planning and Zoning Commission and City Council appeared in the Daily Times on Sunday, September 8, 2019. Property owners within 100 feet were sent notice by certified mail on Wednesday, September 4, 2019 and a sign was posted on Friday, September 13, 2019. |
| Staff Planner              | Beth Escobar, Planning Manager     |

STAFF ANALYSIS

Background
The applicant, ABC Concrete & Manufacturing Inc., is requesting a Special Use Permit to allow for mining and extraction of existing soil as part of the site preparation for a 10.38-acre parcel located at 3030 Troy King Rd part of the Dutrmaine Subdivision Replat A, Tract 2. Current zoning is GC, General Commercial. The property is vacant.
The subject property is adjacent to 2555 Troy King Road where the applicant operates a mining and extraction process under SUP 17-36.

San Juan County Tax Assessor’s records show that the size of the subject property (parcel R6000964) is 10.38 acres and is owned by William and Kim Dutremaine and Douglas and Waunita Murray.

This SUP request is to expand the mining and extraction to the subject property. Hours of operation are daylight hours only. Access is limited to trained personnel. A large portion of the actually mining is done by portable/mobile equipment.

No blasting activities are included with the Special Use Permit request.

The surrounding area is commercial, industrial and rural agricultural.

Per the application, the proposed uses on the subject property include:

- Mining, extraction, processing and storage of aggregates (construction materials: sand & gravel)
- Cut and fill of existing site
- Crushing, screening washing and backfill of fines and oversize materials
- Storage of equipment and concrete product debris and construction materials.

**Figure 1. Aerial View**
Attached to this report is a detailed description of the operation of this project submitted by the applicant.

**Consistency with the Comprehensive Plan**

The 2002 Future Land Use Plan designates this area as light industrial. The proposed use of mining and excavating is a heavy industrial use.

The purpose of a Special Use Permit is to allow for discretionary approval of uses with unique operating characteristics.

**Figure 3. Future Land Use Plan**
Unified Development Code (UDC)

UDC 8.9A. Special Use Permits:

A. Except as provided herein or specified in the conditions of a special use permit, ownership of a special use permit is not transferrable. **However, special use permits associated with nonresidential uses are transferrable.**

If the SUP were approved, the allowance for the mining and extraction uses would transfer to future landowners if the property is sold.

Per the applicant, operations at this site might last a decade.

**Special Use Permit Criteria – Section 8.9.4 of the UDC**

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that an SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

A. **Effect on environment:** The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the
surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

The applicant has been operating a mining and excavation operation on the adjacent property to the west since 2017. No detrimental environmental impacts have been noted from that operation.

Berms and fencing will be used for access control. The Actual Area of Operations (AO) will be bermed and fenced per NM AQ (Air Quality Bureau) requirements.

The proposed AO is approximately 1,000 feet to the nearest residential unit in the Mesa Mobile Home Park located to the southwest across Troy King Road.

Since this is an expansion of an existing use, the traffic to and from the site is not anticipated to increase due to granting of this Special Use Permit.

Through the Storm Water Pollution Prevention Plan permit process, required by the State, no significant impacts to wildlife or cultural resources were identified.

B. Compatible with surrounding area: The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

Much of the surrounding area is undeveloped. The applicant will maintain a 33-foot buffer zone around the Areas of Operation from both adjacent properties and Troy King Road.

C. External impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

No blasting will occur on the site. No nighttime activity is proposed so no outdoor lights will be needed. All equipment will meet government regulations.

Noise generated by the operation will be 50 dBA or less. This level conforms to the requirements of Section 12.5 of the Municipal Code.

There have been no code compliance issues generated by the existing operation on the adjacent parcel at 2555 Troy King Rd.

D. Infrastructure impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.
The proposed use should have no impact on existing infrastructure. No buildings are proposed and there will be no connections to City water or wastewater. Water for dust control and site maintenance will be trucked into the site. Non-potable water will be used when possible. Portable toilets will be used.

E. Consistent with the UDC and Comprehensive Plan: The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The Comprehensive Plan indicates this area is appropriate for light industrial. The proposed use is classified as heavy industrial. However, it is a temporary use that is consistent with other uses in the area. Through the use of berms and fences, the proposed use should not interfere with other uses permitted in the General Commercial and Industrial Zones. The fact that large, mostly vacant, parcels surround the subject property helps to mitigate the impact of the proposed use.

F. Parcel size: The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

The property is 10.38 acres. Section 2.4.30 of the UDC requires a minimum of five acres for mining and extractive uses.

G. Site Plan: The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.

A detailed site plan has been submitted and reviewed as part of the Special Use Permit application review process. No major issues have been identified.

STAFF CONCLUSION

Staff concludes approval of SUP 19-78 is appropriate for mining and extraction at this site. A detailed application specifically addresses the Special Use Permit approval criteria. The applicant has been operating on the adjacent property to the east since 2017 without causing any issues. Staff does not anticipate any adverse effects on the surrounding area due to the proposed use.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition SUP 19-78, a request from ABC Concrete & Manufacturing Inc., represented by Nathan Barton of Wasteline, Inc., for a Special Use Permit to allow for mining and extraction at 3030 Troy King Road, Assessor's Parcel I.D. 2079173291311 subject to the following conditions/UDC requirements:
1. Operations shall be limited to those listed in the Petition Application dated August 19, 2019.

2. Shall be operated in accordance with the requirements of Section 5.11 Operational Performance of the U.D.C. and Chapter 12 of the Municipal Code.

3. The applicant shall maintain all required federal and state permits related to this operation.
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

<table>
<thead>
<tr>
<th>PROJECT TYPE (Check Those Applicable)</th>
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<tbody>
<tr>
<td>an Annexation and I or Zoning</td>
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<tr>
<td>Preliminary Plat</td>
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<tr>
<td>Final Plan</td>
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| Zone Change to District a Temporary Use Permit |
| Proposed Length of Use: ___________ |

| Well site equipment modification |

PROJECT TYPE (Check Those Applicable)

<table>
<thead>
<tr>
<th>INFORMATION</th>
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<tbody>
<tr>
<td>Applicant's Name: Murray, Douglas E.</td>
</tr>
<tr>
<td>Project Location: E of 220 1 No Troy King Road</td>
</tr>
<tr>
<td>Address: ABC Conc. Mfg., Inc. 1 004 South Lake</td>
</tr>
<tr>
<td>Existing Use: equipment/material storage</td>
</tr>
<tr>
<td>E-Mail: <a href="mailto:Doug@ABCConcreteMfg.com">Doug@ABCConcreteMfg.com</a></td>
</tr>
<tr>
<td>Proposed Use: site preparation for industrial use, mining extraction etc. see attached</td>
</tr>
<tr>
<td>Telephone: (505) 325-8289</td>
</tr>
<tr>
<td>Current Zoning: General Commercial</td>
</tr>
<tr>
<td>Relationship to Property Owner: Trustee of Trust, one of three owners</td>
</tr>
<tr>
<td>Assessor's Parcel I.D. and/or Tax I.D. Number: 207917329131 1 (R6000964)</td>
</tr>
<tr>
<td>Legal Description of Subject Property: see attached. DUTRMAINE SUBDIVISION REP A (1-29-14-Q2)</td>
</tr>
</tbody>
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| Is Property subject to deed restrictions, covenants, or homeowners' association agreements? |
| No X If Yes, please provide copy with application. |

| REPRESENTATIVE 1 CONTACT PERSON |
| (if other than applicant) |
| Name: Nathan A. Barton, CE, DE, PEE |
| E-Mail: Wasteline.84532@gmail.com |
| Phone: 605-939-0650 |
| Address: WASTELINE, Inc. PO Box 88, Cortez, CO 81321-0088 |

<table>
<thead>
<tr>
<th>OWNER CERTIFICATION</th>
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</thead>
<tbody>
<tr>
<td>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)</td>
</tr>
<tr>
<td>MORTGAGE HOLDERS (If any)</td>
</tr>
<tr>
<td>Name: see attached</td>
</tr>
<tr>
<td>Phone: same as above</td>
</tr>
<tr>
<td>Name: NONE</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>Address: Same as above (applicant address)</td>
</tr>
<tr>
<td>Address:</td>
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</table>

* 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 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: Douglas E. Murray</th>
<th>Address: 1004 South Lake, Farmington, NM 87401</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner's Signature:</td>
<td>Phone / Email: 505-325-8289 Email: see above</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Received</th>
<th>u Blue line Copies of Plans:</th>
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<tbody>
<tr>
<td>01/19</td>
<td>By Ownership Report (subject and surrounding properties)</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Date</th>
<th>u Detailed Statement of Proposed Use</th>
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<td>8</td>
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**CONTINUATION (ATTACHMENT 1) TO PETITION APPLICATION**

**GENERAL:** This petition is to extend existing special use permitting approved by the City in 2017 for Parcel 2079173357299 to include an additional 10.38 acres in parcel 2079173291311 immediately to the east.

1. **ADDRESS OF SITE:** Per Google Earth, this property has no address, but will be a part of the property identified as 2201 Troy King Road (this address is not listed in County records but has been used since 2016).

2. **PROPOSED USE (COMPLETE LIST):** As with the initial parcel, this site is proposed to be prepared for industrial use, concurrently initially to be used for mining, extraction, processing and storage of aggregates (construction materials: sand and gravel) while site is being graded (including cut and fill) to prepare for permanent industrial use as a concrete manufacturing facility. Processing includes crushing and screening, washing, backfill of fines and oversize materials. As in the past, the expanded site will continue to be used for storage (equipment, concrete product debris and broken parts, construction materials). Materials generated or brought on site will be used as backfill to grade site for permanent use. See Description, Attachment 2.

3. **LEGAL DESCRIPTION OF PROPERTY:** As taken from County GIS. Detailed metes and bounds description found Book 1630 Page 776. Also, see map below.

4. **OWNERSHIP:** WILLIAM AND KIM DUTREMAINE LLC and MURRAY DOUGLAS E AND WAUNITA L TRUST (Joint Tenants) (From County Database): for all owners: c/o ABC Concrete Manufacturing, Inc. 1004 South Lake, Farmington, NM 87401 Phone: 505-325-8289. See Verification of Ownership from Title Company, Attachment 3.

5. **NOTE:** In 2017, the owners were negotiating with the owner of the adjacent property to the east and north and have now purchased the recently subdivided portion immediately east, to allow for coordinated grading and use. These are identified as later phases of the project and site development. This application is
the amendment (to the Special Use Permit approved in 2017) which the applicant understood at the time might be necessary, and as stated to planning staff.

Attachment 2. Description of proposed project

SITE PREPARATION - MINING OF SAND AND GRAVEL WHILE PREPARING THE SITE FOR INDUSTRIAL USE
Project involves excavating surficial material and sand/gravel, to create large pads (at elevations lower than most existing terrain) for further industrial site development.

Excavated material will be partially used for fill on the site; some will be processed (crushed, screened, washed) to provide aggregates for ready-mixed concrete and precast concrete. Assuming the material meets spec and is found in sufficient quantities and quality on-site, this will continue over a long period.

Excavated material will be used on-site to construct berms and provide level pads for future development and to fill low spots, and be stockpiled for future use.

For material to be used off-site, small, portable/mobile equipment (tracked, self-propelled crusher, screen, and wash units) will process material as it is excavated, and will be stockpiled on-site. Front-end loaders and/or excavators will be used to load materials on haul-trucks (tandems and semi-trucks) to haul materials to ABC Concrete Manufacturing (1004 South Lake) and other locations where needed.

At completion of project, site will have stable and relatively level grades suitable for industrial use.
GENERAL LOCATION MAP WITHIN FARMINGTON
Attachment 4. Evaluation Criteria for Special Use Permit

- **Effect on Environment**—the location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property;

- **Location**: existing site (9.5 acres) is zoned IND industrial; expansion (additional 10 acres) is zoned GC general commercial. Area to south is zoned IND industrial, area to east is zoned RA rural agricultural), area to north is zoned GC general commercial and to west is PIP. In accordance with State requirements (NMED AQB Permit GCP2-7346), all crushing and screening, with primary stockpiles, is located at least ¼-mile from the nearest mobile home (to SW (zoned SF-MF)).

- **Size**: Site expanding from 9.5 acres by adding 10 acres to the east, for a total of 19.5 acres. There is still some potential expansion to the north (additional 9.75-19.5 acres if land becomes available). Crushing, screening, washing and primary stockpiles continue to be located in 2.5 acres (in the original northeast corner, and up to 2.5 more acres immediately east (in the new expansion).

- **Design**:
  - Berms and fencing along Troy King Road for access control. Actual Area of Operations (AO) for crushing and screening operations (including primary stockpiles) will be bermed and have fencing to delineate AO (per NMED AQB requirements).
  - Access (haul) road from stockpile areas to primary access point (which will continue to be at SE corner of property, 2201 Troy King Road) will have base-course, application of water and application of dust control chemicals as per NMED AQB requirements.
  - Areas of excavation and fill will be marked in accordance with MSHA/OSHA requirements. Haul roads will not be permanent industrial roads, but only used during grading, cut and fill activities. Owner will submit permanent road design at the appropriate time when other manufacturing operations are located on this site.

- **Site** (including expansion area) has been evaluated and coverage under US EPA General Permit for Discharge of Storm Water associated with industrial activities has been obtained. There are no wetlands or other waters of the United States located on the site. The arroyo through the site is dry for multiple years at a time. Initial excavation and other activities will not impact that arroyo except for a "no-water" crossing which is a permitted impact even on waters of the US (including wetlands) in the San Juan River Basin provided that no more than 1/2 acre is impacted temporarily or permanently (USACE NWP14 Linear Construction Projects). As long-term development plans are finalized, permits required at that time for channelization, filling, culverts, etc. will be obtained.

- Obtaining the storm water permit required review and consultation with US Fish and Wildlife Service, State Historic Preservation Office, NM wildlife agencies, and evaluation for impacts on fish and wildlife and cultural resources. No significant impacts were identified.
The expansion does not provide potential for significant increased impacts on air, water, or other environmental and health aspects.

Operations:
- Primary operations: excavation of earth to use for berms and leveling of areas and off-site onsite and as suitable for processing to produce aggregates for producing concrete and surfacing roads and other traffic areas. Processing may include screening, crushing, and washing of materials; fines (reject and wash slimes) will be used on-site. Products will be stored in open stockpiles onsite until transported for use.
- Secondary operations: production of ready-mixed concrete and precast concrete products for use off-site. Disposal (as beneficial fill) of concrete rubble and broken concrete from precast manufacturing, excess earth from off-site. This may include processing of materials (such as concrete rubble) for recycling, by crushing, screening, and washing. Products will be stored in open stockpiles on-site until transported for use.

Access will be limited to ABC Concrete Manufacturing personnel and other personnel trained in accordance with MSHA and New Mexico State Mine Inspector requirements.

Processing equipment may be moved to and from the site (the AO) across the neighboring property to the north (with that property owner’s written permission), due to terrain.

Hauling of materials into and off-site shall be done using the existing site entrance (access point) at the southwest corner of the property, which is gated and will be locked when personnel are not present. Improvements to the entrance will be made in coordination and cooperation with the City Street Department. Warning signs in accordance with MSHA, OSHA, state, and city requirements will be posted at the entrance and other suitable and necessary locations.

Crushing and screening operations will be done using portable/mobile equipment permitted by NMED AQB under GCP2 permit GCP2-7346, with requirements, which must be met for dust control (including opacity), emissions from engines, and related requirements.

Litter, weeds, other pests, dust, noise, and glare will be continuously monitored and controlled to meet federal, state, and local standards.

The applicant believes that the above information demonstrates that the location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

Compatible with Surrounding Area—the proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening, and density;

The proposed site plan and circulation plan is harmonious and compatible with surrounding commercial and industrial areas' character, where there is actual development. Buffer zones of at least 33 feet (10 meters) will be maintained within Areas of Operation (per AQB requirements) and on property boundaries.
(including the ROW of Troy King Road) unless waived in writing by property owners of adjacent parcels.

- There are no permanent or semi-permanent structures proposed at this time, so there are no schematic architectural designs to be reviewed.
- Screening will be provided by berms, and many activity areas will also be hidden from view (from Troy King Road and the mobile home park to the southwest) by terrain, especially as excavation and fill proceed, and will not differ significantly from current and present uses of the property.

External Impacts Minimized—the proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts;

- The proposed project/use will not create or expand fire hazards or vibration (no blasting or similar activities).
- Crushing and screening operations will be carried out during daylight hours: it is not anticipated that excavation, fill, or loading/unloading of haul trucks will be done during nighttime.

Therefore, no lighting is anticipated, and no glare expected. Equipment used will meet current city, county, and state noise limits and is expected to be 50 dBA or less at all property boundaries unless higher limits are allowed by adjacent landowners (in writing).

- Equipment used will meet current federal and state limits on fumes, dust, and smoke from combustion of fuel (in engines) and crushing, screening, and transfer of construction materials. Opacity of engines and dust generally limited to 20% or less, and no visible dust is allowed to cross property boundaries without written agreement.
- No negative impacts on existing uses in the area are expected.
- Traffic impact is addressed in Attachment 6 of the 2017 application for the original area.

Infrastructure Impacts Minimized—the proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately;

- The proposed use has no negative impacts on existing uses in the area and in the City through impacts on public infrastructure.
- Traffic impact is unchanged from information provided in Attachment 6 of the 2017 application for the original (current) area. All parking necessary for this use will be provided on-site.
- Water for the proposed use will be brought into the site for that purpose (washing and dust control), although in the future (for long-term industrial development), a water tap for city water main will be requested.
- No industrial wastewater will be discharged to any city sewer system. If wastewater is generated by washing/screening or for other use, it will be treated and evaporated on-site. No sanitary sewage will be discharged to any city sewer.
system without requesting connection in the future for a sewer tap. Portable chemical latrines will be used for operations on this site.

- Storm water will be discharged to the arroyo (which flows into the San Juan River) in full compliance with all conditions of the applicable US EPA NPDES General Storm Water Discharge Permit (Certification ID NMR053474).

The applicant does not expect any burden on police or fire protection services from this operation. Continued activities will reduce problems with trespassing and illegal dumping in the area.

Solid waste generated during this proposed use will be disposed of in permitted landfills either through a contract waste hauler or by self-haul. No waste will be disposed of on the site.

• Consistent with the UDC and Comprehensive Plan—the proposed use will be consistent with the purposes of the UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located;

  - The applicant believes that the proposed use — both temporary and long-term — is consistent with the purposes of the UDC, the Comprehensive Plan, and all other applicable statutes, ordinances and policies of the City of Farmington, San Juan County, and the State of New Mexico.

  - Existing uses to the north and south are of a similar nature to the activities proposed and required site preparation (grading, cutting and filling) similar to what is proposed at this location. Areas to the east and west (and immediately to the south) are not yet developed but are zoned IND and PIP.

  - The applicant foresees no interference from this use with other uses permitted in the zone or in the area where it is located.

  - Parcel Size—the proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district; and

  - The applicant believes that the new site size (approximately 20 acres) ensures that there is adequate mitigation of impacts on surrounding land uses and zoning districts.

• Site Plan—the proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, Site Plan Review of the UDC.

  - The site plans (both with and without satellite photos) meet requirements.

Discussion of changed and unchanged information from 2017 application for the original (current) site:
### 2017 attachment

<table>
<thead>
<tr>
<th>Subject of attachment</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>Application for Permit to Cut, Grade or Fill (including Fugitive Dust Control Plan/Dust Remediation Plan)</td>
<td>Applicant will continue to meet standards and requirements as previously stated. Excavation to be done north of arroyo in expansion area.</td>
</tr>
<tr>
<td>Traffic Analysis</td>
<td>No change — traffic to/from expanded site is expected to be same as current traffic.</td>
</tr>
</tbody>
</table>
| Site and other plans and maps:  
1. Site and surrounding area  
2. Zoning  
3. General site plan  
4. Land ownership in vicinity  
5. USGS topographic map of vicinity  
6. Processing diagram  
7. Dust control plan (no change, omitted)  
8. Storm water control plan (no change, omitted)  
9. 2015 satellite photo  
10. 2019 (April) satellite photo  
11. NMED AQB map showing facility  
12. Scaled site plan (1"=200' for 8.5<11 paper) | Updated as appropriate for changes from 2017 to 2019, including current site conditions. Air and water protection measures omitted for clarity: remain same as 2017. |

### ADDITIONAL NOTES:

**Electrical Engineering:** None of the proposed activities will require the power line along Troy King to be raised or otherwise modified. Long-term permanent industrial use is facilitated by the presence of the 3-phase power line. Equipment brought onto and removed from the site for crushing, screening, and washing will be well under maximum standard clearances, as will trucks hauling from the site.

**Fire Department:** We understand and concur that the long term uses for which the site is being prepared (ready-mix, pre-cast, etc.) will need fire hydrants at entrances (there is now just a single entrance to the site, in the southwest corner). However, since grass and brush must be cleared from the areas where excavation and crushing, screening, washing, and stockpiling of sand and gravel and earth, and since all equipment is portable and mobile and has their own fire-suppression and firefighting equipment, and there are no permanent structures on the property, we do not believe that the hydrants are needed during the excavation/grading phase of the project. Owner/operator will ensure that full access, including 108-foot diameter turn-around areas, are available in
both the southern and northeastern portions of the property, and that access roads are suitable for fire-fighting equipment.

Engineering: Coverage under the Storm Water Discharges Associated with Industrial Activities was obtained from US EPA prior to submitting the initial application for excavation and grading. The Net Submission of the Notice of Intent was done on 10 March 2017, assigned number MSGP-15597, and the NOI became effective (coverage provided under the MSGP) on 09 April 2017.

Water/Wastewater: We understand that domestic (potable) water is not available from the city water system. Potable water needed on site will be brought in, as will wash water and water to control dust.
Attachment 7. Site Plan and Related Maps/Plans

Figure 1. SITE AND SURROUNDING AREA.
(From San Juan County GIS) — Green line is city limits. Parcel lines are black.

Figure 2. Zoning Map
From City of Farmington GIS. Site is outlined in red.

From City, cc Farmington Zoning Map

3. General Site Map
Red: parcel boundaries, Magenta: area of operations (AO) Red: roads

Figure 4. Landownership in Vicinity.
Initial Plant to be used at the site. Equipment may be substituted in the future, but is limited to 250 tph. Equipment is track-mounted and mobile within the site, as well as portable. Engines are CARB Tier IV.

Figures 7 and 8 from 2017 omitted: refer to Dust and Storm Water Plans.
Figure 10. Satellite Photo (April 2019 — Current Conditions)

Figure 11. NMED AQB Map of Vicinity
Figure 12. Site Plan

When printed at 8.5 x 11, 1" = 200'
# PLANNING MEMO COMMENTS SUMMARY

**SUP 19-78 ABC CONCRETE-TROY KING RD**  
Deadline: 9/12/19

## City of Farmington Departments

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<tr>
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<td>PW</td>
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<td>PW</td>
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## Other Entities

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<td>Enterprise Field Services – M. Wassit</td>
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<td>CH2MILLION LLC</td>
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<td>Surface Land Negotiator for BP – M. Venzara</td>
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<tr>
<td>Farmington School District – C. Lyons</td>
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</table>
NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. SUP 19-78

September 4, 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 Douglas Murray of ABC Concrete & Manufacturing, represented by Nathan Barton, for a special use permit to allow for a mining of sand and gravel on 10.38 acres of vacant property located at 3030 Troy King Road, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Tract 2, of the Dutremaine Subdivision Replat A, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 16, 2017.
Otherwise known as 3030 Troy King Road

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 26th 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, October 8th 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,

[Signature]
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. SUP 1978 - a request from Douglas Murray of ABC Concrete & Manufacturing, represented by Nathan Barton, for a Special Use Permit to allow for a mining of sand and gravel on 10.38 acres of vacant property located at 3030 Troy King Road, in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION
Tract 2 of the Dutremaine Subdivision Replat A, in the City of Farmington, San Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 16, 2017.
Otherwise known as 3030 Troy King Road

Pursuant to the provisions of Section 3-216, 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 Thurs-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 at 6:00 in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petition.

Karen Walker
Administrative Assistant

Legal No. 1295324
published in The Daily Times on September 8, 2019.
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:

Tract Two (2), of the DUTREMAINE SUBDIVISION REPLAT "A", in the City of Farmington, Juan County, New Mexico, as shown on the Plat of said Subdivision filed for record October 16, 2017.

AND

That part of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW/4SE/4N W/4) of Section One (1) in Township Seventy-Nine (29) North of Range Fourteen (14) West, N.M.P.M., San Juan County, New Mexico, more particularly described as follows:
BEGINNING at a point which is 1327.64 feet South 88°32' 30" East from the West Quarter corner of said Section 1;
THENCE North 01°04'32" East 673.83 feet;
THENCE South 88°40'533" East 663.18 feet;
THENCE South 01°45'537" West 675.18 feet;
THENCE North 88°31'36" West 663.78 feet to the point of beginning.

LESS AND EXCEPT, HOWEVER, that certain Tract of land conveyed to the City of Farmington, New Mexico, by Quitclaim Deed recorded in Book 968, page 160, records of said County
TRACT 1
William and Kim DuTremaine, LLC
C/o Douglas E. Murray and Waunita L. Murray Trust 1004 South Lake Street Farmington, NM 87401

AND

Douglas E. Murray and Waunita r. Murray
1 004 South Lake Street
Farmington, NM 87401

TRACT 2, of the DUTREMAINE SUBDIVISION REPLAT "A", in the City of Farmington, San Juan County, New Mexico, filed for record October 16, 2017.

Book 1613, page 90
Book 1630, page 776

TRACT 3
Windriver Investments, LLC
P.O. Box 1 633
Kirtland, NM 87417

That part of the SW/4SE/4NW/4 of Section I in Township 29 North of Range 14 West, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Book 1620, page 687
Lot 2, of the DESERT MOUNTAIN SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record April 1, 2003.

Book 1393, page 484
Book 1393, page 485

AND

TRACT 4
William and Kim DuTremaine, LLC
511 East Street
Farmington, NM 87401

TRACT 5
Farmington Municipal School District No. 5
3401 East 30th Street, Suite A
Farmington, NM 87402

TRACT 6
Carl Rhames and Donna L. Rhames Revocable 'Trust and Michael and Jessie Smith Trust
P.O. Box 331
Farmington, NM 87499

TRACT 7
NMFA Mesa MHP, LLC
110 NW 2nd Street
Cedaredge, CO 81413

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

Lot I, of the DESERT MOUNTAIN SUBDIVISION, in the City of Farmington, San Juan County, New Mexico, filed for record April 1, 2003.

Book 1393, page 484
Book 1393, page 485

Tract I, of the DUTREMAINE SUBDIVISION REPLAT "A", in the City of Farmington, San Juan County, New Mexico, filed for record October 16, 2017,

Book 1613, page 90

That plat of the S/2NE/4 and the SE/4 of Section I in Township 29 North of Range 14 West, Lots I and 2, N.M.P.M., in the City of Farmington, San Juan County, New Mexico.

Pool (467, page 1 99 Book 947, page 406

Lot IA, of the WESTERN BANK SUBDIVISION REPLAT "A", in the City of Farmington, San Juan County, New Mexico, filed for record April 21, 2006, located in the E/2SW/4 of Section I, in Township 29 North of Range 14 west, N.M.P.M., San Juan County, New Mexico.

Book 1611, page 383
Book 1611, page 384

That plat of the W/2SW/4 of Section I, in Township 29 North, of Range 14 West,
N.M.P.M., San Juan County, New Mexico.

Book 630, page 532
LIABILITY LIMITED TO THE AMOUNT PAID FOR THIS CERTIFICATE.

SAN JUAN COUNTY ABSTRACT & TITLE COMPANY

By: Lorraine Bahena, Abstracter

[Signature]
MINUTES

PLANNING & ZONING COMMISSION

September 12, 2019

The Planning and Zoning Commission met in a regular session on September 12, 2019 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present: Chair-Joyce Cardon
                        Clint Freeman
                        Wayne Mangum
                        Cheryl Ragsdale
                        Mitch Sewell
                        Gary Smouse
                        Cody Waldroup

P&Z Members Absent: Ryan Brown
                    Shay Davis
                    Kristin Langenfeld
                    Elizabeth Lockmiller

Staff Present: Beth Escobar
              Toni Sitta
              Karen Walker

Others Who Addressed the Commission: Elliott Candelaria
                                    Paul Martin
                                    Angela Ward
                                    Andrea Yazzie

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 Mangum and seconded by Commissioner Ragsdale to approve the minutes of the August 29, 2019 P&Z Meeting. This motion was approved unanimously by a 7-0 vote.
Swearing in of Witnesses
Karen Walker swore in all parties that wished to speak on behalf of any agenda items.

CONSIDERATION & RECOMMENDATION
ZC 19-75
Zone Change from SF-10 to GC for a vacant parcel located at
6610 E. Main Street

Planning & Zoning Commission Discussion of Petition ZC 19-75 on September 12, 2019
Planning Manager Beth Escobar presented the staff report for 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 a 1.14-acre vacant parcel located at 6610 E. Main Street on the northeast corner of the intersection of Country Club Drive and E. Main Street.

It is adjacent to a 1.10-acre commercial parcel with an existing chiropractor’s office that can be accessed from Country Club Drive across the subject property. The Ellsworth residential subdivision is to the north and west. Zoning along the Main Street corridor is mainly General Commercial.

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.

Staff examined the request for consistency with the Comprehensive Plan.

Under Chapter 4-Land Use & 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.

Under Chapter 8-Economic Development:
- Objective 8.2: Assure that there are adequate and appropriate sites for industrial and commercial business locations.

Chapter 22 of the Municipal Code supports the zone change request since it is located on a major commercial thoroughfare and the infrastructure is in place to support commercial development on this property.
The subject property is adjacent to E. Main Street, a principal arterial road as identified in the 2012 Major Thoroughfare Plan. The location at a signalized intersection is appropriate for commercial development. No specific use is being proposed for this property. This is not spot zoning since a commercial use at this location is consistent with other properties along the highway corridor.

The Traffic Division is currently conducting a traffic count for Country Club Road. Once data is reviewed, mitigation will be implemented if deemed necessary.

An email was received in support of the zone change from Cloud 9 Sleep Center, located at 6600 E. Main Street.

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 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 vacant property 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.
Commissioner Freeman asked if the gas line and nonconforming sign were located on the property or in a right-of-way. Ms. Escobar said the sign is in the right-of-way. The gas line may have an easement on the property.

Paul Martin, 125 W. Main Street, is the representative for the petitioner. Mr. Martin said the Brimhalls own this property, the property to the east, and a small piece of property to the west. The property to the west will need to be rezoned at a future date.

Elliott Candelaria, 6705 E. Main Street, asked why the property had been zoned single-family. Mr. Martin said it should have been zoned GC. The single-family zoning was a mistake. Mr. Elliott asked if he could build a home on property abutting Main Street if it is zoned single-family. Ms. Escobar said he would have the right to build residential, but it would not be recommended as the best use of the property. Chair Cardon mentioned that property next to the highway that is zoned single-family could be rezoned to GC if the owner would like to change the zoning.

Andrea Yazzie, 5502 Country Club Drive, said she is concerned about the resale of her home and the traffic problems that may ensue if the property is zoned GC. Ms. Yazzie said she has spoken with the City Traffic Department and a traffic count has been implemented. Chair Cardon noted that anytime there is a residence near a major arterial, there would be traffic. The plan has always been to have commercial businesses along Main Street.

Ms. Escobar mentioned that a commercial use would require buffering such as a fence between the commercial and residential properties. The Traffic Department may require a turn lane or slip lane once a development proceeds. The City will try to mitigate the impact to the surrounding neighbors for any development on the property.

Commissioner Smouse asked Ms. Yazzie if she is concerned about the traffic flow coming down Country Club Drive or about the traffic at the intersection where the zone change is being proposed. Ms. Yazzie said the new subdivision on the north end of Country Club Drive has created traffic and congestion. Mr. Smouse said the zone change would not add to or alleviate that traffic because those issues are preexisting.

Chair Cardon noted that only the zone change is being discussed at this time.

Angela Ward, 5501 Country Club Drive, asked if it was legal for the chiropractor’s office to access his commercial property through the residential property. Commissioner Freeman mentioned that the chiropractor owns both properties. Ms. Ward said the access to the
chiropractor’s office increases the traffic flow on Country Club Drive in front of her house. She said any commercial business on the property would have to be accessed through Country Club Drive.

Ms. Ward said there is a water users association in the neighborhood that uses the pump house on that property. An 8-inch pipe underground goes across the property. She said 14 properties have access to that water. Commissioner Waldroup commented that the water line could also be an issue if the property remained single-family. He mentioned that a parking lot could be built over an easement. Ms. Ward asked if the petitioner’s properties would be combined.

Mr. Martin said he is aware of the water line and the access issues. Those items will be addressed when the property is developed. Other issues will be addressed when it is known what type of business will be developed on the property. There are no development plans at this time.

Commissioner Freeman asked Mr. Martin if there were plans to replat the properties into one property. Mr. Martin said there were no plans at this time.

Ms. Ward asked if the residents would be able to address concerns when a developer proposes to develop the property. Mr. Martin said when development begins the issues will be addressed. Depending on the development, a traffic study may have to be done. NMDOT will have jurisdiction during the development phase regarding access to the property.

Commissioner Smouse asked if consideration was taken into account regarding the property values of the residents in the area. Ms. Escobar said the Planning Division does not take into account property values due to unpredictability of those values. Those values are controlled by the County Assessor’s office.

Commissioner Smouse stated that homeowners bought property with the understanding that this property was zoned residential. Changing it to commercial may change the dynamics of their neighborhood. Ms. Escobar noted that as a residential property, the owner would be allowed to put five houses on the property. Five houses could potentially generate a lot more traffic. If the zone change is approved, the City can control what is developed on the property. Subdividing for residential use would not give the City control over access or the number of homes. Ms. Escobar pointed out another small piece of property owned by the petitioner on the other side of Country Club Drive that is zoned single-family. She anticipates the owners to rezone that property sometime in the future.
Commissioner Waldroup asked if the conditions for approval were necessary at this time, as those conditions will be addressed during the development phase. Ms. Escobar said the conditions are to make the petitioner aware of what the City will be looking for when the property is developed.

**Planning & Zoning Commission Action of Petition ZC 19-75 on September 12, 2019**

A motion was made by Commissioner Freeman and seconded by Commissioner Waldroup to **approve** Petition 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 a 1.14-acre vacant parcel located at 6610 E. Main Street on the northeast corner of the intersection of Country Club Drive and 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.

**AYE:** Chair Cardon, Commissioners Freeman, Mangum, Ragsdale, Sewell, and Waldroup.

**NAY:** Commissioner Smouse

**Abstained:** None

**Absent:** Commissioners Brown, Davis, Langenfeld, and Lockmiller.

Chair Cardon asked to have the Commissioners polled.
Commissioner Freeman said the request falls within the Comprehensive Plan for the City. Replatting and breaking up the properties is a good use of the area.

Commissioner Smouse said he would like to see a plan where the whole property is not zoned commercial. Perhaps the developer can provide an opportunity to the existing homeowners to retain their home value by retaining part of the property as residential.

Commissioner Waldroup said he sees this as an opportunity to correct a zoning issue that should have been made in the past.

Chair Cardon said the zoning is recommended in the Comprehensive Plan and the area should be unified as the property is next to an arterial road. The property is located along the main highway, which is generally zoned commercial.

Commissioner Sewell said the property should have been zoned commercial from the beginning. The rezoning meets the Comprehensive Plan’s goals. The traffic issues may be complicated from what comes down Country Club Drive rather than traffic at that intersection.

Commissioner Ragsdale said it meets the Comprehensive Plan. Homeowners can make their concerns known when the property is developed and more is known as to how it will be developed.

Commissioner Mangum said it meets the City’s long-term plan and commercial surrounds the area.

**Motion passed 6-1**

**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:** Beth Escobar noted that there would not be a Planning & Zoning meeting on October 10, 2019.

At the September 10, 2019 City Council meeting Petition ABD 19-74 for 117 Poplar passed on consent. Petition ZC 19-67 for 1451 E. 30th Street was withdrawn prior to the City Council meeting.
**Adjournment:** With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Sewell, the Planning and Zoning Commission meeting of September 12, 2019 was adjourned at 4:04 p.m.

____________________________  __________________
Joyce Cardon                Karen Walker
Chair                       Administrative Assistant