

MINUTES
PLANNING & ZONING COMMISSION

May 16, 2019

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
Chair


Karen Walker
Administrative Assistant