

**MINUTES
PLANNING & ZONING COMMISSION**

May 30, 2019

The Planning and Zoning Commission met in a regular session on May 30, 2019 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present: Vice Chair-Clint Freeman
 Ryan Brown
 Kristin Langenfeld
 Elizabeth Lockmiller
 Joseph Mangum
 Cheryl Ragsdale
 Gary Smouse
 Cody Waldroup

P&Z Members Absent: Joyce Cardon
 Shay Davis
 Mitch Sewell

Staff Present: Francisco Alvarado
 Derrick Childers
 Helen Landaverde
 Cindy Lopez
 June Markle

Others Who Addressed the Commission: Anita Graciano
 Derald Polston

Call to Order

Vice Chair Clint Freeman 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 Mangum to approve the minutes of the May 16, 2019 P&Z Meeting. This motion was approved unanimously by an 8-0 vote.

CONSIDERATION & RECOMMENDATION
PP 19-35
Preliminary Plat for Sunset Ridge Subdivision Phase 1
At the intersection of Road 3000 and Road 3950

Planning & Zoning Commission Discussion of Petition PP 19-35 on May 30, 2019

Associate Planner Helen Landaverde presented the staff report for PP 19-35, a request from Stonetown Animas Lender, LLC., represented by Cheney-Walters-Echols, for a Preliminary Plan approval of the Sunset Ridge Subdivision Phase 1, Class 3, consisting of 17 lots on 64.17 acres of undeveloped land, located at the intersection of Road 3000 and Road 3950 in Tier II of Farmington’s Platting and Planning Jurisdiction. The lot sizes for Phase 1 range from 1.23 acres to 2.31 acres.

Comments and concerns from other departments regarding the proposed preliminary plan are listed on page 5 of the Planning & Zoning May 30, 2019 Agenda Book, said Ms. Landaverde.

The Community Development Department recommends approval.

Vice-Chair Freeman asked Ms. Landaverde to explain the term 'Tier II' for the new Commissioners. Ms. Landaverde said Tier II is property that is just outside of the city limits and within the 5-mile platting and planning jurisdiction. This preliminary plan is within the 5-mile platting and planning jurisdiction. Vice-Chair Freeman added that someday in the future this area might come into the city through an annexation.

Commissioner Brown asked Ms. Landaverde to explain the difference between Tier II and Tier III. Ms. Landaverde said there is not any zoning in Tier II or Tier III. The subdivision standards and requirements for Tier II allows the City to impose UDC requirements. Tier III is more rural and the City does not apply UDC requirements.

Vice-Chair Freeman noted that the petitioner and/or the petitioner's representative were not present. Mr. Freeman asked the Commissioners if they would like to delay their vote.

Commissioner Langenfeld said it has become more common in terms of petitioners not being present. In the past, said Ms. Langenfeld, the Commission has taken the stance that if there are not any questions or concerns, the Commissioners should move forward with their decision. If this were more of a quasi-judicial circumstance, there would be more of a concern.

Commissioner Ragsdale said the lack of a petitioner or petitioner's representative has happened in the past. Because there are not any questions or dissent, the Commissioners should go forward with their decision.

Planning & Zoning Commission Action of Petition PP 19-35 on May 30, 2019

A motion was made by Commissioner Langenfeld and seconded by Commissioner Waldroup to **approve** Petition PP 19-35, a request from Stonetown Animas Lender, LLC, represented by Cheney-Walters-Echols, for a Preliminary Plan approval of the Sunset Ridge Subdivision Phase 1, Class 3, consisting of 17 lots on 64.17 acres located at the intersection of Road 3000 and Road 3950 with the following conditions:

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

AYE: Vice-Chair Freeman, Commissioners Brown, Langenfeld, Lockmiller, Mangum, Ragsdale, Smouse, and Waldroup.

NAY: None

Abstained: None

Absent: Chair Cardon, Commissioners Davis and Sewell.

Motion passed 8-0

Swearing in of Witnesses

All parties that wished to speak on behalf of any agenda items were sworn in by June Markle.

CONSIDERATION & RECOMMENDATION

ZC 19-37

Zone Change from SF-7 to MF-L to allow for two Manufactured homes in the backyard 1212 Smith Lane

Planning & Zoning Commission Discussion of Petition ZC 19-37 on May 30, 2019

Associate Planner Francisco Alvarado presented the staff report for ZC 19-37, a request from Ngyuen Duc Chi Vuong, represented by Anita Graciano, for a zone change from SF-7, Single-family Residential District, to MF-L, Multifamily Low Density District, to allow for the placement of two multi-section manufactured homes in the backyard of property located at 1212 Smith Lane.

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

San Juan County Tax Assessor's records show that the size of the property is 0.438 acres. The property was annexed into the City in 1954 and is considered a lot of record. There is a duplex on the property that is legal nonconforming.

A zone change would allow for the placement of two multi-section manufactured homes in the backyard of the property. The minimum lot area per multifamily dwelling unit in the MF-L District is 3,500 sq. ft. The property is 19,079 sq. ft., and the existing residence is 1,512 sq. ft. The maximum allowed number of multifamily units is five according to UDC 2.8. The applicant is proposing two more dwelling units.

Mr. Alvarado noted a change of the Planning & Zoning May 30, 2019 agenda book. On page 14, it states multi-section manufactured homes are not permitted in the SF-7 District. It should say multi-family homes, said Mr. Alvarado.

The homes will be 24' x 54' and each home will have three bedrooms and two bathrooms. Mr. Alvarado noted the proposed placement of each manufactured home. Each home will be required to have two parking spaces. The existing duplex is required to have three parking spaces.

The current unit sits 20 feet from the front yard property line and does not meet the current SF-7 District setbacks. The property would meet the required setbacks for the proposed MF-L District and come into compliance with the City code if approved.

The 2020 Comprehensive Plan shows this area as having a Residential Single Family Urban land use. The proposed use supports the core goals and objectives of the 2020 Comprehensive Plan regarding land use and development.

Objective 4.1 of the Comprehensive Plan says there has to be a provision of a variety of different land use types in suitable locations, densities, and patterns while avoiding mixing of incompatible uses in close proximity to each other. Objective 4.1.2 recommends multi-family

residential areas. Action 7.1 recommends a variety of housing options to accommodate housing needs of all residents in Farmington.

According to UDC Section 3.9, multifamily districts are to accommodate a substantial portion of residential growth over the 20-year planning horizon of the Comprehensive Plan.

The proposed zone change to MF-L would allow for development consistent with the current land uses and character of the surrounding area. Although the general area is SF-7, the proposed land use is compatible with the SMHAO, as well as the abutting multifamily districts.

The Community Development Department recommends approval of Petition ZC 19-37 for a zone change from the SF-7, Single-Family Residential to MF-L, Multi-family Low Density District. The property will maintain the SMHAO.

Vice-Chair Freeman questioned the SMHAO for the property. Mr. Alvarado explained that the petitioner would be allowed a maximum of five units on the property with the zone change.

Cindy Lopez explained that the SMHAO allows for single section mobile homes in certain areas. It was an overlay that was applied prior to the current code. There are not any new areas with this overlay. Those areas can be single lots and allow for single section or multi section mobile homes. It is an overlay on the underlying zoning district.

Commissioner Waldroup asked if this would be spot zoning. Ms. Lopez said the SMHAO encompasses a large area. The neighborhood also has many multifamily housing units. Ms. Lopez pointed out that the properties on either side of the subject property had zone changes to multifamily because they had legal nonconforming multifamily dwellings. The zones were changed when ownership changed.

Anita Graciano, 4305 Terrace, said the property has changed hands and the owner would like to put more mobile homes on the property and to have more affordable housing.

Planning & Zoning Commission Action of Petition ZC 19-37 on May 30, 2019

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition ZC 19-37, a request from Ngyuen Duc Chi Vuong, represented by Anita Graciano, for a zone change from SF-7, Single-family Residential District, to MF-L, Multifamily Low Density District, to allow for the placement of two multi-section manufactured homes in the backyard of property located at 1212 Smith Lane and subject to the following conditions and/or UDC Requirements:

- The property will maintain the Special Mobile Home Area Overlay (SMHAO).
- The manufactured housing units will need to be placed a minimum of 10 feet apart from each other and from other accessory structures, including those on adjacent properties (2015 IRC: Table R302.1(1) & Sec. R202).
- Sidewalk installation will be required as part of any building or mobile home parking permit (UDC 7.1.2).

AYE: Vice-Chair Freeman, Commissioners Brown, Langenfeld, Lockmiller, Mangum, Ragsdale, Smouse, and Waldroup.

NAY: None

Abstained: None

Absent: Chair Cardon, Commissioners Davis and Sewell.

Motion passed 8-0

CONSIDERATION & RECOMMENDATION

ZC 19-38 and SUP 19-39

Zone Change from MF-L to MF-M and Special Use Permit to allow a Place of Worship with more than 4,000 sq. ft.

1501 Sunrise Parkway

Planning & Zoning Commission Discussion of Petition ZC 19-38 and SUP 19-39 on May 30, 2019

Senior Planner Cindy Lopez presented the staff report for ZC 19-38 and SUP 19-39, a request from Sagebrush Community Church, represented by Derald Polston, to rezone 4.09 acres from MF-L, Multi-family Low Density to MF-M, Multi-family Medium Density and for a Special Use Permit to allow a Place of Worship with a sanctuary space of more than 4,000 sq. ft. for property located at 1501 Sunrise Parkway.

The property has two zoning designations and an existing church building. It is a 4-acre parcel of land. The MF-M District is on the east side, and the MF-L District is on the west side. The petitioner would like to have both parcels zoned MF-M.

The property has an existing church building that the petitioner would like to expand. Sagebrush Community Church is proposing to expand its facility to include a sanctuary space of more than 4,000 square feet. They propose a 7,200 square foot sanctuary space. The Unified Development Code requires a special use permit in any multifamily zoning district for a Place of Worship with a sanctuary space of more than 4,000 square feet.

With the addition to the existing church, a new parking plan is proposed. The petition is showing a parking plan that includes 240 regular parking spaces and 8 handicapped parking spaces.

The 4-acre parcel of land is Lot 1 of the Butler Subdivision. The subdivision plat was reviewed/approved by the City of Farmington and recorded at the San Juan County Clerk's Office on December 23, 1991.

Approximately one week after recording the Butler Subdivision plat, the north one-acre portion of the lot was deeded as a separate parcel. This subsequent subdivision of Lot 1 of Butler Subdivision into two lots did not meet the requirements of the subdivision regulations of the City at the time it was deeded in 1991. Therefore, the City considers the property as one lot of 4 acres. The San Juan County Assessor's map shows the property as two lots. The petitioner will need to correct this subdivision error.

Ms. Lopez presented various aerials of the property and noted the detention pond on a lower outcropping of the property. The church sits on a higher grade.

The property has a site triangle that would allow access to the property from Butler. A plat note labeled Access Restrictions states: "Two permitted access locations to Butler Avenue are to be located within the reciprocal access easement shown at the southeast corner and at location to be determined, but not less than ninety (90) south of the north property line." (90 feet south of the north property line). The petitioner is proposing an entrance from Butler.

The proposed site plans, floor plans and elevations that were submitted with this application will not be considered final or approved with this request. They are required to be submitted as part of the building plan set and may need to be revised to meet codes.

The Community Development Department recommends approval of Petition ZC 19-38 and SUP 19-39 with the two conditions listed. The UDC does not recommend two zoning designations on one property. Surrounding properties are LNC, Local Neighborhood Commercial, or MF, Multifamily. Sunrise Parkway is a collector street and Butler Avenue is an arterial street. Both streets are designed to handle heavier traffic.

Vice-Chair Freeman asked for clarification on the deed and the zoning issue in regards to a lot consolidation. Ms. Lopez said the deed needs to be cleared up with the County.

Derald Polston, 5315 Calibri Place, said he would convey the information of the lot consolidation to the main office for Sagebrush Church in Albuquerque. Mr. Polston said all other issues should be taken care of. There are 112 parking spaces required and most will be paved.

Commissioner Smouse asked Mr. Polston if he is aware of the letter of opposition that was submitted. Mr. Polston said he is aware of the letter, and it stated opposition to increased traffic to the neighborhood. Mr. Polston said the traffic would be progressing in the other direction toward Butler for the most part.

Planning & Zoning Commission Action of Petition PP 19-35 on May 30, 2019

A motion was made by Commissioner Waldroup and seconded by Commissioner Smouse to **approve** Petition PP 19-35, a request from Sagebrush Community Church, represented by Derald Polston, to rezone 4.09 acres from MF-L, Multi-family Low Density to MF-M, Multi-family Medium Density and for a Special Use Permit to allow a Place of Worship with a sanctuary space of more than 4,000 sq. ft. for property located at 1501 Sunrise Parkway with the following conditions:

- The petitioner will work with the San Juan County Assessor to combine the two tax accounts on the property back to one account.
- All zoning, building and fire codes must be met prior to the issuance of a building permit.

AYE: Vice-Chair Freeman, Commissioners Brown, Langenfeld, Lockmiller, Mangum, Ragsdale, Smouse, and Waldroup.

NAY: None

Abstained: None

Absent: Chair Cardon, Commissioners Davis and Sewell.

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: Helen Landaverde reported that Petition ZC 19-33 was approved at the last City Council meeting.

Adjournment: With no further business and a motion by Commissioner Brown and seconded by Commissioner Langenfeld, the Planning and Zoning Commission meeting of May 30, 2019 was adjourned at 3:47 p.m.



Clint Freeman
Vice-Chair



Karen Walker
Administrative Assistant

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