

**MINUTES****PLANNING & ZONING COMMISSION****June 27, 2019**

The Planning and Zoning Commission met in a regular session on June 27, 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  
 Kristin Langenfeld  
 Elizabeth Lockmiller  
 Cheryl Ragsdale  
 Mitch Sewell

P&Z Members Absent:

Shay Davis  
 Clint Freeman  
 Wayne Mangum  
 Gary Smouse  
 Cody Waldroup

Staff Present:

Francisco Alvarado  
 Derrick Childers  
 Andrea Jones  
 Cindy Lopez

Others Who Addressed the Commission: Ricky Wenzel

**Call to Order**

Chair Joyce Cardon called the meeting to order at 3:02 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 Sewell to approve the minutes of the June 13, 2019 P&Z Meeting. This motion was approved unanimously by a 6-0 vote.

**Swearing in of Witnesses**

Andrea Jones swore in all parties that wished to speak on behalf of any agenda items.

**CONSIDERATION & RECOMMENDATION****ABD 19-51****Abandonment of City right-of-way from residential property lines to Five feet from curb at the cul-de-sac on Hillcrest Place****Planning & Zoning Commission Discussion of Petition ABD 19-51 on June 27, 2019**

Associate Planner Francisco Alvarado presented the staff report for ABD 19-51, a request from the property owners on Hillcrest Place, represented by Ricky Wenzel, for the abandonment of City property. The abandonment will begin at the residential property lines and end 5 feet behind the curb of a cul-de-sac on Hillcrest Place in the Country Club Manor Replat E Subdivision in the SF-10, Single Family Residential District.

Ricky Wenzel, one of the petitioners, and representative, whose property is located at 6403 Hillcrest Place on the cul-de-sac, was initially granted a variance in 2018 to reduce the front yard setback from 30 feet to 20 feet, to allow for a detached 30' x 50' two-car garage/shop on the property. A second variance was approved for an additional curb cut of 26 feet providing access from the cul-de-sac to the garage.

The Summary Plat for Country Club Manor Subdivision shows that a 200-foot diameter cul-de-sac on Hillcrest Place was dedicated to the City in 1958. A proposed center island was never built, and the cul-de-sac was paved 80 feet, without sidewalks. The area between the back of curb and residential property lines remains as unimproved City right-of-way.

Following the 20-foot setback variance approval in 2018, the applicant considered his property line to be 5 feet behind the back of curb, and thought to build the garage 25 feet from the back of curb. This resulted in an encroachment of 5.5 feet onto dedicated City property, according to a licensed surveyor. The garage overlaps into the cul-de-sac by approximately 151 sq. ft.

The petitioner and representative is requesting an abandonment of City property, beginning at residential property lines and ending 5 feet behind the back of curb of a cul-de-sac on Hillcrest Place.

Pursuant to UDC 6.4.7F states that cul-de-sacs shall have a minimum right-of-way diameter of 90 feet, and a minimum outside edge-of-pavement radius of 40 feet exclusive of curbs. The current paved radius in the cul-de-sac complies with the UDC, with a diameter of approximately 80 feet. The proposed abandonment would leave space for a 5-foot wide future sidewalk around the cul-de-sac. The added pedestrian right-of-way would increase the diameter by 10 feet and bring the cul-de-sac into compliance with the UDC requirement of 90 feet.

Currently, three properties in the cul-de-sac do not meet the required setbacks. The abandonment would bring those properties into compliance with the UDC code. The abandonment would allow the petitioner to meet the 20-foot front yard setback permitted by the approved variance.

Commissioner Brown asked about the original use of the right-of-way. Mr. Alvarado said the right-of-way was originally intended to help with traffic and was to include a center island and sidewalks that were never built.

Commissioner Sewell asked about the 90-foot minimum and the 80 foot paved minimum. Mr. Alvarado said the 5-foot sidewalk on either side would amount to the 90 feet. It was noted that there were not any variances found for this development.

Ricky Wenzel, 6403 Hillcrest Place, said he had obtained the variance to be 20 feet from the property line and assumed it was 5 foot from the curb. Mr. Wenzel said when he bought his property he was given a survey. Later he realized the fine print said it was not a boundary survey. It was not until after he had built his garage that he found out it was just behind City property.

Commissioner Langenfeld asked Mr. Wenzel if he had read the conditions recommended with the approval of this petition. Mr. Wenzel said he did not have any problems with the conditions.

**Planning & Zoning Commission Action of Petition ABD 19-51 on June 27, 2019**

A motion was made by Commissioner Langenfeld and seconded by Commissioner Ragsdale to **approve** Petition ABD 19-51, a request from the property owners on Hillcrest Place, represented by Ricky Wenzel, for the abandonment of City property. The abandonment will begin at the residential property lines and end 5 feet behind the curb of a cul-de-sac on Hillcrest Place in the Country Club Manor Replat E Subdivision in the SF-10, Single Family Residential District with the following conditions:

- Maintain 10-foot utility easement behind the right-of-way and around the cul-de-sac with connecting adjacent easements.
- An abandonment/vacation plat shall be required where a resubdivision or replat vacates a public right-of-way (UDC 8.8.7.A).
- An approved abandonment will expire automatically unless an abandonment/vacation plat is recorded in the office of the San Juan County Clerk within one (1) year from the date of approval by city council (UDC 8.8.7.F).

AYE: Chair Cardon, Commissioners Brown, Langenfeld, Lockmiller, Ragsdale, and Sewell.

NAY: None

Abstained: None

Absent: Commissioners Davis, Freeman, Mangum, Smouse, and Waldroup.

**Motion passed 6-0**

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

**Business from the Chair:** Chair Cardon thanked Ms. Lopez for her assistance for the past few months.

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

**Business from Staff:** Francisco Alvarado reported that Petition SUP 19-46 was approved on consent at the June 25, 2019 City Council meeting.

**Adjournment:** With no further business and a motion by Commissioner Sewell and seconded by Commissioner Brown, the Planning and Zoning Commission meeting of June 27, 2019 was adjourned at 3:21 p.m.

  
Joyce Cardon

Chair

  
Andrea Jones

Deputy City Clerk

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