

**MINUTES**  
**PLANNING & ZONING COMMISSION**

**August 15, 2019**

The Planning and Zoning Commission met in a regular session on August 15, 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  
Clint Freeman  
Cheryl Ragsdale  
Mitch Sewell  
Cody Waldroup

**P&Z Members Absent:**

Shay Davis  
Kristin Langenfeld  
Elizabeth Lockmiller  
Wayne Mangum  
Gary Smouse

**Staff Present:**

Beth Escobar  
Helen Landaverde  
Toni Sitta  
David Sypher  
Karen Walker

**Others Who Addressed the Commission:**

Charlene Caine  
Justine Camacho  
Raymond Camacho  
Richard Cheney  
Steve Gabaldon  
June Garrison  
Denise Hunter  
Doug Kinsey  
Glen Lanham  
Monty Rogers  
Rodney Rogers  
Deborah Siegfried  
Donald Walker  
Sarah Walker  
Jack Woodward

**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 Waldroup to approve the minutes of the July 25, 2019 P&Z Meeting. This motion was approved unanimously by a 6-0 vote.

Swearing in of Witnesses

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

**CONSIDERATION & RECOMMENDATION**  
**ZC 19-67**  
**(1) Zone Change from SF-7 to LNC, (2) a variance to increase the height of a freestanding sign, and (3) a Reduction to the required minimum off-street parking**  
**1451 E. 30<sup>th</sup> Street**

Planning & Zoning Commission Discussion of Petition ZC 19-67 on August 15, 2019

Associate Planner Helen Landaverde presented the staff report for ZC 19-67, a request from Leaf Properties, Inc., represented by Doug Kinsey, for (1) a zone change from SF-7, Single-family Residential, to LNC, Local Neighborhood Commercial, (2) a variance to increase the height of a freestanding sign from 10 feet to 20 feet, and (3) a reduction to the required minimum off-street parking for a new retail store for property located at 1451 E. 30<sup>th</sup> Street.

San Juan County Tax Assessor's records show that the size of the property is 5.470 acres and is undeveloped. The surrounding properties in this area are zoned residential with commercial clusters along 30<sup>th</sup> Street such as Office Professional and Local Neighborhood Commercial.

The existing freestanding signs along 30<sup>th</sup> Street in the OP and in the LNC Districts are less than 10 feet high. Pursuant to the UDC Section 5.8.7A, the maximum height for freestanding signs in the LNC Districts is 10 feet. Retail sales is not permitted in residential districts, which is why the applicant is requesting a zone change.

The applicant is proposing to have 30 off-street parking spaces, including two ADA parking spaces, and a 20-foot tall freestanding sign. The minimum off-street parking requirement for the proposed use is 45 spaces including ADA parking, with a minimum of three accessible spaces, one of which has to be a van-accessible space.

The proposed zone change meets the UDC, Unified Development Code, location requirements.

Regarding the variance, the applicant is requesting approval of a 20-foot tall freestanding sign. It would be 100% higher than permitted in the LNC District. The sign would be approximately 50.63 sq. ft. of area. The topography of the property is mostly flat, and the nearest freestanding sign in this area is Summit Church. Mapping indicates that the height of a freestanding sign for Summit Church is approximately 6-8 feet tall.

Regarding the request to reduce the minimum off-street parking, the petitioner is requesting a reduction of 15 parking spaces. This would reduce the number of parking spaces required from 45 to 30 parking spaces, three of which must be accessible handicap spaces.

Staff conducted research for the number of off-street parking spaces at other local dollar stores within the City. Two Dollar stores have fewer parking spaces than the UDC requires. The Family Dollar store on West Main was built before the implementation of the UDC in 2008 and has only 25 parking spaces.

The applicant is required to provide landscaping and screening for all new construction on the subject property.

The proposed zone change and variance request is not consistent with the Comprehensive Plan's 2020 Future Land Use Map. Although the zone change is consistent and does support several goals and objectives of the Comprehensive Plan such as Land Use Development, Economic Development, and the City's Economic Development Plan.

Regarding signs, it is not consistent. The Comprehensive Plan recommends that smaller advertising signs, such as monument signs, in the LNC area would be appropriate for this location.

The Community Development Department recommends partial approval of Petition ZC 19-67:

- 1) Approval for the zone change request. The proposal does not constitute a spot zone and would not adversely affect the area. The proposed use for this property is consistent with sections of the Comprehensive Plan and the City's Municipal Code Chapter 22 Economic Development Plan,
- 2) Approval for the reduction to the required minimum off-street parking for a new retail store from 45 parking spaces to 30 spaces, with a minimum of three accessible spaces, one of which has to be a van-accessible space. Improvements and/or development on the subject property will require submission of building plans that are consistent with all of the City's current building and fire standards and/or other agency permits for review and approval prior to site improvements and/or development,
- 3) Denial for a variance to increase the height of a freestanding sign from 10 feet to 20 feet in the LNC District. The request is not a minimum easing of the code and it is not in harmony with the neighborhood,
- 4) The applicant is required to provide landscaping and screening for all new construction on the subject property, and
- 5) The installation of 5-foot sidewalk along the property boundary adjacent to a City Street is required as part of any building permit.

Commissioner Freeman asked what portion of the property the petitioner would be using to build the Dollar General and what were the plans for the rest of the property. Ms. Landaverde said the petitioner would be building on one acre of the eastern portion of the five-acre property. She did not know if there were any plans for the rest of the property, but the owner requested a zone change for the entire property.

Commissioner Freeman suggested that rezoning the entire property to LNC might not be beneficial if there are no plans yet for the rest of the property. Mr. Freeman suggested a PUD, Planned Unit Development.

Commissioner Freeman asked if the building design would match the area. Ms. Escobar noted that the Commission could stipulate design standards in their recommendation.

Steve Gabaldon, Gabaldon Construction, 2014 San Juan Boulevard, is the builder for the project. Mr. Gabaldon was assisting Doug Kinsey in attending the meeting via phone.

Doug Kinsey, with Leaf Properties, Helen, GA, said a monument sign instead of a freestanding sign would be acceptable. As far as aesthetics, Mr. Kinsey said the building would be similar to the Dollar General that was recently built on Wildflower Parkway. Mr. Kinsey stated that a drainage study would determine the size and area of the retention pond to handle stormwater runoff. Drainage on the one acre that will be developed will be addressed during construction. The other part of the parcel would deal with drainage as development progresses. He said the

property owner had asked that the entire parcel be rezoned at the same time for consistent use.

Jack Woodward, 1118 N. Mesa Verde, owner of the property, said he has owned the property for over 60 years. He would like to sell one acre for the development of a Dollar General.

Commissioner Freeman questioned the feasibility of building on the parcel with the high-pressure gas line that goes through the property. Mr. Gabaldon said the gas line presents issues, as they will have to maintain a distance of 30 feet from the gas line.

Commissioner Freeman asked about screening requirements. Mr. Kinsey said there would be screening if required. Ms. Escobar noted that screening requirements would be addressed during the building permit process if this application moves forward.

Commissioner Sewell asked why the petitioner was asking for a reduction to the required minimum off-street parking. Mr. Kinsey said that historical use for Dollar General Stores dictates that not as many parking spaces are necessary. He noted several Dollar General Stores with less than the minimum required parking spaces.

Chair Cardon asked for confirmation that a monument sign would not be an issue. Mr. Kinsey said there was not a visibility issue at this site and a monument sign will be fine. He said he was open to changes if needed. The east end of the property worked best for the building plans.

Raymond Camacho, 2901 Knudsen Avenue, stated that he was not opposed to a business in that area but did not want a Dollar General behind his house. Mr. Camacho said there is an issue with traffic and a Dollar General would increase the traffic problems. He stated that office buildings would be a better fit for the neighborhood. Dollar General Stores tend to have late hours and have semi-trucks offloading products on a regular basis.

Justine Camacho, 2901 Knudsen Avenue, said she did not want a business that stayed open late at night in the neighborhood.

Mr. Kinsey said this type of retail store is a low intensity type of business and has less traffic than most retail stores. He said the development plan would include nice landscaping to make it attractive to the community.

Mr. Camacho asked if this facility would sell alcohol. Chair Cardon said it probably would not be permitted due to schools and churches nearby. Mr. Camacho said he would like to see the City do something with the property such as a park or BMX facility.

June Garrison, 2801 Knudsen, stated she was concerned about an increase in traffic in the alley behind her house if the Dollar General were built in this location. Ms. Garrison's garage faces the alley. She said she has grandchildren that walk from the nearby school, and the increase in traffic could be detrimental. Ms. Garrison said she was not opposed to building a Dollar General on the west end of the proposed property. She stated that she is also concerned about water runoff as houses have been flooded in this area in the past. Ms. Garrison stated that she is opposed to the project.

Mr. Kinsey said he is concerned about the drainage in the area. He said calculations would be done to build a sufficient retention pond for any water issues. Access to the business will come

from the main road and not through the alley, but he cannot restrain the use of a public right-of-way.

Charlene Caine, 2803 Knudsen, stated that she is opposed to a Dollar General at this location. She said she has lived in this house for 33 years, and her yard has flooded several times. She is concerned about increased traffic. Ms. Caine said she would like to see office buildings on this property.

Mr. Kinsey reiterated that a drainage study would be done. If there is currently a stormwater issue, the detention pond may solve the issue. He said he would do whatever is necessary to contain the stormwater.

Glenn Lanham, 3005 N. Carlton, pointed out the current traffic problems in the area. He said he has reported this problem to the police on several occasions. Mr. Lanham said he is opposed to the project. If the Dollar General were built on the property, he would like to see a traffic signal at the intersection of 30<sup>th</sup> and Knudsen or on 30<sup>th</sup> and Carlton.

Richard Cheney owns property at 1304 E. 27<sup>th</sup> Street. He said he is not opposed to the zone change. Mr. Cheney said the City owns the alleys according to plats recorded with deeds and dedications. Mr. Cheney said a building on the property might compound the drainage problem rather than improve it. The alley needs to be improved to carry drainage out of the area. Mr. Cheney said he has already discussed the issue with the City Engineer, Nica Westerling. Mr. Cheney said he likes the idea of the City buying the property and installing a retention pond. Mr. Cheney said he is a civil engineer and has done master drainage studies for municipalities. Mr. Cheney noted that the gas pipeline is currently bare, and the City needs to commit to maintaining alleys.

Mr. Kinsey said he does not have grading plans at this time. He said he would look into issues with drainage. A traffic signal would be too expensive to install and would not make the project feasible.

Donald Walker, 2611 Knudsen, said his concerns include flooding and traffic. He stated that this is not the right property for a retail business.

Mr. Kinsey pointed out that any type of business at this location will increase traffic. A Dollar General will create the least amount of traffic.

Deborah Siegfried, 3101 N. Carlton, stated that she is opposed due to an increase in traffic.

Monty Rogers, 3002 Knudsen, said he is concerned that the building will block the view and is opposed to the project.

Sarah Walker, 2611 Knudsen, said she has lived in this location for 33 years. She has seen many car accidents near her house due to traffic issues. Ms. Walker stated she would like to see a professional building at this location. She said flooding is an issue and is concerned about a Dollar General attracting vagrants. Ms. Walker said a Dollar General would be a temptation for students to cut class. She said she would like to see the City use the property for a park.

Mr. Kinsey said the traffic impact would be minimal. He wants to be a good neighbor and will do whatever is necessary to contain runoff. As far as the view, Mr. Kinsey said the building is a nice looking building that will be well landscaped with low lighting that fits the neighborhood.

Rodney Rogers, 3002, Knudsen, said he is worried about traffic. A traffic light would slow the traffic down.

Denise Hunter, 3004 N. Carlton, said she is concerned about increased traffic. She said a Dollar General might not be able to stay in business if it has so few cars in the parking lot on a regular basis. She does not want to see an empty building in that location.

Mr. Kinsey said that based on studies, there is a need for this type of retail business in this area and he does not believe an empty building is a concern.

**Planning & Zoning Commission Action of Petition ZC 19-67 on August 15, 2019**

A motion was made by Commissioner Sewell and seconded by Commissioner Waldroup to **deny** Petition ZC 19-67, a request from Leaf Properties, Inc., represented by Doug Kinsey, for (1) a zone change from SF-7, Single-family Residential, to LNC, Local Neighborhood Commercial, (2) a variance to increase the height of a freestanding sign from 10 feet to 20 feet, and (3) a reduction to the required minimum off-street parking for property located at 1451 E. 30<sup>th</sup> Street.

The Commissioners were polled.

Commissioner Sewell said his denial recommendation is based on the lack of compatibility with the neighborhood. This type of retail business would be open late at night.

Commissioner Freeman said his denial recommendation is because he does not believe this is the right location for this type of business. Mr. Freeman said the other end of the property would be a better fit.

Chair Cardon reminded the Commissioners that this petition is about the zone change.

Commissioner Brown said a Dollar General would significantly change the neighborhood and an office professional building would be more appropriate.

Commissioner Waldroup said his denial recommendation is due to the same issues mentioned by the other Commissioners such as compatibility with the neighborhood and increased traffic.

Chair Cardon said she feels a Dollar General would fit better on the other end of the property, and perhaps a PUD should be considered. A traffic study may need to be done to analyze any traffic issues in the area.

Commissioner Ragsdale said this is not the right location for a Dollar General. Drainage will need to be addressed before approving any type of commercial building.

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

NAY: None

Abstained: None

Absent: Commissioners Davis, Langenfeld, Lockmiller, Mangum, and Smouse.

**Motion passed 6-0**

**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:** Beth Escobar reported that the CDBG (Community Development Block Grant) and Affordable Housing reports were approved at the August 13, 2019 City Council Meeting.

The process is moving forward for stakeholders on the Comprehensive Plan Update. The kickoff will be soon.

Ms. Escobar noted that Helen Landaverde would be resigning from the City.

**Adjournment:** With no further business and a motion by Commissioner Waldroup and seconded by Commissioner Brown, the Planning and Zoning Commission meeting of August 15, 2019 was adjourned at 4:36 p.m.

  
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Joyce Cardon  
Chair

  
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Karen Walker  
Administrative Assistant

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