

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
Chair



Karen Walker
Administrative Assistant