

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

**October 24, 2019**

The Planning and Zoning Commission met in a regular session on October 24, 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  
Kristin Langenfeld  
Elizabeth Lockmiller  
Cheryl Ragsdale  
Mitch Sewell  
Gary Smouse  
Cody Waldroup

**P&Z Members Absent:**

Shay Davis  
Wayne Mangum

**Staff Present:**

Beth Escobar  
Toni Sitta  
David Sypher  
Karen Walker

**Others Who Addressed the Commission:**

Betty Buller  
Richard Cheney  
Raymond Comacho  
Barry Digman  
June Garrison  
Linda McAndrews

**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 Waldroup and seconded by Commissioner Freeman to approve the minutes of the September 26, 2019 P&Z Meeting. This motion was approved unanimously by a 9-0 vote.

**Swearing in of Witnesses**

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

**CONSIDERATION & RECOMMENDATION**

**ZC 19-82**

**Zone change from SF-7 to LNC for property located at  
1451 E. 20<sup>th</sup> Street**

**Planning & Zoning Commission Discussion of Petition ZC 19-82 on October 24, 2019**

Planning Manager Beth Escobar presented the staff report for ZC 19-82, a request from Jack Woodward, represented by Barry Digman, for a zone change from SF-7, Single-family Residential to LNC, Local Neighborhood Commercial, for 3.98 acres of vacant property located at 1451 E. 30<sup>th</sup> Street. There is no specific development attached to this request. Mr. Woodward's goal is to increase the developmental value of the property.

Ms. Escobar presented various maps concerning zoning in the area. The surrounding properties are zoned residential with commercial clusters/nodes such as OP, Office Professional, LNC, Local Neighborhood Commercial, and PD, Planned Development, which consists of commercial offices.

The Comprehensive Plan lists several objectives. In the Land Use and Development, section Chapter 4:

Objective 4.1: Assure the 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 4.7: Manage development along highways and major thoroughfares, improving aesthetics as well as transportation efficiency.

Thirtieth Street is classified as a minor arterial and is designed to carry traffic from one end to the other.

The Economic Development section of the Municipal Code states:

“Objective 8.5: Support retention and expansion of existing businesses.

Action 8.5.1: Continue to support the efforts of the Chamber of Commerce and San Juan Economic Development Services in encouraging the growth and development of local and national businesses in the Four Corners region.

Action 8.5.2: Support local businesses. Encourage local shopping.”

Local Neighborhood Commercial is a distinct zoning district. The purpose is to promote a local neighborhood commercial (LNC) district intended to accommodate neighborhood-oriented, low-intensity retail sales and services used in commercial clusters and/or nodes along thoroughfares and at intersections that are readily accessible from surrounding residential areas. LNC district uses attract customers from a limited area and are typically located along collector or arterial streets.

The LNC district includes specific standards designed to ensure the compatibility with the residential-scale and style of the neighborhoods they serve.

This is the only zoning district where input can be given to ensure compatibility with the neighborhood.

Residential protection regulations in the code will enforce building setbacks, commercial uses, screening, and landscaping. LNC is encouraged, but not required, to be within 1,000 feet of a collector and local street. This property is approximately 1,200 feet from the intersection of E.

30<sup>th</sup> and Butler Avenue, which is the intersection of a collector and minor arterial street. There are existing non-residential uses to the north, across E. 30<sup>th</sup>, and to the west of the property.

Additional considerations include:

**Drainage-**A drainage report will be required for any new development. Any drainage issues on the site will have to be addressed at the time of development. In that report, the developer will have to show that there are no negative impacts to the surrounding neighbors. In addition, if the City Engineers determine any issues, they will have to be addressed.

**Design Standards-Local Neighborhood Design Standards** will allow staff to guide the look of any proposed development to compliment the neighborhood.

**Traffic-**Any new development will be reviewed for traffic impact, a traffic narrative or study may be required, and the developer would be responsible for any traffic improvements that are warranted. Each retail use generates a certain amount of traffic. Each use will be reviewed to determine what traffic improvements are required.

Ms. Escobar presented a copy of the plat from the Mossman Subdivision. She pointed out a 10-foot wide space on the northern boundary that is a buffer for future development. It is not designated as an alley or a drainage easement, she stated. There is no use associated with that property.

Staff recommends approval of Petition ZC 19-82, a request from Jack Woodward, property owner, for a zone change from the SF-7, Single-family Residential District to the LNC, Local Neighborhood Commercial District for a 3.98-acre property at 1451 E. 30th Street. There is commercial across the street. Several residents could easily access this location. With LNC, the City will have control on how the property develops.

Approval is subject to the following conditions/UDC requirements:

1. All commercial development shall abide by the City's Unified Development Code (UDC) Section 5 – Development Standards. The UDC Development Standards address issues such as parking, access management, screening, drainage, residential protections, etc., for all commercial development. Development Standards are required to be included with any development permit (building permit), as part of the design and site plan submittal. No building permit can be issued until the conditions of the UDC Section 5 are met and no certificate of occupancy can be approved until all improvements are constructed.
2. Sidewalks are required to be installed prior to the issuance of a certificate of occupancy on all commercial developments. (Ordinance Sect 7-1-2) All non-residential development requires the installation of a 5-foot sidewalk along the property boundary adjacent to a City Street as part of any building permit.
3. All non-residential development requires a grading and drainage plan, prepared by a New Mexico Licensed Engineer, as part of any building permit. This shall be submitted and approved prior to the issuance of a building permit.
4. Access to any development at this location should be aligned with Carlton Avenue.

Commissioner Freeman asked if a different person owned the property to the west. Ms. Escobar said Bethany Christian Church owns that property.

Mr. Freeman asked what types of businesses would be allowed in the LNC District. Ms. Escobar said office professional and small retail would be allowed. Mr. Freeman asked if that included a Dollar General Store. Ms. Escobar responded that it could include a Dollar General Store.

Mr. Freeman asked why a PUD, Planned Unit Development was not being considered. Ms. Escobar said a PUD required a set plan prior to development.

Commissioner Brown asked why the access would be aligned with Carlton Street. Ms. Escobar said it would lessen the impact of traffic with one controlled access. She said there would be impacts to the neighborhood, but all UDC and engineering regulations will be applied to minimize the impacts.

Commissioner Ragsdale asked about the alley behind the property. Ms. Escobar said there is an issue on who owns the alley. The petitioner does not own the 10-foot alley. A gas line parallels a portion of that property. Any development will be required to be 30 feet off the gas line. Ms. Ragsdale asked if the alley could be blocked. Ms. Escobar stated that the City could not require property to be blocked if it does not belong to the City. There needs to be more information on who owns that property.

Chair Cardon asked if the alley could be paved. Ms. Escobar said that might not be possible because of the high-pressure gas line.

Barry Digman, 1138 N. Mesa Verde, said there are not any prospective buyers for the property at this time. The Dollar General Store is no longer interested. Mr. Digman said the owner wants to sell the property and after speaking with appraisers, LNC appears to be the best use for the property.

Richard Cheney, 1304 E. 27<sup>th</sup> Street, said he was on the Administrative Review Board, ARB, at one time. He said there has to be a reason to change the zoning. Mr. Cheney said he does not think LNC is compatible with the area. The closest businesses are real estate offices, dental offices, hair salons, health and wellness, a law office, and others that are under office professional. Some of the retail in LNC such as a hostel would not be appropriate for this area. OP would be an acceptable zoning for the area even though OP is not in demand.

Mr. Cheney said the description for LNC talks about clusters and not about businesses spread up and down the street. Butler and 30<sup>th</sup> Street have clusters. In the UDC 3.12.2 (C) states, that development of LNC nodes may include all four corners at intersections and be at least one-half mile away from any other LNC district. There are holes in the UDC, but this is a violation of that code. In the UDC 3.12.2 (B), it states that areas located within 1,000 feet of the intersection of a collector street with a local street should be limited. LNC opens it up to development that is not appropriate, said Mr. Cheney.

Mr. Cheney said the plat he presented at the last meeting for this property makes it clear that the City owns that 10 feet in the rear of the property. He said the plat shows a dedication that is signed by the Mayor and approved by the City Council. (Mr. Cheney did not bring the plat to this meeting.) It is the City's responsible to correct the problem with the alley, said Mr. Cheney.

Mr. Cheney said there is a problem with the gas line being exposed. The Gas Company needs to maintain the line better.

Chair Cardon said she remembered Mr. Cheney bringing in the plat at the last meeting. Ms. Cardon asked if Mr. Cheney has researched the minutes for the dedication. Mr. Cheney said he has not researched the minutes.

Commissioner Freeman noted that Mr. Cheney is against GC, General Commercial and LNC zoning for the property and would approve OP. Mr. Freeman asked if MF, Multi-family would be acceptable. Mr. Cheney said there might be restrictions with the size of the property for MF.

Raymond Comacho, 2901 Knudsen, said having an access in line with Carlton would not be good if people tried to drive across 30<sup>th</sup> Street to access Carlton. Mr. Comacho said it would compound the traffic issues at Knudsen. He said drainage is an issue with any development.

Commissioner Brown asked if he would be opposed to OP. Mr. Comacho said he would not be opposed to OP. LNC leaves too much leeway. Mr. Comacho also noted issues with blowing dirt when ATV's use the vacant property.

June Garrison, 2801 Knudsen, said she currently has issues with foot traffic in the alley behind her house as that is the access to her garage. She stated that she has had vandalism on her car while it was in her garage. A retail business would increase the foot traffic. Ms. Garrison said she is not opposed to OP. Drainage is an issue since the area has been developed.

Bettye Buller, 1303 E. 35<sup>th</sup> Street, said traffic has increased tremendously on Carlton and traffic at the bottom of Carlton would be very bad if access to a new development would be located across from Carlton. OP would be good. Commercial would be a concern due to the number of children walking in the area.

Linda McAndrews, 3107 Northridge, said there are businesses on the end of Northridge and traffic is an issue due to those businesses. Northridge does not qualify for speed bumps due to the incline, she said. More development down the street on 30<sup>th</sup> will create more traffic issues.

Commissioner Smouse noted that Mr. Cheney stated that there was LNC in close proximity and an additional LNC would be a violation of the existing code. Mr. Smouse asked staff for an explanation. Ms. Escobar said the prescription for the one-half mile distance is for an LNC node. A node is not one single property. It is an area identified as LNC. This is not a violation of the code. A node is created when there are a couple of the same uses in an area.

**Planning & Zoning Commission Action of Petition ZC 19-82 on October 24, 2019**

A motion was made by Commissioner Sewell and seconded by Commissioner Freeman to **deny** Petition ZC 19-82, a request from Jack Woodward, represented by Barry Digman, for a zone change from SF-7, Single-family Residential to LNC, Local Neighborhood Commercial, for 3.98 acres of vacant property located at 1451 E. 30<sup>th</sup> Street.

Commissioner Sewell said his decision is based on the same reasons as when this property was presented for a zone change previously. The retail portion of LNC does not fit this local neighborhood. Mr. Sewell said the property should be zoned OP or MF.

AYE: Chair Cardon, Commissioners Brown, Freeman, Langenfeld, Lockmiller, Ragsdale, Sewell, Smouse, and Waldroup

NAY: None

Abstained: None

Absent: Commissioners Davis and Mangum.

**Motion passed 9-0**

**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 stated that Petition SUP 19-78 for ABC Concrete & Manufacturing was approved on consent at the October 8, 2019 City Council meeting.

Ms. Escobar announced the promotion of Karen Walker to Assistant Planner.

**Adjournment:** With no further business and a motion by Commissioner Ragsdale and seconded by Commissioner Waldroup, the Planning and Zoning Commission meeting of October 24, 2019 was adjourned at 3:48 p.m.

  
\_\_\_\_\_  
Joyce Cardon  
Chair

  
\_\_\_\_\_  
Karen Walker  
Administrative Assistant