

A G E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
June 27, 2017
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. AGENDA APPROVAL

VI. PRESENTATION

Four Corners Economic Development

VII. CITIZEN RECOGNITION

VIII. EMPLOYEE RECOGNITION

IX. CONSENT AGENDA

- A. Commission Special Workshop Meeting Minutes, June 13, 2017
- B. Commission Special Workshop Meeting Minutes June 13, 2017
- C. Destruction of Utility and Electric Administration Records
- D. Resolution 2017-1051 BLM Water Utility Right of Way Application and Signatory Authority

Items placed on the Consent Agenda will be voted on with one motion. If any item proposed does not meet the approval of all Commissioners, a Commissioner may request that the item be heard under "Items from Consent Agenda"

X. ITEMS FROM CONSENT AGENDA

XI. CITIZENS INPUT (3 Minutes Maximum)

(Citizens who wish to speak will sign up prior to the meeting. This is for items not otherwise listed on the agenda

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

Note: A final agenda will be posted 72 hours prior to the meeting. Copies of the agenda may be obtained from City Hall, 201 W. Chaco, Aztec, NM 87410.

XII. BUSINESS ITEMS

XIII. LAND USE HEARING

- A. 2017-056 Zone Change from C-2 General Commercial and Wholesale District to MH Mobile Home District for 104 Simonds Rd
- B. 2017-057 Variance to the Setback Requirements for 104 Simonds Rd.
- C. 2017-072 – A zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District
- D. 2017-073 – A variance to the dimensional and setback requirements

XIV. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS

XV. DEPARTMENT REPORTS

(When this item is announced, all Department Heads who wish to give a report will move to the podium)

XIV. ADJOURNMENT

ATTENTION PERSONS WITH DISABILITIES: The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office at 334-7600 prior to the meeting so that arrangements can be made.

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1 CITY OF AZTEC
2 WORKSHOP MEETING MINUTES
3 June 13, 2017
4

5 **I. CALL TO ORDER**

6 Mayor Burbridge called the Workshop to order at 5:15 pm at the Aztec
7 City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.
8

9 MEMBERS PRESENT: Mayor Sally Burbridge; Commissioner, Katee
10 McClure; Commissioner Austin Randall
11

12 MEMBERS ABSENT: Mayor Pro-Tem Sipe;
13

14 OTHERS PRESENT: Finance Director, Kathy Lamb; Electric Director
15 Ken George; Utility Director Delain George;
16 City Clerk, Karla Saylor
17

18 **A. Utility Rate Study**
19

20 Mayor Burbridge opened the meeting for Utility Rate Study. She mentioned that
21 she met with Finance Director Kathy Lamb to discuss information on concerns on
22 capital and reserves. Kathy presented commission with printouts on the projects for
23 each of the utilities. Commission and staff reviewed the printouts going through the
24 different models with the different amounts. There was discussion on water rate
25 alternatives and considerations, wastewater rate alternatives and considerations. Kathy
26 has also handed out a sheet with scenarios and philosophy to commission and which
27 was also reviewed. Kathy presented a printout with the amount of customers in each
28 utility and mentioned that there is not the same amount of customers in each utility. The
29 printout does not include multi-unity customers and electric does not include yard lights.
30 Kathy presented commission with a printout with flat rate fees which showed annual
31 revenue generated and the amount it would be by the end of FY2021. The Mayor
32 mentioned that she called Davis Plumbing to get estimates on septic systems and
33 stated that it would cost \$33.00 per month for a 1500 gal water tank with about \$8000 to
34 install it. The average life span of the septic system if maintained correctly is 20-30
35 years. The recommendation is to have it pumped every 3 years which is about \$180.
36 What it doesn't take into account is you have to have a minimum of $\frac{3}{4}$ of an acre and
37 there is also the factor that if you sell your property you will have to have it inspected
38 which is a \$500-\$800 cost. She mentioned that there is a shift of responsibility saying
39 that if there is a shift of responsibility there is also a cost that will need to be paid. Kathy
40 mentioned that we will need to have a few more workshops to determine what direction
41 commission wants to go in and Mayor Burbridge mentioned that she does not want
42 commission to vote until they are comfortable with the utility rate structures which could
43 take a little longer than anticipated.
44
45
46

1 **II. ADJOURMENT**

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3

MOVED by Mayor Burbridge to adjourn the meeting at 6:00 p.m.

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Mayor, Sally Burbridge

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ATTEST:

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Karla Sayler, City Clerk

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MINUTES PREPARED BY:

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Karla Sayler, City Clerk

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CITY OF AZTEC
COMMISSION MEETING MINUTES
June 13, 2017

I. CALL TO ORDER

Mayor Burbridge called the Meeting to order at 6:08 pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION

The Invocation was lead by Commissioner Austin Randall

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Electric Director Ken George

IV. ROLL CALL

Members Present: Mayor Sally Burbridge; Mayor Pro-Tem Sherri Sipe via phone; Commissioner Austin Randall; Commissioner Katee McClure

Members Absent: None

Others Present: City Attorney Larry Thrower; City Clerk Karla Saylor; Project Manager Ed Kotyk (see attendance sheet)

V. AGENDA APPROVAL

MOVED by Mayor Burbridge, SECONDED by Commissioner Randall to Approve the Agenda Removing Item XII. Land Use Hearings

All Voted Aye; Motion Passed Four to Zero

VI. CITIZEN RECOGNITION

None

VII. EMPLOYEE RECOGNITION

None

1 **VIII. CONSENT AGENDA**

2
3 MOVED by Commissioner McClure, SECONDED by Commissioner Randall to
4 Approve the Consent Agenda With the Exception of Item E Travel Requests

- 5
6 A. Commission Special Workshop Meeting Minutes, May 15, 2017
7 B. Commission Special Workshop Meeting Minutes May 17, 2017
8 C. Commission Workshop Minutes May 23, 2017
9 D. Commission Meeting Minutes May 23, 2017
10 E. Pulled
11 F. Bid 2017-606 Western Drive Reconstruction
12 G. Bid 2017-614 Annual Chemical Supply Water & Wastewater Treatment
13 H. Resolution 2017-1049 Utility Account Write off
14 I. Resolution 2017-1050 Surplus

15
16 All Voted Aye: Motion Passed Four-Zero

17
18 **IX. ITEMS FROM CONSENT AGENDA**

19 E. Travel Requests

20
21
22 Commissioner McClure questioned why three of the requests were being
23 presented late. Ken mentioned that staff did not have registration complete by the time
24 frame that it had to be in and Mayor Pro-Tem Sipe's travel was due to her being the
25 alternate for the Board of Directors and was not aware until a couple of days before the
26 meeting that the director was not going to be in attendance.

27
28 MOVED by Commissioner McClure, SECONDED by Commissioner Randall to
29 Approve Employee/Public Official Travel

30
31 All Voted Aye; Motion Passed Four to Zero

32
33 **X. CITIZENS INPUT**

34
35 None

36
37 **XI. BUSINESS ITEMS**

38
39 A. Intent to Adopt Ordinance 2017-459 to Amend Chapter 11, Article XI-Body Art
40 Establishments, Section 11-11-3 Prohibition

41
42 Utility Director Delain George mentioned that this item is to remove Chapter 3
43 which is for Prohibition which is for body art establishments which will no longer be
44 required to obtain a waiver and brought to Commission for approval due to being

1 located within three hundred feet of a private or public elementary school, secondary
2 school or high school, church, or residence.

3
4 MOVED by Commissioner Randall, SECONDED by Commissioner McClure to
5 Approve Intent to Adopt Ordinance 2017-459 to Amend Chapter 11, Article XI-Body Art
6 Establishments, Section 11-11-3 Prohibition

7
8 A Roll Call Was Taken; All Voted Aye; Motion Passed Four to Zero

9
10
11 B. Intent to Adopt Ordinance 2017-460 Amending Chapter 2, Article V Advisory
12 Boards and Committees

13
14 Community Development Director Steven Saavedra mentioned that this is an
15 amendment to adjust the language for the EDAB membership. This will allow an
16 alternate from qualifying entities that make up EDAB and will allow them to be able to
17 vote and contribute to the board. Mayor Burbridge mentioned that two of the seats are
18 by organizations and not individuals.

19
20 MOVED By Commissioner McClure, SECONDED By Commissioner Randall To
21 Approve Intent to Adopt Ordinance 2017-460 Amending Chapter 2, Article V Advisory
22 Boards and Committees

23
24 A Roll Call Was Taken; All Voted Aye; Motion Passed Four to Zero

25
26 C. Appointment of City Commissioner

27
28 Commission held interviews with Sheri Rogers and Diana Mesch for the vacant
29 commission seat on June 5, 2017 at a special commission meeting. It was determined
30 that they will appoint and administer the Oath of Office to Sheri Rogers to fill the vacant
31 seat. Judge Carlton Gray administered the Oath of Office.

32
33 Moved by Commissioner Randall, SECONDED by Mayor Burbridge to Appoint
34 Sheri Rogers to the Vacant Commission Seat

35
36 A Roll Call Was Taken: Motion Passed Three to One Commissioner McClure
37 Voted Nay

38

1 **XII. LAND USE HEARINGS**

2
3 PULLED

4
5 **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

6
7 Mayor Burbridge will be attending an MPO meeting tomorrow afternoon and
8 upcoming 4CED meeting this week.

9
10 Commissioner Rogers mentioned that she appreciates the opportunity to finish
11 out her term as commissioner.

12
13 Commissioner McClure will be attending an ECHO board meeting. She gave a
14 shout out to all that have stopped by her house to report of all the good things
15 happening in the City.

16
17
18 **XIV. DEPARTMENT REPORTS**

19
20 Judge Gray gave a report on new bond rules.

21
22 Kate Skinner mentioned about the community being engaged. She mentioned
23 that the numbers at the library are up from last year.

24
25 **XV. ADJOURMENT**

26
27 Moved by Mayor Burbridge, SECONDED by Commissioner Randall to adjourn
28 the meeting at 6:35 p.m.

29
30
31
32 _____
Mayor, Sally Burbridge

33 ATTEST:

34 _____
35 Karla Sayler, City Clerk

36
37 MINUTES PREPARED BY

38
39 _____
40 Karla Sayler, City Clerk

Staff Summary Report

MEETING DATE:	June 27, 2017
AGENDA ITEM:	IX. CONSENT AGENDA (C)
AGENDA TITLE:	Destruction of Utility Administration & Electric Dept. Records

ACTION REQUESTED BY:	Delain George
ACTION REQUESTED:	Approval of Utility Administration and Electric Dept. Records Destruction
SUMMARY BY:	Delain George

PROJECT DESCRIPTION / FACTS (Leading Department)

- The Utility Administration and the Electric Department have taken inventory of records ready for destruction using the guidelines outlined under the Records Management Program and approved by Commission October 21, 2009.
- Once the destruction of records has been approved by Commission, a Commercial Document Shredding Company will be contacted to destroy the identified records on-site.

TECHNICAL INPUT (Supporting Departments)

- Documentation providing identification/proof of shredded records will be signed by the Utility Office Business Office Director and certified by the City Clerk.

FISCAL INPUT (If applicable, Finance Department)

- FY2018 expense is expected to be \$200.00.

SUPPORT DOCUMENTS:	Document list of records to be destroyed, Destruction of City Documents
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DEPARTMENT'S RECOMMENDED MOTION: Move to Approve the Destruction of Utility Administration and Electric Department Records as inventoried on 6/19/2017.

Utility Administration and Electric Department
List of Records Ready for Destruction
as of June 19, 2017

RECORD TYPE	DOCUMENT DESCRIPTION	DATE	RETENTION PERIOD	DESTRUCTION METHOD	COMMENTS
Courts/Finance	Court Summary Reports/Receipts	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Finance	Daily Utility Cash Reports and receipts	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Finance	Cash Receipt Tapes	FY14	3 yrs after close of fiscal year	Shred	
Finance	Voucher for Utility Assistance Program	FY14	3 yrs after close of fiscal year	Shred	
Finance	Collection files	FY14	3 yrs after close of fiscal year	Shred	
Finance	Budget Work Papers	FY14	3 yrs after close of fiscal year	Shred	Departmental copies
Finance	Quotes for Purchases	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Finance	Quotes for Purchases (Electric Department)	2000-2009	3 yrs after close of fiscal year	Shred	Departmental copies
Finance	Copies of Purchase Orders (Electric Department)	2000-2009	3 yrs after close of fiscal year	Shred	Departmental copies
Finance	Old departmental time sheets (Electric Dept)	2000-2009	3 yrd after close of fiscal year	Shred	Departmental copies
Municipal Clerk	Business License/Registration Records	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Municipal Clerk	Liquor License Records	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Parks & Recreation	Park Reservation Contracts	FY14	6 yrs after close of fiscal year	Shred	
Planning	Copies of issued Permits	FY14	3 yrs after final inspection	Shred	
Public Utility	Budget Billing Applications	FY14	3 yrs after close of fiscal year	Shred	
Public Utility	LIHEAP reports and correspondence	FY14	4 yrs after close of fiscal year	Shred	
Public Utility	Customer Payment arrangements	Expired	Until superseded or obsolete	Shred	
Public Utility	Bank Draft applications	Expired	Until superseded or obsolete	Shred	
Public Utility	Work Orders	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Public Utility	Various Service Files,logs, service requests	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Public Utility	Meter Reading Files, consumption reports	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Public Utility	Listing of Disconnect Notices and Delinquents	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Public Utility	Customer applications, correspondence	Expired	Until superseded or obsolete	Shred	Available electronically
Public Utility	Utility Billing Registers	FY14	3 yrs after close of fiscal year	Shred	Available electronically
Solid Waste	Work Orders/Job Tickets	FY14	3 yrs after close of fiscal year	Shred	

Staff Summary Report

MEETING DATE: June 27, 2017
AGENDA ITEM: IX. Consent Agenda (D)
AGENDA TITLE: Resolution 2017-1051 BLM Water Pipeline Right of Way Application and Signatory Authority

ACTION REQUESTED BY: Finance Department
ACTION REQUESTED: Approval
SUMMARY BY: Kathy Lamb

PROJECT DESCRIPTION / FACTS

- The East Aztec Arterial, phase 2, will be constructed across BLM lands. BLM requires right of way agreements for surface, underground and overhead infrastructure. The surface right of way for the roadway has been secured. The City must make separate applications for each of the utilities which may be installed.
- Current plans are to construct the waterline infrastructure concurrently with the roadway construction. Wastewater and electric infrastructure would be expanded in the future and will require additional right of way agreements.
- The application process requires governing body authorization to submit an application and identify signatory authority for the process on behalf of the City. The resolution assigns signatory authority to the City Manager.

PROCUREMENT / PURCHASING

- None

FISCAL INPUT / FINANCE DEPARTMENT

- BLM advises there may be fees associated with this right of way process. However, until the application is submitted and reviewed, the agency is unable to provide additional information.

SUPPORT DOCUMENTS: Resolution 2017-1051

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolution 2017-1051 BLM Water Pipeline Right of Way Application and Signatory Authority

CITY OF AZTEC
Resolution 2017-1051

**A Resolution Authorizing Application to Bureau of Land Management for Water Pipeline
Right of Way and Signatory Authority**

WHEREAS, the City of Aztec is developing the East Aztec Arterial to provide traffic relief around the downtown area of Aztec connecting to US Highway 550 on the south side of Aztec, proceeding in an northeasterly direction to intersect with NM173; and

WHEREAS, the East Aztec Arterial will provide economic development opportunities benefiting the City, San Juan County and the State of New Mexico; and

WHEREAS, extending water pipeline infrastructure along the East Aztec Arterial will enhance economic development opportunities; and

NOW, THEREFORE, be it resolved, as follows:

1. Staff is instructed to pursue a waterline right of way with the Bureau of Land Management specific to the land previously leased to the City.
2. The City Manager is authorized to execute the application and any documents necessary to process the right of way to the City of Aztec.

ADOPTED and APPROVED this 27th day of June 2017.

Mayor Sally Burbridge

ATTEST:

City Clerk Karla Sayler

Staff Summary Report

MEETING DATE: June 27, 2017
AGENDA ITEM: XIII. LAND USE HEARING (A)
AGENDA TITLE: 2017-056 – A Zone Change From The C-2 General Commercial & Wholesale District To The MH Mobile Home District

ACTION REQUESTED BY: Pete J. Blea
ACTION REQUESTED: Approval of A Zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District

SUMMARY BY: Steven Saavedra

PROJECT DESCRIPTION / FACTS

Applicant	Pete J. Blea
Date of Application Requested Action	June 2, 2017 A zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District.
Location Dimensions	104 Simonds Road 0.11-Acres
Existing Land Use Existing Zoning Surrounding Zoning	Residential C-2 General Commercial & Wholesale District. North: C-2 General Commercial & Wholesale District. South: C-2 General Commercial & Wholesale District. East: C-2 General Commercial & Wholesale District & MH Mobile Home District West: C-2 General Commercial & Wholesale District
Notice	Property owners within 100 feet were sent notice by certified mail on Monday, June 12, 2017
Floodplain Area Access	No Public roadway frontage on Simonds Road

C-2: GENERAL COMMERCIAL AND WHOLESALE DISTRICT

This district is established to permit the uses specified under the C-1 District, plus commercial activities of both retail and wholesale nature, designed to serve the community or tourists. This district includes those uses normally adjacent to a central business district, and of a magnitude not normally compatible with residential areas. Some minor industrial usage not associated with objectionable noise and activities are permitted.

Under this zoning designation, residential uses are not allowable unless it's an accessory dwelling unit that is secondary in use to a principal commercial use.

MH: Mobile Home District

This district is regulated to permit one mobile home and normal residential accessory uses, but not another dwelling in each lot, or lot of record provided setback requirements could be met. Each lot must be served by community water and sewer service. The minimum lot area shall be 5,445 square feet, with required setbacks:

- Front: 20-feet
- Side: 5-feet
- Street Side Yard: 15-feet
- Rear: 10-feet.

ANALYSIS & RECOMMENDATION

Pursuant to Chapter 26 Land Use the regulations, restrictions, and requirements of this ordinance have been made in accordance with the Comprehensive Plan of the City of Aztec (July 1999), and are intended to promote the general health, safety, and welfare of the residents of Aztec. Such regulations, restrictions, and requirements are deemed necessary in order to regulate and restrict within the Corporate Limits of the City of Aztec, as they exist at any given time (Code 2007, 26-3). Community Development notes all public notice requirements have been made in advance of the hearing and no comments related to the requested application were received. The determination of appropriateness for granting or denying the zone change rests with the consistency of applicable statutes, codes, and policies and with the Commission's analysis of the impacts to the surrounding properties and the community at large.

Consistency with the Comprehensive Plan:

The Comprehensive Plan discourages mobile homes subdivisions. Therefore, the requested application is in conflict with the 2002 Comprehensive Plan.

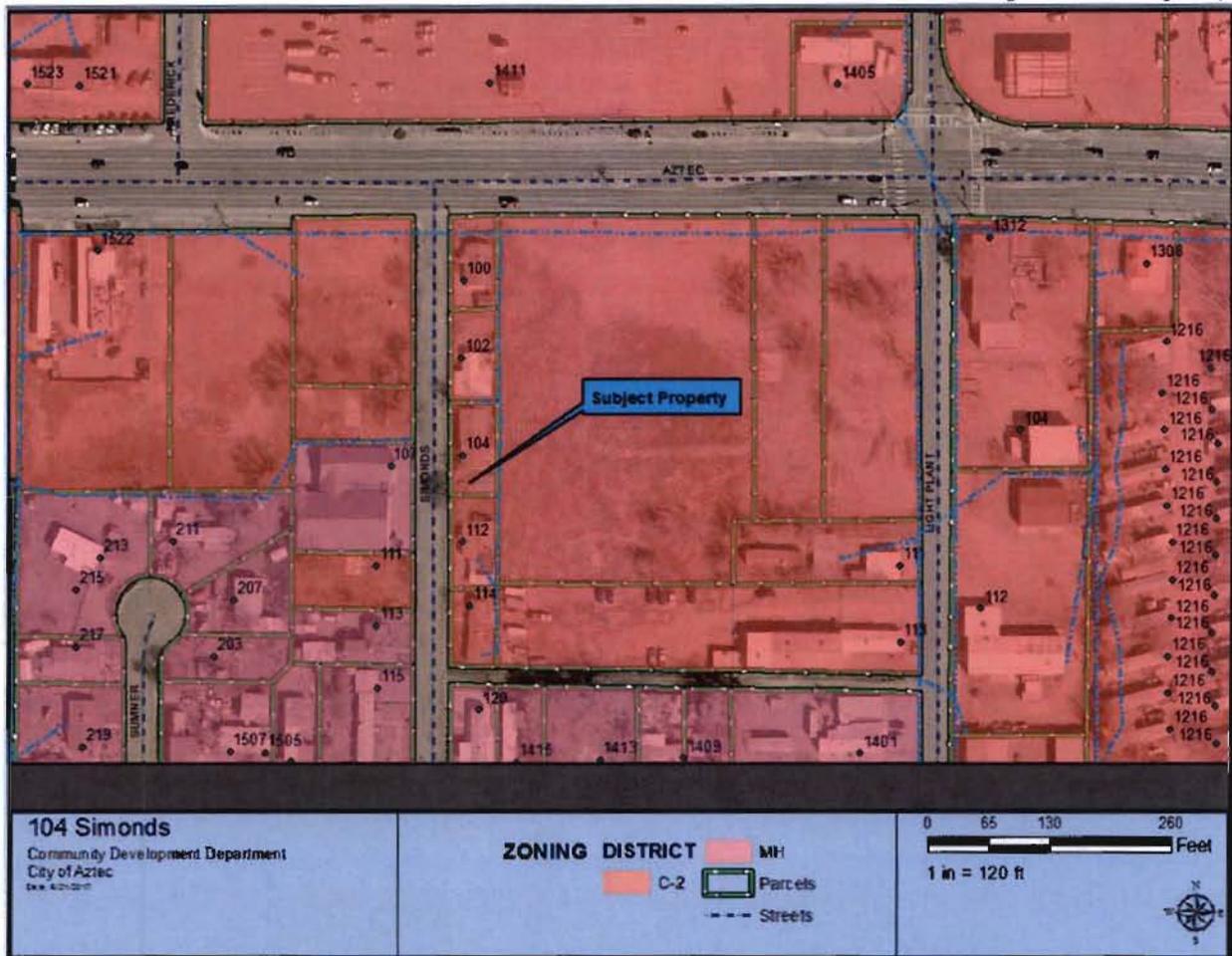
Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:

A mix of residential, vacant, institutional, and industrial properties are in and around the subject property. The zoning districts surrounding this property are:

North: C-2 General Commercial & Wholesale District.
South: C-2 General Commercial & Wholesale District.
East: C-2 General Commercial & Wholesale District.
West: MH Mobile Home District

The requested zoning district is compatible with the surrounding neighborhood. As shown on the zoning map, most residential dwellings units along Simonds Road are in the C-2 District and are considered legal non-conforming structure or are in the in MH District.

Figure 2: Zoning Map



Creation of adverse impacts and the ability to mitigate these impacts:

The change from C-2 to MH District should not create any adverse impacts to the surrounding area, considering the zoning or use is aligned with the MH District. This residence dwelling has existed in this location since it was placed in 2011. There has been no code violation, or negative externalizes as result of this residential use according to Code Enforcement records. Residential uses are less impactful than commercial uses; this zone change is not expected to create any adverse impacts.

The ability of the proposed use to be accomplished by the proposed zoning district:

The MH District allows the petitioners to accomplish the proposed residential use. Pursuant to NM, State Statute Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978) Double section manufactured homes are allowed in the MH District or other Residential Districts for the City of Aztec. However, a variance is needed for the density and setback requirements for the MH District.

The suitability of the land for the proposed development:

The subject property is already developed and is suitable for the proposed use.

The existence of or the applicant's ability and willingness to provide adequate public facilities:

The existing home has water, sewer, and electric utilities.

Whether the proposed zoning constitutes a spot zone:

A spot zoning is, where a particular tract within a larger area is specifically zoned to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges. The proposed zone change does not constitute a spot zone, as the MH zoning district is located west of the subject property. The request zone change does not set a precedent, which alters zoning regulations.

COMMUNITY DEVELOPMENT CONCLUSION

Staff concludes that approval of Zone Change 2017-056 is appropriate. The MH District allows the applicant its current residential use. The proposal is consistent with its past and present land use. The surrounding neighborhood consists of other residential uses. However, the zone change needs to be accommodated by variance to MH District Lot size and setback requirements. The City of Aztec's Land Use Code defines a variance as "a departure from the strict application of area, height or setback requirement of this Ordinance which is the result of the physical characteristics of the lot." Therefore, a variance is required, to establish this lot and as legally conforming to the land use code.

COMMUNITY DEVELOPMENT RECOMMENDATION

The Community Development Department recommends approval of application 2017-056, a request from Pete J. Blea, for a zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District, for property located at 104 Simonds Road with the following conditions:

1. An approved variance to the lot size requirements of the MH Mobile Home District.
2. An approved variance to the setback requirements of the MH Mobile Home District.

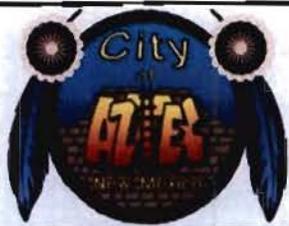
FINDING OF FACT

1. The owner and applicant of the subject property is Pete Blea.
2. The subject property is 104 Simonds Road and is approximately 0.11 acres.
3. The application is 2017-056, a request to rezone 0.11 acres, located at 104 Simonds Road.
4. Adjacent property situated along Simonds Road are zoned C-2 General Commercial & Wholesale District and MH Mobile Home District.
5. The proposed setback and lot size requirements are not out of context with the character of the neighborhood nor existing use.
6. The applicant intends to continue living in the double section manufactured home, which is approximately 16 feet in width and 77 feet in length (compatible to the mobile home north of the subject property), on the site.
7. This subdivision was recorded in 1953. The lots of this subdivision were platted to accommodate single-section mobile homes of the 1950's and 1960's, which were smaller than those that are currently manufactured. Today's double-section mobile homes are much longer and will not fit on these older lots. This request is a unique situation that is not self-imposed, a minimum easing of the Code, and will not be detrimental to the neighborhood.
8. Conditions of approval require a variance to the setback and or lot size requirements.

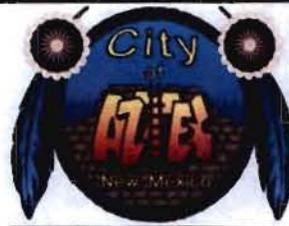
SUPPORT DOCUMENTS: Zoning Application
Zoning Map
Property Owners addresses within 100-feet
Notice of Hearing

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Application 2017-056 A Zone Change From The C-2 General Commercial & Wholesale District To The MH Mobile Home District for property located at 104 Simonds Road, Aztec, NM

PETITION APPLICATION



Community Development Department
 City of Aztec
 201 W. Chaco St.
 Aztec, NM 87410
 (505) 344-7605
 (505) 344-7609 (fax)



PROJECT TYPE (Check Those Applicable)

- Annexation
- Alt/Summary Plat
- Preliminary Plat
- Final Plan

- Variance
- Residential/
Commercial
Development

- Zone Change to MH District
- Conditional Use Permit
- Well site equipment modification
- Sign Permit
- Other

INFORMATION

Applicant's Name: <u>Pete J. Blea</u>	Project Location: <u>104 Simonds Rd</u>
Address: <u>104 Simonds Rd</u>	Existing Use: <u>Residential</u>
E-Mail:	Proposed Use: <u>Residential</u>
Telephone: <u>505-330-3316</u>	Current Zoning: <u>C-2</u>
Relationship to Property Owner: <u>MYSELF</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R56 R0000079</u>

Legal Description of Subject Property:

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes No
 If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name:	E-Mail:
Phone:	Address:

OWNERSHIP

<p><small>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)</small></p>	<p><small>MORTGAGE HOLDERS (if any)</small></p>
Name: <u>Same As Above</u> Phone:	Name: Phone:
Address:	Address:

OWNER CERTIFICATION

* (Physical and Mailing)

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application, I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Aztec to enter the premises described in this application. I understand applications will generally be reviewed by City Commission at their first regular session following City staff review.

Name: <u>Pete J. Blea</u>	Address: <u>104 Simonds Rd.</u>
Owner's Signature: <u>Pete J. Blea</u>	Phone / Email: <u>505-330-3316</u>

**** STAFF USE ONLY ****

**All sections of this application need to be completed
 *This application accompanies the project/request



CITY OF AZTEC
ZONE CHANGE APPLICATION

Permit #: 2017-056 Date Started: 23 MAY 2017 Date Approved: _____

PROPERTY OWNER CONTACT INFORMATION

Name: Pete J. Blea
Mailing Address: 104 Simonds Rd.
Phone: 505-330-3316

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 104 Simonds Rd
Tax ID: R0000079 Parcel Size (ac): 0.1148
Current Zone District: C-1
Current Use: Residential
Proposed Zone District: MH
Proposed Use: Residential
Flood Zone Designation: n/A

REASON FOR REQUESTING A VARIANCE

Comply zoning use / low

APPLICANT SIGNATURE

I, _____ representing _____ hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.
Signature: _____ Date: _____

City Commission Meeting Date: _____
ACTION: APPROVED DENIED
_____ Community Development Director
_____ Date



CITY OF AZTEC ZONE CHANGE CHECKLIST

Applicable Fees

Administrative Fee	\$10
Zone Change	\$50 (first acre) \$5 (for each additional acre)

WAIVED
6/2/2017

Detailed site map which includes the following:

- Address of property and adjacent properties
- Property boundary (all sides)
- Existing or proposed street(s) adjoining property (labeled)
- North arrow and scale
- All utility easements
- All utility lines
- All utility meters
- Existing and/or proposed structures
- Location of improvement(s)
- Setbacks for front, side and rear yards
- Driveway location (required for new addresses)
- Proposed parking area (if different than driveway)
- Location of all drainages

Ownership

A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

Legal Description

Includes the legal description or physical address of the property.

Proposed Use

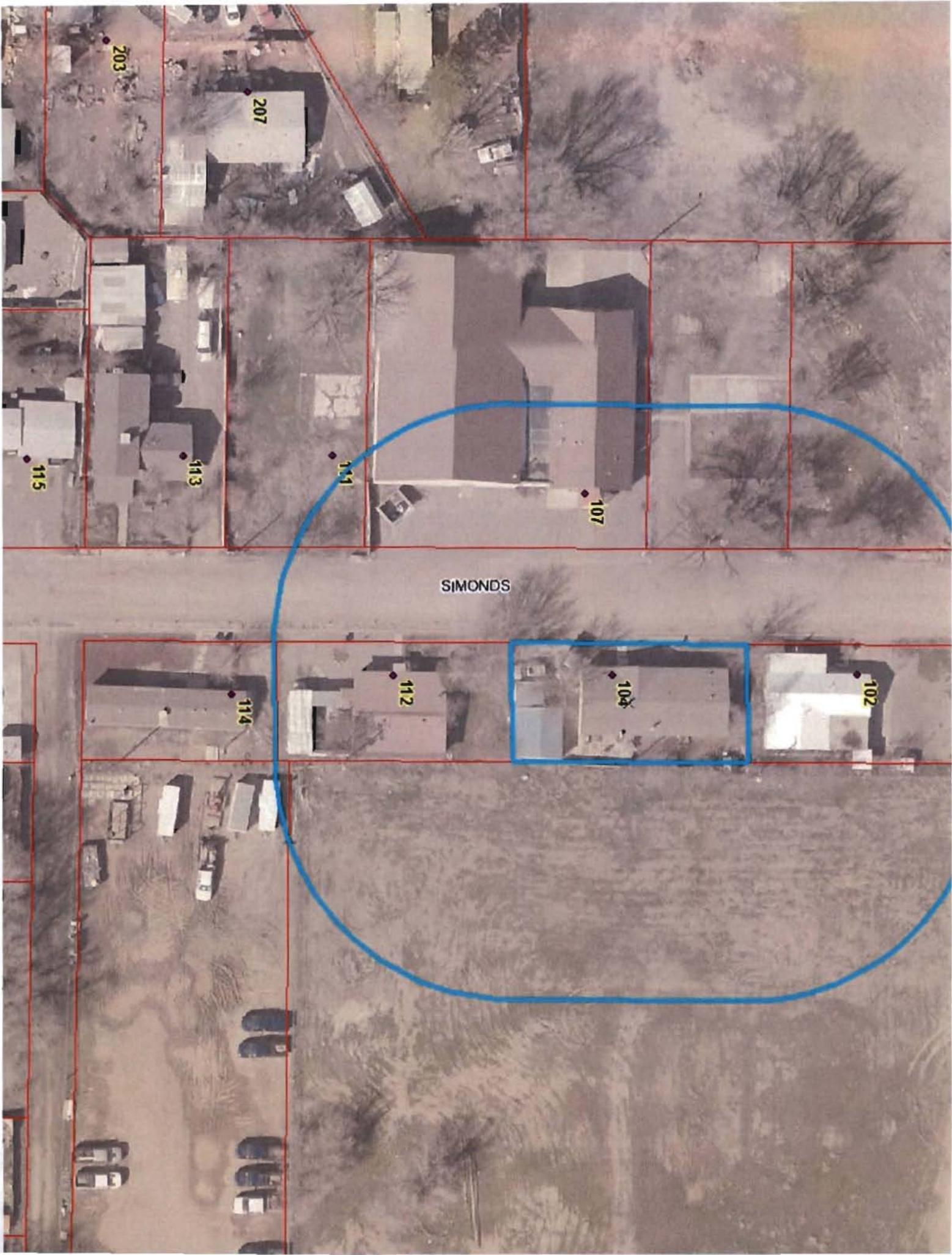
Statement describing the proposed use of the buildings, structures, premises, etc.



CITY OF AZTEC ZONE CHANGE EVALUATION

Permit #: 2017-056

1. Is the Zone Change detrimental to the property? No Yes
2. Is the Zone Change detrimental to surrounding properties or the neighborhood? No Yes
3. Does the Zone Change alter the character of the surrounding neighborhood? No Yes
4. Will the Zone Change set a precedent which may alter the intent of the Land Use regulations? No Yes
5. Does the Zone Change impose a health issue on the public? No Yes
6. Does the Zone Change impose a safety issue on the public? No Yes
7. Does the Zone Change have the approval of surrounding neighbors? No Yes
8. Will the Zone Change be consistent with the Aztec Comprehensive Plan and Master Zone District Map? No Yes
9. Is there an alternate Land Use Action that might be considered to accomplish the applicant's intent without altering the Zone District Map? No Yes



Addresses for 104 Simonds Road

R0001241/102 Simonds Rd
Walter and Bessie Holthaus
14815 Oakley Dr
Riverside, CA 92503

R0000893/Vacant Lot
Chaffee Family Survivors Trust
1522 S. Citrus Ave
Escondido , CA 92027-4621

R0000734/Vacant Lot
Chaffee Family Survivors Trust
1522S. Citrus Ave
Escondido , CA 92027-4621

R0000377/107 Simonds Rd
City of Aztec
201 W. Chaco
Aztec, NM 87410

R0001205/111 Simonds Rd
Nicholas Foss
6017 Castlegate Dr West F 21
Castlerock, CO 80104

R0001001/112 Simonds Rd
Venus Properties LLC
419 E Main St
Farmington, NM 87410

R0001298/Vacant Lot
Freddie Garcia and Dusty M Et Al
PO Box 86
Bloomfield, NM 87413

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners

Austin R. Randall
Katee McClure

A desirable place to live, work and play; rich in history and small town values!

**NOTICE OF PUBLIC HEARING
ZONE CHANGE REQUEST AND VARIANCE
PETITION NO. 2017-056 & 2017-057**

June 12, 2017

Dear Property Owner:

Notice is hereby given that a land use application has been filed with the City of Aztec, New Mexico, a request from Pete J. Blea for a zone change from the C-2 General Commercial and Wholesale District to MH Mobile Home District and a variance application to the setback and density requirements for approximately 0.115 acres located at 104 Simonds Road, for property located in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot Three (3), in Block Two (2), of the SIMONDS SUBDIVISION, in the City of Aztec, San Juan County, New Mexico.

Otherwise located at 104 Simonds Road

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the City Commission will hear the petitions in a public hearing on **Tuesday, June 27, 2017 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco St., Aztec, New Mexico. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco St., Aztec, NM 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date. If you have any questions regarding this notice, or would like additional information regarding this petition, please me at (505) 334-7605.

Sincerely,

Steven M. Saavedra
Community Development Director

Staff Summary Report

MEETING DATE: June 27, 2017
AGENDA ITEM: XIII. LAND USE HEARING (B)
AGENDA TITLE: Approval Of 2017-057 – A Variance To The Dimensional And Setback Requirements

ACTION REQUESTED BY: Pete J. Blea
ACTION REQUESTED: A Variance To The Dimensional And Setback Requirements
SUMMARY BY: Steven Saavedra

PROJECT DESCRIPTION / FACTS

Applicant: Pete J. Blea

Date of Application: May 15, 2017
Requested Action: A variance to the dimensional and setback requirements
Location: 104 Simonds Road
Dimensions: 0.11-Acres

Existing Land Use: Residential
Existing Zoning: C-2 General Commercial & Wholesale District.

Surrounding Zoning: North: C-2 General Commercial & Wholesale District.
South: C-2 General Commercial & Wholesale District.
East: C-2 General Commercial & Wholesale District.
West: MH Mobile Home District

Notice: Property owners within 100 feet were sent notice by certified mail on Monday, June 12, 2017

Floodplain Area: No
Access: Public roadway frontage on Simonds Road

PROJECT DESCRIPTION

This variance application is to accompany zone change application 2017-056, a zone change from the C-2 Commercial & Wholesale District to a residential district. The petitioner is requesting a variance to the required front yard setbacks and rear yard setbacks. The applicant is requesting a variance to allow him to have a 9.62-foot front

yard setback and a 14.17-foot rear yard setback (compatible with many of the other homes in the neighborhood). The property is a 0.11-acre parcel, and the petitioner intends to be in conformity and character with the neighborhood to the west and south. The subject property is located at 104 Simonds Road.



The City of Aztec approved a Special Use Permit for 104 Simonds Road on November 8, 2011. The Special Use Permit allowed the demolition of a single family dwelling unit and the placement of 26.20 feet by 61.50 two-section manufactured home, with unique setback requirements. The special use permit would be void if such approved conditions were violated:

- Front Setback is less than 10-feet
- The removal or destruction of the residential dwelling unit
- Change in legal ownership of land identified as Tax ID number R00079

No residential zoning districts in the City of Aztec allows for the combination of setback and or lot size standards for property located at 104 Simonds Road. Therefore, the property owners need a reduction in the setback and dimensional standards to be in compliance with the land use code.

R-1 Setback Requirements

Front: 25-feet
Side-yard= 5-feet
Street side yard = 15-feet

Rear = 30-feet
Minimum Lot Size = 7,000 sq ft

R-2 Setback Requirements

Front: 45-feet (parking inside front setback area)
Side-yard= 5-feet
Street side yard = 15-feet
Rear = 30-feet
Minimum Lot Size = 5,000 sq ft

O-1 Setback Requirements

Front: 15-feet
Side-yard= 5-feet
Street side yard = 15-feet
Rear = 30-feet
Minimum Lot Size = 5,000 sq ft

MH Setback Requirements

Front: 20-feet
Side-yard= 5-feet
Street side yard = 15-feet
Rear = 20-feet
Minimum Lot Size =5,445 sq ft

The City of Aztec Land Use Code states a variance is a departure from the strict application of area, height or setback requirement of this Ordinance, which is the result of the physical characteristics of the lot. Additionally, no variance shall be granted unless the City Commission is presented with sufficient evidence to find that the variance will not be contrary to the public interest and that special conditions exist such that a literal enforcement of the Code will result in an unnecessary hardship. The Code also states that a variance should not be approved unless the spirit and intent of the Code is observed, and substantial justice is done to the application and surrounding neighborhood. Furthermore, no variance shall be granted where economics are the basis for the application or to serve merely as a convenience to the property owner.

That the variance will not allow a use other than a use permitted for the district;

This request allows a continued residential use, with the same setbacks and lot size dimensions since the City Commission approved the Special Use Permit for 104 Simonds Road. No significant changes or alterations have occurred on the property since 2011.

That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;

Application of the City ordinance will result in unnecessary hardships upon the property owner. The zoning district and size of the subject property will not accommodate a modern double-section mobile home if the owner is required to meet the current density and dimensional standards. The lots in the subject location are zoned to accommodate mobile homes manufactured from the late 1960's and early 1970's or commercial building with no setback requirements. Modern mobile homes are typically manufactured longer and wider. The petitioner's mobile home is 26.20 feet in width and 61.50 feet in length.

That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;

Conditions are unique to this parcel of property. Numerous properties in and around this area are zoned for commercial when the use is residential. These properties are considered legal non-conforming structures.

That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;

The applicant can continue the residential use under the current regulations, as a legal non-conforming structure. The setback and density requirements restrict the property owner from selling the property or rebuilding should the structure be destroyed by more than fifty percent (50 %).

That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development District;

The requested variance will not substantially or permanently injure the appropriate use of adjacent properties in the same district. The current use is in conformity with the surrounding neighborhood. In granting the variance requested, the rights of adjacent property owners or residents will not be adversely affected. The properties to the north, south, and west of this lot have homes that are non-conforming to the zoning district. This modern mobile home will not adversely affect the adjacent property owners or residents.

That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;

The variance will not alter the essential character of the Land Development in this district. However, if the zoning, lot size, and setbacks requirements are not changed, land development is hindered.

That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;

This variance will not weaken the general purposes of this ordinance or the regulations of this district. As the current structure is presently located in the requested setbacks and lot size.

That the variance will not adversely affect the public health, safety or welfare;

The variance as requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The setbacks requested are similar to those that already exist in the neighborhood and on the surrounding properties.

COMMUNITY DEVELOPMENT RECOMMENDATION

The Community Development Department recommends approval of application 2017-057, a request from Pete J. Blea, for a variance to the front and rear yard setbacks and a variance to the lot size for property located at 104 Simonds Road.

FINDINGS OF FACT

1. The owner and applicant of the subject property is Pete Blea.
2. The subject property is 104 Simonds Road and is approximately 0.11 acres.
3. The proposed setback and lot size requirements are not out of context with the character of the neighborhood nor existing use;
4. The applicant intends to continue living in the double section manufactured home, which is approximately 16 feet in width and 77 feet in length (compatible to the mobile home north of the subject property), on the site.
5. This subdivision was recorded in 1953. The lots of this subdivision were platted to accommodate single-section mobile homes of the 1950's and 1960's, which were smaller than those that are currently manufactured. Today's double-section mobile homes are much longer and will not fit on these older lots. This request is a unique situation that is not self-imposed, a minimum easing of the Code, and will not be detrimental to the neighborhood.

SUPPORT DOCUMENTS: Variance Application
Zoning Map
Property Owners addresses within 100-feet
Notice of Hearing

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Application 2017-057 A Request for a Variance To The Dimensional And Setback Requirements For A Residential Property Located at 104 Simonds Road, Aztec, NM.



CITY OF AZTEC
VARIANCE APPLICATION

Permit #: 2017-057 Date Started: 23MAY2017 Date Approved: _____

PROPERTY OWNER CONTACT INFORMATION

Name: Pete J. BLEA
Mailing Address: 104 Simonds Rd.
Phone: 505-330-3316

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 104 Simonds
Tax ID: R0000079 Parcel Size (ac): 0.1148
Zone District: C-2
Current Use: Mobil Home Residence
Proposed Use: Mobil Home
Flood Zone Designation: _____

REASON FOR REQUESTING A VARIANCE

Compliance with City Codes

APPLICANT SIGNATURE

I, Pete J. BLEA representing Myself hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.
Signature: Pete J. Blea Date: 5-2-17

City Commission Meeting Date: _____
ACTION: _____ APPROVED _____ DENIED _____
Community Development Director _____ Date _____



CITY OF AZTEC VARIANCE CHECKLIST

✓ **Applicable Fees**

Administrative Fee	\$10
Variance Fee	\$50

Detailed site map which includes the following:

- Address of property and adjacent properties
- Property boundary (all sides)
- Existing or proposed street(s) adjoining property (labeled)
- North arrow and scale
- All utility easements
- All utility lines
- All utility meters
- Existing and/or proposed structures
- Location of improvement(s)
- Setbacks for front, side and rear yards
- Driveway location (required for new addresses)
- Proposed parking area (if different than driveway)
- Location of all drainages

Ownership

A document that verifies ownership or legal interest in the property (copy of abstract, title certificate, insurance, or contract).

Legal Description

Includes the legal description or physical address of the property.

Proposed Use

Statement describing the proposed use of the buildings, structures, premises, etc.



CITY OF AZTEC VARIANCE EVALUATION

Permit #: 2017-057

1. Does the Variance allow for a use not permitted within the district? No Yes
2. Without the Variance is there undue hardship imposed? No Yes
3. Without the Variance are there practical difficulties imposed? No Yes
4. Are the circumstances created by the owner of the property? No Yes
5. Is the Variance detrimental to the property? No Yes
6. Is the Variance detrimental to surrounding property? No Yes
7. Does the Variance alter the character of the surrounding neighborhood? No Yes
8. Does the Variance set a precedent which may alter the intent of the regulations? No Yes
9. Does the Variance impose a health issue on the public? No Yes
10. Does the Variance impose a safety issue on the public? No Yes
11. Does the Variance have the approval of surrounding neighbors? No Yes

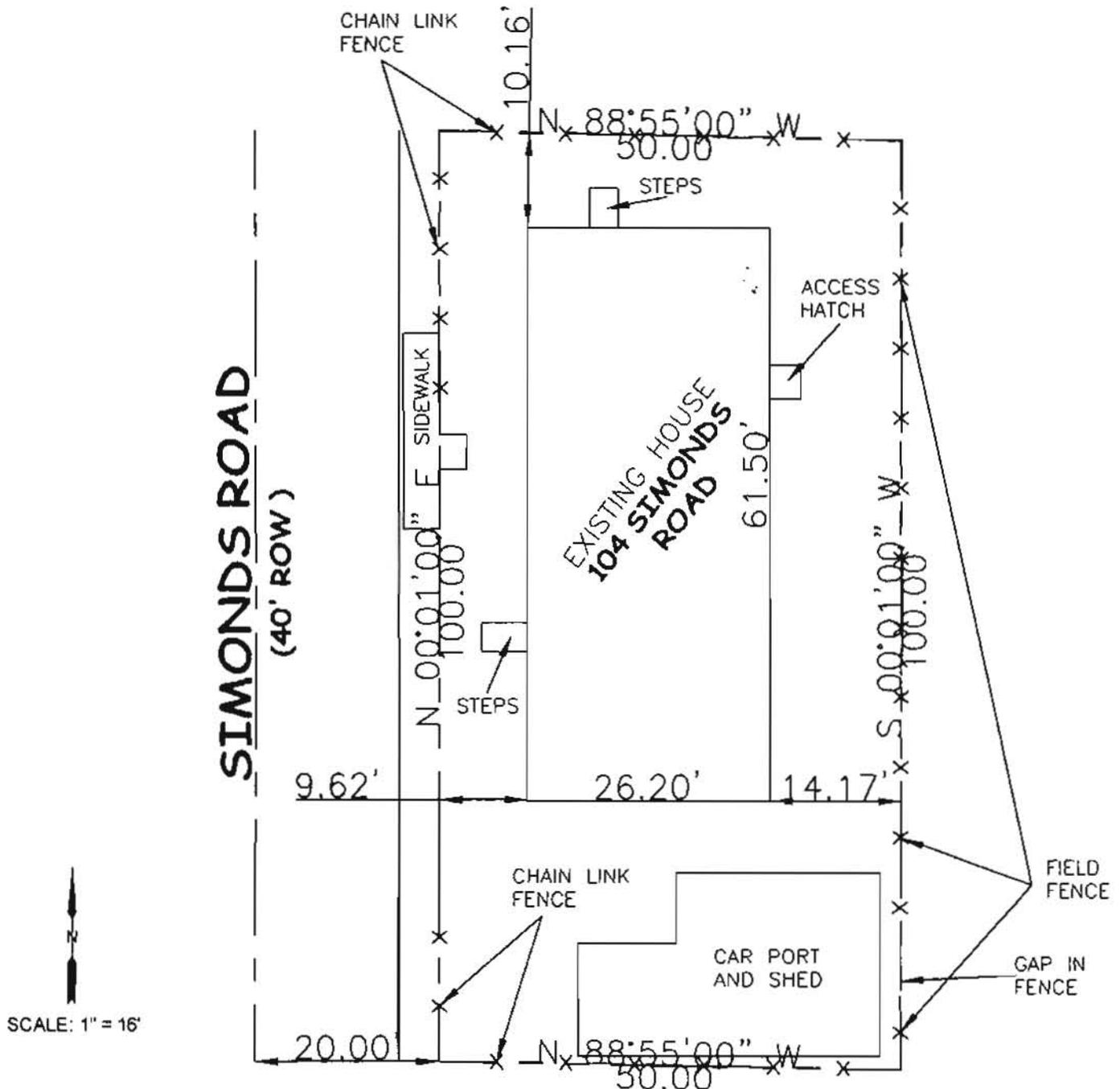
IMPROVEMENT LOCATION REPORT (ILR)

(NOT A BOUNDARY SURVEY)

THIS IS NOT A REPORT / SURVEY FOR USE BY A PROPERTY OWNER FOR ANY PURPOSE!

Improvement location reporting is the preparation of a report which complies with all of the requirements and limitations of an improvement location reports set forth in 12.8.2.10 NMAC, and which is issued to a title, abstract or escrow company or a lending institution for their exclusive use in determining such things as insurability or value of a tract of land.

Improvement location is based on previous property surveys and Sakura's onsite observations of visible structures at the date of this report. No monuments were set. This tract is subject to all easements, restrictions, and reservations of record which pertain to said property. This report is NOT to be relied on for the establishment of fences, buildings, encroachments, overlaps, easements and/or conflicts in boundary lines.



SCALE: 1" = 16'

Z:\CAD-Drawings\SAKURA DWG\ILR FORMS\2013 ILR\2013-463_104 Simonds Road

2 SHEET OF 2 SHEETS	11/02/2013 10:45 AM	PLOT NO. 104 104 SIMONDS ROAD AZTEC, NM 87410	 Sakura Engineering 125 WEST MAIN STREET • FARMINGTON, NEW MEXICO 87401 PHONE 505.824.1788 • FAX 505.824.2810	PETE J. BLEA 104 SIMONDS ROAD AZTEC, NEW MEXICO 87410	CADFILE:
				IMPROVEMENT LOCATION REPORT (ILR)	

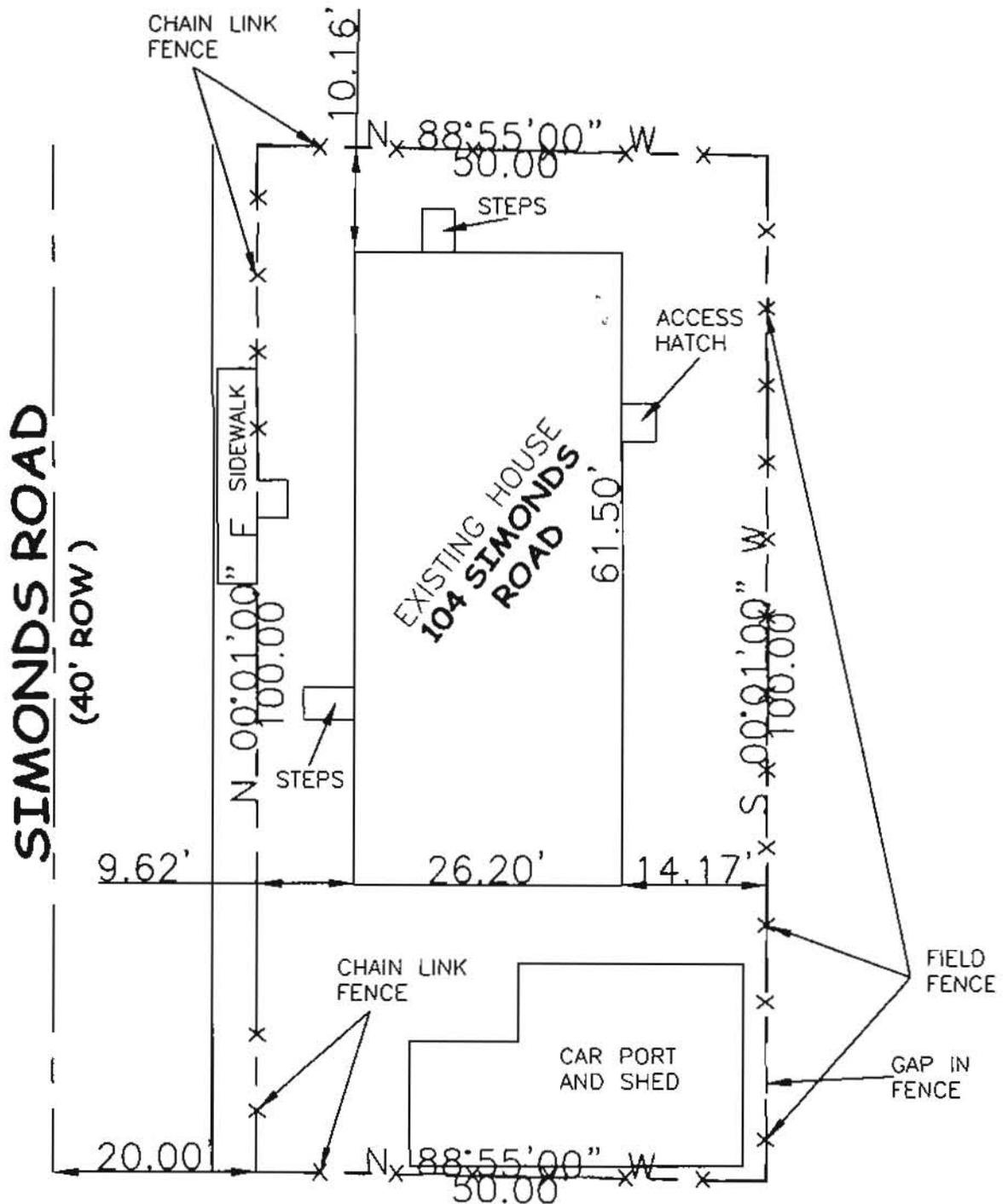
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SCALE: 1" = 16'

Z:\CAD Drawings\SAKURA DWG\ILR FORMS\2013 ILR\2013-483_104 Simonds Road

OF 2 SHEETS 2	TITLE DATE DRAWN BY CHECKED BY APPROVED BY	 Sakura Engineering 125 WEST MAIN STREET - PARANISTON, NEW MEXICO 87401 PHONE: 505.864.2199 - FAX: 505.864.2510	PETE J. BLEA 104 SIMONDS ROAD AZTEC, NEW MEXICO 87410	CAD FILE:
			IMPROVEMENT LOCATION REPORT (ILR)	

Addresses for 104 Simonds Road

R0001241/102 Simonds Rd
Walter and Bessie Holthaus
14815 Oakley Dr
Riverside, CA 92503

R0000893/Vacant Lot
Chaffee Family Survivors Trust
1522 S. Citrus Ave
Escondido , CA 92027-4621

R0000734/Vacant Lot
Chaffee Family Survivors Trust
1522S. Citrus Ave
Escondido , CA 92027-4621

R0000377/107 Simonds Rd
City of Aztec
201 W. Chaco
Aztec, NM 87410

R0001205/111 Simonds Rd
Nicholas Foss
6017 Castlegate Dr West F 21
Castlerock, CO 80104

R0001001/112 Simonds Rd
Venus Properties LLC
419 E Main St
Farmington, NM 87410

R0001298/Vacant Lot
Freddie Garcia and Dusty M Et Al
PO Box 86
Bloomfield, NM 87413

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners

Austin R. Randall
Katee McClure

A desirable place to live, work and play; rich in history and small town values!

**NOTICE OF PUBLIC HEARING
ZONE CHANGE REQUEST AND VARIANCE
PETITION NO. 2017-056 & 2017-057**

June 12, 2017

Dear Property Owner:

Notice is hereby given that a land use application has been filed with the City of Aztec, New Mexico, a request from Pete J. Blea for a zone change from the C-2 General Commercial and Wholesale District to MH Mobile Home District and a variance application to the setback and density requirements for approximately 0.115 acres located at 104 Simonds Road, for property located in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot Three (3), in Block Two (2), of the SIMONDS SUBDIVISION, in the City of Aztec, San Juan County, New Mexico.

Otherwise located at 104 Simonds Road

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the City Commission will hear the petitions in a public hearing on **Tuesday, June 27, 2017 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco St., Aztec, New Mexico. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco St., Aztec, NM 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date. If you have any questions regarding this notice, or would like additional information regarding this petition, please me at (505) 334-7605.

Sincerely,

Steven M. Saavedra
Community Development Director

Newspaper Classified Ads

Notice is hereby for a zone change from the C-2 General Commercial District to MH Mobile Home District and a variance application to the setback and density requirements for property located at 112 Simonds Road. The hearing is Tuesday, June 27, 2017 at 6:00 p.m. at City Hall, Aztec NM.

Notice is hereby for a zone change from the C-2 General Commercial District to MH Mobile Home District and a variance application to the setback and density requirements for property located at 104 Simonds Road. The hearing is Tuesday, June 27, 2017 at 6:00 p.m. at City Hall, Aztec NM.

Staff Summary Report

MEETING DATE: June 27, 2017
AGENDA ITEM: XIII. LAND USE HEARING (C)
AGENDA TITLE: 2017-072 – A zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District

ACTION REQUESTED BY: Venus Properties, LLC Represented Berry Goldberg

ACTION REQUESTED: A Zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District

SUMMARY BY: Steven Saavedra

PROJECT DESCRIPTION / FACTS

Applicant: Berry Goldberg

Date of Application: June 8, 2017
Requested Action: A zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District.

Location: 112 Simonds Road
Dimensions: 0.11-Acres

Existing Land Use: Residential
Existing Zoning: C-2 General Commercial & Wholesale District.

Surrounding Zoning: North: C-2 General Commercial & Wholesale District.
South: C-2 General Commercial & Wholesale District.
East: C-2 General Commercial & Wholesale District
West: MH Mobile Home District

Notice: Property owners within 100 feet were sent notice by certified mail on Monday, June 12, 2017

Floodplain Area Access: No
Public roadway frontage on Simonds Road

PROJECT DESCRIPTION

The petitioner requests a zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District for the existing residential use on approximately 0.11-acres. The subject property is located at 112 Simonds Road.

The zone change request from the C-2 General Commercial & Wholesale District to the MH Mobile Home District allows the residential property owner to rebuild their residential dwelling unit if ever destroyed by fire, flood, or other causes. The requested zone change brings the petitioner's residential home into conformity and character with the neighborhood. The zone change allows the residential property greater flexibility and eligibility for mortgage and insurance purposes.



Figure 1: 112 Simonds RD

C-2: GENERAL COMMERCIAL AND WHOLESALE DISTRICT

This district is established to permit the uses specified under the C-1 District, plus commercial activities of both retail and wholesale nature, designed to serve the community or tourists. This district includes those uses normally adjacent to a central business district, and of a magnitude not normally compatible with residential areas. Some minor industrial usage not associated with objectionable noise and activities are permitted.

Under this zoning designation, residential uses are not allowable unless it's an accessory dwelling unit that is secondary in use to a principal commercial use.

MH: Mobile Home District

This district is regulated to permit one mobile home and normal residential accessory uses, but not another dwelling in each lot, or lot of record provided setback requirements could be met. Each lot must be served by community water and sewer service. The minimum lot area shall be 5,445 square feet, with required setbacks:

- Front: 20-feet
- Side: 5-feet
- Street Side Yard: 15-feet
- Rear: 10-feet.

ANALYSIS & RECOMMENDATION

Pursuant to Chapter 26 Land Use the regulations, restrictions, and requirements of this ordinance have been made in accordance with the Comprehensive Plan of the City of Aztec (July 1999), and are intended to promote the general health, safety, and welfare of the residents of Aztec. Such regulations, restrictions, and requirements are deemed necessary in order to regulate and restrict within the Corporate Limits of the City of Aztec, as they exist at any given time (Code 2007, 26-3). Community Development notes all public notice requirements have been made in advance of the hearing and no comments related to the requested application were received. The determination of appropriateness for granting or denying the zone change rests with the consistency of applicable statutes, codes, and policies and with the Commission's analysis of the impacts to the surrounding properties and the community at large.

Consistency with the Comprehensive Plan:

The Comprehensive Plan discourages mobile homes subdivisions. Therefore, the requested application is in conflict with the 2002 Comprehensive Plan.

Compatibility of the proposed zoning and land uses with the present zoning and conforming uses of nearby property and the character of the neighborhood:

A mix of residential, vacant, institutional, and industrial properties are in and around the subject property. The zoning districts surrounding this property are:

North: C-2 General Commercial & Wholesale District.

South: C-2 General Commercial & Wholesale District.

East: C-2 General Commercial & Wholesale District.

West: MH Mobile Home District

The requested zoning district is compatible with the surrounding neighborhood. As shown on the zoning map, most residential dwellings units along Simonds Road are in the C-2 District and are considered legal non-conforming structures or are located in the in MH District.

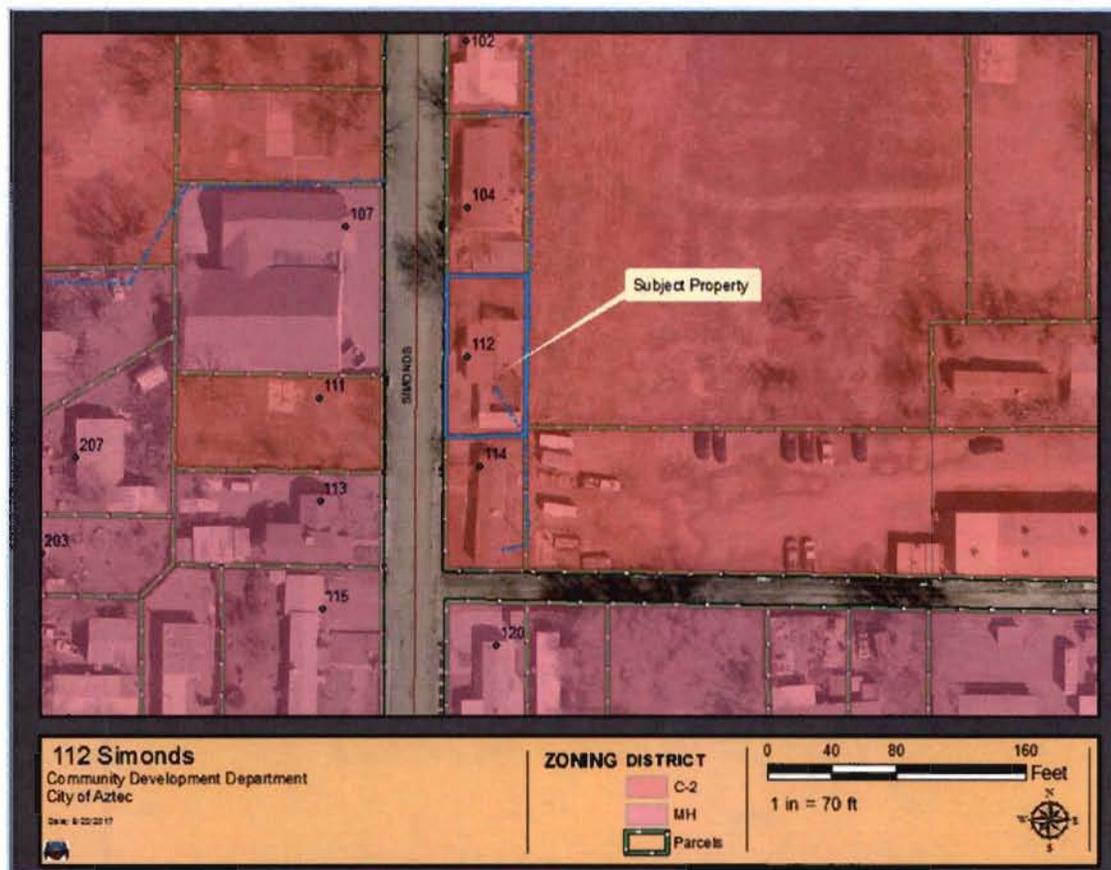


Figure 2: Zoning Map

Creation of adverse impacts and the ability to mitigate these impacts:

The change from C-2 to MH District should not create any adverse impacts to the surrounding area, considering the use is aligned with the MH District. This residence dwelling has existed in this location since it was placed in 2011. Residential uses are less impactful than commercial uses; this zone change is not expected to create any adverse impacts.

The ability of the proposed use to be accomplished by the proposed zoning district:

The MH District allows the petitioners to accomplish the proposed residential use. Pursuant to NM, State Statute Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978) Double section manufactured homes are allowed in the MH District or other Residential Districts for the City of Aztec. However, a variance is needed for the density and setback requirements for the MH District.

The suitability of the land for the proposed development:

The subject property is already developed and is suitable for the proposed use.

The existence of or the applicant's ability and willingness to provide adequate public facilities:

The existing home has water, sewer, and electric utilities.

Whether the proposed zoning constitutes a spot zone:

A spot zoning is, where a particular tract within a larger area is specifically zoned to impose upon it restrictions not imposed upon the surrounding lands, or grant to it special privileges. The proposed zone change does not constitute a spot zone, as the MH zoning district is located west of the subject property. The requested zone change does not set a precedent, which alters zoning regulations.

COMMUNITY DEVELOPMENT CONCLUSION

Staff concludes that approval of Zone Change 2017-072 is appropriate. The MH District allows the applicant its current residential use. The proposal is consistent with its past and present land use. The surrounding neighborhood consists of other residential uses. However, the zone change needs to be accommodated by a variance to the residential size and setback requirements.

COMMUNITY DEVELOPMENT RECOMMENDATION

The Community Development Department recommends approval of application 2017-072, a request from Venus Properties LLC, Represented Berry Goldberg, for a zone change from the C-2 General Commercial & Wholesale District to the MH Mobile Home District, for property located at 112 Simonds Road with the following conditions:

1. An approved variance to the lot size requirements of a residential district.
2. An approved variance to the setback requirements of a residential district.

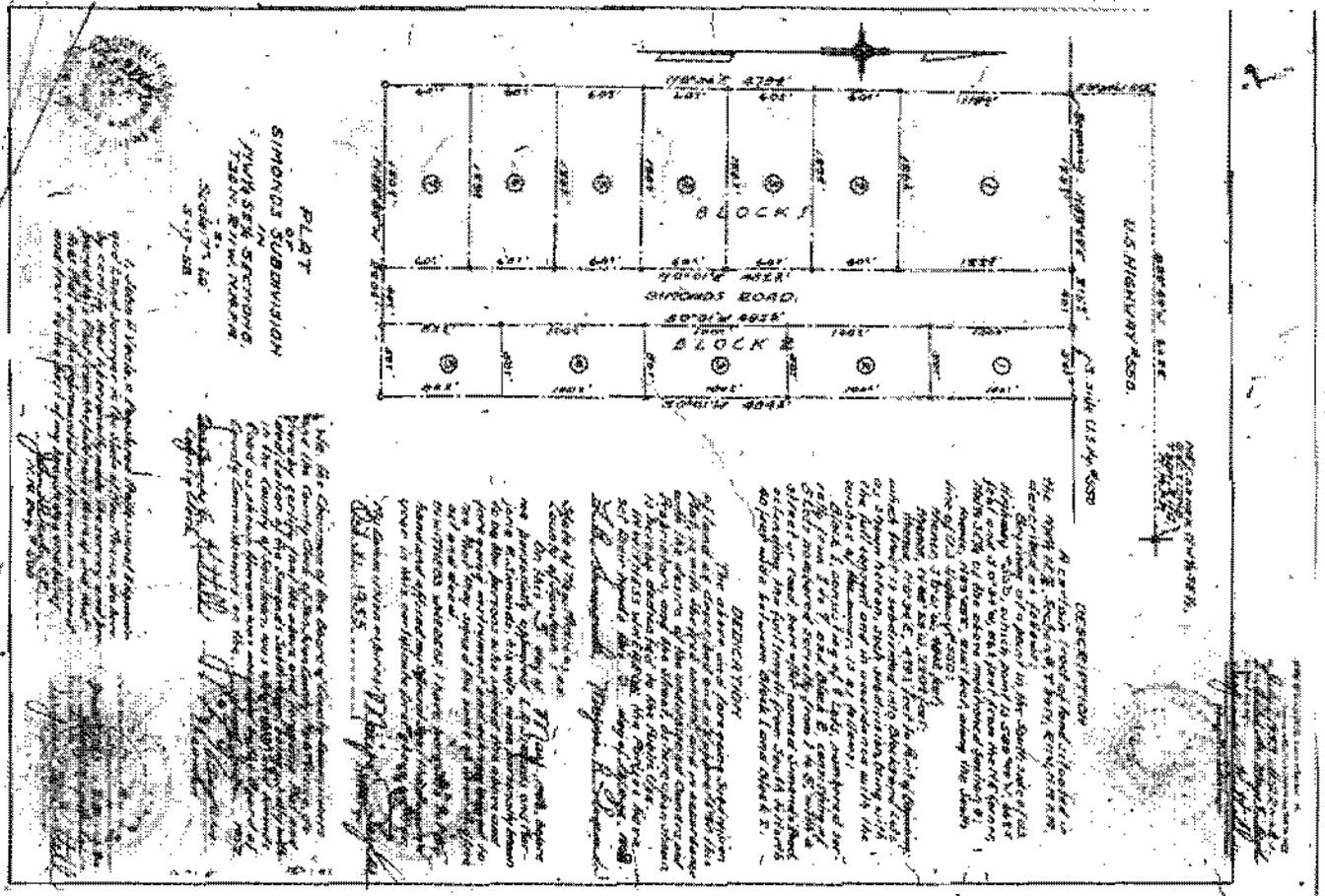


Figure 3: Simonds Subdivision

FINDING OF FACT

1. The owner and applicant of the subject property is Venus Properties LLC, Represented by Berry Goldberg.
2. The subject property is 112 Simonds Road and is approximately 0.11 acres.
3. The application is 2017-072, a request to rezone 0.11 acres, located at 112 Simonds Road.
4. Adjacent properties along Simonds Road are zoned C-2 General Commercial & Wholesale District and MH Mobile Home District.
5. The proposed setback and lot size requirements are not out of context with the character of neither the neighborhood nor existing uses.
6. The applicant intends to continue the use of the modular home, as it has been used since 1965.
7. Conditions of approval require a variance to the setback and or lot size requirements.

SUPPORT DOCUMENTS: Zoning Application
Zoning Map
Property Owners addresses within 100-feet
Notice of Hearing
Property Record Card

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Application 2017-072 A Zone Change From The C-2 General Commercial & Wholesale District To The MH Mobile Home District for property located at 112 Simonds Road, Aztec, NM



CITY OF AZTEC ZONE CHANGE APPLICATION

Permit # 2017-072 Date Started: 8 JUN 17 Date Approved: _____ Fees Paid: Yes

PROPERTY OWNER CONTACT INFORMATION

Name: Venus Properties, LLC
Mailing Address: 419 E. Main St. Farmington, NM 87401
Phone: 970 249 1608
Email: berry@hwgoldberg.com

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 112 Simonds
Tax ID: 00221001 Parcel Size (ac): _____
Current Zone District: C2
Current Use: residential
Proposed Zone District: residential
Proposed Use: residential
Flood Zone Designation: _____

REASON FOR REQUESTING A ZONE CHANGE

To be able to sell or mortgage the property in the future. To be able to rebuild in case of damage.

APPLICANT SIGNATURE

I, Berry Goldberg representing Venus Properties, LLC hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

Signature: Berry Goldberg Date: 4/8/2017

CITY OF AZTEC USE ONLY

City Commission Meeting Date: _____

City Commission Action: APPROVED DENIED

FEES ARE DUE PRIOR TO COMMISSION MEETING

Fees are: \$10 Administration Fee + \$50 first acre and \$5 each additional acre. Total \$ 60

Sept 2016

Addresses for 112 Simonds Road

104 Simonds Road/ R0000079
Pete J Blea and Margaret Martinez
104 Simonds Rd
Aztec, NM 87410

Vacant Land/R0000734
Chaffee Family Survivors Trust
1552 S Citrus Ave
Escondido, CA 92027-4621

107 Simonds Road/R0000377
City of Aztec
201 W Chaco
Aztec, NM 87410-1915

111 Simonds Road/R0001205
Nicholas Foss
6017 Colgate Dr West F 21
Castle Rock, CO 80104

113 Simonds Dr/R0001054
William P and Ramona New Et Al
113 Simonds Rd
Aztec, NM 87401

115 Simonds Rd/R0001660
D P Limited Partnership
Doyle and Melanie Jones
115 Simonds Rd
Aztec, NM 87410

113 S LightPlant Rd/R0000520
Pyramid Landmark Corp
2030 E Murphy St
Odessa, TX 79761

Vacant Land/R0001298
Freddie Garcia and Dusty M Et Al
PO Box 86
Bloomfield, NM 87413

114 Simonds Rd/R0001765
Martha Scogin
97 Road 2595
Aztec, NM 87410

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners

Austin R. Randall
Katee McClure

A desirable place to live, work and play; rich in history and small town values!

**NOTICE OF PUBLIC HEARING
ZONE CHANGE REQUEST AND VARIANCE
PETITION NO. 2017-072 & 2017-073**

June 12, 2017

Dear Property Owner:

Notice is hereby given that a land use application has been filed with the City of Aztec, New Mexico, a request from Venus Properties, LLC., represented by Barry Goldberg for a zone change from the C-2 General Commercial and Wholesale District to MH Mobile Home District and a variance application to the setback and density requirements for approximately 0.11 acres located at 112 Simonds Road, for property located in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot Four (4), in Block Two (2), of the SIMONDS SUBDIVISION, in the City of Aztec, San Juan County, New Mexico.

Otherwise located at 112 Simonds Road

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the City Commission will hear the petitions in a public hearing on **Tuesday, June 27, 2017 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco St., Aztec, New Mexico. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons in interest and citizens are invited to attend said hearing.

You are receiving this letter because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are invited to attend the hearing noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco St., Aztec, NM 87410. Please be advised that this petition could be canceled or withdrawn prior to the meeting date. If you have any questions regarding this notice, or would like additional information regarding this petition, please me at (505) 334-7605.

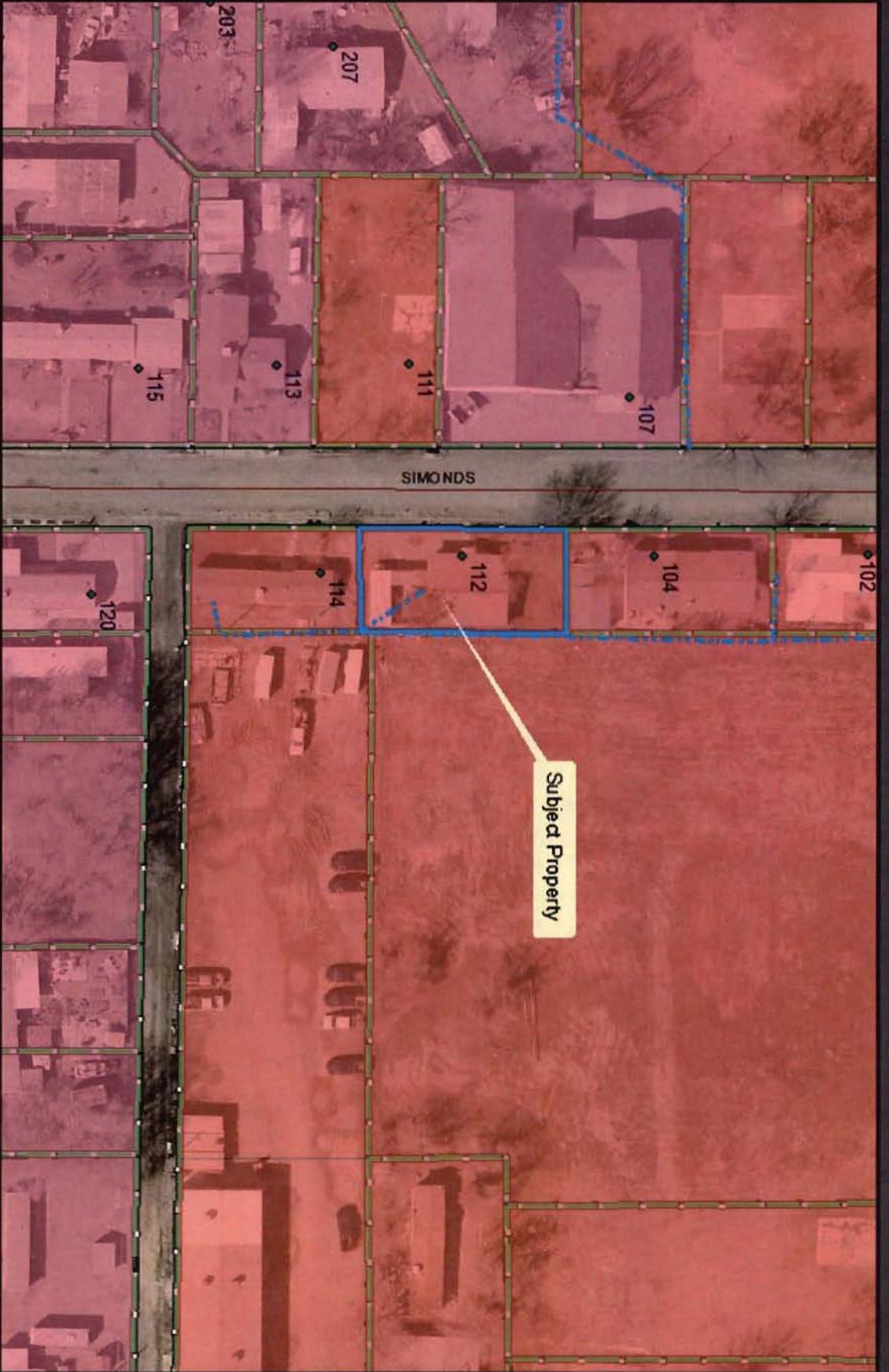
Sincerely,

Steven M. Saavedra
Community Development Director

Newspaper Classified Ads

Notice is hereby for a zone change from the C-2 General Commercial District to MH Mobile Home District and a variance application to the setback and density requirements for property located at 112 Simonds Road. The hearing is Tuesday, June 27, 2017 at 6:00 p.m. at City Hall, Aztec NM.

Notice is hereby for a zone change from the C-2 General Commercial District to MH Mobile Home District and a variance application to the setback and density requirements for property located at 104 Simonds Road. The hearing is Tuesday, June 27, 2017 at 6:00 p.m. at City Hall, Aztec NM.



112 Simonds

Community Development Department
City of Aztec

DATE: 6/22/2017

Subject Property



Property Record Card

San Juan County Assessor

VENUS PROPERTIES LLC
 419 E MAIN ST
 FARMINGTON, NM 87401-2707

Account: R0001001
 Tax Area: 2INRS - District 2IN
 Residential
 Acres: 0.115

Parcel: 2065178180219
 Situs Address:
 112 SIMONDS RD
 AZTEC, 87410

Value Summary

Value By:	Market	Override
Land (1)	\$28,500	N/A
Residential (1)	\$79,606	N/A
Total	\$108,106	\$108,106

Legal Description

SIMONDS SUBDIVISION LOT 4 BLK 2 BK.1472 PG.821



Land Occurrence I

Property Code	0100 - RESIDENTIAL LAND	Land Code	35020S - SIMONDS SUBD 2IN - S
Electricity	1 - Adequate	Frontage	100
Gas	1 - Natural	Length	50
Location	Inferior [-.05]	Measure	S - Site
Sewer Type	1 - City Sewer	Street Code	3 - Paved
Topography Code	1 - Level	Water	1 - City Water
Width	100		

SubArea	ACTUAL	AREA_UNITS	EFFECTIVE	FOOTPRINT	HEATED
Acres	0.115	0.115	0.115	0.115	0.115
Site	1	1	1	1	1
Total	1.115	1.115	1.115	1.115	1.115
	Value	Rate	Rate	Rate	Rate
	\$28,500	25,446.43	25,446.43	25,446.43	25,446.43

Staff Summary Report

MEETING DATE: June 27, 2017
AGENDA ITEM: XIII. LAND USE HEARING (D)
AGENDA TITLE: 2017-073 – A Variance To The Dimensional And Setback Requirements

ACTION REQUESTED BY: Approve Venus Properties, LLC Represented Berry Goldberg

ACTION REQUESTED: A Variance To The Dimensional And Setback Requirements

SUMMARY BY: Steven Saavedra

PROJECT DESCRIPTION / FACTS

Applicant	Berry Goldberg
Date of Application	June 8, 2017
Requested Action	A variance to the dimensional and setback requirements
Location	112 Simonds Road
Dimensions	0.11-Acres
Existing Land Use	Residential
Existing Zoning	C-2 General Commercial & Wholesale District.
Surrounding Zoning	North: C-2 General Commercial & Wholesale District. South: C-2 General Commercial & Wholesale District. East: C-2 General Commercial & Wholesale District. West: C-2 General Commercial & Wholesale District & MH Mobile Home District
Notice	Property owners within 100 feet were sent notice by certified mail on Monday, June 12, 2017
Floodplain Area Access	No Public roadway frontage on Simonds Road

PROJECT DESCRIPTION

This variance application is to accompany zone change application 2017-072, a zone change from the C-2 Commercial & Wholesale District to a residential district. The petitioner is requesting a variance to the required front yard setbacks and rear yard setbacks. In addition, the applicant may need a variance to the lot size requirements of the assigned residential district. The applicant is requesting a variance to allow him to have a approximately 12-foot front and 5-foot rear yard setbacks (compatible with many of the other homes in the neighborhood). The property is a 0.11-acre parcel, and the petitioner intends to be in conformity and character with the neighborhood to the west and south. The subject property is located at 112 Simonds Road. The modular house located at 112 Simonds Road was built in 1965. The one (1) story ranch style home is 1,221 square feet according to the San Juan County Assessor's property report card.

No residential zoning districts in the City of Aztec allows for the combination of setback and or lot size standards for property located at 112 Simonds Road. Therefore, the property owner need a reduction in the setback and dimensional standards to be in compliance with the land use code.

R-1 Setback Requirements

Front: 25-feet
Side-yard= 5-feet
Street side yard = 15-feet
Rear = 30-feet
Minimum Lot Size = 7,000 sq ft

R-2 Setback Requirements

Front: 45-feet (parking inside front setback area)
Side-yard= 5-feet
Street side yard = 15-feet
Rear = 30-feet
Minimum Lot Size = 5,000 sq ft

O-1 Setback Requirements

Front: 15-feet
Side-yard= 5-feet
Street side yard = 15-feet
Rear = 30-feet
Minimum Lot Size = 5,000 sq ft

MH Setback Requirements

Front: 20-feet

Side-yard= 5-feet

Street side yard = 15-feet

Rear = 20-feet

Minimum Lot Size =5,445 sq ft

The City of Aztec Land Use Code states a variance is a departure from the strict application of area, height or setback requirement of this ordinance, which is the result of the physical characteristics of the lot. Additionally, no variance shall be granted unless the City Commission is presented with sufficient evidence to find that the variance will not be contrary to the public interest and that special conditions exist such that a literal enforcement of the Code will result in an unnecessary hardship. The Code also states that a variance should not be approved unless the spirit and intent of the Code is observed, and substantial justice is done to the application and surrounding neighborhood. Furthermore, no variance shall be granted where economics are the basis for the application or to serve merely as a convenience to the property owner.

That the variance will not allow a use other than a use permitted for the district;

This request allows a continued residential use for property located at 112 Simonds Road, with the same setbacks and lot size dimensions since 1965.

That under exceptional and extraordinary circumstances having to abide by literal enforcement of the provisions of this ordinance will result in unnecessary hardship;

The application of the ordinance's density and setback will result in an unnecessary hardship upon the property owner. The zoning code setback and lot size requirements were introduced after this parcel was platted and this house was built.

That the circumstances presented were not created by the owner of the property and are not due to or the result of general conditions in the district in which the property is located;

There are conditions are unique to this parcel of property. Numerous properties in and around this area are zoned commercial. However, the use of land is residential. These properties are considered legal non-conforming structures, under the zoning code.

That the development or use of the property for which the variance is sought, if limited by literal enforcement of the provisions of this ordinance, cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same district;

The applicant can continue the residential use under the current regulations, as a legal non-conforming structure. The setback and density requirements restrict the property owner from rebuilding a residential dwelling unit should the structure be destroyed by more than fifty percent (50 %).

That the variance will not substantially or permanently injure the appropriate use of adjacent property in the same district and conforming to the designated Land Development District;

The requested variance will not substantially or permanently injure the appropriate use of adjacent properties in the same district. The current use is in conformity with the surrounding neighborhood. In granting the variance requested, the rights of adjacent property owners or residents will not be adversely affected. The properties to the north, south, east, and west of this lot have homes that are non-conforming to the zoning district. This dwelling unit will not adversely affect the adjacent property owners or residents.

That the variance will not alter the essential character of the Land Development district in which the property is located within and for which the variance is sought;

The variance will not alter the essential character of the Land Development in this district.

That the variance will not weaken the general purposes of this ordinance or the regulations established for the specific district;

This variance will not weaken the general purposes of this ordinance or the regulations of this district.

That the variance will not adversely affect the public health, safety or welfare;

The variance as requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The setbacks requested are similar to those that already exist in the neighborhood and on the surrounding properties.

COMMUNITY DEVELOPMENT RECOMMENDATION

The Community Development Department recommends approval of application 2017-057, a request from Barry Goldberg, for a variance to front and rear yard setbacks and a variance to the lot size for property located at 112 Simonds Road.

FINDINGS OF FACT

1. The owner and applicant of the subject property is Venus Properties LLC, Represented by Barry Goldberg.
2. The subject property is 112 Simonds Road and is approximately 0.11 acres.
3. The application is 2017-073, a request to reduce the setback and lots size requirements for the assigned residential district.
4. Adjacent property situated along Simonds Road are zoned C-2 General Commercial & Wholesale District and MH Mobile Home District.
5. The proposed setback and lot size requirements are not out of context with the character of the neighborhood nor existing use;
6. The applicant intends to continue the use of the modular home, as it has been since 1965.
7. This subdivision was recorded in 1953. The lots of this subdivision were platted to accommodate smaller homes of the 1950's and 1960's, which were smaller than those that are currently built. This request is a unique situation that is not self-imposed, and will not be detrimental to the neighborhood.

SUPPORT DOCUMENTS: Variance Application
Zoning Map
Property Owners addresses within 100-feet
Notice of Hearing

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Application 2017-073 A Request for a Variance To The Dimensional And Setback Requirements For A Residential Property Located at 112 Simonds Road, Aztec, NM.



CITY OF AZTEC VARIANCE APPLICATION

Permit #: 2017-073 Date Started: 8 JUN 17 Date Approved: _____ Fees Paid: _____

PROPERTY OWNER CONTACT INFORMATION

Name: James Properties, LLC - Betty Goldberg
Mailing Address: 419 E Main St Phenixton, AZ 87401
Phone: 970 749 1503
Email: betty@jmgoldberg.com

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 112 Simmonds Rd
Tax ID: 22201001 Parcel Size (ac): _____
Zone District: CD
Current Use: Commercial
Proposed Use: RESIDENTIAL
Flood Zone Designation: _____

REASON FOR REQUESTING A VARIANCE

To be able to sell and mortgage the property in the future. To be able to rebuild in case of damage.

APPLICANT SIGNATURE

I, Betty Goldberg representing James Properties, LLC hereby certify that I have read this application and hereby dispose and state under penalty of perjury that all statements, proposals, and documents submitted with this application are true and correct and that I shall adhere to the Municipal Regulations of the City of Aztec.

Signature: [Signature] Date: 6/8/2017

CITY OF AZTEC USE ONLY

City Commission Meeting Date: _____

City Commission Action: _____ APPROVED _____ DENIED

FEES ARE DUE PRIOR TO COMMISSION MEETING
Fees are: \$10 Administration Fee + \$50 Variance Fee = Total \$60

60-

PETITION APPLICATION



Community Development Department
 City of Aztec
 201 W. Chaco St.
 Aztec, NM 87410
 (505) 344-7605
 (505) 344-7609 (fax)



PROJECT TYPE (Check Those Applicable)

- Annexation
- Alt/Summary Plat
- Preliminary Plat
- Final Plan

- Variance
 - Residential/Commercial Development

- Zone Change to PH District
- Conditional Use Permit
- Well site equipment modification
- Sign Permit
- Other

INFORMATION

Applicant's Name: <u>BARRY GOLDBERG</u>	Project Location: <u>112 SIMMONS</u>
Address: <u>419 E MAIN ST FARMINGTON</u>	Existing Use: <u>RESIDENTIAL</u>
E-Mail: <u>barry@hwgoldberg.com</u>	Proposed Use: <u>RESIDENTIAL</u>
Telephone: <u>970 749 1808</u>	Current Zoning:
Relationship to Property Owner: <u>MANAGER</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>00001001</u>
Legal Description of Subject Property: <u>SIMMONS SUBDIVISION LOT 4 BK 2 BK 1472 Pg. 82</u>	

Is the Property in a Flood Zone? Yes No

Is Property subject to deed restrictions, covenants, or homeowners' association agreements? Yes No
 If Yes, please provide copy with application.

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: <u>BARRY GOLDBERG</u>	E-Mail: <u>barry@hwgoldberg.com</u>
Phone: <u>970 749 1808</u>	Address: <u>419 E MAIN ST FARMINGTON, NM 87401</u>

OWNERSHIP

PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)	MORTGAGE HOLDERS (if any)
Name: <u>BARBARA KRAVITZ</u> Phone: <u>970 749 1808</u>	Name: _____ Phone: _____
Address: <u>419 E MAIN ST FARMINGTON</u>	Address: _____

OWNER CERTIFICATION

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filing this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the City of Aztec to enter the premises described in this application. I understand applications will generally be reviewed by City Commission at their first regular session following City staff review.

Name: <u>BARRY GOLDBERG</u>	Address: <u>419 E MAIN ST FARMINGTON</u>
Owner's Signature: <u>[Signature]</u>	Phone / Email: <u>970 749 1808 barry@hwgoldberg.com</u>

**All sections of this application need to be completed.
 **This application accompanies the project/request

hwgoldberg.com

****** STAFF USE ONLY ******

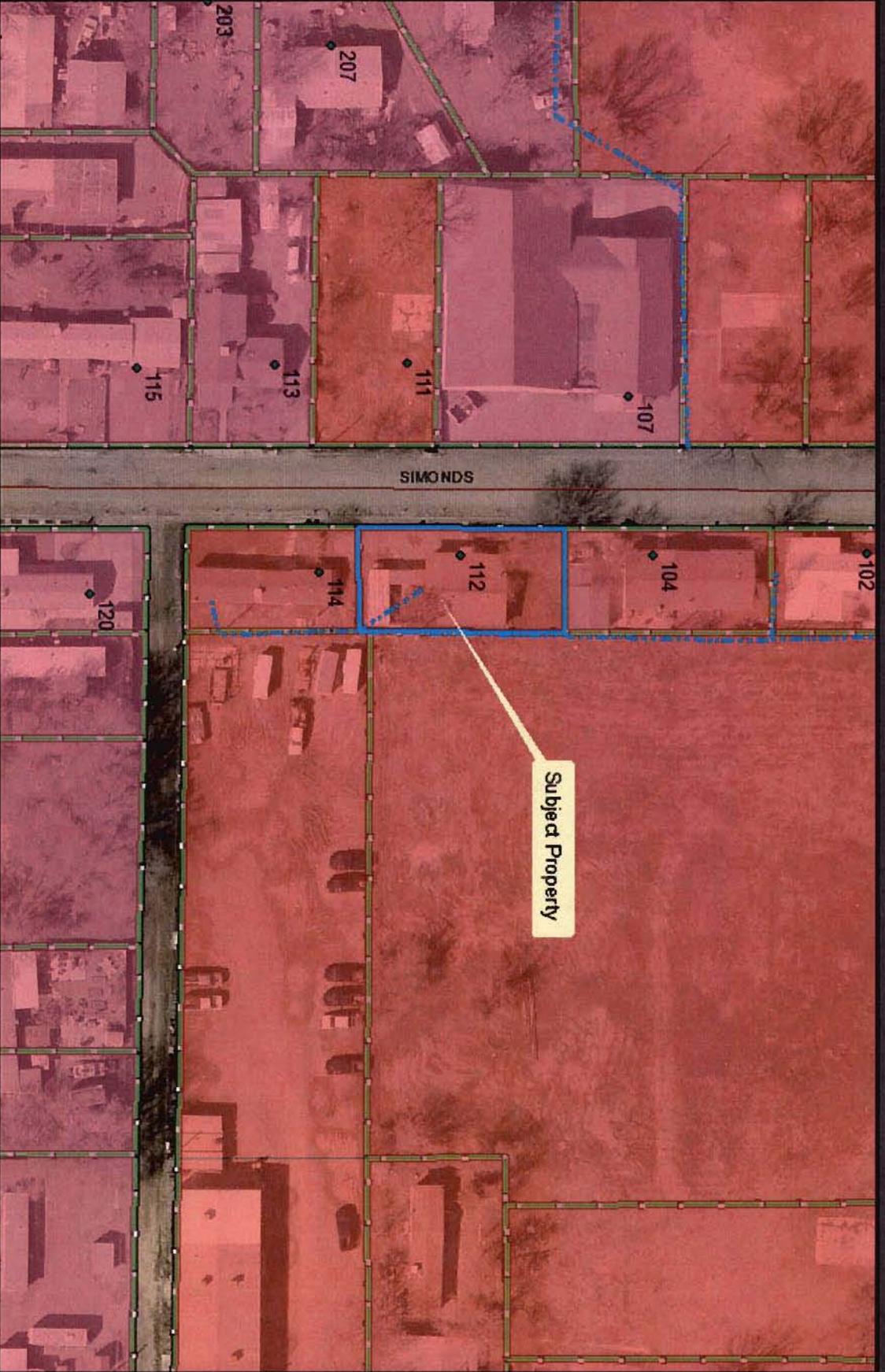
Received By _____

Date _____ Fee Received _____

Project File No. _____

Date of Hearing/Meeting: _____

- Blueline Copies of Plans _____
- Ownership Report (subject and surrounding properties)
- Legal Description & Location
- Detailed Statement of Proposed Use



Subject Property

112 Simonds

Community Development Department
City of Aztec

Date: 6/22/2017



Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners

Austin R. Randall
Katee McClure

A desirable place to live, work and play; rich in history and small town values!

**NOTICE OF PUBLIC HEARING
ZONE CHANGE REQUEST AND VARIANCE
PETITION NO. 2017-072 & 2017-073**

June 12, 2017

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Sincerely,

Steven M. Saavedra
Community Development Director

Newspaper Classified Ads

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