

A G E N D A
CITY OF AZTEC
CITY COMMISSION WORKSHOP
March 26, 2019
201 W. Chaco, City Hall
5:30 p.m.

5:30-6:00 p.m.

Municipal Judge Compensation

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.

Staff Summary Report

MEETING DATE:	March 26, 2019
AGENDA ITEM:	WorkShop
AGENDA TITLE:	Aztec Municipal Judge Compensation

ACTION REQUESTED BY:	City Manager/ Aztec Municipal Judge
ACTION REQUESTED:	Discussion for changing city code to address Municipal Judge Compensation
SUMMARY BY:	Carlton Gray-Municipal Judge, City Staff

PROJECT DESCRIPTION / FACTS (Leading Department)

Compensation for the Aztec Municipal Judge is established by City Code (Sec. 2-166, pg. 19) and is currently set at \$35,000 annually. The annual salary has not been reexamined since 2003. The Municipal Judge receives benefits established by City Code (Sec. 2-167, pg. 19) including paid vacation, sick leave and holiday pay as provided in the personnel policy as adopted by the City Commission.

By NM State Statute, a municipal Judge's salary can only be adjusted based on the Judge's election cycle.

The Aztec Municipal judge and City Manager are requesting annual compensation for the Municipal Judge be established by City Code at a percentage of the State Magistrate's salary. A change to Aztec City code would ensure that the Municipal Judge's salary would be examined and adjusted every election cycle. A Magistrate Judge's salary is established based on the NM judicial annual budget submitted by the Chief Justice of the NM Supreme Court.

Several municipalities in New Mexico base their municipal judge's salary on a percentage of the State Magistrate judge's salary. Staff is proposing that the Aztec Municipal Judge's salary would be 50% of the State Magistrate Judge's salary. The current salary of a Magistrate Judge is \$89,897.60 annually. Aztec Municipal Judge's salary would calculate out to be \$44,948.80.

For comparison with Municipalities of similar size to Aztec:

Aztec Municipal Court handled 3,905 cases with a population of 6,763

Judges salary - \$35,000

Taos Municipal Court handled 137 cases with a population of 5,716

Judges salary - \$44,000

Truth or Consequences Municipal Court handled 980 cases with a population of 6,411

Judges salary - \$42,000

Bloomfield Municipal Court handled 356 cases with a population of 8,112

Judges salary - \$25,000 (part-time)

Raton Municipal Court handled 1,491 cases with a population of 7,282

Judges salary - \$26,500

SUPPORT DOCUMENTS: Compensation chart showing salaries for Municipal Judges around the state.

DEPARTMENT'S RECOMMENDED MOTION: No action to be taken during the workshop.

AG E N D A
CITY OF AZTEC
CITY COMMISSION MEETING
March 26, 2019
201 W. Chaco, City Hall
6:00 p.m.

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. NEW MEXICO PLEDGE

I Salute the Flag of the State of New Mexico and the Zia Symbol of Perfect Friendship among United Cultures

V. ROLL CALL

VI. AGENDA APPROVAL

VII. CITIZEN RECOGNITION

VIII. EMPLOYEE RECOGNITION

IX. CITIZENS INPUT (3 Minutes Maximum)

X. CONSENT AGENDA

- A. Commission Meeting Minutes March 12, 2019
- B. Resolution 2019-1125 Submittal of Letter to Annex BLM Lands East of Aztec

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"

XI. ITEMS FROM CONSENT AGENDA

XII. BUSINESS ITEMS

- A. Resolution 2019-1123 FY2018 Annual Financial Audit Acceptance
- B. Resolution 2019-1124 Declaring City of Aztec a Second Amendment Preservation City

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.

XIII. LAND USE HEARINGS

- A. Variance 19-01 Setback from Twenty-five Feet to Twenty-One Feet in the R-2 Multiple-Family Dwelling District
- B. Zone Change 19-01 Request from Mobile Home District To R-2 Multiple Family Zoning District

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)

XVI. 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
2 CITY OF AZTEC
3 COMMISSION MEETING MINUTES
4 March 12, 2019
5

6 **I. CALL TO ORDER**
7

8 Mayor Victor Snover called the Meeting to order at 6:00 pm at the Aztec City
9 Commission Room, City Hall, 201 W. Chaco, Aztec, NM.
10

11 **II. INVOCATION**
12

13 The Invocation was led by Commissioner Sipe
14

15 **III. PLEDGE OF ALLEGIANCE**
16

17 The Pledge of Allegiance was led by Mayor Snover
18

19 **IV. NEW MEXICO PLEDGE**
20

21 I Salute The Flag Of The State Of New Mexico And The Zia Symbol Of Perfect
22 Friendship Among United Cultures.
23

24 The New Mexico pledge was led by Mayor Snover
25

26 **V. ROLL CALL**
27

28 Members Present: Mayor Victor Snover; Mayor Pro-Tem Fry;
29 Commissioner Sipe; Commissioner Mark
30 Lewis (Facetime); Commissioner Austin Randall
31

32 Members Absent: NONE
33

34 Others Present: City Manager Steve Mueller; City Attorney Nicci Unsicker;
35 Project Manager Ed Kotyk; City Clerk Karla Sayler (see
36 attendance sheet)
37

38 **VI. AGENDA APROVAL**
39

40 MOVED by Commissioner Randal to Approve the Agenda as given
41 SECONDED by Commissioner Lewis
42

43 All voted Aye: Motion passed five to zero
44
45
46

47 **VII. CITIZEN RECOGNITION**

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49 NONE

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51 **VIII. EMPLOYEE RECOGNITION**

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53 Chief Heal recommended to Commission to pull item (B) from the consent
54 agenda indefinitely because he had word that House Bill 83 was dead in Santa Fe so
55 there is no reason to do a resolution in support of a bill that is no longer being
56 considered in Santa Fe.

57
58 **IX. CITIZENS INPUT (3 Minutes Maximum)**

59
60 Mayor Snover explained to everyone how he was going to conduct Citizens Input
61 and asked for everyone's cooperation.

62 Mike Wayborn, Connie Hutchinson, Dale Brooks, Bryce Current, Jamie Latin,
63 Bryant Banry, Linda Reynolds, Logan Hale, Skylar Hale, Mona Smith, Harry Ellis, John
64 Robison, MP Schildmeyer, Jess Coleman, and William Gilbert all expressed their
65 thoughts and concerns about House Bill 83 and some felt like it violated the Second
66 Amendment rights of the Constitution of the United States. Monty Shalley expressed his
67 concerns about recycling and the costs.

68
69 **X. CONSENT AGENDA**

- 70
71 A. Commission Meeting Minutes February 26, 2019
72 B. Resolution 2019-1119 in Support of House Bill 83(PULLED)
73 C. NM Aviation N19-19-02 Grant Agreement
74 D. Resolution 2019-1120 Municipal Surplus
75 E. Resolution 2019-1121 Real Property Surplus (HUB)
76 F. City of Aztec/Comcast Cable of New Mexico Pole Attachment Agreement
77 G. Resolution 2019-1122 Special Budget Resolution Capital Projects Fund
78 H. Legal Services Agreement between City of Aztec and Gallagher & Kennedy,
79 P.A.

80
81 Moved by Commissioner Sipe to remove item (B) Resolution 2019-1119 in
82 Support of House Bill 83 from the Consent Agenda, SECONDED by Commissioner
83 Randall

84 Moved by Commissioner Lewis, SECONDED by Commissioner Randall to
85 approve the Consent Agenda with the removal of item (B)

86
87 All Voted Aye: Motion Passed Five to Zero

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92 **XI. ITEMS FROM CONSENT AGENDA**

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B. Resolution 2019-1119 in Support of House Bill 83

Moved by Commissioner Sipe, SECONDED by Commissioner Randall to table item (B) Resolution 2019-1119 in Support of House Bill 83 approve the Consent Agenda indefinitely

100 All Voted Aye: Motion Passed Five to Zero

101

102 **XII. BUSINESS ITEMS**

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104

105 **A. Final Adoption of Ordinance 2019-489 Amending Chapter 16, Section 16-**
106 **211 Solid Waste and Recycle Rates**

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Delain George Utility Director explained that this is the final adoption and nothing has changed except for they have added some miscellaneous charges that were in the agreement and she hasn't heard any new comments.

Moved by Commissioner Sipe, SECONDED by Commissioner Lewis to Approve the Final Adoption of Ordinance 2019-489, Amending Chapter 16, Division 3, Section 16-211 Solid Waste and Recycle Rates. Solid Waste rates will be effective March 22, 2019 and Recycle Rates will be effective September 1, 2019.

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117
118

A Roll Call was taken: All Voted Aye: Motion Passed Five to Zero

119 **B. Aztec Municipal Golf Course Agreement**

120

121 City Manager Steve Mueller explained that the City is looking for direction from the
122 Commission regarding all agreements that pertain to the golf course. Commission felt
123 like they should finish the contract through the end of year and allow them more time to
124 complete events for the year.

125

Moved by Commissioner Randall, SECONDED by Commissioner Sipe to Give notice to HVCC and Ruby's in the Valley that the City intends to continue with the lease of the golf course grounds and operations of the golf course facilities under existing agreements through the end of the current calendar year (12/31/2019) at which time the agreement with Randy Hodge dba Ruby's in the Valley would not be renewed and the agreement with HVCC would be terminated.

132

133 A Roll Call was taken: All Voted Aye: Motion Passed Five to Zero

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137 **XIII. CITY MANAGER/COMMISSIONERS/ATTORNEY REPORTS**

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139 City Manager Steve Mueller thanked everyone who turned out tonight for their
140 input.

141

142 Commissioner Randall mentioned that he has a Library board meeting tomorrow
143 and he will not be able to attend LTAB. He thanked everyone for attending and
144 mentioned that it was good to see people passionate about something it's just
145 unfortunate that we have to have controversy to pack the Commission Room. He also
146 mentioned that he has great respect for Chief Heal.

147

148 Commissioner Sipe also met with Randy Hodge on the Golf Course and she
149 commends him for his efforts to keep it open. She has an MPO meeting tomorrow for
150 the amendment on the arterial, and an EDAB meeting next Thursday.

151

152 Mayor Pro-Tem Fry mentioned that she was honored to attend the Mayors Ball,
153 she thanked Chief Heal for his commitment to the Citizens of Aztec. She thanked Randy
154 Hodge for meeting with her and she supports his efforts to make the course non-profit.

155

156 Commissioner Lewis attended the San Juan Water Commission last week. He
157 was unable to attend the San Juan County Commission Meeting. He also supports
158 Chief Heal.

159

160 Mayor Snover mentioned that he attended the Mayors Ball and he had a great
161 time. He went to Washington DC last week and had a chance to meet with some of the
162 delegates and he feels it is important to make these connections. It seems that folks
163 don't always attend the commission meetings but tonight we got to see democracy at its
164 finest no matter what side of the issue people are on, the people's voices were heard
165 and it's important to have civil discourse. He gave a special thanks to Chief Heal and
166 mentioned that his intent from this was to support our Chief who has been there from
167 the beginning working to help keep people safe.

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169 **XIV. DEPARTMENT REPORTS**

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171 NONE

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173 **XV. ADJOURNMENT**

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175 Moved by Mayor Snover, SECONDED by Commissioner Sipe to adjourn the
176 meeting at 7:12 p.m.

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Mayor, Victor Snover

ATTEST:

Karla Sayler, City Clerk

MINUTES PREPARED BY:

Sherlynn Morgan, Administrative Assistant

DRAFT

Staff Summary Report

MEETING DATE:	March 26, 2019
AGENDA ITEM:	X. CONSENT AGENDA (B)
AGENDA TITLE:	Resolution 2019-1125 Submittal of Letter to Annex BLM Lands East of Aztec

ACTION REQUESTED BY:	City Staff
ACTION REQUESTED:	Approve Resolution 2019-1125 which allows for Letter of Support to be Submitted to the Bureau of Land Management
SUMMARY BY:	Edward Kotyk

PROJECT DESCRIPTION / FACTS

In recent years there has been a growing interest for the various governing entities to pursue outdoor recreation opportunities. The City of Aztec Tourism has diligently been promoting outdoor recreation over the last 5 years with a great fervor.

Recently the Tourism office had a meeting with Doug M^cKim, Outdoor Recreation Officer for the Bureau of Land Management, Farmington Field Office. During that meeting, City Staff inquired as to what the City of Aztec could do to facilitate more development of outdoor recreation, specifically east of Aztec. For example the Mountain View Mountain Trails have been utilized for numerous years as well as other trails for mountain biking and off-road motorcycle riding.

Through the discussions, Mr. M^cKim mentioned that currently the BLM resources for developing outdoor recreation east of Aztec is limited. However, he stated that if the City of Aztec were to take lead on various requirements (e.g., Archaeological Surveys, Environmental Assessments, etc.) that the formal designation and development of more recreational amenities could be accelerated.

City Staff has also been working with ATOS to get the Mountain View Mountain Bike trails accepted by the BLM. However, when ATOS inquired about getting an Environmental Assessment and Archaeological Survey done, the estimates were over \$10,000. These are monies which ATOS does not have in order to develop the mountain bike trails east of Aztec.

As such, it would require assistance from the City of Aztec to help pay for such services. However, it is highly recommended that the City annex the area east of Aztec so that if and when funds are allocated, the City would be able to budget for recreational development which lies within the City limits. In addition, the City was encouraged that in annexing these lands, we could then develop an overall recreational plan that would guide all future recreational plans for outdoor enthusiast such as hikers, mountain bikers, equestrian riders, and OHV.

The approval of the Resolution would provide the support and justification for the annexation as well as allow for the City to submit a letter of support to the BLM.

To begin the process, the City will submit the Resolution, Letter of Support, map, and GIS shapefiles to the BLM. Once a letter has been received back from the BLM not rejecting such an annexation, then the City will then begin the process of formal annexation through the adoption of an annexation ordinance.

SUPPORT DOCUMENTS:

- Resolution 2019-1125
- Support Letter to Annex BLM Lands East of Aztec

DEPARTMENT'S RECOMMENDED MOTION: Move to Approve Resolutions 2019-1125 which Allows for the Submittal of a Letter to the Bureau of Land Management.

CITY OF AZTEC
Resolution 2019-1125
Support Letter to Annex BLM Lands East of Aztec

WHEREAS, The City of Aztec understands the importance of outdoor recreation; and

WHEREAS, The City of Aztec understands the importance of promoting Aztec for outdoor recreation and tourism; and

WHEREAS, The City of Aztec understands that various trails on this piece of property have been historically used by hikers, mountain bikers (Mountain View Bike Trail) and off-highway vehicles and that these trails are outside current Aztec City Limits and are on lands managed by the Bureau of Land Management; and

WHEREAS, The City of Aztec understands that funds need to be spent to develop, promote and encourage the use of these lands for outdoor recreation as well as to promote Aztec and local tourism; and

WHEREAS, Expenditure of City funds, when necessary, are justified when recreation areas are within the City Limits;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Aztec, New Mexico, that a letter will be submitted to the Bureau of Land Management stating that the Aztec City Commission intends to annex lands east of Aztec for the purpose of incorporating this recreational area for the development of outdoor recreation which would enable City funds to be committed for such development.

PASSED, APPROVED AND SIGNED this 26th day of March 2019.

VICTOR C. SNOVER, MAYOR

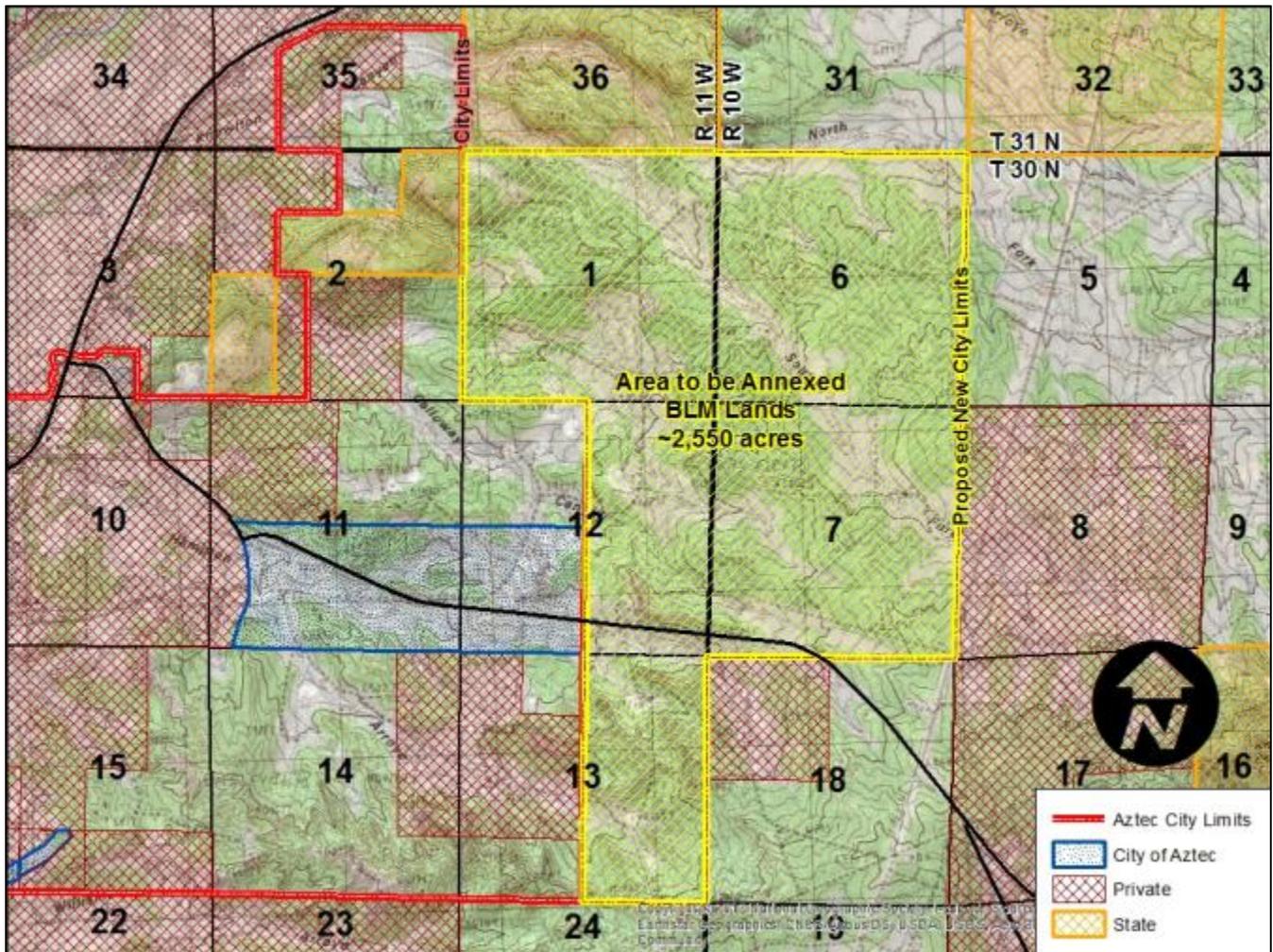
ATTEST:

CITY CLERK KARLA SAYLER

Area to be Annexed

T 30 N	R 11 W	Section 1 (All) E1/2 Section 12 E1/2 Section 13
T 30 N	R 10 W	Section 6 (All) Section 7 (All)

Containing 2,550 acres more or less.



Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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

March 26, 2019

Richard A. Fields, Field Manager
Bureau of Land Management
Farmington Field Office
6251 College Blvd. Suite A
Farmington, NM 87402

Dear Mr. Fields,

The Aztec City Commission respectfully requests that the Bureau of Land Management accepts the City's intent to annex lands that are governed by the Bureau of Land Management east of Aztec. The specific lands to be incorporated within the City of Aztec municipal boundary are:

T 30 N	R 11 W	Section 1 (All) E1/2 Section 12 E1/2 Section 13
T 30 N	R 10 W	Section 6 (All) Section 7 (All)

The area contains 2,550 acres more or less.

Attached is Resolution 2019-1125 declaring the Aztec City Commission's interest and intent to annex and the reason for such annexation which is principally for promoting and developing outdoor recreation and therefore allowing for future funding of such development.

Victor C. Snover
City of Aztec Mayor

Staff Summary Report

MEETING DATE:	March 26, 2019
AGENDA ITEM:	XII. BUSINESS (A)
AGENDA TITLE:	Resolution 2019-1123 Accepting and Approving of the FY2018 Audit

ACTION REQUESTED BY:	Finance Department
ACTION REQUESTED:	Approval of Resolution 2019-1123
SUMMARY BY:	Kathy Lamb

PROJECT DESCRIPTION / FACTS

- The FY18 Annual Financial Report was approved for release by the State Auditor's Office on February 27, 2019. As per Sec 12 -6 -5 NMSA 1978, the audit report does not become public record until 5 days from the date of the State Auditor's release, or March 2, 2019. The State Auditor's office also approved final payment to RPC CPA for the FY18 which will be processed for payment when final billing presented (not received as of 3/14/2019). No single audit (federal grants) submission was required for FY2018.
- The State Auditor requires the independent auditor present the audit to the governing board in a public meeting. Ben Martinez with CRI will present the audit during this business item.
- Pages 164-166 of the report identifies the findings including management response.
 - Electric Department Inventory – Lack of Internal Control, Repeat Finding. The Electric Department has developed an Inventory Control Policy (August 2018), is remodeling the old warehouse to house the electric inventory (with exception of large items which are located in the yard) and limit access to the electric inventory. The Electric Department will complete two physical counts of the electric inventory during the current fiscal year. The first is in process and will be completed as inventory is moved into the remodeled facility.
 - Travel and Per Diem, Repeat Finding. The City's travel policy was updated for compliance with New Mexico statute and administrative code, effective March 1, 2018. Internal procedures were updated for compliance and trainings with Finance staff and City departments were also completed in March 2018. During the ordinary course of the audit, the auditor selects items to test. A travel transaction from October 2017 was one of the items selected and was found not to be in compliance. This specific item was prior to the policy and procedure changes and training that was completed in March 2018. The Finance Director, as of January 2019, reviews all travel expenses for compliance.
- Management's Discussion and Analysis (MD &A) begins on page 13; Basic Financial Statements begin on page 28 and notes to the financial statements on page 46. Supplementary schedules begin on page 88.

- This is the second year in a three year agreement with Carr Riggs & Ingram (formerly RPC CPA). The maximum term a firm, or same group of individuals, may perform the City's annual audit is six consecutive years.

SUPPORT DOCUMENTS: Resolution 2019-1123 Accepting and Approving the FY2018 Audit
FY2018 Annual Financial Report (bound copies provided to Commission separately, electronic document available www.aztecnm.gov)
NM Office of the State Auditor Release Letter, 02-27-2019

DEPARTMENT'S RECOMMENDED MOTION: Move to approve Resolution 2019-1123 Accepting and Approving the FY2018 Audit.

CITY OF AZTEC RESOLUTION 2019-1123

A RESOLUTION ACCEPTING AND APPROVING THE FISCAL YEAR 2018 AUDIT

WHEREAS, the City of Aztec is required by statute to contract with an independent auditor to perform the required annual audit or agreed upon procedures for Fiscal Year 2018; and

WHEREAS, the Governing Body of the City of Aztec has directed the accomplishment of the audit for FY2018; and

WHEREAS, this audit has been completed and presented to the Governing Body per the February 27, 2019 letter from the State Auditor authorizing release of the FY2018 audit; and.

WHEREAS, NMAC 2.2.2.10(M) (4) provides in pertinent part that "Once the audit report is officially released to the agency by the state auditor (by a release letter) and the required waiting period of five calendar days has passed, unless waived by the agency in writing, the audit report shall be presented by the IPA, to a quorum of the governing authority of the agency at a meeting held in accordance with the Open Meetings Act, if applicable."

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the City of Aztec does hereby accept and approve the completed audit report, findings and management responses as indicated within this document.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Department of Finance and Administration Local Government Division for state review and approval.

PASSED, APPROVED AND SIGNED this 26th day of March 2019.

VICTOR C. SNOVER, MAYOR

SEAL

ATTEST:

CITY CLERK KARLA SAYLER

Brian S. Colón, Esq.
State Auditor



Natalie Cordova, CPA
Deputy State Auditor

State of New Mexico
OFFICE OF THE STATE AUDITOR

Via Email

February 27, 2019

SAO Ref. No. 6008

Victor C. Snover, Mayor
City of Aztec

vsnover@aztecnm.gov

Re: Authorization to Release FY2018 City of Aztec Audit Report

The Office of the State Auditor (OSA) received the audit report for your agency on 12/18/2018. The OSA has completed the review of the audit report required by Section 12-6-14(B) NMSA 1978 and 2.2.2.13 NMAC. This letter is your authorization to make the final payment to the Independent Public Accountant (IPA) who contracted with your agency to perform the financial and compliance audit. In accordance with the audit contract, the IPA is required to deliver to the agency the number of copies of the report specified in the contract.

Pursuant to Section 12-6-5 NMSA 1978, the audit report does not become a public record until five days after the date of this release letter, unless your agency has already submitted a written waiver to the OSA. Once the five-day period has expired, or upon the OSA's receipt of a written waiver:

- the OSA will send the report to the Department of Finance and Administration, the Legislative Finance Committee and other relevant oversight agencies;
- the OSA will post the report on its public website; and
- the agency and the IPA shall arrange for the IPA to present the report to the governing authority of the agency, per 2.2.2.10.M(4) NMAC, at a meeting held in accordance with the Open Meetings Act, if applicable.

The IPA's findings and comments are included in the audit report on pages 164-166. It is ultimately the responsibility of the governing authority of the agency to take corrective action on all findings and comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. S. Colón".

Brian S. Colón, Esq.
State Auditor

cc: Carr, Riggs & Ingram, LLC

2540 Camino Edward Ortiz, Suite A, Santa Fe, New Mexico 87507
Phone (505) 476-3800 * Fax (505) 827-3512
www.osanm.org * 1-866-OSA-FRAUD

Staff Summary Report

MEETING DATE:	MARCH 26, 2019
AGENDA ITEM:	XII. BUSINESS ITEMS (B)
AGENDA TITLE:	Resolution # 2019-1124 Declaring The City of Aztec a Second Amendment Preservation City

ACTION REQUESTED BY:	Commissioner Sherri Sipe
ACTION REQUESTED:	Approval of Resolution #2019-1124
SUMMARY BY:	Steve Mueller

PROJECT DESCRIPTION / FACTS

Resolution #2019-1124 declares the City of Aztec a Second Amendment Preservation City.

SUPPORT DOCUMENTS:	Resolution #2019-1124 Declaring The City of Aztec a Second Amendment Preservation City
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DEPARTMENT'S RECOMMENDED MOTION:	Move to approve Resolution #2019-1124 declaring the City of Aztec a Second Amendment Preservation City.
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CITY OF AZTEC
RESOLUTION 2019-1124
A RESOLUTION DECLARING THE CITY OF AZTEC A SECOND AMENDMENT
PRESERVATION CITY

WHEREAS, The City of Aztec City Commission met in a regular meeting on March 26, 2019 at 6:00pm at 201 W. Chaco St. in Aztec, NM; and

WHEREAS, NMSA 1978, section 3-18-1 (1965) provides that cities shall “protect generally the property of the municipality and its inhabitants and to preserve peace and order in the municipality;” and;

WHEREAS, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms; and

WHEREAS, the Supreme Court in the District of Columbia v. Heller 554 U.S. 570 (2008), decision affirmed an individual’s right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, the Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to “keep and bear arms as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and

WHEREAS, the Supreme Court in United States v. Miller, 307 U.S. (1939), stated that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense, are protected by the Second Amendment; and

WHEREAS, Article II, Section 6 of the Constitution of New Mexico provides that “[n]o law shall abridge the right of the citizens to keep and bear arms for security and defense, for lawful hunting and recreational use and for other lawful purposes, but nothing herein should be held to permit the carrying of concealed weapons. No municipality or county shall regulate, in any way, an incident of the right to keep and bear arms”; and

WHEREAS, the members of this Commission took an oath to support and defend the United States Constitution, the Constitution of the State of New Mexico and the laws of the State of New Mexico; and

WHEREAS, this Commission will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for

the purposes of enforcing a law that is held to be unconstitutional and infringes on the right of the people to keep and bear arms.

NOW, THEREFORE, BE IT RESOLVED by the City of Aztec Commission, by the authority granted to the Commission by the laws of the State of New Mexico and people of the City of Aztec, New Mexico to stand and defend their rights and liberties, which are guaranteed by the United States and New Mexico Constitutions, we hereby declare this Resolution as follows:

The City of Aztec is a Second Amendment Preservation City.

PASSED, SIGNED, APPROVED AND ADOPTED this 26th day of March, 2019

Victor C. Snover, Mayor

Seal

Attest:

Karla Sayler, City Clerk

Staff Summary Report

MEETING DATE:	March 26, 2019
AGENDA ITEM:	XIII. LAND USE HEARING (A)
AGENDA TITLE:	VAR 19-01 - A request to reduce the front setback from Twenty-five (25) feet to twenty-one (21) feet in the R-2 Multiple-Family Dwelling District.

ACTION REQUESTED BY:	Helen Srader
ACTION REQUESTED:	A request to reduce the front-yard setback from Twenty-five (25) feet to zero (21) feet in the R-2 Multiple Family Dwelling District
SUMMARY BY:	Steven M. Saavedra – CFM

PROJECT DESCRIPTION / FACTS

Applicant	Helen Srader
Representative	N/A
Date of Application	February 13, 2019
Requested Action	Front setback reduction
Location	1405 Parkland Cir
Existing Land Use	Single-Family Residential
Existing Zoning	R-2 Multiple-Family Dwelling District
Surrounding Zoning and Land Use	North: R-2 : Multiple -Family Residential Dwelling / Residential South: R-2 : Multiple -Family Residential Dwelling / Residential East: R-2 : Multiple -Family Residential Dwelling / Residential Commercial District / Commercial Use West: R-2 : Multiple -Family Residential Dwelling / Residential
Floodplain / Flood zone	No

SUMMARY

Petition No. VAR 19-01 is a request from Helen Srader, to reduce the front-yard setback for property located at 1405 Parkland Cir in the R-2 Multiple-Family Dwelling District. Pursuant to COA 26-2-45 (1) of the Land Use Requirements, the minimum front yard setback is 25 feet. Ms. Srader is requesting a 21 front-yard setback to construct a garage on the said property. The attached garage enables direct access from the dwelling unit. In addition, it protects her personal property. The R-2 Multiple-Family Dwelling District allows for a permit single-family residential development. In addition, no building, structure, or land use shall be used, altered, or created for any purpose other than those designated for this district. Any structure that does not satisfy the Uniform Building Code adopted by the City of Aztec and enforced in Aztec by inspectors is prohibited from being erected or stored in this district. Therefore, if the variance is approved, the applicant needs a San Juan County Building permit for the garage.

R-2 Setback requirements & Height

- Front: 25-feet
- Side: 5-feet or 7.5-feet for two-story structures
- Street Side Yard: 15-feet
- Rear: 30-feet.
- Height: 35-feet

The City of Aztec Land Use requirements 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.

ANALYSIS & RECOMMENDATION

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

The Multiple-Family Dwelling District allows for residential uses in this district.

Is met

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

If denied, there is a slight hardship to the applicant. The applicant is seeking a garage for the protection of her property and personal safety.

Is met

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;

The owner of the property and not by the zoning district or the subject property created the circumstance.

Is not met

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 property owner could continue the residential use without the variance.

Is partially met

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;

Granting of this variance is in harmony with the general interest, general purpose, and intent of the code and the neighborhood. The applicant's addition will add value to the property and the overall neighborhood. The encroachment of 4-feet should not cause any safety issues.

Is met

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 land development in this district.

Is met

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.

Is met

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

This variance should not adversely affect the public health, safety, or welfare of the neighborhood or the City of Aztec.

Is met

COMMUNITY DEVELOPMENT RECOMMENDATION

The Community Development Department recommends approval of application VAR 19-01, an application for Helen Srader, for a variance to reduce the dimensional setback requirements for property at 1405 Parkland Cir, Aztec, NM 87410

SUPPORT DOCUMENTS:

1. Application
 2. Vicinity Map
 3. Applicant Notification Letter
 4. Adjacent Property Owner Notification Letter
 5. List of Adjacent Property Owners
-

DEPARTMENT'S RECOMMENDED MOTION: Move to approve Variance 19-01, a request from Helen Srader, to reduce the frontyard setback to 21-feet for property located at 1405 Parkland Cir, Aztec, NM, 87410.

Subject Property



North



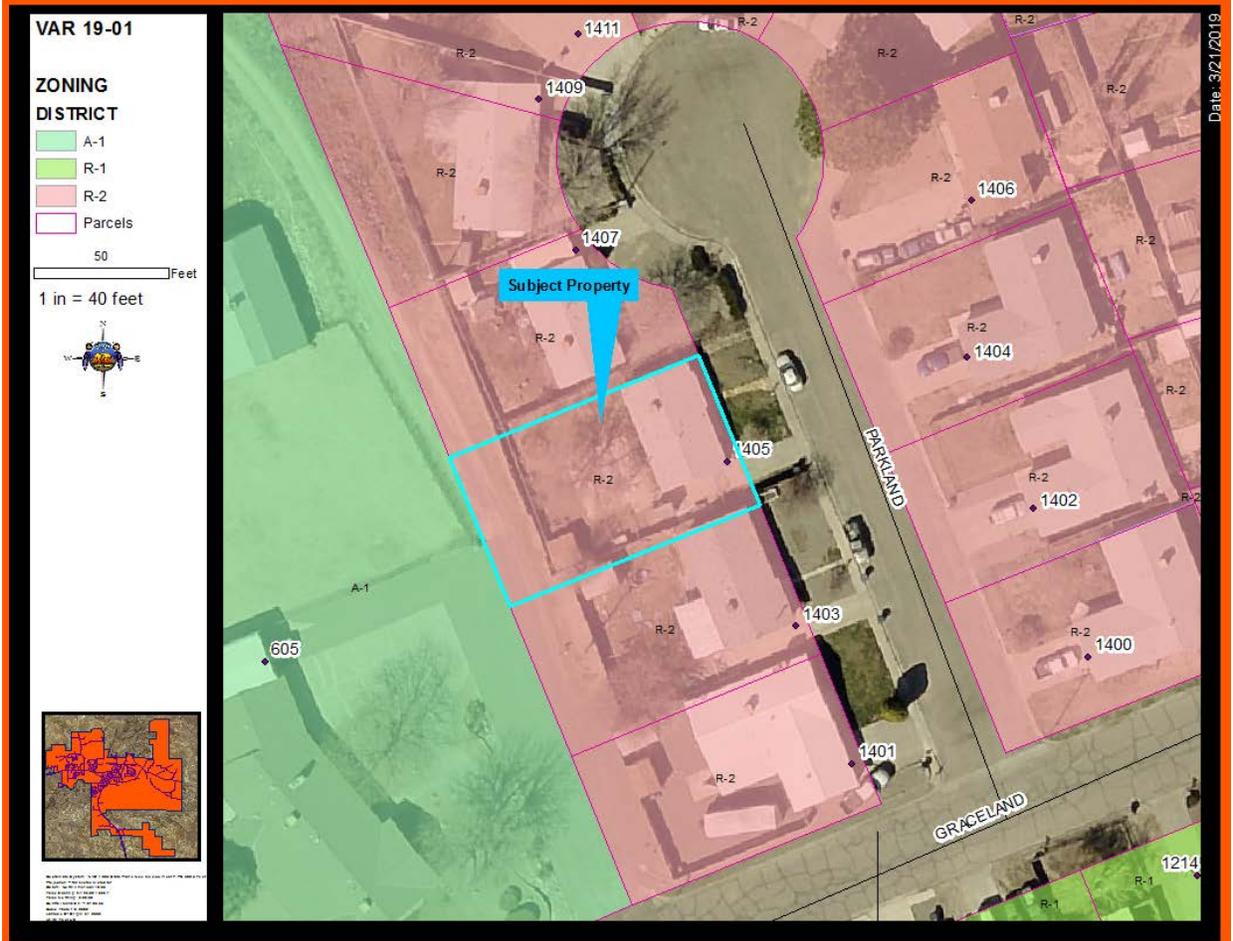
South



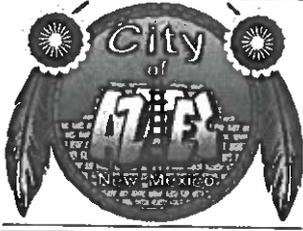
East



Zoning Map



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)

<input type="checkbox"/> Annexation <input type="checkbox"/> Alt/Summary Plat <input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plan	<input checked="" type="checkbox"/> Variance <input type="checkbox"/> Residential/Commercial Development	<input type="checkbox"/> Zone Change to _____ District <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Well site equipment modification <input type="checkbox"/> Sign Permit <input type="checkbox"/> Other
--	---	--

RECEIVED

FEB 13 REC'D

CITY OF AZTEC
COMMUNITY DEVELOPMENT

INFORMATION

Applicant's Name: <u>HELEN PATRICIA SRADER</u>	Project Location: <u>1405 PARKLAND CIRCLE</u>
Address: <u>1405 PARKLAND CIRCLE</u>	Existing Use: <u>HOME</u>
E-Mail: <u>hpsrade@msn.com</u>	Proposed Use: <u>GARAGE ADDITION</u>
Telephone: <u>580-301-2324</u>	Current Zoning:
Relationship to Property Owner: <u>OWNER</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>R0000912</u>
Legal Description of Subject Property:	

Is the Property in a Flood Zone? Yes No

Is Property subject to deed restrictions, covenants, or homeowners' a If Yes, please provide copy with application.

CI	
TY OF AZTEC 02/13/2019	16:14 (02)
CITY OF AZTEC COMMUNITY DEVELOPMENT	
U-889/553	AMOUNT
FMSD CH DEV LAND USE PERMITS	250.00
FMSD CH DEV ADMIN FEE (CALL IN)	10.00
PAYMENT RECEIVED	AMOUNT
CHECK: 3650	260.00
TOTAL	260.00

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: <u>John Holman Const.</u>	E-Mail:
Phone: <u>505-330-5575</u>	Address:

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>H.P. SRADER</u> Phone: <u>580-301-2324</u>	<u>NO</u>
Address: <u>1405 Parkland Cir</u>	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>HELEN PATRICIA SRADER</u>	Address: <u>1405 Parkland Cir</u>
Owner's Signature: <u>Helen Patricia Srader</u>	Phone / Email: <u>580-301-2324</u>

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



CITY OF AZTEC VARIANCE APPLICATION

Permit #: VAR 19-01 Date Started: Feb. 13. 19 Date Approved: _____ Fees Paid: 260.00

PROPERTY OWNER CONTACT INFORMATION

Name: Helen Patricia Srader
Mailing Address: 1405 Parkland Circle
Phone: 580-301-2324
Email: hpsrader@msn.com

PROPERTY INFORMATION / DEVELOPMENT SITE

Address: 1405 Parkland Circle
Tax ID: R0000912 Parcel Size (ac): _____
Zone District: R-1
Current Use: Single Family Home
Proposed Use: Same / Garage Addition
Flood Zone Designation: N/A

REASON FOR REQUESTING A VARIANCE

Garage Addition

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: Helen Patricia Srader Date: 2/13/19

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 + \$250 Variance Fee = Total \$260

October
2018



CITY OF AZTEC VARIANCE EVALUATION

Permit #: _____

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



CITY OF AZTEC VARIANCE CHECKLIST



Applicable Fees

Administrative Fee	\$10
Variance Fee	\$250

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.



1309

1410

1408

1411

1409

1406

1407

1404

1405

PARKLAND CIR
25-20

1402

665

1403

1400

1401

GRACELAND DR
0-50-2

1214

1218

504

Google Maps 1405 Parkland Cir



Image capture: Apr 2012 © 2019 Google

Aztec, New Mexico

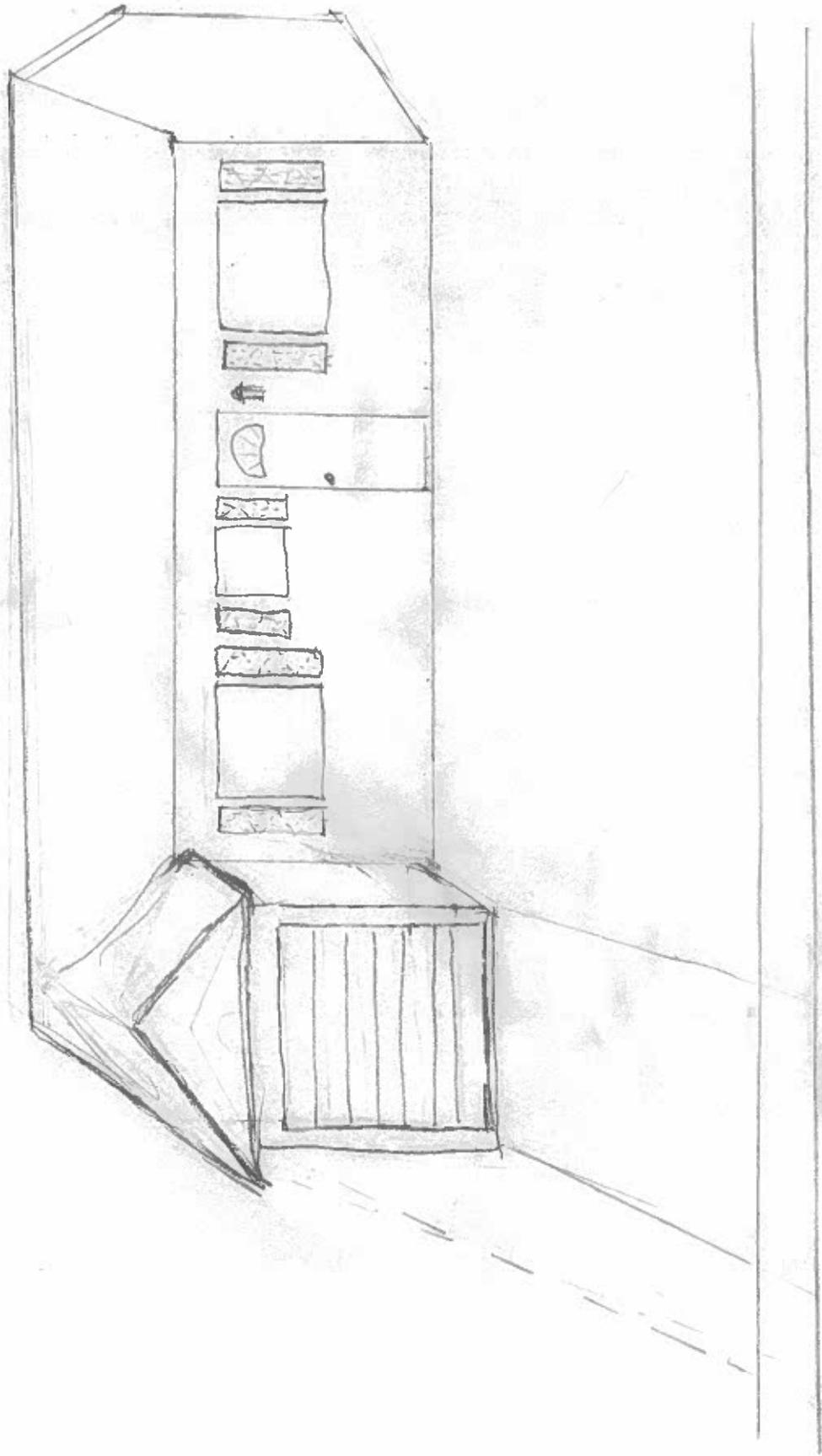
Google

Street View - Apr 2012



Lydia Rippey Elementary School

Var.
 5A because
 fire wall
 \$25000
 Lix fire wall
 carpet



1405 PARKLAND CIRCLE

EXISTING
HOUSE

215'

maximum
5'

5'

26'

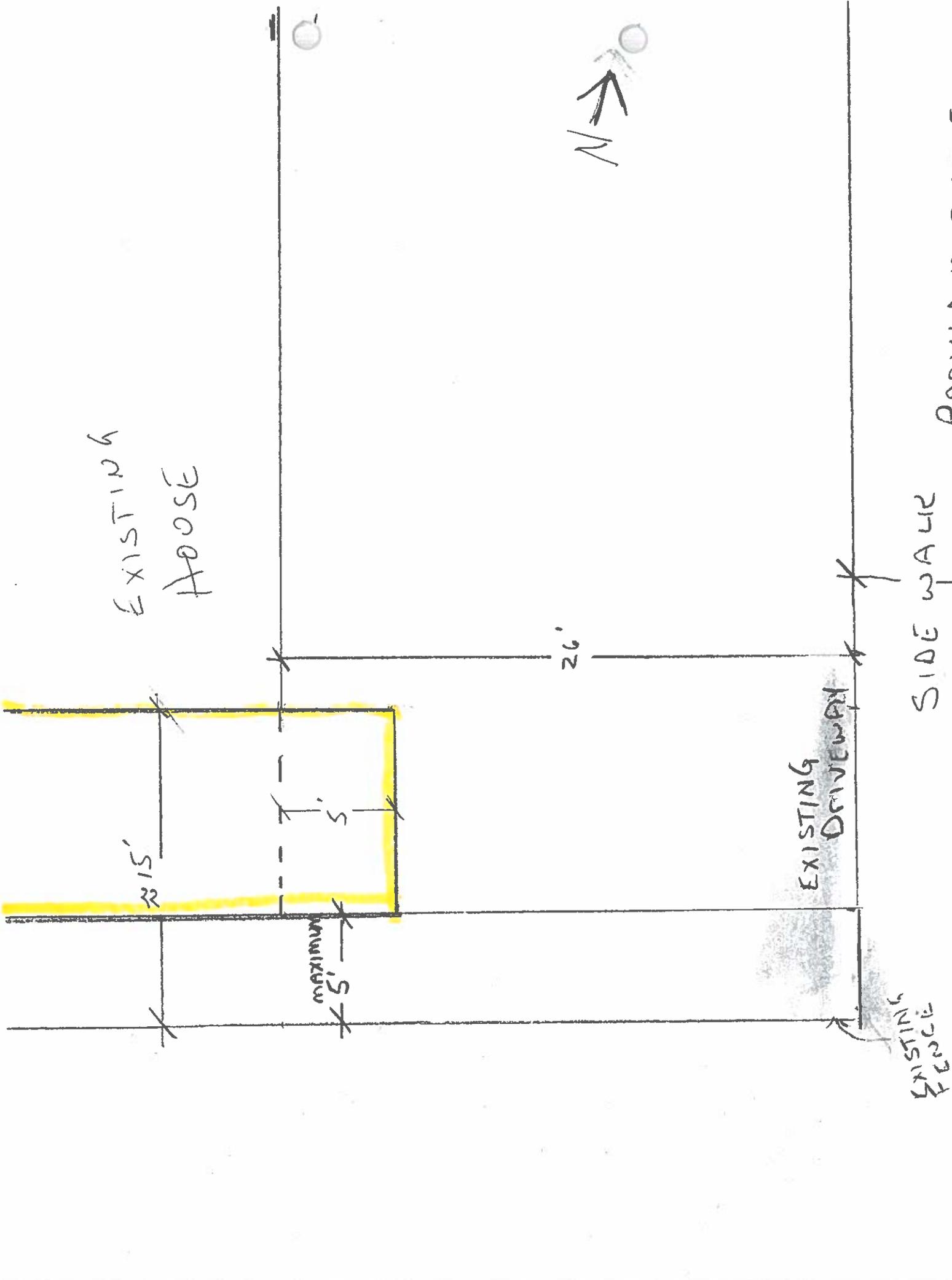


EXISTING
DRIVEWAY

SIDE WALK

EXISTING
FENCE

PARALLEL



NORTH



24 x 40
EXISTING
HOUSE

PROPOSED
GARAGE

EXISTING
DRIVEWAY

EXISTING
FENCE

EXISTING
FENCE

SIDEWALK

PARK LAND CIRCLE

Addresses For 1405 Parkland Circle

1407 Parkland Cir/ R0000902
Dorothy Jaquez
1407 Parkland Cir
Aztec, NM 87410

1409 parkland Cir/ R0000903
Michael and Roberta Gordon
1409 Parkland Cir
Aztec, NM 87410

605 Parkland Drive/ R0000925
Robert F Johnston Trust
605 Parkland Drive
Aztec, NM 87410

1401 Parkland Cir/ R0000630
James Peace
1401 Parkland Cir
Aztec, NM 87410

1403 Parkland Cir/ R0000913
Cynthia Stangby
6650 Cimмерon Circle
Farmington, NM 87402

1400 Parkland Cir/ R0001395
Linnean Valroy
1400 Parkland Cir
Aztec, NM 87410

1402 Parkland Cir/ R0000747
Joshua and Torie Simpson
1402 Parkland Cir
Aztec, NM 87410

1404 Parkland Cir/ R0000629
Charles Wells
1404 Parkland Cir
Aztec, NM 87410

1406 Parkland Cir/ R0000921
Jeremy Cain Et Al
1406 Parkland Cir
Aztec, NM 87410

1408 Parkland Cir/ R0000904
Douglas Doane
1408 Parkland Cir
Aztec, NM 87410

Variance 19-01

1405 Parkland Circle

Notice is hereby given that an application has been filed with the City of Aztec - Community Development Department for a Variance of 4 ft with a 21 foot setback (COA 26-2-45) for property located at 1405 Parkland Circle, in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Lot Three (3), Block One (1), of the Estes Addition Subdivision, in the City of Aztec, San Juan County, New Mexico.

Otherwise located at 1405 Parkland Circle

*Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that Aztec's City Commission will hear the petitions in a public hearing on **Tuesday, March 26, 2019 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, NM, 87410.*

Zone Change 19-01

1509 Martin Avenue

Notice is hereby given that an application has been filed with the City of Aztec-Community Development Department for a zone change from the Mobile Home (MH) District to Multi-Family Dwelling (R-2) District (COA 26-4-521, COA 26-2-22) for property located in Hampton Canyon under Tax ID R0000724 , in the City of Aztec, San Juan County New Mexico as described below:

LEGAL DESCRIPTION

RIVERVIEW SUBDIVISION REPLAT OF LOTS 4 AND 5 BLOCK 5 E 1/2 OF LOTS 4, 5 BLK 5 AND W 1/2 OF LOTS 4,5

Otherwise located at 1509 Martin Avenue

*Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that Aztec's City Commission will hear this petition in a public hearing on **Tuesday, March 26, 2019 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, NM 87410.*

Mayor
Sally Burbridge

Mayor Pro-Tem
Sherri A. Sipe



Commissioners
Austin R. Randall
Katee McClure
Sheri L. Rogers

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

**NOTICE OF PUBLIC HEARING
VARIANCE REQUEST
PETITION NO. 2019-01**

February 26, 2019

Dear Property Owner,

Notice is hereby given that a Variance Application has been filed with the City of Aztec, New Mexico, a request from Helen P Srader for a Variance of 4 ft with a 21ft setback at 1405 Parkland Circle a property located in City of Aztec, San Juan County, New Mexico, as described below.

LEGAL DESCRIPTION

Lot Three (3), Block One (1), of the Estes Addition Subdivision, in the City of Aztec, San Juan County, New Mexico.

Otherwise located at 1405 Parkland Circle

Pursuant to the provisions of Section 26-2-45, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the City Commission will hear the petitions in a public hearing on **Tuesday, March 26, 2019 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 hear why said application should be granted or denied. All persons in interest and citizens are incited to attend said hearing.

You are receiving this because you may own property within 100 feet (excluding public right-of-way) of the proposed change. You are encouraged to attend the hearing noted above or submit written comments or concern prior to the meeting to the City Clerk at ksayler@aztecnm.gov or 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 addition information regarding this notice, or would like additional information regarding this petition, please call me at (505) 334-7605.

Sincerely,

Steven M. Saavedra

Steven M. Saavedra
Community Development Director

Staff Summary Report

MEETING DATE:	March 26, 2019
AGENDA ITEM:	XIII. LAND USE HEARING (B)
AGENDA TITLE:	ZC 19-01 - Zone Change request from MH Mobile Home Zoning District to the R-2 Multiple Family Zoning District

ACTION REQUESTED BY:	Arin Fishburn
ACTION REQUESTED:	ZC 19-01 - Zone Change request from MH Mobile Home Zoning District to the R-2 Multiple Family Zoning District.
SUMMARY BY:	Steven Saavedra, CFM

PROJECT DESCRIPTION / FACTS

Applicant	Arin Fishburn
Representative	AMC
Date of Application	February 27, 2019
Requested Action	ZC 19-01 - Zone Change request from MH Mobile Home Zoning District to the R-2 Multiple Family Zoning District.
Location	1509 Martin Ave, 1507 Martin, 1505 Martin
Dimensions	Tax ID # R0000724
Existing Land Use	Residential
Existing Zoning	MH Mobile Home District
Surrounding Zoning / Land Use	North: MH Mobile Home / Residential South: MH Mobile Home / Residential East: MH Mobile Home / Residential West: MH Mobile Home / Residential
Notice	Property owners within 100 feet were sent notice by certified mail on March 07, 2019, and a classified ad was placed with the Daily Times on March 07, 2019.
Floodplain Area	No
Access	Martin Ave

Summary

The petitioner requests a zone change from the MH Mobile Home District to the R-2 Multiple-Family Residential Zoning District for approximately 0.28 acres located at 1509, 1507, & 1505 Martin Ave, Aztec, NM 87410. The petitioner seeks the zone change in order to comply with Chapter 26 land use regulations. Currently, there are two

residential dwellings units located on the said property: a site built house and a duplex. The subject property consists of three (3) addresses located on the parcel: 1509, 1507, and 1505 Martin. Pursuant to COA 26-2-102(1) one mobile home is allowed on each lot. Rezoning the lot allows multiple dwelling units in the R-2 district.

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 following uses are permitted without prior approval of the Commission:

1. Mobile Home Subdivision. Provided that: (1) One mobile home will be allowed on each lot (not in addition to another dwelling) in this zoning district subject to the following provisions:

(a) That each mobile home complies with the application codes and standards as provided the Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978) and/or Housing and Urban Development Zone Code II, and/or the Uniform Building Code.

(b) A land use permit is first obtained from the City of Aztec before placing the mobile home on the lot.

(c) Within 90 days following placing the mobile home on the lot, said mobile home shall be equipped with skirting extending from the bottom of the home to the ground level.

(d) A subdivision plat has been approved by the City Commission in accordance with the City of Aztec Subdivision Regulations and all improvements are built or assurances are provided that improvements will be built in accordance with the standard construction specifications adopted by the City of Aztec.

(e) Accessory building or structure such as a canopy, carport, garage, or storage building, provided said structures are of two-hour fireproof construction as specified by the applicable building code and conform to setbacks specified by the mobile home. Additions to the principle structure shall resemble the exterior of the mobile home.

(f) Accessory uses such as a private swimming pool for residents of the lot, patio, parking, private antenna, wall, fence, bench, and landscaping.

R-2: Multiple-Family Dwelling District

This district is regulated to permit all uses permitted in the R-1 district, multi-family dwellings, apartments, condominiums, and town houses. No building, structure or land use shall be used, altered or created for any purpose other than those designated for this district

The following uses are permitted without prior approval of the Commission.

1. Single Family Dwelling. The dwelling unit must contain at least eight hundred (800) square feet of floor space on a permanent foundation. Trailer houses, mobile homes and motor homes are not permitted unless they comply with the application codes and standards as provided in the Manufactured Housing Act (Chapter 60, Article 14, NMSA 1978), Housing and Urban Development Zone Code II, and the Uniform Building Code.
2. Apartments or Multi-family Dwellings or Dwelling Groups. Apartments, multi-family dwellings or dwelling units are permitted provided that the buildings do not occupy over one-half (1/2) of the total lot area and each contains a minimum of six hundred (600) square feet of floor area.
3. Condominiums or Town Houses. Attached single family dwellings known as Condominiums or Town Houses are permitted provided that each dwelling unit must contain a minimum of eight hundred (800) square feet of floor space of a permanent nature. Trailer houses, mobile homes and motor homes are specifically excluded whether or not the wheels have been removed.
4. Accessory Structure. Accessory structure for garage, storage, recreation, sauna, hobby, greenhouse, bathhouse, or for the keeping or housing of domestic pets, so long as the accessory structure is not being used for commercial use. Antennas (non-commercial) are permitted.

Analysis

Pursuant to Chapter 26 Land Use Regulation, the regulations, restrictions, and requirements of this ordinance have been made in accordance with the Comprehensive Plan of the City of Aztec (July 2002), 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, 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 encourages multi-family housing in Aztec. Therefore, the requested application is consistent with Aztec's 2002 Comprehensive Plan. Increasing the supply of housing units mitigates the cost of housing in Aztec with other conditions remaining the same. In addition, the Comprehensive plan recommends limiting mobile homes throughout Aztec.

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

The change from MH to R-2 District should not create any adverse impacts to the surrounding area, considering similar uses exist at and near the subject property; the

R-2 District is not expected to create any significant adverse impacts to the surrounding neighborhood. The subject property needs to adhere to Sec. 12-252 Noise Control (Performance) Regulations.

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

The R-2 District allows the petitioner to accomplish the proposed residential use and will permit the proposed dwelling units by right.

- **The suitability of the land for the proposed development:**

The subject property was operating as a nonconforming use, as the mobile home district does not allow more than one unit per lot. The R-2 district allows multiple dwelling units on one lot.

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

The residential dwelling units are required to connect to 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 constitute a spot zone, as the requested zone change is not adjacent or in close proximity to other R-2 Districts.

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

Various dwelling units surround the said property. These residential units include mobile homes, doublewides, and site built home. The requested zone change is compatible with the character of the neighborhood.

COMMUNITY DEVELOPMENT CONCLUSION

The Community Development Department understands the petitioner's desire to utilize the property. The current zoning of MH Mobile Home limits the property owner's ability to expand or further develop the lot. Therefore, the Community Development Department is recommending the rezone to R-2 Multiple-Family.

SUPPORT DOCUMENTS:

1. Application
 2. Map
 3. List of Adjacent Property Owners
 4. Adjacent Property Owner Notification Letter
-

DEPARTMENT'S RECOMMENDED MOTION: Move To approve Zone Change 19-01, a request from Arin Fishburn, for a zone change from the MH Mobile Home District to the R-2 Multiple-Family District for property located at 1509, 1507, 1505 Martin Ave, Aztec, NM 87410.

North



South



West



East





CITY OF AZTEC PETITION APPLICATION

Community Development Department
201 W. Chaco St.
Aztec, NM 87410
(505) 334-7605
(505) 334-7609 (fax)

PROJECT TYPE (Check those that Apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Alternate Summary Plat | <input type="checkbox"/> Variance | <input type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Commercial Development | <input type="checkbox"/> Well Site Permit |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Residential Development | <input checked="" type="checkbox"/> Zone Change |
| | | <input type="checkbox"/> Other |

INFORMATION

Applicant's Name: Arin Fishburn Project Location: 1509 Martin Ave
 Address: 8180 E Main St, Farmington, NM 87402 Existing Use: Multi-Family Residential
 E-Mail: arin@amfcleanup.com Proposed Use: Multi-Family Residential
 Telephone: 505-330-5471 Current Zoning: MH
 Relationship to Property Owner: Member of LLC Tax I.D. Number: R0000724

Legal Description of Subject Property: RIVERVIEW SUBDIVISION REPLAT OF LOTS 4 AND 5 BLOCK 5 E 1/2 OF LOTS 4, 5 BLK 5 AND W 1/2 OF LOTS 4, 5 BLK 5 B1430 P165

Is the Property in a Flood Zone? Yes No

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: _____
Address: _____ Phone: _____

OWNERSHIP Scot Fishburn, Managing Member

Property Owner Northbank LLC

(Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)

Mortgage Holders

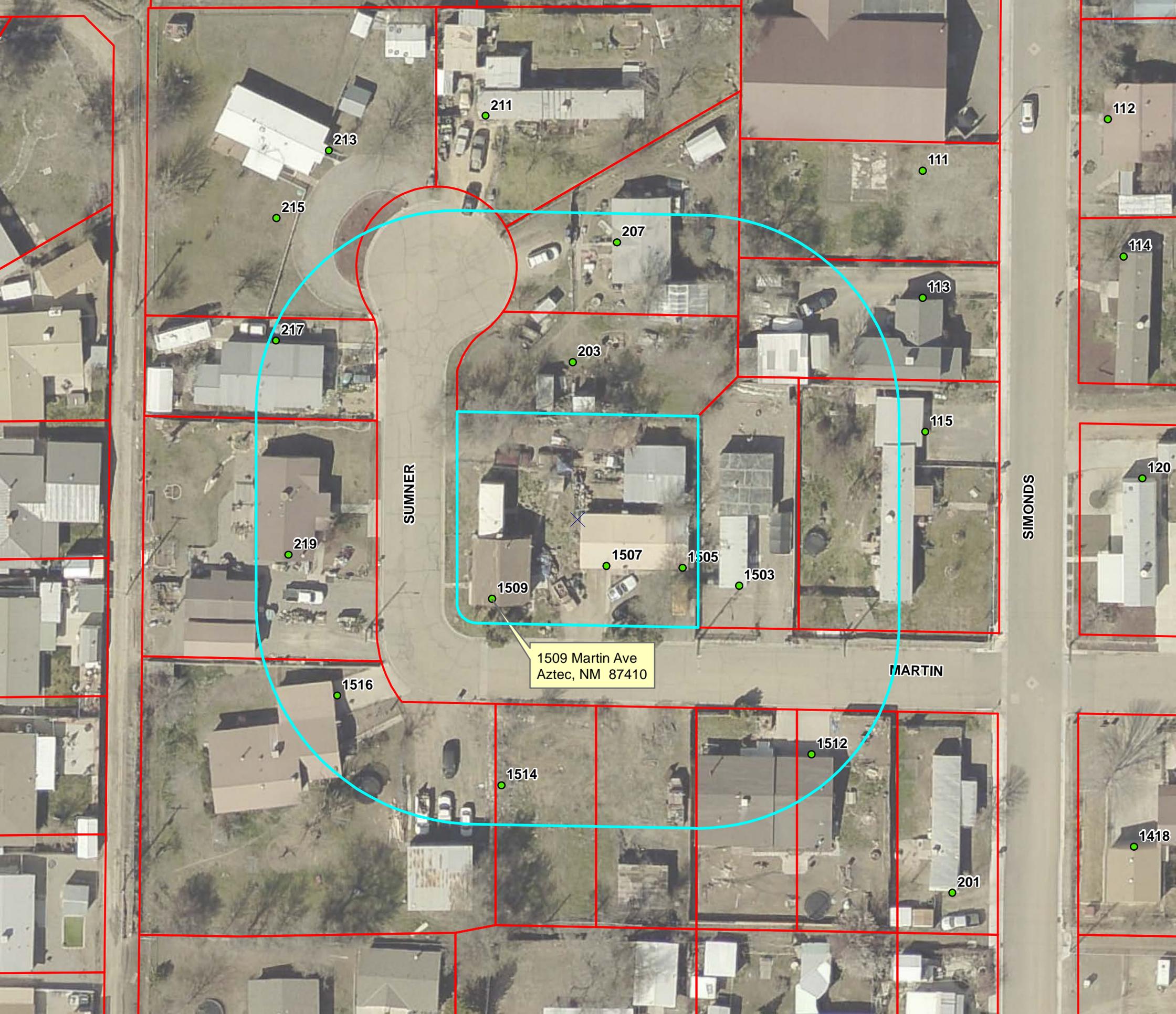
(If any)

Name: <u>Scot Fishburn for Northbank LLC</u>	Name: _____
Address: <u>1816 E Mojave, Farmington, NM 87401</u>	Address: _____
Phone: <u>505-325-6515</u>	Phone: _____

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: NORTHBANK, LLC Address: 779 NM 170, FARMINGTON, NM 87401
 Owner's Signature: [Signature] Phone: 505 330-5515
 Email: scot@JLGRAY.COM



1509 Martin Ave
Aztec, NM 87410

SUMNER

MARTIN

SIMONDS

Addresses for 1509 Martin Ave.

R0001621
Lorenzo Valdez
1008 Rio Hondo
Aztec, NM 87410

R0001232
Mike and Marlene Anderson
219 Sumner Pl
Aztec, NM 87410

R0001660
D P Limited Partners
c/o Doyl and Melanie Jones
115A Simonds Rd
Aztec, NM 87410

R0001341
Sonja Ulibarri
1516 Martine Ave
Aztec, NM 87410

R0001054
William and Ramona New Et AL
113 Simonds Rd
Aztec, NM 87410

R0001303
Richard and Loretta Gill
c/o Donald and Georgianna Long
PO Box 671
Flora vista, NM 87415

R0001205
Nicholas Foss
6017 Castlegate Dr West F 21
Castle Rock, CO 80104

R0001658
Raymond Rhodes Et Al
1512 Martin Ave
Aztec, NM 87410

R0000496
Ronald and Debora Malone
207 Sumner Pl
Aztec, NM 87410

R0000497
Ronald and Debora Malone
207 Sumner Pl
Aztec, NM 87410

R0001495
Michael Schropp
211 Sumner Pl
Aztec, NM 87410

R0000700
Charlie Martinez
Attn: Regina Martinez
213 Sumner Pl
Aztec, NM 87410

R0000310
Christopher Morgan
217 Sumner Pl
Aztec, NM 87410

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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Hampton Canyon (R0015951) Legal Ad

Zone Change 18-03 Hampton Canyon R0015951

Notice is hereby given that an application has been filed with the City of Aztec-Community Development Department for a zone change from the Single-Family Dwelling (R-1) District Agricultural Or Rural (A-1) District (COA 26-4-521, COA 26-2-22) for property located in Hampton Canyon under Tax ID R0015951, in the City of Aztec, San Juan County New Mexico as described below:

Legal Description

W1/2 of NESW 133011 B. 1397 P. 487. Tract Sixteenth NE Quarter SW Section 13 Township 30 Range 11. Otherwise known as ***Hampton Canyon Tax ID R0015951 in the City of Aztec, San Juan County, New Mexico.***

*Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that Aztec's City Commission will hear this petition in a public hearing on **Tuesday, September 11, 2018 at 6:00 p.m.** in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, NM 87410.*

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 19-01**

March 7, 2019

Dear Property Owner:

Notice is hereby given that an application has been filed with the City of Aztec - Community Development Department for a Zone Change from the Mobile Home (MH) District to the Multi-Family (R-2) District (COA 26-4-521, COA 26-2-22) for property located at 1509 Martin Avenue under Tax ID R0000724, in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Riverview Subdivision Replat of Lots 4 & 5, Block 5 E ½ of Lots 4 & 5 Block, W ½ of Lots 4 & 5 Block 5, in the City of Aztec, San Juan County, New Mexico.
Otherwise known as 1509 Martin Ave, Tax ID R0000724, Aztec, NM.

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by Aztec's City Commission on Tuesday, March 26, 2019 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, New Mexico. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons 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 request. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco Street, Aztec, New Mexico 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 contact the Community Development Department at 505-334-7604.

Sincerely,

Community Development Department
City of Aztec
Erikka A. Martinez.\

Mayor
Victor C. Snover

Mayor Pro-Tem
Rosalyn A. Fry



Commissioners
Austin R. Randall
Sherri A. Sipe
Mark E. Lewis

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**NOTICE OF PUBLIC HEARING
ZONE CHANGE
PETITION NO. ZC 19-01**

February 28, 2019

Dear Property Owner:

Notice is hereby given that an application has been filed with the City of Aztec - Community Development Department for a Zone Change from the Mobile Home (MH) District to the Residential 2 (R-2) District (COA 26-4-521, COA 26-2-22) for property located at 1509 Martin Avenue, under Tax ID R0000724, in the City of Aztec, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

RIVERVIEW SUBDIVISION REPLAT OF LOTS 4 AND 5 BLOCK 5 E 1/2 OF LOTS 4, 5 BLK 5 AND W 1/2 OF LOTS 4, 5 BLK 5

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that the petition will be heard in a public hearing by Aztec's City Commission on Tuesday, March 26, 2019 at 6:00 p.m. in the City Commission Chambers at City Hall, 201 W. Chaco Street, Aztec, New Mexico. All persons shall have an opportunity to be heard why said application should be granted or denied. All persons 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 request. You are invited to attend the hearings noted above or submit written comments prior to the meeting to the Community Development Department at 201 W. Chaco Street, Aztec, New Mexico 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 contact the Karla Saylor, City Clerk at 505-334-7603.

Sincerely,

Erikka A. Martinez
Community Development Department
City of Aztec