

CITY OF AZTEC
COMMISSION MEETING MINUTES
July 9, 2019

I. CALL TO ORDER

Mayor Victor Snover called the Meeting to order at 6:01 pm at the Aztec City Commission Room, City Hall, 201 W. Chaco, Aztec, NM.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

- A. Invocation (led by Commissioner Randall)
- B. United States Pledge of Allegiance (led by Commissioner Randall)
- C. New Mexico pledge of Allegiance (led by Commissioner Randall)

III. ROLL CALL

Members Present: Mayor Victor Snover; Mayor Pro-Tem Fry;
Commissioner Sipe; Commissioner Mark
Lewis; Commissioner Austin Randall

Members Absent: NONE

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

IV. APPROVAL OF AGENDA ITEMS

MOVED by Commissioner Randall to approve the agenda with the
removal of Quasi-Judicial Hearings Item (A) SECONDED by Commissioner
Lewis

All voted Aye: Motion passed five to zero

V. CONSENT AGENDA

- A. Commission Meeting Workshop Minutes June 25, 2019
- B. Commission Meeting Minutes June 25, 2019
- C. Water Purchase Contract Between Flora Vista Water Users Association and
City of Aztec-Amendment #2
- D. Records Destruction Finance Department
- E. RFP2019-696 Utility Bill Print & Mail Services
- F. Aztec Roping Association Agreement

MOVED by Commissioner Sipe to Approve the Consent Agenda as given with the exception of item (F) SECONDED by Commissioner Randall

All voted Aye: Motion passed five to zero

VI. ITEMS REMOVED FROM CONSENT AGENDA

(F) Aztec Roping Association Agreement

Mayor Snover asked for an explanation about the Roping Club and what they do. Jeff Blackburn explained that the arena had been there since the 50's even before the park was there. We built the park around the arena. The Mayor had issue with the sport of roping calves. Jeff explained that this group is the easiest to handle because they are self-sufficient.

MOVED by Commissioner Sipe to Approve the Aztec Roping Association Agreement SECONDED by Commissioner Lewis

Four voted Aye the Mayor voted Nay: Motion passed four to one

VII. PROCLAMATION

NONE

VIII. PRESENTATIONS

NONE

IX. CITIZENS INPUT (3 Minutes Maximum)

Dustin Farnsworth mentioned the sidewalks on Parkland Drive. He has talked to the City before and he is not sure about when they will get repaired.

X. BUSINESS ITEMS

A. Intent to Adopt Ordinance 2019-493 Cell Phone Use

Mayor Snover mentioned that he has been working with the City Manager on an Ordinance for cell phone use. He mentioned that he knows that it is not full proof but would like something that helps to prevent distracted driving. A lot of Cities are trending this way and it is time that we joined the other cities. He mentioned that this a public safety issue.

Commissioner Lewis asked if this was State Law. The state law is only for texting. Some even had issues with the hands free. The fines are 1st

\$105, 2nd \$180 and 3rd \$330 and these are all doubled in an active school zone. Chief Heal mentioned that it is not just cell phones but any form of distracted driving.

MOVED by Mayor Pro-Tem Fry to Approve the Intent to Adopt Ordinance 2019-493: Amending Chapter 24 Traffic to Include using a Handheld Mobile Communication Devices as a Violation and Section 1-12 to include Penalty and Fees for Such Violation SECONDED by Commissioner Randall

A Roll Call was Taken: All voted Aye: Motion passed five to zero

XI. QUASI JUDICIAL HEARINGS (LAND USE)

A. OG 19-02 Recompletion "Hydraulic Fracturing" of the Bruington Gas Com C#1R gas well (PULLED)

B. AZ 19-02 Zone Change request from R-1 Single-Family Dwelling District to R-2 Multiple-Family Dwelling District

Mayor Snover read the Land Use Script and asked if there were any bias or conflicts by the Commission to hear this case.

Community Development Director Steven Saavedra explained that this is a Zone Change for 507 White Ave, the Applicant is Myron Voorhis. ZC 19-02 - Zone Change request from R-1 Single-Family Dwelling District to the R-2 Multiple-Family Dwelling District. 507 White Ave. He reviewed and summarized all the details from the staff summary with commission.

Summary

The petitioner requests a zone change to the R-2 Multiple-Family Dwelling District from the R-1 Single-Family Dwelling District for approximately 0.16 acres, located at 507 White Ave, Aztec, NM 87410. The petitioner seeks the zone change in order to comply with Chapter 26 land use regulations. Additionally, a waiver to the 600 square feet floor area and rear setback for the secondary structure is requested to bring the parcel, structures, and use into compliance. The petitioner seeks to rehabilitate the subject property, which includes two residential dwelling units currently located on the parcel. According to San Juan County Assessor's Office, the primary residential dwelling unit was built in 1937 and is 1,080 square feet in size. The secondary structure is 395 square feet and built in 1945. Both structures are single-story units.

Pursuant to COA 26-2-36(1) an accessory Dwelling Unit is allowed with an approved conditional use permit in the R-1 Single-Family Dwelling District. Unfortunately, there is no conditional use permit on file for 507 White Ave. Additionally, the applicant indicated he would not reside at the subject property. Both units are intended to be utilized as

rental residential dwelling units. Therefore, the R-2 Multiple Family Districts complies with the intended use.

R-1 Single-Family Dwelling District

This district is regulated to permit single-family residential development, certain structures and land uses required to serve governmental, educational, non-commercial recreation, public utility installations, and other compatible public needs (COA 26-2-31).

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 townhouses. No building, structure or land use shall be used, altered or created for any purpose other than those designated for this district (COA 26-2-41).

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. Additionally, the applicant intends to rehabilitate the property and structures.

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

The change from the R-1 to R-2 District should not create any adverse impacts to the surrounding area. The subject property has had two residential dwelling units for 74-years. The change from R-1 to R-2 changes the zoning. However, the use by in large remains the same.

That being said, increasing density can increase noise, traffic, waste, and other issues. The property owner needs to ensure the property, and the tenants are in good standing at all times. Additionally, the property owner needs to ensure back access to the alley remains free and clear of obstructions for access.

▪ **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. Two (2) residential dwelling units on the same parcel of property without an approved conditional use permit is a violation of COA 26-2-36 and 26-2-31. Rezoning to the property to the R-2 District brings the property in conformity with Aztec's Land Use Regulations.

▪ **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, trash and electric utilities. Pursuant to COA 21-26 "It shall be the responsibility of the resident to deliver the receptacles to such point for collection and return the empty receptacles from such points to the usual place of storage, within twenty-four (24) hours of collection".

▪ **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 to an R-2 District. However, 507 White Ave is approximately 82-feet away from an apartment complex zoned C-2, located at 307 Aztec Blvd.

▪ **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 are primarily single-family site built homes, outside of the apartment complex located at 307 Aztec

Blvd. The requested zone change is partially compatible with the character of the neighborhood.

Carolann Rainie mentioned that the property in question has been around for a long time, she feels the zone change will set a precedence and does not want to see that in her neighborhood.

The applicant Myron Voorhis mentioned that he want to rent out the property bring it up to code and would like to move forward with the project. He mentioned that it will help with the resale value if it is ever to be sold.

Mike Padilla lives across the street and is in support of moving forward.

Commission felt that with the remodeling it will save a couple of houses and improve the neighborhood.

Mayor Snover closed the hearing to testimony.

MOVED by Commissioner Sipe, SECONDED by Commissioner Randall To approve Zone Change 19-02, a request from Myron Voorhis, for a zone change from the R-1 Single-Family District to the R-2 Multiple-Family District with waivers to the square foot requirement and rear yard setback for the secondary structure for property located at 507 White Ave with the following conditions:

1. Parking for the secondary dwelling unit cannot occur in the access alley; parking has to remain on the parcel of property at all times. Solid waste polycarts cannot be placed in the alley.
2. Access to the alley needs to remain clear and free from obstruction. The property owner is required to maintain the alley section for 507 White.
3. Rehabilitation of the dwelling units needs to be performed and in compliance with San Juan County's Building Division and the City of Aztec Land Use Regulations.

XII. COMMISSIONER, CITY MANAGER, DEPARTMENT REPORTS

City Manager Steve Mueller mentioned the Employee Association Picnic will be on Thursday at Cap Walls Park and City Offices will be closing at noon. On July 20th in Albuquerque he has the NMML Resolutions Committee. He mentioned that Karla sent an email for the voting delegates and alternates for NMML Business Meeting at the Annual Conference in Las Cruces on August 28, 2019. He mentioned that Connie Mack delegate's night will be July 31st.

Commissioner Lewis mentioned that there were a lot of fun things in the Community for the July 4th and it was good to be involved.

Commissioner Sipe mentioned that the Gold Star Banquet was a great opportunity to be able to attend.

Mayor Pro-Tem Fry mentioned she enjoyed the Gold Star Banquet. She received a notice that 4CED will have a membership drive on July 17th at 8:30 at San Juan College Quality Center.

Mayor Snover gave an early Birthday wish to Commissioner Sipe. He thanked the City for the opportunity to attend the Gold Star Banquet. He was at the very first dedication with Woody Williams. He mentioned that July 4th went well and school will be starting soon.

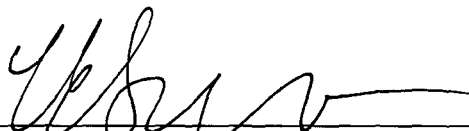
Chief Heal mentioned National Night Out on July 16th and they have been working on advertising to get people out.

City Clerk Karla Saylor mentioned that we may need to have a special meeting next week for an election resolution, she has an email into the County Clerk.

XIII. ADJOURNMENT

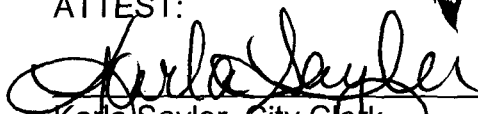
Mayor Snover moved to adjourn the meeting at 7:12 pm **SECONDED** by Commissioner Sipe





Mayor, Victor Snover

ATTEST:



Karla Saylor, City Clerk

MINUTES PREPARED BY:



Sherlynn Morgan, Administrative Assistant

