

A G E N D A

**Planning & Zoning Commission
City Council Chambers – 800 Municipal Drive
April 14, 2016, at 3:00 p.m.**

Item		Page
1	Call Meeting to Order	
2	Approval of the Agenda	
3	Approval of the Minutes of the March 24, 2016 P&Z Meeting	22
4	Approval of the Open Meetings Resolution	20
5	Petition No. SUP 16-02 – a request from Kyle Stowell for a Special Use Permit for a drive-thru for a restaurant at Johnny O’s Spudnuts on 0.75 acres located at 509 E. 20 th Street. (Steven Saavedra)	1
6	Business from: Floor: Chairman: Members: Staff:	
7	Adjournment	

The recommendation of the Planning and Zoning Commission is scheduled to be considered at the City Council Meeting on Tuesday, April 26, 2016.

ATTENTION PERSONS WITH DISABILITIES:

The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.

**COMMUNITY DEVELOPMENT
 PETITION REPORT
 Petition SUP 16-02-Special Use Permit allowing a drive-through window at
 509 E 20th Street.**

A. STAFF REPORT, April 14, 2016

PROJECT INFORMATION

Applicant	Johnny O's Spudnuts
Representative	Kyle Stowell
Date of Application	March 17, 2016
Requested Action	Approval of a special use permit to allow a drive through window in the LNC Zone district.
Location	509 E 20 th Street.
Existing Land Use	Commercial Use
Existing Zoning	LNC Local Neighborhood Commercial District
Surrounding Zoning & Land Use	North, South, East & West: LNC Local Neighborhood Commercial District / Commercial
Notice	Publication of Notice for public hearings of the Planning and Zoning Commission appeared in the Daily Times on Sunday March 27, 2016. Property owners within 100 feet were sent notice by certified mail on Tuesday March 22, 2016 and a sign was posted on Friday April 1, 2016.
Staff Planner	Steven Saavedra, Associate Planner

STAFF ANALYSIS

Petition Description and History

The petitioner requests a special use permit to allow a drive-through for a restaurant on 0.75-acre property at 509 E. 20th Street.

Pursuant to Section 2.3 the Use Table of the UDC, a drive-through restaurant is permitted in the LNC district with an approved special use permit. A restaurant drive-through is required to have a minimum of six (6) stacking spaces. The stacked spaces are to be measured from the order window. The site plan provided by the petitioner indicates eight stacking spaces and the drive-through window to be located at the southwest corner of the proposed building. Stacking spaces must be a minimum 9 feet by 20 feet each. The Planning & Zoning Division calculations indicate six (6) stacking spaces, 9 feet by 20 feet from the order window. The site plan is congruent with an order window; the planned stacking spaces meet the UDC's requirements.

The building's dimensions, scaled from the site plan, indicate that the building is approximately 4,100 square feet of building space: 1,440 square feet for office space and 2,666 for a restaurant. Section 5.2.3 Table A of the UDC requires restaurants

with a drive-through to have one parking space for every three seats. Section 5.2.3 Table A of the UDC requires one parking space per 250 square feet for an office building. The current parking site plan indicates thirty-nine parking spaces. The preliminary building floor plan shows thirty seats for the restaurant. Based on the number of seat, the restaurant needs ten parking spaces and the office building needs five parking spaces. Fifteen total parking spaces are required for the subject property located at 509 E. 20th Street. A minimum of one van-accessible parking space for the physically handicapped is required. The parking requirements will be reviewed during the building permit process.

Special Use Permit Criteria - Section 8.9.4 of the UDC

Section 8.9.4 of the UDC sets forth the criteria for review of a special use permit. The section states that an SUP may be approved where it is reasonably determined that there will be no significant negative impact upon residents of surrounding property or upon the public. Criteria are listed as follows:

- A. Effect on environment: The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to the neighboring property.

The petitioner has provided a parking and stacking space site plan for the proposed drive-through. The proposed drive-through meets the vehicle-stacking requirements of the UDC. However, staff recommends a parking site plan, which incorporates a drive through lane and stacking spaces. Staff highly recommends the removal of seven parking spaces on the northwest side of the lot for safety and convenience of the occupants. No circulation plan has been submitted for review. However, these issues can be further assessed with the application for a building permit.

- B. Compatible with surrounding area: The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening and density.

The site is in the local neighborhood commercial area. The proposed restaurant is allowed in the LNC District and is compatible with the surrounding area.

- C. External impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to the impacts.

There are no negative impacts concerning noise, glare fumes, dust smoke, or vibration. Pursuant to UDC 3.12, standards pertain but are not limited to building setbacks, building height, screening, dumpsters, and outdoor lighting.

- D. Infrastructure impacts minimized: The proposed use shall not have negative impacts on existing uses in the area and in the city through impacts on public

infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

Staff recommends the developer seek an alternative parking space layout. Access management controls should minimize the number of ingress/egress locations along 20th Street. According to Farmington's Metropolitan Planning Organization, 20th Street is considered a relatively dangerous corridor for bicycle and pedestrian safety. The parking plan should be revised to fit the new configuration. The stacked vehicles will block parking on the northwest corner of the lot. The menu board may block the east-west aisle north of the building. This creates a situation where those that park in the northwest stalls would exit through the drive-through. In addition, the parking space on the south side of the building appears to be angled in the wrong direction. The restaurant's waste receptacles are not shown in the provided site plan. These issues will be further assessed with the application for a building permit.

E. Consistent with the UDC and Comprehensive Plan: The proposed use will be consistent with purposes of this UDC, the Comprehensive Plan, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses otherwise permitted in the zone in which it is located.

The Comprehensive Plan calls for this area to be commercial. An office and restaurant are consistent with the UDC and the Comprehensive Plan.

F. Parcel size: The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

N/A

G. Site Plan: The proposed use shall be required to comply with the site plan review procedures and standards of Section 8.5, site plan review, as specified.

A conceptual site plan was provided to Community Development's Building Division.

Traffic Engineering: Charles Trask 505-599-8201

- The parking plan must be revised to fit the new configuration. The stacked vehicles will block the parking on the northwest. The menu board will block the east-west aisle north of the building. This creates a situation where those that might park in the northwest stalls would have to exit through the drive through. The parking spaces on the south side of the building appear to be angled the wrong direction. An ADA accessible parking space(s) needs to be shown on the parking plan.

MPO: Duane Wakan: 505-599-1449

- Recommends the developer seek an alternative(s) to the proposed configuration as the stacking parking illustrated may have negative consequences to traffic on 20th Street. Parking minimums may be required due to the tight configuration. In addition, access management controls should be considered to minimize the number of ingress/egress locations along 20th Street, which is proving to be one of the more dangerous corridors for bicycle and pedestrian conflicts within the City of Farmington, please see attached map.

Community Development: Steven Saavedra 505-599-1282

- The UDC requires fifteen total parking spaces for the combined restaurant and office building, located at 509 E. 20th Street. A minimum of one van-accessible parking space for the physically handicapped needs to be incorporated in the parking site plan.
- The parking plan needs to be revised to accommodate the stacking spaces, circulation plan, and solid waste collection.

STAFF CONCLUSION

Staff concludes approval of SUP 16-02 is appropriate. However, the parking plan as shown by the petitioner should be revised.

STAFF RECOMMENDATION

The Community Development Department recommends approval of Petition SUP 16-02, a request from Johnny O's Spudnuts, represented by Kyle Stowell, for a special use permit to have a drive-through at 509 E. 20th Street, in the LNC Local Neighborhood Commercial District subject to the following condition:

- A. The parking plan should be revised to accommodate the stacking spaces, circulation plan, and solid waste collection. These issues will be further assessed with the application for a building permit

PLANNING MEMO COMMENTS SUMMARY

SUP 16-02 JOHNNY O'S SPUDNUTS

Deadline: 3/25/16

City of Farmington Departments

CD	Director – Mary Holton	Comments will be incorporated into the staff memo.
CD	Addressing – Planning Division	
CD	Chief Building Official – Derrick Childers	Building inspection has no comments on SUP 16-02 Johnny's O's Spudnuts.
CD	Long Range Planner	
CD	MPO – Duane Wakan	3-31-16 I would recommend that the developer seek an alternative(s) to this proposed configuration as the stacked parking as illustrated may have negative consequences to traffic on 20th Street. Parking minimums may be required due to the tight configuration. In addition, access management controls should be considered to minimize the number of ingress/egress locations along 20th Street which is proving to be one of the more dangerous corridors for bicycle and pedestrian conflicts within the COF. See attached map
CD	Oil & Gas Inspector – Leona Simms	
CITY	City Manager's Office – Bob Campbell	
ELEC	Customer Care Manager – Nicki Parks	
ELEC	Electrical Engineering - Luwil Aligarbes	
ELEC	T & D	
FIRE	Fire Marshall –Brandy Vega	No comment from the fire marshal's office regarding special use permit
LEGAL	City Attorney – Jennifer Breakell	No comment
LEGAL	Deputy City Attorney-Russel Frost	
POLICE	Code Compliance – Todd Johnston	
POLICE	Sergeant Flores	
PRCA	Cory Styron	
PW	City Engineer- Nica Westerling	
PW	Engineering – Toni Sitta	
PW	Streets Superintendent – Jim Couch	
PW	Traffic Engineer– Charles Trask	3-31-16 Their parking plan must be revised to fit the new configuration. The parking on the northwest will be blocked by the stacked vehicles. The east west aisle north of the building will be blocked by the menu board. This will also create a situation where those that might park in the northwest stalls would have to exit through the drive through. The spaces on the south side of the building appear to be angled the wrong direction. I do not see any ADA accessible spaces either
PW	Water/Waste Water – Manuel Tso	3/29/16- No Comment on information provided.

Other Entities

New Mexico Gas Company-Ronnie Owens	
CenturyLink-Diane Willatto	
Enterprise Field Services	
Comcast Cable-Mark Johnson	
CH2MHILL OMI-Ron Rosen	
Williams Field Services	
Farmington School District-Cindy Lyons	

City of Farmington

Walker, Karen <kwalker@fmtn.org>

SUP 16-02 (A drive-through in the LNC District)

Trask, Charles <ctrask@fmtn.org>

Wed, Mar 30, 2016 at 5:05 PM

To: Steven Saavedra <ssaavedra@fmtn.org>

Cc: Keith Neil <kneil@fmtn.org>, Karen Walker <kwalker@fmtn.org>, Isaac BlueEyes <iblueeyes@fmtn.org>

I agree with your concerns. Their parking plan must be revised to fit the new configuration. The parking on the northwest will be blocked by the stacked vehicles. The east west aisle north of the building will be blocked by the menu board. This will also create a situation where those that might park in the northwest stalls would have to exit through the drive through. The spaces on the south side of the building appear to be angled the wrong direction. I do not see any ADA accessible spaces either
thx charlie

[Quoted text hidden]

2 attachments

 **Comment Due 3-25-16 SUP 16-02 Johnny O's Spudnuts.pdf**
474K

 **SUP 1602 Parking and drive_tru.pdf**
89K

City of Farmington

Walker, Karen <kwalker@fmtn.org>

SUP 16-02 (A drive-through in the LNC District)

Saavedra, Steven <ssaavedra@fmtn.org>
To: Karen Walker <kwalker@fmtn.org>

Thu, Mar 31, 2016 at 9:37 AM

Steven M. Saavedra, MRP
Associate Planner
City of Farmington
505.599.1282



----- Forwarded message -----

From: **Wakan, Duane** <dwakan@fmtn.org>
Date: Thu, Mar 31, 2016 at 9:05 AM
Subject: Re: SUP 16-02 (A drive-through in the LNC District)
To: "Saavedra, Steven" <ssaavedra@fmtn.org>

Steven,

I would recommend that the developer seek an alternative(s) to this proposed configuration as the stalked parking as illustrated may have negative consequences to traffic on 20th Street. Parking minimums may be required due to the tight configuration. In addition, access management controls should be considered to minimize the number of ingress/egress locations along 20th Street which is proving to be one of the more dangerous corridors for bicycle and pedestrian conflicts within the COF.

See attached map

Please let me know if you have questions,

DW

On Wed, Mar 30, 2016 at 3:21 PM, Saavedra, Steven <ssaavedra@fmtn.org> wrote:

Dear Duane,

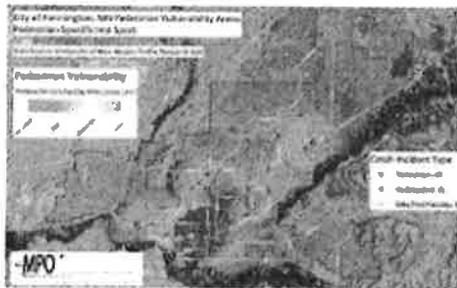
Are there any comments from the MPO perspective for SUP 16-02 (A drive-through in the LNC District). I am concerned with the proposed parking site plan as shown; vehicles on the northwest side of the lot will back into the drive-through stacking spaces and exit through the drive through lane. In addition, the parking on the south seems to interfere with the drive-through. Any insight and comment(s) are welcomed, thank you.

Kind regards,

Steven M. Saavedra, MRP
Associate Planner
City of Farmington
505.599.1282



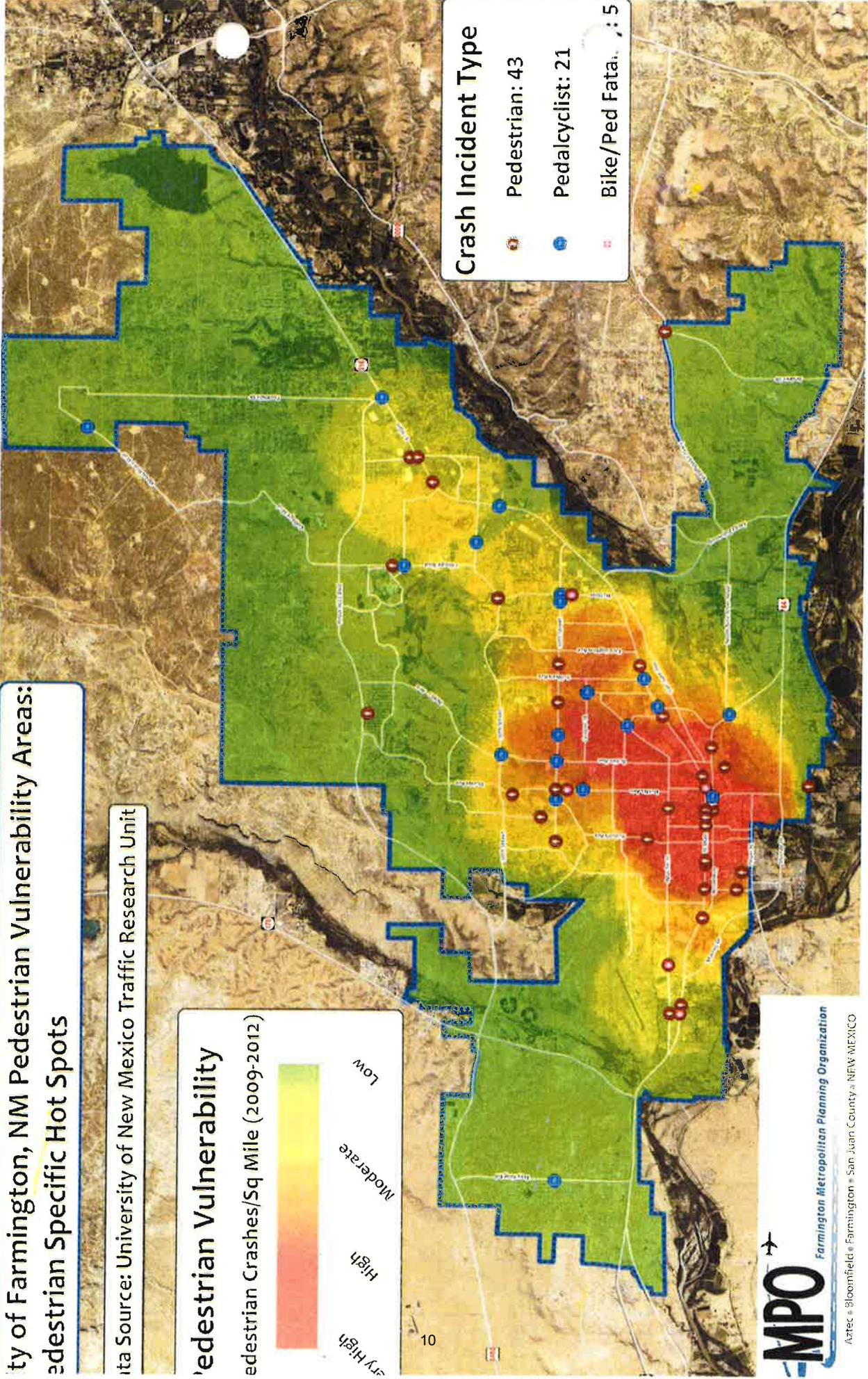
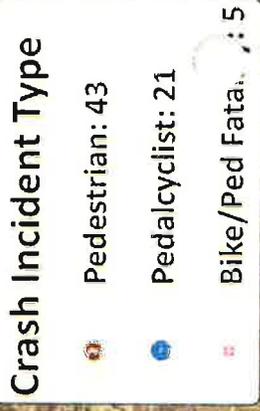
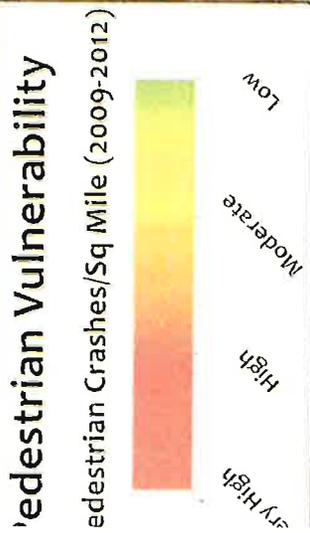
W. Duane Wakan- MUP
MPO Planner
Farmington Metropolitan Planning Organization
City of Farmington
800 Municipal Drive
Farmington, NM 87401
(505) 599-1449 Work
(505) 599-1299 - fax

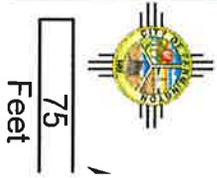


Crash Map.png
23041K

City of Farmington, NM Pedestrian Vulnerability Areas: Pedestrian Specific Hot Spots

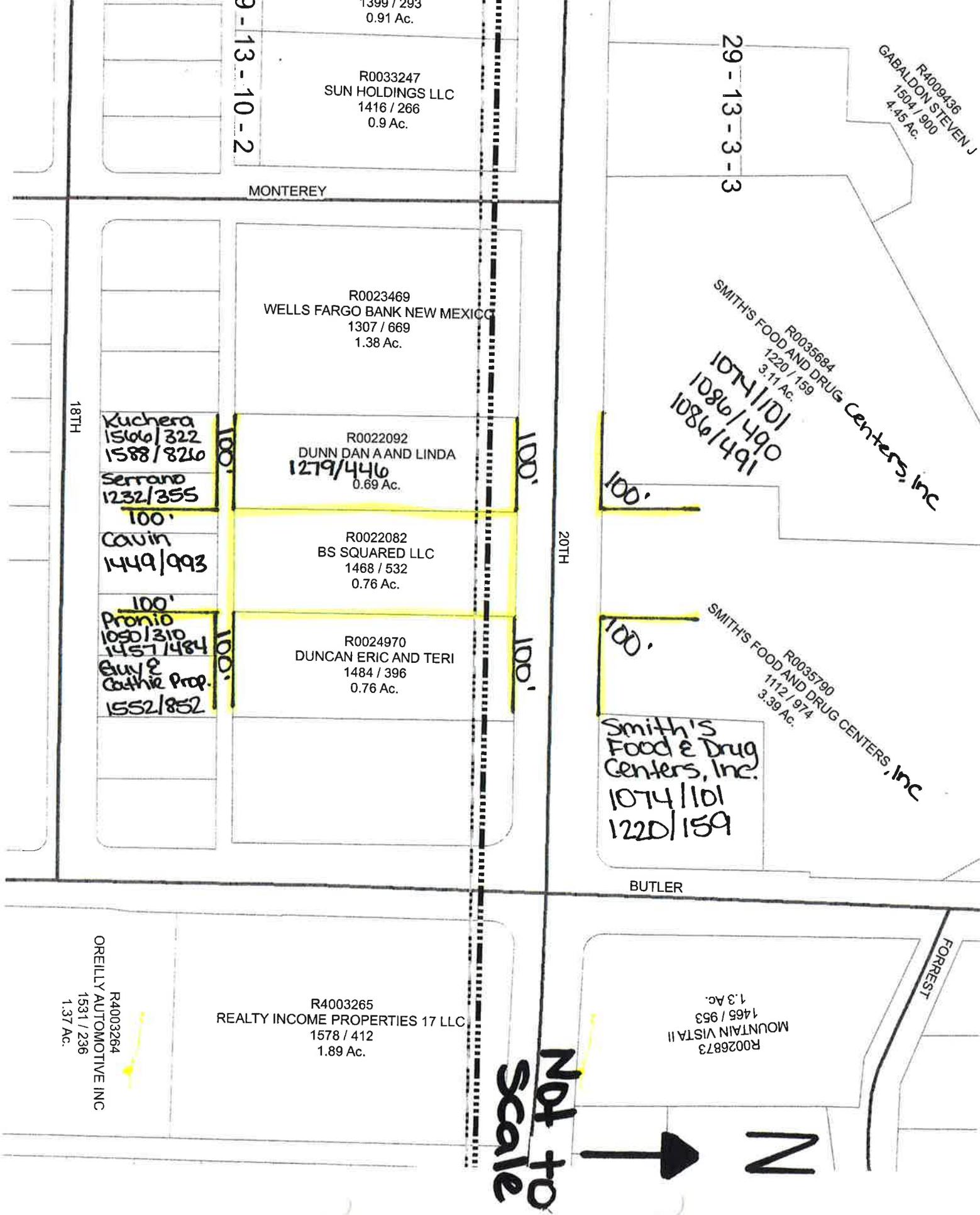
Data Source: University of New Mexico Traffic Research Unit





AREA UNDER CONSIDERATION
 Petition No. SUP 16-02¹¹

COMMUNITY
 DEVELOPMENT
 DEPARTMENT



9-13-10-2

1399 / 293
0.91 Ac.

R0033247
SUN HOLDINGS LLC
1416 / 266
0.9 Ac.

MONTEREY

R0023469
WELLS FARGO BANK NEW MEXICO
1307 / 669
1.38 Ac.

R0022092
DUNN DAN A AND LINDA
1279/446
0.69 Ac.

R0022082
BS SQUARED LLC
1468 / 532
0.76 Ac.

R0024970
DUNCAN ERIC AND TERI
1484 / 396
0.76 Ac.

R4003265
REALTY INCOME PROPERTIES 17 LLC
1578 / 412
1.89 Ac.

29-13-3-3

R4009436
GABALDON STEVEN J
1504 / 900
4.45 Ac.

R0035684
SMITH'S FOOD AND DRUG CENTERS, INC
1220 / 159
3.11 Ac.
1074/101
1086/490
1086/491

R0035790
SMITH'S FOOD AND DRUG CENTERS, INC
1112 / 974
3.39 Ac.
Smith's
Food & Drug
Centers, Inc.
1074/101
1220/159

R0026873
MOUNTAIN VISTA II
1465 / 953
1.3 Ac.

18TH

20TH

BUTLER

FOREST

Not to
Scale



N

R4003264
O'REILLY AUTOMOTIVE INC
1531 / 236
1.37 Ac.

PETITION APPLICATION



Incomplete applications may not be accepted.

Return completed application to:

Planning Division
Community Development Department
City of Farmington
800 Municipal Drive
Farmington, NM 87401 (505) 599-1317

PROJECT TYPE (Check Those Applicable)

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation / Zoning
<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Final Plan | <input type="checkbox"/> Summary Plat
<input checked="" type="checkbox"/> Special Use Permit
<input type="checkbox"/> Variance (ARB) | <input type="checkbox"/> Zone Change to
<input type="checkbox"/> Temporary Use Permit
Proposed Length of Use:
<input type="checkbox"/> Well site equipment modification |
|--|--|--|

INFORMATION

Applicant's Name: <u>Johnny O's Spudnut</u>	Project Location: <u>CBF</u>
Address: <u>509 E 20th</u>	Existing Use: <u>Office Space</u>
E-Mail: <u>clearrite.nm@gmail.com</u>	Proposed Use: <u>Spudnut Shop</u>
Telephone: <u>(505) 330-2392</u>	Current Zoning:
Relationship to Property Owner: <u>Tenant</u>	Assessor's Parcel I.D. and/or Tax I.D. Number: <u>81-1806728</u>

Legal Description of Subject Property:

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

REPRESENTATIVE / CONTACT PERSON (if other than applicant)

Name: <u>Kyle Stowell</u>	E-Mail: <u>clearrite.nm@gmail.com</u>
Phone: <u>(505) 330-2392</u>	Address: <u>519 Summer Solstice Farmington, nm 87401</u>

OWNERSHIP

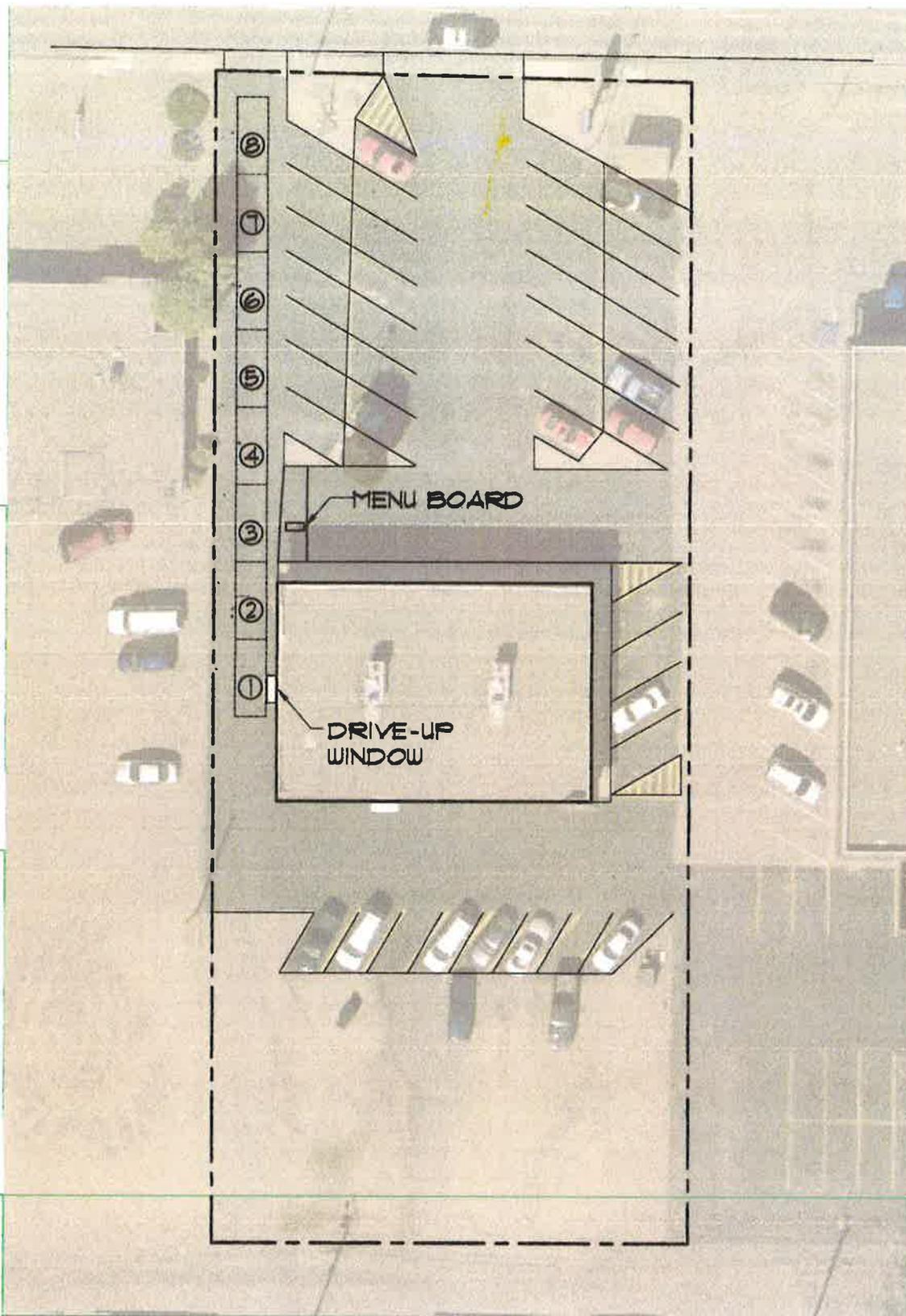
<p><small>PROPERTY OWNER (Identify General Partners, Managing Partner, Corporation President and Secretary. Specify type of ownership interest: Fee, Real Estate Contract, Option to Purchase)</small></p>	<p><small>MORTGAGE HOLDERS (If any)</small></p>
Name: <u>Bill Sharer</u>	Name: <u>Four Corners Community Bank</u>
Phone: <u>(505) 486-5272</u>	Phone:
Address: <u>509 E 20th Farmington, nm</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 Farmington or Planning and Zoning Commission to enter the premises described in this application. I understand applications will generally be reviewed by City Council at their first regular session following the P&Z review.

Owner's Signature:

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

Received By <u>MZ/Holter</u> Date <u>3/17/16</u> Fee Received <u>80.00 #2045</u> Project File No. <u>SUP16-02</u> Date of Hearing/Meeting: <u>Apr. 14, 2016</u> ^{PE2} / <u>Apr 26, 2016</u> ^{CC}	<input type="checkbox"/> Site Plan <input type="checkbox"/> Ownership List (subject and surrounding properties) <input type="checkbox"/> Legal Description <input type="checkbox"/> Project Description
---	--



PROPOSED STACKING PLAN

1" = 40'

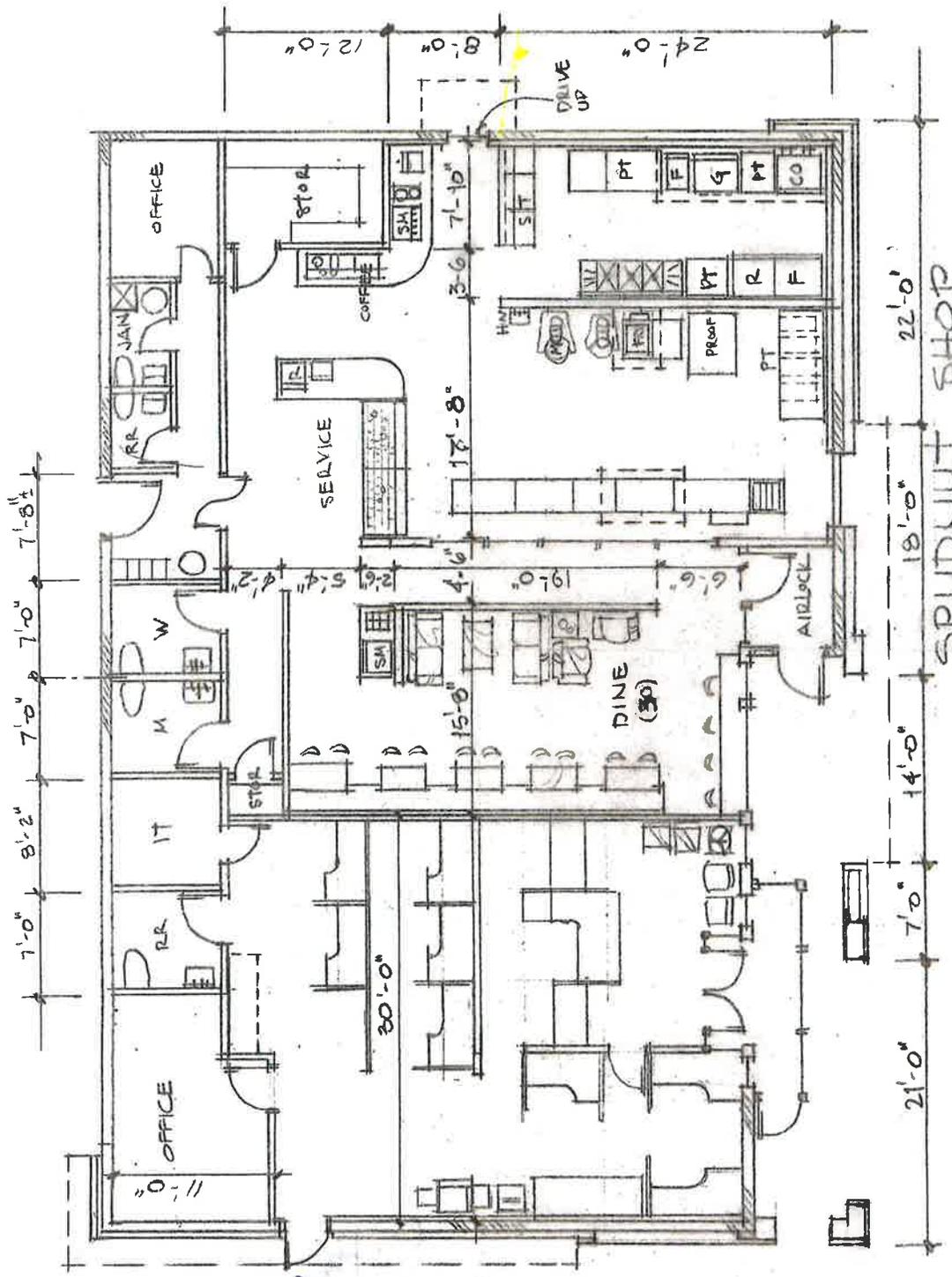


Rodahl & Hummell
Architecture, P.C.

C1¹⁴

CBF/SPUDNUTS
FARMINGTON, NM

Date:
03.16.16



2512

SPUDNUT SHOP
FLOOR PLAN 1/25/16

**P&Z PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the following applications have been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico.

Petition No. SUP 16-02 - a request from Kyle Stowell for a Special Use Permit for a drive-thru for a restaurant at Johnny O's Spudnuts on 0.75 acres located at 509 E. 20th Street in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Plute Subdivision. W 110.81 Ft. of the E 371.62 Ft.
Otherwise known as 509 E. 20th Street

Pursuant to the provisions of Section 3-21-6, New Mexico Statutes Annotated, 1978 Compilation, notice is hereby given that this petition will be considered at the regularly scheduled Public Hearing of the Planning and Zoning Commission of the City of Farmington on Thursday, April 14, 2016 at 3:00 p.m. in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this petition will be considered by the City Council on Tuesday, April 26, 2016 at 6:00 p.m. in the City Council Chambers. All interested individuals are invited to attend the hearing and shall have an opportunity to be heard with respect to the subject Petitions.

Karen Walker
Administrative Assistant

Legal No. 72518 published in The Daily Times on March 27, 2016.

**NOTICE OF PUBLIC HEARING
SPECIAL USE PERMIT
PETITION NO. SUP 16-02**

March 23, 2016

Dear Property Owner:

Notice is hereby given that an application has been filed with the Planning and Zoning Commission of the City of Farmington, New Mexico, a request from Kyle Stowell for a Special Use Permit for a drive-thru for a restaurant at Johnny O's Spudnuts on 0.75 acres located at 509 E. 20th Street in the City of Farmington, San Juan County, New Mexico, as described below:

LEGAL DESCRIPTION

Piute Subdivision. W 110.81 Ft. of the E 371.62 Ft.

Otherwise known as 509 E. 20th Street

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 the Planning and Zoning Commission of the City of Farmington on **Thursday, April 14, 2016 at 3:00 p.m.** in the City Council Chambers at City Hall, 800 Municipal Drive, Farmington, New Mexico. If forwarded by the Commission, this item will be reviewed by the City Council on **Tuesday, April 26, 2016 at 6:00 p.m.** in the City Council Chambers. 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 hearings noted above or submit written comments prior to the meeting to the Planning Division -- Community Development Department at 800 Municipal Drive, Farmington, New Mexico 87401. Please be advised that this petition could be cancelled 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 S.

Sincerely,



Karen Walker
Administrative Assistant

GUARDIAN ABSTRACT & TITLE CO., INC.
221 NORTH AUBURN
FARMINGTON, NEW MEXICO 87401

PROPERTY OWNERS WITHIN 100 FEET, EXCLUDING ROADWAYS AND ALLEYS OF
 THE FOLLOWING DESCRIBED PROPERTY: **Piute Subdivision**
W 110.81 Ft. of the E 371.62 Ft.

OWNER: BS Squared, LLC
 3203 Municipal Dr.
 Farmington, NM 87401
 1468/532

<u>ADJOINING OWNER</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Duncan, Eric and Teri 1484/396	4473 Bella Vista Cir. Farmington, NM 87401	Piute Subdivision W 110.81 Ft. of the E 260.81 Ft.
Guy and Cathie Properties, LLC 1552/852	5607 Greenwood Farmington, NM 87402	Chaco Subdivision Block 3 E 14 Ft. of Lot 8 and W 51 Ft. of Lot 9
Pronio, Michael T. 1050/310, 1457/484	512 E 18 th Farmington, NM 87401-6352	Chaco Subdivision Block 3 E 22 Ft. of Lot 7 and W 43 Ft. of Lot 8
Cavin, Joseph and Micaela 1449/993	5 Road 31150 Aztec, NM 87410	Chaco Subdivision Block 3 E 29 Ft. of Lot 6 and W 35 Ft. of Lot 7
Serrano, Bernardo J. and Doris J. 1232/355	P.O Box 555 Gallup, NM 87520-0555	Chaco Subdivision Block 3 E 36 Ft. of Lot 5 and W 28 Ft. of Lot 6

Kuchera, Jerry L. and
Katheryn M.
1566/322, 1588/826

P.O Box 2542
Farmington, NM
87499

Chaco Subdivision
Block 3
E 43 Ft. of Lot 4 and
W 21 Ft. of Lot 5

Dunn, Dan A. and
Linda
1279/446

609 Teton Dr.
Farmington, NM
87401-4007

Piute Subdivision
E 100 Ft. of the W 300 Ft.

Smith's Food & Drug
Centers, Inc.
1074/101, 1086/490,
1086/491, 1112/974,
1220/159

1014 Vine St. 7th Floor
Cincinnati, OH
45202

Gladden-Peterson
Commercial Subdivision
Tracts B, C and D

RESOLUTION

A RESOLUTION SETTING AND ESTABLISHING A REGULAR MEETING DAY, TIME AND PLACE FOR THE PLANNING AND ZONING COMMISSION PURSUANT TO CITY COUNCIL RESOLUTION NO. 2013-1466 AS RATIFIED

WHEREAS, pursuant to the provisions of Resolution No. 2013-1466 as ratified, each board, commission, committee or other policy making body of the City of Farmington which holds regular meetings shall annually, subject to the ratification and approval of the City Council of the City of Farmington, establish a regular meeting day, time and place; and

WHEREAS, the Planning and Zoning Commission of the city of Farmington has determined and does recommend to the City Council that the regular meeting day, time and place of the Planning and Zoning Commission of the City of Farmington and the location where a copy of the agenda of such meetings may be obtained shall be as set forth in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF FARMINGTON:

That the regular meeting day, time and place of the Planning and Zoning Commission of the City of Farmington shall be held on each Thursday following each second and fourth Tuesday of each month at 3:00 p.m., in the Council Chambers, Municipal Building, 800 Municipal Drive, Farmington, New Mexico and that the location where a copy of the agenda of the regular meeting may be inspected seventy-two (72) hours in advance of such meeting shall be at the Community Development Department, 805 Municipal Drive, Municipal Annex, Farmington, New Mexico.

PASSED, SIGNED, APPROVED and ADOPTED this _____ day of April, 2016.

By: _____
Chairperson, Planning and Zoning Commission

MINUTES
PLANNING & ZONING COMMISSION

March 24, 2016

The Planning and Zoning Commission met in a regular session on March 24, 2016 at 3:00 p.m. in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico

P&Z Members Present:

Chair-Joyce Cardon
Shay Davis
Clint Freeman
Rory Jaquez
Kristin Langenfeld
Cheryl Ragsdale
Paul Thompson

P&Z Members Absent:

Ryan Brown
Cody Waldroup
Del Washburn

Staff Present:

Julie Baird
Jennifer Breakell
Russel Frost
Mary Holton
Cynthia Lopez
Keith Neil
Steven Saavedra
Toni Sitta
Karen Walker

Others Who Addressed the Commission:

John Buffington
Doug Frary
Blake Richards
Larry Smith

Call to Order

Chair Cardon called the meeting to order at 3:00 p.m. There being a quorum present the following proceedings were duly had and taken.

Presentation of the Agenda

There were no changes to the Agenda.

Approval of the Minutes

A motion was made by Commissioner Davis and seconded by Commissioner Thompson to approve the minutes of the March 10, 2016 P&Z Meeting. This motion was approved unanimously by a 7-0 vote.

Swearing in of Witnesses

All parties that wished to speak on behalf of any agenda items were sworn in by Karen Walker.

<p style="text-align: center;">COMMUNITY DEVELOPMENT PETITION REPORT Petition No. PP 16-03 Preliminary Plat for Cannery Subdivision Replat B</p>

Planning & Zoning Commission Discussion of Petition PP 16-03 on March 24, 2016

Associate Planner Steven Saavedra presented the staff report from Pat Messerli, represented by Cheney-Walters-Echols, Inc., for a lot split for 8.70 acres located at the intersection of Cannery Court and Nelson Avenue. The property is in the Metropolitan Redevelopment Area. Nelson Avenue will extend to W. Broadway. The property is in the MU Mixed Use District.

The proposed lots are vacant. A medical rehabilitation center is planned for Lot 1-1A. There are no other plans for the remaining lots at this time except for the lot to the Northwest. It is scheduled to be a retention pond.

Mr. Saavedra concluded that staff recommends approval with the following conditions:

- a. Nelson Avenue is required to be constructed and completed to City Standards prior to any building permits issued for any lots located within the replat.
- b. The developer will make the necessary improvements to Broadway, as agreed upon with the Public Works Department and based on the 2013 Traffic Impact Analysis.

Commissioner Freeman asked if there were any issues with the retention pond on outlot 1. Mr. Saavedra explained the developer will need to consolidate it with one of the two lots on the property for maintenance purposes.

Commissioner Thompson asked if a culvert would be required. Senior Planner Cindy Lopez commented that the culvert would be a requirement for development of the property and did not need to be a requirement for approval of the petition by Planning & Zoning Commissioners.

Commissioner Thompson voiced a concern regarding improvements to Broadway. Ms. Lopez stated improvements to Broadway would be negotiated with the Public Works Department and would follow the Traffic Impact Analysis requirements.

Director Mary Holton mentioned that she had communicated with Dr. Messerli and he was negotiating with a skilled nursing facility for Lot 1A-2.

The Planning & Zoning Commissioners deliberated and the group discussed concerns about providing conditions to approval in regards to Broadway improvements and drainage. It was decided the concerns would be rectified during the building permit process based on requirements under the UDC.

Planning & Zoning Commission Action of Petition PP 16-03 on March 24, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Ragsdale to **approve** Petition PP 16-03, a request from Pat Messerli, represented by Cheney-Walters-Echols, Inc., for a lot split for 8.70 acres located at the intersection of Cannery Court and Nelson Avenue with conditions recommended by staff.

AYE: Chair Cardon, Commissioners Davis, Freeman, Jaquez, Langenfeld, Ragsdale, and Thompson.

NAY: None

Abstained: None

Absent: Commissioners Brown, Waldroup, and Washburn.

Motion passed 7-0

COMMUNITY DEVELOPMENT PETITION REPORT
Petition No. ZC 16-02
Zone Change from MU Mixed-Use and OP Office Professional to IND
Industrial
804 S. Drake Ave. and 710 S. Lake St.

Planning & Zoning Commission Discussion of Petition ZC 16-02 on March 24, 2016

Associate Planner Keith Neil presented the staff report from San Juan Regional Medical Center (SJRMC) for a Zone Change from OP Office Professional and MU Mixed Use zoning districts to IND Industrial for properties located at 804 F S. Drake Avenue and 710 S. Lake Street.

Mr. Neil continued to explain that the petition is represented by Doug Frary and Larry Smith from SJRMC, and includes a large parcel of land, approximately 12 acres, south of Drake Avenue and north of Murray Drive, as well as a long narrow parcel east of S. Lake Street. SJRMC is proposing to utilize these parcels for a 1.5 Megawatt major utility solar array. The zone change to IND Industrial will permit this use by right and not require a Special Use Permit. The property is currently being consolidated into one large parcel through a SP Summary Plat.

Access to the property will be along Drake Avenue at two locations, noted Mr. Neil. To the east of the property are Drake Well Service and a mobile home service area with vacant mobile homes (both zoned IND). The City's waste water treatment plant is located across Murray to the south (zoned IND). To the west are ABC Concrete, Cascade Bottled Water (both zoned IND), and FedEx (zoned MU). North is Perry Supply and Century Link (both zoned MU).

Mr. Neil stated that SJRMC has made a 25 year investment to place the solar array on this parcel. The solar energy produced will be strictly for use by the hospital and can meet 25% of the hospital's daily requirement for electricity. The solar array will consist of 6000 panels, explained Mr. Neil. It is classified as a major utility. Examples of major utilities include water towers, gas regulating stations, water and waste treatment plants and electrical substations. National electric standards require a solar array to be secured with barbed wire which is only allowed in IND Industrial or RA Rural Agricultural districts.

The properties in question were recently annexed into the City of Farmington in 2014. Although these properties were not part of the City in 2002 when the Comprehensive Plan was developed, said Mr. Neil, the 2020 Future Land Use Plan recommends the properties for Commercial zoning. The property is not in the MRA (Metropolitan Redevelopment Agency) district, but consideration is being given to the impact it may have on the MRA.

Mr. Neil commented that due to the proximity of these parcels to the MRA, this request was to be presented at the March 17, 2016 meeting of the MRA Commission for their input and consideration, but it was tabled.

The 2009 MRA Plan lists this area as "Medical Center Campus" and is in close proximity to the #3 Catalyst Project. This Catalyst Project is identified as "Medical Center Support" (office/retail,

Housing mix). As part of the “Medical Center Support” designation, the proposed zone change to IND Industrial for a major utility solar array would fall under the support aspect of the Project.

Additionally, said Mr. Neil, the MRA plan identifies the project by saying:

“There is a willingness on part of SJRMC to be a strategic partner in launching catalyst projects. This partnership greatly enhances the feasibility environment for suggested projects.”

Specific Development Projects: “This area can host a variety of projects that will benefit from synergy with the Center and can represent some of the early signature projects for the MRA – setting the tone for quality, style design, and creativity. For example, this area could be a good location to showcase ‘Green Building’ or LEED certified construction which could establish a meaningful trend for the district.”

(Farmington Downtown MRA Plan –Catalyst Projects, pages 66-67)

Mr. Neil concluded with some issues to consider:

- Consistency with the comprehensive Plan - the Comprehensive Plan calls for commercial in this area.
- Compatibility with zoning and uses of nearby property – the property is surrounded on three sides by IND zoning and uses.
- Adverse Impacts – glare, heat, noise and fumes are not a factor.
- Density and intensity of use – the proposal is permitted in this district.
- Physically suitable for development – the proposal meets all setbacks.
- All required services available to serve development – they are available.
- Spot Zoning – this is not spot zoning.

Staff recommends approval.

Commissioner Langenfeld asked if any comments other than the comment from MRA Commissioner Linda Barbeau had been received. Mr. Neil responded that it had not, but any responses received prior to the City Council Meeting on April 12, 2016 would be presented to the City Council Members.

Commissioner Thompson stated that the application claimed the property was unsuitable for MU Mixed Use and OP Office Professional. Mr. Neil explained SJRMC owns the property and they feel is unsuitable for MU or OP. They do not have plans to build housing or retail on the

property, but there is nothing wrong with the land. There is a natural gas well in the northeast portion of the property that causes some restrictions.

Commissioner Thompson asked how the solar array would meet points for “Specific Development Projects”. Mr. Neil stated the property has been vacant for a long time and will continue to be vacant if the solar array does not move forward. Mr. Neil commented that very little solar energy is produced in the Farmington area. This may be the groundwork and lay the foundation for future development of renewable energy.

Commissioner Freeman commented that he would like to postpone a decision until the MRA Commissioners had made comments on the project. Senior Planner Cindy Lopez stated that the MRA will have time to comment prior to the City Council Meeting on April 12, 2016. She reiterated that any responses received from the MRA Commissioners will be presented to the City Council.

Director Mary Holton stated that while the Planning Division staff has made some good points in their staff memo, the ultimate question in considering rezoning petitions is to ask whether the proposed zoning district is the appropriate one for the area.

Ms. Holton referred to page 16 of the P&Z Agenda where she pointed out a three page memo she wrote that includes information from different plans the City of Farmington has prepared, developed, and adopted over the last 20 years.

On page 18, said Ms. Holton, she has stated her rationale for her recommendation to deny the rezoning to IND. Ms. Holton asked the Commissioners to think about the impact of the development on the downtown area and the MRA.

On page 80, Ms. Holton referred to her comments in the Planning Memo Comment Summary. On paragraph 3 Ms. Holton wrote, “The impact of rezoning this tract from OP & MU to IND on adjoining properties and in the MRA must be fully evaluated. Once rezoned to IND, any use permitted in IND would be permitted.” Unfortunately, she said, we do not have all of the MRA Commissioners statements. If you decide the solar array is appropriate, Ms. Holton continued, I would recommend you zone it to PD Planned Development. A PD would retain the MU and OP uses, and could allow the solar array and address the need for barbed wire. Ms. Holton recommended denial of IND.

Commissioner Freeman inquired as to whether a PD will give more control over the look of the area. Mr. Freeman commented that the City has worked to change the look of this part of

town. Ms. Holton stated that a PD would give the developer flexibility and would also give the City the ability to require additional screening requirements. Zoning IND, she felt, was going backwards.

Commissioner Jaquez asked if the area was zoned IND when it was annexed into the city. Ms. Holton said it was annexed only 2 years ago and came in as MU and OP.

Commissioner Davis commented that as far as decorum, staff was recommending approval. He questioned as to why Ms. Holton, as Director, was recommending denial. Ms. Holton said staff is allowed to “agree to disagree” and that we are obligated to give as much information as possible to the Commissioners.

Doug Frary, 801 W. Maple, Vice President of Professional and Support Services with SJRMC, stated that the area must be rezoned to put in a solar array. He did not feel the area was suitable for office or retail development. There is an active gas well at the northern access to the property, and the southern access on Murray would be expensive to add. The area meets the hospital’s Master Plan as of 2008. In 2009, the Swartz area was redeveloped. South of Piñon Street is the support area for offices and support facilities.

Mr. Frary continued to explain that the site is 12 acres and the solar field would use 10 acres of the property. The property has not changed since 1997 when it was purchased by SJRMC. The solar panels are tracking panels for the most efficiency. It would bring temporary jobs and use local resources. The community and hospital benefit, said Mr. Frary. It is a reduced carbon footprint, peak energy usage reduction, and a hedge against energy inflation. The design will address glare, noise, security, traffic, appearance, and protection to wildlife issues.

Mr. Frary stated that he has talked with several adjacent property owners. The only suggestion concerned landscaping. There will be landscaping and a fence similar to the fence on Apache at Navajo Prep on the side next to Murray. Mr. Frary feels the solar array will benefit the community, meet San Juan Regional Medical Center’s Master Planning Guidelines, represent an appropriate change to the zoning map, and meet the applicable approval criteria for the requested change. Mr. Frary continued to explain how the solar panels work.

Commissioner Ragsdale asked Mr. Frary if he had an issue with a PD instead of IND zoning. Mr. Frary commented that his only issue was ‘time’ because he was ready to begin the project as soon as possible.

Chair Cardon asked if there would be screening on any other sides. Mr. Frary said Drake Drilling Service has asked for landscaping on the side adjoining them.

Commissioner Thompson asked if the hospital had considered putting the solar panels on the roof of the buildings. Mr. Frary said the roof structure cannot handle the extra weight of the panels. The panels would add many perforations of the roof that could lead to further damage to the hospital and the roof does not have enough room for the amount of panels needed.

Chair Cardon asked to have staff explain a PD Planned Development zoning.

Jennifer Breakell, City of Farmington Attorney, explained that a PD would not take any longer than any other zone change. Re-noticing or another hearing would not be necessary. Ms. Holton stated that a PD would retain the recommended zoning that came out of the MRA plan, it is the most flexible, and it will allow retaining the current underlying zoning as well as allowing the addition of uses proposed by the petitioner. It would allow conditions recommended by Planning & Zoning Commissioners and City Council Members. Ms. Lopez added that a PD is a zone change and would allow the underlying zoning to remain as MU and OP.

John Buffington, 3104 Espacio, Farmington, Chief Operating Officer at SJRMC, commented that a time delay would be the only concern. He confirmed that the fencing along Murray would be similar to the fencing at Navajo Prep. Mr. Buffington said the hospital was committed to a nice facility and he is not opposed to a PD zoning.

Blake Richards, 4840 Pan American Freeway, Albuquerque, Affordable Solar contractor, discussed the design of the solar array and responded to comments by Commissioners on the overhead and underground power lines that will be installed. He said there will be an 8 foot fence of wrought iron on the south side with the remainder in barbed wire. The area is currently barbed wire on all sides.

The Planning & Zoning Commissioners deliberated and the group discussed concerns about landscaping and fencing conditions. Ms. Lopez mentioned that most of the businesses in the area have barbed wire fencing.

Commissioner Langenfeld said renewable energy needed to be encouraged, but she is not convinced that a PD zoning is appropriate. This project is the beginning and needs to be used to develop policies for renewable energy. She said she feels the petition needs more discussion

and long-range planning. Ms. Langenfeld stated that she is not comfortable with the PD zoning at this time. Ms. Holton commented that the final decision will be up to City Council.

Chair Cardon agreed that a PD will give the City more involvement on decisions. IND will not be desired in the area for the future of the MRA.

Ms. Lopez said the MRA Commissioners will be contacted again and any comments will be forwarded to the City Council. Ms. Lopez reminded the Commissioners that the property is not in the MRA district. Ms. Holton said the Planning & Zoning Commissioners recommendation would also be provided to the MRA Commissioners.

Commissioner Langenfeld emphasized her feeling that renewable energy is a good thing, but this is the first experience with it within the city. She was not sure how it might affect development around it and committing that much property for that amount of time doesn't give any idea of what is the best practice for future development.

Planning & Zoning Commission Action of Petition ZC 16-02 on March 24, 2016

A motion was made by Commissioner Freeman and seconded by Commissioner Davis to **approve** Petition ZC 16-02, a request from San Juan Regional Medical Center for a zone change to a PD Planned Development overlay on the MU and OP zoning districts, for properties located at 804 F S. Drake Avenue and 710 S. Lake Street, with conditions to have fencing along W. Murray Drive similar to fencing at Navajo Prep along Apache Street, and to come to an agreement for any landscaping and/or screening with the neighboring businesses on all sides.

AYE: Chair Cardon, Commissioners Davis, Freeman, Jaquez, Langenfeld, Ragsdale, and Thompson.

NAY: None

Abstained: None

Absent: Commissioners Brown, Waldroup, and Washburn.

Motion passed 7-0

Business from the Floor: Ms. Lopez introduced Julie Baird who was the General Administrative Director for the City of Farmington and is now stepping into Bob Campbell's place as Assistant City Manager when he retires at the end of April.

Business from the Chair: There was no business from the Chair.

Business from the Members: Commissioner Langenfeld thanked the staff for their presentation of the petitions. She stated that she would like to have the opportunity to speak on revisiting and revising the UDC in the near future to allow major utilities in all zoning districts with an SUP Special Use Permit. Ms. Langenfeld feels the City needs to move forward in regards to renewable energy projects for communities the size of Farmington.

Business from Staff: Ms. Lopez commented that Petition PP 16-01 and PP 16-02, requests from Vernon Gladden, represented by George Walters of Cheney-Walters-Echols, Inc., for L&V Subdivision No. 1 and No. 2 for preliminary plans of a proposed 5-lot subdivisions located at County Road 6480 passed on consent at the March 22, 2016 City Council Meeting.

Petition SUP 16-01, a request from Martha Wu for a Special Use Permit for a nonconforming residential use in the Industrial District to allow the structure to be rebuilt if destroyed by more than 50% for property located at 4307 Hannon Drive also passed on consent at the March 22, 2016 City Council Meeting.

Adjournment: With no further business and a motion by Commissioner Freeman and seconded by Commissioner Davis, the Planning and Zoning Commission meeting March 24, 2016 was adjourned at 4:47 p.m.

Joyce Cardon
Chair

Karen Walker
Administrative Assistant