

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.

COMMUNITY DEVELOPMENT PETITION REPORT
Petition No. PP 16-03
Preliminary Plat for Cannery Subdivision Replat B

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 (SJPMC) 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 SJPMC, 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. SJPMC 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 SJPMC 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