

M I N U T E S
PLANNING AND ZONING COMMISSION
October 10, 2013

The Planning and Zoning Commission met in a regular session on October 10, 2013 at 3:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:	Vice-Chair: Commissioners:	Joyce Cardon Bruce Buchanan Rory Jaques Kristin Langenfeld Cheryl Ragsdale Paul Thompson Amy Ziesmer
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P&Z Members Absent:	Chairman: Commissioners:	Dennis Ivie Clint Freeman Daniel Arnold (Alt) Del Washburn (Alt)
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Staff Present:	Fran Fillerup Cynthia Lopez Mary Holton Sam Montoia Dee Dee Moore
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Others Who Addressed the Commission:

Call to Order

The meeting was called to order at 3:00 p.m. by Vice-Chair Cardon and there being a quorum present the following proceedings were duly had and taken.

Presentation of the Agenda

Senior Planner Cynthia Lopez stated there were no changes to the agenda.

Approval of the Minutes

A motion was made by Commissioner Ragsdale and seconded by Commissioner Jaques to approve the minutes of the August 15, 2013 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 an agenda item were sworn in by Dee Dee Moore.

<p>COMMUNITY DEVELOPMENT PETITION REPORT ZC 13-09/SUP 13-09 2107 Schofield Lane</p>
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Planning and Zoning Commission Discussion of ZC 13-09/SUP 13-09 on October 10, 2013

Senior Planner Cynthia Lopez presented the staff report for a zone change for property located at 2107 Schofield Lane from SF-7 to MF-L and for a special use permit to allow for a group care facility. This location has been a group care home for the Family Crisis Center and could continue to be utilized for up to eight adults in residence. However, Masada House is asking for 12 adults which requires the zone change from SF-7 Single-family Residential District to MF-L Multifamily Residential Low Density. Ms. Lopez stated that staff is recommending approval of the requested zone change and the special use permit.

Petitioner Karen Chenault of 610 N. Dustin replied to Vice-Chair Cardon that she had read the staff report and had no questions. Ms. Chenault added that she is looking forward to the opportunity to serve the community. Commissioner Buchanan asked Ms.

Chenault to address some of the concerns identified in the letter of opposition that was received. He stated that the concerns listed in the letter are regarding the people that are in transition, which they felt would have a negative influence to the neighborhood. He asked Ms. Chenault if she had data related to these types of residences and the impact to the surrounding neighborhood.

Ms. Chenault stated that the Masada House located at 610 N. Dustin has been open for two years. During that time the property has been improved and has increased in value. She also stated that there have been no complaints or police calls and that the residents work well with the neighbors. As an example she related that when a tree was downed, everyone worked together to remove the fallen tree. She added that they take pride in their home and have strict rules regarding noise, visitors and the house standards. Commissioner Buchanan asked if there has been an increase in crime. Ms. Chenault stated that there has been no contact with the police department. She added that the length of residency can range from 3 months up to 2 years with the average time being 6 months. Commissioner Buchanan asked how successful the recovery rate is. Ms. Chenault stated that nationally the recovery rate is at 40%; however Farmington has a better average at around 50%. The goal is to remain clean and sober and to find employment to help alleviate homelessness.

Ms. Chenault expanded on the program requirements sharing that a person must be homeless and recovering to be eligible to apply. The applicants are screened and proceed through an interview process by a board. Masada House also looks to see if they would be able to meet the applicants' needs, such as a disability or mental health issues. Research has shown that peer-run groups are the best practice and is used as part of the program to hold each other accountable. Masada House also participates with the resident's hearings and goals to keep them on track. There are requirements that the residents must follow, such as: finding work within 30 days; being subject to random drug testing; and to contribute financially to their program.

Commissioner Buchanan asked if the residents are free to come and go. Ms. Chenault stated that yes they are, since the program requires them to find work. She also stated that if one of the housemates fails a test, then that applicant is re-evaluated to see if they are still a good fit for the program, and could be removed from the home. Commissioner Thompson asked about the concerns regarding additional vehicles and the parking situation. Ms. Chenault stated that it would be the same as most neighborhoods in that the residents would get up and go to work; however, she stated that more than likely most of the residents would not have a vehicle. She added that there is parking available at the rear of the building and there is a large driveway. She stated that most residents would be using public transportation as the Red Apple Transit has a stop close by. Ms. Chenault stated that the program has a curfew of 10:00 pm, that there will be no increase in lighting and that the street will not be used for parking. Commissioner Buchanan asked about the request for 12 adults versus the 8 adults currently allowed. Ms. Chenault reported that research shows that 12 adults is the best size for a peer-based program.

Rhonda Frazier of 2101 Schofield Lane spoke in opposition to this petition. She stated her concerns are for the safety of her teenage daughter and friends. She added that she is currently a Girl Scout leader and would not be able to hold meetings at her house any longer if the petition is approved. She stated that when the family crisis center was there, men would also come looking for their families and show up at her house by mistake. She added that she already has issues with teenagers crossing her property. She added that her houseboat and camper are parked in her yard and may provide places for their "friends" to hide. Her daughter in Texas knows of someone from a recovery program who broke into a neighbor's home and trashed the home looking for money. Ms. Frazier states she could no longer have girls using her property for softball practice because of the proximity of the adult males recovering next door. She added that she did not have a problem when the women shelter was there. She noted that this property also backs up to a private church school. In closing, she stated that she recognized that there is a need for this service, but not in this location. Commissioner Buchanan asked about the Girl Scout regulations restricting the meetings and what is the distance required. Ms. Frazier stated she felt it was 3 blocks and could not be near a sex offender. She has high school aged girl scouts, but the distance requirement is the same for younger girls too.

Pastor Dan Mauldin of Grace Baptist Church located at 2200 Sullivan stated that he is in favor of programs like this, but that it is possible to do the right thing in the wrong place. He added that the church has a K-12 school and playground and have been on site for 15 years. He stated that when the previous shelter was there, the fence between the

properties had been breached on numerous occasions. The fence is still in disrepair and is used by individuals crossing the property to the shopping center and to Sonic. Pastor Mauldin added that they have 90 students at this location and also on Saturday for games and wanted to be able to assure the parents that they are taking good care of the students. He added that he is not in favor of the facility at this location, but was in favor of the program.

Commissioner Thompson asked if when the students are on the field or during weekend activities if there is adult supervision outside with them. Pastor Mauldin stated that there is adult supervision at all times when the children are outside, but if the adult looks away something could be said or there could be improper contact. He added that a sex offender could not be that close to a school and should limit who they could help. Commissioner Jaques asked what type of fence is in place and can you see through it. Pastor Mauldin stated it is a 5 foot oil field type fence and yes, you can see through it.

Roland Berkey of 2207 Schofield Lane stated that the letter distributed today was his letter of opposition, for the record. His concern was for the vehicles that would park along the street. He added that he has lived here for 50 years and there are no street lights, and the sidewalk ends in front of the property. He and his wife walk their dogs along this area. He added that he had an encounter with a police officer and does not wish to see any increase in traffic or police patrol on this street.

Peggy Walters of 2507 Schofield stated that her home is slightly past the 100' foot letter distribution requirement. She added that she has concerns about her safety and the possibility that something bad could happen. She added that she opens her doors at night and feels if this program moves in she will have to lock up her house to feel safe. She added that she has lived there since 1982 and loves the property and the neighbors. She asked who is paying for this facility, is it the State, Federal Government or County. Commissioner Buchanan stated he did not have that answer but would ask the petitioner later in the hearing.

Jesse Shaffer of 1900 E 25th Street, about a block and a half away, stated that there is a reason that they are in rehabilitation. The neighbors have been here for 20-30 years and there are several elderly people in this area. They are not here today, but I will speak for them. We want to be able to walk to the Cinema 8, Blue Moon Diner and the Library too, and feel our safety would be in jeopardy. The program is to be commended, but this is not the right place for it. Mr. Shafer suggested that the program be moved into downtown Farmington. Commissioner Buchanan asked how many people he was speaking on behalf of. Mr. Shafer stated about 10 seniors but he did not actually get permission to speak for them all. He added that a lot of seniors in that neighborhood know him and would give him the opportunity to speak for them. They are worried about their safety.

Patricia Baca of 2503 Schofield Lane stated she is about 2 blocks or so away from the location. Commissioner Buchanan asked if she was the same distance as Ms. Walters. Ms. Baca stated she was next door to Ms. Walters. She asked why this was not posted in the newspaper. She also had concerns about it being so close to the library and to a daycare center. She added that this is a dead end street and they don't need to have extra patrol in this area and it is very dark at night. She wanted to know who was going to monitor these people at all times because these were people that had problems enough to be committed.

Ms. Walters added that these are individuals with mental health, substance and alcohol abuse issues.

Maudene De Larue of 1816 E. 25th Street stated that her property is located 2.5 blocks away. Ms. De Larue stated her concerns were the nearness to Grace Baptist Daycare, Northeast School and St Mary's Church. She is opposed to the men's rehabilitation center located at this property. She added that there are about 10 seniors that lived in this area.

Alena Ortega of 2109 Schofield Lane stated that she believes in this type of self-help program. However, there were previous issues when it was a women's shelter with husbands or boyfriends meeting up in the street. She is concerned about others coming into the neighborhood and the men being close to the movie theater and the Boys and Girls Club. She added that there is lots of traffic at the library and the kids like to party there since it is very dark in that area. She is afraid that something might happen if this program is allowed.

Carman Baca of 2503 Schofield Lane spoke for the owner of the property across the street, who doesn't speak good English. His concerns were for the trash and cement dumped and the people that park and party on his property. The police come if they are called and the people leave. When the other program was there, people were always outside visiting and arguing. He is concerned about the traffic and safety. Ms. Baca added that her own daughter would not walk to the library for her job if this petition was approved.

Juan Ortega of 2109 Schofield stated his opposition and concerns. He is worried about the value of his home, the increase in traffic and the 10:00 p.m. curfew. He wondered what could happen between the time it gets dark and 10:00 p.m. He is concerned that the residents may get out and cause problems such as molesting his grandchildren; because he feels their minds are not in good order.

Ms. Lopez addressed the question as to whether it was in the paper. Ms. Lopez stated that the legal ad was published on Sunday, September 22, 2013, the property owners within 100 feet were mailed letters on September 18, 2013 and a sign was posted on the property on September 27, 2013.

Ms. Chenault retook the podium to re-address questions from the neighbors. She began with the funding and informed the Commission that this program is self-funded, in that the individual has to pay something to live there. She added that there is some limited federal funding, with a little from other sources, including private donations.

Ms. Chenault stated that the Masada House does not take sex offenders or violent criminals under any circumstances. The people in this program are the brothers, fathers and uncles that need a clean and sober place to go to. In order for these people to get back on their feet they need to be close to work and have the transportation to get there. This is a positive impact in our community and the program is very serious about the guidelines and regulations for the tenants. Ms. Chenault added that all of the applicants go through a screening process including background checks, both national and local, municipal, district, and national. Charges are printed out and discussions about the charges are held with the applicant and the councilors. The applicants' family members are also included in the background interview as well.

Commissioner Thompson asked what would happen if one of the residents fell off the wagon and tried to walk into the wrong house. Ms. Chenault stated that the individuals that are in this program want to stay sober and stay in the program. If they don't want to follow the rules they just don't show up. If someone fails, they usually call or come back when they are sober and admit they messed up. As far as entering the wrong house, it is as unlikely as it is throughout the rest of the community.

Commissioner Buchanan asked if she could address the perceptions and the fears of this type of service program. Ms. Chenault stated that she understands that the fears are real, because you see so much of the extreme cases in the media. She would ask the public to take the time to get the information on other programs that Masada House is modeled after. There are currently 12 homes in Albuquerque, and 4 in Santa Fe, that are using this same model. Ms. Chenault stated that these individuals have an ailment that impacts every one of us. There are not services available because of the fear, misunderstanding and misinformation. The home at 610 N. Dustin has not had any negative complaints in the 3 years it has been open. The women there are back in the community and are in recovery because of this environment and support.

Jeff Boddy, President of the Board of Directors for Masada House stated that he would like to have the chance to answer any questions from the people concerned and to let them know he is empathetic to their concerns and fears. He stated that amazing things have happened as a result of the work of this program. He added that the Masada House Board works hard to make sure things work in a way the community can be proud of. This is the residents' home. They take pride in it and like to make it a better place to live. Mr. Boddy stated that at the Schofield location, the residents are not sex offenders and are not going to snatch your children off the street. Commissioner Thompson asked if the City of Farmington had offered any other space or alternative location. Mr. Boddy stated he was not aware of any other alternative at this time. Ms. Chenault added that the issue for Masada House is that they do not have funding to be able to purchase and finance a house as a 501(c)3, and or fiscally secured at this time, it is the only option available. She added that they are willing to bring up the standard of the fencing and perhaps lighting around the home to make the neighbors feel more comfortable, confident and secure. Vice Chair Cardon asked if Masada House had a meeting with

the neighbors prior to this meeting. Ms. Chenault stated they had not but could set up something for next week.

Pastor Mauldin stated that he now understood why this house was being considered because of the financial restrictions of the program.

Ms. LaRue stated that she felt that it's too bad that there aren't prevention measures in place to keep these types of recovering programs from being needed.

Ms. Ortega restated that when the battered women lived next door she tried was willing to work with them, but there were issues with drugs and dealing with male visitors. Now that she has lived next door to this type of program she does not want another one to move in there.

Ms. Frazier stated that you can actually just step over the fence and that people do cross through the church playground and jump the fence. She added that she did compare this shelter with one called Hope Home in Texas and that they are a lot alike. She again stated that her concern was the adult men and the safety of her teenage girls, but also said that it may not be the men in the program, but the friends or drug dealers that they used to know.

Mr. Ron Pryor is a full-time live-in staff and stated that the reason the Women's Family Crisis Center left that location was that they had outgrown it and moved to the larger facilities on Wall Avenue. He stated that the applicants are carefully screened and no sex offenders are allowed. This is a well-run program and he feels that there is a real need for this. These are not high level criminals, just men who need a second chance and guidance. There are no drugs or alcohol, just a clean safe environment to recover.

Ms. Walters was confused by the way the program was funded and was told that the 501(c)3 means not for profit, tax-exempt.

Mr. Boddy stated that there can be a contract fee per client but that most funding is through grants, donations and private funds.

Commissioner Thompson asked the petitioner if they would object to postponing this hearing and having the community meet with them. Ms. Chenault stated that she would be happy to have an open house and could meet with the neighbors out in the lobby to discuss a date, time and location. Vice Chair Cardon asked if it would be okay to postpone this hearing until after a meeting between Masada House and the neighbors has taken place. Ms. Chenault stated that she was okay with the postponement until October 24, 2013 and she would get the contact information from today's attendees.

Vice-Chair Cardon recessed the quasi-judicial hearing for petition ZC 13-09 / SUP 13-09 for Masada House until Thursday, October 24, 2013. Commissioner Ziesmer made a motion to recess this hearing and the motion was seconded by Commissioner Buchanan. The motion to recess was passed with a 7-0 vote.

**COMMUNITY DEVELOPMENT PETITION REPORT
SUP 13-10 – Light Manufacturing/Outside Storage
130 Airport Drive**

Planning and Zoning Commission Discussion of SUP 13-10 on October 10, 2013

Senior Planner Cynthia Lopez presented the staff report for a special use permit for light manufacturing and outside storage for property located at 130 Airport Drive. This property will be used for preassembling concrete forms to service pumping stations for use in the oil fields. Outside Storage is indicated by a green area on the site map and is screened as required by code. The circulation pattern of the delivery trucks has been reviewed and access would be at the southern Airport Drive entrance via W. Main Street and Airport Drive. It has been determined that concerns about damage to the existing fire hydrant at the northern corner of the property by semi-trucks is non-existent since the semi-trucks would be using the southern entrance. The northern entrance would be used by employees. Commissioner Thompson asked if the only storage was to be located within the identified green area. Ms. Lopez stated yes and added that the northern portion of the building is currently leased by someone else. Commissioner Jaques stated that he just drove by the property and there were large pipes stored in the

southern part of the parking lot. Ms. Lopez stated that storage was to be kept within the identified green area, but could be there during the loading and unloading process.

Mr. John Stewart of 130 Airport Drive answered that he had read and was in agreement with the petition report. However, he had one question regarding the equipment waiting to ship to an off-site location, and if that was considered outside storage. Vice-Chair Cardon stated that any outside storage had to be screened from view. Commissioner Ragsdale asked how long the completed equipment would sit until shipped. Mr. Stewart stated that usually it is one day, but could be up to 2 weeks.

Mr. Marlo Webb of 5425 Santa Teresa Court stated that the storage area could be expanded and that there is also an additional screened storage area available on the northwest corner of the property. He reminded the commission that manufacturing had been going on at this location for 20 years and supports this petition.

Planning and Zoning Commission Action of SUP 13-10 on October 10, 2013

A motion was made by Commissioner Langenfeld, seconded by Commissioner Ragsdale to **approve** Petition SUP 13-10 as recommended by staff, a request from Evers & Sons, Inc., represented by John Stewart, for a special use permit for a light manufacturing use and outside storage.

AYE: Vice-Chair Cardon, Commissioners Buchanan, Jaques, Langenfeld, Ragsdale, Thompson and Ziesmer
 NAY: None
 ABSTAINED: None
 ABSENT: Commissioners Freeman, Arnold (Alt) and Washburn (Alt)

Motion passed 7-0

**COMMUNITY DEVELOPMENT PETITION REPORT
 SUP 13-11 – Residential Use in CB District
 115 N. Wall Avenue**

Planning and Zoning Commission Discussion of SUP 13-11 on October 10, 2013

Associate Planner Sam Montoia presented the staff report for a special use permit to allow a residential use within the CB Central Business District at 115 N. Wall Avenue. He identified that this property has an existing house that has been in foreclosure and lost its non-conforming status as a SF Single Family use. Mr. Montoia stated that the property to the north is vacant, to the east and south are businesses and to the west is an existing city parking lot. The Comprehensive Plan shows that this area is projected to be a commercial use, however this property is in a transition zone between the Downtown and the Civic Center Neighborhood within the MRA Area.

Commissioner Langenfeld asked if the MRA had provided input on this petition. Mr. Montoia stated that it was presented to the MRA Commission and they had no opposition but wanted to make sure the Mr. Rangel was aware of the surrounding uses and the potential for nuisances. Commissioner Thompson stated that he thought that the MRA Plan encouraged mixed use, or was that just south of Main Street. Director Holton stated that this property is located in the Downtown District of the MRA and that the CB Central Business District is encouraged to have a retail store front on the first floor and residences on the floors above.

Mr. Derrick Rangel of 115 N. Wall Avenue stated that he had read and had no conflict with the staff report. He added that he is planning to live at this location. He stated that he and his father had a business next door to their home and he is used to living near businesses. Commissioner Buchanan asked if the special use permit would be for only for five years and what if it is not occupied. Ms. Lopez stated it can be for as long as he lives there and as long as the use doesn't change. Director Holton added that the CB zoning would still be in place and it could be marketed and sold as a commercial use.

Planning and Zoning Commission Action of SUP 13-10 on October 10, 2013

A motion was made by Commissioner Thompson, seconded by Commissioner Buchanan to **approve** Petition SUP 13-11 as recommended by staff, a request from Derrick Rangel, for a special use permit or residential use of a property in the Central Business District.

AYE: Vice-Chair Cardon, Commissioners Buchanan, Jaques, Langenfeld,
Ragsdale, Thompson and Ziesmer
NAY: None
ABSTAINED: None
ABSENT: Commissioners Freeman, Arnold (Alt) and Washburn (Alt)

Motion passed 7-0

Business from the Floor: There was no business from the floor.

Business from the Vice-Chair: Vice-Chair Cardon informed the commissioners that Chairman Ivie had resigned and started his mission on September 5, 2013.

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

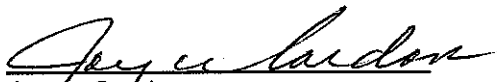
Business from Staff:

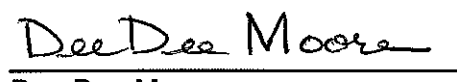
Ms. Lopez informed the Commission that the need for a new election of officers will be held at the October 24, 2013 Planning and Zoning meeting. This will be to fill the vacancy created by the resignation of Chairman Ivie.

Ms. Lopez stated that staff would be forwarding a copy of the Policies and Procedures that were approved by the commissioners more than a year ago. She requested that they review and present any questions or concerns at the next Planning and Zoning meeting on October 24, 2013.

Adjournment

With no further business the Planning and Zoning Commission meeting of October 10, 2013 was adjourned at 5:10 p.m.


Joyce Cardon
Vice-Chair


Dee Dee Moore
Office Manager