

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**September 29, 2011**

The Planning and Zoning Commission met in a regular session on September 29, 2011 at 2:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:	Chairman: Commissioners	Dennis Ivie Joyce Cardon Cheryl Ragsdale Clint Freeman Paul Thompson Amy Ziesmer Daniel Arnold (Alt) Del Washburn (Alt)
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P&Z Members Absent:	Commissioners:	Bruce Buchanan Rory Jaques Kristin Langenfeld
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Staff Present:	Margaret Ambrosino Fran Fillerup Mary Holton Cindy Lopez Dee Dee Moore
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Others Present:	Ms. Debbie Daniel Mr. David Haisman Ms. Faye Hartley Ms. Silvia Little Ms. Shannon Nygren Mr. Bernard Quintana Mr. Carlyn Rodahl Ms. Jonna Sharpe Mr. Larry Smith Mr. John Taylor Ms. Violet Thorbus Mr. Randy Wimsatt
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**Call to Order:**

The meeting was called to order at 2:00 p.m. by Chairman Ivie and 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 Minutes of the September 15, 2011 P&Z Meeting**

Chairman Ivie informed the commission that a change to the minutes was needed to include Ms. Lopez to the list of Staff Attendees. Commissioner Cardon motioned to approve the minutes with the amended change from the September 15, 2011 P&Z Commission Meeting. The motion was seconded by Commissioner Ziesmer and passed by unanimous vote of 8-0.

<p><b>COMMUNITY DEVELOPMENT PETITION REPORT</b>  Zone Change from MF-L District to PD District  Petition ZC 11-11 – 520 Hydro Plant Road</p>
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**Discussion of ZC 11-11 on September 29, 2011:**

Associate Planner Fran Fillerup presented the staff report. He explained that the project is subject to residential protections where it is adjacent to a single-family residence at 528 Hydro Plant Road. The petitioner had requested a setback of 8-feet along the north and east property lines. However, the site plan shows a 15-foot setback for the buildings. Residential protections would usually require a 30-foot setback in a PD district and can be approved with specific setbacks. He explained the differences in the floodplain and the floodway zones and that all buildings within the floodplain would need to be above the elevation established by FEMA.

Mr. Bernard Quintana of the Four Corner Foundation and residing at 4405 Arctic Street stated that he had read the recommendations from staff and had no concerns or questions.

Ms. Faye Hartley of 528 Hydro Plant Road stated that she had lived at this location for 33 years and that she has never seen a flood on the property. She stated that her only concern would be to have a privacy fence around her property where it joins the petitioner's property.

Ms. Debbie Daniel of 712 McCormick School Road stated that there was a transitional housing facility/shelter at a nearby church in years past and that the residents of the shelter and other undesirables would be walking through her neighborhood. She stated that she had concerns about safety and that these types of things would happen again. Mr. Quintana pointed out that Jonna Sharpe, the Director of the PATH home located on Pinon Street, would have more information regarding the requirements for the residents.

Commissioner Arnold asked what the hours of operation are for a transitional housing facility. Mr. Quintana stated the facility is a 24/7 operation, but that the hours the individuals are there is another question for Ms. Sharpe. Chairman Ivie asked if all transitional housing projects are the same and that he supposes there is a variety among them. Mr. Quintana stated the different types of housing could be emergency shelter and for families. Generally it is a substance free community when they enter the facility and the program is around 90 days, which allows the resident time to save money and find employment. Commissioner Freeman asked how this is different from the Masada House Program.

Ms. Jonna Sharpe, Director of the P.A.T.H. at 309 W. Pinon stated that the main difference between Masada House and the P.A.T.H. facilities is that Masada House is specific to women. The P.A.T.H. home is for families, men and women. She stated that the 24 hours operation is so the facility is available to take in people after hours. The residents at the existing facility on Pinon Street have a 6:00 p.m. curfew unless they are working or seeing a councilor and then they have a 1 hour window in which to return to the shelter. The P.A.T.H. home also provides training in parenting, budgeting and nutrition.

Commissioner Freeman stated that this facility will not have people placed there, but they will have people who want to be there and work within the program to stay at the transitional housing site.

Commissioner Freeman made the motion to approve ZC11-11 as recommended by staff. Commissioner Thompson seconded the motion. The motion passed unanimously by an 8-0 vote.

**Planning and Zoning Commission Action of September 29, 2011**

A motion was made by Commissioner Freeman and seconded by Commissioner Thompson to **approve** ZC 11-11, a request from Four Corners Foundation, represented by Bernard Quintana, for a zone change from the MF-L Multi-family Low Density District to the PD Planned Development District for approximately 5 acres located at 520 Hydro Plant Road, north of Hydro Plant Road and east of the Animas River.

AYE: Chairman Ivie, Commissioners Cardon, Freeman, Ragsdale, Thompson, Ziesmer, Arnold (Alt) and Washburn (Alt)

NAY: None

RECUSED: None

ABSTAINED: None

ABSENT: Commissioners Buchanan, Jaques and Langenfeld

**Motion passed by a vote of 8-0**

**COMMUNITY DEVELOPMENT PETITION REPORT**

Zone Change from GC District to IND District  
Petition ZC 11-12 – 1113 Camina Entrada

**Discussion of ZC 11-12 on September 29, 2011:**

Associate Planner Fran Fillerup presented the staff report and explained that the reason for this petition is that there is no longer a process for a special use permit exception, as had been allowed in the past, when the Unified Development Code was adopted. There is a history of variances and special use permits to allow expansion of this non-conforming property in GC district. He also stated that there is a variety of uses on Murray Drive and the comprehensive plan's future land use map shows the area as commercial. Staff is recommending approval of the zone change from GC to IND. There was one letter of protest received from 1608 Camino Placer.

Chairman Ivie asked if there was a difference between light industrial and heavy industrial. Senior Planner Cindy Lopez stated that the old code did have different IND zoning districts but that the 2008 UDC has only one IND district. Commissioner Freeman asked if all of the previous petitions for this property had been approved. Mr. Fillerup stated that only one had been denied but was approved through an appeal. He also stated that by re-zoning this property it will allow the owners to have a conforming use for this type of business which has been on this parcel since 1979.

Chairman Ivie asked if staff knew why this zone change was being requested, if the business is already a legal non-conforming use. Mr. Fillerup stated that staff is aware that the owner wants to construct another building on the southwest corner of the property for manufacturing use, which is allowed in the IND district but not in the GC district.

Chairman Ivie asked Mr. Fillerup to explain the setback and noise requirements associated with an IND district. Mr. Fillerup stated that the setbacks for IND are 30-feet in the front, 20-feet at the rear and 5-feet on the sides. He also stated that there would be no difference in the noise requirements since it is measured at the receiving property which remains zoned SF-10. Commissioner Thompson asked for the most identifiable difference between IND and GC districts. Mr. Fillerup stated the most obvious difference was that manufacturing, warehousing and freight movement were allowed in the IND district. Commissioner Ziesmer asked whether the Industrial setback would be met by the existing buildings. Mr. Fillerup stated that it appears that some of the buildings are closer than the required setbacks for IND and would be considered non-conforming.

Mr. Carlyn Rodahl of 609 N. Dustin provided the commission with a history of the work site. He added that the new building would be what is considered a "clean room". There would be very little noise, no smoke and no fumes. Chairman Ivie asked if the new building would be able to fit within the setback requirement for IND. Mr. Rodahl stated that it would be 20-30 feet from the property line.

Mr. Larry Smith of 1700 Camina Placer, who lives directly behind this property, stated that he was against the zone change. His stated reasons were that this business keeps expanding and getting larger and by allowing this zone change it will set a precedent to the other properties, particularly the property directly to the west. In addition, Mr. Smith stated the large equipment moves up and down the alley and that occasionally there are sudden loud noises during the night. Commissioner Cardon asked if he had ever filed a noise complaint. Mr. Smith stated that he had not, because by the time someone gets there to investigate, the noise would no longer be happening. Lastly, Mr. Smith brought up the issue of the business having enough parking, since a lot of the employees currently park across the street at the car wash.

Mr. Rodahl addressed additional questions from the commission and stated that the entire site is currently fenced off from view, except for the front. He stated that the business has an agreement with the car wash regarding parking, but he did not believe it was in writing. He stated that approximately 60 employees work during the day shift and 30-40 in the evenings. Commissioner Thompson asked if the business requires the use of the alley for freight deliveries. Mr. John Taylor of Turbo Care stated the alley is rarely used because the size of the deliveries which cannot maneuver in the narrow alley.

They enter the site directly off of Murray Drive. The alley is used only for storing and retrieving steel which is done by a 1-ton flatbed truck.

Mr. Smith reapproached the commission and reiterated his concerns about the possible re-zoning of the property to the west if this zone change is approved.

Commissioner Freeman asked how the plans will be compliant with the parking requirements. Mr. Fillerup stated that if the business falls short of parking on their own property, then they could have a shared parking agreement with a neighboring property, as long as that property has adequate parking for their business. Ms. Lopez stated that if a parking agreement is recorded at the county it becomes part of the land.

Commissioner Freeman made the motion to approve ZC 11-12 as recommended by staff. Commissioner Washburn seconded the motion. The motion passed unanimously by an 8-0 vote.

**Planning and Zoning Commission Action of September 29, 2011**

A motion was made by Commissioner Freeman and seconded by Commissioner Washburn to **approve** ZC 11-12, a request from Ben Heikkinen, represented by Carlyn Rodahl, for a zone change from the GC General Commercial District to the IND Industrial District for 2.86 acres located at 1113 Camina Entrada.

AYE: Chairman Ivie, Commissioners Cardon, Freeman, Ragsdale, Thompson, Ziesmer, Arnold (Alt) and Washburn (Alt)  
 NAY: None  
 RECUSED: None  
 ABSTAINED: None  
 ABSENT: Commissioners Buchanan, Jaques and Langenfeld

**Motion passed by a vote of 8-0**

**COMMUNITY DEVELOPMENT PETITION REPORT**

Outdoor Storage – Aztec Towing, Inc.  
 Petition SUP 11-08 – 690 S. Dustin Avenue

**Discussion of SUP 11-08 on September 29, 2011:**

Associate Planner Margaret Ambrosino presented the staff report for outdoor storage on property in the GC, General Commercial District. The property will have a new office building and maintenance shop built as the principal use structure and the outdoor storage would be an accessory use and allowed to take place only after the principal building was completed. Ms. Ambrosino indicated that they will be able to place screening around the property and that the existing barbed wire will be maintained and repaired but no new barbed wire is being added. The estimated hours of operation are 7:00 a.m. to 7:00 p.m.

The petitioner, Ms. Shannon Nygren of 609 S. Dustin stated that the access to the property will be from Dustin only and not through the alley. Additionally, the city requirements for landscaping and required parking will be included on the site plan for the permits. In response to a question from Commissioner Washburn, Ms. Nygren stated that they do not use guard dogs and therefore there will be no noise from the yard after 7:00p.m., unless the Police Department requires their services after hours, which would take approximately 30 minutes. She added that her employees de-activate their backup alarms after dark and that the towing vehicles are not stored in the yard, but are driven home by their employees.

Ms. Violet Thorbus of 917 Don Rovin Lane stated that there is currently noise at all hours of the night coming from adjacent properties and added that there is no alley behind the property, only a ditch. She had concerns regarding maintaining the value of her home with all the vehicle storage behind her home.

Commissioner Cardon made the motion to approve SUP 11-08 as recommended by staff which included the requirement that the proposed building is established prior to the use of outdoor storage. Commissioner Freeman seconded the motion. The motion passed unanimously by an 8-0 vote.

**Planning and Zoning Commission Action of September 29, 2011**

A motion was made by Commissioner Cardon and seconded by Commissioner Freeman to **approve** SUP 11-08, a request from Aztec Towing, Inc., represented by Shannon Nygren, for a special use permit to allow outdoor storage of tow trucks and equipment at 690 S. Dustin Ave. in the GC, General Commercial District, with the condition that the proposed building is constructed prior to the establishment of the outdoor storage.

AYE: Chairman Ivie, Commissioners Cardon, Freeman, Ragsdale, Thompson, Ziesmer, Arnold (Alt) and Washburn (Alt)

NAY: None

RECUSED: None

ABSTAINED: None

ABSENT: Commissioners Buchanan, Jaques and Langenfeld

**Motion passed by a vote of 8-0**

<p><b>COMMUNITY DEVELOPMENT PETITION REPORT</b></p> <p>Direct Disposition Establishment</p> <p>Petition SUP 11-09 – 2415 E. 20<sup>th</sup> Street</p>
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**Discussion of SUP 11-09 on September 29, 2011:**

Associate Planner Margaret Ambrosino presented the staff report. She included information which showed that this location had a similar alternative establishment for 7 years. There are issues regarding the parking and paving because of the current condition of the lot. She stated that the petitioner would need to furnish a license from the State of New Mexico prior to the operation of this business. She added that a schedule B parking study is required for a mortuary-type use to be approved by the Community Development Director.

Mr. David Haisman of 49 Road 5250, Bloomfield, stated that he is currently licensed in Colorado and provides services in Cortez and Durango. He stated that he has a concern about providing his license before he is granted a permit, because the State of New Mexico requires him to have a city permit before they will license him in New Mexico. Ms. Ambrosino stated that the city will abide by the state criteria. Chairman Ivie stated that the SUP is attached to the property and not the individual. Ms. Lopez added that a time limit can be placed on a SUP and that if Mr. Haisman does not meet the state license criteria the SUP can be nullified.

Mr. Haisman stated that there will be no cremations done on site and that he already has an agreement with a crematory in Cortez, CO. He added that Mr. Hamilton, the property owner, is supportive of this business and the improvements it will bring to the property.

Ms. Silvia Little of P.O. Box 1258, Farmington, owner of a business across the street, felt that this was an inappropriate place for unidentified bodies to be held, especially with the neighborhood across the street and the restaurant next door. Commissioner Freeman asked her what exactly her concerns were. She stated that she has questions about how long a body will remain there, if they are unidentified people, if they have any diseases and will the public be able to see the bodies being delivered. She stated she needs to have a better understanding of the business to feel more comfortable with what services Mr. Haisman will provide at this location.

Mr. Haisman explained to the commission and Ms. Little that the primary difference between a direct disposition establishment and a funeral home is that the funeral homes have a chapel and provide viewing and services to the family. His establishment will only be a place for the family to identify the body, which is required by law, before any cremation can take place. The body would be held for approximately 48 hours and during that timeframe the necessary death certificate and transportation permit are issued. Mr. Haisman stated that only families that choose his services would have their loved one transferred to his business and there would be no un-identified bodies at his business. He added that most funeral type services are located within residential areas and that if a person is being transported from a residence they go to the morgue first. The moving of the body into the building is done through an oversized door on the east side of the building, and there is very little visibility from 20<sup>th</sup> Street. Commissioner Freeman asked how many bodies could be handled at one time. Mr. Haisman stated that there is currently 1 unit which holds 2 bodies. The bodies can only be held for up to

72 hours, the same requirement as a mortuary. There are exceptions, such as waiting for the service at a cemetery, but it is not typical.

Ms. Little stated that after hearing more about this business, it appears to be not as objectionable as it first seemed.

Mr. Randy Wimsatt of 2460 E. 20<sup>th</sup> Street asked Mr. Haisman how long he had been licensed in Colorado and if he ever had any complaints or violations for the state. Mr. Haisman stated that he has been licensed in Colorado for 2 years and has never had a complaint or violation. Mr. Wimsatt then stated that he sees this business as a positive improvement, both to the property appearance improvements and to services provided to the public.

Commissioner Cardon made the motion to approve SUP 11-09 with a change to the license requirement, due to the state requirements taking precedence over the city's request. Commissioner Ragsdale seconded the motion. The motion passed unanimously by an 8-0 vote.

**Planning and Zoning Commission Action of September 29, 2011**

A motion was made by Commissioner Cardon and seconded by Commissioner Ragsdale to **approve** SUP 11-09, a request from David Haisman for a special use permit to allow a direct disposition (mortuary-type) establishment at 2415 E. 20<sup>th</sup> Street in the LNC Local Neighborhood Commercial District.

AYE: Chairman Ivie, Commissioners Cardon, Freeman, Ragsdale, Thompson, Ziesmer, Arnold (Alt) and Washburn (Alt)  
 NAY: None  
 RECUSED: None  
 ABSTAINED: None  
 ABSENT: Commissioners Buchanan, Jaques and Langenfeld

**Motion passed by a vote of 8-0**

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

**Business from the Chairman:** Chairman Ivie asked if the workshop for reviewing the Comprehensive Plan had been scheduled. Ms. Lopez stated that it is tentatively scheduled for the end of October and she would provide the date to the commission.

Ms. Lopez also stated that she and Chairman Ivie attended the NMLZO Conference in Taos and that she would provide copies of the handout to the commissioners.

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

**Business from Staff:** Ms. Lopez stated that all items from the Planning and Zoning Commission were passed by City Council on the consent agenda.

**Adjournment**

With no further business the Planning and Zoning Commission meeting of September 29, 2011 was adjourned at 4:24 p.m.

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Dennis R. Ivie  
Chairman

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Dee Dee Moore  
Office Manager