

M I N U T E S
PLANNING AND ZONING COMMISSION
February 14, 2013

The Planning and Zoning Commission met in a regular session on February 14, 2013 at 2:00 p.m., in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

P&Z Members Present:	Chairman:	Dennis Ivie
	Commissioners:	Bruce Buchanan
		Joyce Cardon
		Clint Freeman
		Kristin Langenfeld
		Cheryl Ragsdale
		Amy Ziesmer
		Daniel Arnold (Alt)

P&Z Members Absent:	Commissioners:	Rory Jaques
		Paul Thompson
		Del Washburn (Alt)

Staff Present:	Fran Fillerup
	Mary Holton
	Cynthia Lopez
	Dee Dee Moore

Others Present:	Phillip McKinney
	Joe Kozimor

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

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

Approval of the Minutes

A motion was made by Commissioner Ziesmer and seconded by Commissioner Cardon to approve the minutes of the January 10, 2013 P&Z Meeting. This motion was approved unanimously by an 8-0 vote.

Swearing in for Quasi-Judicial Process

All of the attendees desiring to speak on the behalf of the petitions were sworn in by Secretary Dee Dee Moore.

<p>COMMUNITY DEVELOPMENT PETITION REPORT SUP 13-01 - 110 E. Corcoran Operation of Asphalt Recycling Equipment</p>
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Planning and Zoning Commission Discussion of SUP 13-014 on February 14, 2013

Associate Planner Fran Fillerup summarized the materials in the agenda which included the minutes of the Metropolitan Redevelopment Agency Board of Commissioners (MRA) meeting for this petition, the previous material from SUP 11-11, and minutes from P&Z, Metropolitan Redevelopment Agenda and the City Council meetings where this petition was discussed previously. Chairman Ivie asked if having property located in the MRA trumps the Industrial (IND) zoning. Mr. Fillerup informed the commission that staff's analysis takes into consideration the compatibility with the Comprehensive Plan and the MRA Plan, however, this property is zoned Industrial and the owner has the rights that go with that zoning. He added that the two observations/trial runs required by City Council in the approval of SUP 11-11 were completed on January 12, 2013 and January 30, 2013.

Mr. Fillerup shared how the operation works: The asphalt is loaded into the recycler, the drum rotates and is heated, and the material turns into recycled asphalt. During the observations the conveyor belt was not in use. Section 5.11 of the Unified Development Code (UDC) defines the performance standards and the impact to neighboring properties. Section 8.9 specifies the criteria to evaluate a special use permit. Farmington City Code (FCC) Section 12.5 identifies standards for noise levels. The Code Compliance Division of the Farmington Police Department took readings at four different locations during the 2nd test run on January 30, 2013 in accordance with their established procedures. Only location number two exceeded the 75dBA allowed by 1.3 dBa for an average dBa of 76.3.

The MRA Commission recommended the consideration for a time period of two years, as now proposed by the petitioner, and screening around the hopper to help mitigate the dust during loading the drum. Based on the above information, staff recommends approval of SUP13-01 with conditions a, b and c in the staff memo.

Commissioner Freeman asked about sound mitigation. Mr. Fillerup stated that mitigation is usually done with walls, including well site locations. Commissioner Buchanan asked if the noise levels indicated are averages. Mr. Fillerup stated that they were, and also noted that during the test the highest reading at location number two was 87 dBa but that a Waste Management truck was emptying a dumpster during that reading. Commissioner Buchanan added that this reading was not representative of the noise associated with the recycling process, but of the overall noise within that area. Mr. Fillerup indicated that all data during the test is averaged. Commissioner Buchanan stated that he felt the test was not valid because the biggest reading was not from the operation of the asphalt equipment. Commissioner Ragsdale asked what kind of noise levels is associated with the conveyor belt. Mr. Fillerup stated that condition b would prohibit the use of the conveyor. Commissioner Cardon stated that during the observation she saw and heard the trash truck, but didn't hear anything prior to that. Director Holton stated that the protocol used in establishing a noise level used by Code Compliance has been defended in Municipal Court and that the average can not be changed due to the trash truck incident. Chairman Ivie added that Dirt Bandit has indicated that this equipment is not run at this location on a daily basis.

Mr. Phillip McKinney of 101 E. Pinon stated that he has no questions or concerns with regards to staff's recommendations. He added that he is looking for another location and that two years should be a sufficient time frame to relocate. He stated that to control the dust would require a divider/screen around the entry point into the drum. He added that because there is no 3-phase power that he has to run the generator to provide power, however, providing insulation around the generator could reduce some noise.

Yvette Medina of Four Corners Glass at 705 N. Commercial stated that she was there during the observation and that the test run did not compare with what she has seen before. She does not think that this was a true demonstration. She added that there is an orange dust that settled over her customers' vehicles, a sticky substance that gets into their building and the smell. Commissioner Freeman asked what she felt was different and she stated there was none of the smoke. Commissioner Cardon asked if Dirt Bandit has been running the equipment since the demonstration. Ms. Medina answered no.

Mr. McKinney readdressed the board stating the he has heard nothing from the neighbors, seen no photos and has never been called regarding any of the accusations heard today from Ms. Medina. He added that he has a brand new Cadillac and over 30 pieces of equipment that are white and not one of them have yellow or orange stuff on them, only dirt. Commissioner Buchanan asked what material could produce an orange substance. Mr. McKinney stated nothing, that asphalt is a combination of tar, coke and other types of material, such as rock and sand. He added that you will have white smoke as the asphalt is reheated and black smoke from the diesel generator.

Ms. Medina approached the commission and stated that she too has a Cadillac and has had to wash her car, sometimes twice a day because of the orange residue. Commissioner Buchanan stated that there seems to be a discrepancy. Mr. McKinney testified that there is nothing that produces an orange film during the recycling process, yet Ms. Medina testifies the orange film has to be washed off of customers vehicles. Ms. Medina stated that this does not happen so much during the winter months, but that it is on the cars and comes in through the air conditioner and deposits on the desks and countertops. She indicated that the inside residue is blackish. Commissioner Buchanan restated that the sticky residue is orange outside the building and black inside the

building. Ms. Medina stated that Commissioner Buchanan was correct. She added that the neighboring business, because of a broken window that allows the dust to enter their building, has given their employees masks to wear. Commissioner Buchanan asked if she noticed the dust only when the equipment was operating. Ms. Medina stated there is always dust in the air and she can't tell why the sticky residue is orange. Commissioner Buchanan asked if the residue destroys the paint on the vehicles. Ms. Medina stated that it does wash off, and she has seen no damage to the paint.

Commissioner Buchanan asked Commissioner Cardon if she could share her observations during the test run. Commissioner Cardon stated she observed the operation from her vehicle because of the weather. She didn't hear any operation noise until the trash truck arrived. She heard the back-up beeper and the drop of the can. She stated she saw one black puff of smoke and then it turned white, like a diesel truck. Chairman Ivie also was in attendance at the same observation and stated that the asphalt was scraped up from the ground and had dirt mixed in with it so when it was dumped into the hopper he observed the dust. The diesel generator was also in use to run the equipment.

Commissioner Cardon made the motion to approve SUP 13-01 as recommended by staff with conditions a, b and c. The motion was seconded by Commissioner Ragsdale and approved by an 8-0 vote.

Planning and Zoning Commission Action of SUP 13-01 on February 14, 2013

A motion was made by Commissioner Cardon, seconded by Commissioner Ragsdale, to **approve** Petition SUP 13-01 as recommended by staff, including conditions a, b and c, a request from Phillip McKinney to operate an Asphalt Recycling Machine in the IND Industrial District located at 110 E. Corcoran Drive.

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

Motion passed 8-0.

**COMMUNITY DEVELOPMENT PETITION REPORT
 PP 12-04 - Little Creek SD, Phase II**

Planning and Zoning Commission Discussion of PP 12-04 on February 14, 2013

Associate Planner Fran Fillerup reminded the commission that this petition was tabled from the previous meeting and the applicant has presented modifications to the original plan which is reflected in the staff analysis. He stated that comments from City Engineer Nica Westerling have been distributed today and were also distributed electronically to the Commission. This area is zoned SF-7 Single-family Residential, and is comprised of approximately 19 acres and connects to the road network via the collector street Piedras Street and Snowdrift Lane.

There are 52 lots in this subdivision which adjoins Martin Mesa Arroyo to the east. The applicant has designed the subdivision with connections to the existing footpath in the arroyo, which is a positive feature for the subdivision. The lot layout takes advantage of the terrain. There are two variances being requested. The first is an offset location at the intersection of Snowdrift Lane 75 feet from where Peregrine Circle loops back on itself. The standard is 125 feet and is for safety reasons, however Peregrine Circle has only 14 lots and there is no through traffic. Site triangles on the plat will be indicated, which will address safety concerns. The second request is for the width of Peregrine Circle along the Martin Mesa Arroyo. The standard is 50 feet and the petitioner is requesting 33 feet with no sidewalk on the south because of the adjacent walking path. Curb and gutter would act as a barrier to the drive lanes and no parking would be posted by the developer in the area of the reduced width. Staff recommends approval of these variances and this preliminary plan.

Commissioner Buchanan wanted to make sure that there is no property access to Piedras Street and that all properties are accessed from side streets. Mr. Fillerup stated that was correct. Commissioner Langenfeld asked if there were any reasons for the

variances requested by the petitioner. Mr. Fillerup stated that the topography of the land dictates where the road and lots can best fit. He added the Peregrine Circle is not a through street, and that the safe sight triangle will be shown on the plat as a no-build area. The grading will be in line with the safe sight triangle also. Commissioner Freeman asked if the Fire Department was okay with the 28-foot width for part of Peregrine Circle. Mr. Fillerup said they gave no comment, but 28 feet of width from curb to curb is enough room for two-way traffic as long as there was no parking allowed.

Mr. Bob Echols of Cheney-Walters-Echol, Inc, representative for the petitioner, stated he had no questions or concerns regarding staff's recommendation for approval.

Mr. Joe Kozimor of 503 French Drive, Aztec, also agrees with staff's recommendation. However, he asked the commission for a variance to the 5-foot sidewalk requirement along Piedras Street. He stated that all the other phases of existing sidewalk along Peidras Street are 4-foot and he would like for the sidewalks to remain consistent with each end.

Commissioner Buchanan asked to hear the justification as to why the developer is now required to place 5-foot sidewalks when he was allowed to place 4-foot sidewalks in earlier phases of this subdivision. Ms. Westerling stated that she did not know why the 4-foot sidewalks were not noticed during the construction phase. She added that Piedras Street is classified as a collector and the Americans with Disabilities Act (ADA) requires 5-foot sidewalks on collector streets. Commissioner Buchanan also asked if the sidewalks would need to be corrected. Ms. Westerling stated that all new sidewalks must meet the ADA requirements and if any of the 4-foot sections needed to be replaced they would have to be 5 feet wide.

Mr. Kozimor also explained that the hike and bike trail is 8-10 feet wide and is constructed out of asphalt. If the City is not willing to take ownership of the trail, then he will maintain the trails. Director Holton reminded the commission that the trail and the arroyo are not part of this subdivision, but is part of Four Seasons, and therefore consideration of dedicating it as part of this plat would be inappropriate. She did state that she would be glad to host a meeting with the new Parks Recreation and Cultural Affairs Director and the petitioner to discuss the long term usage of the trail and perhaps the City's acquisition of the trail after the new director starts work.

Chairman Ivie mentioned that the City Council had reduced the width of required sidewalks on other petitions so that the middle matches the ends. Ms. Westerling stated that ADA requirements change about every two years and that if you "touch it, you fix it." Commission Freeman stated that the ADA website shows that the minimum width of sidewalks can be 36 inches, but if less than 5 feet wide, a passing lane/landing spot is required every 200 feet.

Commissioner Freeman made a motion to approve PP 12-04, including the two requested variances, and adding approval for 4-foot sidewalks along Piedras Street and in areas with no driveways, that 5-foot ADA compliant passing lanes be place at required intervals. Commissioner Langenfeld seconded the motion. The motion passed with an 8-0 vote.

Planning and Zoning Commission Action on PP 12-04 on February 14, 2013

A motion was made by Commissioner Freeman, seconded by Commissioner Langenfeld, to approve Petition PP 12-04 including the two variance requests and adding a variance that allows sidewalks on Piedras Street to be built to four feet but must have ADA compliant passing lanes at required intervals. This petition is a request from Joe Kozimor for a preliminary plan of the Little Creek Subdivision Phase II, a 52-lot subdivision of 18.96 acres along Piedras Street and west of the Martin Mesa Arroyo in the SF-7 Single-family Residential District.

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

Motion passed 8-0.

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

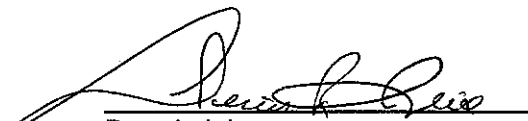
Business from the Chairman: There was no business from the chairman.

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

Business from Staff: There were no petitions submitted to the last City Council Meeting. However, the neighbor, Ms. Crosby, submitted a letter, asking that the petitioner hold off placing the fence extension between their properties at least until the 6-month trial period is complete.

Adjournment

With no further business the Planning and Zoning Commission meeting of February 14, 2013 was adjourned at 3:29 p.m.



Dennis Ivie
Chairman



Dee Dee Moore
Office Manager

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