



<b>Existing Zoning</b>	Vacant
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> MF-M, Multi-family Medium Density Residential / Vacant <b>South:</b> IND Industrial / Industrial <b>East:</b> SF-A/PD, Single-family Attached Residential/Planned Development / Vacant <b>West:</b> SF-7, Single-family Residential / Residential
<b>Notice</b>	Publication of Notice for public hearings of the Planning and Zoning Commission and also the City Council appeared in the Daily Times on Wednesday, March 30, 2011. Property owners within 100 feet were sent notice by certified mail on Monday, March 28, 2011 and a sign was posted on Friday, April 1, 2011.
<b>Staff Planner</b>	Margaret Ambrosino, Associate Planner

## STAFF ANALYSIS

### Project Description

The petitioner is requesting a zone change from the SF-7, Single Family Residential District to the SF-5, Single Family Residential district, to create an additional six lots on Monarch Street in the Mesa Vista #6 Subdivision.

The proposed zone change, if approved, would contain 40 lots on approximately 5.60 acres of land on Monarch, with a typical lot area of 6,100 square feet.

This zone change request is part of a smaller area within the Mesa Vista Subdivision #6. It was originally platted in July of 2009 and contained Mirabel St. to the west and Monarch St, as shown in the attached map. This petition, if approved, would allow a zone change area within portions of two blocks (Monarch St.) to a higher intensity zone. Although no master plan identifying future development has been received, a Mesa Vista Subdivision #7 was recorded in August of 2009 and contains an additional 92 lots, zoned SF-A, Single Family Attached, adjacent and to the east of this proposed zone change area. If developed, the total number of lots on Monarch and Sable Streets combined would be approximately 132, thus requiring a Traffic Impact Analysis.

The petitioner would then need to address concerns with additional traffic that this development will bring to the area beyond Monarch St as proposed in this zone change request. One concern from staff particularly involves the length of the blocks in the Mesa Vista Development between Wildflower Mesa Drive and Lauren Drive being too long, an issue dating back to when the subdivision was originally platted in 2005. Both the Community Development Department and the City Engineer have expressed the desirability of a Traffic Impact Analysis to assess the larger-picture impacts of this zone change along with possible future development.

The Community Development Department has received four phone calls in opposition to this zone change, with the primary complaint identified as the increase in the number of homes that this development will bring. It is the understanding of the Community Development Department that a Traffic Impact Analysis was not a requirement with previous phases of this subdivision to the west. The purpose and intent of this zone change is to increase the marketability of the lots on Monarch Street by increasing the total number of lots/homes by six. The current zoning as SF-7 would allow 34 lots and a zone change to SF-5 would allow 40 lots. The additional six lots/homes would increase traffic, but a Traffic Impact Analysis may or may not recommend that additional traffic improvements be made beyond a traffic light that has already been put in place at Wildflower Mesa Drive and Wildflower Parkway, closer to Mesa Verde and Esperanza Elementary Schools.

## ISSUES

### City Engineer: Nica Westerling – 599-1316

- A Traffic Impact Analysis is desired
- No water, sewer, or utilities are currently in place

### Traffic Engineering Department: Steve Krest – 599-8201

- The blocks in this development are too long.

### Planning Division: Margaret Ambrosino – 599-1333

- An updated master plan showing the proposed development on Monarch and the Single-family Attached development zoned for the east of Monarch St. is necessary to better assess the impacts of this development.
- Per Sections 8.8.9 (D) and (E) of the Unified Development Code, if the zone change were approved, both a preliminary plan and final plat would be required for staff review, Planning and Zoning Commission review, and approval by City Council.
- According to the City of Farmington Comprehensive Plan, the area has been identified as "Residential Single-Family Suburban: Less than one acre lot but greater than 20,000 square feet. None of the residential development in the Mesa Vista Phases is consistent with this designation. The development does, however, appear consistent with SF-A/PD, Single-family Attached/Planned Development zoning to the east on Sable St. /Jordan Circle, with lower density moving west to Monarch (proposed SF-5), Mirabel St. (SF-7), Bishop St. (SF-7), and beyond.
  - to correct multiple zoning, such parcels should be rezoned to a single district.

## STAFF CONCLUSION

This development may provide flexibility and benefit in housing options for new families starting out in the area, however an updated Master Plan would best illustrate the future land use goals for this development and how they can best meet the needs of the community. Upon review of a zone change to a higher residential density, the greater traffic impacts must be assessed. When considering this proposal along with the Single-Family Attached zoning to the east, the traffic and land impacts become more severe.

**STAFF RECOMMENDATION**

The Community Development Department recommends denial of ZC 11-06 from Mike Hamilton, represented by Paul Martin of Sakura Engineering, Inc., from the SF-7, Single-family Residential District to the SF-5, Single-family Residential District for approximately 5.60 acres located on Monarch Street in the Mesa Vista Subdivision #6.

**DISCUSSION FROM THE PLANNING & ZONING COMMISSION**

Ms. Cindy Lopez presented the staff report to the commission. She mentioned that the developer has not been required to do a Traffic Impact Analysis (TIA) for any previous phases since the number of lots being built within those phases were less than 100. Commissioner Buchanan asked about the reference in the staff report about the block being too long. Ms. Lopez stated that the UDC requires that the length of a block be less than 1,200 feet long. Commissioner Buchanan wondered if regardless of the number of lots on the block, the block is still too long and if that was why staff was recommending denial. Ms. Lopez stated that the length of the block on Monarch was previously approved and that the code now has block length requirements. Chairman Ivie reminded the commission that the length of the block is not a point of discussion for this petition. Ms. Lopez stated that because of the increase in density of the requested SF-5 zoning, a TIA would need to be done. Chairman Ivie asked if staff would be happy with an approval to require a TIA. Ms. Lopez stated that they would.

Commissioner Buchanan stated that he counted 29 lots on Sable Street, to the east on Monarch Street and that Monarch Street shows 20 lots. He asked how many lots were going to be designed. Ms. Lopez stated that this petition is just for Monarch Street and that the drawing included in the agenda is showing what is currently platted (SF-7). The lots in an SF-7 zoning district must meet a requirement to be 70 feet wide and at least 7,000 square feet. Lots with a SF-5 zoning district must be at least 5,000 square feet with a minimum lot width of 60 feet. The drawing is showing the SF-7 and the proposed lots will not necessarily match up with the SF-5 lot lines on Sable Street. Commissioner Byrom asked which streets on the drawing were actually built at this time. Ms. Lopez stated that Mirabel (the street to the west) has existing homes, however, Monarch and the development to the east has yet to be developed. She added that it could be possible at this point, prior to development, to make a separation mid-block on the east side of Monarch Street. The commission had no further questions for staff at this time.

Mr. Paul Martin of 125 W. Main Street, representative for Mike Hamilton, addressed the concerns that were identified in the staff report. He stated that for the whole subdivision including all phases, adding these six lots only increases the density 1.8%. The next item he discussed was the street length requirement of 1,200 feet. He stated that the street length is in excess of the 1,200 feet by only 54 feet, 27 feet on each end. Mr. Martin stated that because of the 60 foot widths of Lauren Street to the south, and Wildflower Mesa Drive to the north, these streets have been pre-designated as collector streets. In response to splitting the length of the block with pedestrian trails, Mr. Martin stated that other areas within the city have done this but that they are not used by the community, such as the one between Knudsen and Sullivan north of 20<sup>th</sup> Street.

Mr. Martin continued by addressing the concerns about having a TIA. He stated that the requirements for a TIA are the need for infrastructure, such as a traffic light, decel/accel lanes and the width of streets. He stated that there is currently a signal at the intersection of Wildflower Mesa Trail and Wildflower Parkway, and that Wildflower Parkway has been widened to three lanes with bike lanes and curbing. These are 2 of the requirements that warrant a TIA which have already been met by the city.

Chairman Ivie asked if the right-of-way for the collector streets is currently in place. Mr. Martin stated that no, not at this time, but when the lots are developed the road will be paved at that time, but it could be 3-4 years from now. Chairman Ivie stated that this subdivision has been built in portions to stay under the requirement for having to do the TIA which may have required the developer to participate in the traffic light at Wildflower Parkway and Wildflower Mesa Trail, and perhaps extending Wildflower Mesa Trail to Andrea. Mr. Ivie also stated that as the development continues to build to the east, there will be more traffic which will have only one way out on a paved street. Chairman Ivie asked Mr. Martin if the additional of six lots was worth the cost of a TIA and the repercussions that could come from that study. Mr. Martin stated that the cost of the TIA is approximately \$3,500. Chairman Ivie asked if the developer was willing to pave and widen Wildflower Mesa Trail to Monarch Street before the properties were built. Mr. Martin answered if it is required the developer will build it and the cost of constructing the street will be more than the cost of a TIA.

Mr. Martin addressed concerns about the number of vehicle trips the additional six lots will have on traffic. Chairman Ivie stated that the whole development needs to be looked at, not just the six lots. Commissioner Buchanan asked Ms. Lopez about the rule for the number of trips that trigger the requirement for a TIA. Ms. Lopez stated that the requirement is trips per day within the peak hour and that a single-family home generates 10 trips per day. Commissioner Buchanan asked Mr. Martin to answer the question of whether the six additional lots is worth the commission requiring the developer to have a TIA completed. Mr. Martin stated that is was not worth it. He also shared that the current configuration of lots will take longer to sell because with the recent economic situation, of the city, less expensive, smaller lots will sell faster. Commissioner Buchanan asked if the SF-5 lots located on Sable Street are available for purchase. Mr. Martin stated that both Monarch Street and Sable Street are not built at this time and that there are no utilities installed. The development is progressing from the west to the east and then the developer plans to build to the south. There were no further questions from the commission to the petitioner.

Diana Hobbs of 722 Mirabel Street voiced her concerns about adding more lots with only one way in or out. There are also traffic issues because of the school traffic. Adding extra homes will add extra people and traffic. She stated that she is not in favor of increasing the density within this development. Commissioner Byrom asked what her thoughts are about a mid-way block path through the street. She stated that she didn't think it would have any impact on her.

Gloria Day of 610 Mirabel Street stated that when she purchased her home she understood that the next street (Monarch) would have lots identical to hers. Other neighbors are disappointed about this zoning request and also the lots would be offset behind them. Smaller lots will mean smaller homes and there is still the issue of only one way in or out of the development. There is a traffic light at the bottom of the hill, but there is a lot of school and bus traffic at that intersection. She is not in favor of adding more lots to this street. Commissioner Buchanan asked if she has paved roads to access her home. Mr. Martin stated that Lauren is paved to mid lot between Mirabel Street and Monarch Street and there is an access road all the way around. Ms. Day stated that even if the future streets were paved all the way to Andrea she would still use Wildflower Mesa Trail because she would be heading into town. Ms. Day also stated that not all neighbors on Mirabel Street received notification. Chairman Ivie stated that the requirement is to notify property owners within 100 feet of the petition property and that signs are also posted on that location.

Commissioner Byrom addressed staff and stated that this development has come before the commission a number of times and that the discussion for a TIA has occurred each time but no requirement for the TIA was made as a condition. If this development was built as one large project would the requirement for a TIA be necessary. Ms. Lopez stated that yes, a TIA would have been required. Ms. Lopez added that the subdivision phases were approved prior to the adoption of the current code so a TIA was not a requirement at that time. Staff was concerned more about access points because a neighborhood of this size requires 2-3 access points which is not occurring here. Commissioner Buchanan asked if the 60 feet of road for a collector street is dedicated. Mr. Martin stated that the development owns the 60 feet needed and that currently only half the street is paved awaiting further build out to the east. Wildflower Mesa Trail is paved at a 60 foot width to the school property. Commissioner Buchanan asked staff why there wasn't a street placed in the middle of the block that would use the extra 54 feet of length on Monarch. Ms. Lopez stated that the subdivision was approved under the old code.

Commissioner Byrom made a motion to deny this petition for a zone change as recommended by staff. Commissioner Buchanan seconded the motion. A vote was taken and the denial passed by a vote of 4-1

#### **Planning and Zoning Commission Action of April 14, 2011**

A motion was made by Commissioner Byrom and seconded by Commissioner Buchanan to **deny** ZC 11-06 as recommended by staff. The motion passed by a vote of 4-1.

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, and Langenfeld  
 NAY: Commissioner Kuchera  
 ABSTAINED: None  
 ABSENT: Commissioners Cardon, Freeman, Jaques, Simpson, Washburn (Alt), and Ziesmer (Alt)

**THE MOTION PASSED 4-1**

**COMMUNITY DEVELOPMENT PETITION REPORT**

Staff Report  
Cedarwoods Vista Subdivision, Phase II  
Petition PFP 11-01

**A. STAFF REPORT, February 24, 2011**

**PROJECT INFORMATION**

<b>Applicant</b>	Scott Woods, Woods Contracting Company
<b>Representative</b>	Robert A. Echols, Jr., Cheney-Walters-Echols, Inc.
<b>Date of Application</b>	March 16, 2011
<b>Requested Action</b>	Preliminary Plan/ Final Plat Approval
<b>Location</b>	South of CR 3950 and east of CR 3000.
<b>Existing Land Use</b>	Vacant
<b>Existing Zoning</b>	Unincorporated
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> Unincorporated – Residential and vacant <b>South:</b> Unincorporated – Residential <b>East:</b> Unincorporated – Residential <b>West:</b> Unincorporated – Residential and vacant
<b>Subdivision Class</b>	Class 2
<b>Notice</b>	Notice is not required for preliminary plan/ final plats.
<b>Staff Planner</b>	Fran Fillerup, Associate Planner

**SUBDIVISION INFORMATION**

<b>Number of Lots</b>	19 lots (18 building lots and one for well sites), plus two retention ponds.
<b>Acres of Land</b>	23.76 acres
<b>Minimum Lot Size</b>	0.86 acres.
<b>Utilities</b>	<b>Water:</b> Per City standards. <b>Sewer:</b> Per City standards. <b>Electric:</b> See Electrical Engineering comment and drawing.
<b>Access &amp; Circulation</b>	Lots in the subdivision have access to CR 3950 by CR 3951, CR 39510 and CR 39511.
<b>Street Lights</b>	Not required
<b>Street Signs</b>	As required by San Juan County
<b>Fire Hydrants</b>	As required by the Fire Department
<b>Drainage</b>	As approved by San Juan County
<b>Recreation</b>	Not Required

**GENERAL INFORMATION**

The petitioner is requesting preliminary plan and final plat approval of a Class 2, 19-lot subdivision of approximately 23.76 acres located south of CR 3950 and east of CR 3000 (Morningstar Drive). The property is in Tier 2 of the City of Farmington 5-mile Planning and Platting Jurisdiction.

The petitioner received preliminary plan approval for this subdivision in October 2007. However, the petitioner did not apply for final plat approval and the preliminary plan expired. Staff has allowed this subdivision to be considered for preliminary plan and final plat approval concurrently as the subdivision has not changed significantly.

This is Phase II of the Cedarwoods Vista Subdivision. Phase I included four lots and was recorded in March 2008.

**REQUESTED WAIVER**

The petitioner is requesting a waiver to Section 6.4.7.E of the City of Farmington Unified Development Code (UDC), which allows a maximum length of 600 feet for a cul-de-sac.

The subdivision is laid out with one road, CR 3951, providing access to all 23 lots with no second access point. This creates a cul-de-sac 1473 feet long at its longest point at the end of CR 3951. CR 39511 is also a cul-de-sac 1187 feet in length. The petitioner received a waiver to this requirement when the preliminary plan was approved in 2007.

In order to prevent the creation of cul-de-sacs exceeding 600 feet in length, the petitioner may loop another road in the subdivision back to CR 3950, or connect to another road. The Coyote Ridge Subdivision to the west shows a cul-de-sac named Rabbit Run exceeding 1,000 feet in length and extending toward CR 39511 in the Cedarwoods Vista Subdivision. The full length of Rabbit Run has not been platted. If both property owners extended right-of-way to the edges of the subdivisions, both could avoid creating two very long cul-de-sacs. The standard limiting the length of cul-de-sacs is intended to improve safety by providing emergency vehicle access by multiple routes.

**ISSUES**

**Technical and Corrective Changes: Virginia King – 599-1306**

- Please provide a legend for the plat.
- The outside boundary of the subdivision did not close.

**City Engineer: Nica Westerling – 599-1316**

- The subdivider needs to show who will be responsible for maintenance of the retention ponds (San Juan County or a Home Owners Association). The City of Farmington will not accept the retention ponds for maintenance.
- The topography of land between CR 39511 and Rabbit Run appears to allow connection of the two

roads.

**Water and Wastewater O&M Manager: Ruben Salcido – 599-1284**

- This property lies within the Tier 2 of the City's 5-mile Planning and Platting Jurisdiction. The owner shall provide water service and sewer or septic service for each lot in accordance with City Standards.

**Electrical Engineering: Gary Rollstin – 599-8301**

- As a corrective change to the plat, please provide a 15-foot electrical easement on the west side of Lot 19. This will provide connection and access to the 10-foot electrical easement on the south line of the subdivision.

**Associate Planner: Fran Fillerup – 599-1282**

- The petitioner is requesting a waiver to Section 6.4.7.E of the UDC which limits the length of cul-de-sacs to 600 feet. This waiver was previously granted in the expired preliminary plan approval in 2007.
- Section 6.4.7.E of the UDC states that dead end streets shall be no longer than 600 feet and that temporary turnarounds can be allowed until a connection can be made to future development. In the case of the dead end on the cul-de-sac of CR 39511, if the road extended to the west boundary of the subdivision, a temporary turn around could be built. This would allow development of the subject subdivision and still provide a connection to future development of Coyote Ridge Subdivision.
- Coyote Ridge Subdivision is a 31-lot subdivision which received preliminary plan approval in March 2005. Only Phase I received final plat approval and was recorded. The preliminary plan for the portion adjoining the subject subdivision has not received final plat approval and will have to be reviewed again at a future date.
- In the statement of findings of the Planning and Zoning Commission regarding Petitioner 2117, a preliminary plan for Coyote Ridge Subdivision (March 2005), Finding 4 stated that, "... With 31 lots, a second access point or a provision for future access should be developed." A variance to the maximum length of a cul-de-sac was approved for Coyote Ridge Subdivision as well.
- According to Section 6.5.3 of the UDC, the roads shall be improved with all-weather, gravel or crushed stone base, road surface with a double-penetration chip seal 24 feet wide with 8-foot shoulders. A paved road has been installed on CR 3951 along the 4 lots of Cedarwoods Vista Subdivision, Phase I.
- The plat indicates typical setbacks for each lot. This subdivision is not within the City limits and zoning setbacks do not apply to this subdivision.

**STAFF CONCLUSION**

Staff concludes that approval with conditions of Petition PFP 11-01, Cedarwoods Vista Subdivision, Phase II, is appropriate, including a variance to the maximum length of a cul-de-sac.

The variance allowing cul-de-sacs in excess of 600 feet in length was approved in 2007 with the first review of this subdivision. There is an option to provide a road connection to the subdivision to the west so that both subdivisions have a second access. Given the need to re-approve the preliminary plans for the Cedarwoods Vista Subdivision and the Coyote Ridge Subdivision, and given the requirement of Section 6.4.7.E of the UDC to extend dead end streets to connect to future development, a connection of Rabbit Run to CR 39511 should be considered. This is accomplished by extending CR 39511 to the west boundary of the subject subdivision, allowing a temporary turn around, and requiring the connection from Rabbit Run at the time it is platted. This will improve the safety of both subdivisions by providing multiple routes for emergency vehicles.

**STAFF RECOMMENDATION**

The Community Development Department recommends approval of Petition PFP 11-01, a request from Woods Contracting Company, represented by Robert Echols of Cheney-Walters-Echols, Inc., for the Preliminary Plan and Final Plat of the Cedarwoods Vista Subdivision, Phase II, a 19-lot subdivision on 23.76 acres located south of CR 3950 and east of CR 3000 in Tier 2 of the City of Farmington 5-mile Planning and Platting Jurisdiction, subject to conditions a. through c. as follows:

- a. The petitioner shall provide documentation to the City Engineer showing how the retention ponds in the subdivision will be maintained;
- b. Technical and corrective changes shall be made to the plat as required by City staff; and
- c. The granting of a waiver to Section 6.4.7.E of the UDC limiting the length of a cul-de-sac to 600 feet.

**DISCUSSION FROM THE PLANNING & ZONING COMMISSION**

Mr. Fillerup presented the staff report and stated that this subdivision was previously approved but that the approval had expired. Staff is allowing the preliminary and final plat to be processed together through the Planning & Zoning Commission and the City Council because the plan did not change. Mr. Fillerup pointed out that a waiver is being requested to allow a cul-de-sac greater than 600 feet. Such a waiver was approved in 2007. Mr. Fillerup pointed out that staff believes the long cul-de-sacs could be avoided by requiring CR 39511 to be extended to the west property boundary, then requiring the adjoining property owner to connect at the time of subdivision. Staff is recommending approval as submitted and as it was approved in 2007. Chairman Ivie asked if the connection was made, would the block be longer than 1,200 feet. Mr. Fillerup stated that it the block would not be longer than 1,200 feet.

Commissioner Buchanan restated the proposal to approve the waiver as the drawing depicts, and if no waiver was approved the 2 cul-de-sac's would have to be connected. Chairman Ivie stated that you can't force the petitioner to purchase from the other subdivision. Commissioner Kuchera asked if they could do a stub-out driveway to the other property. Mr. Fillerup stated that is what it would take. Chairman Ivie commented that we could require that and it would only reduce the subdivision by one lot.

Mr. Bob Echols of 909 W. Apache Street, representing Scott Woods concurred with staff's recommendations. Chairman Ivie asked if the petitioner would be interested in a stub-out. Mr. Echols stated that his client is not interested in a stub-out of the road to the west because you cannot insure that Coyote Ridge development will do the same. Mr. Echols stated the road in Coyote Ridge were private roads and were not being accepted by the county. Commissioner Byrom asked how wide the roads are currently. Mr. Echols stated that the county requires a 60 foot right-of-way, with 26 feet paved, with a cul-de-sac radius of 40 feet. There were no further questions from the commission.

Commissioner Kuchera motioned to approval PFP11-01 as recommended by staff with conditions a. through c. Commissioner Buchanan seconded the motion and it passed unanimously by a vote of 5-0.

### **Planning and Zoning Commission Action of April 14, 2011**

A motion was made by Commissioner Kuchera and seconded by Commissioner Buchanan to approve PFP 11-01 as recommended by staff which includes conditions a through c. The motion passed by unanimous vote of 5-0.

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, Kachura and Langenfeld  
 NAY: None  
 ABSTAINED: None  
 ABSENT: Commissioners Cardon, Freeman, Jaques, Simpson, Washburn (Alt), and Ziesmer (Alt)

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**UNIFIED DEVELOPMENT CODE IMPLEMENTATION COMMITTEE**  
 Recommendation to Section 5.2.6B(2)  
 Parking in Require Front Yard

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**CITY OF FARMINGTON**  
**MEMO**

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**DATE:** April 14, 2011  
**TO:** Planning and Zoning Commissioners  
**FROM:** Cynthia Lopez, Senior Planner  
**RE:** Section 5.2.6B(2) Parking in Required Front Yard/Chapter 27 Section 27-25-3(d)

Staff was made aware from a City Councilor about complaints that people are parking on their front yards and not on driveways. The Councilor believed that the City had language in the zoning code prohibiting parking in the required front yard except upon a driveway providing access to a garage, carport or parking area (previous zoning code, Chapter 27).

When staff checked the Unified Development Code it was discovered that the language limiting the parking in the required front yard to a driveway providing access to a garage, carport or parking area was not included in the Unified Development Code (UDC adopted January 1, 2008). The UDC Section 5.2.6B(2) states that "No more than 50 percent of the required front yard may be used for off-street parking or for a driveway providing access to a garage, carport or parking area located behind the front yard setback." There is no reference to parking only on a driveway or parking area.

This item was discussed at the January 14, 2011 UDC Implementation Committee. It is the consensus of UDC Implementation Committee, after considering the complaints that people are parking in areas other than driveways and/or designated parking areas, that the language from the previous code be added to Section 5.2.6B(4) of the UDC, as follows:

(4) No off-street parking shall be permitted in the required front yard of any residential district except upon a driveway providing access to a garage, carport or parking area of the dwelling.

### **DISCUSSION FROM THE PLANNING & ZONING COMMISSION**

Ms. Lopez presented the Unified Development Code Implementation Committee (UDCIC) recommendations to the commission regarding Section 5.2.6B(2). The UDCIC would like to add the old code language back into the UDC as (4). Ms. Lopez stated that there have been various complaints regarding more than 50% of the yard being used for parking. Chairman Ivie asked if this includes the side yard in that calculation; like for parking an RV. Commissioner Kuchera stated that she agrees with putting this language in, however some of the newer vehicles are

longer than the required front yard setbacks. Ms. Lopez stated that each home is required to have one paved parking space behind the front yard setback, even if the garage has been converted. A parking space is 9' x 19'. Commissioners Byrom and Buchanan both stated that there are homes where the whole front yard is paved and asked if they are in violation of the code. Ms. Lopez stated that the code states that no more than 50% of the front yard can be paved, however sometimes work is done without permits and/or prior to the code. Chairman Ivie mentioned the use of circular driveways. Circular driveways are allowed as long as no more than 50% of the required front yard is paved. Ms. Lopez identified that there is a variance process to allow flexibility for special circumstances.

### **Planning and Zoning Commission Action of April 14, 2011**

A motion was made by Commissioner Byrom and seconded by Commissioner Kuchera to **approve** the recommendation of the UDCIC to include (4) as below:

*(4) No off-street parking shall be permitted in the required front yard of any residential district except upon a driveway providing access to a garage, carport or parking area of the dwelling.*

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, Kachura and Langenfeld  
 NAY: None  
 ABSTAINED: None  
 ABSENT: Commissioners Cardon, Freeman, Jaques, Simpson, Washburn (Alt), and Ziesmer (Alt)

### **THE MOTION PASSED 5-0**

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#### **UNIFIED DEVELOPMENT CODE IMPLEMENTATION COMMITTEE**

Recommendation to Section 8.8.7  
 Vacation Plat Application Process

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### **CITY OF FARMINGTON MEMO**

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**DATE:** April 14, 2011  
**TO:** Planning and Zoning Commissioners  
**FROM:** Cynthia Lopez, Senior Planner  
**RE:** Section 8.8.7 Vacation Plat Application Process

Staff had a request for a vacation of a right-of-way late in 2009. When researching the Unified Development Code the index (Article 12) did not have a reference to a vacation or abandonment. This technical correction needs to be corrected.

The research of the request for a vacation of the right-of-way showed that that particular area had an approval for vacation several years prior to the 2009 request. However, the vacation plat, which is a requirement of vacation, had never been recorded. Section 8.8.7 Vacation Plat Application Process doesn't have an expiration time for a vacation plat.

The UDC Implementation Committee at the January 14, 2011 meeting discussed this item and determined that "vacation plat" and "abandonment plat" should be added to the index. They also determined that Section 8.8.7 should be altered to include "abandonment/vacation" wherever the word "vacation" is used and that an expiration paragraph should be added to the section becoming (F), changing (F) to (G) and (G) to (H). The new paragraph should read as follows:

**F. Expiration of an Abandonment/Vacation Application**

An Abandonment/Vacation application will expire automatically unless an abandonment/vacation plat is recorded in the office of the San Juan County Clerk within one year from the date of the approval by City Council. City Council may extend an approved unexpired abandonment/vacation plat for up to a year upon the written request of the petitioner.

### **DISCUSSION FROM THE PLANNING & ZONING COMMISSION**

Ms. Lopez presented the Unified Development Code Implementation Committee (UDCIC) recommendations to the commission regarding Section 8.8.7. This recommendation is to make minor changes to the UDC, in this case, adding Vacation / Abandonment to the index and add paragraph (f) for an expiration deadline as follows:

*(f). Expiration of an Abandonment/Vacation Application*

*An Abandonment/Vacation application will expire automatically unless an abandonment/vacation plat is recorded in the office of the San Juan County Clerk within one year from the date of the approval by City Council. City Council may extend an approved unexpired abandonment/vacation plat for up to a year upon the written request of the petitioner.*

**Planning and Zoning Commission Action of April 14, 2011**

A motion was made by Commissioner Kuchera and seconded by Commissioner Byrom to **approve** the recommendation of the UDCIC to include paragraph (f) as noted in the staff report.

AYE: Chairman Ivie, Commissioners Buchanan, Byrom, Kachura and Langenfeld  
 NAY: None  
 ABSTAINED: None  
 ABSENT: Commissioners Cardon, Freeman, Jaques, Simpson, Washburn (Alt), and Ziesmer (Alt)

**THE MOTION PASSED 5-0**


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**Rules and Regulations**

Chairman Ivie asked if anyone was opposed to postponing the discussion of this item to the next agenda. He also stated that he would like to have a sample outline form included in the agenda as a worksheet. Ms. Lopez stated that each commissioner should pick the parts of the previously distributed samples that they would like to see included in this commissions rules. With all commissioners in agreement, this item was postponed to the next Planning & Zoning Meeting

**Business from the Floor:** Mr. Bob Echols addressed the commission regarding the TIA requirement. He felt that if the previous petition had been worked on by his firm that the city would have required Cheney Walters, Echols to have that TIA before work would commence. Mr. Echols mentioned that if sketch plans are submitted to the planning division then at that time the determination for a TIA should be identified based on the total size of the subdivision. Commissioner Buchanan added that one issue that continually came up was the belief that all of the lots would stay as SF-7 in the area located on Monarch Street. Changing the plan in the middle of things adds weight to the existing property owners argument about property values and misinformation.

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

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

**Business from Staff:** The commission was informed that City Council approved SUP 11-01 for an accessory apartment. ZC 11-04 was tabled until April 26, 2011. The UDCIC recommendation for Non-Profit Medical Cannabis Producer was up for discussion at City Council and approved for publishing an ordinance. The extra language restricting locations was removed and City Council opted to keep State requirements only.

**Adjournment**

With no further business the Planning and Zoning Commission meeting of April 14, 2011 was adjourned at 3:55 p.m.

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Dennis R. Ivie  
Chairman

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Dee Dee Moore  
Office Manager