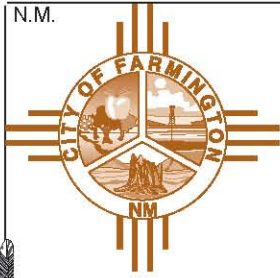


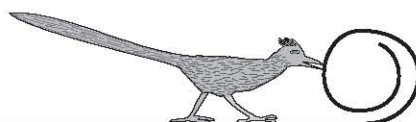
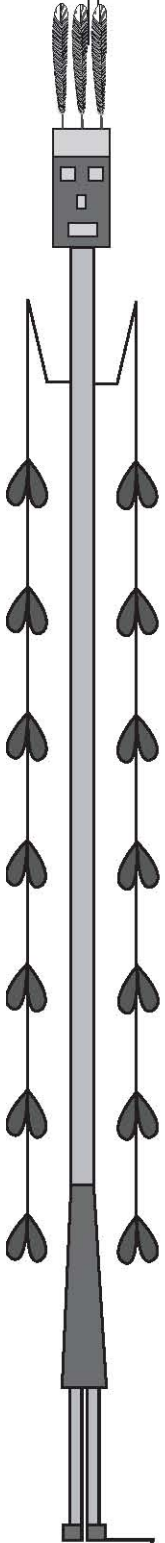
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# A G E N D A

## City of Farmington Planning & Zoning Commission

April 28, 2011



**A G E N D A**  
Planning & Zoning Commission  
April 28, 2011 at 2:00 p.m.

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Item No.		
1	<b>Call Meeting to Order</b>	
2	<b>Approval of the Agenda</b>	
3	<b>Approval of the Revision to the Minutes from the P&amp;Z March 24, 2011 meeting</b> for corrections to two instances of sub-heading " <b>Planning and Zoning Commission Action of March 10, 2011</b> ", where the date of March 10, 2011 should be replaced with March 24, 2011.	
4	<b>Approval of the Minutes from the P&amp;Z April 14, 2011 Meeting</b>	<b>1</b>
5	<b><u>Petition ABD 11-01</u></b> - a request from M&H Construction, represented by Mike Clawson, for the abandonment of the south 14 feet of the right-of-way in West Animas Street and the west 14 feet of the right-of-way of South Locke Avenue adjacent to Lot 1A of the West Broadway Addition, Replat A, located at 400 West Cedar Street, for property located in the City of Farmington, San Juan County, New Mexico.	<b>13</b>
6	<b><u>Discussion on Policies and Procedures for the Planning and Zoning Commission</u></b>	
7	<b><u>Business from:</u></b> Floor: Chairman: Members: Staff	
8	<b><u>Adjournment</u></b>	

**PLEASE NOTE:**

Unless otherwise announced, all Agenda items forwarded to the City Council will be heard at its next regular meeting, to be held on **Tuesday, May 10, 2011 at 7:00 p.m.**, in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico.

The next regular Planning and Zoning Commission meeting of May 12, 2011 has been cancelled due to no petitions being received. The following regular Planning and Zoning Commission meeting will be held in the City Council Chambers, 800 Municipal Drive, Farmington, New Mexico on **May 26, 2011.**

**ATTENTION PERSONS WITH DISABILITIES:**

The meeting room and facilities are fully accessible to persons with mobility disabilities. If you plan to attend a meeting and need an auxiliary aid or service, please contact the City Clerk's office at 599-1101 or 599-1106, prior to the meeting so arrangements can be made.

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**April 14, 2011**

The Planning and Zoning Commission met in a regular session on April 14, 2011 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
		John Byrom
		Kate Kuchera
		Kristin Langenfeld

P&Z Members Absent:	Commissioners:	Joyce Cardon
		Clint Freeman
		Rory Jaques
		Patricia L. Simpson
		Del Washburn (Alt)
		Amy Ziesmer (Alt)

Staff Present:	Fran Fillerup
	Cindy Lopez
	Dee Dee Moore

Others Present:	Gloria Day
	Bob Echols
	Diana Hobbs
	Paul Martin

**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 March 24, 2011 P&Z Meeting**

Commissioner Kuchera motioned to approve the minutes from the March 24, 2011 P&Z Commission Meeting. The motion was seconded by Commissioner Buchanan and passed by unanimous vote of 5-0.

**COMMUNITY DEVELOPMENT PETITION REPORT**  
Action Summary of the Planning and Zoning Commission  
 Zone Change from SF-7 to SF-5 District  
 Petition ZC 11-06 – Mesa Vista Subdivision #6 at Monarch Street

**A. STAFF REPORT, April 14, 2011**

**PROJECT INFORMATION**

<b>Applicant</b>	Mike Hamilton
<b>Representative</b>	Paul Martin, P.E., of Sakura Engineering, Inc.
<b>Date of Application</b>	March 11, 2011
<b>Requested Action</b>	Zone change from the SF-7, Single Family Residential District to the SF-5, Single-Family Residential District.
<b>Location</b>	Monarch Street, between Lauren and Wildflower Mesa Drive: Block 1, Lots 35-68 and Block 2, Lots 1-29 of the Mesa Vista Subdivision in Farmington
<b>Existing Land Use</b>	Navajo Ministries campus: offices, radio station, conference rooms, housing, animal keeping, educational facilities.
<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 if 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**

<p><b>COMMUNITY DEVELOPMENT PETITION REPORT</b>          Staff Report          Cedarwoods Vista Subdivision, Phase II          Petition PFP 11-01</p>
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**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)



<p style="text-align: center;"><b>UNIFIED DEVELOPMENT CODE IMPLEMENTATION COMMITTEE</b> Recommendation to Section 5.2.6B(2) Parking in Required Front Yard</p>
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**CITY OF FARMINGTON**  
**MEMO**



**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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<p style="text-align: center;"><b>UNIFIED DEVELOPMENT CODE IMPLEMENTATION COMMITTEE</b> Recommendation to Section 8.8.7 Vacation Plat Application Process</p>
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**CITY OF FARMINGTON**

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**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

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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

## COMMUNITY DEVELOPMENT PETITION REPORT

### Staff Report

Abandonment of Portions of ROW of Animas Street and Locke Avenue  
Petition ABD 11-01 – SW Corner of Animas Street and Locke Avenue

#### A. STAFF REPORT, March 10, 2011

##### PROJECT INFORMATION

<b>Applicant</b>	M&H Construction
<b>Representative</b>	Mike Clawson
<b>Date of Application</b>	March 25, 2011
<b>Requested Action</b>	Abandonment of the south 14 feet of West Animas Street and the west 14 feet of South Locke Avenue adjacent to Lots 1 through 6, Block 2 of the West Broadway Addition.
<b>Location</b>	Public right-of-way adjacent to 400 West Cedar Street on the southwest corner of the intersection of West Animas Street and South Locke Avenue.
<b>Existing Land Use</b>	Public street
<b>Existing Zoning</b>	MU Mixed Use District
<b>Surrounding Zoning &amp; Land Use</b>	<b>North:</b> GC General Commercial District / Commercial <b>South:</b> IND Industrial District / Industrial with outdoor storage <b>East:</b> GC General Commercial District / Vacant <b>West:</b> GC General Commercial District / Residential
<b>Notice</b>	Public notice is not required for abandonment requests.
<b>Staff Planner</b>	Fran Fillerup, Associate Planner

##### STAFF ANALYSIS

###### Project Description

The petitioner is requesting the abandonment of an area 14 feet wide and 163 feet long on the south side of West Animas Street and an area 14 feet wide and 119 feet long on the west side of South Locke Avenue. The requested area is adjacent to the petitioner's property, Lot 1A of the West Broadway Addition, Replat A. The subject area is located on the southwest corner of the intersection of West Animas Street and South Locke Avenue.

The petitioner is proposing to consolidate the requested area to be a part of his property where he is building a 7-unit multi-family residential building. A wall is shown on the site plan for the new building which would create additional outdoor space for each of the units.

The total area requested for abandonment is 3,962 square feet.

##### ISSUES

###### Community Development Director: Mary Holton – 599-1285

- Please change the signature line on the plat to be for the Mayor as the plat will need to receive the approval of the City Council.

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

- There are sewer lines in the area on the east side of the right-of-way of Locke Avenue and in Cedar Street. A water line exists on the north side of the Animas Street right-of-way.

- An easement needs to be provided for the hydrant on the west end of the abandonment, four feet wide around the hydrant to the street.
- Meter cans will need to be on the City side of the new property line, or easements must be provided. The meter cans cannot be in the sidewalk or the street and they cannot be behind the proposed wall. They must be accessible from the street.

**Electrical Engineering: Luwil Aligarbes – 599-8321**

- Please indicate the 5-foot electrical easement that exists on the south side of the lot.

**Planning Division: Fran Fillerup – 599-1282**

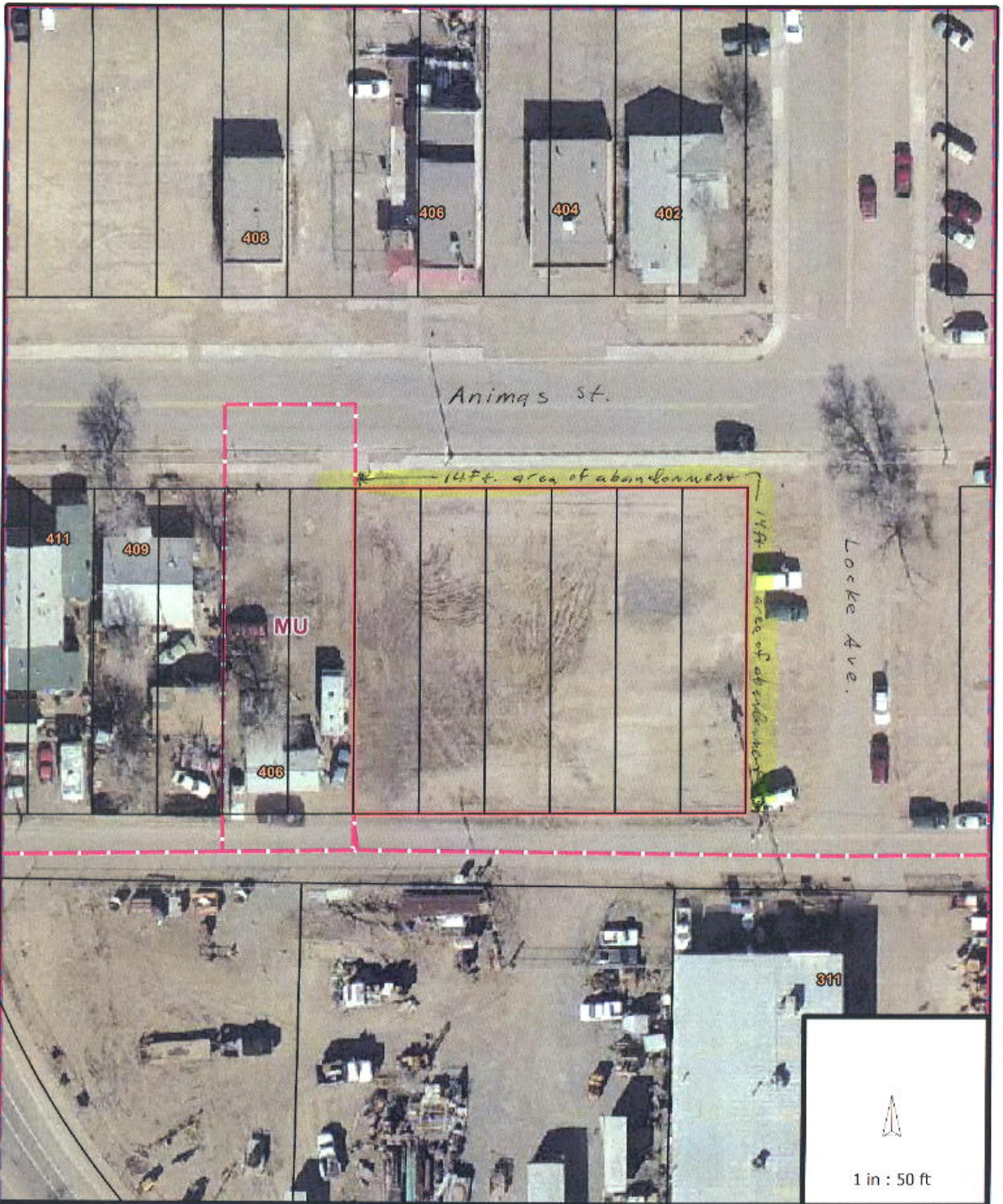
- The petitioner is the only private property owner adjoining the abandonment.
- The Metropolitan Redevelopment Agency Board (MRA Board) reviewed site plans of the petitioner's multi-family development and provided feedback to the petitioner's architect in their meeting of March 17, 2011. As a part of their feedback, they encouraged the applicant to provide more space along Animas Street and Locke Avenue for residents to be outdoors. This abandonment would allow for an outdoor space for each unit along the streets.
- The petitioner is required to install curb, gutter and sidewalk along both Animas Street and Locke Avenue in the remaining right-of-way.

**STAFF CONCLUSION**

Staff concludes that approval of ABD 11-01 is appropriate. The proposed abandonment will improve the visibility to the street from the residences in the petitioner's development. The right-of-way is not needed for utilities or street width on Animas Street and Locke Avenue.

**STAFF RECOMMENDATION**

The Community Development Department recommends **approval** of Petition ABD 11-01, a request from M&H Construction, represented by Mike Clawson, for the abandonment of the south 14 feet of the right-of-way in West Animas Street and the west 14 feet of the right-of-way of South Locke Avenue adjacent to Lot 1A of the West Broadway Addition, Replat A, located at 400 West Cedar Street, subject to the condition that a plat will be recorded within one year of approval to memorialize the abandonment and with technical and corrective changes as required by staff.



1 in : 50 ft

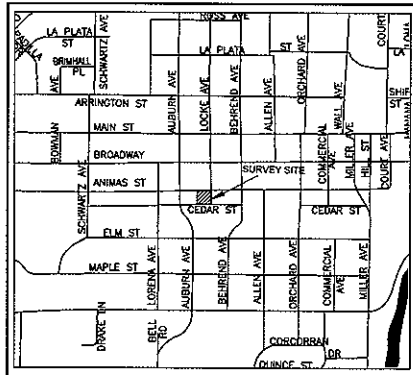
4/28/2011

COMMUNITY  
DEVELOPMENT  
DEPARTMENT

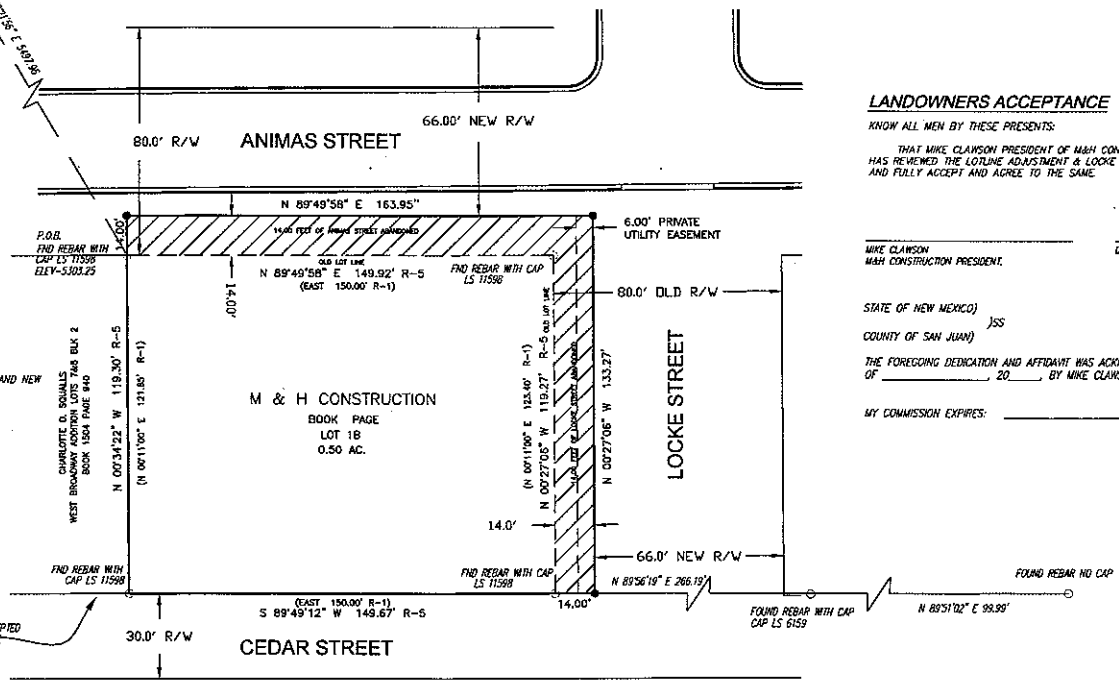


**AREA UNDER CONSIDERATION**  
**ABD 11-01 Request for Abandonment**  
**of 14 feet of ROW of Animas and Locke**  
**adjacent to highlighted lots.**

## WEST BROADWAY ADDITION SUBDIVISION, REPLAT "B" A PARTIAL ABANDONMENT OF LOCKE STREET & ANIMAS STREET LOCATED IN THE SW1/4 OF NE1/4 OF SECTION 16, T29N, R13W, N.M.P.M., FARMINGTON, SAN JUAN COUNTY, NEW MEXICO



N 208°48'77" E 202.84524  
C.O.F. MON. FARMPORT  
N.G.S. ROD IN WELL



### ACCEPTANCE - CITY OF FARMINGTON

PURSUANT TO THE UNITED DEVELOPMENT CODE SECTION 8.02 OF SUBDIVISION PLAT REVIEW AND NEW MEXICO STATE STATUTE 3-20-1 a (2), THIS PLAT IS NOT SUBJECT TO THE LAND SUBDIVISION REGULATIONS OF THE CITY OF FARMINGTON.

DATE: \_\_\_\_\_  
CITY OF FARMINGTON COMMUNITY DEVELOPMENT DEPARTMENT  
BY: COMMUNITY DEVELOPMENT DIRECTOR MARY L. HOLTEN ACP

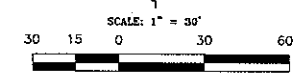
### REFERENCES

- R-1 WEST BROADWAY ADDITION SUBDIVISION PLAT, RECORDED DECEMBER 13, 1910 IN THE OFFICE OF THE COUNTY CLERK, SAN JUAN COUNTY, NEW MEXICO
- R-2 WARRANTY DEED FOR M & H CONSTRUCTION RECORDED DECEMBER 13, 2010 IN BOOK 1519 AT PAGE 241 IN THE OFFICE OF THE COUNTY CLERK, SAN JUAN COUNTY, NEW MEXICO
- R-3 BOUNDARY SURVEY PLAT FOR TOMMY RAY & SYLVIA KING PREPARED BY EVANS ENGINEERS INC., NOT RECORDED.
- R-4 SOUTH FARMINGTON SUBDIVISION P.L.A.
- R-5 WEST BROADWAY ADDITION REPLAT "A" SUBDIVISION

### CERTIFICATION

I, JOHN D. WAYNE, A REGISTERED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT WAS PREPARED AT THE DIRECTION OF THE OWNER'S FROM FIELD NOTE OF AN ACTUAL SURVEY MEETING THE REQUIREMENTS OF THE MINIMUM STANDARDS FOR LAND SURVEYING IN NEW MEXICO, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE: \_\_\_\_\_ JOHN D. WAYNE  
NEW MEXICO REG. NO. 9673



### LEGEND

- ◆ FOUND SECTION CORNER AS NOTED
- ◇ CALCULATED CORNER AS NOTED
- FOUND CORNER AS NOTED
- SET 5/8" REBAR WITH PLASTIC CAP LS-9673
- (RAD) RADIAL BEARING
- (M) MEASURED DATA

### LANDOWNERS ACCEPTANCE

KNOW ALL MEN BY THESE PRESENTS:

THAT MIKE CLAWSON PRESIDENT OF M&H CONSTRUCTION OWNER AND PROPRIETOR OF LOT 1B, HAS REVIEWED THE LOTLINE ADJUSTMENT & LOCKE STREET & ANIMAS STREET PARTIAL ABANDONMENT AND FULLY ACCEPT AND AGREE TO THE SAME.

MIKE CLAWSON  
M&H CONSTRUCTION PRESIDENT. DATE \_\_\_\_\_  
STATE OF NEW MEXICO) JSS  
COUNTY OF SAN JUAN)  
THE FOREGOING DEDICATION AND AFFIDAVIT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY MIKE CLAWSON.  
MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

### BASIS OF BEARINGS

BEARINGS ARE BASED ON CITY OF FARMINGTON CONTROL GRID.

### NOTES

1. THE OWNERS ARE RESPONSIBLE FOR GETTING PERMITS FOR LAND DISTURBANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY.
2. SUBJECT TO ANY AND ALL EASEMENTS AND SERVITUDES, PUBLIC OR PRIVATE, OF WHATEVER KIND OR NATURE IN EXISTENCE AT THE DATE HEREOF.
3. ALL ACCESS AND UTILITY EASEMENTS SHOWN HEREON ARE HEREBY GRANTED AND CONVEYED TO ALL OWNERS OF PROPERTY ADJOINING SAID EASEMENTS, THEIR HEIRS, SUCCESSORS AND/OR ASSIGNS.
4. THE WORD "CERTIFY" OR "TESTIFY" AS USED HEREIN IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL OPINION BY THE SURVEYOR, BASED UPON HIS BEST KNOWLEDGE INFORMATION AND BELIEF. HIS BOOK, IF DOES NOT CONSTITUTE A GUARANTEE, NOR A WARRANTY, EXPRESSED OR IMPLIED.
5. THE OWNERS ARE RESPONSIBLE FOR SUPPLYING ALL REQUIRED MAPS TO THE UTILITY DEPARTMENTS FOR UTILITIES TO BE GRANTED AND SUPPLIED.

**BASIN SURVEYING, INC.**  
P.O. BOX 6456, FARMINGTON, NEW MEXICO 87499  
106 LLANO STREET, AZTEC, NEW MEXICO 87410 TELE: 505-334-1500

INDEXING INFORMATION FOR COUNTY CLERK	
OWNER: M&H CONSTRUCTION	SECTION: 16
T 29 N, R 13 W	DATE: MARCH 18, 2011
DATE OF FIELD WORK: 03/07/2011	OF SHEETS

Y:\ADD-Drawings\Sakura.DWG Date: DWG2011-1-135-Clawson\_Property\LOT\_CONSOLIDATION.dwg

CADD FILE:  
**M&H CONSTRUCTION**  
 FARMINGTON, SAN JUAN, NEW MEXICO  
 LOCKE & ANIMAS STREETS PARTIAL  
 ABANDONEMENT

**Sakura Engineering**  
 125 WEST MAIN STREET • FARMINGTON, NEW MEXICO 87401  
 PHONE: 505-564-1130 • FAX: 505-564-1110

REVISIONS	DATE
△	
△	
△	
△	
△	
PROJECT No.:	2011-155
DRAWN BY:	JMA
CHECKED BY:	PPW
SCALE:	AS SHOWN

**PETITION NO. ABD 11-01**  
**401 W. ANIMAS – M&H CONSTRUCTION**  
**Deadline: April 14, 2011**

**City of Farmington Departments**

CD - Director – Mary L. Holton	Comments are incorporated in the staff memo.
CD – Addressing – Jay Peterman	No Comments
CD - Chief Building Inspector – Leo Hardie	No Comments
CD - MPO - Joe Delmagori	No comments from the MPO
City Manager’s Office – Bob Campbell	No objections
ELEC - Customer Care Manager - Lara Ratliff	No Response
ELEC - Engineering - Luwil Aligarbes	Need 5’ Wide Electric Utility Easement for overhanging wire. Please see attached drawing.
ELEC - T & D - Steve Henson	No Response
FIRE – Fire Marshall – Bob Popa	Fire Department criteria will be met through the Building Inspection process.
LEGAL – Assistant City Attorney - Brigitte Thomas	No Response
POLICE - Code Compliance Supvr – Todd Johnston	No Response
POLICE -Captain McPheeters	No Response
PRCA - Roger Drayer	No Response
PW - Engineering- Virginia King	No Response
PW - Streets Superintendent - Jim Couch	No Response
PW - Traffic Engineering Admin – Steve Krest	No Response
PW - Water/ Wastewater Admin – Ruben Salcido	No Response

**Other Entities**

CH2MHILL OMI	No Response
Comcast Cable-Mark Johnson	No Response
El Paso Natural Gas – Steve Shafer	No Response
Enterprise Field Services	No Response
Farmington School District	No Response
New Mexico Gas Company	No Response
Qwest Communications	No Response
U.S. Post Office	No Response
Williams Field Services-Lloyd Bell	No Response