



P&Z REGULAR MEETING DRAFT MINUTES
Roswell Planning & Zoning Commission
Tuesday, June 25, 2019 - 6:00 PM
Roswell Convention Center
912 North Main Street

Chair: Riley Armstrong, Vice Chair: David Storey, Secretary: Jesse McDaniel
Members: Kent Taylor, Saul Aguilar, James MacCornack, Jana Lessard

Community Development Staff: William Morris, AICP, CZO; Merideth Hildreth, AICP; Miguel Martinez
Engineering Staff: Louis Najar, PE

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4, NMSA 1978 and City of Roswell, NM Resolution 19-37.

A. CALL TO ORDER AND WELCOME – Chair Riley Armstrong

A regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Armstrong.

B. ROLL-CALL

Riley Armstrong (Chair)	PRESENT
David Storey	ABSENT
Kent Taylor	PRESENT
Jesse McDaniel	PRESENT
Saul Aguilar	PRESENT
Jana Lessard	PRESENT
James MacCornack	PRESENT

Staff Members Present:

Louis Najar, PE, Director of Engineering & Public Works
William Morris, AICP, CZO, Director of Community Development
Merideth Hildreth, AICP, Planning & Zoning Administrator
Miguel Martinez, Planning & Zoning Technician

Audience Members Present:

Patty Johnson, Dennis Johnson, La Nelle Witt, S. Doug Jones Witt, Sherlea Taylor, Scott Goodpasture, Rita Montoya, Ashly Montoya, Scott Hicks, Larry Connolly

C. SWEARING IN: Chair Armstrong swore in staff and members of the audience.

D. APPROVAL OF THE AGENDA

Commissioner Lessard MOTIONED to approve the agenda for the June 25, 2019 Planning & Zoning Commission Regular meeting as presented. Seconded by

Commissioner McDaniel. The motion passed by a voice vote of six to zero. (Absent: David Storey)

E. MINUTES: Consider approval of the April 23, 2019 P&Z Regular Meeting Minutes Commissioner Taylor MOTIONED to approve the minutes for the April 23, 2019 Regular Planning & Zoning Commission Regular Meeting minutes. Seconded by Commissioner Lessard. The motion passed by a voice vote of six to zero. (Absent: David Storey)

F. PUBLIC HEARING ITEMS:

1. CASE 19-012 VAR:

Chair Armstrong introduced Case 19-012, a request for a variance.

Commissioner McDaniel made a MOTION to waive the Reading of the Finding of Facts and Land Use and Zoning Considerations with respect to Case 19-012. Seconded by Commissioner MacCornack. The motion passed by a voice vote of six to zero. (Absent: David Storey)

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 19-012?

In Favor: Patty Johnson: The restrictive covenants provided in the packet do not apply to the lot. There was a dog pen constructed when the house was built with pilasters that they decided to use. The Licensed Contractor was able to work on a couple of weekends. We were informed that an accessory structure under 200 square feet does not require a building permit, but we didn't know it still required a placement permit and compliance with the setbacks. We will install design elements to blend in with the pickets on the fence and are willing to gutter to the roof to the yard. The pre-existing dog pen was built 6'6" from the house. The Johnsons repaired the section of fence, but did in no way tie the structure into the fence. The Johnsons spoke to John Hinkle who developed the townhomes in a PUD. Requesting a variance to allow a 166 square foot structure encroaching in the south side yard setback in the area that was originally built as a dog pen. The Johnsons are asking for the variance so they can finish the project to build a personal craft room/studio. Mrs. Johnson offered a thank you to the City Staff.

Let the record show that Commissioner Storey joined the meeting at 6:10 p.m.

Chair Armstrong stated there were restrictive covenants established in 1987. The covenants state that after 25 years of the recorded date, set covenants shall automatically extended for successive periods for 10 years unless an instrument signed by the majority of the property owners agreed to change. No building shall be located within 10' of the interior lot line. I don't understand why a building permit wasn't taken out.

Mrs. Johnson: We've lived in the county for 30 years, and we did not. We spoke to the County Clerk who said there were not restrictive covenants pertaining to our townhome.

Chair Armstrong: That may be the case. There are restrictive covenants were instituted so all the units conform to maintain property values.

Mrs. Johnson stated that City Staff said they did not find covenants for the property.

Dennis Johnson: Clarified the issue about not complying with the setbacks. The structure is under 200 square feet and does not require a building permit, and they did not think about needing a placement permit. Lot seven is not included in the covenants.

Against: La Nelle Witt: Mrs. Witt discussed the setbacks, design elements, and other criteria established in the covenants and brought maps of the Coronado Subdivision Plats that run with the land no matter how many times the land is subdivided. The structure is approximately 9'x18'x9' and sits 2" from the pilasters and 9" from the pickets.

Aaron Holloman: The restrictive covenants are an issue here, however they are not within the City's jurisdiction to determine whether or not the restrictive covenants exist.

Sherlea Taylor: Mrs. Taylor further discussed the restrictive covenants for the Coronado subdivision. Access to townhouses are from the alley.

Staff Comments: Mr. Morris: As the City Attorney stated, we cannot look at covenants. Violation of 5' side yard setback and distance of accessory structure from the primary structure which requires a 10' setback. This is a unique development and it not a typical single family lot. These lots were designed to be very compact with very little backyard. Staff is recommending denial.

Commissioner Aguilar: It looks like the columns have been there a while.

Mr. Morris: Setbacks have been in the zoning code for a long time.....

Mr. Najjar: I assume the original structure was a dog pen. I concur with Bill Morris on Staff Denial. Even the portable metal buildings require setbacks. Drainage would spill over to the neighbor's yard.

Commissioner Storey abstains since he did not hear the entire case.

MOTION – 19-012 VAR

Commissioner Taylor made a motion to deny the request for variance Case Number 19-012. Seconded by Commissioner Aguilar. The motion passed by a voice vote of six to zero. (Commissioner Storey abstains)

Chair Armstrong: A request for an appeal must be filed with the City Clerk in writing by noon on Thursday.

2. CASE 19-013 ZOC:

Chair Armstrong introduced Case 19-013, a request for a zone change.

Commissioner Storey made a MOTION to waive the Reading of the Finding of Facts and the Land Use and Zoning Considerations with respect to Case 19-013. Seconded by Commissioner McDaniel. The motion passed by a voice vote of seven to zero.

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 19-013?

In Favor: Scott Goodpasture: Requesting the zone change as described in the Staff Summary.

Against: None

Staff Comments: Mr. Morris: This property is being requested to be rezoned from R-3 (Residential) to C-2 (Commercial) to create a more marketable and adequately sized property. There is no additional residential on that intersection. The parcel is more appropriate and compatible with C-2 designs. Staff is recommending approval.

Mr. Najar: Atkinson is State Hwy 46/246 and Arterial Collector for the city. Property # 12 was condemned, patterns of growth from south to north, including truck traffic. Mr. Najar concurs with Mr. Morris.

MOTION – 19-013 ZOC

Commissioner Lessard made a motion based on the Findings of Facts, the land use and zoning considerations, testimony, material presented during the meeting and Staff recommendation to approve Case Number 19-013. Seconded by Commissioner Storey. The motion passed by a voice vote of seven to zero.

3. CASE 19-014 ZOC:

Chair Armstrong introduced Case 19-014, a request for a zone change.

Commissioner Aguilar made a MOTION to waive the Reading of the Finding of Facts and Land Use and Zoning Consideration with respect to Case 19-014. Seconded by Commissioner McDaniel. The motion passed by a voice vote of seven to zero.

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 19-014?

In Favor: Scott Hicks, Smith Engineering as agent of the property owner. Owner is proposing to replat the property and increase the lot size of the lot that is currently zoned I-1 to the south, and rezone a portion of the southern part of the lot to RMS (Residential Manufactured Home Subdivision.)

Chair Armstrong: Asked about access.

Mr. Hicks: Stated access would be off East Second Street.

Rita Montoya: Stated she does not understand what the property owner wants to do.

Mr. Morris: Ms. Montoya owns lots 14, 15 and 16.

Chair Armstrong: The intent of the rezoning is to allow for self-storage units on the northern portion of the lot, and Mobile Home Subdivision nearer to Ms. Montoya on the south.

Commissioner Storey: Did we look at this site in the past?

Mr. Najar: Mr. Junior Hernandez at one time was thinking about developing a trucking company on this site but the idea was not followed through.

Ms. Montoya: Stated there is an easement.

Mr. Hicks: I believe Ms. Montoya is referring to the easement on west property line for the underground pipe. The easement will remain. Mr. Hicks showed Mrs. Montoya a larger copy of the plat to explain where proposed development will occur.

Staff Comments: Mr. Morris: The parcel is already I-1 (Industrial) on the north end and the rezoning will allow the continuation of the I-1. The RMS will be compatible with surrounding development and is part of the last discussion item on the agenda. Staff supports the zone change.

Mr. Najar: Concurs. Industrial off of 2nd street and Residential off Alameda.

Against: None

MOTION – 19-014 ZOC

Commissioner Storey made a motion to approve Case Number 19-014 based on the Findings of Facts, the land use and zoning considerations, testimony we received, material presented during the meeting and Staff recommendation. Seconded by Commissioner Lessard. The motion passed by a voice vote of seven to zero.

G. NON-ACTION ITEM

H. OTHER BUSINESS – Tiny Homes

Mr. Morris: The state has just released additional criteria for what defines a tiny home. Last month, staff received several requests for a different type of tiny home. Container homes about 40 feet long and 10 feet wide. There may be a need for this type of

affordable housing. Our concern is that someone will drop a container home into a nice area or not-so-nice area, and impact the property values. The RMS zoning district allows anything allowed in the R-1 zoning district. We want to revisit this with code changes that deal with tiny homes especially in the R-1 District that includes a minimum house and/or lot size especially in the R-1. Equally important, Staff feels that there needs to be a district that could accommodate small homes.

Commissioner McDaniel: Are you saying we need to make a minimum lot size or minimum house size to protect the R-1 (Residential) district?

Mr. Morris: Yes. There still needs to be setbacks and right-of-ways, but maybe the lots won't have to be so big for the tiny homes. Staff wants to have the conversation before they get here.

Chair Armstrong: I believe we're going to see more of these container homes because of the affordability. And some of the families don't want anything large.

Commissioner McDaniel: We're running out of houses too.

Mr. Morris: This is just informational at this point. Staff will try to put something together for further discussion for the next meeting.

I. PUBLIC COMMENTS

Larry Connolley: How many people drive Garden Avenue? Have you seen the residential trailer on North Garden that sat there for a long time? Mr. Connolley showed a picture on his tablet. Seeing more and more infill and lots being cleaned up as he drives around the city.

Commissioner McDaniel: This is the third time I've heard people have a hard time hearing through the speakers.

Commissioner Storey: Do they have the same problem with the Council meetings?

Mr. Najjar: We have to do a test prior to Council meetings.

J. ADJOURN

Chair Armstrong adjourned the meeting at 7:15 p.m.