



P&Z REGULAR MEETING MINUTES
Roswell Planning & Zoning Commission
Tuesday, FEBRUARY 2021 - 6:00 PM
Roswell Convention Center
912 North Main Street

Chair: David Storey; Vice Chair: James MacCornack; Secretary: Jesse McDaniel
Members: Saul Aguilar, Jana Lessard, Steve Henderson, Daniel M. Lopez, Sr.

Kevin Maevers, AICP
Merideth Hildreth, AICP
Miguel Martinez, CZO
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 Resolution 21-007.

A. CALL TO ORDER AND WELCOME – Chair David Storey

The regular meeting of the Planning & Zoning Commission was called to order at approximately 6:03 p.m., by Chair Storey.

RECOGNIZE THE CITY OF ROSWELL’S NEW COMMUNITY DEVELOPMENT DIRECTOR KEVIN MAEVERS.

B. ROLL-CALL

David Storey	PRESENT
Jesse McDaniel	PRESENT
Saul Aguilar	PRESENT
Jana Lessard	PRESENT
James MacCornack	PRESENT
Steve Henderson	PRESENT
Daniel Lopez	ABSENT

Staff Members Present:

Kevin Maevers, AICP, Community Development Director
Merideth Hildreth, AICP, Planning & Zoning Administrator
Louis Najar, P.E., City Engineer
Parker Patterson, JD, City Attorney

Audience Members Present:

Todd Wagener, Elizabeth Horn, Luis Orozco, Larry Marker, Steve Therrien.
Dora Lujan participating by phone.

C. SWEARING IN: Commissioner Henderson swore in staff and members of the audience.

D. APPROVAL OF THE AGENDA

Commissioner Lessard MOTIONED to approve the agenda for the Tuesday, February 23, 2021 Planning & Zoning Commission as presented. Seconded by Commissioner Henderson. The motion carried by a voice vote of six to zero with Commissioner Lopez being absent.

E. MINUTES: Consider approval of the December 15, 2020 Planning & Zoning Commission Regular meeting minutes. Commissioner Aguilar MOTIONED to approve the minutes from the December 15, 2020 Planning & Zoning Commission. Seconded by Commissioner MacCornack. The motion carried by a voice vote of six to zero with Commissioner Lopez being absent.

F. PUBLIC HEARING ITEMS:

- 1. CASE 21-001 SUP:** A request for a Special Use Permit to construct a Professional Office with parking bays (garage), parking lot, and screened fencing in the R-3 Residential Zoning District. Subd: GOLDEN RULE SUMMARY PLAT Lot: A Quarter: SW S: 29 T: 10S R: 24E BK: 768 PG: 1744 WDJT and Subd: GOLDEN RULE SUMMARY PLAT Lot: B Quarter: SE S: 29 T: 10S R: 24E BK: 768 PG: 1744 WDJT. ADDRESS: 711 W College Blvd (Owner: Luis Orozco and Viridiana Orozco).

Chair Storey introduced Case 21-001 SUP.

Commissioner Lessard MOTIONED to waive the Reading of the Land Use and Zoning Considerations and Finding of Facts with respect to Case 21-001. Seconded by Commissioner Henderson. The motion passed by a voice vote of six to zero with Commissioner Lopez being absent.

Chair Storey: Is there anyone wishing to speak in favor of Case: 21-001 SUP?

In Favor:

Luis Orozco: Mr. Orozco requested a Condition Use Permit in order to build an office space for his commercial business.

Todd Wagener: Mr. Wagener stated support for the request.

Chair Storey: Is there anyone wishing to speak against Case: 21-001 SUP?

Against:

Jesus Rodriguez: "How is this going to affect our neighborhood and property values?"

Dora Lujan: "Will the property owner have to provide more specific details of development? Will there be a traffic analysis for the area?" Ms. Lujan expressed her concern for granting a Special Use permit without having all the details for the proposed business and building.

Chair Storey: Asked Ms. Hildreth to explain the process for development.

Ms. Hildreth: "Once the Special Use permit has been approved by the Planning and Zoning Commission, the next step would be for the applicant to submit a building permit application along with a site plan to the Building Department. The site plan will go through the review process from staff."

Chair Storey: Asked Ms. Hildreth to explain the fencing requirements listed in the conditions of approval.

Ms. Hildreth: “Mr. Orozco’s intent is to install a wrought iron fence and landscaping along College Blvd after the building has been installed to make property more appealing.”

Chair Storey: “Is there any specific reason there was no traffic study done? Was there any thought about the ingress/egress for the business?”

Mr. Najjar: “The lots will be consolidated into one lot. The frontage would be along College Blvd. Considering the residents along Michigan Ave, traffic would be accessed along College Blvd. Traffic analysis was not required or requested for this project. The driveway will have a 36 foot ingress/egress that will allow the trucks to move in and out of the property safely. There will be an eight foot sidewalk along College Blvd and a five foot sidewalk along Michigan Ave to improve pedestrian access. Based on the use of College Blvd, future development would best benefit commercial.”

Commissioner McDaniel: “Is there a foot for height designated for the structure?”

Mr. Najjar: “The structure is based on the height of the garage door. Height will be approx. 16 feet in height based on sketch presented in packet. Specific details will be included in building permit.

Mr. Maevers: “A typical metal building will have a 4:1 pitch on the roof and 10 foot interior walls. The building will be approximately 15 to 16 feet total at the pitch. The homes in this area have a similar roof pitch. The proposed business is a low density and low impact use. The setbacks for the proposed use are much greater than that within a residential use. The increased setbacks would allow for enhanced landscaping, enhanced fencing and enhanced pedestrian access. The building, landscaping and fencing would allow for a noise attenuation barrier for the neighboring residents.”

MOTION – 21-001 SUP

Commissioner Henderson MOTIONED to approve Case Number 21-001 along with the land use and zoning considerations, finding of facts, staff recommendations, and testimony we have received to specifically include:

- 1. Two lots to be consolidated**
- 2. Solid screen fence or wall be required along the abutting residential properties**
- 3. A drive entrance for ingress/egress installed along West College Blvd**
- 4. Installation of 5% of additional landscaping specified in Zoning Ordinance Article 52.11**

Seconded by Commissioner Aguilar. The motion passed by a roll call vote of six to zero with Commissioner Lopez being absent.

Commissioner MacCornack	Yes
Commissioner Aguilar	Yes
Commissioner Lessard	Yes
Commissioner Henderson	Yes
Commissioner McDaniel	Yes
Chair Storey	Yes



2. **CASE 21-002 VAC:** A request for a Vacation Replat of existing alley right-of-way to combine properties in the R-3 Residential Zoning District. Subd: SOUTH ROSWELL AMND BLK 40 Block: 40 ALL THAT PART OF BLOCK 40 N & W OF HONDO RIVER LESS N 50 FT BK: 407 PG: 1256 QCDJT). ADDRESS: 703 S Kentucky Ave (Owner: Elizabeth Horn) (Owner of Alley Right-of-Way: City of Roswell)

Chair Storey introduced Case 21-002 VAC

Commissioner Lessard MOTIONED to waive the Reading of the Finding of Facts and Land Use and Zoning Considerations with respect to Case 21-002. Seconded by Commissioner MacCornack. The motion passed by a voice vote of six to zero with Commissioner Lopez being absent.

Chair Storey: Is there anyone wishing to speak in favor of Case: 21-002 VAC?

Elizabeth Horn: Requested vacation of the alley right of way to consolidate her lots into one large lot.

Chair Storey: Is there anyone wishing to speak against Case: 21-002 VAC?

Against: None

Staff Comments:

Mr. Najar: Spoke in favor of the alley right of way vacation as the President of the Utility Council and as the City Engineer. "All utilities are in support of the vacation of the alley. This is an alley that is not being used and would be one less liability to worry about in the future."

Ms. Hildreth: Planning and Zoning staff support the request.

MOTION – 21-002 VAC

Commissioner Lessard MOTIONED to approve Case Number 21-002 along with the land use and zoning considerations, finding of facts, staff recommendations, and testimony we have received. Seconded by Commissioner McDaniel. The motion passed by a roll call vote of six to zero with Commissioner Lopez being absent.

Commissioner MacCornack	Yes
Commissioner Aguilar	Yes
Commissioner Lessard	Yes
Commissioner Henderson	Yes
Commissioner McDaniel	Yes
Chair Storey	Yes

3. **CASE 21-003 PPLAT:** A request to review and approve a Preliminary Plat for a 20 lot single family residential subdivision in the R-4 Residential Zoning District. Subd: BELLA PIAZZA SUBDIVISION Tract: A S: 30 T: 10S R: 24E DOC# 202009152 WD (REC). ADDRESS: 2300 Block of N Union Ave. (Owner: Mac Real Estate Inc.)
4. **CASE 21-004 FPLAT:** A request to recommend approval of a Final Plat for a 20 lot single family residential subdivision in the R-4 Residential Zoning District. Subd: BELLA PIAZZA SUBDIVISION Tract: A S: 30 T: 10S R: 24E DOC# 202009152 WD (REC). ADDRESS: 2300 Block of N Union Ave. (Owner: Mac Real Estate Inc.)

Chair Storey introduced Cases 21-003 PPLAT and 21-004 FPLAT

Commissioner Aguilar MOTIONED to waive the Reading of the Finding of Facts and Land Use and Zoning Considerations with respect to 21-003 PPLAT and 21-004 FPLAT. Seconded by Commissioner McDaniel. The motion passed by a voice vote of six to zero with Commissioner Lopez being absent.

Chair Storey: Is there anyone wishing to speak in favor of Cases 21-003 PPLAT and 21-004 FPLAT?

Todd Wagener: “This is a preliminary plat that has already been approved in the past. The lot line dimensions have been changed and added a larger detention pond so we decided to do an official review. We built six lots along Union Ave and Country Club. We’re ready to build the additional 20 lot subdivision. These lots are similar in size to those in the Bella Vita subdivision.”

Chair Storey: Is there anyone wishing to speak against Cases 21-003 PPLAT and 21-004 FPLAT?

Against:

None

MOTION – 21-003 PPLAT

Commissioner Lessard MOTIONED to approve Case Number 21-003 PPLAT along with the land use and zoning considerations, finding of facts, staff recommendations, and testimony we have received. Seconded by Commissioner Aguilar. The motion passes by a roll call vote of six to zero with Commissioner Lopez being absent.

Commissioner MacCornack	Yes
Commissioner Aguilar	Yes
Commissioner Lessard	Yes
Commissioner Henderson	Yes
Commissioner McDaniel	Yes
Chair Storey	Yes

MOTION – 21-004 FPLAT

Commissioner MacCornack MOTIONED to recommend Case Number 21-004 FPLAT along with the land use and zoning considerations, finding of facts, staff recommendations, and testimony we have received to City Council. Seconded by Commissioner Aguilar. The motion passes by a roll call vote of six to zero with Commissioner Lopez being absent.

Commissioner MacCornack	Yes
Commissioner Aguilar	Yes
Commissioner Lessard	Yes
Commissioner Henderson	Yes
Commissioner McDaniel	Yes
Chair Storey	Yes

G. OTHER BUSINESS

1. Staff Report to Planning & Zoning Commission to request a public hearing on the Conditional Use Permit for the 2016 Zoning Case 16-012 CUP: Dirt Track for Stock Car Racing and Motor Sport Events including Motor-Cross, Mud Bogs, Tractor and Truck Pulls.

Ms. Hildreth: Introduced City Attorney Parker Patterson.

Mr. Patterson: “The racetrack was approved back in 2016 but the racetrack didn’t get started until 2020. At that time, city staff started receiving complaints from citizens that the racetrack was operating past 11 p.m. and well into the early morning being extremely loud. Staff decided to have a meeting with the owners. The owners informed staff that due to unforeseen circumstances such as wrecks and accidents, races would run later than expected. Staff asked the owners to call and report to dispatch if the event would operate later than 11 p.m. and to give an expected time for the event to end. This would give us something to tell anyone that may call and complain about the noise. Around October of 2020, city staff received a citizen petition to revoke the business license. I followed up with dispatch to see if the business owners had complied with the agreement to call and report any changes in the event times. The report showed that the business owners had complied with the agreement. The citizen’s petition stated that races were operating until 1 a.m. Staff is asking the Planning and Zoning Commission to set a public hearing to reconsider the conditional use permit to operate the racetrack to allow the business owners and the citizens to speak their sides and consider keeping the permit as it is, revoking or modify the permit.”

Chair Storey: “Is this the only complaint? Isn’t this an enforcement issue?”

Mr. Patterson: “It’s not just one complaint. There are well over 200 signatures. Citizens are asking the city to revoke the permission of the place to operate. I’m not sure city staff has the capacity to do that on their own.”

Commissioner Lessard: “This sounds more like an enforcement issue. What kind of enforcement has there been in response to the complaints?”

Mr. Patterson: “My understanding is the police respond to the complaint and none of the owners can be found so no citations have been issued. If the conditional use permit were to be

revoked, then city staff would be able to revoke the business license. A business license can't be revoked just because we're not happy with the business owners."

Commissioner Henderson: "I'm not interested as a commissioner in revoking the permit. I am interested in enforcing the agreement. If the agreement is to be done by 11 p.m. then it needs to be done by that time. If they need to start the races earlier to meet that deadline then so be it."

Larry Marker: "How often can we review this conditional use permit? This seems like a drastic measure considering the amount of work put into the property."

Ms. Hildreth: "There was a petition brought to city staff. Staff was directed to figure out how to address the citizen's concerns. Staff brought it back to the Planning and Zoning Commission because the commission approved the permit. This gives the Planning and Zoning Commission an opportunity to review if the conditional use permit agreement is being upheld on the owner's end."

Chair Storey: "Did City Council have any part of the approval process?"

Ms. Hildreth: "No"

Commissioner McDaniel: "What was said in the past should stick. If there are people coming together with complaints, then staff would want to do something. As Commissioner Henderson said, you need to adhere to the 11 p.m. as agreed. If you go beyond that time, make sure to notify somebody. My advice is to stick to the agreed time of 11 p.m."

Chair Storey: "Are there any other complaints in the petition? Is it just the time frame?"

Mr. Patterson: Mr. Patterson read the citizen's petition to the Planning and Zoning Commission.

Chair Storey: "I ask that staff keep the Planning and Zoning Commission informed of what happens in the future."

H. PUBLIC COMMENTS

I. REPORTS/ANNOUNCEMENTS

J. ADJOURN

Chair Storey adjourned the meeting at 7:24 p.m.