



P&Z WORKSHOP MEETING MINUTES
Roswell Planning & Zoning Commission
Tuesday, March 23, 2021 - 6:00 PM

Meeting Room A, Roswell Convention & Civic Center
912 N Main Street, Roswell, NM

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

City Engineering, Louis Najar, P.E.
Community Development Director: Kevin Maevers, AICP
Planning & Zoning Administrator: Merideth Hildreth, AICP
Planning & Zoning Technician: Miguel Martinez, CZO

A. CALL TO ORDER AND WELCOME – Chair David Storey

The regular meeting of the Planning & Zoning Commission was called to order at approximately 6:04 p.m., by Chair Storey.

B. ROLL-CALL

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

Staff Members Present:

Kevin Maevers, AICP, Community Development Director

Merideth Hildreth, AICP, Administrator

Miguel Martinez, CZO, Planning & Zoning Technician

Louis Najar, P.E., City Engineer

Audience Members Present:

City Counselor Judy Stubbs

C. Approval of the Agenda

D. Workshop

1. Opening Comments and Discussion: Mr. Maevers

Need to start closing the gaps in the code. We have a lot of work ahead of us to get ready for the development that's coming this way. Homes are selling within 48 to 72 hours after listing is a trend. In response to that market. We have a 900 housing unit development single-family project on my desk. Our current zoning codes are not going to be able to handle large-scale developments. If the City is at or above 50,000 when the Census numbers come out, we will be on the radar of every major retail corporation. We need to get ahead of the wave and do the good forward planning that we need to do. I'm going to turn this over to my team, Miguel and Merideth. We are asking for the Planning & Zoning Commission's input in order to help Staff create the situation where Roswell becomes the best Roswell it can be and make the amendable codes reflect the history, culture and desires of this community, not the desires of developers. We need your honest feedback to let Staff know how you would like to proceed to make you proud to continue to serve the City of Roswell.

2. Discussion of Article 50: Development Standards: Mr. Martinez and Ms. Hildreth

a. Lot sizes

Mr. Maevers: Staff took a look at the average and most common residential lot sizes in Roswell which are: 25'X140'; 50'x110' to 140'; 60'X100'; 100'x100'. Staff is finding in the older subdivisions that the lot sizes available and the setbacks required in the zoning ordinance make it difficult and in some cases impossible to develop some of these lots and more specifically corner lots. Due to recent Code Enforcement condemnations, there is more vacant land available for redevelopment opportunities, but we keep coming back to issues with lot sizes and setbacks. Staff recommends exploring modifications to the zoning ordinance to increase the number of buildable lots. This will help encourage contractors to build residential units on infill lots and property owners to clean up properties and make investments in their properties such as additions.

Looking at the R-1 and R-2 Zoning Districts, the non-buildable front yard setback required for properties located on local and collector streets is 25' and the setback is 35' for properties located on arterials. The rear yard setback is 20'. The street side yard setback for corner lots is 25' for properties on local and collector streets and 35' for properties on arterial streets. Take a lot that is of 25' X 140' and nothing will fit and meet the zoning ordinance for the R-1 and R-2 Districts. Setbacks on corner lots might mean squeezing narrow single-wide type homes on such lots to meet setbacks. However with restrictions in the zoning ordinance, single-wides don't comply with the R-1 and R-2 Zoning Districts. Staff would like to receive feedback from the Commissioners in order to explore modifications to the Zoning Ordinance.

Chair Storey: Years ago, the City changed development standards and right-of-way requirements on local, collector, and arterial streets. Chair Storey asked Mr. Najar about the right-of-way standards.

Mr. Najar: The 2005 ordinance specifies the right-of-way widths as follows: 60' for local right-of-way, 80' for collector right-of-way, and 100' for principal arterial right-of-way.

Chair Storey: We might look at requirements. Larger rights-of-way reduces amount of available land.

Mr. Martinez: Staff is focusing on infill development of properties along local and collector streets since there is a need for housing. Staff also hopes to promote development of affordable housing. We want to take another look at this your feedback as realtors, engineers, contractors, and property owners.

Chair Storey: Not much can be done to modify existing local and collector street rights-of-way that are already established. Look at future development setbacks. In this code, look at the front yard, side yard, and rear yard setbacks. There are whole bunch of lots in town that need infill. We have always talked about how to encourage infill development such as waiving extension fees.

Mr. Martinez: Presented slide showing example of a 25'X140' corner lot at Stanton and Van Buren that is an undevelopable lot per zoning ordinance setback requirements. We have the tiny home district now, but no land has been zoned for tiny homes. Staff has had many calls about tiny homes up to 400 sf. Tiny Homes have a designated zoning district and cannot be built just anywhere.

Commissioner McDaniel: As a real estate broker and someone who deals with houses, agrees with safely encouraging development and relaxing setbacks if it can be done safely.

Mr. Martinez: Carports in Artesia could be 15' from back of curb. Roswell has different development standards and measures from the property line, not the curb.

Mr. Maevers: This is a discussion session. We will take your input and come back with proposed modifications to the ordinance. Staff is looking at three different scenarios in our community.

1) We want a pathway to revitalize areas where the Clean and Safe Program has condemned and demolished dilapidated housing. Our goal is to place these properties back on the market so they can generate revenue.

2) Lots that are undersized or underutilized such as extremely narrow 25'X100' or 25'X120' or 25'x140' lots currently have no path toward successful development. With feedback from the Commission, we will propose modifications to the zoning ordinance to allow creative flexibility with how we development these lots.

3) Green field lots for new development also need a path toward successful development because marketplace demands are changing to create a variety of housing types from \$200,000 to \$250,000 up to \$500,000 and more. Right now we don't have a mechanism to create a master planned community with a retail component.

What does Roswell want to be known for? How much flexibility do we want to build into the ordinance and still stay within your vision for a clean, safe, prosperous community? Those narrow lots say "two story townhomes" with zero side yard setbacks with appropriate fire separation between units. Property owners could then own the land and the residential building. Townhomes could have a nice front yard and rear yard for private open space. We could look at the narrow lots for singlewide manufactured

homes. The local manufactured home dealer has 12'X40' and 12'X50' homes that are absolutely gorgeous. Place these homes on lots with stem walls and the owner has real estate. We don't want to turn away people who want to invest in Roswell. Issuing permits for pools and carports is sometimes problematic because of required setbacks. By modifying the zoning ordinance to reduce non-conforming uses, opens up the ability of property owner to obtain loans and make further improvements.

Commissioner Storey: If you look at lots, you will see structures crossing lot lines.

Mr. Martinez: This is another issue Staff has been trying to address and another reason we are holding this discussion.

Commissioner Henderson: It makes sense to consider a pre-built or mobile home on narrow lots. I don't think the market would recognize the market opportunity to build townhomes if the neighborhood doesn't warrant it. If we could develop a plan and appropriately zone additional properties that would allow pre-built homes, there would be more opportunity than any other type of construction. Some of the city-owned properties are on corners. Current setbacks prevent housing on these lots. We may not be able to put a cookie cutter on setbacks and utility easements, so we may have to look at each corner lot individually. Maybe we need to consider more zoning for pre-built homes.

Chair Storey: Many times we've seen people not want a manufactured home in their neighborhood. As a summary, we would be willing to look at smaller setbacks similar to a variance for odd-shaped lots. We don't want to create something difficult to enforce.

Commissioner McDaniel: We're at a serious housing shortage. We need \$100,000 to \$175,000 price range homes. We're almost at a crisis for housing. The rental world has been turned upside down with COVID. Many landlords who haven't collected rent in months are putting their rentals on the market which creates a problem for renters looking for affordable renters, resulting in some renters living in their cars. Improving one house on a block incentivizes others on the block to make improvements.

Commissioner McDaniel: Place dilapidated homes on the market for builders who want to renovate homes and this will reduce the city's cost to demolish and maintain property

Mr. Maevers: We have a clean-up and acquisition program. Staff is working on the process to close the loop to place the properties back on the marketplace with the stipulation that the properties are developed.

Mr. Maevers: Staff has similar issues with lots in the R-3 and R-4 Residential Zoning Districts. Merideth will discuss those issues.

Ms. Hildreth: In the R-3 and R-4 districts the setbacks are 20' front yard, 20' rear yard, 20' street side yard for properties on local and collector streets, and 25' street side yard on Arterials. We have the same types of lots, some smaller and some larger. Our zoning ordinance doesn't stipulate a minimum heated floor area such as 800 square feet like many other zoning ordinances around the state stipulate. This may be a good thing for people who want to downsize or build smaller homes for affordability. The Article regulating Tiny Homes does stipulate that tiny homes can be up to 400 square feet. We might have an opportunity for builders to build multiple residential units up to 400 square feet on R-3 and R-4 lots suitable for multi-family development. As an example, a builder is building 480 square foot detached apartment units on a multi-family lot on 13th Street west of Washington Avenue. Sometimes there are very small corner parcels, for example on Lea Avenue and Reed Street as shown on the slide. Especially

in the older areas of town, you might see a corner lot that has been subdivided along the east-west frontage. When those lots become available for development, the builder is allowed to match the setback of adjacent properties per the zoning ordinance. For instance, if an existing adjacent house was built 10' from the property line, a new house may also be built 10' from the property line; the zoning ordinance provides that flexibility. A multi-family lot that is 12,000 square feet in the R-3 district can accommodate 4 residential units. The zoning ordinance provides a provision for a density bonus if the units qualify as affordable housing. The density bonus is difficult to apply due to parking and setback requirements. Relaxing setback requirements could possibly allow higher density development in some of these areas.

3. Discussion of Article 52: Building & Performance Standards

a. Setbacks

Mr. Maevers: As a city and the Planning Division, our need to respond to marketplace dynamics our greatest need, especially on the south side of town, is low to moderate, entry level, and workforce housing. We will see an increased demand for higher density housing and more security of yards. There is a need to build flexibility in code. We will see a market demand shift to smaller lot sizes and smaller homes, even single family homes in order to keep costs down. How much flexibility can we build into the development code? How much flexibility are you willing to grant staff level decisions? What does the Commission want to retain as Commission level responsibilities? If we continue to on the path we are going, we will have monthly Commission meetings filled with variances.

Commissioner McDaniel: Staff will need to consider the developers and contractors who are spending the money. We should be known as the city willing to work with people if they want to spend money here.

Mr. Maevers: The dynamic Commissioner McDaniel described makes the assumption that the builders and contractors are willing to work with us. Permit streamlining is a project Staff is working on. The only effective way to achieve that is if the building and development community which means engineers, architects, contractors, developers have to begin conducting themselves at a higher level. Right now, our team is spending a great deal of time designing projects that should be designed by people in the private sector. The best way to streamline and be the most developer friendly and business friendly community is to meet with the builder is to meet with the developer and make sure they have property that is the right zoning for their project, that they have the development guidelines, and they have a checklist so when they submit a project their submittal includes all the items on the checklist. With adequate information, our team can move projects forward. There are developments in this town half built for 50 years that are just now getting built because of the marketplace dynamics. Hopefully we will have a plan in the near future to address re-platting and moving lot lines around in the south end of town that needs to happen to expedite development.

Chair Storey: Suggested providing visual setback scenarios for corner and smaller lots and show the types and sizes of houses that can be built or established if the code is relaxed.

Mr. Maevers: Staff will make sure you have those graphics. Staff hopes to include enhanced graphics in the development code.

4. Discussion of Unused Alleys and Easement (Vacation) Process

Mr. Maevers: Hopefully we have a win-win scenario for the city and the development community. Last month you made a decision on the vacation of an existing unused alley. There are dozens and dozens of unused alleys all over the city that have been platted but not developed and have no infrastructure and no utilities. City staff in Water, Streets, Sanitation, and Trash Collection have been asked is there a reason to have alleys and propagate the nuisance that goes along with alleys? Code Enforcement staff are going nuts fielding nearly daily calls about issues in alleys that attract illegal dumping, trash, and crime. Alleys also add expense to the city for maintenance and clean-up. From the Commission's standpoint regarding new development, is there any reason to continue to propagate the requirement for alleys going forward when utilities can be provided on the street side? Existing unbuilt subdivisions could be replatted to eliminate alleys and give property owners an additional 10' in the back yard under private ownership with no additional cost to the city and reduce crime and nuisance areas.

Chair Storey: I think you will have an easier time with new subdivisions with no alleys.

Commissioner MacCornack: From a gas company perspective, we love alleys as a designated space for gas and it's easier for the gas company to operate in the back. From a city perspective, eliminating alleys creates more room for development. From a developer perspective, they prefer no alleys. A lot of places are going toward no alleys.

Chair Storey: For a time, the city gave developers an option to not develop alleys. I don't remember why the city decided to stop providing that option.

Mr. Najjar: City Council and Planning & Zoning Commission were was thinking about safety and access issues back then.

Chair Storey: There are also 10' utility easements in some subdivisions. I don't think it would an issue to vacate unused alleys. Who would pay for the replatting?

Mr. Maevers: Some developers will be willing to replat to increase the number of lots. We will look at that process.

Mr. Maevers: Is there any reason you can see not to move away from requiring alleys in new development? If developers of greenfield platted but not built development wanted to replat in order to convert alleys to developable space, is there is opposition to that?

Chair Storey: Asked if sanitation was okay with individual pick-ups. It seemed that years ago, sanitation didn't want to do individual trash pick-ups and preferred one container for four lots.

Commissioner McDaniel: Gave input that developers be given the option to create alleys or not create alleys in new development.

Mr. Maevers: In the current development code, developers are not given the option and are required to plat alleys. We can't say no alleys because there are existing alleys and half utilized alleys. Upon polling the Sanitation Department they seemed to prefer going back to the smaller trash receptacles in the front of houses and not go down alleys.

5. Discussion Re: State of Community Development in Roswell

Mr. Maevers: Staff had three sign applications last week and not one application fit the current sign ordinance. The way the sign ordinance is written does not fit current marketplace dynamics. There are

errors in the way the sign ordinance was put together and we need to get more to mechanical process than judgement-based process. Staff will bring forward an updated sign ordinance. Staff is taking a hard look at Food Truck and Mobile Vendor Guidelines. As we come out of COVID, NMDOT may or may not continue issuing permits for food trucks on the two major streets. We don't want to cut off those entrepreneurs and creative chefs. Staff is looking at fire suppression guidelines for food trucks with mobile commercial kitchens as well as large generators in relation to the noise ordinance. We are looking at where to allow food trucks to set up if NMDOT no longer issues permits on either Second Street or Main Street. We will bring forward some ideas on food trucks.

Chair Storey: The City needs to look at being proactive in addressing sales and distributors of recreational marijuana. Chaves County is looking at prohibiting any type of growing marijuana in the ETZ.

Mr. Maevers: Said he has experience in writing zoning and development codes and experience related to commercial cannabis and is keeping an eye on pending legislation. Most cities have determined that residential zones are inappropriate for the cultivation of recreational or medicinal marijuana. We will discuss the Cannabis Bubble, the dramatic "green rush" that ultimately collapses. Cannabis is a commodity and a discretionary purchase, so it's important to watch market dynamics. It's our goal to become and continue to be one of the most development and business friendly climate in all of New Mexico. There are going to be people in the development community who are going to be resistant to change. Everyone is going to have to step up their game if we are going to make Roswell be the best Roswell it can be.

Mr. Maevers: A word I like to use is "revitalization" and "strategy to revitalize" as a strategy and not just planning. Revitalize means "to bring life back to." Working alongside Engineering, Public Works, Parks Department, and other departments, the City must develop an overall strategy and a vision for growth and development. The City's Comprehensive Master Plan is in desperate need of update. Typically, communities update the master plan every 10 years with smaller updates in between. If we expect a larger scale of development in Roswell, we will need to look at comprehensive planning from top to bottom.

E. ADJOURN

Chair Storey adjourned the meeting at 7:30 p.m.