



P&Z REGULAR MEETING MINUTES
Roswell Planning & Zoning Commission
Tuesday, June 22, 2021 - 6:00 PM
Meeting Room A; Roswell Convention and Civic Center
912 North 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.

Community Development Director: Kevin Maevers, AICP
Planning and Zoning Administrator: Merideth Hildreth, AICP
Associate Planner: Spencer Aiken
Planning Intern: Austin Ford
City Engineering: 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 6:02 p.m., by Chair Storey.

B. ROLL-CALL

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

Staff Members Present:

Kevin Maevers, AICP, Community Development Director
Merideth Hildreth, AICP, Planning & Zoning Administrator
Louis Najar, P.E., City Engineer
Spencer Aiken, Associate Planner
Austin Ford, Planning Intern
Joe Neeb, City Manager
Mike Mathews, Deputy City Manager

Audience Members Present:

Jim Wratter, Alexandra Gutierrez, Leonel Gutierrez, Justin Crable, Isaiah Lawson,
Keri Lawson, Jolanta Zelkowski, Leszek Zelkowski.
Online: City Council Member Judy Stubbs

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

D. **APPROVAL OF THE AGENDA**

Commissioner Aguilar MOTIONED to adopt the Tuesday, June 22, 2021 Planning & Zoning Commission agenda. Seconded by Commissioner Henderson. Motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

Chair Storey introduced two new staff members in the city's planning department, Spencer Aiken, Associate Planner and Austin Ford, summer Planning Intern.

APPROVAL OF THE MINUTES

Commissioner Henderson MOTIONED to approve the Minutes from the May 25, 2021 Planning & Zoning Commission Meeting with the correction of voice vote of 6 to 0 to reflect that Commissioner Lessard recused herself from voting on Case 21-007. Seconded by Commissioner McDaniel. The motion carried by a voice vote of 6-0 with Commissioner Lessard being absent.

F. **PUBLIC HEARING ITEMS:**

Ms. Hildreth: Due to changes in the scope of development, Staff requested postponement of Case 21-010 ZOC; Case 21-011 ZOC and Case 21-012 PPLAT to a later meeting, to be determined

1. **Case 21-010 ZOC:** Request for a change in zoning from R-3 to C-2 for small drive-through restaurant with surface parking. 101 E BALLARD STREET AND SOUTH MAIN STREET. Subd: MAIN AND BALLARD SUMMARY PLAT Lot: 1 BK: 304 PG: 324 WD (OLD LEGAL) (Taylor Faust Construction Inc).

Chair Storey introduced Case 21-010

MOTION – 21-010 ZOC (Postpone)

Commissioner Aguilar MOTIONED to postpone case number 21-010. Seconded by Commissioner MacCornack. The motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

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2. **CASE 21-011 ZOC:** Request for a change in zoning from R-3 to C-2 Community Commercial. 2606 W THIRD STREET AND 212 NORTH SEQUOIA AVE. S: 31 T: 10S R: 24E SW4SW4SW4 N 80' S 475' E 109' W 139' 201900166 SWD. 212 N Sequoia Ave - S: 31 T: 10S R: 24E SW4SW4SW4 E 171' W 330' N 80' S 475' 201900166 SWD (Owner: Allsup's Convenience Stores LLC).

Chair Storey introduced Case 21-011 ZOC.

MOTION – 21-011 ZOC (Postpone)

Commissioner Aguilar MOTIONED to postpone case number 21-011. Seconded by Commissioner McDaniel. The motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

- 3. CASE 21-012 PLATT:** Request for Preliminary Plat Lot consolidations, easement and right of way vacations in C-2. 2515 W SECOND STREET. S: 31 T: 10S R: 24E SW4SW4 E 138' W 168' N 166' S 216' 201900166 SWD. 2509 W Second St - S: 31 T: 10S R: 24E SW4SW4 E 172' W 340' N 150' S 200' 201900166 SWD. 206 N Sequoia Ave - S: 31 T: 10S R: 24E W2W2SW4SW4 E 167' W 334' N 90' S 290' 201900166 SWD. 208 N Sequoia Ave - S: 31 T: 10S R: 24E W2SW4SW4 S 50' N 1017' E 167' W 334' 201900166.

Chair Storey introduced Case 21-012 PPLAT

MOTION – 21-012 PPLAT (Postpone)

Commissioner Aguilar MOTIONED to postpone case number 21-012. Seconded by Commissioner Henderson. The motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

- 4. CASE 21-009 VAR:** Request for a variance to side yard setback, distance from structures to pool and percentage of the rear yard setback coverage for an in-ground pool and spa in the R-2 Zoning District. 311 W ONYX DRIVE. Subd: SOUTHERN PLAINS 3 REDIV Lot: 9A BK 787 PG 799 WD (REC) (Owner: Alexandra Villa).

Chair Storey introduced Case 21-009 VAR.

Commissioner McDaniel MOTIONED to waive the reading of the finding of facts and land use and zoning considerations with respect to Case 21-009. Seconded by Commissioner MacCornack. The motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

Ms. Hildreth: The proposed pool and the existing garage will exceed the allowed buildable area in the rear yard setback. The coverage of the rear yard setback will be 52%, where only 40% is allowed in the R-2 Zone. The building official is okay with the variance request.

Chair Storey: Is there anyone wishing to speak in favor of Case: 21-009 VAR?

Ms. Alexandra Gutierrez: The spa will be raised slightly above ground with a waterfall into the in-ground pool.

Chair Storey: Are your neighbors okay with a pool in a townhome?

Ms. Hildreth: I did not receive any letters of opposition.

Chair Storey: Is there anyone wishing to speak against Case: 21-009 VAR?

Against: None

Staff Comments:

Mr. Maevers: Staff has worked diligently with the applicant and Staff is satisfied with the site plan and supports approval of this variance.

MOTION – 21-009 VAR

Commissioner Henderson MOTIONED to approve Case Number 21-009.

Seconded by Commissioner Aguilar. The motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

5. **CASE 21-008 VAR:** Request Variance to Light Industrial parking, loading, unloading and landscaping adjustments similar to those allowed in the C-3 Zoning District based on a needs assessment and subject to an Improvements Deferral Agreement for a multi-use restaurant, tasting room, retail, event center and distillery in the historic warehouses I-1 Zoning District. 220 E SECOND STREET—HOMESTEAD SPIRITS. Subd: EAST SECOND STREET SUMMARY PLAT Lot: 1A S: 4 T: 11S R: 24E DOC# 202001591 WD (CORR), & Subd: EAST SECOND STREET SUMMARY PLAT Lot: 3A S: 4 T: 11S R: 24E DOC# 202004471 WD (Owner: Roswell Trading Co LLC).

Chair Storey introduced Case 21-008 VAR

Commissioner Aguilar MOTIONED to waive the Reading of the Finding of Facts and Land Use and Zoning Considerations with respect to Case 21-008. Seconded by Commissioner MacCornack. The motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

Mr. Maevers: This project has involved almost every member of senior staff who provided professional input. The project will include a distillery, a restaurant, bar and other great land uses to make it a destination. The existing building occupies almost 100% of the lot. There is not enough room on site for parking or landscaping in the traditional sense. The other issue is that the location of the project is in an I-1 Light Industrial zone. The variance is to consider these functions as a C-3 zone regarding parking, landscaping, signage and other requirements. City staff has issued building permits and electrical permits. The Fire Department has ensured safety with the fire code. With an I-1 designation, there would be a need to have a large allocation of parking. The Commission may approve the variance and have staff work with the applicant on conditions of approval later.

Chair Storey: Is there anyone wishing to speak in favor of Case: 21-008 VAR?

Isaiah Lawson and Keri Lawson: The original request was to keep the facility an I-1 zone because we are a manufacturing and production facility, but want C-3 for parking because parking in an I-1 would cost hundreds of thousands of dollars. We have leases on surrounding land where people could park. We have a two-year parking lease to the west of the building.

Joe Neeb, City Manager: The variance for C-3 conditions makes the most sense for what city staff hopes the property will become. The applicant is taking care of finishing the life safety issues, including essential considerations like ADA compliance, fire compliance and adequate safety. Through the planning and zoning code, staff can give 180 day extensions to give the owners time for proof of concept of the project. Staff wants to give that time to the applicants to bring the property up to standards because if not, the property might add blight to the downtown. Life safety issues are ADA compliance, fire safety and proper exits. This project can be a great benefit to the downtown. The Commission may consider approval of the variance and allow staff and the applicant to work together on conditions of approval afterwards as this is a great re-use of a downtown property and works toward goals of the Railroad Metropolitan Redevelopment District (MRA).

Chair Storey: Is there anyone wishing to speak against Case: 21-008 VAR?

Against: None

Commissioner McDaniel: Asked if the variance is approved with conditions of approval and the applicant has an issue with something like parking, can the variance be removed?

Mr. Maevers: Every time the applicant has run into a roadblock, staff has helped them. The conditions of approval are so lengthy because staff wants the applicant to know that staff cannot waive essential things for the health and safety of the people, which are termed life safety issues. Staff and the applicant can figure out parking and other conditions of approval that are not life safety issues after the Commission approves a variance. The MRA will provide parking in the future, so staff needs time to look at the development of the MRA.

Commissioner Aguilar: Are we voting on the property as a whole or just parking?

Mr. Maevers: The variance runs with the whole property and this is why we put a sunset clause on several of the items.

Commissioner McDaniel: Asked the applicant about moving forward from this point in the process.

Mr. Lawson: As far as construction goes, we have permits. I'm worried about an occupancy permit. What I'm working toward is a permanent occupancy permit, and not temporary one. The whole building has been approved by the Fire Department. We bit the bullet with the costs early to get it over with.

Mr. Neeb: It would be better to approve this as a stand-alone variance instead of all of the conditions of approval in case items change later on.

Staff Comments:

Mr. Najar: Since access is by way of a public alley, the City Engineering Department will work with NMDOT. Both NMDOT and I are all in favor of this project. This goes back to the fact that the MRA is for redevelopment.

Mr. Maevers: We cannot issue a conditional certificate of occupancy until some items in the conditions of approval are accepted and approved. The conditions of approval are tied to the variance in the standalone document and are taken from the zoning and development code.

MOTION – 21-008 VAR

Commissioner Henderson MOTIONED to approve Case Number 21-008 VAR under the condition that staff will work with the applicant to complete the certificate of occupancy. Seconded by Commissioner McDaniel. The motion passed by a voice vote of 6-0 with Commissioner Lessard being absent.

G. OTHER BUSINESS

1. Staff Communications Reports, Information and Updates—Mr. Maevers

Mr. Maevers discussed the following three items:

- **The first item** for tonight is for staff to create a policy statement to process Planning & Zoning cases. Staff does not always receive developer information on a timely basis. When applicants do not provide information in a timely manner it wastes city money. Staff would like to discuss a policy statement that would withhold incomplete project applications from placement on an agenda until staff has received all necessary information so that commissioners have more information before voting.
- **The second item** for tonight is the city's commercial cannabis ordinance. The city's creation and adoption of a cannabis ordinance will happen quickly and no later than September 1, 2021. The city must be able to process licensing applications. There are many considerations that are related to planning and zoning specifically, including cultivation, processing, manufacturing, distribution, retail, on site consumption and specialized events.
- **The third item** for tonight is that staff has been extremely busy. From January 1 to April 23, 2021, staff issued a total of 159 different permits: 59 residential permits, 38 commercial applications, and 61 business licenses. We are backlogged and getting things out quicker than before.

H. PUBLIC COMMENTS

Mr. Justin Crable with Atwell and consultant to Allsup's: My client is frustrated as we met with staff in January and submitted what was required and thought we would be on the May 25 Agenda, and are again postponed at this meeting. It needs to be clear what the deadlines are.

Mr. Maevers: The intersection at Sycamore Avenue and Second Street is not aligned. Sycamore's left turn pocket is backed up morning and night, and this project will contribute to that traffic congestion.

Mr. Maevers: The City Engineer and I determined that because of the complexity of the project, including easement vacations and traffic issues that must be resolved, it requires the submittal of a preliminary plat.

Mr. Crable: We are waiting for a complete package from NMDOT regarding the traffic study.

Mr. Najar: NMDOT and city staff do not agree with recommendations of the traffic study. Allsup's will be very busy and there are safety issues.

Ms. Jolanta Zelkowski: Stated concerns about this commercial development in a residential area.

I. REPORTS/ANNOUNCEMENTS

J. ADJOURN

Chair Storey adjourned the meeting at 7:45 p.m.