



P&Z REGULAR MEETING MINUTES
Roswell Planning & Zoning Commission
Tuesday, June 28, 2022 - 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, Richard L. Gutierrez

Kevin L. Maevers, AICP
Merideth Hildreth, AICP
Spencer Aiken
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 22-14.

A. CALL TO ORDER AND WELCOME – Chair David Storey

Chair Storey called to order the regular meeting of the Planning & Zoning Commission at approximately **6: 01 p.m.**

B. ROLL-CALL

David Storey	Present
Jesse McDaniel	Present
Saul Aguilar	Present
Jana Lessard	Present On-line
James MacCornack	Present
Steve Henderson	Present
Richard L. Gutierrez	Absent -- Joined meeting at 6:18 PM

Staff Members Present:

Kevin Maevers, AICP, Community Development Director
Merideth Hildreth, AICP, Planning and Zoning Administrator
Spencer Aiken, Associate Planner
Louis Najar, P.E., City Engineer

Audience Members Present:

Indy White, Freddy Nasrallah, Joletha Alford, Gerardo Ruiz, Gerardo Ruiz, Catherine Carrasco, Luis Chavez, Patricia Chavez, James A Dockter, Morgan Fennig, Carson Weinand, Celeste Oropesa, Pov Chin, Marvin Green, Toby Gross, Jahanna McDaniel, City Council Member Juan Oropesa, Lisa Dunlap with Roswell Daily Record

Online – City Attorney Parker Patterson, Jason Bowles

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

D. APPROVAL OF THE AGENDA

Consider approval of the June 28, 2022 Planning & Zoning Commission meeting agenda. Commissioner Henderson MOTIONED to approve the Tuesday, June 28, 2022 Planning & Zoning Commission agenda. SECONDED by Commissioner McDaniel. The motion passed by a voice vote of 6 to 0, Commissioner Gutierrez being absent.

E. APPROVAL OF MINUTES:

Consider approval of the May 24, 2022 Planning & Zoning Commission meeting minutes. Commissioner McDaniel MOTIONED to approve the minutes from the May 24, 2022 Planning & Zoning Commission meeting as presented. SECONDED by Commissioner MacCornack. The motion passed by a voice vote of 6 to 0, Commissioner Gutierrez being absent.

Chair Storey mentioned the appeal process.

F. PUBLIC HEARING ITEMS:

Chair Storey Introduced Case 22-016 CANN

- 1. CASE 22-016 CANN:** Request for approval of a Variance to distance requirements for cannabis-related businesses, Zone Change to CCAN, and Conditional Use Permit to operate an adult use retail cannabis establishment (recreational and medical) at 325 and 323 S Main St. (Applicant: Nick Mourning for PurLife).

Commissioner McDaniel MOTIONED to waive the reading of the findings of fact and land use and zoning considerations with respect to case 22-016 CANN. SECONDED by Commissioner Aguilar. The motion passed by a voice vote of 6 to 0, Commissioner Gutierrez being absent.

Mr. Kevin Maevers: Presented Case 22-016 CANN

This is a request for a Variance, Zone Change to CCAN, and Conditional Use Permit to operate an adult use (recreational and medical) retail cannabis establishment. This location is in the C-2 Zoning District and surrounded by C-2. As a brand new cannabis establishment, PurLife is requesting a Variance to distance separation requirements. Per City Ordinance 21-09, Section 27-65, the minimum distance from one cannabis-related business to another is at least one quarter mile or 1,320 feet. OSO Cannabis Company is located approximately 733 feet northwest of the PurLife location. Because this property is located in C-2 District, it qualifies for the CCAN Floating Zone. The Planning & Zoning Office received one protest letter from Mack Rogers, Director of Chaves County Public Services Department, who expressed concern about the establishment's distance from a federally funded Head Start preschool. Federal regulations stipulate a 1,000-foot drug-free zone. When the State of New Mexico passed the Cannabis Regulation Act, the state removed cannabis from the controlled substance list and thereby eliminated this requirement at the state level. The City Attorney Parker Patterson is attending this meeting online. Mr. Maevers read the protest letter and the City Attorney's statement.

Chair Storey: Is there anyone wishing to speak in favor of Case 22-016 CANN?

In Favor:

Indy White, an owner of PureLife: stated that Purlife has been in operation for seven years and has 12 retail locations, four cultivation locations, a kitchen, and a laboratory. Purlife has over 250 employees in New Mexico. Mr. White listed four cannabis establishments in New Mexico within 1,000 feet of a Head Start Program and stated most public schools receive some sort of federal funding.

Chair Storey: Let the Record show that Commissioner Gutierrez joined the meeting at 6:18 PM.

Online - Jason Bowles, Bowles Law Firm in Albuquerque: Stated he grew up in Roswell, was a federal prosecutor, and is not aware of a Head Start losing funding or any federal prosecution over a situation like this where the state has removed cannabis from the controlled substances list.

Chair Storey: Is there anyone wishing to speak against Case 22-016 CANN?

Against: None

Mr. Maevers: During the last Council Meeting on June 9, 2022, the Council voted approval for a blanket statement to allow Sunday sales for all cannabis establishments from 11 AM to 5 PM.

Motion – 22-016 CANN

Based on the land use and zoning considerations, findings of fact, surrounding land uses and the regulations established in the Zoning Ordinance, and Chapter 27 of the Municipal Code, Commissioner Henderson MOTIONED to recommend approval of Zoning Case 22-016 CANN to the City Council.

SECONDED by Commissioner McDaniel.

The motion passed by a voice vote of 7 to 0.

Chair Storey introduced Cases 22-017 ZOC

- CASE 22-017 ZOC:** Request Zone Change from RVP (RV Park) to R-3 Residential at 3100 Block of S Main St west of 3104 S Main St. (Applicant: Prestigious World Wide Development, Inc.)

Commissioner McDaniel MOTIONED to waive the reading of the findings of fact and land use and zoning considerations with respect to case 22-017 ZOC. SECONDED by Commissioner Aguilar. The motion passed by a voice vote of 7 to 0.

Mr. Spencer Aiken: Presented Case 22-017 ZOC

Preliminary Development Requirements are presented in Exhibit F.

The City Engineer is requiring a median cut for both south-bound and north-bound Main Street access.

The Planning & Zoning Office received one inquiry on the case.

Chair Storey: Is there anyone wishing to speak in favor of Case 22-017 ZOC?

In Favor:

Joletha Alford: Owns a piece of property across the alley on South Lea, stated she is in favor of the zone change to R-3, and raised a concern about the development of 2-story apartments and the impact to privacy to the adjacent residential neighborhood to the west.

Freddy Nasrallah, Developer and Property Owner: stated he plans to plant trees along west (alley) property line.

Mr. Najar: discussed the width of the entrance from Main Street, the median opening on Main Street, and the new street from Main Street that will end in a cul-de-sac east of the alley and the required privacy fence. These requirements will prevent access from the site to the alley and neighborhood to the west.

Chair Storey: Is there anyone wishing to speak against Case 22-017 ZOC?

Against: None

Motion – 22-017 ZOC

Based on the land use and zoning considerations, findings of fact, surrounding land uses, the regulations established in the Zoning Ordinance, Staff Recommendations, and testimony heard this evening, Commissioner MacCornack MOTIONED to approve Case 22-017 ZOC.

SECONDED by Commissioner Aguilar.

The motion passed by a voice vote of 7 to 0.

Chair Storey introduced Cases 22-018 ZOC and 22-019 FPLAT

- 3. CASE 22-018 ZOC:** Request Zone Change from R-2 to R-3 Residential at 1001 W Jaffa St. (Applicant: Gerardo Ruiz).
- 4. CASE 22-019 FPLAT:** Request for approval of RUIZ-MESA PARK NO. 4 REPLAT Final Plat to create 4 residential lots at 1001 W Jaffa St on NW corner Jaffa & Union. (Applicant: Gerardo Ruiz).

Commissioner Aguilar MOTIONED to waive the reading of the findings of fact and land use and zoning considerations with respect to case 22-018 ZOC and case 22-019 FPLAT. SECONDED by Commissioner McDaniel. The motion passed by a voice vote of 7 to 0.

Mr. Spencer Aiken: Presented Case 22-018 ZOC and Case 22-019 FPLAT together as they concern the same property. The development for three of the four lots to date will include 19 single-story one and two bedroom units. The developer will construct solid screen fences around the perimeter. The Community Development Department has approved 1.5 parking spaces per unit or 31 parking spaces. The dumpster enclosure will be on site with access to the alley for servicing by Solid Waste, but will not be accessible to the public from the alley. The Planning & Zoning Office received three protest letters.

Chair Storey: Is there anyone wishing to speak in favor of Case 22-018 ZOC and 22-019 FPLAT?

In Favor: Gerardo Ruiz: his father is the developer. He sees the need for more housing.

Chair Storey: Is there anyone wishing to speak against Case 22-018 ZOC and 22-019 FPLAT?

Against: James A. Dockter: spoke about concerns including changing the zoning to R-3, trash, and parking.

Motion – 22-018 ZOC

Based on the land use and zoning considerations, findings of fact, surrounding land uses, the regulations established in the Zoning Ordinance, Staff Recommendations, and testimony heard this evening, Commissioner Aguilar MOTIONED to approve Case 22-018 ZOC.

SECONDED by Commissioner Gutierrez.

The motion passed by a voice vote of 7-0.

Motion – 22-019 FPLAT

Based on the land use and zoning considerations, findings of fact, surrounding land uses and the regulations established in the Zoning Ordinance and Subdivision Code, Staff Recommendations, and testimony heard this evening, Commissioner Aguilar MOTIONED to recommend approval of Case 22-019 FPLAT to City Council:

SECONDED by Commissioner Gutierrez.

The motion passed by a voice vote of 7 to 0.

Chair Storey introduced Cases 22-020 ZOC and 22-021 CUP

5. **CASE 22-020 ZOC:** Request Zone Change from RMS Residential Mobile Home Subdivision to I-1 Light Industrial at 1607 E Alameda St. (Applicant: CVE North America, Inc).
6. **CASE 22-021 CUP:** Request for Conditional Use Permit for a 2.70 MW Community Solar Energy Facility on approximately 15 acres at 1612 E 2nd St & 1607 E Alameda St. (Applicant: CVE North America, Inc.).

Commissioner Henderson MOTIONED to waive the reading of the findings of fact, land use and zoning considerations with respect to case 22-020 ZOC and case 22-021 CUP. SECONDED by Commissioner McDaniel. The motion passed by a voice vote of 7 to 0.

Ms. Merideth Hildreth: Presented Case 22-020 ZOC and Case 22-021 CUP.

Chair Storey: Is there anyone wishing to speak in favor of Case 22-020 ZOC and 22-021 CUP?

In Favor:

Carson Weinand with CVE North America, Inc.: Provided the company's background, experience, and information about the State of New Mexico's Community Solar program.

Chair Storey: Is there anyone wishing to speak against Case 22-020 ZOC and 22-021 CUP?

Against:

Morgan Finnig, Owner of the adjacent Trailer Village RV Park: posed questions and discussed issues such as flooding.

Mr. Najar: stated he is very familiar with the drainage issues of this site and discussed drainage with the applicant, water available for landscaping from the 10" water meter on the north side of East Second Street, eight-foot tall solid fence is higher than normal, maintenance of the land and keeping the weeds down to reduce fire hazard. The larger property is already zoned I-1 Light Industrial and Mr. Najar said he has received inquiries regarding this site for uses such as a liquor store and a yard for industrial trucking. From an engineering point of view, the solar facility is the most docile and neutral type of development near a school. Solar array facilities are well maintained and locked. Development will require a drainage report and detention pond.

Ernest Montoya: asked about the drainage system and impact on Alameda Street when it rains, heat and reflection from the solar panels.

Motion – 22-020 ZOC

Based on the land use and zoning considerations, findings of fact, surrounding land uses, and Staff Recommendations, Commissioner Gutierrez MOTIONED to approve Case 22-020 ZOC.

SECONDED by Commissioner Henderson.

The motion passed by a roll call vote of 7 to 0.

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

Motion – 22-021 CUP

Based on the land use and zoning considerations, findings of fact, surrounding land uses and the regulations established in the Zoning Ordinance, Staff Recommendations, and testimony heard this evening, Commissioner Gutierrez MOTIONED to approve Case 22-021 CUP.

SECONDED by Commissioner McDaniel.

The motion passed by a roll vote of 7 to 0.

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

Chair Storey mentioned the appeal process again.

Chair Storey introduced Cases 22-022 ZOC and 22-023 SUP

7. **CASE 22-022 ZOC:** Request Zone Change from R-3 Residential to C-1 Neighborhood Commercial at 501 W McGaffey Street. (Applicant: Atwell for ALLSUP'S).
8. **CASE 22-023 SUP:** Request for Special Use Permit in C-1 Neighborhood Commercial at 501 W McGaffey Street for redevelopment of Convenience Store with Fueling Stations. (Applicant: Atwell for ALLSUP'S).

Commissioner Henderson MOTIONED to waive the reading of the findings of fact, land use and zoning considerations with respect to case 22-022 ZOC and case 22-023 SUP. SECONDED by Commissioner McDaniel. The motion passed by a voice vote of 7 to 0.

Ms. Merideth Hildreth: Presented Case 22-022 ZOC and Case 22-023 SUP Presented Special Provisions for the Special Use permit. The Planning & Zoning Office received two protest letters. Ms. Hildreth read the protest letter submitted by Jerry Romero per Mr. Romero's request and the email received from Julie Rogers.

Chair Storey: Is there anyone wishing to speak in favor of Case 22-022 ZOC and 22-023 SUP?

In Favor: Pov Chin with Atwell

Chair Storey: Is there anyone wishing to speak against 22-022 ZOC and 22-023 SUP
Against: None

Motion – 22-022 ZOC

Based on the land use and zoning considerations, findings of fact, surrounding land uses, the regulations established in the Zoning Ordinance, Staff Recommendations, and testimony heard this evening, Commissioner Henderson MOTIONED to approve Case 22-022 ZOC.

SECONDED by Commissioner McDaniel.

The motion passed by a voice vote of 7 to 0.

Motion – 22-023 SUP

Based on the land use and zoning considerations, findings of fact, surrounding land uses and the regulations established in the Zoning Ordinance, Staff Recommendations, and testimony heard this evening, Commissioner Henderson MOTIONED to approve Case 22-023 SUP.

SECONDED by Commissioner Gutierrez.

The motion passed by a voice vote of 7 to 0.

Chair Storey introduced Cases 22-024 ZOC and 22-025 PPLAT

9. **CASE 22-024 ZOC:** Request Zone Change from R-3 Residential to C-2 Community Commercial at 2606 W 3rd St, 212 N Sequoia Ave, & 20'X75' stubb alley. (Applicant: Atwell for ALLSUP'S).
10. **CASE 22-025 PPLAT:** Request for approval of Preliminary Plat, 2nd & Sycamore Subdivision, to consolidate various tracts into one large parcel, vacation of 15 foot alley running East to West, vacation of 20' stub alley on north end of property, relocation of utilities, & additional right of way for Sequoia Ave at 2509-2515 W 2nd St, 206-212 N Sequoia Ave, 200 Block N Sycamore Ave, & 2606 W 3rd St. (Applicant: Atwell for ALLSUP'S).

Commissioner McDaniel MOTIONED to waive the reading of the findings of fact, land use and zoning considerations with respect to case 22-024 ZOC and case 22-025 PPLAT. SECONDED by Commissioner Aguilar. The motion passed by a voice vote of 7 to 0.

Ms. Merideth Hildreth: Presented Case 22-024 ZOC and Case 22-025 PPLAT
The Planning and Zoning Office received zero protests and zero inquiries.
In the future, a Final Plat application will go before the Planning & Zoning Commission and forwarded to City Council for a final decision.

Chair Storey: Is there anyone wishing to speak in favor of Case 22-024 ZOC and 22-025 PPLAT?

In Favor:
Pov Chin with Atwell.

Louis Najar: Atwell will construct the Sequoia Avenue pavement from Second Street to an area south of Third Street per the site plan. There will be future discussions about extending Sequoia Avenue to Third Street. NMDOT and the City Engineer are very concerned about the traffic at this intersection and the traffic generated by the existing gas station and convenience store. Allsup's has agreed there will be no direct access to the site from Second Street. Access to the site will be from Sequoia Avenue and Sycamore Avenue only, and that is the reason Sequoia Avenue is so wide on the site plan. As the City Engineer, Mr. Najar supports this project since the business and the traffic are already there. There will be diesel fueling for passenger diesel only. This site will not be a truck stop.

Toby Gross: Swore to tell the truth. Mr. Gross stated he has discussed the issue of paving Sequoia Avenue to Third Street with the City Engineer Louis Najar. Mr. Gross requested paving Sequoia Avenue to Third Street and is in favor of the project.

Chair Storey: Is there anyone wishing to speak against Case 22-024 ZOC and 22-025 PPLAT

Against: None

Motion – 22-024 ZOC

Based on the land use and zoning considerations, findings of fact, surrounding land uses, the regulations established in the Zoning Ordinance, Staff Recommendations, and testimony heard this evening, Commissioner Aguilar MOTIONED to recommend approval of Case 22-024 ZOC.

SECONDED by Commissioner Gutierrez.

The motion passed by a voice vote of 7 to 0.

Motion – 22-025 PPLAT

Based on the land use and zoning considerations, findings of fact, surrounding land uses and the regulations established in the Zoning Ordinance and Subdivision Code, Staff Recommendations, and testimony heard this evening, Commissioner Henderson MOTIONED to approve Case 22-025 PPLAT.

SECONDED by Commissioner MacCornack.

The motion passed by a voice vote of 7 to 0.

Chair Storey introduced Cases 22-026 SUP

Commissioner McDaniel recused himself from Case 22-026 SUP and left the dais.

11. **CASE 22-026 SUP:** Request for approval of Special Use Permit to operate a dance studio, professional offices, and beauty salon spaces in the R-3 Residential District at 1400 N Washington Ave. (Applicant: Jesse & Jahanna McDaniel).

Commissioner Aguilar MOTIONED to waive the reading of the findings of fact and land use and zoning considerations with respect to case 22-026 SUP.

SECONDED by Commissioner MacCornack.

The motion passed by a voice vote of 6 to 0 with Commissioner McDaniel recused.

Mr. Spencer Aiken: Presented Case 22-026 SUP

The Applicant provided a floor plan for Phase I to convert the front part of the building into a dance studio with offices and dressing rooms, and Phase II to convert the back part of the building into offices. Mr. Aiken discussed parking.

The Planning & Office received zero protests and zero inquiries.

Staff recommends approval of Special Use Permit with Exhibit G Draft Special Provisions.

Chair Storey: Is there anyone wishing to speak in favor of Case 22-026 SUP

In Favor:

Jesse McDaniel: stated his wife wants to convert the church building into a dance studio. Jahanna has taught dance for twelve years.

Chair Storey: Is there anyone wishing to speak against Case 22-026 SUP?

Against: None

Motion – 22-026 SUP

Based on the land use and zoning considerations, findings of fact, surrounding land uses and the regulations established in the Zoning Ordinance, Staff Recommendations, and testimony heard this evening, Commissioner Gutierrez MOTIONED to approve Case 22-026 SUP SECONDED by Commissioner Aguilar.

The motion passed by a voice vote of 6 to 0 with Commissioner McDaniel recused.

G. OTHER BUSINESS

1. Staff Communications, Reports, Information, and Updates

Mr. Maevers: discussed the slide showing Planning & Zoning Staff working on notification letter mailings to provide an idea of how many letters Staff sends out every month.

H. PUBLIC COMMENTS

I. ANNOUNCEMENTS

J. ADJOURN

Chair Storey adjourned the meeting at 8:51 p.m.