# **CITY OF LOVINGTON**

## **REGULAR MEETING OF PLANNING AND ZONING COMMISSION**

TUESDAY, APRIL 12, 2016 4:00 P.M.

TO BE HELD AT 214 SOUTH LOVE STREET

## AGENDA

Notice of this meeting has been given to the public in compliance with Section 10-15-4 NMSA 1978

# **OPEN MEETING**

Call To Order Approval of Agenda Consideration of the Regular Meeting Minutes of March 15, 2016

## NON- ACTION ITEMS

• Staff Report on Action Items Approved by City Commission

## **ACTION ITEMS**

- Consider recommendation of zone change for Lots 1-11 of Block 8 in the County Fair Addition, Lovington, NM
- Consider recommendation of variance for corner side yard setback and lot dimension for mobile home in the Eddy Madison Subdivision, Lovington, NM

# PUBLIC COMMENT OTHER COMMENT ADJOURNMENT

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 575-396-2884 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk at 575-396-2884 if a summary or other type of accessible format is needed.

# REGULAR MEETING OF THE PLANNING & ZONING COMMISSION TUESDAY, MARCH 15, 2016 @ 4:00 P.M. HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET

#### PURPOSE OF MEETING:

- Consider recommendation of variance at the vacant lot to the east of 710 West Avenue C, Lovington, NM
- Consider recommendation of new subdivision on the east side of Eddy Street between Madison and Jefferson, Lovington, NM

**PRESENT:** Members: Chairman Kallie Windsor, Member David Lynch, Bobby Kimbro, Clint Laughrin, and Betty Price.

NOT PRESENT: Vice Chairman Randy Pettigrew and Member Abel Cabello

**ALSO PRESENT:** City Manager James Williams, City Attorney Patrick McMahon, Fire Chief Terrance Lizardo, Planning and Zoning Coordinator Crystal Ball, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez

**CALL TO ORDER:** The meeting was called to order by Chairman Kallie Windsor at 4:08 p.m.

**APPROVAL OF AGENDA**: Chairman Kallie Windsor called for a motion. Member Price so moved to approve agenda as published; Member Laughrin second. Motion was approved.

**APPROVAL OF REGULAR MINUTES OF FEBRUARY 9, 2016:** Chairman Kallie Windsor called for a motion to approve the regular minutes of February 9, 2016. Member Price so moved. Member Kimbro seconded. Motion was approved.

#### **NON-ACTION ITEMS:**

**Staff Report on Action Items Approved by City Commission**: City Manager Williams stated City Commission approved 609 South 3<sup>rd</sup> Street encroachment and 610 West Aspen Avenue encroachment and variance for the front yard.

#### **ACTION ITEMS:**

**CONSIDER RECOMMENDATION OF VARIANCE AT THE VACANT LOT TO THE EAST OF 710 WEST AVENUE C, LOVINGTON NM:** Planning and Zoning Coordinator Crystal Ball addressed Commission of Lot 14 block 5 in the Love addition has an empty lot; owner Darrel Eubank is requesting an accessory building to be built on a Single family zone "A" lot 46' from the front lot line, with the building being 1500 sq. ft. (30' x 50') metal structure. Planning and Zoning Coordinator Ball stated variance if granted would adversely affect the use of a Zone "A" single family residential lot and discussed reasons to allow variance request needs to comply with criteria's for variance approval. Members and Staff discussed possible merging of lots and setbacks for accessory building. Darrel Eubank, owner of property, stated he will be building a fence around both lots and he will be using accessory building to store antique automobiles. There were no complaints from neighbors. Members, staff and Mr. Eubank discussed setbacks, accessory building size, and expense of placement of accessory building. Chairman Kallie Windsor called for a motion to grant variance to allow for an accessory building to be built on a single family zone "A" lot 46' from the front lot line, with the building being 1500 sq. ft. ( $30' \times 50'$ ) metal structure. Member Kimbro so moved. Member Laughrin seconded. With no further discussion, all Aye, with the exception of Member Price. Motion was approved.

**CONSIDER RECOMMENDATION OF NEW SUBDIVISION ON THE EAST SIDE OF EDDY STREET BETWEEN MADISON, LOVINGTON, NM:** Planning and Zoning Coordinator Crystal Ball addressed Commission of a property owner Raul Corrales request to subdivide their land into 4 lots; lots size is too small to allow for a placement of a mobile home. Members, Staff and Mr. Corrales discussed platting error, easements, commercial setbacks, and usage of lots. Chairman Kallie Windsor called for a motion. Member Laughrin so moved to grant approval of preliminary subdivision owners will install all infrastructure in the 20' easement and owners must notify all potential buyers that the lots are not appropriately sized for any modular or mobile homes; Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

#### PUBLIC COMMENT:

No public comment was made.

#### ADJOURNMENT:

There being no further business the meeting adjourned at 4:31 p.m.

APPROVED:

CHAIRMAN, KALLIE WINDSOR

ATTEST:

MEMBER, DAVID LYNCH

#### CITY OF LOVINGTON COMMISSION STAFF SUMMARY FORM



**MEETING DATE:** 

TYPE: V RESOLUTION ORDINANCE INFORMATION PROCLAMATION **OTHER ACTION** Zone Change for County Fair Addition, Block 8, Lots 1-11 SUBJECT: **Community Services DEPARTMENT:** SUBMITTED BY: Crystal Ball DATE SUBMITTED: 4-12-2016 **STAFF SUMMARY:** A Request has been made for a Zone change by the owners of Lots 1-11 of Block 8 in the County Fair Addition to change the current Industrial Zone to a Commercial Zone property. The owners would like to change the zoning of their property so that they may also have their home beside their business which is already located on these properties. There are other Homes in the immediate area, less than 200 feet away. FISCAL IMPACT: **REVIEWED BY:** (Finance Director) **ATTACHMENTS:** Request letter sent out to adjacent property owners by Planning and Zoning, Zoning change request letter from owner, owners drawing of property, with existing utilities and owners drawing of other businesses and homes in the area. **RECOMMENDATION:** Consider a motion to deny the Zone change from Industrial Zone to Commercial Zone for Lots 1-11 of Block 8 in the County Fair Addition in Lovington NM, as this is a self imposed hardship. The Planning and Zoning Coordinator and staff will advise Planning and Zoning Commission to look into changing the areas as a whole for zoning change instead of spot zoning. Department Head Manager



# **City of Lovington**

214 S. Love Street PO Box 1268 Lovington, NM 88260 Bus: 575-396-9301 Fax: 575-396-6328 Email: <u>cball@lovington.org</u> 2-12-2016

#### **Request for Zone Change**

The purpose of this letter is to inform you that a request in zoning for a zone change has been submitted to the Lovington Planning and Zoning Commission for the property located in the County Fair Addition, Block 8 Lots 1 through 11. The property owners have requested a zone change from Industrial Zoning to Commercial Zoning be granted to allow the property owners to have their dwelling on their property by their local business.

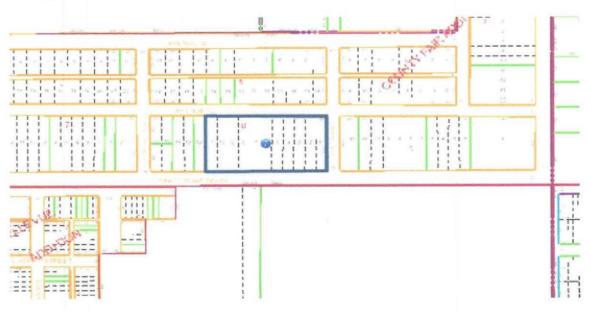
This request will be considered at the next regularly scheduled Planning and Zoning meeting on April 12, 2016 at 4:00pm. If approved the request will then be considered at the next regularly scheduled City Commission meeting on Monday, April 25<sup>th</sup>, 2016 at 5:30pm, both meeting will be held at City Hall, 214 S. Love Street, Lovington, NM.

We are providing notification to each property owner within 100 feet of the petitioning lot, excluding public right of ways, of this zone change request. This request, with the recommendation from Planning and Zoning Commission, will be presented to the Lovington City Commission for final approval.

If you have any questions, please do not hesitate to contact me at 575-396-9301 or via email at <a href="mailto:cball@lovington.org">cball@lovington.org</a>.

Sincerely,

# Crystal R Ball Planning and Zoning Coordinator



Zoning and Planning Board

Currently an Industrial zone used for Commercial Business.

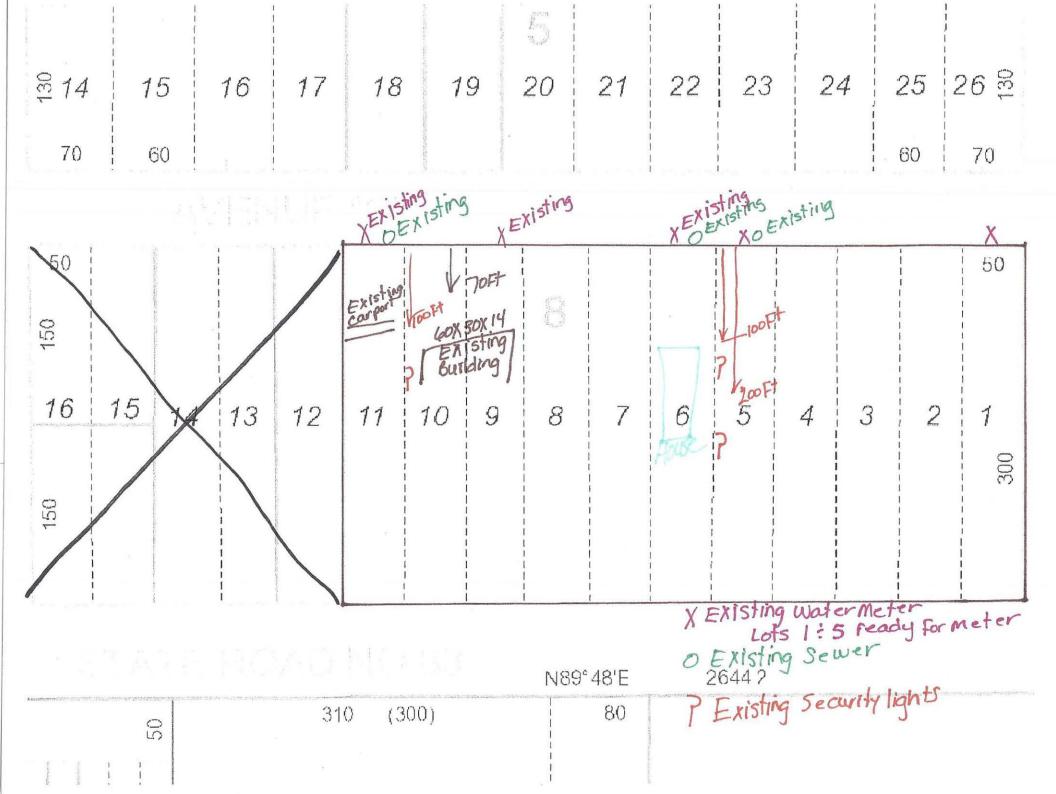
Requesting to change the zone from Industrial zone to Commercial zone, due to wanting to put our home on our property near our business.

There would be no potential impacts as all the area around our property (County Fair Addition, Block 8, Lot's 1-11 is currently used as commercial property. (see the map)

To the North of our property within 200' there is a house and a mobile home currently occupied as a residence. To the West there are houses within 2 city blocks. To the East there are houses within 1 city block. And to the South there is a vacant lot then the city pool, and the city park.

Someone could come in and put an industrial business on the South side where the vacant lot is, but there is no worse smell than the waste water plant that is about 3000 feet from our property.

Thank you, Hilda G. Marquez





# CITY OF LOVINGTON COMMISSION STAFF SUMMARY FORM



MEETING DATE: 4-12-2016

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION
SUBJECT:Variance for Eddy Madison SubdivisionDEPARTMENT:Community ServicesSUBMITTED BY:Crystal BallDATE SUBMITTED:4-4-2016
STAFF SUMMARY:
The owners of the New Subdivision are requesting approval for a variance of the side yard on the street side of a corner lot from 15' to 10' and allowing the removal of the Mobile home lot dimension requirement of 50' by 100'. Leaving all other residential setbacks as required by code and leaving the size requirement per lot by code unaffected. At no fault of the owner these lots where greatly shrunk in length due to a 40 year old mistake in the plot of land, and are not of normal lot dimensions but are of appropriate lot size.
FISCAL IMPACT: REVIEWED BY:
(Finance Director)
ATTACHMENTS:
Request letter sent out to adjacent property owners by Planning and Zoning, Variance request, letter from owner, owners drawing of properties, land survey drawing with utilities easements, information on Mobile homes that would fit on the properties and photo of homes in town which are similar.
RECOMMENDATION:
Consider a motion to approve the variance for the mobile home and corner lot side yard set back of 10' for the eddy Madison Subdivision in Lovington NM. Most all other homes in this area of town are Mobile homes. Require owners to get approved 9-1-1 addressing for each lot and have all utilities accessible in the alley.
( systal KDall
Department Head / City Manager



# **City of Lovington**

214 S. Love Street PO Box 1268 Lovington, NM 88260 Bus: 575-396-9301 Fax: 575-396-6328 Email: <u>cball@lovington.org</u> 2-12-2016

#### **Request for Variance**

The purpose of this letter is to inform you that a request for a variance in zoning has been submitted to the Lovington Planning and Zoning Commission for the property located on the east side of Block 400 N Eddy Street, between Jefferson and Madison in Lovington, NM. The property owners have requested a variance be granted to allow their newly plotted subdivision of four lots each being 5957.66 SQFT to have Manufactured Homes on these lots and to have only the street side corner lot setback of 15' changed to 10', leaving all other residential setbacks as required by code. At no fault of the owner these lots where greatly shrunk in length due to a 40 year old mistake in the plot of land, and are not of normal lot size. Lovington Municipal Code 17.20.050; **Side yard requirements – Carports.** There shall be a side yard on each side of the one story portions of buildings having a width of not less than five feet.....The side yard on the street side of a corner lot shall not be less then fifteen feet. Lovington Municipal Code 17.22.100 B; **Required Lot Dimensions.** Mobile homes to 18' in width - Minimum Lot width 40' Minimum Lot Depth 100', Mobile Homes over 18' in width - Minimum Lot width 50' Minimum Lot Depth 100'.

We are providing notification to each property owner within 100 feet of the petitioning lot, excluding public right of ways, of this variance request. This request will be considered by Planning and Zoning Commission on April 12, 2016 4:00pm. If approved this request will then be considered at the next regularly scheduled City Commission meeting on Monday, April 25, 2016 at 5:30pm, both meetings will be held at City Hall, 214 S. Love Street, Lovington, NM.

If you have any questions, please do not hesitate to contact me at 575-396-9301 or via email at <u>cball@lovington.org</u>.

#### Sincerely,

Crystal R Ball Planning and Zoning Coordinator





# Variance Request

The first step in obtaining a variance is to complete the Planning and Zoning Application. This document provides the basic information required for all City planning, zoning and permitting applications. The following check list provides additional requirements for your specific application. Please attach all of the requested documentation, sign, and date.

# Variance Request Requirements

- 1) Submit a completed Planning and Zoning Application. All fields must be completed and legible in order to process the application.
- Provide proof of ownership or interest in the property. A deed with a legal description or property lease will meet this requirement. If the applicant is not the owner, an Affidavit by Property Owner(s) is required.
- 3) A site plan, submitted on paper or in an electronic format, showing
  - North arrow
  - Location of site with respect to streets and adjacent properties
  - Property lines and dimensions
  - Location and dimensions of buildings
  - Building setback distances from property lines
  - Any proposed features of the site which are applicable to the requested variance
- 4) A written statement documenting the reason for the variance, including evidence that the request complies with the criteria identified on page 2 ("Criteria for Variance Approval")
- 5) Completed Variance Support Petition

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative must be present at all public hearings concerning this application.

Applicant Name: Law Corrales	Date: 3-20-16
CITY USE ONLY	
Code Enforcement Officer Name: Crystal Ball Code Enforcement Officer Signature: Mark Ball	Received: <u>3 · 11 / 16</u>

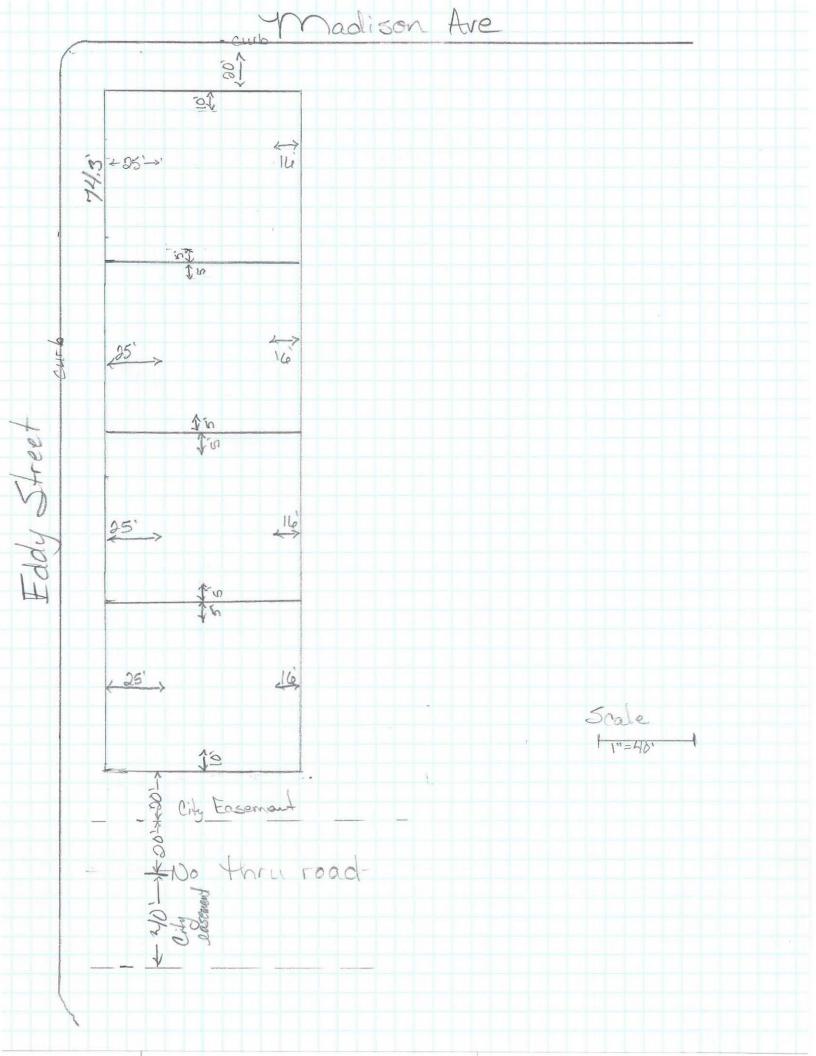
PROPERTY Address or General Location: Eddy Madison Subdivision on 400 Block of NEddy St. Legal Description (if platted): .94 Ac Lot 1.4 (Section 3 Township 16 5. Range 366 Zoning Classification: A В XC Existing use of land and/or buildings: Vacant land **REQUESTED ZONING VARIANCE** Variance to Lovington Municipal Code Zoning Ordinance Section(s): Side yard 17.20.050 & MH Lot dimension 17.22.100B Current Ordinance Requirements: Side yard requirement on the street side of a corner lot is 15 Required lot dimensions for MH of 50' × 100' Requested Variance(s) Change street side of corner lot setback to 10' and remove the required lot dimensions for Mobile homes on all four lots. All other setbacks would be followed per code and the lot size for a mobile home is appropriate.

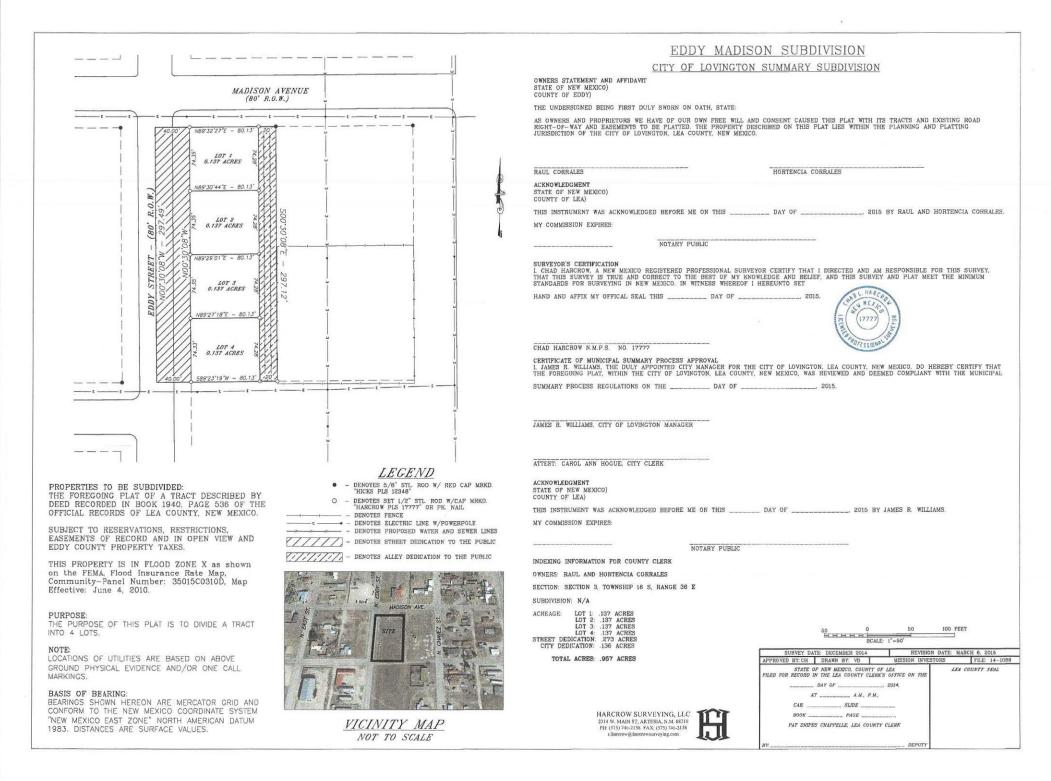
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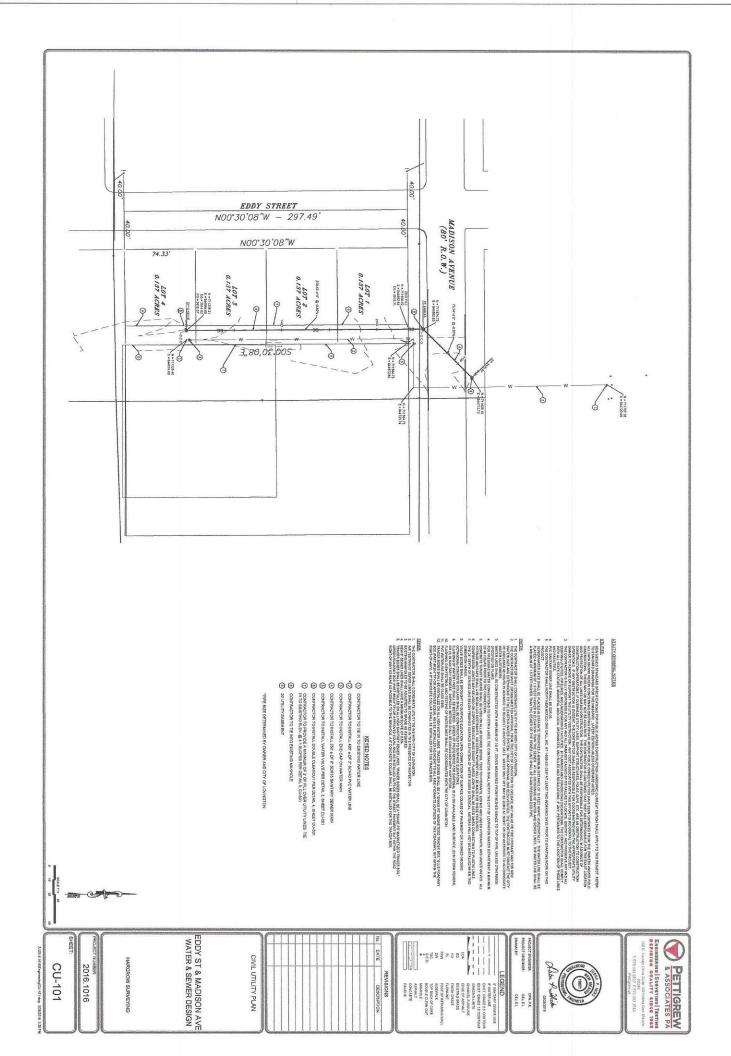
3-22.16 This statement is to request mobile homes to be placed on proposed 10+ 418 Eddy St Lovington NM 88260. The varience request is due to hardship of how lot was incorrectly surveyed over 40 years ago and how the properties have shifted to the west about 30 Feat on more than one lot-and parcel. Eddy Street does about show to be given as City easment but it is a paved andaused stract. This also causes our lot. to be minimized and be used For anything contructive to owners and city, Once this lot is developed it will generate city taxes.

page 20f2

City ordinance requires 5,000 square Feet For mobile home placement or 4,000 depends on size of mobile bome. Our lot size is 5,944 square Feet, which is more than ordinace requires For all these reasons is this hardship proposed.









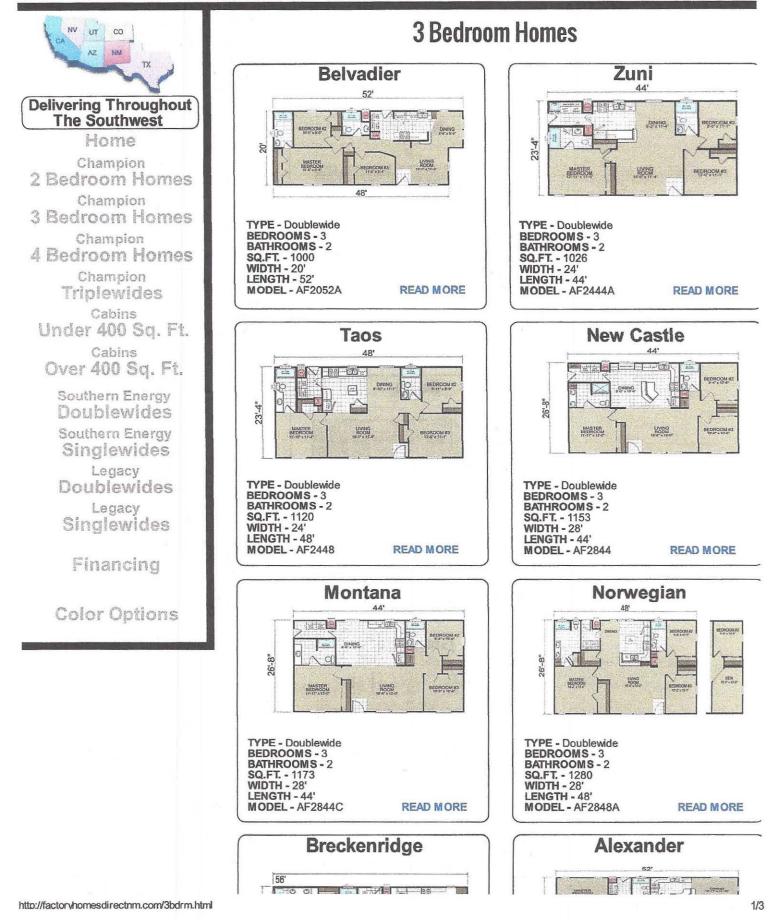
3bdrm

# FACTORY HOMES DIRECT

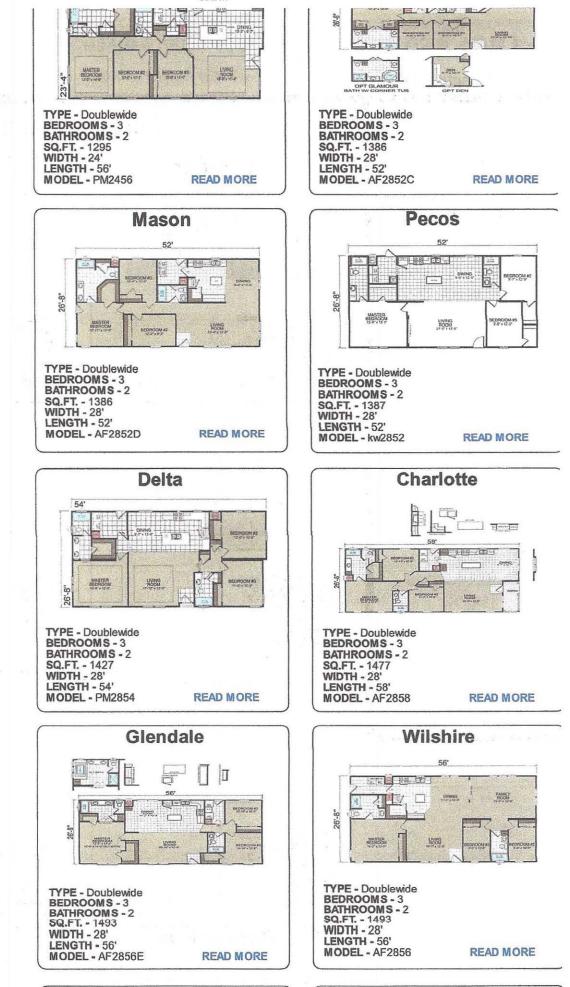
"Factory Prices Passed On To You"

Low Low Factory Pricing

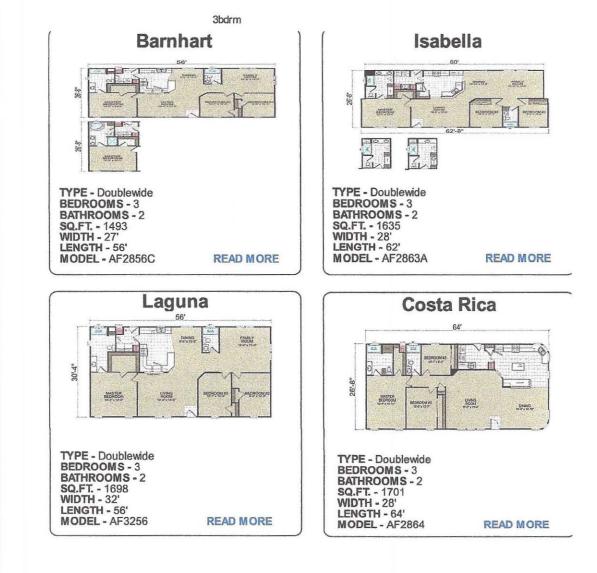
Mobile Homes.



3bdrm







2015 Factory Homes Direct 1-844-452-5111

