

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
TUESDAY, SEPTEMBER 15, 2015 @ 4:00 P.M.  
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET

**PURPOSE OF MEETING:**

- Discuss access to Lots 11 – 15 of the J.W. Wallrich Tracts east of Commercial Street between Madison Avenue and Jefferson Avenue
- Consider Recommendation for Variance at 1205 West Avenue O: Front-Yard Setback
- Consider Recommendation for Variance at 705 South Love Street: Side-Yard Setback
- Consider Recommendation for Zone Change Request for four lots adjacent to and north of Morningside Addition in the 800 and 900 Block of East Monroe Avenue
- Consider Recommendation for Faye Heights Street Lights

**PRESENT:** Chairman Kallie Windsor, Vice Chairman Randy Pettigrew, Members Clint Laughrin, David Lynch, and Betty Price.

**NOT PRESENT:** Member Abel Cabello and Bobby Kimbro

**ALSO PRESENT:** Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, City Clerk Carol Ann Hogue, City Planner Merideth Hildreth, Fire Marshall Skip Moorhead, Finance Director Gary Chapman, and Administrative Assistant Anna Juarez

**CALL TO ORDER:** The meeting was called to order by Chairman Windsor at 4:00 p.m.

**APPROVAL OF AGENDA:** Chairman Windsor called for a motion. Member Price so moved to approve agenda as submitted. Member Lynch seconded. Chairman Windsor stated agenda was incorrect. Member Price so moved to amend motion to approve agenda with the correction to change date on consideration of the regular meeting minutes of July 14, 2015 to August 11, 2015. Member Lynch seconded. All Aye, motion was approved.

**APPROVAL OF REGULAR MINUTES OF AUGUST 11, 2015:** Chairman Windsor called for a motion to approve the regular minutes of August 11, 2015. Member Lynch so moved. Member Price seconded. All Aye, motion was approved.

**NON-ACTION ITEMS:**

**DISCUSS ACCESS TO LOTS 11 – 15 OF THE J.W. WALLRICH TRACTS EAST OF COMMERCIAL STREET BETWEEN MADISON AVENUE AND JEFFERSON AVENUE:** City Planner Hildreth stated Lots 8 & 9 and possibly 7 and 10 are Madison Street and Lots 1 -8 is owned by City; Vice Chairman Pettigrew stated right-of-ways are not platted and approved or filed. City Planner Hildreth stated 30 feet of Lots 1-8 is used for commercial's right-of-ways, 20 feet alley easement leaving 45 feet of land owned by the City; the issue is with people on the east side of the lots 30 foot right-of-way on the east side of tract and Lot 11, 12, and 13 on developing sewer lines. Assistant City Manager Cobb stated the biggest challenge is the paved access. Members discussed reassigning

property to allow for a public easement. Members and staff discussed anti donation clause, possible solutions to dedicate road, unsolicited for bid, and concerns with sewer line.

**ACTION ITEMS:**

**CONSIDER RECOMMENDATION FOR VARIANCE AT 1205 WEST AVENUE O:FRONT-YARD**

**SETBACK:** City Planner Hildreth addressed Board of property owner request for a variance at 1205 West Avenue O due to consolidation of two lots into one lot at 1205 West Avenue O, the front yard is redefined as facing Avenue P instead of Avenue O. City Planner stated with this new configuration, the applicant is requesting a variance from the required twenty-five foot front yard setback to allow a twenty foot front yard setback. City Planner Hildreth stated approximately forty feet of the sixty-four feet eight inch façade facing Avenue P is a garage; property is Zone A – single family dwelling district. Members discussed placement of front yard, setbacks, procedure of building permit packet, and inspection of site procedure. Assistant City Manager Cobb stated surveys should be done before hand because of confusion of where the property line is at; Water Superintendent Duncan stated installation of water meters are being redone because property line is not staked and bound. Chairman Windsor called for motion. Vice Chairman Pettigrew so moved to approve a variance to allow a 20 foot front yard setback facing Avenue P at 1205 West Avenue O described as Lots Seven and Eight, Block Two, Replat of Blocks 1, 2, 3, and 4, Faye Heights **Subdivision**; Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

**CONSIDER RECOMMENDATION FOR VARIANCE AT 705 SOUTH LOVE STREET: SIDE-YARD**

**SETBACK:** City Planner Hildreth addressed Board of property owner is requesting a variance for a side yard setback at 705 South Love Street in order to construct a back porch the width of the existing single-family dwelling; property owner owns the adjacent lot. City Planner Hildreth stated on the south side of the property, the wall of the existing house was constructed approximately three feet six inches from the property line and the roof line is located approximately two feet five inches from the property line; property is in Zone “C” – Commercial. Vice Chairman Pettigrew suggested to Mr. Fuentes to consolidate properties; Mr. Fuentes stated the variance is more cost effective at this time, eventually all properties will be replatted as one. Chairman Windsor called for a motion. Member Laughrin so moved to approve variance to allow construction of a back porch and maintenance of existing dwelling within the required five foot side yard setback at 705 South Love Street; Lot Five, Block Seventy-Three, of the Llano Addition to the City of Lovington, Lea County, New Mexico; Member Price seconded. City Planner Hildreth stated staff recommends approval. Members, Staff and Mr. Fuentes discussed the option of a summary replat or wait for Commission to approve variance. Motion was approved.

**CONSIDER RECOMMENDATION FOR ZONE CHANGE REQUEST FOR FOUR LOTS ADJACENT TO AND NORTH OF MORNINGSIDE ADDITION IN THE 800 AND 900 BLOCK OF EAST MONROE AVENUE:**

City Planner Hildreth addressed Board of zone change to be able to place single wide’s in East Monroe. City Planner Hildreth stated on November 25, 1996, the City of Lovington adopted Ordinance No. 405 to change the zoning classification of the Fairview and Morningside Additions from “A” Single Family Dwelling

District to "B: Multiple Family Dwelling District. Chairman Windsor stated Mr. Porraz asked for a variance six years ago for an RV Park and RV's (fire boxes) are still there; Mr. Porraz did not follow last variance and until first variance is fulfilled, City should not approve zone change. City Planner Hildreth stated that the Municipal Zoning Ordinance was adopted in 1971. Possibly units were there before City had zoning; the municipal subdivision regulations were adopted on May 12, 2003 these lots were created before then. Chairman Windsor stated no to the RV Park because they were fire hazard. City Attorney McMahan stated at that time, owner was not even close to complying with RV regulations concerning electrical issues, code inspection issues, living conditions were not addressed, and fire trucks accessibility. City Planner Hildreth stated in 1952 Morningside Addition was platted; it created a 20 foot alley on the north boundary. In 1986 property was sold to Gerardo Rodriguez who is deceased, his wife Rosa Rodriguez owns it. Ms. Rodriguez had a single wide mobile home on lot from 1986-1994, her son is requesting to live there in a single wide mobile home; but property needs to be rezoned. City Planner Hildreth stated in 2008 County designated this alley as Monroe Avenue and property area does have an address. Members and Staff discussed reasons to approve request to rezone or not because of an access issue; water meters were installed years ago. Chairman Windsor called for a motion. Member Pettigrew motion to approve zone change as presented (zoning reclassification for the four lots adjacent to and north of the Morningside Addition's northernmost Alley, currently known as east Monroe Avenue for Lea County addressing purposes, from "A" Single Family Dwelling District to "B' Multiple Family Dwelling District), there are issues regarding access, but those issues have been in existence for the past 30 years and were taken into consideration; Member Price seconded. With no further discussion, all Aye. Motion was approved.

**CONSIDER RECOMMENDATION FOR FAYE HEIGHTS STREET LIGHTS:** Assistant City Manager Cobb stated Faye Heights Addition requires street lights installed for safety and security; new light placements are based upon the distance between existing lights and are intended to keep with neighborhood uniformity. Each 150W residential light will increase costs by \$8.83 per month or \$105.96 annually. As presented, this will increase City electrical costs by \$741.72 with the seven proposed lights. Members discussed why contractors are not paying for street lights and ask Lea County Electric about shadowing diagram current laws. Chairman Windsor called for a motion. Member Price so moved to approve recommendation of the lights; Member Lynch seconded. City Attorney stated contingent on approval of shadow. Member Price amended motion contingent on approval of shadow; Member Lynch amended seconded. With no further discussion, all Aye. Motion was approved.

**PUBLIC COMMENT:** None

**OTHER COMMENT:**

- Fire Marshall Skip Moorhead, Members and Staff discussed concerns with Avenue R fence; homeowners will need to maintain fence. Washington and Love, and 2<sup>nd</sup> Street and Gum was another concern
- Vice Chairman Pettigrew stated Planning and Zoning would like to ask Staff to go out and make sure on the West lot on area of East Monroe Avenue is up to code and met RV standards.

- Chairman Windsor asked Fire Marshall Moorhead to inspect salon by the Turtle Car Wash; no business license has been issued
- City Planner Hildreth invited Members to attend the New Mexico Chapter of Planning Association Conference next week September 23-25, 2015 for Planning and Zoning in Las Cruces

**ADJOURNMENT:**

There being no further business the meeting adjourned at 5:30 p.m.

APPROVED: \_\_\_\_\_

**CHAIRMAN, KALLIE WINDSOR**

ATTEST: \_\_\_\_\_

**VICE CHAIRMAN, RANDY PETTIGREW**