

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, NOVEMBER 10, 2015 @ 4:00 P.M.
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET

PURPOSE OF MEETING:

- Staff Report on Action Items Approved by City Commission
- Consider Recommendation for Variance to Allow Multi-Generational Housing in the Accessory Dwelling Located at 1101 W. Taylor

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

NOT PRESENT: Member Abel Cabello

ALSO PRESENT: City Attorney Patrick McMahon, Code Enforcement Laura Brock, Fire Marshall Skip Moorhead, Public Works Director Wyatt Duncan and Administrative Assistant Anna Juarez

CALL TO ORDER: The meeting was called to order by Chairman Windsor at 4:07 p.m.

APPROVAL OF AGENDA: Chairman Windsor called for a motion. Vice Chairman Pettigrew so moved to approve agenda as submitted. Member Laughrin seconded. All Aye, motion was approved.

APPROVAL OF REGULAR MINUTES OF OCTOBER 13, 2015: Chairman Windsor called for a motion to approve the regular minutes of October 13, 2015. Member Price so moved. Member Laughrin seconded. All Aye, motion was approved.

NON-ACTION ITEMS:

Staff Report on Action Items Approved by City Commission: Code Enforcement Brock informed the Members of approval of recommendations, all were approved by City Commission.

- Public Works Director Duncan stated installation of stop signs will begin November 30, 2015 and crosswalks will be repainted as recommended for school zone improvements.
- Code Enforcement Brock informed Members of summary replat Mr. Fierro is modifying 5 lots into 1 lot on South Love.
- Fire Marshall Skip Moorhead stated Hair Salon does have all their permits. Members and Staff discussed concerns with parking on the sidewalk; Police and Code Enforcement will be issuing tickets if customers park on sidewalk.

ACTION ITEMS:

CONSIDER RECOMMENDATION FOR VARIANCE TO ALLOW MULTI-GENERATIONAL HOUSING IN THE ACCESSORY DWELLING LOCATED AT 1101 WEST TAYLOR: Code Enforcement Brock addressed Board of property owner located at 1101 W Taylor is requesting a variance to be granted to allow for an accessory dwelling located at the back of the property inside the garage. LMC 17.16.020 general use restrictions – prohibits

more than one main building on one lot. Property is located in Zone A; accessory dwelling was an existing use prior to the purchase of the home on August 12, 2014. NMSA 3-21-1 F – Zoning authorities, including zoning authorities of home rule municipalities, shall accommodate multi-generational housing by creating a mechanism to allow up to two kitchens with a single-family zoning district. Code Enforcement Brock stated for members to consider motion to approve a variance to allow for multi-generational housing in the accessory dwelling located at the back of the property inside the garage at 1101 W Taylor. Multi-generation means any numbers of persons related by blood, common ancestry, marriage, guardianship or adoption; if approved all State permits must be on file at the planning and zoning office prior to final approval. Members and Staff discussed State law in reference to multi-generational. Patty Robinson stated she bought property, but bank is not able to appraise property at value due to zoning issue with property having a separate accessory dwelling used as a rental. Vice Chairman Pettigrew stated a variance is requested to sell this property, but City does not know what buyers will be using property for, and that is a huge concern. Code Enforcement Brock stated the City had idea to use Multi-generational as a tool for the variance to allow since it was in existence use. Code Enforcement Brock stated house was built prior to zoning, but not sure when accessory building was built. Code Enforcement stated if it is something of prior use and nobody is using it any longer, one needs to conform to current use; if City wants to allow to be used because it exists, the only way for City to allow it is through multi-generational. Vice Chairman stated his concern with not knowing what the buyer will be using property for if variance is approved. Vice Chairman stated the house to the west has the same situation; Code Enforcement Brock stated if it was prior to zoning there is nothing that can be done; property has not been questioned or ticketed. City Attorney McMahon stated if request of variance is granted and variance is not put into use after a period of time, you lose variance. Property is presently vacant but has been rented since 1990. Member Laughrin asked if variance is approved would the property owner to the west need to ask for a variance; Vice Chairman stated yes, because they are in violation of code. Code Enforcement Brock stated, not if property owner's dwelling was in existence prior to 1971, before zoning went into effect. Members and Staff discussed effect or opportunity of Zone A multi-generational variance. Members and Staff discussed allowing for multi-generational use with variance concerns with multiple water meters, charging commercial water rates, complying with variance, and side yard setbacks. Members and Staff discussed grandfathering use of rental property, comprehensive master plan, reasons for variance request, and single family zoning. If variance is not allowed, accessory dwelling could be used as storage. Chairman Windsor called for motion. Died for lack of motion. Vice Chairman Pettigrew stated variance will be placed in the hands of City Commission on November 23, 2015 at 5:30.

PUBLIC COMMENT: None

OTHER COMMENT:

- Code Enforcement Brock stated from City Manager Williams, Mayor, Commissioners, and School Superintendent have asked Planning and Zoning Members to consider and review parking in front of the High School limiting parking for 1 hour or less during schools hours, this will force students to use the High School parking lot and comply with license, insurance and other school

requirements. Item will be discussed in December meeting.

- Member Price asked about property on 4th and Avenue A; Code Enforcement Brock stated it is completed.
- Chairman Windsor invited everyone to attend Lea County Planning and Zoning scheduled for Friday, November 13, 2015 at 9:30 a.m.

ADJOURNMENT:

There being no further business the meeting adjourned at 4:57 p.m.

APPROVED: _____

CHAIRMAN, KALLIE WINDSOR

ATTEST: _____

VICE CHAIRMAN, RANDY PETTIGREW