

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
TUESDAY, APRIL 14, 2015 @ 4:00 P.M.
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

PURPOSE OF MEETING:

- Annexation and Zoning Classification of City Property Located North of Gilmore Road, the Municipal Water Well Field located on approximately 4 miles South of Lovington on Highway 18, and the City Industrial Park located approximately 1.6 miles West of Highway 18 on Stiles Road
- Zone Change Request from Multi-Family (Zone B) to Commercial (Zone C) for 501 East Washington Avenue (property at northeast corner of Commercial and East Washington)
- Correction to Resolution No. 2015-5 to Vacate Plat and Replat Lots 8 and 9 of Block 5A; Lots 6, 7, 8, and 9 of Block 8; Lots 3, 4, and 5 of Block 9, and Vacated Right-of-Way of 15th Street and Portion of Avenue J in the J.L. Reed Addition, Unit 3
- Preliminary Plat creating the Domzalski Subdivision with 8 lots on Tract 5-B within Section 9, Township 16 South, Range 36 East, N.M.P.M.
- Replat Lots 22, 23, and 24 of Block 5 in Faye Heights Addition in order to adjust lot lines, and to vacate existing and grant new public utility easement

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

NOT PRESENT: Vice Chairman Randy Pettigrew, Member Abel Cabello and Gus Vigil

ALSO PRESENT: City Manager James Williams, Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, City Planner Merideth Hildreth, City Clerk Carol Ann Hogue, and Administrative Assistant Anna Juarez

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

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

APPROVAL OF REGULAR MINUTES OF MARCH 10, 2015: Chairman Windsor called for a motion to approve the regular minutes of March 10, 2015. Member Price so moved. Member Lynch seconded. All Aye, motion was approved.

ACTION ITEMS:

ANNEXATION AND ZONING CLASSIFICATION OF CITY PROPERTY LOCATED NORTH OF GILMORE ROAD, THE MUNICIPAL WATER WELL FIELD LOCATED ON APPROXIMATELY 4 MILES SOUTH OF LOVINGTON ON HIGHWAY 18, AND THE CITY INDUSTRIAL PARK LOCATED APPROXIMATELY 1.6 MILES WEST OF HIGHWAY 18 ON STILES ROAD: City Manager Williams addressed Board of annexation of City property. Property located North of Gilmore Road, as well as the "Industrial Park" located off of Stiles Road. In addition, the property owned by Legendary Services and Mico Services is being annexed. This property

will be zoned Industrial, with the potential exception of the land being leased by Aries for the workforce housing project. Members and Staff discussed purpose to change zoning for potential increase in GRT revenue and Point of Sale from various oil companies. Members and Staff discussed water and sewer services; industrial park area is a large area which still needs to be developed and defined. Member Price motioned to approve to proceed with annexation and zoning classification as submitted; Member Kimbro seconded. With no further discussion, all Aye. Motion was approved.

ZONE CHANGE REQUEST FROM MULTI-FAMILY (ZONE B) TO COMMERCIAL (ZONE C) FOR 501 EAST WASHINGTON AVENUE (PROPERTY AT NORTHEAST CORNER OF COMMERCIAL AND EAST WASHINGTON): City Planner Hildreth addressed Board of property owned by Jessica Padilla, who has been operating Jessica's Restaurant since 2007, located at 501 East Washington Avenue. Prior to her ownership, this property has historically operated as a restaurant or other business. Ms. Padilla is requesting that her property be rezoned from Multi-Family (Zone B) to Commercial (Zone C) so she can continue operating as a business. Chairman Windsor called for a motion. Member Price motioned to approve the Zone Change Request to Rezone the property located at 501 East Washington Avenue (Lots 1 and 2 of Block 5 in the Fairview Addition to the City of Lovington, Lea County, New Mexico) from Multi-Family (Zone B) to Commercial (Zone C). Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

CORRECTION TO RESOLUTION NO. 2015-5 TO VACATE PLAT AND REPLAT LOTS 8 AND 9 OF BLOCK 5A; LOTS 6, 7, 8 AND 9, AND VACATED RIGHT-OF-WAY OF 15TH STREET AND PORTION OF AVENUE J IN THE J.L. REED ADDITION, UNIT 3: City Manager Williams stated an amended resolution is needed to correct the language in the resolution to reflect the appropriate vacation. The owner of JL Reed Addition Unit 3 is requesting a replat amendment to Resolution No. 2015-5 to vacate a portion of Avenue J. The original resolution vacated the eastern 55 feet which should remain vacated. This amendment requests vacation of the western 55 feet. This replat includes dedication of right-of-way for the cul-de-sac on Avenue J. This replat also includes consolidation of Lots 2, 3, 4, and 5 of Block 9 to create three lots from four lots. Chairman Windsor called for a motion. Member Price so moved to approve vacation of the eastern 55 feet of Avenue J Right-of-Way; and replat Lots 8 and 9 (to create Lots 8A and 9A) of Block 5A; and Replat Lots 6 and 7 (to Create Lots 6A and 7A) of Block 8; and dedicate portions of the cul-de-sac right-of-way; and Replat Lots 8 and 9 (to Create Lots 8A and 9A) of Block 8; and Replat Lots 2, 3, 4, and 5 to Lots 2A, 3A, and 4A on Block 9. Member Lynch seconded. City Planner Hildreth stated there is a lot consolidation in Lots 4 and 3; lots will be bigger and information was published. With no further discussion, all Aye. Motion was approved.

PRELIMINARY PLAT CREATING THE DOMZALSKI SUBDIVISION WITH 8 LOTS ON TRACT 5-B WITHIN SECTION 9, TOWNSHIP 16 SOUTH, RANGE 36 EAST, N.M.P.M.: City Planner Hildreth addressed Board of preliminary plat creating the Domzalski subdivision; location was described. Obed Rodriguez described the drainage and retention plan. Member Kimbro asked about home size restrictions; Assistant City Manager Cobb responded to Member Kimbro inquiry by stating other subdivisions do have covenant restrictions; restrictive covenants are to be filed with the courthouse. Members, Staff and Mr. Rodriguez discussed concerns with drainage issues with the recent rain. Assistant City Manager Cobb stated preliminary plat is a plan for the developer and if approved by Planning and Zoning and then by City Commissioners, this gives Domzalski's

the go ahead to start development. Robbie Roberts stated there is a need to evaluate drainage problem from all the new subdivisions because the corner of 9th and Brian Urlacher is the resting place of all the water, which is impacting him with FEMA. City Planner Hildreth and Mr. Roberts have spoken; and feel a water retention is needed, or some sort of advice team to put together a proper water drainage plan and abatement to push water to the City's retainage pond off of 9th and Brian Urlacher. City Planner Hildreth mentioned to Members that the motion includes a drainage and retention study. City Planner Hildreth presented a revised utility plan moving water line up to the alley instead of in the street; water line will be extended in the alley easement. Mr. Rodriguez informed Members of where fire hydrants will be placed; extending to 17th Street would be too much. City Manager Williams stated the preliminary plan was not what was discussed in prior meeting; the original plat which was discussed included a loop system and extends line across having another easement; this would help bring utilities down 17th Street; and putting a T for future development on north of 17th street up to avenue D, so it will help finish out the loop system. A dead-end hydrant will only allow water to flow in one direction, however if it is a loop system, it will flow more than one direction; Water Superintendent Duncan prefers the loop system. Members discussed motion. Member Price asked if it could be tabled until everything is revised; City Manager answered Member Price inquiry by stating yes. Mr. Roberts stated all developers need to sit down and come up with something; it needs to happen. Chairman Windsor understands now why FEMA states why City of Lovington is in a flood zone. City Manager Williams stated this preliminary plan is not what was decided in meeting with Robert Fierro over the phone and Water Superintendent Wyatt Duncan has not seen revised plan. City Manager Williams stated he does not feel comfortable approving with plan until Water Superintendent Wyatt Duncan gives his recommendation because City will assume this infrastructure. City Planner Hildreth stated the goal of water retention is to retain water on new site. Member Price motioned to table preliminary plan until a better utility plan that City recommends and a better drainage and retention plan have been reviewed. Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

REPLAT LOTS 22, 23, AND 24 OF BLOCK 5 IN FAYE HEIGHTS ADDITION IN ORDER TO ADJUST LOT LINES, AND TO VACATE EXISTING AND GRANT NEW UTILITY EASEMENT: City Planner Hildreth addressed Board of Faye Heights replat Lots 22, 23, and 24 of Block 5; Robbie Roberts submitted a Subdivision Replat Application to Replat Lots 22, 23, 24 of Block 5 in Faye Heights Addition in order to adjust lot lines, vacate an existing public utility (PUE) easement, and grant a new public utility easement (PUE). Robbie Robert explained this request includes granting the corner lot (at the intersection of Ninth Street and Carter Avenue) Lot 24 of Block 5 a 15-foot side yard setback instead of the 25-foot side yard setback originally platted for the side yard adjacent to Ninth Street (corner lot). A 12 inch Sanitary Sewer (SAS) line is located in the middle of Lot 23 and is not within a dedicated easement. This application requests the vacation of the existing 12-foot PUE, where there is not a SAS line, and dedication of a new 10-Foot PUE over the existing SAS line. Lot line adjustments are also requested to accommodate the new configuration of the lots due to a change in the PUE. Members asked if Water Superintendent Duncan was okay with revision; City Manager Williams stated yes. Chairman Windsor called for a motion. Member Lynch so moved to approve request to Replat Lots 22, 23, & 24 of Block 5, Faye Heights addition in order to vacate existing 12-foot Public Utility Easement, establish new 10-foot Public Utility Easement over the existing Sanitary Sewer (SAS) line, revise Lot 24 side yard setback adjacent to Ninth Street from 25-feet to 15-feet, and adjust lot line between Lots 23 and 24; Member Price seconded. With no further discussion, all Aye. Motion was

approved.

NON ACTION ITEMS: None

PUBLIC COMMENT: None

OTHER COMMENT:

City Planner Hildreth asked Board Members to review NMLZO Packet provided by Code Enforcement Laura Brock; Workshop is in Albuquerque May 6 – 8, 2015. Not budgeted by the City for this year; funds possibly available next fiscal year. City Planner Hildreth stated NM Chapter of the American Planning of Association is having a conference in Las Cruces in September.

Chairman Windsor asked an opinion from the taxation revenue on POS constitutes; City Attorney McMahon responded, asking the Attorney General office on what the state law is on POS. Chairman Windsor stated City is losing out on GRT. Assistant City Manager Cobb stated it will work both ways; Members and Staffed discussed pros and cons to POS.

ADJOURNMENT:

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

APPROVED: _____
CHAIRMAN, KALLIE WINDSOR

ATTEST: _____
MEMBER, DAVID LYNCH