

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

PURPOSE OF MEETING:

- Consider Zone Change from Zone C to Zone A at 102 East Madison Avenue, Lovington, New Mexico
- Consider Street Vacation for a portion of East Jackson Avenue between Eddy Street and Chaves Street
- Consider Replat of a 1.38 Acre parcel of land located at Lot 7, Block 28, College Addition to the City of Lovington, New Mexico

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

NOT PRESENT: Chairman Kallie Windsor

ALSO PRESENT: City Manager James Williams, Assistant City Manager Jared Cobb, City Attorney Patrick McMahon, City Clerk Carol Ann Hogue, City Planner Merideth Hildreth, Water Superintendent Wyatt Duncan, Fire Marshall Skip Moorhead, and Administrative Assistant Anna Juarez

CALL TO ORDER: The meeting was called to order by Vice Chairman Randy Pettigrew at 4:00 p.m.

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

APPROVAL OF REGULAR MINUTES OF JUNE 9, 2015: Vice Chairman Randy Pettigrew called for a motion to approve the regular minutes of June 9, 2015. Member Price so moved. Member Lynch seconded. All Aye, motion was approved.

ACTION ITEMS:

CONSIDER ZONE CHANGE FROM ZONE C TO ZONE A AT 102 EAST MADISON AVENUE, LOVINGTON NEW MEXICO: City Planner Hildreth addressed Board of property owner Patti Stroh of 102 East Madison Avenue requesting a zone change from Commercial Zone C to Single-Family Residential Dwelling District; property is located in the heart of Commercial on Main Street. Vice Chairman Pettigrew zoning regulation stated if you are commercial you can build residential, but if it is residential you cannot build commercial; why would you want to decrease capability of property and change one specific area in commercial zone. City Planner Hildreth and Member Laughrin stated this purchasing a residential home in a commercial zone requires a larger amount for down payment this making it more difficult for buyers to buy a home. Vice Chairman Pettigrew and City Manager Cobb discussed the comprehensive plan, zoning objectives, and controlling zoning changes. Commissioner David Trujillo stated Estella Garcia changed property zoning from Commercial to Residential and feels Pattie Stroh should get a pass too; Commissioner

Trujillo is here on Ms. Stroh behalf. Commissioner Trujillo suggested to Ms. Stroh to change zone in her property boundaries only and it should pass, like Estella Garcia. Commissioner Trujillo stated it is a home and the City has 70% of Main Street available for economic development. Commissioner Trujillo stated keeping it Commercial gives Ms. Stroh the option to sell it Commercial or Residential and buyer has the option to do the same. Commissioner Trujillo stated he would like to see the home residential because it is a unique two story home and for it to be used as a commercial use, it would need to be renovated. Patty Stroh stated the house was built in 1945, and was used for a medical practice; property was bought in 1979 as residential or commercial property. Ms. Stroh stated property is being shown as residential use only and has issues with flood insurance. Ms. Stroh stated needing the zone change to sell property. Wilma Kimbell lives south of property; property is only 3 blocks from the Courthouse on Main Street. Mrs. Kimbell stated she objects to change from commercial to residential; it is messing up Main Street. Eden Elliot stated his concern with change from commercial to residential and how will it affect his commercial property in the future. City Planner Hildreth stated if you do have a residential use next to a commercial use, in the City's codes, the City does have specification for setbacks. Commercial adheres to residential setbacks on a block with residential; when there is a spot zone change to residential another thing to deal with is parking traffic and business hours that is not usually in a residential zone. Whereas if it commercial it is understood, whoever buys property in the future has to deal with potential traffic, noise, parking and commercial activity with surrounding properties. City Planner Hildreth stated if rezoned from commercial to residential it does not adhere to the planning concept of adopted comprehensive plan. Vice Chairman Pettigrew addressed City Attorney McMahan to see if this request could be addressed by a variance to keep the facility as a residence without changing zoning to meet needs for selling; City Attorney McMahan responded no, because on financing it is tied to zoning of that particular parcel and if it were changed for some kind of use but still used as commercial, the finance company would just look at zoning, and not at the variance. Members, Staff and public discussed possible domino effect to surrounding properties, property owner reason for zone change, business and residential setbacks, consistency, and grandfathering. Vice Chairman Pettigrew called for a motion. Member Laughrin stated comprehensive plan was looked at and approved by City Commissioners, let's follow comprehensive plan. Member Laughrin so moved to deny request for Zone Change from Commercial to Single-Family; Member Price seconded. Maria Rios stated keep property Commercial. With no further discussion, all Aye. Motion was approved. Vice Chairman Pettigrew stated July 27 the final decision will be by City Commissioners.

CONSIDER STREET VACATION FOR A PORTION OF EAST JACKSON AVENUE BETWEEN EDDY STREET AND CHAVES STREET: City Planner Hildreth addressed Board of property owner request to vacate East Jackson Avenue between North Eddy and North Chavez Street. Member Price asked about water lines; Water Supervisor Duncan responded yes, a 16 inch water line runs in this area; main water line that runs through north side of town. City Planner Hildreth stated Mr. Victor Lopez is out of state and not present at the meeting; Mr. Lopez owns the whole block, will be parking trucks there, and already has utilities developed in City Right away. Water Supervisor Duncan stated 16 inch AC waterline is being driven through the crossing alley there 18 wheelers trucks are driving over the line. Member Price motion to deny request to vacate portion of east Jackson Avenue between Eddy Street and Chaves Street. Vice Chairman Pettigrew asked if to

continue with vote without Mr. Lopez presence; City Planner Hildreth stated Mr. Lopez travels a lot, but Mr. Lopez can have a representative at City Commission Meeting. Member Lynch seconded. With no further discussion, all Aye. Motion was approved.

CONSIDER REPLAT OF A 1.38 ACRE PARCEL OF LAND LOCATED AT LOT 7, BLOCK 28, COLLEGE ADDITION TO THE CITY OF LOVINGTON, NEW MEXICO: City Planner Hildreth addressed Board of property owner request for a preliminary replat. Property is located on Eddy Street between Madison Avenue and Jefferson Avenue. Property owner, Daniel Valdez purchased property from Commissioner Trujillo; Chad Harcrow is the surveyor of replats that will divide property into five lots, sewer and gas lines exist in alley. Owner will need to extend water line. City Planner Hildreth stated Mr. Valdez will dedicate 25 feet to the City for alley and dedicate the 40 feet of Eddy Street; which will make lots 135 deep. Vice Chairman Pettigrew and Staff discussed subdivision versus preliminary replat on specifications; final replat will be revisited. Commissioner Trujillo stated the City paved the alley that exists but is not dedicated or documented properly. Water Supervisor Duncan stated a meeting is scheduled to map out sewer and water lines to add to plat, requiring a flush valve at the end; requirements will be subject to approval of design specifications. Vice Chairman Randy Pettigrew so called for a motion. Member Price motion to approve the Preliminary Replat of 1.38 Acres of the eastern portion of Block 28 in College Addition to create 5 lots and accept the dedication of a 25 foot wide alley easement and accept the dedication of a 40 foot wide right-of-way for Eddy Street by the City of Lovington contingent on approval of utility plan. Member Laughrin seconded. With no further discussion, all Aye. Motion was approved.

PUBLIC COMMENT: None

OTHER COMMENT:

- Vice Chairman Pettigrew and Staff discussed ordinance of parking and public right-of-way that violations need to be caught in action; warnings are issued
- Assistant City Manager Cobb stated Comprehensive Plan is available online

ADJOURNMENT:

There being no further business the meeting adjourned at 4:50 p.m.

APPROVED: _____
VICE CHAIRMAN, RANDY PETTIGREW

ATTEST: _____
MEMBER, DAVID LYNCH