

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
TUESDAY, AUGUST 11, 2015 @ 4:00 P.M.  
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

**PURPOSE OF MEETING:**

- Consider Recommendation Variance at 200 North Roosevelt: Rear-Yard Setback for Manufactured Home
- Consider Recommendation for Variance at 622 North Eddy Street: Front yard Setback for Manufactured Home
- Consider Recommendation for Variance at 421 West Tyler Avenue: Rear Yard Setback and Distance Between Accessory Building and Manufactured Home
- Consider Recommendation for Request to Vacate a portion of Avenue A from Eddy Street east 140 feet
- Consider Recommendation for Request to Vacate a 40-Foot Right-of-Way Easement west of Eddy Street Between Madison Avenue and Jefferson Avenue: East portion of Block 28 in College Addition
- Consider Recommendation for Request to Vacate a 20-Foot Alley Easement and dedicate Street Right-of-Way on a portion of East Street: West Portion of Block 28 in College Addition

**PRESENT:** Members: 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. Vice Chairman Pettigrew so moved to approve agenda with the correction to item number 6 of 40 to 20 foot vacation of alley easement. Member Price seconded. All Aye, motion was approved.

**APPROVAL OF REGULAR MINUTES OF JULY 14, 2015:** Chairman Windsor called for a motion to approve the regular minutes of July 14, 2015. Vice Chairman Pettigrew so moved. Member Price seconded. All Aye, motion was approved.

**ACTION ITEMS:**

**CONSIDER RECOMMENDATION OF VARIANCE AT 200 NORTH ROOSEVELT: REAR-YARD SETBACK FOR MANUFACTURED HOME:** City Planner Hildreth addressed Board of property owner request for a variance to install a 30 X 64 foot double wide manufactured home on the lot which measures 60 X 110 feet deep; to accommodate the unit the owner is requesting permission for a 20 foot rear yard setback on this lot. Owner Luis Andujo Teran was not present. Chairman Windsor called for motion. Member Laughrin so moved to approve a variance to allow a 20 foot rear yard setback at 200 North Roosevelt Drive Lot 1,

Block 8 in Fairview Addition to the City of Lovington, Lea County, New Mexico; Member Lynch seconded. Vice Chairman Pettigrew asked if zone B allows manufactured home; City Planner Hildreth responded yes, zone A does not allow single wide, but does allow double wide. With no further discussion, all Aye. Motion was approved.

**CONSIDER RECOMMENDATION FOR VARIANCE AT 622 NORTH EDDY STREET: FRONT YARD SETBACK FOR MANUFACTURED HOME:**

City Planner Hildreth addressed Board of property owner installing manufactured home on the lot before City Code Enforcement conducted a preliminary site inspection; placing manufactured home approximately 22 feet from the front property line. Vice Chairman Pettigrew asked how property is being measured from surveyor stakes or center of road; City Planner Hildreth stated stakes if available or from center of road to get approximate property line. City Planner Hildreth stated variance difference between 200 North Roosevelt is a 110 foot lot and 622 North Eddy Street is a 140 foot lot, Eddy Street can accommodate the manufactured home whereas the 200 North Roosevelt property is 110 foot deep lot. Members and Staff discussed site plan, commercial versus residential setbacks, timeline on preliminary inspection, and additional expense of surveyors to City or property owner. City Attorney McMahon stated if variance is not granted, owner would receive notification of violation of code and if owner does not comply, then the City would have choice to move forward to file a lawsuit to get owner to comply. City Attorney McMahon continued if City litigates, the City will be responsible to hire a surveyor the mark corners. Members and Staff discussed potential lawsuit, cost of surveyors, model year of manufactured home, and guidance from City Commissioners. Chairman Windsor called for a motion. Vice Chairman Pettigrew so moved to table variance and staff to discuss the City's concerns with the homeowners and have movers make it right; Member Lynch seconded. Members and Staff discussed whom would bear the cost of moving the manufactured home, direction from City Commission, hiring professionals or surveyors, and communication and time frame of inspection. City Planner Hildreth recommended to the homeowners to fix it or request a variance, but there was no guarantee of approval if homeowner requested variance. Members stated skirting would need to be removed, electrical disconnected, and reconnect sewage. Vice Chairman Pettigrew so moved to retract motion; Member Lynch rescinded. Member Laughrin so moved to approve variance to allow a 22 foot front yard setback at 622 North Eddy Street Lot 6, Block 6 College Addition to the City of Lovington, Lea County, New Mexico; Member Price seconded. Members and City Commissioner Trujillo discussed implementing in packet for property owners to survey property. With no further discussion, all Aye; Vice Chairman Pettigrew opposed. Motion was approved. Next agenda add: recommendation for planning and zoning issue in general.

**CONSIDER RECOMMENDATION FOR VARIANCE AT 421 WEST TYLER AVENUE: REAR YARD SETBACK AND DISTANCE BETWEEN ACCESSORY BUILDING AND MANUFACTURED HOME:**

City Planner Hildreth addressed Board of property owner request for 421 West Tyler Avenue zoned B multiple dwelling district lot 5. City Planner Hildreth stated lot is 50 feet wide by 140 feet deep; mobile home is a single wide 16 feet wide by 76 feet long. An existing stone garage was built in the front yard in excess of 65 years ago is located 28 feet from the front property line. City Planner Hildreth stated the owner is requesting a variance to allow a 10 foot rear yard setback to accommodate the 76 foot manufactured home on the lot; municipal code requires a Rear Yard setback that is thirty feet or 20 percent the length of the lot. Municipal Code states that accessory buildings must be located in Rear Yards and must be located a minimum of 10 feet from the main structure; requiring a variance to allow a distance of 5 feet from the existing

historic garage to the manufactured home. Leslie Brow is the property owner; Mrs. Brow will be renting mobile home to renters. Assistant City Manager Cobb stated RV was there and was required to be moved; an alternative was to bring in a manufactured home. Chairman Windsor called for a motion. Member Laughrin motion to approve variance to allow a 10 foot Rear Yard Setback and approve a variance to allow a manufactured home to be located 5 feet from the existing accessory garage, which is located in the front yard, at 421 West Tyler Avenue Lot 5, Block 8 in Cowan Addition to the City of Lovington, Lea County, New Mexico; Member Price seconded. With no further discussion, all Aye. Motion was approved.

Vice Chairman Pettigrew exited meeting at 4:52 p.m. due to prior engagement

**CONSIDER RECOMMENDATION FOR REQUEST TO VACATE A PORTION OF AVENUE A FROM EDDY STREET EAST 140 FEET:** City Planner Hildreth addressed Board of property owner request to vacate Avenue A from Eddy Street to the alley east of Eddy Street; property is zoned "C" Commercial District. Assistant City Manager Cobb stated City's concerns on vacation, with several parcel along the platted Avenue A, will cut off access to platted lots. Assistant City Manager stated this area is not developed and City plans to insure connectivity in the future to comply with comprehensive plan. Members and Staff discussed surrounding property owners. Ryan Burkett stated reason for the vacation was due to his engineer stating there is an extra 40 feet that will probably never be developed or used as a street. Sharon Little stated with the Fair & Rodeo out there, there is going to be a need for more access since there is not much access as it is. Chairman Windsor called for a motion. Member Price so moved to deny request to vacate a portion of Avenue A from Eddy street to the Alley East of Eddy Street and adjacent to Lot 1, Block 18 of the East Addition to the City of Lovington, Lea County, New Mexico; Member Lynch seconded. With no further discussion, all Aye. Motion was approved. Ryan Burkett announced ground breaking of storage facility on Monday.

**CONSIDER RECOMMENDATION FOR REQUEST TO VACATE A 40-FOOT RIGHT-OF-WAY EASEMENT WEST OF EDDY STREET BETWEEN MADISON AVENUE AND JEFFERSON AVENUE: EAST PORTION OF BLOCK 28 IN COLLEGE ADDITION:** City Planner Hildreth addressed Board of property owner, Daniel Valdez, request for vacation of approximately 40 feet by 300 feet of Eddy Street Easement; easement is located west of Eddy Street between Madison Avenue and Jefferson Avenue. City Planner Hildreth stated surveyors are working on correcting recording error that skewed everything by 40 feet. Chairman Windsor called for a motion. Member Price made motion to approve vacation of the Eddy Street Easement between Madison Avenue and Jefferson Avenue located on 1.38 acres on the eastern portion of Block 28 of College Addition to the City of Lovington, Lea County, New Mexico. Member Laughrin seconded. With no further discussion, all Aye. Motion was approved.

**CONSIDER RECOMMENDATION FOR REQUEST TO VACATE A 20 ~~40~~-FOOT ALLEY EASEMENT AND DEDICATE STREET RIGHT-OF-WAY ON A PORTION OF EAST STREET: WEST PORTION OF BLOCK 28 IN COLLEGE ADDITION:** City Planner Hildreth addressed Board of property owner, David Trujillo, request for approval of replat to split lot into 2 lots and request to vacate 20 feet of alley easement; Mr. Trujillo is also dedicating a portion of East Street. A sewer main is located in the alley to the east of the easement under consideration for vacation; a water main has not yet been developed to serve the lot being created through a replat on the northern portion of the property. Chairman Windsor called for a motion. Member Lynch so moved to approve the vacation and

rededication plat of a street and alley easement located in Lot 7 of Block 28 of college addition to the City of Lovington, Lea County, New Mexico; Member Price seconded. With no further discussion, all Aye. Motion was approved.

**PUBLIC COMMENT:** None

**OTHER COMMENT:**

- Members discussed scheduling meetings after City Commission meetings; members agreed to schedule meeting for September 15, 2015
- City Planner Hildreth announced NMLZO in September 16 – 18 in Taos or NM Chapter of America Planning & Association Meeting in Las Cruces dealing with planning & civil engineering
- Chairman Windsor mentioned to discuss members attendance

**ADJOURNMENT:**

There being no further business the meeting adjourned at 5:28 p.m.

**APPROVED:** \_\_\_\_\_  
**CHAIRMAN, KALLIE WINDSOR**

**ATTEST:** \_\_\_\_\_  
**MEMBER, DAVID LYNCH**