

**REGULAR MEETING OF THE PLANNING & ZONING COMMISSION  
WEDNESDAY, SEPTEMBER 4, 2013 @ 4:00 P.M.  
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET**

**PURPOSE OF MEETING:**

- Consideration of Approval of College Addition, Block 12 Final Plat (Corner of Van Buren & Eddy St)
- Consideration of Approval of Variance for Carport Setback – 1105 W. Tyler
- Consideration of Approval of Summary Plat – Shields/Robinson Subdivision (Commercial St & Avenue K)
- Consideration of Approval of Annexation Petition – 26.4 Acres NE of 17<sup>th</sup> St & Brian Urlacher
- Consideration of Approval of Ordinance 512 – Off Street Parking
- Consideration of Approval of Ordinance 513 – Annexation & Zoning Classification
- Consideration of Approval of Ordinance 514 – Industrial Zone Changes
- Discussion of Planning & Zoning Application
- Discussion of 13<sup>th</sup> St & Avenue M Traffic Control

**PRESENT:** Members: Chairman Kallie Richards, Betty Price, David Lynch, Randy Pettigrew and Abel Cabello

**NOT PRESENT:** Vice Chairman Lynda Kreybig, Member Bobby Kimbro and Fire Chief Terrance Lizardo

**ALSO PRESENT:** City Manager James Williams, City Attorney Patrick McMahon, Fire Inspector David Shaw, Assistant City Manager Jared Cobb, City Clerk Carol Ann Hogue, Code Enforcer Johnny Cash and Administrative Assistant Imelda Gutierrez.

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

**APPROVAL OF REGULAR MINUTES OF AUGUST 14, 2013:** Chairman Richards called for a motion to approve the regular minutes of August 14, 2013. Member Lynch so moved to approve the minutes with the correction of the minutes. Member Price seconded. Motion was approved.

**ACTION ITEMS:**

**CONSIDERATION OF APPROVAL OF COLLEGE ADDITION, BLOCK 12 FINAL PLAT (CORNER OF VAN BUREN & EDDY ST):** Chairman Richards called for a motion to approve the final plat at Van Buren & Eddy St. Santos Soto addressed the members to request the approval of the plat. Member Pettigrew so moved. Member Lynch seconded. Motion was approved.

**CONSIDERATION OF APPROVAL OF VARIANCE FOR CARPORT SETBACK – 1105**

**W. TYLER:** Chairman Richards called for a motion to approve the variance for carport setback. Jose & Maria Valencia addressed the members to request a variance for the carport setback at 1105 W. Tyler St. The construction on the carport has been started at this residence. The carport, as being built, does not comply with 17.20.040, section 7, which requires a front yard depth of at least 5 feet immediately below the carport. Member Lynch so moved. Member Pettigrew seconded. Code Enforcer Johnny Cash stated that Mr. Valencia was not in compliance and asked him to stop the work before the project was completed. City Manager James Williams mentioned that in the Ordinance it stated that a certified mail had to be issued to the property owner regarding the issue. Member Lynch withdrew his motion. Member Pettigrew so moved. Member Price seconded and a vote was taken: Member Cabello, yes; Member Pettigrew, yes; Member Lynch, no; Member Price, yes; and Member Kallie, yes. Motion was approved.

**CONSIDERATION OF APPROVAL OF SUMMARY PLAT – SHIELDS/ROBINSON SUBDIVISION (COMMERCIAL ST. & AVENUE K):**

Chairman Richards called for a motion to approve the summary plat on Commercial & Avenue K. Bobby Shaw on behalf of Bobby Shaw Realty addressed the members to request approval to subdivide 9.1 acre tract of land into 2 tracts. A buyer is interested in buying land to build a church at this site. Member Pettigrew so moved. Member Price seconded. Motion was approved.

**CONSIDERATION OF APPROVAL OF ANNEXATION PETITION – 26.4 ACRES NE OF 17<sup>TH</sup> ST & BRIAN URLACHER:**

Member Lynch called for a motion to approve the annexation of 26.4 Acres. Chairman Richards abstained. Robbie Roberts on behalf of The Roberts Family Trust addressed the members to petition to annex approximately 26.4 acres and would like to leave it as commercial zone. Upon approval, an ordinance will be prepared for adoption by the City of Lovington Commission. Under current ordinance, this property would be designated Zone A – Single Family Dwelling if it is annexed. Member Pettigrew so moved to approve with the recommendations of the staff. Member Price seconded. Motion was approved.

**CONSIDERATION OF APPROVAL OF ORDINANCE 512 – OFF STREET PARKING:**

Chairman Richards called for a motion to approve Ordinance 512. The draft ordinance will address the issue of truck tractor, semitrailer and other vehicles parking within residential zones. Commercial vehicles are defined as vehicles with more than two axles, a vehicle used to transport hazardous materials requiring DOT placarding, and construction vehicles designed for off road usage and vehicles requiring the driver to have either a Class A or Class B driver's license or the equivalent. Furthermore, this ordinance will describe acceptable off street parking surfaces and recreational vehicles such as camp trailer, fifth wheel travel trailer, motor home, boat, watercraft and all-terrain vehicles. No more than forty percent of the front, side, or rear yard setback can be dedicated to off-street parking. City Manager Williams stated that they will advertise for 30 days at least. Member Pettigrew so moved to approve. Member Price seconded. Motion was approved.

**CONSIDERATION OF APPROVAL OF ORDINANCE 513 – ANNEXATION & ZONING CLASSIFICATION:**

Chairman Richards called for a motion to approve Ordinance 513. The amendment to the zoning ordinance in regards to annexation 17.12.040 will read as follows “All territory proposed for annexation shall be studied by the Planning & Zoning Commission. If the Planning & Zoning Commission recommends approval of the annexation request, a second recommendation shall be prepared to assign the proposed territory a zoning district in conformance with the comprehensive plan. The City Commission shall consider both the annexation request and zoning recommendation at the next regularly scheduled meeting.” Member Pettigrew so moved. Member Lynch seconded. Motion was approved.

**CONSIDERATION OF APPROVAL OF ORDINANCE 514 – INDUSTRIAL ZONE CHANGE:** Chairman Richards called for a motion to approve Ordinance 514. The proposed ordinance will amend the Chapter of our zoning ordinance and the changes will include:

- Limits residential use and mobile trailers except in certain circumstances.
- Require review by the Fire Chief for recommendation for uses not typically allowed in the Industrial District.

City Manager Williams stated that the ordinance is to prohibit the building of homes in this zone. Member Pettigrew so moved. Member Lynch seconded. Motion was approved.

**NON ACTION ITEMS:**

**DISCUSSION OF PLANNING & ZONING APPLICATION:** Assistant City Manager Cobb addressed the members to review the following additions requested by the City Commission which are:

- Establishment of a Development Review Committee.
- Addition of water and sewer tap permits.

Permits for curb cuts and signs have also been included, along with the revised scheduled of fees. Permit revenues would help offset the cost of processing planning and zoning applications. City Manager Williams stated this will be an action item on the next meeting and with upon approval will be submitted to City Commission for their approval. No action was taken.

**DISCUSSION OF 13<sup>TH</sup> ST & AVENUE M TRAFFIC CONTROL:** City Manager James Williams addressed the members stating that the Lovington Police Department did evaluate the area and recommended the installation of this traffic control measure. The request was considered at the City Commission meeting and was denied based on concerns that traffic would be diverted to other areas creating another problem. The Commissioners have requested to have the area reevaluated for a broader plan and recommendations. No action was taken.

**PUBLIC COMMENT:** Joe Taylor addressed the members regarding a mobile home that was set today on Love Street and Ave N. The members discussed the manufactured home ordinances. City Manager Williams and Fire Chief Terrance will look into this mobile home permit. Code Enforcer Cash stated the manufactured home ordinances conflict with each other.

**OTHER COMMENT:** Chairman Richards has requested a work session to be scheduled for the members. City Manager James Williams will schedule the work session and inform the members of the date and time.

**ADJOURNMENT:**

Member Price made the motion for adjournment at 6:26 p.m. Member Pettigrew seconded.

**APPROVED:** \_\_\_\_\_  
**CHAIRMAN RICHARDS**

**ATTEST:** \_\_\_\_\_  
**MEMBER LYNCH**