

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION
WEDNESDAY, MAY 14, 2014 @ 4:00 P.M.
HELD IN CITY COMMISSION CHAMBERS, 214 SOUTH LOVE STREET

PURPOSE OF MEETING:

- Consideration of Approval of Carport Variance at 712 W. Dogwood
- Consideration of Approval of 4-way Stop Sign at 2nd Street & Avenue J

PRESENT: Members: Chairman Kallie Windsor, Vice Chairman Lynda Kreybig, David Lynch, Abel Cabello, Randy Pettigrew, Betty Price and Bobby Kimbro

ALSO PRESENT: City Manager James Williams, City Attorney Lewis Cox, Code Enforcer Laura Brock, Fire Chief Terrance Lizardo, Fire Inspector Skip Moorhead, Assistant City Manager Jared Cobb, City Clerk Carol Ann Hogue, Detective David Rodriguez, and Administrative Assistant Imelda Gutierrez.

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

REORGANIZATION OF THE PLANNING & ZONING COMMISSION: City Manager Williams address the members stating that every two years the board members will have to reorganize the planning & zoning commission as to who will be chairman and vice-chairman. Member Kreybig so moved to reappoint Kallie Windsor as Chairman. Member Price seconded. Motion was approved. Member Price so moved to appoint Randy Pettigrew as Vice-Chairman. Member Kimbro seconded. Motion was approved.

APPROVAL OF AGENDA: Chairman Windsor called for a motion to approve the agenda as submitted. Member Price so moved to amend the agenda of the regular minutes of February 3, 2014 to approve the regular minutes of March 26, 2014. Member Pettigrew seconded. Motion was approved.

APPROVAL OF REGULAR MINUTES OF MARCH 26, 2014: Chairman Windsor called for a motion to approve the regular minutes of March 26, 2014. Member Pettigrew so moved. Member Price seconded. Motion was approved.

ACTION ITEMS:

CONSIDERATION OF APPROVAL OF CARPORT VARIANCE AT 712 W. DOGWOOD: Chairman Windsor called for a motion to approve the carport variance at 712 W. Dogwood. Evelyn Holguin addressed the members in representation of Mr. Garcia who wasn't able to attend the meeting due to personal matters. Code Enforcer Brock stated that this would have to be tabled due to lack of information from Mr. Garcia. Member Kreybig so moved to table until further information was submitted. Member Pettigrew seconded. Motion was not approved.

CONSIDERATION OF APPROVAL OF 4-WAY STOP SIGN AT 2ND STREET & AVENUE J: Chairman Windsor called for a motion to approve the 4-way Stop Sign at 2nd Street & Avenue J. City Manager Williams addressed the members stating that Mr. Farnum has requested that the City convert the intersection at 2nd Street & Avenue J into a 4-way stop. Mr. Farnum feels this will increase the safety of pedestrians in the area and enhance school zone safety. This will slow down the traffic from East to West. There have been numerous complaints about speeding beginning at Main Street to 5th Street. Member Price so moved. Member Kreybig seconded. Motion was approved.

PUBLIC COMMENT: Billie Rodriguez mentioned that the 4-way stop sign was a good idea.

OTHER:

- City Manager Williams mentioned that the joint work session with the Commissioners will be at Troy Harris at 5:00 p.m. The Steering Committee Comprehensive Plan meeting will be Monday, June 2, 2014 at Gann Cafeteria from 6:00 p.m. to 8:00 p.m.
- Chairman Windsor announced the next regular planning & zoning meeting will be Monday, June 16, 2014 at 4:00 p.m.

ADJOURNMENT:

Member Price made the motion for adjournment at 4:15 p.m. Member Kreybig seconded.

APPROVED: _____
CHAIRMAN, KALLIE WINDSOR

ATTEST: _____
VICE-CHAIRMAN, RANDY PETTIGREW

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: June 16, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Variance
DEPARTMENT: Code Enforcement
SUBMITTED BY: M.R. Cracken
DATE SUBMITTED: 5-14-2014

STAFF SUMMARY:

Variance request has been submitted for 819 W. Ave H
Micheal R McCracken is asking to continue to park his dump truck in his driveway
Ordinance 17.16.080 Off Street Parking of Commercial Vehicles in Residential Zone was passed
March 10, 2014; which prohibits the parking of his dump truck in his driveway.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Planning and Zoning application, Propasal letter, pictures of property, letters from nieghbors

RECOMMENDATION:

Laura Brock

Department Head

[Signature]
City Manager

PLANNING AND ZONING APPLICATION

Type(s): VARIANCE SPECIAL USE CONDITIONAL USE
 ZONE CHANGE VACATION ANNEXATION
 CARPORT RV PARK MOBILE HOME PARK
 PLAT REPLAT ALTERNATE SUMMARY
 BUILDING MOBILE/MANUFACTURED WATER CONNECTION
 SEWER CONNECTION CURB CUT SIGN

Applicant Name: Michael R. McCracken
Mailing Address: 819 W. Ave H Lovington, NM 88260

Phone Number: 575 631 6794 Fax: 575 396 5108
Property Address (Site Location): same

Property Owner(s): Michael R. and Gloria McCracken

Brief Description of Request: To continue parking my dump truck in my driveway as I have done for the past 14 years.

Subdivision: Carter Add Zone: A B C D
Block: 3
Lot: 910
Owner Number: 0021367 Parcel Number: _____
Book: 994 Page: 808

Present Use of Property: Residence

Applicant Signature: Michael R. McCracken Date: 05/08/2014

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

Date Received by Code Enforcement: 5-14-14
Code Enforcement Officer Name: Laura Brock
Code Enforcement Officer Signature: Laura Brock

CODE ENFORCEMENT SUPPLEMENT

Does request require adjacent property owner and public notification?

Yes No

If yes, date notification to adjacent property owners sent notification:

6-4-14

Was notification sent by:

Certified Mail¹

1st Class Mail²

Please attach list of property owners, address, and copy of letter, and copy of return receipt (if applicable) to this supplement.

If public notification made, list date of newspaper publication³:

6-12-14

Code Enforcement Recommendation:

Put on P+Z agenda for 6-16-14

Laura Brock

Reviewing Officer Name

Laura Brock

Reviewing Officer Signature

6-3-14

Date

1 If zoning change is for an area of one block or less, notice shall be mailed by certified mail to owners of property within 100 feet, excluding public right-of-way, of the area proposed to be changed. (NMSA 1978 3-21-6)

2 If zoning change is for an area of more than one block (NMSA 1978 3-2-6) or a variance is requested, notice of public hearing shall be mailed by 1st Class mail to property owners within 100 feet, excluding public right-of-way, of the area proposed to be changed.

3 Notice of the time and place of hearing shall be published at least 15 days prior to the date of the hearing.

M.R. MCCRACKEN TRUCKING

My name is Michael R McCracken. I live at 819 w. avenue H. I'm filing for a variance to continue parking my dump truck in my driveway, as I have done the last 14 years .The reason why is that it would be a financial hardship to park elsewhere. I am a one man operation . I'm the secretary,the mechanic and the driver. My driveway was built to hold the truck with 6 inches of base and 6 inches of concrete and I am never loaded when I park at home. I have always made it a rule to make no noise after dark and to keep it clean so when I'm out working you can't tell there was ever a truck there. The position the truck is parked is not a safety issue for others.

I have talked to my neighbors, and they have no objections. I also have letters from my neighbors and pictures. So please grant me this variance and I invite a inspection anytime.

Thank you

Michael R McCracken

Michael R. McCracken



City of Lovington

214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-2884
Fax: 575-396-6328
lbrock@lovington.org

May 29, 2014, 2014

Request for Variance

The purpose of this letter is to inform you that a request for a use variance in zoning has been submitted to the Lovington Planning and Zoning Commission for the property located at 819 West Ave H, Lovington, New Mexico. The property owner has requested a variance be granted to continue parking his dump truck in his driveway, which is in violation of Lovington Municipal Code 17.16.080. This request will be considered at their next regularly scheduled meeting on June 16, 2014 at 4 p.m. held at City Hall, 214 South Love Street, Lovington, New Mexico.

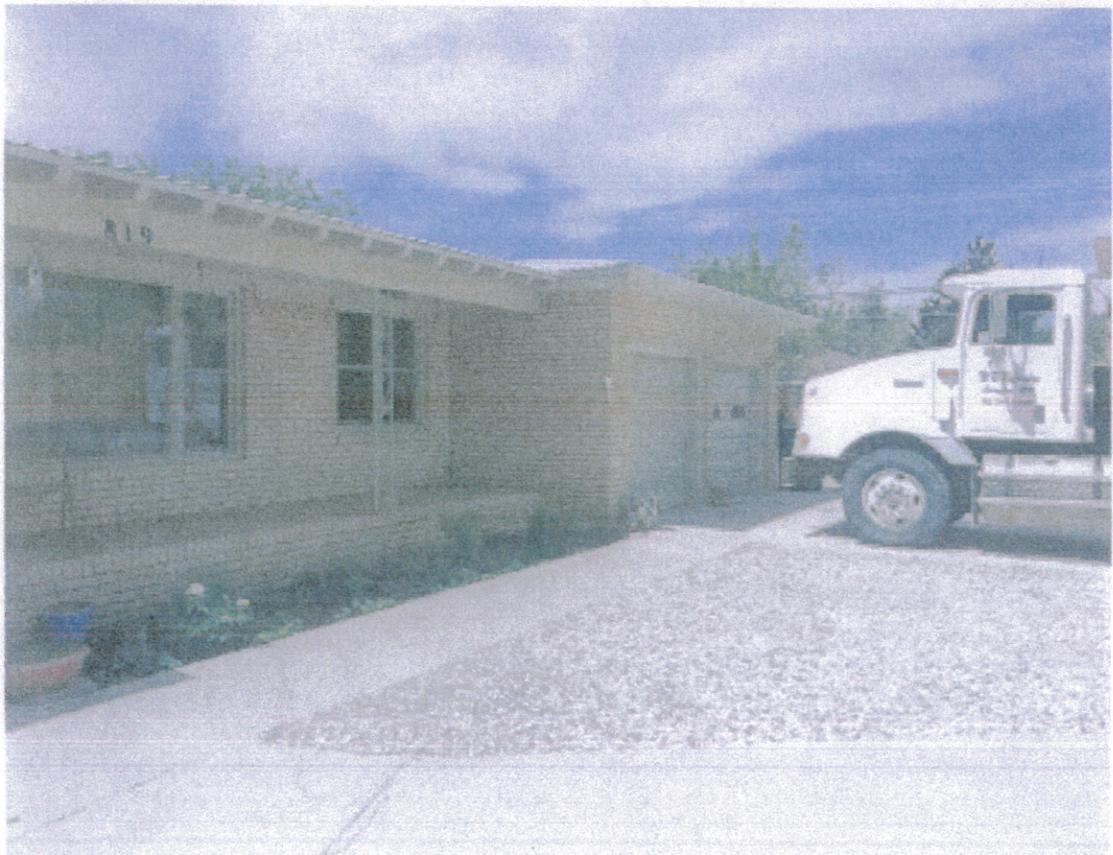
We are providing notification to each property owner within 100 feet of the area, excluding public right of ways, of this variance request. This request, with the recommendation from the Planning and Zoning Commission, will be presented to the Lovington City Commission for final approval at their June 23, 2014 meeting.

If you have any questions, please do not hesitate to contact me at 575-396-9329 or via email at lbrock@lovington.org.

Sincerely,

Laura J. Brock
Code Enforcement Supervisor
City of Lovington NM 88260









5-10-14

To whom it may concern:
we have no objections
to Mike Mc Cracken
keeping his truck at
his home.

4 line East of him.

Yvonne Embree
811 21 Ave N
Lexington, N.M.
88260

May 9, 2014

Dear Commissioners,

I understand the need to get big trucks off the street. It's hard to drive with those big vehicles blocking the roads.

Vehicles that are in a driveway, off the street, let me drive freely with no obstructions, and I appreciate the clear street.

Michael McCracken has been my close neighbor for 14 years now. He and his work truck are very quiet. He keeps his truck off the street, and I appreciate that very much.

Sincerely, Linda Luker

To The Lexington City Commissioners

This letter to you is in support of my neighbor Mr. McCracken who lives across the street from us at the corner of 9th street and West Ave. H.

He and his family have lived there for the past 14 years. All of these years he has been self-employed as a truck driver in the oil field.

He prepared his drive way to hold the weight of a large truck and his garage has the tools to service his truck when needed.

We have had no problem with this. He is a good neighbor. His place is neat and well taken care of. I do not care if he continues to park there.
Park

A. G. Lewis
Nell Lewis

CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: June 16, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Annexation and Zoning Change - S. 17th Street
DEPARTMENT: Code Enforcement
SUBMITTED BY:
DATE SUBMITTED: 6/10/14

STAFF SUMMARY:

Owners of property (8.28 acres) on south 17th have requested to be annexed into the City and given a zoning classification of Zone C - Commercial. The intended use of the property, as staff have been informed, is for the development of a self storage facility.

Notice of the annexation and zoning change has been published as well as certified letter notification per statute have been completed.

FISCAL IMPACT:

REVIEWED BY: _____

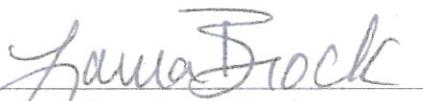
(Finance Director)

ATTACHMENTS:

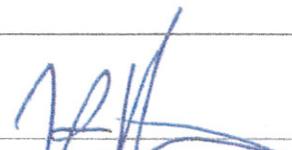
Planning and Zoning Application, Request letter, Annexation Petition, Annexation Exhibit, facility site sketch and photos

RECOMMENDATION:

Staff will present several options to consider.



Department Head



City Manager

PLANNING AND ZONING APPLICATION

- Type(s):
- | | | |
|---|--|--|
| <input type="checkbox"/> VARIANCE | <input type="checkbox"/> SPECIAL USE | <input type="checkbox"/> CONDITIONAL USE |
| <input checked="" type="checkbox"/> ZONE CHANGE | <input type="checkbox"/> VACATION | <input checked="" type="checkbox"/> ANNEXATION |
| <input type="checkbox"/> CARPORT | <input type="checkbox"/> RV PARK | <input type="checkbox"/> MOBILE HOME PARK |
| <input type="checkbox"/> PLAT | <input type="checkbox"/> REPLAT | <input type="checkbox"/> ALTERNATE SUMMARY |
| <input type="checkbox"/> BUILDING | <input type="checkbox"/> MOBILE/MANUFACTURED | <input type="checkbox"/> WATER CONNECTION |
| <input type="checkbox"/> SEWER CONNECTION | <input type="checkbox"/> CURB CUT | <input type="checkbox"/> SIGN |

Applicant Name: John Hasbrook & Don Murphy
 Mailing Address: PO Box 237
Durham, California 95938
 Phone Number: 530.758.8550
 Property Address (Site Location): (see attached)

Property Owner(s): Hasbrook Living Trust, Stafford Beeson Trust

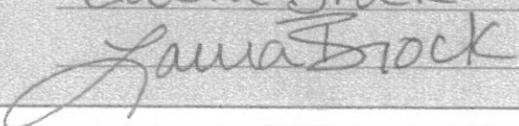
Brief Description of Request: Parcel (8.28 acres) owned by Mr. Hasbrook & Mr. Murphy is currently located in the county, surrounded on 3 sides by City of Lovington land. Currently in ETZ (R1). Requesting to have parcel annexed into City and rezoned to Commercial.

Subdivision: (see attached) Zone: A B C D
 Block: _____
 Lot: _____
 Owner Number: 34695 Parcel Number: 4000346950001
 Book: _____ Page: _____

Present Use of Property: Currently undeveloped land. Parcel is located in City of Lovington ETZ (R1).

Applicant Signature:  Date: 5/27/14

To ensure placement on the agenda, submit all materials three weeks in advance of your scheduled meeting.

Date Received by Code Enforcement: 5-28-14
 Code Enforcement Officer Name: Laura Brock
 Code Enforcement Officer Signature: 

CODE ENFORCEMENT SUPPLEMENT

Does request require adjacent property owner and public notification?

Yes No

If yes, date notification to adjacent property owners sent notification:

5/29/14

Was notification sent by:

Certified Mail¹

1st Class Mail²

Please attach list of property owners, address, and copy of letter, and copy of return receipt (if applicable) to this supplement.

If public notification made, list date of newspaper publication³:

5/31/14

Code Enforcement Recommendation:

- SPECIAL USE PERMIT?
- COMMERCIAL ZONE FOR 3.5 AC - REMAINING ZONE B.

Laura Brock

Reviewing Officer Name

Laura Brock

Reviewing Officer Signature

5-31-14

Date

¹ If zoning change is for an area of one block or less, notice shall be mailed by certified mail to owners of property within 100 feet, excluding public right-of-way, of the area proposed to be changed. (NMSA 1978 3-21-6)

² If zoning change is for an area of more than one block (NMSA 1978 3-2-6) or a variance is requested, notice of public hearing shall be mailed by 1st Class mail to property owners within 100 feet, excluding public right-of-way, of the area proposed to be changed.

³ Notice of the time and place of hearing shall be published at least 15 days prior to the date of the hearing.



City of Lovington

214 South Love Street
PO Box 1268
Lovington, NM 88260

Bus: 575-396-9329
Fax: 575-396-6328
lbrock@lovington.org

May 29, 2014

Request for Annexation and Zoning Change

The purpose of this letter is to inform you that a request for Annexation has been submitted to the Lovington Planning and Zoning Commission for the property located on the East side of 17th (8.28 Acreage tract), New Mexico (see attached property description and map). Request for a Zoning change on the described property above has also been submitted to change from Zone A, residential to Zone C, commercial. This request will be considered at their next regularly scheduled meeting on June 16, 2014 at 4 p.m. held at City Hall, 214 South Love Street, Lovington, New Mexico.

We are providing notification to each property owner within 100 feet of the area, excluding public right of ways, of this Annexation and Zoning request. This request, with the recommendation from the Planning and Zoning Commission, will be presented to the Lovington City Commission for final approval as early as July 14, 2014 meeting.

If you have any questions, please do not hesitate to contact me at 575-396-9329 or via email at lbrock@lovington.org.

Sincerely,

Laura J. Brock
Code Enforcement Supervisor
City of Lovington NM 88260

Mail List for Annexation and Zoning Change South 17th

Halsell, Cecil 1601 W Ave I

Acosta, Daniel 503 W Adams Ave- 1501 Ave I

Benard, John 1407 W Ave I

Dimsha Stanley 5012 Redland Dr. Las Cruces NM 88011

Faris Micheal 1306 W Yucca Dr.

Kann Larry 1701 W Ave J

Gandy Family Trust PO Box 488 Lovington

Weiser Mark PO Box 206

Safford Beeson Trust PO Box 237 Durham CA 95938

Hasbrook Living Trust / Safford Beeson Trust
PO Box 237 Durham, California 95938

May 26, 2014

City of Lovington
City Commission
City Planning & Zoning Board

To Whom It May Concern:

Per the attached plat, I would like to request Annexation of the property into the city, which legal description has been attached hereto.

I would also like to request a Zoning Change for the property from Zone A (Single Family Residential) to Zone C (Commercial). I have outlined the property in RED on the attachment. As you can see the facility will be directly south of Halsell Chiropractic, which is also a commercial building.

If the annexation and new zoning passes, my partners and I will be building a high end, upscale self-storage facility. I have included a couple pictures of comparable facilities that represent what the new facility will look like to help visualize the property. Here is a brief description of positive potential impacts the facility will have:

- Facility will have a very nice curb appeal and will be an asset to the neighborhood with its appropriate appearance. The front will be landscaped nicely with trees, shrubs and flowers, and always kept in tiptop shape.
- Self-storage facilities are a very low traffic business. There is not the constant come and go traffic that most commercial businesses have. For the most part clients only come by once every couple of months to check on their unit.
- A secured facility like ours has very low noise and disturbance. Our facility will have an onsite manager during the day and heavy surveillance at night so disturbances will be at an absolute minimum. Plus minimum traffic around or in the facility means always a very quiet atmosphere. The facility lights will be wall mounted and shine down.

Thank you for your consideration.

Sincerely,



Ryan Burkett

Managing Partner & Agent

PETITION FOR ANNEXATION

Comes now, **HASBROOK LIVING TRUST & SAFFORD BEESON TRUST**, and petitions the City Commission of the City of Lovington, New Mexico, for its consent by resolution for the annexation of that portion of property it owns lying outside the City limits to the City of Lovington more properly described by aforementioned attachments to this petition.

(See Attachments)

And Petitioner states in support of such Petition, pursuant to Section 3-7-17.1 of the New Mexico State Statutes Annotated (1978) that:

1. The property petitioner wishes to be annexed and the real property is contiguous to the present municipal boundaries of the City of Lovington.
2. An Annexation Plat is attached hereto showing the boundaries of the real property proposed for annexation and the relationship of such property to the present boundaries of the City of Lovington.

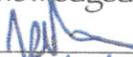
Petitioner: Hasbrook Living Trust, Safford Beeson Trust

By: Ryan Burkett 

Its: Agent

Date: 5/27/14

Acknowledged: City of Lovington

By: 

Date: 5/30/14

ANNEXATION EXHIBIT

PETITIONED ANNEX

(see next page for Property Description)



Proposed
Annexation



Current City
Property
Boundary





CITY OF LOVINGTON
STAFF SUMMARY FORM



MEETING DATE: JUNE 16, 2014

TYPE: RESOLUTION ORDINANCE PROCLAMATION INFORMATION OTHER ACTION

SUBJECT: Variance Request Application
DEPARTMENT: Executive
SUBMITTED BY: James R. Williams, City Manager
DATE SUBMITTED: June 10, 2014

STAFF SUMMARY:

As a result of the work session held last month, the attached variance application has been prepared for your review and approval.

FISCAL IMPACT:

REVIEWED BY: _____

(Finance Director)

ATTACHMENTS:

Variance Request Application

RECOMMENDATION:

Motion to approve

Department Head

James R. Williams

City Manager



Variance Request

The first step in obtaining a variance is to complete the Planning and Zoning Application. This document provides the basic information required for all City planning, zoning and permitting applications. The following check list provides additional requirements for your specific application. Please attach all of the requested documentation, sign, and date.

Variance Request Requirements

- 1) Submit a completed Planning and Zoning Application. All fields must be completed and legible in order to process the application.
- 2) Provide proof of ownership or interest in the property. A deed with a legal description or property lease will meet this requirement. If the applicant is not the owner, an Affidavit by Property Owner(s) is required.
- 3) A site plan, submitted on paper or in an electronic format, showing
 - North arrow
 - Location of site with respect to streets and adjacent properties
 - Property lines and dimensions
 - Location and dimensions of buildings
 - Building setback distances from property lines
 - Any proposed features of the site which are applicable to the requested variance
- 4) A written statement documenting the reason for the variance, including evidence that the request complies with the criteria identified on page 2 ("Criteria for Variance Approval")
- 5) Completed Variance Support Petition

What is a Variance?

A variance is a limited exception to the usual requirements of local zoning. If approval for a variance is obtained, the property owner may make minor deviations to the property that are not in conformance with zoning ordinances. Examples of variances that may be granted can include:

- Use
- Physical requirements such as dimensions or setbacks
- Yard and space requirements
- Requirements applied to all districts
- City-wide design standards

Criteria for Variance Approval

Variance requests must comply with the following criteria as required for approval of a variance:

1. A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from enforcement of the ordinance;
2. The condition or characteristic noted above is not caused by an action or choice of the property owner, occupant, or applicant;
3. The variance is the minimum amount necessary to allow a reasonable use of the property;
4. The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship.
5. The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district;
6. The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance; and
7. There are no other remedies.

Variance Request Procedure

- a) Submit completed Planning and Zoning Application, Variance Request, and all required documentation to City Code Enforcement. Variance requests must be received no later than XXX days prior to the scheduled Lovington Planning and Zoning Commission.
- b) City staff will send notification letters to each owner of property within 100 feet of the property requesting the variance.
- c) The first public hearing in which this matter will be considered is conducted during the Lovington Planning and Zoning Commission meeting. You or an authorized representative are required to attend this hearing.
- d) The recommendation from the Lovington Planning and Zoning Commission will be presented to the Lovington City Commission during a regular meeting. This will serve as the second public hearing. You or an authorized representative are required to attend this meeting.

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative must be present at all public hearings concerning this application.

Applicant Name: _____

Date: _____

Applicant Signature: _____

CITY USE ONLY

Code Enforcement Officer Name: _____

Received: _____

Code Enforcement Officer Signature: _____