



P&Z REGULAR MEETING DRAFT MINUTES
Roswell Planning & Zoning Commission
Tuesday, January 28, 2020 - 6:00 PM
Roswell Convention Center
912 North Main Street

Chair: Riley Armstrong, Vice Chair: David Storey, Secretary: Jesse McDaniel
Members: Kent Taylor, Saul Aguilar, James MacCornack, Jana Lessard

Community Development Staff: William Morris, AICP, CZO; Merideth Hildreth, AICP; Miguel Martinez, CZO
Engineering Staff: Louis Najar, PE

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4, NMSA 1978 and City of Roswell, NM Resolution 19-37.

A. CALL TO ORDER AND WELCOME – Chair Riley Armstrong

The regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Armstrong.

B. ROLL-CALL

Riley Armstrong (Chair)	PRESENT
David Storey	PRESENT
Kent Taylor	PRESENT
Jesse McDaniel	PRESENT
Saul Aguilar	PRESENT
Jana Lessard	PRESENT
James MacCornack	PRESENT

Staff Members Present:

Louis Najar, PE, Director of Engineering & Public Works
William Morris, AICP, CZO, Director of Community Development
Merideth Hildreth, AICP, Planning & Zoning Administrator
Miguel Martinez, CZO, Planning & Zoning Technician
Parker Patterson, Deputy City Attorney

Audience Members Present:

See attached sign-in sheets

C. SWEARING IN: Chair Armstrong swore in staff and members of the audience.

D. APPROVAL OF THE AGENDA

Changes to the agenda: Remove 19-024 and 19-025 from the agenda per applicant request. Applicant has requested a continuance until the February 25, 2020 regular P&Z meeting. Hear cases 20-001 and 20-003 before case 20-002.

Commissioner Storey MOTIONED to approve the agenda of the Planning & Zoning Commission Meeting for Tuesday, January 28, 2020 as amended. Seconded by Commissioner McDaniel. The motion passed by a voice vote of seven to zero.

E. MINUTES: Consider approval of the December 17, 2019 P&Z Regular Meeting Minutes Commissioner Storey MOTIONED to approve the Planning & Zoning Commission minutes for the December 17, 2019 meeting as presented. Seconded by Commissioner Lessard. The motion passed by a voice vote of seven to zero.

F. PUBLIC HEARING ITEMS:

- 1. CASE 20-001 VAR: A request for a Variance to split a lot in the R-1 Residential Zoning District to create two parcels and variances for the smaller parcel regarding minimum lot size, front and rear yard setbacks, more than 40% rear yard coverage, and alley access to off-street parking. Subd: ORIGINAL ROSWELL Block: 24 Lot: 14 Quarter: SE S: 32 T: 10S R: 24E BK: 808 PG: 942 SWD. ADDRESS: 713 N PENNSYLVANIA AVENUE (OWNER: AARON HOLLINGSHEAD).**

Chair Armstrong introduced Case 20-001, a request for a Variance to split a lot in the R-1 Residential Zoning District to create two parcels and variances for the smaller parcel regarding minimum lot size, front and rear yard setbacks, more than 40% rear yard coverage, and alley access to off-street parking.

Commissioner McDaniel recused himself.

Commissioner Storey made a MOTION to waive the Reading of the Finding of Facts with respect to Case 20-001. Seconded by Commissioner McCornack. The motion passed by a voice vote of six to zero, (with Commissioner McDaniel recusing himself).

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 20-001?

In Favor: Jesse McDaniel for Aaron Hollingshead who could not be at the meeting. The property was purchased with both houses. Both houses have separate addresses. Both houses have been remodeled and rented. Mr. Hollingshead is trying to refinance the property as a whole but is not getting the full value for both houses. The applicant would like to split the lot so he can get full value for both homes.

Commissioner Storey: Staff recommendations requires the sidewalk be repaired as well as establishing easements and utilities. Is that ok with the owner?

McDaniel: Yes, the owner is willing to comply.

Against:

None

Staff Comments: Morris: Staff has reviewed this proposed variance request and finds this is consistent with the pattern of the older parts of town, and recommends approval of the variance.

Najar: Reviewed the case, existing structures, two separate addresses already, liked the recommendation for separate sewer and water, it is consistent with the pattern of the mini-lots. Engineering recommends approval of this variance.

MOTION – 20-001 VAR

Commissioner Taylor made a motion to approve Case Number 20-001 along with the land use and zoning considerations, findings of facts, staff recommendations, and testimony we received this evening. Second by Commissioner Storey. The motion passed by a voice vote of six to zero, (with Commissioner McDaniel recusing himself).

- 2. CASE 20-003 ZOC: A request for a Change in Zoning from R-3 Residential to RVP (Recreational Vehicle Park Zoning District). Subd: FRUITLAND Block: 25 Lot: 5 AND:- Lot: 6 , S: 17 T: 11S R: 24E S: 17 T: 11S R: 24E. ADDRESS TO BE ASSIGNED AS 505 W BRASHER ROAD (OWNER: TARA MARRS).**

Chair Armstrong introduced Case 20-003, a request for a Change in Zoning from R-3 Residential to RVP (Recreational Vehicle Park Zoning District).

Commissioner McDaniel resumed position as Commissioner.

Commissioner Storey made a MOTION to waive the Reading of the Finding of Facts with respect to Case 20-003. Seconded by Commissioner McDaniel. The motion passed by a voice vote of seven to zero.

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 20-003?

In Favor: Tara Marrs: Did not speak.

Aaron McGuire: Did not speak.

Ron Beard: The applicants would like to create first rate RV Park with green space. I am a planner and architect by trade and have worked as a consultant in the RV Park trade for years. Economic Impact Study and site plan concept has been shared with Planning & Zoning staff. There will be a central recreation area with pool, outdoor movie/theater, club house/lounge/bath house and 75 to 90 spacious RV sites. Additional parking spaces sprinkled around. Tourism in the summer, spring, fall, consultants, engineers, visiting faculty and professors, visiting nurses, students. We will comply with regulations and building codes.

Kent Taylor: Will this project be phased? Thinks it is an attractive project.

Mr. Beard: It might be phased depending on financing. Phase I is financially viable.

Saul Aguilar: Will there be permanent spaces?

Mr. Beard: This park will not be a primary residence but for visitors.

Against: Pastor Sean Kelly Executive Director for Church on the Move. Not opposed, but the church has some questions and concern. What type of access onto Brasher? Several thousand people attend the church on Wednesdays and Sundays. There's already a transient population in this area of town which has led to break-ins and damage from people not invested in the community. Church would like to see something solid for people invested in the community. The clientele they hope to bring would be beneficial to the community. How does it impact surrounding property values if the RV Park is not maintained? On Brasher we have an RV Park and a couple of trailer parks already.

Jana Lessard: Asked Pastor Sean if tonight was the first time he saw the master plan and if seeing it put his mind to ease.

Pastor Sean: The presentation was helpful.

Commissioner Taylor: I don't think you will get people who will settle down. A KOA is a nice neighbor I would like to have next to me as a nice business.

Pastor Sean: The Church is for improving the community and economics of the community.

Mr. Beard: Those are valid concerns. The right facility and high perceived value attracts the clientele we want. The price point is a filter. There will be strict regulations. Thinking it might be gated. Strong management. If someone is going to stay for an extended time, they will do background checks. Mr. Beard will offer them third-party management.

Staff Comments:

Mr. Morris: This application, with respect to the zoning change, is consistent with the uses in the general area and recommend approval.

Mr. Najar: It does fit in with the zoning of surrounding RV Parks and Mobile Home Parks. It's on an arterial street – Brasher. Engineering recommends approval of this zoning change.

MOTION – 20-003 ZOC

Commissioner McDaniel made a motion to approve Case Number 20-003 along with the land use and zoning considerations, findings of facts, staff recommendations, and testimony we received this evening. Second by Commissioner Lessard. The motion passed by a voice vote of seven to zero.

- 3. CASE 20-002 ZOC: A request for a Change in Zoning from R-3 Residential to C-2 Community Commercial to convert property to hotel. Subd: ROSWELL RETIREMENT CENTER Lot: 1 S: 20 T: 10S R: 24E 291,065.94 SQ FT (6.69 ACRES), BK: 811 PG: 744 SWD. ADDRESS: 2801 N KENTUCKY AVENUE (OWNER: UNITED PARTNERS, LLC).**

Chair Armstrong specified the ground rules.

You may appeal the decision made tonight by filing an appeal with the City Clerk by noon on Thursday.

Chair Armstrong introduced Case 20-002, a request for a Change in Zoning from R-3 Residential to C-2 Community Commercial to convert property to hotel.

Commissioner Aguilar made a MOTION to waive the Reading of the Findings of Facts and Land Use and Zoning Considerations with respect to Case 20-002. Seconded by Commissioner McDaniel. The motion passed by a voice vote of seven to zero.

Please request the audio recording for details.

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 20-002?

In Favor: Narendra Mistry: I have been in Roswell since 1992. I am sorry that the company in Hong Kong evicted the seniors living there. This property was zoned R-3 in 1986. Apartments and hotels are similar. Hotel will have security and management on site 24/7. Apartments, if the property is not maintained, the neighborhood value will decrease. If I maintain the property, the values will remain stable. I will build a wall. If they want to walk their dogs on the ground, feel free, this is your home. I want to create value for myself and my neighbors. Roswell is my home. I'm going to spend money to make it look better and maintain it. Motel has a 47% ratio with traffic, apartment has 60% ratio. I care about the property and the neighbors.

Mr. Taylor: Where is the main entrance?

Mr. Mistry: The entrance side is Kentucky.

Mr. Aguilar: Asked if the fall back is R-3?

Mr. Mistry: That would be my only option, but I am comfortable with Hotel.

In favor: Narendra Mistry, Robert Vigil, Father Jaroslaw Nowacki, Maria Isabella, James Young, Martin Kral

Against within notification area: Thomas Felber, Margaret Tilley

Against outside notification area: Jeff Jasper, Roger Castillo, Robert Tiffner, Karen Perry, Cheryl Ryan, Claudette Foster, Ron Miller, Mary Ellen Johnston, William Alston, Greg Smith, Todd DeKay

Staff Comments:

Mr. Morris: When we first got this request, this was difficult. Trip generation rates in your packet are about the same for hotels and apartments. We looked at noise. We have noise ordinances that apply to all properties. There is no additional construction, whether it is an apartment or hotel. A shopping center is across the street and is commercialized. Staff tries to look at the facts. What are the impacts of either of those uses, will be about the same. They have to install a solid fence or wall. Signage has been specified as limited signage allowed in R-3 zoning district. The last thing we want is it to be dark, not used. We are dealing with a zoning district that says it can be certain types of uses. This is an existing structure that would be compatible with the limitations.

Mr. Najar: When this first came up. I'm familiar with Assumption and the School. When I walked in the Kentucky entrance, I thought I was in a hotel with the foyer and counter. It's very spacious. This is unique because it is an existing structure. What can they do as it is

right now? As R-3 they could make it a hostel or lodging home. The fence would have to be at least 6 feet tall and solid; chain link is not allowed. I'm doing a traffic count. We have conducted several 4 way stop studies, but the traffic count has not warranted it. I would like to see if approved as a hotel with no semi-truck parking in the parking lot as the site geometry doesn't accommodate. Assisted Living is unique business. Assisted living is for-profit business, but the conditions were not there to make a profit. Under R-3, it could become a half-way house as a permitted use. Mr. Mistry is taking a big risk making this into a hotel. If this goes to City Council under appeal, it must be based on facts and not politics. The facts and findings lead me to believe a hotel is the best use.

Commissioner Aguilar: How do you enforce no semi-trucks on this property?

Mr. Najjar: You can put that condition on it due to geometry of existing property.

Commissioner Taylor: We have seen successful hotels that cause no problems and we have seen the other side. We can't tell the future. I see hotels and apartments as different.

Commissioner McDaniel: As it can be used for an apartment, there will be noise and people coming and going. We can specify the fence should be very solid and 7 feet tall and match surrounding structures. This being zoned C-2 will not decrease property values if properly maintained and fenced.

Commissioner McCornack: Page 12 Item 7. Where is the overflow parking?

Mr. Mistry: 3008 N Main is my property and will let people know during booking that semis will not be allowed. And will not allow customers to park on the street. Will install a solid block fence.

Commissioner Lessard: I know what you are talking about in Carlsbad and Hobbs regarding traffic. The better option is what is being proposed.

Commissioner Storey: Would stipulations be considered in zone changes or is that done internally?

Mr. Morris: It would considered a voluntary concession.

Chair Armstrong: One of the first things I learned at a zoning conference is regarding the zone change itself. When a neighborhood was established in R-3 and when you want to rezone it, it opens up a lot of different possibilities that may not always be good and may not be bad. If it is passed, needs to be a solid 7' tall fence out of cinderblock and stucco.

Mr. Storey: What is the existing separation now? Is there a fence now?

Mr. Najjar: There are carports to the south.

Unidentified speaker: There is a partial fence that doesn't go all the way.

MOTION – 20-002 ZOC

Commissioner Storey made a motion to approve Case Number 20-002 a zone change along with the land use and zoning considerations, findings of facts, staff recommendations, and testimony we received this evening and if approved with the stipulations no semi parking allowed within or around the area and 7' tall cinderblock fence aesthetically pleasing on south side. Second by Commissioner Lessard. The motion passed by a roll call vote as follows was four to three.

Storey	Yes
Taylor	No

McDaniel	Yes
Aguilar	No
Lessard	Yes
MacCornack	Yes
Armstrong	No

4 yes - 3 opposed, the motion passed.

An appeal can be filed with the City Clerk by noon on Thursday.

Mr. Martinez: Favorable vote per Article 3: Section 4.A of the Zoning Ordinance 19-02.

Mr. Storey: From what I remember in the past, if there was a certain number of protests of the eligible people, then it required a majority vote. Was that included in tonight's vote?

Mr. Patterson: Quoted Zoning Ordinance Article 3: Section 4.A

Less than majority

Mr. Martinez: 20% would require 321,981 square feet of the total area. Final count was 23,202 square feet, less than 20% of the total notification area.

Chair Armstrong: According to the City Attorney, it is a majority vote. The motion passed.

Appeal goes to City Council.

Any person aggrieved by decision of Planning & Zoning Commission or City Staff may appeal to City Council so long as you received notification or are within the 100 foot notification area.

Najar: City Council will have to follow quasi-judicial procedures.

City Council decision could be appealed to District Court.

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- 4. TEXT AMENDMENT to ZONING ORDINANCE ARTICLE 12: R-1 RESIDENTIAL DISTRICT: To consider text amendment to modify the Zoning Ordinance.**

Chair Armstrong Introduced Item 6: A Text Amendment to Article 12: R-1 Residential District.

Chair Armstrong asked to table text amendments until February meeting.

MOTION – TEXT AMENDMENT

Commissioner Storey made a motion to recommend table text to February Meeting Zoning Ordinance Article 12: R-1 Residential District, Exceptions to Required Yards as

presented this evening. Second by Commissioner McDaniel. The motion passed by a voice vote of seven to zero.

G. NON-ACTION ITEMS

H. OTHER BUSINESS

I. PUBLIC COMMENTS

J. REPORTS/ANNOUNCEMENTS

K. ADJOURN

Chair Armstrong adjourned the meeting at 8:23 p.m.