



P&Z REGULAR MEETING DRAFT MINUTES

Roswell Planning & Zoning Commission

Tuesday, March 26, 2019 - 6:00 PM

Basset Auditorium; Roswell Museum & Art Center
1011 N Richardson Avenue

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
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 18-55.

A. CALL TO ORDER AND WELCOME – Chair Riley Armstrong

A 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	ABSENT
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, Planning & Zoning Technician

Audience Members Present:

Paul Nevarez, Candace Farrar, Martina Uranga, Helen Jobe, Colette Smith, Gloria Wier, Bill Wier, Jeff Smith, Deborah Arnold, Melodi Salas, Jane Moore, Jerry Pope, Linda Montgomery, Kenneth Jennings, Randy Jennings, Bill Wells, Dave Camper, Deborah Pendergrass, Buddy Pendergrass, Jane Nevarez, Maureen McGinn, Connie Helton, Toney Reynolds, Julia Reynolds, Mindea Perham, Allyn Grant, Larry Connolly, Harold Hobson, Mary Rogers, George Reynolds, Lisa Dunlap, Kevin Lukes (via telephone)

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

D. APPROVAL TO AMEND THE AGENDA

Commissioner Storey MOTIONED to amend the agenda to remove Case number 19-005 from the March 26, 2019 Planning & Zoning Commission meeting to be tabled

indefinitely. Seconded by Commissioner Aguilar. The motion passed by a voice vote of six to zero. (Absent: Commissioner McDaniel)

Morris: When (the applicant) is ready for this annexation case to be heard by the Planning & Zoning Commission, Staff will re-advertise (a legal notice) and mail notification letters (to the required property owners) as if it were a new application.

Chair Armstrong: Because the applicant has (a pending case) before the ETZ Authority, it is not necessary at this point to (hear this application) tonight. That does not mean it the case won't come up in a month or in two months. For those of you who were here at last month's meeting, again, everyone will be notified just like you have been in the past when this is going to occur.

Mr. Morris: My understanding is the applicant wants to clear up any preceding cases it has going through the County's process. There is an ETZ Authority meeting evidently scheduled for April 25. The applicant wants to clear up (the Zoning Case with the County) before coming back through the City process.

An audience member spoke and wanted it to know if they could leave because the proper term would be to postpone (the case) indefinitely instead of to table; because when you table something it can be taken off the table later in the meeting. We want to make sure (the Commission) is not going to take this off the table after we leave.

Chair Armstrong: No, (it will not be untabled again at this meeting.) I appreciate everybody's attendance.

Approval of the Agenda: Commissioner Taylor moved to approve the agenda as amended. Seconded by Commissioner Storey. The motion passed by a voice vote of six to zero. (Absent: Commissioner McDaniel)

E. MINUTES: Consider approval of the February 26, 2019 P&Z Regular Meeting Minutes Commissioner Aguilar MOTIONED to approve the minutes for the February 26, 2019 Regular Planning & Zoning Commission Meeting with an amendment to include the audience members on the sign in sheet. Seconded by Commissioner Lessard. The motion passed by a voice vote of six to zero. (Absent: Commissioner McDaniel)

F. PUBLIC HEARING ITEMS:

- 1. CASE 19-008 VAR:** Request for variance for east side yard setback for existing residential structure. Legal Description: Subd: SOUTH PLAINS PARK 1 Block: B Lot: 7 W 0.5 FT AND:- Lot: 8 , BK: 814 PG: 590 QCD. Address: 514 W Jaffa Street. (Owner: Wells Fargo Bank / Agent: McCarthy & Holthus LLP).

Chair Armstrong introduced Case 19-008, a request for a variance.

Commissioner Storey made a MOTION to waive the Reading of the Finding of Facts with respect to Case 19-008. Seconded by Commissioner Taylor. The motion passed by a voice vote of six to zero.

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 19-008?

In Favor: None

Mr. Morris: This is a long distance applicant for a house being conveyed to HUD. From what Staff can tell, the property is conforming and Staff has told this to the applicant. The applicant insisted on getting a variance. This is a formality; the house will be sold to another individual.

Against: None

MOTION – 19-008 VAR

Commissioner Lessard made a motion based on findings of facts, the land use and zoning considerations, materials presented during the meeting, and staff recommendation to approve Case Number 19-008. Seconded by Commissioner Taylor. The motion passed by a voice vote of six to zero. (Absent: Commissioner McDaniel)

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2. **CASE 19-009 VAR:** Request for variance to allow pole sign to encroach in the front yard setback and Right-of-Way. Legal Description: Not Available, UPC 4135060521164000000. Address: 2200 North Main Street – Denny’s Restaurant. (Owner: DENNY’S INC /Agent: Kevin Lukes, Franchise Signs).

Chair Armstrong introduced Case 19-009, a request for a variance to allow a pole sign to encroach in the front yard setback and Right-of-Way.

Commissioner Storey made a MOTION to waive the Reading of the Land Use and Zoning Considerations and Finding of Facts with respect to Case 19-009. Seconded by Commissioner Lessard. The motion passed by a voice vote of six to zero. (Absent: Commissioner McDaniel)

Chair Armstrong: Is there anyone wishing to speak in favor of Case: 19-009?

In Favor: Kevin Lukes via telephone: We are proposing to replace the existing Denny’s sign cabinet with an updated LED illuminated sign cabinet that is smaller than what is existing. The Denny’s sign that is there on the pole is the main identification for this Denny’s Restaurant. The existing sign cabinet is very old and has become dilapidated and

is in need of a lot of repairs. It will cost just as much to repair that sign as it is to replace it. That is why we are proposing to replace it.

Against: None

Bill Morris: This is a replacement of an old sign. The proposed sign reduces the cabinet by 4' from 20' wide to 16' wide. The big issue was the current sign stuck out approximately 4' in the Right-of-Way of US highway 285. Staff's concerns is to push back signs out of the Right-of-Way. The sign is a reduction and the non-conforming component goes from a 4' encroachment to a 2' encroachment in the Right-of-Way. Staff is trying to see if the sign could be out of the Right-of-Way primarily. Staff acknowledges the sign is part of Denny's remodel to update the property. An approval of a variance would give them the right to continue this and make it a conforming sign (legally non-conforming sign).

Commissioner Taylor: To clarify, the existing sign is 4' in the right-of-way right now?

Bill Morris: Yes, the existing case extends into the Right-of-Way by 4'.

Commissioner Taylor: If the applicant reduces the encroachment by 2' with this sign, and if the applicant moved the sign over 2 more feet, there would be no problems?

Bill Morris: That was one of Staff's requests to the applicant to relocate the sign to the other pole, but there is also an LED sign that relies on a two-pole system as you can see the configuration in the application (and meeting packet). It would not be feasible to move the sign anymore.

Merideth Hildreth: Even if the edge of the sign (cabinet) were even with the property line, it would still require a variance because the applicant is changing the whole sign cabinet, which will still be encroaching in the front yard setback.

Commissioner Aguilar: Does NM Department of Transportation have anything to do with this?

Bill Morris: NMDOT has a certain responsibility to this, but Staff has not heard anything from NMDOT. City staff is trying to protect NMDOT right-of-way.

Commissioner Storey: Isn't the airspace under the jurisdiction of the NMDOT?

Louis Najjar: I would assume the sign already has an airspace encroachment, and the proposed sign reduces the airspace encroachment. I don't know if NMDOT is aware of the proposed sign, but they should be aware and have a cursory review. From an engineering point of view if you look on page 51 of 52 of the packet, the proposed sign (cabinet) only has one anchor point. I would like to see some structural engineer's review and drawings that shows the sign will handle the wind load with one anchor point and not be twisted or torn off. The original sign is supported at two locations and along the top rail.

Commissioner Lessard: Asked if the applicant submitted (drawings) in the application. Typically, the specifications will talk about maximum wind load.

Merideth showed the specs to City Engineer Louis Najjar for review.

Louis Najjar: The drawings are not part of your packet. The proposed sign will support up to 115mph wind load stamped by Tony Jacob, New Mexico license, 2/6/2019. My

recommendation would be to approve recommendation of this variance upon concurrence with NMDOT.

Chair Armstrong: You're ok with the recommendation Bill?

Bill Morris: Yes

MOTION – 19-009 VAR

Commissioner Storey made a motion to approve Case Number 19-009 for a variance on the sign as long as the applicant brings in approval from the New Mexico Department of Transportation. Seconded by Commissioner Lessard. The motion passed by a voice vote of six to zero. (Absent: Commissioner McDaniel)

G. NON-ACTION ITEM

H. OTHER BUSINESS

I. PUBLIC COMMENTS

Bill Morris: Staff anticipates holding P&Z in the Convention Center in April. We will confirm and let everyone know.

J. ADJOURN

Chair Armstrong adjourned the meeting at 6:29 p.m.