



**AGENDA**  
**PLANNING & ZONING COMMISSION**  
**BERT CABINESS GOVERNMENT CENTER ASSEMBLY ROOM**  
**3:00 PM January 8, 2019**

**I. ROUTINE MATTERS**

1. Declare Quorum
2. Approval of Agenda
3. Approval of Minutes of December 11, 2019

**II. OLD BUSINESS**

**III. NEW BUSINESS**

- A. Approval of Text Amendment of Unified Development Ordinance (UDO)  
Accessible Parking for People with Disabilities - Section 17.40.100 to include  
reference to American Disabilities Act Citation 42 USC Section 12101.
- B. Approval of Unified Development Ordinance (UDO) Screening Text  
Amendment – Add a new 17.50.070.B.4 as follows:

**4. Outdoor Storage Areas**

- a. All outdoor storage areas established in commercial and industrial  
districts must be screened from view of abutting lots and rights-of-way  
with an opaque fence, wall or vegetative landscape screen at least 6 feet in  
height.
- b. Any existing, unscreened outdoor storage areas in commercial and  
industrial districts must be screened from view of abutting lots and rights-  
of-way with an opaque fence, wall or vegetative landscape screen at least  
6 feet in height. Required screening of existing outdoor storage areas must  
be installed by June 1, 2020.

- C. APPROVAL OF REPLAT OF LOTS 6-10, BLOCK 1 OF SOL Y LOMAS  
ESTATES, UNIT NO. 1. A TRACT OF LAND IN THE NW/4 SECTION 9,  
T2N R36E, N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW  
MEXICO. CONTAINING 1.543 ACRES OF LAND

Name of Applicant: Robert C. Lydick of LYDICK ENGINEERS &  
SURVEYORS, 205 E 2<sup>nd</sup> Street, Clovis, NM 88101

Name of Owner: PCR RENTALS, LLC/Mr. Paul Reed of 2100 Kearny Blvd.  
Clovis, NM 88101

- D. APPROVAL OF ZONE CHANGE FROM [RS-170] – RESIDENTIAL SINGLE-FAMILY TO [RS-7] – RESIDENTIAL SINGLE-FAMILY DISTRICT. SAID ZONE CHANGE TO INCLUDE A TRACT OF LAND IN THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 2 NORTH, RANGE 35 EAST, CONTAINING 8.87 ACRES OF LAND. (Address of Zone Change: 2820 E 21<sup>st</sup> Street).

Name of Owner: Hicks Family Living Trust/ Iantha Hicks Trustee of 1909 Janeway, Clovis, NM 88101.

Name of Applicant: CR Properties LLC, PO Box 5848, Clovis, NM 88102

Percent of Protest: 0%

#### **IV. REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

#### **V. FUTURE AGENDA ITEM**

#### **VI. DISCUSSION ITEM**

#### **VII. ADJOURNMENT**

#### **VIII. STUDY SESSION**

DATE AND TIME OF NEXT SCHEDULED MEETING OF THE PLANNING AND ZONING COMMISSION – February 12, 2020 at 3:00 P.M. ASSEMBLY ROOM, MUNICIPAL BUILDING.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 321 Connelly at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 321 Connelly if a summary or other type of accessible format is needed.

STATE OF NEW MEXICO        )  
COUNTY OF CURRY            ) SS  
CITY OF CLOVIS                )

The Clovis Planning and Zoning Commission met in Special Session on Wednesday, January 8, 2020 at 3:00 PM in the Assembly Room of the Bert Cabiness City Government Building in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of the City with the following members present:

- Present:

Chairman Marcus Smith  
Vice Chairman Thom Moore  
Commissioner John King  
Commissioner Candace Morrison  
Commissioner Juan Garza  
Commissioner Steve North
- Also present:

Justin Howalt, City Manager  
Pete Wilt, Director of Bldg Safety  
Donna Muscato, Admin Assistant, Bldg Safety  
Louis Gordon, Planning & Zoning Administrator  
Jared Morris, City Attorney  
Claire Burroughes, Assistant City Manager  
Allan Silvers, Clovis Fire Department
- Absent:

Clint Bunch, Public Works Director  
Doug Ford, Chief of Police  
Commissioner Vincent Soule
- Visitors:

Barbara Cox  
Michael Grube  
Chad Lydick  
Delman Shirley  
Ronnie Anaya  
Jacob Parr  
Chris Rolston  
Daniel Eilenstine  
Gregory Leeder

**AGENDA ITEM I– ROUTINE MATTERS**

- A. To begin the meeting, a quorum was determined with Roll Call by Donna Muscato, Administrative Assistant for Building Safety. A quorum of 6 was declared.
- B. **Commissioner Steve North moved** to approve the agenda and **Commissioner Juan Garza** seconded the motion. With all commissioners voting in the affirmative, the motion passed with a vote of 6-0.
- C. **Commissioner Candace Morrison** moved to approve the December 11, 2019 minutes and **Vice Chairman Thom Moore** seconded the motion. With all commissioners voting in the affirmative, the motion passed with a vote of 6-0.

**AGENDA ITEM II – OLD BUSINESS**

None

### **AGENDA ITEM III – NEW BUSINESS**

#### **A. APPORVAL OF TEXT AMENDMENT OF UNIFIED DEVELOPMENT ORDINANCE (UDO) ACCESSIBLE PARKING FOR PEOPLE WITH DISABILITIES - SECTION 17.40.100 TO INCLUDE REFERENCE TO AMERICAN DISABILITIES ACT CITATION 42 USC SECTION 12101.**

Louis Gordon, Planning and Zoning Administrator, explained to the Commission that the purpose of the Text Amendment was essentially to make reference to the Federal American Disabilities Act and he gave Staff's recommendation for approval. Mr. Daniel Eilenstine was sworn in by Chairman Marcus Smith to give his input on the matter. Mr. Eilenstine explained to the Commission how ADA Handicapped Wheelchair acceptable spaces need at least 8 feet of space in between their vehicle and the vehicle that is parked in the next parking space in order for the wheelchair to have the proper amount of room to load and unload.

**Chairman Marcus Smith** asked the audience and Staff for any questions and there were none. Motion for Approval was made based on Staff's recommendation by **Commissioner Steve North** and seconded by **Commissioner Candace Morrison**. With all Commissioners voting in the affirmative, the Motion passed with a vote of 6-0.

#### **B. APPROVAL OF UNIFIED DEVELOPMENT ORDINANCE (UDO) SCREENING TEXT AMENDMENT—ADD A NEW 17.50.070.B.4 AS FOLLOWS:**

##### **4. Outdoor Storage Areas**

**a.** All outdoor storage areas established in commercial and industrial districts must be screened from view of abutting lots and rights-of-way with an opaque fence, wall, or vegetative landscape screen at least 6 feet in height.

**b.** Any existing, unscreened outdoor storage areas in commercial and industrial districts must be screened from view of abutting lots and rights-of-way with an opaque fence, wall, or vegetative landscape screen at least 6 feet in height. required screening of existing outdoor storage areas must be installed by June 1, 2020.

Louis Gordon, Planning and Zoning Administrator, explained to the Commission that the purpose of the Text Amendment although, this screening requirement was in the previous Code, it was left out of the Unified Development Ordinance update that was adopted of June 28, 2019. He also gave Staff's recommendation. Michael Grube was sworn in by Chairman Marcus Smith and gave his input on this matter. Mr. Grube asked the Commission what would happen to the property owner if the deadline was not met on time. Mr. Grube stated the added expenses that would be associated with meeting the deadline. Mr. Grube asked the City Manager and City Attorney how much of a fine/fee would be charged if the deadline was not met. **City Attorney, Jared Morris**, after researching the matter, stated there is a penalties provision in the Unified Development Ordinance that allows for fines for a petty misdemeanor and also each day that a violation continues constitutes a separate violation. **Chairman Marcus Smith** asked the audience and Staff if there were any further questions and there were none. Motion for Approval based on Staff's recommendation was made by **Commissioner Steve North** and seconded by **Commissioner Juan Garza**. With all Commissioners voting in the affirmative, the Motion passed with a vote of 6-0.

#### **C. APPROVAL OF REPLAT OF LOTS 6-10, BLOCK 1 OF SOL Y LOMAS ESTATES, UNIT NO. 1. A TRACT OF LAND IN THE NW/4 SECTION 9, T2N R36E, N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO. CONTAINING 1.543 ACRES OF LAND**

**Name of Applicant:** Robert C. Lydick of LYDICK ENGINEERS & SURVEYORS,  
205 E 2<sup>nd</sup> Street, Clovis, NM 88101

**Name of Owner:** PCR RENTALS, LLC/Mr. Paul Reed of 2100 Kearny Blvd.  
Clovis, NM 88101

Louis Gordon, Planning and Zoning Administrator, explained to the Commission about the purpose of the Replat and gave Staff’s recommendation. Mr. Chad Lydick was sworn in by Chairman Smith and spoke on behalf of his client, Mr. Paul Reed, who was not present, on the specifics of the Replat and reasoning for the subdivision replat. Mr. Ronnie Anaya was sworn in by the Commission and asked the Commission and Mr. Lydick what would occupy the open/common areas of the Development Plan. Mr. Lydick answered that the open/common area in the southeast corner would be used as a possible playground area and the stormwater retention was moved to the northeast lot which would allow for any overflow to drain out onto the drainage ditch along 21<sup>st</sup> Street and eventually end up in the playa lake. **Chairman Marcus Smith** asked the audience and staff if there were any further questions and there were none. Motion for Approval based on Staff’s recommendation was made by **Commissioner Steve North** and seconded by **Commissioner Juan Garza**. With all Commissioners voting in the affirmative, the Motion passed with a vote of 6-0.

**D. APPROVAL OF ZONE CHANGE FROM [RS-170] – RESIDENTIAL SINGLE-FAMILY TO [RS-7] – RESIDENTIAL SINGLE-FAMILY DISTRICT. SAID ZONE CHANGE TO INCLUDE A TRACT OF LAND IN THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 2 NORTH, RANGE 35 EAST, CONTAINNING 8.87 ACRES OF LAND. (Address of Zone Change: 2820 E 21st Street).**

**Name of Owner:** Hicks Family Living Trust/ Iantha Hicks Trustee of 1909 Janeway, Clovis, NM 88101.

**Name of Applicant:** CR Properties LLC, PO Box 5848, Clovis, NM 88102  
Percent of Protest: 0%

Louis Gordon, Planning and Zoning Administrator, explained to the Commission that the purpose of the Zone Change was essentially to allow building of residential homes on much smaller lots than what the property currently allows and Staff’s recommendation is to approve the rezoning. He stated also that all surrounding property owners within 100 feet of proposed rezoning were notified and there is zero percent opposition. The applicant, Mr. Chris Rolston was sworn in by Chairman Smith and stated that he would be building Single Family Residences in that area and that he would not start building until the 2<sup>nd</sup> quarter of the year. Mr. Rolston presented the Commission with a preliminary sketch of how he envisioned future development of the subdivision and said he will work with Mr. Lydick on final submittal. **Chairman Marcus Smith** asked the audience and staff if there were any further questions and there were none. Motion for Approval based on Staff’s recommendation was made by **Commissioner John King** and seconded by **Commissioner Steve North**. With all Commissioners voting in the affirmative, the Motion passed with a vote of 6-0.

**AGENDA ITEM 1V – REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

None

**AGENDA ITEM V – FUTURE AGENDA ITEM**

None

**AGENDA ITEM VI – DISCUSSION ITEM**

None

**AGENDA ITEM VII – STUDY SESSION**

None

**AGENDA ITEM VIII – ADJOURNMENT**

There being no further business to come before the committee, the Regular Session meeting was adjourned with the consensus of the committee at 3:40 PM.

**DATE, TIME AND PLACE OF NEXT SCHEDULED MEETING OF THE  
PLANNING AND ZONING COMMISSION:**

Regular Session – **February 12, 2020 at 3:00 PM**  
**ASSEMBLY ROOM, BERT CABINESS CITY GOVERNMENT CENTER**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary



**AGENDA**  
**PLANNING & ZONING COMMISSION**  
**BERT CABINESS GOVERNMENT CENTER ASSEMBLY ROOM**  
**3:00 PM March 11, 2020**

**I. ROUTINE MATTERS**

1. Declare Quorum
2. Approval of Agenda
3. Approval of Minutes of January 8, 2020

**II. OLD BUSINESS**

**III. NEW BUSINESS**

**A. APPROVAL OF UNIFIED DEVELOPMENT ORDINANCE (UDO)  
SCREENING TEXT AMENDMENT – ADD A NEW 17.50.070.B.4 AS  
FOLLOWS:**

**4. Open-Air Storage Areas**

- a. All open-air storage, as defined below, established in commercial and industrial districts must be screened from view of abutting lots and rights-of-way with an opaque fence, opaque wall or vegetative landscape screen at least 6 feet in height.
- b. Any existing, unscreened outdoor storage areas in commercial and industrial districts must be screened from view of abutting lots and rights-of-way with an opaque fence, wall or vegetative landscape screen at least 6 feet in height. Required screening of existing outdoor storage areas must be installed by September 1, 2020.
- c. Open Air Storage Areas include land containing stationary or disabled vehicles, vehicle parts, garbage, rubbish, building materials, scrap materials, metal or other commercial or industrial materials not stored inside a building or other walled and enclosed structure and involve uses of land that do not utilize buildings or that utilize buildings that are incidental and accessory to the open-air use of the land. Typical examples include storage yards, vehicle impound yards, auto wrecking and junkyard lots, auto repair shops containing numerous disabled or inoperable vehicles and secondhand stores.

Name of Applicant: City of Clovis, PO Box 760, Clovis, NM 88101  
(Pages 1-6)

**B. APPROVAL OF REPLAT OF LOTS 1-4, BLOCK 3 OF ORIGINAL TOWNSITE, CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO, CONTAINING 0.643 ACRES OF LAND.**

Name of Owner: Becky Wood/Western Management, LLLP. 313 Main Street, Clovis, NM 88101.

Name of Applicant: Robert C. Lydick of Lydick Engineers and Surveyors, P.O. Box 728, Clovis, NM 88101. (Pages 7-16)

**C. APPROVAL OF A CONDITIONAL USE FOR A SOLAR FARM ON A {RS-170} – RESIDENTIAL SINGLE-FAMILY TRACT OF LAND LOCATED IN SECTION 10, TOWNSHIP 2 NORTH, RANGE 35 EAST, CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO, CONTAINING 73.6 ACRES OF LAND. (Located near the intersection of Coyote Road and Buffalo Drive).**

Name of Owner: Mr. Craig Johnson Self Directed IRA, 1344 US Hwy 60-84, Clovis, NM 88101

Name of Applicant: ENGIE Distributed Solar, 225 W Hubbard Street, Suite 200, Chicago, IL 60654. (Pages 17-39)

**IV. REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

**V. FUTURE AGENDA ITEM**

**VI. DISCUSSION ITEM**

**VII. ADJOURNMENT**

**VIII. STUDY SESSION**

DATE AND TIME OF NEXT SCHEDULED MEETING OF THE PLANNING AND ZONING COMMISSION – April 8, 2020 at 3:00 P.M. ASSEMBLY ROOM, MUNICIPAL BUILDING.



If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 321 Connelly at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 321 Connelly if a summary or other type of accessible format is needed.

STATE OF NEW MEXICO       )  
COUNTY OF CURRY        ) SS  
CITY OF CLOVIS            )

The Clovis Planning and Zoning Commission met in Regular Session on Wednesday, March 11, 2020 at 3:00 PM in the Assembly Room of the Bert Cabiness City Government Building in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of the City with the following members present:

Present:                   Chairman Marcus Smith  
                              Commissioner John King  
                              Commissioner Candace Morrison  
                              Mayor Pro Tem Commissioner Juan Garza  
                              Commissioner Vincent Soule  
                              Commissioner Steve North

Also Present:             Justin Howalt, City Manager  
                              Pete Wilt, Director of Bldg Safety  
                              Louis Gordon, Planning & Zoning Administrator  
                              Jared Morris, City Attorney  
                              Claire Burroughes, Assistant City Manager  
                              Allan Silvers, Clovis Fire Department

Absent:                   Vice Chairman Thom Moore  
                              Clint Bunch, Public Works Director  
                              Doug Ford, Chief of Police  
                              Donna Muscato, Administrative Assistant Bldg Safety

Visitors:                 Kevin Wilson, Eastern New Mexico News  
                              Craig Johnson

#### **AGENDA ITEM I– ROUTINE MATTERS**

- A. To begin the meeting, a quorum was determined with Roll Call by Pete Wilt, Building Safety Director. A quorum of 6 was declared.
- B. **Commissioner Steve North** moved to approve the agenda and **Mayor Pro Tem Juan Garza** seconded the motion. With all commissioners voting in the affirmative, the motion passed with a vote of 6-0.
- C. Mr. Gordon advised regarding changes to the minutes of January 8, 2020. **Mayor Pro Tem Juan Garza** moved to approve the January 8, 2020 minutes as revised, and **Commissioner Steve North** seconded the motion, which carried by acclamation.

All those testifying at the meeting were sworn in by **Chairman Marcus Smith**.

## **AGENDA ITEM II – OLD BUSINESS**

None.

## **AGENDA ITEM III – NEW BUSINESS**

### **A. APPROVAL OF UNIFIED DEVELOPMENT ORDINANCE (UDO) SCREENING TEXT AMENDMENT – ADD A NEW 17.50.070.B.4 AS FOLLOWS:**

#### **4. Open-Air Storage Areas**

**a. All open-air storage, as defined below, established in commercial and industrial districts must be screened from view of abutting lots and rights-of-way with an opaque fence, opaque wall or vegetative landscape screen at least 6 feet in height.**

**b. Any existing, unscreened outdoor storage areas in commercial and industrial districts must be screened from view of abutting lots and rights-of-way with an opaque fence, wall or vegetative landscape screen at least 6 feet in height. Required screening of existing outdoor storage areas must be installed by September 1, 2020.**

**c. Open Air Storage Areas include land containing stationary or disabled vehicles, vehicle parts, garbage, rubbish, building materials, scrap materials, metal or other commercial or industrial materials not stored inside a building or other walled and enclosed structure and involve uses of land that do not utilize buildings or that utilize buildings that are incidental and accessory to the open-air use of the land. Typical examples include storage yards, vehicle impound yards, auto wrecking and junkyard lots, auto repair shops containing numerous disabled or inoperable vehicles and secondhand stores.**

**Name of Applicant: City of Clovis, PO Box 760, Clovis, NM 88101**

Mr. Gordon advised regarding the matter. This item was heard by Planning & Zoning Commission in January when they recommended approval. Staff decided to look further into this. The old code addressed the issue as outdoor storage areas. They decided to use a term already defined in the current UDO which is open air uses and they used open air storage areas. They expounded on giving some more specific examples of the outdoor areas that would have to meet the requirements. They looked at the date given to meet the requirement was June 1, 2020 which they extended out six months to September 1, 2020. Staff's recommendation is on Page 4 of the binder.

Mr. Jared Morris advised in Subsection B that reads "any existing .... Outdoor areas," should be changed to "open air".

Item C is a long sentence and Mr. Gordon would like to change this to add a break in the sentence.

Commissioner North said open air storage would be similar to what is next to Don Maria's. Mr. Howalt said they worked with that individual who has until July 1 to get that cleared out. He could not put a fence around the area to comply as it is not in the proper zone. There is property at Grand and Johnson that would not comply either.

Mayor Pro Tem Garza asked about enforcement. You give someone a citation for not complying, but people continue to not do what they are supposed to do. Mr. Howalt said traditionally they try to work with people if they are making a good faith effort to comply with the code. If they are not the city has the ability to cite and fine property owners. Mayor Pro Tem Garza said if he was told to put a fence on the property and it would cost \$10,000.00 and the fine was \$50.00, I would rather pay the fine. He did not think enforcement was achieving what they were trying to accomplish. He felt they should do something more than they were trying to accomplish.

Mr. Morris said for each day of violation it could be \$300.00 for each day of non-compliance at the discretion of the municipal judge. Commissioner North asked what happens if they do not comply. Mr. Morris said it is a quasi-criminal violation and there would not be any liens on the property or anything like that.

**Mayor Pro Tem Garza** moved for approval based on staff's recommendation; **Commissioner North** seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

**B. APPROVAL OF REPLAT OF LOTS 1-4, BLOCK 3 OF ORIGINAL TOWNSITE, CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO, CONTAINING 0.643 ACRES OF LAND.**

**Name of Owner: Becky Wood/Western Management, LLLP. 313 Main Street, Clovis, NM 88101.**

**Name of Applicant: Robert C. Lydick of Lydick Engineers and Surveyors, P.O. Box 728, Clovis, NM 88101. (Pages 12-26)**

Mr. Gordon advised regarding the matter and made a recommendation. Mr. Lydick was not present. The proposed developed re-plat is existing and sits at the northwest corner of Sheldon and 6<sup>th</sup> Street. The plat is in the packet on Page 16. It is six tracts of land. Some of the tracts are landlocked and they are re-platting the area to allow for access. There is an undersized lot which is a legal non-conforming lot and will remain so. It will decrease from 6 to 5 lots. On page 12 staff's recommendation stating it meets the standards of 17-65.060 and 17.65.070 of the City's UDO for Replats and lot line adjustments. Adjoining property owners were notified and there was no compelling evidence against the recommendation.

There being no discussion, **Mayor Pro Tem Juan Garza** moved for approval based on staff's recommendation; **Commissioner Candace Morrison** seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

**C. APPROVAL OF A CONDITIONAL USE FOR A SOLAR FARM ON A {RS-170} – RESIDENTIAL SINGLE-FAMILY TRACT OF LAND LOCATED IN SECTION 10, TOWNSHIP 2 NORTH, RANGE 35 EAST, CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO, CONTAINING 73.6 ACRES OF LAND. (Located near the intersection of Coyote Road and Buffalo Drive).**

**Name of Owner: Mr. Craig Johnson Self Directed IRA, 1344 US Hwy 60-84, Clovis, NM 88101**

**Name of Applicant: ENGIE Distributed Solar, 225 W Hubbard Street, Suite 200, Chicago, IL 60654. (Pages 27-56)**

Louis Gordon advised regarding the matter. Mr. Buchberger was present by phone. Recommendation on Page 27 of the binder. He received an email from the project development manager with a change to the application. The conditional use did not state the company and so he sent another application, which is not part of the packet. He mentions he has corrected the applicant's name that they are still doing business as Engie Distributed Solar but the specific project company is SoCore Clovis 1 LLC. Brent Buchberger Project Development Manager with ENGIE.

Staff's recommendation is to approve the conditional use, based on the 8 criteria. The approval of conditional use should not read text amendment. Mr. Gordon read the Eight criteria:

1. The approval of the proposed text amendment would implement and better achieve the goals and objectives of the Comprehensive Plan.
2. To support development, construction and operation of a commercial solar power facility as described in Section 17.30.020.C16 of the City of Clovis Unified Development Ordinance.
3. The type use meets the requirements of Section 17.65.110H of the City of Clovis Unified Development Ordinance.
4. The proposed use is expressly authorized as a conditional use.
5. The proposed use will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity.
6. The approval of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
7. The proposed conditional use will be served by adequate utilities, access roads, parking, drainage and other important and necessary facilities, infrastructure and community services.
8. The proposed special use complies with all applicable regulations of the Unified Development Ordinance except as expressly approved in accordance with the procedures of the City of Clovis Unified Development Ordinance.

**Chairman Smith** asked if anyone had any questions. He asked for an explanation of the term “Conditional Use”. A use that is permissible only with conditions in a certain district. For this to be approved it has to be a conditional use because of the zoning district where the development will take place.

Mr. Buchberger said the solar array is pretty massive. He intended to be there in person but they have a global travel ban as of Monday this week. ENGIE is a company tracing roots back to 1858 to construct the Suez Canal. They develop, construct and finance their assets, building hundreds across the US from rooftop units for Walgreens to work with Microsoft, Amazon, etc. It is approximately 20 acres at Wheaton and Coyote. The entrance will be off Coyote Street. They are calling it Coyote Solar. They executed an agreement in mid-2018. Originally it was further on Wheaton. After discussing access challenges, they decided to move it. In 2019 the utility was going through a statewide approval process. The city adopted the UDO. The project tied to at the state level was approved and so they are moving forward. They understand they have to comply with conditional use. It is a 20 acre, about 20% use of the parcel. Just under 2 megawatts. They have an interconnect agreement with southwestern public service. It is a single solar tracking project. It will be fully fenced with controlled access, planted with native grass habitat for soil erosion control, natural habitat, etc.

They are encapsulated in glass to convert sunlight. It converts to AC electricity providing protection and controls. They have antireflective coating. Part of FAA criteria. They have done a glare study and this was provided to Cannon who stated this Monday they had no concern.

There is [www.solarfarmtour.org](http://www.solarfarmtour.org) for a project twice the size of this that has video at 1,000 feet 500 feet and ground level to give a sense of what it looks and sounds like in a highly developed neighborhood. There is no permanent staff onsite. They do not require any municipal connections.

They will design with string inverters, similar to rooftop solars. It is quiet. The decibel level is quiet and falls behind ambient background noise by the time you are at the fence. It only operates during the day and will shut down at night.

**Commissioner Vincent Soule** moved for approval based on staff’s recommendation; **Commissioner Steve North** seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

#### **AGENDA ITEM 1V – REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

Commissioner Soule asked regarding the status of the sign ordinance. Mr. Howalt advised it was a work in progress.

#### **AGENDA ITEM V – FUTURE AGENDA ITEM**

None

#### **AGENDA ITEM VI – DISCUSSION ITEM**

None

**AGENDA ITEM VII – STUDY SESSION**

None

**AGENDA ITEM VIII – ADJOURNMENT**

There being no further business to come before the Commission, the Regular Session meeting was adjourned with the consensus of the Commission at 3:45 PM.

**DATE, TIME AND PLACE OF NEXT SCHEDULED MEETING OF THE  
PLANNING AND ZONING COMMISSION:**

Regular Session – April 8, 2020 at 3:00 PM  
ASSEMBLY ROOM, BERT CABINESS CITY GOVERNMENT CENTER

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Chair

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Secretary



AGENDA  
PLANNING & ZONING COMMISSION  
BERT CABINESS GOVERNMENT CENTER ASSEMBLY ROOM  
3:00 PM May 13, 2020

DUE TO GOVERNOR LUJAN GRISHAM'S ORDER LIMITING THE NUMBER OF ATTENDEES AT GATHERINGS, THE PLANNING AND ZONING COMMISSION MEETING WILL NOT BE OPEN TO THE GENERAL PUBLIC. THE PUBLIC IS INVITED TO CALL IN QUESTIONS THEY MAY HAVE TO (575) 763-9200, WHICH WILL BE SHARED WITH THE PLANNING AND ZONING COMMISSION.

1. ROUTINE MATTERS

1. Declare Quorum
2. Approval of Agenda
3. Approval of Minutes of March 11, 2020

11. OLD BUSINESS

111. NEW BUSINESS

- A. APPROVAL OF REPLAT OF TRACT 12 OF THE MAULDIN ADDITION, A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 7 TOWNSHIP 2 NORTH RANGE 36 EAST N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO, CONTAINING 3 PARCELS IN 7.797 ACRES OF LAND.

Name of Applicant: Mr. C. Lydick of LYDICK ENGINEERS & SURVEYORS, 205 E Second street, Clovis, NM 88101.

Name of Owner: CLOVIS MUNICIPAL SCHOOLS, P.O. Box 19000, Clovis, NM 88102 (Pages 9-27)

- B. APPROVAL OF NEWMAN LAKE SUBDIVISION UNIT NO. 2, A



REPLAT OF A PORTION OF BLOCK 4 OF THE HILLCREST  
ADDITION, UNIT No. 2. A TRACT OF LAND IN THE SOUTHWEST

1

QUARTER OF SECTION 9, TOWNSHIP 2 NORTH RANGE 35 EAST,  
N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO,  
CONTAINING 5 LOTS, IN 1.400 ACRES OF LAND.

Name of Applicant: Robert C. Lydick of Lydick Engineers and Surveyors, P.O.  
Box 728, Clovis, NM 88101.

Name of Owner: TOWNE TALK, INC./Mr. Monty Newman, P.O. Box 278, Clovis,  
NM 88101 (Pages 28-41)

**IV.**

v. FUTURE AGENDA ITEM

**VI.**

VII. ADJOURNMENT

VIII. STUDY SESSION

DATE AND TIME OF NEXT SCHEDULED MEETING OF THE PLANNING AND  
ZONING COMMISSION - June 10, 2020 at 3:00 P.M. ASSEMBLY ROOM,  
MUNICIPAL BUILDING.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 321 Connelly at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 321 Connelly if a summary or other type of accessible format is needed.

STATE OF NEW MEXICO       )  
COUNTY OF CURRY        ) SS  
CITY OF CLOVIS            )

**DUE TO GOVERNOR LUJAN GRISHAM'S ORDER LIMITING THE NUMBER OF ATTENDEES AT GATHERINGS, THE PLANNING AND ZONING COMMISSION MEETING WILL NOT BE OPEN TO THE GENERAL PUBLIC. THE PUBLIC IS INVITED TO CALL IN QUESTIONS THEY MAY HAVE TO (575) 763-9200, WHICH WILL BE SHARED WITH THE PLANNING AND ZONING COMMISSION.**

The Clovis Planning and Zoning Commission met in Virtual Session on Wednesday, May 13, 2020 at 3:00 pm in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of the City with the following members present:

Present:                   Chairman Marcus Smith  
                              Vice Chairman Thom Moore  
                              Commissioner John King  
                              Commissioner Candace Morrison  
                              Commissioner Juan Garza  
                              Commissioner Vincent Soule  
                              Commissioner Steve North

Also Present:           Justin Howalt, City Manager  
                              Pete Wilt, Director of Bldg Safety  
                              Donna Muscato, Adm Assist. Bldg Safety  
                              Louis Gordon, Planning & Zoning Administrator  
                              Jared Morris, City Attorney  
                              Allan Silvers, Clovis Fire Department  
                              Clint Bunch, Public Works Director

Absent:                   Doug Ford, Chief of Police  
                              Claire Burroughes, Assistant City Manager

Visitors:                Chad Lydick, Lydick Engineers  
                              Paul Nelson, City of Clovis IT Dept.  
                              Steven Hewett, City of Clovis IT Dept.  
                              Eugene Kelly, City of Clovis IT Dept.

## **AGENDA ITEM I– ROUTINE MATTERS**

- A. To begin the meeting, a quorum was determined with Roll Call by Donna Muscato, Building Safety Administrative Assistant. A quorum of 7 was declared.
- B. **Commissioner Juan Garza** moved to approve the agenda and **Commissioner Candace Morrison** seconded the motion. With all Commissioners voting in the affirmative, the motion passed with a vote of 7-0.
- C. **Commissioner Candace Morrison** moved to approve the March 11, 2020 minutes, and **Commissioner Juan Garza** seconded the motion. With all Commissioners voting in the affirmative, the motion passed with a vote of 7-0.

All those testifying at the meeting were sworn in by **Chairman Marcus Smith**.

## **AGENDA ITEM II – OLD BUSINESS**

None.

## **AGENDA ITEM III – NEW BUSINESS**

- A. **APPROVAL OF REPLAT OF TRACT 12 OF THE MAULDIN ADDITION, A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 7 TOWNSHIP 2 NORTH RANGE 36 EAST N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO, CONTAINING 2 PARCELS IN 7.797 ACRES OF LAND.**

Name of Applicant: Mr. Robert C. Lydick of LYDICK ENGINEERS & SURVEYORS, 205 E Second Street, Clovis, NM 88101.

Name of Owner: CLOVIS MUNICIPAL SCHOOLS, P.O. Box 19000, Clovis, NM 88102

**Commissioner John King** recused himself from participation or voting on this item due to being an employee of the Clovis Municipal Schools System. **Louis Gordon, Planning and Zoning Administrator** explained that this Tract of land contains only 2 parcels and not 3 which was originally submitted in the legal description and that he had not changed it prior to approval of the agenda. The Replat has been modified to 2 parcels and the access road that was a separate Parcel is now included as part of the Clovis Municipal Schools Parcel. The request for approval of the Replat of Tract 12 of the Mauldin Addition meets the standards of Chapter 17.65, Section 17.65.060 of the City's Unified Development Ordinance for Replats and Lot line Adjustments. All property owners within 100 feet were notified and there is no compelling evidence that there would be a threat to the public health, safety and welfare, which is unique to the proposed request. **Chad Lydick** stated that he would just add to what Mr. Gordon said, in that the reason for the Replat was so that the Clovis Municipal Schools would be able to sell parcel 2. That is where the Citizens Drive-thru Bank presently is located. There being no further questions. **Commissioner Steve North** moved for approval based on city staff's

recommendation and **Commissioner Juan Garza** seconded the motion. Upon a roll call vote, with **Commissioner John King** abstaining, the motion passed with a vote of 6-0.

**B. APPROVAL OF NEWMAN LAKE SUBDIVISION UNIT NO. 2, A REPLAT OF A PORTION OF BLOCK 4 OF THE HILLCREST ADDITION, UNIT NO. 2. A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH RANGE 35 EAST, N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO, CONTAINING 6 LOTS, IN 3.690 ACRES OF LAND.**

Name of Applicant: Robert C. Lydick of Lydick Engineers and Surveyors, P.O. Box 728, Clovis, NM 88101.

Name of Owner: TOWNE TALK, INC./Mr. Monty Newman, P.O. Box 278, Clovis, NM 88101 (Pages 28-41)

**Louis Gordon, Planning and Zoning Administrator** stated that there are actually 6 lots and not 5 lots as originally stated on the agenda. The storm water retention area has now been designated as a lot by itself, Lot 17. This area is also an existing development. The request for approval meets the standards of Chapter 17.65, Section 17.65.060 of the City's Unified Development Ordinance for Replats and Lot line Adjustments. All property owners within 100 feet were notified and there is no compelling evidence that there would be a threat to the public health, safety and welfare, which is unique to the proposed request. **Louis Gordon** asked if there were any questions from the Commissioners. There were none. **Chad Lydick** spoke on the development of the area in question mentioning that the area was initially platted as a part of the Hillcrest Addition, Unit 2. In 2007 the area directly east was platted as the Newman Lake Subdivision, however no development ever occurred. He stated that there are existing structures already on the proposed 5 Lots along Mockingbird Lane. Lot 17 as indicated on the plat contains the retention basin that will be given to the City of Clovis for the purpose of storm water management. Chairman Marcus Smith asked if the City of Clovis would be responsible for the upkeep of the retention basin. **Justin Howalt, City Manager** stated that the City would be responsible. **Louis Gordon** asked Mr. Lydick since the stormwater retention basin will be given to the city, does that dedication need to be reflected on the Plat. **Justin Howalt, City Manager** responded indicating that he would like for Mr. Lydick to reflect the dedication of the stormwater retention basin to the City on the plat. There being no further questions, **Commissioner Juan Garza** moved for approval based on city staff's recommendation and **Commissioner Steve North** seconded the motion. Upon a roll call vote, the motion passed with a vote of 7-0.

**AGENDA ITEM 1V – REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

**Louis Gordon, Planning and Zoning Administrator** reported the Unified Development Ordinance Screening Text Amendment for Open-Air Storage Areas that the Planning and Zoning Commission recommended approval of during the last meeting was approved by the City Commission at their meeting on April 26, 2020.

**AGENDA ITEM V – FUTURE AGENDA ITEM**

**None**

**AGENDA ITEM VI – DISCUSSION ITEM**

**None**

**AGENDA ITEM VII – STUDY SESSION**

**None**

**AGENDA ITEM VIII – ADJOURNMENT**

There being no further business to come before the Commission, the Regular Session meeting was adjourned with the consensus of the Commission at 3:20 PM.

**DATE, TIME AND PLACE OF NEXT SCHEDULED MEETING OF THE  
PLANNING AND ZONING COMMISSION:**

**Regular Session – June 10, 2020 at 3:00 PM  
ASSEMBLY ROOM, BERT CABINESS CITY GOVERNMENT CENTER**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary



**AGENDA  
PLANNING & ZONING COMMISSION  
BERT CABINESS GOVERNMENT CENTER ASSEMBLY ROOM  
3:00 PM June 10, 2020**

**DUE TO GOVERNOR LUJAN GRISHAM'S ORDER LIMITING THE NUMBER OF ATTENDEES AT GATHERINGS, THE PLANNING AND ZONING COMMISSION MEETING WILL NOT BE OPEN TO THE GENERAL PUBLIC. THE PUBLIC IS INVITED TO CALL IN QUESTIONS THEY MAY HAVE TO (575) 763-9200, WHICH WILL BE SHARED WITH THE PLANNING AND ZONING COMMISSION.**

**I. ROUTINE MATTERS**

1. Declare Quorum
2. Approval of Agenda
3. Approval of Minutes of May 13, 2020

**II. OLD BUSINESS**

**III. NEW BUSINESS**

**A. APPROVAL OF PRELIMINARY PLAT OF THE COLONIES, A SUBDIVISION WITHIN THE SOUTHEAST QUARTER (1/4) SECTION 4, TOWNSHIP 2 NORTH RANGE 36 EAST, N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO. SAID TRACT CONTAINS 109.929 ACRES OF LAND.**

Name of Applicant: Robert C. Lydick of Lydick Engineers and Surveyors,  
P.O. Box 728, Clovis, NM 88101.

Name of Owner: GOOD HEART PROPERTIES, LLC, PO Box 5338,  
Clovis, NM 88101

**B. APROVAL OF ZONE CHANGE FROM [RS-170] – RESIDENTIAL SINGLE-FAMILY-170 DISTRICT TO [RS-7] – RESIDENTIAL SINGLE-FAMILY–7 DISTRICT OF THE COLONIES SUBDIVISION. SAID ZONE CHANGE TO INCLUDE A TRACT OF LAND IN THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 2 NORTH, RANGE 36 EAST, N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO.**

Name of Applicant: Mr. Robert C. Lydick of LYDICK ENGINEERS & SURVEYORS, 205 E Second Street, Clovis, NM 88101.

Name of Owner: Mr. Chris Rolston of GOOD HEART PROPERTIES, LLC, PO Box 5838, Clovis, NM 88101

Percentage of Protest: 0%

**C. APPROVAL OF THE REPLAT OF LOTS 2 & 3 BLOCK 25 OF THE RIATA ADDITION UNIT NO. 3 AND LOTS 4, 5, & 6, BLOCK 25 OF THE RIATA ADDITION UNIT NO. 4, CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO. SAID TRACT CONTAINS 1.113 ACRES OF LAND AND THE LOTS HAVE BEEN RE-PLATTED INTO ONE (1) LOT.**

Name of Applicant: Robert C. Lydick of PO Box 728, Clovis, NM 88101

Name of Owner: Craig & Shirley Chapman DBA CHAPMAN CONSTRUCTION, 233 NM 88, Portales, NM 88130

**D. APPROVAL OF A CONDITIONAL USE FOR A REAR YARD ACCESSORY DWELLING UNIT WITHIN THE COUNTRY CLUB ESTATES ADDITION, UNIT NO. 9, LOT 2, BLOCK 19. (Address of Property: 1501 Avondale Blvd).**

**Name of Applicant(s)/Owners:** Sarah and Jonathan Lascurain of 1501 Avondale Blvd., Clovis, NM 88101

**1V. REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

**V. FUTURE AGENDA ITEM**

**VI. DISCUSSION ITEM**

**VII. ADJOURNMENT**

## **VIII. STUDY SESSION**

**DATE AND TIME OF NEXT SCHEDULED MEETING OF THE PLANNING AND ZONING COMMISSION – July 8, 2020 at 3:00 P.M. ASSEMBLY ROOM, MUNICIPAL BUILDING.**

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 321 Connelly at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 321 Connelly if a summary or other type of accessible format is needed.





**AGENDA  
PLANNING & ZONING COMMISSION  
NORTH ANNEX CLOVIS CARVER PUBLIC LIBRARY  
3:00 PM July 8, 2020**

**I. ROUTINE MATTERS**

1. Declare Quorum
2. Approval of Agenda
3. Approval of Minutes of May 13, 2020

**II. OLD BUSINESS**

**III. NEW BUSINESS**

**A. APPROVAL OF PRELIMINARY PLAT OF THE COLONIES, A SUBDIVISION WITHIN THE SOUTHEAST QUARTER (1/4) SECTION 4, TOWNSHIP 2 NORTH RANGE 36 EAST, N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO. SAID TRACT CONTAINS 109.929 ACRES OF LAND.**

Name of Applicant: Robert C. Lydick of LYDICK ENGINEERS AND SURVEYORS, P.O. Box 728, Clovis, NM 88101.

Name of Owner: Mr. Chris Rolston dba GOOD HEART PROPERTIES, LLC, PO Box 5338, Clovis, NM 88101

**B. APPROVAL OF ZONE CHANGE FROM [RS-170] – RESIDENTIAL SINGLE-FAMILY DISTRICT TO [RS-7] – RESIDENTIAL SINGLE-FAMILY– DISTRICT OF THE COLONIES SUBDIVISION. SAID ZONE CHANGE TO INCLUDE A TRACT OF LAND IN THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 2 NORTH, RANGE 36 EAST, N.M.P.M., CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO.**

Name of Applicant: Mr. Robert C. Lydick of LYDICK ENGINEERS & SURVEYORS, P.O. Box 728, Clovis, NM 88101.

Name of Owner: Mr. Chris Rolston dba GOOD HEART PROPERTIES, LLC, PO Box 5838, Clovis, NM 88101

Percentage of Protest: 2%

**C. APPROVAL OF THE REPLAT OF LOTS 2 & 3 BLOCK 25 OF THE RIATA ADDITION UNIT NO. 3 AND LOTS 4, 5, & 6, BLOCK 25 OF THE RIATA ADDITION UNIT NO. 4, CITY OF CLOVIS, CURRY COUNTY, NEW MEXICO. SAID TRACT CONTAINS 1.113 ACRES OF LAND AND THE LOTS HAVE BEEN RE-PLATTED INTO ONE (1) LOT.**

Name of Applicant: Robert C. Lydick of P.O. Box 728, Clovis, NM 88101

Name of Owner: Craig & Shirley Chapman dba CHAPMAN CONSTRUCTION, 233 NM 88, Portales, NM 88130

**D. APPROVAL OF A CONDITIONAL USE FOR A REAR YARD ACCESSORY DWELLING UNIT WITHIN THE COUNTRY CLUB ESTATES ADDITION, UNIT NO. 9, LOT 2, BLOCK 19. (Address of Property: 1501 Avondale Blvd).**

Name of Applicants/Owners: Sarah and Jonathan Lascrain of 1501 Avondale Blvd., Clovis, NM 88101.

**E. APPROVAL OF A CONDITION USE FOR A TYPE 2 HOME OCCUPATION FOR THE PURPOSE OF OPERATING A BARBER SHOP/HAIR SALON WITHIN THE NORTH PARK ADDITION, BLOCK 46, LOT 6, THE WEST 60.76 FEET OF A "RS-7" – RESIDENTIAL SINGLE-FAMILY LOT. (Address of property: 412 E 7<sup>th</sup> Street).**

Name of Owner/Applicant: Mr. Joe Garcia of 2002 W 9<sup>th</sup> Street, Clovis, NM 88101.

**IV. REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

**V. FUTURE AGENDA ITEM**

**VI. DISCUSSION ITEM**

**VII. ADJOURNMENT**

**VIII. STUDY SESSION**

DATE AND TIME OF NEXT SCHEDULED MEETING OF THE PLANNING AND ZONING COMMISSION – August 12, 2020 at 3:00 P.M. NORTH ANNEX CLOVIS

CARVER PUBLIC LIBRARY located at 701 N Main Street, Clovis, New Mexico 88101.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 321 Connelly at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 321 Connelly if a summary or other type of accessible format is needed.



**AGENDA  
PLANNING & ZONING COMMISSION  
NORTH ANNEX CLOVIS CARVER PUBLIC LIBRARY  
3:00 PM September 9, 2020**

**I. ROUTINE MATTERS**

1. Declare Quorum
2. Approval of Agenda
3. Approval of Minutes of July 8, 2020 (Pages 1-6)

**II. OLD BUSINESS**

**III. NEW BUSINESS**

**A. APPROVAL OF CITY OF CLOVIS UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT, CHAPTER 17.55.010 - OUTDOOR LIGHTING.**

Name of Applicant: City of Clovis, P.O. Box 760, Clovis, New Mexico 88101  
(Pages 7-14)

**B. APPROVAL OF A CONDITIONAL USE FOR A TYPE 2 HOME OCCUPATION WITHIN THE NORTH PARK ADDITION, BLOCK 5, LOT 8, A "RS-7" - RESIDENTIAL SINGLE-FAMILY LOT. (Address of Property is 1307 Gidding Street).**

Name of Applicant/Owner: Alexis & Noah Paul of 1307 Gidding Street, Clovis, New Mexico 88101 (Pages 15-30)

**C. APPROVAL OF A CONDITIONAL USE FOR A REAR YARD ACCESSORY DWELLING UNIT WITHIN THE FOXWOOD ESTATES ADDITION, UNIT NO. 1, LOT 25, BLOCK 1. (Address of Property is 2412 Putnam Drive).**

Name of Applicant/Owner: Linsey & Dustin Marr of 2412 Putnam Drive, Clovis, New Mexico 88101. (Pages 31-49)

**D. APPROVAL TO VACATE ALLEY RIGHT-OF-WAY, A 20 FOOT ALLEY TO BE VACATED BETWEEN LOT 5, PLAT OF RIATA ADDITION UNIT NO. 2 SITUATE IN SECTION 1 T2N, R35E, N.M.P.M, CURRY COUNTY, NEW MEXICO. CONTAINNING 5629.622 SQUARE FEET OR 0.129 ACRES MORE OR LESS.**

Applicant: Kimberly Dotray, Real Property Manager, EPCOR Water, 1005 N Norris Street, Clovis, NM 88101

Owner: EPCOR WATER New Mexico, 1005 N Norris Street, Clovis, NM 88101  
(Pages 50-57)

**IV. REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

**V. FUTURE AGENDA ITEM**

**VI. DISCUSSION ITEM**

**VII. ADJOURNMENT**

**VIII. STUDY SESSION**

DATE AND TIME OF NEXT SCHEDULED MEETING OF THE PLANNING AND ZONING COMMISSION – October 14, 2020 at 3:00 P.M. NORTH ANNEX CLOVIS CARVER PUBLIC LIBRARY located at 701 N Main Street, Clovis, New Mexico 88101.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 321 Connelly at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 321 Connelly if a summary or other type of accessible format is needed.

STATE OF NEW MEXICO       )  
COUNTY OF CURRY        ) SS  
CITY OF CLOVIS            )

The Clovis Planning and Zoning Commission met at the North Annex of the Clovis Carver Public Library on Wednesday, September 9, 2020 at 3:00 pm in full conformity with the laws of the State of New Mexico and the ordinances and resolutions of the City with the following members present:

Present:                   Chairman Marcus Smith  
                              Commissioner John King  
                              Commissioner Candace Morrison  
                              Commissioner Juan Garza  
                              Commissioner Vincent Soule  
                              Commissioner Steve North

Also Present:             Justin Howalt, City Manager  
                              Daron Roach, Director of Bldg. Safety  
                              Jared Morris, City Attorney  
                              Claire Burroughes, Assistant City Manager  
                              Louis Gordon, Planning & Zoning Administrator  
                              Allan Silvers, Fire Department  
                              Clint Bunch, Public Works Director

Absent:                   Vice Chair Thom Moore  
                              Doug Ford, Chief of Police  
                              Donna Muscato, Adm Asst., Bldg. Safety  
                              Pete Wilt, Building Safety Director

Visitors:                 William Ward  
                              Michael Burnett  
                              Terry Splown  
                              Commissioner Helen Casaus  
                              Commissioner Fidel Madrid  
                              Dennis Defoor  
                              Denise Defoor  
                              Dustin Marr  
                              Mark Huerta  
                              Alexis Paul

**AGENDA ITEM I– ROUTINE MATTERS**

- A. To begin the meeting, a quorum was determined with Roll Call by Claire Burroughes, Assistant City Manager. A quorum of 6 was declared.
- B. **Commissioner Steve North** moved to approve the agenda and **Commissioner Candace Morrison** seconded the motion. With all Commissioners voting in the affirmative, the motion passed with a vote of 6-0.
- C. **Commissioner Candace Morrison** moved to approve the July 8, 2020 minutes, and **Commissioner John King** seconded the motion. With all Commissioners voting in the affirmative, the motion passed with a vote of 6-0.

## **AGENDA ITEM II – OLD BUSINESS**

None.

## **AGENDA ITEM III – NEW BUSINESS**

### **A. APPROVAL OF CITY OF CLOVIS UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT, CHAPTER 17.55.010 – OUTDOOR LIGHTING.**

Name of Applicant: City of Clovis, P. O. Box 760, Clovis, New Mexico 88101

Mr. Gordon advised regarding the matter. Staff's recommendation is on Page 7 of the binder. The amendment limits the intensity of a light source in a residential district and prohibits light on one property from spilling onto another property or the City's right or way, including alley right of way. Beginning on Page 7 the underlined writing is the amendment City Staff is recommending for Chapter 17.55.010 - Outdoor Lighting. He has placed a copy of the chapter in the binder on page 11.

Item B – the only change, after the date the City adopted the UDO, are the words “unless specified herein” are being added.

Item B1 – Staff recommends adding “Other than section 17.55.010C4” to Item B1. For Item C Staff recommends adding Number 4 and the language on Page 8. He read the section from Page 8 for the sake of the listening audience.

Mr. Gordon advised they had a situation on the south side of town regarding lighting in a residential district. They put this language together to try to regulate this.

**Commissioner Garza** said this was for the City to enforce some regulations in the residential district. He said they have had many calls about spotlights coming on in the night and staying on forever. He liked this recommendation.

**Commissioner King** said there were many areas without street lighting which may have caused part of this issue. Neighborhoods that have adequate street lights are okay, but for security purposes for those without city lighting, what arrangements were given for people living in these communities. Mr. Gordon said for new development you are required to have a street light at

every intersection and one not less than every 500 feet from there. There are several areas in the older parts of town that do not meet the criteria. He believed the owners within these subdivisions have taken it upon themselves to put street lights in when the developer has gone.

Mr. Howalt said older residential districts do not always have street lights. The challenge is the rear of the home which is impacting neighbors. Even if they had a street light on the front this would not address the rear of the home. This will address the front and rear of the home.

Mr. William Ward, of 101 Cravy Drive on the south side of town between Dixie and Greene Acres came to the podium. He invited the Commissioners to come to his house and stand in his backyard to witness the dilemma he has with his neighbor's lights. There is a person in the neighborhood worried about potential crime who has taken the matter to the extreme. He had no quarrel with how a person lighted their residence, but did regarding how the lights adversely impacted his residence, and the angle of the lights. When broadcasted into the neighborhood it is like visual loud noise. A neighbor shouldn't have to put darkening curtains or aluminum foil on their windows to darken their bedroom. Mr. Ward asked the city's help to enforce this. If the neighbor says they will not do it, there is currently no enforcing mechanism to address it. Mr. Ward said the lighting is adjustable, and he asked that all lighting that is existing and adjustable be included in this ordinance.

Chairman Smith said it covered everything in the ordinance.

Commissioner Garza moved for approval based on Staff's recommendation; Commissioner North seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

**B. APPROVAL OF A CONDITIONAL USE FOR A TYPE 2 HOME OCCUPATION WITHIN THE NORTH PARK ADDITION, BLOCK 5, LOT 8, A "RS-7" – RESIDENTIAL SINGLE-FAMILY LOT (Address of Property is 1307 Gidding)**

Name of Applicant/Owner: Alexis & Noah Paul of 1307 Gidding Street, Clovis, New Mexico 88101

Mr. Gordon advised regarding the matter. The City adopted the Unified Development Ordinance last June and it changed the home occupation requirements significantly. Page 23 of the binders explains Home Occupations and how they are now separated into two separate categories. Type 1 are those in which household residents use their home as a place of work with no employees or customers coming to the site. This particular type you cannot have employees or customers coming to the residence. The application before the Commission today is a request to allow customers to come to the residence which is a Type 2 Home Occupation under 3B of the UDO. They use their home for a place of work with either employees or customers come to the site. On page 24 it tells us that a type 2 Home Occupation may be approved as an accessory use to a principal use in the household living category only through the conditional use procedures. It still allows her to adopt the home occupation, but requires a conditional use as clients and employees are coming to the residence. Staff's recommendation is on Page 15 and the



recommendation is to approve the Conditional Use based on the Seven standards listed from the Unified Development Ordinance.

Alexis Paul, of 1307 Gidding Street came to the podium and was sworn in. She and her husband created a business where they have homemade crafts that they do. He does woodworking and she does vinyl items, wax molds and t-shirts. They needed the Special Exception application as people are coming to the residence to pick up their orders so they don't have to charge a delivery fee. Commissioner Garza commended her for coming forward and applying for this. People collect their goods between 8:00 a.m. and 7:00 p.m. They did not receive any complaints from their neighbors. They were living on base and moved off base. They let their neighbors know what they were doing and they did not have a problem.

**Commissioner Garza** moved for approval based on Staff's recommendation; Commissioner King seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

**C. APPROVAL OF A CONDITIONAL USE FOR A REAR YARD ACCESSORY DWELLING UNIT WITHIN THE FOXWOOD ESTATES ADDITION, UNIT NO. 1, LOT 25, BLOCK 1. (Address of Property is 2412 Putnam Drive)**

Name of Applicant/Owner: Linsey & Dustin Marr of 2412 Putnam Drive, Clovis, New Mexico 88101

Mr. Gordon advised regarding the matter. He advised the State of New Mexico mandated municipalities adopt guidelines to govern this type of use – an accessory dwelling unit. It allows a second dwelling unit of a certain size in a residential single-family district. The purpose is to accommodate an immediate family member. It requires the approval of a conditional use. On Page 41 it describes an accessory dwelling unit and where they are allowed on Page 42. They are allowed only on lots that comply with the minimum lot area regulations and that have an attached or detached house. They are not allowed on non-conforming lots. You cannot have more than one accessory dwelling unit per lot. The owner must live in either the primary structure or the accessory dwelling unit for a minimum of six months of each calendar year. The intent is not for those structures to be leased out but to be occupied by an immediate family member.

**Commissioner North** asked if they had to follow guidelines. Mr. Gordon said yes, they will and the guidelines starts on Page 41. Dustin Marr, 2412 Putnam, approached the podium. Mr. Marr said it would be a small unit for his mother in law on the west side of their house next to the alley across from Central Baptist Church. He did not think it would be noticeable because of the row of trees between his property and the church on the other side of the alley. He knew his neighbors had some questions about it. It will have full plumbing and electric. Commissioner North asked if this would stay in place. Mr. Gordon said it runs with the land and not the ownership and it is only for that particular dwelling.

**Commissioner Garza** moved for approval based on Staff's recommendation; Commission North seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

**D. APPROVAL TO VACATE ALLEY RIGHT-OF-WAY, A 20 FOOT ALLEY TO BE VACATED BETWEEN LOT 5, PLAT OF RIATA ADDITION UNIT NO. 2 SITUATE IN SECTION A T2N, R35E, N.M.P.M., CURRY COUNTY, NEW MEXICO. CONTAINING 5629.622 SQUARE FEET OR 0.129 ACRES MORE OR LESS.**

Name of Applicant: Kimberly Dotray, Real Property Manager, EPCOR Water, 1005 N Norris Street, Clovis, New Mexico 88101

Owner: EPCOR WATER, 1005 N Norris Street, Clovis, New Mexico 88101

Mr. Gordon said there is an aerial view of the site on Page 57. There is a church to the north and residential dwellings also to the north and east of the property. Exhibit A on Page 53 describes that proposed section of the alley right of way to be vacated. The item was heard before the Public Works Committee on June 24<sup>th</sup> and the minutes are included in their packet. The Public Works Committee recommended vacating the alley right of way because the applicant is the only utility located there. The remaining utilities are located in the alleys to the north and east of this location. Staff's recommendation is on Page 50. Mr. Gordon advised that the remaining portion of the alley that runs to the southeast that EPCOR has installed a perimeter fence across it and there are no utilities in it. The vacant Lots - 6, 7 and 8 to the south is owned by the City of Clovis and is used for parking. EPCOR wanted to vacate this particular portion of the alley, and not the remaining portion.

Mr. Howalt advised EPCOR was asked to vacate the remainder of the alley in the future. Mr. Mark Huerta with EPCOR Water was present. He said the portion they are asking for is the short strip of north/south alley between the lots EPCOR currently owns. On the west side they have 2 wells and the east side of the alley is where the elevated storage tank is located. It was part of an old plat that will no longer be applicable with the configuration of the area now. Mr. Huerta said they have future plans that tie into some expansion in the Saddlewood Addition which would require an additional ground storage tank. Commissioner Garza said when softball games in the area is played, the City owned Lots are being utilized for parking. Mr. Huerta said it would not affect parking and that the City owned Lots will continue to be used for parking. It is an area that is outside their fenced in area and would not impact anything.

Commissioner Garza moved for approval based on Staff's recommendation; Commission North seconded the motion. Upon a roll call vote, with all voting in the affirmative, the motion carried unanimously.

Mr. Gordon announced that Commissioner King's term will expire next month and he has stated that because of his obligations and his position with the Clovis Municipal Schools that he can no longer serve. Mr. Gordon recognized him for his service to the citizens of Clovis and thanked him for a

tremendous job well done. Commissioner King said he has enjoyed it. Commissioner Garza echoed Mr. Gordon's comments and thanked Commissioner King for all he had done in serving our community.

Mr. Howalt introduced Daron Roach who is taking over from Mr. Wilt as the Director of Building Safety. Mr. Wilt is not leaving but is winding down his career. Mr. Howalt thought Mr. Roach's background would work well with the City. He has experience in civil construction and enforcement. Mr. Roach said he was looking forward to working with each one of us.

#### **AGENDA ITEM 1V – REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

None

#### **AGENDA ITEM V – FUTURE AGENDA ITEM**

None

#### **AGENDA ITEM VI – DISCUSSION ITEM**

None

#### **AGENDA ITEM VII – STUDY SESSION**

None

#### **AGENDA ITEM VIII – ADJOURNMENT**

There being no further business to come before the Commission, the Regular Session meeting was adjourned with the consensus of the Commission at 3:45 PM.

#### **DATE, TIME AND PLACE OF NEXT SCHEDULED MEETING OF THE PLANNING AND ZONING COMMISSION:**

Regular Session –**October 14, 2020 at 3:00 PM**  
**NORTH ANNEX CLOVIS CARVER PUBLIC LIBRARY at 701 N Main St., Clovis,**  
**New Mexico 88101**

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Chair

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Secretary

DRAFT



**AGENDA  
PLANNING & ZONING COMMISSION  
NORTH ANNEX CLOVIS CARVER PUBLIC LIBRARY  
3:00 PM December 9, 2020**

**I. ROUTINE MATTERS**

1. Declare Quorum
2. Election of Chair and Vice-Chair
3. Approval of Agenda
4. Approval of Minutes of September 9, 2020 (Pages 1-6)

**II. OLD BUSINESS**

**III. NEW BUSINESS**

**A. REQUEST FOR APPROVAL OF APPEAL OF ADMINISTRATIVE DECISION  
WITHIN THE GENTRY SUBDIVISION, LOTS 3, 4&5, BLOCK 6 RELATING  
TO EQUIPMENT & MATERIALS STORAGE, OUTDOORS. ADDRESS OF  
PROPERTY IS: 2900, 2904 & 2908 N PRINCE STREET**

Name of Applicant: Jack L. Muse, PO Box 5485, Clovis, New Mexico 88101

Name of Owner: Jack & Maggi Muse/Elvis Muse Trust, PO Box 5485, Clovis, NM  
88101 (Pages 7-14)

**IV. REPORTS OF COMMITTEES, OFFICERS AND COMMISSION**

**V. FUTURE AGENDA ITEM**

**VI. DISCUSSION ITEM**

**VII. ADJOURNMENT**

## **VIII. STUDY SESSION**

DATE AND TIME OF NEXT SCHEDULED MEETING OF THE PLANNING AND ZONING COMMISSION – JANUARY 13, 2021 at 3:00 P.M. NORTH ANNEX CLOVIS CARVER PUBLIC LIBRARY located at 701 N Main Street, Clovis, New Mexico 88101.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the City Clerk at 321 Connelly at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 321 Connelly if a summary or other type of accessible format is needed.