



Planning & Zoning Commission

~ Minutes ~

701 N. Main
Clovis, NM 88101
www.cityofclovis.org

September 27, 2023

3:00 p.m.

North Annex, Clovis-Carver Library

D) CALL TO ORDER

Chairman Moore called the meeting to order at 3:00 p.m. and established the presence of a quorum.

Present: Marcus Smith
Thom Moore
Travis Cline
Tom Martin
Candace London

Absent: Vincent Soule
Juan Garza

Others None
Present:

Approval of Agenda

RESULT:	ADOPTED
MOVER:	Travis Cline
SECONDER:	Marcus Smith
AYES:	Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS:	None
ABSENT:	Vincent Soule, Juan Garza

Approval of Minutes of August 9, 2023

RESULT:	ADOPTED
MOVER:	Tom Martin
SECONDER:	Marcus Smith

AYES:	Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS:	None
ABSENT:	Vincent Soule, Juan Garza

II) NEW BUSINESS

II.1 Request for Approval of Notice of Hearing for a Special Exception Variance at 504 Providence Circle.

[Cover Page](#)
[Variance Request 504 Providence.pdf](#)
[Staff recommendation - 504 Providence.doc](#)

Variance approval is requested to have an enclosed pool structure to be within the minimum structure separation of 10' to 6'. Said variance to be located in Providence addition, unit no. 1, lot 17, block 1. (Address of Variance: 504 Providence Circle.) Mr. Romero advised staff recommended denial of the variance.

Mr. Edward Peralez, 504 Providence, asked if there was opposition from neighbors. Mr. Romero advised he didn't receive anything from neighbors. Mr. Peralez asked why it was being recommended that this be denied. Mr. Romero advised the structure was not permitted. If a permit was pulled he would have been told that it didn't meet the requirements as far as separation from the existing residence.

Attorney Morris advised to get this type of variance it is difficult. The Unified Development ordinance has 7 requirements that have to be met and the application submitted doesn't meet any of those. Mr. Peralez asked if this was the one that was enacted in 2004. Attorney Morris advised it was enacted in 2018.

- a. That the physical surroundings, shape or topographical conditions of the subject property would result in unnecessary hardships or practical difficulties of the property owner; as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- b. That literal enforcement of the subject UDO provision is not necessary to achieve the provision's intended purpose;
- c. That the conditions leading to the need of the requested variance are unique to the subject property and not applicable, generally, to other property within the same zoning classification;
- d. That the alleged practical difficulty or unnecessary hardship was not created or self-imposed by the current property owner;
- e. That the variance to be granted is the minimum variance that will afford relief;
- f. That the variance to be granted will not alter the essential character of the neighborhood in which the subject property is located, nor substantially or permanently impair use or development of adjacent property; and
- g. That the variance to be granted will not cause substantial detriment to the public good or impair the purposes, spirit and intent of the UD or the comprehensive plan.

Attorney Morris advised this law has been in place for the last 4-5 years. No matter what the Planning & Zoning Commission decides, the City Commission has final decision.

Mr. Howalt advised a permit was not pulled so it doesn't meet the building code. Mr. Wilt advised the structure is not 10 feet from the building. Mr. Howalt advised if he had pulled a permit he would have

known the current requirements. Mr. Peralez advised if he goes through the permit process would he then be approved. Mr. Wilt advised they would have to go through the process and go from there.

Commissioner Martin asked what the normal procedure was for this type of variance. Mr. Wilt advised step one is to apply for the permit.

RESULT: **DENIED**
MOVER: Travis Cline
SECONDER: Tom Martin
AYES: Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS: None
ABSENT: Vincent Soule, Juan Garza

II.2 Request for Approval of a Zone Change From [RS-7} - Residential Single-Family District to [RS-7 (C1)] Residential Single-Family Carport Overlay District. Said Zone Change to Include Lots 1-5, Block 3, Prairieview Addition, Unit 1. Address of Zone Change is 516 Sandia Drive.

[Cover Page](#)
[ZONE CHANGE 516 Sandia.pdf](#)
[Staff Report - 516 Sandia.docx](#)

Mr. Romero advised all of the adjoining property owners within 100 feet were notified. The staff report is to approve the zone change.

RESULT: **ADOPTED**
MOVER: Marcus Smith
SECONDER: Candace London
AYES: Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS: None
ABSENT: Vincent Soule, Juan Garza

II.3 Request for Approval of a Zone Change from [RS-7] - Residential Single-Family District to an [RS-7 (C1)] Residential Single-Family Carport Overlay District. Address of Zone Change is 725 W. 19th

[Cover Page](#)
[ZONE CHANGE 725 W 19th.pdf](#)
[Staff Report - 725 W 19th.docx](#)

RESULT: **ADOPTED**
MOVER: Travis Cline
SECONDER: Marcus Smith
AYES: Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS: None
ABSENT: Vincent Soule, Juan Garza

- II.4 Request for approval of zone change from [RS-7] -Residential Single-Family District to an [RS=7 (C1)] Residential Single-Family Carport Overlay District . Address of Zone Change is 913 Willow Street.

Cover Page
ZONE CHANGE 913 Willow.pdf
Staff Report - 913 Willow.docx

Mr. Romero advised this meets the standards of the city's UDO and the City's Comprehensive Plan. Staff recommends approval.

Mr. Howalt advised this was to allow a carport and it required a zone change to build the carport.

Mr. Martin asked if that would cover a certain area. Mr. Howalt advised the east side of Willow would be a carport overlay district.

RESULT:	ADOPTED
MOVER:	Candace London
SECONDER:	Travis Cline
AYES:	Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS:	None
ABSENT:	Vincent Soule, Juan Garza

- II.5 Request for Approval of Zone Change from [RS-7] - Residential Single-Family District to [RS-7 (C1)] Residential Single-Family Carport Overlay District. Address of Zone Change is 1201 Wallace Street.

Cover Page
ZONE CHANGE 1201 Wallace.pdf
Staff Report - 1201 Wallace.docx

Mr. Romero advised all adjoining property owners were notified and there was no protest.

RESULT:	ADOPTED
MOVER:	Candace London
SECONDER:	Marcus Smith
AYES:	Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS:	None
ABSENT:	Vincent Soule, Juan Garza

- II.6 Request for Approval of Zone Change from [CG] - Commercial General District to [I] Industrial District. Address of Zone Change is 2520 W. 7th Street).

Cover Page
ZONE CHANGE 2520 W 7th.pdf
Staff Report - 2520 W 7th.docx

Mr. Romero advised they did have one objection to a residence across the street. This has to be near another industrial zone to be zoned industrial. Attorney Morris advised NM Law requires that they find a public need for the zone change. Spot zoning is defined as rezoning a small parcel of land to permit a use that compels to comply with the existing area.

Commissioner Smith asked if they were only changing the one corner piece. Mr. Romero advised that was correct. Commissioner Smith asked if the additional businesses would be commercial general. Everything on Industrial Street is zoned commercial industrial.

Commissioner Smith asked what the need was for spot zoning this. Mr. Robert Turnis, 2520 W. 7th, advised he owns the building and thought it was industrial when he purchased it. It has been used as a warehouse for the last 20 years. They want to either lease or rent the building. Staying under general commercial would not allow heavy duty manufacturing. The land from Allsups to the cemetery is vacant.

Mr. Howalt advised it was hard to change to an industrial zone not knowing what the facility would be used for. Commissioner London asked what would be allowed under the industrial district. Attorney Morris advised one big one would be cannabis grow.

Commissioner Martin asked if they were discussing both pieces of property or the subject property. Mr. Romero advised only subject property. Commissioner Martin agreed with what the property owner was trying to do, but not knowing what is going in the building is difficult. If they wait to see what they are going to use it for it might be easier and in the best interest to do a zone change.

Mr. Howalt advised it was zoned commercial general so anything permitted to commercial general could move in without a zone change.

Mr. Turnis asked for a list of what could be placed in commercial general. Mr. Howalt advised they could.

RESULT:	DENIED
MOVER:	Tom Martin
SECONDER:	Travis Cline
AYES:	Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS:	None
ABSENT:	Vincent Soule, Juan Garza

[II.7 Request for approval of preliminary subdivision, Rose Point #2, Edward Romero](#)

[Cover Page](#)

[Notice - Rose Point #2.pdf](#)

[Staff Report - Prelim Rose Point #2.docx](#)

Mr. Romero advised this would be an addition to an existing RS7 zone. Mr. Lydick advised Rose Point was first platted in 2010. Unit number 1 is developed and Jesse Crisp has purchased the remaining land. Mr. Crisp is proposing a minimum of 7000 square feet.

RESULT:	ADOPTED
MOVER:	Marcus Smith
SECONDER:	Candace London

AYES:	Marcus Smith, Thom Moore, Travis Cline, Tom Martin, Candace London
NAYS:	None
ABSENT:	Vincent Soule, Juan Garza

III) FUTURE AGENDA ITEMS

None.

IV) FOR THE GOOD OF THE ORDER

Ms. Burroughes stated the city is working on an Affordable Housing Plan.

V) ADJOURNMENT

There being no further business to come before the commission the meeting adjourned at 3:47 p.m.

Chairperson

SEAL
(ATTEST)

City Clerk