
**PLANNING AND ZONING COMMISSION
REGULAR MEETING**

December 2, 2010

MEMBERS PRESENT: Mr. Mark Goga, Chairman
Ms. Ann French, First Vice-Chairman
Ms. Brenda Barber, Member
Mr. Andrew "JR" Gomolak, Ex-Officio Proxy
Mr. Jerry Wolf, Member

MEMBERS ABSENT: Mr. Bill Schimmer, Member
Mr. Robert Byard, HAFB Ex-Officio

STAFF PRESENT: Marc South, City Planner
Rocío Domínguez, Planning and Zoning Coordinator

PUBLIC PRESENT: Wayne King
Terri King
Doug Nelson

1. **CALL TO ORDER.** Mr. Goga called the December 2, 2010 Planning and Zoning regularly scheduled meeting to order at approximately 6:02 p.m. Mr. Goga noted that three (3) items were to be considered for Public Hearing. Recommendations to the City Commission will be made by the Planning and Zoning Commission for approval or denial of the request for Subdivision Case. The City Commission will consider these requests at its meeting of December 21, 2010.
2. **MINUTES OF THE November 4, 2010 MEETING.** Ms. French moved **"TO APPROVE THE MINUTES, AS WRITTEN"**. The motion was seconded by Ms. Barber. All commissioners voted, approving the motion by a vote of 4-0-0.
3. **Public Hearing: Variance**
Case #V-2010-0544(A); Property Address – Even numbers 1402 thru 1462 Puesta del Sol & 1101, 1111 & 1121 Hermoso el Sol; Owner – Tool Box, LLC; Applicant – Alamotero Land Surveying

Ms. Dominguez gave staff comments and said that the intent of the sub divider is to convert nine lots into twelve lots by reducing the width of six lots to fifty foot wide lots. Staff is recommending denial because staff feels that applicant does not meet the third variance criteria indicating that the grounds for variance indicate undue hardship or practical difficulties. Ms. Dominguez also said that the applicant is also requesting a

variance on the area changing it from six thousand square feet to five thousand nine hundred and thirty seven square feet.

Ms. Barber asked for a clarification of which lots will be affected by the variance.

Ms. French asked if someone is in the audience that can speak about how the construction of the smaller lots will be beneficial to the public.

Mr. Doug Nelson said that smaller homes have been built in this subdivision which makes it affordable housing. Mr. Nelson said that by having smaller lots he is able to lower the price per lot so therefore the builder is able to build a smaller home and make a profit for himself and still be able to provide affordable housing.

Ms. French asked if the development of the area is dependent on the approval of the variance request.

Mr. Nelson said that there is no way that he would be able to develop the existing sixty five foot lots at this time without the variance.

Ms. French asked about set backs.

Mr. Nelson said that the set backs will remain the same to stay within city ordinance.

Ms. French asked what would be a price range for a home on a sixty five foot lot.

Mr. Nelson said that the price for a home on that size of lot would be between two hundred thousand and two hundred thirty five thousand.

Ms. Barber asked if there was a variance approved for the smaller lots where smaller homes were built on Sierra Verde.

Mr. Nelson said that in the original subdivision plat the lots were approved for townhouses so therefore they were larger lots. Mr. Nelson said that he applied for a variance which would allow him to subdivide into smaller lots.

Ms. Barber asked if he was granted a variance for smaller lots.

Mr. Nelson said that he does not remember.

Ms. Dominguez said that the zoning in the area is zoned R-2 which allows thirty five foot wide lots. Ms. Dominguez said that staff is not against what applicant is proposing but staff does have to follow the three variance criteria's in order to recommend approval and this item does not meet the third criteria.

Ms. Barber asked if unit 2 of Hermoso el Sol is completely developed.

Mr. Nelson said that the development is not complete.

Mr. South said that meetings have been held on the rewriting the criteria's for variance requirements.

Ms. French asked if the area could possibly be rezoned and not conflict with the zoning requirement.

Mr. South said that could be done.

Ms. Barber asked Mr. Nelson if the variance is approved would he develop at least that section of the subdivision for the interested builder. Ms Barber also asked if the variance is not approved will that keep him from developing the area.

Mr. Nelson said that if the variance is approved he will develop that section and if the variance is not approved he will not develop the area.

Mr. Goga asked if he would consider the rezoning.

Mr. Nelson said that if he applied for R-2 zoning he feels that some residents in the area would be concerned with the fact that apartments could possibly be built in the area.

Ms. Barber moved to approve the variance request. The motion was seconded by Ms. French. All commissioners voted approving the motion by a vote 4-0-0.

4. Subdivision

Case #S-2010-1077(A); Hermoso El Sol Unit 2, Replat A; Property Address – Even numbers 1402 thru 1462 Puesta del Sol & 1101, 1111 & 1121 Hermoso el Sol; Owner – Tool Box, LLC; Applicant – Alamotero Land Surveying

Property owner requests approval of Hermoso El Sol Unit 2, Replat A final plat. The replat proposal is to plat 12. The Street, Utility, Grading Plans were approved when Hermoso El Sol Unit 2 was approved in 2006.

Ms. Dominguez said that the subdivision was previously approved in 2006 so therefore staff is recommending approval of the replat of the subdivision.

Ms. French moved to approve the variance request. The motion was seconded by Ms. Barber. All commissioners voted approving the motion by a vote 4-0-0.

5. Right of Way Vacation

Case # M-2010-0349(A); Lot 1, Heights Unit 2; Location – Between 710 & 800 Juniper Drive; Owners & Applicants: Wayne & Terri King

Applicants request approval of 5-foot Right of Way vacation. The proposal is to enclose the existing carport that is encroaching in the alley to expand the existing workshop.

Ms. Dominguez made staff comments and presented a slide show of the area. Ms. Dominguez said that there is a forty foot wide alley with a carport encroaching one to two feet into the alley along with a two foot tall block wall. Ms. Dominguez said that the City of Alamogordo Attorney Mr. Theis does not recommend vacating the five foot strip of alley.

Applicant is proposing to enclose the carport and add a bathroom and storage area behind the carport. Mr. Theis is recommending entering into an agreement with the applicant to allow applicant to encroach into the alley with the existing structures, but also with the condition that nothing else will be added. Applicant would like to purchase the property, but because the property was given to the City by the sub divider Mr. Thesis said that the City of Alamogordo can not sell the property. Ms. Dominguez presented commission and applicant with a copy of proposed agreement.

Mr. Wolf said that he spoke to the City of Alamogordo water supervisor and he said that there had been a water leak on Juniper Ave. and they had a difficult time locating the valve to shut off the water. The water department suspects that the main water line is in that alley but they are not certain. Mr. Boylan, Utility Maintenance Supervisor suggested that the City of Alamogordo should locate the water line and replace it. Mr. Wolf said that if the water line needs to be moved it would be at Mr. King's expense.

Mr. Wolf asked Mr. King if he is requesting five or six feet.

Mr. King, applicant, said that he is requesting what is needed to enclose the carport. He said that the carport was there when he purchased the house twenty nine years ago. Mr. King also said that he obtained a building permit when he built the shop and that building is not five feet from the property line.

Ms. Barber asked Mr. King how he felt about being able to enclose just a portion of the carport. Mr. King said that he is willing to consider doing that but he does not feel that it will look nice and the expense will be higher. Mr. King said that he thought that the water line ran down the street.

Ms. Barber asked if he obtained a variance to build the shop since he is violating the setback requirement. Mr. King said that he did not obtain a variance.

Mr. King said that when he purchased the property the plot showed that there was an easement.

Mr. South said that this is just the first of encroachment issues that commission will be seeing in the future.

Mr. King asked again if applicant is asking for five feet or six feet.

Ms. Dominguez said that the survey does not clarify if the encroachment is one foot or two feet.

Mr. King said that he feels that the main water line should be located before commission makes a decision.

Ms. Barber moved to deny the variance request. The motion was seconded by Ms. French. All commissioners voted approving the motion by a vote 4-0-0.

Ms. Barber moved to deny the License Agreement. The motion was seconded by Ms. French.

Mr. South said that if the license agreement is not approved the city will ask applicant to remove what is encroaching.

Ms. Barber withdrew the motion.

Ms. Barber moved to approve the license agreement so that the structure does not need to be removed. The motion was seconded by Mr. Wolf. All commissioners voted approving the motion by a vote 4-0-0.

6. Otero County Liaison Report

Mr. Gomolak said that there is a vacancy on the Otero Planning Commission.

7. Adjournment

Ms. Barber moved to Adjourn. The motion was seconded by Ms. French. All commissioners voted passing the motion with a vote of 4-0-0. The meeting adjourned at 7:02 p.m.

APPROVED:

1-6-11

(Date)

Brenda S. Barber

Chair

ATTEST:

Stella Gutierrez
Stella Gutierrez, Recording Secretary

Copies of the recorded Planning and Zoning meeting tapes may be obtained at no cost to Commissioners. A fee will be charged to the public.