

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

January 4, 2016, at 5:00 p.m.

Meeting Held in the Planning Room

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, January 4, 2016, at 5:00 PM

Municipal Building 101 N. Halagueno Street
Planning Room (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held December 7, 2015.
4. Consider recommendation for an Infrastructure Reimbursement Application for Tierra Del Sol Housing Corporation for rehabilitation of an affordable housing apartment complex.
5. Consider recommendation for an Infrastructure Reimbursement Application for New Mexico Inter-Faith Community Housing Development Corporation for an affordable housing apartment complex.
6. Consider an Appeal (variance) from Section 56-90(b) Table 6 to allow a front-yard setback variance of 30' from the front property line, which would result in a 9' front-yard setback at 1803 Solana Rd., zoned "R-1" Residential District.
7. Consider an Appeal (variance) from 56-90(b) Table 6 to allow a frontage variance for 5, 1 acre lots to front on a private drive.
8. Consider a Preliminary Plat for Hackberry View Subdivision located at 3001 W. Texas St. creating 5, 1 acre lots.
9. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.
10. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.22 which is 1.78 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.
11. Consider granting a Conditional Use Permit to allow a mobile home park located at 2126 W. Texas St, zoned C-2 Commercial District, in accordance with Section 56-150(f).
12. Report regarding Summary Review Subdivisions.
13. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, JANUARY 4, 2016, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES MCCORMICK
LASON BARNEY
WANDA DURHAM
BRIGIDO GARCIA**

**COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES KNOTT

CHAIRPERSON

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

SECRETARY PRESENT:

PATTIE PISTOLE

**PLANNING, ENGINEERING
AND REGULATION DEPARTMENT
SECRETARY**

OTHERS PRESENT:

**SHANNON SUMMERS
WILLIAM P. MILLER
VI MILLER
GARY HARDESTY
JERRY SAMANIEGO
JONATHAN SAMANIEGO
J.R. DOPORTO
CASEY SOWERS
MELISSA LAWRENCE-BRIDGES**

**CDOD
1802 MANZANA ROAD
1802 MANZANA ROAD
1803 SOLANA

2514 W. WYOMING
3022 NATIONAL PARKS HIGHWAY
1007 N. HOWARD**

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:00 Start Recording [5:02:18 PM]

0:00:27 **1. Roll call of voting members and determination of quorum.**

Roll was called, confirming the presence of a quorum of commission members. Present – **Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; Absent – **Mr. Knott**.

0:00:53 **2. Approval of Agenda.**

Ms. Durham made a motion to approve the Agenda, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. Knott**. The motion carried.

0:01:18 **3. Approval of Minutes from the Meeting held December 7, 2015.**

Ms. Durham made a motion to approve the Minutes; **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. Knott**. The motion carried.

0:01:56 **4. Consider recommendation for an Infrastructure Reimbursement Application for Tierra Del Sol Housing Corporation for rehabilitation of an affordable housing apartment complex.**

Mr. Patterson explained that this is a multi-million dollar project that qualifies for up to 1.78 million, but the City only has \$300,000 in the budget. The City could do a budget adjustment, if we need more money for other developers later. Splitting the existing money in half would give \$150,000 each for this project and the next item on the agenda, but the applicant needs \$155,000 to get enough points for state funding. The more we give them, the more they can get from the State. (Their deadline is February 3 for that funding.) The City Council will have to approve any funding recommended by the Planning and Zoning Commission, and the funds will not be disbursed until the work is completed. **Mr. Patterson** also pointed out that this project is just to rehabilitate the existing units; it is not to increase the number of units. There was no public comment.

Ms. Durham made a motion to recommend approval of \$155,000 for the Infrastructure Reimbursement. **Mr. Garcia** seconded the motion. The vote to recommend approval was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. Knott**. The motion carried.

0:15:23 **5. Consider recommendation for an Infrastructure Reimbursement Application for New Mexico Inter-Faith Community Housing Development Corporation for an affordable housing apartment complex.**

Mr. Patterson said that this item is like the previous one. It is more detailed in the packet than the first one. They think they are qualified for \$1,616,485 million, and they have a lot of experience with the State and in putting together their applications. Staff recommends the \$155,000 reimbursement.

Ms. Durham made a motion to recommend approval of \$155,000 for the Infrastructure Reimbursement. **Mr. Garcia** seconded the motion. The vote to recommend approval was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. Knott**. The motion carried.

0:18:58 **6. Consider an Appeal (variance) from Section 56-90(b) Table 6 to allow a front-yard setback variance of 30' from the front property line, which would result in a 9' front-yard setback at 1803 Solana Rd., zoned "R-1" Residential District.**

Mr. Patterson said that Staff is recommending denial. Setbacks are for buffers and provide access for emergencies. In this zone, the front setback is 30'. **Mr. Hardesty** explained that he is 74 years old and had just purchased his last car. He wants to protect it from the frequent hail. He said it is not an access issue, because a gurney can still go through the front door, and emergency vehicles park in the street. He said he thought the standards had relaxed since all the metal carports were being put up in town, so he

went ahead and built it without asking about a building permit. During public comment, several people spoke in favor of the Variance. **Ms. Pistole** said she picks up her granddaughter for school four days a week next door and that the carport does not block her view at all in backing up. The carport is set back nine feet from the sidewalk, and there is an expanse of grass between the sidewalk and the street. **Mr. Miller** agreed there is no visual blockage and that our insurance goes up with each hailstorm. The carport has open sides, and any emergency services would have no problem getting to the front door. **Ms. Lawrence-Bridges** added that vehicles might block a view, but the open carport didn't. She hoped it was approved. **Mr. Garcia** said that the Veilleuxs on the street over who sent an e-mail were afraid of what would be put under the carport. It might end up an open storage in front. **Mr. Miller** argued that if anything was left out, it wouldn't stay there long, because someone would report it and it would be taken care of. **Mr. McCormick** explained that the ordinance for a 30' setback was for visibility and that the applicant should have gotten a permit to begin with. **Ms. Durham** said it sets a bad example to just put something up and then go ask for a variance. The commissioners have to make hard decisions. She doesn't feel good about having it moved, but he should have checked ahead of time. **Mr. Patterson** noted that if this carport is allowed to stay, it would not be an open door for others. Planning and Zoning can make a decision, but it does not set the precedence for others. It is on a case by case basis. It doesn't mean the house next door would get a variance.

Mr. Barney made a motion to deny approval of the Variance. **Ms. Durham** seconded the motion to deny. The vote to deny was as follows: **Yes – Ms. Durham, Mr. Garcia, Mr. Barney**; **No – Mr. McCormick**; **Abstained – None**; **Absent – Mr. Knott**. The motion carried to deny the Variance. **Mr. Patterson** then explained the appeal process to **Mr. Hardesty**.

0:49:03 **7. Consider an Appeal (variance) from 56-90(b) Table 6 to allow a frontage variance for 5, 1 acre lots to front on a private drive.**

Mr. Patterson stated that the applicant wants to subdivide five acres on West Texas, but there isn't frontage on a City street to do so. **Mr. Doporto** wants to install a private drive to count as frontage. Staff recommended denial. **Mr. Doporto** explained that he wants to put in a private drive on the west side, and a fence on Texas Street with a locked gate. The houses would face west, with a view of the mountains towards Hackberry. Lots would be one-acre each, which is hard to find in Carlsbad. There would be an easement, not an alley, for utilities (water, gas and electric). It would all be privately installed and maintained. Each lot owner would put in their own septic tank, which they would qualify for because of the size of the lots. There would be a 30' x 500' ROW where the 12'-wide private road would go, made of asphalt with little curbs. There was discussion about addressing, the narrow width of the road, and giving the code for the gate to emergency personnel. During public comment, **Ms. Summers** from CDOD stated that it sounds like an exciting project for Carlsbad, and she is in favor of it.

Mr. Barney made a motion to approve the Variance for a private drive with a 30' ROW. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No – None**; **Abstained – None**; **Absent – Mr. Knott**. The motion carried.

1:17:07 **8. Consider a Preliminary Plat for Hackberry View Subdivision located at 3001 W. Texas St. creating 5, 1 acre lots.**

Mr. Patterson explained that this is in regards to the property in the previous item. The applicant has talked to the City regarding utilities. Conditions for approval may be placed on the plat by the commissioners. Staff recommends approval. There was a question about the different names on the two applications. **Mr. Doporto** said that they are both him. Reynaldo K. is his official name, and J.R. is what he goes by on City Council. The property in question will have 5' side setbacks, 20' back setback, and

15' front setback. **Mr. Doporto** plans to build on the middle lot, in case the others do not sell. There was discussion about placing stipulations on the plat regarding installing utilities before final approval, but it was decided that the easements and private road serve to insure that the properties in the back will have access.

Mr. Barney made a motion to approve the Preliminary/Final Plat. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No – None**; **Abstained – None**; **Absent – Mr. Knott**. The motion carried.

1:45:02 **9. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.**

The property is the same as that considered about a year ago. **Mr. Patterson** stated that the property was a mobile home park at one time, and had been completely cleared off. The current owner wants another mobile home park, and wants to go through the process for permission to have a park there now. There is not enough acreage for 24 spaces, if all the setbacks are followed, so he wants to have 11. That way there is ample room for all the setbacks. The same request was granted by P & Z in December of 2014 for a different applicant and owner. **Mr. Sowers** explained that he has cleared the land and put in fencing. The state of the park was really bad when he started. He wants to do everything the right way. He also would prefer not to have full-size mobile homes, but have park homes. They are permanently set, with full-size appliances, more like small one-bedroom homes. It was brought up that the satellite photo in the packet shows the old mobile homes still there, and there was a question about all the old trailers behind Suzy Q's. It was clarified that the photo was from over a year ago, and those were all moved from his property to there. **Mr. Sowers** had stipulated that he would not buy the property until they were all moved. **Mr. Patterson** said Code Enforcement is dealing with them to get them permanently removed now. There is one older, handicapped lady living on the property in a mobile home who has been there since before the park started to deteriorate. He does not want to disturb her, because she has been there so long. During public comment **Mr. Doporto** commented how the property had been cleaned up and what a great job they did. For years and years it had been run-down and nasty. When the old lady came there, it was a nice park. He was in favor of the variance. **Ms. Summers** said it is nice to see it get cleaned up, and encourages this type of housing in the area. It would be a good direction to point people when they ask about housing. She supports it. **Mr. Jerry Samaniego** explained that he also had had a park in town that was completely closed and cleaned up and the last guy officially closed down. He understood now, that since it is a new owner the process has to start again, and that they were doing a good job.

Ms. Durham made a motion to approve the Variance. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No – None**; **Abstained – None**; **Absent – Mr. Knott**. The motion carried.

2:01:23 **10. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.22 which is 1.78 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.**

This is the same property discussed in the previous item. There was no public comment.

Ms. Durham made a motion to approve the Variance, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No – None**; **Abstained – None**; **Absent – Mr. Knott**. The motion carried.

2:04:40 **11. Consider granting a Conditional Use Permit to allow a mobile home park located at 2126 W. Texas St, zoned C-2 Commercial District, in accordance with Section 56-150(f).**

Mr. Patterson told the commissioners that this is the same property as in the previous two items. Staff recommended approval if the two previous variances were approved, regarding minimum number of lots and minimum amount of acreage (which they were), and that they get and maintain a yearly business registration.

Mr. Barney made a motion to approve the Conditional use with the conditions discussed, and Ms. Durham seconded the motion. The vote was as follows: Yes – Ms. Durham, Mr. McCormick, Mr. Barney, Mr. Garcia; No – None; Abstained – None; Absent – Mr. Knott. The motion carried.

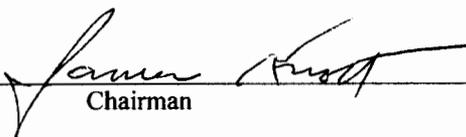
2:08:33 **12. Report regarding Summary Review Subdivisions.**

There was brief discussion of the plats signed by the commission designees during the previous month.

2:11:03 **15. Adjourn.**

There being no further business, the meeting was adjourned.

2:11:11 Stop Recording [7:13:29 PM]


Chairman

Date