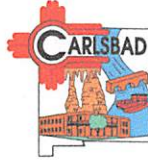


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

October 2, 2017, at 5:00 p.m.

**Meeting Held in the Annex Planning Room
114 S. Halagueno**



CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, October 2, 2017, at 5:00 PM
Municipal Annex 114 S. Halagueno Street
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held September 11, 2017.
4. Consider an Appeal (Variance) for a front set-back of 20' for Martin Farms Subdivision.
5. Consider an Appeal (Variance) for a front set-back of 18.6' 1615 Redwood Loop.
6. Consider a Conditional Use Permit for auto repair at 1604 Radio Blvd.
7. Report regarding Summary Review Subdivisions.
8. Adjourn.

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

MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, OCTOBER 2, 2017, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES MCCORMICK
JAMES KNOTT
LASON BARNEY
BRAD NESSER**

**COMMISSION SECRETARY
CHAIRPERSON
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

BRIGIDO GARCIA

COMMISSIONER

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD
LUIS CAMERO**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR
DIRECTOR OF ENGINEERING
SERVICES**

EXECUTIVE SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**KERRI DUNAGAN HARVEY
GEORGE DUNAGAN
SHAUN HUGHES
KRISSEY HUGHES
MARCUS BLUTH**

**1411 W. ORCHARD
212 W. STEVENS
1604 RADIO BLVD.
1604 RADIO BLVD.
601 FREEDOM LANE**

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 [5:01:18 PM]

0:00:05 **1. Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. The following members were present—Mr. Nesser, Mr. McCormick, Mr. Knott; Absent— Mr. Garcia, Mr. Barney. (Mr. Barney arrived at 5:02 p.m. and was present for the remainder of the meeting.)

0:00:22 **2. Approval of Agenda.**

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

0:01:05 **3. Approval of Minutes from Meeting held September 11, 2017.**

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

0:01:29 **4. Consider an Appeal (Variance) for a front set-back of 20' for Martin Farms Subdivision.**

Mr. Patterson explained, the developer is requesting a variance for a front set-back of 20' rather than 30' for lots 12-33 in Martin Farms Subdivision located south of Farris St. and east of Old Cavern Hwy. The applicant stated that their market research has shown people in the market would rather sacrifice front yard to accommodate a larger backyard. He wants clarification from the board on the Zoning Ordinance table of density and setback for R-1 which the zoning was changed last week at Council. R-1 front setback is 30/15', or the majority of the buildings are closer than 30' from the front property line the lesser setback applies. Normally we would have used this in R-1 to determine what already exists. On a new development that wasn't a PUD he's not had a developer to build it to 15' setback and that was just something that they allowed since it called for that in the ordinance. His opinion he's willing to let the applicant to build, but wanting the board's approval as long as it's uniformed. If this is how you decide to go then the applicant doesn't need to have this variance or since there here for the variance then we could go ahead and grant the variance. **Mr. Knott** said if the Preliminary Plat was submitted to be approved, then they wouldn't need to come back for the variance. **Mr. Patterson** said it depends on the wording on the plat where it says notes and observations on #2 building setbacks are as per City of Carlsbad requirements. It doesn't say what the setbacks are going to be so leaves a grey area in the ordinance. **Mr. Knott** said he thought there were exceptions out at C-Hill. **Mr. Barney** said that there was a request from the developer, but then he removed his request. **Mr. Bluth** said they are all 30'. The difference there was 15' because the road was 80' right-of-way. From the edge of the pavement there is about +/- 45' to the structures. On Martin Farms it's about 14' from the curb to the property line and then another 20' from the curb, so it still going to be 35' from the curb. **Mr. Patterson** said it's for safety concerns, but you want it uniformed. **Mr. Knott** asked if it was going to affect the drainage. **Mr. Patterson** said, "no" he hasn't seen the finalized drainage study, yet he can't see how it would. Planning Department recommends approval. **Mr. Knott** said his personnel opinion if it's on the Preliminary Plat and it complies with reason. **Ms. Goad** said the ordinance does say 30/15' to her that says something in between.

Mr. Dunagan said if he would have done this right he would've put 20' on the original plat basically there are two types of products. The larger lots on the north side of the roads which are ½ acre lots that are 220' in depth and the smaller lots on the east and south side of the two streets that have 110' depth. The applicant was glad to come and request a variance rather than leave it as a gray area. What we've seen out in Spring Hollow and Copperstone is 20' front setback. Those were PUD's. We brought these in as R-1 subdivision compliance with everything except the front setback, that's why we're requesting 20' only on the smaller lots. **Mr. McCormick** asked if the other alternative is are we going to approve the variance or are we saying a variance is not needed. **Mr. Patterson** said for this item it's either "yes" or "no". Moving forward telling the developers you wanted it stated on the preliminary plat what the setback is going to be no less than 15' or no more than 30'.

Mr. McCormick made a motion to approve the Variance for a front set-back of 20' for Martin Farms Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes—Mr. Nesser, Mr. McCormick, Mr. Knott**; **No—Mr. Barney**; **Abstained—None**; **Absent—Mr. Garcia**. The motion carried.

0:16:42 **5. Consider an Appeal (Variance) for a front set-back of 18.6' 1615 Redwood Loop.**

Ms. Goad said there's a correction under the synopsis. Non-conforming structure says any structure lawfully existing on the effective date of this code. She said please strike that off on any decisions you make. **Mr. Patterson** explained this item is a request to reduce the front setback on 1615 Redwood Loop to a total of 18.6' rather than 20' as you can see in you packet on page 34. The house was built slightly into the required setback. These things can happen as the Building Department doesn't require builders to mark the property corners. **Mr. McCormick** asked if it was to sell the property. **Ms. Dunagan-Harvey** said the property has been sold, but they can't close. The improvement location reports are being scrutinized by the Title Company Underwriters. The underwriter that's issuing Title Insurance is not granting a formative coverage. They are considering this an exception to the policy and that poses the problem for the buyer's lender because the buyer wants full coverage. **Mr. Barney** said the property line curves. **Mr. Knott** asked where the sidewalk is located. **Mr. Bluth** said it's off the property, between the curb and property line there's about 6' and there's a 4' sidewalk and 2' of nothing. **Mr. Knott** asked if the utilities are inside the property line. **Mr. Bluth** said, "yes" there's a 10' easement from the curb. **Mr. Knott** asked from back of the curb to the property line is how far? **Mr. Bluth** said about 6-6 1/2'. **Mr. Knott** asked with 4' sidewalks? **Mr. Bluth** replied from the curb the total distance to the corner of the house is 18.6' plus 6 1/2'. **Mr. Knott** said from the sidewalk you could add a couple of feet. **Mr. Bluth** said, "yes" from the road it's actually 24' behind the curb. **Ms. Goad** said to the garage. **Mr. Bluth** replied, "yes" to the closed part of the house. **Mr. Knott** asked if they typically have a surveyor mark there corners before they start construction. **Mr. Bluth** said that wasn't the problem, the problem was the concrete when he checked the corners he didn't check the curve of the house so it was off 1.4'. The surveyor has the margin of errors of 8". **Mr. Camero** said Engineering Services recommends approval.

Mr. Nesser made a motion to approve the Variance for a front set-back of 18.6' 1615 Redwood; **Mr. Barney** seconded the motion. The vote was as follows: Yes—**Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney**; No—None; Abstained—None; Absent—**Mr. Garcia**. The motion carried.

0:25:06 **6. Consider a Conditional Use Permit for auto repair at 1604 Radio Blvd.**

Ms. Goad said she's met with both Shawn's and Jeanne Mitchell had signed the affidavit and we didn't indicate which Shawn was going to be here to represent, but they are partners. **Mr. Hughes** said the last company he believes that was there was called Indeca. **Mr. Patterson** said last month a Conditional Use Permit on Standpipe Road was just approved something similar to this item. **Ms. Goad** said the lots are large expanding from Curry Road to Radio Blvd. **Mr. Hughes** said they decided to move to the first two lots where the shops are located, because the lots behind them are too much to maintain. **Ms. Goad** said Engineering Services recommends approval with conditions. **Mr. Hughes** asked to amend the request of all four lots and just have lots 18 and 20.

Mr. Barney made a motion to approve the Conditional Use Permit for auto repair at 1604 Radio Blvd. considering the two front lots 18 and 20; **Mr. McCormick** seconded the motion. The vote was as follows: Yes—**Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney**; No—None; Abstained—None; Absent—**Mr. Garcia**. The motion carried.

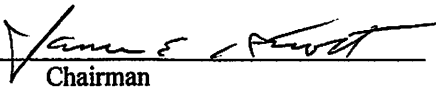
0:43:44 **7. Report regarding Summary Review Subdivisions.**

Ms. Goad went over the plats that were signed for the previous month. There was brief discussion on each one.

0:50:16 **8. Adjourn.**

There being no further business, the meeting was adjourned.

0:50:22 Stop Recording [5:52:03 PM]



Chairman

11-6-17
Date