

MINUTES OF THE SPECIAL MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

December 12, 2016, at 5:00 p.m.

Meeting Held in the Planning Room

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION
SPECIAL MEETING**

Monday, December 12, 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 meeting held November 7, 2016.
4. Discussion and Approval of 2017 Planning and Zoning Commission Meeting Dates.
5. Consider a recommendation for a Zone Change from "C-1" Commercial District to "C-2" Commercial District at 514 N. Main St., legally described as Lot 2A, Block 73, Lowe Replat #3 and Lot 12B, Block 73 Lowe Replat #4.
6. Consider a recommendation for a Zone Change for the Garringer Land Division, Tract 1 from "R-R" Residential District to "C-2" Commercial District, along Energy Ave.
7. Consider a Conditional Use Permit for Indoor/Outdoor Operations with Indoor Outdoor Storage (propane dock, 30,000 gallon storage tank) at 219 Energy Ln.
8. Consider a Conditional Use for Indoor/Outdoor Operations with Indoor Outdoor Storage (propane dock) at 4021 Ironhorse Dr.
9. Consider a recommendation for an Infrastructure Reimbursement for Doport Development.
10. Report regarding Summary Review Subdivisions.
11. 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 SPECIAL MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, DECEMBER 7, 2016, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES KNOTT
LASON BARNEY
WANDA DURHAM**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

**JAMES MCCORMICK
BRIGIDO GARCIA**

**COMMISSION SECRETARY
COMMISSIONER**

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING, ENGINEERING
AND REGULATION DEPARTMENT
EXECUTIVE SECRETARY**

OTHERS PRESENT:

**TANYA MOORE
DAMON SPEARMAN
MATT COOKSEY
EUGENE CULLUM**

**502 CENTER AVE.
4021 IRON HORSE
4021 IRON HORSE
4021 IRON HORSE**

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 [5:07:12 PM]

0:00:00 **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. Knott, and Mr. Barney**; Absent – **Mr. McCormick, Mr. Garcia**.

0:01:05 **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. Knott, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried.

0:01:48 **3. Approval of Minutes from Meeting held November 7, 2016.**

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

0:02:45

4. Discussion and Approval of 2017 Planning and Zoning Commission Meeting Dates.

Ms. Goad said there is a corrected Agenda Briefing Memorandum with the date changed on August the 7th instead of August the 8th.

Ms. Durham made a motion to approve of 2017 Planning and Zoning Commission Meeting Dates with the changed date in August. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried.

0:04:55

5. Consider a recommendation for a Zone Change from "C-1" Commercial District to "C-2" Commercial District at 514 N. Main St., legally described as Lot 2A, Block 73, Lowe Replat #3 and Lot 12B, Block 73 Lowe Replat #4.

Mr. Patterson explained the applicant is requesting a Zoning Change from "C-1" Commercial District to "C-2" Commercial District at the subject site. If you'll look on page 21 of your packet there is mixed zoning in the area from "I" Industrial, and "C-1" Commercial. This action will create a spot zone however it is necessary as the City Municipal Transit System has need of and has been granted the funds to repair the transit vehicles on site at this location. As such, the current C-1 Commercial zoning needs to be changed to C-2 Commercial zoning as Vehicle Repairs is not an allowed use in C-1 zoning. Public Works yard can't facilitate the transit buses so they wanted to place the repair shop on the property and they will need to hire a mechanic. Planning Department recommends approval. **Mr. Barney** asked if it was Commercial. **Mr. Patterson** said the red is "C-1" Commercial and the orange is Industrial.

Mr. Barney made a motion to approve the Zone Change from "C-1" Commercial District to "C-2" Commercial District at 514 N. Main St., legally described as Lot 2A, Block 73, Lowe Replat #3 and Lot 12B, Block 73 Lowe Replat #4. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Mr. Knott, Ms. Durham, Mr. Barney**; No – none; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried.

0:08:21

6. Consider a recommendation for a Zone Change for the Garringer Land Division, Tract 1 from "R-R" Residential District to "C-2" Commercial District, along Energy Ave.

Mr. Patterson explained the applicant is requesting a Zoning Change from "R-R" Residential District to "C-2" Commercial District at the subject site. If you'll look on page 31 on your packet it shows you the detailed property. The property is surrounded by commercial there is a small area that is zoned "C-2". The applicant and the property owner would like to make this property commercial. We have some applicants tonight that are asking for Conditional Use out there that would be contingent on the zone change going through. Planning Department recommends approval on this request.

Ms. Moore said the property next to this was rezoned several months ago and at that time she never came back with the replat to rezone the rest of the property. There are four building on the property.

Mr. Barney motioned to recommend approval to the City Council of the Zone Change for the Garringer Land Division, Tract 1 from "R-R" Residential District to "C-2" Commercial District, along Energy Ave. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney**, No – None; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried.

0:13:11

7. Consider a Conditional Use Permit for Indoor/Outdoor Operations with Indoor Outdoor Storage (propane dock, 30,000 gallon storage tank) at 219 Energy Ln.

Mr. Patterson explained this item is a request for a conditional use permit to allow industrial operation they are going to have a 30,000 gallon propane tank. They will have a propane company that they would be delivering all propane products. There wasn't a good definition in the zoning ordinance to fit this indoor/outdoor application. **Mr. Spearman** said it was going to be all outdoor storage because it's illegal according to pamphlet 54 that you can't have indoor storage over 200 pounds so what they will have will be outside. **Mr. Patterson** said according to the use table that they needed a conditional use permit to do this. If you would look on page 40 in your packet you can see where it is going to be located. Planning Department recommends approval on the condition only if the zone change is approved. **Ms. Goad** said she didn't think there would be any reason why zoning shouldn't get changed. **Mr. Knott** asked he couldn't remember if Energy Ave. is a dedicated street. **Ms. Goad** said, "No" it's private.

Mr. Spearman said the 30,000 gallon storage tank is going to be used to fill our bobtails to make deliveries to residential customers and oilfield customers as well. This will help us with the oilfield and RV's that are coming in where they can get there bottles filled.

Ms. Durham made a motion to consider a Conditional Use Permit for Indoor/Outdoor Operations with Indoor Outdoor Storage (propane dock, 30,000 gallon storage tank) at 219 Energy Ln. **Mr. Barney** seconded the motion. The vote was as follows: **Yes –Ms. Durham, Mr. Knott, Mr. Barney**, No – None; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried.

Mr. Patterson explained this is the last stop for them since the board approved the Conditional Use they can begin to operation as soon as the Zone Change has been finalized. I have scheduled this to go before City Council in January. **Mr. Spearman** asked they couldn't start operation until after the January meeting? **Mr. Patterson** said if you do start operation and the City Council decides to not to change the zoning then you would be stuck putting in a lot of money into it he would not recommend it. **Ms. Goad** said they would need to provide us with a business license. **Mr. Spearman** said they already have a business license for about two months. **Ms. Goad** said they were going to provide regulations from the state not that it's required but for us to have. **Mr. Spearman** said he has submitted a map to the State for their approval and he's waiting for it by the end of the week. **Mr. Cullum** said they have received State approval for the refine storage and we will provide those to you.

0:22:09

8. Consider a Conditional Use for Indoor/Outdoor Operations with Indoor Outdoor Storage (propane dock) at 4021 Ironhorse Dr.

Mr. Patterson explained that this item is similar to the previous and the same applicant there going to have another propane operation located on 4021 Ironhorse Dr., on page 49 on your packet it shows you there's already a facility. They should be able to start right away once this approved and Planning Department does recommend approval. **Mr. Spearman** said it's all in conjunction with the previous item the one at 4021 is actually we will be refilling bottles for customers come in.

Mr. Barney made a motion to consider a Conditional Use for Indoor/Outdoor Operations with Indoor Outdoor Storage (propane dock) at 4021 Ironhorse Dr. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Ms. Durham, Mr. Knott, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried

0:24:22

9. Consider a recommendation for an Infrastructure Reimbursement for Doport Development.

Mr. Patterson explained this is an approval for application and recommendation to the City Council regarding the Infrastructure Reimbursement for Hackberry View Estates Subdivision. There were five lots created and the applicant paid the City to have the water line cross from the Northside of Texas Street to the Southside. For that portion for the water line on page 60 of your packet the total of all that has been highlighted 15% of that comes out to the total of \$1,036.30 the Planning Department is requesting to reimbursement.

Ms. Durham made a motion to recommendation for an Infrastructure Reimbursement for Doport Development. **Mr. Barney** seconded the motion. The vote was as follows: **Yes –Ms. Durham, Mr. Knott, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried

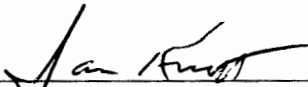
0:29:11 **10. Report regarding Summary Review Subdivisions.**

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

0:31:06 **11. Adjourn.**

There being no further business, the meeting was adjourned.

0:31:11 Stop Recording [5:38:24 PM]



Chairman

Date