

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

December 4, 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, December 4, 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 October 2, 2017.
4. Consider an Appeal (Variance) for curb and gutter.
5. Consider an Appeal (Variance) for no sidewalks.
6. Consider a preliminary plat for Farmview Subdivision Phase 5, containing 14 lots.
7. Consider an Appeal (Variance) for access to temporary use site.
8. Consider allowing Temporary Housing as a Temporary Use at 3401 Harvest Ln..
9. Consider adoption of a \$50 fee for Annexation petitions to the City's Zoning Ordinance fee schedule.
10. Consider recommendation to the City Council for amendments to the fee schedule for Annexations.
11. Discussion and Approval of 2018 Planning and Zoning Commission Meeting Dates.
12. Report regarding Summary Review Subdivisions.
13. Adjourn.

FOR INFORMATION ONLY

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site: cityofcarlsbadnm.com or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

PLANNING AND ZONING COMMISSION MEETING SCHEDULE

- Regular meeting – Monday, January 8, 2018 at 5:00 p.m.

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, DECEMBER 4, 2017, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES KNOTT
BRIGIDO GARCIA
LASON BARNEY
JAMES MCCORMICK**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSION SECRETARY**

VOTING MEMBERS ABSENT:

BRAD NESSER

COMMISSIONER

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD
LUIS CAMERO
RON MYERS**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR
DIRECTOR OF UTILITIES**

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**KEN THURSTON
TOM BARRETT
CRYSTAL BARRETT
CHARLES TURNBOW
MICHAEL SHORES
RUTH ANNE SHORES
SONIA FLOREZ
GARY WADDELL
JALEEN BARNEY**

**LAS CRUCES, NM
3401 HARVEST LN.
3401 HARVEST LN.
802 ELGIN RD
3502 HIDALGO RD.
3502 HIDALGO RD.
3304 NATIONAL PARKS HWY.
4203 BOYD DR.
904 FOUNTAIN DR.**

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 [5:02:32 PM]

0:00:02 **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. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick; Absent— Mr. Nesser.

0:00:24 **2. Approval of Agenda.**

Ms. Goad asked that Item #9 and #10 to be combined.

Mr. McCormick made a motion to approve the Agenda combining items #9 and #10; **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; No–None; Abstained–None; Absent– **Mr. Nesser**. The motion carried.

0:04:06 **3. Approval of Minutes from Meeting held November 6, 2017.**

Mr. Thurston asked that on the drafted Minutes on item #5 where he said, “The right of way would be 50’ on the east and 80’ on the west.” The correction should be 50’ on the west and 80’ on the east.

Ms. Goad pointed out on the Agenda on item #3 the Minutes from the Meeting held October 2, 2017; it should be Minutes from the Meeting held November 6, 2017.

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

0:04:47 **4. Consider an Appeal (Variance) for curb and gutter.**

Mr. Patterson explained that Applicant is requesting an Appeal (variance) from Section 47-42(n)(1) and 47-62(d)(4) from the City of Carlsbad Subdivision Ordinance for the approval to not install curb and gutter for Farmview Subdivision Phase 5, which will create 14 new single family residential lots. The curb and gutter infrastructure requirement found in the City’s Subdivision Ordinance is primarily meant to direct how drainage down City streets will be directed and handled. In the area of this proposed development, no curb and gutter has been installed along any streets. The drainage issues present here are handled primarily through on-site ponding, which is what the developer has proposed for the Farmview Subdivision Phase 5 development. The developer also provided a drainage study detailing how drainage will be handled. The absence of sidewalks along the streets in this area led to the developer requesting that sidewalks not be a requirement for this development. This area is remote regarding its distance from amenities in which residents would likely choose to walk in order to visit. It is likely that the pedestrian traffic along the streets here is minimal. Whether or not the absence of sidewalks leads to the low pedestrian traffic is unclear. Based on the application materials and City Administration and staff comments, the Planning staff recommends denial. Subdivisions shall be required to meet all development specifications

After some discussion referencing whether or not curb and gutter would hinder or help the drainage situation.

Mr. McCormick made a motion not to install curb and gutter; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. McCormick**; No– **Mr. Barney, Mr. Knott**; Abstained–None; Absent– **Mr. Nesser**. Tie Vote.

After a lengthy discussion on ADA sidewalk as opposed to different sizes of curb and gutter the commission made a motion to table until the applicants Engineer could provide drawings specifications and construction drawings.

Mr. Barney made the motion to table the item until the next scheduled meeting. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. McCormick, Mr. Barney, Mr. Knott**; No–None; Abstained–None; Absent– **Mr. Nesser**. The motion carried.

1:17:21

5. Consider an Appeal (Variance) for no sidewalks.

Mr. Patterson explained that the applicant is requesting an Appeal (variance) from Section 47-42(n) to not install sidewalks for Fountain Hills # 12 Subdivision, located at the corner of W. Church St. and Miehls Dr. creating 10 new lots, zoned "R-R" Rural Residential District. There are currently no sidewalks in the area and the road is installed. The sidewalk infrastructure requirement found in the City's Subdivision Ordinance and Infrastructure Specification document is primarily meant to allow for safe pedestrian traffic along city streets. In the area of this proposed development, no sidewalk infrastructure has been installed along any streets. The absence of sidewalks along the streets in this area led to the developer requesting that sidewalks not be a requirement for this development. This area is remote regarding its distance from amenities in which residents would likely choose not to walk in order to visit. It is likely that the pedestrian traffic along the streets here is minimal. Whether or not the absence of sidewalks leads to the low pedestrian traffic is unclear. However, there is a plan to install a walking trail that crosses over C-Hill, running along Skyline Dr. to the north and over to W. Church St. to the south. As such, the Planning Dept. and other City staff would like the developer to install the portion of sidewalk along Fountain Hills Subdivision, Unit 12. Based on the application materials and staff comments, the Planning staff recommends denial of this request.

Mr. Thurston asked for clarification on page 34 under impact where it says, however, there is a plan to install a walking trail that crosses over C-Hill, running along Skyline Dr. to the north and over to W. Church St. to the south. He was not aware of that plan, also he's not sure what the actual plan that exists or what is going on in that area as stated in this impact. **Mr. Patterson** said he has to admit he's hasn't seen the plans for this walking trail, but he's been told to him verbally about it. He put in the last sentence in there so that the board would know right now that City Hall wants Public Works Department to construct that project. **Mr. Thurston** said with that information he's not sure how to proceed with the variance other than to ask for it because of the unknown.

Ms. Barney said she's lived at 904 Fountain Dr. for 13 years there are no sidewalks for our children, they have to walk on the street to get to and from the bus stop on Dennis Way. Either they walk on of edge or on the trail, but the trail has been washed out, so in her opinion sidewalk and curbing would be best for our children safety and neighborhood.

Mr. Barney asked **Mr. Patterson** if there's been any other discussion putting sidewalk all around C-Hill, besides the trail. **Mr. Patterson** said not outside the discussion of putting in the trail, not to his knowledge. **Mr. Barney** said it's been very dangerous and his wife & her friends walk C-Hill. He's surprised that there has not been any accident. **Ms. Goad** asked is it the local people that live in the area or is it people around town that desire to walk up there. **Mr. Barney** said its more nonresidents than local. Traffic has increased since the development of the houses now.

Mr. Thurston said he's not opposed to the sidewalk. What he's opposed to is, putting up roughly \$25,000 into putting a sidewalk out there and then lead to nothing.

Mr. Garcia made a motion to deny for no sidewalks; **Mr. Barney** seconded the motion. The vote was as follows: Yes—**Mr. Garcia, Mr. Barney**; No—**Mr. Knott, Mr. McCormick**; Abstained—None; Absent—**Mr. Nesser**. Tie Vote.

Mr. Knott made the motion to table until the next scheduled meeting. **Mr. Barney** seconded the motion. The vote was as follows: Yes—**Mr. Garcia, Mr. McCormick, Mr. Barney, Mr. Knott**; No—None; Abstained—None; Absent—**Mr. Nesser**. The motion carried.

1:47:07
14 lots.

6. Consider a preliminary plat for Farmview Subdivision Phase 5, containing

Mr. Patterson explained this is a Preliminary Plat for Farmview Subdivision Phase 5, creating 14 new lots, zoned Rural Residential District "R-R" and located at the corner of Elgin Rd. and Cowboy Country Road this subject was also discussed on item #4. Based on review of the application and staff comments, planning staff recommends denial. However, if approved, the following conditions shall be addressed prior to sign off of the final plat:

1. A letter of acceptance from the Infrastructure Construction Inspector and City Engineer shall be obtained by the developer and provided to planning staff.

2. The developer shall seek and have approved a Variance from the Planning and Zoning Commission to forego installing the required curb & gutter infrastructure for this subdivision.

3. The developer shall provide more detailed plans for construction of this subdivision including materials details and drive pad details.

Mr. Thurston asked to have an extension until the next scheduled meeting to address the concern for the curb and gutter, and drainage etc. No public comment.

Mr. Myers asked to have more specific details on sewer and water.

Mr. Patterson handed out a map where the Fire Marshall would like to see fire hydrants at C-Hill.

Mr. Barney made the motion to table until the next scheduled meeting. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes—Mr. Garcia, Mr. McCormick; No— Mr. Barney, Mr. Knott; Abstained—None; Absent— Mr. Nesser.** The motion carried.

1:59:04

7. Consider an Appeal (Variance) for access to temporary use site.

Ms. Goad explained this request is for a variance from the requirement of having a direct access to an arterial street with an 80' ROW. The parcel is accessed by a private road which is also the access easement that is shown on the Tomas Barrett Tract Plat. Police Department and Planning Department recommends approval. **Mr. Knott** asked what type of access. **Ms. Goad** said it was private road. It's an access easement for their property. When it's not specific then it becomes a public access. **Mr. Barrett** said he has legal access to this road and my neighbor is fine with it. It's a 50' utility easement and private road. **Ms. Goad** said it's not a dedicated public road, but it is a private road and it would not be in any interest for it to be closed road. **Mr. Barrett** said they did receive a document from the Bank saying that was their access.

Mr. Shores asked how many spaces there looking on putting in. **Mr. Barrett** said ten spaces. **Ms. Shores** said she understood that you couldn't have more than four in the city limits, because of the septic tanks. **Mr. Barrett** said they have two septic systems. **Ms. Shores** said they live right behind them, and that her and her husband drove on Harvest Ln. and it's been plowed so far then it becomes a dirt road. When they moved out there, they were required them to have a 3' foundation from the ground level. **Ms. Goad** said it's because it's in the flood zone. **Ms. Shores** said "yes", but they look down at their property. **Ms. Goad** said in our ordinance it doesn't say you couldn't put a temporary use RV parks in the flood zone. The reason you were required to build a 3' foundation is because your home is a permanent in nature. Temporary use says it's only temporary in nature so that requirement doesn't apply to this use. If you build the RV Park up from ground level it would displace more water rather than protect the individuals who are there which could also affect their property. There are no studies for the "A" zone in that area. **Mr. & Mrs. Barrett** said they are working to improve the area it's going to take time and money. **Mr. Barrett** said the base course stops right at their property line, which they will have

to continue adding more base course within time and money. **Ms. Shores** said the neighbors are encroaching on them on all sides the Lunsford's built an air plane hanger and now a man camp. She said nobody wants a man camp in La Huerta they are fighting it. The reason why they don't want it there, it's because of their property value.

Mr. Garcia made a motion to approve the Variance for access to temporary use site; **Mr. McCormick** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick;** No–None; Abstained–None; Absent– **Mr. Nesser**. The motion carried.

2:26:54 **8. Consider allowing Temporary Housing as a Temporary Use at 3401 Harvest Ln.**

Ms. Goad explained for this application with connection from the previous item. Police Department has approved the application as well as the Utilities Department with conditions of Harvest Ln. P&Z application; I don't see any plan for water service. Also, the application with the State for the 2 septic systems appears to indicate that the septic systems are for a single-family residence. **Mr. Knott** said that prior to having occupancy in your park you would have to have all the items addressed.

Mr. Barrett said his septic systems one is 1200 gallons and the other one is 1250 gallons. They are both capable of holding 5 RV's the electrical contractor he works for one of them. His engineer was not able to send him the stamp drawings, but he does have the preliminary and when he has them then he will pull the permits. He's not sure about the water meter he's still waiting for that. **Mr. Myers** said the meter will be on Standpipe Road. **Mr. Patterson** said any solid waste will be on Standpipe Road they will not go into private roads. **Ms. Goad** said they will need the electrical plan before it goes to council. **Ms. Barrett** said that she doesn't want to live in a trashy area they have plans to make it look nice. **Mr. Barrett** said eventually they will be placing their personal house there to live for the long haul.

Ms. Shores asked if you have 10 RV spaces then you'll probably have about 20 pickup trucks going in and out on Standpipe Road. **Mr. Barrett** said from Harvest Lane, "yes". **Ms. Shores** said her objection is having a sloe of camp trailers behind her backyard. **Mr. Barney** asked what type of fencing they want to put up. **Ms. Barrett** said metal 7' high. **Mr. Barney** said explaining to Ms. Shores that they have to do things to make it nicer. **Ms. Shores** said they know nothing about this request. **Ms. Goad** said for a Temporary Use there's not requirement to notify the surround neighbors, but the Barrett's asked for a variance there is a requirement to notify the surrounding neighbors that are within 100' of their property. So that's why you got a letter this time and didn't before. It's a different application. **Ms. Shores** asked if they City have any definition of what temporary is. **Mr. Knott** said "yes" if she wished she could stop by the Planning Department where they could help her obtain a copy. **Mr. Patterson** said when these Temporary Housing are approved they come with a 5 year term and that term could be renewed for an additional 5 years, but there are some criteria's that have to be met for that to happen. They are designed not to go on forever. **Ms. Goad** said if there are any infractions with the law the City Manager can immediately cease all of it. **Mr. Knott** explained to Ms. Shores that a RV Park is permanent, people put a lot of time and money into it making it look nice with trees, grills, etc., a Temporary Housing it's only for a limited time so you don't have to put in a lot of time and money only depending on the owners what they have in mind. **Ms. Goad** said the whole idea was not to have so many abandoned RV Parks everywhere, so they came up with different criteria for the temporary idea so if this did go away then the land could go back to opened land and not have any open restrooms, work out buildings, etc. It was designed with that in mind. **Mr. Patterson** said with a minimum foot print. **Ms. Barrett** said when they build their homes they do plan to put porches and make it their home, but they don't plan to do this forever. **Mr. Barrett** said that there from Las Cruces and they can't get any workers from Carlsbad to work there all coming from out of town.

Mr. McCormick made a motion to approve allowing Temporary Housing as a Temporary Use at 3401 Harvest Ln.; **Mr. Knott** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; No–None; Abstained–None; Absent– **Mr. Nesser**. The motion carried.

2:59:27 **9. Consider adoption of a \$50 fee for Annexation petitions to the City's Zoning Ordinance fee schedule.**

10. Consider recommendation to the City Council for amendments to the fee schedule for Annexations.

Mr. Patterson explained currently, the City does not impose a fee for the submission of a petition for annexation. However, due to a change in policy in which the City's Planning Department will be responsible for filing and recording all approved annexation plats and ordinances associated with an approved annexation with the Eddy County Clerk's office moving forward, and the Eddy County Clerk charging a fee for this filing and recording, the Planning Department proposes a fee of \$50 for the submission of a petition for annexation to cover this filing and recording fee with Eddy County. The \$50 fee amount was arrived at by considering the initial \$25 fee for filing and recording the annexation plat, and the additional \$25 fee for filing and recording the annexation ordinance approved by the City Council for each annexation. **Mr. Knott** asked who initiates this application for Annexations private individuals or the City. **Mr. Patterson** said according to statue private property owner can petition to Annex in this property or a group of property owners can petition to annex as long as there's a majority property owners in the area to be annexed. The City can initiate action to annex a certain portion of the land. **Ms. Goad** explained that the zone change fee is \$100.00, but those don't always come with annexation those can be interiors. When we apply zoning it doesn't get recorded at the County.

Mr. Barney made a motion to approve the adoption of a \$50 fee for Annexation petitions to the City's Zoning Ordinance fee schedule; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; No–None; Abstained–None; Absent– **Mr. Nesser**. The motion carried.

11. Discussion and Approval of 2018 Planning and Zoning Commission Meeting Dates.

Ms. Goad explained Setting meeting dates for the Planning and Zoning Commission meetings for the calendar year 2018. The January and September meetings are recommended to be changed from the regular date because of conflicts with Holidays

Mr. McCormick made a motion to approve 2018 Planning and Zoning Commission Meeting Dates; **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; No–None; Abstained–None; Absent– **Mr. Nesser**. The motion carried.

12. Report regarding Summary Review Subdivisions.

There were no questions regarding the plats.

3:10:50 **13. Adjourn.**

There being no further business, the meeting was adjourned.

3:10:54 Stop Recording [8:13:26 PM]

Jan White

Chairman

1-8-18

Date