

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

February 1, 2016, at 5:00 p.m.

Meeting Held in the Council Chambers

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, February 1, 2016, at 5:00 PM
Municipal Building 101 N. Halagueno Street
City Council Chambers (Second Floor)

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Amended Minutes from the Meeting held on December 7, 2015.
4. Approval of Minutes from the Meeting held January 4, 2016.
5. Consider an Appeal of a Zoning Interpretation issued by the Planning Department regarding a property located at 612 N. Guadalupe St., zoned (R-2) Residential District.
6. Consider recommendation for an Infrastructure Reimbursement Application for Spring Hollow Subdivision Unit II Phase 1.
7. Consider recommendation for an Infrastructure Reimbursement Application for Atwood Subdivision.
8. Consider an Appeal (variance) from Section 3-56(b)(1) to allow a building height of 63' rather than the maximum of 50' in Carlsbad Airport Industrial Park, legally described as Carlsbad Industrial Air Park Replat P3 Unit 5, Tract 3-E.
9. Consider a Conditional Use Permit for a bed and breakfast located at 814 N. Canal St., legally described as Lot 13, Block 108, North Carlsbad Subdivision.
10. Consider recommendation for a Zone Change for an approximately 0.62 acre lot located at 814 N. Canal St., legally described as Lot 13, Block 108, North Carlsbad Subdivision.
11. Report regarding Summary Review Subdivisions.
12. 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, FEBRUARY 2, 2016, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES KNOTT
LASON BARNEY**

**CHAIRPERSON
COMMISSIONER**

VOTING MEMBER ON PHONE:

WANDA DURHAM

COMMISSIONER

VOTING MEMBERS ABSENT:

**JAMES MCCORMICK
BRIGIDO GARCIA**

**COMMISSION SECRETARY
COMMISSIONER**

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD
SHERRI CHANDLER**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR
AIRPORT MANAGER**

EXECUTIVE SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING, ENGINEERING
AND REGULATION DEPARTMENT
SECRETARY**

OTHERS PRESENT:

**JOE HAYS
SHANNON SUMMERS
JAMES WATERS
KAY ATWOOD
JD VERNON
JOHN VERNON
JERRY SAMANIEGO
JONATHAN SAMANIEGO
GARTH GOODEY
JERRY ROGERS
DON OWEN
LINDA VERNON
ERNIE MARTINEZ
STUART KOGOD
J MICHAEL QUEEN
DANIEL JOHNSON
STEVE SHANOR**

**3908 PAT GARRETT
CDOD
1303 W. RIVERSIDE
502 FARRIS
611 N. GUADALUPE
611 N. GUADALUPE

805 TUSCAN LN.
209 GOIN HOME
604 W. ORCHARD LN.
611 N. GUADALUPE
208 W. 1ST, STE.365, ROSWELL, NM
814 N. CANAL ST.
814 N. CANAL ST.
701 ALAMEDA
400 N. PENN. STE. 640, ROSWELL, NM**

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 [5:05:18 PM]

0:00:13 1. Roll call of voting members and determination of quorum.

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

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

Mr. Barney made a motion to approve the Agenda, and **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.

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

Mr. Patterson explained in the December 7, 2015 meeting minutes on item #4 that the motion to recommend approval of the zone change request was stated as approved, however it needed to be changed to state that the motion was denied.

Mr. Barney made a motion to approve the Amended Minutes and **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.

0:03:23 **4. Approval of Minutes from the Meeting held January 4, 2016.**

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

0:04:08 **5. Consider an Appeal of Zoning Interpretation issued by the Planning Department regarding a property located at 601 N. Guadalupe St., zoned (R-2) Residential District.**

Mr. Martinez mentioned that the address should be 612 N. Guadalupe not 601 N. Guadalupe. **Mr. Patterson** explained on April 24, 2015, the City's Planning Department issued a Zoning Interpretation Letter stating that under the Carlsbad Zoning Ordinance, in order for the appellant to open and operate a mobile home park, the owner of the property would need to ask for and have granted a Variance to reduce the required acreage for a mobile home park from a minimum of three (3) acres to +/-0.522 acres as well as asking for and having granted a Variance to reduce the required number of mobile home spaces, with 24 spaces being the minimum. The owner would also need to obtain a Conditional Use Permit from the Planning and Zoning Commission for the park. The appellant filed an appeal January 4, 2016 that stated he wished to appeal the Zoning Interpretation. **Mr. Shanor** stated that this matter was before the Planning and Zoning Commission on the Appeal filed by Jonathan Samaniego on January 4, 2016. The Appeal was of a Letter Determination dated April 24, 2015 by Planning Director, Jeff Patterson. City Ordinance, Section 56-150(c)(3)(a) provides that an Appeal **must be filed** with the City Administrator within fifteen (15) days after the date of the decision. Untimely Appeals **shall not be considered**. (Emphasis added). As such, the Planning and Zoning Commission should not consider this Appeal. **Mr. Martinez** said his client did not receive a letter.

Ms. Durham made a motion to not consider this Appeal, which would result in the denial of the Appeal, on the grounds that according to City Ordinance Sec. 56-150(c)(3)(a), this Appeal was untimely, being 255 days after the issuance of the Zoning Determination. **Mr. Barney** seconded the motion. The vote to

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

0:15:37 **6. Consider recommendation for an Infrastructure Reimbursement Application for Spring Hollow Subdivision Unit II Phase 1.**

Mr. Patterson explained that based on the construction estimated costs submitted by the applicant and based on staff review of these estimates, the preparation of an Infrastructure Reimbursement Agreement and reimbursement of up to, but not exceeding \$192,715.43 is recommended.

Mr. Barney made a motion to approve the Infrastructure Reimbursement Application for Spring Hollow Subdivision Unit II Phase 1. **Ms. Durham** seconded the motion. The vote to recommend approval was as follows: **Yes – Mr. Knott, Ms. Durham, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick, Mr. Garcia**. The motion carried.

0:17:27 **7. Consider recommendation for an Infrastructure Reimbursement Application for Atwood Subdivision.**

Mr. Patterson explained based on the construction estimated costs submitted by the applicant and based on staff review of these estimates, the preparation of an Infrastructure Reimbursement Agreement and reimbursement of up to, but not exceeding \$2,527.68 is recommended.

Ms. Durham made a motion to approve the Infrastructure Reimbursement Application for Atwood Subdivision. **Mr. Barney** 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.

0:18:47 **8. Consider an Appeal (variance) from Section 3-56(b)(1) to allow a building height of 63' rather than the maximum of 50' in Carlsbad Airport Industrial Park, legally described as Carlsbad Industrial Air Park Replat P3 Unit 5, Tract 3-E.**

Mr. Patterson explained that the applicant is requesting a variance from 50' in height to 63' in height for concrete batch plant silos located at the subject site. Planning Staff recommends denial based on the prohibition in the City's Airport Industrial Park Ordinance. However, if the applicant provides the City with a waiver form from the FAA allowing a building to be erected at this height in proximity to the Airport runways, the Planning Dept. recommends approval with the condition that the applicant provide the City with a written approval letter issued by the FAA. Also, the height of the new structure needs to be verified by the applicant. **Ms. Chandler** said she spoke with Mr. Waters about the needed FAA application. She said she could not recommend anything until FAA got back to Mr. Waters. **Mr. Waters** said he spoke FAA and submitted an application to the FAA, and he expected at least a three week turnaround from FAA. **Ms. Chandler** said she's trying to keep airspace safe and couldn't say why others construction projects didn't have to go through this process. **Mr. Patterson** said the board would need to vote according what the city's ordinance read.

Mr. Barney made a motion to approve the Appeal (variance) at the Carlsbad Airport Industrial Park for a structure to be built at a height of 63' as opposed to the maximum height of 50', with the condition that the applicant provide the City with a written approval letter from the FAA. **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.

0:35:08 **9. Consider a Conditional Use Permit for a bed and breakfast located at 814 N. Canal St., legally described as Lot 13, Block 108, North Carlsbad Subdivision.**

Mr. Patterson explained that the Planning Department recommends approval of the Conditional Use Permit with the condition that the applicant meet all the requirements in the Ordinance for a bed and breakfast. **Mr. Stuart** said this business would be good for Carlsbad and especially for visitors Carlsbad Caverns. **Mr. Barney** asked if there has been any feedback on this application. **Mr. Patterson** said “no”.

Mr. Barney made a motion to approve the Conditional Use Permit. **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.

0:38:12 **10. Consider recommendation for a Zone Change for an approximately 0.62 acre lot located at 814 N. Canal St., legally described as Lot 13, Block 108, North Carlsbad Subdivision.**

Mr. Patterson explained the applicant is requesting a Zoning Change from “R-2” Residential District to “C-2” Commercial District at the subject site, which is currently being used as a hostel. The western half of the property is zoned “C-2” Commercial while the eastern half is zoned “R-2” Residential. The owner wishes to change the eastern half of the property to C-2. The zoning of the abutting properties to the east is “R-2” Residential. The north, south and west is “C-2” Commercial. This will not create a spot zone.

Ms. Durham made a motion to approve the Zone Change and **Mr. Barney** 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.

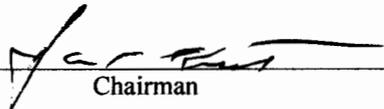
0:41:33 **11. Report regarding Summary Review Subdivision.**

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

0:41:51 **15. Adjourn.**

There being no further business, the meeting was adjourned.

0:42:00 Stop Recording [5:42:00 PM]



Chairman

3-7-16
Date