

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

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

Meeting Held in the Planning Room

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, April 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 March 7, 2016.
4. Consider a recommendation to annex an approximately 0.47 acre lot located at 510 E. Wood Ave. described as Lot 1, Block 6, Riverside Farms Amended Block 6.
5. Consider a recommendation for a Zone Change from County to City of Carlsbad "R-1" Residential District Lot 1, Block 6, Riverside Farms Amended Block 6, located at 510 E. Wood Ave., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.
6. Consider a recommendation for a Zone Change from "R-1" Residential district to "C-2" Commercial district for property located in the 3000 block of San Jose Blvd., legally described as Block 1 & 2, Southridge Subdivision.
7. Consider approval of a Conditional Use Permit at 201 S. Guadalupe for a Home Occupation (bed and breakfast).
8. Consider approval of a Conditional Use Permit at 410 Farris St. for a Home Occupation (gunsmith business).
9. Consider a recommendation for a Temporary Use Permit (Temporary Housing) at 2411 E. Greene St.
10. Discussion and Consideration of a recommendation regarding proposed Amendments to Chapter 56 of the Carlsbad Code of Ordinances (Zoning Ordinance).
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, APRIL 4, 2016, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSION SECRETARY**

VOTING MEMBERS ABSENT:

NONE

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

EXECUTIVE SECRETARY PRESENT:

JENNIFER CAMPOS

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

OTHERS PRESENT:

**DELIESH HEFT
RACHEL SAPIEN
CECILIA SALCIDO
DEBBIE GUERRA
HARVEY H. GUERRA
SCOTT BUCHER
JOSHUA MOORE
DALLAS GRANGER
JERRY GRANGER
SHANNON SUMMERS
CASEY SOWERS
WINDY SHELTON
HECTOR ESTRADA
ELLIS LEATON
ESTEVAN QUINTELA
SALLY FERNANDEZ
LISA BRADSHAW**

**510 E. WOOD
406 FARRIS
3508 OLD CAVERN
321 MONTCLAIR
321 MONTCLAIR
221 S. CANYON
716 WINGEDFOOT DR.
510 E. WOOD
1603 HILL ST.
400-2 CASCADES AVE.
2317 COLLINS
201 N. GUADALUPE

3025 CARVER ST.
317 MONTCLAIR
315 MONTCLAIR
318 LLOYD ST.**

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 [5:03:52 PM]

0:00:22 **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, Mr. Barney, Mr. McCormick, Mr. Garcia**; Absent – None.

0:00:31 **2. Approval of Agenda.**

Mr. Patterson said to remove item #8 from the agenda. **Mr. Knott** said he will recuse himself from item #6. **Ms. Durham** made a motion to approve the Agenda with the conditions made, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. McCormick, Mr. Garcia**; No – None; Abstained – None; Absent – None. The motion carried.

0:02:41 **3. Approval of Minutes from the Meeting held March 7, 2016.**

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

0:03:07 **4. Consider a recommendation to annex an approximately 0.47 acre lot located at 510 E. Wood Ave. described as Lot 1, Block 6, Riverside Farms Amended Block 6.**

Mr. Patterson explained the applicant is requesting on a parcel to be annexed into the municipality as “R-1” Residential District. He’s occupying the lot on the south parcel on the corner of Wood Street and Caesar Road. The city does provide water but no sewer service. There were no objections to this request planning staff recommended approval the second part of this is item #5 requesting for Zone Change. **Mr. Knott** asked about the size of the lot because $\frac{3}{4}$ of an acre is required for a septic tank. **Mr. Dallas Granger** said the city sewer hookup is provided. He said that they just put a double wide there and would like to have city services. **Mr. Jerry Granger** said his other son lives next door and has city services.

Mr. Garcia made a motion to approve the recommendation to annex an approximately 0.47 acre lot located at 510 E. Wood Ave. described as Lot 1, Block 6, Riverside Farms Amended Block 6, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. McCormick, Mr. Garcia**; No – None; Abstained – None; Absent – None. The motion carried.

0:09:24 **5. Consider a recommendation for a Zone Change from County to City of Carlsbad "R-1" Residential District Lot 1, Block 6, Riverside Farms Amended Block 6, located at 510 E. Wood Ave., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances**

Mr. Patterson explained this item goes hand to hand with item #4 with the annexation the city would apply zoning there seems to be a discrepancy between what the packet says on page 15 and when you look at the map on page 26 he’s requesting R-1 zoning and it says that it would not create spot zoning, but according to the map it would. It’s surrounded by industrial zoning and rural residential zoning so, he was needing to ask the applicant if and that he was wanting to go through with R-1 zoning being when it’s surrounded by rural residential zoning if it’s going to be residence. **Mr. Jerry Granger** said he didn’t know what to ask for he just wanted to be annexed in the city limits and have city water. **Mr. Patterson** asked the board to recommend approval as R-R zoning. **Mr. Jerry Granger** said whatever it takes to be in the city limits.

Mr. McCormick made a motion to approve the recommendation for a Zone Change from County to City of Carlsbad "R-R" Residential District Lot 1, Block 6, Riverside Farms Amended Block 6, located at 510 E. Wood Ave., and **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. McCormick, Mr. Garcia**; No – None; Abstained – None; Absent – None. The motion carried.

0:13:44 **6. Consider a recommendation for a Zone Change from "R-1" Residential district to "C-2" Commercial district for property located in the 3000 block of San Jose Blvd., legally described as Block 1 & 2, Southridge Subdivision**

Mr. Patterson explained the applicant is requesting a Zone Change along San Jose Blvd. from "R-1" Residential Commercial District to "C-2" Commercial District if you look at the map on page 41 there is "C-2" zoning adjacent to these properties. If you look on the map it's zoned "C-2" but it's a residential use, basically a subdivision which is allowed in the "C-2" zoning. Because of the use in the surrounding area, planning staff recommends denial. **Mr. Leaton** said he owns the properties and he's selling it to Mr. Estrada. **Mr. Estrada** has a trucking company he would like to have a yard for his company. **Ms. Goad** said there's a gas line. **Mr. McCormick** asked if there was a street between the properties looking at the map and having it as one big property. **Mr. Patterson** said all he has to do is replat the property. If he wants to develop as residential someone will have to develop the street, curb and gutter, sidewalks and it will cost a lot of money to put one there. **Mr. Leaton** said if the streets were built the property would be more valuable this property was incorporated back in 1951 the city should've put the street in and now they're stuck doing something to the property. Mr. Estrada wanted to put his trucking company there to make use of it. Ms. Fernandez said she has signatures from around the neighborhood that are against the proposal. The noise will be nuisance for the neighborhood; we have children in the area. She's doing this for the elderly people that could not make it to the meeting. **Ms. Guerra** said she live on the corner of San Jose Blvd. and Montclair her husband and her are against it. What's going to happen to the property value is it going to be fenced, the noise with overnight parking leaving the trucking on all day and night. Is the parking area going to be paved, is it going to be lighting, where are they going to put in an entrance and exit. Her husband is on kidney dialysis and she hooks him up on the machine at night and he would not get any rest having the trucks in and out running day and night. **Ms. Bradshaw** said she lives on 318 Lloyd Street her backyard will face the property and she's against it. **Mr. Knott** said he owns 8 of the 12 lots north side on Lloyd Street. He is against the zoning as owner for his tenants in his property he owns. **Mr. Leaton** said the lots could not be used for anything else. It's been used as for a dumping ground and they have to clean it up. **Ms. Guerra** said the comment he made about it's been used as a dumping ground is not true her boys grew up there and they used to ride their bikes track and all the kids would do the same. **Mr. Estrada** made his comment about how many employees he has paying property taxes and how long he's wanted to make this happen.

Mr. Garcia says he has a concern that there is a hill right behind the Guerra property almost at that alley having a truck entering or existing would be a danger because of traffic. **Ms. Bradshaw** said there is a hill and having trouble for the school buses picking up and dropping off kids it's bad. With icy weather vehicles slide because of the hill and having big trucks it's dangerous.

Ms. Durham made a motion to deny the requests for the reasons of concerns that we have, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – None**; No – **Ms. Durham, Mr. Barney, Mr. McCormick, Mr. Garcia**; Abstained – **Mr. Knott**; Absent – None. The motion carried.

0:42:37 **7. Consider approval of a Conditional Use Permit at 201 S. Guadalupe for a Home Occupation (bed and breakfast).**

Mr. Patterson explained the applicant is requesting a Conditional Use Permit to allow a home occupation for a bed and breakfast located at 201 S. Guadalupe St. This use is a conditional use in “C-1” Commercial District according to 56-4. Planning Staff recommends approval with the understanding that the applicant shall adhere to all specifications and requirements found in the City’s Zoning Ordinance. **Ms. Shelton** explained that they purchased a three bedroom house inside one would be a private room and one in the back that would be used as a private suite. They have to get the kitchen approved by the city before they can offer the actually breakfast part of it. It’s a great house for the community.

Mr. Barney made a motion to approve the Conditional Use Permit at 201 S. Guadalupe for a Home Occupation (bed and breakfast), and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. McCormick, Mr. Garcia**; No – None; Abstained – None; Absent – None. The motion carried.

0:46:24 **9. Consider a recommendation for a Temporary Use Permit (Temporary Housing) at 2411 E. Greene St**

Mr. Patterson explained the applicant is asking for recommendation of approval for a new Temporary Use Permit, Temporary Housing located at 2411 C & D E. Greene St. with ten acres total. He has provided all the details concerning how he would construct the site. He was asked by this board to do a review on the RV Parks to find out how many vacancies in the area. There seems to be a minimum of vacancies as of today, but he was told they would be filled up soon. **Mr. Knott** asked how many of these Temporary Use Permits have been approved and how many lots do they have to vacate. **Mr. Patterson** said it’s up to the board if they want to table this until we have more information on the vacancies. **Mr. Moore** explained he will be opening soon across the street. He has provided blue prints (handed out to the board) explaining his utilities layout. He wants to do more of a work camp for larger companies. He’s been working with NMED for the septic tanks he’s working with everyone to be thorough with his projects. **Mr. Bucher** said he’s been working with Mr. Moore with his project and it’s all executed well for the market. You have tourist coming into town and there’s no sites available. This type of opportunity creates a positive impact to the City of Carlsbad. **Mr. Knott** asked if he’s looking to get RV’s getting the water and septic system in place. **Mr. Moore** said “yes” he will provide the services.

Mr. Sowers asked a question about temporary use permit in the case where it would be revoked, would it be first and last out or first in and first out. **Mr. Patterson** said that it doesn’t say it in the ordinance or in the application the revoking part would have to be if the operator were continually out of compliance, or there were numerous police issues then it would be taken to the City Administrator. **Mr. Sowers** said he’s all for competition and his biggest concern is putting money into this project is he setting himself up to be revoked, he does have other properties. **Mr. Patterson** said in his opinion that’s just the risk you take your putting the operations based on the economic need and also the housing need. These are not meant to be permanent business. The need assessed is based on when you come in for your renewal the revoking the language is in there is for properties that fail to be in compliance. **Mr. Barney** said they extended the renewal to five years and that’s a long time for a temporary business.

Mr. McCormick made a motion to approve the Consider a recommendation for a Temporary Use Permit (Temporary Housing) at 2411 E. Greene St, and **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. McCormick, Mr. Garcia**; No – None; Abstained – None; Absent – None. The motion carried.

1:29:32 **10. Discussion and Consideration of a recommendation regarding proposed Amendments to Chapter 56 of the Carlsbad Code of Ordinances (Zoning Ordinance).**

Long discussion about amendments to Chapter 56 of the Carlsbad Code of Ordinance (Zoning Ordinance).

3:02:38 **12. Adjourn**

There being no further business, the meeting was adjourned.

3:02:46 Stop Recording [8:06:37 PM]

James Krutt
Chairman

6-6-16
Date