

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**May 1, 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, May 1, 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 Meeting held April 3, 2017.
4. Consider a recommendation to the Carlsbad City Council concerning a petition for Annexation of 1300 acres east of National Parks Hwy. and south of Derrick Rd.
5. Consider a recommendation to the Carlsbad City Council concerning a petition for Annexation of 1821 Caesar Rd., approximately 0.472 acres.
6. Consider a recommendation for a Zone Change at 1821 Caesar Rd., approximately 0.472 acres 1821 Caesar Rd.
7. Consider a side setback Variance for 1119 W. Edwards.
8. Consider approval of a private road name, Pope Ln.
9. Report regarding Summary Review Subdivisions.
10. 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, MAY 1, 2017, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

<b>JAMES KNOTT</b>	<b>CHAIRPERSON</b>
<b>JAMES MCCORMICK</b>	<b>COMMISSION SECRETARY</b>
<b>(Present from 5:32 p.m. until the end of the meeting)</b>	
<b>WANDA DURHAM</b>	<b>COMMISSIONER</b>
<b>(Present from the beginning of the meeting until 5:36 p.m.)</b>	
<b>LASON BARNEY</b>	<b>COMMISSIONER</b>

**VOTING MEMBERS ABSENT:**

<b>BRIGIDO GARCIA</b>	<b>COMMISSIONER</b>
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**EX-OFFICIO MEMBERS PRESENT:**

<b>JEFF PATTERSON</b>	<b>PLANNING DIRECTOR</b>
<b>GEORGIA GOAD</b>	<b>PLANNING DEPUTY DIRECTOR</b>

**SECRETARY PRESENT:**

<b>PATTIE PISTOLE</b>	<b>PLANNING, ENGINEERING AND REGULATION DEPARTMENT SECRETARY</b>
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**OTHERS PRESENT:**

<b>ESTER RUIZ</b>	<b>504 E. WOOD</b>
<b>ARMANDO RUIZ</b>	<b>504 E. WOOD</b>
<b>LISA RUIZ</b>	<b>504 E. WOOD</b>
<b>KERRI DUNAGAN-HARVEY</b>	<b>1411 W. ORCHARD LN.</b>
<b>GARY LANE</b>	<b>1256 W. CHANDLER BLVD.</b>
<b>SHANNON CARR</b>	<b>CDOD</b>
<b>CHARLIE GARCIA</b>	<b>101 N. HALAGUENO</b>

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 [5:14:39 PM]

0:00:04      **1. Roll call of Voting Members and Determination of Quorum.**

The meeting got started late, as there was only one Commissioner present at first. After the meeting was called to order, roll was called, confirming the presence of a quorum of commission members. The following members were present—**Ms. Durham** (via conference call), **Mr. Knott**, and **Mr. Barney**.

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

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

0:01:00        **3. Approval of Minutes from Meeting held April 3, 2017.**

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

0:01:48        **4. Consider a recommendation to the Carlsbad City Council concerning a petition for Annexation of 1300 acres east of National Parks Hwy. and south of Derrick Rd.**

**Gary Lane** was present to answer questions regarding the request for annexation. **Mr. Patterson** explained that the applicant had previously been approved both by the P & Z Commission and by City Council for a Preliminary Plat and Annexation for this area. However, since they now want to reduce the size of the plat along the southern border, they had to reapply. The PUD zoning is not changing, just the annexation. Planning recommends approval. **Mr. Lane** said they are reapplying, because the old map was done by a third party that tied up the property and then left. The actual owner is now applying. The change will not affect zoning, and will make the designated land use more consistent. Along the southern edge of the development, there will be a tree farm for retail and wholesale operation. A lot of trees will be needed for the development, and there is a well in the area. Since this will be a ten-year project, they don't want to be importing trees all that time. They will lease out the tree farm, perhaps for someone local to operate. (They are also working on the final PUD plan and the development agreement associated with it.)

During public comment, **Ms. Carr** said she recognized that this is a big project for Carlsbad. She is in favor and is looking forward to having it annexed into Carlsbad.

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

0:09:15        **5. Consider a recommendation to the Carlsbad City Council concerning a petition for Annexation of 1821 Caesar Rd., approximately 0.472 acres.**

**Mr. and Mrs. Ruiz** came forward for the issue. **Mr. Patterson** explained that they want to annex their lot and part of Caesar that fronts them. The lot abuts the City boundary. Comments submitted by the CID regarded easements along their ditches. All other departments, including Planning, recommended approval. Water and sewer are available on Wood Avenue. **Mr. Ruiz** said they want to put a home on the land and get City utilities. His mother-in-law lives in the lot behind the property. **Ms. Goad** added that there are plans to get a utility easement on the lot to the west. There was no public comment.

**Mr. McCormick** arrived at 5:32 p.m. **Mr. Patterson** summarized the issue for his benefit. **Mr. Barney** made a motion to recommend approval of the Annexation. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes–Mr. McCormick, Ms. Durham, Mr. Knott, Mr. Barney**; No–None; Abstained–None; Absent–**Mr. Garcia**. The motion carried.

**Ms. Durham** was ill at home, meeting via conference call, so she departed the meeting at 5:36 p.m. (Since Mr. McCormick had arrived, there was still a quorum.)

0:20:13 **6. Consider a recommendation for a Zone Change at 1821 Caesar Rd., approximately 0.472 acres 1821 Caesar Rd.**

**Mr. Patterson** explained that provided the property is approved for annexation, the zone requested is R-R. This property abuts other property with the same zoning, so it would not be a spot zone. Planning recommends approval. There were no public comments.

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

0:22:17 **7. Consider a side setback Variance for 1119 W. Edwards.**

**Ms. Dunagan-Harvey** represented the property owner for this item. **Mr. Patterson** explained that Planning had already issued a letter explaining that this is a legal, non-conforming use for the property. The title company, however, is requiring a variance before a sale can take place. **Ms. Dunagan-Harvey** added that these types of things used to pass through all the time, but now they don't want to see any exceptions at all on house sales. The owner can't sell without a variance because of this. There was no public comment.

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

0:28:52 **8. Consider approval of a private road name, Pope Ln.**

**Mr. Patterson** explained that the City of Carlsbad is the applicant for naming the road, for 911 addressing. By naming the road, the City does not take over ownership or maintenance of the road. There was no public comment.

**Mr. McCormick** made a motion to approve the naming of the private road. **Mr. Barney** seconded the motion. The vote was as follows: **Yes—Mr. McCormick, Mr. Knott, Mr. Barney**; No—None; Abstained—None; Absent—**Ms. Durham, Mr. Garcia**. The motion carried.

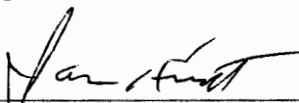
0:33:06 **9. Report Regarding Summary Review Subdivisions.**

There were no questions regarding the plats signed by the commission designees during the previous month.

0:33:28 **10. Adjourn.**

There being no further business, the meeting was adjourned.

0:33:34 Stop Recording [5:48:14 PM]

  
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Chairman

6-5-17  
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Date