

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**June 6, 2016, at 5:00 p.m.**

**Meeting Held in the Planning Room**

CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, June 6, 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. Minutes from Meeting held on April 4, 2016.
  - A: Remove minutes from table.
  - B: Approve minutes.
4. Approval of Minutes from the Meeting held May 2, 2016.
5. Discuss and Approve date for July P & Z Meeting.
6. Consider Preliminary plat approval for Freedom Way Subdivision.
7. Consider Alleyway Vacation and Replat of the NW corner of Kircher and San Jose.
8. Consider a Zone Change from "C-2" to "R-1" in the 100 and 200 blocks for 5 lots on W. Rose St.
9. Consider a request to extend El Dorado Final PUD deadline.
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 REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, JUNE 6, 2016, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
WANDA DURHAM  
LASON BARNEY**

**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:**

**DAVID O'DELL  
DAVE O'DELL**

**916 JASON  
4658 LOS POBLONAS CR. NW, ALB.**

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 [5:03:45 PM]

0:00:07        **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**; Absent – **Mr. McCormick, Mr. Garcia**.

0:00:30        **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.

0:01:02        **3. Approval of Minutes from Meeting held on April 4, 2016.**  
**A: Remove minutes from table.**  
**B: Approve minutes.**

**Mr. Patterson** mentions that these were corrected minutes from April 4, 2016 meeting.

**Mr. Barney** made a motion to remove minutes from the table and approve the minutes from the meeting held on April 4, 2016, and **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.

0:01:57      **4. Approval of Minutes from the Meeting held May 2, 2016.**

**Ms. Durham** made a motion to approve the minutes from the meeting held May 2, 2016, 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.

0:02:23      **5. Discuss and Approve date for July P & Z Meeting.**

**Mr. Patterson** asked if the board would like to change the P & Z Meeting Monday July 4, 2016 being a holiday for the City to the following Monday July 11, 2016.

**Mr. Barney** made a motion to approve to change the July P & Z Meeting to July 11, 2016, and **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.

0:03:39      **6. Consider Preliminary plat approval for Freedom Way Subdivision.**

**Mr. Patterson** mentions this is a request for approval of a preliminary plat for Freedom Way Subdivision at the NE corner of W. McKay St. and N. Elm St. to create 13 new single family lots he changed the zoning it to “R-2” multi-family residential. He will be installing a cul-de-sac in the plans it is referred to as Kings Way Court but do to a conflict with the County he has changed the name to “Solomons Court”. **Mr. O’dell** did receive a variance to build this cul-de-sac a 50’ right of way along the road and a cul-de-sac of 88’ right of way. The Water Department included a set of plans that had some corrects or suggestions that they wanted changed. I handed out before the meeting a list of comments from Jamey Schwiger, Luis Camero, and Bill Rook the Fire Marshall. (Reading from the handouts) **Mr. Odell** said he will get with the Engineer and make the changes to the plans. **Mr. Patterson** said **Mr. O’dell** can get with **Mr. Schwiger** and **Mr. Camero** and go over any questions that he may have. (These concerns are from the Water Department) **Mr. Patterson** said the Fire Marshall’s comment is he saw on the plans three hydrants located at the corners of the subdivision some of the lots are slightly beyond the 250’ limit. He does not note any plans for any additional hydrants and to the Fire Marshall this could be an issue. **Mr. Patterson** said he thought that it was a 300’ limit. **Mr. O’dell** said he thought the same thing. **Mr. Patterson** told him to get with the Fire Marshall and make sure on the fire hydrants. **Mr. Patterson** said based on Planning Department recommendations and analysis, planning staff recommends approval of the preliminary plat and construction plans. Also with the condition that **Mr. O’dell** addresses all the items provided by the Water Department and Fire Marshall. **Mr. O’dell** said he’s in good shape.

**Mr. Barney** made a motion to approve to consider preliminary plat approval for Freedom Way Subdivision with the corrections from the Water Department and the Fire Marshall, and **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.

0:14:50

**7. Consider Alleyway Vacation and Replat of the NW corner of Kircher and San Jose.**

**Mr. Patterson** says this item is asking for approval on a replat for the NW corner of the intersection of San Jose Blvd. and Kircher Street. If you look on page 41 basically what happened through Pyeatt Surveying and their research into the item these lots in the first addition was off so many feet in the past.

**Ms. Goad** said if you look on the zoning map there is a white spot where the house sits where it should be colored and there are a couple of old plats out in the area that the surveyors say that they don't line up and there is a house that has been placed on this particular lot that they are creating now and it's been there for years and the people thought they owned that lot and it ended up that there wasn't anything there except right of way and somehow the County put their name on it and she doesn't know how that happened.

**Mr. Patterson** said if you look at lot 51A and 51B that are being created there was an alley way between them and this survey will vacate the alley and adjust the line down and it will create lot 51A and 51B and the rest will create a road tract which will be dictated to the City for public use and right of way to Kircher and San Jose and will finish the alley that runs North and South to the west of the lots. **Mr. Barney** said we're just fixing an issue.

**Ms. Durham** made a motion to approve to consider alleyway vacation and replat for the NW corner of Kircher and San Jose, 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.

0:18:04

**8. Consider a Zone Change from "C-2" to "R-1" in the 100 and 200 blocks for 5 lots on W. Rose St.**

**Mr. Patterson** explained the Zoning Change from "C-2" Commercial District to "R-1" Residential District for five properties on W. Rose Street. This is a continuance of an item that came to this board before. If you remember a lady came requesting to have a zone change along W. Rose St. because she had discovered she had Commercial Zoning "C2". If you read the definition for "C-2" if something happened to her house wither it burned or destroyed she couldn't build residential again it had to match the zoning. She's trying to sell the property and the lending company didn't want to lend them the money. Residents along W. Rose St. come forward to council at the time the lady was going before her request, and the council said to have all the residents have who are requesting this zone change wave the fee and get them all together at one time to do this request. The applicants that want this are addressed as: 118, 205, 206, 208, & 209 W. Rose Street. **Ms. Goad** said that council wanted the applicants to sign an affidavit saying they wanted to join and bringing it to this board for recommendation. **Mr. Patterson** said Planning Department recommends approval.

**Mr. Barney** made a motion to approve to consider a zone change from "C-2" to "R-1" in the 100 and 200 blocks for 5 lots on W. Rose St., and **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.

0:23:15

**9. Consider a request to extend El Dorado Final PUD deadline.**

**Mr. Knott** said the applicant is not present. **Mr. Patterson** explains the extension of the deadline for the submittal of a Final PUD Plan and construction plans along with the signing of a Development Agreement for the El Dorado Planned Unit Development (PUD, an approximately 1,300 acre area. This applicant came before this board in 2014 the applicant asked for an extension last year. Mr. Sells has not done any movement on this item or heard from him and he doesn't for see anything happening. One

thing that he wants to keep everyone in mind is that whoever comes into develop this has to stick with the PUD plan approved by the previous developers. **Ms. Goad** asked with this extension wont this also extends the annexation. **Mr. Patterson** said "no" with the PUD they have to come in with the final his PUD plan before the annexation would've been approved. If you don't extended it with his understanding the annexation which was approved just goes away this PUD zoning this two-step process if they don't complete it then its not valid. He thinks that the annexation was tied into the zoning. **Mr. Barney** said there was a lot of chaos is this going to make the residents happier if it goes away or upset. **Mr. Patterson** said he did talk to a few people and some of them are not on board with this. They didn't want to be a part of the city that's why the moved out there. Mr. Barney said that there may be some that would want to be a part of the city for their services. **Ms. Durham** said Mr. Sells should've been here to have this item moving forward or postponing it. **Mr. Barney** asked if they wanted to table it until the next meeting. **Mr. Knott** said on page 69 on the packet under impact says what will happen, "By granting an extension of the Concept Plan and PUD zoning approval, the Planning and Zoning Commission would be allowing the owners, along with their agent, to continue to market the property as a PUD Development. If the extension is denied, then as stated in above from Sec. 56-150(j)(6)(a), the Planning Department shall initiate action to rezone the property to the original zoning. In this case, it appears that the annexation and establishment of zoning would simply reverse and be null and void. It should be noted that any developer that attempts to take over this development and move it forward would be required to adhere to the previously approved Concept Plan for the property. **Mr. Patterson** said that's what I was trying to explain. **Mr. Knott** said he would like to give the applicant another chance. **Mr. Patterson** said it expires at the end of May.

**Mr. Barney** made a motion to table the request to extend El Dorado Final PUD deadline until the next P & Z Meeting on July 11, 2016, and **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.

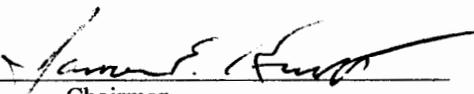
0:31:21      **10. Report regarding Summary Review Subdivisions.**

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

0:32:45      **11. Adjourn.**

There being no further business, the meeting was adjourned.

0:32:50      Stop Recording [5:36:36 PM]

  
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Chairman

7-13-16  
Date