

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

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

Meeting Held in the Planning Room

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, August 1, 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 Meeting held on July 11, 2016.
4. Discuss and set date for September Planning & Zoning Meeting.
5. Consider approval of a Conditional Use Permit at 1502 N. Eighth St. to allow a new cell tower.
6. Consider approval of a Conditional Use Permit at 516 Juarez St. to allow a juvenile rehabilitation center.
7. Consider a recommendation regarding a zone change at 618 W. Pierce St. from "R-2" Residential to "C-2" Commercial.
8. Consider approval of a Conditional Use Permit at 1015 N. Halagueno St. to allow a home photographic services studio.
9. Consider approval of an Appeal (Variance) at 1018 N. Howard St to allow a 0' side setback for a storage building.
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, AUGUST 1, 2016, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT: NONE

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

SECRETARY PRESENT:

PATTIE PISTOLE

**PLANNING, ENGINEERING
AND REGULATION DEPARTMENT
SECRETARY**

OTHERS PRESENT:

**IRENE ROBERTS
BARBARA EARLY
LIZ DENNINGTON
LEANNE WELDON
SHAUN BOX
FRANK WELDON
GRACE & NICK FRANKE
ALLEN POTTER
JUDY & ROBERT MURRAY
HENRY CASTANEDA
MIGUEL LOPEZ**

**616 W. PIERCE
1415 N. 8TH
1103 N. MAIN
613 LAKESIDE
1018 N HOWARD
4415 TIDWELL
1015 N. HALAGUENO
ALBUQUERQUE, NM
1007 NORTH SHORE
6228 PORTER RD
305 S. CYPRESS**

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 [5:03:54 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. Present – **Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; Absent –None

0:00:23 **2. Approval of Agenda.**

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

0:01:03 **3. Approval of Minutes from Meeting held on July 11, 2016.**

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

0:01:45 **4. Discuss and set date for September Planning & Zoning Meeting.**

After discussion, **Mr. McCormick** made a motion to move the next meeting to September 12, since the 5th is a holiday. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:02:59 **5. Consider approval of a Conditional Use Permit at 1502 N. Eighth St. to allow a new cell tower.**

Mr. Potter attended the meeting to answer any questions regarding the request. **Mr. Patterson** said the 89' tower will be located just behind Traveler's Inn on Eighth and Pierce Streets. Justification for the request was provided in a letter from an engineer. Staff recommended approval. **Mr. Potter** stated that they are trying to provide quality, seamless, uninterrupted service. This cell tower will assist coverage already there by making it more reliable. It will be a single structure designed to support itself and all equipment. It will be built to all City qualifications and will meet or exceed all safety factors. There was no public comment.

Ms. Durham made a motion to approve the Conditional Use, provided the applicant furnishes verification from the FAA that a tower is allowed so close to the hospital's helicopter landing area. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:14:25 **6. Consider approval of a Conditional Use Permit at 516 Juarez St. to allow a juvenile rehabilitation center.**

Mr. Lopez and **Mr. Castaneda** represented the request. **Mr. Patterson** stated that since our ordinances do not define rehab and training centers, he would like a detailed description of the operation, such as what hours it would operate, how it would reach the kids, who would be their target, how many would they expect to have, how many employees would there be, how would the site be arranged, and would State licensing be required. **Mr. Castaneda** said he had been involved in boxing and the Boys Club. He thought this would be good for juveniles in trouble, a better way to use their energy and stay off the street. He said there would probably be just equipment at first, and the ring would come in about a year. There was no public comment.

Mr. Barney made a motion to approve the Conditional Use, provided all the Staff conditions are met. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

0:28:27 **7. Consider a recommendation regarding a zone change at 618 W. Pierce St. from "R-2" Residential to "C-2" Commercial.**

Mr. Murray came forward to request the Zone Change. He said he practiced dentistry in the building from the time he built it in 1963 until three years ago when he retired. The codes have changed, so that he can't rent the building out for dentists, doctors, or lawyers, or others until the zone is changed. **Mr. Patterson** noted that there is C-2 to the west, so it would fit the area and not be a spot zone. During public comment, **Ms. Roberts** said she was okay with a medical office, but not something like a car lot. **Mr. Patterson** explained that once the zoning is changed, anything allowed in C-2 zoning could be placed there.

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

0:35:51 **8. Consider approval of a Conditional Use Permit at 1015 N. Halagueno St. to allow a home photographic services studio.**

Mr. & Mrs. Franke came forward to ask for the Conditional Use. **Mr. Patterson** explained that there was ample parking at the site, and the business would operate by appointment only. Certain things would be sent out to process, but there would be no large equipment or chemicals on the property. Staff recommended approval. **Mr. Patterson** noted that the utilities department reserved the right to change their utility rates from residential to commercial if usage increased. **Ms. Franke** said she is a stay-at-home mom who wants to have smaller appointments at home, because it is easier at that location. She only wants a small operation. There was no public comment.

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

0:43:24 **9. Consider approval of an Appeal (Variance) at 1018 N. Howard St to allow a 0' side setback for a storage building.**

Mr. Box was present to represent the request. He said he needed a new storage unit, and this was the best spot in his yard. **Mr. Patterson** stated that the Planning Department recommended denial of the request, because no justification was provided. **Mr. Knott** noted that most of the properties on that block already had sheds placed against their property lines. There was no public comment.

Mr. McCormick made a motion to approve the Variance, provided the applicant keeps any drainage on his own property and gets a building permit to comply with all codes. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent –None. The motion carried.

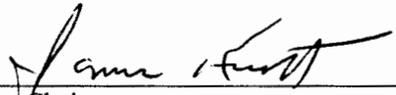
0:55:50 **10. Report Regarding Summary Review Subdivisions.**

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

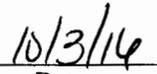
1:06:23 **7. Adjourn.**

There being no further business, the meeting was adjourned.

1:06:30 Stop Recording [6:10:24 PM]



Chairman



Date