

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 1, 2013, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES KNOTT
JAMES MCCORMICK
RICHARD HERNANDEZ
RICK BROWN**

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

WANDA DURHAM

COMMISSIONER

EX-OFFICIO MEMBERS PRESENT:

STEPHANIE SHUMSKY

**PLANNING, ENGINEERING, &
REGULATION DIRECTOR**

EX-OFFICIO MEMBERS ABSENT:

**DALE JANWAY
JON TULLY
EILEEN RIORDAN
TOM CARLSON**

**MAYOR
CITY ADMINISTRATOR
CITY ATTORNEY
ACTING PUBLIC WORKS
DIRECTOR
CULTURE, RECREATION, &
COMMUNITY SERVICE
DIRECTOR
CITY ENGINEER
BUILDING INSPECTOR
BUILDING INSPECTOR**

PATSY JACKSON-CHRISTOPHER

**ERIC NAVARRETE
K.C. CASS
DANNY JONES**

BOARD SECRETARY:

**JAMES MCCORMICK
PATTIE PISTOLE**

**COMMISSION SECRETARY
PLANNING, ENGINEERING
AND REGULATION DEPT.
SECRETARY**

OTHERS PRESENT:

**PATEL PRAFUL
ANITA TAVAREZ
HARVEY MASTRIS
JILL HOLT
JOE BRININSTOOL**

**3817 NATIONAL PKS. HWY.
407 CARLGO
409 CARLGO
415 VINEYARD LN.
415 VINEYARD LN.**

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 [5:02:08 PM]

0:00:21 **1. Roll call of voting members and determination of quorum.**

Mr. Knott called roll. There was a quorum. Present: **Mr. McCormick, Mr. Knott, Mr. Hernandez, Mr. Brown.** Absent: **Ms. Durham.**

0:00:40

2. Approval of Agenda.

Motion was made by **Mr. McCormick** and seconded by **Mr. Brown** for approval of the Agenda. The vote was as follows: **Yes – Mr. McCormick, Mr. Knott, Mr. Hernandez, Mr. Brown**; No – None; Abstained – None; Absent – **Ms. Durham**. The motion carried.

0:01:12

3. Approval of Minutes from the Regular Meeting held February 4, 2013.

Motion made by **Mr. Hernandez** and seconded by **Mr. McCormick** for approval of the Minutes. The vote was as follows: **Yes – Mr. McCormick, Mr. Hernandez, Mr. Knott, Mr. Brown**; No – None; Abstained – None; Absent – **Ms. Durham**. The motion carried.

0:1:51

4. Consider recommendation of a zoning change from “R-1” Residential District to “I” Industrial District for an approximately 9,000 square foot lot, located at 514 Center Avenue, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

Ms. Shumsky explained that on the zoning map all the property from the Lower Tansill area to the South Y shows commercial and industrial zoning adjacent to residential. Generally, this is not preferred however this is the existing condition. The setback required for industrial next to residential is 20 feet on the side and ten feet in the rear. Also, the property is all adjacent to the State highway, where commercial and industrial is desirable. Staff is recommending approval. **Mr. Brininstool**, who owns BES, explained that they want to make the area look better and put up a fence around the business. They also need room for a remote-controlled gate and perhaps a caretaker’s home at the entrance. **Ms. Shumsky** explained that for a zone change, no conditions may be put on the approval. All of the zone’s uses would be allowed. They cannot require fencing or other improvements at this time.

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

0:12:21

5. Consider recommendation of a zoning change from “R-R” Rural Residential District to “C-2” Commercial District for an approximately 19 acre parcel, located at 4012 National Parks Highway, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

Ms. Shumsky related that the zoning line for various lots in the area goes right through the property, it does not follow the property lines. A single piece of property may have one zone designation on one portion and another zone designation at the other end. As development continues along the highway, she foresees more requests for zone changes in the area. In response to a question asked by **Mr. Knott** about the Civic Center being in the R-R zone, **Ms. Shumsky** explained that public facilities, parks, fire stations, and others are allowed in any zone. **Mr. Brininstool** explained that he has recently acquired the property and has no buyers for the land right now, but he wants the zoning to be consistent when he does sell. He also wants to put in a street with a cul-de-sac. **Ms. Shumsky** added that the State has a limit on right-of-the-way access permits to state highways. She suggested checking with them. She suggested the City

might be open to a shared drive with the civic center property, if necessary. She also noted that as property along the highway is developed, the property behind it becomes landlocked without sufficient access roads. North-South roads are definitely needed in the area. **Mr. Brininstool** said he is considering putting his road all the way to the back of the property. Staff recommended approval.

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

0:21:40 **6. Consider recommendation of a zoning change from “R-R” Rural Residential District to “C-2” Commercial District for an approximately 2 acre parcel, located at 3817 National Parks Highway, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.**

Mr. Patel explained that he owns the Super 8 Motel at San Jose Boulevard and National Parks Highway. He wants to build another one to the north of it. **Ms. Shumsky** noted it is not spot-zoning since there is commercially zoned property adjacent to the site and the request furthers the City’s plans to improve the San Jose Boulevard corridor.

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

0:32:33 **7. Request for approval of the dedication of right-of-way for Callaway Drive in accordance with Section 3-20-5(E) NMSA 1978.**

Ms. Shumsky explained that the City is requesting the dedication on behalf of the property owner, who filled out the paperwork. The City is trying to acquire all of the right-of-way along Callaway Drive so they can then implement improvements. The project will involve utilities and a high-pressure waterline. They also want to put in three lanes and a sidewalk. If they secure the dedications, then they will only have to work with the CID, not all the different property owners from Cherry Lane to Pierce Street.

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

0:44:50 **8. Report regarding plats approved through Summary Review process.**

Ms. Shumsky reported that all the plats were ordinary. They were land subdivisions and one combination of eight lots into one. The new subdivision ordinance has a stipulation that you may only have one summary replat per year on a piece of property. In the past, people were replatting property numerous times to split off pieces, rather than subdividing the whole thing at once, to avoid putting in sewer and water lines.

0:46:38 **9. Adjourn.**

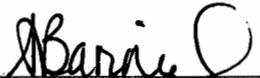
There being no further business, the meeting was adjourned.

0:46:46 Stop Recording [5:48:55 PM]



Chairman

5-6-13
Date

ATTEST: 

City Clerk

5-7-13
Date