

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 3, 2013, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES KNOTT
RICHARD HERNANDEZ
WANDA DURHAM
RICK BROWN**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES MCCORMICK

COMMISSION SECRETARY

EX-OFFICIO MEMBERS PRESENT:

STEPHANIE SHUMSKY

**PLANNING, ENGINEERING, &
REGULATION DIRECTOR**

EX-OFFICIO MEMBERS ABSENT:

**DALE JANWAY
STEVE MCCUTCHEON
EILEEN RIORDAN
TOM CARLSON**

**MAYOR
CITY ADMINISTRATOR
CITY ATTORNEY
ACTING PUBLIC WORKS
DIRECTOR**

PATSY JACKSON-CHRISTOPHER

**CULTURE, RECREATION, &
COMMUNITY SERVICE
DIRECTOR**

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

**CITY ENGINEER
BUILDING INSPECTOR
BUILDING INSPECTOR**

BOARD SECRETARY PRESENT:

PATTIE PISTOLE

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

OTHERS PRESENT:

**DON HAMMETT
NICK JENKINS
JO RAYE JENKINS
LOUIE BARNES**

**4409 BUENA VIDA CT
415 W CHERRY LN
415 W CHERRY LN
1321 HIDALGO**

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 [5:10:42 PM]

0:00:04 **1. Roll call of voting members and determination of quorum.**

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

0:00:24 **2. Approval of Agenda.**

Ms. Shumsky noted that the address (4409 Buena Vida Court) was omitted on Agenda Item 6. Motion was made by **Ms. Durham** and seconded by **Mr. Hernandez** for approval of the Agenda with the addition of the address. The vote was as follows: **Yes –Mr. Hernandez, Mr. Knott, Ms. Durham, Mr. Brown**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:01:23 **3. Approval of Minutes from the Regular Meeting held May 6, 2013.**

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

0:2:48 **4. Consider request for the Dedication of Right-of-Way located parallel to and including Callaway Drive, legally known as Callaway Drive Acquisition Plat, containing 4.77+/- acres in accordance with Section 3-20-5(E) NMSA 1978.**

Ms. Shumsky explained that the City is planning to make improvements along Callaway Drive from Pierce Street to Cherry Lane. They intend to widen the road, put in a center lane and sidewalk, and install a high-pressure water line. Before they proceed, they are trying to acquire the easements along the road and dedicate the right of way as a whole. There was no public comment or questions.

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

0:06:42 **5. Consider request for an Appeal (variance) from Section 56-542(1)(c) and 56-542(2) to allow a corner side-yard setback variance of 25' on the west side and a side-yard setback variance of 10' on the south side, at 415 Cherry Lane, which is located within the City's 2-mile Extraterritorial Zoning jurisdiction (ETZ), Zoned RC-3.**

Nick and Jo Raye Jenkins were present to request the Variance. They want to build a mother-in-law apartment five feet from the property line on the west and south sides, and five feet from the garage already in place on the east side. The structure will be inside a solid fence, so the structure will not be visible from outside the property. Staff recommended denial because it did not meet the criteria for a Variance and the fire code restriction of ten feet clearance was not met. If the Variance did receive approval, then Staff recommended the following conditions:

- 1) Prior to receiving a building permit, the applicant shall be required to demonstrate how water and wastewater service will be provided to the new dwelling unit. If the new dwelling unit is to share an existing septic tank, then the applicant shall provide a copy of an approval letter from NMED or a copy of a new septic tank permit.
- 2) Building construction shall include a firewall between the structure and the nearby garage on the east side. The firewall could alternately be placed in the west wall of the garage.

Mr. Jenkins expressed that he wanted to do whatever he needed to secure approval and meet any conditions stipulated. There was no public comment.

Mr. Hernandez made a motion to recommend approval of the Variance with the conditions. **Mr. Brown** seconded the motion. The vote was as follows: **Yes –Mr. Hernandez, Mr. Knott, Ms.**

Durham, Mr. Brown; No – None; Abstained – None; Absent – Mr. McCormick. The motion carried.

0:25:35 **6. Consider request for an Appeal (variance) from Section 56-90(b) at 4409 Buena Vida Court to allow a side-yard setback variance of 5' from the south property line, which would result in a 0' side-yard setback, Zoned R-R.**

Mr. Hammett was present to represent the applicant. He noted that the proposed carport would be flush with the front of the house, so it would not cause any problems with blocking the view for motorists. Staff recommended denial because the request did not meet the City's criteria for a variance; however, two conditions were recommended if the request was approved:

- 1) The structure shall be constructed of fireproof materials and shall not be enclosed.
- 2) Storm water shall not be allowed to drain onto adjacent property. It should drain into the backyard on the west side.

There was no public input.

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

0:37:31 **7. Consider request for a recommendation of an Annexation and Establishment of Rural Residential District Zoning (R-R) for 12.14 +/- acres located on Standpipe Road south of Lea Street and west of the CID canal pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.**

Ms. Shumsky noted that this area is south of the fireworks stands off of Lea Street. The City generally tries to contact adjoining land owners to see if they are interested in joining annexation requests, but the owners were not interested. The applicant will need to extend sewer lines if they develop the property (a requirement for new subdivisions). Staff recommended approval and recommended that the property owner transfer any water rights to the City prior to final signoff of the annexation ordinance. It was noted that this is not a case of spot-zoning, because the property is contiguous with City property zoned R-R along the eastern side, where the property abuts a canal. **Mr. Barnes**, representing the applicant, noted that water and sewer are stubbed out south of Lea Street, so that street would not have to be disturbed to put in the utilities. There was no public comment.

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

0:47:10 **8. Report regarding plats approved through Summary Review process.**

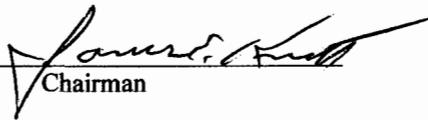
Ms. Shumsky noted that the replat off of Guadalupe Street for Paul Trone is just to adjust the lot line. He is not proposing a full subdivision at this time. He is starting with five lots and ending with five lots, and is attaching to the City sewer. Another plat noted was for the various acquisitions along Callaway. They have been combined into a single parcel for dedication to the City. **Mr. Knott** asked who is able to sign the plats if **Ms. Shumsky** is out of town. **Ms. Shumsky** explained that she is their designee, and they can appoint someone else, or two of them

can sign off on them. Our new engineer is not experienced enough to do it on his own yet, but may be in the future. **Ms. Shumsky** said when the issue came up recently, the surveyor e-mailed the plat to her for review, and then she instructed the engineer to sign his name with reference to her approval. That seemed to work well. The commissioners agreed that was a good way to handle it.

0:51:39 9. Adjourn.

Ms. Durham noted she will not be able to attend the next meeting. There being no further business, the meeting was adjourned.

0:51:47 Stop Recording [6:02:30 PM]


Chairman

9-9-13
Date