

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,
101 N. HALAGUENO STREET, JULY 1, 2013, AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**JAMES KNOTT
JAMES MCCORMICK
RICK BROWN**

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER**

VOTING MEMBERS ABSENT:

WANDA DURHAM

COMMISSIONER

EX-OFFICIO MEMBERS PRESENT:

STEPHANIE SHUMSKY

**PLANNING, ENGINEERING
AND REGULATION DEPT.
DIRECTOR
CITY ENGINEER**

ERIC NAVARRETE

EX-OFFICIO MEMBERS ABSENT:

**DALE JANWAY
STEVE MCCUTCHEON
EILEEN RIORDAN
TOM CARLSON
PATSY JACKSON-CHRISTOPHER**

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

**K.C. CASS
DANNY JONES**

BOARD SECRETARY PRESENT:

PATTIE PISTOLE

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

OTHERS PRESENT:

**TAMARA WADDLE
REBECCA WALKER
DAVID WALKER
JONATHAN CAREY
WENDELL W. BANIGAN
KEN THURSTON
BRITT FOGLEMAN
VALERIE MURRILL
CHARLES JOHNSON
MATTHEW KNEELAND
NATHAN CARTER
GARY WADDELL
CASSANDRA ARNOLD**

**PO BOX 3122
1826 HAYS
1826 HAYS
HOBBS, NEW MEXICO
1613 N. MESA
LAS CRUCES, NEW MEXICO
1912 MOUNTAIN SHADOW
PO BOX 1266
HOBBS, NEW MEXICO
HOBBS, NEW MEXICO
HOBBS, NEW MEXICO
4203 BOYD DRIVE
1813 SANDY LANE**

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 [5:01:39 PM]

0:00:14

1. Roll call of voting members and determination of quorum.

Mr. Knott called roll. There was a quorum. Present: **Mr. Knott, Mr. McCormick, Mr. Brown.** Absent: **Ms. Durham.** (Mr. Hernandez's term expired, and he did not want to be reappointed)

0:00:43

2. Approval of Agenda.

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

0:01:03

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

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

0:1:32

4. Consider request for a Final Plat for Spring Hollow Subdivision – Unit 1 – Phase 5, Zoned PUD, creating 30 new lots for residential development pursuant to Code of Ordinances, Chapter 47 and the Drainage Study for Spring Hollow Subdivision.

Mr. Thurston was present for any questions regarding the request. **Ms. Shumsky** said the Preliminary Plat, construction drawings, and drainage plans for all of Spring Hollow Unit 1 were approved in 2007, and since then, each phase has come for approval of the Final Plat. As a condition for the Final Plat for Phase 1, each subsequent phase has to show that the drainage complies with the original plan, or show how it has been changed. Staff recommended approval with the following conditions, standard for final plats:

1. Prior to final sign off and/or the acceptance of a letter of credit, the developer shall provide written proof of property ownership.
2. Prior to sign off, all required improvements shall be installed by the developer and inspected and approved by the city or the developer shall provide the Letter of Credit or Bond in conformance with Subdivision Regulations - Section 47-63 (Financial Guarantees).
3. In the site data table... "Flood Plane" should be spelled "Floodplain".
4. Material submittals, acceptance testing, changes during construction, as built drawings, etc. must be approved by the developer's construction engineer and the developer's and City's construction observers (or City Engineer) prior to acceptance by the City.
5. The roadway alignment of Ligon Road will need to be revised in the future for improving traffic flow.
6. The Corrine #1 well within the proposed dedicated public right-of-way should be properly plugged and abandoned according to the Office of the State Engineer's regulations. This will need to be verified by the City Engineer.
7. The subject phase shall be designed and built per the previously approved drainage and construction methods.

There was no public comment.

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

0:07:34 **5. Consider request for a Final Plat for Spring Hollow Subdivision – Unit 1 – Phase 6, Zoned PUD, creating 31 new lots for residential development pursuant to Code of Ordinances, Chapter 47 and the Drainage Study for Spring Hollow Subdivision.**

Mr. Thurston was present for any questions regarding the request. **Ms. Shumsky** noted that the request complies with the original plat approved in 2007. There is a hydrologist's statement in the packet that shows how it fits in with the previous phases. Staff recommended approval with the following conditions:

1. Prior to final sign off and/or the acceptance of a letter of credit, the developer shall provide written proof of property ownership.
2. Prior to sign off, all required improvements shall be installed by the developer and inspected and approved by the city or the developer shall provide the Letter of Credit or Bond in conformance with Subdivision Regulations - Section 47-63 (Financial Guarantees).
3. In the site data table... "Flood Plane" should be spelled "Floodplain".
4. Material submittals, acceptance testing, changes during construction, as built drawings, etc. must be approved by the developer's construction engineer and the developer's and City's construction observers (or City Engineer) prior to acceptance by the City.
5. The roadway alignment of Ligon Road will need to be revised in the future for improving traffic flow.
6. The subject phase shall be designed and built per the previously approved drainage and construction methods.

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

0:10:33 **6. Consider request for a recommendation of an Appeal (variance) from the Planned Unit Development (PUD) Concept Plan and Development Standards for Spring Hollow Subdivision to allow a rear-yard setback variance of 10' from the required 15' setback at 1826 Hays Dr., Zoned PUD.**

Mr. and Mrs. Walker came forward to present the request, so that they may build a studio. They have a large family and need a place to put them on the ground floor when they come to visit. They only have one bedroom at ground level in their home. They explained that their neighbor has a building against the property line, and they had been told there were no setback requirements. **Ms. Shumsky** replied that buildings under a certain size do not require a building permit, but the setbacks should still be followed. Apparently the neighbors didn't do that. **Ms. Shumsky** noted that the Spring Hollow Subdivision is a PUD development, with a fifteen-foot rear setback. Since the original concept plan was approved by City Council, they will also need to approve this particular Variance. A legal opinion was sought on the matter. The change in the original PUD plan would also require the applicant to get permission from their homeowner's association, or whoever is in charge of the development. Staff recommended denial, because the area is already very dense, and there isn't even ten feet between structures for fire safety. If it is approved, staff recommends conditions:

1. The structure shall be constructed of fireproof materials.
2. Storm water shall not be allowed to drain onto adjacent property.
3. Accessory living quarters and guest houses may neither be rented for occupancy nor be equipped with cooking facilities.

There was no public comment.

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

0:36:38 **7. Consider request for a phasing plan for the development of an RV Park, in accordance with Section 56-42(aa) on the north side of Kircher Street between San Jose Street and Boyd Drive (2700 Boyd Drive), Zoned C-2.**

Mr. Fogleman, Ms. Murrill, and Ms. Waddle attended to represent the request. **Ms. Shumsky** explained that the area is zoned for commercial activities, and that an RV park would normally be allowed there. The reason the applicant had to come before the Commission was because they want to install the RV park in phases. The applicant proposed a plan for each phase and a time requirement to complete each phase. By Phase 4 all the improvements will be installed, each phase will take about 6 months with all the phases being complete is about 24 months. She recommended that the City and the applicant enter into a Development Agreement, whereby the City shall inspect each phase before the next phase is started. She also recommended that if, at any time, site conditions are determined to pose a threat to the public health, safety or welfare, then all the improvements would immediately be required to be completed. Any changes to the Phasing Plan would need to come back to Planning and Zoning for approval. There was no public comment.

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

1:00:24 **8. Consider request for a recommendation of a Zoning Change from “R-R” - Rural Residential District to “PUD” – Planned Unit Development District for an approximately 14 acre parcel, located at the NW corner of the Cherry Lane and Callaway Drive Intersection, legally known as West Cherry Lane Land Division, Lot A, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(j) and 56-140(i), Carlsbad Code of Ordinances.**

Mr. Carey and Mr. Kneeland attended on behalf of the request. **Ms. Shumsky** noted that the request would provide a far less dense build-out than allowed under the present zoning. The PUD Concept Plan showed 16 dwelling units, as opposed to the 40 that are allowed now. The developer wants to have large back yards and common open space. It would provide a more rural look, but with more amenities. The width of the road is a concern, however. Staff recommended that if the road is kept at 24 feet wide, than the road should be a one-way road running through the property, platted as its own lot, so the owner would be responsible for it. The applicants explained that they want to provide housing marketed to seniors, for the retired and elderly who do not want much landscaping responsibility. A homeowner’s association would take care of the common area. They are amenable to having a one-way roadway, which will be privately maintained. They can combine the common space and road into one lot. During public

comment, **Ms. Arnold** asked if there would be a fence so people couldn't wander off, because of the canal. She also expressed concern with the canal being closed off during construction. **Ms. Shumsky** explained that because the canal is a contributing resource to a historical landmark, the State Historic Preservation Office would be consulted, and that the timing of any work done to the canal would be when the water is not being delivered. **Mr. Bannigan** said he did not have a problem with the project, but would like to see Ligon Road extended behind the CARC Farm to alleviate traffic on Callaway Drive. He wants to see the infrastructure done first, for safety and drainage reasons.

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

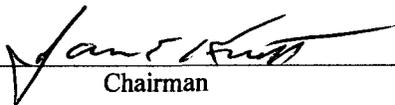
1:31:48 **9. Report regarding plats approved through Summary Review process.**

Ms. Shumsky reported on the plats she had signed during the month of June.

1:33:28 **10. Adjourn.**

There being no further business, the meeting was adjourned.

1:33:33 Stop Recording [6:35:12 PM]


Chairman

9-9-13
Date