

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

VOTING MEMBERS PRESENT:

JAMES MCCORMICK

RICK BROWN

WANDA DURHAM

EDWARD T. RODRIGUEZ

COMMISSION SECRETARY/

ACTING CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

VOTING MEMBERS ABSENT:

JAMES KNOTT

CHAIRPERSON

EX-OFFICIO MEMBERS PRESENT:

STEPHANIE SHUMSKY

ERIC NAVARRETE

LUIS CAMARO

**PLANNING, ENGINEERING
AND REGULATION DEPT.**

DIRECTOR

CITY ENGINEER

UTILITIES DIRECTOR

EX-OFFICIO MEMBERS ABSENT:

DALE JANWAY

STEVE MCCUTCHEON

EILEEN RIORDAN

TOM CARLSON

PATSY JACKSON-CHRISTOPHER

K.C. CASS

DANNY JONES

MAYOR

CITY ADMINISTRATOR

CITY ATTORNEY

PUBLIC WORKS DIRECTOR

**CULTURE, RECREATION, &
COMMUNITY SERVICE**

DIRECTOR

BUILDING INSPECTOR

BUILDING INSPECTOR

BOARD SECRETARY PRESENT:

PATTIE PISTOLE

**PLANNING, ENGINEERING
AND REGULATION DEPT.**

SECRETARY

OTHERS PRESENT:

PATRICK V. CARSON

EVY DIAMOND

JIM HAUSER

ANNETTE HAUSER

MARK FRIEND

PAT WILBURN

MARIE WILBURN

BARBRA DALTON

DIANNE JOOP

RIC CORDER

JEFFREY B. DIAMOND

KENNETH R. THURSTON

DAVID B. CHURCH

KENT THURSTON

RUSSELL HARDY

KERRY HARDY

SANDRA COSAND

ILLE CORDER

804 DENNIS WAY

802 DENNIS WAY

1220 MIEHLS DRIVE

1220 MIEHLS DRIVE

1104 MIEHLS DRIVE

1210 MIEHLS DRIVE

1210 MIEHLS DRIVE

811 DENNIS WAY

807 DENNIS WAY

1106 MIEHLS DRIVE

802 DENNIS WAY

LAS CRUCES, NEW MEXICO

LAS CRUCES, NEW MEXICO

LAS CRUCES, NEW MEXICO

814 DENNIS WAY

814 DENNIS WAY

803 DENNIS WAY

1106 MIEHLS

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 [5:01:38 PM]

0:00:06 **1. Roll call of voting members and determination of quorum.**

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

0:00:51 **2. Approval of Agenda.**

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

0:01:36 **3. Approval of Minutes from the Regular Meeting held July 1, 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. Brown;** No – None; Abstained – **Ms. Durham, Mr. Rodriguez;** Absent – **Mr. Knott.** The vote was a tie between approval and abstaining, so the Minutes will be presented again at the next meeting.

0:1:38 **4. Discuss request for a Preliminary Plat for Fountain Hills Subdivision – Unit 10, Zoned R-R, creating 13 new lots for residential development pursuant to Code of Ordinances, Chapter 47 and possible variances related to the front-yard setback, right-of-way width, street paving width and provision of curb and gutter for the subdivision.**

Mr. Kenneth Thurston, Mr. Dave Church, and Mr. Kent Thurston were present to represent the items that will be on the Agenda for a vote at the next meeting. **Ms. Shumsky** said that City Staff had some concerns regarding the sewer system proposed (because it is not something the City is used to) and also the width of the road (because of limited emergency access and the location of the utilities). The applicant is going to supply further information to the City prior to final submission. **Mr. Thurston** explained that he had bought all the remaining property in the area from **Mr. Miehl** a while back. Because of market conditions in Carlsbad, he felt it was now time to develop upper-end homes at the site. They will be larger and more expensive than the homes he is developing in the Spring Hollow Subdivision, and they will be located across the street from the existing homes on **Miehl Drive**. A gravity sewer system would not function well enough to flow into the existing sewer system in the area, because of the extreme slope. The proposed new system will have a pump on the lower elevations and a pressurized system to pump into the existing system. Each house will have a grinder pump and 2"-3" pipes to the city line. **Mr. Church** explained that each home would have a back-check valve and the normal shut-off valve. The City would have control of access to the sewer. **Mr. Thurston** said they also want to put in sidewalks along that side, as well. Because of the topography, he wants to develop across the tops of the ridge, with upper levels of the homes even with the street and lower levels of each

house built into the rock. The master bedroom, living and dining areas, and the garage would be upstairs. The other three or four bedrooms would be downstairs. There would not be dirt work, as much as cutting into the rock. **Mr. Navarrete** said the grinder pumps will be maintained by the individual owners and the City will maintain and pick up the line in front of each house. The existing gravity line is buried very shallow because of the bedrock, and they can't tie in to it. **Mr. Camaro** stated that the system is a first for Carlsbad. He wants to see an existing operating system and find out what kind of problems might be involved. They are going to Paa-Ko Ridge, New Mexico, on the east side of Albuquerque, where there is a planned community using this type of system. **Mr. Camaro** added that this type of application (using gravity and low pressure) is appropriate in this case, because of the terrain.

During public comment the following residents from Dennis Way and Miehl Drive (which is zoned differently than the proposed area) came forward to express their objections and ask questions: **Mr. Diamond, Ms. Wilburn, Mr. Friend, Ms. Cosand, Ms. Dalton, Mr. Hardy, Mr. Hauser, and Ms. Joop**. They were concerned about the beauty and value of the neighborhood, increased traffic, the proposed twenty foot set-back, houses not being as nice as theirs, low water pressure, the sewer system being overwhelmed, houses not being unique, storm water run-off, continuity of the neighborhood, dust control, utilities being above-ground, building on the Karst, kids smoking pot and drinking at the look-out and obstructed view to the west. They did not want houses that only cost \$200,000-\$250,000 across the street from their \$500,000 homes and were worried about the caliber of families coming into the area. **Mr. Camaro** explained that the sewer system would work the same as with the lift stations, and pump into a manhole. Grinder pumps would liquefy anything that goes into the sewer. He is confident the sewer is sufficient and will look into the problem of low water pressure mentioned. He said our system can accommodate many more homes than these thirteen proposed. The remainder of the subdivision will be down the hill and have a separate sewer. **Mr. Thurston** explained that there wouldn't be as much dust as other construction sites, because they wouldn't be grading the land or bringing in a lot of fill, they would be cutting into rock. **Mr. Church** said the homes would be all-electric and that he wanted all the utilities underground, too. And if there are fiber optics and conduit underground, that is what he wants to use. (Mr. Thurston wants to have sidewalks in front of his development, unlike the houses that are there already.)

Mr. Means was the only person to come forward in favor of the development and variances. He said he has worked with Mr. Thurston before and that he does a good job of building quality homes. He said some of the people don't want their neighborhood to change, but that neighborhoods will change. He thinks we should look at the plans and see what serves Carlsbad.

In answer to a question, **Ms. Shumsky** explained that the proposed road would be developed in the future, providing an alternate way to reach Church Street. There would be no change to Miehl Drive. **Mr. Thurston** noted that some of the concerns and questions did not relate to development, such as those about driving under the influence or smoking pot at the lookout. He suggested the pedestrian traffic problem might be addressed by grant funding or outside sources. **Ms. Shumsky** related that the City is already considering the possibility of a walking path in the area.

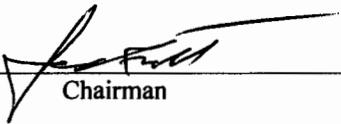
The four issues will be voted on at the next Planning and Zoning meeting.

Ms. Shumsky reported on the plats she had signed during the month of July. She said most were simple line adjustments. **Mr. Brown** stated that as a matter of full disclosure he wanted it on record that he had been involved in the sale of the property for one of the plats. **Ms. Shumsky** explained that she didn't know anything about the sale, and that he did not influence her approval of the plat. There were no other questions or comments.

1:21:38 6. Adjourn.

There being no further business, the meeting was adjourned.

1:21:47 Stop Recording [6:23:25 PM]



Chairman

9-9-13
Date