

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, February 5, 2018, at 5:00 p.m.

**Meeting Held in the Annex Planning Room
114 S. Halagueno**



CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, February 5, at 5:00 PM
Municipal Annex 114 S. Halagueno Street
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held January 8, 2018.
4. Consider a final plat for Martin Farms Subdivision, Unit 1, containing 33 lots.
5. Consider an Appeal (Variance) for a 20' Front Setback for Farmview Phase 5.
6. Consider an Appeal (Variance) for Side setbacks at 609 W. Lea St. zoned C-2 Commercial.
7. Consider an Appeal (Variance) for number of acres for Temporary Housing at 807 Hidalgo Rd.
8. Consider recommendation of approval for Temporary Housing at 807 Hidalgo Road.
9. Consider naming of a private road, Arabella Lane.
10. Consider approval Conditional Use Permit for Employee Housing at 3103B Boyd Drive.
11. Report regarding Summary Review Subdivisions.
12. Adjourn.

If you require hearing interpreter, language interpreters or auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's office at (575) 887-1191 at least 48 hours prior to the scheduled meeting time.

MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, FEBRUARY 5, 2018, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES KNOTT
BRIGIDO GARCIA
LASON BARNEY
BRAD NESSER**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES MCCORMICK

COMMISSION SECRETARY

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

EXECUTIVE SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**KEN THURSTON
KELLY JOHNSON
JIM CHAMPION
STEVE WALTERSCHEID
GEORGE DUNAGAN
GARY WALTERSCHEID
BOE NORTON
LAYNE NORTON
SCOTT HIELES
DEAN CRUSE
OFFICER C. GARCIA**

**1880 E. LOHMAN, LAS CRUCES
CONSTRUCTORS, INC.
807 HIDALDO
1706 E. WOOD
212 W. STEVENS
1206 RIVERSIDE
2519 PECOS HWY
2519 PECOS HWY
401 N. PENN
1092 N. CANAL, STE. A
101 N. HALAGUENO**

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 [5:01:26 PM]

0:00:08 **1. Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. The following members were present—Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser; Absent—Mr. McCormick.

0:00:25 **2. Approval of Agenda.**

Ms. Goad explained on page 11 in the packet at the bottom where it says, “The applicant’s request is not justified based on the criteria above” strike the word not. She also explained on page 12 where it says,

“Engineering Division” there is an X on denial that is in correct there were no comments on that department. Also, on page 18 under “Impact” the entire paragraph does not belong.

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

0:02:03 **3. Approval of Minutes from Meeting held January 8, 2018.**

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

0:02:47 **4. Consider a final plat for Martin Farms Subdivision, Unit 1, containing 33 lots.**

Mr. Patterson explained the applicant is requesting a Final Plat Approval for Martin Farms Subdivision Unit 1, currently zoned “R-1” Residential. The applicant has finished their construction infrastructure for this subdivision the City has done a walkthrough of the property. Planning Department has recommended approval. **Mr. Dunagan** said they have finished everything they needed for this subdivision. There was no public comment.

Mr. Nesser made a motion to approve the final plat for Martin Farms Subdivision; **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser**; **No–None**; **Abstained–None**; **Absent– Mr. McCormick**. The motion carried.

0:05:37 **5. Consider an Appeal (Variance) for a 20’ Front Setback for Farmview Phase 5.**

Mr. Patterson explained this request is for a variance for Farmview subdivision Phase 5, he’s asking to reduce the front setback to 20’, on page 27 you can see the layout and the reasoning for this is for the detention of water. If they can reduce the front setback and move the structure building closer to road that would give residence more of a backyard. Planning staff recommends approval of this request. **Mr. Thurston** said he has come before the board before and with the design change and putting in the curb and gutter, and sidewalks and so forth. It now allows them to direct the water off the street down to the end and into the retention pond. In order to facilitate the additional drainage of 10’ would help them in allowing the water that goes onto the lot to stay on those lots. There was no public comment.

Mr. Garcia made a motion to approve the Variance for a 20’ Front Setback for Farmview Phase 5; **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser**; **No–None**; **Abstained–None**; **Absent– Mr. McCormick**. The motion carried.

0:10:13 **6. Consider a Appeal (Variance) for Side setbacks at 609 W. Lea St. zoned C-2 Commercial.**

Mr. Patterson explained this item is for a variance to allow 7 foot side setback rather than 10 feet for a commercial lot zoned C-2 Commercial located at 609 W. Lea Street. The applicant wants to put a business preferable a laundry mat. The own the lot to the west right on the corner of W. Lea Street and

S. Mesquite St, he's not sure if they own the lot to the east looking at the map on page 42. **Mr. Boe Norton** said they don't. **Mr. Patterson** said the lot that they want to build their business is an empty lot; right now he thinks that the city could use an extra laundry mat with an amount of growth the city has been having. They did have extensive discussions with the Building Official and the Planning Department does recommend approval. **Mr. Boe Norton** said that they do own the building on the west side. Right now they're in negotiations with Raul Navarrette who's a good man, talking to him to lease park of his lot to the east for parking. I would give them rights to another 25' on the east side. **Mr. Knott** asked what is the minimum number of parking sites that you'll have to have for this business, to comply with the city codes. **Mr. Layne Norton** said 16 spaces. As it stands if they use the lot to the west they will barely make it there hoping to get more to east with leasing it. **Mr. Layne Norton** said our architect Mr. Dean has been working on all the site plans. **Mr. Dean** said originally they were going to dissolve that property line that was the first recommendation, so the second recommendation was to do a variance and put in 7' on each side the building is 40' and the lots 59'. On the west side its storage units and there's hardly anyone occupying the parking, so they could be using the parking there. **Mr. Knott** asked about the short term and long term lease. **Mr. Dean** said without the lease they would only have 16 spaces, but we would share with the business to the west. **Mr. Patterson** said when you have adjoining parking lots like that we do have in our ordinance we do want to see you share to a certain extent. When it's connected we require seeing access provided you can't just have somebody off. **Mr. Boe Norton** said we can only comply on what's required. **Mr. Nesser** asked how many spaces you are trying to get out of 25'. **Mr. Boe Norton** said maybe 7 to 8 spaces. We have a hand shake with Mr. Navarrette and also he's received a contract from them and there still working out the best way to do the parking. **Mr. Layne Norton** said it would be at an angle parking so about 16' parking stripe and it would only be one way driving into the parking lot. There was no public comment.

Mr. Nesser made a motion to approve the Variance for Side setbacks at 609 W. Lea St. zoned C-2 Commercial; **Mr. Barney** seconded the motion. The vote was as follows: **Yes**— **Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser**; **No**—None; **Abstained**—None; **Absent**— **Mr. McCormick**. The motion carried.

0:18:15 **7. Consider an Appeal (Variance) for number of acres for Temporary Housing at 807 Hidalgo Rd.**

Mr. Patterson explained the applicant is requesting a variance to reduce the required acreage from 2 acres to .94 acres for Temporary Use with two spaces to be located at 807 Hidalgo Road. **Mr. Champion** doesn't meet the requirement for minimum acreage on the temporary housing ordinance. Based on the city staff and comments, the Planning staff recommends approval. **Mr. Knott** asked if the zoning was correct, because he thought differently. **Ms. Goad** said it's currently zoned Rural Residential and he's only requesting, which is on the next item 2 spaces. **Mr. Barney** said the reason for approval is because going from 3 acres to .94 acres and the amount of spaces he's requesting. **Ms. Goad** said "yes" because it's not going to be a big park. There were no negative comments from the Utilities Department said they didn't have any issues, also the same comment is on the next item, there's a possibility that they might want to charge a commercial rate, it may not trigger the usage for the sewer and water to be raised a little bit higher. **Mr. Patterson** said they didn't let us know in this application if they have an issue. What **Ms. Goad** said is correct with charging a commercial rate. **Mr. Champion** said the reason for this request is he's retired and is on a fixed income and he just doesn't just let anyone in this property. The people that he is inquiring you wouldn't even know if they were there at all. He would like to put up a privacy fence if at all possible. **Ms. Goad** said as you can see its right up against an RV Park already. **Mr. Frintz** said he's been friends with **Mr. Champion** and his property is very clean, easy access and he's in favor for this request.

Mr. Barney made a motion to approve the Variance for number of acres for Temporary Housing at 807 Hidalgo Rd., and **Mr. Nesser** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser**; No–None; Abstained–None; Absent– **Mr. McCormick**. The motion carried.

0:29:45 **8. Consider recommendation of approval of Temporary Housing at 807 Hidalgo Road.**

Mr. Patterson explained this request is to allowing Temporary Housing as a Temporary Use at 807 Hidalgo Rd., zoned R-R Rural Residential. The applicant is asking for 2 spaces to park RV's rent those out for Temporary Housing. There are already utility hook ups. The Planning Department recommends approval. **Mr. Champion** said he would like for the board to approve his application. **Mr. Frintz** said he's in favor for this application. **Mr. Barney** asked if all the requirements have been considered been approved. **Ms. Goad** said "yes".

Mr. Nesser made a motion to recommend approval for 2 RV units at 807 Hidalgo Road. **Mr. Barney** seconded. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser**; No–None; Abstained–None; Absent– **Mr. McCormick**. The motion carried.

0:37:01 **9. Consider naming of a private road, Arabella Lane.**

Ms. Goad explained this road is a platted access easement that's been there a long time on page 65. **Mr. Paul Trone** is the owner of the back properties we just signed some replatting properties to get rid of that triangle back there. While doing the replatting he mentioned that he would like to name that road Arabella Lane. The city likes to see when people request this it's also due to continued subdivision and development the need has arisen to name a private road for E-911 addressing purposes. **Mr. Patterson** said **Mr. Trone** at some point would like to start developing there. There was no public comment.

Mr. Nesser motioned to recommend approval naming of a private road, Arabella Lane. **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser**; No–None; Abstained–None; Absent– **Mr. McCormick**. The motion carried.

0:40:44 **10. Consider approval Conditional Use Permit of Employee Housing at 3103B Boyd Drive.**

Mr. Patterson explained this request for a Conditional Use Permit to allow Employee Housing at 3103B Boyd Dr., zoned "I" Industrial District. To clear up any confusion if you look at the current version of the zoning ordinance Employee Housing is not allowed in the Industrial; however when the applicant began speaking with the Building Official about locating this here, they looked online at the muni code where are code of ordinances is codified online. **Ms. Goad** said which it is a separate tab where we have the current ordinance and it's under our department. **Mr. Patterson** said at the time it listed Employee Housing as a Conditional Use for Industrial zoned properties. So, Constructor's went ahead with their plans based on that and didn't find out until they were well into their process that it's no longer allowed as a Conditional Use and it order to work with the applicant the decision was made to come to this board to moving forward with this application. The Planning Department does not have any problem with it they recommend approval. In fact Muni Code has corrected the problem of having the wrong version on line, but at the time when the applicant put in their application it did not. Since there was a discrepancy we decided for this board to look at it and make a decision. **Mr. Knott** mentioned that Constructor's had some property out on the Hobbs Highway that they had approved a Conditional Use Employee Housing.

Mr. Johnson said that was correct, it's been several years and at the time they never moved forward with that and at the time they didn't need it any longer. **Ms. Goad** said until the code was changed they had approved other Employee Housing at that same Industrial type zonings, this is not completely out of the procedures that this board has done before. **Mr. Knott** asked which zones allow Employee Housing. **Mr. Patterson** said we allow Employee Housing in all the other zones some of it is in allowed use and some of it is a Conditional Use, and right now it was not to be considered in the Industrial we took it out, he's not sure what the justification is on that was when Ms. Shumsky was here it was part of her revisions back in 2016 when we looked at the entire ordinance. It's allowed in all other zones to some extent. **Mr. Knott** asked the expansion on Iron Horse, Kircher St., and Del Rio St., are they Employee Housing. **Mr. Patterson** said those are different defections the Iron Horse development and the two quote and unquote man camp that's going on Kircher St., are considered congregant residence. **Mr. Knott** asked if Temporary Housing the same thing as man camp. **Mr. Patterson** said "no", when Iron Horse was first put in the definition that was used for that when there bringing in the modular structures was considered congregant residence, so that's what is on those types of man camp as what we went with is congregant residence. The difference between that and Employee Housing is that Employee Housing limits you only to allowing your own employees to be housed on where you're putting in your Employee Housing. The Temporary Housing has more to do with something like at Sunwest where you bring in individual units. **Ms. Goad** said that it caused some issues being allowed in the Industrial Park. Sometime people want to call it where there living there as an employee as a night watchman. **Mr. Barney** said that's why it got changed. **Mr. Patterson** said he can't confirm that because he doesn't remember talking to Ms. Shumsky. **Mr. Johnson** said we have met with the Building Official numerous times with a maximum of 3 units and as of right now there's only 2, one of our units is in Orla. We're not trying to build a man camp were just trying to solve some current issues. **Ms. Goad** said they do have other options to having more units, but this was what was more convenient for what they were applying for There was no public comment.

Mr. Barney made a motion to recommend approval of the Conditional Use Permit of Employee Housing at 3103B Boyd Drive with 3 units. **Mr. Nesser** seconded the motion. The vote was as follows: **Yes—Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser; No—None; Abstained—None; Absent—Mr. McCormick.** The motion carried.

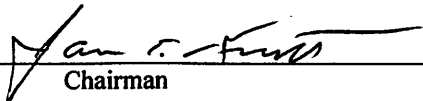
0:52:34 **11. Report regarding Summary Review Subdivisions.**

There was brief discussion regarding each plat in the report.

0:58:31 **12. Adjourn.**

There being no further business, the meeting was adjourned.

0:58:39 Stop Recording [6:00:05 PM]



Chairman

3-5-18
Date