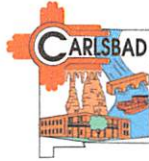


**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, April 2, 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, April 2, 2018 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 March 5, 2018.
4. Consider approval of a Final Plat for Fountain Hills 18 Subdivision.
5. Consider approval of a Final Plat for Farmview Phase 5 Subdivision.
6. Consider recommendation for Temporary Use at 2126 W. Texas Street.
7. Consider approval of a Final Plat for Sunwest Subdivision Unit 7.
8. Consider recommendation for a Zone Change at 1032 N. Alameda.
9. Variance for Lot size and frontage on N. Second Street.
10. Report regarding Summary Review Subdivisions.
11. 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, APRIL 2, 2018, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD  
RON MYERS**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR  
DIRECTOR OF UTILITIES**

**EXECUTIVE SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**GARY WADDLE  
SHERRI KURIMSKI  
KYLEE KURIMSKI  
MICHAEL E. KURIMSKI  
SAVLO A. RODRIGUEZ  
STEVEN ARMSTRONG  
BRENDA RICKELL  
DICK VAN DYK  
INGRET VAN DYK  
BOB WALKER  
ALEX PALOMINO  
DAVID B. CHURCH  
LEE & DIANE POST  
EDNA WASHBURN  
RANDY & MARY KAY BOLES  
PAULA HAYNIE  
RAYMOND HAYNIE  
JIMMY WORKMAN  
DEBBIE WORKMAN  
JOHN ARAGON  
LESLIE ARAGON  
ANN MOST CROSS  
JUDY CARTER  
MARILYN HERSHEY  
MELVIN R. PYEATT JR.  
BERTHA & JAVIER JASSO  
MIKE & JUDY LEDFORD  
MARISSA SHOEMAKER  
TINA & RICHARD SAIZ  
VERAUNICA MARTINEZ**

**2621 SOCORRO RD.  
2621 SOCORRO RD.  
2621 SOCORRO RD.  
412 S. GUADALUPE  
1031 N. HALAGUENO  
1303 E. ORCHARD LN.  
1021 N. ALAMEDA  
1021 N. ALAMEDA  
1025 N. HALAGUENO  
500 N. MAIN ST., ROSWELL, NM  
1880 E. LOHMAN  
910 N. ALAMEDA  
111 FARRIS #61  
1014 N. ALAMEDA  
1015 N. ALAMEDA  
1015 N. ALAMEDA  
1006 N. ALAMEDA  
1006 N. ALAMEDA  
1107 S. COUNTRY CLUB  
1107 S. COUNTRY CLUB  
1133 /1137 TRACY PL.  
1017 N. ALAMEDA  
1005 N. HALAGUENO  
413 HAMILTON ST.  
1005 N. ALAMEDA  
1030 N. ALAMEDA  
1027 N. ALAMEDA  
1028 N. ALAMEDA  
1028 N. ALAMEDA**

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 [5:03:38 PM]

0:00:14 **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. McCormick, and Mr. Nesser**; Absent—None.

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

**Mr. Patterson** suggested that item #8 be moved after approving the March 5, 2018 minutes, because of the large crowd in the room regarding the Zone Change at 1032 N. Alameda. **Mr. McCormick** made a motion to approve with the amended Agenda; **Mr. Barney** seconded the motion. The vote was as follows: **Yes—Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No—None; Abstained—None; Absent—None. The motion carried.

0:01:36 **3. Approval of Minutes from Meeting held March 5, 2018.**

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

0:02:20 **8. Consider recommendation for a Zone Change at 1032 N. Alameda.**

**Ms. Aho** said this location on Pierce St., and N. Alameda it's perfect for an office. It has a huge parking area she doesn't think it would make a difference to the neighbors as a business office or residential house. The location shouldn't bother anybody. **Ms. Goad** said for one thing it's a spot zone. **Mr. Knott** asked **Mr. Patterson** to give a reason why this is in violation. **Mr. Patterson** said when we looked at this property all the uses adjacent to it aside from what's across Alameda are residences and with the understanding that once you change the zone you need to use what's allowed in C-1 that could go there. There are some uses besides business office or Professional offices that are allowed in C-1. He doesn't agree 100% with **Ms. Aho** that the parking would be easy there. He sees a potential traffic issue on Alameda off of Pierce as the road starts to curve. Also, he thinks that the parking could be out on the street that could cause congestion at the corner. It's not in our zoning ordinance and the comprehensive plan with the city. **Mr. Knott** asked if the property on the west could that be part of the road easement. **Mr. Patterson** said "yes" it jumps going west from Tracy Place. **Ms. Goad** said the lot is unusable because it's too small. **Mr. Knott** asked if the City long range plan would it not be feasible to widen Pierce Street. **Mr. Patterson** said it's a State Highway. As you head west the idea was to make Pierce primarily commercial corridor heading west. Normally you want to have a wider right a way to accommodate large scale traffic. The higher the volume of traffic the larger the vehicles. As you can see the zoning reflects as you head west it gets into higher commercial zoning. As of this item it's still a residential zone. **Mr. Knott** asked to summarize it's a spot zone property to the west. **Mr. Patterson** said it's a commercial it's C-2 not C-1, so it is a spot zone. **Ms. Aho** said the area sticks out on Pierce and the buyers was going to have the address on Pierce Street. Where are we going to have business offices? This town is growing this is going to be an attorney's office there's not going to be a lot of traffic and parking problems. The vacant lot across the street she has a dentist that wants to have a zone

change also. If you keep turning everything down where are we going to put business offices? **Mr. Knott** asked Mr. Patterson to give a briefing as to changing the zoning you can't restrict the use of that property once you change the zoning from C-1 anything allowed you can't restrict to attorney or doctors' offices. **Mr. Patterson** said "yes". Ms. Aho said maybe there should be another way where you could have another type of zoning where it's all business office's other than only what's allowed. **Mr. Patterson** said our current zoning adequately provides for whatever commercial use you want to do. Planning Department recommends denial. **Mr. Knott** said this is just a recommendation board only. **Ms. Goad** said you can appeal to council if it's denied. **Mr. Barney** asked Mr. Patterson to explain the way this zone change works. **Ms. Goad** said often time when the applicant is turned down they will not take it to council, and we're no required to take it to council unless the applicant appeals to use then we'll prepare a packet and take it to council. It's not automatic if they don't recommend approval it doesn't automatically go to council. If they recommend approval then it automatically goes. If they recommend denial then you would have to ask for an appeal through this department. **Ms. Aho** said she's asking. **Ms. Goad** said you have to do it in writing within 15 days.

**Ms. Ledford** said she and her husband Mike have lived right next door and they have raised their children there. They have been doing some research and there will be a significant decline in their home values. The surrounding neighborhood is going to be affected and what their fear is they don't know who is going to be next to them. These homes are family dwellings there are spaces in commercial area maybe it not what the applicant is looking for, but this is in a residential area.

**Ms. Cross** said she owns homes on 1133 & 1137 Tracy Place directly caddy corner from the house in question. She has lived in the home since 1961 when she was a year old. When her father, Dr. Most, died she moved her family there to raise them in the same neighborhood that she was raised the same way. When Chuck Feser was alive he lived across the street. They have files so high of law suits that they have won since the 1950's people trying to commercialize their neighborhood. There getting tired of it they would like to keep the integrity of a neighborhood as a family residence. Spot zoning can't be good for the city. She knows it's a big oilfield rush and when Tom Martin wanted to make apartments right behind his office. His friend Oran Means said the oil boom is going to be here for 30 years, we fell in a hole the next year and they left. All this temporary money shouldn't change her way of life and the way she's raising her kids. If you let this go this will be a domino effect, then you have James McCormick who is right behind her will apply again to get a zone change for Guadalupe Street and Pierce Street to C-1. These are old neighborhoods that have been there forever find other commercial lots.

Audience agreed.

**Mr. Van Dyke** said his fears the safety of the high volume of traffic in the neighborhood. He read on the application it was for an oilfield office, now it's going to become an office for an attorney. As Ms. Cross said there are other places in town. If it's a good attorney they will seek him anywhere.

**Mr. Post** said they moved there because they liked the setting and want to keep it that way.

**Mr. Walker** said he's lived there since 1993; his question is what's going to be there an attorney or oil company. **Mr. Knott** said once you change the zoning anything we can't restrict the use of the property. **Mr. Walker** asked how do you change the address as it was mentioned by Ms. Aho. **Ms. Goad** said our office does the address assignments. **Mr. Walker** said he opposes to this request, there are other areas in town with empty buildings or empty lots.

**Mr. Armstrong** said he's opposing to this request he lives across the alley since 1963. He's seen a lot of accidents and it's hard to get in and out of his residence. It will increase the residential taxes to commercial taxes and there not doing any kind of businesses there. The old Food Jet, what's now

Courtesy Pawn Shop there has been a lot of burglaries around the neighborhood and it has increased since they have moved over there.

**Ms. Carter** said she's been there 2 years and the traffic has increased she doesn't want any more traffic than what is already there. Changing the zoning they could use it for any type of business. **Mr. Knott** said there's a list of businesses in C-1 that they could put. **Ms. Carter** said it's a great neighborhood.

**Ms. Jasso** said she's lived there for 22 years and she loves the neighbor that's selling her house. With all due respect she would think that the seller would like for the use of her home stay as a residential and not a commercial use.

**Mr. Heine** said he's lived there for 11 years it's a great neighborhood. People that have their home on the market tend to sell within weeks this area that there asking for have been on the market for over a year. If they could sell it for a reasonable price they could keep it as a family dwelling.

**Ms. Shoemaker** said she's lived there for 5 years and she's opposed.

**Mr. Ledford** said he lives next door to the purposed area. One person's wishes as to 75 people who signed the petitions. He's strongly opposed.

**Ms. Hersey** said she is opposed.

**Ms. Aho** said she was wondering if they could make the driveway come off of Pierce Street onto this property and not have it where it is. It would make a difference because it sticks out away from the houses. **Mr. Patterson** said putting a driveway entrance off of West Pierce Street the applicant would have to go to the State DOT to get an entrance. They have a limit of egress/ingress they would have to look at Alameda Street. He doesn't want to speak for DOT, but with the experience working with them being a State Highway. It's a permit application from the state. **Mr. Knott** mentions to Ms. Aho that she would need to do some research.

**Mr. Garcia** motioned to deny the Zone Change at 1032 N. Alameda. **Mr. Barney** seconded the motion. The vote was as follows: **Yes—Mr. Garcia, Mr. Barney, Mr. Knott, Mr. Nesser**; **No—None**; **Abstained—Mr. McCormick**; **Absent—None**. The motion carried.

0:35:57      **4. Consider approval of a Final Plat for Fountain Hills 18 Subdivision..**

**Mr. Patterson** explained the applicant is requesting a Final Plat Approval for Fountain Hills Subdivision 18, creating 17 new single family residential lots, currently zoned "R-R" Rural Residential located at Happy Valley Road and Church Street. The final walk through went well, Planning Department recommends approval. **Mr. Church** said things took a little longer than expected, but went well. **Mr. Patterson** said approval for the final plat will allow the developer to start selling the lots.

**Ms. Kurminski** asked if these lots are R-R, since there is no sewage. **Mr. Church** said all the lots are one acre so R-R is an acre, so there way larger than one acre. **Ms. Kirminski** asked if all were Rural Residential. **Mr. Patterson** said "yes". **Ms. Goad** said Rural Residential with lot without sewer utility has to be an acre. **Mr. Patterson** said it's all zoned Rural Residential. **Ms. Goad** said the utility in question here is the sewer. There was no public comment.

**Mr. McCormick** made a motion to approve the Final Plat for Fountain Hills 18 Subdivision, and **Mr. Garcia** seconded. The vote was as follows: **Yes— Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; **No—None**; **Abstained—None**; **Absent—None**. The motion carried.

0:41:15

**5. Consider approval of a Final Plat for Farmview Phase 5 Subdivision.**

**Mr. Patterson** explained the developer is requesting Final Plat Approval for Farmview Subdivision Phase 5, creating 14 new single family residential lots, currently zoned “R-R” Residential, located north of Elgin Road and west of Cowboy Country Rd. **Mr. Church** said this subdivision is in a cul-de-sac with 14 lots. We put in 8’ sewer and 8’ water line and we extended the water to the north onto the next property of Martin Tracts to work with them on their subdivision. **Mr. Patterson** said Planning Department and the Utilities Department recommends approval. There was no public comment.

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

0:53:27

**7. Consider approval of a Final Plat for Sunwest Subdivision Unit 7.**

**Mr. Patterson** explained that the applicant is requesting a Final Plat Approval for Sunwest Subdivision Unit 7, creating 70 new single family residential lots, currently zoned “R-1” Residential. The development is not completed, and the developer is providing the City with a Letter of Credit in the amount of \$175,000 to cover the costs of the remaining construction. **Ms. Goad** has passed out a punch list provided by our Infrastructure Inspector did on March 29, 2018, there’s an amount of work that needs to be finished. There is a letter of credit that cuts the amount of time it says to expire in May 1<sup>st</sup>, normally we ask for 90 days recommendation. He’s asking for 30 days its cutting it pretty close for the City. The letter of credit works if the developers set aside an account if the development doesn’t get finished or the contractor or developer walks away then the city has the funds available we can close on the letter then the city will finish the construction using those funds. **Mr. McCormick** asked if the city has joint access to those funds that are set aside. **Mr. Patterson** said “yes” if we need to we can close on that letter and those funds will be available. **Ms. Goad** said that 30 days is too short because that forces us to act on it and they might not be finished. It would not be fair to Mr. Knott. We would rather him finish his development, but we just need more time. **Mr. Patterson** said Planning Department recommends approval with the letter of credit of 90 days. **Mr. Knott** said it was no problem getting a letter of credit. The reason he did this was to get his contractor to move quicker, because this development should’ve been done about a month ago. He wants to have this project be completed with the City’s specification. **Mr. Pyeatt** said he’s waiting for the dirt contractor so they don’t tear out the surveying monuments on the corners. **Mr. McCormick** asked Mr. Pyeatt if the survey points are going to match the drawing and there will be no changes to the plat. **Mr. Pyeatt** said “yes”. There was no public comment.

**Mr. Barney** made a motion to approve the Final Plat for Sunwest Subdivision Unit 7 with 90 days letter of credit; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Barney, Mr. McCormick**; No–None; Abstained– **Mr. Knott, Mr. Nesser**; None; Absent–None. The motion carried.

1:08:18

**9. Variance for Lot size and frontage on N. Second Street.**

**Mr. Patterson** explained this is an Appeal (variance) from Section 56-90 Table 6 to allow a 28 foot street frontage and a 4,352 square foot lot for a residential lot zoned “R-1” Residential at 202 & 204 N. Second Street. **Ms. Aragon** said there are two houses on 2<sup>nd</sup> Street that they would like to divide into two lots. **Mr. Patterson** said that our zoning ordinance requires for a lot in R-1 zoning is to have 50’ street frontage and need a 6,000 minimum lot size. Looking at the map you see a purple line indicating where

the lot would be split, there are two residences on this one lot. They have been there for a while there is not good way to split the lot. It's going to create a significantly less frontage that's required for both properties. **Ms. Goad** said the northern lot meets the 6,000 square foot and the frontage, so it's the southern lot that's asking for the variance. The way the line was drawn it does meet 10ft separate setback for both structures. This will make it more marketable. **Ms. Aragon** said it has two separate addresses. **Mr. McCormick** asked if anyone lives in the houses. **Ms. Aragon** said "yes". **Ms. Goad** said it has one water meter for both of the houses. **Mr. McCormick** said you want to subdivide it so you can sell the property. **Ms. Aragon** said "yes" that's the reason for this variance, financially it's better to sell them than to rent them. **Mr. Aragon** said he has done remodeling to the houses. The back house is bigger than the front house. **Ms. Aragon** said it doesn't obstruct the neighborhood, it's not an eyesore, and they do share the driveway. **Mr. McCormick** asked if the variance is for the 2<sup>nd</sup> lot on the south because it doesn't have enough frontage. **Mr. Patterson** said it doesn't have the frontage and it doesn't meet the minimal square foot. **Mr. Knott** asked if they share the same utilities. **Mr. Aragon** said they have one water meter; he has to add a water line to one of the houses. They have separate electricity and sewer. **Mr. Patterson** said they need a separate water meter if they want to split the property. **Ms. Aragon** said she spoke with the Water Department and they did tell her that they are not supposed to have two houses with one water meter. **Mr. Patterson** said when they come across this type of issues they make you get single water meters. **Mr. Myers** agreed. **Ms. Aragon** said that they have been rentals for years and he would pay for the water, sewer, and garbage. Now that they have decided to sell the properties they have to have a variance and separate the lot, and have single water meters to each house. He said it's hard to buy a fixed up house in the \$70,000 range, but it's a lot harder to sell them at \$150,000 in that area. **Mr. Patterson** said that Planning, Engineering, and Utilities Department recommend approval. There was no public comment.

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

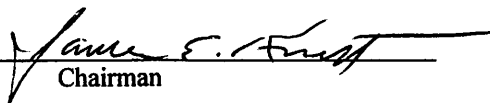
1:19:34      **10. Report regarding Summary Review Subdivisions.**

There were no questions regarding plats in the report.

1:23:50      **11. Adjourn.**

There being no further business, the meeting was adjourned.

1:23:56      Stop Recording [6:27:34 PM]

  
Chairman

5-7-18  
Date