

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, September 10, 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, September 10, 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 August 6, 2018.
4. Consider a recommendation to Council for a Zone Change request for an approximately 0.40 acre parcel, located at 412 E. Church St., "R-1" Residential 1 District to "C-2" Commercial 2 District.
5. Consider a recommendation to Council for a Zone Change request for an approximately 0.49 acre property, located at 1000 Malaga Ave., "C-2" Commercial 2 District to "R-R" Rural Residential District.
6. Consider recommendation to Council for an Annexation of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.
7. Consider recommendation to Council for an Application of "R-R" Rural Residential District zoning of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.
8. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 2' at 1103 W. Church St., zoned "R-2" Residential 2 District.
9. Consider approval of a Variance request to reduce the required street frontage from 50' to 0' for Tract 4 of Spring Farms Replat 4, zoned "C-2" Commercial 2 District.
10. Consider approval or denial of a Conditional Use Permit for the installation of Congregate Housing to be located north of Derrick Road and east of National Parks Hwy, zoned "R-R" Rural Residential District.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Copperstone Estates Subdivision.
12. Report regarding Summary Review Subdivisions.
13. 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, SEPTEMBER 10, 2018, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT: NONE

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA CARRASCO**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

SECRETARY PRESENT:

PATTIE PISTOLE

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**JEFF MCLEAN
MARIA KNITTEL
WANDA WELCH
JAMES & TARA OLDS
GARLON & SHERRY ELLIS
GEORGE DUNAGAN
MATT LAVERY
JOSIE ROCHA
ADELE & DICK HEMBREE
UNKNOWN
GREG HAUCH
TRAVIS KELLEY
DEAN & DONNA HAMMER
TESS GADBURY
ERIC BELL
JOY AINSWORTH
JOE BRININSTOOL
TANYA MOORE
OFFICER C. GARCIA**

**1107 N. SHORE DRIVE
1107 N. SHORE DRIVE
1201 N. SHORE DRIVE
807 N. RIVERSIDE DR
1103 W. CHURCH
212 W. STEVENS
EDGEWOOD, NEW MEXICO
CITY
2413 MARTIN LANE
CARLSBAD ENERGY DEVELOPMENT
TARGET LOGISTICS
TARGET LOGISTICS
409 ROSEDALE
1314 DOEPP DRIVE
37 BILLY DRIVE
1701 WATSON COURT
CED**

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 [5:01:56 PM]

0:00:06 **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. Nesser, Mr. McCormick, Mr. Knott; Absent—Mr. Barney. (Mr. Barney arrived later, around 5:10 p.m., during discussion of Item #4.)

0:01:19 **2. Approval of Agenda.**

Mr. Nesser made a motion to approve the Agenda; Mr. Garcia seconded the motion. The vote was as follows: Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Garcia; No–None; Abstained–None; Absent–Mr. Barney. The motion carried. (Mr. Barney arrived later, around 5:10 p.m., during discussion of Item #4.)

0:01:39 **3. Approval of Minutes from the Meeting held August 6, 2018.**

Mr. Nesser made a motion to approve the Minutes; Mr. Garcia seconded the motion. The vote was as follows: Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott; No–None; Abstained–None; Absent– Mr. Barney. The motion carried. (Mr. Barney arrived later, around 5:10 p.m., during discussion of Item #4.)

0:02:16 **4. Consider a recommendation to Council for a Zone Change request for an approximately 0.40 acre parcel, located at 412 E. Church St., “R-1” Residential 1 District to “C-2” Commercial 2 District.**

Mr. McLean and Ms. Knittel were on hand to answer any questions regarding their request. Mr. Patterson stated that Staff recommended denial because of what would be allowed there with “C-2” zoning. He recommended “C-1” for the property instead. Mr. McLean explained that they tore down the two-story home that had been on the property, because it was not structurally sound and because narcotics had been stashed in the walls. People were breaking in to retrieve the drugs. They have been approached by a resident of Carlsbad, who wants to remain anonymous, to purchase the property once the zoning is changed. The party wants to open a restaurant at the location to service the beach and waterpark area. The sale is contingent on the property becoming commercial. They want to keep the beach area nice and keep people coming to the area. Ms. Knittel said she thinks the restaurant would complement the waterpark and events such as Christmas on the Pecos and would be beneficial for the City.

During public comment, Mr. Olds expressed that he and his wife were unequivocally against the matter. He said he doesn’t want the added noise and traffic. It is fine as residential, but not as a restaurant. Ms. Welch said a lot of thought had gone into keeping the integrity of the area. The City wants to promote the beach area and keep people in Carlsbad. She thinks it will promote the area and will be an asset to the area and to the City. It will provide people a place to grab something to eat. Mr. and Mrs. Hammer stated that it would increase trash, traffic, and noise in a residential neighborhood. They also were concerned that since the lot is so small that there would not be enough parking onsite and that people would park in front of the residences in the area.

Motion was made by Mr. Garcia to recommend denial of the Zone Change. Mr. Knott seconded the motion. The vote was as follows: Yes– Mr. Garcia, Mr. McCormick, Mr. Knott, Mr. Nesser; No–None; Abstained–Mr. Barney; Absent–None. The motion carried to recommend denial of the request.

0:34:18 **5. Consider a recommendation to Council for a Zone Change request for an approximately 0.49 acre property, located at 1000 Malaga Ave., “C-2” Commercial 2 District to “R-R” Rural Residential District.**

Ms. Gadbury, from ERA Real Estate, and Mr. Bell came forward to present the request. Mr. Patterson explained that the change would not result in spot zoning and that Planning Staff recommended approval. Ms. Gadbury said that there had been three ½-acre lots, of which two had been sold. At that time it was found that the third lot was zoned commercial, rather than residential. It is a quiet residential street, with no businesses.

There was no public comment. Mr. Barney made a motion to recommend approval of the Zone Change; Mr. Garcia seconded the motion. The vote was as follows: Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney; No–None; Abstained–None; Absent–None. The motion carried.

0:38:07 **6. Consider recommendation to Council for an Annexation of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.**

Ms. Rocha was on hand to present her request. Mr. Patterson said that Planning recommended approval. The applicant's son had bought the land and wants to build a house or put a mobile home there. City water is on the other side of the street, but not where his land is. If it is annexed, he can connect to City water.

During public comment, Mr. and Mrs. Hembree had no objections after all their questions were answered.

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

0:48:36 **7. Consider recommendation to Council for an Application of "R-R" Rural Residential District zoning of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.**

Mr. Patterson explained that this item went hand in hand with the previous item. "R-R" zoning ties in with the surrounding area.

Mr. Barney made a motion to recommend approval of designating the annexed property "R-R"; Mr. Garcia seconded the motion. The vote was as follows: Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney; No–None; Abstained–None; Absent–None. The motion carried.

0:50:43 **8. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 2' at 1103 W. Church St., zoned "R-2" Residential 2 District.**

Mr. Patterson said that Staff recommended denial of the request because of how near to their neighbors the applicants are. Mr. and Mrs. Ellis explained that they wanted to build a garage big enough to be able to open their car doors. Two feet is how close the old one was. There was also confusion as to how much of a variance they were asking for, since the letters they sent out and the sign that they posted listed their request as "zero" setback requested. They said they wanted as much room as they could get. Mr. Patterson explained that the vote was for two feet setback and that he listed the request on the ABM as "2' side setback (or as close as possible)." He explained that if they had to appeal the decision to City Council, they could request a zero-foot setback.

There was no public comment. **Mr. Nesser** made a motion to deny the Variance; **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney;** **No–Mr. Garcia;** **Abstained–None;** **Absent–None.** Motion carried to deny the Variance.

Mr. Patterson explained the appeal process to the applicants.

1:14:55 **9. Consider approval of a Variance request to reduce the required street frontage from 50' to 0' for Tract 4 of Spring Farms Replat 4, zoned "C-2" Commercial 2 District.**

Mr. Dunagan came forward to represent the applicant on this matter. **Mr. Patterson** explained that presently Tract 3 and Tract 4 are considered one parcel of property. A portion of Tract 4 is in the Flood Zone. To avoid Tract 3 also being considered in the Flood Zone, the applicant wants to split it off and build a hotel. The new plat showing the split will not be signed unless the Variance is granted. It was mentioned that perhaps a deed restriction could be put on the property that prohibited ever having any vertical construction on Tract 4. **Mr. Patterson** said that Planning recommended approval. **Mr. Dunagan** further noted that on Tract 4 they were planning to put 20 parking spaces, with curb and gutter. If the land is not separated, then they would have to follow flood zone requirements for both tracts.

There was no public comment. **Mr. Nesser** made a motion to approve the Variance. **Mr. Garcia** then seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney;** **No–None;** **Abstained–None;** **Absent–None.** Motion carried.

1:21:15 **10. Consider approval or denial of a Conditional Use Permit for the installation of Congregate Housing to be located north of Derrick Road and east of National Parks Hwy, zoned "R-R" Rural Residential District.**

Mr. Hauch and **Mr. Kelley** (both from Target Lodging) came forward to answer any questions about the request. **Mr. Patterson** told the commissioners that the property is at the north end of Production Lane. Planning Staff recommended approval, if the applicant can get adequate services. He thinks it is an appropriate place for this type of development. **Mr. Hauch** explained that it would be a workforce facility with 500 rooms. **Mr. Kelley** added that they are a turn-key workforce provider all over the United States. He feels that it is a good combo for the community and will fill a gap. **Ms. Moore** came forward to interject that they had spoken with the City and with Xcel and that there would be no trouble tying in to the services. **Mr. Patterson** added that where the private line connects at Airport may be an issue. Six inches is the minimum, and they will need fire suppression. They need to talk to the City to verify that pressure and flow will be adequate. They would be connecting to private lines, not to City lines.

During public comment, **Mr. Lavery** said he would support it, if subdivision rules were followed, because the City needs infrastructure on that side of town. **Mr. Patterson** reminded him that subdivision rules only kick in when you are splitting (subdividing) property. This applicant is not proposing that. **Ms. Moore** expressed that Target Logistics does this all over the country and that the one they manage here (Iron Horse) is the cleanest, neatest facility around town.

Mr. McCormick made a motion to recommend approval of the Conditional Use, which was seconded by **Mr. Nesser**. The vote was as follows: **Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney;** **No–None;** **Abstained–None;** **Absent–None.** Motion carried to recommend approval.

1:53:00 **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Copperstone Estates Subdivision.**

Mr. Patterson introduced the item and explained that this Infrastructure Reimbursement application would be the last application brought forward using this program unless the City decided to fund this program again. The applicant would have been eligible for a full 15% reimbursement of \$163,415.67. However, there is only \$95,000.00 left in the budget line item for this program. This application was the first in line among a number of others that had been submitted over the last 18 months, and a payout of \$95,000.00 to this applicant would finish out the budget in this line item. Mr. Knott asked if the City would consider re-funding this program in the future as an incentive to developers. Mr. Patterson stated that he was unsure if the program would receive funding in the future, that for the time being, the program would not receive funding.

There was no public comment. Mr. Nesser motioned to recommend approval of the Reimbursement. Mr. Barney seconded. The vote was as follows: Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney; No–None; Abstained–None; Absent–None. Motion carried to recommend approval.


2:12:52 **12. Report regarding Summary Review Subdivisions.**


There was discussion of the various plats signed by the designees.

2:20:43 **13. Adjourn.**

There being no other business, the meeting was adjourned.

2:20:44 Stop Recording [7:14:48 PM]


Chairman


Date