

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, April 1, 2019, 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 1, 2019 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 4, 2019.
4. Remove from Table a Consideration for Recommendation for Council an Annexation of approximately 76.22 acres located at the southwest corner and southeast corner of the intersection of W. Lea St & Standpipe Rd.
5. Consider a recommendation to Council for an Annexation of approximately 76.22 acres located at the southwest corner and southeast corner of the intersection of W. Lea St. and Standpipe Rd., legally described as Quarter: NE S: 11 T: 22S R: 26E S2NENE (7), N2SENE (1), SESENE (2), Lots 2, 4, 6-12, 14-29, 31, 33, 35, 37, 39, Block 1, Marquess Subdivision, Lots 1-8, Block 2, Marquess Subdivision, Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, Block 3, Marquess Subdivision, Lots 1, 3, 5, 7, Block 4, Marquess Subdivision, Subd: LEA STREET MR W FIREWORKS LAND DIV Unit: A Quarter: NW S: 12 T: 22S R: 26E, Quarter: NW S: 12 T: 22S R: 26E BEG NW COR, S 45 DEG E 42.5', S 0 DEG 30'W 300' TO POB, S 0 DEG W 144', S 88 DEG 1'E 606', N 0 DEG 30'E 144', N 88 DEG 1'W 606' TO POB MAP# 232-5 LOC 110 STANDPIPE ROAD, and Brian Stevens Land Division (Carlsbad Out) Tract 2
6. Remove from Table a Consideration for Recommendation to Council for a Zone Change request for approximately 54.2 acres at the southwest corner of the intersection of W. Lea St and Standpipe Rd.
7. Consider a recommendation to Council for a Zone Change request for approximately 54.2 acres at the southwest corner of the intersection of W. Lea St. and Standpipe Rd., legally described as Quarter: NE S: 11 T: 22S R: 26E S2NENE (7), N2SENE (1), SESENE (2), Lots 20, 22, 24, 26, 28, 31, 33, 35, 37, 39, Block 1, Marquess Subdivision, Lots 1-8, Block 2, Marquess Subdivision, Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, Block 3, Marquess Subdivision, and Lots 1, 3, 5, 7, Block 4, Marquess Subdivision from County to "R-1" Residential 1 District
8. Remove from Table a Consideration for Recommendation to Council for a Zone Change request from County to "C-2" Commercial 2 District for approximately 24.74 acres.

9. Consider a recommendation to Council for a Zone Change request from County to "C-2" Commercial 2 District for approximately 24.74 acres located at:

Property 1: Lots 6, 8, 10, 12, 14-19, 21, 23, 25, 27, 29, Block 1, Marquess Subdivision (approximately 3.87 acres, Amy's Fireworks, Inc., owner),

Property 2: Lots 2, 4, 7, 9, 11, Block 1, Marquess Subdivision (approximately 1.04 acres, Houston Spring Creek Ranch LTD., owner),

Property 3: Subd: LEA STREET MR W FIREWORKS LAND DIV Unit: A Quarter: NW S: 12 T: 22S R: 26E (approximately 4 acres, Mr. W Fireworks, Inc., owner),

Property 4: Quarter: NW S: 12 T: 22S R: 26E BEG NW COR, S 45 DEG E 42.5', S 0 DEG 30'W 300' TO POB, S 0 DEG W 144', S 88 DEG 1'E 606', N 0 DEG 30'E 144', N 88 DEG 1'W 606' TO POB MAP# 232-5 LOC 110 STANDPIPE ROAD (approximately 2 acres, James Harris, owner), and

Property 5: Tract 2, Brian Stevens Land Division (Carlsbad Out) (approximately 11.11 acres, Brian Stevens, owner).

10. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
11. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
12. Consider a recommendation to Council for a Zone Change request for approximately 2.87 acres at 502 E. Hamilton St., legally described as Atwood-Walterscheid Property Line Adjustment Mark & Mary Walterscheid Tract from "R-1" Residential 1 District to "R-R" Rural Residential District
13. Consider naming a private road: Coyote Court
14. Consider approval of a Conditional Use Permit to allow a Bed & Breakfast at 107 W. Chapman Rd
15. Consider approval of a Conditional Use Permit to allow a duplex at 4501 Old Cavern Hwy.
16. Consider approval of a Temporary Use Permit for Temporary Housing at 2605 & 2607 Violet St
17. Consider approval of a Temporary Use Permit for Temporary Housing at 3402 Hidalgo Rd.
18. Consider approval of a Variance request to allow a 0' rear and side setbacks at 1112 N. Mesa St
19. Consider approval of a Variance request to allow a 10' side setback at 838 S. Canyon
20. Consider approval of a Variance request to allow Recreational Vehicle parking at 601 & 603 Laredo
21. Consider approval of a Preliminary Plat for Hughes Subdivision
22. Consider approval of a Final Plat for Carlston Ranch Master Planned Community
23. Report regarding Summary Review Subdivisions.

24. 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 1, 2019, AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

NONE

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA CARRASCO**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR**

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**GEORGE DUNAGAN
SCOTT HICKS
JACK VOLPATO
SHERRY NEATHERLIN
GARY WALDROP
EDDIE ARNETT
AMY ARNETT
DARRELL CRIMMINS
DINA NAVARRETTE
AMANDA MASHAW
MARK WALETERSCHIED
ROBERT CULVER
ALEX PALOMINO
CODY MAY
JAVIER QUEZADA
AMELA QUEZADA
MONICA DUARTE
COLIN GRIMES
JON HARDIN**

**212 W. STEVENS
401 N. PENN, ROSWELL, NM
1526 MUSCATEL
1501 STANDPIPE RD.
101 S. 4TH ST., ARTESIA
ROSWELL, NM
ROSWELL, NM
4501 OLD CAVERN HWY
1112 N. MESA ST
212 W. STEVENS
502 E. HAMILTON
1919 LEANNE DR.
SOUDER MILLER ASSOCIATE
312 WHO WHO
601 & 605 LARADO
601 & 605 LARADO
107 W. CHAPMAN
1612 THOMAS
807 ELM**

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 [5:04:15 PM]

0:01:35 **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, Mr. McCormick.

0:01:57 **2. Approval of Agenda.**

Mr. McCormick made a motion to approve the Agenda; **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.

0:02:25 **3. Approval of Minutes from the Meeting held March 4, 2019.**

Mr. Nesser made a motion to approve the Minutes; **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.

0:05:55 **4. Remove from Table a Consideration for Recommendation for Council an Annexation of approximately 76.22 acres located at the southwest corner and southeast corner of the intersection of W. Lea St & Standpipe Rd.**

Mr. Nesser made a motion to remove from table the Annexation and **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.

0:3:36 **5. Consider a recommendation to Council for an Annexation of approximately 76.22 acres located at the southwest corner and southeast corner of the intersection of W. Lea St. and Standpipe Rd., legally described as Quarter: NE S: 11 T: 22S R: 26E S2NENE (7), N2SENE (1), SESENE (2), Lots 2, 4, 6-12, 14-29, 31, 33, 35, 37, 39, Block 1, Marquess Subdivision, Lots 1-8, Block 2, Marquess Subdivision, Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, Block 3, Marquess Subdivision, Lots 1, 3, 5, 7, Block 4, Marquess Subdivision, Subd: LEA STREET MR W FIREWORKS LAND DIV Unit: A Quarter: NW S: 12 T: 22S R: 26E, Quarter: NW S: 12 T: 22S R: 26E BEG NW COR, S 45 DEG E 42.5', S 0 DEG 30'W 300' TO POB, S 0 DEG W 144', S 88 DEG 1'E 606', N 0 DEG 30'E 144', N 88 DEG 1'W 606' TO POB MAP# 232-5 LOC 110 STANDPIPE ROAD, and Brian Stevens Land Division (Carlsbad Out) Tract 2**

Mr. Patterson explained this application is for an Annexation of approximately in your packet 76.22 acres however the updated packet should read 64.23 acres lying at the southwest corner and southeast corner of the intersection of W. Lea St. and Standpipe Road. **Johnny S. Volpato** and **Sherry Lynn Neatherlin** are the majority land owners for this annexation. There will be four separate properties from the petitioner that will be forced annexed if the annexation is approved, that are listed in your packet. There is an updated annexation plat as you look at the screen now. As you can see at the very southeast corner of the map that property is listed as Santo Petroleum, the annexation petitioners have agreed to leave a strip of property along the southern edge of theirs out of the annexation, which would allow this property to remain adjacent to the county and they won't be a part of this annexation moving forward. The Petitioners are asking to be annexed the four properties that are in your packet, it would be forced annexed if the annexation is approved. **Mr. Volpato**, representing **Cielo Linda, LLC** and **Scott Hicks** with **Smith Engineering** were present to speak on behalf of their application. **Mr. Volpato** explained that they have allowed an easement on the southeast end of the property, so that Santo Petroleum will not be annexed. Nothing else really has changed other than the agreement with the firework stands, but to his knowledge everything stays the same. **Mr. Patterson** mention that the city is considering putting a waiver in place to allow the firework stands that are on the properties that would be forced annexed to continue business with in the city as is, the amendment has been reviewed by city staff and is scheduled to

council on the second meeting of April 23rd, he has a copy if anyone would like to review it before the meeting is over. The waiver the City is working to put in place is a waiver from the fireworks ordinance that disallows the selling of most fireworks within the city limits. The Planning Department recommends approval as presented. There was no public comment.

Mr. Garcia made a motion to recommend approval as presented and **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.

0:09:51 **6. Remove from Table a Consideration for Recommendation to Council for a Zone Change request for approximately 54.2 acres at the southwest corner of the intersection of W. Lea St and Standpipe Rd.**

Mr. McCormick made a motion to remove from table the Zone Change and **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.

0:13:29 **7. Consider a recommendation to Council for a Zone Change request for approximately 54.2 acres at the southwest corner of the intersection of W. Lea St. and Standpipe Rd., legally described as Quarter: NE S: 11 T: 22S R: 26E S2NENE (7), N2SENE (1), SESENE (2), Lots 20, 22, 24, 26, 28, 31, 33, 35, 37, 39, Block 1, Marquess Subdivision, Lots 1-8, Block 2, Marquess Subdivision, Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, Block 3, Marquess Subdivision, and Lots 1, 3, 5, 7, Block 4, Marquess Subdivision from County to “R-1” Residential 1 District**

Mr. Patterson explained this Request for Zone Change from County to “R-1” Residential 1 District for an approximately 54.2 acres of property lying at the southwest corner of the intersection of W. Lea St. and Standpipe Road. The Planning Department recommends approval; just to clarify this does not include the four properties that would be forced to annex they are a different item and they are requesting a different zoning. **Mr. Hicks** explained that the strip that **Mr. Patterson** referred to the 30’ just north of Hackberry Draw and that area there they would not be developing. There was no public comment.

Mr. McCormick made a motion to approve the zone change and **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.

0:15:43 **8. Remove from Table a Consideration for Recommendation to Council for a Zone Change request from County to “C-2” Commercial 2 District for approximately 24.74 acres.**

Mr. Barney made a motion to remove from table and **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.

0:16:15 **9. Consider a recommendation to Council for a Zone Change request from County to “C-2” Commercial 2 District for approximately 24.74 acres located at:**

Property 1: Lots 6, 8, 10, 12, 14-19, 21, 23, 25, 27, 29, Block 1, Marquess Subdivision (approximately 3.87 acres, Amy’s Fireworks, Inc., owner).

Property 2: Lots 2, 4, 7, 9, 11, Block 1, Marquess Subdivision (approximately 1.04 acres, Houston Spring Creek Ranch LTD., owner).

Property 3: Subd: LEA STREET MR W FIREWORKS LAND DIV Unit: A Quarter: NW S: 12 T: 22S R: 26E (approximately 4 acres, Mr. W Fireworks, Inc., owner).

Property 4: Quarter: NW S: 12 T: 22S R: 26E BEG NW COR, S 45 DEG E 42.5', S 0 DEG 30'W 300' TO POB, S 0 DEG W 144', S 88 DEG 1'E 606', N 0 DEG 30'E 144', N 88 DEG 1'W 606' TO POB MAP# 232-5 LOC 110 STANDPIPE ROAD (approximately 2 acres, James Harris, owner), and

Property 5: Tract 2, Brian Stevens Land Division (Carlsbad Out) (approximately 11.11 acres, Brian Stevens, owner).

Mr. Patterson stated in your packet on page 31, the properties are listed are forced annexed with the approval of the annexation, Amy's Fireworks, Mr. W Fireworks there are two other parcels along Standpipe Road also have firework stands that would be forced annex. It's a total of about 13 acres all together. Property 5 in your packet has been removed due to the agreement between Santo Petroleum and the annexation petitioner the city is requesting that these properties be applied to "C2" zoning and along with the amendment to the fireworks ordinance be allowed to continue their business as is. Planning Staff recommends approval. Mr. Patterson said he has an early draft of the amendment that's been reviewed, now it has not been approved, council will consider the item on April 26, 2019 meeting. There was no public comment.

Mr. Barney made a motion to approve zone change and 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.

0:21:14 **10. Remove from Table a Consideration for approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant did not attend. Mr. Patterson said it would be to your discretion if they wanted to table it again or consider it and deny it. Ms. Carrasco stated that the applicant did contact the office after their March 4th meeting, they stated that they were not able to make the meeting, we did notify them that their application was tabled until April 1st meeting along with providing them with a new notification poster and sending out new notifications to the neighbors, so they were aware of the meeting. Our office did notify them about meeting and they did pick up there packet.

Mr. McCormick made a motion to continue to table the variance and 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

0:23:29 **11. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

Mr. Knott said this item goes with the previous item #10.

0:23:30 **12. Consider a recommendation to Council for a Zone Change request for approximately 2.87 acres at 502 E. Hamilton St., legally described as Atwood-Walterscheid Property Line Adjustment Mark & Mary Walterscheid Tract from "R-1" Residential 1 District to "R-R" Rural Residential District**

Mr. Walterscheid came forward to present his request. Mr. Patterson briefly explained the applicant is requesting for zone change from "R-1" Residential 1 District to "R-R" Rural Residential District at 502 E.

Hamilton to accommodate one horse, he does have enough land to keep a horse. This request will result in a spot zone. However, he is requesting a residential zoning in nature and does not plan to change the use of the property, as such Planning Staff recommends approval. **Mr. Knott** asked if all the property is zoned "R-1", because it appears that this is all undeveloped land. **Mr. Patterson** said sometime last year the property southeast of him was annexed inside city limits and "R-1" zoning was applied to it and there has been subdivision that have been built over the years. The surrounding area around Mr. Walterscheid is currently developing into single family housing. **Mr. Walterscheid** explains he would like to have the one horse on his property right now it's somewhere where until we have approval with this request. **Mr. Knott** asked if he knew the history of the "R-1" rezoning. **Mr. Walterscheid** said there has been development being done around him and he has sold the land behind his for a subdivision. **Ms. Adair** mentions this is one horse well-bred high dollar horse and it's not going to be there all the time. She stated that the horse is going to be campaigned and also well maintained.

Mr. Barney made a motion to approve the zone change and **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

0:30:38 **13. Consider naming a private road: Coyote Court**

Ms. Carrasco briefly explained this is a private road located off of East Greene Street. The applicant is requesting to name a private road Coyote Court to properly address parcels of land being sold or leased to residential or commercial entities. No maintenance of the road by the City of Carlsbad is inferred by this action. Due to continued development, the need has arisen to name a private road for E-911 addressing purposes. The Licensing and Permitting Department shall assign street addresses to all houses, buildings, places of business and properties within its addressing jurisdiction. Addresses shall be assigned in accordance with the provisions set forth in this article and all other applicable ordinances and policies. Such assignment shall not obligate the city to maintain or improve the right-of-way. Based on department recommendations and analysis, planning staff recommends approval. There was no public comment.

Mr. Nesser made a motion to approve the naming a private road and **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

0:32:57 **14. Consider approval of a Conditional Use Permit to allow a Bed & Breakfast at 107 W. Chapman Rd**

Ms. Duarte came forward to present his request. **Ms. Carrasco** explained the applicant is requesting a Conditional Use permit to operate a Bed & Breakfast at 107 W. Chapman Rd., zoned "R-R" Rural Residential District the property is approximately 10 acres. The applicant has been provided with ordinance Sec. 56-42(g) for operating a Bed & Breakfast; however the subject property is surrounded by "R-R" Rural Residential Zone District. Planning Staff recommends approval. **Ms. Duarte** said she wants to start her business and she would like that thank everyone. There was no public comment.

Mr. Garcia made a motion to approve the naming a private road and **Mr. McCormick** 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

0:36:01 **15. Consider approval of a Conditional Use Permit to allow a duplex at 4501 Old Cavern Hwy.**

Mr. & Mrs. Crimmins came forward to present their request. **Ms. Carrasco** explained this is a Conditional Use Application for a Duplex at 4501 Old Cavern Hwy., zoned "R-R" Rural Residential District, the subject site is surrounded by "R-R" Rural Residential District zoned property. The proposed use is generally quiet and should not have a significant impact on the surrounding neighborhood. Based on department recommendations and analysis, planning staff recommends approval of the Conditional Use Permit based on the following conditions:

- The applicant shall work with the City Building Official to meet all building requirements and obtain all necessary permits.

Mr. Knott asked if this is a single family residence looking into turning it as a duplex. **Ms. Carrasco** said it was her understanding converting the residence to a duplex and as you can see there is actually access both off of Chapman Road and Old Cavern Highway. **Mr. Crimmins** said the footprint the house itself will stay the same there is not a change to the square footage in the home, there wanting to move a couple of walls, currently this is a 6 bedroom, 3 bath, but moving a couple of walls there wanting to put in another bathroom. **Mr. Knott** asked **Mr. Crimmins** if he understood what a Conditional Use Permit is. **Mr. Crimmins** said "yes", he's going to continue the process and later apply for a Zone Change. At first he was not sure why he had to go through a Conditional Use first, but he understood afterwards why. **Ms. Carrasco** said it was because of the current zoning. There was no public comment.

Mr. Barney made a motion to approve Conditional Use Permit and **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

0:40:54 **16. Consider approval of a Temporary Use Permit for Temporary Housing at 2605 & 2607 Violet St**

Mr. Grimes came forward to represent his request. **Mr. Patterson** briefly explained this is a Temporary Use at 2605 & 2607 Violet. If you remember the City approved an installation of Temporary Housing at the end of Violet and Tulip. **Mr. Grimes** is a neighbor to that individual that was approved in that area and wishes to install his own Temporary RV Park, the only issue that the Planning Department saw with this item is that this applicant access their property off an alley they don't have a direct access to a plated street. Other than the access issue, the site plan was complete indicating where the spaces will be laid out and how the utilities will be ran to each space. **Mr. Grimes** said its property that he's inherited and he would like to put in 30 spaces there. He would be putting up fencing, trees, and have utilities in the back for future housing, he would like for his item to be approved. **Mr. Ragland** said he's the neighbor to **Mr. Grimes** and he's in favor to put the RV Park. There was no public comment.

Mr. Nesser made a motion to approve Temporary Use Permit and **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

0:44:34 **17. Consider approval of a Temporary Use Permit for Temporary Housing at 3402 Hidalgo Rd.**

Mr. Culver came forward to represent his application and **Ms. Mashaw** from Dunagan Associates. **Ms. Carrasco** explained there are already 4 RV spaces at this location **Larry Lunsford** and **Susan Martin** have been running the operation there. They have replated the property to meet the 2 acre requirement, this was one of the early temporary housing that was approved. Now **Mr. Culver** is purchasing the property and would like to expand the area where the RV Park is, the purposed expansion is for 12 spaces for a total of 16 spaces, he's already meet with City's Utilities Department to address water & solid waste services and he has provided a letter from NMED approved sanitation plan, also get with City Building

Official to obtain all the proper permits and inspections. **Mr. Culver** said he's trying to get all his permits to help people coming to Carlsbad for housing.

Mr. Garcia made a motion to approve Temporary Use Permit and **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

0:47:57 **18. Consider approval of a Variance request to allow a 0' rear and side setbacks at 1112 N. Mesa St**

Ms. Navarrette came forward to represent the request. **Ms. Carrasco** explained this that the North Mesa Senior Center needs more storage this is requesting a variance from the required 10' rear & side setback to a 0' rear and side setback for the installation of a 13' x 30' storage unit. Currently the lot does not back to an alley and the number of parking spaces will not be altered by the installation of the additional storage unit. **Ms. Navarrette** said they have been trying to survive with the amount of increase of the population. They have converted internal space into storage into activity rooms and trying to accommodate the programs that they've been having, so they have been running out of space with items that they keep stored. **Mr. Hardin** asked if this was a permanent fixture or just a portable storage. **Ms. Navarrette** said it was a portable storage. **Mr. Nesser** asked that the building that appears there on the North side and Northeast corner is that also on the property line. **Ms. Navarrette** said there's a cinder block fence. **Mr. Nesser** asked if it's right on the property line. **Ms. Navarrette** said "yes". **Mr. Nesser** asked looking at the map on page 134 there's a secondary line just south from the north line what is the dimension or was that an alley at one time. **Mr. Patterson** said it's approximately 20'. **Mr. Nesser** said there may have been an alley there at one time. **Mr. Knott** asked if it could be a utility easement or a separate parcel. **Mr. Patterson** said it was just a separate parcel from the Senior Center parcel. **Ms. Carrasco** said there were no utilities in that area the water is to the front, sewer runs south of the property and also on Lakeside Drive. **Mr. Nesser** said keeping the storage only 13' wide will be good to keep it towards the south of the property about 20' that will give the Fire Department and the property owner directly behind you space in case of a fire. **Ms. Navarrette** said that the storage buildings that are already there are not lined up straight, if they move it south to give space between the neighbor's fence and the storage then that might eliminate a parking space, every space there at the North Mesa Center every space is necessary. The purpose for this request is to not have to eliminate any spaces necessary. The storage building would be metal on the east side to the existing wood.

Mr. Nesser made a motion for approval for the Variance with the condition that the building be set to a minimum of 5' off the north property line to the south and **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

0:58:23 **19. Consider approval of a Variance request to allow a 10' side setback at 838 S. Canyon**

Mr. May came forward to represent the request. **Ms. Carrasco** explained the applicant is requesting a variance from the required 20' side setback to a 10' setback at 838 S. Canyon St., legally described as Lot 13, Block 135 of the Bock Subdivision, for the installation of a 40' x 100' storage unit. Currently it is zoned "I" Industrial District, which requires a 20' side set back the applicant is placing 40' x 100' storage building along the northern property line. They're requesting to go ahead and move that in 10' to allow room for the turn around on some of the vehicles that go into the property. Planning Staff recommends approval with the condition that he gets with the City Building Department and gets the required permits.

The property owner is Industrial Electric Motors they own 8 of the lots in that area so there is plenty of space for them to operate, but she's recommending approval because the back corner where there looking at locating the storage building currently is just a lot there is no other access to the north or to the south that they access that they have is actually south of Canyon, that will provide them with a little more room for their turn around for their business. **Mr. May** said Ms. Carrasco stated it well, there's basically semi-trucks going in daily with massive motors and they have to be able to pull the semi-trucks into the back and basically make a U-turn to unload them, where it's at now doesn't allow for the semi's to unload them to make a U-turn and come back. He's requesting to move it to the north 10 feet. **Mr. Patterson** asked Mr. May does that indicate the size of the building on how it's going to be constructed on the property. **Mr. May** said according to this it looks like it the building would be 10' to the east fence line and then 10' to the north, so it looks like it may have to go further back. **Mr. Patterson** said if you're going to build it and it's going to go over the property lines we would have to ask you to replat that property and take out that property line the Building Department usually doesn't like to approve permits when you're building across the property line.

Mr. Nesser made a motion for approval for the Variance and **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

1:05:03 **20. Consider approval of a Variance request to allow Recreational Vehicle parking at 601 & 603 Laredo**

Mr. & Mrs. Quezada came forward to represent the request. **Mr. Patterson** briefly explained this is an appeal from Section 56-42 (s)(5) to allow three Recreational Vehicles on the property located at 601 & 603 Laredo the property is zoned "R-1" Residential 1 District, there is less than 1 acre on the property. The applicants property fails to meet two criteria for our Zoning Ordinance Sec. 56-42(s)(5) and Sec. 56-80, Temp Use/Temp Housing. Code Enforcement contacted the property owner after seeing the RV's on their property and determined that they are currently occupied and asked for the applicant to come into the office and get into compliance; however not meeting the acreage requirements and not meeting the zoning requirements Planning Department recommends denial. **Mrs. Quezada** asked for approval for this request, there are people that do live there to sleep, but there not there during the day. On the west side and in front there are empty lots, she doesn't see a reason for them not to live there in the RV's because they are not there daily, it's just to sleep. **Mr. Knott** asked if they've allowed any variances similar to this that you know of in the past to set some kind of precedent that we could consider today. **Mr. Patterson** said to his knowledge since he's been the Planning Director they've never allowed a variance of this type, since we started the Temporary Housing portion of the Zoning Ordinance in 2013, we've made everyone adhere to those regulations set forth and that, if they needed to ask for a variance to ask certain provisions of that then they were allowed. **Mr. Patterson** did say that City Council has passed amendments to the temporary housing ordinance where they require that you have at least the 2 acre minimum to allow someone to stay on your property RV's in this nature and they remove them from the variance process so they will no longer consider items that don't meet that requirement. **Mr. Knott** said we've had people in the past come to Planning and Zoning office where they have people living in the same property and they've also been told to remove the RV's. **Mr. Patterson** said "yes" if Code Enforcement made aware of people living in RV's without proper permitting then they will seek enforcement against it. **Mr. Knott** said the legal of a variance requires some type of rezoning and under the current regulation is there anything available to the applicant where they can be in compliance. **Mr. Patterson** said not to house RV's on the property there's simply not enough property there to meet the 2 acre minimum. **Ms. Carrasco** mentions that there are RV's already there if you look on page 154 this is what the lay out of the property is right now with the 3 RV's. **Mr. Knott** asked Mr. or Mrs. Quezada if the people living there are tenants or family that there renting too. **Mr. Quezada** said they are family and

he said they started to rent out the house and they asked if they could bring an RV and that lead to bring the second one and then the third one, they never advertised to having any RV's there.

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

Mr. Patterson told the applicant if they would like to appeal this decision they would have to submit a letter within the next 15 days from today's date and schedule it to go to City Council.

1:14:15

21. Consider approval of a Preliminary Plat for Hughes Subdivision

Mr. Hughes was present to represent his request. **Mr. Palomino** from Souder Miller and Associates was present also representing this request. **Ms. Carrasco** explained that this is a Preliminary Plat for Hughes Subdivision, creating 10 new lots, zoned Rural Residential District "R-2" Residential 2 District and located at Westridge Rd & Landsun Circle. The street will have 60' of ROW dedicated with sidewalks and curb and gutter installed. The developer has designed the subdivision for on-lot storm water detention and has submitted a drainage study for the subdivision. The water and sewer utilities will be located within the street. The developer will need to provide more detailed plans which should include materials pages and a drive pad detail sheet. It is located in the Flood Zone and they have been working with the Manager to make sure that the back side along the river will be built up and in compliance. **Mr. Patterson** said that **Mr. Palomino**, the Engineer on the project, has submitted an updated design. **Mr. Hughes** and **Mr. Dunagan** has visited with him to talk about the change the design that they have originally they had planned to connect to Riverside Dr. to make this a through street to Westridge that was something that the City had recommended; however they came back with a change in the design and now they are requesting not to connect to Riverside Dr. and just connect to Landsun Circle and Westridge Drive. He had brought this before the other Department Directors of the City; he has yet to hear back from the Emergency Services, but Public Works, Utilities, and City Administration all felt that this was not a very good plan from the City's point of view we would prefer that the street connect to Riverside Drive mostly for traffic flow, and to allow Emergency Service response to have as many ways possible without having to take to many turns. **Mr. Hughes** said they have had neighbors that are concerned with the extra flow of traffic that would be coming out of Westridge also going down Riverside Drive. It was brought to us that as long as we had the two entries points we would be able to serve for Emergency Services and Landsun Circle would continue around and come out on Westridge, but not connecting to Riverside Drive because of the extra flow of traffic. **Mr. Palomino** mentions that he and **Mr. Hughes** did come up with a sketch previously showing the cul-de-sac that was the original intent. Basically everyone has already mentioned what we need to do. **Ms. Carrasco** said that they have submitted a drainage plan it was not included in the packet due to its size, if anyone wants to view it let her know. **Mr. Dunagan** said he lives in the area and said there is some history around there. He said that Riverside Drive ends here (looking at the map on page 170) and traffic diverts over on Landsun Drive around over onto Westridge goes through curves speed bumps, stop signs slows traffic down. When Landsun tried to do this in 2001 the City also wanted to continue onto Riverside Drive through there. You get people that will drive the speed limit and people that go over the speed limit; he's just giving his opinion on what may happen with a little inconvenience for Emergency Services versus high speed accidents. **Mr. McCormick** asked how much distance is between the 2 streets, he said it looks like 15 feet. **Mr. Dunagan** said it's not very far. **Mr. Hughes** said they could put an Emergency gate there and they can have a key. **Mr. Palomino** said we could put in a motion sense gate. **Mr. Barney** asked that the turnaround is not was meant to be it should've continued. **Mr. Palomino** said according to existing plats the Riverside Drive was meant to go through Westridge. **Mr. Patterson** said the turnaround doesn't meet the current code. **Mr. Barney** said if we're going to make a dead end then we need to give the public the proper cul-de-sac or make it go through. We can't continue making the public going into other properties driveway and making there turnaround. **Mr. Patterson** recommended approval of the plat with the

condition that the applicant continue to work with the City to find a solution with the streets not connecting.

Mr. Barney made a motion to approve Preliminary Plat and having the applicant continue working with the City to find an applicable way to the entrance and at the street on Riverside Drive and **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

1:31:47 **22. Consider approval of a Final Plat for Carlston Ranch Master Planned Community**

Mr. Lane was present to represent his request. **Mr. Patterson** briefly explained Mr. Lane is requesting Final Plat Approval for Carlston Ranch Subdivision, a Master Planned Community, currently zoned "PUD" Planned Unit Development District. This is approximately 1231.39 acres located from the southeast corner of Derrick Road and National Parks Hwy. The subdivision has been split into 651 tracts for further development. Planning Staff recommends approval. **Mr. Lane** said this project has been in the process for a couple of years and he was not going to give up. He would like for the board to approve this time to proceed with the development. There was no public comment.

Mr. Barney made a motion to approve Final Plat and **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

1:35:24 **23. Report regarding Summary Review Subdivisions.**

There was discussion of the various plats signed by the designees. Nothing unusual was noted.

1:36:43 **24. Adjourn.**

There being no other business, the meeting was adjourned.

1:36:43 Stop Recording [6:40:08 PM]



Chairman

5-6-19
Date