

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, June 3, 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, June 3, 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 May 6, 2019.
4. 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.
5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.
7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.
8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.
9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from "C-1" Commercial 1 District to "R-2" Residential 2 District
10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from "R-1" Residential 1 District to "C-1" Commercial 1 District
11. Consider a recommendation to Council for a Zone Change request for approximately 20.23 acres located west of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "R-1" Residential 1 District
12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from "R-R" Rural Residential District to "C-2" Commercial 2 District

13. Consider approval of a Preliminary Plat for Spring Farm Subdivision
14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision
15. Report regarding Summary Review Subdivisions.
16. Adjourn.

PLANNING AND ZONING COMMISSION MEETING SCHEDULE

- Regular meeting – Monday, July 1, 2019 at 5:00 p.m.

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, JUNE 3, 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
RON MYERS**

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

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**SEAN DUNAGAN
GEORGE DUNAGAN
KERRI DUNAGAN
KAREN SUMERS
DENISE A. MADRID BOYEA
JAMES GREER
RACHEL HAND
DAVID STOREY
RACHAEL BALLARD
SANDY BALLARD
JESSICA HASER
TANYA MOORE
TANNER HOOT
TARRANT BLAKE
WINDY COLE
WESLEY CARTER
GARY WADDELL
MATT BYERS
SHANE CARPENTER
CLAUDIA MARTINEZ**

**2112 WESTRIDGE
212 W. STEVENS
1411 ORCHARD LANE
1421 DESERT WILLOW
1906 SENTRY CIRCLE
2103 QUAIL HOLLOW
3803 STANDPIPE RD.
ROSWELL, NM
314 W. MERMOD
314 W. MERMOD
314 W. MERMOD
502 CENTER AVE.
502 CENTER AVE.
1809 MOUNTAIN SHADOW
201 S. GUADALUPE
1111 N. MESA
4203 BOYD DR.
1405 S. COUNTRY CLUB CIRCLE
3221 NATIONAL PARKS HWY.
904 W. FOX ST.**

Time Stamps and headings below correspond to recording of meeting and the recording is hereby made a part of the official record.

0:00:02 Start Recording [5:12:11 PM]

0:00:10 **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. McCormick, Mr. Knott, Mr. Nesser**. Absent—None.

0:00:33 **2. Approval of Agenda.**

Mr. Patterson makes a change to Item Number 11; it should read approximately 171 acres, instead of 20.23 acres.

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.

0:01:14 **3. Approval of Minutes from the Meeting held May 6, 2019.**

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

0:02:03 **4. 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, **Claudia Martinez**, comes to the podium.

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

0:03:04 **5. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant, **Claudia Martinez**, comes to the podium. **Ms. Carrasco** explains the request. **Ms. Martinez** is requesting a 6' fence in her front-setback. **Ms. Martinez** said she needs the fence higher to keep her dogs in the yard. Her current fence is not high enough. She has four Mastiffs. She will apply for all permits to put up fence. The new fence will be wrought iron, as wood and other types of fence have not worked for her.

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

Ms. Carrasco informs the applicant she will have to apply for all appropriate building permits and contact **Ray Benavides**, the Building Official.

0:08:08 **6. Consider approval of a Conditional Use Permit to allow On-Site Security at 514 Center Ave.**

The applicant, **Tonya Moore**, comes to the podium. **Ms. Carrasco** explains the request for a conditional use permit for placement of a single wide trailer for on-site security purposes at 514 Center Avenue. Planning Staff recommends approval. **Ms. Moore** explains they would like to have someone there 24 hours a day for extra security. Floor opened for Public comment, there was none.

Mr. Garcia made a motion to approve; 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.

Ms. Carrasco tells the applicant to work with the Building Department to get the proper permits.

0:10:41 **7. Consider approval of a Conditional Use Permit to allow a Home Occupation-Sales & Services (Barbershop) at 3803 Standpipe Rd.**

The applicant, Rachel Hand, comes to the podium. Ms. Carrasco explains the request. The Planning Department recommends approval as long as the applicant works with appropriate staff for any needs for water, sewer or solid waste; and any sort of state requirements or licenses. Ms. Hand explains she has been operating the barbershop since March 29, having already received a business registration. All her state licenses are in place, and her portable building is approved by the state for her purposes. No public comment.

Mr. McCormick made a motion to approve; 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.

Ms. Carrasco tells the applicant she will receive a letter of approval, and the conditional use permit will stay with the applicant, not the property.

0:14:48 **8. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.**

Shane Carpenter comes to the podium. Mr. Carrasco explains the request for a permit for Temporary Housing for Megapower Electric’s employees, but recommends that the request be tabled pending a better site plan. Mr. Carpenter is aware of that the Planning Department needs a scaled site plan.

Mr. McCormick made a motion to table this item 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.

0:16:34 **9. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 201 S. Guadalupe St., legally described as Lot 1-4, Block 99, Stevens Second Addition, from “C-1” Commercial 1 District to “R-2” Residential 2 District**

Windy Cole comes to the podium. Ms. Carrasco explains the request is to change the property from Commercial to Residential. The applicant would like the Zone Change approved so she can sell the property. There was no public comment.

Mr. Garcia made a motion to approve; 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.

Ms. Carrasco states this item will come before Council on July 9, 2019 and the Ms. Cole will receive a letter confirming this.

0:19:30 **10. Consider a recommendation to Council for a Zone Change request for approximately 0.30 acres located at 325 N. Sixth St., legally described as Quarter: NE S: 27, T: 22S, R: 26E TR: 42 from “R-1” Residential 1 District to “C-1” Commercial 1 District**

The applicant, **Sandy Ballard**, attended. **Mr. Patterson** explained the request; and that this item has been brought before Council last fall, with Council being unable to make a determination. The ordinance allows for the applicants to bring this request forward again within one year. The Planning Department recommends approval of this request, with some conditions; one of which is no on-street parking because of the proximity to a school. **Ms. Ballard** runs a training and drug testing facility at 314 W. Mermod, and are trying to move the training facility portion to 325 N. Sixth Street, which has 17 spots for parking; She has also spoken to the Superintendent of the school about placing the training facility there, and he will speak to the mayor. They will not conduct drug-testing at this facility. The people who will attend the training facility have already passed their drug test. This will alleviate some of the traffic problems at their location on Mermod Street. Floor opened for public comment. **Jessica Haser** comes to the podium; she states she is the training manager for Mobile Safety; and she could be more thorough with a quieter area for the training portion.

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

Mr. Patterson states this item will appear before City Council on July 9, 2019, and she will receive a letter as a reminder.

0:27:48 **11. Consider a recommendation to Council for a Zone Change request for approximately 171 acres located west of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “R-1” Residential 1 District**

George Dunagan comes to the podium. **Mr. Patterson** explains this request and is the same applicant as last item. The Planning Dept. recommends approval of this request. **Mr. Dunagan** explains this is one of three items to come before the Commission at this time. The letter he wrote outlines what the plans are for the entire property, which is being called the Flumes Subdivision. He is planning on developing 171 acres, which will have about 354 homes; 145 single family homes in the first phase. The City has a planned widening for Callaway Drive from two lanes to three lanes. They will be developing commercial C-2 lots on the East side of Callaway Drive on the North portion, about 10 acres; and leaving the South portion Rural Residential. As part of the development, a nature park will be dedicated to the city on the West side of the Callaway Bridge, which will be called Carter Park. They will not allow man camps or RV parks in the commercial portion. **Mr. Dunagan** states his timeline is twelve to eighteen months. Floor is opened to public comment. **Tarrant Blake** comes to the podium. Her concern is the traffic and the speed of the drivers. She noted problems with work trucks, blowing dirt, and encroachment on wildlife; driving it into the neighborhood. She estimates 350 homes would make 600 more drivers on Callaway Drive. Her biggest concern is the traffic on Callaway Drive in the residential area, and if sidewalks would be built along with the widening of the road. **James Greer** comes to the podium. He states he is a resident of Quail Hollow from the beginning; and all construction creates dust problems. He has been in construction all his life and is in favor of the development of both sides of Callaway Road.

Mr. Garcia made a motion to approve the zone change 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**.

Ms. Carrasco tells the applicant that this item will be scheduled to appear before Council on July 23, 2019.

0:45:07 **12. Consider a recommendation to Council for a Zone Change request for approximately 10.00 acres located east of Callaway Dr., north of the Pecos River (see legal description) from “R-R” Rural Residential District to “C-2” Commercial 2 District**

Mr. Patterson explained this request. The applicant would like to develop the property in a commercial nature, primarily to serve the surrounding residential properties. The Planning Department recommends approval of this request. **Mr. Dunagan** explains they are going to control what goes into the C-2 and have deed restrictions. He says there is a lot of need for limited commercial in this area. No public comment. **Mr. Barney** asks what is considered limited commercial. **Mr. Dunagan** states convenience stores and small retail.

Mr. Garcia made a motion to approve 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.

Mr. Patterson tells the applicant this item is scheduled to appear before Council on July 9, 2019.

0:49:36 **13. Consider approval of a Preliminary Plat for Spring Farm Subdivision**

Ms. Patterson explained this request, potentially creating 354 new single family residential lots on 171 acres, and commercially developing about 10 acres. The City has already initiated meetings with the applicant and engineer to make sure the City's needs are met. Planning Staff would recommend approval, with the conditions: the developer and engineer shall submit final construction plans for approval by City staff, a master drainage and draining plan, a traffic study and analysis on Callaway Drive and submit results to City's Planning Department, and continue to work with the City's staff on infrastructure installed and its design, and monitor installation. **Mr. Dunagan** wants to get the plans and development going, so he took the preliminary plat approach. He stated it would probably be around 18 months before the plans are finally developed. No public comment.

Mr. Garcia made a motion to approve 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.

1:00:35 **14. Consider approval of a Preliminary Plat for Sunwest 8 Subdivision**

Mr. Knott recuses himself. **Mr. Patterson** explains the request, which would create 150 single family residential lots. The City has already had preliminary meetings to go over the plans with the applicant. The applicant, **Mr. Knott** comes to the podium. Planning Staff would recommend approval of this request, with conditions that the engineer and developer work with the City staff as to the infrastructure and the City's infrastructure inspector monitor the installation of the infrastructure, and the City approve the infrastructure once installed. **David Storey** from Souder Miller & Associates from Roswell, comes to the podium. They are the engineering firm for **Mr. Knott**. **Mr. Knott** explains he has been in the manufactured home business for all of his life, and believes this development will be very competitive in the market. **Mr. Storey** states they are always working on and upgrading the plans, and has submitted an updated plat to the City recently. Floor opened for public comment. **Gary Waddell** comes forward to express his support.

Mr. Garcia made a motion to approve 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.

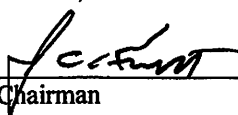
1:06:30 **15. Report regarding Summary Review Subdivisions.**

Ms. Carrasco presented the Summary Review plats. Nothing unusual was noted.

1:09:59 **16. Adjourn.**

There being no other business, the meeting was adjourned.

1:10:06 Stop Recording [6:22:17 PM]



Chairman

Date