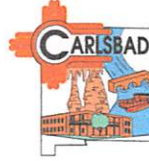


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, July 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, July 1, 2019 at 5:00 PM
Municipal Annex 114 S. Halagueno Street
Council Chambers

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held June 3, 2019.
4. Remove from Table a Consideration for approval Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.
5. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.
6. Consider approval of a Final Plat for Copperstone Estates Subdivision Phase 3
7. Consider approval of a Preliminary Plat for Arrowstone Subdivision
8. Consider a recommendation to Council for a Zone Change request for approximately 0.861 acres located west of 4019 National Parks Hwy., legally described as Lot E, Merland Land Summary Subdivision from "R-R" Rural Residential District to "C-2" Commercial 2 District
9. Consider a recommendation to Council for a Zone Change request for approximately 21.86 acres located at the northeast corner of the intersection of Boyd Dr. and Hidalgo Rd., legally described as Lots A, B, C, D, & F, Merland Land Summary Subdivision from "R-R" Rural Residential District to "R-2" Residential 2 District
10. Consider approval of a Conditional Use Permit to allow Home Occupation – Sales & Service – at 1906 Sentry Circle
11. Consider approval of a Variance to allow a 0' side setback at 215 & 217 N. Fourth St.
12. Consider approval of a Variance to allow a 5' side setback at 501 Laredo St.
13. Consider approval of a Variance to allow a 0' side setback at 1602 W. Tansill St.
14. Consider approval of a Variance to allow a 0' side setback at 1904 Bindel St.
15. Consider approval of a Variance to allow from the drive-through stacking requirement at 3221 W. Pierce St.

16. Consider a recommendation to Council for a Zone Change request for approximately 0.11 acres located west of 701 W. Greene St., legally described as Lot B, Block 164, Woodards Subivision Replat from "C-2" Commercial 2 District to "C-1" Commercial 1 District
17. Consider a recommendation to Council for a Zone Change request for approximately 3.88 acres located at 2411 E. Greene St., legally described as Lot 1, Tract B, Garner Replat No. 1 from "I" Industrial District to "C-2" Commercial 2 District
18. Consider a recommendation to Council for a Zone Change request for approximately 0.90 acres located at 4501 Old Cavern Hwy., legally described as Tract 1, Hammett Tracts Subdivision from "R-R" Rural Residential District to "R-1" Residential 1 District
19. Consider a recommendation to Council for a request to Vacate a platted 60' Right-of-Way of the northern extension of Petroleum Dr. that lies between Commerce Dr. and Corrales Rd.
20. Consider naming a private road: Rustic Road
21. Report regarding Summary Review Subdivisions.
22. Adjourn.

FOR INFORMATION ONLY

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site:

cityofcarlsbadnm.com

or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

PLANNING AND ZONING COMMISSION MEETING SCHEDULE

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

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.
HALAGUENO STREET, JULY 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:

**DARREN CRIMMINS
EMILIO BILLY MARES
MELVIN PYEATT
DAMARIS NIEBLAS
TY JACKSON
COLLIS JOHNSON
MONICA SMITH
CESAR LEYVA
ZACHARY THEUS
MITCHELL P. FRANSEN**

**4501 OLD CAVERN HWY.
501 LAREDO
413 HAMILTON ST.
1904 BINDEL
802 ORCHARD
303 E. CHAPMAN RD.
1906 SENTRY CIRCLE
1904 BINDEL
LAS CRUCES, NM
217 N. 4TH 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 [5:01:36 PM]

0:00:05 **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.

0:00:17 **2. Approval of Agenda.**

Ms. Carrasco makes a change to the Agenda; Item #15 is being pulled at the request of the applicant.

Mr. Nesser made a motion to approve the 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.

0:00:57 **3. Approval of Minutes from the Meeting held June 3, 2019.**

Mr. McCormick 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.

0:01:30 **4. Remove from Table a Consideration for approval Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.**

The applicant is not present.

Mr. Nesser made a motion to table; 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.

0:02:25 **5. Consider approval of a Temporary Use Permit for Temporary Housing at 3221 National Parks Hwy.**

This Item is tied to Item #4 and is tabled as well.

0:03:23 **6. Consider approval of a Final Plat for Copperstone Estates Subdivision Phase 3**

The applicant, Zachary Theus, comes to the podium. Mr. Patterson explains the request for approval of the Final Plat for this property. The applicant has provided a letter of credit and guarantee to the City in order to get the Final Plat approved. The Planning Staff recommends approval with conditions developer and engineer continue to work with city staff as to the infrastructure installation, and the city inspector shall monitor the installation. The final plat will be filed with the County Clerk's Office so that those lots may then be sold. Floor opened for Public comment, there was none.

Mr. Barney made a motion to approve with staff recommendations; 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.

0:07:28 **7. Consider approval of a Preliminary Plat for Arrowstone Subdivision**

The applicant, Zachary Theus, comes to the podium. Mr. Patterson explains the request is for approval of a Preliminary Plat for this project which is for three multi-family residential lots, zoned R-2, and one commercial lot, zoned C-2. This will be on the Northeast corner of Boyd Drive and Hidalgo Road. The applicant is asking to split the property into a number of parcels in order to locate an apartment development there. This is in addition to the hotel property they own on National Parks Highway. Planning staff recommends approval of this request with the conditions that the developer/engineer submit a structural plan for review; a master drainage and grading plan for the development; and a traffic study and analysis for Boyd Drive and Hidalgo Road and submit the results to the City Planning Department. Also the developer/engineer needs to work with City staff on infrastructure installation. Mr. Knott asks about the retention pond shown on the plat. Mr. Theus states the pond is large enough for neighboring properties to use for drainage. 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. Patterson tells the applicant to continue working with the City staff on installation of the project and subsequent items.

0:13:03 **8. Consider a recommendation to Council for a Zone Change request for approximately 0.861 acres located west of 4019 National Parks Hwy., legally described as Lot E, Merland Land Summary Subdivision from “R-R” Rural Residential District to “C-2” Commercial 2 District**

Zachary Theus comes to the podium. Mr. Patterson explains the request for the Zone Change. This is to tie the property to the hotel on the land east of it. Mr. Knott asks about re-routing of the drainage at the intersection of Boyd and Hidalgo. Mr. Patterson states the City is looking at reconstruction the Boyd/Hidalgo intersection and it will affect the drainage, but will not affect the applicant’s property. Floor opened for comment. There was none.

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.

0:17:52 **9. Consider a recommendation to Council for a Zone Change request for approximately 21.86 acres located at the northeast corner of the intersection of Boyd Dr. and Hidalgo Rd., legally described as Lots A, B, C, D, & F, Merland Land Summary Subdivision from “R-R” Rural Residential District to “R-2” Residential 2 District**

Mr. Theus comes to the podium. Mr. Patterson explains the request is to change the property from R-R to R-2 Residential. The applicant plans to locate the apartment development and supporting infrastructure. There was no public comment.

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.

Mr. Patterson states this item will come before Council on August 13, 2019.

0:20:34 **10. Consider approval of a Conditional Use Permit to allow Home Occupation – Sales & Service – at 1906 Sentry Circle**

The applicant, Monica Smith, attended. Ms. Carrasco explained the request is for a home occupation permit to provide aesthetician services at the address, and the applicant has provided a site plan where the business would be located. The Planning Department recommends approval of this request, with some conditions; one of which is to contact the Utilities Department and the Fire Department for occupancy. The applicant will only accept appointments, and no walk-ins. She states she has complied with all State Regulations. There was no public comment.

Mr. Knott made a motion to approve the conditional 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.

[illegible]

Yes--Mr. Garcia, Mr. Barker, Mr. Egan, Mr. McCann, Mr. Nease, Mr. Jones. Aye--None. The motion carried.

[illegible]

Mr. Tolson states this man will come before Council on August 13, 1939.

Cover for approval of a modification of the permit to which it applies

The applicant, Monica, stated that she obtained the request for a formal investigation pursuant to provide investigation services in the subject and the applicant has provided a full plan which she believes would be followed. The primary document recommendations approved in this request with some additional ones of which it is stated the Bureau Department and the Department for Security.

The following information was obtained from the files of the FBI:

0:24:23

11. Consider approval of a Variance to allow a 0' side setback at 215 & 217 N. Fourth St.

The applicant, **Mitchell Fransen**, comes to the podium. **Ms. Carrasco** explains the applicant is requesting to split this property through an existing metal carport. The Planning Dept. recommends denial of this request based on input from City Staff, the Public Works Department, and the Legal Department. **Mr. Fransen** does not live on the property; he has owned the property for about a month. No public comment.

Mr. Knott made a motion to deny 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 was denied.

Ms. Carrasco tells the applicant he can apply a request for an appeal.

0:31:23

12. Consider approval of a Variance to allow a 5' side setback at 501 Laredo St.

The applicant, **Mr. Mares**, comes to the podium. **Ms. Carrasco** explained this request. The applicant would like to build another house on the property, and the house will front on Alabama St. Once the home is complete, they will demolish the other house that faces Laredo St. The new house will be wider and the applicant wants a variance to allow a 5' setback. The applicant will remove the current home on the property when the new construction is complete. 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.

Ms. Carrasco tells the he will receive a letter of approval from the Planning Department.

0:37:11

13. Consider approval of a Variance to allow a 0' side setback at 1602 W. Tansill St.

The applicant did not attend.

Mr. McCormick made a motion to table 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 item was tabled.

0:37:58

14. Consider approval of a Variance to allow a 0' side setback at 1904 Bindel St.

Damaris Nieblas comes to the podium. **Ms. Carrasco** explains the request is so the applicant can place a metal carport along the property line. The Planning Department recommends approval, although other departments recommend denial. Floor opened for public comment.

Mr. Barney made a motion to approve and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes— 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 need to contact the City Building Official for the proper permits and inspections.

0:43:05 **16. Consider a recommendation to Council for a Zone Change request for approximately 0.11 acres located west of 701 W. Greene St., legally described as Lot B, Block 164, Woodards Subivision Replat from "C-2" Commercial 2 District to "C-1" Commercial 1 District**

The applicant did not attend.

Mr. McCormick made a motion to table 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 item was tabled.

0:44:19 **17. Consider a recommendation to Council for a Zone Change request for approximately 3.88 acres located at 2411 E. Greene St., legally described as Lot 1, Tract B, Garner Replat No. 1 from "I" Industrial District to "C-2" Commercial 2 District**

Ty Jackson comes to the podium. Ms. Carrasco explains the request. The applicant would like to build regional offices on the property. He explains they have over one hundred staff in the area.

Mr. McCormick made a motion to approve 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.

Ms. Carrasco tells the applicant he will receive a letter and this will go before City Council on August 13, 2019.

0:46:52 **18. Consider a recommendation to Council for a Zone Change request for approximately 0.90 acres located at 4501 Old Cavern Hwy., legally described as Tract 1, Hammett Tracts Subdivision from "R-R" Rural Residential District to "R-1" Residential 1 District**

Darrell Crimmins comes to the podium. Ms. Carrasco explains the request is to bring the property in zoning compliance for the current use. In April 2019, the applicant was approved a Conditional Use Permit to begin the creation of a duplex at the property. This is a housekeeping item, bringing the use in zoning compliance. Floor opened for public comment. No public comment.

Mr. Nesser 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.

Ms. Carrasco tells the applicant he will receive a letter and this will go before City Council on August 13, 2019.

0:49:14 **19. Consider a recommendation to Council for a request to Vacate a platted 60' Right-of-Way of the northern extension of Petroleum Dr. that lies between Commerce Dr. and Corrales Rd.**

Melvin Pyeatt comes to the podium, speaking on behalf of OXY. Mr. Patterson explains the request. The Planning Department recommends approval of this request, noting that there are some recommendations that OXY get a statement of vacation from all public utilities with their approval and that verifies that they have no infrastructure in the right-of-way, and that the utility easement over the city sewer line increases from 15' to 20' wide, with the approval of the vacation. No public comment.

Mr. Nesser made a motion to approve 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.

...because you like me, right?"

CONFIDENTIAL

147. The first of these is the fact that the Commission has not yet received any information from the Government of the Republic of Serbia regarding the situation in the region of the Danube. The Commission is therefore unable to provide any information on the situation in the region of the Danube.

APPROVED FOR RELEASE BY THE NATIONAL ARCHIVES
DATE 11-11-2013

0-10-20

From the beginning the creation of a duplex in the property 131 is a local zoning issue, changing the use in zoning ordinances. It is not a public comment. No public comment

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the underlying causes. Once the causes have been identified, the next step is to develop a plan of action. This involves identifying the steps that need to be taken to solve the problem and determining the resources that will be needed to implement the plan. Finally, the last step in the process is to implement the plan and monitor the results. This involves putting the plan into action and tracking the progress of the solution. Once the problem has been solved, the final step is to evaluate the results and determine if the solution was effective. This involves comparing the results of the solution to the original problem and determining if the problem has been solved. If the problem has not been solved, the process may need to be repeated.

10. I agree to honor the O-6000 contract on the following terms and conditions: (1) I will not use the O-6000 contract for any purpose other than the purpose for which it was issued.

10-10-60

[illegible]

10-10-68

0:55:12 **20. Consider naming a private road: Rustic Drive**

Ms. Carrasco explains the need for naming the road, to provide access for emergency services. The City will not take ownership or maintain this road. The City recommends the naming of this road: Rustic Drive.

Mr. Nesser 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.

1:03:34 **21. Report regarding Summary Review Subdivisions**

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

1:04:23 **22. Adjourn.**

There being no other business, the meeting was adjourned.

1:04:29 Stop Recording [6:06:05 PM]

Chairman

Date