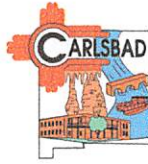


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, September 9, 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, September 9, 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 August 5, 2019.
4. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback at 2503 Spruill Dr.
5. Consider approval of a Variance to allow a 0' side setback at 2503 Spruill Dr.
6. Consider approval of a Preliminary Plat for Oasis Subdivision Phase 1
7. Consider approval of a Variance to allow a 0' side setback at 107 N. James St.
8. Consider approval of a Variance to allow a 0' side setback at 1701 Redwood Loop
9. Consider a recommendation to Council for a Zone Change request from "R-2" Residential 2 District to "C-2" Commercial 2 District for approximately 0.32 acres located at 109 N. Walnut St., legally described as Lots 3 & 5, Block 4, Greene's Highland Subdivision
10. Consider a recommendation to Council for a Zone Change request from "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 1.86 acres located at 4214 S. Spencer St., legally described as Lots 1, 3 & 5, Block 4, Spencer Subdivision
11. 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

12. 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
13. Consider naming a private road: Resource Court
14. Report regarding Summary Review Subdivisions.
15. 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, October 7, 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, SEPTEMBER 9, 2019, AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**BRAD NESSER
LASON BARNEY
BRIGIDO GARCIA
JAMES McCORMICK**

**COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES KNOTT

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:

**ZACHARY THEUS
JESUS MORALES
RUTH MORALES
SAUL LICON
RAYMOND GARDNER
DEBORAH GARDNER
RANDI BOULDEN
RUSSELL PERKINS
SAMANTHA SMITH
JOSHUA CALDER
GEORGE DUNAGAN
LOIS GEORGE
MELVIN GILBERT**

**LAS CRUCES, NM
915 N. MAIN ST.
915 N. MAIN ST.
1701 REDWOOD LOOP
4214 S. SPENCER ST.
4214 S. SPENCER ST.
2206 MOUNTAIN VIEW
4011 BOYD
610 S. 10TH ST.
610 S. 10TH ST.
212 W. STEVENS
107 N. JAMES
2503 SPRUILL**

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 [5:00:02 PM]

0:00:15 **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. Nesser. Absent-Mr. Knott.

0:00:27 **2. Approval of Agenda.**

Ms. Carrasco announces that the applicant for Item #6 has called and asked that this item be removed from the Agenda. Mr. Nesser made a motion to approve the Agenda with the change; Mr. Barney

Mr. Theus explains that the additional properties will allow them to increase the size of the hotels and parking and drainage. The large parcel to the west, which is included in the next item on the agenda, will be for apartments; which will utilize the sewer line, which crosses National Parks Hwy. They expect the first hotel to open in summer next year, adding 60 rooms soon after, and then breaking ground on the Hyatt Place Hotel shortly after that. Floor opened for public comment. **Russell Perkins** comes to the podium. He notes the proximity of an active pumping well/batteries and states the City Ordinance 34-63 says no well shall be drilled in the City and no storage facility are to be within 500 feet of any residence or commercial building. Currently there is building activity all around it. He questions the safety of the buildings with high density occupancy in that 500 foot boundary area. **Mr. Patterson** responds that the City has left it up to the property owners and those who want to develop around an existing facility. The City has no prohibition about how close the development can be to an existing facility. The ordinance only applies to the building of a new well facility close to an existing development, not the other way around. The City will not step in and mediate between property owners and those who want to drill a well. The City does not request the agreement between the two entities, but a citizen could make a records request from the City Clerk for any records of permits issued. **Mr. Perkins** asks **Mr. Theus** about safety, and **Mr. Theus** explains that his development is well outside the 500 foot range of that existing well. **Mr. Patterson** notes that the surveyor shows the well as abandoned. **Mr. Perkins** says that the well is operational. **George Dunagan** comes to the podium and says the City has dealt with this for years and has determined that it is much more dangerous to drill a well next to a building than it is to build a building next to a completed well. He cites examples around town, noting that if the builder wants to take a risk, and the financial institution wants to take a risk, it is done.

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–None; Absent–**Mr. Knott**. The motion carried.

0:54:43 **12. 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**

The applicant, **Zachary Theus**, comes to the podium. **Mr. Patterson** explains this request, and that the lot numbers are going to change to A, B, C, D, & G. **Mr. Theus** states that they plan to develop apartments similar to the Copperstone Apartments; three phases plus a large section for drainage. **Mr. Patterson** explains part of the agreement if they move forward would be dedication of right of way along Boyd and Hidalgo adjacent to the property so the City can expand the capacity of those two roads. The City is planning to reconstruct the intersection of Boyd and Hidalgo as there are problems with flooding. Boyd Drive will also be reconstructed from Radio Blvd. to National Parks Hwy. to the south to handle the extra traffic. Crestline has been asked to provide a traffic impact study to see how much more traffic the development will be adding to Boyd and Hidalgo. The Planning Staff recommends approval of this request. Floor opened for public comment. **Mr. Perkins** asks about increased traffic as there are going to be 384 units and the schedule for reconstructing the intersection. **Mr. Patterson** states the reconstruction of the intersection is scheduled for the fiscal year 2019-2020, and the traffic impact study will be supplied to the City by Crestline before the beginning of their project. **Mr. Perkins** asks about the flooding; and **Mr. Patterson** explains the City will locate a drainage catch basin west of Boyd Drive and run all the drainage from that intersection to that pond. **Mr. Dunagan** states he is in favor of the project as apartments are an economical alternative. **Lois George** asks if Carlsbad has the water and utilities to service these apartments. **Mr. Patterson** states that the City’s Utility Dept. has the capacity to service the development; and the City is completing the Double Eagle Project and a five million gallon reservoir is being built, which will tie in to the City. **Mr. Barney** asks for Crestline’s timeline. **Mr. Theus** states they will start in spring or early summer next year. No more public comment.

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

1:05:18 **13. Consider naming a private road: Resource Court.**

Ms. Carrasco explains this item, this is the old Fiesta Drive-In and it is being split into six lots for leasing. The developer is putting in a private road to access these lots, and that road will accommodate emergency services and allow for addressing.

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

1:08:41 **14. Report regarding Summary Review Subdivisions.**

Ms. Carrasco presented the Summary Review plats. The City has replatted Ohio Street. **Mr. Patterson** states two lots on South Walnut Street were replatted to allow for affordable housing to be built, the land being donated by Wells Fargo for this purpose.

1:10:21

Samantha Smith comes to the podium stating she has received a letter informing her her address has changed from 610 S. 10th St. to 612 S. 10th St. She does not want to change her address. **Mr. Patterson** explains that this area was replatted by the developer to allow for more lots. He notes this is not a matter for the Planning and Zoning Commission and can be handled through the GIS department so she will be able to retain her address.

1:14:58

Lois George comes to the podium. Her item was #7 on the Agenda and was tabled because she was not present at that time. **Mr. McCormick** chooses to allow the two applicants who were late to have their items considered. **Ms. Carrasco** states that would be Items #4 and #5 and #7.

1:15:55 **4. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback at 2503 Spruill Dr.**

Mr. McCormick 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–None; Absent–**Mr. Knott**. The motion carried.

1:16:50 **5. Consider approval of a Variance to allow a 0' side setback at 2503 Spruill Dr.**

Melvin Gilbert comes to the podium. **Ms. Carrasco** explains the request. The applicant wishes to put a carport along the driveway beside his house. The Planning staff recommends denial of this request due to fact that the entire length of the carport would extend along the whole of the setback restricting fire department access. **Mr. Gilbert** explains there are no houses behind his house, so the fire department would have plenty of access. He has cars that he likes to work on in his driveway. He would like two metal carports and would be one foot from the property line. No public comment.

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

The speaker made a motion to approve and Mr. Bessy seconded the motion. The vote was as follows:
Ayes-18 (Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy)
Nays-None. The motion carried.

Consideration of the report of the committee on the

The speaker explained that the report of the committee on the [unclear] is being given in brief this evening. The report is being given in a form that will be convenient to the members and will be addressed to the members of the assembly.

The speaker made a motion to approve and Mr. Bessy seconded the motion. The vote was as follows:
Ayes-18 (Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy, Mr. Bessy)
Nays-None. The motion carried.

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Mr. Patterson tells the applicant he can appeal within fifteen days by writing a letter to the Planning Dept. Mr. Barney tells the applicant he could put a carport in front of his house without seeking a variance. Ms. Carrasco tells the applicant he could come in and talk to the City Building Official and talk about solutions.

1:37:55 7. Consider approval of a Variance to allow a 0' side setback at 107 N. James St.

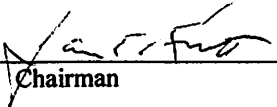
Lois George comes to the podium. Ms. Carrasco explains this request. The applicant would like to place a metal carport over an existing driveway in the front yard. City staff met with multiple departments and recommends denial based on accessibility issues. It is just the side setback, not the front setback. Ms. George explains her carport would have a gutter to prevent rain run off to the neighbor's property. Ms. Carrasco received a letter from a neighbor at 109 N. James who expresses his disapproval for this variance, citing there would be no room for any maintenance of utility, gas and sewer lines which run between the houses, water runoff would affect his property, and it is overcrowded with vehicles at her property which creates parking issues; the vehicles consistently cross the property line onto his property, and with a 0' setback, this would increase. Ms. George states the utility lines are not along the property line. Also she is planning a rain gutter to prevent run off. She states the streets belong to the City and anyone can park there. She has lived in the house for 46 years and has had no complaints. She states she is just trying to protect her vehicles. No public comment.

Mr. Barney made a motion for denial of this request and Mr. Nesser seconded the motion. The vote was as follows: Yes– Mr. Garcia, Mr. Barney, Mr. Nesser; No– Mr. McCormick; Abstained–None; Absent– Mr. Knott. The motion carried.

Ms. Carrasco tells Ms. George that she can appeal in writing within 15 days to the Planning Dept.

1:50:40 15. Adjourn.
There being no other business, the meeting was adjourned.

1:50:49 Stop Recording [6:50:52 PM]



Chairman

10-7-19
Date