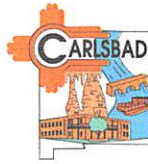


**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, January 7, 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, January 7, 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 December 3, 2018.
4. Consider a Motion to remove from Table a request for an Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the eastern property line, which would result in a 0' side-yard setback at 1307 W. Thomas St., legally described as Lot 1, Block 3, Pecos Acres Subdivision Unit #2, zoned "R-1" Residential 1 District.
5. Consider a request for an Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the eastern property line, which would result in a 0' side-yard setback at 1307 W. Thomas St., legally described as Lot 1, Block 3, Pecos Acres Subdivision Unit #2, zoned "R-1" Residential 1 District.
6. Appeal (variance) from Section 56-90(b) to allow a side setback variance of 15' from the eastern property line, which would result in a 5' side-yard setback at 502 E. Center Ave., legally described as Lot 4, Block A, Halls Amended 1-3-5-7, zoned "I" Industrial District.
7. Consider a request for a Conditional Use Permit for the installation of Congregate Housing to be located at 3401 Boyd Drive, zoned "R-R" Rural Residential District.
8. Consider approval of a Final Plat for Farmview Subdivision Phase 6
9. Consider approval of a Final Plat for Martin Farms Unit 2
10. Discussion and Approval of 2019 Planning and Zoning Commission Meeting Dates
11. Report regarding Summary Review Subdivisions.
12. 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 JANUARY 7, 2019 AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES KNOTT**

**CHAIRPERSON**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
RON MYERS  
TRYSHA CARRASCO**

**PLANNING DIRECTOR  
DIRECTOR OF UTILITEIS  
DEPUTY PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JUDY WEBSTER**

**PLANNING AND REGULATION  
DEPARTMENT SECRETARY**

**OTHERS PRESENT:**

**GEORGE DUNAGAN  
TANYA MOORE  
DAVID LOONEY  
MARILYN LOONEY  
SHELLY GARRIOTT  
KERRI DUNAGAN  
KEN THURSTON  
TRAVIS KELLEY  
GREG HAUCH  
GARY WALTERSCHIED  
STEVE WALTERSCHIED  
OFFICER C. GARCIA**

**212 W. STEVENS  
P.O. BOX 5182  
1307 W. THOMAS  
1307 W. THOMAS  
1423 S. COUNTRY CLUB CIRCLE  
1411 W. ORCHARD LANE  
1880 E. LOHMAN  
TARGET LOGISTICS  
TARGET LOGISTICS  
1201 RIVERSIDE  
1706 E. WOOD**

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 [5:02:36 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. Nesser, Mr. McCormick**; Absent— **Mr. Knott**

0:00:22 **2. Approval of Agenda.**

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

0:01:27

**3. Approval of Minutes from the Meeting held December 3, 2018.**

Mr. McCormick made a motion to approve the Minutes; 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.

0:02:18

**4. Consider a Motion to remove from Table a request for an Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the eastern property line, which would result in a 0' side-yard setback at 1307 W. Thomas St., legally described as Lot 1, Block 3, Pecos Acres Subdivision Unit #2, zoned "R-1" Residential 1 District.**

The applicants David and Marilyn Looney were present. Mr. Patterson asked for a vote to remove from table so item can be considered. Mr. Nesser made a motion to remove item from table. 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.

0:03:48

**5. Consider a request for an Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the eastern property line, which would result in a 0' side-yard setback at 1307 W. Thomas St., legally described as Lot 1, Block 3, Pecos Acres Subdivision Unit #2, zoned "R-1" Residential 1 District.**

The applicants David and Marilyn Looney were present. Mr. Patterson explained this request is to add on a carport on south side. They provided an updated drawing. Planning Department was going to recommend denial because it may extend into alley right of way, cutting off emergency access to back of property. Mr. Looney explained he was told he had from fence line to fence line, leaving 5' or so to the alley, leaving plenty of room for emergency vehicles. Mr. McCormick asked if the fence was on the property line. Mr. Nesser asked if from the fence to the alley is 6'. Mr. Looney said because of the curve in the alley at the midpoint of the alley there would be further than 6'. Mr. McCormick asked if the fence starts 6' from the alley and if there is still 6' of property. Mr. Looney stated he doesn't know exactly where the property lines ends, because there is an easement for gas lines, etc. He states that his alley is paved and he measured to edge of pavement. Mr. Patterson says GIS shows property line could be off a bit, up to 5'. The fence line is right on the property line per Mr. Looney. Mr. McCormick asked if the alley had a utility easement that is in addition to the width of the alley. Mr. Patterson states the city has water and sewer in the alley. Mr. McCormick questions his drawing to figure out what Mr. Looney is proposing. He does not have a drawing that shows exactly where things are relative to the alley. Mr. Looney states he wants to know if he has an easement or not before he finds a contractor. Mr. Nesser asks for a distance from the alley from yellow line to yellow line. Mr. Patterson says 23'. Mr. Nesser says it appears there is space in between the fences and the pavement in the alley. Mr. Looney says he has taken ambulances and fire trucks down that alley. Mr. McCormick says the denial was issued primarily because it is difficult to ascertain from the information the exact location of the building. It is still difficult to determine exactly where they are going to put it and if it is going to comply. He understands Mr. Looney wants to add 10' to the back of the building thereby filling up all the open spots. Mr. Looney explains it is to prevent hail damage. Mr. Nesser asked the distance between the existing garage and back fence. Mr. Patterson says about 8-8 1/2 feet per GIS. Mr. McCormick says the variance request is for an addition to go all the way to the fence for zero setback. Mr. Patterson states he is not required to have a rear setback to the alley. Planning Dept. was concerned over it going into the alley. Mr. McCormick asks for public comments. There are none, and now this goes back to the committee. Mr. Barney asks if any neighbors have had any concerns. Mr. Patterson says there have been none. Mr. McCormick believes the language is clarified and the Planning Dept. would be

amenable to accept this. **Mr. Patterson** states if he wasn't going to encroach into the alley then the Planning Department doesn't have an issue with it. He says Mr. Looney's contractor needs to provide a better drawing for a permit.

**Mr. McCormick** made a motion to approval with the comment that they build staying out of the right of way. **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.

0:21:13        **6. Appeal (variance) from Section 56-90(b) to allow a side setback variance of 15' from the eastern property line, which would result in a 5' side-yard setback at 502 E. Center Ave., legally described as Lot 4, Block A, Halls Amended 1-3-5-7, zoned "I" Industrial District.**

**Tanya Moore** representing BES Properties was present. **Mr. Patterson** gave a synopsis of this request. **Mr. Patterson** states they are going to remove a structure and build a new one on the same spot, but that will place it within 5' of the property line. The Planning Department did not see an issue with this, making sure emergency services can get to all sides of building. They need to put in an ungraded fire wall on the east side. **Mr. McCormick** asks Ms. Moore for more information. She explains the building is extremely old. Their goal is to make the new building more safe and usable. Nothing will change for the neighbors. The existing fence and wall will stay the same.

Motion was made by **Mr. Garcia** for approval 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.

0:26:24        **7. Consider a request for a Conditional Use Permit for the installation of Congregate Housing to be located at 3401 Boyd Drive, zoned "R-R" Rural Residential District.**

**Travis Kelley and Greg Hauch** representing Target Lodging were present. **Mr. Patterson** gave a synopsis of this request. **Mr. Patterson** asked Target Logistics if they have met with Utility Department and they confirm their construction department has. **Mr. Patterson** recommends approval of this request. **Mr. McCormick** asks if they understand conditional use permit is for their use only and doesn't transfer. They state this will be similar to the The Iron Horse property that they currently operate. **Mr. Nesser** states that the plans submitted are not the same plans that will go on property. **Mr. Kelley** says it will fit on property differently but otherwise the same.

Motion was made by **Mr. Nesser** for approval 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.

0:31:21        **8. Consider approval of a Final Plat for Farmview Subdivision Phase 6.**

**Ken Thurston** was present. **Mr. Patterson** gave a synopsis of the request and states that the installation is currently at 90% completion. The applicant has agreed to provide a letter of credit covering whatever costs to finish out the development. **Mr. Patterson** states the Planning Department recommends approval. **Mr. Thurston** concurs with presentation by **Mr. Patterson**, in process of finishing improvements there and staff and legal should approve his letter of guarantee. He states he is having trouble with some utility company causing delays, but they are working with him. **Mr. McCormick** notes the letter of credit is not included with the request, asks if it is not a condition of approval. **Mr. Patterson** states that **Mr. Thurston** has not provided it yet. **Mr. McCormick** suggests making it a conditional approval. **Mr. Thurston** asks for staff and legal approval of the letter of guarantee be approved.

Motion was made by **Mr. Barney** for approval 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.

0:36:24            **9. Consider approval of a Final Plat for Martin Farms Unit 2**

**George Dunagan, Gary Walterscheid, and Steve Walterscheid** present. **Mr. Patterson** gave synopsis. Development is underway and about 80% completion. **Mr. Patterson** stated this is the same scenario as previous, requesting final plat approval prior to development being finalized and approved by the City. They have provided letter of credit which when reviewed with staff **Mr. Patterson** thinks will be sufficient. Therefore the City Planning Staff recommends approval of this request.

There was no public comment. **Mr. Nesser** made a motion to approve the item. **Mr. Garcia** then 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.

0:38:52            **10. Discussion and Approval of 2019 Planning and Zoning Commission Meeting Dates.**

**Mr. McCormick** begins meeting dates discussion, considering proposed dates. **Mr. Patterson** asked them to look at dates, as most are scheduled when City is not open for business. Each is first Monday of the month, except September.

**Mr. Nesser** made a motion for approval 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.

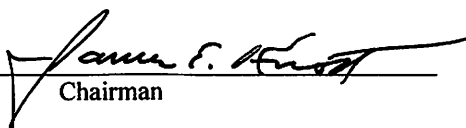
0:41:05            **11. Report regarding Summary Review Subdivisions.**

**Mr. Patterson** announced the Weinerschnitzel moving forward, building on Pierce St. The City is widening Happy Valley Road curve at intersection with Church Street. Hidalgo Road property has been re-platted to be in compliance for RV park, which has to be 2 acres.

0:46:16            **12. Adjourn.**

There being no other business, the meeting was adjourned.

0:46:26            Stop Recording [5:49:10 PM]

\_\_\_\_\_  
  
Chairman

\_\_\_\_\_  
Date