

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, December 2, 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, December 2, 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 November 4, 2019.
4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision
5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision
7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.
11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned "R-1" Residential 1 District
12. Consider approval of a Final Plat for the Hughes Riverside Subdivision
13. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision
14. Consider approval of a Variance to allow a 6' fence along the side setback located at 4301 Sycamore St., zoned "R-R" Rural Residential District
15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned "R-R" Rural Residential District

16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.
17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates
18. Report regarding Summary Review Subdivisions.
19. Adjourn.



**FOR INFORMATION ONLY**

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site:  
*[cityofcarlsbadnm.com](http://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, January 6, 2020 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, DECEMBER 2, 2019, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA ORTIZ**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**EILEEN RIORDAN  
K.C. CASS  
DUANE CUNNINGHAM  
RAMON BENAVIDEZ  
BRENT GRIFFITH  
SAM DORADO  
STEVEN McCUTCHEON  
TRENT CORNUM  
PATRICIA BANISTER  
RONALD J. PRIESTLEY  
TAMMY PRIESTLEY  
JANE PATCHET  
STAN PATCHET  
MELANIE K. TILLER  
STACEY BRITAIN  
VIRGINIA PRICE  
ALAN WOOD  
HUNG CHIOU  
LEROY BOSTICK  
DAVID FRITSCHY  
VERONICA PEREZ-RAMIREZ  
RAY MASHAW  
RONNY PYEATT  
DAVID SIMMONS  
TERESA MELENDEZ  
RAMON VALENZUELA  
MELVIN BANISTER  
WADE SMITH  
DON GEORGE  
CHRISTINA MANN  
STEVE GREER**

**CITY ATTORNEY  
DIRECTOR OF PROJECTS  
FIRE CHIEF  
BUILDING OFFICIAL  
CITY  
CITY  
1715 N. CANAL  
106 DOPORTO  
218 E. PEACH  
6025 GRANDI RD.  
6025 GRANDI RD.  
306 E. PEACH LN.  
306 E. PEACH LN.  
164 RABBIT HILL  
1710 N. GUADALUPE  
1507 N. COUNTRY CLUB CIR.  
210 E. CHERRY LN.  
1623 CONCORD AVE.  
1512 CONCORD AVE.  
603 ELORA DR.  
4301 SYCAMORE ST.  
1703 N. CANAL ST.  
413 HAMILTON ST.  
408 VINEYARD LN.  
3509 CASS DR.  
2015 GWENDA  
1910 GWENDA DR.  
122 S. 4<sup>TH</sup> ST.  
1725 MISSION AVE.  
2009 W. PEPPER TREE CIR.  
116 E. ORCHARD LN.**

KACEY CORNUM  
CAROLE BRYANT  
DON FISHER  
HELEN ROGERS  
CHERYL STATHAM  
TERRY STATHAM  
LLOYD TILLER  
RACHELLE THOMPSON  
DON THOMPSON  
CHASE HUDGINS  
KENNETH YEAGER  
LINDA YEAGER  
FERMIN RAMIREZ  
RUBEN CHAVEZ  
EDDIE CHAVEZ  
MIKE SHANNON  
AMANDA MASHAW  
R. GARCIA  
ALEX PALOMINO  
JOHN WATERS  
BRENDA DAY  
CONNIE DAY  
ROCKY WEST  
RAUL QUINTANA  
KIM GREER  
VIRGIL BRYANT  
ROBIN BOSTICK  
LEIA WILLIAMS  
JOE WILLIAMS  
VIRGIL SMITH  
MARY ETTA SMITH  
DEBBIE DOSS  
J. R. DOPORTO  
E. LICKLITER  
BEVERLY ALLEN  
TRACY HUGHES  
MORGAN NAJAR  
STACY DOYAL  
KEN DUGAN  
ELSA FRANCO  
ANNA GARCIA  
ASHLEY GARCIA  
TREY HUGHES  
JACOB ROSS  
DANNY CROSS  
BRIAN DOZIER  
GLENN BAILEY

106 DOPORTO CT.  
1909 GWENDA  
1632 CONCORD AVE.  
1632 CONCORD AVE.  
218 E. CHERRY LN.  
218 E. CHERRY LN.  
164 RABBIT HILL RD.  
310 E. CHERRY LN.  
310 E. CHERRY LN.  
1617 CONCORD AVE.  
305 E. PEACH LN.  
305 E. PEACH LN.  
4301 SYCAMORE  
203 GRAPEVINE CT.  
203 GRAPEVINE CT.  
1402 N. COUNTRY CLUB CIR.  
1703 N. CANAL ST.  
CITY  
300 N. MAIN, ROSWELL  
400-2 CASCADES STE 201  
1519 MISSION  
1519 MISSION  
1703 LORETTA LN.  
1608 MISSION  
116 E. ORCHARD LN.  
EDDY COUNTY  
1512 CONCORD  
1602 MISSION  
1602 MISSION  
1017 N. GUADALUPE  
1017 N. GUADALUPE  
1613 N. CANAL ST.  
112 DOPORTO CT.  
1910 SANDY LN.  
  
COUNTY  
1507 LINCOLN DR.  
603 FREEDOM LN.  
208-1/2 E. ORCHARD LN.  
205 GRAPEVINE CT.  
507 W. LEA  
507 W. LEA  
1003 NORTH SHORE  
802 N. ORCHARD LN.  
1133 TRACY PL.  
1806 N. GUADALUPE  
1613 N. CANAL

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

0:00:04 Start Recording [5:01:18 PM]

0:00:29 **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. Knott, Mr. McCormick, Mr. Garcia, Mr. Barney, Mr. Nesser.** Absent-None.

0:00:48 **2. Approval of Agenda.**

**Mr. McCormick** 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.

0:01:26 **3. Approval of Minutes from the Meeting held November 4, 2019**

**Mr. Nesser** made a motion to approve the minutes from the meeting held November 4, 2019; **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.

0:01:56 **4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision**

**Mr. McCormick** made a motion to remove from the table a consideration for approval of a variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision; **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.

0:02:36 **5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned “R-1” Residential 1 District**

**Mr. Patterson** explains this request. **Steve McCutcheon** and **Trent Cornum** come to the podium. **Mr. McCutcheon** suggests the board consider voting to send this item directly to Council, and let the elected officials decide. **Eileen Riordan**, City Attorney, explains how a decision must be rendered from the Planning & Zoning Commission before proceeding to Council, because the Commission is the deciding body on a Variance. This item must be considered again. **Mr. McCutcheon** speaks to the density of the project as being in line other nearby Carlsbad properties. He states that Carlsbad will have about 1,000 homes coming on the market next year and they will be in the \$350,000 range, costing about \$1,700-1,800 per month over 30 years. He states the average apartment rental cost is between \$1,400-1,900 per month with a wait time. He states the townhomes in his development would probably come in around \$200,000 and cost about \$956 per month, making it much more affordable for people coming to Carlsbad to work. **Mr. Cornum** states that the largest need in Carlsbad is affordable housing and he has spoken to loan officers at banks on the price point loan applicants are getting approved for. He believes his development would be in the affordable range. He has looked at several properties and this property is the only one that a multi-family development could be built, noting that it has water and sewer availability. Floor opened for public comment. **Leroy Bostick** comes to the podium in opposition. He recognizes the need for housing; but he wants to focus on the process of approval or denial of this request. **Mr. Bostick**

cited the prepared Agenda Briefing Memorandum provided in the agenda packet for this item. **Mr. Bostick** pointed out that the applicants did not meet all 8 requirements outlined in the ABM. **Christina Mann** comes to the podium. She is opposed to the variance based on the reduction of lot size according to the R-1 requirements. **Tricia Banister** comes to the podium and cites the Carlsbad 2030 Comprehensive Plan that new development is discouraged on the northeast side of town. **Dr. Hung Chiou** comes to the podium in opposition and provides a list against the variances. Dr. Chiou is concerned about conserving the public health; proving a hardship suffered and created by the developer; and compromising Ordinance provisions. **Rachelle Thompson** comes to the podium in opposition mentioning the effect of increased traffic on both sides of the bridge and that future development should benefit all of Carlsbad. **Don George** comes to the podium in opposition. **Ken Dugan** comes to the podium to discuss the legal ramifications and states that the Commission is not empowered to change ordinances. Floor opened for those in favor of the variance. **John Waters**, Executive Director of the Carlsbad Department of Development, comes to the podium. He states that there are a number of companies begging them to find workforce housing. He supports the variance request and the project; and reminds the Commissioners they have a choice. **JR Doport** comes to the podium in support. He states that there are other developments in the city and everyone is feeling the effects of the growth of Carlsbad. Floor closed for public comment. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** states the city came to them with the need for this project. **Mr. McCormick** addresses the applicants directly and states they should have applied for a zoning change, not a variance.

**Mr. McCormick** made a motion to deny the request of variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No-- **Mr. Barney, Mr. Knott;** Abstained--None; Absent-None. The motion carried.

1:18:12      **6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision**

**Mr. Barney** made a motion to remove from table consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision; **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.

1:19:17      **7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** clarifies that the City Administration recommended the R-1 zoning when they were planning this project. Floor opened for public comment. **Mr. Bostick** comes to the podium in opposition and cites the same items in Item #5. **Ms. Banister** comes to the podium in opposition because she does not want this to set a precedent. **Mr. Knott** replied to Ms. Banister informing her that each variance request stands alone and is not subject to previous requests. **Mr. George** comes to the podium in opposition. **Dr. Chiou** comes to the podium to oppose this item for the same reasons he stated before. He cites Sec. 56(90) items regarding setback rules. **Ms. Thompson** comes to the podium in opposition. **Robin Bostick** comes to the podium in opposition because there would not be adequate parking space. **Mr. Knott** notes that the Planning Staff recommends 25' setback. **Mr. Dugan** comes to the podium and states this must be denied because it is connected to the previous requests. Floor opened for public comment in support of this item. **Mr. Waters** comes to the podium and speaks in support; citing properties with 0' setback in other neighborhoods. Floor closed for public comment. **Mr. Barney** asks if City staff did recommend a 25' front setback. **Mr. Patterson** says it did. **Mr. Knott** asked the applicant if he would like to amend his request to match the City staff recommendation to be a 25' front setback. The applicant confirmed that the board should consider the request to include the staff recommendation.

**Mr. Barney** made a motion to approve a Variance to allow a 0' side setback and a 25' front setback for the Carlsbad Townhouse Subdivision development; **Mr. Knott** seconded the motion. The vote was as follows: **Yes— Mr. Barney, Mr. Knott**; **No— Mr. Garcia, Mr. McCormick, Mr. Nesser**; **Abstained—None**; **Absent—None**. The motion fails. This item is considered denied.

1:39:22      **8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Nesser** made a motion to remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision; **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.

1:39:59      **9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. McCutcheon** asks for confirmation they can put manufactured housing on the property without applying for any variances. **Mr. Patterson** explains that manufactured homes and double-wides are allowed in R-1 residential zoning. Floor opened for public comment against this item. **Stanley Patchet** comes to the podium. He explains the land is about 24.7 acres and is bound by CID canals on the north, south and west sides; it slopes to the east and is under flood irrigation. He states Carlsbad has a 100-year storm of 5" and this means there is a 1% chance of this happening on any day. If it happens and the ground is already saturated, the water will flow to the east and up against the BNSF Railroad embankment. He states the developers have indicated a .74 acre drainage or open space maintenance and drainage on their plans. If 5" of rain happens on saturated ground, then the water would be 13.5' deep in that drainage area. If the land was developed it would be unacceptable from a water handling point of view. He suggests the commission protect the city and employ, at the developer's expense, a professional engineer to evaluate the 100-year storm water handling for this tract and surrounding areas; ensure the final design and each modification include adequate protection from 100-year storm effects on the Banister property, the BNSF embankment, and adjacent public roads. **Mr. Knott** explains that the Planning Department goes through a lengthy process including drainage plan; and that the pond is a detention pond, not a retention pond, and has to have a release. **Mr. Patterson** explains the first requirement was the developer provide a drainage study done and have a NM registered engineer design a drainage plan that captures the water on that property and releases it at the pre-development rate and volume. **Don George** comes to the podium and states this item is contingent on the previous two items that were voted down, and the comments for those apply to this item; and this item should be voted down as well. **Hung Chiou** comes to the podium and states that he is against this item. He calls attention to Sec. 47, page 24, item C, referencing that the Commission must uphold the code and deny this item. **Mr. Bostick** comes to the podium and states he is against this item, and wants to address a comment **Mr. McCutcheon** made, which he thinks is highly inappropriate, basically that, "If you don't like this, we're going to do something else, which could be worse." **Rachelle Thompson** comes to the podium. She is against the plat for either manufactured homes or the townhomes. She states Peach Lane is a single lane chip seal road and has two of the 6 outlets out of the development and asks that Peach Lane would be taken care of. **John Waters** comes to the podium. He is in favor of the plat. Floor closed for public comment. **Mr. Knott** asks if applicants have looked at Staff recommendations and if they have any problem accepting them. The applicants state they would like to for the board to vote based on the application as is, without changing their request to include staff recommendations.



**Mr. Garcia** made a motion to deny the Preliminary Plat for the Carlsbad Townhouse Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser;** No-- **Mr. Barney, Mr. Knott;** Abstained--None; Absent--None. The motion carries.

Recording paused for a short recess.

1:58:42      **10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.**

**Mr. Garcia** made a motion to remove from table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **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.

1:59:29      **11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned "R-1" Residential 1 District**

**Ms. Ortiz** explains this request. The Planning Staff recommends denial of this request. **Wade Smith** comes to the podium and explains he just wants to keep his RV on his lot. He states it does not interfere with any utilities or visibility. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No-- **Mr. Barney, Mr. Knott;** Abstained--None; Absent--None. The motion carried.

**Ms. Ortiz** tells the applicant he will receive a letter with his approval.

2:03:32      **12. Consider approval of a Final Plat for the Hughes Riverside Subdivision**

**Mr. Patterson** explains this request, noting that additional drainage facility needs to be installed. The developer will work with the City and mitigate the issue. **Alex Palomino**, the Project Engineer from Souder Miller & Associates, comes to the podium. He states there was an existing drainage problem and that their plan is to capture most of the run-off water on Lot 12 in the detention pond, and continue drainage along the easement to the east side of Lot 1, where there will be a narrow shallow pond. **Mr. Palomino** states the City will then maintain these ponds for drainage. **K.C. Cass** comes to the podium, and states that the City of Carlsbad approached about the drainage issues. **Mr. Hughes** has graciously given the City part of Lot 1 to mitigate water issues. **Mr. Palomino** asks that the City sign off on the plat and the final plat will show the new drainage plan. They will follow the Planning staff recommendations. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve the Final Plat for the Hughes Riverside Subdivision; **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.

2:13:53      **13. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision**

**Ms. Ortiz** explains this request, noting this request would not create a spot zone. The Planning Staff recommends approval of this request. **Ronald Priestley** of TAJ Investment Properties comes to the podium and explains they would like to build some multi-family housing to help with the City's need for

affordable housing. This project would be a 14-unit building, and would have plenty of parking. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.4 acres located at 511 W. Lea St.; **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. Ortiz** tells the applicant this will go before City Council on January 14, 2020.

2:16:50      **14. Consider approval of a Variance to allow a 6' fence along the side setback located at 4301 Sycamore St., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The Planning Staff recommends approval with the condition that the fence taper to 4' as it approaches the front property line to allow motorist safety, and that the applicants work with the City Building Dept. to obtain the necessary permits. **Veronica Perez-Ramirez** explains her reasons are privacy from the nearby large man camp and as a windbreak. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve the request for Variance to allow a 6' fence along the side setback located at 4301 Sycamore St. with condition of 20' taper from 6' to 4'; **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. Ortiz** tells the applicant she will receive a letter of approval and she must come into the Building Department and speak with the City Building Official for permits.

2:25:49      **15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The applicant is operating an RV park on the property with 55 spaces, has provided permits for septic, water and trash service are being provided, electrical permits have been issued. However, the property is in FEMA flood zone A and a Floodplain certificate would need to be submitted and measures taken to comply with FEMA code. On October 1, 2019 a criminal complaint was submitted against Lloyd Tiller by City of Carlsbad Code Enforcement in Municipal Court. An appearance was scheduled on or before November 12, 2019. As of November 25, 2019, a resolution with the court has not been reached. A warrant has been issued against Mr. Tiller. The Planning Staff recommends denial based on the applicant has not submitted a utility plan showing all connection to city utilities; the site plan does not allow for emergency service access; lack of fire hydrant at the entrance; and the applicant has been operating without a Temporary Use Permit. **Lloyd Tiller** comes to the podium. He states he has no idea of any warrants. He further states that he has done everything the City has asked him to do for his RV park, and assumes he has done everything required. He states he will do whatever else needs to be done. Floor opened for public comment. There was none. **Mr. Barney** asks if the Planning Staff would change their recommendation if Mr. Tiller complied with those items on the list. **Eileen Riordan**, City Attorney, states that because his plan is incomplete, the staff would need to work out what Mr. Tiller proposes again. **Ms. Riordan** states the Fire Department would require a more complete plan. **Mr. Knott** mentions the possibility of tabling this item for consideration later. **Ms. Ortiz** states there are ingress and egress issues, and the drive aisle is required to be 24' wide and that is not what is on the site plan. She notes since this site plan was drawn in July of 2018, the City's requirements have changed. **Duane Cunningham**, Fire Chief, comes to the podium and states that he would like **Mr. Tiller** to work with them on the turning radius, and fire hydrant locations. **Mr. Patterson** suggests that this item be tabled to give Mr. Tiller time to work on the site plan.

Mr. Barney made a motion to table Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd.; 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 tabled.

Mr. Knott tells the applicant to contact the City Departments he needs and set up appointments.

2:44:59      **16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.**

Mr. Patterson explains this request. The applicants did not attend. Mr. Patterson states the applicants would like to increase parking area for their medical office. The Planning staff recommends denial unless the following conditions are met: The right of way along Osborne St. would be reduced to 55' in width at the location of the vacation and leave approximately 60' in right of way along Osborne St.; the right of way to be vacated should be adjusted at the NW corner of the proposed vacation to ensure that the turn south for drivers heading west on Camp Ave. to south on Osborne remains unobstructed. Floor opened for public comment. There was none.

Mr. Barney made a motion to approve a Right-of-Way Vacation request at 2413 W. Pierce St. with recommendations; 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.

2:53:22      **17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates**

Ms. Ortiz presents the dates for the 2020 Planning and Zoning Commission meetings for approval. They are all on Monday evenings at 5:00 p.m.: January 6, February 3, March 2, April 6, May 4, June 1, July 6, August 3, September 14, October 5, November 2, and December 7.

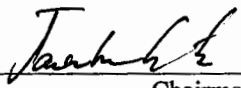
Mr. Barney made a motion to approve the 2020 Planning and Zoning Commission Meeting Dates; Mr. Nesser seconded the motion. The vote was as follows: Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser. No--None; Abstained--None; Absent--None. The motion carried.

2:56:23      **18. Report regarding Summary Review Subdivisions.**

Nothing unusual was noted.

2:57:16      **19. Adjourn.**  
There being no other business, the meeting was adjourned.

2:57:24      Stop Recording [8:08:13 PM]

  
\_\_\_\_\_  
Chairman

1-6-2020  
\_\_\_\_\_  
Date