

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, March 4, 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, March 4, 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 February 4, 2019.
4. Consider a recommendation to Council for an Annexation of approximately 76.22 acres located at the southwest corner and southeast corner of the intersection of W. Lea St. and Standpipe Rd.
5. Consider a recommendation to Council for a Zone Change request for approximately 54.2 acres at the southwest corner of the intersection of W. Lea St. and Standpipe Rd.
6. Consider a recommendation to Council for a Zone Change request from County to "C-2" Commercial 2 District for approximately 24.74 acres located at:
 - Property 1:** Lots 6, 8, 10, 12, 14-19, 21, 23, 25, 27, 29, Block 1, Marquess Subdivision (approximately 3.87 acres, Amy's Fireworks, Inc., owner),
 - Property 2:** Lots 2, 4, 7, 9, 11, Block 1, Marquess Subdivision (approximately 1.04 acres, Houston Spring Creek Ranch LTD., owner),
 - Property 3:** Subd: LEA STREET MR W FIREWORKS LAND DIV Unit: A Quarter: NW S: 12 T: 22S R: 26E (approximately 4 acres, Mr. W Fireworks, Inc., owner),
 - Property 4:** Quarter: NW S: 12 T: 22S R: 26E BEG NW COR, S 45 DEG E 42.5', S 0 DEG 30'W 300' TO POB, S 0 DEG W 144', S 88 DEG 1'E 606', N 0 DEG 30'E 144', N 88 DEG 1'W 606' TO POB MAP# 232-5 LOC 110 STANDPIPE ROAD (approximately 2 acres, James Harris, owner), and
 - Property 5:** Tract 2, Brian Stevens Land Division (Carlsbad Out) (approximately 11.11 acres, Brian Stevens, owner).
7. Consider approval of a Variance request to allow a side setback variance of 5' from the western property line at 1221 W. Pierce St.
8. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.
9. Report regarding Summary Review Subdivisions.

10. 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, MARCH 4, 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
EILEEN RIORDAN
RON MYERS**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR
CITY ATTORNEY
DIRECTOR OF UTILITIES**

SECRETARY PRESENT:

JUDY WEBSTER

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**GEORGE DUNAGAN
ROBERTO LARA
TERESA GUEBARA
BRANDY MOORE
SCOTT HICKS
DORIS LILLY
JACK VOLPATO
SHERRY NEATHERLIN
GARY WALDROP
ZOLENE KNOTT
JULIO MARTINEZ
TAMMY THOMPSON
DAN THOMPSON
EDDIE ARNETT
AMY ARNETT**

**212 W. STEVENS
3516 JOSHUA
1315 E. ORCHARD
HEATH, TX
401 N. PENN, ROSWELL, NM
2508 W. LEA
1526 MUSCATEL
1501 STANDPIPE RD.
101 S. 4TH ST., ARTESIA
1102 W. RIVERSIDE**

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 [5:00:44 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. Knott, Mr. Nesser, Mr. McCormick.

0:00:26

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.

0:01:07

3. Approval of Minutes from the Meeting held February 4, 2019.

Mr. McCormick noted he was absent last meeting and minutes need to be corrected because his name appeared in Item #3 for February 4, 2019. Item #3 will be corrected in the minutes for February 4, 2019. **Mr. Garcia** made a motion to approve the Minutes; **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.

0:02:22

4. Consider a recommendation to Council for an Annexation of approximately 76.22 acres located at the southwest corner and southeast corner of the intersection of W. Lea St. and Standpipe Rd.

Mr. Patterson gave a synopsis of this request. The applicant, **Mr. Volpato** came to the table. The applicant has submitted a petition for annexation of approximately 76.22 acres located south of Lea St. along Standpipe Rd. **Mr. Patterson** explains **Mr. Volpato** and **Sherry Neatherlin** are the majority land owners of this proposed annexation. They comprise 54.2 acres of the total. If this annexation is approved some properties will be brought in--forced annexed--along with this. These properties lie at the SE corner of Standpipe and Lea, including **Mr. W's Fireworks**, the property immediately south of this, **Amy's Fireworks** land, along with the fireworks stand south of **Allsup's**. Property further south on Standpipe will be brought in too. The City found out from the County the owner of that land was **Brian Stevens**, that is who the applicant notified; but around noon today we were notified that **Santo Petroleum** or its affiliate is the owner. It was bought last year. The City Administrator's office and **Santo Petroleum** had asked that this item be tabled until the next meeting, however if the board so chooses we can have discussion because property owners are present. **Mr. Patterson** explained that according to city ordinance and state statute notification is required to all property owners within 100 feet for this action, since they were not notified would be grounds to table this and give **Santo** time to prepare any agreements or statements. The applicants were in agreement. **Scott Hicks**, agent for the **Volpato** family, stated this annexation is for residential subdivision and would have 150 lots approximately. City water and sewer is adjacent and available to north and east. Utilities are already there. The applicant would like it zoned for single family residential development. **Mr. Knott** opened the floor for public comment. **Mr. Arnett** stated he is for the annexation as long as there is a variance so he can continue to do business. He and his wife own **Amy's Fireworks**. The City Ordinance only allows eight items that he can sell, and would ban 95% of what he sells, so he would be out of business. He has deep roots here and has been in business for 35 years, buying the property 22 years ago from **Mr. Volpato**. He asked for that to be taken into consideration. **Mr. Patterson** responded the City Administrator's office and City Attorney are working with Planning & Zoning and the Fire Department to try and incorporate to allow existing businesses into the city, so they can continue as before. The Planning & Zoning Commission will make a recommendation to the City Council at the first meeting in April. He states that the City Council will make the final decision on both items – the annexation and the application on zoning. **Mr. Arnett** asked when the verbiage would be ready so they could get an attorney if needed. **Mr. Patterson** stated once it is ready will reach out to provide it to all the owners, as any change in ordinance has to be published for 30 days, it is not a quick turnaround. **Mr. Knott** closed the floor for public discussion. He asked **Mr. Patterson** if we are tabling this item. **Mr. Patterson** stated if they so choose.

Mr. Barney made a motion to table the Annexation 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. This item will move to the next meeting on April 1, 2019.

0:16:34 **5. Consider a recommendation to Council for a Zone Change request for approximately 54.2 acres at the southwest corner of the intersection of W. Lea St. and Standpipe Rd.**

Mr. Patterson explained that through this application the properties would be force-annexed, and are requesting C-2 Zoning be applied so they can continue commercial enterprise on those properties. The Administrator's office has asked all of the owners for a letter stating they are comfortable with the C-2 zoning to their properties. Three owners have responded they are comfortable with that, but Santo Petroleum has not made their decision yet. This item goes hand in hand with the previous item. It is Mr. Patterson's recommendation that this item be tabled until the next meeting. Mr. Knott asked for public comment.

Mr. Barney made a motion to table the item. 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.

0:20:16 **6. Consider a recommendation to Council for a Zone Change request from County to "C-2" Commercial 2 District for approximately 24.74 acres located at:**

Property 1: Lots 6, 8, 10, 12, 14-19, 21, 23, 25, 27, 29, Block 1, Marquess Subdivision (approximately 3.87 acres, Amy's Fireworks, Inc., owner),

Property 2: Lots 2, 4, 7, 9, 11, Block 1, Marquess Subdivision (approximately 1.04 acres, Houston Spring Creek Ranch LTD., owner),

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Property 5: Tract 2, Brian Stevens Land Division (Carlsbad Out) (approximately 11.11 acres, Brian Stevens, owner).

Mr. Knott stated Item #5 and #6 go together and are both tabled. Mr. Patterson confirms.

0:20:42 **7. Consider approval of a Variance request to allow a side setback variance of 5' from the western property line at 1221 W. Pierce St.**

Mr. Knott introduced this item. The applicant Mr. Thompson came to the table. Ms. Carrasco explained this is a request to allow a side setback variance of 5' on the western property line at 1221 W. Pierce St. Currently there is approximately 16' between the building and the property line. Applicant is going to add on a bay to the existing building which will leave about 5' variance on that 10' setback. Mr. Knott asked for the Planning Department recommendation and Ms. Carrasco stated it is for Approval. Mr. Thompson explains his business needs to expand as Carlsbad is booming.

Mr. Garcia made a motion to approve 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 carried.

0:25:31 **8. Consider approval of a Variance request to allow a 6' fence in the front setback at 904 W. Fox St.**

The applicant did not attend. Ms. Carrasco recommended that the request be tabled.

Mr. Barney made a motion to table the variance. 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.

0:27:46 **9. Report regarding Summary Review Subdivisions**

Mr. Patterson stated there are two replats in the Farmview Subdivision. Lot 20B and 21B on the Farmview Phase 2 replat are going to be split off and dedicated as right-of-way for a street entrance into the development north of Farmview. Mr. Knott opened the floor for other concerns. Roberto Lara stated he had received a letter regarding a Zoning Change at 502 E. Hamilton, which is close to his house. Mr. Patterson asked him to show him the letter he received. It was for the next meeting in April, not this one.

0:29:11 **13. Adjourn.**

There being no other business, the meeting was adjourned.

0:29:15 Stop Recording [5:31:55 PM]

Chairman

Date