

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, January 6, 2020, 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 6, 2020 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 December 2, 2019.
4. Remove from Table a Consideration for approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd.
5. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned "R-R" Rural Residential District
6. Consider a recommendation to Council for a Zone Change request from "R-2" Residential 2 District to "R-R" Rural Residential District for approximately 6.775 acres legally described as Tract 2 Copperstone Estates Phase III Subdivision
7. Consider approval of a Variance to allow a less than the minimum required drive-through stacked spaces at 3211 W. Pierce St.
8. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 308 Sunnyview Ave., zoned "R-1" Residential 1 District
9. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 609 W. Chapman Rd., zoned "R-R" Rural Residential District
10. Report regarding Summary Review Subdivisions.
11. 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, February 3, 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, JANUARY 6, 2020, AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

| | |
|------------------------|---------------------|
| JAMES McCORMICK | COMMISSIONER |
| BRAD NESSER | COMMISSIONER |
| LASON BARNEY | COMMISSIONER |
| BRIGIDO GARCIA | COMMISSIONER |

VOTING MEMBERS ABSENT:

JAMES KNOTT

EX-OFFICIO MEMBERS PRESENT:

| | |
|-----------------------|---------------------------------|
| JEFF PATTERSON | PLANNING DIRECTOR |
| TRYSHA ORTIZ | DEPUTY PLANNING DIRECTOR |

SECRETARY PRESENT:

| | |
|------------------------|---|
| JENNIFER CAMPOS | PLANNING AND REGULATION DEPARTMENT EXECUTIVE SECRETARY |
|------------------------|---|

OTHERS PRESENT:

| | |
|--------------------------|------------------------------|
| EILEEN RIORDAN | CITY ATTORNEY |
| CHARLIE GARCIA | CITY |
| JOSE RAMIREZ, JR. | 1108 N. GUADALUPE ST. |
| ALICIA RAMIREZ | 1108 N. GUADALUPE ST. |
| WALTER MARLER | 308 SUNNYVIEW |
| LLOYD TILLER | 164 RABBIT HILL RD. |
| MELANIE TILLER | 164 RABBIT HILL RD. |
| KACEY CORNUM | 106 DOPORTO CT. |

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 [5:00:28 PM]

0:00:13 **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. McCormick, Mr. Garcia, Mr. Barney, Mr. Nesser. Absent- Mr. Knott.

0:00:32 **2. Approval of Agenda.**

Mr. Patterson states that the applicants for Item #7 cannot attend, and he and Ms. Ortiz will present Item #7 in their stead. Mr. Barney made a motion to approve the Agenda; 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.

0:01:31 **3. Approval of Minutes from the Meeting held December 2, 2019**

Mr. Nesser made a motion to approve the minutes from the meeting held December 2, 2019; **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.

0:02:27 **4. Remove from Table a Consideration for approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd.**

Mr. Barney made a motion to remove from the table the item for consideration; **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.

0:03:39 **5. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned "R-R" Rural Residential District**

Lloyd Tiller comes to the podium and states that he has met with various departments and has done everything that has been asked of him; and has paid \$10,500 for a fire hydrant that the Water Department will put in. **Ms. Ortiz** explains his request to allow a 55-space temporary housing RV park, and that he has met with the Fire Department and the Planning Department and Utilities Department; and notes that he will need to submit a FEMA Flood Zone Application. **Ms. Ortiz** notes that there is still a warrant against **Mr. Tiller** for the criminal complaint filed in October 2019. **Mr. Patterson** notes that the privacy fence is up along Hidalgo Road; and **Mr. Tiller** only needs documentation of impact of the flood hazard area, because his development is for temporary housing. Floor opened for public comment.

Mr. Nesser made a motion to approve the request for Temporary Use Permit at 2901 Hidalgo Rd.; **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.

Mr. Patterson explains that this will go before City Council in late January or early February for final approval, and he will be notified of the date.

0:11:52 **6. Consider a recommendation to Council for a Zone Change request from "R-2" Residential 2 District to "R-R" Rural Residential District for approximately 6.775 acres legally described as Tract 2 Copperstone Estates Phase III Subdivision**

Kacey Cornum comes to the podium. **Ms. Ortiz** explains this request, noting that this will not create a spot zone, and that it fits the needs of the area. She states the Planning staff recommends approval of this request. **Ms. Cornum** states they are currently in the process of buying this land, and it was a stipulation of the previous owner that the land be zoned R-R, as his property is adjoining. It will then be divided into two lots for custom built homes. Floor opened for public comment. There was none.

Mr. Garcia made a motion to approve the request for Zone Change for the property legally described as Tract 2 Copperstone Estates Phase III Subdivision; **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.

Ms. Ortiz tells the applicant this will go before City Council in February and she will receive a letter.

0:17:46 **7. Consider approval of a Variance to allow a less than the minimum required drive-through stacked spaces at 3211 W. Pierce St.**

Mr. Patterson explains the request. This is the McDonald's on Pierce St., which is needing a dual drive-through. Mr. Patterson and Ms. Ortiz are presenting this item at the request of the applicants, who cannot attend due to unforeseen circumstances.

Mr. Nesser made a motion to approve the request for Variance at 3211 W. Pierce St.; 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.

The applicant will be notified when they will be scheduled to appear at City Council.

0:20:53 **8. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 308 Sunnyview Ave., zoned "R-1" Residential 1 District**

Walter Marler comes to the podium. Ms. Ortiz explains this request. The Planning staff recommends denial. Mr. Marler has already obtained a permit and built a carport for his RV. He states there is no rear access to his property, as there is no alley. Mr. McCormick references that regulations state that RVs may be stored in enclosed buildings, but not in a public right-of-way. Mr. Patterson states such enclosures are not allowed in the front setback, but carports are allowed. Eileen Riordan, City Attorney, clarifies that the carport style does not constitute the enclosure required to make this legal. The variance would be required to place the RV in the front setback. Floor opened for public comment. There was none.

Mr. Garcia made a motion to approve the request for variance at 308 Sunnyview Ave.; 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.

Mr. Marler will receive a letter of approval for this variance.

0:32:49 **9. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 609 W. Chapman Rd., zoned "R-R" Rural Residential District**

Joe Ramirez, Jr. comes to the podium. Ms. Ortiz explains this request. The Planning staff recommends approval with recommendations, including that the applicant install a hydrant along Chapman Rd.; and provide an approved NMED septic plan. Mr. Ramirez explains he would like to place 12 RVs for temporary housing in the rear of the property. Mr. Patterson tells the applicant he will need a water meters for the Temporary Housing and will be charged the commercial rate. Floor opened for public comment. There was none.

Mr. Barney made a motion to approve with conditions as stated; 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.

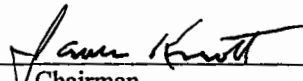
Mr. Patterson tells the applicant this will appear before City Council and he will be notified of the date.

0:40:32 **10. Report regarding Summary Review Subdivisions.**


Nothing unusual was noted.

0:41:34 **11. Adjourn.**
There being no other business, the meeting was adjourned.

0:41:48 Stop Recording [5:42:48 PM]



Chairman



Date