

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, April 9, 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

Thursday, April 9, 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 March 2, 2020
4. Remove from Table a consideration for approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District
5. Consider approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District
6. Remove from Table a consideration for approval of a Variance request to reduce the required rear setback from 10' to 1' located at 1514 Grant St., zoned "R-1" Residential 1 District
7. Consider approval of a Variance request to reduce the required rear setback from 10' to 1' located at 1514 Grant St., zoned "R-1" Residential 1 District
8. Remove from Table a consideration for approval of a Temporary Use Permit for Temporary Housing at 401 Rio Hondo Ave.
9. Consider approval of a Temporary Use Permit for Temporary Housing at 401 Rio Hondo Ave., zoned "R-R" Rural Residential District
10. Consider a recommendation to Council for a Zone Change request from "R-1" Residential 1 District to "C-2" Commercial 2 District for approximately 2.75 acres located at 208 W. San Jose Blvd., legally described as Lot 4, Block 3, Holiday Unit #3 Subdivision
11. Consider approval a request for a Conditional Use Permit to allow a Communications Tower at 208 W. San Jose Blvd.
12. Consider approval of a Variance request to allow a Communications Tower to exceed the maximum 50' at 208 W. San Jose Blvd.
13. Consider approval of a Variance request to allow less than the minimum off-street parking at the lot legally described as Parcel A-2 of the Lea Street Mr. W Fireworks Land Division Re-Plat No. 1
14. Consider a recommendation to Council for a Zone Change request from "R-R" Rural Residential District to "I" Industrial District for approximately 82.45 acres located at

1400 San Jose Blvd and extending southwest into Dark Canyon drainage, comprised of four (4) lots total

15. Consider approval of a Temporary Use Permit for Temporary Housing at 4212 Standpipe Rd., zoned "R-R" Rural Residential District
16. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "R-1" Residential 1 District for approximately 0.50 acres located at 108 N. Fifth St.
17. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "C-1" Commercial 1 District for approximately 0.50 acres located at 210, 212 & 214 S. Alameda St.
18. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 310 Sunnyview Ave., zoned "R-1" Residential 1 District
19. Consider approval of a Variance request to allow a more than the minimum residential units located at 412 E. Church St., zoned "R-1" Residential 1 District
20. Consider approval of a Variance to allow an increase in fence height to exceed 7' at 2110 Quail Hollow Run, zoned "R-1" Residential 1 District
21. Report regarding Summary Review Subdivisions
22. Adjourn



FOR INFORMATION ONLY

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PLANNING AND ZONING COMMISSION MEETING SCHEDULE

- Regular meeting – Monday, May 4, 2020 at 5:00 p.m.

MINUTES OF A SPECIAL MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, APRIL 9, 2020, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSIONER (via virtual meeting)
COMMISSIONER (via virtual meeting)
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

NONE

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA ORTIZ**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR**

SECRETARY PRESENT:

JUDITH WEBSTER

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**K. C. CASS
EILEEN RIORDAN
NADINE MIRELES
RAY BENAVIDEZ
CHARLIE GARCIA
ADRIAN GUERRERO
JACOB REDECOP
JW SUTPHIN
JEANNIE WATSON
ROBERT BOATMAN
GREGORY PEREZ
MEGAN PEREZ
GARY WALTERSCHEID
JERRY FANNING
CHERYL FRINTZ FOGEL
ROGER FOGEL
RAMONA VILLA
GEORGE DUNAGAN
JUSTIN McGEATH
DICK BLENDE
BOB GAGE
MICHAEL HUETT
SCOTT GOODALE**

**DEPUTY CITY ADMINISTRATOR
CITY ATTORNEY
CITY CLERK
BUILDING OFFICIAL
CITY
401 RIO HONDO
108 N. 5TH ST.
412 SAN JUAN
306 CIMARRON TRAIL
304 CIMARRON TRAIL
401 RIO HONDO
401 RIO HONDO
2110 GRANDI RD.
314 CIMARRON TRAIL
MISSOULA, MONTANA
401 RIO HONDO
4212 STANDPIPE RD.
212 W. STEVENS
1514 GRANT (via virtual meeting)
(via virtual meeting)
(via virtual meeting)
(via virtual meeting)
(via virtual meeting)**

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 [5:05:06 PM]

0:00:08 **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 (via virtual meeting), Mr. Garcia, Mr. Barney (via virtual meeting), Mr. Nesser.** Absent- None.

0:00:28 **2. Approval of Agenda.**

Mr. Patterson states that Items #10, #11, and #12 have removed from the agenda at the request of the applicant.

Mr. Garcia made a motion to approve the Agenda; **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.

0:01:33 **3. Approval of Minutes from the Meeting held March 2, 2020**

Mr. Nesser made a motion to approve; **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.

0:02:14 **4. Remove from Table a consideration for approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District**

Mr. Garcia made a motion to approve; **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.

0:03:45 **5. Consider approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District**

Mr. Patterson explains this request. **George Dunagan** comes to the podium and explains this has come before the commission in March. The request would allow conformity among the Martin Farms Subdivisions front-yard setbacks. Floor opened for public comment. **Gary Walterscheid**, co-owner of Martin Farms Subdivision, comes to the podium in favor of uniformity of the setbacks. Floor closed for public comment.

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

0:10:58 **6. Remove from Table a consideration for approval of a Variance request to reduce the required rear setback from 10' to 1' located at 1514 Grant St., zoned "R-1" Residential 1 District**

Mr. McCormick made a motion to approve; **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.

0:11:54 **7. Consider approval of a Variance request to reduce the required rear setback from 10' to 1' located at 1514 Grant St., zoned "R-1" Residential 1 District**

Justin McGeath joins the meeting via virtual meeting. **Mr. Patterson** explains this request is changed; adjusting the variance needed from 9' to 6.5'. **Mr. McGeath** explains that his fence is already set back 5'. The back left corner of the garage will be 6.5' from the property line, and any drainage will go into the street or onto his property. Floor opened for public comment. There was none.

Mr. McCormick made a motion to approve; **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.

Mr. Patterson tells the applicant a note will be attached for the building inspector informing him this variance has been approved.

0:19:15 **8. Remove from Table a consideration for approval of a Temporary Use Permit for Temporary Housing at 401 Rio Hondo Ave.**

Mr. Nesser made a motion to approve; **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.

0:20:28 **9. Consider approval of a Temporary Use Permit for Temporary Housing at 401 Rio Hondo Ave., zoned "R-R" Rural Residential District**

Mr. Patterson explains this request, for a temporary use permit for temporary housing with 5 RV spaces, which have already been connected to city water, sewer, and solid waste service. The Planning Dept. recommends denial, based on the significant slowdown in activity in the oil and gas industry and the reduced need for this type of development. **Gregory Perez** comes to the podium, explaining he wants to provide housing for law enforcement officers and medical personnel. **Jeannie Watson**, Sales and Marketing Director for Lakeview Christian Home, comes to the podium; requesting a denial of the permit. She brings a tape recording of **Dick Blenden**, a retired attorney and resident of River Bend Retirement Community, and he states he is against having mobile homes like these near the River Bend Community, as they will diminish the property values of the homes in River Bend; and further, the applicant proceeded without the proper permits. **Robert Boatman** comes to the podium and states his opposition to this permit; he is a resident of River Bend, and this RV park is only 12' from his back porch, and the septic tank is 27' from his property. **Jerry Fanning**, a new resident of River Bend, comes to the podium stating his opposition to having an RV park so close to River Bend. **Megan Perez** comes to the podium in support and states they will comply with the 20' setback from the fence and move the RVs that are too close to decrease their visibility. **Adrian Guerrero** comes to the podium. He lives in the RV park and is in support of it. **Roger Fogel** comes to the podium. His wife works at the hospital and is in support. **Cheryl Fogel** comes to the podium. She works as a travel nurse and could not have come to Carlsbad had they not found this RV park. Floor closed for public comment.

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

Mr. Patterson tells the applicant this will go before City Council on April 28, 2020.

0:58:08 **10. Consider a recommendation to Council for a Zone Change request from “R-1” Residential 1 District to “C-2” Commercial 2 District for approximately 2.75 acres located at 208 W. San Jose Blvd., legally described as Lot 4, Block 3, Holiday Unit #3 Subdivision**

This item has been removed from the agenda.

0:58:09 **11. Consider approval a request for a Conditional Use Permit to allow a Communications Tower at 208 W. San Jose Blvd.**

This item has been removed from the agenda.

0:58:10 **12. Consider approval of a Variance request to allow a Communications Tower to exceed the maximum 50’ at 208 W. San Jose Blvd.**

This item has been removed from the agenda.

0:59:47 **13. Consider approval of a Variance request to allow less than the minimum off-street parking at the lot legally described as Parcel A-2 of the Lea Street Mr. W Fireworks Land Division Re-Plat No. 1**

Bob Gage, GBT Realty, developer of the property, joins via Go-To Meeting. **Mr. Patterson** explains this request; it is to reduce parking spaces from the required 46 to 32 for a Dollar General store to be built on the south side of Lea St. at 5th St. The Planning Department and other City Departments all recommend denial. **Mr. Gage** explains based on research 46 spaces is excessive and unnecessary. Floor opened for public comment. There was none.

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

Mr. Patterson tells the applicant the Variance request is approved and that the Building Department will be informed that the amount of parking spaces will be reduced.

1:08:12 **14. Consider a recommendation to Council for a Zone Change request from “R-R” Rural Residential District to “I” Industrial District for approximately 82.45 acres located at 1400 San Jose Blvd and extending southwest into Dark Canyon drainage, comprised of four (4) lots total**

Mr. Patterson explains this request. The applicant does not appear. **Mr. Patterson** recommends tabling this item.

Mr. Garcia made a motion to table; **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 was tabled.

1:10:04 **15. Consider approval of a Temporary Use Permit for Temporary Housing at 4212 Standpipe Rd., zoned “R-R” Rural Residential District**

Mr. Patterson explains this request, noting the property meets the City requirements for Zoning and acreage. **Mr. Patterson** states the Planning Department recommends denial based on reduction of current need for this type of temporary housing. **Ramona Villa** comes to the podium; and states she has already established electric service, plumbing, water and septic for 8 of the proposed 29 spaces. Her goal is to

have an RV park and register with KOA or Sam Good. Floor opened for public comment. There was none. **Mr. Nesser** notes that a plan was submitted for 48 spaces, not the 29 previously discussed. The applicant does not have a current site plan. She requests to be allowed to submit a current site plan.

Mr. Nesser made a motion to table; **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 was tabled.

1:26:33 **16. Consider a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-1” Residential 1 District for approximately 0.50 acres located at 108 N. Fifth St.**

Mr. Patterson explains this request. After review, the City recommends approval of this request. **Jacob Redecop** comes to the podium. The applicant wants to place a home on the property. Floor opened for public comment. There was none.

Mr. Garcia made a motion to approve; **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.

Mr. Patterson tells the applicant this will appear before City Council on May 12, 2020.

1:29:53 **17. Consider a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “C-1” Commercial 1 District for approximately 0.50 acres located at 210, 212 & 214 S. Alameda St.**

The applicant does not appear.

Mr. Nesser made a motion to table; **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 was tabled.

1:31:13 **18. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 310 Sunnyview Ave., zoned “R-1” Residential 1 District**

Michael Huett attends via virtual meeting. **Mr. Patterson** explains this request. The City recommends denial. **Mr. Huett** states he has no space to park his RV and his property has no alley in the back. He would like to be able to park his RV in the front setback of his property. **Ms. Ortiz** states she received one phone call from a neighbor in support of the Variance. **Mr. Huett** states his neighbor applied for the same Variance and it was approved. **Mr. Patterson** explains to the Commission that the Planning Dept. tries to stick with the ordinance as much as possible.

Mr. Nesser made a motion to approve with the condition that the RV is parked under the carport; **Mr. McCormick** seconded the motion. The vote was as follows: **Yes—Mr. Barney, Mr. McCormick, Mr. Nesser.** No--**Mr. Garcia, Mr. Knott;** Abstained--None; Absent--None. The motion carried.

Mr. Patterson tells the applicant the Building Dept. will be notified that he will be allowed to place his RV in the front setback when applying for the permit for the carport.

1:41:08 **19. Consider approval of a Variance request to allow a more than the minimum residential units located at 412 E. Church St., zoned “R-1” Residential 1 District**

The applicant does not appear.

Mr. Nesser made a motion to table; **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 was tabled.

1:42:23 **20. Consider approval of a Variance to allow an increase in fence height to exceed 7' at 2110 Quail Hollow Run, zoned "R-1" Residential 1 District**

Scott Goodale joins via virtual meeting. **Mr. Patterson** explains this request. The City recommends approval of this request. The applicant is planning to build a pool in his backyard and wants a higher fence, which will taper on the sides to match existing fence caps. Floor opened for public comment. **Ms. Ortiz** tells the Commission that one neighbor, Ms. Lemon, called her to express her support of this item.

Mr. Nesser made a motion to approve; **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.

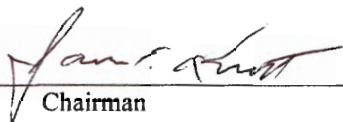
Mr. Patterson tells the applicant to inform the Building Dept. of the type of material being used and total fence height when applying for the fence permit.

1:46:32 **21. Report regarding Summary Review Subdivisions.**

Mr. Patterson notes a land division into Tract A and Tract B, about 75 acres, between Boyd and San Jose Blvd. The landowners are dedicating right-of-way to the City along Kircher St. and Rose St. and along Boyd Dr. This will allow the City to make improvements as needed in the future.

1:49:45 **22. Adjourn.**
There being no other business, the meeting was adjourned.

1:49:48 Stop Recording [6:54:54 PM]



Chairman

5-4-20

Date