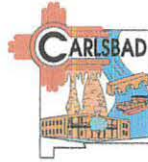


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, May 4, 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, May 4, 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 Special Meeting held April 9, 2020
4. 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
 - a. Remove from table
 - b. Consider item for recommendation
5. Consider approval a request for a Conditional Use Permit to allow a Communications Tower at 208 W. San Jose Blvd.
 - a. Remove from table
 - b. Consider approval of request
6. Consider approval of a Variance request to allow a Communications Tower to exceed the maximum 50' at 208 W. San Jose Blvd.
 - a. Remove from table
 - b. Consider approval of request
7. 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
 - a. Remove from table
 - b. Consider item for recommendation
8. Consider approval of a Temporary Use Permit for Temporary Housing at 4212 Standpipe Rd., zoned "R-R" Rural Residential District
 - a. Remove from table
 - b. Consider approval of request
9. 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.
 - a. Remove from table
 - b. Consider item for recommendation
10. 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

- a. Remove from table
- b. Consider approval of request

11. Report regarding Summary Review Subdivisions

12. Adjourn



FOR INFORMATION ONLY

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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, June 1, 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, MAY 4, 2020, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

JAMES KNOTT
JAMES McCORMICK

LASON BARNEY
BRIGIDO GARCIA

CHAIRPERSON
COMMISSIONER (arrived 5:08 p.m. via
virtual meeting)
COMMISSIONER (via virtual meeting)
COMMISSIONER

VOTING MEMBERS ABSENT:

BRAD NESSER

EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON
TRYSHA ORTIZ

PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

JUDITH WEBSTER

PLANNING AND REGULATION
DEPARTMENT SECRETARY

OTHERS PRESENT:

EILEEN RIORDAN
CHARLIE GARCIA
LISA ANN ANAYA-FLORES
DAVE MORGAN
DAVID GRANGER
HEATHER SCOTT
DOUG HENDERSON
MELISSA ACOSTA

CITY ATTORNEY
CITY
502 W. PLAZA
1210 LANDSUN DR.
305 VELA ST.
(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 [5:04:22 PM]

0:00:16 **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. Garcia, Mr. Barney.** Absent—**Mr. McCormick, Mr. Nesser.**

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

Mr. Knott announced there are two changes to the Agenda. The applicant for Item #8 has requested it be postponed until the next meeting, and Item #10 has been postponed at the request of the applicant.

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

0:01:18

3. Approval of Minutes from the Special Meeting held April 9, 2020

Mr. Garcia made a motion to approve the minutes from the special meeting held April 9, 2020; **Mr. Barney** seconded the motion. The vote was as follows Yes-- **Mr. Garcia, Mr. Barney, Mr. Knott**. No--None; Abstained--None; Absent- **Mr. McCormick, Mr. Nesser**. The motion carried.

0:02:04

4. 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

a. Remove from table

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

b. (Mr. McCormick joins via virtual meeting at 5:08 p.m.) Consider item for recommendation
The applicant is attempting to connect via virtual meeting. **Mr. Patterson** suggests moving to Item #7.

0:06:02

7. 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

a. Remove from table

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

b. Consider item for recommendation

The applicant does not appear. **Mr. Knott** announces the applicant for Items #4, 5 & 6 has joined via virtual meeting and those items will be considered next.

0:09:31

4. 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

b. Consider item for recommendation

Mr. Patterson explains the request. The applicant, **Doug Henderson**, joins via virtual meeting. He explains the need for cell phone service has increased, including demand for access to emergency services. There was no public comment.

Mr. Knott made a motion to approve a Zone Change request from "R-1" Residential 1 District to "C-2" Commercial 2 District located at 208 W. San Jose Blvd.; **Mr. McCormick** seconded the motion. The vote was as follows Yes-- **Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; No--None; Abstained--None; Absent- **Mr. Nesser**. The motion carried.

Mr. Patterson tells the applicant this item will appear before City Council on June 9, 2020.

0:15:52 **5. Consider approval a request for a Conditional Use Permit to allow a Communications Tower at 208 W. San Jose Blvd.**

a. Remove from table

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

b. Consider item for recommendation

Mr. Patterson explains the request, noting that the Planning Staff recommends approval with conditions requiring engineered drawings stamped by a NM licensed engineer, showing compliance with the Building Code and all FCC and FAA regulations; and that the Zone Change request be approved prior to installation of the tower. **Mr. Henderson** states they have submitted the sealed construction plans. The tower would need to be 115' tall. Floor opened for public comment. There was none. **Mr. Knott** notes that other City Departments recommended denial of this request. **Mr. Patterson** the request was changed to include the entirety of the property to be zoned C-2, and the coverage area would be expanded.

Mr. McCormick made a motion to approve a Conditional Use Permit to allow a Communications Tower at 208 W. San Jose Blvd.; **Mr. Garcia** seconded the motion. The vote was as follows **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; **No--None**; **Abstained--None**; **Absent- Mr. Nesser**. The motion carried.

Mr. Patterson tells the applicant this is the final approval for the Conditional Use permit. The Building Department will be notified.

0:21:57 **6. Consider approval of a Variance request to allow a Communications Tower to exceed the maximum 50' at 208 W. San Jose Blvd.**

a. Remove from table

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

b. Consider approval of request

Mr. Patterson explains this request, as it goes with the previous item; the communications tower would exceed the maximum 50' height required by the Carlsbad Zoning Ordinance. The tower would exceed 100' and a Variance would be required. The Planning Staff recommends approval of this request with conditions requiring engineered drawings stamped by a NM licensed engineer, showing compliance with the Building Code and all FCC and FAA regulations; and provide a report from a NM licensed engineer verifying the need for the increase in height of the tower. **Mr. Henderson** states he feels they met the intent of the Ordinance; and the tower would be placed 126' from all property lines. The height increase they are requesting would improve coverage greatly. Floor opened for public comment. There was none.

Mr. Knott made a motion to approve a Variance allowing a Communications Tower to exceed the maximum 50' at 208 W. San Jose Blvd.; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**. **No--None**; **Abstained--None**; **Absent- Mr. Nesser**. The motion carried.

Mr. Patterson tells the applicant this Variance is approved; and the Building Department will be notified.

0:29:48

7. 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

a. Remove from table

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

b. Consider approval of request

Mr. Patterson explains this request, noting that the applicant is already operating a trucking business at the address. This would create a spot zone; although it would conform to the industrial usage taking place. The Planning staff recommends denial based on the property is in a major drainage area. The applicant, **Melissa Acosta** joins by virtual meeting. She explains she has no use for the canyon and will not develop in there. She states her property and the nearby cemetery have never flooded since she has been here. She asks that the 14 acres on which she currently operates a trucking business be considered for the Industrial Zoning, thereby amending her request. **Eileen Riordan**, City Attorney, tells the commission the Zone Change request for the 14 acres, currently being used as a trucking yard with a Conditional Use Permit, indicates the applicant is considering a use for the property beyond the current Conditional Use. She notes there is historical documentation of flooding in that area, including the cemetery. **Mr. Patterson** explains he is the Flood Plain Manager for the City of Carlsbad, and FEMA would not allow any use that would obstruct water flow without adequate engineering. **David Granger** comes to the podium. He is against the Zone Change, noting the surrounding areas do flood, the most serious recent flood in 2004. His family home nearby has been occupied for 70 years, and when it flooded in the 1940s, they moved the home on logs about 30'. **Lisa Ann Anya-Flores** comes to the podium. She lives in the neighborhood in an older home, which is the replacement for the home that had been displaced by the flood in the 1940s. She is concerned about the aesthetics. She believes the Industrial Zoning would have a negative impact on the neighborhood. **Heather Scott** joins via virtual meeting; she is an attorney for the Avalon of Carlsbad Apartments at 1907 San Jose Blvd. It is her position that the Zone Change should be denied, sharing concerns of others regarding the development of vacant land behind the existing businesses; further the property should remain Rural Residential to prevent disturbance to the apartment complex. Floor opened for further public comment. There was none. **Ms. Acosta** explains she has cleaned the property and will continue to keep it in good condition. **Mr. Knott** asks the applicant what she would do with the Industrial Zoning. **Ms. Acosta** states she would like to develop the back part into an RV park and possibly place a towing business in the corner of the property. **Mr. Knott** confirms the request is now for 14 acres to be zoned Industrial. There is no more public comment.

Mr. Garcia made a motion to deny the modified request for Zone Change from "R-R" Rural Residential to "I" Industrial for the parcel containing approximately 14.08 acres located at 1400 San Jose Blvd.; **Mr. McCormick** seconded the motion. The vote was as follows: **Yes— Mr. Garcia, Mr. Barney, Mr. Knott Mr. McCormick**; **No—None**; **Abstained—None**; **Absent- Mr. Nesser**. The motion was denied.

Mr. Patterson states this item will come before the June 9, 2020 regular meeting of the City Council.

1:08:01 **8. Consider approval of a Temporary Use Permit for Temporary Housing at 4212 Standpipe Rd., zoned "R-R" Rural Residential District**

a. Remove from table

Mr. Patterson informs the board that the applicant has asked that this item be postponed to the next meeting. Ms. Riordan explains this request this item must be removed from the table; and then be re-tabled.

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

b. Consider approval of request

Mr. Garcia made a motion to table this item; Mr. McCormick seconded the motion. The vote was as follows: Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick; No--none; Abstained--None; Absent- Mr. Nesser. The motion was tabled.

Mr. Patterson states this will be scheduled for the Planning & Zoning Meeting on June 1, 2020.

1:11:06 **9. 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.**

a. Remove from table

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

b. Consider approval of request

Mr. Patterson explains this request. The Planning Dept. recommends approval. The applicant, Dave Morgan, comes to the podium. He states the property has a small apartment complex on Lots 10 & 12. Lot 14 is vacant, and he would like to develop the property into a Bed & Breakfast business. Floor opened for public comment. There was none.

Mr. McCormick made a motion to approve the Zone Change request from "C-2" Commercial 2 District to "C-1" Commercial 1 District for the lots located at 210, 212 & 214 S. Alameda St.; Mr. Garcia seconded the motion. The vote was as follows: Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick; No--None; Abstained--None; Absent- Mr. Nesser. The motion carried.

Mr. Patterson tells the applicant this will appear before the City Council for final decision on June 9, 2020.

1:14:59 **10. 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**

a. Remove from table

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

b. Consider approval of request

Mr. Patterson states the applicant has requested that this item be tabled again.

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

Mr. Knott states this item will appear at the June 1, 2020 meeting.

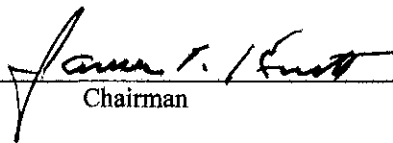
1:16:26 **11. Report regarding Summary Review Subdivisions.**

Nothing unusual was noted.

1:17:06 **12. Adjourn.**

There being no other business, the meeting was adjourned.

1:17:10 Stop Recording [6:21:52 PM]



Chairman

6-1-20
Date