

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.
HALAGUENO STREET, JUNE 1, 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
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:

**EILEEN RIORDAN
RON MYERS
BRENT GRIFFITH
CHARLIE GARCIA
RONNY PYEATT
RAMONA VILLA
FLORENTINO MUNOZ
NANCY GONZALEZ
MARIA RIVERA
JUANITA RIVERA
ARACELY VILLEGAS
DONICIA DEPAZ
GEORGE DUNAGAN
DOUG TINDALL
CYNTHIA DUNN
RUBEN GONZALES**

**CITY ATTORNEY
CITY
CITY
CITY
R&R SURVEYING
4212 STANDPIPE RD.
204 N. ELM ST.
204 N. ELM ST.
111 N. ELM ST.
111 N. ELM. ST.
111 N. ELM ST.
111 N. ELM ST.
111 N. ELM ST.
212 W. STEVENS
KT HOMES
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 [5:02:13 PM]

0:00:07 **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. Barney, Mr. Garcia, Mr. Nesser. Absent-None.

0:00:24

2. Approval of Agenda

Mr. Nesser 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.

0:00:29

3. Approval of Minutes from the regular Meeting held May 4, 2020

Mr. Barney made a motion to approve the minutes from the regular meeting held May 4, 2020; 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.

0:01:00

4. 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. Nesser made a motion to remove from 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 carried.

b. Consider approval of request

Ramona Villa comes to the podium. Mr. Patterson explains the request. The applicant has supplied an additional site plan indicating where utilities will be. The Planning Department recommends denial based on diminished occupancy rates in other RV parks. Ms. Villa would like to install the park in phases and currently has 6 RVs spaces rented. The complete site plan proposes 29 spaces. Floor opened for public comment. There was none.

Mr. Nesser made a motion to approve; Mr. Garcia 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 this is will go before the City Council meeting on June 23, 2020.

0:10:09

5. 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. Nesser 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, Mr. Nesser. No—None; Abstained—None; Absent None; The motion carried.

b. Consider approval of request

The applicant does not appear. Mr. Patterson states this is the third time this item has come before the Commission, and the Commission can decide if it is tabled again. Eileen Riordan, City Attorney, suggests this item be tabled until applicant can meet with City staff.

Mr. Barney 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, Mr. Nesser. No—None; Abstained—None; Absent None; The motion carried.

This item is now tabled until the applicant requests it move forward.

0:13:52 **6. Consider approval of the Amendment to the Agreement between the developers of Martin Farms Subdivision and Oasis Subdivision**

Mr. Patterson explains this request; regarding access, wastewater disposal, and storm water disposal which involves both Martin Farms Subdivision and Oasis Subdivision. The subdivisions are now at the point where they are developing properties that abut, and as such, the shared infrastructure is being designed and developed. This amendment guarantees that the City finds the provided access (Pima St., Pat Garrett St., Selman Ct.) to Oasis Subdivision through Martin Farms Subdivision Unit 3 will be sufficient to service planned future phases of Oasis Subdivision should those subsequent phases be built prior to planned accesses that would be provided through future units of Martin Farms. The City of Carlsbad requested this Amendment; the Planning Staff, and other City departments, recommend approval. Floor opened for public comment. **George Dunagan**, representing Martin Farms, comes to the podium in support of the Amendment. **Doug Tindall**, representing KT Homes, comes to the podium in support of the Amendment.

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

Mr. Patterson states this will allow the developers to move forward.

0:20:20 **7. Consider approval of a Conditional Use Permit request to allow chickens at 2512 Spruill St, zoned "R-1" Residential 1 District**

Mr. Patterson explains this request, noting the Planning Staff recommends approval. The applicant, **Cynthia Dunn** joins via virtual meeting stating she would like the chickens for eggs as well as enjoyment. Floor opened for public comment; there was none.

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

Mr. Patterson informs the applicant this decision is final and she may proceed to have chickens.

0:26:13 **8. Consider approval of a Variance request to allow a 6' fence along the front and side setbacks located at 204 N. Elm St., zoned "R-1" Residential 1 District**

Mr. Patterson explains this request is to allow a 2' increase in fence height in the front and side setback, opposed to the maximum allowed 4' fence height. The Planning Staff recommends denial, as the applicant did not meet all of the listed criteria to allow the increase in height. The applicant has already built the fence, and did receive a permit from the City Building Dept. **Florentino Munoz** comes to the podium; explains two of his neighbors have a 6' fence also. Floor opened for public comment. **Maria Rivera** comes to the podium in support. **Mr. Knott** calls for a show of hands in support and six people raised their hands. Floor closed for public comment.

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

Mr. Patterson tells the applicant his fence is now approved.

0:34:37 9. Consider a recommendation to Council for a Zone Change request from "R-1" Residential 1 District to "R-2" Residential 2 District for approximately 0.48 acres located W of 2319 Legion St. & S of 2317 Legion St.

Mr. Patterson explains this request; noting the applicant would like the Zone Change to allow multiple residences on the property. Ruben Gonzalez joins via virtual meeting. He wants to build two 2-bedroom houses, about 1,000 sq. ft. each, on the property. A large shop is indicated on his submitted plans as well. Ms. Riordan, City Attorney, clarifies that the City staff recommends denial because: this would create a spot zone; access issue because of the unusual shape of the lot; and concerns about the size of shop structure as drawn. 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. Knott, Mr. McCormick, Mr. Nesser. No—Mr. Barney; Abstained—None; Absent None; The motion carried.

Mr. Patterson tells the applicant this will appear before the City Council on July 14, 2020.

0:46:21 10. Consider approval of a Final Plat for the Sunwest Unit 8 Subdivision Development, zoned "R-1" Residential 1 District

Mr. Knott recuses himself from the dais. Mr. McCormick will conduct this item, as Mr. Knott is the applicant. Mr. Patterson explains this request. The Planning Staff recommends approval of this request with conditions: that the developer and contractor finish the outstanding items on the punch list; that the City staff formally accept the infrastructure installed; the developer shall resurface the 20' Access and Utility Easement on the north with gravel and formally dedicate this alley as public ROW; and the developer or engineer shall provide the City with as-built documents for the project. Mr. Knott states he has a problem with resurfacing the alley; stating he has a 6' block fence along the back, and would like to leave it as is as a utility easement; not spending any additional money on it. He states it shows as a utility easement on the preliminary and final plats. Mr. Patterson explains it is difficult for the City if the alley is not dedicated as a ROW. Floor opened for public comment. There was none. Mr. Knott explains other alleys in this subdivision over the years have been dedicated with no improvements. Mr. Patterson states this was not a requirement in Unit 7 of this development and the alley was not improved; it and the alley being discussed are in bad shape. Mr. Knott states it is the wish of the company buying the property to not have an alley; and the cost is a factor. Mr. Nesser asks why this alley is any different than others in the development. Mr. Patterson states the other alleys do not have utilities like this one; the main concern being the sewer line. Mr. Knott states he wants it left as it has been for the last 30 years, with no change. Mr. McCormick asks for a commitment for further discussion so it can be resolved. Mr. Garcia asks for clarification that the 20' access and utility easement has been dedicated to the City; and is the problem just the cost of resurfacing. Mr. Patterson explains without the formal dedication to the City as public ROW, the alley remains private property of the landowners. It is more difficult for the City to keep private easements open and clean for Utilities. The City is willing to discuss with Mr. Knott the cost of improving the alley.

Mr. Barney made a motion to approve the request with staff recommendations as written; except with the City working with the developer on the resurfacing of the alley and dedicating the alley; Mr. Nesser seconded the motion. The vote was as follows: Yes—Mr. Barney, Mr. McCormick, Mr. Nesser. No—None; Abstained—Mr. Garcia, Mr. Knott; Absent None; The motion carried.

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

Nothing unusual was noted.

1:26:56 **12. Adjourn.**

There being no other business, the meeting was adjourned.

1:27:00 Stop Recording [6:29:12 PM]



Chairman

7-6-2020
Date