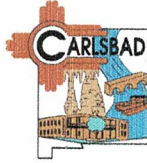


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, March 6, 2023 at 5:00 p.m.

**Meeting Held in the Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno St.**



CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, March 6, 2023 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held February 6, 2023
4. Consider approval of a Conditional Use Permit to allow a Chickens for the property located at 513 N. Halagueno St., zoned "R-2" Residential 2 District zoning
5. Consider approval of a Variance to allow a 9' front setback for the property located at 900 Fountain Dr., zoned "R-1" Residential 1 District zoning
6. Consider approval of a Variance to allow a 4' side setback and a 4' rear setback for the property located at 3706 Saguaro Dr., zoned "R-1" Residential 1 District zoning
7. Consider approval of a Variance to allow the storage of an operable recreation vehicle (boat) in the front setback for the property located at 1108 Tracy Pl., zoned "R-1" Residential 1 District zoning
8. Consider a recommendation to Council for an application of zoning from "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 2.964 acres, located at 2013 San Jose Blvd, legally described as Tract 4, Old Rose Farm #3 Subdivision
9. Consider a recommendation to Council for an application of zoning from "C-2" Commercial 2 District to "R-1" Residential 1 District for approximately 0.138 acres, located at 106 N. Fourth St, legally described Lot 24, Block E, Hughes 2nd Subdivision
10. Consider a recommendation to Council for an application of zoning from "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 20.86 acres, located at 3618 & 3619 Harvest Ln, legally described as Tract 1 & Tract 2, Thad Winn Tracts No. 2 Subdivision

11. Consider a recommendation to Council for an application of zoning from "R-1" Residential 1 District to "C-2" Commercial 2 District for approximately 1.66 acres, located at 209 W. Pecan St., legally described as Lots 4 & 5, Block M, Hemler Subdivision
12. Consider a recommendation to Council for an Annexation of approximately 819.91 acres located west of Dona Ana St, Holland St, & Opal St.
13. Consider a recommendation to Council for an application of zoning from County to "I-Industrial" District for approximately 819.91 acres located west of Dona Ana St, Holland St, & Opal St.
14. Report regarding Summary Review Subdivisions
15. Adjourn



FOR INFORMATION ONLY

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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, April 3, 2023 at 5:00 p.m.

<p>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.</p>

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &
ZONING COMMISSION HELD IN THE JANELL WHITLOCK MUNICIPAL COMPLEX
COUNCIL CHAMBERS,
114 S. HALAGUENO STREET, MARCH 6, 2023 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**JAMES MCCORMICK
BRAD NESSER
TRENT CORNUM
LINDA WILSON
VALERIE BRANSON**

**CHAIRPERSON
COMMISSIONER
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:

**DENISE MADRID BOYEA
RICHARD PACHECO
SEAN HARPER
ANGIE HARPER
GEORGE DUNAGAN
KORINA DOPORTO
RAY DOPORTO
BENJAMIN SANCHEZ
STEPHANIE MERVINE
DAWNA DOWNING
EVELYN SALCIDO
KAYLIE DOWNING
JEANNIE KARTCHNER
TODD KARTCHNER
JULIE MEADORS
JALIE MEADORS
ADDIE AGUILAR
MONICA SIAS
KIRISTY ORTEGA
NATHAN SIAS
DEREK SENIOR
CLARA SENIOR
JUSTY VAUGHAN
JULIE KLEIN
SANDI WILKIE
DEBRA SIMMONS
THAD WINN
TARA LAMB
JAMES WILKIE**

**CITY ATTORNEY
3706 SAGUARO
900 FOUNTAIN
900 FOUNTAIN
212 W. STEVENS
309 N. FIRST
309 N. FIRST
1108 TRACY PL.
CARLSBAD DEPT. OF DEVELOPMENT
3500 HARVEST LN.
1108 TRACY PL.
3500 HARVEST LN.
2210 OPAL
2210 OPAL
513 N. HALAGUENO
513 N. HALAGUENO
210 L. ST.
204 L. ST.
204 L. ST.
204 L. ST.
904 FOUNTAIN DR.
904 FOUNTAIN DR.
816 FOUNTAIN DR.
3113 DONA ANA
3012 DONA ANA
2302 OPAL
3618 HARVEST LN.
3619 HARVEST LN.
2402 PANDANARAM**

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 [5:00:15 PM]

0:00:04 **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. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent—None.

0:00:22 **2. Approval of Agenda**

Mr. Patterson states there is a correction on Item #13 on the Agenda; it should be “I-Industrial District” Zoning, instead of “R-R Rural Residential District” Zoning.

Mr. Cornum made a motion to approve the Agenda with the correction; **Ms. Wilson** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

0:01:20 **3. Approval of Minutes from the Meeting held February 6, 2023**

Ms. Wilson made a motion to approve the Minutes from the regular meeting held on February 6, 2023; **Ms. Branson** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

0:01:56 **4. Consider approval of a Conditional Use Permit to allow a Chickens for the property located at 513 N. Halagueno St., zoned “R-2” Residential 2 District zoning**

The applicant, **Julie Meadors**, comes to the podium. **Mr. Patterson** explains the request is to allow up to three chickens at the property, which requires a Conditional Use permit. The Planning Dept. recommends approval of this request. **Ms. Meadors** explains she just likes chickens and most of her neighbors are okay with her having chickens. Floor opened for public comment; there was none.

Ms. Wilson made a motion for approval; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

0:05:36 **5. Consider approval of a Variance to allow a 9’ front setback for the property located at 900 Fountain Dr., zoned “R-1” Residential 1 District zoning**

The applicants, **Sean and Angie Harper**, come to the podium. **Mr. Patterson** explains this request to reduce the front setback from 30’ to 9’ to allow a 29’ x 25’ enclosed garage to be built in front of the house. The Planning Dept. recommends denial of this request. **Mr. Patterson** states upon review of the request, there is already a garage at the property; and this would be just an extension into the setback. The ordinance does not allow for extensions into the setback unless there is a need based on the property itself; so this does not meet those requirements. **Mr. Harper** states he purchased the home a year ago, and has already spent about \$250,000 on renovations. The house was built in the 1970s and the garage is too small. He passes out photos to the commissioners showing improvements to the property. Floor opened for public comment. **Justy Vaughan** comes to podium stating she lives to the south, and she is in favor of

the garage being built. **Derek Senior** comes to the podium, stating he lives nearby and feels this would increase the value of all the properties nearby. He is very much in favor of this request. **Ms. Branson** asks what were the objections from the Public Works and Utilities Departments? **Mr. Patterson** states it is because it did not meet the criteria in the ordinance.

Ms. Wilson made a motion for approval; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

0:17:08 **6. Consider approval of a Variance to allow a 4' side setback and a 4' rear setback for the property located at 3706 Saguaro Dr., zoned "R-1" Residential 1 District zoning**

The applicant, **Richard Pacheco**, comes to the podium. **Mr. Patterson** explains this request is to allow a 4' side setback as opposed to the required 5' and a 4' rear setback instead of the required 20' setback. He would like to place a 15' x 25' metal shed in the southeast corner of the property. After review, the Planning staff recommends denial of this request. **Mr. Patterson** states this is because it does not meet the criteria in the ordinance. **Mr. Pacheco** states his new house doesn't have room for storage. He wants to put his vehicles and tools in the shed, which will also be a garage. It will access from Saguaro St.; there will never be an alley or easement behind the property. Floor opened for public comment. There was none.

Ms. Wilson made a motion for approval; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Cornum, Ms. Wilson, Ms. Branson.** No— **Mr. Nesser.** Absent—None. Abstained—None. The motion carried.

0:24:55 **7. Consider approval of a Variance to allow the storage of an operable recreation vehicle (boat) in the front setback for the property located at 1108 Tracy Pl., zoned "R-1" Residential 1 District zoning**

The applicant, **Benjamin Sanchez**, comes to podium. **Mr. Patterson** explains the applicant currently is storing a boat in the front setback at this property. The Planning staff recommends approval. **Mr. Sanchez** states there is no access from the rear of the property; there is no alley, and there is no other place to store it. He has a carport and it has other vehicles, such as his ATV, parked in it. Floor opened for public comments. **John Bowen** comes to the podium. He states he has lived on Tracy Place for a number of years. He states the applicant could store the boat in the carport or somewhere else and keep with the ordinance. He states the applicant also has a utility trailer in the front as well. He is against this variance. He would like the ordinance to be enforced. **Mr. Sanchez** states he has the support of some of the neighbors; he uses the utility trailer for hauling trash, etc. and his neighbors have no problem with it. **Ms. Branson** states that she has noticed that many homes have boats, utility vehicles, and non-operable cars in the front of the house and the running vehicles are parked on the street. She notes this is all over Carlsbad. **Ms. Wilson** asks **Mr. Sanchez** if the boat is parked there currently. **Mr. Sanchez** says it is. **Ms. Wilson** states she has a house on Tracy Place that she is currently working on and she has not noticed **Mr. Sanchez's** boat. **Mr. Sanchez** says his boat is covered and well taken care of; and is placed up against the house. He states he has not had one single complaint from any neighbor. **Mr. Bowen** states he has noticed the parking of excess vehicles in Carlsbad, too; but it does not make it permissible. He states **Mr. Sanchez** and everyone should adhere to the ordinances and keep the city clean as it is supposed to be. He would like the Planning & Zoning Commission to enforce the ordinance. He asks **Ms. Wilson** if her house on Tracy Place is currently occupied. She states it is not. He comments there have been transients in the neighborhood. He notes there is also a utility trailer in the front yard of the applicant's house and he states there are storage facilities he could use instead. **Mr. Cornum** asks the applicant if he can fit the boat in the carport. The applicant states he could, if he moved other vehicles out. He has a motorcycle and a UTV that would have to be moved into the yard; but then he would be in violation again.

Ms. Wilson made a motion for approval; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Cornum, Ms. Wilson.** No— **Mr. Nesser, Ms. Branson.** Absent—None. Abstained—None. The motion carried.

0:38:28 **8. Consider a recommendation to Council for an application of zoning from “R-R” Rural Residential District to “C-2” Commercial 2 District for approximately 2.964 acres, located at 2013 San Jose Blvd, legally described as Tract 4, Old Rose Farm #3 Subdivision**

The applicant does not attend. **Mr. Patterson** states that he spoke to the representative of the applicant and told them they needed to attend.

Mr. Nesser made a motion to table this item until the next meeting; **Ms. Branson** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No— None. Absent—None. Abstained—None. The motion carried.

0:40:37 **9. Consider a recommendation to Council for an application of zoning from “C-2” Commercial 2 District to “R-1” Residential 1 District for approximately 0.138 acres, located at 106 N. Fourth St, legally described Lot 24, Block E, Hughes 2nd Subdivision**

The applicants, **Ray and Korina Doport**, come to the podium. **Mr. Patterson** explains this request is to correct a mistake in the zoning. He states it appears as if the Commercial zoning was applied incorrectly to the property. The applicants want to sell the property and need the Zoning corrected. The Planning Dept. recommends approval of this request. **Mr. Doport** states he did not know it was zoned Commercial until selling it and the buyer wanted to change it to Residential. **Mr. McCormick** clarifies the address is 106 N. Fourth St. Floor opened for public comment. **Stephanie Mervine** of the Carlsbad Department of Development comes to the podium to support the zone change.

Ms. Branson made a motion for approval; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No— None. Absent—None. Abstained—None. The motion carried.

Mr. Patterson tells the applicants that Zone Changes have to go to City Council for final approval. They will be scheduled on April 11, 2023.

0:45:31 **10. Consider a recommendation to Council for an application of zoning from “R-R” Rural Residential District to “C-2” Commercial 2 District for approximately 20.86 acres, located at 3618 & 3619 Harvest Ln, legally described as Tract 1 & Tract 2, Thad Winn Tracts No. 2 Subdivision**

The applicant, **Thad Winn**, comes to the podium. **Mr. Patterson** explains this request is to change the property to Commercial Zoning from Rural-Residential to take advantage of the development that will follow the West Bypass completion. **Mr. Patterson** states this would create a spot zone. He states he had one phone call in opposition from Ray Trout, a nearby resident. Floor opened for public comment. **Dawna Downing** comes to the podium, stating she is a neighbor at 3500 Harvest Lane which borders Mr. Winn's property. She has animals and does not want Industrial property next to her, or the access through her property to the Industrial area. She was unaware when she bought the property that they were going to put in a bypass road.

Mr. Cornum made a motion for approval; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No— None. Absent—None. Abstained—None. The motion carried.

Mr. Patterson states this will go to City Council on April 11, 2023 for final approval.

0:54:42

11. Consider a recommendation to Council for an application of zoning from "R-1" Residential 1 District to "C-2" Commercial 2 District for approximately 1.66 acres, located at 209 W. Pecan St., legally described as Lots 4 & 5, Block M, Hemler Subdivision

The applicants, **Carolyn and Daniel Banks**, come to the podium. **Mr. Patterson** explains this request is for a Zone Change from Residential to Commercial Zoning. The Planning staff recommends tabling this item until the property is brought into compliance with City Codes and Ordinances. **Ms. Banks** states she raised her children in the house on the property, but does not want it to be used as a residence in the future, because of things that happened there in the past. She has a son-in-law who repairs appliances and needs to use the property for that; as well as a possible mechanic shop. **Daniel Banks** states the property is really two lots, not one, and the lot with the house on it is the one **Ms. Banks** wants to re-zone to Commercial. He states she wants to tear that house down and then build a commercial structure. He states he is unaware of the zoning violations; but they have received a number of letters from the City and has taken care of all of them. He states the area has many vagrants and the house has no utilities. He confirms that they want commercial zoning only on the one lot. **Ms. Banks** states the house has things in it from her son-in-law and wants it used for storage. **Mr. Patterson** states the accumulation of junk and debris on the property is the problem; and changing the zoning to commercial for a mechanic's shop would increase the junk and debris accumulation. **Mr. Patterson** states his department has received numerous complaints on this property regarding the steady stream of people, the junk, and the garbage and trash. He states that Code Enforcement, Animal Control and the Building Dept. have all been involved, and the structure is red-tagged, meaning it is uninhabitable. He states the most appropriate course of action would be to have the property brought into compliance and then proceed with the Zone Change action. **Ms. Banks** states there is no one living in the house at this time. **Mr. Patterson** states when they visited the property there were two RVs with people living in them. **Mr. McCormick** clarifies that the recommendation is for the property to be cleaned up and brought into compliance before moving forward with the Zone Change application. **Ms. Wilson** asks if the entire property would become more valuable once the house is torn down. **Ms. Banks** states it is too expensive for them to tear it down themselves. She thinks the property would be ideal for a mechanic shop because O'Reilly's is nearby. **Mr. Patterson** states the Building Official would have to determine if the structural integrity of the existing structure is failing, and then it could go to City Council for a Condemnation order. The property would then be cleaned up. **Ms. Ortiz** clarifies if they took a condemnation action it would apply to both lots; and then a lien would be placed against the property. **Mr. Cornum** asks about the process of condemnation. **Mr. Patterson** states the City has a contractor on call who would clean up the property and bill the City, the City pays the bill and the lien placed on the property in that amount. The applicants would have to consider the lien if they want to develop the property. Condemnations range anywhere from \$15,000 to \$30,000 depending on amount and weight of debris to be hauled away. They would not have to pay the lien immediately. **Mr. Patterson** states the condemnation would solve the immediate problem of clean up and eliminating the vagrants, the structure and the debris, but the City would not maintain the property afterwards. If the property accumulates debris again, The City would have to address it. **Mr. Patterson** states if they could find a buyer and settle the lien, then the property would have clean title. **Ms. Ortiz** reminds them that the Building Dept. makes the decision if the home needs to be torn down. The property could be condemned without tearing down the house if it is determined to be structurally sound. The burned out storage building behind the house and the debris around the house would be removed. **Ms. Banks** states the house is probably structurally sound. She states she may proceed with clean up. The floor opened for public comment. **Monica Sias** comes to the podium stating she lives at 204 L Street, which is behind the subject property, and **Addie Aguilar** comes to the podium stating she lives at 210 L Street. **Ms. Sias** has lived there for seventeen years and is a single mother. She states people come through her property to the subject property. She states they have fires and she feels bad for them. There is a bunch of drug activity and people walking around at all hours. She is opposed to the zone change because they cannot even get the property as it is cleaned up. **Ms. Aguilar** states there are people living in the RV with people coming and going all night long. **Ms. Sias** states they just want to voice their opinion regarding this property. **Nathan Sias** comes to the podium, he lives at 204 L Street, stating he walks his dog at night and sees people walking around and drug activity. **Mr. Patterson** states he will have the Building Dept. inspect the house to determine whether it needs to be torn down. **Mr. Banks** asks if it would buy them some time if

they tabled this request giving them time to take care of some of these issues. He says he knows there are issues. He feels bad for the neighbors on the other side of the fence. He is aware of the drug problem and he has told the people to leave. **Mr. Patterson** states his recommendation is that the item be tabled until Code Enforcement could verify that the code violations listed have been taken care of; and then the item come back to the Commission. **Mr. Banks** is informed that letters regarding these violations have been sent to them; but he states he hasn't received any letters. **Mr. Patterson** states the Code Enforcement violations are the same ones listed in the packet.

Mr. Nesser made a motion to table this item until the Planning Dept. brings it forward again; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

1:27:48 **12. Consider a recommendation to Council for an Annexation of approximately 819.91 acres located west of Dona Ana St, Holland St, & Opal St.**

The applicant's representative, **George Dunagan**, comes to the podium. **Mr. Patterson** explains this request is to annex 819.91 acres west of Standpipe Rd. The property is contiguous with the current City limits that extend off Martin and Standpipe Rds. The Planning staff recommends approval of this request. **Mr. Dunagan** represents the owner, Nyman Limited Partnership. Floor opened for public comment. **Jeannie and Todd Kartchner** come to the podium, stating that they own 2210 and 2218 Opal St. Her current property is north of Hidalgo Rd., and they have acquired eight oil field companies in the last seven years all the way around their property. They would like to move to their house on Opal St. because it is peaceful. She states if they build an oil company near them, and they can't build a fence high enough. She has people dumping trash and using drugs, which she has tried to run off. She has talked to Mr. Nyman, and Mr. Nyman told her she could put a gate on Opal St. to keep people off. She does not want any more oil field development. **Mr. McCormick** states this is just a consideration for annexation. **Ms. Kartchner** asks if they would be forced to annex themselves and have to come into compliance with City rules, which she does not want. **Debra Simmons** comes to the podium, stating she owns 2302 Opal St. and has lived there for 30 years because she likes the privacy and has animals; she has an easement off Martin Ln. and is concerned with annexation bringing traffic and loss of privacy and peace. There is a pipeline east of her property going through the dike that concerns her as well. She states she does not want Opal St. annexed into the City. **Sandi Wilkie** comes to the podium stating she owns 3012 Dona Ana St. and 2402 Pandanaram St. She is against the annexation and has no interest in being part of the City. They are ranchers and wean calves there, they have five generations on that property. She is concerned about drawing the flood water diversion into the City limits. The diversion belongs to the Hackberry Draw Watershed District and has permanent easement in perpetuity and she states they were not notified of this meeting regarding annexation. The diversion was built in the 1960s and upgraded in 1982; it is a hundred year flood structure and is constructed to carry 4485 cubic feet per second during a 100 year event; it is 3.6 miles long and protects about 500 family homes and businesses. Any development around it, including the West Loop Road, could degrade it, and if it is degraded to the point it fails, it would impact this area all the way to Radio Blvd., where it goes into Boyd. It concerns her that the City has not approached the Hackberry Draw Watershed District about this. She understands per property is not part of the annexation at this point, but feels it will be in the future. She suggests if it does get annexed, it not be zoned Industrial because it impacts the safety of many people. **Julie Klein** comes to the podium, stating she lives at 3113 Don Ana St. Her concern is that she does not want to be annexed into the City. Her property is adjacent to the Nyman Tract. The Water Diversion Dike should concern everyone. **Rosemary Wilkie** comes to the podium. She states she lives on Pandanaram Ln. These houses around her are protected by the dike. The road is right up against it. She has seen the dike run completely full several times. There is a 40' drop in elevation from Dona Ana St. to Standpipe Rd. The dirt that comprises the dike is moving from the heavy equipment going over it. She is very much against being in the City limits, and five generations of her family have lived there. She is against the annexation. **Mr. McCormick** reminds the commission that this item is just for the Annexation of the Nyman Tract, not the Zoning. **Mr. Cornum** asks if there is a hard and fast rule about the City annexing properties. **Mr. Patterson** clarifies

that if the City annexes property, it is not allowed to create an "island" – an area of County surrounded by City. He speculates that if the properties south of Dona Ana were to annex, it may cause forced annexation. The action only concerns the Nyman Tract at this meeting. He states it would be a private agreement with land owners and Mr. Nyman regarding access of Opal St. He states if the County is not maintaining Opal St., then the City would not either. **Mr. Cornum** asks **Mr. Dunagan** if an easement around that dike has been discussed; the dike provided a large buffer to the residents. **Mr. Dunagan** does not come to the podium and his response is inaudible. **Mr. Patterson** affirms that the section with the dike must be annexed along with the part west of the dike because it is contiguous with the City limits. **Mr. Cornum** asks if there is any developable land to the east of the bypass; possibly providing a buffer and protecting the dike if not. **Mr. Cornum** states there is usually more maintenance and rules in the City, and the County has less restrictions. **Mr. Nesser** asks where the City boundary is to the east. **Ms. Wilkie** asks why the City would want to annex that land, it is just fields. **Mr. Dunagan** states Mr. Nyman is going to sell the property. There is more discussion in the gallery, but it is inaudible. **Mr. Nesser** states he is not comfortable voting without getting more information; he would like to table it to the May meeting. **Mr. McCormick** states once it is zoned Industrial they can do anything that fits that zoning. They are not required to give their plan for the property with the annexation action. **Mr. Patterson** suggests that if this is tabled, they need to give the applicants a list of questions to get answered. The commission cannot condition an annexation as to what the applicants can do with it. When they bring in plans for their development would be the time to address the criteria in the development. They can compile a list of concerns and questions for Mr. Dunagan and Mr. Nyman. **Mr. Cornum** states what is concerning him is the east area of the annexation, but he has no objection to the annexation. The unknowns on the east side of the bypass is his concern. He asks if **Mr. Patterson** has any knowledge the City force-annexing any property. **Mr. Patterson** states when the City annexed the property near Standpipe and Lea some properties were force-annexed into the City. He states the owner of the annexed property usually wants City services: water, sewer, police protection, etc.

Mr. Cornum made a motion for denial; **Ms. Wilson** seconded the motion. The vote was as follows: Yes--**Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No— None. Absent—None. Abstained—None. The motion for denial carried.

2:17:36 **13. Consider a recommendation to Council for an application of zoning from County to "R-R" Rural Residential District for approximately 819.91 acres located west of Dona Ana St, Holland St, & Opal St.**

Mr. Patterson explains this is on the Agenda, and must be voted on.

Ms. Wilson made a motion for denial; **Mr. Nesser** seconded the motion. The vote was as follows: Yes--**Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No— None. Absent—None. Abstained—None. The motion for denial carried.

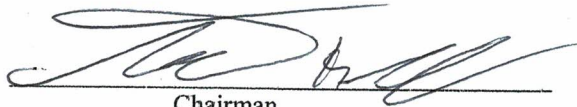
2:20:50 **14. Report regarding Summary Review Subdivisions**

Mr. Patterson gave a report on the Summary Reviews. Nothing unusual was noted.

2:22:07 **15. Adjourn**

The meeting was adjourned.

2:22:17 Stop Recording [7:22:33 PM]

A handwritten signature in black ink, appearing to be 'The Honorable', written over a horizontal line.

Chairman

4-3-23

Date