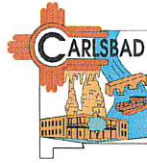


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Thursday, October 12, 2023 at 4:00 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
SPECIAL MEETING**

Thursday, October 12, 2023 at 4:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 288-392-285
US Phone: +1 (872) 240-3312 Access Code: 288-392-285
<https://meet.goto.com/288392285>

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held September 11, 2023
4. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required side property setback from 5' to 0' and to reduce the required rear setback from 10' to 0' at 411 Carlgo St., zoned "C-2" Commercial 2 District.
5. Consider a request for a Conditional Use Permit to allow Employee Housing, to operate at the property located at 411 Carlgo St., zoned "C-2" Commercial 2 District.
6. Consider a request for a Variance from Sec. 56-100, table 7(1)(j) of the Zoning Ordinance to allow a reduction in the number of required parking spaces from 14 spaces to 10 spaces for the property located at 510 N. Alameda St., zoned "R-2" Residential 2 District.
7. Consider a request for a Variance from Sec. 56-90(b) of the Zoning Ordinance to allow a reduction in the side property setback from the required 5' to 0' for the property located at 1805 W. Blodgett St., zoned "R-1" Residential 1 District.
8. Consider a request for a Variance from Sec. 42-7 of the Carlsbad Sign Ordinance to allow an increase in the maximum allowable sign height from 35' to 50' for the property located at 1902 E. Greene St., zoned "I" Industrial District.
9. Consider approval of a preliminary plat for the Bhakta Business Park, creating five (5) new commercial lots for development, zoned "C-2" Commercial 2 District.
10. Consider approval of a preliminary plat for The Landings, a single family residential subdivision located within the Carlston Ranch Master Planned Development, creating

139 new residential lots for development, zoned "PUD" Planned Unit Development.

11. Consider approval of a preliminary plat for the Gonzalez Line Adjustment, creating four (4) new lots for residential development, located outside of the Carlsbad City Limits.
12. Consider approval of a preliminary plat for the Kenney and Carolyn Rayroux Family Estate Subdivision, creating five (5) new residential lots for family members, zoned "R-R" Rural Residential District.
13. Consider a recommendation to the City Council regarding a request to change the zoning at 319 Kircher St. from "C-1" Commercial 1 District to "C-2" Commercial 2 District, legally described as Southridge Replat #2 Amended Tract 47A.
14. Consider a recommendation to the City Council regarding a request to change the zoning at 3627 Boyd Dr. from "C-2" Commercial 2 District to "I" Industrial District, legally described as the S2NE of Section 24, Township 22 South, Range 26 East.
15. Consider a recommendation to the City Council regarding a request to change the zoning at 4412 National Parks Hwy. from "R-R" Rural Residential District to "C-2" Commercial 2 District, for the 1.5 acres located to the east of Tract B of Replat A, Allsup Land Division.
16. Report regarding Summary Review Subdivisions
17. 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, November 6, 2023 at 5:00 p.m.

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.

**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, OCTOBER 11, 2023 AT 4:00 P.M.**

VOTING MEMBERS PRESENT:

JAMES MCCORMICK	CHAIRPERSON
VALERIE BRANSON	COMMISSIONER
TRENT CORNUM	COMMISSIONER
BRAD NESSER	COMMISSIONER

VOTING MEMBERS ABSENT:

LINDA WILSON	COMMISSIONER
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EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON	PLANNING DIRECTOR
TRYSHA ORTIZ	DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

JENNIFER CAMPOS	PLANNING AND REGULATION DEPARTMENT EXECUTIVE SECRETARY
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OTHERS PRESENT:

GEORGE DUNAGAN	2200 WESTRIDGE ST
MICHAEL BRADDOCK	411 CARLGO ST
MARVIN GREEN	ROSWELL
RAYMOND ORTEGA	1014 N. 8TH
RONALD DRUMM	1805 W BLODGETT
CAROLYN RAYROUX	2107 SANDY LANE
KENNY RAYROUX	2107 SANDY LANE
ORLANDO GONZALEZ	1477 PORTILLO RD
ROSEANN GONZALEZ	1477 PORTILLO RD
MELVIN PYEATT	413 HAMILTON
LINDA MCPHERSON	502 N. ALAMEDA
DAVID MCPHERSON	502 N. ALAMEDA
JASON MALEY	8 CALEBAZA
COLLIS JOHNSON	
WILL WYATT	711 W. CHAPMAN
DEBBIE WYATT	711 W. CHAPMAN
MEL CARDENAS	319 KIRCHER
OSCAR GONZALEZ	5401 AVITA
LETICIA GONZALEZ	5401 AVITA
RICHARD PIGGOTT	
RICHARD MCDONALD	709 W. CHAPMAN
JUAN GARICA	510 N. ALAMEDA (Via Phone)
MILAN PATEL	1310 W. RIVERSIDE (Via Phone)
BRENDAN MCARDLE	ALLSUP'S (Via Phone)

Time Stamps and headings below correspond to the recording of the meeting and the recording is hereby made a part of the official record.

0:00:00 Start Recording [3:59:49 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. McCormick, Mr. Cornum, and Ms. Branson.** Absent— **Mr. Nesser and Ms. Wilson.**

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

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

0:00:51 **3. Approval of Minutes from the Meeting held September 11, 2023**

Mr. Cornum made a motion to approve the Minutes from the regular meeting held on September 11, 2023; **Ms. Branson** seconded the motion. The vote was as follows: Yes— **Mr. McCormick, Mr. Cornum, and Ms. Branson.** No—None. Absent—**Mr. Nesser and Ms. Wilson.** Abstained—None. The motion carried.

0:01:25 **4. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required side property setback from 5' to 0' and to reduce the required rear setback from 10' to 0' at 411 Carlgo St., zoned "C-2" Commercial 2 District.**

Michael Braddock approached the podium. **Mr. Patterson** explained the applicant has submitted a request to allow a reduction in the rear property setback from the required 10' to 0', and a reduction of the side property setback from 5' to 0', for the property located at 411 Carlgo St., zoned "C-2" Commercial 2 District. The business at this location has placed two modular structures at this property meant for employee housing. The structures encroach into the required property setbacks both on the rear and on the side. Based on a review of the application materials and other staff comments, the Planning Department recommends denial of this request. **Mr. Braddock** said they moved in manufactured homes for employee housing and wasn't aware if the proper procedure for placing them was followed. He stated that requesting a variance would begin the process of coming into compliance. **Mr. McCormick** asked if a variance is needed for both modular structures. **Mr. Braddock** confirmed that both structures need a variance. **Mr. Cornum** asked if there was an option to move them away from the property line. **Mr. Braddock** said that they haven't found anyone that could help them move the structures. He knows some of the plumbing has been connected. One modular already has utilities connected and the other had recently been placed when they were made aware about it being on the property line. **Mr. McCormick** asked if the modular homes are cemented or if they are raised from the ground. **Mr. Braddock** said they were not ground set. They brought in modulars from a previous branch. There were no public comments made.

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

(Brad Nesser arrives)

0:08:29

5. Consider a request for a Conditional Use Permit to allow Employee Housing, to operate at the property located at 411 Carlgo St., zoned "C 2" Commercial 2 District.

Michael Braddock approached the podium. **Mr. Patterson** explained the applicant is requesting a Conditional Use Permit to allow the installation of work-force housing, termed Employee Housing, to be located at 411 Carlgo St., zoned "C-2" Commercial 2 District. According to Sec. 56-42 Table 1 of the Zoning Ordinance, Employee Housing is allowed in this zoning with the approval of a Conditional Use Permit. **Mr. Patterson** said if the variance had been approved the Planning Department would've recommenced approval with some conditions; without the variance the City would not allow the units to stay where they are. They would have to move the units and then come back with conditional use request at that time. **Mr. McCormick** asked if they are in favor of the item if the applicant can comply with the setback requirements. **Mr. Patterson** said if the applicant moves the structures out of setbacks they would not need a variance; they could come and ask for a conditional use. If they plan to leave those units in place as they are then we cannot legally give them a conditional use while those are in violation. No other public comments were made.

Mr. Cornum made a motion for approval with the condition that the structures are moved to compliance; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Nesser, and Mr. Cornum.** No—**Ms. Branson.** Absent—**Ms. Wilson.** Abstained—None. The motion carried.

0:14:09

6. Consider a request for a Variance from Sec. 56-100, table 7(1)(j) of the Zoning Ordinance to allow a reduction in the number of required parking spaces from 14 spaces to 10 spaces for the property located at 510 N. Alameda St., zoned "R-2" Residential 2 District.

Juan Garcia is on via telephone. **Mr. Patterson** explained for a request for Variance from Ord. 56-100, table 7(1)(j) states Single-Family Attached Dwelling, including Condominiums and Duplexes – requires two parking spaces for each dwelling unit. Based on a review of the application materials and other staff comments, the Planning Department recommends denial of this request. **Mr. Garcia** said that the property is right behind his house and they only have spaces for ten parking spots and the city would require fourteen spaces. **Mr. Garcia** said that they have seven units but they were only going to fix five units and use the other two units as storage. He said that he lives in the front house and nobody is living in the back dwelling. **Mr. McCormick** asked if he owns the property at 508 N. Alameda. **Mr. Garcia** stated that property belonged to the church. **Mr. Cornum** asked where the current cars at the property are going to park. **Mr. Garcia** said that they would be parking on 510 N. Alameda, parallel to the house or close to the fence. **Mr. Cornum** asked if anyone is currently living at the residence. **Mr. Garcia** said that they are currently uninhabitable.

Mr. McPherson said he's the Pastor of the church next to this property. One concern is that the property has been vacant for some time and the he believes that it was condemned a few years ago. He stated that he's also afraid that eventually the tenants will be parking on the church property. **Mr. McPherson** had some neighbors approach him with their concerns regarding trespassers in the building and the condition of the structure; they are against the request. **Mr. Garcia** said that he is going refurbish the apartments and asphalt the parking spaces.

Mr. Cornum asked if a condition for a fence between the neighbors and the number of spaces can be made with a motion for approval. **Mr. Patterson** said it would give code enforcement the authority to limit how many cars that could be parked there. **Ms. Branson** asked if the building

had been condemned. **Mr. Patterson** said the previous city building inspector did red tag the building and the building was not up to code standards. The City has not taken condemnation action, but it has been red tagged. **Mr. Cornum** asked Mr. Patterson what the process is for this to be condemned. **Mr. Patterson** explained the condemnation for this structure would begin with an inspection from the current building inspector and a submission to Council for a resolution to remedy the property.

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

0:45:22 **7. Consider a request for a Variance from Sec. 56-90(b) of the Zoning Ordinance to allow a reduction in the side property setback from the request 5' to 0' for the property located at 1805 W. Blodgett St., zoned "R-1" Residential 1 District.**

Ronald Drumm approached the podium. **Mr. Patterson** explained Request for Variance from Ord. 56-90(b) to allow a reduction in the side property setback from the required 5' to 0' for the property located at 1805 W. Blodgett St., zoned "R-1" Residential 1 District. Based on a review of the application materials and other staff comments, the Planning Department recommends denial of this request. **Mr. Drumm** said he would like to place a single car carport in his driveway, but it would be 5' away from the side property line. **Mr. Patterson** suggested to the applicant to keep the 5' off the property line then a variance wouldn't be required to place the carport. **Mr. Drumm** explained that he thought he needed a variance from the recorded covenants on the property. **Mr. McCormick** said the board does not have jurisdiction over recorded covenants. **Mr. McCormick** asked Mr. Drumm if would like to withdraw his application. **Mr. Drumm** agreed to withdraw his application. **Mr. Patterson** said he would get with the building department and let them know that he plans to place the carport out of the required side setback.

0:51:47 **8. Consider a request for a Variance from Sec. 47-7 of the Carlsbad Sign Ordinance to allow an increase in the maximum allowable sign height from 35' to 50' for the property located at 1902 E. Greene St., zoned "I" Industrial District.**

Richard Piggot approached the podium. **Mr. Patterson** explained this item is a request for Variance from Sec. 42-7 of the Carlsbad Sign Ordinance to allow an increase in the maximum allowable sign height from 35' to 50' for the property located at 1902 E. Greene St., zoned "I" Industrial District. The applicant would like to erect a sign at the subject location which will be 50' in height in order better alert potential customers of the store location. Based on a review of the application materials and other staff comments, the Planning Dept. recommends approval of this request. **Mr. Piggot** explained that increasing the sign height would provide visibility to travelers on the highway for the convenience store. No Public comments were made.

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

0:55:53 **9. Consider approval of a final plat for the Bhakta Business Park, creating five (5) new commercial lots for development, zoned "C-2" Commercial 2 District.**

Milan Patel via phone. **Mr. Patterson** explains this item is Final Plat for the Bhakta Business Park, creating 5 new commercial lots, zoned "C-2" Commercial 2 District, located west of San Jose Blvd. The lots vary from approximately .77 acres to 2.31 acres in size. The approval and acceptance of the plat will complete the creation of the Bhakta Business Park. Planning Staff recommends approval of this request. **Mr. Patel** explained that the lot has been platted into 6 commercial properties and will now be open to retail businesses, restaurants, and medical offices in addition to the hotel that is in operation. No Public comments were made.

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

0:58:39 **10. Consider approval of a preliminary plat for The Landings, a single family residential subdivision located within the Carlston Ranch Master Planned Development, creating 139 new residential lots for development, zoned "PUD" Planned Unit Development.**

Paul Pompeo approached the podium and **Gary Lane** via phone. **Mr. Patterson** explained the applicant is requesting approval of a preliminary plat showing the plans for 139 new residential lots for development. The zoning for the property currently is "PUD" Planned Unit Development. The property is approximately 29.88 acres in size. The development features 45' street frontages, 25' front setbacks, 5' side setbacks, and 20' rear setbacks, all of which were approved as part of the Carlston Ranch Master Plan. The development will offer streets with 54' of ROW, 4' wide sidewalks, and drainage areas that will detain storm water runoff. Plans have been submitted that provide details for all infrastructure to be installed. The City has been working with **Mr. Pompeo** and **Mr. Lane** on the infrastructure plans and to be sure they are done to the City's specifications. They have approved two previous phases to this development, phases 1A and 1B which will build the entrance roads to the development from National Parks Highway. After review, Planning Staff recommends approval with the following conditions:

1. The design engineer shall provide plans that indicate the location of fire hydrants throughout the development.
2. The developer and engineer shall continue to work with City staff as to the infrastructure installed and the design of the infrastructure.
3. The City's Infrastructure Inspector shall monitor installation of the approved infrastructure.
4. City staff shall inspect and formally accept the infrastructure installed.

Mr. McCormick asked if the applicants understood the City's conditions. **Mr. Pompeo** confirmed that he did and indicated that they have provided plans to indicate the fire hydrants. No further discussion.

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

1:04:42 **11. Consider approval of a preliminary plat for the Gonzalez Line Adjustment, creating four (4) new lots for residential development, located outside of the Carlsbad City Limits.**

Orlando Gonzalez approached the podium. **Mr. Patterson** explained the item to consider a request for a Subdivision of an approximately 19.24 acres, creating 4 lots located west of Avitia

St., outside the Carlsbad City limits. A subdivision plat has been submitted showing the split of a 19.24 acre property into 4 separate lots west of Avitia St., southeast of the Carlsbad City limits. Sec. 47-44(d) of the City's Subdivision Ordinance requires that all newly created properties outside of the City limits but within the 5-mile Platting and Permitting Jurisdiction shall be a minimum of one acre in size, and shall have a minimum of 100' of street frontage. Per the subdivision plat submitted by the applicant, Tract 1 appears to be lacking any definitive street frontage or access easement. **Mr. Patterson** said the surveyor was able to find some part of an access easement along that section on Portillo Road. Based on review the Planning Department recommends approval of this request with the following conditions:

- The surveyor and property owner work toward making each new lot had adequate access.
- The surveyor and owner work to identify how water will be provided to the new lots.
- The surveyor needs to rename the plat accordingly.

Mr. McCormick asked Mr. Gonzalez if he understood the conditions that were made from the Planning Staff. **Mr. Gonzalez** agreed. No Public comments were made.

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

1:08:05 **12. Consider approval of a preliminary plat for Kenny and Carolyn Rayroux Family Estate Subdivision, creating five (5) new residential lots for family members, zoned "R-R" Rural Residential District.**

Kenny Rayroux approached the podium. **Mr. Patterson** explained the applicant is requesting approval of a plat allowing the applicant to divide the existing property into five parcels. The zoning of the property is "R-R" Rural Residential District, and water is served to the property by the City of Carlsbad. The Utilities Department will need to assess the property to determine if the water infrastructure in place is sufficient to serve the additional residential needs. Each lot to be created is approximately 3.70 acres or larger in size. Each property will utilize in ground septic systems for waste water needs. Tracts 1, 2, 3A, and 4A all hold frontage along Sandy Ln. Tract 5 does not front along Sandy Ln, and will be accessed by a new 30' access easement created by this plat. Planning Staff recommends approval with the following conditions:

1. The property owner shall surface the new 30' Access Easement with an all-weather surface to ensure sufficient access to Lot 5 moving forward.
2. The City's Utilities Dept. confirms that the water infrastructure in place is sufficient to service the additional residential development at this location.

Mr. McCormick asked Mr. Rayroux if he understood the recommendations. **Mr. Rayroux** said he think he does, but he would like to get a little more information on the all-weather surface of the road. **Mr. Patterson** said an all-weather surface would be some type of gravel to insure that emergency service can access all the properties. **Mr. Rayroux** said the water line that along Sandy Lane is the City's high pressure loop.

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

01:13:35 **13. Consider a recommendation to the City Council regarding the request to change the zoning at 319 Kircher St. from "C-1" Commercial 1 District to "C-2" Commercial 2 District, legally described as Southridge Replat #2 Amended Tract 47A.**

Mel Cardenas approached the podium. **Mr. Patterson** explained the request for Zone Change from "C-1" Commercial 1 District to "C-2" Commercial 2 District for a parcel totaling approximately 0.85 acres, located at 319 Kircher Street. The properties to the north, south, & west are zoned "R-1" Residential 1 District. The properties to the east are zoned "C-1" Commercial 1 District and "R-1" Residential 1 District. This request would create a spot zone. The applicant is running a welding business at this location and the current zoning does not allow that type of business. Based on a review of the application materials, Planning Staff recommends denial of this request. **Mr. McCormick** asked Mr. Patterson could the applicant apply for a Conditional Use Permit. **Mr. Patterson** explained that the current zoning does not allow for a Conditional Use Permit for that type of business. **Mr. McCormick** asked Mr. Patterson if the ordinance said anything about light welding. **Mr. Patterson** said the ordinance does not differentiate between heavy and light welding. **Mr. Nesser** asked if it was ok as it is for the type it is being "C-1". **Mr. Patterson** said for the type of business to continue the applicant would have to go through with the zone changed.

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

01:21:47 **14. Consider a recommendation to the City Council regarding a request to change the zoning at 3627 Boyd Dr. from "C-2" Commercial 2 District to "I" Industrial District, legally described as the S2NE of Section 24, Township 22 South, Range 26 East.**

Jason Maley approached the podium. **Mr. Patterson** explains the applicant has submitted a request for Zone Change from "C-2" Commercial 2 District to "I" Industrial District for a parcel totaling approximately 80.0 acres, located at 3627 Boyd Drive. The properties to the north, south, & east are zoned "R-R" Rural Residential District. The properties to the west are out of Carlsbad city limits. This request would create a spot-zone, but not something that would be in violation with the zoning ordinance. Based on a review of the application and staff comments, planning staff recommends approval of this request. **Mr. Maley** said they wanted to develop this family land to an industrial use development. **Mr. Dunagan** said he's working with the Maley Family to develop this area. He believes this type of development would comply with Carlsbad's Comprehensive Plan and meet the need for industrial lots. No Public comments were made.

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

01:25:07 **15. Consider a recommendation to the City Council regarding a request to change the zoning at 4412 National Parks Hwy. from "R-R" Rural Residential District to "C-2" Commercial 2 District, for the 1.5 acres located to the east of Tract B of Replat A, Allsup Land Division.**

Brendan Mcardle attended online; District Manager **Dale** approached the podium. **Mr. Patterson** explains the applicant has submitted a request for Zone Change from "R-R" Rural Residential District to "C-2" Commercial 2 District for a parcel totaling approximately 1.50 acres,

located east of 4412 National Parks Highway. The properties to the north, & west are zoned "C-2" Commercial 2 District. The properties to the South & East are zoned "R-R" Rural Residential District. This request would not create a spot-zone. The applicant is requesting a zone change to accommodate a proposed truck parking area to the East. Based on a review of the application and staff comments, Planning Staff recommends approval of this request. **Mr. Patterson** stated that they did get multiple phone calls from the surrounding residents with concerns regarding activities that's been taking place at this Allsup's. Residents in the area are concerned about alleged illegal activity witnessed on the property, particularly in the existing truck parking area. The Planning Department recommends Allsup's employ tighter security. **Mr. Ortega** said he's the current manager and runs the store. He stated such illegal activity has not been brought to his attention. **Mr. McDonald** said he currently lives at 709 W. Chapman which is south from where this proposed resolution would be, he's also retired law enforcement. He has witnessed an increase in foot traffic, trespassers on his property, and alleged solicitation and prostitution in the truck parking area of Allsup's. **Mr. McDonald** also stated that the amount of trash that they have is outrageous and it has not been contained on the property. **Ms. Wyatt** said she lives at 711 W. Chapman. She agreed with Mr. McDonald and confirmed she has also witnessed what Mr. McDonald described. She added that trucks park down Chapman Rd., turning Allsup's into a truck stop, not a convenience store. **Mr. Cornum** asked Mr. Patterson if the parking along Chapman has been brought up as a code violation. **Mr. Patterson** explained code enforcement has been out there a few times to address the parking and Public Works has recently placed "No Parking" signs along that area. **Mr. Wyatt** said he has reached out to City Police, the Sheriff's Department and the Mayor about the problems at Allsup's. He has concerns over the increased traffic in the area as well as the retention pond that has been installed and will be expanded. **Ms. Wyatt** asked if the proposed parking could be installed to the north of Allsup's, along National Parks Hwy. **Mr. Cornum** asked if Allsup's owns the property Northeast. **Mr. Mcardle** stated that they do not own the property to the Northeast, and installing the parking there is not an option. No further discussion.

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

01:45:34 **16. Report regarding Summary Review Subdivisions**

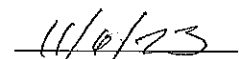
Mr. Patterson reported on the Summary Reviews. Nothing unusual was noted.

01:46:50 **17. Adjourn**

The meeting was adjourned.

01:46:53 Stop Recording [5:46:50 PM]


Chairman


Date