

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, January 8, 2018, 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, January 8, at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held December 4, 2017.
4. Tabled item: Consider an Appeal (Variance) for curb and gutter in Farmview Subdivision 5 from last meeting.
5. Tabled item: Consider an Appeal (Variance) for no sidewalks in Fountain Hills 12 Subdivision from last meeting.
6. Consider a preliminary plat for Farmview Subdivision Phase 5, containing 14 lots.
7. Consider an Appeal (Variance) for a Communications Tower height at 1502 Commerce Drive.
8. Consider allowing Temporary Housing as a Temporary Use at 2009 San Jose Boulevard.
9. Consider a Zone Change at 1020 Mesa Street from R-2 Residential to C-2 Commercial.
10. Consider a Zone Change at 801 N. Halagueno Street from C-2 Commercial to C-1 Commercial.
11. Consider naming a private road, Soldier Lane.
12. Consider a request to vacate a portion of alleyway at 2808 Mountain View Street.
13. Report regarding Summary Review Subdivisions.
14. Adjourn.

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 MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, JANUARY 08, 2018, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES MCCORMICK  
BRIGIDO GARCIA  
LASON BARNEY  
BRAD NESSER**

**COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES KNOTT**

**CHAIRPERSON**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD  
RON MYERS**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR  
DIRECTOR OF UTILITIES**

**SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING AND REGULATION  
DEPARTMENT SECRETARY**

**OTHERS PRESENT:**

**JON PUTMAN  
CHAD BRADFORD  
ADRIAN MANRIQUEZ  
DAVE CHURCH  
ALBERT & TERRY MOISA  
AMANDA MASHAW  
SHELLY & ORIN GARRIOTT  
AMI & JOHN BRATCHER  
SHARON BENTLEY  
RODNEY DAVIDSON  
OFFICER C. GARCIA**

**5231 S. TIDWELL  
5509 SOUTHFORK  
LAS CRUCES, NM  
LAS CRUCES, NM  
2808 MOUNTAIN VIEW  
212 W. STEVENS  
1423 S. COUNTRY CLUB  
5404 SIOUX ROAD  
801 N. HALAGUENO  
1502 E. COMMERCE DRIVE  
101 N. HALAGUENO**

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

0:00:00 Start Recording [5:01:05 PM]

0:00:28 **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. Nesser, Mr. McCormick, Mr. Barney, Mr. Garcia; Absent—Mr. Knott.

0:00:29 **2. Approval of Agenda.**

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

0:01:04        **3. Approval of Minutes from Meeting held December 4, 2017.**

**Ms. Goad** explained that there needed to be corrections on Item 4 and Item 5 of the Minutes for December 4, 2017. They both had a tie vote the first time and were both tabled by unanimous vote the second time. There were no votes against tabling the items either time.

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

0:03:20        **4. Tabled item: Consider an Appeal (Variance) for curb and gutter in Farmview Subdivision 5 from last meeting.**

Because the applicant has withdrawn the request for a variance, **Mr. Barney** made a motion to remove the item from table, which was seconded by **Mr. Nesser**. The vote was as follows: **Yes–Mr. Nesser, Mr. McCormick, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent– **Mr. Knott**. The motion carried.

0:04:45        **5. Tabled item: Consider an Appeal (Variance) for no sidewalks in Fountain Hills 12 Subdivision from last meeting.**

Because the applicant has withdrawn the request for this variance as well, **Mr. Nesser** made a motion to remove the item from table, which was seconded by **Mr. Garcia**. The vote was as follows: **Yes–Mr. Nesser, Mr. McCormick, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent– **Mr. Knott**. The motion carried.

0:05:22        **6. Consider a preliminary plat for Farmview Subdivision Phase 5, containing 14 lots.**

**Mr. Church** and **Mr. Manriquez**, engineers on the project, represented **Mr. Walterscheid** and **Mr. Thurston** in the matter. There was mention of a pending variance for the project. There was no public comment. Planning recommended approval (which was incorrectly listed as recommendation for denial on the ABM).

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

0:12:22        **7. Consider an Appeal (Variance) for a Communications Tower height at 1502 Commerce Drive.**

**Ms. Goad** explained that the FAA had already approved the taller tower and there were no findings by them. Engineers had proved that the extra height was necessary for the tower to communicate with the next tower. Staff recommended approval. **Mr. Davidson**, from Oxy, added that they needed this path profile in order to have reliable communication for development in the oilfield that is taking place and for current infrastructure. In answer to a question, he said the tower is self-supporting for J-rated winds (90-120 m.p.h.). There was also a question whether tethering the tower to the building would affect function. **Mr. Davidson** said it would not. If required, they could do that. **Mr. Patterson** stated that the fall radius does not reach outside the property lines. There was no public comment.

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

0:26:26        **8. Consider allowing Temporary Housing as a Temporary Use at 2009 San Jose Boulevard.**

**Mr. Patterson** explained that the parcel is zoned R-R, and the applicant has provided a detailed site plan with spacing and setbacks. There are to be 150 RV's and 19 crew units. There will be an all-weather base course accesses and a perimeter fence. All electrical plans will need to meet code to get approval for an electrical permit. Staff recommended approval. **Mr. Putman** and **Mr. Bradford** were there to answer any questions regarding the project. **Ms. Goad** noted that they had done an excellent job on layout and detail for the plans. There was no public comment.

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

0:33:01        **9. Consider a Zone Change at 1020 Mesa Street from R-2 Residential to C-2 Commercial.**

**Mr. & Mrs. Bratcher**, hoping to purchase the property to move their business there from another location, and **Ms. Mashaw**, representing the owner of the property, came forward to present the request. **Mr. Patterson** explained that the property abuts C-2 to the north and is surrounded by R-2 on the other sides. The Planning Department recommended approval. He reminded everyone that once the zone is changed, the owner is allowed to put anything on the property that is allowed for that zoning. He is not restricted to any certain business. There was no public comment.

**Mr. Garcia** motioned to recommend approval of the Zone Change the City Council. **Mr. Nesser** seconded the motion. The vote was as follows: **Yes**—**Mr. Nesser, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No**—None; **Abstained**—None; **Absent**—**Mr. Knott**. The motion carried.

0:44:26        **10. Consider a Zone Change at 801 N. Halagueno Street from C-2 Commercial to C-1 Commercial.**

**Ms. Bentley**, owner of Attitudes Salon on the corner of Church and Halagueno Streets, explained that she lives where she has her business. She learned that in the present zoning, if her building were destroyed, then she couldn't rebuild to live there. The zoning doesn't allow that. If the zoning is changed to C-1, then she can rebuild a residential structure to live there, as she has always done. Staff recommended approval. There was no public comment.

**Mr. Barney** made a motion to recommend approval of the Zone Change. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes–Mr. Nesser, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No–None; Abstained–None; Absent–Mr. Knott**. The motion carried.

0:49:18      **11. Consider naming a private road, Soldier Lane.**

**Ms. Goad** told the group that the City doesn't usually ask applicants to attend for naming of a road. It is necessary for addressing purposes and safety (911). The applicant for this private road wants to put in a free kennel for use by active-duty servicemen and women, so she wanted a military-themed name. It was confirmed that the road is only being named and will still be maintained privately by the owner.

Motion was made by **Mr. Nesser** to name the private road "Soldier Lane". Second was made by **Mr. Garcia**. The vote was as follows: **Yes–Mr. Nesser, Mr. McCormick, Mr. Barney, Mr. Garcia**; **No–None; Abstained–None; Absent–Mr. Knott**. The motion carried.

0:55:02      **12. Consider a request to vacate a portion of alleyway at 2808 Mountain View Street.**

**Mr. & Ms. Moisa** were present to request a vacation of a portion of an alleyway. They own property on either side of the alley. Their neighbors do not want to vacate the portions behind their properties, in case they need to drive down the alley to reach the back of their properties. **Mr. Patterson** said there are no utilities in the alley. The City has no objections to vacating the alley between the properties belonging to the Moisas. There was no public comment.

**Mr. Garcia** motioned to recommend approval of the Vacation. **Mr. Nesser** seconded the motion. The vote was as follows: **Yes–Mr. Nesser, Mr. McCormick, Mr. Garcia**; **No–Mr. Barney; Abstained–None; Absent–Mr. Knott**. The motion carried.

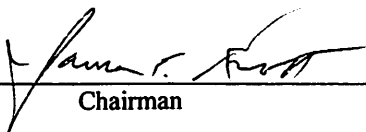
1:05:38      **13. Report regarding Summary Review Subdivisions.**

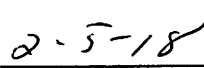
There was brief discussion regarding each plat in the report.

1:15:43      **14. Adjourn.**

There being no further business, the meeting was adjourned.

1:15:50      Stop Recording [6:16:56 PM]

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Date