

ORDINANCE NO. 2018- 23

AN ORDINANCE APPLYING "R-R" RURAL RESIDENTIAL DISTRICT ZONING FOR AN APPROXIMATELY 5.17 ACRE PROPERTY, LOCATED AT 912 STANDPIPE ROAD, LEGALLY DESCRIBED AS LYING BETWEEN THE CURRENT CORPORATE BOUNDARY AND THE NEW SOUTHERLY LINE OF TRACT 1A, CREATED BY THE BRIAN STEVENS LINE ADJUSTMENT PLAT, PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

The official zoning map of the City is hereby amended to apply "R-R" Rural Residential District zoning for an approximately 5.17 acre property, located at 912 Standpipe Rd., Carlsbad, NM, legally described as:

LYING BETWEEN THE CURRENT CORPORATE BOUNDARY AND THE NEW SOUTHERLY LINE OF TRACT 1A, CREATED BY THE BRIAN STEVENS LINE ADJUSTMENT PLAT

INTRODUCED, PASSED, ADOPTED AND APPROVED this 14th day of August, 2018.

DALE JANWAY, MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, July 2, 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, July 2, 2018 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 June 4, 2018.
4. Consider recommendation to Council for an Annexation of approximately 5.17 acres located south of 912 Standpipe Rd.
5. Consider recommendation to Council for an Application of "R-R" Rural Residential Zoning for approximately 5.17 acres located south of 912 Standpipe Rd.
6. Consider approval or denial of a Conditional Use Permit for a Communications Tower to be located at 1102 W. Pierce St.
7. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Highway.
8. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 600 Kircher St.
9. Consider recommendation to Council for Temporary Use Permit for Temporary Housing to be located at 712 Kircher St.
10. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 1' at 801 N. Edward St., zoned "R-1" Residential 1 District.
11. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 0' at 1612 Westridge Rd., zoned "R-1" Residential 1 District.
12. Consider recommendation to Council for a Zone Change request for approximately 0.17 acres, located at 113 S. Guadalupe St., "C-2" Commercial 2 District to "R-2" Residential 2 District.
13. Consider recommendation to Council for a Zone Change request for approximately 74.14 acres, located at 3021 San Jose Blvd., "R-1" Residential 1 District to "C-2" Commercial 2 District.
14. Consider recommendation to Council for a Zone Change request for approximately 1.3 acres, located at 2017 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.
15. Report regarding Summary Review Subdivisions.

16. 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.

DRAFT

MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, JULY 2, 2018, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

NONE

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
RON MYERS
TRYSHA CARRASCO**

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

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**GEORGE DUNAGAN
RODYNEY DAVIDSON
SUSAN M. CRENSHAW
VICTORIA A. ROMERO
KERRI DUNAGAN
WILLIAM WALKER
AMANDA MASHAW
TAMMY RUIZ
RONNIE RUIZ
BART FRINTZ
J.R. GARNER
BRIAN MCGONAGILL
NIKI LAWSON
OFFICER C. GARCIA**

**212 W. STEVENS
1801 CR 395, BROWNFIELD, TX
609 W. RIVERSIDE
609 W. RIVERSIDE
1411 W. ORCHARD LN.
401 WALKER FARM RD.
212 W. STEVENS
801 N. EDWARDS ST.
801 N. EDWARDS ST.
301 N. ALAMEDA
1812 INDIAN RD.
1612 WESTRIDGE
212 W. STEVENS
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 [5:00:37 PM]

0:00:17 **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. Garcia, Mr. Barney, Mr. McCormick, Mr. Knott, Mr. Nesser**; Absent—None.

0:00:44 **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. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.

0:01:22 **3. Approval of Minutes from Meeting held June 4, 2018.**

Mr. McCormick made a motion to approve the Minutes; **Mr. Nesser** 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.

0:01:54 **4. Consider recommendation to Council for an Annexation of approximately 5.17 acres located south of 912 Standpipe Rd.**

Mr. Patterson explained the Annexation of approximately 5.17 acres lying between the current corporate boundary and the new southerly line of Tract 1A, created by the Brian Stevens Line Adjustment Plat, located east of Standpipe Rd. and south of Lea Street. He signed the plat when they were going to move the property line down so it's not complete. **Mr. Frintz** said there's an existing RV Park to the north; the request will extend the north property to the south as phase 2, being that this property is in the county and city. **Mr. Patterson** said planning staff recommends approval based on the following findings as you see on page 12 & 13 on your packet under planning staff recommendation. There was no public comment.

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

0:09:32 **5. Consider recommendation to Council for an Application of "R-R" Rural Residential Zoning for approximately 5.17 acres located south of 912 Standpipe Rd.**

Mr. Patterson explained that they want to change the Zoning, corresponding with the Annexation that was just recommended. Planning staff recommends approval. **Mr. Frintz** said he would like for the board to recommend approval to this request, expanding the property to mirror image to the north of the property. There was no public comment.

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

0:11:47 **6. Consider approval or denial of a Conditional Use Permit for a Communications Tower to be located at 1102 W. Pierce St.**

Mr. Patterson explained this is a Conditional Use Application for a communications tower at 1102 W. Pierce Street. The applicant plans to install a 60' temporary communications tower. Planning staff recommends approval based on the following condition, if approved the project would require engineered drawings stamped by a NM licensed engineer, showing compliance with not only the Building Code but compliance with all FCC and FAA regulations. **Mr. Davidson** said he would like for the board to recommend approval to this communications tower. There was no public comment.

Mr. Garcia made a motion to approve the Conditional Use, and **Mr. Nesser** 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.

0:16:48 **7. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Highway.**

Mr. Knott said the applicant is not present; this item will be tabled for the next regular scheduled meeting.

Mr. McCormick made a motion to table the request for a Temporary Use Permit, and **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.

0:18:13 **8. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 600 Kircher St.**

Mr. Patterson explained this application is to consider allowing Temporary Housing as a Temporary Use at 600 Kircher Street, legally described as Petroleum Park Unit Three, Lot 16, and Zoned “C-2” Commercial 2 District. He wants to have 54 spaces on this property. Planning staff recommends approval. **Mr. Walker** said he would like for the board to approve this item because oilfield people need somewhere to live. There was no public comment.

Mr. Nesser made a motion to recommend approval of a Temporary Use Permit, and **Mr. McCormick** 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.

0:21:08 **9. Consider recommendation to Council for Temporary Use Permit for Temporary Housing to be located at 712 Kircher St.**

Mr. Patterson explained this is to consider allowing Temporary Housing as a Temporary Use at 712 Kircher Street, legally described as Petroleum Park Unit Three, Lot 14 Zoned “C-2” Commercial 2 District. He would like for Mr. Walker to get with Solid Waste Dept. and find out where the dumpsters are going to be placed. This is an identical request to the previous item, Planning staff recommends approval. **Mr. Walker** said this is the same as the previous item; we just need for the oilfield people a place to live. There was no public comment.

Mr. Barney made a motion to approve the Temporary Use Permit. **Mr. Nesser** 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.

0:23:32 **10. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 1' at 801 N. Edward St., zoned "R-1" Residential 1 District.**

Mr. Patterson explained this is a request for a Variance the applicant is requesting to reduce the setback to 1’ rather than 10’. The applicant plans to install a 50’X24’ garage at the rear of the property. This proposed location of the new garage will encroach upon the 10’ required setback for a corner lot in ‘R-1’

zoning. The applicant has stated that this reduction is needed in order to make the proposed garage more feasible. **Ms. Ruiz** said she would like for the board to recommend approval for her Variance. **Mr. Patterson** said planning staff does recommend approval. There was no public comment.

Mr. Garcia made a motion to approve the Variance, and **Mr. Nesser** seconded that 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.

0:27:04 **11. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 0' at 1612 Westridge Rd., zoned "R-1" Residential 1 District.**

Mr. Patterson explained this is a request for Variance the applicant is requesting to reduce the setback to 0' rather than 10' in order to install a RV carport along the west side of the property. The applicant states the carport will be even with the block fence at the property to the north, and that this reduction is needed in order to make the proposed carport more feasible. The Utilities dept. has a concern with the Variance at 1612 Westridge. The water main line is located 4 to 5 feet behind the back of the curb. Having a structure built this close may cause maintenance problems in the future. Planning Department recommends denial. **Mr. McGonagill** said he wasn't aware of the water line there when he moved to the house. **Mr. McGonagill** expressed concern that he was not told of the potential issue before coming before the board. **Mr. Patterson** said the Utilities came to him with the problem. There was no public comment.

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

0:41:43 **12. Consider recommendation to Council for a Zone Change request for approximately 0.17 acres, located at 113 S. Guadalupe St., "C-2" Commercial 2 District to "R-2" Residential 2 District.**

Mr. Patterson explained this is a request for Zone Change from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.17 acres, legally described as Lot 13, Block 95, Stevens Second Addition, located at 113 S. Guadalupe St. The properties to the north, east, and west are zoned "C-2" Commercial 2 District. The properties to the south across Fox St. are zoned "R-2" Residential 2 District and "C-1" Commercial 1 District. This zone change would not create a spot zone. **Ms. Dunagan** said she's the realtor and they could not sell the property under C2. **Ms. Crenshaw** said she would like for the board to recommend approval for the Zone Change. **Mr. Patterson** said based on review of the application and staff comments, planning staff recommends approval of this request based on the following findings, which would be on page 123 in your packet. There was no public comment.

Mr. Barney made a motion to approve the Zone Change, and **Mr. Garcia** seconded that 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.

0:46:01 **13. Consider recommendation to Council for a Zone Change request for approximately 74.14 acres, located at 3021 San Jose Blvd., "R-1" Residential 1 District to "C-2" Commercial 2 District.**

Mr. Patterson mentioned that there would be some corrections to this item. The applicant is requesting a Zoning Change from "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 74.14 acre property located at 3021 San Jose Blvd. (addressed as 3000 San Jose Blvd. in the Assessor's records). The properties to the north are currently zoned "C-2" Commercial 2 District. The properties to the south are zoned "R-R" Rural Residential District and "PUD" Planned Unit Development District. The properties to the east are zoned "R-1" Residential 1 District. The properties to the west are zoned "I" Industrial District. As such, this zone change would not create a spot zone. **Mr. Dunagan** said he would like for the board to recommend approval to this Zone Change. **Mr. Patterson** said planning staff recommends approval of this request based on the following findings, which you can see in your packet on page 138.

Mr. Garcia made a motion to approve the Zone Change, and **Mr. Nesser** seconded that 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

0:53:11 **14. Consider recommendation to Council for a Zone Change request for approximately 1.3 acres, located at 2017 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.**

Mr. Patterson explained the applicant is requesting a Zone Change from "R-R" Rural Residential District to "C-2" Commercial 2 District for a portion of Tract 2, Old Rose Farm #3. This property is approximately 1.3 acres in size and lies on the west side of San Jose Blvd. The properties to the north are currently zoned "R-1" Residential District. The properties to the south, west, and north are all zoned "R-R" Rural Residential District. The property to the east is zoned "C-2" Commercial 2 District. As such, this zone change would not create a spot zone. **Mr. Dunagan** said this would also be the same request as the previous item. **Mr. Patterson** said planning staff recommends approval of this request based on the following findings, you will see in your packet on page 161.

Mr. Nesser made a motion to approve the Zone Change, and **Mr. Garcia** seconded that 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

0:55:41 **15. Report regarding Summary Review Subdivisions.**

There was brief discussion regarding some of the plats in the report.

1:00:05 **16. Adjourn.**

There being no further business, the meeting was adjourned.

1:00:10 Stop Recording [6:00:34 PM]

Chairman

Date