

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**August 7, 2017, 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, August 7, 2017, 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 Meeting held July 10, 2017.
4. Consider a recommendation to the City Council for a Zone Change located at 807 N. Main St.
5. Consider an Appeal (Variance) for a side setback located at 1412 Normandy St.
6. Consider an Appeal (Variance) for Lot size at 307 N. Tenth St.
7. Consider approval of a Conditional Use Application for Communications Tower located at 1207 W. McKay St.
8. Consider a recommendation to the City Council for a Zone Change located at the corner of Old Cavern Hwy. and Farris St.
9. Consider approval of a Preliminary Plat for Martin Farms Subdivision.
10. Consider a recommendation to the City Council for an Annexation Located at 5000 W. Church St.
11. Consider a recommendation to the City Council for an application of Zoning at 5000 W. Church St.
12. Consider a recommendation to the City Council for a Zone Change located at 5000 W. Church St.
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, AUGUST 7, 2017, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES MCCORMICK**

**COMMISSION SECRETARY**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD  
RON MYERS  
PAT CASS**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR  
DIRECTOR OF PUBLIC WORKS  
DIRECTOR OF UTILITIES**

**SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING AND REGULATION  
DEPARTMENT SECRETARY**

**OTHERS PRESENT:**

**TERINA LINES  
FRANK WITT  
GEORGE DUNAGAN  
SCOTT HICKS  
STEPHEN MCGUIRK  
ETHAN PRESCOTT  
RICHARD RHODES  
PHILLIP WALTERSCHEID  
JOSH WALTERSCHEID  
DIANA & JASON DORADO  
STEVE WALTERSCHEID  
JEFF CAMPBELL  
RONNIE WALTERSCHEID  
GARY WALTERSCHEID  
WARREN CREASON**

**TECTONIC ENGINEERING  
PECOS VALLEY POLYSTEEL  
212 W. STEVENS  
SMITH ENGINEERING  
LEON CAPITAL GROUP  
LEON CAPITAL GROUP  
CARLSBAD MENNONITE CHURCH  
6430 TIDWELL  
4406 FERGUSON  
1412 NORMANDY  
1706 E. WOOD  
400-2 CASCADES AVE  
  
BAR W FARMS  
CREASON REALTY**

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 [4:59:21 PM]

0:00:22      **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. Knott, Mr. Garcia; Absent— Mr. McCormick, Mr. Barney. (Mr. Barney arrived at 5:12 and was present for the remainder of the meeting.)

0:00:42

**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. Knott, Mr. Garcia**; No–None; Abstained–None; Absent– **Mr. McCormick, Mr. Barney.** (Mr. Barney arrived at 5:12 and was present for the remainder of the meeting.) The motion carried.

0:01:28

**3. Approval of Minutes from Meeting held July 10, 2017.**

**Mr. Nesser** made a motion to approve the Minutes, **Mr. Garcia** seconded the motion. The vote was as follows: **Yes–Mr. Nesser, Mr. Knott, Mr. Garcia**; No–None; Abstained–None; Absent– **Mr. McCormick, Mr. Barney.** (Mr. Barney arrived at 5:12 and was present for the remainder of the meeting.) The motion carried.

0:03:36

**4. Consider a recommendation to the City Council for a Zone Change located at 807 N. Main St.**

**Mr. Patterson** presented the request for a zone change for three lots. He indicated that this will rectify a spot zone. Staff is in favor of recommending approval. On hand were **Mr. McGuirk, Mr. Prescott, and Mr. Creason** to answer any questions about the request. They reiterated that they wanted to resolve a zoning incongruity. There was no public comment.

**Mr. Nesser** made a motion to recommend the Zone Change, **Mr. Garcia** seconded the motion. The vote was as follows: **Yes–Mr. Nesser, Mr. Knott, Mr. Garcia**; No–None; Abstained–None; Absent– **Mr. McCormick, Mr. Barney.** (Mr. Barney arrived at 5:12 and was present for the remainder of the meeting.) The motion carried.

0:10:40

**5. Consider an Appeal (Variance) for a side setback located at 1412 Normandy St.**

**Mr. and Mrs. Dorado** came forward to answer any questions about their request. **Ms. Goad** said the variance will leave 17' to the back of the curb, so there will not be a line-of-site issue. Many other homes in the neighborhood are built to the lot line, so it would not be an aesthetic violation. Staff recommended approval.

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

0:16:59

**6. Consider an Appeal (Variance) for Lot size at 307 N. Tenth St.**

**Ms. Goad** presented the issue. She explained that the lot on the corner of Tenth and Arkansas has a great slope, so it would be difficult to build a single house there. This would be for affordable housing on smaller lots. The setbacks match those already present in the neighborhood. Staff recommends approval of the variance to stay within the R-1 zoning, but make it buildable and affordable. **Mr. Witt** added that there is a need for affordable housing. Houses are sold before they are built. This will make the area look

nice, and is no detriment to the neighborhood. There will be paved, concrete driveways. Placing two homes will make it price-efficient. There was no public comment.

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

0:26:02        **7. Consider approval of a Conditional Use Application for Communications Tower located at 1207 W. McKay St.**

**Ms. Goad** presented the request for a 64’ stealth monopole on property owned by Central Christian Church. The church has contracted with Verizon to install a tower that looks like a tree. The collapsible pole is designed to stay within the prescribed area, if it falls. The church is in the process of having a lot line erased, so that the tower is not too close to the property line. The fall radius will be completely contained on the property. **Ms. Lines**, from Tectonic Engineering, represented Verizon at the meeting. She said that Verizon is responding to demand and an increased need for coverage. 70% of 911 calls are wireless, which drives the need for greater capacity and coverage. During public comment, **Mr. Rhodes** wanted to confirm that it would not fall on his church across the street. He commented that the photo of a similar tower did, indeed, look like a tree. If it improved service, then he was all for it.

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

0:36:28        **8. Consider a recommendation to the City Council for a Zone Change located at the corner of Old Cavern Hwy. and Farris St.**

**Mr. Patterson** explained that the applicant’s property is 13.88 acres of farm and field, where they want to put a single-family residential development. The property would accommodate that size of lots, and Unit 1 is adjacent to R-1, so it would not be a spot zone. Staff was in favor of recommending approval. **Mr. Dunagan, Mr. Hicks, and Steve and Gary Walterscheid** were on hand to support the application and answer any questions. **Mr. Dunagan** expressed that they wanted to move forward on Unit 1 of a standard planned city subdivision. During public comment, **Phillip Walterscheid** wanted to clarify what was included. **Mr. Patterson** answered that this zone change would be for Unit 1. It is the only item being considered at this time.

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

0:44:21        **9. Consider approval of a Preliminary Plat for Martin Farms Subdivision.**

**Mr. Patterson** presented the request for approval of Martin Farms Subdivision Unit 1. He noted that construction plans were part of the packet. The houses will be facing and addressed to the new street to be put in. Applicants are working on the drainage plan, and they intend to connect to City water and sewer. Planning Department recommend approval (provided several listed conditions were met). There was discussion that a financial guarantee might be required or the C of O might be held until the sidewalks are in place. Developers don’t want to put them in ahead of time, because trucks used for construction damage them.

During public comment, **Ronnie Walterscheid** expressed concern about drainage and that their farm will be cut off. All the run-off from the Farmview subdivision is dumping on them now, and that subdivision had a drainage plan, too. **Mr. Hicks** said it is their job to address the current run-off with detention ponds and park areas. **Phillip Walterscheid** said that Farmview was approved to hold water on each property, but property owners broke [the berms] and the water flows to their property now. **Mr. Patterson** and **Mr. Dunagan** agreed that the berms were broken to build fences. They explained that it is written in the restrictive covenants, but is not in the City ordinance. Enforcement is up to the majority of homeowners in the subdivision. **Mr. Dunagan** explained that in this new subdivision cinderblock or R-panel fences will be on all property. Water will flow to the street and to retention ponds.

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

1:18:11      **10. Consider a recommendation to the City Council for an Annexation Located at 5000 W. Church St**

**Mr. Patterson** represented the City in the annexation of property located at the corner of Church Street and Happy Valley Road. He pointed out that the address is not a good address, but is applied currently. Someone wants to put a mental health facility at the location, but part of the building itself is in the County. There was no public comment.

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

1:24:15      **11. Consider a recommendation to the City Council for an application of Zoning at 5000 W. Church St**

In conjunction with the item before, **Mr. Patterson** asked that C-1 be the assigned zoning for the property. That is the correct zone for the facility that will be there. It may not be operated by the City, but the City will own the property. This way, it will be simpler, because they won't need a conditional use to operate there. Adjacent property is R-R. Planning is asking for recommendation of approval.

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

1:29:19      **12. Consider a recommendation to the City Council for a Zone Change located at 5000 W. Church St.**

In regards to the same property as the previous two items, **Mr. Patterson** asked that the portion of the property already within the city (currently zoned R-R) be changed to C-1 zoning. This will accommodate the proposed purpose of the property and provide both sides of the building with the same zoning designation.

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

1:31:40      **13.      Report Regarding Summary Review Subdivisions.**

There was a brief discussion regarding the plats signed by the commission designees during the previous month.

1:33:55      **14.      Adjourn.**

There being no further business, the meeting was adjourned.

1:34:02      Stop Recording [6:33:23 PM]

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date