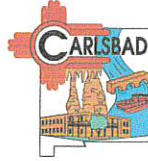


**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**April 3, 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, April 3, 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 March 6, 2017.
4. Consider a recommendation for a Zone Change at 201, 203, & 205 E Pierce from "R-1" Residential District to "C-1" Commercial District.
5. Consider a recommendation for a Zone Change at 2806 & 2808 San Jose Blvd. from "R-1" Residential District to "C-2" Commercial District.
6. Consider a recommendation for a Zone Change at 2126 & 2128 San Jose Blvd. from "C-2" Commercial District to "R-2" Residential District.
7. Consider a Temporary Use Permit for Employee Housing located at 3306 Harvest Ln.
8. Report regarding Summary Review Subdivisions.
9. Adjourn.

FOR INFORMATION ONLY

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site: [cityofcarlsbadnm.com](http://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, May 1, 2017 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 MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, APRIL 3, 2017, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
WANDA DURHAM  
BRIGIDO GARCIA  
LASON BARNEY**

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES MCCORMICK**

**COMMISSION SECRETARY**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
GEORGIA GOAD**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR**

**EXECUTIVE SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING, ENGINEERING  
AND REGULATION DEPARTMENT  
EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**RICHARD T. JOHNSON  
RODNEY HOLCOMB  
GARY JOHNSON  
ELVIRA JOHNSON  
ELBA FARRELL  
WESLEY CARTER  
CHELSEA BUSSELL  
ROBYN HYDEN  
THEODORE POPE  
RACHEL POPE  
RICHARD FARRELL**

**2809 PROSPECT  
1701 MUSCATEL  
204 POPLAR  
204 POPLAR  
208 POPLAR  
609 CULPEPPER  
1701 MUSCATEL  
308 WHO WHO DR.  
6005 GRANDI  
6005 GRANDI  
1403 W. RIVERSIDE DR.**

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 [5:01:53 PM]

0:00:21 **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– Ms. Durham, Mr. Knott, Mr. Garcia, Mr. Barney. Absent– Mr. McCormick.

0:00:43 **2. Approval of Agenda.**

**Mr. Patterson** read out loud what "C-1" consist of. We would have to find out when the body shop started and what the zoning was back at that time. **Mr. Johnson** said if you change owners then it changes all of it. **Mr. Patterson** said this read that it runs with the land not the owner. When the use was taken in effect which was 2011 all uses that were existing at the time are allowed continue. What this provision does is that if **Mr. Holcomb** wanted to continue the current use of the property that was there when this zoning ordinance was passed he can do so without having to change any zoning or make any changes to the property he can't increase the existing business or change it in any way if he changes the property he would have to fully comply with the zoning ordinance. **Mr. Johnson** said doesn't that assume that when that business was started that area was zoned Commercial. **Mr. Patterson** said he would have to find that out. **Mr. Johnson** said it's still zoned Residential. **Mr. Patterson** said "yes" it's still zoned Residential it was still zone like that in the previous zoning ordinance. **Mr. Johnson** says that it was illegally built. **Ms. Goad** said she doesn't think there were any zoning that far back in the past. **Mr. Johnson** said the fact that there's a junk yard there with old beat up cars he can keep that there and sell it as is. **Mr. Patterson** said if there are any code violations they can be addressed, but if he wanted to continue the used as the body shop it that's what the use is currently then the ordinance allows him to do that. **Mr. Holcomb** asked if he sold it and someone still wants to use it as a body shop it runs with the property not with him. **Mr. Patterson** said the new property owner would be able to continue the business as is. **Mr. Knott** asked if they moved those structures and put in new structures could they still use it as a body shop. **Mr. Patterson** said they could remodel the existing building to continue to use as a body shop once you take out the buildings that exist then the use has going away. **Mr. Johnson** said he wants to understand that if he chooses to they could continue the same kind of business, but wouldn't that be depending on whether it was zoned Commercial when that business was first started. The City hasn't done anything with the junk cars and he's not sure when it was zoned or why it would've been changed after the body shop. Justify that it was not zoned Residential when they started the business and if it was then they can't have that business there. But if it wasn't if it was zoned Commercial what was the justification to change it to Residential to where it is now. Someone needs to go back and looks at the records. **Ms. Durham** asked if he's called the City and make complain about the junk cars. **Mr. Johnson** said "no" they were new to the city 11 years ago and didn't want any trouble back then but now since this has come up now he doesn't want it to keep heading in the wrong direction. **Mr. Knott** said when there is a citizen report then the City Code Enforcement will act on it. **Ms. Hyden** said the buildings were brought in from the Airport and it was originally a construction company, then it went to a body shop. Just like **Mr. Holcomb** said it's always been Commercial property. The property is currently in probate and the children are trying to sell the property so as they speak he is cleaning up the area.

**Mr. Knott** made a motion to consider the recommendation for a Zone Change at 201, 203, & 205 E Pierce from "R-1" Residential District to "C-1" Commercial District. **Mr. Barney** seconded the motion. The vote was as follows: Yes—**Mr. Knott, Mr. Barney, Mr. Garcia**; No—**Ms. Durham**; Abstained—None; Absent—**Mr. McCormick**. The motion carried.

0:31:38      **5. Consider a recommendation for a Zone Change at 2806 & 2808 San Jose Blvd. from "R-1" Residential District to "C-2" Commercial District.**

**Ms. Goad** explained **Mr. Carter** has property located at 2806 & 2808 San Jose Blvd. and he's asking for "C-2" Commercial. Just north of the subject properties it's already zoned "C-2" and he wants to rezone the two southern pieces to match the northern piece. He wants all his property to be one zoning (looking at the map) there are mixed zoning so there would not be a spot zone. **Mr. Carter** said that the northern part of the property already is zoned "C-2" Commercial and he's demolished the two buildings that were there and cleaned up the area. He said he bought some storage building so he's wanting to place them there. **Mr. Johnson** said he lives 2809 Prospect St. right behind **Mr. Carter's** property and he knows that

he wants to put up a fence. He asked what "C-2" Commercial consists of. **Mr. Patterson** mentions what types of businesses that could be there. What he understood that it was going to be storage for RV places. **Mr. Knott** said anything that's allowed in "C-2" business they could put there. **Mr. Carter** asked to make **Mr. Johnson** ease his mind that if he changed his zoning to "C-1" because it's more tightly regulated neighborhood related type business instead of "C-2". **Mr. Johnson** said if it was "C-2" Commercial and **Mr. Carter** decides to sell years from now and the new owners would then put a convenience store or something that was 24 hours right behind his backyard that would be his disagreement. **Mr. Patterson** said **Mr. Carter** can change it but then it would be a spot zone. The applicant can make the case where he's listening to the concerns of the neighborhood and come back to the application in order to address those concerns. **Mr. Johnson** said there is no alleys there all that's there is easement for the sewer.

**Mr. Carter** said he would like to amend his application for the two properties on 2806 & 2808 San Jose Blvd. to go from "C-2" to "C-1".

**Mr. Garcia** made a motion to recommend approval of the Zone Change at 2806 & 2808 San Jose Blvd. from "R-1" Residential District to "C-1" Commercial District, and **Ms. Durham** seconded the motion. The vote was as follows: Yes—**Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; No—None; Abstained—None; Absent—**Mr. McCormick**. The motion carried.

0:42:14        **6. Consider a recommendation for a Zone Change at 2126 & 2128 San Jose Blvd. from "C-2" Commercial District to "R-2" Residential District.**

**Mr. Patterson** explained that the applicant is requesting Zone Change from "C-1" Commercial District to "R-2" Residential District for Lots 25, 26, 27 & 28, Block 2, San Jose 3<sup>rd</sup> Addition, located at 2126 & 2128 San Jose Blvd along with 324 Plum St. & 325 Peachtree St. Based on review of the application and staff comments, planning staff recommends approval of this request. It will be a spot zone however it would be residential abutting single family residential there is not "R-2" adjacent to it. **Mr. Pope** said there's a blanket zoning over lay that just got applied years ago. The area around it everything adjacent to it is already residential so it had a "C-2" applied to it which further down south makes sense to change it. **Ms. Goad** said the lots are a little smaller. **Mr. Patterson** said it doesn't meet any of the minimum frontage requirements. Later on you could ask for a variance once you start to build. **Ms. Goad** said with "R-2" he could have more choices with what's existing. There were no public comments.

**Mr. Barney** made a motion to recommend approval of the Zone Change at 2126 & 2128 San Jose Blvd. from "C-2" Commercial District to "R-2" Residential District, and **Ms. Durham** seconded the motion. The vote was as follows: Yes—**Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; No—None; Abstained—None; Absent—**Mr. McCormick**. The motion carried.

0:48:06        **8. Report Regarding Summary Review Subdivisions.**

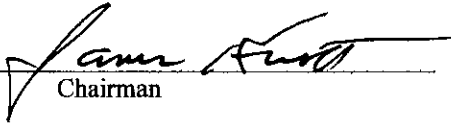
There was brief discussion of the plats signed by the commission designees during the previous month.

0:51:12        **9. Adjourn.**

There being no further business, the meeting was adjourned.

0:51:20

Stop Recording [5:53:14 PM]

  
Chairman

5-8-17  
Date