

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, March 2, 2020, 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, March 2, 2020 at 5:00 PM
Municipal Annex 114 S. Halagueno Street
Council Chambers

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held February 3, 2020
4. Remove from Table a consideration for recommendation to Council for Zone Change from "R-1" Residential 1 District to "C-2" Commercial 2 District located at 818 Center Ave.
5. Consider a recommendation to Council for a Zone Change request from "R-1" Residential 1 District to "C-2" Commercial 2 District for approximately 0.375 acres located at 818 Center Ave., legally described as Lot 9B, Tract A, Hall Subdivision
6. Consider a recommendation to Council for a Zone Change request from "R-R" Rural Residential District to "R-1" Residential 1 District for approximately 54.85 acres located east of Martin Farms Units 1 & 2
7. Consider approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District
8. Consider approval of a Preliminary Plat for the Martin Farms Subdivision Unit 3 Development, zoned "R-1" Residential 1 District
9. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 1.85 acres located at 214 N. Fifth St.
10. Consider approval of a Variance request to allow the development of a Mobile Home Park on less than the required 3 acres located at 214 N. Fifth St.
11. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "C-1" Commercial 1 District for approximately 0.18 acres located at 403 Laredo St.
12. Consider approval of a Variance request to allow a reduction in street frontage from 50' to 40.10' located at 609 N. Maple St., zoned "R-1" Residential 1 District
13. Consider approval of a Variance request to reduce the required rear setback from 10' to 1' located at 1514 Grant St., zoned "R-1" Residential 1 District
14. Consider approval of a Temporary Use Permit for Temporary Housing at 401 Rio Hondo Ave.

15. Report regarding Summary Review Subdivisions
16. Adjourn



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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, April 6, 2020 at 5:00 p.m.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.
HALAGUENO STREET, MARCH 2, 2020, AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

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

**COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES KNOTT

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA ORTIZ**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR**

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**EILEEN RIORDAN
RAY BENAVIDEZ
CHARLIE GARCIA
JUSTIN McGEATH
MICHELEE McGEATH
PATRICIA GREEN
MAURICE SMITH
BETTE MOORE
MEGAN PEREZ
GREGORY PEREZ
DARLA STOREY
MARVIN JONES
KYLE NEGRETE
SCOTT HICKS
GEORGE DUNAGAN
STEVE WALTERSCHEID
GARY WALTERSCHEID
JAZMIN CATT
MARIO PEREZ SR.
BRENDA TOMLIN
BARBARA VANLANDINGHAM
REBECCA LUCAS
JOHNNY TOMLIN
DONNA DAVIS
ISAAC GALINDO
ANDREW COLEMAN
TORI COLEMAN
STEVE CARTER
MELISSA RAMIREZ
AMANDA MASHAW
TYLER SEELY
MARY FERRELL**

**CITY ATTORNEY
BUILDING OFFICIAL
CITY
1514 GRANT
1514 GRANT
2622 IOWA
2212 SAN JOSE BLVD.
2210 SAN JOSE BLVD.
401 RIO HONDO
401 RIO HONDO
609 N. MAPLE
2622 IOWA ST.
609 N. MAPLE
ROSWELL
212 W. STEVENS
1706 E. WOOD
1206 W. RIVERSIDE
3901 SELMAN CT.
403 LAREDO
907 CENTER
907 CENTER
2324 WILDROSE ST.
907 CENTER AVE.
214 S. 5TH ST.
304 LUM ST.
3900 SELMAN ST.
3900 SELMAN CT.
HOUSTON, TX
905 E. CENTER
212 W. STEVENS
ARTESIA, NM
220 N. 5TH ST.**

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

0:00:09 Start Recording [5:02:28 PM]

0:00:12 **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. Garcia, Mr. Barney.** Absent- **Mr. Knott, Mr. Nesser.**

0:00:34 **2. Approval of Agenda.**

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

0:01:02 **3. Approval of Minutes from the Meeting held February 3, 2020**

Mr. Barney made a motion to approve the minutes from the meeting held February 3, 2020; **Mr. McCormick** seconded the motion. The vote was as follows **Yes-- Mr. Garcia, Mr. Barney, Mr. McCormick.** No—None; Abstained—None; Absent- **Mr. Knott, Mr. Nesser.** The motion carried.

0:01:43 **4. Remove from Table a consideration for recommendation to Council for Zone Change from “R-1” Residential 1 District to “C-2” Commercial 2 District located at 818 Center Ave.**

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

0:02:21 **5. Consider a recommendation to Council for a Zone Change request from “R-1” Residential 1 District to “C-2” Commercial 2 District for approximately 0.375 acres located at 818 Center Ave., legally described as Lot 9B, Tract A, Hall Subdivision**

Commissioner Mr. Nesser has arrived (5:06 p.m.)

Isaac Galindo comes to the podium. **Ms. Ortiz** explains his request, noting this will create a spot zone; however, there is some commercial zoning along Center Ave. The Planning staff feels this would meet some of the Comprehensive Plan’s strategies and recommends approval. **Ms. Ortiz** notes that **Mr. Galindo** explains he wants to change the zone to build his air conditioning and heating shop. Floor opened for public comment. **Johnny Tomlin** comes to the podium with concerns over increased traffic on Center Ave. and the safety of children. **Rebecca Lucas** comes to the podium stating she lives across the street on Wild Rose. She is concerned about increased traffic and the safety of children riding their bikes and going to the park. **Melissa Ramirez** comes to the podium and states she agrees with the neighbors, noting there is a lot of traffic already with the nearby school. **Brenda Tomlin** comes to the podium and states her objection to the increased traffic and danger to children. **Mr. Tomlin** comes to the podium to

speak for neighbors who could not make this meeting and states they are opposed to the zone change. Floor closed for public comment. **Mr. Galindo** comes to podium to explain he wants his shop there to be close to his parents. His shop would be small and he would build a fence around it. **Mr. McCormick** explains this vote is just for the zone change, not for the proposed use, and this will then go on to City Council in any case.

Mr. Barney made a motion to deny the request; **Mr. McCormick** seconded the motion. The vote was as follows: **Yes-- Mr. Barney, Mr. McCormick.** No--**Mr. Garcia**; Abstained--**Mr. Nesser**; Absent--**Mr. Knott**. The motion is denied.

Mr. Patterson tells the applicant this is on the schedule to go before City Council on April 14, 2020. He will receive a letter of notification of this meeting; as will his neighbors.

0:22:46 **6. Consider a recommendation to Council for a Zone Change request from "R-R" Rural Residential District to "R-1" Residential 1 District for approximately 54.85 acres located east of Martin Farms Units 1 & 2**

George Dunagan and **Scott Hicks** come to the podium. **Mr. Patterson** explains this request, noting that the Planning staff recommends approval. **Mr. Dunagan** states this will enable the rest of the land to be developed as residential. **Mr. Hicks** states this matches the process of the previous Units of Martin Farms. Floor opened for public comment. **Jazmin Catt** comes to the podium, stating this will change her zoning as well as her street from a cul-de-sac to a through street. **Mr. McCormick** explains this will not change the zoning of her property. **Amanda Mashaw** comes to the podium to speak for the subdivision. Floor closed for public comment.

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

Mr. Patterson tells the applicant this item will go before City Council on April 14, 2020.

0:29:47 **7. Consider approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District**

Mr. Patterson explains this request, noting the Planning Dept. and other departments recommend denial; based on parking considerations, emergency access, safety and uniformity. **Mr. Dunagan** states the streets that will be extended from Martin Farms Units 1 & 2 were allowed the 20' setback and therefore will not be uniform without the variance. **Mr. Hicks** states the variance should be granted for continuity of the setback already in place. Floor opened for public comment. There was none.

Mr. Nesser made a motion to approve; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Nesser.** No-- **Mr. Barney, Mr. McCormick**; Abstained--None; Absent-- **Mr. Knott**. The motion was neither approved nor denied as the vote was tied. **Mr. Patterson** tells the commission that they may table the request until a fifth member is present.

Second vote. **Mr. Barney** made a motion to table this item until the next meeting; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent-- **Mr. Knott**. The motion carried.

Ms. Ortiz states this item will then come before the April 6, 2020 Planning & Zoning meeting. **Mr. Barney** questions if this could go directly to City Council. **Eileen Riordan**, City Attorney, informs that the applicant effectively did not get their request, and could take it to City Council. **Mr. Patterson** states

in that case, it would have to be a super majority vote, 6 of 8, to be approved. The applicants prefer to wait for the next Planning & Zoning Commission meeting.

0:40:36 **8. Consider approval of a Preliminary Plat for the Martin Farms Subdivision Unit 3 Development, zoned “R-1” Residential 1 District**

Mr. Patterson explains this request; that the Planning Dept. recommends approval with the conditions that the developer and engineer continue to work with City staff as to the infrastructure installed and the design of the infrastructure; the City’s Infrastructure Inspector shall monitor the installation; the City staff shall formally accept the infrastructure installed; the zone change request for R-1 Residential 1 District shall be approved by Council; and the Variance request to reduce the front setback to 20’ shall be approved by the Planning and Zoning Commission. **Mr. McCormick** questions if this needs to be tabled as it is tied to the previous, and **Mr. Patterson** states this can be approved with conditions placed and the variance is reconsidered. **Mr. Dunagan** states they will tie-in to the common sewer and retention pond as requested by the City. **Mr. Hicks** states this is a continuation the development, and the streets that will be extended due to utilities expansion and access. Floor opened for public comment. **Ms. Catt** states that she was told there would be park and walking trails behind her home. She chose the home because of the cul-de-sac location. **Mr. Hicks** says there was never a plan for a park or walking trails by Steve and Gary Walterscheid, the owners of the land. There were no more comments.

Mr. Nesser made a motion to approve with the condition that the 20’ front setback be approved; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney Mr. McCormick, Mr. Nesser**, No--none; Abstained--None; Absent- **Mr. Knott**. The motion carried.

0:51:37 **9. Consider a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 1.85 acres located at 214 N. Fifth St**

Ms. Ortiz explains this request, and clarifies that this is for a zone change from R-1 Residential District to R-2 Residential District, not as stated in the agenda. This will create a spot zone, but it will be surrounded by residential. The R-2 Residential District will allow multi-family use. The Planning Dept. recommends approval. **Donna Davis** comes to the podium, explaining such housing is needed, and will improve this property, which has been an eyesore. **Patricia Green** comes to the podium and questions what is allowed on the property. **Annette Ferrell** comes to the podium and asks if the City would consider placing speedbumps on the street because the street is so busy. Floor closed for public comment.

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

Mr. Ortiz tells the applicant this will go before City Council on April 14, 2020.

1:01:08 **10. Consider approval of a Variance request to allow the development of a Mobile Home Park on less than the required 3 acres located at 214 N. Fifth St.**

Donna Davis comes to the podium. She would like to place a mobile home park on the property and is requesting the variance because it is less than the 3 acres required by the City. **Ms. Ortiz** explains the variance must be approved for them to move forward. The Planning staff recommends denial. **Ms. Green** comes to the podium and questions the request for the variance. **Marvin Jones** comes to the podium to ask if this would decrease his property value. Floor closed for public comment.

Mr. Garcia made a motion to deny; **Mr. Barney** seconded the motion. The vote was as follows: **Yes--Mr. Garcia, Mr. Barney Mr. McCormick, Mr. Nesser**, No--none; Abstained--None; Absent- **Mr. Knott**. The motion was denied.

Mr. Patterson tells the applicant if she wishes to appeal, to send a letter to the Planning Dept. within 15 days.

1:08:15 **11. Consider a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “C-1” Commercial 1 District for approximately 0.18 acres located at 403 Laredo St.**

Mario Perez comes to the podium. **Mr. Patterson** explains this request, noting the C-1 Commercial 1 zoning does allow some residential, and is more restrictive than C-2 Commercial 2 zoning. The Planning Dept. recommends approval of this request. **Mr. Perez** explains he would like to build a home on the property. **Mr. Patterson** notes that the property would still be Commercial. Floor opened for public comment. **Maurice Smith** comes to the podium, states that he lives across the street; and questions why the property cannot be residential. He has no objection to a home being built there as long as the applicant follows the code.

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

Mr. Patterson informs the applicant this will go before City Council on April 14, 2020.

1:19:29 **12. Consider approval of a Variance request to allow a reduction in street frontage from 50’ to 40.10’ located at 609 N. Maple St., zoned “R-1” Residential 1 District**

Kyle Storey and **Darla Storey** come to the podium. **Mr. Patterson** explains this request. The Planning Dept. recommends denial. **Mr. Storey** explains that he wants to split the property along the sewage line to avoid having to create an easement for the utilities. **Ms. Storey** states that R & R Surveying suggested they divide it this way to avoid going over the sewer. **Mr. Storey** would like it divided so he could place a mobile home on it. **Ms. Riordan**, City Attorney, notes staff questioned why it wasn’t divided east-west instead of north-south, giving both homes 50’ frontage, keeping both homes on the Lot 1. **Mr. Patterson** states if City had known about the sewer line, it would have recommended something else. Floor opened for public comment. There was none.

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

Mr. Patterson tells the applicants to have the surveyor bring plat to the Planning office to be signed.

1:34:39 **13. Consider approval of a Variance request to reduce the required rear setback from 10’ to 1’ located at 1514 Grant St., zoned “R-1” Residential 1 District**

Justin McGeath comes to the podium. **Mr. Patterson** explains this request; the applicant would like to place a metal garage on the property and it would have to encroach into the setback. Planning staff recommends denial of this request. **Mr. McGeath** explains that the property line was right on his fence line, stating his garage would actually be about 6.5’ inside his property line; instead of 1’. The garage would be 30’ x 40’. He could not move the placement of the garage due to a mature pecan tree. Floor

opened for public comment. **Mr. McCormick** states the variance would actually be 3.5' instead of 1'. **Mr. Patterson** tells the applicant that corner lots have a 10' side setback instead of the 5' side setback for non-corner lots.

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

Second vote: **Mr. McCormick** made a motion to table this request until the next meeting; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney Mr. McCormick, Mr. Nesser**, No--none; Abstained--None; Absent- **Mr. Knott**. The motion carried.

Mr. Patterson tells the applicant he can send a letter to appeal within 15 days and go before City Council; or go before Planning and Zoning at their next meeting on April 6, 2020.

1:51:56 **14. Consider approval of a Temporary Use Permit for Temporary Housing at 401 Rio Hondo Ave**

Gregory Perez comes to the podium. **Mr. Patterson** explains this request. The City recommends denial. The applicant is already running an RV park on his property without proper permits or permission from the City. It is out of compliance with water, sewer and solid waste approval; and there is no utility plan showing connections to temporary housing and any connections to city utilities. **Mr. Patterson** suggests tabling this item to allow the applicant start meeting with City departments and come up with a plan to address all issues.

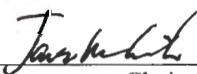
Mr. Barney made a motion to table this item; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney Mr. McCormick, Mr. Nesser**, No--none; Abstained--None; Absent- **Mr. Knott**. The motion carried.

2:01:03 **15. Report regarding Summary Review Subdivisions.**

Mr. Patterson notes a property split between Boyd and San Jose Blvd. The landowner is dedicating 30' right-of-way along Kircher St. and Rose St. and 40' along Boyd Dr.

2:03:04 **16. Adjourn.**
There being no other business, the meeting was adjourned.

2:03:11 Stop Recording [7:05:32 PM]



Chairman

7-6-2020
Date