

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, June 1, 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, June 1, 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 May 4, 2020
4. Consider approval of a Temporary Use Permit for Temporary Housing at 4212 Standpipe Rd., zoned "R-R" Rural Residential District
  - a. Remove from table
  - b. Consider approval of request
5. Consider approval of a Variance request to allow a more than the minimum residential units located at 412 E. Church St., zoned "R-1" Residential 1 District
  - a. Remove from table
  - b. Consider approval of request
6. Consider approval of the Amendment to the Agreement between the developers of Martin Farms Subdivision and Oasis Subdivision
7. Consider approval of a Conditional Use Permit request to allow chickens at 2512 Spruill St, zoned "R-1" Residential 1 District
8. Consider approval of a Variance request to allow a 6' fence along the front and side setbacks located at 204 N. Elm St., zoned "R-1" Residential 1 District
9. Consider a recommendation to Council for a Zone Change request from "R-1" Residential 1 District to "R-2" Residential 2 District for approximately 0.48 acres located W of 2319 Legion St. & S of 2317 Legion St.

10. Consider approval of a Final Plat for the Sunwest Unit 8 Subdivision Development, zoned "R-1" Residential 1 District
11. Report regarding Summary Review Subdivisions
12. Adjourn



**FOR INFORMATION ONLY**

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[cityofcarlsbadnm.com](http://cityofcarlsbadnm.com)

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**PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting -- Monday, July 6, 2020 at 5:00 p.m.

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, JUNE 1, 2020, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER (via virtual meeting)  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA ORTIZ**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JUDITH WEBSTER**

**PLANNING AND REGULATION  
DEPARTMENT SECRETARY**

**OTHERS PRESENT:**

**EILEEN RIORDAN  
RON MYERS  
BRENT GRIFFITH  
CHARLIE GARCIA  
RONNY PYEATT  
RAMONA VILLA  
FLORENTINO MUNOZ  
NANCY GONZALEZ  
MARIA RIVERA  
JUANITA RIVERA  
ARACELY VILLEGAS  
DONICIA DEPAZ  
GEORGE DUNAGAN  
DOUG TINDALL  
CYNTHIA DUNN  
RUBEN GONZALES**

**CITY ATTORNEY  
CITY  
CITY  
CITY  
R&R SURVEYING  
4212 STANDPIPE RD.  
204 N. ELM ST.  
204 N. ELM ST.  
111 N. ELM ST.  
111 N. ELM. ST.  
111 N. ELM ST.  
111 N. ELM ST.  
111 N. ELM ST.  
212 W. STEVENS  
KT HOMES  
via virtual meeting  
via virtual meeting**

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

0:00:02      Start Recording [5:02:13 PM]

0:00:07      **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. Knott, Mr. McCormick (via virtual meeting), Mr. Barney, Mr. Garcia, Mr. Nesser.** Absent-None.

0:00:24            **2.            Approval of Agenda**

**Mr. Nesser** made a motion to approve the Agenda; **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.

0:00:29            **3.            Approval of Minutes from the regular Meeting held May 4, 2020**

**Mr. Barney** made a motion to approve the minutes from the regular meeting held May 4, 2020; **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.

0:01:00            **4.    Consider approval of a Temporary Use Permit for Temporary Housing at 4212 Standpipe Rd., zoned "R-R" Rural Residential District**

**a.            Remove from table**

**Mr. Nesser** made a motion to remove from table; **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.

**b.            Consider approval of request**

**Ramona Villa comes to the podium.** **Mr. Patterson** explains the request. The applicant has supplied an additional site plan indicating where utilities will be. The Planning Department recommends denial based on diminished occupancy rates in other RV parks. **Ms. Villa** would like to install the park in phases and currently has 6 RVs spaces rented. The complete site plan proposes 29 spaces. 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. Knott, Mr. McCormick, Mr. Nesser.** No– **Mr. Barney**; Abstained–None; Absent None; The motion carried.

**Mr. Patterson** tells the applicant this is will go before the City Council meeting on June 23, 2020.

0:10:09            **5.            Consider approval of a Variance request to allow a more than the minimum residential units located at 412 E. Church St., zoned "R-1" Residential 1 District**

**a.            Remove from table**

**Mr. Nesser** made a motion to remove from table; **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.

**b.            Consider approval of request**

The applicant does not appear. **Mr. Patterson** states this is the third time this item has come before the Commission, and the Commission can decide if it is tabled again. **Eileen Riordan**, City Attorney, suggests this item be tabled until applicant can meet with City staff.

**Mr. Barney** made a motion to table this item; **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.

This item is now tabled until the applicant requests it move forward.

0:13:52      **6. Consider approval of the Amendment to the Agreement between the developers of Martin Farms Subdivision and Oasis Subdivision**

**Mr. Patterson** explains this request; regarding access, wastewater disposal, and storm water disposal which involves both Martin Farms Subdivision and Oasis Subdivision. The subdivisions are now at the point where they are developing properties that abut, and as such, the shared infrastructure is being designed and developed. This amendment guarantees that the City finds the provided access (Pima St., Pat Garrett St., Selman Ct.) to Oasis Subdivision through Martin Farms Subdivision Unit 3 will be sufficient to service planned future phases of Oasis Subdivision should those subsequent phases be built prior to planned accesses that would be provided through future units of Martin Farms. The City of Carlsbad requested this Amendment; the Planning Staff, and other City departments, recommend approval. Floor opened for public comment. **George Dunagan**, representing Martin Farms, comes to the podium in support of the Amendment. **Doug Tindall**, representing KT Homes, comes to the podium in support of the Amendment.

**Mr. Garcia** made a motion to approve; **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.

**Mr. Patterson** states this will allow the developers to move forward.

0:20:20      **7. Consider approval of a Conditional Use Permit request to allow chickens at 2512 Spruill St, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains this request, noting the Planning Staff recommends approval. The applicant, **Cynthia Dunn** joins via virtual meeting stating she would like the chickens for eggs as well as enjoyment. Floor opened for public comment; there was none.

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

**Mr. Patterson** informs the applicant this decision is final and she may proceed to have chickens.

0:26:13      **8. Consider approval of a Variance request to allow a 6' fence along the front and side setbacks located at 204 N. Elm St., zoned "R-1" Residential 1 District**

**Mr. Patterson** explains this request is to allow a 2' increase in fence height in the front and side setback, opposed to the maximum allowed 4' fence height. The Planning Staff recommends denial, as the applicant did not meet all of the listed criteria to allow the increase in height. The applicant has already built the fence, and did receive a permit from the City Building Dept. **Florentino Munoz** comes to the podium; explains two of his neighbors have a 6' fence also. Floor opened for public comment. **Maria Rivera** comes to the podium in support. **Mr. Knott** calls for a show of hands in support and six people raised their hands. 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. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent None; The motion carried.

**Mr. Patterson** tells the applicant his fence is now approved.

0:34:37            **9. Consider a recommendation to Council for a Zone Change request from “R-1” Residential 1 District to “R-2” Residential 2 District for approximately 0.48 acres located W of 2319 Legion St. & S of 2317 Legion St.**

**Mr. Patterson** explains this request; noting the applicant would like the Zone Change to allow multiple residences on the property. **Ruben Gonzalez** joins via virtual meeting. He wants to build two 2-bedroom houses, about 1,000 sq. ft. each, on the property. A large shop is indicated on his submitted plans as well. **Ms. Riordan**, City Attorney, clarifies that the City staff recommends denial because: this would create a spot zone; access issue because of the unusual shape of the lot; and concerns about the size of shop structure as drawn. Floor opened for public comment. There was none.

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

**Mr. Patterson** tells the applicant this will appear before the City Council on July 14, 2020.

0:46:21            **10. Consider approval of a Final Plat for the Sunwest Unit 8 Subdivision Development, zoned “R-1” Residential 1 District**

**Mr. Knott** recuses himself from the dais. **Mr. McCormick** will conduct this item, as **Mr. Knott** is the applicant. **Mr. Patterson** explains this request. The Planning Staff recommends approval of this request with conditions: that the developer and contractor finish the outstanding items on the punch list; that the City staff formally accept the infrastructure installed; the developer shall resurface the 20’ Access and Utility Easement on the north with gravel and formally dedicate this alley as public ROW; and the developer or engineer shall provide the City with as-built documents for the project. **Mr. Knott** states he has a problem with resurfacing the alley; stating he has a 6’ block fence along the back, and would like to leave it as is as a utility easement; not spending any additional money on it. He states it shows as a utility easement on the preliminary and final plats. **Mr. Patterson** explains it is difficult for the City if the alley is not dedicated as a ROW. Floor opened for public comment. There was none. **Mr. Knott** explains other alleys in this subdivision over the years have been dedicated with no improvements. **Mr. Patterson** states this was not a requirement in Unit 7 of this development and the alley was not improved; it and the alley being discussed are in bad shape. **Mr. Knott** states it is the wish of the company buying the property to not have an alley; and the cost is a factor. **Mr. Nesser** asks why this alley is any different than others in the development. **Mr. Patterson** states the other alleys do not have utilities like this one; the main concern being the sewer line. **Mr. Knott** states he wants it left as it has been for the last 30 years, with no change. **Mr. McCormick** asks for a commitment for further discussion so it can be resolved. **Mr. Garcia** asks for clarification that the 20’ access and utility easement has been dedicated to the City; and is the problem just the cost of resurfacing. **Mr. Patterson** explains without the formal dedication to the City as public ROW, the alley remains private property of the landowners. It is more difficult for the City to keep private easements open and clean for Utilities. The City is willing to discuss with **Mr. Knott** the cost of improving the alley.

**Mr. Barney** made a motion to approve the request with staff recommendations as written; except with the City working with the developer on the resurfacing of the alley and dedicating the alley; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes—Mr. Barney, Mr. McCormick, Mr. Nesser.** No–None; Abstained– **Mr. Garcia, Mr. Knott**; Absent None; The motion carried.

1:26:11        **11. Report regarding Summary Review Subdivisions.**

Nothing unusual was noted.

1:26:56        **12. Adjourn.**

There being no other business, the meeting was adjourned.

1:27:00        Stop Recording [6:29:12 PM]

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Chairman

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Date