

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, October 5, 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, October 5, 2020 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street**

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held September 14, 2020
4. Consider a recommendation to Council for a request to Vacate a portion of the right-of-way along Arkansas St. at the intersection of Arkansas St. & Eleventh St.
  - a. Remove from table
  - b. Consider approval of request
5. Consider a recommendation to Council for a Zone Change request from "I" Industrial District to "C-2" Commercial 2 District for approximately 1.25 acres located along E. Plaza
6. Consider approval of a Preliminary Plat for Ponderosa Subdivision, zoned "C-2" Commercial 2 District
7. Consider approval of a Conditional Use Permit request to allow Employee Housing located at 3103-A Boyd Dr., zoned "C-2" Commercial 2 District
8. Consider approval of a Variance request to allow an operable Recreational Vehicle to be stored in the front setback located at 3011 Davis St., zoned "R-1" Residential 1 District
9. Consider approval of a Variance request to allow 0' side setback located at 1206 W. Stevens St., zoned "R-1" Residential 1 District
10. Consider naming a private road: English Lane

11. Report regarding Summary Review Subdivisions
12. 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, November 2, 2020 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, OCTOBER 5, 2020, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES McCORMICK  
BRAD NESSER  
BRIGIDO GARCIA  
JANELL WHITLOCK  
TRENT CORNUM**

**CHAIRPERSON  
COMMISSIONER  
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:**

**RON MYERS  
EILEEN RIORDAN  
CHARLIE GARCIA  
BRENT GRIFFITH  
ARTURO REYES  
BRENDA MONTANEZ  
SAM MONTANEZ  
SCOTT HICKS  
ANTHONY ALONZO  
SHAE LARSEN  
JAVIER RAMIREZ**

**CITY  
CITY ATTORNEY  
CITY  
CITY**

**SMITH ENGINEERING  
206 N. OLIVE ST.**

**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 [5:00:35 PM]

0:00:03      **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. Garcia, Mr. McCormick, Ms. Whitlock, Mr. Cornum.** Absent-None.

0:00:21      **2. Approval of Agenda**

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

0:01:20 **3. Approval of Minutes from the regular Meeting held September 14, 2020**

Motion was made by **Mr. Nesser** and seconded by **Mr. Garcia** for approval of the Minutes. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion carried.

0:01:58 **4. Consider a recommendation to Council for a request to Vacate a portion of the right-of-way along Arkansas St. at the intersection of Arkansas St. & Eleventh St.**

**a. Remove from table**

**Ms. Whitlock** made a motion to remove from table; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion carried.

**b. Consider approval of request**

**Javier Ramirez** joins via virtual meeting. **Mr. Patterson** explains the request, stating the City recommends denial; and move forward with the City vacating both sides of the right-of-way, and turning it into private property for sale. **Mr. Ramirez** explains there is a lot of traffic through the right-of-way and litter and debris. His neighbors agree with the need for the vacation. **Mr. Patterson** states the City has reached out to those neighbors through phone calls, but hasn't heard back from them. **Mr. McCormick** asks **Mr. Patterson** for clarification on the vacation by the City – which would make the property private although still owned by the City, which could then be sold; ideally selling it to someone who would fence it or build on it. **Mr. Ramirez** asks if the property is sold, what could be built on it; and it is his understanding that his neighbor and co-applicant **Mario Reyes** owns 10 feet of the proposed right-of-way. **Mr. Patterson** states the plat does not indicate that. **Mr. Nesser** clarifies that the vacation now would not split the property between the neighbors on each side, with a half going to each; but become City property.

Motion was made by **Mr. Nesser** to deny and **Mr. Cornum** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion to deny carried.

**Mr. Patterson** says there is a process when the City sells property; and the City will notify adjacent property owners when the land goes up for sale.

0:16:40 **5. Consider a recommendation to Council for a Zone Change request from "I" Industrial District to "C-2" Commercial 2 District for approximately 1.25 acres located along E. Plaza**

**Ms. Ortiz** explains this request; the applicant owns nine lots at 1210 S. Main St. and would like the C-2 Commercial 2 District zoning instead of Industrial. This would create a spot zone, but with such a large swath of land involved, and that it would fit in with the uses in the area, the Planning staff recommends approval of this request. **Arturo Reyes** comes to the podium and says his understanding when he bought the property was that it was Commercial. He owns El Jimador Restaurant and would like to build a restaurant on this property, which requires Commercial zoning. Floor opened for public comment. There was none. Planning staff has not received any comment from the public either for or against this item.

Motion was made by **Mr. Garcia** to approve the Zone Change, and **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion carried.

**Mr. Patterson** tells the applicant this will go before City Council for a final vote at their November 10, 2020 meeting.

0:22:12        **6. Consider approval of a Preliminary Plat for Ponderosa Subdivision, zoned "C-2" Commercial 2 District**

**Scott Hicks** comes to the podium on behalf of Constructor's Inc. **Mr. Patterson** explains the request is to approve the Preliminary Plat creating four new commercial lots along Boyd Dr. They have provided their plans for utilities. The City recommends approval of this plat. **Mr. Hicks** states the property is already zoned Commercial. Floor opened for public comment. There was none.

Motion was made by **Mr. Cornum** to approve, and **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion carried.

0:27:54        **7. Consider approval of a Conditional Use Permit request to allow Employee Housing located at 3103-A Boyd Dr., zoned "C-2" Commercial 2 District**

**Scott Hicks** comes to the podium on behalf of Constructor's Inc. **Mr. Patterson** explains this is a request for a Conditional Use Permit to allow Employee Housing at the location, noting this housing would be for employees of Constructors, Inc. only. City staff recommends approval of this request. This would not be an RV park or a man camp; the housing will be single family manufactured homes. **Mr. Hicks** states this will be a permanent business to house workers from out of town for Constructor's; there will be sixteen of these homes. If the property were to change owners, the Conditional Use would not transfer. Floor opened for public comment. There was none.

Motion was made by **Mr. Nesser** to approve, and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion carried.

0:37:00        **8. Consider approval of a Variance request to allow an operable Recreational Vehicle to be stored in the front setback located at 3011 Davis St., zoned "R-1" Residential 1 District**

**Brenda Montanez** comes to the podium. **Ms. Ortiz** explains this request, noting the property has no backyard, sideyard, or other access or room to park an RV. City staff recommends approval. **Ms. Montanez** states there is 16' from the RV to the property line in the front of the house. **Ms. Ortiz** explains this RV does not block anyone's view; and further is just for storage, it will not be used as a living space. Floor opened for public comment.

**Mr. Garcia** made a motion for approval; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Mr. Cornum.** No-- **Ms. Whitlock**; Abstained--None; Absent None; The motion carried.

**Ms. Ortiz** tells the applicant she will receive a letter with this approval.

0:44:23        **9. Consider approval of a Variance request to allow 0' side setback located at 1206 W. Stevens St., zoned "R-1" Residential 1 District**

**Anthony Alonzo** comes to the podium. **Mr. Patterson** explains this request. The applicant wishes to place a storage shed at this address with a 0' setback on the west property line. The lot is 35' wide, and

the garage will be 30' wide, leaving only 5' for setbacks. The family owns the neighboring lot as well. The Planning staff recommends denial with the recommendation that the applicant dissolve the lot line between the properties. **Mr. Alonzo** stated that he has already poured the concrete foundation for the storage building, and claims the Building Dept. has inspected the foundation. **Mr. McCormick** suggests the applicant re-plat the property and dissolve the lot line. **Mr. Patterson** tells the commission they could approve the Variance with the condition that the applicant have a surveyor re-plat the property and dissolve the lot line; and that could be a condition of the final inspection by the Building Dept. Floor opened for public comment.

Motion was made by **Mr. Nesser** to approve with the condition that the lot line be vacated prior to final inspection, and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion carried.

0:54:47      **10. Consider naming a private road: English Lane**

**Mr. Patterson** explains the necessity for naming a private road is to allow addressing, deliveries and emergency access. The City will not maintain this private road.

Motion was made by **Mr. Nesser** to approve, and **Mr. Cornum** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser, Ms. Whitlock, Mr. Cornum.** No--None; Abstained--None; Absent None; The motion carried.

0:57:35      **11. Report regarding Summary Review Subdivisions**

Nothing unusual was noted.

0:59:16      **12. Adjourn**

There being no other business, the meeting was adjourned.

0:59:55      Stop Recording [5:59:55 PM]

  
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Chairman

11-2-2020  
Date