

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, November 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, November 2, 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 October 5, 2020
4. Consider a recommendation to City Council for a Zone Change request from "C-1" Commercial 1 District to "C-2" Commercial 2 District for approximately 0.22 acres located at 110 N. Main St.
5. Consider a recommendation to City Council for a Zone Change request from "R-1" Residential 1 District to "R-2" Residential 2 District for approximately 0.22 acres located at 1708 W. Center St.
6. Consider approval of a Conditional Use Permit request to allow a Home Operation – Realtor located at 4408 Jesse James Ct., zoned "R-R" Rural Residential District
7. Consider approval of a Final Plat for Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District
8. Consider approval of a Variance request to allow a fence to exceed the 4' maximum height located at 2303 Davis St., zoned "R-1" Residential 1 District
9. Consider approval of a Variance request to allow a 17'3" rear setback located at 802 W. Orchard Ln., zoned "R-R" Rural Residential District
10. Report regarding Summary Review Subdivisions
11. 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, December 7, 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, NOVEMBER 2, 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:**

**EILEEN RIORDAN  
DENISE MADRID BOYEA  
BRENT GRIFFITH  
GEORGE DUNAGAN  
NATASHA MCCULLOUGH  
DOUG MCCULLOUGH  
KACEY CORNUM  
CLAUDIA MAGALLANES  
BRYAN INGRAM  
GARY WALTERSCHEID  
JORDAN ANDERSEN  
AMANDA BRATCHER**

**CITY ATTORNEY  
DEPUTY CITY ATTORNEY  
CITY  
212 W. STEVENS  
247 S. ROBERSON RD.  
247 S. ROBERSON RD.  
1081 MONUMENT CT.  
4008 JESSE JAMES CT.  
2303 DAVIS ST.  
1206 RIVERSIDE DR.  
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 [5:00:26 PM]**

0:00:08      **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.

0:00:23      **2. Approval of Agenda**

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

0:00:52      **3. Approval of Minutes from the regular Meeting held October 5, 2020**

Motion was made by **Mr. Nesser** and seconded by **Mr. Cornum** 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.

0:01:28      **4. Consider a recommendation to City Council for a Zone Change request from "C-1" Commercial 1 District to "C-2" Commercial 2 District for approximately 0.22 acres located at 110 N. Main St.**

The applicants, **Natasha** and **Doug McCullough**, come to the podium. **Ms. Ortiz** explains this request; the Zone Change from C-1 to C-2 Commercial would create a spot zone; but it would be an approved use, the Planning staff recommends approval. **Mr. McCullough** explains they would like to use the property for a paint and body shop and to provide vehicle repair and accessories. They lease the property currently. **Ms. Whitlock** questions who owns the property. The owner, **Amanda Bratcher**, joins via phone. She states her complete support for the Zone Change. Floor opened for public comment. There was none.

Motion was made by **Mr. Garcia** 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.

**Ms. Ortiz** tells the applicants this will go before City Council for final approval on December 8, 2020.

0:09:01      **5. Consider a recommendation to City Council for a Zone Change request from "R-1" Residential 1 District to "R-2" Residential 2 District for approximately 0.22 acres located at 1708 W. Center St.**

The applicant is not present or online.

Motion was made by **Mr. Nesser** to table this item, 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.

0:11:11      **6. Consider approval of a Conditional Use Permit request to allow a Home Operation – Realtor located at 4408 Jesse James Ct., zoned "R-R" Rural Residential District**

**Claudia Magallanes** comes to the podium. **Mr. Patterson** explains the request is to allow the operation of a home based occupation at the applicant's home, and lists the operational standards. She is allowed to have one employee and will have clients only by appointment. She must provide off-street parking. **Ms. Magallanes** is a Realtor and she explains she has been working from home since March; some of her clients prefer signing documents in person instead of digitally. Floor opened for public comment. There was none.

Motion was made by **Mr. Garcia** 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.

0:17:06

**7. Consider approval of a Final Plat for Martin Farms Subdivision Unit 3, zoned "R-1" Residential 1 District**

**George Dunagan**, representing the applicant and **Gary Walterscheid** come to the podium. **Mr. Patterson** explains this is a request to approve the Final Plat for Martin Farms Subdivision Unit 3, which would provide 51 new residential lots. The Preliminary Plat has already been approved. The applicant has provided a letter of credit to the City, which would be sufficient to cover installation of all public infrastructure and lots should the developer fail to complete the project. City staff recommends approval of this request. Floor opened for public comment. There was none.

Motion was made by **Mr. Garcia** 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.

0:21:10

**8. Consider approval of a Variance request to allow a fence to exceed the 4' maximum height located at 2303 Davis St., zoned "R-1" Residential 1 District**

**Bryan Ingram** comes to the podium. **Ms. Ortiz** explains this request is for a Variance to allow a 2' increase in fence height along the front and side setback; the Ordinance states 4' maximum. A permit for this fence was applied for and issued by the Building Department; and the fence is already built. **Ms. Ortiz** states it is the City Staff's recommendation that the Variance request be denied; and the fence be brought into compliance with the Ordinance. The fence is 6' all the way around as it stands now; it should be 4' tall along the front of the property on Davis Street and up to 30' from Davis Street on the sides; then tapered to 6'. The lot is vacant and the applicant has a conex and utility trailer stored on it. **Ms. Ortiz** clarifies that the property is zoned R-1, single family residential. Floor opened for public comment; there was none.

**Mr. Nesser** made a motion for approval with the condition that the fence be lowered to 4' if a manufactured home or a residence is placed there; **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.

**Mr. Patterson** tells the applicant if a building permit is issued for the property it would include that the fence be lowered to 4' in the front and side setbacks.

0:35:42

**9. Consider approval of a Variance request to allow a 17'3" rear setback located at 802 W. Orchard Ln., zoned "R-R" Rural Residential District**

Trent Cornum recuses himself for the item.

**Kacey Cornum** comes to the podium. **Mr. Patterson** explains this request, noting the rear setback for R-R Zoned lots is 20', and the applicant has already built a house on the property, extending 2'9" into the rear setback. The Planning staff recommends approval of the Variance. **Ms. Cornum** states that when she was designing the home, she assumed it was zoned R-1, which has a 10' rear setback. The property owner to the north supplied a letter to the Planning and Zoning Commission stating he has no issue with the Variance Request and would like to see it approved. Floor opened for public comment. There was none. **Ms. Whitlock** asks when this was noticed, and if anyone had complained. **Mr. Cornum** states they had gotten approval for the building permit; and they notified Jayden Jenkins who owns the property to the north, when they realized the error.

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

0:44:26 **Mr. Patterson** announces that the applicant for Item #5 has joined via phone.

Motion was made by **Mr. Nesser** to remove from the table, and **Ms. Whitlock** 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.

0:44:44 **5. Consider a recommendation to City Council for a Zone Change request from "R-1" Residential 1 District to "R-2" Residential 2 District for approximately 0.22 acres located at 1708 W. Center St.**

**Jordan Andersen** joins via virtual meeting. **Ms. Ortiz** explains this request; the applicant would like to remove the lot line between the two lots creating Lot 50, Block 3, May Subdivision. There are currently structures on these properties, and they would be cleared to make room for multi-family homes. The proposed Zone Change would create a spot zone, but the Planning Staff recommends approval. **Mr. Andersen** explains the lot at 1708 W. Center is too small and the other lot had a structure with foundational problems. He would like to combine and clear the lots and build a multi-family residence. **Ms. Ortiz** states this property was considered for weed and debris condemnation as **Mr. Andersen** purchased it. This area lacks infill, and would benefit from this project. 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 this item, 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.

**Ms. Ortiz** informs the applicant that this will go before City Council for final approval on December 8, 2020.

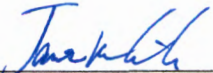
0:52:17 **10. Report regarding Summary Review Subdivisions**

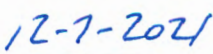
Nothing unusual was noted.

0:54:06 **11. Adjourn**

There being no other business, the meeting was adjourned.

0:54:18 Stop Recording [5:54:38 PM]

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Date