

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, December 7, 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, December 7, 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 November 2, 2020
4. Consider approval of a Conditional Use Permit request to allow a Bed & Breakfast located at 705 N. Canyon St., zoned "C-1" Commercial 1 District
5. Consider approval of a Variance request to allow a 10' rear setback located at 3908 Doc Holliday Ct., zoned "R-R" Rural Residential District
6. Consider approval of a Variance request to allow a 1' side setback located at 801 N. Eighth St., zoned "C-2" Commercial 2 District
7. Consider approval of a Variance request to allow storage of an operable RV in the side setback located at 1308 W. Ural Dr, zoned "R-R" Rural Residential District
8. Discussion and Approval of 2021 Planning & Zoning Commission Meeting Dates
9. Report regarding Summary Review Subdivisions
10. 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, January 4, 2021 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, DECEMBER 7, 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  
BRENT GRIFFITH  
CHARLIE GARCIA  
DENNIS WHITE  
ELIZABETH LICKLITER  
JEREMY FUENTES  
HERB PETTUS**

**CITY ATTORNEY  
CITY  
CITY  
1308 W. URAL DR.  
via virtual meeting  
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 [5:00:54 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.

0:00:29      **2. Approval of Agenda**

**Ms. Ortiz** clarified that the zoning for Agenda Item #7 is listed as R-R (Rural Residential) and should read R-1 (Residential 1 District).

**Mr. Nesser** 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.

0:01:50      **3. Approval of Minutes from the regular Meeting held November 2, 2020**

**Ms. Ortiz** noted a mistake on the date on the Minutes from November 2, 2020 and that has been corrected.

The Motion was made by **Ms. Whitlock** and seconded by **Mr. Cornum** for approval of the Minutes with the corrected date. 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.

0:03:10      **4. Consider approval of a Conditional Use Permit request to allow a Bed & Breakfast located at 705 N. Canyon St., zoned "C-1" Commercial 1 District**

The applicant, **Elizabeth Licklitter**, joins via virtual meeting. **Mr. Patterson** explains this request; to allow the operation of a Bed & Breakfast at the property, which it has been in the past. The Conditional Use Permit from the prior owners does not transfer, and the new owner, **Ms. Licklitter**, would like to continue the business as before. The Planning staff recommends approval. 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.

0:08:03      **5. Consider approval of a Variance request to allow a 10' rear setback located at 3908 Doc Holliday Ct., zoned "R-R" Rural Residential District**

The applicant, **Jeremy Fuentes**, joins via virtual meeting. **Mr. Patterson** explains the request. Per the City Ordinance and the Subdivision regulations, a 20' rear setback is required. The applicant would like to place a 50' x 30' metal shop within 10' of the property line. The Planning Dept. and other city departments recommend approval, with the Legal Dept. recommending denial. **Mr. Fuentes** thought the setback was only 10'. He would like more space between the house and the shop; the 20' seems too large and would be unusable space. **Ms. Whitlock** questions why the Legal Dept. recommended denial. **Eileen Riordan**, City Attorney, responds that the other departments recommended approval because it meets the safety requirement, but it does not meet the legal requirements. Convenience is not one of the legal parameters. Floor opened for public comment. There was none.

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

**Mr. Patterson** tells the applicant he will receive a notice of decision and the Building Dept. will be informed that the Variance has been approved.

0:18:07      **6. Consider approval of a Variance request to allow a 1' side setback located at 801 N. Eighth St., zoned "C-2" Commercial 2 District**

**Herb Pettus** joins via virtual meeting, representing the applicant, Dave Sepich. **Mr. Patterson** explains the request is to approve a variance for a 1' side setback for the property at 2506 W. Church St., although it is addressed as 801 N. 8<sup>th</sup> St. The applicant would like to build a 50' x 60' metal building along the west property line. The property to the west is owned by the School Board and is undeveloped. The Planning Dept. recommends approval, noting that there are no underground utilities at this location. **Mr. Pettus** stated that Xcel Energy has a 30' utility easement on the east side of the property. **Mr. Cornum** notes that

the School Board has construction plans for the adjacent property, which itself has a 30' utility easement on the east. 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.

0:27:55        **7. Consider approval of a Variance request to allow storage of an operable RV in the side setback located at 1308 W. Ural Dr, zoned "R-1" Residential 1 District**

**Dennis White** comes to the podium. **Ms. Ortiz** explains this request is for a Variance to allow an operable RV to be stored in the side setback. The Planning Dept. recommends approval, noting the placement of the RV does not create any visual hindrance from Ural Dr. The applicant has provided police reports reflecting his issues with storing his RV. **Mr. White** states he was renting storage space for his RV and found that someone had broken into it and was living in it and using drugs. **Ms. Ortiz** tells the commission that she has received no phone calls regarding his request; but that **Mr. White** has provided letters of support from his neighbors. **Mr. Patterson** clarifies that the Variance is for this location only and would not allow additional RVs to be stored on the property. 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, Mr. Cornum.** No-- **Ms. Whitlock;** Abstained--None; Absent None; The motion carried.

0:39:43        **8. Discussion and Approval of 2021 Planning & Zoning Commission Meeting Dates**

**Mr. Patterson** reviews the Planning & Zoning Commission meeting dates for 2021, noting that they are on the first Monday of each month, with the exception of: April, July, and September. In those months, the meeting will take place on the second Monday.

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

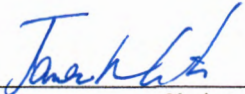
0:40:03        **9. Report regarding Summary Review Subdivisions**


Nothing unusual was noted.

0:41:06        **10. Adjourn**

There being no other business, the meeting was adjourned.

0:41:09        Stop Recording [5:42:04 PM]

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Date