

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, January 4, 2021 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, January 4, 2021 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 December 7, 2020
4. Consider a recommendation to Council of a petition to annex approximately 2.93 acres of property located at 2007 and 2009 Connie Rd., legally described as Tract A and Tract 1A, Parsley/Bloodworth Tracts (Carlsbad Out).
5. Consider a recommendation to Council for the application of "C-2" Commercial 2 District zoning for 2007 and 2009 Connie Rd., legally described as Tracts A and 1A, Parsley/Bloodworth Tracts.
6. Consider approval of a Conditional Use Permit to allow a Home Occupation – Architect office at 1303 S. Country Club Circle, zoned "R-1" Residential 1 District.
7. Consider approval of a Conditional Use Permit to allow a Home Operation – Sales/Service at 605 N. Guadalupe St., zoned "R-2" Residential 2 District.
8. Consider approval of a Variance request to reduce the required rear setback from 20' to 10' at 4008 S. Pat Garrett Rd., zoned "R-R" Rural Residential District.
9. Consider approval of a Variance request to reduce the required setbacks for properties located within the Ridgecrest Subdivision, zoned "R-1" Residential 1 District.
10. Consider approval of a Variance request to reduce the required side setback from 10' to approximately 2' at 802 W. Mermod St., zoned "C-2" Commercial 2 District.

11. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-2" Commercial 2 District, at 501 S. Alameda St., legally described as Lot 1, Block 54, Stevens Subdivision.
12. Consider a recommendation to Council for a Zone Change request, "C-2" Commercial 2 District to "C-1" Commercial 1 District, at 511 S. Alameda St., legally described as Lot 11, Block 54, Stevens Subdivision.
13. Report regarding Summary Review Subdivisions
14. Adjourn



FOR INFORMATION ONLY

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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, February 1, 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, JANUARY 4, 2021 AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSIONER (arrived at 5:03 pm)
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:

**DENISE MADRID BOYEA
CHARLIE GARCIA
ART LOAFMAN
LESLIE HENSON
LOGAN HENSON
BRETT SMITH
SHANE BOSTICK
DOMINGO GARCIA
MARIE BETTY BLEA
KEVIN SHAFER
GEORGE BLAKELY
DAVID ROGERS
CHRISTOPHER CARNERO**

**DEPUTY CITY ATTORNEY
CITY
705 RIDGECREST
605 N. GUADALUPE ST.
605 N. GUADALUPE ST.
CARLSBAD
1303 S. COUNTRY CLUB CIRCLE
507 S. ALAMEDA ST.
via virtual meeting
via virtual meeting
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 [5:01:26 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. Garcia, Mr. McCormick, Ms. Whitlock, Mr. Cornum.** Absent- **Mr. Nesser.**

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

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

0:01:18 **3. Approval of Minutes from the regular Meeting held December 7, 2020**

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

(Mr. Nesser arrives at 5:03 pm)

0:02:06 **4. Consider a recommendation to Council of a petition to annex approximately 2.93 acres of property located at 2007 and 2009 Connie Rd., legally described as Tract A and Tract 1A, Parsley/Bloodworth Tracts (Carlsbad Out).**

The applicant, **George Blakely**, joins via virtual meeting. **Mr. Patterson** explains this request for annexation of 2007 Connie Rd. into the City of Carlsbad. The property is currently not contiguous to the Carlsbad city boundary, and the applicant will need his neighbor to the north to agree to join the annexation petition to have 2009 Connie Rd. annexed, or this neighbor's property will need to be forced annexed. **Mr. Blakely** has reached out to the owners of 2009 Connie Rd., but has not received any response. The Planning staff recommends denial, due to this property not being contiguous to the City boundary. **Mr. Blakely** operates a small RV park on the property and would like to have city services. He already has water from the City which comes through the neighbor's property. He has been informed by his neighbor this service will cease on January 31, 2021. The Water Department suggested the annexation to continue water services. **Mr. Garcia** questions the letter submitted by **Mr. Blakely** stating the neighbor to the north, at 2009 Connie Rd., is within the city limits. The neighbor to the north owns two parcels, only the 2009 Connie Rd. is in the County. **Mr. Blakely** purchased the property from The Bloodworth estate, and says it has had city water for 20 years or so. **Mr. McCormick** suggests this item will need to be tabled until the other property owner can petition for annexation.

Motion was made by **Ms. Whitlock** 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.

0:12:03 **5. Consider a recommendation to Council for the application of "C-2" Commercial 2 District zoning for 2007 and 2009 Connie Rd., legally described as Tracts A and 1A, Parsley/Bloodworth Tracts.**

The applicant, **George Blakely**, joins via virtual meeting. **Mr. McCormick** explains that being that this property is not yet annexed into the City the zoning change cannot be considered.

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

0:14:02 **6. Consider approval of a Conditional Use Permit to allow a Home Occupation – Architect office at 1303 S. Country Club Circle, zoned “R-1” Residential 1 District.**

Shane Bostick comes to the podium. **Mr. Patterson** explains the request is to approve a Conditional Use Permit to allow a Home Occupation/Office to operate as an architect office. The property is zoned “R-1” Residential 1 Zoning District. The Planning Dept. recommends approval. **Mr. Bostick** states most of his work does not require clients coming to his home. **Mr. Patterson** states he received no phone calls in opposition. 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.

0:19:14 **7. Consider approval of a Conditional Use Permit to allow a Home Operation – Sales/Service at 605 N. Guadalupe St., zoned “R-2” Residential 2 District.**

Leslie Henson comes to the podium. **Mr. Patterson** explains this request is for a Conditional Use Permit to allow a home operation Sales/Service at the property, which is zoned “R-2” Residential 2 Zoning District. The business is inflatable rentals, and they will go to the customers for delivery and set up. The Planning Dept. recommends approval. **Ms. Whitlock** asks about where the inflatables will be stored, **Mr. Henson** has a storage shed in his backyard to that purpose. **Mr. Patterson** states he has had no phone calls in opposition. Floor opened for public comment; there was none.

Motion was made by **Mr. Nesser** 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.

0:23:23 **8. Consider approval of a Variance request to reduce the required rear setback from 20’ to 10’ at 4008 S. Pat Garrett Rd., zoned “R-R” Rural Residential District.**

Christopher Carnero, the applicant, does not attend.

Ms. Whitlock made a motion to table; 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.

0:24:58 **9. Consider approval of a Variance request to reduce the required setbacks for properties located within the Ridgecrest Subdivision, zoned “R-1” Residential 1 District.**

Marie Betty Blea, the applicant, joins via virtual meeting. **Mr. Patterson** explains this request is to reduce the required setbacks for Lots 17, 18, 19, 20 and 21 of Unit I, Ridgecrest Subdivision. The requested setbacks are for 20’ in the front, 10’ in the rear, and 5’ sides; the original setbacks are 30’ in the front, 20’ in the rear, and secondary side 7.5’ setbacks. The Planning staff recommends approval of this request as it falls within the setbacks required for “R-1” Residential 1 Zoning District. The reduction in the setbacks would allow more buildable space for new homes. **Ms. Blea** tells the commission she plans to build custom homes; and the setbacks as they are would only allow homes between 1,700-1,800 square feet. Floor opened for public comment. **Art Loafman** comes to the podium. He lives at 705 Ridgecrest. He feels the setbacks should not be changed without the vote of the Ridgecrest community. **Mr. Patterson** received several phone calls asking for clarification. He further clarifies that the original side setbacks are 5’ for single story homes, and 10’ for 2-story homes. **Ms. Blea** confirms that the request is for the front and rear setbacks to be reduced. **Mr. Garcia** states the property is surrounded by the

Municipal Golf Course, and will not have neighboring houses. **Mr. Cornum** states that the existing homes in that subdivision all have short backyards because of the golf course.

Mr. Nesser made a motion to approve; and **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.

0:40:13 **10. Consider approval of a Variance request to reduce the required side setback from 10' to approximately 2' at 802 W. Mermod St., zoned "C-2" Commercial 2 District.**

Brett Smith, representing Thomas Wilson, comes to the podium. He states Rugged Trade is building a storage building for overflow inventory in the back of their current building. He would like to reduce the rear setback from 10' to 3'. The metal building will be 30' x 100'. **Mr. Patterson** clarifies that when discussions first began, it was thought the new storage building would be an addition; and attached to the existing structure. If this was the case, no variance would be needed, as there was plenty of room. They decided instead to make it a detached building, necessitating 10' between it and the existing building. This change pushed it into the north setback, necessitating the need for a Variance. **Mr. Nesser** asks the distance between the current building and the lot line. **Mr. Smith** says it is 36'. **Mr. Cornum** asks about houses on the north side; **Mr. Smith** states there is a 6' fence. **Mr. Smith** tells the commission there will be gutters both sides to direct rainwater; and drainage flows from the alley to the street, to prevent water going on other property. The Planning Staff recommends approval of this request.

Mr. Nesser made a motion to approve with conditions that drainage be directed to North Lake St. on both sides of the building; 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.

0:54:22 **11. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-2" Commercial 2 District, at 501 S. Alameda St., legally described as Lot 1, Block 54, Stevens Subdivision.**

Kevin Shafer, the applicant, attends via virtual meeting. He requests that Items #11 and #12 be switched, because the vote on #11 will affect #12. Both Items #11 and #12 are Mr. Shafer's.

Mr. Nesser made a motion to switch the items; 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.

0:56:33 **12. Consider a recommendation to Council for a Zone Change request, "C-2" Commercial 2 District to "C-1" Commercial 1 District, at 511 S. Alameda St., legally described as Lot 11, Block 54, Stevens Subdivision.**

Kevin Shafer, the applicant, attends via virtual meeting. **Mr. Patterson** explains the request, noting the applicant has place a manufactured home on the property; by changing the zoning to "C-1" Commercial 1 Zoning District, he would be able to use the property as residential. The surrounding properties to the north and west are residential. The properties to the south and east are zoned "C-2" Commercial 2 Zoning District. This would create a spot zone, but the property has historically been residential in nature, and the applicant is proposing to continue the residential nature. The Planning staff recommends approval of this request. **Mr. Shafer** states he may possibly build a shop in the rear of the property; he has machines that need to be stored inside. Floor opened for public comment. **Homer Garcia**, son of Domingo Garcia of 507 S. Alameda, comes to the podium. He questions if it is zoned Commercial currently. **Mr.**

McCormick explains that is currently is zoned commercially but the request is for a more restrictive Commercial zoning to be applied.

Mr. Nesser made a motion for approval; and **Ms. 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 informs the applicant this will go to City Council at their February 9, 2021 meeting.

1:01:57 **11. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-2" Commercial 2 District, at 501 S. Alameda St., legally described as Lot 1, Block 54, Stevens Subdivision.**

Kevin Shafer, the applicant, attends via virtual meeting. **Mr. Patterson** explains this request; noting this Zone change would create a spot zone; as the surrounding properties to the north, south, east, and west are zoned "R-2" Residential 2 Zoning District. This is a request for the heaviest commercial zoning, which would allow any "C-2" Commercial 2 Zoning District application. The Planning Staff recommends denial. **Mr. Shafer** explains that this property is right next door to a church, and across the street is the fire department, next to that is Forrest Tire. He has a building on the property now and that is used for his mobile carpet cleaning company, and he would like to also use it for upholstery cleaning and steam cleaning. **Mr. McCormick** states that "C-2" Commercial 2 Zoning District allows more than "C-1" Commercial 1 Zoning District. **Mr. Shafer** states that **Mr. Patterson** suggested "C-2" to allow the interior steam cleaning. This would provide an inside location in addition to his mobile business. **Mr. Patterson** confirms the applicant would need "C-2" Zoning for this purpose. **Mr. Nesser** asks if the City received any phone calls regarding this change request. **Mr. Patterson** replies he received some with concerns. Floor opened for public comment. **Dave Rogers**, pastor of the church adjacent to the property, joins via virtual meeting. He represents only himself, not the church. He states **Mr. Shafer** is a good neighbor and has taken pride in the neighborhood. **Mr. Garcia** asks for clarification if the properties surrounding the property are zoned Residential. **Mr. Patterson** replies they are zoned "R-2" Residential. **Mr. McCormick** reminds **Mr. Shafer** this commission is a recommending board, and the final decision for Zoning Changes will be made by City Council. **Mr. Shafer** asks if his property at 511 S. Alameda could remain "C-2" if he reconsiders. **Mr. Patterson** tells **Mr. Shafer** that if he rescinds his request for the Zone Change for 511 S. Alameda, it will not go to City Council. **Mr. Patterson** asks that he let him know by Wednesday, January 6, 2021, if he rescinds his request. **Mr. Shafer** states it may be better to place his manufactured home on 501 S. Alameda, and leave the 511 S. Alameda St. as commercial and place his shop there.

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

Mr. Patterson tells the applicant this will go to City Council at the February 9, 2021 meeting.

1:20:05 **Mr. Patterson** announces that the applicant for Item #8 has joined via phone.

Ms. Nesser made a motion to remove from table; 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.

1:20:42 **8. Consider approval of a Variance request to reduce the required rear setback from 20' to 10' at 4008 S. Pat Garrett Rd., zoned "R-R" Rural Residential District.**

Christopher Carnero, the applicant, attends via virtual meeting.

Mr. Patterson explains this request to allow a 10' setback instead of the 20' rear setback as required by R-R Zoning. After meeting with other City staff, the Planning Dept. recommends approval. **Mr. Carnero** states he would like to build his shop closer to the rear of the property and thinks 20' puts it too close to the house. He has already created a playground set and doesn't want to relocate it, based on future additions to his house. Floor opened for public comment. There was none.

Ms. Nesser made a motion 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.

1:26:36 **13. Report regarding Summary Review Subdivisions**

Nothing unusual was noted.

1:28:32 **10. Adjourn**

There being no other business, the meeting was adjourned.

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



Chairman

2-1-21
Date