

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, August 2, 2021 at 5:00 p.m.**

**Meeting Held in the Annex Council Chambers  
114 S. Halagueno St.**



CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, August 2, 2021 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 July 12, 2021
4. Consider approval of a Variance request to allow a 2' increase in fence height along the front and side setbacks at 2514 Boyd Dr., zoned "R-1" Residential 1 District
5. Consider a recommendation to Council for a Zone Change request, "C-2" Commercial 2 District to "R-R" Rural Residential District, located at 1002 Malaga Rd., legally described as Lot 24, Block D, Joel Subdivision
6. Report regarding Summary Review Subdivisions
7. 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, September 13, 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 COUNCIL CHAMBERS, 114 S. HALAGUENO STREET, AUGUST 2, 2021 AT 5:00 P.M.

VOTING MEMBERS PRESENT:

JAMES McCORMICK  
BRAD NESSER  
TRENT CORNUM  
LINDA WILSON

CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER

VOTING MEMBERS ABSENT:

VACANT

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  
JOVITA WALLACE  
ROBERT WALLACE  
KACEY CORNUM  
FRANCISCA BISHOP  
TIM STEPHENS

CITY ATTORNEY  
CITY  
4304 MESCALERO  
4304 MESCALERO  
1081 MONUMENT CT.  
3909 JESSE JAMES  
ERA MONTGOMERY REAL ESTATE

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 [5:01:37 PM]

0:00:55 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. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson. Absent-- None.

0:01:29 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. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson. No--None. Abstained--None. Absent--None. The motion carried.

0:02:13 3. Approval of Minutes from the regular Meeting held July 12, 2021

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

0:02:49 **4. Consider approval of a Variance request to allow a 2' increase in fence height along the front and side setbacks at 2514 Boyd Dr., zoned "R-1" Residential 1 District**

The applicant, **Francisca Bishop**, comes to the podium. **Mr. Patterson** explains this request is to consider approval of a Variance to increase a fence height 2' in the front and side setback. The applicant would like to build a fence around this empty lot. The Planning staff recommends denial of this request. **Ms. Bishop** states they would like a fence around the property to prevent people from driving through as well as people camping on it. The neighbor on the north side is placing a 6' fence along the property line. **Ms. Bishop** would like the fence to be consistent in height as well as keep people off. Floor opened for public comment. There was none. **Mr. Cornum** asks the applicant her plans for the property. **Ms. Bishop** only wants to keep it secure. **Ms. Ortiz** explains the reason for Planning staff denial was staff did not think the fence needs to be 6' to keep people off.

The Motion was made for approval by **Mr. Cornum** and seconded by **Ms. Wilson**. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson**. No--None. Abstained--None; Absent--None. The motion was approved.

0:10:47 **5. Consider a recommendation to Council for a Zone Change request, "C-2" Commercial 2 District to "R-R" Rural Residential District, located at 1002 Malaga Rd., legally described as Lot 24, Block D, Joel Subdivision**

**Tim Stephens**, ERA Montgomery Real Estate, comes to the podium representing the applicants Michael Stoll and Caryn Leech. **Mr. Patterson** explains the request is for a Zone Change from C-2 Commercial 2 District to R-R Rural Residential District for their property at 1002 Malaga Ave. The zoning to the south and east is R-R Rural Residential, and zoning to the north and west is C-2 Commercial. As such, this would not create a spot zone and would apply accurate zoning for the past and current use of the property. The Planning staff recommends approval of this request. **Mr. Stephens** explains most of Malaga Ave. is residential; and buyers cannot get a secondary loan if the zoning is Commercial. This makes it difficult to sell these properties. Floor opened for public comment. There was none.

The Motion was made for approval by **Mr. Nesser** and seconded by **Mr. Cornum**. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson**. No--None. Abstained--None; Absent--None. The motion was approved.

**Mr. Patterson** tells the applicant this will go to City Council for final approval at the September 14, 2021 regular meeting.

0:14:18 **6. Report regarding Summary Review Subdivisions**

**Ms. Ortiz** give a report on the Summary Reviews.

0:15:06 **7. Adjourn**

There being no other business, the meeting was adjourned.

0:15:11 Stop Recording [5:16:47 PM]

  
Chairman

9/13/21  
Date