

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, September 13, 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, September 13, 2021 at 5:00 PM

Municipal Annex 114 S. Halagueno Street

GoToMeeting ID: 448-016-253

US Phone: (312) 757-3121 Access Code: 448-016-253

Council Chambers

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held August 2, 2021
4. Consider approval of the installation of a single-family home prior to the installation and acceptance of subdivision infrastructure & approval of final plat, legally described as Lot 19 of Hackberry View Estates
5. Consider a recommendation to Council for a Zone Change request, "R-1" Residential 1 District to "R-2" Residential 2 District, located at 2301 Avenue A., legally described as Lot A & B, Char Line Adjustment
6. Consider approval of a Variance request to allow a 0' side setback and a 0' rear setback at 1928 Diamond Dr., zoned "PUD" Planned Unit Development District
7. Report regarding Summary Review Subdivisions
8. 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, October 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 COUNCIL CHAMBERS, 114 S. HALAGUENO STREET, SEPTEMBER 13, 2021 AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**BRAD NESSER  
TRENT CORNUM  
LINDA WILSON  
VALERIE BRANSON**

**COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**JAMES McCORMICK**

**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  
RON MYERS  
CHARLIE GARCIA  
VANESA RIOS  
JONATHAN CHAR  
CHAD INGRAM  
HEATHER INGRAM  
HERBERT MACKAY**

**CITY ATTORNEY  
DIRECTOR OF UTILITIES  
CITY  
1928 DIAMOND DR.  
1906 BLUE QUAIL CT.  
1924 DIAMOND DR.  
1924 DIAMOND DR.  
702 E. WOOD**

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 [5:00:32 PM]

0:00:06 **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. Cornum, Ms. Wilson, Ms. Branson**. Absent--**Mr. McCormick**.

0:00:27 **2. Approval of Agenda**

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

0:01:26 **3. Approval of Minutes from the regular Meeting held August 2, 2021**

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



0:02:09 4. Consider approval of the installation of a single-family home prior to the installation and acceptance of subdivision infrastructure & approval of final plat, legally described as Lot 19 of Hackberry View Estates

The applicant, **JR Doport**, rescinded his request.

0:02:53 5. Consider a recommendation to Council for a Zone Change request, "R-1" Residential 1 District to "R-2" Residential 2 District, located at 2301 Avenue A., legally described as Lot A & B, Char Line Adjustment

The applicant, **Jonathan Char**, comes to the podium. **Mr. Patterson** explains the request is for a Zone Change from R-1 Residential 1 District to R-2 Residential District 2 for their property at 2301 Avenue A. The Planning staff recommends denial due to the single family nature of the neighborhood; this would create a spot zone as the surrounding properties are zoned R-1. **Mr. Char** states he would like to build a duplex on the property to maximize its usefulness. **Ms. Wilson** questions if there is enough room for a duplex and what are the setbacks? **Ms. Ortiz** answers the R-2 Zoning allows for 0' front setback and 10' rear setback. The property will address off of Sixth St., and therefore the rear of the property would abut the property on Avenue A, not the alley. The side setbacks are determined by the height of the building; single story buildings would have a 5' side setback. **Mr. Char** states he is planning a 2-story duplex. His side setback would then be 7.5'. **Mr. Patterson** clarifies that a single duplex can be placed in R-1 Zoning; two duplexes would have to have R-2 Zoning. Floor opened for public comment. A neighbor from 2302 Bonita St. comes to the podium to oppose the Zone change due to the unkempt state of the property as it is; he says it is weed-filled and is an eyesore. No improvements have been made since it was purchased about 1-1/2 years ago. His understanding was there was supposed to be two duplexes going on the property. **Mr. Char** states he is only placing one duplex. **Mr. Nesser** asks him if he would like to withdraw his request because he does not want a zone change for one duplex. After clarifying that the Zone Change is unnecessary for his intentions for the property, **Mr. Char** withdraws his request.

0:13:19 6. Consider approval of a Variance request to allow a 0' side setback and a 0' rear setback at 1928 Diamond Dr., zoned "PUD" Planned Unit Development District

The applicant, **Vanesa Rios**, comes to the podium. **Mr. Patterson** explains this request is to consider approval of a Variance for a 0' side setback and a 0' rear setback at 1928 Diamond Dr. The applicant has a shed in the northeast corner of the property along the property line. There is a 10' drainage easement on the rear property line. The Planning staff recommends approval of this request with the following conditions: the structure should be moved to the required 5' side setback; and the structure should be moved to 10' for the rear setback, resulting in a variance of 5' rear setback, to allow for drainage easement. **Ms. Rios** states she was unaware of any regulations regarding placement of her shed; and plenty of other neighbors have sheds as well. **Chad Ingram**, her neighbor at 1924 Diamond Dr., comes to the podium to express his support of her request. He states the backyards in the development are small and most people have sheds placed similarly; he sees no problem with it. **Mr. Patterson** reads a letter from Anna Valdez, the neighbor at 1926 Diamond Dr., in opposition to the request. She states the applicant's shed is in violation and in case of a fire would threaten her home, because there is no access for the fire dept. Further, no permit was pulled from the Building Dept. for the construction of the shed. **Ms. Branson** asks the size necessary for a permit for a shed. **Mr. Patterson** tells her it has changed; from 120 sq. feet to 200 sq. feet. **Ms. Wilson** states she drove by to look at it and it is definitely not 200 sq. ft. **Mr. Cornum** asks the applicant if her shed is mobile, she says it is.

The Motion was made for approval to allow a 0' side and 0' rear setback by **Ms. Wilson** and seconded by **Mr. Cornum**. The vote was as follows: Yes--**Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson**; No--None; Abstained--None; Absent--**Mr. McCormick**. The motion was approved.

0:27:24

**7. Report regarding Summary Review Subdivisions**

**Ms. Ortiz** give a report on the Summary Reviews. Herbert Mackey clarified the issues regarding the septic on the Mackey Tracts preliminary plat.

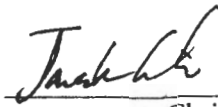
0:32:07

**8. Adjourn**

There being no other business, the meeting was adjourned.

0:32:12

Stop Recording [5:32:45 PM]



Chairman

10.4.2021

Date