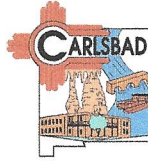


**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, October 4, 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, October 4, 2021 at 5:00 PM

Municipal Annex 114 S. Halagueno Street  
Council Chambers

GoToMeeting ID: 714-757-805

US Phone: (571) 317-3112 Access Code: 714-757-805

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held September 13, 2021
4. Consider a recommendation to Council for a Zone Change request, "R-1"  
Residential 1 District to "C-1" Commercial 1 District, located at 412 E. Church St.,  
legally described as Lots 21 & 23, Block 113, Kerr Park Subdivision
5. Consider a recommendation to Council for a Zone Change request, "R-2"  
Residential 2 District to "C-2" Commercial 2 District, located at 502 N. Sixth St.,  
legally described as the south 100' of Tract 66
6. Consider a recommendation to Council for a Zone Change request, "R-2"  
Residential 2 District to "C-2" Commercial 2 District, located at 510 N. Sixth St.,  
legally described as the north 50' of Tract 66
7. Consider approval of the Final Plat for the Oasis Subdivision Phase 1
8. Report regarding Summary Review Subdivisions
9. 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, November 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 COUNCIL CHAMBERS, 114 S. HALAGUENO STREET, OCTOBER 4, 2021 AT 5:00 P.M.

VOTING MEMBERS PRESENT:

JAMES McCORMICK  
BRAD NESSER  
LINDA WILSON  
VALERIE BRANSON

CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER

VOTING MEMBERS ABSENT:

TRENT CORNUM

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  
JOSH MOORE  
EDDIE HERNANDEZ  
SOROIMA ORTEGA  
TARA OLDS  
J. L. OLDS  
DEAN HAMMER  
DONNA HAMMER  
OWEN SMITH  
JAMES N. SEXTON  
VINCENT ENRIQUEZ  
ANASTACIO ALMANCE JR.  
ELODIA ENRIQUEZ  
JIM RUTLEY

CITY ATTORNEY  
DIRECTOR OF UTILITIES  
701 RIDGECREST  
505 N. 6<sup>TH</sup> ST.  
505 ½ N. 6<sup>TH</sup> ST.  
807 E. RIVERSIDE DR.  
807 E. RIVERSIDE DR.  
409 ROSEDALE ST.  
409 ROSEDALE ST.  
309 ROSEDALE ST.  
2408 MONTE VISTA  
518 N. 6<sup>TH</sup> ST.  
518 N. 6<sup>TH</sup> ST.  
518 N. 6<sup>TH</sup> ST.  
403 ROSEDALE ST.

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 [5:01:04 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. McCormick, Mr. Nesser (*arrived at 5:01 pm*), Ms. Wilson, Ms. Branson. Absent—Mr. Cornum.

0:00:35 2. Approval of Agenda

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

0:01:21            **3. Approval of Minutes from the regular Meeting held September 13, 2021**

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

0:02:05            **4. Consider a recommendation to Council for a Zone Change request, "R-1" Residential 1 District to "C-1" Commercial 1 District, located at 412 E. Church St., legally described as Lots 21 & 23, Block 113, Kerr Park Subdivision**

The applicant, Josh Moore, comes to the podium. Mr. Patterson explains his request for the Zone change is so he can pursue commercial enterprises at that location. The Zone Change would create a spot zone; however the City Planning staff and other departments recommend approval. Mr. Moore would like to create a beachy-themed riverside restaurant on the lot for families to enjoy while visiting the beach area. He states this has been his dream for years; and previous owners of the property have tried and failed in the past. Floor opened for public comment. J.L. Olds comes to the podium; he resides at 807 E. Riverside Drive and is in opposition. He states that previous attempts have failed. He does not want a restaurant near his house. There is already too much traffic as it is. Dean and Donna Hammer come to the podium; they live on Rosedale St. He states they have a traffic issue; he would like to keep it a residential area and suggests a restaurant consider the Cascades instead. Ms. Hammer states there is not enough parking for a restaurant; and there are accidents because there is so much traffic; both day and night. Owen Smith comes to the podium, he has two houses on Rosedale. He states so many people use the area that sometimes the parking flows onto Rosedale Street. He states a restaurant would create more traffic and noise into the night and he is against it. James Sexton comes to the podium. He lives on Monte Vista St. but worked at the beach for eleven years. He states the city does not enforce the ordinances in place now. He has had to call the police on traffic and but they didn't show up; he called again, but the police never did show up. Mr. Moore responds he understands the concerns and that he would be a responsible owner. He would create appropriate parking for the restaurant. Mr. McCormick clarifies that the Zone Change could allow for many things; not just a restaurant.

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

Mr. Patterson reminds that this item goes on to City Council for final decision on November 9, 2021.

0:27:50            **5. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-2" Commercial 2 District, located at 502 N. Sixth St., legally described as the south 100' of Tract 66**

The applicant, Josh Moore, comes to the podium. He explains he would like the zone change to commercial so he can lease the buildings on the property out for use as a hot rod shop. The buildings on the property are huge warehouses. Some of the neighbors have approached him to lease it as mechanic or automotive repair shop. Mr. Patterson then explains the request for a Zone Change from R-2 Residential District to C-2 Commercial District; after review, the City staff recommends denial because the surrounding zoning is R-1 Residential. Anastacio Almance Jr. comes to the podium. He lives at 518 N. Sixth St. and has a welding business. He states the noise from the shop at the subject property is too much and goes into the night. Eddie Hernandez comes to the podium. He lives at 505 N. Sixth St. He states he

is against the zone change; it should remain residential. He states the mechanical noise coming from the property is too loud and at all hours; and it will increase traffic if the zoning is changed. **Elodia Enriquez** comes to the podium. She is the mother-in-law of Anastacio Almance Jr.; also residing at 518 N. Sixth St. She purchased the residence about 20 years ago. She is concerned about safety of children if the property becomes Commercial Zoning; she is against the Zone Change.

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

**Mr. Patterson** states this item will go before City Council at their November 9, 2021 regular meeting. He wants clarification on the vote for this item. The motion was to recommend denial of the Zone Change, so a vote of "No" would be against the denial. A "Yes" vote would support the denial. **Mr. McCormick** calls for another vote. **Mr. McCormick** made a motion for denial; the vote was as follows: Yes--**Mr. McCormick, Mr. Nesser, Ms. Wilson, Ms. Branson**; No—None. Abstained—None; Absent--**Mr. Cornum**. The motion for denial dies due to lack of a second.

0:44:13            **6. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-2" Commercial 2 District, located at 510 N. Sixth St., legally described as the north 50' of Tract 66**

The applicant, **Josh Moore**, comes to the podium. He states this request is the same as the previous item. He would like the commission to know he has sprayed the weeds two weeks ago. He also offered a lease to some of these people but they never called him back. **Mr. McCormick** asks if comments need to be opened on this item, being that it is the same as the previous item. **Soroima Ortega**, living at 505-1/2 N. Sixth St., asks if neighbors who couldn't show up at the meeting could instead write letters against the item instead. Her husband works nights and they are concerned about the noise if the property becomes commercial.

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

**Mr. Patterson** states that this item will also go to City Council on November 9, 2021.

**Mr. Patterson** notes that Item #4 also needs clarification on the vote. **Mr. McCormick** makes a motion to re-vote Item #4. **Mr. Nesser** seconded the motion. **Ms. Wilson** makes a motion for denial of the Zone Change request at 412 E. Church. **Ms. Branson** seconds the motion. The vote was as follows: Yes-- **Mr. McCormick, Mr. Nesser, Ms. Wilson, Ms. Branson**; No—None; Abstained—None; Absent--**Mr. Cornum**. The motion for denial dies due to lack of vote to rehear item.

0:52:28            **7. Consider approval of the Final Plat for the Oasis Subdivision Phase 1**

**Mr. Patterson** tells the Commission that this Subdivision will create 145 new single-family residential lots in two tracts; Zoning will be R-1. **Mr. Thurston**, the developer, has provided a letter of credit, a financial guarantee that would allow the City to close on funds to finish the project if **Mr. Thurston** is unable to do so. The Commission needs to approve the final plat to allow **Mr. Thurston** to move forward.

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

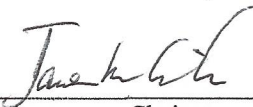
0:54:52        **8. Report regarding Summary Review Subdivisions**

**Ms. Ortiz** give a report on the Summary Reviews. Nothing unusual was reported.

0:56:55        **9. Adjourn**

There being no other business, the meeting was adjourned.

0:57:00        Stop Recording [5:58:04 PM]

  
\_\_\_\_\_  
Chairman

11-1-21  
Date