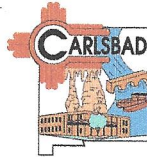


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, November 1, 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, November 1, 2021 at 5:00 PM

Municipal Annex 114 S. Halagueno Street
Council Chambers

GoToMeeting ID: 612-911-069

US Phone: (408) 650-3123 Access Code: 612-911-069

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held October 4, 2021
4. Consider a recommendation to Council for a Zone Change request, "R-1" Residential 1 District to "R-2" Residential 2 District, located at 910 Ortega St., legally described as Lots 1, Block 5, Normandy Subdivision
5. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-1" Commercial 1 District, located at 312 N. Halagueno St., legally described as Lot 4, Block 31, Stevens Subdivision
6. Consider a recommendation to Council for a Zone Change request, "R-1" Residential 1 District to "R-2" Residential 2 District, located at 414 S. Ash St., legally described as Lot 14, Block 17, Hays Subdivision
7. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-2" Commercial 2 District, located at 112 N. Mesa St., legally described as Lot 4, Block 93, Stevens Second Addition Subdivision
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

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, December 6, 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, NOVEMBER 1, 2021 AT 5:00 P.M.

VOTING MEMBERS PRESENT:

JAMES McCORMICK
TRENT CORNUM
VALERIE BRANSON

CHAIRPERSON
COMMISSIONER
COMMISSIONER

VOTING MEMBERS ABSENT:

BRAD NESSER
LINDA WILSON

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
KEN ARAGON
NICK CARRASCO
LIZ McKINLEY
HILDA MOORE
PATRICIA BOULWARE

CITY ATTORNEY
DIRECTOR OF UTILITIES
CITY
1206 MIEHLS
414 S. ASH
409 S. ASH
112 N. MESA
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 [5:00:31 PM]

0:00:04 **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. Cornum, Ms. Branson.** Absent--**Mr. Nesser, Ms. Wilson.**

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

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

0:01:13 **3. Approval of Minutes from the regular Meeting held October 4, 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. Cornum, Ms. Branson;** No—None; Abstained—None; Absent--**Mr. Nesser, Ms. Wilson.** The motion carried.

0:01:51 **4. Consider a recommendation to Council for a Zone Change request, “R-1” Residential 1 District to “R-2” Residential 2 District, located at 910 Ortega St., legally described as Lots 1, Block 5, Normandy Subdivision**

The applicant’s representative, **Ken Aragon**, comes to the podium. **Mr. Patterson** explains his request for the zone change from R-1 Residential 1 District to R-2 Residential 2 District. The surrounding properties on all four sides are zoned R-1. The applicant has already built a duplex on the property. The building permit was issued in 2018 and has expired. Due to the expired permit and other issues; such as parking, planning staff and other departments recommend denial of this request. **Mr. Aragon** states the original permit was for a structure in the back for a dwelling. What he built is different from the permit. He states he was given a verbal ok to do something different. He has built the structure as a duplex. The permits for electrical, etc. have been issued and the work has been done; and he has left the walls uncovered. He could put it back to a single dwelling if he has to. He would like the second structure to be addressed off Boyd Dr. If unable to do that he would change the address to 910-A Ortega. **Ms. Ortiz** clarifies that the Zone Change was the appropriate request because a subdivision of the property would cause neither parcel to meet the minimum lot size requirement for R-1; and then a variance would have to be considered. Then, if in the future **Mr. Aragon** wanted to subdivide the property he could do so because the parcels would meet the minimum lot size for R-2 zoning. **Ms. Ortiz** states he has met the required setbacks. **Mr. Aragon** states he would prefer to pursue the Zone Change first.

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

Mr. Patterson tells the applicant this item will go before City Council at their December 14, 2021 regular meeting for final decision.

0:16:07 **5. Consider a recommendation to Council for a Zone Change request, “R-2” Residential 2 District to “C-1” Commercial 1 District, located at 312 N. Halagueno St., legally described as Lot 4, Block 31, Stevens Subdivision**

The applicant, **Patricia Boulware**, joins via virtual meeting online. **Mr. Patterson** then explains the request for a Zone Change from R-2 Residential District to C-1 Commercial District; the properties to the north and east are zoned C-1, which matches the request. The applicant plans to do a commercial venture on the property. The Planning staff and other departments recommend approval. **Ms. Boulware** states her intention is to open a neighborhood restaurant in the building currently being used as a duplex on the north side of the property and then have outdoor seating on the adjacent lot. She has just added an ice and water machine; as well as infrastructure for parking for food trucks. This would allow a place for public and private events to be held. Floor opened for public comment.

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

Mr. Patterson tells the applicant this item will go before City Council at their December 14, 2021 regular meeting for final decision.

0:23:07 **6. Consider a recommendation to Council for a Zone Change request, “R-1” Residential 1 District to “R-2” Residential 2 District, located at 414 S. Ash St., legally described as Lot 14, Block 17, Hays Subdivision**

The applicant, **Nick Carrasco**, comes to the podium. **Mr. Patterson** explains the request for a Zone Change from R-1 to R-2 for the property at 414 S. Ash St. is the applicant would like to build a duplex on the property in addition to the existing residential structure. This would create a spot zone; however, the property located directly west of the property has multiple dwelling units. The Planning staff recommends approval of his request. **Mr. Carrasco** states he wants the duplex to face Bronson St. He states he has already made an addition to the existing residence. **Ms. Ortiz** tells the commissioners that the Zone Change was the appropriate request because a subdivision of the property would cause neither parcel to meet the minimum lot size requirement for R-1; and then a variance would have to be considered. Then, if in the future **Mr. Carrasco** wanted to subdivide the property he could do so because the parcels would meet the minimum lot size for R-2 zoning. Floor opened for public comment. **Isabelle McKinley** comes to the podium to state she has no problem with this; her concern is how close the duplex will be to the fence. **Mr. Carrasco** he will go by the setbacks required by the City. She would like the fence to be 6' between the duplex and her rental property next door. She is willing to pay for half of the expense for increasing the fence height to 6.' Floor closed for public comment.

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

Mr. Patterson tells the applicant this item will go before City Council at their December 14, 2021 regular meeting for final decision.

0:32:22 7. Consider a recommendation to Council for a Zone Change request, "R-2" Residential 2 District to "C-2" Commercial 2 District, located at 112 N. Mesa St., legally described as Lot 4, Block 93, Stevens Second Addition Subdivision

The applicant, **Hermenegilda Moore**, comes to the podium; **Charlie Garcia** provides translation. **Mr. Patterson** explains her request for a zone change from R-2 Residential to C-2 Commercial, noting the properties to the north, east, west and south are zoned R-2 Residential with only one property to the southwest that is zoned C-2 Commercial and it does not share a common property line. Therefore, this would create a spot zone. Based on review and staff comments, the planning staff and other city departments recommends denial of this request. **Ms. Moore** would like to set something up in the front of the property and sell things like blankets; then possibly develop a hair salon, and have a couple of vehicles that she could sell. She explains to the commission that she lives in the house in the back of the property using 112-1/2 N. Mesa St. as her address. Her understanding is that when she bought the property there was a house that had burned down in the front of the property. **Mr. McCormick** asks **Mr. Patterson** if the applicant would be better served with a Conditional Use permit for a small retail endeavor. **Mr. Patterson** replies that it would depend on what she plans to do; her current R-2 Residential zoning allows certain commercial uses with a Conditional Use permit; but retail is not one of them. **Ms. Branson** asks about the nearby properties, some of which operate as a business. **Mr. Patterson** explains that some of the properties to the south are zoned Commercial 2 District. **Ms. Moore** is just looking for something to start with, and will not do any type of trucking business. Floor opened for public comment. **Mr. Patterson** states there were no comments made to him for or against.

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

Mr. Patterson tells the applicant this item will go before City Council at their December 14, 2021 regular meeting for final decision.

Ms. Moore asks if she had to move the two vehicles that she has for sale in front of her property. Mr. Patterson replies that he is not aware of any regulation requiring her to move them.

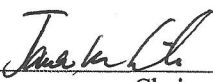
0:49:42 8. Report regarding Summary Review Subdivisions

Mr. Patterson give a report on the Summary Reviews. Nothing unusual was reported.

0:50:54 9. Adjourn

There being no other business, the meeting was adjourned.

0:50:58 Stop Recording [5:51:30 PM]



Chairman

12-6-21
Date