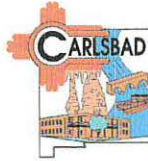


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, December 6, 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, December 6, 2021 at 5:00 PM
Municipal Annex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 376-081-749
US Phone: (872) 240-3412 Access Code: 376-081-749
AMENDED AGENDA

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held November 1, 2021
4. Consider approval of a Conditional Use Permit to allow an event space located at 313 N. Halagueno St., zoned "R-2" Residential 2 District
5. Consider approval of a Variance to allow parking in the Right-of-Way located at 103 S. Walnut St., zoned "R-1" Residential 1 District
6. Consider approval of a Variance to allow a 6' fence along the front and side setbacks located at 1007 Carnation Alley, zoned "R-R" Rural Residential District
7. Consider a recommendation to Council for a Zone Change request, "C-2" Commercial 2 District to "R-2" Residential 2 District, located at 201 S. Mesquite, legally described as Lot 1, Block 100, Stevens Second Addition
8. Approval of 2022 Planning & Zoning Commission meeting dates
9. Report regarding Summary Review Subdivisions
10. 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, January 3, 2022 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, DECEMBER 6, 2021 AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSIONER
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
RON MYERS
MARY LOU LOPEZ
ASHLEY RAGLAND
JASON RAGLAND
CANDACE SCHREIBER
BRANT WOOLF
SHERRY HARPER-WOOLF
DEREK OTT
KATIE OTT
STACEY LOPEZ
GWEN LOPEZ
TIGER LILY
WILLI JUNG
PATRICIA BOULWARE
GLORIA LOPEZ**

**CITY ATTORNEY
CITY
CITY (*Via virtual meeting*)
409 SUNNYVIEW
1007 CARNATION ALLEY
1007 CARNATION ALLEY
312 N. ALAMEDA
103 S. WALNUT
103 S. WALNUT
201 S. MESQUITE
201 S. MESQUITE
107 S. WALNUT
412 SUNNYVIEW
308 N. ALAMEDA
308 N. ALAMEDA
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 [5:00:21 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. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent--None.

0:00:20 **2. Approval of Agenda**

The applicant, **Brant Woolf**, comes to the podium. **Mr. Patterson** then explains this request is for a variance to allow parking in the public right-of-way along 103 S. Walnut St. **Mr. Woolf** has been parking between the curb and the sidewalk for some time; and is now asking for an official variance to do so. Upon review, the City staff recommends denial of this request. **Mr. Woolf** states the alley is in the front of the house and he believes it is commercial. **Mr. McCormick** verifies that the property is zoned Commercial 2 District and the agenda contains a typo. **Mr. Woolf** states he has difficulty backing out of his driveway; it is chaotic; so it is safer to park in the easement and pull forward into traffic instead of backing out onto Walnut St. He has maintained the easement for 30 years and would like to continue parking there. He states in 1960, Walnut Street was made into four lanes from Mermod St. to Fox St. When Mermod St. was widened, it pushed the dentist office parking onto Walnut St. **Ms. Branson** questions the parking across Walnut St. and **Mr. Woolf** tells her it is commercial; therefore anyone can park there. The parking lot for American Muscle location is elevated. **Sherry Harper Woolf** comes to the podium to state that American Muscle has prohibited the dentist patients from parking along their property. **Mr. Woolf** states the parking is really not an issue; he is requesting his variance to continue doing the same as he has for years. Floor opened for public comment. **Mary Lou Lopez** comes to the podium. She states her daughter lives next door to Mr. Woolf at 105 S. Walnut; and her daughter is blind. She tells the commission that Mr. Woolf uses her daughter's driveway for access onto the easement to park. **Gwen Lopez** comes to the podium to state that Mr. Woolf uses both his own driveway and that of her sister to access where he parks on the easement. **Mary Lou Lopez** says it has been a problem for years because of the dentist parking and congestion. Her daughter has recently moved back from Washington state and now it is a problem for her. Because of the parking congestion, she has to put her trash cans on the driveway for pickup; but Mr. Woolf moves the trash cans to access her driveway to get to his easement. When she complained to the City, she was advised to put some bricks down prevent vehicles from going through the driveway and she states that Mr. Woolf took the bricks out of her hand and removed them. **Gloria Lopez** joins via virtual meeting; she states that she lives at 105 S. Walnut. She states she is totally blind. She has been in contact with the Postal Service to place her mail box on the corner of her property for accessibility; she would not be able to get to the mailbox if Mr. Woolf is granted his variance. She states that Mr. Woolf has cut down some of her trees that border his property and piled the branches at the foot of the steps and she fell on them. She questions if there is any other way for him to get his variance without involving her driveway. **Stacey Lopez** comes to the podium. She states she lives at 107 S. Walnut, which is next door to Gloria's house. She has had trouble with the parking congestion from the dentist office causing the City to not be able to pick up her trash. **Gwen Lopez** comes to the podium. She questions if Mr. Woolf gets the variance he is requesting will he still be able to use Gloria Lopez's driveway to access the easement. She asks if he could build another driveway on his property to avoid having to use Gloria's driveway. **Gloria Lopez** asks if the USPS has jurisdiction over City Code for mailbox placement. **Ms. Ortiz** states that the USPS dictates where the mailboxes are placed. The City has allowed for this with no issues. **Mr. Woolf** questions where exactly the property line is for Gloria's driveway and does it include the easement. **Ms. Woolf** comes to the podium to state she parks on the easement on a daily basis and she is only using the entry to the easement. She questions how the entry to the easement is anyone's driveway. She states she has never trespassed on Ms. Lopez's property. She explains her husband trimmed the trees overhanging their property and let the branches fall wherever. She states it is very hazardous coming in and out her property on Walnut St. **Mr. McCormick** clarifies that the property lines are set back off the street and the space between the street and the property line is the public right-of-way. Mr. Woolf's request for a variance is to be allowed to park in front of his property on that public right-of-way. **Mr. Patterson** states that the City Ordinance prohibits parking on the right-of-way; and that is why he encouraged Mr. Woolf to apply for a Variance. **Mr. McCormick** further clarifies that the vote now is for whether or not Mr. Woolf can continue to use the public right-of-way in front of his house for parking; not for how he gets onto it.

Mr. Cornum made a motion for denial; **Ms. Branson** seconded the motion. The vote was as follows: Yes—**Mr. Nesser, Mr. Cornum, Ms. Branson**. No—**Mr. McCormick, Ms. Wilson**. Absent--None. Abstained—None; The motion for denial carried 3-2.

Mr. Patterson tells the applicant he may appeal this decision by submitting a letter or email within 15 days to the Planning & Zoning Dept. in order to schedule this to appear before City Council for final decision.

1:20:30 **6. Consider approval of a Variance to allow a 6' fence along the front and side setbacks located at 1007 Carnation Alley, zoned "R-R" Rural Residential District**

The applicant, **Ashley Ragland**, comes to the podium. She states she has an RV park to the left of her property and an RV park to the right of her property; both of which have a 6' fence along the front and she would like to be able to connect with a 6' fence along the front of her property; which would have two openings for gates for access. She would also like this fence to hide the properties that she faces along Jason St., some of which are dilapidated. **Mr. Patterson** explains the request is for a variance to allow the fence height to be 6' in the front and side setbacks; the Planning and City staff recommends approval of her request.

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

1:23:19 **7. Consider a recommendation to Council for a Zone Change request, "C-2" Commercial 2 District to "R-2" Residential 2 District, located at 201 S. Mesquite, legally described as Lot 1, Block 100, Stevens Second Addition**

The applicant, **Derek Ott**, comes to the podium. **Mr. Patterson** explains his request for a Zone Change from C-2 Commercial to R-2 Residential would not create a spot zone. He states the applicant is attempting to refinance the property and it would need to be rezoned to Residential for that purpose. The Planning staff recommends approval. **Mr. Ott** states bought the property eleven years ago and did not know it was ever zoned Commercial. It has always been used as residential. No public comment.

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

Mr. Patterson tells the applicant this item will go before City Council at their January 11, 2022 regular meeting for final decision.

1:27:30 **8. Approval of 2022 Planning & Zoning Commission meeting dates**

Ms. Ortiz reviewed the meeting dates for the Planning & Zoning Commission for 2022; noting each is on the first Monday of the month, except for July and September. July's meeting will be on July 11, 2022 and September's meeting on September 12, 2022.

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

1:29:03 **9. Report regarding Summary Review Subdivisions**

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


1:30:11 **Ms. Ortiz** made an announcement that former Commissioner Brigido Garcia had passed away on December 5, 2021. Services are being handled through West Funeral Home; there will be no visitation, but a Celebration of Life will be held on Saturday, December 11, 2021 at 4:00 p.m. at West

Funeral Home. He had stepped down from the Planning & Commission Board last summer because of illness.

1:31:11 **10. Adjourn**

There being no other business, the meeting was adjourned.

1:31:16 Stop Recording [6:31:37 PM]



Chairman

1-3-22

Date