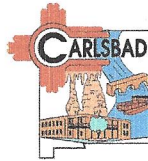


**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, January 3, 2022 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, January 3, 2022 at 5:00 PM  
Municipal Annex Council Chambers  
114 S. Halagueno Street  
GoToMeeting ID: 209-816-549  
US Phone: (872) 240-3311 Access Code: 209-816-549

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held December 6, 2021
4. Consider approval of a Conditional Use Permit to allow Sand, Gravel and Caliche Mining & Storage located at R-120 Rural Hidalgo Rd., zoned "R-R" Rural Residential District
5. Consider approval of a Variance to allow a 10' rear setback located at 4215 South Padre Ln., zoned "R-R" Rural Residential District
6. Consider a recommendation to Council for a Zone Change request, "R-1" Residential 1 District to "C-2" Commercial 2 District, located at 610 Pope Ln., legally described as Tract 2, Pope Line Adjustment
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, February 7, 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, JANUARY 3, 2022 AT 5:00 P.M.

VOTING MEMBERS PRESENT:

JAMES McCORMICK  
BRAD NESSER  
TRENT CORNUM  
LINDA WILSON

CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER

VOTING MEMBERS ABSENT:

VALERIE BRANSON

EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON  
TRYSHA ORTIZ

PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

JUDITH WEBSTER

PLANNING AND REGULATION  
DEPARTMENT SECRETARY

OTHERS PRESENT:

CHARLIE GARCIA  
RON MYERS  
DENISE MADRID-BOYEA  
RONALD FREDERICK  
CAROLYN MENZDERF  
BRENDA FREDERICK  
BECKY PENNINGTON  
JIM MITCHELL  
JAMES WILLIAMS  
MICHAEL SHORES  
MELVIN GILBERT  
VICKI TROUT  
RAY TROUT  
JASON BURNS

CITY  
CITY (*Via virtual meeting*)  
CITY (*Via virtual meeting*)  
3802 HIDALGO  
3614 HIDALGO  
3616 HIDALGO  
3618 HIDALGO  
5006 THUNDERBIRD RD.  
CARLSBAD  
3508 HIDALGO  
610 POPE LN.  
3902 HIDALGO  
3902 HIDALGO  
EDDY COUNTY DIRECTOR OF PUBLIC  
WORKS

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 [5:00:41 PM]

0:00:07        **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— Ms. Branson.

0:00:26        **2. Approval of Agenda**

Mr. Patterson informs the Commissioners that Item #5 is removed from the agenda.



**Ms. Wilson** made a motion to approve the Agenda removing Item #5; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson.** No—None. Absent-- **Ms. Branson.** Abstained—None. The motion carried.

0:01:09

**3. Approval of Minutes from the regular Meeting held December 6, 2021**

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

0:01:57

**4. Consider approval of a Conditional Use Permit to allow Sand, Gravel and Caliche Mining & Storage located at R-120 Rural Hidalgo Rd., zoned "R-R" Rural Residential District**

The applicant, **Jim Mitchell**, comes to the podium. He states that he bought the property because of the west loop construction. **Mr. Patterson** explains the request to allow a sand, gravel and caliche mining and storage operation at R-120 Rural Hidalgo Rd, which is zoned R-R Rural Residential. After review, the Planning and other city departments recommend approval with the condition that once the applicant has obtained the necessary state permits, a copy shall be furnished to the Planning & Regulations Department. **Mr. Mitchell** explains the company will crush and use the aggregate for road projects such as the west loop. There are hundreds of trucks using Hidalgo Road and eventually the bypass road. He states the ingress and egress road to the property need to be developed. They will use the setbacks required by NMED; specifically that the operation has to be ¼ mile from any residences. **Mr. Cornum** questions if the bypass being built now will go through the subject property. **Mr. Mitchell** replies the bypass road will be on the east of the site. He states they will be a good neighbor and operate from 7 a.m. to 6 p.m. during the week. **Mr. Cornum** asks is they will have dust control and mitigation standards. **Mr. Mitchell** replies it will be monitored monthly. Floor opened for public comment. **Ray Trout** of 3902 Hidalgo Rd. comes to the podium to question why they have to place the operation on that location, which is right at his back door. He doesn't want the traffic, noise or dust, which will make breathing even more difficult. **Michael Shores** of 3502 Hidalgo Rd. comes to the podium with his concerns about traffic and dust for people with breathing problems. **Ms. Wilson** questions **Mr. Mitchell** about dust control and noise. **Mr. Mitchell** states they will have constant dust control systems and berms for noise abatement. **Carolyn Menzendorf** comes to the podium to tell the commission that she has lived on Hidalgo Rd. since 1988. She is concerned about the trucks, the dust, and possible flooding. **Jason Burns**, Public Works Director for Eddy County, comes to the podium. He explains the purpose of the by-pass is to get trucks off Hidalgo Rd., as well as Lea St. He is aware that the trucks need to get away from the residential areas; and also that they ignore stop signs. **Mr. Burns** explains they are expediting the west loop project to get it finished as fast as possible. **Mr. Cornum** states that he is involved with quarries himself and that they have no leniency with dust control. It is regulated and the quarry would be shut down. **Mr. Trout** asks **Mr. Burns** if after the bypass is complete if the quarry will stay. **Mr. Burns** replies he assumes they will stay as there are other projects being done. **Brenda Frederick** comes to the podium to say there are other quarries around town. The road to this quarry will not be paved or watered down constantly, and trucks will be on it constantly. She states she lives at 3616 Hidalgo Rd. and explains the traffic is already too heavy; she has to wait to enter the highway. She says they say they will keep the dirt down, but they won't. She hopes they take into consideration that the hill where the quarry is being developed protects them from flooding. **Vicki Trout** comes to the podium to express concern that the trucks will come by her house on their way to the bypass and the dust will be too much as the road will be gravel. **Mr. Mitchell** comes to the podium to say if this is approved he will make sure he takes care of the dust; the dust that they create will be mitigated. As far as the flood concern, the area has a 40' cliff; they will need to remove 20'-25'. There is already a low water crossing. He states there are a lot of trucks out there already; but once the bypass is complete there will be even more. The noise will happen during working hours. He believes there will be an explosion of growth due to the completion of the bypass. He states they will be a good neighbor and if they have issues, he will talk to them. He offers his cell phone number to the neighbors. **Mr. Nesser** directs a question to **Mr. Burns**. He asks if the south loop traffic study

shows that the bypass will decrease the amount of traffic on Hidalgo Rd. **Mr. Burns** says he anticipates that it will; and studies are still being done. **Mr. Mitchell** comes to the podium to state that it is not their intent to stay forever, but will leave the property in a developable state. He states he believes all the properties will go up in value due to the west loop.

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

**Mr. McCormick** asks **Mr. Patterson** to explain how to appeal the decision of the Commission. **Mr. Patterson** states he would need a letter or email within 15 days and then it would be scheduled to appear at City Council.

0:38:28        **5. Consider approval of a Variance to allow a 10' rear setback located at 4215 South Padre Ln., zoned "R-R" Rural Residential District**

This item has been removed from the Agenda.

0:38:29        **6. Consider a recommendation to Council for a Zone Change request, "R-1" Residential 1 District to "C-2" Commercial 2 District, located at 610 Pope Ln., legally described as Tract 2, Pope Line Adjustment**

The applicant, **Melvin Gilbert**, comes to the podium on behalf of Theodore Pope, the owner. **Mr. Patterson** explains this request is for a zone change from R-1 Residential to C-2 Commercial 2 zoning; this property has been used as Commercial for years. It is likely this was an error in the old zoning map. The applicant is purchasing the property for an auto repair shop. The adjacent properties are zoned I-Industrial and C-2 Commercial; with R-1 Residential zoning along Center Avenue. The Planning staff recommends approval. Floor opened for public comment. There was none. **Ms. Wilson** asks the applicant about the fence around the property. He replies it is completely fenced, wood and chain link.

**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, No—None. Absent-- Ms. Branson.**  
Abstained—None; The motion carried.

**Mr. Patterson** informs the applicant this will go to City Council at their February 8, 2022 regular meeting for final approval.

0:44:25        **7. Report regarding Summary Review Subdivisions**

**Mr. Patterson** and **Ms. Ortiz** give a report on the Summary Reviews. **Mr. Nesser** noted that the Summary Review for the new description of U-Haul Subdivision references the City of Hobbs in Lea County. **Mr. Patterson** states the surveyor will be notified to correct this.

0:50:36        **8. Adjourn**

There being no other business, the meeting was adjourned.

0:50:36        Stop Recording [5:51:16 PM]

  
\_\_\_\_\_  
Chairman

2-7-22  
Date