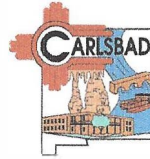


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, February 7, 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, February 7, 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 January 3, 2022
4. Consider approval of a Variance to allow a 10' rear setback located at 4215 South Padre Ln., zoned "R-R" Rural Residential District
5. Consider approval of a Variance to allow a 20' front setback located at Martin Farms Subdivision Unit 4, zoned "R-1" Residential 1 District
6. Consider approval of a Preliminary Plat for Martin Farms Subdivision Unit 4, zoned "R-1" Residential 1 District
7. Consider approval of a Variance to allow a 5' rear setback located at 3812 Jasper Dr., zoned "R-1" Residential 1 District
8. Consider approval of a Variance to allow a 10' rear setback located at 4001 Cowboys Country Dr., zoned "R-R" Rural Residential District
9. Consider approval of a Summary Plat for Phenix Amended Subdivision Replat No. 1
10. Report regarding Summary Review Subdivisions
11. 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, March 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, FEBRUARY 7, 2022 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
JOSE SOTELO
GEORGE DUNAGAN
STEVE WALTERSCHEID
GARY WALTERSCHEID
BART FRINTZ
WESLEY CARTER**

**CITY
CITY
CITY (*Via virtual meeting*)
4215 SOUTH PADRE LANE
212 W. STEVENS
1706 E. WOOD
1206 W. RIVERSIDE DR.
301 N. ALAMEDA
101 N. 12TH 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 [5:00:50 PM]

0:00:11 **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.

0:00:22 **2. Approval of Agenda**

Ms. Wilson made a motion to approve the Agenda; **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.

0:01:02 **3. Approval of Minutes from the regular Meeting held January 3, 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, Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

0:01:41

4. Consider approval of a Variance to allow a 10' rear setback located at 4215 South Padre Ln., zoned "R-R" Rural Residential District

The applicant, **Jose Sotelo**, comes to the podium. **Mr. Patterson** explains this request for a Variance to allow a 10' rear setback as opposed to a minimum 20' rear setback. The applicant would like to place a 20'x30' building behind his house. The Planning staff recommends approval of this request. **Mr. Sotelo** states he would like the extra 10' for parking trailers and take up less of his backyard. **Mr. Nesser** asks the applicant if the building would observe the required 15' from the side setback. **Mr. Sotelo** would place his building 5' from the side setback, according to the sketch he provided. **Mr. McCormick** asks **Mr. Patterson** if the request could be amended. **Mr. Patterson** replies yes, the applicant could modify the request; but the commission may then view it differently. **Mr. Sotelo** confirms he would like to be allowed a 5' side setback and the 10' rear setback. Floor opened for public comment. There was none. **Ms. Ortiz** stated she received no calls on this item.

Mr. Cornum made a motion for approval with the amended request to allow a 5' side setback as well as the 10' rear setback; **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.

Ms. Ortiz clarifies that the motion is to approve both the 10' rear setback and the 5' side setback; **Mr. McCormick** confirms this. The building department will be notified and the applicant can proceed with getting permits.

0:08:27

5. Consider approval of a Variance to allow a 20' front setback located at Martin Farms Subdivision Unit 4, zoned "R-1" Residential 1 District

George Dunagan comes to the podium representing the applicant. **Mr. Patterson** explains the request for the Variance to allow a 20' front setback as opposed to the required 30' front setback. The Planning staff and other departments recommend denial; but if approved the City would like to work with the developers to increase off-street parking. Currently the City requires two off-street parking spaces per house; perhaps if there is way to increase the off-street parking area, it would reduce the on-street parking. **Mr. Dunagan** states that all of the previous three units in Martin Farms have had the 20' front setback, and that was granted by the Planning & Zoning Commission. He states he has talked with **Mr. Patterson** and they would be willing to consider providing some kind of additional off-street parking but do not want it to be a requirement for Unit 4. He states they have restrictive covenants, but people are parking everything in front of their house. The restrictive covenants state that if the residents have an RV, four-wheeler, or a boat, it must be garaged or behind the fence. They could encourage residents not to park on the street; but if there is a husband and wife and they have four kids and they all have cars, someone is going to be parking on the street. **Mr. Nesser** asks about width of the streets. **Mr. Dunagan** replies 32' back to back with a 60' right-of-way, built to City specification. **Mr. Cornum** states he can see why they want the 20' front setback to match the other units. **Mr. Patterson** states that continuity is something the City values and is important to maintain. **Mr. Patterson** states he would like the condition to be that the developers continue to work with the City on this issue of on-street parking; a reduction in the front setback is not the only problem. Moving forward, **Mr. Dunagan** states he is more than willing to do that. No public comment.

Mr. Nesser made a motion for approval with condition that the developer work with the City to look at a variance between 20'-30'. **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.

Mr. Dunagan asks if working with the City means the setback could be between 20' and 30'. **Mr. Nesser** explains that he would like them to have the flexibility to vary it.

0:24:19 **6. Consider approval of a Preliminary Plat for Martin Farms Subdivision Unit 4, zoned "R-1" Residential 1 District**

The applicant, **George Dunagan**, comes to the podium. **Mr. Patterson** explains this request will create 66 more lots for residences. After review with City staff; planning staff recommends approval with conditions: 1. The developer and engineer shall complete and submit construction plans for review by City staff; 2. The developer and engineer shall continue to work with City staff as to the infrastructure installed and the design of the infrastructure; 3. The City's infrastructure Inspector shall monitor installation of the approved infrastructure; and 4. City staff shall formally accept the infrastructure installed. Floor opened for public comment. There was none.

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.

0:28:41 **7. Consider approval of a Variance to allow a 5' rear setback located at 3812 Jasper Dr., zoned "R-1" Residential 1 District**

The applicants do not appear in person or via virtual meeting. **Ms. Ortiz** informs the Commission that the applicants did pick up their sign and their packet. It was also emailed to them. They did not indicate they were not going to attend.

Mr. Nesser made a motion to table this item until the next regular meeting; **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.

0:28:48 **8. Consider approval of a Variance to allow a 10' rear setback located at 4001 Cowboys Country Dr., zoned "R-R" Rural Residential District**

The applicants do not appear in person or via virtual meeting. **Ms. Ortiz** states that the applicants picked up their sign and packets as well, and were emailed the go-to meeting link.

Mr. Nesser made a motion to table this item; **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.

0:29:50 **9. Consider approval of a Summary Plat for Phenix Amended Subdivision Replat No. 1**

The applicant, **Bart Frintz**, comes to the podium. **Mr. Patterson** explains this request is to create five new industrial lots zoned "I" Industrial District, located along Fiesta Drive. Most of the lots will be combined into the five new lots. **Mr. Patterson** notes one point of clarification, the ABM states Second St. to the south of the property will be vacated with half going to the property owner on the south; upon research that is not the case. In the original subdivision, all of the area for Second St. was provided for; going to the landowner of the Phenix Subdivision. The Planning Staff recommends approval with conditions that the developer install chip seal roads along Sonora St. right-of-way and along Railroad Ave. right-of-way for all-weather access to all of the lots. The developer would need to submit a plan to provide utilities to each lot. Also a master drainage and grading plan would need to be submitted. **Mr. Frintz** states that there will be no access from Sonora St.; all the lots will be accessed from Railroad Ave. **Mr. Frintz** states Railroad Ave. is a chat road and asks if he has to install chip seal **Mr. Patterson** replies if the chat would be all-weather, but chip seal would be preferred. Floor opened for public comment.

There was none. **Mr. Cornum** asks if the all-weather access would have to be decided with the approval of the Summary Plat. **Mr. Patterson** states that the Planning Dept. would be satisfied if one of the conditions is that the developer would provide all-weather access to all the created lots. **Mr. Nesser** asks if Lot #5 will access off Fiesta Drive. **Mr. Frintz** states that it will.

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.

0:37:14 **10. Report regarding Summary Review Subdivisions**

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

0:40:14 **11. Adjourn**

There being no other business, the meeting was adjourned.

0:40:19 Stop Recording [5:41:08 PM]


Chairman


Date