

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, May 2, 2022 at 5:00 p.m.**

**Meeting Held in the Janell Whitlock Municipal Complex Council Chambers  
114 S. Halagueno St.**



CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, May 2, 2022 at 5:00 PM

Janell Whitlock Municipal Complex Council Chambers

114 S. Halagueno Street

GoToMeeting ID: 587-477-397

US Phone: (224) 501-3412 Access Code: 587-477-397

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held April 4, 2022
4. Consider approval of the Final Plat for Skyline Subdivision
5. Consider approval of the Dedication Plat for the Alley Dedication of the 10' located east of the Gunshed Subdivision
6. Consider approval of a Variance to allow a 0' rear and side setback located at 3911 Cowboys Country Rd., zoned "R-R" Rural Residential District
7. Consider approval of a Variance to allow a building height exceeding the existing highest roof ridge, a variance to allow 0' side setback located & a variance to allow storage of an operable RV in the side setback at 1909 Solana Rd., zoned "R-1" Residential 1 District
8. Consider approval of a Variance to allow a 10' rear setback located at 3905 Jesse James Ct., zoned "R-R" Rural Residential District
9. Consider a recommendation to Council for a Zone Change request for approximately 4.79 acres located at the northeast corner of the intersection of W. Church St. and Lamont St., legally described as: Tract: 1, Quarter: SE: S: 36 T: 21S R: 26E Bishop Metzger Tract from: "R-1" Residential 1 District to "R-2" Residential 2 District
10. Consider approval of a Conditional Use Permit to allow a Home Occupation – Retail (delivery only) located at 2311 Bonita St., zoned "R-1" Residential 1 District
11. Report regarding Summary Review Subdivisions
12. 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, June 6, 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 (760) 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 JANELL WHITLOCK MUNICIPAL COMPLEX  
COUNCIL CHAMBERS,  
114 S. HALAGUENO STREET, MAY 2, 2022 AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER (joined at 5:31 via phone)  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON**

**PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS  
  
JUDITH WEBSTER**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY  
PLANNING AND REGULATION  
DEPARTMENT SECRETARY**

**OTHERS PRESENT:**

**DENISE MADRID-BOYEA  
ERNESTO TOSCANO  
CYNDI EASTERLING  
VIRGINIA EASTERLING  
GILBERT ROMERO  
MICHAEL SUMMERS  
GEORGE DUNAGAN  
AMANDA MASHAW**

**CITY  
2311 BONITA  
2615 OHIO ST.  
1909 SOLANA RD.  
3905 JESSE JAMES CT.  
1421 DESERT WILLOW  
212 W. STEVENS  
212 W. STEVENS**

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 [5:01:44 PM]

0:00:14      **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, Ms. Wilson, Ms. Branson.** Absent— **Mr. Cornum.**

0:00:34      **2. Approval of Agenda**

**Mr. Patterson** requested the Item #4 be moved to the end and become Item #11 because two of the commissioners would need to recuse themselves; and that would give **Mr. Cornum** time to show up. **Mr. Nesser** made a motion to move Item #4 to Item #11; **Mr. McCormick** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Nesser, Ms. Wilson, Ms. Branson.** No—None. Absent—**Mr. Cornum.** Abstained—None. The motion carried.

0:01:48      **3. Approval of Minutes from the regular Meeting held April 4, 2022**

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

0:02:32      **5. Consider approval of the Dedication Plat for the Alley Dedication of the 10' located east of the Gunshed Subdivision**

**Mr. Patterson** explains the applicant is the City. This item is the dedication of an alley to the City of Carlsbad from Santo Petroleum.

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

0:04:35      **6. Consider approval of a Variance to allow a 0' rear and side setback located at 3911 Cowboys Country Rd., zoned "R-R" Rural Residential District**

The applicant, Dakota Mann, is not present.

**Mr. Nesser** made a motion to table this item until the next available meeting (June 6, 2022); **Ms. Wilson** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Nesser, Ms. Wilson, Ms. Branson.** No—None. Absent— **Mr. Cornum.** Abstained—None. The motion carried.

0:06:12      **7. Consider approval of a Variance to allow a building height exceeding the existing highest roof ridge, a variance to allow 0' side setback located & a variance to allow storage of an operable RV in the side setback at 1909 Solana Rd., zoned "R-1" Residential 1 District**

The applicant, **Virginia Easterling**, comes to the podium. **Mr. Patterson** explains this request is for the applicant to replace the existing carport with a higher roof line, resulting in a 3' increase above the existing structure. The finished height will be 14'; and will allow for the storage of an operable RV in the side setback; the storage of an operable RV in the side setback requires a variance. **Mr. Patterson** states the Planning Staff recommends approval. **Ms. Easterling** states the RV is smaller than the carport. **Mr. Patterson** states he has received no feedback from the public.

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

0:12:37      **8. Consider approval of a Variance to allow a 10' rear setback located at 3905 Jesse James Ct., zoned "R-R" Rural Residential District**

**Gilbert Romero** comes to the podium. **Mr. Patterson** explains this request is to allow a 10' rear setback as opposed to the minimum 20' rear setback to allow the applicant to place a 30x40' shop within 10' of the rear property line. The Planning staff recommends approval of this request. **Mr. Romero** states that to preserve his landscaping he would like the reduced setback. He will maintain the 5' side setback. Floor opened for public comment. There was none.

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

0:17:37 **9. Consider a recommendation to Council for a Zone Change request for approximately 4.79 acres located at the northeast corner of the intersection of W. Church St. and Lamont St., legally described as Tract: 1, Quarter: SE S: 36 T: 21S R: 26E Bishop Metzger Tract from “R-1” Residential 1 District to “R-2” Residential 2 District**

**George Dunagan** and **Amanda Mashaw** come to the podium representing the owner, Henry Bhakta. **Mr. Patterson** explains this request for a zone change from R-1 Residential to R-2 Residential for the 4.79 acres of vacant land on the northeast corner of W. Church St. and Lamont St. He states the R-2 zoning is the appropriate zoning if the applicant wants to place multi-family residences. The properties to the north and east are zoned R-1 and R-2 and the property to the south is zoned C-2 Commercial. The request would not create a spot zone. The Planning staff and City staff recommend approval. **Ms. Mashaw** states the applicant would like to develop a 50-65 unit apartment complex on the property. Floor opened for public comment. There was none. **Mr. Patterson** received no feedback

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

**Mr. Patterson** states this will go before City Council at their June 14, 2022 meeting for final approval.

0:22:10 **10. Consider approval of a Conditional Use Permit to allow a Home Occupation – Retail (delivery only) located at 2311 Bonita St., zoned “R-1” Residential 1 District**

**Neto Toscano** comes to the podium. **Mr. Patterson** explains this request is to allow a Home Occupation – Retail for the applicant’s spice business. The applicant will deliver the product and use his residence for storage only. The Planning staff recommends approval of this request. **Mr. Toscano** states he delivers the spices to stores and to other states as well. **Mr. McCormick** asks the applicant if his space is adequate to store the product. **Mr. Toscano** tells him it is and he also has a 40x50’ storage building in the back of his house. Floor opened for public comment. **Mr. Patterson** received no feedback from the neighborhood.

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

0:27:22 **11. Report regarding Summary Review Subdivisions**

**Mr. Patterson** gave a report on the Summary Reviews. Nothing unusual was noted.

*Mr. Cornum joins the meeting via phone at 5:31*

0:30:35 **4. Consider approval of the Final Plat for Skyline Subdivision**

**Mr. McCormick** announces that Ms. Branson and Ms. Wilson are recusing themselves for this item. **Mr. Patterson** explains the City performed a final walk-through at the property last week, reviewing the infrastructure that was installed and created a punch list for the developer. The three conditions to be addressed for approval of the final plat are: The developer shall ensure that Xcel Energy provides adequate power to the sanitary sewer lift station; the system is then tested and accepted by the City; City staff shall formally accept the infrastructure installed; and the developer or engineer shall provide the City with as-built documents for the project. Floor opened for public comment. **Mr. Patterson** states he received no feedback.

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

0:35:27

**12. Adjourn**

There being no other business, the meeting was adjourned.

0:35:33

Stop Recording [5:37:19 PM]

James McConville 6-6-22