

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, June 6, 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, June 6, 2022 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 552-164-693
US Phone: (872) 240-3412 Access Code: 552-164-693**

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held May 2, 2022
4. Remove from Table a consideration for approval of a Variance to allow a 0' rear and side setback located at 3911 Cowboys Country Rd., zoned "R-R" Rural Residential District.
5. 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.
6. Consider approval of the Preliminary Plat for Thad Winn Tracts Subdivision, a proposal to create 20 new residential lots for development, zoned "R-R" Rural Residential District.
7. Consider approval of a Variance to allow a 10' rear setback as opposed to the required 20' rear setback for the property located at 4010 S. Doc Holliday Ct., zoned "R-R" Rural Residential District.
8. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 512 W. Hagerman St., legally described as Lots 12 & 14, Block 78, Lowe Subdivision, from "R-2" Residential 2 District to "C-1" Commercial 1 District.

9. Consider a recommendation to Council for a Zone Change request for approximately 14.08 acres located at 1400 San Jose Blvd., legally described as Tract A of The Replat of part of the NE 1/4SW1/4 and Part of the SE 1/4NW1/4, Section 7, Township 22S., Range 27E., NMPM, from "R-R" Rural Residential District to "C-2" Commercial 2 District.
10. Report regarding Summary Review Subdivisions
11. Adjourn



FOR INFORMATION ONLY

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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, July 11, 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 JANELL WHITLOCK MUNICIPAL COMPLEX
COUNCIL CHAMBERS,
114 S. HALAGUENO STREET, JUNE 6, 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
SHARON WILLIAMS
DAKOTA MANN
MACHELE PULICE
CHELSIE YOUNG
IAN PHILLIPS
JIMMY BALLARD
SUZANNE BALLARD
TRYSTEN SHEPARD
THAD WINN
TARA LAMB**

**CITY
CITY
505 W. HAGERMAN
3911 COWBOYS COUNTRY RD.
512 W. HAGERMAN
SHALLOWATER, TX
SHALLOWATER, TX
2902 W. PIERCE
2902 W. PIERCE
507 W. HAGERMAN
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 [5:00:49 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.

0:00:19 **2. Approval of Agenda**

Mr. Cornum made a motion to approve the Agenda; **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.

0:00:55

3. Approval of Minutes from the regular Meeting held May 2, 2022

Mr. Nesser made a motion to approve the Agenda; Ms. Branson 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.

0:01:29

4. Remove from Table a consideration for approval of a Variance to allow a 0' rear and side setback located at 3911 Cowboys Country Rd., zoned "R-R" Rural Residential District.

Mr. Nesser made a motion to remove Item #5 from the table; 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.

0:02:47

5. 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**, comes to the podium. **Mr. Patterson** explains this request is for a Variance to allow a 0' rear setback as opposed to the minimum 20' rear setback and a 0' side setback as opposed to the minimum 5' side setback. After review by City staff, the Planning Dept. recommends denial of this request. **Mr. Mann** states he can move the shop to be 10' off the rear setback and he is willing to move it in 1-2' further. His neighbor's shop is only 1' off the side setback. There will be no concrete pad under the carport next to his shop. The 10' rear setback will be occupied by the carport he intends to put up. **Mr. Nesser** asks the applicant if he could do a 5' setback instead of 1-2.' **Mr. Mann** states that would be too far into the backyard. **Mr. Nesser** states the Fire Dept. would not be able to get between the shops. **Mr. McCormick** asked about the pitch of the roof of the shop and carport. **Mr. Mann** says they will be pitched East-West. He states he will put up gutters if needed to keep rain water off neighbor's property. **Mr. Patterson** explains that the Fire Chief needs the space in the setbacks to prevent fires from spreading and allow the firefighters to access a structure fire. They want 10' between property buildings. Floor opened for public comment. There was none. **Ms. Wilson** states she recommends the shop be 5' off the side setback. **Mr. Cornum** asks **Mr. Patterson** about the differences for permanent or temporary structures. **Ms. Wilson** states she would make a motion to approve with a 10' rear setback and a 5' side setback.

Ms. Wilson made a motion to approve with the condition of a 10' rear setback and a 5' side setback; **Ms. Branson** 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 as amended.

0:17:40

6. Consider approval of the Preliminary Plat for Thad Winn Tracts Subdivision, a proposal to create 20 new residential lots for development, zoned "R-R" Rural Residential District.

The applicant, **Thad Winn**, joins via virtual meeting. **Mr. Patterson** explains this request is to approve a preliminary plat showing the plans for 20 new residential lots for development, located at the west end of Harvest Ln., west of Standpipe Rd. and north of Hidalgo Rd. The zoning for the property currently is R-R Rural Residential and is approximately 18.6 acres in size. The lots created are required to be at least ¾ acres in size to accommodate in ground septic for each lot as there is no city sewer in this area. The applicant has yet to submit preliminary construction drawings for the project that indicate how water will be provided to each lot, as well as street, sidewalk, and curb and gutter construction. The applicant will also need to submit a drainage and grading plan for the project. Upon review, the Planning Dept. recommends denial of this request; if approved, the Planning Dept. recommends the following conditions: 1. The developer shall complete and submit construction plans for review by City staff; 2. The developer

shall submit a plan to bring Harvest Ln. into compliance as a city street built to city specifications; 3. The developer and engineer shall continue to work with City staff as to the infrastructure installed and the design of the infrastructure; 4. The City's Infrastructure inspector shall monitor installation of the approved infrastructure; 5. City staff shall formally accept the infrastructure installed. **Thad Winn** states the by-pass goes through his property. He says it is very rural. He doesn't feel like he should have to put curbs and gutters in because it is so rural. He would like approval so he can start selling the lots, either for houses or mobile homes. He states the City has already brought a water line through the property. **Mr. McCormick** states that other variances would be needed. **Mr. Winn** states again he cannot afford to put curbs and gutters in. He states that Carlsbad needs more places for homes. He states the water line crosses the bypass road and goes to his property. **Ms. Ortiz** asks **Mr. Winn** the sizes of lots. He replies they vary a lot – from ¾ to 1 acre. **Mr. Winn** says **Mr. Patterson** will help him along the way. Floor opened for public comment. There was none. **Mr. McCormick** states all parts of the plans must be reviewed and approved by the City. **Mr. Winn** asks for them to remember he has City water there already. If approved, he states he will comply with all the City's requirements. **Mr. Patterson** states all the Planning Dept. had to go by was the site plan. The other departments also need plans beyond the site plan. Also the site plan indicates that **Mr. Winn** is planning to keep the City streets that serve the development as easements, which is not allowed. **Mr. Patterson** notes that the property is in a Flood Plain; and **Mr. Winn** would have to provide a plan for grading/elevation prepared by an engineer. Normally when preliminary plans are provided they are more complete; there is not enough provided to make an informed decision. **Mr. Cornum** states because more information must be provided to the City that he would recommend denial. **Mr. Patterson** states if they approved the plat it would start the clock on the 2-year time limit.

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

0:38:36 **7. Consider approval of a Variance to allow a 10' rear setback as opposed to the required 20' rear setback for the property located at 4010 S. Doc Holliday Ct., zoned "R-R" Rural Residential District.**

Jose Pina comes to the podium, representing the applicant. **Mr. Patterson** explains this request is to allow a 10' rear setback as opposed to the required 20' rear setback. The applicant would like to place a 30' x 50' metal shop within 10' of the rear property line. **Mr. Pina** states he would like to place the building at 5' not 10' of the property line. **Mr. Patterson** states the Planning Dept. recommends approval with the condition that the structure shall not be placed in/over the platted easement along the south property line. **Mr. Pina** confirms that the structure will have a 10' rear setback and a 5' side setback and stay off the water line. Floor opened for public comment. There was none.

Ms. Wilson made a motion to approve; **Ms. Branson** 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.

0:43:59 **8. Consider a recommendation to Council for a Zone Change request for approximately 0.34 acres located at 512 W. Hagerman St., legally described as Lots 12 & 14, Block 78, Lowe Subdivision, from "R-2" Residential 2 District to "C-1" Commercial 1 District.**

The applicant, **Chelsie Young**, comes to the podium. **Mr. Patterson** explains this request for a zone change from R-2 Residential to C-1 Commercial District. Due to the residential nature of the neighborhood, the Planning Dept. recommends denial of this request. **Ms. Young** states she would like to build a bakery as a family business – the lot has been in her family for many years and there are still family members living nearby. She states there is a connex there, which they will move. **Ms. Young** notes there is a commercial building across Hagerman St. currently. She would just like to have a small bakery, 5000 sq.ft. or smaller; and there is enough room on the two lots to provide plenty of parking. She says there are medical businesses and also apartments nearby. Floor opened for public comment. **Sharon**

Williams comes to the podium to express opposition to the request. She lives at 505 W. Hagerman; she has circulated a petition among the neighbors to protest this zone change; they feel it is incompatible with the nature of the existing neighborhood; is in direct conflict with residential zoning; there are other more suitable areas in Carlsbad for such a business. Specific areas of concern include: negative impact to property values, increased vehicle traffic, increased noise and congestion, disruption of neighborhood activities, increased pollution from trash accumulation, and negative impact on air quality and light pollution. She states the applicant has an out-of-state address and may not have awareness or appreciation of the impact to the neighborhood. **Ms. Young** states she currently lives in Texas but she has had a connection to the neighborhood for a long time; she grew up there and so did her mother; but it is a dying neighborhood. They are not trying to hurt the neighborhood; they would try to keep the atmosphere of the neighborhood. **Machele Pulice** comes to the podium. She affirms she grew up on the property; and the commercial property across the street did not change anything when it was built. She states they would not do anything to jeopardize the peace and integrity of the neighborhood. **Jim Ballard** comes to the podium. He is in opposition to the zone change and would like it to remain residential. **Mr. McCormick** states once the zone change is granted, it could be used for any type of business allowed in the zoning. And the applicant presented no drawing or plans for what they want to do. **Mr. Cornum** asks if a Conditional Use permit would be better for the applicant. **Mr. Patterson** replies that doesn't give the applicant very many options. **Ms. Young** comes to the podium and states her building would not be lavish and would go with the neighborhood. **Mr. McCormick** informs her if the zone was changed and they sold the property, the new owner would be free to do any other type of business allowed in that zoning district. **Mr. Cornum** states he recommends denial and suggests the applicant do plans for the property. **Ms. Young** states they do not have professional drawings or plans because they were seeking the zone change first.

Mr. Cornum made a motion for denial; **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 was denied.

Mr. Patterson states this will go before City Council at their July 12, 2022 meeting.

1:05:28 **9. Consider a recommendation to Council for a Zone Change request for approximately 14.08 acres located at 1400 San Jose Blvd., legally described as Tract A of The Replat of part of the NE 1/4SW1/4 and Part of the SE 1/4NW1/4, Section 7, Township 22S., Range 27E., NMPM, from "R-R" Rural Residential District to "C-2" Commercial 2 District.**

The applicant, **Melissa Acosta**, does not attend.

Mr. Nesser made a motion to delay this item until the next meeting, which is July 11, 2022; **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.

1:08:11 **10. Report regarding Summary Review Subdivisions**

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

1:09:52 **11. Adjourn**

There being no other business, the meeting was adjourned.

1:09:57 Stop Recording [6:10:46 PM]

Approved
James McClenahan 7-11-22