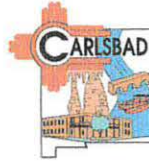


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, July 11, 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, July 11, 2022 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 632-605-013
US Phone: (571) 317-3122 Access Code: 632-605-013

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held June 6, 2022
4. 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., NMMP, from "R-R" Rural Residential District to "C-2" Commercial 2 District.
5. Consider approval of a Subdivision of property outside the Carlsbad City Limit but within the five mile Platting and Permitting Jurisdiction, located along Who Who Dr., creating five new residential lots for development.
6. Consider approval of a Variance to allow a 5' rear setback as opposed to the minimum 20' rear setback for the property located at 4115 S. Pat Garrett Rd., zoned "R-R" Rural Residential District.
7. Consider approval of a Variance to allow a 5' rear setback as opposed to the required 20' rear setback for the property located at 3815 Saguaro Dr., zoned "R-1" Residential 1 District.
8. Report regarding Summary Review Subdivisions
9. 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, August 1, 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, JULY 11, 2022 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**JAMES McCORMICK
BRAD NESSER
VALERIE BRANSON**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

**TRENT CORNUM
LINDA WILSON**

EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON

PLANNING DIRECTOR

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

JUDITH WEBSTER

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**DENISE MADRID-BOYEA
FRANK BUFFINGTON
ERIC HETTINGER
CODY MAY
MELISSA ACOSTA
TAREN WRIGHT**

**CITY
CITY
3815 SAGUARO
Via phone
Via phone
*Via phone***

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 [4:59:37 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, Ms. Branson.** Absent—**Mr. Cornum, Ms. Wilson.**

0:00:30 **2. Approval of Agenda**

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

0:00:36 **3. Approval of Minutes from the regular Meeting held June 6, 2022**

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

0:01:59 4. 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**, joins via phone. **Mr. Patterson** explains this request is to change the zoning from R-R Rural Residential District to C-2 Commercial 2 District for the property at 1400 San Jose Blvd. It is currently used as a trucking yard; and the zone change would better fit the current use. Planning staff recommends approval. **Ms. Acosta** states she is already using the property for her business, a trucking yard; and it was used as commercial before she acquired it. She explains that the licensing for auto sales requires the appropriate commercial zoning. **Mr. McCormick** informs her that this zone change will still have to go to City Council for final approval. **Mr. Patterson** tells her it will go to City Council on August 23, 2022.

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

0:08:24 5. Consider approval of a Subdivision of property outside the Carlsbad City Limit but within the five mile Platting and Permitting Jurisdiction, located along Who Who Dr., creating five new residential lots for development.

The applicant, **Cody May**, joins via phone. **Mr. Patterson** explains this request is for a subdivision of approximately 4.45 acres into five lots, located along Who Who Drive, outside the Carlsbad City limits. The Platting and Permitting Jurisdiction requires lots be a minimum of one acre in size, and shall have a minimum of 100' of street frontage. Per the plat submitted by the applicant, the newly created lots offer zero feet of street frontage along a platted street. The 40' access easement created by this plat is to provide access to the new lots. When submitted to the Eddy County Planner, **Steve McCroskey**, he responded that he is concerned with the septic system being on a different lot than the current house. Under NMAC 20.7.3.201 (G), it states that a liquid waste system must be wholly located on the same lot with which the source is located. Based on review and staff comments, the Planning Dept. recommends approval of this request and recommends the following conditions: The access easement needs to incorporate a turnaround at the north end that can accommodate Emergency Services vehicles; the owner shall work with the City to identify how water will be provided to the new lots, availability of adequate water service, and the location of the new water meters; and the owner shall identify how in-ground septic will be provided for each new lot. **Mr. May** states he is aware of these conditions. He will remove the current septic and install a new tank that will be inside the boundaries of that lot. He states he has met with **Wes Nichols** of the City of Carlsbad Water Dept. and has been told a 12" water line runs under Who Who Dr. and through the southeast corner of the property. He will have to then run the water lines to each lot. He has met with **Xcel** for electricity, and there is no problem. He will provide the turnaround at the end of the street. Floor opened for public comment. There was none.

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

0:14:59 6. Consider approval of a Variance to allow a 5' rear setback as opposed to the minimum 20' rear setback for the property located at 4115 S. Pat Garrett Rd., zoned "R-R" Rural Residential District.

The applicant, **Taren Wright**, joins via phone. **Mr. Patterson** explains this request is to allow a 5' rear setback as opposed to the required 20' rear setback. The applicant would like to place a 21' x 18' metal shop within 5' of the rear property line. After review, the Planning Dept. and other departments, except the Legal Dept., recommends approval. **Mr. Wright** states he is not requesting a variance to the setbacks

on any other side. Mr. Nesser asks if there is a concrete pad in the back of the lot. Mr. Wright states that there is and he plans to extend the gate in the rear of the house in the future. Floor opened for public comment. There was none.

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

0:21:11 7. Consider approval of a Variance to allow a 5' rear setback as opposed to the required 20' rear setback for the property located at 3815 Saguaro Dr., zoned "R-1" Residential 1 District.

Eric Hettinger comes to the podium. Mr. Patterson explains this request is to allow a 5' rear setback as opposed to the required 20' rear setback. The applicant would like to place a 25' x 20' metal shop within 5' of the rear property line. The Planning Dept. recommends approval of this request with the following conditions: the structure shall be constructed of non-combustible materials, and the applicant closes on the purchase of the property. Mr. Hettinger states he has closed on the property and is the official owner. Mr. McCormick asks the applicants how close will the metal shop be to the house, he replies it will be about 8.' The house is in the development stage and is not built yet. Floor opened for public comment, there was none.

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

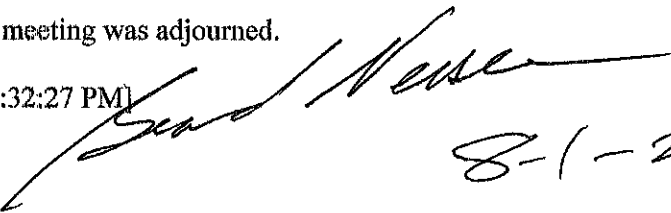
0:27:01 8. Report regarding Summary Review Subdivisions

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

0:30:04 9. Adjourn

There being no other business, the meeting was adjourned.

0:30:10 Stop Recording [5:32:27 PM]


8-1-2022