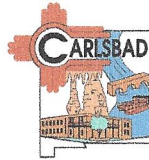


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, August 1, 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, August 1, 2022 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 153-521-213
US Phone: (646) 749-3122 Access Code: 153-521-213

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held July 11, 2022
4. Consider approval of a Variance to allow a 2' side setback as opposed to the minimum 5' side setback for the property located at 403 Soper St., zoned "R-1" Residential 1 District.
5. Consider approval of a Variance to allow a 0' side setback as opposed to the minimum 5' side setback for the property located at 2318 Violet St., zoned "R-1" Residential 1 District.
6. Consider approval of a Variance to allow 0' street frontage as opposed to the minimum 50' street frontage for the creation of two lots located at 4208 & 4210 National Parks Hwy., zone "C-2" Commercial 2 District
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
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, September 12, 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, AUGUST 1, 2022 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

BRAD NESSER	COMMISSIONER
TRENT CORNUM	COMMISSIONER
LINDA WILSON	COMMISSIONER
VALERIE BRANSON	COMMISSIONER

VOTING MEMBERS ABSENT:

JAMES McCORMICK

EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON	PLANNING DIRECTOR
TRYSHA ORTIZ	DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

JUDITH WEBSTER	PLANNING AND REGULATION DEPARTMENT SECRETARY
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OTHERS PRESENT:

DENISE MADRID-BOYEA	CITY
CHARLIE GARCIA	CITY
JESSICA PONCE	2318 VIOLET
JOE FIERRO	408 SOPER
DAVID & HAZEL BRANNAN	403 SOPER
MELVIN R. PYEATT JR.	413 HAMILTON

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 [5:00:57 PM]

0:00:10 **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. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** Absent— **Mr. McCormick.**

0:00:30 **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. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent— **Mr. McCormick.** Abstained—None. The motion carried.

0:01:24 **3. Approval of Minutes from the regular Meeting held July 11, 2022**

Ms. Wilson made a motion to approve the minutes from the regular meeting held on July 11, 2022; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes— Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent— **Mr. McCormick.** Abstained—None. The motion carried.

0:02:03 **4. Consider approval of a Variance to allow a 2' side setback as opposed to the minimum 5' side setback for the property located at 403 Soper St., zoned "R-1" Residential 1 District.**

The applicants, **David and Hazel Brannan**, come to the podium. **Mr. Patterson** explains this request is to allow a 2' side setback as opposed to the minimum 5' side setback. The applicants would like to place a 10' x 20' carport on the side of their house. The side yard is currently 12'. The Planning staff and other departments recommend denial. **Mr. Brannan** states that other people in the neighborhood have similar carports. The carport would go on the existing driveway and not extend beyond the front of the house. It would be approximately 10' from the existing separate garage. Floor opened for public comment. There was none.

Ms. Wilson made a motion to approve a 2' side setback variance; **Ms. Branson** seconded the motion. The vote was as follows: **Yes— Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent— **Mr. McCormick.** Abstained—None. The motion carried.

Mr. Patterson tells the applicants they may proceed with getting a building permit from the Building Dept.

0:07:50 **5. Consider approval of a Variance to allow a 0' side setback as opposed to the minimum 5' side setback for the property located at 2318 Violet St., zoned "R-1" Residential 1 District**

The applicants, **Jessica and Irving Ponce**, come to the podium. **Mr. Patterson** explains this request is to place a 16' x 22' carport over the existing driveway in the front of the house with a 0' setback. Planning staff and other departments recommend denial. **Ms. Ponce** states that their driveway currently extends all the way to their property line, and they would like the carport to cover the entire driveway in order to fit both of their vehicles. They will install gutters on the carport to divert rainwater away from the neighbor's property. **Ms. Wilson** asks about the front setback. **Mr. Patterson** states that the carport can be within the front setback without a variance. **Mr. Nesser** asks the applicant the distance from the porch to the property line. **Ms. Ponce** replies it is 24'. **Mr. Nesser** asks the applicant about materials that it will be built of. **Ms. Ponce** replies they will get a builder and it will be custom built, not a premade metal carport. **Mr. Cornum** states it is important that the carport be away from the property line as it will be constructed of combustible materials. **Mr. Nesser** asks about the width of the carport being 22'; the standard width of a double garage is 18'. If it could be 18' then the setback from the property line would be 4' instead.

Mr. Cornum made a motion for approval with the condition of a 4' side setback; **Ms. Branson** seconded the motion. The vote was as follows: **Yes— Mr. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent— **Mr. McCormick.** Abstained—None. The motion carried.

0:21:03 **6. Consider approval of a Variance to allow 0' street frontage as opposed to the minimum 50' street frontage for the creation of two lots located at 4208 & 4210 National Parks Hwy., zone "C-2" Commercial 2 District**

The applicant's representative, **Melvin R. Pyeatt, Jr.**, comes to the podium. **Mr. Patterson** explains this request is to have 0' street frontage for the creation of two lots located at 4208 and 4210 National Parks Hwy. Per the plat submitted, a 60' private access and utility easement will be created along the south property line of Lot 1 and Lot 2, creating access to Lot 2 & 3. The City of Carlsbad Subdivision Regulation Code states easements do not constitute street frontage. Based on review by Planning and other staff, the Planning Dept. recommends denial of this request. **Mr. Pyeatt** states the owner would like to create 3 lots on the property, which already has an all-weather surface for access. **Mr. Nesser** states the lot owned by the City of Carlsbad seems to create a pinch point. **Mr. Pyeatt** says there is a 20' alley along it, so essentially it is 80' easement, not a 60' easement. **Mr. Nesser** asks about the all-weather road surface. **Mr. Patterson** replies that the requirements call for platted street frontage and a street installed.

Mr. Patterson explains that what is being proposed would cause problems for city utilities, such as water meter placement and trash pickup because it is private property. **Mr. Cornum** asks how they currently access those lots. **Mr. Pyeatt** states there are buses that go through there for Sandia National Lab. **Mr. Cornum** asks what the owner wants to accomplish with this property. **Mr. Pyeatt** states they want to access the warehouses without going through the Sandia Lab property on the north. **Mr. Nesser** asks if the owner would do the street installation as required by Carlsbad Subdivision Regulation Code. **Mr. Pyeatt** replies that it may be too expensive. **Mr. Nesser** opens the floor for public comment and questions. There was none. **Ms. Branson** asks if the variance were approved and the owner sold part of the property, would the variance transfer to the new owner. **Ms. Ortiz** tells her it would transfer. **Ms. Branson** states she would like to table this item in order to visit the property and more fully understand this. **Mr. Patterson** replies if it is the will of the Commission that they could table to allow more review time by the Commission or Planning Dept. **Mr. Cornum** states again that he does not understand what the owner is trying to accomplish with this variance. **Mr. Patterson** says the City requires commercial lots have street frontage to prevent access problems in the future with other owners. **Mr. Cornum** would like to know where the utilities come in to the property. He would also like more information.

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


0:49:57 7. Report regarding Summary Review Subdivisions

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

0:52:59 8. Adjourn

There being no other business, the meeting was adjourned.

0:53:04 Stop Recording [5:54:01 PM]

 9-12-22