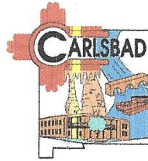


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, October 3, 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, October 3, 2022 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 727-311-781
US Phone: (224) 501-3412 Access Code: 727-311-781

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held September 12, 2022
4. Remove from Table a consideration of recommendation to Council for:
 - a. an Annexation of approximately 1.73 acres located at 720 W. Cherry Ln
 - b. an application of Zoning for approximately 1.73 acres located at 720 W. Cherry Ln
5. Consider a recommendation to Council for an Annexation of approximately 1.73 acres located at 720 W. Cherry Ln., legally described as Lot 10, Hemlers Town & Country Estates
6. Consider a recommendation to Council for an application of zoning from County to "R-R" Rural Residential District for approximately 1.73 acres, located at 720 W. Cherry Lane, legally described as Lot 10, Hemlers Town & Country Estates
7. Consider approval of a Conditional Use Permit to allow Personal Service – Massage Therapy located at 1218 W. Ural Dr., zoned "R-1" Residential 1 District zoning
8. Consider approval of a Conditional Use Permit to allow Home Occupation - Gym located at 412 S. Fourteenth St., zoned "R-1" Residential 1 District zoning
9. Consider approval of a Variance to allow 2' increase in fence height for the property located at 505 S. Eleventh St., zoned "R-1" Residential 1 District zoning
10. Consider approval of a Variance to allow 0' side setback for the property located at 2409 Primrose St., zoned "R-1" Residential 1 District zoning
11. Consider a recommendation to Council for a Zone Change from "I" Industrial to "C-2" Commercial 2 District for approximately 0.35 acres, located at 1013 S. Cottonwood Ave., legally described as Lot 15, Block 4, South Carlsbad Subdivision

12. Report regarding Summary Review Subdivisions
13. 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 SCHEDULE

- Regular meeting – Monday, November 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 JANELL WHITLOCK MUNICIPAL COMPLEX
COUNCIL CHAMBERS,
114 S. HALAGUENO STREET, OCTOBER 3, 2022 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

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

**COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES McCORMICK

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA ORTIZ**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR**

SECRETARY PRESENT:

JUDITH WEBSTER

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**CHARLIE GARCIA
DARREN WARREN
RUDY OLIVO
STACEY LEE
RICHARD BANNISTER
DARLA BANNISTER
ROBERT JACQUEZ**

**CITY
4410 BUENA VIDA CT.
2409 PRIMROSE
1218 W. URAL
720 W. CHERRY LN.
720 W. CHERRY LN.
1314 S. CANAL 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 [5:00:14 PM]

0:00:08 **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.

0:00:24 **2. Approval of Agenda**

Mr. Patterson states that Item #9 will be tabled as the applicant did not pick up or post the yard sign as per the ordinance.

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.

0:01:25 **3. Approval of Minutes from the regular Meeting held September 12, 2022**

Mr. Cornum made a motion to approve the minutes from the regular meeting held on September 12, 2022; **Ms. Wilson** 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.

0:02:17 **4. Remove from Table a consideration of recommendation to Council for:**
a. an Annexation of approximately 1.73 acres located at 720 W. Cherry Ln
b. an application of Zoning for approximately 1.73 acres located at 720 W. Cherry Ln

Ms. Wilson made a motion to approve to remove 4a and 4b from the table; **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.

0:03:20 **5. Consider a recommendation to Council for an Annexation of approximately 1.73 acres located at 720 W. Cherry Ln., legally described as Lot 10, Hemlers Town & Country Estates**

The applicant, **Richard Bannister**, comes to the podium. **Mr. Patterson** explains this request is to annex into the City the 1.73 acres at 720 W. Cherry Ln. The City staff recommends approval of this request. **Mr. Bannister** states he purchased the property recently and would like to connect to City sewer instead of putting in another septic tank.

Ms. Wilson made a motion for approval; **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 was approved.

0:06:18 **6. Consider a recommendation to Council for an application of zoning from County to “R-R” Rural Residential District for approximately 1.73 acres, located at 720 W. Cherry Lane, legally described as Lot 10, Hemlers Town & Country Estates**

The applicant, **Richard Bannister**, comes to the podium. **Mr. Patterson** explains this request is apply R-R Rural Residential zoning for the property at 720 W. Cherry Ln. He explains it would create a spot zone, but the default zoning when annexing into the City from the County is Rural Residential. Planning staff recommends approval of this request. **Mr. Bannister** states this is what he wants.

Mr. Cornum made a motion to approve; **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 applicant this will go to City Council for final approval as soon as an annexation plat is provided.

0:08:50 **7. Consider approval of a Conditional Use Permit to allow Personal Service – Massage Therapy located at 1218 W. Ural Dr., zoned “R-1” Residential 1 District zoning.**

The applicant, **Stacey Lee**, comes to the podium. **Mr. Patterson** explains her request is to have a massage therapy business at her residence, which is zoned R-1 Residential District, thus requiring a Conditional Use Permit. He states the applicant has ample off-street parking for clients. Planning staff recommends approval noting the applicant may be subject to commercial rate for utilities. **Ms. Lee** states she is planning on closing in her garage to provide a massage room and entrance for clients so that her business is separate from her home. She tells the commission that she looked at commercial rental property and it is too expensive. She would only like to use her property until she can find another location.

Ms. Wilson made a motion to approve; 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.

0:13:02 **8. Consider approval of a Conditional Use Permit to allow Home Occupation - Gym located at 412 S. Fourteenth St., zoned "R-1" Residential 1 District zoning**

The applicant, **Darren Warren**, comes to the podium. **Mr. Patterson** explains the request is to allow a home gym business at the property; necessitating a Conditional Use permit. The applicant states in his application he would have only a dozen attendees at any one time. Parking will be provided on the property, not on the street. Planning staff recommends approval. **Mr. Patterson** notes the property may then be subject to commercial utility rates. **Mr. Warren** states his intent is to provide gym services to those people who are not comfortable going to a commercial gym. He confirms there will be no on-street parking.

Mr. Cornum made a motion to table this item; **Ms. Wilson** 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.

0:18:11 **9. Consider approval of a Variance to allow 2' increase in fence height for the property located at 505 S. Eleventh St., zoned "R-1" Residential 1 District zoning**

This request is being tabled until the next meeting.

Ms. Wilson made a motion to table; **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.

0:18:37 **10. Consider approval of a Variance to allow 0' side setback for the property located at 2409 Primrose St., zoned "R-1" Residential 1 District zoning**

The applicant, **Rudy Olivo**, comes to the podium. **Mr. Patterson** explains this request is to allow a 0' side setback which will allow the property to be split along the existing carport, resulting in a 0' side setback property line. The applicant would like to place a home on the south section of the property. Based on application materials and staff comments, the Planning staff recommends denial of this request. There is room for the required 5' side setback without the variance. **Mr. Olivo** states he would like to build another house after he splits the property, and use the existing carport for both homes. He has 63' from the south property line to the split, so he has plenty of room for a 50' structure. **Mr. Cornum** states he would recommend denial as the applicant does not really need the 0' setback in order to fit the structure. **Mr. Nesser** states that the applicant can pull his request if it is not needed. **Ms. Wilson** states he can apply again if needed. **Mr. Olivo** rescinds his request.

0:26:41 **11. Consider a recommendation to Council for a Zone Change from "I" Industrial to "C-2" Commercial 2 District for approximately 0.35 acres, located at 1013 S. Cottonwood Ave., legally described as Lot 15, Block 4, South Carlsbad Subdivision**

The applicant, **Robert Jacquez**, president of Carlsbad Community of Hope Center, comes to the podium. **Mr. Patterson** explains this request is for a zone change from I-Industrial to C-2 Commercial zoning, which will not create a spot zone. The zone change would better fit the use of the property. The Planning staff recommends approval of this request. **Mr. Jacquez** brought plans to show the commissioners. He states he plans to build a 2-story building to continue helping those in need. The building will have a training center, a computer lab, showers for the chronically homeless, laundry room, cafeteria, walk-in freezers, a dry storage area, and a place to provide clothing to replace the Giving Tree. This center will

provide a place for those who want to get their life together. **Mr. Jacquez** also states there will be a barber shop that will also serve children for back-to-school haircuts who can't otherwise afford them.

Ms. Wilson made a motion to approve; **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 states this will go before City Council at their November 8, 2022 regular meeting for final approval.

0:32:05 **12. Report regarding Summary Review Subdivisions**

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

0:32:13 **13. Adjourn**

There being no other business, the meeting was adjourned.

0:34:17 Stop Recording [5:34:31 PM]



Chairman



Date