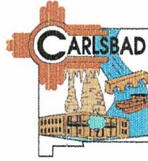


**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, May 1, 2023, at 5:00 p.m.**

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



## **PLANNING AND ZONING COMMISSION**

Monday, May 1, 2023, at 5:00 PM

Janell Whitlock Municipal Complex Council Chambers

114 S. Halagueno Street

GoToMeeting ID: 423-266-613

US Phone: (872) 240-3111 Access Code: 423-266-613

<https://meet.goto.com/423266613>

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held April 3, 2023
4. Consider a request for a Variance from Article IV, Section 56-100(b) of the Carlsbad Zoning Ordinance requiring the installation of one (1) ADA Accessible Van parking space for the property located at 2404 W. Pierce St., zoned "C-2" Commercial 2 District.
5. Consider approval of a Preliminary/Final Plat for the Robby and Judy Walterscheid Summary Subdivision, located at the intersection of Derrick Rd. and Grandi Rd., outside of the City Limits, creating nine new large tracts for development.
6. Consider approval of a Final Plat for Oasis Subdivision Phase 2, creating 76 new residential lots, zoned "R-1" Residential 1 District, located within the Oasis Subdivision north of Pima Dr.
7. Consider approval of a Final Plat for Martin Farms Subdivision, Unit 4, creating 64 new residential lots for development, zoned "R-1" Residential 1 District.
8. Consider approval of a replat of Springs Farm Subdivision, a replat that lays out the route of Captain Williams Lane and dedicates the road right-of-way (ROW) for that street.
9. Consider a recommendation to the City Council regarding a request for a change of zoning from "R-2" Residential 2 District to "C-2" Commercial 2 District for approximately 0.34 acres, located at 609 W. Fox St., legally described as Lots 2 & 4, Block 99, Stevens Second Addition Subdivision.
10. Consider a recommendation to the City Council regarding a request for a change of zoning from "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 4.1 acres, located at 2003 Standpipe Rd., legally described as Quarter: NE S: 14 T: 22S R: 26E BEG 40' S OF NE COR, W 450', S 400' E 450', N 400' TO POB.

11. Consider a recommendation to the City Council regarding a request for a change of zoning from "C-2" Commercial 2 District to "R-1" Residential 1 District for approximately 1.01 acres, located at 2019 W. Texas St., legally described as Lot 6, Block A, Swigart 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 website:

[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 5, 2023, at 5:00 p.m

If you require a hearing interpreter, language interpreter, 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, MAY 1, 2023 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:**

**JENNIFER CAMPOS  
  
VANESSA ORNELAS**

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

**OTHERS PRESENT:**

**CHARLIE GARCIA  
DENISE MADRID BOYEA  
WILLIAM MCHENRY  
JOEL NEATHERLIN  
KARL BRUCE MARSHAL  
SCOTT HICKS  
RHONDA HARPER  
ROY DUTRA  
SKYLYNN MCMINN  
KARI BARRICK  
TISHA HINOJOS  
JIM MCKENNEY  
RAYMOND PACHECO  
VANESSA PACHECO  
DIANA YEAGER  
JEFF YEAGER  
JEFF NEATHERLIN  
JOE VASQUEZ  
PATTIE MOORE  
JUSTIN VAN NATTA  
CASSIE FLOREZ  
SUE VAN NATTA  
KRIS NEATHERLIN**

**CITY  
CITY ATTORNEY  
2019 W TEXAS  
2017 STANDPIPE RD  
1919 STANDPIPE RD  
401 N PENN ROSWELL  
410 N MESQUITE  
84 CUAHAVE  
1601 W URAL  
1601 W URAL  
2401 MARTIN LN  
1928 STANDPIPE RD  
1009 CALLE DE ENCANTO  
1009 CALLE DE ENCANTO  
2401 MARTIN LN  
2401 MARTIN LN  
1415 W ORCHARD LN  
2202 CURRY  
2412 MARTIN LN  
1927 STANDPIPE RD  
2412 MARTIN LN  
1927 STANDPIPE RD  
VIRTUAL**



Time Stamps and headings below correspond to the recording of the meeting and the recording is hereby made a part of the official record.

0:00:02 Start Recording [5:00:09 PM]

0:00:07 **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, and Ms. Branson.** Absent—None.

0:00:27 **2. Approval of Agenda**

**Ms. Wilson** 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.

0:01:03 **3. Approval of Minutes from the Regular Meeting held April 3, 2023**

**Mr. Cornum** made a motion to approve the Minutes from the regular meeting held on April 3, 2023; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes—Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

0:01:35 **4. Consider a request for a Variance from Article IV, Section 56-100(b) of the Carlsbad Zoning Ordinance requiring the installation of one (1) ADA Accessible Van parking space for the property located at 2404 W. Pierce St., zoned "C-2" Commercial 2 District.**

The applicant, **Air Methods**, was not in attendance to address the item.

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

The item was tabled until the next Planning and Zoning Commission meeting which will be held June 5, 2023

0:02:57 **5. Consider approval of a Preliminary/Final Plat for the Robby and Judy Walterscheid Summary Subdivision, located at the intersection of Derrick Rd. and Grandi Rd., outside of the City Limits, creating nine new large tracts for development.**

The applicant(s) **Robby & Judy Walterscheid**, were not in attendance to address the item.

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

The item was tabled until the next Planning and Zoning Commission meeting which will be held June 5, 2023

0:03:58 **6. Consider approval of a Final Plat for Oasis Subdivision Phase 2, creating 76 new residential lots, zoned "R-1" Residential 1 District, located within the Oasis Subdivision north of Pima Dr.**

The applicant is the Ken Thurston Development Corp. **Mr. Patterson** explained this is a report to the commission for the approval of the final plat for the Oasis Subdivision Phase 2 which will create 76 new

residential lots for development. City staff has performed the final walk-through and has adopted the infrastructure to service this phase of the development. The final plat was signed and the City of Carlsbad is ready to move forward with Phase 2.

**Jeff Neatherlin**, approached the podium to request additional information on the location of Oasis Phase 2.

**Mr. Patterson** displayed an aerial view on the overhead monitor for clarification. No further comments were made.

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

0:09:02        **7. Consider approval of a Final Plat for Martin Farms Subdivision, Unit 4, creating 64 new residential lots for development, zoned "R-1" Residential 1 District.**

**Mr. Patterson** explained the item is a Final Plat for Martin Farms Subdivision Unit 4, creating 64 new residential lots. The Plat was preliminarily approved during the meeting of September 2022. The developers of this subdivision provided the City with a Letter of Credit at that time. Unit 4 of this subdivision has been completed. The City has performed the final walkthrough. All items on that list have been completed except for spacers needed in ten of the water meter boxes. The spacers are expected to be delivered and installed during the month of July 2023. The City of Carlsbad expects a report from the developer upon completion. Infrastructure is ready to be accepted, per a report from City staff. **Mr. McCormick** inquired about the approval of the water service. **Mr. Patterson** explained water service will not be approved until after the installation of the water meters.

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

0:12:03        **8. Consider approval of a replat of Springs Farm Subdivision, a replat that lays out the route of Captain Williams Lane and dedicates the road right-of-way (ROW) for that street.**

**Scott Hicks with Smith Engineering** spoke on behalf of the applicant **George Dunagan**, The replat of Springs Farm Subdivision shows the route of Captain Williams Lane and dedicating the road right-of-way (ROW) for that street. He explained many entities are involved with the project and this will be the first step in the process to eventually create a final design and construction for the route. **Mr. Hicks** explains how important access is for the elementary school. **Mr. Patterson** further explains the plan and use of the route. **Mr. Nesser** inquires about a plan for an extension of Quail Hollow Run to connect with Captain Williams Ln. **Mr. Hicks** states that Quail Hollow will not extend to Captain Williams Lane, but will remain as emergency access only. **Mr. Nesser** expresses his concern for a "turnaround". **Mr. Hicks** explains the plans for Quail Hollow 6 subdivision will address this issue.

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

0:16:52        **9. Consider a recommendation to the City Council regarding a request for a change of zoning from "R-2" Residential 2 District to "C-2" Commercial 2 District for**



**approximately 0.34 acres, located at 609 W. Fox St., legally described as Lots 2 & 4, Block 99, Stevens Second Addition Subdivision.**

The applicant(s), **Rhonda Harper, Skylynn McMinn, and Kari Barrick** approached the podium. **Ms. Harper** explained her role as the owner of the property in question. **Ms. Harper** then explained that she is inquiring about a zone change so that her granddaughter Ms. McMinn could potentially open a pet parlor in a portion of the duplex. She further explained they are in the process of “fixing up” the area to improve the appearance of the property.

**Mr. Patterson** further explains the request to change the zoning of the property from “R-2” Residential 2 District to “C-2” Commercial 2 District for approximately 0.34 acres, legally described as Lots 2 & 4, Block 99, Stevens Second Addition Subdivision. **Mr. Patterson** stated a majority of the area is zoned Residential and upon review of the request the City staff recommends Denial for “C-2” zoning.

**Mr. McCormick** requested a further explanation of the location the potential business will be placed.

**Ms. Harper** addressed McCormick’s question, explaining that the building located in the center of the property in question is a duplex, where she is planning to utilize half of the building for the pet parlor. She also stated the parking lot has been updated for the tenants in her adjacent rental properties in this area and how this would also help with the drop-off and pick-up of clients causing minimal traffic.

**Mr. Cornum** commented on the availability of a conditional use permit and how this could potentially be an option.

**Ms. McMinn** stated the planning department would not allow a conditional use permit.

**Mr. Patterson** clarifies that a conditional use permit would not be approved for this type of business in “R-2” zoning. He also explains that a conditional use permit, for this type of business, would be approved in a “C-1” zoning. **Mr. McCormick** then commented that changing the zoning from “R-2” to “C-1” with the approval of a conditional use may better suit the applicant. **Ms. Barrick** then asked what steps needed to be taken to follow through with the suggested “C-1” zone change. **Mr. McCormick** formally allowed for the request to be amended and changed during this meeting, now requesting a change of zoning from “R-2” Residential 2 District to “C-1” Commercial 1 District for approximately 0.34 acres, located at 609 W. Fox St., legally described as Lots 2 & 4, Block 99, Stevens Second Addition Subdivision.

**Mr. Patterson** stated the zone change whether approved or denied will still need to be addressed at the City Council meeting, which the applicant will be notified at a later time, the date for said meeting. In the meantime, the applicant is welcome to visit the City Planning Dept. to start the process of the conditional use permit.

**Ms. Wilson** made a motion to approve the amended recommendation to “C-1” zoning; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes--Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent—None. Abstained—None. The motion carried.

0:32:58      10.      **Consider a recommendation to the City Council regarding a request for a change of zoning from "R-R" Rural Residential District to "C-2" Commercial 2 District for approximately 4.1 acres, located at 2003 Standpipe Rd., legally described as Quarter: NE S: 14 T: 22S R: 26E BEG 40' S OF NE COR, W 450', S 400' E 450', N 400' TO POB.**

The applicants **Vanessa & Raymond Pacheco** approach the podium.

**Ms. Pacheco** explains the reason for the zone change from “R-R” Rural Residential to “C-2” Commercial 2 is to potentially open a small family-owned used car dealership/body shop, a detail shop, and possibly a food truck. **Ms. Pacheco** goes on to explain when she purchased the property she was under the impression that it was already zoned for commercial. Being that it was not, they visited the City Planning Department to seek further information on the process which brings them to the Planning and Zoning meeting. **Mr. Pacheco** states that he has noticed other businesses throughout Standpipe including an auto body shop which is across from them on standpipe. **Mr. Patterson** addresses the commission to further explain in detail the request being submitted. He then refers the commission to the added aerial view of the property as well as points out the majority of properties that are within city limits are zoned Rural Residential. Upon review of the City staff, the Planning Department recommends denial of the request.

**Mr. McCormick** inquires about “spot zoning”. **Mr. Patterson** proceeds to explain the surrounding area

**William McHenry** approached the podium and explained that when he purchased the property he was unaware of the land being split with split zoning. His reason for the request is to refinance the residence but is unable to due to the current zoning. **Mr. McCormick** asked for clarification as to why the property was able to be split-zoned. **Mr. Patterson** explained the possibility could have been caused because at one point the property was possibly subdivided with separate zoning and was later combined without rectifying the zoning. **Mr. McHenry** explained the communication he received from the previous owner left him with the understanding that the property details were sorted out. When he recently tried to refinance the property, he found the information received from the previous owner was false. Mr. McHenry went on to explain when he reached out to the planning department to rectify the issue it was then brought to his attention that the property was submitted for condemnation. He stated he was unaware of the proposed condemnation due to being away from the property for some time addressing a family medical emergency. He plans to discuss the condemnation matter with the City Attorney at a later time.

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

1:17:54      12.      Report regarding Summary Review Subdivisions

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

1:18:00      13.      Adjourn

The meeting was adjourned.

1:19:53      Stop Recording [6:20:02 PM]



Chairman

6-5-23

Date