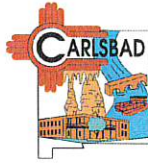


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, June 5, 2023 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 5, 2023 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 267-105-437
US Phone: (571) 317-3122 Access Code: 267-105-437
<https://meet.goto.com/267105437>

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held May 1, 2023
4. Remove from Table a consideration of approval 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 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.
6. Remove from Table a consideration of approval 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.
7. 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.
8. Consider approval of a Subdivision Plat for the Replat No. 2 of Boyd Dr Subdivision Line Adjustment located at 3201 Boyd Dr., creating four new tracts for development.
9. 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 18.5 acres, located at 3201 Boyd Dr., legally described as Tract 2A, Tract 2B1, Tract 2B2 & Tract 2B3, Replat No. 2 of Boyd Drive Subdivision Line Adjustment

10. Consider a request for a Conditional Use Permit to allow a Home Occupation – Animal Care, to operate at the property located at 609 W. Fox St., zoned “C-1” Commercial 1 District
11. Consider a request for a Conditional Use Permit to allow Employee Housing, to operate at the property located at 411 Carlgo St., zoned “C-2” Commercial 2 District
12. Consider approval of a Variance to allow 6’ fence along the front setback as opposed to the maximum 4’ fence height for the property located at 104 N. Second St., zoned “R-1” Residential 1 District.
13. Consider approval of a Variance to allow a 25’ front setback as opposed to the minimum 30’ front setback for the property located at 204 Ferndale St., zoned “R-1” Residential 1 District
14. Consider approval of a Variance to allow 5’ rear setback as opposed to the minimum 20’ rear setback for the property located at 1030 Malibu Way., zoned “R-R” Rural Residential District
15. Consider approval of a Variance to allow 0’ side setback as opposed to the minimum 5’ side setback for the property located at 1209 W. Thomas St., zoned “R-1” Residential 1 District
16. Report regarding Summary Review Subdivisions
17. 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, July 10, 2023 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 5, 2023 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

JAMES MCCORMICK	CHAIRPERSON
BRAD NESSER	COMMISSIONER
TRENT CORNUM	COMMISSIONER
VALERIE BRANSON	COMMISSIONER

VOTING MEMBERS ABSENT:

LINDA WILSON	COMMISSIONER
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EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON	PLANNING DIRECTOR
TRYSHA ORTIZ	DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

JENNIFER CAMPOS	PLANNING AND REGULATION DEPARTMENT EXECUTIVE SECRETARY
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OTHERS PRESENT:

MELVIN PYEATT	413 HAMILTON
JEFF O'BRAIN	1030 MALIBU WAY
SONYA O'BRAIN	1030 MALIBU WAY
RHONDA HARPER	410 N MESQUITE
SKYLNN MCMINN	1601 W URAL DR.
MANUEAL DUTCHOVER	104 N. 2ND ST.
ROBBY WALTERSCHEID	5409 GRANDI RD.
JUDY WALTERSCHEIF	5409 GRANDI RD.
LUCAS MCDONALD	1209 W. THOMAS ST.
MARIA CERVERA	204 FERNDALE
RAQUEL KNIGHT	411 CARLGO
MICHAEL A. BRADDOCK	411 CARLGO
ROSA LINDA RAMIREZ	1212 W. THOMAS
KACEY CORNUM	1081 MOUNUMENT CT.
MEGHAN CRONIN	STANTEC (via phone)
ANDREA CARUSO	AIR METHODS (via phone)
CLAUDIA MAGALLANES	4008 JESSE JAMES CT.

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 [5:00:51 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. McCormick, Mr. Nesser, Mr. Cornum, Ms. Branson.** Absent—**Ms. Wilson.**

0:00:25 **2. Approval of Agenda**

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

0:00:55 **3. Approval of Minutes from the Meeting held May 1, 2023**

Ms. Branson made a motion to approve the Minutes from the regular meeting held on May 1, 2023; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Branson.** No—None. Absent—**Ms. Wilson.** Abstained—None. The motion carried.

0:01:35 **4. Remove from Table a consideration of approval 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.**

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

0:02:25 **5. 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 applicants, **Andrea Caruso** from Air Methods and **Meghan Cronin** from Stantec, are in attendance via phone. **Mr. Patterson** explains that this request is to waive the requirement to install an ADA compliant, van accessible parking space to service the new Air Methods facility that will be built at 2404 W. Pierce St. The applicant explains in their application that the new facility is intended for Air Methods employees only, and will not serve customers or the public. Air Methods emergency responders will occupy this new building, and due to the nature of their work, all employees occupying this facility will be able-bodied. As such, Air Methods will not need the ADA compliant parking to serve the new business. Also, the parking that they will be utilizing is existing parking owned by Carlsbad Medical Center, and the slope of the parking surface is too severe to meet ADA requirements. They would have to rebuild the parking lot to meet this requirements, so they are requesting this variance. **Ms. Caruso** explains that they operate the emergency medical flights that service Carlsbad Medical Center and what they are doing is putting in a modular trailer at the subject site to accommodate their on shift employees. **Mr. McCormick** asked if their current employees are not handicap and if they do not need the ADA accessible parking. **Ms. Caruso** said yes, so that only people that are able to get in and out of the helicopter will be staying in the modular structure. **Mr. Patterson** said this proposed project will be constructed under a lease agreement for the parcel between Air Methods and Carlsbad Medical Center. The slope of the existing parking spaces to the northwest are the only spaces which are ADA complaint. The slope of the parking area to the south is too great to allow ADA parking. Planning Department recommends approval. **Ms. Cronin** stated that the building that’s being proposed is going to sit on the area where there will be slight slope. It will be a modular building and sitting above the ground, and a ramp and walkways will be installed. They will not have any curb cuts added to the exiting curb, but the walkway will be accessible per code. They just can’t establish any of the parking spaces as accessible because the slope is too steep to meet code. Floor opened for public comment. There was none.

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. Branson.** No—None. Absent—**Ms. Wilson.** Abstained—None. The motion carried.

0:14:35 **6. Remove from Table a consideration of approval 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.**

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

0:15:19 **7. 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.**

Melvin Pyeatt, the surveyor for the landowners, comes to podium. Mr. Patterson explains this request is for the approval of a preliminary and final plat that will split the current +/- 97.5 acre property owned by Robby & Judy Walterscheid into nine separate large tracts. The attached subdivision plat shows the access that will be provided off of Grandi Rd. for Lots 1&2, and the access that will be provided off of Derrick Rd. for Lots 3-9. The access off of Derrick Rd. will need to cross over an irrigation ditch, so the applicants are placing a crossing into Lot 9, then providing a 60' access easement across Lots 3-9 from this one crossing. There will be a turnaround installed at the west end of this access easement at Lot 3. For Lots 1&2, the access from Grandi Rd. will enter Lot 1 and run east through a 60' access easement to Lot 2. The applicants have not stated how water will be provided to these properties. All lots will be served by in ground septic systems. The City's Planning Office has consulted with Eddy County officials to discuss the access issues that are present for this property. It was suggested by the Eddy Co. Planner and the City's Planning office that an additional crossing along Derrick Rd. be installed to provide a second means of access in case of emergency. Planning Department recommends approval. Mr. McCormick asked if they are aware of the city's conditions. Mr. Pyeatt said yes, and for the water issue they're going to drill water wells. Mr. Cornum asked Mr. Pyeatt if they were going to be shared or individual wells for the lots. Mr. Pyeatt responded individual wells per lot. Floor opened for public comment. There was none.

Mr. Nesser made a motion for approval with the recommendations from the City for an additional crossing along Derrick Rd. be installed to provide a second means of access in case of emergency; Mr. Cornum seconded the motion. The vote was as follows: Yes-- Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Branson. No— None. Absent—Ms. Wilson. Abstained—None. The motion carried.

0:21:29 **8. Consider approval of a Subdivision Plat for the Replat No. 2 of Boyd Dr. Subdivision Line Adjustment located at 3201 Boyd Dr., creating four new tracts for development.**

Kacey Cornum, representing Valley Transportation properties, comes to the podium. Mr. Patterson explains this request is for a Subdivision Plat for the Replat No. 2 of Boyd Drive Subdivision Line Adjustment, located at 3201 Boyd Drive. This request is for the approval of a subdivision plat that will split the current +/- 18.5 acre property owned by Valley Transportation, LLC into four separate large tracts. The attached subdivision plat shows that the access will be provided off of W. Rose St for Tracts 2B1, 2B2 & 2B3, and the access that will be provided off of Boyd Dr. for Tract 2A. There are water utilities along Rose Street that will service these lots. City sewer service in that area is yet to be determined. There will need to be in ground septic for the new lots unless the property can extend City sewer to these properties. Right now the property owner is seeking a zone change for the subject property from "R-R" Rural Residential District to "C-2" Commercial 2 District which will be heard at City Council at a later date. Mr. Cornum asked to be recused for this item. 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—Ms. Wilson. Abstained— Mr. Cornum. None. The motion carried.

0:25:25 **9. 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 18.5 acres, located at 3201 Boyd Dr., legally described as Tract 2A, Tract 2B1, Tract 2B2 & Tract 2B3, Replat No. 2 of Boyd Drive Subdivision Line Adjustment.**

Kacey Cornum is representing Valley Transportation properties, comes to the podium. Mr. Patterson explains this request for a change of zoning from “R-R” Rural Residential District to “C-2” Commercial 2 District for approximately 18.5 acres, located at 3201 Boyd Dr., legally described as Tract 2A, Tract 2B1, Tract 2B2 & Tract 2B3, Replat No. 2 of Boyd Drive Subdivision Line Adjustment. The properties to the east & west are zoned “R-R” Rural Residential District; the properties to the north & south are zoned “C-2” Commercial 2 District. This will not create a spot zone. 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—Ms. Wilson. Abstained— Mr. Cornum. None. The motion carried.

Mr. Patterson said this item will be heard at City Council on July 25, 2023

0:28:29 **10. Consider a request for a Conditional Use Permit to allow a Home Occupation-Animal Care, to operate at the property located at 609 W. Fox St., zoned “C-1” Commercial 1 District.**

The applicant, Skylinn McMinn, comes to the podium. Mr. Patterson explains this request is for a Conditional Use Permit to allow an Animal Care - Pet Salon, to operate at the property located at 609 W. Fox St., a property zoned “C-1” Commercial 1 District, in accordance with Sections 56-42, Table 3, of the City of Carlsbad Zoning Ordinance. The property is currently zoned “R-2” Residential 2 District, however, the applicant has submitted a request to change the zoning to “C-1” Commercial 1 District. The zone change request was heard by the Planning and Zoning Commission at the May 1, 2023, Commission meeting, and the Commission voted to recommend approval of this request to the City Council. The Council is scheduled to hear the zone change request at the June 13, 2023, Council meeting. The applicant has stated that their customers will be dropping off and picking up their pets daily. Sec. 56-42(c) states that no outdoor overnight boarding of animals is allowed. The Planning Department recommends approval. Ms. McMinn said she’s only going to be grooming dogs at this location, and there will be there’s no set schedule. She’s going to be hiring a family friend to help her bathe the dogs. It will be open Monday through Friday. Her grandmother is the owner of the property. There will not be any dogs outside. Customers will just be dropping off and picking them up the animals daily. Mr. Patterson said that the Zone Change would have to be successful in order for the Conditional Use to be valid. Floor opened for public comment. There was none. Mr. Nesser asked how many parking spaces are going to be on Fox Street. Ms. Harper said they have already taken out room for four renters from there and they could possibly fit up to ten spaces.

Mr. Nesser made a motion for approval the Conditional Use permit depending on approval of the zoning change request from City Council; Mr. Cornum seconded the motion. The vote was as follows: Yes-- Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Branson. No—None. Absent—Ms. Wilson. Abstained—None. The motion carried

0:34:24

11. Consider a request for a Conditional Use Permit to allow Employee Housing to operate at the property located at 411 Carlgo St., zoned "C-2" Commercial 2 District.

The applicant, **Raquel Knight**, comes to the podium. **Mr. Patterson** explains this is a request for a Conditional Use Permit to allow the installation of work-force housing, termed Employee Housing, to be located at 411 Carlgo St., zoned "C-2" Commercial 2 District. The applicant has placed two (2) "Legacy Housing" manufactured homes at this site and will need to work with the appropriate departments regarding compliance and utilities of the two structures. The Planning and Zoning Commission can require additional improvements to the site as conditions of approval, if desired. Conditional Use Permits are not transferable and do not run with the land. Conditional Use Permits expire upon the sale, transfer, or lease of the property to a new owner or tenant. The Planning Department, based on department recommendations and analysis, recommends approval of Employee Housing with the following conditions: • Work with the Building Department by providing information on the modular units • Provide a unit and occupancy count. **Ms. Knight** explains that they have a trucking company and would like to house their employees at this site because most of them do not live in Carlsbad. **Mr. McCormick** asked if the structures were already there. **Ms. Knight** answered yes. **Mr. Patterson** said that the Building Department was asking for more information about the structures because the Inspectors were not consulted before the buildings were placed. **Ms. Branson** asked about the regulations on the side and rear setbacks. **Mr. Patterson** answered that this property, being zoned "C-2" Commercial 2 District, would have a required 5' side and 10' rear setback. **Mr. Cornum** asked if has there been any surveyor to check to see if the structures are encroaching on the setbacks. **Mr. Cornum** referenced the maps in the packet and asked if the buildings indicated were the buildings being utilized. **Ms. Knight** said yes. **Mr. Cornum** asked if they were tied to City Utilities. **Ms. Knight** said she thought one of the buildings was and the other was not. **Ms. Branson** said the building on east side of the property is looks to be within the 5' side setback and the building on the south side looks to be within the 10' rear setback. **Mr. Cornum** asked if the applicant would need a Variance request approved in order for the Commission to approve the Conditional Use Permit. **Mr. Patterson** said that the applicant would need an approved Variance for encroaching into the setbacks, or the buildings need to be moved out of the setbacks, one or the other. **Mr. Cornum** asked how many spaces are available for people to stay. **Ms. Knight** said there's five rooms per trailer, with each room having two beds, so there would be ten spaces per building. **Ms. Branson** asked **Mr. Patterson** if he knew what the current occupancy on all man camps within the City was as of now. **Mr. Patterson** said he doesn't have an exact number but it's possibly 1100 or 1200 units between modular man camps and RV parks. **Ms. Branson** asked if there's any parking at the subject site. **Ms. Knight** said it's in the middle of the property. **Mr. McCormick** explains to **Ms. Knight** that the buildings are not in compliance with the setbacks and in order for them to approve this Conditional Use she would need to get a Variance to go along with this request.

Mr. Cornum asked **Ms. Knight** why the business has trucks that are parked in the ROW for National Parks Hwy. Those trucks should be parked towards the back of the property. **Ms. Knight** said she didn't know. **Mr. Nesser** addressed **Mr. Cornum** that the NMDOT normally enforces parking on the right of way. Floor opened for public comment. There was none.

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

0:58:22

12. Consider approval of a Variance to allow 6' fence along the front setback as opposed to the maximum 4' fence height for the property located at 104 N Second St., zoned "R-1" Residential 1 District.

The applicant, **Manuela Dutchover**, comes to the podium. **Mr. Patterson** explains this request is for a Variance from Ord. 56-70(d)(5)(c) to allow a 6' fence along the front property line as opposed to the maximum 4' fence height for the property located at 104 N. Second St., zoned "R-1" Residential 1 District. The applicant has constructed a solid 6' fence along the front and side property lines. A permit

was not applied for or issued. Based on review of the application materials and other staff comments, the Planning Dept. recommends approval of this request with the following condition: • The applicant shall taper the fence down to 4' beginning 10' from the front property line. **Ms. Dutchover** said that she had a contractor from Lowe's install the fence. She asked the contractor if he was sure he could install it and she didn't get the proper permits for it. It's a wooden fence and she lives alone and doesn't trust anyone walking through her neighborhood. **Mr. Cornum** asked **Ms. Dutchover** if she's willing to comply with what the city has requested. **Ms. Dutchover** said she really doesn't want to but if she has to she will comply. **Ms. Ortiz** explained that the property to the south of Ms. Dutchover is zoned "C-2" as to where Ms. Dutchover is zoned "R-1". When commercial property abuts residential, the commercial property is required to put up a solid 6' fence. Also, does the 6' fence go all the way to the property line on their rear or does it stop. **Ms. Dutchover** said it stops. **Ms. Branson** said she's not saying that the metal fence is a problem of Ms. Dutchover because it's the neighbor's backyard fence that doesn't need to come down. **Ms. Ortiz** said correct. **Mr. Cornum** said it would be the northwest corner and front of her property that would have to be tapered down. **Mr. McCormick** said yes. Floor opened for public comment. There was none.

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

1:18:37 **13. Consider approval of a Variance to allow a 25' front setback as opposed to the minimum 30' front setback for the property located at 204 Ferndale St., zoned "R-1" Residential 1 District.**

The applicants, **Maria Cervera and Claudia Magallanes**, come to the podium. **Ms. Ortiz** explained the applicant has submitted a request to allow a 25' front setback as opposed to the minimum 30' front setback for the property located at 204 Ferndale St. The applicant has provided a site plan for the proposed new construction. The applicant would like to build a covered front porch that will encroach 6' into the front setback. The home currently sits 31' from the front parcel line, which would result in a 25' front setback. Planning Department recommends approval. **Ms. Magallanes** said they want it to be 6' out like a patio cover and see through all the way around. **Mr. McCormick** asked if it's going to be attached to the house. **Mr. Cornum** asked if it's going to have a metal roof. **Ms. Magallanes** said they haven't decided on metal or shingle. Depending on the outcome of tonight's meeting, if we get approved then we can get prices and see what they decide and work with the finish of the house. Floor opened for public comment. There was none.

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

1:23:30 **14. Consider approval of a Variance to allow 5' rear setback as opposed to the minimum 20' rear setback for the property located at 1030 Malibu Way., zoned "R-R" Rural Residential District.**

The applicant **Jeff O'Brain**, comes to the podium. **Mr. Patterson** explains this is a request for Variance from Ord. 56-90(b) to allow a 5' rear setback as opposed to the minimum 20' rear setback for the property located at 1030 Malibu Way., zoned "R-R" Rural Residential District. The restrictions filed with the plat call for a 20' rear setback and a 5' side setback for the subdivision. The applicant has provided a preliminary site map showing the proposed structure location on the property. He would like to construct a 30' x 60' shop on the property. Based on review of the application materials and other staff comments, the Planning Dept. recommends approval of this request with the following recommendation: • The applicant be allowed a 10' rear setback as opposed to 5'. **Mr. O'Brain** said he would like to build a 30' x 60' shop there and since there is an existing fence in the middle of his back yard and sprinkler systems, he would like to build the new structure within the rear setback. There's a cross metal fence that the

previous owners had to keep the children and the dogs separated, and in order for him to not move the sprinkler system and the fence, he wants to go to toward the back fence to and leave 5'. **Mr. O'Brain** asked what would be the rationale of the 10' instead of the 5', what's the purpose. **Mr. Patterson** said when the city staff reviews these applications, emergency services looks closely at the reductions on the setbacks. Emergency Services recommended the 10' rear setback compromise. Floor opened for public comment. There was none.

Mr. Nesser made a motion for approval for a 7.5' variance; no second of the motion was made. The motion for a 7.5' rear setback variance died due to lack of a second motion.

Mr. Cornum made a motion for approval for a 5' variance; **Ms. Branson** seconded the motion. The vote was as follows: **Yes-- Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Branson.** No— None. Absent—**Ms. Wilson.** Abstained—None. The motion carried.

1:34:10 **15. Consider approval of a Variance to allow 0' side setback as opposed to the minimum 5' side setback for the property located at 1209 W. Thomas St., zoned "R-1" Residential 1 District.**

The applicant, **Lucas McDonald**, comes to the podium. **Mr. Patterson** explains this request is for a Variance from Ord. 56-90(b) to allow a 0' side setback as opposed to the minimum 5' side setback for the property located at 1209 W. Thomas St., zoned "R-1" Residential 1 District. The applicant would like to place a carport over the existing driveway on the east side of the property. Based on review of the application materials and other staff comments, the Planning Dept. recommends denial of this request. **Mr. McDonald** said he's just trying to protect his vehicles from the weather. Also, he wants to give his daughter a place to ride her bike in the shade. It's going to be a metal carport bolted to the ground. **Mr. McCormick** asked if it was enclosed. **Mr. McDonald** said it's just a roof. **Mr. Nesser** asked how wide the driveway is. **Mr. McDonald** said it's about 19' 8" and it's a 20 x 30 x 9 carport. **Ms. Ramirez** said she's Luke's neighbor directly across the street, and she has about 5 windows that are 5 ½' to 6' in her living room so she sees directly to his house. She doesn't want to wake up every morning and see this eyesore in her neighborhood and especially looking out her windows. They live on West Thomas St., and it's a block from Riverside Dr. and nobody in that neighborhood has a carport extending out. She wants to talk about the ordinance. They put in ordinances to protect their living areas, because one of the biggest investments in life is their property and that being second to their children. She wants to talk about the neighborhood. They've had many oilfield workers residing in her neighborhood that drive large trucks. They have a lot of trucks parked along the street after 5:00 PM and the children often run between vehicles into the street. Her concern is not only the eyesore, it's also the lack of visibility when they ride their bike. Also, the noise that it will bring to the area with the metal roof. **Ms. Ramirez** said when **Mr. McDonald** came to the board before to have a business out of his house he stated that he would put in a circular driveway for his customer's to park on his driveway and not on the street. That never happened. The reality is that whatever is decided is what they are to live with, but ordinances in the city are made to be followed and it's for the protection for everyone. She hopes that the item is denied. **Mr. McDonald** said if he puts the carport in the middle of his driveway, he wouldn't need to be here, so he has the right to place a carport in front. He's only asking for it to be on his property line. He understands that there's not carport in the neighborhood. **Mr. Cornum** asked to make sure to check on the 30' setback and whether the carport would encroach on the street ROW. **Mr. Patterson** said it's close to 30' but it's hard to be accurate when measuring in the GIS. **Ms. Ramirez** said some of the neighbors have their carports behind their house. **Mr. Cornum** asked if he had alley access. **Mr. McDonald** said no and he has a 6' cinder block fence all the way around his house. **Mr. Nesser** asked if he could move it over and add to the width to the driveway. **Mr. McDonald** said no, it would then be encroaching into his house and his front yard.

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

Mr. McCormick said that this decision could be appealed to the City Council. **Mr. Patterson** said that he would need a letter email from Mr. McDonald delivered to his office within 15 days of today's date. An appeal then can be scheduled to go before City Council.

1:51:25 **16. Report regarding Summary Review Subdivisions**

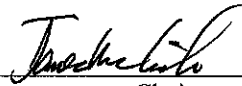
Mr. Patterson gave a report on the Summary Reviews. Nothing unusual was noted.

1:54:35 **17. Adjourn**

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

The meeting was adjourned.

1:55:24 Stop Recording [6:55:24 PM]



Chairman

7-10-23

Date