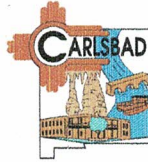


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, July 10, 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, July 10, 2023 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 610-874-749
US Phone: (224) 501-3412 Access Code: 610-874-749
<https://meet.goto.com/610874749>

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held June 5, 2023
4. Report from the Planning Department regarding a request for a Variance to reduce the required side property setback from 7.5' to 5' at 501 Grazer Ln., zoned "R-1" Residential 1 District.
5. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required side property setback from 5' to 2'2" at 1022 Alamosa St., zoned "R-1" Residential 1 District.
6. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required rear property setback from 20' to 3' at 3503 S. Sunny view Ave., zoned "R-1" Residential 1 District.
7. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required rear property setback from 10' to 0' at 3810 Jasper Dr., zoned "R-1" Residential 1 District.
8. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 2.17 acre property, located at 2412 Tulip St., legally described as Lot 14, Block B, Hall Subdivision.
9. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-R" Rural Residential District to "R-2" Residential 2 District for approximately 5.5 acres, located west of 501 Chapman Rd., legally described as Lot 2, Cox 5 Subdivision.

10. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 0.23 acre property, located at the northwest intersection of N. First St. and NE First St., legally described as Lot 16, Block 1, May Subdivision.
11. Report regarding Summary Review Subdivisions
12. 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 7th, 2023 at 5:00 p.m.

<p>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.</p>

**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 10, 2023 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**JAMES MCCORMICK
BRAD NESSER
TRENT CORNUM
VALERIE BRANSON**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

LINDA WILSON

COMMISSIONER

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA ORTIZ**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR**

SECRETARY PRESENT:

VANESSA ORNELAS

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**DENISE MADRID BOYEA
WAYNE BALLARD
DAVID GUERRERO
DORIS HOLLAND
PETE FLOREZ
SANDRA FLOREZ
VICKI MILLER
ANTHONY MILLER
TIFFANY ROBERTS
JABALI SANDERS
ALONDRA VALDEZ
PHILLIP HUSTON
ALY MYRIC
GLORIA P
GIOVANNAH JACKSON
ALEXANDER MILLICAN
ANTHONY HONAKER
HENRY CASTANEDA
SHARA BROWNING
BHAKTI SALIAN
MEENA PARMAS
JOHN WATERS**

**CITY OF CARLSBAD
2004 PEPPER TREE
3501 HIDALGO
503 GRAZER LN
501 W CHAPMAN
501 W CHAPMAN
1003 COUNTRYSIDE PL
1003 COUNTRYSIDE PL
3593 S SUNNYVIEW
3593 S SUNNYVIEW
3810 JASPER
50 BITTER CHERRY

7417 SCHOONER RD
301 CHAPMAN RD
1022 ALAMOSA
9228 PORTER RD
307 VINEYARD LN
501 GRAZER LN
501 GRAZER LN
CARLSBAD DEPARTMENT OF
DEVELOPMENT
1006 COUNTRYSIDE PL
1624 N MESA
301 N ALAMEDA**

**BRENDA RECTOR
VANCE JENKINS
BART FRINTZ**

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

0:00:00 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, and Ms. Branson.** Absent—**Ms. Wilson.**

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

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

0:00:55 **3. Approval of Minutes from the Meeting held June 5, 2023**

Mr. Cornum made a motion to approve the Minutes from the regular meeting held on June 5th, 2023; **Ms. Branson** seconded the motion. The vote was as follows: **Yes-- Mr. McCormick, Mr. Nesser, Mr. Cornum, and Ms. Branson.** No—None. Absent—**Ms. Wilson.** Abstained—None. The motion carried.

0:01:06 **4. Report from the Planning Department regarding a request for a Variance to reduce the required side property setback from 7.5' to 5' at 501 Grazer Ln., zoned "R-1" Residential 1 District.**

Bhakti Salian and Meena Parmaz approach the podium. **Jeff Patterson** explains that this item was last heard at the February 6, 2023 Planning & Zoning Commission meeting. At that meeting, the commission granted the applicant six months to complete the construction, remove the balcony along the eastern edge of the addition and obtain a Certificate of Occupancy. **Ms. Salian** begins to explain that she has completed the construction side of the project but is still working on having the construction debris removed from the property and has received her Certificate of Occupancy. **Mr. McCormick** inquired about the time it has taken to complete this project. **Ms. Salian** goes on to explain the reason for the extended time was that some neighbors had concerns regarding the subdivision covenants. She also explains that she was able to find the proper help to assist in bringing the project up to code. **Mr. McCormick** asked Mr. Patterson what was initially expected of Ms. Salian before this meeting. **Mr. Patterson** provided a copy of the determination letter, outlining the items specified by the commission at the February meeting. **Ms. Salian** goes on to explain that they have removed the overhang on the building. Photos were provided showing the completion. **Mr. McCormick** opened public comment. **Doris Holland** approached the podium with concerns about the cosmetic side of the project being unfinished and also provided photos. She has expressed her unhappiness with the time it has taken for this project to be completed. She believes the homeowner should be penalized for every day the project goes unfinished. **Ms. Holland** also expressed her opinion that the city is only willing to work with the applicant because the city stands in fear of a lawsuit. **Mr. McCormick** acknowledged the project has gone on much longer than it should have. **Mr. McCormick** asked that the Certificate of Occupancy be explained so that those in attendance can understand the requirements to obtain a Certificate of Occupancy. **Mr. Patterson** explains a Certificate of Occupancy is issued when the project meets completion per the building code and the department deems the structure safe to occupy. **Mr. Cornum** explains his motion at the previous hearing on this project was that the project was to be one hundred percent complete. Though the Certificate of Occupancy was obtained he asked **Ms. Holland** a time frame of when she would like to see the cosmetics completed. **Ms. Holland** asked again about penalties towards the applicant for every day the job is unfinished. **Mr. Cornum** explains the commission does not have the authority to process the penalties in question. **Ms. Holland** expressed she would like to see the whole addition removed as though it would never have happened and she would like to see that the request for the variance be denied. **Mr. Cornum** then asked if maybe this is more of an emotional standpoint rather

than a reasonable one. He also expressed that there is no gain to **Ms. Holland** if the request is denied. **Mr. Cornum** then asked **Ms. Salian** when she could expect the project to be one hundred percent complete. **Ms. Salian** also provided photos showing the progress made and explained because they were unable to have a professional complete the painting they are having to complete it themselves. **Mr. McCormick** acknowledged the items that were asked to be completed at the last hearing were finished. **Ms. Branson** also expressed her concern for the trash still being on the job site and the stucco being unfinished has become an issue. **Ms. Salian** mentioned the trash was not part of the requirements for the variance to be approved. **Mr. Cornum** goes over the motion once again from the previous hearing on this item. **Ms. Salian** asks what is expected of her before this item can be approved. **Mr. McCormick** closed public comment. **Mr. Nesser** asked how much construction is still ongoing **Ms. Salian** explained the construction is complete aside from the stucco and paint.

Mr. Cornum made a motion for approval; **Ms. Branson** seconded the motion. The vote was as follows: Yes-- **Mr. McCormick** and **Ms. Branson** No— **Mr. Nesser** and **Mr. Cornum**. Absent—**Ms. Wilson**. Abstained—None. The motion did not pass.

Mr. Cornum explains again that the project needs to be completed to one hundred percent. **Mr. Patterson** explains the P&Z commission can place stipulations on the item to be approved.

Mr. Cornum made a motion to rehear the item at the August 7th meeting with the following conditions: pictures be provided to P&Z showing completed work and trash removed from the property. **Ms. Branson** seconded the motion. The vote was as follows: Yes-- **Mr. McCormick**, **Mr. Nesser**, **Mr. Cornum**, and **Ms. Branson** No—. Absent—**Ms. Wilson**. Abstained—None.

0:42:27 **5. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required side property setback from 5' to 2'2" at 1022 Alamosa St., zoned "R-1" Residential 1 District.**

Anthony Honaker approached the podium. **Trysha Ortiz** explained that the applicant is seeking a variance to allow the placement of a carport on the side of his home that would result in a 2'2" side setback. **Mr. Honaker** explains that the reason for wanting to place the carport on the side of the home rather than in the front of the home was the fear of blocking the view of oncoming traffic which could potentially be an issue for citizens who approach the intersection and also because there is no structure to that side of his home there for a fire hazard for a neighbor is nonexistent. **Mr. McCormick** inquires about the material to be used for the carport. **Mr. Honaker** explains it will be built out of aluminum. No public comments were made. **Mr. Cornum** explains he prefers the structure to be placed on the side of the home.

Mr. Nesser made a motion for approval with the condition that a fence be built no taller than 4'; **Mr. Cornum** seconded the motion. The vote was as follows: Yes-- **Mr. McCormick**, **Mr. Nesser**, **Mr. Cornum**, and **Ms. Branson**. No—None. Absent—**Ms. Wilson**. Abstained—None. The motion carried.

0:50:00 **6. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required rear property setback from 20' to 0' at 3503 S. Sunny View Ave., zoned "R-1" Residential 1 District.**

Tiffany Roberts and **Jabali Sanders** approach the podium. **Mr. Patterson** explains that the applicants are asking for a variance to reduce the rear property setback from 20' to 0' to allow the placement of a shed. **Mr. McCormick** requests that the applicant give a better explanation as to what their plans are for the property. **Ms. Roberts** states that they would like to place a 20'x12' shed structure on the property but the 20' setback takes up half of the yard which makes it impossible to place the shed and still be able to utilize the backyard as such. **Mr. Cornum** inquires if the 5' side setback is ok. **Ms. Roberts** replies that they would like to leave some space in the side setback. **Mr. Cornum** advises that a 10' rear setback may be more reasonable. **Ms. Roberts** still prefers the 0' rear setback. **Mr. McCormick** opens for public

comment. No public comments were made. **Mr. McCormick** states it may be denied at a 0' rear setback and asks the applicant if she would like to revisit the original request of a 3' rear setback. **Mr. Cornum** requests to see an aerial view of the neighboring property and goes on to explain if a home is eventually built on that property, it would be facing to the side and they would then have a 5' side setback which would then call for a concern of a fire hazard being that the structures are so close. **Ms. Roberts** then asks if she could get approved for a 5' rear setback. **Mr. Cornum** said no due to fire hazards.

Mr. Nesser made a motion for approval of a 10' rear setback with the condition of a building no larger than 20'x12'; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes-- Mr. McCormick, Mr. Nesser, Mr. Cornum, and Ms. Branson.** No—None. Absent—**Ms. Wilson.** Abstained—None. The motion carried.

01:05:55 **7. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required rear property setback from 10' to 0' at 3810 Jasper Dr., zoned "R-1" Residential 1 District**

Alondra Valdez approached the podium. **Mr. Patterson** explains that the applicant is requesting a variance to allow the rear setback to be reduced from 10' to 0'. **Ms. Valdez** explains they would like to place a shop in the far left corner of the property. **Mr. Valdez** explains the direction he would like to place the structure. He explains he would use the shop to store a UTV. With the 0' rear setback that would leave the applicant with just enough room to fit the UTV between the structure and the ground level AC unit to enter the building. **Mr. Valdez** presents photos of the planned structure. **Mr. McCormick** then inquires about the water drainage issue it may cause with the neighbor. **Mr. Valdez** then states even a 3' rear setback would suffice. **Ms. Branson** asks if the variance is only for a 0' rear setback. **Mr. Valdez** explains the variance was requested for both the rear and the side. **Mr. McCormick** asks if he is also wanting to ask for a 0' side setback. **Mr. Valdez** explains 3' would be his request for the side setback. **Mr. Cornum** inquires if they would have room for drainage with a 3' rear and 3' side setback. **Mr. McCormick** opens public comment. No comments were made.

Mr. Cornum made a motion for approval of a 3' side and rear setback and a structure no larger than 15'x20'; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. McCormick, Mr. Nesser, Mr. Cornum, and Ms. Branson.** No— None. Absent—**Ms. Wilson.** Abstained—None. The motion carried.

1:18:31 **8. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "R-2" Residential 2 District for an approximately 2.17 acre property, located at 2412 Tulip St., legally described as Lot 14, Block B, Hall Subdivision.**

Philip Huston approaches the podium. **Mr. Patterson** explains that the request is for a zone change from "R-1" Residential 1 District to "R-2" Residential 2 District. **Mr. Huston** explains the need for more housing to fulfill the needs of the patients who need assistance. With the growing number of people needing sober living assistance, the overflow in residence has been causing the facility to deny the members of the community who are needing the services provided by Life House Inc. He explains the program increases the likely hood of success with the clients who are currently able to utilize sober living facilities. **Mr. Cornum** inquires about staffing in these facilities. **Mr. Huston** explains they have a designated person for each facility, though they don't live on the property, the facility is monitored by security cameras. There is a process of checking in and out of the residence every time a person arrives or leaves the premises. He explains the process has worked thus far with minimal to no issues. **Mr. McCormick** opens for public comment. **Brenda Rector** approaches the podium against the proposed zone change. She presents a petition and also explains she was miss informed of the proposed action. **Mr. McCormick** explains they are not approving the use of the property but the zone changes itself. **Ms. Ortiz** mentions there is a wide range of signatures on the petition from the neighborhood; approximately 51 signatures were collected. **Mr. Huston** presents the flyer that was sent to each person in the

neighborhood back in July 2018. **Mr. Cornum** inquires if there is any fence around the property **Mr. Huston** explains there is a nicely built fence around the entire property. **Ms. Rector** expresses her concern for the residents being free to roam and the way the check-in/out process is she fears for the safety of the neighbors and the school that is also in the neighborhood. **Mr. Huston** explains that there have not been any complaints from the residents. **Ms. Branson** asks if the facility only houses women. **Mr. Huston** explains that it is currently functioning for women and children. **Ms. Branson** then asks if it is run similarly to the facility on Westridge. **Mr. Huston** explains there are different levels of care in each facility and it is run by the same organization. **Mr. Cornum** then asks to view a drawn plan to better explain what plans are in place for the property. **Shara Browning** approaches the podium in favor of the proposed request as a member of the LifeHouse board. She explains the accomplishments and accuracy of the system and expresses her concern for the need for these facilities to heal our community. She also explains that the property will be properly landscaped so that will help with the trash and weed issue. **Ms. Browning** also states that the residents have to undergo a 30-day rehabilitation to qualify for assistance from LifeHouse so the current residents have already been through a detox before arriving at the facility. **John Waters** also speaks in favor of the proposed request. He explains the positive effects this type of housing will have on our community with the current unemployment rate in Carlsbad. He believes it will help the residents become productive members of society and will also help fill the large demand for employees needed in this community. **Vicki Miller** approaches the podium against the request with her main concern being is the plan is showing several buildings rather than the two proposed buildings to be placed and the traffic that it is going to bring into the neighborhood. **Mr. Cornum** asks if this is a phased project. **Mr. Huston** explains the current plan is two houses on the NE corner of the property, which is what they have raised funds for. The plan currently shows some possibilities with the help of the community. **Ms. Miller** asks if the facilities will house men in the future. **Ms. Branson** asks how many facilities currently exist and if there have been any issues. **Mr. Huston** states he has not had any issues yet. **Jay Jenkins** approached the podium in favor of the request. He explains they turn people away every day which takes away from the percentage of recovery. He also explains similar concerns were brought to their attention when they took over the Landsun facility. However, since then, the neighbors have not expressed concern. **Mr. McCormick** closed public comment. **Mr. McCormick** explains they only make the zone change recommendation and the protocol is that all zoning changes are brought before City Council. **Mr. Cornum** explains he is sympathetic to the concerns of the neighborhood. He also believes the facility is needed and he does trust the process.

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

Mrs. Rector approached the podium to express her concern that the board and the City of Carlsbad do not listen to the concerns and opinions of the people of the public.

1:52:57 **9. Consider a recommendation to the City Council regarding the request for a change of zoning from “R-R” Rural Residential District to “R-2” Residential 2 District for approximately 5.5 acres, located west of 501 Chapman Rd., legally described as Lot 2, Cox 5 Subdivision.**

Alexander Millican approached the podium and explains the proper address should be 301 Chapman Rd. **Mr. Patterson** gives the synopsis. **Mr. Millican** explains that the site plan calls for 108 units but states it may only be 104 units depending on the parking lot. If the City allows for the fence to be removed to accommodate parking they would then move forward with the 4 additional units. He also explains that there should not be any interruptions with the sewer lines in the neighborhood because the lift station that was built for the previous phase should also carry the current phase in question. **Mr. McCormick** opens public comment. **Mr. Waters** approached the podium expressing the desperate need for extra housing with hopes to help accommodate large families who are currently living in temporary housing such as RV parks. **Pete Florez** approached the podium against the request. Though he agrees there is a need for housing he expresses that being the neighboring property the traffic will then increase causing a more

congested area. He also explains that he is concerned for the safety of the children who do reside in these complexes since there is currently no designated play area, they are currently playing in the parking lots and on top of the transformers. He goes on to point out the lights that are shining directly into his backyard. He also expresses concern for the foundations of the current homes because the vibration from the current construction is felt throughout the neighborhood. **Mr. Florez** also fears the loss of his privacy being that the three stories of balconies are currently planned to be facing directly at his home. **Ms. Florez** also expresses there is not enough infrastructure as far as schools, parks, and additional street lights. **Mr. Jenkins** approached the podium in favor of the request. Though he is sympathetic to the residents in the neighborhood he explains the growth in the City of Carlsbad is inevitable. He points out that there are signs indicating there is a plan for a shopping center on the north side of Chapman Rd. He expresses his appreciation for the Millican's great work on past projects although they have run into some issues with previous contractors they continue to be on top of their projects to ensure the work is being done properly. **Giovanna Jackson** approached the podium in favor of the request. She currently works for the Millicans as the Office Manager and explains that they have not had any prior issues with the residence. She also explains the inevitable growth in the area. **Ms. Branson** inquires about the possibility of a "better" fence being built between the current neighbors and the property in question. **Mr. Millican** states he has already offered to add a fence between the properties. **Mr. Cornum** also explains the area is growing commercially and residentially. He then explains out of respect for the neighbors it would be appreciated to see a fence put up. **Mr. Millican** goes on to explain his plans for the needed fence and also addresses the children residing in the complex. He explains there is a plan for a playground and also a dog park. **Mr. Nesser** states the need for a possible bus shelter for the children who wait along the street for a bus. **Mr. Millican** agrees the area could use a designated area for the children to wait where they are safe from the traffic. **Mr. Cornum** circled back around to the fence issue, he asked if it was possible to motion for approval with conditions that they are required to add the fence along the neighboring properties. **Mr. Florez** requests a 7ft. in height solid brick fence. **Mr. Millican** explains they plan for a 700 ft. in length, he is in the process of getting pricing for other solid materials. **Ms. Patterson** explains that the commission nor the council is allowed to place a condition on a zoning request. **Mr. McCormick** explains they are only voting on the current request without conditions.

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

2:22:32 **10. Consider a recommendation to the City Council regarding the request for a change of zoning from “R-1” Residential 1 District to “R-2” Residential 2 District for an approximately 0.23 acre property, located at the northwest intersection of N. First St. and NE First St., legally described as Lot 16, Block 1, May Subdivision.**

Wayne Ballard along with **David Guerrero** approached the podium. **Mr. Patterson** explains that the request for a zone change from “R-1” Residential 1 District to “R-2” Residential 2 District. **Mr. Ballard** explains they intend to build a four-plex unit to increase housing. **Mr. McCormick** opens public comment. **Mr. Waters** approaches the podium in favor of the request. He explains the project is going to improve the area and believes a four-plex is a great plan for the property. **Mr. McCormick** closed public comment.

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

2:26:33 **11. Report regarding Summary Review Subdivisions**

Mr. Patterson reported on the Summary Reviews. Nothing unusual was noted.

2:29:29

12. Adjourn

The meeting was adjourned.

2:29:32 Stop Recording [7:29:32 PM]



Chairman

8/15/23
Date