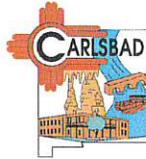


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, August 7, 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, August 7, 2023 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 610-874-749
US Phone: (408) 650-3123 Access Code: 198-296-373
<https://meet.goto.com/198296373>

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held July 10, 2023
4. Consider approval 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 approval of the Final Plat for Oasis Subdivision, Phase 3, zoned "R-1" Residential 1 District, creating 40 new residential lots for development.
6. 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 0' at 605 Grazer Ln., zoned "R-1" Residential 1 District.
7. Consider approval of a Preliminary/Final Plat for the Replat of Foothill Estates, Lot 5, Block 1 Subdivision, located at 2201 Foothill Rd., zoned "R-R" Rural Residential District
8. Report regarding Summary Review Subdivisions
9. 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 11, 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, AUGUST 7, 2023 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

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

VOTING MEMBERS ABSENT:

| | |
|------------------------|--------------------|
| JAMES MCCORMICK | CHAIRPERSON |
|------------------------|--------------------|

EX-OFFICIO MEMBERS PRESENT:

| | |
|-----------------------|--------------------------|
| JEFF PATTERSON | PLANNING DIRECTOR |
|-----------------------|--------------------------|

SECRETARY PRESENT:

| | |
|------------------------|-------------------------------------------------------------------|
| JENNIFER CAMPOS | PLANNING AND REGULATION DEPARTMENT EXECUTIVE SECRETARY |
|------------------------|-------------------------------------------------------------------|

OTHERS PRESENT:

| | |
|----------------------------|---------------------------|
| DENISE MADRID BOYEA | CITY ATTORNEY |
| CHARLIE GARCIA | CITY |
| MELVIN PYEATT | 413 HAMILTON |
| BHAKTI SALIAN | 501 GRAZER LN |
| MEENA PARMAZ | 501 GRAZER LN |
| DINESH PARMAZ | 501 GRAZER LN |
| ALYSHA PARMAZ | 501 GRAZER LN |
| CHRIS CIONE | 603 GRAZER LN |
| ADRIAN GONZALEZ | 605 GRAZER LN |
| DORIS HOLLAND | 503 GRAZER LN |
| TAMMY CORDOVA | 410 PLANTATION CT. |
| CLAYTON FREITAS | 2201 FOOTHILL |

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 [5:02:29 PM]**

0:00:16 **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.**

0:00:44 **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. Nesser, Mr. Cornum, Ms. Wilson, Ms. Branson.** No—None. Absent—**Mr. McCormick.** Abstained—None. The motion carried.

0:01:14 **3. Approval of Minutes from the Meeting held July 10, 2023**

Mr. Cornum made a motion to approve the Minutes from the regular meeting held on July 10, 2023; **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.

0:01:45 **4. Consider approval 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.**

The applicant **Bhakti Salian**, came to the podium. **Mr. Patterson** explained at the July 10, 2023, Planning and Zoning Commission meeting, the City's Planning Department submitted a report to the Planning and Zoning Commission regarding the progress made by the applicant and property owner of 501 Grazer Ln., **Bhakti Salian**, toward their completion of the home addition at the subject property. The Planning and Zoning Commission decided at the February 6, 2023, meeting to give the applicant more time to come into compliance by finishing the addition work, removing the walkway on the east side of the addition, and finalizing the project with the City's Building Department. The Planning Department, at the July 10th meeting, reported that the applicant had obtained all permits required for the project from the Building Department. The applicant had reached substantial completion of the project, and the Building Official had issued the Certificate of Occupancy for the structure. Still lacking was finish work on the outside stucco, finish work on an interior room, and the cleaning of the construction debris around the structure. The Commission opted to allow the applicant to finish the remaining work and instructed the Planning Department to bring the item before the Commission again at the August 7, 2023, meeting. As of August 3, 2023, the applicant has completed the outside stucco work and cleaned the construction debris at the site. The Planning and Building Department consider this project to be complete. **Ms. Salian** stated that they have completed the project as requested. **Ms. Holland** came to the podium and stated that the house was not finished and the back deck has a u-shape decoration of some sort that looks like cement board, which is not appropriate. Mr. George Dunagan, Mr. Waltersheid, and the City went to look at the house before, they said it was to have full stucco and appropriate roofing. This cement board is not stucco. **Ms. Holland** said she's not the one who started with this project that was out of compliance, and Ms. Salian is blaming her. **Ms. Holland** said that at the July 10th meeting, Ms. Salian had stated that eight of the neighbors that signed a previous petition against this project now say they agreed with the project. **Ms. Holland** has 4 text messages plus a neighbor present at this meeting confirming that they have never contacted Ms. Salian and it's been lie after lie. **Ms. Holland** said that Ms. Salian is blaming her for the short comings with the project. **Ms. Holland** said the house is not finished. **Ms. Holland** claims that the stucco is just cement board on the whole backside of the house under the porch, and the side that she sees from her house. **Ms. Holland** said she's hoping that the board does not grant this, but she knows that they will. **Ms. Holland** states that the Board will probably give her another extension, and if you don't approve the Variance request, then you know that the City will get a law suit and that's what we're dealing with now. **Ms. Cordova** approaches the podium and states that she lives at 410 Plantation Court, caddy corner from Ms. Salian's house. **Ms. Cordova** states that one of things that bothered her was they were allowed to have the balcony. There are houses in the subdivision that are two story and they're the only ones to have a balcony. **Ms. Cordova** said she's not even sure if it's up to code and that the balcony itself is an eyesore. She and her husband have worked hard to get where they're at today and to have the home that they have, and to have Ms. Salian's house caddy corner could take away from the value of their property. **Ms. Salian** approached the podium again to state that the outside of the addition is definitely stucco, and to her it's not an eyesore and the house is complete. **Mr. Nesser** said he was wondering why the Building Department said it was complete if it is not. **Mr. Cornum** said just to clarify when Mr. Dunagan and Mr. Waltersheid

were mentioned, they were part of the neighborhood covenants oversight, and not the Planning and Zoning Department with the City. **Mr. Cornum** asked Mr. Patterson about the synopsis review and the statement that the City considers this project complete. **Mr. Patterson** stated that the Building Official made the determination that the structure work was complete, and that the construction material around the house had been cleaned. **Ms. Branson** stated she has the question regarding the neighborhood covenants, when does that committee step in. **Mr. Cornum** said that in this subdivision there is not a Home Owners Association. Each builder submits drawings to Mr. Dunagan and Mr. Walterscheid at the same time as the drawings are submitted to the City's Building Department for permit review. Mr. Dunagan and Mr. Walterscheid would approve or disapprove the design, stucco color and the deck. **Ms. Salian** said that she got an email from Mr. Dunagan when he held a walk through for the second floor addition and his concern after the walk through was the roofing material. **Ms. Salian** stated they made the required changes to the roofing material. **Ms. Salian** said they bought this house as a two story house. They did not add a second story as an addition. She has proof of when they bought this house, Mr. Marcus Bluth, who was the Copperstone Project Manager, was the General Contractor, and they asked him how much it would cost for the deck. **Ms. Salian** said that they would not be doing anything that was not allowed. **Mr. Cornum** said what the Commission is reviewing is to see if this project is complete.

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 carried.

0:19:02 **5. Consider approval of the Final Plat for Oasis Subdivision, Phase 3, zoned "R-1" Residential 1 District, creating 40 new residential lots for development.**

Mr. Patterson explained the applicant is requesting approval of the final plat for the Oasis Subdivision Phase 3, that will create 40 new residential lots for development. The zoning for the property is "R-1" Residential 1 District. The City has performed the final walkthrough of the development to inspect the infrastructure installed, and a punch list has been created. The contractor completed the punch list and the City has accepted the infrastructure installed. The Final Plat is ready to be signed and filed, which will allow the new lots to be sold for development.

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

0:22:02 **6. Consider a request for a Variance from Sec. 56-9(b) of the Carlsbad Zoning Ordinance to reduce the required side property setback from 5' to 0' at 605 Grazer Ln., zoned "R-1" Residential 1 District.**

The applicant **Adrian Gonzalez**, came to the podium. **Mr. Patterson** explained the applicant has submitted a request to reduce the side property setback along the west side of the property to 0' as opposed to the minimum 5' for the property located at 605 Grazer Lane. The applicant would like to place a metal carport on the west side of his property. The carport structure would be 12'Wx40'Lx8'H. The applicant wants to place the structure in a spot that would be encroaching into his side property setback. Based upon review of the application materials and other staff comments, the Planning Dept. recommends denial of this request. **Mr. Gonzalez** approached the podium and states that he would like to keep his side by side and vehicles under the carport and out of the street. He said the gate that he has in his fence on the west side of his house is unable

to be moved due to his HVAC unit that is placed near the gate. He can't place the carport more to the east at this spot. He will need to place the carport in the west side property setback. **Mr. Cione** approaches the podium and states that he lives at 603 Grazer Ln., just west of Mr. Gonzalez's property. **Mr. Cione** says that he spoke to Mr. Gonzalez about this request, and his only concern was that the diversion of rain water from the carport to keep any water from flowing into his yard.

Mr. Cornum made the motion for denial; **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 for denial carried.

0:37:37 **7. Consider approval of a Preliminary/Final Plat for the Replat of Foothill Estates, Lot 5, Block 1 Subdivision, located at 2201 Foothill Rd., zoned "R-R" Rural Residential District.**

The applicant, **Clayton Freitas**, and **Melvin Pyeatt**, the surveyor, came to podium. **Mr. Patterson** explains this request is for the approval of a preliminary and final plat that will split the current +/- 4 acre property owned by Kassidy Chism into three separate lots. The attached subdivision plat shows that the access will be provided off of Foothill Rd. for Lots 5A and 5B, and the access for Lot 5C will be provided through Lot 5B with a 30' wide access easement that will run across the northern boundary of Lot 5B. Each new lot satisfies the size requirement of new lots that are created within the "R-R" Rural Residential District. Lot 5C will not have direct frontage along Foothill Rd. The applicant has not stated how water will be provided to these properties. All lots will be served by in ground septic systems. Based on review of the application and staff comments, planning staff recommends approval with the following conditions: • The Planning and Zoning Commission approve of primary access to Lot 5C be provided through an access easement in lieu of Lot 5C having actual street frontage • The applicant shall provide an all-weather surface for this access easement, such as gravel, caliche, or other approved surface. • **Mr. Freitas** states that they are needing to split the property because the property is too large for him to maintain while also having a full time job. If this request is approved moving forward, he intends to build a home on Lot 5A. **Mr. Pyeatt** said that the current driveway serving the existing house on Lot 5B is an all weather surface, but would not be classified as caliche or gravel. **Mr. Pyeatt** states that water service will be provided by the City as the City does have a water line that runs down Foothill Road. **Mr. Pyeatt** is not sure if they've talked to the City Water Department regarding a water meter for lot 5A. However, there is a water well on Lot 5C, and currently Lot 5B has a new water meter. **Mr. Nesser** said that it looks like the power line stops at Lot 5B and asked if there's power along Foothill Road. **Mr. Pyeatt** said there are power lines on both sides of the property. Floor opened for public comment. There were none.

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

0:46:18 **8. Report regarding Summary Review Subdivisions**

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

0:48:34 **9. Adjourn**

The meeting was adjourned.

0:48:34

Stop Recording [5:48:34 PM]



Chairman



Date