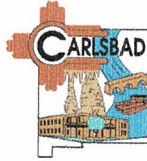


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, September 11, 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
AMENDED**

Monday, September 11, 2023 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 855-028-717
US Phone: (872) 240-3412 Access Code: 855-028-717
<https://meet.goto.com/855028717>

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held August 7, 2023
4. Consider approval of a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required setback from at 208 Goin Home., 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 front property setback from 30' to 23'8" and to reduce the required rear setback from 10' to 5' at 316 Plum 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 side property setback from 5' to 0' and to reduce the required rear setback from 10' to 0' at 411 Carlgo St., zoned "C-2" Commercial 2 District.
7. 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.
8. 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' and Sec. 56-70(d)(4)(d) to allow a second carport at 910 Butternut St., zoned "R-1" Residential 1 District.
9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required side setback from 5' to 0' at 1004 Alvarado St., zoned "R-1" Residential 1 District.

10. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required rear setback from 20' to 5' at 310 Old Cavern Hwy., zoned "R-R" Rural Residential District.
11. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required front setback from 30' to 20' at Martin Farms Unit 5, zoned "R-1" Residential 1 District.
12. Consider approval of a Preliminary Plat for Martin Farms Unit 5, zoned "R-1" Residential 1 District.
13. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "R-R" Rural Residential District for approximately 1.766 acres, located east of Hamilton St., legally described as Tract A, Martin Farms Subdivision Inc., and Bar W Farms Land Division
14. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "C-1" Commercial 1 District for approximately 0.24 acres, located at 400 Kircher St., legally described as Lot 51A, New San Jose First Addition Subdivision.
15. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "C-2" Commercial 2 District for approximately 0.94 acres, located at 2908 San Jose Blvd., legally described as Lots 19 & 20, Block 6, and Southridge Subdivision.
16. Consider a recommendation to the City Council regarding the request for a change of zoning from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.16 acres, located at 513 S. Alameda St., legally described as Lot 13, Block 54, Stevens Subdivision.
17. Discussion regarding Carlsbad Zoning Ordinance #2017-19, an ordinance amending Chapter 56 of the Carlsbad Code of Ordinances to allow carports to be placed within the required front setback of properties without obtaining a variance.
18. Report regarding Summary Review Subdivisions
19. Adjourn

FOR INFORMATION ONLY

Agendas and Planning and Zoning Commission meeting minutes are available on the City website:

cityofcarlsbadnm.com

or maybe 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, October 2, 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, SEPTEMBER 11, 2023 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**JAMES MCCORMICK
VALERIE BRANSON
TRENT CORNUM
LINDA WILSON**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

BRAD NESSER

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:

**CHARLIE GARCIA
GEORGE DUNAGAN
IGNACIO ARMENDAREZ
ANITA TAVAREZ
STEVE WALTERSCHEID
ONETIA RIOS
KENNETH RIOS
DONALD SEAY
TERRY MATHIS
CLINT CONE
KACEY CORNUM
KAY ATWOOD
WAYNE BALLARD
JACQUELINE MATTA
ROBERT MATTA
ANDREW MATTA
ALEJANDRO URANGA
KERRI FOWLER
RAYMOND PETERS
JOSE HERNANDEZ
BEATRIS DELGADO
AMY LOPEZ
DAVID LOPEZ
LONNIE YIELDING
HAYDEN BARRERA
KEVIN MILLER
FATINA MATHEWS
NORMA CONE**

**CITY
2200 WESTRIDGE ST
407 CARLGO ST
407 CARLGO ST
1706 E WOOD ST
910 BUTTERNUT ST
910 BUTTERNUT ST
421 HAMILTON PL
3910 OLD CAVERN HWY
208 GOIN HOME
1081 MONUMENT CT
502 FARRIS ST
2004 PEPPER TREE
417 HAMILTON PL
417 HAMILTON PL
425 HAMILTON PL
419 HAMILTON PL
2122 QUAIL HALLOW RN
806 COLONIAL CT
400 KIRCHER ST
400 KIRCHER ST
423 HAMILTON PL
423 HAMILTON PL
1004 ALVARADO ST
CARLSBAD DEPARTMENT OF DEVELOPMENT
1119 ORTEGA
312 PLUM ST
208 GOIN HOME**

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 [5:02:32 PM]

0:00:11 **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. Cornum, Ms. Wilson, and Ms. Branson.** Absent— **Mr. Nesser.**

0:00:26 **2. Approval of Agenda**

Mr. Patterson announced changes to the agenda. Those changes are as follows.

- Item 10: Currently reads 310 Old Cavern Hwy, It should read 3910 Old Cavern Hwy
- Items 6 and 7: The items have been pulled at the request of the applicant.

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

0:01:28 **3. Approval of Minutes from the Meeting held August 7, 2023**

Ms. Wilson made a motion to approve the Minutes from the regular meeting held on August 7, 2023; **Mr. Cornum** seconded the motion. The vote was as follows: **Yes— Mr. McCormick, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent—**Mr. Nesser** Abstained—None. The motion carried.

0:02:05 **4. Consider approval of a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required setback at 208 Goin Home, zoned “R-1” Residential 1 District.**

Clint Cone approached the podium. **Mr. Patterson** explained the item to consider approval of a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required setback at 208 Goin Home, zoned “R-1” Residential 1 District. **Mr. Cone** explains that he would like to add another 10x12 Tuff shed and a Carport that measures 55’ in length for shade. **Mr. McCormick** asked **Mr. Cone** if he would maintain the 2’ from the rear and side fence. **Mr. Cone** agreed. There were no public comments made.

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

0:08:23 **5. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required front property setback from 30’ to 23’8” and to reduce the required rear setback from 10’ to 5’ at 316 Plum St., zoned “R-1” Residential 1 District.**

Kacey Cornum approached the podium. **Mr. Patterson** explained the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required front property setback from 30’ to 23’8” and to reduce the required rear setback from 10’ to 5’ at 316 Plum St., zoned “R-1” Residential 1 District. He also mentioned the applicant would like to place a residential structure on the property. To fit the structure on the property they will encroach on the front and side setbacks. **Ms. Cornum** explained they would like to move the structure back so they can accommodate off-street parking. The structure will only be 1976 sq. ft. **Hayden Barrera** with the Carlsbad Department of Development (CDOD) approached the podium in favor of creating more affordable housing in Carlsbad. No other public comments were made.

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

0:13:32 **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' and to reduce the required rear setback from 10' to 0' at 411 Carlgo St., zoned "C-2" Commercial 2 District.**

The item was pulled at the request of the applicant.

0:13:33 **7. 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 item was pulled at the request of the applicant.

0:13:44 **8. 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' and Sec. 56-70(d)(4)(d) to allow a second carport at 910 Butternut St., zoned "R-1" Residential 1 District.**

Onetia Rios approached the podium. Mr. Patterson explained the item to 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' and Sec. 56-70(d)(4)(d) to allow a second carport at 910 Butternut St., zoned "R-1" Residential 1 District. The applicant would like to place a carport on the left side of the property to mirror the carport on the right side of the property to accommodate more off-street parking. Ms. Rios explains they have daily use and classic cars they want to preserve and also provide shade for the front of the home. Mr. McCormick asked if the sides of the carport would be open. Ms. Rios ensured that all sides would be open. Mr. Cornum asked if a fence was on the home's left side. Ms. Rios said there is no fence to separate the properties. Ms. Branson asked if they were able to stay off the property line. Ms. Wilson asked why they couldn't stay the required 5' out of the setback. Ms. Rios states there wouldn't be enough room to park the vehicles under the structure if they stayed 5' out of the setback. She mentioned they may be able to maintain 1' off of the property line. Mr. Cornum asked if the structure would sit out in front of the property as far as the existing structure. Ms. Rios said it would. Mr. McCormick explains that a 0' setback is typically an issue because of drainage onto the neighbor's property. Also, emergency services would not have access to the rear of the property if both sides were covered by the structure. Ms. Rios said there would be access on the right side of the property because the structure is only covered on the top, all sides are open. Ms. Wilson explains the structure would need to stay the 5' out of the setback. Ms. Rios agreed to stay out of the required 5'. Mr. Patterson explained they would still need to move forward with the variance because the ordinance only allows one carport structure for each property. No Public comments were made.

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

0:24:25 **9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required side setback from 5' to 0' at 1004 Alvarado St., zoned "R-1" Residential 1 District.**

Lonnie Yielding approached the Podium. Mr. Patterson explains the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required side setback from 5' to 0' at 1004 Alvarado St., zoned "R-1" Residential 1 District. The applicant wants to place a carport

structure over the drive path on the east side of the property. **Mr. Yielding** explains that the carport will measure 18'x22' and stand on the property line. No public comments were made. **Ms. Wilson** asks if **Mr. Yielding** stayed even with his home, how far off the property line would he be. **Mr. Yielding** explains his home is right on the property line. **Ms. Branson** asked if he would have room to stay 5' off the property line. **Mr. Yielding** explains that would cause him to place the structure in the yard. **Ms. Wilson** pointed out, almost every structure/home sits on the property line in the neighborhood.

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

Mr. McCormick offered the option to table the item due to a tie vote. **Mr. Yielding** agreed to table the item and return to the next meeting on October 2, 2023, with hopes to appear before a full board to avoid a tie vote.

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

0:34:14 **10. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required rear setback from 20' to 5' at 3910 Old Cavern Hwy., zoned "R-R" Rural Residential District.**

Terry Mathis approached the podium. **Mr. Patterson** explained the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required rear setback from 20' to 5' at 3910 Old Cavern Hwy., zoned "R-R" Rural Residential District. **Mr. Mathis** explains he also owns the property behind his, he divided the property to build a residence for his son. Being that he divided the property that is what is now causing him to apply for the variance. **Ms. Wilson** explains if he ever decided to sell the rear property it may become an issue for the new owner. **Mr. Mathis** explains there are no plans to sell the property at this time he is currently planning to place a home on the rear property for his son. No public comments were made.

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

0:38:38 **11. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required front setback from 30' to 20' at Martin Farms Unit 5, zoned "R-1" Residential 1 District.**

George Dunagan approached the podium. **Mr. Patterson** explained the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to reduce the required front setback from 30' to 20' at Martin Farms Unit 5, zoned "R-1" Residential 1 District. **Hayden Barrera** approached the podium in favor of the request. **Ms. Barrera** explains that the housing is desperately needed in Carlsbad. No further discussion was had.

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

0:41:15

12. Consider approval of a Preliminary Plat for Martin Farms Unit 5, zoned “R-1” Residential 1 District.

George Dunagan approached the podium. **Mr. Patterson** explained the item to consider approval of a Preliminary Plat for Martin Farms Unit 5, zoned “R-1” Residential 1 District. **Mr. McCormick** asked **Mr. Dunagan** if he was aware of the conditions for approval, to provide building plans before the City of Carlsbad for permitting. **Mr. Dunagan** agreed. **Alex Uranga** approached the podium with comments on item 13. He explains that he believes the setback requirements would not be accepted in the future by the potential buyer. Although the land has yet to be developed, **Mr. Uranga** speaks on how these decisions would likely affect his property. He also is concerned about efficiency, if emergency services are called to one of the locations in question, **Mr. Uranga** doesn’t believe there will be enough area to fit the emergency units. **Mr. Cornum** explains that a setback does not include the road itself. The setbacks are from the property line to the front of the home. **Mr. Uranga** was under the impression that the roadway would only be 20’ in width. **Ms. Branson** explains every unit has a 20’ setback and if a potential buyer does not approve they are not obligated to purchase the property.

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

00:51:36

13. Consider a recommendation to the City Council regarding the request for a change of zoning from “R-1” Residential 1 District to “R-R” Rural Residential District for approximately 1.766 acres, located east of Hamilton St., legally described as Tract A, Martin Farms Subdivision Inc. and Bar W Farms Land Division

George Dunagan approached the podium. **Mr. Patterson** explained the item to consider a recommendation to the City Council regarding the request for a change of zoning from “R-1” Residential 1 District to “R-R” Rural Residential District for approximately 1.766 acres, located east of Hamilton St., legally described as Tract A, Martin Farms Subdivision Inc., and Bar W Farms Land Division. The applicant is requesting a zone change to allow for storage facilities. **Mr. Dunagan** explained the storage units would also allow for RV’s. **Kay Atwood** approached the podium concerned the access to the facility would flow in front of her home on Farris. **Mr. Dunagan** assured her they would place a new street on the North side of the Property. **Ms. Atwood** then expressed her concern for drainage. **Mr. Dunagan** mentions Smith Engineering has a drainage plan in place. **Donald Seay** approached the podium as opposed to the rezoning, he is concerned property insurance rates are subject to change due to added criminal activity that may happen at the storage facility. He would like there to be a crime analysis done before moving forward. **Robert Matta** approached the podium as opposed to the item, in agreement with **Mr. Seay**. Though he is not educated on the different zoning credentials, he worries about the future of the property if R-R were to allow other types of business. **Mr. R. Matta** asked for a clear explanation of setbacks. **Mr. McCormick** explains the 20’ allows the home to sit closer to the street, allowing for larger backyards. He assured **Mr. R. Mata** that it would not affect his property. **Mr. R. Matta** then asked what exactly could be placed in R-R zoning. **Mr. Cornum** explains that a home, storage facility, and 4plex are a few of the variety of things that could happen in an R-R zoning. **Mr. Patterson** explains R-R is mostly used for farming, usually on the outskirts of town. **Mr. Cornum** asked **Mr. Dunagan** what material the structure was going to be made of. **Mr. Dunagan** stated it would be a cinderblock fence which would maintain the privacy of the homes in the Atwood subdivision and the entrance would be gated. **Mr. Cornum** inquired about rear property access for the individuals who reside in the Atwood subdivision. **Mr. Seay** stated he does use the 10’ easement to access the rear of his property. **Mr. Cornum** asked if the applicant planned to maintain the 10’ easement. **Mr. Dunagan** said they would be placing the fence on the property line. **A Comment from the audience** stated that the 2 properties on the corner built their fence within the easement, which is causing the access issue. **Andrew Matta** approached the podium. He states that there were stakes placed in the ground which caused him to believe that was his property line so he placed his cinderblock fence there. **Mr. A. Matta** asked if the applicant would be willing to maintain 10’ so that he could keep his fence in place. **Mr. McCormick** explained that he would need to discuss that issue with the property owner. He

explains the item in question is just to make a recommendation on the proposed zone change. **David Lopez** approached the podium to oppose the request, in agreement with the others opposed to the zone change. **Mr. Uranga** approached the podium in opposition. He states there are already 19 storage facility businesses in the City of Carlsbad. He doesn't believe there is a need for more at this time. **Mr. R. Matta** explains the multiple people who are opposed to the request only want the commission to consider their comments before making a final decision. **Mr. Cornum** asked Mr. Dunagan if there were any details in the plans that may help settle the minds of the neighbors opposed to the request. **Mr. Dunagan** stated whoever owns the property has the right to place a fence on the property line. He explains the encroachment on the easement is not an issue caused by the property owner but the 2 furthestmost properties on the corner of Hamilton Pl. Though Mr. Dunagan cannot speak on the crime rates at these types of facilities, he assures the area will have a privacy fence and will be gated. He understands that you can't keep everyone out but that applies everywhere. **Ms. Branson** states that the development of this property was inevitable. **Mr. Seay** inquired about the lighting of the storage facility. He is concerned the lights may become an issue if they are shining into the adjacent properties. **Mr. McCormick** reminds the audience the commission is only asked to hear the zone change request. Whether approved or denied the vote is only a recommendation and the item will need to go before City Council for a final decision. He then advised the concerned parties to attend the council meeting and address the issues there. **Ms. Wilson** would like to see the item tabled so that the property owners can discuss a resolution. **Mr. Patterson** explained the easement is part of the Atwood subdivision. The plans for the Walterscheid property will not affect the easement. **Ms. Wilson** asked how far from the easement they needed to stay. **Mr. Patterson** stated the property owner is allowed to place the fence right on the property line. The owners of lot 1&2 of the Atwood subdivision have encroached on the easement. **Mr. Cornum** stated though the property owners could rightfully place the fence on the property line, he would like the owners to find a resolution. **Mr. Cornum** asked Mr. Dunagan if he would be willing to table the item or if he would like to proceed. **Mr. Dunagan** said that he is going to leave that decision up to the commission. **Mr. A. Matta** requested to speak to the landowner before a decision was made. **Mr. Dunagan** mentioned if the item is tabled, that will cause a delay in the final building plans. He explains regardless of the zone change a fence would go up along that property line. **Kerri Fowler** approached the podium, addressing the audience. She stated that the properties that have encroached on the easement could potentially have a problem when trying to resell the properties. She explains they will then need a title commitment and the title insurance company will not grant affirmative coverage on a property with an encroachment. **Mr. A. Matta** explains that he understands the issues that will potentially come up during resell. He would like to proceed with speaking with the owner to find a resolution.

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

01:37:55 **14. Consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "C-1" Commercial 1 District for approximately 0.24 acres, located at 400 Kircher St., legally described as Lot 51A, New San Jose First Addition Subdivision.**

Jose Hernandez the applicant and **Alvira Vanpatten**, Mr. Hernandez' translator, approached the podium. **Mr. Patterson** explains the item to consider a recommendation to the City Council regarding the request for a change of zoning from "R-1" Residential 1 District to "C-1" Commercial 1 District for approximately 0.24 acres, located at 400 Kircher St., legally described as Lot 51A, New San Jose First Addition Subdivision. **Ms. Vanpatten** explains the Hernandez family wants to rezone so that they will be able to operate a food truck on the back of the property. She also points out the multiple restaurants and food trucks in the area. She explains the man camp to the west of them would bring them business. **Mr. McCormick** explains that rezoning the property to C-1 then requires the owner to purchase commercial insurance. **Mr. Hernandez** agreed. He explains he just wants an opportunity to run his business. **Ms. Vanpatten** explains there are no structures on the south side of Kircher the business would bother at this time. No public comments were made. **Mr. McCormick** then inquired if the applicant could apply for a

conditional use permit to operate a business on a residential lot. **Mr. Patterson** explains the conditional use would not allow a food truck to operate on a residential zoned lot.

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

01:48:56 **15. Consider a recommendation to the City Council regarding the request for a change of zoning from “R-1” Residential 1 District to “C-2” Commercial 2 District for approximately 0.94 acres, located at 2908 San Jose Blvd., legally described as Lots 19 & 20, Block 6, Southridge Subdivision.**

Raymond Peters approached the podium. **Mr. Patterson** explains the item to consider a recommendation to the City Council regarding the request for a change of zoning from “R-1” Residential 1 District to “C-2” Commercial 2 District for approximately 0.94 acres, located at 2908 San Jose Blvd., legally described as Lots 19 & 20, Block 6, Southridge Subdivision. **Mr. Peters** explains they plan to dissolve the lot line to combine the property so that they would have a wider variety of uses on the property. **Mr. McCormick** explains that C-2 opens for a very wide variety of businesses which could cause a problem for the neighboring properties. **Mr. Patterson** explains that C-2 allows for oilfield-related and mechanic repairs and is also designed for big box stores. **Mr. Cornum** asked **Mr. Patterson** to explain the difference between C-1 and C-2. **Mr. Patterson** explains that C-1 is a “neighborhood scale commercial zoning, which restricts oilfield and mechanic related businesses. **Mr. Peters** explains they don’t have plans to conduct any type of oilfield-related business. **Mr. Cornum** explains that C-1 is a more acceptable zoning in a mostly residential area. **Mr. Peters** explains they want to bring some nicer things to the area because it is an older neighborhood most of the homes there aren’t in the best shape and he hopes whatever they decide to do with the property will make it nicer. No public comments were made.

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

02:02:29 **16. Consider a recommendation to the City Council regarding the request for a change of zoning from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.16 acres, located at 513 S. Alameda St., legally described as Lot 13, Block 54, Stevens Subdivision.**

Kevin Miller approached the podium. **Mr. Patterson** explained the item to consider a recommendation to the City Council regarding the request for a change of zoning from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.16 acres, located at 513 S. Alameda St., legally described as Lot 13, Block 54, Stevens Subdivision. **Mr. Miller** had no further explanation. No Public Comments were made.

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

02:05:14 **17. Discussion regarding Carlsbad Zoning Ordinance #2017-19, an ordinance amending Chapter 56 of the Carlsbad Code of Ordinances to allow carports to be placed within the required front setback of properties without obtaining a variance.**

Mr. Patterson explains that the overwhelming request for carports has caused an influx of variance requests. He explains in 2017, the Mayor asked a committee to gather and discuss the issue, asking if the City of Carlsbad wanted to allow people to place carports in the front setbacks without a variance. **Mr. Cornum** believes that even if the stipulation was put in place specifically metal carports are an issue. He

then inquired about the process of revising the requirements. **Mr. Patterson** explained that with a more in-depth discussion, he could bring forward a rough draft revision to the board as a recommendation and possibly have the Mayor's office put together a committee that would look over the recommendation and add the amendments, which would then go before the council for approval. **Mr. McCormick** explains they originally revised the ordinance to make it easier for people to place a carport without approval from the City. **Ms. Branson** explains they can have them however people are just not willing to comply with the requirements. **Mr. Patterson** explains the 2017 revision was for people who lived in areas where garages and shade structures for vehicles weren't available. **Ms. Ortiz** states that a structure measuring 20' W x 25' L would maintain the setback requirements. But now the issue is they want bigger structures which becomes an issue because they start to become storage areas or people are asking for more than one structure to be placed. **Ms. Branson** asked if changes were made, would the planning department then put a stop to people asking for variances. **Mr. Patterson** explains it would have to be put into the ordinance stating "this is not subject to the variance process." If it's not stated specifically for carports the residence would still be allowed to ask for the variance. **Mr. Cornum**, as well as **Mr. McCormick**, would like to see that stipulation placed in the ordinance. **Mr. Patterson** explained again that whatever recommendations are made by the Planning and Zoning Commission it would still need to be approved by City Council.

02:21:58 **18. Report regarding Summary Review Subdivisions**

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

02:22:24 **19. Adjourn**

The meeting was adjourned.

0:48:34 Stop Recording [7:22:24 PM]



Chairman

10-12-23

Date