

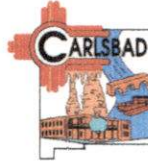
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**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, November 6, 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, November 6, 2023 at 5:00 PM  
Janell Whitlock Municipal Complex Council Chambers  
114 S. Halagueno Street  
GoToMeeting ID: 545-099-301  
US Phone: +1 (646) 749-3122 Access Code: 545-099-301

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held October 12, 2023
4. Consider a request for a Conditional Use Permit to allow a Home Occupation – Personal Service to operate at the property located at 106 Doporto Ct., zoned “R-1” Residential 1 District
5. Consider a request for a Conditional Use Permit to allow Personal Service to operate at the property located at 502 W. Bonbright St., zoned “R-2” Residential 2 District
6. Consider a request for a Conditional Use Permit to allow a Home Occupation – Personal Service to operate at the property located at 1023 Murray Dr., zoned “R-R” Rural Residential District
7. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a reduction in the required rear setback from 10’ to 9’ for the property located at 3734 Honeysuckle Dr., zoned “R-1” Residential 1 District
8. Consider a recommendation to the City Council regarding a request to change the zoning at 609 S. Canyon St. from “I” Industrial District to “C-2” Commercial 2 District, legally described as S 50’ of Lot 2 and all Lots 3 & 4, Block 182 Bock Subdivision
9. Consider a recommendation to the City Council regarding a request to change the zoning at 2609 Prospect Ave., St. from “R-1” Residential 1 District to “C-2” Commercial 2 District, legally described as North 100 ft of Lot 3, Block 6, Southridge Subdivision
10. Consider a recommendation to the City Council regarding a request to change the zoning at 2908 San Jose Blvd. from “R-1” Residential 1 District to “R-2” Residential 2 District, legally described as the Lots 19 & 20, Block 6, Southridge Subdivision

11. Consider a recommendation to the City Council regarding a request to change the zoning from "R-R" Rural Residential District to "R-2" Residential 2 District, for the 8.74 acres legally described as Tract B, Albright Replat #3.
12. Report regarding Summary Review Subdivisions
13. Adjourn



**FOR INFORMATION ONLY**

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

[cityofcarlsbadnm.com](http://cityofcarlsbadnm.com)

Or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

**PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting – Monday, December 4, 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, NOVEMBER 6, 2023 AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

|                        |                     |
|------------------------|---------------------|
| <b>BRAD NESSER</b>     | <b>COMMISSIONER</b> |
| <b>VALERIE BRANSON</b> | <b>COMMISSIONER</b> |
| <b>TRENT CORNUM</b>    | <b>COMMISSIONER</b> |
| <b>LINDA WILSON</b>    | <b>COMMISSIONER</b> |

**VOTING MEMBERS ABSENT:**

|                        |                    |
|------------------------|--------------------|
| <b>JAMES MCCORMICK</b> | <b>CHAIRPERSON</b> |
|------------------------|--------------------|

**EX-OFFICIO MEMBERS PRESENT:**

|                       |                                 |
|-----------------------|---------------------------------|
| <b>JEFF PATTERSON</b> | <b>PLANNING DIRECTOR</b>        |
| <b>TRYSHA ORTIZ</b>   | <b>DEPUTY PLANNING DIRECTOR</b> |

**SECRETARY PRESENT:**

|                        |   |
|------------------------|---|
| <b>VANESSA ORNELAS</b> | <b>PLANNING AND REGULATION<br/>DEPARTMENT SECRETARY</b> |
|------------------------|---|

**OTHERS PRESENT:**

|                         |                              |
|-------------------------|------------------------------|
| <b>MELISSA BRITO</b>    | <b>502 W BONBRIGHT</b>       |
| <b>JULIE RUIZ</b>       | <b>502 W BONBRIGHT</b>       |
| <b>MELVIN PYEATT</b>    | <b>413 HAMILTON</b>          |
| <b>RUBEN PARRA</b>      | <b>106 DOPORTO CT</b>        |
| <b>VANESSA PARRA</b>    | <b>106 DOPORTO CT</b>        |
| <b>CAS TABOR</b>        | <b>1720 SANDY LN</b>         |
| <b>JOE HAYS</b>         | <b>3908 PAT GARRETT</b>      |
| <b>BRIAN NAVARRETTE</b> | <b>2908 SAN JOSE BLVD</b>    |
| <b>GLORIA RAMOS</b>     | <b>2612 PROSPECT ST</b>      |
| <b>COURTNEY MACK</b>    | <b>1023 MURRAY DR</b>        |
| <b>JOSHUA MACK</b>      | <b>1023 MURRAY DR</b>        |
| <b>RAYMOND PETERS</b>   | <b>806 COLONIAL CT</b>       |
| <b>BANI SAND HU</b>     | <b>5012 NATIONAL PARKS</b>   |
| <b>KARN SAND HU</b>     | <b>5012 NATIONAL PARKS</b>   |
| <b>GILBERT RAMOS</b>    | <b>2612 PROSPECT ST</b>      |
| <b>HANNIA CARRASCO</b>  | <b>(Via Virtual Meeting)</b> |

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

0:00:00      **Start Recording [5:00:28 PM]**

0:00:30      **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. Cornum, Ms. Branson Mr. Nesser, and Ms. Wilson.** Absent—**Mr. McCormick.**

0:01:46

**2. Approval of Agenda**

**Mr. Patterson** noted the following revisions to the agenda:

- Item number 7 states the request is to allow a reduction in the required rear setback from 10' to 9', which should read to allow a reduction in the required rear setback from 20' to 19'
- Item number 10 states the request to change the zoning at 2908 San Jose Blvd. from "R-1" Residential 1 District to "R-2" Residential 2 District, which should read to change the zoning at 2908 San Jose Blvd. from "R-1" Residential 1 District to "C-1" Commercial 1 District
- Item number 11 was pulled at the request of the applicant. The item will be reviewed at the Planning and Zoning meeting scheduled for December 4, 2023.

**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, and Ms. Branson.** No—None. Absent— **Mr. McCormick** Abstained—None. The motion carried.

0:02:22

**3. Approval of Minutes from the Meeting held October 12, 2023**

**Mr. Cornum** made a motion to approve the Minutes from the special meeting held on October 12, 2023; **Ms. Wilson** seconded the motion. The vote was as follows: Yes— **Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent— **Mr. McCormick.** Abstained—None. The motion carried.

0:02:31

**4. Consider a request for a Conditional Use Permit to allow a Home Occupation – Personal Service to operate at the property located at 106 Doporto Ct., zoned "R-1" Residential 1 District**

**Vanessa and Ruben Parra** approached the podium. **Mr. Patterson** explained the applicant has submitted a request to consider a Conditional Use Permit to allow a Home Occupation – Personal Service to operate at the property located at 106 Doporto Ct., zoned "R-1" Residential 1 District. Based on a review of the application materials and staff comments, the Planning Department recommends approval of this request. **Mr. Parra** explained that Ms. Parra finished cosmetology school and would like to open a salon. He also explained that the area they live in is a dead-end street and would not interfere with traffic. No public comments were made.

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

0:06:57

**5. Consider a request for a Conditional Use Permit to allow Personal Service to operate at the property located at 502 W. Bonbright St., zoned "R-2" Residential 2 District**

**Melissa Brito and Julie Ruiz** approached the podium. **Mr. Patterson** explained the applicant has submitted a request to consider a Conditional Use Permit to allow Personal Service to operate at the property located at 502 W. Bonbright St., zoned "R-2" Residential 2 District. Based on a review of the application materials and staff comments, the Planning Department recommends approval of this request. **Ms. Ruiz** explained since purchasing the property, they have placed a 7' fence around the building. **Ms. Brito** explained that on the Northwest side of the property, there is

plenty of space for parking. Ms. Ruiz explained the variety of services to be held at the location. She stated the parking space would allow up to 8 vehicles to be parked at the business. Mr. Nesser asked will plans be presented to the Building Department for the parking lot. Ms. Brito stated she would provide any information that is needed to move forward with her business. Mr. Cornum asked what the upgrade plan is for the parking lot. Ms. Brito mentioned wanting to place gravel down for the parking lot. Mr. Nesser mentioned the city may request a Handicap parking space. Ms. Brito agreed to follow up with the Planning Department. No public comments were made.

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

0:13:11                    **6. Consider a request for a Conditional Use Permit to allow a Home Occupation – Personal Service to operate at the property located at 1023 Murray Dr., zoned “R-R” Rural Residential District**

Courtney and Joshua Mack approached the podium. Mr. Patterson explained the applicant has submitted a request to consider a Conditional Use Permit to allow a Home Occupation – Personal Service to operate at the property located at 1023 Murray Dr., zoned “R-R” Rural Residential District. Based on a review of the application materials and staff comments, the Planning Department recommends approval of this request. Ms. Mack explained the business would not interfere with traffic or on-street parking. She also mentioned the clients will be seen by appointment only. No public comments were made.

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

0:17:47                    **7. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a reduction in the required rear setback from 20’ to 19’ for the property located at 3734 Honeysuckle Dr., zoned “R-1” Residential 1 District**

Joe Hays and Melvin Pyeatt approached the podium. Mr. Patterson explained the applicant has submitted a request to consider a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a reduction in the required rear setback from 20’ to 19’ for the property located at 3734 Honeysuckle Dr., zoned “R-1” Residential 1 District. Based on a review of the application materials and staff comments, the Planning Department recommends approval of this request. Mr. Hays explained they built the structure before realizing the 1’ encroachment on the rear setback. No Public comments were made.

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

0:21:18                    **8. Consider a recommendation to the City Council regarding a request to change the zoning at 609 S. Canyon St. from “I” Industrial District to “C-2” Commercial 2 District, legally described as S 50’ of Lot 2 and all Lots 3 & 4, Block 182 Bock Subdivision**

**Cas Tabor** approached the podium. **Mr. Patterson** explained the applicant has submitted a request to change the zoning at 609 S. Canyon St. from "I" Industrial District to "C-2" Commercial 2 District, legally described as S 50' of Lot 2 and all Lots 3 & 4, Block 182 Bock Subdivision. Based on a review of the application materials and staff comments, the Planning Department recommends approval of this request. **Mr. Tabor** explained the property in question was zoned Industrial because there was once a sugar beet factory at the property and it was never re-zoned. He also pointed out the surrounding properties are zoned Commercial. No public comments were made.

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

0:25:47                    **9. Consider a recommendation to the City Council regarding a request to change the zoning at 2609 Prospect Ave., St. from "R-1" Residential 1 District to "C-2" Commercial 2 District, legally described as North 100 ft. of Lot 3, Block 6, Southridge Subdivision**

**Hannia Carrasco** addressed the Commission via virtual meeting. **Mr. Patterson** explained the applicant has submitted a request to change the zoning at 2609 Prospect Ave., St. from "R-1" Residential 1 District to "C-2" Commercial 2 District, legally described as North 100 ft. of Lot 3, Block 6, Southridge Subdivision. Based on a review of the application materials and staff comments, the Planning Department recommends denial of this request. **Ms. Carrasco** explained she wants to place an 80' x 60' shop. She wants to open an auto mechanic shop on the property. **Mr. Nesser** opened public comment. **Gloria Ramos and Gilbert Ramos** approach the podium opposed to the zone change. **Ms. Ramos** explains that there are many children in the area as well as senior citizens who are consistently out in the neighborhood. She explained that there are no sidewalks for the residents to use, children and pedestrians are using the roadway to get around. She believes the auto mechanic shop will bring more traffic which will cause more hazards for the residents in the area. **Ms. Ramos** also mentioned the bus stop is across from the property in question. No other public comments were made. **Ms. Wilson** pointed out that the surrounding properties are residential only.

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

0:32:47                    **10. Consider a recommendation to the City Council regarding a request to change the zoning at 2908 San Jose Blvd. from "R-1" Residential 1 District to "C-1" Commercial 1 District, legally described as the Lots 19 & 20, Block 6, Southridge Subdivision**

**Brian Navarette and Raymond Peters** approached the podium. **Mr. Patterson** explained the applicant has submitted a request to change the zoning at 2908 San Jose Blvd. from "R-1" Residential 1 District to "C-1" Commercial 1 District, legally described as the Lots 19 & 20, Block 6, Southridge Subdivision. Based on a review of the application materials and staff comments, the Planning Department recommends approval of this request. **Mr. Peters** explained they would like to place affordable lodging which would consist of 6 Units and 30 rooms. **Mr.**

**Navarette** explained that the property is on a much smaller scale than the previous location on National Parks Hwy. No public comments were made. **Mr. Cornum** inquired about the cosmetic upkeep. **Mr. Peters** explained they are partnering with the current owners of the National Parks Hwy location they will be able to keep up with trash and weeds. He also mentioned they would place a fence as well as landscape the property to be more aesthetically pleasing to the neighboring residence. **Bani Sand Hu** approached the podium. **Ms. Sand Hu** explained that the property on National Parks was too large to maintain alone. She also explained it was not easy to keep up with the trash that comes from the littered highway. **Mr. Cornum** explained with approval the upkeep then becomes a Code Enforcement issue and leaves the Planning and Zoning Commission purview. **Ms. Branson** inquired as to why the Fire and Police Departments recommended denial. **Mr. Patterson** explained the Fire and Police Department did not agree to commercial zoning in the middle of residential zoning. He also explained that the hearing for this item is only to approve the zone change and stipulations could not be placed on the item to be approved.

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

0:50:00                    **11. Consider a recommendation to the City Council regarding a request to change the zoning from “R-R” Rural Residential District to “R-2” Residential 2 District, for the 8.74 acres legally described as Tract B, Albright Replat #3.**

The item was pulled at the request of the applicant. The item will be reviewed at the Planning and Zoning meeting scheduled for December 4, 2023.

0:50:10                    **12. Report regarding Summary Review Subdivisions**

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

0:51:52                    **13. Adjourn**

The meeting was adjourned.

0:51:58                    Stop Recording [5:52:27 PM]

  
\_\_\_\_\_  
Chairman

12-4-23  
Date