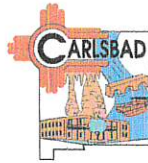


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, December 4, 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, December 4, 2023 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 826-472-101
US Phone: +1 (571) 317-3122 Access Code: 826-472-101

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held November 6, 2023
4. Consider a request for a Conditional Use Permit to allow a Business Residence at the property located at 1824 Railroad Ave., zoned "I" Industrial District
5. Consider a request for a Variance from Sec. 47-44(d) of the Carlsbad Code of Ordinances to allow a land division under the minimum lot size of one (1) acre for the property located at 308 Who Who Dr., Carlsbad-Out
6. 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.
7. Consider a recommendation to the City Council regarding a request to change the zoning at 602 Presidio St. from "R-1" Residential 1 District to "R-2" Residential 2 District, legally described as Lot 2, block 18, New San Jose Subdivision
8. Consider a recommendation to Council for an Annexation of approximately 67.72 acres located north and south of Dona Ana Rd., legally described as Tract A2, Klein Land Division Replat #1 Amended, Tract D1, Edward and Tillie Klein Land Division #2 Line Adjustment, and that part of the E2SENW of said Section 14
9. Consider a recommendation to Council for an application of zoning from County to "R-R" Rural Residential District for approximately 67.72 acres located north and south of Dona Ana Rd., legally described as Tract A2, Klein Land Division Replat #1 Amended, Tract D1, Edward and Tillie Klein Land Division #2 Line Adjustment, and that part of the E2SENW of said Section 14

10. Consider a recommendation to the Council regarding the adoption of a Historic Preservation Overlay Zone District and associated regulations
11. Consider approval of 2024 Planning & Zoning Commission meeting dates
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

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, January 8, 2024 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, DECEMBER 4, 2023 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

JAMES MCCORMICK	CHAIRPERSON
BRAD NESSER	COMMISSIONER
LINDA WILSON	COMMISSIONER
VALERIE BRANSON	COMMISSIONER

VOTING MEMBERS ABSENT:

TRENT CORNUM	COMMISSIONER
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EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON	PLANNING DIRECTOR
TRYSHA ORTIZ	DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

JENNIFER CAMPOS	PLANNING AND REGULATION DEPARTMENT EXECUTIVE SECRETARY
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OTHERS PRESENT:

DENISE MADRID BOYEA	CITY ATTORNEY
CHARLIE GARCIA	CITY
JACKIE WEBB	111 SADDLEBAG TRAIL
RITA DORADO	2602 DONA ANA
MARTIN DORADO	2602 DONA ANA
JULIE KLEIN	3113 DONA ANA
DALE DAVIS	3904 BILLY THE KID
FRANCIS F. TREVINO	604 W PRESIDIO
PATRICIA GARCIA	790 W CHERRY LANE
JOSUE GARCIA	25 HARROUN RD
JARRETT PAINE	790 W CHERRY LANE
MARVIN ALBRIGHT	502 W RIVERSIDE DR
CODY MAY	3025 WHO WHO DR
DAVID KLEIN	3113 DONA ANA
SAMUEL ESCARENO	601 MONTERRI
ROSEMARY WILKIE	2402 PANDANARAM
JAMES WILKIE	2702 PANDANARAM

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 [4:59:37 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. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson.**
Absent—**Mr. Cornum.**

0:00:51 **2. Approval of Agenda**

Ms. Wilson made a motion to approve the Agenda; **Mr. Nesser** seconded the motion. The vote was as follows: Yes—**Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson.** Absent—**Mr. Cornum.** Abstained—None. The motion carried.

0:01:21 **3. Approval of Minutes from the Meeting held November 6, 2023**

Ms. Wilson made a motion to approve the Minutes November 6, 2023; **Ms. Branson** seconded the motion. The vote was as follows: Yes—**Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson.** Absent—**Mr. Cornum.** Abstained—None. The motion carried.

0:01:57 **4. Consider a request for a Conditional Use Permit to allow a Business Residence at the property located at 1824 Railroad Ave., zoned "I" Industrial District**

Dale Davis approached the podium. **Mr. Patterson** explained the applicant is requesting for a Conditional Use Permit to allow a Business Residence to be located at 1824 Railroad Ave. The applicant intends to build a shop with a residence on the property. Parking and access will be provided within the property and off the street. Planning staff recommends approval to allow a Business Residence with a Conditional Use Permit. **Mr. Davis** explained that he doesn't have enough room where he lives now and he wants to build a shop with a residence for all his equipment. **Mr. McCormick** asked if he owned the two small lots south of him and where the shop would be located. **Mr. Davis** stated that he doesn't own the two small lots and he wants to place the shop in the middle of the vacant property. No public comments were made.

Ms. Wilson made a motion to approve; **Mr. Nesser** seconded the motion. The vote was as follows: Yes—**Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson.** Absent—**Mr. Cornum.** Abstained—None. The motion carried.

0:07:02 **5. Consider a request for a Variance from Sec. 47-44(d) of the Carlsbad Code of Ordinances to allow a land division under the minimum lot size of one (1) acre for the property located at 308 Who Who Dr., Carlsbad-Out**

Cody May approached the podium. **Mr. Patterson** explained the applicant has requested a Variance from Ord. 47-44(d) to allow a land division under the minimum lot size of one (1) acre for the property located at 308 Who Who Dr., which is outside the Carlsbad City limits. Section 47-44(d) is out of the subdivision ordinance and stipulates lots located outside of the City limits, but within the 5-mile Planning and Platting Jurisdiction, are required to be a minimum of one acre in size. The applicant owns the property and it's approximately about 1.6 acres and if split, one new property would be less than the required acre in size. **Mr. May** explained a house is located on the east side of the property, and he wants to split the property and build on the west side. **Mr. McCormick** said that it looks like there is driveway access the property. **Mr. May** confirmed that an easement exists for access. No public comments were made.

Mr. Nesser made a motion for approval; **Ms. Wilson** seconded the motion. The vote was as follows: Yes—**Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson.** Absent—**Mr. Cornum.** Abstained—None. The motion carried.

0:11:39

6. 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.

Marvin Albright approached the podium. **Mr. Patterson** explained the applicant has requested a Zone Change from "R-R" Rural Residential 1 District to "R-2" Residential 2 District for a parcel totaling approximately 8.74 acres, legally described as Tract B, Albright Replat #3, which is off of Boyd Drive. This is right before Boyd Drive intersects with Dark Canyon and meets Radio Boulevard. The properties to the north, south, east & west are zoned "R-R" Rural Residential District. This request would create a spot-zone. The Residential 2 District is intended to accommodate higher density single-family, duplex, multiple-family, and mobile home parks and subdivisions and to provide land-use protections for areas that develop in such a manner. Planning staff recommends approval of this request. **Mr. Albright** explained that he's interested in building an apartment complex. No public comments were made.

Mr. Nesser made a motion for approval; **Ms. Wilson** seconded the motion. The vote was as follows: Yes—**Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson**. Absent—**Mr. Cornum**. Abstained—None. The motion carried.

0:15:46

7. Consider a recommendation to the City Council regarding a request to change the zoning at 602 Presidio St. from "R-1" Residential 1 District to "R-2" Residential 2 District, legally described as Lot 2, block 18, New San Jose Subdivision

Josue Garcia and Patricia Garcia (interpreter) approached the podium. **Mr. Patterson** explained the applicant has submitted a request for a Zone Change from "R-1" Residential 1 District to "R-2" Residential 2 District for a parcel totaling approximately 0.14 acres, located at 602 Presidio Street. The properties to the north, south, east & west are zoned "R-1" Residential 1 District. This request would create a spot-zone. The Residential 2 District is intended to accommodate higher density single-family, duplex, multiple-family, and mobile home parks and subdivisions and to provide land-use protections for areas that develop in such a manner. The applicant would like to place a Multiple-Family Dwelling on the property, potentially four units. Planning staff recommends approval of this request. **Ms. Garica (interpreter) for Mr. Garcia** said he wants to place a five bedroom and five bathroom structure. **Mr. Escareno** explained that he lives directly behind this property at 601 Monterrey Street. He said he disapproves of this request and he's not sure what kind of traffic this will cause and will bring unknown people to the neighborhood. **Mr. McCormick** asked **Mr. Patterson** about the parking requirement for a five bedroom structure. **Mr. Patterson** said he hasn't spoken to the applicant about his development plans. The applicant would be required to accommodate two off street parking spaces per dwelling unit, so he would have to accommodate ten parking spaces on the property along with the structure. He would not be able to accommodate or meet the parking requirement utilizing the street or utilizing the right of way, he would have to accommodate it within the property. **Ms. Trevino** explained that she lives at 604 Presidio Street and she disapproves of what the applicant wants to place there. **Ms. Trevino** said she doesn't care if he wants to build a house, place a trailer, but not what the applicant is proposing. **Ms. Garcia (interpreter) for Mr. Garcia** said that he spoke with an engineer and he drew it out with ten parking spaces. **Mr. McCormick** said as of right now they haven't seen any drawings. **Ms. Garcia (interpreter) for Mr. Garcia** said it would be one person per room with a rental contract.

Mr. Nesser made a motion for denial; Ms. Branson seconded the motion. The vote was as follows: Yes—Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson. Absent— Mr. Cornum. Abstained—None. The motion carried for denial.

0:32:58 **8. Consider a recommendation to Council for an Annexation of approximately 67.72 acres located north and south of Dona Ana St., legally described as Tract A2, Klein Land Division Replat #1 Amended, Tract D1, Edward and Tillie Klein Land Division #2 Line Adjustment, and that part of the E2SENW of said Section 14**

Jackie Webb approached the podium. Mr. Patterson explained this is a petition for Annexation of approximately 67.72 acres along Dona Ana Street, legally described as Tract A2, Klein Land Division Replat #1 Amended, Tract D1, Edward and Tillie Klein Land Division #2 Line Adjustment and that part of the East half of Southeast of the Northwest Section 14 Township 22 South, Range 27 East. The applicant does have property that is contiguous to the current City boundary; the Planning Department recommends approval of this request. Mr. McCormick asked where the boundary in question is. Ms. Ortiz pointed out the City limits along the properties in question. Ms. Webb explained that their mother passed away they would like to sell the property. The estate had decided they would like to be annexed into City limits for utility access, before they begin subdividing the property. Ms. Dorado explains that she and her husband live at 2602 Dona Ana and they would be affected by this request. When she received the notification, she talked with some of the neighbors and some were upset because they live in the County. Ms. Dorado explained that the neighbors were unsure if the annex includes their properties and what type of development could come into the neighborhood. Mr. McCormick explained that plans for development have not been presented. Any development at the property would have to comply with what the Zoning Ordinance allows. Ms. Dorado asked if her property has to be a part of the annexation. Mr. Patterson explained that an annexation would occur if the property owner requests it. Ms. Webb said that she understands the neighbors' concerns; they intend to keep a rural setting and not affect the land around the neighbors.

Ms. Wilson made a motion for approval; Ms. Branson seconded the motion. The vote was as follows: Yes—Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson. Absent— Mr. Cornum. Abstained—None. The motion carried.

0:50:38 **9. Consider a recommendation to Council for an application of zoning from County to "R-R" Rural Residential District for approximately 67.72 acres located north and south of Dona Ana St., legally described as Tract A2, Klein Land Division Replat #1 Amended, Tract D1, Edward and Tillie Klein Land Division #2 Line Adjustment, and that part of the E2SENW of said Section 14**

Jackie Webb was present for the item. Mr. Patterson explained this request is to recommend the application "R-R" Rural Residential zoning district to the property discussed in the previous item. The applicant would like to apply Rural Residential zoning to the 67.72 acres requested to be annexed. The properties to the east are zoned "R-R" Rural Residential District. The properties to the west, south, and north currently lie outside the Carlsbad City Limits. This request would not create a spot-zone; the Planning staff recommends approval of this request. Ms. Webb asked for clarification why the item was being presented twice. Mr. Patterson explained the Annexation is one ordinance and the Zoning application is another ordinance.

Mr. Nessler made a motion for approval; Ms. Wilson seconded the motion. The vote was as follows: Yes—Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson. Absent— Mr. Cornum. Abstained—None. The motion carried.

0:55:39

10. Consider a recommendation to the City Council regarding the adoption of a Historic Preservation Overlay Zone District and associated regulations

Mr. Patterson explained that the City of Carlsbad is pursuing becoming a Certified Local Government. This will allow the City to have more local control over the City's historic district and the governance of that district and will allow the City to decide what properties may be included in that district. It also allows the City to decide what criteria would need to be met for a property to be included within the Historic Preservation Overlay District. Another major aspect of obtaining the Certified Local Government status will be the City and property owners becoming eligible for grant funding and resources meant to promote historic preservation from the State and Federal governments. This a part of a two part process, the first being the creation of the Historic Preservation Advisory Board, which was created at the November 14, 2023, Council meeting. The Board will oversee the Historic Preservation Overlay Zone and will advise the City Council and Mayor's office regarding properties that should be included within the Overlay Zone. This Overlay Zone will be entirely voluntary on the property owner's part. Each property owner will need to apply to be included within this Overlay Zone. Inclusion would allow property owners to be eligible for grant funding and resource allocation that could assist them with rehabbing and preserving of archaeological and historic properties. This Historic Preservation Overlay Zone District ordinance will establish the rules and regulations regarding inclusion into the Overlay Zone, it will keep the control over this process in local hands, and it will open avenues to more grant funding and resource allocation meant for archaeological and historic preservation. The Planning Department is requesting a recommendation from the Planning and Zoning Commission to the City Council for the adoption of this ordinance.

Ms. Wilson made a motion for approval; Ms. Branson seconded the motion. The vote was as follows: Yes—Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson. Absent— Mr. Cornum. Abstained—None. The motion carried.

0:59:42

11. Consider approval of 2024 Planning and Zoning Commission meeting date

Mr. Nessler made a motion for approval; Ms. Wilson seconded the motion. The vote was as follows: Yes—Mr. McCormick, Mr. Nesser, Ms. Wilson, and Ms. Branson. Absent— Mr. Cornum. Abstained—None. The motion carried.

1:00:52

12. Report regarding Summary Review Subdivisions

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

1:01:54

13. Adjourn

The meeting was adjourned.

1:02:03

Stop Recording [6:02:03 PM]

Tanaka G.S.
Chairman

1-8-24
Date