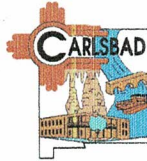


MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, January 8, 2024 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, January 8, 2024 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 322-869-293
US Phone: +1 (571) 317-3122 Access Code: 322-869-293

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held December 4, 2023
4. Remove from Table a consideration of recommendation to the City Council regarding a request to change the zoning from "R-1" Residential 1 District to "C-2" Commercial 2 District, located at 219 W. Pecan Ave., legally described as Lot 5, Block M, Hemler Subdivision
5. Consider a recommendation to the City Council regarding a request to change the zoning from "R-1" Residential 1 District to "C-2" Commercial 2 District, located at 219 W. Pecan Ave., legally described as Lot 5, Block M, Hemler Subdivision
6. Consider a recommendation to the City Council regarding a request to change the zoning from "R-1" Residential 1 District to "R-2" Residential 2 District, located at 501 N. Maple St., legally described as Lot 2 & 4, Block 10, Greene's Western Subdivision
7. Consider a request for a Variance from Sec. 56-100(d) of the Carlsbad Code of Ordinances to allow parking in the public right-of-way, located at 501 N. Maple St.
8. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a 0' rear and 0' side setbacks located at 1825 Troy Dr.
9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a 2' side setback located at 3804 S. Sunnyview Ave.
10. Consider a request for a Subdivision Plat creating two parcels located at 4609 Old Cavern Hwy, Carlsbad-Out
11. Report regarding Summary Review Subdivisions
12. 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, February 5, 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, JANUARY 8, 2024 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON (ARRIVED AT 5:05)
COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA ORTIZ**

**PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR**

SECRETARY PRESENT:

VANESSA ORNELAS

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**LORI HERNANDEZ
JOSE HERNANDEZ
RODOLFO GILBERT
ELI MARTINEZ
CAROLYN BANKS
DANIEL BANKS
DANIEL MORRILL
WAYNE BALLARD
DAVID GUERRERO
MORGAN NAJAR
KELLY NAJAR
DENISE MADRID BOYEA
CHARLIE GARCIA**

**413 N MAPLE ST
413 N MAPLE ST
1408 HAGERMAN ST
3804 S SUNNYVIEW AVE
209 PECAN ST
209 PECAN ST
1825 TROY DR
2004 PEPPERTREE ST
3501 HIDALGO RD
1507 LINCOLN DR
1507 LINCOLN DR
CITY OF CARLSBAD
CITY OF CARLSBAD**

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 [5:04:00 PM]

0:00:15 **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.**

0:00:33 **2. Approval of Agenda**

Mr. Patterson noted the following revisions to the agenda:

Item #10 Consider a request of a Subdivision Plat creating two parcels located at 4609 Old Cavern Hwy, Carlsbad-Out has been removed at the request of the Planning and Zoning department.

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.

(Mr. McCormick arrives at 05:05:00 PM)

0:01:33 **3. Approval of Minutes from the Meeting held December 4, 2023**

Ms. Wilson made a motion to approve the Minutes from the meeting held on December 4, 2023; **Mr. Cornum** seconded the motion. The vote was as follows: Yes— **Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent—None Abstained—None. The motion carried.

0:02:19 **4. Remove from Table a consideration of recommendation to the City Council regarding a request to change the zoning from “R-1” Residential 1 District to “C-2” Commercial 2 District, located at 219 W. Pecan Ave., legally described as Lot 5, Block M, Hemler Subdivision**

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

0:03:35 **5. Consider a recommendation to the City Council regarding a request to change the zoning from “R-1” Residential 1 District to “C-2” Commercial 2 District, located at 219 W. Pecan Ave., legally described as Lot 5, Block M, Hemler Subdivision**

Daniel Banks approached the podium. **Mr. Patterson** explained the item to consider a recommendation to the City Council regarding a request to change the zoning from “R-1” Residential 1 District to “C-2” Commercial 2 District, located at 219 W. Pecan Ave., legally described as Lot 5, Block M, Hemler Subdivision. **Mr. Banks** explained the property is currently zoned residential. Since cleaning the property and removing the structures, there have been several passersby interested in the property to purchase or lease. **Mr. Banks** explains he and Ms. Banks have no interest in selling but are willing to lease the property to an acquaintance who is interested in operating a mechanic shop on the property, hence the request for a C-2 zoning. **Mr. McCormick** inquired as to why the Planning Department recommended denial. **Mr. Patterson** explained the request would not be a spot zone but is recommended for denial because the property backs up to residential properties. No Public comments were made.

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

0:17:15

6. Consider a recommendation to the City Council regarding a request to change the zoning from “R-1” Residential 1 District to “R-2” Residential 2 District, located at 501 N. Maple St., legally described as Lot 2 & 4, Block 10, Greene’s Western Subdivision

Wayne Ballard and David Guerrero approached the podium. **Mr. Patterson** explained the item to consider a recommendation to the City Council regarding a request to change the zoning from “R-1” Residential 1 District to “R-2” Residential 2 District, located at 501 N. Maple St., legally described as Lot 2 & 4, Block 10, Greene’s Western Subdivision. **Mr. Ballard** explained they want to remove the current structure and build a four-plex on the property. He explains the unit will provide more affordable housing in the area. The current structure is very dilapidated and needs to be removed. He believes these changes will help improve the neighborhood. **Lori and Jose Hernandez** approached the podium opposed to the zone change. **Ms. Hernandez** expressed her concern for additional traffic and is also concerned the size of the structure is not going to leave enough room for parking. **Mr. McCormick** explained the commission is not voting on what is going to be built on the property the commission is only voting on the zone change and if approved the applicant will be able to build anything that is allowed in R-2 zoning. If there are any questions they will need to be directed to the applicant. **Mr. Hernandez** asked what the difference is between R-1 and R-2 zoning. **Mr. Ballard** explained R-1 only allows for a single-family dwelling to be on the property and R-2 allows for Multi-family dwellings. **Morgan Najar of Western Commerce Bank** approached the podium. She expressed the need for additional housing in Carlsbad and believes this is going to be a great addition to the neighborhood. **Rodolfo Gilbert** approached the podium opposed to the zone change also concerned about the traffic and parking. **Mr. Branson** inquires about how many vehicles are allowed per dwelling throughout the city. **Mr. Patterson** explained that each dwelling should allow for at least 2 off-street parking spaces but they are allowed to park on the street. If this item is approved each unit will be required to have 2 off-street parking spaces per unit. **Mr. Cornum** asked to clarify where exactly the parking spaces will be placed. **Mr. Ballard** explained the parking would be in the right-of-way on Hagerman St. No other public comments were made. **Mr. Nesser** asked what the depth of the property is and what the depth of the unit would be. **Mr. Ballard** explained the Lot is 58’ in-depth and the unit would be 28’ in-depth. **Ms. Wilson** asked what the back setback in R-2 zoning is. **Mr. Ballard** said he believes the rear setback is 8’.

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

0:41:09

7. Consider a request for a Variance from Sec. 56-100(d) of the Carlsbad Code of Ordinances to allow parking in the public right-of-way, located at 501 N. Maple St.

Wayne Ballard approached the podium. **Mr. Patterson** explained the item to consider a request for a Variance from Sec. 56-100(d) of the Carlsbad Code of Ordinances to allow parking in the public right-of-way, located at 501 N. Maple St. **Mr. Ballard** explained the parking would be on the Hagerman St. side of the property. The parking spaces will be placed on the right-of-way (ROW), along with a sidewalk to be placed. **Mr. McCormick** clarified the parking will not be on the street only in the ROW. **Mr. Ballard** assured the parking would not cause any obstruction on the street. **Lori and Jose Hernandez** approached the podium opposed to the request. They are concerned the size of the structure would not leave space for parking on the property. **Ms.**

Hernandez is concerned if the parking is on Maple she will have to pull into the intersection to turn onto Maple because she cannot see in her small car. **Mr. Ballard** explained the parking would be placed on Hagerman St. and agreed to share the final plans with the neighbors when they are finalized. No other public comments were made.

Mr. Nesser made a motion for approval with the condition that there would be no parking on Maple St. and that will be paved or concrete; **Ms. Wilson** seconded the motion. The vote was as follows: Yes— **Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent—None Abstained—None. The motion carried.

0:53:44 **8. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a 0' rear and 0' side setbacks located at 1825 Troy Dr.**

Daniel Morrill approached the podium. **Mr. Patterson** explained the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a 0' rear and 0' side setbacks located at 1825 Troy Dr. **Mr. Morrill** explained he would like to place a wood storage structure in the setbacks. Due to the size of the backyard, the current setbacks would not allow for the size of the structure he is interested in placing. The structure would take up a majority of the backyard area if he were to stay within the current setbacks. No public comments were made. **Mr. Cornum** explains there isn't room for drainage with 0' setbacks. **Mr. Nesser** stated he would like to see a 2' rear setback and a 2' side setback. **Mr. Morrill** expressed he would like to have at least a 1' rear setback but will comply with what the commission decides.

Ms. Nesser made a motion for approval with conditions for a 2' side setback and a 1' rear setback; **Mr. McCormick** seconded the motion. The vote was as follows: Yes— **Mr. McCormick, Mr. Nesser.** No— **Mr. Cornum, Ms. Wilson, and Ms. Branson.** Absent—None Abstained—None. The motion did not pass.

Ms. Wilson does not have an issue with the side setback of 2' but would like to see the rear setback at 2' as well. **Mr. Cornum** agreed.

Ms. Nesser made a motion for approval with conditions for a 2' side setback and a 2' rear setback; **Ms. Wilson** seconded the motion. The vote was as follows: Yes— **Mr. McCormick, Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent—None Abstained—None. The motion carried.

01:08:43 **9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a 2' side setback located at 3804 S. Sunnyview Ave.**

Eli Martinez approached the podium. **Mr. Patterson** explained the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Code of Ordinances to allow a 2' side setback located at 3804 S. Sunnyview Ave. **Mr. Martinez** explained he would like to add a 20'x18' metal freestanding garage on his property to store his vehicles to allow for the aesthetics of the property to be improved. He stated though he does not need to meet a rear setback because he has an alleyway, he will still maintain up to 2' off the rear and side of the property. 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. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson.** No—None. Absent—None Abstained—None. The motion carried.

01:14:28 **10. Consider a request of a Subdivision Plat creating two parcels located at 4609 Old Cavern Hwy, Carlsbad-Out**

Item #10 has been removed at the request of the Planning and Zoning department.

01:14:30 **11. Report regarding Summary Review Subdivisions**

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

01:15:00 **12. Adjourn**

The meeting was adjourned.

01:16:45 Stop Recording [6:21:45 PM]



Chairman



Date