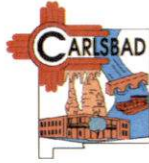


**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, February 5, 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, February 5, 2024 at 5:00 PM  
Janell Whitlock Municipal Complex Council Chambers  
114 S. Halagueno Street  
GoToMeeting ID: 211-845-189  
US Phone: +1 (872) 240-3412 Access Code: 211-845-189

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held January 8, 2024
4. Consider a request for a Conditional Use Permit – Artisan/Craftsman Shop and Retail Sales located at 1100 Chitalpa Ct., zoned “PUD” Planned Unit Development district
5. Consider a request of a Subdivision Plat creating four parcels located at 7211, 7215 & 7217 Norris Rd., Carlsbad-Out
6. Consider a request for a Vacation of approximately 3,000 sq. ft. of public Right-of-Way east of Lots 1-5, Atwood Subdivision, located east of Hamilton Pl.
7. Report regarding Summary Review Subdivisions
8. Adjourn



**FOR INFORMATION ONLY**

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site: [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, March 4, 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, FEBRUARY 5, 2024 AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER (ARRIVED AT 5:02)  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON**

**PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**DENISE MADRID BOYEA  
CHARLIE GARCIA  
JULIAN MARTINEZ  
GEORGE DUNAGAN**

**CITY OF CARLSBAD  
CITY OF CARLSBAD  
1100 CHITALPA CT.  
2200 WESTRIDGE**

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 [5:00:54 PM]

0:00:05      **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.**

0:00:21      **2. Approval of Agenda**

**Ms. Wilson** motioned 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.

(Mr. Nesser arrives at 05:02:00 PM)

0:00:57      **3.      Approval of Minutes from the Meeting held January 8, 2024**

**Ms. Wilson** motioned to approve the Minutes from the meeting held on January 8, 2024; **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.

0:01:50      **4.      Consider a request for a Conditional Use Permit – Artisan/Craftsman Shop and Retail Sales located at 1100 Chitalpa Ct., zoned “PUD” Planned Unit Development district**

**Julian Martinez** came to the podium. **Mr. Patterson** explained this request is for a Conditional Use Permit to allow a Home Occupation Artisan/Craftsman Shop and Retail Sales to operate at the subject property, a property zoned “PUD” Planned Unit Development District. The applicant has indicated they would like to operate a small online retail fire arms business out of their home. Planning staff recommends approval to allow a Conditional Use Permit – Artisan/Craftsman Shop and Retail Sales. Also, the Planning Department requests the applicant submit any written approval from the Federal or State Governments regarding the handling and selling of the firearms. **Mr. McCormick** asked **Mr. Martinez** if he understood the Planning Department’s request. Also, **Mr. McCormick** explained the Conditional Use Permit stays with him and is not transferable to a different property or subsequent owner. **Mr. Martinez** stated that he understood both points. **Mr. Martinez** explained that he is wanting to run an online business at his home. There will be no customers or foot traffic, just transferring the firearms from name to name. The ATF has already completed a walkthrough of his house. He is only acting as a middle man between the big manufactures and the small consumers. **Mr. Nesser** asked how the customers will receive their firearms. **Mr. Martinez** said that he will call them and set up appointments. **Mr. Martinez** has a regular job and the customers can pick up the firearms or have them delivered. No public comments were made.

**Ms. Wilson** motioned 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.

0:08:24      **5.      Consider a request of a Subdivision Plat creating four parcels located at 7211, 7215 & 7217 Norris Rd., Carlsbad-Out**

**Mr. Patterson** said the applicant was not present.

**Mr. Nesser** motioned to table this item for the next meeting; **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.

0:09:48      **6.      Consider a request for a Vacation of approximately 3,000 sq. ft. of public Right-of-Way east of Lots 1-5, Atwood Subdivision, located east of Hamilton Pl.**

**Mr. Patterson** asked the Commissioners to reference the property plat showing the Atwood Subdivision and an aerial map showing the Atwood Subdivision and the surrounding properties. On the Atwood Subdivision plat, there is a 10’ wide alley right-of-way (ROW) to the east of Lots

1-5. The City is requesting that this alley ROW be vacated and made into private property that will be deeded to the property owners of Lots 1-5 of the Atwood Subdivision. The property to the east of the alley ROW is owned by Martin Farms Subdivision, Inc., and is to be developed into residential housing and commercial enterprise. The property owners in the Atwood Subdivision would like to preserve their ability to access the rear of their properties, which the 10' alley has provided to this point, and these owners have reached an agreement with Martin Farms Subdivision, Inc., to purchase additional property adjacent to this alley that will be combined with the alley. The City has determined that vacating this alley best serves the interest of the City and the private property owners in this area. There is no need for the City to preserve this alley as public ROW as there are no City owned utilities within this alley, and there are no other utilities visible within the alley. With the vacation, the property owners in the Atwood Subdivision will be in control of the alley and responsible for its maintenance. **Mr. McCormick** asked who would actually own the property. **Mr. Patterson** said if the alley is vacated, the property will be deeded to the five property owners in the Atwood Subdivision. This request is actually tied to a previous item that came before the commission earlier. These same property owners did come before the board previously and were concerned that the development of the Martin Farms Subdivision, Inc. property would limit or eliminate their ability to access the rear of their properties. **Mr. McCormick** asked if the Atwood Subdivision property owners are planning to buy additional property from the owners of the Martin Farms Subdivision property. **Mr. Patterson** said yes, there is an agreement for the Atwood Subdivision property owners to purchase a 6' wide strip of property from the Martin Farms Subdivision property owners. This 6' wide strip of property will be adjacent to the existing alley, and will be combined with that alley once the vacation is approved. **Mr. Dunagan** approached the podium. **Mr. Dunagan** said the Walterscheids, the owners of the Martin Farms Subdivision property, have reached an agreement with the Atwood Subdivision property owners to sell 6' of property to the east to the alley. They will file a new plat, so it will give the five property owners a wider access than they've had before.

**Mr. Cornum** motioned for approval; **Ms. Branson** 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.

0:16:21      **7. Report regarding Summary Review Subdivisions**

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

0:18:27      **8. Adjourn**

The meeting was adjourned.

0:18:27      Stop Recording [5:18:27 PM]

  
Chairman

  
Date