

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, March 4, 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, March 4, 2024 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 470-270-373
US Phone: +1 (571) 317-3122 Access Code: 470-270-373

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held February 5, 2024
4. Remove from Table a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215, & 7217 Norris Rd., Carlsbad-Out
5. Consider a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215 & 7217 Norris Rd., Carlsbad-Out
6. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 602 W. Orchard Ln., zoned "R-1" Residential 1 District
7. Consider a request for a Variance from Sec. 56-70(d)(13) of the Carlsbad Zoning Ordinance to allow outdoor storage of an operable Recreational Vehicle (RV) within the required side property setback at the property located at 1311 Beta Ave., zoned "R-1" Residential 1 District
8. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 4114 Honolulu Rd., zoned "R-R" Rural Residential District
9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow the creation of Tract A2B, as seen on the Merland Land Division #8 property plat, a tract without the required frontage along a platted street, located at 4212 National Parks Hwy., zoned "C-2" Commercial 2 District.

10. Consider a recommendation to the City Council regarding a request to change the zoning from “C-2” Commercial 2 District to “R-1” Residential 1 District, for the approximately 0.22 acre property located at 708 W. Pierce ., legally described as Lot 14, Block C, Rio Vista Amended Subdivision, beginning at the NE corner, west 95’, south 74.66’, east 80.2’, south 159.6’, east 15’, north 234.6’, to point of beginning
11. Report regarding Summary Review Subdivisions
12. Adjourn



FOR INFORMATION ONLY

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site: 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, April 1, 2024 at 5:00 p.m.

<p>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.</p>

**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, MARCH 4, 2024 AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

BRAD NESSER	COMMISSIONER
VALERIE BRANSON	COMMISSIONER
TRENT CORNUM	COMMISSIONER
LINDA WILSON	COMMISSIONER

VOTING MEMBERS ABSENT:

JAMES MCCORMICK	CHAIRPERSON
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EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON	PLANNING DIRECTOR
TRYSHA ORTIZ	DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

VANESSA ORNELAS	PLANNING AND REGULATION DEPARTMENT SECRETARY
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OTHERS PRESENT:

DUSTIN BRITAIN	602 W. ORCHARD LN
ANDERSON WARD	4114 HONOLULU RD
RONDA TROYER-WARD	4114 HONOLULU RD
DAVID ZARATE	1311 BETA ST
MATT NORMAN	401 W GREENE ST
STACY BLACKMON	203 E ORCHARD LN
DENISE MADRID-BOYEA	CITY OF CARLSBAD
CHARLIE GARCIA	CITY OF CARLSBAD
MARIA KNITTEL	4208 NATIONAL PARKS HWY (VIA ONLINE)
JEFF McLANE	4208 NATIONAL PARKS HWY (VIA ONLINE)

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 [5:00:00 PM]

0:00:07 **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.**

0:00:22 **2. Approval of Agenda**

Mr. Patterson noted the following revisions to the agenda:

Item #10 Consider a recommendation to the City Council regarding a request to change the zoning from “C-2” Commercial 2 District to “R-1” Residential 1 District, for the approximately

0.22 acre property located at 708 W. Pierce., legally described as Lot 14, Block C, Rio Vista Amended Subdivision, beginning at the NE corner, west 95', south 74.66', east 80.2', south 159.6', east 15', north 234.6', to point of beginning has been removed at the request of Planning and Zoning.

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.

0:01:25 **3. Approval of Minutes from the Meeting held February 5, 2024**

Mr. Cornum made a motion to approve the Minutes from the meeting held on February 5, 2024; **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** None Abstained—None. The motion carried.

0:02:03 **4. Remove from Table a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215, & 7217 Norris Rd., Carlsbad-Out**

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** None Abstained—None. The motion carried.

0:02:45 **5. Consider a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215 & 7217 Norris Rd., Carlsbad-Out**

Neither the applicant nor the surveyor who was expected to represent the item appeared before the Planning and Zoning Commission.

Mr. Cornum made a motion to table the item until further notice; **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** None Abstained—None. The motion carried.

0:05:00 **6. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 602 W. Orchard Ln., zoned "R-1" Residential 1 District**

Dustin Britain approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 602 W. Orchard Ln., zoned "R-1" Residential 1 District. The City Planning Department recommended denial. **Mr. Britain** explained that he doesn't have much space for storage, he is requesting the setback to allow him to build a shed that is 14'x24'. 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** None Abstained—None. The motion carried.

0:09:40 **7. Consider a request for a Variance from Sec. 56-70(d)(13) of the Carlsbad Zoning Ordinance to allow outdoor storage of an operable Recreational Vehicle (RV) within the required side property setback at the property located at 1311 Beta Ave., zoned “R-1” Residential 1 District**

David Zarate approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-70(d)(13) of the Carlsbad Zoning Ordinance to allow outdoor storage of an operable Recreational Vehicle (RV) within the required side property setback at the property located at 1311 Beta Ave., zoned “R-1” Residential 1 District. The City Planning Department recommended denial. **Mr. Zarate** explained he was unaware of the property setback requirements. **Mr. Nesser** asked if there were other areas on the property he could store the RV. **Mr. Zarate** explained with the amount of trees and to avoid damaging power lines he is unable to park the RV in a different direction or another area. **Ms. Branson** inquired about the visible hose that is assumed to be connected to the RV and its purpose. She asked if someone was living in the RV. **Mr. Zarate** assured her that the reason for the hose was to fill the water tank on the RV before departing for a camping/hunting trip. **Mr. Cornum** asked if the RV was obstructing the line of site at the intersection. **Mr. Zarate** presented photos showing that oncoming traffic is visible from the intersection. **Mr. Nesser** presented some alteration options for the property to **Mr. Zarate** that would allow his RV to be stored on the side of the home. **Mr. Zarate** believed the options presented would cause a larger problem and eye sore. No public comments were made.

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** None Abstained—None. The motion for denial carried.

00:25:17 **8. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5’ rear property setback as opposed to the required 20’ rear property setback, for the property located at 4114 Honolulu Rd., zoned “R-R” Rural Residential District**

Anderson Ward approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5’ rear property setback as opposed to the required 20’ rear property setback, for the property located at 4114 Honolulu Rd., zoned “R-R” Rural Residential District. The City Planning Department recommended denial. **Mr. Ward** explained with the shape of his yard the 20’ rear setback takes up approximately 44% of his backyard. He explained when purchasing the property he was unaware of the setbacks. **Mr. Nesser** asked if there was already a storage shed on the property. **Mr. Ward** explains the shed belongs to his wife and acts as a “she-shed” and he is unable to use the shed for storage. 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— Absent— **Mr. McCormick** None Abstained—None. The motion carried.

00:30:33 **9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow the creation of Tract A2B, as seen on the Merland Land Division #8 property plat, a tract without the required frontage along a platted street, located at 4212 National Parks Hwy., zoned “C-2” Commercial 2 District.**

Matt Norman and Stacy Blackmon approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow the creation of Tract A2B, as seen on the Merland Land Division #8 property plat, a tract without the required frontage along a platted street, located at 4212 National Parks Hwy., zoned “C-2” Commercial 2 District. The City Planning Department recommends denial. **Mr. Norman** explained they previously dissolved the lot line between the 4212 National Parks Hwy and the property east of 4212 National Parks Hwy making the property one parcel. With further discussion with the owner, they realized there was some miscommunication, therefore they replaced the lot line. **Mr. Norman** explained the easement would be exclusive allowing access to the east property. **Ms. Blackmon** explained the properties are owned by the same person but they want to use Big-O as access to the property and potentially expand Big-O. **Mr. Cornum** asked Mr. Patterson what the reason for requesting denial was. **Mr. Patterson** explained it was protocol as representatives of the City of Carlsbad. **Jeff McLane and Maria Knittel** addressed the commission via online. **Mr. McLane** mentioned submitting a letter against the request. **Ms. Ortiz** read the letter to the commission. No further comments were made.

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

00:46:25 **10. Consider a recommendation to the City Council regarding a request to change the zoning from “C-2” Commercial 2 District to “R-1” Residential 1 District, for the approximately 0.22 acre property located at 708 W. Pierce ., legally described as Lot 14, Block C, Rio Vista Amended Subdivision, beginning at the NE corner, west 95’, south 74.66’, east 80.2’, south 159.6’, east 15’, north 234.6’, to point of beginning**

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

00:46:45 **11. Report regarding Summary Review Subdivisions**

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

00:49:40 **12. Adjourn**

The meeting was adjourned.

00:49:40 Stop Recording [5:49:40 PM]

Chairman

Date

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