

**LINKED MINUTES OF A REGULAR MEETING OF THE PLANNING AND
ZONING COMMISSION OF THE CITY OF CARLSBAD, NEW MEXICO, HELD IN
THE JANELL WHITLOCK MUNICIPAL COMPLEX BUILDING ON JULY 6, 2026,
AT 5:00 P.M.**

Present:	Denise Madrid-Boyea	Commissioner
	Linda Wilson	Commissioner
	Valerie Branson	Commissioner

Absent:

Also Present:	Jeff Patterson	Planning Director
	Trysha Ortiz	Deputy Planning Director
	Barbara Hodgson	City Attorney
	Ken Ahrens	Deputy City Manager
	Josh Cambell	Fire Marshall
	Stephan Brown	Compliance Clerk
	Derek Balzano	1103 East Fiesta Dr
	Austin Gregory	375R North Happy Valley Road
	Shaylyn Rostro	912 Solana Rd
	Leslie Heinsch	1309 Delta Ave
	Luis De Leon	713 N Alameda St

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

0:00:00 **Call Meeting to Order**

0:01:46 **1. ROLL CALL AND DETERMINATION OF QUORUM**

Roll was called determining the presence of a quorum.

0:02:12 **2. APPROVAL OF MEETING MINUTES – MAY 4, 2026**

0:02:12 **MOTION**

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve the meeting minutes from May 4, 2026

0:02:16 **VOTE**

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

0:02:33 **3. APPROVAL OF MEETING MINUTES – JUNE 1, 2026**

0:02:47

MOTION

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve the meeting minutes from June 1, 2026

0:02:58

VOTE

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

0:03:08

4. CONSIDER APPROVAL OF A VARIANCE FROM ORD. 47-44(D) TO ALLOW THE CREATION OF A LOT WITHOUT THE MINIMUM REQUIRED 100' STREET FRONTAGE FOR THE PROPERTY LOCATED OUTSIDE OF THE CITY LIMITS AT 1103 EAST FIESTA DRIVE

Mr. Patterson stated the request is to allow the creation of a lot without the minimum required 100 feet of street frontage. He said a 40-foot-wide utility and access easement is located on the western side of Tract 11A. He stated the easement is being established to provide access to Tract 11B. He said the request would allow the creation of Tract 11B, which will be accessed through the 40-foot-wide easement. **Mr. Patterson** stated city ordinances establish a 5-mile platting and permitting jurisdiction, and the property falls within this jurisdiction. He said property splits must comply with applicable requirements, including a minimum of 100 feet of street frontage for each lot created. He stated this requirement is the basis for the variance request.

Derek Balzano stated his neighbor is trying to purchase the property. He said the property is not used regularly and has already been established as a separate property. He stated it is already equipped with a septic system and a water meter.

0:08:13

Commissioner Madrid-Boyea asked if anyone would like to speak regarding this item

No one appeared.

Mr. Patterson stated the request was recommended for approval by all City departments. He said the Fire Department recommended no further subdivision until plans for road expansion are submitted. He stated the Planning and Zoning Department recommended the easement have an all-weather surface to provide access for emergency services.

Commissioner Branson asked, if the applicant is unable to comply with the required 100 feet of street frontage, what street frontage is being proposed. **Mr. Patterson** said the proposal includes 40 feet of street frontage.

Commissioner Madrid-Boyea asked what is currently located on the property. **Mr. Balzano** stated there is a stock tank, a house, a garage, a well, a well house, a water meter, and a driveway providing access to the property. **Commissioner Madrid-Boyea**

asked Mr. Patterson where the all-weather access road would be located. **Mr. Patterson** said it would be located within the 40-foot easement.

0:14:58 **MOTION**

The motion was made by Commissioner Willson and seconded by Commissioner Branson to approve a Variance from Ord. 47-44(d) to allow the creation of a lot without the minimum required 100' street frontage for the property located outside of the city limits at 1103 East Fiesta Drive, with the following conditions that no further subdividing will take place at the subject property and the access easement should have an all weather surface for access by emergency services.

0:15:05 **VOTE**

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

0:15:38 **5. CONSIDER APPROVAL OF A VARIANCE FROM ORD. 47-44(D) TO ALLOW THE CREATION OF TWO LOTS WITHOUT THE MINIMUM REQUIRED 100' STREET FRONTAGE FOR THE PROPERTY LOCATED OUTSIDE OF THE CITY LIMITS AT 375R NORTH HAPPY VALLEY ROAD**

Mr. Patterson stated the request is to subdivide the subject property to create two lots that do not meet the minimum required 100 feet of street frontage. He said the request would divide one large tract into five separate tracts. He stated Tracts 3 and 5 do not have frontage along Happy Valley Road. He said the applicant is proposing a 60-foot-wide access and utility easement along the southeast border of Tract 2 and the northwest border of Tract 4, ending between Tracts 3 and 5. **Mr. Patterson** stated the property is located within the City's 5 mile platting and permitting jurisdiction. He said City staff recommends approval, and the Planning Department recommended approval with the condition the access easement have an all-weather surface to provide access for emergency services.

Austin Gregory stated he plans to subdivide the property and create commercial lots.

0:18:24 **Commissioner Madrid-Boyea asked if anyone would like to speak regarding this item**
No one appeared.

0:19:16 **MOTION**

The motion was made by Commissioner Branson and seconded by Commissioner Wilson to approve a Variance from Ord. 47-44(d) to allow the creation of two lots without the minimum required 100' street frontage for the property located outside of the city limits at 375R North Happy Valley Road, with the condition the access easement should have an all weather surface for access by emergency services.

0:19:32

VOTE

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

0:19:55

6. CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION (PERSONAL CARE - HAIR SALON) AT THE PROPERTY LOCATED AT 912 SOLANA RD, ZONED "R-1" RESIDENTIAL 1 DISTRICT

Mr. Patterson stated the request is for a Conditional Use Permit to allow a personal-use hair salon. He said the subject property and the surrounding properties are all zoned R-1 Residential 1 District. He stated operating a home occupation requires approval of a Conditional Use Permit by the Planning and Zoning Commission. He said the applicant indicated clients will be seen by appointment only, with one off-street parking space available in the driveway, and only one client scheduled at a time. **Mr. Patterson** stated, after review by City staff, the Planning Department recommends approval. He noted the Utilities Department also recommends approval; however, the property may be subject to commercial utility rates for City services.

Shaylyn Rostro stated she is currently working from home part time. She said she sees clients by appointment only, with only one client scheduled at a time, and does not accept walk-in customers.

Commissioner Branson asked Ms. Rostro if she is aware of the requirement to obtain an establishment license from the State of New Mexico. **Ms. Rostro** said yes.

Commissioner Madrid-Boyea asked if she will have any employees. **Ms. Rostro** said no. **Commissioner Madrid-Boyea** asked if she owns and occupies the property. **Ms. Rostro** said yes. **Commissioner Madrid-Boyea** asked if there is enough room for two vehicles to park in the driveway. **Ms. Rostro** said yes. **Commissioner Madrid-Boyea** asked if there will be any signage to promote the business. **Ms. Rostro** said no. **Commissioner Madrid-Boyea** asked if the salon is already operating. **Ms. Rostro** said yes. **Commissioner Madrid-Boyea** asked how long the salon has been operating. **Ms. Rostro** said since December 2025. **Commissioner Madrid-Boyea** asked if she had obtained a city business license for the location. **Ms. Rostro** said she had not.

0:26:29

MOTION

The motion was made by Commissioner Branson and seconded by Commissioner Wilson to approve a Conditional Use Permit to allow a Home Occupation (Personal Care - Hair Salon) at the property located at 912 Solana Rd, zoned "R-1" Residential 1 District, with the condition the establishment license with the State of New Mexico be maintained and presented to city staff

0:26:50

VOTE

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

0:39:26

7. CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION (ACCOUNTING SERVICES) AT THE PROPERTY LOCATED AT 1309 DELTA AVE, ZONED "R-1" RESIDENTIAL 1 DISTRICT

Mr. Patterson stated the request is for a Conditional Use Permit to allow a home occupation for accounting services. He said operating a home occupation in an R-1 Residential 1 District requires approval of a Conditional Use Permit. He stated the applicant will serve clients by appointment only, and designated off-street parking will be provided at the residence. He said the surrounding properties are all zoned R-1 Residential District. **Mr. Patterson** stated the Planning Department recommends approval of the request but noted there is a pending code violation.

Commissioner Madrid-Boyea asked what the code violation was for. **Mr. Patterson** said he would have staff locate additional information regarding the code violation.

Leslie Heinsch stated she submitted a request to the Planning and Zoning Commission and City Council in 2007 to build an office at her residence. She said, after the office was completed, she began using it in February 2008. She stated she forgot to renew her city business license this year and, in order to continue operating, appeared before the Commission.

Commissioner Madrid-Boyea asked if she had previously operated the home occupation. **Mrs. Heinsch** said yes. **Commissioner Madrid-Boyea** asked how many clients are present at one time. **Mrs. Heinsch** said it depends on the time of year but no more than three at any given time. **Commissioner Madrid-Boyea** asked if there is any signage. **Mrs. Heinsch** said no and explained the only condition placed on the approval in 2008 was prohibiting signage. **Commissioner Madrid-Boyea** asked if she was aware of the pending code violation. **Mrs. Heinsch** said she was not aware of it before the meeting.

Mr. Patterson stated the code violation pertains to weeds and tree branches. He noted the violation would not affect the operation of the home occupation.

0:49:12

Commissioner Madrid-Boyea asked if anyone would like to speak regarding this item
No one appeared.

0:49:22

MOTION

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve a Conditional Use Permit to allow a Home Occupation (Accounting Services) at the property located at 1309 Delta Ave, zoned "R-1" Residential 1 District

0:49:26

VOTE

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

0:49:55

8. CONSIDER APPROVAL OF A RECOMMENDATION TO CITY COUNCIL REGARDING A REQUEST TO CHANGE THE ZONING TO APPROXIMATELY 0.09 ACRES LOCATED AT 713 N ALAMEDA ST, FROM "R-2" RESIDENTIAL 2 DISTRICT TO "C-2" COMMERCIAL 2 DISTRICT

Mr. Patterson stated the request is to rezone the property at 713 N. Alameda St. from R-2 Residential 2 District to C-2 Commercial 2 District. He said the properties to the north are zoned C-2 Commercial 2 District, while the properties to the south, east, and west are zoned R-2 Residential 2 District, so approval would not create a spot zoning issue. He stated the Planning Department recommends approval of the request but noted there is an active code enforcement case associated with the property.

Commissioner Madrid-Boyea asked what the code violations pertain to. **Mr. Patterson** stated one violation involves a suspected dwelling unit located at the rear of the property, along with sanitation issues.

Luis De Leon stated the property was previously rented, and the tenant established the dwelling unit at the property. He said the tenant has since removed the structure. He stated he would like to combine his two lots in the future; however, he cannot fully utilize the lot zoned R-2 Residential 2 District because it is zoned differently from his adjacent C-2 Commercial 2 District property.

Commissioner Madrid-Boyea asked if the property is currently being used for commercial purposes. **Mr. De Leon** said yes.

0:57:35

Commissioner Madrid-Boyea asked if anyone would like to speak regarding this item

Ms. Ortiz stated an email was received in opposition of the application and read it to the Commission.

Commissioner Madrid-Boyea asked **Mr. Patterson** if a condition could be placed on the zone change requiring the applicant to construct a privacy fence or prohibiting customers from using adjacent private property to access the subject property. **Mr. Patterson** said those conditions could not be placed on the zone change.

Commissioner Madrid-Boyea asked Mr. De Leon if a fence separates his property from the neighboring property to the south. **Mr. De Leon** said yes, a 6-foot tall metal fence is located along the south property line.

1:03:35 **MOTION**

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve a recommendation to City Council regarding a request to change the zoning to approximately 0.09 acres located at 713 N Alameda St, from "R- 2" Residential 2 District to "C-2" Commercial 2 District

1:03:40 **VOTE**

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

1:04:20 **9. CONSIDER APPROVAL OF A RECOMMENDATION TO CITY COUNCIL REGARDING THE INFRASTRUCTURE REIMBURSEMENT FOR KLEIN SUBDIVISION**

Mr. Patterson stated the reimbursement program was established to encourage development within the City. He said the City offers reimbursement of up to 15% of eligible public infrastructure costs. He stated the applicant is requesting reimbursement for the Klein Subdivision, which was approved last year, and has obtained quotes for the water line installation and paving work. He said, if approved, the reimbursement will be issued after the work is completed and inspected.

Commissioner Madrid-Boyea asked if the infrastructure would be dedicated to the City before reimbursement is issued. **Mr. Patterson** said yes.

Mr. Patterson stated the applicant included the costs of the water line installation and paving work in the request. He said the infrastructure reimbursement program only covers infrastructure meeting City requirements and specifications. He stated the paving does not meet those requirements and is not eligible for reimbursement. He said the applicant is eligible for reimbursement of the water line installation costs. **Mr. Patterson** stated the Planning Department recommends reimbursement of \$150,000, the maximum amount allowed under the program.

1:09:33 **Commissioner Madrid-Boyea asked if anyone would like to speak regarding this item**
No one appeared.

1:09:35 **MOTION**

The motion was made by Commissioner Wilson and seconded by Commissioner Branson to approve a recommendation to City Council regarding the Infrastructure Reimbursement for Klein Subdivision

1:09:56

VOTE

The vote was as follows; Yes - Madrid-Boyea, Wilson, Branson; No - None; Absent - None; the motion carried

1:10:12

10. REPORT OF SUMMARY REVIEW SUBDIVISIONS

None at this time.

1:11:08

ADJOURNED

With no further business to discuss, Commissioner Madrid-Boyea declared the meeting adjourned at 6:10 PM.

Luis Madrid-Boyea

Madrid-Boyea, Commissioner

8/3/2016

Date