


ORDINANCE NO. 2010-20

AN ORDINANCE REZONING PART OF "B" RESIDENCE DISTRICT TO "D-2" GENERAL COMMERCIAL DISTRICT AND AMENDING SECTIONS 56-33 AND 56-36 OF THE CARLSBAD CITY CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, that:

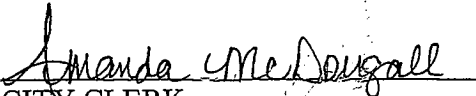
Sections 56-33 and 56-36 of the City of Carlsbad Code be and they hereby are amended to rezone part of "B" Residence District to "D-2" General Commercial District the real estate generally described as being located at the northeast corner of Boyd Driver and Kircher Street and more particularly described in the Boundary Survey filled in Cabinet 5, Slide 130-2 of the map records of Eddy County, New Mexico and containing 61.90 acres more or less.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 28TH day of SEPTEMBER, 2010.



WESLEY A. CARTER, MAYOR PRO TEM

ATTEST:



AMANDA MCLAUGHLIN
CITY CLERK

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM

Meeting Date: 9/28/10

DEPARTMENT: Licensing and Permits Department	BY: Stephanie Shumsky, Planning Supervisor	DATE: 8/27/10
--	--	----------------------

SUBJECT: Zoning Change from "B" – Residential District to "D-2" – General Commercial for 62+/- acres located at the northeast corner of Boyd Drive and Kircher Street pursuant to Section 3-21-1 et. Seq. NMSA 1978.

Applicant(s):
Valarie and Bill Murrill
P.O. Box 1266
Carlsbad, NM 88220

SYNOPSIS: The applicant is requesting a zoning change from "B" – Residential District to "D-2" – General Commercial District at the subject site. *The streets adjacent to the subject site are not sufficient in width and design to support commercial development. The existing width of the right-of-way is 60', which is typical for a residential street. A street with primarily commercial uses should be a minimum of 80' in width. Prior to development of the site, the street will need to be widened and improved. Additional right-of-way may need to be dedicated by the property owner at the time of development or otherwise acquired by the City.* The following information describes the uses and regulations for development in the existing and proposed zoning districts:

Existing zoning district:

ARTICLE IV. "B" RESIDENCE DISTRICT REGULATIONS

Sec. 56-91. Generally.

The regulations set forth in this article or set forth elsewhere in this chapter, when referred to in this article, are the "B" residence district regulations.
(Code 1974, § 38-21)

Sec. 56-92. Use regulations.

The use regulations in the "B" residence district shall be the same as those of the "A" residence district.
(Code 1974, § 38-22)

Sec. 56-93. Height regulations.

No building in the "B" residence district shall exceed 2 1/2 stories or 35 feet in height except as provided in sections 56-316 through 56-357.
(Code 1974, § 38-23)

Sec. 56-94. Area regulations.

The following area regulations are applicable in the "B" residence district:

- (1) *Front yard:*
 - a. There shall be a front yard having a depth of not less than 30 feet except as provided under sections 56-316 through 56-357, and except lots of record at the time of the passage of the ordinance comprising this chapter need not provide a front yard of a depth greater than 20 percent of the lot depth.
 - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on one street and a side yard setback having a depth of not less than ten feet on the side street; provided, however, that where the rear lot line is also a side lot line of the next lot, then there shall be a front yard on each street side of a corner lot; provided further, that the buildable width of a lot of record at the time of the passage of the ordinance comprising this chapter need not be reduced to less than 35 feet except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard on either street.
- (2) *Side yard:*
 - a. Except as hereinafter provided in this subsection and in sections 56-316 through 56-357, there shall be a side yard on each

side of a building as follows:

1. One-story building, 5 feet.
 2. Two-story building, 7 1/2 feet.
 3. Building more than two stories, 10 feet.
- b. Wherever a lot of record existing at the time of the passage of the ordinance comprising this chapter has a width of less than 50 feet, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than three feet.
- c. Where garages or carports are entered from a side street, whether detached or attached to the main building, they shall not be closer than ten feet to the street right-of-way line.
- (3) *Rear yard.* Except as provided in sections 56-316 through 56-357, there shall be a rear yard having a depth of not less than 40 feet or 30 percent of the depth of the lot, whichever amount is smaller. Except that the rear yard may be reduced to ten feet if the minimum side yards and front yard are maintained, and the main building and accessory building shall not cover more than 40 percent of the total lot area.
- (4) *Intensity of use.* Every lot or tract of land shall have an area of not less than 6,000 square feet per family and a width of not less than 50 feet at the building line except that if a lot or tract has less area or width than required in this chapter and was a lot of record on the effective date of the ordinance comprising this chapter, the lot may be used for a single-family dwelling. (Code 1974, § 38-24; Ord. No. 899, 5-10-83)
- Secs. 56-95-56-115. Reserved.

Proposed zoning district:

ARTICLE IX. "D-2" GENERAL COMMERCIAL DISTRICTS

Sec. 56-216. Generally.

The regulations set forth in this article, or set forth elsewhere in this chapter, where referred to in this article, are the regulations in the "D-2" general commercial district.
(Code 1974, § 38-40)

Sec. 56-217. Use regulations.

A building or premises in the "D-2" general commercial district shall be used only for the following purposes; provided, however, that any articles or materials that are kept, stored or displayed outside the confines of a building must not be kept, stored or displayed within required front, side or rear yards and must be fenced and screened from adjacent property in a residential district; and provided further, that uses such as creameries and bottling works requiring large amounts of water shall obtain a written statement from the city engineer certifying that adequate sanitary sewer facilities are available before the permit is granted.

- (1) Any use permitted in the "C" residence districts.
- (2) Bakery.
- (3) Bottling works.
- (4) Medical and dental clinics.
- (5) Lumber yards.
- (6) Bank.
- (7) Dry or steam cleaning shop or plant.
- (8) Barbershop, beauty parlor, chiropody, massage or similar personal service shop.
- (9) Bicycle sales and repair.
- (10) Bowling alleys.
- (11) Filling station.
- (12) Food storage locker.
- (13) Farm equipment sales and repair.
- (14) Garage and automobile repair, including automobile accessories.
- (15) Hospital and clinic for animals but not open kennels.
- (16) Hospital and clinic.
- (17) Laundry.
- (18) Office.
- (19) Restaurant.
- (20) Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility articles or similar trade.
- (21) Store or shop for the conduct of retail business.
- (22) Shop for repair of plumbing, radio and electric equipment, shoes, furniture and similar personal or household commodities.

- (23) Undertaking establishments.
- (24) Photographer studio.
- (25) Pool hall.
- (26) Shop for the repair of electrical and radio equipment and other similar commodities.
- (27) Storage of dry goods.
- (28) Theater or auditorium; provided, however, that no new theater or auditorium shall be erected, unless there is provided on the same lot or within 300 feet thereof within or contiguous to the "D-2" commercial district a space for off-street parking which contains an area adequate to accommodate one automobile for every four seats in the theater or auditorium.
- (29) Churches and other places of worship, Sunday School buildings, and parish houses, providing off-street parking space is provided within 300 feet of the lot occupied by the buildings, which space is to be adequate to accommodate one car for every eight persons for which seating is provided in the main auditorium of the church, exclusive of the seating capacity of Sunday school and other special rooms.
- (30) Accessory buildings and uses customarily incident to the above uses, including signs or bulletin boards, provided that all signs or bulletin boards may be erected or constructed only upon compliance with the sign ordinance in effect or hereinafter enacted by the city council.
(Code 1974, § 38-41)

Sec. 56-218. Height regulations.

A building in the "D-2" general commercial district may be erected to any height provided that the total floor space provided on a lot does not exceed the area of the lot except as otherwise provided in sections 56-316 through 56-357.
(Code 1974, § 38-42)

Sec. 56-219. Area regulations.

The following area regulations are applicable in the "D-2" general commercial district:

- (1) *Front yard.* No front yard shall be required, except where the frontage on one side of a street between two intersecting streets is partly in a residence district and partly in a commercial district the front yard regulations of the residence district shall apply.
- (2) *Side yard.* The side yard regulations for dwellings are the same as those in the "B" residence district. Where a lot is used for any of the commercial purposes permitted in this district, a side yard is not required, except:
 - a. On the side of a lot abutting on a dwelling district, in which case there shall be a side yard of five feet; and
 - b. On the side street of a corner lot where lots in a residential district front on the same side street, in which case there shall be a side yard of not less than ten feet.
- (3) *Rear yard.* Rear yards shall be only required where such rear yard is adjacent to or across an alley from any residence district; in such case a rear yard of no less than ten feet shall be required, which may be used to meet off-street parking and loading space requirements. In either case, loading space requirements as set forth in section 56-320 shall be provided. Except in cases where one or more lots of record are commonly owned resulting in a tract which abuts upon three streets and such tract is abutted on the fourth side by an alley. The requirement for a rear yard as set forth in this subsection may be omitted; provided, that any building placed upon such tract shall be designed and constructed to utilize a portion of the tract abutting the alley for the purpose of trash and garbage removal from the premises, and provided further, there shall be a side yard on each side of the building having a setback of not less than 20 percent of the width of the tract and a front yard of not less than 25 percent of its depth.
- (4) *Intensity of use.* When a lot is improved with a single-family dwelling, two-family dwelling, multiple dwelling, or when living units are erected above other uses, the intensity of use regulations are the same as those required in the "C" residence district.

(Code 1974, § 38-43)

Secs. 56-220-56-240. Reserved.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):

The subject site is surrounded by both "B" – Residence District Zoning and "D-2" – General Commercial District Zoning. The request does not constitute a "spot zone". According to Zoning Ordinance Sec. 56-4. Amendments., prior to approving a zoning change, the Planning and Zoning Commission must find "whether or not the proposal would improve or damage the comprehensive zoning plan herein established".

Within the *Greater Carlsbad Comprehensive Plan*, two development scenarios are discussed. The preferred scenario is the infill scenario. The infill scenario recommends this area for commercial development therefore, this request furthers the infill scenario. However, as previously stated, the adjacent streets will need to be

widened and improved in order to support commercial development of the site. Applicable Comprehensive Plan goals and policies are:

Section 4 Land Use

Goal 1: "The City of Carlsbad and Eddy County will coordinate and provide space for various land use activities in a manner that maintains and encourages an economically viable community."

Goal 2: "The City of Carlsbad will ensure that land use does not negatively impact the City's environmental resources."

Goal 4: "The City of Carlsbad will promote efficient use of government resources through well-planned land use decisions."

Goal 5: "The City of Carlsbad will strive to promote and enhance the general social welfare through land use planning."

Goal 6: "The City of Carlsbad will strive to create an aesthetically pleasing built environment."

**The City is required to notify property owners within 100' of the subject site, 15-days prior to the City Council's public hearing on this request, as required by Section 3-21-1 et. Seq. NMSA 1978, and to publish the hearing date at least 30-days prior to the hearing, as required by City Ordinance (Sec. 56-4).*

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL DISAPPROVAL

The vote was 4-0.

PLANNING STAFF RECOMMENDATION: Based on department recommendations, comments and analysis, planning staff recommends approval.

DEPARTMENT RECOMMENDATION (please check):

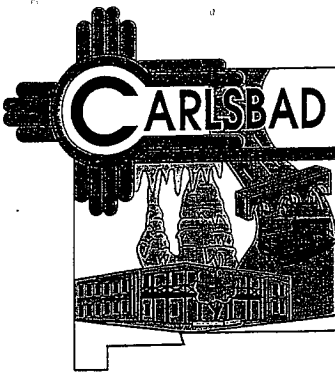
	Approval	Denial		Approval	Denial
Public Works	<input checked="" type="radio"/>	<input type="radio"/>	Building Department	<input checked="" type="radio"/>	<input type="radio"/>
Fire Department	<input type="radio"/>	<input checked="" type="radio"/>	Code Enforcement	<input type="radio"/>	<input type="radio"/> no comment
Legal Department	<input type="radio"/>	<input type="radio"/> no comment	Engineering Department	<input type="radio"/>	<input type="radio"/> no comment
Police Department	<input type="radio"/>	<input type="radio"/> no comment	Community Development	<input checked="" type="radio"/>	<input type="radio"/>

DEPARTMENT COMMENTS: None

Reviewed By:

City Administrator:  **Date** 9/23/10

ATTACHMENTS: Application materials and P & Z minutes



DALE JANWAY
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

HARRY BURGESS
CITY ADMINISTRATOR

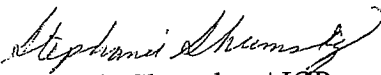
8/12/10

Valarie and Bill Murrill
P.O. Box 1266
Carlsbad, NM 88220

OFFICIAL NOTICE OF RECOMMENDATION

On 8/9/10 the City of Carlsbad Planning and Zoning Commission recommended approval to the City Council of your request for a Zoning Change from "B" – Residential District to "D-2" – General Commercial for 62+/- acres located at the northeast corner of Boyd Drive and Kircher Street pursuant to Section 3-21-1 et. Seq. NMSA 1978.

The City Council will hear this item at its regularly scheduled meeting on 9/28/10 at 6pm in the Council Chambers, 101 N. Halagueno, Carlsbad, NM 88220. Please contact me at (575) 887-1191 x 263 if you need additional information.


Stephanie Shumsky, AICP
Planning Supervisor

COUNCILORS

Ward 1

NICK G. SALCIDO
PAUL C. AGUILAR

Ward 2

SANDRA K. NUNLEY
RICHARD L. GRAVES

Ward 3

WESLEY A. CARTER
JUDI WATERS

Ward 4

FRED WOODY
DICK DOSS



DALE JANWAY
MAYOR

Post Office Box 1569
Carlsbad, NM 88221-1569
(575) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

HARRY BURGESS
CITY ADMINISTRATOR

8/12/10

Dear Property Owner,

Because you are an owner of property within 150' of the subject site, you are hereby notified of a pending application for zone change as required by Section 3-21-1 et. Seq. NMSA 1978.

An application has been received by the City of Carlsbad from Valarie and Bill Murrill, P.O. Box 1266, Carlsbad, NM 88220 for a Zoning Change from "B" – Residential District to "D-2" – General Commercial for 62+/- acres located at the northeast corner of Boyd Drive and Kircher Street pursuant to Section 3-21-1 et. Seq. NMSA 1978.

The existing "B" – Residence District and the "D-2" – General Commercial District zoning regulations can be found in Section 56 (Zoning Ordinance) of the City's Code of Ordinances. The Code of Ordinances is on file in the City Clerk's office or can be viewed on the City's website at www.cityofcarlsbadnm.com.

The City Council will consider this request at the regularly scheduled meeting on 9/28/10, at 6pm in the City Council Chambers located in City Hall, 101 N. Halagueno. If you have questions about this request, please contact me at (575) 887-1191 ext.263 or send written comments to: sshumsky@cityofcarlsbadnm.com or Licensing and Permits, P.O. Box 1569, Carlsbad, NM 88221-1569.

Respectfully,

A handwritten signature in cursive script that reads "Stephanie Shumsky".

Stephanie Shumsky, AICP
Planning Supervisor

COUNCILORS

Ward 1
NICK G. SALCIDO
PAUL C. AGUILAR

Ward 2
SANDRA K. NUNLEY
RICHARD L. GRAVES

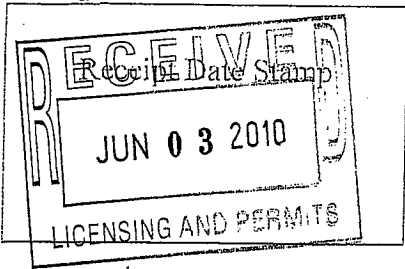
Ward 3
WESLEY A. CARTER
JUDI WATERS

Ward 4
FRED WOODY
DICK DOSS



Red: Architecture boundary

Black = Subject site



FEE(\$10.00): 10.00 ✓
PVP

DATE: 6-3-10

ZONING CHANGE APPLICATION FORM

Property Owner 1: Valerie Murrill
 Address: PO Box 1266 Carlsbad NM 88221
 Phone: 575-234-9905 Cell: _____
 Fax: 575-234-9063 Email: murrelect@aol.com

Property Owner 2: Bill Murrill
 Address: PO Box 1266 Carlsbad NM 88221
 Phone: 575-234-9905 Cell: _____
 Fax: 575-234-9907 Email: murrelect@aol.com

Current Zone: B single Family Proposed Zone: O2

Location of Property: 2700 Boyd Dr. Carlsbad NM

Legal Description of Property (Subdivision, Lot, Block, Unit, etc.): Vacant Land
Metes & Bounds Description as per attached.

FOR OFFICIAL USE ONLY

Required prior to P & Z:

Complete Application Including: Map Fee Petition Letter of Explanation

Required prior to City Council:

Council Hearing Date: _____ Publication Date: _____

Property Owner Notification Sent (within 100' minimum.): _____

ABM Staff Comments Application Packet Draft Ordinance P&Z Minutes

Council Action: Approved Denied Other Ordinance No.: _____



CITY OF CARLSBAD

Licensing and Permits Department

Phone (575) 887-1191

Fax (575) 885-9871

AFFIDAVIT BY PROPERTY OWNER

Application for Zoning Change

I (we) hereby certify to the City Council of the City of Carlsbad, New Mexico, that I am (we are) the owners and record title holder(s) of the property described below and I am (we are) in support of the proposed zone change to my (our) property and request that the City of Carlsbad consider my (our) application for such change:

ADDRESS OF PROPERTY: 2700 Boyd Dr. STREET ADDRESS

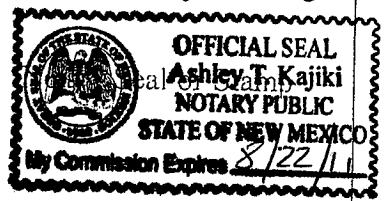
LEGAL DESCRIPTION OF PROPERTY: Vacant Land - Metes & Bounds as per attached SUBDIVISION, BLOCK AND LOT (OR DESCRIPTION OF TRACT)

EXISTING ZONE: B single Family PROPOSED ZONE: O2

OWNER 1: [Signature] SIGNATURE

STATE OF NEW MEXICO COUNTY OF EDDY

Signed and affirmed before me on this 11th day of May, 2010, by Ashley Kajiki

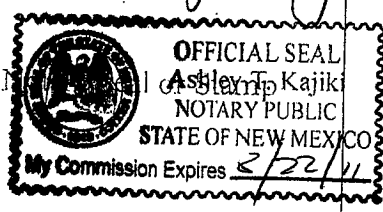


[Signature] NOTARY SIGNATURE My commission expires: 8/22/11

OWNER 2: [Signature] SIGNATURE

STATE OF NEW MEXICO COUNTY OF EDDY

Signed and affirmed before me on this 11th day of May, 2010, by Ashley Kajiki



[Signature] NOTARY SIGNATURE My commission expires: 8/22/11



CITY OF CARLSBAD
 Licensing and Permits Department
 Phone (575) 887-1191
 Fax (575) 885-9871

Receipt Date Stamp

PETITION OF NEIGHBORHOOD RESIDENTS

Part 1 Description of Request: The following applicant is in the process of requesting City Council approval to undertake the action described below:

NAME OF APPLICANT	TELEPHONE NUMBER	ADDRESS SUBJECT TO REQUEST
→ Valerie Murrill & Bill Murrill	→ 575-234-9905	→ 2700 Boyd Dr.

REQUESTED ACTION (CHECK ONLY ONE)	DESCRIPTION OF PROPOSAL BY APPLICANT (DESCRIBE PROPOSED CHANGES: Change in use of property; off-street parking; truck deliveries; hours of operation, etc.)
<input type="checkbox"/> Special Property Use <input checked="" type="checkbox"/> Change in Zoning District <input type="checkbox"/> Zoning District Variance	→ Development of single &/or multi-family housing & a parking to be developed as commercial strip mall stores & D2
<input type="checkbox"/> Variance from Subdivision Regulations <input type="checkbox"/> Vacation of Public Right-of-Way	

Part 2 Residents Note: The applicant is required to circulate this petition throughout your neighborhood and request your opinion. You are under no obligation to provide that opinion, favorable or otherwise, but any information you provide will assist in making the best decision possible regarding this proposal. In either case, should you wish to discuss this matter in private with the Planning Department, please check the "PLEASE CALL" box.

	NAME (Signature)	ADDRESS	OWN	RENT	TELEPHONE	PLEASE CALL	OPINION	
							Support	No Opinion
1			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Applicants are required to obtain the signatures of property owners within, as a **MINIMUM**, 150' of the property subject to the request.
 CONTINUED ON NEXT PAGE

STATE LIMITS

~~3050~~
2700

Boyd

Attn: Denise



BOYD DRIVE

ZONE AE

3138

Commercial

CALIFORNIA STREET

OKLAHOMA STREET

Subject Property

Single or multi-family housing

STREET

STREET

STREET

ARIZONA

STREET

310

STR

COLORADO

PRESIDIO

MONTREY

ALABAMA

Denise we would like to zone the entire property D2. After looking online it seems like that would be the best option

KIRCHER STREET

SAN JOSE

BOULEVARD

FLOODING EFFECT FROM DARK CANY

PROSPECT STREET

CARVER

STREET

DAVIS

Flood Map

DAVIS

S

STREET

NOTICE OF INTENT TO DEVELOP VACANT LAND

May 21, 2010

Angelo Fuentez
2612 Boyd Drive
Carlsbad, New Mexico 88220

RE: 2700 Boyd Drive

This letter is to serve notification that Mesa Properties of Carlsbad, LLC is seeking a zone change from B (residential) to D2 (general commercial, single family multi-family) for the property outlined as **LT 3** shown on the attachment.

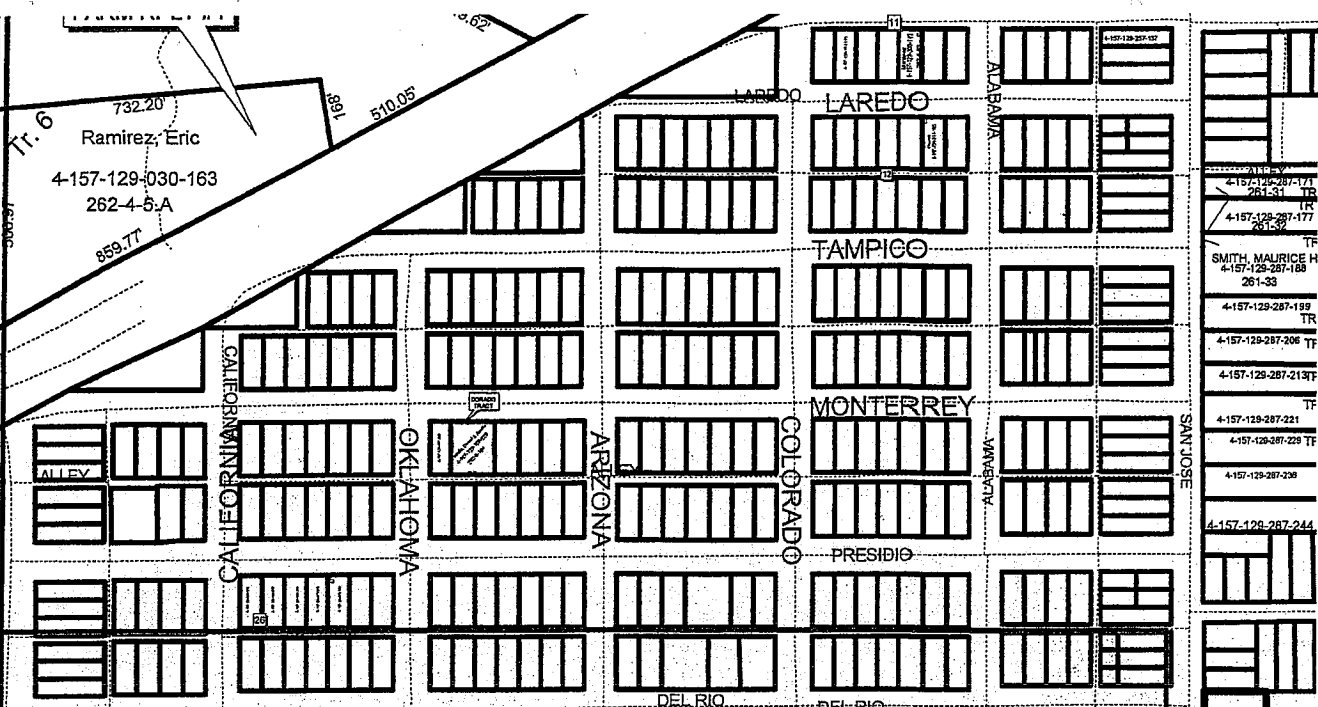
For further information or clarification, please contact Stephanie Shumsky at the Carlsbad Building Permits Department at 575-887-1191 or 101 North Halagueno, Carlsbad, New Mexico 88220.

Your cooperation is appreciated!

Sincerely,

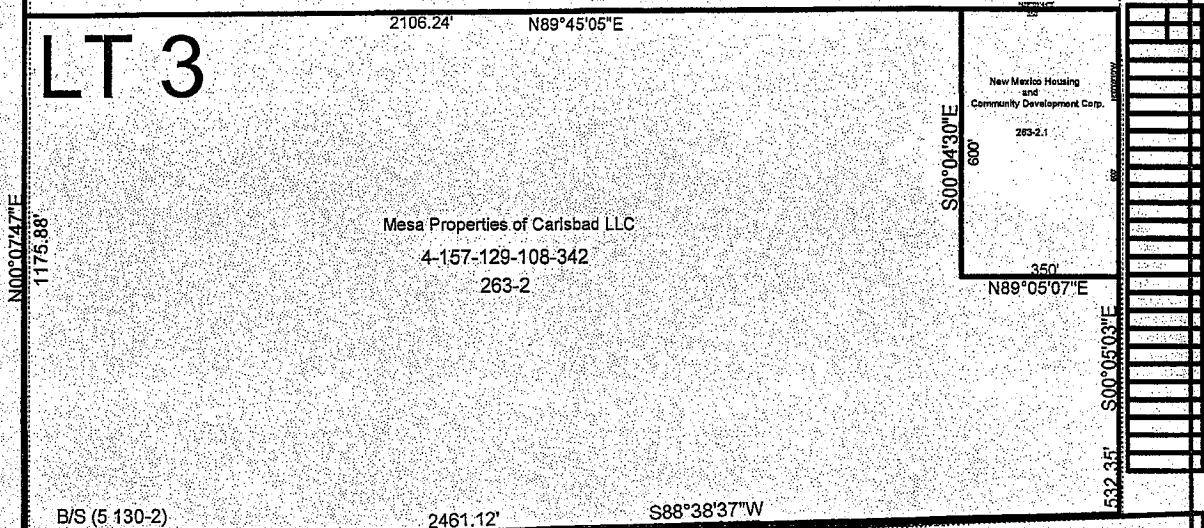
Valerie Murrill
Mesa Properties of Carlsbad, LLC

Mailed 5/27/2010



4-157-129-287-171 TR
 261-31
 4-157-129-287-177 TR
 261-32
 SMITH MAURICE H
 4-157-129-287-188
 261-33
 4-157-129-287-199 TR
 4-157-129-287-206 TR
 4-157-129-287-213 TR
 TR
 4-157-129-287-221
 4-157-129-287-229 TR
 4-157-129-287-238
 4-157-129-287-244

LT 3



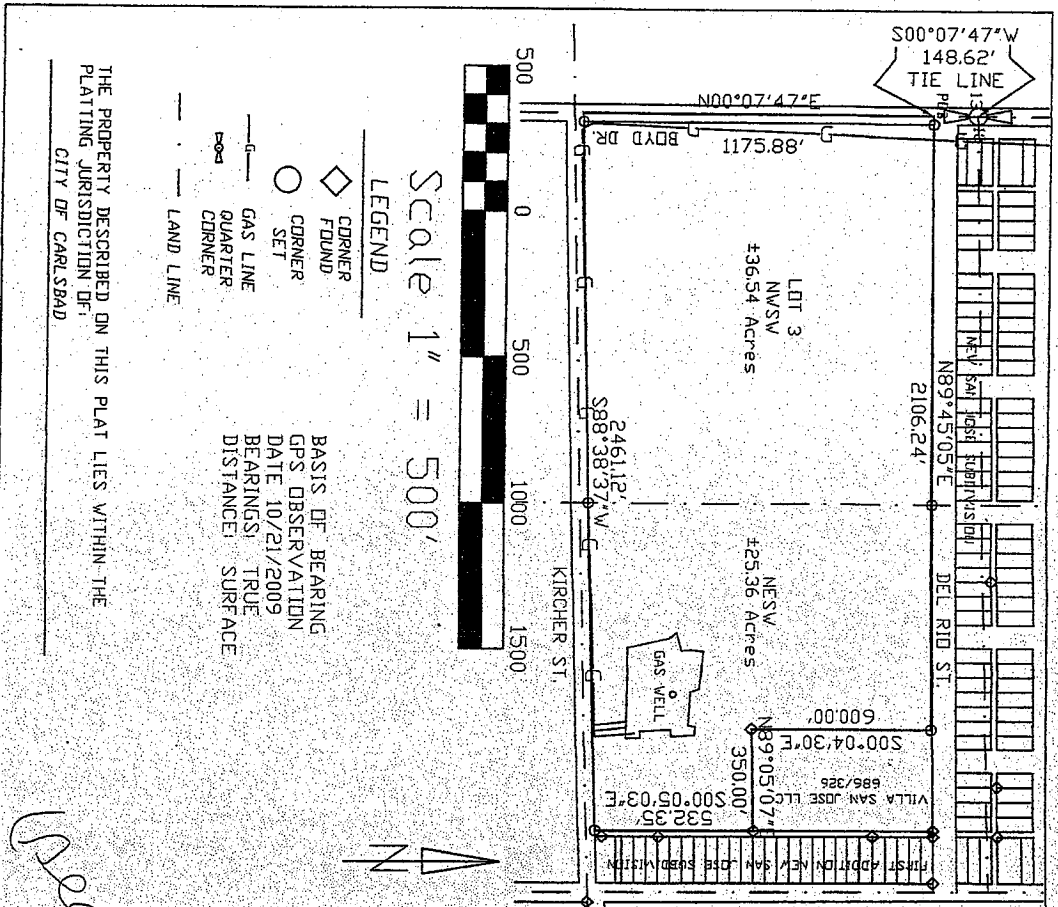
4 4-157-129-133-467

5184'

ROSE
 570
 White, Cleve & Rita
 4-157-130-094-017 351
 265A-23.5A

ROSE
 Southern Sky Suvdivision
 Unit Three Phase One

SAN JOSE
 MC
 4-157-129-287-171
 4-157-129-287-177
 4-157-129-287-188
 4-157-129-287-199
 4-157-129-287-206
 4-157-129-287-213
 4-157-129-287-221
 4-157-129-287-229
 4-157-129-287-238
 4-157-129-287-244



THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT, IT IS NOT A LAND DIVISION OR A SUBDIVISION, AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

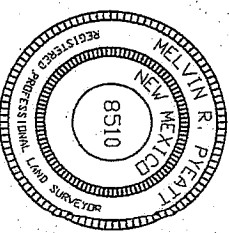
BOUNDARY SURVEY

DE PART OF LOT 3, AND THE NESW OF SECTION 18, TOWNSHIP 22 SOUTH, RANGE 27 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE W1/4 COR OF SAID SECTION 18, S00°07'47"W ALONG THE WEST LINE OF SECTION 18, FOR 14862 FEET TO THE POINT OF THE BEGINNING; THENCE N89°45'05"E ALONG THE SOUTH LINE OF DEL RIO ST., FOR 2106.24 FEET TO THE NW CORNER OF VILLA SAN JOSE APARTMENTS; THENCE S00°04'30"E FOR 600.00 FEET; THENCE N89°05'07"E FOR 350.00 FEET; TO THE WEST LINE OF THE FIRST ADDITION NEW SAN JOSE SUBDIVISION (CABINET 2, SLIDE 42-3, (MREG)); THENCE S00°05'03"E ALONG THE WEST LINE OF SAID SUBDIVISION FOR 532.35 FEET TO THE NORTH LINE OF SAID STREET FOR 2461.12 FEET TO THE WEST LINE OF SECTION 18; THENCE N00°07'47"E ALONG THE WEST LINE OF SECTION 18, FOR 1175.88 FEET TO THE POINT OF BEGINNING, CONTAINING 61.90 ACRES MORE OR LESS.

I, MELVIN R. PYEATT, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I CONDUCTED, AND AM RESPONSIBLE FOR THIS SURVEY, AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

MELVIN R. PYEATT, 423 W. GREENE ST., CARLSBAD, N.M., 88220
 CERTIFICATE NO. 9310 TELE. 885-6867 FAX 885-6867



STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE PUBLIC OFFICE OF THE COUNTY CLERK AT CARLSBAD, N.M., ON THIS 27th DAY OF OCTOBER, 2009.

CABINET SLIDE 42-3
 DARLENE RISSPRIN-COUNTY CLERK
 BY *[Signature]* DEPUTY

INDEXING INFO. FOR CO. CLERK
SEC. 18 T. 22S., R. 27E., N.M.P.M.
SUBDIVISION: NONE
OWNER: RUDOLPH L. & PATRICIA T. WOLFF, REV TRUST ET AL
CITY: CARLSBAD
COUNTY: EDDY
STATE: NEW MEXICO
DATE: OCTOBER 27, 2009
ACCESS: YES
AREA: 61.90 ACRES

THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF: CITY OF CARLSBAD

- LEGEND**
- ◇ CORNER FOUND
 - CORNER SET
 - GAS LINE
 - QUARTER CORNER
 - LAND LINE
- BASIS OF BEARING:** GPS OBSERVATION
DATE: 10/21/2009
BEARINGS: TRUE
DISTANCES: SURFACE

Scale 1" = 500'



MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

August 9, 2010 at 5:00 p.m.

DRAFT

**Held in the Municipal Building
Planning Room**

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION
REGULAR MEETING

Monday, August 9, 2010 at 5:00 PM

Municipal Building 101 N. Halagueno Street
Planning Room (Second Floor)

1. Approval of Agenda.
2. Approval of Minutes from the Regular Meeting held June 7, 2010.
3. Request for review and recommendation of a Variance from the City's Zoning Regulations, Section 56-94(3) - Area Regulations in the "B" - Residential Zone, Sec. 56-344 - Accessory Buildings in the Rear Yard and Sec. 56-346 - Yards to be Unobstructed, to allow a rear-yard setback of 0', which will allow the construction of a carport on the rear property line at 814 Del Rio.

Applicant: Robert Morton, 814 Del Rio, Carlsbad, NM 88220.
4. Request for review and recommendation of a variance from the City's Zoning Regulations, Section 56-94(2)(a) - Area Regulations in the "B" - Residential Zone, to allow a side-yard setback variance of 8" (eight inches), which will allow the construction of a residence at 201 N. 11th St.

Applicant: Richard Craig, 202 N. 11th, Carlsbad, NM 88220.
5. Request for review and recommendation of a variance from the City's Zoning Regulations, Section 56-94(2) - Area Regulations in the "B" - Residential Zone to allow a side-yard setback variance of 3'6", which will allow the construction of an addition to an existing storage building at 107 N. 3rd St.

Applicant: Salomon and Yolanda Arreola, 107 N. 3rd St., Carlsbad, NM 88220.
6. Request for review and recommendation of a variance from the City's Subdivision Regulations, Section 47-42(n) - Sidewalks., to allow construction of Sunwest Subdivision, Unit 6, which is located within the City limits, without the required sidewalks.

Applicant: James Knott, 3302 National Parks Highway, Carlsbad, NM 88220.

7. Request for review and recommendation of a variance from the City's Subdivision Regulations, Section 47-62(4)(d) - Roadway Improvements., to allow construction of the roads within Sunwest Subdivision, Unit 6, which is located within the City limits, without the required curb and gutter.

Applicant: James Knott, 3302 National Parks Highway, Carlsbad, NM 88220.

8. Request for review and recommendation of a zoning change from "B" – Residence District to "R" – Rural Residence District for 0.773+/- acres located at 2511 Westernway Street pursuant to Section 3-21-1 et. Seq. NMSA 1978.

Applicant: Mary Margaret Hughes, 2511 Westernway, Carlsbad, NM 88220.

9. Request for review and recommendation of a zoning change from "B" – Residential District to "D-2" – General Commercial District for 62+/- acres located at the northeast corner of Boyd Drive and Kircher Street pursuant to Section 3-21-1 et. Seq. NMSA 1978.

Applicant(s): Valarie and Bill Murrill, P.O. Box 1266, Carlsbad, NM 88220.

10. Zoning Ordinance Draft Discussion.

11. Adjourn.

DRAFT

MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING 101 N. HALAGUENO STREET IN THE PLANNING ROOM AUGUST 9, 2010 AT 5:00 P.M.

MEMBERS PRESENT: RICHARD HERNANDEZ COMMISSIONER
 JAMES MCCORMICK COMMISSIONER
 MIKE WELCH COMMISSIONER
 KAREN WESTALL COMMISSIONER

MEMBERS ABSENT: NONE (NEW COMMISSIONER NOT APPOINTED YET)

STAFF PRESENT: STEPHANIE SHUMSKY CITY PLANNER
 EILEEN RIORDAN CITY ATTORNEY
 PATTIE PISTOLE SECRETARY

OTHERS PRESENTS: MARY VINCENT 2511 WESTERNWAY
 MARY M HUGHES 2511 WESTERNWAY
 JAMES KNOTT 3302 NATL PKS HWY
 RON PYEATT 3009 MOUNTAINVIEW
 RICHARD CRAIG 202 N 11TH
 COREY NEWBERRY 1031 N SPRING ST
 SALOMON ARREOLA 107 N 3RD
 YOLANDA ARREOLA 107 N 3RD
 DICK MEANS PO BOX 577, LOVING, NM

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 Start Recording [4:57:42 PM]

0:00:59 1. Approval of Agenda.

Mr. McCormick moved to accept the agenda. Mr. Welch seconded the motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

0:02:32 2. Approval of Minutes from the Regular Meeting held June 7, 2010.

Ms. Westall moved to accept the agenda. Mr. McCormick seconded the motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

0:02:34 3. Request for review and recommendation of a Variance from the City's Zoning Regulations, Section 56-94(3) - Area Regulations in the "B" - Residential Zone, Sec. 56-344 - Accessory Buildings in the Rear Yard and Sec. 56-346 - Yards to be Unobstructed, to allow a rear-yard setback of 0', which will allow the construction of a carport on the rear property line at 814 Del Rio. Applicant: Robert Morton, 814 Del Rio, Carlsbad, NM 88220.

Since Mr. Morrow was not present, Mr. Welch made a motion to table the issue. Mr. McCormick seconded the motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

0:03:07 4. Request for review and recommendation of a variance from the City's Zoning Regulations, Section 56-94(2)(a) - Area Regulations in the "B" - Residential Zone, to allow a side-yard setback variance of 8" (eight inches), which will allow the construction of a residence at 201 N. 11th St. Applicant: Richard Craig, 202 N. 11th, Carlsbad, NM 88220.

Mr. McCormick questioned whether or not the overhang had been accounted for in the measurements. After looking at various diagrams and discussions, it was decided that it must have been.

Ms. Westall motioned to recommend the Variance. Mr. Welch seconded the motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

0:14:52 5. Request for review and recommendation of a variance from the City's Zoning Regulations, Section 56-94(2) - Area Regulations in the "B" - Residential Zone to allow a side-yard setback variance of 3'6", which will allow the construction of an addition to an existing storage building at 107 N. 3rd St. Applicant: Salomon and Yolanda Arreola, 107 N. 3rd St., Carlsbad, NM 88220.

After brief discussion, Ms. Westall motioned to recommend the Variance, which was seconded by Mr. McCormick. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

0:25:20 6. Request for review and recommendation of a variance from the City's Subdivision Regulations, Section 47-42(n) - Sidewalks., to allow construction of Sunwest Subdivision, Unit 6, which is located within the City limits, without the required sidewalks. Applicant: James Knott, 3302 National Parks Highway, Carlsbad, NM 88220.

Mr. Knott noted that there was already an existing road there, with utilities already in place. He brought up the fact that the surrounding areas do not have sidewalks. He said it would also create financial hardship for the owner to install the sidewalks.

After some discussion, Mr. McCormick motioned to recommend approval of the Variance. Ms. Westall seconded the motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

0:52:42 7. Request for review and recommendation of a variance from the City's Subdivision Regulations, Section 47-62(4)(d) - Roadway Improvements., to allow construction of the roads within Sunwest Subdivision, Unit 6, which is located within the City limits, without the required curb and gutter. Applicant: James Knott, 3302 National Parks Highway, Carlsbad, NM 88220.

Mr. Knott made the same argument for not having curbs in the area as he did for not having sidewalks.

Mr. McCormick moved to recommend the Variance, and Mr. Welch seconded his motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

0:55:58 **8. Request for review and recommendation of a zoning change from "B" – Residence District to "R" – Rural Residence District for 0.773+/- acres located at 2511 Westernway Street pursuant to Section 3-21-1 et. Seq. NMSA 1978. Applicant: Marv Margaret Hughes, 2511 Westernway, Carlsbad, NM 88220.**

Ms. Hughes stated that she wants to have the zone changed to "R"—Rural Residential, so that her sister can place a single-wide mobile home on the property. Her sister cannot afford a more expensive double-wide, which is required in a "B"—Residential Zone. It was noted by the Commissioners that the property in question is contiguous to "R"—Residential.

Mr. Welch made a motion to recommend the Zone Change. Mr. McCormick seconded the motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

1:05:23 **9. Request for review and recommendation of a zoning change from "B" – Residential District to "D-2" – General Commercial District for 62+/- acres located at the northeast corner of Boyd Drive and Kircher Street pursuant to Section 3-21-1 et. Seq. NMSA 1978. Applicant(s): Valarie and Bill Murrill, P.O. Box 1266, Carlsbad, NM 88220.**

Mr. Murrill wanted the zone changed from "B"—Residential to "D-2"—General Commercial, so that light to moderate industrial businesses could be put in. These would include businesses such as contractors and auto repair shops. Constructors, Inc. is already a business in that area. Ms. Shumsky added that Mr. Murrill had not included a petition of surrounding property owners, but that he had sent out letters to them. Some of them had called with questions about why they were getting a letter. She also said there might be a need to widen the road because of the already heavy truck traffic in that area.

Ms. Westall moved to recommend the Zone Change, which was seconded by Mr. McCormick. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

1:16:54 **10. Zoning Ordinance Draft Discussion.**

Ms. Shumsky stated that a lot had happened since they began discussing the Zoning Ordinance. A new commissioner had been appointed and another one was to be appointed the next day. She wanted to get them together to catch up on how far the commissioners had gotten in reviewing the draft. It was agreed that there is a lot to be done. Then, the whole group will meet on August 25, 2010, 3-5 p.m., to get started where they left off at the Use Table.

1:34:27 **4. Request for review and recommendation of a variance from the City's Zoning Regulations, Section 56-94(2)(a) - Area Regulations in the "B" - Residential Zone, to allow a side-yard setback variance of 8" (eight inches), which will allow the construction of a residence at 201 N. 11th St. Applicant: Richard Craig, 202 N. 11th, Carlsbad, NM 88220.**

Mr. Craig had gone to confirm the overhang for his property, and found that the information he had did not include the overhang after all. It only included the size of the slab. He did not know if he should withdraw his Variance request. The commissioners decided that instead of 8", they could vote on and recommend a 1'4" Variance per side instead.

Mr. McCormick motioned to recommend the Variance of 1'4" on each side for overhang. Ms. Westall seconded the motion. Vote was as follows: Mr. McCormick—Yes; Mr. Welch—Yes; Mr. Hernandez—Yes; Ms. Westall—Yes. Motion carried.

1:38:08 11. Adjourn.

There being no further business, meeting was adjourned.

1:38:13 Stop Recording [6:35:55 PM]

Chairman

Date

ATTEST:

City Clerk

Date

DRAFT