

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION
REGULAR MEETING

Monday, September 8, 2014 at 5:00 PM

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

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held August 4, 2014.
4. Consider recommendation regarding the Annexation of an approximately 15.89 acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978. (Tabled from the 8/4/14 meeting)
5. Consider recommendation regarding the Establishment of Planned Unit Development (PUD) zoning of an approximately 15.89 acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico. (Tabled from the 8/4/14 meeting)
6. Consider recommendation regarding a request for Temporary Housing as a Temporary Use at 3412 Hidalgo Rd., zoned "R-R" Rural Residential District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13. (Tabled from 8/4/14 and subsequently withdrawn by applicant)
7. Consider request for an Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the north side property line, which would result in a 0' side-yard setback at 203 S. Tenth St., zoned R-1.
8. Consider request for an Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the western property line, which would result in a 0' side-yard setback at 810 Latrobe Dr., zoned Planned Unit Development (PUD).
9. Consider request for an Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 30', which would result in a 0' front-yard setback at 912 Albert St., zoned R-1.
10. Consider recommendation regarding the request allowing Temporary Housing as a Temporary Use at 1100 W. Fox St., legally described as Greene's Highlands Subdivision, Block 6, Lots 2, 4, 6, and 8, zoned R-2, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13 and as revised on 8/12/14.
11. Consider recommendation regarding a Zoning Change from "R-1" Residential District to "C-2" Commercial District for an approximately 0.88 acre parcel, located at 1105 N. Pate St., legally described as Beg NW COR, Cavern Subdivision, N05 DEG 15'W 291.60', S61 DEG 36'W 208.93', S02 DEG 07'W 191.92', N89 DEG 42'W 150' to POB, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.
12. Consider request for an Appeal (variance) from Section 56-70(d)(5)(d) to allow a 4' tall perimeter fence instead of the maximum allowed 3' at 1107 W. Country Club Circle, zoned R-1.
13. Report regarding plats approved through Summary Review process.
14. Adjourn.

Agenda Item #1: Roll Call of Voting Members and determination of Quorum

Agenda Item #2: Approval of Agenda

#3 Approval of Minutes from Previous Meeting

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

August 4, 2014, at 5:00 p.m.

Meeting Held in the Planning Room

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION
REGULAR MEETING

Monday, August 4, 2014 at 5:00 PM

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

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Regular Meeting held July 7, 2014.
4. Consider recommendation regarding a request for Temporary Housing as a Temporary Use at 3412 Hidalgo Rd., legally described as the Lunsford Land Division, Tract A, zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
5. Consider recommendation regarding a request for Temporary Housing as a Temporary Use at 3902 & 3904 Standpipe Road, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13, Zoned "R-R". (Deferred from 7/7/14 meeting. Tabled)
6. Consider recommendation regarding an Appeal (variance) from Code of Ordinances Section 47-42(c)(3) to allow the construction of a Local Street with a right-of-way width of 50' rather than the required 60', resulting in a variance of 10', pursuant to Section 47-7.
7. Consider recommendation regarding the Annexation of an approximately 15.89+/- acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978. (Deferred from the 7/7/14 meeting. Tabled)
8. Consider recommendation regarding the Establishment of Planned Unit Development (PUD) zoning of an approximately 15.89+/- acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico. (Deferred from the 7/7/14 meeting. Tabled)
9. Report regarding plats approved through Summary Review process.
10. Adjourn.

If you require hearing interpreters, language interpreters, auxiliary aids in order to attend and participate in the above meeting, please contact the City Administrator's offices at (575) 887-1191 at least 48 hours prior to the scheduled meeting.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &
ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM,
101 N. HALAGUENO STREET, AUGUST 4, 2014, AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

**JAMES KNOTT
JAMES MCCORMICK
RICK BROWN
WANDA DURHAM**

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

EDDIE RODRIGUEZ

COMMISSIONER

EX-OFFICIO MEMBERS PRESENT:

**STEPHANIE SHUMSKY
JEFF PATTERSON**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

BOARD SECRETARY PRESENT:

PATTIE PISTOLE

**PLANNING, ENGINEERING
AND REGULATION DEPARTMENT
SECRETARY**

OTHERS PRESENT:

**WENDELL BANIGAN
WILLIAM SKILLERN
SUSAN MARTIN
GILBERT WIDNER
LOUISE TRACY
FRED TOOTHMAN
TRACY FRANCIS
ZACHARY THEUS
JAMES BRADFORD
KEN SKINNER
CHARLIE GARCIA**

**1613 N. MESA
1108 N. COUNTRY CLUB
3412 HIDALGO
3904 STANDPIPE, SP. 1
1525 N. GUADALUPE
1713 SANDY LANE
1530 ARBOR CT
LAS CRUCES NM
414 RIVERVIEW
PHOENIX AZ
101 N. HALAGUENO**

Computer error. Recording failed.

1. Roll call of voting members and determination of quorum.

Meeting was called to order at 5:05 p.m. **Mr. Knott** called roll. There was a quorum. Present: **Mr. McCormick, Mr. Knott, Mr. Brown.** Absent: **Ms. Durham, Mr. Rodriguez.**

2. Approval of Agenda.

Motion was made by **Mr. Brown** for approval of the Agenda. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes –Mr. McCormick, Mr. Knott, Mr. Brown;** No – None; Abstained – None; Absent – **Mr. Rodriguez, Ms. Durham.** The motion carried.

(Note: Ms. Durham arrived at 5:10 p.m. and was present for the remainder of the meeting.)

3. Approval of Minutes from the Regular Meeting held July 7, 2014.

Motion made by **Mr. McCormick** and seconded by **Mr. Brown** for approval of the Minutes with one change—on Item #9, p. 7, it should have read “mobile” not “manufactured” homes. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Brown**; No – None; Abstained – None; Absent – **Mr. Rodriguez**. The motion carried.

4. Consider recommendation regarding a request for Temporary Housing as a Temporary Use at 3412 Hidalgo Rd., legally described as the Lunsford Land Division, Tract A, zoned “R-R” Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.

Ms. Martin was at the meeting to answer any questions. **Mr. Patterson** explained that the applicant wanted to put in RV’s for temporary housing. The site plan didn’t show some of the necessary information, such as the location of hook-ups for water and sewer. **Ms. Martin** said that City water is available, and that there would be 30 x 60 feet for each space, allowing for two vehicles each. There would be a holding tank for the sewer, because NM Environment had told them that septic tanks are not allowed for RV’s now. Each space will be fenced with a gate, and there will be fencing all around the property. Each site will have its own electric meter and night light. They want to start with ten spaces and grow from there. **Ms. Shumsky** reminded them that there could not be any permanent structures, unless they could be torn down at the end of the permitted time, and that the fencing should be erected before the RV’s are placed. She also stressed that a more detailed drawing is needed showing things like how many spaces are proposed, where the fencing will be, and hook-ups, before the Council decides the matter. There was no public comment. **Ms. Durham** expressed concern that the application was not as complete as she would like. She wanted to see plans of exactly what she is recommending approval for.

Motion made by **Ms. Durham** to table the item until more complete information is available. **Mr. McCormick** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Brown**; No – None; Abstained – None; Absent – **Mr. Rodriguez**. The motion to table carried.

5. Consider recommendation regarding a request for Temporary Housing as a Temporary Use at 3902 & 3904 Standpipe Road, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13, Zoned “R-R”. (Deferred from 7/7/14 meeting. Tabled.)

Mr. Widner came forward to ask for a Temporary Housing permit. **Ms. Shumsky** stated that he had been living on the property in an RV when he was informed that he needed a permit to do so. There was no site plan included in his application, which would be necessary prior to approval. **Mr. Widner** said he really just needs permission for one space at this time, and that he is using the septic system from a house that is on the property. There was discussion that he needed to put up fencing and get approval from EID, or provide for waste storage. There was no public comment.

Motion was made by **Mr. McCormick** to recommend approval with conditions, including fencing and written approval from NM Environmental, only for as long as the applicant is living there. **Mr. Brown** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Brown**; No – None; Abstained – None; Absent – **Mr. Rodriguez**. The motion carried.

6. Consider recommendation regarding an Appeal (variance) from Code of Ordinances Section 47-42(c)(3) to allow the construction of a Local Street with a right-of-way width of 50' rather than the required 60', resulting in a variance of 10', pursuant to Section 47-7.

Mr. Patterson stated that Staff recommends approval, because the request is justified. **Mr. Theus** came forward for the application. He mentioned that this affects the right of way, not the actual width of the paved road. During public comment, **Mr. Bannigan** asked several question, mainly pertaining to the future use of the surrounding property. He wanted to know if there was someone already interested in buying the property and what it would be used for. **Mr. Theus** was unable to say, and the question was not pertinent to the application. **Ms. Tracy** explained that her father and sister gave the Cherry Lane Park to the community and thought they gave 60' for access. Since then there has been confusion and the light poles are not along the proper line. There was no intention for others in the future to have to get a Variance. She said she thought it would be an asset to have a paved road, rather than a dirt one. **Mr. Toothman** wanted to know if the gate restricting access would stay. **Mr. Theus** didn't know. **Mr. Toothman** said that if it was a public road dedicated to the City, then the public would have to have access. He was in favor of the right of way Variance.

Mr. Brown made a motion to approve the Variance. The motion was seconded by **Ms. Durham**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Brown**; No – None; Abstained – None; Absent – **Mr. Rodriguez**. The motion carried.

7. Consider recommendation regarding the Annexation of an approximately 15.89+/- acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978. (Deferred from the 7/7/14 meeting. Tabled)

AND

8. Consider recommendation regarding the Establishment of Planned Unit Development (PUD) zoning of an approximately 15.89+/- acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico. (Deferred from the 7/7/14 meeting. Tabled)

Mr. Bradford and **Mr. Skinner** were there to present the application. **Mr. Patterson** stated that Staff recommended denial because the application was incomplete. The sign agreement was not completed, the sign was not picked up and posted, there was no site or concept plan included in the application, there is no City water or sewer available or adjacent to the area, and Kevil Road is not made to support a lot of traffic. And after several attempts, **Mr. Patterson** was unable get in touch with **Mr. Skinner** (listed as the agent) or the Offutts (listed as the owners). **Mr. Skinner** apologized. He said there had been a breakdown in communication. He had not been notified

about the meeting last month, so he would like to resubmit a complete application. There was question about Mr. Bradford's part. **Mr. Bradford** said he had been the one to submit the application and Mr. Skinner didn't know about it. He wasn't legally the representative. There was no public comment.

Mr. McCormick made a motion to table Items #7 and #8. The motion was seconded by **Mr. Brown**. The vote was as follows: **Yes – Ms. Durham, Mr. McCormick, Mr. Knott, Mr. Brown**; No – None; Abstained – None; Absent – **Mr. Rodriguez**. The motion carried.

9. Report regarding plats approved through Summary Review process.

There was brief discussion of the plats signed in July, but there were none out of the ordinary.

10. Adjourn.

In closing, **Mr. Knott** expressed his appreciation for Mr. Brown serving on the Board, as this was the last meeting before his move. **Mr. Brown** responded that it had been an honor to serve and a great learning experience for him.

There being no further business, the meeting was adjourned at 6:58 p.m.

Chairman

Date

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning, Engineering and Regulation	BY: Jeff Patterson, Deputy Planning Director	DATE: 8/25/14
<p>SUBJECT: Annexation and subsequent establishment of PUD zoning for an approximately 15.89+/- acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico (see attached), pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.</p> <p>Applicants/Petitioners: Olin J. & Ruth J. Offutt (Property Owners) P.O. Box 734 Deming, NM 88031</p> <p>Agent: Ken Skinner 4430 N. 22nd St., Villa II Phoenix, AZ 85016</p>		
<p>SYNOPSIS and HISTORY: The applicant has submitted a petition for annexation of approximately 15.89 acres located at the north end of Kevil Road pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978 and more specifically, Section 3-7-17, which states:</p> <p><i>“3-7-17. Annexation; petition by owners of contiguous territory; duty of governing body; ordinance; appeal.</i></p> <p style="margin-left: 20px;">A. <i>Except as provided in Sections 3-7-17.1 and 3-57-4 NMSA 1978, whenever a petition:</i></p> <p style="margin-left: 40px;">(1) <i>seeks the annexation of territory contiguous to a municipality;</i></p> <p style="margin-left: 40px;">(2) <i>is signed by the owners of a majority of the number of acres in the contiguous territory;</i></p> <p style="margin-left: 40px;">(3) <i>is accompanied by a map that shows the external boundary of the territory proposed to be annexed and the relationship of the territory proposed to be annexed to the existing boundary of the municipality; and</i></p> <p style="margin-left: 40px;">(4) <i>is presented to the governing body, the governing body shall by ordinance express its consent or rejection to the annexation of such contiguous territory.</i></p> <p style="margin-left: 20px;">B. <i>If the ordinance consents to the annexation of the contiguous territory, a copy of the ordinance, with a copy of the plat of the territory so annexed, shall be filed in the office of the county clerk. After the filing, the contiguous territory is part of the municipality. The clerk of the municipality shall also send copies of the ordinance annexing the territory and of the plat of the territory so annexed to the secretary of finance and administration and to the secretary of taxation and revenue.</i></p> <p style="margin-left: 20px;">C. <i>Within thirty days after the filing of the copy of the ordinance in the office of the county clerk, any person owning land within the territory annexed to the municipality may appeal to the district court questioning the validity of the annexation proceedings. If no appeal to the district court is filed within thirty days after the filing of the ordinance in the office of the county clerk or if the court renders judgment in favor of the municipality, the annexation shall be deemed complete.</i></p> <p>History: 1953 Comp., § 14-7-17, enacted by Laws 1965, ch. 300; 1981, ch. 204, § 9; 1998, ch. 42, § 1.”</p> <p>The applicant is the land owner and the petition was accompanied by a map which showed the required detail as required by Section 3-7-18.</p> <p>On May 27, 2014, the City Council approved the annexation of a 1,300+/- acre area adjacent to the proposed property in this application. Since that annexation has been approved, the subject property is now contiguous to the City limits on the north and west side. Currently, there is neither water nor sewer utilities located in the surrounding area. The subject property is currently vacant.</p> <p>On May 27, 2014, the City Council approved the establishment of Planned Unit Development (PUD) Zoning for the aforementioned 1,300+/- acre area adjacent to the west and north of the subject site. As such, the establishment of PUD Zoning for this subject site will not create a spot zone.</p>		

The establishment of PUD Zoning requires the approval of a Concept Plan, which was provided by the applicant. Also, a Final PUD Plan and Development Agreement are required prior to development or subdivision of the site. As conditions for approval, the applicant will need to provide a Final PUD Plan and Development Agreement.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Currently, the proposed annexation area is not served by City water or sewer. A 30" main water line runs south along the west side of National Parks Highway. Future development of the annexation area may require tapping into that line and the extension of the line.

While, the annexation area lies within the City's 5-mile Planning and Platting Jurisdiction, the annexation and the planned establishment of PUD zoning does not further the *Greater Carlsbad Comprehensive Plan: Strategy 2030* recommendation of an "Infill/Redevelopment Scenario" because it encourages urban sprawl and puts added pressure on already limited municipal resources including police, fire, utilities, public works, etc. Incorporating the area into the City limits may significantly increase the burden on these services.

Conversely, land available for large scale development within the City limits is increasingly difficult to find. Many times a week, business owners and developers visit City departments requesting information on the development process, possible land available for development, etc. Answers to these questions are more difficult as much of the land within the City is held in private ownership by reluctant to sell land owners, or does not meet the needs of these business owners and developers.

The proposed annexation will provide additional land for development and will ensure that future development adheres to the development parameters of the approved concept plan and PUD process regulations.

PLANNING STAFF RECOMMENDATION: After review of the application materials, planning staff recommends denial based on the following:

1. The applicant has not produced a utilities plan that entails how water and sewer will be supplied to the subject site. There are currently no public utilities servicing this property or any adjacent properties.
2. Kevil Road is currently a narrow rural road. The road is the only access to this property and will need to be upgraded to handle the increased traffic that this annexation will produce.

DEPARTMENT RECOMMENDATION:

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works		x		Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department			x	Engineering Division			x
Police Department	x			Planning Division		x	
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.	x						

DEPARTMENT COMMENTS:

Public Works: Recommend denial. Applicant should be required to bring utilities and roadways up to City standards before annexation is allowed. The City should not have to make improvements to low use or dead end roads to the benefit of the owner.

Utilities Department: no comments.

Building Department: no comments.

Fire Department: recommend approval, no comments.

Code Enforcement: no comments.

Legal Department: no comments.

Planning Department: recommend denial, see above for comments.

Police Department: recommend approval, no comments.

Culture & Recreation Department: recommend approval, no comments.

City Engineer: no comments.

ATTACHMENTS: Application materials

REASON FOR THE REQUEST

An amendment to the Official Zoning Map or to the Text of the Zoning Ordinance must be justified by one or more of the following. Check all that apply:

- ☒ The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance.
- ☒ The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance.
- ☐ The proposed amendment is necessary in order to respond to State and/or Federal legislation.
- ☒ The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance.
- ☒ The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan.
- ☒ The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan.
- ☒ The proposed amendment will correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance.
- ☒ The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

FOR OFFICIAL USE ONLY:**Required prior to P & Z:**

Complete Application Including: ☒ Map ☒ Fee ☐ Letter ☐ Notification ☒ Sign Agreement

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

Planning, Engineering, and
Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: _____
Existing Zoning: RCI

Fee Paid (\$100.00): \$100.00
Proposed Zoning: PUD

APPLICANT INFORMATION:

E. Ken Skinner 4430 N. 22nd St. Villa II
NAME ADDRESS
Phoenix AZ 85016 602-999-3516 KENSKINNER@AOL.COM
CITY STATE ZIP PHONE EMAIL

PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):

Olin J. & Ruth J. Offutt Rev. Trust
NAME ADDRESS
% Venita Offutt STINSON P.O. Box 734 Deming N.M. 88031
CITY STATE ZIP PHONE EMAIL
TEL 575-805-3958

* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (INCLUDE A MEETS AND BOUNDS
DESCRIPTION FOR UNPLATTED LAND, ATTACH SEPARATE SHEET, IF NECESSARY):

6511 Kevill Rd Township 23S Range 26E NWNE SW
ADDRESS LOT BLOCK SUBDIVISION
N2S2W2NE5W Map # 2878-1-6

(See Survey Attached)

PETITION FOR ANNEXATION

(SEE 3-7-17 NMSA, 1978, FOR PETITION REQUIREMENTS)

Application Date: 6/6/14

Fee Paid: (no fee)

I/We, the undersigned owners of the following described real estate, do by our signature, hereby present the City of Carlsbad with this petition for Annexation under Article 7, Section 3-17 et. seq. NMSA 1978, which regulates the annexation of land. As the property owner(s), I/we understand that all required information must be provided in accordance with these regulations. In addition, I/we understand that the construction or upgrade of public infrastructure may be required as a condition of approval. In this case, a Development Agreement or an Assessment District may be required by the City. As the applicant, I/we may be required to provide a financial guarantee for the construction of said improvements. The financial guarantee and timeline for completion are subject to approval by the City.

OLIN J. & Ruth Offutt Trust 15	
NAME OF PROPERTY OWNER	ACREAGE
1/2 Venita Offutt P.O. Box 734	
ADDRESS	
Deming	N.M. 88031
CITY	STATE ZIP
575-805-3750	
PHONE	EMAIL
Venita Offutt-Henson	5-23-14
SIGNATURE	DATE

Olin & Ruth Offutt Trust 15	
NAME OF PROPERTY OWNER	ACREAGE
PO Box 493	
ADDRESS	
Deming	N.M. 88031
CITY	STATE ZIP
PHONE	EMAIL
Theodore Offutt	23 May 2014
SIGNATURE	DATE

Legal description of property being annexed (attach copy of Annexation Plat):

6511 Kevill Rd. T23S, R26E, N252 NE 5W
Sec Survey Attached

Total acreage: 1.5

Current Zoning: RC I

Proposed Zoning: PUD (Please attach a completed Zoning Change application, a separate fee may be required)

NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.


APPLICANT SIGNATURE

4-16-14
DATE

Sign issued by: _____
Staff Member

DANNY & KATHRYN B. FOWLER 116/186

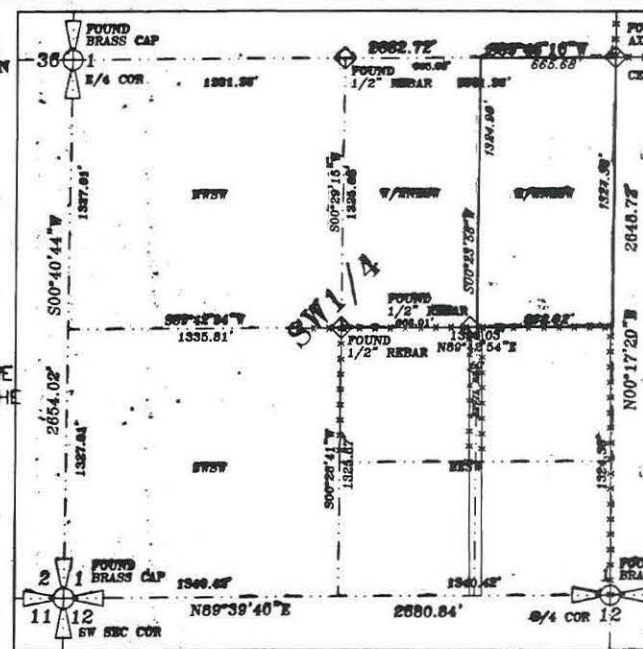
SET 1/2" REBAR W/CAP #8510

EKSAYN ANDERSON PROPERTY FOUND AXLE SHAFT

BOUNDARY SURVEY

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.

A TRACT OF LAND PREVIOUSLY DESCRIBED AS THE E1/2NE1/4SW1/4 OF SEC 1, T23S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE COR OF THE SW1/4 OF SEC 1, T23S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO; THEN S89°46'10"W, ALONG THE NORTH LINE OF THE SW1/4, FOR 665.68'; THEN S00°23'58"W, ALONG THE WEST LINE OF THE E1/2NE1/4SW1/4, FOR 1324.99'; THEN N89°42'54"E, ALONG THE SOUTH LINE OF THE NESW FOR 668.02' TO THE EAST LINE OF THE SW1/4; THEN N00°17'20"E, ALONG THE EAST LINE OF THE SW1/4, FOR 1324.36' TO THE POINT OF BEGINNING. CONTAINING 20.28 ACRES MORE OR LESS AND IS SUBJECT TO ALL PERTAINING EASEMENTS.



OVERVIEW (NO SCALE)

THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:
EDDY COUNTY AND CARLSBAD EXTRATERRITORIAL



I MELVIN PYATT, 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. Pyatt
MELVIN R. PYATT, 609 E. CHERRY LANE, CARLSBAD, N.M. 88220
CERTIFICATE NO. 8510 TELE 885-6867

LEGEND

CORNER

FOUND

SET

CORNER

SET

FENCE LINE

RECEPTION

07208

STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON

THE 24 DAY OF July 2000 A.D.

AT 9:28 O'CLOCK A.M.

CABINET 2 SLIDE 149-1

JEAN ETCHEVERRY-COUNTY CLERK

BY *Sally Rodriguez* DEPUTY

INDEXING INF. FOR CO. CLERK

SEC. 1 T 23S R 26E

SUBDIVISION: NONE

OWNER: A.W. WILLIAMS

CITY: CARLSBAD

COUNTY: EDDY

STATE: NEW MEXICO

DATE: JULY 21, 2000

ACCESS: YES

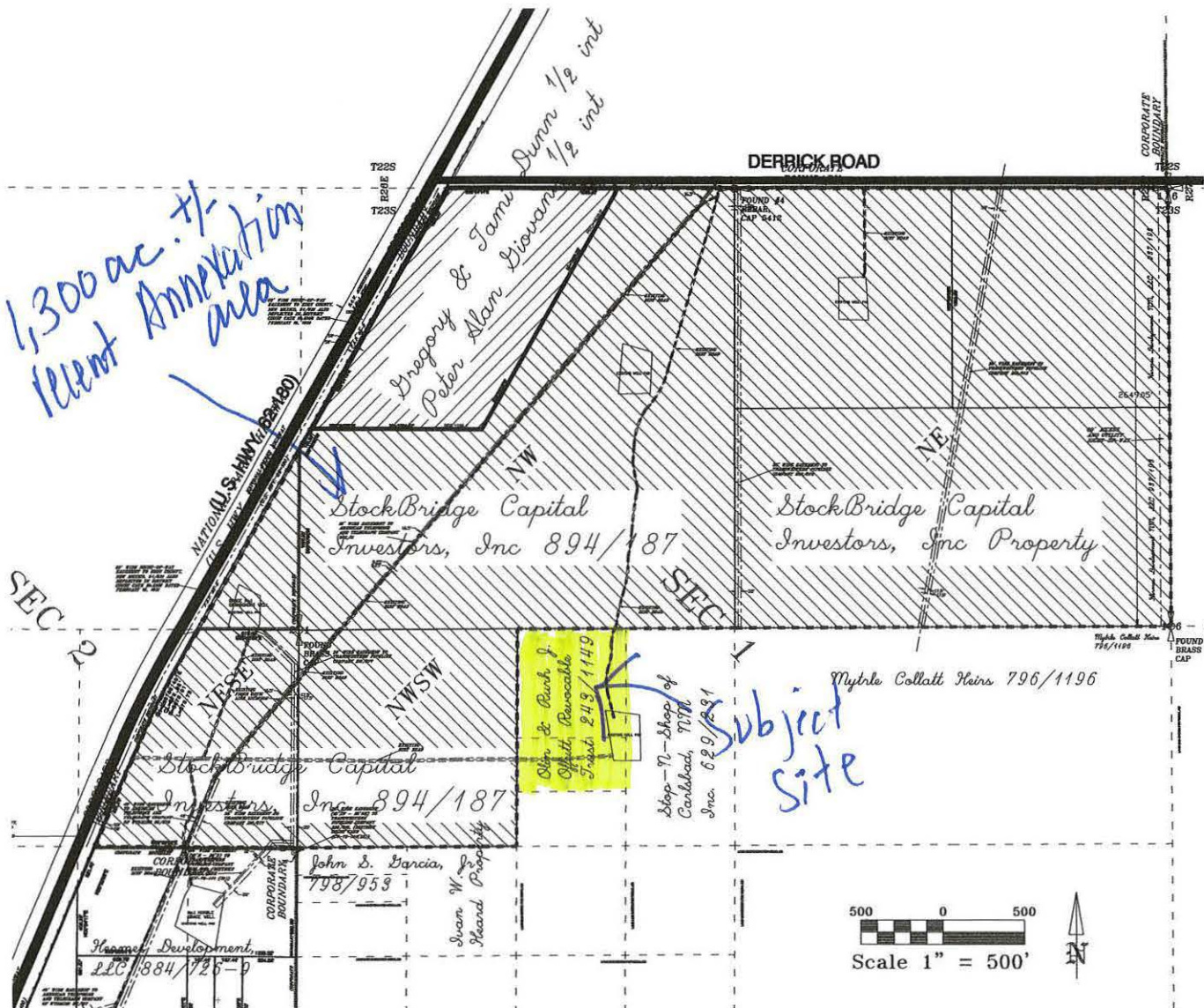
AREA: 20.28 ACRES

300 0 300 600 900



Scale 1" = 300'

ANNEXATION PLAT 12/4/2013



FOR THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, OF LANDS LYING IN SECTION 1 AND SECTION 2, ALL LYING IN T23S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO, WHICH LANDS ARE HELD BY STOCKBRIDGE CAPITAL INVESTORS, INC.:

WHICH LANDS TO BE CONSIDERED FOR ANNEXATION ARE DESCRIBED AS FOLLOWS:

THE NE, THE NWSW, THAT PART OF THE NW LYING EAST OF NATIONAL PARKS HIGHWAY AND LESS THE LAND SHOWN THAT IS DEEDED TO PETER ALAN GIOVANI AND GREGORY & TAMI DUNN, ALL LYING IN SAID SECTION 1, T23S, R26E, N.M.P.M. EDDY COUNTY, NEW MEXICO.

AND THAT PART OF THE NESE LYING EAST OF NATIONAL PARKS HIGHWAY, LYING IN SAID SECTION 2, T23S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO.

BEING 350.72 ACRES, MORE OR LESS, IN SIZE

LANDS THAT WILL BE ANNEXED AS A RESULT OF FORE MENTIONED ANNEXATION REQUEST

THAT PART OF THE NW THAT IS DEEDED TO PETER ALAN GIOVANI AND GREGORY & TAMI DUNN, ALL LYING IN SAID SECTION 1, T23S, R26E, N.M.P.M. EDDY COUNTY, NEW MEXICO.

BEING 34.70 ACRES, MORE OR LESS, IN SIZE

APPROVAL BY THE CITY COUNCIL

THIS IS TO CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN EXAMINED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A REGULARLY SCHEDULED MEETING HELD ON

____ DAY OF _____, 20____

HAYER

SECRETARY

CHAIRMAN

SECRETARY

CONCURRENCE BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN REVIEWED BY THE CITY PLANNING COMMISSION OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A MEETING HELD ON

____ DAY OF _____, 20____

I, MELVIN R. PYEATT, JR., A NEW MEXICO REGISTERED PROFESSIONAL LAND 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, JR., 423 W. GREENE ST., CARLSBAD, N.M., 88220
CERTIFICATE NO. 20251 TELE. 885-6867 FAX 885-6867

STOCKBRIDGE CAPITAL INVESTORS, INC.
TODD SELLS FOR STOCKBRIDGE CAPITAL INVESTORS, INC.

OWNERS STATEMENT AND AFFIDAVIT

STATE OF _____, SS
COUNTY OF _____
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE:

AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS, DEDICATED ROAD AND EASEMENT TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:

EDDY COUNTY AND CARLSBAD EXTRATERRITORIAL

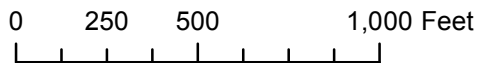
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20____

BY _____
FOR STOCKBRIDGE CAPITAL INVESTORS, INC.

NOTARY PUBLIC

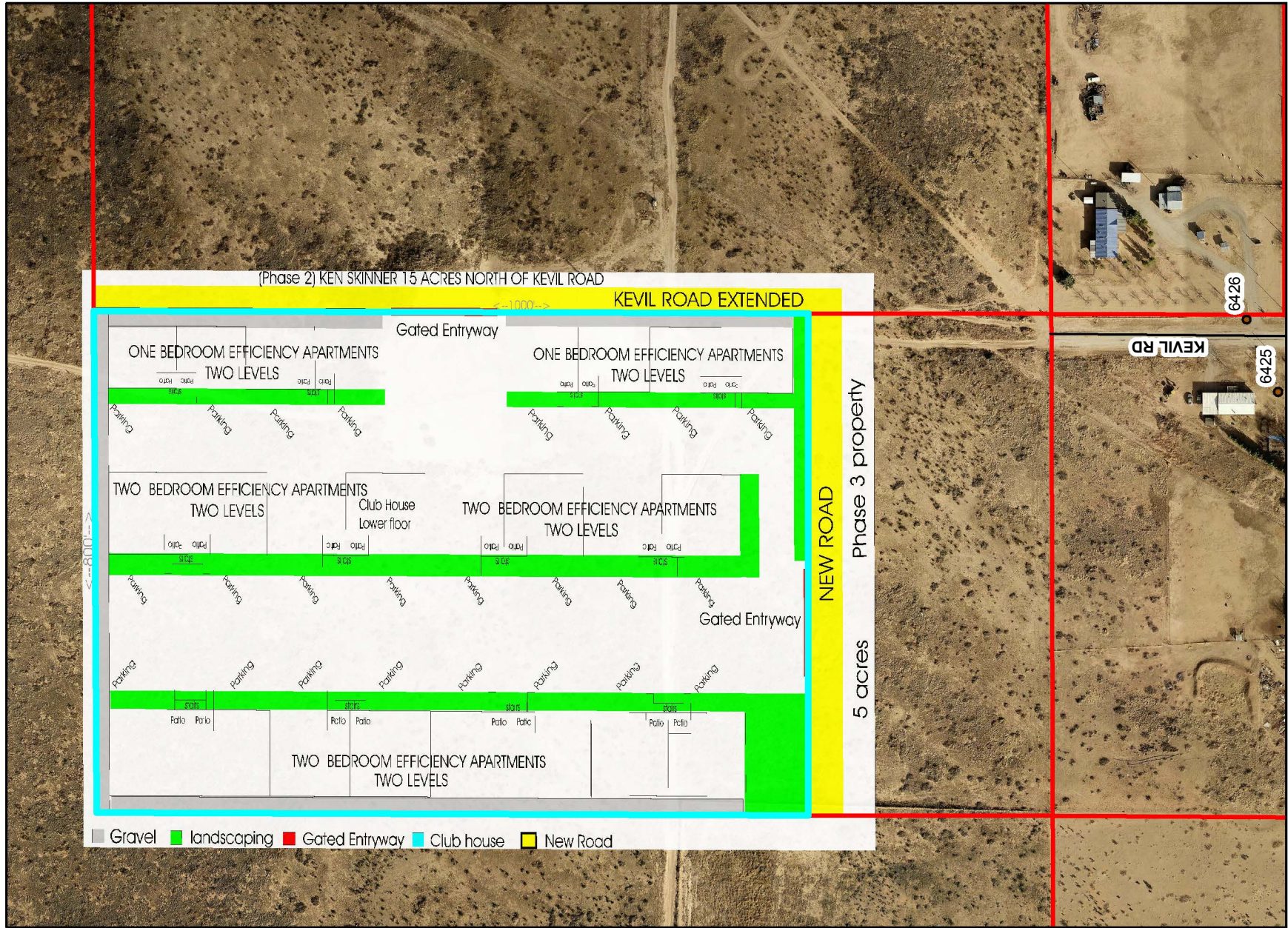


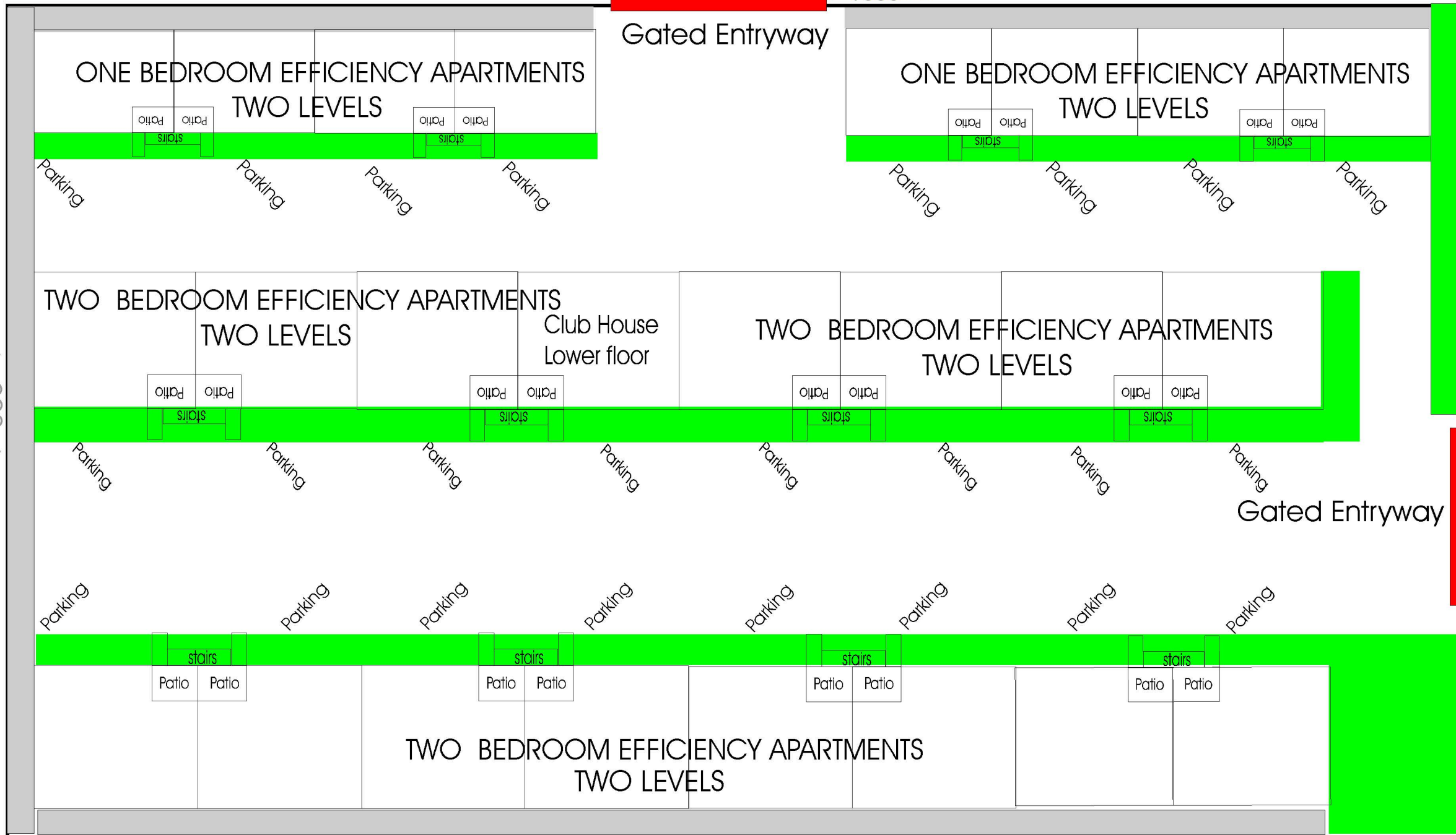
INDEXING INFO. FOR CO. CLERK	
SEC. 1 & 2	T23S R26E N.M.P.M.
SUBDIVISION:	ANNEXATION PLAT
DATE:	12/4/2013
OWNER:	STOCKBRIDGE CAPITAL INVESTORS, INC.
CITY:	CARLSBAD
COUNTY:	EDDY
STATE:	NEW MEXICO
DATE:	DECEMBER 4, 2013
ACCESS:	YES
AREA:	±385.42 ACRES TOGETHER



CITY OF CARLSBAD
PLANNING, ENGINEERING AND
REGULATION DEPARTMENT
6/17/2014

Ken Skinner Kevil Rd. Phase III





CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning,
Engineering and Regulation

BY: Jeff Patterson, Deputy
Planning Director

DATE: 8/25/14

SUBJECT: Establishment of Planned Unit Development (PUD) zoning following the annexation of an approximately 15.89+/- acre parcel located at the north end of Kevil Road, legally described as part of the W1/2 of the NE1/4 of the SW1/4 of Section 1, Township 23 South, Range 26 East, N.M.P.M., Eddy County, New Mexico (see attached), pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978.

Applicants/Petitioners:

Olin J. & Ruth J. Offutt (Property Owners)
P.O. Box 734
Deming, NM 88031

Agent:

Ken Skinner
4430 N. 22nd St., Villa II
Phoenix, AZ 85016

SYNOPSIS and HISTORY: The applicant is requesting the establishment of Planned Unit Development (PUD) zoning in conjunction with the annexation of an approximately 15.89 acre area. According to the City's regulations for PUDs as described in Code of Ordinances Section 56-150(j), PUDs are reviewed and approved in two steps (see below). Subsequent platting of the land is approved by the Planning and Zoning Commission, in accordance with the Final PUD Plan and the City's Subdivision Ordinance, whichever is more restrictive.

According to Sec. 56-150 (j):

"The purpose of the PUD review is to provide a process for reviewing applications for self-contained developments a minimum of ten (10) acres in size, with a range of residential densities and/or a mix of residential and non-residential uses, and to allow for more innovative and efficient layout and design of such projects than would be possible through strict application of other zoning districts."

"A PUD is approved in two steps. The first step involves review and approval of a zoning change application to the PUD zoning district with an accompanying Concept Plan. The second step involves review and approval of a Final PUD Plan for the development, and subdivision, in accordance with the City's Subdivision Regulations, if necessary. Applications for subdivision approval may be filed simultaneously with the PUD zoning change application; however, preliminary subdivision approval is contingent upon approval of the PUD zoning designation."

"Concept Plan and PUD Rezoning. A Concept Plan is a generalized land use and development plan for the area proposed to be included within a PUD zoning district and the surrounding area. It is required as a means of allowing early review of a proposed PUD before substantial planning work has been undertaken and before substantial expenses have been incurred. A Concept Plan must be processed and approved concurrently with a rezoning application to a PUD district. A Concept Plan must cover all of the land area to be included in the PUD and identify the type, total amount, and location of all development to occur within the PUD; a proposed plan for pedestrian and vehicular circulation within and leading to the PUD; a proposed plan for landscaping within and adjacent to the PUD; and identification of all utilities, easements, public areas including schools, parks and open space, and private facilities and services."

Criteria for Approval of a PUD is:

- (i) PUD zoning changes and concept plans may be approved by the City Council and final plans may be approved by the Planning and Zoning Commission only if the following criteria are met:

- (ii) The proposed Concept Plan is consistent with the City's Comprehensive Plan, other City master plans, Zoning Ordinance and other applicable codes and ordinances.
- (iii) The Concept Plan is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards.
- (iv) The proposal is not significantly different from surrounding land uses in terms of density, intensity and impact, and it mitigates any potential adverse impacts to the maximum extent practical.
- (v) The facilities and services (e.g. sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection, roads and transportation, and schools, as applicable) will be available to serve the subject project while maintaining adequate levels of service to existing development.
- (vi) The same development could not be accomplished through the use of other techniques, such as zoning change to a non-PUD district, or variances.
- (vii) The proposal contains significant public amenities such as, but not limited to, open space, civic places, additional landscaping, or recreational trails.

The applicant is the majority land owner and the petition was accompanied by a map which showed the required detail as required by Section 3-7-18.

On May 27, 2014, the City Council approved the annexation of a 1,300+/- acre area adjacent to the proposed property in this application. Since that annexation has been approved, the subject property is now contiguous to the City limits on the north and west side. Currently, there is neither water nor sewer utilities located in the surrounding area. The subject property is currently vacant.

On May 27, 2014, the City Council approved the establishment of Planned Unit Development (PUD) Zoning for the aforementioned 1,300+/- acre area adjacent to the west and north of the subject site. As such, the establishment of PUD Zoning for this subject site will not create a spot zone.

The establishment of PUD Zoning requires the approval of a Concept Plan, which was provided by the applicant. Also, a Final PUD Plan and Development Agreement are required prior to development or subdivision of the site. As conditions for approval, the applicant will need to provide a Final PUD Plan and reach a Development Agreement with the City.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): While, the annexation area lies within the City's 5-mile Planning and Platting Jurisdiction, the annexation and the planned establishment of PUD zoning does not further the *Greater Carlsbad Comprehensive Plan: Strategy 2030* recommendation of an "Infill/Redevelopment Scenario" because it encourages urban sprawl and puts added pressure on already limited municipal resources including police, fire, utilities, public works, etc. Incorporating the area into the City limits may significantly increase the burden on these services.

Conversely, land available for large scale development within the City limits is increasingly difficult to find (and afford). Many times a week, business owners and developers visit City departments requesting information on the development process, possible land available for development, etc. Answers to these questions are more difficult as much of the land within the City is held in private ownership by reluctant to sell land owners, or does not meet the needs of these business owners and developers.

Some *Greater Carlsbad Comprehensive Plan: Strategy 2030* goals that are applicable to this request are:

Chapter 3: Land Use

Goal 2: The City of Carlsbad will make efficient use of government resources through well-planned land use decisions.

Goal 3: The City of Carlsbad will cooperate with Eddy County to influence and shape development in the county that is adjacent to the city's border.

Goal 4: The City of Carlsbad will strive to create an aesthetically pleasing built environment.

Chapter 4: Housing

Goal 1: Carlsbad will continue to encourage the development and redevelopment of housing in appropriate

locations and at appropriate densities in order to provide a range of housing choices that meets the needs of current and future Carlsbad residents.

Goal 2: Carlsbad will ensure that local housing protects the health, safety, and welfare of residents and their neighbors.

Goal 3: Carlsbad will cooperate with Eddy County in regulating the quality of development in the unincorporated county surrounding Carlsbad to ensure that residents live in healthy, safe environments free of blight and neglect now and in the future.

Chapter 5: Economic Development

Goal 1: Enable the development of needed affordable and market rate housing in Carlsbad so that future employees and residents have places to live.

Goal 2: Re-examine the growth goal of 50,000 people for Carlsbad.

Chapter 7: Water and Wastewater

Goal 5: The City will manage new development and mitigate the impacts of prior unregulated development within and adjacent to the City's planning and platting area, including areas served by rural water co-ops.

PLANNING STAFF RECOMMENDATION: Based upon the review of application materials, Planning staff recommends denial based on the following:

1. The applicant has not produced a utilities plan that entails how water and sewer will be supplied to the subject site. There are currently no public utilities servicing this property or any adjacent properties.
2. Kevil Road is currently a county rural road. The road is the only access to this property and will need to be upgraded to handle the increased traffic that the proposed PUD could produce.

DEPARTMENT RECOMMENDATION:

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works		x		Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department			x	Engineering Division			x
Police Department	x			Planning Division		x	
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.	x						

DEPARTMENT COMMENTS:

Public Works: Recommend denial. Applicant should be required to bring utilities and roadways up to City standards before annexation is allowed. The City should not have to make improvements to low use or dead end roads to the benefit of the owner.

Utilities Department: no comments.

Building Department: no comments.

Fire Department: recommend approval, no comments.

Code Enforcement: no comments.

Legal Department: no comments.

Planning Department: recommend denial, see above for comments.

Police Department: recommend approval, no comments.

Culture & Recreation Department: recommend approval, no comments.

City Engineer: no comments.

ATTACHMENTS: application materials



CITY OF CARLSBAD

Planning, Engineering, and
Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

Est. of Zoning w/ Annexation

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 5/29/14Existing Zoning: RCTFee Paid (\$100.00): \$100.00Proposed Zoning: PUD**APPLICANT INFORMATION:**

F. Ken Skinner 4430 N. 22nd St. Villa II

NAME

ADDRESS

Phoenix AZ 85016 602-999-3516 KENSKINNER@AOL.COM

CITY

STATE

ZIP

PHONE

EMAIL

PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):

Olin J. & Ruth J. Offutt Rev. Trust

NAME

ADDRESS

5/6 Venita Offutt STINSON P.O. Box 734 Deming N.M. 88031

CITY

STATE

ZIP

PHONE

EMAIL

TEL 575-805-3750

* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (INCLUDE A MEETS AND BOUNDS DESCRIPTION FOR UNPLATTED LAND, ATTACH SEPARATE SHEET, IF NECESSARY):

6511 Kevill Rd Township 23S Range 26E NWNESW

ADDRESS

LOT

BLOCK

SUBDIVISION

N2S2W2NE5W Map # 2878-1-6

(See Survey Attached)

REASON FOR THE REQUEST

An amendment to the Official Zoning Map or to the Text of the Zoning Ordinance must be justified by one or more of the following. Check all that apply:

- ☒ The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance.
- ☒ The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance.
- ☐ The proposed amendment is necessary in order to respond to State and/or Federal legislation.
- ☒ The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance.
- ☒ The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan.
- ☒ The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan.
- ☒ The proposed amendment will correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance.
- ☒ The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

FOR OFFICIAL USE ONLY:**Required prior to P & Z:**

Complete Application Including: ☒ Map ☒ Fee ☐ Letter ☐ Notification ☒ Sign Agreement

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.: _____


NOTIFICATION SIGN POSTING AGREEMENT

N/A
for Est. of
Zoning

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.


APPLICANT SIGNATURE

4-16-14
DATE

Sign issued by: _____
Staff Member

CITY OF CARLSBAD
AFFIDAVIT BY PROPERTY OWNER(S)

IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.

APPLICATION TYPE:

☒ ZONING CHANGE ☐ CONDITIONAL USE ☐ VARIANCE ☐ TEMPORARY USE

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY:

STREET ADDRESS

LEGAL DESCRIPTION: T23S R26E, NWESW N252 W2 NESW MAP# 289B-1-6

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT:

NAME

PHONE

ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1:

BY: Theodore J. Galt
SIGNATURE

SIGNATURE

BY: THEODORE J. OFFUTT
PRINTED NAME

PRINTED NAME

DATE: 23 May 2014

DATE SIGNED _____

NOTARY SEAL

Barbara C. Szabo
Expires May 10th 2016

OWNER 2: (IF APPLICABLE)

BY: Verita Ruffo-Spencer
SIGNATURE

SIGNATURE

BY: VENITA OPPUTT-STINSON
PRINTED NAME

PRINTED NAME

DATE: Mar 23, 2014

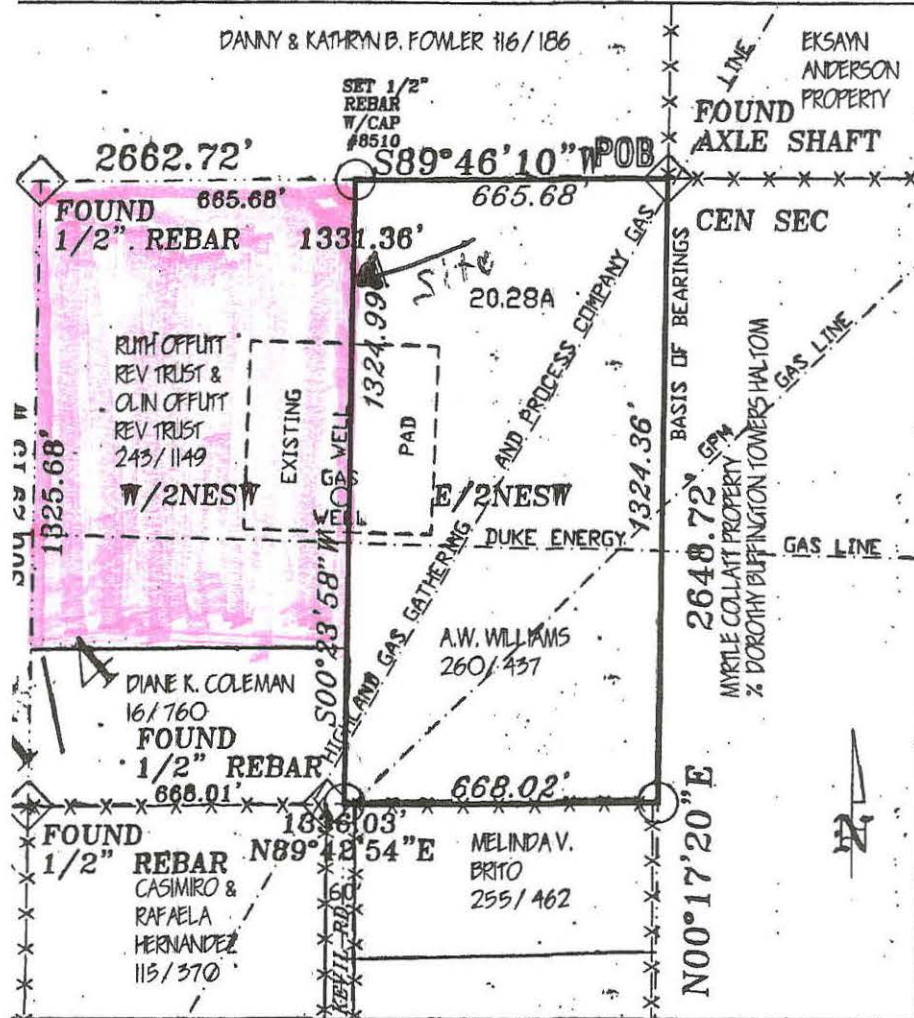
DATE SIGNED _____

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

MEETS AS NECESSARY
Barbara C. Gonzales
Expenses - May 10th, 2016

DANNY & KATHRYN B. FOWLER 116/186

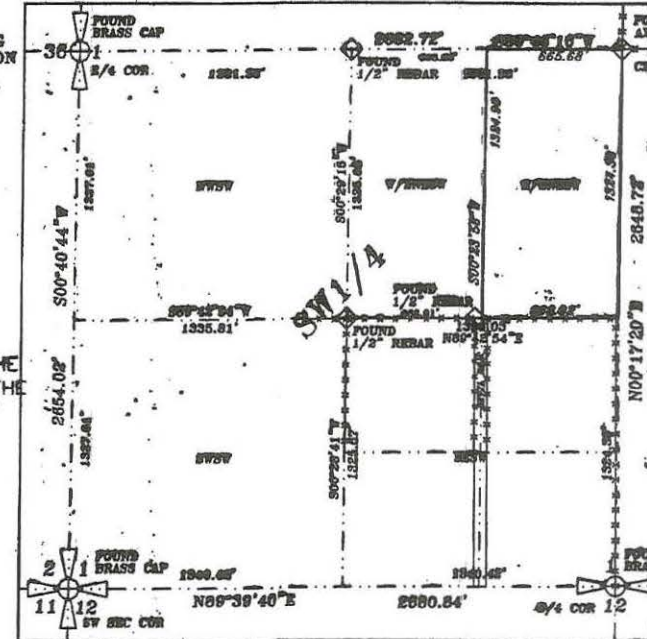


Scale 1" = 300'

BOUNDARY SURVEY

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.

A TRACT OF LAND PREVIOUSLY DESCRIBED AS THE E1/2NE1/4SW1/4 OF SEC 1, T23S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE COR OF THE SW1/4 OF SEC 1, T23S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO; THEN S89°46'10"W, ALONG THE NORTH LINE OF THE SW1/4, FOR 665.68'; THEN S00°23'58"W, ALONG THE WEST LINE OF THE E1/2NE1/4SW1/4, FOR 1324.99'; THEN N89°42'54"E, ALONG THE SOUTH LINE OF THE NESW FOR 668.02' TO THE EAST LINE OF THE SW1/4; THEN N00°17'20"E, ALONG THE EAST LINE OF THE SW1/4, FOR 1324.36' TO THE POINT OF BEGINNING, CONTAINING 20.28 ACRES MORE OR LESS AND IS SUBJECT TO ALL PERTAINING EASEMENTS.



OVERVIEW (NO SCALE)

THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:
EDDY COUNTY AND CARLSBAD EXTRATERRITORIAL

LEGEND

CORNER

FOUND

SET

CORNER

SET

FENCE LINE

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, 609 E. CHERRY LANE, CARLSBAD, N.M. 88220
CERTIFICATE NO. 8510 TELE 885-6867

STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON
THE 24 DAY OF July 2000 A.D.

AT 9:28 O'CLOCK A.M.

CABINET 2 SLIDE 149-1
JEAN ETCHVERRY-COUNTY CLERK

RECEPTION
07208

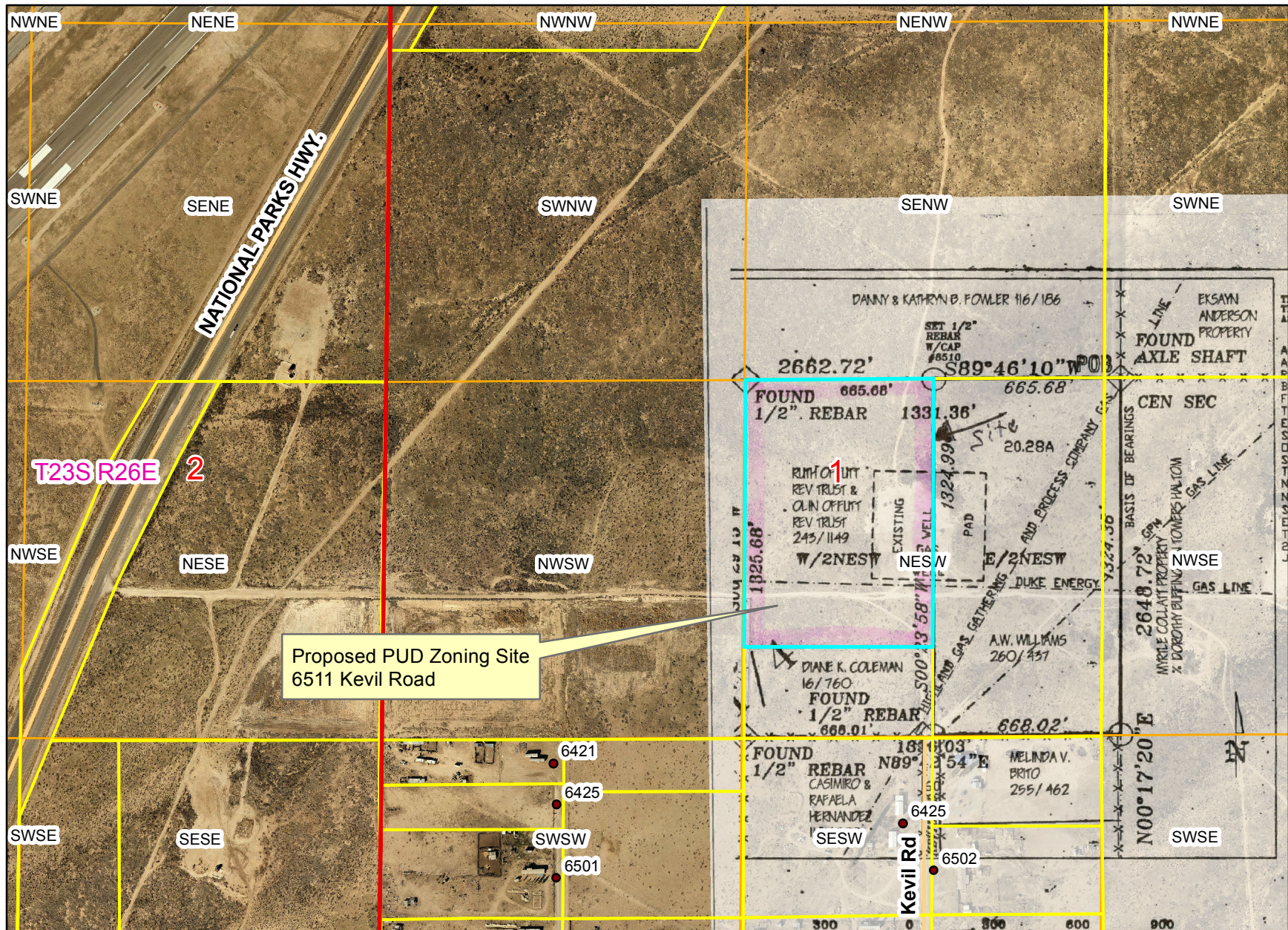
By Sally Rodriguez DEPUTY



INDEXING INF. FOR CO. CLERK		
SEC. 1	T 23S	R 26E
SUBDIVISION: NONE		
OWNER: A.W. WILLIAMS		
CITY: CARLSBAD		
COUNTY: EDDY		
STATE: NEW MEXICO		
DATE: JULY 21, 2000		
ACCESS: YES		
AREA: 20.28 ACRES		



Proposed PUD Zoning Site

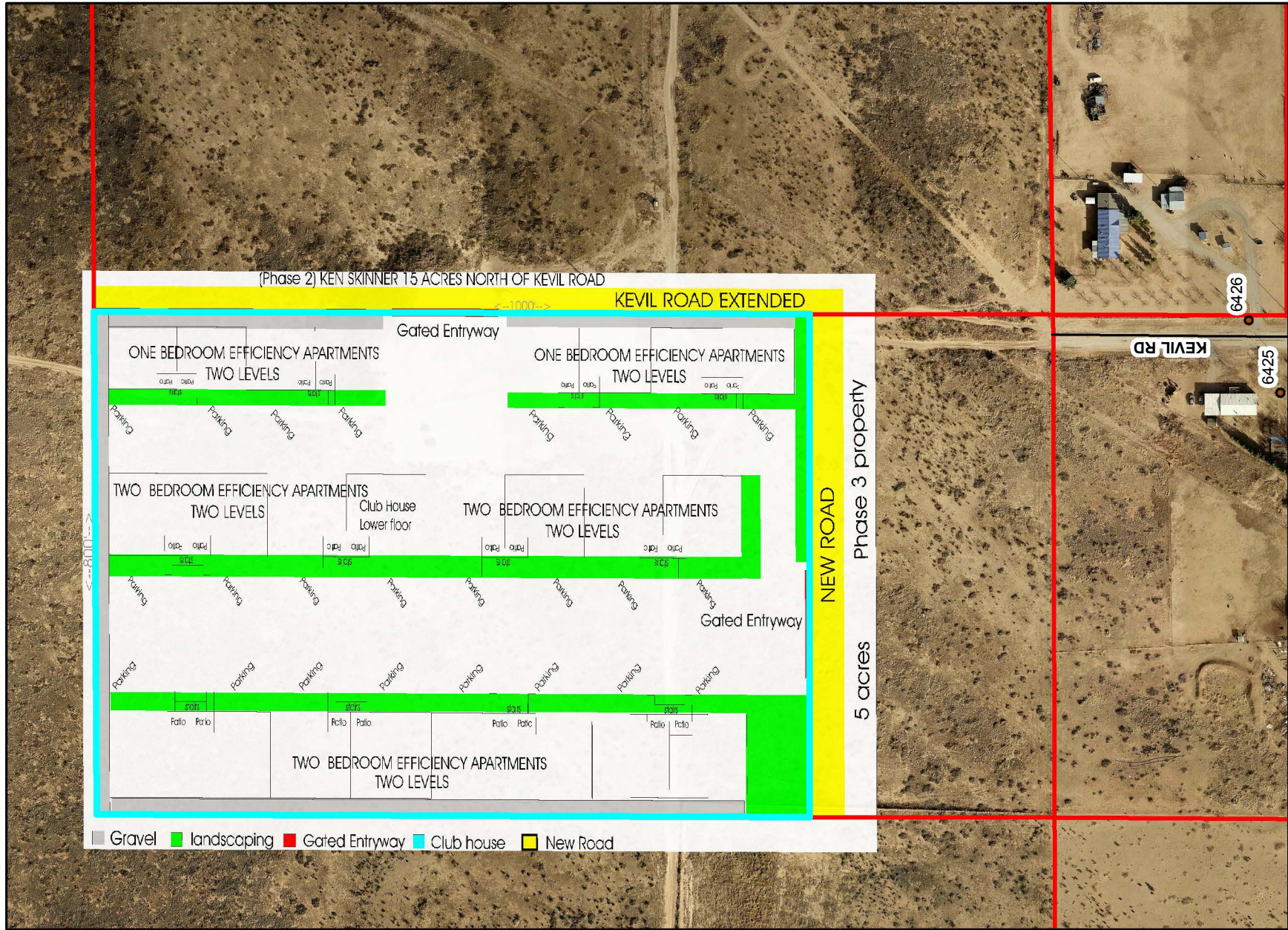


0 250 500 1,000 Feet



CITY OF CARLSBAD
PLANNING, ENGINEERING AND
REGULATION DEPARTMENT
6/17/2014

Ken Skinner Kevil Rd. Phase III





CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning, Engineering & Regulation	BY: Jeff Patterson, Deputy Planning Director	DATE: 8/25/14
<p>SUBJECT: Consider allowing Temporary Housing as a Temporary Use at 3412 Hidalgo Rd., legally described as the Lunsford Land Division, Tract A, Zoned "R-R" Rural Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.</p> <p>Applicant: Larry Lunsford 3412 Hidalgo Rd. Carlsbad, NM 88220</p> <p><i>*There are no special notification requirements for Temporary Use Permits.</i></p> <p>SYNOPSIS, HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Due to the growth in the oil, gas, mining and energy sectors in recent years, southeastern New Mexico has seen an unprecedented increase in the demand for workforce and temporary housing. The existing housing market in Carlsbad continues to be insufficient to meet the needs of the current workforce. In an attempt to address this issue, in October 2013, the City Council approved temporary housing as one of the uses eligible for a Temporary Use Permit.</p> <p>If approved, in addition to the standard regulations for temporary uses, temporary housing must meet the Council-approved definition for temporary housing (see below) and the criteria described in the Temporary Use Application.</p> <p style="padding-left: 40px;">"Temporary Housing. Housing for individuals or families, on a temporary basis, either in pre-fabricated, completely self-contained modular structures consisting of sleeping quarters, dining facilities, laundry facilities, restroom facilities and other amenities, OR individual self-contained recreational vehicles, not including tents. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."</p> <p>A stipulation of the Temporary Housing permit Sec. 56-80 is that the property proposed be at least 2 acres as a whole in area. The property in this application meets this requirement, being approximately 6.7 acres in total size.</p> <p>The applicant's site-plan fails to indicate how the applicant plans to connect to the water line at the property or what the plan for the sewer will be for this property. As conditions for approval, the applicant will need to produce a site plan that indicates water and sewer plans.</p> <p>Recent predictions are that the regional economy is expected to continue to grow for many more years. The proposed use is intended to address the need for housing temporary workers and for housing those that are seeking permanent residence in Carlsbad.</p> <p>PLANNING STAFF RECOMMENDATION: Based on review of the application materials and other staff comments, planning staff recommends approval based on the following condition:</p> <p>As a condition for approval, the applicant will need to produce a site plan that indicates the water and sewer hookup plans.</p>		

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Plng., Eng. & Reg. Dept:	x		
Fire Department			x	Code Enforcement Division			x
Legal Department				Engineering Division	x		
Police Department	x			Planning Division	x		
Utilities Department	x			Building & Regulation Division			x
Culture & Rec. Dept.			x				

DEPARTMENT COMMENTS:

Public Works: No comments.

Utilities Department: recommend approval, there is a 6" water here, no sewer available.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: No Utility or Sanitation Plan was included in the materials provided. It is not clear how water and sewer are to be provided. The site plan lacks detail. The aerial shows an irregularly shaped parcel, but the site plan is a rectangle. What part of the parcel is to be developed as temporary housing is not marked on the aerial? Is the entire parcel 6.7 acres or just the portion to be developed as temporary housing? [The entire parcel is 6.7 acres.](#) The site plan is required to show the spacing between units. The plan shows that the spaces are to be about 25' wide, but it does not show the spaces between units. The regulations require two ingress/egress locations, each at least 24' wide. The plan shows only one, although it appears to be much more than 24' wide. There should be 1 1/4 parking spaces per dwelling unit with no on-street parking. It is not clear where the parking is to be.

Planning Department: recommend approval, see above for comments.

Police Department: Approved; Reviewed: Agreed that the user must provide site-plan that shows water and sewer plans.

Culture & Rec. Department: No comments.

City Engineer: Applicant needs to submit a properly sealed engineering site plan addressing grading, drainage, utilities, access, parking, etc...

ATTACHMENTS: application materials, site plan and map



CITY OF CARLSBAD

*Planning, Engineering,
and Regulation Department*
PO Box 1569, Carlsbad, NM 88221
Phone (575) 887-1191
Fax (575) 885-9871

TEMPORARY USE APPLICATION

Sec. 56-80 and Temporary Housing

Application Date: _____

Fee Paid (\$10.00) plp ✓

TYPE OF USE REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> Carnival, Circus, Fair, Public Event | <input type="checkbox"/> Real Estate Sales Office |
| <input type="checkbox"/> Parking Lot Sale | <input checked="" type="checkbox"/> Temporary Housing |
| <input type="checkbox"/> Garage, Estate, Yard Sale | <input type="checkbox"/> Other |
| <input type="checkbox"/> Natural Disaster, Emergency Personal Assistance Location | |

APPLICANT INFORMATION:

Larry Lunstord 3412 Hidalgo Road
NAME ADDRESS
Carlsbad NM 88220 575 7063052 larryluns@yahoo.com
CITY STATE ZIP PHONE EMAIL

PROPERTY OWNER INFORMATION* (IF DIFFERENT FROM APPLICANT):

Same
NAME ADDRESS
CITY STATE ZIP PHONE EMAIL

* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH TEMPORARY USE IS REQUESTED):

3412 Hidalgo Rd Rural
ADDRESS LOT BLOCK SUBDIVISION ZONING

Description and Duration of Temporary Use:

Site Plan:

see attached

FOR OFFICIAL USE ONLY:

☐ Approved ☐ Approved with Conditions ☐ Denied By: _____

Approval Date: _____ Permit Expiration Date: _____

Conditions of approval:

CITY OF CARLSBAD
AFFIDAVIT BY PROPERTY OWNER(S)

IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.

APPLICATION TYPE:

☐ ZONING CHANGE ☐ CONDITIONAL USE ☐ VARIANCE ☒ TEMPORARY USE

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: 3412 Hidalgo Rd
STREET ADDRESS

LEGAL DESSCRPTION: see attached
SUBDIVISION BLOCK LOT OR TRACT

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

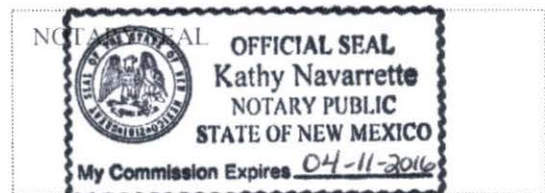
AGENT: self: Larry Lunsford 55706 3052
NAME PHONE
3412 Hidalgo Road
ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

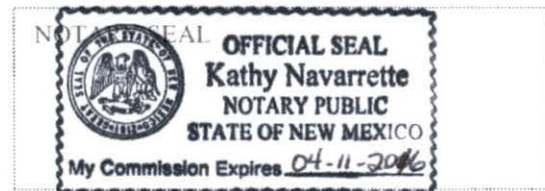
That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1:
BY: Larry Lunsford
SIGNATURE
BY: Larry Lunsford
PRINTED NAME
DATE: 30 June 2014
DATE SIGNED



OWNER 2: (IF APPLICABLE)
BY: Susan Martin
SIGNATURE
BY: Susan Martin
PRINTED NAME
DATE: June 30, 2014
DATE SIGNED



ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

SEC. 56-80. TEMPORARY USES.

(a) Allowed Uses.

Temporary uses shall be allowed in accordance with the standards of the zoning district and this subsection. These uses require written permission from the property owner and an approved Temporary Use Permit from the Planning Director and in some cases a Business Registration, unless otherwise expressly permitted or allowed.

1. Carnivals, Circuses, Fairs and Public Events. Carnivals, circuses, fairs and public events shall only be approved by the City Council on a case by case basis and shall be in accordance with all applicable regulations. Permission of the property owner is required.
2. Garage, estate and yard sales. Garage, estate and yard sales require a Temporary Use Permit but do not require a business registration and may be conducted, but shall comply with the following minimum requirements:
 - (a) There shall be no more than two such activities per residence per twelve month period;
 - (b) Each sale shall begin and end within a consecutive seventy-two hour (72 hr.) period;
 - (c) Sales shall be conducted on the property of the person selling the goods. Multiple home sales must be held on the property of one or more of the participants;
 - (d) No goods purchased for resale may be offered for sale or sold and no consignment goods may be offered for sale or sold;
 - (e) Directional and advertising signs shall not be located in the public right-of-way or attached to utility poles or other structures located in the public right-of-way; and
 - (f) All directional or advertising signs shall be removed within twenty-four hours (24 hrs.) of the completion of the sale.
3. Natural Disaster and Emergency Personal Assistance Locations. Temporary uses and structures needed to provide personal services as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency and do not require a temporary use permit or business registration.
4. Parking Lot Sales. Permission of the property owner is required for parking lot sales. Parking lot sales may include the sale of rugs, blankets, fruits, vegetables, and other such items. Parking lot sales are allowed in the parking lot of a permitted structure or use in the C-1, C-2, and I zoning districts for up to thirty (30) consecutive days at a time.
5. Real Estate Sales Offices. Sales offices are allowed on development sites in any zone until all lots or houses are sold. Use of the sales office for lots or homes outside of the project area is prohibited.
6. Other Uses. The Planning and Zoning Commission may approve other temporary uses and activities or special events. Such uses shall not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties near the proposed location of the activity. Such uses shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.

(b) General Regulations.

1. All temporary uses shall comply with the provisions of this Section:
 - (a) Permanent changes to the site are prohibited;
 - (b) Permanent signs are prohibited. All temporary signs associated with the temporary use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies and shall be placed no more than seventy-two hours (72 hrs.) in advance of the event, and shall be removed within twenty-four hours (24 hrs.) of the end of the event;
 - (c) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site;
 - (d) All other required permits and licenses, such as health department permits, shall be obtained; and
 - (e) Temporary uses shall be subject to site plan review as required by the Temporary Use Permit process.
2. Approval Criteria.

The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use;
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan);
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and
- (e) All other required permits have been obtained.

3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- (i) Other conditions deemed appropriate by the City Administrator.

In addition to the Temporary Use Regulations provided in Code of Ordinances, Sec. 56-80, the following are requirements for Temporary Housing (as approved by the City Council on 10/22/13):

Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

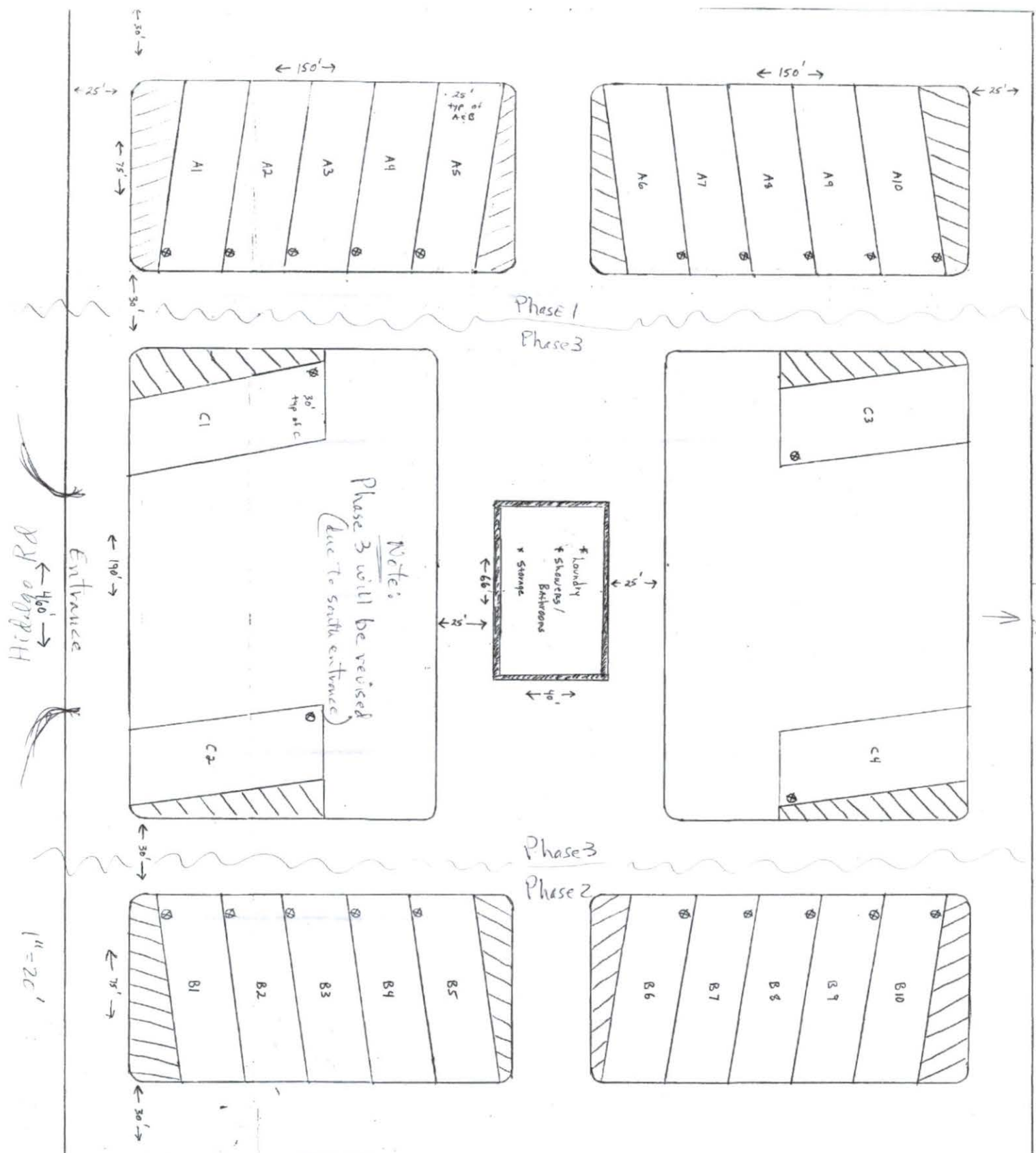
Temporary Housing, self-contained is defined as: "Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures."

- 1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.
- 2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.

3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. The use of generators is prohibited except in an emergency power outage situation.
4. A site plan shall be provided that identifies:
 - a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and
 - b. ingress and egress locations (a minimum of 2 with a minimum width of 24' each); and
 - c. vehicular drive aisles - minimum width of 24' with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and
 - d. emergency access and turn around, if necessary, (minimum 80' diameter); and
 - e. parking spaces (1 - 9'x18' space per sleeping unit or recreational vehicle space); and
 - f. visitor parking spaces (1 - 9'x18' space for every 4 sleeping units) in designated visitor parking area; and
 - g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.
 - h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.
5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.
6. A minimum 4' tall perimeter fence shall surround the area of the site utilized for temporary housing. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land.
7. A 20' set back from this fence shall be maintained free of obstructions at all times.
8. A minimum 10' clear separation between all temporary structures shall be maintained at all times.
9. A minimum 10' clear separation between all RV spaces shall be maintained at all times.
10. A minimum 30' set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.
11. A copy of a Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.
12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.
13. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.
14. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.
15. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing for up to two years, renewable for up to two years at a time, but not to exceed five years.
16. A Temporary Use Permit for Temporary Housing may be revoked by the City Administrator upon finding that:
 - a. the temporary housing is unsafe
 - b. the housing or grounds are unsanitary
 - c. crime or safety issues are prevalent

Kerry Kunsford
575-706-3052

North





Temporary Housing: 3412 Hidalgo Rd.



0 150 300 600 Feet



CITY OF CARLSBAD
PLANNING, ENGINEERING AND
REGULATION DEPARTMENT
7/17/2014

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning,
Engineering and Regulation

BY: Jeff Patterson, Deputy
Planning Director

DATE: 8/2014

SUBJECT: Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the north side property line, which would result in a 0' side-yard setback at 203 S. Tenth St., zoned R-1.

Applicant:
Kelly Hopkins
203 S. Tenth St.
Carlsbad, NM 88220

****The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i).***

SYNOPSIS: This request is to construct a carport in the 5' side-yard setback on the northern property boundary at 203 S. Tenth St. The resulting setback will be 0'. Table 6 of Section 56-90(b) states:

- B. Side setbacks are required in order to provide a buffer between uses and for safety purposes. The minimum side setbacks shall be:

Building Wall Height (ft.)	Minimum Side Setback (ft.)
0.0 – 12.0	5
12.01 – 24.0	7.5
24.01 +	10

Sec. 56-150(k) of the Zoning Ordinance states:

The Planning and Zoning Commission shall only approve a variance if it makes the following findings:

- (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and
- (b) The hardship relates to the applicant's land, rather than personal circumstances, and
- (c) The hardship is not the result of the applicant's own actions, and
- (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and
- (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and
- (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and
- (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and

- (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a non-conforming use of land.

The applicant's request is not justified based on the criteria above.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The side-yard setback standard of Section 56-90(b) of the Zoning Ordinance is meant to preserve a buffer along the sides of residential properties. This buffer is designed to provide access for emergency situations and for safety purposes. Granting this variance would eliminate the safety and emergency buffer along the northern property boundary.

The following *Greater Carlsbad Comprehensive Plan: Strategy 2030* goals apply to this request:

Chapter 3: Land Use

Goal 4: "The City of Carlsbad will strive to create an aesthetically pleasing built environment."

Chapter 4: Housing

Goal 2: Carlsbad will ensure that local housing protects the health, safety, and welfare of residents and their neighbors.

PLANNING STAFF RECOMMENDATION: The Planning staff recommends denial of this request. However, if approved, the applicant should avoid construction that will result in drainage from the new carport occurring in the neighboring property. A building permit will be required prior to construction.

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Plng., Eng. & Reg. Dept:			
Fire Department	x/cond			Code Enforcement Division			x
Legal Department		x		Engineering Division	x/cond		
Police Department	x			Planning Division		x	
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.			x				

DEPARTMENT COMMENTS:

Public Works: no comments

Utilities Department: no comments.

Building Department: no comments

Fire Department: No objections if the carport is constructed of metal to reduce the chance of fire spread to adjacent properties.

Code Enforcement: no comments

Legal Department: I recommend denial. The Applicant has not shown that this situation meets the minimum requirements for the grant of a side yard setback variance. Side yard setbacks serve a safety purpose. They help stop a building fire from spreading from one property to another and they allow access around a building.

Planning Department: see comments above.

Police Department: Reviewed. Recommend approval, no comments.

Culture and Recreation Department: no comments

City Engineer: Recommendation of conditional approval. Keep all runoff on subject lot, no runoff onto adjacent properties.

ATTACHMENTS: Application materials

Sept 8th



CITY OF CARLSBAD

*Planning, Engineering,
and Regulation Department*
PO Box 1569, Carlsbad, NM 88221
Phone (575) 887-1191
Fax (575) 885-9871

BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

Sec. 47-7 or Sec. 56-150(c)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the FIRST MONDAY OF THE MONTH. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.
3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.
5. The Planning and Zoning Commission will vote to approve or deny the request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have. Appeals of Planning and Zoning Commission decisions will be heard by the City Council pursuant to Sec. 56-150(c).
6. The applicant shall mail notice of the Planning and Zoning Commission hearing, via certified mail, to all property owners within one-hundred feet (100') of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing.



*Planning, Engineering,
and Regulation Department*
PO Box 1569, Carlsbad, NM 88221
Phone (575) 887-1191
Fax (575) 885-9871

Application Date: 7-25-14

Fee Paid (\$50.00): ✓

Kelly Hopkins 203 S. 10th St.
NAME ADDRESS

Carlsbad NM 88220 575 689 5220 KG.Hopkins1@gmail.com
CITY STATE ZIP PHONE EMAIL

NAME			ADDRESS		
CITY	STATE	ZIP	PHONE	EMAIL	

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): Lot 17, Block B, Sunset Heights, 203 S. 10th St.

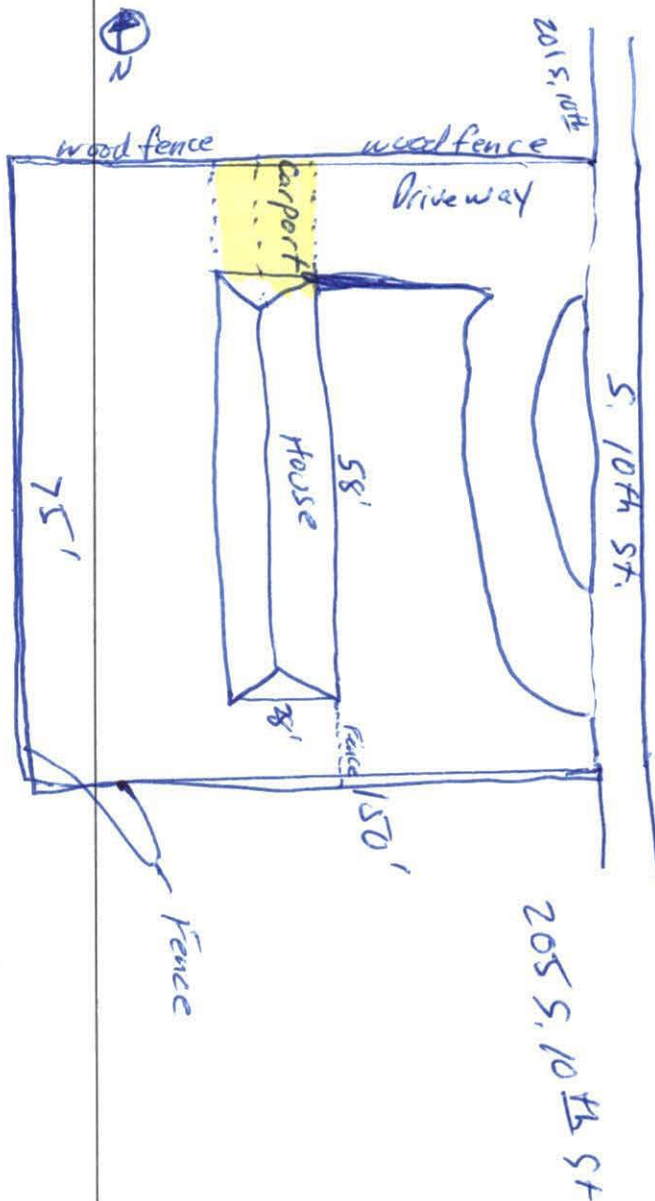
_____ VARIANCE FROM THE **SUBDIVISION REGULATIONS** (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

SPECIFY REGULATION AND/OR SUBSECTION: _____

 VARIANCE FROM THE **ZONING ORDINANCE** (CHAPTER 56 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 56-150(c).

SPECIFY REGULATION AND/OR SUBSECTION: 26-90(b)

JUSTIFICATION FOR REQUEST AND SITE PLAN: (Describe the topographical uniqueness of the property or extreme practical difficulties or undue hardship that would result from the strict application of the requirement(s) contained in the ordinance section from which the variance is requested. Include a site plan drawn to scale or with accurate dimensions showing property lines, existing and proposed fences and/or walls, setbacks, building and structure locations and parking areas. Attach a separate sheet if necessary.)



Need a variance from the 5' setback to build a carport cover. Without a carport cover I can't protect my vehicle from the weather. It makes it extremely difficult to transition from car to house in inclement weather.

Zoning Ordinance

Criteria for Appeals - Sec. 56-150(c)(4):

The purpose of the appeal procedure is to determine if the decision being appealed meets the requirements of this Zoning Ordinance. The City Council or the Planning and Zoning Commission, when hearing an appeal, is limited to the following determinations:

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.

Subdivision Regulations

Criteria for Appeals – Sec. 47-7

Whenever, in the opinion of the board of appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as are necessary so that the subdivider is allowed to develop his/her property in a reasonable manner providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved. **The board shall grant such a variance or modification only upon determination that:**

1. The variance will not be detrimental to the public health, safety and general welfare of the community;
2. The variance will not adversely affect the reasonable development of adjacent property;
3. The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage;
4. The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan;
5. The variance has been shown to be in the best interest of the general public and not only of interest to the developer, land owner or other interested party;
- 6 The hardship must not be pecuniary and must be a direct result of the land location, topography or other characteristic;
- 7 Where a variance is requested from the required provision of sidewalks, and ADA compliant, alternative route to the nearest bus stop or school is required. If an alternative route cannot be provided, a variance shall not be approved.

FOR OFFICIAL USE ONLY:			
Required prior to P & Z: Complete Application Including:	<input checked="" type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Sign Posting Agreement <input type="checkbox"/> ABM	<input checked="" type="checkbox"/> Fee <input type="checkbox"/> Staff Comments	<input checked="" type="checkbox"/> Notification <input checked="" type="checkbox"/> Letter of Explanation <input checked="" type="checkbox"/> Sign Posted <input type="checkbox"/> Application Packet
P & Z Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other	Date: _____		

N/A

**CITY OF CARLSBAD
AFFIDAVIT BY PROPERTY OWNER(S)**

**IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER
THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.**

APPLICATION TYPE:

☐ ZONING CHANGE ☐ CONDITIONAL USE ☒ VARIANCE ☐ TEMPORARY USE

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: 203 S. 10th St. STREET ADDRESS

LEGAL DESSCRPTION: Sunset Heights B 17
SUBDIVISION BLOCK LOT OR TRACT

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT: _____
NAME PHONE

ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1:

BY: Kelly Hopkins SIGNATURE
BY: Kelly Hopkins PRINTED NAME
DATE: _____ DATE SIGNED

NOTARY SEAL

OWNER 2: (IF APPLICABLE)

BY: _____ SIGNATURE
BY: _____ PRINTED NAME
DATE: _____ DATE SIGNED

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.


APPLICANT SIGNATURE

7-25-14
DATE

Sign issued by: 
Staff Member

Date: 7-25-14

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: Kelly Hopkins 203 S. 10th St. 575 689 5220
Name Address Phone
Subject Site Location: 203 South 10th St

The proposed action is a:

☐ Zoning Change from _____ to _____ in accordance with Sec. 56-150(b).

☒ Variance/Appeal from Sec. 56-90(b) in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

To provide carport extension to side of House
resulting in a 0' side yard setback.

☐ Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:

☐ Home Occupation: _____

☒ Other Use: _____

The Planning and Zoning Commission will consider this request at a Public Hearing on:

Date: 9-8-14

Time: 5:00pm

Place: City Hall Planning Room, 2nd Floor

101 N. Halagueno St.

Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website www.cityofcarlsbadnm.com.

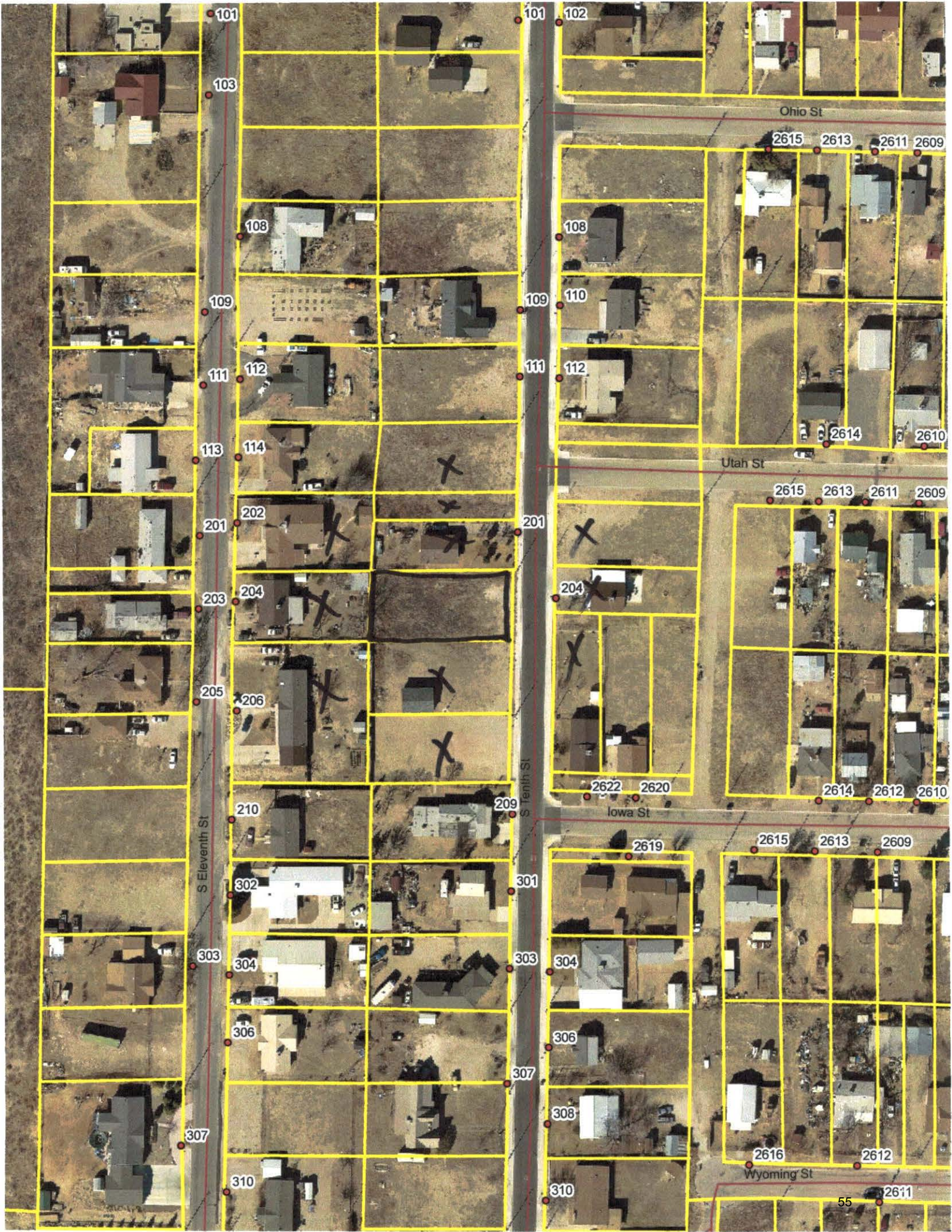
For details about this request contact the applicant OR contact the City Planner at

~~575-234-7923~~ or via email at seshumsky@cityofcarlsbadnm.com.
(575) 885-1185 x 2232

Sincerely,



Applicant/Agent



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Ohio St

2615 2613 2611 2609

Utah St

2615 2613 2611 2609

Iowa St

2615 2613 2609

Wyoming St

2616 2612 2611

7013 0600 0000 8217 5198

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Total Postage & Fees	\$ \$3.79



Sent To Rena Green
 Street, Apt. No., or PO Box No. 2622 Iowa St
 City, State, ZIP+4 Carlsbad, NM 88220

PS Form 3800, August 2006

See Reverse for Instructions

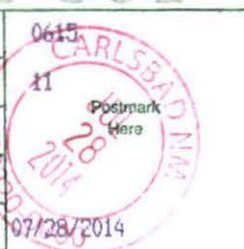
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CARLSBAD NM 88221

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$3.79



Sent To Harold Prater
 Street, Apt. No., or PO Box No. PO Box 1924
 City, State, ZIP+4 Carlsbad, NM 88220

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Postage	\$ \$0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$3.79



Sent To Wilson Handy
 Street, Apt. No., or PO Box No. 110 Cambridge 1722 Avenue
 City, State, ZIP+4 Redondo Beach

PS Form 3800, August 2006

See Reverse for Instructions

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CARLSBAD NM 88220

Postage	\$ \$0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$3.79



Sent To Horill Clifton
 Street, Apt. No., or PO Box No. 210 S. 11th St
 City, State, ZIP+4 Carlsbad, NM 88220

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Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$3.79



Sent To Ma Gee
 Street, Apt. No., or PO Box No. 204 S. 10th St
 City, State, ZIP+4 Carlsbad, NM

PS Form 3800, August 2006

See Reverse for Instructions

7013 0600 0000 8216 9470

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CARLSBAD NM 88220

Postage	\$ \$0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$3.79



Sent To Wilson Handy
 Street, Apt. No., or PO Box No. 204 S. Eleventh
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

7013 0600 0000 8216 9449

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CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79

0615

07

Postmark
Here

07/25/2014

Sent To Hatcher
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions



CITY OF CARLSBAD
Planning, Engineering, and Regulation Department

Phone (575) 887-1191

Fax (575) 885-9871



ADDRESS ASSIGNMENT APPLICATION

THIS IS A REQUEST FOR:

- ☒ New Address
- ☐ Address Change
- ☐ Additional Address

USE OF PROPERTY:

- ☒ Single-Family Residence
- ☐ Residential Duplex
- ☐ Multi-Family Residence
- ☐ Commercial Property
- ☐ Industrial Property
- ☐ Other (describe)

NOTE TO APPLICANTS

1. Properties are assigned both a street address, for the purpose of general location, and geodetic coordinates that are used for E 9-1-1 emergency response. Consequently, specific details are required to define the location of the primary structure and access to each property.
2. Addresses will not be assigned to vacant properties, unless they are located in a subdivision and further subdivision is not possible, or unless development is imminent.
3. Addresses are only assigned to property defined as developable under the Carlsbad Code of Ordinances.
4. The address number shall conform to Ordinance No. 2008-08 regarding Chapter 46, Article V, of the Code of Ordinances, City of Carlsbad, concerning posting of address numbers.
5. The Property owner is responsible for installing and maintaining address numbers. An occupancy permit will not be issued unless the address numbers are properly installed.

CHANGE OF ADDRESS: (CHECK REASON FOR CHANGE)

- ☐ Existing address is out of sequence or range.
- ☐ Property is on a corner lot, and primary access is referenced to the wrong street.
- ☐ Existing address is a duplicate of another address or street name.
- ☐ Problems exist receiving emergency or other city services.
- ☐ Other: (Describe on other side of application)

LOCATION OF PROPERTY AND PROPOSED ACCESS:

Universal Parcel Code - UPC (Assigned By Eddy County Assessor): _____

Current Address (If Applicable): 203 S. 10th ST Carlsbad, NM 88220

Property Location: Sunset Heights Subdivision Name B Block 17 Lot

REQUIRED DOCUMENTATION:

- ☐ Copy of the recorded plat of the property, if not located in a platted and recorded subdivision.
- ☒ Site plan or sketch which shows the property lines, the footprint of the new building(s), and location of the entrance dimensioned from the property lines along street frontage.

APPLICANT INFORMATION:

Name: NEW MEXICO Custom Homes, LLC Firm: _____

☐ Property Owner ☐ Developer ☐ Tenant ☐ Architect/Engineer ☒ Contractor ☐ Other: _____

Address: 106 S. 6th ST Telephone: 505.293.6300

ARTESIA, NM 88210 Facsimile: _____

OWNER APPROVAL:

Signature of Owner: [Signature] Telephone: 505.293.6200

Printed Name: William Kenkes

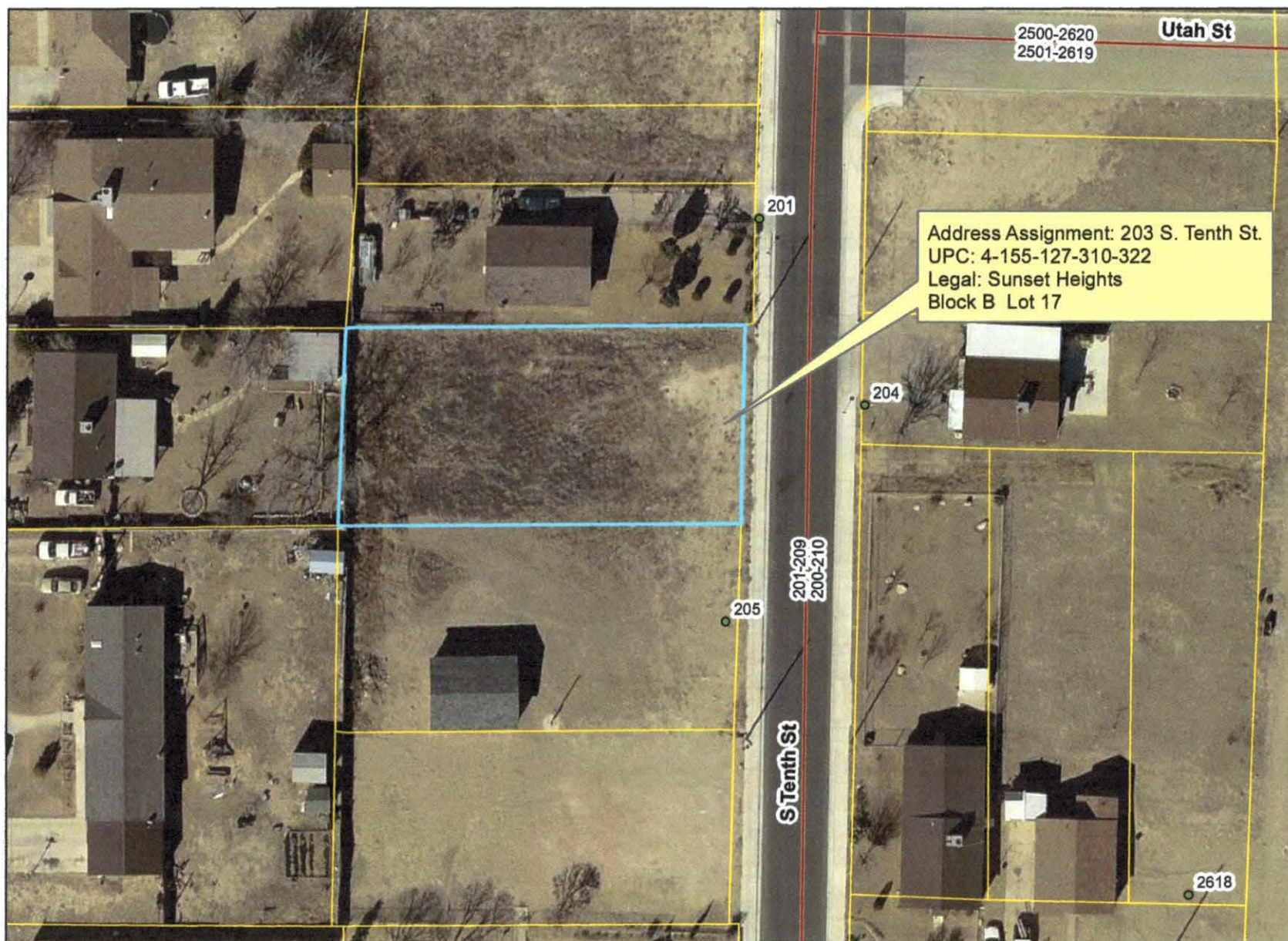
Address: 106 S. 6th ST

ARTESIA, NM 88210

City Review Action: ☐ Not Approved ☒ Address Assigned: 203 S. Tenth St. Date: 7/30/14



Address Assignment: 203 S. Tenth St.



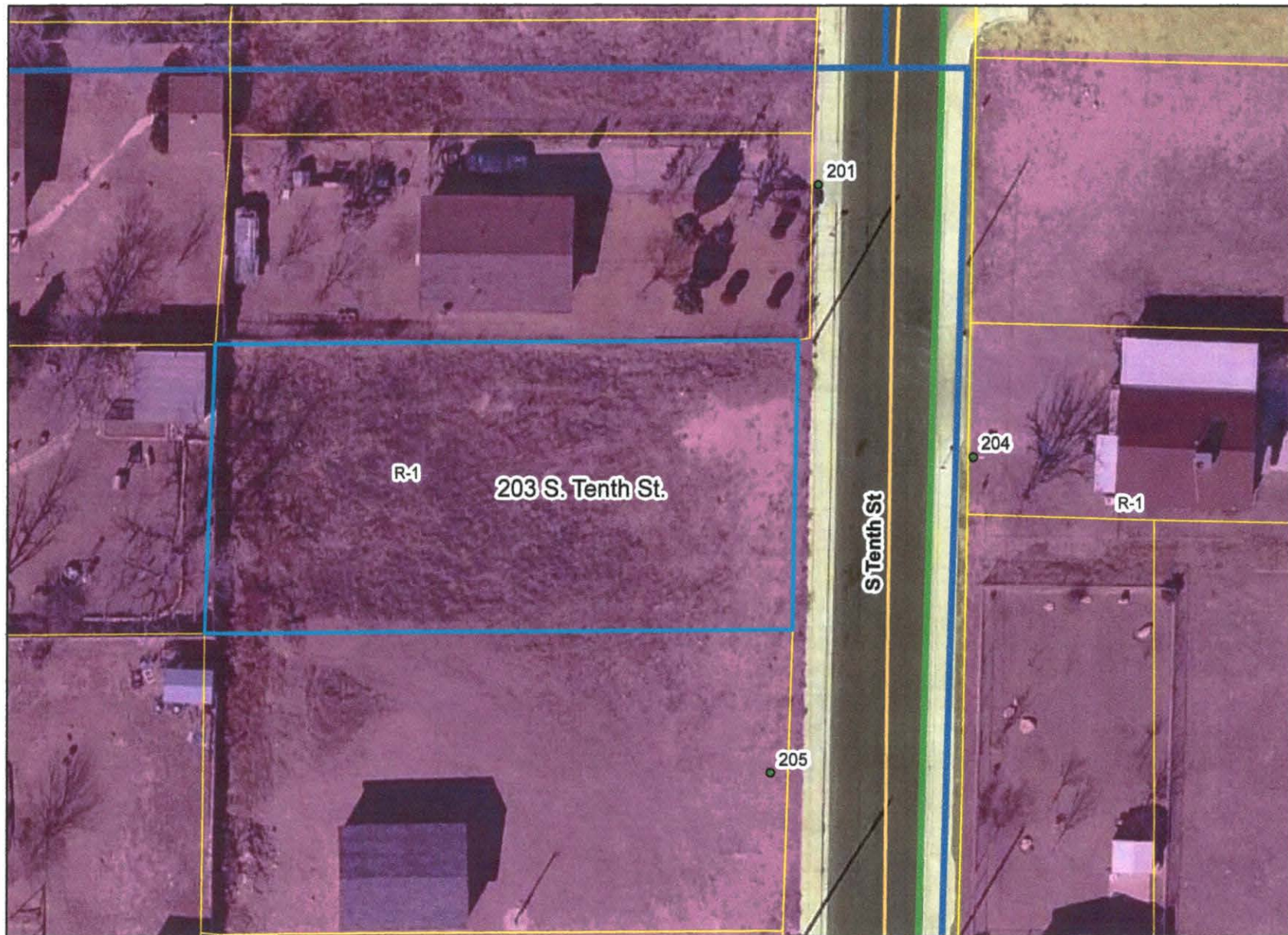
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CITY OF CARLSBAD
PLANNING, ENGINEERING AND
REGULATION DEPARTMENT
7/30/2014



203 S. Tenth St. Variance



0 25 50 100 Feet



CITY OF CARLSBAD
PLANNING, ENGINEERING AND
REGULATION DEPARTMENT
8/5/2014

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning, Engineering and Regulation	BY: Jeff Patterson, Deputy Planning Director	DATE: 8/20/14
<p>SUBJECT: Appeal (variance) from Section 56-90(b) to allow a side-yard setback variance of 5' from the western property line, which would result in 0' side-yard setback at 810 Latrobe Dr., legally described as Fairway Subdivision, Unit 1, Replat Blocks 7 and 11, Block 11, Lot 9, zoned Planned Unit Development (PUD).</p> <p>Applicant: Derrick Baer 810 Latrobe Dr. Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i).</i></p>		
<p>SYNOPSIS: The applicant erected a wall on the western property line in the 5' setback prior to this request, and the applicant has already placed the hot tub within the same 5' setback. This request is to allow a privacy wall and place a hot tub in the 5' side-yard setback on the western property boundary at the subject site. The resulting setback will be 0'. This property is located in PUD Zoning, but the setbacks for this neighborhood are not defined in a design standard or on the official plat. As such, the Planning Staff will refer to the standards set for R-1 zoning. Sec. 56-90(b)(B) states that side setbacks are required in order to provide a buffer between uses and for safety purposes. For a building wall height of 0-12', the setback should be 5'. For a building wall height of 12.01-24', the setback should be 7.5'. For a building wall height of 24.01'+, the setback should be 10'.</p> <p>Sec. 56-150(k) of the Zoning Ordinance states:</p> <p style="padding-left: 40px;">The Planning and Zoning Commission shall only approve a variance if it makes the following findings:</p> <ul style="list-style-type: none"> (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and (b) The hardship relates to the applicant's land, rather than personal circumstances, and (c) The hardship is not the result of the applicant's own actions, and (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and (h) The variance will neither result in the extension or expansion of a non- 		

conforming structure or use in violation of Article VII nor authorize the initiation of a non-conforming use of land.

The applicant did not provide justification of this request that meets the criteria above.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The side-yard setback standards of Section 56-90(b) of the Zoning Ordinance is meant to preserve a buffer along the sides of residential properties. This buffer is designed to provide access for emergency situations and for safety purposes. The applicant eliminated this buffer prior to the request for this variance.

The following *Greater Carlsbad Comprehensive Plan: Strategy 2030* goals apply to this request:

Chapter 3: Land Use

Goal 4: "The City of Carlsbad will strive to create an aesthetically pleasing built environment."

Chapter 4: Housing

Goal 2: Carlsbad will ensure that local housing protects the health, safety, and welfare of residents and their neighbors.

PLANNING STAFF RECOMMENDATION: Based on the application materials and staff comments, the Planning staff recommends denial.

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works		x		Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department		x		Engineering Division	x/cond		
Police Department	x			Planning Division		x	
Utilities Department		x		Building & Regulation Division			x
Culture & Rec. Dept.		x					

DEPARTMENT COMMENTS:

Public Works: no comments

Utilities Department: no comments

Building Department: no comments

Fire Department: No objections or comments.

Code Enforcement: no comments

Legal Department: I recommend denial. The applicant has failed to show that this situation meets the legal standards for the grant of a variance. Other properties in that area have steeply sloped backyards. Additionally, the slope of the backyard does not explain why a ' side yard setback is needed. Side yards have a safety purpose. They help stop the spread of fire from one property to the next, and they assist with access. Eliminating the side yard could impair safety.

Planning Department: see comments above.

Police Department: Reviewed. Recommend approval, no comments.

Culture and Recreation Department: no comments

City Engineer: A. Recommendation of Conditional Approval:

1. Keep all runoff on subject lot, no runoff onto adjacent properties.
2. Wall shall not retain anything over 4' without a NM Professional Engineer Seal and if a regular wall it shall not be over 6' without an NM Professional Engineer Seal.

ATTACHMENTS: Application materials



CITY OF CARLSBAD

*Planning, Engineering,
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

Sec. 47-7 or Sec. 56-150(c)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the FIRST MONDAY OF THE MONTH. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided. Separate arrangements for copying these large documents may be possible, but will incur additional costs.

3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.
5. The Planning and Zoning Commission will vote to approve or deny the request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have. Appeals of Planning and Zoning Commission decisions will be heard by the City Council pursuant to Sec. 56-150(c).
6. The applicant shall mail notice of the Planning and Zoning Commission hearing, via certified mail, to all property owners within one-hundred feet (100') of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing.

**CITY OF CARLSBAD**

*Planning, Engineering,
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

BOARD OF APPEALS APPLICATION
(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)
Sec. 47-7 or Sec. 56-150(c)

Application Date: 7/28/14

Fee Paid (\$50.00): PVP/PA

APPLICANT INFORMATION:

Derrick Baer

810 Latrobe Dr

NAME

ADDRESS

Carlsbad NM 88220

575-545-1521

derrick@bigbearservices.com

CITY

STATE

ZIP

PHONE

EMAIL

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

NAME

ADDRESS

CITY

STATE

ZIP

PHONE

EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): 810 Latrobe Dr.

TYPE OF REQUEST (CHECK ONE):

 VARIANCE FROM THE SUBDIVISION REGULATIONS (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

SPECIFY REGULATION AND/OR SUBSECTION: _____

 X VARIANCE FROM THE ZONING ORDINANCE (CHAPTER 56 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 56-150(c).

SPECIFY REGULATION AND/OR SUBSECTION: 56-90(b)

JUSTIFICATION FOR REQUEST AND SITE PLAN: (Describe the topographical uniqueness of the property or extreme practical difficulties or undue hardship that would result from the strict application of the requirement(s) contained in the ordinance section from which the variance is requested. Include a site plan drawn to scale or with accurate dimensions showing property lines, existing and proposed fences and/or walls, setbacks, building and structure locations and parking areas. Attach a separate sheet if necessary.)

(Please see attachment next page.)

The property at 810 Latrobe has a unique topographical advantage due to its position on the side of a hill. Due to this fact it has a unique two level back yard. This is possible do to a 18ft retaining wall that runs down the middle of my back yard. And anyone that has had to push a lawn mower up a hill to mow the grass will tell you it's a pain. To bypass this I decided to utilize my space in a manner that takes away this hassle by adding a patio to the upper area of the yard. Another consideration that moved me to the addition of the patio was a dangerous ramp and stair case that would have been detrimental to any of my young children.

On the west side of my property I would like to build a wall 3inches on my side of the property line in order to add a wind block as well as add privacy for the hot tub that I have placed in that corner. Also this wall will allow me to add privacy for an outdoor shower that I would also like to add to that area.

Since controlling the rain runoff of my roof will be an issue my plan is to place a gutter system along the fascia under the eve of the roof to collect this water and then run it via gutter into my back yard where it will be deposited and added to the runoff of the rest of the house on my side of the property line.

If this variance does not pass then I will be forced to move my hot tub to within five feet of the emergency shut off switch for the hot tub in which will be a violation of the electrical building code.

Zoning Ordinance**Criteria for Appeals - Sec. 56-150(c)(4):**

The purpose of the appeal procedure is to determine if the decision being appealed meets the requirements of this Zoning Ordinance. The City Council or the Planning and Zoning Commission, when hearing an appeal, is limited to the following determinations:

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.

Subdivision Regulations**Criteria for Appeals - Sec. 47-7**

Whenever, in the opinion of the board of appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as are necessary so that the subdivider is allowed to develop his/her property in a reasonable manner providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved. The board shall grant such a variance or modification only upon determination that:

1. The variance will not be detrimental to the public health, safety and general welfare of the community;
2. The variance will not adversely affect the reasonable development of adjacent property;
3. The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage;
4. The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan;
5. The variance has been shown to be in the best interest of the general public and not only of interest to the developer, land owner or other interested party;
6. The hardship must not be pecuniary and must be a direct result of the land location, topography or other characteristic;
7. Where a variance is requested from the required provision of sidewalks, and ADA compliant, alternative route to the nearest bus stop or school is required. If an alternative route cannot be provided, a variance shall not be approved.

FOR OFFICIAL USE ONLY**Required prior to P & Z:**

Complete Application Including:

- | | | | |
|--|---|--|--|
| <input checked="" type="checkbox"/> Site Plan | <input checked="" type="checkbox"/> Fee | <input checked="" type="checkbox"/> Notification | <input type="checkbox"/> Letter of Explanation |
| <input checked="" type="checkbox"/> Sign Posting Agreement | | | <input type="checkbox"/> Sign Posted |
| <input type="checkbox"/> ABM | <input type="checkbox"/> Staff Comments | | <input type="checkbox"/> Application Packet |

P & Z Action: ☐ Approved☐ Denied☐ Other

Date: _____

CITY OF CARLSBAD
AFFIDAVIT BY PROPERTY OWNER(S)

IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.

APPLICATION TYPE:

☐ ZONING CHANGE ☐ CONDITIONAL USE ☒ VARIANCE ☐ TEMPORARY USE

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: 810 Latrobe Dr. Carlsbad, N.M. 88220

STREET ADDRESS

LEGAL DESSCRPTION: Fairway

11

9

SUBDIVISION

BLOCK

LOT OR TRACT

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT: _____

NAME

PHONE

ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1:

BY: _____

SIGNATURE

BY: Derrick Baer

PRINTED NAME

DATE: _____

DATE SIGNED

NOTARY SEAL

OWNER 2: (IF APPLICABLE)

BY: _____

SIGNATURE

BY: _____

PRINTED NAME

DATE: _____

DATE SIGNED

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.


APPLICANT SIGNATURE


DATE

Sign issued by: 
Staff Member

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: Derrick Baer 810 Latrobe Dr. Carlsbad N.M. (575)545-1521

Name

Address

Phone

Subject Site Location: 810 Latrobe Dr. Carlsbad N.M.

The proposed action is a:

☐ Zoning Change from _____ to _____ in accordance with Sec. 56-150(b).

☒ Variance/Appeal from Sec. 56-90 (b) in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

Is for a zero foot set back on the west side of the property. This would allow for a wind block
and privacy for the area.

☐ Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:

☐ Home Occupation: _____

☐ Other Use: _____

The Planning and Zoning Commission will consider this request at a Public Hearing on:

Date: Sept. 8th 2014

Time: 5:00pm

Place: City Hall Planning Room, 2nd Floor
101 N. Halagueno St.
Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website www.cityofcarlsbadnm.com.
For details about this request contact the applicant OR contact the City Planner at
575-234-7923 or via email at seshumsky@cityofcarlsbadnm.com.

Sincerely,



Applicant/Agent

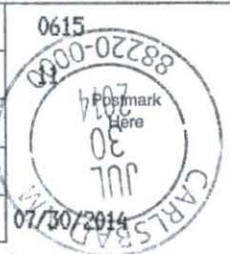
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CARLSBAD NM 88220

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Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



Sent To Property Owner
 Street, Apt. No., or PO Box No. 803 Merion Dr
 City, State, ZIP+4 Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2432

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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



Sent To Property Owner
 Street, Apt. No., or PO Box No. 807 Merion Dr
 City, State, ZIP+4 Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2418

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CARLSBAD NM 88220

Postage	\$	\$0.49
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Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



Sent To Property owner
 Street, Apt. No., or PO Box No. 811 Merion Dr
 City, State, ZIP+4 Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

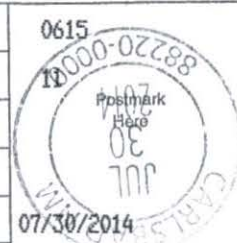
7013 0600 0000 8217 2449

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



Sent To Property Owner
 Street, Apt. No., or PO Box No. 805 Merion Dr
 City, State, ZIP+4 Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2425

**U.S. Postal Service™
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For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



Sent To Property Owner
 Street, Apt. No., or PO Box No. 809 Merion Dr
 City, State, ZIP+4 Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

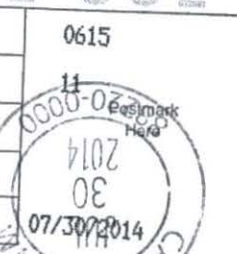
7013 0600 0000 8217 2401

**U.S. Postal Service™
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CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79



Sent To Property Owner
 Street, Apt. No., or PO Box No. 806 Catrine Dr
 City, State, ZIP+4 Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2395

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49	
Certified Fee		\$3.30	
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	

Sent To: Property Owner
 Street, Apt. No., or PO Box No.: 613 Spyslaw Dr
 City, State, ZIP+4: Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2395

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49	
Certified Fee		\$3.30	
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	

Sent To: Property Owner
 Street, Apt. No., or PO Box No.: 612 Riviera Ct
 City, State, ZIP+4: Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2371

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49	
Certified Fee		\$3.30	
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	

Sent To: Property Owner
 Street, Apt. No., or PO Box No.: 611 Riviera Ct
 City, State, ZIP+4: Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2364

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49	
Certified Fee		\$3.30	
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	

Sent To: Property Owner
 Street, Apt. No., or PO Box No.: 614 Latsche Dr
 City, State, ZIP+4: Carlsbad NM 88220

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2357

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

TULAROSA NM 88352

Postage	\$	\$0.49	
Certified Fee		\$3.30	
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	

Sent To: Steve & Jill Gutierrez
 Street, Apt. No., or PO Box No.: P.O. Box 1123
 City, State, ZIP+4: Tularosa NM 88352

PS Form 3800, August 2006 See Reverse for Instructions



613

615

Winged Foot Dr

Santos Ct

605

608

612

702

705

707

706

709

711

802

801

803

805

804

Merion Dr

809

811

810

Latrobe Dr

810

Riviera Ct

611

612

610

608

607

Spyglass Dr

613

607

608

610

612

702

704

706

708

710

Floor Plan 1/2" = 1' N

Existing Cinder Block
Retaining Wall

Existing Column

PURPOSED WALL EXISTING
BURIED STEEL
PURPOSED EXISTING WALL
2x4

12'6"

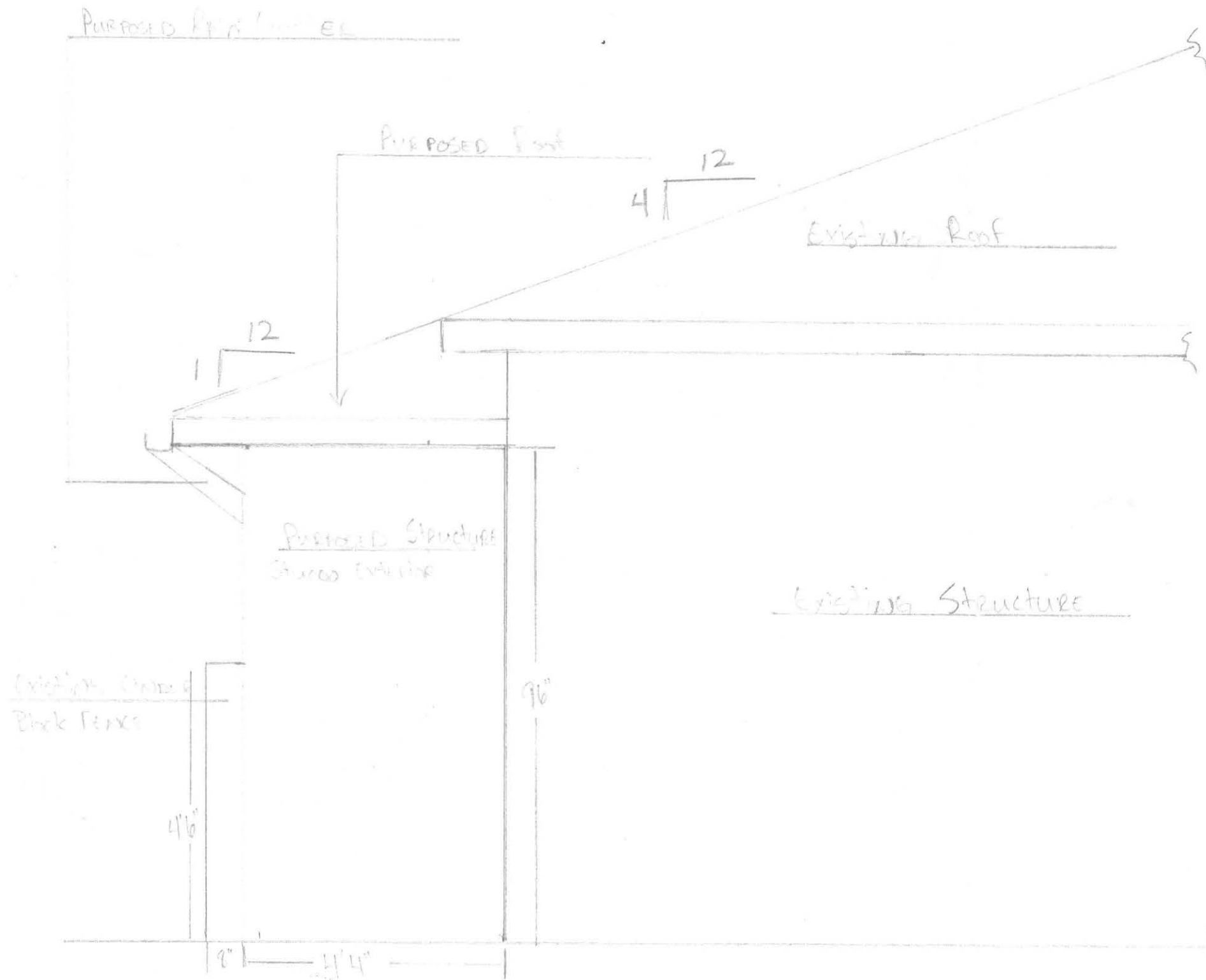
Existing Structure

PURPOSED DITCH
STONE

EXISTING CINDER BLOCK FENCE

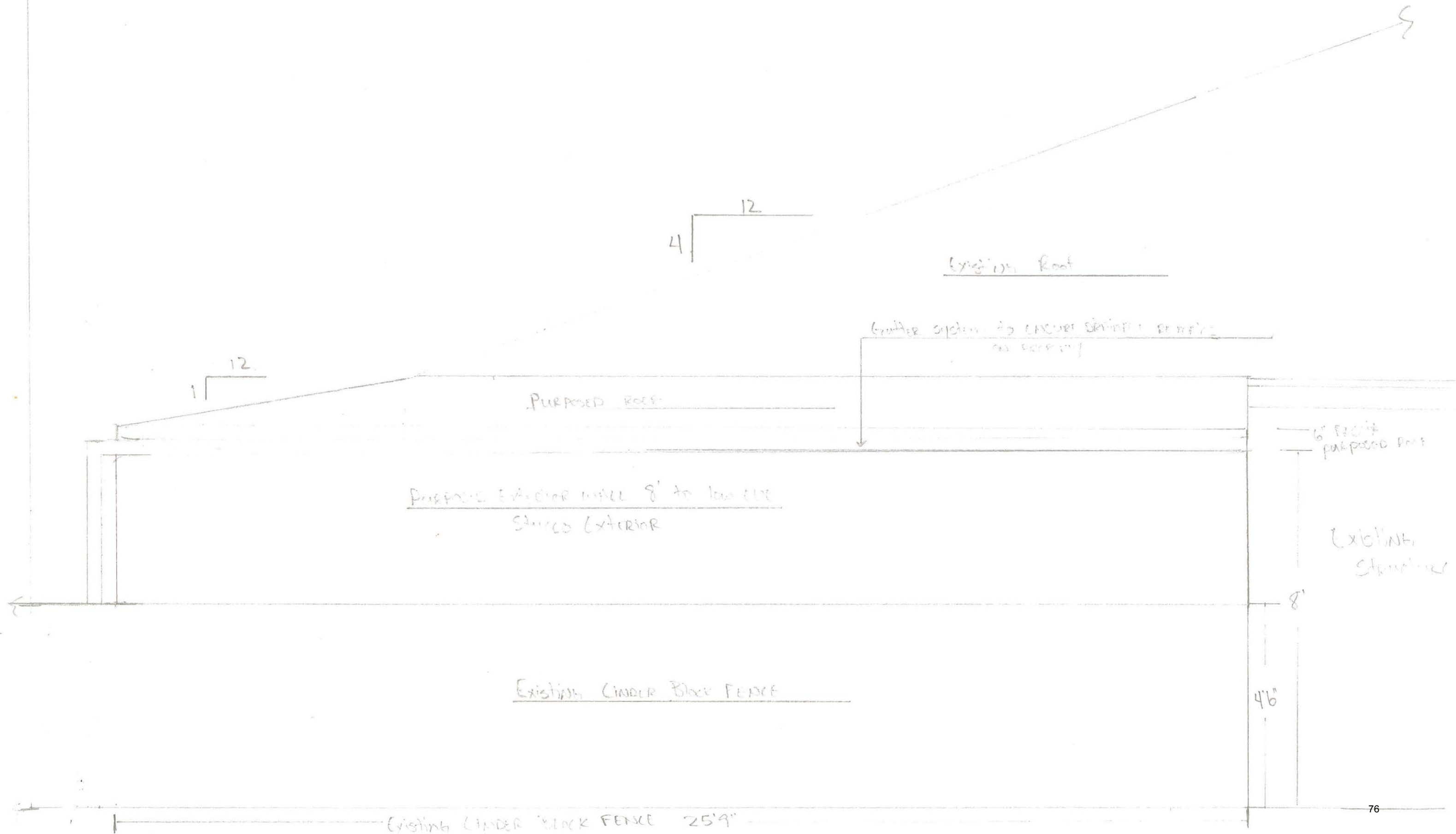
25'9"

South Side Elevation 1/2" = 1'



WEST SIDE ELEVATION PLAN

$\frac{1}{2}" = 1'$ SCALE



more than one story in height and shall conform in exterior design to the residential dwelling.

B. Building Size. The ground floor area of any single story, single-family dwelling, (exclusive of open porches, garages and carports) shall not be less than 1400 square feet. In the case of a two story single-family dwelling, ground floor area shall not be less than 1200 square feet. The ground floor area of any single story multi-family dwelling (exclusive of open porches, garages and carports) shall not be less than 1000 square feet. In the case of a two story multi-family dwelling ground floor area shall not be less than 800 square feet. The Architectural Control Committee shall have the power and authority to waive these minimum size requirements but not to exceed twenty percent (20%).

C. Setbacks. No dwelling shall be located on any lot nearer than 10 feet from the front lot line nor nearer than 10 feet from the rear lot line. All single-family dwellings shall be located so that at all times they have at least a 10 foot side yard on the east or south side of the Lot. All single-family dwellings shall also be located so that the west or north side wall of the residence is on the north or west interior lot line. All multi-family dwellings shall be located so that at all times they have at least a 5 foot side yard on both sides of the dwelling except when the lot adjoins a single-family lot in which event the side yard shall be 10 feet. As used herein the term "dwelling" shall include the entire structure of a multi-family dwelling as well as a single-family dwelling and also the garage and all other structures except fences. The Architectural Control Committee shall have the power and authority to require additional front set backs, not to exceed 10 feet, so that variety and relief are created in the front setback line. If the application of this paragraph will cause the sidewall of a dwelling to be located on an exterior lot line (a lot line on the border of the subdivision) then the Architectural Control Committee shall determine an appropriate setback from said exterior lot line.

D. Fences. All fences shall be constructed only of masonry materials but may be topped with wrought iron materials if

4

CERTIFICATION

All microphotographic images of documents on this film strip are of authorized documents in the possession of this agency as noted in the Statement of Document Certification on file at this agency. These documents are routinely microfilmed as a necessary operation in the generation of an Institute Document file.

Mary Shultz
CAMERA OPERATOR

3-7-1982
DATE OF FILMING

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Mary Shultz
CAMERA OPERATOR

3-7-1982
DATE OF FILMING

the design of such has been approved by the Architectural Control Committee. Fences on the rear lot line shall not exceed 48 inches in height on lots adjoining the golf course; otherwise fences shall not exceed 72 inches in height. Fences on the interior lot lines shall not exceed 72 inches in height. Fences may be constructed on the interior property line between lots or the rear lot line between adjoining lots and shall be subject to and governed by the following provisions. Each lot owner shall bear half the cost of constructing any fence on an interior or rear lot line. Further, each lot owner shall bear the entire cost of maintaining that part of a fence which is situated on his lot provided, however, that if an owner intentionally or negligently damages or destroys or permits the damage or destruction of a fence constructed on their property line then such owner shall bear the entire cost of repairing the damage or destruction. All repairs to fences necessitated either through maintenance, damage or destruction shall be made by the responsible lot owner or owners, as the case may be, within a reasonable time after such repairs become necessary.

E. Common Wall. In the case of multi-family dwellings, if two dwellings share a common wall, the owner of each adjoining dwelling shall bear the entire cost of maintaining that part of the common wall which is situated within its dwelling provided, however, that if an owner intentionally or negligently damages or permits the damage or destruction of a common wall, then such owner shall bear the entire cost of repairing the damage or destruction caused by his intentional or negligent conduct. All repairs to common walls necessitated either through maintenance, damage or destruction shall be made by the responsible dwelling owner or owners, as the case may be, within a reasonable time after such repairs become necessary.

F. Insurance. Each owner of a dwelling unit within a multi-family dwelling shall at all times keep his dwelling unit insured against fire at its full replacement cost. Such policy of insurance to also include extended coverage. Any owner or his mort-

5

CERTIFICATION

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MARVINS
CAMERA OPERATOR

3-9-1982
DATE OF FILMING

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning, Engineering and Regulation	BY: Jeff Patterson, Deputy Planning Director	DATE: 8/21/14
<p>SUBJECT: Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 30', which would result in a 0' front-yard setback at 912 Albert St., legally described as Carter Subdivision Unit 3, Block 16, Lot 14, zoned R-1 Residential District.</p> <p>Applicant: Ruben Rodriguez 912 Albert St. Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i).</i></p>		
<p>SYNOPSIS: This request is to place a carport in the 30' front-yard setback at the subject site. If approved, the resulting front yard setback would be 0'. The majority of lots within Carter Subdivision Unit 3 have a 22' front setback. However, the lots on the east side of Albert St. all have a 30' setback. Table 6 of Section 56-90(b) states that all front setbacks in R-1 zoning should be 30', unless the majority of buildings on a block are closer than 30'. In such cases, the lesser setback will apply.</p> <p>The majority of homes along located in Block 16 on the east side of Albert St. adhere to the 30' front setback.</p>		
<p>IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The 30' front-yard setback standards of Section 56-90(b) of the Zoning Ordinance is meant to preserve a substantial buffer along the public streets and public right-of-ways that front residential properties in the City. This buffer is designed to provide access for emergency situations, for safety purposes and line of sight, and for providing adequate room for utilizing the public right of way along the City streets in residential neighborhoods. Granting this variance would eliminate this buffer along the western property boundary.</p> <p>Sec. 56-150(k) of the Zoning Ordinance states:</p> <p style="margin-left: 40px;">The Planning and Zoning Commission shall only approve a variance if it makes the following findings:</p> <ul style="list-style-type: none"> (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and (b) The hardship relates to the applicant's land, rather than personal circumstances, and (c) The hardship is not the result of the applicant's own actions, and (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and 		

- (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and
- (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a non-conforming use of land.

The applicant's request is not justified based on the criteria above.

The following *Greater Carlsbad Comprehensive Plan: Strategy 2030* goals apply to this request:

Chapter 3: Land Use

Goal 4: "The City of Carlsbad will strive to create an aesthetically pleasing built environment."

Chapter 4: Housing

Goal 2: Carlsbad will ensure that local housing protects the health, safety, and welfare of residents and their neighbors.

PLANNING STAFF RECOMMENDATION: Based on the application materials and staff comments, the Planning Staff recommends denial.

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department		x		Engineering Division		x	
Police Department	x			Planning Division		x	
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.			x				

DEPARTMENT COMMENTS:

Public Works: no comments

Utilities Department: no comments.

Building Department: no comments

Fire Department: no objections or comments.

Code Enforcement: no comments

Legal Department: I recommend denial. The applicant has not shown that the 0' front yard setback meets the minimum requirements for the grant of a variance.

Planning Department: see comments above.

Police Department: Reviewed. Recommend approval, no comments.

Culture and Recreation Department: no comments

City Engineer: recommend denial, no comments.

ATTACHMENTS: Application materials



CITY OF CARLSBAD

*Planning, Engineering,
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

Sec. 47-7 or Sec. 56-150(c)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.

3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.
5. The Planning and Zoning Commission will vote to approve or deny the request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have. Appeals of Planning and Zoning Commission decisions will be heard by the City Council pursuant to Sec. 56-150(c).
6. The applicant shall mail notice of the Planning and Zoning Commission hearing, via certified mail, to all property owners within one-hundred feet (100') of the subject site. **Evidence of such notification shall be provided with the application.** In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing.

**CITY OF CARLSBAD**

*Planning, Engineering,
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

BOARD OF APPEALS APPLICATION
(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)
 Sec. 47-7 or Sec. 56-150(c)

Application Date: 7-9-14

Fee Paid (\$50.00): \$50.00

APPLICANT INFORMATION:

Ruben Rodriguez 912 Albert st
 NAME ADDRESS
Carlsbad NM 88220 (575) 636-0976 Ruben.Rdgz@gmail
 CITY STATE ZIP PHONE EMAIL

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

NAME ADDRESS
 CITY STATE ZIP PHONE EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): 912 Albert st

TYPE OF REQUEST (CHECK ONE):

 VARIANCE FROM THE **SUBDIVISION REGULATIONS** (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

SPECIFY REGULATION AND/OR SUBSECTION: _____

X VARIANCE FROM THE **ZONING ORDINANCE** (CHAPTER 56 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 56-150(c).

SPECIFY REGULATION AND/OR SUBSECTION: 56-90 (b)

for a front setback of 0' instead of required 30'.

3-15-2013

Sept 8th 1/2

JUSTIFICATION FOR REQUEST AND SITE PLAN: (Describe the topographical uniqueness of the property or extreme practical difficulties or undue hardship that would result from the strict application of the requirement(s) contained in the ordinance section from which the variance is requested. Include a site plan drawn to scale or with accurate dimensions showing property lines, existing and proposed fences and/or walls, setbacks, building and structure locations and parking areas. Attach a separate sheet if necessary.)

See Last Page

Zoning Ordinance

Criteria for Appeals - Sec. 56-150(c)(4):

The purpose of the appeal procedure is to determine if the decision being appealed meets the requirements of this Zoning Ordinance. The City Council or the Planning and Zoning Commission, when hearing an appeal, is limited to the following determinations:

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.

Subdivision Regulations

Criteria for Appeals – Sec. 47-7

Whenever, in the opinion of the board of appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as are necessary so that the subdivider is allowed to develop his/her property in a reasonable manner providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved. **The board shall grant such a variance or modification only upon determination that:**

1. The variance will not be detrimental to the public health, safety and general welfare of the community;
2. The variance will not adversely affect the reasonable development of adjacent property;
3. The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage;
4. The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan;
5. The variance has been shown to be in the best interest of the general public and not only of interest to the developer, land owner or other interested party;
- 6 The hardship must not be pecuniary and must be a direct result of the land location, topography or other characteristic;
- 7 Where a variance is requested from the required provision of sidewalks, and ADA compliant, alternative route to the nearest bus stop or school is required. If an alternative route cannot be provided, a variance shall not be approved.

FOR OFFICIAL USE ONLY:			
Required prior to P & Z:			
Complete Application Including:	<input type="checkbox"/> Site Plan	<input checked="" type="checkbox"/> Fee	<input checked="" type="checkbox"/> Notification
	<input checked="" type="checkbox"/> Sign Posting Agreement	<input checked="" type="checkbox"/> Letter of Explanation	<input checked="" type="checkbox"/> Sign Posted
	<input type="checkbox"/> ABM	<input type="checkbox"/> Staff Comments	<input type="checkbox"/> Application Packet
P & Z Action:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Other Date: _____

CITY OF CARLSBAD
AFFIDAVIT BY PROPERTY OWNER(S)

**IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER
THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.**

APPLICATION TYPE:

☐ **ZONING CHANGE** ☐ **CONDITIONAL USE** ☐ **VARIANCE** ☐ **TEMPORARY USE**

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: _____
STREET ADDRESS

LEGAL DESSCRPTION: _____
SUBDIVISION BLOCK LOT OR TRACT

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT: _____
NAME PHONE

ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1:

BY: _____
SIGNATURE
BY: _____
PRINTED NAME
DATE: _____
DATE SIGNED

NOTARY SEAL

OWNER 2: (IF APPLICABLE)

BY: _____
SIGNATURE
BY: _____
PRINTED NAME
DATE: _____
DATE SIGNED

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.

Ruben Rodriguez
APPLICANT SIGNATURE

7-9-14
DATE

Sign issued by: 
Staff Member

Date: 7-9-14

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: Ruben Rodriguez 912 Albert St (575) 636-0976
Name Address Phone

Subject Site Location: 912 Albert St.

The proposed action is a:

☐ Zoning Change from _____ to _____ in accordance with Sec. 56-150(b).

☒ Variance/Appeal from Sec. 56-90(b) in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

install a mobile carport in the driveway and
have a front setback of 0' instead of required 30'

☐ Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:

☐ Home Occupation: _____

☐ Other Use: _____

The Planning and Zoning Commission will consider this request at a Public Hearing on:

Date: Sept. 8

Time: 5:00pm

Place: City Hall Planning Room, 2nd Floor

101 N. Halagueno St.

Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website www.cityofcarlsbadnm.com.

For details about this request contact the applicant OR contact the City Planner at

575-885-1185 or via email at seshumsky@cityofcarlsbadnm.com.

Sincerely,

Ruben Rodriguez

Applicant/Agent

912 Albert St



The purpose of this variance is to request a permission to install a mobile carport for my two vehicles in my personal driveway at 912 Albert St. The problem that I am facing is that I do not have the sufficient space recommended between the city property and my private property. If install, the carport will be at the edge of my property and the 5 or 15 ft recommended by the city will be excluded since the carport will take all the space. The need for the carport came after the hail storm we had in the region in month of May which cause significant damage to my two vehicles.

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING STAFF

DEPARTMENT: Planning, Engineering & Regulation	BY: Jeff Patterson, Deputy Planning Director	DATE: 8/4/14 P&Z Mtg.: 9/8/14
<p>SUBJECT: Consider allowing Temporary Housing as a Temporary Use at 1100 W. Fox St., legally described as Greene's Highlands Subdivision, Block 6, Lots 2, 4, 6, and 8, Zoned "R-2" Residential Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.</p> <p>Applicant: D. Michael Lee (property owner) 74 Pueblo Rd. Carlsbad, NM 88220</p> <p>Agent: Donald Neighbors 604 N. 12th St. Carlsbad, NM 88220</p> <p><i>*Please return your comments to Jeff Patterson in the Planning, Engineering and Regulation Department, via email to jepatterson@cityofcarlsbadnm.com by 8/22/14.</i></p>		
<p>SYNOPSIS, HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Due to the growth in the oil, gas, mining and energy sectors in recent years, southeastern New Mexico has seen an unprecedented increase in the demand for workforce and temporary housing. The existing housing market in Carlsbad continues to be insufficient to meet the needs of the current workforce. In an attempt to address this issue, in October 2013, the City Council approved temporary housing as one of the uses eligible for a Temporary Use Permit.</p> <p>If approved, in addition to the standard regulations for temporary uses, temporary housing must meet the Council-approved definition for temporary housing (see below) and the criteria described in the Temporary Use Application.</p> <p style="padding-left: 40px;">"Temporary Housing. Housing for individuals or families, on a temporary basis, either in pre-fabricated, completely self-contained modular structures consisting of sleeping quarters, dining facilities, laundry facilities, restroom facilities and other amenities, OR individual self-contained recreational vehicles, not including tents. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."</p> <p>A stipulation of the Temporary Housing permit Sec. 56-80 is that the property proposed be at least 2 acres as a whole in area. The property in this application does not meet this requirement, being approximately 1.04 acres in total size.</p> <p>The proposed property is currently zoned R-2 Residential Zoning District. According to Sec. 56-80 of the Zoning Ordinance, the following is stated:</p> <p style="padding-left: 40px;">"Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing</p>		

is from an Arterial Street, as defined by the Code of Ordinances.”

Since the Applicant’s property is not zoned C-2 or R-R, the proposed site fails to meet the zoning requirement.

The applicant included site plans that detail out the plan for water and sewer hookups. The site plans also indicates most of the required setbacks, although a visitor parking area is not indicated on the plan. Also, the applicant needs to provide a site plan showing the required 4’ fence enclosing the site.

Recent predictions are that the regional economy is expected to continue to grow for many more years. The proposed use is intended to address the need for housing temporary workers that have relocated to Carlsbad.

PLANNING STAFF RECOMMENDATION: Based on review of the application materials and other staff comments, planning staff recommends denial, based on the following findings:

- 1) The proposed site fails to meet the minimum area requirement being only 1.04 acres.
- 2) The proposed site does not meet the zoning requirement (R-R or C-2), being zoned R-2.

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works				Plng., Eng. & Reg. Dept:			
Fire Department				Code Enforcement Division			
Legal Department				Engineering Division			
Police Department				Planning Division			
Utilities Department				Building & Regulation Division			
Culture & Rec. Dept.							

DEPARTMENT COMMENTS:

Public Works:

Utilities Department:

Building Department:

Fire Department:

Code Enforcement:

Legal Department:

Planning Department:

Police Department:

Culture & Rec. Department:

City Engineer:

ATTACHMENTS: Application materials and map



CITY OF CARLSBAD

*Planning, Engineering,
and Regulation Department*
PO Box 1569, Carlsbad, NM 88221
Phone (575) 887-1191
Fax (575) 885-9871

TEMPORARY USE APPLICATION

Sec. 56-80 and Temporary Housing

Application Date: 7-30-14

Fee Paid (\$10.00): _____

TYPE OF USE REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> Carnival, Circus, Fair, Public Event | <input type="checkbox"/> Real Estate Sales Office |
| <input type="checkbox"/> Parking Lot Sale | <input checked="" type="checkbox"/> Temporary Housing |
| <input type="checkbox"/> Garage, Estate, Yard Sale | <input type="checkbox"/> Other |
| <input type="checkbox"/> Natural Disaster, Emergency Personal Assistance Location | |

APPLICANT INFORMATION:

D. Michael Lee 74 Pueblo Road
NAME ADDRESS
Carlsbad, NM 88220 575-302-9300 paradisecarcho@live.com
CITY STATE ZIP PHONE EMAIL

PROPERTY OWNER INFORMATION * (IF DIFFERENT FROM APPLICANT):

NAME ADDRESS
CITY STATE ZIP PHONE EMAIL

* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

LEGAL DESCRIPTION AND/ OR STREET ADDRESS OF PROPERTY (FOR WHICH TEMPORARY USE IS REQUESTED):

2, 4, 6, 8 6 Greene's Highland
ADDRESS LOT BLOCK SUBDIVISION ZONING

Description and Duration of Temporary Use:

Site Plan:

FOR OFFICIAL USE ONLY:

☐ Approved ☐ Approved with Conditions ☐ Denied By: _____

Approval Date: _____ Permit Expiration Date: _____

Conditions of approval:

SEC. 56-80. TEMPORARY USES.

(a) Allowed Uses.

Temporary uses shall be allowed in accordance with the standards of the zoning district and this subsection. These uses require written permission from the property owner and an approved Temporary Use Permit from the Planning Director and in some cases a Business Registration, unless otherwise expressly permitted or allowed.

1. Carnivals, Circuses, Fairs and Public Events. Carnivals, circuses, fairs and public events shall only be approved by the City Council on a case by case basis and shall be in accordance with all applicable regulations. Permission of the property owner is required.
2. Garage, estate and yard sales. Garage, estate and yard sales require a Temporary Use Permit but do not require a business registration and may be conducted, but shall comply with the following minimum requirements:
 - (a) There shall be no more than two such activities per residence per twelve month period;
 - (b) Each sale shall begin and end within a consecutive seventy-two hour (72 hr.) period;
 - (c) Sales shall be conducted on the property of the person selling the goods. Multiple home sales must be held on the property of one or more of the participants;
 - (d) No goods purchased for resale may be offered for sale or sold and no consignment goods may be offered for sale or sold;
 - (e) Directional and advertising signs shall not be located in the public right-of-way or attached to utility poles or other structures located in the public right-of-way; and
 - (f) All directional or advertising signs shall be removed within twenty-four hours (24 hrs.) of the completion of the sale.
3. Natural Disaster and Emergency Personal Assistance Locations. Temporary uses and structures needed to provide personal services as the result of a natural disaster or other health and safety emergency are allowed for the duration of the emergency and do not require a temporary use permit or business registration.
4. Parking Lot Sales. Permission of the property owner is required for parking lot sales. Parking lot sales may include the sale of rugs, blankets, fruits, vegetables, and other such items. Parking lot sales are allowed in the parking lot of a permitted structure or use in the C-1, C-2, and I zoning districts for up to thirty (30) consecutive days at a time.
5. Real Estate Sales Offices. Sales offices are allowed on development sites in any zone until all lots or houses are sold. Use of the sales office for lots or homes outside of the project area is prohibited.
6. Other Uses. The Planning and Zoning Commission may approve other temporary uses and activities or special events. Such uses shall not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties near the proposed location of the activity. Such uses shall comply with all applicable ordinances, laws, rules, regulations, codes and policies.

(b) General Regulations.

1. All temporary uses shall comply with the provisions of this Section:
 - (a) Permanent changes to the site are prohibited;
 - (b) Permanent signs are prohibited. All temporary signs associated with the temporary use shall comply with all applicable ordinances, laws, rules, regulations, codes and policies and shall be placed no more than seventy-two hours (72 hrs.) in advance of the event, and shall be removed within twenty-four hours (24 hrs.) of the end of the event;
 - (c) Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site;
 - (d) All other required permits and licenses, such as health department permits, shall be obtained; and
 - (e) Temporary uses shall be subject to site plan review as required by the Temporary Use Permit process.
2. Approval Criteria.

The Planning Director may approve a Temporary Use Permit if it is determined that all of the following conditions are met:

- (a) That the proposed site is adequate in size and shape to accommodate the temporary use;
- (b) That the proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary use will or could reasonably generate;
- (c) That adequate parking to accommodate vehicular traffic to be generated by such use will be available either on-site or at alternate locations (with an approved alternative parking plan);
- (d) That the operation of the requested use at the location proposed and within the time period specified will not endanger, jeopardize or otherwise constitute a menace to the public health, safety or general welfare; and
- (e) All other required permits have been obtained.

3. Conditions of Approval.

In approving Temporary Use Permits, conditions may be imposed as necessary to reduce or minimize any potential adverse impact upon adjacent property. Conditions shall relate to an impact created or aggravated by the proposed use and shall be roughly proportional to the impact. For example, any or all of the following conditions may be imposed:

- (a) Provision of temporary parking facilities, including vehicular access, ingress, and egress;
- (b) Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, dirt, dust, gases, heat, noise, odors, smoke and vibrations;
- (c) Limits on temporary buildings, facilities and structures, including height, placement and size, and location of equipment and open spaces, including buffer areas and other setbacks;
- (d) Provision of medical and sanitary facilities;
- (e) Provision of solid waste collection and disposal;
- (f) Provision of safety and security measures;
- (g) Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section;
- (h) Submission of a performance bond or other financial guarantee to ensure that any temporary buildings, facilities or structures used for such proposed temporary use will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition; and
- (i) Other conditions deemed appropriate by the City Administrator.

In addition to the Temporary Use Regulations provided in Code of Ordinances, Sec. 56-80, the following are requirements for Temporary Housing (as approved by the City Council on 10/22/13):

Temporary Housing is defined as: "Housing for individuals or families, on a temporary basis, either in pre-fabricated, self-contained modular structures with other amenities, OR individual self-contained recreational vehicles, not including tents, truck campers or camper shells. Specifically for the purpose of this definition, Temporary Housing may also be referred to as crew-camp housing, work force housing, congregate residence or employee housing. Residents living within the temporary housing may be employed solely by one company, industry or project or may be employed by a variety of employers."

Temporary Housing, self-contained is defined as: "Temporary Housing that does not require connection to city utilities, is served by an independent waste water and freshwater delivery service, and that includes sleeping, cooking, dining, toilet and shower facilities, contained within an individual RV or contained within individual or multiple modular structures."

- 1. Temporary Housing is permitted only on land currently (as of the date of approval of these regulations) zoned "C-2" Commercial District and "R-R" Rural Residential District, with a minimum of two acres for the temporary housing area, and where primary access to the area of Temporary Housing is from an Arterial Street, as defined in the Code of Ordinances.
- 2. The land on which a Temporary Housing Use is permitted shall be properly addressed for 911 purposes.

3. Temporary Housing shall be connected to city water and sewer utilities or completely self-contained, except for electrical service, which shall be obtained from the service provider. The use of generators is prohibited except in an emergency power outage situation.
4. A site plan shall be provided that identifies:
 - a. the location of all pre-fabricated modular units and/or RV spaces with required setbacks and spacing between units; and
 - b. ingress and egress locations (a minimum of 2 with a minimum width of 24' each); and
 - c. vehicular drive aisles - minimum width of 24' with no on-street parking, minimum chip seal or gravel paving and graded to prevent ruts, muddy and dangerous driving surfaces; and
 - d. emergency access and turn around, if necessary, (minimum 80' diameter); and
 - e. parking spaces (1 - 9'x18' space per sleeping unit or recreational vehicle space); and
 - f. visitor parking spaces (1 - 9'x18' space for every 4 sleeping units) in designated visitor parking area; and
 - g. the location of amenities such as park areas, swimming pool, picnic tables and/or recreational activity areas, if provided.
 - h. a utility plan that shows the location, size and details of all lines located on the site as well as connections to temporary housing and any connections to city utilities.
5. A grading and drainage plan is not required because permanent changes to the site, including grading, are not permitted.
6. A minimum 4' tall perimeter fence shall surround the area of the site utilized for temporary housing. The purpose of this fence is to define the temporary housing area and to prevent litter and debris from blowing onto adjacent land.
7. A 20' set back from this fence shall be maintained free of obstructions at all times.
8. A minimum 10' clear separation between all temporary structures shall be maintained at all times.
9. A minimum 10' clear separation between all RV spaces shall be maintained at all times.
10. A minimum 30' set-back from the front property line shall be maintained. This area may be used for landscaping or parking but may not be used for temporary housing units or RV spaces.
11. A copy of a Sanitation Plan shall be provided to the City. At a minimum, the Sanitation Plan shall indicate the sanitary service provider's name and contact information, type of sanitary services provided (grey water, black water, fresh water, litter control, trash collection), the schedule or frequency for such service provision, and the responsible party for immediate clean up if a spill occurs. All temporary housing units and/or RVs must be provided sanitary service on a regular basis, as needed, and identified in the Sanitation Plan.
12. The Sanitation provider shall comply with all Federal, State, and Local regulations including obtaining a permit from the City Wastewater Department.
13. Temporary Housing shall not be located within a floodway as delineated on the City's Flood Insurance Rate Maps.
14. City Code Enforcement personnel may conduct unscheduled periodic inspections of the temporary housing use to ensure regulations and conditions are met.
15. If all of the requirements are met, staff shall forward the request to the Planning and Zoning Commission for their recommendation to the City Council. The City Council shall make the final decision regarding the issuance of a Temporary Use Permit for Temporary Housing for up to two years, renewable for up to two years at a time, but not to exceed five years.
16. A Temporary Use Permit for Temporary Housing may be revoked by the City Administrator upon finding that:
 - a. the temporary housing is unsafe
 - b. the housing or grounds are unsanitary
 - c. crime or safety issues are prevalent

**CITY OF CARLSBAD
AFFIDAVIT BY PROPERTY OWNER(S)**

**IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER
THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.**

APPLICATION TYPE:

☐ ZONING CHANGE ☐ CONDITIONAL USE ☐ VARIANCE ☒ TEMPORARY USE

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: _____
STREET ADDRESS

LEGAL DESSCRPTION: Greene's Highland 6 2, 4, 6, 8
SUBDIVISION BLOCK LOT OR TRACT

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT: Donald C. Neighbors 575-361-8009
NAME PHONE
604 N. 12th St. Carlsbad, NM 88220
ADDRESS

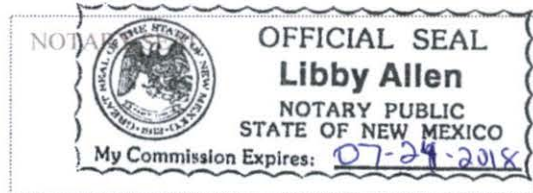
I (WE) UNDERSTAND, CONCUR AND AFFIRM:

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1:

BY: D. Michael Lee
SIGNATURE
BY: D. Michael Lee
PRINTED NAME
DATE: 7-29-2014
DATE SIGNED



OWNER 2: (IF APPLICABLE)

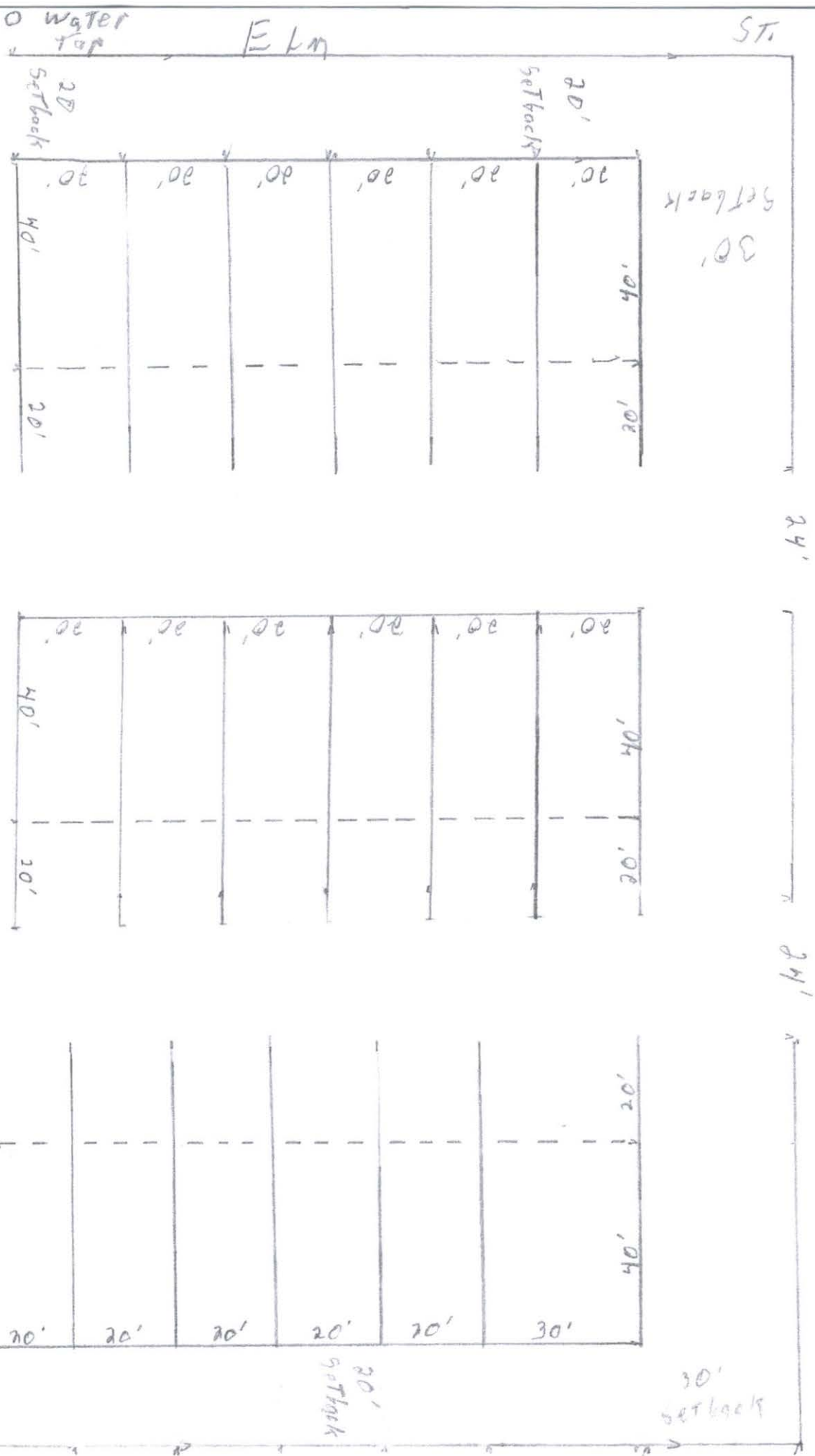
BY: _____
SIGNATURE
BY: _____
PRINTED NAME
DATE: _____
DATE SIGNED



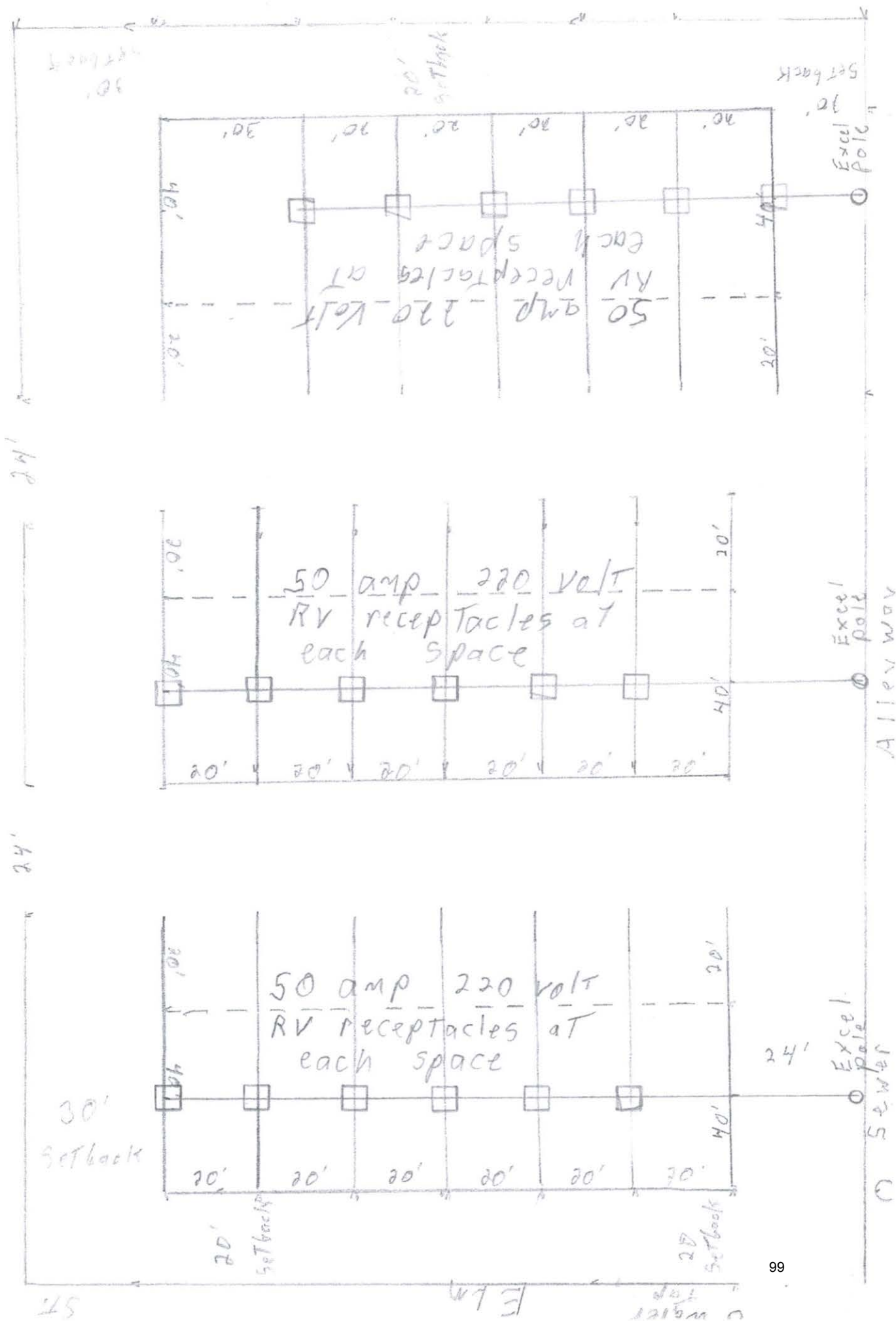
ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

Fox

ST.



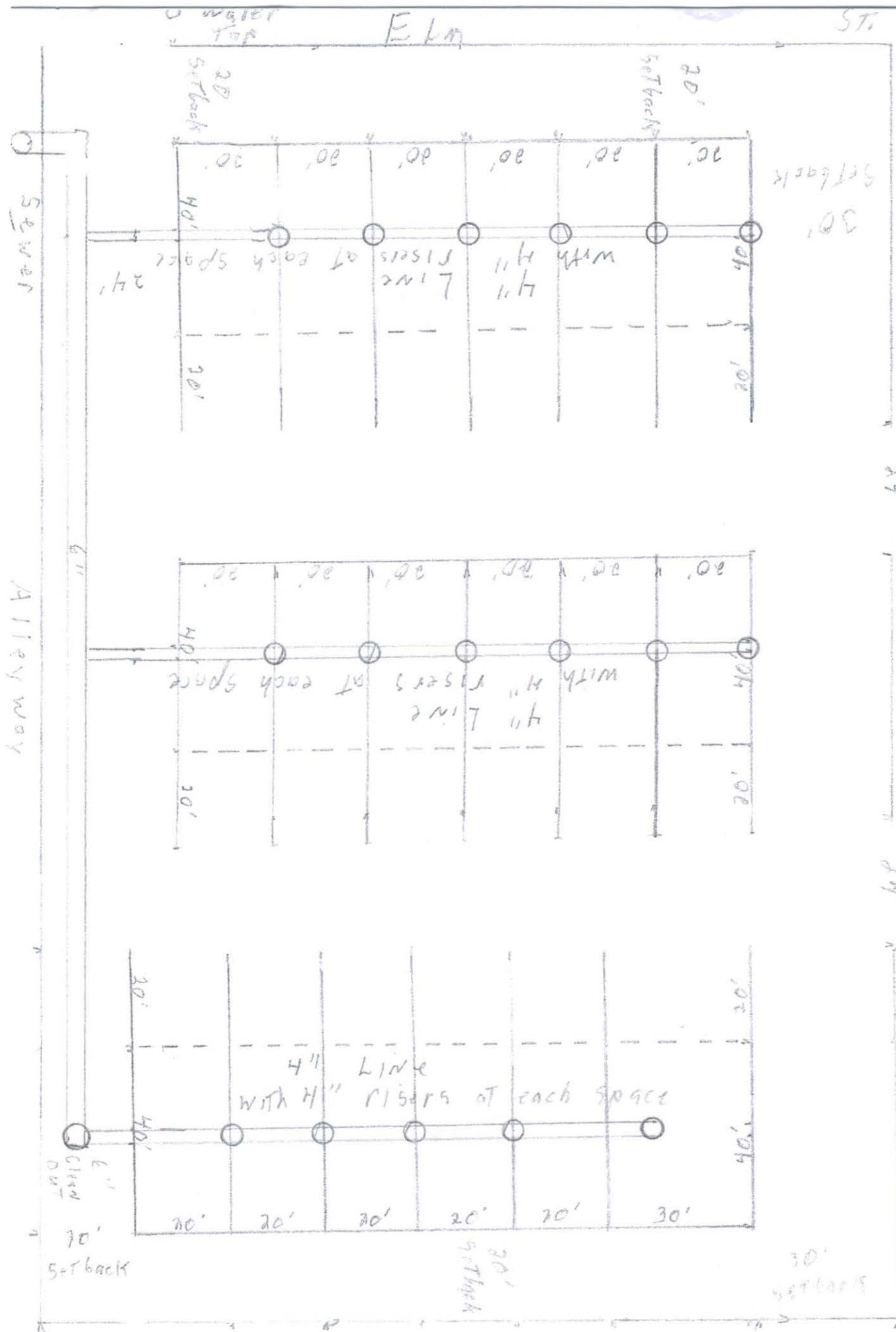
54



Fox

American Muscle
R.V. Park
Sewer Plan

St.

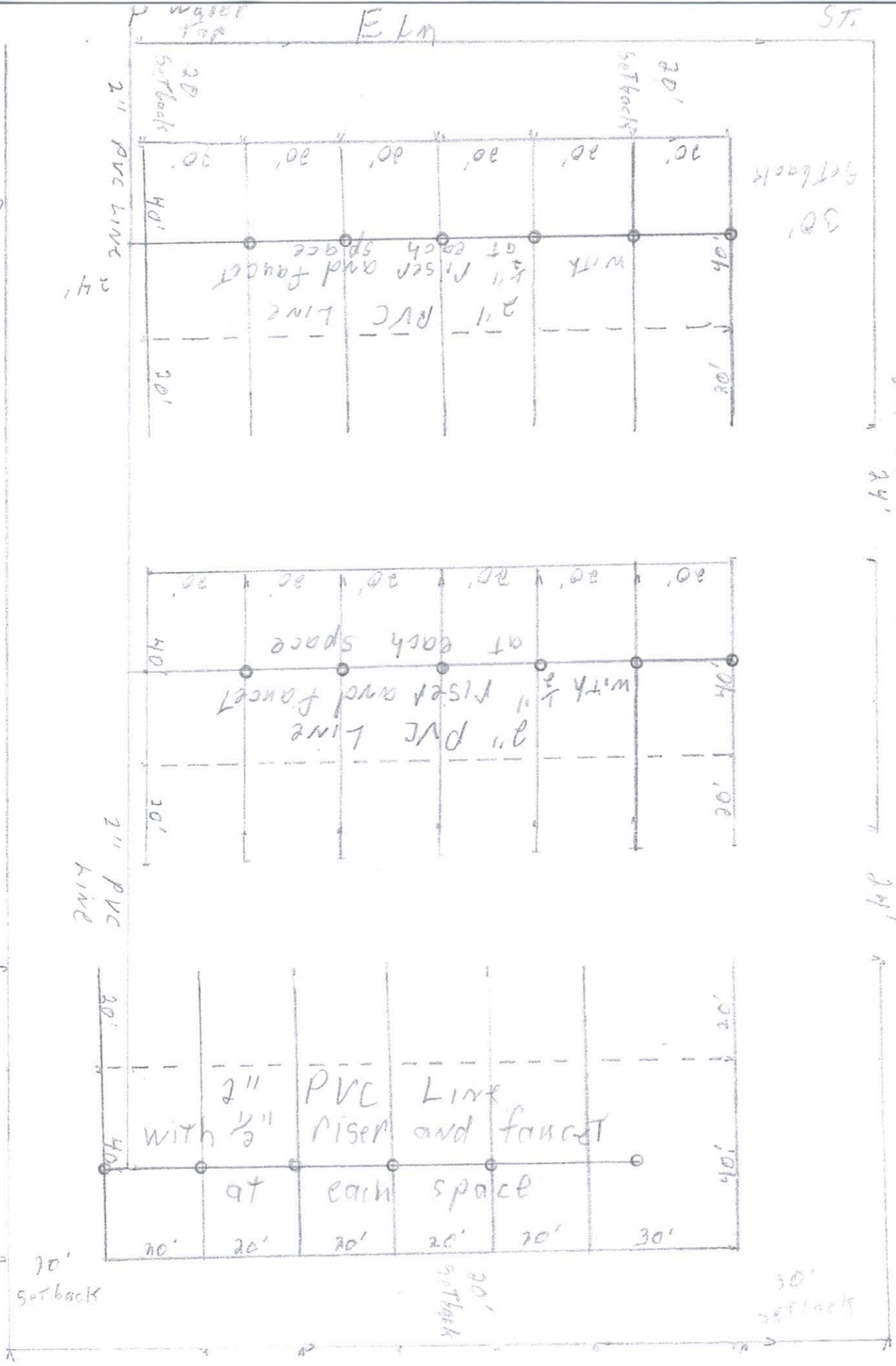


American Muscle R.V. Park Water Plan

ST.

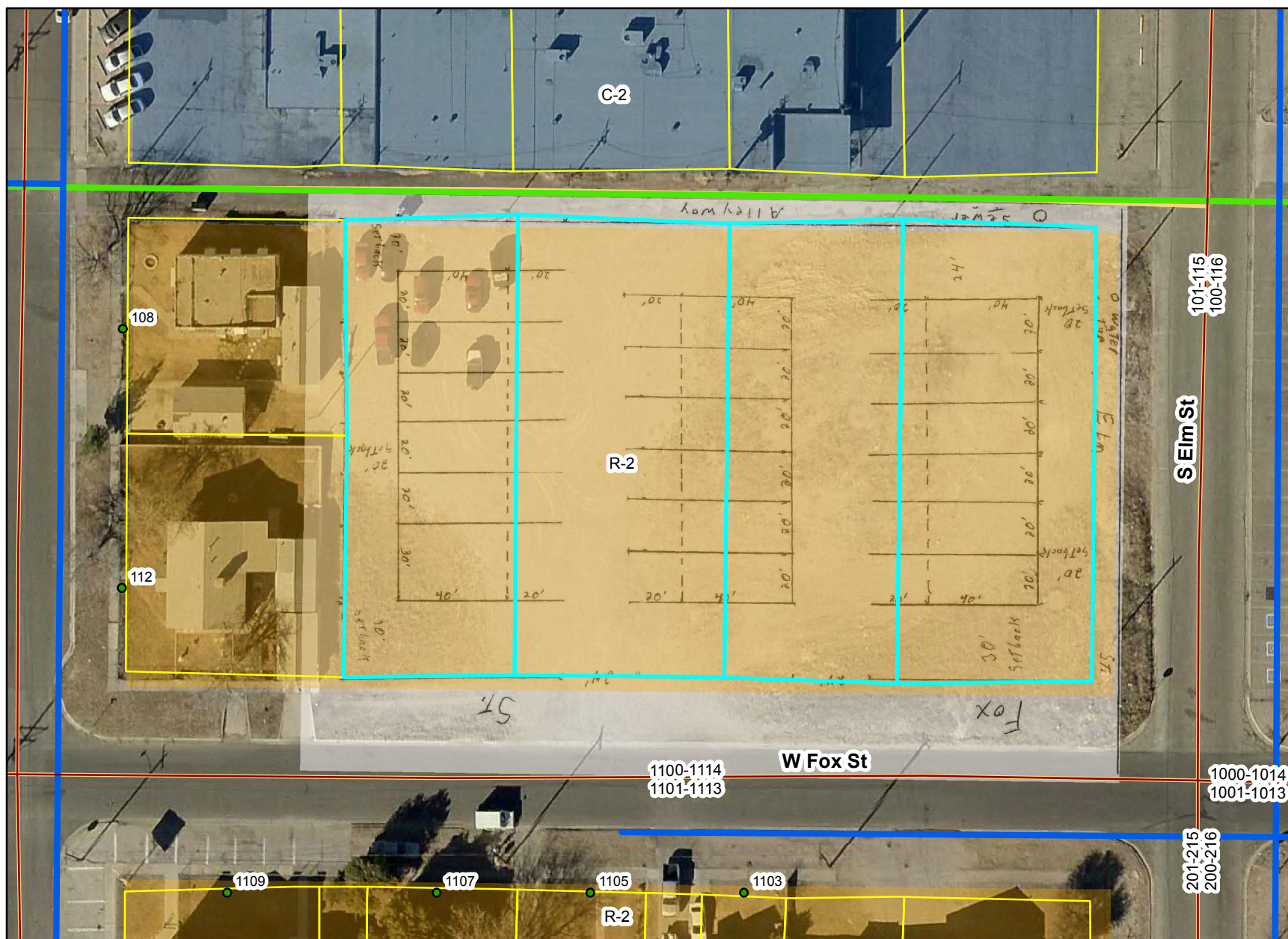
SEWER

Allenway





1100 W. Fox St. Temporary Housing



0 25 50 100 Feet



CITY OF CARLSBAD
PLANNING, ENGINEERING AND
REGULATION DEPARTMENT

8/4/2014

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning, Engineering & Regulation	BY: Jeff Patterson, Deputy Planning Director	DATE: 8/21/14
<p>SUBJECT: Zoning Change from “R-1” Residential District to “C-2” Commercial District for an approximately 0.88+/- acre parcel, located at 1105 N. Pate St., legally described as TR 6 in NW1/2, described Beg NW COR, Cavern Subdivision, N05 DEG 15’W 291.60, S61 DEG 36’W 208.93’, S02 DEG 07’W 191.92, N89 DEG 42’W 150’ to POB, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.</p> <p>Applicant: Phillip Price Calvary Assembly of God 1105 N. Pate St. Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100’ and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners’ 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.</i></p>		
<p>SYNOPSIS, HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The applicant is requesting a Zoning Change from “R-1” Residential District to “C-2” Commercial District at the subject site, which is currently occupied by a church and a parking lot. Calvary Assembly of God currently owns the building at this location, which is their old church building. The applicant states that their decision to apply for a zone change at this location is to facilitate the sale of the property. The applicant states that all parties interested in purchasing the property to date have expressed the need to have the property zoned “C-2” commercial.</p> <p>The existing residential zoning is intended to accommodate moderate density single-family residential development and to provide land-use protection for areas that develop in such a manner. The proposed zoning allows community and regional scale retail and commercial uses. The adjacent properties to the south, east, and west are all zoned R-1, with the properties to the north across Osborne Rd. zoned C-2. Although <i>technically</i> this change will not create a spot zone, <i>functionally</i> it would create a spot zone since the properties on three sides are zoned R-1, and the only C-2 zoned properties close are across Osborne Rd.</p> <p>Observation by the Planning Staff of this request would suggest that a pursuance of C-1 zoning would better address the residential concerns present and the future use of this property. C-1 Commercial Zoning is intended to accommodate neighborhood-scale retail, office and customer service uses, and acts as a buffer between residential neighborhoods and commercial zones. Although changing the zoning to C-1 would create a spot zone, the Planning Staff feels that this zoning would be a better fit for this property if commercial zoning is determined to be needed here.</p> <p>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”.</p> <p><i>Comprehensive Plan: Strategy 2030</i> goals and policies that are applicable to this request are: Chapter 3: Land Use <u>Goal 1:</u> The City of Carlsbad will adopt policies to support the Infill/Redevelopment Land Use Scenario. <u>Goal 2:</u> The City of Carlsbad will make efficient use of government resources through well-planned land use decisions. <u>Goal 5:</u> The City of Carlsbad will ensure that land use does not negatively impact the city’s environmental</p>		

resources.

Chapter 5: Economic Development

Goal 4: Improve the appearance of Carlsbad.

An amendment to the Official Zoning Map or to the Text of this Zoning Ordinance must be justified by one or more of the following findings:

(a) The proposed amendment will or will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and

(b) The proposed amendment responds or does not respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and

(c) The proposed amendment is or is not necessary in order to respond to State and/or Federal legislation; and

(d) The proposed amendment provides or does not provide additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and

(e) The proposed amendment is or is not in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and

(f) The proposed amendment will or will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and

(g) The proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and

(h) The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

PLANNING STAFF RECOMMENDATION: The Planning Staff recommends denial of this request due to the location of this property along a residential street and the absence of a buffer between the neighboring residential lots and the possible commercial uses that would be allowed if this request is granted.

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department		x		Engineering Division	x		
Police Department	x			Planning Division		x	
Utilities Department		x		Building & Regulation Division			x
Culture & Rec. Dept.			x				

DEPARTMENT COMMENTS:

Public Works: no comments.

Utilities Department: There is a 12" water line that runs through the property's parking lot. There is an easement on file for this water line. No structures should be allowed to be built on top of the existing water line.

Building Department: no comments.

Fire Department: I have no real objections to the zone change but I do have several concerns. The big concern of course is the future use of said property. If buyers are seeking C-2 designation it most likely means they are planning to redevelop the property into a larger commercial or retail facility and the area may not have adequate water flow requirements to meet such a development. The potential buyers must understand that this is a possibility and address this issue.

Code Enforcement: no comments.

Legal Department: I recommend denial of the requested Zone Change. The properties immediately adjacent to the proposed zone change are all R-1 (single family residence). The C-2 zone is across the street and those uses mainly face onto Pierce Street. C-2 allows many uses that could contrast sharply with the surrounding R-1 zone (e.g., Industrial Equipment and Supplies; Retail Sales Establishment, Community

Scale; and Manufacturing, Production, Warehousing, and Freight Movement, etc.).

Planning Department: see comments above.

Police Department: Reviewed. Recommend approval, no comments.

Culture & Rec. Dept:

City Engineer: Recommendation of Approval. No Comments

ATTACHMENTS: Application materials



CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

ZONING CHANGE APPLICATION

Sec. 56-150(b)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

9/28/13

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.

8/1 Friday

2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.

3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.

3-15-2013

ADDITIONAL PROCEDURAL REQUIREMENTS FOR ZONING CHANGES:

- 1) **PRESENCE AT MEETING:** The Planning and Zoning Commission will vote to recommend to the City Council approval or denial of request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have.
- 2) **CITY COUNCIL SETS A HEARING DATE:** After the Planning and Zoning Commission has made a recommendation on the request, the City Council (at their next regular meeting) will set a date for a public hearing. The date will be set for a regularly scheduled City Council meeting a minimum of 30 days from that date. A “notice of public hearing” is published in the Current Argus at least 30 days prior to the hearing.
- 3) **NOTIFICATION:** The applicant shall mail notice of the Planning and Zoning Commission meeting, via certified mail, to all property owners within one-hundred feet (100’) of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing. At least fifteen (15) days prior to the City Council hearing, the City will notify adjacent property owners within 100’ of the subject property via first-class mail for properties greater than one (1) block in size, or via certified mail for properties one (1) block or less in size. The notification will include a description of the request, applicant’s information, legal description of subject property, and the date of the hearing.
- 4) **PUBLIC HEARING:** The Public Hearing will be held during a regularly scheduled City Council meeting, and the applicant or his/her representative **MUST BE PRESENT** to address any questions that the Mayor or Council members may have.
- 5) **ZONING CHANGE IS FINAL:** If the City Council approves the zone change, the ordinance is published in the Current Argus. The change is considered final five (5) days after publication.

**CITY OF CARLSBAD**

*Planning, Engineering, and
Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 7-28-14
Existing Zoning: Residential R-1

Fee Paid (\$100.00): pd. ✓ PVP

Proposed Zoning: C-2

APPLICANT INFORMATION:

Calvary Assembly of God 1105 N. Pate St.
NAME ADDRESS
Carlsbad New Mexico 88220 575-706-3099 phillipprice@
CITY STATE ZIP PHONE EMAIL hotmail.com
Phillip Price, Pastor

PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):

Calvary Assembly of God 1105 N. Pate St.
NAME ADDRESS
Carlsbad NM 88220 575-706-3099 phillipprice@hotmail.
CITY STATE ZIP PHONE EMAIL com
Phillip Price, Pastor

* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.

**LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (INCLUDE A MEETS AND BOUNDS
DESCRIPTION FOR UNPLATTED LAND, ATTACH SEPARATE SHEET, IF NECESSARY):**

1105 North Pate St
ADDRESS

Section 36 Township 21 S Range 26 E

TR 6 IN NW2, DESCRIBED BEG NW COR
CAVERN SUBD, N05 DEG 15'W 291.60',
S61 DEG 36'W 208.93', S02 DEG 07'W
191.92', N89 DEG 42'W 150' TO POB
MAP# 189-6
LOC 1105 N PATE
EXEMPT

IVISION

REASON FOR THE REQUEST

An amendment to the Official Zoning Map or to the Text of the Zoning Ordinance must be justified by one or more of the following. Check all that apply:

- ☒ The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance.
- ☒ The proposed amendment responds to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance.
- ☐ The proposed amendment is necessary in order to respond to State and/or Federal legislation.
- ☐ The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance.
- ☒ The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan.
- ☒ The proposed amendment will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan.
- ☐ The proposed amendment will correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance.
- ☐ The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

FOR OFFICIAL USE ONLY:**Required prior to P & Z:**

Complete Application Including: ☒ Map ☒ Fee ☒ Letter ☒ Notification ☒ Sign Agreement

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
AFFIDAVIT BY PROPERTY OWNER(S)

IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.

APPLICATION TYPE:

☒ **ZONING CHANGE** ☐ **CONDITIONAL USE** ☐ **VARIANCE** ☐ **TEMPORARY USE**

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: 1105 North Pate St. Carlsbad NM
STREET ADDRESS

LEGAL DESSCRPTION: Section 36 Township 21 S Range 26 E
TR 6 IN NW2, DESCRIBED BEG NW COR S61 DEG 36'W 208.93', S02 DEG 07'W
CAVERN SUBD, N05 DEG 15'W 291.60', 191.92', N89 DEG 42'W 150' TO POB

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT:

NAME

PHONE

ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1: Calvary Assembly of God

BY: _____

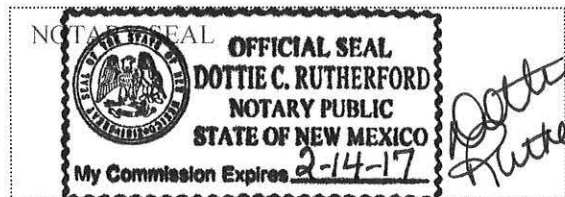
SIGNATURE

BY: Phillip C. Price, Pastor

PRINTED NAME

DATE: 07/28/14

DATE SIGNED



OWNER 2: (IF APPLICABLE)

BY: _____

SIGNATURE

BY: _____

PRINTED NAME

DATE: _____

DATE SIGNED

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.

APPLICANT SIGNATURE

07/28/14

DATE

Sign issued by: _____

DJP
Staff Member

Date: 07-28-14

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: Calvary Assembly of God 1105 N. Pate 575-706-3099
Name Address Phone
Subject Site Location: 1105 N. Pate St. Carlsbad NM

The proposed action is a:

☒ Zoning Change from Residential to C-2 in accordance with Sec. 56-150(b).☐ Variance/Appeal from Sec. _____ in accordance with Sec. 56-150(c).The purpose of the variance/appeal is:

_____☐ Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:☐ Home Occupation: _____☐ Other Use: _____**The Planning and Zoning Commission will consider this request at a Public Hearing on:**Date: 09/08/14Time: 5:00pmPlace: **City Hall Planning Room, 2nd Floor**
101 N. Halagueno St.
Carlsbad, NM 88220The Code of Ordinances can be found on the City's website www.cityofcarlsbadnm.com.For details about this request contact the applicant OR contact the City Planner at 575-234-7923 or via email at seshumsky@cityofcarlsbadnm.com.

Sincerely,


Applicant/Agent

July 28, 2014

City of Carlsbad
Planning and Zoning Commission

Commissioners:

The Calvary Assembly of God Church is requesting a zoning change to C-2 to facilitate the sale of the church's property located at 1105 North Pate Street, Carlsbad, NM. A current purchase agreement with a local business would change the use of the property consistent with a C-2 designation. To date, interested parties that have looked at the property would need to have a C-2 designation. A C-2 zone change would be consistent with other properties to the north and northeast and west and create no change to the immediate neighborhood. A new bank building is to be constructed immediately north of subject property.

Thank you for your consideration.

Pastor Phillip Price

Xeriscaping. Landscaping characterized by the use of vegetation that is drought-tolerant or of low water use in character.

Yard. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by structures. No yard, setback, or other open space provided around any structure for the purpose of complying with provisions of this Code shall be considered as providing a yard, setback, or open space for any structure on any other lot.

Yard, front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

Yard, rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building line.

Yard, side. An open, unoccupied space on the same lot as the building and between the side building line and the side lot line.

Zoning permit. A permit issued by the Planning Director that authorizes the recipient to make use of property in accordance with the requirements of this Zoning Ordinance.

SEC. 56-32- 56-39. RESERVED.

ARTICLE III: DISTRICT REGULATIONS

SEC. 56-40. INTENT AND PURPOSE OF ZONING DISTRICTS.

(a) Rural Residential (R-R) District.

The Rural Residential District is intended to provide for areas that will accommodate agricultural, ranching, and natural resource uses and very low-density residential uses, until such time as other development is appropriate.

(b) Residential 1 (R-1) District.

The Residential 1 District is intended to accommodate moderate density single-family residential development and to provide land-use protection for areas that develop in such a manner.

(c) Residential 2 (R-2) District.

The Residential 2 District is intended to accommodate higher density single-family, duplex, multiple-family, and mobile home parks and subdivisions and to provide land-use protection for areas that develop in such a manner.

(d) Commercial 1 (C-1) District.

The Commercial 1 District is intended to accommodate neighborhood-scale retail, office, and customer service uses. Such uses are regulated in order to reduce adverse impacts on surrounding residential development.

(e) Commercial 2 (C-2) District.

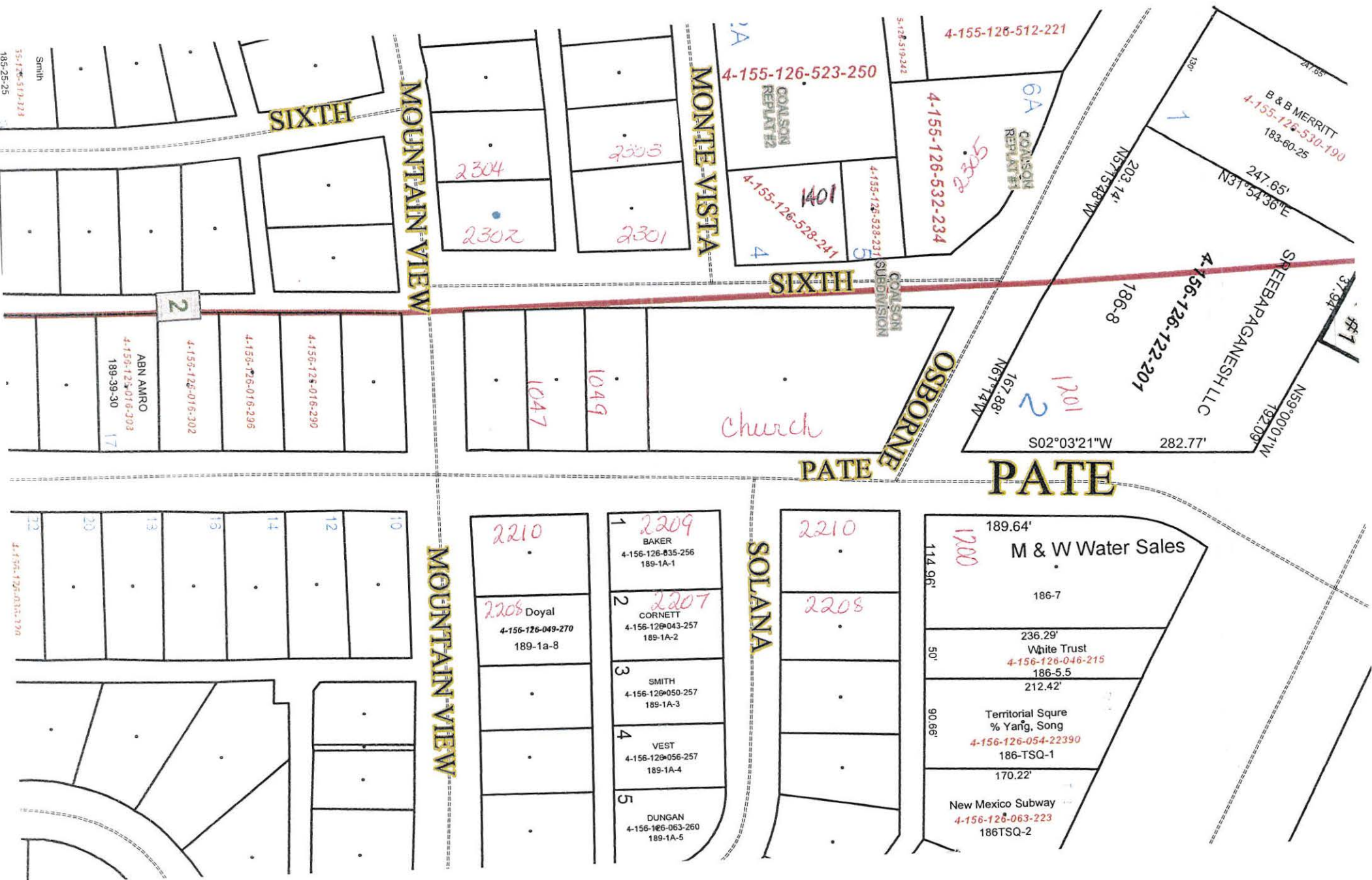
The Commercial 2 District is intended to accommodate community and regional-scale retail and commercial uses. Such uses are regulated in order to be compatible with surrounding uses and existing infrastructure.

(f) Industrial (I) District.

The Industrial District is intended to accommodate heavy and/or concentrated fabrication, production, research, manufacturing, and industrial uses.

(g) Planned Unit Development (PUD) District.

The Planned Unit Development District is intended to accommodate only uses that are allowed in other zoning districts, but to allow more innovative design, massing, orientation, and clustering in development





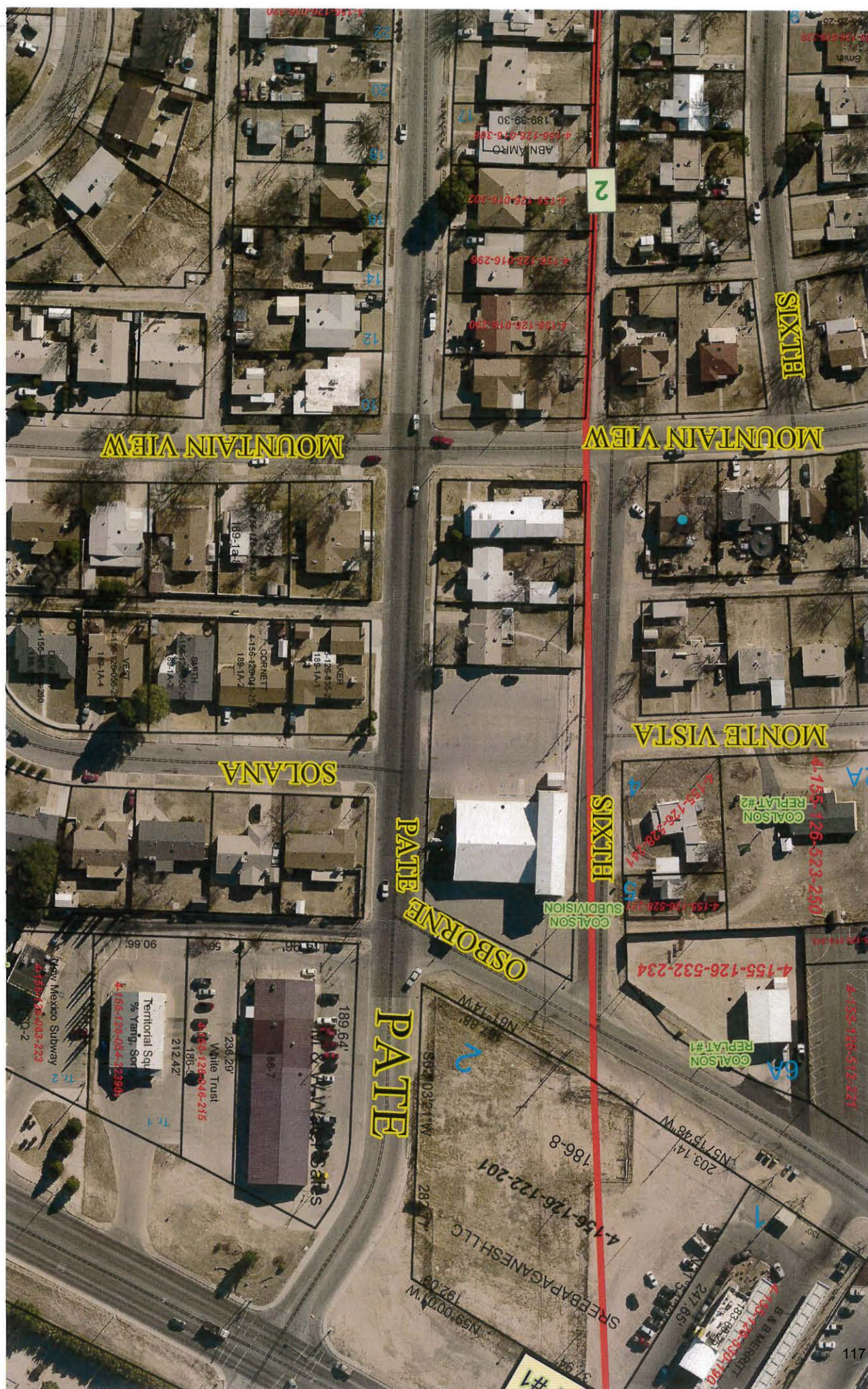
Zone Change: 1105 N. Pate St. R-1 to C-2



0 75 150 300 Feet



CITY OF CARLSBAD
PLANNING, ENGINEERING AND
REGULATION DEPARTMENT
8/5/2014



7/28/2014 09:07:25 EDDY COUNTY ASSESSOR
0106918 Dist CI NonRend% 0
CORNETT, LELA MAE FinCo

Year 2014 MAPPING
0 Centrl 95148 Full
9087 Land 31716 Txbl
86061 Impr 6000 Exmpt
0 P.P. 25716 Net
0 M.H. Est Tax@
0 Livstk

2207 SOLANA ROAD
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 126 043 257	101	LAND RES	7700.00	1.17		9087
2207 SOLANA ROAD	201	STRUC RES				86061
BOOK 179 PG 647	010	CSWCD	31716			
CARTER ACRES UNIT #4						
BLOCK 1						
LOT 2						
MAP# 189-1A-2						
LOC 2207 SOLANA ROAD						
LOT SIZE 70' X 110'						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:14:18 EDDY COUNTY ASSESSOR
 0106571 Dist CI NonRend% 0
 OSTOS, NEYMA E & FinCo
 HANLEY, MICHAEL W (JT)
 OSTOS, NEYMA C/O
 18860 S 4360 RD
 VINITA OK 74301 5584

Year 2014 MAPPING
 0 Centrl 147630 Full
 9456 Land 49210 Txbl
 138174 Impr 0 Exmpt
 0 P.P. 49210 Net
 0 M.H. Est Tax@
 0 Livstk

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 126 044 240	101	LAND RES	8082.00	1.17		9456
2208 SOLANA ROAD	201	STRUC RES				138174
BOOK D 889 PG 905 04/26/12	010	CSWCD	49210			
CARTER ACRES UNIT #4						
BLOCK 2						
LOT 2						
MAP# 189-2A-2						
LOC 2208 SOLANA ROAD						
LOT SIZE 70' X 115.45'						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:07:10 EDDY COUNTY ASSESSOR
0015206 Dist CI NonRend% 0
BAKER, BELINDA S FinCo

Year 2014 MAPPING
0 Centrl 92838 Full
10125 Land 30946 Txbl
82713 Impr 2000 Exmpt
0 P.P. 28946 Net
0 M.H. Est Tax@
0 Livstk

1032 BIRCH LANE
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 126 035 256	101	LAND RES	8580.00	1.17		10125
2209 SOLANA ROAD	201	STRUC RES				82713
BOOK D 772 PG 664 04/03/09	010	CSWCD	30946			
CARTER ACRES UNIT #4						
BLOCK 1						
LOT 1						
MAP# 189-1A-1						
LOC 2209 SOLANA ROAD						
LOT SIZE 78' X 110'						
DEATH DEED 772/670						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:05:47 EDDY COUNTY ASSESSOR
 0016930 Dist CI NonRend% 0
 PARKER, JAMES WALTER & PAULINE FinCo
 (JT)
 PARKER, SABRINA D C/O
 1535 FOXHILL PLACE SW
 ALBUQUERQUE NM 87121

Year 2014 MAPPING
 0 Centrl 93915 Full
 10854 Land 31305 Txb1
 83061 Impr 6000 Exmpt
 0 P.P. 25305 Net
 0 M.H. Est Tax@
 0 Livstk

Property Description
 4 156 126 036 239
 2210 SOLANA ROAD
 BOOK 212 PG 877
 CARTER ACRES UNIT #4
 BLOCK 2
 LOT 1
 MAP# 189-2A-1
 LOC 2210 SOLANA ROAD
 LOT SIZE 80' X 115.45'

Code	ValueDesc	Quantity	Rate	Full
101	LAND RES	9200.00	1.17	10854
201	STRUC RES			83061
010	CSWCD	31305		

Print=Y

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom



Assessor Lookup Main Count

- Search by
- Owner #
- Owner Name
- Mailing Zip Code
- Property Code
- Physical Address
- Subdivision
- Metes

Owner Information

Owner # 11055 **District** CI
ADCOCK, LINDA G

2208 W MOUNTAIN VIEW
 CARLSBAD NM 88220

Estimated Taxes for Owner

Estimated Tax	Estimated Year used
\$605.47	2013

Recap Value Information

Central Full Value	0	Full Value	86259
Land Full Value	8901	Taxable Value	28753
Improvements Full value	77358	Exempt Value	2000
Personal Property Full Value	0	Net Value	26753
Manufactured Home Full Value	0		
Livestock Full Value	0		

Property Information

Property Code 4156126042270
Book 835 **Page** 135 **Reception#** 0
Physical Address 2208 MOUNTAIN VIEW STREET
Bldg Apt
Subdivision CARTER ACRES UNIT #4
 BLOCK 1 LOT 9
 LOT 9
 MAP# 189-1A-9
 LOC 2208 MOUNTAIN VIEW DRIVE
 LOT SIZE 70' X 111'

Appraisal Information

Basement Sq. Ft. 0 **First Floor Sq. Ft.** 1510 **Second Floor Sq. Ft.** 0 **Year built** 1

Property Value Information

001 Residential Head Household 0.00 2000



7/28/2014 09:07:40 EDDY COUNTY ASSESSOR
0011976 Dist CI NonRend% 0
MAYDWELL, KARL P & ANNIE L (JT) FinCo

Year 2014 MAPPING
0 Centrl 156021 Full
10758 Land 52007 Txbl
145263 Impr 52007 Exmpt
0 P.P. Net
0 M.H. Est Tax@
0 Livstk

2210 MOUNTAIN VIEW ST
CARLSBAD NM 88220

Property Description
4 156 126 035 270
2210 MOUNTAIN VIEW DRIVE
BOOK D 810 PG 790 04/19/10
CARTER ACRES UNIT #4
BLOCK 1
LOT 10
MAP# 189-1A-10
LOC 2210 MOUNTAIN VIEW DRIVE
LOT SIZE 79.98' X 113.54' AVG
KARL MAYDWELL 100% VA

Code	ValueDesc	Quantity	Rate	Print=Y	Full
101	LAND RES	9120.00	1.17		10758
201	STRUC RES				145263
010	CSWCD	52007			

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:10:48 EDDY COUNTY ASSESSOR
 0014510 Dist CI NonRend% 0
 VARGAS, BENEDICT & LILLIE V (JT) FinCo

Year 2014 MAPPING
 0 Centrl 36900 Full
 7107 Land 12300 Txbl
 29793 Impr 0 Exmpt
 0 P.P. 12300 Net
 0 M.H. Est Tax@
 0 Livstk

2302 MOUNTAIN VIEW
 CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 155 126 530 271	101	LAND RES	7742.00	0.93		7107
2302 MOUNTAIN VIEW DRIVE	201	STRUC RES				29793
BOOK 138 PG 142 10/23/92	010	CSWCD	12300			
MONTEREY HEIGHTS (AMEND)						
BLOCK 6						
LOT 13						
MAP# 185-25-122						
CAB# 1-334-2						
LOC 2302 MOUNTAIN VIEW DRIVE						
LOT SIZE 72.9' X 106.25' AVG						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:10:31 EDDY COUNTY ASSESSOR
0019284 Dist CI NonRend% 0
LOPEZ, REYES & FinCo
POMROY, PATRICIA GAY (JT)

Year 2014 MAPPING
0 Centrl 82860 Full
6930 Land 27620 Txbl
75930 Impr 0 Exmpt
0 P.P. 27620 Net
0 M.H. Est Tax@
0 Livstk

2304 MOUNTAIN VIEW DRIVE
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 155 126 528 283	101	LAND RES	7554.00	0.93		6930
2304 MOUNTAIN VIEW DRIVE	201	STRUC RES				75930
BOOK 919 PG 180 01/09/13	010	CSWCD	27620			
MONTEREY HEIGHTS (AMEND)						
BLOCK 6						
LOT 14						
MAP# 185-25-123		CAB# 1-334-2				
LOC 2304 MOUNTAIN VIEW DRIVE						
LOT SIZE 71' X 106.4' AVG						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:10:14 EDDY COUNTY ASSESSOR
0019283 Dist CI NonRend% 0
MUNOZ, JONATHAN J & DESIREE M (JT) FinCo

Year 2014 MAPPING
0 Centrl 51825 Full
8349 Land 17275 Txbl
43476 Impr 2000 Exmpt
0 P.P. 15275 Net
0 M.H. Est Tax@
0 Livstk

2301 MONTE VISTA
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 155 126 530 258	101	LAND RES	9096.00	0.93		8349
2301 MONTE VISTA	201	STRUC RES				43476
FILE D 734 PG 9 803826 04/02/07	010	CSWCD	17275			
MONTEREY HEIGHTS (AMEND)						
BLOCK 6						
LOT 12						
MAP# 185-25-121						
CAB# 1-334-2						
LOC 2301 MONTE VISTA						
LOT SIZE 80.65' X 106.2' AVG						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:14:57 EDDY COUNTY ASSESSOR
0018696 Dist CI NonRend% 0
WHITE-MONTOYA, MERCEDES R FinCo

Year 2014 MAPPING
0 Centrl 38091 Full
5868 Land 12697 Txbl
32223 Impr 0 Exmpt
0 P.P. 12697 Net
0 M.H. Est Tax@
0 Livstk

304 E CHAPMAN
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 155 126 527 269	101	LAND RES	6584.00	0.90		5868
2303 MONTE VISTA	201	STRUC RES				32223
BOOK 839 PG 739 01/05/11	010	CSWCD	12697			
MONTEREY HEIGHTS (AMEND)						
BLOCK 6						
LOT 11						
MAP# 185-25-120						
LOC 2303 MONTE VISTA						
LOT SIZE 62' X 106.2'						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:09:33 EDDY COUNTY ASSESSOR
0257441 Dist CI NonRend% 0
SHELTON, CATHERINE FinCo

Year 2015 MAPPING
0 Centrl 49050 Full
6978 Land 16350 Txbl
42072 Impr 0 Exmpt
0 P.P. 16350 Net
0 M.H. Est Tax@
0 Livstk

1401 N 6TH
CARLSBAD NM 88220

Print=Y

Property Description	Code	ValueDesc	Quantity	Rate	Full
4 155 126 528 241	101	LAND RES	10380.00	0.39	4422
1401 N SIXTH STREET	201	STRUC RES			29016
BOOK 301 PG 412	010	CSWCD	11146		
COALSON					
BLOCK 1					
LOT 4					
MAP# 183-1-4					
LOC 1401 N SIXTH					
LOT SIZE 100' X 103.8'					

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:11:38 EDDY COUNTY ASSESSOR
0264784 Dist CI NonRend% 0
FIRST AMERICAN BANK FinCo

Year 2014 MAPPING
0 Centrl 226548 Full
226548 Land 75516 Txbl
0 Impr 0 Exmpt
0 P.P. 75516 Net
0 M.H. Est Tax@
0 Livstk

PO BOX AA
ARTESIA NM 88211

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 126 122 201	111	COMM-LAND	75516.44	3.00		226548
1201 N PATE STREET	010	CSWCD	75516			
BOOK 963 PG 109 12/27/13						
MERRITT #1						
LOT 2						
MAP# 186-8		B/S CAB# 5-776-1				
LOC 1201 N PATE STREET						
ODD SHAPE LOT						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return Bottom

7/28/2014 09:08:49 EDDY COUNTY ASSESSOR
0103014 Dist CI NonRend% 0
COLLINS, JAMES F FinCo

Year 2014 MAPPING
0 Centrl 87450 Full
7110 Land 29150 Txb1
80340 Impr 0 Exmpt
0 P.P. 29150 Net
0 M.H. Est Tax@
0 Livstk

5002 TIERRA BONITA RD
CARLSBAD NM 88220

Property Description		Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 155 126 532 234		111	COMM-LAND	18229.00	0.39		7110
2305 OSBORNE DRIVE		250	COM STRUC				80340
BOOK 474 PG 369		010	CSWCD	29150			
COALSON REP #1							
LOT 6A							
MAP# 183-1-6							
CAB 2 169-4							
LOC 2305 OSBORNE							
ODD SHAPE LOT							

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return Bottom

7/28/2014 09:08:32 EDDY COUNTY ASSESSOR
0016267 Dist CI NonRend% 0
MIDGLEY, BILLY LEON & MARGIT FinCo
(N-JT)

Year 2014 MAPPING
0 Centrl 66078 Full
8262 Land 22026 Txb1
57816 Impr 6000 Exmpt
0 P.P. 16026 Net
0 M.H. Est Tax@
0 Livstk

1047 N PATE
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 126 018 267	101	LAND RES	9000.00	0.93		8262
1047 N PATE STREET	201	STRUC RES				57816
BOOK 192 PG 176	010	CSWCD	22026			
CAVERN						
BLOCK 2						
LOT 3						
MAP# 189-39-24						
LOC 1047 N PATE						
LOT SIZE 60' X 150'						
VA IS BILLY'S						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:08:12 EDDY COUNTY ASSESSOR
0106504 Dist CI NonRend% 0
CALVARY ASSEMBLY OF GOD OF FinCo
CARLSBAD INC

Year 2014 MAPPING
0 Centrl 86388 Full
8262 Land 28796 Txbl
78126 Impr 28796 Exmpt
0 P.P. Net
0 M.H. Est Tax@
0 Livstk

1105 N PATE
CARLSBAD NM 88220

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 126 019 260	101	LAND RES	9000.00	0.93		8262
1049 N PATE STREET	201	STRUC RES				78126
BOOK D 855 PG 458 05/31/11						
CAVERN						
BLOCK 2						
LOT 1						
MAP# 189-39-23						
LOC 1049 N PATE						
LOT SIZE 60' X 150'						
EXEMPT - PARSONAGE						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

7/28/2014 09:05:30 EDDY COUNTY ASSESSOR
 0103104 Dist CI NonRend% 0
 M & W WATER SALES LLC FinCo

Year 2014 MAPPING
 0 Centrl 344466 Full
 92784 Land 114822 Txb1
 251682 Impr 0 Exmpt
 0 P.P. 114822 Net
 0 M.H. Est Tax@
 0 Livstk

PO BOX 2459
 CARLSBAD NM 88221 2459

Property Description	Code	ValueDesc	Quantity	Rate	Print=Y	Full
4 156 126 038 215	111	COMM-LAND	30928.00	3.00		92784
1200 N PATE STREET	250	COM STRUC				251682
BOOK 933 PG 449 05/01/13	010	CSWCD	114822			
SECTION-36 TOWNSHIP-21S RANGE-26E						
TR 7 IN NW4 LESS D7/799						
MAP# 186-7 B/S CAB#5 722-1						
LOC 1200 PATE STREET						

F3=Cancel F4=Prompt() F6=Chg Yrs F12=Return

Bottom

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.49



Sent To **Mercedes R. White-Montoya**
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Restricted Delivery Fee (Endorsement Required)	\$0.00
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Sent To **James W. & Pauline Parker c/o**
 Street, Apt. No., or PO Box No. **Sabrina D. Parker**
 City, State, ZIP+4 **1535 Foxhill Place SW**
Albuquerque, NM 87121

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Sent To **Neyma E. Ostos & Michael W. Hanley**
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 City, State, ZIP+4 **Vinita, OK 74301-5584**

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Sent To **Lela Mae Cornett**
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Total Postage & Fees	\$ 6.49



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 City, State, ZIP+4 **Carlsbad, NM 88220**

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 Street, Apt. No., or PO Box No. **2302 Mountain View**
 City, State, ZIP+4 **Carlsbad, NM 88220**

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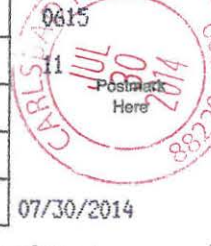
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CARLSBAD NM 88221-2459

Postage	\$ 0.49
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$2.70
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.49



Sent To **M&W Water Sales LLC**
 Street, Apt. No., or PO Box No. **P.O. Box 2459**
 City, State, ZIP+4 **Carlsbad, NM 88221-2459**

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CARLSBAD NM 88220

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Certified Fee	\$3.30
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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 6.49



Sent To **Catherine Shelton**
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CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
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Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To **Karl P. & Annie L. Maydwell**
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PS Form 3800, August 2006

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CARLSBAD NM 88220

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Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To **Reyes Lopez & Patricia Gay Pomroy**
 Street, Apt. No., or PO Box No. **2304 Mountain View Drive**
 City, State, ZIP+4 **Carlsbad, NM 88220**

PS Form 3800, August 2006

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Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To **Belinda S. Baker**
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 City, State, ZIP+4 **Carlsbad, NM 88220**

PS Form 3800, August 2006

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=====

CARLSBAD MPO
 CARLSBAD, New Mexico
 882209998
 3401500615-0096
 07/30/2014 (505)885-5717 09:07:00 AM

=====

===== Sales Receipt =====

Product Description	Sale Unit Qty	Final Price
---------------------	---------------	-------------

CARLSBAD NM 88220-3285		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70121010000101064824		

=====

Issue Postage: \$6.49

CARLSBAD NM 88220-3254		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70121010000101064831		

=====

Issue Postage: \$6.49

CARLSBAD NM 88220-3120		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70121010000101064848		

CARLSBAD NM 88220-3204		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153490		

=====

Issue Postage: \$6.49

CARLSBAD NM 88220-3126		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153506		

=====

Issue Postage: \$6.49

CARLSBAD NM 88221-2459		\$0.49
Zone-1		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153513		

=====

Issue Postage: \$6.49

CARLSBAD NM 88220-3254		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153520		

CARLSBAD NM 88220-9313		
Zone-0		
First-Class Mail Letter		
0.60 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153575		

=====

Issue Postage: \$6.49

VINITA OK 74301-5584 Zone-4		\$0.49
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Sat 08/02/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153599		

=====

Issue Postage: \$6.49

CARLSBAD NM 88220-3253		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153605		

=====

Issue Postage: \$6.49

CARLSBAD NM 88220-9359		\$0.49
Zone-0		
First-Class Mail Letter		
0.70 oz.		
Expected Delivery: Thu 07/31/14		
Return Rcpt (Green Card)		\$2.70
@@ Certified		\$3.30
USPS Certified Mail #:		
70060100000301153612		

=====

Issue Postage: \$6.49

ARTESIA NM 88211-7526 Zone-1 \$0.49
 First-Class Mail Letter
 0.70 oz.
 Expected Delivery: Thu 07/31/14
 Return Rcpt (Green \$2.70
 Card)
 @@ Certified \$3.30
 USPS Certified Mail #:
 70060100000301153537
 =====
 Issue Postage: \$6.49

CARLSBAD NM 88220-3176 \$0.49
 Zone-0
 First-Class Mail Letter
 0.70 oz.
 Expected Delivery: Thu 07/31/14
 Return Rcpt (Green \$2.70
 Card)
 @@ Certified \$3.30
 USPS Certified Mail #:
 70060100000301153544
 =====
 Issue Postage: \$6.49

ALBUQUERQUE NM 87121-8328 \$0.49
 Zone-3
 First-Class Mail Letter
 0.70 oz.
 Expected Delivery: Fri 08/01/14
 Return Rcpt (Green \$2.70
 Card)
 @@ Certified \$3.30
 USPS Certified Mail #:
 70060100000301153551
 =====
 Issue Postage: \$6.49

CARLSBAD NM 88220-3131 \$0.49
 Zone-0
 First-Class Mail Letter
 0.70 oz.
 Expected Delivery: Thu 07/31/14
 Return Rcpt (Green \$2.70
 Card)
 @@ Certified \$3.30
 USPS Certified Mail #:
 70060100000301153568

Paid by:
 Personal Check \$97.35

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CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 9/8/14

DEPARTMENT: Planning, Engineering and Regulation	BY: Jeff Patterson, Deputy Planning Director	DATE: 8/22/14
--	--	----------------------

SUBJECT: Appeal (variance) from Section 56-70(d)(5)(d) to allow a 4' tall perimeter fence instead of the maximum allowed 3' at 1107 W Country Club Circle, zoned R-1.

Applicant:

Tom E. Lee (property owner)
1107 N. Country Club Circle
Carlsbad, NM 88220

****The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i).***

SYNOPSIS: This variance is a request from the applicant to erect a 4' chain link fence along the west and north border of the applicant's property line. This property is located at the corner of N. Country Club Circle and Adams St., with the west property line abutting Adams St., and the north property line abutting N. Country Club Circle. Section 56-70(d)(5)(d) states:

(d) For corner lots, fences, walls and hedges shall not exceed three-feet (3 ft.) in height along the property line abutting a street for a minimum distance of thirty-feet (30 ft.) and a clear sight triangle must be maintained.

This section of the Zoning Ordinance is meant to preserve a clear line of site at intersections of streets that abut residential properties. The variance request will result in a 1' variance from the City's Zoning Ordinance. The applicant states in their site plan that the fence will be constructed from chain link fencing, allowing drivers to see through the fence. The applicant is requesting this variance to build a taller fence than is allowed in order to keep the family dogs in the front yard. The need for a taller fence stems from the fact that the dogs are able to jump over the allowed 3' fence.

The Planning and Zoning Commission shall only approve a variance if it makes the following findings:

- (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and
- (b) The hardship relates to the applicant's land, rather than personal circumstances, and
- (c) The hardship is not the result of the applicant's own actions, and
- (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and
- (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and
- (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and
- (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and
- (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a non-

conforming use of land.

The applicant did provide justification based on some of the criteria above, but did not meet all of the listed criteria.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The maximum 3' height allowed for fences along corner lots is meant to preserve line of site and improve safety for motorists using residential streets. The requested variance will diminish the line of site at this location. However, the applicant has stated that their plan is to use chain link fencing, which will mitigate the loss of line of site at this location.

The following *Greater Carlsbad Comprehensive Plan: Strategy 2030* goals apply to this request:

Chapter 3: Land Use

Goal 4: The City of Carlsbad will strive to create an aesthetically pleasing built environment.

Chapter 4: Housing

Goal 2: Carlsbad will ensure that local housing protects the health, safety, and welfare of residents and their neighbors.

PLANNING STAFF RECOMMENDATION: Planning Staff recommends approval based on the following condition:

The applicant should use chain link fencing to mitigate the loss of line of site at this intersection.

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Plng., Eng. & Reg. Dept:			
Fire Department	x			Code Enforcement Division			x
Legal Department		x		Engineering Division	x		
Police Department			x	Planning Division	x		
Utilities Department			x	Building & Regulation Division			x
Culture & Rec. Dept.			x				

DEPARTMENT COMMENTS:

Public Works: no comments.

Utilities: no comments.

Building Department: no comments.

Fire Department: no objections or comments.

Code Enforcement: no comments.

Legal Department: I did not see any justification for the requested variance in the packet provided to me. There was a description of the proposed fence but no explanation of the reasons for the variance. I recommend denial.

Planning Department: see comments above.

Police Department: no comments.

Culture and Recreation Department: no comments.

City Engineer: Recommendation of Conditional Approval. Ensure that there are no line of sight problems for vehicular traffic at the street intersection.

ATTACHMENTS: Application materials

CITY OF CARLSBAD, NEW MEXICO

ZONING FEES

TOM E LEE

VARIANCE APP
01-0000-30968
CK#1050

AMOUNT	50.00
CHECK TENDERED	.00
CHANGE ISSUED	.00

CASHIER: PISTOLEP
RECEIPT NO 3609123
DATE 08:19 AM 8/01/14



CITY OF CARLSBAD

*Planning, Engineering,
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

Sec. 47-7 or Sec. 56-150(c)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the FIRST MONDAY OF THE MONTH. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.

The desired maximum size for all documents is 11"x17". However, if the applicant wishes to support his or her application with larger size documents, **an original and fifteen (15) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.
3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.
5. The Planning and Zoning Commission will vote to approve or deny the request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have. Appeals of Planning and Zoning Commission decisions will be heard by the City Council pursuant to Sec. 56-150(c).
6. The applicant shall mail notice of the Planning and Zoning Commission hearing, via certified mail, to all property owners within one-hundred feet (100') of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing.

**CITY OF CARLSBAD**

*Planning, Engineering,
and Regulation Department*
PO Box 1569, Carlsbad, NM 88221
Phone (575) 887-1191
Fax (575) 885-9871

BOARD OF APPEALS APPLICATION
(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)
Sec. 47-7 or Sec. 56-150(c)

Application Date: 7-14-14Fee Paid (\$50.00): ✓pvp**APPLICANT INFORMATION:**

Tom E. Lee 1107 N Country Club Circle
NAME ADDRESS
Carlsbad NM 88220 949-502-9653 415F 1953
CITY STATE ZIP PHONE EMAIL @yaho.com

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

Sam
NAME ADDRESS
CITY STATE ZIP PHONE EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): _____

TYPE OF REQUEST (CHECK ONE):

_____ VARIANCE FROM THE **SUBDIVISION REGULATIONS** (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

☒ **SPECIFY REGULATION AND/OR SUBSECTION:** _____

☒ VARIANCE FROM THE **ZONING ORDINANCE** (CHAPTER 56 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 56-150(c).

SPECIFY REGULATION AND/OR SUBSECTION: 56-70(d)(9)(c)
(5)

JUSTIFICATION FOR REQUEST AND SITE PLAN: (Describe the topographical uniqueness of the property or extreme practical difficulties or undue hardship that would result from the strict application of the requirement(s) contained in the ordinance section from which the variance is requested. Include a site plan drawn to scale or with accurate dimensions showing property lines, existing and proposed fences and/or walls, setbacks, building and structure locations and parking areas. Attach a separate sheet if necessary.)

See
attached

Date: 7-16-14

Dear Property Owner,

This letter serves as legal notification of a pending action before the City of Carlsbad Planning and Zoning Commission in accordance with Code of Ordinances Sec. 56-140(i). You are being notified because you are a property owner within one-hundred feet (100') of the subject site.

Applicant: Tom E. LEE 1107 N. Country Club 928-502-9653
Name Address Phone
Subject Site Location: 1107 N. Country Club Cir, Carlsbad NM

The proposed action is a:

☐ Zoning Change from _____ to _____ in accordance with Sec. 56-150(b).

☒ Variance/Appeal from Sec. 56-70(d)5(d) in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

4 ft., rather than 3 ft. tall fence

☐ Conditional Use Permit in accordance with Sec. 56-150(f). The purpose of the permit is for a:

☐ Home Occupation: _____

☐ Other Use: _____

The Planning and Zoning Commission will consider this request at a Public Hearing on:

Date: Sept. 8, 2014

Time: 5:00pm

Place: City Hall Planning Room, 2nd Floor

101 N. Halagueno St.

Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website www.cityofcarlsbadnm.com.

For details about this request contact the applicant OR contact the City Planner at 575-234-7923 or via email at seshumsky@cityofcarlsbadnm.com.

Sincerely,



Applicant/Agent



Eddy County New Mexico

1107 n country club cir

Printed Mon May 12 2014

Maps are for Tax Purposes Only, Not to be Used for Conveyance.

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4 foot high chain link fence
post 10 feet apart in cement
3 foot gate at front by door
12 foot gate at corner of driveway
3 foot gate near garage

Zoning Ordinance

Criteria for Appeals - Sec. 56-150(c)(4):

The purpose of the appeal procedure is to determine if the decision being appealed meets the requirements of this Zoning Ordinance. The City Council or the Planning and Zoning Commission, when hearing an appeal, is limited to the following determinations:

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.

Subdivision Regulations

Criteria for Appeals – Sec. 47-7

Whenever, in the opinion of the board of appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as are necessary so that the subdivider is allowed to develop his/her property in a reasonable manner providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved. **The board shall grant such a variance or modification only upon determination that:**

1. The variance will not be detrimental to the public health, safety and general welfare of the community;
2. The variance will not adversely affect the reasonable development of adjacent property;
3. The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage;
4. The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan;
5. The variance has been shown to be in the best interest of the general public and not only of interest to the developer, land owner or other interested party;
- 6 The hardship must not be pecuniary and must be a direct result of the land location, topography or other characteristic;
- 7 Where a variance is requested from the required provision of sidewalks, and ADA compliant, alternative route to the nearest bus stop or school is required. If an alternative route cannot be provided, a variance shall not be approved.

FOR OFFICIAL USE ONLY:			
Required prior to P & Z: Complete Application Including:	<input type="checkbox"/> Site Plan <input type="checkbox"/> Fee <input type="checkbox"/> Notification <input type="checkbox"/> Sign Posting Agreement <input type="checkbox"/> ABM <input type="checkbox"/> Staff Comments	<input type="checkbox"/> Letter of Explanation <input type="checkbox"/> Sign Posted <input type="checkbox"/> Application Packet	
P & Z Action: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Other	Date: _____		

CITY OF CARLSBAD
AFFIDAVIT BY PROPERTY OWNER(S)

**IF AN APPLICATION IS MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER
THIS FORM MUST ACCOMPANY THE APPLICATION MATERIALS.**

APPLICATION TYPE:

☐ ZONING CHANGE ☐ CONDITIONAL USE ☒ VARIANCE ☐ TEMPORARY USE

I (WE) HEREBY CERTIFY that I am (we are) the owners of record of the property described as follows:

ADDRESS OF PROPERTY: 1107 N Country Club Circle STREET ADDRESS 4156 125427463
LEGAL DESSCRPTION: Riverside County Club AND Block 5, Lot 9 SUBDIVISION BLOCK LOT OR TRACT 181-18-87

I (WE) HAVE AUTHORIZED the following individuals to act as my (our) agent with regard to this application.

AGENT: _____
NAME PHONE
ADDRESS

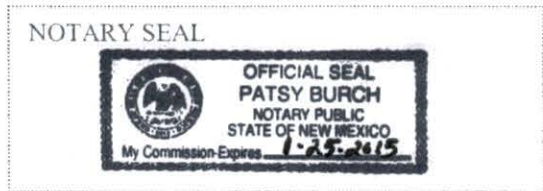
I (WE) UNDERSTAND, CONCUR AND AFFIRM:

That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others and that compliance with all applicable City ordinances is required, and

I (WE) HEREBY EXECUTE THIS AFFIDAVIT in support of the proposed application as presented:

OWNER 1:

BY: Tom E. Lee SIGNATURE
BY: Tom E. Lee PRINTED NAME
DATE: 6-5-17 DATE SIGNED



OWNER 2: (IF APPLICABLE)

BY: _____ SIGNATURE
BY: _____ PRINTED NAME
DATE: _____ DATE SIGNED



ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

NOTIFICATION SIGN POSTING AGREEMENT

Notification of Public Hearings before the City of Carlsbad Planning and Zoning Commission is required pursuant to Sec. 56-140(i).

- Signs shall be posted a minimum of 5 days prior to and shall be removed a maximum of 5 days after the public hearing.
- If the sign is not posted as required, the application will be delayed and will not be considered at the public hearing as scheduled.
- The sign shall be posted at the street side property line with a secure stake provided by the applicant.

I have read and understand these requirements. I understand where the sign is to be located and my obligation to post the sign prior to the public hearing and remove it afterwards.



APPLICANT SIGNATURE

7-14-14

DATE

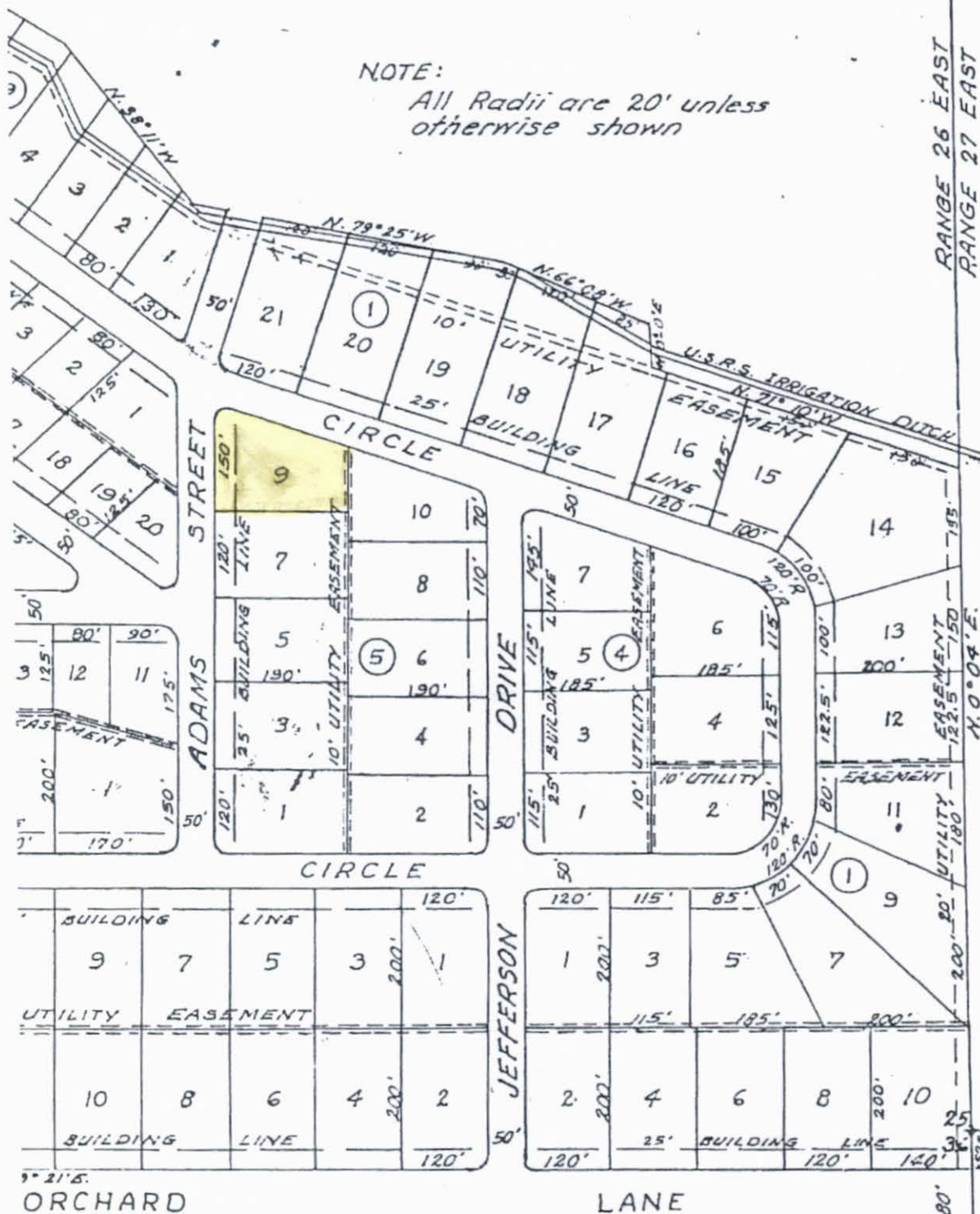
Sign issued by: 

Staff Member

AMENDED PLAT
RIVERSIDE
COUNTRY CLUB
"ADDITION"
Scale 1"=200'

NOTE:

All Radii are 20' unless
otherwise shown



IN WITNESS
this 1 day of

D. H. Pearson
Mamie Jo Pearson
M. L. Clement
James M. Durrett
Dorothy M. Durrett
Wm. Adair Gossett
Joyce Gossett
W. E. Carter
Eunice Carter
Martha Carter
Edwin L. Dunagan
Mrs. June C. Dunagan
Norman R. Loose
Evelyn Loose
Albert E. Carter
Alice Carter
J. E. Nabors
Artye Nabors
E. W. Douglass
Cleo C. Douglass
Zane E. Smith
Jewell Smith
D. F. Ross
Murlin Ross
J. B. Early

W. V. T. M.

Christine

R. J. Sp.

Margaret

H. M. C.

Alice E.

STATE OF NEW M.
COUNTY OF EDG
On this
E. E. TUSHA, to me
in behalf of T. L. B.
HELEN E. SCHNAUBEL
J. TRINDER and TOM
and FRANCES KENNE
MELVIN H. TOTTENHO
CORNELIUS, his wife;
MABLE CAREY, his
J. T. SHELTON, his
C. OTHICK, his wife;
his wife; W. L. JACK
his wife; M. L. CLEME
WM. ADAIR GOSSETT
MARTHA CARTER, a s.
R. LOOSE and EVELYN
NABORS and ARTY
PAUL E. SCHREINER
M. PRITCHETT, his
WILLS, his wife; W.
C. WILLIAMS, his wi

7013 0600 0000 8217 2463

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79

0615 CARLSBAD NM
05 JUL 30 2014
Postmark Here
88220-0000
07/30/2014

Sent To Wanda Taylor
 Street, Apt. No., or PO Box No. 1106 N Country Club
 City, State, ZIP+4 Carlsbad

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2470

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49

0615 CARLSBAD NM
05 JUL 30 2014
Postmark Here
88220-0000
07/30/2014

Sent To Robert Johnson
 Street, Apt. No., or PO Box No. 1204
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2524

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79

0615 CARLSBAD NM
05 JUL 30 2014
Postmark Here
88220-0000
07/30/2014

Sent To Duffin
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2500

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$1.35
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$5.14

0615 CARLSBAD NM
05 JUL 30 2014
Postmark Here
88220-0000
07/30/2014

Sent To Graham
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2531

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79

0615 CARLSBAD NM
05 JUL 30 2014
Postmark Here
88220-0000
07/30/2014

Sent To Kouba
 Street, Apt. No., or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2548

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$3.79

0615 CARLSBAD NM
05 JUL 30 2014
Postmark Here
88220-0000
07/30/2014

Sent To Shullern
 Street, Apt. No., or PO Box No. 1108
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7013 0600 0000 8217 2487

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CARLSBAD NM 88220

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To	<i>Sandkey</i>
Street, Apt. No.; or PO Box No.	<i>1202 N. CC Cir</i>
City, State, ZIP+4	

PS Form 3800, August 2006

See Reverse for Instructions

Agenda Item #13: Report Regarding Plats Approved Through Summary Review Process

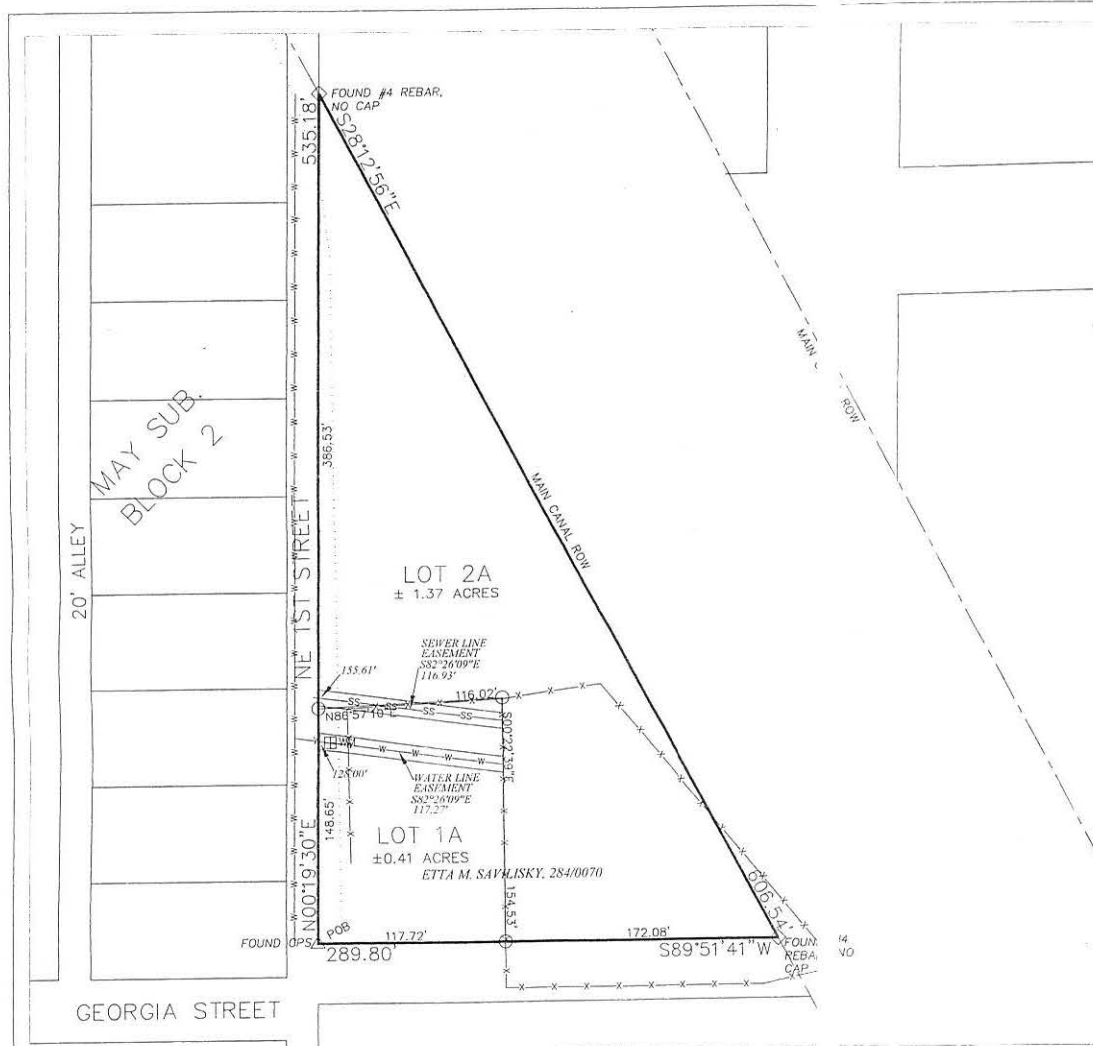
CAMPBELL LINE ADJUSTMENT 2

AN ADJUSTMENT OF TRACTS 1 AND 2 OF THE SUMMARY REPLAT FILED IN CABINET 1, SLIDE 392-3, OF THE MAPPING RECORDS FOR EDDY COUNTY, NEW MEXICO, IN WHICH LOTS 1A AND 2A ARE BEING CREATED AND DESCRIBED BY THEIR PERIMETER AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF CALLED REPLAT; THEN N00°19'30"E, ALONG THE WEST LINE OF SAID REPLAT, FOR 535.18 FEET, TO THE SOUTHWESTERLY R.O.W. OF THE C.I.D. SOUTHERN MAIN CANAL; THEN S28°12'58"E, ALONG SAID SOUTHERN CANAL, FOR 606.54 FEET, TO THE SOUTH LINE OF CALLED REPLAT; THEN S89°51'41"W, ALONG SAID SOUTH LINE, FOR 289.80 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING ±1.78 ACRES MORE OR LESS.

AND TOGETHER WITH A 10 FOOT WIDE EASEMENT FOR A SEWER LINE INSTALLED CROSSING LOT 1A, SERVING LOT 2A, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SUMMARY REPLAT FILED IN CABINET 1, SLIDE 392-3, OF THE MAPPING RECORDS OF EDDY COUNTY, NEW MEXICO, AND 155.61 FEET FROM THE SOUTHWEST CORNER OF CALLED REPLAT; THEN S82°26'09"E, FOR 116.93 FEET, TO THE EAST LINE OF LOT 1A, AND THE END OF THIS EASEMENT.

AND TOGETHER WITH A 10 FOOT WIDE EASEMENT FOR A WATER LINE INSTALLED CROSSING LOT 1A, SERVING LOT 2A, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SUMMARY REPLAT FILED IN CABINET 1, SLIDE 392-3, OF THE MAPPING RECORDS OF EDDY COUNTY, NEW MEXICO, AND 128.00 FEET NORTH OF THE SOUTHWEST CORNER OF CALLED REPLAT; THEN S82°26'09"E, FOR 117.27 FEET, TO THE EAST LINE OF LOT 1A, AND THE END OF THIS EASEMENT.



Scale 1" = 50'

BASIS OF BEARINGS BASED ON GPS OBSERVATIONS:
DATE: 07/09/2014
BEARINGS: TRUE
DISTANCES: SURFACE

- LEGEND**
- ◇ CORNER FOUND AS NOTED
 - SET #4 REBAR CAP 50551 SET
 - △ FOUND COTTON PICKER (CPS)
 - FENCE LINE
 - WATER METER
 - SEWER LINE
 - WATER LINE

APPROVAL BY THE PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE DAY OF JULY, 2014, AT 10:00 O'CLOCK A.M.

CABINET SLIDE
DARLENE ROSPRIM-COUNTY CLERK

BY _____ DEPUTY

OWNERS STATEMENT AND AFFIDAVIT

STATE OF NEW MEXICO COUNTY OF EDDY SS

THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE: AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS AND EASEMENT TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF: CITY OF CARLSBAD

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 25 DAY OF JULY, 2014 BY ETTA M. SAVILSKY ETTA M. SAVILSKY

TAMARA R. PYLEAT 05/17/2016
NOTARY PUBLIC

I, MELVIN R. PYLEAT, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I 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. PYLEAT, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 89220, CERTIFICATE NO. 20251, TELE. 865-6867, FAX 865-6867

R&R SURVEYING LLC			
INDEXING INFO. FOR CO. CLERK			
SEC. 1	TRUSS	REGR	N.M.P.M.
SUBDIVISION: CAMPBELL LINE ADJUSTMENT 2			
OWNER: ETTA M. SAVILSKY			
CITY: CARLSBAD			
COUNTY: EDDY			
STATE: NEW MEXICO			
DATE: JULY 24, 2014			
ACCESS: YES			
AREA: ± 1.78 ACRES			

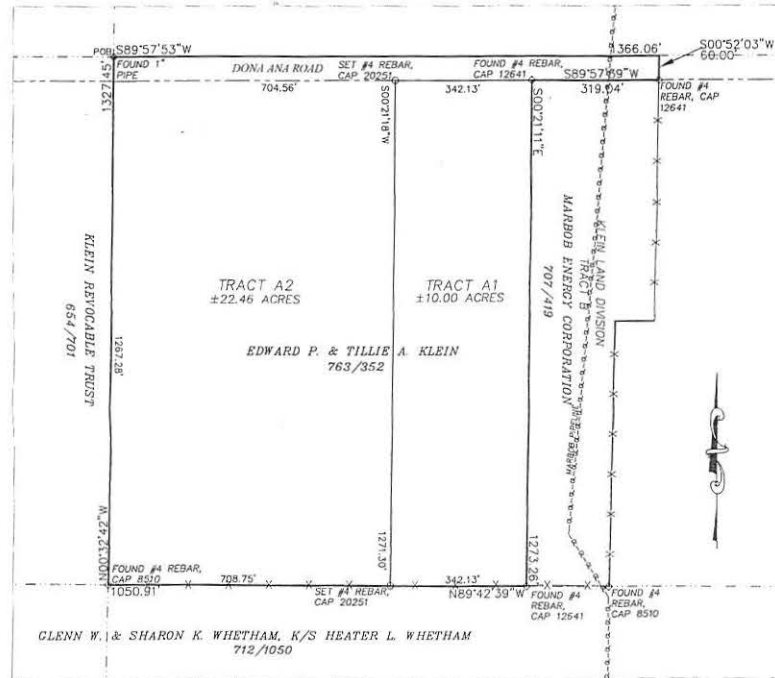
KLEIN LAND DIVISION REPLAT #1

A REPLAT OF KLEIN LAND DIVISION AS RECORDED IN CABINET 4, SLIDE 910-1, OF THE EDDY COUNTY RECORDS, SITUATED IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO, WHICH TRACT A

AND TRACT B ARE BEING CREATED, AND WHOSE PERIMETER IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT A, OF CALLED KLEIN LAND DIVISION, ALSO THE NORTHWEST CORNER OF DONA ANA ROAD FOR 1366.06', TO THE EAST LINE OF CALLED KLEIN LAND DIVISION; THEN S00°52'03"W, ALONG SAID EAST LINE, ROAD, FOR 319.04', TO THE WEST LINE OF TRACT B OF CALLED LAND DIVISION; THEN S00°21'11"E, ALONG THE WEST LINE OF TRACT A OF CALLED LAND DIVISION; THEN N00°32'42"W, ALONG THE WEST LINE OF TRACT A OF CALLED LAND DIVISION; THEN S89°57'53"W, ALONG THE NORTH R.O.W. OF DONA ANA ROAD, FOR 60.03', TO THE SOUTH R.O.W. OF DONA ANA ROAD; THEN S89°57'39"W, ALONG THE SOUTH R.O.W. OF DONA ANA ROAD, FOR 1273.26', TO THE SOUTH LINE OF CALLED LAND DIVISION; THEN N89°42'39"W FOR 1050.91', TO THE WEST LINE, FOR 1327.45', BACK TO THE POINT OF BEGINNING. CONTAINING ±32.46 ACRES MORE OR LESS.

THE SOUTHEAST QUARTER OF SECTION 14, T22S, R26E, N.M.P.M.; THEN S89°57'53"W ALONG THE NORTH R.O.W. OF DONA ANA ROAD, FOR 60.03', TO THE SOUTH R.O.W. OF DONA ANA ROAD; THEN S89°57'39"W, ALONG THE SOUTH R.O.W. OF DONA ANA ROAD, FOR 1273.26', TO THE SOUTH LINE OF CALLED LAND DIVISION; THEN N89°42'39"W FOR 1050.91', TO THE WEST LINE, FOR 1327.45', BACK TO THE POINT OF BEGINNING. CONTAINING ±32.46 ACRES MORE OR LESS.



Scale 1" = 200'

- LEGEND**
- ◇ CORNER FOUND
 - CORNER SET
 - GAS LINE
 - - - FENCE LINE
 - QUANTER CORNER
 - == NEW & OLD EASEMENTS
 - - - LAND LINE

BASIS OF BEARINGS AND DISTANCES:

1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83), NEW MEXICO EAST ZONE (NM ZONE 3001).
2. A COMBINED FACTOR OF 0.999765704 IS USED TO CONVERT DISTANCES FROM GRID TO SURFACE.
3. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.
4. ALL MEASUREMENTS WERE MADE ON JULY 28, 2014. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT.

OWNERS STATEMENT AND AFFIDAVIT

I, Edward P. Klein, of the County of EDDY, State of NEW MEXICO, do hereby certify that the above and foregoing is a true and correct copy of the original plat as recorded in the public records of the County of EDDY, State of NEW MEXICO, and that the same is a true and correct copy of the original plat as recorded in the public records of the County of EDDY, State of NEW MEXICO.



TARA M. PYEATT
NOTARY PUBLIC
08/17/2016

APPROVAL BY THE CITY PLANNING COMMISSION
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO ON THIS 7th DAY OF August, 2014.
Stephanie Shumway, Planning Director
COMMISSION DESIGNEE

THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 P.J.13 DEFINITIONS (EFFECTIVE JULY 7, 1996), THE SALE OR CONVEYANCE OF A SINGLE PARCEL FROM A TRACT WITHIN A 5 YEAR PERIOD (NOT A PREVIOUSLY APPROVED SUBDIVISION).

ENTITLEMENT EXEMPTION FILED ON

THE 7th DAY OF August, 2014 A.D.
IN BOOK PAGE OF THE (EOR).

APPROVED AND ACCEPTED BY THE EDDY COUNTY BOARD OF COMMISSIONERS OR AGENT

THIS DAY OF , 20
BY AGENT ATTEST: COUNTY CLERK

I, MELVIN R. PYEATT, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I 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, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 88220, CERTIFICATE NO. 20251, TEL. 885-6867, FAX 885-6867



R&R SURVEYING, LLC			
INDEXING INFO. FOR CO. CLERK			
SEC. 14	T22S	R26E	N.M.P.M.
SUBDIVISION: KLEIN LAND DIVISION REPLAT #1			
OWNER: EDWARD P. & TILLIE A. KLEIN			
CITY: CARLSBAD			
COUNTY: EDDY			
STATE: NEW MEXICO			
DATE: AUGUST 5, 2014			
ACCESS: YES			
AREA: ± 32.46 ACRES			

STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE DAY OF , 20 A.D. AT O'CLOCK M.
CABINET SLIDE
DARLENE ROSPHIM-COUNTY CLERK
BY DEPUTY

SPRINGS FARM

A LINE ADJUSTMENT OF TRACT 1 OF SPRING FARMS REI
IN CARLSBAD, EDDY COUNTY, NEW MEXICO, IN WHICH TR

REPLAT 3

AT 2 AND THE PROPERTIES HELD BY C & M DEVELOPERS
IT A IS BEING CREATED AND DESCRIBED AS FOLLOWS:

OF BEARINGS BASED
S OBSERVATIONS:
05/13/2013
IGS: TRUE NORTH
ICES: SURFACE

BEGINNING AT A POINT THAT LIES ON THE NORTHERLY R.O.W.
OF WEST PIERCE STREET N37°35'08"W 200.15 FEET FROM THE
INTERSECTION POINT OF THE NORTHERLY R.O.W. AND THE
SECTION LINE COMMON TO SECTIONS 26 & 35, TOWNSHIP 21
SOUTH, RANGE 26 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO;
THEN CONTINUING ALONG SAID NORTHERLY R.O.W., THEN
N36°41'09"W, CONTINUING ALONG SAID R.O.W., FOR 245.71
FEET; THEN N53°13'39"E FOR 361.63 FEET; THEN S34°58'52"E
FOR 240.75 FEET; THEN S52°23'27"W FOR 354.51 FEET BACK
TO THE POINT OF BEGINNING. CONTAINING ±2.00 ACRES,
MORE OR LESS, AND IS SUBJECT TO ALL PERTAINING
EASEMENTS.

AND
TOGETHER WITH A 60 FOOT WIDE ACCESS AND UTILITY
EASEMENT BEGINNING AT THE SOUTHERLY WEST CORNER OF
THE TRACT DESCRIBED HEREON; THEN N52°23'27"E, ALONG THE
SOUTH LINE OF TRACT A HEREON DESCRIBED, FOR 354.51
FEET; THEN S37°36'33"E FOR 60.00 FEET; THEN S52°23'27"W
FOR 355.12 FEET BACK TO SAID NORTHERLY R.O.W. OF WEST
PIERCE STREET; THEN NORTHERLY, ALONG SAID R.O.W., FOR
60.00 FEET TO THE END OF THIS EASEMENT.

AND
TOGETHER WITH A 10 FOOT WIDE DRAINAGE EASEMENT, LYING
10 FEET TO THE RIGHT OF THE FOLLOWING DESCRIBED SURVEY
LINE; BEGINNING AT THE NORTHERLY EAST CORNER OF THE
TRACT DESCRIBED HEREON; THEN N53°13'39"E, ALONG THE
PROJECTED NORTHWESTERLY PROPERTY LINE, FOR 250.00 FEET
TO THE END OF THIS EASEMENT, BEING PRIVATE IN NATURE AND
BETWEEN TRACT A FROM C & M DEVELOPERS

APPROVAL BY THE CITY PLANNING COMMISSION

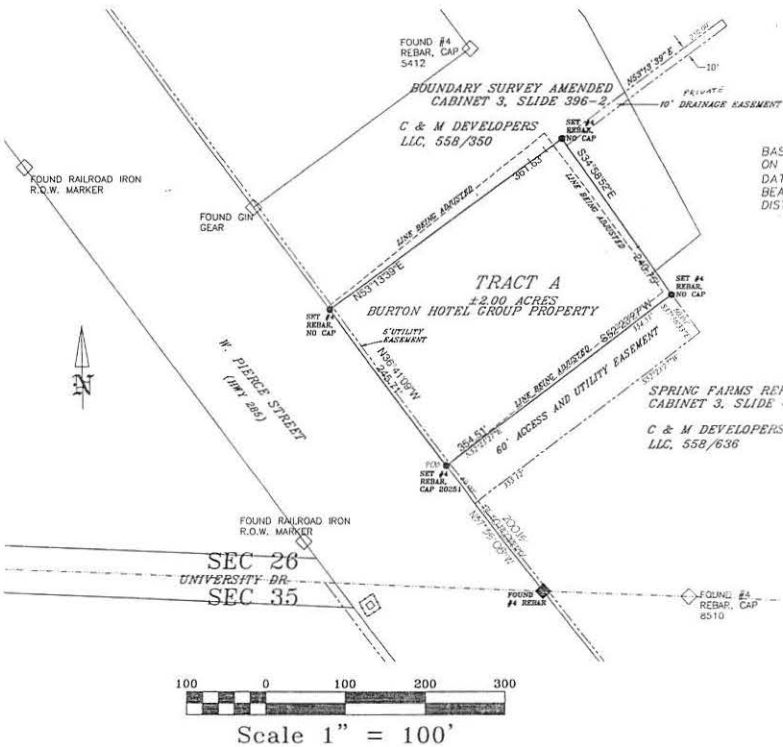
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN
APPROVED BY THE PLANNING COMMISSION, OR ITS
DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF
EDDY, STATE OF NEW MEXICO ON THIS 21ST
DAY OF MAY, 2014.
Michelle M. Pyleatt, Jr.
COMMISSION DESIGNEE

I, MELVIN R. PYEATT, JR., A NEW MEXICO REGISTERED
PROFESSIONAL LAND SURVEYOR, CERTIFY THAT I CONDUCTED,
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, JR., 423 W. GREENE ST., CARLSBAD, NM, 88220
CERTIFICATE NO. 20251 TELE: 805-6867 FAX: 805-6867



PYEATT'S LLC	
LAND SURVEYING COMPANY	
INDEXING INFO. FOR CO. CLERK	
SEC. 26	T2S1S R26E N.M.P.M.
SUBDIVISION: SPRING FARMS REPLAT 3	
OWNER: SEE DRAWING	
CITY: CARLSBAD	
COUNTY: EDDY	
STATE: NEW MEXICO	
DATE: JULY 21, 2014	
ACCESS: YES	
AREAL: ±2.00 ACRES	



Joe Cox
C & M DEVELOPERS LLC
JOE COX, PRESIDENT OF C & M
DEVELOPERS LLC
OWNERS STATEMENT AND AFFIDAVIT
STATE OF NEW MEXICO, SS
COUNTY OF EDDY
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE,
AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL
AND CONSENT CAUSED THIS PLAT WITH ITS TRACT AND RIGHT OF
WAY EASEMENT TO BE PLATTED THE PROPERTY DESCRIBED ON THIS
PLAT LIES WITHIN THE PLATTING JURISDICTION OF
THE CITY OF CARLSBAD
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME
THIS 21 DAY OF MAY, 2014
BY JOE COX
Tamara Pyeatt
NOTARY PUBLIC



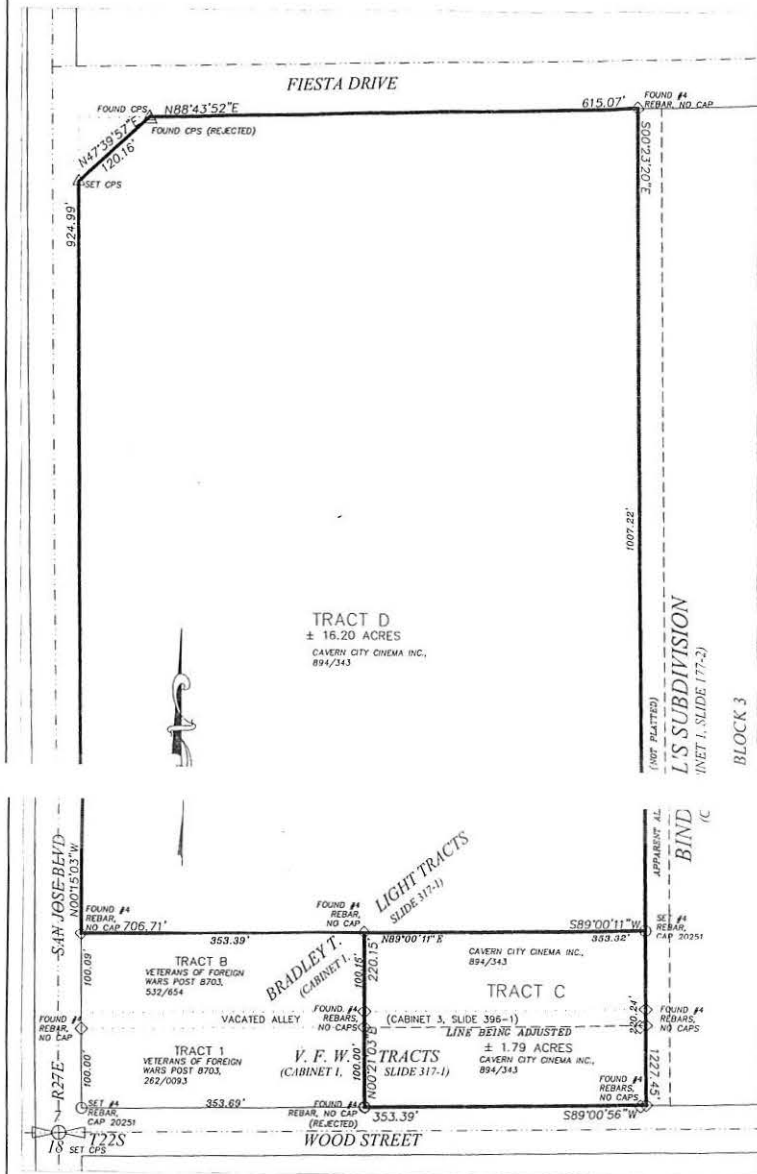
David Burton
BURTON HOTEL GROUP
DAVID BURTON, PRESIDENT OF
BURTON HOTEL GROUP
OWNERS STATEMENT AND AFFIDAVIT
STATE OF NEW MEXICO, SS
COUNTY OF EDDY
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, S
AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN
AND CONSENT CAUSED THIS PLAT WITH ITS TRACT AND IN
WAY EASEMENT TO BE PLATTED THE PROPERTY DESCRIBED
PLAT LIES WITHIN THE PLATTING JURISDICTION OF
THE CITY OF CARLSBAD
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME
THIS 21 DAY OF MAY, 2014
BY David Burton
Tamara Pyeatt
NOTARY PUBLIC

LEGEND
◇ CORNER
○ FOUND
○ CORNER
SET
--- LAND LINE
--- NEW & OLD
EASEMENTS



STATE OF NEW MEXICO, COUNTY OF EDDY, I HERE
BY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD ON
THE 21 DAY OF MAY, 2014 A.D.
AT 10:00 O'CLOCK A.M.
CABINET SLIDE
DARLENE RODRIGUEZ-COUNTY CLERK
BY DEPUTY

BRADLEY T. LIGHT TRACTS REPLAT #1



NOTES AND OBSERVATIONS:

1. ALL UTILITIES ARE IN INSTALLED.
2. ALL ROADS ARE IMPROVED, WITH ASPHALT, CURB AND GUTTER.
3. THE PROJECT SITE IS FLAT, WITH NATURAL DIRT AND GRASS SURFACE.
4. PLATS LISTED ARE USED IN PREPARATION OF THIS PLAT.

BASIS OF BEARINGS AND DISTANCES:

1. BEARINGS AND DISTANCES SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83), NEW MEXICO EAST ZONE (NM ZONE 3001).
2. A COMBINED FACTOR OF 0.999766304 IS NEEDED TO CONVERT DISTANCES FROM GRID TO SURFACE.
3. AREAS, DISTANCES, AND BEARINGS ARE SURFACE MEASUREMENTS.
4. ALL MEASUREMENTS WERE MADE ON JULY 08, 2014. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT.

TRACT C:

A REPLAT OF TRACT A, BRADLEY T. LIGHT TRACTS (FILED IN CABINET 1, SLIDE 317-1) AND TRACT 2, V. F. W. TRACTS (FILED IN CABINET 1, SLIDE 316-1), AND THE ALLEY VACATION (FILED IN CABINET 3, SLIDE 396-1), IN WHICH TRACT C IS BEING CREATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT 1, OF V. F. W. TRACTS; THEN N00°21'03"E, ALONG THE EAST LINE OF TRACT 1 AND TRACT B OF CALLED TRACTS, FOR 220.15 FEET; THEN N89°00'11"E, ALONG A PROJECTION OF THE NORTH LINE OF TRACT B OF THE BRADLEY T. LIGHT TRACTS, FOR 353.32 FEET, TO THE EAST LINE OF BRADLEY T. LIGHT TRACTS; THEN S00°23'20"E, ALONG THE EAST LINE OF BRADLEY T. LIGHT TRACTS, FOR 220.24 FEET, TO THE NORTH R.O.W. OF WOOD STREET; THEN S89°00'56"E, ALONG CALLED THE NORTH LINE OF WOOD STREET, FOR 353.39 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING ±1.79 ACRES MORE OR LESS.

TRACT D:

A REPLAT OF TRACT A, BRADLEY T. LIGHT TRACTS (FILED IN CABINET 1, SLIDE 317-1), IN WHICH TRACT D IS BEING CREATED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF TRACT B, OF BRADLEY T. LIGHT TRACTS; THEN N00°15'03"W, ALONG THE EAST R.O.W. OF SAN JOSE BLVD, FOR 924.99 FEET; THEN N47°39'57"E, FOR 120.16 FEET, TO THE SOUTH R.O.W. OF FIESTA DRIVE; THEN N88°43'52"E, ALONG THE SOUTH R.O.W. OF FIESTA DRIVE, FOR 615.07 FEET, TO THE EAST LINE OF TRACT A OF CALLED BRADLEY T. LIGHT TRACTS; THEN S00°23'20"E, ALONG CALLED EAST LINE, FOR 1007.22 FEET, TO A PROJECTION OF THE NORTH LINE OF TRACT B, OF CALLED BRADLEY T. LIGHT TRACTS; THEN S89°00'11"W, ALONG SAID PROJECTED LINE, FOR 706.71 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING ±16.20 ACRES MORE OR LESS.

APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO ON THIS 20th DAY OF AUGUST, 2014.

[Signature]
COMMISSION DESIGNEE

[Signature]
SIDNEY LIGHT-RODGERS, OWNER/PRESIDENT
OF THE CAVERN CITY CINEMA INC.

STATE OF NEW MEXICO

COUNTY OF EDDY

THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE: AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS TO BE PLATED—THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE JUDICIAL SEAL JURISDICTION OF:

CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME, NOTARY PUBLIC, ON THIS 20th DAY OF AUGUST, 2014, AT CARLSBAD, NEW MEXICO.

BY: *[Signature]*
SIDNEY LIGHT-RODGERS

[Signature]
NOTARY PUBLIC

I, MELVIN R. PYEATT, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I 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, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 88220, CERTIFICATE NO. 20251, TEL. 885-6867, FAX 885-6867



R&R SURVEYING LLC	
A LAND SURVEYING COMPANY	
INDEXING INFO. FOR CO. CLERK	
SEC. 7	T888 B875 N.M.P.M.
SUBDIVISION: BRADLEY T. LIGHT TRACTS REPLAT #1	
OWNER: CAVERN CITY CINEMA INC.	
CITY: CARLSBAD	
COUNTY: EDDY	
STATE: NEW MEXICO	
DATE: AUGUST 1, 2014	
ACCESS: YES	
AREA: ±17.99 ACRES TOGETHER	

STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE _____ DAY OF _____, 20____ A.D.

AT _____ O'CLOCK _____ M.

CABINET _____ SLIDE _____

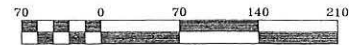
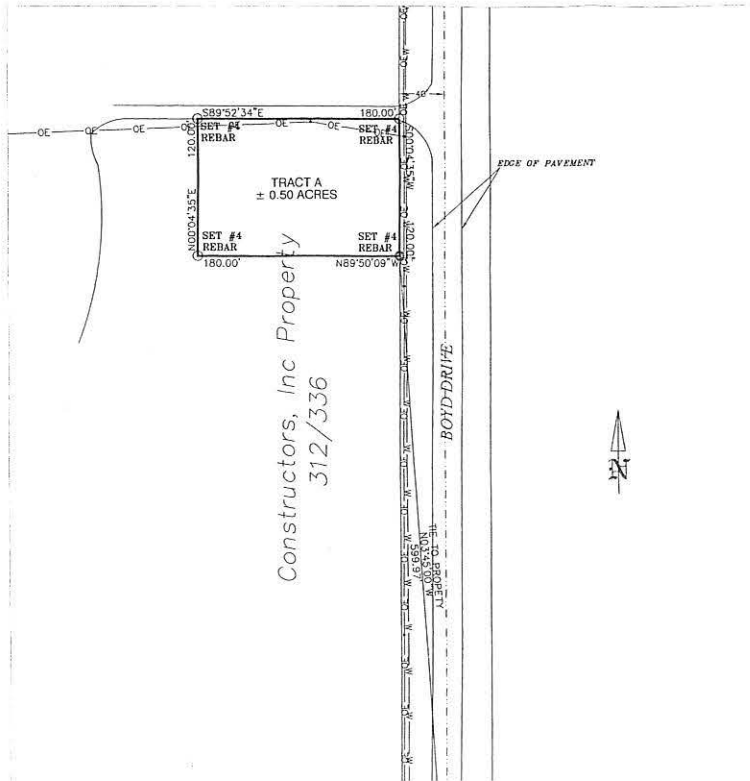
DARLENE ROSPRIM-COUNTY CLERK

BY _____ DEPUTY

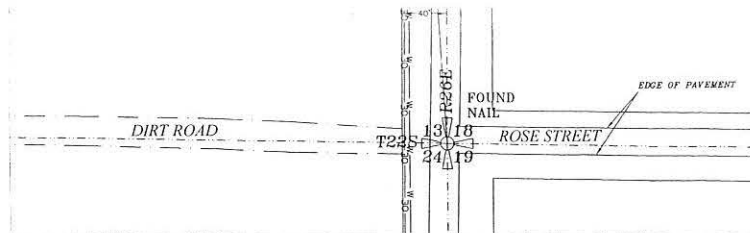
CONSTRUCTORS INC REPLAT

REPLAT OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 22 SOUTH, RANGE 26 EAST, N.M.P.M.; TO THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO; IN WHICH TRACT A IS BEING CREATED, AND WHOSE PERIMETER IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER, WHICH POINT LIES AT AN INTERSECTION OF ROSE STREET AND BOYD DRIVE; THEN N03°45'00"W FOR 599.97 FEET TO THE TRUE POINT OF BEGINNING, WHICH POINT LIES ON THE WEST R.O.W. OF BOYD DRIVE; THEN N89°50'09"W, ALONG THE NORTH LINE OF CONSTRUCTORS INC PROPERTY, FOR 180.00 FEET; THEN N00°04'35"E, ALONG THE EAST LINE OF CONSTRUCTORS INC PROPERTY, FOR 120.00 FEET; THEN S89°52'34"E FOR 180.00 FEET; THEN S00°04'35"W, ALONG THE WEST R.O.W. OF BOYD DRIVE, FOR 120.00 FEET, BACK TO THE TRUE POINT OF BEGINNING; CONTAINING ±0.50 ACRES, MORE OR LESS.



Scale 1" = 70'



APPROVAL BY THE CITY PLANNING COMMISSION
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO ON THIS 21 DAY OF August, 2014.
Melvin R. Pyeatt, Jr.
COMMISSION DESIGNED

David Shoup
CONSTRUCTORS INC
DAVID SHOUP,
DESIGNEE FOR CONSTRUCTORS INC

NOTES AND OBSERVATIONS.

1. WATER, SEWER, GAS, AND ELECTRIC ARE IN THE STREET IN FRONT OF PROPERTY.
2. THE SIDEWALKS DO NOT EXIST AT THE SUBJECT PROPERTY.
3. THE ROAD IS ASPHALTED IN THE ROADWAY.

BASIS OF BEARINGS AND DISTANCES.

1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83), NEW MEXICO EAST ZONE (NM ZONE 3001).
2. A COMBINED FACTOR OF 0.999767881 IS USED TO CONVERT DISTANCES FROM GRID TO SURFACE.
3. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS.
4. ALL MEASUREMENTS WERE MADE ON JUNE 31, 2014. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT.

OWNERS STATEMENT AND AFFIDAVIT
STATE OF New Mexico : SS
COUNTY OF Eddy :
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE:
AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS, DEDICATED ROAD AND EASEMENT TO BE PLATTED.
THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:
CITY OF CARLSBAD
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME
THIS 19 DAY OF August, 2014
BY David Shoup
CONSTRUCTORS INC

Patricia A. Rosebrock
NOTARY PUBLIC
7/20/14

I, MELVIN R. PYEATT, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I 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.

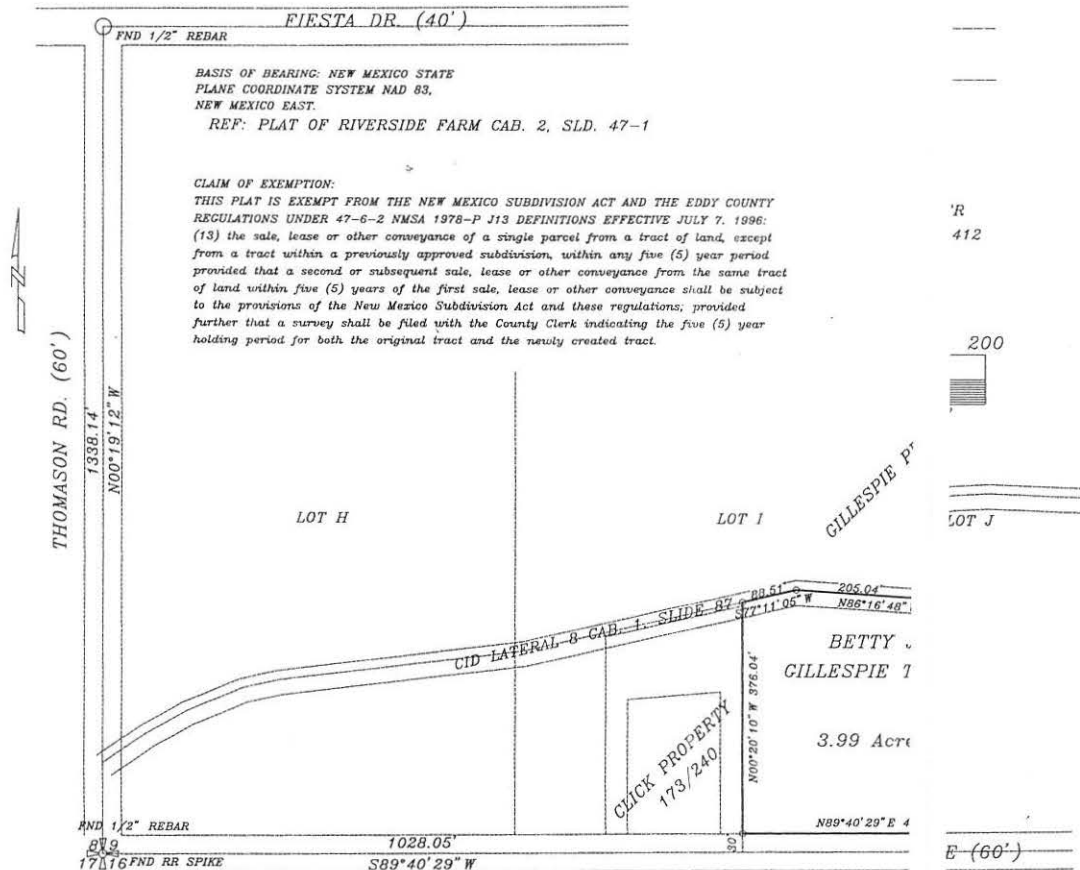
MELVIN R. PYEATT, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 88228, CERTIFICATE NO. 20251, TEL: 885-6867, FAX 885-6867



R&R SURVEYING LLC A LAND SURVEYING COMPANY			
INDEXING INFO. FOR CO. CLERK			
SEC. 13	T22S	R26E	N.M.P.M.
SUBDIVISION: CONSTRUCTORS INC REPLAT			
OWNER: CONSTRUCTORS INC			
CITY: CARLSBAD			
COUNTY: EDDY			
STATE: NEW MEXICO			
DATE: AUGUST 13, 2014			
ACCESS: YES			
AREA: ± ACRES 458			

BETTY JO GILLESPIE TRACT

A TRACT OF LAND LOCATED PARTIALLY IN LOT I AND PARTIALLY IN LOT J OF THE PLAT OF RIVERSIDE FARM LOCATED IN THE S/2 OF THE SW/4 OF SECTION 9, T22S, R27E, N.M.P.M., EDDY COUNTY, NEW MEXICO. LOCATED OUTSIDE CARLSBAD CITY LIMITS



BASIS OF BEARING: NEW MEXICO STATE
PLANE COORDINATE SYSTEM NAD 83,
NEW MEXICO EAST.

REF: PLAT OF RIVERSIDE FARM CAB. 2, SLD. 47-1

CLAIM OF EXEMPTION:

THIS PLAT IS EXEMPT FROM THE NEW MEXICO SUBDIVISION ACT AND THE EDDY COUNTY REGULATIONS UNDER 47-6-2 NMSA 1978-P J13 DEFINITIONS EFFECTIVE JULY 7, 1996: (13) the sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these regulations; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract.

CERTIFICATION OF RESPONSIBLE SURVEYOR:
THIS IS TO CERTIFY THAT THE FOREGOING PLAT
WAS MADE FROM FIELD NOTES OF A BONA FIDE
SURVEY, MADE BY ME, MEETING THE MINIMUM
STANDARDS FOR SURVEYING IN NEW MEXICO,
AND IS TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

Dan R. Reddy
DAN R. REDDY NM PE&PS NO. 5412
401W. GREENE ST./P.O. BOX 597
CARLSBAD, NM 88221-0597
575 887-6483
SURVEYED JUNE, 2014
PREPARED FOR: BETTY JO BRYAN GILLESPIE



ED BY THE EDDY COUNTY
RS OR AGENT

2014

'R
412

200

LOT J

E (60')

APPROVAL BY THE CITY PLANNING COMMISSION:

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN
APPROVED BY THE PLANNING COMMISSION, OR ITS
DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY
OF EDDY, STATE OF NEW MEXICO ON THIS 22nd DAY
of August, 2014
Stephani Shumway
COMMISSION DESIGNEE

OWNER'S STATEMENT AND AFFIDAVIT

STATE OF NEW MEXICO:

SS

COUNTY OF EDDY:

THE UNDERSIGNED BEING FIRST DULY SWORN ON OATH, STATE:
AS THE OWNER AND PROPRIETOR I HAVE OF MY OWN FREE WILL
AND CONSENT CAUSED THIS PLAT OF THE BETTY JO GILLESPIE
TRACT TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT
LIES WITHIN THE PLATTING JURISDICTION OF EDDY COUNTY AND
THE CITY OF CARLSBAD.

Betty Jo Bryan Gillespie
BETTY JO BRYAN GILLESPIE

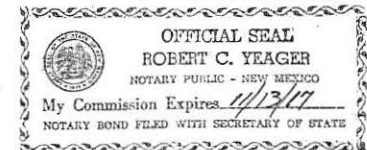
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS
19th DAY OF August, 2014 BY BETTY JO BRYAN GILLESPIE

[Signature]
NOTARY PUBLIC

Nov. 13, 2017
MY COMMISSION EXPIRES

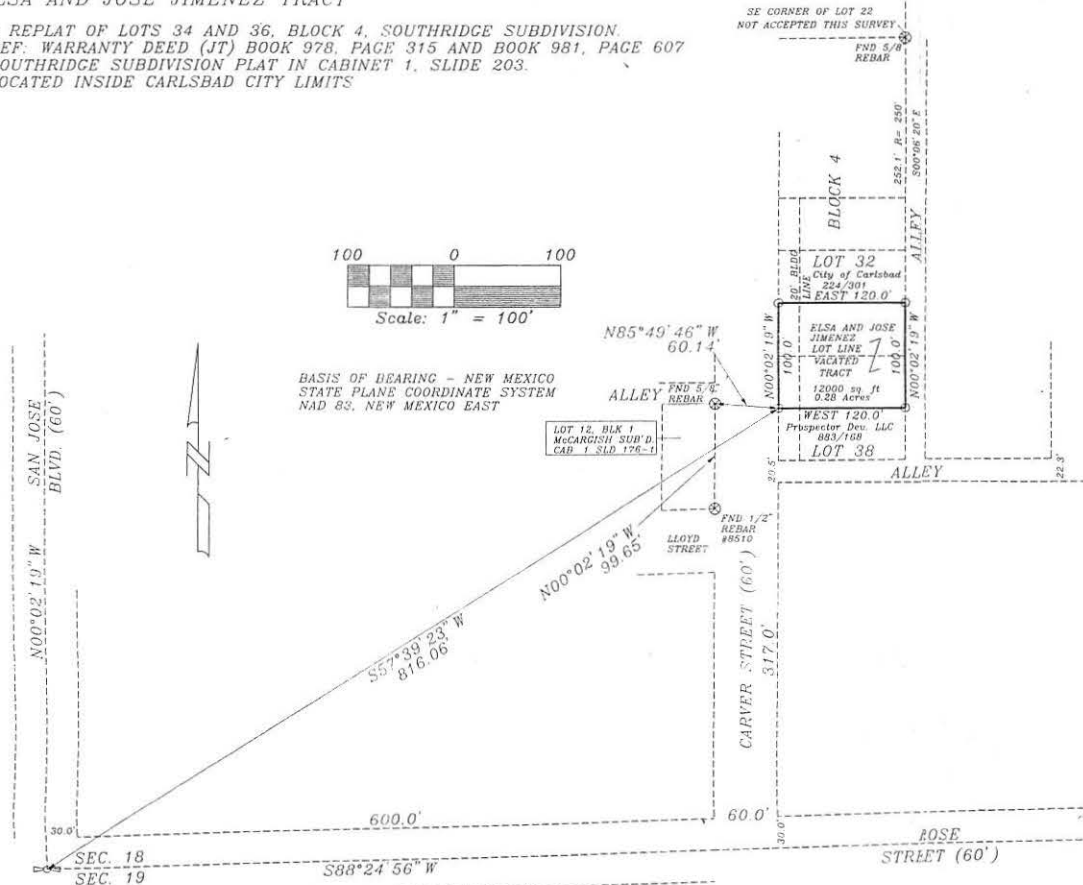
CLAIM OF EXEMPTION
BOOK _____ PAGE _____

NT WAS FILED FOR
2014 AT
AND IS DULY FILED
OF THE RECORD
OF
DA
BY



INDEXING INFORMATION FOR COUNTY CLERK
OWNER BETTY JO BRYAN GILLESPIE
SECTION 9, T22S, R27E
3.99 ACRES IN RIVERSIDE FARM

A REPLAT OF LOTS 34 AND 36, BLOCK 4, SOUTHRIDGE SUBDIVISION.
REF. WARRANTY DEED (JT) BOOK 978, PAGE 315 AND BOOK 981, PAGE 607
SOUTHRIDGE SUBDIVISION PLAT IN CABINET 1, SLIDE 203.
LOCATED INSIDE CARLSBAD CITY LIMITS



CERTIFICATION OF RESPONSIBLE SURVEYOR:
THIS IS TO CERTIFY THAT THE FOREGOING PLAT
WAS MADE FROM FIELD NOTES OF A BONA FIDE
SURVEY, MADE BY ME, MEETING THE MINIMUM
STANDARDS FOR SURVEYING IN NEW MEXICO,
AND IS TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF.

DAN R. REDDY NM PL&S NO. 5412
401W. GREENE ST./P.O. BOX 597
CARLSBAD, NM 88221-0597
575 887-6483
SURVEYED: AUG. 14-20 2014
PREPARED FOR: JOSE & ELSA JIMENEZ



LEGEND
 QUARTER CORNER
 FOUND CORNER AS NOTED
 SET 1/2 REBAR #5412

APPROVAL BY THE CITY PLANNING COMMISSION:
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN
APPROVED BY THE PLANNING COMMISSION, OR ITS
DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY
OF EDDY, STATE OF NEW MEXICO ON THIS 17th DAY
OF MAY, 2014.

COMMISSION DESIGNEE

OWNER'S STATEMENT AND AFFIDAVIT
STATE OF NEW MEXICO:

COUNTY OF EDDY.

THE UNDERSIGNED BEING FIRST DULY SWORN ON OATH, STATE:
AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE
WILL AND CONSENT CAUSED THIS PLAT WITH ITS TWO TRACTS BEING
COMBINED, RESULTING IN A SINGLE TRACT TO BE PLATTED. THE
PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING
JURISDICTION OF THE CITY OF CARLSBAD.

JOSE JIMENEZ
ELA JIMENEZ

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS
22nd DAY OF August, 2014 BY JOSE JIMENEZ AND
ELSA JIMENEZ, HIS WIFE

Heather Eager
NOTARY PUBLIC

4-30-18
MY COMMISSION EXPIRES

FILING DATA:

STATE OF NEW MEXICO

SS

COUNTY OF EDDY

I HEREBY CERTIFY THIS INSTRUMENT WAS FILED FOR

RECORD ON THIS _____ DAY OF _____, 2014 AT
_____ O'CLOCK _____ M., AND IS DULY FILED

IN CABINET _____ SLIDE _____ OF THE RECORD

OF MAPS OF SAID COUNTY

DARLENE ROSPRIM - COUNTY CLERK

BY _____



INDEXING INFORMATION FOR COUNTY CLERK
OWNER - JOSE AND ELSA JIMENEZ
SECTION 18, T22S, R27E
0.28 ACRES IN SOUTHRIDGE SUBDIVISION

A 5.00 ACRE TRACT LOCATED IN THE SE/4 NE/4 OF SECTION 6, T23S, R27E,
N.M.P.M., EDDY COUNTY, NEW MEXICO,
LOCATED OUTSIDE CARLSBAD CITY LIMITS

INDEXING INFORMATION FOR COUNTY CLERK
OWNER - DOUGLAS LYNN JR.
SEC. 6, T23S, R27E 161
5.00 ACRES OF UNPLATTED LAND

Agenda Item #14: Adjourn