CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

AGENDA

PLANNING AND ZONING COMMISSION
SPECIAL MEETING

Monday, January 12, 2015 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 Meeting held November 3, 2014.
4. Approval of Minutes from the Meeting held December 1, 2014.
5. Consider approval of a Preliminary Plat for Petroleum Park Subdivision Unit 3, creating 7 new lots, zoned "C-2" Commercial District, pursuant to Code of Ordinances - Chapter 47, located on the north side of Kircher Street.
6. Consider an Appeal of a Zoning Determination issued by the Planning Department (Jeff Patterson, Director), determining the allowance of housing of alternate shift employees at 5315 Lomas Dr., located in the Carlsbad Airport Industrial Park, pursuant to Sec. 56-150(c), Carlsbad Code of Ordinances.
7. Consider a recommendation regarding a Zoning Change from "C-2" Commercial District to "R-1" Residential District, legally described as the W1/2 of Tract 68, POB 190'W & 30'N of SE COR SWSE, N-306', W-160-, S-306', E-160' to POB, located at 212 W. Rose St., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.
8. Consider Final Approval of La Huerta Subdivision Plat creating 19 Lots for residential development.
9. Consider a recommendation regarding a Zoning Change from "C-2" Commercial District to "R-2" Residential District for an approximately 5.4 acre parcel, located at 501 Del Rio St., legally described as the Preliminary Plat, Mesa Vista Subdivision consisting of Lot 1 (+/-2.7) acres and Lot 2 (+/-2.7) acres, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.
10. Consider an Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 20', which would result in a 10' front-yard setback at 1008 Pinon Ln., zoned "R-1" Residential District.
11. Consider an Appeal (variance) from Section 56-42(aa)(3) to allow an alternate access to an 80' ROW, required for an RV Park, located on the east side of Mescalero St. between Hidalgo Rd. and Crabb St., zoned "R-R" Rural Residential District.

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.

12. Consider an Appeal (variance) from Section 56-42(aa)(6)(l) which requires bathroom facilities for an RV Park, located on the east side of Mescalero St. between Hidalgo Rd. and Crabb St., zoned “R-R” Rural Residential District.
13. Consider an Appeal (variance) from Section 56-42(aa)(6)(f) to allow RV’s to be parked closer than 10’ form the property line at an RV Park located on the east side of Mescalero St., legally described as Tract A, Knott Land Division #2
14. Consider the naming of a private road and utility easement that serves as access to several parcels of land in need of E-911 addressing,
15. Consider Dedication of Tract A1 (+/- 8.38 acres) and Tract B (0.27 acres) of Quail Hollow Unit 2 Replat No. 1 to the City of Carlsbad.
16. Report regarding plats approved through Summary Review Process.
17. 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.

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

Agenda Item #2: Approval of Agenda

#3 Approval of Minutes from November 3rd Meeting

MINUTES OF THE REGULAR MEETING OF THE

City of Carlsbad
Planning & Zoning Commission

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November 3, 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, November 3, 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 Special Meeting held October 13, 2014.
4. Consider an Appeal (variance) from Section 56-90(b) to allow a 0' front-yard setback variance instead of the required 30' at 912 Albert St. Legal description is Carter Subdivision Unit 3, Block 16, Lot 14.
5. Consider a request for a Conditional Use Permit to allow a mobile home park at 2126 W. Texas St. within the C-2 Commercial Zone.
6. Consider an Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 24' resulting in a 6' front-yard setback at 3504 Cass Dr. Legal description is Cass 2nd Subdivision, Block 2, Lot 6.
7. Consider an Appeal (variance) from Section 56-90(c) to allow a street frontage variance of 28' which is 22' short of the required 50', at 1208 Hidalgo Rd. Legal description is Southwest, Tract 2, lying in Section 24, T22S R26E.
8. Consider a recommendation regarding a zoning change from "I" Industrial District to "C-2" Commercial District for an 8 acre parcel located at 2009 E. Orchard Ln., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances. Legal description is Gregory Enterprises Land division, Tract 1.
9. Consider Approval of Preliminary and Final Plat for Atwood Subdivision, pursuant to Code of Ordinances - Chapter 47, zoned "R-1" Residential District, creating 6 new lots for residential use.
10. Consider Approval of Replat for Cascades Subdivision, pursuant to Code of Ordinances - Chapter 47, creating 7 new lots, zoned C-2 Commercial District.
11. Consider Approval of a Final Plat for Quail Hollow Subdivision, Unit 5, pursuant to the Code of Ordinances, Chapter 47, zoned R-1, creating 20 new lots. The final plat generally conforms to the approved preliminary plat.
12. Report regarding plats approved through Summary Review Process.
13. 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.

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MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, NOVEMBER 3, 2014, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

JAMES KNOTT	**CHAIRPERSON**
EDDIE RODRIGUEZ	**COMMISSIONER**
WANDA DURHAM	**COMMISSIONER**
LASON BARNEY	**COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES MCCORMICK	**COMMISSION SECRETARY**

EX-OFFICIO MEMBERS PRESENT:

STEPHANIE SHUMSKY	**DEPUTY CITY ADMINISTRATOR**
JEFF PATTERSON	**PLANNING DIRECTOR**
GEORGIA GOAD	**DEPUTY PLANNING DIRECTOR**

BOARD SECRETARY PRESENT:

JENNIFER CAMPOS	**EXECUTIVE SECRETARY**

OTHERS PRESENT:

CYNTHIA MILLER	**1208 HIDALGO ROAD**
SERENITY COGGINS	**2126 W. TEXAS #2**
CARLA BOLCH	**2126 W. TEXAS #2**
FRANK ROMERO	**601 W. RIVERSIDE DRIVE**
RUBEN RODRIGUEZ	**912 ALBERT STREET**
FRED J. HILL	**402 S. 6TH STREET**
KAY ATWOOD	**502 FARRIS**
MARK COMER	**606 WELEKA LANE**
TRENT ATWOOD	**914 N. EDWARDS**
ANTONIO CAMPOS	**3504 CASS**
GEORGE DUNAGAN	**212 W. STEVENS**
VELMA READ	**2126 TEXAS #6**
KARLA CRUZ	**2126 TEXAS #6**
OLIVIA SOSA	**1507 BRONSON**
JOHN WATERS	**400-2 CASCADES**
MARK SCHINNERER	**902 W. CHERRY LANE**
MARCUS BLUTH	**601 FREEDOM LANE**
HAROLD R. FINICAL	**1414 SOUTH COUNTRY CLUB**
MATTHEW KNEELAND	**100 E. NAVAJO, HOBBS, NM**
JAY JENKINS	**PO BOX 1233**
SHANNON SUMMERS	**2610 UTAH STREET**

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

0:00:00 Start Recording [5:02:35 PM]

0:00:09 **1. Roll call of voting members and determination of quorum.**

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Meeting was called to order at 5:02 p.m. **Mr. Knott** called roll. There was a quorum. Present: **Mr. Rodriguez, Mr. Knott, Ms. Durham, Mr. Barney**. Absent: **Mr. McCormick.**

0:01:21 **2. Approval of Agenda.**

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

0:01:52 **3. Approval of Minutes from the Special Meeting held October 13, 2014.**

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

0:02:24 **4. Consider an Appeal (variance) from Section 56-90(b) to allow a 0' front-yard setback variance instead of the required 30' at 912 Albert St. Legal description is Carter Subdivision Unit 3, Block 16, Lot 14.**

Mr. Rodriguez was present for the request. **Mr. Patterson** explained that Staff recommends denial. If approved, Staff recommends conditions. **Mr. Rodriguez** said he would have all four sides opened and he wants to have the carport for hail damage that just happened months back. **Mr. Knott** asked how big he wanted to build his carport. **Mr. Rodriguez** said he was not going to build it he was going to have a metal carport anchored down. He said he was not sure how big it was going to be, but that he wanted it to be from the front of the house to the sidewalk. **Mr. Knott** said as he drove around the neighborhood he noticed that there were garages built in the back of the houses right on the property line. **Mr. Rodriguez** said he uses his garage as storage. **Ms. Durham** asked if there was any room behind the house to put the carport. **Mr. Rodriguez** said, "no", because there are two gates and he would not have a backyard. **Mr. Patterson** said he was not sure what the open area is, but it would cut off a significant part of this backyard.

Motion was made by **Mr. Rodriguez** to recommend denial of the Variance. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend denial.

0:13:02 **5. Consider a request for a Conditional Use Permit to allow a mobile home park at 2126 W. Texas St. within the C-2 Commercial Zone.**

Mr. Romero was present for the request. **Mr. Patterson** explained that Staff recommends approval. If approved, Staff recommends conditions. This lot has historically been a mobile home park; however Mr. Romero took over ownership and did not get a conditional use permit under his name which he is required to do. This property was in disrepair and code enforcement officers have been working with Mr. Romero on the cleanup and changes he's made so far. He lacks meeting certain criteria and the land requires 3 acres for a mobile home park. He has 1.54 acres at this address. We usually require 24 units and he will only have 11 units. He would need to apply for two variances, which he has agreed to do if he is approved for the conditional use permit. **Mr. Patterson** told Mr. Romero that the parcel that he intends to include to the north its zoned R-1 and it will need to be zoned to C-2. **Mr. Romero** agreed. **Mr. Patterson** said the staff recommended approval with all the conditions. **Mr. Knott** asked about the approving the conditional use without an engineering plan because there is nothing indicating any

setbacks. **Mr. Patterson** said that Mr. Romero has expressed some hesitation before he spends any money. He is waiting to see if he'll get approved on the conditional use permit. **Mr. Knott** said he's not sure where Mr. Romero wants to put the trailers will fit. **Mr. Romero** said he thinks they will, because they are only going to have eleven spaces. If they turn the mobile homes at a forty-five degree angle it will have more space for road access. Instead of having twelve for one and a half acres he's only going to be having 10 or 11 lots because he's going to have to make one a road to the back. (Looking at the diagram pgs. 33 & 34) Trailer #2 or trailer #8 will have to be used as a drive through road so they might have traffic in and out. **Mr. Patterson** said that on page 34 where it shows the 30ft turn around, was the parcel that I was referencing to that he had to do a zone change right now. It's a separate parcel and it is zone R-1, so to include it in the park he had to get it changed. **Mr. Knott** said that he wanted to make the applicant aware of what it consists of by reading from the Ordinance Section on mobile home parks. He just wanted to make sure the applicant has done all his do diligence to make sure that this was going to make good use of the property. **Mr. Romero** said he has tenants that are here tonight for the meeting and they are here to support him on his request. He has eleven trailers and one house, he just spent $50,000 for electrical wiring that they had going on top and now it is underground. He has also put in a new water supply. There are not too many trailers that are available for people that can afford minimum payments. **Mr. Knott** asked how many units are sealed and not habitable. **Mr. Romero** said that he did have the inspectors red tag them on purpose because at the time of the construction he needed to keep people from destroying the trailers. He has told the owners of the Flea Market that he was interested in buying the land. Then he would have 3 acres and he could have 24 trailers, but they are not ready to sell right now. **Mr. Knott** asked he knew of any citations with the City. **Mr. Romero** said "no".

Mr. Hill said his mother is the oldest person that lives in the trailer park. She's been there since the 70's. She owns her home and she's in a wheelchair. She has nowhere to go if the trailer park closes and she's on social security. He cannot make her leave; she lives on the #1 home (looking at the picture). **Mr. Romero** said he has wonderful tenants.

Ms. Coggins said she is a tenant and a sophomore student at Carlsbad High School. She says she speaks for the kids and teenagers that live there. She says she lives in trailer #3 and the schools are close. They watch each other and their kids and she's happy where she lives. It's a good neighborhood and she's for the conditional use.

Mr. Finical said his daughter lives at the park and she lives in trailer #6. This is the only home that his daughter could afford and she could not move. Mr. Romero has done a good job, he takes care of his tenants and he has been putting a lot of effort into this property. He hopes that P & Z will consider this request.

Ms. Bolch said she lives in trailer #2. She said that Mr. Romero has made improvements to the park and sees him doing what we ask him to fix, or anything that needs to be done.

Ms. Read said she lives in trailer #6 and she's on social security with her kids and that's what she can afford. The area is very comfortable and everyone helps everyone out and she doesn't have any money to move. Mr. Romero is a good landlord and she doesn't have any problems with him or anyone else, they take care of each other. She would like for the board to consider the conditional use.

Ms. Durham said she would like to see Mr. Romero's request more in compliance with all the conditions needed to be done for everyone's wellbeing. She knows that all this will be costly but in the long run it will be done correctly. **Mr. Barney** asked if there was a way if we said "yes" temporarily and if it works out and it looks good then we could approve it. **Mr. Knott** said that Mr. Patterson made his recommendation based on the application. **Mr. Patterson** said the board could approve the conditional use permit with these conditions. As soon as he meets these conditions he will be issued a conditional use to operate. He's been working with code enforcement and he's willing to do what he needs to do to get

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this approved. **Mr. Knott** asked, at this time he's not in compliance? **Mr. Patterson** said, "yes". **Mr. Rodriguez** asked if they do approve the conditional use permit what will happen if the adjacent property is acquired. How will that effect the present location when he expands it to the 3 full acres and moves in the full 24 units? **Mr. Patterson** said as far as the two issues go if he had the 3 acres and room for the 24 units then we would not require him to get a variance on those issues. **Mr. Rodriguez** said at this time he does not have the 3 acres, but is attempting to purchase it, he just doesn't want to shoot themselves on the foot. **Mr. Knott** said if we issue him a conditional use permit and he purchased the remaining property of the 3 acres, then he has to come back before the board. **Mr. Patterson** said he would have to bring in an engineering site plan if he acquires the property and then he has to incorporate it in his plans and show use of the 3 acres and have room for the 24 units. Then he would not be required to apply for a variance and it would be within the current regulation. **Mr. Knott** said if he did not acquire the additional property then he would just have to go with these regulations. **Mr. Romero** asked if he had to have 24 units if he had 3 acres. **Mr. Knott** said that was the maximum and nothing more, but he could have less than what has been approved.

Motion was made by **Mr. Knott** to recommend approval for Conditional Use permit based on staff's recommendations. And bringing in engineering site plans, as well as, verifying all the setbacks had been approved and that driveways meet the recommendations.

Mr. Barney asked if there were going to make them have sidewalks. **Mr. Knott** said that they are going with the mobile home park definition and it addresses the sidewalks conditions. **Mr. Patterson** said the sidewalks, being ADA compliance, have to be from the street to the front door to the mobile home. Also from the street to any common areas such as a park area or laundry area that all residents use. **Mr. Knott** said this conditional use permit is using the conditions of a mobile home park but smaller and still has to address the setbacks and all the requirements on the engineered site plan? **Mr. Patterson** said, "yes".

Ms. Durham seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval with staff's conditions.

0:46:11 **6. Consider an Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 24' resulting in a 6' front-yard setback at 3504 Cass Dr. Legal description is Cass 2nd Subdivision, Block 2, Lot 6.**

Mr. Campos was present for the request. **Mr. Patterson** said this request is to place an open sided metal carport in the 30' front-yard setback at 3504 Cass Drive that is part of Cass 2nd subdivision. He wants to take the front back from 30' to 6'. The applicant states that there's a 35 year old tree adjacent to where he parks his car in his front yard. He has tree trash and limbs falling on vehicles, as well as bird droppings. The City requires a 30' front setback in the single family residential neighborhoods. The Planning Staff based on comments recommends denial. However, if approved, the applicant should ensure that there will be no drainage to the adjacent property as a result of the installation of this carport. Also, a building permit would be required before construction of an open structure. **Mr. Campos** said that it states there that he has a 6' setback, the carport that he wants is 24' and that would leave him with a 16'3" setback. He said from his house to the sidewalk he has about 40' front setback. He said he does not see where it would block any view from the neighbors because it's going to be open carport. **Mr. Patterson** said that he wants a variance of 24' and to leave a 6' ft. setback. **Mr. Campos** said it would leave a 16'3" setback. **Mr. Knott** asked if he knew the location of his property front line. **Mr. Campos** said he's only going with what they told him when he first started to inquire about this variance. They told him to measure from the end of the sidewalk up to the existing garage. (Looking at the map on pg. 55) He said that the tree is humongous and it goes all the way across the driveway and has been a burden to me for many, many years and he's thought about cutting the tree but it's too big and if he trims it then it will grow again. He has to wash his driveway every morning because of the bird droppings on the driveway and

vehicles and he's just tired of it. **Mr. Knott** asked what the buildings in his backyard were. **Mr. Campos** said his wife runs a daycare business and his storage is to keep his lawnmower and tools. **Mr. Patterson** said the property runs well inside where the sidewalks are located. **Mr. Campos** said he could make the carport smaller. **Mr. Knott** asked if there were any other carports in front of houses. **Mr. Campos** said, "no" but they don't have the problem that he has. **Mr. Patterson** said in most R-1 single family residential, the normal setbacks are 30' from the front property line. There are neighborhoods where a 15' front setback applies but most of the houses down your block are a 30' setback. **Mr. Campos** said he understands the rules but he would like for the board to approve the request because of his hardship.

Motion was made by **Mr. Rodriguez** to recommend denial of the Variance. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend denial.

1:01:47 **7. Consider an Appeal (variance) from Section 56-90(c) to allow a street frontage variance of 28' which is 22' short of the required 50', at 1208 Hidalgo Rd. Legal description is Southwest, Tract 2, lying in Section 24, T22S R26E.**

Ms. Miller was present for the request. **Mr. Patterson** said this request is to create a flag lot with a street frontage of 28' which would be 22' short of the required 50' of street frontage, at the subject site. According to sec. 56-90(c)(1)(a), "Each flag lot shall have a minimum of 50 ft. of street frontage and 20ft of continuous width for the entire length of the driveway." The applicant wishes to split her property into three lots, creating a 15, 912 sq. ft. lot on Hidalgo Rd., a 10,920 sq. ft. lot directly north of the first lot with a 28' driveway access to the west of the first lot, and leaving a 46,836 sq. ft. just above an acre at the north end of the property. Splitting the property satisfies the requirement for minimum lot area in R-R zoning (10,890 sq. ft.) and with the variance for street frontage; each lot will satisfy the frontage requirement. (Looking on the map on pg. 78) The map shows how the lots will be divided and showing the 28' road accessing it from Hidalgo Rd. The Planning Staff based on comments recommended approval with the condition that all 28' of that access remain unobstructed and has to be access only. **Mr. Knott** asked about the minimum lot size. The 10,890 sq. ft. has city utilities and does that lot have city sewer and water? **Ms. Miller** said not right now it's all vacant lot. **Mr. Knott** asked where it will come from. **Ms. Miller** said from the main street. **Mr. Patterson** said it will have city utilities and he believed that the city water and sewer was going to be provided to lot 2. **Mr. Knott** said that he noticed that the fire hydrant is about 10' within the proposed road. Which to him, is not a clear right-of-way for the road, and that the fire hydrant that will have to be removed. **Ms. Miller** asked who will move the fire hydrant her or the City. **Mr. Knott** said you will need to have a utility easement to provide electric. **Ms. Miller** said she could move the carport to the other side of the house. (Looking at the map pg. 78) If you see my neighbors, they have septic tanks and if you look, that is not 28' and not wide enough for a fire truck to fit in there. I just want to be legal. She'll be in lot #1 and her sister will be in lot #2 and sell off the back half.

Mr. Patterson said Planning Department recommended approval on the condition the access of 28' remains open, moving forward, that it is never obstructed by building or anything. It was recommended by the Fire Department that they asked for 24' minimum but Ms. Miller is proposing 28'. **Mr. Knott** mentions moving the fire hydrant. **Mr. Patterson** said unless she moves the carport on the west side she may have about 20' then she wouldn't have to move the fire hydrant. **Mr. Knott** asked, Ms. Miller about the city utilities. **Mr. Patterson** said that she would need to do some research. **Ms. Miller** asked because it is Rural can you put a septic tank? **Mr. Knott** said if city sewer is available on a city lot, they are not supposed to allow you to put a septic tank. If you cannot tie into the city sewer then they may tell you to put a lift station. **Mr. Patterson** said the Utilities Department will have to look at the drawings. **Mr. Knott** asked Ms. Goad what is her recommendation for the flag lots. **Ms. Goad** said she can see the draw backs to them. For the emergency vehicles in this situation like the applicant stated; those lots are really deep, long and skinny. If you want to use the term infill, sometimes they are necessary if you give them the proper access.

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Motion was made by **Ms. Durham** to recommend approval of the Variance with conditions that the 28 ft. of the access remain unobstructed and available at all times and provide a sewer tap plan that has to be approved by utilities. Run sewer lines to the lot and hook up to the existing sewer and either move the fire hydrant or shift the access over 10'ft to the east. **Mr. Barney** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

1:26:08 **8. Consider a recommendation regarding a zoning change from "I" Industrial District to "C-2" Commercial District for an 8 acre parcel located at 2009 E. Orchard Ln., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances. Legal description is Gregory Enterprises Land division, Tract 1.**

Mr. Comer was present for the request. **Mr. Patterson** the applicant is requesting a Zone Change from "I" Industrial District to "C-2" Commercial District at the subject site. The surrounding property is industrial to the west, north, and south, with Rural Residential properties further to the west. As such, this change will technically create a spot zone. The applicant wants to put in a temporary RV Park at this location. There are some Commercial uses in place around the subject site, mostly oilfield related. The Council has stated that property similar to this subject site is preferred for temporary RV Parks and we recommend approval. The only comment the Fire Department had was the property was in need of a fire hydrant. **Mr. Comer** said this property he purchased has his business on the southeast side on the property. He's going to use the remaining property is for the temporary housing. It was difficult to find a place for his employees to stay because he could not afford for his employees to stay in a motel and he's having to pay for them to stay in town.

Motion was made by **Mr. Rodriguez** to recommend approval of the Zone Change. **Mr. Barney** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

1:36:59 **9. Consider Approval of Preliminary and Final Plat for Atwood Subdivision, pursuant to Code of Ordinances - Chapter 47, zoned "R-1" Residential District, creating 6 new lots for residential use.**

Ms. Atwood and Mr. Atwood are present for the request. **Mr. Patterson** stated that the applicants are seeking approval of a preliminary plat concurring with the final plat for 6 new lots along on the east side of Hamilton Place. (Looking on the map pg. 107) Each lot will have the required 50' street frontage and direct access to a platted street, as well as meeting the lot size requirements. An 8" sewer line already exists, and the road is paved. A water line is needed, and the applicants and surveyor will provide plans for the water line. That was the condition of approval for the final plat. **Ms. Atwood** said they bought the property because of the pecan orchard and since her husband passed away six years ago, it's getting harder and harder to maintain every year. She just wants to keep her house facing Farris Street and subdivide the rest of the property for affordable housing. **Mr. Atwood** said that Desert Sky Construction has built houses across from there and they want to match the same exact housing. **Mr. Knott** asked about the zoning. **Mr. Atwood** said it's R-1. **Mr. Knott** asked about the small lot that says Future Hamilton Street. **Mr. Atwood** said they were going to give it to the City. **Ms. Atwood** said it's an access, an easement to the Walterscheid's Farm. They also want access so that people can get to their alley. **Mr. Atwood** said they want to leave 20' easement so people can build a shop if they wanted to. **Ms. Shumsky** said if you look at the original plat they have it as a road easement, like Ms. Atwood said, to access the property to the east, she recommended they the Atwood's dedicated it to the City though it's not a full 60'ft. It's what they can dedicate to contribute to the extension to Hamilton Street. If the Walterscheid's ever wanted to develop their property, it would be then that they can dedicate another 30'

and it would become a full 60'ft. They can use it as an alley. **Mr. Atwood** said he's waiting on Luis Camero to get back with him with the requirements on the water line. **Mr. Knott** asked about the fire hydrant. **Mr. Atwood** said the fire hydrant has been there for a very long time. **Ms. Shumsky** said it already exists.

Motion was made by **Ms. Durham** to recommend approval of the Preliminary and Final Plat for Atwood Subdivision based on the applicant's need to provide construction drawings for the planned water line. The installed water line needs to have a diameter of at least 6", and the construction will need to be inspected by the City Infrastructure and Construction Inspector. **Mr. Rodriguez** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

1:48:33 **10. Consider Approval of Replat for Cascades Subdivision, pursuant to Code of Ordinances - Chapter 47, creating 7 new lots, zoned C-2 Commercial District.**

Mr. Waters, Mr. Kneeland and Mr. Jenkins were present for the request. **Mr. Patterson** explained the subject site is located on the west side of Park Dr., commonly known as the Cascades Development. The applicant proposes to increase the number of lots from 6 to 13. This replat changes the layout in order to better accommodate future uses. There is no new infrastructure proposed in this replat. The Planning Staff recommended approval. **Mr. Waters** asked for the board to approve the replat with the new Allen Theatre coming and moving forward with new development. They have great plans for the Cascades. **Mr. Knott** said he wanted to know if there were any walking paths or street access. **Mr. Waters** said in the internal area is an access for road emergency vehicles and deliveries. Within the center of the cul-de-sac we discourage walking. Along the front on the edge of the canal area are pedestrian facilities. **Mr. Patterson** said the plan is for the people to park in the designated parking areas and walk to the theatre. **Mr. Kneeland** said it was made for a full size vehicle. **Mr. Jenkins** said the turn had to meet the emergency turn around and the back is strictly for deliveries.

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

1:54:16 **11. Consider Approval of a Final Plat for Quail Hollow Subdivision, Unit 5, pursuant to the Code of Ordinances, Chapter 47, zoned R-1, creating 20 new lots. The final plat generally conforms to the approved preliminary plat.**

Mr. Dunagun was present for the request. **Mr. Patterson** said a preliminary plat for Unit 5 was approved by the Planning and Zoning Commission, in 2007. Since then, Units 1-4 have been completed. The applicant has now completed the infrastructure construction of Unit 5. The final plat conforms generally to the preliminary plat. Our Infrastructure Inspector went out there today. He had a couple of issues, one was the installation of the lids. **Mr. Dunagan** said that they have been ordered by the contractor and they have not been delivered yet. **Mr. Patterson** said the inspector also mentioned one of the transformers. **Mr. Dunagan** said they are not sure where they put the transformers. **Mr. Patterson** said as soon as the two issues get taken care of we recommend approval.

Mr. Rodriguez said he had a concern with the comment CID made. **Mr. Dunagan** said when they initially developed this they made improvements to their weir which is on the south side of Callaway Drive and the east canal. It has a drainage ditch on it and the City, in conjunction with Spring Hollow Subdivision, also improved the drainage ditch. It was enlarged to about 50% drainage where Quail Hollow Run goes into Quail Hollow Subdivision. They installed 5 more drainages from the drainage ditch

down into the weir area. **Mr. Knott** said this has already been approved by everyone. **Mr. Dunagan** said it will be a constant issue every time.

Motion was made by **Mr. Rodriguez** to recommend approval Final Plat for Quail Hollow Subdivision, Unit 5. **Ms. Durham** seconded the motion. The vote was as follows: **Yes –Mr. Rodriguez, Mr. Knott, Mr. Barney, Ms. Durham**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

2:00:00 **12. Report regarding plats approved through Summary Review Process.**

There were quite a few plats signed in November, but there were none out of the ordinary.

2:02:59 **13. Adjourn.**

There being no further business, the meeting was adjourned.

2:03:05 Stop Recording [7:05:41 PM]

_____ _____

Chairman Date

DRAFT

#4 Approval of Minutes from Previous Meeting

MINUTES OF THE REGULAR MEETING OF THE

City of Carlsbad
Planning & Zoning Commission

DRAFT

December 1, 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, December 1, 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 Meeting held November 3, 2014.
4. Consider approval of a Preliminary Plat for Spring Hollow Unit II Phase 1 Subdivision, creating 75 new lots, zoned Planned Unit Development (PUD), pursuant to Code of Ordinances - Chapter 47, located on the north side of Ligon Road.
5. Consider the approval of a Final Plat for Farmview Subdivision – Phase 4, zoned R-R, is requested in order to develop the 40 remaining lots (114 lots total - 26 developed in Phase 1; 24 developed in Phase 2, 24 developed in Phase 3), a portion of Elgin Road, the north and south portions of John Wesley Hardin Court, Billy The Kid Court, and Cowboys Country Road that were approved with the Preliminary Plat, in accordance with Code of Ordinances, Chapter 47. The final plat generally conforms to the approved preliminary plat.
6. Consider a recommendation regarding a Zoning Change from “R-1” Industrial District to “C-2” Commercial District for Tract 60 of the Romero Line Adjustment, located north of 2126 W. Texas St, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.
7. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.
8. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.5 which is 1.5 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.
9. Consider Approval of Preliminary Plat for Simpson Subdivision, pursuant to Code of Ordinances - Chapter 47-24, zoned “R-R” Residential District, creating 5 new lots for residential use.
10. Consider a Temporary Use Permit for 2009 E. Orchard Ln. legally described as Gregory Enterprise Land Division, Tract 1, Zoned “C-2” Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.
11. Consider Approval of a Dedication of a .028 acre portion of right-of-way adjacent to Eunice St.
12. Consider Approval of a Dedication of new segment of University Dr.
13. Report regarding plats approved through Summary Review Process.
14. 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.

DRAFT

MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, DECEMBER 1, 2014, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

JAMES KNOTT	**CHAIRPERSON**
WANDA DURHAM	**COMMISSIONER**
EDDIE RODRIGUEZ	**COMMISSIONER**
LASON BARNEY	**COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES MCCORMICK	**COMMISSION SECRETARY**

EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON	**PLANNING DIRECTOR**
GEORGIA GOAD	**PLANNING DEPUTY DIRECTOR**

BOARD SECRETARY PRESENT:

PATTIE PISTOLE	**PLANNING, ENGINEERING AND REGULATION DEPARTMENT SECRETARY**

OTHERS PRESENT:

HENRY SOSA	**2111 HILLCREST**
JANET COX	**130 COUGAR ROAD**
KEN THURSTON	**LAS CRUCES**
SHANNON SUMMERS	**CDOD**
FRANK ROMERO	**601 W. RIVERSIDE**
GEORGE SIMPSON	**1210 HIDALGO**
JOANNE PAYNE	**1625 N. MESA**
STEVE SCHUMAN	**ALBUQUERQUE**
DOUG TINDALL	**609 N. MESQUITE**
MARK COMER	**606 WELEKA LANE**

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

0:00:00 Start Recording [4:59:49 PM]

0:00:04 **1. Roll call of voting members and determination of quorum.**

Mr. Knott called roll. There was a quorum. Present: **Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; Absent – **Mr. McCormick.**

0:01:25 **2. Approval of Agenda.**

Mr. Patterson asked that Item #3 be considered at the next meeting, to allow further review by Staff. Motion was made by **Mr. Rodriguez** for approval of an amended Agenda, tabling Item #3 until the next meeting. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott,**

DRAFT

Mr. Rodriguez, Mr. Barney; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:02:27 **4. Consider approval of a Preliminary Plat for Spring Hollow Unit II Phase 1 Subdivision, creating 75 new lots, zoned Planned Unit Development (PUD), pursuant to Code of Ordinances - Chapter 47, located on the north side of Ligon Road.**

Mr. Thurston came forward to present the plat. **Mr. Patterson** explained that the plat had to be changed after the school expressed concern about where the entrance would be to the new school site to the west of the subject site. **Mr. Thurston** added that because the neighbors and school wanted the entrance to be relocated, and because an archeological site had been found in the new school's design, the entrance needed to be moved to the north. There was no public comment.

Motion made by **Mr. Rodriguez** and seconded by **Ms. Durham** for approval of the plat and PUD, pending plumbing corrections. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:13:37 **5. Consider the approval of a Final Plat for Farmview Subdivision – Phase 4, zoned R-R, is requested in order to develop the 40 remaining lots (114 lots total - 26 developed in Phase 1; 24 developed in Phase 2, 24 developed in Phase 3), a portion of Elgin Road, the north and south portions of John Wesley Hardin Court, Billy The Kid Court, and Cowboys Country Road that were approved with the Preliminary Plat, in accordance with Code of Ordinances, Chapter 47. The final plat generally conforms to the approved preliminary plat.**

Mr. Thurston was on hand to answer any questions about the plat. **Mr. Patterson** explained that the applicant wanted to combine Phase 4 and Phase 5 into one phase. A letter of credit would be necessary in the amount of the contractor's bid estimates for Billy the Kid Court and Cowboys Country Road additions. **Mr. Thurston** explained that they had intended to do one phase at a time, but the increase in the speed of sales had prompted them to do the last forty in the same phase. As in the past, they will put up a letter of credit to protect the interests of the City. There was no public comment. There was a question from **Mr. Knott** regarding the CID, but it was explained that the CID property is actually to the north of the property under consideration.

Motion made by **Mr. Rodriguez** for approval, providing all listed conditions are met. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:24:01 **6. Consider a recommendation regarding a Zoning Change from "R-1" Industrial District to "C-2" Commercial District for Tract 60 of the Romero Line Adjustment, located north of 2126 W. Texas St, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.**

Mr. Romero presented his request for a zone change. He wants to rezone a lot he owns to the north of his mobile home park, so that he can use it as a turn-around for the park. He also cannot combine his lots if they are different zones. Since mobile home parks are not allowed in the current zoning, he needs a zone change to do so. **Mr. Patterson** stressed that he needs to comply with the conditions of his Conditional Use granted last month in order to operate the park. **Mr. Romero** added that the zone change would match the remainder of the park. During public comment, **Mr. Sosa** spoke against the zone

change. He said the park is not very good looking and that several of the trailers have caught fire. He does not want it used for a mobile home park. Staff recommended approval.

Motion was made by **Ms. Durham** to recommend denial of the Zone Change. Motion died for lack of a second.

Motion was then made by **Mr. Knott** to recommend approval. He noted that it was legal for the mobile home park to be there when it started years ago, and the zone change will help improve the current and future use of the property. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Mr. Knott, Mr. Rodriguez, Mr. Barney**; **No** – **Ms. Durham**; Abstained – None; Absent – **Mr. McCormick**. The motion carried to recommend approval.

0:50:07 **7. Consider an Appeal (variance) from Section 56-42(t)(1)(c)(i) to allow a number of lots variance of 11 which is 13 short of the required 24, at 2126 W. Texas St. a Mobile Home Park.**

Mr. Patterson said that there are only 1 ½ acres (including the parcel considered for the zone change) available for the mobile home park. If you take into account the spacing and homes, then you can only place about eleven homes. **Mr. Romero** said the advantage would be less traffic and more room for people. It makes it more comfortable. He mentioned perhaps using it as an RV park in the future. **Mr. Patterson** stated that there had been no discussion of using the park for RV's, and that there is not enough acreage for that either. He added that the park is operating illegally at this time, without a Conditional Use, until all the requirements are met. Also, there should be a time frame to meet those requirements. There was no public comment.

Mr. Rodriguez made a motion to approve the Variance, provided plans are submitted within 60 days. **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

1:04:27 **8. Consider an Appeal (variance) from Section 56-42(t)(1)(a) to allow a number of acres variance of 1.5 which is 1.5 short of the required 3, at 2126 W. Texas St. a Mobile Home Park.**

Mr. Romero said he thought a smaller park would be more comfortable. He has heavily invested in all new electric and a new fresh water supply. He thinks he has a good plan moving forward to sell off some of the trailers and have people bring in their own homes. **Mr. Patterson** reminded him that he cannot have any new residences until he meets the conditions for the Conditional Use permit. Existing residents may move out their old trailers and replace them, but no new residents or trailers can come in. **Mr. Rodriguez** asked about the condition of the sewer system. **Mr. Romero** said it was fine. There was no public comment.

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

1:09:15 **9. Consider Approval of Preliminary Plat for Simpson Subdivision, pursuant to Code of Ordinances - Chapter 47-24, zoned "R-R" Residential District, creating 5 new lots for residential use.**

DRAFT

Mr. Patterson explained that the applicant owns a large lot, which he wants to divide and deed (or will) to each of his children. The property is adjacent to Mescalero, a platted road which has not been completed. Regulations require plans for installing infrastructure (streets, sidewalks, sewers, etc.) for a subdivision of five lots. The applicant has not provided those plans, and does not think it should be necessary to install those items. Staff recommended denial, and Public Works recommended denial. **Mr. Simpson** said he just wants a subdivision plat, so that he can have a legal description for the deeds. He is not developing the area, just dividing his land. **Mr. Knott** told him that a plat for five lots is considered a subdivision. He would have to make the improvements. **Mr. Patterson** agreed, adding that if he were to divide the land into two parts this year and wait to divide it later into another two parts, he would not be required to put in the infrastructure. The plat could be signed by the Planning and Zoning Commission designee without having to be reviewed by anyone else. **Ms. Goad** explained that eventually the City would be burdened with the undeveloped property, requiring taxpayers to pay to develop areas that had not been improved. There was no public comment. **Mr. Simpson** withdrew his application after discussion regarding the issue, so the issue did not go to vote.

1:21:56 **10. Consider a Temporary Use Permit for 2009 E. Orchard Ln. legally described as Gregory Enterprise Land Division, Tract 1, Zoned "C-2" Commercial Zoning District, in accordance with Sec. 56-80 and as approved by the City Council 10/22/13.**

Mr. Comer was the applicant for the request. **Mr. Patterson** told the commissioners that there was a zone change going before City Council for final decision in January (which would be required in order to proceed with the temporary housing permit). Mr. Comer's property meets the space requirements. His subcontractor will not submit plans for water and sanitation until the temporary use is approved; NMED needs the subcontractor's plans for their own approval to move forward. The site will have underground holding tanks for the sewer. The electric work will be done by a licensed contractor and inspected by the City electric inspector. When asked about the width of the lots, **Mr. Comer** said that his architect drew the plans to the specs of the temporary housing requirements. **Mr. Knott** mentioned that would be a consideration if he later wanted to convert to an RV park. He also asked about the structure on the property, since permanent structures are not permitted for temporary housing projects. **Mr. Comer** explained that the building on the land is not included in the temporary housing application. It is pre-existing and will be fenced off. The water source will be City water.

Motion was made by **Mr. Rodriguez** to approve the Temporary Use Permit. **Mr. Barney** seconded his motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

1:45:26 **11. Consider Approval of a Dedication of a .028 acre portion of right-of-way adjacent to Eunice St.**

Mr. Patterson said the request is to relieve congestion from a tight turning radius on Eunice Street. It will straighten out the curve a bit. There was also a question about the actual plat. The information was not clear about the alley right-of-way.

Ms. Durham motioned to approve the request, with final signing contingent upon clarification of the discrepancies regarding the alley right-of-way. **Mr. Rodriguez** seconded that motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

2:01:02 **12. Consider Approval of a Dedication of new segment of University Dr.**

DRAFT

Ms. Cox was there to represent C & M Developers.

Mr. Patterson explained that the road is already installed. Our inspector for infrastructure has reported that it appears to meet City standards. He would like to see the as-built drawings and the results of Constructor's testing of the surface, however, so that he can confirm that from hard data.

Mr. Rodriguez made a motion to approve the Dedication, contingent upon the City Engineering Department's approval of as-builts and sign-off on compliance. **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Rodriguez, Mr. Barney**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

2:09:41 **13. Report regarding plats approved through Summary Review process.**

Mr. Patterson presented the plats he had signed during November. He pointed out that one of the plats had the wrong signature block (requiring two commissioners to sign), so he marked out the incorrect information and signed as Commission designee.

2:11:21 **14. Adjourn.**

There being no further business, the meeting was adjourned.

2:11:27 Stop Recording [7:11:16 PM]

_____ _____

Chairman Date

DRAFT

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Jeff Patterson. Planning Director	**DATE:** 12/11/2014

SUBJECT: Preliminary Plat for Petroleum Park Subdivision Unit 3, creating 7 new lots, zoned "C-2" Commercial District, pursuant to Code of Ordinances Chapter 47, located between Kircher St. and Del Rio St.

Applicant:
Mesa Properties (owner)
P.O. Box 3142
Carlsbad, NM 88221

SYNOPSIS: The subject site is located on the north side of Kircher St. between Petroleum Park Units 1 and 2 to the west and San Jose Blvd. to the east. The applicant is requesting approval of a preliminary plat to create 7 new lots for commercial development.

The applicant has also included with the subdivision plat the required drainage study and construction drawings.

The subject site is also being proposed to be provided water and wastewater utility services from the City of Carlsbad via adjacent water and sewer utility lines located onsite.

Additional details will need to be approved by the City of Carlsbad for the storm water drainage and utility designs.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Approval of this request will allow for the creation of 7 new lots for commercial development.

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

Chapter 3: Land Use

Goal 1: The City of Carlsbad will adopt policies to support the Infill/Redevelopment Land Use Scenario.
Goal 2: The City of Carlsbad will make efficient use of government resources through well-planned land use decisions.
Goal 4: The City of Carlsbad will strive to create an aesthetically pleasing built environment.
Goal 5: The City of Carlsbad will ensure that land use does not negatively impact the city's environmental resources.

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 4: Improve the appearance of Carlsbad.
Goal 6: Support the efforts and expansion of existing major industries, such as potash mining, oil and gas drilling, and nuclear waste disposal.

PLANNING STAFF RECOMMENDATION: based on review of the application and staff comments, planning staff recommends approval provided the applicant meets all of the conditions from City staff prior to approval of the final plat:

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:
Public Works:

Utilities Dept.: see attached comments.

Building Department:

Fire Department:

Code Enforcement:

Legal Department:

Planning Department:

Police Department: recommend approval

Culture and Recreation Department:

City Engineer:

Carlsbad Irr. District: no comments.

City Administration: my comments are that the applicant ensures extension of water and sewer utilities to all lots and to lot 17, if future development of that lot is imminent.

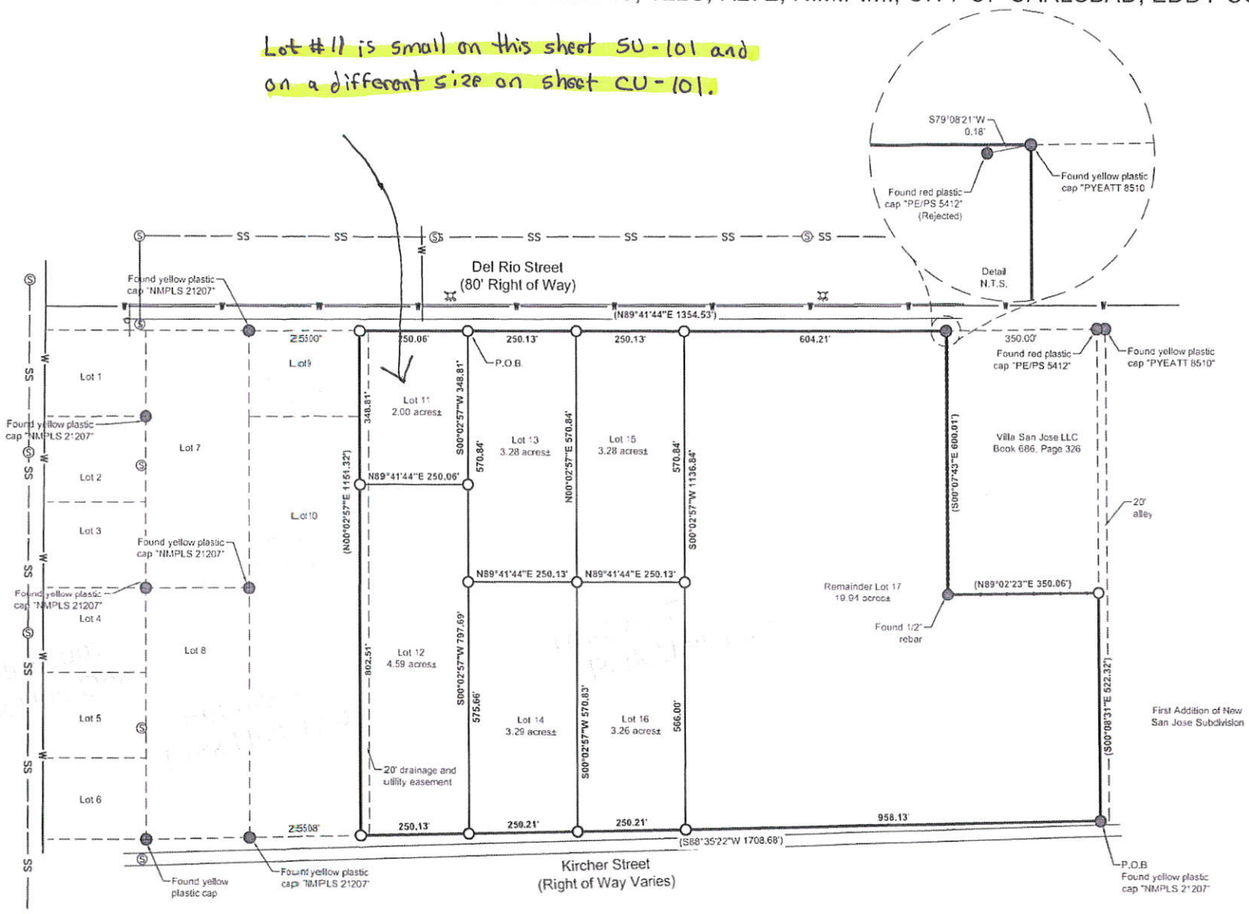
ATTACHMENTS: Application materials

PETROLEUM PARK SUBDIVISION - UNIT THREE

A SUBDIVISION OF TRACT A1 OF PETROLEUM PARK SUBDIVISION - UNIT TWO

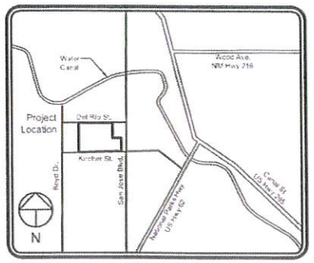
PART OF LOT 3 AND NE1/4 OF THE SW1/4 OF SECTION 18, T22S, R27E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO

Lot #11 is small on this sheet SU-101 and on a different size on sheet CU-101.



BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates are modified by scaling about a control point located at N032°23'31.30", W104°14'06.37" by a combined scale factor of 0.999763927. True north can be obtained by applying a convergence angle of -00°03'09" at the Point of Beginning.



VICINITY MAP
N.T.S.

LEGEND

- Found as noted
- Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
- Calculated point
- Lot line
- Subdivision line
- Boundary line
- Chainlink fence
- Cinder block fence
- Easement
- XX°XX'XX" XX.XX' — Measured bearing and distance
- (XX°XX'XX" XX.XX') — Record bearing and distance

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

WILLIAM M. HICKS III — NEW MEXICO — 12348 — REGISTERED PROFESSIONAL SURVEYOR

INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Mesa Properties of Carlsbad, LLC

LOCATION:
Part of Lot 3 and NE1/4 of SW1/4, Section 18, T22S, R27E, N.M.P.M., Tract A1, Petroleum Park Subdivision Unit Two, Carlsbad, Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I here by certify that this instrument was filed for record on:

The _____ Day of _____,
20 _____ A.D.
At _____ O'Clock _____.M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____, County Clerk
By _____, Deputy

SUBDIVISION PLAT
OF
PETROLEUM PARK UNIT THREE
FOR
MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: 1 of 2
SU - 101

Z:\2014.1328\Subdivision_Survey\ACAD_Subdivision\V-Petroleum Park Subdivision.dwg 11/7/2014 1:51 PM

No need for Double Cleanouts

Minimum Sewer accepted by City is 8" and if City is going to accept this sewer line, then we will need a 20' easement that is not fenced off so we will have access for maintenance.

Longer than 500'

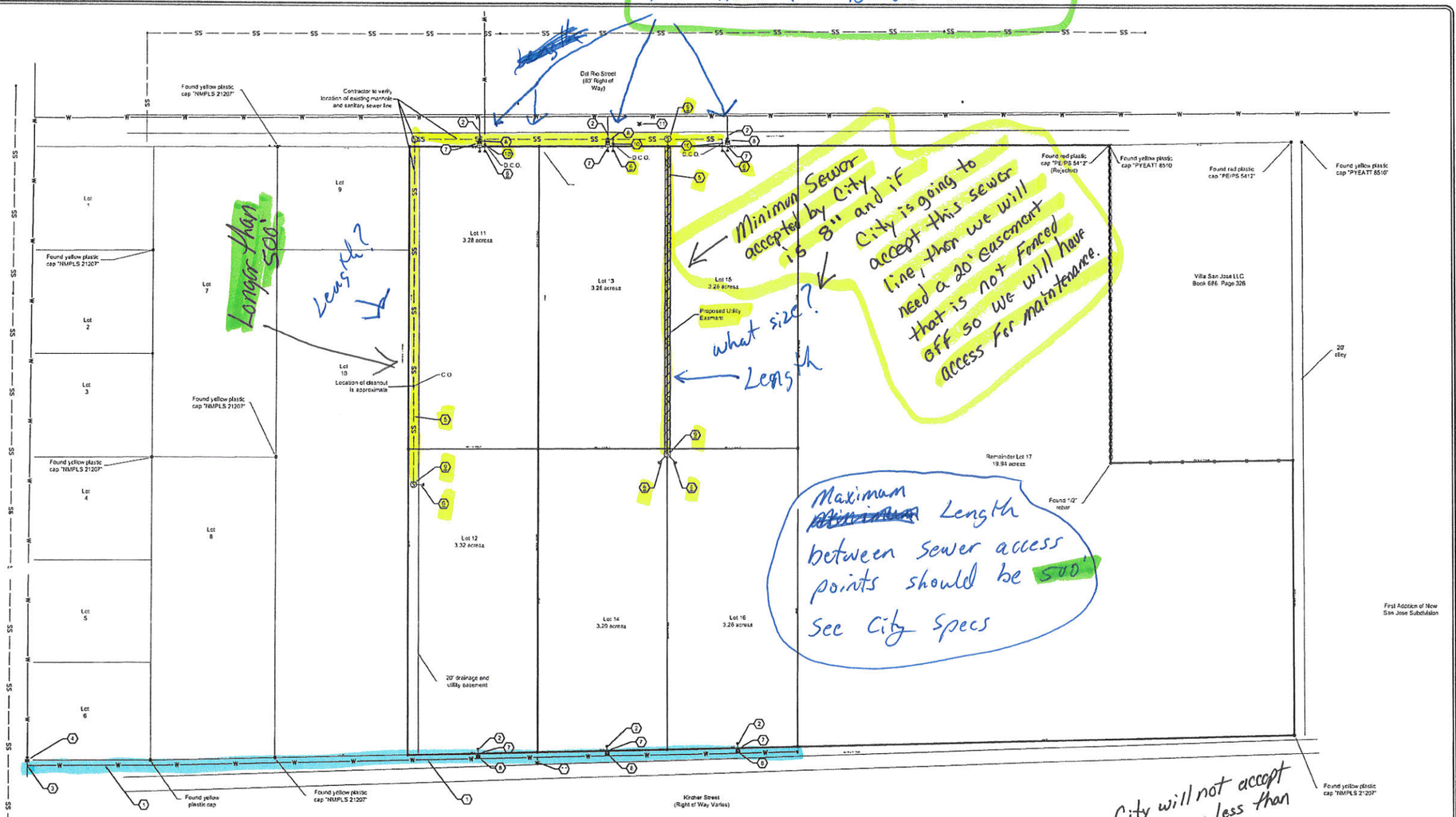
Length?

what size?

Length

Maximum ~~Minimum~~ Length between sewer access points should be 500' See City Specs

City will not accept any sewer less than 8".



UTILITY GENERAL NOTES

UTILITIES:

1. NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (NMSSPWC) CURRENT EDITION SHALL APPLY TO THIS PROJECT. REFER TO STANDARD DRAWINGS FOR THE NMSSPWC , LATEST EDITION UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES CAUSED BY ITS FAILURE TO LOCATE, IDENTIFY, AND PRESERVE ANY AND ALL EXISTING UTILITIES, PIPELINES, AND UNDERGROUND FACILITIES. IN PLANNING AND CONDUCTING EXCAVATIONS. THE CONTRACTOR SHALL COMPLY WITH ALL STATE STATUES, MUNICIPAL AND LOCAL ORDINANCES, AND RULES AND REGULATIONS, IF ANY, PERTAINING TO THE LOCATION OF THESE LINES AND FACILITIES.
3. PVC SANITARY SEWER LINE SHALL BE SDR-26.
4. THE CONTRACTOR SHALL NOTIFY NEW MEXICO ONE CALL, INC. AT 1-800-321-2537 AT LEAST TWO WORKING DAYS PRIOR TO STARTING WORK ON THIS PROJECT.
5. SEWER/WATER LINES SHALL BE PLACED IN SEPARATE TRENCHES A MINIMUM DISTANCE OF 10 FEET APART HORIZONTALLY. THE WATER LINE SHALL BE PLACED A MINIMUM OF 1.5 FEET HIGHER IN ELEVATION THAN THE SEWER. AT ALL CROSSINGS OF WATER AND SEWER LINES. THE WATER LINE SHALL BE A MINIMUM OF * 5 FEET HIGHER THAN THE SEWER OR THE SEWER LINE SHALL BE C-900 PRESSURIZED PIPE.

WATER:

1. THE CONTRACTOR SHALL COORDINATE UTILITY TIE INS WITH CITY OF CARLSBAD STAFF LISTED ON THIS SHEET.
2. THE CONTRACTOR MUST OBTAIN WRITTEN APPROVAL FROM THE CITY OF CARLSBAD TO OPERATE ANY VALVE OR FIRE HYDRANT AND FOR NEW WATERLINES AND EXTENSIONS TO THE EXISTING WATER SYSTEM. ONCE APPROVAL HAS BEEN VERIFIED. THE CONTRACTOR MUST CONTACT THE CITY OF CARLSBAD 48 HOURS IN ADVANCE TO REQUEST A SHUTOFF DATE. WATER SHUT OFF MAY BE DONE AT NIGHT OR ON WEEKENDS TO ACCOMMODATE WATER CUSTOMERS.
3. WATER LINES SHALL BE CONSTRUCTED WITH A MINIMUM OF 4.0 FT. COVER MEASURED FROM FINISH GRADE TO TOP OF PIPE, UNLESS OTHERWISE SPECIFIED ON PLANS.
4. FOR PRESSURE WATER CONNECTIONS TO EXISTING LINES, THE CONTRACTOR SHALL NOTIFY THE CITY OF CARLSBAD WATER DEPARTMENT A MINIMUM OF 48 HOURS PRIOR TO THE CONNECTION.
5. CONCRETE THRUST BLOCKS SHALL BE USED ON ALL 90 DEGREE BENDS, TEES TO HYDRANTS, BEHIND AND UNDER HYDRANTS, AND UNDER VALVES. ALL FITTINGS AND CAPS SHALL USE MEGA LUG RESTRAINTS. NO EXTRA PAYMENT WILL BE MADE FOR THESE FEATURES.
6. COMPRESSION JOINTS MAY BE USED ON COPPER SERVICE LINES EXCEPT FLARED JOINTS SHALL BE USED WHEN CONNECTING TO PLASTIC LINES
7. THE 24" DEPTH OF SERVICE LINE BELOW FINISH SURFACE ELEVATION OF METER BOXES IS CRITICAL. METERS WILL NOT BE INSTALLED WHEN THIS DIMENSION VARIES.
8. VALVE BOXES SHALL BE BROUGHT TO SURFACE ELEVATION UPON COMPLETION OF SURFACE COURSE OF PAVEMENT OR FINISHED GROUND. OCTAGONAL CONCRETE COLLARS SHALL BE CONSTRUCTED TO SURFACE ELEVATIONS.
9. FLUSHING OF WATER LINES SHALL BE METERED. ORDER OF PREFERENCE FOR DISPOSAL IS (1) ON AVAILABLE LAND SURFACE, (2) IN STORM SEWERS, OR (3) IN SANITARY SEWERS. DISPOSAL METHOD SHALL BE DISCUSSED WITH INSPECTOR.
10. FLUSHING, DISINFECTING, AND TESTING OF WATERLINES SHALL BE COORDINATED WITH THE CITY OF CARLSBAD.
11. PVC WATERLINE SHALL BE CLASS C900.

SEWER:

1. THE CONTRACTOR SHALL COORDINATE UTILITY TIE INS WITH CITY OF CARLSBAD STAFF LISTED ON THIS SHEET.
2. AIR TESTING OF SEWER LINES SHALL BE CONDUCTED IN THE PRESENCE OF INSPECTOR.
3. EXISTING MANHOLES TO BE ADJUSTED TO GRADE AS REQUIRED.
4. NEW 6" SEWER LINES SHALL HAVE A MINIMUM SLOPE OF 0.5%.

KEYED NOTES

1. CONTRACTOR TO INSTALL 1484' ± OF 6" C900 PVC WATER MAIN
2. CONTRACTOR TO INSTALL 258' ± OF 1.5" HDPE PVC WATER LATERAL WITH END CAP
3. CONTRACTOR TO INSTALL 6"x6"x6" MJxMJxMJ TEE ON EXISTING 6" CITY OF CARLSBAD AC WATER LINE
4. CONTRACTOR TO INSTALL 6" GATE VALVE PER DETAIL 3, SHEET CU-501
5. CONTRACTOR TO INSTALL 781' ± OF 6" PVC SDR26 SANITARY SEWER MAIN
6. CONTRACTOR TO INSTALL 143' ± OF 6" PVC SDR26 SANITARY SEWER LATERAL WITH END CAP
7. CONTRACTOR TO INSTALL 1.5" WATER METER PER DETAIL 2 SHEET CU-501
8. CONTRACTOR TO INSTALL WATER VALVE PER DETAIL 3, SHEET CU-501
9. CONTRACTOR TO INSTALL MANHOLE PER DETAIL 4, SHEET CU-501
10. CONTRACTOR TO INSTALL DOUBLE CLEANOUT PER DETAIL 5, SHEET CU-501
11. CONTRACTOR TO INSTALL FIRE HYDRANT PER DETAIL 6, SHEET CU-501

CARLSBAD UTILITY CONTACTS

CITY ENGINEER: ERIC NAVARRETTE 575-885-1185 EXT.2233

DIRECTOR OF PUBLIC WORKS: TOM CARLSON 575-885-6262 EXT.7971

DIRECTOR OF UTILITIES: LUIS CAMERO 575-885-6262 EXT. 7970

~~SEWER: JOE HARVEY 575-887-6422~~ Wes Nichols 302-6630

SEWER: JAMEY SCHWIGER 575-885-6313

SCALE 1" = 100'

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive, Suite 100, Hobbs, New Mexico 88240
T 575.393.6927 F 575.393.1543
Pettigrew.us

DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
Debra P. Hicks 12/05/2014

PROJECT ENGINEER:	Debra P. Hicks PE/LS
PROJECT DESIGNER:	Austin C. Wall
DRAWN BY:	ACW

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 0.5' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	GRADING LIMITS
	CHANNEL FLOWLINE
	CHAIN LINK FENCE
	CONCRETE FENCE
CO	CLEANOUT
DCO	DUAL CLEANOUT
EOA	EDGE OF ASPHALT
FL	FLOWLINE
FRW	FOOT OF RETAINING WALL
SW	SIDEWALK
	WATER METER
	WATER VALVE
	ASPHALT
	CONCRETE
	CALICHE

REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

CIVIL UTILITY PLAN

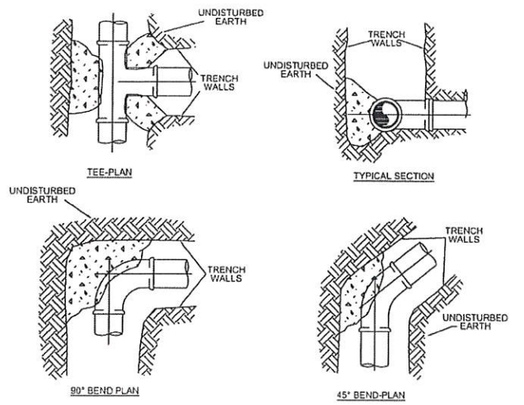
PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: CU-101

I:\ESKSTATION\DataFiles-NAS\2014.1328\Engineering\ACAD\Petroleum Park_Subdivision_Concept_1_Utilities_rev_1.dwg 12.5.2014 11:15 AM

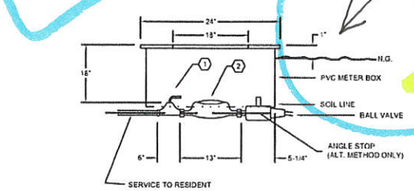


NOTE:
ALL CONCRETE THRUST BLOCKS SHALL BE PLACED TO DISTRIBUTE HORIZONTAL THRUST OVER VERTICAL UNDISTURBED EARTH SIZE OF THRUST BLOCKS SHALL BE DETERMINED BY USING AN ALLOWABLE SOIL BEARING PRESSURE OF 1500 P.S.F. AT 150 P.S.I. TEST PRESSURE IN WATER LINE.

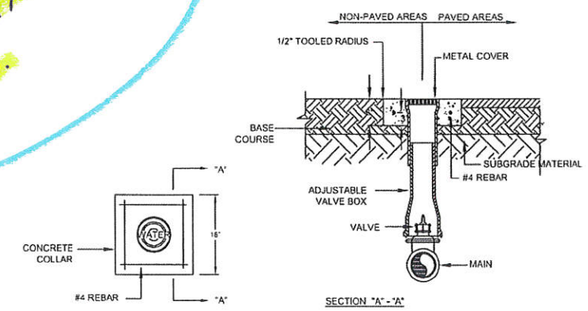
1 CONCRETE HORIZONTAL BLOCK
SCALE: N.T.S.

Also need a ditch diagram - tracer wire + boxes need to be added to meet new specs.

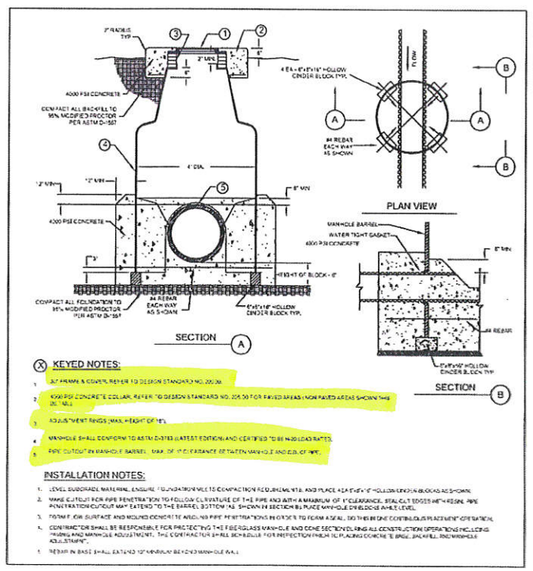
Water Service - Doesn't meet City Infrastructure Specs.

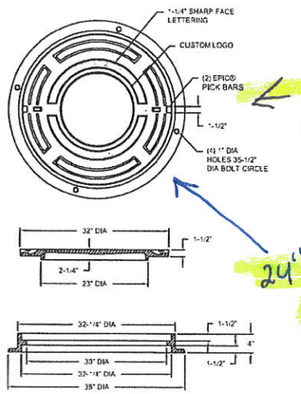


2 1.5" WATER METER ASSEMBLY DETAIL
SCALE: N.T.S.



3 WATER VALVE ASSEMBLY
SCALE: N.T.S.



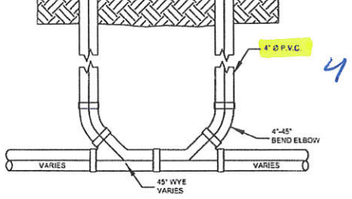


This needs to meet new city specs.

24"? Diameter Lid is what is speced.

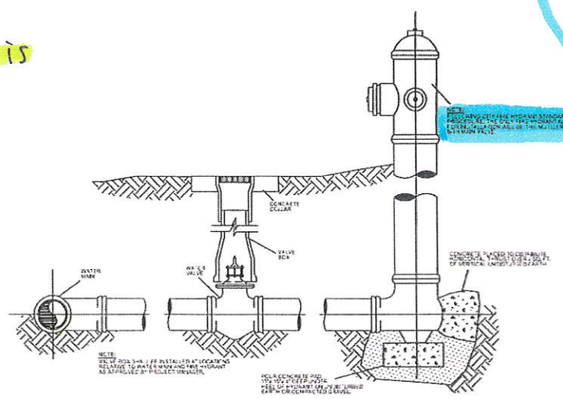
1. CAST IRON MANHOLE RING & DUCTILE IRON COVER SET SHALL BE EJ PRODUCT NUMBER 6163E120AB1, AS SHOWN, OR APPROVED EQUIVALENT
2. MANHOLE FRAME & COVER ASSEMBLY SHALL BE AASHTO H-20 LOAD RATED
3. DUCTILE IRON CASTINGS SHALL BE GRADE 70-50-05 AND CONFORM TO ASTM A536 (LATEST EDITION)
4. GREY IRON CASTINGS SHALL BE CL35 CONFORM TO ASTM A48 (LATEST EDITION)
5. THE MANHOLE FRAME & COVER ARE TO BE UNCOATED

4 FIBERGLASS MANHOLE
SCALE: N.T.S.



4"?

5 DOUBLE CLEANOUT ASSEMBLY DETAIL
SCALE: N.T.S.



6 TYPICAL FIRE HYDRANT DETAIL
SCALE: N.T.S.

All Fire Hydrants must be chrome yellow.

We now accept clow Medallion Fire Hydrants

← Needs to be updated to newest city infrastructure detail / specs

NORTH
SCALE 1" = 100'
0' 50' 100' 200'

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103 E. Navajo Drive Suite 100 Hobbs New Mexico 88240
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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
12/05/2014

PROJECT ENGINEER:	Debra P. Hicks PE/LSI
PROJECT DESIGNER:	Austin C. Wall
DRAWN BY:	ACW

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 0.5' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	GRADING LIMITS
	CHANNEL FLOWLINE
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CO	CLEANOUT
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	WATER METER
	WATER VALVE
	ASPHALT
	CONCRETE
	CALICHE

REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

CIVIL UTILITY DETAILS

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: CU-501

CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
114 S. Halagueno (PO Box 1569)
Carlsbad, NM 88221
Phone (575) 885-1185, Fax (575) 628-8379

APPLICATION FOR SUBDIVISION APPROVAL

(SEE MUNICIPAL CODE CHAPTER 47 – SUBDIVISION REGULATIONS FOR PLAT REQUIREMENTS)

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, Special Property Use, etc.) from the City of Carlsbad (Planning, Engineering, and Regulation Office).

2. With the exception of Summary Reviews, **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**. (As per Section 3-20-8 NMSA 1978 and Chapter 47 Code of Ordinances, Summary Reviews may be submitted at any time.) The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. If desired, 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". One original plat on mylar and three copies are required. **However, if the applicant wishes to support his or her application with larger size documents, an original on mylar and fifteen (15) copies need to be provided. (For Summary Review—an original on mylar and three (3) copies are required.)** Separate arrangements for copying these large documents may be possible, but will incur additional costs. Plats must be signed in permanent black ink.

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 four months 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.

APPLICATION FOR SUBDIVISION APPROVAL

(SEE MUNICIPAL CODE CHAPTER 47 - SUBDIVISION REGULATIONS FOR PLAT REQUIREMENTS)

Application Date: 11/7/14

Fee Paid: ~~$176.00~~ $162.00

Application Type and fee:
- ☐ Sketch Plat (no fee)
- ☒ Preliminary Plat (1-7 lots: $150.00 + $2.00/lot; 8+ lots: $300.00+$3.00/lot)
- ☐ Final Plat (no fee)
- ☐ Summary Review* ($50.00)

RECEIVED
Receipt Date Stamp
NOV - 7 2014
Planning, Engineering, & Regulation Department

MESA PROPERTIES OF CARLSBAD LLC NAME OF PROPERTY OWNER	NAME OF DEVELOPER (IF DIFFERENT FROM OWNER)
PO BOX 3142 ADDRESS	ADDRESS
CARLSBAD NM 88220 CITY STATE ZIP	CITY STATE ZIP
5758859905 DIVEPLAN@AOL.COM PHONE EMAIL	PHONE EMAIL

Location of the property being subdivided: KIRCHER & DEL RIO STREETS

Is the property:

☒ Within the City of Carlsbad Zoning District:

☐ R-R ☐ R-1 ☐ R-2 ☐ C-1 ☒ C-2 ☐ I ☐ PUD

☐ Outside the City Limits but within the City's Planning and Platting Jurisdiction (5-Mile Radius)

Existing Use of the Property: Vacant Land

Proposed Use of the Property: Commercial Lots

The Carlsbad Code of Ordinances Chapter 47 - Subdivision Regulations and Section 3-20-1 et. seq. NMSA 1978, regulate the subdivision of land. As the property owner, I understand that all required information must be provided in accordance with these regulations and that the construction of certain public improvements may be required as a condition of plat approval. If these improvements are not already in place and accepted by the City, the applicant must attach a financial guarantee, subject to approval by the City, that these improvements will be completed within 1 (one) calendar year after the date of this application or request a variance by the City Council of the applicable subdivision regulation(s). The justification required for this variance is summarized on the reverse side of this page and must be reviewed by the Planning and Zoning Commission prior to submittal to the City Council.

X _____
SIGNATURE OF PROPERTY OWNER

GEORGE DUNAGAN, BROKER

DOCUMENTATION TO BE SEALED BY A REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER, AS APPLICABLE, AND SUBMITTED WITH THIS APPLICATION:

- ☐ A plat of the property to be subdivided prepared in conformance with Chapter 47 of the Carlsbad Code of Ordinances and applicable New Mexico Surveying Law.
- ☐ A scaled drawing locating all existing structures, water and sewer service lines, and other utilities on or serving the property with accurate dimensions from all existing structures to all property lines. The drawing is not required if the property is vacant or otherwise undeveloped.
- ☐ Construction plans defining and illustrating the design and construction requirements for all public improvements required by Chapter 47 of the Carlsbad Code of Ordinances and subject to approval and acceptance by the City (not required for summary review).
- ☐ If applicable, detailed Estimates of Construction Costs for the proposed infrastructure improvements suitable for the preparation of the performance bond typically submitted as the financial guarantee that the infrastructure will be completed (not required for summary review).

*LIMITATION ON THE USE OF SUMMARY REVIEW PROCESS

(AS PER SECTION 3-20-8 NMSA 1978 AND CHAPTER 47 CODE OF ORDINANCES)

Subdivisions submitted for review under this process shall comply with applicable subdivision regulations and are limited to:

1. Subdivisions of not more than two parcels of land;
2. Re-subdivisions, where the combination or recombination of portions of previously planted lots does not increase the total number of lots;
3. Subdivision of two or more parcels of land in areas zoned for industrial use.
4. One per parcel of land per year as calculated from approval date.

VARIANCES

(AS PER CHAPTER 47 SEC. 47-7 CODE OF ORDINANCES)

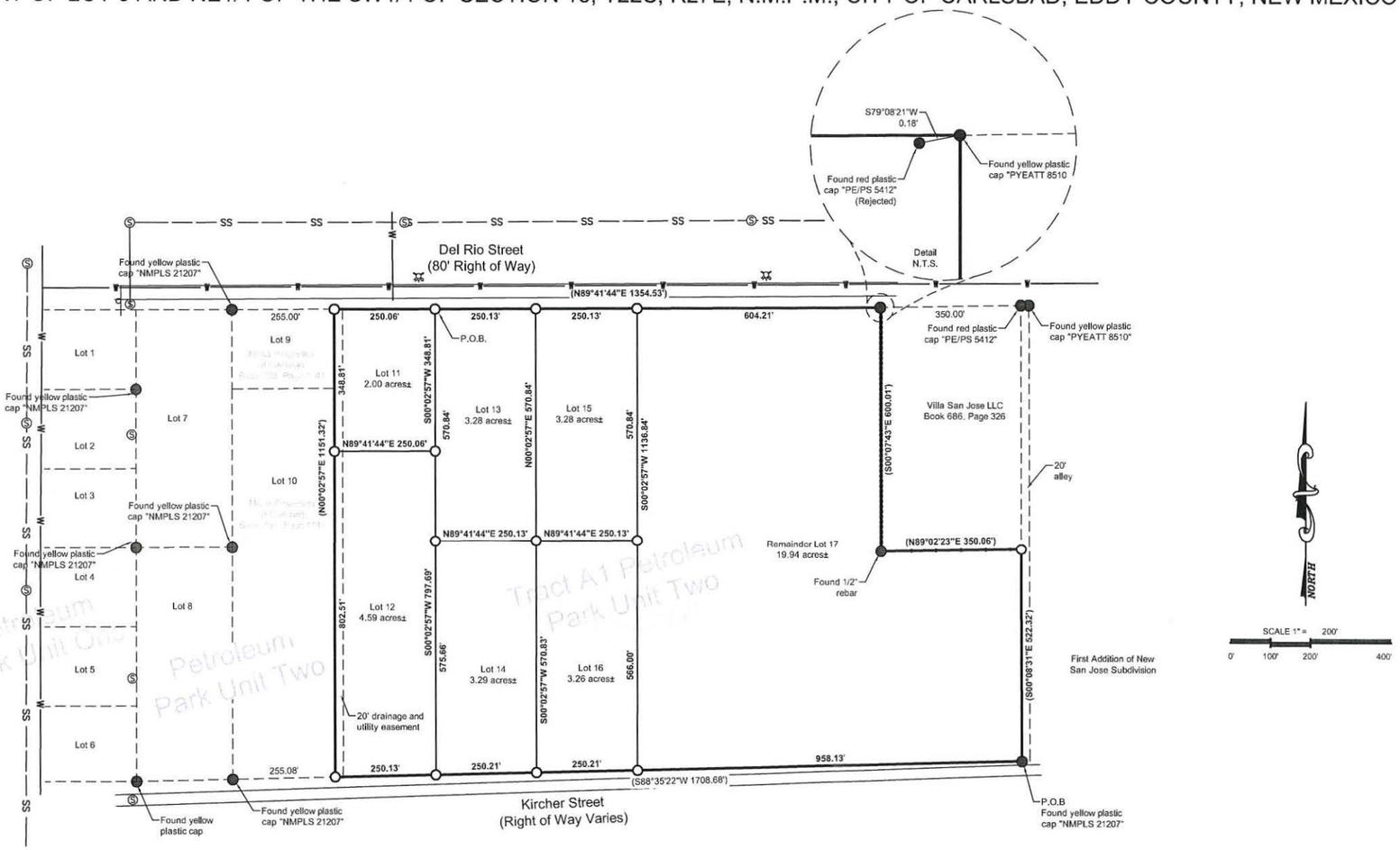
Whenever, in the opinion of the board of appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as are necessary so that the subdivider is allowed to develop his/her 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; and
2. The variance will not adversely affect the reasonable development of adjacent property; and
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; and
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; and
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; and
6. The hardship must not be pecuniary and must be a direct result of the land location, topography or other characteristic; and
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.

PETROLEUM PARK SUBDIVISION - UNIT THREE

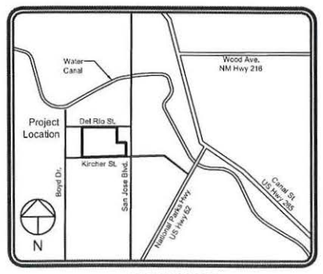
A SUBDIVISION OF TRACT A1 OF PETROLEUM PARK SUBDIVISION - UNIT TWO

PART OF LOT 3 AND NE1/4 OF THE SW1/4 OF SECTION 18, T22S, R27E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO



BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates are modified by scaling about a control point located at N032°23'31.30", W104°14'06.37" by a combined scale factor of 0.999763927. True north can be obtained by applying a convergence angle of -00°03'09" at the Point of Beginning.



VICINITY MAP
N.T.S.

LEGEND

●	Found as noted
○	Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
⊡	Calculated point
	Lot line
	Subdivision line
	Boundary line
	Chainlink fence
	Cinder block fence
	Easement
XX°XX'XX" XX.XX'	Measured bearing and distance
(XX°XX'XX" XX.XX')	Record bearing and distance

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

WILLIAM M. HICKS III
NEW MEXICO
12348
REGISTERED PROFESSIONAL SURVEYOR

INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Mesa Properties of Carlsbad, LLC

LOCATION:
Part of Lot 3 and NE1/4 of SW1/4, Section 18, T22S, R27E, N.M.P.M., Tract A1, Petroleum Park Subdivision Unit Two, Carlsbad, Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I here by certify that this instrument was filed for record on:

The _____ Day of _____,
20 _____ A.D.
At _____ O'Clock _____,M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____, County Clerk
By _____, Deputy

SUBDIVISION PLAT
OF
PETROLEUM
PARK UNIT THREE
FOR
MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER:
2014.1328

SHEET: 1 of 2
SU - 101

Z:\2014.1328\Subdivision_Survey\ACAD_Subdivision\V-Petroleum Park Subdivision.dwg 11/7/2014 1:51 PM

DESCRIPTION OF PROPERTY BEING SUBDIVIDED
TRACT A1, PETROLEUM PARK SUBDIVISION, UNIT TWO

A tract of land located in part of Lot 3 and the northeast quarter of the southwest quarter of Section 18, Township 22 South, Range 27 East, N.M.P.M., Carlsbad, Eddy County, New Mexico and being more particularly described as follows:

Beginning at a found yellow plastic cap marked "NMPLS 21207" being used as the southeast corner of Tract A1, Petroleum Park Unit Two, Book 798, Page 1141, thence S88°35'22"W along the north right of way line of Kircher Street, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 958.13 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 1208.34 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 1458.55 feet and continuing a total of 1708.68 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°02'57"E along the east line of Lot 10 and Lot 9, Petroleum Park Unit Two, Book 798, Page 1141, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 802.51 feet and continuing a total of 1151.32 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°41'44"E along the south right of way line of Del Rio Street, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 250.06 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 500.19 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 750.32 feet and continuing a total of 1354.53 feet to a found yellow plastic cap marked "PYEATT 8510"; thence S00°07'43"E along the west line of property owned by Villa San Jose LLC, Book 686, Page 326, 600.01 feet to a found 1/2" rebar; thence N89°02'23"E along the south line of property owned by Villa San Jose LLC, Book 686, Page 326, 350.06 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°08'31"E along the west line of a 20 foot alley, 522.32 feet to the Point of Beginning.

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision, that this survey is true and correct to the best of my knowledge and belief. That this Subdivision Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

_____ _____
William M. Hicks, III NMPS #12348 Date

OWNERS STATEMENT AND AFFIDAVIT
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 free will and consent caused this plat with its lots dedicated roads and easements 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 _____ Day of _____, 20____

By _____
Representative for Mesa Properties of Carlsbad, LLC

_____ _____
Notary Public My Commission expires / /

APPROVAL BY THE CITY PLANNING COMMISSION

This is to certify that this plat has been approved by the City Planning Commission of the City of Carlsbad, County of Eddy, State of New Mexico, during a regularly scheduled meeting held on

this _____ day of _____, 20____.

_____ _____
Chairman Secretary

CONCURRENCE

_____ _____
WINDSTREAM DATE

_____ _____
XCEL ENERGY DATE

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
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PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

WILLIAM M. HICKS III
NEW MEXICO
12348
REGISTERED PROFESSIONAL SURVEYOR

INDEXING INFORMATION FOR COUNTY CLERK

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LOCATION:
Part of Lot 3 and NE1/4 of SW1/4, Section 18, T22S, R27E, N.M.P.M., Tract A1, Petroleum Park Subdivision Unit Two, Carlsbad, Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I here by certify that this instrument was filed for record on:

The _____ Day of _____,
20 _____ A.D.
At _____ O'Clock _____.M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____,
County Clerk
By _____,
Deputy

SUBDIVISION PLAT
OF
PETROLEUM
PARK UNIT THREE
FOR
MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER:
2014.1328

SHEET: 2 of 2
SU - 102

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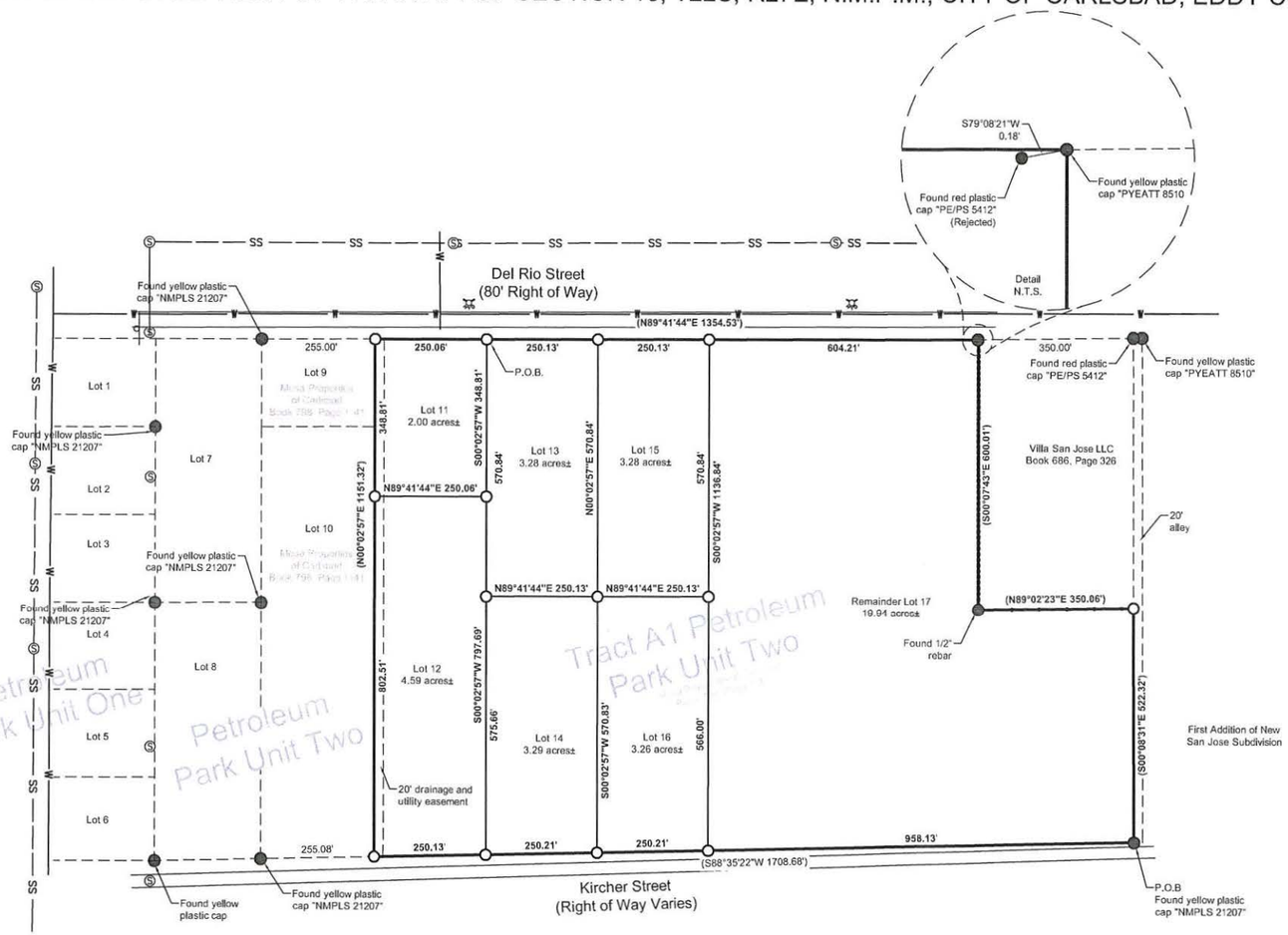
PETROLEUM PARK SUBDIVISION - UNIT THREE

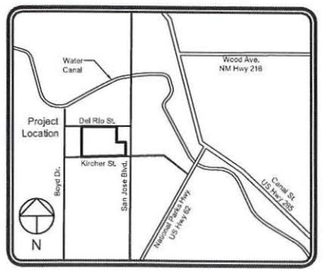
A SUBDIVISION OF TRACT A1 OF PETROLEUM PARK SUBDIVISION - UNIT TWO

PART OF LOT 3 AND NE1/4 OF THE SW1/4 OF SECTION 18, T22S, R27E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO



BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates are modified by scaling about a control point located at N032°23'31.30", W104°14'06.37" by a combined scale factor of 0.999763927. True north can be obtained by applying a convergence angle of -00°03'09" at the Point of Beginning.



VICINITY MAP
N.T.S.

LEGEND

●	Found as noted
○	Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
⊡	Calculated point
----------	Lot line
————	Subdivision line
————	Boundary line
——•——•——	Chainlink fence
——▪——▪——	Cinder block fence
▨	Easement
XX°XX'XX" XX.XX'	Measured bearing and distance
(XX°XX'XX" XX.XX')	Record bearing and distance

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DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

WILLIAM M. HICKS III — NEW MEXICO — 12348 — REGISTERED PROFESSIONAL SURVEYOR

INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Mesa Properties of Carlsbad, LLC

LOCATION:
Part of Lot 3 and NE1/4 of SW1/4, Section 18, T22S, R27E, N.M.P.M., Tract A1, Petroleum Park Subdivision Unit Two, Carlsbad, Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____, I here by certify that this instrument was filed for record on:

The _____ Day of _____,

20 _____ A.D.

At _____ O'Clock _____.M.

Cabinet _____ Slide _____

Book _____ Page _____

By _____, County Clerk

By _____, Deputy

SUBDIVISION PLAT
OF
PETROLEUM
PARK UNIT THREE
FOR
MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER:
2014.1328

SHEET: 1 of 2
SU - 101

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DESCRIPTION OF PROPERTY BEING SUBDIVIDED
TRACT A1, PETROLEUM PARK SUBDIVISION, UNIT TWO

A tract of land located in part of Lot 3 and the northeast quarter of the southwest quarter of Section 18, Township 22 South, Range 27 East, N.M.P.M., Carlsbad, Eddy County, New Mexico and being more particularly described as follows:

Beginning at a found yellow plastic cap marked "NMPLS 21207" being used as the southeast corner of Tract A1, Petroleum Park Unit Two, Book 798, Page 1141, thence S88°35'22"W along the north right of way line of Kircher Street, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 958.13 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 1208.34 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 1458.55 feet and continuing a total of 1708.68 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N00°02'57"E along the east line of Lot 10 and Lot 9, Petroleum Park Unit Two, Book 798, Page 1141, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 802.51 feet and continuing a total of 1151.32 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence N89°41'44"E along the south right of way line of Del Rio Street, passing a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 250.06 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 500.19 feet, a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" at 750.32 feet and continuing a total of 1354.53 feet to a found yellow plastic cap marked "PYEATT 8510"; thence S00°07'43"E along the west line of property owned by Villa San Jose LLC, Book 686, Page 326, 600.01 feet to a found 1/2" rebar; thence N89°02'23"E along the south line of property owned by Villa San Jose LLC, Book 686, Page 326, 350.06 feet to a set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"; thence S00°08'31"E along the west line of a 20 foot alley, 522.32 feet to the Point of Beginning.

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision, that this survey is true and correct to the best of my knowledge and belief. That this Subdivision Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

_____ _____
William M. Hicks, III NMPS #12348 Date

OWNERS STATEMENT AND AFFIDAVIT
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 free will and consent caused this plat with its lots dedicated roads and easements 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 _____ Day of _____, 20_____

By _____
Representative for Mesa Properties of Carlsbad, LLC

_____ _____
Notary Public My Commission expires / /

APPROVAL BY THE CITY PLANNING COMMISSION

This is to certify that this plat has been approved by the City Planning Commission of the City of Carlsbad, County of Eddy, State of New Mexico, during a regularly scheduled meeting held on

this _____ day of _____, 20____.

_____ _____
Chairman Secretary

CONCURRENCE

_____ _____
WINDSTREAM DATE

_____ _____
XCEL ENERGY DATE

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
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PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

WILLIAM M. HICKS III NEW MEXICO 12348 REGISTERED PROFESSIONAL SURVEYOR

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REVISIONS

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I here by certify that this instrument was filed for record on:

The _____ Day of _____.
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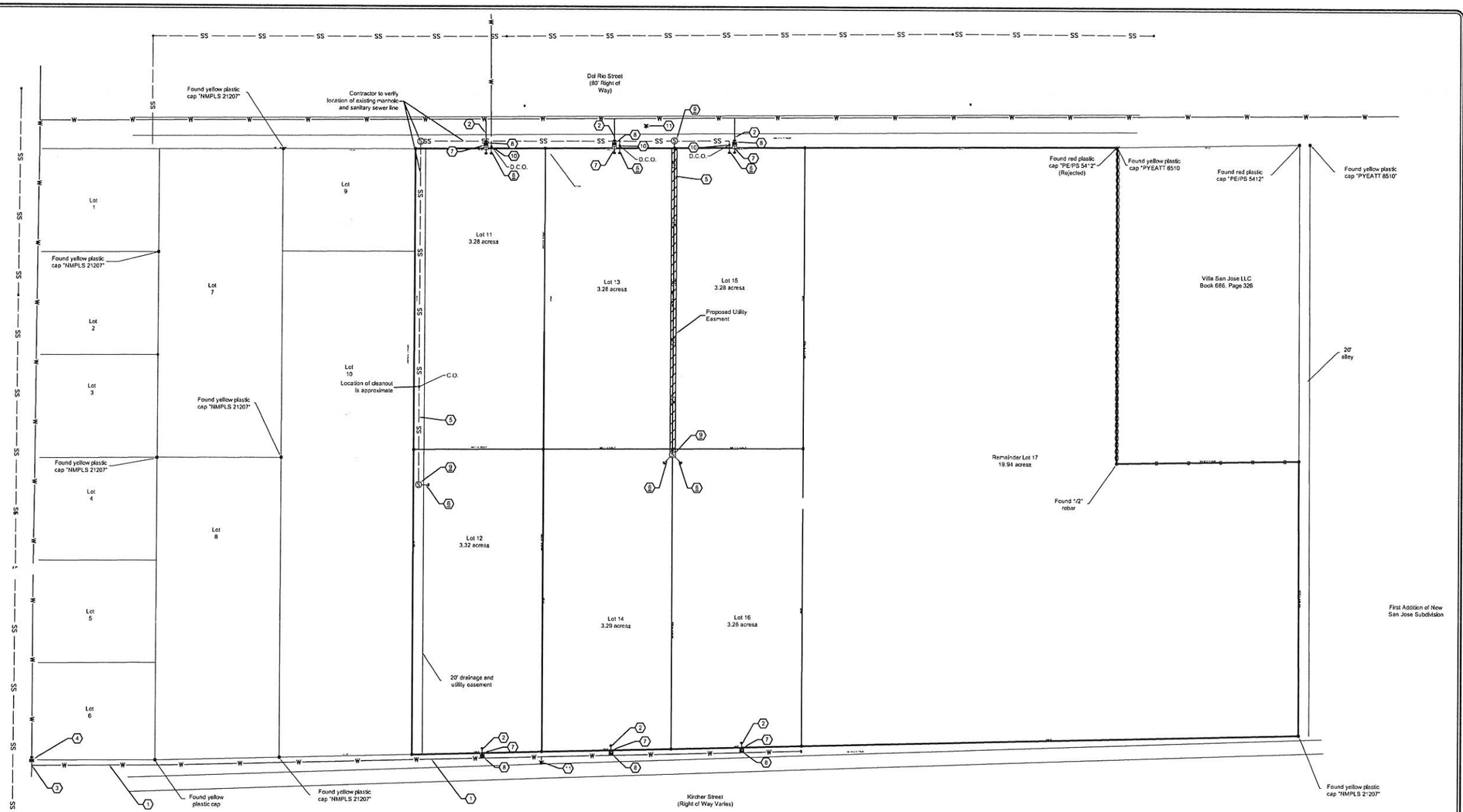
At _____ O'Clock _____.M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____, County Clerk
By _____, Deputy

SUBDIVISION PLAT
OF
PETROLEUM
PARK UNIT THREE
FOR
MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER:
2014.1328

SHEET: 2 of 2
SU - 102

Z:\2014.1328\Subdivision_Survey\ACAD_Subdivision\V-Petroleum Park Subdivision.dwg 11/7/2014 1:47 PM



UTILITY GENERAL NOTES

UTILITIES:

1. NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (NMSSPWC) CURRENT EDITION SHALL APPLY TO THIS PROJECT. REFER TO STANDARD DRAWINGS FOR THE NMSSPWC , LATEST EDITION UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES CAUSED BY ITS FAILURE TO LOCATE, IDENTIFY, AND PRESERVE ANY AND ALL EXISTING UTILITIES, PIPELINES, AND UNDERGROUND FACILITIES. IN PLANNING AND CONDUCTING EXCAVATIONS, THE CONTRACTOR SHALL COMPLY WITH ALL STATE STATUES, MUNICIPAL AND LOCAL ORDINANCES, AND RULES AND REGULATIONS, IF ANY, PERTAINING TO THE LOCATION OF THESE LINES AND FACILITIES.
3. PVC SANITARY SEWER LINE SHALL BE SDR-26.
4. THE CONTRACTOR SHALL NOTIFY NEW MEXICO ONE CALL, INC. AT 1-800-321-2537 AT LEAST TWO WORKING DAYS PRIOR TO STARTING WORK ON THIS PROJECT.
5. SEWER/WATER LINES SHALL BE PLACED IN SEPARATE TRENCHES A MIMIMUM DISTANCE OF 10 FEET APART HORIZONTALLY. THE WATER LINE SHALL BE PLACED A MINIMUM OF 1.5 FEET HIGHER IN ELEVATION THAN THE SEWER. AT ALL CROSSINGS OF WATER AND SEWER LINES, THE WATER LINE SHALL BE A MINIMUM OF 1.5 FEET HIGHER THAN THE SEWER OR THE SEWER LINE SHALL BE C-900 PRESSURIZED PIPE.

WATER:

1. THE CONTRACTOR SHALL COORDINATE UTILITY TIE INS WITH CITY OF CARLSBAD STAFF LISTED ON THIS SHEET.
2. THE CONTRACTOR MUST OBTAIN WRITTEN APPROVAL FROM THE CITY OF CARLSBAD TO OPERATE ANY VALVE OR FIRE HYDRANT AND FOR NEW WATERLINES AND EXTENSIONS TO THE EXISTING WATER SYSTEM. ONCE APPROVAL HAS BEEN VERIFIED THE CONTRACTOR MUST CONTACT THE CITY OF CARLSBAD 48 HOURS IN ADVANCE TO REQUEST A SHUTOFF DATE. WATER SHUT OFF MAY BE DONE AT NIGHT OR ON WEEKENDS TO ACCOMMODATE WATER CUSTOMERS.
3. WATER LINES SHALL BE CONSTRUCTED WITH A MINIMUM OF 4.0 FT. COVER MEASURED FROM FINISH GRADE TO TOP OF PIPE, UNLESS OTHERWISE SPECIFIED ON PLANS.
4. FOR PRESSURE WATER CONNECTIONS TO EXISTING LINES, THE CONTRACTOR SHALL NOTIFY THE CITY OF CARLSBAD WATER DEPARTMENT A MINIMUM OF 48 HOURS PRIOR TO THE CONNECTION.
5. CONCRETE THRUST BLOCKS SHALL BE USED ON ALL 90 DEGREE BENDS, TEES TO HYDRANTS BEHIND AND UNDER HYDRANTS, AND UNDER VALVES. ALL FITTINGS AND CAPS SHALL USE MEGA LUG RESTRAINTS. NO EXTRA PAYMENT WILL BE MADE FOR THESE FEATURES.
6. COMPRESSION JOINTS MAY BE USED ON COPPER SERVICE LINES EXCEPT FLARED JOINTS SHALL BE USED WHEN CONNECTING TO PLASTIC LINES
7. THE 24" DEPTH OF SERVICE LINE BELOW FINISH SURFACE ELEVATION OF METER BOXES IS CRITICAL. METERS WILL NOT BE INSTALLED WHEN THIS DIMENSION VARIES.
8. VALVE BOXES SHALL BE BROUGHT TO SURFACE ELEVATION UPON COMPLETION OF SURFACE COURSE OF PAVEMENT OR FINISHED GROUND. OCTAGONAL CONCRETE COLLARS SHALL BE CONSTRUCTED TO SURFACE ELEVATIONS.
9. FLUSHING OF WATER LINES SHALL BE METERED. ORDER OF PREFERENCE FOR DISPOSAL IS (1) ON AVAILABLE LAND SURFACE. (2) IN STORM SEWERS OR (3) IN SANITARY SEWERS. DISPOSAL METHOD SHALL BE DISCUSSED WITH INSPECTOR.
10. FLUSHING, DISINFECTING, AND TESTING OF WATERLINES SHALL BE COORDINATED WITH THE CITY OF CARLSBAD.
11. PVC WATERLINE SHALL BE CLASS C900.

SEWER:

1. THE CONTRACTOR SHALL COORDINATE UTILITY TIE INS WITH CITY OF CARLSBAD STAFF LISTED ON THIS SHEET.
2. AIR TESTING OF SEWER LINES SHALL BE CONDUCTED IN THE PRESENCE OF INSPECTOR.
3. EXISTING MANHOLES TO BE ADJUSTED TO GRADE AS REQUIRED.
4. NEW 6" SEWER LINES SHALL HAVE A MINIMUM SLOPE OF 0.5%.

KEYED NOTES

1. CONTRACTOR TO INSTALL 1484' ± OF 6" C900 PVC WATER MAIN
2. CONTRACTOR TO INSTALL 258' ± OF 1.5" HDPE PVC WATER LATERAL WITH END CAP
3. ~~3~~ CONTRACTOR TO INSTALL 6"x6"x6" MJxMJxMJ TEE ON EXISTING 6" CITY OF CARLSBAD AC WATER LINE
4. CONTRACTOR TO INSTALL 6" GATE VALVE PER DETAIL 3, SHEET CU-501
5. CONTRACTOR TO INSTALL 781' ± OF 6" PVC SDR26 SANITARY SEWER MAIN
6. CONTRACTOR TO INSTALL 140' ± OF 6" PVC SDR26 SANITARY SEWER LATERAL WITH END CAP
7. CONTRACTOR TO INSTALL 1.5" WATER METER PER DETAIL 2, SHEET CU-501
8. CONTRACTOR TO INSTALL WATER VALVE PER DETAIL 3, SHEET CU-501
9. CONTRACTOR TO INSTALL MANHOLE PER DETAIL 4, SHEET CU-501
10. CONTRACTOR TO INSTALL DOUBLE CLEANOUT PER DETAIL 5, SHEET CU-501
11. CONTRACTOR TO INSTALL FIRE HYDRANT PER DETAIL 6, SHEET CU-501

CARLSBAD UTILITY CONTACTS

CITY ENGINEER: ERIC NAVARRETTE 575-885-1185 EXT.2233

DIRECTOR OF PUBLIC WORKS: TOM CARLSON 575-885-6262 EXT.7971

DIRECTOR OF UTILITIES: LUIS CAMERO 575-887-6262 EXT. 7970

SEWER: JOE HARVEY 575-887-5412

SEWER: JAMEY SCHWIGER 575-885-6313

NORTH

SCALE 1" = 100'

0' 50' 100' 200'

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100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240
T 575 393 0927 F 575 393 1543
Pettigrew.us

DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER

12/05/2014

PROJECT ENGINEER:	Debra P. Hicks PE/LSI
PROJECT DESIGNER:	Austin C. Wall
DRAWN BY:	ACW

LEGEND

- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 0.5' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- GRADING LIMITS
- CHANNEL FLOWLINE
- CHAIN LINK FENCE
- CONCRETE FENCE
- CO CLEANOUT
- DCO DUAL CLEANOUT
- EOA EDGE OF ASPHALT
- FL FLOWLINE
- FRW FOOT OF RETAINING WALL
- SW SIDEWALK
- WATER METER
- WATER VALVE
- ASPHALT
- CONCRETE
- CALICHE

REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

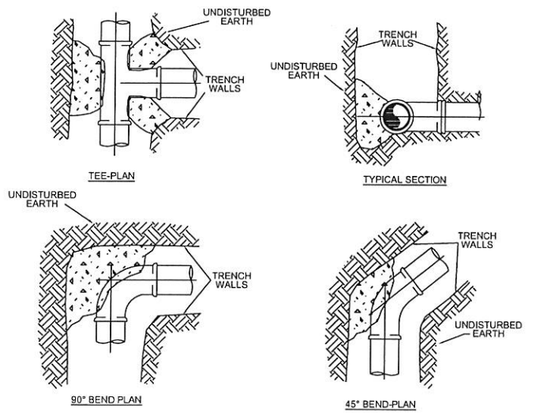
CIVIL UTILITY PLAN

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

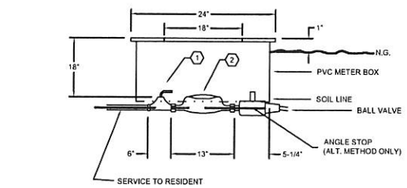
PROJECT NUMBER: 2014.1328

SHEET: CU-101



NOTE:
ALL CONCRETE THRUST BLOCKS SHALL BE PLACED TO DISTRIBUTE HORIZONTAL THRUST OVER VERTICAL UNDISTURBED EARTH SIZE OF THRUST BLOCKS SHALL BE DETERMINED BY USING AN ALLOWABLE SOIL BEARING PRESSURE OF 1500 P.S.F. AT 150 P.S.I. TEST PRESSURE IN WATER LINE.

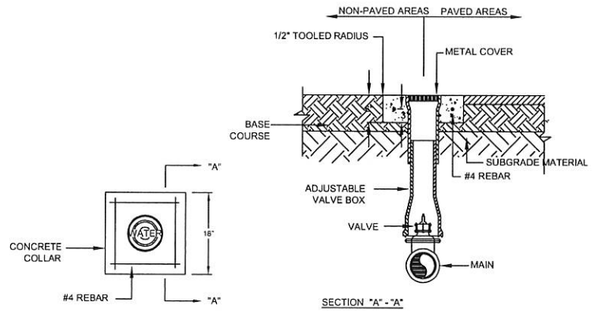
1 CONCRETE HORIZONTAL BLOCK
SCALE: N.T.S.



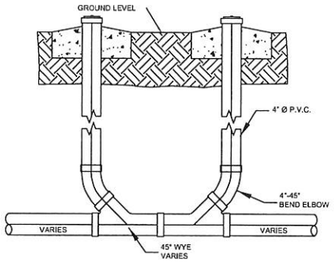
1 1/2" SPECIAL METER VALVE JAMES JONES NO. 35-20 1 1/2" METER
1 1/2" METER

1 1/2" METER

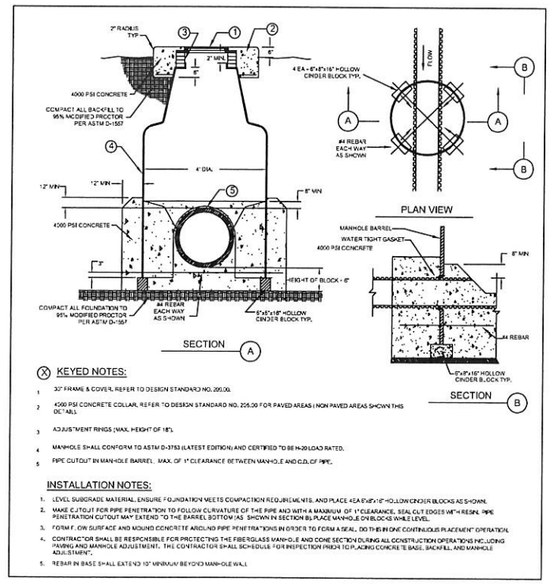
2 1.5" WATER METER ASSEMBLY DETAIL
SCALE: N.T.S.



3 WATER VALVE ASSEMBLY
SCALE: N.T.S.



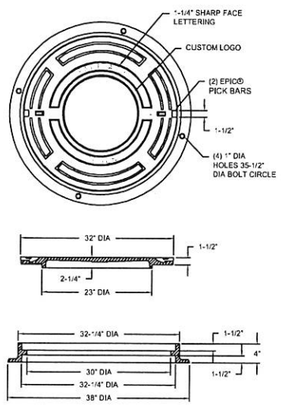
5 DOUBLE CLEANOUT ASSEMBLY DETAIL
SCALE: N.T.S.



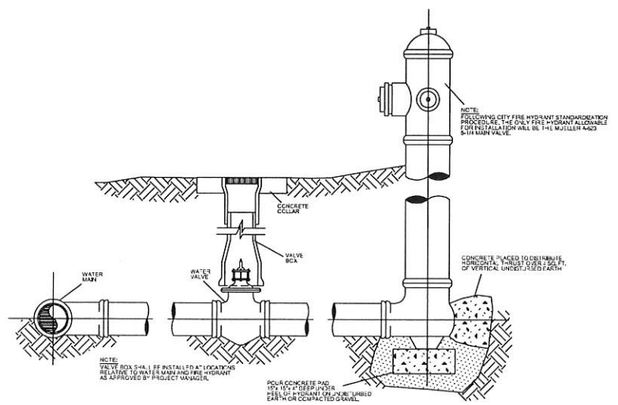
KEYED NOTES:
1. 32" FRAME & COVER, REFER TO DESIGN STANDARD NO. 205.00.
2. 4000 PSI CONCRETE COLLAR, REFER TO DESIGN STANDARD NO. 205.00 FOR PAVED AREAS / NON PAVED AREAS SHOWN THIS DETAIL.
3. ADJUSTMENT RINGS (MAX. HEIGHT OF 18").
4. MANHOLE SHALL CONFORM TO ASTM D-3753 (LATEST EDITION) AND CERTIFIED TO BE H-20 LOAD RATED.
5. PIPE CUTOUT IN MANHOLE BARREL - MAX. OF 1" CLEARANCE BETWEEN MANHOLE AND O.D. OF PIPE.

INSTALLATION NOTES:
1. LEVEL SUBGRADE MATERIAL ENSURE FOUNDATION MEETS COMPACTION REQUIREMENTS, AND PLACE 4 EA 6"x8"x16" HOLLOW CINDER BLOCKS AS SHOWN.
2. MAKE CUTOUT FOR PIPE PENETRATION TO FOLLOW CURVATURE OF THE PIPE AND WITH A MAXIMUM OF 1" CLEARANCE. SEAL CUT EDGES WITH RESIN. PIPE PENETRATION CUTOUT MAY EXTEND TO THE BARREL BOTTOM AS SHOWN IN SECTION B1. PLACE MANHOLE ON BLOCKS WHILE LEVEL.
3. FORM F. ON SURFACE AND MOUND CONCRETE AROUND PIPE PENETRATIONS IN ORDER TO FORM A SEAL. DO THIS IN ONE CONTINUOUS PLACEMENT OPERATION.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE FIBERGLASS MANHOLE AND CONE SECTION DURING ALL CONSTRUCTION OPERATIONS INCLUDING PAVING AND MANHOLE ADJUSTMENT. THE CONTRACTOR SHALL SCHEDULE FOR INSPECTION PRIOR TO PLACING CONCRETE BASE, BACKFILL, AND MANHOLE ADJUSTMENT.
5. REBAR IN BASE SHALL EXTEND 10" MINIMUM BEYOND MANHOLE WALL

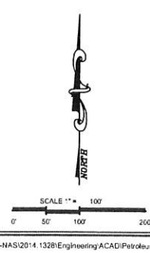
4 FIBERGLASS MANHOLE
SCALE: N.T.S.



1. CAST IRON MANHOLE RING & DUCTILE IRON COVER SET SHALL BE EJ PRODUCT NUMBER 41430120A01, AS SHOWN, OR APPROVED EQUIVALENT
2. MANHOLE FRAME & COVER ASSEMBLY SHALL BE AASHTO H-20 LOAD RATED
3. DUCTILE IRON CASTINGS SHALL BE GRADE 70-50-05 AND CONFORM TO ASTM A536 (LATEST EDITION)
4. GREY IRON CASTINGS SHALL BE CL35 CONFORM TO ASTM A48 (LATEST EDITION)
5. THE MANHOLE FRAME & COVER ARE TO BE UNCOATED.



6 TYPICAL FIRE HYDRANT DETAIL
SCALE: N.T.S.



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12/05/2014

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DRAWN BY:	ACW

LEGEND

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	EXIST. GRADE 0.5' CONTOUR
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	CHANNEL FLOWLINE
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EOA	EDGE OF ASPHALT
FL	FLOWLINE
FRW	FOOT OF RETAINING WALL
SW	SIDEWALK
	WATER METER
	WATER VALVE
	ASPHALT
	CONCRETE
	CALICHE

REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

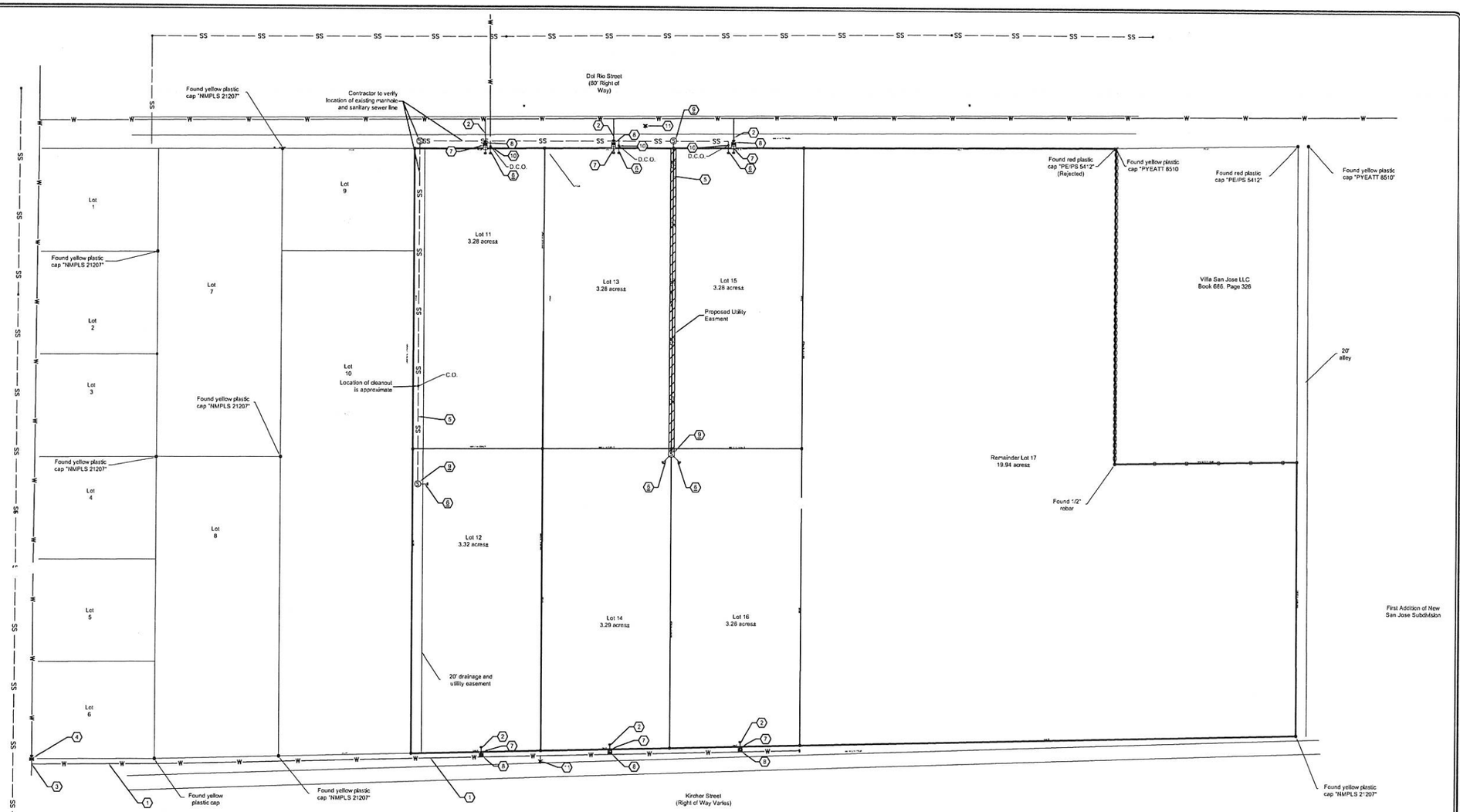
CIVIL UTILITY DETAILS

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: CU-501



UTILITY GENERAL NOTES

UTILITIES:

1. NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (NMSSPWC) CURRENT EDITION SHALL APPLY TO THIS PROJECT. REFER TO STANDARD DRAWINGS FOR THE NMSSPWC , LATEST EDITION UNLESS OTHERWISE NOTED.
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3. PVC SANITARY SEWER LINE SHALL BE SDR-26.
4. THE CONTRACTOR SHALL NOTIFY NEW MEXICO ONE CALL, INC. AT 1-800-321-2537 AT LEAST TWO WORKING DAYS PRIOR TO STARTING WORK ON THIS PROJECT.
5. SEWER/WATER LINES SHALL BE PLACED IN SEPARATE TRENCHES A MIMIMUM DISTANCE OF 10 FEET APART HORIZONTALLY. THE WATER LINE SHALL BE PLACED A MINIMUM OF 1.5 FEET HIGHER IN ELEVATION THAN THE SEWER. AT ALL CROSSINGS OF WATER AND SEWER LINES, THE WATER LINE SHALL BE A MINIMUM OF 1.5 FEET HIGHER THAN THE SEWER OR THE SEWER LINE SHALL BE C-900 PRESSURIZED PIPE.

WATER:

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3. WATER LINES SHALL BE CONSTRUCTED WITH A MINIMUM OF 4.0 FT. COVER MEASURED FROM FINISH GRADE TO TOP OF PIPE, UNLESS OTHERWISE SPECIFIED ON PLANS.
4. FOR PRESSURE WATER CONNECTIONS TO EXISTING LINES, THE CONTRACTOR SHALL NOTIFY THE CITY OF CARLSBAD WATER DEPARTMENT A MINIMUM OF 48 HOURS PRIOR TO THE CONNECTION.
5. CONCRETE THRUST BLOCKS SHALL BE USED ON ALL 90 DEGREE BENDS, TEES TO HYDRANTS, BEHIND AND UNDER HYDRANTS, AND UNDER VALVES. ALL FITTINGS AND CAPS SHALL USE MEGA LUG RESTRAINTS. NO EXTRA PAYMENT WILL BE MADE FOR THESE FEATURES.
6. COMPRESSION JOINTS MAY BE USED ON COPPER SERVICE LINES EXCEPT FLARED JOINTS SHALL BE USED WHEN CONNECTING TO PLASTIC LINES.
7. THE 24" DEPTH OF SERVICE LINE BELOW FINISH SURFACE ELEVATION OF METER BOXES IS CRITICAL. METERS WILL NOT BE INSTALLED WHEN THIS DIMENSION VARIES.
8. VALVE BOXES SHALL BE BROUGHT TO SURFACE ELEVATION UPON COMPLETION OF SURFACE COURSE OF PAVEMENT OR FINISHED GROUND. OCTAGONAL CONCRETE COLLARS SHALL BE CONSTRUCTED TO SURFACE ELEVATIONS.
9. FLUSHING OF WATER LINES SHALL BE METERED. ORDER OF PREFERENCE FOR DISPOSAL IS (*) ON AVAILABLE LAND SURFACE. (2) IN STORM SEWERS. OR (3) IN SANITARY SEWERS. DISPOSAL METHOD SHALL BE DISCUSSED WITH INSPECTOR.
10. FLUSHING, DISINFECTING, AND TESTING OF WATERLINES SHALL BE COORDINATED WITH THE CITY OF CARLSBAD.
11. PVC WATERLINE SHALL BE CLASS C900.

SEWER:

1. THE CONTRACTOR SHALL COORDINATE UTILITY TIE INS WITH CITY OF CARLSBAD STAFF LISTED ON THIS SHEET.
2. AIR TESTING OF SEWER LINES SHALL BE CONDUCTED IN THE PRESENCE OF INSPECTOR.
3. EXISTING MANHOLES TO BE ADJUSTED TO GRADE AS REQUIRED.
4. NEW 6" SEWER LINES SHALL HAVE A MINIMUM SLOPE OF 0.5%.

KEYED NOTES

1. CONTRACTOR TO INSTALL 1484' ± OF 6" C900 PVC WATER MAIN
2. CONTRACTOR TO INSTALL 258' ± OF 1.5" HDPE PVC WATER LATERAL WITH END CAP
3. ~~CONTRACTOR~~ TO INSTALL 6"x6"x6" MJxMJxMJ TEE ON EXISTING 6" CITY OF CARLSBAD AC WATER LINE
4. CONTRACTOR TO INSTALL 6" GATE VALVE PER DETAIL 3, SHEET CU-501
5. CONTRACTOR TO INSTALL 781' ± OF 6" PVC SDR26 SANITARY SEWER MAIN
6. CONTRACTOR TO INSTALL 140' ± OF 6" PVC SDR26 SANITARY SEWER LATERAL WITH END CAP
7. CONTRACTOR TO INSTALL 1.5" WATER METER PER DETAIL 2, SHEET CU-501
8. CONTRACTOR TO INSTALL WATER VALVE PER DETAIL 3, SHEET CU-501
9. CONTRACTOR TO INSTALL MANHOLE PER DETAIL 4, SHEET CU-501
10. CONTRACTOR TO INSTALL DOUBLE CLEANOUT PER DETAIL 5, SHEET CU-501
11. CONTRACTOR TO INSTALL FIRE HYDRANT PER DETAIL 6, SHEET CU-501

CARLSBAD UTILITY CONTACTS

CITY ENGINEER: ERIC NAVARRETTE 575-885-1185 EXT.2233

DIRECTOR OF PUBLIC WORKS: TOM CARLSON 575-885-6262 EXT.7971

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SEWER: JOE HARVEY 575-887-5412

SEWER: JAMEY SCHWIGER 575-885-6313

SCALE 1" = 100'
0' 50' 100' 200'

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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
12/05/2014

PROJECT ENGINEER:	Debra P. Hicks PE/LSI
PROJECT DESIGNER:	Austin C. Wall
DRAWN BY:	ACW

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 0.5' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	GRADING LIMITS
	CHANNEL FLOWLINE
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CO	CLEANOUT
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EOA	EDGE OF ASPHALT
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REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

CIVIL UTILITY PLAN

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: CU-101

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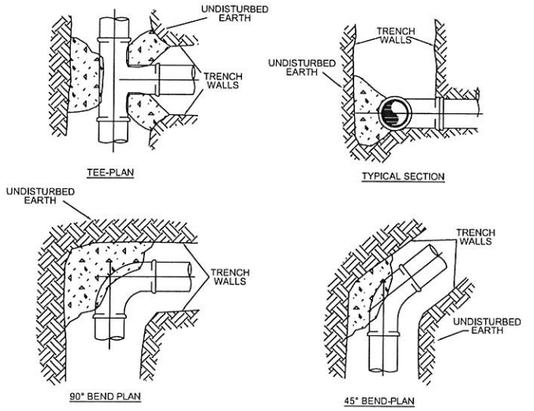
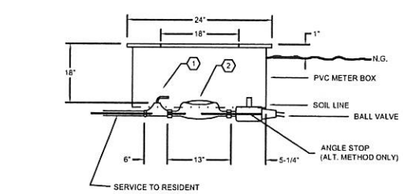


NOTE:
ALL CONCRETE THRUST BLOCKS SHALL BE PLACED TO DISTRIBUTE HORIZONTAL THRUST OVER VERTICAL UNDISTURBED EARTH SIZE OF THRUST BLOCKS SHALL BE DETERMINED BY USING AN ALLOWABLE SOIL BEARING PRESSURE OF 1500 P.S.F. AT 150 P.S.I. TEST PRESSURE IN WATER LINE.

1 CONCRETE HORIZONTAL BLOCK
SCALE: N.T.S.



1 1/2" SPECIAL METER VALVE JAMES JONES NO. 35-20 1 1/2" METER
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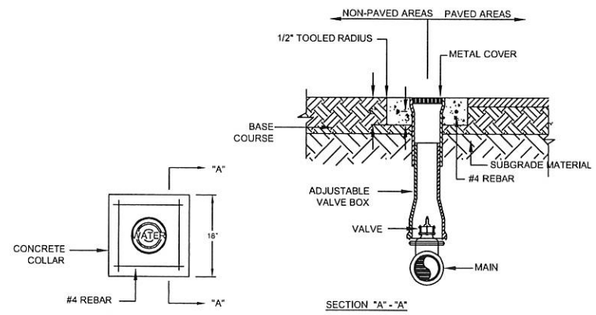
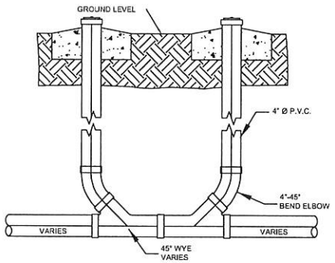
2 1.5" WATER METER ASSEMBLY DETAIL
SCALE: N.T.S.



3 WATER VALVE ASSEMBLY
SCALE: N.T.S.



5 DOUBLE CLEANOUT ASSEMBLY DETAIL
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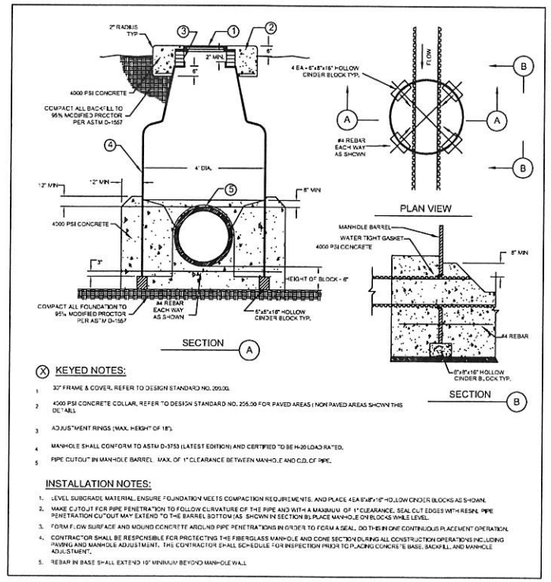

KEYED NOTES:
1. 30" FRAME & COVER, REFER TO DESIGN STANDARD NO. 200.00.
2. 4000 PSI CONCRETE COLLAR, REFER TO DESIGN STANDARD NO. 205.00 FOR PAVED AREAS (NON PAVED AREAS SHOWN THIS DETAIL)
3. ADJUSTMENT RINGS (MAX. HEIGHT OF 18").
4. MANHOLE SHALL CONFORM TO ASTM D-3753 (LATEST EDITION) AND CERTIFIED TO BE H-20 LOAD RATED.
5. PIPE CUTOUT IN MANHOLE BARREL. MAX. OF 1" CLEARANCE BETWEEN MANHOLE AND O.D. OF PIPE.

INSTALLATION NOTES:
1. LEVEL SUBGRADE MATERIAL ENSURE FOUNDATION MEETS COMPACTION REQUIREMENTS, AND PLACE 4 EA 8"x8"x16" HOLLOW CINDER BLOCKS AS SHOWN.
2. MAKE CUTOUT FOR PIPE PENETRATION TO FOLLOW CURVATURE OF THE PIPE AND WITH A MAXIMUM OF 1" CLEARANCE. SEAL CUT EDGES WITH RESIN. PIPE PENETRATION CUTOUT MAY EXTEND TO THE BARREL BOTTOM (AS SHOWN IN SECTION B), PLACE MANHOLE ON BLOCKS WHILE LEVEL.
3. FORMFLOW SURFACE AND MOUND CONCRETE AROUND PIPE PENETRATIONS IN ORDER TO FORM A SEAL. DO THIS IN ONE CONTINUOUS PLACEMENT OPERATION.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE FIBERGLASS MANHOLE AND CONE SECTION DURING ALL CONSTRUCTION OPERATIONS INCLUDING PAVING AND MANHOLE ADJUSTMENT. THE CONTRACTOR SHALL SCHEDULE FOR INSPECTION PRIOR TO PLACING CONCRETE BASE, BACKFILL, AND MANHOLE ADJUSTMENT.
5. REBAR IN BASE SHALL EXTEND 18" MINIMUM BEYOND MANHOLE WALL

4 FIBERGLASS MANHOLE
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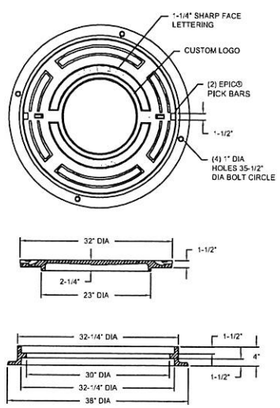

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2. MANHOLE FRAME & COVER ASSEMBLY SHALL BE AASHTO H-20 LOAD RATED
3. DUCTILE IRON CASTINGS SHALL BE GRADE 70-50-05 AND CONFORM TO ASTM A536 (LATEST EDITION)
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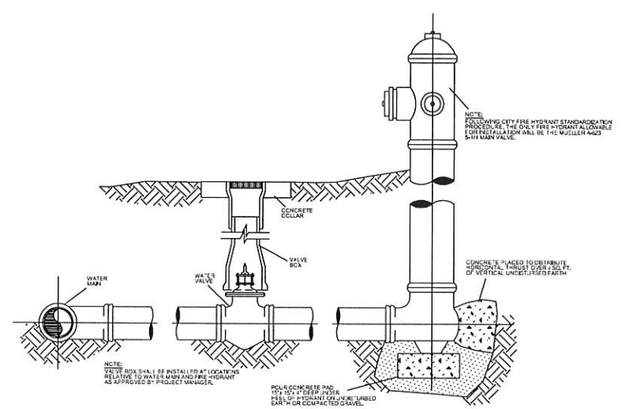

6 TYPICAL FIRE HYDRANT DETAIL
SCALE: N.T.S.

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12/05/2014

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DRAWN BY:	ACW

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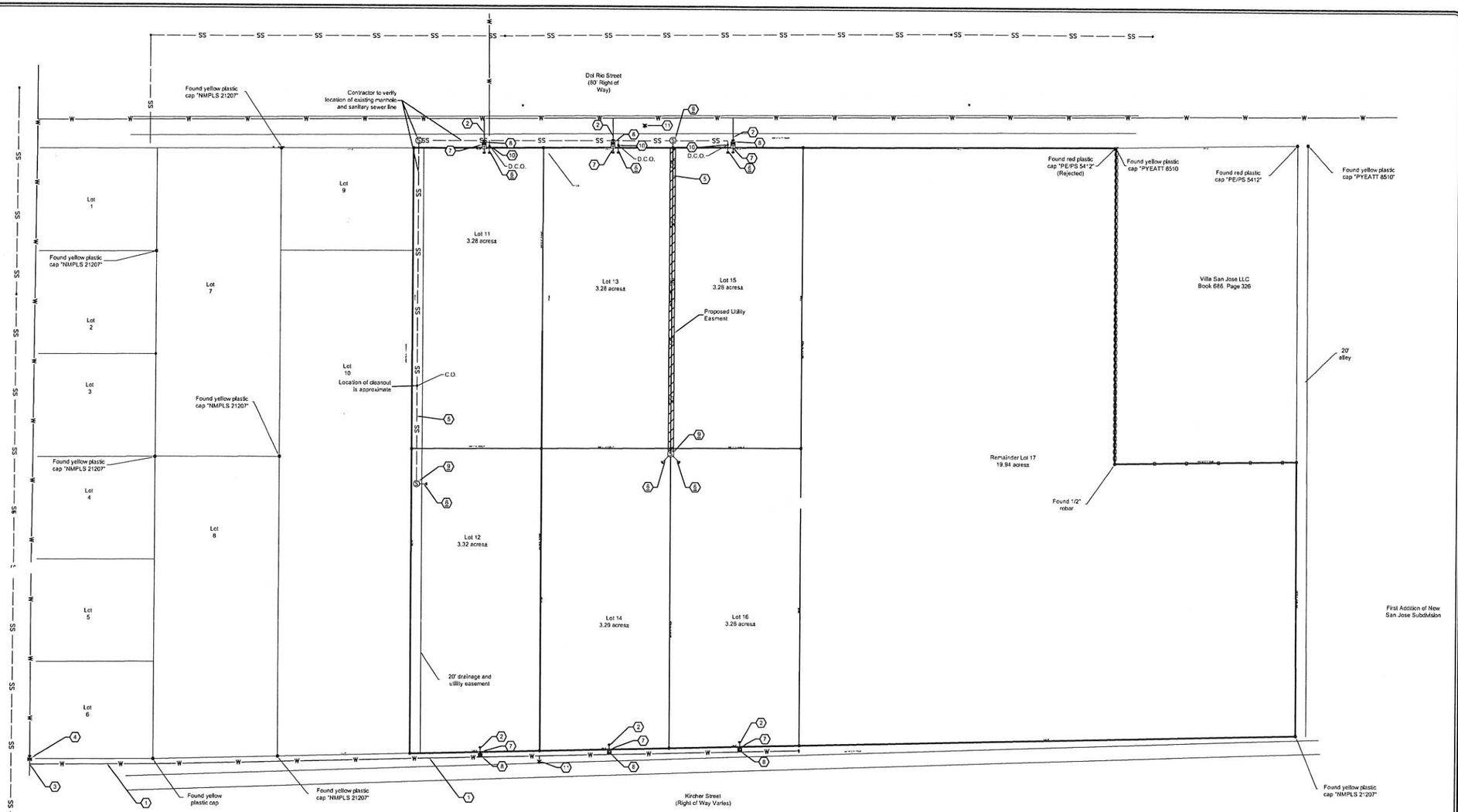
CIVIL UTILITY DETAILS

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: CU-501



UTILITY GENERAL NOTES

UTILITIES:

1. NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (NMSSPWC) CURRENT EDITION SHALL APPLY TO THIS PROJECT. REFER TO STANDARD DRAWINGS FOR THE NMSSPWC , LATEST EDITION UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES CAUSED BY ITS FAILURE TO LOCATE, IDENTIFY, AND PRESERVE ANY AND ALL EXISTING UTILITIES, PIPELINES, AND UNDERGROUND FACILITIES. IN PLANNING AND CONDUCTING EXCAVATIONS, THE CONTRACTOR SHALL COMPLY WITH ALL STATE STATUES, MUNICIPAL AND LOCAL ORDINANCES, AND RULES AND REGULATIONS, IF ANY, PERTAINING TO THE LOCATION OF THESE LINES AND FACILITIES.
3. PVC SANITARY SEWER LINE SHALL BE SDR-26.
4. THE CONTRACTOR SHALL NOTIFY NEW MEXICO ONE CALL, INC. AT 1-800-321-2537 AT LEAST TWO WORKING DAYS PRIOR TO STARTING WORK ON THIS PROJECT.
5. SEWER/WATER LINES SHALL BE PLACED IN SEPARATE TRENCHES A MIMIMUM DISTANCE OF 10 FEET APART HORIZONTALLY. THE WATER LINE SHALL BE PLACED A MINIMUM OF 1.5 FEET HIGHER IN ELEVATION THAN THE SEWER. AT ALL CROSSINGS OF WATER AND SEWER LINES, THE WATER LINE SHALL BE A MINIMUM OF 1.5 FEET HIGHER THAN THE SEWER OR THE SEWER LINE SHALL BE C-900 PRESSURIZED PIPE.

WATER:

1. THE CONTRACTOR SHALL COORDINATE UTILITY TIE INS WITH CITY OF CARLSBAD STAFF LISTED ON THIS SHEET.
2. THE CONTRACTOR MUST OBTAIN WRITTEN APPROVAL FROM THE CITY OF CARLSBAD TO OPERATE ANY VALVE OR FIRE HYDRANT AND FOR NEW WATERLINES AND EXTENSIONS TO THE EXISTING WATER SYSTEM. ONCE APPROVAL HAS BEEN VERIFIED, THE CONTRACTOR MUST CONTACT THE CITY OF CARLSBAD 48 HOURS IN ADVANCE TO REQUEST A SHUTOFF DATE. WATER SHUT OFF MAY BE DONE AT NIGHT OR ON WEEKENDS TO ACCOMMODATE WATER CUSTOMERS.
3. WATER LINES SHALL BE CONSTRUCTED WITH A MINIMUM OF 4.0 FT. COVER MEASURED FROM FINISH GRADE TO TOP OF PIPE, UNLESS OTHERWISE SPECIFIED ON PLANS.
4. FOR PRESSURE WATER CONNECTIONS TO EXISTING LINES, THE CONTRACTOR SHALL NOTIFY THE CITY OF CARLSBAD WATER DEPARTMENT A MINIMUM OF 48 HOURS PRIOR TO THE CONNECTION.
5. CONCRETE THRUST BLOCKS SHALL BE USED ON ALL 90 DEGREE BENDS, TEES TO HYDRANTS, BEHIND AND UNDER HYDRANTS, AND UNDER VALVES. ALL FITTINGS AND CAPS SHALL USE MEGA LUG RESTRAINTS. NO EXTRA PAYMENT WILL BE MADE FOR THESE FEATURES.
6. COMPRESSION JOINTS MAY BE USED ON COPPER SERVICE LINES EXCEPT FLARED JOINTS SHALL BE USED WHEN CONNECTING TO PLASTIC LINES.
7. THE 24" DEPTH OF SERVICE LINE BELOW FINISH SURFACE ELEVATION OF METER BOXES IS CRITICAL. METERS WILL NOT BE INSTALLED WHEN THIS DIMENSION VARIES.
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KEYED NOTES

1. CONTRACTOR TO INSTALL 1484' ± OF 6" C900 PVC WATER MAIN
2. CONTRACTOR TO INSTALL 258' ± OF 1.5" HDPE PVC WATER LATERAL WITH END CAP
3. ~~CON~~TRACTOR TO INSTALL 6"x6"x6" MJxMJxMJ TEE ON EXISTING 6" CITY OF CARLSBAD AC WATER LINE
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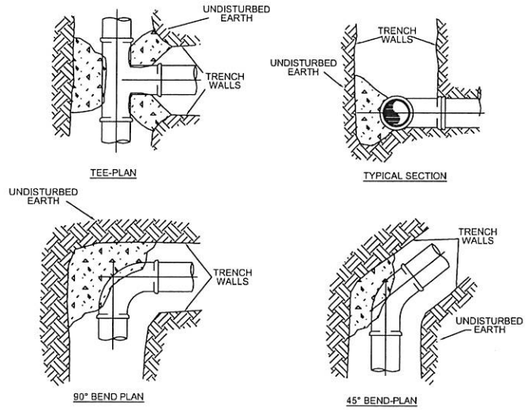
CIVIL UTILITY PLAN

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: CU-101



1 CONCRETE HORIZONTAL BLOCK
SCALE: N.T.S.

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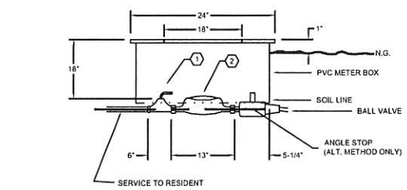
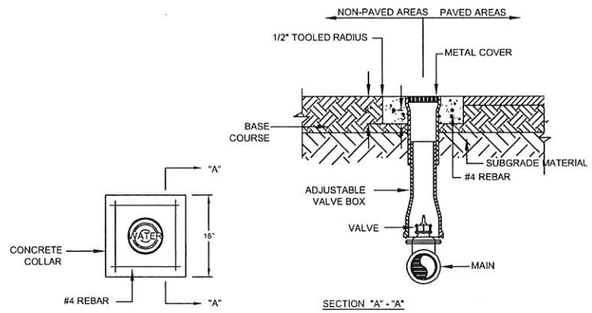


1 1 1/2" SPECIAL METER VALVE JAMES JONES NO. 35-20 1 1/2" METER
2 1 1/2" METER

1 1/2" METER

2 1.5" WATER METER ASSEMBLY DETAIL
SCALE: N.T.S.



3 WATER VALVE ASSEMBLY
SCALE: N.T.S.

KEYED NOTES:
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4 FIBERGLASS MANHOLE
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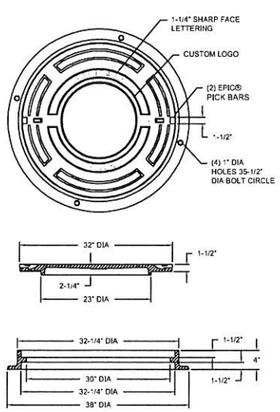

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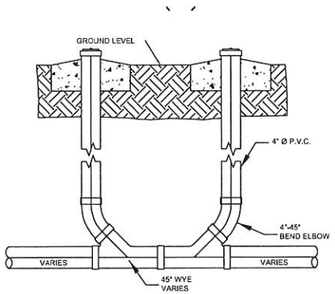

5 DOUBLE CLEANOUT ASSEMBLY DETAIL
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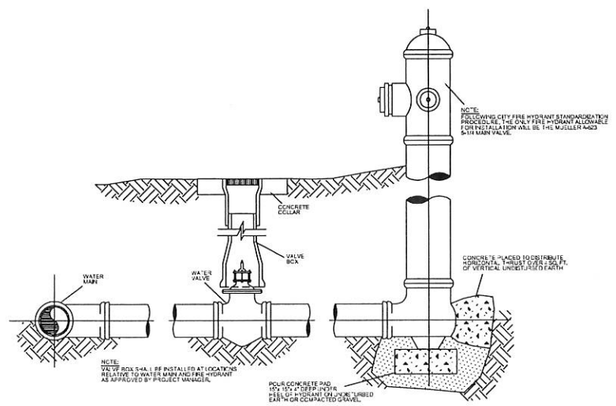

6 TYPICAL FIRE HYDRANT DETAIL
SCALE: N.T.S.

SCALE: 1" = 100'
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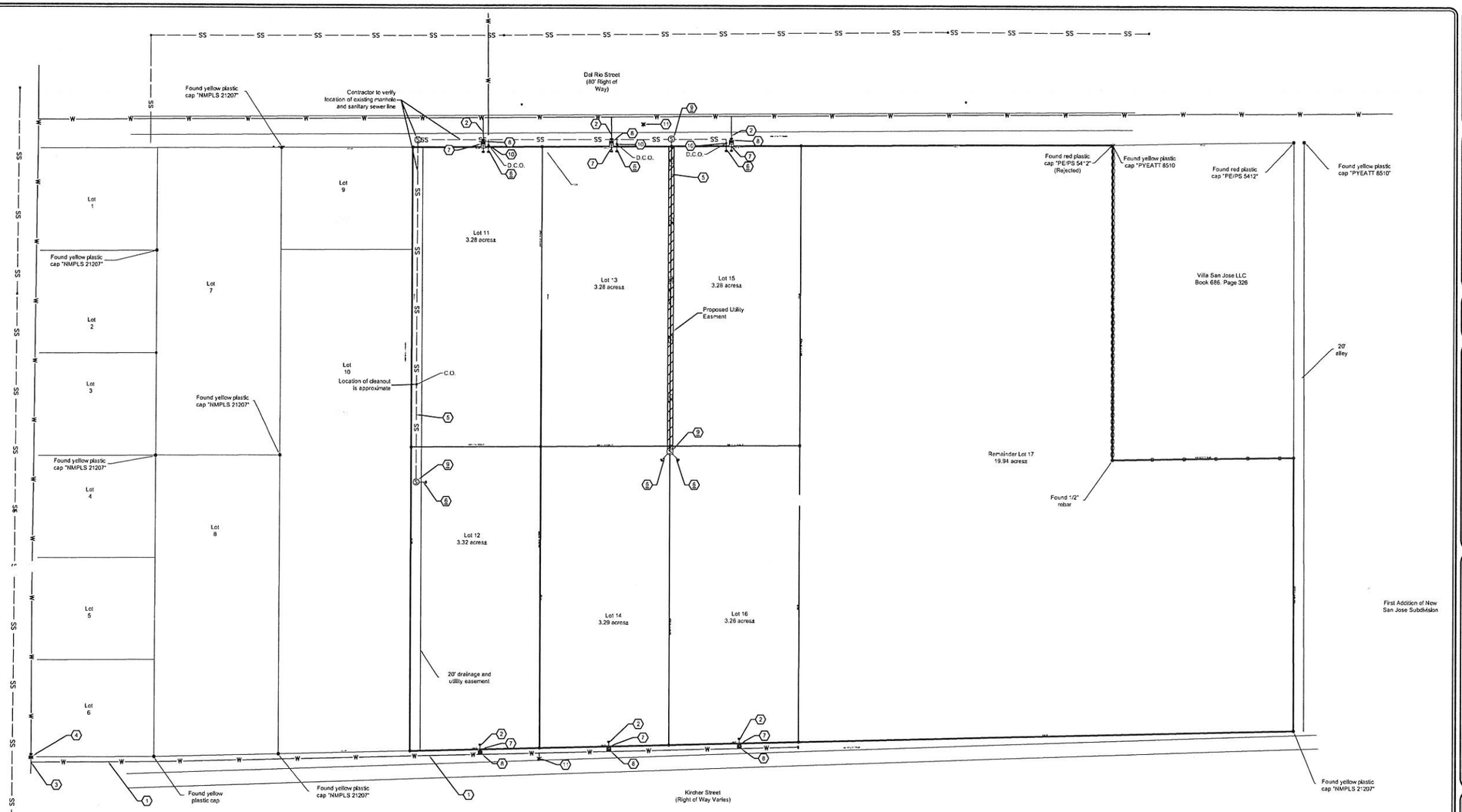
PROJECT NUMBER: 2014.1328

SHEET: CU-501



UTILITY GENERAL NOTES

UTILITIES:

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3. PVC SANITARY SEWER LINE SHALL BE SDR-26.
4. THE CONTRACTOR SHALL NOTIFY NEW MEXICO ONE CALL, INC. AT 1-800-321-2537 AT LEAST TWO WORKING DAYS PRIOR TO STARTING WORK ON THIS PROJECT.
5. SEWER/WATER LINES SHALL BE PLACED IN SEPARATE TRENCHES A MINIMUM DISTANCE OF 10 FEET APART HORIZONTALLY. THE WATER LINE SHALL BE PLACED A MINIMUM OF 1.5 FEET HIGHER IN ELEVATION THAN THE SEWER. AT ALL CROSSINGS OF WATER AND SEWER LINES, THE WATER LINE SHALL BE A MINIMUM OF 1.5 FEET HIGHER THAN THE SEWER OR THE SEWER LINE SHALL BE C-900 PRESSURIZED PIPE.

WATER:

1. THE CONTRACTOR SHALL COORDINATE UTILITY TIE INS WITH CITY OF CARLSBAD STAFF LISTED ON THIS SHEET.
2. THE CONTRACTOR MUST OBTAIN WRITTEN APPROVAL FROM THE CITY OF CARLSBAD TO OPERATE ANY VALVE OR FIRE HYDRANT AND FOR NEW WATERLINES AND EXTENSIONS TO THE EXISTING WATER SYSTEM. ONCE APPROVAL HAS BEEN VERIFIED, THE CONTRACTOR MUST CONTACT THE CITY OF CARLSBAD 48 HOURS IN ADVANCE TO REQUEST A SHUTOFF DATE. WATER SHUT OFF MAY BE DONE AT NIGHT OR ON WEEKENDS TO ACCOMMODATE WATER CUSTOMERS.
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11. PVC WATERLINE SHALL BE CLASS C900.

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3. EXISTING MANHOLES TO BE ADJUSTED TO GRADE AS REQUIRED.
4. NEW 6" SEWER LINES SHALL HAVE A MINIMUM SLOPE OF 0.5%.

KEYED NOTES

1. CONTRACTOR TO INSTALL 1484' ± OF 6" C900 PVC WATER MAIN
2. CONTRACTOR TO INSTALL 258' ± OF 1.5" HDPE PVC WATER LATERAL WITH END CAP
3. ~~CONTRACTOR TO INSTALL 6"x6"x6" MJxMJxMJ TEE ON EXISTING 6" CITY OF CARLSBAD AC WATER LINE~~
4. CONTRACTOR TO INSTALL 6" GATE VALVE PER DETAIL 3, SHEET CU-501
5. CONTRACTOR TO INSTALL 781' ± OF 6" PVC SDR26 SANITARY SEWER MAIN
6. CONTRACTOR TO INSTALL 140' ± OF 6" PVC SDR26 SANITARY SEWER LATERAL WITH END CAP
7. CONTRACTOR TO INSTALL 1.5" WATER METER PER DETAIL 2, SHEET CU-501
8. CONTRACTOR TO INSTALL WATER VALVE PER DETAIL 3, SHEET CU-501
9. CONTRACTOR TO INSTALL MANHOLE PER DETAIL 4, SHEET CU-501
10. CONTRACTOR TO INSTALL DOUBLE CLEANOUT PER DETAIL 5, SHEET CU-501
11. CONTRACTOR TO INSTALL FIRE HYDRANT PER DETAIL 6, SHEET CU-501

CARLSBAD UTILITY CONTACTS

CITY ENGINEER: ERIC NAVARRETTE 575-885-1185 EXT.2233

DIRECTOR OF PUBLIC WORKS: TOM CARLSON 575-885-6262 EXT.7971

DIRECTOR OF UTILITIES: LUIS CAMERO 575-885-6262 EXT. 7970

SEWER: JOE HARVEY 575-887-5412

SEWER: JAMEY SCHWIGER 575-885-6313

NORTH

SCALE 1" = 100'

0' 50' 100' 200'

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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER

12/05/2014

PROJECT ENGINEER:	Debra P. Hicks, PE/LSI
PROJECT DESIGNER:	Austin C. Wall
DRAWN BY:	ACW

LEGEND

- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 0.5' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- GRADING LIMITS
- CHANNEL FLOWLINE
- CHAIN LINK FENCE
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- CO CLEANOUT
- DCO DUAL CLEANOUT
- EOA EDGE OF ASPHALT
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- WATER METER
- WATER VALVE
- ASPHALT
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- CALICHE

REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

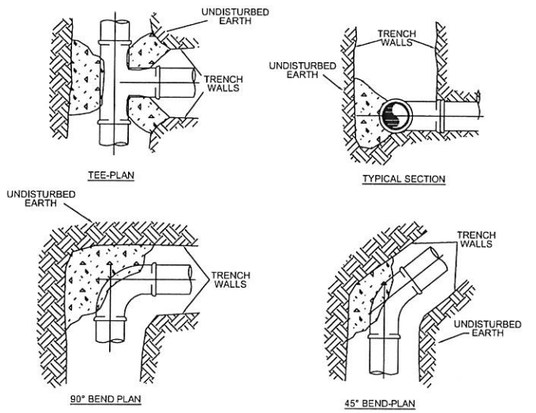
CIVIL UTILITY PLAN

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

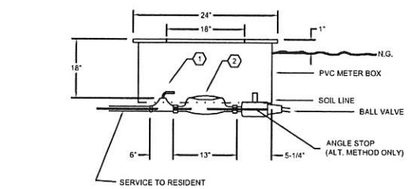
PROJECT NUMBER: 2014.1328

SHEET: CU-101



NOTE:
ALL CONCRETE THRUST BLOCKS SHALL BE PLACED TO DISTRIBUTE HORIZONTAL THRUST OVER VERTICAL UNDISTURBED EARTH SIZE OF THRUST BLOCKS SHALL BE DETERMINED BY USING AN ALLOWABLE SOIL BEARING PRESSURE OF 1500 P.S.F. AT 150 P.S.I. TEST PRESSURE IN WATER LINE.

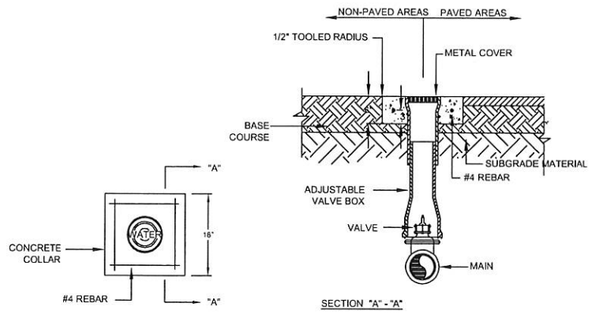
1 CONCRETE HORIZONTAL BLOCK
SCALE: N.T.S.



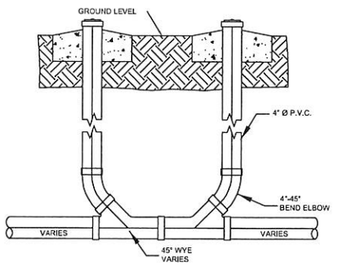
1. 1 1/2" SPECIAL METER VALVE JAMES JONES NO. 35-20 1 1/2" METER
2. 1 1/2" METER

1 1/2" METER

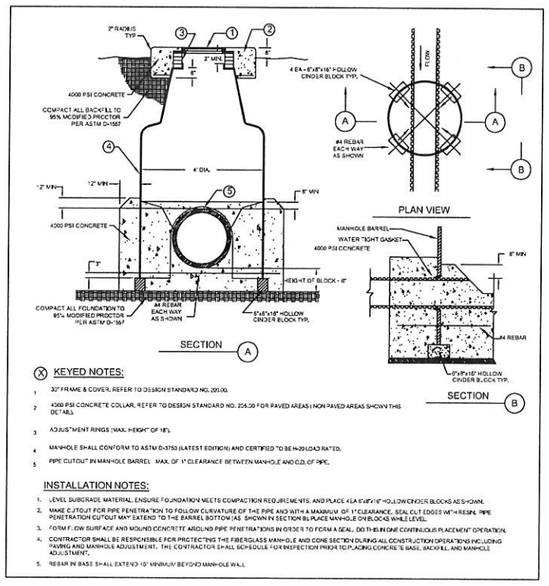
2 1.5" WATER METER ASSEMBLY DETAIL
SCALE: N.T.S.



3 WATER VALVE ASSEMBLY
SCALE: N.T.S.



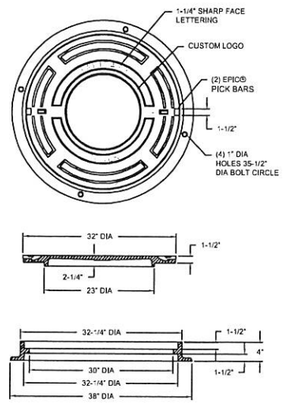
5 DOUBLE CLEANOUT ASSEMBLY DETAIL
SCALE: N.T.S.



(X) KEYED NOTES:
1. 30" FRAME & COVER, REFER TO DESIGN STANDARD NO. 205.00.
2. 4000 PSI CONCRETE COLLAR, REFER TO DESIGN STANDARD NO. 205.00 FOR PAVED AREAS / NON PAVED AREAS SHOWN THIS DETAILS.
3. ADJUSTMENT RINGS (MAX. HEIGHT OF 18").
4. MANHOLE SHALL CONFORM TO ASTM D-3753 (LATEST EDITION) AND CERTIFIED TO BE H-20 LOAD RATED.
5. PIPE CUTOUT IN MANHOLE BARREL MAX. OF 1" CLEARANCE BETWEEN MANHOLE AND O.D. OF PIPE.

INSTALLATION NOTES:
1. LEVEL SUBGRADE MATERIAL, ENSURE FOUNDATION MEETS COMPACTION REQUIREMENTS, AND PLACE 4 EA 8"x8"x16" HOLLOW CINDER BLOCKS AS SHOWN.
2. MAKE CUTOUT FOR PIPE PENETRATION TO FOLLOW CURVATURE OF THE PIPE AND WITH A MAXIMUM OF 1" CLEARANCE. SEAL CUT EDGES WITH RESIN. PIPE PENETRATION CUTOUT MAY EXTEND TO THE BARREL BOTTOM AS SHOWN IN SECTION B. PLACE MANHOLE OVER LOCKING WHILE LEVEL.
3. FORM FLOW SURFACE AND MOUND CONCRETE AROUND PIPE PENETRATIONS IN ORDER TO FORM A SEAL. DO THIS IN ONE CONTINUOUS PLACEMENT OPERATION.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE FIBERGLASS MANHOLE AND CONE SECTION DURING ALL CONSTRUCTION OPERATIONS INCLUDING PAVING AND MANHOLE ADJUSTMENT. THE CONTRACTOR SHALL SCHEDULE FOR INSPECTION PRIOR TO PLACING CONCRETE BASE, BACKFILL, AND MANHOLE ADJUSTMENT.
5. REBAR IN BASE SHALL EXTEND 10" MINIMUM BEYOND MANHOLE WALL.

4 FIBERGLASS MANHOLE
SCALE: N.T.S.



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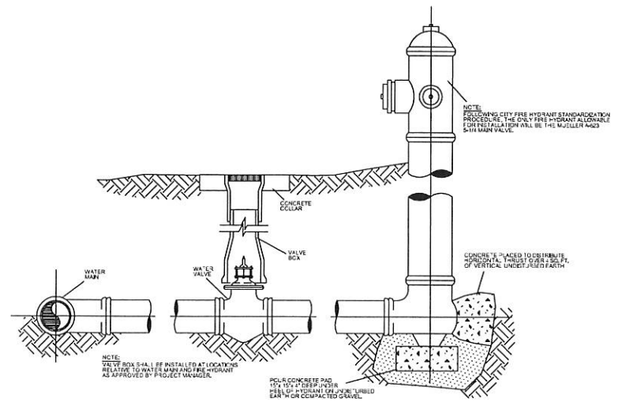
2. MANHOLE FRAME & COVER ASSEMBLY SHALL BE AASHTO H-20 LOAD RATED
3. DUCTILE IRON CASTINGS SHALL BE GRADE 70-50-05 AND CONFORM TO ASTM A536 (LATEST EDITION)
4. GREY IRON CASTINGS SHALL BE CL35 CONFORM TO ASTM A48 (LATEST EDITION)
5. THE MANHOLE FRAME & COVER ARE TO BE UNCOATED.



6 TYPICAL FIRE HYDRANT DETAIL
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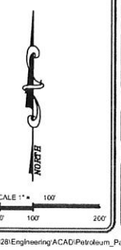

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Rev 1	12-05/2014	Utility Layout Changes

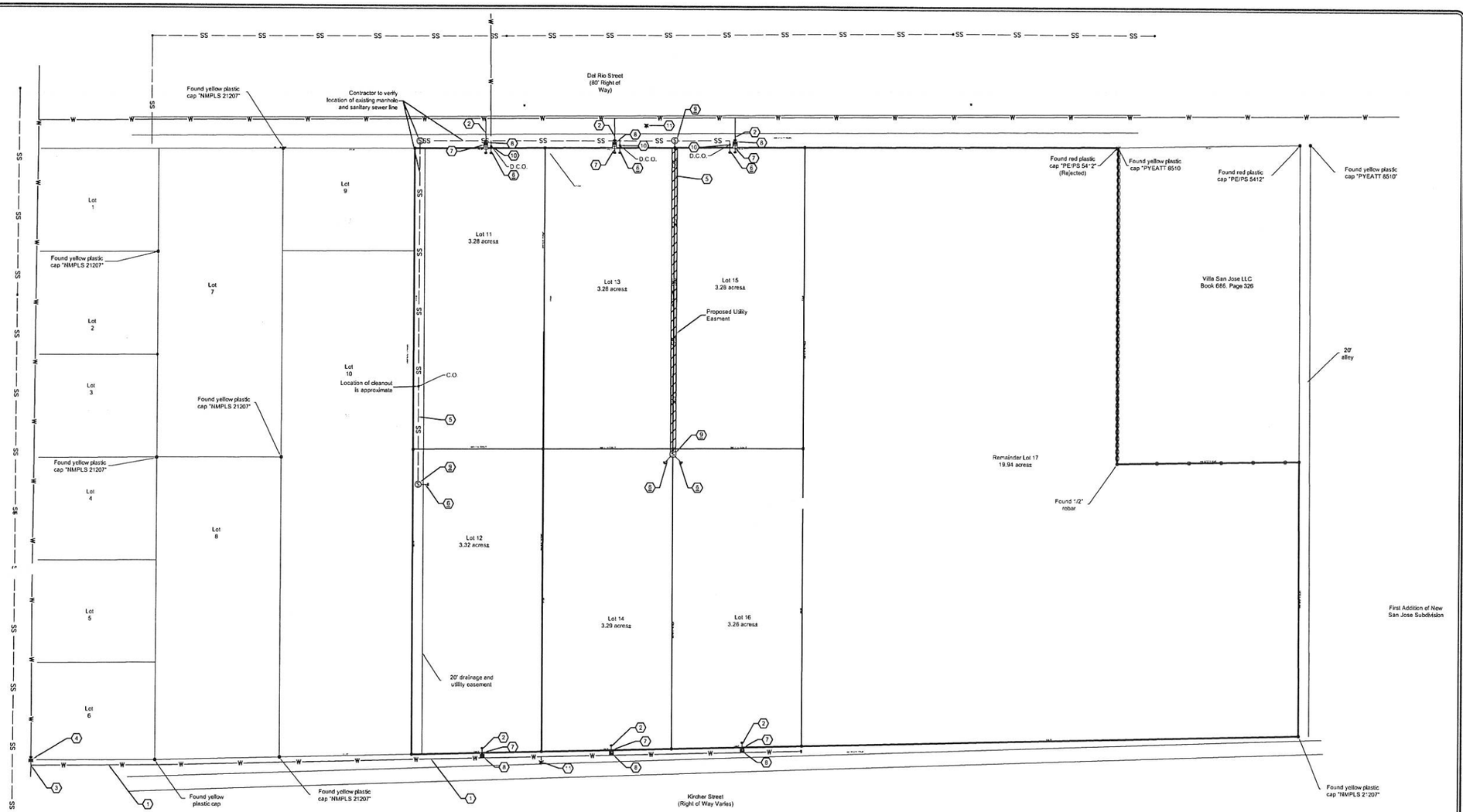
CIVIL UTILITY DETAILS

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

SHEET: CU-501



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REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

CIVIL UTILITY PLAN

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

PROJECT NUMBER: 2014.1328

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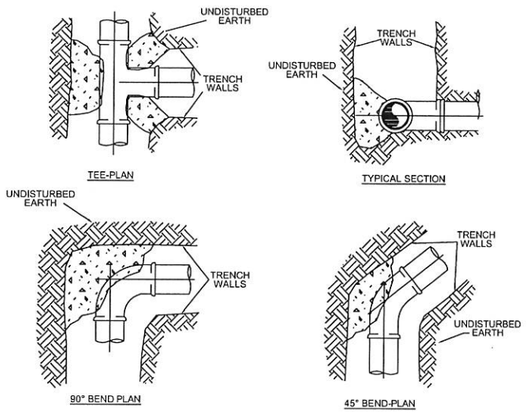

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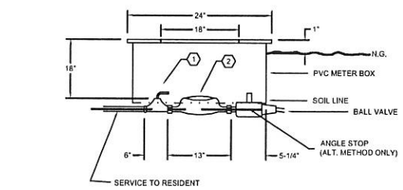

1 1/2" SPECIAL METER VALVE JAMES JONES NO. 35-20 1 1/2" METER
1 1/2" METER

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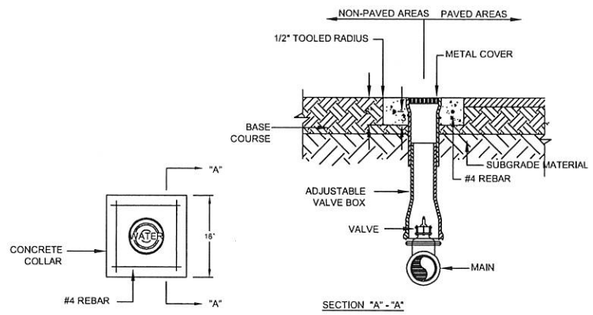
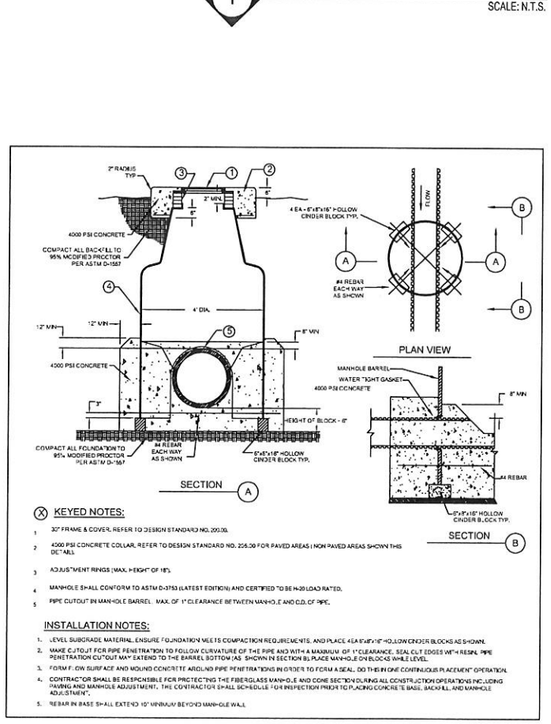
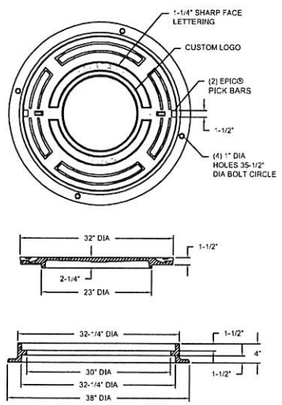
2 1.5" WATER METER ASSEMBLY DETAIL
SCALE: N.T.S.



3 WATER VALVE ASSEMBLY
SCALE: N.T.S.



4 FIBERGLASS MANHOLE
SCALE: N.T.S.



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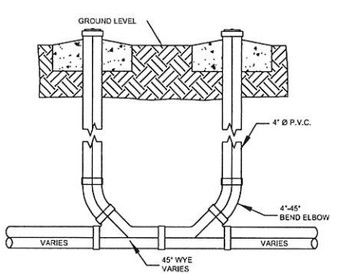
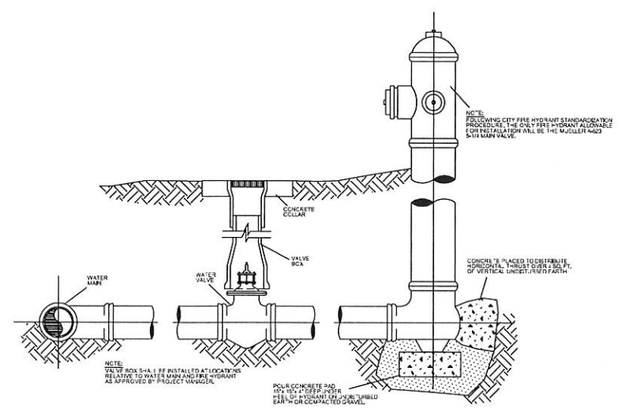


5 DOUBLE CLEANOUT ASSEMBLY DETAIL
SCALE: N.T.S.



6 TYPICAL FIRE HYDRANT DETAIL
SCALE: N.T.S.

NORTH

SCALE 1" = 100'
0' 50' 100' 200'

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240
T 575 393 9127 F 575 393 1543
Pettigrew.us

DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
12/05/2014

PROJECT ENGINEER:	Debra P. Hicks PE,LSI
PROJECT DESIGNER:	Austin C. Wall
DRAWN BY:	ACW

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 0.5' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	GRADING LIMITS
	CHANNEL FLOWLINE
	CHAIN LINK FENCE
	CONCRETE FENCE
CO	CLEANOUT
DCO	DUAL CLEANOUT
EOA	EDGE OF ASPHALT
FL	FLOWLINE
FRW	FOOT OF RETAINING WALL
SW	SIDEWALK
	WATER METER
	WATER VALVE
	ASPHALT
	CONCRETE
	CALICHE

REVISIONS

No.	DATE	DESCRIPTION
Rev 1	12/05/2014	Utility Layout Changes

CIVIL UTILITY DETAILS

PETROLEUM PARK SUBDIVISION

MESA PROPERTIES OF CARLSBAD, LLC

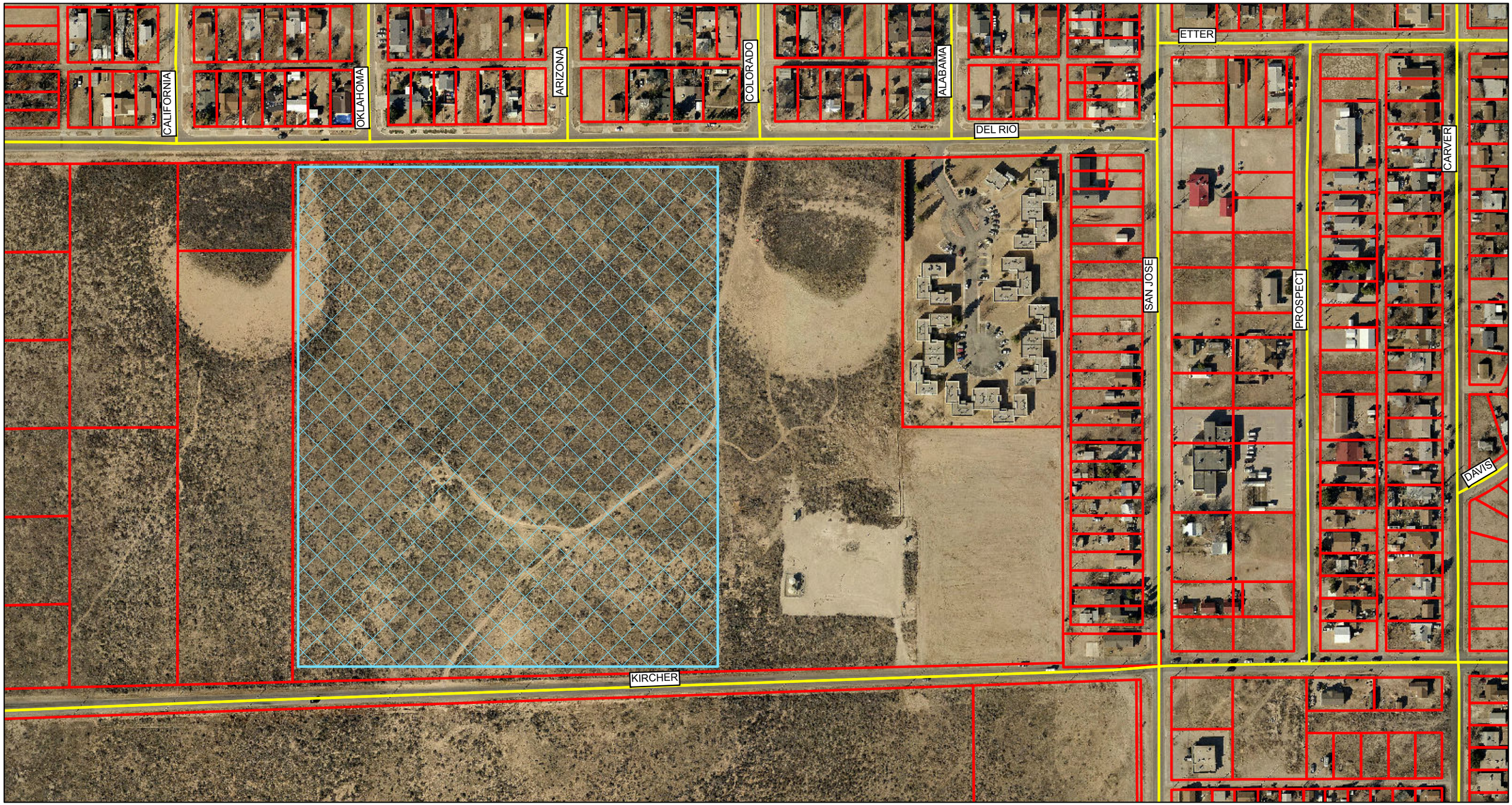
PROJECT NUMBER: 2014.1328

SHEET: CU-501

1:2,500

Petroleum Park Subdivision

MAP # 367_ed01



Legend

- Roads
- Address
- Petroleum Park
- Parcel

0 5 10 20
Miles

CITY OF CARLSBAD
Engineering Department
DATE 12/11/14

N
W E
S

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Jeff Patterson, Planning Director	**DATE:** 12/16/14

SUBJECT: Appeal of a Zoning Determination issued by the Planning Department (Jeff Patterson, Director), determining the allowance of housing of alternate employees at 5315 Lomas Dr., located in the Carlsbad Airport Industrial Park, pursuant to Sec. 56-150(c), Carlsbad Code of Ordinances.

Applicant:
Valerie Murrill
P.O. Box 3142
Carlsbad, NM 88221

Applicant:
Wayne E. Bingham
Bingham, Hurst & Apodaca, P.C.
2420 Comanche Rd., NE, Ste. H-6
Albuquerque, NM 87107

SYNOPSIS: On November 21, 2014, the City's Planning Department issued a Zoning Determination Letter stating that under the new Carlsbad Airport Industrial Park Ordinance (adopted at the October 14, 2014 City Council meeting), there shall be no residential uses allowed in the Airport Industrial Park. However, also in this Zoning Determination Letter, it was stated that businesses located within the Industrial Park that employed staff that worked an alternate schedule, such as a night watchmen, and businesses that employed staff that are required to work alternate shift lengths, such as 24 hour/48 hour/72 hour shift lengths, would be allowed to house these employees on-site in an office trailer type structure or a recreational vehicle (RV) as long as the employees staying on-site were on-duty and that these employees maintained a primary residence off-site. The applicants filed an appeal of this Zoning Determination stating that the decision reached by the Planning Director, Mr. Patterson, "was arbitrary, capricious, an abuse of discretion, contrary to law, and was apparently made in violation of New Mexico's Open Meeting Act." Section 56-130(d) of the City's Zoning Ordinance states: "The Planning Director shall have the following responsibilities and duties under this Zoning Ordinance:

1. Provide interpretations

   Review, consider and render interpretations of the text of this Zoning Ordinance."

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The Zoning Determination under appeal was issued to determine the allowance or disallowance for housing certain employees on-site in the Airport Industrial Park. In this specific case, it was determined that for this property, 5315 Lomas Dr., these employees, being emergency responders that worked alternate shift lengths, were allowed to stay and be housed overnight on-site. Due to the shift lengths and the nature of the work of this business, this determination was deemed an exception to the Airport Industrial Park Ordinance disallowing any residential use.

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

Appeals.

1. Aggrieved Persons May Appeal.

   A person aggrieved by a decision of the Planning Director, City Engineer, other City staff, or the Planning and Zoning Commission, may file an appeal with the City Administrator. An

aggrieved person is one who has a personal or pecuniary interest or property right adversely affected by the decision. The interest must be immediate and substantial, not merely nominal or remote.

2. Submittal Requirements.

An appeal is made by filing a written notice of appeal with the City Administrator which clearly articulates the reasons for the appeal, specifically citing and explaining one or more alleged error:

(a) In applying adopted City plans, policies and ordinances in arriving at the decision;

(b) In the appealed action or decision, including its stated facts; and/or

(c) In acting fraudulently, arbitrarily or capriciously.

3. Review Procedures.

(a) An appeal must be filed with the City Administrator within fifteen (15) days after the date of the decision. Untimely appeals shall not be considered.

(b) Upon receipt of a notice of appeal, the City Administrator shall transmit to the City Council or the Planning and Zoning Commission, whichever is the appellant body, all the papers and other documents which constitute the record relating to the action appealed. The appeal shall be heard no later than forty-five (45) days from receipt of the appeal by the City Administrator, unless a waiver is mutually agreed upon by all concerned parties.

(c) An appeal stays all actions by the Planning Director seeking enforcement of or compliance with the decision appealed, unless the Planning Director certifies to the City Council that a stay would cause imminent peril to life or property, because of facts stated in the decision. In which case actions shall not be stayed except by order of the City Council or a court.

4. Criteria.

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.

The applicant fits the criteria for filing an appeal for this Zoning Determination.

The applicant sent a letter appealing the Determination dated November 26, 2014, stating that by issuing this Zoning Determination Letter, the Planning Director was “acting fraudulently, arbitrarily, or capriciously.”

PLANNING STAFF RECOMMENDATION:

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:

Building Department:

Fire Department:

Code Enforcement:

Legal Department:

Planning Department:

Police Department:

Culture and Recreation Department:

City Engineer:

ATTACHMENTS: Application materials

LAW OFFICES

BINGHAM, HURST & APODACA

A PROFESSIONAL CORPORATION

LILLIAN G. APODACA*
WAYNE E. BINGHAM**
M. DWIGHT HURST

*ALSO LICENSED IN KANSAS
**ALSO LICENSED IN COLORADO

2420 COMANCHE ROAD, NE
SUITE H6
ALBUQUERQUE, NEW MEXICO 87107-4633
TEL (505) 881-4545
FAX (505) 889-0988
WWW.BINGHAMHURST.COM

November 26, 2014

BY FAX TO (575) 885-1101
AND BY CERTIFIED CLASS MAIL

Mr. James Knott, Chair
City of Carlsbad Planning &
Zoning Commission
P.O. Box 1569
Carlsbad, NM 88221-1569

Re: Appeal of Decision by Planning Director
Valerie Murrill

Dear Mr. Knott:

This firm represents Valerie Murrill. On October 17, 2014 Ms. Murrill filed a Complaint for Violation of Airport Industrial Park Zoning Ordinance. A copy of the Complaint is attached hereto as Exhibit #1.

On November 21, 2014, Planning Director Jeff Patterson issued his Zoning District Determination. A copy of this Determination is attached hereto as Exhibit #2.

On November 21, 2014, Mr. Patterson explained the discrepancy between his November 5, 2014 Determination date and his transmittal of November 21, 2014. A copy of this explanation is attached hereto as Exhibit #3.

Pursuant to Sec. 56-140(K) of the Carlsbad Zoning Ordinance, a copy of which is attached hereto as exhibit #4, Ms. Murrill hereby timely appeals Mr. Patterson's Determination to the Planning & Zoning Commission and hereby requests a hearing before the Commission.

The initial basis for appeal is that the October 14, 2014 new Airport Industrial Park Ordinance prohibits any residential use within the Airport Industrial Park, yet Mr. Patterson's Determination exempts from residential use employees of businesses within the Airport Industrial Park who work alternate shifts lengths, (24 hour shifts, 48 hour shifts, 72 hour shifts). The Airport Industrial Park Ordinance prohibits <u>any</u> residential use (emphasis added).

Mr. Patterson's Determination is arbitrary, capricious, an abuse of discretion, contrary to law, and was apparently made in violation of New Mexico's Open Meetings Act.

For the above reasons, Mr. Patterson's Determination should be reversed by the Commission. The Commission should hold that no residential use should be permitted within the Airport Industrial Park consistent with the October 14, 2014 Ordinance.

Sincerely,

BINGHAM, HURST & APODACA, P.C.

Wayne E. Bingham

WEB/tgww
cc: Ms. Valerie Murrill (by email)

LAW OFFICES
BINGHAM, HURST & APODACA
A PROFESSIONAL CORPORATION

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ALBUQUERQUE, NEW MEXICO 87107-4633
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FAX (505) 889-0988
WWW.BINGHAMHURST.COM

October 17, 2014

Mr. Jeff Patterson, Director
Planning, Engineering &
Regulation Dept.
City of Carlsbad
P.O. Box 1569
Carlsbad, NM 88220-1569

BY E-MAIL TO jepatterson@cityofcarlsbad.com
AND BY FIRST CLASS MAIL

Ms. Eydie Harrell
Code Enforcement Officer
City of Carlsbad
P.O. Box 1569
Carlsbad, NM 88220-1569

BY E-MAIL TO emharrell@cityofcarlsbad.com
AND BY FIRST CLASS MAIL

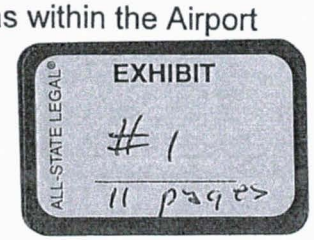
Mr. Danny Jones
Building Inspector III
City of Carlsbad
P.O. Box 1569
Carlsbad, NM 88220-1569

BY E-MAIL TO djjones@cityofcarlsbad.com
AND BY FIRST CLASS MAIL

Re: ***COMPLAINT FOR VIOLATION OF AIRPORT INDUSTRIAL PARK ZONING ORDINANCE***
5315 Lomas
Airport Industrial Park
Carlsbad, New Mexico

Gentlepersons:

This firm represents Valerie Murrill, who is a resident of Carlsbad, New Mexico and who owns property and operates a business, Murrill Electric, LLC at 5317 Lomas within the Airport Industrial Park,



BACKGROUND:

City of Carlsbad Fire Marshal William "Bill" Rook owns or controls property at 5315 Lomas within the Airport Industrial Park. Rook's ownership of the property at 5315 Lomas may be through Streamline Technologies, LLC of which Rook is a member. Streamline may lease the property and/or a mobile office trailer or mobile home on the property to Tri-State Care Flight. The use of this mobile office trailer or mobile home is to provide residence to employees or others connected with Tri-State Care Flight, Streamline Technologies, LLC or William Rook. Tri-State, Streamline and Rook are collectively referred to herein as Rook.

On October 14, 2014, the Carlsbad City Council passed Ordinance No. 2014-30 which amended the Airport Industrial Park Ordinance. A copy of Ordinance No. 2014-30 is attached hereto as Exhibit #1. Ordinance No. 2014-30 under both Division A and Division B provides as follows:

"Prohibited uses. No property conveyed by this Article shall at any time be used:

(1) for any residential use."

As indicated above, since January 2014 and continuing, Rook has caused or allowed to be placed on his property a mobile office trailer or mobile home to provide residence to employees or others connected with Rook. See photographs attached hereto as Exhibit #2.

Clearly, based on Exhibit #2, Rook is in violation of Ordinance No. 2014-30. Beyond this, Ms. Murrill understands that as of Friday, October 17, 2014, Rook is removing the mobile office identified in Exhibit #2 and effective Monday, October 20, 2014, will be replacing the mobile office trailer with a mobile home, the purpose of which is to be a residence for persons connected with Rook who will reside in the mobile home. Such use is in violation of Ordinance 2014—30 which prohibits any residential use within the Airport Industrial Park. That is the housing of people (the residing of people) within the Airport Industrial Park is prohibited. That people residing in Rook's mobile office trailer or mobile home may also have a residential address not in the Airport Industrial Park does not negate the fact that persons connected with Rook reside in the Airport Industrial Park.

COMPLAINT:

Pursuant to Section 56-170 of the City of Carlsbad Zoning Ordinance, Valerie Murrill hereby files a written, signed complaint alleging a violation of the Carlsbad Airport Industrial Park Ordinance by William Rook, Streamline Technologies, LLC and/or Tri-State Care Flight in that the mobile office trailer or mobile home located at 5315 Lomas in the Airport Industrial Park is being used as a residence in violation of Ordinance No. 2014-30.

Pursuant to Section 56-170(b) through (g), Ms. Murrill requests that the City of Carlsbad issue a Notice to Rook, Streamline Technologies, LLC and Tri-State Care Flight prohibiting them from using any mobile structure located at 5315 Lomas as a residence for housing people. If Rook, Streamline Technologies, LLC and/or Tri-State Care Flight fail or refuse to comply with the Notice, Ms. Murrill requests that pursuant to Section 56-170(f), the City take appropriate action at law and/or at equity to assure that any structure located at 5315 not be used as a residence for housing people.

Alternatively, if the City takes the position that Ordinance 2014-30 is not effective until the statutory 30-day appeal period has passed, then for the reasons stated above, Ms. Murrill requests enforcement of the Airport Industrial Park Ordinance in effect on October 13, 2014 which provides in two places as follows:

> *"No structure erected on a building site covered by this article, shall at any time be used for human habitation temporarily or permanently."*

Thank you for enforcing the Airport Industrial Park Ordinance.

Sincerely,

BINGHAM, HURST & APODACA, P.C.

Wayne E. Bingham

WEB/tgww
Enc. as indicated
cc w/enc.: Carlsbad City Council Members
Ms. Valerie Murrill

ORDINANCE NO. 2014-30

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 3, ARTICLE II OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO ENTITLED "AIRPORT INDUSTRIAL PARK".

WHEREAS, the City of Carlsbad owned approximately 450 acres near the Cavern City Air Terminal that it desired to develop into an industrial park; and

WHEREAS, in order to promote the orderly development of such an industrial park, the City, in 1982, adopted Ordinance No. 883 setting forth regulations for the Airport Industrial Park codified as Chapter 3, Article II, Sections 3-51, et seq. Of the Code of Ordinances, City of Carlsbad, New Mexico; and

WHEREAS, in the intervening thirty years, the majority of property in the Airport Industrial Park has been acquired and developed by businesses and entities; and

WHEREAS, City Council has determined that the regulations of the Airport Industrial Park ordinances should be modified to meet the current needs of both owners of property in the Airport Industrial Park and of the community as a whole.

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

Section 3-55 shall be amended to state:

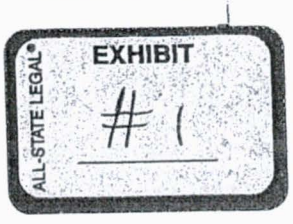
The official Carlsbad Airport Industrial Park Map designates the boundaries of Division A and Division B within the Park. The Carlsbad Airport Industrial Park Map is incorporated herein by reference. The official Carlsbad Airport Industrial Park Map shall be kept on file in the office of the city clerk and available for public inspection during normal business hours.

Section 3-56 shall be amended to state:

Division A regulations.

The regulations set forth in this section are the regulations concerning the use of the property in Division A of the Carlsbad Airport Industrial Park.

(a) *Permitted uses.* A building or premises shall be used only for those purposes permitted by the Zoning Ordinance of the City of Carlsbad, New Mexico for the Industrial District except as further limited by this Article.



(b) *Prohibited uses.* No property covered by this Article shall at any time be used:
(1) for any residential use;
(2) as a junkyard or motor vehicle salvage or wrecking yard;
(3) for the storage of junk, rubbish, litter or debris; or
(4) for the storage of explosives.

(c) *Regulations.* The following provisions shall apply to all uses in this division.
(1) Building height: The maximum height of any building or other structure within this division shall be 50 feet.
(2) *Building setback:*
a. *Front yard:* Front setback shall be not less than 30 feet from the property line.
b. *Side yard:* Unless a greater distance is otherwise required the setback shall be at least 30 feet.
c. *Rear yard:* Minimum setback is 15 feet.
(3) *Landscaping and paving:* All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, suitable ground cover, or by covering with material that will provide an all-weather surface.
(4) *Storage facilities:* All areas used for storage shall be enclosed on all sides by a masonry wall, solid fence or chain link fence not less than six feet nor more than eight feet in height.
(5) *Parking and loading areas:* Parking and loading areas shall be paved and shall be located entirely on the building sites to be served. Employee parking and truck loading areas shall be confined to the rear or sides of buildings. Parking spaces shall be provided to meet the requirements of lessees' employees.
(6) *Screening:* When the site abuts a residential zone, a masonry wall six feet in height shall be erected along the property line adjoining the residential zone. From the front property line to the front yard setback line, the wall shall not be higher than three feet.
(7) *Permitted signs:* Signs shall be restricted to identifying the permitted uses, directional purposes and advertising the sale or lease of property as follow:
a. Each business may use one wall sign identifying the use or name of the industry or business. The sign shall not project more than one foot from the face of the building or wall to which it is attached. The sign shall not project above the height of the building to which it is attached. In lieu of a wall sign, one freestanding sign not more than 50 square feet nor more than three feet in height, may be erected in the required front or side yard, no closer than five feet to any property line. On corner lots no sign shall be erected within 20 feet of the property corner.
b. All signs must be in a fixed position and shall not have any moving parts nor be revolving. Sign illumination shall not flash, blink, vary in intensity, revolve or otherwise be in motion.

(8) *Illumination:* Illumination of buildings and open areas shall be so arranged as to eliminate glare toward streets and adjoining properties.

(9) *Use of barbed wire:* Barbed wire may be used on fences or walls, provided said wire is more than six feet above ground level.

(10) *Performance standards:* The following performance standards shall apply to all uses in this division.

a. *Noise:* At no point on the boundary of residential or business zones shall the sound pressure level of any individual operation or plant exceed the decibel levels in the designated octave bands shown below. (excluding operation of motor vehicles or other transportation facilities.)

Octave Band Cycles per Second	Maximum Sound Pressure Level In Decibels .0002 dynes per CM2
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter.

b. *Smoke:* No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four minutes in any 30-minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines shall be the standard.

c. *Glare or heat:* Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.

d. *Odors:* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.

e. *Vibration:* No vibration shall be permitted which is discernable beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day.

f. *Fly ash, dust, fumes, vapors, gases, and other forms of air pollution:* No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling.

g. *Liquids and solid waste:* No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.

(c) *Definition of nuisance.* For the purposes of this area, a nuisance is any thing, condition, or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

Section 3-57 shall be amended to state:

Division B regulations.

The regulations set forth in this section are the regulations concerning the use of the property in Division B of the Carlsbad Airport Industrial Park.

(a) *Permitted uses.* A building or premises shall be used only for those purposes permitted by the Zoning Ordinance of the City of Carlsbad, New Mexico for the Industrial District except as further limited by this Article.

(b) *Prohibited uses.* No property covered by this Article shall at any time be used:
(1) for any residential use;
(2) as a junkyard or motor vehicle salvage or wrecking yard;
(3) for the storage of junk, rubbish, litter or debris; or
(4) for the storage of explosives.

(c) *Regulations:* The following uses shall apply to all uses in this division.
(1) *Building height:* Same as Division A.
(2) *Building setback:*
a. *Front yard:* Same as Division A.
b. *Side yard:* A side yard is not required except where a building is located on a corner lot, in which case the side yard setback must be a minimum of 30 feet from the property line.
c. *Rear yard:* Same as Division A.
(3) *Fencing:* Each building site shall be enclosed by fencing. The fencing shall be chain-link type or a type approved by the governing body of the City of Carlsbad. Barbed wire may be used on fences or walls, provided said wire is more than six feet above ground level.

(4) *Landscaping and paving:* All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, suitable ground cover, or by covering with material that will provide an all weather surface.

(5) *Parking and loading areas:* Parking and loading areas shall be surfaced with aggregate or paved and shall be maintained in a dust free condition. All parking and loading areas shall be located entirely on the building sites to be served.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 14th day of Oct. _____, 2014.

/S/ DICK DOSS

~~DALE JANWAY, MAYOR~~

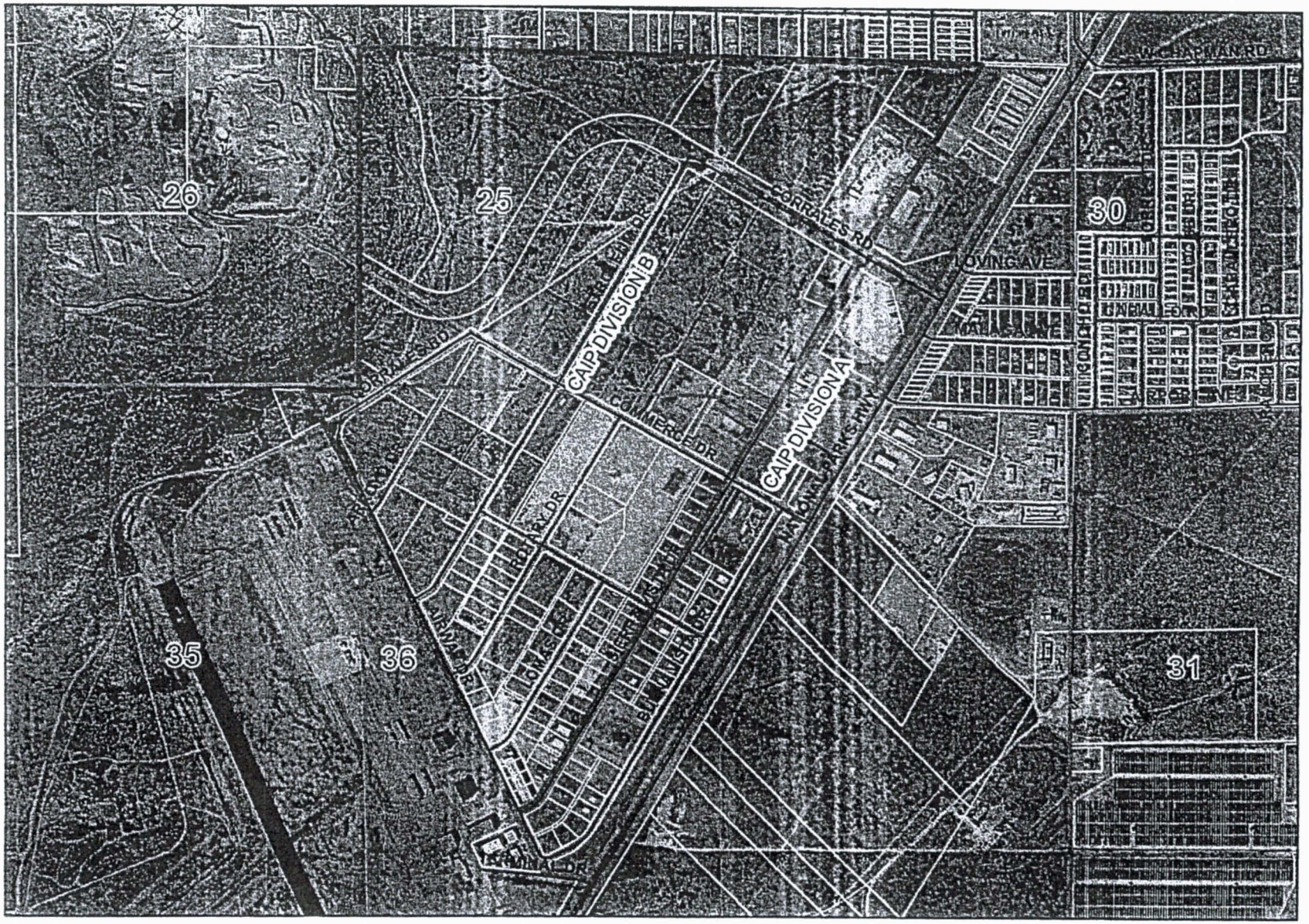
DICK DOSS, MAYOR PRO TEM

ATTEST:

/S/ ANNETTE BARICK
CITY CLERK

Carlsbad Airport Industrial Park Map

Streets Centerline
BLM-Sections
CAIP DIVISION A
CAIP DIVISION B



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CITY OF CARLSBAD
PLANNING, ENGINEERING AND REGULATION DEPARTMENT
9/4/2014

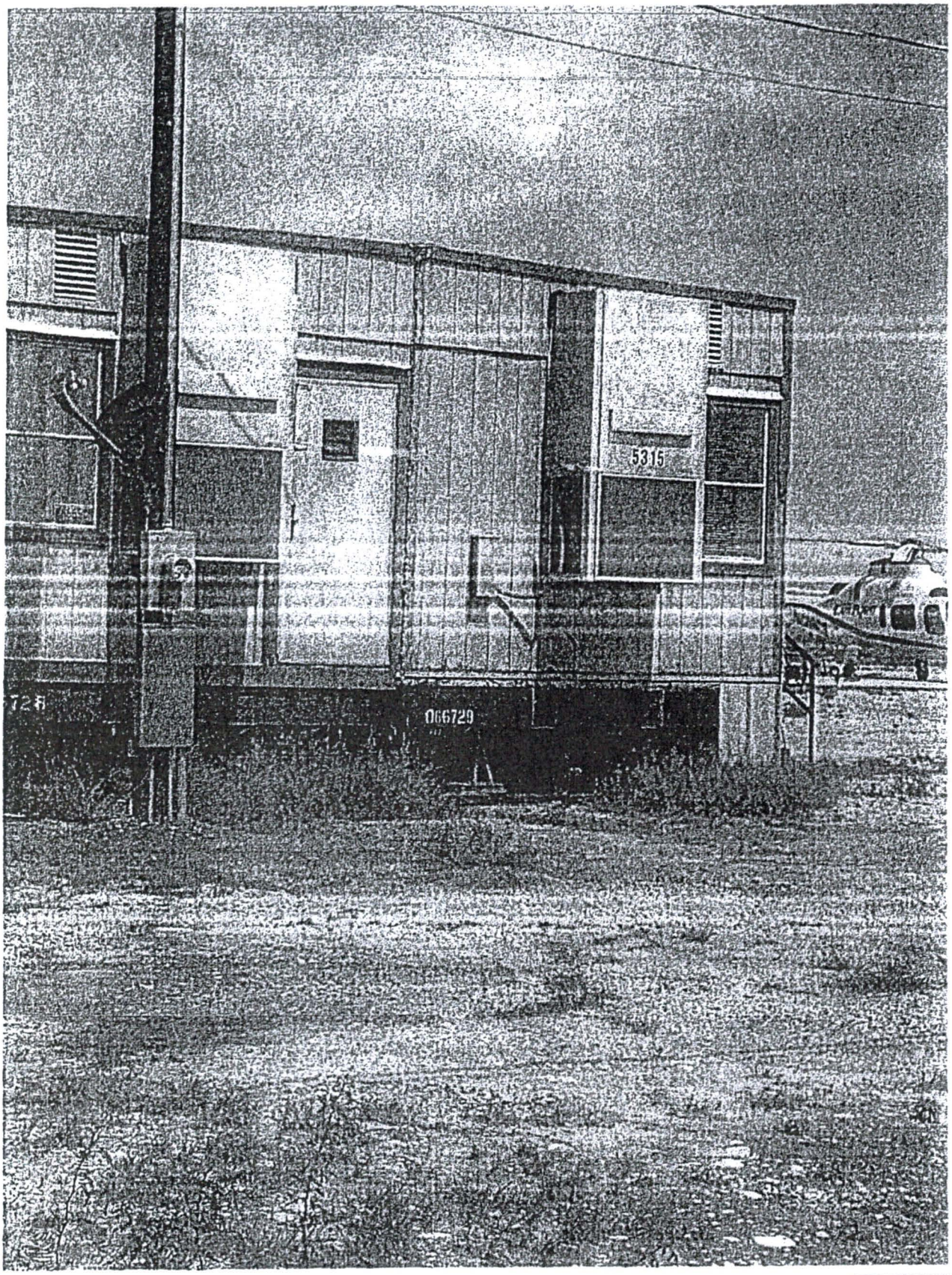


EXHIBIT #2

ALL-STATE LEGAL

NO
SOLICITING OR
PEDDLING
ALL-STATE LEGAL
EXHIBIT
#2

Trish Wall {Bingham, Hurst and Apodaca}

From: Jeff Patterson <jepatterson@cityofcarlsbadnm.com>
Sent: Friday, November 21, 2014 1:52 PM
To: Trish Wall {Bingham, Hurst and Apodaca}; Eileen Riordan; Stephanie Shumsky; Steve McCutcheon
Subject: Re: Complaint for Violation of Airport Industrial Park Zoning Ordinance/followup
Attachments: Lomas Dr. - 5315.pdf

Mr. Bingham,

Please see the attached response letter to your complaint letter for the property at 5315 Lomas Dr.

Thank you,

Jeff

On Fri, Oct 24, 2014 at 11:54 AM, Trish Wall {Bingham, Hurst and Apodaca} <twall@binghamhurst.com> wrote:

Dear Mr. Patterson, Ms. Harrell and Mr. Jones:

Please see attached attorney Wayne Bingham's letter dated today and its referenced attachment.

Thank you.

Trish Wall-Watlington

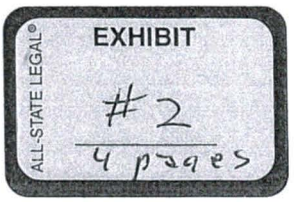
Legal Secretary to

Wayne E. Bingham

Bingham, Hurst & Apodaca, P.C.

2420 Comanche Rd., NE, Ste. H-6
Albuquerque, NM 87107

Telephone: (505) 881-4545



--
Jeff Patterson
Director of Planning
Planning, Engineering, and Regulation Dept.
City of Carlsbad
575-885-1185
Ext. 2221

DALE JANWAY
Mayor

Post Office Box 1569
Carlsbad, NM 88221-1569
(505) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

STEVE McCUTCHEON
City Administrator

November 5, 2014

ZONING DISTRICT DETERMINATION

Property Address: 5315 Lomas Dr. Carlsbad, NM 88220
Business Name: Streamline Technology, LLC.
Business Address: 3825 Mt. Rainier NE Albuquerque, NM 87111
Property Owner: Streamline Technology, LLC.
Zoning District: "I" Industrial, Airport Industrial Park, Division B

Mr. Bingham,

On October 14, 2014, the City adopted new Ordinance (Ord. 2014-30) amending portions of Chapter 3, Article II of the Code of Ordinances entitled "Airport Industrial Park". Upon the adoption of this ordinance, the Airport Industrial Park was separated into two divisions, Division A and Division B. The property in question, 5315 Lomas Drive, is located in Division B. As stated in Ordinance No. 2014-30 under Division B Regulations:

"(b) *Prohibited Uses*. No Property covered by this Article shall at any time be used:

(1) for any residential use."

This provision eliminates any residential uses from occurring in the Airport Industrial Park. However, the City has determined that any business that utilizes employees that work an alternate schedule, such as a night watchman, or any business that, due to the nature of this business, should require that employees work alternate shift lengths (24 hour shifts, 48 hour shifts, 72 hour shifts, etc.), shall be allowed to provide accommodations for these employees as long as these employees are on duty. These accommodations would include the use of mobile office trailers or Recreational Vehicles (RV's). These accommodations are strictly to be used for on duty employees only, and all employees for said businesses shall keep a primary residence off site.

COUNCILORS

Ward 1	Ward 2	Ward 3	Ward 4
NICK G. SALCIDO	SANDRA K. NUNLEY	JASON G. SHIRLEY	JANELL E. WHITLOCK
LISA A. ANAYA-FLORES	J.R. DOPORTO	WESLEY CARTER	DICK DOSS

If additional information is needed, please contact me at 575-885-1185 ex. 2221 or via email at jepatterson@cityofcarlsbadnm.com.

Jeff Patterson
Planning Director

COUNCILORS

Ward 1	Ward 2	Ward 3	Ward 4
NICK G. SALCIDO	SANDRA K. NUNLEY	JASON G. SHIRLEY	JANELL E. WHITLOCK
LISA A. ANAYA-FLORES	J.R. DOPORTO	WESLEY CARTER	DICK DOSS

Trish Wall {Bingham, Hurst and Apodaca}

From: Jeff Patterson <jepatterson@cityofcarlsbadnm.com>
Sent: Friday, November 21, 2014 2:32 PM
To: Trish Wall {Bingham, Hurst and Apodaca}
Subject: Re: Complaint for Violation of Airport Industrial Park Zoning Ordinance/followup

Mr. Bingham,

The letter I sent was drafted on November 5, 2014. After drafting the letter, I sent it to be reviewed internally with the City before sending to you.

Jeff

On Fri, Nov 21, 2014 at 2:07 PM, Trish Wall {Bingham, Hurst and Apodaca} <twall@binghamhurst.com> wrote:

Dear Mr. Patterson:

Could you explain why the letter is dated November 5, 2014, but you only e-mailed it to me today? Was this to get the City past the appeal period?

Wayne Bingham

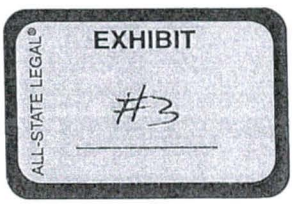
Wayne E. Bingham

Bingham, Hurst & Apodaca, P.C.

2420 Comanche Rd., NE, Ste. H-6
Albuquerque, NM 87107

Telephone: (505) 881-4545

From: Jeff Patterson [mailto:jepatterson@cityofcarlsbadnm.com]
Sent: Friday, November 21, 2014 1:52 PM
To: Trish Wall {Bingham, Hurst and Apodaca}; Eileen Riordan; Stephanie Shumsky; Steve McCutcheon
Subject: Re: Complaint for Violation of Airport Industrial Park Zoning Ordinance/followup



who has made a written request for notice and paid current postage fees.

5. *Posting of notice.* The applicant shall post and maintain on the property one or more signs regarding the public hearing, as provided by the planning director, at least five days prior to the date of the public hearing. One sign shall be posted along each public right-of-way abutting the subject site, if possible or in a location visible from the nearest public right-of-way. Each sign shall be at least nine square feet in area with a white background and black letters at least three inches high. The applicant shall be responsible for removing the sign(s) within five days following the public hearing. Failure to properly post and maintain sign(s) during the posting period is grounds for deferral or denial of the application.

6. *Identification of property owners.* The owners of real property to be notified pursuant to this section shall be those owners identified on the latest county assessor's ownership maps and records. The mailed notice requirement is satisfied when notice is mailed to these addresses. Any person who attends the public hearing shall be considered to be legally notified.

(j) *General considerations in rendering decisions.* This Zoning Ordinance is intended to protect the interests of both present and future residents, landowners, tenants, and the general public. In rendering a decision, the decision-makers shall be bound to use the standards of this Zoning Ordinance and other applicable laws, rules, regulations, codes, and policies in addition to evidence provided by parties at the hearing. The following rules shall govern decisions:

1. *General standards.* Except as provided in 2 and 3 below, all decisions shall be based on this Zoning Ordinance, and other relevant city, county, state, or federal laws, rules, regulations, codes and policies.

2. *Minimum standards.* The minimum standards of this Zoning Ordinance shall be met; however, if written findings are made regarding unusual health, safety or general welfare concerns of a particular project or a particular site, higher standards may be imposed.

3. *Interpretations.* The planning director shall provide official interpretation of this Zoning Ordinance when needed. Where interpretation is required in rendering a decision, the purposes set forth in section 56-3 shall be used to guide decisions.

(k) *Opportunity for appeal.* Pursuant to this Zoning Ordinance, administrative decisions made by the planning director may be reviewed on appeal by the planning and zoning commission. All final decisions made by the planning and zoning commission may be reviewed on appeal to the city council. Final decisions of the city council may be appealed to district court pursuant to Section 3-21-9 NMSA 1978. A decision made pursuant to this Zoning Ordinance is final unless an appeal is filed, within 15 days, and as required by law. Substantial deviations from this Zoning Ordinance are considered variances and are a form of appeal and may not be approved by city staff but rather shall be considered by the planning and zoning commission.

(l) *Compliance with permit conditions.* Permits are issued only when a review of the application submitted indicates that the development, if completed as proposed, will comply with the provisions of this Zoning Ordinance.

1. *Issuance of permits.* Permits shall be issued in the name of the applicant (except that applications submitted by an agent or contractor shall be issued in the name of the agent or contractor), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed.

2. *Consistency with plans and specifications.* Approved plans and application incorporated into any permit issued, and all development shall occur strictl accordance with such approved plans and applications.

(m) *Effect of permit on successors and assigns.* Permits issued pursuant to this Zonin

ALL-STATE LEGAL®
EXHIBIT
#4

DALE JANWAY
Mayor

Post Office Box 1569
Carlsbad, NM 88221-1569
(505) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

STEVE McCUTCHEON
City Administrator

November 5, 2014

ZONING DISTRICT DETERMINATION

Property Address: 5315 Lomas Dr. Carlsbad, NM 88220
Business Name: Streamline Technology, LLC.
Business Address: 3825 Mt. Rainier NE Albuquerque, NM 87111
Property Owner: Streamline Technology, LLC.
Zoning District: "I" Industrial, Airport Industrial Park, Division B

Mr. Bingham,

On October 14, 2014, the City adopted new Ordinance (Ord. 2014-30) amending portions of Chapter 3, Article II of the Code of Ordinances entitled "Airport Industrial Park". Upon the adoption of this ordinance, the Airport Industrial Park was separated into two divisions, Division A and Division B. The property in question, 5315 Lomas Drive, is located in Division B. As stated in Ordinance No. 2014-30 under Division B Regulations:

"(b) *Prohibited Uses*. No Property covered by this Article shall at any time be used:

(1) for any residential use."

This provision eliminates any residential uses from occurring in the Airport Industrial Park. However, the City has determined that any business that utilizes employees that work an alternate schedule, such as a night watchman, or any business that, due to the nature of this business, should require that employees work alternate shift lengths (24 hour shifts, 48 hour shifts, 72 hour shifts, etc.), shall be allowed to provide accommodations for these employees as long as these employees are on duty. These accommodations would include the use of mobile office trailers or Recreational Vehicles (RV's). These accommodations are strictly to be used for on duty employees only, and all employees for said businesses shall keep a primary residence off site.

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If additional information is needed, please contact me at 575-885-1185 ex. 2221 or via email at jepatterson@cityofcarlsbadnm.com.

Jeff Patterson
Planning Director

COUNCILORS

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LISA A. ANAYA-FLORES	J.R. DOPORTO	WESLEY CARTER	DICK DOSS

LAW OFFICES

BINGHAM, HURST & APODACA

A PROFESSIONAL CORPORATION

LILLIAN G. APODACA*
WAYNE E. BINGHAM**
M. DWIGHT HURST

*ALSO LICENSED IN KANSAS
**ALSO LICENSED IN COLORADO

2420 COMANCHE ROAD, NE
SUITE H6
ALBUQUERQUE, NEW MEXICO 87107-4633
TEL (505) 881-4545
FAX (505) 889-0988
WWW.BINGHAMHURST.COM

November 26, 2014

BY FAX TO (575) 885-1101
AND BY CERTIFIED CLASS MAIL

Mr. James Knott, Chair
City of Carlsbad Planning &
Zoning Commission
P.O. Box 1569
Carlsbad, NM 88221-1569

Re: Appeal of Decision by Planning Director
Valerie Murrill

Dear Mr. Knott:

This firm represents Valerie Murrill. On October 17, 2014 Ms. Murrill filed a Complaint for Violation of Airport Industrial Park Zoning Ordinance. A copy of the Complaint is attached hereto as Exhibit #1.

On November 21, 2014, Planning Director Jeff Patterson issued his Zoning District Determination. A copy of this Determination is attached hereto as Exhibit #2.

On November 21, 2014, Mr. Patterson explained the discrepancy between his November 5, 2014 Determination date and his transmittal of November 21, 2014. A copy of this explanation is attached hereto as Exhibit #3.

Pursuant to Sec. 56-140(K) of the Carlsbad Zoning Ordinance, a copy of which is attached hereto as exhibit #4, Ms. Murrill hereby timely appeals Mr. Patterson's Determination to the Planning & Zoning Commission and hereby requests a hearing before the Commission.

The initial basis for appeal is that the October 14, 2014 new Airport Industrial Park Ordinance prohibits any residential use within the Airport Industrial Park, yet Mr. Patterson's Determination exempts from residential use employees of businesses within the Airport Industrial Park who work alternate shifts lengths, (24 hour shifts, 48 hour shifts, 72 hour shifts). The Airport Industrial Park Ordinance prohibits <u>any</u> residential use (emphasis added).

Mr. Patterson's Determination is arbitrary, capricious, an abuse of discretion, contrary to law, and was apparently made in violation of New Mexico's Open Meetings Act.

For the above reasons, Mr. Patterson's Determination should be reversed by the Commission. The Commission should hold that no residential use should be permitted within the Airport Industrial Park consistent with the October 14, 2014 Ordinance.

Sincerely,

BINGHAM, HURST & APODACA, P.C.

Wayne E. Bingham

WEB/tgww
cc: Ms. Valerie Murrill (by email)

LAW OFFICES
BINGHAM, HURST & APODACA
A PROFESSIONAL CORPORATION

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ALBUQUERQUE, NEW MEXICO 87107-4633
TEL (505) 881-4545
FAX (505) 889-0988
WWW.BINGHAMHURST.COM

October 17, 2014

Mr. Jeff Patterson, Director
Planning, Engineering &
Regulation Dept.
City of Carlsbad
P.O. Box 1569
Carlsbad, NM 88220-1569

BY E-MAIL TO jepatterson@cityofcarlsbad.com
AND BY FIRST CLASS MAIL

Ms. Eydie Harrell
Code Enforcement Officer
City of Carlsbad
P.O. Box 1569
Carlsbad, NM 88220-1569

BY E-MAIL TO emharrell@cityofcarlsbad.com
AND BY FIRST CLASS MAIL

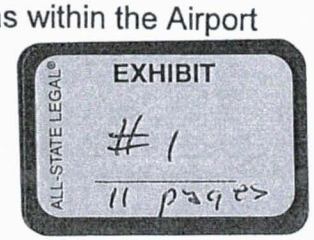
Mr. Danny Jones
Building Inspector III
City of Carlsbad
P.O. Box 1569
Carlsbad, NM 88220-1569

BY E-MAIL TO djjones@cityofcarlsbad.com
AND BY FIRST CLASS MAIL

Re: ***COMPLAINT FOR VIOLATION OF AIRPORT INDUSTRIAL PARK ZONING ORDINANCE***
5315 Lomas
Airport Industrial Park
Carlsbad, New Mexico

Gentlepersons:

This firm represents Valerie Murrill, who is a resident of Carlsbad, New Mexico and who owns property and operates a business, Murrill Electric, LLC at 5317 Lomas within the Airport Industrial Park,



BACKGROUND:

City of Carlsbad Fire Marshal William "Bill" Rook owns or controls property at 5315 Lomas within the Airport Industrial Park. Rook's ownership of the property at 5315 Lomas may be through Streamline Technologies, LLC of which Rook is a member. Streamline may lease the property and/or a mobile office trailer or mobile home on the property to Tri-State Care Flight. The use of this mobile office trailer or mobile home is to provide residence to employees or others connected with Tri-State Care Flight, Streamline Technologies, LLC or William Rook. Tri-State, Streamline and Rook are collectively referred to herein as Rook.

On October 14, 2014, the Carlsbad City Council passed Ordinance No. 2014-30 which amended the Airport Industrial Park Ordinance. A copy of Ordinance No. 2014-30 is attached hereto as Exhibit #1. Ordinance No. 2014-30 under both Division A and Division B provides as follows:

"Prohibited uses. No property conveyed by this Article shall at any time be used:

(1) for any residential use."

As indicated above, since January 2014 and continuing, Rook has caused or allowed to be placed on his property a mobile office trailer or mobile home to provide residence to employees or others connected with Rook. See photographs attached hereto as Exhibit #2.

Clearly, based on Exhibit #2, Rook is in violation of Ordinance No. 2014-30. Beyond this, Ms. Murrill understands that as of Friday, October 17, 2014, Rook is removing the mobile office identified in Exhibit #2 and effective Monday, October 20, 2014, will be replacing the mobile office trailer with a mobile home, the purpose of which is to be a residence for persons connected with Rook who will reside in the mobile home. Such use is in violation of Ordinance 2014—30 which prohibits any residential use within the Airport Industrial Park. That is the housing of people (the residing of people) within the Airport Industrial Park is prohibited. That people residing in Rook's mobile office trailer or mobile home may also have a residential address not in the Airport Industrial Park does not negate the fact that persons connected with Rook reside in the Airport Industrial Park.

COMPLAINT:

Pursuant to Section 56-170 of the City of Carlsbad Zoning Ordinance, Valerie Murrill hereby files a written, signed complaint alleging a violation of the Carlsbad Airport Industrial Park Ordinance by William Rook, Streamline Technologies, LLC and/or Tri-State Care Flight in that the mobile office trailer or mobile home located at 5315 Lomas in the Airport Industrial Park is being used as a residence in violation of Ordinance No. 2014-30.

Pursuant to Section 56-170(b) through (g), Ms. Murrill requests that the City of Carlsbad issue a Notice to Rook, Streamline Technologies, LLC and Tri-State Care Flight prohibiting them from using any mobile structure located at 5315 Lomas as a residence for housing people. If Rook, Streamline Technologies, LLC and/or Tri-State Care Flight fail or refuse to comply with the Notice, Ms. Murrill requests that pursuant to Section 56-170(f), the City take appropriate action at law and/or at equity to assure that any structure located at 5315 not be used as a residence for housing people.

Alternatively, if the City takes the position that Ordinance 2014-30 is not effective until the statutory 30-day appeal period has passed, then for the reasons stated above, Ms. Murrill requests enforcement of the Airport Industrial Park Ordinance in effect on October 13, 2014 which provides in two places as follows:

> *"No structure erected on a building site covered by this article, shall at any time be used for human habitation temporarily or permanently."*

Thank you for enforcing the Airport Industrial Park Ordinance.

Sincerely,

BINGHAM, HURST & APODACA, P.C.

Wayne E. Bingham

WEB/tgww
Enc. as indicated
cc w/enc.: Carlsbad City Council Members
Ms. Valerie Murrill

ORDINANCE NO. 2014-30

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 3, ARTICLE II OF THE CODE OF ORDINANCES, CITY OF CARLSBAD, NEW MEXICO ENTITLED "AIRPORT INDUSTRIAL PARK".

WHEREAS, the City of Carlsbad owned approximately 450 acres near the Cavern City Air Terminal that it desired to develop into an industrial park; and

WHEREAS, in order to promote the orderly development of such an industrial park, the City, in 1982, adopted Ordinance No. 883 setting forth regulations for the Airport Industrial Park codified as Chapter 3, Article II, Sections 3-51, et seq. Of the Code of Ordinances, City of Carlsbad, New Mexico; and

WHEREAS, in the intervening thirty years, the majority of property in the Airport Industrial Park has been acquired and developed by businesses and entities; and

WHEREAS, City Council has determined that the regulations of the Airport Industrial Park ordinances should be modified to meet the current needs of both owners of property in the Airport Industrial Park and of the community as a whole.

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

Section 3-55 shall be amended to state:

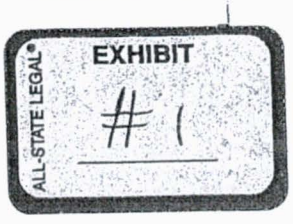
The official Carlsbad Airport Industrial Park Map designates the boundaries of Division A and Division B within the Park. The Carlsbad Airport Industrial Park Map is incorporated herein by reference. The official Carlsbad Airport Industrial Park Map shall be kept on file in the office of the city clerk and available for public inspection during normal business hours.

Section 3-56 shall be amended to state:

Division A regulations.

The regulations set forth in this section are the regulations concerning the use of the property in Division A of the Carlsbad Airport Industrial Park.

(a) *Permitted uses.* A building or premises shall be used only for those purposes permitted by the Zoning Ordinance of the City of Carlsbad, New Mexico for the Industrial District except as further limited by this Article.



(b) *Prohibited uses.* No property covered by this Article shall at any time be used:
(1) for any residential use;
(2) as a junkyard or motor vehicle salvage or wrecking yard;
(3) for the storage of junk, rubbish, litter or debris; or
(4) for the storage of explosives.

(c) *Regulations.* The following provisions shall apply to all uses in this division.
(1) Building height: The maximum height of any building or other structure within this division shall be 50 feet.
(2) *Building setback:*
a. *Front yard:* Front setback shall be not less than 30 feet from the property line.
b. *Side yard:* Unless a greater distance is otherwise required the setback shall be at least 30 feet.
c. *Rear yard:* Minimum setback is 15 feet.
(3) *Landscaping and paving:* All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, suitable ground cover, or by covering with material that will provide an all-weather surface.
(4) *Storage facilities:* All areas used for storage shall be enclosed on all sides by a masonry wall, solid fence or chain link fence not less than six feet nor more than eight feet in height.
(5) *Parking and loading areas:* Parking and loading areas shall be paved and shall be located entirely on the building sites to be served. Employee parking and truck loading areas shall be confined to the rear or sides of buildings. Parking spaces shall be provided to meet the requirements of lessees' employees.
(6) *Screening:* When the site abuts a residential zone, a masonry wall six feet in height shall be erected along the property line adjoining the residential zone. From the front property line to the front yard setback line, the wall shall not be higher than three feet.
(7) *Permitted signs:* Signs shall be restricted to identifying the permitted uses, directional purposes and advertising the sale or lease of property as follow:
a. Each business may use one wall sign identifying the use or name of the industry or business. The sign shall not project more than one foot from the face of the building or wall to which it is attached. The sign shall not project above the height of the building to which it is attached. In lieu of a wall sign, one freestanding sign not more than 50 square feet nor more than three feet in height, may be erected in the required front or side yard, no closer than five feet to any property line. On corner lots no sign shall be erected within 20 feet of the property corner.
b. All signs must be in a fixed position and shall not have any moving parts nor be revolving. Sign illumination shall not flash, blink, vary in intensity, revolve or otherwise be in motion.

(8) *Illumination:* Illumination of buildings and open areas shall be so arranged as to eliminate glare toward streets and adjoining properties.

(9) *Use of barbed wire:* Barbed wire may be used on fences or walls, provided said wire is more than six feet above ground level.

(10) *Performance standards:* The following performance standards shall apply to all uses in this division.

a. *Noise:* At no point on the boundary of residential or business zones shall the sound pressure level of any individual operation or plant exceed the decibel levels in the designated octave bands shown below. (excluding operation of motor vehicles or other transportation facilities.)

Octave Band Cycles per Second	Maximum Sound Pressure Level In Decibels .0002 dynes per CM2
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter.

b. *Smoke:* No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four minutes in any 30-minute period. For the purpose of grading the density of smoke, the Ringleman Chart, as published by the U.S. Bureau of Mines shall be the standard.

c. *Glare or heat:* Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.

d. *Odors:* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.

e. *Vibration:* No vibration shall be permitted which is discernable beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day.

f. *Fly ash, dust, fumes, vapors, gases, and other forms of air pollution:* No emission shall be permitted which can cause damage to health, to animals, or vegetation, or other forms of property, or which can cause any excessive soiling.

g. *Liquids and solid waste:* No wastes shall be discharged in the streets, drainageways or any property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.

(c) *Definition of nuisance.* For the purposes of this area, a nuisance is any thing, condition, or use of property which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

Section 3-57 shall be amended to state:

Division B regulations.

The regulations set forth in this section are the regulations concerning the use of the property in Division B of the Carlsbad Airport Industrial Park.

(a) *Permitted uses.* A building or premises shall be used only for those purposes permitted by the Zoning Ordinance of the City of Carlsbad, New Mexico for the Industrial District except as further limited by this Article.

(b) *Prohibited uses.* No property covered by this Article shall at any time be used:
(1) for any residential use;
(2) as a junkyard or motor vehicle salvage or wrecking yard;
(3) for the storage of junk, rubbish, litter or debris; or
(4) for the storage of explosives.

(c) *Regulations:* The following uses shall apply to all uses in this division.
(1) *Building height:* Same as Division A.
(2) *Building setback:*
a. *Front yard:* Same as Division A.
b. *Side yard:* A side yard is not required except where a building is located on a corner lot, in which case the side yard setback must be a minimum of 30 feet from the property line.
c. *Rear yard:* Same as Division A.
(3) *Fencing:* Each building site shall be enclosed by fencing. The fencing shall be chain-link type or a type approved by the governing body of the City of Carlsbad. Barbed wire may be used on fences or walls, provided said wire is more than six feet above ground level.

(4) *Landscaping and paving:* All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, suitable ground cover, or by covering with material that will provide an all weather surface.

(5) *Parking and loading areas:* Parking and loading areas shall be surfaced with aggregate or paved and shall be maintained in a dust free condition. All parking and loading areas shall be located entirely on the building sites to be served.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 14th day of Oct. _____, 2014.

/S/ DICK DOSS

~~DALE JANWAY, MAYOR~~

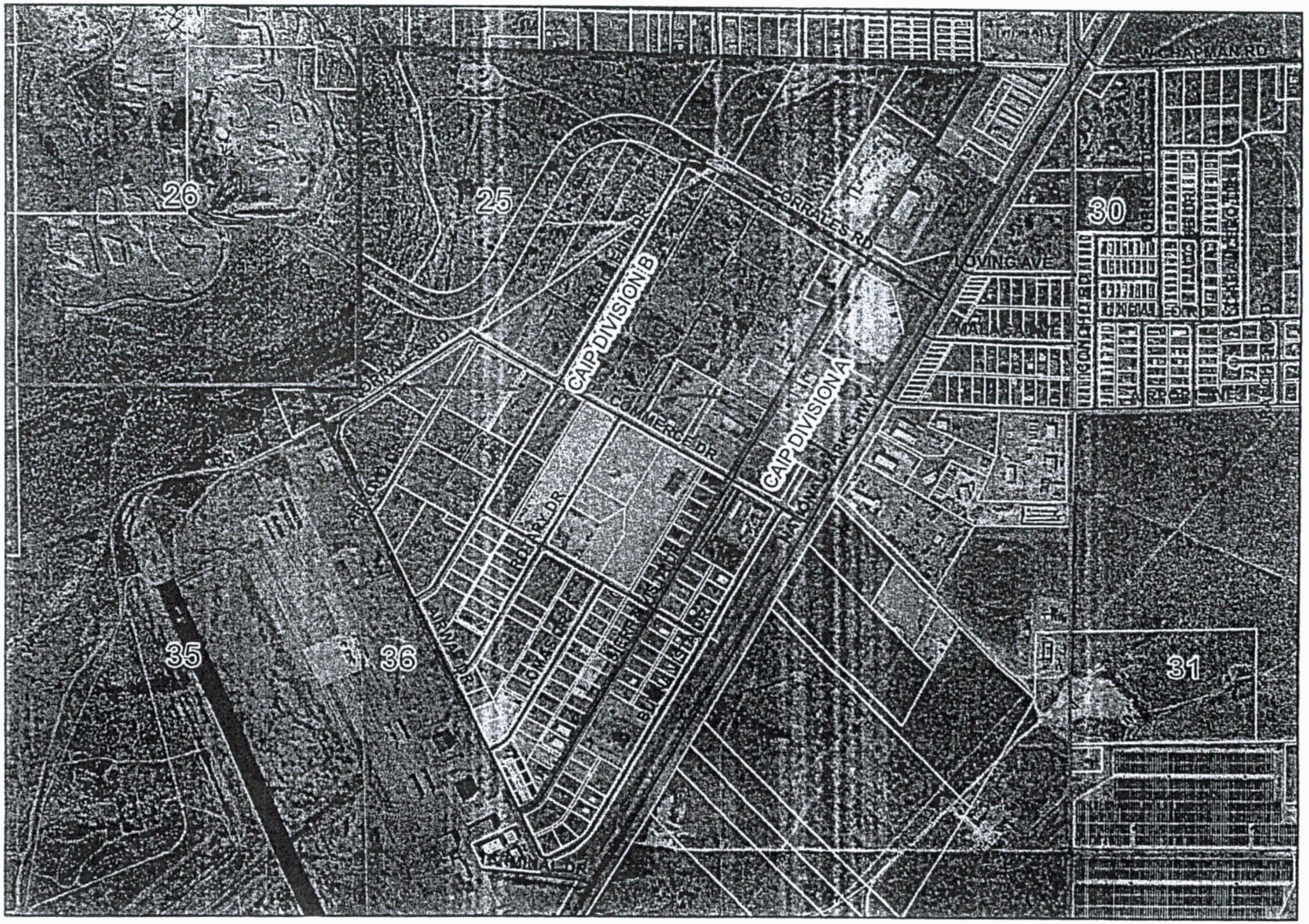
DICK DOSS, MAYOR PRO TEM

ATTEST:

/S/ ANNETTE BARICK
CITY CLERK

Carlsbad Airport Industrial Park Map

Streets Centerline
BLM-Sections
CAIP DIVISION A
CAIP DIVISION B



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CITY OF CARLSBAD
PLANNING, ENGINEERING AND REGULATION DEPARTMENT
9/4/2014

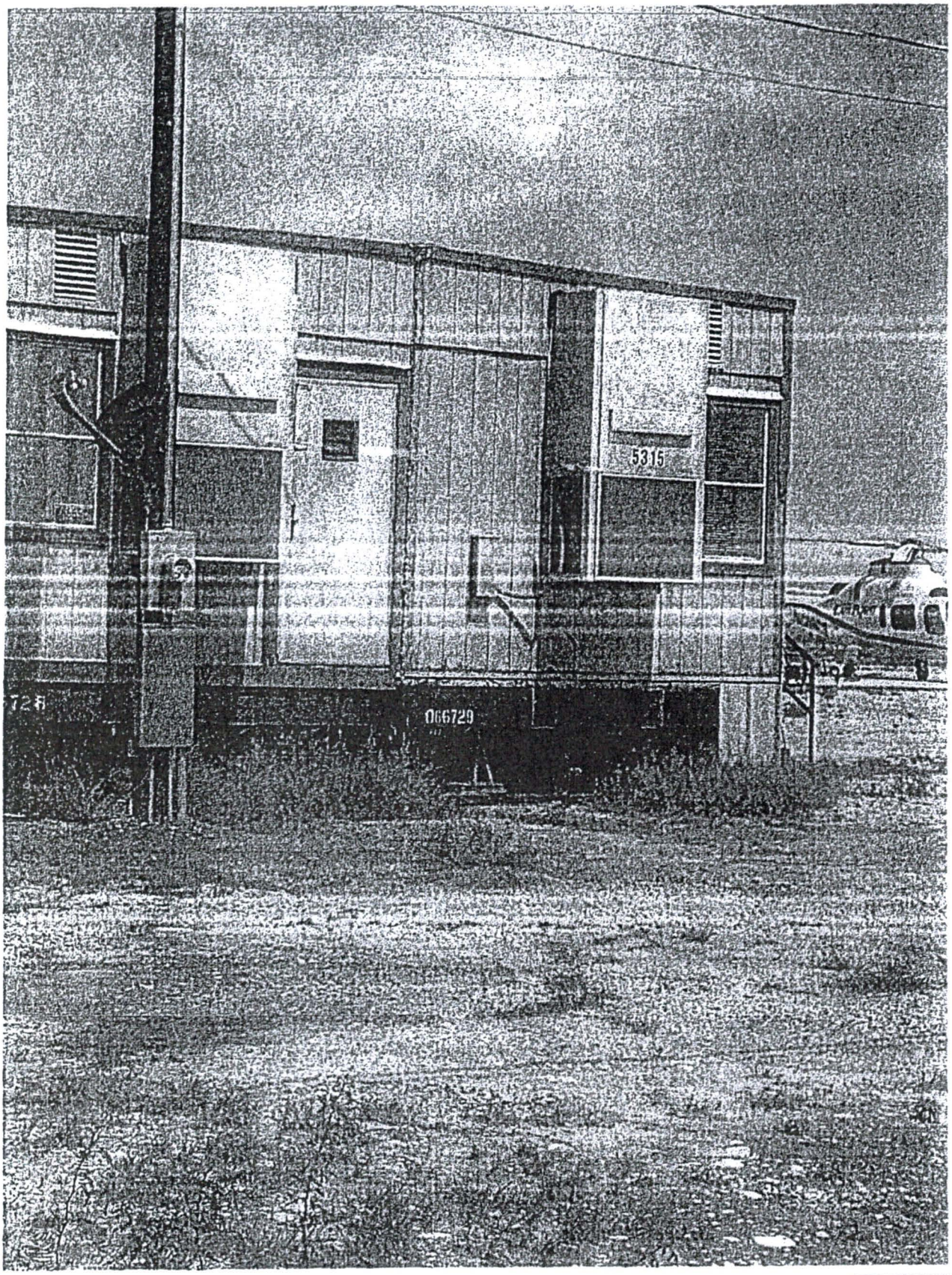


EXHIBIT #2

ALL-STATE LEGAL

NO
SOLICITING OR
PEDDLING
ALL-STATE LEGAL
EXHIBIT
#2

Trish Wall {Bingham, Hurst and Apodaca}

From: Jeff Patterson <jepatterson@cityofcarlsbadnm.com>
Sent: Friday, November 21, 2014 1:52 PM
To: Trish Wall {Bingham, Hurst and Apodaca}; Eileen Riordan; Stephanie Shumsky; Steve McCutcheon
Subject: Re: Complaint for Violation of Airport Industrial Park Zoning Ordinance/followup
Attachments: Lomas Dr. - 5315.pdf

Mr. Bingham,

Please see the attached response letter to your complaint letter for the property at 5315 Lomas Dr.

Thank you,

Jeff

On Fri, Oct 24, 2014 at 11:54 AM, Trish Wall {Bingham, Hurst and Apodaca} <twall@binghamhurst.com> wrote:

Dear Mr. Patterson, Ms. Harrell and Mr. Jones:

Please see attached attorney Wayne Bingham's letter dated today and its referenced attachment.

Thank you.

Trish Wall-Watlington

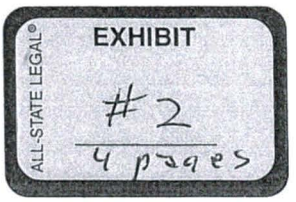
Legal Secretary to

Wayne E. Bingham

Bingham, Hurst & Apodaca, P.C.

2420 Comanche Rd., NE, Ste. H-6
Albuquerque, NM 87107

Telephone: (505) 881-4545



--
Jeff Patterson
Director of Planning
Planning, Engineering, and Regulation Dept.
City of Carlsbad
575-885-1185
Ext. 2221

DALE JANWAY
Mayor

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STEVE McCUTCHEON
City Administrator

November 5, 2014

ZONING DISTRICT DETERMINATION

Property Address: 5315 Lomas Dr. Carlsbad, NM 88220
Business Name: Streamline Technology, LLC.
Business Address: 3825 Mt. Rainier NE Albuquerque, NM 87111
Property Owner: Streamline Technology, LLC.
Zoning District: "I" Industrial, Airport Industrial Park, Division B

Mr. Bingham,

On October 14, 2014, the City adopted new Ordinance (Ord. 2014-30) amending portions of Chapter 3, Article II of the Code of Ordinances entitled "Airport Industrial Park". Upon the adoption of this ordinance, the Airport Industrial Park was separated into two divisions, Division A and Division B. The property in question, 5315 Lomas Drive, is located in Division B. As stated in Ordinance No. 2014-30 under Division B Regulations:

"(b) *Prohibited Uses*. No Property covered by this Article shall at any time be used:

(1) for any residential use."

This provision eliminates any residential uses from occurring in the Airport Industrial Park. However, the City has determined that any business that utilizes employees that work an alternate schedule, such as a night watchman, or any business that, due to the nature of this business, should require that employees work alternate shift lengths (24 hour shifts, 48 hour shifts, 72 hour shifts, etc.), shall be allowed to provide accommodations for these employees as long as these employees are on duty. These accommodations would include the use of mobile office trailers or Recreational Vehicles (RV's). These accommodations are strictly to be used for on duty employees only, and all employees for said businesses shall keep a primary residence off site.

COUNCILORS

Ward 1	Ward 2	Ward 3	Ward 4
NICK G. SALCIDO	SANDRA K. NUNLEY	JASON G. SHIRLEY	JANELL E. WHITLOCK
LISA A. ANAYA-FLORES	J.R. DOPORTO	WESLEY CARTER	DICK DOSS

If additional information is needed, please contact me at 575-885-1185 ex. 2221 or via email at jepatterson@cityofcarlsbadnm.com.

Jeff Patterson
Planning Director

COUNCILORS

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NICK G. SALCIDO	SANDRA K. NUNLEY	JASON G. SHIRLEY	JANELL E. WHITLOCK
LISA A. ANAYA-FLORES	J.R. DOPORTO	WESLEY CARTER	DICK DOSS

Trish Wall {Bingham, Hurst and Apodaca}

From: Jeff Patterson <jepatterson@cityofcarlsbadnm.com>
Sent: Friday, November 21, 2014 2:32 PM
To: Trish Wall {Bingham, Hurst and Apodaca}
Subject: Re: Complaint for Violation of Airport Industrial Park Zoning Ordinance/followup

Mr. Bingham,

The letter I sent was drafted on November 5, 2014. After drafting the letter, I sent it to be reviewed internally with the City before sending to you.

Jeff

On Fri, Nov 21, 2014 at 2:07 PM, Trish Wall {Bingham, Hurst and Apodaca} <twall@binghamhurst.com> wrote:

Dear Mr. Patterson:

Could you explain why the letter is dated November 5, 2014, but you only e-mailed it to me today? Was this to get the City past the appeal period?

Wayne Bingham

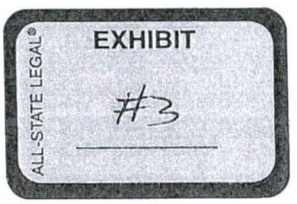
Wayne E. Bingham

Bingham, Hurst & Apodaca, P.C.

2420 Comanche Rd., NE, Ste. H-6
Albuquerque, NM 87107

Telephone: (505) 881-4545

From: Jeff Patterson [mailto:jepatterson@cityofcarlsbadnm.com]
Sent: Friday, November 21, 2014 1:52 PM
To: Trish Wall {Bingham, Hurst and Apodaca}; Eileen Riordan; Stephanie Shumsky; Steve McCutcheon
Subject: Re: Complaint for Violation of Airport Industrial Park Zoning Ordinance/followup



who has made a written request for notice and paid current postage fees.

5. *Posting of notice.* The applicant shall post and maintain on the property one or more signs regarding the public hearing, as provided by the planning director, at least five days prior to the date of the public hearing. One sign shall be posted along each public right-of-way abutting the subject site, if possible or in a location visible from the nearest public right-of-way. Each sign shall be at least nine square feet in area with a white background and black letters at least three inches high. The applicant shall be responsible for removing the sign(s) within five days following the public hearing. Failure to properly post and maintain sign(s) during the posting period is grounds for deferral or denial of the application.

6. *Identification of property owners.* The owners of real property to be notified pursuant to this section shall be those owners identified on the latest county assessor's ownership maps and records. The mailed notice requirement is satisfied when notice is mailed to these addresses. Any person who attends the public hearing shall be considered to be legally notified.

(j) *General considerations in rendering decisions.* This Zoning Ordinance is intended to protect the interests of both present and future residents, landowners, tenants, and the general public. In rendering a decision, the decision-makers shall be bound to use the standards of this Zoning Ordinance and other applicable laws, rules, regulations, codes, and policies in addition to evidence provided by parties at the hearing. The following rules shall govern decisions:

1. *General standards.* Except as provided in 2 and 3 below, all decisions shall be based on this Zoning Ordinance, and other relevant city, county, state, or federal laws, rules, regulations, codes and policies.

2. *Minimum standards.* The minimum standards of this Zoning Ordinance shall be met; however, if written findings are made regarding unusual health, safety or general welfare concerns of a particular project or a particular site, higher standards may be imposed.

3. *Interpretations.* The planning director shall provide official interpretation of this Zoning Ordinance when needed. Where interpretation is required in rendering a decision, the purposes set forth in section 56-3 shall be used to guide decisions.

(k) *Opportunity for appeal.* Pursuant to this Zoning Ordinance, administrative decisions made by the planning director may be reviewed on appeal by the planning and zoning commission. All final decisions made by the planning and zoning commission may be reviewed on appeal to the city council. Final decisions of the city council may be appealed to district court pursuant to Section 3-21-9 NMSA 1978. A decision made pursuant to this Zoning Ordinance is final unless an appeal is filed, within 15 days, and as required by law. Substantial deviations from this Zoning Ordinance are considered variances and are a form of appeal and may not be approved by city staff but rather shall be considered by the planning and zoning commission.

(l) *Compliance with permit conditions.* Permits are issued only when a review of the application submitted indicates that the development, if completed as proposed, will comply with the provisions of this Zoning Ordinance.

1. *Issuance of permits.* Permits shall be issued in the name of the applicant (except that applications submitted by an agent or contractor shall be issued in the name of the agent or contractor), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed.

2. *Consistency with plans and specifications.* Approved plans and application incorporated into any permit issued, and all development shall occur strictl accordance with such approved plans and applications.

(m) *Effect of permit on successors and assigns.* Permits issued pursuant to this Zonin

ALL-STATE LEGAL®
EXHIBIT
#4

DALE JANWAY
Mayor

Post Office Box 1569
Carlsbad, NM 88221-1569
(505) 887-1191
1-800-658-2713
www.cityofcarlsbadnm.com

STEVE McCUTCHEON
City Administrator

November 5, 2014

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Jeff Patterson
Planning Director

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CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering & Regulation	**BY:** Jeff Patterson, Deputy Planning Director	**DATE:** 12/16/2014

SUBJECT: : Zoning Change from "C-2" Commercial District to "R-1" Residential District for an approximately 0.55 acre parcel, located at 212 W. Rose St., legally described as W1/2 of a Tract BEG 190'W & 30'N of SE COR SWSE, N-306', W-160', S-306', E-160' 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.

Applicant:
Aaron Graham
909 N. Mesa 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). 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.

SYNOPSIS, HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):
The applicant is requesting a Zoning Change from "C-2" Commercial District to "R-1" Residential District at the subject site, which is currently used as a residence. The zoning to the east and west of this property along Rose St. is currently "C-2" Commercial District. The property to the north of this site is zoned "R-1" Residential District, so the requested change will not create a spot zone.

The existing zoning allows community and regional scale retail and commercial uses. This current zoning does not allow for single family residential use. The proposed 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. This property currently is used as a residence, and was used as a residence prior to the adoption of the zoning ordinance in 2011. However, the zoning prior to the adoption of the current zoning ordinance was commercial zoning that allowed residential uses. The current owner of the property wishes to continue to utilize this property as a residence, so the proposed zone change would better fit that purpose.

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".

Comprehensive Plan: Strategy 2030 goals and policies 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.
resources.

Chapter 4: Housing

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

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: Based on review of the application and staff comments, planning staff recommends approval of this request based on the following findings:

1. 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; and
2. 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; and
3. The proposed amendment is not necessary in order to respond to State and/or Federal legislation; and
4. The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
5. The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
6. 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; and
7. The proposed amendment is not justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
8. 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.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: no comments.

Utilities Department: no comments.

Building Department: no comments.

Fire Department: no comments.

Code Enforcement: no comments.

Legal Department: no comments.

Planning Department: recommend approval.

Police Department: recommend approval, no comments.

Culture & Rec. Dept: no comments.

City Engineer: no comments.

Carlsbad Irrigation District: no comments.

City Administration: recommend approval, no comments.

ATTACHMENTS: Application materials

CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

ZONING CHANGE APPLICATION

Sec. 56-150(b)

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.

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) 885-1185

Fax (575) 628-8379

Receipt Date Stamp

DEC 3 - 2014

RECEIVED

Planning & Regulation Department

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 12-3-14

Existing Zoning: R-1

Fee Paid ($100.00): ✓ QVP

Proposed Zoning: C-2

APPLICANT INFORMATION:

NAME	ADDRESS			
AaronoGraham	909 N. Mesa St			
CITY	**STATE**	**ZIP**	**PHONE**	**EMAIL**
Carlsbad	NM	88220	575-706-6007	RedRam82@gmail.com

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

NAME	ADDRESS			
Aaron D Graham	212 W. Rose St			
CITY	**STATE**	**ZIP**	**PHONE**	**EMAIL**
Carlsbad	NM	88220	575-706-6007	RedRam82@gmail.com

* 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):

ADDRESS	LOT	BLOCK	SUBDIVISION
212 W. Rose St Carlsbad NM 88220			

See Attached Sheet for Legal description

10/20/2014 14:56:17 EDDY COUNTY ASSESSOR Year 2015 MAPPING

0015138 Dist CI NonRend% 0 0 Centrl 70701 Full

GRAHAM, AARON D FinCo 3501 Land 23567 Txbl

67200 Impr 0 Exmpt

0 P.P. 23567 Net

212 W ROSE 0 M.H. Est Tax@

CARLSBAD NM 88220 0 Livstk

Print=Y

Property Description	Code	ValueDesc	Quantity	Rate	Full
4 157 129 374 518	102	H/STE C/1	.55	6365.40	3501
212 W ROSE STREET	201	STRUC RES			67200
BOOK D 845 PG 1033 03/07/11	010	CSWCD	23567		
SECTION-18 TOWNSHIP-22S RANGE-27E					
W2 OF TR 68 DESC AS W2 OF A TRACT					
BEG 190' W & 30' N OF SE COR SWSE,					
N-306',W-160-, S-306',E-160' TO POB					
MAP# 264-W68					
ASSESSORS PLAT CAB# 1-233-1					
LOC 212 W ROSE					
TRACT SIZE 80' X 306'					

Bottom

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

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: 212 W. Rosest Carlsbad NM 88220
STREET ADDRESS

LEGAL DESSCRPTION: See Attached sheet on page 3 for legal description
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: Aaron Graham
SIGNATURE

BY: Aaron Graham
PRINTED NAME

DATE: 12-1-14
DATE SIGNED

Aaron Graham Came Before Me on 12-1-14

NOTARY SEAL

Craig R. Stephens
My Comm Exp 7-23-2016

NOTARY SEAL

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

12-1-14
DATE

Sign issued by: _____
Staff Member

Date: 12-02-14

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: Aaron Graham (Name) 909 N. Mesa St, Carlsbad, NM (Address) 575-706-6007 (Phone)
Subject Site Location: 212 W. Rose St. Carlsbad NM 88220

The proposed action is a:
☒ Zoning Change from C-2 to R-1 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: Jan 5, 2015
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,

Aaron Graham

Applicant/Agent

Owner: City Of Carlsbad

Property Codes/Addresses:

4157129360500 / 100 Kircher

4157129360495 / No address

4157129385470 / No Address

I sent one legal notification for all three properties to P.O. Box 1569 Carlsbad, NM 88220.

Owner: RCB2 Trust

Property Codes/Addresses:

4157130367012 / 200 W. Rose St

Mailed a legal notification to 112 S. Kentucky Roswell, NM 88201

Owner: RCB1Trust

Property Codes/Addresses:

4157130357012 / 219 W. Rose St

Mailed a legal notification to 112 S. Kentucky Roswell, NM 88201

Owner: Johnny & Melissa Washburn

Property Codes/Addresses:

4157130377010 / 209 W. Rose St

Mailed a legal notification to 4120 Old Cavern Hwy Carlsbad, NM 88220

Owner: Delbert & Harvey Taylor

Property Codes/Addresses:

4157129366518 / 216 W. Rose St

Mailed a legal notification to 124 S. 5th St. Carlsbad, NM 88220

7011 2970 0002 1300 7444

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

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

OFFICIAL USE

Postage	$ 48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.79

WHITE'S CITY, NM
Postmark Here
DEC 03 2014
88268

Sent To: Delbert + Harvey Taylor
Street, Apt. No.; or PO Box No.: 124 S. 5th St
City, State, ZIP+4: Carlsbad, NM 88220

PS Form 3800, August 2006 — See Reverse for Instructions

7011 2970 0002 1300 7420

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

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

OFFICIAL USE

Postage	$ 48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.79

WHITE'S CITY, NM
Postmark Here
DEC 03 2014
88268

Sent To: City of Carlsbad
Street, Apt. No.; or PO Box No.: PO Box 1569
City, State, ZIP+4: Carlsbad, NM 88220

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Total Postage & Fees	$ 3.79

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Sent To: Edgar Cabezuela
Street, Apt. No.; or PO Box No.: 208 W. Rose St.
City, State, ZIP+4: Carlsbad, NM 88220

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WHITE'S CITY NM 88268

Sent To: Trudy Sanchez + Ramey Chabarria
Street, Apt. No.; or PO Box No.: 218 W. Rose St
City, State, ZIP+4: Carlsbad NM 88220

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

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WHITE'S CITY NM 88268

Sent To: Jerome + Dora V. Ha
Street, Apt. No.; or PO Box No.: 206 W. Rose St
City, State, ZIP+4: Carlsbad, NM 88220

PS Form 3800, August 2006 — See Reverse for Instructions

7011 2970 0002 1300 7468

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Postage	$ .49
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.79

DEC 03 2014 Postmark Here

WHITE'S CITY NM 88268

Sent To: RCB2 Trust
Street, Apt. No.; or PO Box No.: 112 S. Kentucky
City, State, ZIP+4: Roswell, NM 88201

PS Form 3800, August 2006 — See Reverse for Instructions

7011 2970 0002 1300 7475

U.S. Postal Service™
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OFFICIAL USE

Postage	$ .49
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.79

DEC 03 2014 Postmark Here

WHITE'S CITY NM 88268

Sent To: Johnny + Melissa Washburn
Street, Apt. No.; or PO Box No.: 4120 Old Cavern Hwy
City, State, ZIP+4: Carlsbad, NM 88220

PS Form 3800, August 2006 — See Reverse for Instructions

7011 2970 0002 1300 7482

U.S. Postal Service™
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OFFICIAL USE

Postage	$ .49
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.79

DEC 03 2014 Postmark Here

WHITE'S CITY NM 88268

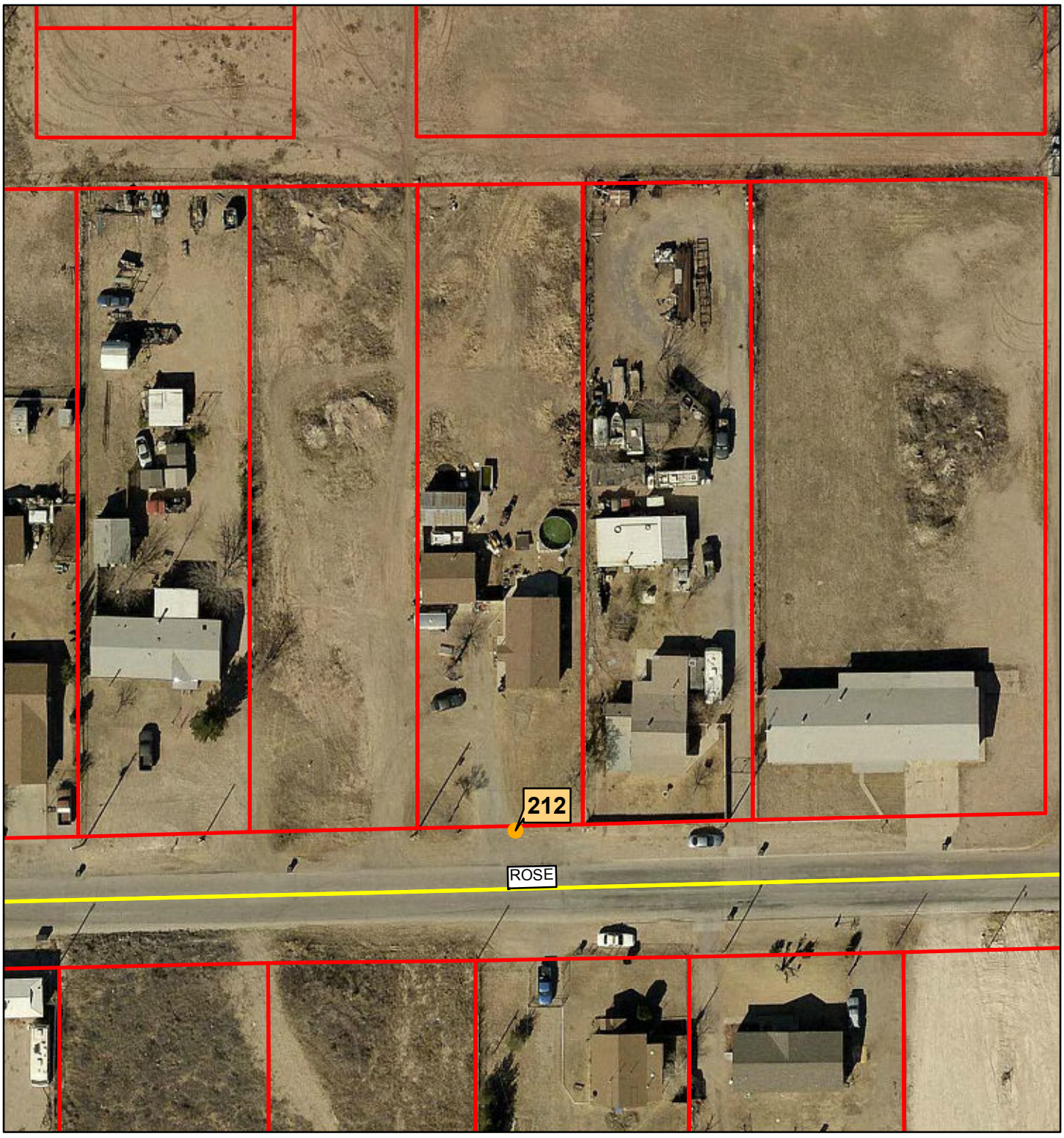
Sent To: Alfredo + Sandra Carnero
Street, Apt. No.; or PO Box No.: 205 W. Rose St
City, State, ZIP+4: Carlsbad, NM 88220

PS Form 3800, August 2006 — See Reverse for Instructions

1:800

212 W. Rose St
Zone Change

MAP # 373_ed01



Legend

Roads

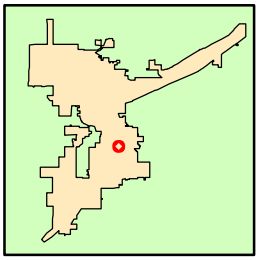
Parcel

0 5 10 20

Miles

CITY OF CARLSBAD
Engineering Department
DATE 12/12/14

N
W E
S



CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Georgia Goad, Deputy Planning Director	**DATE:** 12/16/2014

SUBJECT: Final Plat for La Huerta Townehomes, pursuant to Code of Ordinances - Chapter 47, creating 19 new lots, zoned PUD (Planned Unit Development), located at 733 W. Cherry Ln.

Applicant (property owner):
Sterling Management Company of New Mexico, LLC.
P.O. Box 34
Causey, NM 88113

SYNOPSIS: The applicant is requesting approval of a final plat for the La Huerta Townehomes Development, which will create 19 new lots, of which 17 lots will be for residential development. The subject site is located at 733 W. Cherry Ln., on the corner of W. Cherry Ln. and Callaway Dr. The property is currently vacant. As part of the PUD requirements, the applicant has signed a development agreement with the City, and has submitted a copy of the maintenance and homeowners association agreement (Covenants and Restrictions) that will govern the development that will take place at the subject site. Also, the applicant has adhered to all of the conditions set down by the Planning and Zoning Commission from the April 7, 2014, meeting in which the Preliminary Plat and Final PUD Plan were approved, except for providing as-built drawings indicating where the conditions suggested by the City Engineer and the City Utilities Department have been met.

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

Approval of this request will allow for the creation of 19 new lots, of which 17 lots will be for residential development.

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

Chapter 3: Land Use

Goal 1: The City of Carlsbad will adopt p olicies to support the Infill/Redevelopment Land Use Scenario.
Goal 2: The City of Carlsbad will make efficient use of government resources through well-planned land use decisions.
Goal 4: The City of Carlsbad will strive to create an aesthetically pleasing built environment.
Goal 5: The City of Carlsbad will ensure that land use does not negatively impact the city's environmental resources.

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.

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 4: Improve the appearance of Carlsbad.

PLANNING STAFF RECOMMENDATION: Planning Staff recommends approval.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: No comments.

Utilities Department: No comments.

Building Department: No comments.

Fire Department: No comments

Code Enforcement: No comments.

Legal Department: No comments.

Planning Department: See comments above.

Police Department: Reviewed. Recommend approval, no comments.

Culture and Recreation Department: No comments.

City Engineer: no comments

Carlsbad Irrigation District: no comments

ATTACHMENTS: Application materials

CITY OF CARLSBAD
Planning, Engineering,
and Regulation Department
114 S. Halagueno (PO Box 1569)
Carlsbad, NM 88221
Phone (575) 885-1185, Fax (575) 628-8379

APPLICATION FOR SUBDIVISION APPROVAL

(SEE MUNICIPAL CODE CHAPTER 47 – SUBDIVISION REGULATIONS FOR PLAT REQUIREMENTS)

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, Special Property Use, etc.) from the City of Carlsbad (Planning, Engineering, and Regulation Office).

2. With the exception of Summary Reviews, **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**. (As per Section 3-20-8 NMSA 1978 and Chapter 47 Code of Ordinances, Summary Reviews may be submitted at any time.) The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. If desired, 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". One original plat on mylar and three copies are required. **However, if the applicant wishes to support his or her application with larger size documents, an original on mylar and fifteen (15) copies need to be provided. (For Summary Review—an original on mylar and three (3) copies are required.)** Separate arrangements for copying these large documents may be possible, but will incur additional costs. Plats must be signed in permanent black ink.

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 four months 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.

APPLICATION FOR SUBDIVISION APPROVAL

(SEE MUNICIPAL CODE CHAPTER 47 - SUBDIVISION REGULATIONS FOR PLAT REQUIREMENTS)

Application Date: 12/15/14

Fee Paid: N/A

Application Type and fee:
- ☐ Sketch Plat (no fee)
- ☐ Preliminary Plat (1-7 lots: $150.00 + $2.00/lot; 8+ lots: $300.00+$3.00/lot)
- ☒ Final Plat (no fee)
- ☐ Summary Review* ($50.00)

RECEIVED
Receipt Date Stamp
DEC 15 2014
Planning, Engineering, & Regulation Department

Sterling Management Company of New Mexico LLC NAME OF PROPERTY OWNER	NAME OF DEVELOPER (IF DIFFERENT FROM OWNER)
P.O. Box 34 ADDRESS	ADDRESS
Causey NM 88113 CITY STATE ZIP	CITY STATE ZIP
806-750-1958 skelley@yucca.net PHONE EMAIL	PHONE EMAIL

Location of the property being subdivided: Callaway Dr. & Cherry Ln.

Is the property:

- ☒ Within the City of Carlsbad Zoning District:
  - ☐ R-R ☐ R-1 ☐ R-2 ☐ C-1 ☐ C-2 ☐ I ☒ PUD
- ☐ Outside the City Limits but within the City's Planning and Platting Jurisdiction (5-Mile Radius)

Existing Use of the Property: Vacant

Proposed Use of the Property: Residential

The Carlsbad Code of Ordinances Chapter 47 - Subdivision Regulations and Section 3-20-1 et. seq. NMSA 1978, regulate the subdivision of land. As the property owner, I understand that all required information must be provided in accordance with these regulations and that the construction of certain public improvements may be required as a condition of plat approval. If these improvements are not already in place and accepted by the City, the applicant must attach a financial guarantee, subject to approval by the City, that these improvements will be completed within 1 (one) calendar year after the date of this application or request a variance by the City Council of the applicable subdivision regulation(s). The justification required for this variance is summarized on the reverse side of this page and must be reviewed by the Planning and Zoning Commission prior to submittal to the City Council.

X L Skelley

SIGNATURE OF PROPERTY OWNER

DOCUMENTATION TO BE SEALED BY A REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER, AS APPLICABLE, AND SUBMITTED WITH THIS APPLICATION:

- ☐ A plat of the property to be subdivided prepared in conformance with Chapter 47 of the Carlsbad Code of Ordinances and applicable New Mexico Surveying Law.
- ☐ A scaled drawing locating all existing structures, water and sewer service lines, and other utilities on or serving the property with accurate dimensions from all existing structures to all property lines. The drawing is not required if the property is vacant or otherwise undeveloped.
- ☐ Construction plans defining and illustrating the design and construction requirements for all public improvements required by Chapter 47 of the Carlsbad Code of Ordinances and subject to approval and acceptance by the City (not required for summary review).
- ☐ If applicable, detailed Estimates of Construction Costs for the proposed infrastructure improvements suitable for the preparation of the performance bond typically submitted as the financial guarantee that the infrastructure will be completed (not required for summary review).

*LIMITATION ON THE USE OF SUMMARY REVIEW PROCESS

(AS PER SECTION 3-20-8 NMSA 1978 AND CHAPTER 47 CODE OF ORDINANCES)

Subdivisions submitted for review under this process shall comply with applicable subdivision regulations and are limited to:

1. Subdivisions of not more than two parcels of land;
2. Re-subdivisions, where the combination or recombination of portions of previously planted lots does not increase the total number of lots;
3. Subdivision of two or more parcels of land in areas zoned for industrial use.
4. One per parcel of land per year as calculated from approval date.

VARIANCES

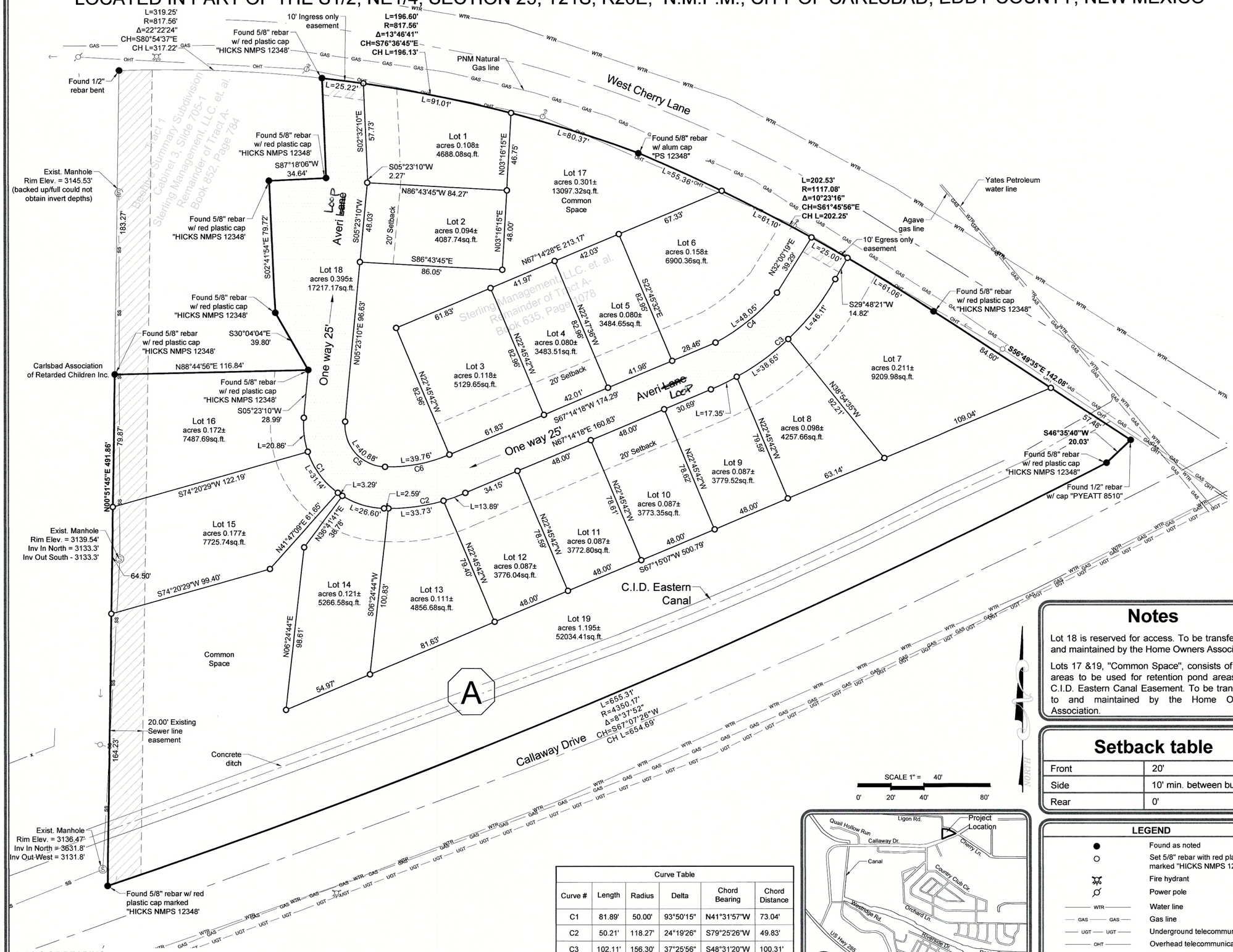
(AS PER CHAPTER 47 SEC. 47-7 CODE OF ORDINANCES)

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; and
2. The variance will not adversely affect the reasonable development of adjacent property; and
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; and
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; and
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; and
6. The hardship must not be pecuniary and must be a direct result of the land location, topography or other characteristic; and
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.

LA HUERTA TOWNEHOMES

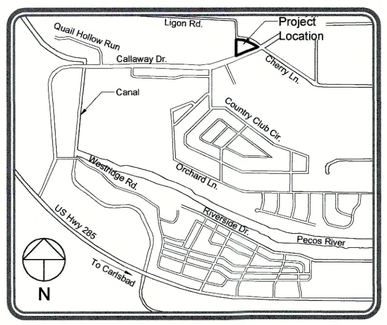
LOCATED IN PART OF THE S1/2, NE1/4, SECTION 25, T21S, R26E, N.M.P.M., CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO



SCALE 1" = 40'

0' 20' 40' 80'

NORTH



VICINITY MAP
N.T.S.

BASIS OF BEARING

The Basis of Bearing for this survey is the west property line as measured between a found 5/8" rebar with red plastic cap marked "HICKS NMPS 12348" located at the southwest corner of property and a found 1/2" rebar located at the northwest corner of Tract 1 bearing N00°51'45"E.

(A) Easement per "Canal Act of 1890" 43 U.S.C. 945 Warranty Deed from Pecos Irrigation Company to United States Book 216, Page 277. Quit Claim to Carlsbad Irrigation District Book 423, Page 0097. No width specified.

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	81.89'	50.00'	93°50'15"	N41°31'57"W	73.04'
C2	50.21'	118.27'	24°19'26"	S79°25'26"W	49.83'
C3	102.11'	156.30'	37°25'56"	S48°31'20"W	100.31'
C4	48.05'	131.29'	20°58'15"	N51°01'47"E	47.79'
C5	40.88'	25.00'	93°41'35"	N41°27'37"W	36.48'
C6	39.76'	93.27'	24°25'16"	S79°25'26"W	39.46'

Notes

Lot 18 is reserved for access. To be transfered to and maintained by the Home Owners Association.

Lots 17 &19, "Common Space", consists of those areas to be used for retention pond areas, and C.I.D. Eastern Canal Easement. To be transfered to and maintained by the Home Owners Association.

Setback table

Front	20'
Side	10' min. between buildings
Rear	0'

LEGEND

- Found as noted
- Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
- Fire hydrant
- Power pole
- WTR — Water line
- GAS — GAS — Gas line
- UGT — UGT — Underground telecommunication
- OHT — Overhead telecommunication
- Lot line
- Boundary of survey
- x — x — Barbed wire fence
- Sewer line easement
- XX°XX'XX" XX.XX' — Measured bearing and distance

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

WILLIAM M. HICKS III NEW MEXICO 12348 REGISTERED PROFESSIONAL SURVEYOR
11-21-2014

INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Sterling Management, LLC.

LOCATION:
Part of the S1/2, NE1/4, of Section 25, T21S, R26E, N.M.P.M., City of Carlsbad Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____, I here by certify that this instrument was filed for record on:

The _____ Day of _____,

20 _____ A.D.

At _____ O'Clock _____.M.

Cabinet _____ Slide _____

Book _____ Page _____

By _____, County Clerk

By _____, Deputy

TYPE 3
SUBDIVISION
OF
LA HUERTA TOWNEHOMES
FOR
STERLING MANAGEMENT, LLC.

PROJECT NUMBER:
2013.1126

SHEET: 1 of 2
SU - 101

Z:\2013.1126\Survey\LaHuerta_Survey\ACAD_LaHuerta\V-Subdiv-LaHuerta R1.dwg 11/20/2014 5:18 PM

RECORD DESCRIPTION - PER DEED BOOK 635, PAGE 1078

The Surface Estate Only Of:

Tract A, of The West Cherry Lane Land Division, a survey of land lying in the S1/2NE1/4 of Section 25, Township 21 South, Range 26 East, N.M.P.M., Eddy County, New Mexico, as shown on the official plat thereof on file in the office of the County Clerk of Eddy County, New Mexico.

There is reserved to the Grantor herein all of the Grantor's interest in the oil, gas, and other minerals, mineral rights and mineral substances luing in, under and which may be produced from all of the above described real estate.

Deed Restriction: Non manufactured or modular homes, no metal buildings of any type, no recreational vehicles may be stored on property.

Subject to reservations, restrictions, and easements of record.

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Type 3 Subdivision Plat was prepared from an actual ground survey performed by me or under my supervision, that this survey is true and correct to the best of my knowledge and belief. That this Type 3 Subdivision Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

William M. Hicks, III NMPS #12348 — Date 11-21-2014

WILLIAM M. HICKS III · NEW MEXICO · 12348 · REGISTERED PROFESSIONAL SURVEYOR

OWNERS STATEMENT AND AFFIDAVIT
State of New Mexico:
County of Eddy:

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be platted.The property described on this plat lies within the platting jurisdiction of **City of Carlsbad.**

By Lawrence K. Skelley.
Larry Skelley, Member for Sterling Management, LLC.

ACKNOWLEDGMENT
State Of New Mexico:
County Of Eddy:

On this 21st day of november, 2014, before me, Larry Skelley, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My commission expires: 4/11/16.

Notary Public — OFFICIAL SEAL TONYA JONES NOTARY PUBLIC-State of New Mexico

My Commission Expires 4/11/16

APPROVAL BY THE CITY PLANNING COMMISSION

This is to certify that this plat has been approved by the City Planning Commission of the City of Carlsbad, County of Eddy, State of New Mexico, during a regularly scheduled meeting held on

this _____ day of _____, 20____.

Chairman — Secretary

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo - Suite 100, Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Sterling Management, LLC.

LOCATION:
Part of the S1/2, NE1/4, of Section 25, T21S, R26E, N.M.P.M., City of Carlsbad, Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____, I here by certify that this instrument was filed for record on:

The _____ Day of _____,

20 _____ A.D.

At _____ O'Clock _____.M.

Cabinet _____ Slide _____

Book _____ Page _____

By _____, County Clerk

By _____, Deputy

TYPE 3
SUBDIVISION
OF
LA HUERTA
TOWNEHOMES
FOR
STERLING MANAGEMENT, LLC.

PROJECT NUMBER:
2013.1126

SHEET: 2 of 2

SU - 102

Z:\2013.1126\Survey\LaHuerta_Survey\ACAD_LaHuerta\V-Subdiv-LaHuerta R1.dwg 11/21/2014 8:50 AM

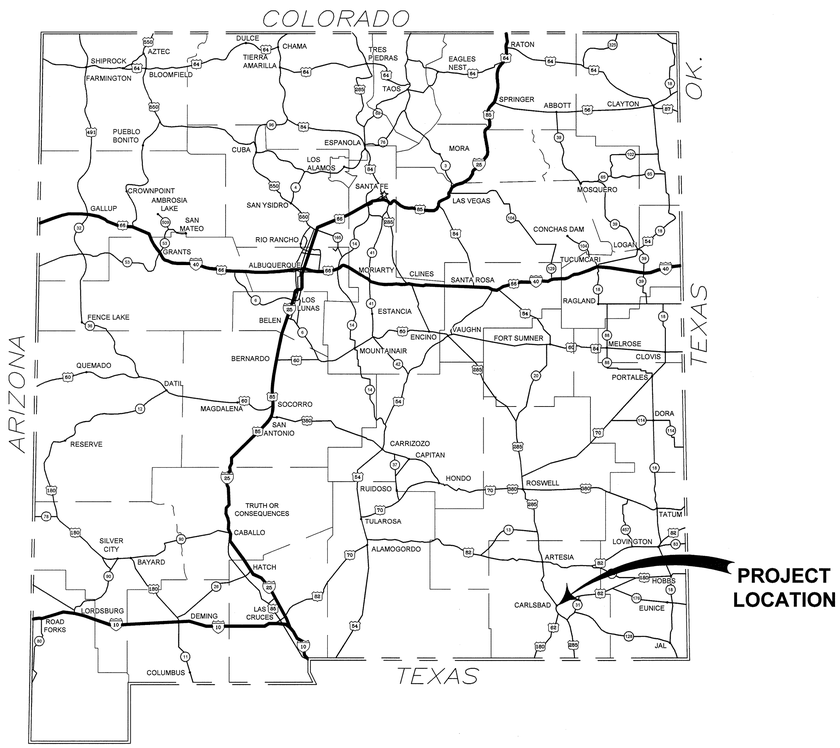
LA HUERTA DEVELOPMENT

CARLSBAD, NEW MEXICO

STERLING MANAGEMENT, LLC

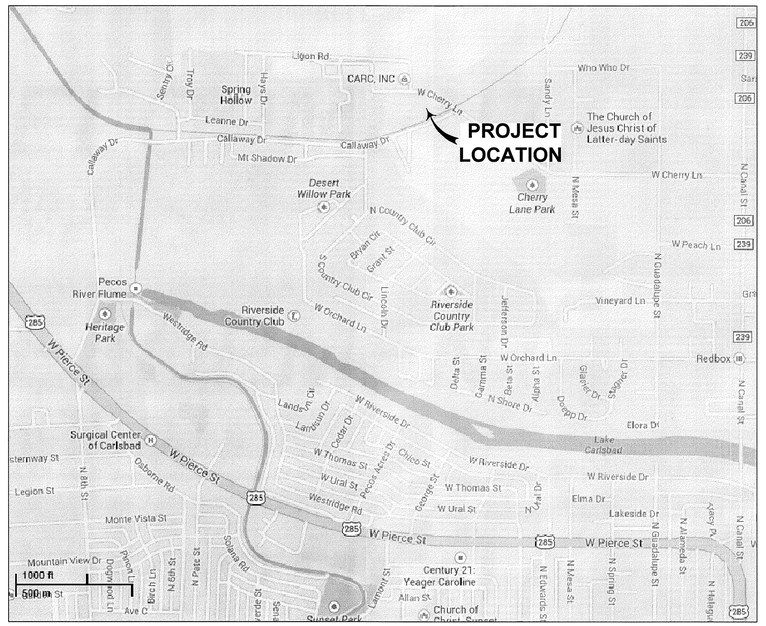
INDEX OF DRAWINGS

C-001	-	COVER SHEET
C-002	-	GENERAL NOTES
SU-101	-	BOUNDARY AND TOPOGRAPHIC SURVEY
CD-101	-	CIVIL DEMOLITION PLAN
CS-101	-	CIVIL SITE PLAN
CS-201	-	ROAD SECTIONS
CS-202	-	PLAN AND PROFILE AND TYPICAL SECTION - ROAD SECTION 1
CS-203	-	PLAN AND PROFILE AND TYPICAL SECTION - ROAD SECTION 3
CS-501	-	CIVIL SITE DETAILS
CC-101	-	CIVIL HORIZONTAL CONTROL PLAN
CG-101	-	CIVIL MASTER GRADING PLAN
CG-102	-	CIVIL GRADING DETAIL
CG-103	-	CIVIL GRADING DETAIL
CG-104	-	CIVIL GRADING DETAIL
CG-105	-	CIVIL GRADING DETAIL
CU-101	-	CIVIL UTILITY PLAN
CU-201	-	UTILITY PLAN AND PROFILE - CENTRAL SANITARY SEWER - STA 0+00.00 TO STA 3+66.73
CU-202	-	UTILITY PLAN AND PROFILE - WEST SANITARY SEWER - STA 0+00.00 TO STA 2+80.20
CU-501	-	CIVIL UTILITY DETAILS
SWPPP-101	-	STORMWATER POLLUTION PREVENTION PLAN



LOCATION MAP

NOT TO SCALE



VICINITY MAP

NORTH

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER

3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

REVISIONS

No.	DATE	DESCRIPTION

COVER SHEET

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: C-001

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CONSTRUCTION PROCEDURES AND GENERAL NOTES

1. NEW MEXICO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AS REVISED 12/06 BY THE AMERICAN PUBLIC WORKS ASSOCIATION - NEW MEXICO CHAPTER SHALL APPLY TO THIS PROJECT. REFER TO STANDARD DRAWINGS FOR THE NEW MEXICO APWA STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION UNLESS OTHERWISE NOTED.

2. IT WILL BE THE CONTRACTOR'S RESPONSIBILITY TO SECURE AND SUPPLY WATER FOR THE PROJECT.

3. ALL DATA SHOWN HEREIN CONCERNING EXISTING PRIVATE AND/OR PUBLIC OWNED UTILITIES HAVE BEEN OBTAINED FROM THE OWNERS AND/OR FIELD OBSERVATIONS. THESE MAY OR MAY NOT BE ACCURATE. THE CONTRACTOR IS CAUTIONED THAT HE IS RESPONSIBLE FOR THE EXACT LOCATION AND PROTECTION OF ALL LINES DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING, IN ADVANCE OF HIS/HER CONSTRUCTION OPERATIONS, IF OVERHEAD UTILITY LINES, SUPPORT STRUCTURES, POLES, GUYS, ETC. ARE AN OBSTRUCTION TO CONSTRUCTION OPERATIONS. IF ANY OBSTRUCTION IS EVIDENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING WITH THE APPROPRIATE UTILITY OWNER TO REMOVE OR SUPPORT THE UTILITY OBSTRUCTION. ANY COST ASSOCIATED WITH THIS EFFORT IS INCIDENTAL TO THE BASE BID.

4. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT NEW MEXICO 811 (FORMERLY NEW MEXICO ONE CALL) A MINIMUM OF 72 HOURS BEFORE EXCAVATION. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL EXCAVATE AND VERIFY THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL DESIGNATED UNDERGROUND UTILITIES. SHOULD A CONFLICT EXIST, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT CAN BE RESOLVED WITH A MINIMUM AMOUNT OF DELAY.

5. NO MATERIAL PITS HAVE BEEN DESIGNATED FOR THIS PROJECT. THE CONTRACTOR MAY OBTAIN HIS MATERIAL FROM ANY ACCEPTABLE SOURCE AS LONG AS MATERIAL REQUIREMENTS ARE MET.

6. CONSTRUCTION STAKING SHALL BE PERFORMED BY A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF NEW MEXICO AND IN GOOD STANDING. CONTROL INFORMATION IS PROVIDED AS PART OF THESE CONSTRUCTION DOCUMENTS.

7. IT IS THE CONTRACTOR'S RESPONSIBILITY TO DEVELOP AND IMPLEMENT A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IN ACCORDANCE WITH THE CONSTRUCTION GENERAL PERMIT (CGP) OF THE EPA. THE STORM WATER POLLUTION PREVENTION PLAN SHALL INCLUDE DEVELOPING, PERMITTING, INSTALLING AND MAINTAINING SWPPP BMP'S AS WELL AS PERMANENT SEEDING WHEN THE PROJECT IS COMPLETED.

8. THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL DUST AND EROSION CONTROL REGULATIONS. THE CONTRACTOR SHALL PREPARE AND OBTAIN ANY NECESSARY DUST OR EROSION CONTROL PERMITS FROM REGULATORY AGENCIES.

9. THE CONTRACTOR SHALL PROMPTLY REMOVE ANY MATERIAL EXCAVATED WITHIN THE PUBLIC RIGHT-OF-WAY TO KEEP IT FROM WASHING OFF THE PROJECT SITE.

10. THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE SITE ONTO OTHER PROPERTY BY CONSTRUCTING TEMPORARY EROSION CONTROL BERMS OR INSTALLING SILT FENCES AT THE PROPERTY LINES AS INDICATED ON THE APPROVED SWPPP.

11. THE CONTRACTOR SHALL WET THE SOIL AS NEEDED TO KEEP IT FROM BLOWING. WATERING, AS REQUIRED FOR CONSTRUCTION AND DUST CONTROL, SHALL BE CONSIDERED INCIDENTAL TO CONSTRUCTION AND NO MEASUREMENT OR PAYMENT SHALL BE MADE THEREFOR. CONSTRUCTION AREAS SHALL BE WATERED FOR DUST CONTROL IN COMPLIANCE WITH GOVERNMENT ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND SUPPLYING WATER AS REQUIRED.

12. ANY AREAS DISTURBED BY CONSTRUCTION AND NOT COVERED BY LANDSCAPING OR ANY IMPERVIOUS SURFACE SHALL BE REVEGETATED WITH NATIVE GRASS SEEDING. WHEN CONSTRUCTION ACTIVITIES CEASE AND EARTH DISTURBING ACTIVITIES WILL NOT RESUME WITHIN 21 DAYS, STABILIZATION MEASURES MUST BE INITIATED. UNLESS INDICATED OTHERWISE ON THESE PLANS OR ON THE LANDSCAPING PLAN, NATIVE GRASS SEEDING SHALL BE CLASS A SEEDING PER SECTION 1011 AND 1012 OF THE NMAPWA STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. COST IS INCIDENTAL TO BASE BID.

13. THE CONTRACTOR WILL REPORT AND RESPOND TO ANY SPILLS OF HAZARDOUS MATERIALS SUCH AS GASOLINE, DIESEL, MOTOR OILS, SOLVENTS, CHEMICALS. TOXIC OR CORROSIVE SUBSTANCES, ETC. A SPILL IS DEFINED AS ANY RELEASE OF A CORROSIVE, HAZARDOUS, TOXIC OR RADIOACTIVE SUBSTANCE THAT MAY BE A THREAT TO PUBLIC HEALTH OR THE ENVIRONMENT. REPORTS OF SPILLS WILL BE MADE IMMEDIATELY TO BOTH THE NEW MEXICO ENVIRONMENT DEPARTMENT EMERGENCY RESPONSE TEAM (505-827-9329 OR 866-428-6535) AND EDDY COUNTY EMERGENCY MANAGEMENT (575-887-9511). THE CONTRACTOR WILL BE RESPONSIBLE FOR REPORTING AND CLEANUP OF ANY SPILL ASSOCIATED WITH PROJECT CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR REPORTING ANY DISCOVERIES OF PAST SPILLS OR CURRENT SPILLS NOT ASSOCIATED WITH CONSTRUCTION.

14. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS REGARDING SURFACE AND UNDERGROUND WATER. CONTACT WITH SURFACE WATER BY CONSTRUCTION EQUIPMENT AND PERSONNEL SHALL BE MINIMIZED. EQUIPMENT MAINTENANCE AND REFUELING OPERATIONS SHALL BE PERFORMED IN AN ENVIRONMENTALLY SAFE MANNER IN COMPLIANCE WITH GOVERNMENT REGULATIONS.

15. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS CONCERNING CONSTRUCTION NOISE AND HOURS OF OPERATION.

16. WHERE STORM INLETS OR THE CARLSBAD IRRIGATION DISTRICT (CID) CANAL ARE SUSCEPTIBLE TO INFLOW OF SILT OR DEBRIS FROM CONSTRUCTION ACTIVITIES, PROTECTION SHALL BE INSTALLED ON THEIR UPSTREAM SIDE.

17. THE CONTRACTOR SHALL PREPARE AND MAINTAIN A COPY OF THE SWPPP ON-SITE AT ALL TIMES, AND SHALL COMPLY WITH THE REQUIREMENTS INDICATED ON THAT PLAN. COST IS INCIDENTAL TO CONSTRUCTION.

18. ALL PERVIOUS AREAS SHALL BE LANDSCAPED OR SEEDED ACCORDING TO LANDSCAPE ARCHITECTURAL PLANS.

19. IN ACCORDANCE WITH 2006 APWA 801.7.1: WHEN WATER AND SEWER LINES CROSS EACH OTHER, THE WATERLINE SHALL BE AT LEAST 18" ABOVE THE SEWER; OTHERWISE THE SEWER LINE SHALL BE CONCRETE ENCASED FOR 10' ON EACH SIDE OF THE WATER LINE.

20. ALL UNDERGROUND UTILITIES SHALL BE INSTALLED PRIOR TO SURFACING OF THE STREETS. ALL WATER VALVE BOXES AND ELECTRICAL, TELEPHONE, TELEVISION AND SEWER MANHOLES IN THE CONSTRUCTION AREA SHALL BE ADJUSTED TO FINISH GRADE.

21. ALL SIGNS, BARRICADES, CHANNELIZATION DEVICES, PAVEMENT MARKINGS, SIGN FRAMES, AND ERECTION OF SUCH DEVICES SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS" LATEST EDITION.

22. ALL STREET STRIPING ALTERED OR DESTROYED DURING CONSTRUCTION BEYOND THE DIRECTION OF THE DEMOLITION PLAN (SHEET CD-101) AND CIVIL SITE PLAN (SHEET C S-101) SHALL BE REPLACED BY THE CONTRACTOR TO MATCH THE ORIGINAL CONDITIONS (I.E. TYPE, SPACING) AT THE LOCATION PRIOR TO CONSTRUCTION, OR AS SHOWN ON THESE DRAWINGS.

23. STREET GRADES SHALL BE RESTORED BY THE CONTRACTOR TO THE EXISTING GRADES UNLESS OTHERWISE DIRECTED BY THE ENGINEER. SMOOTH TRANSITIONS SHALL BE MADE BETWEEN EXISTING PAVEMENT WHICH REMAINS IN PLACE AND PAVEMENT WHICH IS REPLACED, WHEN ABUTTING NEW PAVEMENT TO EXISTING, SAWCUT BACK EXISTING PAVEMENT TO A NEAT, STRAIGHT LINE AS REQUIRED TO REMOVE ANY BROKEN OR CRACKED PAVEMENT.

24. 3' MINIMUM BURY TO TOP OF PIPE REQUIRED FOR ALL UTILITIES UNLESS OTHERWISE NOTED.

25. 18" MINIMUM CLEAR DISTANCE REQUIRED BETWEEN NEW AND EXISTING UNDERGROUND UTILITIES.

26. BELL HOLES AT JOINTS SHALL BE HAND EXCAVATED TO PROVIDE AMPLE ROOM TO PROPERLY MAKE UP THE JOINT, BUT IN NO CASE SHALL THERE BE MORE THAN 9 INCHES OF UNSUPPORTED LENGTH AT EITHER END OF EACH LENGTH OF PIPE.

27. BOTTOM OF TRENCH IS TO BE EXCAVATED TO A SMOOTH, UNIFORM GRADE AND HAND LEVELED, IF NECESSARY, TO SECURE AN EVEN BEARING SURFACE FOR THE PIPE.

28. PVC PIPE SHALL BE PVC CLASS 150 (AWWA C900).

29. IF TRENCH DOES NOT LIE UNDER ROADWAY AREAS, THE COMPACTION REQUIREMENTS CAN BE REDUCED TO 90% MAXIMUM DENSITY PER ASTM D-698.

30. JOINT RESTRAINTS (CONCRETE THRUST BLOCKS) SHALL BE USED AT ALL BENDS, TEES, DEAD ENDS, REDUCERS, VALVES, FIRE HYDRANTS AND OTHER LOCATIONS AS DESIGNATED BY THE ENGINEER. THE RESTRAINT SHALL HAVE A MINIMUM WORKING PRESSURE RATING OF 150 PSI. THE RESTRAINT SHALL BE EBAA IRON SERIES 1600 OR APPROVED EQUAL. MECHANICAL JOINT RESTRAINTS ARE TO BE USED ON ALL CONNECTIONS AND FITTINGS.

31. CONSTRUCTION MATERIALS TESTING SHALL BE PERFORMED BY AN AASHTO-ACCREDITED LABORATORY. THE OWNER WILL PAY FOR PASSING TESTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FAILED OR NON-COMPLIANT TESTS. THE CONTRACTOR SHALL PROVIDE THE ENGINEER 24 HOURS NOTICE OF ANY TESTING REQUIRED. ANY ITEM INSTALLED WITHOUT BEING TESTED OR CERTIFIED SHALL BE REMOVED AND REPLACED AT CONTRACTOR'S EXPENSE.

32. TRENCHING OPERATIONS, BRACING, SUPPORT SYSTEMS, TIGHT SHEETING, AND OTHER NECESSARY PRECAUTIONS SHALL CONFORM TO OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) SUBPART P.

33. CONTRACTOR MUST OBTAIN CLIENT PERMISSION BEFORE SALVAGING ANY ITEMS SPECIFIED FOR REMOVAL AND DISPOSAL.

34. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING DISPOSAL SITES THAT ARE ENVIRONMENTALLY SUITABLE FOR DISPOSAL OF ITEMS NOT SPECIFIED TO BE SALVAGED. THE CONTRACTOR IS EXPECTED TO ABIDE BY ALL FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS IN OBTAINING THE NECESSARY PERMITS FROM ALL APPLICABLE AGENCIES AND/OR PRIVATE PROPERTY OWNERS. ALL COSTS ASSOCIATED WITH OBTAINING THESE PERMITS SHALL BE INCIDENTAL TO THE COMPLETION OF THE PROJECT AND NO DIRECT MEASUREMENT OR PAYMENT SHALL BE MADE THEREFORE. THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH COPIES OF ALL PERTINENT INFORMATION, AGREEMENTS, AND PERMITS RELATED TO DISPOSAL SITES UTILIZED. BORROW MATERIAL, ROCK WASTE, AND VEGETATIVE DEBRIS CANNOT BE PLACED IN WETLANDS, ARROYOS, OR AREAS THAT MAY IMPACT THREATENED OR ENDANGERED SPECIES. ARCHEOLOGICAL AND ENVIRONMENTAL CLEARANCES MUST BE OBTAINED BEFORE DISPOSAL.

35. CONCRETE COLLARS SHALL BE INSTALLED AROUND ALL VALVE COVERS, IN ACCORDANCE WITH THE DETAILS SHOWN ON PLAN SHEET CU-501.

36. VALVE BOX COVERS SHALL BE PROVIDED WITH NEENAH STRAP AND HINGE LOCKING DEVICES (TYPE D) OR APPROVED EQUAL.

37. CLEARING AND GRUBBING: ALL SURFACE DEBRIS, INCLUDING TREES, ROOTS, STUMPS, AND ORGANIC MATTER SHALL BE REMOVED AND DISPOSED OF AT A LOCATION(S) OUTSIDE THE LIMITS OF THE PROJECT.

38. ROADWAY CROSSINGS: ALL ROADWAYS THAT ARE TRANSVERSED BY OPEN TRENCHING SHALL BE RESHAPED TO THE ORIGINAL SECTION WITH COMPARABLE MATERIAL.

39. CONTRACTOR PLANS OR ACTION: THE CONTRACTOR SHALL PREPARE AND SUBMIT TO THE ENGINEER FOR APPROVAL
    - 39.1. PRESSURIZED PIPE TESTS
    - 39.2. PROTECTION OF PIPE FROM FOREIGN MATTER
    - 39.3. FLUSHING AND DISINFECTING OF PIPE LINE

40. ALL GATE VALVE STEMS SHALL BE FURNISHED WITH APPROVED EXTENSIONS TO WITHIN 18 INCHES OF THE TOP OF THE VALVE BOX COVER.

41. ALL WATER METERS SHALL BE INSTALLED BY GENERAL CONTRACTOR.

42. TRACER WIRE SHALL BE INSTALLED ALONG ALL PIPELINES AND TERMINATED AT EACH VALVE.

43. EXISTING SITE IMPROVEMENTS, EXCLUDING ITEMS SPECIFIED BY THE DEMOLITION PLAN ON SHEET CD -101, WHICH ARE DAMAGED OR DISPLACED BY THE CONTRACTOR SHALL BE REMOVED AND REPLACED BY THE CONTRACTOR AT THE CONTRACTOR'S OWN EXPENSE. REPAIRS SHALL BE APPROVED BY THE OWNER PRIOR TO CONSTRUCTION OF THE REPAIRS. REPAIRS SHALL BE ACCEPTED BY THE OWNER PRIOR TO FINAL PAYMENT.

44. AS-BUILTS: CONTRACTOR SHALL DELIVER FINAL CERTIFIED AS-BUILTS TO THE ENGINEER IN HARD COPY AND ACAD R2005 OR BETTER. ALL FINISHED GRADE ELEVATIONS AND CRITICAL HORIZONTAL ALIGNMENTS OR PROJECT COORDINATIONS SHALL BE CERTIFIED BY A PROFESSIONAL SURVEYOR LICENSED IN THE STATE OF NEW MEXICO AND IN GOOD STANDING.

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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

REVISIONS

No.	DATE	DESCRIPTION

GENERAL NOTES

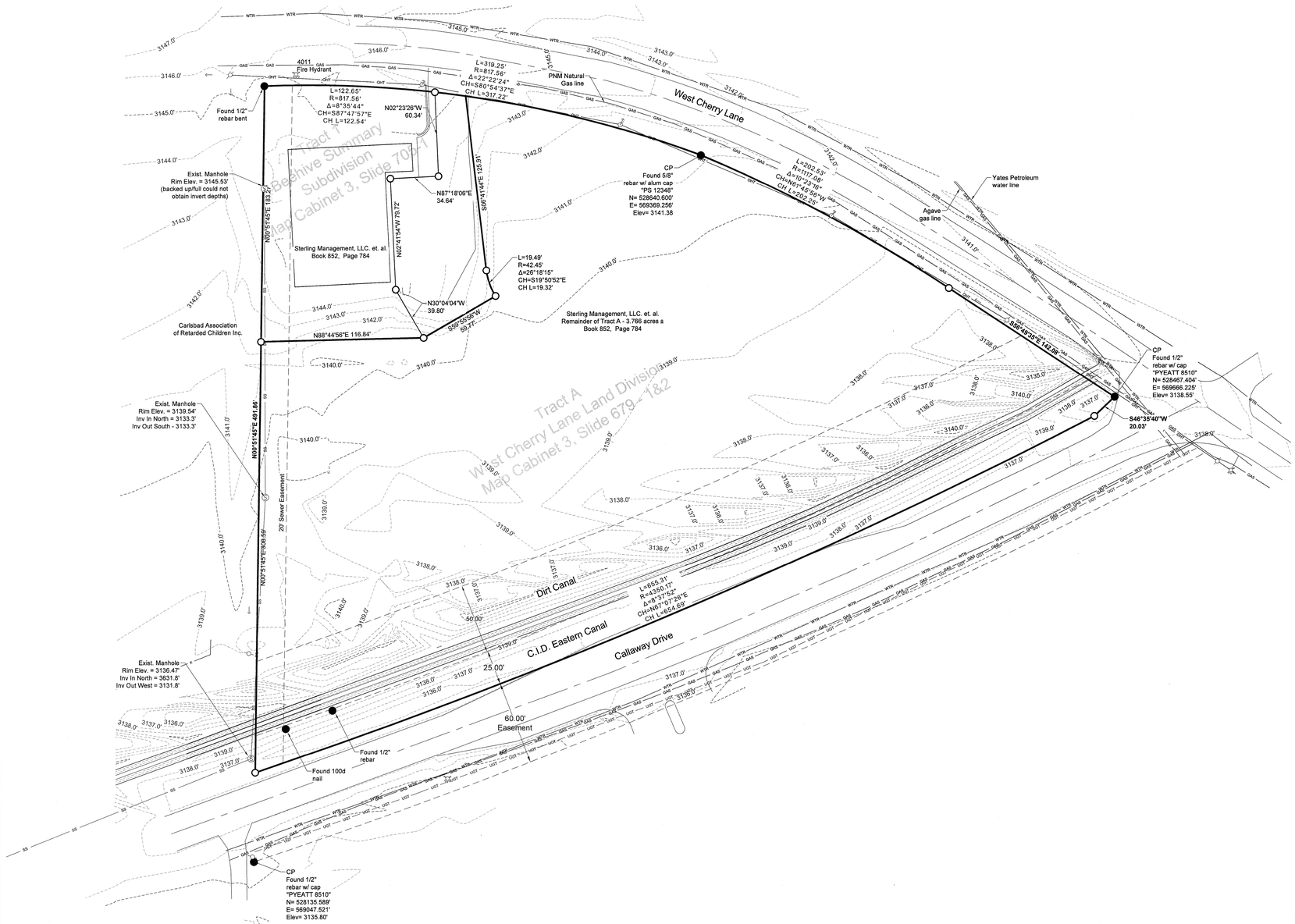
LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: C-002

BOUNDARY AND TOPOGRAPHIC SURVEY
LA HUERTA MULTIFAMILY DEVELOPMENT



RECORD DESCRIPTION

Tract 1, Beehive Tract 1 Summary Subdivision Plat - Map Cabinet 3, Slide 705-1

AND

Remainder of Tract A, West Cherry Lane Land Division - Map Cabinet 3, Slide 679 - 1&2

CERTIFICATE OF SURVEY

I, William M. Hicks, III New Mexico Professional Surveyor, hereby certify that this Boundary and Topographic Survey Plat was prepared from an actual ground survey performed by me or under my supervision, that this survey is true and correct to the best of my knowledge and belief. That this Boundary and Topographic Survey Plat and the field survey upon which it is based meet the Minimum Standards for Surveying in New Mexico.

William M. Hicks, III NMPS #12348 — Date: 3-03-14

BASIS OF BEARING

This survey is based on the new mexico state plane coordinate system, east zone. Bearings are referenced to grid north, distances are ground. Ground coordinates are scaled about 0,0 by a combined scale factor of 0.99976034.

VICINITY MAP
N.T.S.

LEGEND

●	Found as noted
○	Set 5/8" rebar with red plastic cap marked "HICKS NMPS 12348"
	Fire hydrant
	Fire hydrant
WTR	Water line
GAS	Gas line
UGT	Underground telecommunication
OHT	Overhead telecommunication
XXXX.X'	Existing contour
	Property line
	Boundary of survey
x	Barbed wire fence
XX°XX'XX" XX.XX'	Measured bearing and distance

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WILLIAM M. HICKS III — NEW MEXICO — 12348 — REGISTERED PROFESSIONAL SURVEYOR

PROJECT SURVEYOR: M. Kneeland
DRAWN BY: C. Johnson

INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
Sterling Management, LLC.

LOCATION:
Part of the S1/2, NE1/4 of Section 25, T21S, R26E, N.M.P.M., Eddy County, New Mexico

REVISIONS

No.	DATE	DESCRIPTION

BOUNDARY AND TOPOGRAPHIC SURVEY
OF
LA HUERTA MULTIFAMILY DEVELOPMENT
FOR
STERLING MANAGEMENT, LLC.

PROJECT NUMBER: 2013.1126

SHEET: 1 of 1

SU - 101

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KEYED NOTES

1. REMOVE EXISTING ASPHALT PAVEMENT.
2. REMOVE EXISTING CURB AND GUTTER.

WEST CHERRY LANE

20' SEWER EASEMENT

DIRT CANAL

C.I.D. EASTERN CANAL

CALLAWAY DRIVE

50.00'

25.00'

60.00'
Easement

HIRON

SCALE 1" = 30'

0' 15' 30' 60'

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DEBRA P. HICKS
NEW MEXICO
10871
REGISTERED PROFESSIONAL ENGINEER

Debra P. Hicks 3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- EXIST. GRADE 1.0' CONTOUR
- EXIST. GRADE 5.0' CONTOUR
- EASEMENT BOUNDARY
- ASPHALT TO BE REMOVED
- CURB AND GUTTER TO BE REMOVED

REVISIONS

No.	DATE	DESCRIPTION

CIVIL DEMOLITION PLAN

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CD-101

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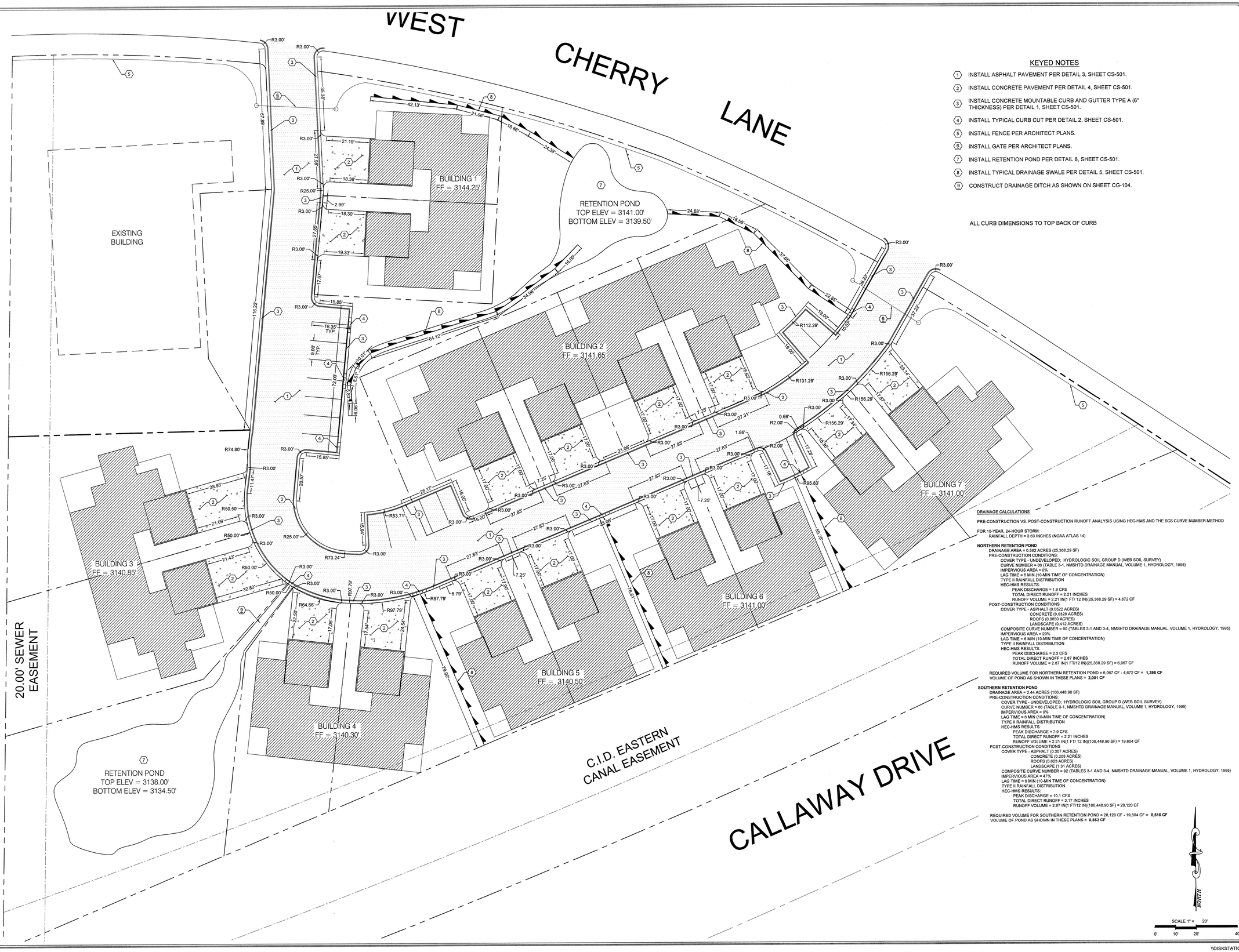

KEYED NOTES

1. INSTALL ASPHALT PAVEMENT PER DETAIL 3, SHEET CS-501.
2. INSTALL CONCRETE PAVEMENT PER DETAIL 4, SHEET CS-501.
3. INSTALL CONCRETE MOUNTABLE CURB AND GUTTER TYPE A (6" THICKNESS) PER DETAIL 1, SHEET CS-501.
4. INSTALL TYPICAL CURB CUT PER DETAIL 2, SHEET CS-501.
5. INSTALL FENCE PER ARCHITECT PLANS.
6. INSTALL GATE PER ARCHITECT PLANS.
7. INSTALL RETENTION POND PER DETAIL 6, SHEET CS-501.
8. INSTALL TYPICAL DRAINAGE SWALE PER DETAIL 5, SHEET CS-501.
9. CONSTRUCT DRAINAGE DITCH AS SHOWN ON SHEET CG-104.

ALL CURB DIMENSIONS TO TOP BACK OF CURB

DRAINAGE CALCULATIONS

PRE-CONSTRUCTION VS. POST-CONSTRUCTION RUNOFF ANALYSIS USING HEC-HMS AND THE SCS CURVE NUMBER METHOD

FOR 10-YEAR, 24-HOUR STORM:
RAINFALL DEPTH = 3.63 INCHES (NOAA ATLAS 14)

NORTHERN RETENTION POND
DRAINAGE AREA = 0.582 ACRES (25,368.29 SF)
PRE-CONSTRUCTION CONDITIONS:
COVER TYPE - UNDEVELOPED; HYDROLOGIC SOIL GROUP D (WEB SOIL SURVEY)
CURVE NUMBER = 86 (TABLE 3-1, NMSHTD DRAINAGE MANUAL, VOLUME 1, HYDROLOGY, 1995)
IMPERVIOUS AREA = 0%
LAG TIME = 6 MIN (10-MIN TIME OF CONCENTRATION)
TYPE II RAINFALL DISTRIBUTION
HEC-HMS RESULTS:
PEAK DISCHARGE = 1.9 CFS
TOTAL DIRECT RUNOFF = 2.21 INCHES
RUNOFF VOLUME = 2.21 IN(1 FT/ 12 IN)(25,368.29 SF) = 4,672 CF
POST-CONSTRUCTION CONDITIONS
COVER TYPE - ASPHALT (0.0522 ACRES)
CONCRETE (0.0328 ACRES)
ROOFS (0.0850 ACRES)
LANDSCAPE (0.412 ACRES)
COMPOSITE CURVE NUMBER = 90 (TABLES 3-1 AND 3-4, NMSHTD DRAINAGE MANUAL, VOLUME 1, HYDROLOGY, 1995)
IMPERVIOUS AREA = 29%
LAG TIME = 6 MIN (10-MIN TIME OF CONCENTRATION)
TYPE II RAINFALL DISTRIBUTION
HEC-HMS RESULTS:
PEAK DISCHARGE = 2.3 CFS
TOTAL DIRECT RUNOFF = 2.87 INCHES
RUNOFF VOLUME = 2.87 IN(1 FT/12 IN)(25,368.29 SF) = 6,067 CF

REQUIRED VOLUME FOR NORTHERN RETENTION POND = 6,067 CF - 4,672 CF = **1,395 CF**
VOLUME OF POND AS SHOWN IN THESE PLANS = **2,001 CF**

SOUTHERN RETENTION POND
DRAINAGE AREA = 2.44 ACRES (106,448.90 SF)
PRE-CONSTRUCTION CONDITIONS:
COVER TYPE - UNDEVELOPED; HYDROLOGIC SOIL GROUP D (WEB SOIL SURVEY)
CURVE NUMBER = 86 (TABLE 3-1, NMSHTD DRAINAGE MANUAL, VOLUME 1, HYDROLOGY, 1995)
IMPERVIOUS AREA = 0%
LAG TIME = 6 MIN (10-MIN TIME OF CONCENTRATION)
TYPE II RAINFALL DISTRIBUTION
HEC-HMS RESULTS:
PEAK DISCHARGE = 7.9 CFS
TOTAL DIRECT RUNOFF = 2.21 INCHES
RUNOFF VOLUME = 2.21 IN(1 FT/ 12 IN)(106,448.90 SF) = 19,604 CF
POST-CONSTRUCTION CONDITIONS
COVER TYPE - ASPHALT (0.307 ACRES)
CONCRETE (0.205 ACRES)
ROOFS (0.623 ACRES)
LANDSCAPE (1.31 ACRES)
COMPOSITE CURVE NUMBER = 92 (TABLES 3-1 AND 3-4, NMSHTD DRAINAGE MANUAL, VOLUME 1, HYDROLOGY, 1995)
IMPERVIOUS AREA = 47%
LAG TIME = 6 MIN (10-MIN TIME OF CONCENTRATION)
TYPE II RAINFALL DISTRIBUTION
HEC-HMS RESULTS:
PEAK DISCHARGE = 10.1 CFS
TOTAL DIRECT RUNOFF = 3.17 INCHES
RUNOFF VOLUME = 2.87 IN(1 FT/12 IN)(106,448.90 SF) = 28,120 CF

REQUIRED VOLUME FOR SOUTHERN RETENTION POND = 28,120 CF - 19,604 CF = **8,516 CF**
VOLUME OF POND AS SHOWN IN THESE PLANS = **8,852 CF**

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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
3/3/2014
Debra P. Hicks

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND
- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- EXIST. GRADE 5.0' CONTOUR
- EASEMENT BOUNDARY
- CHANNEL FLOWLINE

REVISIONS

No.	DATE	DESCRIPTION

CIVIL SITE PLAN

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CS-101

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DEBRA P. HICKS
NEW MEXICO
10871
REGISTERED PROFESSIONAL ENGINEER

3/31/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	EXIST. GRADE 5.0' CONTOUR
	EASEMENT BOUNDARY
	CHANNEL FLOWLINE
BP	BEGINNING POINT
EP	ENDING POINT
PI	POINT OF INTERSECTION
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY

REVISIONS

No.	DATE	DESCRIPTION

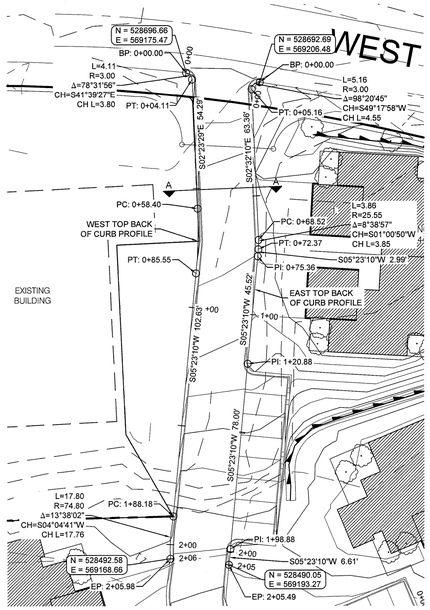
ROAD SECTIONS

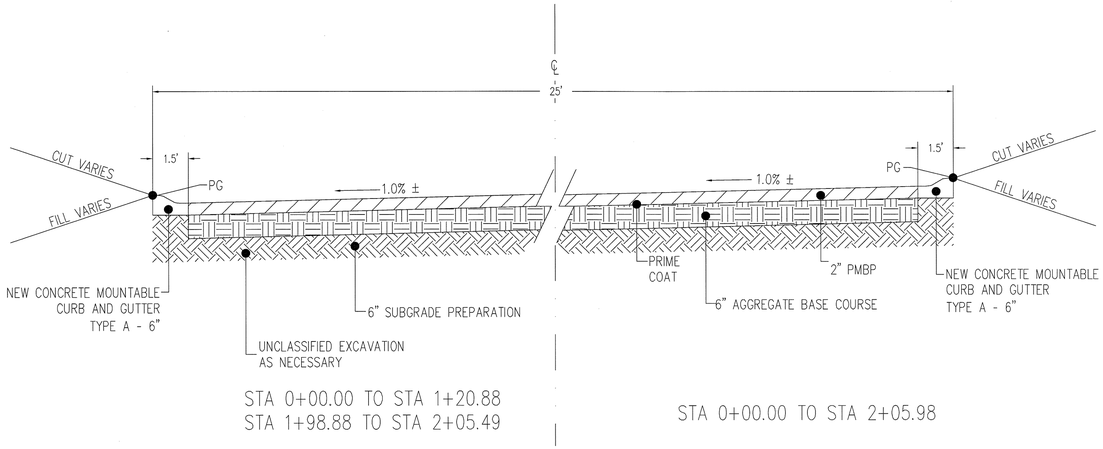
LA HUERTA
DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER:
2013.1126

SHEET:
CS-201





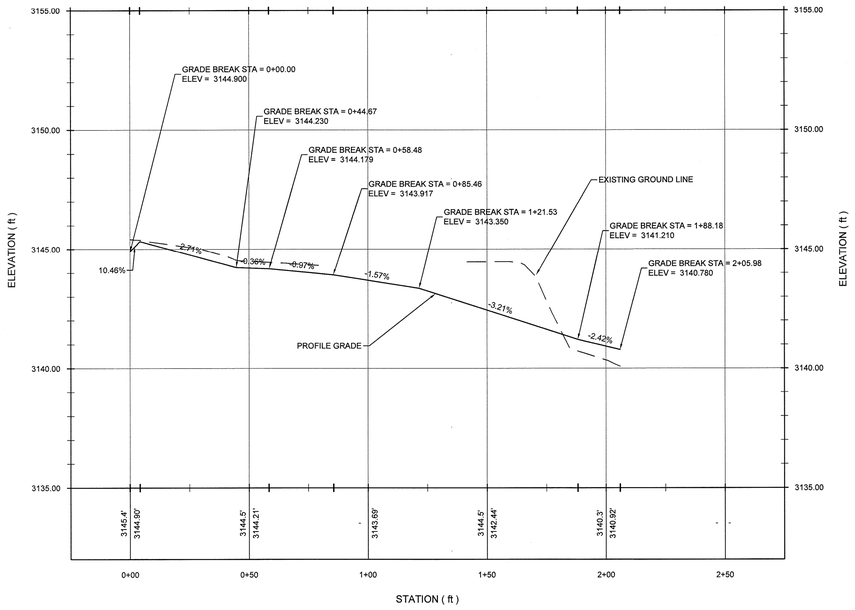
STA 0+00.00 TO STA 1+20.88
STA 1+98.88 TO STA 2+05.49

STA 0+00.00 TO STA 2+05.98

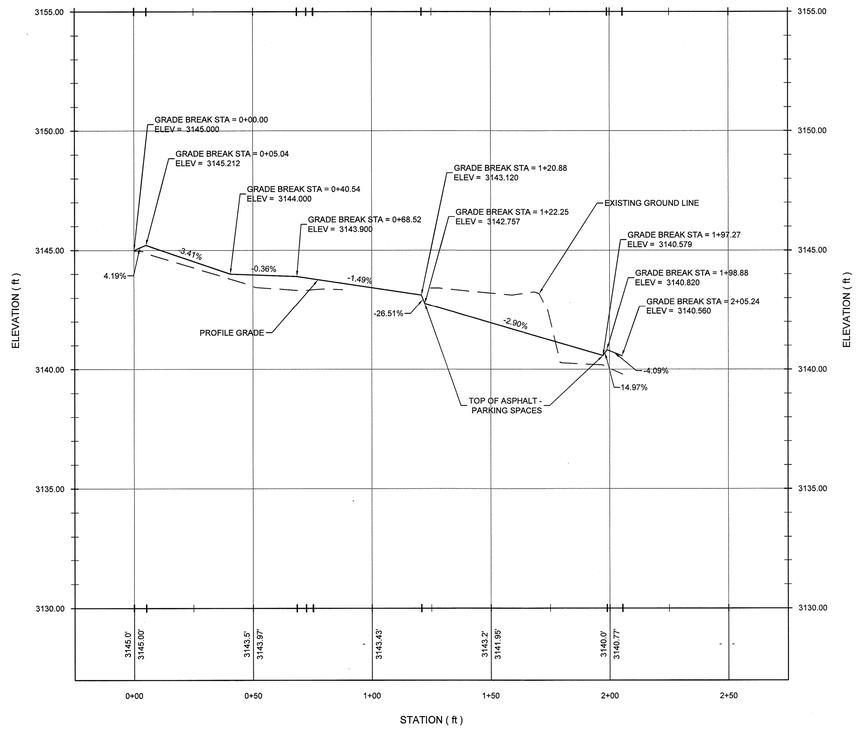
ROAD SECTION 1 - TYPICAL SECTION A-A

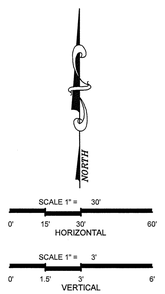
SCALE: N.T.S.

WEST TOP BACK OF CURB PROFILE - 12.5' RT OF CL (EXCEPT AS NOTED)



EAST TOP BACK OF CURB PROFILE - 12.5' LT OF CL (EXCEPT AS NOTED)





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DEBRA P. HICKS
NEW MEXICO
10871
REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- EXIST. GRADE 5.0' CONTOUR
- EASEMENT BOUNDARY
- CHANNEL FLOWLINE
- BP BEGINNING POINT
- EP ENDING POINT
- PI POINT OF INTERSECTION
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY

REVISIONS

No.	DATE	DESCRIPTION

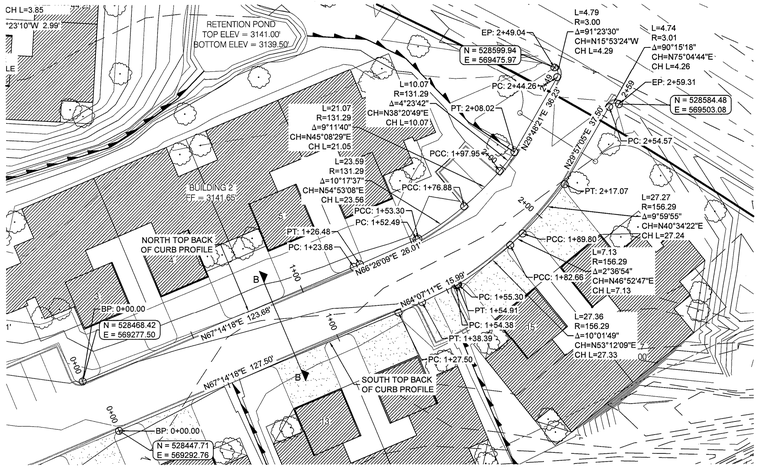
PLAN AND PROFILE
AND TYPICAL SECTION
ROAD SECTION 1

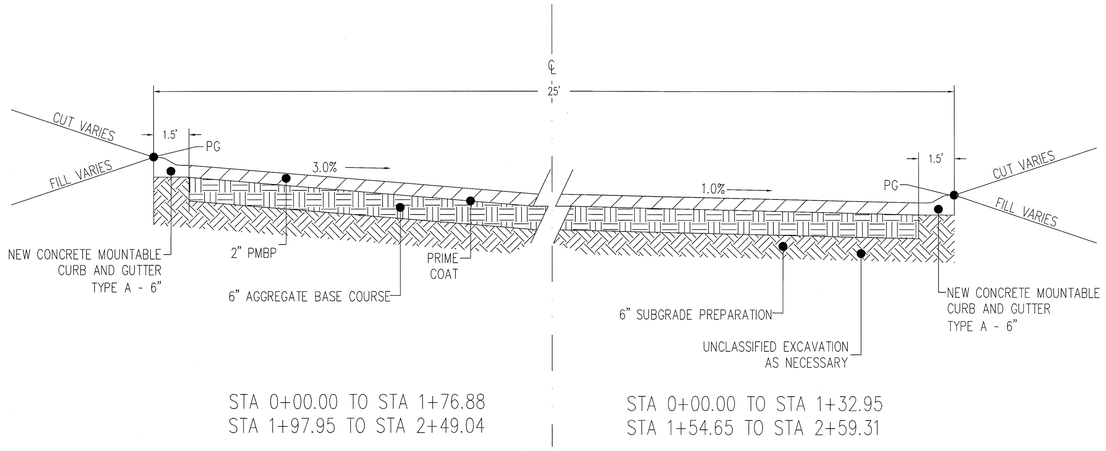
LA HUERTA
DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER:
2013.1126

SHEET:
CS-202

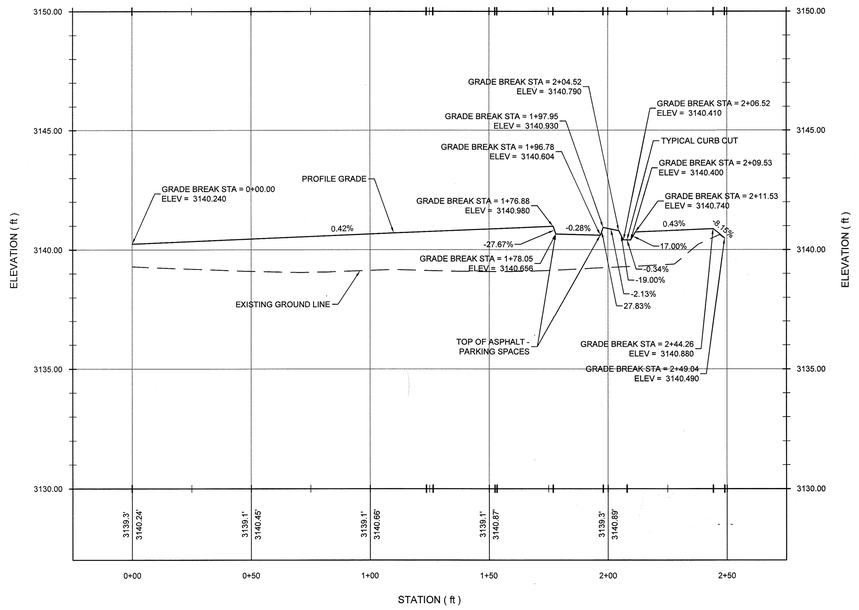




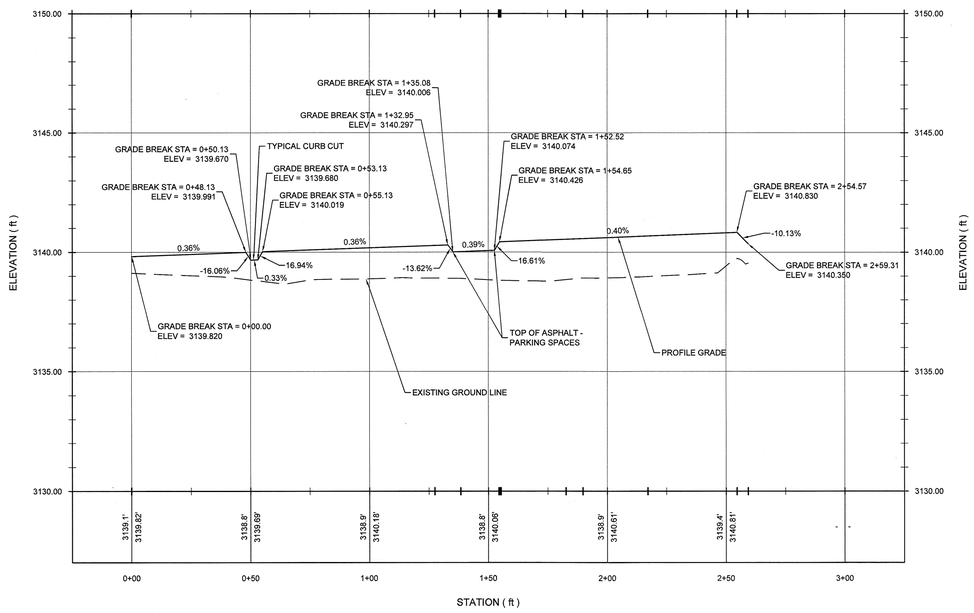
ROAD SECTION 3 - TYPICAL SECTION B-B

SCALE: N.T.S.

NORTH TOP BACK OF CURB PROFILE - 12.5' LT OF CL (EXCEPT AS NOTED)



SOUTH TOP BACK OF CURB PROFILE - 12.5' RT OF CL (EXCEPT AS NOTED)



NORTH

SCALE 1" = 30'
0' 15' 30' 60'
HORIZONTAL

SCALE 1" = 3'
0' 1.5' 3' 6'
VERTICAL

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DEBRA P. HICKS
NEW MEXICO
10871
REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- EXIST. GRADE 5.0' CONTOUR
- EASEMENT BOUNDARY
- CHANNEL FLOWLINE
- BP BEGINNING POINT
- EP ENDING POINT
- PI POINT OF INTERSECTION
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY

REVISIONS

No.	DATE	DESCRIPTION

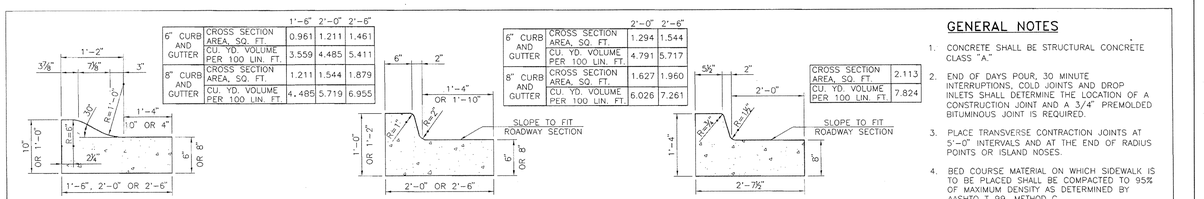
PLAN AND PROFILE
AND TYPICAL SECTION
ROAD SECTION 3

LA HUERTA
DEVELOPMENT

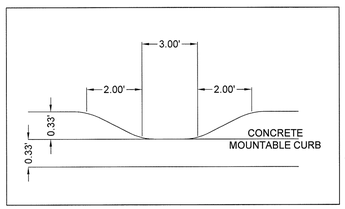
STERLING MANAGEMENT, LLC

PROJECT NUMBER:
2013.1126

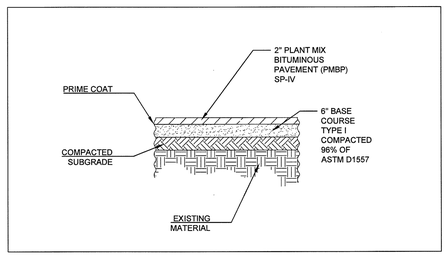
SHEET:
CS-203



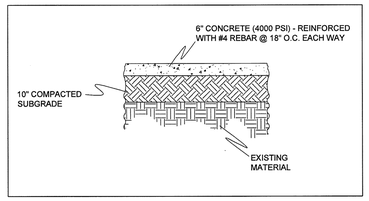
1 CURB AND GUTTER
SCALE: N.T.S.



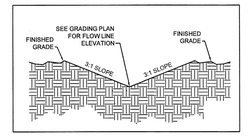
2 TYPICAL CURB CUT
SCALE: N.T.S.



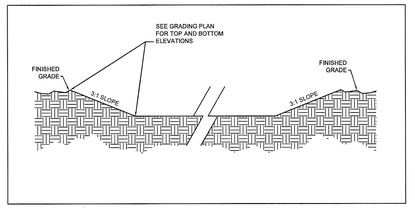
3 TYPICAL ASPHALT PAVEMENT SECTION
SCALE: N.T.S.



4 TYPICAL CONCRETE PAVEMENT SECTION
SCALE: N.T.S.



5 TYPICAL DRAINAGE SWALE
SCALE: N.T.S.



6 RETENTION POND TYPICAL SECTION
SCALE: N.T.S.

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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

REVISIONS

No.	DATE	DESCRIPTION

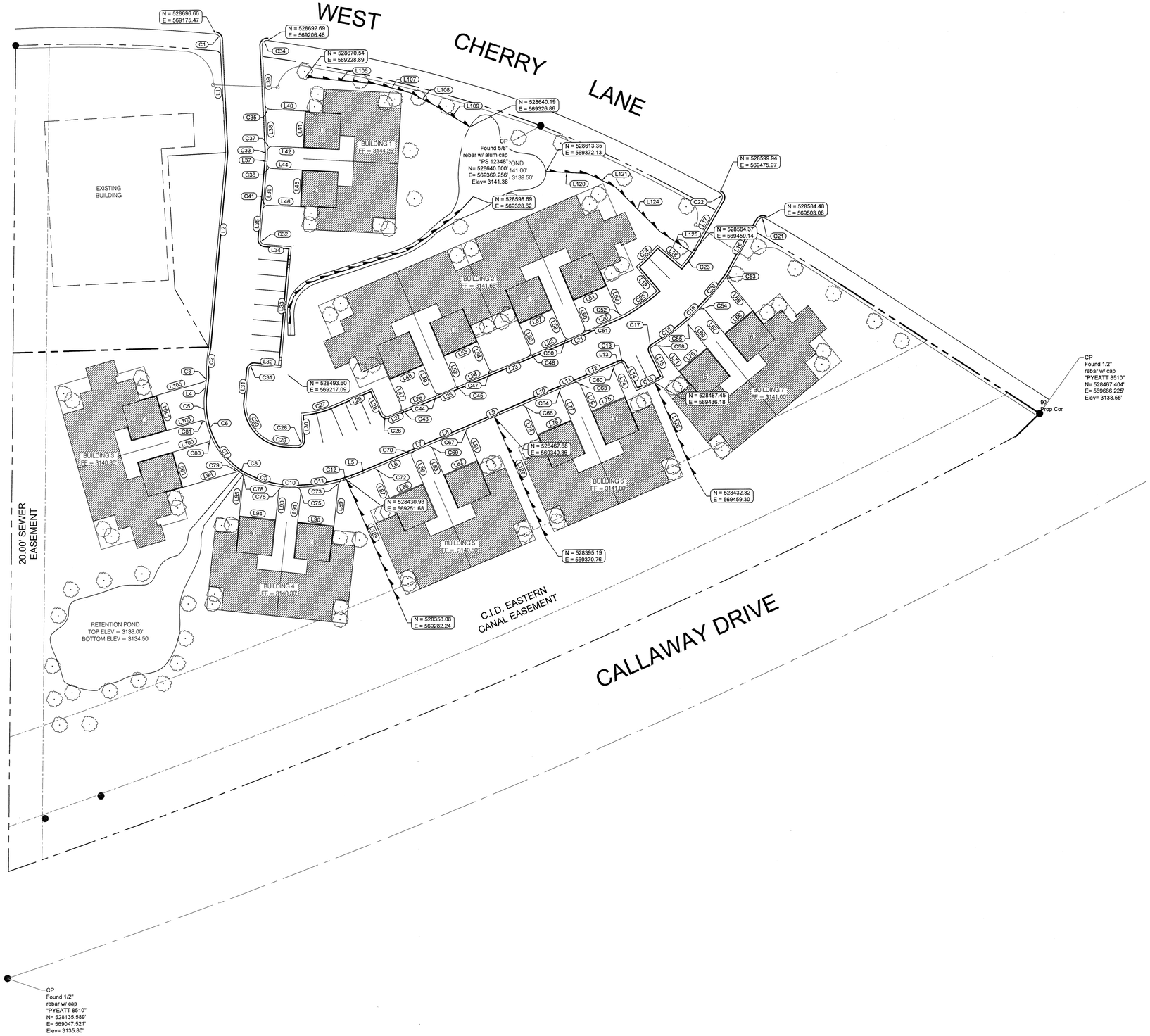
CIVIL SITE DETAILS

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CS-501



Line and Curve Table			
Line #/Curve #	Length	Bearing/Chord	Radius
C1	4.11	N41°39'27"W	3.00
C2	17.80	S4°04'41"W	74.80
C3	4.03	N35°48'38"E	3.00
C5	15.93	N5°22'56"W	50.50
C6	6.85	S18°20'53"E	50.00
C7	28.52	S38°32'45"E	50.00
C8	0.38	S55°41'49"E	50.00
C9	27.12	S71°27'05"E	64.66
C10	7.05	S87°27'23"E	97.79
C11	27.94	N82°17'34"E	97.79
C12	12.44	N70°27'47"E	97.79
C13	3.04	S69°11'53"E	2.00
C15	18.03	N64°21'54"E	95.83
C17	2.94	S16°31'05"W	2.00
C18	27.36	N53°12'09"E	156.29
C19	7.13	N46°52'47"E	156.29
C20	27.27	N40°34'22"E	156.29
C21	4.74	S75°04'44"W	3.00
C22	4.79	N15°53'24"W	3.00
C23	10.07	N38°20'49"E	131.29
C24	18.02	N45°08'29"E	112.29
C25	23.59	N54°53'08"E	131.29
C26	4.71	S67°45'42"E	3.00
C27	18.92	N77°11'58"E	53.71
C28	4.84	N43°31'06"E	3.00
C29	36.37	S42°59'31"E	25.00
C30	36.37	S42°59'31"E	25.00
C31	4.71	S50°23'10"W	3.00
C32	4.71	S39°36'50"E	3.00
C33	3.46	N11°25'30"E	25.00
C34	5.16	S49°18'14"W	3.00
C35	4.41	S44°37'58"E	3.00
C37	5.02	S45°22'02"W	3.00
C38	4.82	S40°40'18"E	3.00
C41	4.60	N49°19'42"E	3.00
C43	4.71	S22°14'18"W	3.00
C44	4.71	N67°45'42"W	3.00
C45	4.71	S22°14'23"W	3.00
C47	4.71	N67°45'37"W	3.00
C48	4.71	S22°14'23"W	3.00
C50	4.71	N67°45'37"W	3.00
C51	4.71	S22°14'23"W	3.00
C52	5.09	S71°21'48"E	3.00

Line and Curve Table			
Line #/Curve #	Length	Bearing/Chord	Radius
C53	3.60	N4°33'07"W	3.00
C54	5.00	N86°40'08"W	3.00
C55	4.56	S4°38'20"W	3.00
C58	4.34	S80°20'44"E	3.00
C60	4.71	S22°14'18"W	3.00
C63	4.71	S67°45'42"E	3.00
C64	4.71	S22°14'18"W	3.00
C66	4.71	N67°45'42"W	3.00
C67	4.71	S22°14'18"W	3.00
C69	4.71	N67°45'42"W	3.00
C70	4.71	S22°14'18"W	3.00
C72	4.71	N67°45'42"W	3.00
C73	3.54	S40°15'36"W	3.00
C75	5.02	N41°33'18"W	3.00
C76	4.62	S50°30'39"W	3.00
C78	3.26	N24°45'07"W	3.00
C79	2.63	S80°34'05"E	3.00
C80	5.06	N26°02'01"E	3.00
C81	4.78	S60°02'24"E	3.00
L1	57.80	N2°32'10"W	
L2	116.22	S5°23'10"W	
L4	11.53	N7°19'40"E	
L5	6.79	N67°14'18"E	
L6	27.83	S67°14'18"W	
L7	7.25	N67°14'18"E	
L8	27.83	N67°14'18"E	
L9	33.08	N67°14'18"E	
L10	27.83	N67°14'18"E	
L11	7.25	N67°14'18"E	
L12	27.83	N67°14'18"E	
L13	1.76	N67°14'18"E	
L14	17.18	S25°38'04"E	
L15	17.28	S25°38'04"E	
L16	37.22	N29°58'18"E	
L17	36.23	N29°48'21"E	
L18	19.00	S49°27'20"E	
L19	19.00	N40°15'41"W	
L20	27.31	N66°26'11"E	
L21	7.25	S67°14'18"W	
L22	27.83	N67°14'18"E	
L23	21.08	S67°14'18"W	
L24	27.83	N67°14'18"E	
L25	7.25	S67°14'18"W	

Line and Curve Table			
Line #/Curve #	Length	Bearing/Chord	Radius
L26	27.83	N67°14'18"E	
L27	6.00	S67°14'18"W	
L28	16.00	N22°45'42"W	
L29	26.17	S67°14'18"W	
L30	15.94	S2°42'44"E	
L31	20.57	N5°23'10"E	
L32	15.85	S84°36'50"E	
L33	72.00	N5°23'10"E	
L34	15.85	N84°36'50"W	
L36	27.85	S5°23'10"W	
L37	2.99	S5°23'10"W	
L38	27.98	S2°32'10"E	
L39	35.38	S2°32'10"E	
L40	21.19	S86°43'45"E	
L41	21.83	N3°16'15"E	
L42	18.36	N86°43'45"W	
L44	18.30	S86°43'45"E	
L45	21.83	N3°16'15"E	
L46	19.33	S86°43'45"E	
L47	17.00	S22°45'42"E	
L48	21.83	S67°14'18"W	
L49	17.00	N22°45'42"W	
L52	17.00	S22°45'32"E	
L53	21.83	S67°14'28"W	
L54	17.00	N22°45'32"W	
L56	17.00	S22°45'32"E	
L57	21.83	S67°14'18"W	
L58	17.00	N22°45'32"W	
L60	17.00	S22°45'32"E	
L61	21.83	S67°14'18"W	
L62	16.64	S22°45'32"E	
L65	23.14	N38°54'35"W	
L66	21.83	N51°05'25"E	
L67	17.87	N38°54'35"W	
L69	17.34	S38°54'35"E	
L70	21.83	N51°05'25"E	
L71	18.36	S38°54'35"E	
L74	17.00	S22°45'42"E	
L75	21.83	N67°14'18"E	
L76	17.00	S22°45'42"E	
L77	17.00	S22°45'42"E	
L78	21.83	N67°14'18"E	
L79	17.00	N22°45'42"W	

Line and Curve Table			
Line #/Curve #	Length	Bearing/Chord	Radius
L81	17.00	S22°45'42"E	
L82	21.83	N67°14'18"E	
L83	17.00	N22°45'42"W	
L85	17.00	S22°45'42"E	
L86	21.83	N67°14'18"E	
L87	17.00	N22°45'42"W	
L89	24.54	S6°24'44"W	
L90	21.83	S83°35'16"E	
L91	17.54	N6°24'44"E	
L93	17.05	S6°24'44"W	
L94	21.83	S83°35'16"E	
L95	23.05	N6°24'44"E	
L98	33.37	N74°20'29"E	
L99	21.83	S15°39'31"E	
L100	21.43	N74°20'29"E	
L103	21.09	N74°20'29"E	
L104	21.83	N15°39'31"W	
L105	28.93	N74°20'29"E	
L106	42.13	S84°07'11"E	
L107	21.06	S75°21'38"E	
L108	16.90	S62°12'05"E	
L109	24.38	S58°15'39"E	
L120	24.88	N86°40'21"W	
L121	18.58	N64°03'20"W	
L124	37.65	N44°22'49"W	
L125	22.85	N56°50'07"W	
L126	59.78	S22°44'53"E	
L127	78.61	S22°44'53"E	
L128	79.00	S22°45'42"E	

NORTH

SCALE 1" = 30'

0' 15' 30' 60'

PETTIGREW & ASSOCIATES PA
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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER

3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- EXIST. GRADE 5.0' CONTOUR
- EASEMENT BOUNDARY
- CHANNEL FLOWLINE

REVISIONS

No.	DATE	DESCRIPTION

CIVIL HORIZONTAL CONTROL PLAN

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CC-101

WEST CHERRY LANE

CALLAWAY DRIVE

EXISTING BUILDING

BUILDING 1
FF = 3141.65

BUILDING 2
FF = 3141.65

BUILDING 3
FF = 3141.00

BUILDING 4
FF = 3140.85

BUILDING 5
FF = 3140.50

BUILDING 6
FF = 3140.30

RETENTION POND
TOP ELEV = 3141.00'
BOTTOM ELEV = 3139.50'

RETENTION POND
TOP ELEV = 3138.00'
BOTTOM ELEV = 3134.50'

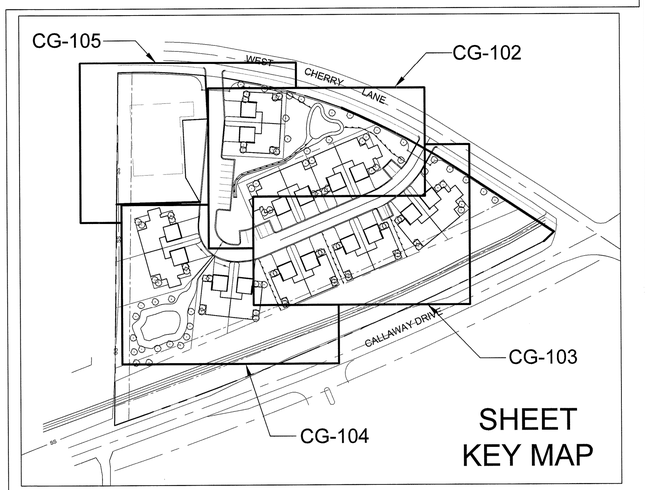
20.00' SEWER EASEMENT

C.I.D. EASTERN CANAL EASEMENT

NORTH

SCALE 1" = 30'

0' 15' 30' 60'



SHEET KEY MAP

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
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DEBRA P. HICKS
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10871
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3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	EXIST. GRADE 5.0' CONTOUR
	EASEMENT BOUNDARY
	CHANNEL FLOWLINE
TOC	TOP OF CONCRETE
FG	FINISH GRADE
FL	FLOWLINE
TBC	TOP BACK OF CURB

REVISIONS

No.	DATE	DESCRIPTION

CIVIL MASTER GRADING PLAN

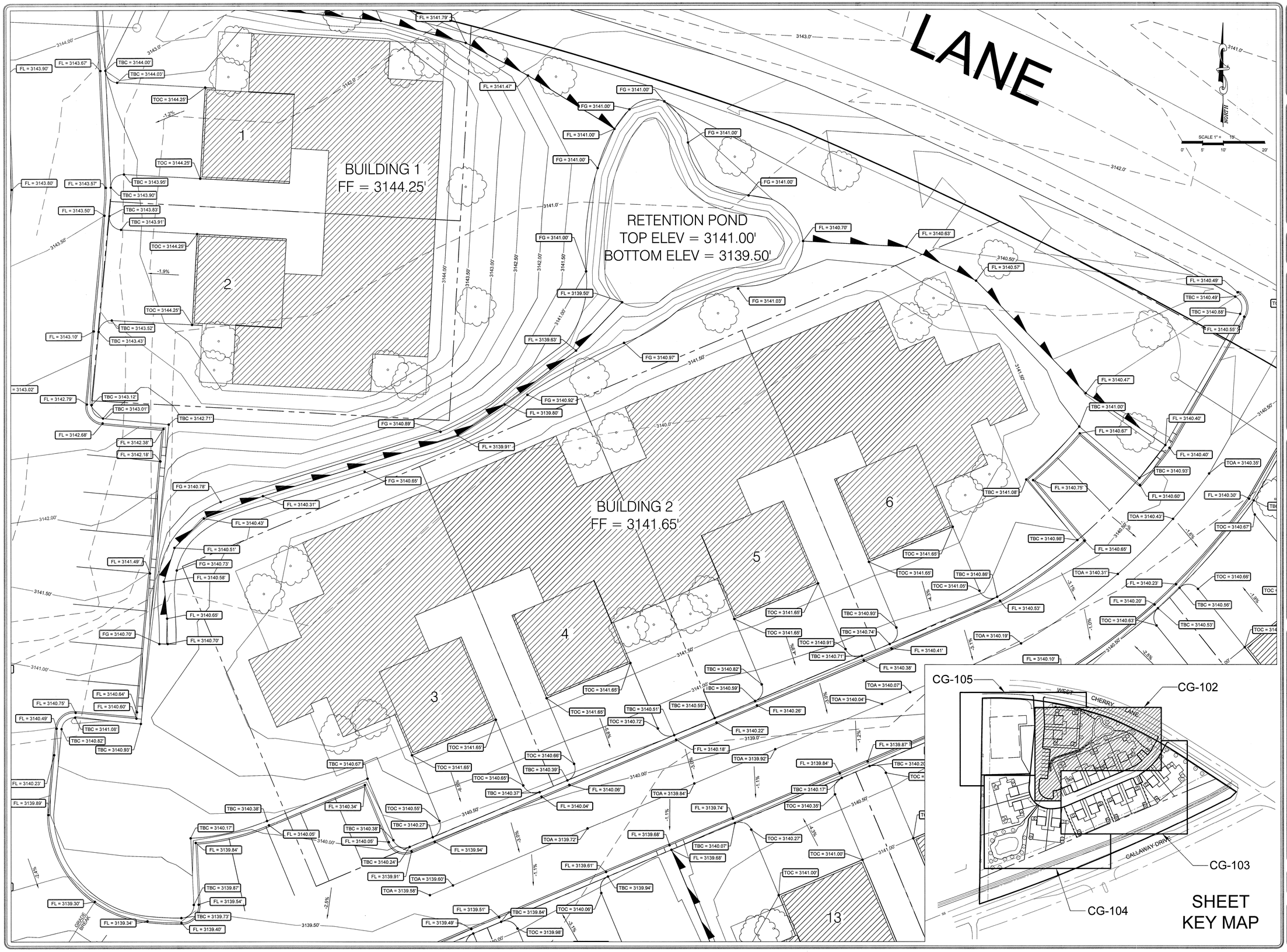
LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CG-101

\\DISKSTATION\DataFiles-NAS\2013.1126\CIVIL\ACAD\CG-101.dwg 3/3/2014 3:08 PM



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3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- EXIST. GRADE 5.0' CONTOUR
- EASEMENT BOUNDARY
- CHANNEL FLOWLINE
- TOC — TOP OF CONCRETE
- FG — FINISH GRADE
- FL — FLOWLINE
- TBC — TOP BACK OF CURB

REVISIONS

No.	DATE	DESCRIPTION

CIVIL GRADING DETAIL

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CG-102

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DEBRA P. HICKS
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3/3/2014

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PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	EXIST. GRADE 5.0' CONTOUR
	EASEMENT BOUNDARY
	CHANNEL FLOWLINE
TOC	TOP OF CONCRETE
FG	FINISH GRADE
FL	FLOWLINE
TBC	TOP BACK OF CURB

REVISIONS

No.	DATE	DESCRIPTION

BUILDING 2
FF = 3141.65'

BUILDING 7
FF = 3141.00'

BUILDING 6
FF = 3141.00'

BUILDING 5
FF = 3140.50'

SCALE 1" = 10'

NORTH

CG-105 CG-102 CG-103 CG-104

WEST CHERRY LANE

CALLAWAY DRIVE

SHEET KEY MAP

CIVIL GRADING DETAIL

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CG-103

BUILDING 3
FF = 3140.85'

BUILDING 4
FF = 3140.30'

BUILDING 5
FF = 3140.50'

RETENTION POND
TOP ELEV = 3138.00'
BOTTOM ELEV = 3134.50'

EASEMENT

OLD EASEMENT

SCALE 1" = 10'
0' 5' 10' 20'

NORTH

CG-105
CG-102
CG-103
CG-104

SHEET
KEY MAP

PETTIGREW
& ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240
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Pettigrew.us

DEBRA P. HICKS
NEW MEXICO
10871
REGISTERED PROFESSIONAL ENGINEER

3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

	FINISH GRADE 0.5' CONTOUR
	FINISH GRADE 1.0' CONTOUR
	EXIST. GRADE 1.0' CONTOUR
	EXIST. GRADE 5.0' CONTOUR
	EASEMENT BOUNDARY
	CHANNEL FLOWLINE
TOC	TOP OF CONCRETE
FG	FINISH GRADE
FL	FLOWLINE
TBC	TOP BACK OF CURB

REVISIONS

No.	DATE	DESCRIPTION

CIVIL GRADING DETAIL

LA HUERTA
DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER:
2013.1126

SHEET:
CG-104

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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
3/3/2014

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PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- FINISH GRADE 0.5' CONTOUR
- FINISH GRADE 1.0' CONTOUR
- EXIST. GRADE 1.0' CONTOUR
- EXIST. GRADE 5.0' CONTOUR
- EASEMENT BOUNDARY
- CHANNEL FLOWLINE
- TOC TOP OF CONCRETE
- FG FINISH GRADE
- FL FLOWLINE
- TBC TOP BACK OF CURB

REVISIONS

No.	DATE	DESCRIPTION

CIVIL GRADING DETAIL

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CG-105

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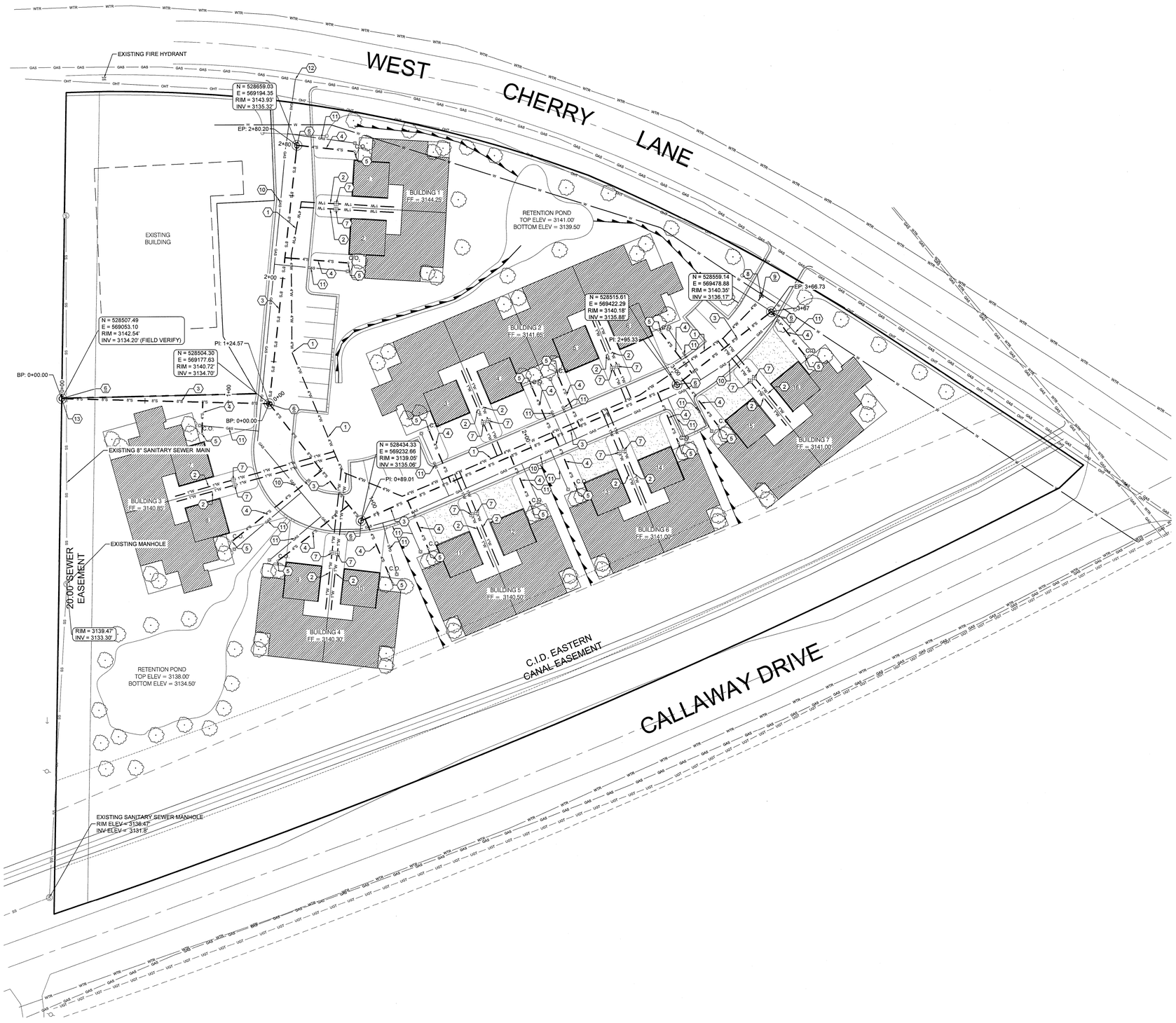

KEYED NOTES

1. INSTALL 457 LIN. FT. ± OF 4" PVC C900 DOMESTIC WATER LINE.
2. INSTALL 1067 LIN. FT. ± OF 1" PVC C900 DOMESTIC WATER LATERAL.
3. INSTALL 755 LIN. FT. ± OF 8" PVC SDR 35 SANITARY SEWER.
4. INSTALL 575 LIN. FT. ± OF 4" PVC SANITARY SEWER LATERAL.
5. INSTALL SEWER CLEANOUT PER DETAIL 1, SHEET CU-501.
6. INSTALL FIBERGLASS MANHOLE PER DETAIL 3, SHEET CU-501.
7. INSTALL WATER METER PER DETAIL 2, SHEET CU-501.
8. INSTALL GATE VALVE PER DETAIL 4, SHEET CU-501.
9. TIE INTO EXISTING 6" WATER MAIN. FIELD VERIFY EXACT LOCATION.
10. 588 LIN. FT. ± OF NATURAL GAS LINE TO BE INSTALLED BY NM GAS COMPANY.
11. 561 LIN. FT. ± OF NATURAL GAS LATERAL TO BE INSTALLED BY NM GAS COMPANY.
12. TIE INTO EXISTING 4" STEEL NATURAL GAS LINE (TO BE DONE BY NM GAS COMPANY).
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3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
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LEGEND

- 4"W — 4" PVC WATER LINE
- 1"W — 1" PVC WATER LINE
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- 4"S — 4" PVC SANITARY SEWER LINE
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- CHANNEL FLOWLINE
- C.O. — SANITARY SEWER MANHOLE / SANITARY SEWER CLEANOUT
- EXISTING FIRE HYDRANT
- WATER METER
- WATER VALVE
- RIM — MANHOLE RIM ELEVATION
- INV — MANHOLE INVERT ELEVATION

REVISIONS

No.	DATE	DESCRIPTION

CIVIL UTILITY PLAN

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CU-101

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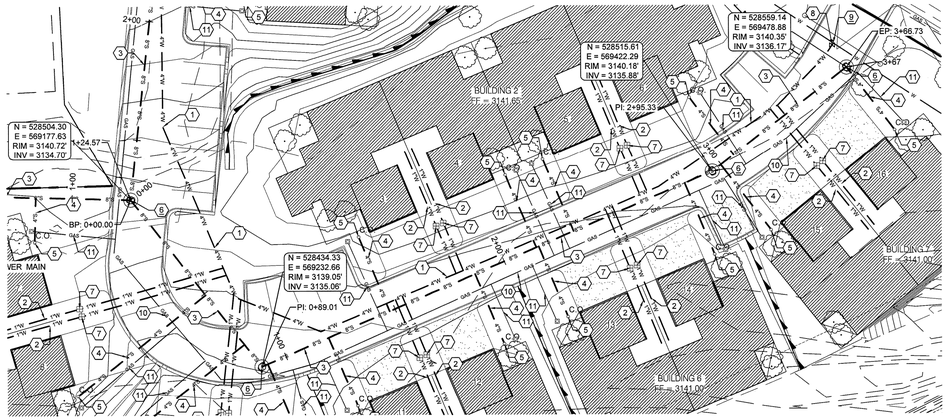


STA 0+00.00 - BEGIN 8" PVC SANITARY SEWER CONSTRUCTION
TIE INTO PROPOSED MANHOLE

STA 0+51.55 - INSTALL 4" LATERAL - BLDG FF = 3140.85'

STA 0+77.14 - INSTALL 4" LATERAL - BLDG FF = 3139.90'

STA 0+89.01 - INSTALL FIBERGLASS MANHOLE PER DETAIL 3, SHEET CU-501
STA 0+91.73 - INSTALL 4" LATERAL - BLDG FF = 3139.80'

STA 1+20.02 - INSTALL 4" LATERAL - BLDG FF = 3140.25'

STA 1+47.56 - INSTALL 4" LATERAL - BLDG FF = 3141.65'

STA 1+86.70 - INSTALL 4" LATERAL - BLDG FF = 3140.25'

STA 2+14.73 - INSTALL 4" LATERAL - BLDG FF = 3141.65'
STA 2+15.79 - INSTALL 4" LATERAL - BLDG FF = 3140.69'

STA 2+51.61 - INSTALL 4" LATERAL - BLDG FF = 3141.65'

STA 2+82.70 - INSTALL 4" LATERAL - BLDG FF = 3140.80'

STA 2+95.33 - INSTALL FIBERGLASS MANHOLE PER DETAIL 3, SHEET CU-501
STA 2+99.83 - INSTALL 4" LATERAL - BLDG FF = 3141.00'

STA 3+06.67 - INSTALL 4" LATERAL - BLDG FF = 3141.65'

STA 3+46.73 - END 8" PVC SANITARY SEWER CONSTRUCTION
INSTALL FIBERGLASS MANHOLE PER DETAIL 3, SHEET CU-501
INSTALL 4" LATERAL - BLDG FF = 3141.00'

STA 0+41.16 - PROPOSED DOMESTIC WATER LINE CROSSING
STA 0+44.68 - PROPOSED DOMESTIC WATER LINE CROSSING

STA 0+67.45 - PROPOSED DOMESTIC WATER LINE CROSSING
STA 0+72.10 - PROPOSED DOMESTIC WATER LINE CROSSING

STA 1+43.27 - PROPOSED NATURAL GAS LINE CROSSING

STA 1+91.81 - PROPOSED DOMESTIC WATER LINE CROSSING
STA 1+94.66 - PROPOSED DOMESTIC WATER LINE CROSSING

STA 2+20.18 - PROPOSED NATURAL GAS LINE CROSSING

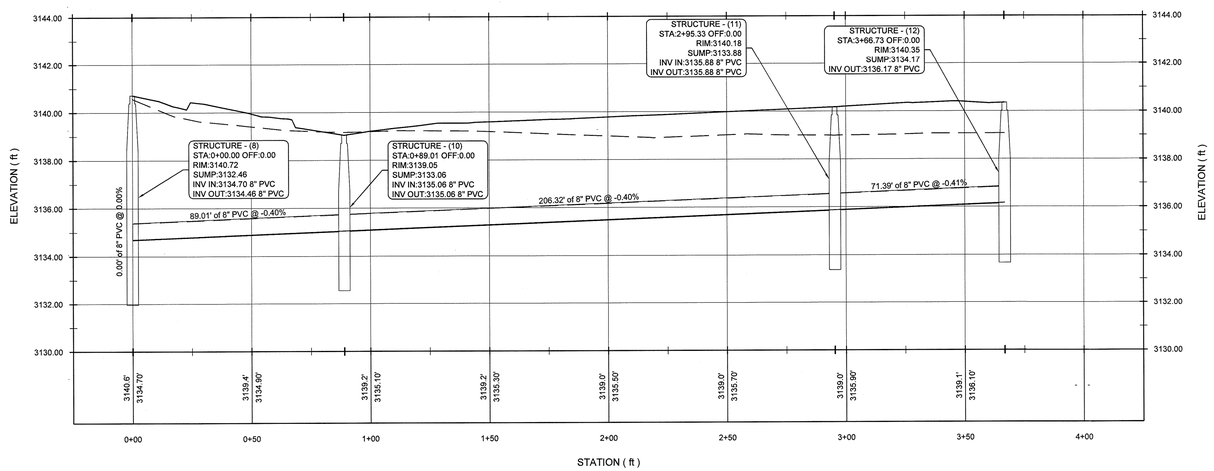
STA 2+27.28 - PROPOSED NATURAL GAS LINE CROSSING

STA 2+47.62 - PROPOSED DOMESTIC WATER LINE CROSSING
STA 2+50.87 - PROPOSED DOMESTIC WATER LINE CROSSING

STA 3+04.94 - PROPOSED NATURAL GAS LINE CROSSING

STA 3+20.80 - PROPOSED DOMESTIC WATER LINE CROSSING
STA 3+24.11 - PROPOSED DOMESTIC WATER LINE CROSSING

CENTRAL SANITARY SEWER PROFILE



KEYED NOTES

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DEBRA P. HICKS
NEW MEXICO
10871
REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- 4"W — 4" PVC WATER LINE
- 1"W — 1" PVC WATER LINE
- 8"S — 8" PVC SANITARY SEWER LINE
- 4"S — 4" PVC SANITARY SEWER LINE
- GAS — NATURAL GAS LINE
- CHANNEL FLOWLINE
- SANITARY SEWER MANHOLE
- C.O. SANITARY SEWER CLEANOUT
- EXISTING FIRE HYDRANT
- WATER METER
- WATER VALVE
- RIM MANHOLE RIM ELEVATION
- INV MANHOLE INVERT ELEVATION

REVISIONS

No.	DATE	DESCRIPTION

UTILITY PLAN AND PROFILE
CENTRAL SANITARY SEWER
STA 0+00.00 TO STA 3+66.73

LA HUERTA
DEVELOPMENT

STERLING MANAGEMENT, LLC

NORTH

SCALE 1" = 30'
0' 15' 30' 60'
HORIZONTAL

SCALE 1" = 3'
0' 1.5' 3' 6'
VERTICAL

PROJECT NUMBER:
2013.1126

SHEET:
CU-201

KEYED NOTES

1. INSTALL 457 LIN. FT. ± OF 4" PVC C900 DOMESTIC WATER LINE.
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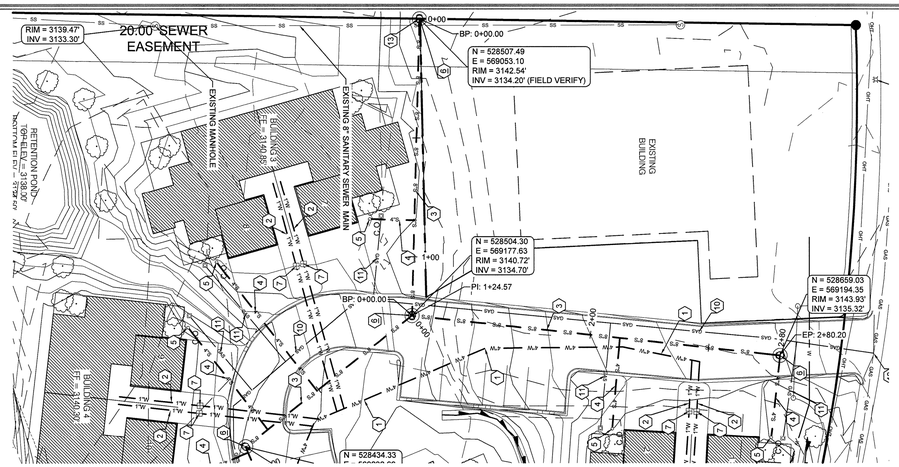


STA 0+00.00 - INSTALL FIBERGLASS MANHOLE PER DETAIL 3, SHEET CU-501

STA 0+94.67 - INSTALL 4" LATERAL - BLDG FF = 3140.85'

STA 1+24.57 - INSTALL FIBERGLASS MANHOLE PER DETAIL 3, SHEET CU-501

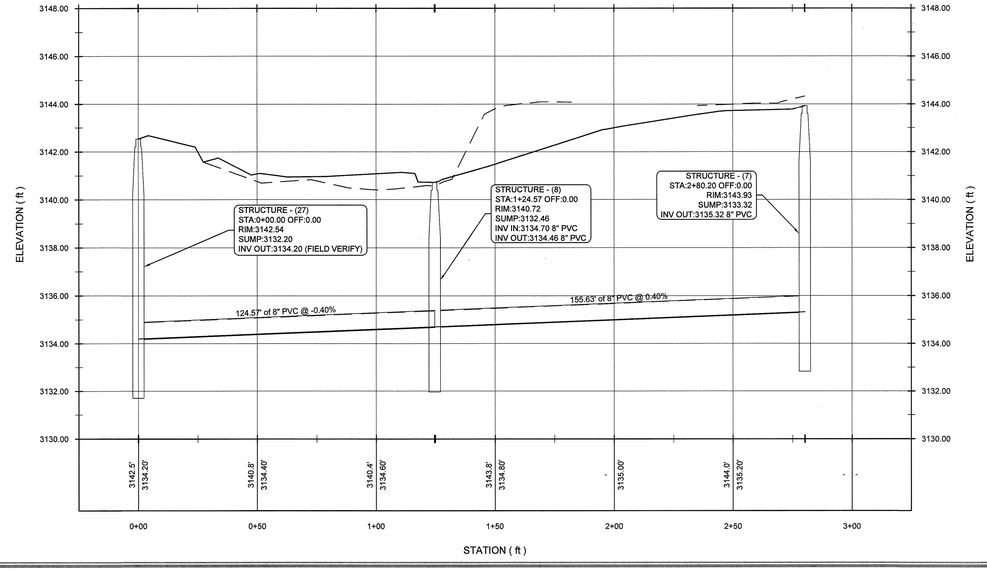
STA 1+19.70 - PROPOSED NATURAL GAS LINE CROSSING

STA 2+12.44 - INSTALL 4" LATERAL - BLDG FF = 3144.25'

STA 2+07.86 - PROPOSED NATURAL GAS LINE CROSSING

STA 2+60.20 - END 8" PVC SANITARY SEWER CONSTRUCTION
INSTALL FIBERGLASS MANHOLE PER DETAIL 3, SHEET CU-501
INSTALL 4" LATERAL - BLDG FF = 3144.25'

WEST SANITARY SEWER PROFILE



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DEBRA P. HICKS
NEW MEXICO
10871
REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- 4"W — 4" PVC WATER LINE
- 1"W — 1" PVC WATER LINE
- 8"S — 8" PVC SANITARY SEWER LINE
- 4"S — 4" PVC SANITARY SEWER LINE
- GAS — NATURAL GAS LINE
- CHANNEL FLOWLINE
- SANITARY SEWER MANHOLE
- C.O. SANITARY SEWER CLEANOUT
- EXISTING FIRE HYDRANT
- WATER METER
- WATER VALVE
- RIM MANHOLE RIM ELEVATION
- INV MANHOLE INVERT ELEVATION

REVISIONS

No.	DATE	DESCRIPTION

UTILITY PLAN AND PROFILE
WEST SANITARY SEWER
STA 0+00.00 TO STA 2+80.20

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

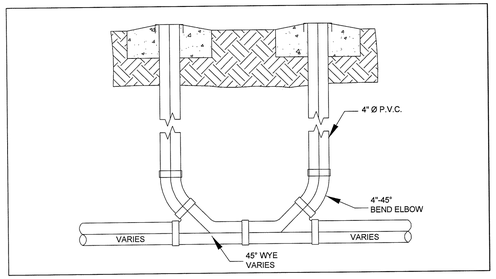
NORTH

SCALE 1" = 30'
0' 15' 30' 60'
HORIZONTAL

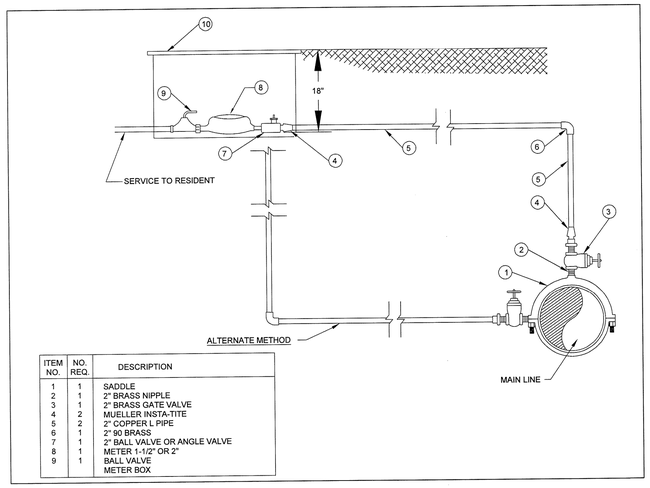
SCALE 1" = 3'
0' 1.5' 3' 6'
VERTICAL

PROJECT NUMBER:
2013.1126

SHEET:
CU-202

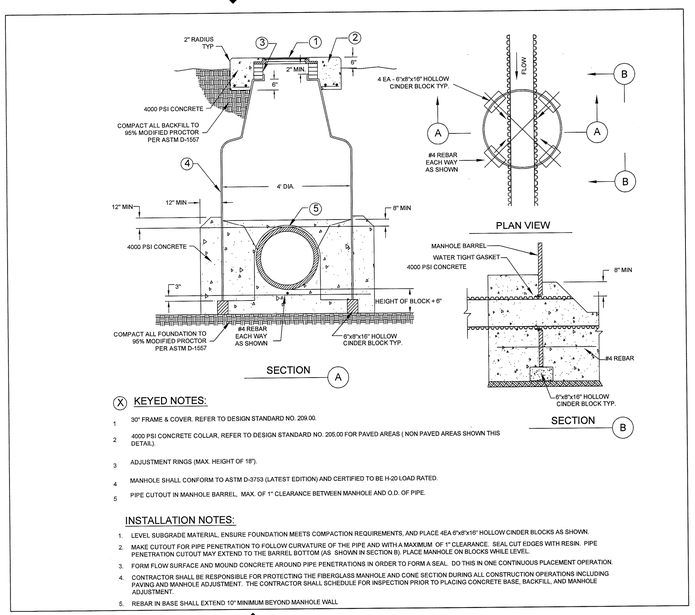


1 TYPICAL DUAL CLEANOUT
SCALE: N.T.S.



ITEM NO.	NO. REQ.	DESCRIPTION
1	1	SADDLE
2	1	2" BRASS NIPPLE
3	1	2" BRASS GATE VALVE
4	2	MUELLER INSTA-TITE
5	2	2" COPPER L PIPE
6	1	2" 90 BRASS
7	1	2" BALL VALVE OR ANGLE VALVE
8	1	METER 1-1/2" OR 2"
9	1	BALL VALVE METER BOX

2 WATER METER ASSEMBLY
SCALE: N.T.S.



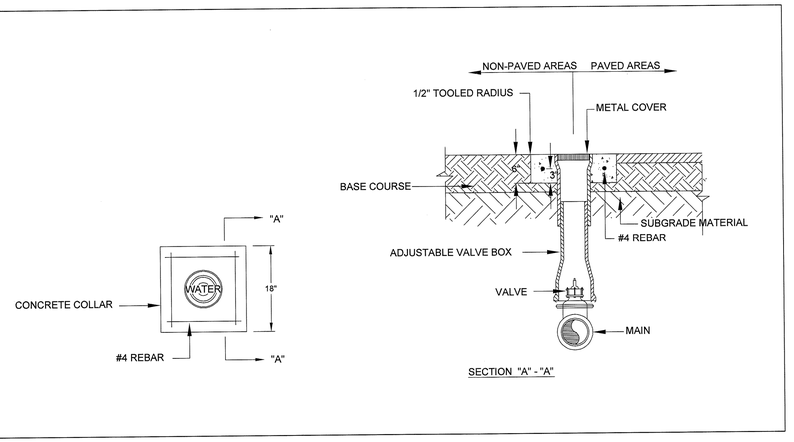
X KEYED NOTES:

1. 30" FRAME & COVER. REFER TO DESIGN STANDARD NO. 209.00.
2. 4000 PSI CONCRETE COLLAR, REFER TO DESIGN STANDARD NO. 205.00 FOR PAVED AREAS (NON PAVED AREAS SHOWN THIS DETAIL)
3. ADJUSTMENT RINGS (MAX. HEIGHT OF 18").
4. MANHOLE SHALL CONFORM TO ASTM D-3753 (LATEST EDITION) AND CERTIFIED TO BE H-20 LOAD RATED.
5. PIPE CUTOUT IN MANHOLE BARREL. MAX. OF 1" CLEARANCE BETWEEN MANHOLE AND O.D. OF PIPE.

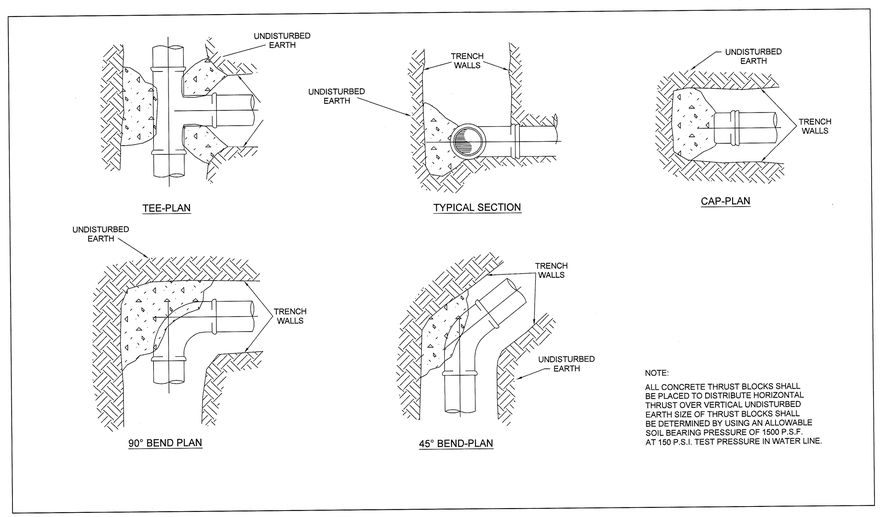
INSTALLATION NOTES:

1. LEVEL SUBGRADE MATERIAL, ENSURE FOUNDATION MEETS COMPACTION REQUIREMENTS, AND PLACE 4EA 6"x8"x16" HOLLOW CINDER BLOCKS AS SHOWN.
2. MAKE CUTOUT FOR PIPE PENETRATION TO FOLLOW CURVATURE OF THE PIPE AND WITH A MAXIMUM OF 1" CLEARANCE. SEAL CUT EDGES WITH RESIN. PIPE PENETRATION CUTOUT MAY EXTEND TO THE BARREL BOTTOM (AS SHOWN IN SECTION B). PLACE MANHOLE ON BLOCKS WHILE LEVEL.
3. FORM FLOW SURFACE AND MOUND CONCRETE AROUND PIPE PENETRATIONS IN ORDER TO FORM A SEAL. DO THIS IN ONE CONTINUOUS PLACEMENT OPERATION.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE FIBERGLASS MANHOLE AND CONE SECTION DURING ALL CONSTRUCTION OPERATIONS INCLUDING PAVING AND MANHOLE ADJUSTMENT. THE CONTRACTOR SHALL SCHEDULE FOR INSPECTION PRIOR TO PLACING CONCRETE BASE, BACKFILL, AND MANHOLE ADJUSTMENT.
5. REBAR IN BASE SHALL EXTEND 10" MINIMUM BEYOND MANHOLE WALL

3 FIBERGLASS MANHOLE
SCALE: N.T.S.



4 VALVE BOX INSTALLATION DETAIL
SCALE: N.T.S.



NOTE:
ALL CONCRETE THRUST BLOCKS SHALL BE PLACED TO DISTRIBUTE HORIZONTAL THRUST OVER VERTICAL UNDISTURBED EARTH SIZE OF THRUST BLOCKS SHALL BE DETERMINED BY USING AN ALLOWABLE SOIL BEARING PRESSURE OF 1500 P.S.F. AT 150 P.S.I. TEST PRESSURE IN WATER LINE.

5 CONCRETE HORIZONTAL BLOCK
SCALE: N.T.S.

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DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

REVISIONS

No.	DATE	DESCRIPTION

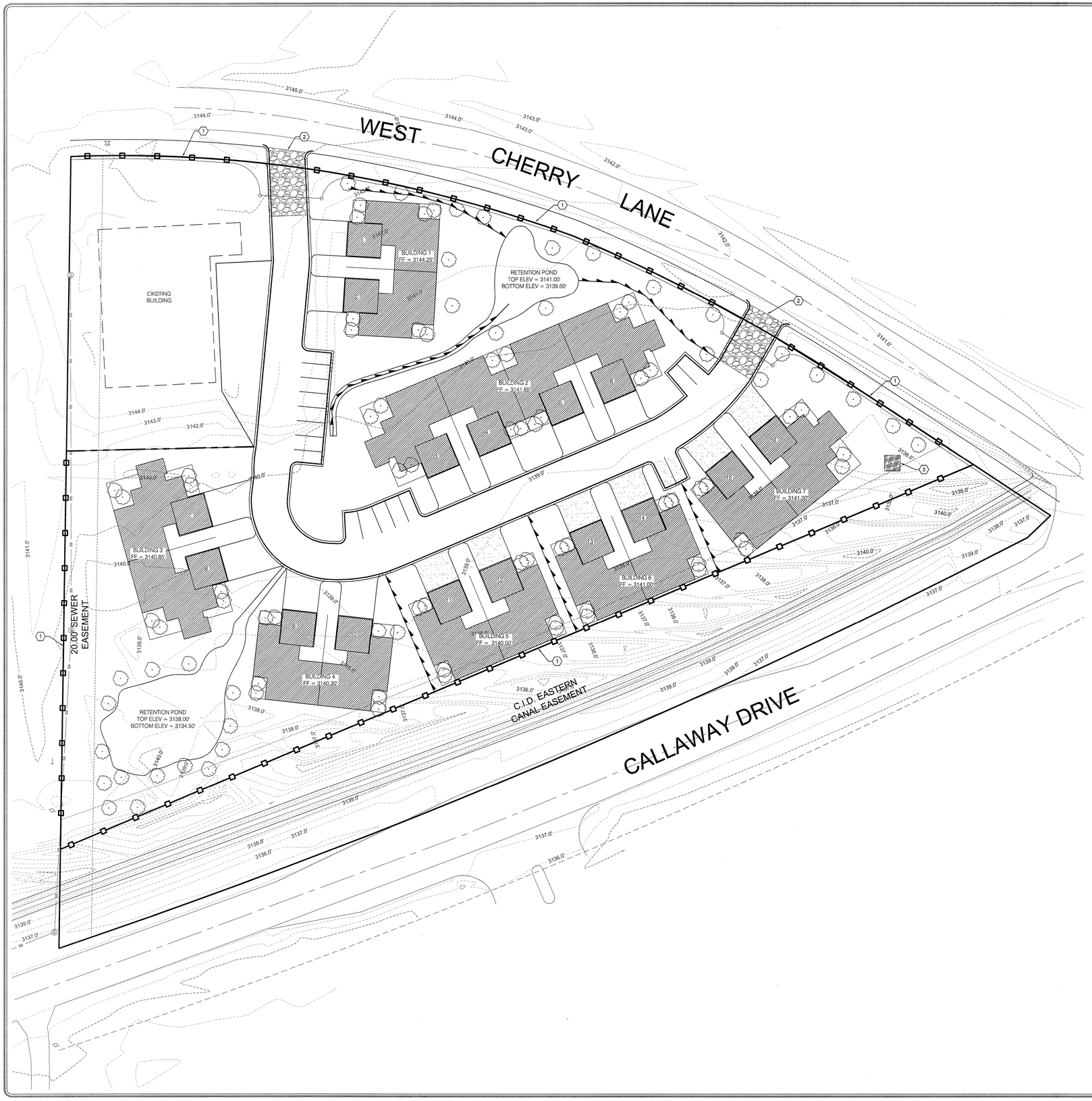
CIVIL UTILITY DETAILS

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: CU-501



SWPPP GENERAL NOTES

1. THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL DUST AND EROSION CONTROL REGULATIONS. THE CONTRACTOR SHALL PREPARE AND OBTAIN ANY NECESSARY DUST OR EROSION CONTROL PERMITS FROM REGULATORY AGENCIES.
2. THE CONTRACTOR SHALL PROMPTLY REMOVE ANY MATERIAL EXCAVATED WITHIN THE PUBLIC RIGHT-OF-WAY TO KEEP IT FROM WASHING OFF THE PROJECT SITE.
3. THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE SITE ONTO OTHER PROPERTY BY CONSTRUCTING TEMPORARY EROSION CONTROL BERMS OR INSTALLING SILT FENCES AT THE PROPERTY LINES AS INDICATED ON THE APPROVED SWPPP.
4. THE CONTRACTOR SHALL WET THE SOIL AS NEEDED TO KEEP IT FROM BLOWING. WATERING, AS REQUIRED FOR CONSTRUCTION AND DUST CONTROL, SHALL BE CONSIDERED INCIDENTAL TO CONSTRUCTION AND NO MEASUREMENT OR PAYMENT SHALL BE MADE THEREFOR. CONSTRUCTION AREAS SHALL BE WATERED FOR DUST CONTROL IN COMPLIANCE WITH GOVERNMENT ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND SUPPLYING WATER AS REQUIRED.
5. ANY AREAS DISTURBED BY CONSTRUCTION AND NOT COVERED BY LANDSCAPING OR ANY IMPERVIOUS SURFACE SHALL BE REVEGETATED WITH NATIVE GRASS SEEDING. WHEN CONSTRUCTION ACTIVITIES CEASE AND EARTH DISTURBING ACTIVITIES WILL NOT RESUME WITHIN 21 DAYS, STABILIZATION MEASURES MUST BE INITIATED. UNLESS INDICATED OTHERWISE ON THESE PLANS OR ON THE LANDSCAPING PLAN, NATIVE GRASS SEEDING SHALL BE CLASS A SEEDING PER SECTION 1011 AND 1012 OF THE NMAPWA STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. COST IS INCIDENTAL TO BASE BID.
6. THE CONTRACTOR WILL REPORT AND RESPOND TO ANY SPILLS OF HAZARDOUS MATERIALS SUCH AS GASOLINE, DIESEL, MOTOR OILS, SOLVENTS, CHEMICALS, TOXIC OR CORROSIVE SUBSTANCES, ETC. A SPILL IS DEFINED AS ANY RELEASE OF A CORROSIVE, HAZARDOUS, TOXIC OR RADIOACTIVE SUBSTANCE THAT MAY BE A THREAT TO PUBLIC HEALTH OR THE ENVIRONMENT. REPORTS OF SPILLS WILL BE MADE IMMEDIATELY TO BOTH THE NEW MEXICO ENVIRONMENT DEPARTMENT EMERGENCY RESPONSE TEAM (505-827-4308 OR 505-470-3657) AND EDDY COUNTY EMERGENCY MANAGEMENT (575-887-0511). THE CONTRACTOR WILL BE RESPONSIBLE FOR REPORTING AND CLEANUP OF ANY SPILL ASSOCIATED WITH PROJECT CONSTRUCTION. THE CONTRACTOR WILL BE RESPONSIBLE FOR REPORTING ANY DISCOVERIES OF PAST SPILLS OR CURRENT SPILLS NOT ASSOCIATED WITH CONSTRUCTION.
7. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS REGARDING SURFACE AND UNDERGROUND WATER. CONTACT WITH SURFACE WATER BY CONSTRUCTION EQUIPMENT AND PERSONNEL SHALL BE MINIMIZED. EQUIPMENT MAINTENANCE AND REFUELING OPERATIONS SHALL BE PERFORMED IN AN ENVIRONMENTALLLY SAFE MANNER IN COMPLIANCE WITH GOVERNMENT REGULATIONS.
8. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE REGULATIONS CONCERNING CONSTRUCTION NOISE AND HOURS OF OPERATION.
9. WHERE STORM INLETS ARE SUSCEPTIBLE TO INFLOW OF SILT OR DEBRIS FROM CONSTRUCTION ACTIVITIES, PROTECTION SHALL BE INSTALLED ON THEIR UPSTREAM SIDE.
10. THE CONTRACTOR SHALL PREPARE AND MAINTAIN A COPY OF THE SWPPP ON-SITE AT ALL TIMES, AND SHALL COMPLY WITH THE REQUIREMENTS INDICATED ON THAT PLAN. COST IS INCIDENTAL TO BASE BID.
11. ALL PERVIOUS AREAS SHALL BE LANDSCAPED OR SEEDED ACCORDING TO LANDSCAPE ARCHITECTURAL PLANS.

KEYED NOTES:

(1) INSTALL 1420 LIN. FT. OF SILT FENCE
(2) CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE
(3) CONSTRUCT CONCRETE WASHOUT AREA

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | TESTING
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs New Mexico 88240
T 575 393 9827 F 575 393 1543
Pettigrew.us

DEBRA P. HICKS NEW MEXICO 10871 REGISTERED PROFESSIONAL ENGINEER
3/3/2014

PROJECT ENGINEER:	DEBRA P. HICKS, PE/LSI
PROJECT DESIGNER:	JONATHAN CAREY
DRAWN BY:	JONATHAN CAREY

LEGEND

- SILT FENCE/WADDLES
- STABILIZED CONSTRUCTION ENTRANCE
- CONCRETE WASHOUT AREA

REVISIONS

No.	DATE	DESCRIPTION

STORMWATER POLLUTION PREVENTION PLAN

LA HUERTA DEVELOPMENT

STERLING MANAGEMENT, LLC

PROJECT NUMBER: 2013.1126

SHEET: SWPPP-101

\\DISKSTATION\DataFiles-NAS\2013.1126\CIVIL\ACAD\SWPPP.dwg 3/3/2014 3:15 PM

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering & Regulation	**BY:** Jeff Patterson, Planning Director	**DATE:** 12/17/14

SUBJECT: Zoning Change from "C-2" Commercial District to "R-2" Residential District for an approximately 5.4 acre parcel, located at 501 Del Rio St., legally described as the Preliminary Plat, Mesa Vista Subdivision consisting of Lot 1 (+/- 2.7) acres and Lot 2 (+/-2.7) acres, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

Applicant:
Silverado Land Company
41555 E. Florida Ave., Ste. G
Hemet, CA 92544

Property Owner:
Mesa Properties of Carlsbad, LLC.
5317 Lomas Dr.
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). 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.

SYNOPSIS, HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):
The applicant is requesting a Zoning Change from "C-2" Commercial District to "R-2" Residential District at the subject site, which currently sits vacant. The zoning around this property is zoned as "C-2" Commercial District to the west and south and "R-2" Residential District to the east. Changing the zoning to "R-2" Residential will open this property to development of a more dense residential nature.

The existing commercial zoning is intended to accommodate community and regional-scale retail and commercial uses. The proposed residential zoning 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. The subject site is adjacent to the Villa San Jose Development (zoned "R-2"), to the east, and the properties to the north across Del Rio St. are residential (zoned "R-1"). This zone change would fit with these properties. The properties to the south and west are zoned commercial, yet these properties currently are vacant. Opening up land for residential development fits the City's Comprehensive Plan and serves to help resolve the City's current housing shortage. This zone change would also promote the infill of this vacant property.

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".

Comprehensive Plan: Strategy 2030 goals and policies that are applicable to this request are:

Chapter 3: Land Use

Goal 1: The City of Carlsbad will adopt policies to support the Infill/Redevelopment Land Use Scenario.
Goal 2: The City of Carlsbad will make efficient use of government resources through well-planned land use decisions.
Goal 4: The City of Carlsbad will strive to create an aesthetically pleasing built environment.
Goal 5: The City of Carlsbad will ensure that land use does not negatively impact the city's environmental resources.

Chapter 5: Economic Development

Goal 4: Improve the appearance of Carlsbad.

Goal 6: Support the efforts and expansion of existing major industries, such as potash mining, oil and gas drilling, and nuclear waste disposal.

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: Based on review of the application and staff comments, planning staff recommends approval of this request based on the following findings:

1. 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; and
2. 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; and
3. The proposed amendment is not necessary in order to respond to State and/or Federal legislation; and
4. The proposed amendment provides additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
5. The proposed amendment is in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
6. 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; and
7. The proposed amendment is not justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
8. 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.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works:

Utilities Department:

Building Department:

Fire Department: recommend approval.

Code Enforcement:

Legal Department:

Planning Department:

Police Department: recommend approval, no comments.

Culture & Rec. Dept:

City Engineer:

Carlsbad Irrigation District:

City Administration: recommend denial until Lots 1 and 2 are created or a legal description of the lots is provided. (as of 12/22)

ATTACHMENTS: Application materials

CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

RECEIVED
Receipt Date Stamp
DEC - 5 2014
Planning, Engineering, & Regulation Department

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 12/5/2014
Existing Zoning: C-2

Fee Paid ($100.00): PVP $100.00
Proposed Zoning: R-2

APPLICANT INFORMATION:

NAME	ADDRESS			
Silverado Land Company	41555 E. Florida Ave., Suite G			
CITY	**STATE**	**ZIP**	**PHONE**	**EMAIL**
Hemet	CA	92544	(951) 658-1727	blaine@bawce.com

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

NAME	ADDRESS			
Mesa Properties of Carlsbad, LLC	5317 Lomas			
CITY	**STATE**	**ZIP**	**PHONE**	**EMAIL**
Carlsbad	NM	88220	(575) 234-9905	diveplan@aol.com

* 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):

ADDRESS	LOT	BLOCK	SUBDIVISION
501 Del Rio, Carlsbad, CA 88220	Lots 1 & 2		of the Mesa Vista Subdivision

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: 501 Del Rio, Carlsbad, NM 88220
STREET ADDRESS

LEGAL DESSCRPTION: Mesa Vista Subdivision (SUBDIVISION) Lots 1 & 2 (LOT OR TRACT)

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

AGENT: Silverado Land Co., Blaine Womer (NAME) (951) 658-1727 (PHONE)
41555 E. Florida Ave., Ste. G, Hemet, CA 92544
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: MESA PROPERTIES OF CARLSBAD, LLC

BY: _____ (SIGNATURE)

BY: WILLIAM MURRILL (PRINTED NAME) MANAGING MEMBER

DATE: 12-5-14 (DATE SIGNED)

NOTARY SEAL

OFFICIAL SEAL
DOTTIE C. RUTHERFORD
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 2-14-17

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

FOR SILVERADO LAND COMPANY

12-5-14
DATE

Sign issued by: _____
Staff Member

Date: 12/5/2014

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: Silverado Land Co., 41555 E. Florida Ave.,#G,Hemet, CA (951) 658-1727
Name Address Phone

Subject Site Location: 501 Del Rio, Carlsbad, NM

The proposed action is a:

☒ Zoning Change from C-2 to R-2 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 allow a maximum density of 21 dwelling units to the acre for the R-2 zoned property

☐ 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: Jan 5, 2015
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,

Applicant/Agent

Silverado Land Company, LLC

41555 E. Florida Ave #G

Hemet, CA. 92544

7014 0510 0000 8015 1580

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Certified Fee	$3.30	07
Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Postage & Fees	$ $3.79	12/06/2014

Sent To: Mesa Properties of Carlsbad
Street, Apt. No.; or PO Box No.: 1266
City, State, ZIP+4: CARLSBAD, NM 88221 1266

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7014 0510 0000 8015 1528

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Total Postage & Fees	$ $3.79	12/06/2014

Sent To: PORFIRIO MARTINEZ
Street, Apt. No.; or PO Box No.: 502 W. 3rd Rio
City, State, ZIP+4: CARLSBAD, NM 88220

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Total Postage & Fees	$ $3.79	12/06/2014

7014 0510 0000 8015 1641

Sent To: ERNEST MCINTIRE

Street, Apt. No.; or PO Box No.: 1364

City, State, ZIP+4: LOVING NM 88256 1364

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Total Postage & Fees	$ $3.79	12/06/2014

7014 0510 0000 8015 1610

Sent To: Presiliano Dorinda DOMINGUEZ

Street, Apt. No.; or PO Box No.: 606 DEL RIO

City, State, ZIP+4: CARLSBAD NM 88220

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7014 0510 0000 8015 1634

Sent To: Belinda Gloria GARCIA

Street, Apt. No.; or PO Box No.: 608 DEL RIO

City, State, ZIP+4: CARLSBAD, NM 88220

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Total Postage & Fees	$ $3.79	12/06/2014

7014 0510 0000 8015 1603

Sent To: VILLA SAN JOSE LLC

Street, Apt. No.; or PO Box No.: 108 S. CEDAR

City, State, ZIP+4: TorC, NM 87901

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7014 0510 0000 8015 1658

Sent To: ERNEST MCINTIRE

Street, Apt. No.; or PO Box No.: 1364

City, State, ZIP+4: LOVING NM 88256 1364

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Total Postage & Fees	$ $3.79	12/06/2014

7014 0510 0000 8015 1597

Sent To: Sonny T. ROJAS

Street, Apt. No.; or PO Box No.: 504 DEL RIO

City, State, ZIP+4: CARLSBAD NM 88220

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7014 0510 0000 8015 1702

Sent To: LINDA MADRID
Street, Apt. No.; or PO Box No.: 6410 NDCBU
City, State, ZIP+4: TAOS, NM 87571

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Sent To: PORFIRIO MARTINEZ
Street, Apt. No.; or PO Box No.: 502 DEL RIO
City, State, ZIP+4: CARLSBAD, NM 88220

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7014 0510 0000 8015 1696

Sent To: Aidin & Cruz Melendez
Street, Apt. No.; or PO Box No.: 508 DEL RIO
City, State, ZIP+4: CARLSBAD, NM 88220

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Total Postage & Fees	$ $3.79	12/06/2014

7014 0510 0000 8015 1672

Sent To: Perla Martinez
Street, Apt. No.; or PO Box No.: 502 W. DEL RIO
City, State, ZIP+4: CARLSBAD, NM 88220

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Total Postage & Fees	$ $3.79	→12/06/2014

7014 0510 0000 8015 1627

Sent To: TRESILIANO & DOLINDA DOMINGUEZ
Street, Apt. No.; or PO Box No.: 606 DEL RIO
City, State, ZIP+4: CARLSBAD, NM 88220

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Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Postage & Fees	$ $3.79	12/06/2014

7014 0510 0000 8015 1665

Sent To: CARLOS & ABRAHAM VENEGAS
Street, Apt. No.; or PO Box No.: 514 W. DEL RIO
City, State, ZIP+4: CARLSBAD NM 88220

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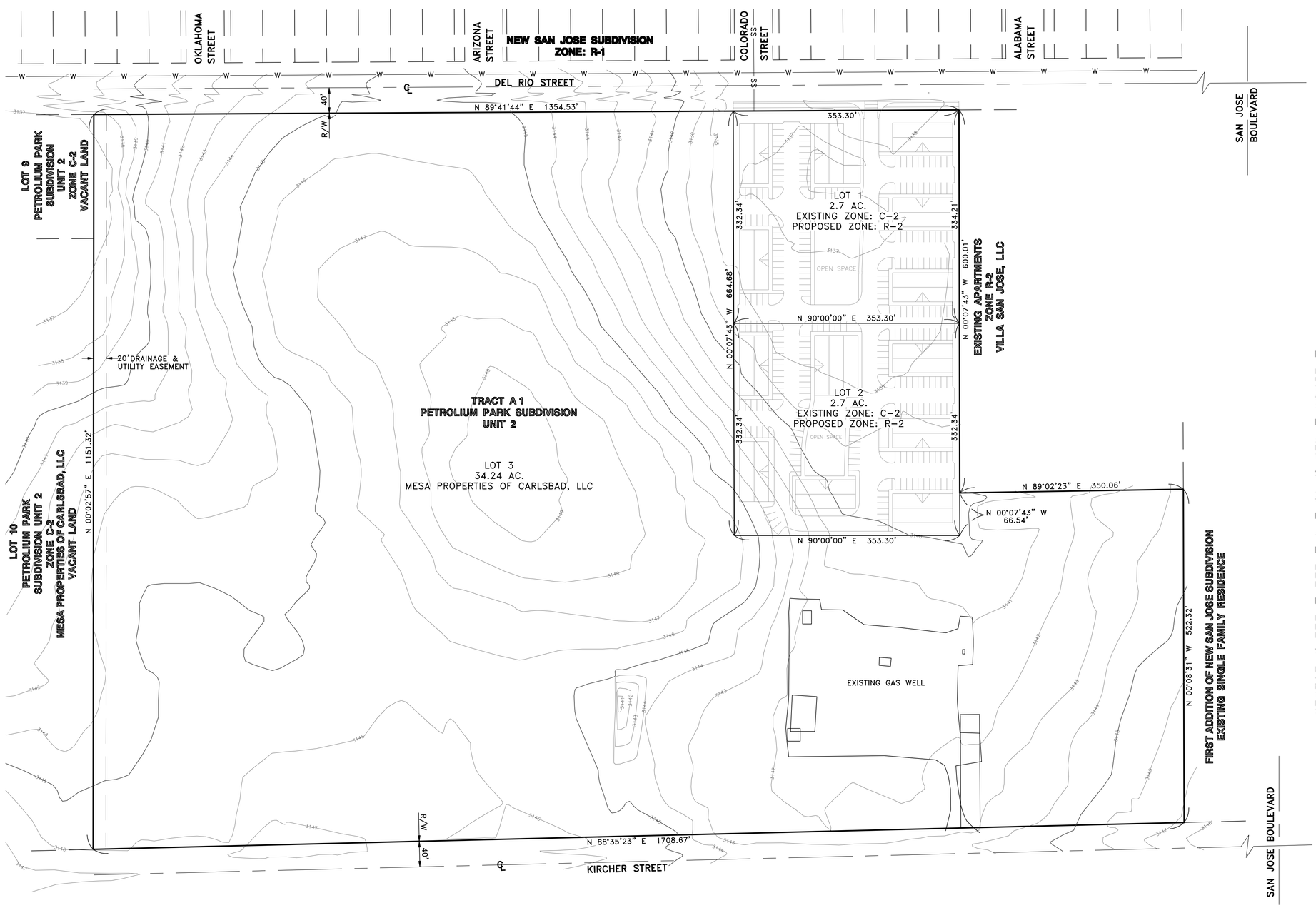
PRELIMINARY PLAT
FOR
MESA VISTA SUBDIVISION
CARLSBAD, NEW MEXICO

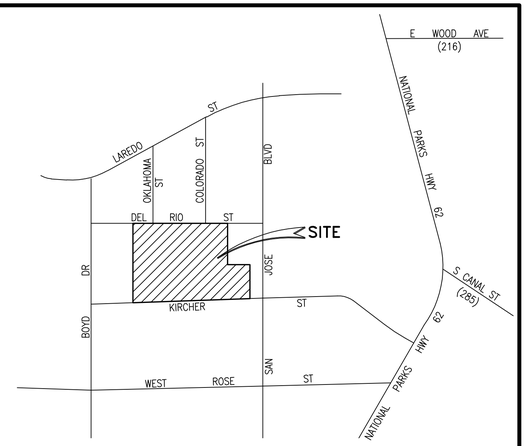
NORTH

GRAPHIC SCALE

80 0 40 80 160 320

1" = 80 '





NORTH VICINITY MAP
NTS

PROJECT DESCRIPTION:

PROPOSED SUBDIVISION OF TRACT A1 OF PETROLEUM PARK SUBDIVISION – UNIT 2, INTO 3 LOTS. LOTS 1 AND 2 REQUIRE A ZONE CHANGE AND VARIANCE TO ALLOW THE DEVELOPMENT OF AN APARTMENT COMPLEX WITH A DENSITY OF 21 DWELLING UNITS TO THE ACRE. LOT 3 IS NOT A PART OF THE APARTMENT PROJECT.

PROPERTY DESCRIPTION:

A SUBDIVISION OF TRACT A1 OF THE PETROLEUM PARK SUBDIVISION – UNIT 2, IN THE CITY OF CARLSBAD, EDDY COUNTY, NEW MEXICO, SECTION 18, TOWNSHIP 22 SOUTH, RANGE 27 EAST.

SITE ADDRESS:

501 DEL RIO
CARLSBAD, NM 88220

PROPERTY AREA:

39.64 ACRES

PROPERTY ZONING:

LOT 1:	EXISTING ZONE:	C–2,	PROPOSED ZONE:	R–2
LOT 2:	EXISTING ZONE:	C–2,	PROPOSED ZONE:	R–2
LOT 3	EXISTING ZONE:	C–2,	PROPOSED ZONE:	C–2

PROPOSED LAND USE:

LOT 1: APARTMENT COMPLEX
LOT 2: APARTMENT COMPLEX
LOT 3: COMMERCIAL

VARIANCE REQUEST:

REQUEST A VARIANCE FROM A PORTION OF SECTION 56–90(b) OF THE CITY OF CARLSBAD ZONING ORDINANCE (ORD. 2011–15). SAID SECTION SHOWS A MAXIMUM DENSITY OF 10 DWELLING UNITS TO THE ACRE FOR THE R–2 ZONE. THE VARIANCE REQUEST IS TO ALLOW 21 DWELLING UNITS TO THE ACRE FOR LOTS 1 AND 2 OF THE PROPOSED SUBDIVISION. THE PROJECT WILL COMPLY WITH ALL OTHER REQUIREMENTS OF THE ORDINANCE.

SEAL

SEAL

BLAINE A. WOMER NEW MEXICO 22637 PROFESSIONAL ENGINEER

APPROVED BY: DATE

R.C.E. NO. EXP. DATE

PREPARED BY: DATE

R.C.E. NO. EXP. DATE

BLAINE A. WOMER
CIVIL ENGINEERING

- PLANNING
- SURVEYING
- CIVIL ENGINEERING
- PUBLIC WORKS

Hemet, CA. 92544, 41555 E Florida Ave., Suite G, Phone (951)658-1727 Fax (951)658-9347
Park City, UT 84098, 5133 Cove Canyon Dr. #302, Phone (801)859-9755, Fax (801)261-2219

REV.	DATE	DESCRIPTION	DATE	APPROVAL

CARLSBAD, NEW MEXICO

MESA VISTA SUBDIVISION

PRELIMINARY PLAT

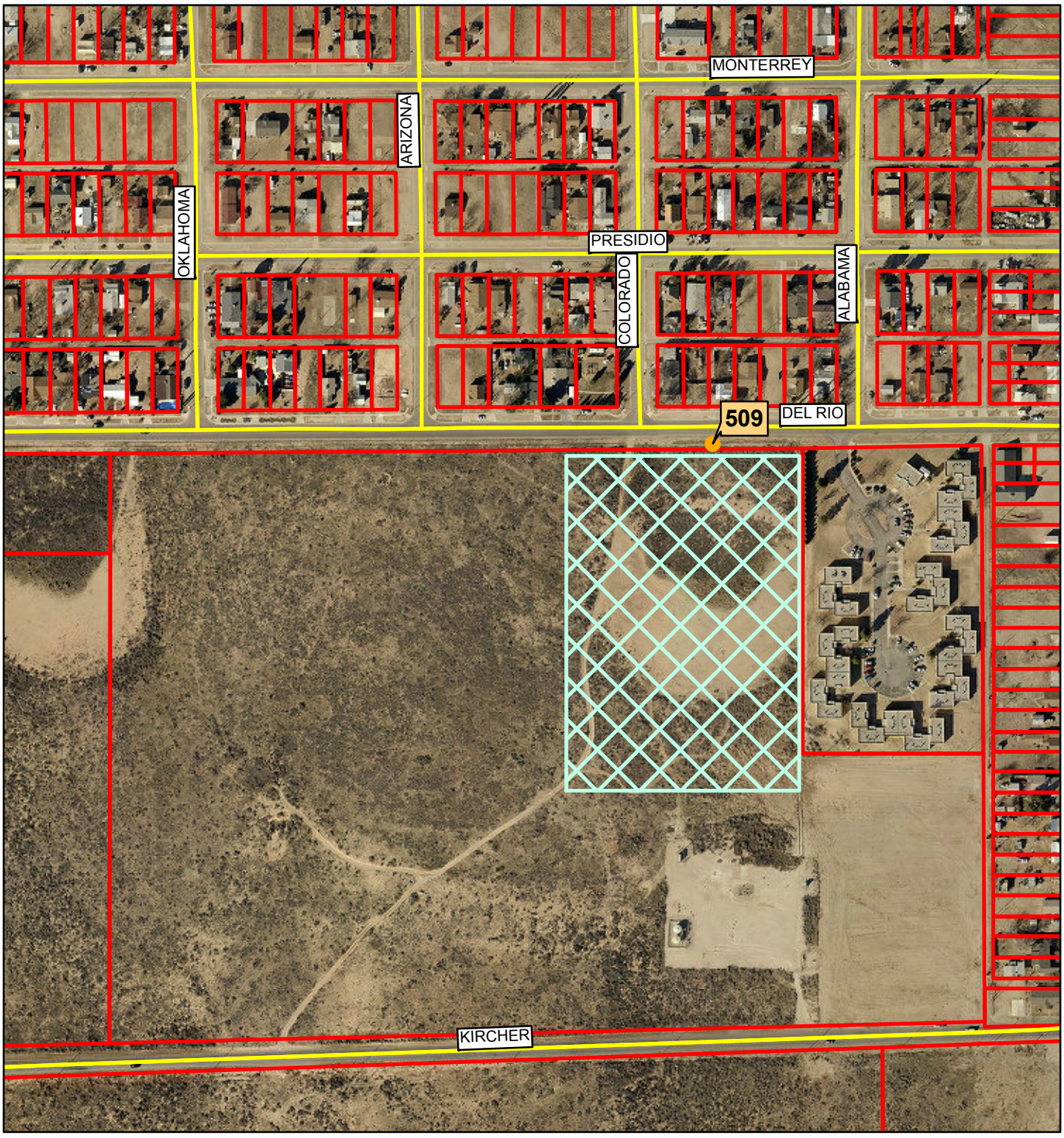
SHEET NO.: 1

1 OF 1 SHEETS

1:3,301

509 Del Rio St
Zone Change

MAP # 373_ed01



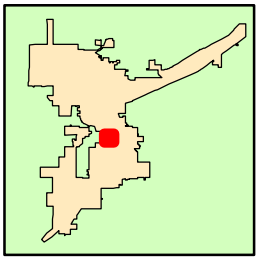
Legend

- Address
- Roads
- Parcel
- Area of Interest

0 5 10 20
Miles

CITY OF CARLSBAD
Engineering Department
DATE 12/12/14

N
W E
S



CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Jeff Patterson, Deputy Planning Director	**DATE:** 12/16/2014

SUBJECT: Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 30', which would result in a 10' front-yard setback at 1008 Pinon Ln, legally described as Monterey Heights Amended, Block 3, Lot 19, zoned R-1 Residential District.

Applicant:
Gary C. York
1008 Pinon Ln.
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 place a carport in the 30' front-yard setback at the subject site. If approved, the resulting front yard setback would be 10'. The majority of lots within the Monterey Heights Subdivision, Block 3, have at least 30' front of 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.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The 30' front-yard setback standards of Section 56-90(b) of the Zoning Ordinance are 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.

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.

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		Planning, 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	City Administration		x	

DEPARTMENT COMMENTS:
Public Works: Recommend denial. Proposed location too close to existing roadway and utilities.

Utilities Department: no comments.

Building Department: no comments

Fire Department: no objections or comments.

Code Enforcement: no comments

Legal Department: I recommend denial. The request is for a 0' front yard setback. The application does not demonstrate the existence of a hardship that meets the requirements for the grant of such a variance.

Planning Department: see comments above.

Police Department: Reviewed. Recommend approval, no comments.

Culture and Recreation Department: no comments

City Engineer: Recommend denial. Need to adhere to front lot setback for safety.

City Administration: Recommend denial, does not meet requirements.

Carlsbad Irrigation District: No comments

ATTACHMENTS: Application materials

9-11-2014

CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

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.

9-11-2014

CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

RECEIVED
Receipt Date Stamp
NOV 18 2014
Planning, Engineering, & Regulation Department

BOARD OF APPEALS APPLICATION

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

Application Date: _____

Fee Paid ($50.00): ✓ PVP

APPLICANT INFORMATION:

NAME	ADDRESS			
Gary C. York	1008 Pinon lane			
CITY	**STATE**	**ZIP**	**PHONE**	**EMAIL**
Carlsbad	N. Mex	88220	575 887-2616	SGyork46@gmail.com

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): 1008 Pinon lane

TYPE OF REQUEST (CHECK ONE):

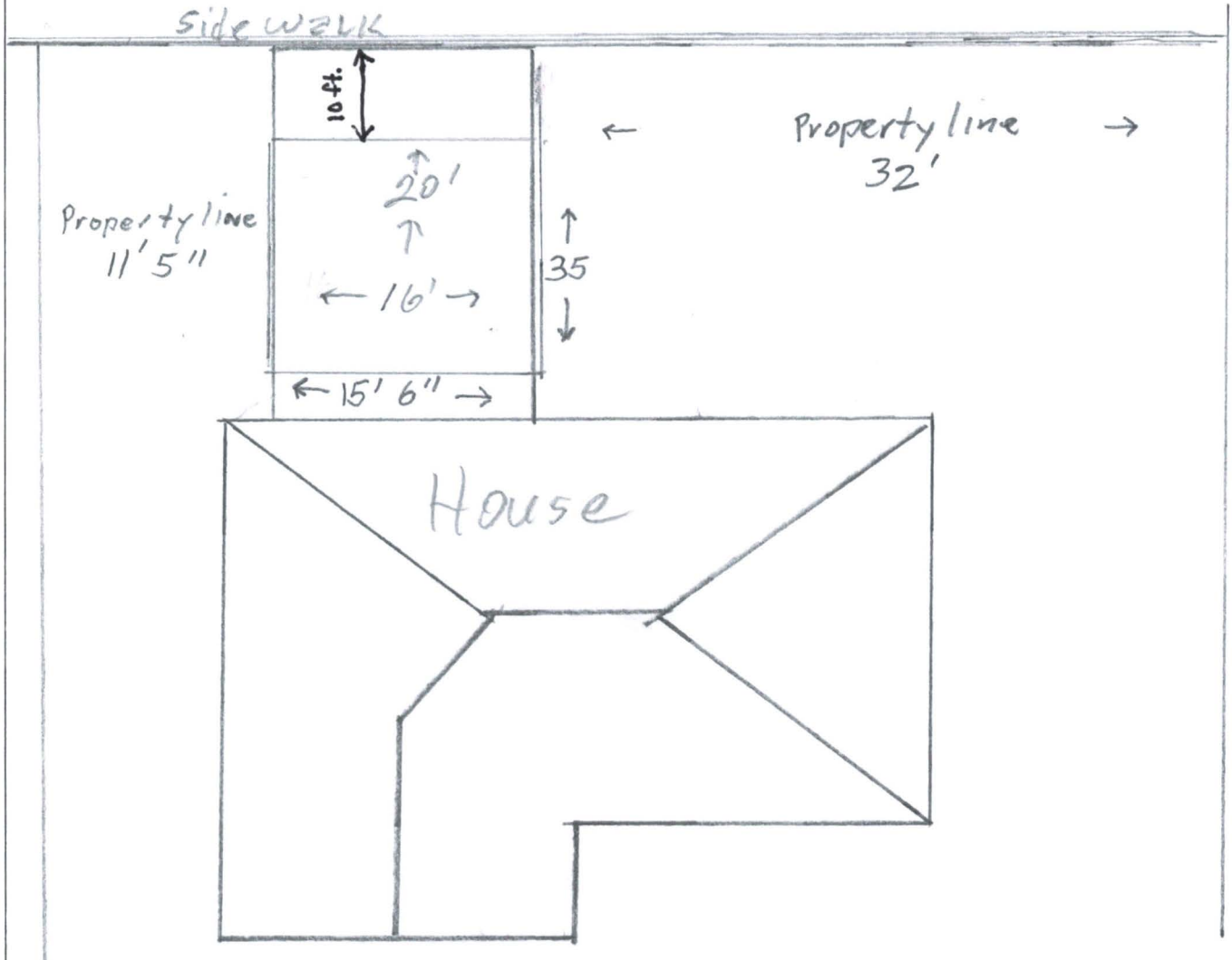
_____ VARIANCE FROM THE **SUBDIVISION REGULATIONS** (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

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) Table 6

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.)



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: ☐ Site Plan ☐ Fee ☐ Notification ☐ Letter of Explanation
☐Sign Posting Agreement ☐Sign Posted
☐ ABM ☐ Staff Comments ☐ 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: _____
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.

Gary C. Yorke
APPLICANT SIGNATURE

11-18-14
DATE

Sign issued by: PVP
Staff Member

Date: _____

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: Gary C. York (Name) 1008 Pinon Lane (Address) 887-2616 (Phone)

Subject Site Location: 1008 Pinon Lane

The proposed action is a:

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

☒ Variance/Appeal from Sec. 56-90(b) Table 6 in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

10' setback rather than 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: Jan 5, 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 575-885-1185 or via email at seshumsky@cityofcarlsbadnm.com.

Sincerely,

Gary C. York

Applicant/Agent

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Total Postage & Fees	$ $3.79	11/18/2014

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Street & Apt. No., or PO Box No. 1006 Pinon lane

City, State, ZIP+4 CARLSBAD, N.MEX 88220

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CARLSBAD NM 88220

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Return Receipt Fee (Endorsement Required)	$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Postage & Fees	$ $3.79	11/18/2014

NOV 18 2014

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Street & Apt. No., or PO Box No. 1004 Pinon lane

City, State, ZIP+4 CARLSBAD, N.Mex 88220

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Street, Apt. No.; or PO Box No. 1009 Pinon Lane

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Certified Fee	$3.30	
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Restricted Delivery Fee (Endorsement Required)	$0.00	NOV 18 2014
Total Postage & Fees	$ $3.79	11/18/2014

Sent To

Street, Apt. No.; or PO Box No. 1011 Pinon Lane

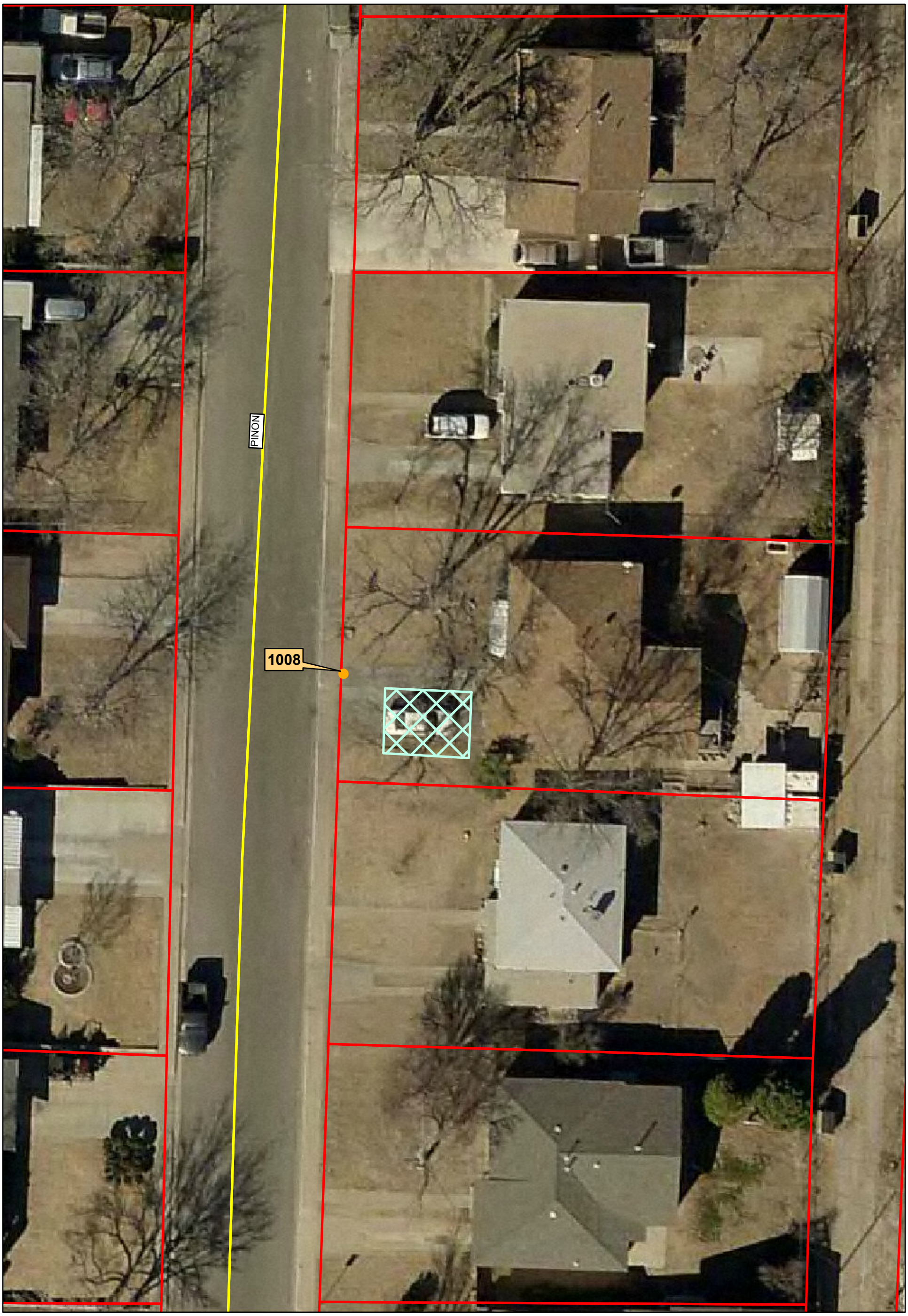
City, State, ZIP+4 CARLSBAD, N. Mex 88220

PS Form 3800, August 2006 See Reverse for Instructions

1:250

1008 Pinon Ln Variance

MAP # 369_ed01



Legend

Address
Parcel
Roads
Variance

0 5 10 20
Miles

CITY OF CARLSBAD
Engineering Department
DATE 12/11/14

N
W E
S

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Georgia Goad, Deputy Planning Director	**DATE:** 11/10/2014

SUBJECT: Appeal (variance) from Section 5642(aa)3) to allow a access variance for an RV Park that does not abut an arterial street, legally described as Tract A, Knott Land Division #2.

Applicant:
Steven Schumann
5901 J Wyoming NE #307
Albuquerque, NM 87109

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 for a variance from the requirement of having a direct access to an arterial street with an 80' ROW. The only streets that abut the property are Mescalero St., which only has approximately 25' of ROW, and Crabb St., which only has 60' of ROW. The subject site is approximately 185' south of Hidalgo Rd., which has the required 80' of ROW. The applicant wishes to use a platted yet unbuilt extension of Sycamore St. that connects to Hidalgo Rd. as his access to an 80' ROW. This access would run between two homes located on Hidalgo Rd. as shown on the attached map.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Sec. 56-42(aa)3 of the Zoning Ordinance states, "RV Parks shall have direct access to an arterial street with a right-of-way width of at least 80' and with sufficient street frontage to allow for safe access and turning movements into and out of the park. No Entrance or exit from an RV Park shall be through a residential district, nor require movement of traffic from the park through a residential district." Granting this variance would allow the applicant to use the Sycamore St. extension to Hidalgo Rd. as his primary access to the RV Park, which would allow him to meet the access requirement for RV Parks. However, this access requires movement through a residential district, which violates the zoning ordinance.

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.

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:

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Planning, Eng. & Reg. Dept.		x	
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	City Administration		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.

Carlsbad Irrigation District. no comments

City Administration: This request does not meet even the minimum requirements for an RV park. the density is far too great and the layout is hazardous to the public safety. i recommend denial of this application.

ATTACHMENTS: Application materials

9-11-2014

CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

RECEIVED
Receipt Date Stamp
DEC - 4 2014
Planning, Engineering, & Regulation Department

BOARD OF APPEALS APPLICATION

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

Application Date: 12-1-14

Fee Paid ($50.00): √ PVP

APPLICANT INFORMATION:

STEVEN SCHUMANN 5901 J WYOMING NE #307
NAME ADDRESS

ALBUQUERQUE NM 87109 505-401-6272
CITY STATE ZIP PHONE EMAIL

STEVE@BEDROCKWALLS.COM

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

SCOTT & VALERIE BRANSON 1501 MT SHADOW
NAME ADDRESS

CARLSBAN NM 88220 575-706-3290
CITY STATE ZIP PHONE EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): TRACT A KNOTT LAND DIVISION #2

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: 56-42 (a)(1) 3

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

12-2-14
DATE

Sign issued by: _____
Staff Member

Rev. 10/11

JUSTIFICATION FOR REQUEST AND SITE PLAN

This request is for variance to the ordinance for a Long Term RV park

(aa) 3. The property does not abut an arterial street with sufficient width to meet the ordinance. I request a variance to use Sycamore which abuts Hidalgo, as Hidalgo meets the arterial requirement, for the entrance to the park. If approved I will develop Sycamore and the alley way crossing to city standards.

The West property line encroaches into Mescalero Street. If the variances are granted and I close on the property I will dedicate 30ft wide strip of land along the west boundary line to the city.

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: ☐ Site Plan ☐ Fee ☐ Notification ☐ Letter of Explanation
☐Sign Posting Agreement ☐Sign Posted
☐ ABM ☐ Staff Comments ☐ Application Packet

P & Z Action: ☐ Approved ☐ Denied ☐ Other Date: _____

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Street, Apt. No.; or PO Box No.: 4302 Mescalero
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Street, Apt. No.; or PO Box No.: 1205 Crabb St.
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Street, Apt. No.; or PO Box No.: 1004 Bonbright
City, State, ZIP+4: Carlsbad, NM 88002

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Sent To: Wah-Leah Ballard
Street, Apt. No.; or PO Box No.: 1305 Hildago Rd
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Mark & Diane Trujillo
Street, Apt. No.; or PO Box No.: 1213 Hidalgo Rd.
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Sent To: Mary Ann Flores & Daniel & Beatrice Cortez
Street, Apt. No.; or PO Box No.: 1207 Hidalgo, Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Street, Apt. No.; or PO Box No.: 1207 Hidalgo Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Ricky & Maria Martinez
Street, Apt. No.; or PO Box No.: 3302 National Parks Hwy
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Jackie Jameson
Street, Apt. No.; or PO Box No.: 1209 Hidalgo Rd
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Dale Arnold
Street, Apt. No.; or PO Box No.: 1203 Hidalgo Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Michael + Patricia Cisneros
Street, Apt. No.; or PO Box No.: 1021 Hildago Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Jeannie Hauchin + Brian + Bobbie Jo Santo
Street, Apt. No.; or PO Box No.: 1205 Hildago Rd.
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Sent To: James + Zokene Knott
Street, Apt. No.; or PO Box No.: 3304 National Parks Hwy
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Sent To: Veronica Perez + Fermin Ramirez
Street, Apt. No.; or PO Box No.: 2513 Smedley Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Raymond Gardner
Street, Apt. No.; or PO Box No.: 1004 W. Bonbright
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Veronica Perez + Fermin Ramirez
Street, Apt. No., or PO Box No.: 2513 Smedley Rd.
City, State, ZIP+4: Carlsbad NM 88220

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: MESCALERO & CRABB (STREET ADDRESS)

LEGAL DESSCRPTION: Knott Land Division #2 (SUBDIVISION) Tract A (LOT OR TRACT)

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

AGENT: STEVEN SCHUMANN (NAME) 505-401-6272 (PHONE)

5901 J. Wyoming NE #307 Albuquerque NM 87109 (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: Scott Bransom (PRINTED NAME)

DATE: 12-4-14 (DATE SIGNED)

NOTARY SEAL
11/7/18

OWNER 2: (IF APPLICABLE)

BY: _____ (SIGNATURE)

BY: _____ (PRINTED NAME)

DATE: _____ (DATE SIGNED)

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

Date: 12-1-2014

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: STEVE SCHUMANN 505-401-6272
Name Address Phone
Subject Site Location: HIDALGO & MESCALARO

The proposed action is a:
☐ Zoning Change from _____ to _____ in accordance with Sec. 56-150(b).

☒ Variance/Appeal from Sec. 56-42 in accordance with Sec. 56-150(c).
The purpose of the variance/appeal is:
SEE ATTACHED

☐ 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: 1-5-2015
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,

Steve Schumann

Applicant/Agent

THIS WHATS IN THE CERTIFIEDS
ANY PROBLEMS LET ME KNOW

12/2/2014

Dear Property Owner,

I am applying for 3 separate variances from the city ordinance for the tract of land just South of Hidalgo and East of Mescalero. I plan on building an upscale long term RV park on the property. This land parcel is properly zoned, however, I am asking for 3 variances from the city ordinance as follows:

- 56-42 (aa) 3, which allows access from Sycamore to the site.
- 56-42(aa) 6 (f), which will allow parking of an RV closer to the property line where it abuts a public road and will be behind a 6' high solid wall.
- 56-42(aa) 6(l), which eliminates bathroom facilities as this is a long term park with fully self-contained units. There will be no daily rentals or tents allowed.

If you have any questions or require more information please contact me @ 505-401-6272.

Thank You

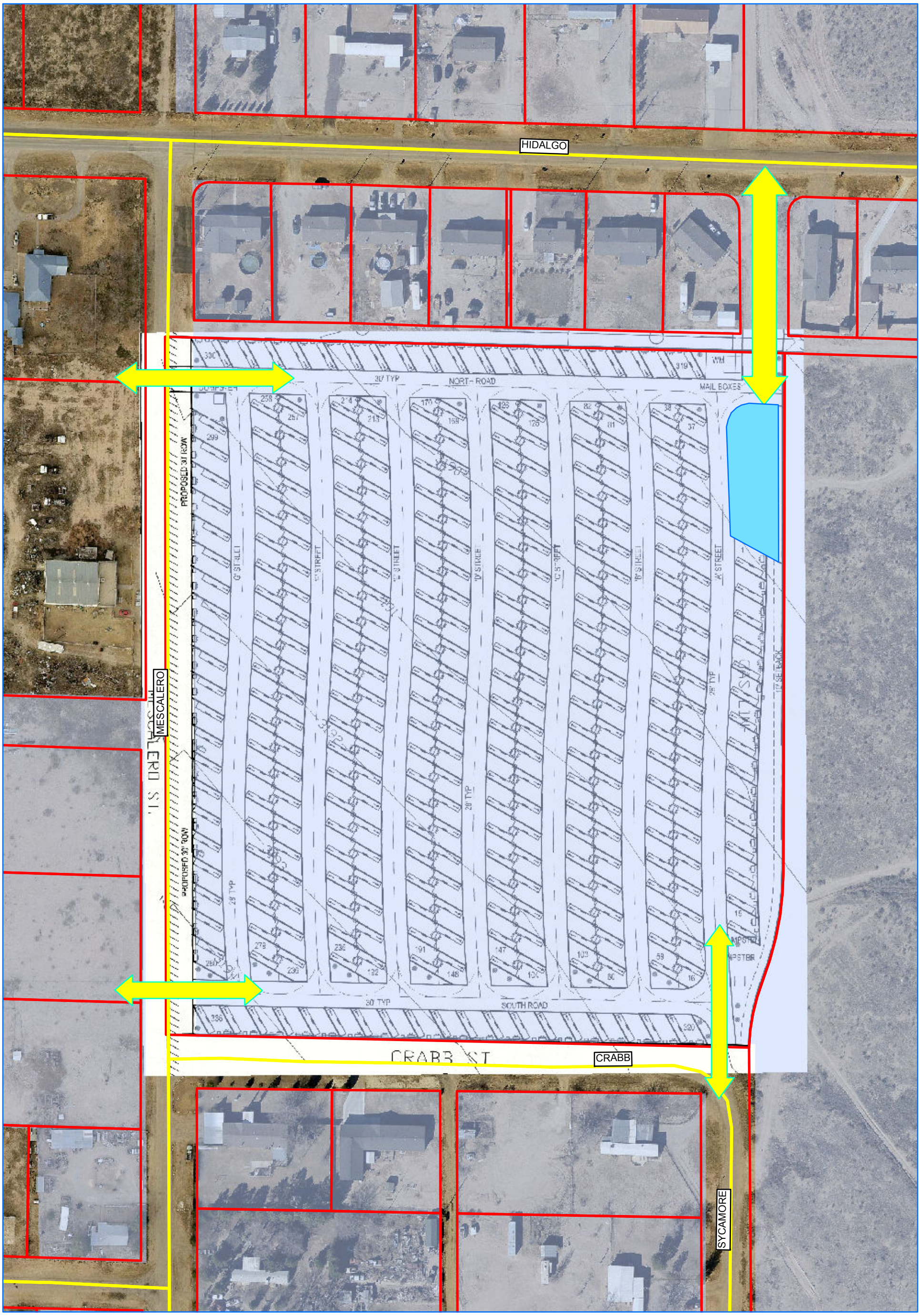
Steve Schumann

Steve Schumann

1:1,300

Coyote Flats 338 Space RV Park

MAP # 384_ed01



Legend

- Roads
- Proposed Access Road
- Residential Zone
- Parcel
- Retention Pond

0 50 100 200
Feet

CITY OF CARLSBAD
Engineering Department
Date: 12/17/2014

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Jeff Patterson, Planning Director	**DATE:** 12/19/14

SUBJECT: Appeal (variance) from Section 56-42(aa)(6)(l) to relieve the requirement of bathroom facility installation for a RV Park, located along Mescalero St. and Hidalgo Rd., zoned R-R Rural Residential District.

Applicant:
Steve Schumann
5901 J Wyoming NE #307
Albuquerque, NM 87109

Property Owner:
Scott & Valerie Branson
1501 Mt. Shadow
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: The applicant is requesting a variance that would relieve him of the requirement of installing bathroom facilities for a proposed RV Park. The applicant states in his application that there will be no tents or daily rentals at this park, and since each RV should have on board restroom units, there will be no need for the bathroom facilities. However, the applicant does not make clear how each RV will be disposing waste, or where any sanitary stations will be located.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The installation of bathroom facilities in RV Parks is intended to assure that all residents of the park have access to sanitary bathroom facilities and provide for the removal or disposal of wastes created by the residents. If this variance is granted, the applicant would be relieved of the requirement of providing these facilities. There is no information in the application concerning the removal or disposal of wastes created at each RV space.

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.

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				Planning., Eng. & Reg. Dept.			
Fire Department				Code Enforcement Division			
Legal Department				Engineering Division			
Police Department				Planning Division		x	
Utilities Department				Building & Regulation Division			
Culture & Rec. Dept.				City Administration		x	

DEPARTMENT COMMENTS:
Public Works:

Utilities: no comments.

Building Department:

Fire Department: approval, no comments.

Code Enforcement:

Legal Department:

Planning Department: recommend denial.

Police Department: recommend denial: Needs additional information clearly explaining how tenants' waste water will be disposed of

Culture and Recreation Department:

City Engineer:

Carlsbad Irrigation District. no comments

City Administration: recommend denial on all variances. none of them meet the criteria for a variance and the "RV" park request may create a dangerous living and driving/maneuvering situation.

ATTACHMENTS: Application materials

9-11-2014

CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

RECEIVED
Receipt Date Stamp
DEC - 4 2014
Planning, Engineering, & Regulation Department

BOARD OF APPEALS APPLICATION

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

Application Date: 12-1-14

Fee Paid ($50.00): √ PVP

APPLICANT INFORMATION:

STEVEN SCHUMANN 5901 J WYOMING NE #307
NAME ADDRESS

ALBUQUERQUE NM 87109 505-401-6272
CITY STATE ZIP PHONE EMAIL

STEVE@BEDROCKWALLS.COM

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

SCOTT & VALERIE BRANSON 1501 MT SHADOW
NAME ADDRESS

CARLSBAN NM 88220 575-706-3290
CITY STATE ZIP PHONE EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): TRACT A KNOTT LAND DIVISION #2

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: 56-42 (99) 6 (1)

L

JUSTIFICATION FOR REQUEST AND SITE PLAN

This request is for variance to the ordinance for a Long Term RV park section 56-42 (aa) 6 (l)

This park is designed for long term parking of self-contained RV's and no provision is made for tents or overnight units. The RV's using this park all have their own bathrooms and there is no need for this type of structure.

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

12-2-14
DATE

Sign issued by: _____
Staff Member

Rev. 10/11

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: ☐ Site Plan ☐ Fee ☐ Notification ☐ Letter of Explanation
☐Sign Posting Agreement ☐Sign Posted
☐ ABM ☐ Staff Comments ☐ Application Packet

P & Z Action: ☐ Approved ☐ Denied ☐ Other Date: _____

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City, State, ZIP+4: Carlsbad, NM 88002

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Street, Apt. No.; or PO Box No.: 1209 Hildago Rd
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Sent To: Veronica Perez & Fermin Ramirez
Street, Apt. No.; or PO Box No.: 2513 Smedley Rd.
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Sent To: James & Zokene Knott
Street, Apt. No.; or PO Box No.: 3304 National Parks Hwy
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Sent To: Veronica Perez & Fermin Ramirez
Street, Apt. No.; or PO Box No.: 2513 Smedley Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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: MESCALERO & CRABB
STREET ADDRESS

LEGAL DESSCRPTION: KNOTT LAND DIVISION #2 TRACT A
SUBDIVISION BLOCK LOT OR TRACT

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

AGENT: STEVEN SCHUMANN 505-401-6272
NAME PHONE

5901 J. WYOMING NE # 307 ALBUQUERQUE, NM 87109
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: Scott Branson
PRINTED NAME

DATE: 12-4-14
DATE SIGNED

NOTARY SEAL
11/7/18

OWNER 2: (IF APPLICABLE)

BY: _____
SIGNATURE

BY: _____
PRINTED NAME

DATE: _____
DATE SIGNED

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

Date: 12-1-2014

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: STEVE SCHUMANN 505-401-6272
Name Address Phone

Subject Site Location: HIDAGO & MESCALARO

The proposed action is a:

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

☒ Variance/Appeal from Sec. 56-42 in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

SEE ATTACHED

☐ 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: 1-5-2015
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,

Steve Schumann

Applicant/Agent

THIS WHATS IN THE CERTIFIEDS
ANY PROBLEMS LET ME KNOW

12/2/2014

Dear Property Owner,

I am applying for 3 separate variances from the city ordinance for the tract of land just South of Hidalgo and East of Mescalero. I plan on building an upscale long term RV park on the property. This land parcel is properly zoned, however, I am asking for 3 variances from the city ordinance as follows:

- 56-42 (aa) 3, which allows access from Sycamore to the site.
- 56-42(aa) 6 (f), which will allow parking of an RV closer to the property line where it abuts a public road and will be behind a 6' high solid wall.
- 56-42(aa) 6(l), which eliminates bathroom facilities as this is a long term park with fully self-contained units. There will be no daily rentals or tents allowed.

If you have any questions or require more information please contact me @ 505-401-6272.

Thank You

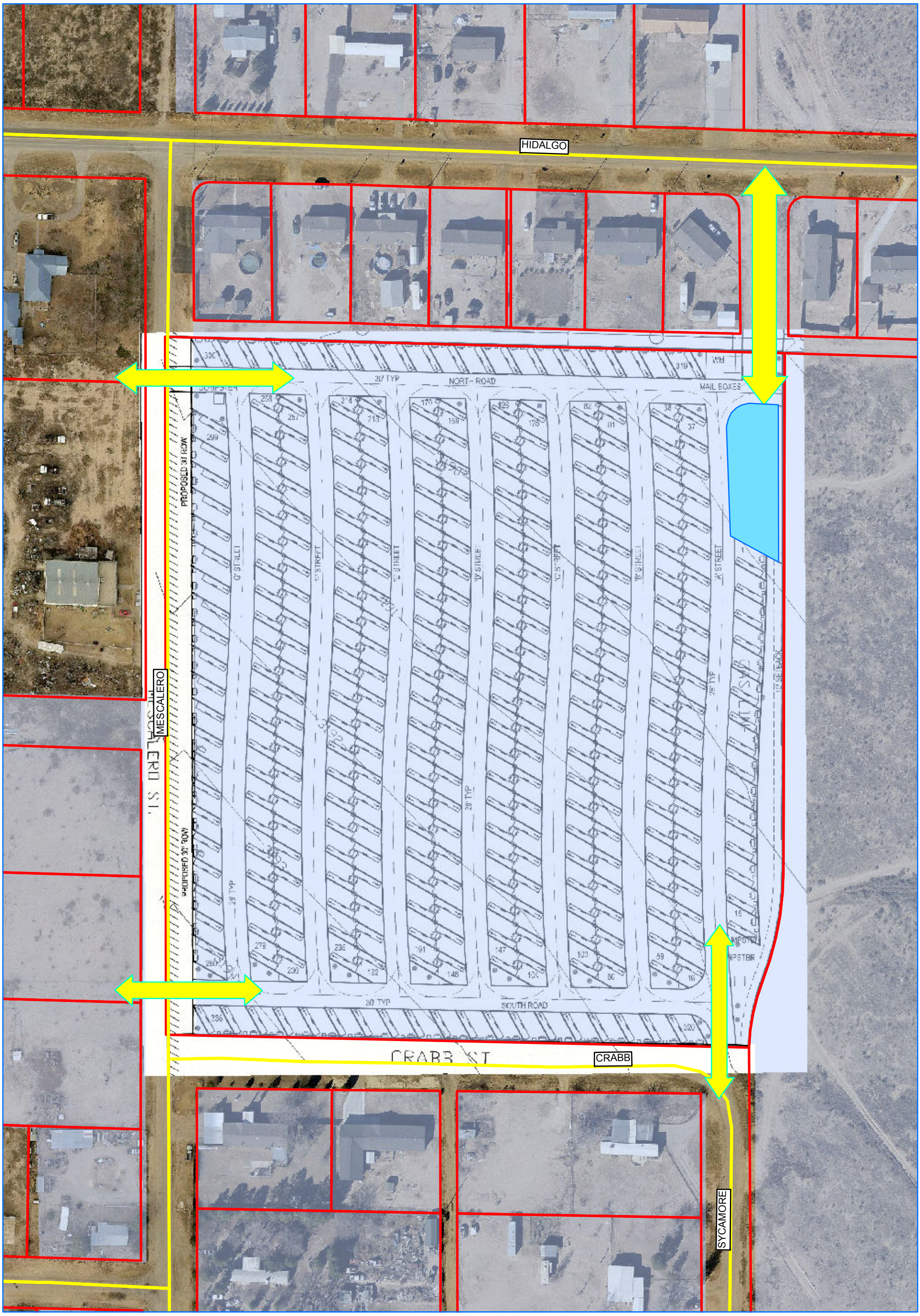
Steve Schumann

Steve Schumann

1:1,300

Coyote Flats 338 Space RV Park

MAP # 384_ed01



Legend

- Roads
- Proposed Access Road
- Residential Zone
- Parcel
- Retention Pond

0 50 100 200
Feet

CITY OF CARLSBAD
Engineering Department
Date: 12/17/2014

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Jeff Patterson, Planning Director	**DATE:** 12/17/2014

SUBJECT: Appeal (variance) from Section 56-42(aa)(6)(f) to allow RV's to be parked closer than 10' from the property line at an RV Park located on the east side of Mescalero St., legally described as Tract A, Knott Land Division #2.

Applicant:
Steven Schumann
5901 J Wyoming NE #307
Albuquerque, NM 87109

Property Owner:
Scott & Valerie Branson
1501 Mt. Shadow
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 for a variance to allow RV's to be parked closer to the property line than the 10' required setback for RV Parks. The applicant wants to create RV spaces along the property lines of his proposed RV Park that directly abut the fence that is planned to encircle the park. This will place the RV spaces within the required 10' setback from the park property lines.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): According to 56-42(aa)(6)(f) "No RV shall be closer than twenty feet (20 ft.) from a public right-of-way, unless separated from the right-of-way by a six-foot (6 ft.) solid fence or wall. Chain link fencing with slats shall not be considered a solid fence. ***No RV shall be closer than ten feet (10 ft.) from the RV park property line.***" The applicant plans to install a solid 6' block wall around the park. However, there will be RV spaces placed along this wall within the required 10' setback. These setbacks are in place to provide a buffer between the park property lines and the RVs, along with helping to provide access to all sides of the RVs in case of emergency. Granting this variance would negate this buffer and diminish overall safety at the park.

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.

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 denial.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:
Public Works:

Building Department:

Fire Department:

Code Enforcement:

Legal Department:

Planning Department: Recommend denial

Police Department:

Culture and Recreation Department:

City Engineer:

Carlsbad Irrigation District.

City Administration: This request does not meet even the minimum requirements for an RV park. the density is far too great and the layout is hazardous to the public safety. i recommend denial of this application.

ATTACHMENTS: Application materials

9-11-2014

CITY OF CARLSBAD
Planning, Engineering, and Regulation Department
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

RECEIVED
Receipt Date Stamp
DEC - 4 2014
Planning, Engineering, & Regulation Department

BOARD OF APPEALS APPLICATION

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

Application Date: 12-1-14

Fee Paid ($50.00): √ PVP

APPLICANT INFORMATION:

STEVEN SCHUMANN 5901 J WYOMING NE #307
NAME ADDRESS

ALBUQUERQUE NM 87109 505-401-6272
CITY STATE ZIP PHONE EMAIL

STEVE@BEDROCKWALLS.COM

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

SCOTT & VALERIE BRANSON 1501 MT SHADOW
NAME ADDRESS

CARLSBAN NM 88220 575-706-3290
CITY STATE ZIP PHONE EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): TRACT A KNOTT LAND DIVISION #2

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: 56-42 (aa) 6 (f)

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

12-2-14
DATE

Sign issued by: _____
Staff Member

Rev. 10/11

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: ☐ Site Plan ☐ Fee ☐ Notification ☐ Letter of Explanation
☐Sign Posting Agreement ☐Sign Posted
☐ ABM ☐ Staff Comments ☐ Application Packet

P & Z Action: ☐ Approved ☐ Denied ☐ Other Date: _____

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City, State, ZIP+4: Carlsbad, NM 88002

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

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

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Street, Apt. No.; or PO Box No.: 1213 Hidalgo Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Mary Ann Flores
Street, Apt. No.; or PO Box No.: 1207 Hidalgo Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Street, Apt. No.; or PO Box No.: 3302 National Parks Hwy
City, State, ZIP+4: Carlsbad, NM 88220

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Street, Apt. No.; or PO Box No.: 1203 Hidalgo Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To: Jeannie Hauchin & Brian & Bobbie Jo Santo
Street, Apt. No.; or PO Box No.: 1205 Hildago Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Street, Apt. No.; or PO Box No.: 3304 National Parks Hwy
City, State, ZIP+4: Carlsbad, NM 88220

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Street, Apt. No.; or PO Box No.: 2513 Smedley Rd.
City, State, ZIP+4: Carlsbad, NM 88220

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Sent To
Veronica Perez & Fermin Ramirez
Street, Apt. No.; or PO Box No. 2513 Smedley Rd.
City, State, ZIP+4
Carlsbad, NM 88220

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: MESCALERO & CRABB
STREET ADDRESS

LEGAL DESSCRPTION: KNOTT LAND DIVISION # TRACT A
SUBDIVISION BLOCK LOT OR TRACT

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

AGENT: STEVEN SCHUMANN 505-401-6273
NAME PHONE

5901 J. WYOMING NE #307 ALBUQUERQUE, NM 87109
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: Scott Branson
PRINTED NAME

DATE: 12-4-14
DATE SIGNED

NOTARY SEAL
11/7/18

OWNER 2: (IF APPLICABLE)

BY: _____
SIGNATURE

BY: _____
PRINTED NAME

DATE: _____
DATE SIGNED

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

Date: 12-1-2014

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: STEVE SCHUMANN 505-401-6272
Name Address Phone
Subject Site Location: HIDALGO & MESCALARO

The proposed action is a:
☐ Zoning Change from _____ to _____ in accordance with Sec. 56-150(b).

☒ Variance/Appeal from Sec. 56-42 in accordance with Sec. 56-150(c).
The purpose of the variance/appeal is:
SEE ATTACHED

☐ 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: 1-5-2015
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,

Steve Schumann

Applicant/Agent

THIS WHATS IN THE CERTIFIEDS
ANY PROBLEMS LET ME KNOW

12/2/2014

Dear Property Owner,

I am applying for 3 separate variances from the city ordinance for the tract of land just South of Hidalgo and East of Mescalero. I plan on building an upscale long term RV park on the property. This land parcel is properly zoned, however, I am asking for 3 variances from the city ordinance as follows:

- 56-42 (aa) 3, which allows access from Sycamore to the site.
- 56-42(aa) 6 (f), which will allow parking of an RV closer to the property line where it abuts a public road and will be behind a 6' high solid wall.
- 56-42(aa) 6(l), which eliminates bathroom facilities as this is a long term park with fully self-contained units. There will be no daily rentals or tents allowed.

If you have any questions or require more information please contact me @ 505-401-6272.

Thank You

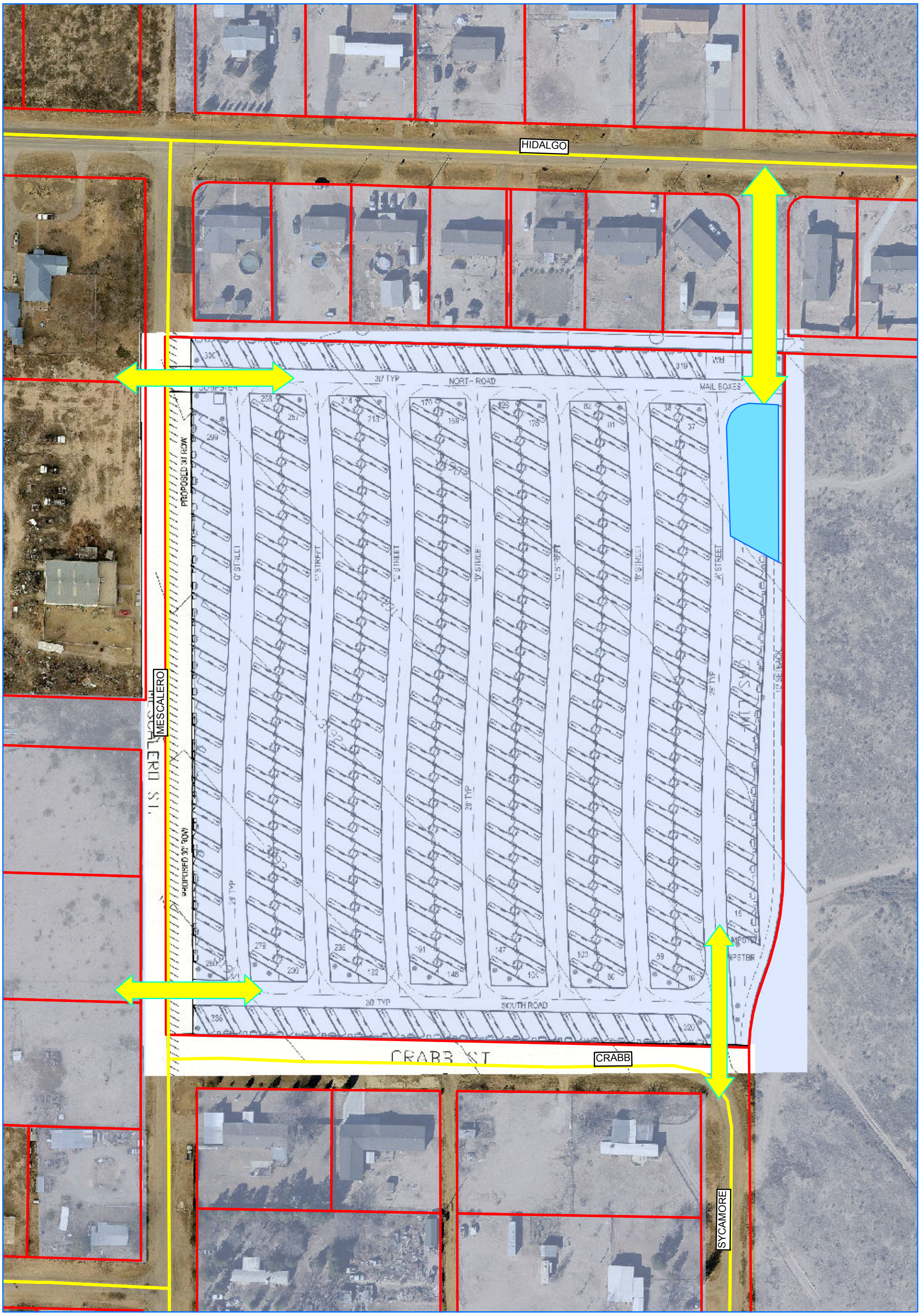
Steve Schumann

Steve Schumann

1:1,300

Coyote Flats 338 Space RV Park

MAP # 384_ed01



Legend

- Roads
- Proposed Access Road
- Residential Zone
- Parcel
- Retention Pond

0 50 100 200
Feet

CITY OF CARLSBAD
Engineering Department
Date: 12/17/2014

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/15

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Georgia Goad, Deputy Planning Director	**DATE:** 12/18/2014

SUBJECT: Due to continued subdivision and development the need has arisen to name a private road for E-911 addressing purposes.

Applicant:
City of Carlsbad Planning Department
114 S. Halagueno St.
Carlsbad, NM 88220

Public Notification is not required for the dedication of rights-of-way.

SYNOPSIS: The applicant is requesting to name a private road to properly address parcels of land being sold or leased to commercial entities. A private access and utility easement is recorded with the Eddy County Clerk's Office in Cabinet 5, Slide 657-1describing the location of the easement. No maintenance of the road by the City of Carlsbad is inferred by this action.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):
If approved, the City will not take over ownership of this portion of proposed Production Lane.

Section 46-138(a). – Street address assignment and duty to number.

(a) The Licensing and Permitting Department shall assign street addresses to all houses, buildings, places of business and properties within its addressing jurisdiction. Addresses shall be assigned in accordance with the provisions set forth in this article and all other applicable ordinances and policies. Such assignment shall not obligate the city to maintain or improve the right-of-way.

The following *Greater Carlsbad Comprehensive Plan's* goals are applicable to this request:
Chapter 3: Land Use

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

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

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works	x			Planning., 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				

Staff Comments:

Public Works: approval, no comments

Building Department: approval, no comments

Fire Department: no comments received

Code Enforcement: approval, no comment

Legal Department: no comments received

Planning Department: approval, no comment

Police Department: approval, no comments

Culture & Recreation Department: no comments received

City Engineer: approval, no comment

Utilities Department: approval, no comment

ATTACHMENTS: Application materials

CITY OF CARLSBAD
Planning, Engineering,
and Regulation Department
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

PRIVATE ROAD NAMING

~~VACATION~~ APPLICATION

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, Special Property 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. If desired, 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 four months 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.

Receipt Date Stamp

CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

NAMING OF ROAD

APPLICATION FOR ~~VACATION~~ *(Fee: None)*

Choose One: **Subdivision** ☐ **Right of Way** ☐

PART 1: PROPERTY LOCATION (address or legal description.):

PRIVATE ROAD & UTILITY EASEMENT LYING IN NW/4 SEC 36 T22S R26E NMPM. - OFF NATIONAL PARKS HWY NEAR THE AIRPORT AREA

PART 2: APPLICANT INFORMATION:

Name of Applicant: CITY OF CARLSBAD / PER

Applicant's Address: 114 S. HALAGUENO

City/State/Zip: CARLSBAD, NM 88220

Telephone: 885-1185 **Cell Phone:** _____

Signature(s) _____

PART 3. REQUIRED DOCUMENTATION:

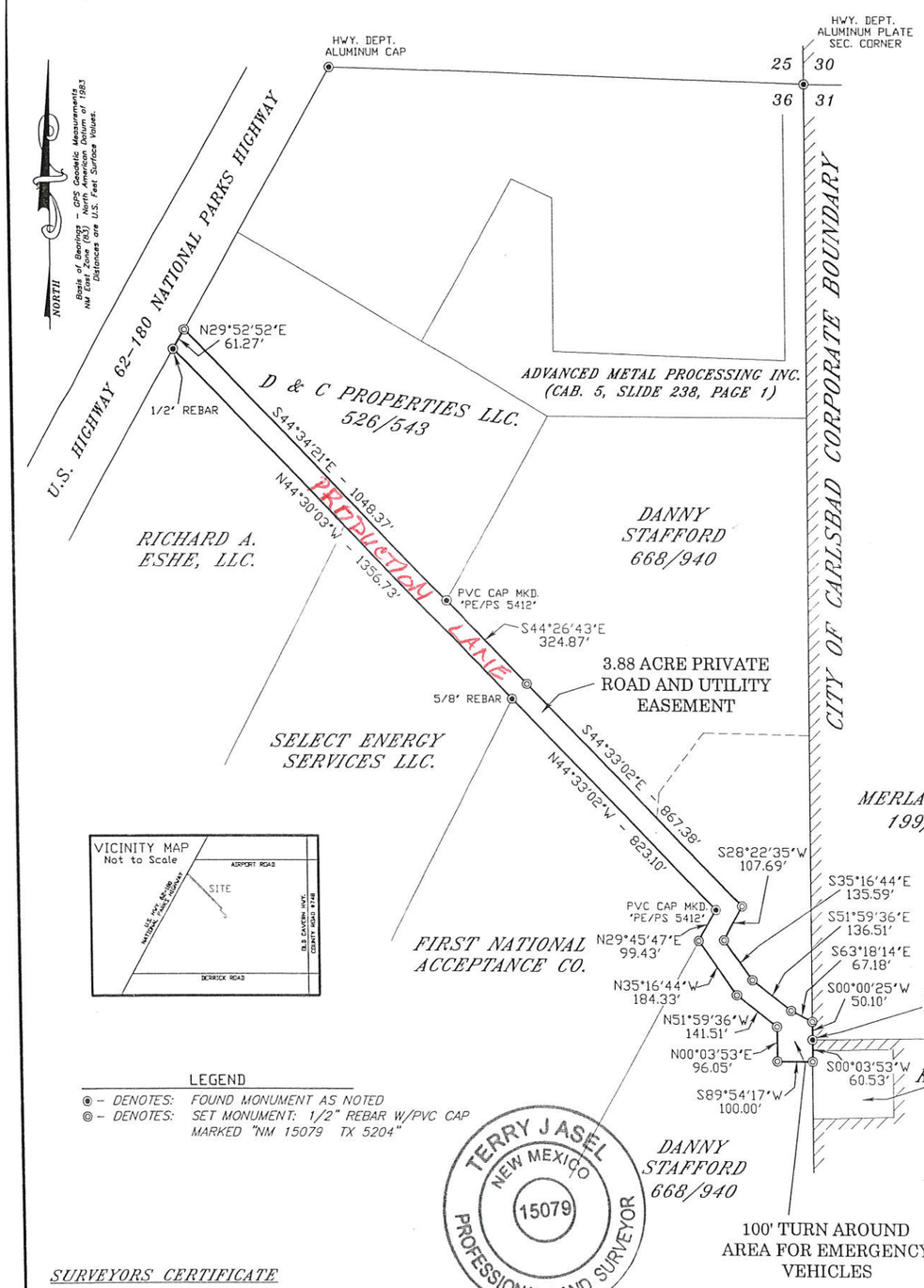
A submittal letter signed by the applicant and notarized providing the following information:

- ☐ A statement of the reason why the vacation is being requested and a description of any benefits that will accrue to the public and adjacent property owner(s).
- ☐ A statement explaining any limitation to direct property access that may result from the granting of the vacation.
- ☐ A statement that the applicant will pay the cost of an appraisal to determine the value of the land area to be vacated, if necessary.

The following documentation shall be provided:

- ☐ A statement by the applicants' attorney and/or land surveyor regarding the basis of the control exercised by the public over the property to be vacated and disposition of the ownership rights should the property be vacated as requested. A copy of the original document that transferred ownership and/or control to the City must be provided.
- ☐ Legal Description in narrative format of the street, alley or public easement, or portion thereof, to be vacated. This description shall be sealed by a land surveyor registered in the State of New Mexico.
- ☐ A plat suitable for recording showing the street, alley, easement, or part thereof, depicting graphically the results of the survey of the area to be vacated and showing all monuments found and/or set and adjacent property ownership. The plat shall be sealed by a land surveyor registered in the State of New Mexico.
- ☐ A map showing all properties (particularly that of the applicant(s)) within a radius of 500' (minimum) of the boundary of the property to be vacated.
- ☐ Written confirmation from all public utilities holding a city franchise (City Utilities, Valor Telecom, Excel Energy, PNM and US Cable) or private easement to determine whether or not the utility has any interest in maintaining current or placing future infrastructure under their franchise agreement with the city within the area proposed to be vacated. Should such interest be expressed, the applicant must accommodate the appropriate right-of-way.

SURVEY FOR A PRIVATE ROAD & UTILITY EASEMENT IN SECTION 36, TOWNSHIP 22 SOUTH, RANGE 26 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO



LEGAL DESCRIPTION

A PRIVATE ROAD & UTILITY EASEMENT IN SECTION 36, TOWNSHIP 22 SOUTH, RANGE 26 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A "1943" GLO 1/4 CORNER BRASS CAP BEING THE EAST QUARTER CORNER OF SAID SECTION 36; THENCE S00°03'53"W – 60.53 FEET ALONG THE EAST LINE OF SAID SECTION 36 TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE S89°54'17"W – 100.00 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE N00°03'53"E – 96.05 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE N51°59'36"W – 141.51 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE N35°16'44"W – 184.33 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE N29°45'47"E – 99.43 FEET ALONG THE EASTERLY LINE OF THE FIRST NATIONAL ACCEPTANCE CO. TRACT TO A PVC CAP MARKED "PE/PS 5412" FOUND AS A CORNER OF THIS EASEMENT; THENCE N44°33'02"W – 823.10 FEET TO A 5/8" REBAR FOUND AS A CORNER OF THIS EASEMENT; THENCE N44°30'03"W – 1356.73 FEET TO A 1/2" REBAR FOUND ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 62–180 AND BEING A CORNER OF THIS EASEMENT; THENCE N29°52'52"E – 61.27 FEET ALONG THE EAST RIGHT OF WAY LINE OF HIGHWAY 62–180 TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE S44°34'21"E – 1048.37 FEET ALONG THE SOUTHERLY LINE OF THE D & C PROPERTIES LLC. TRACT TO A PVC CAP MARKED "PE/PS 5412" FOUND AS A CORNER OF THIS EASEMENT; THENCE S44°26'43"E – 324.87 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE S44°33'02"E – 867.38 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE S28°22'35"W – 107.69 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE S35°16'44"E – 135.59 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE S51°59'36"E – 136.51 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET AS A CORNER OF THIS EASEMENT; THENCE S63°18'14"E – 67.18 FEET TO A 1/2" REBAR W/PVC CAP MARKED "NM 15079 TX 5204" SET ON THE EAST LINE OF SAID SECTION 36 AND BEING A CORNER OF THIS EASEMENT; THENCE S00°00'25"W – 50.10 FEET ALONG THE EAST LINE OF SAID SECTION 36 TO THE POINT OF BEGINNING AND CONTAINING 3.88 ACRES OF LAND MORE OR LESS.

OWNERS STATEMENT AND AFFIDAVIT

STATE OF NEW MEXICO)
) SS
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 TRACTS TO BE PLATTED.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 16th DAY OF April, 2013 BY

DANNY STAFFORD

FILING AND RECORDING
FILED FOR RECORD IN THE EDDY COUNTY CLERK"S OFFICE
THE 15TH DAY OF APRIL, 2013, AT 1:42 P.M.
CABINET 5 SLIDE 657-1
DARLENE ROSPRIM
COUNTY CLERK
DEPUTY
Seal

ACKNOWLEDGEMENT

STATE OF NEW MEXICO)
) SS
COUNTY OF EDDY)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 16th DAY OF April, 2013 BY Danny Stafford.

MY COMMISSION EXPIRES: 2/8/14

NOTARY PUBLIC

OFFICIAL SEAL
Allyce Vasquez
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 2/8/14

SURVEYORS CERTIFICATE

I, TERRY J. ASEL, NEW MEXICO REGISTERED PROFESSIONAL LAND SURVEYOR NO. 15079, DO HEREBY CERTIFY THAT I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE "MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO" AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS.

Terry J. Asel N.M. R.P.L.S. No. 15079

1/28/2013 DATE

Asel Surveying
P.O. BOX 393 – 310 W. TAYLOR
HOBBS, NEW MEXICO – 575-393-9146

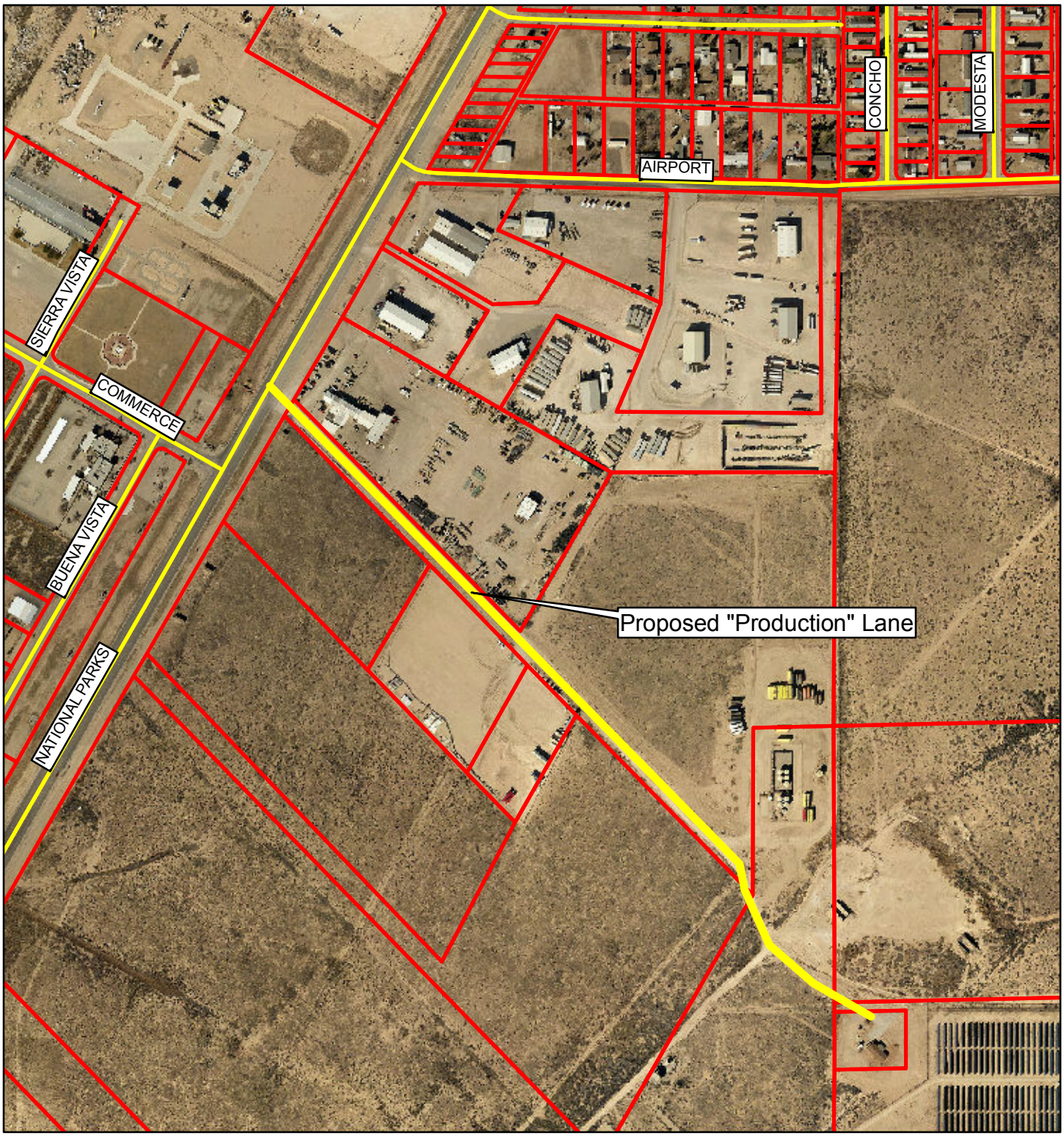
DANNY STAFFORD	Work Order #120822PS-a (Rev. A)
Date Surveyed: 12/19/2012	Surveyed by: Terry Asel
DWG #120822PS-a (Rev. A).dwg	Drafted By: KA
Scale: 1" = 400'	Sheet 1 of 1

INDEXING INF. FOR CO. CLERK	
SEC. 36	T.22S R. 26E N.M.P.M.
SUBDIVISION:	N/A
OWNER:	DANNY STAFFORD
CITY:	CARLSBAD
COUNTY:	EDDY
STATE:	NEW MEXICO
DATE:	DECEMBER 19, 2012
ACCESS:	YES
AREA:	±3.88 ACRES

1:5,500

Proposed "Production" Lane

MAP # 363_ed01



Legend

Roads

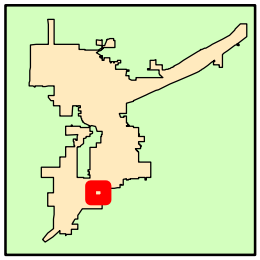
Parcel

0 2.5 5 10

Miles

CITY OF CARLSBAD
Engineering Department
DATE 12/08/14

N
W E
S



CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

PLANNING AND ZONING COMMISSION

Meeting Date: 1/5/154

DEPARTMENT: Planning, Engineering and Regulation	**BY:** Georgia Goad, Deputy Planning Director	**DATE:** 12/12/2014

SUBJECT: Dedication of Tract A1 (+/- 8.38 acres) and Tract B (0.27 acres) of Quail Hollow Unit 1 Replat No.2 to the City of Carlsbad, north of Callaway Dr.

Applicant:
George Dunagan
212 W. Stevens
Carlsbad, NM 88220

Public Notification is not required for the dedication of rights-of-way.

SYNOPSIS: The applicant is requesting to dedicate two tracts of land that are set aside for drainage. The Carlsbad Irrigation District Canal is a major portion of the subject area.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):
If approved, the City will take over ownership of this land. The City Utilities department is planning to install a high pressure water loop line along Callaway Dr., and the new water line will be intersecting these parcels.

The following *Greater Carlsbad Comprehensive Plan's* goals are applicable to this request:
Chapter 3: Land Use

Goal 1: The City of Carlsbad will adopt policies to support the Infill/Redevelopment Land Use Scenario.
Goal 2: The City of Carlsbad will make efficient use of government resources through well-planned land use decisions.

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

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works				Planning, 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 Dept.:

Building Department:

Fire Department:

Code Enforcement:

Legal Department:

Planning Department:

Police Department:

Culture and Recreation Department:

City Engineer:

Carlsbad Irrigation District:

City Administration:

ATTACHMENTS: Application materials

CITY OF CARLSBAD
Planning, Engineering,
and Regulation Department
114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

VACATION APPLICATION

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, Special Property 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. If desired, 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 four months 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.

CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

114 S. Halagueno, PO Box 1569
Carlsbad, New Mexico 88220
Phone (575) 885-1185, Fax (575) 628-8379

RECEIVED
Receipt Date Stamp
DEC - 5 2014
Planning, Engineering, & Regulation Department

APPLICATION FOR ~~VACATION~~ Dedication *(Fee: None)*

Choose One: **Subdivision** ☐ **Right of Way** ☐

PART 1: PROPERTY LOCATION (address or legal description.):

QUAIL HOLLOW UNIT 1 REPLAT NO. 2

PART 2: APPLICANT INFORMATION:

Name of Applicant: GEORGE DUNAGAN

Applicant's Address: 212 W. STEVENS

City/State/Zip: CARLSBAD, NM 88220

Telephone: 575-706-2951 CELL **Cell Phone:**

Signature(s)

PART 3. REQUIRED DOCUMENTATION:

A submittal letter signed by the applicant and notarized providing the following information:

- ☐ A statement of the reason why the vacation is being requested and a description of any benefits that will accrue to the public and adjacent property owner(s).
- ☐ A statement explaining any limitation to direct property access that may result from the granting of the vacation.
- ☐ A statement that the applicant will pay the cost of an appraisal to determine the value of the land area to be vacated, if necessary.

The following documentation shall be provided:

- ☐ A statement by the applicants' attorney and/or land surveyor regarding the basis of the control exercised by the public over the property to be vacated and disposition of the ownership rights should the property be vacated as requested. A copy of the original document that transferred ownership and/or control to the City must be provided.
- ☐ Legal Description in narrative format of the street, alley or public easement, or portion thereof, to be vacated. This description shall be sealed by a land surveyor registered in the State of New Mexico.
- ☐ A plat suitable for recording showing the street, alley, easement, or part thereof, depicting graphically the results of the survey of the area to be vacated and showing all monuments found and/or set and adjacent property ownership. The plat shall be sealed by a land surveyor registered in the State of New Mexico.
- ☐ A map showing all properties (particularly that of the applicant(s)) within a radius of 500' (minimum) of the boundary of the property to be vacated.
- ☐ Written confirmation from all public utilities holding a city franchise (City Utilities, Valor Telecom, Excel Energy, PNM and US Cable) or private easement to determine whether or not the utility has any interest in maintaining current or placing future infrastructure under their franchise agreement with the city within the area proposed to be vacated. Should such interest be expressed, the applicant must accommodate the appropriate right-of-way.

R & R Surveying, LLC

423 W. Greene St.
P.O. Box 1227
Carlsbad, NM 88220

Estimate

Date	Estimate #
12/16/2013	1022

Name / Address
CITY OF CARLSBAD P.O. BOX 1569 CARLSBAD, NM 88220

Project
QUAIL HOLLOW SUB REPLAT

Description	Rate	Total
REPLAT OF TRACT A AND B OF QUAIL HOLLOW SUBDIVISION. (CALLAWAY DRIVE)	1,325.00	1,325.00T
ANNEXATION PLAT OF ABOVE REPLAT	275.00	275.00T
CLIENT TO PROVIDE: P.O. NUMBER TO GET STARTED OR RETURN SIGNED QUOTE WITH NOTICE TO PROCEED	0.00	0.00T
DELIVERABLES:	0.00	0.00T
FIELD WORK DATE: TO BE DETERMINED UPON ACCEPTANCE OF QUOTE * WEATHER PERMITTING ** SUBJECT TO CHANGE PURSUANT TO AVAILABILITY AT TIME OF CONFIRMATION	0.00	0.00T
REQUESTED BY: STEPHANIE SHUMSKY		

Thank you for your business.

Subtotal	$1,600.00
Sales Tax (7.4375%)	$119.00
Total	$1,719.00

QUAIL HOLLOW UNIT 1 REPLAT NO.2

A REPLATING OF UNDEVELOPED LAND LYING IN SECTION 26, TOWNSHIP 21 SOUTH, RANGE 26 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO, AND TRACT A OF QUAIL HOLLOW UNIT 1, IN WHICH TRACT A1, AND THE SIGN TRACT ARE BEING CREATED, BEING DESCRIBED BY THEIR PERIMETER AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, QUAIL HOLLOW UNIT 3, FILED IN CABINET 3, SLIDE 503–1, OF THE MAPPING RECORDS FOR EDDY COUNTY, NEW MEXICO; THEN S19°11'11"W, ALONG THE WEST LINE OF LOT 23, QUAIL HOLLOW UNIT 1, FILED IN CABINET A, SLIDE 530–1, OF THE MAPPING RECORDS FOR EDDY COUNTY, NEW MEXICO, FOR 46.59 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 23; THEN S76°18'24"E, ALONG THE SOUTH LINE OF SAID LOT 23, FOR 164.87 FEET, TO THE WEST R.O.W. OF QUAIL HOLLOW DRIVE; THEN S00°06'45"E, ALONG THE SAID R.O.W., FOR 147.85 FEET; THEN THRU A CURVE TO THE LEFT 39.27 FEET (RAD=25.00 FEET), WHICH CHORD BEARS S44°57'59"W FOR 35.36 FEET, TO THE NORTH R.O.W. OF CALLOWAY DRIVE; THEN S86°07'53"W, ALONG SAID R.O.W. FOR 225.45 FEET; THEN THRU A CURVE TO THE RIGHT 76.70 FEET (RAD=521.31 FEET), WHICH CHORD BEARS S89°49'29"W FOR 76.63 FEET; THEN N83°31'39"W, CONTINUING ALONG SAID NORTH R.O.W. FOR 189.48 FEET, TO THE WEST LINE OF TRACT A, OF CALLED QUAIL HOLLOW UNIT 1; THEN N00°28'03"E, ALONG SAID WEST LINE FOR 18.32 FEET, TO THE SOUTH R.O.W. OF THE C.I.D. MAIN CANAL EASEMENT; THEN THRU A CURVE TO THE RIGHT ALONG THE SAID C.I.D. R.O.W. 1342.36 FEET (RAD=1550.00 FEET), WHICH CHORD BEARS N59°37'55"W FOR 1300.82 FEET; THEN N35°09'34"W FOR 679.98 FEET; THEN N35°50'27"W FOR 200.00 FEET, TO THE NORTHWESTERLY CORNER OF LOT 11, QUAIL HOLLOW UNIT 5, FILED IN CABINET 6, SLIDE 194–1, OF THE MAPPING RECORDS FOR EDDY COUNTY, NEW MEXICO; THEN S35°08'42"E, ALONG THE SOUTHWESTERLY LINE OF SAID UNIT 5, FOR 690.11 FEET; THEN CONTINUING ALONG THE SOUTHERLY LINE OF UNIT 5, THRU A CURVE TO THE LEFT 497.81 FEET (RAD=1350.00 FEET), WITH A CHORD THAT BEARS S45°45'27"E 495.02 FEET, TO THE SOUTHWEST CORNER OF LOT 13, OF QUAIL HOLLOW UNIT 4, FILED IN CABINET 3, SLIDE 793–1, OF THE MAPPING RECORDS FOR EDDY COUNTY, NEW MEXICO; THEN N81°17'29"E, ALONG THE SOUTHERLY LINE OF SAID QUAIL HOLLOW UNIT 4, FOR M=322.31 FEET (R=323.41 FEET), TO THE SOUTHWEST CORNER OF LOT 7, OF CALLED QUAIL HOLLOW UNIT 3; THEN S70°01'49"E, ALONG THE SOUTH LINE OF SAID QUAIL HOLLOW UNIT 3, FOR M=688.15 FEET (R=667.36 FEET), BACK TO THE POINT OF BEGINNING. CONTAINING ±8.45 ACRES MORE OR LESS.

LESS AND EXCEPT TRACT A, QUAIL HOLLOW UNIT 4.

APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS REPLAT HAS BEEN APPROVED BY THE CITY PLANNING COMMISSION OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A REGULARLY SCHEDULED MEETING HELD ON

THIS _____ DAY OF _____, 20___.

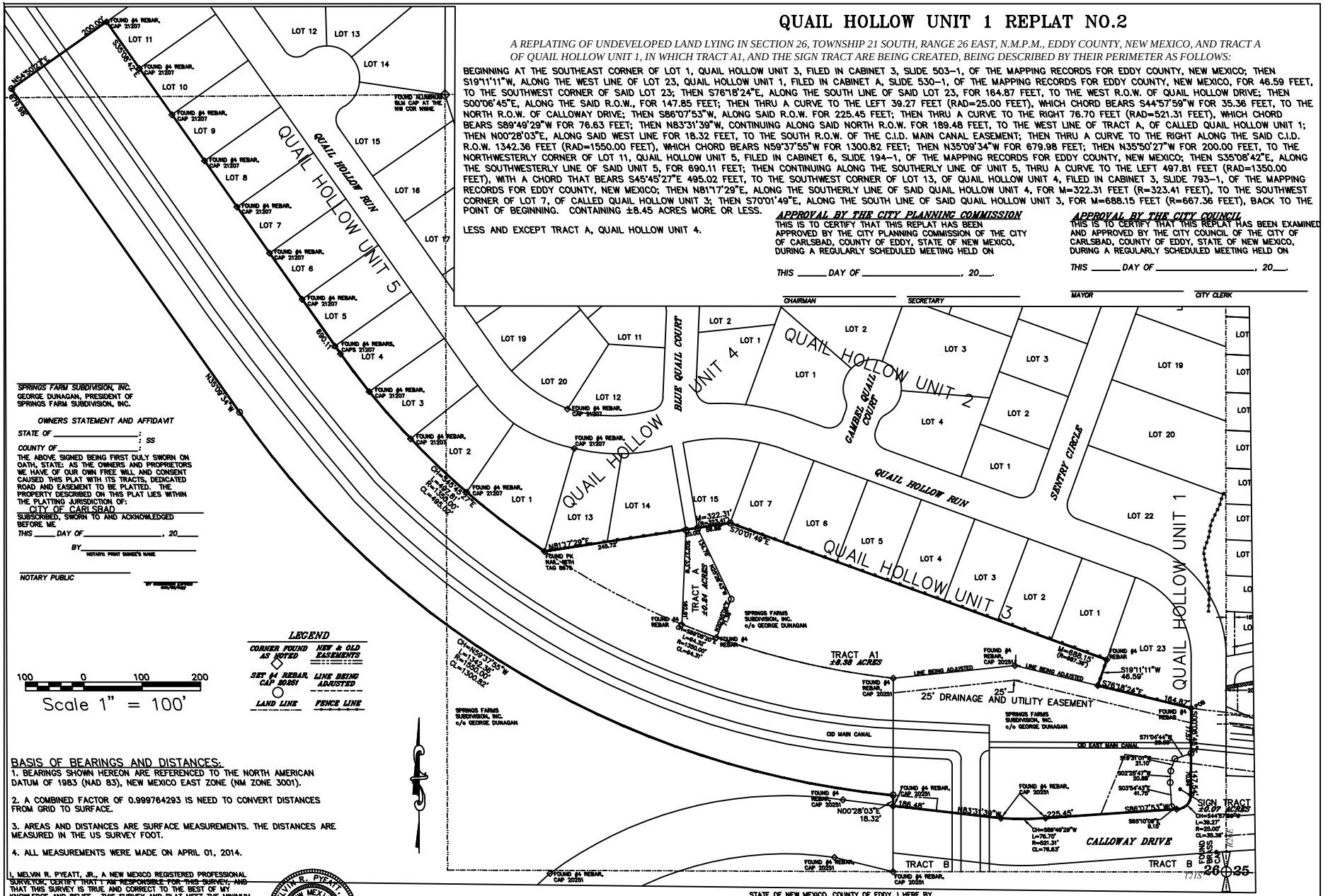
CHAIRMAN *SECRETARY*

APPROVAL BY THE CITY COUNCIL

THIS IS TO CERTIFY THAT THIS REPLAT 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

THIS _____ DAY OF _____, 20___.

MAYOR *CITY CLERK*



SPRINGS FARM SUBDIVISION, INC.
GEORGE DUNAGAN, PRESIDENT OF SPRINGS FARM SUBDIVISION, 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: CITY OF CARLSBAD

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 20____

BY _____
NOTARY PUBLIC

LEGEND

CORNER FOUND AS NOTED	*NEW & OLD EASEMENTS*
SET #4 REBAR, CAP 20251	*LINE BEING ADJUSTED*
LAND LINE	*FENCE LINE*

100 0 100 200
Scale 1" = 100'

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 0.999764293 IS NEED TO CONVERT DISTANCES FROM GRID TO SURFACE.

3. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT.

4. ALL MEASUREMENTS WERE MADE ON APRIL 01, 2014.

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, TELE. 885-6867, FAX 885-6867

STATE OF NEW MEXICO, COUNTY OF EDDY, I HERE BY 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

R&R SURVEYING LLC	
A LAND SURVEYING COMPANY	
INDEXING INFO. FOR CO. CLERK	
SEC. 26 T21S R26E N.M.P.M.	
SUBDIVISION:	*QUAIL HOLLOW UNIT 1 REPLAT NO.2*

OWNER:	*SPRINGS FARM SUBDIVISION, INC.*
CITY:	*CARLSBAD*
COUNTY:	*EDDY*
STATE:	*NEW MEXICO*
DATE:	*NOVEMBER 20, 2014*
ACCESS:	*YES*
AREA:	*±8.45 ACRES TOGETHER*

1:3,750

Quail Hollow Dedication

MAP # 365_ed01

Legend

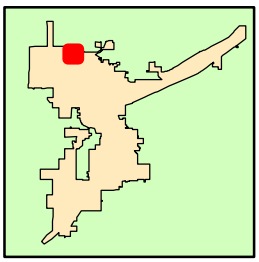
- Roads
- Parcel
- Dedication

0 5 10 20

Miles

CITY OF CARLSBAD
Engineering Department
DATE 12/12/14

N
W E
S

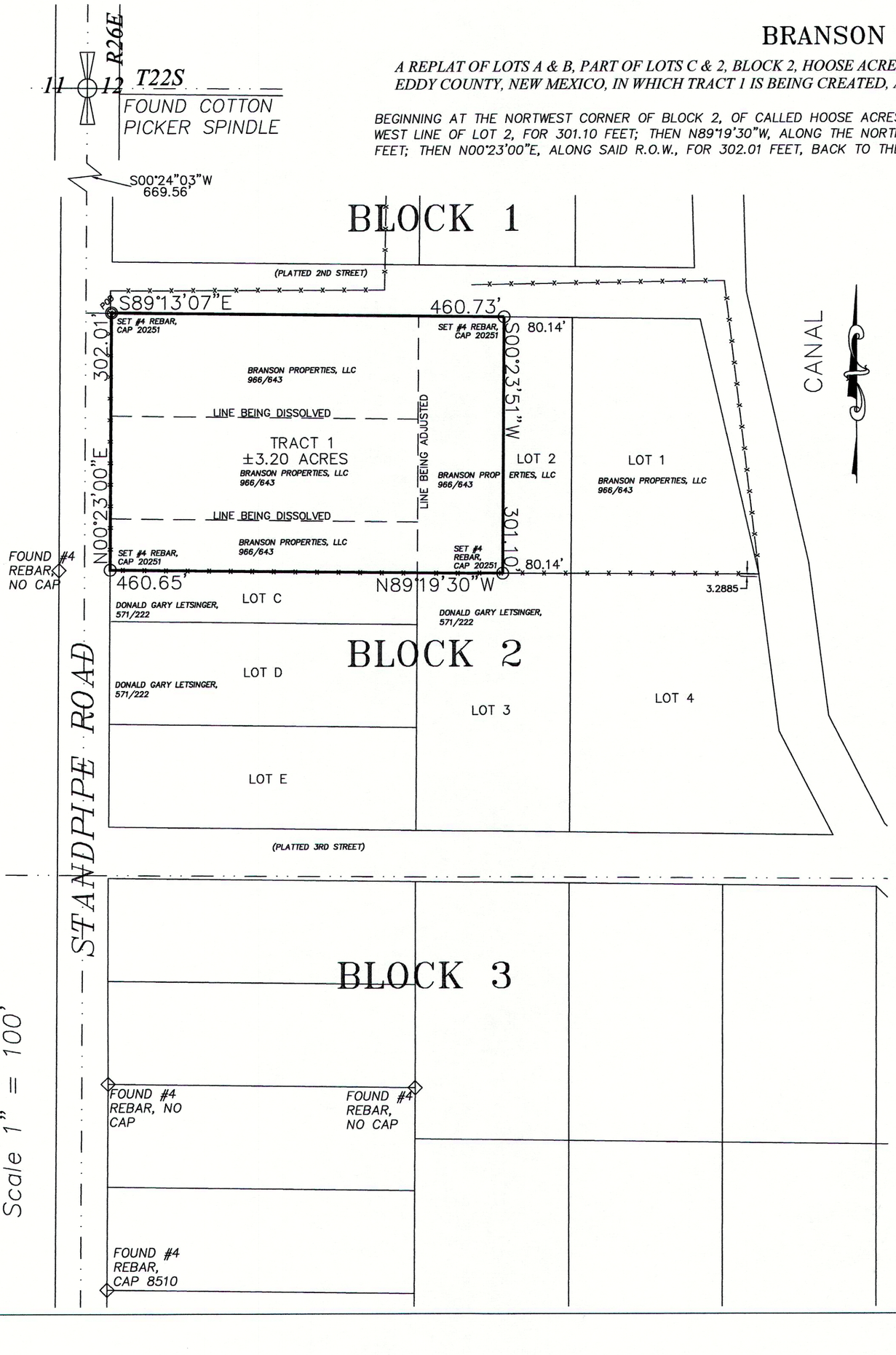


Agenda Item #16: Report Regarding Plats Approved Through Summary Review Process

BRANSON PROPERTIES REPLAT

A REPLAT OF LOTS A & B, PART OF LOTS C & 2, BLOCK 2, HOOSE ACRES, FILED IN CABINET 1, SLIDE 266-1, OF THE MAPPING RECORDS FOR EDDY COUNTY, NEW MEXICO, IN WHICH TRACT 1 IS BEING CREATED, AND WHOSE PERIMETER IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTWEST CORNER OF BLOCK 2, OF CALLED HOOSE ACRES; THEN S89°13'07"E FOR 460.73 FEET; THEN S00°23'51"W, ALONG THE WEST LINE OF LOT 2, FOR 301.10 FEET; THEN N89°19'30"W, ALONG THE NORTH LINE OF LOT C TO THE EAST R.O.W. OF STANDPIPE ROAD, FOR 460.65 FEET; THEN N00°23'00"E, ALONG SAID R.O.W., FOR 302.01 FEET, BACK TO THE POINT OF BEGINNING, CONTAINING 3.20 ACRES, MORE OR LESS.



THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 P J13 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 _____ DAY OF _____, 20____ A.D.

IN BOOK _____ PAGE _____ OF THE (ECR).

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

THIS _____ DAY OF _____, 20____.

BY: _____
AGENT

ATTEST: _____
COUNTY CLERK

BRANSON PROPERTIES, LLC
SCOTT BRANSON, PRESIDENT OF BRANSON PROERTIES, 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 TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF: EDDY COUNTY AND CARLSBAD PLATTING AND PLANNING AREA
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME
THIS 17 DAY OF December, 20 14
BY Scott Branson

Tara M Pyeatt
NOTARY PUBLIC 05/17/2016
MY COMMISSION EXPIRES mm/dd/ccyy

OFFICIAL SEAL
Tara M. Pyeatt
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 05/17/2016

NOTES AND OBSERVATIONS:

1. WATER, SEWER, GAS, AND ELECTRIC ARE IN THE ALLEY BEHIND THE PROPERTY.
2. THE SIDEWALKS ARE IN BAD REPAIR AROUND THE SUBJECT PROPERTY.
3. THE ROADS HAVE CURB AND GUTTER, AND THERE IS ASPHALT IN THE ROADWAYS.

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 0.9997688 IS NEED TO CONVERT DISTANCES FROM GRID TO SURFACE.
3. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT.
4. ALL MEASUREMENTS WERE MADE ON DECEMBER 9, 2014.

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 DECEMBER, 20 14.

COMMISSION DESIGNEE

LEGEND

- CORNER FOUND
- CORNER SET
- SECTION CORNER
- QUARTER CORNER
- FENCE LINE
- LAND LINE
- LINE BEING DISSOLVED

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, TELE. 885-6867, FAX 885-6867

MELVIN R. PYEATT, JR. NEW MEXICO 20251 REGISTERED PROFESSIONAL LAND SURVEYOR

STATE OF NEW MEXICO, COUNTY OF EDDY, I HERE BY 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

R&R SURVEYING LLC
A LAND SURVEYING COMPANY

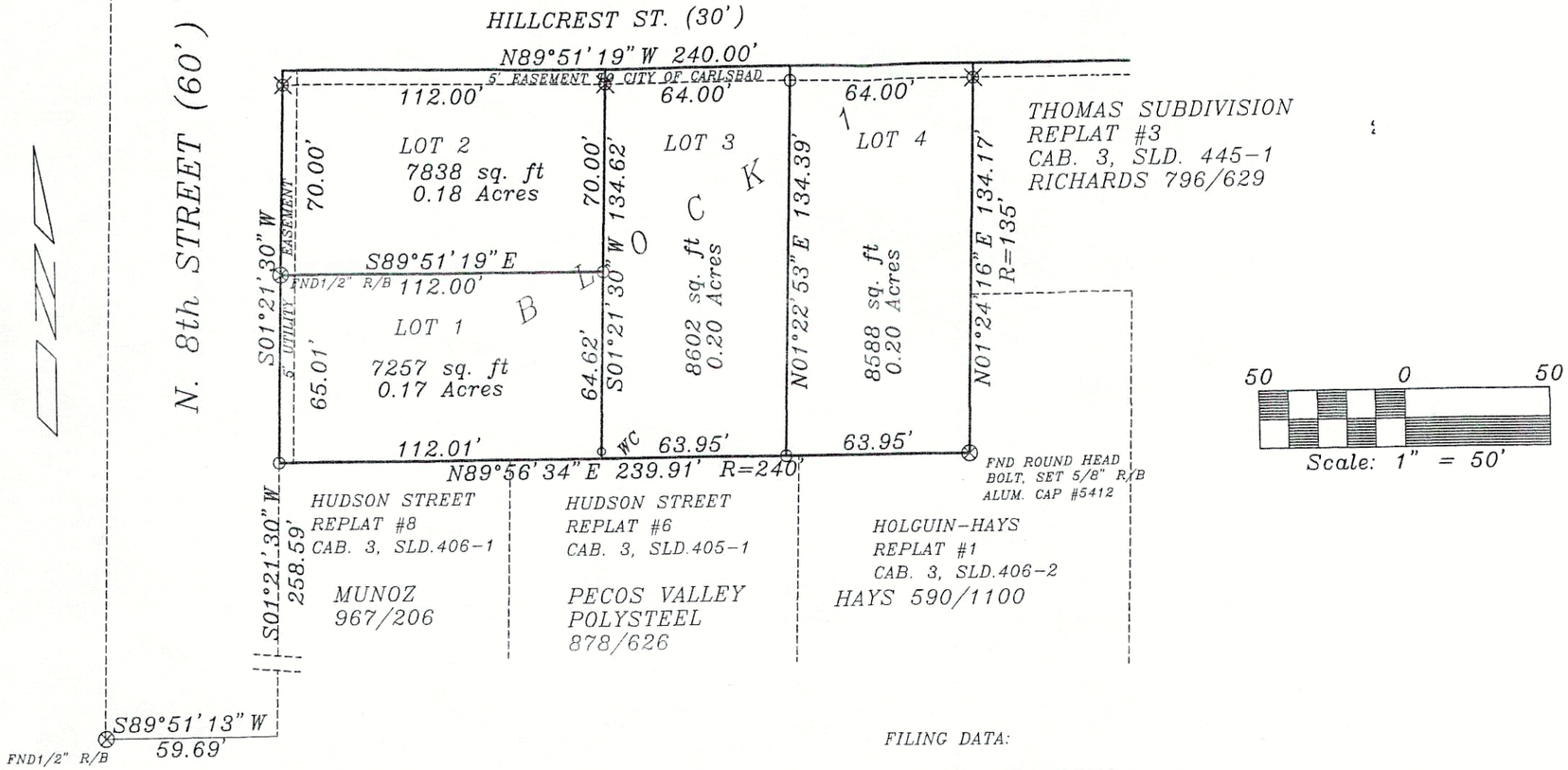
INDEXING INFO. FOR CO. CLERK	
SEC. 12 T22S R26E N.M.P.M.	
SUBDIVISION: BRANSON PROPERTIES TRACT	
OWNER: BRANSON PROPERTIES LLC	
CITY: CARLSBAD	
COUNTY: EDDY	
STATE: NEW MEXICO	
DATE: DECEMBER 9, 2014	
ACCESS: YES	
AREA: ±3.20 ACRES	

REF: THOMAS SUBDIVISION PLAT CAB. 2, SLD. 90
THOMAS SUBDIVISION REPLAT #4 CAB. 3, SLD. 437-1
HILLCREST STREET REPLAT #1 CAB. 3, SLD. 438-1
BOUNDARY SURVEY CAB. 4, SLD. 978-2
WARRANTY DEEDS BOOK 983, PAGE 1020 & BOOK 983, PAGE 1031

Planning
COMMISSION DESIGNEE

LEGEND
⊗ FOUND CORNER AS NOTED
○ SET 1/2" REBAR #5412
⊠ SET CHISELED "+" IN CONCRETE
WC WITNESS CORNER ON LINE 2.5' NORTH

BASIS OF BEARING NM STATE PLANE COORDINATE SYSTEM NAD 83 NEW MEXICO EAST



OWNER'S STATEMENT AND AFFIDAVIT

STATE OF NEW MEXICO:

ss

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 FOUR LOTS BEING LOTS 1 THROUGH 4, BLOCK 1, TO BE PLATTED AS SHOWN HEREON.

THE PROPERTY DESCRIBED ABOVE LIES WITHIN THE PLATTING JURISDICTION OF THE CITY OF CARLSBAD, NEW MEXICO

FILING DATA:

STATE OF NEW MEXICO:

SS

COUNTY OF EDDY

I HEREBY CERTIFY THIS INSTRUMENT WAS FILED FOR RECORD ON THIS _____DAY OF_____, 20__ AT _____O'CLOCK_____.M., AND IS DULY FILED IN CABINET_____, SLIDE_____, OF THE RECORD OF MAPS OF SAID COUNTY.

DARLENE ROSPRIM - COUNTY CLERK

BY_____

McGINNIS LINE ADJUSTMENT #2

A SURVEY OF LOT 2 AND THE W170' OF LOT 1 BLOCK A OF HAPPY VALLEY FARMS SUBDIVISION & A PART OF TRACT 1 OF THE LOT 3 (NENW) OF SEC 3, ALL LYING IN SEC 3, T22S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO, WHICH SURVEY IS CREATING PARCEL'S A, B & C AS SHOWN ON THIS PLAT, WHICH PARCELS HAVE A PERIMETER DESCRIPTION AS FOLLOWS:

BEGINNING AT THE SE COR OF LOT 3 OF SAID BLOCK A, WHICH POINT LIES ON THE NORTH R.O.W. OF HARMON LANE; THEN N00°32'41"W, ALONG THE EAST LINE OF SAID LOT 3, FOR 608.39 FEET TO THE NORTH LINE OF SAID SUBDIVISION; THEN N38°04'23"E FOR 218.50 FEET TO THE SOUTH R.O.W. OF HAPPY VALLEY ROAD; THEN S48°29'39"E, ALONG SAID R.O.W., FOR 265.00 FEET; THEN S49°59'47"E, CONTINUING ALONG SAID R.O.W., FOR 219.65 FEET; THEN S00°32'41"W, ALONG THE PROJECTED LINE OF SAID W170' OF LOT 1, FOR 453.878 FEET TO THE NORTJ R.O.W. OF HARMON LANE; THEN S88°53'41"W, ALONG SAID NORTH R.O.W., FOR 500.00 FEET TO THE POINT OF BEGINNING. CONTAINING 7.29 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL PERTAINING EASEMENTS OF RECORD.

THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 P J7 DEFINITIONS (EFFECTIVE JULY 7, 1996); THE DIVISION OF LAND RESULTING ONLY IN THE ALTERATION OF PARCEL BOUNDARIES, AND THE NUMBER OF PARCELS IS NOT INCREASED.

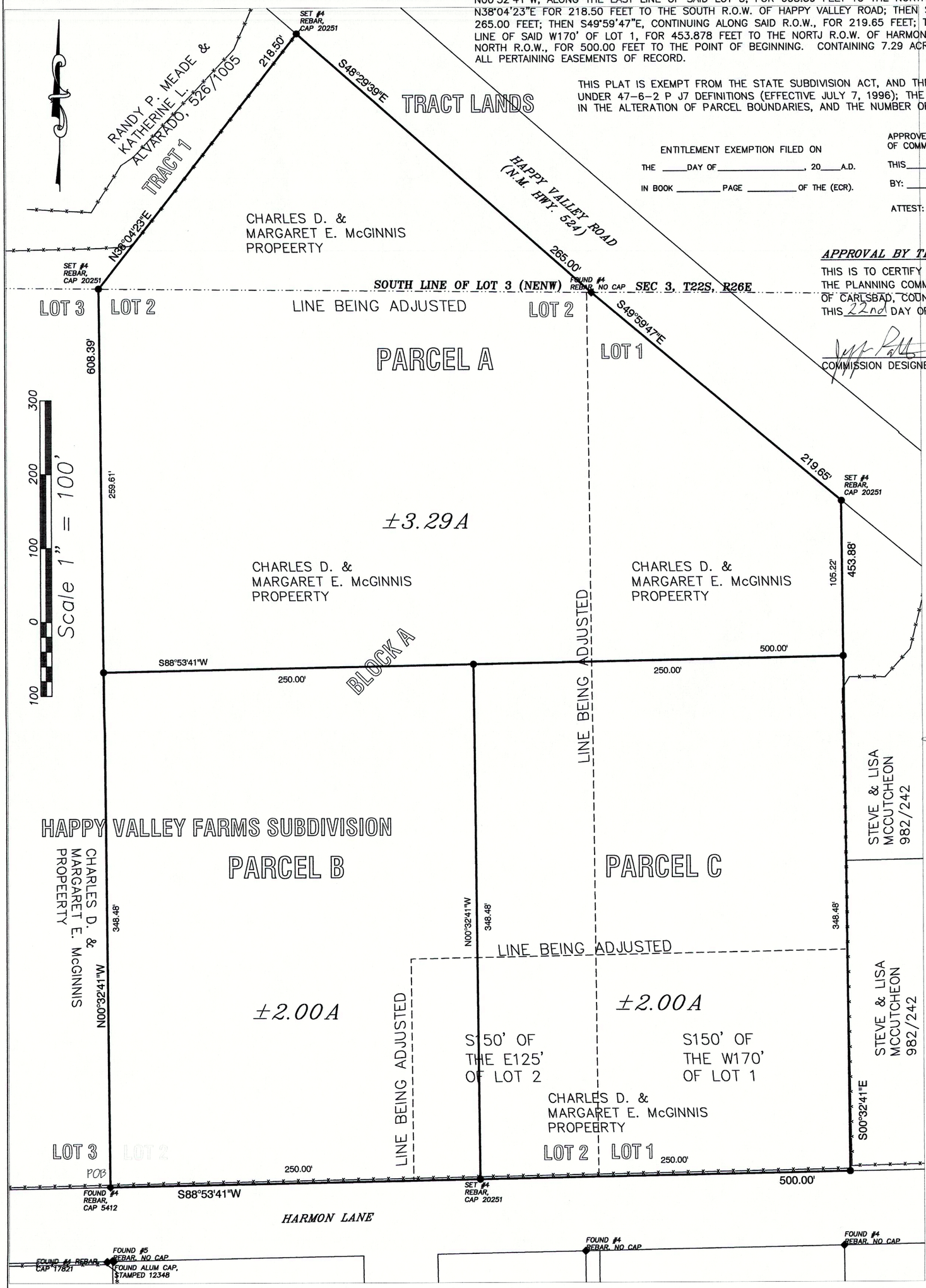
ENTITLEMENT EXEMPTION FILED ON
THE ____DAY OF_____, 20____A.D.
IN BOOK _____ PAGE _____ OF THE (ECR).

APPROVED AND ACCEPTED BY THE EDDY COUNTY BOARD OF COMMISSIONERS OR AGENT
THIS_____ DAY OF_____ 20____,
BY: _____ AGENT
ATTEST: _____ COUNTY CLERK

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 December, 20 14.

Jeff Pott Planning Director
COMMISSION DESIGNEE



Charles D. McGinnis
CHARLES D. McGINNIS

Margaret E. McGinnis
MARGARET E. McGINNIS

OWNERS STATEMENT AND AFFIDAVIT

STATE OF NM :
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, DEDICATED ROAD AND EASEMENT TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:
EDDY COUNTY AND CARLSBAD PKATTING AND PLANNING AREA

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME
THIS 22 DAY OF December, 20 14
BY Charles D. McGinnis (NOTARY: PRINT SIGNER'S NAME)
AND Margaret E. McGinnis (NOTARY: PRINT SIGNER'S NAME)
Rachel Pyeatt NOTARY PUBLIC 11/10/18 (MY COMMISSION EXPIRES mm/dd/ccyy)

OFFICIAL SEAL
Rachel Pyeatt
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 11/10/18

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

MELVIN R. PYEATT JR. NEW MEXICO 20251 PROFESSIONAL SURVEYOR

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 0.999767410 IS NEED TO CONVERT DISTANCES FROM GRID TO SURFACE.
3. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES WERE MEASURED IN THE US SURVEY FOOT.
4. ALL MEASUREMENTS WERE MADE ON NOVEMBER 14, 2014.

LEGEND

- CORNER FOUND
- CORNER SET
- LINE BEING ADJUSTED
- FENCE LINE
- LAND LINE

STATE OF NEW MEXICO, COUNTY OF EDDY, I HERE BY 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

INDEXING INFO. FOR CO. CLERK	
SEC. 3	T 22S R 26E N.M.P.M.
SUBDIVISION:	McGINNIG LINE ADJUSTMENT #2
OWNER:	CHARLIE D. McGINNIS MARGARET E. McGINNIS
CITY:	CARLSBAD
COUNTY:	EDY
STATE:	NEW MEXICO
DATE:	DECEMBER 9, 2014
ACCESS:	YES
AREA:	±7.29 ACRES

Agenda Item #17: Adjourn