

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, November 7, 2016, 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 meeting held October 3, 2016.
4. Update and Presentation for Montclair Development (formerly El Dorado).
5. Consider an Appeal (variance) to allow a carport in the front set-back at 712 N. 12th St.
6. Consider an Appeal (variance) to allow a carport in the front set-back at 3317 Kuykendall St.
7. Consider an Infrastructure Reimbursement Request for Brian Stevens concerning the RV Park located at 900 Standpipe Rd.
8. Consider a Motion to appoint as Commission Designee the Director and Deputy Director of Planning for the purpose of signing Summary Review Plats.
9. Report regarding Summary Review Subdivisions.
10. Adjourn.

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

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

Agenda Item #3: Approval of Minutes from Previous Meeting

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

October 3, 2016, at 5:00 p.m.

DRAFT

Meeting Held in the Planning Room

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, October 3, 2016, 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 meeting held August 1, 2016.
4. Approval of Minutes from Meeting held on September 12, 2016.
5. Consider a recommendation for a Zone Change at 502 N. 6th St. from "R-1" Residential to "C-2" Commercial.
6. Consider a recommendation for a Zone Change at 612 W. Pierce St. from "R-2" Residential to "C-2" Commercial.
7. Consider an Appeal (variance) to allow a carport in the front set-back at 1305 Normandy St.
8. Report regarding Summary Review Subdivisions.
9. Adjourn.

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

MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL BUILDING PLANNING ROOM, 101 N. HALAGUENO STREET, OCTOBER 3, 2016, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

**JAMES KNOTT
LASON BARNEY
BRIGIDO GARCIA
WANDA DURHAM**

**CHAIRPERSON
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

JAMES MCCORMICK

COMMISSION SECRETARY

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
GEORGIA GOAD**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR**

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING, ENGINEERING
AND REGULATION DEPARTMENT
EXECUTIVE SECRETARY**

OTHERS PRESENT:

**IRENE ROBERTS
EDDIE HERNANDEZ
DAVID LEWIS
GEORGE WHEELER
MIKE HUBER
PRISCILLA MARTINEZ
MICHAEL MARTINEZ
SHANNON SUMMERS
ELODIA ENRIQUEZ
JOISY ENRIQUEZ**

**616 W. PIERCE
505 N. 6TH
1305 NORMANDY
612 W. PIERCE
502 N. 6TH
502 DEL RIO ST.
1304 NORMANDY
600-2 CASCADES AVE.
518 N. 6TH
518 N. 6TH**

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 [5:05:15 PM]

0:00:06 **1. Roll call of Voting Members and Determination of Quorum.**

Roll was called, confirming the presence of a quorum of commission members. Present – **Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; Absent – **Mr. McCormick**.

0:00:28 **2. Approval of Agenda.**

Ms. Goad mentions that item #5 on the Agenda itself is correct, but the application and the Agenda Briefing Memorandum for that item has to be amended. The applicant needs to apply from “R-1” to “C-2” as the Agenda states.

Ms. Durham made a motion to approve the Agenda with the amendment, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:01:39 **3. Approval of Minutes from meeting held August 1, 2016.**

Ms. Durham made a motion to approve the Minutes held on August 1, 2016, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:02:12 **4. Approval of Minutes from Meeting held on September 12, 2016.**

Mr. Barney made a motion to approve the Minutes held on September 12, 2016, and **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:02:52 **5. Consider a recommendation for a Zone Change at 502 N. 6th St. from "R-1" Residential to "C-2" Commercial.**

Ms. Goad mentions that the applicant is applying for a Zone Change from “R-1” to “C-2” the planning staff recommended denial because it’s a spot zone. However, the applicant has brought a couple of letter that he would like to read and she has copies of the letters the area where the building sits historically has had commercial enterprises on it mixed with some residential the blanket zoning there is residential in nature but the building was obviously built for commercial purposes it’s been there for many, many years used a commercial type use and it has no other use and it could not be possibly be used for residential. It’s one of those that got caught up on the new zoning map where there are mixed uses there also there are vacant lots. The school down the street is closed now. **Mr. Patterson** mentions on the synopsis that he included the Greater Carlsbad Comprehensive Plan Strategy 2030, in Chapter 3 *Land Use*, Section D: Goals and Policies, part of the strategy mentioned is to encourage a mix of land uses in the same area so that residents are within walking distance of some commercial and retail businesses (Ch.3, Sec. D, Goal 1, Strategy C). There is a lot of traffic going down 6th Street it would be considered as a side street as residential street. If the applicant was asking for “C-1” Commercial the Planning Staff would be in full support we’ve talked about this before when you change the zoning to whatever you change it to then anything that is allowed in the zoning is allowed. The applicant is here to explain what he desires to do. The Comprehensive Plan does talk about spot zoning and wants the City to avoid that in most cases this could be a good spot to try some commercial around some residential but we need to be mindful if that’s going to be allowed later on down the road. **Mr. Barney** asked why did you said it may be considered more considerable for “C-1” what’s the difference. **Mr. Patterson** said “C-1” commercial is intended for Commercial in retail more neighborhood scale like dentist offices, doctors’ offices some retail might fit. Our “C-2” Zoning is more for our regional commercial the large commercial with more intent uses. What the applicant wants to do is not allowed in “C-1” it’s only allowed in “C-2”. On page 15 in the packet it talks about the criteria that your supposed to look at for zone change on part (g) the proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance you can look at that zoning has been misapplied. **Ms. Goad** said that there are provisions in the Zoning Ordinance as well that addresses beneficial uses of a property. **Mr. Huber** said he’s been in business for 35 years doing automotive, security installation repairs since 1991. Through the years he’s made repeating customers who depend on his services. With rental prices high he’s been friends with Brian Stevens for years he who owns the property on 502 N. 6th Street and let him use the property rent free until he gets the proper permits up to code. He’s willing to work with the neighbors to keep the noise down. **Mr. Barney** asked how big the lot is. **Ms. Goad** said it was 100’ x 150’. **Mr. Knott** asked if he

was only going to utilize 50' but we're zoning the entire lot. **Mr. Huber** said "yes". **Mr. Huber** read out loud two letters from his customers that was handed out at the meeting, the first letter was from Deanna Weston-Helmer and the second letter was from Jeff Yeager. **Ms. Martinez** said she is a customer of Mr. Huber and she's for the zone change hoping that he can keep his business going and he's put a lot of money into the property and he's a good person. **Mr. Hernandez** said he lives across the street from the building and he's against for the zone change. The actual owner already has a business on Standpipe Road and he's afraid that the business will be moving toward 6th Street. His neighbor behind him has problems with his sewer line going that goes to the main line. Getting heavy equipment going through there and we already have the trash trucks picking up our garage with the rollouts that we have now. **Ms. Elodia Enriquez and Ms. Joisy Enriquez** they bought the property at 518 N. 6th about 14 years ago and since then the property that Mr. Huber wants to do business has been abandoned for years someone does keep the property mowed and clean, but no business has been there. Her main concern is that two family members are day sleepers because they work at night and the noise is going to be affecting them. Also, my daughter Joisy Enriquez has migraines with the noise and it gets bad for her. She's against the zone change she would like to keep it the way it is. We have a german shepard dog and we have a 6' fence and they had to put two hot wires to keep the dog inside the fence because of the noise the dog has been jumping the fence. **Mr. Knott** said if this stayed "R-2" they can have multi-family housing. **Mr. Patterson** mentions all that is allowed to multi-family and some of these could go with a conditional use. **Mr. Garcia** asked how many employees he had. **Mr. Huber** said he had one mechanic. **Mr. Garcia** asked if most of his work be inside the building. **Mr. Huber** said "yes".

Mr. Knott made a motion to approve the Zone Change at 502 N. 6th St. from "R-1" Residential to "C-2" Commercial. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes, Mr. Knott, Mr. Garcia;** No – **Ms. Durham, Mr. Barney.** Abstained – None; Absent – **Mr. McCormick.**

Ms. Durham commented to Mr. Huber as to if this Zone Change gets approve and something happens to him or Mr. Stevens being the owner then there's no changing this property what's done is done and she wants City Council to make sure that is what they want in that area for the future.

Mr. Knott said that this is a split vote and they would like to carry it onto City Council.

0:43:50 **6. Consider a recommendation for a Zone Change at 612 W. Pierce St. from "R-2" Residential to "C-2" Commercial.**

Mr. Patterson mentions Zoning Change from "R-2" Residential District to "C-2" Commercial District for Lot 8, Block 181, Westfall Subdivision, located at 612 W. Pierce St., pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances. Looking on page 43 on the packet the properties along West Pierce Street the majority of them are converted residences that now operate commercial business and this is technically not a spot zone. The applicant is asking for "C-2" commercial to follow the suite all along down West Pierce Street. The Planning Department has recommended approval for this request. **Mr. Wheeler** said he purchased this building about 20 years ago from Dr. Brown and he's not sure how long he was in the building. He said at the moment he doesn't have plans but he did want to follow suite on West Pierce Street. **Ms. Goad** said that Mr. Wheeler is in the same position as Dr. Murray that if he makes decision to sell or lease the property it has to be zoned correctly for that type of use.

Looking on page 43 on the map of the packet their talking about who's in those lots.

Mr. Knott mentions in case of a fire and have a total loss on the property with the current zoning on all of the lots you would not able to rebuilding with a commercial building permit. **Ms. Goad** agreed. **Mr. Wheeler** said he didn't realize that and he asked when he purchased this has it always been zoned like

this. **Ms. Goad** said she didn't know what the prior zoning was but the current zoning was passed in 2011. **Ms. Roberts** said when she bought her house in 1974 it was all residential except for Dr. Murray on one end and Dr. Madry on the other end and since then it has grown so much.

Mr. Barney made a motion to approve Zone Change at 612 W. Pierce St. from "R-2" Residential to "C-2" Commercial. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

0:52:35 **7. Consider an Appeal (variance) to allow a carport in the front set-back at 1305 Normandy St.**

Mr. Patterson mentions this is an Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 13' from the north side property line, which would result in an 17' front-yard setback at 1305 Normandy St., zoned R-1. (Looking at the table on page 44 on the packet) It shows the setback requirements for each zoning as you can see on "R-1" normally there is a 30' front setback for properties zone "R-1" slash 15' with a star (*) means when you look at a block the majority of the houses are less than 30' or majority of the front setbacks are less than 30' it reverse to a 15' front setback so that's what it means. If you look on page 45 on the impact it talks about the reason why we have setbacks, also if you look on page 58 in the packet on the applicant's property Mr. Lewis also drew a diagram on page 49. Mr. Lewis's setback is quite a ways beyond 30' from the front of his property, so placing a carport 21' long it will diminish the front setback and the goals of the setback but it will not eliminate it. The Planning Staff recommends approval of this request provided the applicant meets the entire carport criteria stated in the Zoning Ordinance. A building permit will be required prior to construction. **Mr. Knott** asked if they have to be concerned about drainage. **Mr. Patterson** said it says in the zoning ordinance that you have to control of any water runoff. **Mr. Lewis** said what his plan is to use the pre fab metal but rather to leaving the support post he wants to frame it all in and stucco it to match the house. He doesn't want to detract from the neighborhood he wants to improve his property value. He wants to protect his investments with his vehicles and he takes pride on anything he owns and maintains it well. **Mr. Martinez** said he lives at 1304 Normandy right across the street from Mr. Lewis and he just admires his house Mr. Lewis does take pride on his property and he's for Mr. Lewis for this getting this approved. Hopefully someday he could do the same on applying for the same application to protect his investments. **Mr. Lewis** said he's lived there for 18 years there was a garage at one time when he moved it was completely closed in. **Mr. Garcia** asked what the side setback that the carport will have. **Mr. Patterson** said it will be 5'. **Mr. Lewis** said the way he has it laid out it will be pretty close to that.

Mr. Garcia made a motion to recommend approval to consider an Appeal (variance) to allow a carport in the front set-back at 1305 Normandy St. and **Ms. Durham** seconded the motion. The vote was as follows: **Yes – Ms. Durham, Mr. Knott, Mr. Barney, Mr. Garcia**; No – None; Abstained – None; Absent – **Mr. McCormick**. The motion carried.

1:06:43 **8. Report regarding Summary Review Subdivisions.**

There were no Reports regarding Summary Review.

1:06:55 **9. Adjourn.**

There being no further business, the meeting was adjourned.

1:07:00

Stop Recording [6:12:15 PM]

Chairman

Date

DRAFT

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 11/7/16

DEPARTMENT: Planning, Engineering and Regulation	BY: Jeff Patterson, Planning Director	DATE: 10/17/16
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SUBJECT: Update and presentation of the new Concept Plan for the Montclair Development (formerly El Dorado), PUD, an approximately 1,300 acre area, containing multiple parcels, located on the east side of National Parks Highway between Derrick Road and the south line of Township 23S Range 26E Section 14, annexation pending, pursuant to the petition method as provided for in Section 3-7-1 et. Seq. NMSA 1978 (specifically, Section 3-7-17).

Applicants:
 Property Owner (Majority Land Owner):
 Hermes Development, LLC
 7641 E. Gray Rd., Suite B1
 Scottsdale, AZ 85260

Agent:
 Gary Lane
 LBG Development, LLC.
 1256 W. Chandler Blvd. Ste. H
 Chandler, AZ 85224

SYNOPSIS and HISTORY: The applicant is presenting a revised Concept Plan for the renamed Montclair Development, (formerly the El Dorado Development), the approximately 1,300 acre development on the eastern side of National Parks Hwy. south of Carlsbad. The applicant previously petitioned for this property to be annexed and Planned Unit Development (PUD) zoning requested at the May 27, 2014 City Council meeting (Ordinance 2014-09 and Ordinance 2014-10). At the time, the applicant presented a Concept Plan with this annexation request, as required by the City’s Zoning Ordinance for the application of PUD zoning. The applicant then had one year to complete the Final PUD and development plans, as well as enter into a Development Agreement with the City. The applicant has needed to extend that one year deadline twice, with the last extension being granted by the Planning and Zoning Commission at the July 11, 2016 Commission meeting. The applicant and their agent, Gary Lane, stated at that Commission meeting that they planned to revise the previously accepted Concept Plan, and when the revised Concept Plan was ready, they would bring it back and present the revised plan to the Planning and Zoning Commission as well as the City Council. The attached documents in this packet constitute that new plan. Once the new Concept Plan is approved, the applicants and their agent will proceed with the creation of the Final PUD Development Plan and the Development Agreement. Also included in this packet are the annexation plats showing what property will be annexed, the previous Concept Plan map, and a cover letter from Consensus Planning to the Planning and Zoning Commission that provides more details about the project.

According to Sec. 56-150 (j):

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

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

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): By recommending approval of the new Concept Plan, the Planning and Zoning Commission would be supporting the efforts of the developer to move further along in the PUD process and move closer to the submission of the Final PUD Plan and Development Agreement.

PLANNING STAFF RECOMMENDATION: The Planning Department recommends approval of the new Concept Plan.

DEPARTMENT RECOMMENDATION:

	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		x	
Utilities Department				Building & Regulation Division			
Culture & Rec. Dept.							

DEPARTMENT COMMENTS:

Public Works:

Utilities Department:

Building Department:

Fire Department:

Code Enforcement:

Legal Department:.

Planning Department: Recommend approval.

Police Department:

Culture & Recreation

City Engineer:

ATTACHMENTS: Concept plan maps, annexation map and ordinances.

ORDINANCE NO. 2014-09

AN ORDINANCE ANNEXING A PORTION OF LAND CONTAINING 1,300 ACRES MORE OR LESS, CONTIGUOUS TO THE CITY OF CARLSBAD, NEW MEXICO, LOCATED ON THE EAST SIDE OF NATIONAL PARKS HIGHWAY BETWEEN DERRICK ROAD AND THE SOUTH LINE OF TOWNSHIP 23S RANGE 26E SECTION 14, PURSUANT TO THE PETITION METHOD PROVIDED FOR IN SECTION 3-7-1 ET. SEQ., NMSA 1978.

WHEREAS, a petition for annexation of territory contiguous to the City of Carlsbad has been presented to the Governing Body of the City of Carlsbad, and

WHEREAS, said petition has been signed by the owners of a majority of the number of acres in the contiguous territory, and

WHEREAS, said petition is accompanied by a map showing the external boundary of the territory proposed to be annexed and its relationship to the existing boundary of the City of Carlsbad, New Mexico.

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

Section 1. Subject to the proviso contained in Section 2 hereof, the City of Carlsbad hereby consents to the annexation of 1,300 acres, more or less, of contiguous territory situated in Eddy County, New Mexico, located on the east side of National Parks Highway between Derrick Road and the south line of Township 23S Range 26E Section 14, as illustrated on the annexation plat attached hereto.

Section 2. A copy of this ordinance and the plat of said property shall be filed in the office of the County Clerk of Eddy County. After such filing, the property shall be included in and be a part of the City of Carlsbad. Appeal may be made by any person owning land within this said territory to the District Court of Eddy County within thirty (30) days on the grounds and in the manner provided by law.

INTRODUCED, PASSED, ADOPTED, AND APPROVED THIS 27TH DAY OF MAY, 2014.

/s/ Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/ Annette Barrick
CITY CLERK

ORDINANCE NO. 2014- 10

AN ORDINANCE ESTABLISHING PLANNED UNIT DEVELOPMENT DISTRICT (PUD) ZONING AND RURAL RESIDENTIAL DISTRICT (RR) ZONING IN CONJUNCTION WITH THE ANNEXATION OF AN APPROXIMATELY 1,300 ACRE AREA AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES.

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

The official zoning map of the City is hereby amended to establish Planned Unit Development District (PUD) and Rural Residential District (RR) zoning for portions of a 1,300 +/- acre area, located on the east side of National Parks Highway between Derrick Road and the south line of Township 23S Range 26E Section 14, as illustrated on the plat attached hereto.

INTRODUCED, PASSED, ADOPTED AND APPROVED this 27th day of May, 2014.

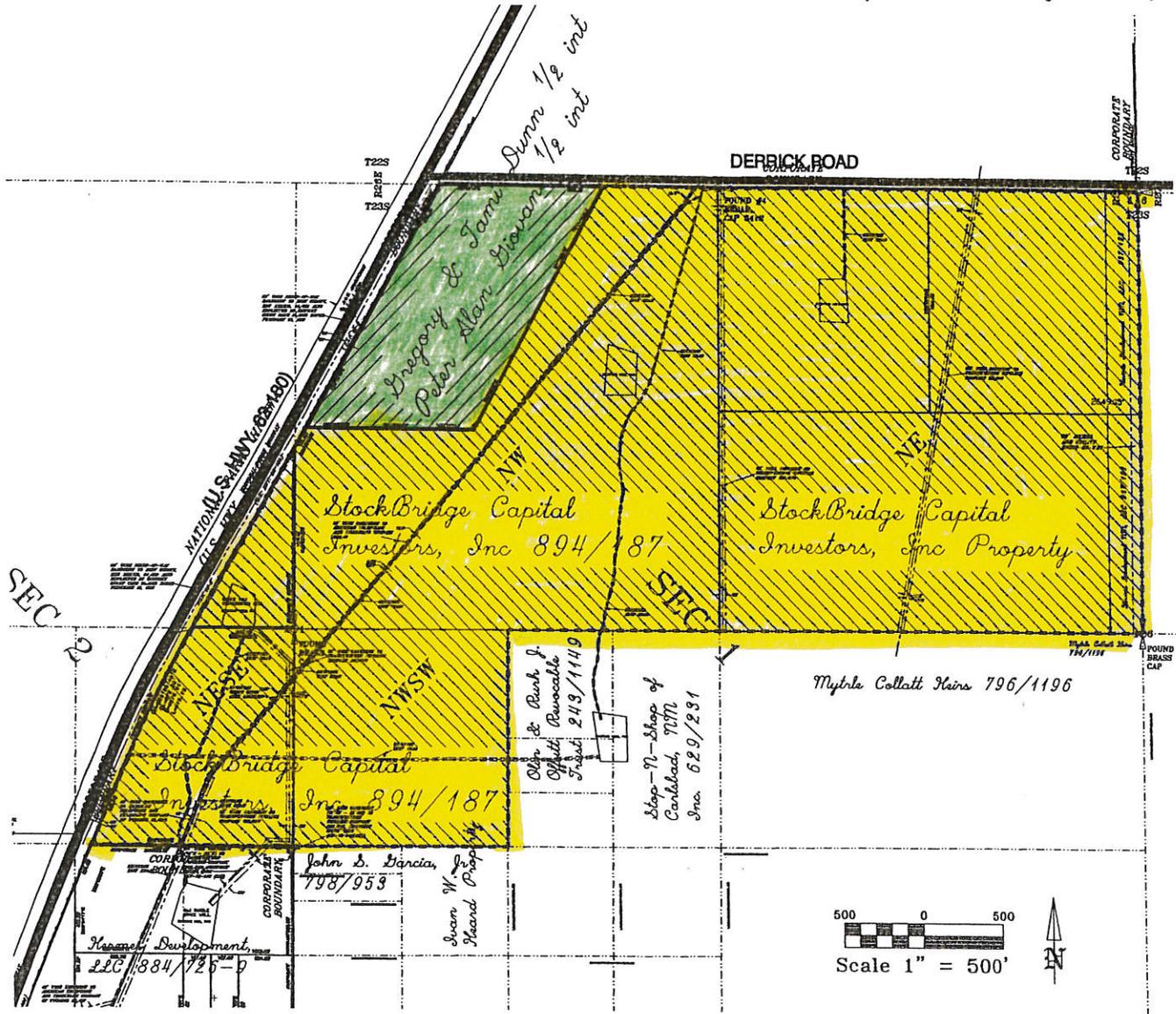
/s/ Dale Janway
DALE JANWAY, MAYOR

ATTEST:

/s/ Annette Barrick
CITY CLERK

= Rural Residential (RR) = Planned Unit Development 4/25/14

ANNEXATION PLAT 12/4/2013 (and Est. of Zoning)



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

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

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

AND THAT PART OF THE NESE LYING EAST OF NATIONAL PARKS HIGHWAY, LYING IN SAID SECTION 2, T23S, R26E, N.M.P.M., EDDY COUNTY, NEW MEXICO. BEING 350.72 ACRES, MORE OR LESS, IN SIZE

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

THAT PART OF THE NW THAT IS DEEDED TO PETER ALAN GIOVANI AND GREGORY & TAMI DUNN, ALL LYING IN SAID SECTION 1, T23S, R26E, N.M.P.M. EDDY COUNTY, NEW MEXICO. BEING 34.70 ACRES, MORE OR LESS, IN SIZE

APPROVAL BY THE CITY COUNCIL
THIS IS TO CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN EXAMINED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A REGULARLY SCHEDULED MEETING HELD ON _____ DAY OF _____, 20____.

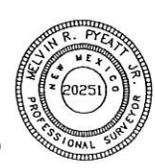
CONCURRENCE BY THE CITY PLANNING COMMISSION
THIS IS TO CERTIFY THAT THIS ANNEXATION PLAT HAS BEEN REVIEWED BY THE CITY PLANNING COMMISSION OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A MEETING HELD ON _____ DAY OF _____, 20____.

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

MELVIN R. PYEATT, JR., 423 V. GREENE ST., CARLSBAD, NM, 88220
CERTIFICATE NO. 20251 TELE. 885-6867 FAX 885-6867

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

OWNERS STATEMENT AND AFFIDAVIT
STATE OF _____, SS _____
COUNTY OF _____, 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 EXTRATERRITORIAL
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____.



NOTARY PUBLIC
"BY CERTIFICATION UNDER SEAL AND SIGNATURE"

INDEXING INFO. FOR CO. CLERK	
SEC. 1 & 2	T23S R26E N.M.P.M.
SUBDIVISION: ANNEXATION PLAT	
12/4/2013	
OWNER: STOCKBRIDGE CAPITAL INVESTORS, INC.	
CITY: CARLSBAD	
COUNTY: EDDY	
STATE: NEW MEXICO	
DATE: DECEMBER 4, 2013	
ACCESS: YES	
AREA: 335.42 ACRES TOGETHER	



October 14, 2016

James Knott, Chairman
 Planning & Zoning Commission
 City of Carlsbad
 114 S. Halagueno Street,
 Carlsbad, New Mexico 88220



Landscape Architecture
 Urban Design
 Planning Services

307 Eighth St. NW
 Albuquerque, NM 87102

505.764.9821

Fax 505.764.9873

cp@consensusplanning.com

www.consensusplanning.com

RE: Montclair Planned Unit Development, Carlsbad

Dear Chairman Knott,

The purpose of this letter is to request approval of a revised Concept Plan for the approximately 1,300 - acre property known as the Montclair Planned Unit Development (PUD), previously known as the El Dorado PUD. The subject site is located on the east side of National Parks Highway between Derrick Road and the south line of Township 23S Range 26E Section 14, east of the Cavern City Air Terminal.

Project History

In May 2014, the City of Carlsbad City Council approved the annexation, the Concept Plan, and the establishment of the PUD zoning for the subject site. This Concept Plan revises the previously approved Concept Plan. The final approval of the annexation is subject to approval of a Final PUD and a Development Agreement.

Project Need

Carlsbad is a growing and thriving community, and the mix of land uses in the revised Concept Plan are designed to better meet the needs of the Carlsbad market place. As oil and gas activity increases, the proposed industrial and business park uses provide a significant opportunity for Carlsbad to continue to build and strengthen its role as a hub of oil and gas and other extractive industries, as well as space to diversify its economy, while increasing employment.

The proposed mix of residential uses reflects the diverse housing needs of Carlsbad. According to the City of Carlsbad Housing Analysis and Strategic Plan Update (2015), Carlsbad needs at least 600 new homes, and 1,650 new multifamily units. The plan also shows that there is a need for both for-sale and rental housing, at both market rate and workforce levels. A water use and census study by the Carlsbad Department of Development puts the Greater Carlsbad area population at approximately 70,000. According to the US Census, between 2000 and 2014, the portion of the population in Eddy County (of which Carlsbad is 50% of the population, according to the US Census) that grew the fastest was the 60 to 64 years cohort, which increased 75.3%. With an aging population and Carlsbad's recognition as an Age Friendly Community (by the World Health

PRINCIPALS

James K. Stogier, AICP

Christopher J. Green, PLA

ASLA, LEED AP

Jacqueline Fishman, AICP

Laurie Firo, PLA, ASLA



Organization), Carlsbad has a significant need for senior housing at all levels of care. The proposed Age-Restricted Housing will address a range of needs from Independent Living through to Memory Care, per the AARP's Continuing Care Retirement Communities model.

The proposed commercial development increases employment while also providing more retail, restaurant, and service opportunities that serve the Carlsbad community, as well as development that serves the many tourists that travel to and through Carlsbad.

Policy Support

The revised Concept Plan shows a mix of land uses that reflect the needs of the Carlsbad market, and are supported by City of Carlsbad adopted plans and policies, including the City of Carlsbad Housing Analysis and Strategic Plan Update (September 2015), the Greater Carlsbad Comprehensive Plan: Strategy 2030 (2012), and the City of Carlsbad Long Term Plan (2012). All of these plans emphasize the importance of economic diversity and development in Carlsbad, and the significant housing need.

Revised Concept Plan

The Concept Plan shows general land use categories and a proposed roadway network, with access points and connectivity to existing roadways.

The Concept Plan proposes 306.8 acres of industrial development and 88.3 acres of business park. The industrial and business park development is primarily located in the northern portion of the plan area. The location of these uses in the northern portion of the plan area seeks to take advantage of the proximity to the airport, the other industrial activity close to the airport and the traffic along Derrick Road. This area could potentially include a truck stop, though specific uses would be addressed in the Final PUD.

The Concept Plan proposes 702.2 acres of residential development. The residential development is primarily single family, but also includes multifamily, Age-Restricted, and RV Parking. The Concept Plan also includes locations for a school and larger parks within the plan area. Smaller pocket and neighborhood parks will be part of the finer grained detail of future residential subdivisions. The Concept Plan shows a potential City park and open space located along National Parks Highway. This land is currently owned by the City of Carlsbad, and due to its location in relation to the Cavern City Airport runway, potential developed uses for the property are limited, making a park and open space logical uses.

The Concept Plan proposes 82.4 acres of commercial development. The proposed commercial development includes a 25-acre Entertainment area and a mixed use 15-acre Town Center area.



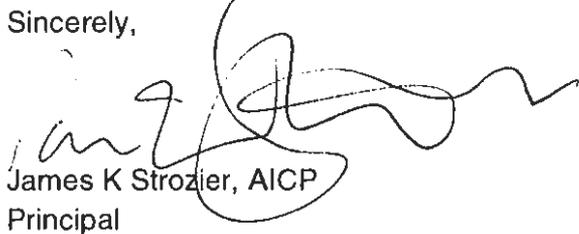
Community Engagement

On October 6th, the project team held a community meeting. The meeting was well attended. At the community meeting, three different land use concepts were presented to the community and feedback was received on the concepts. The revised Concept Plan is an amalgamation of those concepts and incorporates the feedback we received. The proposed concepts were well received, and the project team was also able to address general questions on intent, timing, traffic impacts, and potential uses.

Conclusion

On behalf of Hermes Development NM, LLC the project team (LBG Development, Consensus Planning, and Souder Millers & Associates) respectfully requests that the Planning & Zoning Commission approve the request for this Concept Plan for the Montclair Planned Unit Development. Thank you for your consideration.

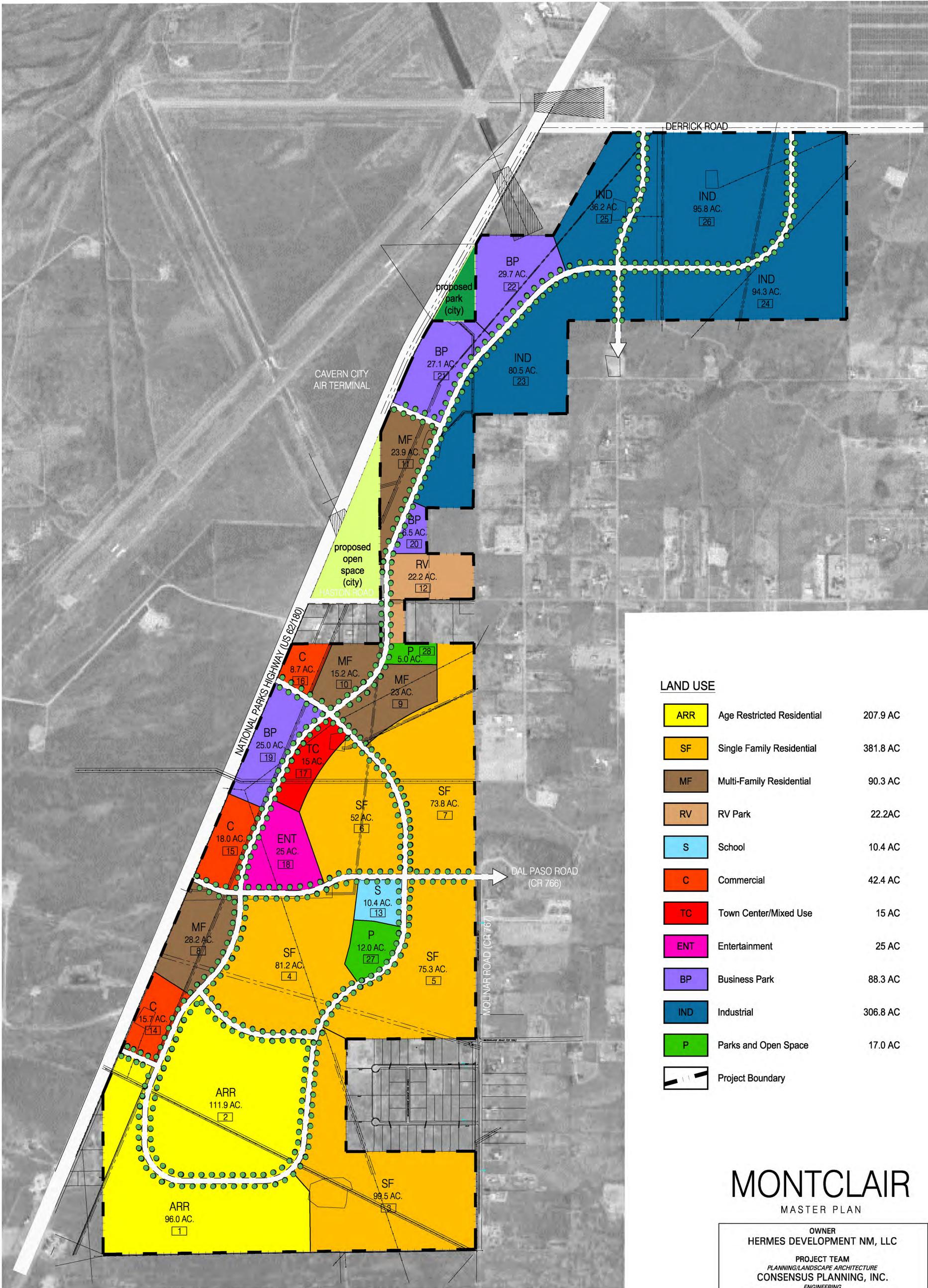
Sincerely,



James K Strozier, AICP
Principal

c: Gary Lane, AICP, Principal, LBG Development
Paul Pompeo, P.E., Senior Engineer, Souder, Miller & Associates

Attachment: Montclair Planned Unit Development Preferred Alternative Land Use Concept Plan



LAND USE

ARR	Age Restricted Residential	207.9 AC
SF	Single Family Residential	381.8 AC
MF	Multi-Family Residential	90.3 AC
RV	RV Park	22.2AC
S	School	10.4 AC
C	Commercial	42.4 AC
TC	Town Center/Mixed Use	15 AC
ENT	Entertainment	25 AC
BP	Business Park	88.3 AC
IND	Industrial	306.8 AC
P	Parks and Open Space	17.0 AC
Project Boundary		

MONTCLAIR

MASTER PLAN

OWNER
HERMES DEVELOPMENT NM, LLC

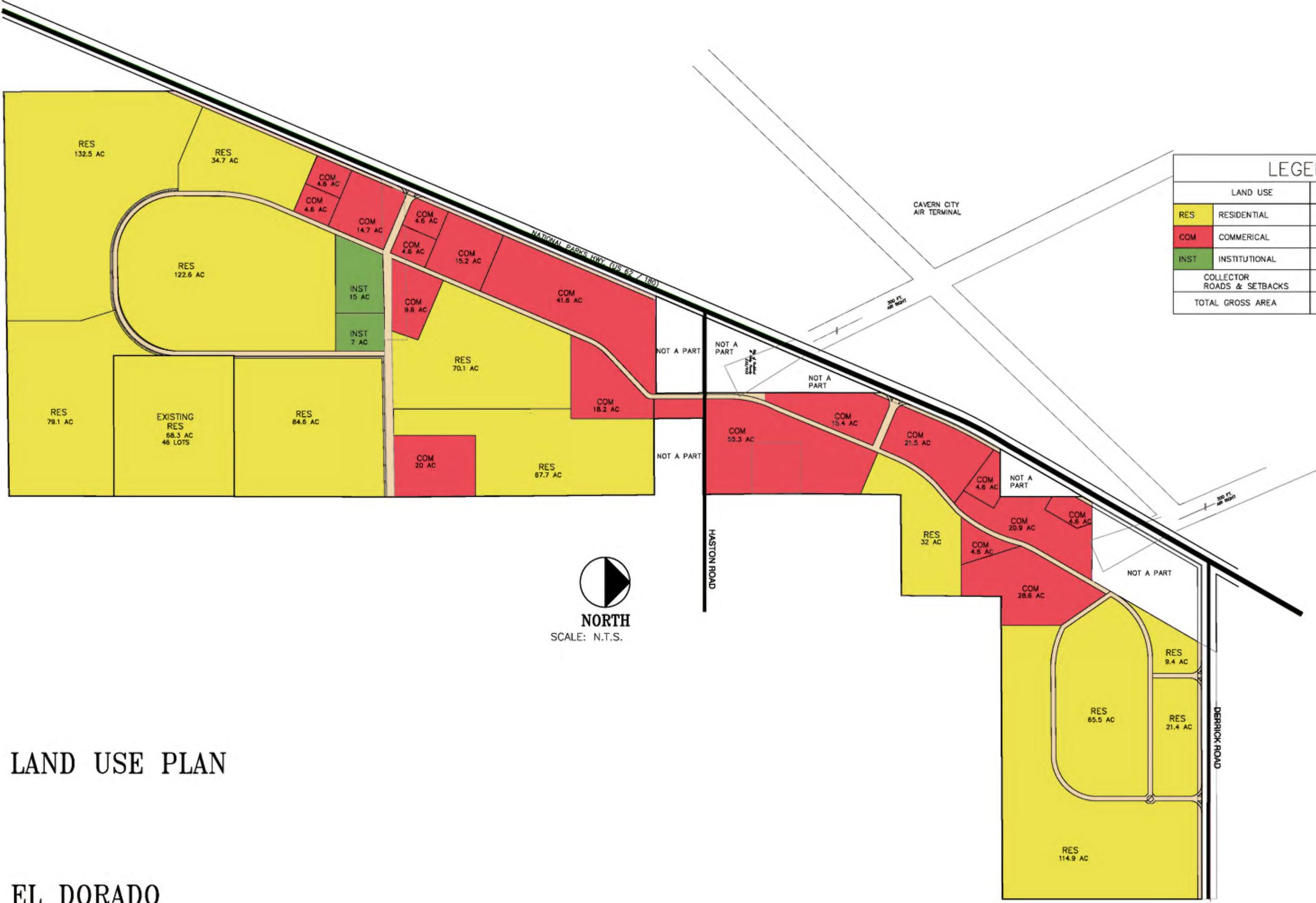
PROJECT TEAM
PLANNING/LANDSCAPE ARCHITECTURE
CONSENSUS PLANNING, INC.
ENGINEERING
SOUDER, MILLER & ASSOCIATES

PREFERRED ALTERNATIVE LAND USE CONCEPT

SCALE: 1" = 500'

CONSENSUS PLANNING NORTH 250 0 500

OCTOBER 2016



LEGEND		
LAND USE		AREA
RES	RESIDENTIAL	902.8 AC
COM	COMMERCIAL	293.2 AC
INST	INSTITUTIONAL	22 AC
COLLECTOR ROADS & SETBACKS		60 AC
TOTAL GROSS AREA		1278 AC



LAND USE PLAN

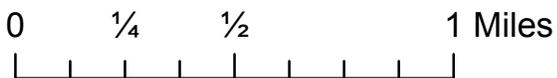
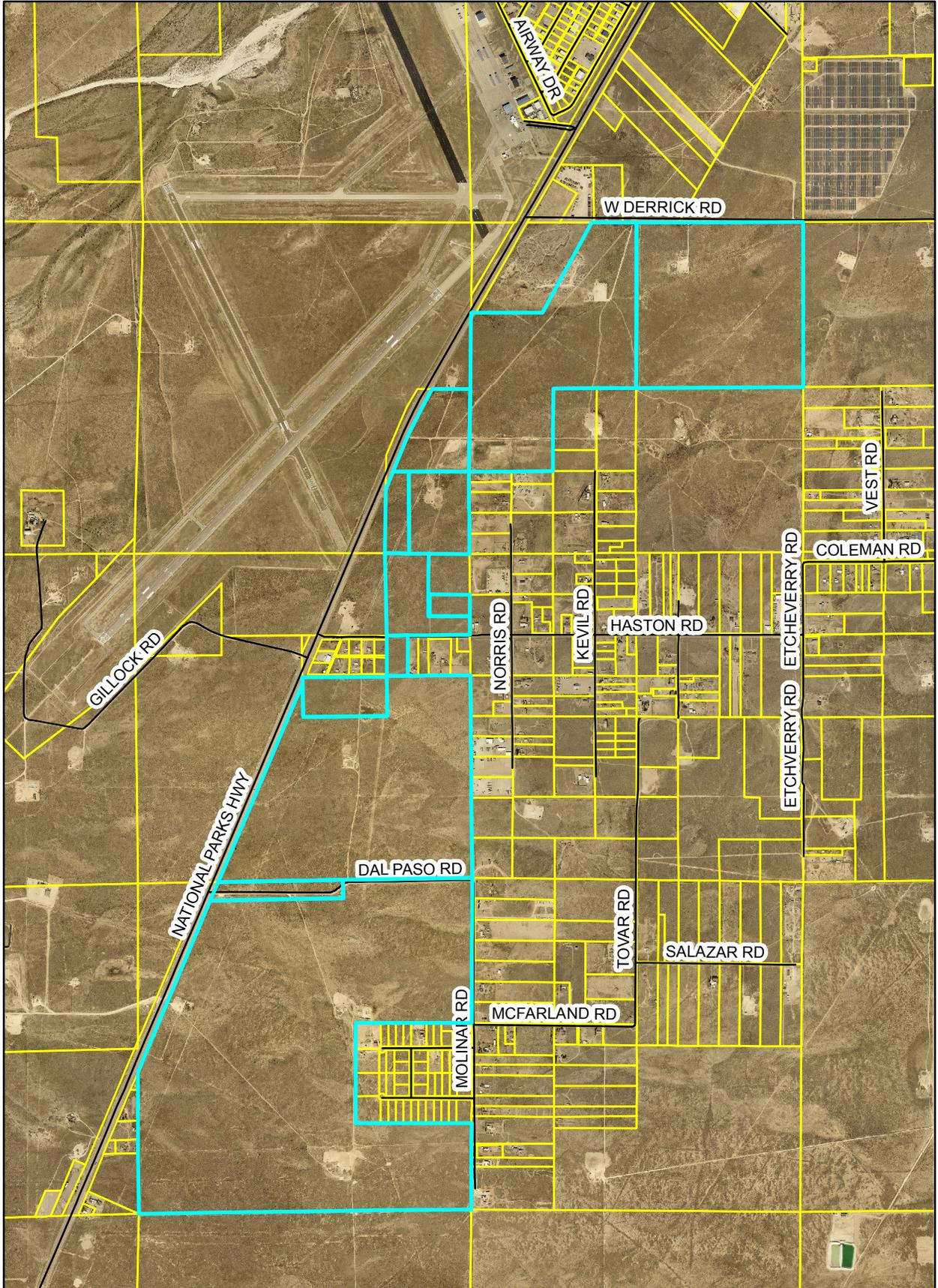
EL DORADO
A MASTER PLANNED COMMUNITY



Job Number: 33-040
Date: REV 03/21/14



Montclair Development



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 11/7/16

DEPARTMENT: Planning, Engineering and Regulation	BY: Georgia Goad, Deputy Planning Director	DATE: 10/18/2016
<p>SUBJECT: Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 10' from the property line instead of 30', at 712 N. 12th St., legally described as Lot 2, Block 2, Hillside Amended Subdivision, zoned "R-1" Residential District.</p> <p>Applicant: Rafael Ramos 712 N. 12th St. Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i).</i></p>		
<p>SYNOPSIS: The applicant is requesting a variance from the 30' front setback to 10' setback for a metal carport in the front of the residence. The carport will be placed on the 12th St. frontage of the property. This particular property, being on the corner of N. 12th St. and W. Church St., by ordinance is supposed to observe front setbacks on both Church St. and 12th St.</p> <p>Sec. 56-150(k) of the Zoning Ordinance states:</p> <p style="padding-left: 40px;">The Planning and Zoning Commission shall only approve a variance if it makes the following findings:</p> <ul style="list-style-type: none"> (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and (b) The hardship relates to the applicant's land, rather than personal circumstances, and (c) The hardship is not the result of the applicant's own actions, and (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a non-conforming use of land. <p><i>The applicant did not provide justification of this request that meets the criteria above.</i></p>		

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

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				Plng., Eng. & Reg. Dept:			
Fire Department				Code Enforcement Division			
Legal Department		x		Engineering Division			
Police Department				Planning Division		x	
Utilities Department			x	Building & Regulation Division			
Culture & Rec. Dept.			x	Carlsbad Irrigation District			x

DEPARTMENT COMMENTS:

Public Works: No comments

Utilities Department: Utilities has no conflicts/comments.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: **12th Street Setback**

I recommend denial. The applicant has not shown that this application meets the requirements of Sec. 56-150(K) needed for the grant of a variance. It appears that a carport could be placed to the east or south of the home and be set so that the front yard setbacks were met.

Planning Department: See comments above.

Police Department: No comments.

Culture and Recreation Department: No comments.

City Engineer:

Carlsbad Irrigation District: CID neither supports nor opposes this application since the application does not impact our operations.

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

BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

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

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

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

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



CITY OF CARLSBAD

*Planning, Engineering,
and Regulation Department*
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

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

Application Date: 9-30-16

Fee Paid (\$50.00): ✓ PVP

APPLICANT INFORMATION:

<u>Rafael Ramos</u>		<u>712 12th St.</u>		
NAME		ADDRESS		
<u>Carlsbad, NM</u>	<u>88220</u>	<u>(602)410-6648</u>		
CITY	STATE	ZIP	PHONE	EMAIL

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

<u>SAME</u>				
NAME		ADDRESS		
CITY	STATE	ZIP	PHONE	EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): 712 12th St.

TYPE OF REQUEST (CHECK ONE):

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

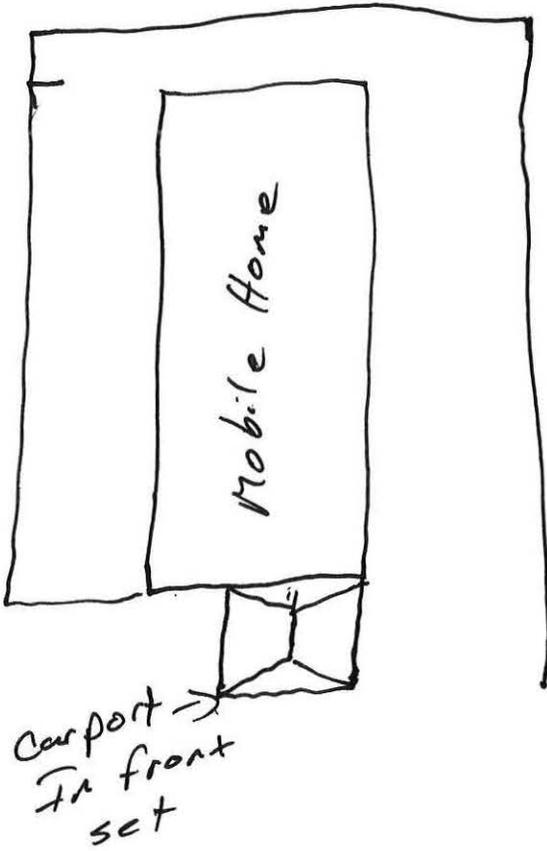
SPECIFY REGULATION AND/OR SUBSECTION: _____

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.)

Church St



Allow for portable carport in front setback

12th St

12th St

Zoning Ordinance

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

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

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

Subdivision Regulations

Criteria for Appeals – Sec. 47-7

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

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

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

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.

(son)

Abel Ramos for Rafael Ramos
APPLICANT SIGNATURE

10-10-16
DATE

Sign issued by: PVP
Staff Member

Date: 9/30/16

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: Rafael Ramos 602-410-6648
Name Address Phone
Subject Site Location: 712 12th St.

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:

13' rather than 30' front setback for carport

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: November 7, 2016

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 jepatterson@cityofcarlsbadnm.com.

Sincerely,

Rafael Ramos
Applicant/Agent

5255 2348 0001 2870 7014

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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77

Postmark Here
SEP 30 2016
CARLSBAD NM 88220

Sent To
Board of Education
408 N. Cayon
Carlsbad, N.M. 88220

PS Form 3800, July 2014 See Reverse for Instructions

5245 2348 0001 2870 7014

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Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77

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SEP 30 2016
CARLSBAD NM 88220

Sent To
Rosa Tronzulez
704 N. 12th St.
Carlsbad, N.M. 88220

PS Form 3800, July 2014 See Reverse for Instructions

5217 2348 0001 2870 7014

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Total Postage & Fees	\$3.77

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SEP 30 2016
CARLSBAD NM 88220

Sent To
Doyal John Nelda D.
711 N. Eleventh St.
Carlsbad, N.M. 88220

PS Form 3800, July 2014 See Reverse for Instructions

5262 2348 0001 2870 7014

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SEP 30 2016
CARLSBAD NM 88220

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Carlsbad Municipal School Dist
408 Cayon
Carlsbad N.M. 88220

PS Form 3800, July 2014 See Reverse for Instructions

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Total Postage & Fees	\$3.77

Postmark Here
SEP 30 2016
CARLSBAD NM 88220

Sent To
Casali Ayonka Nyv3 Marie
710 N. 12th St
Carlsbad N.M. 88220

PS Form 3800, June 2002 See Reverse for Instructions

5202 2348 0001 2870 7014

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
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Postmark Here
SEP 30 2016
CARLSBAD NM 88220

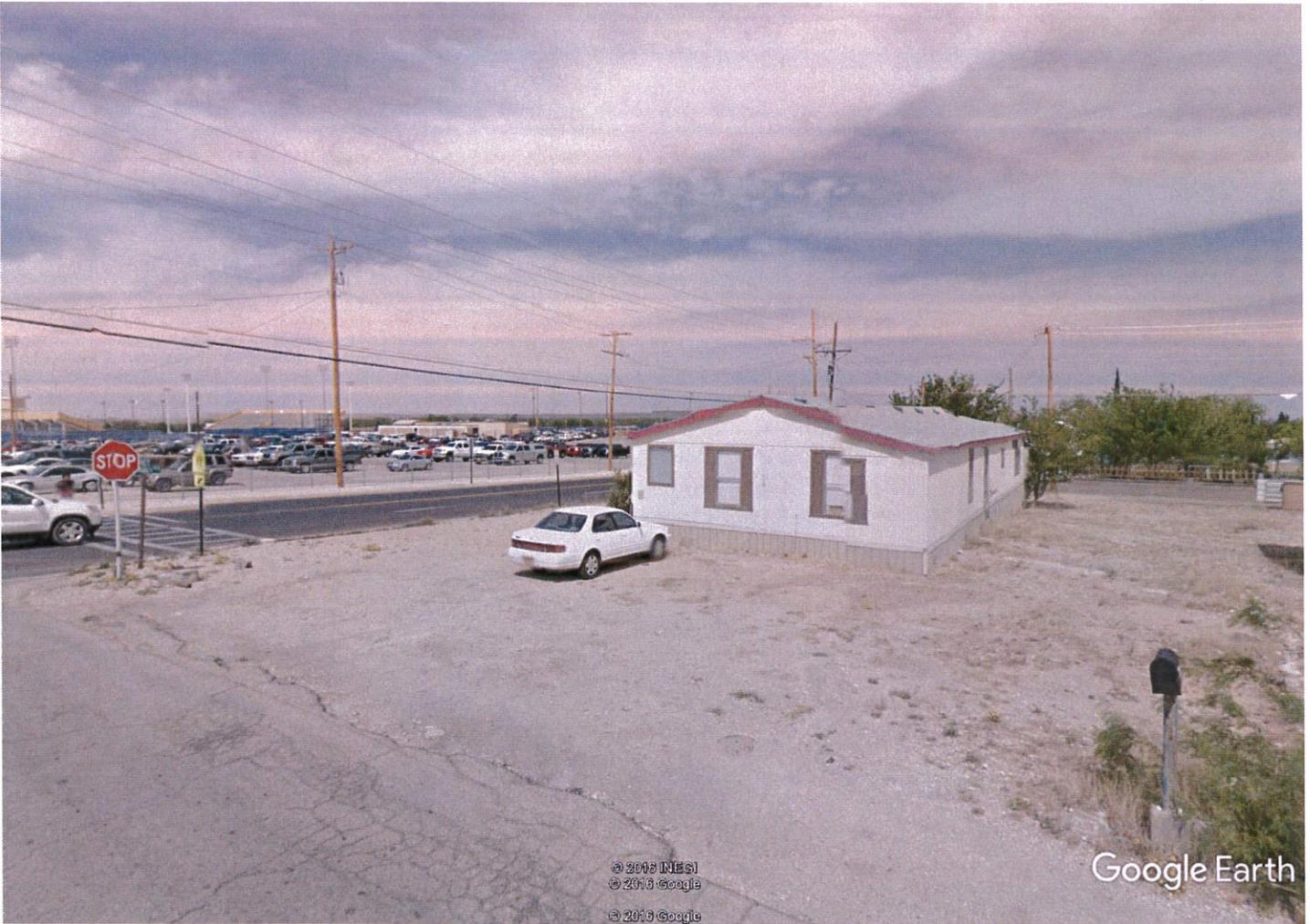
Sent To
Buvreen Bobby Allen Randa R
1805 Sandy Lane
Carlsbad No 88220

PS Form 3800, July 2014 See Reverse for Instructions



712 N. 12th St. St.

	CITY OF CARLSBAD
	PLANNING, ENGINEERING AND REGULATION DEPARTMENT



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Google Earth



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 11/7/16

DEPARTMENT: Planning, Engineering and Regulation	BY: Georgia Goad, Deputy Planning Director	DATE: 10/18/2016
<p>SUBJECT: Appeal (variance) from Section 56-90(b) to allow a front-yard setback variance of 5.5' from the front property line instead of 30', at 3317 Kuykendall St., legally described as Lot 18, Block 2, Sunnyview Park Unit 1, zoned "R-1" Residential District.</p> <p>Applicant: Eric Robinson 3317 Kuykendall Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i).</i></p>		
<p>SYNOPSIS: The applicant is requesting a variance from the 30' front setback to 5.5' setback for a metal carport in the front of the residence. The carport will be placed on the Kuykendall St. frontage of the property. This particular property, being on the corner of Kuykendall St. and Pike Rd. by ordinance is supposed to observe front setbacks on both Kuykendall St. and Pike Rd.</p> <p>Sec. 56-150(k) of the Zoning Ordinance states:</p> <p style="padding-left: 40px;">The Planning and Zoning Commission shall only approve a variance if it makes the following findings:</p> <ul style="list-style-type: none"> (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and (b) The hardship relates to the applicant's land, rather than personal circumstances, and (c) The hardship is not the result of the applicant's own actions, and (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a non-conforming use of land. <p><i>The applicant did not provide justification of this request that meets the criteria above.</i></p>		
<p>IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): The front-yard and side-yard setback standards of Section 56-90(b) of the Zoning Ordinance is meant to preserve a buffer along the fronts and sides of residential properties. This buffer is designed to provide access for emergency situations and for</p>		

safety purposes.

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

Chapter 3: Land Use

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

Chapter 4: Housing

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

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

DEPARTMENT RECOMMENDATION (please check):

	Approval	Denial	n/a		Approval	Denial	n/a
Public Works			x	Plng., Eng. & Reg. Dept:			
Fire Department				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	Carlsbad Irrigation District			x

DEPARTMENT COMMENTS:

Public Works: No comments

Utilities Department: Utilities has no conflicts/comments.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: **Kuykendall Setback**

I recommend denial. The applicant has not demonstrated that this application meets any of the variance requirements set forth in Sec. 56-150(K). It looks like the home had a garage, but that the garage was converted into additional living space.

Planning Department: See comments above.

Police Department: No comments.

Culture and Recreation Department: No comments.

City Engineer:

Carlsbad Irrigation District: CID neither supports nor opposes this application since the application does not impact our operations.

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

BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

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

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

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

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



CITY OF CARLSBAD

Planning, Engineering,
and Regulation Department
PO Box 1569, Carlsbad, NM 88221
Phone (575) 885-1185
Fax (575) 628-8379

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

Application Date: 10-7-16

Fee Paid (\$50.00): ✓ PVP

APPLICANT INFORMATION:

NAME		ADDRESS		
<u>Eric Robinson</u>		<u>3317 Kuykendall</u>		
CITY	STATE	ZIP	PHONE	EMAIL
<u>Carlsbad</u>	<u>NM</u>	<u>88220</u>	<u>575-302-6105</u>	<u>ericrobinso@yahoo.com</u>

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

NAME		ADDRESS		
<u>SAME</u>				
CITY	STATE	ZIP	PHONE	EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): 3317 Kuykendall

TYPE OF REQUEST (CHECK ONE):

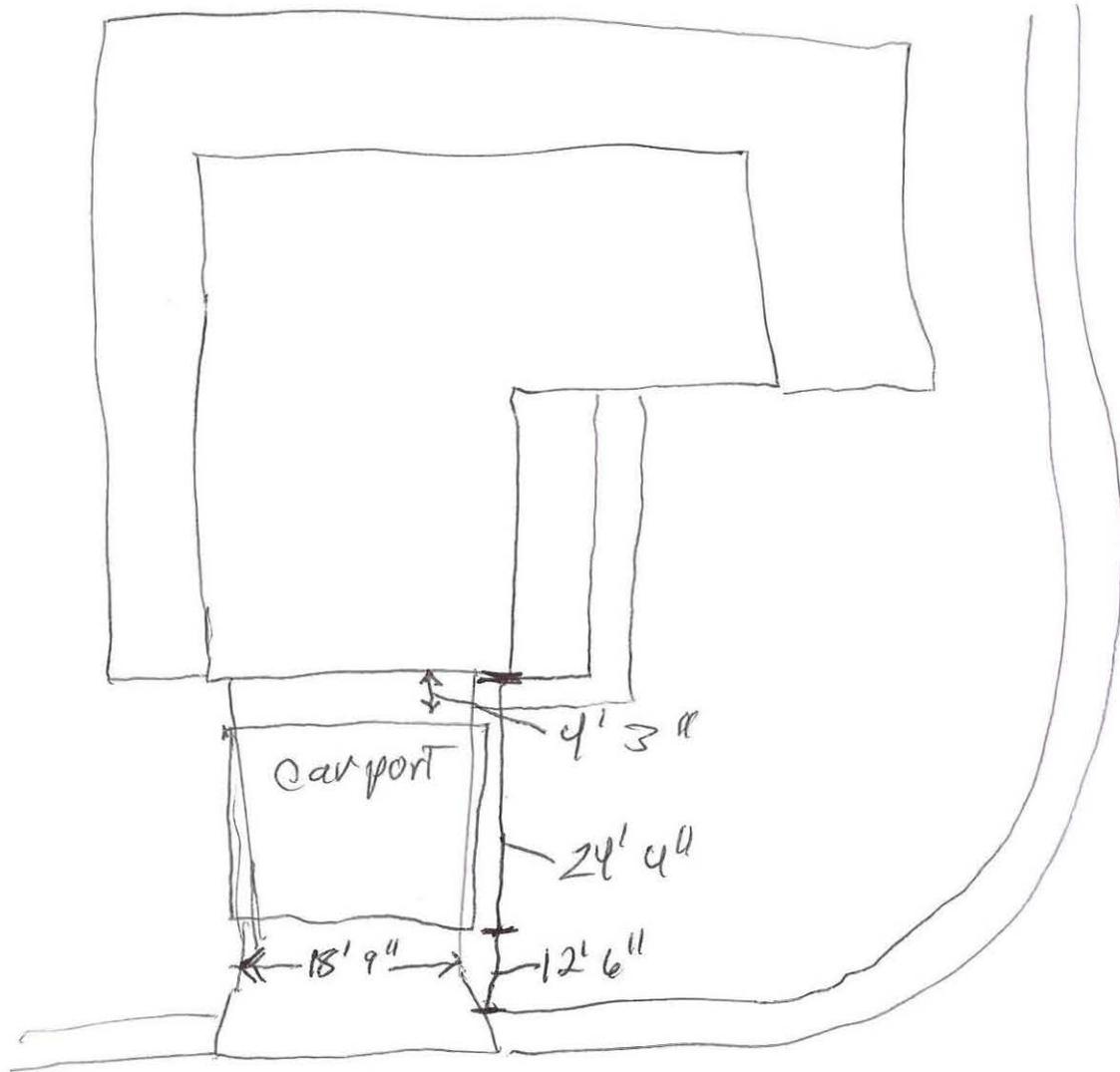
VARIANCE FROM THE SUBDIVISION REGULATIONS (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

SPECIFY REGULATION AND/OR SUBSECTION: _____

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

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



carport is 20' x 20'

I would like to keep this ~~gan~~ metal carport to protect my vehicles from the regularly occurring hail storms. It was placed by the company prior to the agreed upon date so I was unable to obtain a building permit prior to that date / when I went to get permit I found out it was beyond the set back.

Zoning Ordinance

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

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

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

Subdivision Regulations

Criteria for Appeals – Sec. 47-7

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

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

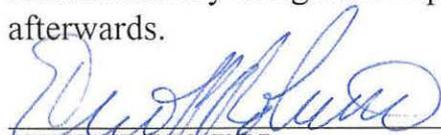
FOR OFFICIAL USE ONLY:			
Required prior to P & Z:			
Complete Application Including:	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Fee	<input type="checkbox"/> Notification
	<input type="checkbox"/> Sign Posting Agreement	<input type="checkbox"/> Letter of Explanation	<input type="checkbox"/>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

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

10-7-16

 DATE

Sign issued by: 

 Staff Member

Date: 10-7-16

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: Eric Robinson 575-302-6105
Name Address Phone
Subject Site Location: 3317 Ruykendall

The proposed action is a:

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

Variance/Appeal from Sec. 56-90(b) Table 1a in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

To keep a metal carport that is built past the setback

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

Home Occupation: _____

Other Use: _____

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

Date: 11-7-16

Time: 5:00pm

Place: City Hall Planning Room, 2nd Floor

101 N. Halagueno St.

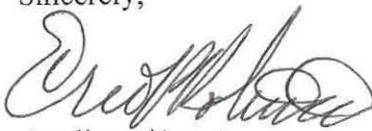
Carlsbad, NM 88220

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 jepatterson@cityofcarlsbadnm.com.

Sincerely,



Applicant/Agent

7014 2870 0001 2349 9865 4054

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$0.47
	\$3.77

Sent To: Gomez Robert
Street & Apt. No., or PO Box No.: 319 Pike
City, State, ZIP+4: Carlsbad NM 88220

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7014 2870 0001 2349 3229

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$0.47
	\$3.77

Sent To: Ferro Mario, Jaclyn
Street & Apt. No., or PO Box No.: 402 Pike
City, State, ZIP+4: Carlsbad NM 88220

PS Form 3800, July 2014 See Reverse for Instructions

7014 2870 0001 2349 3212

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$0.47
	\$3.77

Sent To: Wood William
Street & Apt. No., or PO Box No.: 3224 Kuykendall
City, State, ZIP+4: Carlsbad NM 88220

PS Form 3800, July 2014 See Reverse for Instructions

7014 2870 0001 2349 3120

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Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$0.47
	\$3.77

Sent To: Pinkot Cynthia
Street & Apt. No., or PO Box No.: 3320 Pike
City, State, ZIP+4: Carlsbad NM 88220

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7014 2870 0001 2349 3199

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$0.47
	\$3.77

Sent To: Rhodes Nolan + Priscilla
Street & Apt. No., or PO Box No.: 3313 Kuykendall
City, State, ZIP+4: Carlsbad NM 88220

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7014 2870 0001 2349 3205

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$0.47
	\$3.77

Sent To: Robison Marilyn
Street & Apt. No., or PO Box No.: 520 Russell
City, State, ZIP+4: Carlsbad NM 88220

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7014 2870 0001 2349 3168

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MARYSVILLE, WA 98271

Postage	\$3.30
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77



Sent To *Navarrette Anna*
 Street & Apt. No., or PO Box No. *4782 149th Place NE*
 City, State, ZIP+4 *Marysville WA 98271*

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7014 2870 0001 2349 3162

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45

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CARLSBAD, NM 88221

Postage	\$3.30
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77



Sent To *Navarrette Robert Maria*
 Street & Apt. No., or PO Box No. *Box 541*
 City, State, ZIP+4 *Carlsbad NM 88220*

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7014 2870 0001 2349 3144

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77



Sent To *Cox Rick & Susann*
 Street & Apt. No., or PO Box No. *317 PIKE*
 City, State, ZIP+4 *Carlsbad NM 88220*

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77



Sent To *Martinez Elvira Betty*
 Street & Apt. No., or PO Box No. *318 Pike Dr*
 City, State, ZIP+4 *Carlsbad NM 88220*

PS Form 3800, July 2014 See Reverse for Instructions

7014 2870 0001 2349 3137

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Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77



Sent To *Husen JOANN Bars*
 Street & Apt. No., or PO Box No. *3322 Pike*
 City, State, ZIP+4 *Carlsbad NM 88220*

PS Form 3800, July 2014 See Reverse for Instructions

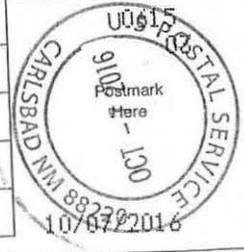
7014 2870 0001 2349 3410

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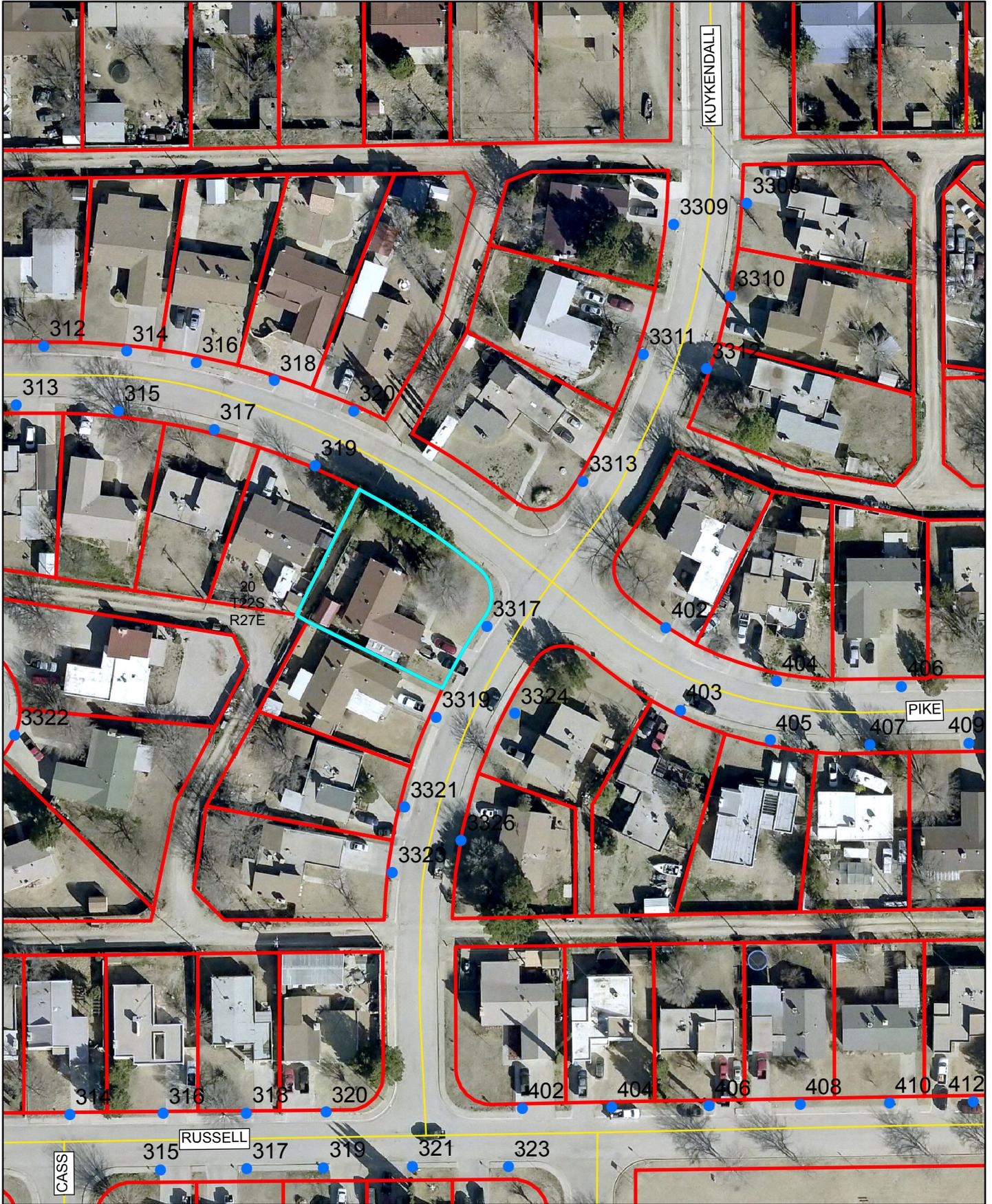
CARLSBAD, NM 88220

Postage	\$3.30
Certified Fee	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$3.77



Sent To *End Robinson*
 Street & Apt. No., or PO Box No. *2317 Key Kendall*
 City, State, ZIP+4 *Carlsbad NM*

PS Form 3800, July 2014 See Reverse for Instructions



3317 Kukendall St.

	CITY OF CARLSBAD
	PLANNING, ENGINEERING AND REGULATION DEPARTMENT



Google Earth



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 10/6/16

DEPARTMENT: Planning, Engineering, and Regulation	BY: Jeff Patterson, Planning Director	DATE: 11/7/16
SUBJECT: Approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Brian Stevens RV Park.		
<p>Applicant: Brian Stevens 2510 Monte Vista St. Carlsbad, NM 88220</p>		
<p>HISTORY: In 2008, the City Council adopted an Infrastructure Reimbursement Program whereby the City could reimburse private property owners and developers a certain percentage of qualifying infrastructure costs. This program was revised in 2012 to increase the percentage of allowable reimbursement and to clarify the definition of “qualifying Infrastructure”. Since inception of the program, there have been various methods of application review and recommendation to the City Council. Most recently, an ad hoc “Development Committee” reviewed these types of applications. Due to the Planning and Zoning Commission’s expertise in the area of planning and development and their familiarity with the projects involved in the applications, it was determined that the Commission is the most appropriate entity to review these applications.</p> <p>The Commission’s task is to verify that the applications were completed, submitted and reviewed according to the program’s design and recommend to the City Council an amount for reimbursement. The process that is followed for application submittal and review is described in the Infrastructure Reimbursement Program application. City staff, including the Planning Director, Public Works Director and Utilities Director, have reviewed the application, verified that the calculations, quantities and costs are correct and provided a recommended amount for reimbursement. A synopsis of this review is provided below along with the recommended amount of reimbursement.</p> <p>SYNOPSIS: In accordance with the Public Infrastructure Reimbursement Program (Resolution 2012-09), this request is for the approval of an application and a recommendation to the City Council regarding the reimbursement for qualifying public infrastructure related to Brian Stevens RV Park. Approval of this application will allow the City and applicant to enter into a Public Infrastructure Reimbursement Agreement as outlined in Res. 2012-09.</p> <p>Brian Stevens RV Park included the following improvements: Installation of ~580 linear feet of water line and ~520 of sewer main line.</p> <p>Based on the construction <u>estimated</u> costs submitted by the applicant and based on staff review of these estimates, the preparation of an Infrastructure Reimbursement Agreement and reimbursement of up to, but not exceeding, \$1,594.96 is recommended. The following table summarizes the <u>estimated expenses</u> based on staff review of construction plans and cost estimates provided by the applicant:</p>		

ESTIMATED EXPENSES:

ITEM	QUANTITY	UNIT	UNIT COST	SUB TOTAL	TAX (.074375)	TOTAL	(15%)
Water Lines	580	LF	\$12.33	\$7,151.40	\$531.89	\$7,683.29	\$1,152.49
Water Valve	N/A						
Sewer Lines	520	LF	\$5.28	\$2,745.60	\$204.20	\$2,949.80	\$442.47
Streets & Alleys	N/A						
Curb & Gutter	N/A						
Sidewalks	N/A						
Multi-use Trails	N/A						
Bike Lanes	N/A						
Traffic Signals	N/A						
Lift Stations	N/A						
Transit Factions	N/A						
Street Lighting in ROW	N/A						
Total Cost Estimate				\$9,897.00	\$736.09	\$10,633.09	\$1,594.96
Total Reimbursement Estimate (15% of Total Costs)				\$1,484.55	\$110.41	\$1,594.96	

ATTACHMENTS: Application materials



CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

114 S. Halagueno, Carlsbad, NM 88220

Phone (575) 885-1185

Fax (575) 628-8379

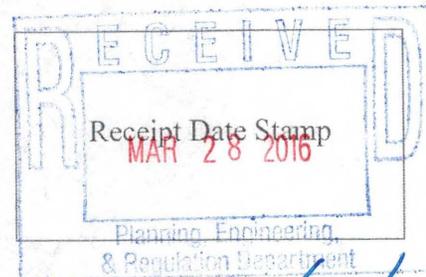
Application for INFRASTRUCTURE REIMBURSEMENT PROGRAM

PROCESS FOR ACCEPTANCE AND REVIEW

1. Applications for the **Infrastructure Reimbursement Program** are available in the Planning, Engineering, and Regulation Office. Applications are accepted concurrent with a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance. Construction cost estimates are required at the time of application.
2. Applications are accepted on an ongoing basis. The minimum application packet submittal is one (1) copy of the completed application with original signatures and all required supporting documents. A letter of explanation or clarification shall also be provided. There is no fee for applying for this program. The preferred size for all documents is 11"x17". If larger-sized documents are provided, include 15 copies.
3. The Planning, Engineering, and Regulation Office will review the application for completeness. The application will be forwarded to the Development Committee for review prior to the City Council meeting. If deficiencies are noted, the Applicant will be advised and provided an opportunity to supplement the application. The application will not be considered by the City Council until it is complete.
4. If approved, the City will execute an Infrastructure Reimbursement Agreement, which details additional program requirements. Prior to reimbursement, the actual construction costs are required to be submitted concurrent with a final plat and as-built drawings and/or a certificate of occupancy.
5. Funding for this program varies from year to year. Reimbursement is on a first come first served basis.

09/11/2014

City of Carlsbad, New Mexico
Infrastructure Reimbursement Program
 Application



APPLICATION DATE: 3/28/16

PROGRAM DESCRIPTION: The purpose of this program is to support economic development within the City by providing private property owners and developers a 15% reimbursement of the total on-site (within the platted boundaries) and off-site (outside of the platted boundaries) qualifying public infrastructure costs associated with an approved development. Qualifying Public Infrastructure includes: water lines, sewer lines, lift stations, streets and alleys, street lighting in the right-of-way, sidewalks, curb and gutter, multi-use trails, bike lanes, traffic signals, and transit facilities. Engineering costs, surveying, site prep, right-of-way and easement acquisition, labor, permitting and consulting fees are not eligible for reimbursement. *Approval of an application does not guarantee approval of a reimbursement. An approved application allows the applicant to proceed with the execution of an Infrastructure Reimbursement Agreement. Once the requirements specified in the Infrastructure Reimbursement Agreement are fulfilled, reimbursement will be granted.*

APPLICANT INFORMATION:

Name (property owner OR developer) Brian Stevens

Address 2510 Monte Vista

Phone 575-322-8498

City CARLSBAD NM

State 88220

Zip Code BDSOitfield@gmail.com

Email

PROPERTY INFORMATION:

Name (subdivision OR project) Barnes-Stevens RV Park

Unit Standpipe / Lea street

Phase

Location/Cross Streets

GENERAL PROGRAM CRITERIA AND REQUIREMENTS:

1. Property and all qualifying public infrastructure must be located within the City Limits.
2. The application must be completed and approved by the City Council.
3. The application must be submitted concurrent with a preliminary plat, building permit or with construction plans associated with a subdivision platted prior to adoption of the Subdivision Ordinance.
4. Subdivision of land must be in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
 - a. Sketch Plan showing each phase of development
 - b. Preliminary Plat(s) for each phase of development
 - c. Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
 - d. Infrastructure that varies from the standard shall not qualify for reimbursement.
5. Approved subdivisions must be recorded and filed with the County Clerk.

6. An Infrastructure Reimbursement Agreement must be executed by the City and applicant prior to reimbursement.
7. Reimbursement shall not exceed usual and customary infrastructure costs.
8. Reimbursement shall not be made for items installed prior to application date.
9. Reimbursement shall be paid upon total construction completion. Progress billing will not be accepted. Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are required.
10. Reimbursement will be made to the applicant only. No payment will be made to third parties.
11. Construction of qualifying public infrastructure must begin within 60-days of preliminary plat approval and be completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit).
12. Greater priority will be given to projects that further City plans and policies, focus on infill and/or provide affordable housing (as determined by the NM Mortgage Finance Authority).

ADDITIONAL REQUIRED INFORMATION:

Please attach the following information organized in the order listed below:

1. List of board of directors, executive directors, contractors and subcontractors that have a financial interest in the development or are affiliated with, or have a immediate family member (mother, father, sister, brother, grandmother, grandfather) affiliated with, the City of Carlsbad; and
2. Federal tax identification number, State tax identification number, and City business registration number; and
3. List any assistance requested from Federal, State or County governments, if any. Include any direct funding, land, fee and/or permit waivers; and
4. A complete and specific description of the proposed development and infrastructure including, but not limited to:
 - a. Subdivision plats (sketch, preliminary, final)
 - b. Construction drawings
 - c. Utility requirements, including but not limited to electric, gas, and water
 - d. Solid and liquid waste disposal requirements
 - e. Infrastructure requirements
 - f. Regulatory compliance requirements (environmental assessments, historic preservation documents)
 - g. As-built construction drawings (at construction completion); and
5. A description of the proposed infrastructures long term benefit to the City; and
6. Any other information necessary for the City to make a determination regarding the application for reimbursement.
7. The table on page 4 of this application must be completed.

**DESCRIPTION OF QUALIFYING INFRASTRUCTURE AND ESTIMATED COSTS (including taxes)
USE THIS FORM (attach supporting documentation, as necessary):**

Material Only

ITEM	QUANTITY	UNIT	UNIT COST	TAX	TOTAL
Water Lines 6"	580	FT	\$12.33	7.563%	\$7687.81
Sewer Lines 8"	520	FT	5.28	7.563%	\$2953.84
Streets & Alleys	<i>Repair/Patch</i>				
Curb & Gutter					
Sidewalks					
Multi-Use Trails					
Bike Lanes					
Traffic Signals					
Lift Stations					
Transit Facilities					
Street Lighting in R-O-W					
Total Cost Estimate					\$10641.70
**Total Reimbursement Estimate (15% of Total Costs)					



Bid Proposal for STEVENS - BARNES RV PARK II

CONSTRUCTORS INC
Bid Date: 03/15/2016 05:00 p.m.
HD Supply Bid #: 65844

HD Supply Waterworks
 1000 Parkhill Dr
 Las Cruces, NM 88012
Phone: 575-527-4229
Fax: 575-527-1314

Seq#	Qty	Description	Units	Price	Ext Price
10		SEWER			
20	520	8X20' SDR35 PVC SWR PIPE (G)	FT	2.81	1,461.20
30	1	6X1000' DETECTO TAPE-SEWER	RL	45.00	45.00
40	1	8 SDR35 SWR REPAIR CPLG GXG	EA	26.50	26.50
50	1	8 PVC SDR35 SWR GSKT CAP	EA	20.65	20.65
60	1	48"X6' FIBERGLASS MANHOLE	EA	953.33	953.33
70	1	EJIW DOM R&C SAN SEWER 325# WATER TITE 00134283	EA	234.28	234.28
80	2	8 SDR35 WATERSTOP	EA	2.62	5.24
		SEWER TOTAL			2,746.20
90		WATER			
100	580	6 C900 DR18 PVC PIPE (G) MARKINGS PC235	FT	3.50	2,030.00
110	1	6X1000' DETECTO TAPE-WATER DT6BW	RL	45.00	45.00
120	1000	12GA SOLID AWG PE45 WIRE BLUE "WATER" (500'/ROLL)	FT	0.16	160.00
130	2	6 A2360-23 MJ RW GV OL L/ACC MUELLER GATE VALVE	EA	506.04	1,012.08
140	1	6 A2360-19 MJXF RW GV OL L/ACC	EA	506.16	506.16
150	1	A423 5-1/4VO HYD 4'6"B 6MJ 3W MUELLER O/L NST RED W/ACC 423-500068	EA	1,709.45	1,709.45
160	3	#70 SHORT VLV BOX W/WTR LID	EA	31.25	93.75
170	1	6 MJ S/P SLEEVE (I) CP DI C153	EA	41.00	41.00
180	2	6 MJ 90 BEND(I) CP DI C153	EA	60.50	121.00
190	1	6X6 MJXFL TEE (I) CP DI C153	EA	101.00	101.00
200	1	6 MJ CAP (I) CP DI C153	EA	24.00	24.00
210	15	6 EBAA MEGALUG C900&IPS 2006PV RED	EA	26.27	394.05
220	15	6 MJ REGULAR ACC SET L/GLAND (LESS GLAND)	EA	9.26	138.90
230	1	6X1/8 FLG ACC RR FF	EA	10.32	10.32
240	5	6 BELL RESTR F/C900 EBAA 1606	EA	37.47	187.35
250	1	317-069015-000 6X2CC D/S SAD EPOXY W/SS STRAPS 5.94-6.90	EA	59.66	59.66
260	1	P25008N 2 B. CORP CCXPJCTS NO LEAD	EA	174.64	174.64
270	8	2X100 SDR9 CTS MUNICIPEX PE TUBING	LF	11.20	89.60
280		SOLD IN 100' ROLL MINIMUM			
290	1	P15428N 2 ADAPT PJCTSMIP **NO LEAD **	EA	53.62	53.62
300	2	528707 2 CTS SS INSERT PE PJ	EA	6.11	12.22
310	1	B20283N 2 BALL CURB FIPXFIP W/PLN HEAD 1/4 TURN CHECK NO LEAD	EA	183.47	183.47
		WATER TOTAL			7,147.27
320					
330		PVC PIPE TERMS: ORDER BY 4-21-16, RELEASE BY 5-21-16, SHIP BY 5-21-16			
				Sub Total	9,893.47
				Tax	0.00
				Total	9,893.47



Bid Proposal for STEVENS - BARNES RV PARK

CONSTRUCTORS INC
Bid Date: 03/15/2016 05:00 p.m.

HD Supply Bid #: 65668

HD Supply Waterworks

1000 Parkhill Dr

Las Cruces, NM 88012

Phone: 575-527-4229

Fax: 575-527-1314

Seq#	Qty	Description	Units	Price	Ext Price
10		SEWER			
20	520	10 C900 DR18 PVC PIPE GRN (G) MARKINGS PC235	FT	8.92	4,638.40
30	1	6X1000' DETECTO TAPE-SEWER	RL	45.00	45.00
40	1	10 MJ S/P SLEEVE C153 P401 (I)	EA	342.00	342.00
50	1	10 MJ CAP C153 P401 (I)	EA	242.50	242.50
60	3	10 MJ REGULAR ACC SET (I)	EA	30.91	92.73
70	1	48"X6' FIBERGLASS MANHOLE	EA	953.33	953.33
80	1	EJIW DOM R&C SAN SEWER 325# WATER TITE 00134283	EA	234.28	234.28
90	2	10 SDR35 WATERSTOP	EA	3.07	6.14
		SEWER TOTAL			6,554.38
100		WATER			
110	580	12 C900 DR18 PVC PIPE (G) MARKINGS PC235	FT	12.37	7,174.60
120	20	6 C900 DR18 PVC PIPE (G) MARKINGS PC235	FT	3.66	73.20
130	1	6X1000' DETECTO TAPE-WATER DT6BW	RL	45.00	45.00
140	1000	12GA SOLID AWG PE45 WIRE BLUE "WATER" (500'/ROLL)	FT	0.16	160.00
150	2	12 A2361-23 MJ RW GV OL L/ACC	EA	1,555.58	3,111.16
160	1	6 A2360-19 MJXF RW GV OL L/ACC	EA	495.15	495.15
170	1	A423 5-1/4VO HYD 4'6" B 6MJ 3W MUELLER O/L NST RED W/ACC 423-500068	EA	1,709.45	1,709.45
180	3	#70 SHORT VLV BOX W/WTR LID	EA	31.25	93.75
190	1	12 MJ S/P SLEEVE(I) CP DI C153	EA	106.34	106.34
200	2	12 MJ 90 BEND (I) CP DI C153	EA	183.90	367.80
210	1	12X6 MJXFL TEE (I) CP DI C153	EA	228.78	228.78
220	1	12 MJ CAP (I) CP DI C153	EA	73.66	73.66
230	13	12 EBAA MEGALUG C900IPS 2012PV F/C900 PIPE ,RED	EA	77.25	1,004.25
240	13	12 MJ REGULAR ACC SET L/GLAND (LESS GLAND)	EA	14.52	188.76
250	2	6 EBAA MEGALUG C900&IPS 2006PV RED	EA	26.27	52.54
260	2	6 MJ REGULAR ACC SET L/GLAND (LESS GLAND)	EA	9.26	18.52
270	1	6X1/8 FLG ACC RR FF	EA	10.32	10.32
280	5	12 BELL RESTR F/C900 EBAA 1612	EA	115.88	579.40
290	1	317-132015-000 12X2CC D/S SAD EPOXY W/SS STRAPS 12.75-13.20	EA	91.48	91.48
300	1	P25008N 2 B. CORP CCXPJCTS NO LEAD	EA	174.64	174.64
310	8	2X100 SDR9 CTS MUNICIPEX PE TUBING	LF	11.20	89.60
320		SOLD IN 100' ROLL MINIMUM			
330	1	P15428N 2 ADAPT PJCTSXMIP **NO LEAD **	EA	53.62	53.62
340	2	528707 2 CTS SS INSERT PE PJ	EA	6.11	12.22
350	1	B20283N 2 BALL CURB FIPXIP W/PLN HEAD 1/4 TURN CHECK NO LEAD	EA	183.47	183.47
		WATER TOTAL			16,097.71
360					
370		PVC PIPE TERMS: ORDER BY 4-21-16, RELEASE BY 5-21-16, SHIP BY 5-21-16			
				Sub Total	22,652.09
				Tax	0.00
				Total	22,652.09

CHECKLIST FOR INFRASTRUCTURE REIMBURSEMENT FOR OFFICIAL USE ONLY

GENERAL PROGRAM CRITERIA AND REQUIREMENTS:

- Property and all qualifying public infrastructure is located within the City Limits.
- Application is complete and estimates approved by the City Council.
- The application was submitted concurrent with:
 - Preliminary plat
 - Building permit
 - Construction plans (because the subdivision was platted prior to adoption of the Subdivision Ordinance)
- Subdivision is in accordance with the City's Subdivision Regulations (Chapter 47 et. seq.), as amended, including:
 - Sketch Plan showing each phase of development
 - Preliminary Plat(s) for each phase of development
 - Final Plat(s) for each phase of development with dedication of infrastructure noted on the plat
- Variances were not granted for this project.
- Approved subdivision was recorded with the County Clerk.
- Infrastructure Reimbursement Agreement was executed by the City and applicant.
- Requirements of the Reimbursement Agreement were complied with.
- Actual costs do not exceed usual and customary infrastructure costs.
- Items were not installed prior to application date.
- Final invoices, with proof of payment (cancelled checks, evidence of wire transfer), are provided.
- Third party payment is not requested.
- Construction of qualifying public infrastructure began within 60-days of preliminary plat approval
- Construction of qualifying public infrastructure was completed prior to approval of a final plat (if self financed) or within one year of final plat approval (if financed through a letter of credit).
- This project:
 - Furthered City plans and policies
 - Focused on infill
 - Provide affordable housing (as determined by the NM Mortgage Finance Authority).

The following ADDITIONAL REQUIRED INFORMATION was provided:

- List of board of directors, executive directors, contractors and subcontractors that have a financial interest in the development or are affiliated with, or have a immediate family member (mother, father, sister, brother, grandmother, grandfather) affiliated with, the City of Carlsbad
- Federal tax identification number
- State tax identification number
- City business registration number
- Funding sources for the proposed development project including assistance being requested of, or provided by, the City or other governmental entity (e.g. land, fee waivers, direct funding, etc.)

- A complete and specific description of the proposed development and infrastructure including, but not limited to:
 - Subdivision plats (sketch, preliminary, final)
 - Construction drawings
 - Utility requirements, including but not limited to electric, gas, and water
 - Solid and liquid waste disposal requirements
 - Infrastructure requirements
 - Regulatory compliance requirements (environmental assessments, historic preservation documents)
 - As-built construction drawings (at construction completion)
- A description of the proposed infrastructures long term benefit to the City
- Any other information necessary for the City to make a determination regarding the application for reimbursement
- The tables on page 5 and 6 are complete

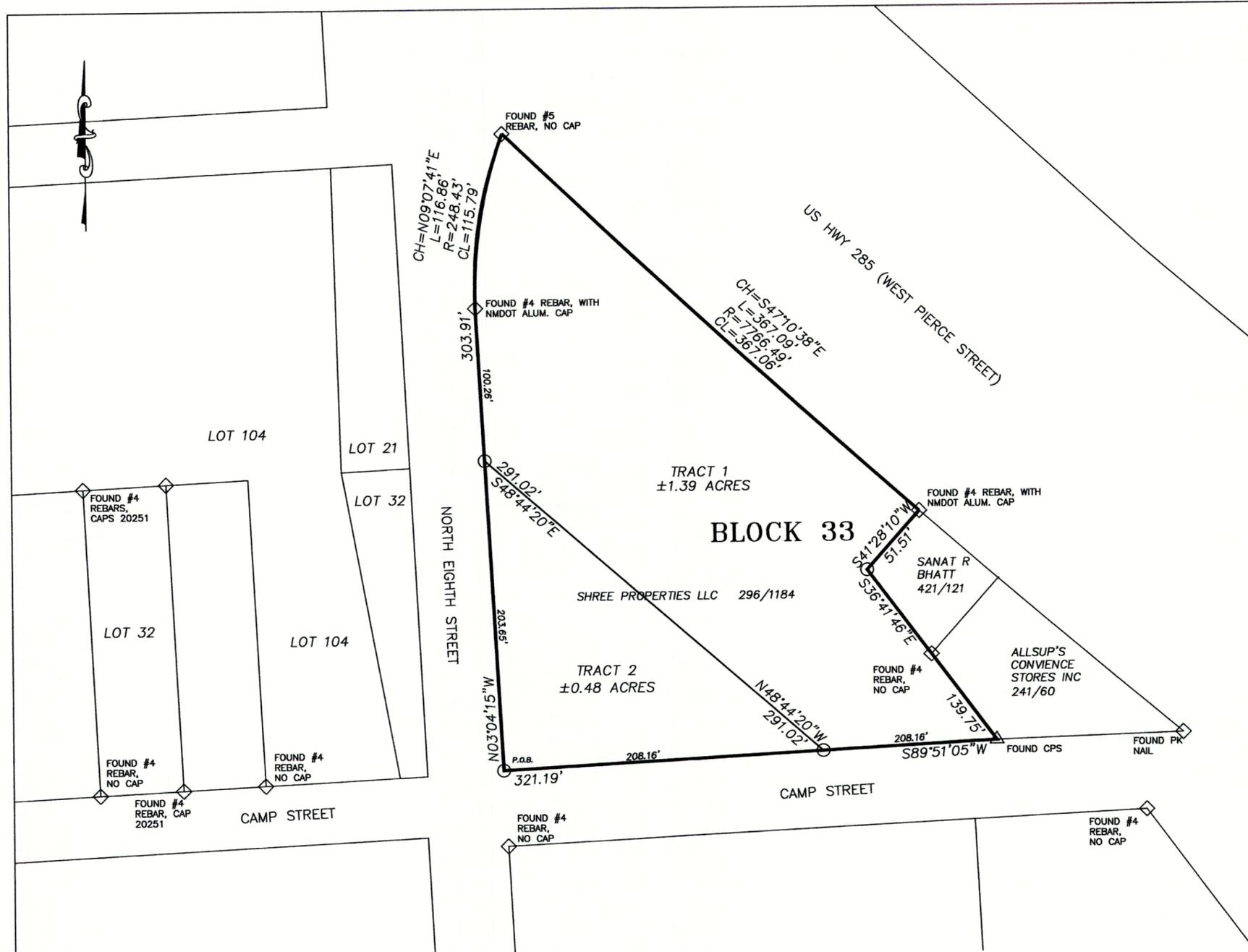
Agenda Item #9: Report Regarding Plats Approved Through Summary Review Process

SHREE PROPERTIES LLC REPLAT #1

A REPLAT OF A PART OF BLOCK 33 OF THE BELVA SUBDIVISION, IN WHICH TRACTS 1 & 2 ARE BEING CREATED AND WHOSE PERIMETER IS FURTHER DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 33 LYING ON THE EAST R.O.W. OF NORTH EIGHTH STREET, THEN N03°04'15"W, ALONG SAID EAST R.O.W., FOR 303.91 FEET; THEN THRU A RIGHT HAND CURVE (R=248.43') FOR 116.86 FEET, WHICH CURVE HAS A CHORD THAT BEARS N09°07'41"E 115.79 FEET, TO A POINT THAT LIES ON THE SOUTHWESTERLY R.O.W. OF US HWY 285 (WEST PIERCE STREET); THEN TO A POINT, THROUGH A LEFT HAND CURVE (R=7766.44') FOR 367.09 FEET, WHICH CURVE HAS A CHORD THAT BEARS S47°10'38"E 367.06 FEET, CONTINUING ALONG THE SOUTH R.O.W. OF SAID HWY TO THE NORTHERLY MOST CORNER OF BHATT PROPERTY; THEN S41°28'10"W ALONG THE EASTERLY LINE OF SAID BHATT PROPERTY TO THE WESTERLY CORNER, FOR 51.51 FEET; THEN S36°41'46"E ALONG THE SOUTHWESTERLY LINE OF BHATT PROPERTY TO THE SOUTHERN MOST CORNER OF ALLSUP'S PROPERTY WHICH LIES ON THE NORTH R.O.W. OF CAMP STREET, FOR 139.75 FEET; THEN S89°51'05"W ALONG THE NORTH R.O.W. OF CAMP STREET FOR 321.19 FEET, BACK TO THE POINT OF BEGINNING, CONTAINING 1.87 ACRES, MORE OR LESS.

THE PLAT IS SUBJECT TO ALL EXISTING EASEMENTS.



LEGEND

- ◊ CORNER FOUND AS NOTED
- SET #4 REBAR, CAP 20251
- x-x- FENCE LINE
- == OLD EASEMENTS



Scale 1" = 60'

APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO ON THIS 11th DAY OF October, 2016.

[Signature]
COMMISSION DESIGNEE

BASIS OF BEARINGS AND DISTANCES:

- BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83), NEW MEXICO EAST ZONE (NM ZONE 3001).
- THE COMBINED FACTOR FOR THIS SURVEY IS 0.999766382.
- AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT AND DISTANCES ARE SURFACE DISTANCES.
- ALL MEASUREMENTS WERE MADE ON JUNE 8, 2016.

NOTES AND OBSERVATIONS:

- WATER IS IN NORTH EIGHTH STREET. ELECTRIC IS ON BOTH CAMP STREET & NORTH EIGHTH STREET. SEWER IS IN CAMP STREET.
- THERE ARE NO SIDEWALKS AROUND THE SUBJECT PROPERTY.
- THE ROADS HAVE CURB AND GUTTER, AND THERE IS ASPHALT IN THE ROADWAYS.
- BUILDING SETBACKS ARE AS PER CITY OF CARLSBAD REQUIREMENTS: FRONT- 24 FEET
- THE SUBJECT PROPERTY LIES IN THE CITY LIMITS OF CARLSBAD.

- TRACT SIZES ARE:
1 TRACT - ±0.48 ACRES 1 TRACT - ±1.39 ACRES

Mariammas S. Dara
SHREE PROPERTIES LLC

MARIAMMA S DARA, PRESIDENT OF SHREE PROPERTIES 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 TRACTS 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 15 DAY OF September, 2016

BY *Mariammas S. Dara*
PRESIDENT OF SHREE PROPERTIES, LLC

DeAnn Coalsen
NOTARY PUBLIC



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

[Signature]

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

THIS _____ DAY OF _____, 20____ A.D.

AT _____ O'CLOCK ____ M.

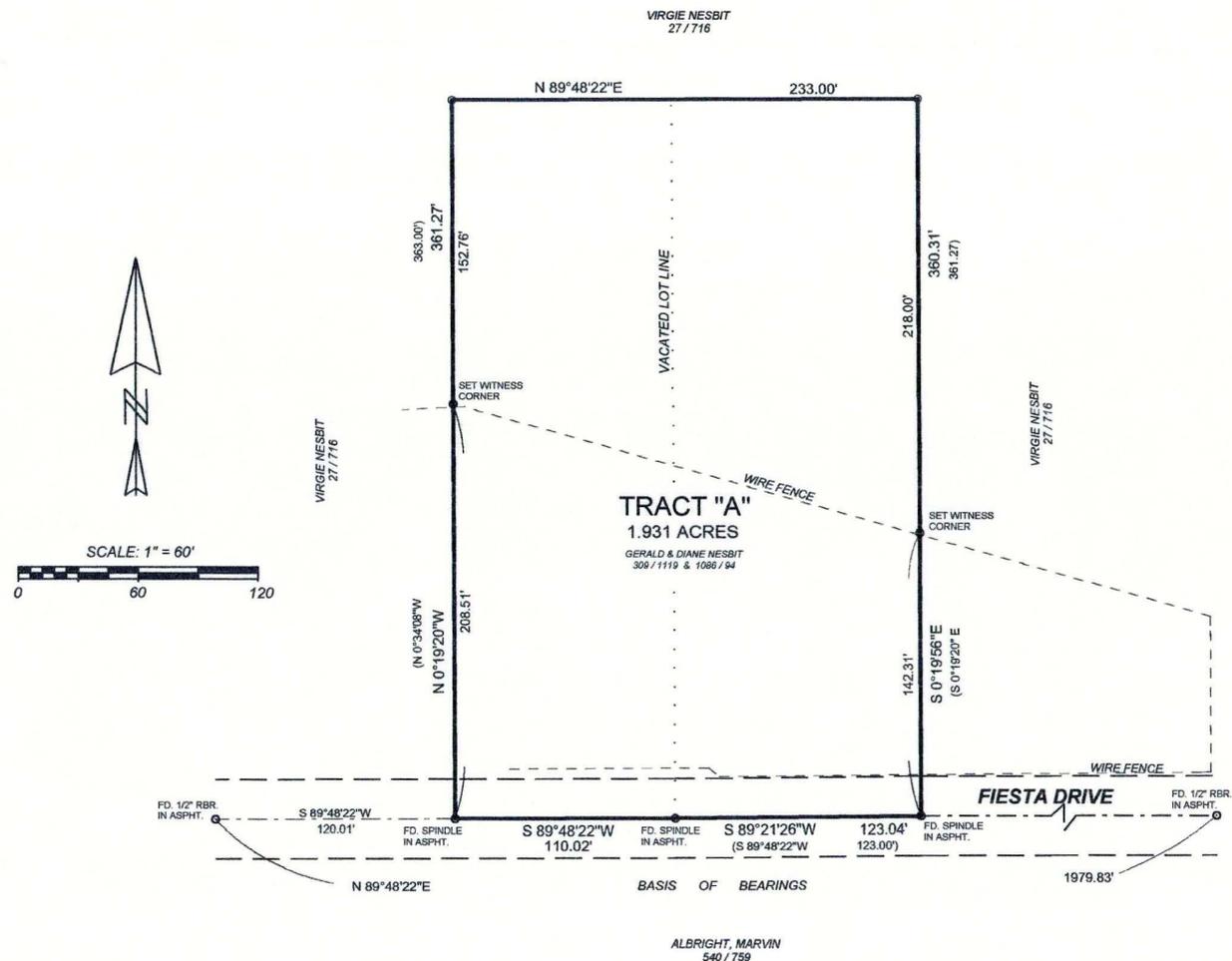
CABINET _____ SLIDE
ROBIN VAN NATTA-COUNTY CLERK

BY _____, DEPUTY

R&R SURVEYING LLC			
A LAND SURVEYING COMPANY			
INDEXING INFO. FOR CO. CLERK			
SEC. 35	T21S	R26E	N.M.P.M.
SUBDIVISION: BELVA			
OWNER: SHREE PROPERTIES LLC			
CITY: CARLSBAD			
COUNTY: EDDY			
STATE: NEW MEXICO			
DATE: JUNE 9, 2016			
ACCESS: YES			
AREA: ±1.87 ACRES			

NESBIT REPLAT

WITHIN THE E1/2 NW1/4 SE1/4
WITHIN SECTION 8, T22S, R27E, N.M.P.M.
EDDY COUNTY, NEW MEXICO
OCTOBER, 2016



DESCRIPTION

A CERTAIN TRACT OF LAND COMPRISING OF A PARCEL SHOWN ON THE "NESBIT SUBDIVISION" SAID PLAT FILED FOR RECORD IN THE OFFICE OF THE EDDY COUNTY CLERK ON MARCH 4, 1998 IN CABINET A SLIDE 561-1; ALSO COMPRISING OF A PARCEL OF LAND SHOWN ON THE "NESBIT SUBDIVISION NO. 2" SAID PLAT FILED FOR RECORD IN THE OFFICE OF THE EDDY COUNTY CLERK ON FEBRUARY 12, 2008 IN CABINET 4 SLIDE 1026-1.

SAID PARCELS TO BE REPLATTED AS SHOWN HEREON INTO ONE TRACT OF LAND AND NOW TO BE KNOWN AS TRACT "A" OF THE "NESBIT REPLAT", EDDY COUNTY, NEW MEXICO, ALONG WITH THE FILING DATE AND PLAT CABINET AND SLIDE NUMBER OF THIS PLAT.

CLAIM OF EXEMPTION:

THE HEREON DESCRIBED DIVISION IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE PER THE EDDY COUNTY CLAIM OF SUBDIVISION EXEMPTION NO. 7, WHICH STATES: "the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased."

SURVEY NOTES:

1. Unless otherwise noted all boundary stakes are set 5/8" rebar stakes with plastic I.D. caps impressed "MDN 17821".
2. Date of field survey October 17, 2016.
3. Basis of bearings is plat of record filed in Cabinet 4, Slide 1026-1 based on found monumentation as shown hereon. Distances are Ground.
4. The property shown hereon is subject to all Easements, Conditions, Restrictions and Reservations of record or in existence.
5. Tract A is shown within a Special Flood Hazard Area Flood Zone A, as shown on F.E.M.A., F.I.R.M. map number 35015C1065D effective June 4, 2010.
6. Coarse data in parenthesis is from referenced Warranty Deed of record or Plat of record, when field measured data to found monumentation differ by an amount exceeding accuracy prescribed by the Minimum Standards for Land Surveyors in New Mexico.
7. File name: NESBIT.ZAK

SURVEYORS CERTIFICATE:

I, Matthew D. Norman, a New Mexico registered Professional Land Surveyor, 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 that this survey and plat meet the Minimum Standards for Surveying in New Mexico.

Matthew D. Norman 10-19-16
Matthew D. Norman, P.S. 17821 Date



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, EDDY COUNTY, NEW MEXICO ON THIS

25th DAY OF October, 2016.

[Signature]
COMMISSION DESIGNEE

EDDY COUNTY APPROVAL

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

THIS _____ DAY OF _____ 2016.

BY: _____ ATTEST: _____
AGENT COUNTY CLERK

OWNERS STATEMENT AND AFFIDAVIT:

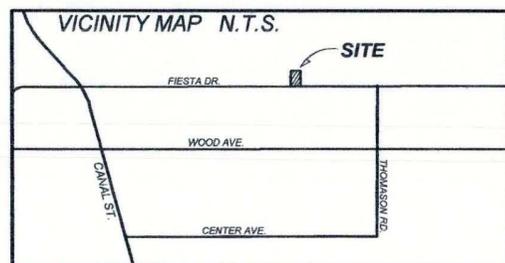
The platting shown hereon, including the granting of easements as shown, is with the free consent and accordance with the wishes and desires of the undersigned owner(s) and proprietor(s) thereof. The undersigned owner(s) and proprietor(s) do hereby freely consent to all the foregoing and do represent themselves that I am so authorized to act. The property described hereon lies within the planning and platting jurisdiction of Eddy County and Carlsbad Extraterritorial, Eddy County, NM.

Gerald Nesbit *Diane Nesbit*
Owners: GERALD NESBIT DIANE NESBIT

State of NM
SS
County of Eddy

The foregoing instrument was acknowledged before me this 21st day of October, 2016, by Gerald Nesbit and Diane Nesbit

My commission expires: 10-19-19 *Janet Leyendecker*
Notary Public



FILING AND RECORDING

FILED FOR RECORD IN THE EDDY COUNTY CLERKS OFFICE ON THE _____ DAY OF _____ 2016,

AT _____ A.M., P.M., CABINET _____ SLIDE _____

COUNTY CLERK _____ DEPUTY _____

ENTITLEMENT OF EXEMPTION FILED ON

THE _____ DAY OF _____ 2016 IN BOOK _____ PAGE _____ OF THE OFFICIAL RECORDS OF EDDY COUNTY

INDEXING INFORMATION FOR THE COUNTY CLERK

ASSESSED OWNER(S): GERALD & DIANE NESBIT
SECTION(S): SECTION 8, T22S, R27E, N.M.P.M.
ACREAGE: TR. A = 1.931 ACRES

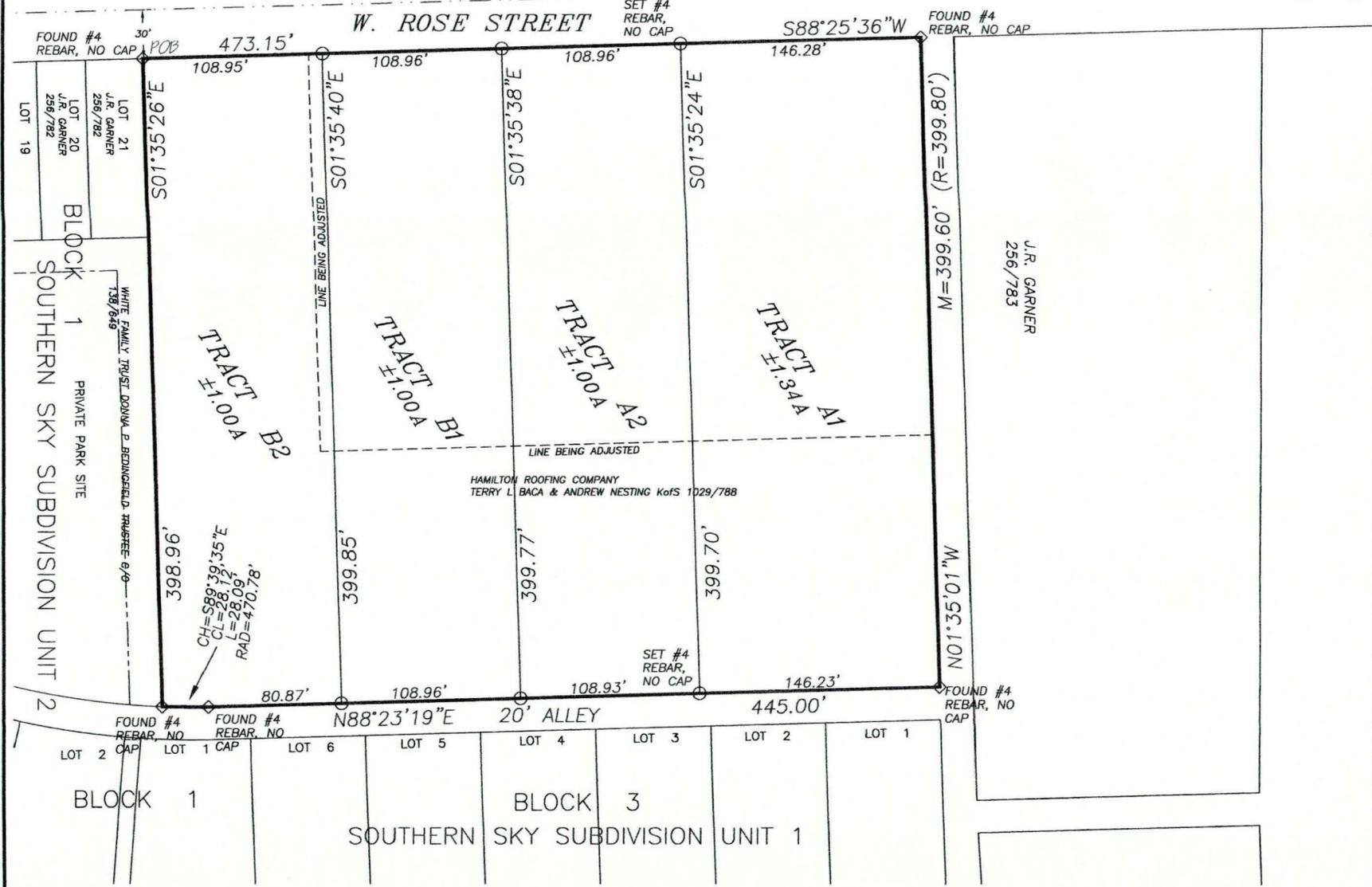


BACA LINE ADJUSTMENT

A RESURVEY OF TRACT A AND TRACT B OF THE BACA LAND DIVISION (CAB 6 SLIDE 426-1), LYING IN SECTION 19, TOWNSHIP 22 SOUTH, RANGE 27, N.M.P.M., EDDY COUNTY, NEW MEXICO, IN WHICH THE PERIMETER OF TRACTS A1, A2, B1 & B2 ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SOUTHERN SKY UNIT 2 SUBDIVISION, FILED IN CABINET 1, SLIDE 165-2, OF THE MAPPING RECORDS FOR EDDY COUNTY, NEW MEXICO; THEN S01°35'26"E, ALONG THE EAST LINE OF CALLED SUBDIVISION, FOR 398.96 FEET; THEN THRU A CURVE TO THE LEFT FOR 28.09 FEET (RAD=470.78 FEET), WITH A CHORD THAT BEARS S89°39'35"E FOR 28.12 FEET; THEN N88°23'19"E, ALONG THE NORTH LINE OF SOUTHERN SKY UNIT 1, FOR 445.00 FEET, TO THE WEST LINE OF AN ALLEY; THEN N01°35'01"W, ALONG THE SAID WEST LINE, FOR M=399.60 (REC=399.80 FEET), TO THE SOUTH LINE OF W. ROSE STREET; THEN S88°25'36"W, ALONG THE SOUTH LINE OF ROSE STREET, FOR 473.15 FEET, BACK TO THE POINT OF BEGINNING. CONTAINING 4.34 ACRES MORE OR LESS.

FOUND #4 18
REBAR, NO CAP
19



SAN JOSE BLVD.

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 12th DAY OF October, 2016.

[Signature]
COMMISSION DESIGNEE

[Signature]
HAMILTON ROOFING COMPANY
RANDY HEINE, PRESIDENT OF HAMILTON ROOFING COMPANY

OWNERS STATEMENT AND AFFIDAVIT
STATE OF New Mexico; SS
COUNTY OF Eddy
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE: AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS 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 4th DAY OF October, 2016

BY *[Signature]*
PRESIDENT OF HAMILTON ROOFING COMPANY
TERRY L. BACA & ANDREW NESTING
NOTARY PUBLIC



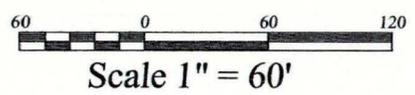
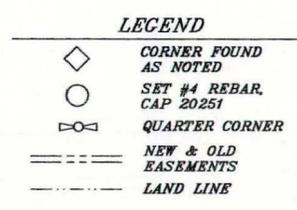
[Signature] ANDREW NESTING
[Signature] TERRY BACA

OWNERS STATEMENT AND AFFIDAVIT
STATE OF New Mexico; SS
COUNTY OF Dona Ana
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE: AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF: CITY OF CARLSBAD SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME
THIS 4th DAY OF September, 2016

BY *[Signature]* ANDREW NESTING AND *[Signature]* TERRY L. BACA
NOTARY PUBLIC

- NOTES AND OBSERVATIONS:
1. WATER, SEWER, GAS, AND ELECTRIC ARE IN THE ALLEYS TO THE EAST OF AND BEHIND THE SUBJECT PROPERTY.
 2. THERE ARE NO SIDEWALKS AROUND THE SUBJECT PROPERTY.
 3. THE ROAD DOES NOT HAVE CURB AND GUTTER, AND THERE IS ASPHALT IN THE ROADWAY.
 4. BUILDING SETBACKS ARE AS PER CITY OF CARLSBAD ZONING REQUIREMENTS:
FRONT - 30 FEET
SIDE - 5-7.5 FEET
REAR - 10 FEET
 5. LOTS SIZES ARE LOT A2, B1, & B2 - ±1.00 ACRES, AND LOT A1 - ±1.34 ACRES.
 6. THE SUBJECT PROPERTY LIES IN THE CITY LIMITS OF CARLSBAD.

- 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. THE COMBINED FACTOR OF 0.999769368 IS FOR THIS SURVEY.
 3. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT.
 4. ALL MEASUREMENTS WERE MADE ON AUGUST 18, 2015.



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
OFFICIAL SEAL

[Signature] Kathia Machuca
NOTARY PUBLIC - STATE OF NEW MEXICO

My Commission Expires: 2/23/2020
STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS ___ DAY OF ___, 20__ A.D.
AT ___ O'CLOCK ___.M.
CABINET ___ SLIDE ___
ROBIN VAN NATTA - COUNTY CLERK
BY _____, DEPUTY

R&R SURVEYING LLC A LAND SURVEYING COMPANY INDEXING INFO. FOR CO. CLERK			
SEC. 19	T22S	R27E	N.M.P.M.
SUBDIVISION: BACA LINE ADJUSTMENT			
OWNER: HAMILTON ROOFING COMPANY ANDREW NESTING TERRY BACA			
CITY: CARLSBAD			
COUNTY: EDDY			
STATE: NEW MEXICO			
DATE: AUGUST 30, 2016			
ACCESS: YES			
AREA: ±4.34 ACRES			

Agenda Item #10: Adjourn