

CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, April 1, 2024 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 851-918-589
US Phone: +1 (408) 650-3123 Access Code: 851-918-589

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held March 4, 2024
4. Consider a request of a Preliminary/Final Plat for the Corrales Construction, LLC Tract B Summary Subdivision, Carlsbad-Out
5. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 0' side property setback as opposed to the required 5' side property setback, for the property located at 1211 Ortega St., zoned "R-1" Residential 1 District
6. Consider a request for a Variance from Sec. 56-70(d)(13) of the Carlsbad Zoning Ordinance to allow outdoor storage of an operable Recreational Vehicle (RV) within the required side property setback at the property located at 1312 Beta Ave., zoned "R-1" Residential 1 District
7. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 3811 Baler Ln., zoned "R-R" Rural Residential District
8. Consider a recommendation to the City Council regarding a request to change the zoning from "C-2" Commercial 2 District to "R-1" Residential 1 District, for the approximately 0.22 acre property located at 708 W. Pierce ., legally described as Lot 14, Block C, Rio Vista Amended Subdivision, beginning at the NE corner, west 95', south 74.66', east 80.2', south 159.6', east 15', north 234.6', to point of beginning

- 9. Consider a recommendation to the City Council regarding a request to change the zoning from “R-1” Residential 1 District to “C-2” Commercial 2 District, for the approximately 3.00 acre property located at the southwest intersection of San Jose Blvd. and Kircher St., legally described as Tract A, San Jose Boulevard Replat Subdivision
- 10. Consider a recommendation to the City Council regarding a request to change the zoning from “R-1” Residential 1 District to “R-2” Residential 2 District, for the approximately 0.28 acre property located north of 3309 Prospect Ave ., legally described as Lot 7, Block 1, Elliott Subdivision
- 11. Report regarding Summary Review Subdivisions
- 12. Adjourn



FOR INFORMATION ONLY

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site: cityofcarlsbadnm.com or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

PLANNING AND ZONING COMMISSION MEETING SCHEDULE

- Regular meeting – Monday, May 6, 2024 at 5:00 p.m.

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

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

Agenda Item #2: Approval of Agenda

Agenda Item #3: Approval of Minutes from Previous Meeting

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, March 4, 2024 at 5:00 p.m.

**Meeting Held in the Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno St.**



CITY OF CARLSBAD
CARLSBAD, NEW MEXICO

PLANNING AND ZONING COMMISSION

Monday, March 4, 2024 at 5:00 PM
Janell Whitlock Municipal Complex Council Chambers
114 S. Halagueno Street
GoToMeeting ID: 470-270-373
US Phone: +1 (571) 317-3122 Access Code: 470-270-373

1. Roll call of voting members and determination of quorum
2. Approval of Agenda
3. Approval of Minutes from the Meeting held February 5, 2024
4. Remove from Table a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215, & 7217 Norris Rd., Carlsbad-Out
5. Consider a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215 & 7217 Norris Rd., Carlsbad-Out
6. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 602 W. Orchard Ln., zoned "R-1" Residential 1 District
7. Consider a request for a Variance from Sec. 56-70(d)(13) of the Carlsbad Zoning Ordinance to allow outdoor storage of an operable Recreational Vehicle (RV) within the required side property setback at the property located at 1311 Beta Ave., zoned "R-1" Residential 1 District
8. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 4114 Honolulu Rd., zoned "R-R" Rural Residential District
9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow the creation of Tract A2B, as seen on the Merland Land Division #8 property plat, a tract without the required frontage along a platted street, located at 4212 National Parks Hwy., zoned "C-2" Commercial 2 District.

- 10. Consider a recommendation to the City Council regarding a request to change the zoning from “C-2” Commercial 2 District to “R-1” Residential 1 District, for the approximately 0.22 acre property located at 708 W. Pierce ., legally described as Lot 14, Block C, Rio Vista Amended Subdivision, beginning at the NE corner, west 95’, south 74.66’, east 80.2’, south 159.6’, east 15’, north 234.6’, to point of beginning
- 11. Report regarding Summary Review Subdivisions
- 12. Adjourn



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PLANNING AND ZONING COMMISSION MEETING SCHEDULE

- Regular meeting – Monday, April 1, 2024 at 5:00 p.m.

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



MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD
PLANNING & ZONING COMMISSION
HELD IN THE JANELL WHITLOCK MUNICIPAL COMPLEX COUNCIL CHAMBERS,
114 S. HALAGUENO STREET, MARCH 4, 2024 AT 5:00 P.M.

VOTING MEMBERS PRESENT:

BRAD NESSER
VALERIE BRANSON
TRENT CORNUM
LINDA WILSON

COMMISSIONER
COMMISSIONER
COMMISSIONER
COMMISSIONER

VOTING MEMBERS ABSENT:

JAMES MCCORMICK

CHAIRPERSON

EX-OFFICIO MEMBERS PRESENT:

JEFF PATTERSON
TRYSHA ORTIZ

PLANNING DIRECTOR
DEPUTY PLANNING DIRECTOR

SECRETARY PRESENT:

VANESSA ORNELAS

PLANNING AND REGULATION
DEPARTMENT SECRETARY

OTHERS PRESENT:

DUSTIN BRITAIN
ANDERSON WARD
RONDA TROYER-WARD
DAVID ZARATE
MATT NORMAN
STACY BLACKMON
DENISE MADRID-BOYEA
CHARLIE GARCIA
MARIA KNITTEL
JEFF McLANE

602 W. ORCHARD LN
4114 HONOLULU RD
4114 HONOLULU RD
1311 BETA ST
401 W GREENE ST
203 E ORCHARD LN
CITY OF CARLSBAD
CITY OF CARLSBAD
4208 NATIONAL PARKS HWY (VIA ONLINE)
4208 NATIONAL PARKS HWY (VIA ONLINE)

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

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

0:00:07 **1. Roll call of Voting Members and Determination of Quorum**

Roll was called, confirming the presence of a quorum of commission members. The following members were present—**Mr. Cornum, Ms. Branson, Mr. Nesser, and Ms. Wilson.** Absent—**Mr. McCormick.**

0:00:22 **2. Approval of Agenda**

Mr. Patterson noted the following revisions to the agenda:

Item #10 Consider a recommendation to the City Council regarding a request to change the zoning from “C-2” Commercial 2 District to “R-1” Residential 1 District, for the approximately

0.22 acre property located at 708 W. Pierce., legally described as Lot 14, Block C, Rio Vista Amended Subdivision, beginning at the NE corner, west 95', south 74.66', east 80.2', south 159.6', east 15', north 234.6', to point of beginning has been removed at the request of Planning and Zoning.

Ms. Wilson made a motion to approve the Agenda; **Ms. Branson** seconded the motion. The vote was as follows: Yes— **Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson**. No—None. Absent— **Mr. McCormick** Abstained—None. The motion carried.

0:01:25 **3. Approval of Minutes from the Meeting held February 5, 2024**

Mr. Cornum made a motion to approve the Minutes from the meeting held on February 5, 2024; **Ms. Wilson** seconded the motion. The vote was as follows: Yes— **Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson**. No—None. Absent— **Mr. McCormick** None Abstained—None. The motion carried.

0:02:03 **4. Remove from Table a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215, & 7217 Norris Rd., Carlsbad-Out**

Ms. Wilson made a motion for approval; **Mr. Cornum** seconded the motion. The vote was as follows: Yes— **Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson**. No—None. Absent— **Mr. McCormick** None Abstained—None. The motion carried.

0:02:45 **5. Consider a request to approve the Hart Tracts No. 2 Subdivision, creating four parcels located at 7211, 7215 & 7217 Norris Rd., Carlsbad-Out**

Neither the applicant nor the surveyor who was expected to represent the item appeared before the Planning and Zoning Commission.

Mr. Cornum made a motion to table the item until further notice; **Ms. Wilson** seconded the motion. The vote was as follows: Yes— **Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson**. No—None. Absent— **Mr. McCormick** None Abstained—None. The motion carried.

0:05:00 **6. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 602 W. Orchard Ln., zoned "R-1" Residential 1 District**

Dustin Britain approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5' rear property setback as opposed to the required 20' rear property setback, for the property located at 602 W. Orchard Ln., zoned "R-1" Residential 1 District. The City Planning Department recommended denial. **Mr. Britain** explained that he doesn't have much space for storage, he is requesting the setback to allow him to build a shed that is 14'x24'. No public comments were made.

Ms. Wilson made a motion for approval; **Mr. Cornum** seconded the motion. The vote was as follows: Yes—**Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson**. No—None. Absent—**Mr. McCormick** None Abstained—None. The motion carried.

0:09:40 **7. Consider a request for a Variance from Sec. 56-70(d)(13) of the Carlsbad Zoning Ordinance to allow outdoor storage of an operable Recreational Vehicle (RV) within the required side property setback at the property located at 1311 Beta Ave., zoned “R-1” Residential 1 District**

David Zarate approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-70(d)(13) of the Carlsbad Zoning Ordinance to allow outdoor storage of an operable Recreational Vehicle (RV) within the required side property setback at the property located at 1311 Beta Ave., zoned “R-1” Residential 1 District. The City Planning Department recommended denial. **Mr. Zarate** explained he was unaware of the property setback requirements. **Mr. Nesser** asked if there were other areas on the property he could store the RV. **Mr. Zarate** explained with the amount of trees and to avoid damaging power lines he is unable to park the RV in a different direction or another area. **Ms. Branson** inquired about the visible hose that is assumed to be connected to the RV and its purpose. She asked if someone was living in the RV. **Mr. Zarate** assured her that the reason for the hose was to fill the water tank on the RV before departing for a camping/hunting trip. **Mr. Cornum** asked if the RV was obstructing the line of site at the intersection. **Mr. Zarate** presented photos showing that oncoming traffic is visible from the intersection. **Mr. Nesser** presented some alteration options for the property to **Mr. Zarate** that would allow his RV to be stored on the side of the home. **Mr. Zarate** believed the options presented would cause a larger problem and eye sore. No public comments were made.

Ms. Wilson made a motion for denial; **Ms. Branson** seconded the motion. The vote was as follows: Yes— **Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson**. No—None. Absent— **Mr. McCormick** None Abstained—None. The motion for denial carried.

00:25:17 **8. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5’ rear property setback as opposed to the required 20’ rear property setback, for the property located at 4114 Honolulu Rd., zoned “R-R” Rural Residential District**

Anderson Ward approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow a 5’ rear property setback as opposed to the required 20’ rear property setback, for the property located at 4114 Honolulu Rd., zoned “R-R” Rural Residential District. The City Planning Department recommended denial. **Mr. Ward** explained with the shape of his yard the 20’ rear setback takes up approximately 44% of his backyard. He explained when purchasing the property he was unaware of the setbacks. **Mr. Nesser** asked if there was already a storage shed on the property. **Mr. Ward** explains the shed belongs to his wife and acts as a “she-shed” and he is unable to use the shed for storage. No public comments were made.

Mr. Cornum made a motion for approval; **Ms. Wilson** seconded the motion. The vote was as follows: Yes— **Mr. Nesser, Mr. Cornum, Ms. Wilson, and Ms. Branson**. No— Absent— **Mr. McCormick** None Abstained—None. The motion carried.

00:30:33 **9. Consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow the creation of Tract A2B, as seen on the Merland Land Division #8 property plat, a tract without the required frontage along a platted street, located at 4212 National Parks Hwy., zoned “C-2” Commercial 2 District.**

Matt Norman and Stacy Blackmon approached the podium. **Mr. Patterson** presented the item to consider a request for a Variance from Sec. 56-90(b) of the Carlsbad Zoning Ordinance to allow the creation of Tract A2B, as seen on the Merland Land Division #8 property plat, a tract without the required frontage along a platted street, located at 4212 National Parks Hwy., zoned “C-2” Commercial 2 District. The City Planning Department recommends denial. **Mr. Norman** explained they previously dissolved the lot line between the 4212 National Parks Hwy and the property east of 4212 National Parks Hwy making the property one parcel. With further discussion with the owner, they realized there was some miscommunication, therefore they replaced the lot line. **Mr. Norman** explained the easement would be exclusive allowing access to the east property. **Ms. Blackmon** explained the properties are owned by the same person but they want to use Big-O as access to the property and potentially expand Big-O. **Mr. Cornum** asked Mr. Patterson what the reason for requesting denial was. **Mr. Patterson** explained it was protocol as representatives of the City of Carlsbad. **Jeff McLane and Maria Knittel** addressed the commission via online. **Mr. McLane** mentioned submitting a letter against the request. **Ms. Ortiz** read the letter to the commission. No further comments were made.

Mr. Cornum made a motion for approval; **Ms. Wilson** seconded the motion. The vote was as follows: Yes—**Mr. Cornum, Ms. Wilson, and Ms. Branson**. No—**Mr. Nesser**. Absent—**Mr. McCormick** None Abstained—None. The motion carried.

00:46:25 **10. Consider a recommendation to the City Council regarding a request to change the zoning from “C-2” Commercial 2 District to “R-1” Residential 1 District, for the approximately 0.22 acre property located at 708 W. Pierce ., legally described as Lot 14, Block C, Rio Vista Amended Subdivision, beginning at the NE corner, west 95’, south 74.66’, east 80.2’, south 159.6’, east 15’, north 234.6’, to point of beginning**

Item #10 has been removed at the request of the Planning and Zoning department.

00:46:45 **11. Report regarding Summary Review Subdivisions**

Mr. Patterson reported on the Summary Reviews. Nothing unusual was noted.

00:49:40 **12. Adjourn**

The meeting was adjourned.

00:49:40 Stop Recording [5:49:40 PM]

Chairman

Date

DRAFT

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 4/1/2024

DEPARTMENT: Planning and Regulation	BY: Trysha Ortiz, Deputy Planning Director	DATE: 3/26/2024
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SUBJECT: Approval of a Preliminary/Final Plat for the Corrales Construction, LLC Tract B Summary Subdivision, located outside of the City Limits, creating five parcels.

Applicant/Property Owner:
 Corrales Construction, LLC
 Carlsbad, NM 88220

SYNOPSIS: This request is for the approval of a plat that will split the current +/- 18.845 acre property owned by Corrales Construction into five lots. The attached plat proposes access along the south lot lines to Weleka Lane.

IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): Approval of this request will allow for the creation of 5 lots.

Sec. 47-44(d)

For Lots located outside of the City limits, but within the 5-mile Planning and Platting Jurisdiction:

- (1) *Minimum lot size; 1 acre*
- (2) *Minimum street frontage. One-hundred feet (100')*

The following *City of Carlsbad Comprehensive Plan 2040* objectives apply to this request:

Chapter 5: Land Use

Objectives:

- *To provide for the consistent application of land use and development regulations in areas adjacent to the existing municipal boundary.*
- *To encourage redevelopment of vacant or underutilized properties for residential, commercial, or mixed-use development.*

PLANNING STAFF RECOMMENDATION: Based on review of the application and staff comments, planning staff recommends approval with the following conditions:

- The applicant should work with Eddy County Community Development for further approval

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: No comments.

Utilities Department: No comments.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: No comments.

Planning Department: Recommend approval

Police Department: No comments.

ATTACHMENTS: Application materials, plat.

CORRALES CONSTRUCTION, LLC. TRACT B SUMMARY SUBDIVISION

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	877.05'	279.39'	278.21'	S09°16'50"E	18°15'06.58"

LEGEND

- - FOUND MONUMENT AS NOTED
- - SET 1/2" STL W/ORANGE CAP MKD: "HARCROW PLS 17777"
- ⊙ - FOUND 1/2" STL W/ORANGE CAP MKD: "HARCROW PLS 17777"
- — — - LAND DIVISION
- X — - FENCE
- E — - ELECTRIC LINE W/POWER POLE

PROPERTY TO BE SUBDIVIDED:
THE FOREGOING SUBDIVISION OF TRACT B, CORRALES LAND DIVISION TO THE COUNTY OF EDDY IN SECTION 19, TOWNSHIP 21 S, RANGE 27 E AS DESCRIBED BY PLAT RECORDED IN CABINET 8, SLIDE 557 OF THE OFFICIAL RECORDS OF EDDY COUNTY, NEW MEXICO.

SUBJECT TO RESERVATIONS, RESTRICTIONS, EASEMENTS OF RECORD AND IN OPEN VIEW AND EDDY COUNTY PROPERTY TAXES.

FLOOD ZONE:
THIS PROPERTY IS IN FLOOD ZONE (X) as shown on the FEMA, Flood Insurance Rate Map, Community-Panel Number: 35015C1055D, Map Effective: June 4, 2010.

NOTE:
LOCATIONS OF UTILITIES ARE BASED ON ABOVE GROUND PHYSICAL EVIDENCE AND/OR ONE CALL MARKINGS.

BASIS OF BEARING:
BEARINGS SHOWN HEREON ARE MERCATOR GRID AND CONFORM TO THE NEW MEXICO COORDINATE SYSTEM "NEW MEXICO EAST ZONE" NORTH AMERICAN DATUM 1983. DISTANCES ARE SURFACE VALUES.

INDEXING INFORMATION FOR COUNTY CLERK
OWNER: CAMILE BLUTH - MANAGING MEMBER -CORRALES CONSTRUCTION, LLC

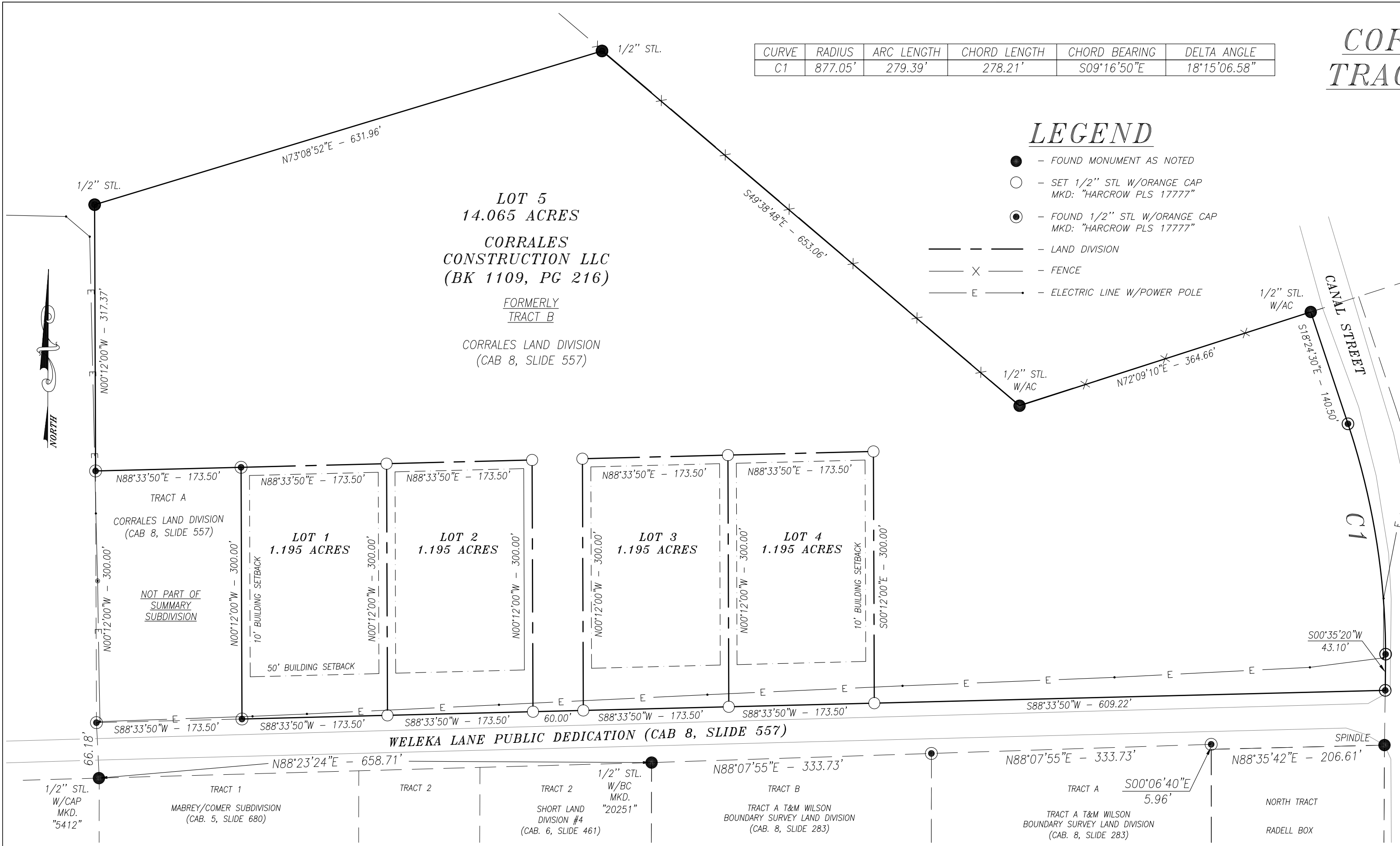
SECTION: SECTION 19, TOWNSHIP 21 S, RANGE 27 E

RELATED SURVEY: - TRACT A T&M WILSON BOUNDARY SURVEY
LAND DIVISION (CAB 8, SLIDE 283)
- CORRALES LAND DIVISION (CAB 8, SLIDE 557)

ACRES: LOT 1: 1.195 ACRES
LOT 2: 1.195 ACRES
LOT 3: 1.195 ACRES
LOT 4: 1.195 ACRES
LOT 5: 14.065 ACRES

TOTAL: 18.845 ACRES

VICINITY MAP NOT TO SCALE



OWNERS STATEMENT AND AFFIDAVIT
STATE OF NEW MEXICO)
COUNTY OF EDDY)

THE UNDERSIGNED BEING FIRST DULY SWORN ON OATH, STATE:

AS OWNER AND PROPRIETOR I HAVE OF MY OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS AND EXISTING ROAD RIGHT-OF-WAY, EASEMENTS, DEDICATIONS TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF EDDY COUNTY, NEW MEXICO.

CAMILLE BLUTH - MANAGING MEMBER - CORRALES CONSTRUCTION, LLC

ACKNOWLEDGMENT
STATE OF NEW MEXICO)
COUNTY OF EDDY)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2024 BY CAMILLE BLUTH - MANAGING MEMBER CORRALES CONSTRUCTION, LLC

NOTARY PUBLIC

APPROVAL BY THE PLANNING AND DEVELOPMENT ADVISORY COMMITTEE
THIS IS TO CERTIFY THAT SUBDIVISION PLAT HAS BEEN APPROVED BY THE PLANNING AND DEVELOPMENT ADVISORY COMMISSION, COUNTY OF EDDY, STATE OF NEW MEXICO, DURING A REGULARLY SCHEDULED MEETING

HELD ON THE _____ DAY OF _____, 2024.

CHAIRMAN

APPROVAL BY THE BOARD OF COUNTY COMMISSION

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN EXAMINED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF EDDY, STATE OF NEW MEXICO, AND THAT ALL EASEMENTS AND RIGHTS OF WAY SHOWN HEREIN FOR DEDICATED PUBLIC USE HAVE BEEN ACCEPTED BY THE COUNTY OF EDDY DURING A REGULARLY SCHEDULED MEETING HELD ON

THE _____ DAY OF _____, 2024.

CHAIRMAN

ATTEST

APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN INSPECTED APPROVED BY THE CITY PLANNING COMMISSION, OR ITS DESIGNEE, OF

THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO, ON THIS _____ DAY OF _____, 2024.

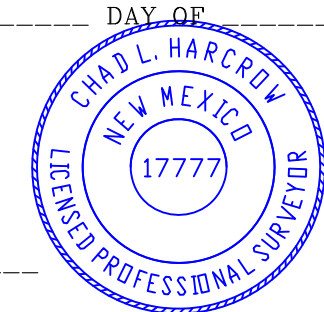
CHAIRMAN

SECRETARY

SURVEYOR'S CERTIFICATION

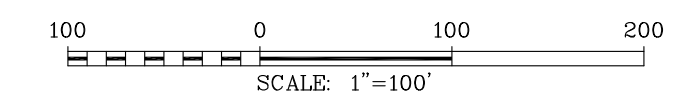
I, CHAD HARCROW, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT I DIRECTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. IN WITNESS WHEREOF I HEREUNTO

SET HAND AND AFFIX MY OFFICAL SEAL THIS _____ DAY OF _____, 2024.



CHAD HARCROW N.M.P.S. NO. 17777

HARCROW SURVEYING, LLC
2316 W. MAIN ST. ARTESIA, N.M. 88210
PH: (575) 746-2158
c.harcrow@harcrowsurveying.com



SURVEY DATE: JANUARY 2023	
DRAFTING DATE: JANUARY 31, 2024	PAGE: 1 OF 1
APPROVED BY: CH	DRAWN BY: VD
FILE: 23-116-2	

CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 4/1/2024

DEPARTMENT: Planning and Regulation Department	BY: Trysha Ortiz, Deputy Planning Director	DATE: 3/25/2024
<p>SUBJECT: Request for Variance from Ord. 56-90(b) to allow a reduction in the side property setback from the required 5' to 0' for the property located at 1211 Ortega St., zoned "R-1" Residential 1 District, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.</p> <p>Applicant/Owner: Jorge Martinez 1211 Ortega St. Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners' 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.</i></p>		
<p>SYNOPSIS: SYNOPSIS/HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):</p> <p>The applicant has submitted a request to allow a reduced side property setback, from 5' to 0' for the property located at 1211 Ortega St.</p> <p>The applicant would like to place a covered parking & patio within the required setback.</p> <p>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 meet all of the listed criteria.</i></p>		

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

The minimum setbacks are for fire safety between structures.

The following *City of Carlsbad Comprehensive Plan 2040* objectives apply to this request:

Chapter 4: Housing & Neighborhoods

Objectives:

- *To preserve the character, identity, and integrity of established neighborhoods.*

PLANNING STAFF RECOMMENDATION: Based on review of the application materials and other staff comments, the Planning Dept. recommends denial of this request.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: Recommend denial

Utilities Department: Recommend denial

Building Department: No comments.

Fire Department: Recommend denial

Code Enforcement: No comments.

Legal Department: Recommend denial.

Planning Department: Recommend denial

Police Department: No comments

Project Department: No comments

ATTACHMENTS: Application, maps.



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: 3-11-24

Fee Paid (\$50.00): pd cc^{vo}

APPLICANT INFORMATION:

Jorge R. Martinez 1211 W Ortega St.
NAME ADDRESS

Carlsbad NM 88220 575-361-1375 farmerchochi1211@gmail.com
CITY STATE ZIP PHONE EMAIL

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

Same
NAME ADDRESS

CITY STATE ZIP PHONE EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): 1211 W Ortega 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)

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

Zoning Ordinance

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

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

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

Subdivision Regulations

Criteria for Appeals – Sec. 47-7

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

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

FOR OFFICIAL USE ONLY			
Required prior to P & Z:			
Complete Application Including:	<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"/> ABM	<input type="checkbox"/> Staff Comments	<input type="checkbox"/> Sign Posted
			<input type="checkbox"/> Application Packet
P & Z Action:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Other
			Date: _____

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

3-11-24
 DATE

Sign issued by: 
 Staff Member

Date: 3.11.24

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: Jorge Martinez 1211 w Ortega St 575-361-1375
Name Address Phone

Subject Site Location: 1211 w Ortega St

The proposed action is a:

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

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

The purpose of the variance/appeal is:

To place covered parking/patio within the required 5' side property 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: 4/1/24

Time: 5:00pm

Place: City Annex Planning Room

114 S. Halagueno St.

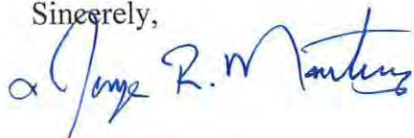
Carlsbad, NM 88220

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

Carlsbad, NM 88220
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Thu 03/14/2024
Certified Mail® \$4.40
Tracking #:
9589 0710 5270 0606 5646 99

Total \$5.08

Grand Total: \$25.40

Debit Card Remit \$25.40

Card Name: VISA
Account #: XXXXXXXXXXXX8555
Approval #: 173978
Transaction #: 165
Receipt #: 044683
Debit Card Purchase: \$25.40
AID: A0000000980840 Chip
AL: US DEBIT
PIN: Verified

Text your tracking number to 23777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 341197-0615
Receipt #: 840-58700260-4-6611324-2
Clerk: 23



CARLSBAD
301 N CANYON ST
CARLSBAD, NM 88220-9998
(800)275-8777

03/12/2024 09:13 AM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.68
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Carlsbad, NM 88220
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Thu 03/14/2024

Certified Mail® \$4.40
Tracking #:
9589 0710 5270 0606 5646 82

Total \$5.08

First-Class Mail® Letter	1		\$0.68
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Carlsbad, NM 88220
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Thu 03/14/2024

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Tracking #:
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Carlsbad, NM 88220
Weight: 0 lb 0.30 oz
Estimated Delivery Date
Thu 03/14/2024

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Tracking #:
9589 0710 5270 0606 5646 75

Total \$5.08

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Tracking #:
9589 0710 5270 0606 5646 51

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CITY OF CARLSBAD

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PO Box 1569, Carlsbad, NM 88221

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BOARD OF APPEALS APPLICATION

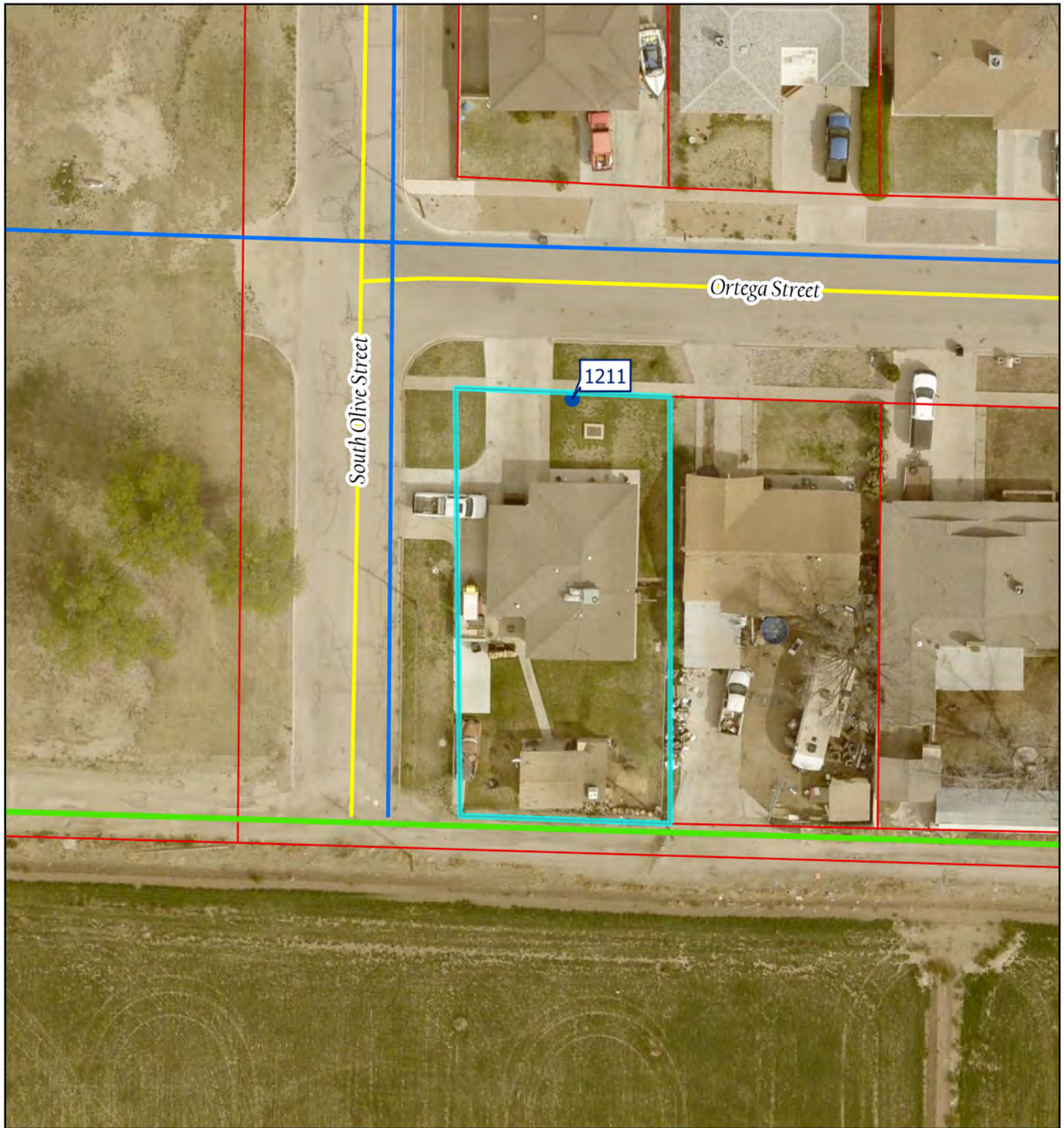
(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

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

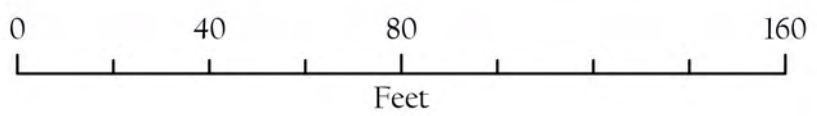
PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

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 eight (8) 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.



- Carlsbad Address
- Parcel
- Roads
- Sewer Main
- Water Main



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 4/1/2024

DEPARTMENT: Planning and Regulation Department	BY: Trysha Ortiz, Deputy Planning Director	DATE: 3/26/2024
<p>SUBJECT: Request for Variance from Ord. 56-70(d)(13) to allow outdoor storage of an operable RV in the side property setback at the property located at 1312 Beta St., zoned "R-1" Residential 1 District, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.</p> <p>Applicant/Owner: Jorge Gonzalez 1312 Beta St. Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners' 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.</i></p>		
<p>SYNOPSIS: SYNOPSIS/HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):</p> <p>The applicant has submitted a request to allow outdoor storage of an operable RV in the side property setback at the property located at 1312 Beta St.</p> <p style="margin-left: 40px;"><i>56-70(13): Outdoor storage or parking of operable RV's and other operable recreational equipment, including but not limited to: boats, camping trailers and trailers, provided minimum front and side setbacks remain unobstructed. An RV or other recreational equipment may be stored in an enclosed building but shall not be stored in the public right-of-way.</i></p> <p>The Planning and Zoning Commission shall only approve a variance if it makes the following findings:</p> <ul style="list-style-type: none"> (a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and (b) The hardship relates to the applicant's land, rather than personal circumstances, and (c) The hardship is not the result of the applicant's own actions, and (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a non-conforming use of land. 		

The applicant did not meet all of the listed criteria.

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

The minimum setbacks are for unobstructed views for drivers.

The following *City of Carlsbad Comprehensive Plan 2040* objectives apply to this request:

Chapter 4: Housing & Neighborhoods

Objectives:

- To preserve the character, identity, and integrity of established neighborhoods.

PLANNING STAFF RECOMMENDATION: Based on review of the application materials and other staff comments, the Planning Dept. recommends denial of this request.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: No comments.

Utilities Department: No comments.

Building Department: No comments.

Fire Department: No comments.

Code Enforcement: No comments.

Legal Department: No comments.

Planning Department: Recommend denial.

Police Department: No comments

Project Department: No comments

ATTACHMENTS: Application, maps.



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: 26 Feb 2024

Fee Paid (\$50.00):

*pd \$50.00
JG*

APPLICANT INFORMATION:

<u>Jorge G Gonzalez</u>		<u>1312 Beta St.</u>		
NAME		ADDRESS		
<u>Carlsbad</u>	<u>NM</u>	<u>88220</u>	<u>575-725-7142</u>	<u>jorgonza@hotmail.com</u>
CITY	STATE	ZIP	PHONE	EMAIL

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

NAME		ADDRESS		
CITY	STATE	ZIP	PHONE	EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): 1312 Beta St. Carlsbad NM 88220

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: Sec 56-70 Accessory uses and structures.

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

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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

26 Feb 2024
 DATE

Sign issued by: _____
 Staff Member

Date: 22 May 2024

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: Jorge Gonzalez 1312 Beta St. 575-725-7142
Name Address Phone

Subject Site Location: 1312 Beta St. Carlsbad NM 88220

The proposed action is a:

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

Variance/Appeal from Sec. 56-70(d)(13) in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

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

Home Occupation: _____

Other Use: _____

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

Date: April 1, 2024

Time: 5:00pm

Place: **City Annex Planning Room**

114 S. 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

U.S. Postal Service™
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Carlsbad, NM 88220

Certified Mail Fee \$4.40
\$0.00
Extra Services & Fees (check box, add fee as appropriate)
 Return Receipt (hardcopy) \$0.00
 Return Receipt (electronic) \$0.00
 Certified Mail Restricted Delivery \$0.00
 Adult Signature Required \$0.00
 Adult Signature Restricted Delivery \$0.00

Postage \$0.68
Total Postage and Fees \$5.08

0615 23
Postmark Here
03/22/2024

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

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

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9589 0710 5270 0606 5549 28

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Certified Mail Fee	\$4.40	0615 23
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
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9589 0710 5270 0606 5549 11

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	Postmark Here
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



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

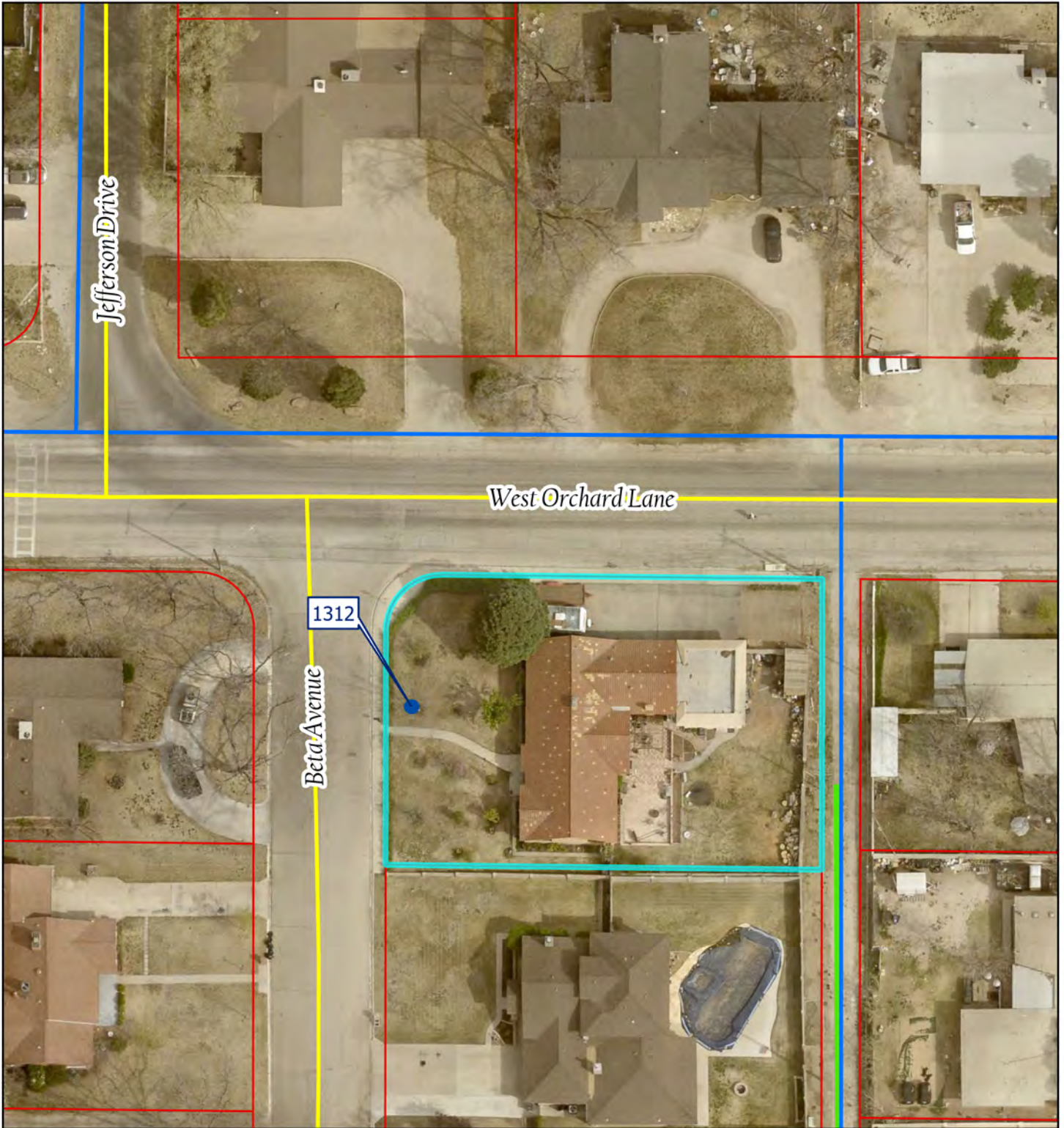
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3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the application. If the Applicant 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.

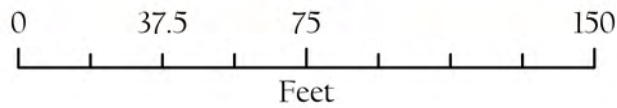
Scale: 1:600
1 inch = 50 feet

Variance
Carlsbad, NM

38
Map #: 3000_ed01
Date: 3/27/2024



- Carlsbad Address
- Parcel
- Roads
- SewerLines
- Main WaterLines
- Main



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 4/1/2024

DEPARTMENT: Planning and Regulation Department	BY: Trysha Ortiz, Deputy Planning Director	DATE: 3/26/2024
<p>SUBJECT: Request for Variance from Ord. 56-90(b) to allow a reduction in the rear property setback from the required 20' to 5' for the property located at 3811 Baler Ln, zoned "R-1" Residential 1 District, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.</p> <p>Applicant/Owner: JinFeng Ye 3811 Baler Lane Carlsbad, NM 88220</p> <p><i>*The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners' 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.</i></p>		
<p>SYNOPSIS: SYNOPSIS/HISTORY AND IMPACT (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):</p> <p>The applicant has submitted a request to allow a reduced side property setback, from 20' to 5' for the property located at 3811 Baler Ln.</p> <p>The applicant would like to place a storage shed within the required setback. The recorded plat requires a rear setback of 20'.</p> <p>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 meet all of the listed criteria.</i></p>		

IMPACT: (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.)
The minimum setbacks are for fire safety between structures.

The following *City of Carlsbad Comprehensive Plan 2040* objectives apply to this request:

Chapter 4: Housing & Neighborhoods

Objectives:

- *To preserve the character, identity, and integrity of established neighborhoods.*

PLANNING STAFF RECOMMENDATION: Based on review of the application materials and other staff comments, the Planning Dept. recommends denial of this request.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: Recommend denial

Utilities Department: Recommend denial

Building Department: No comments.

Fire Department: Recommend denial

Code Enforcement: No comments.

Legal Department: Recommend denial.

Planning Department: Recommend denial

Police Department: No comments

Project Department: No comments

ATTACHMENTS: Application, maps.



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

Application Date: 2/23/24

Fee Paid (\$50.00): pd cash

APPLICANT INFORMATION:
Name: Jin Feng Ye, Address: 3811 Baker Ln
City: Carlsbad, State: Nm, Zip: 88220, Phone: 9173925362, Email: skyeye1818@yahoo.com

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):
NAME, ADDRESS, CITY, STATE, ZIP, PHONE, EMAIL

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

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).

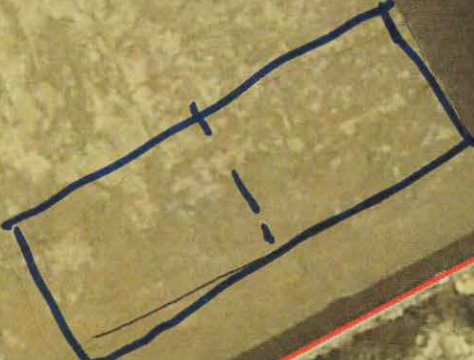
SPECIFY REGULATION AND/OR SUBSECTION:

Baler Lane

3813

3811

3811



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

Zoning Ordinance

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

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

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

Subdivision Regulations

Criteria for Appeals – Sec. 47-7

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

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

FOR OFFICIAL USE ONLY:			
Required prior to P & Z:			
Complete Application Including:	<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"/> ABM	<input type="checkbox"/> Staff Comments	<input type="checkbox"/> Sign Posted
			<input type="checkbox"/> Application Packet
P & Z Action:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Other
			Date: _____

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

2123/24

DATE

Sign issued by: _____
Staff Member

Date: 2/23/2024

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: Jinfeng YE 3811 Baler 917-392-5362
Name Address Phone
Subject Site Location: 3811 Baler

The proposed action is a:

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

Variance/Appeal from Sec. _____ in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

To Chang setback from 20' to 5' rear
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: 4/1/2024

Time: 5:00pm

Place: **City Annex Planning Room**
114 S. 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

9589 0710 5270 1196 3649 80

U.S. Postal Service™
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Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Las Cruces, NM 88001

Certified Mail Fee	\$4.40
\$	\$0.00
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
\$	\$5.08
Total Postage and Fees	
\$	\$5.08



02/23/2024

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

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48

For delivery information, visit our website at www.usps.com.
Carlsbad, NM 88220

Certified Mail Fee	\$4.40
\$	\$0.00
Extra Services & Fees (check box, add fee as appropriate)	
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02/23/2024

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CITY OF CARLSBAD

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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

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Scale: 1:600

Variance

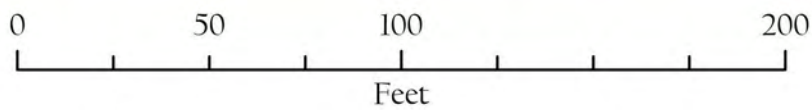
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Map #: 2991_ed01

1 inch = 50 feet

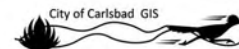
Date: 3/15/2024



- Carlsbad Address
- Parcel
- Roads
- Sewer Main
- Water Main



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 4/1/2024

DEPARTMENT: Planning & Regulation	BY: Jeff Patterson, Planning Director	DATE: 2/29/2024
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SUBJECT: Request for Zone Change from “C-2” Commercial 2 District to “R-1” Residential 1 District for a parcel totaling approximately 0.22 acres for a property located at 708 W. Pierce St., legally described as RIO VISTA AMEND BLKS A & C Lot: 14 Block: C RIO VISTA AMEND BLKS A & C LOT: 14 BLOCK: C LOT 14 BEG NE COR, W 95', S 74.66', E 80.2 S 159.6', E 15', N 234.6' TO POB, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

Applicant/Owner:
 Madison Carlsbad, LLC
 Thomas Lee
 141 Front St. N
 Issaquah, WA 98027

****The applicant provided the required notification to property owners within 100' and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners' 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.***

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

The applicant has submitted a request for Zone Change from “C-2” Commercial 2 District to “R-1” Residential 1 District for a parcel totaling approximately 0.22 acres for a property located at 708 W. Pierce St., legally described as RIO VISTA AMEND BLKS A & C Lot: 14 Block: C RIO VISTA AMEND BLKS A & C LOT: 14 BLOCK: C LOT 14 BEG NE COR, W 95', S 74.66', E 80.2 S 159.6', E 15', N 234.6' TO POB.

The properties to the north, south, & west are zoned “C-2” Commercial 2 District. The properties to the east are zoned “R-1” residential 1 District. This request would not create a spot-zone.

The applicant would like to maintain the residential nature of the property. The current structure at the property is a single family dwelling.

Section 56-40(b) states:

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

The Residential 1 District is intended to accommodate moderate density single-family residential development and to provide land-use protection for areas that develop in such a manner. There shall be a maximum of one primary residence per lot for R-1 Residential District Zoning.

The following *City of Carlsbad Comprehensive Plan 2040* objectives apply to this request:

Chapter 4: Housing & Neighborhoods

Objectives:

- To address the current unmet housing needs for all household income levels in Carlsbad.
- To increase the supply of market rate, workforce, and student rental and owner-occupied housing in Carlsbad.
- To preserve the character, identity, and integrity of established neighborhoods.
- To encourage the on-going maintenance of rental and owner-occupied properties.

According to Zoning Ordinance Sec. 56-150(b)(4). Amendments, Findings Required, a statement of fact regarding each of the following findings is required:

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

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

PLANNING STAFF RECOMMENDATION: Based on review of the application and staff comments, planning staff recommends approval of this request.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: No comment

Utilities Department: No comment

Building Department: No comment

Fire Department: No comment

Police Department: No comment

Code Enforcement: No comment

Legal Department: No comment

Planning Department: Recommend approval

ATTACHMENTS: Application materials, Ordinance.

ORDINANCE NO. 2024-_____

AN ORDINANCE REZONING PART OF “C-2” COMMERCIAL 2 DISTRICT TO “R-1” RESIDENTIAL 1 DISTRICT FOR AN APPROXIMATELY 0.22 ACRE PROPERTY, LOCATED AT 708 WEST PIERCE STREET, LEGALLY DESCRIBED AS RIO VISTA AMEND BLKS A & C Lot: 14 Block: C RIO VISTA AMEND BLKS A & C LOT: 14 BLOCK: C LOT 14 BEG NE COR, W 95', S 74.66', E 80.2 S 159.6', E 15', N 234.6' TO POB; PURSUANT TO SECTION 3-21-1 ET. SEQ. NMSA 1978 AND SECTIONS 56-150(B) AND 56-140(I), CARLSBAD CODE OF ORDINANCES.

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 rezone part of "C-2" Commercial 2 District to "R-1" Residential 1 District, for an approximately 0.22 acre property, located at 708 W. Pierce St., legally described as:

RIO VISTA AMEND BLKS A & C Lot: 14 Block: C RIO VISTA AMEND BLKS A & C LOT: 14 BLOCK: C LOT 14 BEG NE COR, W 95', S 74.66', E 80.2 S 159.6', E 15', N 234.6' TO POB

INTRODUCED, PASSED, ADOPTED AND APPROVED this 14th day of May, 2024.

RICHARD D. LOPEZ, MAYOR

ATTEST:

NADINE MIRELES, CITY CLERK



CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

ZONING CHANGE APPLICATION

Sec. 56-150(b)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

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ADDITIONAL PROCEDURAL REQUIREMENTS FOR ZONING CHANGES:

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



Received
 Rec'd by: JCamp
2/22/2024

CITY OF CARLSBAD

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

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 2/22/2024
 Existing Zoning: C2-Commercial

Fee Paid (\$100.00): JM
 Proposed Zoning: R1-Residential

APPLICANT INFORMATION:				
Thomas Lee		141 Front Street N.		
NAME	ADDRESS			
Issaquah	WA	98027	(425)889-9500	TOM@MDGLLC.NET
CITY	STATE	ZIP	PHONE	EMAIL

PROPERTY OWNER INFORMATION (attach separate sheet for multiple owners):				
Madison Carlsbad LLC		141 Front Street N.		
NAME	ADDRESS			
Issaquah	WA	98027	(425)889-9500	JUDY@MDGLLC.NET
CITY	STATE	ZIP	PHONE	EMAIL
* A signed affidavit from the property owner(s), consenting to submittal of the application, must be included with the application.				

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

708 W. Pierce St.	14	C	Rio Vista Amended
ADDRESS	LOT	BLOCK	SUBDIVISION

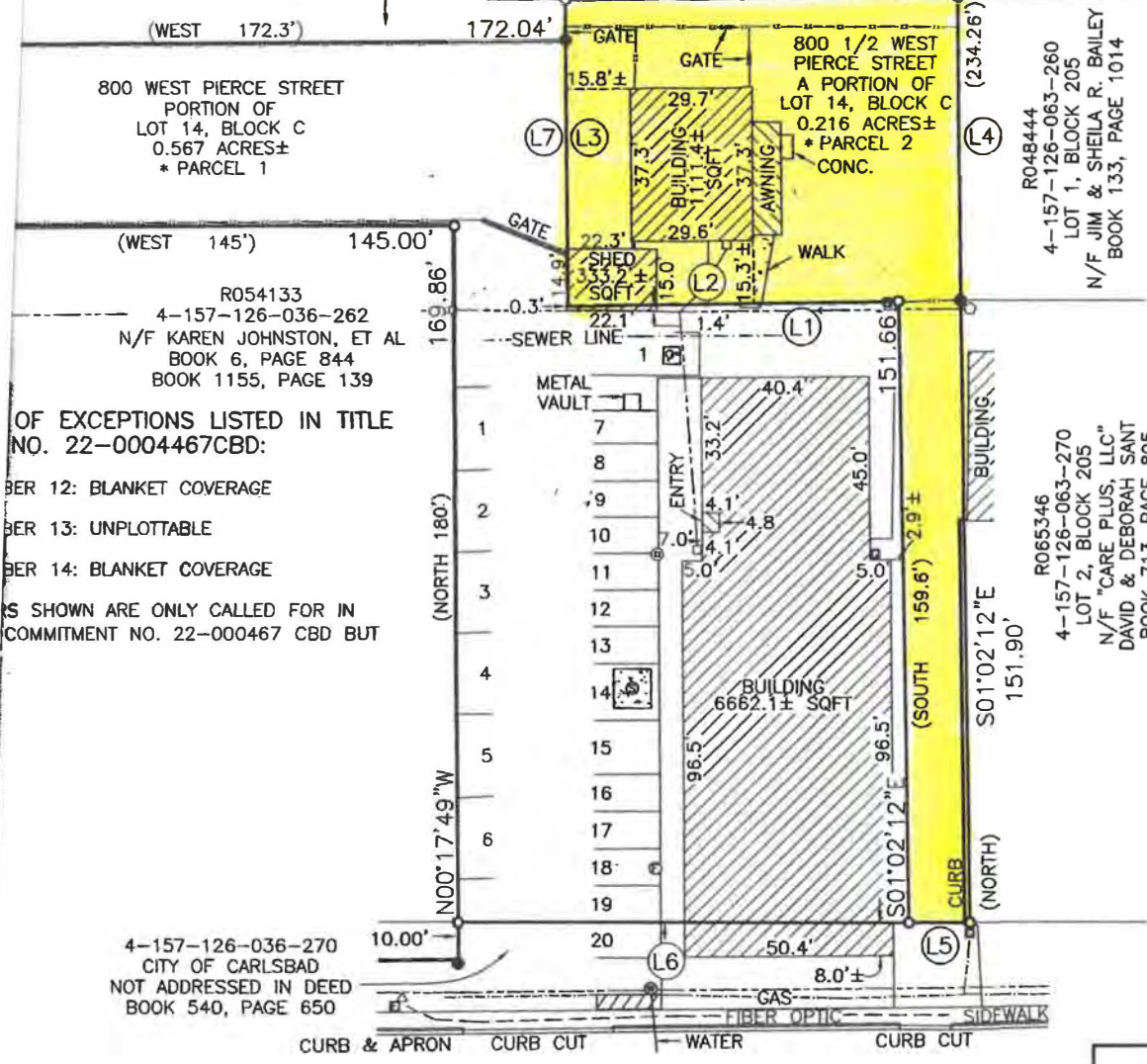
2"E 74.18	
1"W 15.00	(EAST 15')
1"W 110.00	(EAST 110')
13"E 64.95	(SOUTH 64.66')

4-157-126-046-245
N/F CITY OF CARLSBAD
1112 WEST MESA STREET
BOOK 205, PAGE 81

57 WITNE:
COUNTY

R080290
4-157-126-036-256
N/F CITY OF CARLSBAD
1112 WEST MESA STREET
(NORTH 10' OF WEST 172.3')

6.95'
LAKESIDE DRIVE
60' RIGHT OF WAY



800 WEST PIERCE STREET
PORTION OF
LOT 14, BLOCK C
0.567 ACRES±
* PARCEL 1

800 1/2 WEST PIERCE STREET
A PORTION OF
LOT 14, BLOCK C
0.216 ACRES±
* PARCEL 2
CONC.

R054133
4-157-126-036-262
N/F KAREN JOHNSTON, ET AL
BOOK 6, PAGE 844
BOOK 1155, PAGE 139

OF EXCEPTIONS LISTED IN TITLE
NO. 22-0004467CBD:

- BER 12: BLANKET COVERAGE
 - BER 13: UNPLOTTABLE
 - BER 14: BLANKET COVERAGE
- AS SHOWN ARE ONLY CALLED FOR IN
COMMITMENT NO. 22-000467 CBD BUT

4-157-126-036-270
CITY OF CARLSBAD
NOT ADDRESSED IN DEED
BOOK 540, PAGE 650

R048444
4-157-126-063-260
LOT 1, BLOCK 205
N/F JIM & SHEILA R. BAILEY
BOOK 133, PAGE 1014

R065346
4-157-126-063-270
LOT 2, BLOCK 205
N/F "CARE PLUS, LLC"
DAVID & DEBORAH SANT
BOOK 713, PAGE 895

NOTES AND LI

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18. N/F DENO
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20. NOT BEEN SURVEY AT THE TRAC' AREAS ZO FEMA FLO' OF JUNE
21. PARCELS OR GORES
22. THE TRAC' THE LAND & EXCLUSI CLAIMED I

SURVEYOR'S CERTIFICATE:

I, LARRY L. STERLING, A REGISTERED PROFESSIONAL SURVEYOR, DO HEREBY CERTIFY THAT ON JULY 23, 2022, AN ON THE GROUND FIELD SURVEY OF THIS TRACT OF LAND WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I 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 OR EXCEED THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

Larry L. Sterling 11-02-2022
LARRY L. STERLING, PROFESSIONAL SURVEYOR
NEW MEXICO REGISTRATION NO. 11010



ALA LAND
P.O. Box 1
ALAMOGOR
OFFICE • (5
FAX • (575

COUN
RECORD OWNER(S): 4-1
CARI
LOCATION: 800 & 800
ADDITION) CA
T21S, R27E,

REASON FOR THE REQUEST

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

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

FOR OFFICIAL USE ONLY

Required prior to P & Z:

Complete Application Including: Map Fee Letter Notification Sign Agreement

Required prior to City Council:

Council Hearing Date: _____ Publication Date: _____

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

ABM Staff Comments Application Packet Draft Ordinance P&Z Minutes

Council Action: Approved Denied Other Ordinance No.: _____

CITY OF CARLSBAD

AFFIDAVIT BY PROPERTY OWNER(S)

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

APPLICATION TYPE:

- ZONING CHANGE
 CONDITIONAL USE
 VARIANCE
 TEMPORARY USE

STATE OF NEW MEXICO)

COUNTY OF EDDY) SS)

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

ADDRESS OF PROPERTY: 708 W. Pierce St.
STREET ADDRESS

LEGAL DESCRIPTION: Rio Vista C 14
SUBDIVISION BLOCK LOT OR TRACT

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

AGENT: Judy Almli (425) 889-9500
NAME PHONE
141 Front Street N., Issaquah, WA 98027
ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

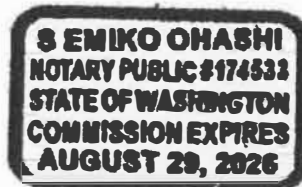
That this application may be approved, approved with conditions or denied and that, as the property owner, it is my responsibility to ensure that any conditions are complied with and to ensure that the property is maintained in a condition so as not to jeopardize the health, safety or welfare of others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

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

OWNER 1:
 BY: [Signature]
SIGNATURE MANAGER
 BY: Thomas Lee for Madison Carlsbad LLC
PRINTED NAME

ACKNOWLEDGED, SUBSCRIBED, AND SWORN
 to before me this 20th day of February,
 20 24, by [Signature]
S EMIKO OHASHI
 Notary Public _____
 My commission expires: August 29, 2026

**(ADDITIONAL OWNERS:
 ATTACH SEPARATE SHEETS
 AS NECESSARY)**



NOTIFICATION SIGN POSTING AGREEMENT

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

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

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



 APPLICANT SIGNATURE

2-20-2024
 DATE

Sign issued by: _____
 Staff Member

Date: 02/20/2024

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:	<u>Madison Carlsbad LLC</u>	<u>141 Front Street N., Issaquah, WA 98027</u>	<u>(425) 889-9500</u>
	<small>Name</small>	<small>Address</small>	<small>Phone</small>

Subject Site Location: 708 W. Pierce St. Carlsbad, NM 88220

The proposed action is a:

Zoning Change from C-2 to R-1 in accordance with Sec. 56-150(b).

Variance/Appeal from Sec. _____ in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

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

Home Occupation: _____

Other Use: _____

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

Date: March 4, 2024

Time: **5:00pm**

Place: **City Annex Planning Room**

114 S. 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

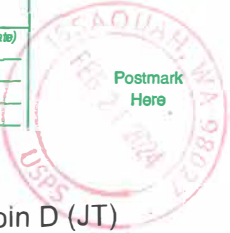
7021 1970 0002 2038 7614

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage \$

Total P \$

Sent To \$

Street a

City, St

Rhodes, Jason N & Robin D (JT)
706 Lakeside Drive
Carlsbad, NM 88220

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 1970 0002 2038 7652

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage \$

Total P \$

Sent To \$

Street

City, State

Care Plus LLC
Sant, David & Deborah
P.O. Box 306
Hagerman, NM 88232

See Reverse for Instructions

7021 1970 0002 2038 7669

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage \$

Total Pos \$

Sent To \$

Street an

City, State

Johnson, Michael A
704 W Pierce St.
Carlsbad, NM 88220

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 1970 0002 2038 7621

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage \$

Total P \$

Sent To \$

Street

City, State

Madison Carlsbad LLC
141 Front St. North
Issaquah, WA 98027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 1970 0002 2038 7638

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage \$

Total P \$

Sent To \$

Street

City, State

Johnston, Karen Et Al (N-JT)
C/O Duff and Phelps
Denny's Inc Rash#200-31-01988
P.O. Box 2626
Addison, TX 75001-2626

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7021 1970 0002 2038 7645

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage \$

Total Pos \$

Sent To \$

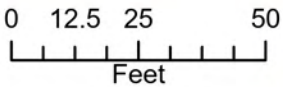
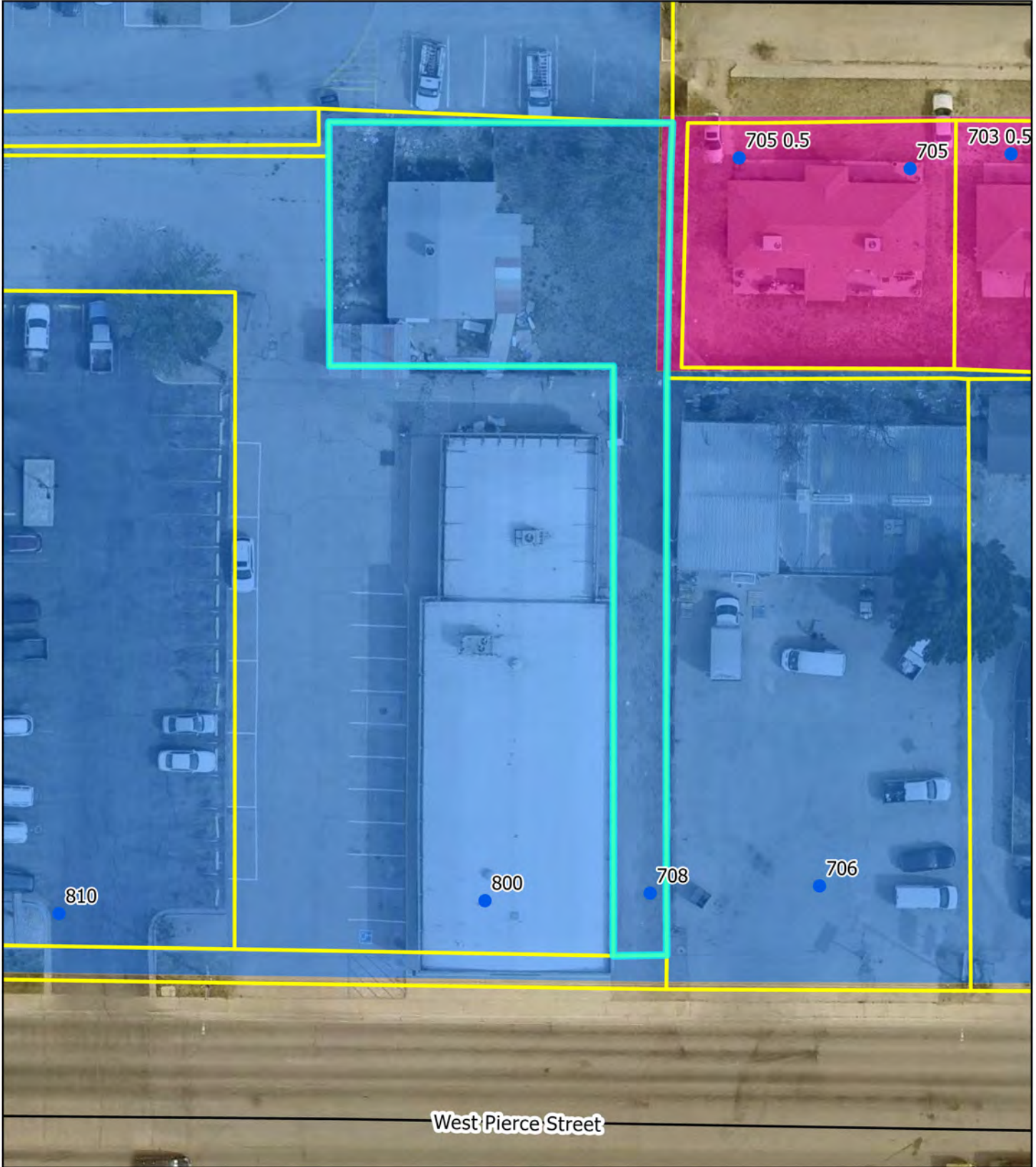
Street an










City, State

Bailey, Jim L & Sheila R
804 Elma Dr
Carlsbad, NM 88220

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

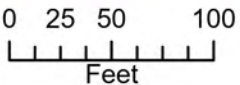
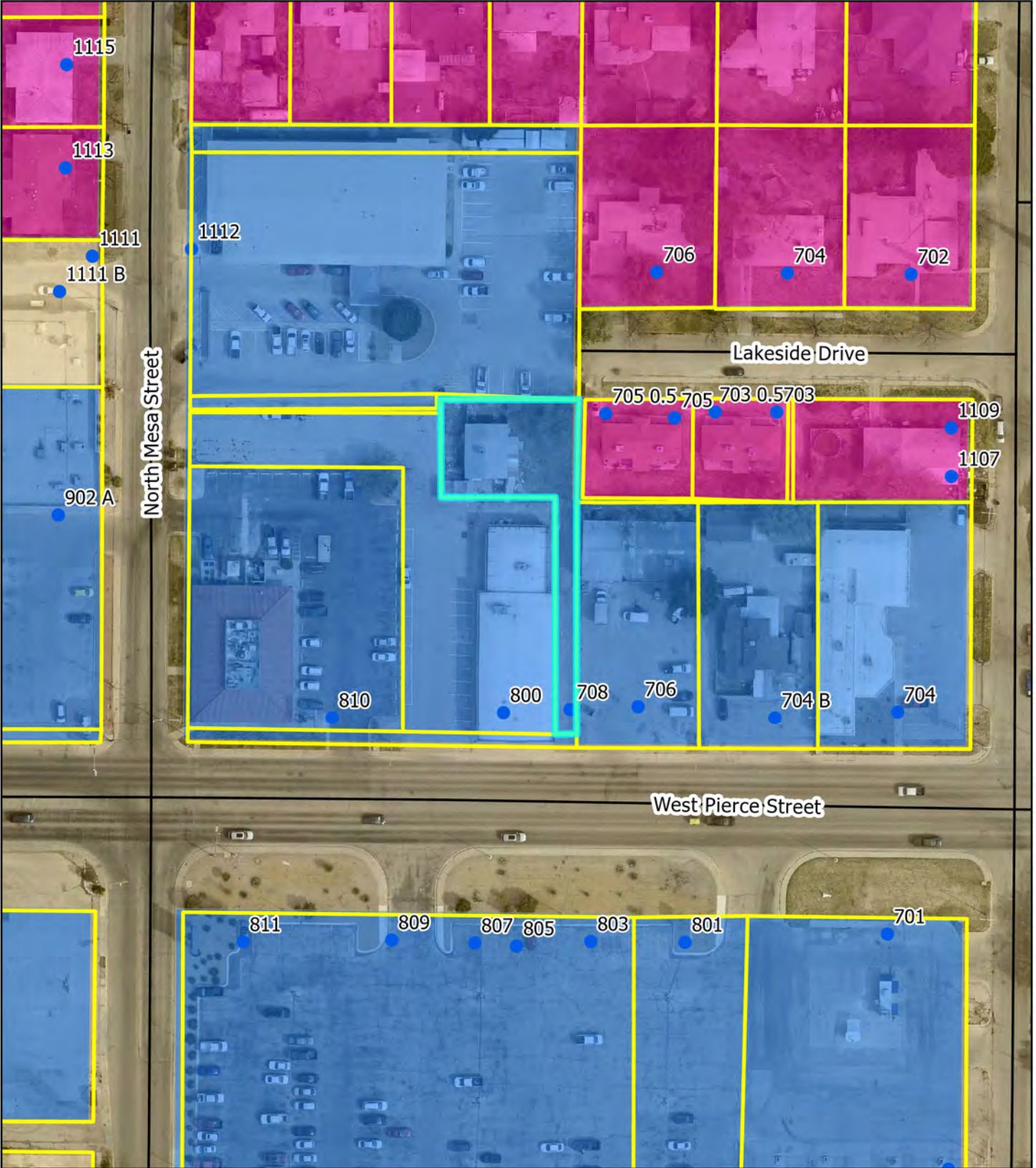
Zone Change - 708 W. Pierce St. - C-2 to R-1



Legend		
 Parcel	 C-2	 R-2
 Roads	 I	 R-R
Zoning	 PUD	
 C-1	 R-1	



Zone Change - 708 W. Pierce St. - C-2 to R-1



Legend

Parcel	C-2	R-2
Roads	PUD	R-R
Zoning	R-1	
C-1	64	



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 4/1/2024

DEPARTMENT: Planning & Regulation	BY: Trysha Ortiz, Deputy Planning Director	DATE: 3/26/2024
--	--	------------------------

SUBJECT: Request for Zone Change from “R-1” Residential 1 District to “C-2” Commercial 2 District for a parcel totaling approximately 3.00 acres for a property located at the southwest corner of the intersection of San Jose Blvd. & Kircher St., legally described as Tract A, San Jose Boulevard Replat Subdivision, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

Applicant/Owner:
 Triple J Rentals, LLC
 Jayden Jenkins
 1610 N. Mesa St.
 Carlsbad, NM 88220

****The applicant provided the required notification to property owners within 100’ and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners’ 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.***

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

The applicant has submitted a request for Zone Change from “R-1” Residential 1 District to “C-2” Commercial 2 District for a parcel totaling approximately 3.00 acres for a property located at the southwest corner of the intersection of San Jose Blvd. & Kircher St., legally described as Tract A, San Jose Boulevard Replat Subdivision

The properties to the north, south, & west are zoned “C-2” Commercial 2 District and “R-1” Residential 1 District. The properties to the east are zoned “R-1” Residential 1 District and “C-1” Commercial 1 District. This request would not create a spot-zone.

Section 56-40(e) states:

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

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

The following *City of Carlsbad Comprehensive Plan 2040* objectives apply to this request:

Chapter 5: Land Use

Objectives:

- *To identify areas of opportunity for infill and redevelopment.*
- *To meet the commercial market demand and needs of existing and future Carlsbad residents.*
- *To identify new growth areas that would be appropriate for new residential and commercial development.*

According to Zoning Ordinance Sec. 56-150(b)(4). Amendments, Findings Required, a statement of fact regarding each of the following findings is required:

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

- (a) The proposed amendment will or will not adversely impact the public health, safety or general ⁶⁶Welfare and will or will not promote the original purposes of the Zoning Ordinance; and
- (b) The proposed amendment responds or does not respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further studies that have been completed since adoption of the Zoning Ordinance; and
- (c) The proposed amendment is or is not necessary in order to respond to State and/or Federal legislation; and
- (d) The proposed amendment provides or does not provide additional flexibility in meeting the objectives of this Zoning Ordinance without lowering the standards of the Zoning Ordinance; and
- (e) The proposed amendment is or is not in substantial compliance with the City's Comprehensive Plan or other City Master Plan; and
- (f) The proposed amendment will or will not adversely affect the implementation of the goals and policies of the City's Comprehensive Plan or other City Master Plan; and
- (g) The proposed amendment is justified in order to correct a mistake in the Official Zoning Map or the text of the Zoning Ordinance; and
- (h) The proposed amendment is justified in order to respond to changes in the City's Comprehensive Plan or other City Master Plan including, but not limited to, changes in land use assumptions, surrounding uses, population forecasts, rates of land consumption, anticipated community needs or other factors.

PLANNING STAFF RECOMMENDATION: Based on review of the application and staff comments, planning staff recommends approval of this request.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: Recommend denial

Utilities Department: Recommend denial

Building Department: No comment

Fire Department: Recommend denial

Police Department: Recommend denial

Code Enforcement: No comment

Legal Department: Recommend denial

Planning Department: Recommend approval

ATTACHMENTS: Application materials, Ordinance.

ORDINANCE NO. 2024-_____

AN ORDINANCE REZONING PART OF “R-1” RESIDENTIAL 1 DISTRICT TO “C-2” COMMERCIAL 2 DISTRICT FOR AN APPROXIMATELY 3.00 ACRE PROPERTY, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SAN JOSE BLVD. & KIRCHER ST., LEGALLY DESCRIBED AS TRACT A, SAN JOSE BOULEVARD REPLAT SUBDIVISION; 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 rezone part of "R-1" Residential 1 District to "C-2" Commercial 2 District, for an approximately 3.00 acre property, located at the southwest corner of the intersection of San Jose Blvd. & Kircher St., legally described as:

TRACT A, SAN JOSE BOULEVARD REPLAT SUBDIVISION

INTRODUCED, PASSED, ADOPTED AND APPROVED this 14th day of May, 2024.

RICHARD D. LOPEZ, MAYOR

ATTEST:

NADINE MIRELES, CITY CLERK



CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 2/26/24
Existing Zoning: R-1

Fee Paid (\$100.00): Cash
Proposed Zoning: C-2

APPLICANT INFORMATION:

<u>Jayden Jenkins</u>		<u>1610 N. Mesa Street</u>		
NAME	ADDRESS			
<u>Carlsbad</u>	<u>NM</u>	<u>88220</u>	<u>575-302-8731</u>	<u>triple rentals llc@gmail.com</u>
CITY	STATE	ZIP	PHONE	EMAIL

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

<u>Jayden Jenkins (Triple J Rentals LLC)</u>		<u>1610 N. Mesa Street</u>		
NAME	ADDRESS			
<u>Carlsbad</u>	<u>NM</u>	<u>88220</u>	<u>575-302-8731</u>	<u>triple rentals llc@gmail.com</u>
CITY	STATE	ZIP	PHONE	EMAIL

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

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

<u>2921 San Jose Blvd</u>			<u>San Jose Blvd Replat Tract: A</u>
ADDRESS	LOT	BLOCK	SUBDIVISION
	<u>Parcel Number: 4-157-129-246-422</u>		

REASON FOR THE REQUEST

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

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

FOR OFFICIAL USE ONLY:

Required prior to P & Z:

Complete Application Including: Map Fee Letter Notification Sign Agreement

Required prior to City Council:

Council Hearing Date: _____ Publication Date: _____

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

ABM Staff Comments Application Packet Draft Ordinance P&Z Minutes

Council Action: Approved Denied Other Ordinance No.: _____

NOTIFICATION SIGN POSTING AGREEMENT

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

2/26/24

 DATE

Sign issued by: _____
 Staff Member

Date: 2/26/24

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: Jayden Jenkins 1610 N. Mesa St. Carlsbad, NM 575-302-8731
Name Address Phone

Subject Site Location: 2921 San Jose Blvd, Carlsbad, NM 88220

The proposed action is a:

Zoning Change from R1 to C2 in accordance with Sec. 56-150(b).

Variance/Appeal from Sec. _____ in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

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

Home Occupation: _____

Other Use: _____

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

Date: April 1, 2024

Time: 5:00pm

Place: City Annex Planning Room
114 S. 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



CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

ZONING CHANGE APPLICATION

Sec. 56-150(b)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

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

The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and eight (8) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.
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ADDITIONAL PROCEDURAL REQUIREMENTS FOR ZONING CHANGES:

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

Valued Customer of
Pac N Mail
910 W. Pierce St.
Carlsbad, NM 88220
(575)887-6245
Track Your Packages at
WWW.PACMAIL.NET

Shipment
USPS First Class Mail
Ship To:
PROPERTY OWNER
321 MONTCLAIR ST
CARLSBAD, NM 88220-5360
Package ID: 497665 17.00
Tracking #: 9414711206210959875638
Certified [\$8.00]
Return Receipt [\$8.00]
9590940278322234079522

Shipment
USPS First Class Mail
Ship To:
PROPERTY OWNER
12468 FLORA ALBA DR
EL PASO, TX 79928-1720
Package ID: 497666 17.00
Tracking #: 9414711206210959899924
Certified [\$8.00]
Return Receipt

Shipment
USPS First Class Mail
Ship To:
PROPERTY OWNER
325 KIRCHER ST
CARLSBAD, NM 88220-5376
Package ID: 497671 17.00
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Return Receipt [\$8.00]
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Shipment
USPS First Class Mail
Ship To:
PROPERTY OWNER
PO BOX 519
CARLSBAD, NM 88221-0519
Package ID: 497673 17.00
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Certified [\$8.00]
Return Receipt [\$8.00]
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Shipment
USPS First Class Mail
Ship To:
PROPERTY OWNER
1 FLAGG PL
LAFAYETTE, LA 70508-7064
Package ID: 497674 17.00
Tracking #: 9414711206210959888393
Certified [\$8.00]
Return Receipt [\$8.00]
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1.16 TX

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Ship To:
PROPERTY OWNER
400 KIRCHER ST
CARLSBAD, NM 88220-5593
Package ID: 497667 17.00
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Return Receipt [\$8.00]
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Shipment
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Ship To:
PROPERTY OWNER
322 MONTCLAIR ST
CARLSBAD, NM 88220-5359
Package ID: 497669 17.00
Tracking #: 9414711206210959822885
Certified [\$8.00]
Return Receipt [\$8.00]
9590940285993244415237

Shipment
USPS First Class Mail
Ship To:
PROPERTY OWNER
2920 San Jose Blvd
CARLSBAD, NM 88220
Package ID: 497670 17.00
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Certified [\$8.00]
Return Receipt [\$8.00]
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Scale: 1:1,200

Zone Change

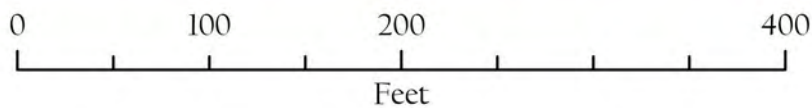
76
Map #: 2992_ed01

1 inch = 100 feet

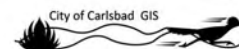
Date: 3/15/2024

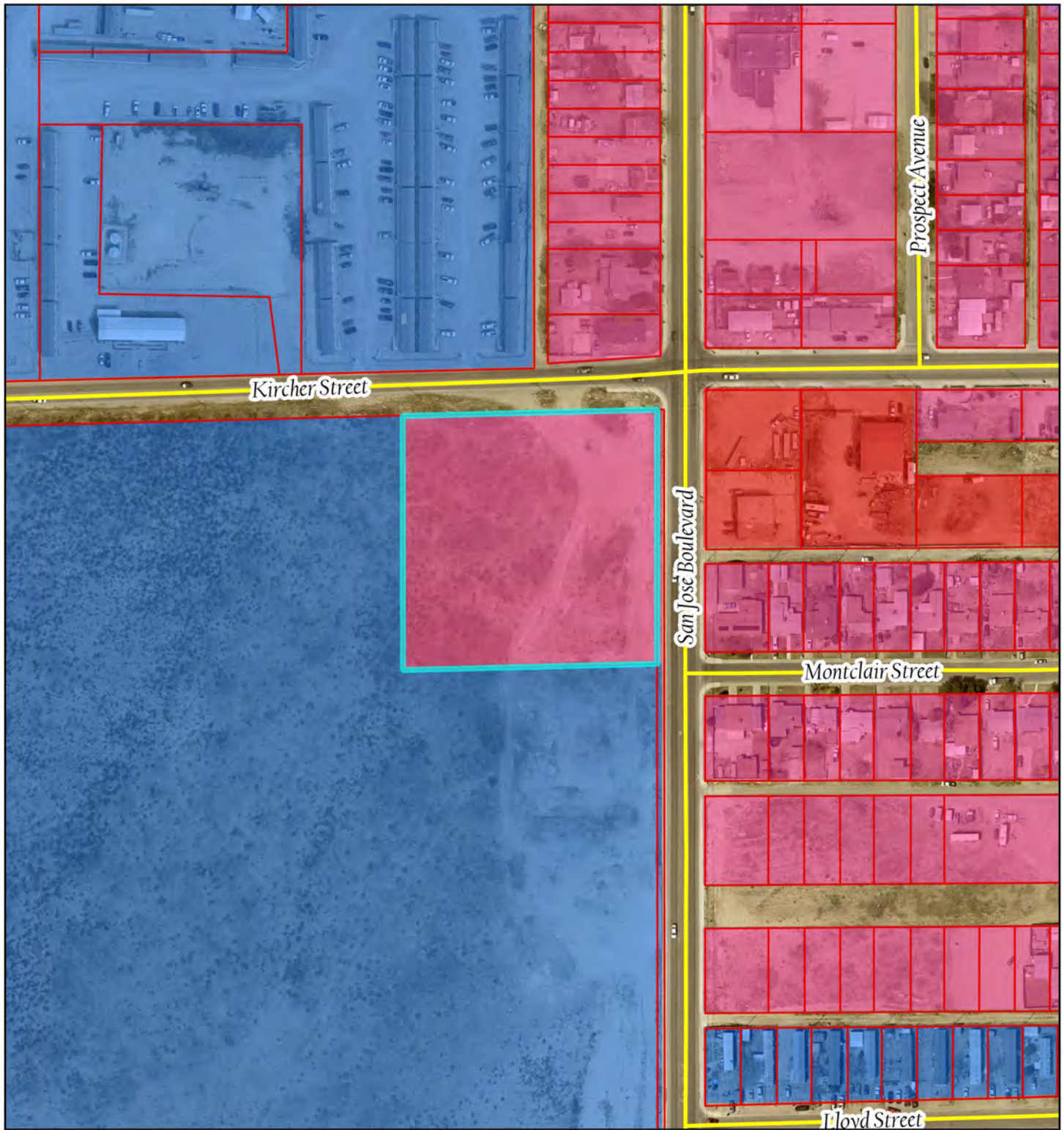


- Parcel
- Roads
- Sewer Main
- Fire Hydrant Line
- Water Main
- Transmission

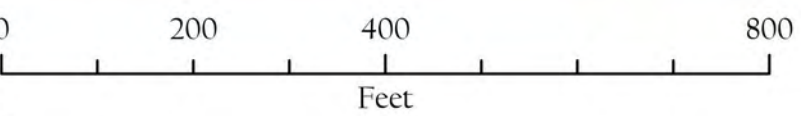


IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.





- Parcel
- C-2
- R-1
- C-1
- Roads



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



CITY OF CARLSBAD
AGENDA BRIEFING MEMORANDUM
PLANNING AND ZONING COMMISSION

Meeting Date: 4/1/2024

DEPARTMENT: Planning & Regulation	BY: Trysha Ortiz, Deputy Planning Director	DATE: 2/29/2024
--	--	------------------------

SUBJECT: Request for Zone Change from “R-1” Residential 1 District to “R-2” Residential 2 District for a parcel totaling approximately 0.28 acres for a property located north of 3309 Prospect Ave., legally described as Lot 7, Block 1, Elliott Subdivision, pursuant to Section 3-21-1 et. Seq. NMSA 1978 and Sections 56-150(b) and 56-140(i), Carlsbad Code of Ordinances.

Applicant/Owner:
 Joel Tchafack
 402 Juanita St.
 Carlsbad, NM 88220

****The applicant provided the required notification to property owners within 100’ and agreed to post the required sign 5-days prior to the public hearing as required by Sec. 56-140(i). The City will notify the property owners’ 15-days prior to the City Council hearing and publish notification in the newspaper 30-days prior to said hearing.***

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

The applicant has submitted a request for Zone Change from “R-1” Residential 1 District to “R-2” Residential 2 District for a parcel totaling approximately 0.28 acres for a property located north of 3309 Prospect Ave., legally described as Lot 7, Block 1, Elliott Subdivision

The properties to the north, south, & east are zoned “R-1” Residential 1 District. The properties to the west are zoned “R-1” residential 1 District and “C-1” Commercial 1 District. This request would create a spot-zone.

Section 56-40(c) states:

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

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

The following *City of Carlsbad Comprehensive Plan 2040* objectives apply to this request:

Chapter 4: Housing & Neighborhoods

Objectives:

- *To address the current unmet housing needs for all household income levels in Carlsbad.*
- *To increase the supply of market rate, workforce, and student rental and owner-occupied housing in Carlsbad.*

According to Zoning Ordinance Sec. 56-150(b)(4). Amendments, Findings Required, a statement of fact regarding each of the following findings is required:

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

- (a) The proposed amendment will or will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance; and
- (b) The proposed amendment responds or does not respond to changed conditions, such as changes in public capital investments, road locations or functional classification, population trends, density, use or further

studies that have been completed since adoption of the Zoning Ordinance; and

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

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

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

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

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

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

PLANNING STAFF RECOMMENDATION: Based on review of the application and staff comments, planning staff recommends denial of this request.

DEPARTMENT RECOMMENDATION (please check):

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

DEPARTMENT COMMENTS:

Public Works: Recommend denial

Utilities Department: No comment

Building Department: No comment

Fire Department: Recommend denial

Police Department: Recommend denial

Code Enforcement: No comment

Legal Department: Recommend denial

Planning Department: Recommend denial

ATTACHMENTS: Application materials, Ordinance.

ORDINANCE NO. 2024-_____

AN ORDINANCE REZONING PART OF “R-1” RESIDENTIAL 1 DISTRICT TO “R-2” RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.28 ACRE PROPERTY, LOCATED NORTH OF 3309 PROSPECT AVENUE, LEGALLY DESCRIBED AS LOT 7, BLOCK 1, ELLIOTT SUBDIVISION; 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 rezone part of " R-1" Residential 1 District to "R-2" Residential 2 District, for an approximately 0.28 acre property, located north of 3309 Prospect Avenue, legally described as:

LOT 7, BLOCK 1, ELLIOTT SUBDIVISION

INTRODUCED, PASSED, ADOPTED AND APPROVED this 14th day of May, 2024.

RICHARD D. LOPEZ, MAYOR

ATTEST:

NADINE MIRELES, CITY CLERK



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

ZONING CHANGE APPLICATION

Sec. 56-150(b)

Application Date: 3/7/24
Existing Zoning: R1

Fee Paid (\$100.00): pd Cash
Proposed Zoning: R2

APPLICANT INFORMATION:

<u>Joel Tchafack</u>		<u>3309 prospect st</u>		
NAME		ADDRESS		
<u>Carlsbad</u>	<u>NM</u>	<u>88220</u>	<u>3013313718</u>	<u>Ktchafack@yahoo.com</u>
CITY	STATE	ZIP	PHONE	EMAIL

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

<u>Joel Tchafack</u>		<u>402 Juanita st</u>		
NAME		ADDRESS		
<u>Carlsbad</u>	<u>NM</u>	<u>88220</u>	<u>3013313718</u>	<u>Ktchafack@yahoo.com</u>
CITY	STATE	ZIP	PHONE	EMAIL

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

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

ADDRESS	LOT	BLOCK	SUBDIVISION
---------	-----	-------	-------------

REASON FOR THE REQUEST

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

- The proposed amendment will not adversely impact the public health, safety or general welfare and will or will not promote the original purposes of the Zoning Ordinance.
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FOR OFFICIAL USE ONLY:

Required prior to P & Z:

Complete Application Including: Map Fee Letter Notification Sign Agreement

Required prior to City Council:

Council Hearing Date: _____ Publication Date: _____

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

ABM Staff Comments Application Packet Draft Ordinance P&Z Minutes

Council Action: Approved Denied Other Ordinance No.: _____

CITY OF CARLSBAD

AFFIDAVIT BY PROPERTY OWNER(S)

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

APPLICATION TYPE:

[X] ZONING CHANGE [] CONDITIONAL USE [] VARIANCE [] TEMPORARY USE

STATE OF NEW MEXICO)
COUNTY OF EDDY) SS

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

ADDRESS OF PROPERTY: 3307 prospect st, Carlsbad NM
STREET ADDRESS

LEGAL DESSCRPTION: SUBDIVISION BLOCK LOT OR TRACT

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

AGENT: NAME PHONE ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

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

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

OWNER 1:

BY: SIGNATURE

BY: PRINTED NAME

ACKNOWLEDGED, SUBSCRIBED, AND SWORN

to before me this day of 20, by

Notary Public

My commission expires:

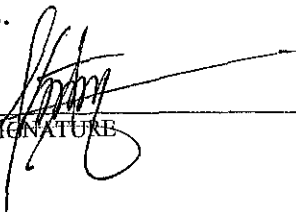
(ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY)

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 APPLICANT SIGNATURE

3/9/24

 DATE

Sign issued by: _____
 Staff Member

Date: _____

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Applicant: Joel Tchapak 402 Juanita St, Carlsbad NM
Name Address Phone

Subject Site Location: 3307 prospect st Carlsbad

The proposed action is a:

Zoning Change from R to R2 in accordance with Sec. 56-150(b).

Variance/Appeal from Sec. _____ in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

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

Home Occupation: _____

Other Use: _____

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

Date: 04/01/2024

Time: 5:00pm

Place: **City Annex Planning Room
114 S. 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

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CITY OF CARLSBAD

Planning, Engineering, and Regulation Department

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

ZONING CHANGE APPLICATION

Sec. 56-150(b)

PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

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9589 0710 5270 0606 5666 86

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.
Carlsbad, NM 88220

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.68
Total Postage and Fees	\$5.08



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

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0606 5666 93

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.
Midland, TX 79705

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
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9589 0710 5270 0606 5667 09

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

88

For delivery information, visit our website at www.usps.com®.
Carlsbad, NM 88220

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.68
Total Postage and Fees	\$5.08



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Carlsbad, NM 88220

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.68
Total Postage and Fees	\$5.08



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

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 0606 5666 62

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.
Carlsbad, NM 88220

Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$0.68
Total Postage and Fees	\$5.08



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

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

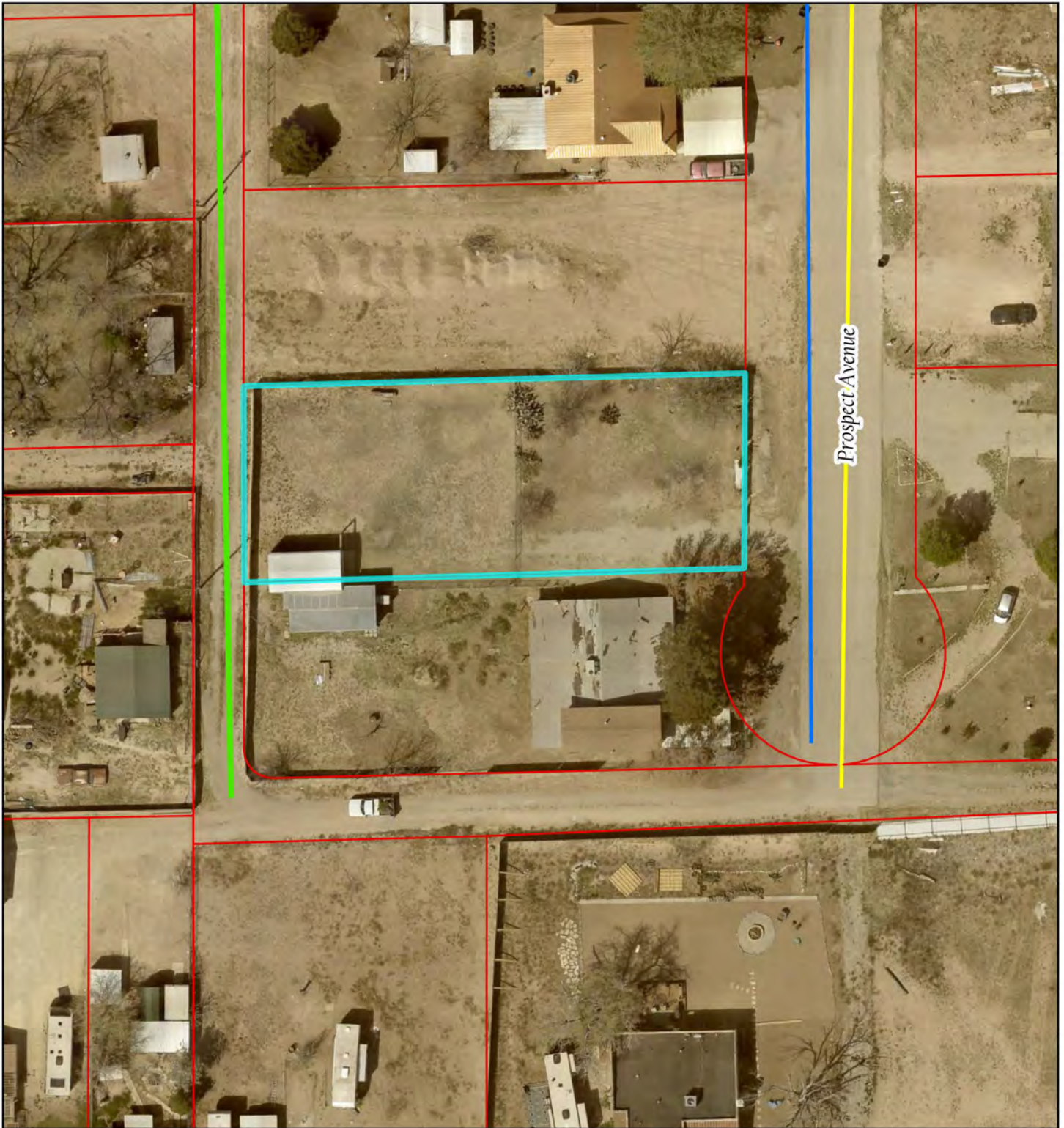
Scale: 1:600

Zone Change

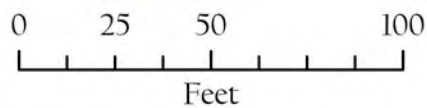
89
Map #: 2994_ed01

1 inch = 50 feet

Date: 3/15/2024



- Parcel
- Roads
- Sewer Main
- Water Main



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



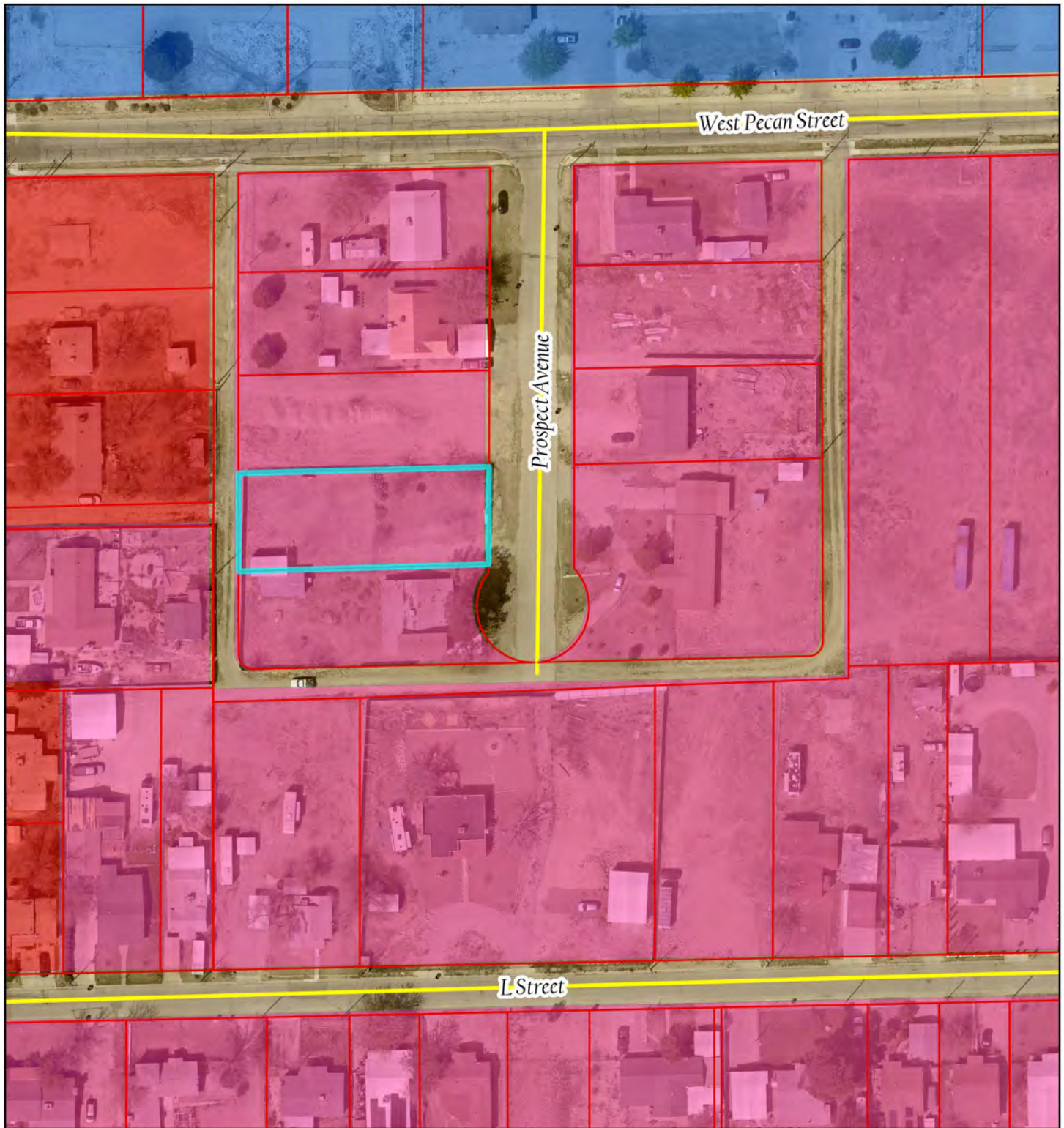
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Zone Change

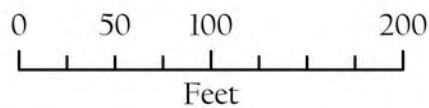
90
Map #: 2994_ed02

1 inch = 100 feet

Date: 3/15/2024



- Parcel
- C-2
- R-1
- C-1
- Roads



IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.

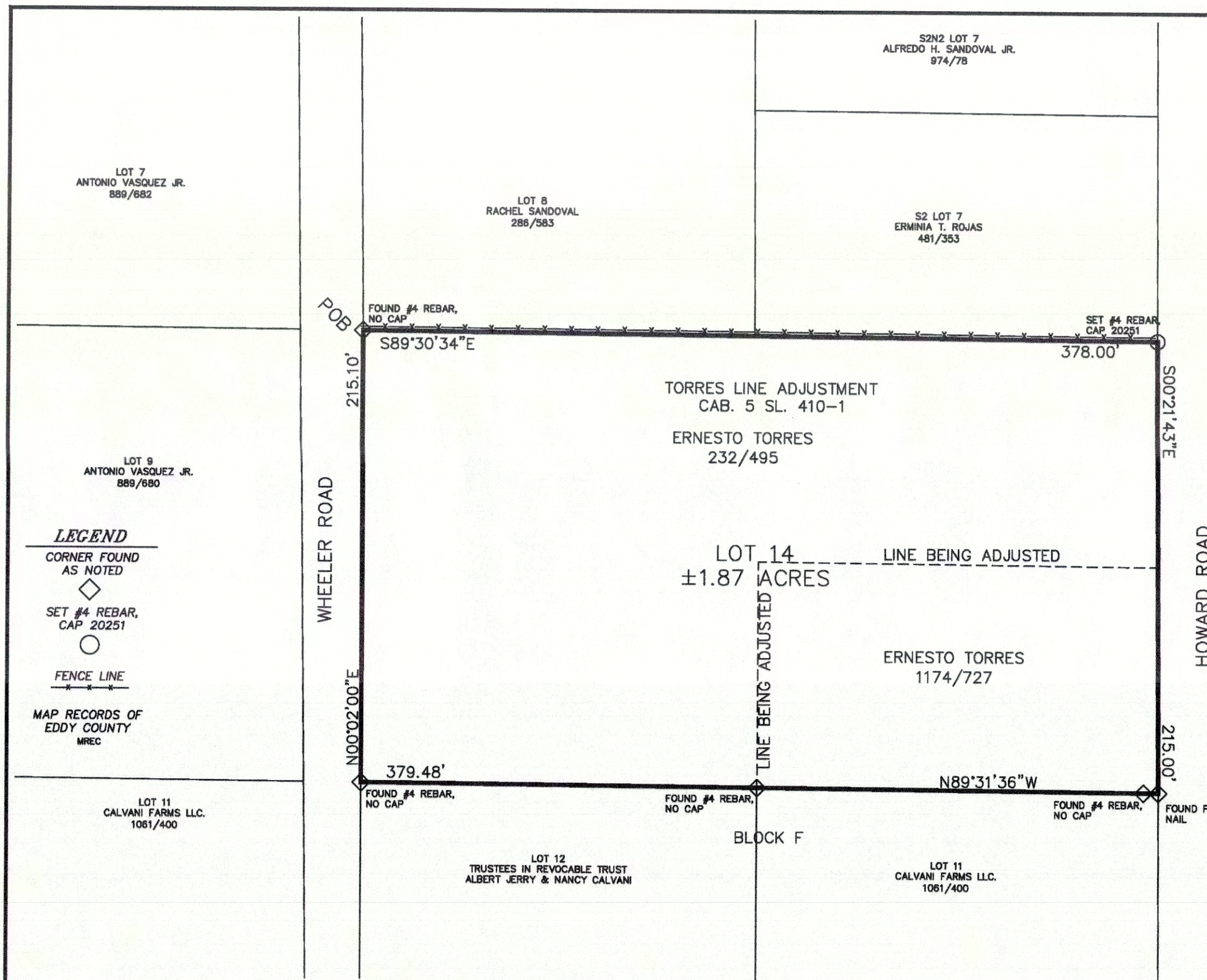


Agenda Item #11: Report Regarding Plats Approved Through Summary Review Process

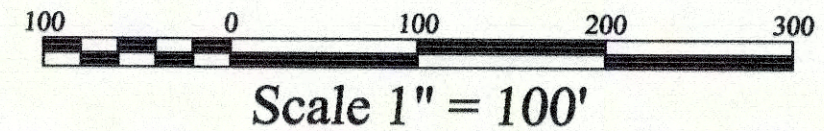
TORRES LINE ADJUSTMENT #2

A SURVEY OF LOT 9, BLOCK F OF LIVINGSTON AND WHEELER SECOND SUBDIVISION (CABINET 2 SLIDE 42-1 MREC), LOT 13, BLOCK 13, TORRES LINE ADJUSTMENT, (CABINET 5 SLIDE 410-1 MREC), LOCATED IN THE SW4 OF SECTION 16, TOWNSHIP 22 SOUTH, RANGE 27 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO, IN WHICH THE NORTH LINE AND WEST LINE OF LOT 9 IS BEING REMOVED, AND LOT 14 IS BEING CREATED, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 8 OF SAID BLOCK F; THEN S89°30'34"E ALONG THE SOUTH LINE OF LOT 8 AND LOT 7, FOR 378.00 FEET, TO THE WEST R.O.W. OF HOWARD ROAD; THEN S00°21'43"E, ALONG THE WEST R.O.W. OF HOWARD ROAD, FOR 215.00 FEET; THEN N89°31'36"W ALONG THE NORTH LINE OF LOT 11 AND LOT 12, FOR 379.48 FEET; THEN N00°02'00"E, ALONG THE EAST R.O.W. OF WHEELER STREET, FOR 215.10 FEET, TO THE POINT OF BEGINNING, CONTAINING ±1.87 ACRES, MORE OR LESS AND SUBJECT TO ALL PERTAINING EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.



LEGEND
CORNER FOUND AS NOTED
SET #4 REBAR, CAP 20251
FENCE LINE
MAP RECORDS OF EDDY COUNTY MREC



Ernesto Torres
ERNESTO TORRES
2401 HOWARD ROAD
CARLSBAD, NM 88220

STATE OF New Mexico : SS
COUNTY OF Eddy : SS
THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE: AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:
EDDY COUNTY AND CARLSBAD PLATTING AND PLANNING AREA
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED
ACKNOWLEDGEMENT:
ON THIS 14th DAY OF March, 2024, BEFORE ME PERSONALLY
APPEARED ERNESTO TORRES, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY, MONTH AND YEAR LAST ABOVE WRITTEN.
Brandye Pyeatt
BRANDYE PYEATT
NOTARY PUBLIC

BRANDYE PYEATT
Notary Public
State of New Mexico
Comm. # 2000401
My Comm. Exp. Aug 24, 2027

- NOTES AND OBSERVATIONS:**
1. WATER, AND ELECTRIC ARE IN THE STREET AT THE FRONT OF THE PROPERTY. SEWER IS SEPTIC TANK SYSTEM.
 3. THE ROADS HAVE CHIP AND SEAL IN THE ROADWAYS.
 5. THE SUBJECT PROPERTY LIES IN EDDY COUNTY.
 6. LOTS SIZES ARE:
1 LOT-±1.87 ACRES
 7. THE SUBJECT PROPERTY LIES IN FLOOD PLANE "X", WHERE AREAS ARE DETERMINED TO LIE OUTSIDE THE 0.20% CHANCE ANNUAL FLOODPLAIN, ACCORDING TO THE FIRM 35015C1065 D, WITH AN EFFECTIVE DATE OF JUNE 4, 2010.

- 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. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT AND DISTANCES ARE SURFACE DISTANCES.
 3. ALL MEASUREMENTS WERE MADE ON JANUARY 12, 2024

APPROVAL BY THE CITY PLANNING AND ZONING COMMISSION
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN INSPECTED AND APPROVED BY THE PLANNING AND ZONING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO ON

THIS 21st DAY OF March, 2024
Melvin R. Pyeatt, Jr.
COMMISSION DESIGNEE

THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 DEFINITIONS; THE DIVISION OF LAND RESULTING ONLY IN THE ALTERATION OF PARCEL BOUNDARIES, AND THE NUMBER OF PARCELS IS NOT INCREASED.

ENTITLEMENT EXEMPTION FILED ON
THIS DAY _____, DAY OF _____, 20____, A.D.
IN BOOK _____, PAGE _____, OF THE EDDY COUNTY RECORDS
APPROVED AND ACCEPTED BY THE EDDY COUNTY BOARD OF COMMISSIONERS OR AGENT
THIS _____ DAY OF _____, 20____
BY: _____
AGENT
ATTEST: _____
COUNTY CLERK



R&R SURVEYING LLC
A LAND SURVEYING COMPANY
SERVING CARLSBAD AREA FOR 20+ YEARS
423 W. GREEN ST. CARLSBAD, NM 88220
INDEXING INFORMATION FOR COUNTY CLERK
SECTION 16 TOWNSHIP 22 SOUTH RANGE 27 EAST N.M.P.M.
OWNER: ERNESTO TORRES
AREA: ±1.87 ACRES
DATE: FEBRUARY 9, 2024
SUBDIVISION SEE LEGAL DESCRIPTION
Melvin R. Pyeatt, Jr.
I, MELVIN R. PYEATT, JR., NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR NO. 20251, CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS PLAT IS AN EXEMPTION SURVEY PLAT AS DEFINED BY THE NEW MEXICO SUBDIVISION ACT OF AN EXISTING TRACT(S) OF LAND. MELVIN R. PYEATT, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 88220, CERTIFICATE NO. 20251, TELE. 575-885-6867, FAX 575-885-6867

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

SIBLEY TRACTS 2

A LINE ADJUSTMENT TO TRACTS 1 & 2 OF SIBLEY TRACTS, RECORDED IN MAP CABINET 3, SLIDE 131-1 OF THE MAPPING RECORDS OF EDDY COUNTY, NEW MEXICO; IN WHICH TRACTS 1A & 2A ARE BEING CREATED AND FURTHER DESCRIBED AS FOLLOWS:

THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 22 SOUTH, RANGE 27 EAST, N.M.P.M., EDDY COUNTY, NEW MEXICO, IN WHICH TRACT 2A IS FURTHER DESCRIBED AS FOLLOWS: BEGINNING AT POINT THE LIES S20°01'52"W 1788.42' FROM THE NORTHEAST CORNER OF SECTION 14; THEN S68°45'47"E, FOR 300.84'; THEN S29°07'04"W, FOR 279.22'; THEN S50°37'25"W, FOR 41.58'; THEN N59°52'44"W, FOR 278.62'; THEN N44°20'58"W, FOR 241.37'; THEN N12°10'34"W, FOR 149.40'; THEN THRU A RIGHT HAND CURVE 76.14' HAVING A RADIUS OF 102.17', WITH A CHORD THAT BEAR N89°47'20"E FOR 74.39'; THEN S67°27'28"E, FOR 207.25', BACK TO THE POINT OF BEGINNING. CONTAINING 3.26 ACRES, MORE OR LESS.

THIS PLAT IS SUBJECT TO ALL PERTAINING EASEMENTS OF RECORD.

William Casey Sibley
WILLIAM CASEY SIBLEY

OWNERS STATEMENT AND AFFIDAVIT

STATE OF New Mexico

COUNTY OF Eddy

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

CITY OF CARLSBAD PLANNING AND PLATTING AREA & EDDY COUNTY
SUBSCRIBED, SWORN TO AND ACKNOWLEDGED

ACKNOWLEDGEMENT:
ON THIS 5 DAY OF March, 2024, BEFORE ME PERSONALLY

APPEARED William Casey Sibley KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY, MONTH AND YEAR LAST ABOVE WRITTEN.

Kathy M. Jones
NOTARY PUBLIC

STATE OF NEW MEXICO
NOTARY PUBLIC
KATHY M. JONES
ID# 1080158
EXP 03-12-2024

APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN INSPECTED AND APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO ON

THIS 7th DAY OF March, 2024

Myra Potts
COMMISSION DESIGNEE

R&R SURVEYING LLC

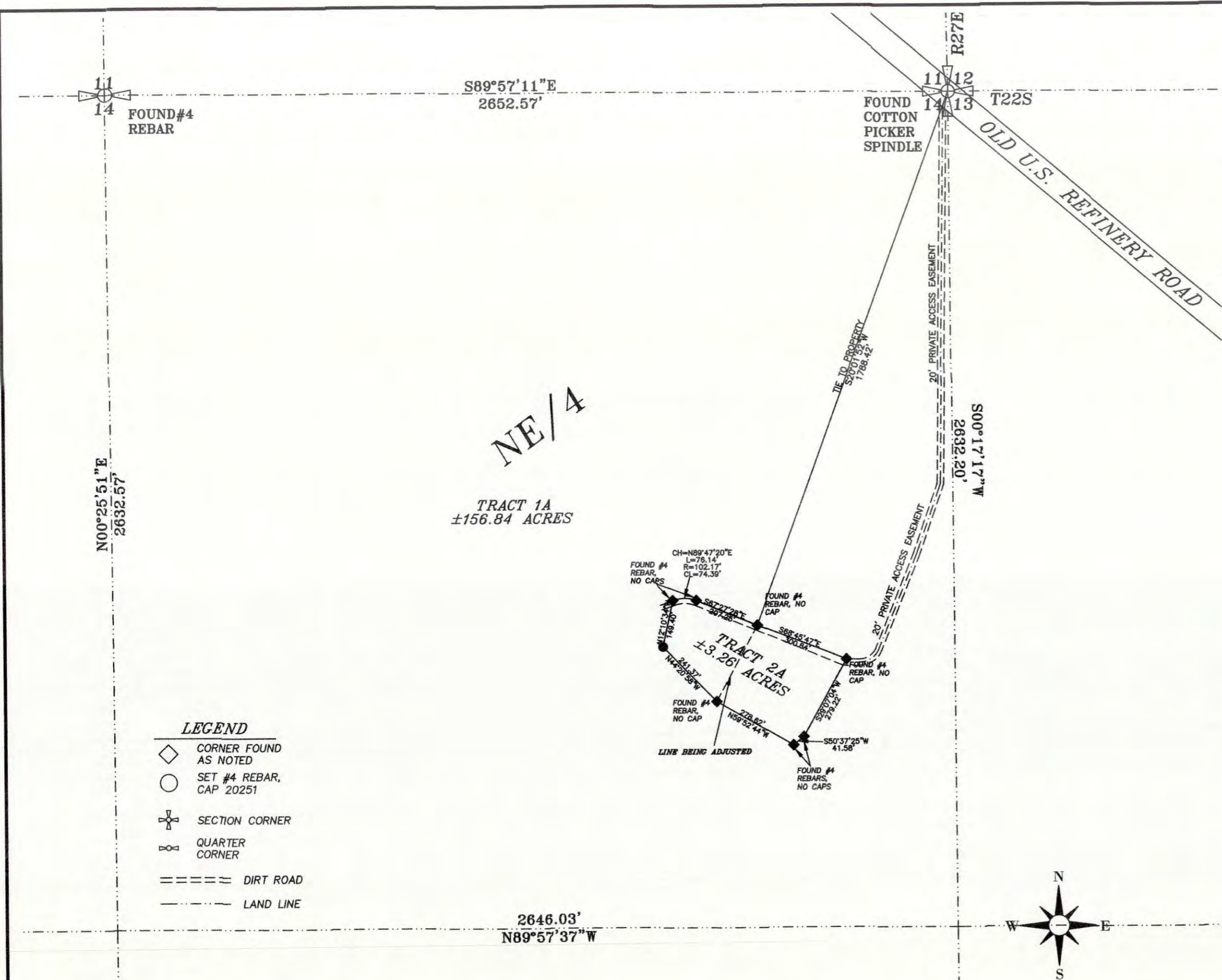
A LAND SURVEYING COMPANY
SERVING CARLSBAD AREA FOR 20+ YEARS

INDEXING INFORMATION FOR COUNTY CLERK
SECTION 14, TOWNSHIP 22 SOUTH, RANGE 27 EAST, N.M.P.M.
OWNER: WILLIAM CASEY SIBLEY
AREA: 160.00 ACRES, TOGETHER
DATE: JUNE 3, 2020
SUBDIVISION: SEE LEGAL DESCRIPTION



Melvin R. Pyeatt, Jr.
I, MELVIN R. PYEATT, JR., A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT I AM RESPONSIBLE FOR THIS SURVEY, AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.
MELVIN R. PYEATT, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 88220, CERTIFICATE NO. 20251, TELE. 885-6867, FAX 885-6867

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



LEGEND

- ◇ CORNER FOUND AS NOTED
- SET #4 REBAR, CAP 20251
- ⊕ SECTION CORNER
- ⊞ QUARTER CORNER
- ==== DIRT ROAD
- LAND LINE

NOTES AND OBSERVATIONS:

1. THE SUBJECT PROPERTY LIES IN THE CITY OF CARLSBAD PLANNING AND PLATTING AREA AND EDDY COUNTY.
2. EDDY COUNTY HAS NO BUILDING SETBACK REQUIREMENTS.
3. THE ROADS HAVE NO CURB AND GUTTER, AND THERE IS ASPHALT IN THE ROADWAYS. THERE ARE NO SIDEWALKS AROUND THE SUBJECT PROPERTY.
4. WATER IS WELL. SEWER IS SEPTIC. ELECTRIC IS IN U.S. REFINERY ROAD.
5. TRACT SIZES ARE:
1 TRACT-±156.84 ACRES
1 TRACT-±3.26 ACRES
6. THE SUBJECT PROPERTY LIES IN FLOOD PLANE "A", WHERE AREAS ARE DETERMINED TO LIE INSIDE THE 0.10% CHANCE ANNUAL FLOODPLAIN, ACCORDING TO THE FIRM 35015C1075 D, WITH AN EFFECTIVE DATE OF JUNE 4, 2010.

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. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT AND DISTANCES ARE SURFACE DISTANCES.
3. ALL MEASUREMENTS WERE MADE ON JUNE 3, 2020.

THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 M(7) DEFINITIONS; THE DIVISION OF LAND RESULTING ONLY IN THE ALTERATION OF PARCEL BOUNDARIES, AND THE NUMBER OF PARCELS IS NOT INCREASED.

ENTITLEMENT EXEMPTION FILED ON

THIS DAY _____, DAY OF _____, 20____, A.D.
IN BOOK _____, PAGE _____, OF THE EDDY COUNTY RECORDS

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

THIS _____ DAY OF _____, 20____

BY: _____
AGENT

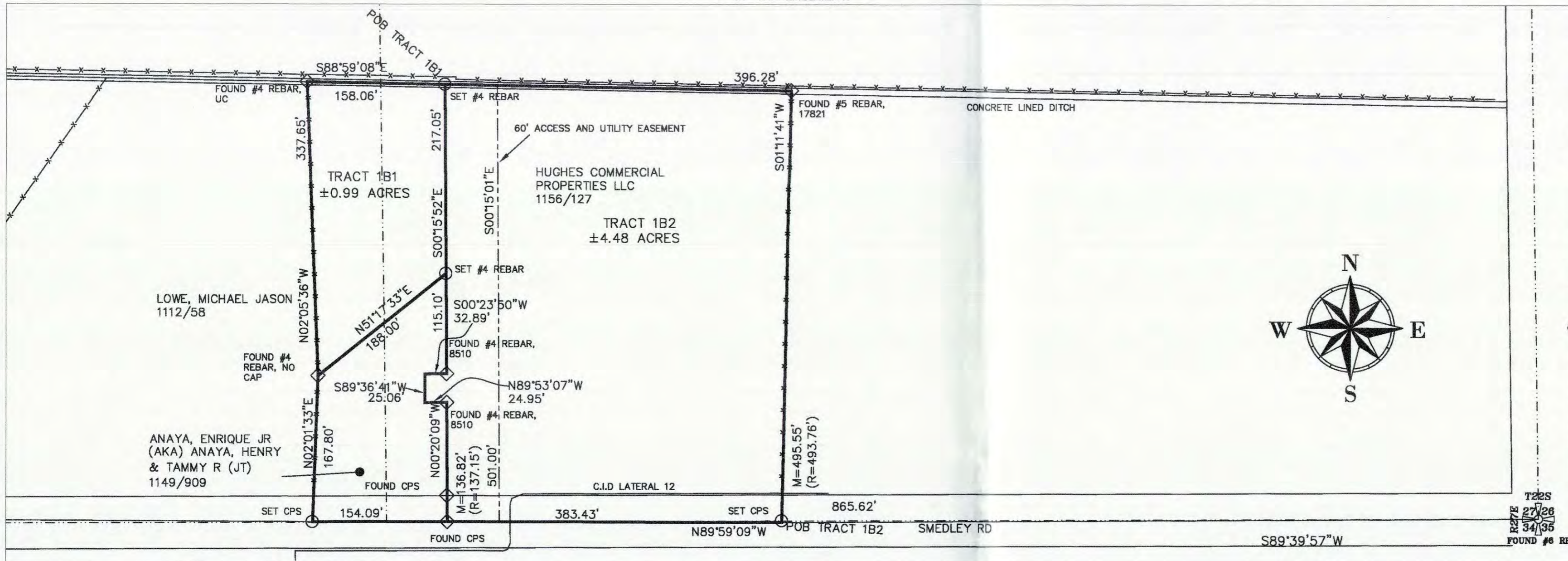
ATTEST: _____
COUNTY CLERK

HUGHES LAND DIVISION REPLAT

A REPLAT OF TRACT 1B OF BECKETT/HUGHES LAND DIVISION, LYING IN THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 27 EAST, N.M.P.M., IN WHICH TRACTS 1B1 AND 1B2 ARE BEING CREATED AND DESCRIBED AS FOLLOWS:

TRACT 1B2 - BEGINNING AT A POINT WEST S89°39'57"W 865.62 FEET FROM THE SOUTHEAST SECTION CORNER OF SECTION 27, TOWNSHIP 22 SOUTH, RANGE 26 EAST, N.M.P.M., TO THE TRUE POINT OF BEGINNING; THEN N89°59'09"W, FOR 383.43 FEET, THEN N00°20'09"W, FOR 136.82 FEET; THEN N89°53'07"W, FOR 24.95 FEET; THEN S89°36'41"W, FOR 25.06 FEET; THEN S00°23'50"W, FOR 32.89 FEET; S00°15'52"E, FOR 332.15 FEET TO THE NORTHWEST CORNER OF TRACT 1B2; THEN S88°59'08"E FOR 396.28 FEET; THEN S01°11'41"W FOR 495.55 FEET BACK TO THE POINT OF BEGINNING.

TRACT 1B1 - BEGINNING AT THE NORTHWEST CORNER OF TRACT 1B2 THEN S00°15'52"E, FOR 217.05 FEET; THE S51°17'33"W, FOR 188.00 FEET; THEN N02°05'36"W, FOR 337.65 FEET; THEN S88°59'08"E, FOR 158.06 FEET BACK TO THE POINT OF BEGINNING. AND TOGETHER WITH 60' ACCESS AND UTILITY EASEMENT LYING TO THE WEST OF THE FOLLOWING DESCRIBED SURVEY LINE: BEGINNING AT A POINT 60 FEET TO THE EAST OF THE NORTHWEST CORNER OF TRACT 1B2; THEN S00°15'01"E, FOR 501.00 FEET TO THE SOUTH END OF THE EASEMENT.



Trey Hughes
HUGHES COMMERCIAL PROPERTIES LLC
TREY HUGHES, MEMBER OF HUGHES COMMERCIAL PROPERTIES LLC
PO BOX 5097
CARLSBAD, NM 88220

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

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED
ACKNOWLEDGEMENT:
ON THIS 15 DAY OF February, 20 24
BEFORE ME PERSONALLY
APPEARED TREY HUGHES, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS THEIR FREE ACT AND DEED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY, MONTH AND YEAR LAST ABOVE WRITTEN.

Monique LeeAnn Vasquez
NOTARY PUBLIC
STATE OF NEW MEXICO
NOTARY PUBLIC
Monique LeeAnn Vasquez
COMMISSION# 1138696
EXPIRES: Sept. 6, 2026



Scale 1" = 100'

LEGEND

CORNER FOUND AS NOTED	FENCE LINE
SET #4 REBAR, CAP 20251	LAND LINE
SECTION CORNER	MEASURED DISTANCE M=12.34'
	RECORDED DISTANCE R=12.34'

- NOTES AND OBSERVATIONS:
1. WATER AND ELECTRIC ARE IN THE STREET AT THE FRONT OF THE PROPERTY, SEWER IS SEPTIC..
 2. THERE ARE NO SIDEWALKS OR CURB AND GUTTER. THERE IS ASPHALT IN THE ROADWAYS.
 3. EDDY COUNTY DOES NOT HAVE ANY SETBACK REQUIREMENTS.
 4. THE SUBJECT PROPERTY LIES IN THE PLATTING JURISDICTION OF EDDY COUNTY AND CARLSBAD PLATTING AND PLANNING AREA.
 5. TRACT SIZES ARE:
1 TRACT-±0.99 ACRES 1 TRACT-±4.48 ACRES
 6. THE SUBJECT PROPERTY LIES IN FLOOD PLANE "X", WHERE AREAS ARE DETERMINED TO LIE OUTSIDE THE 0.20% CHANCE ANNUAL FLOODPLAIN, ACCORDING TO THE FIRM 35015C1325 D, WITH AN EFFECTIVE DATE OF JUNE 4, 2010.

- 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. AREAS AND DISTANCES ARE SURFACE MEASUREMENTS. THE DISTANCES ARE MEASURED IN THE US SURVEY FOOT AND DISTANCES ARE SURFACE DISTANCES.
 3. ALL MEASUREMENTS WERE MADE ON NOVEMBER 29, 2023.

THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 DEFINITIONS; THE SALE, LEASE, OR OTHER CONVEYANCE OF A SINGLE PARCEL FROM A TRACT OF LAND, EXCEPT FROM A TRACT WITHIN A PREVIOUSLY APPROVED SUBDIVISION, WITHIN ANY FIVE (5) YEAR PERIOD; PROVIDED THAT A SECOND OR SUBSEQUENT SALE, LEASE, OR OTHER CONVEYANCE FROM THE SAME TRACT OF LAND WITHIN FIVE (5) YEARS OF THE FIRST SALE, LEASE, OR OTHER CONVEYANCE SHALL BE SUBJECT TO THE PROVISIONS OF THE NEW MEXICO SUBDIVISION ACT.

ENTITLEMENT EXEMPTION FILED ON
THIS DAY _____, DAY OF _____, 20____, A.D.
IN BOOK _____, PAGE _____, OF THE EDDY COUNTY RECORDS
APPROVED AND ACCEPTED BY THE EDDY COUNTY BOARD OF COMMISSIONERS OR AGENT
THIS _____ DAY OF _____, 20____.
BY: _____ AGENT
ATTEST: _____ COUNTY CLERK



APPROVAL BY THE CITY PLANNING AND ZONING COMMISSION
THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN INSPECTED AND APPROVED BY THE PLANNING AND ZONING COMMISSION, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO DURING A REGULARLY SCHEDULED MEETING ON
THIS 7th DAY OF March, 20 24.
Plainsville
COMMISSION DESIGNEE

R&R SURVEYING LLC
A LAND SURVEYING COMPANY
SERVING CARLSBAD AREA FOR 20+ YEARS
423 W. GREEN ST. CARLSBAD, NM 88220

INDEXING INFORMATION FOR COUNTY CLERK
SECTION 27 TOWNSHIP 22 SOUTH RANGE 27 EAST N.M.P.M.
OWNER: HUGHES COMMERCIAL PROPERTIES LLC

AREA: ±5.47 ACRES TOGETHER
DATE: DECEMBER 28, 2023
SUBDIVISION SEE LEGAL DESCRIPTION

Melvin R. Pyeatt, Jr.
I, MELVIN R. PYEATT, JR., NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR NO. 20251, CERTIFY THAT THIS SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS PLAT
IS AN EXEMPTION SURVEY PLAT AS DEFINED BY THE NEW MEXICO SUBDIVISION ACT OF AN EXISTING TRACT(S) OF LAND.
MELVIN R. PYEATT, JR., 423 W. GREENE ST. SUITE 1, CARLSBAD, N.M., 88220, CERTIFICATE NO. 20251, TELE. 575-885-6867, FAX 575-885-6867
STATE OF NEW MEXICO, COUNTY OF EDDY, I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON

Agenda Item #12: Adjourn