

ORDINANCE NO. 2018- 21

AN ORDINANCE REZONING PART OF "C-2"  
COMMERCIAL 2 DISTRICT TO "R-2"  
RESIDENTIAL 2 DISTRICT FOR AN  
APPROXIMATELY 0.17 ACRE PROPERTY,  
LOCATED AT 113 SOUTH GUADALUPE STREET,  
LEGALLY DESCRIBED AS LOT 13, BLOCK 95,  
STEVENS SECOND ADDITION, 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-2" Residential 2 District, for an approximately 0.17 acre property, located at 113 S. Guadalupe  
St., Carlsbad, NM, legally described as:

LOT 13, BLOCK 95, STEVENS SECOND ADDITION

INTRODUCED, PASSED, ADOPTED AND APPROVED this 14th day of August, 2018.

/s/Dale Janway

DALE JANWAY, MAYOR

ATTEST:

/s/Kadee Rodriguez

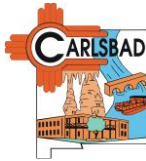
Deputy CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, July 2, 2018, at 5:00 p.m.**

**Meeting Held in the Annex Planning Room  
114 S. Halagueno**



CITY OF CARLSBAD  
CARLSBAD, NEW MEXICO

**PLANNING AND ZONING COMMISSION**

Monday, July 2, 2018 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Planning Room

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held June 4, 2018.
4. Consider recommendation to Council for an Annexation of approximately 5.17 acres located south of 912 Standpipe Rd.
5. Consider recommendation to Council for an Application of "R-R" Rural Residential Zoning for approximately 5.17 acres located south of 912 Standpipe Rd.
6. Consider approval or denial of a Conditional Use Permit for a Communications Tower to be located at 1102 W. Pierce St.
7. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Highway.
8. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 600 Kircher St.
9. Consider recommendation to Council for Temporary Use Permit for Temporary Housing to be located at 712 Kircher St.
10. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 1' at 801 N. Edward St., zoned "R-1" Residential 1 District.
11. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 0' at 1612 Westridge Rd., zoned "R-1" Residential 1 District.
12. Consider recommendation to Council for a Zone Change request for approximately 0.17 acres, located at 113 S. Guadalupe St., "C-2" Commercial 2 District to "R-2" Residential 2 District.
13. Consider recommendation to Council for a Zone Change request for approximately 74.14 acres, located at 3021 San Jose Blvd., "R-1" Residential 1 District to "C-2" Commercial 2 District.
14. Consider recommendation to Council for a Zone Change request for approximately 1.3 acres, located at 2017 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.
15. Report regarding Summary Review Subdivisions.

16. Adjourn.

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.

DRAFT

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, JULY 2, 2018, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

**JAMES KNOTT  
JAMES MCCORMICK  
LASON BARNEY  
BRIGIDO GARCIA  
BRAD NESSER**

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
RON MYERS  
TRYSHA CARRASCO**

**PLANNING DIRECTOR  
DIRECTOR OF UTILITIES  
DEPUTY PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**GEORGE DUNAGAN  
RODYNEY DAVIDSON  
SUSAN M. CRENSHAW  
VICTORIA A. ROMERO  
KERRI DUNAGAN  
WILLIAM WALKER  
AMANDA MASHAW  
TAMMY RUIZ  
RONNIE RUIZ  
BART FRINTZ  
J.R. GARNER  
BRIAN MCGONAGILL  
NIKI LAWSON  
OFFICER C. GARCIA**

**212 W. STEVENS  
1801 CR 395, BROWNFIELD, TX  
609 W. RIVERSIDE  
609 W. RIVERSIDE  
1411 W. ORCHARD LN.  
401 WALKER FARM RD.  
212 W. STEVENS  
801 N. EDWARDS ST.  
801 N. EDWARDS ST.  
301 N. ALAMEDA  
1812 INDIAN RD.  
1612 WESTRIDGE  
212 W. STEVENS  
101 N. HALAGUENO**

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

0:00:00      Start Recording [5:00:37 PM]

0:00:17      **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. Garcia, Mr. Barney, Mr. McCormick, Mr. Knott, Mr. Nesser**; Absent—None.

0:00:44

**2. Approval of Agenda.**

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

0:01:22

**3. Approval of Minutes from Meeting held June 4, 2018.**

**Mr. McCormick** made a motion to approve the Minutes; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.

0:01:54

**4. Consider recommendation to Council for an Annexation of approximately 5.17 acres located south of 912 Standpipe Rd.**

**Mr. Patterson** explained the Annexation of approximately 5.17 acres lying between the current corporate boundary and the new southerly line of Tract 1A, created by the Brian Stevens Line Adjustment Plat, located east of Standpipe Rd. and south of Lea Street. He signed the plat when they were going to move the property line down so it's not complete. **Mr. Frintz** said there's an existing RV Park to the north; the request will extend the north property to the south as phase 2, being that this property is in the county and city. **Mr. Patterson** said planning staff recommends approval based on the following findings as you see on page 12 & 13 on your packet under planning staff recommendation. There was no public comment.

**Mr. Barney** made a motion to recommend for an Annexation, and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; No–None; Abstained– **Mr. Nesser**; Absent–None. The motion carried.

0:09:32

**5. Consider recommendation to Council for an Application of "R-R" Rural Residential Zoning for approximately 5.17 acres located south of 912 Standpipe Rd.**

**Mr. Patterson** explained that they want to change the Zoning, corresponding with the Annexation that was just recommended. Planning staff recommends approval. **Mr. Frintz** said he would like for the board to recommend approval to this request, expanding the property to mirror image to the north of the property. There was no public comment.

**Mr. McCormick** made a motion to recommend approval of the Zone Change, which **Mr. Barney** seconded. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick**; No–None; Abstained– **Mr. Nesser**; Absent–None. The motion carried.

0:11:47

**6. Consider approval or denial of a Conditional Use Permit for a Communications Tower to be located at 1102 W. Pierce St.**

**Mr. Patterson** explained this is a Conditional Use Application for a communications tower at 1102 W. Pierce Street. The applicant plans to install a 60' temporary communications tower. Planning staff recommends approval based on the following condition, if approved the project would require engineered drawings stamped by a NM licensed engineer, showing compliance with not only the Building Code but compliance with all FCC and FAA regulations. **Mr. Davidson** said he would like for the board to recommend approval to this communications tower. There was no public comment.

**Mr. Garcia** made a motion to approve the Conditional Use, and **Mr. Nesser** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.

0:16:48        **7. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Highway.**

**Mr. Knott** said the applicant is not present; this item will be tabled for the next regular scheduled meeting.

**Mr. McCormick** made a motion to table the request for a Temporary Use Permit, and **Mr. Barney** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.

0:18:13        **8. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 600 Kircher St.**

**Mr. Patterson** explained this application is to consider allowing Temporary Housing as a Temporary Use at 600 Kircher Street, legally described as Petroleum Park Unit Three, Lot 16, and Zoned “C-2” Commercial 2 District. He wants to have 54 spaces on this property. Planning staff recommends approval. **Mr. Walker** said he would like for the board to approve this item because oilfield people need somewhere to live. There was no public comment.

**Mr. Nesser** made a motion to recommend approval of a Temporary Use Permit, and **Mr. McCormick** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.

0:21:08        **9. Consider recommendation to Council for Temporary Use Permit for Temporary Housing to be located at 712 Kircher St.**

**Mr. Patterson** explained this is to consider allowing Temporary Housing as a Temporary Use at 712 Kircher Street, legally described as Petroleum Park Unit Three, Lot 14 Zoned “C-2” Commercial 2 District. He would like for Mr. Walker to get with Solid Waste Dept. and find out where the dumpsters are going to be placed. This is an identical request to the previous item, Planning staff recommends approval. **Mr. Walker** said this is the same as the previous item; we just need for the oilfield people a place to live. There was no public comment.

**Mr. Barney** made a motion to approve the Temporary Use Permit. **Mr. Nesser** seconded the motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; **Absent–None**. The motion carried.

0:23:32        **10. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 1' at 801 N. Edward St., zoned "R-1" Residential 1 District.**

**Mr. Patterson** explained this is a request for a Variance the applicant is requesting to reduce the setback to 1' rather than 10'. The applicant plans to install a 50'X24' garage at the rear of the property. This proposed location of the new garage will encroach upon the 10' required setback for a corner lot in ‘R-1’

zoning. The applicant has stated that this reduction is needed in order to make the proposed garage more feasible. **Ms. Ruiz** said she would like for the board to recommend approval for her Variance. **Mr. Patterson** said planning staff does recommend approval. There was no public comment.

**Mr. Garcia** made a motion to approve the Variance, and **Mr. Nesser** seconded that motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.

0:27:04      **11. Consider approval or denial for a Variance request to reduce the required side-yard setback from 10' to 0' at 1612 Westridge Rd., zoned "R-1" Residential 1 District.**

**Mr. Patterson** explained this is a request for Variance the applicant is requesting to reduce the setback to 0' rather than 10' in order to install a RV carport along the west side of the property. The applicant states the carport will be even with the block fence at the property to the north, and that this reduction is needed in order to make the proposed carport more feasible. The Utilities dept. has a concern with the Variance at 1612 Westridge. The water main line is located 4 to 5 feet behind the back of the curb. Having a structure built this close may cause maintenance problems in the future. Planning Department recommends denial. **Mr. McGonagill** said he wasn't aware of the water line there when he moved to the house. **Mr. McGonagill** expressed concern that he was not told of the potential issue before coming before the board. **Mr. Patterson** said the Utilities came to him with the problem. There was no public comment.

**Mr. Nesser** made a motion to approve the Variance, and **Mr. McCormick** seconded that motion. The vote was as follows: **Yes–Mr. McCormick, Mr. Nesser**; No–**Mr. Garcia, Mr. Barney, Mr. Knott**; Abstained–None; Absent–None. The motion was denied.

0:41:43      **12. Consider recommendation to Council for a Zone Change request for approximately 0.17 acres, located at 113 S. Guadalupe St., "C-2" Commercial 2 District to "R-2" Residential 2 District.**

**Mr. Patterson** explained this is a request for Zone Change from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.17 acres, legally described as Lot 13, Block 95, Stevens Second Addition, located at 113 S. Guadalupe St. The properties to the north, east, and west are zoned "C-2" Commercial 2 District. The properties to the south across Fox St. are zoned "R-2" Residential 2 District and "C-1" Commercial 1 District. This zone change would not create a spot zone. **Ms. Dunagan** said she's the realtor and they could not sell the property under C2. **Ms. Crenshaw** said she would like for the board to recommend approval for the Zone Change. **Mr. Patterson** said based on review of the application and staff comments, planning staff recommends approval of this request based on the following findings, which would be on page 123 in your packet. There was no public comment.

**Mr. Barney** made a motion to approve the Zone Change, and **Mr. Garcia** seconded that motion. The vote was as follows: **Yes–Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–None. The motion carried.



0:46:01      **13. Consider recommendation to Council for a Zone Change request for approximately 74.14 acres, located at 3021 San Jose Blvd., "R-1" Residential 1 District to "C-2" Commercial 2 District.**

**Mr. Patterson** mentioned that there would be some corrections to this item. The applicant is requesting a Zoning Change from "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 74.14 acre property located at 3021 San Jose Blvd. (addressed as 3000 San Jose Blvd. in the Assessor's records). The properties to the north are currently zoned "C-2" Commercial 2 District. The properties to the south are zoned "R-R" Rural Residential District and "PUD" Planned Unit Development District. The properties to the east are zoned "R-1" Residential 1 District. The properties to the west are zoned "I" Industrial District. As such, this zone change would not create a spot zone. **Mr. Dunagan** said he would like for the board to recommend approval to this Zone Change. **Mr. Patterson** said planning staff recommends approval of this request based on the following findings, which you can see in your packet on page 138.

**Mr. Garcia** made a motion to approve the Zone Change, and **Mr. Nesser** seconded that motion. The vote was as follows: **Yes—Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser; No—None; Abstained—None; Absent—None.** The motion carried

0:53:11      **14. Consider recommendation to Council for a Zone Change request for approximately 1.3 acres, located at 2017 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.**

**Mr. Patterson** explained the applicant is requesting a Zone Change from "R-R" Rural Residential District to "C-2" Commercial 2 District for a portion of Tract 2, Old Rose Farm #3. This property is approximately 1.3 acres in size and lies on the west side of San Jose Blvd. The properties to the north are currently zoned "R-1" Residential District. The properties to the south, west, and north are all zoned "R-R" Rural Residential District. The property to the east is zoned "C-2" Commercial 2 District. As such, this zone change would not create a spot zone. **Mr. Dunagan** said this would also be the same request as the previous item. **Mr. Patterson** said planning staff recommends approval of this request based on the following findings, you will see in your packet on page 161.

**Mr. Nesser** made a motion to approve the Zone Change, and **Mr. Garcia** seconded that motion. The vote was as follows: **Yes—Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser; No—None; Abstained—None; Absent—None.** The motion carried

0:55:41      **15. Report regarding Summary Review Subdivisions.**

There was brief discussion regarding some of the plats in the report.

1:00:05      **16. Adjourn.**

There being no further business, the meeting was adjourned.

1:00:10      Stop Recording [6:00:34 PM]

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Chairman

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Date

**CITY OF CARLSBAD***Planning, Engineering, and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

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**ZONING CHANGE APPLICATION****Sec. 56-150(b)**

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**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.

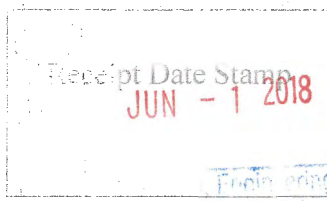
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required 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.

## **ADDITIONAL PROCEDURAL REQUIREMENTS FOR ZONING CHANGES:**

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

**CITY OF CARLSBAD**

*Planning, Engineering, and  
Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

**ZONING CHANGE APPLICATION**

**Sec. 56-150(b)**

Application Date: 6/1/18

Existing Zoning: C-2

Fee Paid (\$100.00): \$100.00

Proposed Zoning: R-2

**APPLICANT INFORMATION:**

Victoria A. Romero 609 W. Riverside Dr.  
NAME ADDRESS

Carlsbad, NM 88220 706-5640 Screens2105@aol.com  
CITY STATE ZIP PHONE EMAIL

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

Frank C. + Victoria A. Romero 609 W. Riverside Dr.  
NAME ADDRESS

Carlsbad, NM 88220 706-5640 Screens2105@aol.com  
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):**

113 S. Guadalupe St. Lot: 13 Block: 95 Stevens 2nd Addition  
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.
- ☐ 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)  
) SS  
COUNTY OF EDDY )

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

ADDRESS OF PROPERTY: \_\_\_\_\_  
STREET ADDRESS

LEGAL DESSCRPTION: \_\_\_\_\_  
SUBDIVISION                      BLOCK                      LOT OR TRACT

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

AGENT: \_\_\_\_\_  
NAME                      PHONE  
\_\_\_\_\_  
ADDRESS

**I (WE) UNDERSTAND, CONCUR AND AFFIRM:**

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

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

**OWNER 1:**

BY: \_\_\_\_\_  
SIGNATURE

BY: \_\_\_\_\_  
PRINTED NAME

**ACKNOWLEDGED, SUBSCRIBED, AND SWORN**

to before me this \_\_\_\_\_ day of \_\_\_\_\_,

20 \_\_\_\_, by \_\_\_\_\_.

Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_

**(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.

Victoria A. Romero  
APPLICANT SIGNATURE

6-1-18  
DATE

Sign issued by: DVP  
Staff Member

Date: 6/1/18

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: Victoria A. Romero / 109 W. Riverside Dr. / (575) 706-5640  
Name Address Phone

Subject Site Location: 113 S. Guadalupe

The proposed action is a:

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

☐ Variance/Appeal from Sec. \_\_\_\_\_ in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

\_\_\_\_\_

\_\_\_\_\_

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

☐ Home Occupation: \_\_\_\_\_

☐ Other Use: \_\_\_\_\_

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

Date: July 2, 2018

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](http://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](mailto:jepatterson@cityofcarlsbadnm.com).

Sincerely,

*Victoria A. Romero*

Applicant/Agent



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Total Postage and Fees \$3.95

Sent To *Uta Romero-Rodriguez, Moma*  
Street and Apt. No., or PO Box No. *1104 S. Guadalupe*  
City, State, ZIP+4® *CARLSBAD, NM 88220*

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Sent To *William Faye Peacock*  
Street and Apt. No., or PO Box No. *601 W. Ural Dr.*  
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Sent To *T. Addy Health Services*  
Street and Apt. No., or PO Box No. *1401 SENTRY Circle*  
City, State, ZIP+4® *CARLSBAD, NM 88220*

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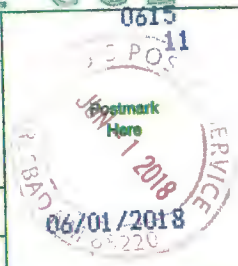
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Sent To *Patricia Angel Rodriguez*  
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Total Postage and Fees \$3.95

Sent To *Robert & Denise Garcia*  
Street and Apt. No., or PO Box No. *P.O. Box 31de*  
City, State, ZIP+4® *CARLSBAD, NM 88220*

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Sent To *Christopher Berni*  
Street and Apt. No., or PO Box No. *112 S. Guadalupe*  
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Postage \$0.50

Total Postage and Fees \$3.95

Sent To Frank + Victoria Romero

Street and Apt. No., or PO Box No. 609 W Riverside

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☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.50

Total Postage and Fees \$3.95

Sent To Daniel N. Rodriguez

Street and Apt. No., or PO Box No. P.O. Box 3191

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☐ Adult Signature Required \$0.00  
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.50

Total Postage and Fees \$3.95

Sent To Christopher + Windy Shelton

Street and Apt. No., or PO Box No. 201 S. Guadalupe St.

City, State, ZIP+4® CARLSBAD, NM 88220

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## Niki Lawson

**From:** Heather R <hnroy@cityofcarlsbadnm.com>  
**Sent:** Friday, June 01, 2018 10:26 AM  
**To:** Niki Lawson  
**Subject:** 113 S Guadalupe St

UPC	Owner Name	Owner Address	City	State	Zip
4-157-127-156-348	BERRY, CHRISTOPHER R	112 S GUADALUPE	CARLSBAD	NM	88220
4-157-127-115-349	GARCIA, ROBERT & DENISE (JT)	PO BOX 366	CARLSBAD	NM	882210366
<del>4-157-127-115-354</del>	<del>GARCIA, ROBERT &amp; DENISE (JT)</del>	<del>PO BOX 366</del>	<del>CARLSBAD</del>	<del>NM</del>	<del>882210366</del>
4-157-127-156-353	MARTINEZ, PATRICIA RODRIGUEZ & RODRIGUEZ, ANGEL C & ZENADA (JT)	512 W FOX	CARLSBAD	NM	88220
4-157-127-115-366	PEACOCK, LILLIAN FAYE REVOCABLE TR	PEACOCK, LILLIAN FAYE TRUSTEE	CARLSBAD	NM	88220
4-157-127-132-339	RODRIGUEZ, DANIEL II	PO BOX 3191	CARLSBAD	NM	882213191
<del>4-157-127-132-344</del>	<del>RODRIGUEZ, DANIEL II</del>	<del>PO BOX 3191</del>	<del>CARLSBAD</del>	<del>NM</del>	<del>882213191</del>
<del>4-157-127-132-346</del>	<del>RODRIGUEZ, DANIEL II</del>	<del>PO BOX 3191</del>	<del>CARLSBAD</del>	<del>NM</del>	<del>882213191</del>
4-157-127-132-354	ROMERO, FRANK C & VICTORIA A	609 W RIVERSIDE DR	CARLSBAD	NM	88220
4-157-127-156-343	ROMERO, VITA (VICTORIA A)	MORA, RAFAEL & GUADALUPE K OF S	CARLSBAD	NM	88220
4-157-127-130-358	SHELTON, CHRISTOPHER M & WINDY (JT)	201 S GUADALUPE STREET	CARLSBAD	NM	88220
4-157-127-115-344	TADDY HEALTHCARE SERVICES LLC BY	ADDY, NI-TETTEH TSURU DR	CARLSBAD	NM	88220

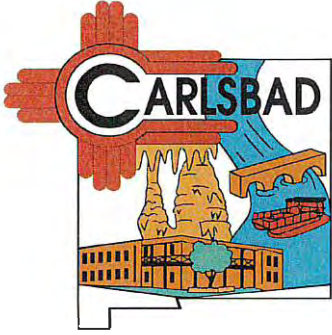
10

--  
Heather Roy  
GIS Coordinator  
575-885-1185  
City of Carlsbad, New Mexico

*"Love has boundaries, like a map, and I guess that makes me a cartographer. Don't take this the wrong way, but you're too topographical for my taste."*

— Jarod Kintz

- Peacock - 1601 W. Ural Dr.
- Mora - 110A S Guadalupe
- Addy - 1901 Sentry Circle



DALE JANWAY  
Mayor

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

MICHAEL HERNANDEZ  
City Administrator

July 5, 2018

Applicant/Owner:  
Victoria Romero  
609 W. Riverside Dr.  
Carlsbad, NM 88220

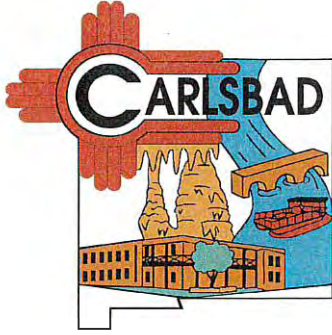
**OFFICIAL NOTICE OF RECOMMENDATION-Date Correction**

On July 2, 2018, the City of Carlsbad's Planning and Zoning Commission voted to recommend approval to the City Council regarding a request for a Zone Change from "C-2" Commercial District to "R-2" Residential 2 District for an approximately 0.17 acre property located at 113 S. Guadalupe St., legally described as Lot 13, Block 95, Stevens Second Addition. The City Council will consider this request at the Tuesday, **August 14, 2018**, regular meeting. City Council meetings are held within the Council Chambers located in the Municipal Annex building at 114 S. Halagueno St. Meetings begin at 6:00 PM.

If you have further questions or concerns, please contact my office at 575 885-1185, ex 2232.

Thank you,

Trysha Carrasco  
Deputy Director of Planning & Regulation



DALE JANWAY  
Mayor

Post Office Box 1569  
Carlsbad, NM 88221-1569  
(575) 887-1191

1-800-658-2713  
[www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com)

MICHAEL HERNANDEZ  
City Administrator

July 5, 2018

Attn: Property Owners

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If you have further questions or concerns, please contact my office at 575 885-1185, ex 2232.

Thank you,

A handwritten signature in black ink, appearing to read 'Trysha Carrasco'.

Trysha Carrasco  
Deputy Director of Planning & Regulation

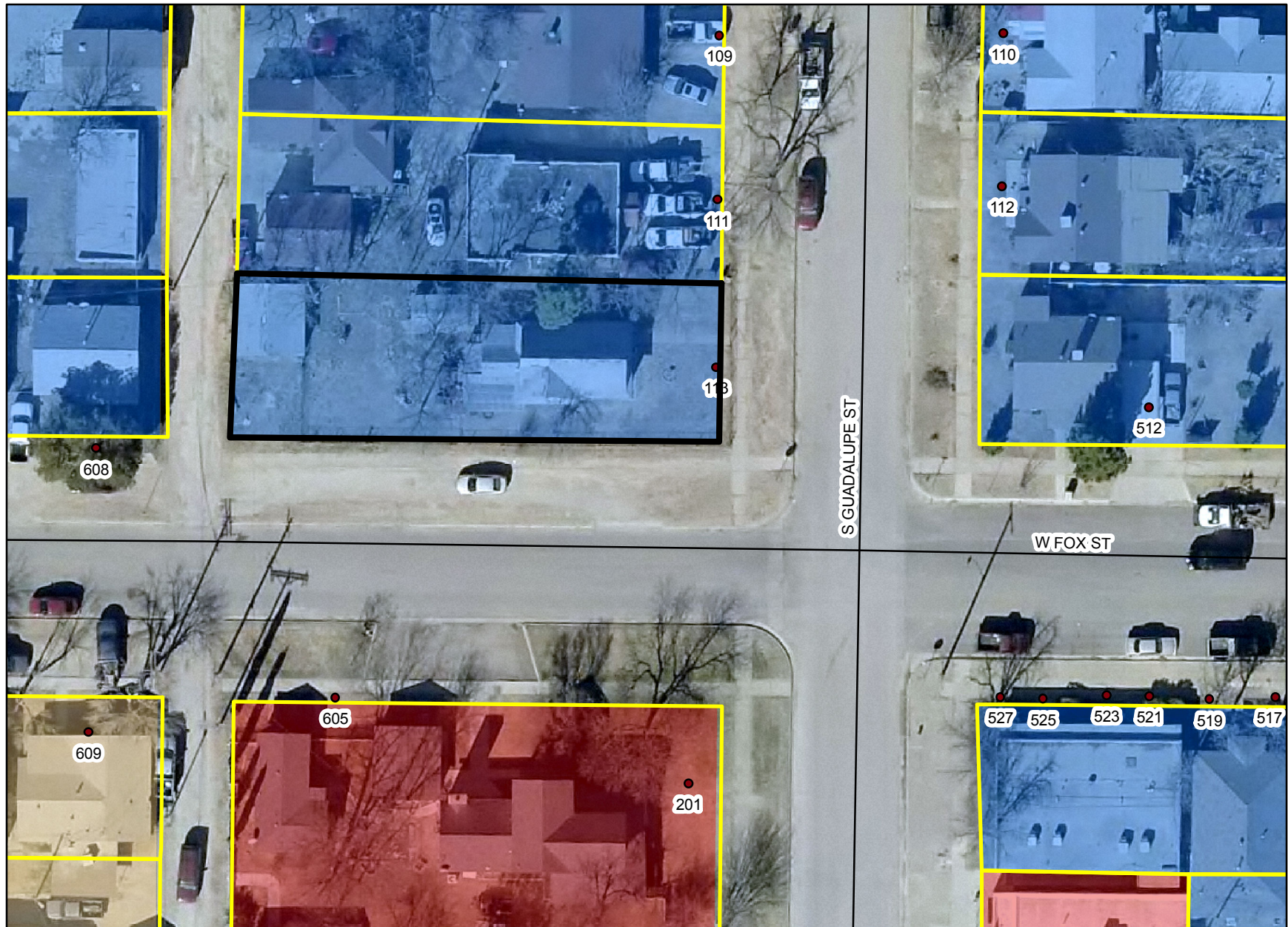




# Zone Change Request - C-2 to R-2 - 113 S. Guadalupe St.

## Carlsbad Zoning

C-1	I	R-1
C-2	PUD	R-2
		R-R



0 50 100 200 Feet



**CITY OF CARLSBAD**  
Engineering Department  
6/15/2018