

ORDINANCE NO. 2018- 29

AN ORDINANCE APPLYING “R-R” RURAL RESIDENTIAL DISTRICT TO AN APPROXIMATELY 1.34 ACRE PROPERTY, LOCATED AT 2414 MARTIN LANE, LEGALLY DESCRIBED AS TRACT A2 OF THE MCGONAGILL LAND DIVISION #2, 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 apply “R-R” Rural Residential District zoning for an approximately 1.34 acre property, located at 2414 Martin Ln., Carlsbad, NM, legally described as:

TRACT A2 OF THE MCGONAGILL LAND DIVISION #2

INTRODUCED, PASSED, ADOPTED AND APPROVED this 13th day of November, 2018.

/s/Dale Janway

DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles

CITY CLERK

## McGONAGILL LAND DIVISION #2

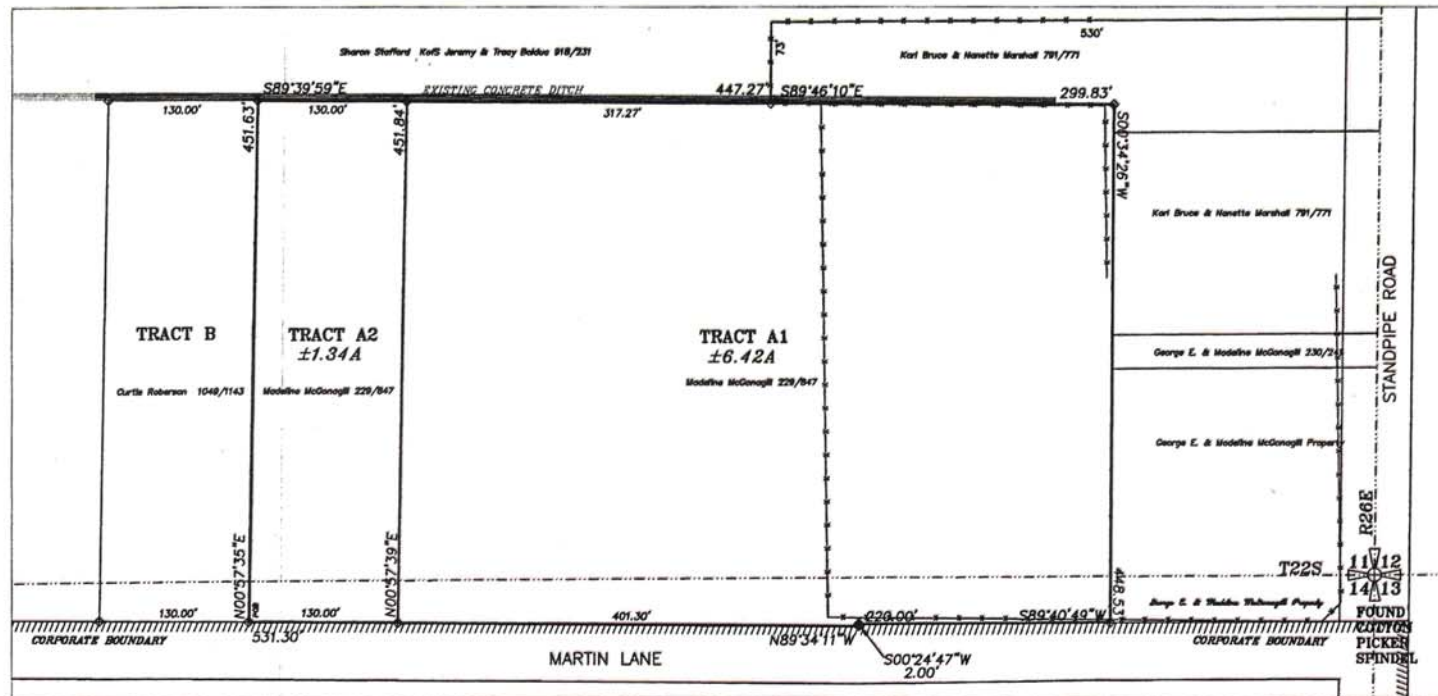
A DIVISION OF TRACT A OF MCGONAGILL LAND DIVISION, RECORDED IN CABINET 8 SLIDE 445-1 OF THE MAPPING RECORDS OF EDDY COUNTY, NEW MEXICO; IN WHICH TRACTS A1 AND A2 ARE BEING CREATED, AND WHOSE PERIMETER IS FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH EAST CORNER OF TRACT B OF MCGONAGILL LAND DIVISION, THEN N00°57'35"E, ALONG THE EAST LINE OF TRACT B, FOR 451.63 FEET; THEN S89°39'59"E FOR 447.27 FEET; THEN S89°46'10"E TO THE NORTHEAST CORNER OF CALLED TRACT A1, FOR 299.83 FEET; THEN S00°34'26"W, ALONG THE EAST LINE OF SAID TRACT A1 TO THE NORTH R.O.W. OF MARTIN LANE, FOR 448.53 FEET; THEN S89°40'49"W, ALONG THE NORTH R.O.W. MARTIN LANE FOR 220.00 FEET; THEN S00°24'47"W FOR 2.00 FEET; THEN N89°34'11"W FOR 531.30 FEET, BACK TO THE POINT OF BEGINNING CONTAINING 7.76 ACRES, ALL TOGETHER, MORE OR LESS.

AND THIS PLAT IS SUBJECT TO ALL EASEMENTS OF RECORD.



**LEGEND**  
 CORNER FOUND AS NOTED  
 SET #4 REBAR, CAP 20251  
 FENCE LINE  
 LAND LINE  
 NEW & OLD EASEMENTS  
 CORPORATE BOUNDARY



THIS PLAT IS EXEMPT FROM THE STATE SUBDIVISION ACT, AND THE COUNTY SUBDIVISION ORDINANCE, UNDER 47-6-2 M(9) DEFINITIONS (EFFECTIVE 2013); THE DIVISION OF LAND AS A GIFT TO A FAMILY MEMBER; HOWEVER, IT IS LIMITED TO ONE PARCEL PER FAMILY MEMBER.

ENTITLEMENT EXEMPTION FILED ON  
 THE 29<sup>th</sup> DAY OF August, 2017 A.D.  
 IN BOOK 1698 PAGE 386 OF THE (ECR).

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

THIS 1<sup>st</sup> DAY OF August, 2017  
 BY: *[Signature]*  
 COUNTY CLERK



## NOTES AND OBSERVATIONS:

- SEWER IS SEPTIC. ELECTRIC IS IN THE STREET SOUTH OF THE PROPERTY.
- THERE ARE NO SIDEWALKS AROUND THE SUBJECT PROPERTY.
- THE ROADS HAVE NO CURB AND GUTTER, AND THERE IS ASPHALT IN THE ROADWAYS.
- THE SUBJECT PROPERTY LIES IN THE CITY LIMITS OF CARLSBAD PLANNING AND PLATTING AREA AND EDDY COUNTY.
- BUILDING SETBACKS ARE AS PER CITY OF CARLSBAD REQUIREMENTS: FRONT- 24 FEET
- LOTS SIZES ARE:  
1 TRACT - ±1.34 ACRES 1 TRACT - ±6.42 ACRES
- 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 3501SC1055 D, WITH AN EFFECTIVE DATE OF JUNE 4, 2010.

*[Signature]*  
 MADELINE MCGONAGILL  
 801 W CHERRY LANE  
 CARLSBAD, NM 88220

## OWNERS STATEMENT AND AFFIDAVIT

STATE OF NM : SS  
 COUNTY OF Eddy  
 THE ABOVE SIGNED BEING FIRST DULY SWORN ON OATH, STATE, AS THE OWNERS AND PROPRIETORS WE HAVE OF OUR OWN FREE WILL AND CONSENT CAUSED THIS PLAT WITH ITS TRACTS TO BE PLATTED. THE PROPERTY DESCRIBED ON THIS PLAT LIES WITHIN THE PLATTING JURISDICTION OF:  
 CITY OF CARLSBAD PLANNING & PLATTING AREA & EDDY COUNTY  
 SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME  
 THIS 2<sup>nd</sup> DAY OF August, 2017  
 BY: *[Signature]*  
 PRINT OWNER NAME



*[Signature]*  
 Rachel Pyeatt  
 NOTARY PUBLIC

## APPROVAL BY THE CITY PLANNING COMMISSION

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN INSPECTED APPROVED BY THE PLANNING COMMISSION, OR ITS DESIGNEE, OF THE CITY OF CARLSBAD, COUNTY OF EDDY, STATE OF NEW MEXICO ON THIS 28<sup>th</sup> DAY OF August, 2017

*[Signature]*  
 COMMISSION DESIGNEE

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 HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON



Reception: 1709966 Cat: 0006 Slide: 0767 Pages: 1  
 Recorded: 08/28/2017 03:55 PM Fee: \$25.00  
 Eddy County, New Mexico - Robin Van Natta, County Clerk

R&R SURVEYING LLC	
A LAND SURVEYING COMPANY	
SERVING CARLSBAD AREA FOR 20+ YEARS	
INDEXING INFO. FOR CO. CLERK	
SEC. 11 & 14 T22S R28E N.M.P.M.	
SUBDIVISION: MCGONAGILL LAND DIVISION #2	
OWNER: MADELINE MCGONAGILL	
CITY: CARLSBAD	
COUNTY: EDDY	
STATE: NEW MEXICO	
DATE: JULY 26, 2017	
ACCESS: YES	
AREA: ±7.76 ACRES TOGETHER	
Y:\2017\07 JULY 2017 MCGONAGILL R0072017 MCGONAGILL R0072017.DWG	

82 x 17

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, September 10, 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, September 10, 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 August 6, 2018.
4. Consider a recommendation to Council for a Zone Change request for an approximately 0.40 acre parcel, located at 412 E. Church St., "R-1" Residential 1 District to "C-2" Commercial 2 District.
5. Consider a recommendation to Council for a Zone Change request for an approximately 0.49 acre property, located at 1000 Malaga Ave., "C-2" Commercial 2 District to "R-R" Rural Residential District.
6. Consider recommendation to Council for an Annexation of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.
7. Consider recommendation to Council for an Application of "R-R" Rural Residential District zoning of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.
8. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 2' at 1103 W. Church St., zoned "R-2" Residential 2 District.
9. Consider approval of a Variance request to reduce the required street frontage from 50' to 0' for Tract 4 of Spring Farms Replat 4, zoned "C-2" Commercial 2 District.
10. Consider approval or denial of a Conditional Use Permit for the installation of Congregate Housing to be located north of Derrick Road and east of National Parks Hwy, zoned "R-R" Rural Residential District.
11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Copperstone Estates Subdivision.
12. Report regarding Summary Review Subdivisions.
13. 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.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING & ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S. HALAGUENO STREET, SEPTEMBER 10, 2018, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSION SECRETARY  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT: NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA CARRASCO**

**PLANNING DIRECTOR  
PLANNING DEPUTY DIRECTOR**

**SECRETARY PRESENT:**

**PATTIE PISTOLE**

**PLANNING AND REGULATION  
DEPARTMENT SECRETARY**

**OTHERS PRESENT:**

**JEFF MCLEAN  
MARIA KNITTEL  
WANDA WELCH  
JAMES & TARA OLDS  
GARLON & SHERRY ELLIS  
GEORGE DUNAGAN  
MATT LAVERY  
JOSIE ROCHA  
ADELE & DICK HEMBREE  
UNKNOWN  
GREG HAUCH  
TRAVIS KELLEY  
DEAN & DONNA HAMMER  
TESS GADBURY  
ERIC BELL  
JOY AINSWORTH  
JOE BRININSTOOL  
TANYA MOORE  
OFFICER C. GARCIA**

**1107 N. SHORE DRIVE  
1107 N. SHORE DRIVE  
1201 N. SHORE DRIVE  
807 N. RIVERSIDE DR  
1103 W. CHURCH  
212 W. STEVENS  
EDGEWOOD, NEW MEXICO  
CITY  
2413 MARTIN LANE  
CARLSBAD ENERGY DEVELOPMENT  
TARGET LOGISTICS  
TARGET LOGISTICS  
409 ROSEDALE  
1314 DOEPP DRIVE  
37 BILLY DRIVE  
1701 WATSON COURT  
CED**

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 [5:01:56 PM]

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

Roll was called, confirming the presence of a quorum of commission members. The following members were present—**Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott**; Absent—**Mr. Barney**. (Mr. Barney arrived later, around 5:10 p.m., during discussion of Item #4.)



0:01:19      **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. Nesser, Mr. McCormick, Mr. Knott, Mr. Garcia**; **No–None**; **Abstained–None**; **Absent–Mr. Barney**. The motion carried. (Mr. Barney arrived later, around 5:10 p.m., during discussion of Item #4.)

0:01:39      **3.      Approval of Minutes from the Meeting held August 6, 2018.**

**Mr. Nesser** made a motion to approve the Minutes; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott**; **No–None**; **Abstained–None**; **Absent– Mr. Barney**. The motion carried. (Mr. Barney arrived later, around 5:10 p.m., during discussion of Item #4.)

0:02:16      **4.      Consider a recommendation to Council for a Zone Change request for an approximately 0.40 acre parcel, located at 412 E. Church St., “R-1” Residential 1 District to “C-2” Commercial 2 District.**

**Mr. McLean** and **Ms. Knittel** were on hand to answer any questions regarding their request. **Mr. Patterson** stated that Staff recommended denial because of what would be allowed there with “C-2” zoning. He recommended “C-1” for the property instead. **Mr. McLean** explained that they tore down the two-story home that had been on the property, because it was not structurally sound and because narcotics had been stashed in the walls. People were breaking in to retrieve the drugs. They have been approached by a resident of Carlsbad, who wants to remain anonymous, to purchase the property once the zoning is changed. The party wants to open a restaurant at the location to service the beach and waterpark area. The sale is contingent on the property becoming commercial. They want to keep the beach area nice and keep people coming to the area. **Ms. Knittel** said she thinks the restaurant would complement the waterpark and events such as Christmas on the Pecos and would be beneficial for the City.

During public comment, **Mr. Olds** expressed that he and his wife were unequivocally against the matter. He said he doesn’t want the added noise and traffic. It is fine as residential, but not as a restaurant. **Ms. Welch** said a lot of thought had gone into keeping the integrity of the area. The City wants to promote the beach area and keep people in Carlsbad. She thinks it will promote the area and will be an asset to the area and to the City. It will provide people a place to grab something to eat. **Mr. and Mrs. Hammer** stated that it would increase trash, traffic, and noise in a residential neighborhood. They also were concerned that since the lot is so small that there would not be enough parking onsite and that people would park in front of the residences in the area.

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

0:34:18      **5.      Consider a recommendation to Council for a Zone Change request for an approximately 0.49 acre property, located at 1000 Malaga Ave., “C-2” Commercial 2 District to “R-R” Rural Residential District.**



**Ms. Gadbury**, from ERA Real Estate, and **Mr. Bell** came forward to present the request. **Mr. Patterson** explained that the change would not result in spot zoning and that Planning Staff recommended approval. **Ms. Gadbury** said that there had been three ½-acre lots, of which two had been sold. At that time it was found that the third lot was zoned commercial, rather than residential. It is a quiet residential street, with no businesses.

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

0:38:07      **6. Consider recommendation to Council for an Annexation of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.**

**Ms. Rocha** was on hand to present her request. **Mr. Patterson** said that Planning recommended approval. The applicant's son had bought the land and wants to build a house or put a mobile home there. City water is on the other side of the street, but not where his land is. If it is annexed, he can connect to City water.

During public comment, **Mr. and Mrs. Hembree** had no objections after all their questions were answered.

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

0:48:36      **7. Consider recommendation to Council for an Application of "R-R" Rural Residential District zoning of approximately 1.34 acres located at 2414 Martin Lane, legally described as Tract A2 of the McGonagill Land Division #2.**

**Mr. Patterson** explained that this item went hand in hand with the previous item. "R-R" zoning ties in with the surrounding area.

**Mr. Barney** made a motion to recommend approval of designating the annexed property "R-R"; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes— Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney**; No—None; Abstained—None; Absent—None. The motion carried.

0:50:43      **8. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 2' at 1103 W. Church St., zoned "R-2" Residential 2 District.**

**Mr. Patterson** said that Staff recommended denial of the request because of how near to their neighbors the applicants are. **Mr. and Mrs. Ellis** explained that they wanted to build a garage big enough to be able to open their car doors. Two feet is how close the old one was. There was also confusion as to how much of a variance they were asking for, since the letters they sent out and the sign that they posted listed their request as "zero" setback requested. They said they wanted as much room as they could get. **Mr. Patterson** explained that the vote was for two feet setback and that he listed the request on the ABM as "2' side setback (or as close as possible)." He explained that if they had to appeal the decision to City Council, they could request a zero-foot setback.



There was no public comment. **Mr. Nesser** made a motion to deny the Variance; **Mr. Barney** seconded the motion. The vote was as follows: **Yes— Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney;** **No—Mr. Garcia;** **Abstained—None; Absent—None.** Motion carried to deny the Variance.

**Mr. Patterson** explained the appeal process to the applicants.

1:14:55      **9. Consider approval of a Variance request to reduce the required street frontage from 50' to 0' for Tract 4 of Spring Farms Replat 4, zoned "C-2" Commercial 2 District.**

**Mr. Dunagan** came forward to represent the applicant on this matter. **Mr. Patterson** explained that presently Tract 3 and Tract 4 are considered one parcel of property. A portion of Tract 4 is in the Flood Zone. To avoid Tract 3 also being considered in the Flood Zone, the applicant wants to split it off and build a hotel. The new plat showing the split will not be signed unless the Variance is granted. It was mentioned that perhaps a deed restriction could be put on the property that prohibited ever having any vertical construction on Tract 4. **Mr. Patterson** said that Planning recommended approval. **Mr. Dunagan** further noted that on Tract 4 they were planning to put 20 parking spaces, with curb and gutter. If the land is not separated, then they would have to follow flood zone requirements for both tracts.

There was no public comment. **Mr. Nesser** made a motion to approve the Variance. **Mr. Garcia** then seconded the motion. The vote was as follows: **Yes— Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney;** **No—None; Abstained—None; Absent—None.** Motion carried.

1:21:15      **10. Consider approval or denial of a Conditional Use Permit for the installation of Congregate Housing to be located north of Derrick Road and east of National Parks Hwy, zoned "R-R" Rural Residential District.**

**Mr. Hauch** and **Mr. Kelley** (both from Target Lodging) came forward to answer any questions about the request. **Mr. Patterson** told the commissioners that the property is at the north end of Production Lane. Planning Staff recommended approval, if the applicant can get adequate services. He thinks it is an appropriate place for this type of development. **Mr. Hauch** explained that it would be a workforce facility with 500 rooms. **Mr. Kelley** added that they are a turn-key workforce provider all over the United States. He feels that it is a good combo for the community and will fill a gap. **Ms. Moore** came forward to interject that they had spoken with the City and with Xcel and that there would be no trouble tying in to the services. **Mr. Patterson** added that where the private line connects at Airport may be an issue. Six inches is the minimum, and they will need fire suppression. They need to talk to the City to verify that pressure and flow will be adequate. They would be connecting to private lines, not to City lines.

During public comment, **Mr. Lavery** said he would support it, if subdivision rules were followed, because the City needs infrastructure on that side of town. **Mr. Patterson** reminded him that subdivision rules only kick in when you are splitting (subdividing) property. This applicant is not proposing that. **Ms. Moore** expressed that Target Logistics does this all over the country and that the one they manage here (Iron Horse) is the cleanest, neatest facility around town.

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



1:53:00      **11. Consider approval of an application and recommendation to the City Council regarding the Infrastructure Reimbursement for Copperstone Estates Subdivision.**

**Mr. Patterson** introduced the item and explained that this Infrastructure Reimbursement application would be the last application brought forward using this program unless the City decided to fund this program again. The applicant would have been eligible for a full 15% reimbursement of \$163,415.67. However, there is only \$95,000.00 left in the budget line item for this program. This application was the first in line among a number of others that had been submitted over the last 18 months, and a payout of \$95,000.00 to this applicant would finish out the budget in this line item. **Mr. Knott** asked if the City would consider re-funding this program in the future as an incentive to developers. **Mr. Patterson** stated that he was unsure if the program would receive funding in the future, that for the time being, the program would not receive funding.

There was no public comment. **Mr. Nesser** motioned to recommend approval of the Reimbursement. **Mr. Barney** seconded. The vote was as follows: **Yes– Mr. Garcia, Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney**; No–None; Abstained–None; Absent–None. Motion carried to recommend approval.

2:12:52      **12. Report regarding Summary Review Subdivisions.**

There was discussion of the various plats signed by the designees.

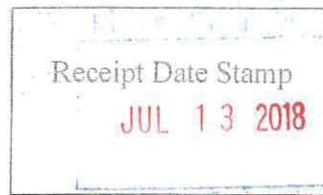
2:20:43      **13. Adjourn.**

There being no other business, the meeting was adjourned.

2:20:44      Stop Recording [7:14:48 PM]

\_\_\_\_\_  
  
Chairman

\_\_\_\_\_  
10-3-18  
Date

**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: 7-3-18  
Existing Zoning: County

Fee Paid (\$100.00): ✓ PVP  
Proposed Zoning: R-R

**APPLICANT INFORMATION:**

Jess O. Rocha 2414 Martin Lane  
NAME ADDRESS  
Carlsbad NM 88220 (575) 725 0843 Supersrocha23@gmail.com  
CITY STATE ZIP PHONE EMAIL

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

Jess Rocha 2414 Martin Lane  
NAME ADDRESS  
Carlsbad NM 88220 (575) 725 0843 Supersrocha23@gmail.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):**

2414 Martin Ln  
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) )  
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: 2414 Martin Lane  
STREET ADDRESS

LEGAL DESSCRPTION: MC50N0SIV A2 Quarter: SES 11T  
SUBDIVISION BLOCK LOT OR TRACT 225R:26E

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

AGENT: Josie Rocha 575 302 4647  
NAME PHONE  
4229 Texas St Carlsbad New Mexico 88220  
ADDRESS

I (WE) UNDERSTAND, CONCUR AND AFFIRM:

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

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

OWNER 1:

BY: Josie Rocha  
SIGNATURE

BY: Josie Rocha  
PRINTED NAME

ACKNOWLEDGED, SUBSCRIBED, AND SWORN

to before me this 10<sup>th</sup> day of July,  
20 18, by JESUS ROCHA.

Notary Public Caroline M. Nayar

My commission expires: June 17, 2019

(ADDITIONAL OWNERS:  
ATTACH SEPARATE SHEETS  
AS NECESSARY)



## NOTIFICATION SIGN POSTING AGREEMENT


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

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

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

  
\_\_\_\_\_  
APPLICANT SIGNATURE

7-5-18  
\_\_\_\_\_  
DATE

Sign issued by:   
\_\_\_\_\_  
Staff Member

Date: 7-12-18

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: Jesus Rocha 4229 W. Texas (575) 725  
Name Address Phone  
Subject Site Location: 2414 Martin Lane

The proposed action is a:

☒ Zoning Change from \_\_\_\_\_ to R-R 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: Sept 10-2018Time: 5:00pmPlace: City Annex Planning Room114 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,



Applicant/Agent



7017 1070 0000 6430 1230

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<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	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Donald J and Adele L Hembree  
Street and Apt. No., or PO Box No.: 2413 Martin Lane  
City, State, ZIP+4®: Carlsbad, NM 88220

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

7017 1070 0000 6430 1216

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<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	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Curtis Roberson  
Street and Apt. No., or PO Box No.: PO Box 387  
City, State, ZIP+4®: LOVING NM 88256

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

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<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	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Bobby Bunker  
Street and Apt. No., or PO Box No.: PO Box 563  
City, State, ZIP+4®: Carlsbad, NM 88220

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

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Extra Services & Fees (check box, add fee as appropriate)		
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<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	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Ralph McGray  
Street and Apt. No., or PO Box No.: 2412 Martin Lane  
City, State, ZIP+4®: Carlsbad, NM 88220

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

7017 1070 0000 6430 1384

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\$	\$0.00	11
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	\$0.50	
Total Postage and Fees	\$3.95	

Sent To: Patty Moore / Cassie Pope  
Street and Apt. No., or PO Box No.: 2412 Martin Ln  
City, State, ZIP+4®: Carlsbad, NM 88220

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



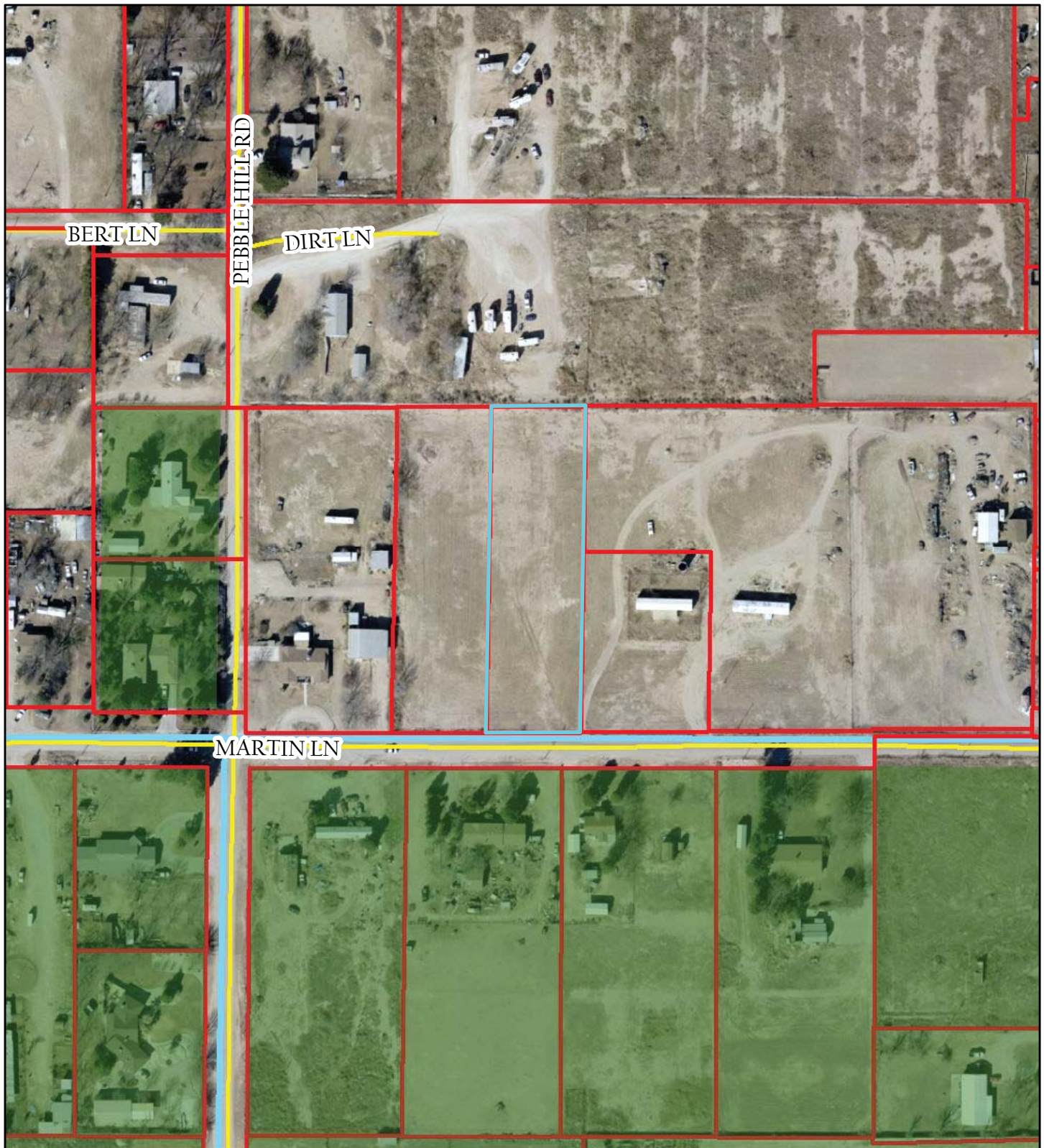
1:2,280

1 inch = 190 feet

Zone Change  
Tract A2 - McGonagill Land Division

Map # 1604\_ed04

Date: 9/6/2018



Zone



R-R



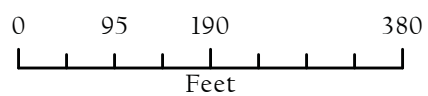
Parcel



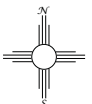
Roads



Water Lines



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





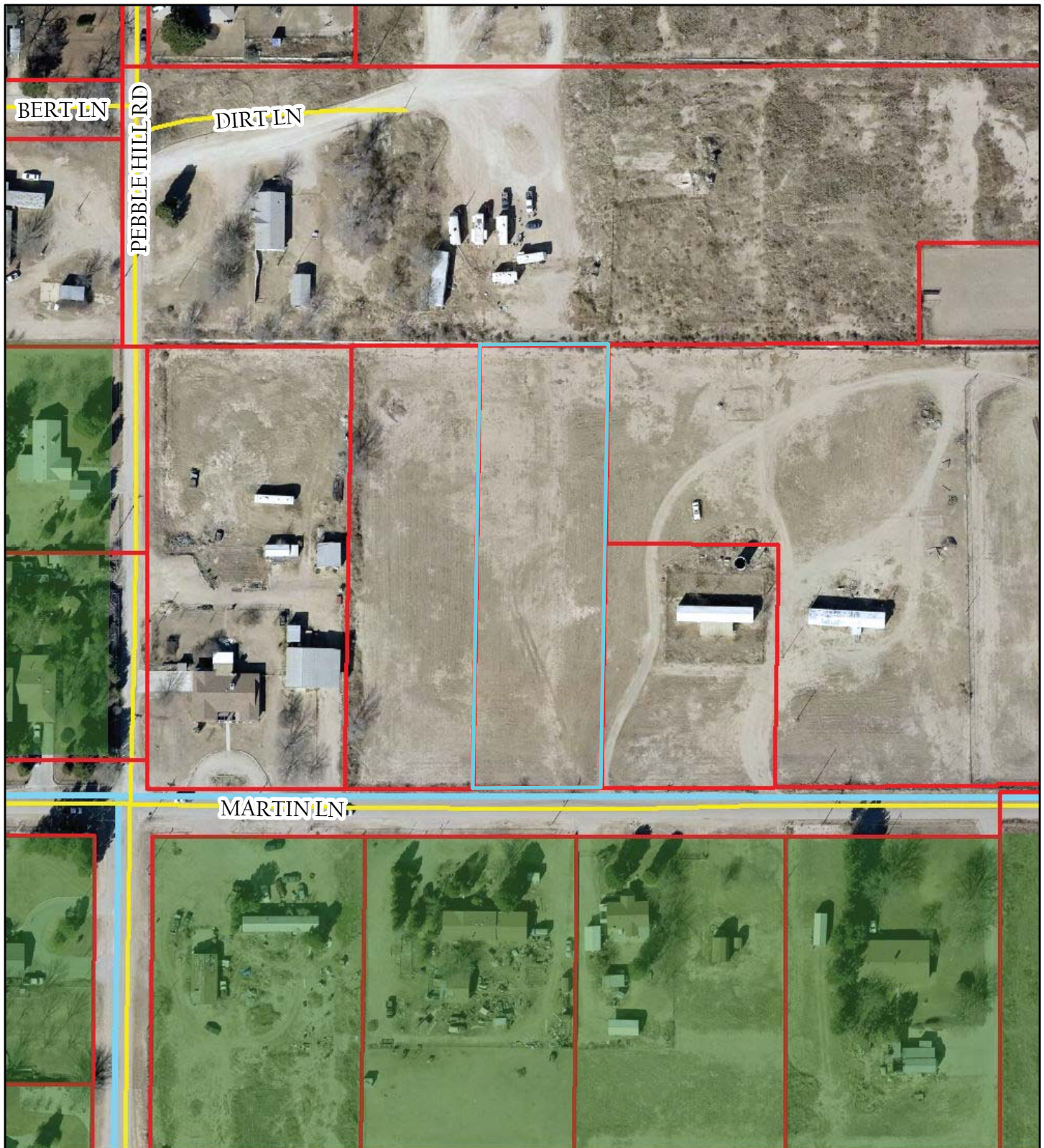
1:1,680

1 inch = 140 feet

Zone Change  
Tract A2 - McGonagill Land Division

Map # 1604\_ed03

Date: 9/6/2018



Zone



R-R



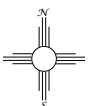
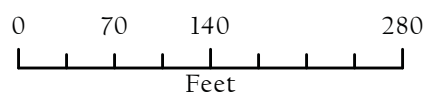
Parcel



Roads



Water Lines



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