

ORDINANCE NO. 2018- 31

AN ORDINANCE APPLYING "R-1" RESIDENTIAL 1 DISTRICT ZONING FOR AN APPROXIMATELY 19.60 ACRE PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NORTH CANAL STREET AND EAST CHERRY LANE, LEGALLY DESCRIBED AS THE VACATED LOTS 1, 2, 3, & 4 OF BLOCK 11, LA HUERTA SUBDIVISION, AND BANNISTER TRACT 3, LA HUERTA BLOCK 11 REPLAT, CARLSBAD, EDDY COUNTY, NEW MEXICO, 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-1" Residential 1 District zoning for an approximately 19.60 acre property, located at the southeast corner of the intersection of N. Canal St. and E. Cherry Ln., Carlsbad, NM, legally described as:

THE VACATED LOTS 1, 2, 3, & 4 OF BLOCK 11, LA HUERTA
SUBDIVISION, AND BANNISTER TRACT 3, LA HUERTA
BLOCK 11 REPLAT

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

/s/Dale Janway
DALE JANWAY, MAYOR

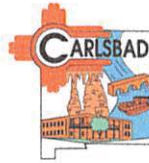
ATTEST:
/s/Nadine Mireles
CITY CLERK

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, August 6, 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, August 6, 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 July 2, 2018.
4. Consider a Motion to remove from Table a request for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.
5. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.
6. Consider recommendation to Council for an Annexation of approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.
7. Consider recommendation to Council for an Application of "R-1" Residential 1 Zoning approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.
8. Consider approval of a Preliminary Plat for Carlston Ranch, a Master Planned Community, zoned "PUD" Planned Unit Development.
9. Consider approval or denial of a Conditional Use Permit for the installation of a Mobile Home Park to be located at 812 George Shoup Relief Route.
10. Consider a recommendation to Council for a Zone Change request for approximately 81 acres, located at 812 George Shoup Relief Route, "I" Industrial District to "C-2" Commercial 2 District.
11. Consider approval or denial of a Conditional Use Permit for the installation of a Mobile Home Park to be located at 3003 Boyd Dr.
12. Consider a recommendation to Council for a Zone Change request for approximately acres, located at 3003 Boyd Dr., "I" Industrial District to "C-2" Commercial 2 District.
13. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 2621 Socorro Rd.
14. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 0' at 816 N. Mesquite St., zoned "R-1" Residential 1 District.
15. Consider approval of a Variance request to allow a subdivision of property that will create parcels consisting of less than the required one acre, for a property outside

of the corporate boundary, but within the City's 5-Mile Platting and Permitting Jurisdiction.

16. Consider a recommendation to Council for a Zone Change request for approximately 0.27 acres, located at 111 S. Mesa St., "R-2" Residential 2 District to "C-2" Commercial 2 District.
17. Consider a recommendation to Council for a Zone Change request for approximately 2.35 acres, located at 3621 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.
18. Consider appointment of Patricia Carrasco, Deputy Director of Planning and Regulation, as a Designee of the Planning and Zoning Commission.
19. Report regarding Summary Review Subdivisions.
20. 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, AUGUST 6, 2018, AT 5:00 P.M.**

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT: NONE

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA CARRASCO
JOHN LOWE
EILEEN RIORDAN
RON MYERS
WES NICHOLS**

**PLANNING DIRECTOR
PLANNING DEPUTY DIRECTOR
DEPUTY CITY ADMINISTRATOR
CITY ATTORNEY
DIRECTOR OF UTILITIES
DEPUTY DIRECTOR OF UTILITIES**

SECRETARY PRESENT:

PATTIE PISTOLE

**PLANNING AND REGULATION
DEPARTMENT SECRETARY**

OTHERS PRESENT:

**CONNIE RILEY
BRENDA RILEY
SHAUNA RODGERS
LINDA BALTZELL
MATT BALTZELL
RUSS POWER
STAN PATCHET
JANE PATCHET
MARY G. CAMPBELL
HELEN ROGERS
TINA SWINDELL
DON FISHER
TRENT & KACEY CORNUM
JOE M. MELENDREZ
DEAN BAIR
JUDY A. PITMAN
KEN & LINDA YEAGER
TRACY FRANCES
PAUL POMPEO
TRICIA BANISTER
KELLY JOHNSON
ALAN WOOD
AMANDA MASHAW
DEBBIE DOSS
GLENN BAILEY
BARBARA LUCIA JONES
CHERYL STATHAM**

**201 W. CHERRY
201 W. CHERRY
1705 N. CANAL
205 W. CHERRY LANE
1822 TROY DRIVE
1310 N. CANAL
306 E. PEACH LANE
306 E. PEACH LANE
1601 N. CANAL
1633 CONCORD AVENUE
117 W. CHERRY LANE
1632 CONCORD
106 DOPORTO COURT
816 N. MESQUITE STREET
2406 CAMINO DEL OSO
215 W. SIXTH
305 E. PEACH LANE
1530 ARBOR COURT
LAS CRUCES, NEW MEXICO
1910 GWENDA / 218 E. PEACH
3003 S. BOYD DRIVE
210 E. CHERRY LANE
1703 N. CANAL
1613 N. CANAL STREET
1613 N. CANAL STREET
202 E. CHERRY LANE
218 E. CHERRY LANE**

TERRY STATHAM
BEVERLY ALLEN
JESUS & CELIA PARSLAY
ELIZABETH LICKLITER
LEE ADAMS
BRUCE HALEY
MARCUS MCNAMARA
RITA NELSON
DONNA IVY
MAXIE BOREN
TRAVIS IVES
ANNELLE MATUYA
STACY BRITAIN
GEORGE DUNAGAN
OFFICER C. GARCIA
PAUL MILLER
DAVID LANGHAM
MARIA BETTY BLEA

218 E. CHERRY LANE
1621 N. CANAL
2915 CONNIE ROAD
1910 SANDY LANE
ROSWELL, NEW MEXICO
ROSWELL, NEW MEXICO
TEXAS
1620 N. GUADALUPE
515 W. FOX
605 ELORA DRIVE
PO BOX 554
1507 S. COUNTRY CLUB
1710 N. GUADALUPE
212 W. STEVENS
101 N. HALAGUENO
SOUDER & MILLER

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 [5:04:52 PM]

0:00:08 **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. McCormick, Mr. Knott, Mr. Barney, Mr. Nesser, Mr. Garcia; Absent—None.

0:00:26 **2. Approval of Agenda.**

Mr. Patterson explained that the applicants for Items 9, 10, and 13 had withdrawn their applications and wished to be removed from the Agenda. Mr. Nesser made a motion to approve the amended Agenda, which omitted those items; Mr. Barney seconded the motion. The vote was as follows: Yes— Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia; No—None; Abstained—None; Absent—None. The motion carried.

0:01:53 **3. Approval of Minutes from the Meeting held July 2, 2018.**

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

0:02:40 **4. Consider a Motion to remove from Table a request for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.**

Motion was made by **Mr. McCormick** to remove the Temporary Use request from Table. **Mr. Barney** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent–None. The motion carried.

0:03:31 **5. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 3815 National Parks Hwy.**

Mr. Patterson recommended denial of the request. He said he had not heard anything from the applicant, even though he had sent the applicant a letter about the item being tabled at the last meeting. The applicant was not present at either meeting.

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

0:05:33 **6. Consider recommendation to Council for an Annexation of approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.**

Ms. Blea, Mr. Langham, Mr. Boren, and Mr. Ives came forward to present their request. **Mr. Patterson** explained that the applicants had originally wanted to zone part of the property “C-1”, but had changed their application. Lots 43, 44, and 52 were withdrawn from the annexation, and the remainder would all be zoned “R-1”. There had been a lot of feedback from the community, and Staff recommended approval provided all the property were to be zoned residential. **Ms. Blea** added that the **Ives** had been here for 100 years and wanted to build custom homes on 1/3, 1/2, and 1/4-acre lots. All the property is intended to be zoned residential.

During Public Comment, there were questions about what the “R-1” designation means, the size of the lots, and safety issues in the area. Many of the concerns dealt with living in the County and the upcoming subdivision plat, so they did not pertain to the issue at hand. **Mr. Riley** wanted to know if manufactured homes would be allowed. **Mr. Patterson** answered that doublewides are allowed in any zone within the City. **Mr. Langham** inserted that there would not be any manufactured homes in the subdivision. **Mr. Fisher** had no problem with the homes, but was concerned about the size of the lots. **Mr. Patchett** brought up the problem of narrow roads and waiting for trains. **Mr. Yeager** said he was satisfied and wished the applicant luck on everything. **Mr. Cornum** said the applicant had been very responsive to what the community and residents need. **Ms. Banister** was happy with the revised plat and thought it would be good. **Ms. Nelson** was not in favor of the annexation and worried about overcrowding schools and bits and pieces being pulled from the county into the city. **Ms. Allen** welcomed housing for friends and neighbors, but worried about the mailboxes, bus stop, and the CID. **Mr. Knott** suggested that she contact the post office, school board, and CID, since these are not issues the City can correct. **Mr. Riley** didn’t object to the plat since there was no commercial zoning included, but wondered about the effects on water pressure. **Mr. Myers** said that standard water pressure in the city is 60 p.s.i.

Mr. Garcia made a motion to recommend approval of the Annexation with the changes discussed:

- 1) Lots 43, 44, and 52 were removed from the annexation request and will remain in the County, and
 - 2) None of the annexed property will be zoned commercial; the request is for all of the property to be zoned R-1 now.
- Mr. Nesser** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained– **Mr. McCormick**; Absent–None. The motion carried.

1:20:47 **7. Consider recommendation to Council for an Application of “R-1” Residential 1 Zoning for approximately 28.75 acres located at the southeast corner of the intersection of E. Cherry Ln. and N. Canal St.**

Mr. Patterson explained that this item goes hand in hand with the previous item. Initially, the applicant had wanted to include commercial zoning, but had amended the application to have only “R-1” zoning. Planning Staff recommended approval, but since Lots 43, 44, and 52 have been withdrawn from the request for both annexation and zoning, the acreage will need to be adjusted. We will need an updated plat showing the changes.

There was no public comment. **Mr. Barney** made a motion to recommend approval of the Zone Change of “R-1” for all the property, and **Mr. Garcia** seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; **Abstained– Mr. McCormick**; Absent–None. The motion carried.

1:24:08 **8. Consider approval of a Preliminary Plat for Carlston Ranch, a Master Planned Community, zoned “PUD” Planned Unit Development.**

Mr. Patterson said that this plat is part of the Montclair Development, a 1300-acre master community that was approved in 2017. Part of that development is this preliminary plat of 63 tracts with lots ranging from five to ninety acres. Planning Staff recommended approval. **Mr. Miller** said that on the north end, the industrial part will probably not be further subdivided. On the south, it will be further subdivided.

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

1:28:47 **11. Consider approval or denial of a Conditional Use Permit for the installation of a Mobile Home Park to be located at 3003 Boyd Dr.**

Mr. Johnson, from Constructors, was present to answer any questions about the request. Constructors has found a need to bring in workers from out of town for construction jobs, but they are having to house them in hotels and apartments. Staff recommended approval with the following conditions: 1) Approval of the zone change from “I” to “C-2” by City Council and 2) Updated legal description of property and site plan showing all the requirements for Mobile Home Parks, per Sec. 56-42(t). **Mr. Johnson** added that they bring in over 100 workers from El Paso and Las Cruces to fill positions here, and in one month they spent over \$250,000 for motel rooms. It just isn’t sustainable for them to continue this way. They need to find a solution to the problem.

There was no public comment. **Mr. Nesser** made a motion to approve the Conditional Use with the recommendations listed. **Mr. Garcia** then seconded the motion. The vote was as follows: **Yes– Mr. Nesser, Mr. McCormick, Mr. Knott, Mr. Barney, Mr. Garcia**; No–None; Abstained–None; Absent–None. The motion carried.

1:33:12 **12. Consider a recommendation to Council for a Zone Change request for approximately acres, located at 3003 Boyd Dr., “I” Industrial District to “C-2” Commercial 2 District.**

Mr. Patterson explained that this item corresponds to the previous item. Since mobile home parks are prohibited in "I" zoning, the applicant needs the "C-2" zoning and a Conditional Use Permit to move forward. Staff recommended approval. **Mr. Knott** asked about spot zoning. **Mr. Patterson** answered that property to the east will most likely change to "C-2" in the future and that the comprehensive plan notes that spot zoning may be necessary in some cases. Boyd Drive is already moving towards becoming a more commercial area.

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

1:37:06 **14. Consider approval of a Variance request to reduce the required side-yard setback from 5' to 0' at 816 N. Mesquite St., zoned "R-1" Residential 1 District.**

Mr. Patterson explained that the applicant wants to build a carport where he already parks his cars, but this will cause a side setback of zero feet. The structure will be built of noncombustible material, so the spread of fire is unlikely. Staff recommended approval, provided the carport was open for emergency access and a building permit is obtained prior to installation. **Mr. Melendrez** affirmed that the carport will be open and will be 8' tall with legs on the sides, so there won't be any problem with visibility. When asked about drainage onto neighboring property, **Mr. Melendrez** explained that the neighbor has an American Metal fence and a concrete drive there.

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

1:45:49 **15. Consider approval of a Variance request to allow a subdivision of property that will create parcels consisting of less than the required one acre, for a property outside of the corporate boundary, but within the City's 5-Mile Platting and Permitting Jurisdiction.**

Ms. Swindell & Mr. Fisher attended the meeting to present the application and answer any questions. **Mr. Patterson** explained that the City has jurisdiction over platting and building within five miles of the City limits. Without a variance, a piece of property located outside city limits in our jurisdiction cannot be split into less than one acre. The applicant wants to split the property into two parcels (not three, as he originally thought) of 1½ and ¼-acre lots. There are now three houses on the land. Staff recommended approval, provided the NMED approved the septic system and the appropriate permits were obtained. **Ms. Swindell** said they have the permit now. The reason they want to replat the property is to divide out the portion that her cousin has lived on for twenty-eight years, where by court order she is allowed to live until her death. They can then deed the property to her, so she owns it and doesn't have to pay rent, and they can also sell the other portion. This will give her cousin peace of mind and make the other property easier to sell. They've paid \$20,000 already to do upgrades for her property, including an electric pump for septic where she had a cesspool.

During public comment, **Mr. Britton** said he approved and just didn't want trailers or man camps moving in. **Ms. Allen** said she supports the Variance, but wondered about the irrigation rights. **Mr. Knott** referred her to CID manager, Dale Ballard. **Mr. Riley** said he didn't necessarily have a problem with houses there, but didn't want trailers there. **Ms. Mashaw** asked if they could give a variance with deed restrictions. **Mr. Patterson** answered that he didn't think we have a right to do that and say who they can sell to. **Ms. Swindell** added that they can't control what new owners do with the property, but they have

tried to screen buyers. They don't want a man camp or trucking company next to their cousin. **Ms. Rogers** said she didn't receive a notice letter, even though she lives across the street. **Ms. Swindell** showed her the list that the City provided her of surrounding property owners.

Mr. McCormick made a motion to approve the Variance to divide the property into two parcels. **Mr. Garcia** seconded the motion. The vote was as follows: **Yes—Mr. McCormick, Mr. Knott, Mr. Garcia;** **No—Mr. Nesser, Mr. Barney;** Abstained—None; Absent—None. The motion carried.

2:22:24 **16. Consider a recommendation to Council for a Zone Change request for approximately 0.27 acres, located at 111 S. Mesa St., "R-2" Residential 2 District to "C-2" Commercial 2 District.**

Mr. and Mrs. Parsley recently bought the property under the impression that it was commercial property, where a radiator shop had once been. They didn't find out it was residential until they were already cleaning it up. They want to meet all the codes and do everything right. They may want to lease the property to a food truck in the future. Staff recommended approval.

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

2:33:51 **17. Consider a recommendation to Council for a Zone Change request for approximately 2.35 acres, located at 3621 San Jose Blvd., "R-R" Rural Residential District to "C-2" Commercial 2 District.**

Mr. Haley, Mr. Adams, and Mr. McNamara came forward to answer any questions regarding the request. They want a zone change so that they can build an 80-room hotel there, Mainstay Suites. Staff recommended approval.

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

2:37:10 **18. Consider appointment of Patricia Carrasco, Deputy Director of Planning and Regulation, as a Designee of the Planning and Zoning Commission.**

In the past, the Board has appointed the Director and Deputy Director of Planning as designees to sign simple subdivision plats for the summary review process. With the resignation of the previous Deputy, **Mr. Patterson** is the only one allowed to sign plats. Now that we have a new Deputy Director, **Mr. Patterson** asked that **Ms. Carrasco** also be allowed to review and sign off on plats.

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

2:40:27 20. Adjourn.

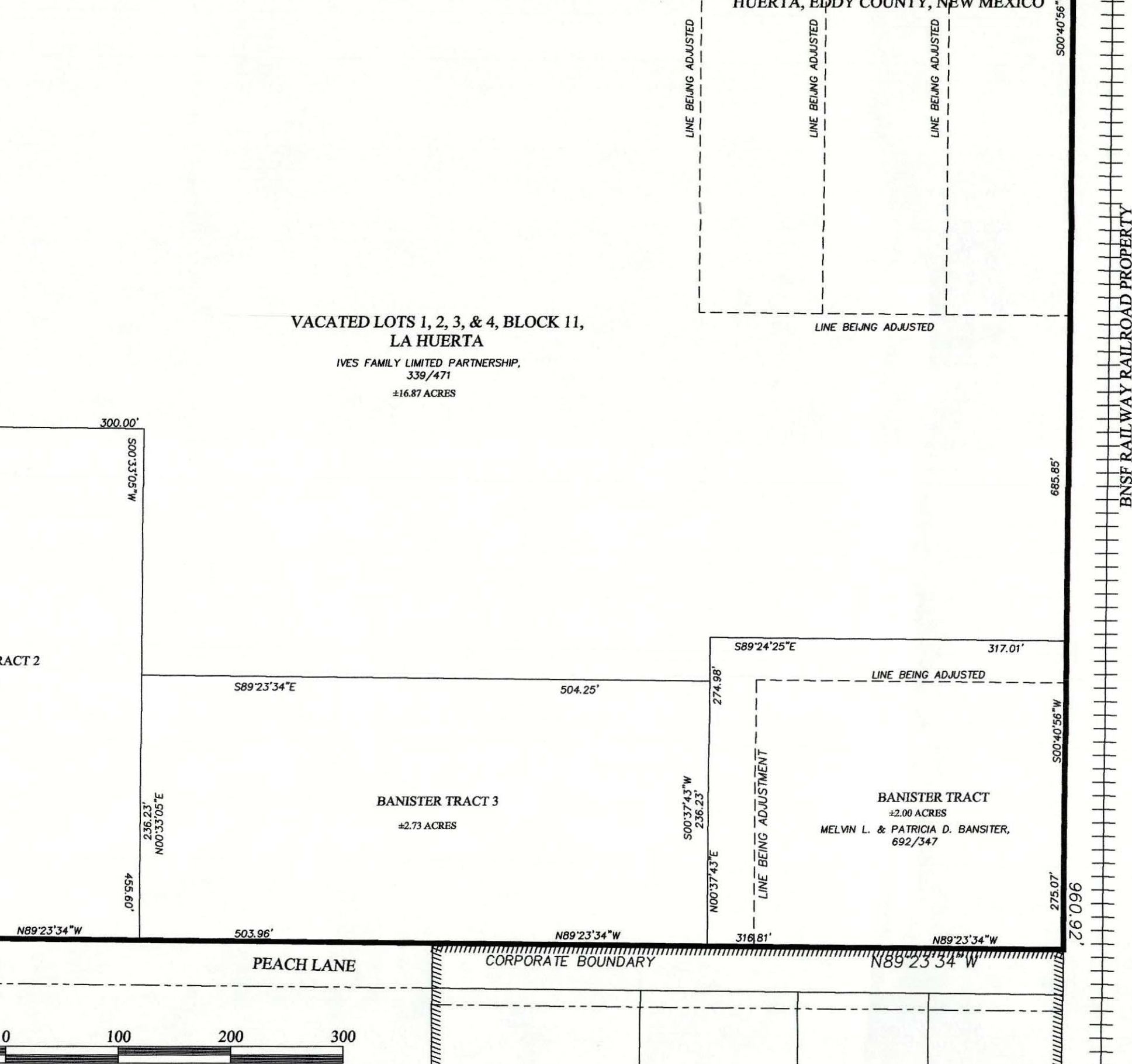
Meeting was adjourned before Item 19 was addressed.

2:40:38 Stop Recording [7:53:40 PM]



Chairman

9-10-18
Date



BLOCK 11, LA HUERTA, THEN N89°23'34"W, ALONG THE NORTH LINE, FOR 300.00 FEET, TO THE EAST RIGHT-OF-WAY OF CANAL STREET; THEN RIGHT-OF-WAY, FOR 959.94 FEET BACK TO THE POINT OF BEGINNING OR LESS.

AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND C

CONTAINING BANISTERS TRACT AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF BANISTER TRACT 2; THEN N89°23'25"W, ALONG THE SOUTH LINE, FOR 317.01 FEET; THEN S89°24'25"E FOR 317.01 FEET; THEN S00°40'56"W FOR 275.07 FEET TO THE POINT OF BEGINNING. CONTAINING 2.73 ACRES, MORE OR LESS.

AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND C

AND CONTAINING BANISTERS TRACT 2 AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF BANISTER TRACT 1; THEN N00°33'05"E, ALONG THE WEST LINE, FOR 455.60 FEET; THEN S00°33'05"W FOR 455.60 FEET; THEN N89°23'34"W, ALONG THE SOUTH LINE, FOR 300.00 FEET TO THE POINT OF BEGINNING. CONTAINING 3.00 ACRES, MORE OR LESS.

AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND C

AND CONTAINING BANISTERS TRACT 3 AS FOLLOWS: BEGINNING AT THE POINT OF BEGINNING OF BANISTER TRACT 2; THEN N00°33'05"E, ALONG TRACT 2, FOR 455.60 FEET; THEN S89°23'34"E FOR 504.25 FEET; THEN S00°37'43"W, ALONG TRACT 3, FOR 236.23 FEET; THEN N89°23'34"W, ALONG THE SOUTH LINE, FOR 317.01 FEET TO THE POINT OF BEGINNING. CONTAINING 2.73 ACRES, MORE OR LESS.

AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND C

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

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.

Melvin R. Pyeatt, Jr.
COMMISSION DESIGNEE
9/13/13

MELVIN R. PYEATT, JR., 423 W. GREEN ST., CARLSBAD, N.M., 88220, CERTIFICATE NO. 12345. TELE. 885-6867, FAX 885-6867

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

Melvin L. Banister
Melvin L. Banister
1910 Gwenda Dr.
Carlsbad, NM 88220

Patricia D. Banister
Patricia D. Banister
1910 Gwenda Dr.
Carlsbad, NM 88220

Travis L. Ives
Travis L. Ives
Ives Family Limited Partnership
Travis Ives, Signee for the Ives Family Limited Partnership

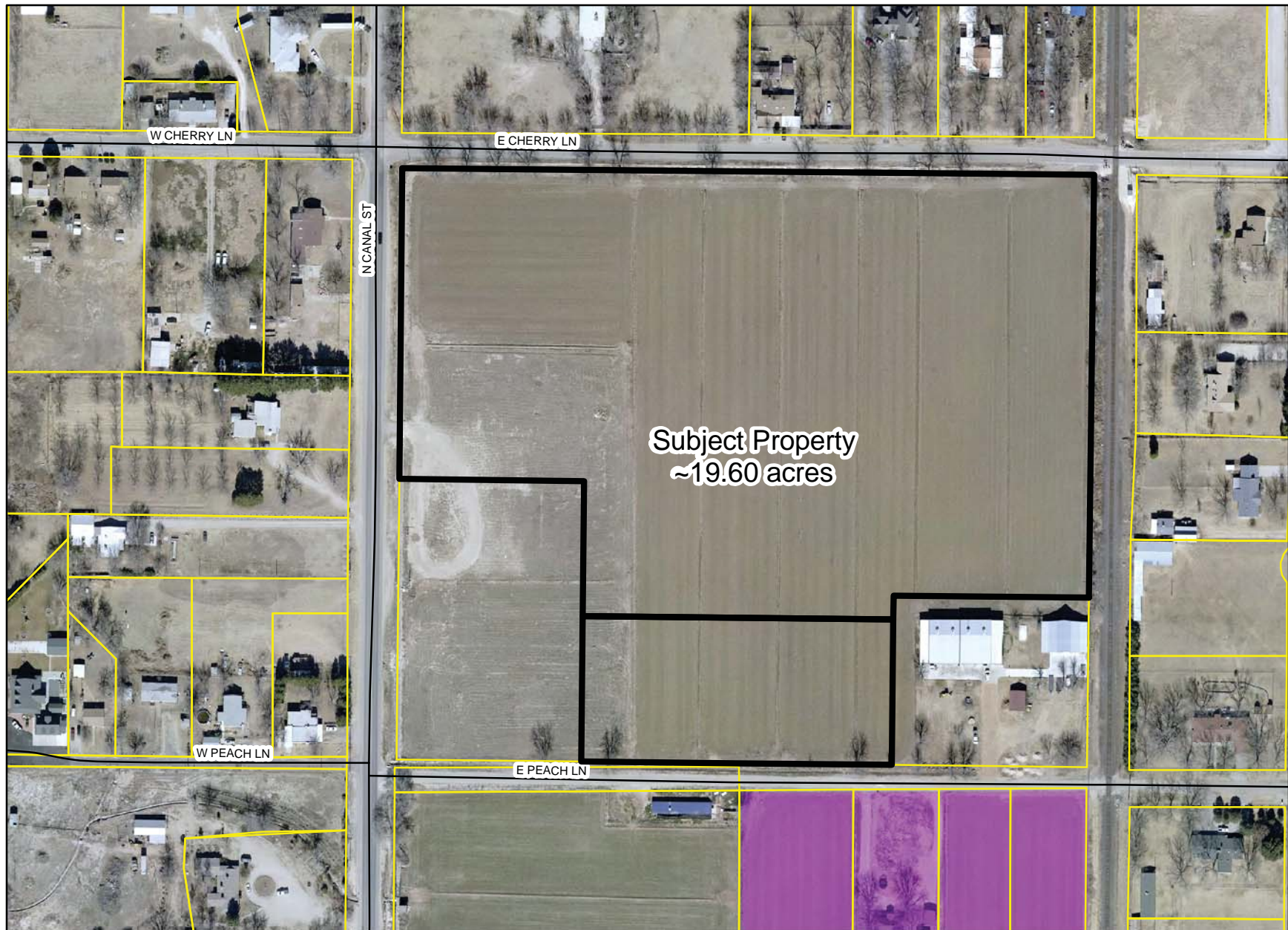
OWNERS STATEMENT AND AFFIDAVIT
STATE OF NEW MEXICO

OWNERS STATEMENT AND AFFIDAVIT
STATE OF NEW MEXICO

SE
SEC
SUBDIV
OWNER
CITY:
COUNTY:
STATE:
DATE:



Application of "R-1" Residential 1 District zoning



0 250 500 1,000 Feet



CITY OF CARLSBAD
Engineering Department

11/8/2018

**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.
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.



Receipt Date Stamp

JUL 18 2018

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: 7-18-18Existing Zoning: Ag-1gFee Paid (\$100.00): 100.00 ^{pd}Proposed Zoning: C-1 + R-2**APPLICANT INFORMATION:**

Ives Family Trust / Marie Blea

NAME

ADDRESS

Carlsbad NM 505-991 1405

CITY

STATE

ZIP

PHONE

EMAIL

womanbuilder2@gmail.com

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

Ives Family Trust / Cara / Cherry

NAME

ADDRESS

Carlsbad NM 505-991 1405

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):**

Arenal & Cherry / Back

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.: _____

11-15-16

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

7-18-18
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: Jves family Trust 505-9911405
Name Address PhoneSubject Site Location: Canal + Cherry / PeachThe proposed action is a: C14 C14
☒ Zoning Change from Agriq to R1 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: Aug 6 2018Time: 5:00pmPlace: City Annex Planning Room114 S. Halagueno St.Carlsbad, NM 88220The 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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Postage \$0.50

Total Postage and Fees \$3.95

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 Cherry Statham
 215 E. Cherry Lane
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 Julie Duncan
 207 Peach (E) Lane
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 Stanley J. & Jane Patchet
 206 Peach Lane
 City, State, ZIP+4®
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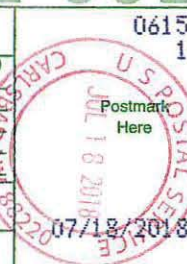
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CHERRY LANE

