

ORDINANCE NO. 2018-33

AN ORDINANCE REZONING PART OF "C-2" COMMERCIAL 2 DISTRICT TO "R-2" RESIDENTIAL 2 DISTRICT FOR AN APPROXIMATELY 0.25 ACRE PROPERTY, LOCATED AT 111 AND 113 KIRCHER STREET, LEGALLY DESCRIBED AS QUARTER: SE SECTION 18, T22S, R27E, E 45' OF TRACT 57 IN SESE MAP #264 – E 57 AND QUARTER: SE SECTION 18, T22S, R27E, W 55' OF TRACT 57 IN SESE MAP #264 – W 57, 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 0.25 acre property, located at 111 and 113 Kircher St., Carlsbad, NM, legally described as:

QUARTER: SE SECTION 18, T22S, R27E, E 45' OF TRACT 57 IN SESE MAP
#264 – E 57 AND QUARTER: SE SECTION 18, T22S, R27E, W 55' OF
TRACT 57 IN SESE MAP #264 – W 57

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

/s/Dale Janway

DALE JANWAY, MAYOR

ATTEST:

/s/Nadine Mireles

CITY CLERK

Property Record Card

Eddy Assessor

**JENKINS, MARION &
MARY JO (JT)**

2320 W PIERCE ST
CARLSBAD, NM 88220-3514

Account: R047486

Tax Area: CI_R - CARLSBAD-IN
(Residential)

Acres: 0.000

Parcel: 4-157-129-464-461

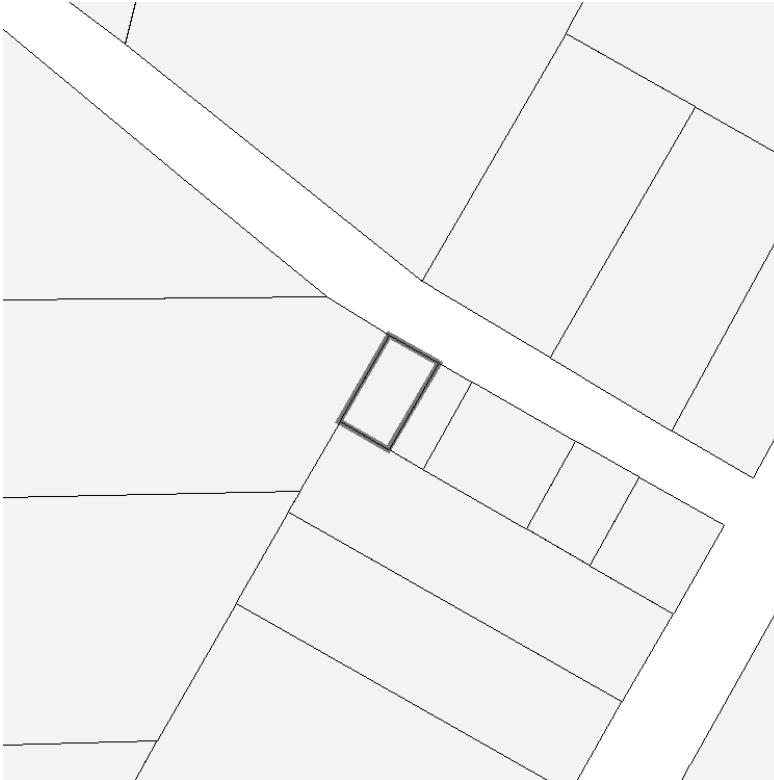
Situs Address:
113 KIRCHER

Value Summary

Value By:	Market	Override
Land (1)	\$891	N/A
Total	\$891	\$891

Legal Description

Quarter: SE S: 18 T: 22S R: 27E W 55' OF TR 57 IN SESE MAP# 264-
W57 LOC 113 KIRCHER



Public Remarks

Entry Date	Model	Remark
04/20/2001		BOOK 412 PG 759

Land Occurrence 1

Property Code	0100 - RESIDENTIAL LAND	Land Code	102_6365_4 - Homesite C/10 - 6365.4
Description	RESIDENTIAL LAND		

Abstract Summary

Code	Classification	Actual Value	Value	Taxable Value	Actual Value Override	Taxable Override
0100	RESIDENTIAL LAND		\$891	\$297	NA	NA
Total			\$891	\$297	NA	NA

Property Record Card

Eddy Assessor

**JENKINS, MARION &
MARY JO (JT)**

2320 W PIERCE ST
CARLSBAD, NM 88220-3514

Account: R047485

Tax Area: CI_NR - CARLSBAD-IN
(Nonresidential)

Acres: 0.000

Parcel: 4-157-129-468-463

Situs Address:
111 KIRCHER

Value Summary

Value By:	Market	Override
Land (1)	\$1,377	N/A
Total	\$1,377	\$1,377

Legal Description

Quarter: SE S: 18 T: 22S R: 27E E 45' OF TR 57 IN SESE MAP# 264-
E57 LOC 111 KIRCHER



Public Remarks

Entry Date	Model	Remark
04/20/2001		BOOK 412 PG 759

Land Occurrence 1

Property Code	0200 - NON-RESIDENTIAL LAND	Land Code	106_0 - Land Subdivided N/R - 0
Description	NON-RESIDENTIAL LAND		

Abstract Summary

Code	Classification	Actual Value	Value	Taxable Value	Actual Value Override	Taxable Override
0200	NON-RESIDENTIAL LAND		\$1,377	\$459	NA	NA
Total			\$1,377	\$459	NA	NA

MINUTES OF THE REGULAR MEETING OF THE

**City of Carlsbad
Planning & Zoning Commission**

Monday, October 1, 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, October 1, 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 September 10, 2018.
4. Consider a recommendation to Council for a Zone Change request for an approximately 0.25 acre parcel, located at 111 & 113 Kircher St., legally described as Quarter: SE Section 18, Township 22S, Range 27 E 45' of Tract 57 & Quarter: SE Section 18, Township 22S, Range 27E W 55' of Tract 57, "C-2" Commercial 2 District to "R-2" Residential 2 District
5. Consider a recommendation to Council for a Zone Change request for an approximately 7.26 acre property, located at to the south of Kircher St. and west of National Parks Hwy., legally described as Quarter: SW S: 18 T: 22S R: 27E Tr 55 in SESE; Quarter: SW S: 18 T: 22S R: 27E Tr 56 in SESE; & Quarter: SW S: 18 T: 22S R: 27E Tr 63 in SESE, "R-1" Residential 1 District to "C-2" Commercial 2 District.
6. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 1012 Airport Rd.
7. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 2608 Tulip St.
8. Consider approval of a Variance request to allow Temporary Housing/RV Park on approximately 1.10 acre parcel as opposed to 2 acre minimum requirement at 901 Malaga Ave.
9. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 901 Malaga Ave.
10. Consider approval of a Variance request to allow Temporary Housing/RV Park on an approximately 0.83 acre property as opposed to the 2 acre minimum requirement, located at 1524 S. Canal St.
11. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 1524 S. Canal St.

12. Consider approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Farmview Subdivision Phase 6, zoned "R-R" Rural Residential District.
13. Consider approval of a Variance request to install a perimeter fence in the front setback to a height of 7' at 2401 Utah St., zoned "R-1" Residential 1 District.
14. Consider approval of a Road Dedication at 2115 San Jose Blvd.
15. Consider approval of a Preliminary Plat for the Southeast Bypass Industrial Park, zoned "I" Industrial District.
16. Consider approval of a Preliminary Plat for Oasis Subdivision, zoned "R-1" Residential 1 District.
17. Report regarding Summary Review Subdivisions.
18. 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, OCTOBER 1, 2018, AT 5:00 P.M.

VOTING MEMBERS PRESENT:

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

**CHAIRPERSON
COMMISSION SECRETARY
COMMISSIONER
COMMISSIONER**

VOTING MEMBERS ABSENT:

LASON BARNEY

COMMISSIONER

EX-OFFICIO MEMBERS PRESENT:

**JEFF PATTERSON
TRYSHA CARRASCO
RON MYERS**

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

SECRETARY PRESENT:

JENNIFER CAMPOS

**PLANNING AND REGULATION
DEPARTMENT EXECUTIVE SECRETARY**

OTHERS PRESENT:

**SHEILA WALTERSCHEID
PHILLIP WALTERSCHEID
CODY LAYTON
JIMMY PADILLA
JEROME M. VILLA
JOE BASSO
JON PUTMAN
MELISSA WALTERSCHEID
CINDY & GARY TAYLOR
JOE D. JENKINS
JAYDEN JENKINS
DORA WEBBER
JOHN NESTOROWICH
LORI ELYASEVICH
PAUL THOMPSON
CHARLES THOMPSON
KEN THURSTON
KEVIN KERST
KELLY SANDERS
KATHY LAREZ
OFFICER C. GARCIA**

**6430 TIDWELL
1011 SENECA LN.
2608 TULIP
206 W. ROSE ST.
118 W. ROSE
5231 TIDWELL
6430 TIDWELL
5050 NATIONAL PARKS HWY
413 W. CHERRY
802 W. ORCHARD
609 N. ASH
610 N. ASH
4011 JESSE JAMES CT.
1802 N GUADALUPE
4818 NATIONAL PARKS HWY
1800 E. LOHMAN, LAS CRUCES, NM
2401 UTAH ST.
2903 PECOS HWY
609 N. ASH**

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 [5:01:31 PM]

0:00:12 **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**.

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

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

0:01:49 **3. Approval of Minutes from the Meeting held September 10, 2018.**

Mr. Garcia indicated that on item #4 the last paragraph his name was mentioned twice on the voting. **Mr. McCormick** made a motion to approve the Minutes with the correction; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes— Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; No—None; Abstained—None; Absent— **Mr. Barney**. The motion carried.

0:03:00 **4. Consider a recommendation to Council for a Zone Change request for an approximately 0.25 acre parcel, located at 111 & 113 Kircher St., legally described as Quarter: SE Section 18, Township 22S, Range 27 E 45' of Tract 57 & Quarter: SE Section 18, Township 22S, Range 27E W 55' of Tract 57, "C-2" Commercial 2 District to "R-2" Residential 2 District.**

Mr. Patterson explained this is a Zoning Change from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.25 acres, legal descriptions attached, located at 11 and 113 Kircher St. The properties to the north, south and east are zoned "C-2" Commercial 2 District. The properties to the west are zoned "R-1" Residential 1. This zone change would create a spot zone. **Mr. Jenkins** said the zone change request would allow for small scale apartments on the lots, which will provide housing in Carlsbad. **Mr. Villa** said he lives on Rose Street, he has no issue as far as housing development going up, but 2 years ago they had voted for the zoning to be residential is it going to change his property in any way. **Mr. Patterson** said what Mr. Jenkins is asking for will not change anyone's property. **Mr. Basso** also approached the table and he also lives on Rose Street and would like to understand what the properties are. **Mr. Jenkins** explained pointed out in the packet where the properties are located. **Mr. Patterson** said based on review of the application and staff comments, planning staff recommends approval of this request based on the following findings on page 14.

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

0:08:31 **5. Consider a recommendation to Council for a Zone Change request for an approximately 7.26 acre property, located to the south of Kircher St. and west of National Parks Hwy., legally described as Quarter: SW S: 18 T: 22S R: 27E Tr 55 in SESE; Quarter: SW S: 18 T: 22S R: 27E Tr 56 in SESE; & Quarter: SW S: 18 T: 22S R: 27E Tr 63 in SESE, "R-1" Residential 1 District to "C-2" Commercial 2 District.**

Mr. Patterson explained this is a Zone Change from "R-1" Residential 1 District to "C-2" Commercial 2 District for an approximately 7.26 acre property located at 117 and 125 Kircher St. The properties to the north, west, and south are currently zoned "R-1" Residential 1 District. The properties to the east are zoned "C-2" Commercial 2 District. As such, this zone change would not create a spot zone. You can see

in your packet, the legal description and the surrounding uses on the East are C-2 district going towards the highway. Anything allowed in C-2 district will be allowed on the property if the zoning is changed. **Mr. Basso** asked for clarification on the map where the properties in question are located. **Mr. Jenkins** explained to Mr. Basso the properties that are being in question. **Mr. Basso** said that he bought the property 17 years ago and it was peace and quiet. **Mr. Patterson** said based on review of the application and staff comments, planning staff recommends approval of this request.

Mr. Nesser 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**; **No– None**; **Abstained–None**; **Absent–Mr. Barney**. The motion carried.

0:16:43 **6. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 1012 Airport Rd.**

Mr. Patterson explained this is an expansion to the existing Temporary RV Park located at 1012 Airport Ave. The applicants want to expand in front of National Parks Hwy. There is an existing RV Park on Airport Ave they want to create a total of 37 spaces. The applicant provided a site plan how they're going to run the utilities and how the spaces will be laid out. **Ms. Taylor** said she does have a new architect drawing. **Mr. Taylor** explained they have purchased 3 lots and Mr. Jenkins owns the rest; joining together they are asking for approval for the Temporary Use for Temporary Housing. They are in the process of putting up a fence; there will be three ways to come in and out of the property. **Mr. Jenkins** said he no longer wants to have this property to be used for trucks parking there. Mr. Jenkins proposed plans indicate that they will utilize the alley to connect the existing RV Park to the expansion, but the alley would have to be vacated. **Mr. Patterson** said the city is looking into vacating it and they need to make sure that there are not utilities, but a decision hasn't been made. **Mr. Nesser** asked if the water line continues to National Parks Hwy through the property or does it end. **Mr. Patterson** replied that it does not continue.

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

0:27:47 **7. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 2608 Tulip St.**

Mr. Patterson explained the applicant is requesting a Temporary Housing as a Temporary Use at 2608 Tulip St. the subject property is close to 5.17 acres that the applicant owns. Planning staff recommends approval based on the conditions:

1. The applicant will need to secure approval from the Utilities Dept. regarding his sewer and water lines for the park.
2. The applicant will need to secure approval from the Solid Waste Dept. for the locations of the trash receptacles for the park.
3. The applicant will need to work with the City's Electrical Inspector as to the installation of electrical service to the park.

Mr. Padilla asked to put an RV Park using partial of his property on the northern half. He's has contacted the utilities department in anticipation of the approval; there is also a fire hydrant on Tulip Street. Depending on how fast his lots fill up then he may consider doing the rest of his property; until then he just wants RV's, not Modular or Mobile Homes.

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

0:44:22 **8. Consider approval of a Variance request to allow Temporary Housing/RV Park on approximately 1.10 acre parcel as opposed to 2 acre minimum requirement at 901 Malaga Ave.**

Mr. Patterson explained this is a variance to allow a Temporary Housing/RV Park on a 1.10 acre parcel, as opposed to the 2 minimum acre requirement at 901 Malaga Avenue. The applicant has provided a site plan showing how the park will be laid out and was able to provide for all of the setback and spacing requirements found in the Zoning Ordinance for a Temporary RV Park. Even with the lack of two acres, the applicant could install 14 new RV spaces on this site. With the significant need for temporary housing in this community, the request to place a Temporary RV Park at this location would be beneficial to the community. The site is zoned correctly for Temporary Housing it's going to be directly adjacent to a possible expansion of RV Park just to the West. Planning Staff recommends approval of this request. **Mr. Knott** asked Mr. Patterson about the addressing. **Mr. Patterson** said that our GIS Coordinator is aware of the issue some of the addressing was out of sequence. She has been working with Mr. Thompson changing the property to 1009 instead of 901 Malaga Avenue.

Mr. Thompson said he's representing this request on behalf of his parents who own the property. They've had offers to sell, but rather than selling they would like to have an RV Park that would benefit the city. He does plan to put fencing around the proposed site, his parents happen to live across the street for this request.

Mr. Garcia made a motion to recommend approval of the Variance to allow Temporary Housing/RV Park. **Mr. Nesser** seconded the motion. The vote was as follows: **Yes– Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–**Mr. Barney**. Motion carried.

0:49:39 **9. Consider recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 901 Malaga Ave.**

Mr. Patterson explained this request is the subject property as the previous item which is now 1009 Malaga Avenue. He has already mentioned from the previous item before what he's requesting. He's provided a site plan which has been included in the packet. He wants to install 14 RV spaces on this property. The first condition was to have his variance approved by this board from the previous item. Planning staff recommended approval based on the following conditions:

1. The applicant's Variance request for lack of acreage is approved by the Planning and Zoning Commission.
2. The applicant needs to indicate where the required perimeter fence will be located.
3. The Utilities Dept. needs to approve of the connections to the water and sewer mains at this location, as well as the solid waste receptacle locations.
4. The City's Electrical Inspector shall approve of the electrical plan prior to the start of development.

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

0:53:16 **10. Consider approval of a Variance request to allow Temporary Housing/RV Park on an approximately 0.83 acre property as opposed to the 2 acre minimum requirement, located at 1524 S. Canal St.**

Mr. Patterson explained this variance is a request from the applicant to allow a Temporary Housing/RV Park on an approximately 0.83 acre parcel, as opposed to the 2 minimum acre requirement at 1524 S. Canal St. Also, on the next item of the agenda they are asking for a Temporary Use Permit for Temporary Housing. **Ms. Larez** said they have had an oil company approach them to purchase the property for their offices using the existing restaurant as their primary office to support their personnel in the back. It's to ease the cost of housing in the city; they wanted to have this done as soon as possible. She knows it takes time because of the rules and ordinances they have to abide by. They decided to continue with the variance where there may be a possibility that the company may still be interested once there is an approval. If they are not interested in the property, the family has decided to proceed and rent it out to another company. They don't want to rent it out to individuals. **Mr. Knott** asked Ms. Larez looking at the site plan that was presented at the meeting where would she have the RV turn around and having all the requirements with their setbacks and fencing how would a personal vehicle or a fire truck turn around. **Ms. Larez** asked what you would recommend the amount of RV's for that property. **Mr. Patterson** said the ordinance says there's 24' wide drive ale, 10' clear separation between all temporary structures, 10' clear separated all RV spaces, 20' setback from the fence on all sides. There would be no way to fit 15 RV's inside the property. Whoever draws your site plan would have to figure all that to make it work. **Ms. Larez** asked if the property doesn't fit what the company wants they could move forward with just the minimum requirements. **Mr. Patterson** said, "yes" if its approved.

Mr. Nesser made a motion to recommend approval of the Variance to allow Temporary Housing/RV Park. **Mr. Garcia** then seconded the motion. The vote was as follows: **Yes— Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; No—None; Abstained—None; Absent—**Mr. Barney**. Motion carried to recommend approval.

1:03:01 **11. Consider a recommendation to Council for a Temporary Use Permit for Temporary Housing to be located at 1524 S. Canal St.**

Mr. Patterson this item goes hand and hand with the previous item, the applicant is requesting to install Temporary RV on the subject property 1524 S. Canal Street, it's correctly zoned for C-2 for this use Planning Department recommends approval. **Ms. Larez** said she will bring in a professional drawing of the site plan before the item is to go before City Council.

Mr. McCormick motioned to recommend approval for a Temporary Use Permit for Temporary Housing. **Mr. Nesser** seconded. The vote was as follows: **Yes— Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; No—None; Abstained—None; Absent—**Mr. Barney**. Motion carried to recommend approval.

1:05:11 **12. Consider approval of a Variance request to reduce the required front-yard setback from 30' to 20' at Farmview Subdivision Phase 6, zoned "R-R" Rural Residential District.**

Mr. Patterson explained the developer is requesting a variance to reduce the front set-back from the required 30' to a setback of 20' for the planned 114 new lots in Farmview Subdivision, Phase 6, located south of Farmview Subdivision Phases 1-4, and west of Thomason Rd. The applicant states that this change in setback will result in less storm water runoff being conveyed in the City's ROW, along the City streets, in this development. The reduction in front setback will allow for larger back yards within the development. The Planning Staff recommends approval of this request based on the surrounding existing uses. **Mr. Thurston** said they still have the 60' right of way that's required by the city, but this request

will reduce the front set back to 20' instead of 30'. It gives them a chance to reduce the parkway from 20' on each side of the curb and sidewalk to a 10' but still allowing 20' setback which you will still have 30' from the back from the sidewalk. The drainage in this subdivision utilizes curbing to direct the water to a pond. **Ms. Elyasevich** said she lives on 4011 Jesse James at the end of the cul de sac of Farmview, she is not certain what the letter she received means. **Mr. Patterson** explained that a new subdivision on the south of her house is going to be developed. They want to build 10' closer that what is normally required reducing to 20' from a 30' in the front. It doesn't apply to her property. **Mr. Thurston** said the only reason why she received the letter is that the Planning Department recommends anyone living within a 100' radius to receive a letter. **Mr. Layton** said he understands the setbacks, but his question is as to why this was his first letter he received. **Mr. Patterson** said this was his first request. **Mr. Layton** said there are no notifications sent for a subdivision. **Mr. Patterson** said he doesn't believe that there are any notifications for subdivisions.

Mr. McCormick motioned to recommend approval for a Variance. **Mr. Garcia** seconded. The vote was as follows: **Yes**– **Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; **No**–None; **Abstained**–None; **Absent**–**Mr. Barney**. Motion carried to recommend approval.

1:12:57 **13. Consider approval of a Variance request to install a perimeter fence in the front setback to a height of 7' at 2401 Utah St., zoned "R-1" Residential 1 District.**

Mr. Patterson explained this variance is a request from the applicant to erect a 7' fence around his property, including into his front setback. Section 56-70(d)(5)(d) states:

Fences, walls and hedges shall not exceed four-feet (4ft.) in height from the front property Line, or right-of-way line if the front property line is the street centerline, to the front building line of any existing dwelling or front setback line, whichever is further from the street.

Apparently the applicant and his neighbor have a conflict that's escalated to a point where he thinks by having a 7' tall fence for privacy and safety concerns are necessary. Planning Staff recommends approval based on the following conditions:

1. The applicant should provide the type of material to be used in the construction of the fence.
2. The applicant shall work with the Building Official to ensure the fence is built to applicable Building Code.

Mr. Kerst explained that for over a year he and his wife have had constant issues with their neighbor. He just wants peace and not be able to have any eye contact with her. The Building Inspector said the fence could be 7' tall except in the front of the house, but that's why he's asking to go to 7' all the way to the curb. He doesn't think it would be an eye sore and there are no sidewalks in the neighborhood. **Mr. Knott** asked if there was a permit in place. **Mr. Kerst** said, "yes" he has one for metal fence, but he wants to continue to go with this permit all the way to the front. **Mr. Knott** asked why there were 2 addresses on the property. **Mr. Kerst** said he had a mother in laws living quarter there. **Mr. Nesser** mentions that he should stop the fence at 4' from the curb due to parking and pulling out of the driveway. **Mr. Kerst** said he has a cement driveway all the way to the curb. His plan is to actually taper it down the last 5' of the fence. **Mr. Knott** asked if he has had his property surveyed. **Mr. Kerst** said, "no" actually his neighbor had it done with all this argument going on. He said come to find out she's encroached 7" to his property and everything else in the back is right on his property. He's requesting for the 7' fence on the west side of his property only.

Mr. McCormick motioned to recommend approval for a Variance. **Mr. Nesser** seconded. The vote was as follows: **Yes– Mr. Knott, Mr. McCormick, Mr. Nesser**; No–**Mr. Garcia**; Abstained–None; Absent–**Mr. Barney**. Motion carried to recommend approval.

1:27:30 **14. Consider approval of a Road Dedication at 2115 San Jose Blvd.**

Mr. Patterson explained the applicant is requesting to dedicate a street that will be constructed at 2115 San Jose Blvd. The street will meet the City’s specifications on design and construction, including the required 60’ of ROW, and will be approximately 408’ long. The street will connect to a private street within the Horseshoe Creek RV Park to the west. The street will provide access to this RV park, and will serve as the primary access for NM Gas on the south side of the new street. The applicant’s engineer, Smith Engineering, will provide construction plans to City staff, and staff will review and approve the plans if they meet City specifications. City staff will monitor the construction of the street, and once built and approved, the City will take over ownership and maintenance. Based on review of the application and staff comments, planning staff recommends approval on the condition that the street be constructed to City specifications. **Mr. Puttman** said Scott Hicks will draw the plan with curb, gutter, and sidewalks as specified. **Mr. Dunagan** said they just received the plans and they will get with the city to finalize them.

Mr. Garcia motioned to recommend approval for a Road Dedication. **Mr. Nesser** seconded. The vote was as follows: **Yes– Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–**Mr. Barney**. Motion carried to recommend approval.

1:32:12 **15. Consider approval of a Preliminary Plat for the Southeast Bypass Industrial Park, zoned “I” Industrial District.**

Mr. Patterson said he would recommend for this item to be tabled to the next meeting.

Mr. McCormick motioned to table this item to the next meeting. **Mr. Garcia** seconded. The vote was as follows: **Yes– Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–**Mr. Barney**. Motion carried to table the item.

1:33:57 **16. Consider approval of a Preliminary Plat for Oasis Subdivision, zoned “R-1” Residential 1 District.**

Mr. Patterson explained Preliminary Plat for Oasis Subdivision, creating 308 new residential lots, zoned “R-1” Residential 1 District, located at to the north of Farmview Subdivision and west of Thomason Rd. This subdivision will create 308 new residential lots for single family housing development. The applicant has submitted preliminary plans and plat that have been included in the packet. Mr. Thurston has been working with the city and this has been annexed in previously this year. Based on review of the application and staff comments, planning staff recommends approval. If approved, the following conditions shall be addressed prior to sign off of the final plat:

1. The engineer shall provide information from the on-going sewer infrastructure analysis so that the developer and the City can identify any improvements or upgrades will be needed to handle this development.
2. A letter of acceptance from the Infrastructure Construction Inspector and City Engineer shall be obtained by the developer and provided to planning staff should the City decide to accept the infrastructure installed.

3. The developer and engineer shall continue to work with City staff as to the infrastructure installed and the design of the infrastructure.
4. The developer and engineer shall continue to keep the City informed as to any private agreement entered into by the owners of Oasis Subdivision and the owners of Martin Farms Subdivision.

Mr. Thurston would like to have his item approved as a preliminary plat the will come back in phases, he would like to move forward with the city. They have been working with Engineers and Utilities Department, and several other people with this preliminary plat. **Mr. Patterson** said he's not aware that the city has had a development this size ever happen.

Mr. Nesser motioned to recommend approval for a Preliminary Plat. **Mr. Garcia** seconded. The vote was as follows: **Yes– Mr. Garcia, Mr. Knott, Mr. McCormick, Mr. Nesser**; No–None; Abstained–None; Absent–**Mr. Barney**. Motion carried to recommend approval.

1:46:44 **17. Report regarding Summary Review Subdivisions.**

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

1:48:49 **18. Adjourn.**

There being no other business, the meeting was adjourned.

1:49:10 Stop Recording [6:51:35 PM]

Chairman

Date



Receipt Date Stamp
AUG 31 2018

CITY OF CARLSBAD*Licensing and Permits Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 887-1191

Fax (575) 885-9871

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

Application Date: 8-31-18
Existing Zoning: C2

Fee Paid (\$100.00): ✓ PVP
Proposed Zoning: R2

APPLICANT INFORMATION:

Joe D. Jenkins 413 W. Cherry Lane
NAME ADDRESS
Carlsbad NM 88220 575-706-1112 jamcoindustries@yahoo.com
CITY STATE ZIP PHONE EMAIL

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

NAME ADDRESS
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):

111-113 Kircher Street
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.: _____

N/A

**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

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
DATE: _____
DATE SIGNED

NOTARY SEAL

OWNER 2: (IF APPLICABLE)

BY: _____
SIGNATURE
BY: _____
PRINTED NAME
DATE: _____
DATE SIGNED

NOTARY SEAL

ADDITIONAL OWNERS: ATTACH SEPARATE SHEETS AS NECESSARY

Date: 8/31/18

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: Joe D. Jenkins 575-706-1112
Name Address Phone
Subject Site Location: 111-113 Kircher St.

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: October 1, 2018
Time: 5:00pm
Place: City Hall Planning Room, 2nd Floor
101 N. Halagueno St.
Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website www.cityofcarlsbadnm.com. For details about this request contact the applicant OR contact the City Planner at 575-234-7923 or via email at sshumsky@cityofcarlsbadnm.com.

Sincerely, Joe D. Jenkins

Applicant/Agent

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.

10/12
APPLICANT SIGNATURE

8/31/18
DATE

Sign issued by: _____
Staff Member

56

JENKINS

57-129-433-461

264-56

JENKINS

4-157-129-468-463
264-E57

18838°58"E-483.49'

JENKINS

57-129-426-484

264-63

63

01"W-328.75'

29-417-515
264-66
411'

TR 65

JENKINS

4-157-129-448-524

264-65

JENKINS

4-157-129-466-526
264-65.1

418.8'

TR 64

TR 65
68.13'
49.30'

JENKINS
4-157-129-464-461
264-W57

43'49"E
70.60'

TR 57

TR 58
Jama Ind.

264-58

4-157-129-484-472
4-157-129-470-478
264-61

TR 61

JENKINS
4-157-129-464-487
264-62

TR 62

JENKINS
4-157-129-458-501
264-64

NATIONAL PARKS

PET
Tr. 54

4-157-129-475-467

KIRCHER

TR 60

264-60

TR 59
RAMIREZ
264-59

SAMANIEGO
4-157-129-492-476

DGS, LLC
FOOD JET

4-157-129-506-503
264-2

Crossland Land

4-157-129-498-517
264-3

BES Prop.

4-157-129-490-530
264-4

4-157-129-510-526
264-GM-76A

NATIONAL PARKS
BARROW

OLD CAVERN

HANSON

BREWER OIL CO
4-157-129-516-477
264-H-4

TR 76
OILIVAS

4-157-129-519-511
264-1

TR 76A

TR KOC
4-157-129-510-526
264-C

GIBSON BROTH
MANLOVE LINE AC

S88°25'22"E

tract 58

4-157-129-457-392	<Null> <i>Carlsbad Schools</i>	<Null>	<Null>	<Null>	<Null>
4-157-129-481-441	<Null> <i>Carlsbad Schools</i>	<Null>	<Null>	<Null>	<Null>
4-157-129-475-467	JAMCO INDUSTRIES INC	2320 W PIERCE	CARLSBAD	NM	88220
4-157-129-426-443	JENKINS FURNITURE INC	2320 W PIERCE ST	CARLSBAD	NM	882203514
4-157-129-426-484	JENKINS FURNITURE INC	2320 W PIERCE ST	CARLSBAD	NM	88220
4-157-129-433-461	JENKINS FURNITURE INC	2320 W PIERCE ST	CARLSBAD	NM	882203514
4-157-129-464-461	JENKINS, MARION & MARY JO (JT)	2320 W PIERCE ST	CARLSBAD	NM	882203514
4-157-129-468-463	JENKINS, MARION & MARY JO (JT)	2320 W PIERCE ST	CARLSBAD	NM	882203514
4-157-129-495-446	PETROLEUM REALTY COMPANY INC	1811 SE MAIN	ROSWELL	NM	88201
4-157-129-470-478	STEARNS, BETTY JO & JASON M (N-JT)	2501 W MISSOURI	CARLSBAD	NM	88220

eddy co assessor
for verification

2505 0266 0000 0890 8102

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
CARLSBAD, NM 88220	
Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95
Sent To	
Betsy Jo and John Stewart	
Street and Apt. No., or PO Box No.	
2501 W. Missouri	
City, State, ZIP+4®	
Carlsbad, NM 88220	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



5405 0266 0000 0890 8102

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
ROSWELL, NM 88203	
Certified Mail Fee	\$3.45
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.50
Total Postage and Fees	\$3.95
Sent To	
Petroleum Realty Company Inc	
Street and Apt. No., or PO Box No.	
1811 SE Main	
City, State, ZIP+4®	
Roswell, NM 88203	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



1:1,200
1 inch = 100 feet

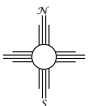
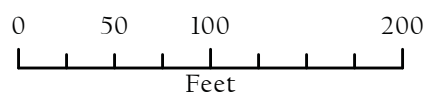
Zone Change
111 & 113 Kircher St.

Map # 1612_ed02

Date: 9/20/2018



- | | |
|-----------|----------|
| ● Address | ▭ Parcel |
| — Roads | Zone |
| — Water | ▭ C-2 |
| — Sewer | ▭ R-1 |



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



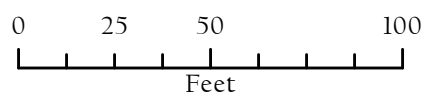
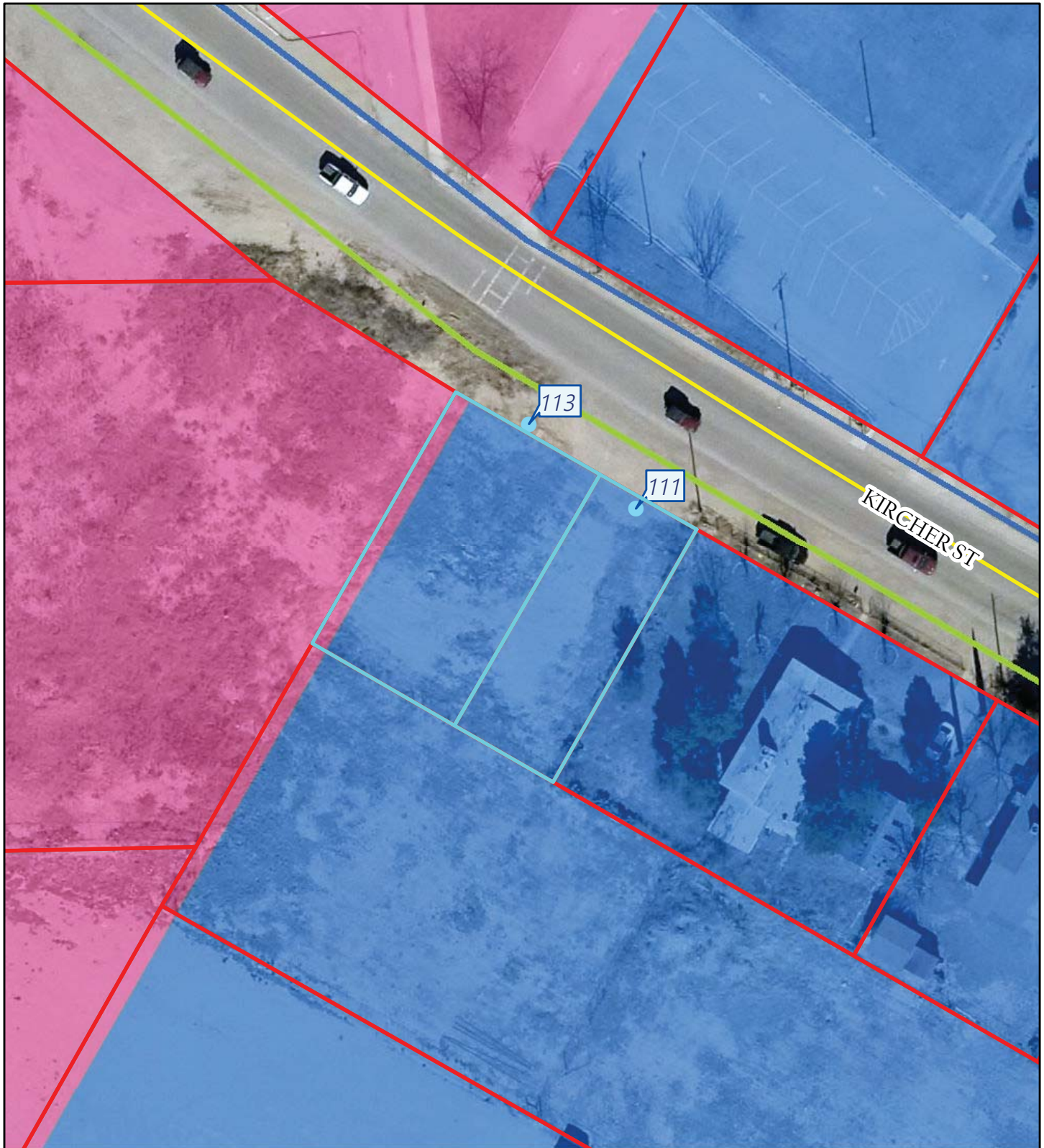
1:600

1 inch = 50 feet

Zone Change
111 & 113 Kircher St.

Map # 1612_ed01

Date: 9/20/2018



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

