

# **SPECIAL**

AGENDA  
Carlsbad City Council  
**Special Meeting**  
Municipal Annex  
114 S. Halagueno Street  
Carlsbad, New Mexico

December 19, 2019 at 4:00 p.m.

Invocation – Pledge of Allegiance

1. Approval of Agenda
2. Consider Approval of Appeal of the decision by the Planning and Zoning Commission to deny approval of a request for a Variance to reduce the minimum lot size from 6,000 sq. ft. to a minimum of 1,967 sq. ft. for the La Huerta Townhomes Development, located at the SE corner of the intersection of E. Cherry Ln. and N. Canal St. zoned “R-1” Residential 1 District Appellant: CoMac, LLC
3. Consider Approval of Appeal of the decision by the Planning and Zoning Commission to deny approval of a request for a Variance to reduce the minimum required front setback from 30’ to 20’ and reduce the required side setback from 5’ to 0’ for the La Huerta Townhomes Development, located at the SE corner of the intersection of E. Cherry Ln. and N. Canal St., zoned “R-1” Residential 1 District Appellant: CoMac, LLC
4. Consider Approval of Appeal of the decision by the Planning and Zoning Commission to deny approval for a preliminary plat for the La Huerta Townhomes Development, located at the SE corner of the intersection of E. Cherry Ln. and N. Canal St. zoned “R-1” Residential District. Appellant: CoMac, LLC

5. Adjourn



FOR INFORMATION ONLY

Agendas and City Council minutes are available on the City web site:  
[cityofcarlsbadnm.com](http://cityofcarlsbadnm.com) or may be viewed in the Office of the City Clerk during  
normal and regular business hours.

**CARLSBAD CITY COUNCIL MEETING SCHEDULE**

- Regular meeting - Tuesday, January 14, 2020 at 6:00 p.m.

**CANCELLATION OF DECEMBER 24, 2019  
REGULAR MEETING**

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.

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

COUNCIL MEETING DATE: 12/19/2019

<b>DEPARTMENT:</b> Planning and Regulation	<b>BY:</b> Jeff Patterson, Director	<b>DATE:</b> 12/11/2019
<p><b>SUBJECT:</b> Appeal of the decision by the Planning and Zoning Commission to deny approval of a request for a Variance from Sec. 56-90(b) to reduce the minimum lot size from 6,000 sq. ft. to a minimum of 1,967 sq. ft. for the La Huerta Townhomes Development, located at the SE corner of the intersection of E. Cherry Ln. and N. Canal St., zoned "R-1" Residential 1 District.</p> <p>Owner: Ives Family Limited Partnership 1601 Mission Ave. Carlsbad, NM 88220</p> <p>Appellant: CoMac, LLC. 106 Doportto Ct. Carlsbad, NM 88220</p>		
<p><b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.): At the December 2, 2019, Planning and Zoning Commission meeting, the appellant, CoMac, LLC, presented their request for a Variance to reduce the minimum lot size required in "R-1" Residential 1 District zoning from 6,000 sq. ft. to a minimum of 1,967 sq. ft. The developers are proposing a townhome development, and plan to split the properties along the common walls of each townhome installed. Doing this will result in smaller lots created than is allowed for "R-1" zoning. The proposed townhome lots vary in size from approximately 6,200 sq. ft. to 1,967 sq. ft. in size, depending on the location of the lot within the development.</p> <p>Many residents within the vicinity were present at the meeting to speak against this item. Among the complaints voiced at the meeting were the fact that the developers' request for a Variance did not meet all of the required criteria for the granting of a Variance found in Sec. 56-150(k), which states:</p> <p><b>Findings Required.</b> The Planning and Zoning Commission shall only approve a variance if it makes the following findings:</p> <ul style="list-style-type: none"><li>(a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and</li><li>(b) The hardship relates to the applicant's land, rather than personal circumstances, and</li><li>(c) The hardship is not the result of the applicant's own actions, and</li><li>(d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and</li></ul>		

- (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and
- (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and
- (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and
- (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a nonconforming use of land.

The residents also voiced concerns over the increased density of the development that would be allowed if the Variance was approved, stating that the density of the proposed development would be drastically out of character for the area. Also voiced were concerns over increased traffic resulting from this development, as well as the opinion that the townhomes would be out of character for the area where single family homes are the predominant type of residential structures.

Members of the community were present that supported the development and the request for a Variance, stating the overwhelming need for additional housing in Carlsbad, additional affordable housing, and growth overall.

Upon hearing arguments and statements, the Planning and Zoning Commission considered this request and voted to deny the request with a vote of three (3) in favor of denial, two (2) in favor of approval, and none (0) absent.

The appellant has chosen to appeal the decision of the Planning and Zoning Commission to the City Council. The appellant submitted an appeal letter to the Planning Director's office, and stated within that letter that in his opinion, the request for this Variance is necessary to carry forward the proposed development, and this development is in line with the purpose of the Zoning Ordinance.

Sec. 56-150(c)(3)(d) states:

3. *Review Procedures.*

- (d) *After determining that the appellant has standing to appeal and reason(s) for appeal, the City Council, by a concurring vote of **two-thirds of all members**, or the Planning and Zoning Commission, by a simple majority, whichever the case might be, may reverse, affirm (wholly or partly), remand back or modify the requirement, decision or determination and shall make any requirement, decision or determination that, in its opinion, ought to be made in order to remedy those situations noted in the appeal. In the event of a tie, the appeal is deemed denied.*

Sec. 56-150(c)(4) states the following:

4. *Criteria.*

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

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.*
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.*
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.*
- (d) A hardship exists that is due to the unique shape, topography or significant variation from surrounding lots. The hardship shall neither be simply pecuniary nor a result of action, or lack thereof, taken by the applicant.*

**DEPARTMENT RECOMMENDATION:** After reviewing the appellant's appeal letter, and reviewing the initial information provided to the Planning and Zoning Commission at the December 2, 2019, meeting, the Planning Staff recommends that the decision by the Planning and Zoning Commission to deny the approval of the Variance request be overturned and the appeal approved.

**BOARD/COMMISSION/COMMITTEE ACTION:**

- |  |  |  |                                       |
|--|--|--|---------------------------------------|
| <input type="checkbox"/> P&Z           | <input type="checkbox"/> Lodgers Tax Board | <input type="checkbox"/> Cemetery Board  | <input type="checkbox"/> APPROVED     |
| <input type="checkbox"/> Museum Board  | <input type="checkbox"/> San Jose Board    | <input type="checkbox"/> Water Board     | <input type="checkbox"/> DISSAPPROVED |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> N. Mesa Board     | <input type="checkbox"/> _____ Committee |                                       |

**Reviewed by**

**City Administrator:** /s/Michael A. Hernandez

**Date:** 12/16/19

ATTACHMENTS: Appellant's appeal letter, Planning and Zoning Commission meeting minutes, pictures, agenda packet.

**CoMAC, LLC**  
106 Doport Court  
Carlsbad, New Mexico 88220

**December 2, 2019**

**Via Hand Delivery & Email: council@cityofcarlsbadnm.com**

City of Carlsbad, New Mexico

City Council Members:

Lisa A. Anaya-Flores

Edward T. Rodriguez

JJ Chavez

Leo Estrada

Jason G. Shirley

Judith Waters

Wesley Carter

Mark Waltersheid

101 N. Halagueno

Carlsbad, New Mexico 88221

**RE: Appeal from Final Decision of Planning and Zoning Commission**

City of Carlsbad Council Members:

CoMac, LLC, a New Mexico limited liability company ("**CoMac**"), is the owner of approximately 17.8 +/- acres, more or less, located in the SE ¼ of Section 30, Township 21 South, Range 27 East, N.M.P.M., in Eddy County, New Mexico (hereinafter referred to as the "**Land**").

CoMac requested certain variances on the Land as a result of its preliminary plans to develop and market townhomes located on the Land in the form of a townhouse subdivision, all of which is currently permissible under the R-1 development zoning applicable to the Land. Variance requests were taken to the Planning and Zoning Commission ("**P&Z**") on November 4, 2019, at which time such requested variances were tabled for a final decision on December 2, 2019. All variance requests present to the P&Z were subsequently denied via final decision on December 2, 2019.

The Code of Ordinances, City of Carlsbad, New Mexico ("**Carlsbad City Code**"), provides that the City Council has the power and duty to consider and decide appeals taken from final decisions of the Planning and Zoning Commission. *See Carlsbad City Code, Sec. 56-130(b)(1)*. Accordingly, please allow this letter to serve as CoMac's appeal from the final decision made by P&Z on December 2, 2019.

Set before and denied by P&Z were the following requests for variances, all of which are now the subject of appeal and review by the City Council, as set forth herein:

1. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District [sic];
2. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District [sic]; and

City Council, Carlsbad, New Mexico

Re: Appeal from Final Decision of Planning and Zoning Commission

Page 1 of 3

3. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision.

Of note to the City Council, the following key commentary was provided at the November P&Z public hearing regarding the above-requested variances, the subject of this appeal:

- Jeff Patterson, Planning Director for the City of Carlsbad, New Mexico, acknowledged that “townhouses are allowed in R-1 . . . Zoning,” among other zones, and that all zoning for townhouses “would require a variance depending on design and lot size.” See *Planning and Zoning Commission Minutes, November 4, 2019, #4, 0:01:38*.
  - Moreover, Mr. Patterson further stated that “the City Planning Staff recommends approval of [variance #1].” (NOTE: As of the November 4, 2019 meeting, P&Z held public hearing for discussion of only requested ordinance variance #1 above. All other requested variances were tabled for discussion on December 2, 2019.)
- John Waters, Executive Director of the Carlsbad Department of Development, stated his support for the Master Plan presented by CoMac “as there is not a lot of inventory [*i.e.*, housing] in this range.” *Id.*
- Billy Massengill, Eddy County Detention Facility Warden, stated that “there are now 35 positions [] open at the jail, plus ISD and Transportation. He sees a lot of mancamps around and he is pleased to see places for people coming to work here and don’t [sic] have \$350,000 for a house and then \$250,000 for renovations . . . he is in support of the variance.” *Id.*
- Oran Means, of the Mayor’s Housing Committee, stated “that people cannot afford most of the housing that is coming here. He believes that more building on less land should keep prices down.” *Id.*

These requested variances are necessary for the development of a townhouse subdivision, notably in a zone permitting such use, to accommodate and assist in the growth in the City of Carlsbad. Moreover, these requested variances are in line with the purpose of the Zoning Ordinance of the City of Carlsbad, New Mexico, to “create orderly, harmonious, and economically sound development.” See *Carlsbad City Code, Sec. 56.3*. Further, such variances are aligned with the particular purposes outlined within the Carlsbad City Code, including, but not limited to, the following:

(a) *Implement comprehensive plan.* To implement the goals and policies of the comprehensive plan of the City of Carlsbad, as amended from time to time, **as well as other goals and policies adopted by the city council related to growth and development.**

(e) *Improve efficiency.* **To encourage a more efficient use of land, infrastructure and public services and to reflect changes in technology of land development.**

(g) *Reduce sprawl.* **To reduce sprawling development** that results in the inefficient use of existing infrastructure and irreplaceable natural resources.

(h) *Encourage infill.* **To encourage the development or redevelopment of lots within the city and to support the efficient use of land,** existing infrastructure, city services and other resources.

See *Carlsbad City Code, Sec. 56.3 (a), (e), (g) and (h)*.

Again, as articulated in November by Mr. Patterson, the City's Planning Director, "the City Planning Staff recommends approval . . ." See *Planning and Zoning Commission Minutes, November 4, 2019, #4, 0:01:38*.

This appeal is not intended for waste or delay, but that justice might be done, and is further made timely as required by law and as set forth in the Carlsbad City Code, Sec. 56-140(k).

I appreciated your attention to this matter. If I can be of assistance in any way, please do not hesitate to reach out to me via email, [svmccutch@gmail.com](mailto:svmccutch@gmail.com), or via cell phone, (575) 706-7941.

Sincerely,

COMAC, LLC

By:



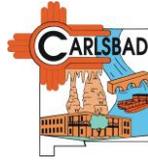
Steven McCutcheon, Manager

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, December 2, 2019, 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, December 2, 2019 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Council Chambers

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held November 4, 2019.
4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision
5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision
7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.
11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned "R-1" Residential 1 District
12. Consider approval of a Final Plat for the Hughes Riverside Subdivision
13. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision
14. Consider approval of a Variance to allow a 6' fence along the side setback located at 4301 Sycamore St., zoned "R-R" Rural Residential District
15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned "R-R" Rural Residential District

16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.
17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates
18. Report regarding Summary Review Subdivisions.
19. Adjourn.



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or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

**PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting – Monday, January 6, 2020 at 5:00 p.m.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.  
HALAGUENO STREET, DECEMBER 2, 2019, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA ORTIZ**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**EILEEN RIORDAN  
K.C. CASS  
DUANE CUNNINGHAM  
RAMON BENAVIDEZ  
BRENT GRIFFITH  
SAM DORADO  
STEVEN McCUTCHEON  
TRENT CORNUM  
PATRICIA BANISTER  
RONALD J. PRIESTLEY  
TAMMY PRIESTLEY  
JANE PATCHET  
STAN PATCHET  
MELANIE K. TILLER  
STACEY BRITAIN  
VIRGINIA PRICE  
ALAN WOOD  
HUNG CHIOU  
LEROY BOSTICK  
DAVID FRITSCHY  
VERONICA PEREZ-RAMIREZ  
RAY MASHAW  
RONNY PYEATT  
DAVID SIMMONS  
TERESA MELENDEZ  
RAMON VALENZUELA  
MELVIN BANISTER  
WADE SMITH  
DON GEORGE  
CHRISTINA MANN  
STEVE GREER**

**CITY ATTORNEY  
DIRECTOR OF PROJECTS  
FIRE CHIEF  
BUILDING OFFICIAL  
CITY  
CITY  
1715 N. CANAL  
106 DOPORTO  
218 E. PEACH  
6025 GRANDI RD.  
6025 GRANDI RD.  
306 E. PEACH LN.  
306 E. PEACH LN.  
164 RABBIT HILL  
1710 N. GUADALUPE  
1507 N. COUNTRY CLUB CIR.  
210 E. CHERRY LN.  
1623 CONCORD AVE.  
1512 CONCORD AVE.  
603 ELORA DR.  
4301 SYCAMORE ST.  
1703 N. CANAL ST.  
413 HAMILTON ST.  
408 VINEYARD LN.  
3509 CASS DR.  
2015 GWENDA  
1910 GWENDA DR.  
122 S. 4<sup>TH</sup> ST.  
1725 MISSION AVE.  
2009 W. PEPPER TREE CIR.  
116 E. ORCHARD LN.**

KACEY CORNUM  
CAROLE BRYANT  
DON FISHER  
HELEN ROGERS  
CHERYL STATHAM  
TERRY STATHAM  
LLOYD TILLER  
RACHELLE THOMPSON  
DON THOMPSON  
CHASE HUDGINS  
KENNETH YEAGER  
LINDA YEAGER  
FERMIN RAMIREZ  
RUBEN CHAVEZ  
EDDIE CHAVEZ  
MIKE SHANNON  
AMANDA MASHAW  
R. GARCIA  
ALEX PALOMINO  
JOHN WATERS  
BRENDA DAY  
CONNIE DAY  
ROCKY WEST  
RAUL QUINTANA  
KIM GREER  
VIRGIL BRYANT  
ROBIN BOSTICK  
LEIA WILLIAMS  
JOE WILLIAMS  
VIRGIL SMITH  
MARY ETTA SMITH  
DEBBIE DOSS  
J. R. DOPORTO  
E. LICKLITER  
BEVERLY ALLEN  
TRACY HUGHES  
MORGAN NAJAR  
STACY DOYAL  
KEN DUGAN  
ELSA FRANCO  
ANNA GARCIA  
ASHLEY GARCIA  
TREY HUGHES  
JACOB ROSS  
DANNY CROSS  
BRIAN DOZIER  
GLENN BAILEY

106 DOPORTO CT.  
1909 GWENDA  
1632 CONCORD AVE.  
1632 CONCORD AVE.  
218 E. CHERRY LN.  
218 E. CHERRY LN.  
164 RABBIT HILL RD.  
310 E. CHERRY LN.  
310 E. CHERRY LN.  
1617 CONCORD AVE.  
305 E. PEACH LN.  
305 E. PEACH LN.  
4301 SYCAMORE  
203 GRAPEVINE CT.  
203 GRAPEVINE CT.  
1402 N. COUNTRY CLUB CIR.  
1703 N. CANAL ST.  
CITY  
300 N. MAIN, ROSWELL  
400-2 CASCADES STE 201  
1519 MISSION  
1519 MISSION  
1703 LORETTA LN.  
1608 MISSION  
116 E. ORCHARD LN.  
EDDY COUNTY  
1512 CONCORD  
1602 MISSION  
1602 MISSION  
1017 N. GUADALUPE  
1017 N. GUADALUPE  
1613 N. CANAL ST.  
112 DOPORTO CT.  
1910 SANDY LN.  
  
COUNTY  
1507 LINCOLN DR.  
603 FREEDOM LN.  
208-1/2 E. ORCHARD LN.  
205 GRAPEVINE CT.  
507 W. LEA  
507 W. LEA  
1003 NORTH SHORE  
802 N. ORCHARD LN.  
1133 TRACY PL.  
1806 N. GUADALUPE  
1613 N. CANAL

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

0:00:04 Start Recording [5:01:18 PM]

0:00:29 **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. Knott, Mr. McCormick, Mr. Garcia, Mr. Barney, Mr. Nesser.** Absent-None.

0:00:48 **2. Approval of Agenda.**

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

0:01:26 **3. Approval of Minutes from the Meeting held November 4, 2019**

**Mr. Nesser** made a motion to approve the minutes from the meeting held November 4, 2019; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent-None. The motion carried.

0:01:56 **4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision**

**Mr. McCormick** made a motion to remove from the table a consideration for approval of a variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent-None. The motion carried.

0:02:36 **5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains this request. **Steve McCutcheon** and **Trent Cornum** come to the podium. **Mr. McCutcheon** suggests the board consider voting to send this item directly to Council, and let the elected officials decide. **Eileen Riordan**, City Attorney, explains how a decision must be rendered from the Planning & Zoning Commission before proceeding to Council, because the Commission is the deciding body on a Variance. This item must be considered again. **Mr. McCutcheon** speaks to the density of the project as being in line other nearby Carlsbad properties. He states that Carlsbad will have about 1,000 homes coming on the market next year and they will be in the \$350,000 range, costing about \$1,700-1,800 per month over 30 years. He states the average apartment rental cost is between \$1,400-1,900 per month with a wait time. He states the townhomes in his development would probably come in around \$200,000 and cost about \$956 per month, making it much more affordable for people coming to Carlsbad to work. **Mr. Cornum** states that the largest need in Carlsbad is affordable housing and he has spoken to loan officers at banks on the price point loan applicants are getting approved for. He believes his development would be in the affordable range. He has looked at several properties and this property is the only one that a multi-family development could be built, noting that it has water and sewer availability. Floor opened for public comment. **Leroy Bostick** comes to the podium in opposition. He recognizes the need for housing; but he wants to focus on the process of approval or denial of this request. **Mr. Bostick**

cited the prepared Agenda Briefing Memorandum provided in the agenda packet for this item. **Mr. Bostick** pointed out that the applicants did not meet all 8 requirements outlined in the ABM. **Christina Mann** comes to the podium. She is opposed to the variance based on the reduction of lot size according to the R-1 requirements. **Tricia Banister** comes to the podium and cites the Carlsbad 2030 Comprehensive Plan that new development is discouraged on the northeast side of town. **Dr. Hung Chiou** comes to the podium in opposition and provides a list against the variances. Dr. Chiou is concerned about conserving the public health; proving a hardship suffered and created by the developer; and compromising Ordinance provisions. **Rachelle Thompson** comes to the podium in opposition mentioning the effect of increased traffic on both sides of the bridge and that future development should benefit all of Carlsbad. **Don George** comes to the podium in opposition. **Ken Dugan** comes to the podium to discuss the legal ramifications and states that the Commission is not empowered to change ordinances. Floor opened for those in favor of the variance. **John Waters**, Executive Director of the Carlsbad Department of Development, comes to the podium. He states that there are a number of companies begging them to find workforce housing. He supports the variance request and the project; and reminds the Commissioners they have a choice. **JR Doport** comes to the podium in support. He states that there are other developments in the city and everyone is feeling the effects of the growth of Carlsbad. Floor closed for public comment. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** states the city came to them with the need for this project. **Mr. McCormick** addresses the applicants directly and states they should have applied for a zoning change, not a variance.

**Mr. McCormick** made a motion to deny the request of variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No-- **Mr. Barney, Mr. Knott;** Abstained--None; Absent--None. The motion carried.

1:18:12      **6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision**

**Mr. Barney** made a motion to remove from table consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent--None. The motion carried.

1:19:17      **7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** clarifies that the City Administration recommended the R-1 zoning when they were planning this project. Floor opened for public comment. **Mr. Bostick** comes to the podium in opposition and cites the same items in Item #5. **Ms. Banister** comes to the podium in opposition because she does not want this to set a precedent. **Mr. Knott** replied to Ms. Banister informing her that each variance request stands alone and is not subject to previous requests. **Mr. George** comes to the podium in opposition. **Dr. Chiou** comes to the podium to oppose this item for the same reasons he stated before. He cites Sec. 56(90) items regarding setback rules. **Ms. Thompson** comes to the podium in opposition. **Robin Bostick** comes to the podium in opposition because there would not be adequate parking space. **Mr. Knott** notes that the Planning Staff recommends 25' setback. **Mr. Dugan** comes to the podium and states this must be denied because it is connected to the previous requests. Floor opened for public comment in support of this item. **Mr. Waters** comes to the podium and speaks in support; citing properties with 0' setback in other neighborhoods. Floor closed for public comment. **Mr. Barney** asks if City staff did recommend a 25' front setback. **Mr. Patterson** says it did. **Mr. Knott** asked the applicant if he would like to amend his request to match the City staff recommendation to be a 25' front setback. The applicant confirmed that the board should consider the request to include the staff recommendation.

**Mr. Barney** made a motion to approve a Variance to allow a 0' side setback and a 25' front setback for the Carlsbad Townhouse Subdivision development; **Mr. Knott** seconded the motion. The vote was as follows: **Yes-- Mr. Barney, Mr. Knott**; **No-- Mr. Garcia, Mr. McCormick, Mr. Nesser**; **Abstained-- None**; **Absent-None**. The motion fails. This item is considered denied.

1:39:22      **8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Nesser** made a motion to remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**. **No--None**; **Abstained--None**; **Absent-None**. The motion carried.

1:39:59      **9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. McCutcheon** asks for confirmation they can put manufactured housing on the property without applying for any variances. **Mr. Patterson** explains that manufactured homes and double-wides are allowed in R-1 residential zoning. Floor opened for public comment against this item. **Stanley Patchet** comes to the podium. He explains the land is about 24.7 acres and is bound by CID canals on the north, south and west sides; it slopes to the east and is under flood irrigation. He states Carlsbad has a 100-year storm of 5" and this means there is a 1% chance of this happening on any day. If it happens and the ground is already saturated, the water will flow to the east and up against the BNSF Railroad embankment. He states the developers have indicated a .74 acre drainage or open space maintenance and drainage on their plans. If 5" of rain happens on saturated ground, then the water would be 13.5' deep in that drainage area. If the land was developed it would be unacceptable from a water handling point of view. He suggests the commission protect the city and employ, at the developer's expense, a professional engineer to evaluate the 100-year storm water handling for this tract and surrounding areas; ensure the final design and each modification include adequate protection from 100-year storm effects on the Banister property, the BNSF embankment, and adjacent public roads. **Mr. Knott** explains that the Planning Department goes through a lengthy process including drainage plan; and that the pond is a detention pond, not a retention pond, and has to have a release. **Mr. Patterson** explains the first requirement was the developer provide a drainage study done and have a NM registered engineer design a drainage plan that captures the water on that property and releases it at the pre-development rate and volume. **Don George** comes to the podium and states this item is contingent on the previous two items that were voted down, and the comments for those apply to this item; and this item should be voted down as well. **Hung Chiou** comes to the podium and states that he is against this item. He calls attention to Sec. 47, page 24, item C, referencing that the Commission must uphold the code and deny this item. **Mr. Bostick** comes to the podium and states he is against this item, and wants to address a comment Mr. McCutcheon made, which he thinks is highly inappropriate, basically that, "If you don't like this, we're going to do something else, which could be worse." **Rachelle Thompson** comes to the podium. She is against the plat for either manufactured homes or the townhomes. She states Peach Lane is a single lane chip seal road and has two of the 6 outlets out of the development and asks that Peach Lane would be taken care of. **John Waters** comes to the podium. He is in favor of the plat. Floor closed for public comment. **Mr. Knott** asks if applicants have looked at Staff recommendations and if they have any problem accepting them. The applicants state they would like to for the board to vote based on the application as is, without changing their request to include staff recommendations.

**Mr. Garcia** made a motion to deny the Preliminary Plat for the Carlsbad Townhouse Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser;** No– **Mr. Barney, Mr. Knott;** Abstained–None; Absent–None. The motion carries.

Recording paused for a short recess.

1:58:42      **10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.**

**Mr. Garcia** made a motion to remove from table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

1:59:29      **11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned “R-1” Residential 1 District**

**Ms. Ortiz** explains this request. The Planning Staff recommends denial of this request. **Wade Smith** comes to the podium and explains he just wants to keep his RV on his lot. He states it does not interfere with any utilities or visibility. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No– **Mr. Barney, Mr. Knott;** Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant he will receive a letter with his approval.

2:03:32      **12. Consider approval of a Final Plat for the Hughes Riverside Subdivision**

**Mr. Patterson** explains this request, noting that additional drainage facility needs to be installed. The developer will work with the City and mitigate the issue. **Alex Palomino**, the Project Engineer from Souder Miller & Associates, comes to the podium. He states there was an existing drainage problem and that their plan is to capture most of the run-off water on Lot 12 in the detention pond, and continue drainage along the easement to the east side of Lot 1, where there will be a narrow shallow pond. **Mr. Palomino** states the City will then maintain these ponds for drainage. **K.C. Cass** comes to the podium, and states that the City of Carlsbad approached about the drainage issues. **Mr. Hughes** has graciously given the City part of Lot 1 to mitigate water issues. **Mr. Palomino** asks that the City sign off on the plat and the final plat will show the new drainage plan. They will follow the Planning staff recommendations. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve the Final Plat for the Hughes Riverside Subdivision; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent--None. The motion carried.

2:13:53      **13. Consider a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision**

**Ms. Ortiz** explains this request, noting this request would not create a spot zone. The Planning Staff recommends approval of this request. **Ronald Priestley** of TAJ Investment Properties comes to the podium and explains they would like to build some multi-family housing to help with the City’s need for

affordable housing. This project would be a 14-unit building, and would have plenty of parking. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.4 acres located at 511 W. Lea St.; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant this will go before City Council on January 14, 2020.

2:16:50      **14. Consider approval of a Variance to allow a 6’ fence along the side setback located at 4301 Sycamore St., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The Planning Staff recommends approval with the condition that the fence taper to 4’ as it approaches the front property line to allow motorist safety, and that the applicants work with the City Building Dept. to obtain the necessary permits. **Veronica Perez-Ramirez** explains her reasons are privacy from the nearby large man camp and as a windbreak. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve the request for Variance to allow a 6’ fence along the side setback located at 4301 Sycamore St. with condition of 20’ taper from 6’ to 4’; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes--Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant she will receive a letter of approval and she must come into the Building Department and speak with the City Building Official for permits.

2:25:49      **15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The applicant is operating an RV park on the property with 55 spaces, has provided permits for septic, water and trash service are being provided, electrical permits have been issued. However, the property is in FEMA flood zone A and a Floodplain certificate would need to be submitted and measures taken to comply with FEMA code. On October 1, 2019 a criminal complaint was submitted against Lloyd Tiller by City of Carlsbad Code Enforcement in Municipal Court. An appearance was scheduled on or before November 12, 2019. As of November 25, 2019, a resolution with the court has not been reached. A warrant has been issued against Mr. Tiller. The Planning Staff recommends denial based on the applicant has not submitted a utility plan showing all connection to city utilities; the site plan does not allow for emergency service access; lack of fire hydrant at the entrance; and the applicant has been operating without a Temporary Use Permit. **Lloyd Tiller** comes to the podium. He states he has no idea of any warrants. He further states that he has done everything the City has asked him to do for his RV park, and assumes he has done everything required. He states he will do whatever else needs to be done. Floor opened for public comment. There was none. **Mr. Barney** asks if the Planning Staff would change their recommendation if Mr. Tiller complied with those items on the list. **Eileen Riordan**, City Attorney, states that because his plan is incomplete, the staff would need to work out what Mr. Tiller proposes again. **Ms. Riordan** states the Fire Department would require a more complete plan. **Mr. Knott** mentions the possibility of tabling this item for consideration later. **Ms. Ortiz** states there are ingress and egress issues, and the drive aisle is required to be 24’ wide and that is not what is on the site plan. She notes since this site plan was drawn in July of 2018, the City’s requirements have changed. **Duane Cunningham**, Fire Chief, comes to the podium and states that he would like **Mr. Tiller** to work with them on the turning radius, and fire hydrant locations. **Mr. Patterson** suggests that this item be tabled to give Mr. Tiller time to work on the site plan.

**Mr. Barney** made a motion to table Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd.; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion was tabled.

**Mr. Knott** tells the applicant to contact the City Departments he needs and set up appointments.

2:44:59      **16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.**

**Mr. Patterson** explains this request. The applicants did not attend. **Mr. Patterson** states the applicants would like to increase parking area for their medical office. The Planning staff recommends denial unless the following conditions are met: The right of way along Osborne St. would be reduced to 55' in width at the location of the vacation and leave approximately 60' in right of way along Osborne St.; the right of way to be vacated should be adjusted at the NW corner of the proposed vacation to ensure that the turn south for drivers heading west on Camp Ave. to south on Osborne remains unobstructed. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve a Right-of-Way Vacation request at 2413 W. Pierce St. with recommendations; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion carried.

2:53:22      **17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates**

**Ms. Ortiz** presents the dates for the 2020 Planning and Zoning Commission meetings for approval. They are all on Monday evenings at 5:00 p.m.: January 6, February 3, March 2, April 6, May 4, June 1, July 6, August 3, September 14, October 5, November 2, and December 7.

**Mr. Barney** made a motion to approve the 2020 Planning and Zoning Commission Meeting Dates; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion carried.

2:56:23      **18. Report regarding Summary Review Subdivisions.**

Nothing unusual was noted.

2:57:16      **19. Adjourn.**

There being no other business, the meeting was adjourned.

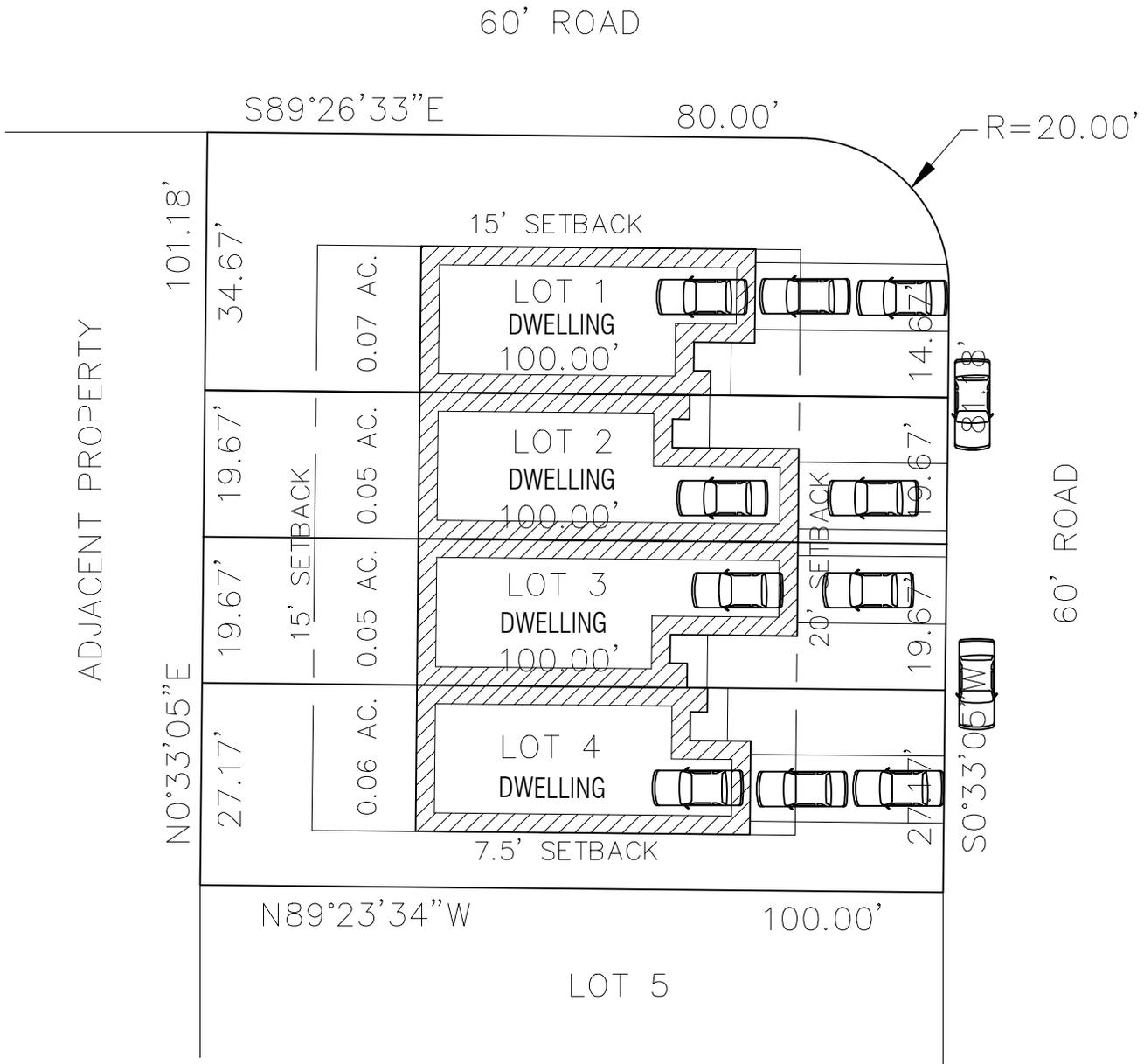
2:57:24      Stop Recording [8:08:13 PM]

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Chairman

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Date

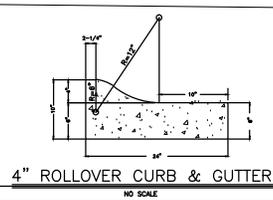
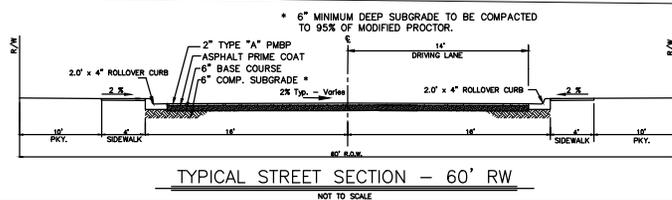
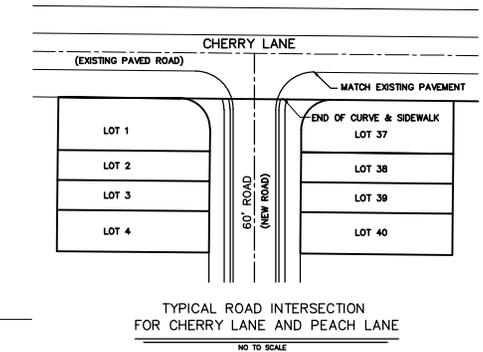
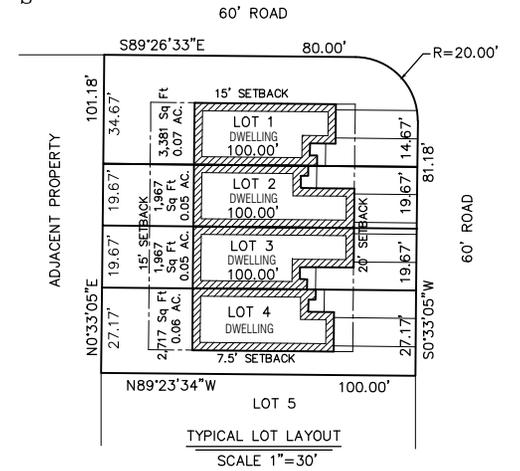
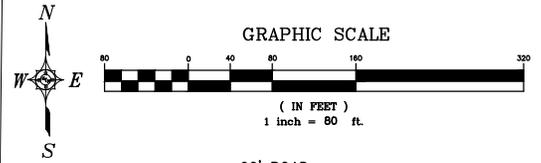


TYPICAL LOT LAYOUT

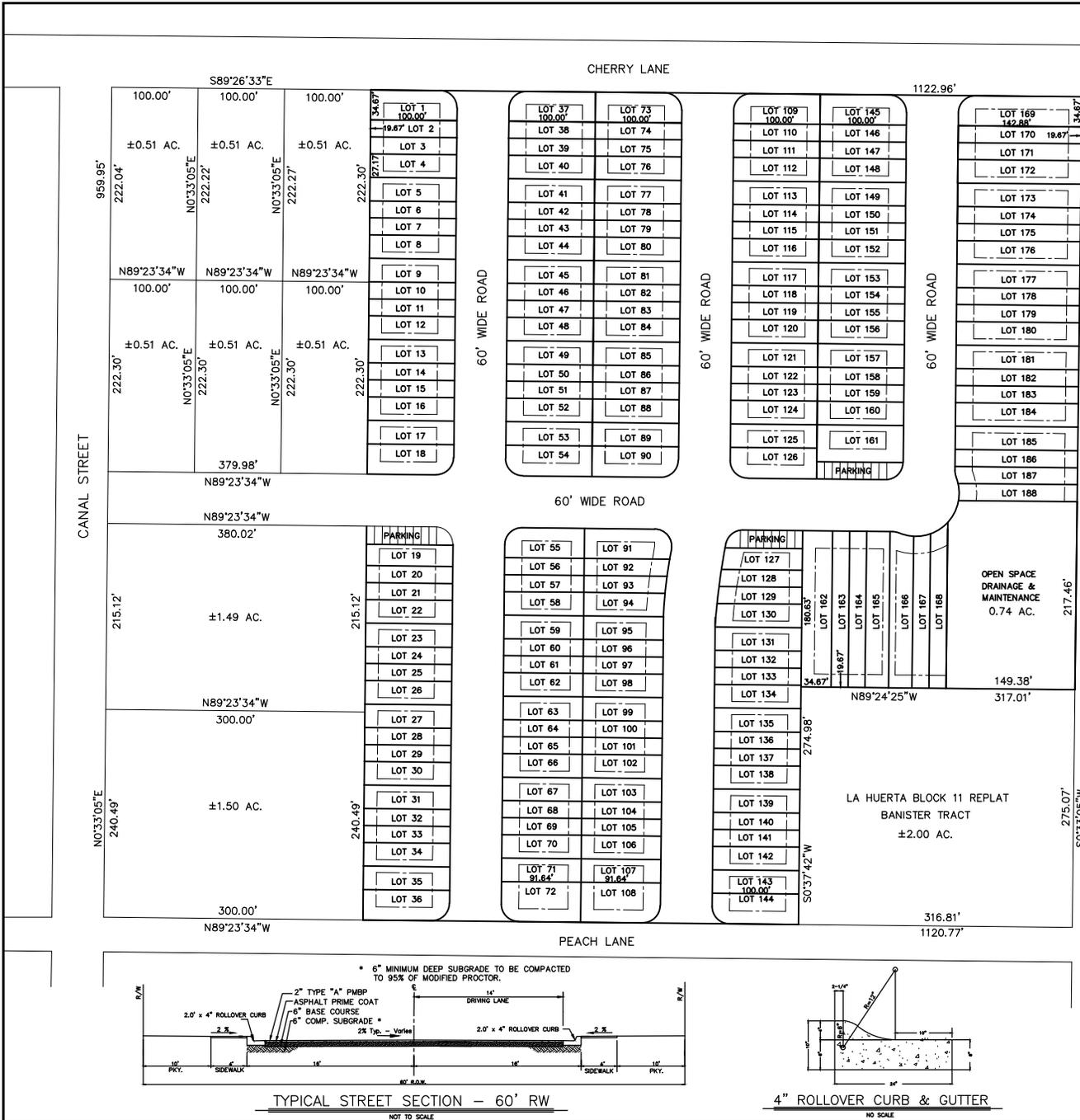
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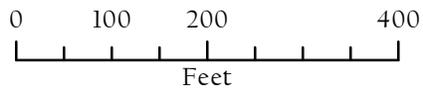
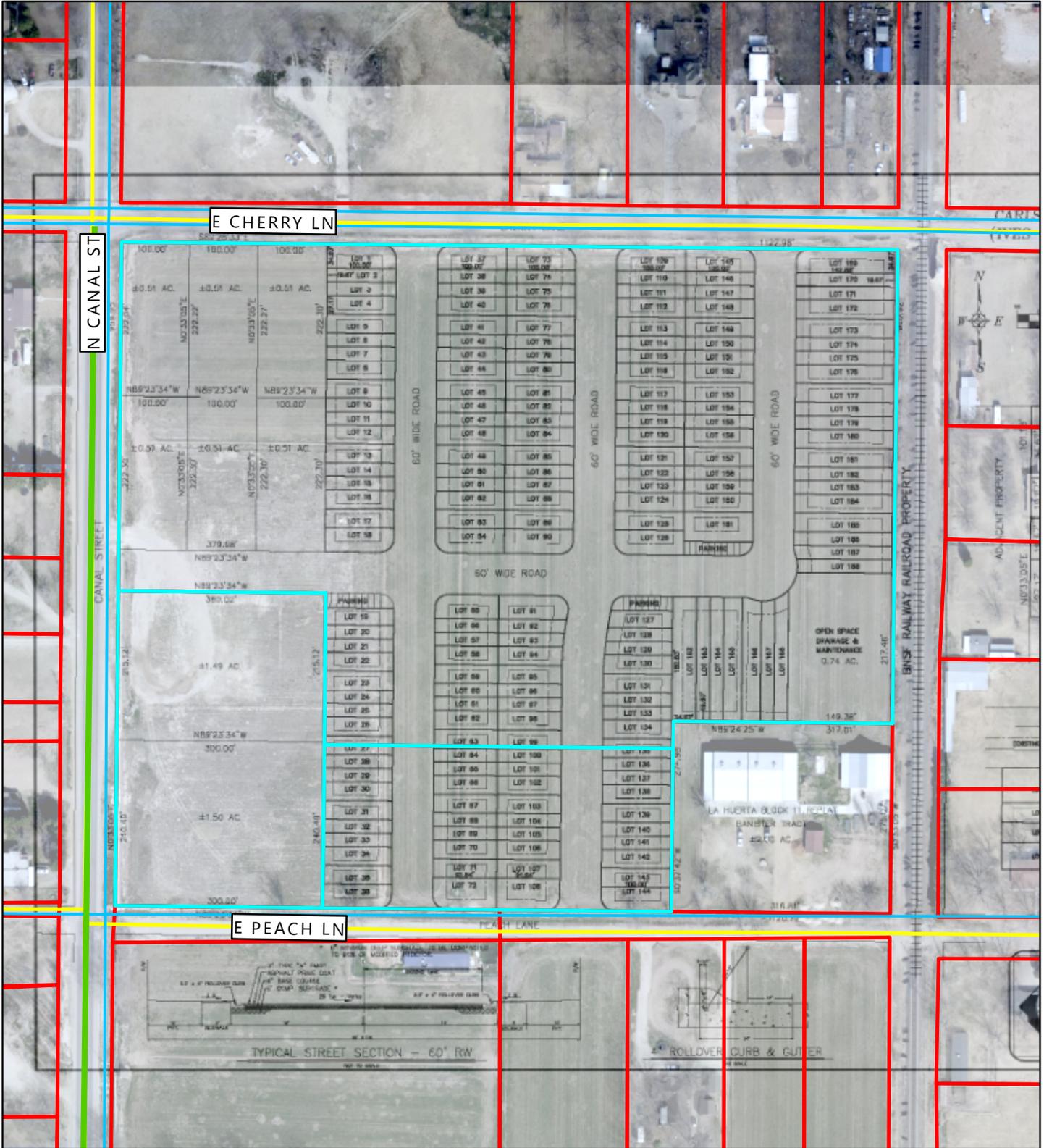
**PRELIMINARY PLAT  
CARLSBAD TOWNHOUSE SUBDIVISION  
(IVES ESTATES SUBDIVISION REPLAT)**

OCTOBER 10, 2019



**KD ENGINEERING**  
1880 E. LOHMAN AVE. DAC COUNTY, NM 88001  
CIVIL / MECHANICAL ENGINEERING  
DAVID B. CHURCH, P.E.  
875) 640-3790 CELL/575) 528-1108 OFFICE  
DAVID@THURSTONHOMES.COM





- Sewer Main
- Roads
- Water Main
- Parcel

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





CITY OF CARLSBAD

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

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

Application Date: 10.11.19

Fee Paid (\$50.00): 50.00 ju

APPLICANT INFORMATION:

CoMac LLC 106 Doportto Ct
NAME ADDRESS
Carlsbad NM 88220 575.910.9796 trent@trulineconstructionllc.com
CITY STATE ZIP PHONE EMAIL

PROPERTY OWNER INFORMATION (IF DIFFERENT FROM APPLICANT):

Ives Family Limited Partnership 1601 Mission Ave Carlsbad NM 88220
NAME ADDRESS
Carlsbad NM 88220 817.880.3182
CITY STATE ZIP PHONE EMAIL

LEGAL DESCRIPTION AND/OR STREET ADDRESS OF PROPERTY (FOR WHICH VARIANCE IS REQUESTED): Vacated lots 1,2,3, & 4 Block 11, La Huerta, Bannister Tract 3

TYPE OF REQUEST (CHECK ONE):

VARIANCE FROM THE SUBDIVISION REGULATIONS (CHAPTER 47 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 47-7, VARIANCES.

SPECIFY REGULATION AND/OR SUBSECTION:

[checked] VARIANCE FROM THE ZONING ORDINANCE (CHAPTER 56 - CODE OF ORDINANCES) AS PROVIDED FOR IN SECTION 56-150(c).

SPECIFY REGULATION AND/OR SUBSECTION: Sec. 56-90 Table 6

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

**Zoning Ordinance**

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

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

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

**Subdivision Regulations**

**Criteria for Appeals – Sec. 47-7**

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

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

**FOR OFFICIAL USE ONLY:**

**Required prior to P & Z:**

Complete Application Including:  Site Plan     Fee     Notification     Letter of Explanation  
 Sign Posting Agreement     Sign Posted  
 ABM     Staff Comments     Application Packet

P & Z Action:     Approved                       Denied                       Other                      Date: \_\_\_\_\_



# NOTIFICATION SIGN POSTING AGREEMENT

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

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

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

  
APPLICANT SIGNATURE

10-11-19  
DATE

Sign issued by:   
Staff Member

Date: 10.11.19

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: CoMac LLC 106 Doportto Ct Carlsbad 575.910.9796  
Name Address Phone

Subject Site Location: Vacated lots 1, 2, 3, & 4 Block 11, Lattuerta, Bannister Tract 3

The proposed action is a:

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

Variance/Appeal from Sec. 56-90 Table 6 in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

Lot size square footage, front & side set back due to town home style construction

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:** 11.4.19

**Time:** 5:00pm

**Place:** City Annex Planning Room

114 S. Halagueno St.

Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com).

For details about this request contact the applicant OR contact the City Planner at 575-885-1185 or via email at [jepatterson@cityofcarlsbadnm.com](mailto:jepatterson@cityofcarlsbadnm.com).

Sincerely,



Applicant/Agent

7019 1120 0001 0456 5105

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**CARLSBAD, NM 88220**

**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
<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	\$0.55	
Total Postage and Fees	\$4.05	

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

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

7019 1120 0001 0456 5112

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**CARLSBAD, NM 88221**

**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Alan & Stephanie Wood**  
Street and Apt. No., or PO Box No.  
City, State, ZIP+4®

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

7019 1120 0001 0456 5129

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**CARLSBAD, NM 88220**

**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
<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	\$0.55	
Total Postage and Fees	\$4.05	

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

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

7019 1120 0001 0456 5075

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**CARLSBAD, NM 88220**

**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
<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	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Anthony & Beverly Ananins**  
Street and Apt. No., or PO Box No.  
1621 N Canal  
City, State, ZIP+4®

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

7019 1120 0001 0456 5082

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**ARTESIA, NM 88210**

**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
<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	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Brandon Chandler**  
Street and Apt. No., or PO Box No.  
303 W Main  
Artesia NM 88210  
City, State, ZIP+4®

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**CARLSBAD, NM 88220**

**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Barbara Jones**  
Street and Apt. No., or PO Box No.  
202 E Cherry Ln  
City, State, ZIP+4®

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

7019 1120 0001 0456 5167

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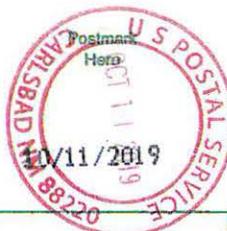
CARLSBAD, NM 88220

**OFFICIAL USE**

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
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Postage	\$0.55	
Total Postage and Fees	\$4.05	

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

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**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
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Postage	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Berry & Marjo Pace**  
 Street and Apt. No., or PO Box No.  
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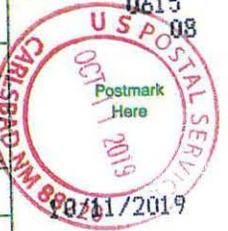
CARLSBAD, NM 88220

**OFFICIAL USE**

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Postage	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Stanley & Jane Patchet**  
 Street and Apt. No., or PO Box No.  
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



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**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Cheryl Ann & Terry Statham**  
 Street and Apt. No., or PO Box No.  
 City, State, ZIP+4®

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**OFFICIAL USE**

Certified Mail Fee	\$3.50	0615
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	08
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Robert & Doris Laird**  
 Street and Apt. No., or PO Box No.  
 City, State, ZIP+4®

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



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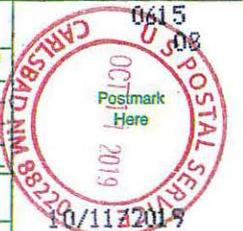
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**OFFICIAL USE**

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Postage	\$0.55	
Total Postage and Fees	\$4.05	

Sent To **Hung Cheng Chion & Yann-Ping Wa**  
 Street and Apt. No., or PO Box No.  
 City, State, ZIP+4®

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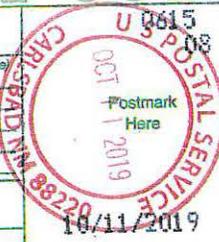
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

CHANDLER, TX 75758

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.05



Sent To Daniel Rodriguez

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
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Postage \$0.55

Total Postage and Fees \$4.05



Sent To Melvin & Patricia Banister

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

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Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
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Postage \$0.55

Total Postage and Fees \$4.05



Sent To Beverly Allen

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

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7019 1120 0001 0456 5211



## CITY OF CARLSBAD

*Planning, Engineering,  
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

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### BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

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

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#### PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Conditional Use, etc.) from the City of Carlsbad, Planning, Engineering, and Regulation Office.
2. **Applicant must submit a completed Application to the Planning, Engineering, and Regulation Office on, or before, the FIRST FRIDAY OF THE MONTH prior to the desired Commission meeting.** The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. A letter of explanation or clarification may also be provided. The required non-refundable application fee is due with submittal of the application.  
  
The desired maximum size for all documents is 11"x17". **However, if the applicant wishes to support his or her application with larger size documents, an original and eight (8) copies need to be provided.** Separate arrangements for copying these large documents may be possible, but will incur additional costs.
3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.
5. The Planning and Zoning Commission will vote to approve or deny the request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have. Appeals of Planning and Zoning Commission decisions will be heard by the City Council pursuant to Sec. 56-150(c).
6. The applicant shall mail notice of the Planning and Zoning Commission hearing, via certified mail, to all property owners within one-hundred feet (100') of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing.

# Untitled Map

Write a description for your map.

Pecos Vista 16 units per acre .80 of mile

Mobile Home Park .15 of mile

Copperstone 17 units per acre .64 of mile

Townhome Subdivision 10 units per acre

Riverwood Apartments 18 units per acre .34 of mile

North Forty Mobile Home Park .19 of mile

Rio Pecos Condominiums 15 units per acre .43 of mile

Cielo Vista Apartments 21 units per acre .47 of mile

Riverbend homes 10 units per acre .58 of mile

Google Earth

© 2018 Google

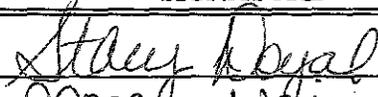
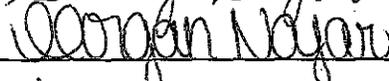
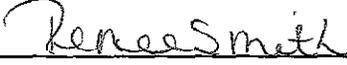
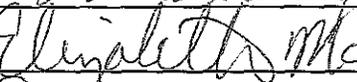
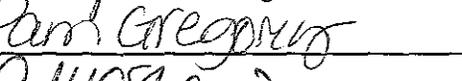
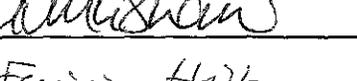
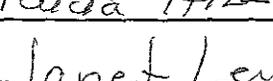
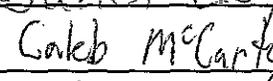
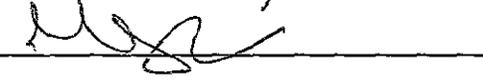
1 mi



# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Stacy Doyal		603 Freedom Ln	11/20/19
Morgan Najjar		1507 Lincoln Dr.	11/20/19
Teresa Mathis		3910 Old Cavern Hwy	11/21/19
Renee Smith		2619 Iowa St.	11.21.19
Ashley Jaure		1409 W Snow	11/21/19
JANELLE ONSUREZ		1408 COTTONTOP RD	11-21-19
Kristyn Porter		2110 Curry Rd	11-21-19
Wanda Hensley		1603 Landsun Cir	11-22-19
Elizabeth Michel		2519 Utah St	11-22-19
Pam Gregory		2102 Westridge Rd.	11-25-19
Amanda Mishaw		1703 N. Canal St.	11/25/19
Ferris Hill		1608 Sunset Green	11/25/19
Janet Leyenteder		610 W. FOX ST.	11-25-19
Caleb McCarty		706 1/2 Elgin Rd	11/25/19
MIKE JAMES		PO BOX 592 CARLSBAD	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

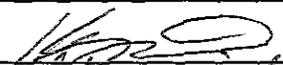
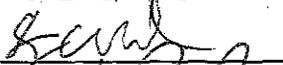
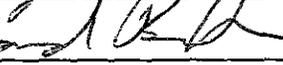
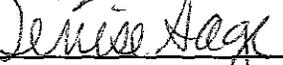
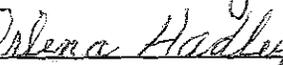
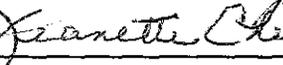
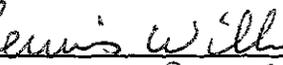
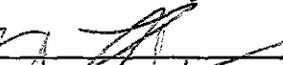
Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Raymond Wells	<i>R. Wells</i>	1104 Redwood Loop	11/13/19
Joana Wells	<i>Joana Wells</i>	1104 Redwood Loop	11/13/19
Travis Crandall	<i>Travis Crandall</i>	1813 Muscatel	11/15/19
Jill Crandall	<i>Jill Crandall</i>	1813 Muscatel Ave.	11-15-19
Barbara Fletcher	<i>Barbara Fletcher</i>	1605 W. Blodgett #11	11-25-19
Michael Shannon	<i>Michael Shannon</i>	1412 N. Country Club Cir	11-26-19
Fuena S. Shannon	<i>Fuena Shannon</i>	1412 N. C.C.C.	11/26/19
Danarjukis	<i>Danarjukis</i>	1504 S. C.C.C.	11/26/19
Ray Mashaw	<i>Ray Mashaw</i>	1703 N. Canal	11/26/19
Jonathan Jenkins	<i>Jonathan Jenkins</i>	1504 South Country Club Circle	11-13-19
Tia C. Jenkins	<i>Tia C. Jenkins</i>	1603 W. Riverside Dr.	11-26-19
Jo Schaefer	<i>Jo Schaefer</i>	926 Solana	11-26-19
Francie Gordon	<i>Francie Gordon</i>	803 Preston Trails Ct	11/26/19
McKenna Brown	<i>McKenna Brown</i>	1824 Denise DR	11/26/19
TIM BROWN	<i>T. Brown</i>	1824 DENISE DR	11-26-19
Shelly Wheeler	<i>Shelly Wheeler</i>	1104 W. Ural DR.	11-26-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

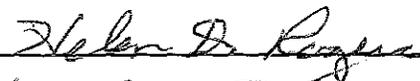
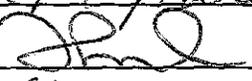
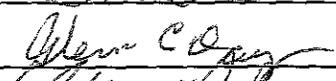
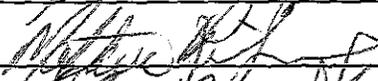
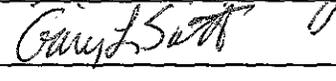
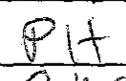
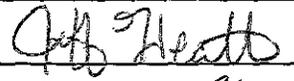
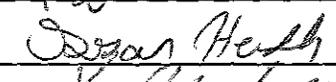
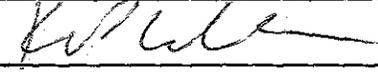
Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Hung Chion		1623 Concord Ave	11/16/19
Alan Fada		1614 Mission Ave. Carlsbad	11/17/19
Saul Olivais		1616 Mission Ave	11/17/19
Jarrad Burkham		1616 Mission Ave.	11-17-19
Dorothy Mae Donnell		504 E Cherry Lane	11-17-19
MARK Sage		1827 Muscatel Ave	11/17/19
Denise Sage		1827 Muscatel Ave	11-17-19
ORLENA HADLEY		1828 Mission Ave	11-17-19
Jeanette Chester		1828 Mission Ave	11-17-19
Dean Chester		1828 Mission Ave.	11-17-19
Rhonda Graham		1902 Mission	11-17-19
Clifton Graham		1902 Mission	11-17-19
LEWIS WILLIS		2405 N. CANAL	11-17-19
Aaron Graham		1416 Elzondo	11-17-19
Jose Lopez		1962 Mission	11-17-19
TINA GREEN		2405 N. Canal	11-17-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Helen D. Rogers		1633 Concord Ave. Carlsbad	11-15-19
Jann-Ping Way		1623 Concord Ave. Carlsbad	11-17-19
AnnMarie Field		1614 Mission Ave. Carlsbad	11-17-19
Victoria Burkham		1616 Mission Ave. Carlsbad	11-17-19
Lawrence & Brenda		1591 Mission Ave.	11-17-19
MATHEW RIDGWAY		1526 Mission Ave	11-17-19
John Purcell		512 Mission Cr.	11-17-19
Ericka Laney		1514 Mission Ave	11-17-19
GARY L. SCOTT		1606 Mission Ave	11-17-19
Percy Holcomb		1625 Muscatel	11-17-19
Jeff Heath		516 E. Cherry Ln	11-17-19
Susan Heath		516 E. Cherry Ln	11-17-19
Kevin Phillip		516 E. Cherry Ln	11-17-19
Teresa Phillips		510 E. Cherry Ln	11-17-19
Henry Hernandez		504 E. Cherry Lane	11-17-19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Joe Williams	Joe Williams	1602 Mission Carlsbad N.M.	11-21-19
Lela Williams	Lela Williams	1602 Mission Carlsbad N.M.	11-21-19
Stene Ward	Stene Ward	103 SARAH Ave	11-29-19
Max Bennett	Max Bennett	2001 Gwenda Dr Carlsbad, NM	11/25/19
Jennifer Bennett	Jennifer Bennett	2001 Gwenda Dr. Carlsbad, NM	11/23/19
Yaxi Zhao	Yaxi Zhao	1904 Mtn shadow Dr	11/23/19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Mary Etta Smith	Mary Etta Smith	1017 N. Guadalupe	11/23/19
<del>Virginia Smith</del>	<del>Virginia Smith</del>	<del>1017 N. Guadalupe</del>	<del>11-24/19</del>
Barry McDowell	[Signature]	1315 W Ural	11/23/19
Gale McDowell	Gale McDowell	1375 W Ural	11/23/19
Eugene Sento	[Signature]	2001 E. Derrick	11/23/19
JEAN JANTO	Jean Janto	2001 E. Derrick Rd	11/23/19
Dennis MRKVICKA	Dennis Mrkvicka	313E. peach LN	11/24/19
Martha McFauland	Martha McFauland	313E. Peach Ln	11/24/19
Robin Bostick	Robin Bostick	1512 Concord	11-24-19
VERA BOSTICK	[Signature]	1512 Concord Ave	11-24-19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Carissa Hargis	[Signature]	318 E. Orchard Lane	11-20-19
William Lambert	[Signature]	318 E. Orchard Lane	11-20-19
Kay Tigert	[Signature]	1649 Redwood Loop	11-20-19
Diana Clem	[Signature]	1409 Alasin	11-20-19
Pat Veilleux	[Signature]	1804 Mangrove Rd	11-20-19
Mike Veilleux	[Signature]	1804 Mangrove Rd	11-20-19
JOHN TIGERT	[Signature]	1649 Redwood Loop	11-20-19
Annette Barrick	[Signature]	1404 W. Orchard Lane	11-20-19
CRAIG BARRICK	[Signature]	1404 W. ORCHARD Lane	11-20-19
Patricia Banister	[Signature]	1910 Casanda Dr / 218 E. Peach Ln	11-20-19
Melvin Banister	[Signature]	1910 Casanda Dr / 218 E. PEACH	11-20-19
Dick A. Blunden	[Signature]	6504 N. Canal	11-25-19
Jashaa Fisher	[Signature]	1313 N Canal	11-25-19
Christianna Fisher	[Signature]	1313 N Canal	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

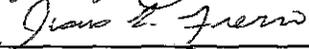
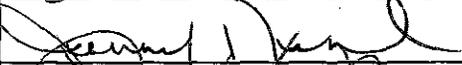
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PRINT NAME	SIGNATURE	ADDRESS	DATE
Jesse Perry	Jesse Perry	511 S. Ash	11-13-19
Jos Ann Perry	Jos Ann Perry	511 S. Ash	11-13-19
Kim Satter	Kim Satter	1616 Redwood Loop	11/13/19
Vickie Preubias	Vickie Preubias	1506 Sausa Ct	11-13-19
Chelsey Kinblay	Chelsey Kinblay	125 Nymeyer Rd	11-13-19
Kali Jo Kruegel	Kali Jo Kruegel	263 S. Roberson Rd.	11/13/19
Jane Breen Pierce	Jane Breen Pierce	1310 W Thomas	11/13/19
Martha Reed	Martha Reed	603 W Riverside Dr	11/13/19
Dave W. Kayser	Dave W. Kayser	2413 Wyoming	11/13/19
Joseph Houser	Joseph Houser	1910 Sandy Lane	11/13/19
Kim Avery	Kim Avery	911 N. Mesa St	11/13/19
Jordan Britain	Jordan Britain	1108 N Callaway Dr. APT 301	11/25/19
Dustin Britain	Dustin Britain	602 W Orchard Ln	11-25-19
Tina Britain	Tina Britain	1710 N-Guadalupe	11-25-19

# Carlsbad Townhouse Subdivision

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Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Kelly Johnson		1104 W. Orchard Ln	11-18-19
JESUS FIERRO		214 W. PEACH LN	11-18-19
Jennifer Nicholas		1706 N. MESA	11-18-19
Rachelle Thompson		310 E. Cherry Lane	11-18-19
Billy Warren		1514 N. Country Club Cir	11-18-19
James Ashley		1515 Country Club Pl	11-25-19
Steve Greer		116 E. Orchard Ln	11-25-19
Kim Green		116 E Orchard Ln	11/25/19
Rocky West		1703 LORETTA LANE	11/25/19
Ginger Price		1015 N. Country Club Circle	11/25/19
DON THOMPSON		310 E CHERRY LN	11-25-19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Cullen W MURRAY	Cullen W Murray	2307 Anita, Carlsbad	11/15/19
Crystal Montoya	Crystal Montoya	212 Farris, Carlsbad	11/15/19
Rebecca Weems	Rebecca Weems	1511 W. Greene St.	11/15/19
Tim Scott	Tim Scott	1004 W. Hallock	11/15/19
Rosemary Lara	Rosemary Lara	1507 Grant St Carlsbad NM	11-15-19
Alan Wood	Alan Wood	210 E. Cherry Ln.	11-15-19
Mario Lara	Mario Lara	1507 Grant St - Carlsbad NM	11-15-19
Harry Keesler	Harry Keesler	1302 S. Courtney Ct Carlsbad	11-16-19
Caleb Cunningham	Caleb Cunningham	5104 S. Thomas Rd.	11-18-19
Levi Wheeler	Levi Wheeler	1318 E. Orchard Ln	11-18-19
Susan Corbett	Susan Corbett	2301 Mtn. View	11-20-19
Lewis Corbett	Lewis Corbett	2301 Mtn. View	11-20-19

Back to Alan by 2/2/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

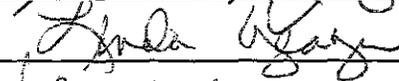
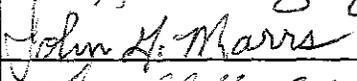
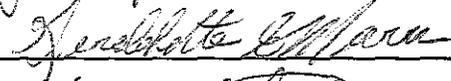
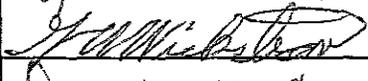
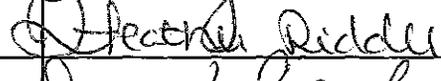
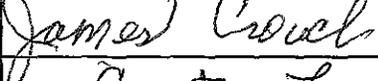
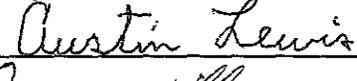
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PRINT NAME	SIGNATURE	ADDRESS	DATE
Don Fisher	<i>Don Fisher</i>	1632 Concord Ave	11/15/19
MURIEL AITCHENSON	<i>Muriel Aitchenson</i>	1626 Concord Ave	11-16-19
Ebaine Berg	<i>Ebaine Berg</i>	1626 Concord Ave	11-17-19
Shelby Ridgway	<i>Shelby Ridgway</i>	1526 Mission	11-17-19
WONI RIDGWAY	<i>Woni Ridgway</i>	1526 MISSION	11-17-19
Stephanie Overstreet	<i>Steph Overstreet</i>	1507 N. Canal	11-18-19
John M. Overstreet	<i>John M Overstreet</i>	1507 N. Canal	11-18-19
Cathryn N. Braun	<i>Cathryn N. Braun</i>	1814 N. Guadalupe St.	11-18-2019
Liz Kajiki	<i>Liz Kajiki</i>	202 Avite Ave	11-18-2019
KAREN B. LARA	<i>Karen B. Lara</i>	240 WESTERN WAY	11-18-2019
JUDY SEH	<i>Judy Seh</i>	1845 Laverne Dr	11/19/19
WANDA SPENCER	<i>Wanda Spencer</i>	201 Plum Ln. #7	11/19/19
Dolores Reynolds	<i>Dolores Reynolds</i>	1505 Tokay Ave	11/19/19
JEFF TRUSSELL HOMES	<i>Jeff Trussell Homes</i>	1504 MOUNTAIN SHADOW	11/19/19

# Carlsbad Townhouse Subdivision

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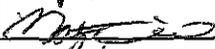
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PRINT NAME	SIGNATURE	ADDRESS	DATE
Jeremy Zinno		1504 Concord Ave	11-16-19
Josephine Zinno		1504 Concord Ave	11-16-19
Kenneth R Yeager		305 E Peach Ln	11-18-19
Linda YEAGER		305 E Peach Dr	11-19-19
John G. Marrs		1909 Sentry Cir.	11-19-19
Geraldette E. Marks		1909 Sentry Cir	11-19-19
Gerald W Wickstrom		1511 N Canal St.	11-21-19
Danita McCormick		204 Grapevine Ct. (city)	11-21-19
Melissa Taylor		1020 N Allan	11-21-19
Heather Riddle		1403 W. Edwards	11-21-19
JAMES CROUCH		409 PECOS Rv. DR.	11-21-19
AUSTIN LEWIS		1013 EAST Wood	11-22-19
Avery Williams		508 W. 4TH	11-22-19
David R Ruttige		521 Russell	11-22-19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Eddie Chavez	Eddie Chavez	203 Grapevine Ct.	11-21-19
Ruben Chavez	Ruben Chavez	203 Grapevine Ct.	11-21-19
Tim Miller	Tim Miller	207 Grapevine Ct.	11-21-19
Donna Miller	Donna Miller	207 Grapevine Ct.	11-21-19
Andrea Collins		601 W. Orchard	11/2/19
Matt Collins		601 W. Orchard	11/2/19
Elsa Franco	Elsa Franco	205 Grapevine Ct.	11/22/19
Lori Arredondo	Lori Arredondo	211 Goin Home	11/22/19
Raul Rodon	Raul Rodon	806 N. EDWARDS	11-22-19
Ether Aguilar	Ether Aguilar	1414 Ortega	11-25-19
Mike Aguilar	Mike Aguilar	1414 Ortega	11-25-19
Debbie Bailen	Debbie Bailen	201 E Plum Ln #14	11-25-19
Peggy Burt	Peggy L. Burt	201 E. Plum Ln. #39	11-25-19
Judith JONES	Judith Jones	201 E PLUM LN #48	11-25-19
Thomas Kubiak	Thomas Kubiak	201 E PLUM LN #37	11-25-19
Diane Kubiak	Diane Kubiak	"	1

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Susan Garcia	<i>Susan Garcia</i>	307N Alameda	11/19/19
KAREN FOLSOM	<i>Karen Folsom</i>	303 Farrell	11/20/19
Lisa Simmons	<i>Lisa Simmons</i>	408 Vineyard Lane	11-20-19
Lori Simmons	<i>Lori Simmons</i>	1628 N. Guadalupe St	11-20-19
Roger Short	<i>Roger Short</i>	1626 N Guadalupe	11-20-19
Oralia Lara	<i>Oralia Lara</i>	1507 Maui	11-20-19
Joe Lara	<i>Joe Lara</i>	1507 Maui Ct	11/20/19
Kelvin Folsom	<i>Kelvin Folsom</i>	303 Farrell drive	11/21/19
Liz Smith	<i>Liz Smith</i>	1330 LeVina	11-21-19
Charlotte Sibley	<i>Charlotte Sibley</i>	337 US Refinery Rd	11/21/19
Ray Parraz	<i>Ray Parraz</i>	1611 Landsun Dr	11/21/19
Kathy Hood	<i>Kathy Hood</i>	804 Mulberry Ln	11/22/19
Elizabeth Lewis	<i>Elizabeth Lewis</i>	201E Plum Ln #10	11/22/19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Manuel D. Avila	<i>[Signature]</i>	314 E. Cherry Ln	11/16/19
Lanette Avila	<i>[Signature]</i>	314 E. Cherry Ln	11/16/19
Dan Piant	<i>[Signature]</i>	306 - E Cherry 2W	11/16/19
<del>Paul [unclear]</del>	<del><i>[Signature]</i></del>	419 Whowho drive	11-19-19
Paul	<i>[Signature]</i>	1808 [unclear]	11-19-19
Mackie	<i>[Signature]</i>	1606 El Estribo Rd.	11/21-2019
Louisa PARRAZ	<i>[Signature]</i>	155 R Ash St	11-21/19
Tina Baeza	<i>[Signature]</i>	318 W Rose St	11-21-19
Barbara J. Brown	<i>[Signature]</i>	511 Welshire St	11-21-19
Florence Golden	<i>[Signature]</i>	407 Pike Dr.	11-21-19
Tera Trujillo	<i>[Signature]</i>	1102 W. Greene	11-21-19
Cordy SAUCIDO	<i>[Signature]</i>	1506 N. Guadalupe	11-21-19
Joy Springer	<i>[Signature]</i>	2006 Pepper Tree Court	11-21-19
Sharon Junk	<i>[Signature]</i>	1106 Ortega	11-21-19



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PRINT NAME	SIGNATURE	ADDRESS	DATE
Terry Statham		218 E. Cherry Ln.	11/17/19
Gabriel Statham		218 e Cherry Lane	11/17-19
Sharon Kiles		111 Farris #60	11-17-19
Melba Statham		2409 Legion St.	11-17-19
Colleen Rogers		5203 Sioux	11-18-19
BELEN GARCIA		1303 N CANAL #4	11-18-19
<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>
Velma Dunn		6214 Laguna	11-18-19
April Anderson		1205 N Country club circle	11-18-19
		301 E. Cherry	11-18-19
CHRISTINE TORRES		1003 Figan	11-19-19
Jay Carter		407 Walker Farm Rd	11-19-19
Chad Thompson		1425 Verdell ave	11-19-19
Kimberly Longoria		303 Moore brice	11-19-19
JESY RAMOS		2403 BONITA ST.	Nov. 19, 2019

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Cheryl Statham	Cheryl Statham	218 E Cherry Lane - Carlsbad	11-14-19
Rolena McIntire	Rolena McIntire	1214 W. Church Carlsbad	11/14/19
Stephanie Perez	Stephanie Perez	511 N 2nd St Carlsbad	11/15/19
Sydney Flores	Sydney Flores	1605 Palo Verde Loop - Carlsbad	11/15/19
Renée Valliere	Renée Valliere	1502 Tokay Carlsbad	11-15-19
Diana Dolan	Diana Dolan	1414 N. Country Club - Carlsbad	11-15-19
Amber Gonzalez	Amber Gonzalez	3402 W. Lea St - Carlsbad	11-15-19
Shaylyn Marquez	Shaylyn Marquez	411. Hamilton place	11-15-19
Mckenzie Pineda	Mckenzie Pineda	1503 W Greene St Carlsbad	11-15-19
Dottie Rutherford	Dottie Rutherford	2112 N Canal Carlsbad	11-15-19
David Hall	David Hall	1912 Sandy Lane	11/15/19
Colin Sean	Colin Sean	2005 Connie Road.	11/15/19
Laura Flores	Laura Flores	4009 Jesse James Ct	11/15/19
Michael J. Smith	Michael J. Smith	2410 Monte Vista	11-15-19
Wendy S. Griffin	Wendy S. Griffin	1641 Redwood Loop	11-15-19

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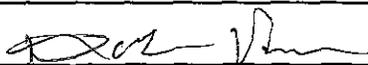
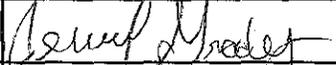
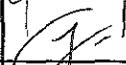
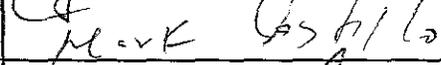
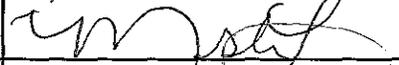
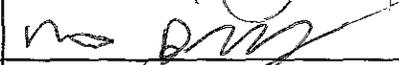
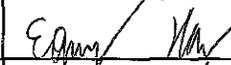
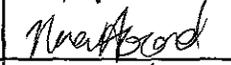
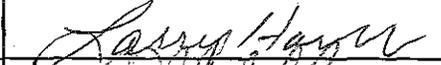
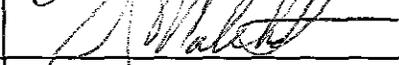
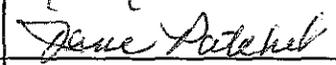
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PRINT NAME	SIGNATURE	ADDRESS	DATE
BARBARA A. LUCIA-JONES	<i>Barbara A Lucia Jones</i>	202 E. Cherry Lane	11-15-19
<i>Eric Zofonka</i>	<i>Eric Zofonka</i>	2025 Laurel Ave	11-16-19
JAMES S. LUCIA	<i>James S Lucia</i>	108 S. CYPRESS	11-17-19
JOANN ROLLEY	<i>Joann Rolley</i>	615 N. LAKE	11-18-19
MARIA WHEELER	<i>Maria Wheeler</i>	1716 N CATAL	11/19/19
Zachary Lucia	<i>Zachary Lucia</i>	202 E Cherry Ln	11/21/19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
David Rhoades		312 Farris	11/16/19
Shawn Smith			11/16/19
Beth Grady		616 Caballo Rd	11-16-19
Jennifer Grady		616 Caballo Rd	11-16-19
Leonel Lopez		2016 Georgia St	11-16-19
Mark Castillo		306 Mesquite St.	11-16-19
Michelle Wood		505 N 9th St	11/16/19
Matt Banks		505 N 9th St.	11-16-19
Edward Hood		905 Dark Canyon	11-16-19
Nora Hood		905 Dark Canyon Rd.	11-16-19
LARRY		102 S. Ash	11/16/19
STANLEY PATCHET		306 E PEACH LANE	11/23/19
JANE PATCHET		306 E. Peach Ln	11/23/19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Lisa Venosa	Lisa Venosa	1508 W. Currier St	11-16-19
Pat Boulden	Pat Boulden	801 Marion Dr.	11-16-19
Lena Rodriguez	Lena Rodriguez	1522 W. Bobbitt St.	11-16-19
Sam Rhodes	Samuel D. Rhodes	405 S. Mesquite	11-16-19
DAKOTA FRY	DAKOTA FRY	1001 N. Pate St	11-16-19
Johnny Brunkner	Johnny Brunkner	1517 Tasker	11-16-19
Daniel Gutierrez	Daniel Gutierrez	1515 Gillet	11-16-19
Todd Vansetter	Todd Vansetter	2000 Wilson	11/16/19
Doraven Baskin	Doraven Baskin	507 Alameda	11/16/19
Marty L. Banks	Marty L. Banks	3414 Sunnyview	11-16-19
Boyd H Banks	Boyd H Banks	3414 Sunnyview	11-16-19
Jenny Bolduc	Jenny Bolduc	402 Plum Lane	11-16-19
Jessica Wilbourn	Jessica Wilbourn	1006 Jason St	11-16-19
Bradley Wilbourn	Bradley Wilbourn	1006 Jason St	11-16-19
Doug Simmons	Doug Simmons	207 EAST PEACH LANE	



Dear Planning & Zoning Commission Members:

My name is Dr. Hung Chiou and I am AGAINST the variances (for a reduction of lot size from 6,000 sqf to 1,967 sqf; and to allow minimum variance of 5' to 0' side setback and a 20' front setback reductions); and the preliminary plat as proposed for the aggregates. Here are the reasons:

1. You, as the members of P&Z Commission, have the statutory duty to give due considerations to conserving the public health, safety, convenience, welfare, and property values of community by faithfully following and upholding the Zoning and Subdivision Ordinances, codes, and regulations. Did you examine the evidence presented by the developer(s) on how they meet the criteria of variances? If so, how do you justify and document your decision? Curiously, where are the evidence/justifications presented in the packets that are sufficient to allow such variances? We did not see any presented in the packets!!!
2. Is there any hardships suffered by the developer per the variance criteria of Zoning and Subdivision codes? We would be very interested to know how you make such determinations since we see none according to the ordinance book. Did the developer prove to you two things (a) that because of some peculiar characteristic of the land itself, it would be difficult for the landowner to make the reasonable use of the property in conformance with ALL of applicable zoning regulations; and (b) that the variance would not have a significant detrimental effect of the overall zoning plan or on the neighborhood? If not, it should make your job relatively easy by rejecting the variances per Zoning/Subdivision Ordinances.
3. The hardship must not be "self-created". The hardship shall not relate to the personal needs or wishes of the landowner/developer, but only to the quality of the property or land itself. Similarly, financial considerations should not be a reason to approve a variance. The difficulties in these cases shall only be from the condition of the lot itself, and not just from the wishes or goals of the landowner/developer. In these cases, we believe that the hardship of wanting to place more townhouses cramping into a smaller lot is self-created, not related to the land itself, and will only fulfill developer needs or desires but creates a severe injury to the public interests and the surrounding neighborhood.
4. We would like to remind you that your job is not to compromise Ordinance provisions for a property's convenience/gains but to apply legal criteria provided in the local ordinances and the state laws to a specific factual situation. In the end, you want your decisions to safe guard the public interests/safety and be able to defend your actions in the court of laws. If you can do just that, I would say you are doing a great job.



12-2-19

## EXCERPTS FROM CITY OF CARLSBAD'S 2030 COMPREHENSIVE PLAN

### CHAPTER 3. LAND USE

#### B. FUTURE LAND USE

Residential Development: New development is discouraged from locating heavily on the northeast side of town, as it is on the other side of the river and railroad tracks, and the City currently has no plans to create a bridge to increase access to this portion of the community (ICIP 2013-17).

### CHAPTER 9. HAZARD MITIGATION

#### B HAZARD MITIGATION TOOLS:

**2. LAND USE REGULATONS:** The City of Carlsbad has adopted and continues on a regular basis to update its land use regulations, which include the zoning code and subdivision regulations.

Pursuant to the above: The applicant's variance requests shall not be granted for the following reasons: (1) the City's 2030 Comprehensive Plan discouraged new development in this area as the City has no plans to build an additional bridge for access to this area and (2) the City's 2030 Comprehensive Plan continues to advocate the importance of following the City's existing code and regulations as its hazard mitigation tools.

# CHAPTER 56: City of Carlsbad Zoning Ordinance, Amended 8/8/17

## ARTICLE III. DISTRICT REGULATIONS

### SECTION 56-40. INTENT AND PURPOSE OF ZONING DISTRICTS

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

The Residential 1 District is intended to accommodate moderate density single-family residential development and to provide land-use protection for areas that develop in such a manner. There shall be a maximum of one primary residence per lot for R-1 Residential District Zoning. (Minimum size required by City Ordinance is 6,000 sqf)

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

The Residential 2 District is intended to accommodate higher density single-family, duplex, multiple family, and mobile home parks and subdivisions and to provide land-use protection for areas that develop in such a manner. (Minimum size required by City Ordinance is 2,500 sqf)

### SECTION 56-90. DENISITY, SETBACK AND AREA STANDARDS

**(a) Exception.**

1. Lot Area.

No building permit or development approval shall be issued for a lot that does not meet the minimum area requirements of this Code except for utilities using land or an unoccupied structure covering less than one thousand square feet (1,000 sq. ft.) of site area are exempt from minimum lot area standards.

**(b) Density, Setback and Area Standards**

**Table 6. DENSITY, SETBACK, AND AREA STANDARDS**

Zone District	Minimum Lot Area (sf) (net)/DU	Minimum Street Frontage (Feet)	Minimum Setbacks		
			Front/Street (Feet)	Side (Feet)	Rear (Feet)
R-R	10,890 (with city utilities)	75	30/20*	**	20
	43,560 (without city utilities)	110			
R-1	6,000	50	30/15*	**	10
R-2	2,500	50	0	**	10

(B) Side setbacks are required in order to provide a buffer between uses and for safety purposes. The minimum side setbacks shall be:

Building Wall Height (ft.)	Minimum Side Setback (ft.)
1.0-12.0	5
12.01 – 24.0	7.5
24.01	10

### (c) Alternate Residential Development Options

#### 3. Zero Lot Line

In a zero-lot line development, dwelling units are shifted to one side of each lot to provide for greater usable side yard space on each lot. These developments require planning and approval for all of the dwelling unit locations concurrent with the preliminary subdivision plat. The exact location of each dwelling unit is determined by the plat.

(b) Proof of Record Required. Prior to the issuance of any building permits for a dwelling unit with a zero-lot line lot, proof of filing on an approved plat with the County Clerk must be provided. The plat shall:

- (i) Show that the provided side yard setback is twice the side yard setback required in the underlying zoning district:

Contrary to Sec. 56-90 (b) lot size requirements, Sec. 56-40 (b) Residential 1 District (accommodating moderate density of 6000 sqf minimum) and (c) and Residential 2 District (accommodating higher density of 2,500 sqf minimum), the variance request reducing the 6000 sqf lot down to 1967 sqf will create even much higher density than allowable in the R-2 District. The Sec. 56-90 (c)3: Zero Lot Line code further requires the reduced side setback be provided back in the side yard setback that is at least twice the original side yard setback under such applications where the applicants completely ignore. The proposed 189 new single-family townhomes including the streets within approximately 16.6 acres is such an extremely high-density development that DOES NOT conform to the R-1 or R-2 zoning standards in any way. Such practices shall not be allowed for the existing R-1 zone; and we, the surrounding rural-residential low-density neighbors respectfully request that all members of the Planning & Zoning Committee uphold the minimum R-1 lot size standards and deny the applicant's variance request.

## ARTICLE V. ADMINISTRATION

### SECTION 56-150. SUBMITTAL REQUIREMENTS & REVIEW PROCESS

(b) Amendments to Official Zoning Map or Text of this Zoning Ordinance

- 4. Findings required.

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

Contrary to Sec. 56-150 (b) 4(d), the proposed variance will only injure and lower the standards of the Zoning Ordinance. The proposed changes only provide flexibility and convenience to the applicant/developer in fulfilling their maximum allowable profits at the expense of the surrounding neighborhood. We urge that all members of the Planning & Zoning Committee do not to contribute to lowering the standard of this Zoning Ordinance that we all strive to follow and respect.

(k) Variance

1. Purpose. Amendments to Official Zoning Map or Text of this Zoning Ordinance

(a) Which is not contrary to the public interest;

(b) Where, owing to special conditions in the topography, site location or access, a literal enforcement of the Zoning Ordinance will result in unnecessary hardship; and

(c) So that the spirit of the Zoning Ordinance is observed and substantial justice done.

Contrary to Sec. 56-150(k) Variance 1. Purpose (a)(b)(c), the variance shall not be granted as it is contrary to the public interest; it is not owing to any special conditions in the topography, site location or access, a literal enforcement of the Zoning Ordinance without the variances will NOT result in unnecessary hardship to the applicants while a literal enforcement of the variances, if granted, will result in unnecessary hardship to the neighborhood; and the spirit of the Zoning Ordinance is not being observed thereby showing substantial justice is not being upheld by all members of the Planning and Zoning Committee. We request the P&Z Committee reject the applicant's request for this variance thereby upholding the purpose of our City's Zoning Ordinances

4. Finding required

(a) The **stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public**, and

(b) The **hardship relates to the applicant's land, rather than personal circumstances**, and

(c) The **hardship is not the result of the applicant's own actions**, and

(d) The **granting of the variance is consistent with the City's Comprehensive Plan or other City master plan**, and

(e) The **granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance**, and

(f) The **variance granted is the minimum necessary to make possible the reasonable use of the land** or structure, and

(g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and

(h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a nonconforming use of land.

Contrary to Contrary to Sec. 56-150 (k) Variance, 4. Findings Required, criteria (b-h), the P&Z Committee shall not approve the variance since we believe the following criteria has not been met: (b) the stated hardship IS DIRECTLY related to the applicants personal circumstance as it is their need for high density development to maximize profits but NOT relates to the applicant's land, (c) the hardship is a result of the applicant's actions/needs, (d) the granting of this variance is NOT consistent with the City's plan, (e) the granting of the variance is NOT in harmony with the purpose and intent of the Zoning Ordinance, (f) the variance being requested is NO WHERE NEAR the minimum size making reasonable use of the land, (g) the granting of this variance WILL BE injurious to the adjacent properties and neighbors, WILL BE detrimental to public safety and (h) the variance is NOT extending a currently existing non-conforming use of the land and WILL authorize the initiation of a non-conforming use of the land. Again, we urge the Planning & Zoning Committee to faithfully uphold your duty to preserve the integrity of the City's Zoning Ordinance by denying the applicants request for this extravagant reduction request

## CHAPTER 47: City of Carlsbad Subdivision Ordinance

### ARTICLE I. IN GENERAL

**SECTION 47-7. VARIANCES.** Whenever, in the opinion of the Board of Appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as necessary so that the subdivider is allowed to develop his/her property in a reasonable manner **providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved.**

- (a) *Criteria.* The Board shall grant the minimum variance or modification to relieve the hardship only upon determination that:
- (1) **The variance will not be detrimental to the public health, safety and general welfare of the community; and**
  - (2) The variance will not adversely affect the reasonable development of adjacent property; and
  - (3) **The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage; and**
  - (4) **The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan; and**
  - (5) **The variance has been shown to be in the best interest of the general public and not only of interest to the developer, landowner or other interested party; and**
  - (6) **The hardship must not be pecuniary** and must be a direct result of the land location, topography or other characteristic;

### **SECTION 47-24. PRELIMINARY PLAT.**

(c) *Commission Procedure.*

**“If the preliminary plat is found to conform to all of the requirements of this chapter, approval shall be given by the Commission”.**

Contrary to Sec. 47-7 Variance requirement “the board may modify such requirements as necessary, providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved”. The surrounding neighborhood and many residents of the City and County strongly feel that such variance does not protect the public interests or its citizens, it also does not preserve the general intent or the spirit of the City’s regulations. We strongly urge that each member of the Planning & Zoning Committee shall reject the applicants request for all variances.

Contrary to Sec. 47-7(a) Criteria (1-6), no member of the Planning & Zoning Committee shall approve the variance since we believe the following criteria has not been met: (1) the variance will be detrimental to the public health, safety, and general welfare of the surrounding neighborhood; (2) the variance will adversely affect the rural integrity and the property values of all surrounding properties; (3) the variance is not justified because due to the topography of the land being relatively flat showing no inconvenience or financial disadvantage to the developer in meeting the minimum R-1 lot size requirements; (4) the variance is not consistent with the objectives of Chapter 47 Subdivision Ordinance or the City's Comprehensive Plan; (5) the variance is only in the best interest of the developer, land owner or other interested party and has not been shown or demonstrated to be in the best interest of general public; (6) the hardship is pecuniary and only prevents the maximum profits of the land owner and developer and is not a direct result of the land location, topography or other characteristic. Since all of criteria for granting the variances has not been met by the applicant, we respectfully request all members of the Planning & Zoning Committee shall have no choice but to deny all variance applications.

Contrary to Sec. 47-24(c) Preliminary Plat Commission Procedure, the members of the Planning & Zoning Committee shall NOT approve the variances or the preliminary plat incorporating these nonconforming variances since the requirement stated that "the approval shall be given by the Commission only if the preliminary plat is found to conform to ALL of the requirements of this chapter". As we have outlined in this briefing again and again, the applicants have not met ALL of variance criteria or code requirements such that a blind approval by the Commission will place the City in a legally binding position with irreversible damages and incurred cost to the city that is totally avoidable and preventable. We strongly urge that all members of the Planning & Zoning Committee uphold the codes and requirements by denying these nonconforming variance requests.

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

COUNCIL MEETING DATE: 12/19/2019

<b>DEPARTMENT:</b> Planning and Regulation	<b>BY:</b> Jeff Patterson, Director	<b>DATE:</b> 12/11/2019
<p><b>SUBJECT:</b> Appeal of the decision by the Planning and Zoning Commission to deny approval of a request for a Variance from Sec. 56-90(b) to reduce the minimum required front setback from 30' to 20' and reduce the required side setback from 5' to 0' for the La Huerta Townhomes Development, located at the SE corner of the intersection of E. Cherry Ln. and N. Canal St., zoned "R-1" Residential 1 District.</p> <p>Owner: Ives Family Limited Partnership 1601 Mission Ave. Carlsbad, NM 88220</p> <p>Appellant: CoMac, LLC. 106 Doportto Ct. Carlsbad, NM 88220</p>		
<p><b>SYNOPSIS, HISTORY and IMPACT</b> (SAFETY AND WELFARE/FINANCIAL/PERSONNEL/INFRASTRUCTURE/ETC.):</p> <p>At the December 2, 2019, Planning and Zoning Commission meeting, the appellant, CoMac, LLC, presented their request for a Variance to reduce the minimum required front setback from 30' to 20' and reduce the required side setback from 5' to 0' for the La Huerta Townhomes Development. The developers are proposing a townhome development, and plan to split the properties along the common walls of each townhome installed. Doing this will result in the majority of the townhome lots not having any side setbacks, and all of the lots having only a 20' front setback, which is not allowed in "R-1" zoning. The proposed townhomes will be built in 4 unit structures, and each unit will result in a separate piece of real property as the 4-unit structures are split along the common walls. This Variance is necessary for the development to be carried forward as proposed.</p> <p>Many residents within the vicinity were present at the meeting to speak against this item. Among the complaints voiced at the meeting were the fact that the developers' request for a Variance did not meet all of the required criteria for the granting of a Variance found in Sec. 56-150(k), which states:</p> <p><b>Findings Required.</b> The Planning and Zoning Commission shall only approve a variance if it makes the following findings:</p> <ul style="list-style-type: none"><li>(a) The stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public, and</li><li>(b) The hardship relates to the applicant's land, rather than personal circumstances, and</li><li>(c) The hardship is not the result of the applicant's own actions, and</li></ul>		

- (d) The granting of the variance is consistent with the City's Comprehensive Plan or other City master plan, and
- (e) The granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance, and
- (f) The variance granted is the minimum necessary to make possible the reasonable use of the land or structure, and
- (g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and
- (h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a nonconforming use of land.

The residents also voiced concerns over the increased density of the development that would be allowed if the Variance was approved, stating that the density of the proposed development would be drastically out of character for the area. Also voiced were concerns over increased traffic resulting from this development, as well as the opinion that the townhomes would be out of character for the area where single family homes are the predominant type of residential structures.

Members of the community were present that supported the development and the request for a Variance, stating the overwhelming need for additional housing in Carlsbad, additional affordable housing, and growth overall.

Upon hearing arguments and statements, the Planning and Zoning Commission considered this request and voted to deny the request with a vote of three (3) in favor of denial, two (2) in favor of approval, and none (0) absent.

The appellant has chosen to appeal the decision of the Planning and Zoning Commission to the City Council. The appellant submitted an appeal letter to the Planning Director's office, and stated within that letter that in his opinion, the request for this Variance is necessary to carry forward the proposed development, and this development is in line with the purpose of the Zoning Ordinance.

Sec. 56-150(c)(3)(d) states:

3. *Review Procedures.*

- (d) *After determining that the appellant has standing to appeal and reason(s) for appeal, the City Council, by a concurring vote of **two-thirds of all members**, or the Planning and Zoning Commission, by a simple majority, whichever the case might be, may reverse, affirm (wholly or partly), remand back or modify the requirement, decision or determination and shall make any requirement, decision or determination that, in its opinion, ought to be made in order to remedy those situations noted in the appeal. In the event of a tie, the appeal is deemed denied.*

Sec. 56-150(c)(4) states the following:

4. *Criteria.*

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

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.*
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.*
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.*
- (d) A hardship exists that is due to the unique shape, topography or significant variation from surrounding lots. The hardship shall neither be simply pecuniary nor a result of action, or lack thereof, taken by the applicant.*

**DEPARTMENT RECOMMENDATION:** After reviewing the appellant's appeal letter, and reviewing the initial information provided to the Planning and Zoning Commission at the December 2, 2019, meeting, the Planning Staff recommends that the decision by the Planning and Zoning Commission to deny the approval of the Variance request be overturned and the appeal approved with the following conditions:

- Fire separation on side setback should extend through and above to the roof.
- Front setback to be 25ft.

**BOARD/COMMISSION/COMMITTEE ACTION:**

- |  |  |  |                                       |
|--|--|--|---------------------------------------|
| <input type="checkbox"/> P&Z           | <input type="checkbox"/> Lodgers Tax Board | <input type="checkbox"/> Cemetery Board  | <input type="checkbox"/> APPROVED     |
| <input type="checkbox"/> Museum Board  | <input type="checkbox"/> San Jose Board    | <input type="checkbox"/> Water Board     | <input type="checkbox"/> DISSAPPROVED |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> N. Mesa Board     | <input type="checkbox"/> _____ Committee |                                       |

**Reviewed by**

**City Administrator:** /s/Michael A. Hernandez

**Date:** 12/16/19

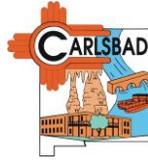
ATTACHMENTS: Appellant's appeal letter, Planning and Zoning Commission meeting minutes, pictures, agenda packet.

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, December 2, 2019, 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, December 2, 2019 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Council Chambers

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held November 4, 2019.
4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision
5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision
7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.
11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned "R-1" Residential 1 District
12. Consider approval of a Final Plat for the Hughes Riverside Subdivision
13. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision
14. Consider approval of a Variance to allow a 6' fence along the side setback located at 4301 Sycamore St., zoned "R-R" Rural Residential District
15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned "R-R" Rural Residential District

16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.
17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates
18. Report regarding Summary Review Subdivisions.
19. Adjourn.



**FOR INFORMATION ONLY**

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site:

[cityofcarlsbadnm.com](http://cityofcarlsbadnm.com)

or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

**PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting – Monday, January 6, 2020 at 5:00 p.m.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.  
HALAGUENO STREET, DECEMBER 2, 2019, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA ORTIZ**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**EILEEN RIORDAN  
K.C. CASS  
DUANE CUNNINGHAM  
RAMON BENAVIDEZ  
BRENT GRIFFITH  
SAM DORADO  
STEVEN McCUTCHEON  
TRENT CORNUM  
PATRICIA BANISTER  
RONALD J. PRIESTLEY  
TAMMY PRIESTLEY  
JANE PATCHET  
STAN PATCHET  
MELANIE K. TILLER  
STACEY BRITAIN  
VIRGINIA PRICE  
ALAN WOOD  
HUNG CHIOU  
LEROY BOSTICK  
DAVID FRITSCHY  
VERONICA PEREZ-RAMIREZ  
RAY MASHAW  
RONNY PYEATT  
DAVID SIMMONS  
TERESA MELENDEZ  
RAMON VALENZUELA  
MELVIN BANISTER  
WADE SMITH  
DON GEORGE  
CHRISTINA MANN  
STEVE GREER**

**CITY ATTORNEY  
DIRECTOR OF PROJECTS  
FIRE CHIEF  
BUILDING OFFICIAL  
CITY  
CITY  
1715 N. CANAL  
106 DOPORTO  
218 E. PEACH  
6025 GRANDI RD.  
6025 GRANDI RD.  
306 E. PEACH LN.  
306 E. PEACH LN.  
164 RABBIT HILL  
1710 N. GUADALUPE  
1507 N. COUNTRY CLUB CIR.  
210 E. CHERRY LN.  
1623 CONCORD AVE.  
1512 CONCORD AVE.  
603 ELORA DR.  
4301 SYCAMORE ST.  
1703 N. CANAL ST.  
413 HAMILTON ST.  
408 VINEYARD LN.  
3509 CASS DR.  
2015 GWENDA  
1910 GWENDA DR.  
122 S. 4<sup>TH</sup> ST.  
1725 MISSION AVE.  
2009 W. PEPPER TREE CIR.  
116 E. ORCHARD LN.**

KACEY CORNUM  
CAROLE BRYANT  
DON FISHER  
HELEN ROGERS  
CHERYL STATHAM  
TERRY STATHAM  
LLOYD TILLER  
RACHELLE THOMPSON  
DON THOMPSON  
CHASE HUDGINS  
KENNETH YEAGER  
LINDA YEAGER  
FERMIN RAMIREZ  
RUBEN CHAVEZ  
EDDIE CHAVEZ  
MIKE SHANNON  
AMANDA MASHAW  
R. GARCIA  
ALEX PALOMINO  
JOHN WATERS  
BRENDA DAY  
CONNIE DAY  
ROCKY WEST  
RAUL QUINTANA  
KIM GREER  
VIRGIL BRYANT  
ROBIN BOSTICK  
LEIA WILLIAMS  
JOE WILLIAMS  
VIRGIL SMITH  
MARY ETTA SMITH  
DEBBIE DOSS  
J. R. DOPORTO  
E. LICKLITER  
BEVERLY ALLEN  
TRACY HUGHES  
MORGAN NAJAR  
STACY DOYAL  
KEN DUGAN  
ELSA FRANCO  
ANNA GARCIA  
ASHLEY GARCIA  
TREY HUGHES  
JACOB ROSS  
DANNY CROSS  
BRIAN DOZIER  
GLENN BAILEY

106 DOPORTO CT.  
1909 GWENDA  
1632 CONCORD AVE.  
1632 CONCORD AVE.  
218 E. CHERRY LN.  
218 E. CHERRY LN.  
164 RABBIT HILL RD.  
310 E. CHERRY LN.  
310 E. CHERRY LN.  
1617 CONCORD AVE.  
305 E. PEACH LN.  
305 E. PEACH LN.  
4301 SYCAMORE  
203 GRAPEVINE CT.  
203 GRAPEVINE CT.  
1402 N. COUNTRY CLUB CIR.  
1703 N. CANAL ST.  
CITY  
300 N. MAIN, ROSWELL  
400-2 CASCADES STE 201  
1519 MISSION  
1519 MISSION  
1703 LORETTA LN.  
1608 MISSION  
116 E. ORCHARD LN.  
EDDY COUNTY  
1512 CONCORD  
1602 MISSION  
1602 MISSION  
1017 N. GUADALUPE  
1017 N. GUADALUPE  
1613 N. CANAL ST.  
112 DOPORTO CT.  
1910 SANDY LN.  
  
COUNTY  
1507 LINCOLN DR.  
603 FREEDOM LN.  
208-1/2 E. ORCHARD LN.  
205 GRAPEVINE CT.  
507 W. LEA  
507 W. LEA  
1003 NORTH SHORE  
802 N. ORCHARD LN.  
1133 TRACY PL.  
1806 N. GUADALUPE  
1613 N. CANAL

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

0:00:04 Start Recording [5:01:18 PM]

0:00:29 **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. Knott, Mr. McCormick, Mr. Garcia, Mr. Barney, Mr. Nesser.** Absent-None.

0:00:48 **2. Approval of Agenda.**

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

0:01:26 **3. Approval of Minutes from the Meeting held November 4, 2019**

**Mr. Nesser** made a motion to approve the minutes from the meeting held November 4, 2019; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent-None. The motion carried.

0:01:56 **4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision**

**Mr. McCormick** made a motion to remove from the table a consideration for approval of a variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent-None. The motion carried.

0:02:36 **5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains this request. **Steve McCutcheon** and **Trent Cornum** come to the podium. **Mr. McCutcheon** suggests the board consider voting to send this item directly to Council, and let the elected officials decide. **Eileen Riordan**, City Attorney, explains how a decision must be rendered from the Planning & Zoning Commission before proceeding to Council, because the Commission is the deciding body on a Variance. This item must be considered again. **Mr. McCutcheon** speaks to the density of the project as being in line other nearby Carlsbad properties. He states that Carlsbad will have about 1,000 homes coming on the market next year and they will be in the \$350,000 range, costing about \$1,700-1,800 per month over 30 years. He states the average apartment rental cost is between \$1,400-1,900 per month with a wait time. He states the townhomes in his development would probably come in around \$200,000 and cost about \$956 per month, making it much more affordable for people coming to Carlsbad to work. **Mr. Cornum** states that the largest need in Carlsbad is affordable housing and he has spoken to loan officers at banks on the price point loan applicants are getting approved for. He believes his development would be in the affordable range. He has looked at several properties and this property is the only one that a multi-family development could be built, noting that it has water and sewer availability. Floor opened for public comment. **Leroy Bostick** comes to the podium in opposition. He recognizes the need for housing; but he wants to focus on the process of approval or denial of this request. **Mr. Bostick**

cited the prepared Agenda Briefing Memorandum provided in the agenda packet for this item. **Mr. Bostick** pointed out that the applicants did not meet all 8 requirements outlined in the ABM. **Christina Mann** comes to the podium. She is opposed to the variance based on the reduction of lot size according to the R-1 requirements. **Tricia Banister** comes to the podium and cites the Carlsbad 2030 Comprehensive Plan that new development is discouraged on the northeast side of town. **Dr. Hung Chiou** comes to the podium in opposition and provides a list against the variances. Dr. Chiou is concerned about conserving the public health; proving a hardship suffered and created by the developer; and compromising Ordinance provisions. **Rachelle Thompson** comes to the podium in opposition mentioning the effect of increased traffic on both sides of the bridge and that future development should benefit all of Carlsbad. **Don George** comes to the podium in opposition. **Ken Dugan** comes to the podium to discuss the legal ramifications and states that the Commission is not empowered to change ordinances. Floor opened for those in favor of the variance. **John Waters**, Executive Director of the Carlsbad Department of Development, comes to the podium. He states that there are a number of companies begging them to find workforce housing. He supports the variance request and the project; and reminds the Commissioners they have a choice. **JR Doport** comes to the podium in support. He states that there are other developments in the city and everyone is feeling the effects of the growth of Carlsbad. Floor closed for public comment. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** states the city came to them with the need for this project. **Mr. McCormick** addresses the applicants directly and states they should have applied for a zoning change, not a variance.

**Mr. McCormick** made a motion to deny the request of variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No-- **Mr. Barney, Mr. Knott;** Abstained--None; Absent--None. The motion carried.

1:18:12      **6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision**

**Mr. Barney** made a motion to remove from table consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent--None. The motion carried.

1:19:17      **7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** clarifies that the City Administration recommended the R-1 zoning when they were planning this project. Floor opened for public comment. **Mr. Bostick** comes to the podium in opposition and cites the same items in Item #5. **Ms. Banister** comes to the podium in opposition because she does not want this to set a precedent. **Mr. Knott** replied to Ms. Banister informing her that each variance request stands alone and is not subject to previous requests. **Mr. George** comes to the podium in opposition. **Dr. Chiou** comes to the podium to oppose this item for the same reasons he stated before. He cites Sec. 56(90) items regarding setback rules. **Ms. Thompson** comes to the podium in opposition. **Robin Bostick** comes to the podium in opposition because there would not be adequate parking space. **Mr. Knott** notes that the Planning Staff recommends 25' setback. **Mr. Dugan** comes to the podium and states this must be denied because it is connected to the previous requests. Floor opened for public comment in support of this item. **Mr. Waters** comes to the podium and speaks in support; citing properties with 0' setback in other neighborhoods. Floor closed for public comment. **Mr. Barney** asks if City staff did recommend a 25' front setback. **Mr. Patterson** says it did. **Mr. Knott** asked the applicant if he would like to amend his request to match the City staff recommendation to be a 25' front setback. The applicant confirmed that the board should consider the request to include the staff recommendation.

**Mr. Barney** made a motion to approve a Variance to allow a 0' side setback and a 25' front setback for the Carlsbad Townhouse Subdivision development; **Mr. Knott** seconded the motion. The vote was as follows: **Yes-- Mr. Barney, Mr. Knott**; **No-- Mr. Garcia, Mr. McCormick, Mr. Nesser**; **Abstained-- None**; **Absent-None**. The motion fails. This item is considered denied.

1:39:22      **8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Nesser** made a motion to remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**. **No--None**; **Abstained--None**; **Absent-None**. The motion carried.

1:39:59      **9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. McCutcheon** asks for confirmation they can put manufactured housing on the property without applying for any variances. **Mr. Patterson** explains that manufactured homes and double-wides are allowed in R-1 residential zoning. Floor opened for public comment against this item. **Stanley Patchet** comes to the podium. He explains the land is about 24.7 acres and is bound by CID canals on the north, south and west sides; it slopes to the east and is under flood irrigation. He states Carlsbad has a 100-year storm of 5" and this means there is a 1% chance of this happening on any day. If it happens and the ground is already saturated, the water will flow to the east and up against the BNSF Railroad embankment. He states the developers have indicated a .74 acre drainage or open space maintenance and drainage on their plans. If 5" of rain happens on saturated ground, then the water would be 13.5' deep in that drainage area. If the land was developed it would be unacceptable from a water handling point of view. He suggests the commission protect the city and employ, at the developer's expense, a professional engineer to evaluate the 100-year storm water handling for this tract and surrounding areas; ensure the final design and each modification include adequate protection from 100-year storm effects on the Banister property, the BNSF embankment, and adjacent public roads. **Mr. Knott** explains that the Planning Department goes through a lengthy process including drainage plan; and that the pond is a detention pond, not a retention pond, and has to have a release. **Mr. Patterson** explains the first requirement was the developer provide a drainage study done and have a NM registered engineer design a drainage plan that captures the water on that property and releases it at the pre-development rate and volume. **Don George** comes to the podium and states this item is contingent on the previous two items that were voted down, and the comments for those apply to this item; and this item should be voted down as well. **Hung Chiou** comes to the podium and states that he is against this item. He calls attention to Sec. 47, page 24, item C, referencing that the Commission must uphold the code and deny this item. **Mr. Bostick** comes to the podium and states he is against this item, and wants to address a comment Mr. McCutcheon made, which he thinks is highly inappropriate, basically that, "If you don't like this, we're going to do something else, which could be worse." **Rachelle Thompson** comes to the podium. She is against the plat for either manufactured homes or the townhomes. She states Peach Lane is a single lane chip seal road and has two of the 6 outlets out of the development and asks that Peach Lane would be taken care of. **John Waters** comes to the podium. He is in favor of the plat. Floor closed for public comment. **Mr. Knott** asks if applicants have looked at Staff recommendations and if they have any problem accepting them. The applicants state they would like to for the board to vote based on the application as is, without changing their request to include staff recommendations.

**Mr. Garcia** made a motion to deny the Preliminary Plat for the Carlsbad Townhouse Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser;** No– **Mr. Barney, Mr. Knott;** Abstained–None; Absent–None. The motion carries.

Recording paused for a short recess.

1:58:42      **10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.**

**Mr. Garcia** made a motion to remove from table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

1:59:29      **11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned “R-1” Residential 1 District**

**Ms. Ortiz** explains this request. The Planning Staff recommends denial of this request. **Wade Smith** comes to the podium and explains he just wants to keep his RV on his lot. He states it does not interfere with any utilities or visibility. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No– **Mr. Barney, Mr. Knott;** Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant he will receive a letter with his approval.

2:03:32      **12. Consider approval of a Final Plat for the Hughes Riverside Subdivision**

**Mr. Patterson** explains this request, noting that additional drainage facility needs to be installed. The developer will work with the City and mitigate the issue. **Alex Palomino**, the Project Engineer from Souder Miller & Associates, comes to the podium. He states there was an existing drainage problem and that their plan is to capture most of the run-off water on Lot 12 in the detention pond, and continue drainage along the easement to the east side of Lot 1, where there will be a narrow shallow pond. **Mr. Palomino** states the City will then maintain these ponds for drainage. **K.C. Cass** comes to the podium, and states that the City of Carlsbad approached about the drainage issues. **Mr. Hughes** has graciously given the City part of Lot 1 to mitigate water issues. **Mr. Palomino** asks that the City sign off on the plat and the final plat will show the new drainage plan. They will follow the Planning staff recommendations. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve the Final Plat for the Hughes Riverside Subdivision; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent--None. The motion carried.

2:13:53      **13. Consider a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision**

**Ms. Ortiz** explains this request, noting this request would not create a spot zone. The Planning Staff recommends approval of this request. **Ronald Priestley** of TAJ Investment Properties comes to the podium and explains they would like to build some multi-family housing to help with the City’s need for

affordable housing. This project would be a 14-unit building, and would have plenty of parking. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.4 acres located at 511 W. Lea St.; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant this will go before City Council on January 14, 2020.

2:16:50      **14. Consider approval of a Variance to allow a 6’ fence along the side setback located at 4301 Sycamore St., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The Planning Staff recommends approval with the condition that the fence taper to 4’ as it approaches the front property line to allow motorist safety, and that the applicants work with the City Building Dept. to obtain the necessary permits. **Veronica Perez-Ramirez** explains her reasons are privacy from the nearby large man camp and as a windbreak. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve the request for Variance to allow a 6’ fence along the side setback located at 4301 Sycamore St. with condition of 20’ taper from 6’ to 4’; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes--Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant she will receive a letter of approval and she must come into the Building Department and speak with the City Building Official for permits.

2:25:49      **15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The applicant is operating an RV park on the property with 55 spaces, has provided permits for septic, water and trash service are being provided, electrical permits have been issued. However, the property is in FEMA flood zone A and a Floodplain certificate would need to be submitted and measures taken to comply with FEMA code. On October 1, 2019 a criminal complaint was submitted against Lloyd Tiller by City of Carlsbad Code Enforcement in Municipal Court. An appearance was scheduled on or before November 12, 2019. As of November 25, 2019, a resolution with the court has not been reached. A warrant has been issued against Mr. Tiller. The Planning Staff recommends denial based on the applicant has not submitted a utility plan showing all connection to city utilities; the site plan does not allow for emergency service access; lack of fire hydrant at the entrance; and the applicant has been operating without a Temporary Use Permit. **Lloyd Tiller** comes to the podium. He states he has no idea of any warrants. He further states that he has done everything the City has asked him to do for his RV park, and assumes he has done everything required. He states he will do whatever else needs to be done. Floor opened for public comment. There was none. **Mr. Barney** asks if the Planning Staff would change their recommendation if Mr. Tiller complied with those items on the list. **Eileen Riordan**, City Attorney, states that because his plan is incomplete, the staff would need to work out what Mr. Tiller proposes again. **Ms. Riordan** states the Fire Department would require a more complete plan. **Mr. Knott** mentions the possibility of tabling this item for consideration later. **Ms. Ortiz** states there are ingress and egress issues, and the drive aisle is required to be 24’ wide and that is not what is on the site plan. She notes since this site plan was drawn in July of 2018, the City’s requirements have changed. **Duane Cunningham**, Fire Chief, comes to the podium and states that he would like **Mr. Tiller** to work with them on the turning radius, and fire hydrant locations. **Mr. Patterson** suggests that this item be tabled to give Mr. Tiller time to work on the site plan.

**Mr. Barney** made a motion to table Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd.; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion was tabled.

**Mr. Knott** tells the applicant to contact the City Departments he needs and set up appointments.

2:44:59      **16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.**

**Mr. Patterson** explains this request. The applicants did not attend. **Mr. Patterson** states the applicants would like to increase parking area for their medical office. The Planning staff recommends denial unless the following conditions are met: The right of way along Osborne St. would be reduced to 55' in width at the location of the vacation and leave approximately 60' in right of way along Osborne St.; the right of way to be vacated should be adjusted at the NW corner of the proposed vacation to ensure that the turn south for drivers heading west on Camp Ave. to south on Osborne remains unobstructed. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve a Right-of-Way Vacation request at 2413 W. Pierce St. with recommendations; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion carried.

2:53:22      **17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates**

**Ms. Ortiz** presents the dates for the 2020 Planning and Zoning Commission meetings for approval. They are all on Monday evenings at 5:00 p.m.: January 6, February 3, March 2, April 6, May 4, June 1, July 6, August 3, September 14, October 5, November 2, and December 7.

**Mr. Barney** made a motion to approve the 2020 Planning and Zoning Commission Meeting Dates; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion carried.

2:56:23      **18. Report regarding Summary Review Subdivisions.**

Nothing unusual was noted.

2:57:16      **19. Adjourn.**

There being no other business, the meeting was adjourned.

2:57:24      Stop Recording [8:08:13 PM]

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Chairman

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Date

**CoMAC, LLC**  
106 Doport Court  
Carlsbad, New Mexico 88220

**December 2, 2019**

**Via Hand Delivery & Email: council@cityofcarlsbadnm.com**

City of Carlsbad, New Mexico

City Council Members:

Lisa A. Anaya-Flores

Edward T. Rodriguez

JJ Chavez

Leo Estrada

Jason G. Shirley

Judith Waters

Wesley Carter

Mark Waltersheid

101 N. Halagueno

Carlsbad, New Mexico 88221

**RE: Appeal from Final Decision of Planning and Zoning Commission**

City of Carlsbad Council Members:

CoMac, LLC, a New Mexico limited liability company (“CoMac”), is the owner of approximately 17.8 +/- acres, more or less, located in the SE ¼ of Section 30, Township 21 South, Range 27 East, N.M.P.M., in Eddy County, New Mexico (hereinafter referred to as the “Land”).

CoMac requested certain variances on the Land as a result of its preliminary plans to develop and market townhomes located on the Land in the form of a townhouse subdivision, all of which is currently permissible under the R-1 development zoning applicable to the Land. Variance requests were taken to the Planning and Zoning Commission (“P&Z”) on November 4, 2019, at which time such requested variances were tabled for a final decision on December 2, 2019. All variance requests present to the P&Z were subsequently denied via final decision on December 2, 2019.

The Code of Ordinances, City of Carlsbad, New Mexico (“Carlsbad City Code”), provides that the City Council has the power and duty to consider and decide appeals taken from final decisions of the Planning and Zoning Commission. *See Carlsbad City Code, Sec. 56-130(b)(1)*. Accordingly, please allow this letter to serve as CoMac’s appeal from the final decision made by P&Z on December 2, 2019.

Set before and denied by P&Z were the following requests for variances, all of which are now the subject of appeal and review by the City Council, as set forth herein:

1. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned “R-1” Residential 1 District [sic];
2. Consider approval of a Variance to allow a 0’ side setback and a 20’ front setback for the Carlsbad Townhouse Subdivision development, zoned “R-1” Residential 1 District [sic]; and

City Council, Carlsbad, New Mexico

Re: Appeal from Final Decision of Planning and Zoning Commission

Page 1 of 3

3. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision.

Of note to the City Council, the following key commentary was provided at the November P&Z public hearing regarding the above-requested variances, the subject of this appeal:

- Jeff Patterson, Planning Director for the City of Carlsbad, New Mexico, acknowledged that “townhouses are allowed in R-1 . . . Zoning,” among other zones, and that all zoning for townhouses “would require a variance depending on design and lot size.” See *Planning and Zoning Commission Minutes, November 4, 2019, #4, 0:01:38*.
  - Moreover, Mr. Patterson further stated that “the City Planning Staff recommends approval of [variance #1].” (NOTE: As of the November 4, 2019 meeting, P&Z held public hearing for discussion of only requested ordinance variance #1 above. All other requested variances were tabled for discussion on December 2, 2019.)
- John Waters, Executive Director of the Carlsbad Department of Development, stated his support for the Master Plan presented by CoMac “as there is not a lot of inventory [*i.e.*, housing] in this range.” *Id.*
- Billy Massengill, Eddy County Detention Facility Warden, stated that “there are now 35 positions [] open at the jail, plus ISD and Transportation. He sees a lot of mancamps around and he is pleased to see places for people coming to work here and don’t [*sic*] have \$350,000 for a house and then \$250,000 for renovations . . . he is in support of the variance.” *Id.*
- Oran Means, of the Mayor’s Housing Committee, stated “that people cannot afford most of the housing that is coming here. He believes that more building on less land should keep prices down.” *Id.*

These requested variances are necessary for the development of a townhouse subdivision, notably in a zone permitting such use, to accommodate and assist in the growth in the City of Carlsbad. Moreover, these requested variances are in line with the purpose of the Zoning Ordinance of the City of Carlsbad, New Mexico, to “create orderly, harmonious, and economically sound development.” See *Carlsbad City Code, Sec. 56.3*. Further, such variances are aligned with the particular purposes outlined within the Carlsbad City Code, including, but not limited to, the following:

(a) *Implement comprehensive plan.* To implement the goals and policies of the comprehensive plan of the City of Carlsbad, as amended from time to time, **as well as other goals and policies adopted by the city council related to growth and development.**

(e) *Improve efficiency.* **To encourage a more efficient use of land, infrastructure and public services and to reflect changes in technology of land development.**

(g) *Reduce sprawl.* **To reduce sprawling development** that results in the inefficient use of existing infrastructure and irreplaceable natural resources.

(h) *Encourage infill.* **To encourage the development or redevelopment of lots within the city and to support the efficient use of land,** existing infrastructure, city services and other resources.

*See Carlsbad City Code, Sec. 56.3 (a), (e), (g) and (h).*

Again, as articulated in November by Mr. Patterson, the City's Planning Director, "the City Planning Staff recommends approval . . ." See *Planning and Zoning Commission Minutes, November 4, 2019, #4, 0:01:38*.

This appeal is not intended for waste or delay, but that justice might be done, and is further made timely as required by law and as set forth in the Carlsbad City Code, Sec. 56-140(k).

I appreciated your attention to this matter. If I can be of assistance in any way, please do not hesitate to reach out to me via email, [svmccutch@gmail.com](mailto:svmccutch@gmail.com), or via cell phone, (575) 706-7941.

Sincerely,

COMAC, LLC

By:



Steven McCutcheon, Manager



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

**Zoning Ordinance**

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

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

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

**Subdivision Regulations**

**Criteria for Appeals – Sec. 47-7**

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

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

**FOR OFFICIAL USE ONLY:**

**Required prior to P & Z:**

Complete Application Including:  Site Plan     Fee     Notification     Letter of Explanation  
 Sign Posting Agreement     Sign Posted  
 ABM     Staff Comments     Application Packet

P & Z Action:     Approved                       Denied                       Other                      Date: \_\_\_\_\_



# NOTIFICATION SIGN POSTING AGREEMENT

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

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

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

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

10-11-19  
DATE

Sign issued by:   
Staff Member

Date: 10.11.19

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: CoMac LLC 106 Doportto Ct Carlsbad 575.910.9796  
Name Address Phone

Subject Site Location: Vacated lots 1, 2, 3, & 4 Block 11, LaHuerta, Bannister Tract 3

The proposed action is a:

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

Variance/Appeal from Sec. 56-90 Table 6 in accordance with Sec. 56-150(c).

The purpose of the variance/appeal is:

Lot size square footage, front & side set back due to town home style construction

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:** 11.4.19

**Time:** 5:00pm

**Place:** City Annex Planning Room

114 S. Halagueno St.

Carlsbad, NM 88220

The Code of Ordinances can be found on the City's website [www.cityofcarlsbadnm.com](http://www.cityofcarlsbadnm.com).

For details about this request contact the applicant OR contact the City Planner at 575-885-1185 or via email at [jepatterson@cityofcarlsbadnm.com](mailto:jepatterson@cityofcarlsbadnm.com).

Sincerely,



Applicant/Agent

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Postage	\$0.55	
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Postage	\$0.55	
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Postage	\$0.55	
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Postage	\$0.55	
Total Postage and Fees	\$4.05	

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 303 W Main  
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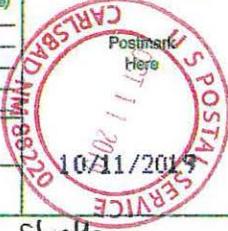
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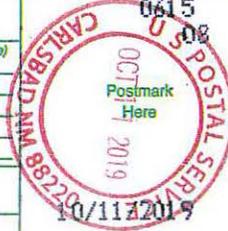
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Postage	\$0.55
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Postage	\$0.55
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## CITY OF CARLSBAD

*Planning, Engineering,  
and Regulation Department*

PO Box 1569, Carlsbad, NM 88221

Phone (575) 885-1185

Fax (575) 628-8379

---

### BOARD OF APPEALS APPLICATION

(VARIANCE FROM SUBDIVISION OR ZONING ORDINANCE)

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

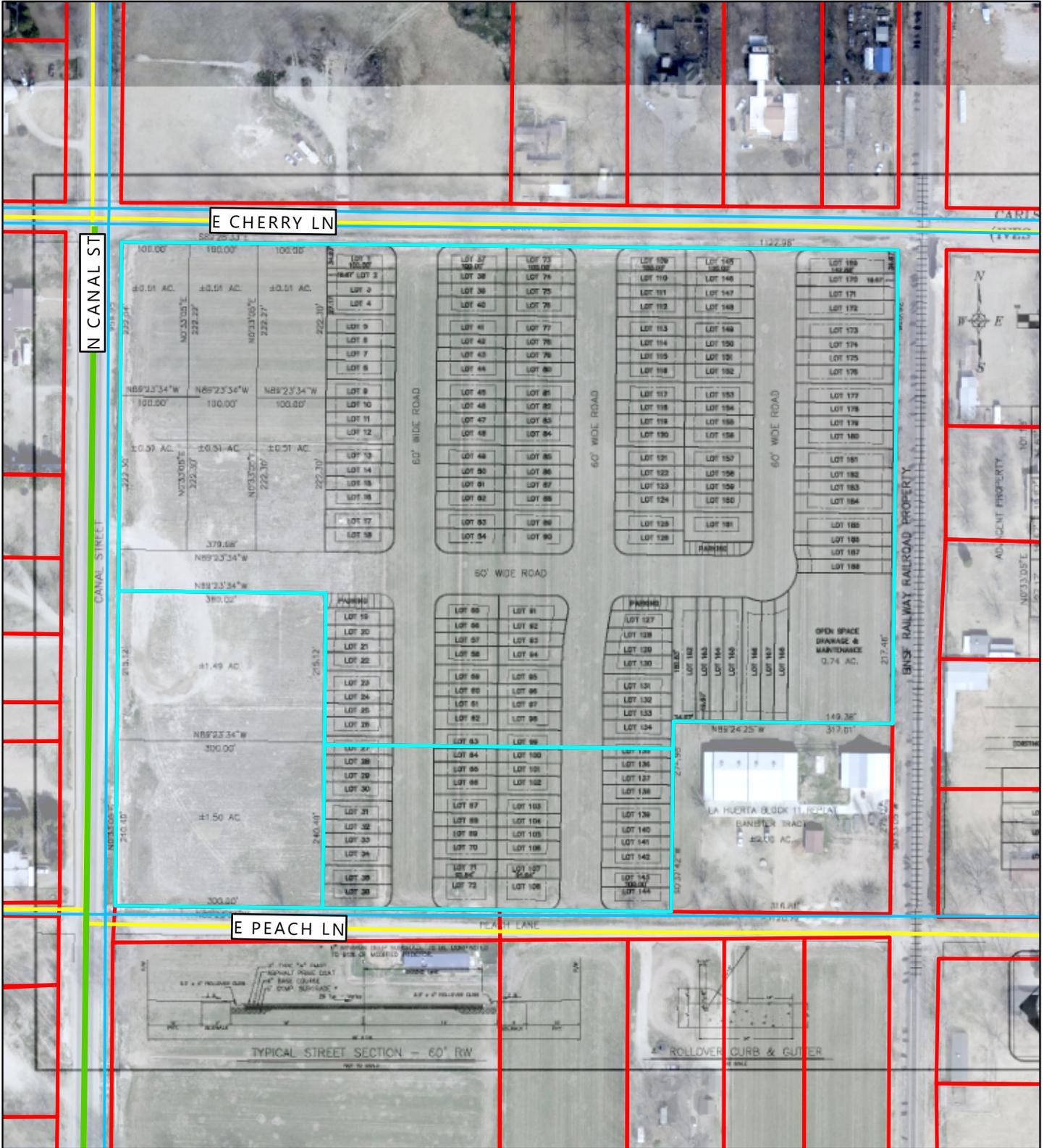
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#### PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

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

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

3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the application. If the Applicant fails to complete and resubmit the application prior to the above deadline, the matter will not be heard until the next subsequent Commission meeting. The original application fee will be retained and will suffice for the specific original application for a period of 90-days from the date of the original application.
4. Applications appearing complete will be set for full evaluation by City Staff prior to the Commission meeting. The purpose of this evaluation is to develop and provide a full briefing report for the Commission. Applicants will be advised of deficiencies noted during this review and will be afforded opportunity to supplement their application during their presentation to the Commission, if they so desire.
5. The Planning and Zoning Commission will vote to approve or deny the request. Applicant or his/her representative must be present to address any questions that Planning and Zoning Commissioners may have. Appeals of Planning and Zoning Commission decisions will be heard by the City Council pursuant to Sec. 56-150(c).
6. The applicant shall mail notice of the Planning and Zoning Commission hearing, via certified mail, to all property owners within one-hundred feet (100') of the subject site. Evidence of such notification shall be provided with the application. In addition, the applicant shall post a sign, provided by the City, at the property at least 5 days prior to the public hearing.



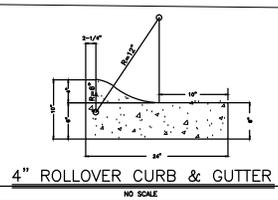
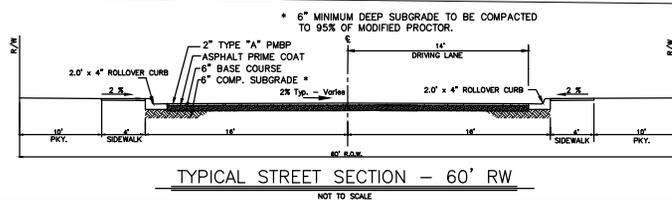
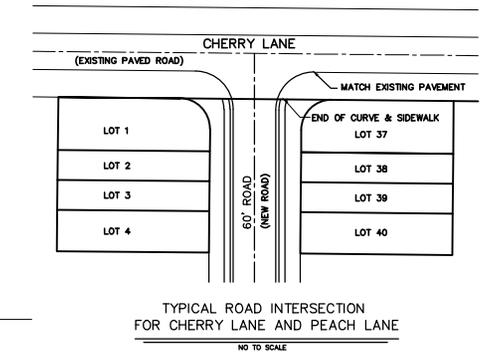
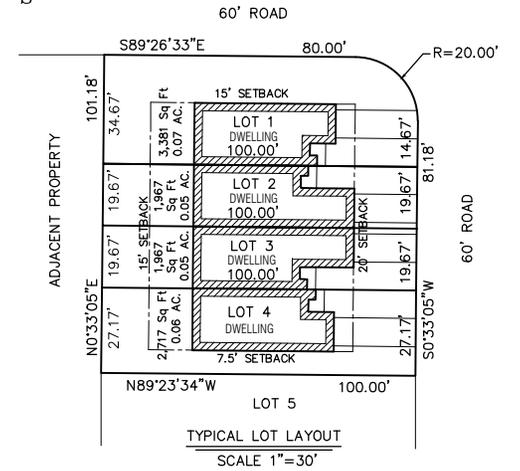
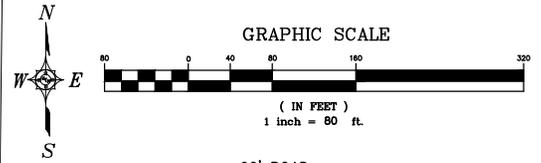
- Sewer Main
- Water Main
- Roads
- Parcel

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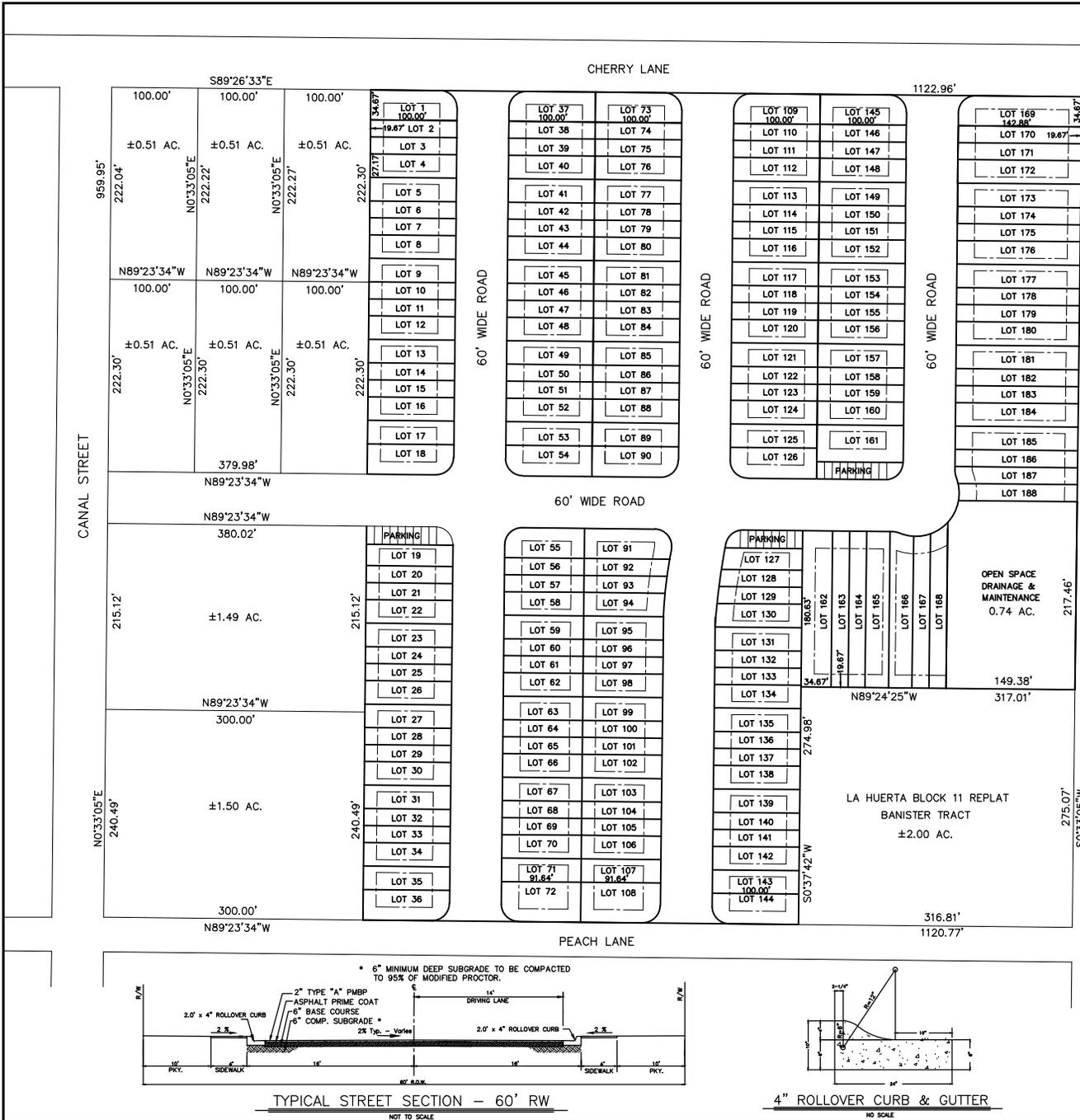


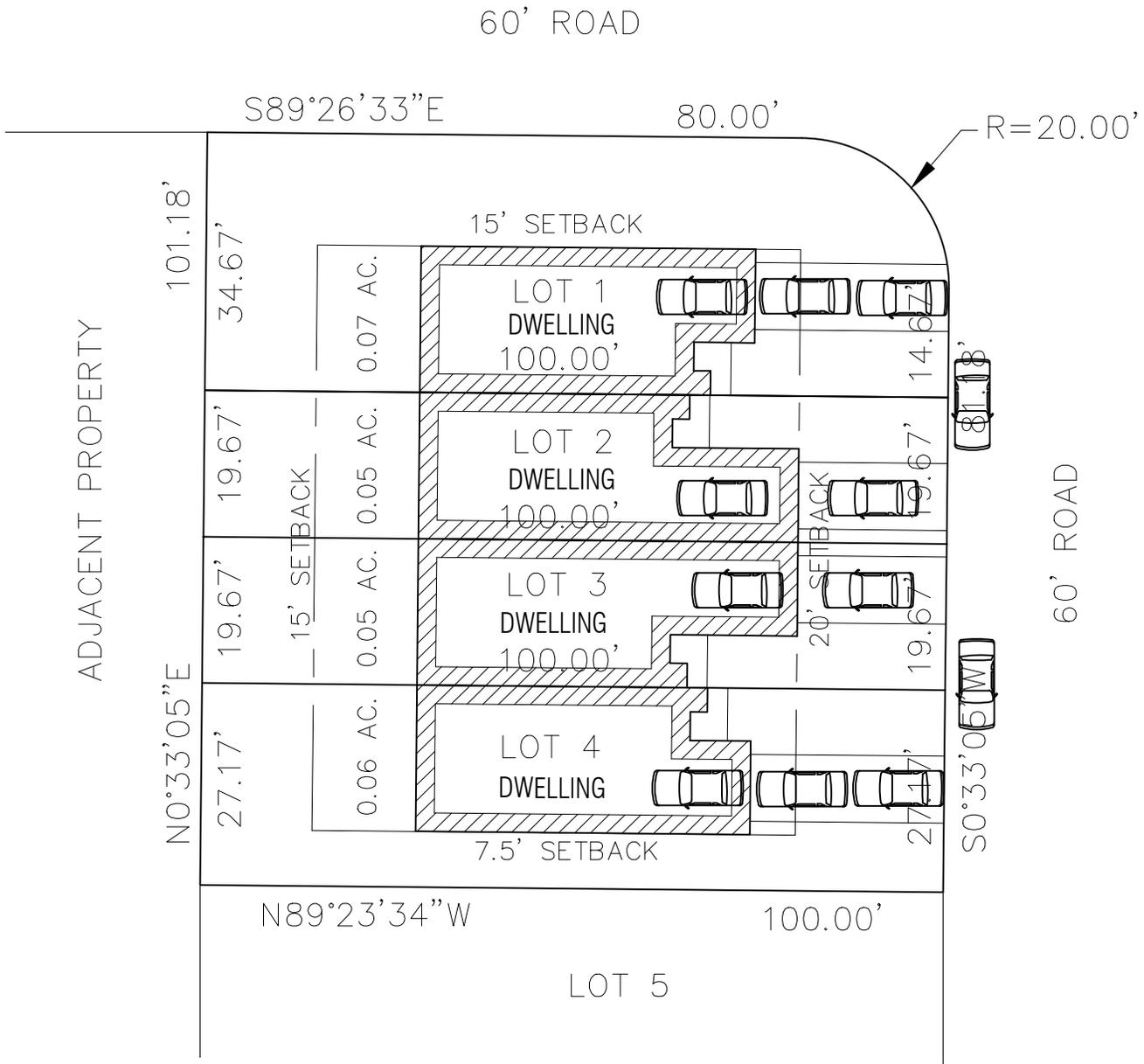
**PRELIMINARY PLAT  
CARLSBAD TOWNHOUSE SUBDIVISION  
(IVES ESTATES SUBDIVISION REPLAT)**

OCTOBER 10, 2019



**KD ENGINEERING**  
1880 E. LOHMAN AVE. DAC COUNTY, NM 88001  
CIVIL / MECHANICAL ENGINEERING  
DAVID B. CHURCH, P.E.  
(757) 640-3790 CELL (575) 528-1108 OFFICE  
DAVID@THURSTONHOMES.COM





TYPICAL LOT LAYOUT  
 SCALE 1"=30'

# Untitled Map

Write a description for your map.

Pecos Vista 16 units per acre .80 of mile

Mobile Home Park .15 of mile

Copperstone 17 units per acre .64 of mile

Townhome Subdivision 10 units per acre

Riverwood Apartments 18 units per acre .34 of mile

North Forty Mobile Home Park .19 of mile

Rio Pecos Condominiums 15 units per acre .43 of mile

Cielo Vista Apartments 21 units per acre .47 of mile

Riverbend homes 10 units per acre .58 of mile

Google Earth

© 2018 Google



1 mi.

Dear Planning & Zoning Commission Members:

My name is Dr. Hung Chiou and I am AGAINST the variances (for a reduction of lot size from 6,000 sqf to 1,967 sqf; and to allow minimum variance of 5' to 0' side setback and a 20' front setback reductions); and the preliminary plat as proposed for the aggregates. Here are the reasons:

1. You, as the members of P&Z Commission, have the statutory duty to give due considerations to conserving the public health, safety, convenience, welfare, and property values of community by faithfully following and upholding the Zoning and Subdivision Ordinances, codes, and regulations. Did you examine the evidence presented by the developer(s) on how they meet the criteria of variances? If so, how do you justify and document your decision? Curiously, where are the evidence/justifications presented in the packets that are sufficient to allow such variances? We did not see any presented in the packets!!!
2. Is there any hardships suffered by the developer per the variance criteria of Zoning and Subdivision codes? We would be very interested to know how you make such determinations since we see none according to the ordinance book. Did the developer prove to you two things (a) that because of some peculiar characteristic of the land itself, it would be difficult for the landowner to make the reasonable use of the property in conformance with ALL of applicable zoning regulations; and (b) that the variance would not have a significant detrimental effect of the overall zoning plan or on the neighborhood? If not, it should make your job relatively easy by rejecting the variances per Zoning/Subdivision Ordinances.
3. The hardship must not be "self-created". The hardship shall not relate to the personal needs or wishes of the landowner/developer, but only to the quality of the property or land itself. Similarly, financial considerations should not be a reason to approve a variance. The difficulties in these cases shall only be from the condition of the lot itself, and not just from the wishes or goals of the landowner/developer. In these cases, we believe that the hardship of wanting to place more townhouses cramping into a smaller lot is self-created, not related to the land itself, and will only fulfill developer needs or desires but creates a severe injury to the public interests and the surrounding neighborhood.
4. We would like to remind you that your job is not to compromise Ordinance provisions for a property's convenience/gains but to apply legal criteria provided in the local ordinances and the state laws to a specific factual situation. In the end, you want your decisions to safe guard the public interests/safety and be able to defend your actions in the court of laws. If you can do just that, I would say you are doing a great job.

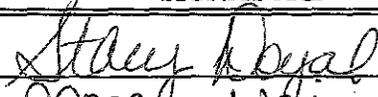
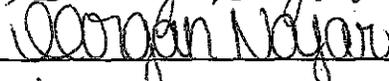
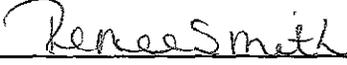
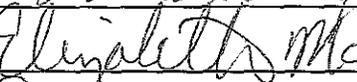
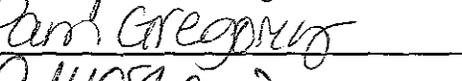
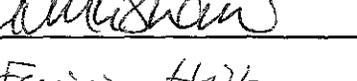
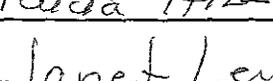
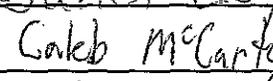
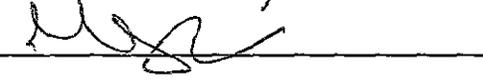


12-2-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Stacy Doyal		603 Freedom Ln	11/20/19
Morgan Najjar		1507 Lincoln Dr.	11/20/19
Teresa Mathis		3910 Old Cavern Hwy	11/21/19
Renee Smith		2619 Iowa St.	11.21.19
Ashley Jaure		1409 W Snow	11/21/19
JANELL ONSUREZ		1408 COTTONTOP RD	11-21-19
Kristyn Porter		2110 Curry Rd	11-21-19
Wanda Hensley		1603 Landsun Cir	11-22-19
Elizabeth Michel		2519 Utah St	11-22-19
Pam Gregory		2102 Westridge Rd.	11-25-19
Amanda Mishaw		1703 N. Canal St.	11/25/19
Ferris Hill		1608 Sunset Green	11/25/19
Janet Leyenteder		610 W. FOX ST.	11-25-19
Caleb McCarty		706 1/2 Elgin Rd	11/25/19
MIKE JAMES		PO BOX 592 CARLSBAD	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

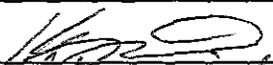
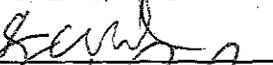
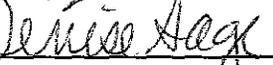
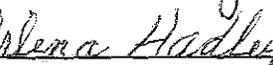
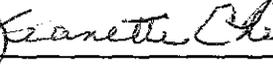
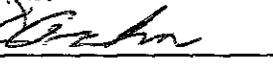
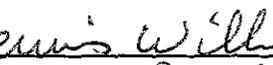
Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Raymond Wells	<i>R. Wells</i>	1104 Redwood Loop	11/13/19
Joana Wells	<i>Joana Wells</i>	1104 Redwood Loop	11/13/19
Travis Crandall	<i>Travis Crandall</i>	1813 Muscatel	11/15/19
Jill Crandall	<i>Jill Crandall</i>	1813 Muscatel Ave.	11-15-19
Barbara Fletcher	<i>Barbara Fletcher</i>	1605 W. Blodgett #11	11-25-19
Michael Shannon	<i>Michael Shannon</i>	1412 N. Country Club Cir	11-26-19
Fuena S. Shannon	<i>Fuena Shannon</i>	1412 N. C.C.C.	11/26/19
Danarjukis	<i>Danarjukis</i>	1504 S. C.C.C.	11/26/19
Ray Mashaw	<i>Ray Mashaw</i>	1703 N. Canal	11/26/19
Jonathan Jenkins	<i>Jonathan Jenkins</i>	1504 South Country Club Circle	11-13-19
Tia C. Jenkins	<i>Tia C. Jenkins</i>	1603 W. Riverside Dr.	11-26-19
Jo Schreef	<i>Jo Schreef</i>	926 Solana	11-26-19
Francie Gordon	<i>Francie Gordon</i>	803 Preston Trails Ct	11/26/19
McKenna Brown	<i>McKenna Brown</i>	1824 Denise DR	11/26/19
TIM BROWN	<i>T. Brown</i>	1824 DENISE DR	11-26-19
Shelly Wheeler	<i>Shelly Wheeler</i>	1104 W. Ural DR.	11-26-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Hung Chion		1623 Concord Ave	11/16/19
Alan Fada		1614 Mission Ave. Carlsbad	11/17/19
Saul Olivais		1616 Mission Ave	11/17/19
Jarrad Burkham		1616 Mission Ave.	11-17-19
Dorothy Mae Donnelly		504 E Cherry Lane	11-17-19
MARK Sage		1827 Muscatel Ave	11/17/19
Denise Sage		1827 Muscatel Ave	11-17-19
ORLENA HADLEY		1828 Mission Ave	11-17-19
Jeanette Chester		1828 Mission Ave	11-17-19
Dean Chester		1828 Mission Ave.	11-17-19
Rhonda Graham		1902 Mission	11-17-19
Clifton Graham		1902 Mission	11-17-19
LEWIS WILLIS		2405 N. CANAL	11-17-19
Aaron Graham		1416 Elzondo	11-17-19
Jose Lopez		1962 Mission	11-17-19
TINA GREEN		2405 N. Canal	11-17-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Helen D. Rogers	<i>Helen D. Rogers</i>	1633 Concord Ave. Carlsbad	11-15-19
Jann-Ping Way	<i>Jann-Ping Way</i>	1623 Concord Ave. Carlsbad	11-17-19
AnnMarie Field	<i>AnnMarie Field</i>	1614 Mission Ave. Carlsbad	11-17-19
Victoria Burkham	<i>Victoria Burkham</i>	1616 Mission Ave. Carlsbad	11-17-19
Lawrence & Brenda	<i>Lawrence &amp; Brenda</i>	1591 Mission Ave.	11-17-19
MATHEW RIDGWAY	<i>Matthew Ridgway</i>	1526 Mission Ave	11-17-19
John Purcell	<i>John Purcell</i>	512 Mission Cr.	11-17-19
Ericka Laney	<i>Ericka Laney</i>	1514 Mission Ave	11-17-19
GARY L. SCOTT	<i>Gary Scott</i>	1606 Mission Ave	11-17-19
Percy Holcomb	<i>Percy Holcomb</i>	1625 Muscatel	11-17-19
Jeff Heath	<i>Jeff Heath</i>	516 E. Cherry Ln	11-17-19
Susan Heath	<i>Susan Heath</i>	516 E. Cherry Ln	11-17-19
Kevin Phillip	<i>Kevin Phillip</i>	516 E. Cherry Ln	11-17-19
Teresa Phillip	<i>Teresa Phillip</i>	510 E. Cherry Ln	11-17-19
Henry Hernandez	<i>Henry Hernandez</i>	504 E. Cherry Lane	11-17-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Joe Williams	Joe Williams	1602 Mission Carlsbad N.M.	11-21-19
Lela Williams	Lela Williams	1602 Mission Carlsbad N.M.	11-21-19
Stene Ward	Stene Ward	103 SARAH Ave	11-29-19
Max Bennett	Max Bennett	2001 Gwenda Dr Carlsbad, NM	11/25/19
Jennifer Bennett	Jennifer Bennett	2001 Gwenda Dr. Carlsbad, NM	11/23/19
Yaxi Zhao	Yaxi Zhao	1904 Mtn shadow Dr	11/23/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Mary Etta Smith	Mary Etta Smith	1017 N. Guadalupe	11/23/19
<del>Barry McDowell</del>	Virgil Smith	1017 N. Guadalupe	11-24/19
Barry McDowell	[Signature]	1315 W Ural	11/23/19
Gale McDowell	Gale McDowell	1375 W Ural	11/23/19
Eugene Sento	[Signature]	2001 E. Dennis	11/23/19
JEAN JANTO	Jean Janto	2001 E. Dennis Rd	11/23/19
Dennis MRKVICKA	Dennis Mrkvicka	313E. peach LN	11/24/19
Martha McFauland	Martha McFauland	313E. Peach Ln	11/24/19
Robin Bostick	Robin Bostick	1512 Concord	11-24-19
VERA BOSTICK	[Signature]	1512 Concord Ave	11-24-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Carissa Hargis	[Signature]	318 E. Orchard Lane	11-20-19
William Lambert	[Signature]	318 E. Orchard Lane	11-20-19
Kay Tigert	[Signature]	1649 Redwood Loop	11-20-19
Diana Clem	[Signature]	1409 Alasin	11-20-19
Pat Veilleux	[Signature]	1804 Mangrove Rd	11-20-19
Mike Veilleux	[Signature]	1804 Mangrove Rd	11-20-19
JOHN TIGERT	[Signature]	1649 Redwood Loop	11-20-19
Annette Barrick	[Signature]	1404 W. Orchard Lane	11-20-19
CRAIG BARRICK	[Signature]	1404 W. ORCHARD Lane	11-20-19
Patricia Banister	[Signature]	1910 Casanda Dr / 218 E. Peach Ln	11-20-19
Melvin Banister	[Signature]	1910 Casanda Dr / 218 E. PEACH	11-20-19
Dick A. Blunden	[Signature]	6504 N. Canal	11-25-19
Jashaa Fisher	[Signature]	1313 N Canal	11-25-19
Christianna Fisher	[Signature]	1313 N Canal	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

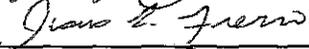
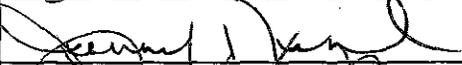
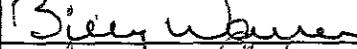
Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Jesse Perry	Jesse Perry	511 S. Ash	11-13-19
Jos Ann Perry	Jos Ann Perry	511 S. Ash	11-13-19
Kim Satter	Kim Satter	1616 Redwood Loop	11/13/19
Vickie Puentes	Vickie Puentes	1506 Sausalito Ct	11-13-19
Chelsey Kinblay	Chelsey Kinblay	125 Nymeyer Rd	11-13-19
Kali Jo Kruegel	Kali Jo Kruegel	263 S. Roberson Rd.	11/13/19
Jane Breen Pierce	Jane Breen Pierce	1310 W Thomas	11/13/19
Martha Reed	Martha Reed	603 W Riverside Dr	11/13/19
Dave W. Kayser	Dave W. Kayser	2413 Wyoming	11/13/19
Joseph Houser	Joseph Houser	1910 Sandy Lane	11/13/19
Kim Avery	Kim Avery	911 N. Mesa St	11/13/19
Jordan Britain	Jordan Britain	1108 N Callaway Dr. APT 301	11/25/19
Dustin Britain	Dustin Britain	602 W Orchard Ln	11-25-19
Tina Britain	Tina Britain	1710 N. Guadalupe	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Kelly Johnson		1104 W. Orchard Ln	11-18-19
JESUS FIERRO		214 W. PEACH LN	11-18-19
Jennifer Nicholas		1706 N. MESA	11-18-19
Rachelle Thompson		310 E. Cherry Lane	11-18-19
Billy Warren		1514 N. Country Club Cir	11-18-19
James Ashley		1515 Country Club Pl	11-25-19
Steve Greer		116 E. Orchard Ln	11-25-19
Kim Green		116 E Orchard Ln	11/25/19
Rocky West		1703 LORETTA LANE	11/25/19
Ginger Price		1015 N. Country Club Circle	11/25/19
DON THOMPSON		310 E CHERRY LN	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Cullen W Murray	Cullen W Murray	2307 Anita, Carlsbad	11/15/19
Crystal Montoya	Crystal Montoya	212 Farris, Carlsbad	11/15/19
Rebecca Weems	Rebecca Weems	1511 W. Greene St.	11/15/19
Tim Scott	Tim Scott	1004 W. Hallock	11/15/19
Rosemary Lara	Rosemary Lara	1507 Grant St Carlsbad NM	11-15-19
Alan Wood	Alan Wood	210 E. Cherry Ln.	11-15-19
Mario Lara	Mario Lara	1507 Grant St - Carlsbad NM	11-15-19
Harry Keesler	Harry Keesler	1302 S. County Club Cir	11-16-19
Caleb Cunningham	Caleb Cunningham	5104 S. Thomas Rd.	11-18-19
Kedi Wheeler	Kedi Wheeler	1318 E. Orchard Ln	11-18-19
Susan Corbett	Susan Corbett	2301 Mtn. View	11-20-19
Lewis Corbett	Lewis Corbett	2301 Mtn. View	11-20-19

Back to Alan by 2/2/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

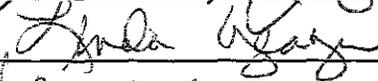
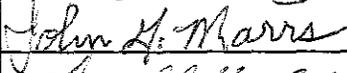
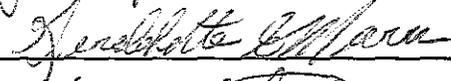
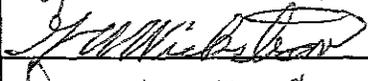
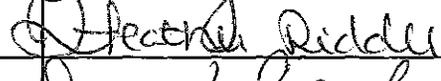
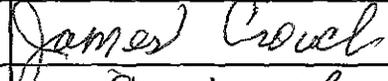
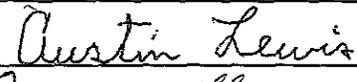
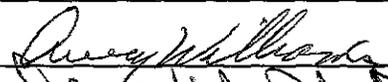
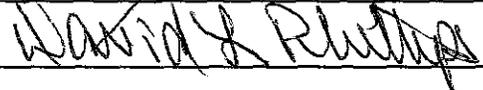
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PRINT NAME	SIGNATURE	ADDRESS	DATE
Don Fisher	<i>Don Fisher</i>	1632 Concord Ave	11/15/19
MURIEL AITCHENSON	<i>Muriel Aitchenson</i>	1626 Concord Ave	11-16-19
Ekaine Berg	<i>Ekaine Berg</i>	1626 Concord Ave	11-17-19
Shelby Ridgway	<i>Shelby Ridgway</i>	1526 Mission	11-17-19
WONI RIDGWAY	<i>Woni Ridgway</i>	1526 MISSION	11-17-19
Stephanie Overstreet	<i>Steph Overstreet</i>	1507 N. Canal	11-18-19
John M. Overstreet	<i>John M Overstreet</i>	1507 N. Canal	11-18-19
Cathryn N. Braun	<i>Cathryn N. Braun</i>	1814 N. Guadalupe St.	11-18-2019
Liz Kajiki	<i>Liz Kajiki</i>	202 Avite Ave	11-18-2019
KAREN B. LARA	<i>Karen B. Lara</i>	240 WESTERN WAY	11-18-2019
JUDY SEH	<i>Judy Seh</i>	1845 Laverne Dr	11/19/19
WANDA SPENCER	<i>Wanda Spencer</i>	201 Plum Ln. #7	11/19/19
Dolores Reynolds	<i>Dolores Reynolds</i>	1505 Tokay Ave	11/19/19
FERRI TRUSSSELL HOMES	<i>Ferri Trussell Homes</i>	1504 MOUNTAIN SHADOW	11/19/19

# Carlsbad Townhouse Subdivision

*Canal Street between Cherry Lane and Peach Lane*

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Jeremy Zinno		1504 Concord Ave	11-16-19
Josephine Zinno		1504 Concord Ave	11-16-19
Kenneth R Yeager		305 E Peach Ln	11-18-19
Linda YEAGER		305 E Peach Dr	11-19-19
John G. Marrs		1909 Sentry Cir.	11-19-19
Geraldette E. Marks		1909 Sentry Cir	11-19-19
Gerald W Wickstrom		1511 N Canal St.	11-21-19
Danita McCormick		204 Grapevine Ct. (city)	11-21-19
Melissa Taylor		1020 N Allan	11-21-19
Heather Riddle		1403 W. Edwards	11-21-19
JAMES CROUCH		409 PECOS Rv. DR.	11-21-19
AUSTIN LEWIS		1013 EAST Wood	11-22-19
Avery Williams		508 W. 4TH	11-22-19
David R Ruttige		521 Russell	11-22-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Eddie Chavez	Eddie Chavez	203 Grapevine Ct.	11-21-19
Ruben Chavez	Ruben Chavez	203 Grapevine Ct.	11-21-19
Tim Miller	Tim Miller	207 Grapevine Ct.	11-21-19
Donna Miller	Donna Miller	207 Grapevine Ct.	11-21-19
Andrea Collins		601 W. Orchard	11/2/19
Matt Collins		601 W. Orchard	11/2/19
Elsa Franco	Elsa Franco	205 Grapevine Ct.	11/22/19
Lori Arredondo	Lori Arredondo	211 Goin Home	11/22/19
Raul Rodera	Raul Rodera	806 N. EDWARDS	11-22-19
Ether Aguilar	Ether Aguilar	1414 Ortega	11-25-19
Mike Aguilar	Mike Aguilar	1414 Ortega	11-25-19
Debbie Bailen	Debbie Bailen	201 E Plum Ln #14	11-25-19
Peggy Burt	Peggy L. Burt	201 E. Plum Ln. #39	11-25-19
Judith JONES	Judith Jones	201 E PLUM LN #48	11-25-19
Thomas Kubiak	THOMAS KUBIAK	201 E PLUM LN #37	11-25-19
Diane Kubiak	Diane Kubiak	"	1

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Susan Garcia	<i>Susan Garcia</i>	307 N Alameda	11/19/19
KAREN FOLSOM	<i>Karen Folsom</i>	303 Farrell	11/20/19
Lisa Simmons	<i>Lisa Simmons</i>	408 Vineyard Lane	11-20-19
Lori Simmons	<i>Lori Simmons</i>	1628 N. Guadalupe St	11-20-19
Roger Short	<i>Roger Short</i>	1626 N Guadalupe	11-20-19
Oralia Lara	<i>Oralia Lara</i>	1507 Maui	11-20-19
Joe Lara	<i>Joe Lara</i>	1507 Maui Ct	11/20/19
Kelvin Folsom	<i>Kelvin Folsom</i>	303 Farrell drive	11/21/19
Liz Smith	<i>Liz Smith</i>	1330 LeVina	11-21-19
Charlotte Sibley	<i>Charlotte Sibley</i>	337 US Refinery Rd	11/21/19
Ray Parraz	<i>Ray Parraz</i>	1611 Landsun Dr	11/21/19
Kathy Hood	<i>Kathy Hood</i>	804 Mulberry Ln	11/22/19
Elizabeth Lewis	<i>Elizabeth Lewis</i>	201 E Plum Ln #10	11/22/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Manuel D. Avila	<i>[Signature]</i>	314 E. Cherry Ln	11/16/19
Lanette Avila	<i>[Signature]</i>	314 E. Cherry Ln	11/16/19
Dan Piant	<i>[Signature]</i>	306 - E Cherry 2W	11/16/19
<del>Paul [unclear]</del>	<del><i>[Signature]</i></del>	419 Whowho drive	11-19-19
Paul	<i>[Signature]</i>	1808 [unclear]	11-19-19
Mackie	<i>[Signature]</i>	1606 El Estribo Rd.	11/21-2019
Louisa PARRAZ	<i>[Signature]</i>	155 R Ash St	11-21/19
Tina Baeza	<i>[Signature]</i>	318 W Rose St	11-21-19
Barbara J. Brown	<i>[Signature]</i>	511 Welshire St	11-21-19
Florence Golden	<i>[Signature]</i>	407 Pike Dr.	11-21-19
Tera Trujillo	<i>[Signature]</i>	1102 W. Greene	11-21-19
Cordy SAUCIDO	<i>[Signature]</i>	1506 N. Guadalupe	11-21-19
Joy Springer	<i>[Signature]</i>	2006 Pepper Tree Court	11-21-19
Sharon Junk	<i>[Signature]</i>	1106 Ortega	11-21-19



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PRINT NAME	SIGNATURE	ADDRESS	DATE
Terry Statham		218 E. Cherry Ln.	11/17/19
Gabriel Statham		218 e Cherry Lane	11/17-19
Sharon Kiles		111 Farris #60	11-17-19
Melba Statham		2409 Legion St.	11-17-19
Colleen Rogers		5203 Sioux	11-18-19
BELEN GARCIA		1303 N CANAL #4	11-18-19
<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>
Velma Dunn		6214 Laguna	11-18-19
April Anderson		1205 N Country club circle	11-18-19
		301 E cherry	11-18-19
CHRISTIE BRICE		1003 Figan	11-19-19
Jay Carter		407 Walker Farm Rd	11-19-19
Chad Thompson		1425 Verdell ave	11-19-19
Kimberly Longoria		303 more brice	11-19-19
JESY RAMOS		2403 BONITA ST.	Nov. 19, 2019

# Carlsbad Townhouse Subdivision

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Cheryl Statham	Cheryl Statham	218 E Cherry Lane - Carlsbad	11-14-19
Rolena McIntire	Rolena McIntire	1214 W. Church Carlsbad	11/14/19
Stephanie Perez	Stephanie Perez	511 N 2nd St Carlsbad	11/15/19
Sydney Flores	Sydney Flores	1605 Palo Verde Loop - Carlsbad	11/15/19
Renée Valliere	Renée Valliere	1502 Tokay Carlsbad	11-15-19
Diana Dolan	Diana Dolan	1414 N. Country Club - Carlsbad	11-15-19
Amber Gonzalez	Amber Gonzalez	3402 W. Lea St - Carlsbad	11-15-19
Shaylyn Marquez	Shaylyn Marquez	411. Hamilton place	11-15-19
Mckenzie Pineda	Mckenzie Pineda	1503 W Greene St Carlsbad	11-15-19
Dottie Rutherford	Dottie Rutherford	2112 N Canal Carlsbad	11-15-19
David Hall	David Hall	1912 Sandy Lane	11/15/19
Colin Sean	Colin Sean	2005 Connie Road.	11/15/19
Laura Flores	Laura Flores	4009 Jesse James Ct	11/15/19
Michael J. Smith	Michael J. Smith	2410 Monte Vista	11-15-19
Wendy S. Griffin	Wendy S. Griffin	1641 Redwood Loop	11-15-19

# Carlsbad Townhouse Subdivision

*Canal Street between Cherry Lane and Peach Lane*

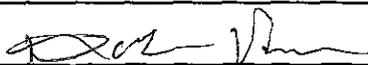
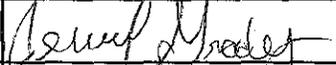
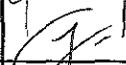
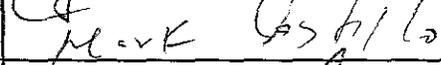
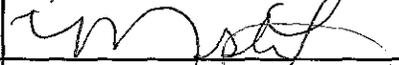
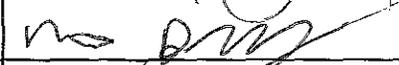
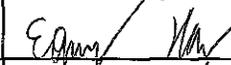
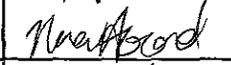
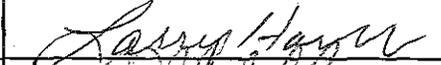
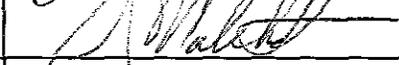
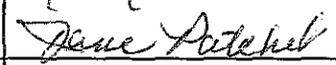
Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
BARBARA A. LUCIA-JONES	<i>Barbara A Lucia Jones</i>	202 E. Cherry Lane	11-15-19
<i>Eric Zofonka</i>	<i>Eric Zofonka</i>	2025 Laurel Ave	11-16-19
JAMES S. LUCIA	<i>James S Lucia</i>	108 S. CYPRESS	11-17-19
JOANN ROLLEY	<i>Joann Rolley</i>	615 N. LAKE	11-18-19
MARIA WHEELER	<i>Maria Wheeler</i>	1716 N CATAL	11/19/19
Zachary Lucia	<i>Zachary Lucia</i>	202 E Cherry Ln	11/21/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

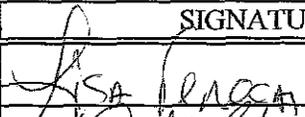
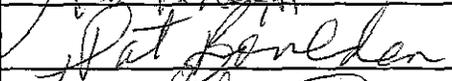
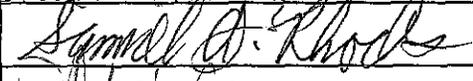
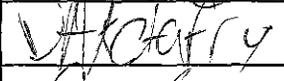
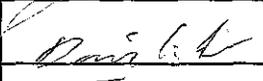
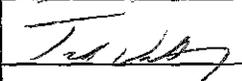
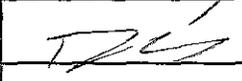
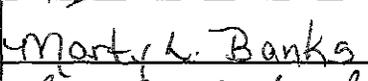
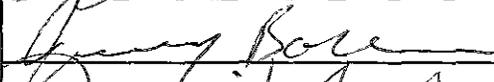
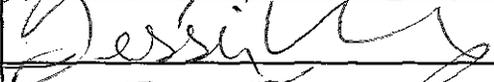
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PRINT NAME	SIGNATURE	ADDRESS	DATE
David Rhoades		312 Farris	11/16/19
Shawn Smith			11/16/19
Beth Grady		616 Caballo Rd	11-16-19
Jennifer Grady		616 Caballo Rd	11-16-19
Leonel Lopez		2016 Georgia St	11-16-19
Mark Castillo		306 Mesquite St.	11-16-19
Michelle Wood		505 N 9th St	11/16/19
Matt Banks		505 N 9th St.	11-16-19
Edward Hood		905 Dark Canyon	11-16-19
Nora Hood		905 Dark Canyon Rd.	11-16-19
LARRY		102 S. Ash	11/16/19
STANLEY PATCHET		306 E PEACH LANE	11/23/19
JANE PATCHET		306 E. Peach Ln	11/23/19

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Lisa Venosa		1508 W. Currier St	11-16-19
Pat Boulden		801 Marion Dr.	11-16-19
Lena Rodriguez		1522 W. Bobbitt St.	11-16-19
Sam Rhodes		405 S. Mesquite	11-16-19
Dakota Fry		1001 N. Pate St	11-16-19
Johnny Brunkner		1517 Tasker	11-16-19
Daniel Gutierrez		1515 Gillet	11-16-19
Todd Vansetter		2002 Wilson	11/16/19
Doraven Baskin		507 Alameda	11/16/19
Marty L. Banks		3414 Sunnyview	11-16-19
Boyd H Banks		3414 SUNNYVIEW	11-16-19
Jenny Bolduc		402 Plum lane	11-16-19
Jessica Wilbourn		1006 Jason St	11-16-19
Bredley Wilbourn		1006 Jason St	11/16/19
Doug Simmons		207 EAST PEACH LANE	



## EXCERPTS FROM CITY OF CARLSBAD'S 2030 COMPREHENSIVE PLAN

### CHAPTER 3. LAND USE

#### B. FUTURE LAND USE

Residential Development: New development is discouraged from locating heavily on the northeast side of town, as it is on the other side of the river and railroad tracks, and the City currently has no plans to create a bridge to increase access to this portion of the community (ICIP 2013-17).

### CHAPTER 9. HAZARD MITIGATION

#### B HAZARD MITIGATION TOOLS:

**2. LAND USE REGULATONS:** The City of Carlsbad has adopted and continues on a regular basis to update its land use regulations, which include the zoning code and subdivision regulations.

Pursuant to the above: The applicant's variance requests shall not be granted for the following reasons: (1) the City's 2030 Comprehensive Plan discouraged new development in this area as the City has no plans to build an additional bridge for access to this area and (2) the City's 2030 Comprehensive Plan continues to advocate the importance of following the City's existing code and regulations as its hazard mitigation tools.

## CHAPTER 56: City of Carlsbad Zoning Ordinance, Amended 8/8/17

### ARTICLE III. DISTRICT REGULATIONS

#### SECTION 56-40. INTENT AND PURPOSE OF ZONING DISTRICTS

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

The Residential 1 District is intended to accommodate moderate density single-family residential development and to provide land-use protection for areas that develop in such a manner. There shall be a maximum of one primary residence per lot for R-1 Residential District Zoning. (Minimum size required by City Ordinance is 6,000 sqf)

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

The Residential 2 District is intended to accommodate higher density single-family, duplex, multiple family, and mobile home parks and subdivisions and to provide land-use protection for areas that develop in such a manner. (Minimum size required by City Ordinance is 2,500 sqf)

#### SECTION 56-90. DENISITY, SETBACK AND AREA STANDARDS

**(a) Exception.**

1. Lot Area.

No building permit or development approval shall be issued for a lot that does not meet the minimum area requirements of this Code except for utilities using land or an unoccupied structure covering less than one thousand square feet (1,000 sq. ft.) of site area are exempt from minimum lot area standards.

**(b) Density, Setback and Area Standards**

**Table 6. DENSITY, SETBACK, AND AREA STANDARDS**

Zone District	Minimum Lot Area (sf) (net)/DU	Minimum Street Frontage (Feet)	Minimum Setbacks		
			Front/Street (Feet)	Side (Feet)	Rear (Feet)
R-R	10,890 (with city utilities)	75	30/20*	**	20
	43,560 (without city utilities)	110			
R-1	6,000	50	30/15*	**	10
R-2	2,500	50	0	**	10

(B) Side setbacks are required in order to provide a buffer between uses and for safety purposes. The minimum side setbacks shall be:

Building Wall Height (ft.)	Minimum Side Setback (ft.)
1.0-12.0	5
12.01 – 24.0	7.5
24.01	10

### (c) Alternate Residential Development Options

#### 3. Zero Lot Line

In a zero-lot line development, dwelling units are shifted to one side of each lot to provide for greater usable side yard space on each lot. These developments require planning and approval for all of the dwelling unit locations concurrent with the preliminary subdivision plat. The exact location of each dwelling unit is determined by the plat.

(b) Proof of Record Required. Prior to the issuance of any building permits for a dwelling unit with a zero-lot line lot, proof of filing on an approved plat with the County Clerk must be provided. The plat shall:

- (i) Show that the provided side yard setback is twice the side yard setback required in the underlying zoning district:

Contrary to Sec. 56-90 (b) lot size requirements, Sec. 56-40 (b) Residential 1 District (accommodating moderate density of 6000 sqf minimum) and (c) and Residential 2 District (accommodating higher density of 2,500 sqf minimum), the variance request reducing the 6000 sqf lot down to 1967 sqf will create even much higher density than allowable in the R-2 District. The Sec. 56-90 (c)3: Zero Lot Line code further requires the reduced side setback be provided back in the side yard setback that is at least twice the original side yard setback under such applications where the applicants completely ignore. The proposed 189 new single-family townhomes including the streets within approximately 16.6 acres is such an extremely high-density development that DOES NOT conform to the R-1 or R-2 zoning standards in any way. Such practices shall not be allowed for the existing R-1 zone; and we, the surrounding rural-residential low-density neighbors respectfully request that all members of the Planning & Zoning Committee uphold the minimum R-1 lot size standards and deny the applicant's variance request.

## ARTICLE V. ADMINISTRATION

### SECTION 56-150. SUBMITTAL REQUIREMENTS & REVIEW PROCESS

(b) Amendments to Official Zoning Map or Text of this Zoning Ordinance

- 4. Findings required.

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

Contrary to Sec. 56-150 (b) 4(d), the proposed variance will only injure and lower the standards of the Zoning Ordinance. The proposed changes only provide flexibility and convenience to the applicant/developer in fulfilling their maximum allowable profits at the expense of the surrounding neighborhood. We urge that all members of the Planning & Zoning Committee do not to contribute to lowering the standard of this Zoning Ordinance that we all strive to follow and respect.

(k) Variance

1. Purpose. Amendments to Official Zoning Map or Text of this Zoning Ordinance

(a) Which is not contrary to the public interest;

(b) Where, owing to special conditions in the topography, site location or access, a literal enforcement of the Zoning Ordinance will result in unnecessary hardship; and

(c) So that the spirit of the Zoning Ordinance is observed and substantial justice done.

Contrary to Sec. 56-150(k) Variance 1. Purpose (a)(b)(c), the variance shall not be granted as it is contrary to the public interest; it is not owing to any special conditions in the topography, site location or access, a literal enforcement of the Zoning Ordinance without the variances will NOT result in unnecessary hardship to the applicants while a literal enforcement of the variances, if granted, will result in unnecessary hardship to the neighborhood; and the spirit of the Zoning Ordinance is not being observed thereby showing substantial justice is not being upheld by all members of the Planning and Zoning Committee. We request the P&Z Committee reject the applicant's request for this variance thereby upholding the purpose of our City's Zoning Ordinances

4. Finding required

(a) The **stated hardship is one that is unique to the applicant rather than one suffered by the neighbors or the general public**, and

(b) The **hardship relates to the applicant's land, rather than personal circumstances**, and

(c) The **hardship is not the result of the applicant's own actions**, and

(d) The **granting of the variance is consistent with the City's Comprehensive Plan or other City master plan**, and

(e) The **granting of the variance is in harmony with the purpose and intent of the Zoning Ordinance**, and

(f) The **variance granted is the minimum necessary to make possible the reasonable use of the land** or structure, and

(g) The granting of the variance will not be injurious to adjacent property or the neighborhood or detrimental to the public health, safety or general welfare, and

(h) The variance will neither result in the extension or expansion of a non-conforming structure or use in violation of Article VII nor authorize the initiation of a nonconforming use of land.

Contrary to Contrary to Sec. 56-150 (k) Variance, 4. Findings Required, criteria (b-h), the P&Z Committee shall not approve the variance since we believe the following criteria has not been met: (b) the stated hardship IS DIRECTLY related to the applicants personal circumstance as it is their need for high density development to maximize profits but NOT relates to the applicant's land, (c) the hardship is a result of the applicant's actions/needs, (d) the granting of this variance is NOT consistent with the City's plan, (e) the granting of the variance is NOT in harmony with the purpose and intent of the Zoning Ordinance, (f) the variance being requested is NO WHERE NEAR the minimum size making reasonable use of the land, (g) the granting of this variance WILL BE injurious to the adjacent properties and neighbors, WILL BE detrimental to public safety and (h) the variance is NOT extending a currently existing non-conforming use of the land and WILL authorize the initiation of a non-conforming use of the land. Again, we urge the Planning & Zoning Committee to faithfully uphold your duty to preserve the integrity of the City's Zoning Ordinance by denying the applicants request for this extravagant reduction request

## CHAPTER 47: City of Carlsbad Subdivision Ordinance

### ARTICLE I. IN GENERAL

**SECTION 47-7. VARIANCES.** Whenever, in the opinion of the Board of Appeals, the strict application of the requirements contained in this chapter would result in extreme practical difficulties or undue misuse of property, the board may modify such requirements as necessary so that the subdivider is allowed to develop his/her property in a reasonable manner **providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved.**

- (a) *Criteria.* The Board shall grant the minimum variance or modification to relieve the hardship only upon determination that:
- (1) **The variance will not be detrimental to the public health, safety and general welfare of the community; and**
  - (2) The variance will not adversely affect the reasonable development of adjacent property; and
  - (3) **The variance is justified because of topographic or other special conditions unique to the property involved in contradistinction to mere inconvenience or financial disadvantage; and**
  - (4) **The variance is consistent with the objectives of this chapter and will not have the effect of nullifying the intent or purpose of this chapter or the comprehensive plan; and**
  - (5) **The variance has been shown to be in the best interest of the general public and not only of interest to the developer, landowner or other interested party; and**
  - (6) **The hardship must not be pecuniary** and must be a direct result of the land location, topography or other characteristic;

### **SECTION 47-24. PRELIMINARY PLAT.**

(c) *Commission Procedure.*

**“If the preliminary plat is found to conform to all of the requirements of this chapter, approval shall be given by the Commission”.**

Contrary to Sec. 47-7 Variance requirement “the board may modify such requirements as necessary, providing that the public interests of the community and its citizens are protected and the general intent and spirit of these regulations are preserved”. The surrounding neighborhood and many residents of the City and County strongly feel that such variance does not protect the public interests or its citizens, it also does not preserve the general intent or the spirit of the City’s regulations. We strongly urge that each member of the Planning & Zoning Committee shall reject the applicants request for all variances.

Contrary to Sec. 47-7(a) Criteria (1-6), no member of the Planning & Zoning Committee shall approve the variance since we believe the following criteria has not been met: (1) the variance will be detrimental to the public health, safety, and general welfare of the surrounding neighborhood; (2) the variance will adversely affect the rural integrity and the property values of all surrounding properties; (3) the variance is not justified because due to the topography of the land being relatively flat showing no inconvenience or financial disadvantage to the developer in meeting the minimum R-1 lot size requirements; (4) the variance is not consistent with the objectives of Chapter 47 Subdivision Ordinance or the City's Comprehensive Plan; (5) the variance is only in the best interest of the developer, land owner or other interested party and has not been shown or demonstrated to be in the best interest of general public; (6) the hardship is pecuniary and only prevents the maximum profits of the land owner and developer and is not a direct result of the land location, topography or other characteristic. Since all of criteria for granting the variances has not been met by the applicant, we respectfully request all members of the Planning & Zoning Committee shall have no choice but to deny all variance applications.

Contrary to Sec. 47-24(c) Preliminary Plat Commission Procedure, the members of the Planning & Zoning Committee shall NOT approve the variances or the preliminary plat incorporating these nonconforming variances since the requirement stated that "the approval shall be given by the Commission only if the preliminary plat is found to conform to ALL of the requirements of this chapter". As we have outlined in this briefing again and again, the applicants have not met ALL of variance criteria or code requirements such that a blind approval by the Commission will place the City in a legally binding position with irreversible damages and incurred cost to the city that is totally avoidable and preventable. We strongly urge that all members of the Planning & Zoning Committee uphold the codes and requirements by denying these nonconforming variance requests.

CITY OF CARLSBAD

AGENDA BRIEFING MEMORANDUM

COUNCIL MEETING DATE: 12/19/2019

DEPARTMENT: Planning and Regulation	BY: Jeff Patterson, Director	DATE: 12/11/2019
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**SUBJECT:** Appeal of the decision by the Planning and Zoning Commission to deny approval for a preliminary plat for the La Huerta Townhomes Development, located at the SE corner of the intersection of E. Cherry Ln. and N. Canal St., zoned "R-1" Residential 1 District.

Owner: Ives Family Limited Partnership  
1601 Mission Ave.  
Carlsbad, NM 88220

Appellant:  
CoMac, LLC.  
106 Doportto Ct.  
Carlsbad, NM 88220

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

At the December 2, 2019, Planning and Zoning Commission meeting, the appellant, CoMac, LLC, presented the preliminary plat for the La Huerta Townhomes Development, requesting approval for 189 townhome units. The subject site is approximately 19.60 acres in size, and is currently zoned "R-1" Residential 1 District. The appellant had submitted two Variance requests that accompanied this preliminary plat application, one for a reduction of minimum lot size from 6,000' sq. ft. to a minimum of 1,967 sq. ft., and the other for a reduction of front setbacks from 30' to 20', and side setback reduction from 5' to 0'. Both of these Variance requests were denied by the Planning and Zoning Commission at the December 2, 2019, Commission meeting. Without the approval of these two Variance requests, the preliminary plat, as presented, could not be approved. Upon hearing arguments and statements, the Planning and Zoning Commission considered this request and voted to deny the request with a vote of three (3) in favor of denial, two (2) in favor of approval, and none (0) absent.

The appellant has chosen to appeal the decision of the Planning and Zoning Commission to the City Council. The appellant submitted an appeal letter to the Planning Director's office, and stated within that letter that in his opinion, the preliminary plat furthers the organized growth of Carlsbad and is in line with the purpose of the Zoning Ordinance.

Sec. 56-150(c)(3)(d) states:

3. *Review Procedures.*

(d) *After determining that the appellant has standing to appeal and reason(s) for appeal, the City Council, by a concurring vote of **two-thirds of all members**, or the Planning and Zoning Commission, by a simple majority, whichever the case might be, may reverse, affirm (wholly or partly), remand back or modify the requirement, decision or determination and shall make any requirement, decision or determination that, in its opinion, ought to be made in order to remedy those*

situations noted in the appeal. In the event of a tie, the appeal is deemed denied.

Sec. 56-150(c)(4) states the following:

4. *Criteria.*

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

- (a) The decision-maker made an error in reviewing whether a standard was met, by a misreading of the facts, plans, regulations or an error in judgment.*
- (b) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility.*
- (c) The decision-maker made the decision on standards not contained in this or other City ordinances, regulations or state law; or a standard was applied more strictly or broadly than is appropriate to implement the City's Comprehensive Plan and this Zoning Ordinance.*
- (d) A hardship exists that is due to the unique shape, topography or significant variation from surrounding lots. The hardship shall neither be simply pecuniary nor a result of action, or lack thereof, taken by the applicant.*

**DEPARTMENT RECOMMENDATION:** After reviewing the appellant's appeal letter, and reviewing the initial information provided to the Planning and Zoning Commission at the December 2, 2019, meeting, the Planning Staff recommends that the decision by the Planning and Zoning Commission to deny the approval of the preliminary plat be overturned and the appeal approved with the following conditions:

1. The developer and engineer shall complete and submit construction and drainage plans for review by City staff.
2. The developer and engineer shall perform a traffic impact study and analysis on N. Canal St., E. Cherry Ln., and Peach Ln. and submit the results to the City's Planning Dept.
3. The developer shall adequately address the abandoned oil well at the subject property.
4. The developer and engineer shall continue to work with City staff as to the infrastructure installed and the design of the infrastructure.
5. The City's Infrastructure Inspector shall monitor installation of the approved infrastructure.
6. City staff shall formally accept the infrastructure installed.

**BOARD/COMMISSION/COMMITTEE ACTION:**

- |  |  |  |                                       |
|--|--|--|---------------------------------------|
| <input type="checkbox"/> P&Z           | <input type="checkbox"/> Lodgers Tax Board | <input type="checkbox"/> Cemetery Board  | <input type="checkbox"/> APPROVED     |
| <input type="checkbox"/> Museum Board  | <input type="checkbox"/> San Jose Board    | <input type="checkbox"/> Water Board     | <input type="checkbox"/> DISSAPPROVED |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> N. Mesa Board     | <input type="checkbox"/> _____ Committee |                                       |

**Reviewed by**

**City Administrator:** /s/Michael A. Hernandez

**Date:** 12/16/19

ATTACHMENTS: Appellant's appeal letter, Planning and Zoning Commission meeting minutes, pictures, agenda packet.

**CoMAC, LLC**  
106 Doport Court  
Carlsbad, New Mexico 88220

**December 2, 2019**

**Via Hand Delivery & Email: council@cityofcarlsbadnm.com**

City of Carlsbad, New Mexico

City Council Members:

Lisa A. Anaya-Flores

Edward T. Rodriguez

JJ Chavez

Leo Estrada

Jason G. Shirley

Judith Waters

Wesley Carter

Mark Waltersheid

101 N. Halagueno

Carlsbad, New Mexico 88221

**RE: Appeal from Final Decision of Planning and Zoning Commission**

City of Carlsbad Council Members:

CoMac, LLC, a New Mexico limited liability company (“CoMac”), is the owner of approximately 17.8 +/- acres, more or less, located in the SE ¼ of Section 30, Township 21 South, Range 27 East, N.M.P.M., in Eddy County, New Mexico (hereinafter referred to as the “Land”).

CoMac requested certain variances on the Land as a result of its preliminary plans to develop and market townhomes located on the Land in the form of a townhouse subdivision, all of which is currently permissible under the R-1 development zoning applicable to the Land. Variance requests were taken to the Planning and Zoning Commission (“P&Z”) on November 4, 2019, at which time such requested variances were tabled for a final decision on December 2, 2019. All variance requests present to the P&Z were subsequently denied via final decision on December 2, 2019.

The Code of Ordinances, City of Carlsbad, New Mexico (“Carlsbad City Code”), provides that the City Council has the power and duty to consider and decide appeals taken from final decisions of the Planning and Zoning Commission. *See Carlsbad City Code, Sec. 56-130(b)(1)*. Accordingly, please allow this letter to serve as CoMac’s appeal from the final decision made by P&Z on December 2, 2019.

Set before and denied by P&Z were the following requests for variances, all of which are now the subject of appeal and review by the City Council, as set forth herein:

1. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned “R-1” Residential 1 District [sic];
2. Consider approval of a Variance to allow a 0’ side setback and a 20’ front setback for the Carlsbad Townhouse Subdivision development, zoned “R-1” Residential 1 District [sic]; and

City Council, Carlsbad, New Mexico

Re: Appeal from Final Decision of Planning and Zoning Commission

Page 1 of 3

3. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision.

Of note to the City Council, the following key commentary was provided at the November P&Z public hearing regarding the above-requested variances, the subject of this appeal:

- Jeff Patterson, Planning Director for the City of Carlsbad, New Mexico, acknowledged that “townhouses are allowed in R-1 . . . Zoning,” among other zones, and that ***all*** zoning for townhouses “would require a variance depending on design and lot size.” See *Planning and Zoning Commission Minutes, November 4, 2019, #4, 0:01:38*.
  - Moreover, Mr. Patterson further stated that “the City Planning Staff recommends approval of [variance #1].” (NOTE: As of the November 4, 2019 meeting, P&Z held public hearing for discussion of only requested ordinance variance #1 above. All other requested variances were tabled for discussion on December 2, 2019.)
- John Waters, Executive Director of the Carlsbad Department of Development, stated his support for the Master Plan presented by CoMac “as there is not a lot of inventory [*i.e.*, housing] in this range.” *Id.*
- Billy Massengill, Eddy County Detention Facility Warden, stated that “there are now 35 positions [] open at the jail, plus ISD and Transportation. He sees a lot of mancamps around and he is pleased to see places for people coming to work here and don’t [sic] have \$350,000 for a house and then \$250,000 for renovations . . . he is in support of the variance.” *Id.*
- Oran Means, of the Mayor’s Housing Committee, stated “that people cannot afford most of the housing that is coming here. He believes that more building on less land should keep prices down.” *Id.*

These requested variances are necessary for the development of a townhouse subdivision, notably in a zone permitting such use, to accommodate and assist in the growth in the City of Carlsbad. Moreover, these requested variances are in line with the purpose of the Zoning Ordinance of the City of Carlsbad, New Mexico, to “create orderly, harmonious, and economically sound development.” See *Carlsbad City Code, Sec. 56.3*. Further, such variances are aligned with the particular purposes outlined within the Carlsbad City Code, including, but not limited to, the following:

(a) *Implement comprehensive plan.* To implement the goals and policies of the comprehensive plan of the City of Carlsbad, as amended from time to time, **as well as other goals and policies adopted by the city council related to growth and development.**

(e) *Improve efficiency.* **To encourage a more efficient use of land, infrastructure and public services and to reflect changes in technology of land development.**

(g) *Reduce sprawl.* **To reduce sprawling development** that results in the inefficient use of existing infrastructure and irreplaceable natural resources.

(h) *Encourage infill.* **To encourage the development or redevelopment of lots within the city and to support the efficient use of land,** existing infrastructure, city services and other resources.

See *Carlsbad City Code, Sec. 56.3 (a), (e), (g) and (h)*.

Again, as articulated in November by Mr. Patterson, the City's Planning Director, "the City Planning Staff recommends approval . . ." See *Planning and Zoning Commission Minutes, November 4, 2019, #4, 0:01:38*.

This appeal is not intended for waste or delay, but that justice might be done, and is further made timely as required by law and as set forth in the Carlsbad City Code, Sec. 56-140(k).

I appreciated your attention to this matter. If I can be of assistance in any way, please do not hesitate to reach out to me via email, [svmccutch@gmail.com](mailto:svmccutch@gmail.com), or via cell phone, (575) 706-7941.

Sincerely,

COMAC, LLC

By:

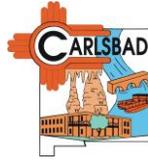
  
Steven McCutcheon, Manager

**MINUTES OF THE REGULAR MEETING OF THE**

**City of Carlsbad  
Planning & Zoning Commission**

**Monday, December 2, 2019, 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, December 2, 2019 at 5:00 PM  
Municipal Annex 114 S. Halagueno Street  
Council Chambers

1. Roll call of voting members and determination of quorum.
2. Approval of Agenda.
3. Approval of Minutes from the Meeting held November 4, 2019.
4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision
5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision
7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District
8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision
10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.
11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned "R-1" Residential 1 District
12. Consider approval of a Final Plat for the Hughes Riverside Subdivision
13. Consider a recommendation to Council for a Zone Change request from "C-2" Commercial 2 District to "R-2" Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision
14. Consider approval of a Variance to allow a 6' fence along the side setback located at 4301 Sycamore St., zoned "R-R" Rural Residential District
15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned "R-R" Rural Residential District

16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.
17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates
18. Report regarding Summary Review Subdivisions.
19. Adjourn.



**FOR INFORMATION ONLY**

Agendas and Planning and Zoning Commission meeting minutes are available on the City web site:

[cityofcarlsbadnm.com](http://cityofcarlsbadnm.com)

or may be viewed in the Office of the City Clerk or at the Carlsbad Public Library during normal and regular business hours

**PLANNING AND ZONING COMMISSION MEETING SCHEDULE**

- Regular meeting – Monday, January 6, 2020 at 5:00 p.m.

**MINUTES OF A REGULAR MEETING OF THE CITY OF CARLSBAD PLANNING &  
ZONING COMMISSION HELD IN THE MUNICIPAL ANNEX PLANNING ROOM, 114 S.  
HALAGUENO STREET, DECEMBER 2, 2019, AT 5:00 P.M.**

**VOTING MEMBERS PRESENT:**

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

**CHAIRPERSON  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER  
COMMISSIONER**

**VOTING MEMBERS ABSENT:**

**NONE**

**EX-OFFICIO MEMBERS PRESENT:**

**JEFF PATTERSON  
TRYSHA ORTIZ**

**PLANNING DIRECTOR  
DEPUTY PLANNING DIRECTOR**

**SECRETARY PRESENT:**

**JENNIFER CAMPOS**

**PLANNING AND REGULATION  
DEPARTMENT EXECUTIVE SECRETARY**

**OTHERS PRESENT:**

**EILEEN RIORDAN  
K.C. CASS  
DUANE CUNNINGHAM  
RAMON BENAVIDEZ  
BRENT GRIFFITH  
SAM DORADO  
STEVEN McCUTCHEON  
TRENT CORNUM  
PATRICIA BANISTER  
RONALD J. PRIESTLEY  
TAMMY PRIESTLEY  
JANE PATCHET  
STAN PATCHET  
MELANIE K. TILLER  
STACEY BRITAIN  
VIRGINIA PRICE  
ALAN WOOD  
HUNG CHIOU  
LEROY BOSTICK  
DAVID FRITSCHY  
VERONICA PEREZ-RAMIREZ  
RAY MASHAW  
RONNY PYEATT  
DAVID SIMMONS  
TERESA MELENDEZ  
RAMON VALENZUELA  
MELVIN BANISTER  
WADE SMITH  
DON GEORGE  
CHRISTINA MANN  
STEVE GREER**

**CITY ATTORNEY  
DIRECTOR OF PROJECTS  
FIRE CHIEF  
BUILDING OFFICIAL  
CITY  
CITY  
1715 N. CANAL  
106 DOPORTO  
218 E. PEACH  
6025 GRANDI RD.  
6025 GRANDI RD.  
306 E. PEACH LN.  
306 E. PEACH LN.  
164 RABBIT HILL  
1710 N. GUADALUPE  
1507 N. COUNTRY CLUB CIR.  
210 E. CHERRY LN.  
1623 CONCORD AVE.  
1512 CONCORD AVE.  
603 ELORA DR.  
4301 SYCAMORE ST.  
1703 N. CANAL ST.  
413 HAMILTON ST.  
408 VINEYARD LN.  
3509 CASS DR.  
2015 GWENDA  
1910 GWENDA DR.  
122 S. 4<sup>TH</sup> ST.  
1725 MISSION AVE.  
2009 W. PEPPER TREE CIR.  
116 E. ORCHARD LN.**

KACEY CORNUM  
CAROLE BRYANT  
DON FISHER  
HELEN ROGERS  
CHERYL STATHAM  
TERRY STATHAM  
LLOYD TILLER  
RACHELLE THOMPSON  
DON THOMPSON  
CHASE HUDGINS  
KENNETH YEAGER  
LINDA YEAGER  
FERMIN RAMIREZ  
RUBEN CHAVEZ  
EDDIE CHAVEZ  
MIKE SHANNON  
AMANDA MASHAW  
R. GARCIA  
ALEX PALOMINO  
JOHN WATERS  
BRENDA DAY  
CONNIE DAY  
ROCKY WEST  
RAUL QUINTANA  
KIM GREER  
VIRGIL BRYANT  
ROBIN BOSTICK  
LEIA WILLIAMS  
JOE WILLIAMS  
VIRGIL SMITH  
MARY ETTA SMITH  
DEBBIE DOSS  
J. R. DOPORTO  
E. LICKLITER  
BEVERLY ALLEN  
TRACY HUGHES  
MORGAN NAJAR  
STACY DOYAL  
KEN DUGAN  
ELSA FRANCO  
ANNA GARCIA  
ASHLEY GARCIA  
TREY HUGHES  
JACOB ROSS  
DANNY CROSS  
BRIAN DOZIER  
GLENN BAILEY

106 DOPORTO CT.  
1909 GWENDA  
1632 CONCORD AVE.  
1632 CONCORD AVE.  
218 E. CHERRY LN.  
218 E. CHERRY LN.  
164 RABBIT HILL RD.  
310 E. CHERRY LN.  
310 E. CHERRY LN.  
1617 CONCORD AVE.  
305 E. PEACH LN.  
305 E. PEACH LN.  
4301 SYCAMORE  
203 GRAPEVINE CT.  
203 GRAPEVINE CT.  
1402 N. COUNTRY CLUB CIR.  
1703 N. CANAL ST.  
CITY  
300 N. MAIN, ROSWELL  
400-2 CASCADES STE 201  
1519 MISSION  
1519 MISSION  
1703 LORETTA LN.  
1608 MISSION  
116 E. ORCHARD LN.  
EDDY COUNTY  
1512 CONCORD  
1602 MISSION  
1602 MISSION  
1017 N. GUADALUPE  
1017 N. GUADALUPE  
1613 N. CANAL ST.  
112 DOPORTO CT.  
1910 SANDY LN.  
  
COUNTY  
1507 LINCOLN DR.  
603 FREEDOM LN.  
208-1/2 E. ORCHARD LN.  
205 GRAPEVINE CT.  
507 W. LEA  
507 W. LEA  
1003 NORTH SHORE  
802 N. ORCHARD LN.  
1133 TRACY PL.  
1806 N. GUADALUPE  
1613 N. CANAL

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

0:00:04 Start Recording [5:01:18 PM]

0:00:29 **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. Knott, Mr. McCormick, Mr. Garcia, Mr. Barney, Mr. Nesser.** Absent-None.

0:00:48 **2. Approval of Agenda.**

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

0:01:26 **3. Approval of Minutes from the Meeting held November 4, 2019**

**Mr. Nesser** made a motion to approve the minutes from the meeting held November 4, 2019; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent-None. The motion carried.

0:01:56 **4. Remove from Table a Consideration for approval of a Variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision**

**Mr. McCormick** made a motion to remove from the table a consideration for approval of a variance to allow a reduction in required lot size for the Carlsbad Townhouse Subdivision; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent-None. The motion carried.

0:02:36 **5. Consider approval of a Variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains this request. **Steve McCutcheon** and **Trent Cornum** come to the podium. **Mr. McCutcheon** suggests the board consider voting to send this item directly to Council, and let the elected officials decide. **Eileen Riordan**, City Attorney, explains how a decision must be rendered from the Planning & Zoning Commission before proceeding to Council, because the Commission is the deciding body on a Variance. This item must be considered again. **Mr. McCutcheon** speaks to the density of the project as being in line other nearby Carlsbad properties. He states that Carlsbad will have about 1,000 homes coming on the market next year and they will be in the \$350,000 range, costing about \$1,700-1,800 per month over 30 years. He states the average apartment rental cost is between \$1,400-1,900 per month with a wait time. He states the townhomes in his development would probably come in around \$200,000 and cost about \$956 per month, making it much more affordable for people coming to Carlsbad to work. **Mr. Cornum** states that the largest need in Carlsbad is affordable housing and he has spoken to loan officers at banks on the price point loan applicants are getting approved for. He believes his development would be in the affordable range. He has looked at several properties and this property is the only one that a multi-family development could be built, noting that it has water and sewer availability. Floor opened for public comment. **Leroy Bostick** comes to the podium in opposition. He recognizes the need for housing; but he wants to focus on the process of approval or denial of this request. **Mr. Bostick**

cited the prepared Agenda Briefing Memorandum provided in the agenda packet for this item. **Mr. Bostick** pointed out that the applicants did not meet all 8 requirements outlined in the ABM. **Christina Mann** comes to the podium. She is opposed to the variance based on the reduction of lot size according to the R-1 requirements. **Tricia Banister** comes to the podium and cites the Carlsbad 2030 Comprehensive Plan that new development is discouraged on the northeast side of town. **Dr. Hung Chiou** comes to the podium in opposition and provides a list against the variances. Dr. Chiou is concerned about conserving the public health; proving a hardship suffered and created by the developer; and compromising Ordinance provisions. **Rachelle Thompson** comes to the podium in opposition mentioning the effect of increased traffic on both sides of the bridge and that future development should benefit all of Carlsbad. **Don George** comes to the podium in opposition. **Ken Dugan** comes to the podium to discuss the legal ramifications and states that the Commission is not empowered to change ordinances. Floor opened for those in favor of the variance. **John Waters**, Executive Director of the Carlsbad Department of Development, comes to the podium. He states that there are a number of companies begging them to find workforce housing. He supports the variance request and the project; and reminds the Commissioners they have a choice. **JR Doport** comes to the podium in support. He states that there are other developments in the city and everyone is feeling the effects of the growth of Carlsbad. Floor closed for public comment. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** states the city came to them with the need for this project. **Mr. McCormick** addresses the applicants directly and states they should have applied for a zoning change, not a variance.

**Mr. McCormick** made a motion to deny the request of variance to allow a reduction in required lot size from 6,000 sq. ft. to 1,967 sq. ft. for the Carlsbad Townhouse Subdivision development; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No-- **Mr. Barney, Mr. Knott;** Abstained--None; Absent--None. The motion carried.

1:18:12      **6. Remove from Table a Consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision**

**Mr. Barney** made a motion to remove from table consideration for approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No--None; Abstained--None; Absent--None. The motion carried.

1:19:17      **7. Consider approval of a Variance to allow a 0' side setback and a 20' front setback for the Carlsbad Townhouse Subdivision development, zoned "R-1" Residential 1 District**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. Cornum** clarifies that the City Administration recommended the R-1 zoning when they were planning this project. Floor opened for public comment. **Mr. Bostick** comes to the podium in opposition and cites the same items in Item #5. **Ms. Banister** comes to the podium in opposition because she does not want this to set a precedent. **Mr. Knott** replied to Ms. Banister informing her that each variance request stands alone and is not subject to previous requests. **Mr. George** comes to the podium in opposition. **Dr. Chiou** comes to the podium to oppose this item for the same reasons he stated before. He cites Sec. 56(90) items regarding setback rules. **Ms. Thompson** comes to the podium in opposition. **Robin Bostick** comes to the podium in opposition because there would not be adequate parking space. **Mr. Knott** notes that the Planning Staff recommends 25' setback. **Mr. Dugan** comes to the podium and states this must be denied because it is connected to the previous requests. Floor opened for public comment in support of this item. **Mr. Waters** comes to the podium and speaks in support; citing properties with 0' setback in other neighborhoods. Floor closed for public comment. **Mr. Barney** asks if City staff did recommend a 25' front setback. **Mr. Patterson** says it did. **Mr. Knott** asked the applicant if he would like to amend his request to match the City staff recommendation to be a 25' front setback. The applicant confirmed that the board should consider the request to include the staff recommendation.

**Mr. Barney** made a motion to approve a Variance to allow a 0' side setback and a 25' front setback for the Carlsbad Townhouse Subdivision development; **Mr. Knott** seconded the motion. The vote was as follows: **Yes-- Mr. Barney, Mr. Knott**; **No-- Mr. Garcia, Mr. McCormick, Mr. Nesser**; **Abstained-- None**; **Absent-None**. The motion fails. This item is considered denied.

1:39:22      **8. Remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Nesser** made a motion to remove from Table a Consideration for approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser**. **No--None**; **Abstained--None**; **Absent-None**. The motion carried.

1:39:59      **9. Consider approval of a Preliminary Plat for the Carlsbad Townhouse Subdivision**

**Mr. Patterson** explains the request. **Mr. McCutcheon** and **Mr. Cornum** come to the podium. **Mr. McCutcheon** asks for confirmation they can put manufactured housing on the property without applying for any variances. **Mr. Patterson** explains that manufactured homes and double-wides are allowed in R-1 residential zoning. Floor opened for public comment against this item. **Stanley Patchet** comes to the podium. He explains the land is about 24.7 acres and is bound by CID canals on the north, south and west sides; it slopes to the east and is under flood irrigation. He states Carlsbad has a 100-year storm of 5" and this means there is a 1% chance of this happening on any day. If it happens and the ground is already saturated, the water will flow to the east and up against the BNSF Railroad embankment. He states the developers have indicated a .74 acre drainage or open space maintenance and drainage on their plans. If 5" of rain happens on saturated ground, then the water would be 13.5' deep in that drainage area. If the land was developed it would be unacceptable from a water handling point of view. He suggests the commission protect the city and employ, at the developer's expense, a professional engineer to evaluate the 100-year storm water handling for this tract and surrounding areas; ensure the final design and each modification include adequate protection from 100-year storm effects on the Banister property, the BNSF embankment, and adjacent public roads. **Mr. Knott** explains that the Planning Department goes through a lengthy process including drainage plan; and that the pond is a detention pond, not a retention pond, and has to have a release. **Mr. Patterson** explains the first requirement was the developer provide a drainage study done and have a NM registered engineer design a drainage plan that captures the water on that property and releases it at the pre-development rate and volume. **Don George** comes to the podium and states this item is contingent on the previous two items that were voted down, and the comments for those apply to this item; and this item should be voted down as well. **Hung Chiou** comes to the podium and states that he is against this item. He calls attention to Sec. 47, page 24, item C, referencing that the Commission must uphold the code and deny this item. **Mr. Bostick** comes to the podium and states he is against this item, and wants to address a comment Mr. McCutcheon made, which he thinks is highly inappropriate, basically that, "If you don't like this, we're going to do something else, which could be worse." **Rachelle Thompson** comes to the podium. She is against the plat for either manufactured homes or the townhomes. She states Peach Lane is a single lane chip seal road and has two of the 6 outlets out of the development and asks that Peach Lane would be taken care of. **John Waters** comes to the podium. He is in favor of the plat. Floor closed for public comment. **Mr. Knott** asks if applicants have looked at Staff recommendations and if they have any problem accepting them. The applicants state they would like to for the board to vote based on the application as is, without changing their request to include staff recommendations.

**Mr. Garcia** made a motion to deny the Preliminary Plat for the Carlsbad Townhouse Subdivision; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. McCormick, Mr. Nesser;** No– **Mr. Barney, Mr. Knott;** Abstained–None; Absent–None. The motion carries.

Recording paused for a short recess.

1:58:42      **10. Remove from Table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.**

**Mr. Garcia** made a motion to remove from table a Consideration for approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **Mr. Barney** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

1:59:29      **11. Consider approval of a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St., zoned “R-1” Residential 1 District**

**Ms. Ortiz** explains this request. The Planning Staff recommends denial of this request. **Wade Smith** comes to the podium and explains he just wants to keep his RV on his lot. He states it does not interfere with any utilities or visibility. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve a Variance to allow the parking and storage of a Recreational Vehicle in the front setback at 122 S. Fourth St.; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes- Mr. Garcia, Mr. McCormick, Mr. Nesser.** No– **Mr. Barney, Mr. Knott;** Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant he will receive a letter with his approval.

2:03:32      **12. Consider approval of a Final Plat for the Hughes Riverside Subdivision**

**Mr. Patterson** explains this request, noting that additional drainage facility needs to be installed. The developer will work with the City and mitigate the issue. **Alex Palomino**, the Project Engineer from Souder Miller & Associates, comes to the podium. He states there was an existing drainage problem and that their plan is to capture most of the run-off water on Lot 12 in the detention pond, and continue drainage along the easement to the east side of Lot 1, where there will be a narrow shallow pond. **Mr. Palomino** states the City will then maintain these ponds for drainage. **K.C. Cass** comes to the podium, and states that the City of Carlsbad approached about the drainage issues. **Mr. Hughes** has graciously given the City part of Lot 1 to mitigate water issues. **Mr. Palomino** asks that the City sign off on the plat and the final plat will show the new drainage plan. They will follow the Planning staff recommendations. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve the Final Plat for the Hughes Riverside Subdivision; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent--None. The motion carried.

2:13:53      **13. Consider a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.4 acres located at 511 W. Lea St., legally described as Lots 17 & 19, Block 189, Osborn 2nd Subdivision**

**Ms. Ortiz** explains this request, noting this request would not create a spot zone. The Planning Staff recommends approval of this request. **Ronald Priestley** of TAJ Investment Properties comes to the podium and explains they would like to build some multi-family housing to help with the City’s need for

affordable housing. This project would be a 14-unit building, and would have plenty of parking. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve a recommendation to Council for a Zone Change request from “C-2” Commercial 2 District to “R-2” Residential 2 District for approximately 0.4 acres located at 511 W. Lea St.; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant this will go before City Council on January 14, 2020.

2:16:50      **14. Consider approval of a Variance to allow a 6’ fence along the side setback located at 4301 Sycamore St., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The Planning Staff recommends approval with the condition that the fence taper to 4’ as it approaches the front property line to allow motorist safety, and that the applicants work with the City Building Dept. to obtain the necessary permits. **Veronica Perez-Ramirez** explains her reasons are privacy from the nearby large man camp and as a windbreak. Floor opened for public comment. There was none.

**Mr. Nesser** made a motion to approve the request for Variance to allow a 6’ fence along the side setback located at 4301 Sycamore St. with condition of 20’ taper from 6’ to 4’; **Mr. Garcia** seconded the motion. The vote was as follows: **Yes--Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent–None. The motion carried.

**Ms. Ortiz** tells the applicant she will receive a letter of approval and she must come into the Building Department and speak with the City Building Official for permits.

2:25:49      **15. Consider approval of a Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd., zoned “R-R” Rural Residential District**

**Ms. Ortiz** explains this request. The applicant is operating an RV park on the property with 55 spaces, has provided permits for septic, water and trash service are being provided, electrical permits have been issued. However, the property is in FEMA flood zone A and a Floodplain certificate would need to be submitted and measures taken to comply with FEMA code. On October 1, 2019 a criminal complaint was submitted against Lloyd Tiller by City of Carlsbad Code Enforcement in Municipal Court. An appearance was scheduled on or before November 12, 2019. As of November 25, 2019, a resolution with the court has not been reached. A warrant has been issued against Mr. Tiller. The Planning Staff recommends denial based on the applicant has not submitted a utility plan showing all connection to city utilities; the site plan does not allow for emergency service access; lack of fire hydrant at the entrance; and the applicant has been operating without a Temporary Use Permit. **Lloyd Tiller** comes to the podium. He states he has no idea of any warrants. He further states that he has done everything the City has asked him to do for his RV park, and assumes he has done everything required. He states he will do whatever else needs to be done. Floor opened for public comment. There was none. **Mr. Barney** asks if the Planning Staff would change their recommendation if Mr. Tiller complied with those items on the list. **Eileen Riordan**, City Attorney, states that because his plan is incomplete, the staff would need to work out what Mr. Tiller proposes again. **Ms. Riordan** states the Fire Department would require a more complete plan. **Mr. Knott** mentions the possibility of tabling this item for consideration later. **Ms. Ortiz** states there are ingress and egress issues, and the drive aisle is required to be 24’ wide and that is not what is on the site plan. She notes since this site plan was drawn in July of 2018, the City’s requirements have changed. **Duane Cunningham**, Fire Chief, comes to the podium and states that he would like **Mr. Tiller** to work with them on the turning radius, and fire hydrant locations. **Mr. Patterson** suggests that this item be tabled to give Mr. Tiller time to work on the site plan.

**Mr. Barney** made a motion to table Temporary Use Permit for Temporary Housing to be located at 2901 Hidalgo Rd.; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion was tabled.

**Mr. Knott** tells the applicant to contact the City Departments he needs and set up appointments.

2:44:59      **16. Consider approval of a Right-of-Way Vacation request at 2413 W. Pierce St.**

**Mr. Patterson** explains this request. The applicants did not attend. **Mr. Patterson** states the applicants would like to increase parking area for their medical office. The Planning staff recommends denial unless the following conditions are met: The right of way along Osborne St. would be reduced to 55' in width at the location of the vacation and leave approximately 60' in right of way along Osborne St.; the right of way to be vacated should be adjusted at the NW corner of the proposed vacation to ensure that the turn south for drivers heading west on Camp Ave. to south on Osborne remains unobstructed. Floor opened for public comment. There was none.

**Mr. Barney** made a motion to approve a Right-of-Way Vacation request at 2413 W. Pierce St. with recommendations; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion carried.

2:53:22      **17. Discussion and Approval of 2020 Planning and Zoning Commission Meeting Dates**

**Ms. Ortiz** presents the dates for the 2020 Planning and Zoning Commission meetings for approval. They are all on Monday evenings at 5:00 p.m.: January 6, February 3, March 2, April 6, May 4, June 1, July 6, August 3, September 14, October 5, November 2, and December 7.

**Mr. Barney** made a motion to approve the 2020 Planning and Zoning Commission Meeting Dates; **Mr. Nesser** seconded the motion. The vote was as follows: **Yes-- Mr. Garcia, Mr. Barney, Mr. Knott, Mr. McCormick, Mr. Nesser.** No–None; Abstained–None; Absent-None. The motion carried.

2:56:23      **18. Report regarding Summary Review Subdivisions.**

Nothing unusual was noted.

2:57:16      **19. Adjourn.**

There being no other business, the meeting was adjourned.

2:57:24      Stop Recording [8:08:13 PM]

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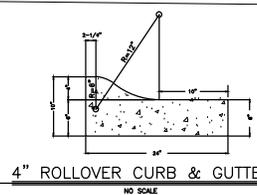
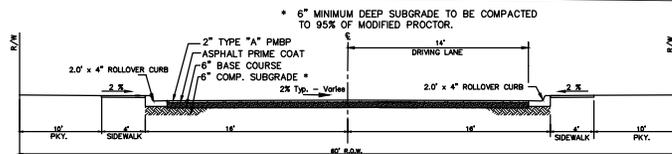
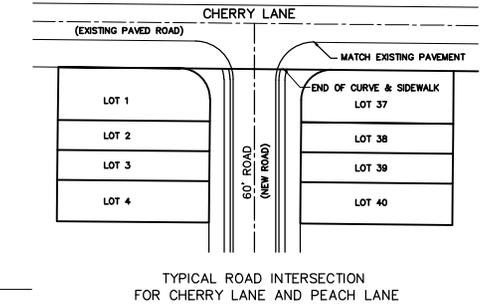
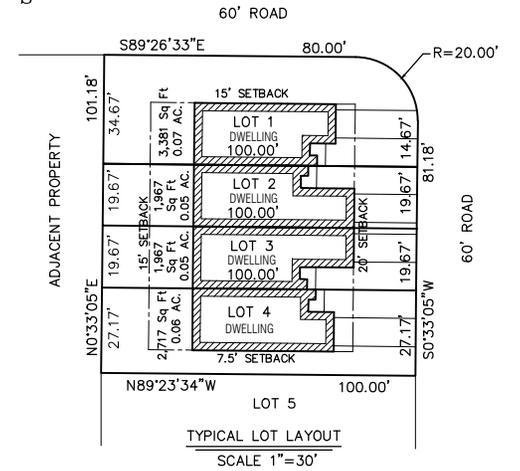
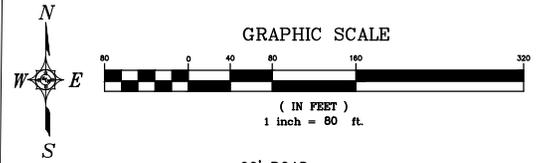
Chairman

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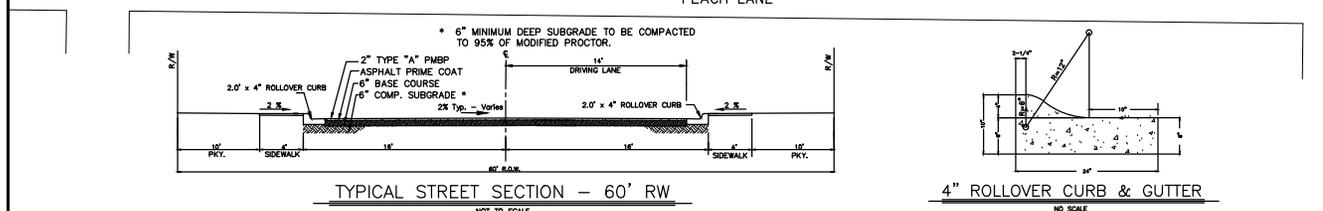
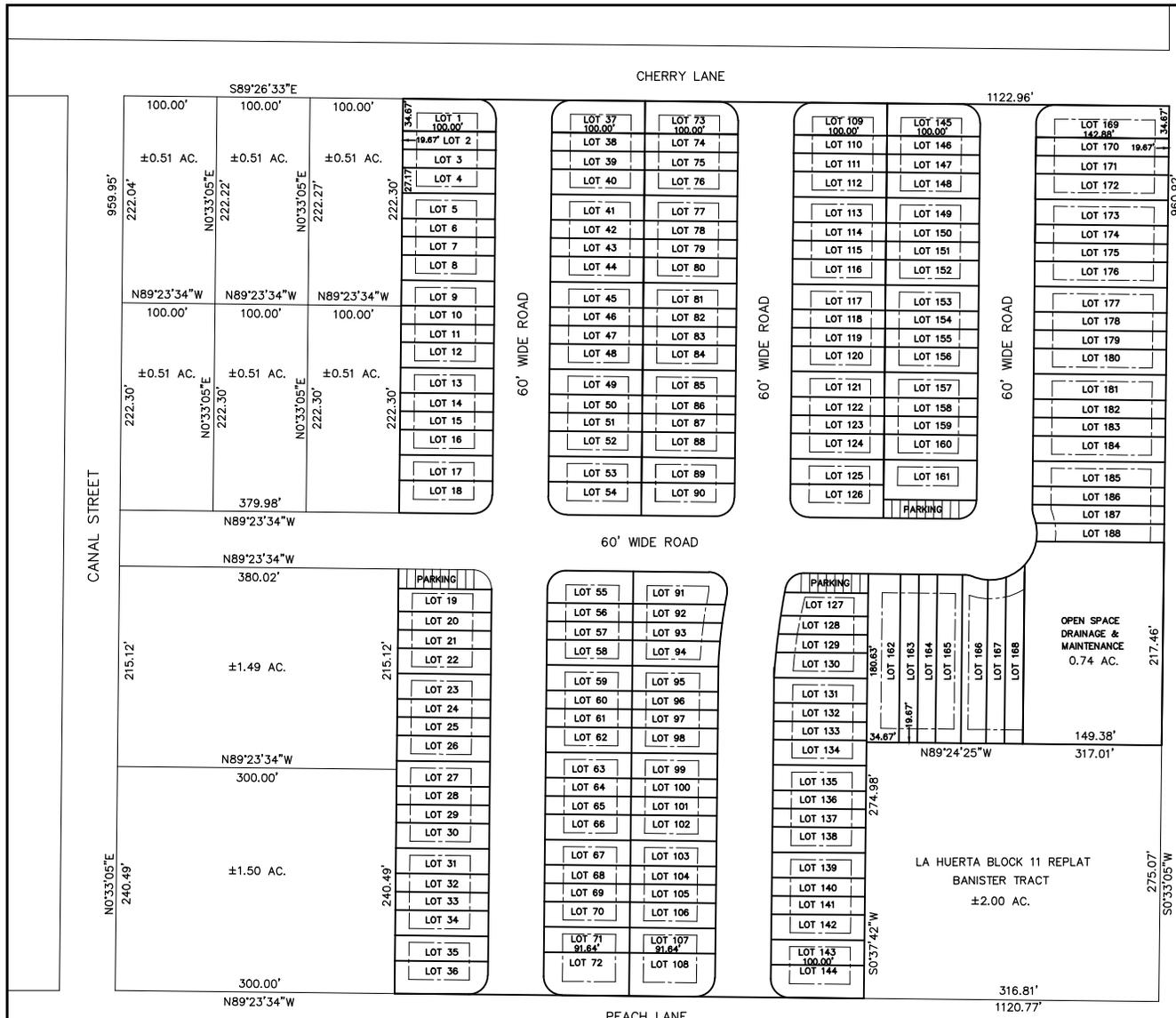
Date

**PRELIMINARY PLAT  
CARLSBAD TOWNHOUSE SUBDIVISION  
(IVES ESTATES SUBDIVISION REPLAT)**

OCTOBER 10, 2019



**KD ENGINEERING**  
1880 E. LOHMAN AVE. DAC COUNTY, NM 88001  
CIVIL / MECHANICAL ENGINEERING  
DAVID B. CHURCH, P.E.  
(757) 640-3790 CELL(575) 528-1108 OFFICE  
DAVID@THURSTONHOMES.COM





## CITY OF CARLSBAD

*Planning, Engineering,  
and Regulation Department*

114 S. Halagueno (PO Box 1569)

Carlsbad, NM 88221

Phone (575) 885-1185, Fax (575) 628-8379

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# APPLICATION FOR SUBDIVISION APPROVAL

(SEE MUNICIPAL CODE CHAPTER 47 – SUBDIVISION REGULATIONS FOR PLAT REQUIREMENTS)

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### PROCESS FOR ACCEPTANCE AND REVIEW OF PLANNING AND ZONING COMMISSION MATTERS

1. The Planning and Zoning Commission's regularly scheduled meetings are on the **FIRST MONDAY OF THE MONTH**. Applicant should obtain an Application Packet for the particular type of request (Zone Change, Subdivision, Variance, Annexation, Special Property Use, etc.) from the City of Carlsbad (Planning, Engineering, and Regulation Office).
2. With the exception of Summary Reviews, **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.** (As per Section 3-20-8 NMSA 1978 and Chapter 47 Code of Ordinances, Summary Reviews may be submitted at any time.) The minimum application packet submittal is one (1) copy of the Application with original signatures and all required supporting documents. If desired, 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". One original plat and three copies are required. **However, if the applicant wishes to support his or her application with larger size documents, an original on and fifteen (15) copies need to be provided. (For Summary Review—an original and three (3) copies are required.)** Separate arrangements for copying these large documents may be possible, but will incur additional costs. Plats must be signed in permanent black ink.

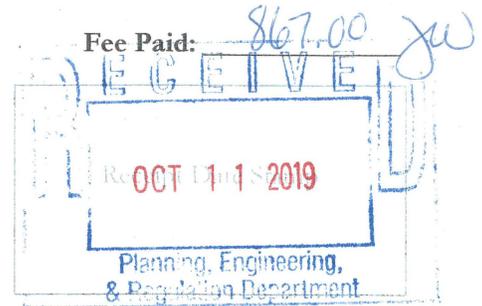
3. The Planning, Engineering, and Regulation Office will give the Application an initial cursory review. If deficiencies or questions are noted, the Applicant will be advised and provided an opportunity to supplement the Application. If the Applicant fails to complete and resubmit the application prior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

# APPLICATION FOR SUBDIVISION APPROVAL

(SEE MUNICIPAL CODE CHAPTER 47 - SUBDIVISION REGULATIONS FOR PLAT REQUIREMENTS)

Application Date: 10.11.19

- Application Type and fee:
- Sketch Plat (no fee)
  - Preliminary Plat (1-7 lots: \$150.00 + \$2.00/lot;  
8+ lots: \$300.00+\$3.00/lot)
  - Final Plat (no fee)
  - Summary Review\* (\$50.00)



<u>Ives Family Limited Partnership</u> NAME OF PROPERTY OWNER		
<u>1601 Mission Ave</u> ADDRESS		
<u>Carlsbad</u> CITY	<u>NM</u> STATE	<u>88220</u> ZIP
<u>817.880.3182</u> PHONE		EMAIL

<u>CoMbc LLC</u> NAME OF DEVELOPER (IF DIFFERENT FROM OWNER)		
<u>106 Doporito Ct</u> ADDRESS		
<u>Carlsbad NM</u> CITY	STATE	<u>88220</u> ZIP
<u>575.910.9796</u> PHONE		<u>frant@trulineconstructionllc.com</u> EMAIL

Location of the property being subdivided: Vacated lots 1, 2, 3, & 4 Block 11, La Herrita, Bannister Tract 3

Is the property:

- Within the City of Carlsbad Zoning District:
  - R-R
  - R-1
  - R-2
  - C-1
  - C-2
  - I
  - PUD
- Outside the City Limits but within the City's Planning and Platting Jurisdiction (5-Mile Radius)

Existing Use of the Property: Farm Land

Proposed Use of the Property: Town Homes

The Carlsbad Code of Ordinances Chapter 47 - Subdivision Regulations and Section 3-20-1 et. seq. NMSA 1978, regulate the subdivision of land. As the property owner, I understand that all required information must be provided in accordance with these regulations and that the construction of certain public improvements may be required as a condition of plat approval. If these improvements are not already in place and accepted by the City, the applicant must attach a financial guarantee, subject to approval by the City, that these improvements will be completed within 1 (one) calendar year after the date of this application or request a variance by the City Council of the applicable subdivision regulation(s). The justification required for this variance is summarized on the reverse side of this page and must be reviewed by the Planning and Zoning Commission prior to submittal to the City Council.

Travis O. Ives, Jr.  
SIGNATURE OF PROPERTY OWNER

**DOCUMENTATION TO BE SEALED BY A REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER,  
AS APPLICABLE, AND SUBMITTED WITH THIS APPLICATION:**

- A plat of the property to be subdivided prepared in conformance with Chapter 47 of the Carlsbad Code of Ordinances and applicable New Mexico Surveying Law.
- A scaled drawing locating all existing structures, water and sewer service lines, and other utilities on or serving the property with accurate dimensions from all existing structures to all property lines. The drawing is not required if the property is vacant or otherwise undeveloped.
- Construction plans defining and illustrating the design and construction requirements for all public improvements required by Chapter 47 of the Carlsbad Code of Ordinances and subject to approval and acceptance by the City (not required for summary review).
- If applicable, detailed Estimates of Construction Costs for the proposed infrastructure improvements suitable for the preparation of the performance bond typically submitted as the financial guarantee that the infrastructure will be completed (not required for summary review).

***\*LIMITATION ON THE USE OF SUMMARY REVIEW PROCESS***  
*(AS PER SECTION 3-20-8 NMSA 1978 AND CHAPTER 47 CODE OF ORDINANCES)*

Subdivisions submitted for review under this process shall comply with applicable subdivision regulations and are limited to:

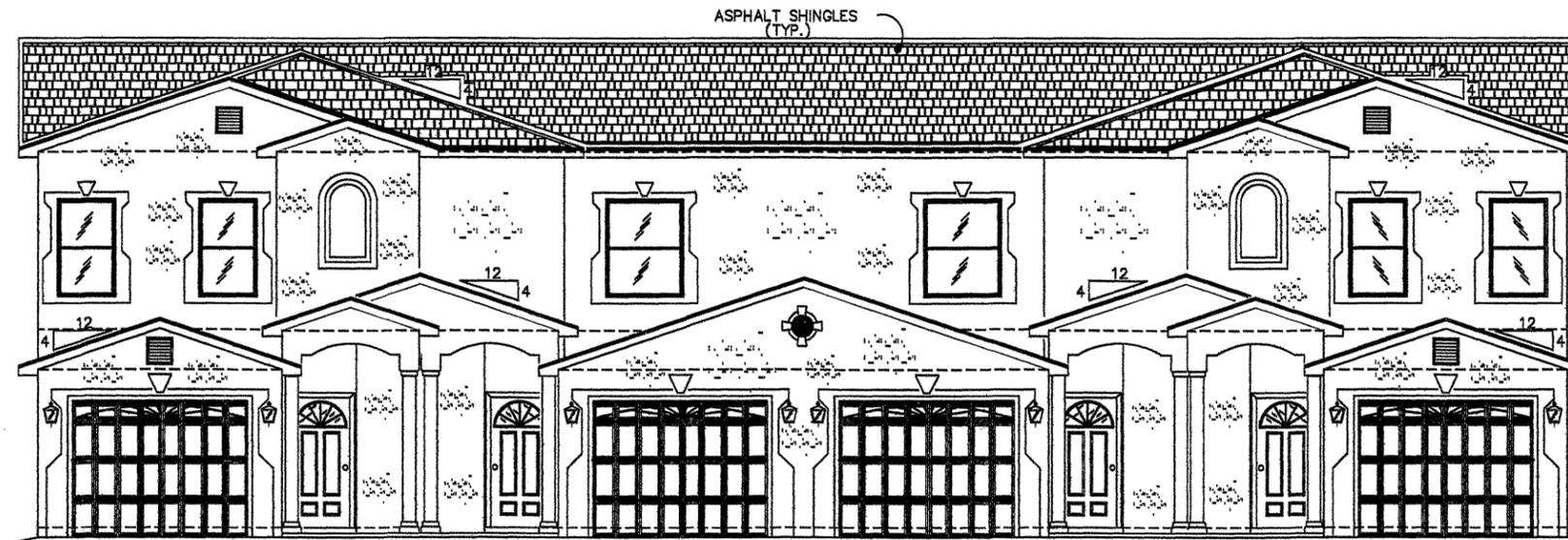
1. Subdivisions of not more than two parcels of land;
2. Re-subdivisions, where the combination or recombination of portions of previously planted lots does not increase the total number of lots;
3. Subdivision of two or more parcels of land in areas zoned for industrial use.
4. One per parcel of land per year as calculated from approval date.

***VARIANCES***

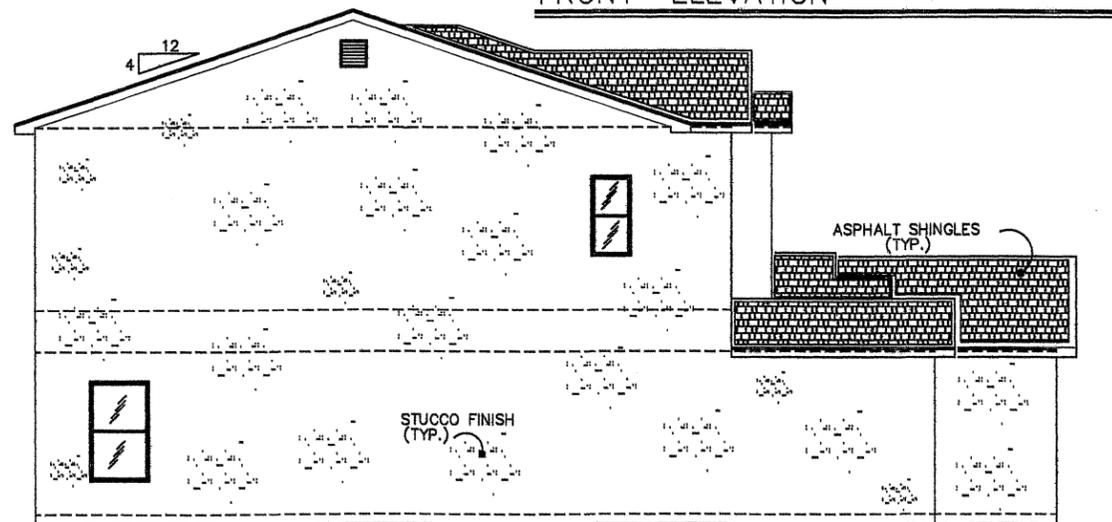
*(AS PER CHAPTER 47 SEC. 47-7 CODE OF ORDINANCES)*

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

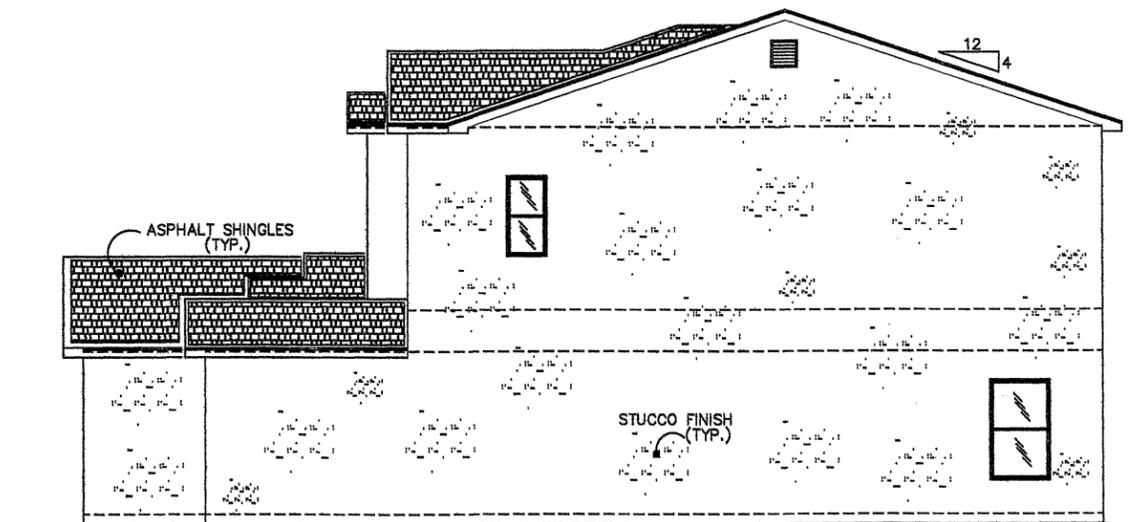
1. The variance will not be detrimental to the public health, safety and general welfare of the community; and
2. The variance will not adversely affect the reasonable development of adjacent property; and
3. The variance is justified because of topographic or other special conditions unique to the property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



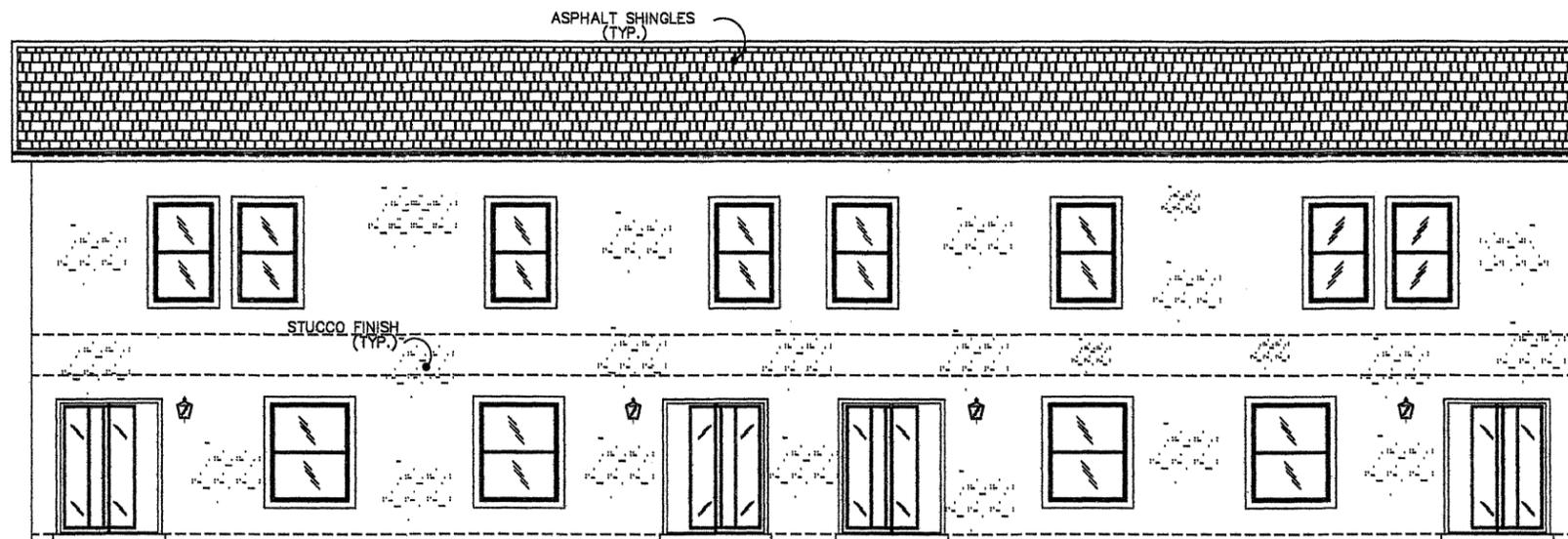
FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

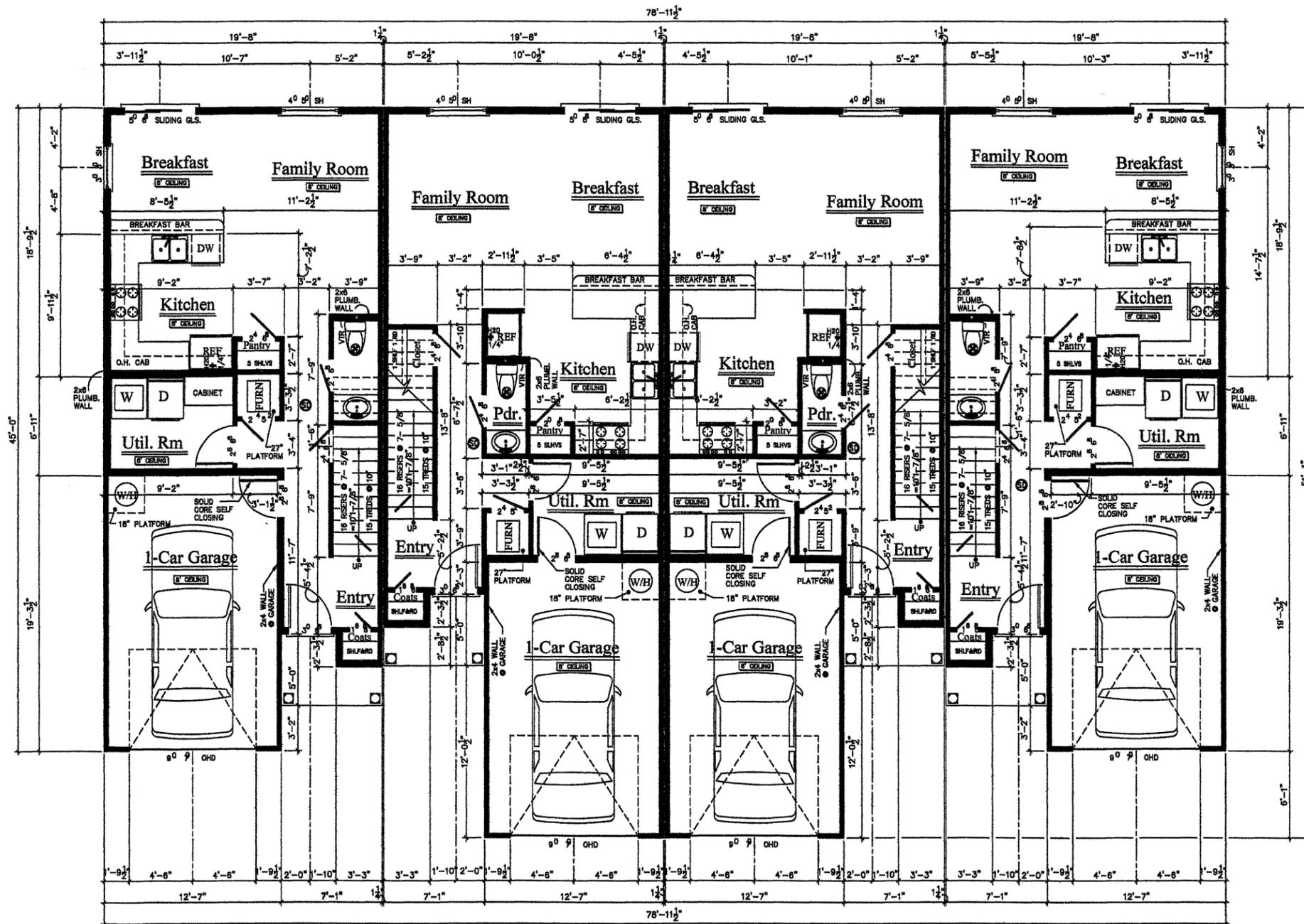
NOTE:  
 ELEVATIONS SHOWN ARE FOR REPRESENTATION ONLY.  
 SEE FLOOR PLAN FOR LOCATION AND SIZE OF DOORS AND  
 WINDOWS.  
 OWNER TO COORDINATE WITH CONTRACTOR AND APPROVE  
 OF ACTUAL TYPE OF DOORS AND WINDOWS TO BE USED.  
 OWNER TO COORDINATE WITH CONTRACTOR AND AGREE ON  
 BUILDING TRIM STYLE, COLOR AND TYPE OF ROOF  
 MATERIAL.  
 LANDSCAPING IS FOR VISUAL REPRESENTATION ONLY.

ELEVATIONS

LAYOUT "A"

DRAWING BY:  
 Adrian Manriquez  
 DATE:  
 06-28-07  
 SCALE:  
 1" = 1/4"  
 SHEET NO.

A - 1



FIRST FLOOR PLAN

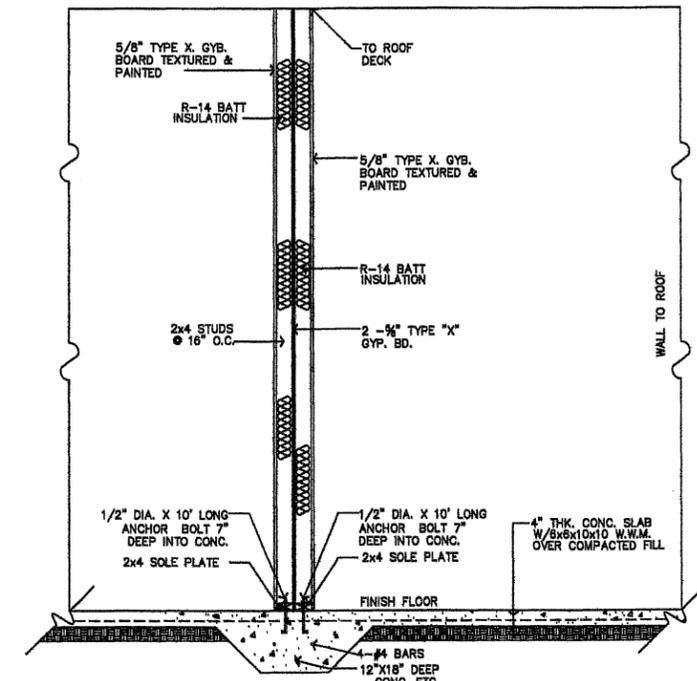
LAYOUT "A"  
SCALE: 1/4" = 1'

AREA	
1ST FLOOR HEATED	595 sq. ft.
2ND FLOOR HEATED	660 sq. ft.
<b>TOTAL HEATED</b>	<b>1255 sq. ft.</b>
GARAGE	240 sq. ft.
COVERED PORCH	28 sq. ft.
<b>TOTAL AREA</b>	<b>1523 sq. ft.</b>

AREA	
1ST FLOOR HEATED	649 sq. ft.
2ND FLOOR HEATED	602 sq. ft.
<b>TOTAL HEATED</b>	<b>1251 sq. ft.</b>
GARAGE	242 sq. ft.
COVERED PORCH	28 sq. ft.
<b>TOTAL AREA</b>	<b>1521 sq. ft.</b>

AREA	
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2 - 1 H.R. PARTY WALL DETAIL  
3/4" = 1'0"

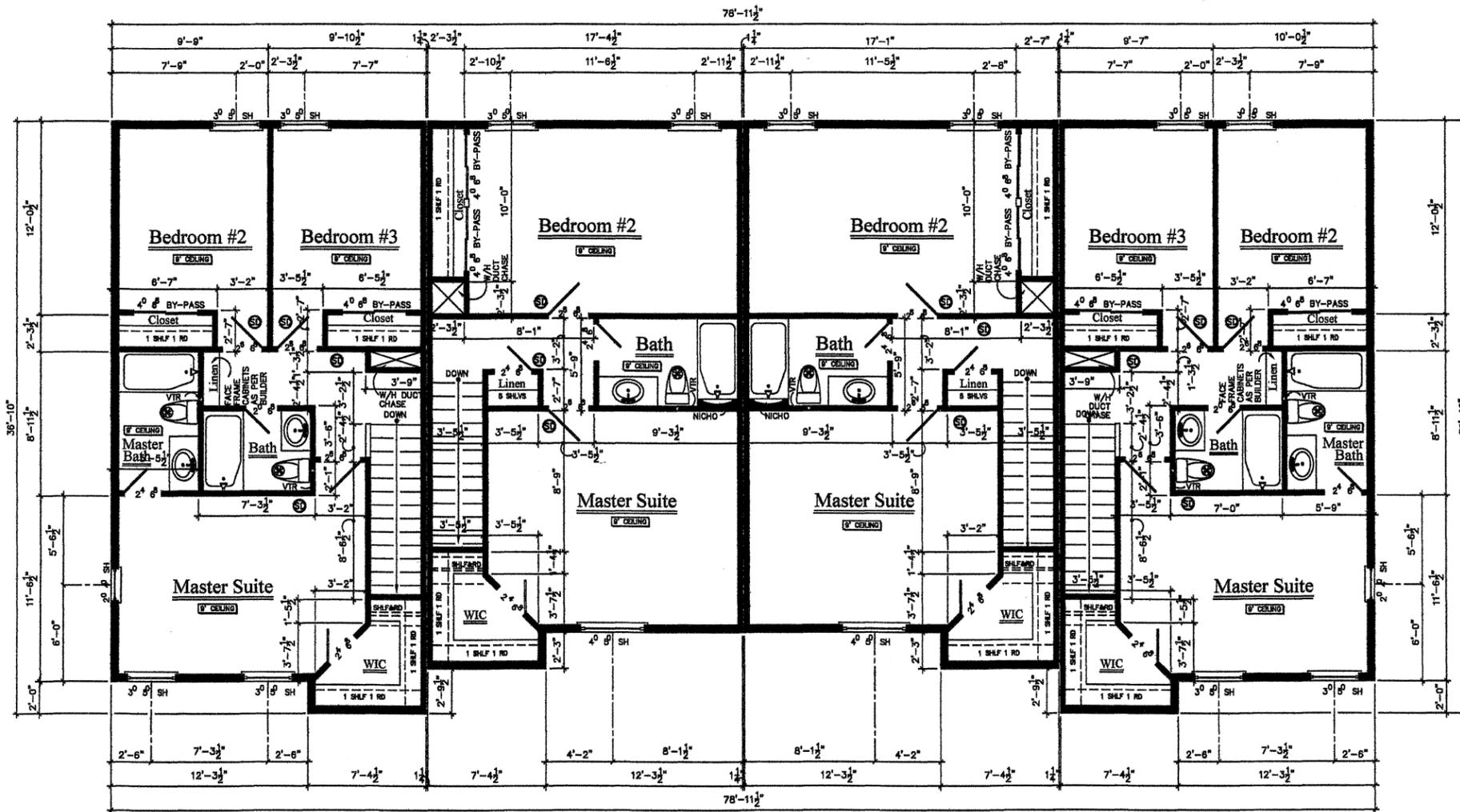
GENERAL NOTES

1. INTERIOR NONBEARING WALLS TO BE 2X4 STUDS @ 24" O.C.
2. INTERIOR BEARING WALLS TO BE 2X4 STUDS @ 16" O.C.
3. ALL HEADERS SPANNING MORE THAN 3' SHALL BE 2X12.
4. ALL FIXTURES & APPLIANCES TO BE CHOSEN BY OWNER.
5. USE FIRE STOPS PER U.F.C., U.B.C. OR LOCAL CODE REQUIREMENTS.
6. ONE HOUR OCCUPANCY SEPARATION BETWEEN HOUSE AND GARAGE, 5/8" SHEET ROCK ON GARAGE SIDE.
7. ALL DIMENSIONS ARE TO BE CHECKED AND CONFIRMED BY CONTRACTOR PRIOR TO POURING OF CONCRETE.
8. INSULATE WALLS R13 MIN., CEILINGS R-30, PERIMETER R-23 MIN.
9. INTERIOR TO BE SHEET ROCKED, TAPED, TEXTURED, AND PAINTED.
10. EXTERIOR TO BE STUCCO - COLOR BY OWNER/CONTRACTOR.
11. ALL ANGLED WALLS TO BE 45° ANGLES UNLESS OTHERWISE NOTED.

NOTE:  
ALL EXTERIOR WALLS TO BE 2 X 6 FRAME, UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS TO BE 2 X 4 FRAME UNLESS OTHERWISE NOTED.

DRAWING BY:  
Adrian Henriquez  
DATE:  
06-28-07  
SCALE:  
1" = 1/4"  
SHEET NO.

FIRST FLOOR PLAN & PARTY WALL



SECOND FLOOR PLAN

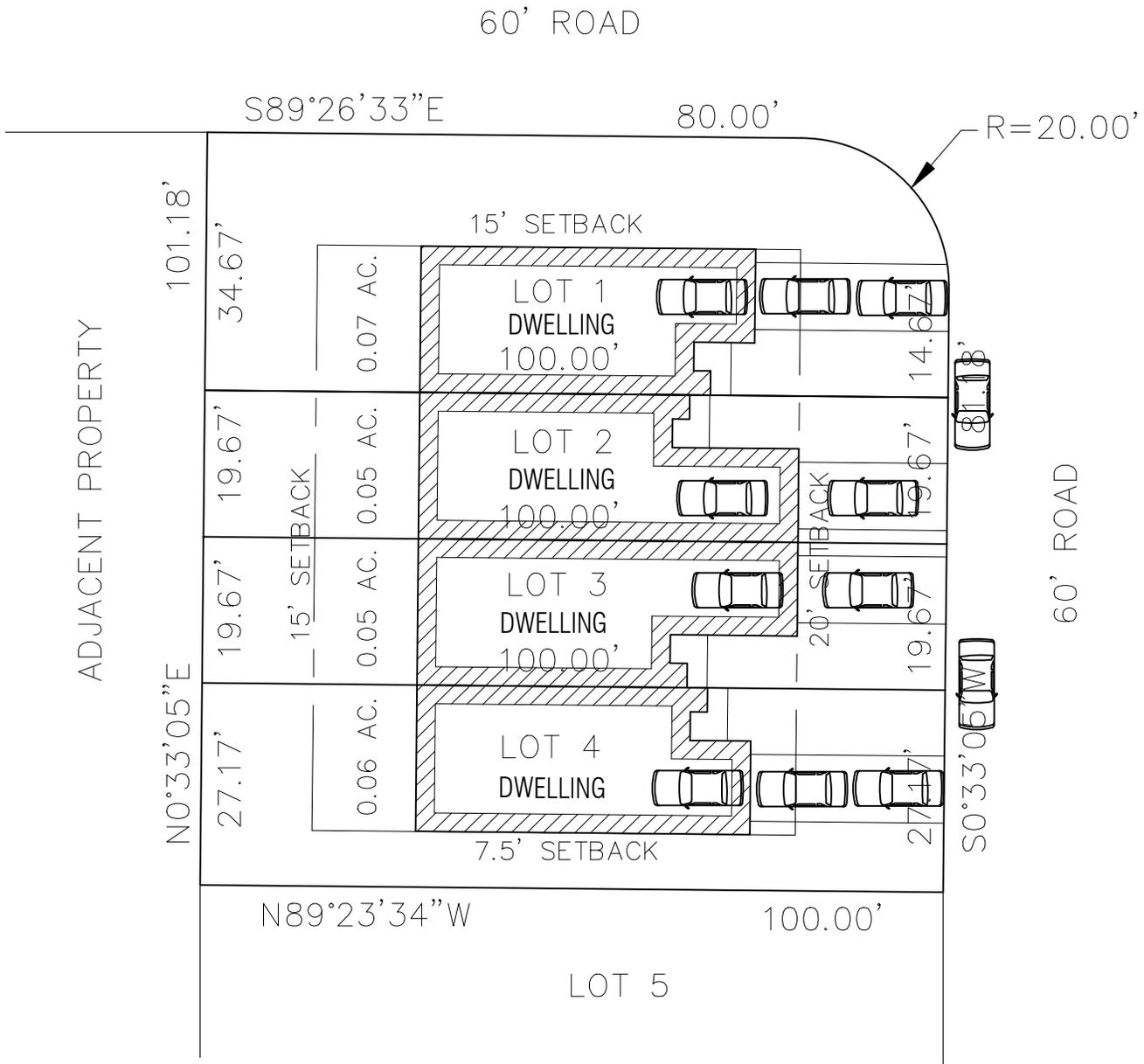
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NOTE:  
ALL EXTERIOR WALLS TO BE 2 X 6 FRAME UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS TO BE 2 X 4 FRAME UNLESS OTHERWISE NOTED.

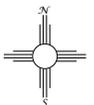
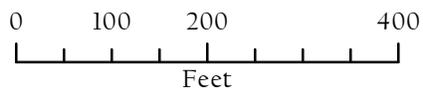
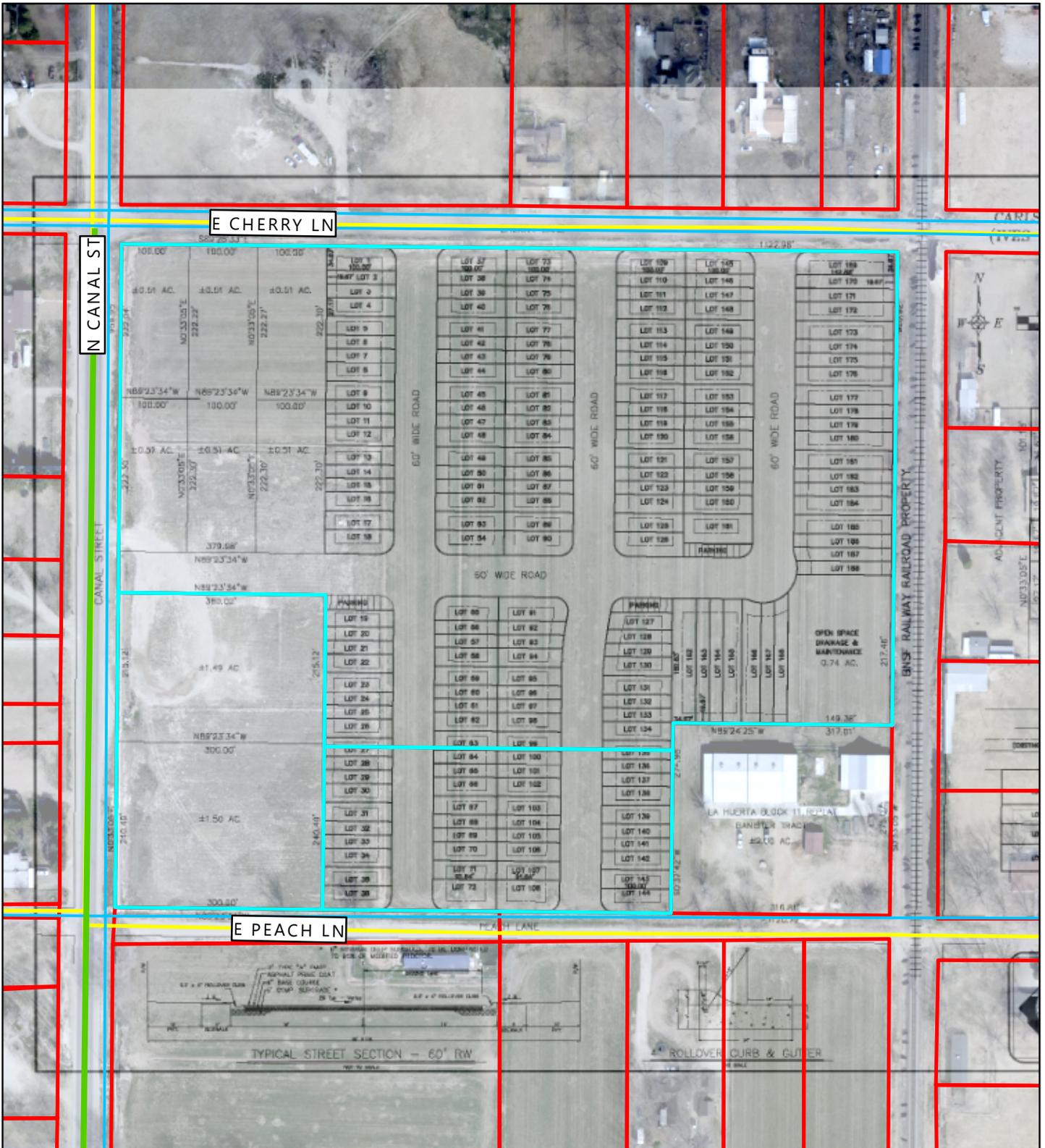
SECOND FLOOR PLAN

DRAWING BY:  
Adrian Manriquez  
DATE:  
06-28-07  
SCALE:  
1" = 1/4"  
SHEET NO.



TYPICAL LOT LAYOUT

SCALE 1"=30'



- Sewer Main
- Water Main
- Parcel
- Roads

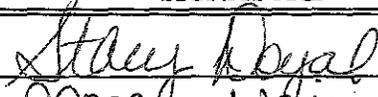
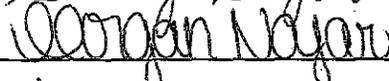
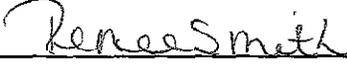
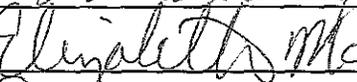
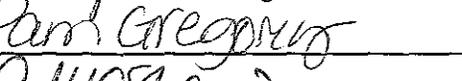
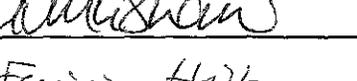
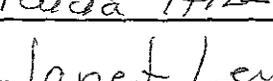
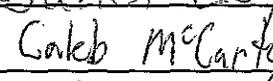
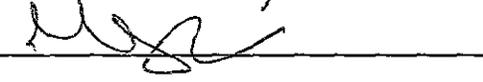
IMPORTANT: Maps, products and data are NOT surveyor quality and are only to be used as a reference.



# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Stacy Doyal		603 Freedom Ln	11/20/19
Morgan Najjar		1507 Lincoln Dr.	11/20/19
Teresa Mathis		3910 Old Cavern Hwy	11/21/19
Renee Smith		2619 Iowa St.	11.21.19
Ashley Jaure		1409 W Snow	11/21/19
JANELLE ONSUREZ		1408 COTTONTOP RD	11-21-19
Kristyn Porter		2110 Curry Rd	11-21-19
Wanda Hensley		1603 Landsun Cir	11-22-19
Elizabeth McNeil		2519 Utah St	11-22-19
Pam Gregory		2102 Westridge Rd.	11-25-19
Amanda Mishaw		1703 N. Canal St.	11/25/19
Ferida Hill		1608 Sunset Green	11/25/19
Janet Leyenteder		610 W. FOX ST.	11-25-19
Caleb McCarty		706 1/2 Elgin Rd	11/25/19
MIKE JAMES		PO BOX 592 CARLSBAD	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

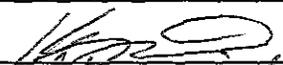
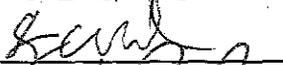
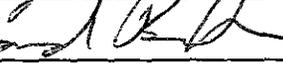
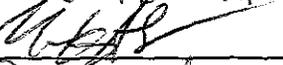
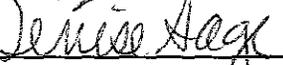
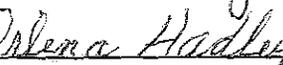
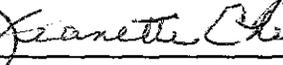
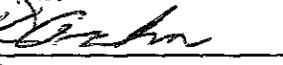
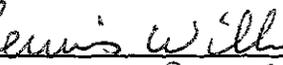
Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Raymond Wells	<i>R. Wells</i>	1104 Redwood Loop	11/13/19
Joana Wells	<i>Joana Wells</i>	1104 Redwood Loop	11/13/19
Travis Crandall	<i>Travis Crandall</i>	1813 Muscatel	11/15/19
Jill Crandall	<i>Jill Crandall</i>	1813 Muscatel Ave.	11-15-19
Barbara Fletcher	<i>Barbara Fletcher</i>	1605 W. Blodgett #11	11-25-19
Michael Shannon	<i>Michael Shannon</i>	1412 N. Country Club Cir	11-26-19
Fuena S. Shannon	<i>Fuena Shannon</i>	1412 N. C.C.C.	11/26/19
Danarjukis	<i>Danarjukis</i>	1504 S. C.C.C.	11/26/19
Ray Mashaw	<i>Ray Mashaw</i>	1703 N. Canal	11/26/19
Jonathan Jenkins	<i>Jonathan Jenkins</i>	1504 South Country Club Circle	11-13-19
Tia C. Jenkins	<i>Tia C. Jenkins</i>	1603 W. Riverside Dr.	11-26-19
Jo Schaefer	<i>Jo Schaefer</i>	926 Solana	11-26-19
Francie Gordon	<i>Francie Gordon</i>	803 Preston Trails Ct	11/26/19
Mckenna Brown	<i>Mckenna Brown</i>	1824 Denise DR	11/26/19
TIM BROWN	<i>T. Brown</i>	1824 DENISE DR	11-26-19
Shelly Wheeler	<i>Shelly Wheeler</i>	1104 W. Ural DR.	11-26-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

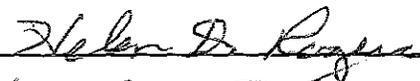
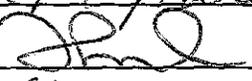
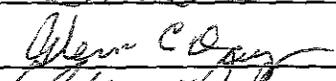
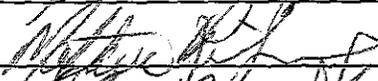
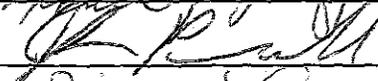
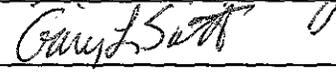
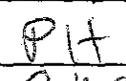
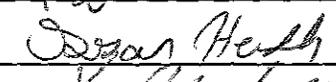
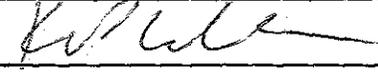
Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Hung Chion		1623 Concord Ave	11/16/19
Alan Fada		1614 Mission Ave. Carlsbad	11/17/19
Saul Olivais		1616 Mission Ave	11/17/19
Jarrad Burkham		1616 Mission Ave.	11-17-19
Dorothy Mae Donnell		504 E Cherry Lane	11-17-19
MARK Sage		1827 Muscatel Ave	11/17/19
Denise Sage		1827 Muscatel Ave	11-17-19
ORLENA HADLEY		1828 Mission Ave	11-17-19
Jeanette Chester		1828 Mission Ave	11-17-19
Dean Chester		1828 Mission Ave.	11-17-19
Rhonda Graham		1902 Mission	11-17-19
Clifton Graham		1902 Mission	11-17-19
LEWIS WILLIS		2405 N. CANAL	11-17-19
Aaron Graham		1416 Elzondo	11-17-19
Jose Lopez		1962 Mission	11-17-19
TINA GREEN		2405 N. Canal	11-17-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Helen D. Rogers		1633 Concord Ave. Carlsbad	11-15-19
Jann-Ping Way		1623 Concord Ave. Carlsbad	11-17-19
AnnMarie Field		1614 Mission Ave. Carlsbad	11-17-19
Victoria Burkham		1616 Mission Ave. Carlsbad	11-17-19
Lawrence & Brenda		1591 Mission Ave.	11-17-19
MATHEW RIDGWAY		1526 Mission Ave	11-17-19
John Purcell		512 Mission Cr.	11-17-19
Ericka Laney		1514 Mission Ave	11-17-19
GARY L. SCOTT		1606 Mission Ave	11-17-19
Percy Holcomb		1625 Muscatel	11-17-19
Jeff Heath		516 E. Cherry Ln	11-17-19
Susan Heath		516 E. Cherry Ln	11-17-19
Keon Phillip		516 E. Cherry Ln	11-17-19
Teresa Phillip		510 E. Cherry Ln	11-17-19
Henry Hernandez		504 E. Cherry Lane	11-17-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Joe Williams	Joe Williams	1602 Mission Carlsbad N.M.	11-21-19
Lela Williams	Lela Williams	1602 Mission Carlsbad N.M.	11-21-19
Stene Ward	Stene Ward	103 SARAH Ave	11-29-19
Max Bennett	Max Bennett	2001 Gwenda Dr Carlsbad, NM	11/25/19
Jennifer Bennett	Jennifer Bennett	2001 Gwenda Dr. Carlsbad, NM	11/23/19
Yaxi Zhao	Yaxi Zhao	1904 Mtn shadow Dr	11/23/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Mary Etta Smith	Mary Etta Smith	1017 N. Guadalupe	11/23/19
<del>Virginia Smith</del>	<del>Virginia Smith</del>	<del>1017 N. Guadalupe</del>	<del>11-24/19</del>
Barry McDowell	[Signature]	1315 W Ural	11/23/19
Gale McDowell	Gale McDowell	1375 W Ural	11/23/19
Eugene Sento	[Signature]	2001 E. Dennis	11/23/19
JEAN JANTO	Jean Janto	2001 E. Dennis Rd	11/23/19
Dennis MRKVICKA	Dennis Mrkvicka	313E. peach LN	11/24/19
Martha McFarland	Martha McFarland	313E. Peach Ln	11/24/19
Robin Bostick	Robin Bostick	1512 Concord	11-24-19
VERA BOSTICK	[Signature]	1512 Concord Ave	11-24-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Carissa Hargis	[Signature]	318 E. Orchard Lane	11-20-19
William Lambert	[Signature]	318 E. Orchard Lane	11-20-19
Kay Tigert	[Signature]	1649 Redwood Loop	11-20-19
Diana Clem	[Signature]	1409 Alasin	11-20-19
Pat Veilleux	[Signature]	1804 Mangrove Rd	11-20-19
Mike Veilleux	[Signature]	1804 Mangrove Rd	11-20-19
JOHN TIGERT	[Signature]	1649 Redwood Loop	11-20-19
Annette Barrick	[Signature]	1404 W. Orchard Lane	11-20-19
CRAIG BARRICK	[Signature]	1404 W. ORCHARD Lane	11-20-19
Patricia Banister	[Signature]	1910 Casanda Dr / 218 E. Peach Ln	11-20-19
Melvin Banister	[Signature]	1910 Casanda Dr / 218 E. PEACH	11-20-19
Dick A. Blunden	[Signature]	6504 N. Canal	11-25-19
Jashaa Fisher	[Signature]	1313 N Canal	11-25-19
Christianna Fisher	[Signature]	1313 N Canal	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

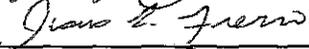
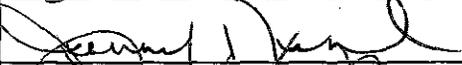
Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Jesse Perry	Jesse Perry	511 S. Ash	11-13-19
Jos Ann Perry	Jos Ann Perry	511 S. Ash	11-13-19
Kim Satter	Kim Satter	1616 Redwood Loop	11/13/19
Vickie Preubias	Vickie Preubias	1506 Sausa Ct	11-13-19
Chelsey Kinblay	Chelsey Kinblay	125 Nymeyer Rd	11-13-19
Kali Jo Kruegel	Kali Jo Kruegel	263 S. Roberson Rd.	11/13/19
Jane Breen Pierce	Jane Breen Pierce	1310 W Thomas	11/13/19
Martha Reed	Martha Reed	603 W Riverside Dr	11/13/19
Dave W. Kayser	Dave W. Kayser	2413 Wyoming	11/13/19
Joseph Houser	Joseph Houser	1910 Sandy Lane	11/13/19
Kim Avery	Kim Avery	911 N. Mesa St	11/13/19
Jordan Britain	Jordan Britain	1108 N Callaway Dr. APT 301	11/25/19
Dustin Britain	Dustin Britain	602 W Orchard Ln	11-25-19
Tina Britain	Tina Britain	1710 N-Guadalupe	11-25-19

# Carlsbad Townhouse Subdivision

*Canal Street between Cherry Lane and Peach Lane*

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Kelly Johnson		1104 W. Orchard Ln	11-18-19
JESUS FIERRO		214 W. PEACH LN	11-18-19
Jennifer Nicholas		1706 N. MESA	11-18-19
Rachelle Thompson		310 E. Cherry Lane	11-18-19
Billy Warren		1514 N. Country Club Cir	11-18-19
James Ashley		1515 Country Club Pl	11-25-19
Steve Greer		116 E. Orchard Ln	11-25-19
Kim Green		116 E Orchard Ln	11/25/19
Rocky West		1703 LORETTA LANE	11/25/19
Ginger Price		1015 N. Country Club Circle	11/25/19
DON THOMPSON		310 E CHERRY LN	11-25-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Cullen W Murray	Cullen W Murray	2307 Anita, Carlsbad	11/15/19
Crystal Montoya	Crystal Montoya	212 Farris, Carlsbad	11/15/19
Rebecca Weems	Rebecca Weems	1511 W. Greene St.	11/15/19
Tim Scott	Tim Scott	1004 W. Hallock	11/15/19
Rosemary Lara	Rosemary Lara	1507 Grant St Carlsbad NM	11-15-19
Alan Wood	Alan Wood	210 E. Cherry Ln.	11-15-19
Mario Lara	Mario Lara	1507 Grant St - Carlsbad NM	11-15-19
Harry Keesler	Harry Keesler	1302 S. Courtney Chico	11-16-19
Caleb Cunningham	Caleb Cunningham	5104 S. Thomas Rd.	11-18-19
Kedi Wheeler	Kedi Wheeler	1318 E. Orchard Ln	11-18-19
Susan Corbett	Susan Corbett	2301 Mtn. View	11-20-19
Lewis Corbett	Lewis Corbett	2301 Mtn. View	11-20-19

Back to Alan by 2/2/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

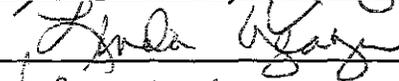
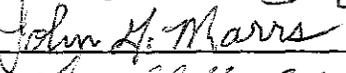
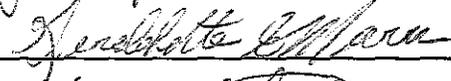
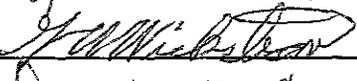
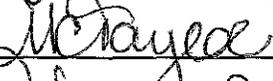
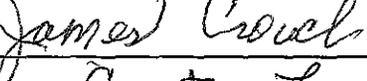
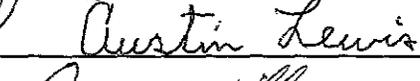
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PRINT NAME	SIGNATURE	ADDRESS	DATE
Don Fisher	<i>Don Fisher</i>	1632 Concord Ave	11/15/19
MURIEL AITCHENSON	<i>Muriel Aitchenson</i>	1626 Concord Ave	11-16-19
Ebaine Berg	<i>Ebaine Berg</i>	1626 Concord Ave	11-17-19
Shelby Ridgway	<i>Shelby Ridgway</i>	1526 Mission	11-17-19
WONI RIDGWAY	<i>Woni Ridgway</i>	1526 MISSION	11-17-19
Stephanie Overstreet	<i>Steph Over</i>	1507 N. Canal	11-18-19
John M. Overstreet	<i>JM Overstreet</i>	1507 N. Canal	11-18-19
Cathryn N. Braun	<i>Cathryn N. Braun</i>	1814 N. Guadalupe St.	11-18-2019
Liz Kajiki	<i>Liz Kajiki</i>	202 Avite Ave	11-18-2019
KAREN B. LARA	<i>Karen B. Lara</i>	240 WESTERN WAY	11-18-2019
JUDY SEH	<i>Judy Seh</i>	1845 Laverne Dr	11/19/19
WANDA SPENCER	<i>Wanda Spencer</i>	201 Plum Ln. #7	11/19/19
Dolores Reynolds	<i>Dolores Reynolds</i>	1505 Tokay Ave	11/19/19
FERRI TRUSSSELL HOMES	<i>Ferri Trussell Homes</i>	1504 MOUNTAIN SHADOW	11/19/19

# Carlsbad Townhouse Subdivision

*Canal Street between Cherry Lane and Peach Lane*

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Jeremy Zinno		1504 Concord Ave	11-16-19
Josephine Zinno		1504 Concord Ave	11-16-19
Kenneth R Yeager		305 E Peach Ln	11-18-19
Linda YEAGER		305 E Peach Dr	11-19-19
John G. Marrs		1909 Sentry Cir.	11-19-19
Geraldette E. Marks		1909 SENTRY Cir	11-19-19
Gerald W Wickstrom		1511 N Canal St.	11-21-19
Danita McCormick		204 Grapevine Ct. (city)	11-21-19
Melissa Taylor		1020 N Allan	11-21-19
Heather Riddle		1403 W. Edwards	11-21-19
JAMES CROUCH		409 PECOS Rv. DR.	11-21-19
AUSTIN LEWIS		1013 EAST Wood	11-22-19
Avery Williams		508 W. 4TH	11-22-19
David R Ruttige		521 Russell	11-22-19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Eddie Chavez	Eddie Chavez	203 Grapevine Ct.	11-21-19
Ruben Chavez	Ruben Chavez	203 Grapevine Ct.	11-21-19
Tim Miller	Tim Miller	207 Grapevine Ct.	11-21-19
Donna Miller	Donna Miller	207 Grapevine Ct.	11-21-19
Andrea Collins		601 W. Orchard	11/2/19
Matt Collins		601 W. Orchard	11/2/19
Elsa Franco	Elsa Franco	205 Grapevine Ct.	11/22/19
Lori Arredondo	Lori Arredondo	211 Goin Home	11/22/19
Raul Rodon	Raul Rodon	806 N. EDWARDS	11-22-19
Ether Aguilar	Ether Aguilar	1414 Ortega	11-25-19
Mike Aguilar	Mike Aguilar	1414 Ortega	11-25-19
Debbie Bailen	Debbie Bailen	201 E Plum Ln #14	11-25-19
Peggy Burt	Peggy L. Burt	201 E. Plum Ln. #39	11-25-19
Judith JONES	Judith Jones	201 E PLUM LN #48	11-25-19
Thomas Kubiak	Thomas Kubiak	201 E PLUM LN #37	11-25-19
Diane Kubiak	Diane Kubiak	"	1

# Carlsbad Townhouse Subdivision

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Susan Garcia	<i>Susan Garcia</i>	307N Alameda	11/19/19
KAREN FOLSOM	<i>Karen Folsom</i>	303 Farrell	11/20/19
Lisa Simmons	<i>Lisa Simmons</i>	408 Vineyard Lane	11-20-19
Lori Simmons	<i>Lori Simmons</i>	1628 N. Guadalupe St	11-20-19
Roger Short	<i>Roger Short</i>	1626 N Guadalupe	11-20-19
Oralia Lara	<i>Oralia Lara</i>	1507 Maui	11-20-19
Joe Lara	<i>Joe Lara</i>	1507 Maui Ct	11/20/19
Kelvin Folsom	<i>Kelvin Folsom</i>	303 Farrell drive	11/21/19
Liz Smith	<i>Liz Smith</i>	1330 LeVina	11-21-19
Charlotte Sibley	<i>Charlotte Sibley</i>	337 US Refinery Rd	11/21/19
Ray Parraz	<i>Ray Parraz</i>	1611 Landsun Dr	11/21/19
Kathy Hood	<i>Kathy Hood</i>	804 Mulberry Ln	11/22/19
Elizabeth Lewis	<i>Elizabeth Lewis</i>	201E Plum Ln #10	11/22/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Manuel D. Avila	<i>[Signature]</i>	314 E. Cherry Ln	11/16/19
Lanette Avila	<i>[Signature]</i>	314 E. Cherry Ln	11/16/19
Dan Piant	<i>[Signature]</i>	306 - E Cherry 2W	11/16/19
<del>Paul [unclear]</del>	<del><i>[Signature]</i></del>	419 Whowho drive	11-19-19
Paul	<i>[Signature]</i>	1808 [unclear]	11-19-19
Mackie	<i>[Signature]</i>	1606 El Estribo Rd.	11/21-2019
Louisa PARRAZ	<i>[Signature]</i>	155 R Ash St	11-21/19
Tina Baeza	<i>[Signature]</i>	318 W Rose St	11-21-19
Barbara J. Brow	<i>[Signature]</i>	511 Welshire St	11-21-19
Florence Golden	<i>[Signature]</i>	407 Pike Dr.	11-21-19
Tera Trujillo	<i>[Signature]</i>	1102 W. Greene	11-21-19
Cordy SANCIDO	<i>[Signature]</i>	1506 N. Guadalupe	11-21-19
Joy Springer	<i>[Signature]</i>	2006 Pepper Tree Court	11-21-19
Sharon Junk	<i>[Signature]</i>	1106 Ortega	11-21-19



# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition AGAINST approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Terry Statham		218 E. Cherry Ln.	11/17/19
Gabriel Statham		218 e Cherry Lane	11/17-19
Sharon Kiles		111 Farris #60	11-17-19
Melba Statham		2409 Legion St.	11-17-19
Colleen Rogers		5203 Sioux	11-18-19
BELEN GARCIA		1303 N CANAL #4	11-18-19
<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>
Velma Dunn		6214 Laguna	11-18-19
April Anderson		1205 N Country club circle	11-18-19
		301 E. Cherry	11-18-19
CHRISTINE TORRES		1003 Figan	11-19-19
Jay Carter		407 Walker Farm Rd	11-19-19
Chad Thompson		1425 Verdell ave	11-19-19
Kimberly Longoria		303 Moore brice	11-19-19
JESY RAMOS		2403 BONITA ST.	Nov. 19, 2019

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
Cheryl Statham	Cheryl Statham	218 E Cherry Lane - Carlsbad	11-14-19
Rolena McIntire	Rolena McIntire	1214 W. Church Carlsbad	11/14/19
Stephanie Perez	Stephanie Perez	511 N 2nd St Carlsbad	11/15/19
Sydney Flores	Sydney Flores	1605 Palo Verde Loop - Carlsbad	11/15/19
Renée Valliere	Renée Valliere	1502 Tokay Carlsbad	11-15-19
Diana Dolan	Diana Dolan	1414 N. Country Club - Carlsbad	11-15-19
Amber Gonzalez	Amber Gonzalez	3402 W. Lea St - Carlsbad	11-15-19
Shaylyn Marquez	Shaylyn Marquez	411. Hamilton place	11-15-19
Mckenzie Pineda	Mckenzie Pineda	1503 W Greene St Carlsbad	11-15-19
Dottie Rutherford	Dottie Rutherford	2112 N Canal Carlsbad	11-15-19
David Hall	David Hall	1912 Sandy Lane	11/15/19
Celina Bean	Celina Bean	2005 Connie Road.	11/15/19
Laura Flores	Laura Flores	4009 Jesse James Ct	11/15/19
Michael J. Smith	Michael J. Smith	2410 Monte Vista	11-15-19
Wendy S. Griffin	Wendy S. Griffin	1641 Redwood Loop	11-15-19

# Carlsbad Townhouse Subdivision

*Canal Street between Cherry Lane and Peach Lane*

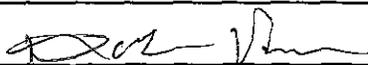
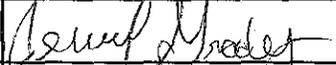
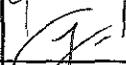
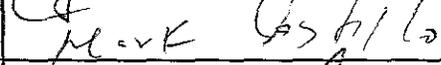
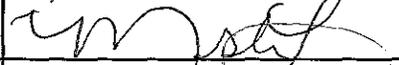
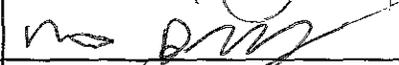
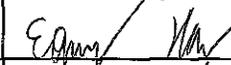
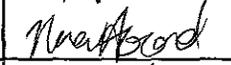
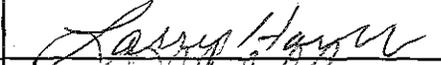
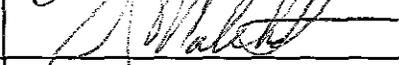
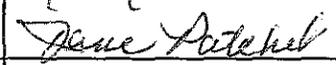
Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
BARBARA A. LUCIA-JONES	<i>Barbara A Lucia Jones</i>	202 E. Cherry Lane	11-15-19
<i>Eric Zofonka</i>	<i>Eric Zofonka</i>	2025 Laurel Ave	11-16-19
JAMES S. LUCIA	<i>James S Lucia</i>	108 S. CYPRESS	11-17-19
JOANN ROLLEY	<i>Joann Rolley</i>	615 N. LAKE	11-18-19
MARIA WHEELER	<i>Maria Wheeler</i>	1716 N CATAL	11/19/19
Zachary Lucia	<i>Zachary Lucia</i>	202 E Cherry Ln	11/21/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

Petition **AGAINST** approval of requested variances for lot size reduction, front and side set back reduction, and plat approval of the proposed Carlsbad Townhouse Subdivision. This petition will be used for the Carlsbad Planning and Zoning meeting.

PRINT NAME	SIGNATURE	ADDRESS	DATE
David Rhoades		312 Farris	11/16/19
Shawn Smith			11/16/19
Beth Grady		616 Caballo Rd	11-16-19
Jennifer Grady		616 Caballo Rd	11-16-19
Leonel Lopez		2016 Georgia St	11-16-19
Mark Castillo		306 Mesquite St.	11-16-19
Michelle Wood		505 N 9th St	11/16/19
Matt Banks		505 N 9th St.	11-16-19
Edward Hood		905 Dark Canyon	11-16-19
Nora Hood		905 Dark Canyon Rd.	11-16-19
LARRY		102 S. Ash	11/16/19
STANLEY PATCHET		306 E PEACH LANE	11/23/19
JANE PATCHET		306 E. Peach Ln	11/23/19

# Carlsbad Townhouse Subdivision

Canal Street between Cherry Lane and Peach Lane

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PRINT NAME	SIGNATURE	ADDRESS	DATE
Lisa Venosa	Lisa Venosa	1508 W. Currier St	11-16-19
Pat Boulden	Pat Boulden	801 Marion Dr.	11-16-19
Lena Rodriguez	Lena Rodriguez	1522 W. Bobbitt St.	11-16-19
Sam Rhodes	Samuel D. Rhodes	405 S. Mesquite	11-16-19
DAKOTA FRY	DAKOTA FRY	1001 N. Pate St	11-16-19
Johnny Brunkhorst	Johnny Brunkhorst	1517 Tasker	11-16-19
Daniel Gutierrez	Daniel Gutierrez	1515 Gillet	11-16-19
Todd Vansetter	Todd Vansetter	2000 Wilson	11/16/19
Doraven Baskin	Doraven Baskin	507 Alameda	11/16/19
Marty L. Banks	Marty L. Banks	3414 Sunnyview	11-16-19
Boyd H Banks	Boyd H Banks	3414 SUNNYVIEW	11-16-19
Jenny Bolduc	Jenny Bolduc	402 Plum Lane	11-16-19
Jessica Wilbourn	Jessica Wilbourn	1006 Jason St	11-16-19
Bradley Wilbourn	Bradley Wilbourn	1006 Jason St	11-16-19
Doug Simmons	Doug Simmons	207 EAST PEACH LANE	



**ADJOURN**