



DRAFT

PLANNING AND ZONING MEETING AGENDA

Tuesday, APRIL 1, 2025 AT 6:00 P.M.

Roswell Development Services Conference Room
500 N. Main Street, Suite 100 (Sunwest Centre)
Roswell, New Mexico 88201

Chair: Saul Aguilar

Vice Chair: Jana Lessard

Members: Steve Henderson

Richard L. Gutierrez

Alicia Gilmore

Secretary: Gregory Holman

APRIL 1 2025 PLANNING & ZONING COMMISSION AGENDA & MTG PACKET

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 24-23.

NOTICE OF POTENTIAL QUORUM – A quorum of the City Council may or may not attend, but there will not be debate by the City Council, and no action will be taken.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats; please contact the City Clerk at 575- 624-6700.

Printed and posted: **day/date**

TO ATTEND THE PLANNING & ZONING COMMISSION MEETING BY GO TO MEETING

Tuesday, APRIL 1, 2025 6:00 PM -- 7:00 PM (MDT)

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Planning & Zoning Commission

Meeting Date: 04/01/2025

COMMITTEE: Planning & Zoning

CONTACT: Merideth Hildreth

CHAIR: Saul Aguilar

ACTION REQUESTED:

APRIL 1 2025 PLANNING & ZONING COMMISSION AGENDA & MTG PACKET

Attachments

APRIL 1 2025 P&Z AGENDA & PACKET



City of Roswell Planning & Zoning Commission Agenda

Tuesday, April 1, 2025 at 6:00 PM

Roswell Development Services Conference Room

500 N Main Street, Suite 100 (Sunwest Centre)

Roswell, New Mexico

Planning & Zoning Commission Members:

Chair: **Saul Aguilar**; Vice Chair: **Jana Lessard**; Secretary: **Gregory Holman**

Members: **Steve Henderson, Richard L. Gutierrez, Alicia Gilmore**

City Staff:

Community Development Director: **Jessica Vickers, Esq**

Planning & Zoning Administrator: **Merideth Hildreth, AICP**

City Engineer: **Louis Najar, P.E.**

Senior Engineer: **James MacCornack, P.E.**

A. Call to Order

B. Roll-Call

C. Swearing In

D. Approval of the Agenda: April 1, 2025 Agenda

E. Approval of Minutes: March 4, 2025 Draft P&Z Regular Meeting Minutes

F. Other Business

1. AbleCity: Introduction to Comprehensive Master Plan and Process

G. Action Items

- 1. CASE CUP-25-0006** Request for approval of a Conditional Use Permit for In-Home Childcare for up to twelve children at 603 S Mississippi in R-1 Residential. Legal Summary: Subd: BINNS Block: 1 Lot: 7 BK 699 PG 939 WD (Property Owner / Applicant: Regina A Chavez).
- 2. CASE VAC-25-0007** Request Vacation of 9th Street 60' wide Public Right-of-Way from N Main Street to N Virginia Avenue; and vacate adjacent north & south alleys from 8th St to south of 9th St from Public Rights-of-Way and convert to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial & I-1 Light Industrial Zoning Districts. **LOCATIONS, ADDRESSES, & LEGAL SUMMARIES OF PROPERTIES ADJACENT TO ROWs:** 9th Street ROW & Alleys north & south of 9th Street in the 800 & 900 Blocks of N Main Street & N Virginia Avenue adjacent to the following properties: (801, 803, 821, 823 N Main St -- Subd: NORTH SPRING RIVER Block: 2 Lot: 8 THRU: Lot: 14 , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD); (911 N Main St & 105 E 9th St-- Subd: NORTH SPRING RIVER Block: 7 Lot: 8 THRU:- Lot: 11 AND:- Lot: N 20' OF VACATED 9TH ST , , , , S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD); (800 N Virginia Ave -- Subd: NORTH SPRING RIVER Block: 2 Lot: 6 AND:- Lot: 7 , Quarter: SW S: 33 T: 10S R: 24E BK 732 PG 1064 WD); (110 E 9th St - Subd: NORTH SPRING RIVER Block: 2 Lot: 1 THRU:- Lot: 5 , , , , Quarter: NW S: 33 T: 10S R: 24E BK 732 PG 1064 WD); and (900, 904, 906, 908 N Virginia Ave -- Subd: NORTH SPRING RIVER Block: 7 Lot: 3 THRU:- Lot: 7 , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD.) (Property Owners: Property Management Group F2 LLC; RLJ Investments, LLC) (Applicant: Smith Engineering Co.)

H. Public Comments

I. Announcements

J. Adjourn

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 24-23.

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Printed and posted: **March 28, 2025**

TO ATTEND THE PLANNING & ZONING COMMISSION MEETING BY GO TO MEETING

Tuesday, April 1, 2025 at 6:00 PM – 7:00 PM (MDT)

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P&Z DRAFT REGULAR MEETING MINUTES
Roswell Planning & Zoning Commission
Tuesday, March 4, 2025 at 6:00 PM

Roswell Development Services Conference Room
500 N Main Street, Suite 100 (Sunwest Centre)
Roswell, New Mexico

Chair: Saul Aguilar; Vice Chair: Jana Lessard; Secretary: Greg Holman
Members: Steve Henderson, Richard L. Gutierrez, Alicia Gilmore

Jessica Vickers, Esq
Merideth Hildreth, AICP
Louis Najar, P.E.
James MacCornack, P.E.

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 24-23.

A. CALL TO ORDER AND WELCOME – Chair Saul Aguilar

Chair Aguilar called to order the regular meeting of the Planning & Zoning Commission at approximately **6:00 p.m.**

B. ROLL-CALL

Saul Aguilar	Present
Jana Lessard	Present
Steve Henderson	Present
Richard L. Gutierrez	Present
Greg Holman	Present
Alicia Gilmore	Present

Staff Members Present:

Jessica Vickers, Esq, Community Development Director
Merideth Hildreth, AICP, Planning and Zoning Administrator
Louis Najar, P.E., City Engineer
James MacCornack, P.E., Senior Engineer

Audience Members Present:

Jason Garcia, Bruce Burleson, Christy Murphy, Larry Fresquez, Guadalupe Scott, David Garcia, Stan Hess, Lisa Hess, Kevin Simmons, Jennifer Williams, Terri Harber with Roswell Daily Record

C. SWEARING IN: Commissioner Jana Lessard swore in staff and members of the audience.

D. APPROVAL OF THE AGENDA

Chair Aguilar: Requested a motion to approve the March 4, 2025 Agenda as presented.

Commissioner Henderson MOTIONED to approve the Tuesday, March 4, 2025 Planning & Zoning Commission agenda. SECONDED by Commissioner Holman. A voice vote was as follows: Jana Lessard- yes, Greg Holman- yes, Alicia Gilmore- yes, Richard Gutierrez- yes, Steve Henderson- yes, Saul Aguilar- yes, the motion (passed) 6 - 0.

E. APPROVAL OF MINUTES:

Chair Aguilar requested a motion to approve the December 17, 2024 Planning & Zoning Commission meeting minutes as presented.

Commissioner Lessard MOTIONED to approve the December 17, 2024 Planning & Zoning Commission meeting minutes as presented.

SECONDED by Commissioner Henderson.

A voice vote was as follows: Jana Lessard- yes, Greg Holman- yes, Alicia Gilmore- yes, Richard Gutierrez- yes, Steve Henderson- yes, Saul Aguilar- yes, the motion (passed) 6 - 0.

F. PUBLIC HEARING ITEMS:

- 1. CASE ZOC-25-0003** Request for Zone Change from R-2 Residential to RVP Recreational Vehicle Park for 3.3-acres at address to be assigned as 1507 S Sunset Ave. Legal Description: Subd: SUNSET VILLA A Block: 0 Lot: 1 THRU 9 AND:- Lot: 12 THRU 18 , S: 8 T: 11S R: 24E DOC# 202403751 QCD (Owner / Applicant: Jason E Garcia).

Chair Aguilar: I am introducing **CASE ZOC-25-0003** Request for Zone Change from R-2 Residential to RVP Recreational Vehicle Park for 3.3-acres at address to be assigned as 1507 S Sunset Ave.

Ms. Hildreth with the City of Roswell Planning & Zoning Division will present the case and read the Findings of the Facts. After Ms. Hildreth's presentation, I will recognize the Applicant who will be given an opportunity to present. After that, anyone wishing to speak will be provided an opportunity. Each speaker will be allowed 3 minutes to address the Planning & Zoning Commission. You must be sworn in and have written your name on the sign-in sheet.

I may call on Staff who are present to answer questions and address concerns as we proceed through the presentation and public comment period.

Once the public comments are completed, Mr. Garcia will be given a final opportunity to speak to answer any questions and address any concerns.

Then the Commission will vote.

Ms. Hildreth: Good Evening Chair Aguilar, Commissioners. The intent of the applicant's petition for Zoning Case **CASE ZOC-25-0003** is a request for Zone Change from R-2 Residential to RVP Recreational Vehicle Park for 3.3-acres at address to be assigned as 1507 S Sunset Ave.

This slide shows the Zoning Map. The property under consideration indicated by the star is 3.3-acres in the R-2 Residential Zoning District and has direct access to Sunset Avenue which is a mixed-density corridor with estate-sized lots north of the Rio Hondo. North Plains Park 3 is a single-family R-1 subdivision on the north and east of the property and separated from the property with 20'-wide alleyways. Six R-3 residential properties are along the east side of Riley Drive to the south. Three of these properties are duplexes, and the other three are single-family residential by the Riley Drive cul-de-sac. Sunset Villa Care Center plus an undeveloped lot owned by the Care Center zoned R-3 are located south of the property under consideration. Sunset Apartments, also known as Sunset 1600, are located south of the Care Center and zoned R-3. A single-family home and an undeveloped lot are located west of the property under consideration between Sunset Avenue and a 20' wide alley that separates the properties. On the west side of Sunset Avenue north of the Rio Hondo there is a residence with a vacant lot that combined total approximately 1.7 acres as well as a 12.5-acre undeveloped R-1 Tract. An undeveloped 17-19-acre R-4 Tract in the AE Flood Zone is located south of the Rio Hondo. A residence is on the south end of this property.

This slide showing a Google Earth aerial view of the property and surrounding area and the next slide showing a 1964 plat shows alley rights-of-way separating the property from the Plains Park Subdivision on the north and east, the duplexes and Sunset Villa Care Center on the South, the residence and vacant lot on the west next to Sunset. The staff photo shows the Rio Hondo and an alley that provide a 60' buffer between the northwest corner of the property under consideration and the estate size lots north of the Rio Hondo.

This slide shows staff photos of the undeveloped property under consideration, the alley between the property and subdivision to the east, the duplex separated by an alley, and the pavement of Riley Drive dead ending at the alley south of the property. This slide shows the 2016 Comprehensive Master Plan showing mixed-density along Sunset Avenue and the property under consideration as High Density Residential within an area classified as Infill/Redevelopment Opportunities.

The Findings of Fact (Conclusions of Law) are as follows:

1. A notice of the time and place of the public hearing for this case was published in the Roswell Daily Record at least fifteen (15) days prior to the date of this hearing.
2. Notifications of the public hearing were mailed via certified mail with return receipt requested to property owners of record, as shown by the Chaves County Assessor Map, with lots or land within one-hundred (100) feet of the area under consideration, excluding public rights-of-way. That is Exhibit D in the packet.

3. This agenda, which includes this case, has been posted at City Hall and on the City of Roswell's website for over seventy-two (72) hours as required by State of New Mexico law for a public hearing.
4. The property under consideration is currently within the jurisdiction of the City of Roswell, New Mexico.
5. Roswell Planning & Zoning Commission has jurisdiction to review this application and render a final decision.
6. As of the time of this writing, the Planning & Zoning Office has received one (12) written protest, two (2) verbal protests, and zero (0) inquiries.
7. The property under consideration is located within the AE Flood Hazard Zone designated by FEMA.
8. City of Roswell Zoning Ordinance ARTICLE 3: Procedures, Amendments, and Changes Section 9 contains the provisions for Zone Changes. Section 9A. "The Planning and Zoning Commission may approve changes to zoning district classification on parcels of land within the City Limits by way of a public hearing. A change in zoning district shall be for the purpose of meeting the land use needs of the residents of the City and in conformance with the City's Land Use Plan." Section 9 D. "The Planning and Zoning Commission shall decide whether or not to approve a request for a zone change. In its deliberations, the Planning and Zoning Commission shall not approve a zone change unless it finds it conforms to the City's Land Use Plan, is in the public interest, and is not solely in the interest of the applicant.
9. Zoning Ordinance ARTICLE 46: RVP Recreational Vehicle Park provides standards and requirements for RV Park development. (See Exhibit F.)
10. Granting of a zone change would be consistent with the high-density and mixed-use land use pattern established along the east side of the Sunset Avenue corridor between Hobbs Street and the Rio Hondo and would not impact the mostly vacant and undeveloped land on the west side of Sunset Avenue.
11. Granting of a zone change may impact the residential neighborhood on the north and east sides of the property; existing 20' alley rights-of-way separating the property from neighboring properties and solid screen perimeter fencing, landscaping and trees will be mitigating features to reduce impacts.
12. Granting the Zone Change may be in the public interest to transform over 3 acres of vacant land into a productive and tax revenue-generating property, provide RV sites for the city and region's growing events and tourism industry, and possibly stimulate further investment along the Sunset Avenue corridor.

Unless evidence to the contrary is introduced in the public hearing, based on the Land Use and Zoning Considerations, Findings of Fact, Staff Recommendations and materials provided, it is recommended that the Planning and Zoning Commission introduce a motion and vote to approve or deny Zoning Case ZOC-25-0003.

I stand for questions.

Commissioner Henderson: I wanted to be on the record that I am a property owner in the notification area under a partnership of approximately 18 triangular acres.

Commissioner Gilmore: Asked a question about the flood zone.

Mr. Najar: Land developed in a flood zone must be raised at or above the base flood elevation.

Chair Aguilar: Are there additional Staff comments from Community Development or Engineering?

Mr. Najar: Regarding traffic concerns in the protest letters, Sunset Avenue is an Arterial and meets engineering requirements.

Ms. Vickers: The written protest letters submitted by property owners within the 100 foot notification area exceed 20 percent of the total land area in the notification area, and therefore requires a two-thirds vote of all Planning and Zoning Commission members, whether or not present at the meeting or not, to approve the proposed case.

Chair Aguilar: Those wishing to speak in favor of Case ZOC-25-0003, please state your name and address for the record.

Jason E. Garcia:

Good evening, Commissioners. My name is Jason Garcia. My address is 4900 Thunderbird Road, Roswell, New Mexico. I am here to respectfully request the re-zoning of my personal property located at 1507 South Sunset. The property is currently coded as ARTICLE 14: R-2 RESIDENTIAL DISTRICT. My request is to change the zoning to ARTICLE 46: RECREATIONAL VEHICLE PARK (RVP). This is an infill project with access to existing utility infrastructure. It will support a quality facility that will beautify the area and contribute to the growth of Roswell. It is currently a dirt lot that attracts illegal dumping and reckless driving stirring up dust for the neighborhood. My vision is a small 3.3 acre RV park with approximately 50 slots that is a short term option for visitors to stay in a convenient, upscale, clean, and safe location. My intent is to offer an option that alleviates some of the accommodation challenges during peak population surges (i.e. UFO Festival, RARA, etc). This property will be fenced with a low-light environment managed by an onsite supervisor who will be responsible for noise control, trash, and park rules. I have been working with Mr. Scott Bucher with the Small Business Development Office where I have established a business plan and a financial plan for this RV development project. I have been in contact with an RV Park and Campground Consultant on the architectural design of my project. I am aware that there are already multiple commercial

properties within the Sunset corridor, so the addition of this park should not detract from the existing commercial or residential properties.

A brief background on me: I am at least a 4th generation Roswell resident with a vested interest in the prosperity and success of our community. I am an active volunteer in multiple civic organizations, I am a veteran, and I work in education where I am on several scholarship committees to provide scholarship opportunities for our youth. I am well aware of the Reno Air Races moving to Roswell and I understand some of the significant infrastructure and logistical challenges directly pertaining to this unique and monumental opportunity for Roswell. I am asking for your urgent consideration and approval of this zone change so I can move forward with project planning and development.

Thank you. I have provided an aerial view of the Sunset property as well as some conceptual design diagrams and pictures that are of small RV parks that are close in size to my vision for this project.

Commissioner Lessard: Regarding the neighbors' concerns about alley access by RVers, are you putting up a fence?

Mr. Jason E. Garcia: The intention is to seal off the property from the surrounding neighborhood. The concerns of criminal behavior needs to be addressed with City Council and the Police Department.

Commissioner Lessard: Question for Mr. Najjar. Do you have a concern with pulling a 40' RV onto Sunset?

Mr. Najjar: As Mr. Garcia said, he's willing to install a deceleration and acceleration lane. Sunset is a Minor Arterial. Development will improve compliance.

Chair Aguilar: Anyone else wishing to speak in favor of Case ZOC-25-0003? None.

Chair Aguilar: Anyone wishing to speak in opposition of Case ZOC-25-0003 or who have questions or concerns, please state your name and address for the record. You may speak up to three minutes.

Larry Fresquez: Representing Morris Schertz at 1503 S Sunset. There are a lot of rental properties in the area. Doesn't think the development meets the Comprehensive Plan. Mr. Fresquez stated he had served on three task force over the course of 30 years. The area is residential. An RV Park will remove a buffer between residential and commercial. Most RVers are recreational rather than permanent residences. As a real estate broker, an RV Park will reduce property values. Mr. Fresquez stated he owns self-storage facilities. Most such facilities don't allow RV Parking. Not opposed to Mr. Garcia pursuing development of an RV Park, just not there. There will be one ingress and egress on a congested street and a slow-moving vehicle turning onto Sunset will be hazardous.

David Garcia: 1500 S Sunset across from the alleyway north of the property
Traffic is the biggest concern. The other concern is noise, that the RVers will bring the “party” back to the RV Park.

Kevin Simmons: #12 Forest Place

There are already problems with people going up and down alleyways, speeding and racing on Sunset, and problems with drugs, and drinking and driving. Mr. Simmons said he pulled an RV out onto Sunset and had to go slow with the RV. There will be a lot of traffic in a one-way in and one-way out of the property.

Lisa Hess: 32 Forest Drive

Concerned about 40’ RVs on Sunset. Ms. Hess stated she drives for RISD and leaves for work at 6:30 a.m., and Sunset is already busy at that time of the day. Expressed concerns about partying at the RV Park. Concerned about the Senior Living / Care Home. Sunset is already congested.

Jennifer Williams: 30 Wildy

Has a home on the east side of the alley and children who play in the back yard and expressed concern for her children’s safety and property value.

Mr. Jason E. Garcia: To address the concerns, development will improve the area’s nefarious activities and provide mitigating factors such as fencing.

Commissioner Lessard: Regarding the neighbors’ concerns about alley access by RVers, are you putting up a fence?

Mr. Jason E. Garcia: The intention is to seal off the property from the surrounding neighborhood. The concerns of criminal behavior needs to be addressed with City Council and the Police Department.

Commissioner Lessard: Question for Mr. Najjar. Do you have a concern with pulling a 40’ RV onto Sunset?

Mr. Najjar: As Mr. Garcia said, he’s willing to install a deceleration and accel lane. Sunset is a Minor Arterial. Development will improve compliance.

Commissioner Gilmore: As a realtor, unsure property values would go down. Property values are based on the size and age of a structure and the size of the lot. An RV Park in not comparable to homes. As an exterminator, all the RV Parks in Roswell are well kept. Visitors will be good for the air show.

Commissioner Henderson:

Mr. Garcia has a great idea to develop an RV Park on this land. This particular area was developed in the late 1950s and 1960s. Mr. Henderson said he lived on Wildy Drive. The area was going to develop as duplexes. This is an opportunity to do an infill project and provide a service for the community and a lodging place for people using recreational facilities. Mr. Henderson stated he is in favor of Mr. Garcia’s development.

Chair Aguilar: Called for a motion.

MOTION – ZOC-25-0003

Based on the land use and zoning considerations, findings of fact, conclusions of law, surrounding land uses, regulations established in the Zoning Ordinance, materials presented, and testimony received, Commissioner Holman MOTIONED to approve ZOC-25-0003. SECONDED by Commissioner Henderson.

A roll-call vote was as follows: Jana Lessard- yes, Greg Holman- yes, Alicia Gilmore- yes, Richard Gutierrez- yes, Steve Henderson- yes, Saul Aguilar- yes, the motion (passed) 6 - 0.

Mr. Fresquez: Asked about the appeal timeline.

Chair Aguilar: Asked Ms. Hildreth to explain the appeal process.

Ms. Hildreth: Appeals are due in writing to the City Clerk before 12:00 noon on Thursday, March 6, and there is a \$100.00 fee for appeals.

2. **CASE SUP-25-0005** Request for Special Use Permit for Professional Office at 905 W Alameda Street (Same Property and legal description as 901 W Alameda & 903 W Alameda). Legal Description: Subd: OVARDS Block: 9 Lot: 6 DOC# 202406870 REC (Property Owner: Alameda LLC) (Applicant: Bruce Burleson).

Chair Aguilar: I am introducing **CASE SUP-25-0005** Request for Special Use Permit for Professional Office at 905 W Alameda Street.

May I have a motion to waive the reading of the findings of fact and land use and zoning considerations?

Commissioner Lessard MOTIONED to waive the reading of the findings of fact and land use and zoning considerations with respect to case SUP-05-0005. SECONDED by Commissioner Henderson.

A voice vote was as follows: Jana Lessard- yes, Greg Holman- yes, Alicia Gilmore- yes, Richard Gutierrez- yes, Steve Henderson- yes, Saul Aguilar- yes, the motion (passed) 6 - 0.

Ms. Hildreth: Presented Case SUP-25-0005.

The Property Under Consideration is 905 W Alameda Street which is on same property addressed as 901 W Alameda Street and 903 W Alameda Street. The 8,400 SF lot has 3 structures and includes two detached dwelling units with carports between units and one detached structure previously used as an insurance agency office in the R-3 Residential Zoning District. The office building is 527 square feet with a total of 1,056 square feet with the porch and attached carport. An Excerpt from the 2016 *Comprehensive Master Plan* Preferred Land Use Scenario Map shows the property on West Alameda is adjacent to the Union Avenue Commercial Corridor and is within the designated Infill/Redevelopment

Opportunities Area. As of today's date, the Planning and Zoning Office has received 0 written protest letters, 0 verbal protests, and 1 inquiry for Zoning Case SUP-25-0005. Based on land use and zoning considerations, findings of fact, conclusions of law, regulations established in the Zoning Ordinance materials provided, and testimony received, Planning & Zoning Commission is requested to make a motion and vote on Zoning Case SUP-25-0005.

Chair Aguilar: Those wishing to speak in favor of Case SUP-25-0005, please state your name and address for the record.

Bruce Burleson: 333 W Brasher Road

Mr. Burleson stated he has been an alcohol and drug counselor for 29 years. The community has significant issues with addictions. The practice will see one client at a time by appointment only. Mr. Burleson stated he is the only person running the business.

Commissioner Gutierrez: Will there be telehealth from this office?

Mr. Burleson: No, telehealth happens from my residence.

Commissioner Gilmore: Will you live there?

Mr. Burleson: No, this property is purely for business.

Mr. Najar: Engineering is not opposed to this case. There are three off-street paved parking spaces on this property that is on a Major Collector.

Chair Aguilar: Anyone else wishing to speak in favor of Case SUP-25-0005?
None.

Chair Aguilar: Anyone wishing to speak in opposition of Case SUP-25-0005 or who have questions or concerns, please state your name and address for the record. You may speak up to three minutes.
None.

MOTION – SUP-25-0005

Based on the land use and zoning considerations, findings of fact, conclusions of law, surrounding land uses, regulations established in the Zoning Ordinance, Commissioner Lessard MOTIONED to approve SUP-25-0005. SECONDED by Commissioner Henderson.

A voice vote was as follows: Jana Lessard- yes, Greg Holman- yes, Alicia Gilmore- yes, Richard Gutierrez- yes, Steve Henderson- yes, Saul Aguilar- yes, the motion (passed) 6 - 0.

3. **CASE VAR-25-0008** Request for a Variance to minimum lot size to add an accessory dwelling unit in R-3 Residential at 102 S Lea Ave. Legal Description: Subd: WEST SIDE Block: 17 Lot: 2 S2 AND:- Lot: 3 N 6' , DOC# 202207730 WD (Property Owner / Applicant: Christy Murphy).

Chair Aguilar: I am introducing **CASE VAR-25-0008** Request for a Variance to minimum lot size to add an accessory dwelling unit in R-3 Residential at 102 S Lea Avenue.

May I have a motion to waive the reading of the findings of fact and land use and zoning considerations?

Commissioner Holman MOTIONED to waive the reading of the findings of fact and land use and zoning considerations with respect to case VAR-25-0008. SECONDED by Commissioner Lessard.

A voice vote was as follows: Jana Lessard- yes, Greg Holman- yes, Alicia Gilmore- yes, Richard Gutierrez- yes, Steve Henderson- yes, Saul Aguilar- yes, the motion (passed) 6 - 0.

Ms. Hildreth: Presented Case VAR-25-0008.

The property under consideration at 102 S Lea Avenue is in the R-3 Residential Zoning District. This is a narrow lot. The Lot Dimensions are 31' wide by 160' deep and is 4,960 square foot lot. According to the Chaves County Assessor information, the home was built in 1930 before the first Zoning Ordinance adopted in 1947. The R-3 district requires a minimum 3,000 square feet of lot area per each multi-family dwelling unit. This is a request for a Variance to the minimum lot size to install an 18'x10' ADU (180 square foot Accessory Dwelling Unit) for a family member. These are staff photos of the property under consideration. This slide shows an excerpt from the 2016 *Comprehensive Master Plan Preferred Land Use Scenario Map* showing the property at 210 S Lea Avenue in a High Density Residential area and just inside Infill/Redevelopment Opportunities Area. Adding a second dwelling is compatible with ADUs on adjacent properties and in the surrounding area. As of today's date, the Planning and Zoning Office has received 0 written protest letters, 0 verbal protests, and 0 inquiries for Zoning Case VAR-25-0008. Based on land use and zoning considerations, findings of fact, conclusions of law, regulations established in the Zoning Ordinance materials provided, and testimony received, Planning & Zoning Commission is requested to make a motion and vote on Zoning Case VAR-25-0008.

Chair Aguilar: Those wishing to speak in favor of Case VAR-25-0008 , please state your name and address for the record.

Christy Murphy: 102 S Lea Avenue

Ms. Murphy stated the historic adobe house was Liz Garret's home. The Accessory Dwelling Unit is for her 90-year old uncle and will have a toilet, shower, and kitchen with a 100-amp panel. The gas line will be redirected around the unit. The tiny home will be placed on four corner stones and two in the middle similar to a mobile home.

Commissioner Holman: Will there be an impact on the historic property?

Ms. Murphy: No, since the unit will be in the back yard and not an addition to the historic house.

Mr. Najar: This property is not in the flood zone. Mr. Najar recommended placing a sanitary sewer clean-out between the house and the new structure and tie to existing service. Engineering has nothing against this variance request.

Commissioner Lessard: Will the plans be reviewed by Engineering?

Mr. Najar: A building permit is required for the tiny home. Multi-generational homes are appreciated.

Chair Aguilar: Anyone else wishing to speak in favor of Case VAR-25-0008? None.

Chair Aguilar: Anyone wishing to speak in opposition of VAR-25-0008 or who have questions or concerns, please state your name and address for the record. You may speak up to three minutes.
None.

Motion – VAR-25-0008

Based on the land use and zoning considerations, findings of fact, conclusions of law, surrounding land uses, regulations established in the Zoning Ordinance, materials presented, and testimony received, Commissioner Holman MOTIONED to approve VAR-25-0008. SECONDED by Commissioner Lessard.

A voice vote was as follows: Jana Lessard- yes, Greg Holman- yes, Alicia Gilmore- yes, Richard Gutierrez- yes, Steve Henderson- yes, Saul Aguilar- yes, the motion (passed) 6 - 0.

Chair Aguilar introduced Other Business.

G. OTHER BUSINESS

Ms. Hildreth provided the following updates:

1. Update on Proposed Text Amendments to City of Roswell Zoning Ordinance Article 12 and Article 14. The Legal Committee reviewed the proposal for text amendments to the R-1 and R-2 Residential Districts proposed by City Council Member Arnold. A motion was made at the Legal Committee, but no second was made. Therefore, the text amendment proposal did not make it out of committee and was not forwarded to City Council.
2. Update on Zoning Case 24-017 CCAN - 3606 N Main Street. City Council approved 6-4 the application for GNOMAD Cannabis Retail Establishment.
3. Update on City of Roswell Comprehensive Master Plan. City Council awarded the contract to AbleCity. The kickoff is in April. Staff will invite the consultants to

the April 1, 2025, Planning & Zoning Commission to introduce the Comprehensive Plan process.

H. ANNOUNCEMENTS

Ms. Hildreth:

The Next Roswell Planning & Zoning Commission Meeting will be held on April 1, 2025.

Mr. Najar: Asked what the update is on the seventh P&Z Commission member.

Ms. Vickers: The position has been posted on the City FaceBook page.

I. ADJOURN Vice Chair Lessard adjourned the meeting at 7:18 p.m.

DRAFT

EXHIBIT B

STAFF SUMMARY FOR CASE: CUP-25-0006 REQUEST FOR CONDITIONAL USE PERMIT FOR IN-HOME CHILDCARE FOR UP TO 12 CHILDREN



Roswell Planning & Zoning Commission

Tuesday, April 1, 2025

Roswell Development Services Conference Room
500 North Main Street, Suite 100 (SunWest Centre)
Roswell, NM 88201

APPLICATION FOR CASE CUP-25-0006:

Request for approval of a Conditional Use Permit for In-Home Childcare for up to twelve (12) children at 603 S Mississippi Avenue in R-1 Residential Zoning District.

I. Property Under Consideration:

Property Address: 603 S Mississippi Avenue
Legal Description: Subd: BINNS Block: 1 Lot: 7 BK 699 PG 939 WD
Property Owner: Regina A Chavez
Applicant/Agent: Regina A Chavez

II. Site Data:

Site Area: 70' X 120' = 8400 square feet
UPC(s): 4-134-062-521-245-000000
Existing Land Use: Single-Family Home with In-Home Childcare for up to six
Proposed Land Use: Single-Family Home with In-Home Childcare for up to 12
Existing Zoning: R-1 Residential

Table 1: Adjacent Existing Land Use and Zoning to the property under consideration		
Direction:	Land Use:	Zoning:
North	Single-Family Residential	R-1
South	Lot owned by applicant, and south of that a vacant residential lot	R-1
West	Child Care Center in a building previously used as place of worship	R-3
East	Residential lots on east side of alley that front Sunset Avenue	R-3

EXHIBIT B

STAFF SUMMARY FOR CASE: CUP-25-0006 REQUEST FOR CONDITIONAL USE PERMIT FOR IN-HOME CHILDCARE FOR UP TO 12 CHILDREN

Zoning Map for CUP-25-0006
on Chaves County Assessor Map



EXHIBIT B
STAFF SUMMARY FOR CASE: CUP-25-0006
REQUEST FOR CONDITIONAL USE PERMIT FOR IN-HOME CHILDCARE
FOR UP TO 12 CHILDREN

III. Intent of Petition:

1. The applicant for Zoning Case CUP-25-006 is requesting a Conditional Use Permit to operate an in-home childcare for up to 12 children considered a major home occupation at 603 S Mississippi Avenue.
2. Staff Photos below show the property under consideration.



EXHIBIT B
STAFF SUMMARY FOR CASE: CUP-25-0006
REQUEST FOR CONDITIONAL USE PERMIT FOR IN-HOME CHILDCARE
FOR UP TO 12 CHILDREN

IV. Planning & Zoning Commission Considerations from Staff Review:

1. The property under consideration is zoned R-1 Residential.
2. The property owner is currently operating a minor home occupation in-home childcare for up to six children and has done so since early 2024. (See Zoning Verification Letter issued by Staff in **Appendix F.**)
3. The property under consideration is directly across the street from a Child Care Center at 602 S Mississippi Avenue that has a Special Use Permit in the R-3 Zoning District.
4. The property under consideration has a Single-Family home.
5. The property under consideration is served by a Local Street as classified on the 2016 Functional Street Classification Plan.
6. The property owner owns the adjacent property; that has a storage building that Google Earth shows in place in 2014. The current Zoning Ordinance requires accessory structures to be on a property with a primary structure. If the child-care expands into this structure or a new structure is built on the adjacent lot, a lot consolidation by a Land Surveyor licensed in the State of New Mexico will be required.
7. The fence parallel with the street and front property line is out of compliance with the Zoning Ordinance Article 52 and was placed with a permit. Planning & Zoning Division Staff notified the property owner by phone and the property owner plans to work with staff to obtain a permit for a fence that is compliant with the Zoning Ordinance. Per the City Engineer's review of this case, clear-site property ingress and egress is required.
8. The State of New Mexico regulates in-home childcare licensing. The process to provide childcare for up to 12 children requires a new Zoning Verification Letter certifying an in-home childcare for 12 children is allowed. In such letters, City of Roswell Planning & Zoning Staff cite the zoning case approval for a Conditional Use Permit. If the Planning & Zoning Commission votes to approve the

EXHIBIT B

STAFF SUMMARY FOR CASE: CUP-25-0006 REQUEST FOR CONDITIONAL USE PERMIT FOR IN-HOME CHILDCARE FOR UP TO 12 CHILDREN

Conditional Use Permit for a Major Home Occupation In-Home Childcare for up to 12 Children for the property under consideration, Planning & Zoning Staff will review the property for code compliance before issuing the Zoning Verification Letter required by State of New Mexico CYFD.

9. The property owner indicated they plan to remove the RV, shown in the Staff photos, from the property.
10. The 2016 *Comprehensive Master Plan Preferred Land Use Scenario Map* shows the property under consideration in a preferred residential adjacent to a commercial area along South Sunset Avenue and within an Infill/Redevelopment Opportunities area (see map below).

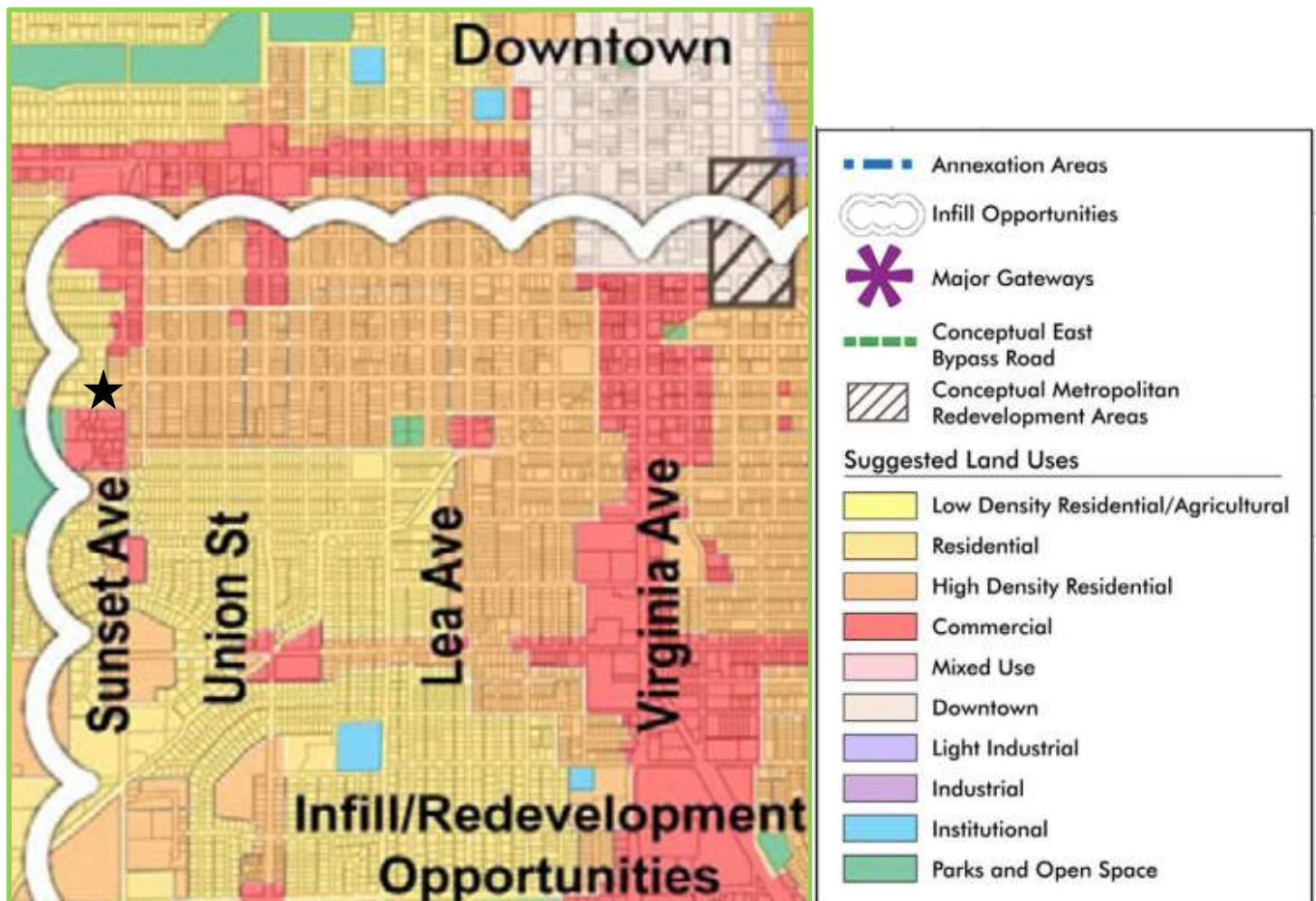


EXHIBIT B
STAFF SUMMARY FOR CASE: CUP-25-0006
REQUEST FOR CONDITIONAL USE PERMIT FOR IN-HOME CHILDCARE
FOR UP TO 12 CHILDREN

V. Findings of Fact (Conclusions of Law):

1. A notice of the time and place of the public hearing for this case was published in the Roswell Daily Record at least fifteen (15) days prior to the date of this hearing.
2. Notifications of the public hearing were mailed via certified mail with return receipt requested to property owners of record, as shown by the Chaves County Assessor Map, with lots or land within one-hundred (100) feet of the area under consideration, excluding public rights-of-way.
3. This agenda, which includes this case, has been posted at City Hall and on the City of Roswell's website for over seventy-two (72) hours as required by State of New Mexico law for a public hearing.
4. The property under consideration is currently within the jurisdiction of the City of Roswell, New Mexico.
5. Roswell Planning & Zoning Commission has jurisdiction to review this application and render a final decision.
6. As of the time of this writing, the Planning & Zoning Office has received zero (0) written protests, zero (0) verbal protests, and zero (0) inquiries.
7. The property under consideration is **not** located within a Flood Hazard Zone designated by FEMA.
8. City of Roswell Zoning Ordinance Article 62: Home Occupations regulates minor and major home occupations including Group Day Care Homes for Children (more than 6 and up to 12) as a Major Home Occupation and as determined by the State of New Mexico under Article 62, Section 6.
9. The property under consideration is currently under the jurisdiction of the City of Roswell, New Mexico. The property owner submitted an application to the City of Roswell Planning & Zoning Office in the Community Development Department requesting a Conditional Use Permit for a Major Home Occupation to operate in in-home childcare business for up to 12 children for consideration by the Roswell Planning & Zoning Commission.

EXHIBIT B

STAFF SUMMARY FOR CASE: CUP-25-0006 REQUEST FOR CONDITIONAL USE PERMIT FOR IN-HOME CHILDCARE FOR UP TO 12 CHILDREN

10. Granting a Conditional Use Permit for the Major Home Occupation for In-Home Child Care for up to 12 Children is allowed per the Zoning Ordinance.
11. Since this is a Conditional Use, the Planning & Zoning Commission may stipulate conditions in the motion.
12. Granting a Conditional Use Permit for the Major Home Occupation for In-Home Child Care for up to 12 Children is not contrary to the public interest.

VI. Action by the Planning & Zoning Commission:

Unless evidence to the contrary is introduced in the public hearing, based on the Land Use and Zoning Considerations, Findings of Fact, materials provided, and testimony, it is recommended that **the Planning and Zoning Commission introduce a motion and vote to approve or deny Zoning Case CUP-25-0006 with or without Conditions of Approval.**

EXHIBIT C.1: CUP-25-0006

LETTER NOTIFYING SURROUNDING PROPERTY OWNERS

(Page 1 of 2)

**LETTER SENT VIA CERTIFIED MAIL ON MARCH 14, 2025
TO SURROUNDING PROPERTY OWNERS**



**COMMUNITY DEVELOPMENT DEPARTMENT
500 N Main Street, Suite 100
Roswell, NM 88201
Telephone: (575) 637-6280**

RE: PUBLIC HEARING NOTICE FOR ZONING CASE CUP-25-0006

Dear Property Owner:

You have received this notice via certified mail because Chaves County Assessor information indicates you are a property owner of record within 100 feet of City of Roswell Planning & Zoning Case CUP-25-0006. This notice informs you of an upcoming public hearing before the City of Roswell Planning and Zoning Commission regarding a Zoning Case for the following property.

DESCRIPTION OF ZONING APPLICATION REQUEST:

REQUEST: Request for approval of a Conditional Use Permit for In-Home Childcare for up to twelve (12) children at 603 S Mississippi in R-1 Residential District.

PROPERTY OWNER: Regina A Chavez

APPLICANT: Regina A Chavez

PROPERTY LOCATION: 603 S Mississippi Avenue

LEGAL DESCRIPTIONS: Subd: BINNS Block: 1 Lot: 7 BK 699 PG 939 WD

The City of Roswell Planning and Zoning Commission will hear public comments on the above zoning case on Date: **TUESDAY, April 1, 2025 at 6:00 p.m. in the Roswell Development Services Conference Room located at 500 North Main Street, Suite 100 in the Sun West Centre Office Complex.** You are entitled, although not obligated, to comment either in writing to our office or at the hearing.

To be considered, written protests must be submitted to and received by the Planning and Zoning Division no later than noon on the working day prior to the Planning and Zoning Commission meeting. Written comments may be delivered to the Planning & Zoning Division in the Roswell Development Services Office at 500 N Main Street Suite 100, or sent to: *City of Roswell, Planning & Zoning Administrator, PO BOX 1838, Roswell, NM 88202- 1838* or via email to m.hildreth@roswell-nm.gov.

EXHIBIT C.1: CUP-25-0006
LETTER NOTIFYING SURROUNDING PROPERTY OWNERS
(Page 2 of 2)

The **information packet** for these zoning cases will be available no later than 5:00 p.m., on **Friday, March 28, 2025**, and may be viewed on the City of Roswell website at <https://www.roswell-nm.gov/489/Planning-Zoning-Commission>.

You may inspect the information packet in detail by calling 575.637.6294 for an appointment with Planning & Zoning Division staff in the Roswell Development Services Office at 500 N Main Street Suite 100. You may obtain copies of the information packet at a cost of 35 cents per sheet.

The City's Zoning Ordinance is available on the City of Roswell website online at: https://library.municode.com/nm/roswell/codes/code_of_ordinances?nodeId=COOR_APXAZO

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

Respectfully,

Merideth Hildreth

Merideth Hildreth, AICP
Planning & Zoning Administrator
m.hildreth@roswell-nm.gov
575.637.6294

(Area of Notification Map attached)

ANEXO C.2: CUP-25-0006

**CARTA DE NOTIFICANDO A LOS PROPIETARIOS DE LOS ALREDEDORES
CARTA ENVIADA POR CORREO CERTIFICADO EL 14 DE MARZO DE 2025
A LOS PROPIETARIOS DE LOS ALREDEDORES**



**COMMUNITY DEVELOPMENT DEPARTMENT
500 N Main Street, Suite 100
Roswell, NM 88201
Teléfono: (575) 637-6280**

RE: AVISO DE AUDIENCIA PÚBLICA PARA EL CASO DE ZONIFICACIÓN CUP-25-0006

Estimado propietario:

Usted ha recibido este aviso por correo certificado porque el condado de Chaves Asesor la información indica que usted es un propietario registrado dentro **de los 100** pies del **Caso de Planificación y Zonificación de la Ciudad de Roswell CUP-25-0006**. Este aviso le informa del próximo audiencia pública ante la Comisión de Planificación y Zonificación de la Ciudad de Roswell con respecto a un caso de zonificación para la siguiente propiedad.

DESCRIPCIÓN DE LA SOLICITUD DE ZONIFICACIÓN:

CUP-25-0006: Solicitud de Permiso de Uso Condicional para el Cuidado de Niños en el Hogar para hasta doce (12) niños en 603 S Mississippi Avenue en el Distrito de Zonificación Residencial R-1.

PROPIETARIO: Regina A Chavez

SOLICITANTE: Regina A Chavez

UBICACIÓN DE LA PROPIEDAD: 603 S Mississippi Avenue

DESCRIPCIÓN LEGAL: Subd: BINNS Block: 1 Lot: 7 BK 699 PG 939 WD

La Comisión de Planificación y Zonificación de la Ciudad de Roswell escuchará los comentarios del público sobre el caso de zonificación. Fecha: MARTES 1 de abril de 2025 a las 6:00 p.m. en la Sala de Conferencias de Roswell Development Services ubicada en 500 N Main Street, Suite 100 en el Complejo de las Oficinas de Sun West Centre. Usted tiene derecho, aunque no este obligado(a), a comentar por escrito a nuestra oficina o en persona en la audiencia.

Para ser considerado, las protestas por escrito deben ser presentadas y recibidas por la División de Planificación y Zonificación a más tardar del mediodía del día anterior de la reunión de la Comisión de Planificación y Zonificación. Los comentarios por escrito pueden enviarse a la División de Planificación y Zonificación en la Oficina de Servicios de Desarrollo de Roswell en 500 N Main Street Suite 100, o enviarse a: Ciudad de Roswell, Administrador de Planificación y Zonificación, PO BOX 1838, Roswell, NM 88202-1838 o por correo electrónico a m.hildreth@roswell-nm.gov.

ANEXO C.2: CUP-25-0006
CARTA DE NOTIFICANDO A LOS PROPIETARIOS DE LOS ALREDEDORES

El **paquete** de información para estos casos de zonificación estará disponible a más tardar a las 5:00 p.m., el **viernes 28 de marzo de 2025**, y se puede ver en <https://www.roswell-nm.gov/489/Planning-Zoning-Commission>. Puede inspeccionar el paquete de información en detalle llamando al 575.637.6294 para una cita en la División de Planificación y Zonificación en la Oficina de Servicios de Desarrollo de Roswell en 500 N Main Street, Suite 100. Puede obtener copias del paquete de información a un costo de 35 centavos por hoja.

La Ordenanza de Zonificación de la Ciudad está disponible en línea en:
https://library.municode.com/nm/roswell/codes/code_of_ordinances?nodeId=COOR_APXAZO

Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia o reunión, comuníquese con Recursos Humanos al 575-624-6700 al menos una semana antes de la reunión o lo antes posible. Los documentos públicos, incluyendo el orden del día y las actas, pueden proporcionarse en varios formatos accesibles. Comuníquese con el Secretario Municipal al 575-624-6700 si necesita un resumen u otro tipo de formato accesible.

Respetuosamente

Merideth Hildreth

Merideth Hildreth, AICP
Planning & Zoning Administrator
m.hildreth@roswell-nm.gov
575.637.6294

(Área de Mapa de Notificación adjunta)

roswell-nm.gov

EXHIBIT D: CASE CUP-25-0006

Request for a Conditional Use Permit for In-Home Childcare for up to 12 Children in the R-1 Residential Zoning District.

Solicitud de Permiso de Uso Condicional para el Cuidado de Niños en el Hogar para hasta doce (12) niños en 603 S Mississippi Avenue en el Distrito de Zonificación Residencial R-1.

CHAVES COUNTY ASSESSOR'S MAP IDENTIFYING PROPERTY UNDER CONSIDERATION AND PROPERTIES WITHIN ZONING CASE NOTIFICATION AREA

EL MAPA DEL TASADOR DEL CONDADO DE CHAVES QUE IDENTIFICA LA PROPIEDAD BAJO CONSIDERACIÓN Y LAS PROPIEDADES DENTRO DEL ÁREA DE NOTIFICACIÓN DE CASOS DE ZONIFICACIÓN



1

**PROPERTY UNDER CONSIDERATION – 603 S Mississippi Avenue
PROPIEDAD BAJO CONSIDERACIÓN - 603 S Mississippi Avenue**



**NOTIFICATION LETTERS SENT TO PROPERTY OWNERS IN NOTIFICATION AREA
CARTAS DE NOTIFICACIÓN ENVIADAS A LOS PROPIETARIOS EN EL ÁREA DE NOTIFICACIÓN**

EXHIBIT E: CUP-25-0006 – NOTIFICATION AREA ADDRESSES

1,
2 (605 S MISSISSIPPI – UNDEVELOPED)
REGINA A CHAVES
ROLANDO IGLECIAS
603 S MISSISSIPPI AVE
ROSWELL NM 88203

3 (UNDEVELOPED)

4
ALBERT ORTEGA & SONIA ORTEGA
913 DAVIDSON DR
ROSWELL NM 88203

SONIA ORTEGA & ALBERT ORTEGA
602 S MISSISSIPPI AVE
ROSWELL NM 88203

5
ANTHONY LYNNWOOD VRBA JR
AIMEE KATHLEEN VRBA
OR CURRENT PROPERTY OWNER
1410 W ALBUQUERQUE ST
ROSWELL NM 88203

6
VICTOR RUIZ & SOCORRO RUIZ
5040 W BERRENDO RD
ROSWELL NM 88201

VICTOR RUIZ & SOCORRO RUIZ
OR CURRENT PROPERTY OWNER
1412 W ALBUQUERQUE ST
ROSWELL NM 88203

7
FEILDEN CREECH
REAMY HENDRICKSON
OR CURRENT PROPERTY OWNER
506 S MISSISSIPPI AVE
ROSWELL NM 88203

8,
9 (511 S MISSISSIPPI LOT WITHOUT A
HOUSE)
JENNIFER S YOUNGBLOOD
ROBERT YOUNGBLOOD
OR CURRENT PROPERTY OWNER
509 S MISSISSIPPI AVE
ROSWELL NM 88203

10
PORFIRIO N JIMENEZ & RUBY R JIMENEZ
OR CURRENT PROPERTY OWNER
600 S SUNSET AVE
ROSWELL NM 88203

11 (602 S SUNSET - VACANT LOT)
CARLOS MARIO GONZALEZ SOTO
PO BOX 3921
ROSWELL NM 88202

12
EMMA DELIA GURROLA
21 W WELLS ST
ROSWELL NM 88203

EMMA DELIA GURROLA
OR CURRENT PROPERTY OWNER
604 S SUNSET AVE
ROSWELL NM 88203

12
RAQUEL GONZALES
1001 S PLAINS PARK DR
ROSWELL NM 88203

RAQUEL GONZALES
OR CURRENT PROPERTY OWNER
606 S SUNSET AVE
ROSWELL NM 88203



Community Development

Zoning Verification Letter

DATE: December 19, 2023

To Whom It May Concern,

This letter certifies that a minor home occupation for child care up to six (6) children per day is allowable. There are no variances, special use or conditional use permits found on file for this property. There are no pending cases on this property. This property is not in a Planned Unit Development (PUD) or overlay district. This property is not located in a flood zone. There are no legal non-conforming issues found on this property. It is the responsibility of the property owner or acting agent to pull a Title Report and verify there are no liens attached to the property.

Site Address: 603 S Mississippi Ave

Parcel number: 4134062521245000000

Legal Description: Subd: BINNS Block: 1 Lot: 7

Property Owner: Iglecias, Rolando; Chavez, Regina A

Applicant/Agent:

Zoning District: R1

Surrounding zoning districts: N: R1 S: R1 E: R3 W: R1

Below is the link to the City of Roswell Zoning Ordinance and the City of Roswell Zoning Map for further reference.

<https://www.roswell-nm.gov/DocumentCenter/View/768/Zoning-Ordinance-PDF>

<https://www.roswell-nm.gov/DocumentCenter/View/141/Zoning-Map-PDF>

Respectfully,

Miguel Martinez

Miguel Martinez, CZO

Associate Planner

City of Roswell

575.637.6218

Email: mig.martinez@roswell-nm.gov



CITY OF ROSWELL VACATION REPLAT

PO Box 1838 • Roswell, NM 88202-1838

Phone: (575) 637-6280 • ROSWELL-NM.GOV

Property Owner's Name: Roswell Property Management Group F2 **Email:** tgross@kagnm.com
Phone: 575-910-7670 **Address:** 2211 W. 2nd St., Roswell, NM 88201

Agent's Name: Smith Engineering Co. **Email:** scotth@smithengineering.pro
Phone: 575-626-5042 **Address:** 401 N. Pennsylvania Ave.

Physical Address: 821 N. Main St. (Roswell Ford)

Legal Description of Proposed Zone Change Area (Lot/Block/Subdivision, Tract, Section-Township/Range):
 Lots 8-11 and Lots 3-7 Block 7, Lots 8-14 and Lots 1-7 Block 2 North Spring River Addition, S33 T10 R34

Reason for the Request: (Please attach extra sheet if necessary) Vacate 9th St. 60' ROW from N. Main St. to N. Virginia Ave. and convert 25' adjacent alleys to 25' Public Utility and Reciprocal Access Easement for infill development.

Original Subdivision Name: North Spring River Addition

of Lots: 23 **Blocks:** 2 **Subdivision filed date:** 1891

Proposed Vacation Replat Name: 9th St. Right of Way Vacate Replat - Pending

of Lots: 23 **Blocks:** 2 **Area of Proposed Vacation Replat:** Acres: 0.57 **Sq. Ft:** 25,200

By signing this document, I acknowledge that I have been informed of the dates, times, and locations of the meetings for the Planning and Zoning Commission and City Council and that I and/or my agent shall attend the meetings in order to fulfill the requirements of this application.

Thomas Krumland
 Pro perty Owner Signature Thomas Krumland

2-5-2025
 Date

Toby Gross
 Agent's Signature Toby Gross

2-5-2025
 Date

Scott Hicks - Smith Engineering
 Agent's Signature

Rick Rhoads
 Rick Rhoads - RLJ Investments, LLC

P & Z Case #: **Date:** **Located in Historic District:** ☐ Yes ☐ No

Adjacent Property Owner

Flood Zone: **Current Zoning District:** **Current Use:**

Required Yard Setbacks: Front Ft: Side Ft: Rear Ft: Side Ft:

Comprehensive Master Plan General Development Plan: ☐ Residential ☐ Commercial ☐ Industrial

☐ Park & Open Space ☐ RS Overflight

Quadrant of the city: ☐ NW ☐ NE ☐ SW ☐ SE

All documentation and fees shall be required at the time this application is submitted, unless otherwise noted by Planning and Zoning staff. Application fees are NON-REFUNDABLE.

Revised 11/4/24

EXHIBIT B

STAFF SUMMARY FOR CASE: VAC-25-0007

REQUEST TO VACATE EAST 9th STREET ROW AND NORTH & SOUTH ALLEYS ROW IN THE 800 & 900 BLOCKS BETWEEN N MAIN STREET & N VIRGINIA AVENUE



Roswell Planning & Zoning Commission

Tuesday, April 1, 2025

Roswell Development Services Conference Room
500 North Main Street, Suite 100 (SunWest Centre)
Roswell, NM 88201

APPLICATION FOR CASE VAC-25-0007:

Request Vacation of East 9th Street 60' wide Public Right-of-Way (ROW) from N Main Street to N Virginia Avenue; and vacate adjacent north & south alleys from 8th St to south of 10th St from Public Rights-of-Way and convert to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial & I-1 Light Industrial Zoning Districts.

I. Properties Under Consideration:

LOCATIONS, ADDRESSES, & LEGAL SUMMARIES OF PROPERTIES ADJACENT TO ROWs: East 9th Street ROW & Alleys north & south of East 9th Street in the 800 & 900 Blocks of N Main Street & N Virginia Avenue adjacent to the following properties:

801, 803, 821, 823 N Main Street --Subd: NORTH SPRING RIVER Block: 2 Lot: 8 THRU: Lot: 14 , , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD;

911 N Main Street & 105 E 9th Street-- Subd: NORTH SPRING RIVER Block: 7 Lot: 8 THRU:- Lot: 11 AND:- Lot: N 20' OF VACATED East 9th ST , , , , S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD;

800 N Virginia Avenue -- Subd: NORTH SPRING RIVER Block: 2 Lot: 6 AND:- Lot: 7 , Quarter: SW S: 33 T: 10S R: 24E BK 732 PG 1064 WD;

110 E 9th Street - Subd: NORTH SPRING RIVER Block: 2 Lot: 1 THRU:- Lot: 5 , , , , Quarter: NW S: 33 T: 10S R: 24E BK 732 PG 1064 WD; and

900, 904, 906, 908 N Virginia Avenue -- Subd: NORTH SPRING RIVER Block: 7 Lot: 3 THRU:- Lot: 7 , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD.

Property Owners: Property Management Group F2 LLC;
RLJ Investments, LLC

Applicant/Agent: Smith Engineering Co.

EXHIBIT B

STAFF SUMMARY FOR CASE: VAC-25-0007

REQUEST TO VACATE EAST 9th STREET ROW AND NORTH & SOUTH ALLEYS ROW IN THE 800 & 900 BLOCKS BETWEEN N MAIN STREET & N VIRGINIA AVENUE

II. Site Data:

Site Area: Per the Vacation Plat - East 9th Street ROW from Main Street to Virginia in 2 segments:

Approximately $210.48' + 210.49' = 420.97'$ length X 60' width = 25,258.2 square feet or 0.58 acres.

Alley ROW from 8th Street to south of 10th Street:

$99.99' + 290.13' + 290.84' = 680.96'$ length X 25' width = 680.96 square feet or 0.015 acres

For an approximate total of 25,939.16 square feet or 0.595 acres.

UPC(s):

4136061027257000000 801, 803, 821, 823 N Main Street

4136061027223000000 911 N Main Street & 105 E 9th Street

4136061049270000000 800 N Virginia Avenue

4136061049252000000 110 E 9th Street

4136061049220000000 900, 904, 906, 908 N Virginia Avenue

Existing Land Use: Roswell Ford (Sales and Service) and Rhoads Co Building and Truck Yard

Proposed Land Use: Infill Development by consolidating lots per the Vacation Plat.

Existing Zoning: Properties along N Main Street C-2 Community Commercial
Properties along N Virginia Avenue I-1 Light Industrial

Table 1: Adjacent Existing Land Use and Zoning to the area under consideration		
Direction:	Land Use:	Zoning:
North On 10 th St	Gas Station Shop, Professional Office	C-2 I-1
South On 8 th St	Restaurant Hotel	C-2 I-1
West side of N Main St	2 Restaurants & Dental Office in the 800 Block Roswell Convention Center & Museum in the 900 Block	C-2
East side of N Virginia Ave	Vacant Lot, Supply Company Fueling Station & Propane Company & Vacant Lot	I-1

EXHIBIT B

STAFF SUMMARY FOR CASE: VAC-25-0007

REQUEST TO VACATE EAST 9th STREET ROW AND NORTH & SOUTH ALLEYS ROW
IN THE 800 & 900 BLOCKS BETWEEN N MAIN STREET & N VIRGINIA AVENUE

Zoning Map for VAC-25-0007
On Chaves County Assessor Map

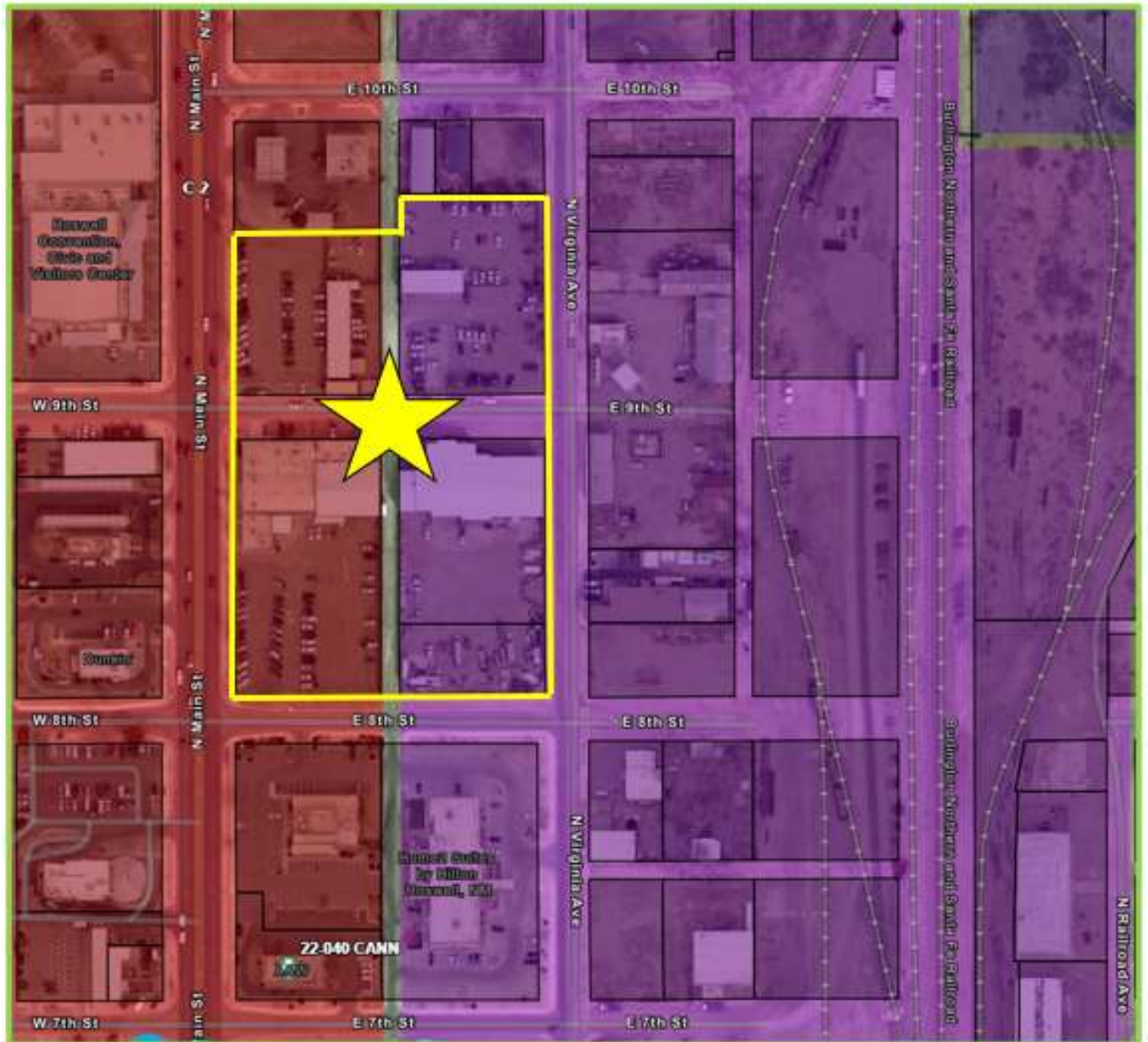


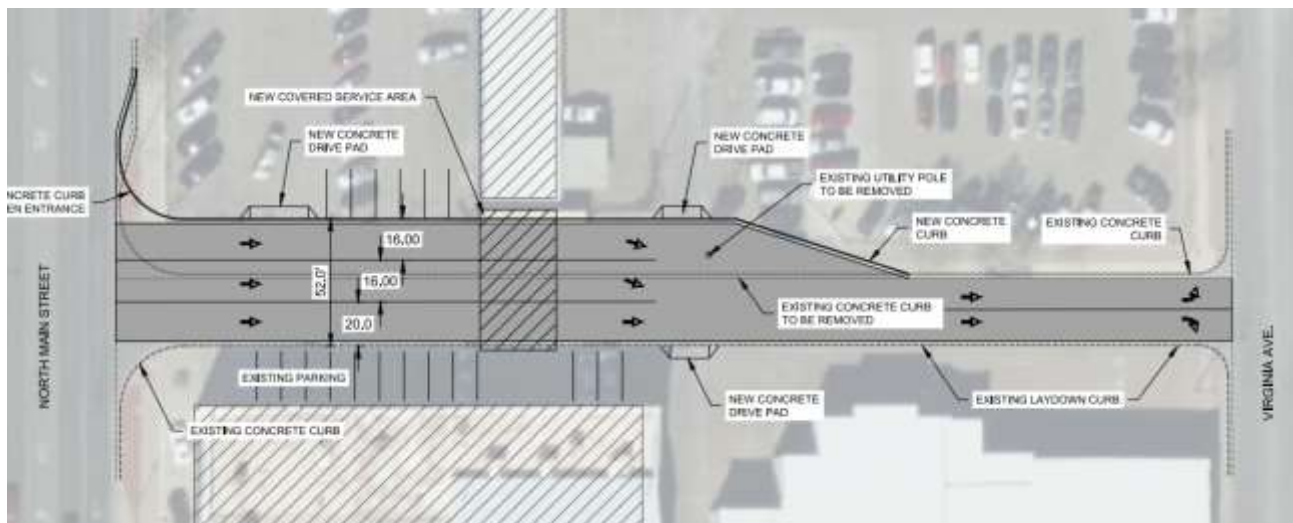
EXHIBIT B

STAFF SUMMARY FOR CASE: VAC-25-0007

REQUEST TO VACATE EAST 9th STREET ROW AND NORTH & SOUTH ALLEYS ROW IN THE 800 & 900 BLOCKS BETWEEN N MAIN STREET & N VIRGINIA AVENUE

III. Intent of Petition:

1. The applicant for Zoning Case VAC-25-007 is requesting approval of a Vacation of East 9th Street 60' wide Public Right-of-Way (ROW) from N Main Street to N Virginia Avenue; and vacation of adjacent north & south alleys from 8th Street to south of 10th Street from Public Rights-of-Way and conversion of alleys to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial & I-1 Light Industrial Zoning Districts.
2. If the E 9th Street Vacation is granted, Roswell Ford plans to build a covered Service Lane in the excerpt below. (See the full concept in **Exhibit G.**)



IV. Planning & Zoning Commission Considerations from Staff Review:

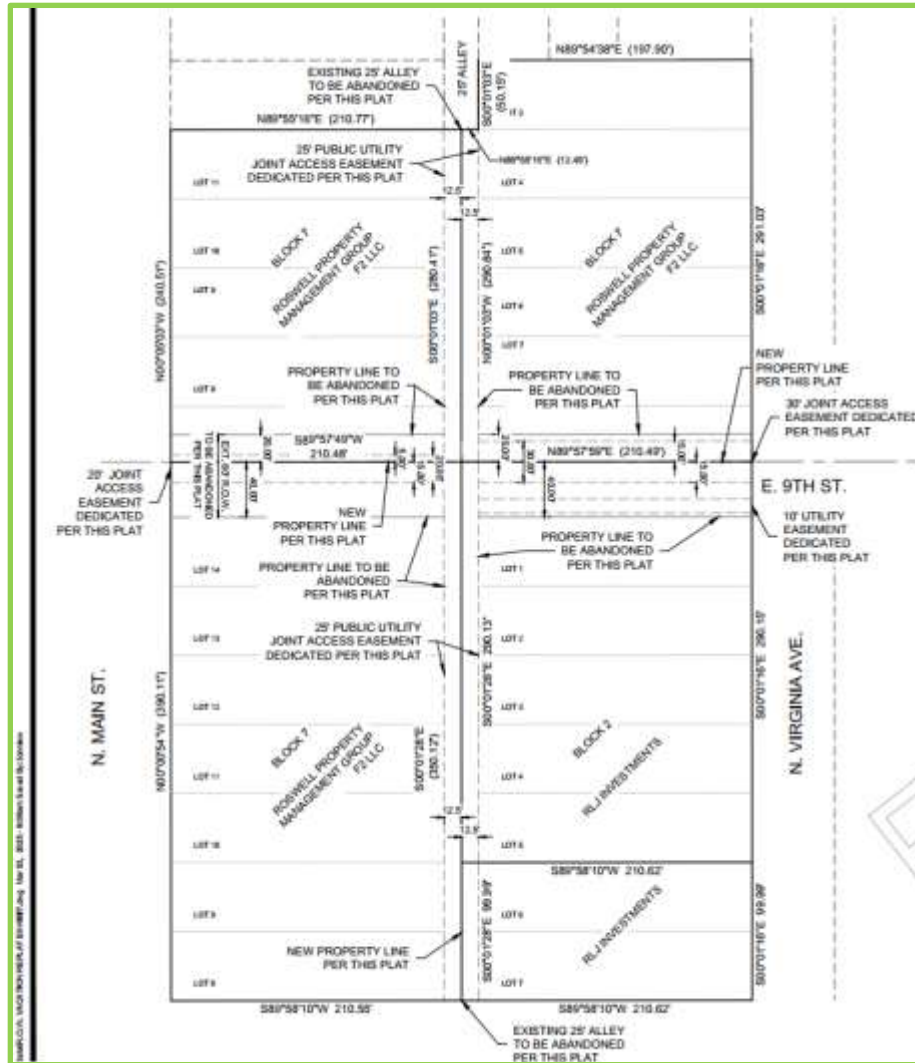
1. The properties adjacent to the proposed public rights-of-way under consideration for vacation are zoned C-2 Community Commercial and I-1 Light Industrial and are in Commercial and Light Industrial Corridors along N Main Street and N Virginia Avenue.
2. The City Engineer and City Senior Engineer reviewed the proposal with Scott Hicks, P.E., Team Leader / Vice President of Smith Engineering Co., and Toby Gross, TNT Construction Management representing Roswell Ford. City Engineering Staff are not opposed to the proposed vacations.

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3. An excerpt from the Preliminary **EAST 9th ST. R.O.W. VACATION REPLAT BY SMITH ENGINEERING CO.**, is provided below and in its entirety in **Exhibit F**.
4. The Vacation Replat shows the following: Vacate East 9th Street ROW and adjacent south Alley ROW and portion of adjacent north Alley ROW to consolidate properties on the north and south sides of East 9th Street between Main Street and Virginia Avenue for infill development; to abandon property lines and create new property lines; and dedicate joint access easement(s), joint public utility and access easement(s), and utility easement(s) by the replat.



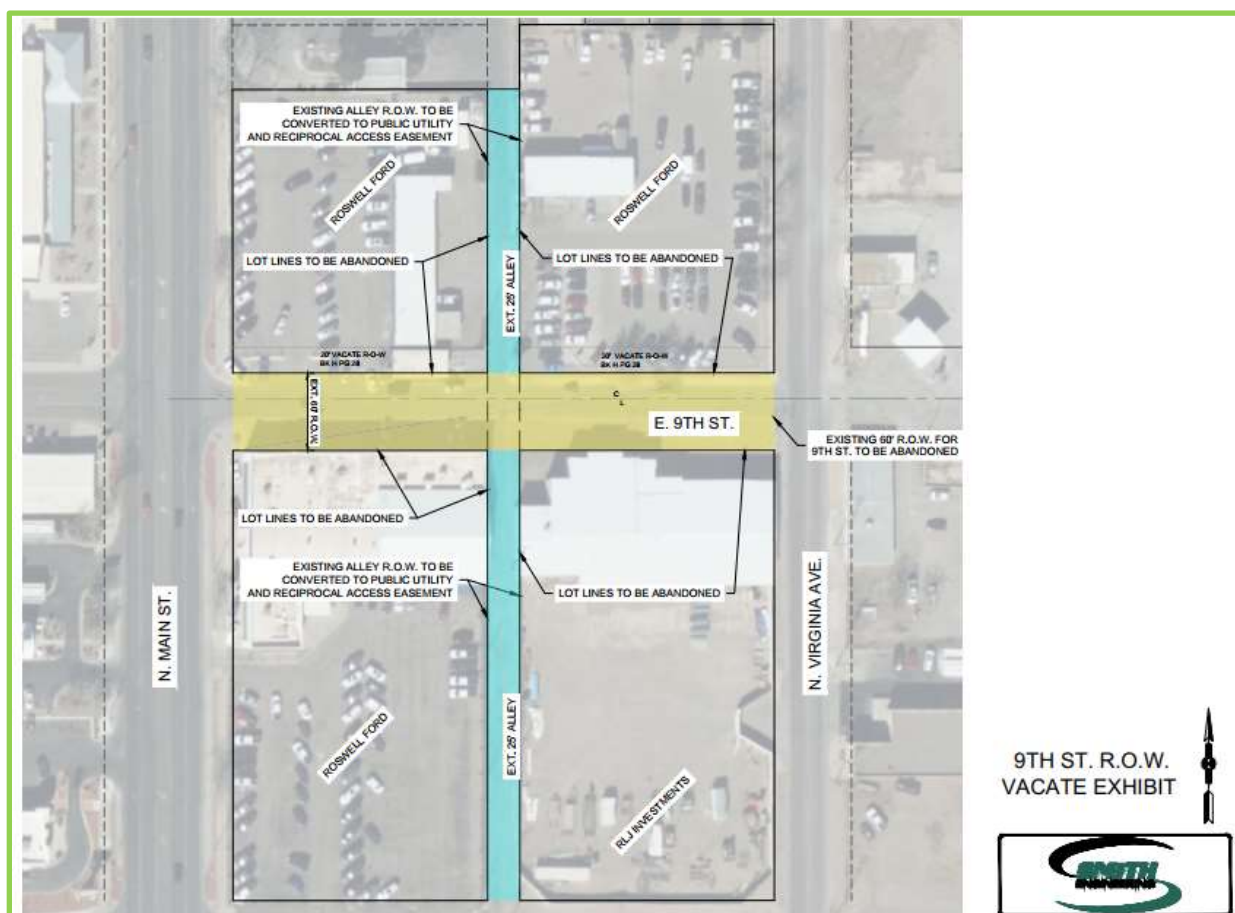
**EXCERPT OF PRELIMINARY EAST 9th ST. R.O.W. VACATION REPLAT
BY SMITH ENGINEERING CO. (See Exhibit F)**

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5. The following map provided by Smith Engineering Co., is an exhibit that accompanies the Replat to visually show the E 9th Street and Alleys under consideration for vacation. (See **Exhibit F.**)



**Map of East 9th Street 60' wide Public R.O.W. Vacation Area (yellow)
& vacation of 25' wide Public Alley R.O.W. (blue)
with conversion to utility and access easements
by Smith Engineering Co. (See Exhibit F)**

6. As part of the application, Smith Engineering Co., provided email correspondence provided in **Exhibit H** with the following staff at utility companies who provided conditional approvals for the proposed East 9th Street and Alley ROW vacations:
- LUMEN (Kim Snipes, Network Implementation Engineer II)
 - New Mexico Gas Company (Jeff Estvanko, Right-of-Way Agent)
 - Excel Energy (Antonio Salvarrey, Engineer, Distribution Design)
 - Sparklight (Clint Raby, Field Operations Manager).

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7. City Engineer list of requirements for the proposed infill development:
 - Fire Hydrant relocations will be at developer's cost.
 - Street light relocations will be at developer's cost.
 - Stop & street signs/posts to be removed neatly and turned over to City Street Department.
 - Any red brick removal will be removed neatly and bricks stockpiled at Street Department for future repair inventory for Main Street brick paving repairs.
 - Drainage shall maintain existing patterns, generally towards Virginia Avenue and Main Street.
 - Fencing off of alleys (assumed) - cost of Dead-End Signs and MUTCD barricading to be developer's cost.
 - As per Abraham Chaparro, Director of City of Roswell Solid Waste, access for solid waste is to be incorporated into future plans to accommodate Solid Waste's requirements to service the properties.
8. Abraham Chaparro, Solid Waste Director has reviewed the proposed vacations and provided the following response via email to Scott Hicks, PE with Smith Engineering Company (**See Appendix H**).

"Scott,
We are in conditional agreement the closure. We will need an enclosure built for the Ford House containers off of 8th street or Virginia. When ready please send us preliminary plans for review. We have no conflict for Shell."
9. City of Roswell Fire Marshal Jared Olive has reviewed this proposal and provided the following response via email (**See Appendix J**).

"Just to confirm what Scott said and keep track of our discussion; we noted the need for signage through the open 20ft service lane indicating that it would be used as a Fire Lane, the height of the canopy would be large enough to facilitate the largest aerial apparatus we may have, and the alley gates will have knoxbox access at each point."
10. As classified on the 2016 Functional Street Classification Plan
 - 9th Street is a Local Street,
 - Main Street is a Principal Arterial, and
 - Virginia Avenue is a Minor Arterial.

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11. The area under consideration is in the revised Railroad District MRA Area adopted by City Council Resolution 20-23 on April 9, 2020. (**See Exhibit I.**)
12. Historically, common land development practice in Roswell includes dedication via plats of public rights-of-way by developers to the City to correct past surveying errors, to increase street or alley widths, to provide street or alley rights-of-way, or to provide uniform property lines. Conversely, the City has vacated underutilized or excess public right-of-way platted as streets, alleys, or various types of easements to adjacent neighboring property owners through the vacation process outlined in the City of Roswell Subdivision Code.
13. There are several properties in the downtown area and adjacent to the downtown that have gone through an alley or street ROW vacation process including the alley vacation for the property at 700 N Richardson Avenue where Home Suites 2 by Hilton was built (Zoning Case 10-009 VAC).
14. The 2016 *Comprehensive Master Plan Preferred Land Use Scenario Map* shows the area under consideration in a commercial area along N Main Street and an industrial corridor along Virginia Avenue and adjacent to a conceptual Metropolitan Redevelopment Area (MRA).

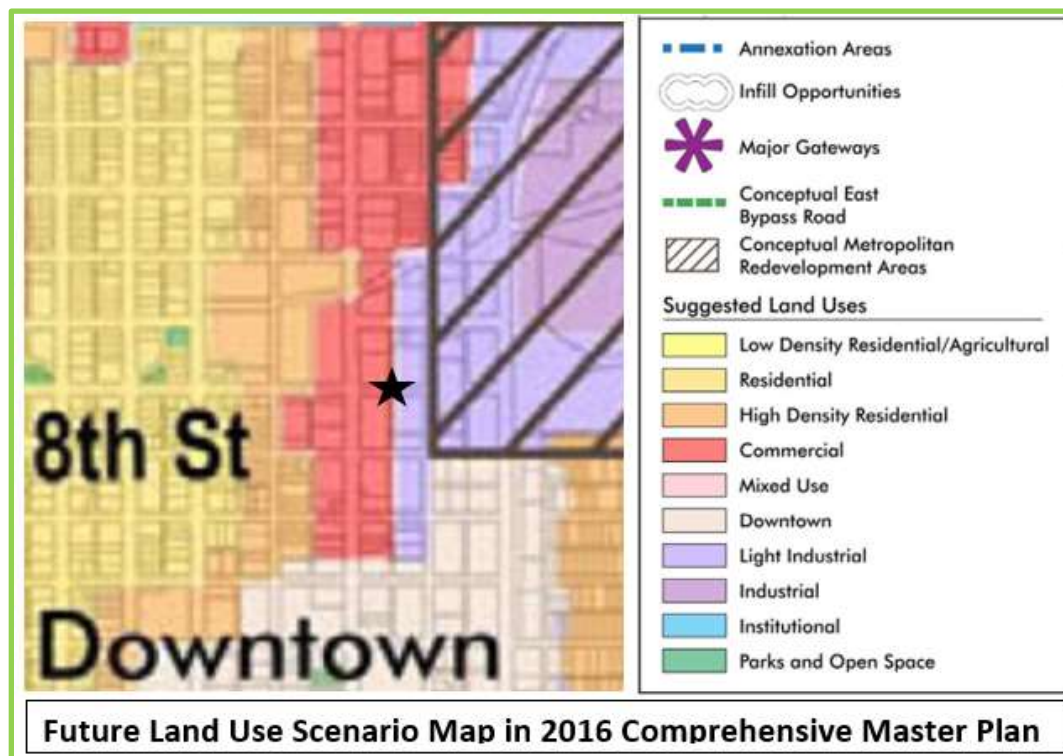


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15. The alley ROW and properties north of 9th Street as well as the area of 9th Street at the intersection with Main Street are in the FEMA designated AH Flood Zone. The 500-year flood that occurred on October 19, 2024, damaged East 9th Street and the contiguous Roswell Ford Properties.

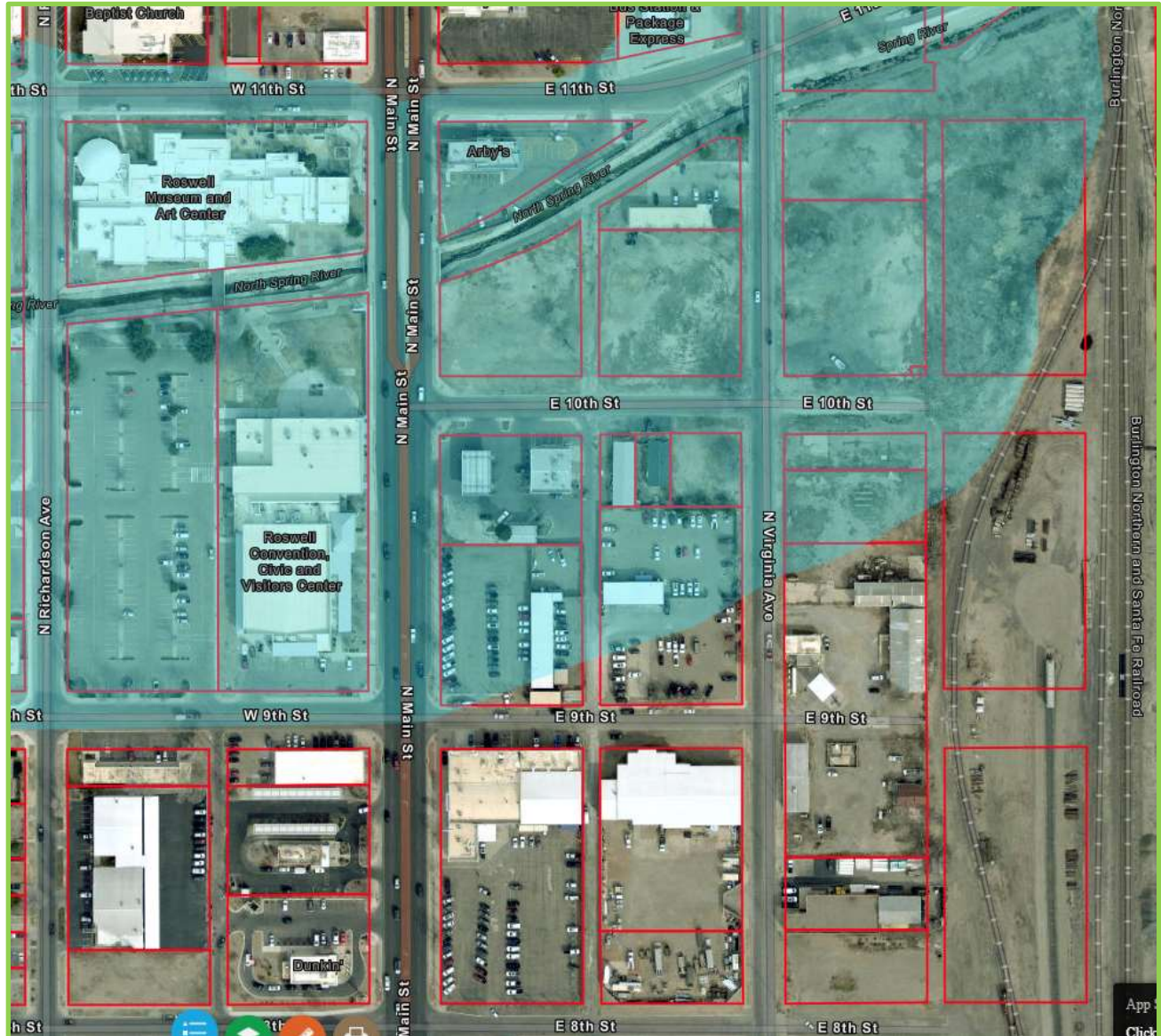


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16. The following **Staff Photos** show East 9th Street and the alleys under consideration and adjacent properties.



Looking East from Main Street at E 9th Street and Roswell Ford properties on the north and south of E 9th Street.



Looking East from Main Street at E 9th Street and southeast at Roswell Ford fronting N Main Street.



Looking East from Main Street at E 9th Street and northeast along N Main Street.

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Looking West from N Virginia Avenue at E 9th Street and adjacent Rhoads Company on the south side of E 9th Street and Roswell Ford properties on the north and south.



Looking North from 9th Street at Alley and Roswell Ford property between alley and Virginia Ave.

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Looking South from 9th Street at Alley located between Rhoads Company and Roswell Ford buildings.



Looking North from 8th Street at Alley located between Rhoads Company on the east and Roswell Ford on the west.

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V. Legal Standards

NMSA

Section 67-2-6 - Abandonment, vacation and reverter of public roads, streets and highways.

Property or property rights acquired by purchase or condemnation by the state or any commission, department, bureau, agency or political subdivision of the state for public road, street or highway purposes shall not revert until such property or property rights are vacated or abandoned by formal written declaration of vacation or abandonment which has been duly declared by the state or any commission, department, institution, bureau, agency or political subdivision of the state in whom the property or property right has vested. The right to abandon and vacate shall exist regardless of whether the public road, street or highway was created by the legislature or otherwise.

Section 67-2-7

Any owner of lands abutting any highway, street or road, his heirs or assigns may petition the state or any commission, department, bureau, agency or political subdivision thereof, who believes a section of any public road, street or **highway is not [no] longer needed for public purposes**, [and] may petition the state or any commission, department, bureau, agency or political subdivision thereof for a formal determination of abandonment or vacation.

Moreover, it is undisputed that the Highway Department did not obtain Board of Finance approval for the abandonment of the Road. Therefore, we hold that the lack of Board of Finance approval invalidated the attempted abandonment of the Road State of N.M. ex rel. Madrid v. UU Bar Ranch Ltd. P'ship, 2005-NMCA-079, ¶ 19, 137 N.M. 719, 724, 114 P.3d 399, 404

For the reasons that follow, we conclude that the statutes can be harmonized with each other, and that the general/specific rule of statutory construction does not aid Defendant. Section 67-2-6 provides that:

Property or property rights acquired by purchase or condemnation by the state or any commission, department, bureau, agency or political subdivision of the state for public road, street or highway purposes shall not revert until such property or

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property rights are vacated or abandoned by formal written declaration of vacation or abandonment which has been duly declared by the state or any commission, department, institution, bureau, agency or political subdivision of the state in whom the property or property right has vested. The right to abandon and vacate shall exist regardless of whether the public road, street or highway was created by the legislature or otherwise.

{21} While it is true that Section 67–2–6 does specifically address the abandonment and vacation of public roads, the statute simply requires a “duly declared” written abandonment. The statute is silent regarding what constitutes a “duly declared” abandonment. In fact, it is not entirely clear whether the procedure for abandonment contained in Section 67–2–6 is applicable in this case since the Road was not acquired through purchase or condemnation. In short, although Section 67–2–6 does give the State the right to abandon or vacate a public road, the statute is less than clear on the procedure to be used.

State of N.M. ex rel. Madrid v. UU Bar Ranch Ltd. P'ship, 2005-NMCA-079, ¶¶ 20-21, 137 N.M. 719, 724, 114 P.3d 399, 404

{24} Defendant also contends that Section 13–6–2 is inapplicable because the abandonment of a public road is not a “disposition” within the meaning of the statute. Defendant suggests that a “disposition” is only the “act of transferring something to another's care or possession.” BLACK'S LAW DICTIONARY 484 (7th ed.1999). Under that definition, Defendant maintains that an abandonment does not constitute a disposition because the government's interest in the Road is simply extinguished and nothing is transferred. We disagree with this view of Section 13–6–2 for two reasons. First, we believe that a “disposition” does encompass an abandonment under a plain reading of the statute. See WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 654 (3rd ed.1971) (defining “disposition” to include relinquishing or ridding oneself of control). Disposition is equated with surrender or abandonment elsewhere in the law. See *Reeves v. Jenkins*, 439 P.2d 941, 945 (Okla.1968) (stating that “[a] bankruptcy receiver ordinarily has no power to surrender, abandon, or make some other disposition of property”); see also *Regents of the Univ. of N.M. v. N.M. Fed'n of Teachers*, 1998–NMSC–020, ¶ 27, 125 N.M. 401, 962 P.2d 1236 (recognizing that the plain language of a statute is the primary indicator of legislative intent). Second, Defendant cannot simply ignore the fact that if the Road were truly abandoned, title to the Road would revert to another, which

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we assume, without deciding, would be Defendant as the abutting landowner. Thus, even under Defendant's restrictive interpretation of the term “disposition,” an abandonment would have the effect of transferring possession of the Road to another. Accordingly, we reject Defendant's contention that Section 13–6–2 is inapplicable to abandonments.

Vacation can be effected only by a substantial observance of all mandatory legal requirements

§ 30:186. Proceedings to vacate—In general, 11 McQuillin Mun. Corp. § 30:186 (3d ed.)

As previously noted the power to vacate streets is often vested exclusively in the common council, or the governing legislative body, and in such case the courts cannot entertain an original proceeding for that purpose,¹⁶ since the vacation of streets is regarded as a legislative rather than a judicial function.

§ 30:186. Proceedings to vacate—In general, 11 McQuillin Mun. Corp. § 30:186 (3d ed.)

VI. Findings of Fact (Conclusions of Law):

1. A notice of the time and place of the public hearing for this case was published in the Roswell Daily Record at least fifteen (15) days prior to the date of this hearing.
2. Notifications of the public hearing were mailed via certified mail with return receipt requested to property owners of record, as shown by the Chaves County Assessor Map, with lots or land within one-hundred (100) feet of the area under consideration, excluding public rights-of-way.
3. This agenda, which includes this case, has been posted at City Hall and on the City of Roswell's website for over seventy-two (72) hours as required by State of New Mexico law for a public hearing.
4. The property under consideration is currently within the jurisdiction of the City of Roswell, New Mexico.
5. Roswell Planning & Zoning Commission has jurisdiction to review this application and forward a recommendation to City Council.
6. City Council has jurisdiction to review this application and render a final decision.

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7. As of the time of this writing, the Planning & Zoning Office has received zero (0) written protests, zero (0) verbal protests, and one (1) inquiry.
8. Roswell Subdivision Code Ordinance 0-15-10 Adopted August 6, 2015 Article 2. General Provisions Sec. 4. - Vacation of plats.
 - A. *General.* The vacation of any tract, parcel or lot located in a subdivision or part thereof, or the vacation of any street, alley, or other public use may be initiated by the owner or owners of said tract, parcel or lot, or by the owner or owners immediately adjacent to said street, alley or other public grounds. The request for any such vacation shall be submitted in the like manner as that for applications for minor subdivisions.
 - B. *Procedure.* The application shall include a plat declaring what is to be vacated. Such a plat shall be processed and considered in the like manner as that of plats for minor subdivisions and shall operate to nullify the force and effect of the recording of the original plat being vacated, and to divest all public rights in the streets, alleys, or public grounds, and all dedications described in the original plat returning properties to adjoining property owners per state statute. All costs associated with the filing of the vacation plat shall be borne by the applicant.
9. Roswell Subdivision Code Ordinance Article 4. – SUBDIVISION APPLICATION PROCEDURE AND APPROVAL Sec. 3. - Approval process.
 - A. *Minor subdivision.*
 1. *Pre-application sketch.* The applicant shall follow the provisions and procedures as set forth in section 1.C. of this article after attending a pre-application conference.
 2. *Final plat.* Following review of the pre-applications sketch, the applicant shall file an application for final plat approval of the proposed subdivision. The application shall:
 - a. Be submitted on a form available at the zoning department together with the required fee;
 - b. Include all land which the applicant proposes to subdivide and all land immediately adjacent for a distance of 100 feet, excluding the distance devoted to existing rights-of-way, together with the names, legal descriptions, and mailing addresses of all adjacent property owners within 100 feet of the outside boundaries of the plat, excluding the

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distance devoted to existing rights-of-way, as shown in the county assessor's office;

- c. Be accompanied by the number of copies as indicated on the application form of the final plat, as described in article 6 of this ordinance, and shall comply in all respects with the approved pre-application sketch;
 - d. Be presented to the zoning department in advance of the time and date established as the deadline for the regular meeting of the planning and zoning commission.
3. *Notification of property owners.* The city shall notify, by certified mail - return receipt requested, the owners of all property within 100 feet of the proposed plat, excluding the distance devoted to existing rights-of-way, the intent to subdivide the subject property. The notice shall state the date, time, and place of the public hearing that the proposed subdivision is to be considered.
 4. *Advertisement of public hearing.* The city shall place an advertisement of the date, time, and place of the public hearing to be held before the planning and zoning commission on the proposed subdivision at least 15 days prior to the date of the hearing in a newspaper with general circulation in the jurisdiction of the planning and zoning commission and the city council. The location of the proposed subdivision and other pertinent information shall be included.
 5. *Planning and zoning commission review.* Final submission of a plat under the terms of this subdivision ordinance shall be deemed to occur on the first date that the planning and zoning commission is scheduled to hold a public hearing on the application for approval of the final plat. The planning and zoning commission shall review all materials required to be submitted, consider the comments of the public received at the public hearing or submitted in writing, as well as the comments of city staff and other governmental agencies. The planning and zoning commission shall then make a recommendation to the city council to approve the application, disapprove the application, or approve the application subject to certain conditions. The planning and zoning commission shall set forth the reasons for its recommendation in writing.

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The applicant may agree to an extension of time for the planning and zoning commission to hold the required public hearing, or to review and make its recommendation to the city council, in which case the time within which the city council is required to act on the final plat is extended.

If the planning and zoning commission fails to act on a recommendation on the date of the first scheduled public hearing, other than by reason of a lack of a quorum or other causes beyond the control of said commission or the city, or unless an extension is agreed to by the applicant, then the application shall be deemed recommended for approval, which shall be forwarded to the city council noting the reason for the approval.

6. *City council review.* The city council shall act to approve or disapprove the application for final plat approval within 35 days from the date of the final submission of the plat, or from the date of that the planning and zoning commission made its recommendation, if the applicant had agreed to an extension of time for the planning and zoning commission as provided in subsection 5. above, whichever is later.

The city council shall consider the recommendation of the planning and zoning commission, and shall review all of the materials and written comments submitted to the commission, as well as the comments made at the public hearing held before the commission. The city council may also consider other materials or public comments received at the meeting when the recommendation is considered.

The applicant may agree an extension of time for the city council to act upon the application for final plat approval, in which case the time within which the city council is required to act on the application is extended to the next regularly scheduled city council meeting.

If the city council fails to approve or disapprove the application for final plat approval within 35 days from the date of the final submission of the plat, other than by reason of a lack of a quorum or other causes beyond the control of the city council, or from any extension of time agreed to by the applicant before the planning and zoning commission or before the city council, then the plat is deemed to be approved, and upon demand,

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the city council shall issue a certificate approving the plat which the mayor shall sign and to which the city clerk shall attest.

10. Granting a vacation of E 9th Street would reduce the general public vehicular and employee/customer pedestrian traffic conflicts between N Main Street and N Virginia Avenue.
11. Granting a vacation of E 9th Street and the alleys for the purpose of infill development in the C-2 Community Commercial and I-1 Light Industrial corridors is not contrary to the public interest as 8th Street and 10th Street are both through-streets providing east-west access.

VII. Action by the Planning & Zoning Commission:

Unless evidence to the contrary is introduced in the public hearing, based on the Land Use and Zoning Considerations, Findings of Fact, materials provided, and testimony, it is recommended that the **Planning and Zoning Commission introduce a motion and vote on a recommendation for Zoning Case VAC-25-0007. The recommendation will be forwarded to City Council for final consideration.**

EXHIBIT C.1: VAC-25-0007

LETTER NOTIFYING SURROUNDING PROPERTY OWNERS

(Page 1 of 2)

LETTER SENT VIA CERTIFIED MAIL ON MARCH 14, 2025
TO SURROUNDING PROPERTY OWNERS



COMMUNITY DEVELOPMENT DEPARTMENT
500 N Main Street, Suite 100
Roswell, NM 88201
Telephone: (575) 637-6280

RE: PUBLIC HEARING NOTICE FOR ZONING CASE VAC-25-0007

Dear Property Owner:

You have received this notice via certified mail because Chaves County Assessor information indicates you are a property owner of record within 100 feet of City of Roswell Planning & Zoning Case VAC-25-0007. This notice informs you of an upcoming public hearing before the City of Roswell Planning and Zoning Commission regarding a Zoning Case for the following property.

DESCRIPTION OF ZONING APPLICATION REQUEST:

CASE VAC-25-0007 Request Vacation of 9th Street 60' wide Public Right-of-Way from N Main Street to N Virginia Avenue; and vacate adjacent north & south alleys from 8th St to south of 9th St from Public Rights-of-Way and convert to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial & I-1 Light Industrial Zoning Districts.

PROPERTY OWNER: Property Management Group F2 LLC
PROPERTY OWNER: RLJ INVESTMENTS, LLC
APPLICANT: Smith Engineering Co.

LOCATIONS, ADDRESSES, & LEGAL SUMMARIES OF PROPERTIES ADJACENT TO ROWs:

9th Street ROW & Alleys north & south of 9th Street in the 800 & 900 Blocks of N Main Street & N Virginia Avenue adjacent to the following properties:
(801, 803, 821, 823 N Main St -- Subd: NORTH SPRING RIVER Block: 2 Lot: 8 THRU: Lot: 14 , , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD);
(911 N Main St & 105 E 9th St-- Subd: NORTH SPRING RIVER Block: 7 Lot: 8 THRU:- Lot: 11 AND:- Lot: N 20' OF VACATED 9TH ST , , , , S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD); (800 N Virginia Ave -- Subd: NORTH SPRING RIVER Block: 2 Lot: 6 AND:- Lot: 7 , Quarter: SW S: 33 T: 10S R: 24E BK 732 PG 1064 WD); (110 E 9th St - Subd: NORTH SPRING RIVER Block: 2 Lot: 1 THRU:- Lot: 5 , , , , Quarter: NW S: 33 T: 10S R: 24E BK 732 PG 1064 WD); and (900, 904, 906, 908 N Virginia Ave -- Subd: NORTH SPRING RIVER Block: 7 Lot: 3 THRU:- Lot: 7 , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD.)

EXHIBIT C.1: VAC-25-0007
LETTER NOTIFYING SURROUNDING PROPERTY OWNERS
(Page 2 of 2)

The City of Roswell Planning and Zoning Commission will hear public comments on the above zoning case on Date: **TUESDAY, April 1, 2025 at 6:00 p.m.** in the Roswell Development Services Conference Room located at 500 North Main Street, Suite 100 in the Sun West Centre Office Complex. You are entitled, although not obligated, to comment either in writing to our office or at the hearing.

To be considered, written protests must be submitted to and received by the Planning and Zoning Division no later than noon on the working day prior to the Planning and Zoning Commission meeting. Written comments may be delivered to the Planning & Zoning Division in the Roswell Development Services Office at 500 N Main Street Suite 100, or sent to: *City of Roswell, Planning & Zoning Administrator, PO BOX 1838, Roswell, NM 88202- 1838* or via email to m.hildreth@roswell-nm.gov.

The **information packet** for these zoning cases will be available no later than 5:00 p.m., on **Friday, March 28, 2025**, and may be viewed on the City of Roswell website at <https://www.roswell-nm.gov/489/Planning-Zoning-Commission>.

You may inspect the information packet in detail by calling 575.637.6294 for an appointment at the Planning & Zoning Division in the Roswell Development Services Office at 500 N Main Street Suite 100. You may obtain copies of the information packet at a cost of 35 cents per sheet.

The City's Zoning Ordinance is available on the City of Roswell website online at: https://library.municode.com/nm/roswell/codes/code_of_ordinances?nodeId=COOR_APXAZO

The City's Subdivision Code is available on the City of Roswell website online at: https://library.municode.com/nm/roswell/codes/code_of_ordinances?nodeId=COOR_APXBSUCO

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

City Council will hold a final Public Hearing and render a final decision on April 10, 2025.

Respectfully,

Merideth Hildreth

(Area of Notification Map attached)

Merideth Hildreth, AICP
Planning & Zoning Administrator
m.hildreth@roswell-nm.gov
575.637.6294

ANEXO C.2: VAC-25-0007

CARTA DE NOTIFICANDO A LOS PROPIETARIOS DE LOS ALREDEDORES
CARTA ENVIADA POR CORREO CERTIFICADO EL **14 DE MARZO DE 2025**
A LOS PROPIETARIOS DE LOS ALREDEDORES



COMMUNITY DEVELOPMENT DEPARTMENT
500 N Main Street, Suite 100
Roswell, NM 88201
Teléfono: (575) 637-6280

RE: AVISO DE AUDIENCIA PÚBLICA PARA EL CASO DE ZONIFICACIÓN VAC-25-0007

Estimado propietario:

Usted ha recibido este aviso por correo certificado porque el condado de Chaves Asesor la información indica que usted es un propietario registrado dentro **de los 100 pies del Caso de Planificación y Zonificación de la Ciudad de Roswell VAC-25-0007**. Este aviso le informa del próximo audiencia pública ante la Comisión de Planificación y Zonificación de la Ciudad de Roswell con respecto a un caso de zonificación para la siguiente propiedad.

DESCRIPCIÓN DE LA SOLICITUD DE ZONIFICACIÓN:

CASO VAC-25-0007 Solicitud de Vacacionamiento del Derecho de Vía Pública de la Calle 9 60' ROW desde N Main Street hasta N Virginia Avenue y desocupar y convertir los callejones adyacentes de 25' de ancho al norte y al sur de 9th Street de Derechos de Paso Públicos a Servidumbres de Acceso Recíproco y Servicios Públicos de 25' para el Desarrollo de Relleno en los Distritos de Zonificación Comercial Comunitaria C-2 e I-1 de Zonificación Industrial Ligera.

PROPIETARIO: Property Management Group F2 LLC

PROPIETARIO: RLJ Investments, LLC

SOLICITANTE: Smith Engineering Co.

UBICACIÓN DE LA PROPIEDAD: 9th Street ROW y callejones al norte y al sur de 9th Street entre las cuadras 800 y 900 de N Main Street y N Virginia Avenue adyacentes a la propiedad dirigida como 801, 803, 821, 823 N Main Street; 911 N Main Street y 105 E 5th Street; La propiedad está domiciliada como 900, 904, 906, 908 N Virginia Avenue; 110 E 9th Street; 800 N Virginia Avenue.

DESCRIPCIÓN LEGAL: (801, 803, 821, 823 N Main St -- Subd: NORTH SPRING RIVER Block: 2 Lot: 8 THRU: Lot: 14 , , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD); (911 N Main St & 105 E 9th St-- Subd: NORTH SPRING RIVER Block: 7 Lot: 8 THRU:- Lot: 11 AND:- Lot: N 20' OF VACATED 9TH ST , , , , S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD); (800 N Virginia Ave -- Subd: NORTH SPRING RIVER Block: 2 Lot: 6 AND:- Lot: 7 , Quarter: SW S: 33 T: 10S R: 24E BK 732 PG 1064 WD); (110 E 9th St - Subd: NORTH SPRING RIVER Block: 2 Lot: 1 THRU:- Lot: 5 , , , , Quarter: NW S: 33 T: 10S R: 24E BK 732 PG 1064 WD); and (900, 904, 906, 908 N Virginia Ave -- Subd: NORTH SPRING RIVER Block: 7 Lot: 3 THRU:- Lot: 7 , , , , Quarter: NW S: 33 T: 10S R: 24E BOUNDARY SURVEY (S11-42) BK: 799 PG: 958 SWD.)

CARTA DE NOTIFICANDO A LOS PROPIETARIOS DE LOS ALREDEDORES

La Comisión de Planificación y Zonificación de la Ciudad de Roswell escuchará los comentarios del público sobre el caso de zonificación. Fecha: MARTES 1 de abril de 2025 a las 6:00 p.m. en la Sala de Conferencias de Roswell Development Services ubicada en 500 N Main Street, Suite 100 en el Complejo de las Oficinas de Sun West Centre. Usted tiene derecho, aunque no este obligado(a), a comentar por escrito a nuestra oficina o en persona en la audiencia.

Para ser considerado, las protestas por escrito deben ser presentadas y recibidas por la División de Planificación y Zonificación a más tardar del mediodía del día anterior de la reunión de la Comisión de Planificación y Zonificación. Los comentarios por escrito pueden enviarse a la División de Planificación y Zonificación en la Oficina de Servicios de Desarrollo de Roswell en 500 N Main Street Suite 100, o enviarse a: *Ciudad de Roswell, Administrador de Planificación y Zonificación, PO BOX 1838, Roswell, NM 88202-1838 o por correo electrónico a m.hildreth@roswell-nm.gov.*

El **paquete** de información para estos casos de zonificación estará disponible a más tardar a las 5:00 p.m., el **viernes 28 de marzo de 2025**, y se puede ver en <https://www.roswell-nm.gov/489/Planning-Zoning-Commission>. Puede inspeccionar el paquete de información en detalle llamando al 575.637.6294 para una cita en la División de Planificación y Zonificación en la Oficina de Servicios de Desarrollo de Roswell en 500 N Main Street, Suite 100. Puede obtener copias del paquete de información a un costo de 35 centavos por hoja.

La Ordenanza de Zonificación de la Ciudad está disponible en línea en: https://library.municode.com/nm/roswell/codes/code_of_ordinances?nodeId=COOR_APXAZO
El código de subdivisión de la Ciudad está disponible en línea en: https://library.municode.com/nm/roswell/codes/code_of_ordinances?nodeId=COOR_APXBSUCO

Si usted es una persona con una discapacidad que necesita un lector, amplificador, intérprete calificado de lenguaje de señas o cualquier otra forma de ayuda o servicio auxiliar para asistir o participar en la audiencia o reunión, comuníquese con Recursos Humanos al 575-624-6700 al menos una semana antes de la reunión o lo antes posible. Los documentos públicos, incluyendo el orden del día y las actas, pueden proporcionarse en varios formatos accesibles. Comuníquese con el Secretario Municipal al 575-624-6700 si necesita un resumen u otro tipo de formato accesible.

La Comisión de Planificación y Zonificación enviará una recomendación sobre este caso al Concejo Municipal para su consideración final.

Respetuosamente

Merideth Hildreth

Merideth Hildreth, AICP

Planning & Zoning Administrator

m.hildreth@roswell-nm.gov 575.637.6294

(Área de Mapa de Notificación adjunta)

EXHIBIT D: CASE VAC-25-0007

Request for Public Right-of-Way Vacation of 9th Street 60' ROW from N Main Street to N Virginia Avenue and vacate and convert 25' wide adjacent alleys north and south of 9th St from Public Rights-of-Way to 25' Public Utility and Reciprocal Access Easements for Infill Development in the C-2 Community Commercial and I-2 Light Industrial Zoning Districts.

Solicitud de Vacacionamiento del Derecho de Vía Pública de la Calle 9 60' ROW desde N Main Street hasta N Virginia Avenue y desocupar y convertir los callejones adyacentes de 25' de ancho al norte y al sur de 9th Street de Derechos de Paso Públicos a Servidumbres de Acceso Recíproco y Servicios Públicos de 25' para el Desarrollo de Relleno en los Distritos de Zonificación Comercial Comunitaria C-2 e I-1 de Zonificación Industrial Ligera.

CHAVES COUNTY ASSESSOR'S MAP IDENTIFYING PROPERTY UNDER CONSIDERATION AND PROPERTIES WITHIN ZONING CASE NOTIFICATION AREA

EL MAPA DEL TASADOR DEL CONDADO DE CHAVES QUE IDENTIFICA LA PROPIEDAD BAJO CONSIDERACIÓN Y LAS PROPIEDADES DENTRO DEL ÁREA DE NOTIFICACIÓN DE CASOS DE ZONIFICACIÓN



PROPERTY UNDER CONSIDERATION – 800 & 900 Blocks N Main St & N Virginia Ave
PROPIEDAD BAJO CONSIDERACIÓN – 800 & 900 Blocks N Main St & N Virginia Ave



PROPERTY UNDER CONSIDERATION – 800 & 900 Blocks N Main St & N Virginia Ave
PROPIEDAD BAJO CONSIDERACIÓN – 800 & 900 Blocks N Main St & N Virginia Ave

EXHIBIT E: VAC-25-0007 – NOTIFICATION AREA ADDRESSES

1, 2, 3

ROSWELL PROPERTY MANAGEMENT GROUP F2
C/O THOMAS KRUMLAND
PO BOX 1858
ROSWELL NM 88202

ROSWELL FORD
MANAGER
821 N MAIN STREET
ROSWELL NM 88201

TOBY GROSS
ROSWELL PROPERTY MANAGEMENT GROUP F2
2211 W 2nd ST
ROSWELL NM 88201

SCOTT HICKS P.E.
SMITH ENGINEERING CO
401 N PENNSYLVANIA AVE
ROSWELL NM 88201

2

ROSWELL FORD
MANAGER
911 N MAIN STREET
ROSWELL NM 88201

4, 5 (800 N VIRGINIA AVE – EQUIP YARD)
RLJ INVESTMENTS LLC
PO BOX 2899
ROSWELL NM 88202

RLJ INVESTMENTS LLC
110 E 9TH ST
ROSWELL NM 88201

6

ROSWELL HOTEL COMPANY LLC
1150 NATALIE LN
WATSONVILLE CA 95076

HOME SUITES II BY HILTON
OWNER OR MANAGER
700 N VIRGINIA AVE
ROSWELL NM 88201

7

FRANK & LYNN KIRK TRUST
C/O MARJORIE E GUILIANO EXEMPTION TRUST
INSPIRE BRANDS
3 GLENLAKE PKWY NE 5TH FLOOR
ATLANTA GA 30328

BUFFALO WILD WINGS
OWNER OR MANAGER
747 N MAIN ST
ROSWELL NM 88201

8

MCDONALD'S REAL ESTATE COMPANY
ATTN: DEPT 027 REAL ESTATE
110 N CARPENTER ST
CHICAGO IL 60607

MCDONALD'S
OWNER OR MANAGER
720 N MAIN ST
ROSWELL NM 88201

9, 10

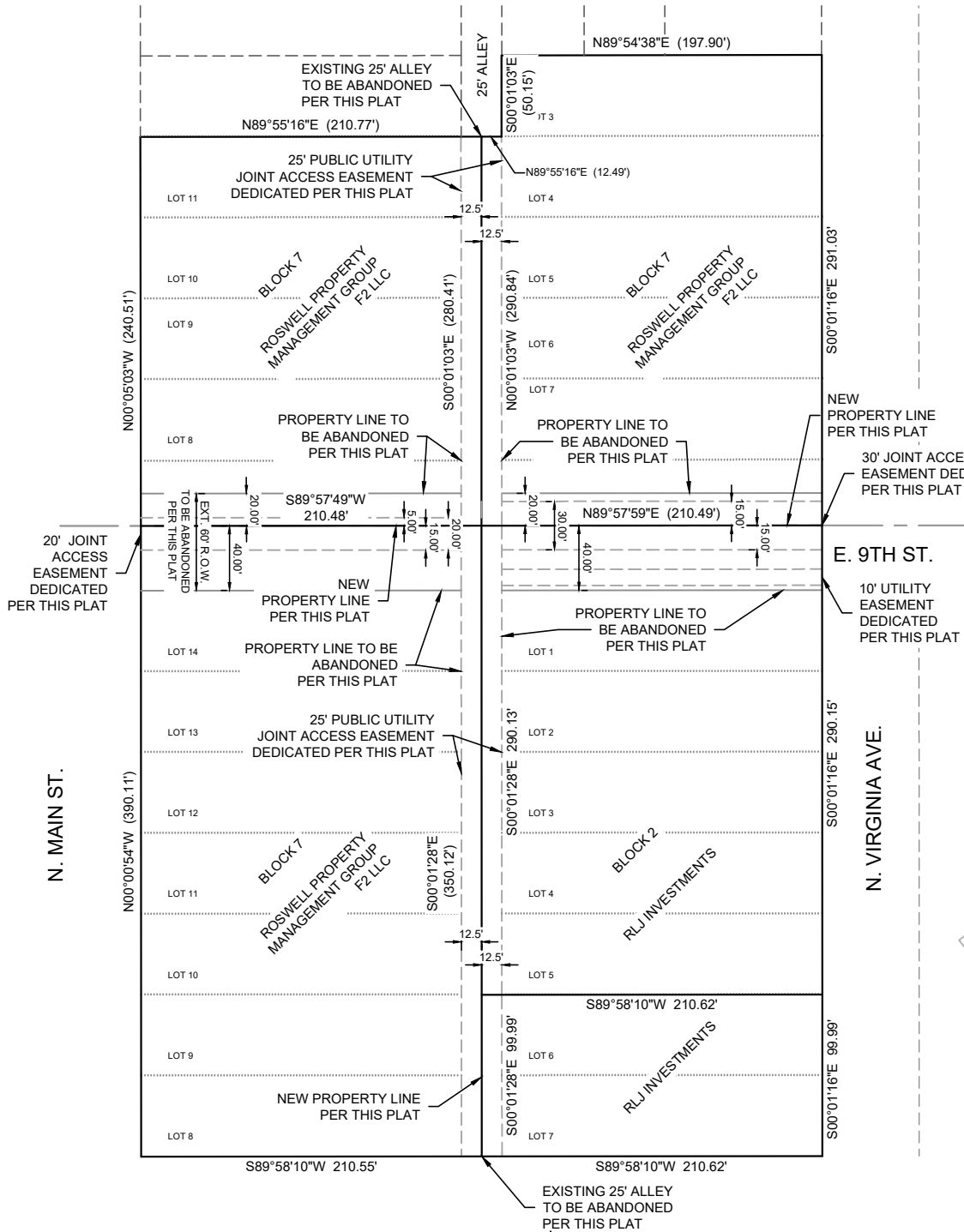
LODEWICK PROPERTIES LLC
3305 WENTWOOD DR
DALLAS TX 75225

DUNKIN'
OWNER OR MANAGER
800 N MAIN ST
ROSWELL NM 88201

EXHIBIT E: VAC-25-0007 – NOTIFICATION AREA ADDRESSES

10 SONIC OWNER OR MANAGER 808 N MAIN ST ROSWELL NM 88201	15, 16 (912 N VIRGINIA AVE – UNDEVELOPED) JESSE & JAHANNA MCDANIEL 2509 N CAMBRIDGE AVE ROSWELL NM 88201 MCDANIEL HOME SOLUTIONS 110 E 10 TH ST ROSWELL NM 88201
11 NMKS INVESTMENTS LLC 824 MAIN ST STE A ROSWELL NM 88201 CARABELLI'S DENTAL OWNER 824 MAIN ST STE A ROSWELL NM 88201	17 (913 N VIRGINIA AVE - VACANT LAND) MORRIS E SCHERTZ & HOLLY K SCHERTZ PO BOX 2588 ROSWELL NM 88202-2588
12 ROSWELL CONVENTION CENTER MANAGER 912 N MAIN ST ROSWELL NM 88201 CITY OF ROSWELL C/O COMMUNITY DEVELOPMENT DEPT PO BOX 1838 ROSWELL NM 88202-1838	18 (911 N VIRGINIA AVE - VACANT LAND) 21(801 N VIRGINIA – VACANT LAND) MORRIS E SCHERTZ & HOLLY K SCHERTZ 1407 S SUNSET AVE ROSWELL NM 88203
13 BREWER OIL CO PO BOX 1347 ARTESIA NM 88211-1347 BREWER OIL MANAGER 917 N MAIN ST ROSWELL NM 88201	19 ABC PROPANE INC PO BOX 490 ROSWELL NM 88202-0490 ABC PROPANE INC OWNER OR MANAGER 813 N VIRGINIA AVE ROSWELL NM 88201
14 JAMES P MCDEVITT 2707 N MONTANA AVE ROSWELL NM 88201 CURRENT PROPERTY OWNER OR TENANT 108 E 10 TH ST ROSWELL NM 88201	20 NEIL KRON & CAROLINE KRON 725 CR L CLOVIS NM 88101 NEIL KRON & CAROLINE KRON OR CURRENT PROPERTY OWNER 805 N VIRGINIA AVE ROSWELL NM 88201
	21 MICHAEL BEITZ & MARIA BEITZ 715 N VIRGINIA AVE ROSWELL NM 88201-6317

EAST 9TH ST. R.O.W. VACATION REPLAT
PART OF BLOCKS 2 AND 7 OF NORTH SPRING RIVER ADDITION.
ROSWELL CHAVES COUNTY NEW MEXICO



DEDICATION:

STATE OF NEW MEXICO)
COUNTY OF CHAVES)

BE IT KNOWN THAT THE UNDERSIGNED OWNERS AND PROPRIETORS OF A PORTION OF THE PART OF BLOCKS 2 AND 7 OF NORTH SPRING RIVER ADDITION, CONTAINING 6.33 ACRES MORE OR LESS, HAVE CAUSED THE SAME TO BE PLATTED, WITH THEIR FREE WILL AND DESIRE, INTO WHAT IS HEREBY KNOWN AND DESIGNATED AS EAST 9TH ST. R.O.W. VACATION REPLAT, CITY OF ROSWELL, CHAVES COUNTY, NEW MEXICO AND ALL EASEMENTS SHOWN HEREIN ARE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC.

IN WITNESS WHEREOF THE UNDERSIGNED HAS HEREUNTO SET HIS HAND AND SEAL ON THIS THE _____ DAY OF _____, 2025.

ROSWELL PROPERTY MANAGEMENT GROUP F2 LLC

IN WITNESS WHEREOF THE UNDERSIGNED HAS HEREUNTO SET HIS HAND AND SEAL ON THIS THE _____ DAY OF _____, 2025.

RLJ INVESTMENTS

NOTES:

1. BEARINGS BASED UPON RECORDED PLAT.
2. RECORD AND MEASURED DIMENSIONS ARE EQUIVALENT UNLESS OTHERWISE NOTED.
3. UTILITY LINES AND OTHER IMPROVEMENTS ARE NOT SHOWN EXCEPT THOSE WHICH MAY BE INTERPRETED AS A BOUNDARY LINE OR SHOW A LINE OF OCCUPATION.

DOCUMENTS USED IN PERFORMING THIS SURVEY:

BOUNDARY SURVEY OF LOTS 8-14 IN BLOCK 2, LOTS 3-7 IN BLOCK 7, TOGETHER WITH A VACATED R/W ADJACENT TO THE SOUTH LINE OF BLOCK 7 ALL IN NORTH SPRING RIVER ADDITION, PLAT BOOK - 294, PAGE - 960, PLAT BOOK - 259, PAGE - 595, PLAT BOOK - 198, PAGE - 126, PLAT BOOK - 176, PAGE - 172

ROSWELL FORD PROPERTY BOUNDARY SURVEY, PLAT BOOK - 420, PAGE 753, PLAT BOOK - 153 PAGE - 280

SURVEYOR'S CERTIFICATE

I, CASEY K. HUNTER, NEW MEXICO PROFESSIONAL SURVEYOR No.21207, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS A LAND DIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND IS IN THE JURISDICTION OF THE CITY OF ROSWELL, CHAVES COUNTY, NEW MEXICO. LAND IS DIVIDED IN ACCORDANCE WITH THE FINAL PLAT AND ALL SIGNATURES WERE OBTAINED AFTER ALL REVISIONS WERE MADE TO THE FINAL PLAT.

CASEY K. HUNTER, P.S. No. 21207
401 PENNSYLVANIA AVE.
ROSWELL, NEW MEXICO 88201
DATE OF SURVEY: _____

CONCURRENCE

CENTURYLINK _____ DATE _____
NEW MEXICO GAS COMPANY _____ DATE _____
SPARKLIGHT _____ DATE _____
XCEL ENERGY _____ DATE _____

ACKNOWLEDGMENT

STATE OF NEW MEXICO)
COUNTY OF CHAVES)

THIS IS TO CERTIFY THAT THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS THE _____ DAY OF _____, 2025.
BY ROSWELL PROPERTY MANAGEMENT GROUP

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

IN WITNESS WHEREOF THE UNDERSIGNED HAS HEREUNTO SET HIS HAND AND SEAL ON THIS THE _____ DAY OF _____, 2025.

RLJ INVESTMENTS

APPROVAL OF THE CITY OF ROSWELL

STATE OF NEW MEXICO)
COUNTY OF CHAVES)

THIS IS TO CERTIFY THAT THIS FOREGOING EAST 9TH ST. R.O.W. VACATION REPLAT CITY OF ROSWELL, CHAVES COUNTY, NEW MEXICO, HAS BEEN EXAMINED AND APPROVED BY THE CITY OF ROSWELL, CHAVES COUNTY, NEW MEXICO.

CITY MANAGER _____ DATE _____
ATTEST _____ DATE _____

INDEXING INFORMATION FOR COUNTY CLERK

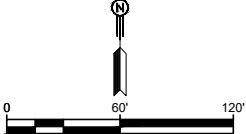
OWNER(S): ROSWELL PROPERTY MANAGEMENT GROUP F2 LLC & RLJ INVESTMENTS
SECTION(S): BLOCKS 2 AND 7 TOWNSHIP(S): S33 T10 R34 RANGE(S): LOTS 3-11
BLOCK 2 AND LOTS 1-14 BLOCK 7
SUBDIVISION: NORTH SPRING RIVER ADDITION

FILING AND RECORDING

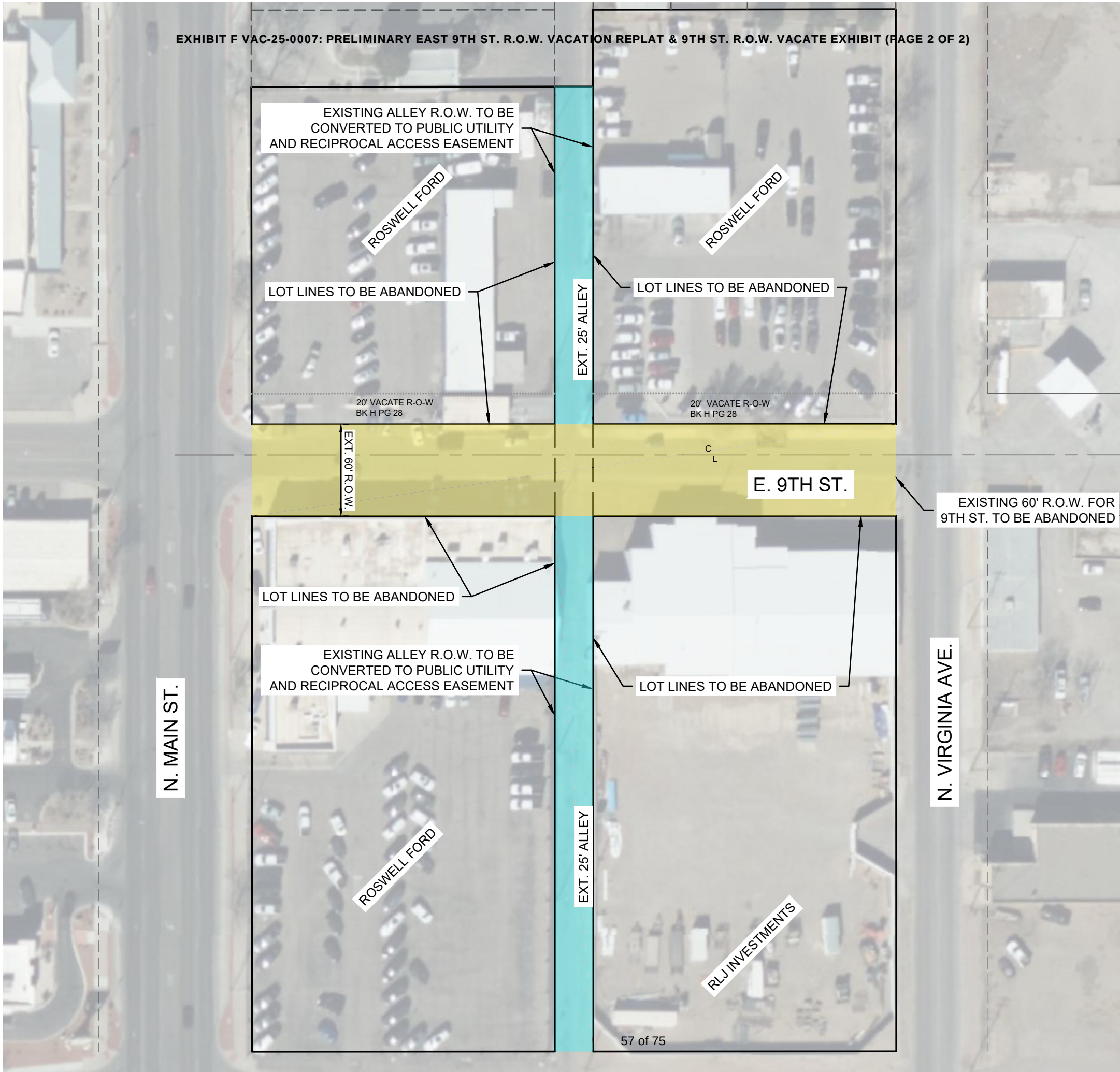
FILED FOR RECORD IN THE CHAVES COUNTY CLERK'S OFFICE ON THE _____
DAY OF _____, 2025 AT _____ A.M. PLAT BOOK _____ PAGE _____
FEE: _____
RECEIPT# _____

COUNTY CLERK _____ DEPUTY _____

SMITH ENGINEERING COMPANY
SOLUTIONS FOR TODAY...
VISION FOR TOMORROW
401 Pennsylvania
Roswell, NM 88201
Phone: (575) 622-8866
Fax: (575) 623-3951



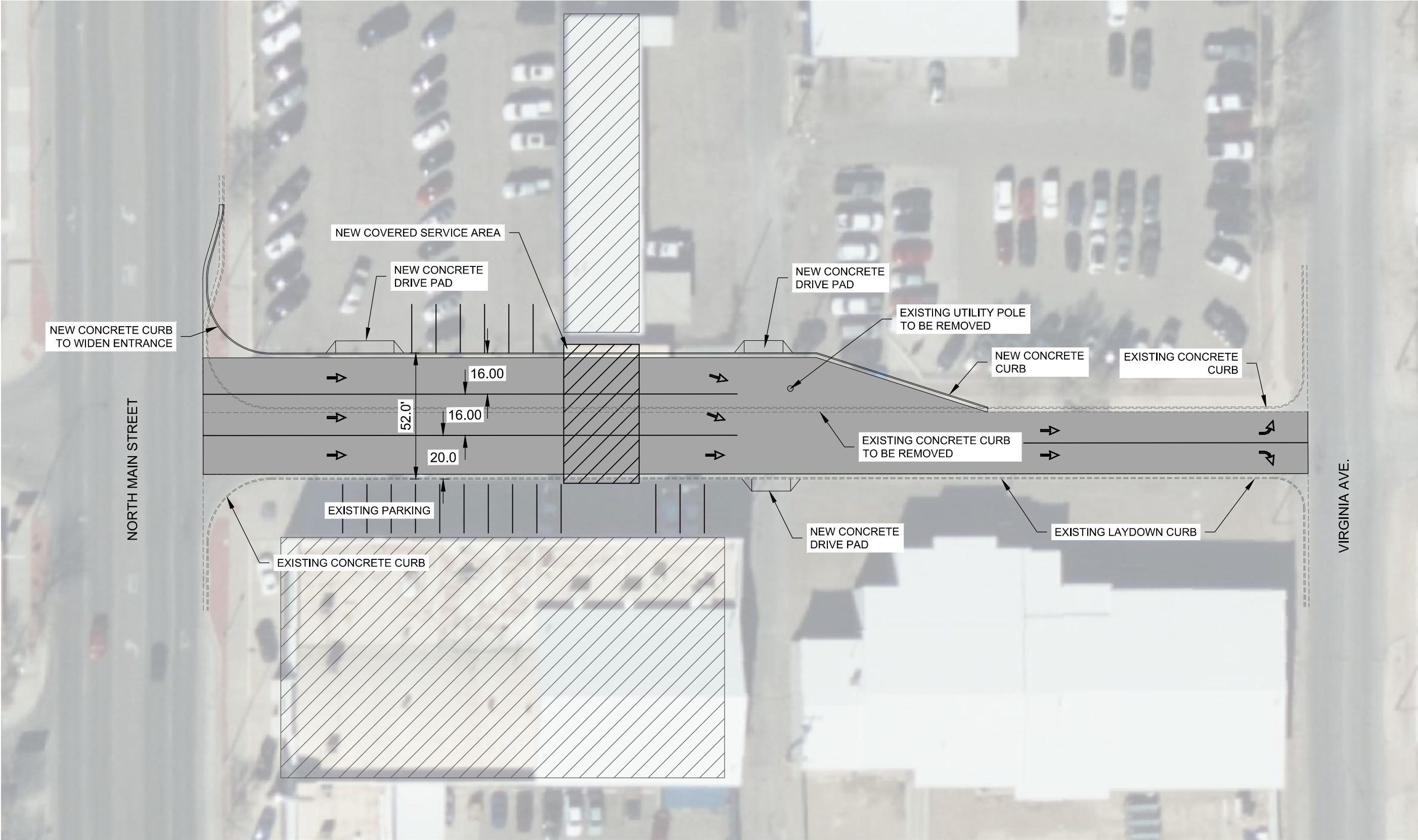
- LEGEND
- PROPERTY LINE
 - ABANDONED PROPERTY LINE
 - LOT LINE
 - UTILITY AND/OR JOINT ACCESS EASEMENT



9TH ST. R.O.W.
VACATE EXHIBIT



EXHIBIT G VAC-25-0007: ROSWELL FORD E 9TH STREET SERVICE LANE CONCEPT



PRELIMINARY
NOT FOR
CONSTRUCTION

ROSWELL FORD ROSWELL, NEW MEXICO		NO.	REVISION DESCRIPTION	DATE	BY
		5			
		4			
		3			
		2			
		1			

ROSWELL FORD
NORTH MAIN STREET
CONCEPTUAL SERVICE ENTRANCE LAYOUT
OPTION 2

*Solutions for Today...
Vision for Tomorrow*

**SMITH
ENGINEERING**

401 N Pennsylvania
Roswell, NM 88201
Phone: 575-622-8866
www.smithengineering.pro

JOB NO:
P-121624

DATE:
DEC. 2024

SHEET NO:
1-1

Scott Hicks

From: Snipes, Kimberly <Kimberly.Snipes1@lumen.com>
Sent: Thursday, February 13, 2025 9:24 AM
To: Scott Hicks
Subject: RE: 9th St. ROW vacate

Hi Scott,

If Mr. Rhodes installs a conduit that would make it a lot easier to do in the future. It would need to be a 4" conduit and 18"-24" underground.

I think a 10' easement would be great. As long as we have access and the dedication of the easement it should be good.

Thanks,



Kim Snipes

Network Implementation Engineer II
311 N Richardson Ave, Roswell, NM, 88201
tel: 575-625-5077 | cell: 575-291-5234
kimberly.snipes1@lumen.com

From: Scott Hicks <ScottH@smithengineering.pro>
Sent: Thursday, February 13, 2025 8:24 AM
To: Snipes, Kimberly <Kimberly.Snipes1@lumen.com>
Subject: 9th St. ROW vacate

Hey Kim,

So, we had the meeting with Rick Rhoads who owns that east parcel behind the Ford lot on Tuesday. It looks like for now, he is not going to push getting that overhead line that runs along the north side of his building put underground. But they are planning on paving that area between his building and the back of curb, so he wanted to know if CenturyLink (Lumen) would allow him to trench across there and install conduit before they pave so that it would be there if the line ever was to go underground.

If you gave us the specs for the type of conduit, depth, etc... and they installed it per those specs for future use, would that be something you guys would consider?

Also like we talked about, the plan is to dedicate a utility easement across there for the line once the ROW for 9th is vacated. The owner wants to dedicate 10' width for that easement...wanted to make sure that was enough on your end.

So if you can let me know on both of these items, I would sure appreciate it!

Thanks again Kim!

Scott

Scott Hicks, PE
Team Leader / Vice President



Office: 575-622-8866 | Direct: 575-624-3020 | www.smithengineering.pro
401 N. Pennsylvania Roswell, NM 88201

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Scott Hicks

From: Sandoval, David <David.Sandoval@nmgco.com>
Sent: Wednesday, January 8, 2025 10:27 AM
To: Estvanko, Jeff; Kauffman, Brandon J.
Cc: Scott Hicks; Mendoza, Danny R.; Naranjo Lujan, Santiago A.
Subject: Re: 9th St. Right-of-Way, Alley

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for the fast response.

I've copied the engineer that the business hired to handle this matter.

Thank you again for your help, please me know if I am able to help with anything.

From: Estvanko, Jeff <Jeff.Estvanko@nmgco.com>
Sent: Wednesday, January 8, 2025 9:15 AM
To: Sandoval, David <David.Sandoval@nmgco.com>; Kauffman, Brandon J. <Brandon.Kauffman@nmgco.com>
Subject: RE: 9th St. Right-of-Way, Alley

Good morning David,

To verify- They would like to vacate the 9th Street Road/public ROW between Main St & Virginia Ave, and then vacate the public alley from 8th street north to 10th Street, but retain this as a public Utility Easement (PUE). Correct?

If so, NMGC could be agreeable to 9th Street since we currently don't have facilities in the street and will need to retain PUE in the alley and crossing 9th Street) since we do have facilities there. And yes we would need the ability for 24/7 access.

Since they would be vacating existing ROWs Brandon will have to sign off so will have the final say if agreeable and any stipulations. Any further discussion on this one should go thru him. He is cc'd on this.

Regards,

Jeff Estvanko
Right-of-Way Agent
New Mexico Gas Company
Office 505-798-3373
Cell 505-269-1213
Jeff.Estvanko@nmgco.com
7120 Wyoming Blvd NE. Ste. 20
Albuquerque, NM 87109
Mail stop- MS BC22

From: Sandoval, David <David.Sandoval@nmgco.com>
Sent: Wednesday, January 8, 2025 8:44 AM
To: Estvanko, Jeff <Jeff.Estvanko@nmgco.com>
Subject: Fw: 9th St. Right-of-Way, Alley

Good Morning jeff

Could you look into this for me please? Let me know what you think .. Thank you

From: Scott Hicks <ScottH@smithengineering.pro>
Sent: Tuesday, January 7, 2025 5:00 PM
To: Sandoval, David <David.Sandoval@nmgco.com>
Subject: 9th St. Right-of-Way, Alley

***** CAUTION! EXTERNAL SENDER *** STOP. EXAMINE. VERIFY!! Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? To report a suspicious email, use the Forward to Phishing button or forward the email to phishing@tecoenergy.com. Do not click links, open attachments, or enter your ID or password.**

David,

To follow up with my phone call earlier today, I met with Toby Gross from Roswell Ford and Louis and James from the City regarding 9th St. between N. Main and N. Virginia and the alley in that block running north and south. Roswell Ford would like to get the City to vacate the right-of-way for 9th St. through there and then convert the alley into a public utility easement. The City is supportive of all that, but Toby needs to get his neighbor to the east on board and we also need to talk to the utility companies.

I have attached a screenshot of the area. So, I wanted to ask if you would look at what gas utility, if any, there is running in 9th through that block and see if NM Gas would have any opposition to vacating that ROW. I know there is gas in the alley, so also wanted to ask if NM Gas would have any opposition to converting that alley from 8th to about where the Shell station property is there on 10th to a "public utility easement" through there. Ford would see to it that all utility companies that needed access to the easement would have it. The City has a sewer line in there so they will have access as well, but Louis and James didn't have an issue with converting it to an easement.

So if you can take a look and get with Danny and Santi about it as well, and let me know any thoughts on this, I sure would appreciate it.

Thanks!

Scott

Scott Hicks, PE
Team Leader / Vice President



Office: 575-622-8866 | Direct: 575-624-3020 | www.smithengineering.pro
401 N. Pennsylvania Roswell, NM 88201

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Scott Hicks

From: Salvarrey, Antonio A <Antonio.A.Salvarrey@xcelenergy.com>
Sent: Wednesday, November 27, 2024 3:32 PM
To: Scott Hicks
Cc: Francisco Salvarrey
Subject: RE: 9th St. ROW vacate - alley

Sounds good sir. If the width stays the same as what is existing then that will be sufficient.

Thank you!

Antonio Salvarrey
Xcel Energy
Engineer, Distribution Design
910 E Bland St, Roswell, NM 88203
P: 575.625.5914 C: 575.914.1326
E: Antonio.A.Salvarrey@xcelenergy.com

From: Scott Hicks <ScottH@smithengineering.pro>
Sent: Wednesday, November 20, 2024 5:00 PM
To: Salvarrey, Antonio A <Antonio.A.Salvarrey@xcelenergy.com>
Cc: Francisco Salvarrey <Franciscos@smithengineering.pro>
Subject: RE: 9th St. ROW vacate - alley

EXTERNAL - STOP & THINK before opening links and attachments.

Hey Tony,

Yes, where you have the red are the areas I am talking about. But they would just be converting the same width of the alley, I believe it is 20', to the utility easement. There are existing buildings right along there so I don't see it getting widened to 30'.

But things are still in the early stages on this, but thank you for getting back to me so quickly. When I meet with those guys again about it, I can tell them that I did get with Xcel and that, initially, it doesn't look like it will be an issue. There's still some other hoops Ford is going to have to jump through to get this further along anyway.

Thanks again for taking a look!

Scott

Scott Hicks, PE
Team Leader / Vice President

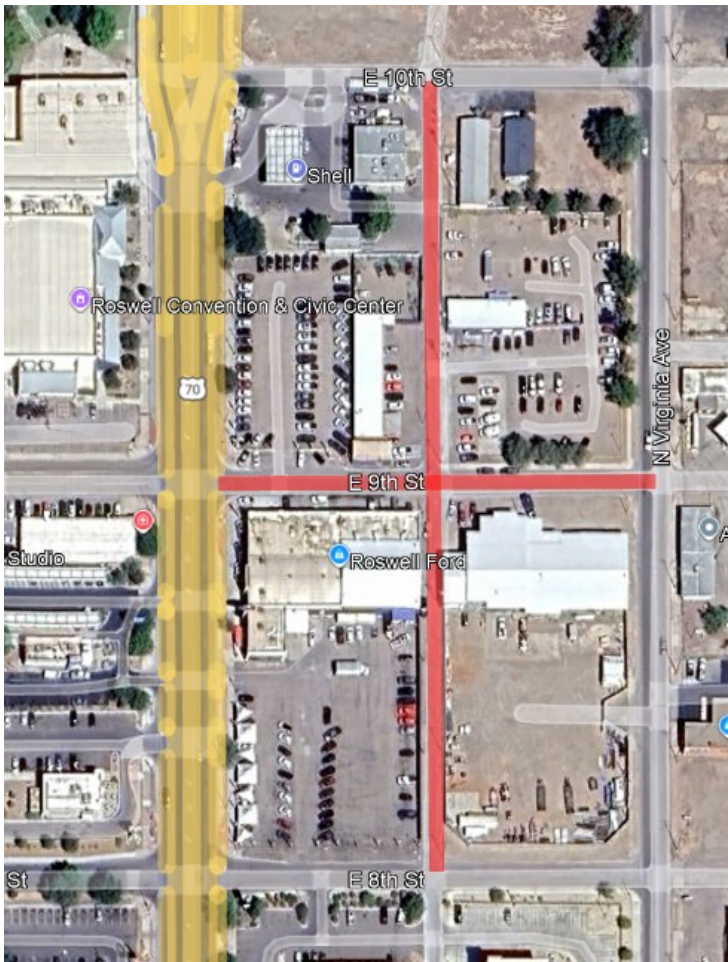


Office: 575-622-8866 | Direct: 575-624-3020 | www.smithengineering.pro
401 N. Pennsylvania Roswell, NM 88201

From: Salvarrey, Antonio A <Antonio.A.Salvarrey@xcelenergy.com>
Sent: Wednesday, November 20, 2024 1:26 PM
To: Scott Hicks <ScottH@smithengineering.pro>
Cc: Francisco Salvarrey <Franciscos@smithengineering.pro>
Subject: RE: 9th St. ROW vacate - alley

Good morning,

I don't believe I see an issue with these changes. We do have a 3PH line running through the alley so we would want a 30' utility easement. Other customers are being fed past that point so we'd want to assure they granted proper access. Just to confirm, the highlighted area below is the area you are referring to correct?



Thank you,

Antonio Salvarrey
Xcel Energy
Engineer, Distribution Design
910 E Bland St, Roswell, NM 88203
P: 575.625.5914 C: 575.914.1326
E: Antonio.A.Salvarrey@xcelenergy.com

From: Scott Hicks <ScottH@smithengineering.pro>
Sent: Wednesday, November 20, 2024 7:41 AM

To: Salvarrey, Antonio A <Antonio.A.Salvarrey@xcelenergy.com>

Cc: Francisco Salvarrey <Franciscos@smithengineering.pro>

Subject: 9th St. ROW vacate - alley

EXTERNAL - STOP & THINK before opening links and attachments.

Hey Tony,

I met with Toby Gross from Roswell Ford and Louis and James from the City yesterday regarding 9th St. between N. Main and N. Virginia and the alley in that block running north and south. Roswell Ford would like to get the City to vacate the right-of-way for 9th St. through there and then change the alley into an easement. The City is supportive of all that, but Toby needs to get his neighbor to the east on board and we also need to talk to the utility companies.

I have attached a screenshot of the area. So I wanted to ask if you would look at what you guys have, if anything, running in 9th through that block and see if you have any opposition to vacating that ROW. I know there is overhead in the alley, so also wanted to ask if you had any opposition to converting that alley from 8th to about where the Shell station property is there on 10th to a "utility easement" through there. Ford would see to it that all utility companies that needed access to the easement would have it. The City has a sewer line in there so they will have access as well, but Louis and James didn't have an issue with converting it to an easement.

So if you can take a look at that and let me know your thoughts there, I sure would appreciate it.

Thanks!

Scott

Scott Hicks, PE
Team Leader / Vice President



Office: 575-622-8866 | Direct: 575-624-3020 | www.smithengineering.pro
401 N. Pennsylvania Roswell, NM 88201

From: [Scott Hicks](#)
To: [Scott Hicks](#)
Subject: FW: 9th St./alley vacate
Date: Monday, March 3, 2025 9:53:39 AM
Attachments: [image001.png](#)
[Outlook-q00y5zpy.png](#)

From: Raby, Clinton <Clinton.Raby@sparklight.biz>
Sent: Monday, March 3, 2025 9:47 AM
To: Scott Hicks <ScottH@smithengineering.pro>
Subject: Re: 9th St./alley vacate

Good Morning Scott,

Sparklight has no problem with this plan so long as we can access our lines. If you have any questions or concerns, please contact me by email or mobile.

Thank You,



Clint Raby

Field Operations Manager | **Sparklight**

T: 575-317-5879

2005 S Main Street, Roswell, NM 88203

Clinton.Raby@sparklight.biz

From: Scott Hicks
Sent: Monday, February 24, 2025 9:30 AM
To: clinton.raby@sparklight.biz
Subject: 9th St./alley vacate

Good morning Clint,

Hey wondering if you could help me out with a quick email back confirming that you and I talked about Sparklight not having any opposition to the City of Roswell vacating the existing

60' right-of-way of E. 9th St. between N. Main and N. Virginia Ave., as well as having no opposition to vacating and converting the 25' public alley north and south of 9th St. to a 25' Public Utility and Joint Access Easement. All of the utility companies, as well as the City of Roswell, will have access to any and all easements created by the vacation of the right-of-way and alleys.

I just need email confirmation so I can show the City P&Z folks that I have discussed this with all the utility companies.

So if you can send me a quick response in agreement with this, I sure would appreciate it!

Thanks Clint!!

Scott

Scott Hicks, PE
Team Leader / Vice President



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401 N. Pennsylvania Roswell, NM 88201

EXHIBIT H VAC-25-0007: SMITH ENGINEERING CO., CORRESPONDENCE WITH UTILITY COMPANIES (PAGE 11 OF 12)**RE: Dumpster access - Shell Station**

From Scott Hicks <ScottH@smithengineering.pro>

Date Thu 3/27/2025 9:42 AM

To Abraham Chaparro <a.chaparro@roswell-nm.gov>; Louis Najar <l.najar@roswell-nm.gov>; Phillip J. Sanchez <pj.sanchez@roswell-nm.gov>; Merideth Hildreth <m.hildreth@roswell-nm.gov>

Sounds good Abraham. Really appreciate you getting back to me on this, as well as your input in our phone call this morning.

We'll be sure and coordinate more with you as the site plans get further developed once we have approval on everything for 9th St. and the alleys.

Thanks again!

Scott

Scott Hicks, PE
Team Leader / Vice President



Office: 575-622-8866 | Direct: 575-624-3020 | www.smithengineering.pro
401 N. Pennsylvania Roswell, NM 88201

From: Abraham Chaparro <a.chaparro@roswell-nm.gov>

Sent: Wednesday, March 26, 2025 4:26 PM

To: Scott Hicks <ScottH@smithengineering.pro>; Louis Najar <l.najar@roswell-nm.gov>; Phillip J. Sanchez <pj.sanchez@roswell-nm.gov>

Subject: RE: Dumpster access - Shell Station

Scott,

We are in conditional agreement the closure. We will need an enclosure built for the Ford House containers off of 8th street or Virginia. When ready please send us preliminary plans for review. We have no conflict for Shell.



Abraham T. Chaparro
SOLID WASTE DIRECTOR

CITY OF ROSWELL • SOLID WASTE

Office/Cell: 575.624.6746 EXT 3205 • a.chaparro@roswell-nm.gov

3006 W. Brasher Rd. Roswell, NM 88203



roswell-nm.gov



flyroswell.com



seerRoswell.com

EXHIBIT H VAC-25-0007: SMITH ENGINEERING CO., CORRESPONDENCE WITH UTILITY COMPANIES (PAGE 12 OF 12)

From: Scott Hicks <ScottH@smithengineering.pro>
Sent: Monday, March 24, 2025 3:11 PM
To: Abraham Chaparro <a.chaparro@roswell-nm.gov>
Subject: Dumpster access - Shell Station

Hey good afternoon Abraham,

I'm working with Roswell Ford on the vacation request of the 9th St. right-of-way between N. Main St. and N. Virginia Ave., and the conversion of the alley between 8th St. up to the end of their property close to 10th St. into a public utility and joint access easement. We've had some discussions with Louis Najjar and he's on board with what is being proposed. Not sure if he has talked to you yet or not.

But I wanted to see if you can take a look at the attached picture of the dumpster at the back of the Shell Station at 917 N. Main St. and let me know how the trucks get in and out of there to service that dumpster.

So if you can do that, I would really appreciate it. And if it would be easier to talk about it or if you have any questions about what is being proposed, please just give me a call on my cell at 575-626-5042.

Thanks again Abraham!

Scott

Scott Hicks, PE
Team Leader / Vice President



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401 N. Pennsylvania Roswell, NM 88201

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RESOLUTION 20-23

ADOPTION OF A RESOLUTION OF THE CITY OF ROSWELL, NEW MEXICO, MODIFYING THE BOUNDARIES FOR RAILROAD DISTRICT METROPOLITAN REDEVELOPMENT DISTRICT.

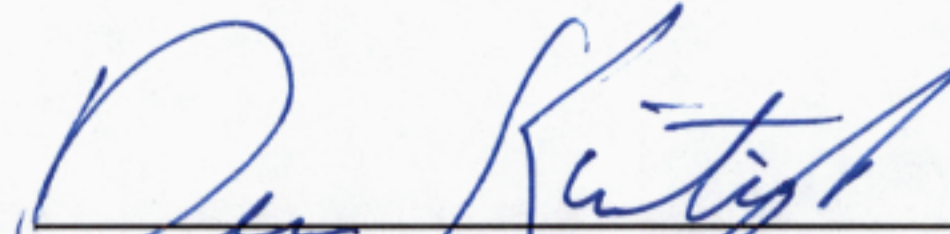
WHEREAS, the City of Roswell supports the revitalization and economic development of its traditional and/or historic commercial Railroad District as a designated Metropolitan Redevelopment District (MRA); and,

WHEREAS, the City of Roswell recognizes that the exact boundaries of Railroad District as a designated Metropolitan Redevelopment District must be identified to reduce confusion or uncertainty, and to encourage the redevelopment of this area for the benefit of the City of Roswell.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO THAT:

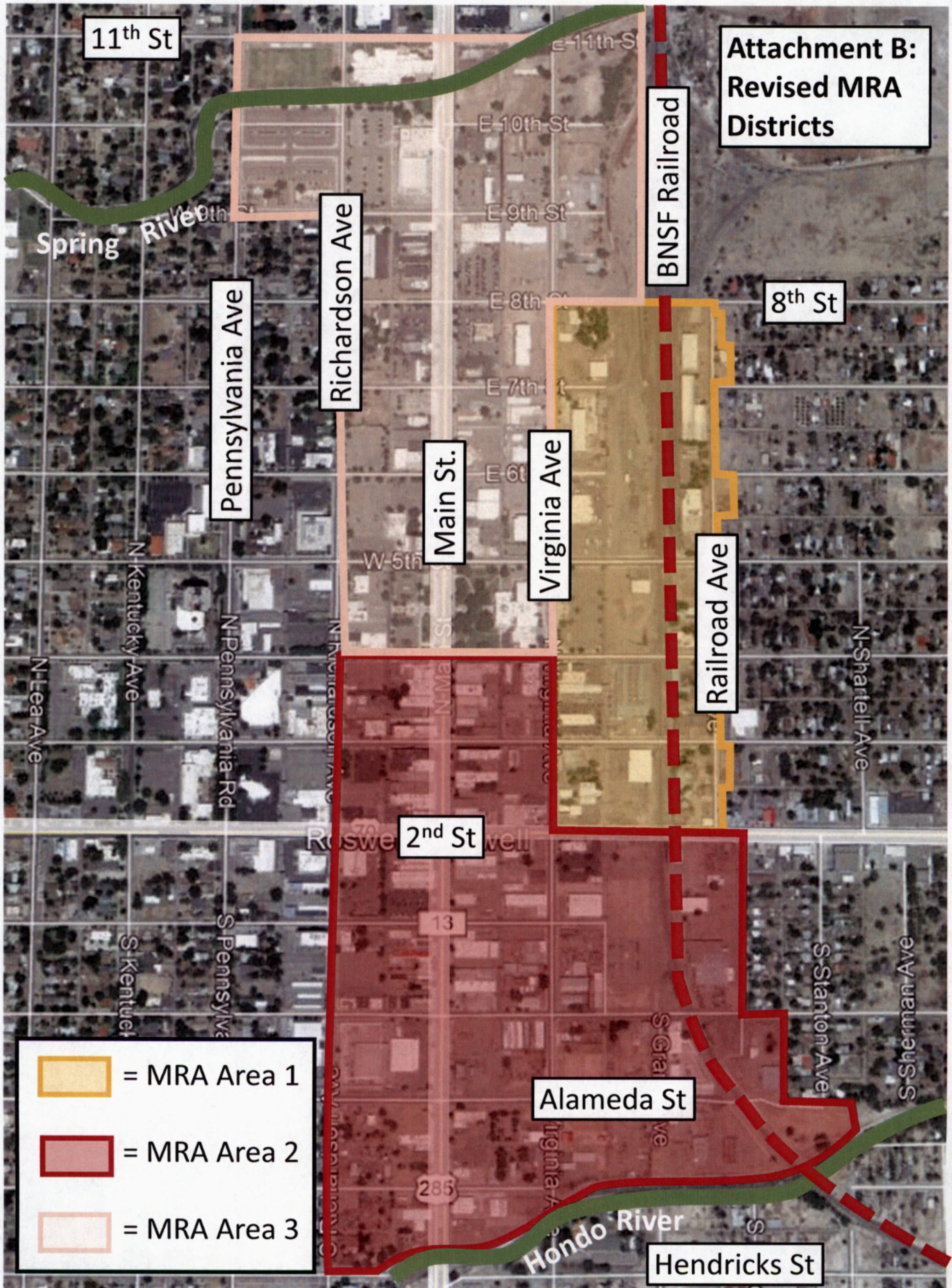
Attachment A shows the current Railroad District MRA boundaries. Attachment B shows the revised boundaries for the Railroad District Metropolitan Redevelopment District.

ADOPTED AND APPROVED this 9th day of April, 2020, CITY OF ROSWELL, NEW MEXICO


Dennis Kintigh, Mayor

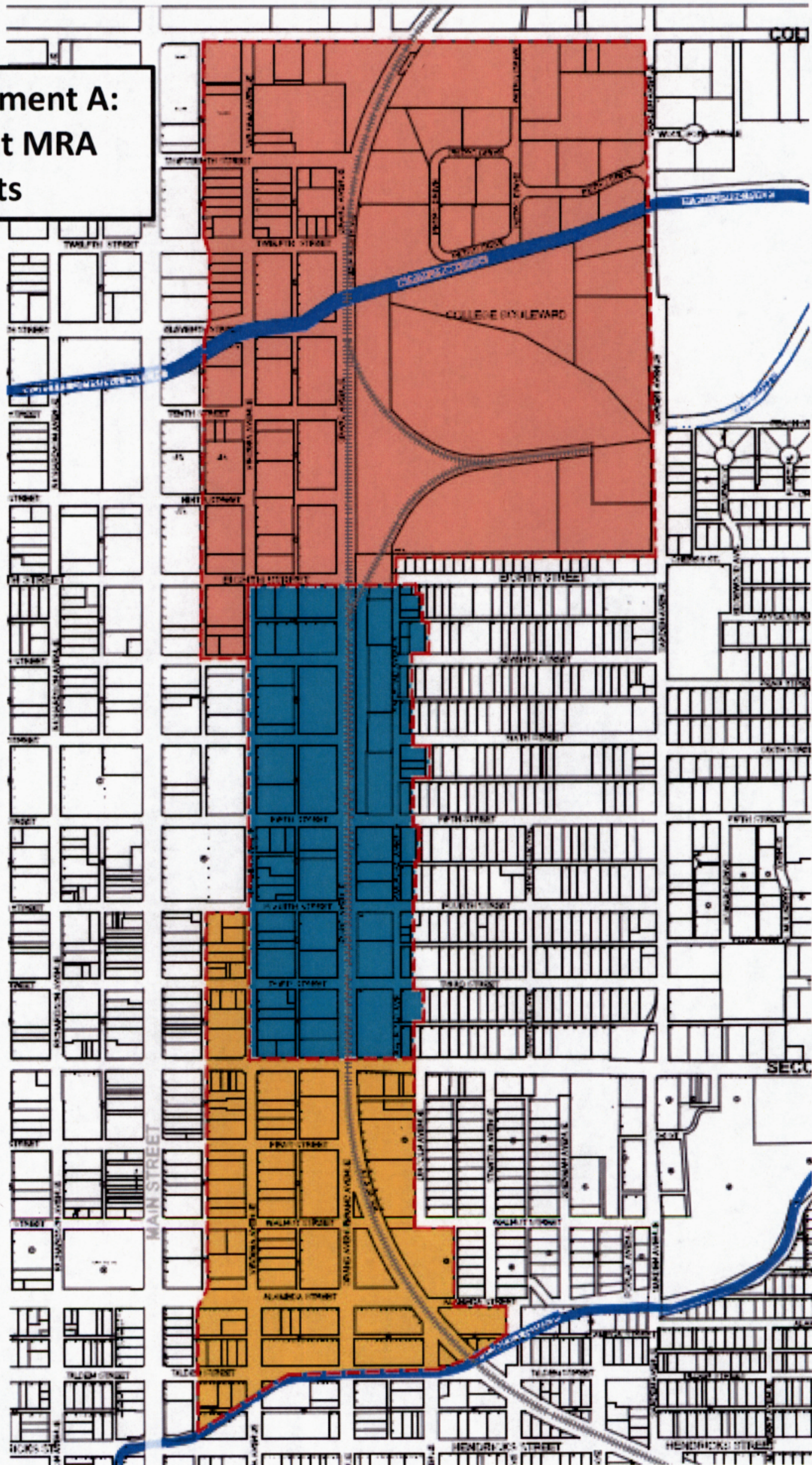



Sharon Coll, City Clerk

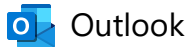


Received 4.10.2020 *se*

**Attachment A:
Current MRA
Districts**



Received 4.10.2020 SC

EXHIBIT J VAC-25-0007: CORRESPONDENCE WITH CITY FIRE MARSHAL (Page 1 of 2)**Re: East 9th Street Vacation Replat**

From Jared Olive <j.olive@roswell-nm.gov>

Date Thu 3/27/2025 10:12 AM

To Scott Hicks <ScottH@smithengineering.pro>; Merideth Hildreth <m.hildreth@roswell-nm.gov>; Esperanza Deleon <e.deleon@roswell-nm.gov>

Just to confirm what Scott said and keep track of our discussion; we noted the need for signage through the open 20ft service lane indicating that it would be used as a Fire Lane, the height of the canopy would be large enough to facilitate the largest arial apparatus we may have, and the alley gates will have knoxbox access at each point.

Thank you,



Jared Olive CFI-1, CFEI
Fire Marshal
Roswell Fire Department

200 S. Richardson Avenue, Roswell, NM 88203

Cell: (575) 420-1922 Office: (575) 624-6830

Email: j.olive@roswell-nm.gov



From: Scott Hicks <ScottH@smithengineering.pro>

Sent: Thursday, March 27, 2025 7:00 AM

To: Merideth Hildreth <m.hildreth@roswell-nm.gov>; Jared Olive <j.olive@roswell-nm.gov>; Esperanza Deleon <e.deleon@roswell-nm.gov>

Subject: RE: East 9th Street Vacation Replat

Hi Merideth,

Just letting you know I did speak with Jared yesterday after you and I talked. Sounds like he's good with everything proposed at this point for the P&Z meeting next week.

He also provided input for a few site related items that we'll coordinate with him as the design of the improvements proceed. So I appreciated that.

I'll let him get back to you with any comments, but just wanted to let you know that he and I did go over the details of the case for Tuesday night.

Thanks again Merideth!

Scott

Scott Hicks, PE
Team Leader / Vice President



Office: 575-622-8866 | Direct: 575-624-3020 | www.smithengineering.pro
401 N. Pennsylvania Roswell, NM 88201

From: Merideth Hildreth <m.hildreth@roswell-nm.gov>
Sent: Wednesday, March 26, 2025 11:37 PM
To: Jared Olive <j.olive@roswell-nm.gov>; Esperanza Deleon <e.deleon@roswell-nm.gov>
Cc: Scott Hicks <ScottH@smithengineering.pro>
Subject: East 9th Street Vacation Replat

Good Evening, Jared:

Scott Hicks at Smith Engineering said he would discuss this replat with you.

I'm preparing Staff Summary for the Tuesday P&Z meeting.

All the Best,
Merideth

Merideth Hildreth, M.A., AICP
Planning & Zoning Administrator
Community Development Department
City of Roswell
500 N Main Street, Suite 100
Roswell, NM 88201
575.637-6294
m.hildreth@roswell-nm.gov

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