

PLANNING & ZONING STAFF SUMMARY REPORT

MEETING DATE: December 20, 2022

CASE # ETZ 2022-25

REVIEWING BOARD	ROSWELL-CHAVES COUNTY EXTRATERRITORIAL PLANNING AND ZONING COMMISSION
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ACTION REQUESTED:	Rezone from I-1 Industrial District to Rural-Suburban District.
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LAND OWNER:	Gynn Langford
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LOCATION:	3400 W. Brasher Road Parcel "A" of the Langford Family Survey
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ITEM SUMMARY:	<p>The applicant wishes to rezone her property from Industrial back to Rural Suburban. The property was rezoned in 2016 for Mr. Langford's sand and gravel retail business, which is no longer in business. The property is 6.98 acres in size and contains a 2,700 sq.ft. residential home and 2,700 sq.ft. metal accessory building. The property is located approximately 1,200 ft. west of the Brasher Rd/ Roswell Bypass intersection and is located in the "AE" Special Flood Hazard Area per the FIRM Map 2009. The surrounding properties are zoned R-S. The properties further east are zoned Industrial for a sand and gravel extraction business and the City's Solid Waste site. The 2016 Comprehensive Master Plan recommends this area as Mid-Density Residential. Staff is in support of the rezone.</p>
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SUPPORTING DOCUMENTS	Staff Report, Application, Vicinity Map/Zoning Map
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SUMMARY BY: Louis Jaramillo –Planning & Zoning Director



ROSWELL- CHAVES COUNTY ETZ/ CHAVES COUNTY ZONING APPLICATION

Case Number: ETZ 2022 - 25 Date Received: 11-10-2022 Fee: \$350.00

Type of Request: [x] Rezoning [] Special Use [] Variance [] Change of Use
Owner's Name: Gynn Langford
Mailing Address: 3400 W Brasher Rd Roswell NM 88203 Phone Number: 575-626-6458
Agent's Name:
Mailing Address:
Phone Number:

[x] Roswell-Chaves County ETZ [] Chaves County
Case Address: 3400 W Brasher Rd
Legal Description: Tract A Per S14-21
Parcel Number: 4133065100028000000
Present Land Use: ~~Industrial~~ Not Used
Intended Land Use: Resid
Present Zoning: Industrial Requested Zoning: Residential
Reason for Requested: (Attach Letter if necessary) want to sell property and buyers can't get a loan for industrial, son passed away and I can't take care of property
PLEASE INCLUDE ALL DEVELOPMENT PLANS, SITE PLANS, AND /OR BUSINESS PLANS

I ACKNOWLEDGE THAT I HAVE BEEN INFORMED OF THE DATES, TIMES, AND LOCATIONS OF THE PUBLIC HEARINGS FOR WHICH I OR MY AGENT SHALL ATTEND IN ORDER TO FULFILL THE REQUIREMENTS OF THIS APPLICATION.
Gynn Langford
Owner's Signature Date: 11/01/2022

November 10, 2022



To Chaves County Planning and Zoning Commission:

I would like to change the zoning of my property at 3400 W. Brasher Road from Industrial back to Residential.

My son and I changed the zoning with the intention of opening a sand and gravel pick up yard and never did it. He closed the business and then moved to Arizona and then to Albuquerque for work. He passed away in June of 2022.

Since I have no one to leave my property to, I would like to sell the property and move where I have some family. Interested buyers for the property have had trouble getting a loan on the property because of the current zoning.

Please consider this request at your first opportunity.

Sincerely,

A handwritten signature in blue ink that reads "Gynn Langford". The signature is written in a cursive style.

Gynn Langford

STAFF REPORT

CASE # ETZ 2022-25

The applicant is requesting a rezone from I-1 Industrial to R-S Rural Suburban District for her 6.98-acre parcel of land located at 3400 W. Brasher Road. Mrs. Langford has stated she wishes to sale the property and the financial institution has required that the property be zoned for residential use. The proposed property is located approximately 1,200 feet west of the West Brasher Road and Roswell Relief Route intersection. The property received approval for Industrial District zoning in 2016 (ETZ 2016-21) for Langford Sand and Gravel retail business, operated by her son, Grant Langford, who has since passed away. The property contains a residential home and a metal accessory building that are each approximately 2,700 square feet in size.

The surrounding properties are zoned Rural-Suburban District with the property to the south and east, being the western end of the Rio Hondo Drainage, possessing a Special Use Permit for sand and gravel extraction, held by the application, Gynn Langford. Further to the east, the property is zoned Industrial-Sand and Gravel Extraction. The properties to the north and west are 5-acre residential parcels with homes and accessory structures. The property to the northeast has a Special Use Permit (2020) for a concrete mixing facility.

This proposed site is in the recommended Mid-Density Residential area, per the 2016 Chaves County Comprehensive Master Plan. It is also in the "AE" Special Flood Hazard Area per the FEMA FIRM Map 2009 with a specified Bench Floor Elevation ranging between 3,669 ft. to 3,667 ft. for all structures on the property. The property accesses onto Brasher Road, a major collector road, as classified in the latest City of Roswell Comprehensive Master Plan. Chaves County has received State funding to re-construct the Rio Hondo/Brasher Road bridge in 2023-2024.

Findings of Fact:

1. The Parcel "A" is located within the recommended Mid-Density Residential area as noted in the Future Land Use Scenario of the 2016 Chaves County Comprehensive Master Plan.
2. Rural Suburban zoning would conform with the residential properties to the north and west.
3. Per Section 2.5 of the Roswell-Chaves County ETZ Ordinance No.80-1, staff has notified property owners within 100 feet of the rezone by certified mail of this public hearing and has not received any protest or support letters.
4. Per Section 2.5 of the Roswell-Chaves County ETZ Ordinance No.80-1 and State Statute, staff has published this case as a public hearing item in the local newspaper 15 days prior to the meeting.

11.00/2

**QUITCLAIM DEED
(Joint Tenants)**

BOOK 0582 PAGE 0589

Archie Langford and Gynn Langford his wife

for consideration paid, quitclaim(s) to

Archie Langford and Gynn Langford, his wife, as Joint Tenants

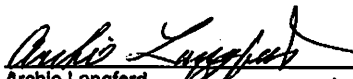
whose address is 3400 W Brasher Road
Roswell NM 88203

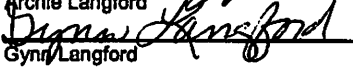
The following described real estate in Chaves County, New Mexico:

Parcel A of Langford Family Survey of Part of Section 24, Township 11 South of Range 23 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico, as shown on Survey Filed February 22, 2007 and recorded in Survey Book S14 Page 21.

Subject to mineral reservations, mineral conveyances, restrictions of record and all valid easements, rights-of-way and zoning ordinances.

Witness my/our hand(s) this date: March 14, 2007



Archie Langford


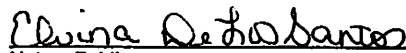
Gynn Langford

ACKNOWLEDGMENT

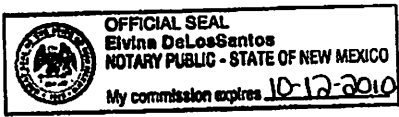
STATE OF NEW MEXICO

COUNTY OF CHAVES

This Instrument was acknowledged before me on March 26 2007, by Archie Langford and Gynn Langford his wife.



Notary Public
My Commission Expires: 10-12-2010



**CERTIFICATION OF FILING
For Claims Exemption Only**
(All other divisions of property must follow Subdivision Ordinance guidelines)

Name of Seller: Archie Langford and Gynn Langford, husband and wife

Location of Property: {size (acres) and location (section, township, range)}:

Which of the following statements applies to the document you are recording? (Check one)

- The filing of this deed or contract transfers ownership of an existing parcel of land and does not create a new parcel of land. (Complete only 2 below)
- The filing of this deed or contract creates a new parcel of land. (Complete both 1 and 2 below)

1. When the new deed or contract is for a parcel that was created after July 1, 1996, state the exemption claimed. (Quote the exemption from the Chaves County Subdivision Ordinance #51)

2. **AFFIDAVIT**


STATE OF NEW MEXICO


COUNTY OF CHAVES

Comes now Archie Langford and Gynn Langford, husband and wife, and after being duly sworn, states as follows:

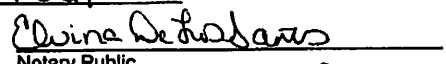
I certify that the information provided by me in this certification is true and correct, that all statements about the condition of the property and the actions that are to be taken are true and accurate; that the filing of this deed, real estate contract, or other conveyance instrument does not violate the New Mexico State Subdivision Act (Chapter 47, Article 6 NMSA 1978) or the Chaves County Subdivision Ordinance No. 51; and that I have the permission of the current owner of the property to take this action.

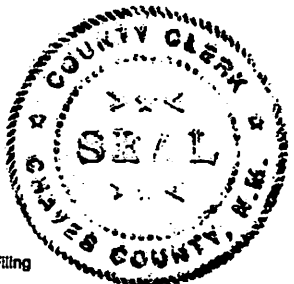
	3400 W. Brasher
Company or Organization Represented	Address (street)
Roswell, NM 88203	(505) 623-1407
City, State, Zip	Telephone Number(s)


Archie Langford

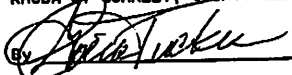

Gynn Langford

SIGNED AND SWORN TO before me on March 26, 2007.


Notary Public
My Commission Expires: 10-12-2010



STATE OF NEW MEXICO, COUNTY OF CHAVES, ss
FILE FOR RECORD Mar 26, 2007 at 04:35:34 o'clock PM
Receipt No. 288306 Fee \$ 11.00
Book 582 Page 589 Pages 2
To Whom Returned: LAWYERS TITLE
WILL PICK UP

RHODA C. COAKLEY, COUNTY CLERK
By  Deputy

ARTICLE 11
R-S RURAL SUBURBAN DISTRICT

Section 11.1 The regulations set forth in this article are the "R-S" Rural Suburban District regulations. The R-S Rural Suburban District or Land Use is intended to accommodate single family dwellings and is designed to protect and maintain a character of development with lots having a minimum area of five acres, and with no more than one dwelling unit and permitted accessory buildings on one lot.

Section 11.2 Permitted Uses:

A. Principal Use

1. Single family dwelling, including manufactured homes
2. Structures or facilities related to farms* and ranches*
3. Parks, playgrounds, golf courses, and recreational uses, except miniature golf courses or commercial practice driving tees
4. Religious Institutions.
5. Public elementary and high schools, or private schools with curriculum the same as ordinarily given in public elementary and high schools
6. State-licensed or state-operated community residences for the mentally ill or developmentally disabled serving ten (10) or fewer persons. (3-21-1.C. NMSA)

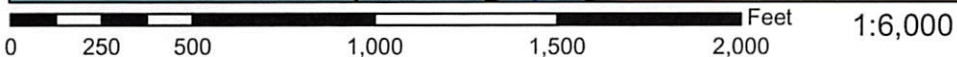
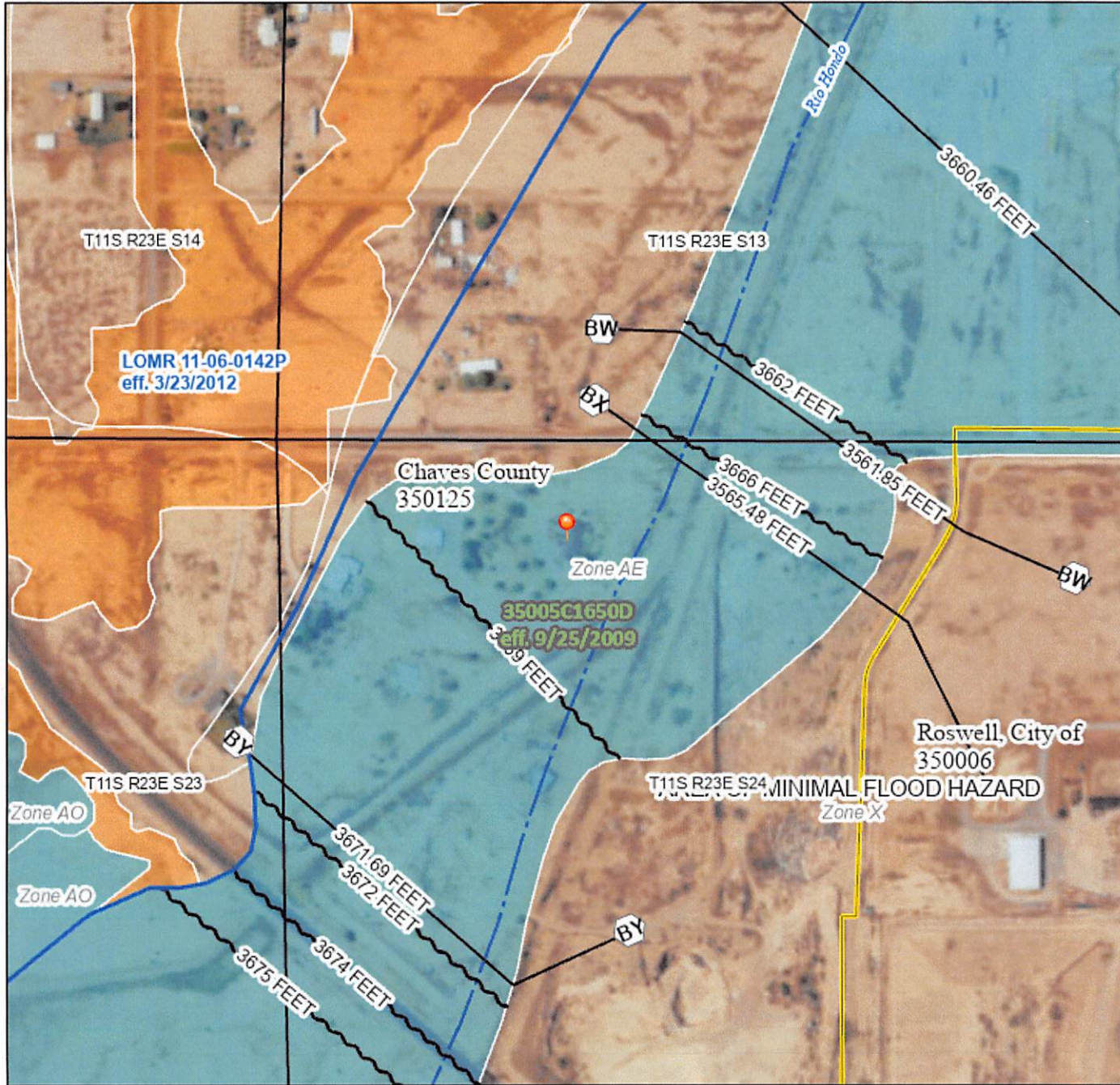
B. Accessory Structure or Use

1. Home occupations*
2. Accessory buildings or structures for use for personal garage or storage, recreation, or for livestock, poultry, and other incidental uses.
3. Adult Day Care Home
4. Accessory structure for use as a guest house or bunk house that are constructed to either NM Residential Building Code or HUD Code standards.
5. Day care homes, Family*
6. Directional signs* and temporary signs* Temporary signs are limited to 32 square feet in size. No more than one (1) sign is permitted for every one-quarter mile of roadway frontage. Signs shall not be located so as to create or potentially create a traffic or safety hazard.
7. Temporary occupation of no more than one RV, having a maximum stay of thirty (30) days within a single calendar year.
8. Nurseries*, truck gardening, greenhouses*

National Flood Hazard Layer FIRMette



104°34'49"W 33°21'13"N



Basemap: USGS National Map: Orthoimagery; Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | NO SCREEN Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| | | Levee, Dike, or Floodwall |
| OTHER FEATURES | | 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation |
| | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| MAP PANELS | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |
| | | The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location. |



This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/16/2022 at 11:32 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

