City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 6 **Ordinance/Resolution#** 2561 **Council District:** 5

For Meeting of February 22, 2010
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM H (HOLDING) TO R-3C (MULTI-DWELLING MEDIUM DENSITY-CONDITIONAL) FOR 9.00 +/- ACRES DESIGNATED AS PARCEL NO.1 AND A REQUEST FOR A ZONE CHANGE FROM H (HOLDING) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 8.225 +/- ACRES DESIGNATED AS PARCEL NO.2 EACH LOCATED NORTH OF PEACHTREE HILLS ROAD AND WEST OF JORNADA ROAD. THE PROPERTIES ARE PART OF THE PEACHTREE HILLS MASTER PLANNED AREA. SUBMITTED BY SUMMIT ENGINEERING ON BEHALF OF ERNESTO URANGA, PROPERTY OWNER. (Z2807).

PURPOSE(S) OF ACTION: Approval of a zone change that will provide a zoning designation for two (2) recently annexed properties.

Name of Drafter: Adam Ochoa AO		**Department:** Community Development		**Phone:** 528-3204	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Community Development		528-3066	Budget		541-2107
			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The applicant, Ernesto Uranga, is requesting a zone change from H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for a vacant piece of property 9.00 +/- acres in size and designated as Parcel No.1 on the Peachtree Hills master plan. The applicant is also requesting a zone change from H (Holding) to C-3C (Commercial High Intensity-Conditional) for another vacant piece of property 8.225 +/- acres in size and designated as Parcel No.2 on the Peachtree Hills master plan. Both subject properties were planning parcels that were annexed into the City of Las Cruces in October 2009 by the Peachtree Hills annexation. The two properties were platted with an ETZ Subdivision known as Jornada Larga Estates.

The Peachtree Hills Annexation brought the two subject properties into the City of Las Cruces with the zoning designation of H (Holding) due to the fact that the property owner was not a petitioner in the annexation. There was intent to have the property owner as a petitioner with the Peachtree Hills annexation, but the property owner did not submit the petition in a timely manner to meet public notification deadlines. The Peachtree Hills master plan accounted for the land uses of Parcel No. 1 for multi-family/single-family residential and Parcel No. 2 for commercial. A projected traffic analysis accompanied the master plan and was based on the

proposed zoning. This zone change request is a conclusion to the originally planned zoning for the two subject properties.

Parcel No.1 is located on Jornada Road and Parcel No. 2 is also located on the corner of Jornada Road and Peachtree Hills Road. The Metropolitan Planning Organization (MPO) has classified Jornada Road as a Collector roadway and Peachtree Hills Road as a Minor Arterial roadway.

Currently there are no proposed development plans for the two subject properties. Parking requirements for each one of the subject properties will be verified during the building permitting process.

The City of Las Cruces Design Standards requires all new construction in the proposed zoning districts to provide landscaping. The parking area will determine the amount of landscaping required for the proposed sites. A minimum area equal to 15 percent of the total parking area shall be landscaped for each parcel. For the purpose of landscaping compliance, the parking area includes the entire tract of land except for the building pad and fenced-in storage area. A landscaping proposal for each of the subject properties will be required and verified during the building permitting process.

Screening (buffering) will be required for the subject property that is seeking a zone change to C-3C (Commercial High Intensity-Conditional). This subject property will be required to provide semi-opaque screening from all adjacent residential lots. All screening requirements will be verified during the building permitting process as well.

On December 15, 2009, the Planning and Zoning Commission recommended approval for the zone change with the condition that all new utilities shall be placed underground by a vote of 6-0-0 (one Commissioner absent). The condition is included as part of the attached Ordinance. Two letters of opposition were received by staff, but the opponents to the zone change did not attend the meeting. No public discussion took place for the proposed zone change.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Ordinance
2. Exhibit "A"- Site Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2807
5. Attachment "B"- Minutes from the December 15, 2009 Planning and Zoning Commission
6. Attachment "C"- Letters from the Public
7. Attachment "D"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for approval with conditions. The properties located north of Peachtree Hills Road and west of Jornada Road will be rezoned from H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for Parcel No.1 and H (Holding) to C-3C (Commercial High Intensity-Conditional) for Parcel No. 2.

2. Vote **NO** to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of H (Holding) will remain on the two (2) subject properties located north of Peachtree Hills Road and west of Jornada Road.

3. Modify the Ordinance and vote **YES** to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate. If Council chooses to modify the zoning request, the master plan may need to be amended to reflect any change in land use.

4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-032
ORDINANCE NO. 2561

AN ORDINANCE APPROVING A ZONE CHANGE FROM H (HOLDING) TO R-3C (MULTI-DWELLING MEDIUM DENSITY-CONDITIONAL) FOR 9.00 +/- ACRES DESIGNATED AS PARCEL NO.1 AND A REQUEST FOR A ZONE CHANGE FROM H (HOLDING) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 8.225 +/- ACRES DESIGNATED AS PARCEL NO.2 EACH LOCATED NORTH OF PEACHTREE HILLS ROAD AND WEST OF JORNADA ROAD. THE PROPERTIES ARE PART OF THE PEACHTREE HILLS MASTER PLANNED AREA. SUBMITTED BY SUMMIT ENGINEERING ON BEHALF OF ERNESTO URANGA, PROPERTY OWNER. (Z2807).

The City Council is informed that:

WHEREAS, Ernesto Uranga, the property owner, has submitted a request for a zone change from H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for 9.00 +/- acres and a request for a zone change from H (Holding) to C-3C (Commercial High Intensity-Conditional) for 8.225 +/- acres located north of Peachtree Hills Road and west of Jornada Road; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on December 15, 2009, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner absent).

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, are hereby zoned R-3C (Multi-Dwelling Medium Density-Conditional) and C-3C (Commercial High Intensity-Conditional) for the properties located north of Peachtree Hills Road and west of Jornada Road.

(II)

THAT the condition be stipulated as follows:

- All new utilities shall be placed underground.

(III)

THAT the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

THAT the zoning of said properties be shown accordingly on the City Zoning Atlas.

(V)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this_____ day of _____ 2010.

APPROVED:

_____
Mayor

(SEAL)

ATTEST:

_____
City Clerk

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Connor: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Thomas: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

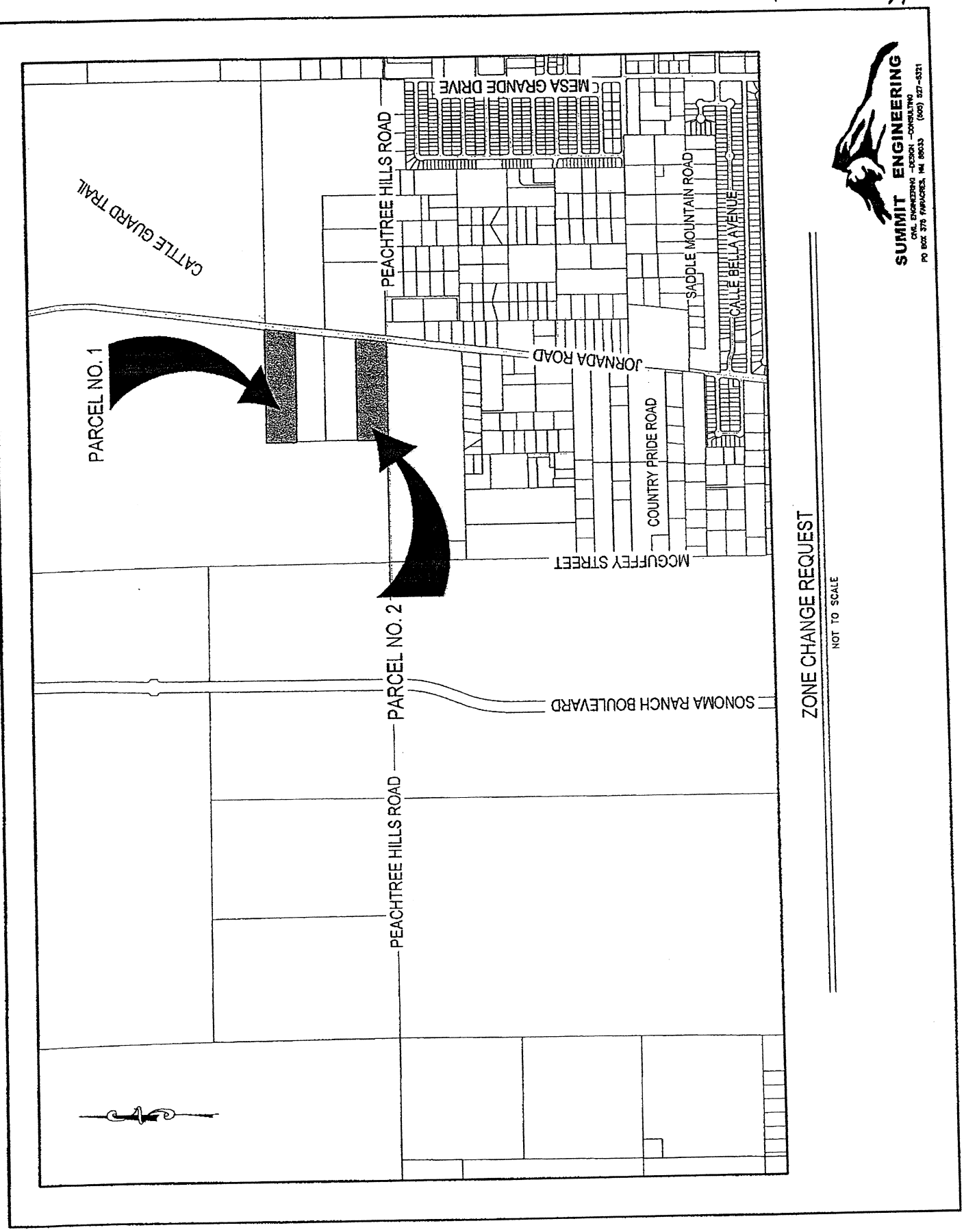
SUMMIT ENGINEERING
CIVIL ENGINEERING —DESIGN —CONSULTING
PO BOX 378 FARMACRES, NM 88033 (505) 527-5321
MESA GRANDE DRIVE
PEACHTREE HILLS ROAD
CATTLE GUARD TRAIL
SADDLE MOUNTAIN ROAD
CALLE BELLA AVENUE
JORNADA ROAD
PARCEL NO. 1
COUNTRY PRIDE ROAD
MCGUFFEY STREET
PARCEL NO. 2
SONOMA RANCH BOULEVARD
PEACHTREE HILLS ROAD
ZONE CHANGE REQUEST
NOT TO SCALE

Exhibit "B"

FINDINGS

1. Both subject properties are located north of Peachtree Hills Road and west of Jornada Road.

2. The subject properties are both currently zoned H (Holding).

3. The zone change request from H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for Parcel No. 1 and H (Holding) to C-3C (Commercial High Intensity-Conditional) for Parcel No.2 follows the previously approved Peachtree Hills master plan.

4. The subject properties both have frontage along Jornada Road, a Collector roadway, and Parcel No. 2 also has frontage along Peachtree Hills Road, a Minor Arterial roadway, as classified by the Metropolitan Planning Organization (MPO).

5. Adjacent land use and zoning include:

	Zoning	Land Use
North	R-1aC	Future Public School
South	R-3/C-3/R-2	Vacant
East	ETZ	Vacant
West	R-1aC	Future Public School

6. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element Goal 1
Residential Policies:

1.3.1. An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.

1.3.4. High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

1.3.5. All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

1.3.10. High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.

Land Use Element, Goal 1 (Land Uses)
Commercial Policies:

1.5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

e. Adequate space for functional circulation shall be provided for parking and loading areas.

f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

Attachment "A"

City of Las Cruces®

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner AO

DATE: December 15, 2009

SUBJECT: North of Peachtree Hills Road and west of Jornada Road. (Zone Change)

RECOMMENDATION: Approval – with conditions for zone change (Case Z2807)

Case Z2807: A request for a zone change from H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for 9.00 +/- acres designated as Parcel No.1 and a request for a zone change from H (Holding) to C-3C (Commercial High Intensity-Conditional) for 8.225 +/- acres designated as Parcel No. 2 each located north of Peachtree Hills Road and west of Jornada Road. The properties are part of the Peachtree Hills master planned area. Submitted by Summit Engineering on behalf of Ernesto Uranga, property owner.

BACKGROUND

The applicant, Ernesto Uranga, is requesting a zone change from H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for a vacant piece of property 9.00 +/- acres in size and designated as Parcel No.1. The applicant is also requesting a zone change from H (Holding) to C-3C (Commercial High Intensity-Conditional) for another vacant piece of property 8.225 +/- acres in size and designated as Parcel No.2. Both subject properties were planning parcels that were annexed into the City of La Cruces in October 2009. The two properties were platted with an ETZ Subdivision known as Jornada Larga Estates.

The Peachtree Hills Annexation brought the two subject properties into the City of Las Cruces with the zoning designation of H (Holding) due to the fact that the property owner was not a petitioner in the annexation. There was intent to have the property owner as a petitioner with the Peachtree Hills master planned area, but the property owner did not submit the petition in a timely manner to meet public notification deadlines. The Peachtree Hills master plan accounted for the land uses of Parcel No. 1 for multi-family/single-family residential and Parcel No. 2 for commercial. A projected traffic analysis accompanied the master plan and was based on the proposed zoning. This zone change request is a conclusion to the originally planned zoning for the two subject properties.

Parcel No.1 is located on Jornada Road and Parcel No. 2 is also located on the corner of Jornada Road and Peachtree Hills Road. The Metropolitan Planning Organization (MPO) has classified Jornada Road as a Collector roadway and Peachtree Hills Road as a Minor Arterial roadway.

PARKING, LANDSCAPING & SCREENING

Currently there are no proposed development plans for the two subject properties. The proposed zone change is for the initial zoning of the two subject properties that were recently annexed into the City of Las Cruces. Parking requirements for each one of the subject properties will be verified during the building permitting process.

The City of Las Cruces Design Standards requires all new construction in the proposed zoning districts to provide landscaping. The parking area will determine the amount of landscaping required for the proposed sites. A minimum area equal to 15 percent of the total parking area shall be landscaped for each parcel. For the purpose of landscaping compliance, the parking area includes the entire tract of land except for the building pad and fenced-in storage area. A landscaping proposal for each of the subject properties will be required and verified during the building permitting process.

Screening (buffering) will be required for the subject property that is seeking a zone change to C-3C (Commercial High Intensity-Conditional). This subject property will be required to provide screening from all adjacent residential lots. All screening requirements will be verified during the building permitting process as well.

FINDINGS

1. Both subject properties are located north of Peachtree Hills Road and west of Jornada Road.

2. The subject properties are both currently zoned H (Holding).

3. The zone change request from H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for Parcel No. 1 and H (Holding) to C-3C (Commercial High Intensity-Conditional) for Parcel No.2 follows the previously approved Peachtree Hills master plan.

4. The subject properties both have frontage along Jornada Road, a Collector roadway, and Parcel No. 2 also has frontage along Peachtree Hills Road, a Minor Arterial roadway, as classified by the Metropolitan Planning Organization (MPO).

5. Adjacent land use and zoning include:

	Zoning	Land Use
North	R-1aC	Future Public School
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6. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

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1.3.5. All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

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b. High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

d. High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

e. Adequate space for functional circulation shall be provided for parking and loading areas.

f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

h. Low and medium intensity commercial use are permitted in high intensity commercial areas.

RECOMMENDATION

Staff has reviewed this zone change and recommends approval with conditions, based on the preceding findings.

- All new utilities shall be placed underground.

The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration.

OPTIONS

1. Approve the request as recommended by staff for Case Z2807.
2. Approve the request with additional conditions as deemed appropriate by the Planning & Zoning Commission.
3. Deny the request.

ATTACHMENTS

1. Development Statement
2. Narrative from property owner
3. Site plan
4. Vicinity Map

Attachment #1

DEVELOPMENT STATEMENT for Zoning Applications (Use for Zone Changes, SUP's and PUD's)

Please type or print legibly

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: Summit Engineering

Contact Person: Greg Byres

Contact Phone Number: 575-527-5321

Contact e-mail Address: Summitengineer@aol.com

Web site address (if applicable): N/A

Proposal Information

Location of Subject Property NW Quadrant of Intersection of Peachtree Hills Road & Jornada Road

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: Hold

Proposed Zoning: Parcel No. 1 (R-3) Parcel No. 2 (C-3)

Acreage of Subject Property: Parcel No. 1 (9.000 acres) Parcel No. 2 (8.225 acres)

Detailed description of intended use of property. (Use separate sheet if necessary):

No Current Plans for Property, Zone Change Requested as initial Zonins of Property with Recent annexation.

Proposed square footage and height of structures to be built (if applicable):

N/A

Anticipated hours of operation (if proposal involves non-residential uses):

N/A

Anticipated traffic generation N/A trips per day (if known).

Anticipated development schedule: Work will commence on or about N/A

and will take approximately N/A to complete.

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?

On-Lot Ponding will be required at time of development.

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

N/A

Attachments

Please attach the following: (* *indicates optional item*)

Location map

Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

Attachment #2

November 2, 2009

Community Development
City of Las Cruces
PO Box 20000
Las Cruces, New Mexico 88004

Attn: **Cheryl Rodriguez**

RE: **Zone Change Application**
Ernesto Uranga, Peachtree Hills Annexation
Las Cruces, New Mexico

Dear Mrs. Rodriguez:

Enclosed, please find the application for zone change, for two parcels, recently annexed into the City of Las Cruces, through the Peachtree Hills Annexation. As you are aware, the two Parcels owned by Mr. Uranga, Lot 1 and Lot 4 of the Jornada Larga Estates, were zoned "Hold", as Mr. Uranga was not a petitioner in the annexation. However, it was the intent to add him as a petitioner, and zone the two parcels, as R-3 for Lot 1 and C-3 for Lot 4. The master plan, approved with the annexation, accounted for the requested zoning, and the projected traffic analysis accompanying the master plan, was based on the requested zoning.

This zone change application is a follow-up on requesting that originally planned zoning.

If you have any questions, or need additional information, please contact our office.

Respectfully;

SUMMIT ENGINEERING, LLC

Greg D. Byres, P.E.

SUMMIT ENGINEERING
CIVIL ENGINEERING -DESIGN -CONSULTING PO BOX 375 FAIRACRES, NEW MEXICO 88033 (575) 527-5321 FAX (575) 527-1161

June 23, 2009

Ernesto Uranga
P.O. Box 2617
Las Cruces, New Mexico 88004

RE: Peachtree Hills Annexation
Las Cruces, New Mexico

Dear Mr. Uranga:

Please accept this letter as notification of the proposed annexation referenced above. The proposed annexation is better described in the attached annexation plat. County records indicated you are the owners of the property located at 7175 Jornada Road. This property falls within the proposed annexation, and as such, you need to be notified.

Las Cruces Public Schools, (LCPS) is the applicant for annexation, and is incurring all costs for application. Summit Engineering, LLC is preparing the annexation application and all supporting documenting on behalf of LCPS. Summit Engineering will also be representing LCPS at all public hearings, required for the annexation process.

As part of the annexation process, an initial zoning plan has to be prepared. In the proposed plan, the property at Jornada Larga Estates-Lot 1 will be zoned R-3, in accordance with the City of Las Cruces Zoning Code. The R-3 designation allows for minimum lot size of 5,000 square feet, multi-family residential, 20 dwelling units per acre. The property located at 7125 Jornada Road in the Jornada Larga Estates-Lot 4, will be zoned C-3, multi-family residential, 20 dwelling units per acre or commercial high intensity development.

The annexation process requires all property owners within the annexed area to declare concurrence with the annexation or oppose it. Please signify your declaration by checking the appropriate box and signing below. If you have any questions, or need additional information please contact our office.

Respectfully;

SUMMIT ENGINEERING, LLC

Greg D. Byres, P.E.

☒ I concur with and do not oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.

☐ I oppose the proposed Peachtree Hills Annexation, into the City of Las Cruces.

Ernesto Uranga Date 08-10-2009

Witness

Sworn to and subscribed before me this 10 day of August, 2009.

NOTARY PUBLIC

OFFICIAL SEAL
KRISTEN R. DAVIS
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires: 1/23/2010

251

16269

Southwestern Abstract & Title Company 019379 EG/bl

WARRANTY DEED

John F. Henry and Beatrice P. Henry, husband and wife, for consideration paid, grant to Ernesto Uranga, a single person, whose address is PO Box 2617, Las Cruces, NM 88004 the following described real estate in Dona Ana County, New Mexico:

Lots 3 and 4, JORNADA GRANDE ESTATES, in Dona Ana County, New Mexico, as shown and designated on the plat thereof, filed in the office of the County Clerk of said County on March 5, 1997, in Book 18 Page(s) 649 of Plat Records.

AND

Lots 1 and 4, JORNADA LARGA ESTATES, in Dona Ana County, New Mexico, as shown and designated on the plat thereof, filed in the office of the County Clerk of said County on July 31, 1997, in Book 18 Page(s) 737 of Plat Records.

SUBJECT TO: Restrictions, Reservations and Easements of record.

with warranty covenants.

Witness our hand(s) and seal this 7th day of May, 2007.

John F. Henry

Beatrice P. Henry

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF DONA ANA

This instrument was acknowledged before me on May 7, 2007 by John F. Henry and Beatrice P. Henry, husband and wife.

My Commission Expires: 3/31/09

OFFICIAL SEAL
EDWARD A. GAMBOA
NOTARY PUBLIC - STATE OF NEW MEXICO
My commission expires: 3-31-09

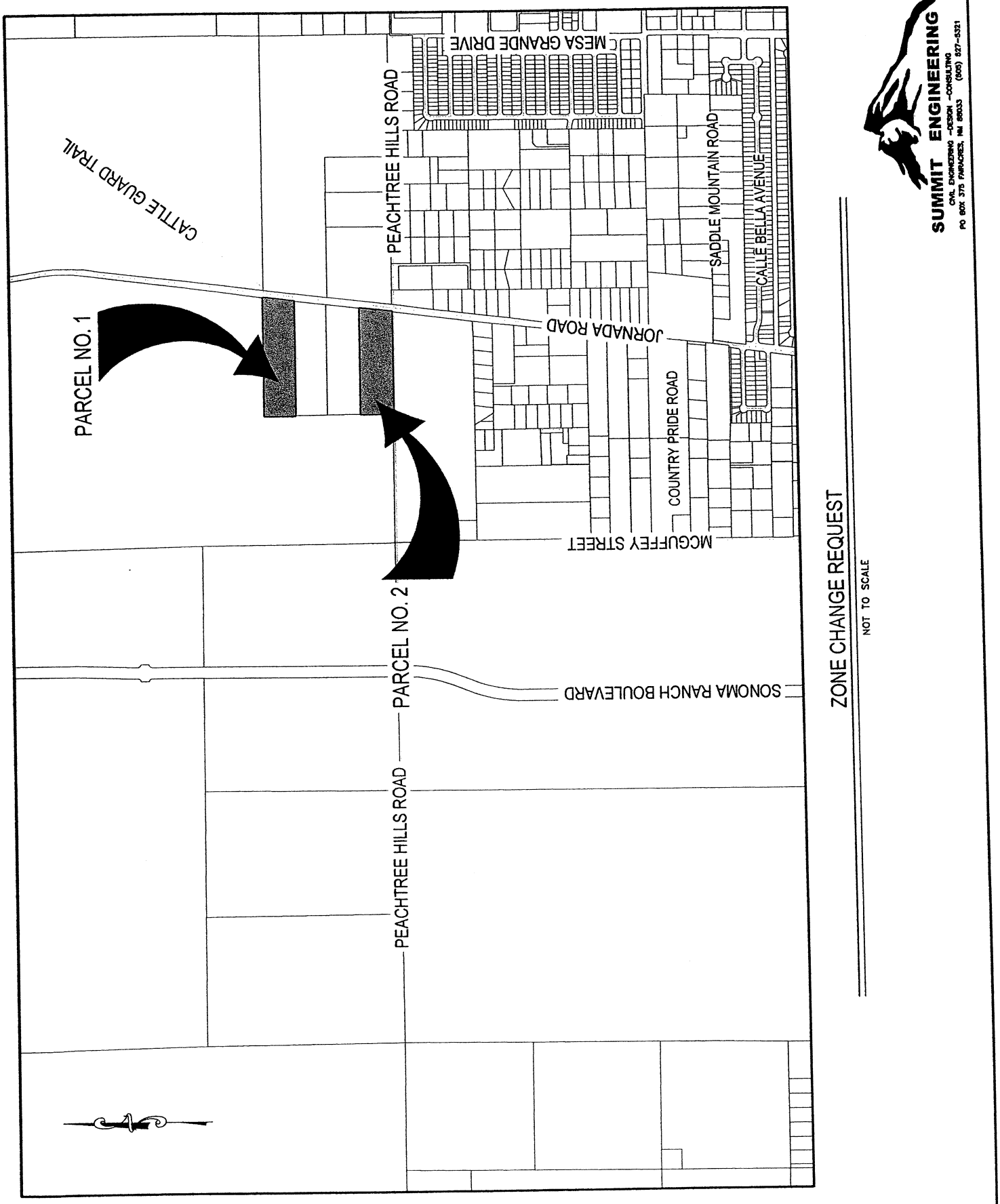
Notary Public

State of New Mexico
Recorded on 16269
MAY - 7 2007
at 3:25 o'clock P M
Book 812 Page 592
of the Dona Ana County, Rio Grande County Clerk
BY: Shirley DEPUTY

STATE OF NEW MEXICO
COUNTY CLERK
DONA ANA COUNTY

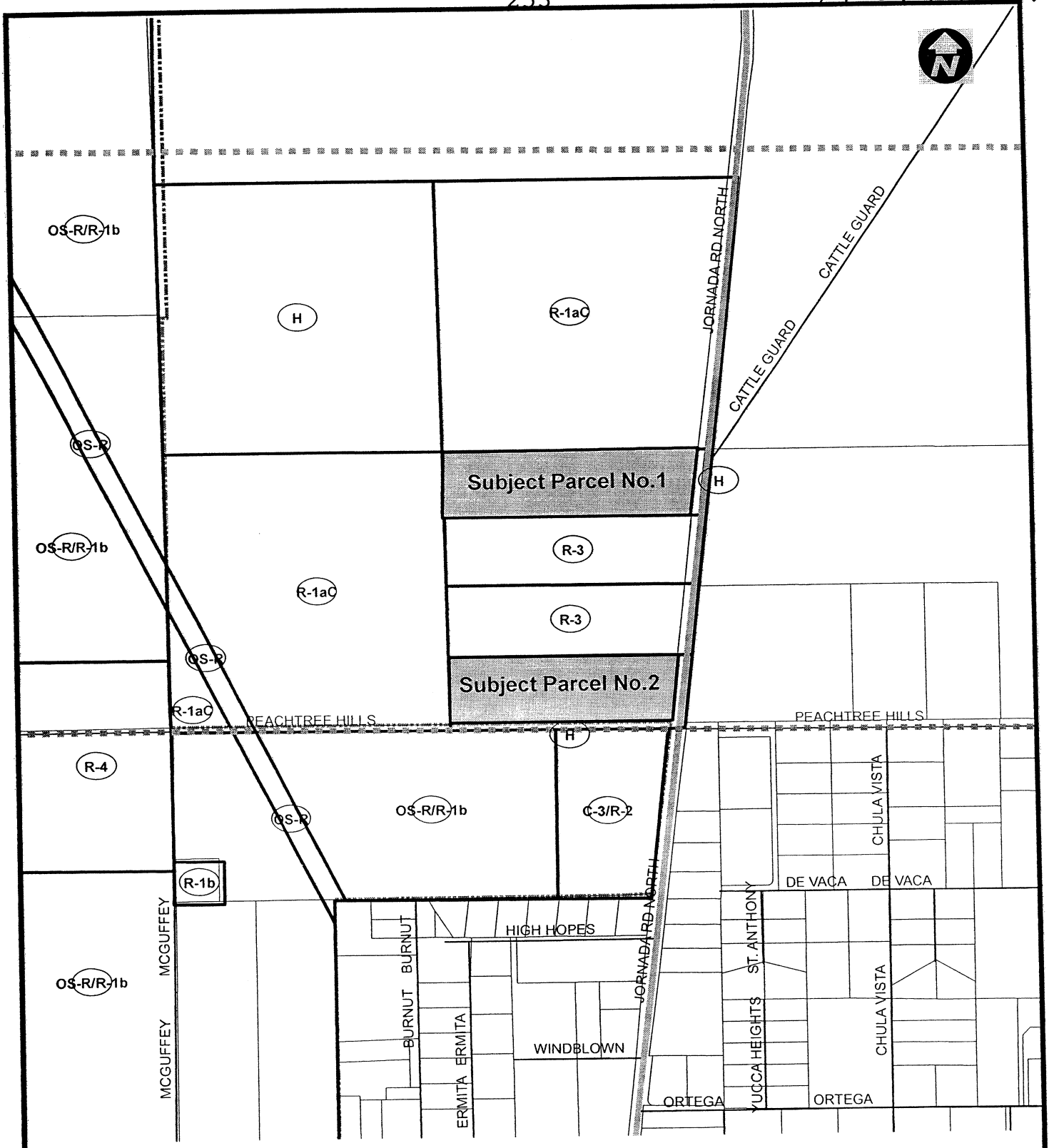
592

Attachment #3



SUMMIT ENGINEERING
CIVIL ENGINEERING -DESIGN -CONSULTING
PO BOX 375 FARMACIES, NM 88033 (505) 527-5321

Attachment #4



CASE NO. Z2807
PARCELS: 03-21327 & 03-21330
OWNER: ERNESTO URANGA
LOCATION: PEACHTREE HILLS ANNEXATION
ZONING: HOLDING TO R-3 & C-3

0 225 450 900 1,350 1,800
Feet

This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.

Community Development Department
575 S Alameda Blvd.
Las Cruces, NM 88001
(505) 528-3222

Attachment "B"

Scholz: Okay. Do we need to vote on this postponement?

Rodriguez: Yes.

Crane: Mr. Chairman the fourth Thursday would be the 26th.

Rodriguez: Thank you Commissioner Crane.

Scholz: Okay, I'll entertain a motion to postpone Z2805 to the January 26th, 2010 meeting.

Shipley: So moved.

Scholz: Is there a second?

Bustos: Second.

Scholz: All those in favor say aye.

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. All right this is postponed until January 26th, 2010.

IV. WITHDRAWALS - NONE

Scholz: Any withdrawals staff?

Rodriguez: Mr. Chairman, no sir, no other withdrawals.

Scholz: Thank you very much.

V. CONSENT AGENDA - NONE

1. **Case Z2807:** A request for a zone change from H (Holding) to R-3 (Multiple Dwelling Medium Density) for 9.00 +/- acres designed as Parcel No. 1 and a request for a zone change from H (Holding) to C-3 (Commercial High Intensity) for 8.225 +/- acres designated as Parcel No. 2 each located north of Peachtree Hills Road and west of Jornada Road. The properties are part of the Peachtree Hills master planned area. Submitted by Summit Engineering of behalf of Ernesto Uranga, property owner.

Scholz: Okay, our first item is on the consent agenda. The items that are on the consent agenda will be voted on with one motion by the Commission and any Planning and Zoning Commissioner can withdraw this item from the

consent agenda, and we put it under new business then. And anyone from the audience who wishes to speak against this or in favor of it can also withdraw it from the consent agenda. Is there anyone in the audience who wishes to speak for Case Z2807? Anyone? Okay, hearing none I'll entertain a motion to accept this consent agenda item.

Crane: So moved.

Scholz: It's been moved. Is there a second?

Shipley: Second.

Scholz: All those in favor say aye.

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. All right the item is passed. Thank you.

VI. OLD BUSINESS - NONE

1. **Case Z2805:** A request for a zone change from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling Medium Density-Conditional) for 5.00 ± acres of property located at 2795 Roadrunner Parkway. The purpose of the zone change is to allow the use of the property as a religious institution with a child care center and school facility. Submitted by Faith Chapel Assembly of God, property owner.
   POSTPONED UNTIL JANUARY 26, 2010 MEETING.

VII. NEW BUSINESS

1. **Case A1703:** A request for a variance of 100 percent from the 15 percent landscaping requirement for property located at 1850 Bataan Memorial East. The subject property consists of 9.36 +/- acres and is zoned C-2 (Commercial Medium Intensity) and is located within the Northrise Business Park. The applicant is proposing to modify an existing 6000 square foot building that will have a building valuation in excess of $25,000. Submitted by Tim Curry Construction on behalf of KM Las Cruces LLC, property owner.

Scholz: Okay, let's go to new business. Our first item of new business is Case A1703. And I want to explain to the people who haven't been here before how this process works. Initially we have the Community Development Department make their presentation. Then we have the applicant make his or her presentation. And then we open it to public discussion. After we've closed public discussion then the Commissioners discuss it among themselves and vote on it. All right. So, Mr. Ochoa, you're first up.

256

Attachmnt "C"

Adam Ochoa

From: Gordon Morse [gormor@fastwave.biz]
Sent: Monday, December 14, 2009 9:34 PM
To: Adam Ochoa
Cc: pauld@donaanacounty.org; skrahling@donaanacounty.org; carenandbud@msn.com; fitzhenk@comcast.net
Subject: Change in Zoning request for Uranga Property

Dear Mr. Ochoa,
Regretfully I will not be able to attend the public hearing scheduled for Tuesday, December 15th, 2009, regarding Summit Engineering's request for change of zoning of Ernesto Uranga's property located west of Jornada road and north of Peachtree road (Case Z2807). I would however like to convey to you my extreme displeasure at the possibility of Parcel No. 2 being zoned as C-3 (Commercial high intensity). I believe when this parcel was in the County, it was zoned as residential and now that the property has been attached to the annexation request for the school properties, they are trying to rezone it to C-3. Currently the only navigable "feeder" road to this location is Jornada road, a two lane blacktop road as far as Peachtree at which point it becomes a dirt and gravel road, Jornada road is already overused and undermaintained and the addition of commercial high intensity (presumably mini mall, convenience stores, fast food, etc.) at the location will only worsen the traffic flow on Jornada road and detrimentally affect residential property values. Also, I believe the parcel owned by Mr. Phillippou south of Peachtree and west of Jornada (directly across Jornada from my property at 7990 N. Jornada rd.) is already zoned C-3. This means we could have two strip-malls located directly across the street (Peachtree) from each other in an area which would otherwise be residential. Finally, I would like to simply call into question the prudence of positioning any additional high intensity commercial endeavors so close to the new elementary and middle schools already under construction. Thank you for your attention in this matter.
Regards,
Gordon Morse
7990 N. Jornada Rd.
Las Cruces, NM 88012
382-3130

Adam Ochoa

From: Bud LULICH [carenandbud@msn.com]
Sent: Wednesday, December 09, 2009 7:59 PM
To: Adam Ochoa
Cc: pauld@donaanacounty.org; skrahling@donaanacounty.org
Subject: Zone change request - Uranga Property
Importance: High

Good Evening, Adam,

This email will confirm our phone conversation this morning regarding the proposed zoning change for the Uranga property.

As I told you this morning, we are opposed to this zoning change. When this property was in the County, it was zoned residential. Now that the property has been attached to the annexation request for the new schools, a change in zoning is being requested by Mr. Uranga.

Parcel #2 is being requested as commercial high density. Jornada Road and the surrounding area, including most of Mr. Phillippou's properties are zoned residential. We are opposed to this type of commercial property (gas station, mini mall, fast food) in a residential area. Mr. Uranga already owns a gas station/store on the corner of N. Jornada and Bataan Memorial. Also, as I told you this morning, the Phillippou property that is across and kiddy corner from us, facing N. Jornada Road is already designated as C-3 which means we could have two mini mall situations within a block of each other, again, in a residential area. This will drastically reduce our property values and make it difficult to sell our homes in the future. This area, which is serviced by the DAC Sheriffs Department, is also having serious gang problems. We have had gang shooting right in front our of our home and several homes in the area have been hit with gunfire. Putting these commercial areas in a residential area are just setting us up for more trouble giving these kids places to hang out.

Parcel #1 is being requested as a R-3, multi-dwelling, medium density. Again, we are opposed to this change. Apartments will throw much more traffic onto a gravel road that was not intended for this traffic. Has the City done a traffic study to determine the impact to the area and the County roads?

When I asked you this morning if anyone has every been out here to look at the area, you never answered me, so I took your non response as a "no". Jornada Road turns to gravel just past the cattle guard at Peachtree Hills Road. Peachtree Hills Road is a one and a half lane county dirt "track". Neither of these roads is meant for all the traffic being generated by the schools, let alone apartments and shopping. Our portion of Jornada is paved but is damaged due to heavy flooding in the area. The County has told us they have no money or intention of repairing it. Now the City is adding all this traffic. You said the City was going to pave a portion of Peachtree and Jornada to accommodate the school traffic. I responded to you that there are natural arroyos all over this area and that Peachtree Hills Road floods and turns to mud every time it rains. If this is regraded, where is all this water going to go?

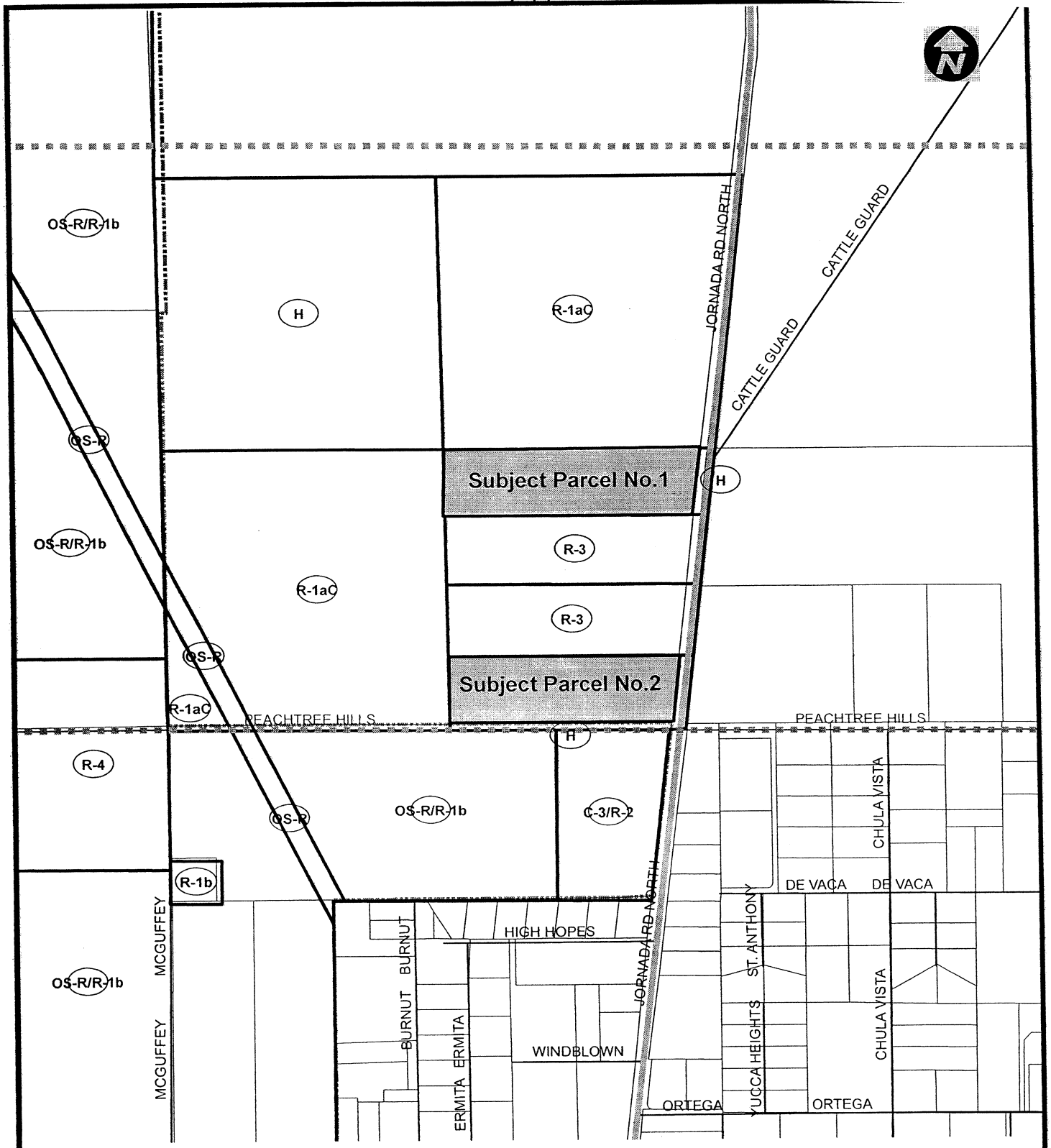
I asked you how many people had been notified of this zoning request. We found it interesting that we received notification this time because we never received any notification on the school annexation or the annexation request for the Uranga properties. The only reason the homeowners knew about these is because we saw a yellow notification sign on the properties when walking in the morning. When I called and asked why were not notified, I was told we were "too far away". Our home and that of our neighbors, Gordon Morse and Kevin Fitzhenry, are the closest homes to

the schools and the property. We are the ONLY homes closest but were never notified. As I mentioned to you, we feel that, since we are County residents, the City is negligent in notifying us regarding the annexations and changes going on.

This confirms our phone conversation this morning and are opposition to these zoning changes. As I mentioned, we will not be able to attend the meeting on the 15th due to a previous commitment and the late notification of the meeting. Please acknowledge receipt of this email.

Caren and Bud Lulich
7960 N. Jornada Road
Las Cruces, NM 88012
373-0828

Attachment "D"



CASE NO. Z2807
PARCELS: 03-21327 & 03-21330
OWNER: ERNESTO URANGA
LOCATION: PEACHTREE HILLS ANNEXATION
ZONING: HOLDING TO R-3 & C-3

0 225 450 900 1,350 1,800
Feet

This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.

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Las Cruces, NM 88001
(505) 528-3222