

City of Las Cruces

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 10

Ordinance/Resolution# 2568

Council District: 4

For Meeting of March 15, 2010

(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-FAMILY HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO O-2C (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE-CONDITIONAL) FOR 0.300 +/- ACRES LOCATED AT 1020 S. MAIN STREET. THE PROPOSED ZONE CHANGE WILL BRING THE PROPERTY INTO ZONING COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY DANA M. KYLE ON BEHALF OF JOEL & SUZANNE L. NEWTON, PROPERTY OWNERS. (Z2808).

PURPOSE(S) OF ACTION: Approval of a zone change that will facilitate the use of the subject property as a professional office building and bring the subject property into compliance with the 2001 Zoning Code, as amended.

Name of Drafter: Adam Ochoa		Department: Community Development		Phone: 528-3204	
Department	Signature	Phone	Department	Signature	Phone
Community Development		528-3066	Budget		541-2300
			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: The applicants, Joel & Suzanne L. Newton, are requesting a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2C (Office, Professional-Limited Retail Service-Conditional) for property 0.300 +/- acres in size located at 1020 S. Main Street. The subject property contains a building that is currently being used as an office building. The building was originally constructed in 1930 as a single-family dwelling. The subject property was issued a business registration for the first time in 1987 indicating that at this time the dwelling was converted to office uses and has been used as an office since that time. The proposed zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended. Other surrounding parcels located near the subject property are similar in intensity and use to that being proposed for the subject property.

The subject property is located along S. Main Street. The Metropolitan Planning Organization (MPO) has classified S. Main Street as a Principal Arterial roadway. The property has access to S. Main Street through two different ingress and egress locations. One is located at the north-eastern part of the subject property and the other is located at the south-eastern part of the property. A bus stop (sign only) is located approximately 200 feet north of the subject property along S. Main Street. There are no trails present within the general area.

The property currently contains existing paved parking. The 2001 Zoning Code, as amended, requires an office building to provide one (1) parking stall per 350-450 square feet of gross floor area. Therefore, based on the gross floor area of the existing building, a range of 8 to 10 parking spaces are required to facilitate the use of the office building. One (1) of the parking stalls is required to be Americans with Disability Act (ADA) compliant. The applicant is also required to provide one (1) bicycle parking stall on the subject property. The subject property will continue to be non-conforming with respect to non-compliant driving aisle features. The existing non-conforming issue concerning the driving aisle will have to be resolved whenever the existing building on the subject property is expanded or altered by more than ten percent (10%) of the gross floor area.

The subject property has existing landscaping including trees and shrubs. In addition, the property has existing ground cover (i.e. gravel) along the majority of the northern and western portion of the property along the building. The property also has some existing landscaping along the rear property line. Staff's analysis of the property's existing landscaping confirms that the property is in compliance with the required 15% landscaping, as required by the 2001 Zoning Code, as amended. The subject property will continue to be non-conforming with respect to a lack of buffering at property lines adjacent to residential uses. The existing non-conforming issue concerning the buffering will have to be resolved whenever the existing building on the subject property is expanded or altered by more than ten percent (10%) of the gross floor area.

On January 26, 2010, the Planning and Zoning Commission recommended approval with conditions for the zone change by a vote of 4-0-0 (two Commissioners absent), as the item was placed on the consent agenda. The first condition placed upon the subject property was that the property owner will be required to replat the subject property to eliminate all underlying property lines. The replat will be required to be submitted before final action is taken by City Council on this case. The other condition was that all non-conforming issues will have to be resolved whenever the existing building on the subject property is expanded or altered by more than ten percent (10%) of the gross floor area of the existing structure. 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 Z2808
5. Attachment "B"- Minutes from the January 26, 2010 Planning and Zoning Commission
6. Attachment "C"- 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 at 1020 S. Main Street will be rezoned from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2C (Office, Professional-Limited Retail Service-Conditional).
2. Vote **NO** to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-4 (Multi-Dwelling High Density & Limited Retail and Office) will remain on the subject property located at 1020 S. Main Street. The property will remain as legal non-conforming.
3. Modify the Ordinance and vote **YES** to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-039
 ORDINANCE NO. 2568

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-FAMILY HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO O-2C (OFFICE, PROFESSIONAL-LIMITED RETAIL SERVICE-CONDITIONAL) FOR 0.300 +/- ACRES LOCATED AT 1020 S. MAIN STREET. THE PROPOSED ZONE CHANGE WILL BRING THE PROPERTY INTO ZONING COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY DANA M. KYLE ON BEHALF OF JOEL & SUZANNE L. NEWTON, PROPERTY OWNERS. (Z2808).

The City Council is informed that:

WHEREAS, Joel & Suzanne L. Newton, the property owners, have submitted a request for a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2C (Office, Professional-Limited Retail Service-Conditional) for property located at 1020 S. Main Street; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on January 26, 2010, recommended that said zone change request be approved with conditions by a vote of 4-0-0 (two Commissioners 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, is hereby zoned O-2C (Office, Professional-Limited Retail Service-Conditional) for property located at 1020 S. Main Street.

(II)

THAT the conditions be stipulated as follows:

- The property owner will be required to replat the subject property to eliminate all underlying property lines. The replat will be required to be submitted before final action is taken by City Council on this case.
- All non-conforming issues will have to be resolved whenever the existing building on the subject property is expanded or altered by more than ten percent (10%) of the gross floor area of the existing structure.

(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 property 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:

(SEAL)

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

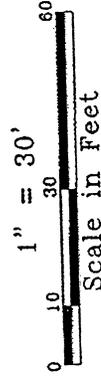
Seconded by: _____

APPROVED AS TO FORM:

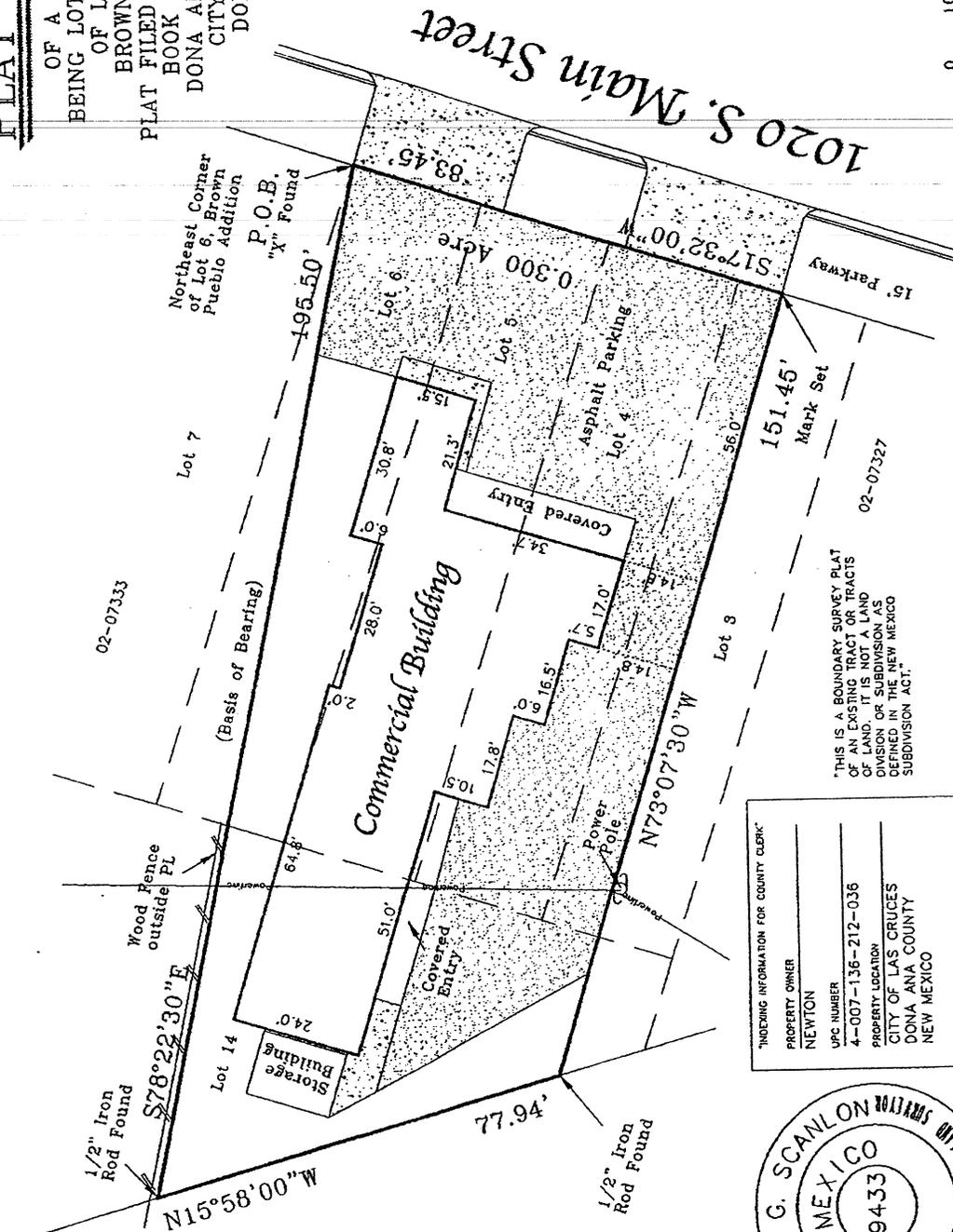
Anthony M. Kennedy
City Attorney 2/16/16

PLAT OF SURVEY

OF A 0.300 ACRE TRACT
 BEING LOTS 4 AND 5, AND PART
 OF LOTS 3, 6 AND 14
 BROWN PUEBLO ADDITION
 PLAT FILED FEBRUARY 18, 1929, IN
 BOOK 6, PAGE 2, OF THE
 DONA ANA COUNTY RECORDS
 CITY OF LAS CRUCES
 DONA ANA COUNTY
 NEW MEXICO



scanlon white inc.
 3780 Foothills, Suite C
 Las Cruces, New Mexico 88011
 Phone: (575) 525-2112
 Fax: (575) 525-1226



02-07333

Northeast Corner
 of Lot 6, Brown
 Pueblo Addition
 P.O.B.
 "X" Found

195.50'

Commercial Building

Covered Entry

Asphalt Parking

N73°07'30" W

Lot 8

INDEXING INFORMATION FOR COUNTY CLERK

PROPERTY OWNER
 NEWTON
 UPC NUMBER
 4-007-136-212-036
 PROPERTY LOCATION
 CITY OF LAS CRUCES
 DONA ANA COUNTY
 NEW MEXICO

"THIS IS A BOUNDARY SURVEY PLAT
 OF AN EXISTING TRACT OR TRACTS
 OF LAND. IT IS NOT A LAND
 DIVISION OR SUBDIVISION AS
 DEFINED IN THE NEW MEXICO
 SUBDIVISION ACT."

02-07327



SURVEYOR'S CERTIFICATE

IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Terence G. Scanlon
 TED G. SCANLON - PS NO. 9433
 3780 FOOTHILLS, LAS CRUCES, NM 88011

NOV. 12, 2009

DATE OF SURVEY

INSTRUMENT OF RECORD:
 WARRANTY DEED FILED APRIL 23, 2008,
 AS INSTRUMENT #0011735, IN THE
 DONA ANA COUNTY RECORDS.

PROPERTY IS IN AN "AE" DESIGNATED ZONE AS
 SHOWN ON THE FLOOD INSURANCE RATE MAP
 COMMUNITY PANEL NO. 55013C0631 E,
 EFFECTIVE SEPTEMBER 27, 1991.
 REVISED AUGUST 8, 2002.

DRAWN BY:	BRADY
FIELD BY:	E. RODRIGUEZ
JOB NO.:	09-11-0347
DATE:	NOV. 12, 2009

FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 0.300 +/- acres and is located at 1020 S. Main Street.
2. The subject property is currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office).
3. The subject property contains an existing 3600 square foot building that was first constructed in 1930 as a single-family dwelling.
4. City of Las Cruces business registration documentation confirms that the subject building was first used as an office in 1987 and has been used as an office since that time.
5. The zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2C (Office, Professional-Limited Retail Service-Conditional) will bring the property into zoning compliance with the 2001 Zoning Code, as amended.
6. The subject property has frontage along S. Main Street, an existing Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO).
7. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-1a	Residential
South	C-1	Office
East	R-1a	Residential
West	Principal Arterial Roadway	

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

Land Use Element Goal 1(Land Uses)

Policies:

- 1.6.2. Professional office uses shall be defined as those office uses which generate larger-scale business and professional service activities. There shall be no goods or merchandise prepared or sold on the premises of these uses, with the exception of those activities which serve the primary use. Professional office uses and centers shall be established according to the following criteria:
 - a. Generally 2,500 gross square feet and above shall be permitted for a professional office use or center.
 - b. Uses and centers shall be located on streets of collector level and above.

- c. The City shall pursue multi-modal access standards (auto, bicycle, pedestrian, transit where available) for professional office uses and centers.
 - d. Professional office 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 design standards shall be established in the Comprehensive Plan Urban Design Element.
 - e. Adequate space for functional circulation shall be provided for loading areas.
 - f. The City shall encourage the development of professional office centers to allow for maximum convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
 - g. The City shall encourage the development of professional office uses and centers in the Central Business District and in the East Mesa area.
 - h. Professional office uses are also permitted in medium intensity, high intensity, and regional commercial areas.
9. Development of the property is subject to the Las Cruces Development Code including provisions and standards for building, design standards, subdivisions and zoning.



TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner *AO*

DATE: January 26, 2010

SUBJECT: 1020 S. Main Street (Zone Change)

RECOMMENDATION: Approval – with conditions for zone change (Case Z2808)

Case Z2808: A request for a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2C (Office, Professional-Limited Retail Service-Conditional) for 0.300 +/- acres located at 1020 S. Main Street. The proposed zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended. Submitted by Dana M. Kyle on behalf of Joel & Suzanne L. Newton, property owners.

BACKGROUND

The applicants, Joel & Suzanne L. Newton, are requesting a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2C (Office, Professional-Limited Retail Service-Conditional) for property 0.300 +/- acres in size located at 1020 S. Main Street. The subject property contains a building that is currently being used as an office building. The building was originally constructed in 1930 as a single-family dwelling. Since that time, commercial uses have expanded and intensified along S. Main Street, a major north-south thoroughfare. It is common under these circumstances for residential structures fronting major arterials to be converted to commercial uses. That is the case in this instance. The subject property was issued a business registration for the first time in 1987 showing that at this time the dwelling was converted to office uses and has been used as an office since that time. The proposed zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended. The subject property will continue to be non-conforming with respect to a lack of buffering at property lines adjacent to residential uses and noncompliant driving aisle features. All existing non-conforming issues will have to be resolved whenever the existing building on the subject property is expanded or altered by more than ten percent (10%) of the gross floor area of the existing structure.

The subject property is located along S. Main Street. The Metropolitan Planning Organization (MPO) has classified S. Main Street as a Principal Arterial roadway. The property has access to S. Main Street through two different ingress and egress locations. One is located at north-eastern part of the subject property and the other is

located at the south-eastern part of the subject. A bus stop (sign only) is located approximately 200 feet north of the subject property along S. Main Street. There are no trails present within the general area.

PARKING

The property currently contains existing improved parking. The 2001 Zoning Code, as amended, requires an office building to provide one (1) parking stall per 350-450 square feet of gross floor area. Therefore, based on the gross floor area of the existing building a range of 8 to 10 parking spaces are required to facilitate the use of the office building. One (1) of the parking stalls is required to be Americans with Disability Act (ADA) compliant. The applicant is also required to provide one (1) bicycle parking stall on the subject property. Currently the subject property is in compliance with parking.

LANDSCAPING AND SCREENING

The subject property has existing landscaping including trees and shrubs. In addition, the property has existing ground cover (i.e. gravel) along the majority of the northern and western portion of the property along the building. The property also has some existing landscaping along the rear property line. Staff's analysis of the property's existing landscaping confirms that the property is in compliance with the required 15% landscaping, as required by the 2001 Zoning Code, as amended.

The property is bordered to the north and west by property zoned R-1a (Single-Family Medium Density) which requires a buffer yard of ten (10) feet and opaque screening. The property is also bordered to the south by property zoned C-1 (Commercial Low Intensity). Only the regular setbacks are required from the southern boundary and additional buffering (screening) is not required. The property is also bordered to the east by a major thoroughfare (S. Main Street). No additional screening is required along this property line either.

FINDINGS

1. The subject property encompasses 0.300 +/- acres and is located at 1020 S. Main Street.
2. The subject property is currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office).
3. The subject property contains an existing 3600 square foot building that was first constructed in 1930 as a single-family dwelling.
4. City of Las Cruces business registration documentation confirms that the subject building was first used as an office in 1987 and has been used as an office since that time.

5. The zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2C (Office, Professional-Limited Retail Service-Conditional) will bring the property into zoning compliance with the 2001 Zoning Code, as amended.
6. The subject property has frontage along S. Main Street, an existing Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO).
7. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-1a	Residential
South	C-1	Office
East	R-1a	Residential
West	Principal Arterial Roadway	

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

Land Use Element Goal 1(Land Uses)

Policies:

- 1.6.2. Professional office uses shall be defined as those office uses which generate larger-scale business and professional service activities. There shall be no goods or merchandise prepared or sold on the premises of these uses, with the exception of those activities which serve the primary use. Professional office uses and centers shall be established according to the following criteria:
 - a. Generally 2,500 gross square feet and above shall be permitted for a professional office use or center.
 - b. Uses and centers shall be located on streets of collector level and above.
 - c. The City shall pursue multi-modal access standards (auto, bicycle, pedestrian, transit where available) for professional office uses and centers.
 - d. Professional office 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 design standards shall be established in the Comprehensive Plan Urban Design Element.
 - e. Adequate space for functional circulation shall be provided for loading areas.
 - f. The City shall encourage the development of professional office centers to allow for maximum convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

- g. The City shall encourage the development of professional office uses and centers in the Central Business District and in the East Mesa area.
- h. Professional office uses are also permitted in medium intensity, high intensity, and regional commercial areas.

RECOMMENDATION

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

- The property owner will be required to replat the subject property to eliminate an underlying property line that runs through the northern portion of the property. The replat will be required to be submitted before final action is taken by City Council on this case.
- All non-conforming issues will have to be resolved whenever the existing building on the subject property is expanded or altered by more than ten percent (10%) of the gross floor area of the existing structure.

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 Z2808.
2. Approve the request with additional conditions.
3. Deny the request.

ATTACHMENTS

1. Development Statement
2. Site plan
3. Vicinity Map

**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: Dana M. Kyle
Contact Person: Dana M. Kyle
Contact Phone Number: (575) 525-8202
Contact e-mail Address: dana@dmkylelaw.com
Web site address (if applicable): n/a

Proposal Information

Location of Subject Property 1020 South Main, Las Cruces, NM

(In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: R4

Proposed Zoning: 02

Acreage of Subject Property: 13078.00 square footage

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

Professional Offices

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

N/A

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

8 hour days; 5 days per week

Anticipated traffic generation not known 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 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

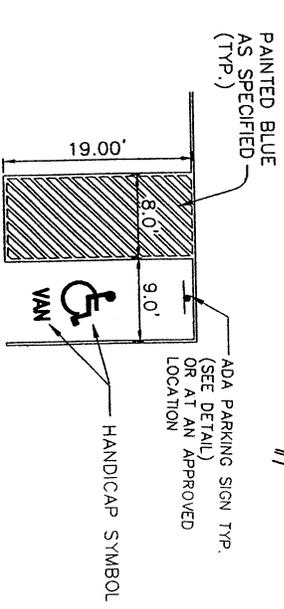
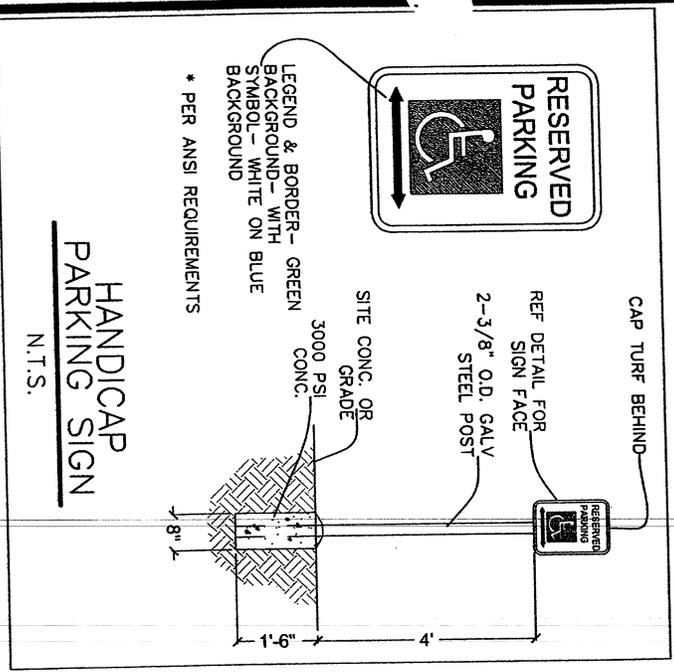
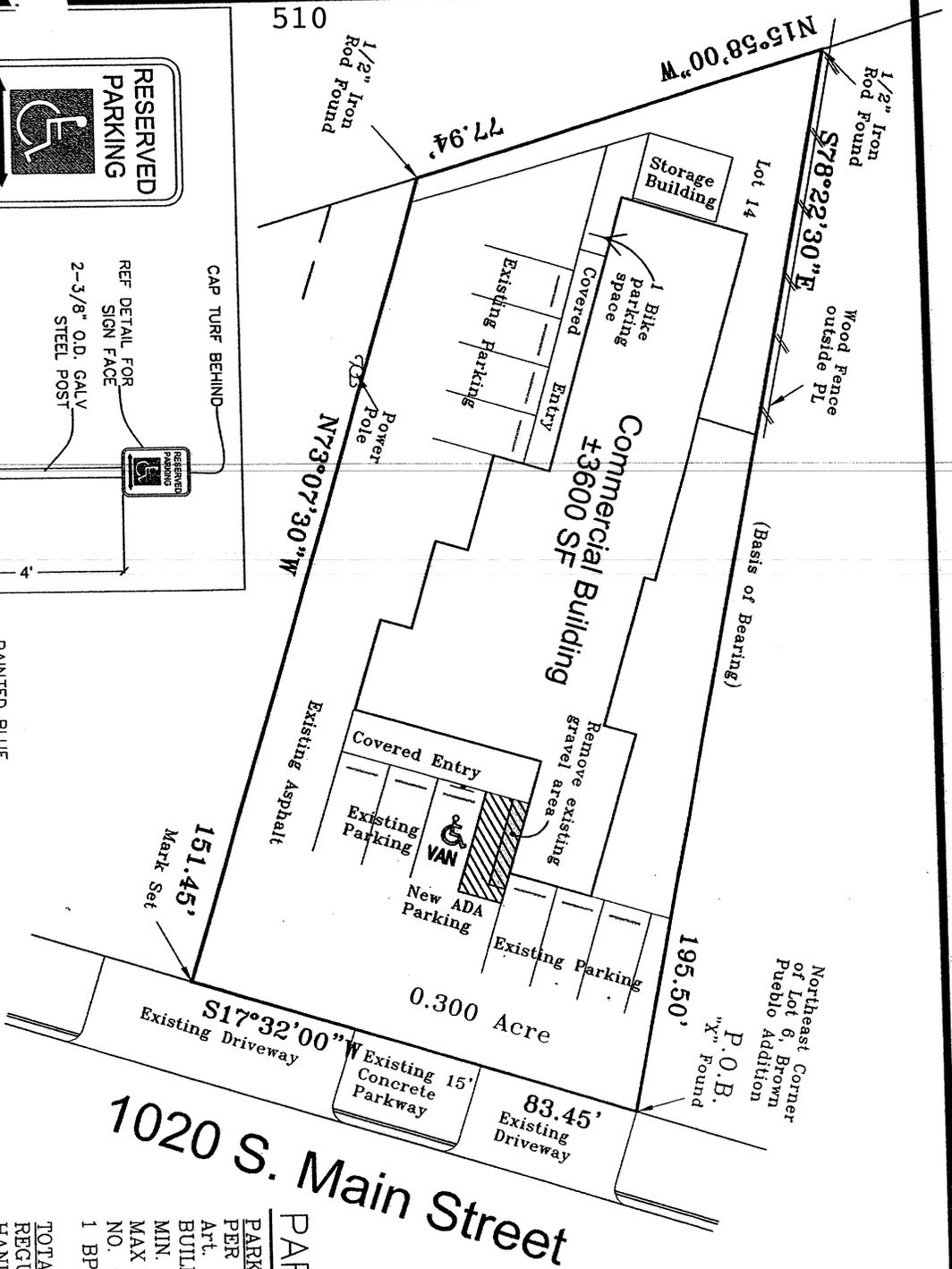
Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

Attachment #2



HANDICAP PAYMENT MARKINGS
N.T.S.

1020 S. Main Street

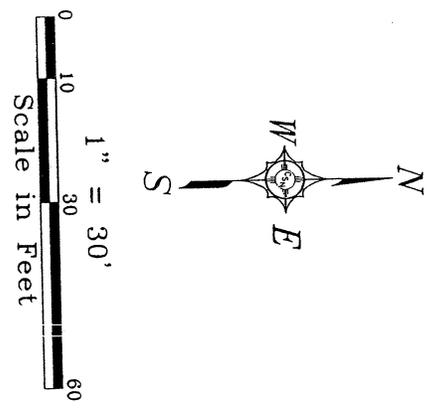
PARKING CALCULATION

PARKING REQUIRED FOR OFFICE BLDG PER CLC ZONING CODES
 Art. IV Sec. 38-33F
 BUILDING AREA = 3,600 SF
 MIN. SPACES REQUIRED (3,600/450) = 8
 MAX SPACES REQUIRED (3,600/350) = 10.3
 NO. OF HANDICAP SPACES REQUIRED = 1
 1 BPS / 8000 SF

TOTAL PROPOSED PARKING PROVIDED
 REGULAR SPACES = 9
 HANDICAP SPACES = 1
 (VAN ACCESSIBLE)

TOTAL AUTO SPACES PROVIDED = 10
BIKE SPACES PROVIDED = 1

INSTRUMENT OF RECORD:
 WARRANTY DEED FILED APRIL 29, 2008,
 AS INSTRUMENT #0011735, IN THE
 DONA ANA COUNTY RECORDS.



NAVAVENUE AND ASSOCIATES
 CONSTRUCTION PLAN PRODUCTION & COORDINATION

1615 S. Solano Dr.
 Las Cruces, NM 88001
 Office: (575) 541-5050

Email: can@navave-tech.com
 Fax: (575) 522-8050



VICINITY MAP



CASE NO. Z2808
PARCEL: 02-07332
OWNER: JOEL & SUZANNE L NEWTON
ADDRESS: 1020 S. MAIN ST.
ZONING: R-4 TO O-2C



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

1
2 Scholz: Okay, this was the case of asking for a change in zoning at 2795
3 Roadrunner Parkway for a use of the property as a childcare center, is
4 that right?

5
6 Ochoa: That is correct sir.

7
8 Scholz: Okay, so that's been withdrawn. So if you came to talk about Z2805 it has
9 been withdrawn.

10
11 **Av. CONSENT AGENDA**

12
13 **1. Case Z2808:** A request for a zone change from R-4 (Multi-Dwelling High
14 Density & Limited Retail and Office) to O-2C (Office, Professional-Limited
15 Retail Service-Conditional) for 0.300 +/- acres located at 1020 S. Main Street.
16 The proposed zone change will bring the property into zoning compliance
17 with the 2001 Zoning Code, as amended. Submitted by Dana M. Kyle on
18 behalf of Joel & Suzanne L. Newton, property owners.

19
20 **2. Case Z2796 Moved to new business**

21 **3. Case S-09-033 Moved to new business**

22
23 Scholz: Okay, the next item is what we call the consent agenda and here's how
24 the consent agenda works. We ask if there's anyone in the audience or
25 anyone on the staff or anyone on the Commission who wants to speak to
26 Case Z2808 or to Case Z2796 or to Case S-09-033. And if there is, we'll
27 put those on the new business agenda in the first place, but if there is not
28 we'll just take one vote on these and then they will be approved. Okay. Is
29 there anyone going to speak to Case Z2808? Okay, how about Case
30 Z2796 or Case S-09-033? Yes, ma'am.

31
32 Scholz: Sorry, you'll have to come up to the microphone ma'am and identify
33 yourself.

34
35 Waugh: My name is Lee Waugh. And I'm very concerned about ... I live right in
36 the middle of all this and I'd like to know more about ... great big house
37 right behind me, you won't be able to see out of the window. Which case
38 is this specifically ma'am?

39
40 Ochoa: It'll be for Case Z2796 and S-09-033.

41
42 Scholz: Okay. Fine. I'll put those on the ... I'll give you a chance to speak to
43 these when we have the audience participation.

44
45 Waugh: I don't have to get up again.

46

1 Scholz: No, you can use the handheld mike, that'll be fine. Okay, we'll make Case
 2 Z2796 and Case S-09-033 as the first part of new business. Okay. Then
 3 the only item left on the consent agenda is Case Z2808. I'll entertain a
 4 motion to accept the consent agenda as amended.

5
 6 Bustos: So moved.

7
 8 Scholz: A second.

9
 10 Beard: Second.

11
 12 Scholz: Okay all those in favor say aye.

13
 14 **ALL COMMISSIONERS - AYE.**

15
 16 Scholz: Those opposed same sign. And any abstentions. All right, the consent
 17 agenda passes.

18
 19 **VI. OLD BUSINESS - NONE**

20
 21 **VII. NEW BUSINESS**

22
 23 Scholz: Now I want to revise ... we don't have any old business. I want to revise
 24 the new business agenda for a couple of reasons, normally what we do in
 25 January meetings is read what we call the Statement of Reasonable
 26 Notice. We're required to do that once a year. That's the statement that's
 27 posted when we have zoning changes and that sort of thing.
 28 Unfortunately, it was omitted from our package and so someone from the
 29 staff is running back to the office to pick that up. So what I want to do is
 30 move that to the end of the meeting. And the election of officers, because
 31 we do election of officers in January as well, I'm also going to move to the
 32 end of the meeting so we can get to the ... what I consider the important
 33 parts of the meeting that is discussing the cases. So I'll entertain a motion
 34 to revise the agenda.

35
 36 Beard: So moved.

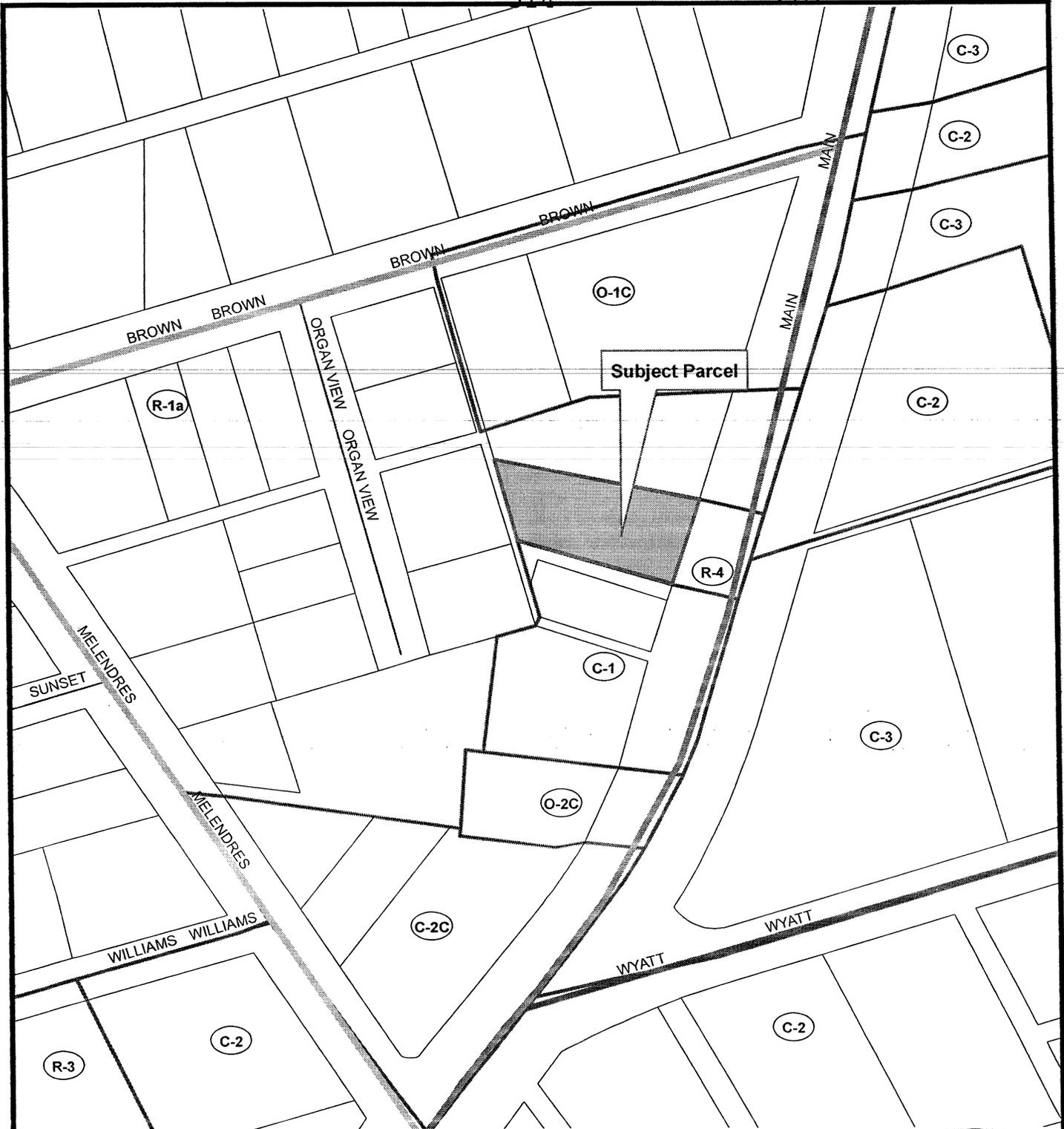
37
 38 Scholz: Okay. Is there a second?

39
 40 Bustos: Second.

41
 42 Scholz: All those in favor say aye.

43
 44 **ALL COMMISSIONERS - AYE.**

45



VICINITY MAP



CASE NO. Z2808
PARCEL: 02-07332
OWNER: JOEL & SUZANNE L. NEWTON
ADDRESS: 1020 S. MAIN ST.
ZONING: R-4 TO O-2C



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