

36  
**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 2 Ordinance/Resolution# 2573 Council District: 5

For Meeting of April 26, 2010  
 (Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO R-2C (MULTI-DWELLING LOW DENSITY-CONDITIONAL) FOR 4.27 +/- ACRES LOCATED AT 2707 SPITZ STREET. THE PURPOSE OF THE ZONE CHANGE IS TO ALLOW THE USE OF AN ASSISTED LIVING/RETIREMENT FACILITY ON THE THREE (3) SUBJECT PARCELS. SUBMITTED BY LILLEY ENGINEERING INC., ON BEHALF OF LORIN DAVIS AND MATTHEW & TRACY AYERS, PROPERTY OWNERS (Z2809).

**PURPOSE(S) OF ACTION:** Approval of a zone change that will facilitate the use of the subject parcels for an assisted living/retirement facility.

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, Lorin Davis and Matthew & Tracy Ayers, are requesting a zone change from R-1a (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-Conditional) for three (3) parcels encompassing 4.27 +/- acres and located at 2707 Spitz Street. The subject properties are all currently vacant and are generally located west of Spitz Street and north of El Camino Real and the Las Cruces Outfall Channel. The purpose of the zone change is to facilitate the development of an assisted living/retirement facility on the subject properties with office space for associated uses related to the operation of the proposed facility.

The proposed facility will include several duplex units for independent living, some 15-bed assisted living units, a maintenance facility, and a security office for the entire facility. The facility will be constructed in phases, dependent on the needs of the community. The facility will follow all design and development standards of the City of Las Cruces.

The subject properties have access along Spitz Street. The Metropolitan Planning Organization (MPO) has classified Spitz Street as a Collector roadway. The properties will only have access off of Spitz Street. The closest bus stop (sign only) is located approximately

1,200 feet southeast of the subject property along N. Main Street. There are no trails present within the general area.

The subject properties are being proposed for an assisted living/retirement facility. An assisted living/retirement facility is required to provide 0.5 to 1.25 auto parking stalls per unit. The applicant will also be required to provide 1 bicycle parking space for every 20 employees on maximum shift. Parking requirements for the subject properties will be verified during the building permitting process. A landscaping proposal for the proposed development will also be required and verified during the building permitting process.

The proposed zone change is supported by several Land Use Elements & Urban Design Goals found in the 1999 Comprehensive Plan as identified in Exhibit "B". The subject properties are located in an area with established transportation infrastructure adjacent to North Main Street; thereby, supporting a mixed distribution of uses. The proposed development is a relatively high density residential use that is located and designed to minimize traffic flow through the adjacent neighborhoods and is located near existing transit routes. The new development will also help to show respect and preserve the character found in the existing northern single-family subdivisions by serving as a buffer between them and the commercial development to the south of the subject parcels.

On February 23, 2010, the Planning and Zoning Commission recommended approval with conditions for the zone change by a vote of 4-0-0 (two Commissioners absent, one Commissioner vacancy), as the item was placed on the consent agenda. The condition placed upon the subject property is that all new utilities shall be placed underground. No public discussion took place for the proposed zone change.

### **SUPPORT INFORMATION:**

<b>Fund Name / Account Number</b>	<b>Amount of Expenditure</b>	<b>Budget Amount</b>
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 Z2809
5. Attachment "B"- Minutes from the February 23, 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 the standard City Council condition of underground utilities. The properties located at 2707 Spitz Street will be rezoned from R-1a (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-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-1a (Single-Family Medium Density) will remain on the subject properties located at 2707 Spitz Street.
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. 10-044**  
**ORDINANCE NO. 2573**

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO R-2C (MULTI-DWELLING LOW DENSITY-CONDITIONAL) FOR 4.27 +/- ACRES LOCATED AT 2707 SPITZ STREET. THE PURPOSE OF THE ZONE CHANGE IS TO ALLOW THE USE OF AN ASSISTED LIVING/RETIREMENT FACILITY ON THE THREE (3) SUBJECT PARCELS. SUBMITTED BY LILLEY ENGINEERING INC., ON BEHALF OF LORIN DAVIS AND MATTHEW & TRACY AYERS, PROPERTY OWNERS (Z2809).**

The City Council is informed that:

**WHEREAS**, Lorin Davis and Matthew & Tracy Ayers, the property owners, have submitted a request for a zone change from R-1a (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-Conditional) for properties located at 2707 Spitz Street; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on February 23, 2010, recommended that said zone change request be approved conditionally by a vote of 4-0-0 (two Commissioners absent, one Commissioner vacancy).

**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 R-2C (Multi-Dwelling Low Density-Conditional) for property located at 2707 Spitz Street.

**(II)**

**THAT** the conditions 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 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:

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE:

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

Moved by: \_\_\_\_\_

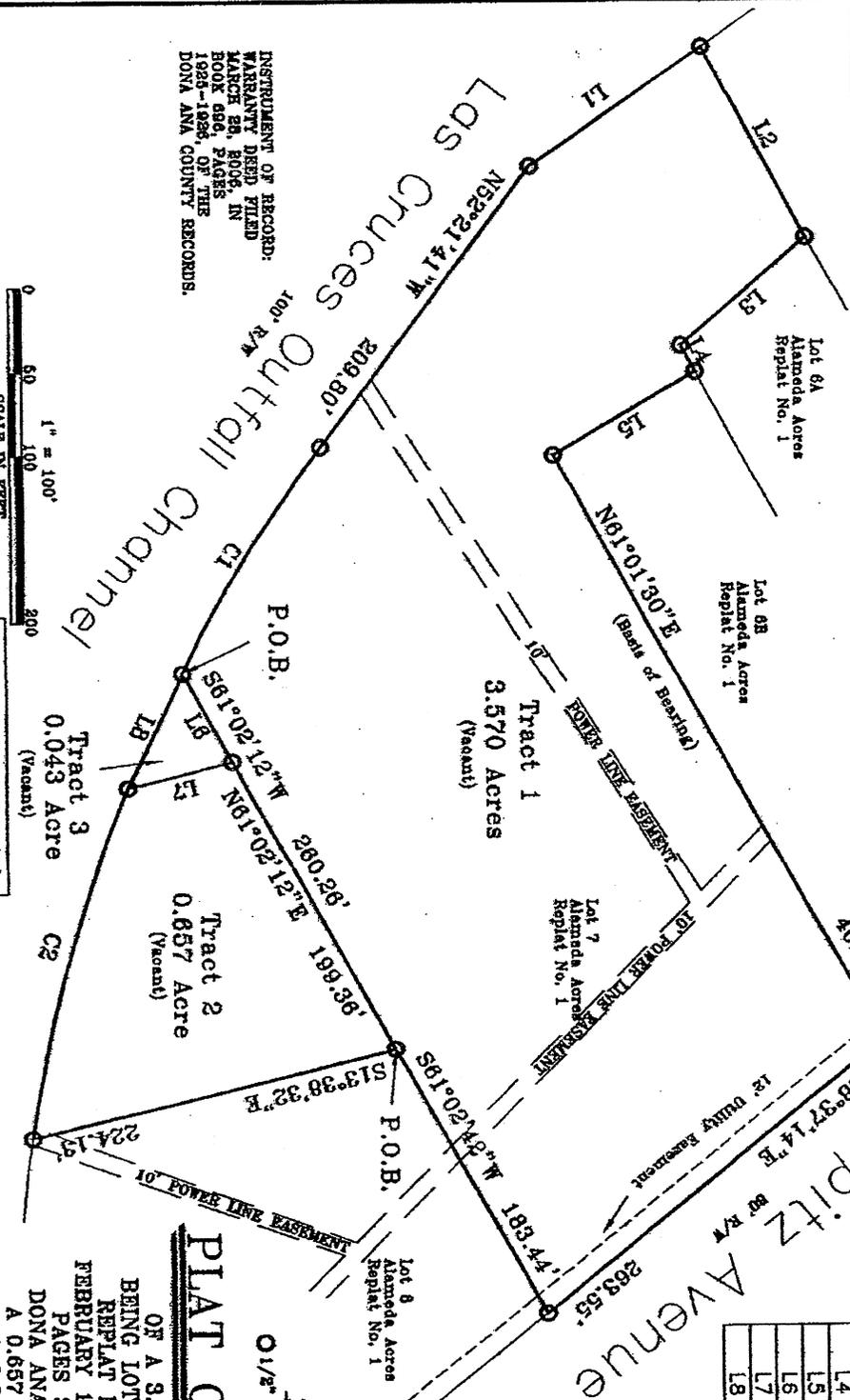
Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
City Attorney

CURVE	RADIUS	LENGTH	CHORD DIRECTION	LENGTH	DELTA
C1	725.21'	160.21'	N57°56'04"W	159.88'	123°39'26"
C2	904.93'	220.23'	N74°19'29"W	219.68'	135°56'37"

LINE	BEARING	LENGTH
L1	N33°37'30"W	126.94'
L2	N61°16'00"E	129.69'
L3	S39°14'00"E	100.38'
L4	N61°01'30"E	17.89'
L5	S29°36'43"E	99.99'
L6	N61°02'12"E	60.90'
L7	N14°17'43"W	63.89'
L8	N64°51'05"W	76.29'



LEGEND  
 O 1/2" Iron Rod Found



INSTRUMENT OF RECORD:  
 WARRANTY DEED FILED  
 MARCH 28, 2006 IN  
 BOOK 6861, PAGE 8  
 1928-1928, OF THE  
 DONA ANA COUNTY RECORDS.

SURVEYOR'S CERTIFICATE  
 THIS 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.

"THESE INFORMATION FOR COUNTY CLERK"  
 PROPERTY OWNER  
 EXIST OF THE "RIO GRANDE"  
 SEVOLA BUILDERS, LLC  
 REP. NUMBER  
 1-800-713-807-335  
 4-007-133-007-375  
 4-007-133-802-372  
 PROPERTY LOCATION  
 SECTION 6, T23S, R2E  
 CITY OF LAS CRUCES  
 DONA ANA COUNTY  
 NEW MEXICO

OWNER	DATE
BRADY	AUGUST 6, 2008
E. RODRIGUEZ	09-07-0246

AUGUST 6, 2008  
 DATE OF SURVEY

TED G. SCANLON - P.S. NO. 9433  
 3780 FOOTHILLS, LAS CRUCES, NM 88011

"THIS IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS OF LAND, AND THE BOUNDARIES ARE DENIED IN THE NEW MEXICO SUBDIVISION ACT."

PROPERTY IS IN AN "X" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C0516 F, EFFECTIVE SEPTEMBER 6, 1996.



**scanlon white**  
 Inc.

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

**PLAT OF SURVEY**

OF A 3.570 ACRE TRACT  
 BEING LOT 7, ALAMEDA ACRES  
 REPLAT NO. 1, PLAT FILED  
 FEBRUARY 16, 2000, IN BOOK 19  
 PAGES 382-384, OF THE  
 DONA ANA COUNTY RECORDS  
 A 0.657 ACRE TRACT AND  
 A 0.043 ACRE TRACT  
 LOCATED IN SECTION 6, T.23S., R.2E.  
 N.M.P.M. OF THE U.S.G.L.O. SURVEYS  
 CITY OF LAS CRUCES  
 DONA ANA COUNTY  
 NEW MEXICO

## FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject properties encompass 4.27 +/- acres and are located at 2707 Spitz Street generally west of Spitz Street and north of El Camino Real and the Las Cruces Outfall Channel.
2. The subject property is currently zoned R-1a (Single-Family Medium Density).
3. The subject properties are currently vacant.
4. The zone change from R-1a (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-Conditional) is to allow the use of an assisted living/retirement facility on the subject properties with office space for associated uses related to the assisted living/retirement facility.
5. The subject property has frontage along Spitz Street, an existing Collector roadway as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-1a	Residential
South	R-1a/A-1	Vacant/ Las Cruces Outfall Channel
East	R-1a	Residential
West	A-1	Las Cruces Outfall Channel

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

### Land Use Element, Goal 1 (Land Uses)

- Policy 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.
- Policy 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.
- Policy 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.

Urban Design Element

Policy 3.2. New development constructed in an existing neighborhood/district should respect and preserve the applicable character found therein.

Policy 9.1. Residential and Commercial development should preserve a regional Desert Southwestern image rooted in a variety of architectural styles and design elements and strengthened by creative contemporary expression.


**City of Las Cruces**®

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner *AO*

DATE: February 23, 2010

SUBJECT: 2707 Spitz Street (Zone Change)

RECOMMENDATION: Approval – with conditions for zone change (Case Z2809)

**Case Z2809:** A request for a zone change from R-1a (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-Conditional) for 4.27 +/- acres located at 2707 Spitz Street. The purpose of the zone change is to allow the use of an assisted living/retirement facility on the three (3) subject parcels. Submitted by Lilley Engineering Inc, on behalf of Lorin Davis and Matthew & Tracy Ayers, property owners.

### **BACKGROUND**

The applicants, Lorin Davis and Matthew & Tracy Ayers, are requesting a zone change from R-1a (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-Conditional) for three (3) parcels encompassing 4.27 +/- acres and located at 2707 Spitz Street. The subject properties are all currently vacant and are generally located west of Spitz Street and north of El Camino Real and the Las Cruces Outfall Channel. The purpose of the zone change is to facilitate the development of an assisted living/retirement facility on the subject properties with office space for associated uses related to the operation of the proposed facility.

The proposed facility will include duplex units for independent living, 15-bed assisted living units, a maintenance facility, and a security office for the entire facility. The facility will be constructed in phases, dependent on the needs of the community. The facility will follow all design and development standards of the City of Las Cruces.

The subject properties have access along Spitz Street. The Metropolitan Planning Organization (MPO) has classified Spitz Street as a Collector roadway. The properties will only have access off of Spitz Street. The closest bus stop (sign only) is located approximately 1,200 feet south east of the subject property along N. Main Street. There are no trails present within the general area.

## **PARKING, LANDSCAPING & SCREENING**

The subject properties are being proposed for an assisted living/retirement facility. An assisted living/retirement facility is required to provide 0.5 to 1.25 auto parking stalls per unit. The applicant will also be required to provide 1 bicycle parking space for every 20 employees on maximum shift. Parking requirements for 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 the proposed development will be required and verified during the building permitting process. No additional screening (buffering) will be required for the subject properties.

## **FINDINGS**

1. The subject properties encompass 4.27 +/- acres and are located at 2707 Spitz Street generally west of Spitz Street and north of El Camino Real and the Las Cruces Outfall Channel.
2. The subject property is currently zoned R-1a (Single-Family Medium Density).
3. The subject properties are currently vacant.
4. The zone change from R-1a (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-Conditional) is to allow the use of an assisted living/retirement facility on the subject properties with office space for associated uses related to the assisted living/retirement facility.
5. The subject property has frontage along Spitz Street, an existing Collector roadway as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-1a	Residential
South	R-1a/A-1	Vacant/ Las Cruces Outfall Channel
East	R-1a	Residential
West	A-1	Las Cruces Outfall Channel

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

### Land Use Element, Goal 1 (Land Uses)

Policy 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.

Policy 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.

Policy 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.

### Urban Design Element

Policy 3.2. New development constructed in an existing neighborhood/district should respect and preserve the applicable character found therein.

Policy 9.1. Residential and Commercial development should preserve a regional Desert Southwestern image rooted in a variety of architectural styles and design elements and strengthened by creative contemporary expression.

### RECOMMENDATION

The proposed zone change is supported by several Land Use Elements & Urban Design Goals found in the 1999 Comprehensive Plan as presented in the preceding findings. The subject properties are located in an area with established transportation and communication infrastructure adjacent to N. Main Street, thereby supporting a mixed distribution of uses. The proposed development is a relatively high density residential use that is located and designed to minimize traffic flow through the adjacent neighborhoods, and is located near existing transit routes. The new development will also respect and preserve the character found in the existing neighborhood while serving as a buffer between the commercial development to the south and the single-family residential area to the north.

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 zone change request as recommended by staff for case Z2809.
2. Approve the zone change with additional conditions as determined appropriate by the Planning and Zoning Commission.
3. Deny the request.

**ATTACHMENTS**

1. Development Statement
2. Narrative from applicant
3. Site plan
4. 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: Lorin Davis  
 Contact Person: Dan Lilley  
 Contact Phone Number: (575) 650-3696  
 Contact e-mail Address: lilleyeng@comcast.net  
 Web site address (if applicable): \_\_\_\_\_

**Proposal Information**

Location of Subject Property 2707 Spitz Street  
 (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: R-1a, Single-Family, Medium Density  
 Proposed Zoning: R-2, Multi-Dwelling, Low Density  
 Acreage of Subject Property: 4.27 ac  
 Detailed description of intended use of property. (Use separate sheet if necessary):  
It is proposed to use the property as assisted living or retirement facilities with on-site maintenance and staff facilities. There will be individual units (possibly duplexes) and multi-bed units. Support facilities include a maintenance bldg, offices for staff and businesses related to site use, and a security building.  
 Proposed square footage and height of structures to be built (if applicable):  
4,600 sf multi-bed, 6-10,000 sf offices, 5,000 sf maintenance, 800-900 sf duplexes, and 400 sf security  
 Anticipated hours of operation (if proposal involves non-residential uses):  
N/A

Anticipated traffic generation \_\_\_\_\_ approx. 60 \_\_\_\_\_ trips per day (if known).

Anticipated development schedule: Work will commence on or about April 2010 \_\_\_\_\_

and will take approximately 120 days for initial facilities \_\_\_\_\_ to complete.

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

There will be on-site retention of runoff (unless variance) or alternate method approved by CLC\

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:

The site will be comprised of several different buildings, all of which will have a similar architectural scheme. Some of the units will be residential and others will be support facilities. There will be at least one formal entrance through perimeter walls of either rock or CMU (w/ stucco covering) pilasters and ironwork or solid walls. There will be open landscaped areas for the residents and on-site parking for all residents, employees and visitors.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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\*

# Lilly Engineering Inc.

Attachment #2

5160 Calle Bellisima Las Cruces, New Mexico 88011  
Office/Fax (575) 521-0006

January 21, 2010

City of Las Cruces Planning Office  
Las Cruces, New Mexico 88004

RE: 2707 SPITZ STREET

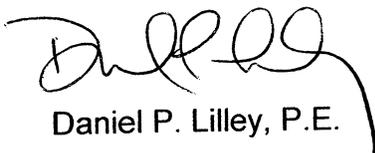
On behalf of the applicant, Mr. Lorin Davis, I am requesting a zone change for the referenced property from R-1a, Single-Family, Medium Density to R-2, Multi-Dwelling, Low Density. The proposed use will be assisted living or retirement facilities and office space for businesses related to assisted living operations (e.g. home health care and security)

There are no existing structures on the property. The property is generally located at the intersection of Spitz Street and El Camino Real and is bounded by R-1a, Single-Family, Medium Density along Spitz Street to the east and north, C-2, Commercial, Medium Intensity to the southeast, and R-2, Multi-Dwelling, Low Density across El Camino Real to the south and west.

This property is encumbered by an overhead, electrical power line and limited access for development as single-family lots. Utilization of this parcel for assisted living or retirement facilities will allow for a buffering transition between the commercial development to the southeast (shopping center, gas station, grocery store, etc.), the large apartment complex to the south, a mobile home park to the west and the residential area to the north. This proposed use is not out of character with the surrounding area and will begin to fulfill a growing need for safe, affordable housing for the elderly.

The proposal will include duplex units for independent living (800-900 sf each), 15-bed assisted living units (approximately 4,600 sf each), support facilities for maintenance (approximately 5,000 sf), offices for staff and businesses related to assisted living use (6,000-10,000 sf) and a security office for the complex (350-400 sf). Site improvements will be constructed in a phased manner dependent on the community's needs and will conform to City of Las Cruces design and development standards, including landscaping.

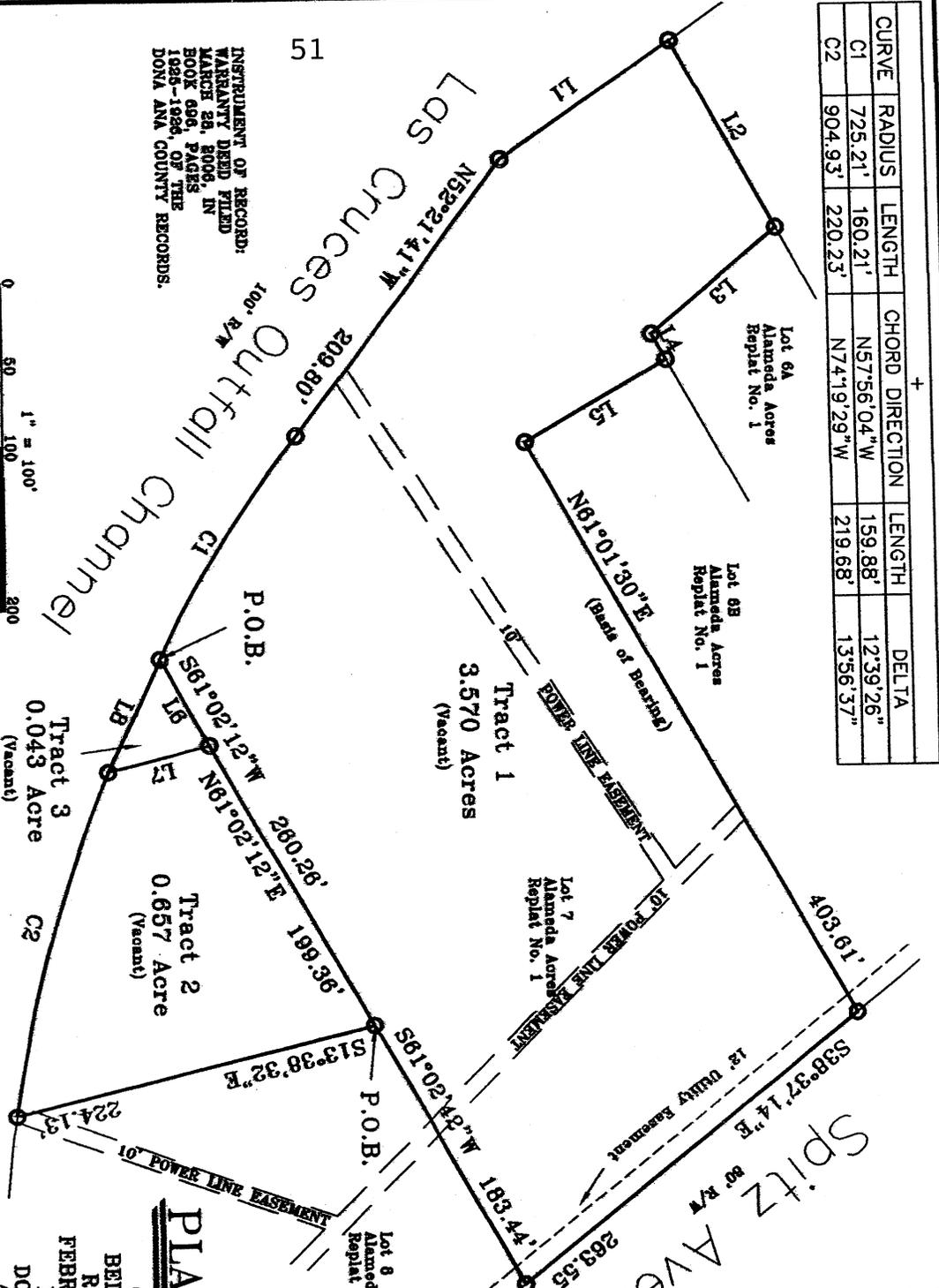
Sincerely,



Daniel P. Lilley, P.E.

CURVE	RADIUS	LENGTH	CHORD DIRECTION	LENGTH	DELTA
C1	725.21'	160.21'	N57°56'04"W	159.88'	12°39'26"
C2	904.93'	220.23'	N74°19'29"W	219.68'	13°56'37"

LINE	BEARING	LENGTH
L1	N33°37'30"W	126.94'
L2	N61°16'00"E	129.69'
L3	S39°14'00"E	100.38'
L4	N61°01'30"E	17.89'
L5	S29°36'43"E	99.99'
L6	N61°02'12"E	60.90'
L7	N14°17'43"W	63.89'
L8	N64°51'05"W	76.29'



51

INSTRUMENT OF RECORD:  
 WARRANTY DEED FILED  
 MARCH 28, 2006, IN  
 BOOK 696, PAGES  
 1288-1294, OF THE  
 DONA ANA COUNTY RECORDS.



SURVEYOR'S CERTIFICATE

THIS 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.

HOLDING INFORMATION FOR COUNTY CLERK	
PROPERTY OWNER	BANK OF THE RIO GRANDE
SECUCOA BUILDERS, LLC	
UENO NUMBER	2-007-133-007-335
	4-007-133-007-373
	4-007-133-202-372
PROPERTY LOCATION	SECTION 6, T.23S., R.2E.
	CITY OF LAS CRUCES
	DONA ANA COUNTY
	NEW MEXICO

DRAWN BY:	BRADY
FIELD BY:	E. RODRIGUEZ
APP NO.:	09-07-0248
DATE:	AUGUST 5, 2009

AUGUST 5, 2009  
 DATE OF SURVEY

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

"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."

PROPERTY IS IN AN "X" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C0618 F, EFFECTIVE SEPTEMBER 6, 1995.

LEGEND  
 0 1/2" Iron Rod Found

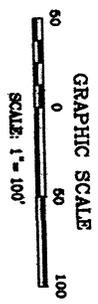
# PLAT OF SURVEY

OF A 3.570 ACRE TRACT  
 BEING LOT 7, ALAMEDA ACRES  
 REPLAT NO. 1, PLAT FILED  
 FEBRUARY 16, 2000, IN BOOK 19  
 PAGES 382-384, OF THE  
 DONA ANA COUNTY RECORDS  
 A 0.657 ACRE TRACT AND  
 A 0.043 ACRE TRACT

LOCATED IN SECTION 6, T.23S., R.2E.  
 N.M.P.M. OF THE U.S.G.L.O. SURVEYS  
 CITY OF LAS CRUCES  
 DONA ANA COUNTY  
 NEW MEXICO



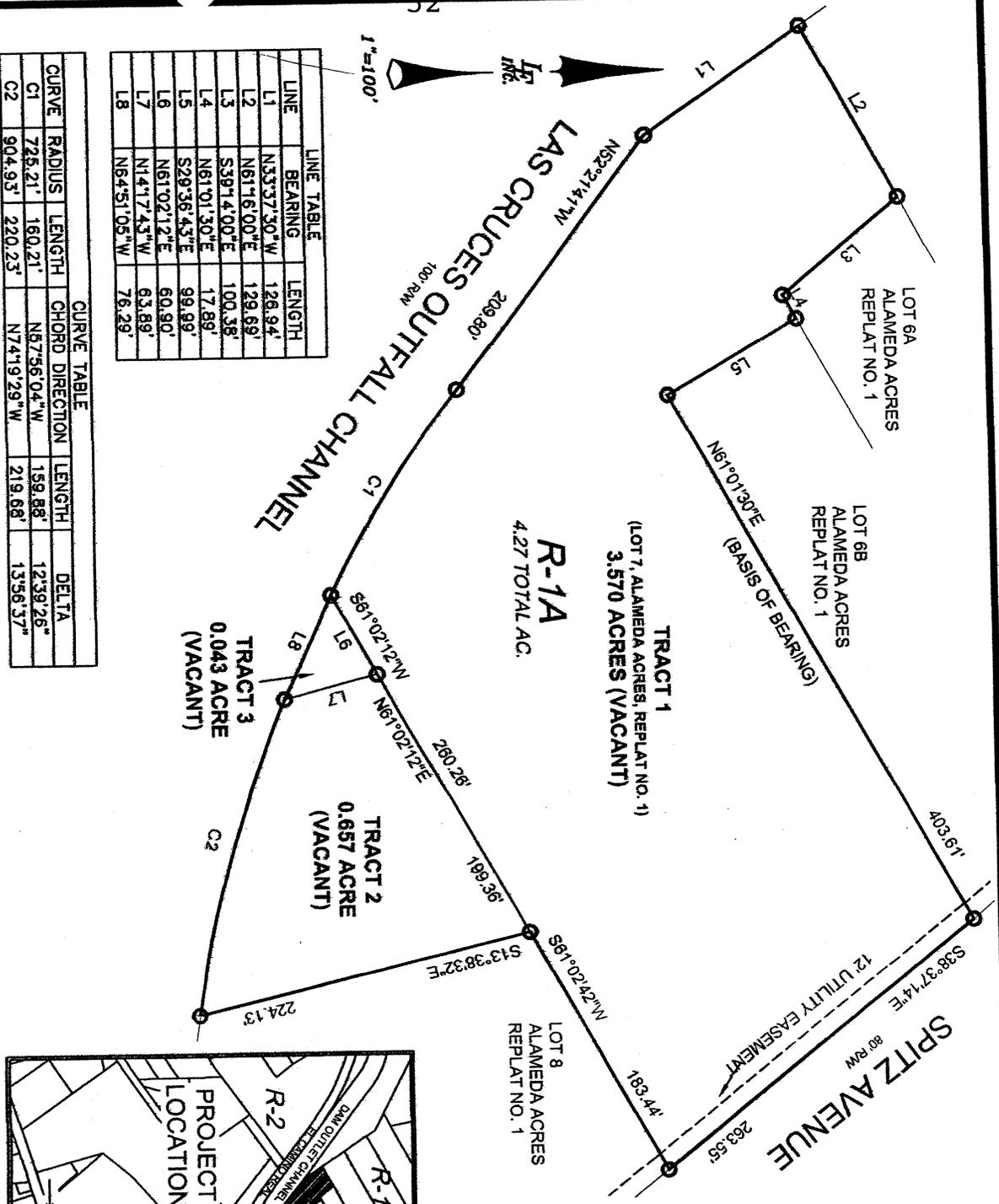
3780 Foothills, Suite C  
 Las Cruces, New Mexico 88011  
 Phone: (575) 525-2112  
 Fax: (575) 525-1228



**PROPERTY OWNERS**  
 LORIN DAVIS AND  
 MATTHEW & TRACY AYERS

**UPC NUMBER**  
 4-007-133-007-395  
 4-007-133-007-373  
 4-007-133-202-372

**PROPERTY LOCATION**  
 SECTION 6, T.23S., R.2E.  
 CITY OF LAS CRUCES  
 DONNA ANA COUNTY  
 NEW MEXICO

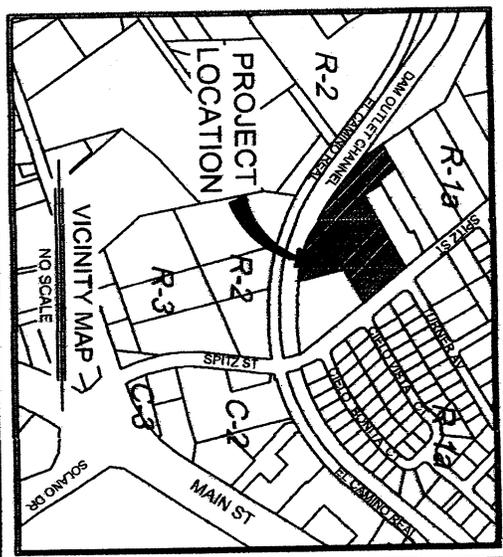


**LINE TABLE**

LINE	BEARING	LENGTH
L1	N33°37'30"W	126.94'
L2	N61°16'00"E	129.69'
L3	S39°14'00"E	100.38'
L4	N61°01'30"E	17.89'
L5	S29°36'43"E	99.89'
L6	N61°02'12"E	60.90'
L7	N14°17'43"W	63.89'
L8	N64°51'05"W	76.29'

**CURVE TABLE**

CURVE	RADIUS	LENGTH	CHORD DIRECTION	LENGTH	DELTA
C1	726.21'	160.21'	N67°56'04"W	159.88'	123°39'26"
C2	904.93'	220.23'	N74°19'29"W	219.68'	135°56'37"

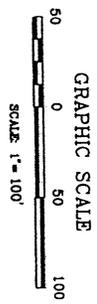
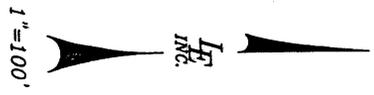
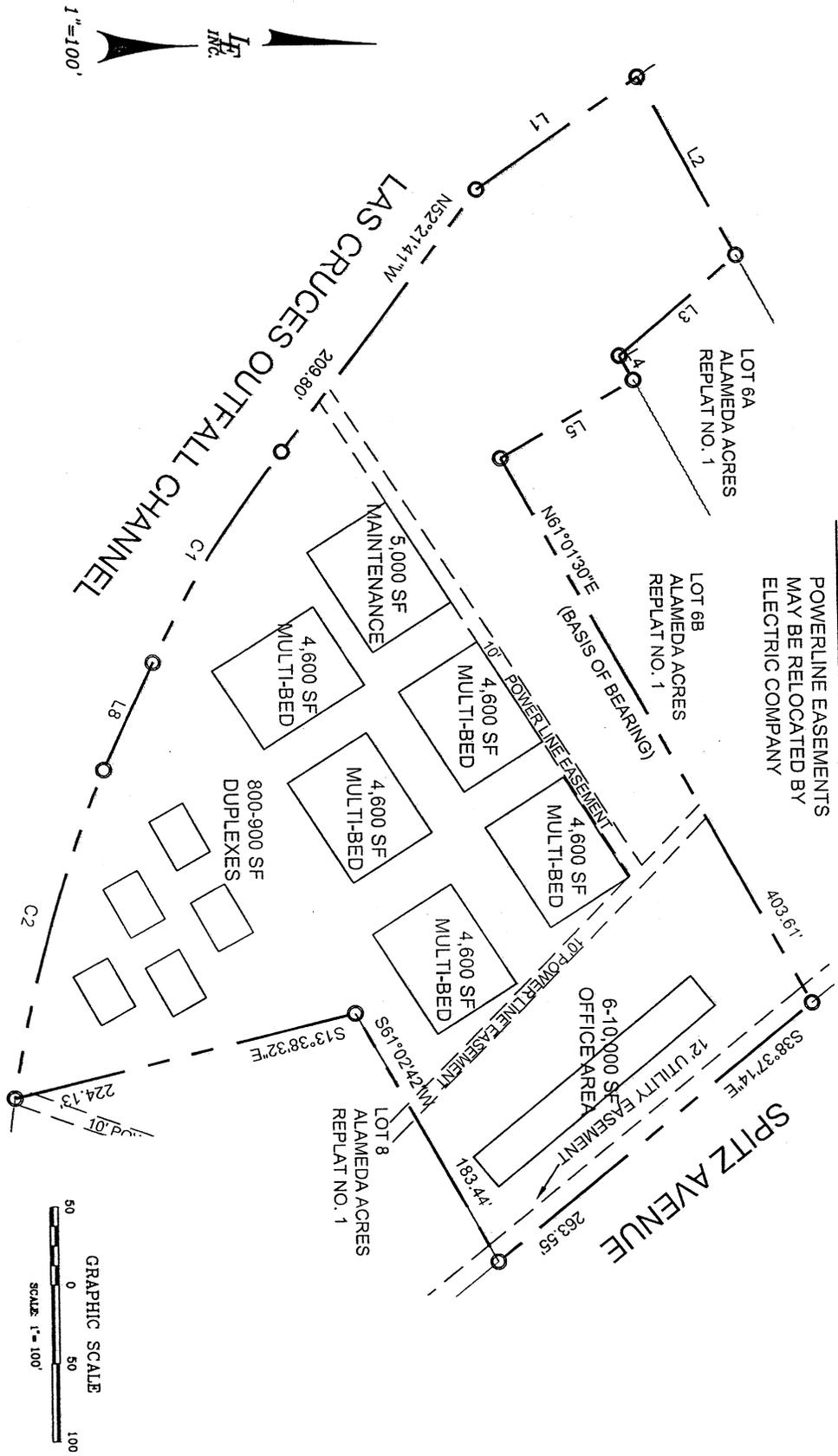


**LILLEY ENGINEERING INC.**  
 6160 CALLE BELLSUDA LAS CRUCES, NM 88011  
 (576) 621-0006

EXISTING ZONING  
 2707 SPITZ STREET

PROJECT 09015  
 CLIENT DAVIS  
 DRAWING NO. D-SPITZ  
 REV. NO. 0  
 DRAWN BY DL  
 DATE 11/20/09  
 2 of 2

**EASEMENT NOTE:**  
 POWERLINE EASEMENTS  
 MAY BE RELOCATED BY  
 ELECTRIC COMPANY



**LILLEY**

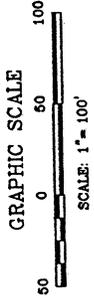
**ENGINEERING INC.**

5160 CALLE BELISIMA LAS CRUCES, NM 88011  
 (575) 521-0008

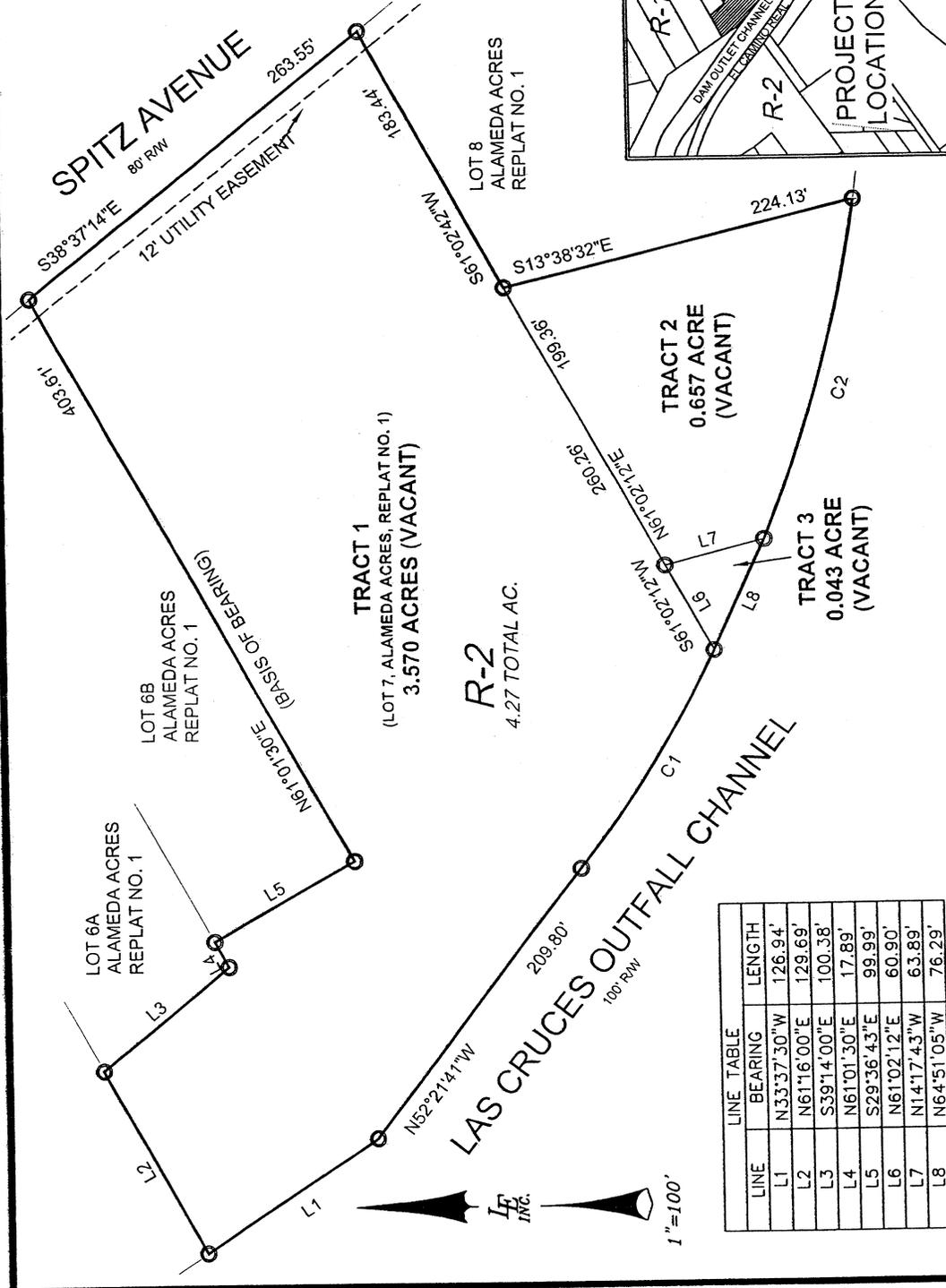
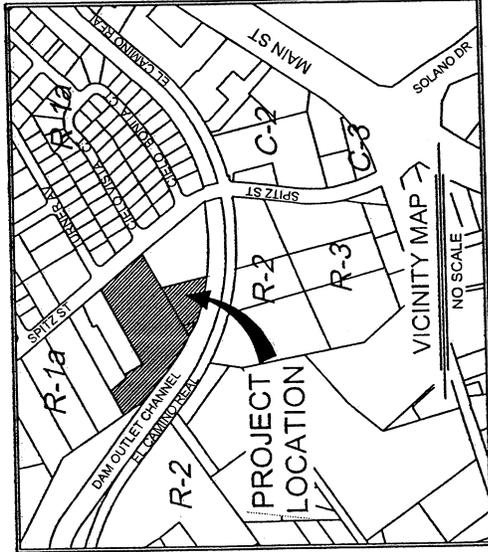
PROPOSED SITE LAYOUT

2707 SPITZ STREET

PROJECT	09015
CLIENT	DAVIS
DRAWING NO.	D-SPITZ
REV. NO.	0
DRAWN BY	DL
DATE	01/21/10
	1 of 1



<b>PROPERTY OWNERS</b>	
LORIN DAVIS AND MATTHEW & TRACY AYERS	
<b>UPC NUMBER</b>	
4-007-133-007-355	
4-007-133-007-373	
4-007-133-202-372	
<b>PROPERTY LOCATION</b>	
SECTION 6, T.23S., R.2E. CITY OF LAS CRUCES DONA ANA COUNTY NEW MEXICO	



LINE	BEARING	LENGTH
L1	N33°37'30"W	126.94'
L2	N61°16'00"E	129.69'
L3	S39°14'00"E	100.38'
L4	N61°01'30"E	17.89'
L5	S29°36'43"E	99.99'
L6	N61°02'12"E	60.90'
L7	N14°17'43"W	63.89'
L8	N64°51'05"W	76.29'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	725.21'	160.21'	N57°56'04"W
C2	904.93'	220.23'	N74°19'29"W

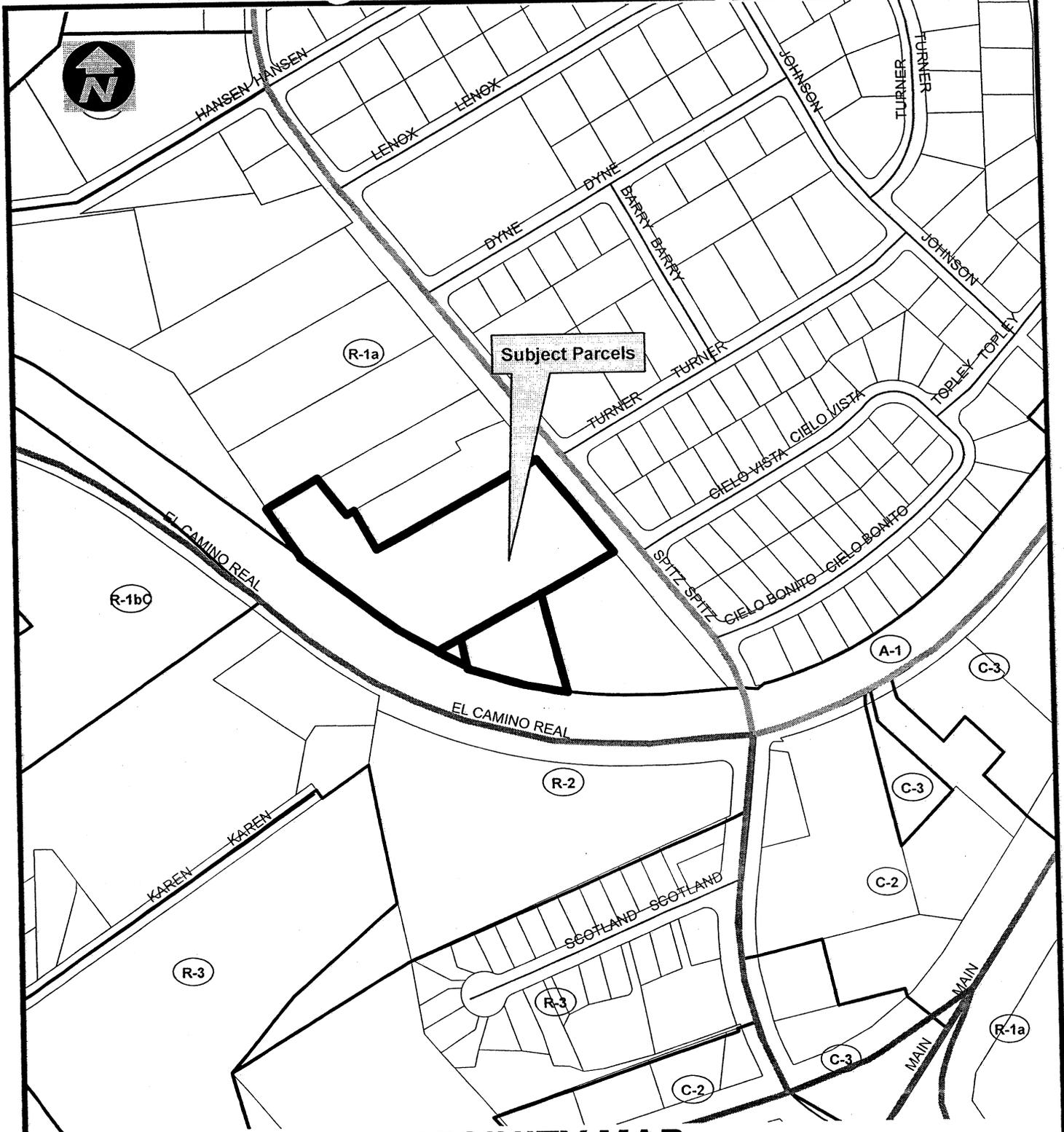
PROJECT	09015
CLIENT	DAVIS
DRAWING NO.	D-SPITZ
REV. NO.	01
DRAWN BY	DL
DATE	11/20/09
	of 2

PROPOSED ZONING  
2707 SPITZ STREET

**LILLEY ENGINEERING INC.**  
5160 CALLE BELLSIMA LAS CRUCES, NM 88011  
(575) 521-0006

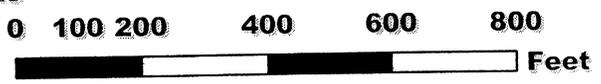


1" = 100'



### VICINITY MAP

**CASE NO. Z2809**  
**PARCELS: 02-27845, 02-03296, 02-03281**  
**OWNERS: LORIN DAVIS AND MATTHEW & TRACY AYERS**  
**ADDRESS: 2707 SPITZ STREET**  
**ZONING: R-1A TO R-2**



*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

DRAFT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

Beard: So moved.

Scholz: It's a tie I think.

Beard: Second.

Scholz: Okay, it's been moved and seconded. All those in favor say aye.

ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. The motion passes. The minutes are approved.

III. POSTPONEMENTS - None

Scholz: All right, our second item of business, any postponements Mr. Ochoa?

Ochoa: No, sir.

IV. WITHDRAWALS - None

Scholz: Okay. And any withdrawals?

Ochoa: No, sir.

Scholz: All right, that's good.

V. CONSENT AGENDA

- 1. **Case S-09-061:** A Request for Final Plat approval for a development known as Glen Porter Subdivision. The subject property consists of 2.00 ± acres and is located at 301 N. Seventeenth Street. The proposed final plat will replat one lot into 4 lots. The subject property is zoned M-2. Submitted by Center Line Services, LLC for Glen Porter.
- ★ 2. **Case Z2809:** A request for a zone change from R-1a (Single-Family Medium Density) to R-2 (Multi-Dwelling Low Density) for 4.27 +/- acres located at 2707 Spitz Street. The purpose of the zone change is to allow the use of an assisted living/retirement facility on the three (3) subject parcels. Submitted by Lilley Engineering Inc, on behalf of Lorin Davis and Matthew & Tracy Ayers, property owners.

Scholz: Then we come to the consent agenda. Now here's how the consent agenda works. We ask if there's anyone on the Commission or anyone in the public who wishes to speak to the consent agenda. Our items on the

consent agenda, there are two right now, Case S-09-061 and Case Z2809. So if anyone wants to speak to S-09-061? No. Okay, that'll remain on the consent agenda. And then anyone want to speak to Case Z2809? All right. So the way the consent agenda works is that I ask for approval of the consent agenda and we get approval on that, we vote on it, and then those items are passed. All right, I'll entertain a motion to accept the consent agenda.

9 Bustos: So moved.

11 Scholz: Is there a second?

13 Beard: Seconded.

15 Scholz: Okay, it's been moved and seconded. All those in favor say aye.

17 ALL COMMISSIONERS - AYE.

19 Scholz: Those opposed same sign. All right the consent agenda is approved.

21 **VI. OLD BUSINESS - NONE**

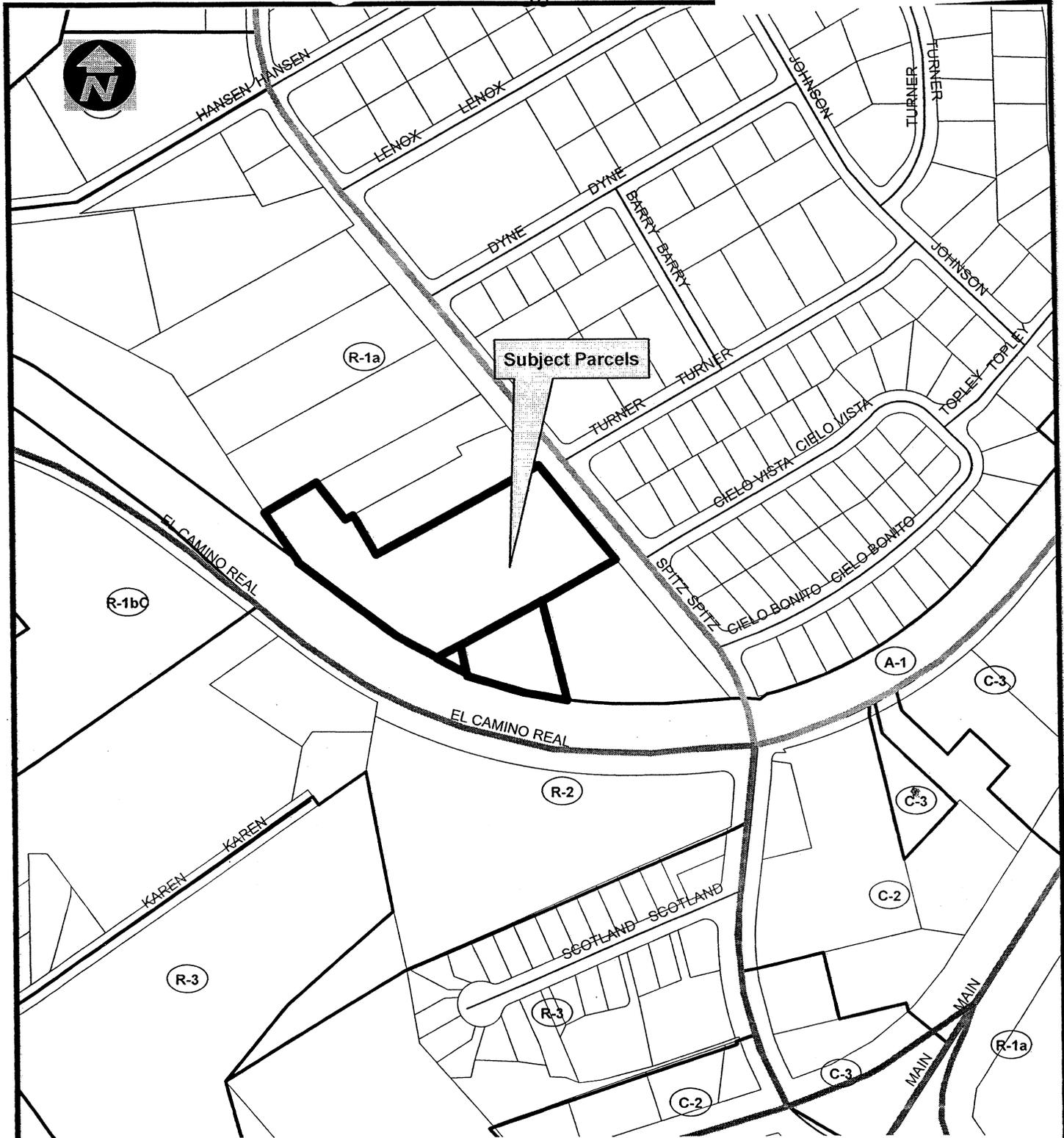
23 **VII. NEW BUSINESS**

- 25 1. **Case Z2810:** A request for a zone change from M-1/M-2C (Industrial Standard-Conditional) for the purpose of removing a condition on the existing zoning on the subject property that states that communication towers are not allowed in this area of the West Mesa Industrial Park. The subject property encompasses 4.59 +/- acres and is located west of Armory Road and north on Interstate 10. Submitted by Scott Dunham, Reliant Land Services, on behalf of Michael Flynn & Elizabeth Marrufo, property owners

33 Scholz: There is no old business as far as I can see, so that brings us to Case Z2810 which is the first item on new business. Now here's how the procedure works. We ask the City to present their case, then we ask the applicant to present their case, then we open it for public discussion, at which time you're free to come up, identify yourself at the microphone, and speak to this topic. And then we close public discussion, we have discussion among ourselves on the Commission, and then we take a vote. All right, Mr. Ochoa.

42 Ochoa: For the record Adam Ochoa, Development Services. First case tonight gentlemen is Z2810, apologies about the misprint there on the slide. It's a request for a zone change from M-1/M-2C which is industrial standard-conditional for the purpose of actually removing a condition on the existing zoning on the subject property that states that communication towers are

**DRAFT**



### VICINITY MAP

**CASE NO. Z2809**  
**PARCELS: 02-27845, 02-03296, 02-03281**  
**OWNERS: LORIN DAVIS AND MATTHEW & TRACY AYERS**  
**ADDRESS: 2707 SPITZ STREET**  
**ZONING: R-1A TO R-2**



*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