City of Las Cruces®
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Council Action and Executive Summary

Item # 1 **Ordinance/Resolution#** 2577 **Council District:** 4

For Meeting of June 28, 2010
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO R-3C (MULTI-DWELLING MEDIUM DENSITY-CONDITIONAL) FOR 0.69 +/- ACRES LOCATED AT 1302 S. ESPERANZA. THE PROPOSED ZONE CHANGE WOULD ALLOW THE USE OF AN APARTMENT COMPLEX ON THE SUBJECT PROPERTY. SUBMITTED BY RODGER MASON ON BEHALF OF HERBERT A. & LESLIE DUKE, PROPERTY OWNERS (Z2811).

PURPOSE(S) OF ACTION: Approval of a zone change that will facilitate the development of an apartment complex on the subject property.

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, Herbert A. & Leslie Duke, are requesting a zone change from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling Medium Density-Conditional) for property encompassing 0.69 +/- acres and located at 1302 S. Esperanza. The subject property is currently vacant. The zone change will allow the construction and use of an apartment complex on the subject property. The proposed apartment complex will be required to follow all development standards including setbacks, maximum density, building height, etc., as required under the R-3 zoning district. The R-3 zoning district allows up to 20 dwelling units per acre which would allow a maximum of 13 dwelling units on the subject property and the maximum height of these units would be limited to 35 feet.

In January 2001 the subject property was approved by City Council for a zone change to C-2C (Commercial Medium Density-Conditional), but the zoning reverted back to R-1a (Single-Family Medium Density) in 2005 because the conditions of this re-zoning were not met. These conditions included the requirement of shared access to Idaho Avenue with the adjacent property, the requirement of a ten (10) foot landscape buffer to the southern boundary of the subject property, and the regulation of no outside storage and display and no metal buildings on the subject property.

The subject property is located on the corner of Idaho and Esperanza. The Metropolitan Planning Organization (MPO) has classified Idaho as a Principal Arterial roadway and Esperanza as an existing Local roadway. The property has proposed access points to both roadways for the proposed apartment complex. A bus stop is located approximately 315 feet north of the subject property along Mesquite Street. There are no trails present within the general area.

The subject property is currently vacant and is being proposed for an apartment complex. The 2001 Zoning Code, as amended, requires apartments to provide 1.5 to 2 parking stalls per dwelling unit in the apartment complex. The applicant will also be required to provide one (1) bicycle parking stall for every 4 dwelling units on the subject property. Parking requirements for the subject property will be verified during the building permitting review process. A landscaping proposal for the proposed development will also be required and verified during the building permitting review process. Given that adjacent properties are zoned in a comparable fashion to the proposed zone change request for the subject property, no additional screening (buffering) will be required.

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 proposed zone change will allow a density greater than two dwelling units per acre in an urban residential area. The proposed zone change will also make the zoning of the subject property similar to surrounding property allowing for similar building heights, density and landscaping provisions. The proposed zone change will also bring a higher density use for the subject property and it is located in a transportation corridor near existing transit routes.

On March 23, 2010, the Planning and Zoning Commission recommended conditional approval for the zone change by a vote of 5-0-0 (one Commissioner absent, one Commissioner vacancy), as the item was placed on the consent agenda. The condition placed upon the subject property is the standard City Council condition requiring all new utilities be placed underground. 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 Z2811
5. Attachment "B"- Minutes from the March 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 property located at 1302 S. Esperanza will be rezoned from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling Medium 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 property located at 1302 S. Esperanza.

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. 10-048
ORDINANCE NO. 2577

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO R-3C (MULTI-DWELLING MEDIUM DENSITY-CONDITIONAL) FOR 0.69 +/- ACRES LOCATED AT 1302 S. ESPERANZA. THE PROPOSED ZONE CHANGE WOULD ALLOW THE USE OF AN APARTMENT COMPLEX ON THE SUBJECT PROPERTY. SUBMITTED BY RODGER MASON ON BEHALF OF HERBERT A. & LESLIE DUKE, PROPERTY OWNERS (Z2811).

The City Council is informed that:

WHEREAS, Herbert A. & Leslie Duke, the property owners, have submitted a request for a zone change from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling High Density-Conditional) for property located at 1302 S. Esperanza; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on March 23, 2010, recommended that said zone change request be approved conditionally by a vote of 5-0-0 (one Commissioner 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-3C (Multi-Dwelling Medium Density-Conditional) for property located at 1302 S. Esperanza.

(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:

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

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

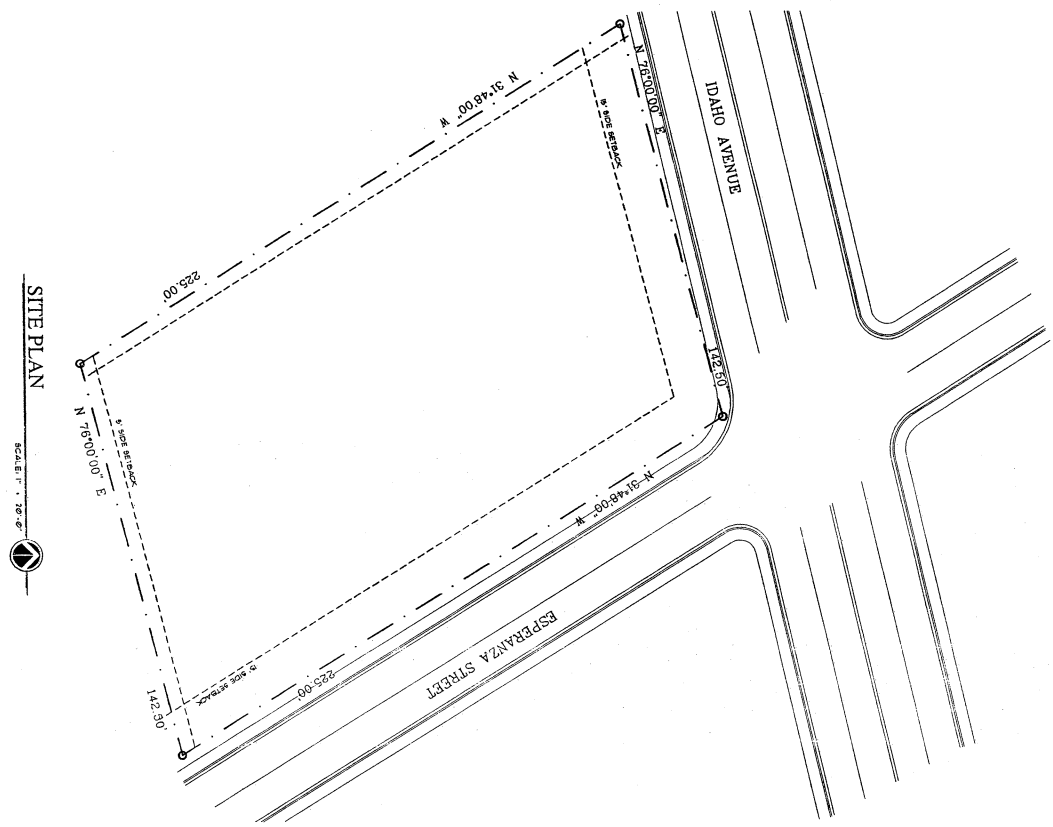
Moved by:_____

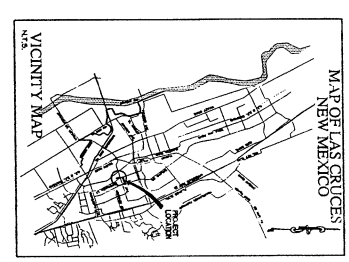
Seconded by:_____

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"





SITE PLAN C1.0

Creative Concepts
Custom Home Design & Drafting
Kevin D Harrell (505) 649 9555

DATE:	04/30/06
ISSUE:	PRELIM
PROJECT #:	RM-6
FILENAME:	RM-6
DRAWN BY:	KDH
CHECKED BY:	KDH

COMMERICAL SITE.PLAN

COMMERCIAL.SITE.PLAN
RODGER.MASON.CONSTRCUTION
3270.DOC.BAR.CT.,LAS.CRUCES,.NM
NEW.CONSTRCUTION

Exhibit "B"

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 0.69 +/- acres and is located at 1302 South Esperanza.

2. The subject property is currently vacant and zoned R-1a (Single-Family Medium Density).

3. The zone change request from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling Medium Density-Conditional) will allow the use of an apartment complex on the property by right.

4. The subject property is located on the corner of Idaho and Esperanza, a Principal Arterial roadway and an existing Local roadway as classified by the Metropolitan Planning Organization (MPO).

5. Adjacent land use and zoning include:

	Zoning	Land Use
North	C-2/R-1a	Commercial/Religious Institution
South	R-3	Residential
East	R-3	Residential
West	R-3	Residential

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

Land Use Element Goal 1

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.

Attachment "A"

City of Las Cruces®

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner AO

DATE: March 23, 2010

SUBJECT: 1302 S. Esperanza (Zone Change)

RECOMMENDATION: Approval – with conditions for zone change (Case Z2811)

Case Z2811: A request for a zone change from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling Medium Density-Conditional) for 0.69 +/- acres located at 1302 S. Esperanza Street. The proposed zone change would facilitate the construction of an apartment complex on the subject property. Submitted by Rodger Mason on behalf of Herbert A. & Leslie Duke, property owners.

BACKGROUND

The applicants, Herbert A. & Leslie Duke, are requesting a zone change from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling Medium Density-Conditional) for property 0.69 +/- acres in size located at 1302 S. Esperanza. The subject property is currently vacant. The zone change will allow the construction and use of an apartment complex on the subject property. The proposed apartment complex development must follow all development standards including setbacks, maximum density, building height, etc., as required under the R-3 zoning district.

In January 2001 the subject property was approved by City Council for a zone change to C-2C (Commercial Medium Density-Conditional), but the zoning was reverted back to R-1a (Single-Family Medium Density) in 2005 because the conditions on the zoning were not met. These conditions included the requirement of shared access to Idaho Avenue with the adjacent property, the requirement of a ten (10) foot landscape buffer to the southern boundary of the subject property, and the regulation of no outside storage and display and no metal buildings on the subject property.

The subject property is located on the corner of Idaho and Esperanza. The Metropolitan Planning Organization (MPO) has classified Idaho as a principal arterial roadway and Esperanza as an existing local road way. The property has proposed access points to both roadways for the proposed apartment complex. A bus stop is located approximately 315 feet north of the subject property along Mesquite Street. There are no trails present within the general area.

PARKING, LANDSCAPING & SCREENING

The subject property is currently vacant and is being proposed for an apartment complex. The 2001 Zoning Code, as amended, requires apartments to provide 1.5 to 2 parking stalls per dwelling unit in the apartment complex. The applicant will also be required to provide one (1) bicycle parking stall for every 4 dwelling units on the subject property. Parking requirements for the subject property will be verified during the building permitting process.

The City of Las Cruces Design Standards requires that all new construction in the proposed zoning district 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. Given that adjacent properties are zoned in a comparable fashion to the zone change request for the subject property, no additional screening (buffering) will be required.

FINDINGS

1. The subject property encompasses 0.69 +/- acres and is located at 1302 South Esperanza.

2. The subject property is currently vacant and zoned R-1a (Single-Family Medium Density).

3. The zone change request from R-1a (Single-Family Medium Density) to R-3C (Multi-Dwelling Medium Density-Conditional) will allow the use of an apartment complex on the property by right.

4. The subject property is located on the corner of Idaho and Esperanza, a Principal Arterial roadway and an existing Local roadway as classified by the Metropolitan Planning Organization (MPO).

5. Adjacent land use and zoning include:

	Zoning	Land Use
North	C-2/R-1a	Commercial/Religious Institution
South	R-3	Residential
East	R-3	Residential
West	R-3	Residential

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

Land Use Element Goal 1

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.

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 proposed zone change will bring a higher density use for the subject property and it is located in a transportation corridor. The proposed zone change will also introduce a higher density residential use located near existing transit routes.

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 Z2811.
2. Approve the request with additional conditions.
3. Deny the request.

ATTACHMENTS

1. Development Statement
2. Narrative from property owner
3. Site plan
4. Aerial Map
5. 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: AR HERBERT A. DUKE

Contact Person: RODGER MASON

Contact Phone Number: 575 - 642 - 5431

Contact e-mail Address:

Web site address (if applicable):

Proposal Information

Location of Subject Property 1302 S. Esperanza St.

(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: R-1a

Proposed Zoning: R-3

Acreage of Subject Property: 0.69 acres

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

☆ APARTMENT COMPLEX

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

@ 11,700 SQ.FT. ; 24' TALL IF TWO STORY

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

Anticipated traffic generation 104 trips per day (if known).

13x8 = 104

Anticipated development schedule: Work will commence on or about SUMMER 2010

and will take approximately 6 MONTS to complete.

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

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:

SEE ATTACHED

Attachments

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

Location map

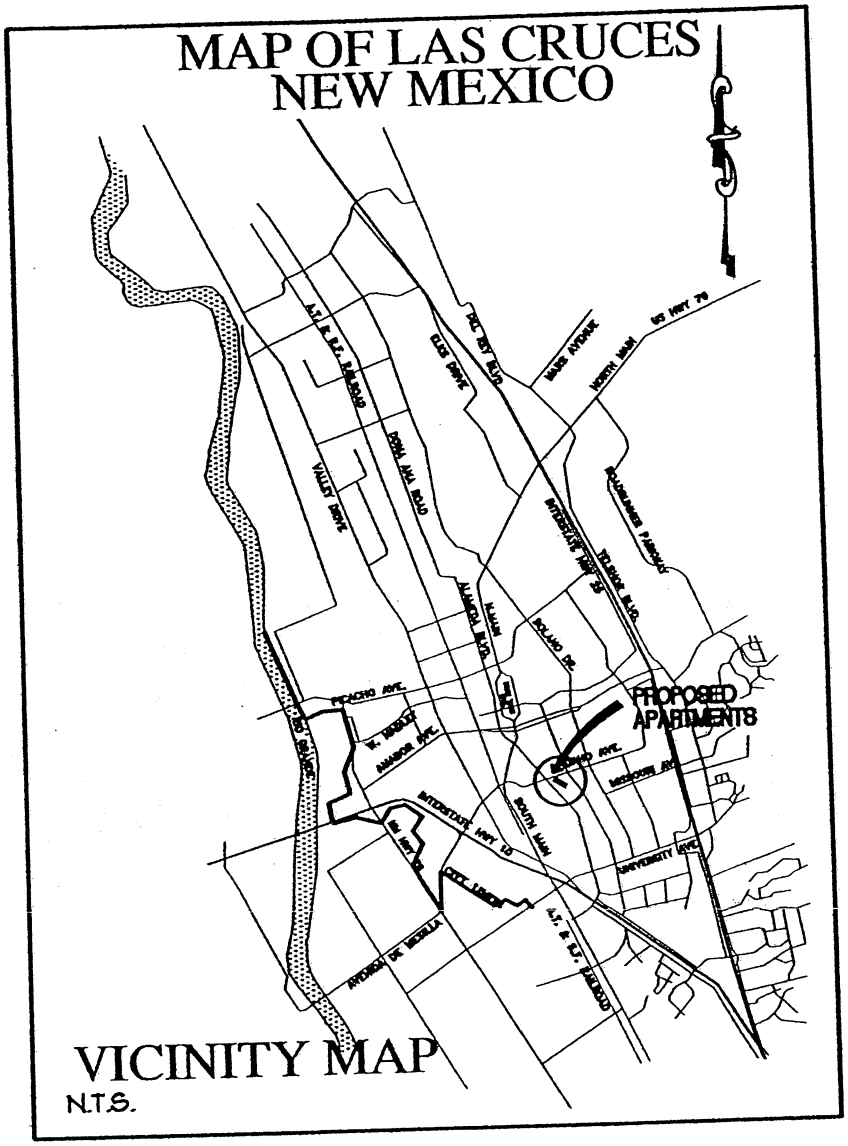
Detailed site plan

Proposed building elevations*

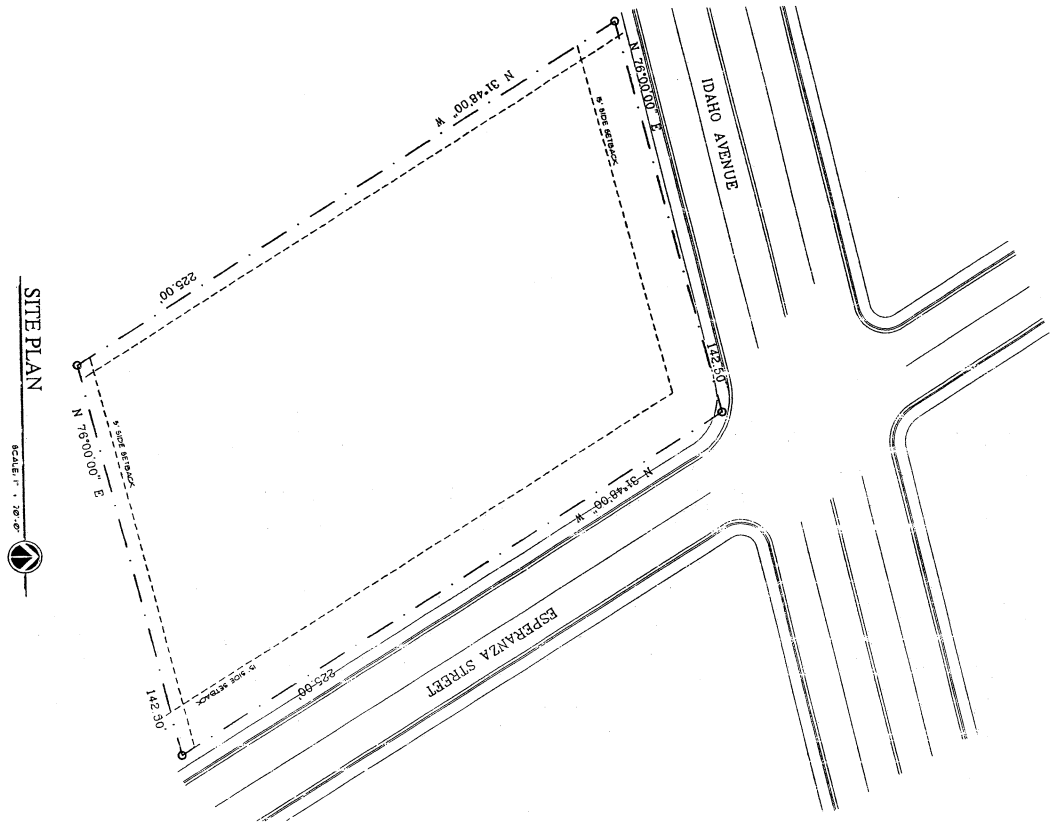
Renderings or architectural or site design features*

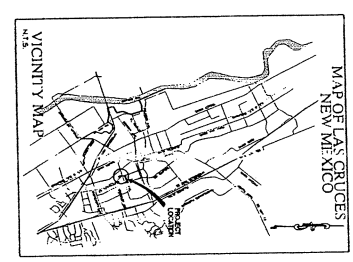
Other pertinent information*

Attachment #2



Attachment #3





SITE PLAN C1.0

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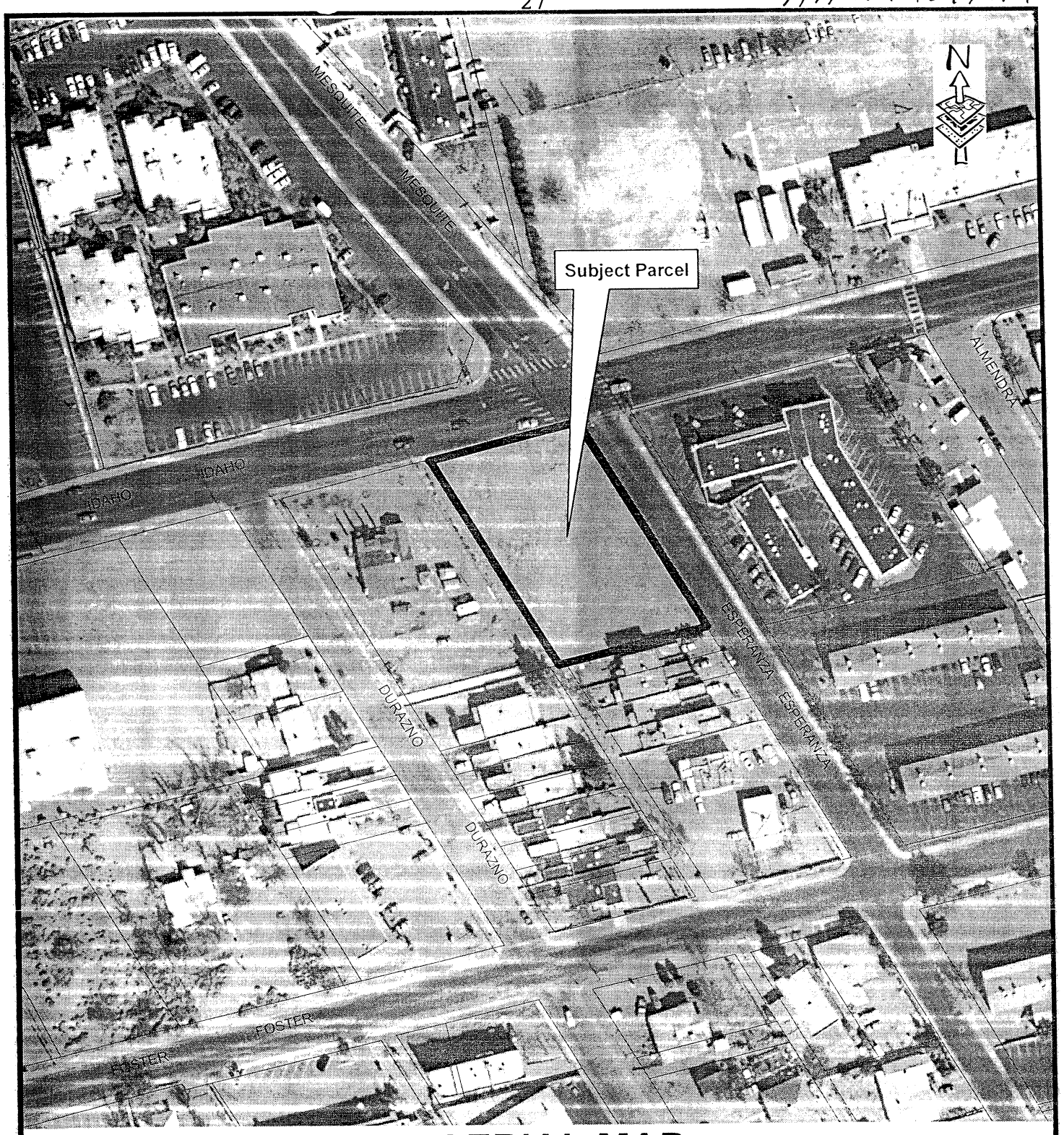
CHECKED BY:	KDH

COMMERICAL SITE.PLAN

COMMERCIAL.SITE.PLAN
RODGER.MASON.CONSTRCUTION
3270.DOC.BAR.CT.,LAS.CRUCES,.NM
NEW.CONSTRCUTION

Attachment #4



AERIAL MAP

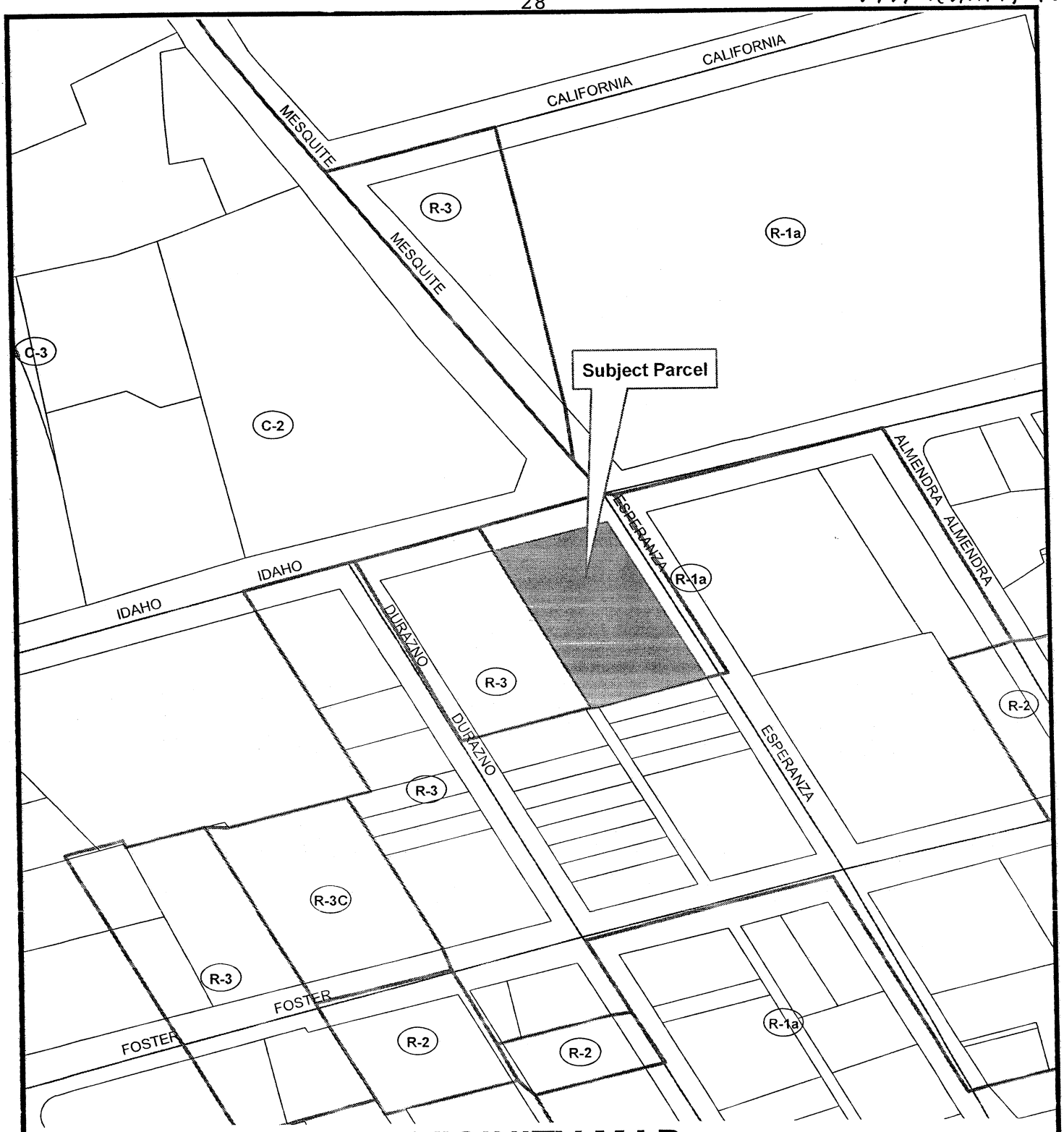
PARCEL: 02-11430
OWNER: HERBERT A & LESLIE DUKE
ADDRESS: 1302 E. ESPERANZA
ZONING: R-1A TO R-3C

0 40 80 160 240 320 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 #5



VICINITY MAP

CASE NO. Z2811
PARCEL: 02-11436
OWNER: HERBERT A & LESLIE DUKE
ADDRESS: 1302 S. ESPERANZA
ZONING: R-1A TO R-3

0 50 100 200 300 400 Feet

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

Attachment "B"

Scholz: All right, our next order of business is postponements, and I see on the agenda we have none. Is that true Mr. Ochoa?

Ochoa: That is correct sir.

Scholz: Okay.

IV. WITHDRAWALS - None

Scholz: And no withdrawals?

Ochoa: No.

V. CONSENT AGENDA

1. **Case Z2811:** A request for a zone change from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density) for 0.69 +/- acres located at 1302 S. Esperanza Street. The proposed zone change would facilitate the construction of an apartment complex on the subject property. Submitted by Rodger Mason on behalf of Herbert A. & Leslie Duke, property owners.

Scholz: Next is our consent agenda and there's one item on the consent agenda. Is this up on the screens by the way? It is, good. What we do with the consent agenda is if there is no one in the public or from the Commission or from the staff who objects to the particular item; this is Case Z2811, a request for a zone change from R-1a single-family to R-3 multi-dwelling. If no one objects to that or wants to speak to that, we'll simply pass that on an aye vote. So is there anyone from the staff who wants to speak to this? No. Any Commissioners? No. Anyone from the public? Okay, I'll entertain a motion to approve the consent agenda.

Beard: So moved.

Scholz: Is there a second?

Shipley: Second.

Scholz: All those in favor say aye.

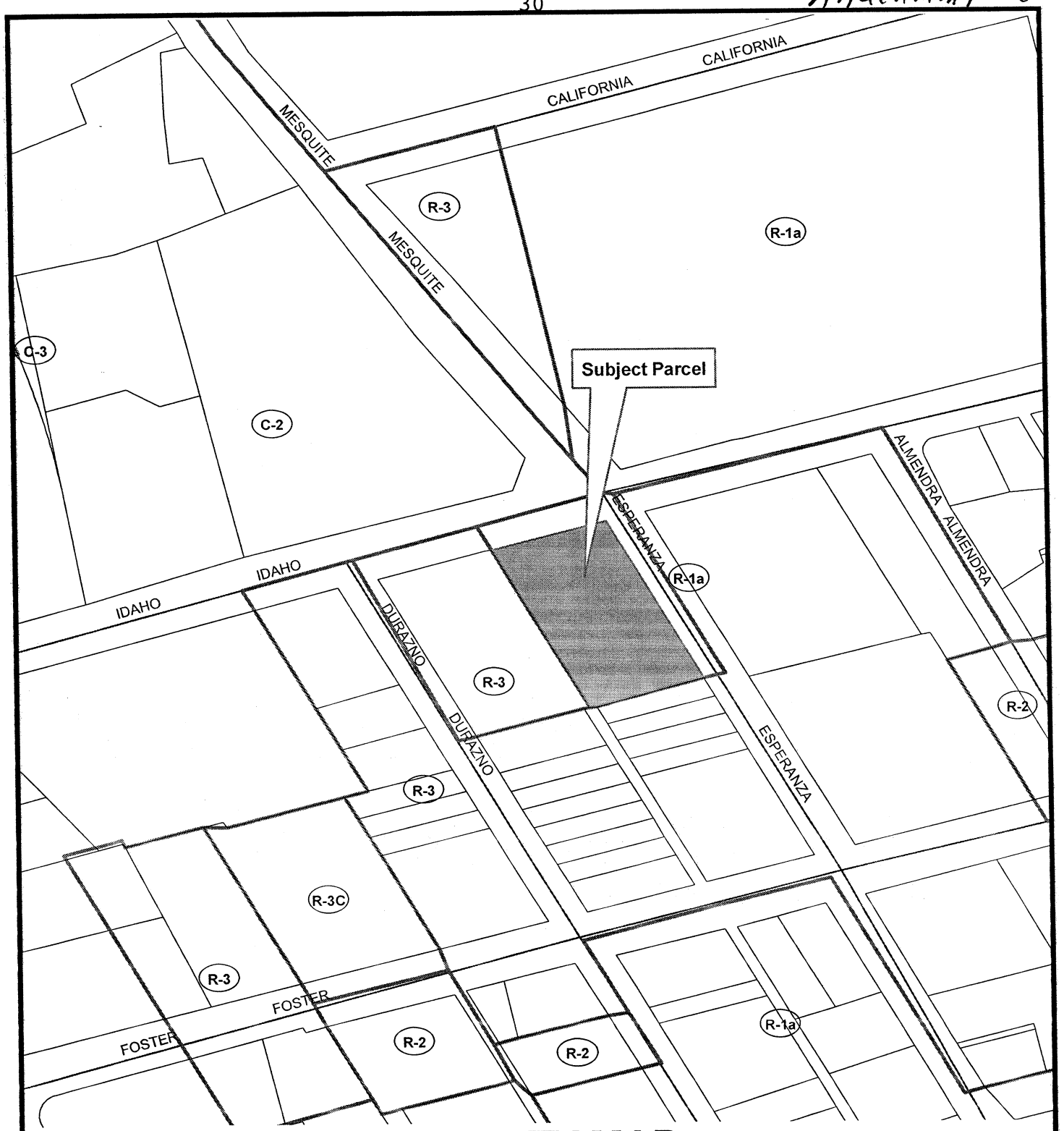
ALL COMMISSIONERS - AYE.

Scholz: Those opposed same sign. Consent agenda is approved.

VI. OLD BUSINESS - NONE

VII. NEW BUSINESS

Attachment "C"



VICINITY MAP

CASE NO. Z2811
PARCEL: 02-11436
OWNER: HERBERT A & LESLIE DUKE
ADDRESS: 1302 S. ESPERANZA
ZONING: R-1A TO R-3

0 50 100 200 300 400 Feet

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