

# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 22 Ordinance/Resolution# 2599 Council District: 5

For Meeting of January 3, 2011  
(Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM UR (URBAN RANCH FROM THE 1981 ZONING CODE) TO REM (SINGLE-FAMILY RESIDENTIAL ESTATE MOBILE) FOR TWO (2) DISTINCT PROPERTIES LOCATED SOUTH OF SHANNON ROAD AND WEST OF BEYER ROAD. THE SUBJECT PROPERTIES CONSIST OF TWO LOTS FOR A TOTAL OF 3.00 ± ACRES: LOT ONE ENCOMPASSES 2.00 ± ACRES AND LOT TWO ENCOMPASSES 1.00 ± ACRES. THE PROPOSED ZONE CHANGE WILL BRING THE SUBJECT PROPERTIES INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY ANNE SHANNON AND BEA WADE, PROPERTY OWNERS (Z2816).

**PURPOSE(S) OF ACTION:** Change the zoning from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for two (2) parcels of land with a combined area of 3.00 +/- acres.

Name of Drafter: Adam Ochoa <i>AO</i>		Department: Community Development		Phone: 528-3204	
Department	Signature	Phone	Department	Signature	Phone
Development Director	<i>[Signature]</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
Other			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:** The applicants, Anne Shannon and Bea Wade, are requesting a zone change from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for two (2) parcels of land located south of Shannon Road and west of Beyer Road. The subject properties encompass a total of 3.00 +/- acres: Lot one encompasses 2.00 +/- acres and lot two encompasses 1.00 +/- acres. Currently, lot one contains a mobile home and lot two contains a number of old and empty animal stables. The two properties' zoning designation of UR (Urban Ranch from the 1981 Zoning Code) has been eliminated from the current 2001 Zoning Code, as amended. The proposed zone change to REM (Single-Family Residential Estate Mobile) will bring the subject properties into compliance with the 2001 Zoning Code, as amended.

The former UR (Urban Ranch from the 1981 Zoning Code) zoning district is very similar to the proposed REM (Single-Family Residential Estate Mobile) zoning district. Both zoning districts require large minimum lot sizes with low densities. The UR zoning district required a minimum one (1) acre lot size and the REM zoning district requires a minimum one-half (1/2) acre lot

size. Both zoning districts also allow the raising of animals. The REM zoning district is constant with Chapter 7 of the City of Las Cruces Municipal Code in regards to the keeping of large animals. Keeping with the intent of the former UR zoning designation, the applicants have thus requested the REM zoning designation to allow the continued keeping and raising of large animals on the two properties. The REM zoning designation also maintains the subject properties as large, rural residential lots. In addition, this designation will also permit the continued use of the existing mobile home on the one lot; and it permits minimum lot size requirements to be met if additional right-of-way acquisition for Beyer road were necessary (the Equestrian Estates (EE) zoning district also accommodates large, rural residential lots and the keeping of animals. However, EE does not permit mobile homes and requires a minimum one (1) acre lot size. If the subject properties were zoned EE, any street right-of-way dedication would make one of the subject parcels non-compliant for lot size).

The REM (Single-Family Residential Estate Mobile) is consistent within the area since this zoning designation already exists on several properties. The proposed zone change will help keep the area rural with large residential lots similar to what exists in the area presently. The proposed zone change will also continue to allow the keeping of large animals on the two subject properties as desired by the surrounding property owners while bringing the subject properties into compliance with the 2001 Zoning Code, as amended, as well. The REM zoning designation is the best fit for the two subject properties.

Lot one of the subject properties has legal access to Shannon Road and Beyer Road through private 25-foot easements. Lot two has legal access to Shannon through a private 25-foot easement as well and also has direct access to Beyer Road. The Metropolitan Planning Organization (MPO) has classified both Shannon Road and Beyer Road as Local roadways. There are no bus stops or trails present within the general area.

On October 26, 2010, the Planning and Zoning Commission (P&Z) recommended approval for the zone change by a vote of 6-1-0. During the meeting, discussion took place about the possible subdivision of the two subject properties into smaller lots with the proposed zone change. The surrounding property owners were also concerned with the integrity of their area and the desire to keep the area as it currently exists with large lots and predominantly equestrian use.

**SUPPORT INFORMATION:**

1. Ordinance
2. Exhibit "A"- Proposed Zoning Map
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2816
5. Attachment "B"- Minutes from the October 26, 2010 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

**SOURCE OF FUNDING:**

<b>N/A</b>	<b>Is this action already budgeted?</b>	
	Yes	<input type="checkbox"/> See fund summary below
	No	<input type="checkbox"/> If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/> Expense reallocated from: _____ <input type="checkbox"/> Proposed funding is from a new revenue source (i.e. grant; see details below) <input type="checkbox"/> Proposed funding is from fund balance in the _____ Fund.
<b>N/A</b>	<b>Does this action create any revenue?</b>	
	Yes	<input type="checkbox"/> Funds will be deposited into this fund: _____
	No	<input type="checkbox"/> There is no new revenue generated by this action.

**FUND SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this affirms the Planning and Zoning Commission recommendation for approval. The two (2) subject properties located south of Shannon Road and west of Beyer Road with a combined area of 3.00 +/- acres will be rezoned from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estates Mobile). The zone change will facilitate zoning compliance with the 2001 Zoning Code, as amended.
2. Vote "No"; this reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of UR (Urban Ranch from the 1981 Zoning Code) will remain on the two (2) subject properties located South of Shannon Road and west of Beyer Road.
3. Vote to "Amend" and vote "Yes"; this may allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; Council may table/postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION**

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance #790.

COUNCIL BILL NO. 11-019  
ORDINANCE NO. 2599

**AN ORDINANCE APPROVING A ZONE CHANGE FROM UR (URBAN RANCH FROM THE 1981 ZONING CODE) TO REM (SINGLE-FAMILY RESIDENTIAL ESTATE MOBILE) FOR TWO (2) DISTINCT PROPERTIES LOCATED SOUTH OF SHANNON ROAD AND WEST OF BEYER ROAD. THE SUBJECT PROPERTIES CONSIST OF TWO LOTS FOR A TOTAL OF 3.00 ± ACRES: LOT ONE ENCOMPASSES 2.00 ± ACRES AND LOT TWO ENCOMPASSES 1.00 ± ACRES. THE PROPOSED ZONE CHANGE WILL BRING THE SUBJECT PROPERTIES INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY ANNE SHANNON AND BEA WADE, PROPERTY OWNERS (Z2816).**

The City Council is informed that:

**WHEREAS**, Anne Shannon and Bea Wade, the property owners, have submitted a request for a zone change from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for two (2) distinct properties located south of Shannon Road and west of Beyer Road; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on October 26, 2010, recommended that said zone change request be approved by a vote of 6-1-0.

**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 REM (Single-Family Residential Estate Mobile) for two (2) distinct properties located south of Shannon Road and west of Beyer Road.

**(II)**

**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.

**(III)**

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

**(IV)**

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

**DONE AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

**APPROVED:**

(SEAL)

\_\_\_\_\_  
Mayor

**ATTEST:**

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

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

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**VOTE:**

Mayor Miyagishima: \_\_\_\_\_

Councillor Silva: \_\_\_\_\_

Councillor Connor: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Small: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Thomas: \_\_\_\_\_



4-37

477

DON. JE LAND SURVEYS  
5010 DUNN DRIVE  
LAS CRUCES, NEW MEXICO  
1-505-382-7175

DESCRIPTION OF A 2.00 ACRE TRACT

A 2.00 acre tract of land situate in the NW $\frac{1}{4}$ , Section 19, Township 22 South, Range 3 East, N.M.P.M., located East of Las Cruces, New Mexico, and being more particularly described as follows:

BEGINNING at the northwest corner of the tract herein described, marked by a set iron rod, WHENCE the Northwest corner of Section 19 bears N 0 $^{\circ}$ 08'20" W, 186.17 feet, and N 26 $^{\circ}$ 31'48" W, 1051.26 feet;

THENCE from the aforementioned point of beginning S 89 $^{\circ}$ 08'04" E, 311.15 feet to a point marked by a set iron rod;

THENCE S 0 $^{\circ}$ 08'20" E, 280.04 feet to a point marked by a set iron rod;

THENCE N 89 $^{\circ}$ 08' W, 311.15 feet to a corner marked by a found iron rod;

THENCE N 0 $^{\circ}$ 08'20" W, 280.03 feet to the point and place of beginning, containing 2.00 acres of land more or less, and subject to easements of record, which include a 50' right of way easement on the south and west sides of this tract, and such as may exist on the ground.

TRACT ONE  
Wade/Shannon Survey  
October 18, 1983  
4-37

*Gerald Kent Donohue*  
GERALD KENT DONOHUE  
N.M.P.L.S. 8172



DONOHUE LAND SURVEYS  
 5010 DUNN DRIVE  
 LAS CRUCES, NEW MEXICO  
 1-505-382-7175

DESCRIPTION OF A 1.00 ACRE TRACT

A 1.00 acre tract of land situate in the  $NM\frac{1}{4}$ , Section 19, Township 22 South, Range 3 East, N.M.P.M., located East of Las Cruces, Dona Ana County, New Mexico, and being more particularly described as follows:

BEGINNING at the northwest corner of the tract herein described, WHENCE the Northwest corner of Section 19 bears N  $89^{\circ}08'04''$  W, 311.15 feet, N  $0^{\circ}08'20''$  W, 186.17 feet, and N  $26^{\circ}31'48''$  W, 1051.26 feet;

THENCE from the aforementioned point of beginning, marked by a set iron rod, S  $89^{\circ}08'04''$  E, 155.55 feet to a point marked by a set iron rod;

THENCE S  $0^{\circ}08'56''$  E, 280.04 feet to a corner marked by a found iron rod;

THENCE N  $89^{\circ}08'$  W, 155.60 feet to a point marked by a set iron rod;

THENCE N  $0^{\circ}08'20''$  W, 280.04 feet to the point and place of beginning, containing 1.00 acre more or less, and subject to easements of record, including a right of way easement along the south and east sides of this tract, and such as may exist on the ground.

TRACT FOUR  
 Wade/Shannon Survey  
 October 18, 1983

4-37

*Gerald Kent Donohue*  
 GERALD KENT DONOHUE  
 N.M.P.L.S. 8172



**FINDINGS AND COMPREHENSIVE PLAN ANALYSIS**

1. The subject properties encompass a total of 3.00 +/- acres and are located south of Shannon Road and west of Beyer Road.
2. Currently, lot one, encompassing 2.00 +/- acres, contains a mobile home and lot two, encompassing 1.00 +/- acres, contains some old and empty animal stables.
3. The zone change request for the two subject properties from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) will bring the two subject properties into compliance with the 2001 Zoning Code, as amended.
4. Lot one of the subject properties has legal access to Shannon Road and Beyer Road through private easements, while lot two has legal access to Shannon through a private 25 foot easement as well and has direct access to Beyer Road, both classified as Local roadways by the Metropolitan Planning Organization (MPO).
5. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	UR	Vacant
South	EE	Vacant
East	EE	Residential
West	UR	Vacant

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

Land Use Element, Goal 1 (Land Uses)

- Policy 2.2 Agriculture and ranching activities are encouraged on the fringe areas of the City.
- Policy 3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwellings per acre. A rural residential area uses shall be so designated where these uses occur as a density of less than or equal to two dwelling units per acre.
- Policy 3.13 Affordable housing developments shall be encouraged to be located throughout the City where they are compatible with surrounding densities.
- Policy 3.14 The City shall encourage urban residential development on the East Mesa.

**City of Las Cruces**<sup>®</sup>

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner *AOchoa*

DATE: October 26, 2010

SUBJECT: South of Shannon Road & west of Beyer Road (Zone Change)

RECOMMENDATION: Approval – without conditions for zone change (Case Z2816)

**Case Z2816:** A request for a zone change from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for two parcels of land located south of Shannon Road and west of Beyer Road. The subject properties consist of two lots for a total of 3.00 ± acres: Lot one encompasses 2.00 ± acres and lot two encompasses 1.00 ± acres. The proposed zone change will bring the subject properties into compliance with the 2001 Zoning Code, as amended. Submitted by Anne Shannon and Bea Wade, property owners.

### BACKGROUND

The applicants, Anne Shannon and Bea Wade, are requesting a zone change from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for two (2) parcels of land located south of Shannon Road and west of Beyer Road. The subject properties encompass a total of 3.00 +/- acres: Lot one encompasses 2.00 +/- acres and lot two encompasses 1.00 +/- acres. Currently, lot one contains a mobile home and lot two contains a number of old and empty animal stables. The two properties' zoning designation of UR (Urban Ranch from the 1981 Zoning Code) has been eliminated from the current 2001 Zoning Code, as amended. The proposed zone change to REM (Single-Family Residential Estate Mobile) will bring the subject properties into compliance with the 2001 Zoning Code, as amended.

To in keep with the intent of the former UR (Urban Ranch) zoning designation the applicants have requested the REM (Single-Family Residential Estate Mobile) zoning designation to continue to allow the keeping and raising of animals on the two subject properties as well as keep the subject properties as large, rural, residential lots similar to those permitted in the former UR (Urban Ranch) zoning designation from the 1981 Zoning Code. The requested zoning designation will also allow the continued use of an existing mobile home on lot one. The REM (Single-Family Residential Estate Mobile) zoning designation will also allow lot two to stay in compliance with the 2001 Zoning Code, as amended, when it comes to minimum lot size whenever street dedication is required by the City of Las Cruces whenever Beyer Road is widened and improved.

Lot one of the subject properties has legal access to Shannon Road and Beyer Road through private 25 foot easements. Lot two has legal access to Shannon through a private 25 foot easement as well and also has direct access to Beyer Road. The Metropolitan Planning Organization (MPO) has classified both Shannon Road and Beyer Road as Local roadways. There are no bus stops or trails present within the general area.

**FINDINGS**

1. The subject properties encompass a total of 3.00 +/- acres and are located south of Shannon Road and west of Beyer Road.
2. Currently, lot one, encompassing 2.00 +/- acres, contains a mobile home and lot two, encompassing 1.00 +/- acres, contains some old and empty animal stables.
3. The zone change request for the two subject properties from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) will bring the two subject properties into compliance with the 2001 Zoning Code, as amended.
4. Lot one of the subject properties has legal access to Shannon Road and Beyer Road through private easements, while lot two has legal access to Shannon through a private 25 foot easement as well and has direct access to Beyer Road, both classified as Local roadways by the Metropolitan Planning Organization (MPO).
5. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	UR	Vacant
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East	EE	Residential
West	UR	Vacant

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

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Policy 2.2 Agriculture and ranching activities are encouraged on the fringe areas of the City.

Policy 3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwellings per acre. A rural residential area uses shall be so designated where these uses occur as a density of less than or equal to two dwelling units per acre.

Policy 3.13 Affordable housing developments shall be encouraged to be located throughout the City where they are compatible with surrounding densities.

Policy 3.14 The City shall encourage urban residential development on the East Mesa.

### **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 promotes agricultural and ranching activities on the fringe areas of the City. The proposed zoning designation can be seen throughout the East Mesa area. The zone change will also help bring the subject properties into compliance with the 2001 Zoning Code, as amended.

Staff has reviewed this zone change and recommends approval without conditions.

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 Z2816.
2. Approve the request with additional conditions.
3. Deny the request.

### **ATTACHMENTS**

1. Development Statement
2. Site Plan
3. Aerial Map
4. Vicinity Map
5. Public Comments

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: ANNE Shannon  
Contact Person: ANNE Shannon  
Contact Phone Number: 575-382-5453  
Contact e-mail Address: ANNE.Shannon@Allstate.com  
Web site address (if applicable): \_\_\_\_\_

**Proposal Information**

Location of Subject Property 7332 Shannon Rd

(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: UR

Proposed Zoning: EE

Acreage of Subject Property: 3 ACRES

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

single family use  
\_\_\_\_\_  
\_\_\_\_\_

Proposed square footage and height of structures to be built (if applicable):  
6

Anticipated hours of operation (if proposal involves non-residential uses):  
0

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

Anticipated development schedule: Work will commence on or about 8  
and will take approximately 2 to complete.

How will storm water 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:

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**Attachments**

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

Location map

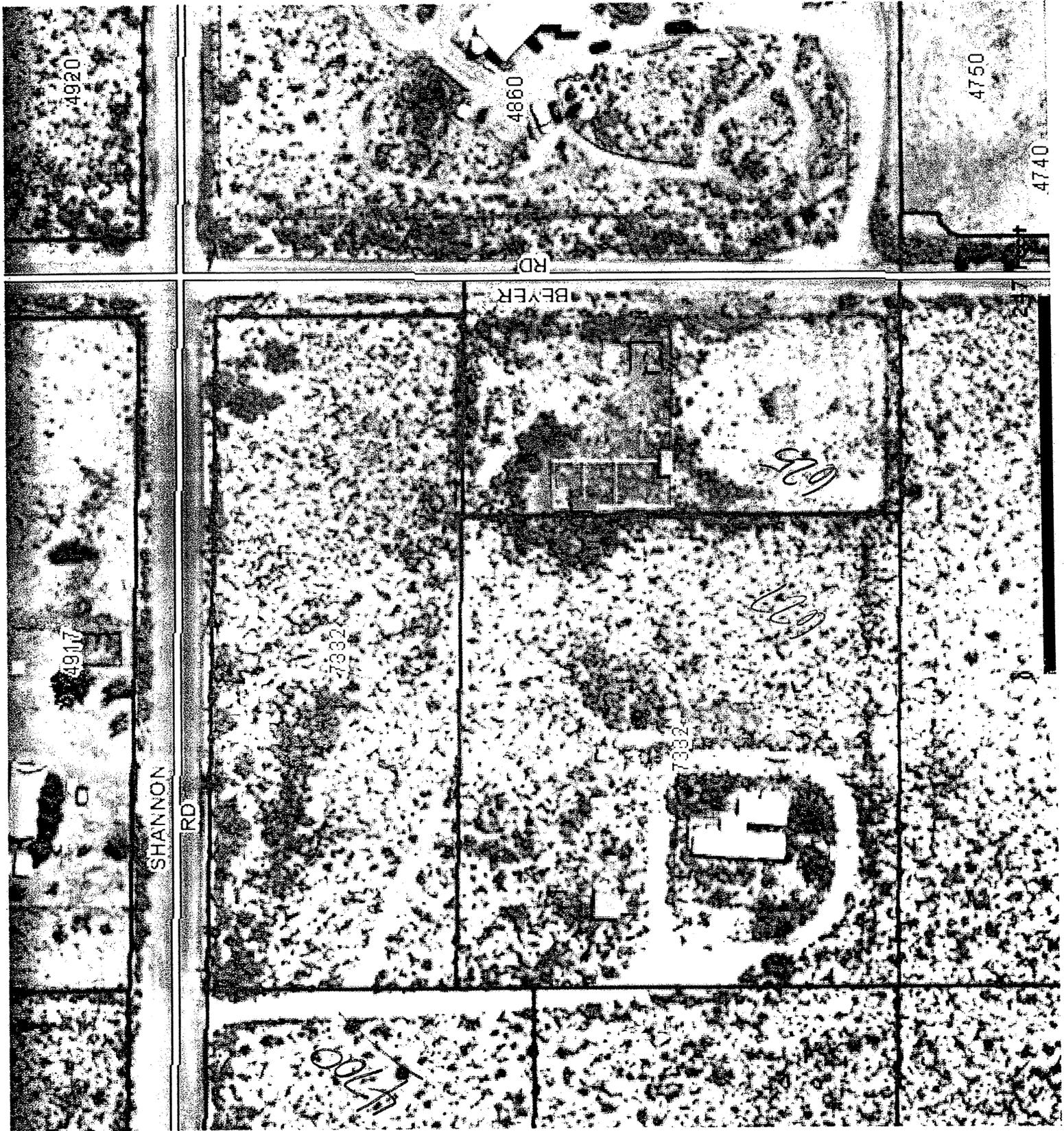
Detailed site plan

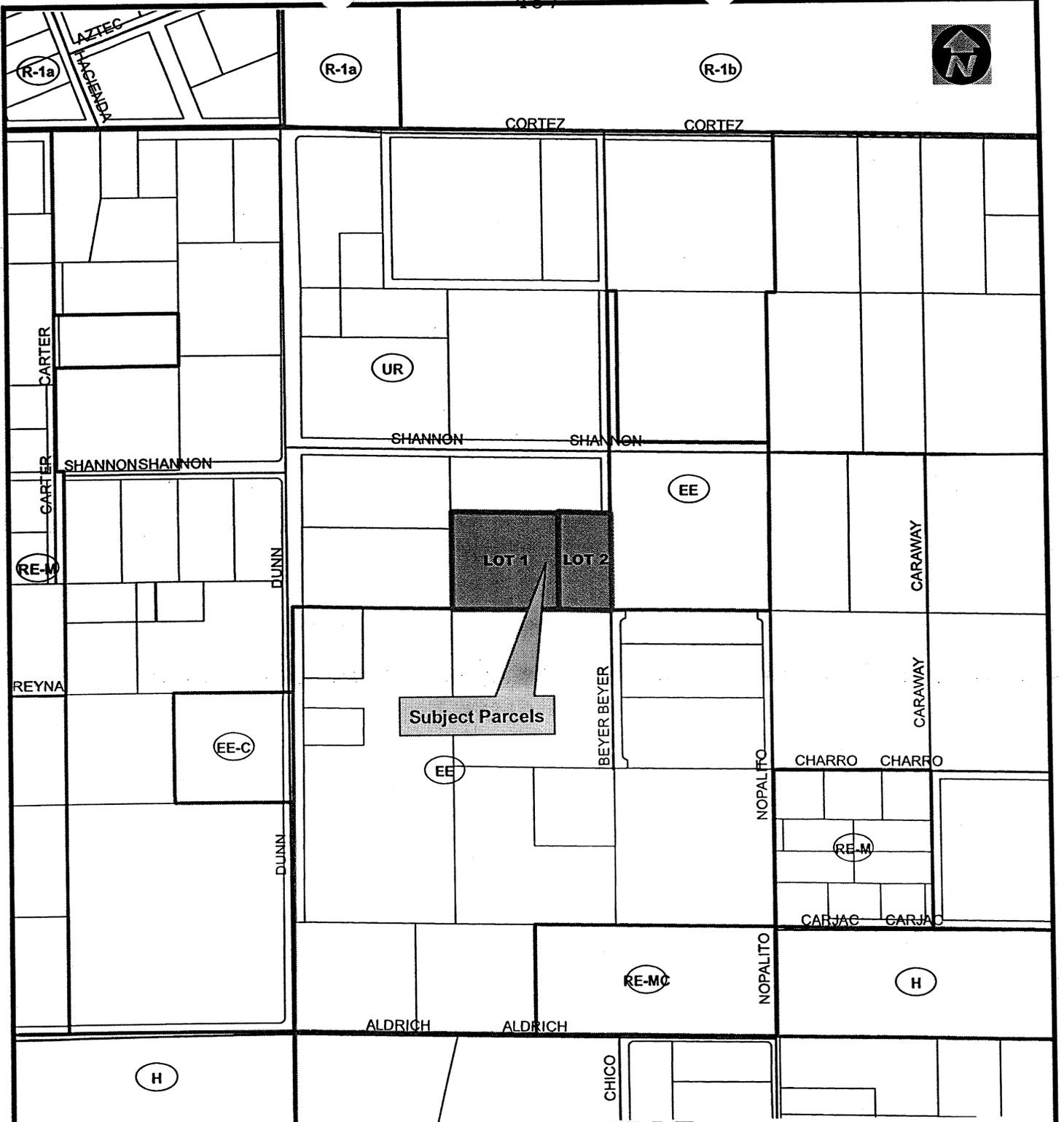
Proposed building elevations\*

Renderings or architectural or site design features\*

Other pertinent information\*







### VICINITY MAP

**CASE NO. Z2816**  
**PARCEL: 02-18627, 02-18625**  
**OWNER: ANNE L SHANNON & BEATRICE A WADE**  
**ZONING: UR**



*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**

18 October 2010

Jon & Laura Haas  
4860 Beyer Rd  
Las Cruces, NM 88011

Dear Mr. Ochoa and Members of the Planning & Zoning Commission:

In reference to case #Z2816, we'd like to express our concerns about the zoning now requested (Oct 8, 2010) for that property.

We oppose the requested change for re-zoning what is currently Urban Ranch (UR) to Single-Family Residential Estate Mobile for three reasons.

1) Zoning Consistency. The requested zoning is not consistent with the equestrian activities ongoing in a majority of the neighborhood, including large boarding equestrian facilities to the south, as well as residents to the north, the east, and the south on Shannon Road, Beyer Road, Cortez Road, Nopalito Road, Carjac Road, Aldrich Road, and other nearby roads. This affects dozens of families and their lifestyles, which often are focused on equestrian activities and for which many have moved to this section of the city.

As owners of the property adjacent to the applicant's, we were asked to change our own zoning in 2003 from urban ranch (UR) to equestrian estates (EE). We did this to support the city's interest in making consistent the uses and, therefore, the zoning for our neighborhood where practical to do so. Since most of the immediate neighborhood was already zoned for equestrians and we too intended to engage in equestrian activities, we agreed to the change, despite the fact that UR already permitted that use.

2) Land-Use Expectations of Owners. The proposed zoning offers the expectation to prospective buyers of this property that they are buying in an area where non-equestrian uses are the norm around them. This is not only unfair to prospective buyers who might be unaware of some of the less glamorous aspects of living in an equestrian neighborhood, but it is also unfair to the existing residents who may be asked to justify or even curtail movements or activities to suit the needs or desires of the new residents. These contrasting needs and desires may well result in increased numbers of requests of city offices, councils, or commissions to resolve conflicts.

3) Safety Considerations. The requested zoning is also inconsistent with safety considerations in a neighborhood where equestrian activities have already been established, approved, and practiced since at least the mid 80's. These activities present risks to the participants, and current residents in these zoned areas are well aware of the precautions needed to keep themselves, their neighbors, riders, and their animals safe when riding through to outlying public lands or using bicycles and motorized vehicles around horses and mules. Purchasers of non-equestrian-zoned property may have no understanding of the safe and considerate behaviors needed when living around horses, nor would the proposed zoning imply they should bear those in mind.

17 Oct 2010

Furthermore, safe passage by equines in our neighborhood into outlying public lands is already being threatened by new developments approved north of Cortez Road as part of the Waterfalls community. We would like to remind the committee that those developments already approved will necessitate the widening of Cortez as a multiple-lane artery to Dunn Drive. That increasing traffic in our neighborhood, greatly limits our safe movements to the north and to the east for equine travel to public lands.\* Further risks to the safe movement by horses and horse-hauling vehicles will arise from the proposed zoning change. This may lead to an increased number of residents unaccustomed to equine-related safety needs.

In lieu of the current proposal for case #Z2816, we support either the original zoning (UR) or the first proposal for zoning to EE, made recently on September 9, 2010. Neither zoning designation prohibits mobile dwellings. We do not oppose mobile dwellings, but **we do oppose zoning designations that would**

- permit higher-density vehicular traffic,
- negatively impact equine activities now enjoyed by there, or
- offer opportunities for subdividing the existing space to allow higher-density dwellings.

It is our hope that the council will act in a manner consistent with our continued safety and zoning-appropriate practices, as well as for the benefit of those future residents who will enjoy the provisions made by your consideration.

A signed copy of this email will be posted by U.S. mail, but in the interest of providing our feedback in time to be included in the materials provided to the P & Z committee we offer this copy via email.

Thank you for the opportunity to provide input in this matter.

Sincerely,

Jon & Laura Haas  
4860 Beyer Rd  
Las Cruces, NM 88011

Laurahaas@q.com  
Jon.Haas@q.com

575-541-0232 (hm)  
575-649-5237 (Laura cell)  
575-646-3110 (Laura work)

\*Record of the materials we provided and the concerns we voiced at time of the P&Z Commission discussion of the Waterfalls community are present in the city's own public records.

**Adam Ochoa**

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**From:** Thompson, Roseann [rethomps@ad.nmsu.edu]

**Sent:** Tuesday, October 19, 2010 7:42 AM

**To:** Adam Ochoa

**Subject:** Case Z2816

**Attachments:** ZoningShannonProperty.doc

Hi Adam –

Attached is a letter protesting the change in zoning from urban ranch to single-family residential estate mobile for the two properties located south of Shannon Road and west of Beyer road.

Rose

\*\*\*\*\*

Roseann Thompson

<[redacted]>  
..//\..\

October 18, 2010

Adam Ochoa  
Acting Planner  
Community Development Dept.  
PO Box 20000  
Las Cruces, NM 88004-9002

RE: Case Z2816 – Applicant: Anne Shannon and Bea Wade, property owners

Dear Mr. Ochoa and the Planning and Zoning Commission:

We understand that the zoning for two properties located south of Shannon Road and west of Beyer Road. The property is currently zoned Urban Ranch (UR) and that an ordinance to change the zoning to Single-Family Residential Estate Mobile (RE-M) is currently proposed.

We are located at 7630 Shannon Road. One 5-acre lot separates our property from the aforementioned property. **We strongly object to the change to RE-M for the following reasons:**

- The property will be surrounded by Equestrian Estate and Urban Ranch properties. We specifically purchased our property with the intent to be located in a neighborhood that maintains a rural atmosphere. Removing the Urban Ranch zoning and allowing RE-M zoning of the property will be the first step toward smaller lots and loss of the rural atmosphere that we expect with the current zoning.
- The RE-M zoning for three acres in the center of UR and EE zoning will open the rest of the city to spot zoning issues.
- UR and EE zoning is specifically for families that enjoy the rural life style. Allowing RE-M zoning opens the door to other properties in the area to request zoning changes that would allow for new residents that likely will not understand that living in an area designated for horses comes with challenges. The challenges often include considerable noise in the early morning hours (examples – chickens crowing, donkeys braying), flies, smells associated with animals, and roadways purposely maintained as dirt roads.

It is interesting the original request to change the zoning for this lot dated September 9, 2010 was to EE zoning. There were absolutely no protests to the first request. It appears that this was done as a disingenuous way to obscure the real intent to increase the number of homes allowed on the lots. We do not oppose mobile dwellings; however, potentially subdividing the current lots which RE-M zoning may allow for is not in keeping with the neighborhood.

We ask that you aggressively protect the area's rural character that includes large animals. We enjoy relatively open and airy lots. People who bought here have a reasonable expectation that the zoning around their properties will not change.

Sincerely yours,



Roseann Thompson  
7630 Shannon Rd.  
Las Cruces, NM 88011



Eric Thompson

A signed copy of this email will be posted by U.S. mail, but in the interest of providing our feedback in time to be included in the materials provided to the committee we offer this copy via email.

City of Las Cruces

Community Development Dept.

Greetings, I am replying in regards to Zoning change case Z2816. The proposed change is to a Single – family Residential Estate Mobile. Is this change going to allow a mobile home park? If so, I would be against this proposed Zoning change. Thankyou.

Brian Breitag

6794 Calico Dr. 88012

**Adam Ochoa**

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**From:** Laura Haas [laurahaas@q.com]  
**Sent:** Tuesday, October 19, 2010 8:52 AM  
**To:** Adam Ochoa; Cheryl Rodriguez; Jon P Haas  
**Subject:** case #Z2816 letter regarding zoning change  
**Attachments:** CaseZ2816-Zoning-letter2010-Haas.pdf

Hello,

Kindly find attached a letter regarding case #Z2816. Please distribute to members of the Planning & Zoning Commission in advance of their meeting on 26 Oct 2010. Many thanks for your help.

Laura Haas  
575-649-5237

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Laura Haas  
New Mexico, USA

495

**Adam Ochoa**

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**From:** Cathy Boeker [mrsb\_wsmr@hotmail.com]  
**Sent:** Wednesday, October 20, 2010 9:31 PM  
**To:** Adam Ochoa  
**Subject:** Case Z2816 concerns and objections  
**Importance:** High

Dear Mr. Ochoa,

Hi. I called your office on Monday, 10/18/2010, and left a message but have not heard from you so I will take another route to express my concerns.

I live at 4800 Beyer Road. I am a bit confused by the little flurry of proposed zoning changes in the area we have received in the past few weeks. The original change requested by Anne Shannon and Bea Wade (in September 2010) for their properties from UR to EE made sense - it was consistent with the area and posed no threat to those of us who have enjoyed our equestrian 'estates' for many years. Suddenly the request is no longer from UR to EE but to RE-M. While I have no objections to mobile homes, *per se*, I do strenuously object to what seems to be an end-around kind of move (proposing one thing and then another, quite different thing in quick succession.) Was this to put the neighborhood off its guard or is there a less disturbing explanation?

I have attended past planning and zoning commission meetings and have heard expressed that the new zoning code (instituted in 2001, I believe) was intended to make zoning more consistent. I do not believe that sticking an RE-M designation in the middle of our neighborhood conforms to that ideal. Indeed, it smacks of spot zoning that benefits one party to the detriment of others. We who bought our properties in this area - and most of us have lived here for quite a while - did so exactly because we have horses, intend to keep horses all our lives, and wanted to live among others who share our preferences for equine company without the concerns that can follow if we are intermingled with those who do not understand or appreciate large animals. I am further concerned that this designation (RE-M) may open the door for additional subdivisions of this same property. It is in close proximity to my own small holdings and I am very distressed that the changes may negatively impact my property values, increase traffic in the area (making it untenable for horse or foot traffic), and change the very nature of our previously peaceable neighborhood. The fact that these proposed changes only seem to pertain to three of the five acres in that parcel is also a worry. What are their intentions for the other pieces?

I hope that you and the P&Z commission will take these concerns into consideration and advocate for the existing neighborhood when making your decisions. I doubt I am the only resident who will express concerns. I have sent this via e-mail in the interest of expediency but will follow up with an actual letter in the immediate future as well. I plan to see you at meeting on the 26th. Thank you for your consideration.

Cathy Boeker  
4800 Beyer Road  
Las Cruces, NM 88011

cmb

The real index of civilization is when people are kinder than they need to be. -Louis de Berniere, novelist (b. 1954)

10/21/2010

496

**Adam Ochoa**

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**From:** Tomusna66@aol.com  
**Sent:** Sunday, October 24, 2010 7:49 PM  
**To:** Adam Ochoa  
**Subject:** Rezoning Case #Z2816  
**Attachments:** Oct 10 zoning letter.doc

Mr. Ochoa:

I am sending this letter via USPS also. I expect that we will see you on Tuesday evening 10/26, at the hearing.

Tom Bernier

Thomas R. Bernier

10/25/2010

Thomas R. Bernier  
Latana Jan Bernier

8621 Charro Road  
Las Cruces New Mexico 88011  
Tom: 575.639.2226 & Latana: 575-639-2573  
Email: [tomusna66@aol.com](mailto:tomusna66@aol.com)

24 October 2010

Adam Ochoa, Acting Planner  
City Community Development Department  
PO Box 20000  
Las Cruces, NM 88004-9002

Re: Rezoning request case #Z2816, Planning & Zoning Commissioners

Dear Mr. Ochoa and Commissioners:

Regarding the referenced case, we would like to express our opposition to the zoning now requested (Oct 8, 2010) for the subject property.

We have lived in our home, located about two blocks from the referenced case property, for two years and four months and have four equines on our property. We located here in large part because of the equestrian-related zoning that this area enjoys. We oppose the requested change for re-zoning what is currently Urban Ranch (UR) to Single-Family Residential Estate Mobile, as do many of our neighbors, for three reasons.

- 1) Zoning Consistency. The requested zoning is not consistent with the area's equestrian zoning and use. Many properties throughout the neighborhood have equestrian uses, including large equestrian boarding facilities to the south, as well as other properties with multiple equestrian-residents to the north, east, and south: on Shannon Road, Beyer Road, Cortez Road, Nopalito Road, Carjac Road, Aldrich Road, and Charro Street.
- 2) Land-Use Expectations of Owners. The proposed zoning change creates the expectation on the part of prospective buyers/residents of this property that they are buying in a typical residential area, where they are not expecting that equestrian uses are the norm all around them. This is misleading to prospective buyers who might be unaware of some of the, shall we say, less glamorous aspects of living in an equestrian neighborhood. Also, such "spot zoning" within a larger, homogeneously zoned equestrian-related community is unfair to the existing residents. These existing residents, many of whom located here because of the existing zoning, may be asked to defend or even curtail equestrian movements or activities that are perceived by the new residents as objectionable when they encounter things that are typical of equestrian presence/usage. These potentially conflicting rights and uses may result in neighborhood conflict and requests of city offices to resolve conflicts.
- 3) Safety Considerations. The requested zoning is also inconsistent with safety considerations in a neighborhood where equestrian activities have already been established, approved, and practiced. These activities present potential risks to area residents, of which everyone now in those zoned areas

is aware, including awareness of the precautions needed to keep themselves, their neighbors, riders, and their animals safe, such as when riding equines through the neighborhood to access outlying public lands or when using bicycles and motorized vehicles around equines.

In lieu of the current proposal, we support either the original zoning (UR) or the first proposal for zoning to EE, made as recently as September 9, 2010. Neither zoning designation prohibits mobile dwellings. We do not oppose mobile dwellings, but **we DO oppose zoning designations that would**

- permit higher-density vehicular traffic,
- inhibit or prevent equine activities, or
- offer opportunities for subdividing the existing space to allow higher-density dwellings.

It is our continued hope that the council will act in a manner consistent with our continued safety and zoning-appropriate practices, as well as for the benefit of those future residents who will enjoy the provisions made by your consideration.

A signed copy of this email will be posted by U.S. mail, but in the interest of providing our feedback in time to be included in the materials provided to the P & Z committee we offer this copy via email.

Thank you for the opportunity to provide input in this matter.

Sincerely,

Latana J. Bernier

Thomas R. Bernier

20 October 2010

Mr. Adam Ochoa, Acting Planner  
Community Development Department  
P.O. Box 20000  
Las Cruces, NM 88004-9002

\* Reference Case: Z2816

Dear Mr. Ochoa,

This is the promised follow-up letter to my e-mail, also dated 20 October 2010, and the phone message I left at your office on 10/18/2010.

I live at 4800 Beyer Road. I am a bit confused by the little flurry of proposed zoning changes in the area we have received in the past few weeks. The original change requested by Anne Shannon and Bea Wade (in September 2010) for their properties from UR to EE made sense - it was consistent with the area and posed no threat to those of us who have enjoyed our equestrian 'estates' for many years. Suddenly the request is no longer from UR to EE but to RE-M. While I have no objections to mobile homes, *per se*, I do strenuously object to what seems to be an end-around kind of move (proposing one thing and then another, quite different thing in quick succession.) Was this to put the neighborhood off its guard or is there a less disturbing explanation? The fact that these proposed changes only seem to pertain to three of the five acres in that parcel is also a worry. What are their intentions for the other pieces?

I have attended past planning and zoning commission meetings and have heard expressed that the new zoning code (instituted in 2001, I believe) was intended to make zoning more consistent. I do not believe that sticking an RE-M designation in the middle of our neighborhood conforms to that ideal. Indeed, it smacks of spot zoning that benefits one party to the detriment of others. We who bought our properties in this area - and most of us have lived here for quite a while - did so exactly because we have horses, intend to keep horses all our lives, and wanted to live among others who share our preferences for equine company without the concerns that can follow if we are intermingled with those who do not understand or appreciate large animals. I am further concerned that this designation (RE-M) may open the door for additional subdivisions of this same property. It is in close proximity to my own small holdings and I am very distressed that the changes may negatively impact my property values, increase traffic in the area (making it untenable for horse or foot traffic), and change the very nature of our previously peaceable neighborhood.

I hope that you and the P&Z commission will take these concerns into consideration and advocate for the greater existing neighborhood when making your decisions. I doubt I am the only resident who will express concerns. Hopefully you have already received my e-mail addressing these same issues. I plan to see you at meeting on the 26th. Thank you for your consideration.

Cathy Boeker

Cathy Boeker  
4800 Beyer Road  
Las Cruces, NM 88011

1 but I'm assuming that if we approve it then they can go forward with the  
2 rest of it. So, I'll... I'm open to a motion to approve.

3  
4 Evans: Mr. Chairman, I move that we approve Case S-10-026.

5  
6 Scholz: Is there a second?

7  
8 Stowe: I second.

9  
10 Scholz: Okay, it's been moved and seconded. I'll call the roll; Commissioner  
11 Shipley.

12  
13 Shipley: Aye; findings, discussion and site visit.

14  
15 Scholz: Commissioner Crane.

16  
17 Crane: Nay; findings, discussion and site visit.

18  
19 Scholz: Commission Stowe.

20  
21 Stowe: Aye; findings, discussion and site visit.

22  
23 Scholz: Commissioner Evans.

24  
25 Evans: Aye; findings, discussion.

26  
27 Scholz: Commissioner Bustos.

28  
29 Bustos: Aye; findings and discussion.

30  
31 Scholz: Commissioner Beard.

32  
33 Beard: Aye; findings and discussions.

34  
35 Scholz: And the Chair votes aye for findings and discussions; so it passes 6-1.  
36 Thank you gentlemen, thank you very much folks.

Start

37  
38 2. **Case Z2816:** A request for a zone change from UR (Urban Ranch from the  
39 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for two  
40 parcels of land located south of Shannon Road and west of Beyer Road. The  
41 subject properties consist of two lots for a total of 3.00 ± acres: Lot one  
42 encompasses 2.00 ± acres and lot two encompasses 1.00 ± acres. The  
43 proposed zone change will bring the subject properties into compliance with  
44 the 2001 Zoning Code, as amended. Submitted by Anne Shannon and Bea  
45 Wade, property owners.  
46

1 Scholz: Okay, our next case is Case Z2816, a request for zone change from  
2 Urban Ranch from the 1981 Zoning Code to Single Family Residential  
3 Estate Mobile and Mr. Ochoa you are up again.  
4

5 Ochoa: Yes sir. Last case for tonight again is Z2816. It's a request for zone  
6 change from UR which is Urban Ranch from the 1981 Zoning Code to  
7 REM Single Family Residential Mobile. Here is the vicinity map of the  
8 subject properties; lot one and lot two; combined three acres in size,  
9 approximately. Lot one is two acres in size and lot two is one acre in size.  
10 As you can see it is here in an area that is basically zoned UR which out  
11 of compliance with the 2001 Zoning Code; some EE, some and... REM  
12 zoning here, here and to the west of the property as well.

13 I just wanted to make it clear before I go on with my presentation; this  
14 case was actually supposed to come forward in front of us last month.  
15

16 Scholz: Yes, I recall seeing it.  
17

18 Ochoa: That is correct sir, from going to UR which is Urban Ranch from 1981  
19 Zoning Code to EE which is Equestrian Estates which is the majority of  
20 the zoning around that area. The reason it was actually postponed is  
21 because existing on the... on lot two of the two existing... lot one excuse  
22 me, of the two existing subject properties is a mobile home. A mobile  
23 home is actually not a permitted use in the EE zoning district; only site  
24 built homes and manufactured homes are the only two things allowed in  
25 the EE zoning district which is why now we're coming forward for the REM  
26 zoning district.

27 Two parcels like I said are located south of Shannon Road and west  
28 of Beyer road. Lot one encompasses approximately two acres in size and  
29 lot two encompasses approximately one acre in size. Lot one like I said  
30 currently contains a mobile home and lot two contains a number of old and  
31 empty animal stables. Existing zoning on the subject property is UR which  
32 has been eliminated from the 2001 Zoning Code; that went away when the  
33 2001 Zoning Code was adopted from the 1981 Zoning Code. The zone  
34 change to REM which is Single Family Residential Estate Mobile will bring  
35 the subject properties into complete compliance with the 2001 Zoning  
36 Code. REM zoning designation will continue the allowed keeping and  
37 raising of animals on the two subject properties as evident with the  
38 existing empty animal stables that is on lot two. REM zoning district will  
39 also continue the existing use of a mobile home which is existing on lot  
40 one which has been existing there since about 1970 according to the  
41 subject property owner. To keep the properties as large rural residential  
42 lots it's limited to those in the former UR, Urban Ranch zoning  
43 designation, from the 1981 Zoning Code is why we are going for the REM  
44 Zoning Code which is considered still a residential rural lot; large size and  
45 so forth like that. The REM zoning designation will allow the two lots to  
46 stay in compliance with the 2001 Zoning Code as amended. When it

1 comes to minimum lot size whenever street designation is... dedication  
 2 excuse me, it's required by the City of Las Cruces whenever Beyer Road  
 3 is widened and completely improved; that's another reason why we  
 4 changed it from the old... what we're trying to do was Equestrian Estates  
 5 or EE to REM so as to in the future whenever the street is widened it  
 6 would still be in compliance with the 2001 Zoning Code not come out of  
 7 compliance whenever that road designation was taken, dedication excuse  
 8 me, was taken. Lot one has legal access off of Shannon Road and Beyer  
 9 Road through private 25-foot road... 25-foot easements. Lot two has legal  
 10 access to Shannon Road through a 25-foot easement as well and actually  
 11 has direct access to Beyer Road; Shannon Road and Beyer Road are  
 12 both classified as Local roadways by the Metropolitan Planning  
 13 Organization.

14 Here's the site plan of the two lots. There's lot one we're talking  
 15 about and lot two. Like I said, two acres in size, one acre in size showing  
 16 the 25-foot easements to Shannon and this is actually Beyer here and  
 17 Beyer Road and the 25-foot easement to Shannon for lot one as well, lot  
 18 two, I'm sorry.

19 Here are some site photos for the... from the subject properties. The  
 20 one on the top left-hand corner is from lot two which is the one acre lot  
 21 with the empty stables on it and this here is actually from lot one which is  
 22 the two acre in size lot with the existing mobile home.

23 Staff has reviewed the zone change and recommends approval  
 24 without conditions based on the preceding findings so to the... for the  
 25 property to come into complete compliance with the 2001 Zoning Code,  
 26 staff if recommending approval for this. The recommendation of the  
 27 Planning and Zoning Commission will be forwarded to City Council for  
 28 final consideration.

29 Tonight gentlemen your options are one to vote yes and approve the  
 30 request as recommended by staff for Case Z2816; two to vote yes,  
 31 approve the request with additional conditions deemed appropriate by the  
 32 Commission; three to vote no to deny the request; and four to table and  
 33 postpone and direct staff accordingly.

34 That concludes my presentation at this time. The... one of the  
 35 property owners is here for any questions you might have for her as well  
 36 and just to let you know we did receive some letters of objection that you  
 37 all have a copy of. Some were actually made available for you also  
 38 attached to your report, staff report as well. These are just some  
 39 additional ones and copies of the ones that you already have as well sir  
 40 and I stand for questions.

41  
 42 Scholz: Okay, questions for this gentleman. Commissioner Crane.

43  
 44 Crane: And so Mr. Ochoa the practical outcome of what's being requested today  
 45 is to legitimize the presence of the mobile home on lot one. Nothing else  
 46 effectively changes, right?

- 1  
2 Ochoa: Mr. Chairman, Commissioner Crane essentially REM zoning would not  
3 only allow the existing mobile home that's existing on lot one, it would also  
4 allow the raising and keeping of animals on lot two which is existing as  
5 well so basically that one zoning designation takes care of both lots at the  
6 same time sir.  
7  
8 Scholz: Commissioner Shipley.  
9  
10 Shipley: I'm maybe confused but on the diagram it shows lot two is the one acre lot  
11 and lot one is the two acre lot? This is on your vicinity map so...  
12  
13 Ochoa: I'm sorry, lot one, the two acre lot is the existing one with the mobile  
14 home; the larger lot is the one with the existing mobile home on it. Lot  
15 two, the smaller one, the one acre one is the one with the existing older  
16 animal stables on it.  
17  
18 Shipley: Lot two is up by Beyer.  
19  
20 Ochoa: Yes sir, that is correct.  
21  
22 Scholz: Commissioner Beard.  
23  
24 Beard: I know there's a big deal about septic tanks. How many animals can you  
25 put on that one acre lot; how many horses?  
26  
27 Ochoa: Mr. Chairman, Commissioner Beard that's actually described under  
28 municipal code; that's not really covered by the zoning code. The zoning  
29 code actually refers to Chapter 7 of the Municipal Code so it would be  
30 more of an animal control issue if you will sir.  
31  
32 Scholz: Alright and I think his question is do we have a copy of the municipal code  
33 here that we can find that out?  
34  
35 Beard: How many animals also are on that piece of property?  
36  
37 Ochoa: Currently none sir; they are vacant. Currently the stables are vacant sir.  
38  
39 Scholz: Okay, while we look something up Commissioner Shipley your light is still  
40 on, did you have another question? No, okay; any other questions for Mr.  
41 Ochoa? Alright, may we hear from the applicant, please?  
42  
43 Shannon: Hi, I'm Anne Shannon and I own the two acres and I own half of the one  
44 acre with my sister.  
45  
46 *(People speaking away from the microphone.)*

1  
2 Scholz: Beg pardon?  
3  
4 Shannon: No, did you have any questions for me?  
5  
6 Scholz: Oh, do you have questions for Ms. Shannon?  
7  
8 Beard: How many animals did you have on the property right now?  
9  
10 Shannon: None, I have two dogs.  
11  
12 Scholz: Would you please stay on the mic?  
13  
14 Shannon: I have two dogs.  
15  
16 *(Someone speaking away from the microphone.)*  
17  
18 Shannon: Yeah, no horses, no nothing.  
19  
20 Scholz: Okay, other questions for the applicant. Commissioner Crane.  
21  
22 Crane: I noticed that one of the letters from your neighbors raised the question  
23 whether mobile homes would be permitted on these lots. Do you have  
24 any plans to put mobile homes on there?  
25  
26 Shannon: No sir, I'm trying to come into compliance with the City. I had no idea that  
27 our zoning had been eliminated and I went down to the City because I was  
28 gonna put my property up for sale and I realized that's when they told me  
29 we no longer had a zone; Urban Ranch had been eliminated.  
30  
31 Crane: Oh, thank you.  
32  
33 Shannon: So the only thing that fits is the mobile home.  
34  
35 Crane: Thank you.  
36  
37 Ochoa: Excuse me if I may add to that Commissioner Crane. I read that letter as  
38 well and I believe they had a complaint of there being a mobile home park  
39 on the lot. REM zoning designation does not allow for mobile home parks.  
40 Basically essentially all you would be allowed is one mobile home per lot  
41 in on those two lots. If now in the future if they wanted to subdivide or  
42 something like that and try to sell off the lots and have you know multiple  
43 ones on individual lots, that's possible but of course full build-out for the  
44 roads and all subdivision requirements would have to be done in order for  
45 that to happen as well so but to answer your question only one mobile  
46 home per lot sir.

- 1  
2 Evans: Question.  
3  
4 Scholz: Okay; yes, Commissioner Evans.  
5  
6 Evans: Yes Mr. Ochoa, how many animals are allowed at the property via the old  
7 zoning? I guess, I guess you may not know the answer to that and Mrs.  
8 Rodriguez may be going to get that answer.  
9  
10 Ochoa: Mr. Commissioner, Commissioner Crane that is correct. I'm sorry  
11 Commissioner Evans we'll wait for Ms. Rodriguez to come back with the  
12 Municipal Code and look up exactly what the numbers were. I believe the  
13 numbers haven't changed too much over the years but we'll just double-  
14 check whenever the Municipal Code is made available for us sir.  
15  
16 Evans: Right, so I guess one of the things that a lot of these letters pointed out is  
17 that they were concerned about animals being present on the property  
18 which would be allowed via this new zoning but the way I see it they were  
19 allowed via the old zoning also. So there is... was there any... I guess am  
20 I right in that assumption and what's going to be the difference?  
21  
22 Ochoa: I'm sorry, Mr. Chairman, Commissioner Evans essentially that's correct.  
23 Under the old UR zoning code you are allowed the raising and keeping of  
24 animals on lot, REM would allow you the same and the majority of the lots  
25 around there which is EE, Equestrian Estates you are also allowed to  
26 have the raising and keeping of large animals, farm animals and so forth  
27 like that as well so the actual use of allowing and keeping of animals is not  
28 out of character with the area.  
29  
30 Evans: Thank you.  
31  
32 Scholz: Alright, other questions for the applicant or Mr. Ochoa; yes, Commissioner  
33 Shipley.  
34  
35 Shipley: Is there a minimum lot size on the REM? One acre, is it one acre?  
36  
37 Ochoa: Mr. Chairman, Commissioner Shipley minimum lot size in REM is half an  
38 acre which is just about the same as it was in UR; I believe UR was one  
39 acre, yes sir.  
40  
41 Shipley: So in other words the max that they could build out would be six lots out of  
42 the three acres.  
43  
44 Ochoa: Mr. Commissioner... Mr. Chairman, Commissioner Shipley, excuse me,  
45 essentially yes sir, that would be the maximum amount that they could do  
46 but of course if they did do that they'd have to come into complete

1 subdivision compliance when it comes to road build-out, access issues,  
 2 basically everything and it'd be a... basically a very large and intensive  
 3 process in order to do those six lots on the property sir.

4  
 5 Scholz: Commissioner Evans your light is still on, did you have another question?  
 6 Okay, Ms. Rodriguez do you have an answer for us?

7  
 8 Rodriguez: Yes Mr. Chairman. For the question regarding the keeping of animals I  
 9 would direct you to Chapter 7 of the Las Cruces Municipal Code;  
 10 specifically Article 5, Section 7-226 and 227 which discusses the keeping  
 11 of large and small animals. The zoning districts of specifically REM,  
 12 Residential Estates Mobile, allows for the keeping of both large and small  
 13 animals. Large animals are allowed to be kept on lot sizes having a  
 14 minimum square footage of a half acre. Large animals for this purposes of  
 15 the code are defined; horses, mules, donkeys, swine, buffalo and beefalo.  
 16 There are square footage requirements pertaining to the pen, for the first  
 17 animal is 9,000 square feet and then the second animal is 6,000 square  
 18 feet provided that the total number of such animal shall not exceed four  
 19 animals per acre. There is also some setback requirements on where  
 20 animals are allowed to be kept in proximity to residential structures, things  
 21 of that nature so Chapter 7 sets forth all of those development standards  
 22 for keeping of both large and small animals in those zoning districts.

23  
 24 Scholz: Thank you very much. Okay, any questions for Ms. Rodriguez regarding  
 25 those specs? Okay, any other questions for the applicant? Alright, thank  
 26 you very much mam. Now we're going to open it to the public and I see a  
 27 large group of public sitting there. I'd like to know how many of you would  
 28 like to speak.

29  
 30 *(Someone speaking away from the microphone.)*

31  
 32 Scholz: Okay well what we'll do then is limit each person to three minutes, okay  
 33 and I'll have my time keeper, Commissioner Beard here, operate the  
 34 magic clock; he's pulling off his watch as we speak. We think alike, we  
 35 have actually the same watch as it turns out so I don't know if that was by  
 36 chance or by choice. Anyway I'll have him keep the time and what I'd like  
 37 you to do is limit your remarks to three minutes after you give your  
 38 introduction and tell us who you are of course and what I'd also like you to  
 39 do is, if you have new information I would appreciate that you would bring  
 40 it to us. If you're simply repeating what the other people are saying I don't  
 41 think that's really particularly productive in this situation, okay? Who  
 42 would like to be first? Go ahead.

43  
 44 Haas: Hello, my name is Laura Haas and thank you for the opportunity to give  
 45 my input to you tonight.  
 46

1 Scholz: Okay.

2

3 Haas: I live with my husband on the property directly to the east of lot two; the  
4 smaller lot that borders Beyer and I just wanted to clarify a couple of  
5 things. I did send a letter to you, which I believe you have in your packets,  
6 thanks to Mr. Ochoa and I just wanted to clarify because it sounded like  
7 maybe you, one or more of the Commissioners was thinking that we did  
8 not want animals when in fact we're trying to preserve the character of our  
9 neighborhood as an old west neighborhood. Where equestrian activities  
10 take place and we're trying to allow that to continue for future generations  
11 as well, as well as our own so the zoning considerations that most  
12 concern me and my husband are those that would limit the ability to do  
13 that or to allow sub-dividable, further sub-dividable activities so that it  
14 would increase the density of residents and I realize that six doesn't sound  
15 like a large number to you but if you've been on that street you know it's  
16 very small and so increased traffic is a concern of ours in future years so  
17 those concerns that I've set forth in that letter are really to, looking to  
18 protect the character of our neighborhood for not just the raising of  
19 animals but also the safe passage of those animals through the  
20 neighborhood into nearby public lands and also with an eye toward future  
21 buyers, purchasers of the property who may not understand that REM  
22 even though it allows the keeping of animals, what kind of a neighborhood  
23 they're moving into it. It does have large animals and it's less glamorous  
24 features as well, so those are things I wanted to bring to your attention  
25 and I'm a little bit curious about the outcome of this zoning because  
26 initially the request was for EE and we made no objection because we  
27 thought okay well that's in keeping with what we were asked to do so now  
28 that it's going to REM, it looks like it's getting more and more into the kinds  
29 of zoning that would obscure the fact that this is really an equestrian  
30 neighborhood and we're trying to protect the ability to manage our animals  
31 safely and happily so thank you.

32

33 Scholz: Okay, that's three minutes, that's good timing. Now, one thing that we will  
34 not count in the three minutes time is questions that the gentlemen on the  
35 Commission might have of you so are there any questions for this person?  
36 No, alright, next.

37

38 Haas: Thank you very much.

39

40 Scholz: Thank you. Come on down.

41

42 McElmurry: Good evening members of the Commission. My name is Jean McElmurry  
43 and I live in the northwest corner of section 19 on Shannon Road. I was a  
44 member of the East Mesa Task Force originally tasked with  
45 recommending zoning for all of the East Mesa and an intricate member in  
46 writing all of these zonings and one of our tasks was to prevent spot

1 zoning and as you can see from this map there are a few places. Some of  
2 those were zoned mobile because of political reasons and one area  
3 because it was already had a lot of mobile homes on it. I am against  
4 mobile home zoning in this area; it would be a spot zoning. It would  
5 increase the density. We would be for her to have EE which would make  
6 her like the rest of us and obviously that mobile home probably cannot  
7 stay there; it wouldn't meet codes so most of the homes are site built and I  
8 would request you deny mobile zoning in this area that's very equestrian  
9 and we don't have any children riding big wheeled bikes or anything  
10 around so it would be dangerous for both children and horse people to  
11 have a high density area. Thank you very much.

12  
13 Scholz: Okay, any questions for this witness; no? Thank you, someone else?

14  
15 Thompson: Good evening, I'm Roseann Thompson. I live at 7630 Shannon Road and  
16 it's one property over from the property in question. I'm not against mobile  
17 homes in general but by reducing, by possibly reducing the size of this  
18 property because when it sells, the next person along can come and split  
19 this. It could go to six lots because in Hacienda Acres there's a septic  
20 line; they could tap into that septic line in the future so it's not a guarantee  
21 that this is not going to get split when this property sells so I request that it  
22 remain... or be turned into EE or remain as it is. The mobile home on the  
23 property right now if you've seen it, no one is going to buy that property to  
24 live in that mobile home it's... and we don't mind that it's there; it's part of  
25 the atmosphere but to allow further subdividing of that property in the  
26 possible future, I... we're totally against that.

27  
28 Scholz: Okay, any questions? Alright, thank you mam; someone else?

29  
30 Penzig: My name is Kurt Penzig and I live a little further away from these people  
31 but what my concern is if you allow this zoning change there are several  
32 acres that are right across from where I live that... there's 10 acres and if  
33 that area were permitted to go REM and then again subdivide I know that  
34 would be a, that would be a big mess and there's several other areas in  
35 this area that if you subdivide and if you look at your map there, I don't  
36 know how I'm pointing to them but even this lot that's right next to  
37 Shannon which is lot... next to lot one and two here. If that was  
38 subdivided that's two acres and half acre, you've got another four, so you  
39 could have 10 people on there if you subdivided into half acre lots so that  
40 would be my concern that just if you subdivide all these lots and you know  
41 some of these bigger lots that are available and still in the City which is... I  
42 live on Charro and across from me there's 10 acres that is completely  
43 vacant, that somebody could subdivide into really small acres and again  
44 we also have horses an we're concerned that whole area could be  
45 devalued I guess if subdivided into smaller ones. Thank you.

46

1 Scholz: Okay, someone else?  
2

3 *(Someone speaking away from the microphone.)*  
4

5 Scholz: I guess not. No, nobody volunteered so.  
6

7 Bernier: Hi, Tom Bernier. I and my wife, Latana, was in the audience. I live on  
8 Charro Street which is about two blocks from the subject property. We do  
9 own three animals; a mule, a donkey and a horse as well so we sort of  
10 cover the whole acreage there.  
11

12 Scholz: No swine though?  
13

14 Bernier: No swine, no. We're working... well no we're not really.  
15

16 Scholz: I was surprised by the ordinance but you know, go ahead.  
17

18 Bernier: So was I. I don't have really a whole lot to add and I agree, we agree with  
19 everything that the folks have said so far. I think the safety issue is an  
20 important one. The EE zoning is what we counted on when we bought our  
21 property there and when we moved there the ability to use horses and not  
22 to endanger either the animals or folks around there; the people that live in  
23 that area typically knew of the equestrian use when they came there. If  
24 we spot and mix high density residential with that equestrian use there's  
25 going to be conflict. There are things that as one of the speakers said well  
26 less glamorous aspects of having horses will begin to impact the more  
27 high density folks who didn't move there because of the horses and we're  
28 going to create an area of conflict that will be coming before the City and  
29 the folks there to resolve issues because we have mixed zonings that  
30 aren't necessarily compatible. Thank you for your attention.  
31

32 Scholz: Okay, and still no questions; alright someone else?  
33

34 Biskup: Hi, my name is Fred Biskup. I have the lot just below lot one and to the  
35 south and I bought it in 1979 because I wanted nothing to do with the City  
36 and so I went to California for twenty-five years and I came back a couple  
37 of times and I was always told there would never be any mobile homes  
38 ever in that area because the City had a planning thing and they had  
39 planned it for EE for the whole area and that's why I'm so disappointed  
40 why all of a sudden you new people apparently want to turn it into a trailer  
41 park and I don't think that's right. I probably won't live out there it's going  
42 to totally devalue my property once... because I found out that they can  
43 divide it into one-half acre lots and that way it's gonna end up with a bunch  
44 of trailers out there and I've been gone so I just came back and I didn't  
45 know this stuff and it's got me really frustrated with the City because I  
46 never wanted anything to do with you people. That's why I bought out

1 there and as the taxes go up and everything, I know you have total control  
2 and don't care but the people out there I think care, thank you.

3  
4 Scholz: Okay, anyone else?

5  
6 Haas: Yes sir, my name is John Haas. I own the five acres just to the east of lot  
7 number two and while I share Mr. Biskup's frustration I do know...

8  
9 Scholz: Are you related to Laura Haas?

10  
11 Haas: Yes I am sir and while I share Mr. Bisup's frustration I do think that you  
12 care. I think the Planning and Zoning Commission has done an  
13 outstanding job over the years working to assure that Las Cruces has  
14 affordable housing for its many residents. I think it's equally important to  
15 assure that there are choices available for people who want to live in a  
16 large lot horse community which do have. You can see from your map  
17 that all of the lots in the area are at least two and in most cases five and  
18 ten acres that allow for multiple horses and this is the reason that most of  
19 us have chosen to live there; have made the choice to move to this  
20 neighborhood. One of the last equestrian estates zoned areas in the City  
21 of Las Cruces. There will be a negative effect on our property values if the  
22 zoning is allowed to change and allowed to mix; I know you've heard that  
23 argument before but I support that and I would ask that you consider that  
24 aspect carefully as you decide whether or not to rezone this. Lastly I will  
25 say this is my neighborhood; chosen specifically because of the zoning,  
26 because of the atmosphere, because of the large lots and I'd like to keep it  
27 that way. I intend to live there a long time and I'd like to see the character  
28 of this neighborhood preserved and allow its equestrian activities to grow,  
29 thank you.

30  
31 Scholz: Thank you, anyone else with new information?

32  
33 Brown: Good evening Chairman, gentleman. My name is Don Brown; I occupy  
34 4917 Beyer with my wife Barbara. We also bought for the reasons stated  
35 previously; the large lots but I had some questions. You all referred to  
36 half-acre lots, that entire development is all on septic and the state law  
37 says it has to be three-quarter minimum acre in order to have a septic so I  
38 don't see why we're talking about half-acre lots even though REM allows  
39 that because it's not appropriate but my questions are if we... our property  
40 is Urban Ranch as this one is, if Urban Ranch is not allowing mobile  
41 homes why can't it be grandfathered as things in the past have been able  
42 to be done that have existed for years? The Shannon's helped establish  
43 that whole neighborhood many, many, many years ago along with Mr.  
44 Beyer who no longer resides in New Mexico and the street Beyer and  
45 Shannon were named after those families. So we're departing from a lot  
46 of things by saying yeah you've got all these new rules but we can't do

1 that because it doesn't fit. Well if it doesn't fit in Urban Ranch why does  
2 my home fit in Urban Ranch which is exactly across the street? It's north  
3 of that property on the corner of Shannon and Beyer so I would ask that  
4 you all ask yourselves some of these questions and maybe ask the City  
5 representative that's here as well because I think we're going in the wrong  
6 direction in what we're trying to do, thank you.

7  
8 Scholz: Okay.

9  
10 Evans: Mr. Chairman?

11  
12 Scholz: Yes?

13  
14 Evans: Could I have the staff answer that question?

15  
16 Scholz: Certainly.

17  
18 Ochoa: Mr. Chairman, Commissioner Evans that is correct, I believe that is an  
19 EPA environmental issue with that. Properties with septic systems have  
20 to be a minimum of three-quarters of an acre so but so even though the  
21 zoning allows for half-acre lots, if they want to continue to have septic on  
22 the property, they have to meet the minimum three-quarter acre lot size so  
23 that would actually probably be another restriction to try... for subdividing  
24 these properties you know limiting the half-acre size, actually requiring a  
25 three-quarter acre size lot instead of the half-acre in order to have septic  
26 systems on the properties.

27  
28 Scholz: I think Commissioner Evans' question though was... was different wasn't  
29 it?

30  
31 Evans: Well, I would guess I... that that would I mean thank you for explaining  
32 that but also the grandfathering in of pre-existing mobile home, I guess.

33  
34 Ochoa: Mr. Chairman, Commissioner Evans grandfather in, essentially when  
35 these properties are sold and something else is built on there or is gonna  
36 be built on there cause essentially that's what the applicant is trying to do,  
37 sell the property so somebody else can buy it from her. Somebody buys  
38 and then wants to come in and build a house on there, they essentially will  
39 not be allowed since that zoning designation no longer exists; they have to  
40 come into compliance with today's zoning code so basically anything new  
41 that happens on the property that exceeds a certain thresh hold which I  
42 believe for residential is half of 50% of the total gross floor area on the lot  
43 for any building. Any type of building, new building that is done on there  
44 or addition done to an existing structure on the property would have to  
45 come into full compliance with the 2001 Zoning Code and that's under the

- 1 non-conforming use section of the zoning code so eventually it would still  
2 have to come into compliance with the zoning code.  
3
- 4 Evans: So if somebody came in and they purchased a property and they wanted  
5 to build a you know a foundation type structure, the mobile home would be  
6 out of compliance and would have to be removed; or I guess in... but if  
7 somebody came in and purchased the property and they wanted to  
8 upgrade the mobile home they would be allowed to do so?  
9
- 10 Ochoa: Like I said under the nonconforming use section sir your up to... you're  
11 allowed to do a one-time expansion for up to 50% of the total gross floor  
12 area on the lot. If it exceeds that by building a new home well first of all if  
13 you build a new home you can't have the mobile home there anymore but  
14 if it exceeds 50% of the total gross floor area they still have to come into  
15 complete compliance which means they couldn't build it in a UR zoned  
16 area so the grandfathering would go away. The nonconforming use on  
17 the property would have to go away and they would still have to come into  
18 zoning compliance.  
19
- 20 Evans: Right, if they exceeded 50%.  
21
- 22 Ochoa: That is correct sir.  
23
- 24 Evans: So I mean how often do you come in and do a modification of 50% of a  
25 mobile home? I mean that... I mean... I understand, okay, thank you.  
26
- 27 Scholz: Commissioner Shipley:  
28
- 29 Shipley: Commissioner Evans, I think what he's saying is if they built anything that  
30 exceeded more than half of the size of the building that's there so if they  
31 tried to build a home that was larger it would trigger that and so but the  
32 thing that needs to be pointed out to all the people that are in the audience  
33 that are under UR right now, if you decide to do something on your  
34 property, you have to bring it into compliance to become EE. It has to  
35 change from Urban Ranch to Equestrian Estates and if you decide to sell  
36 your property and somebody wants to buy it and live in it just as it is you  
37 still have to come in and it has to be upgraded. Is that correct? It's not  
38 grandfathered beyond that for once there's a sale or transfer of the  
39 property; it has to be brought up to code.  
40
- 41 Scholz: Thank you Mr. Shipley. I had another question Mr. Ochoa. If the mobile  
42 home is removed from the property would that property then qualify for  
43 EE?  
44
- 45 Ochoa: Mr. Chairman, that is correct. If the prop... if it was removed and the  
46 property was brought forward to us vacant then it could go forward as EE

1 but since the actual mobile home exists on the property now and I believe  
2 the applicant has not stated anything about removing it before this is... the  
3 zone change happens it essentially... REM is the only designation that  
4 would fit the property.  
5  
6 Scholz: That would fit that, right okay.  
7  
8 Ochoa: Correct.  
9  
10 Scholz: Thank you. Commissioner Crane.  
11  
12 Crane: I have a question for Miss Shannon; I was following up to what Chairman  
13 asked.  
14  
15 Shannon: Yes sir.  
16  
17 Crane: Is somebody currently living in the mobile home?  
18  
19 Shannon: Me. Yeah, I've been out there since '78.  
20  
21 Crane: I think then I have... you answered my question about how you feel about  
22 having it towed away.  
23  
24 Shannon: Yeah. Nope.  
25  
26 Crane: You'd be upset, yeah.  
27  
28 Shannon: And see the whole thing started we didn't know it got eliminated; Urban  
29 Ranch and so I tried to go for Equestrian Estates but I can't because I'm in  
30 a mobile home and it is for sale, the land but I don't know when it's gonna  
31 sell.  
32  
33 Crane: But if it were sold it could be subdivided and four or six mobile homes put  
34 on it depending on whether we go by three-quarter acre or the half-acre  
35 why not?  
36  
37 Scholz: I see a denial from Ms. Rodriguez; Ms. Rodriguez.  
38  
39 Rodriguez: Mr. Chairman the property itself, lot one is two acres and so there  
40 because the subject area does not have a sewer system available in the  
41 area the City of Las Cruces would work with the property owner trying to  
42 subdivide the land and would work with NMED. NMED states that any  
43 new development to put a septic system in requires a minimum lot size of  
44 three-quarter acre so when you look at subdividing the land in question  
45 you also have to look at the adjacent road; I think it's Beyer Road.  
46 There'd be a dedication of right-of-way that would have to come into

1 account. There would be road improvements that would have to come  
2 into account to Beyer Road so when you take the dedication of right-of-  
3 way, that's land that's going to the road so it's limiting the lot size and then  
4 you've got minimum thresholds for septic system so right now with the  
5 lack of a sewer system and the reliance on a septic system, further  
6 subdivision activity is going to be really limited. I could see maybe one lot  
7 possibly getting created but not anything where it would create four to six.  
8 There's been some discussions about the creation of mobile home parks;  
9 mobile home parks is not a permitted use allowed in the REM zoning  
10 district. It's essentially allowing one dwelling unit per platted lot so you  
11 only, well you've got two lots, that means two dwelling units and the  
12 housing type in this REM zoning district allows for single family  
13 manufactured housing and mobile homes so you're not going to see an  
14 increase of four to six lots without considerable, a rezoning possible  
15 because even at REM to further subdivide you're not going to meet the  
16 threshold criteria for development standards. REM is not a high density  
17 development; it is low density rural zoning designation. If you're going to  
18 see high density you're gonna have to see the extension of other types of  
19 utilities in the area before you see four to six dwelling units to a platted...  
20 per platted lot in that area and it's just not... it's not possible in the  
21 foreseeable future at this time.

22  
23 Scholz: Okay, Commissioner Crane your light is still on.

24  
25 Crane: So we've got three acres here and you're saying a combination of a limit  
26 to the number of homes that can be put onto a REM lot plus the fact that  
27 the owner will have to give up land on Shannon and Beyer or certainly on  
28 Beyer conspired together to limit the number of homes that could ever be  
29 on there to maybe two? I mean do you want to take a leap on this  
30 because it's clearly that's what the public is concerned about. What are  
31 they looking at for the future?

32  
33 Rodriguez: Mr. Chairman, Commissioner Crane lot one and two total of three acres,  
34 residential estates allow a minimum lot size of a half acre. Conventional  
35 septic system requires minimum lot size of three-quarters of an acre. You  
36 have... the any further subdivision on either lot is going to warrant  
37 additional dedication of right-of-way to bring those local roads up to 50-  
38 foot Local road requirement for the City design standards plus road  
39 improvements to possibly well to Beyer Road and possibly Shannon Road  
40 so it may be to get the... because you've got road improvement  
41 requirements, etc... it may be cost prohibitive just to create one additional  
42 lot and have to improve a significant amount of roadway so that's  
43 something a future property owner is going to have to take into  
44 consideration if they want to further develop this property using a  
45 subdivision.  
46

- 1 Crane: Thank you.  
2
- 3 Scholz: Okay. Where are we? We have yes, mam you were going to... the lady  
4 sitting in back of the gentleman who's just raising his hand; you were  
5 going to speak?  
6  
7 *(Someone speaking away from the microphone.)*  
8
- 9 Scholz: Okay yes. You had a question sir? You'll have to come to the  
10 microphone and ask it please. Thank you Ms. Shannon.  
11
- 12 Name not given: I'm just curious if this property already has the easement dedicated to the  
13 City?  
14
- 15 Scholz: I don't know; Mr. Ochoa?  
16
- 17 Ochoa: From the records that we have sir, the property on Beyer does not; has  
18 not given the public right-of-way yet.  
19
- 20 Scholz: Okay, thank you.  
21
- 22 Name not given: *(Inaudible-speaking away from microphone)* if she has it on this Shannon  
23 property over here *(inaudible)* then *(inaudible)* okay.  
24
- 25 Scholz: Okay, is there anyone else who wishes to speak who has not spoken  
26 before?  
27  
28 *(Someone speaking away from the microphone.)*  
29
- 30 Scholz: Yeah, you'll have to come to the microphone, please.  
31
- 32 Lanham: Good evening, my name is Barbara Lanham and not quite two years ago,  
33 I purchased five acres on 5030 Beyer Road and I bought that after a lot of  
34 searching all over Las Cruces for a neighborhood that supports equestrian  
35 activities and low density living and when I bought the property I believed  
36 that the zoning was stable and that this is where I'm going to live for the  
37 rest of my life and now I see that it appears to me that there is a trend to  
38 start increasing the density here and there and around and this  
39 neighborhood means a lot to me and I had to work really hard to buy the  
40 property so I'm asking you to take into consideration that this is a rare  
41 place in Las Cruces. Let's keep the zoning the way it is and keep the  
42 neighborhood the way it is, thank you.  
43
- 44 Scholz: Thank you. Alright, anyone else from the group who wants to speak who  
45 has not spoken before? Okay, I'm going to close it for public discussion  
46 and gentlemen let us have our discussion. Commissioner Shipley.

- 1  
2 Shipley: Thank you Mr. Chairman. Mr. Ochoa, could you put it back up, the  
3 attachment four; the map that shows the various parcels around the  
4 zoning. No, not the site plan... there you go. As I look at this I look up to  
5 the left on Shannon and there's REM over there. There's REM where  
6 they... I guess this is where that trailer park is down to the right off of  
7 Charro, is that correct? But there is water and sewer that goes to that  
8 trailer park, is that correct?  
9  
10 *(People speaking away from the microphone.)*  
11  
12 Shipley: It's not; that's well and septic?  
13  
14 *(Someone speaking away from the microphone.)*  
15  
16 Scholz: I'm hearing that the sewer stops in Hacienda Acres.  
17  
18 *(Someone speaking away from the microphone.)*  
19  
20 Scholz: At the corner of Cortez and Dunn.  
21  
22 *(Someone speaking away from the microphone.)*  
23  
24 Rodriguez: Mr. Chairman, the public is correct. The current utility lines for sewer  
25 currently reside in the Hacienda Acres neighborhood which would be in  
26 your up...  
27  
28 Shipley: R-1b  
29  
30 Rodriguez: Left-hand corner of the map. The area that's zoned R-1a and R-1b just  
31 north of Cortez is in a development known as the Waterfalls. That's a  
32 master plan development; that's also the site of the 100 acre retention  
33 pond on the state land that the City of Las Cruces did a joint project with  
34 for drainage facilities. For the developer to develop in the land that's in R-  
35 1a and R-1b, he has to bring sewer in from the, I believe the northeast to  
36 extend to that site. In terms for water lines I believe this property may be  
37 in the Jornada Water area so I'm not sure where the existing water lines  
38 are; if it's even in the City area or if it's in the Jornada; I wouldn't be able to  
39 speak to that.  
40  
41 Scholz: Okay, did you have another question or comment?  
42  
43 Shipley: No, the only discussion I wanted to have is... by approving this is not  
44 going to change the neighborhood throughout. People will still have the  
45 right to use their lot size via five and ten acres parcels; that's not going to  
46 change their lifestyle there and it shouldn't have no economic impact on

- 1           them because of the limit. Just the cost to improve the roadway for most  
2           people that are here, how much is it, what are we talking about on...  
3           what's our planning factor for roadway expansion? Fifty-foot roadway, you  
4           guys do half of it, is that correct?  
5
- 6   Rodriguez:   Mr. Chairman, if the adjacent right-of-way is a Local road, the sub-divider  
7           is responsible for 100% of the road improvements.  
8
- 9   Shipley:       Okay and what are we... what's our planning factor for a road from the  
10           County?  
11
- 12   Rodriguez:   Mr. Chairman, Commissioner Shipley I don't know what the cost is by  
13           square foot to improve a roadway but you're looking at 50 feet of right-of-  
14           way and then 37 feet back-to-curb, back-to-curb of road improvements  
15           with the street lights, sidewalks, curb and gutter and then the appropriate  
16           depth of asphalt and sub grades, etc.  
17
- 18   Shipley:       Right, but I mean we're talking ten, twenty thousand per foot?  
19
- 20   Scholz:       Mr. Shipley, I was going to say when we were talking about that road on  
21           the north, on the north end of the City limits off of Del Rey I think it was;  
22           we were talking about a million dollar improvement, a million-two  
23           improvement for a less than a mile stretch of road.  
24
- 25   Shipley:       Less than a mile. Okay, so what I'm saying is it's not doable unless you  
26           have... you have to have a large scale development to do that kind of  
27           thing so I don't think that's going to impact that. You're not gonna... I  
28           don't see that you're going to see an increase in traffic and it is important  
29           that we bring properties into compliance with the code. That's why the  
30           code is there and I would just say that I think that this should be approved.  
31
- 32   Scholz:       Okay. Commissioner Beard, you had your light on.  
33
- 34   Beard:        He makes a good point. He says basically there's no change if we change  
35           this, is that correct? Is that the City's understanding; there is no  
36           difference?  
37
- 38   Ochoa:        Mr. Chairman, Commissioner Beard, basically it's coming into compliance  
39           so it's following today's codes essentially instead of not being in  
40           compliance so from a City standpoint it'd be fine, sir.  
41
- 42   Beard:        But you won't be able to do any more or any less than what they can do  
43           right now if we do approve it?  
44
- 45   Ochoa:        Well... Mr. Chairman, Commissioner Beard that's kind of hard to answer  
46           because the existing UR zoning designation on there you essentially are

1 extremely limited to what you can do so essentially you can't do anything  
2 with the existing zoning of UR since it's noncompliant and so you're like I  
3 stated before, you're extremely limited to the actual amount of square  
4 footage you can build and so forth like that and now that it's coming to  
5 compliance with REM, they could build a home, they could have a  
6 manufactured home or put a new mobile home on that one lot or another  
7 mobile home on the other lot and that's essentially it sir but essentially the  
8 use of the existing mobile home on the lot would still be allowed and the  
9 use of the properties for raising animals which they'll be allowed as we so  
10 it would be essentially the same thing sir for that that... on that view.

11  
12 Beard: But for the lot that doesn't have a home on it, you still could put a home on  
13 it right now, could you not?

14  
15 Ochoa: Mr. Chairman, Commissioner Beard no, you could not. It's a  
16 nonconforming lot. Essentially you could only build like I said before half  
17 of the square footage that's existing on the property since stables are  
18 pretty much old and kind of falling apart, staff probably wouldn't even  
19 recognize that as gross floor area so you essentially wouldn't be allowed  
20 to build anything on it sir.

21  
22 Scholz: Okay, Commissioner Evans you had your finger on the button; did you  
23 have a question or comment?

24  
25 Evans: So going back when you know prior to when this was being annexed into  
26 the City, would it have been allowable to have a mobile home put on that  
27 piece of property and I guess my... so you know we talked a little about  
28 that area being developed and you know from my understanding there  
29 was a lot of mobile homes and stuff that were put up there that perhaps  
30 were outside of the County because at that time it was County and so you  
31 know were there... the codes enforced during that time to prevent mobile  
32 homes from going in there and then now that it's annexed, now we have  
33 mobile homes there and we're... trying to you know zone it accordingly to  
34 make that legal when potentially I guess, I don't know the history of this, if  
35 that mobile home was put there illegally in the first place prior to it being  
36 annexed by the City.

37  
38 Ochoa: Mr. Chairman, Commissioner Evans I don't know exactly what the County  
39 rules were back then but that mobile home was existing, has been existing  
40 there; the property owner had said since 1970, about that time sir. It was  
41 annexed into the City with the mobile home on it so basically we just kind  
42 of brought it in as a nonconforming use on the property sir and essentially  
43 now we're just trying to make it a conforming use with the 2001 Zoning  
44 Code; that's essentially what we're trying to do here sir.

45  
46 Evans: Okay, thank you.

1  
2 Scholz: Okay, Commissioner Crane.  
3  
4 Crane: I think the concerns expressed by the public make a lot of sense and if I  
5 hadn't heard what I have heard here tonight I would be more sympathetic  
6 but it seems that what we have heard about what it is possible to do with  
7 these rezoned lots is going to be only a minimal disturbance of the style of  
8 life in that area and with the septic strictures, the deeding of property to  
9 the City for roadway improvements, etc... basically militating against  
10 anybody being able to develop this significantly so I'm with Commissioner  
11 Shipley, I think this should be approved.  
12  
13 Scholz: Alright, any other discussion? Okay, I'm going to ask for a motion to  
14 approve; Commissioner Shipley.  
15  
16 Shipley: I move to approve Case Z2816.  
17  
18 Crane: I second it.  
19  
20 Scholz: Okay, it's been moved and seconded. I'll call the roll; Commissioner  
21 Shipley.  
22  
23 Shipley: Aye; findings, discussion and site visit.  
24  
25 Scholz: Commissioner Crane.  
26  
27 Crane: Aye; findings, discussion and site visit.  
28  
29 Scholz: Commissioner Stowe.  
30  
31 Stowe: Aye; findings, discussion and site visit.  
32  
33 Scholz: Commissioner Evans.  
34  
35 Evans: Nay; findings, discussion.  
36  
37 Scholz: Commissioner Bustos.  
38  
39 Bustos: Aye; findings, discussion and site visit.  
40  
41 Scholz: Commissioner Beard.  
42  
43 Beard: Aye; findings and discussions.  
44  
45 Scholz: And the Chair votes aye for findings and discussions so it passes 6-1.  
46 Thank you gentlemen and thank you public for your participation.

1  
2 Rodriguez: Mr. Chairman, if we could just offer some clarification to the public that's in  
3 attendance. This is a recommendation of approval up to the City Council  
4 who retains the final authority on zoning cases. I don't know when this  
5 case will go before City Council but the property owners will receive public  
6 notification of that via certified mail as they received regular mail notice for  
7 tonight's meeting.

8  
9 END Scholz: Okay, thank you very much for that clarification.

10  
11 **VII. OTHER BUSINESS**

12  
13 Scholz: Mr. Ochoa is there other business before us?

14  
15 Ochoa: No sir, not tonight.

16  
17 **VIII. PUBLIC PARTICIPATION**

18  
19 **IX. STAFF COMMENT**

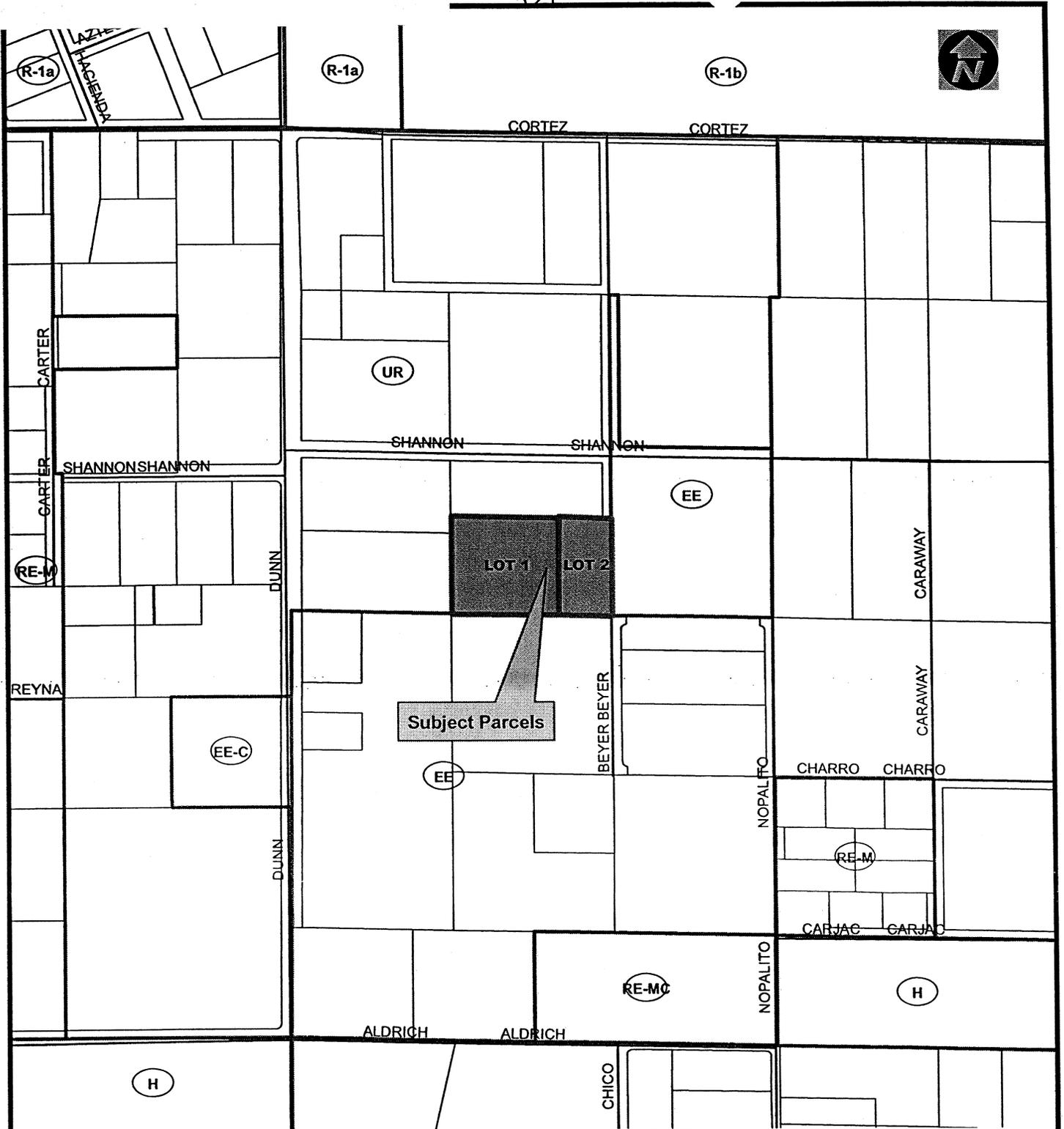
20  
21 Scholz: Okay, are there any staff announcements?

22  
23 Ochoa: No sir, not tonight.

24  
25 **X. ADJOURNMENT - 7:37 PM**

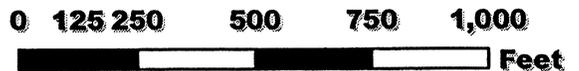
26  
27 Scholz: Alright, then we are adjourned at I have 7:37. Thank you very much.

28  
29  
30  
31  
32  
33  
34 \_\_\_\_\_  
Chairperson  
35



# VICINITY MAP

**CASE NO. Z2816**  
**PARCEL: 02-18627, 02-18625**  
**OWNER: ANNE L SHANNON & BEATRICE A WADE**  
**ZONING: UR**



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

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