City of Las Cruces®
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Council Action and Executive Summary

Item # 9 **Ordinance/Resolution#** 2613 **Council District:** 2

For Meeting of April 18, 2011
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A/C-2 (SINGLE-FAMILY MEDIUM DENSITY/COMMERCIAL MEDIUM INTENSITY) TO C-2C (COMMERCIAL MEDIUM INTENSITY-CONDITIONAL) FOR 0.68 ± ACRES OF LAND LOCATED AT 3350 OAK STREET. THE ZONE CHANGE REQUEST INCLUDES TWO VARIANCES: (1) A NUMERICAL REDUCTION OF 10-FEET TO THE MINIMUM REQUIRED 10-FOOT OPAQUE BUFFERYARD; AND (2) A NUMERICAL REDUCTION OF 5 PARKING STALLS TO THE MINIMUM REQUIRED 32 PARKING STALLS. SUBMITTED BY ASA ARCHITECTS ON BEHALF OF THE LAS CRUCES HOUSING AUTHORITY, PROPERTY OWNER. (Z2825)

PURPOSE(S) OF ACTION: To change property zoning from R-1a/C-2 to C-2C.

Drafter and Staff Contact: Adam Ochoa		**Department:** Community Development		**Phone:** 528-3204	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Department Director		528-3066	Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
The property owner is requesting a zone change from R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) to C-2C (Commercial Medium Intensity-Conditional) for property 0.68 ± acres in size and located at 3350 Oak Street to bring the property into compliance with the 2001 Zoning Code, as amended. The zone change will allow the expansion of the existing apartment complex for counseling service offices. The existing apartment complex is currently used as a transitional living facility for U.S. Veterans.

In 1990, the property was rezoned from R-1 to C-2 through Ordinance 1169. However, the surveying that established the zoning boundary was done incorrectly thus resulting in the southern two-thirds of the property to be zoned C-2 and the northern one-third of the property remained zoned R-1. This request will correct the zoning boundary error. The C-2 zoning district permits both land uses (apartments & counseling offices).

The applicant is requesting two (2) variances. The first variance is for a numerical reduction of five (5) parking stalls to the minimum required 32 stalls. The applicant is proposing to provide 27 parking stalls on the subject property. The 27 total parking stalls are all that the subject property will be able to support after the proposed work and expansion are complete. The 1,500 square

foot expansion will eliminate 15 of the existing parking spaces. The second variance is for a numerical reduction of 10-feet to the minimum required 10-foot opaque bufferyard. The applicant is proposing to construct a 6-foot tall solid wall along the northern property line adjacent to the R-1a zoned properties with a 0-foot bufferyard between the existing parking stalls and property line. (See staff report for buffering requirements)

The proposed zone change is supported by several Land Use Elements within the 1999 Comprehensive Plan as noted in Exhibit "B" of the CAES packet. The variance requests to the minimum required number of parking stalls and to the minimum required bufferyard meet the criteria of the 2001 Zoning Code, as amended, for staff support.

In addition, the applicant is a recipient of state and federal monies to implement a transitional living facility for U.S. Veterans. The persons who will be utilizing the facility are not predominantly automobile dependent and may rely primarily on public transportation. A bus stop is located directly across the street of the subject property. The construction of a 6-foot tall solid wall will assist in mitigating the opaque bufferyard requirement.

On January 25, 2011, the Planning and Zoning Commission (P&Z) recommended conditional approval of the zone change and associated variance requests by a vote of 6-1-0. Some discussion took place at the meeting focusing on site design of the proposed new addition with the placement of ADA parking stalls. Staff has not received comments from the general public. The conditions are stipulated as follows:

- The property owner will be required to replat the subject property to dissolve the existing underlying lot lines. The replat must be filed prior to the issuance of a certificate of occupancy for any new construction.
- The property owner will be required to install a six-foot tall solid wall along the northern property line adjacent to the R-1a zoned properties.

SUPPORT INFORMATION:

1. Ordinance
2. Exhibit "A"- Site Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2825
5. Attachment "B"- Minutes from the January 25, 2011 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

SOURCE OF FUNDING:

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

FUND EXPENDITURE 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 conditional approval. The subject property located at 3350 Oak Street, with a combined area of 0.68 ± acres, will be rezoned from R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) to C-2C (Commercial Medium Intensity-Conditional). The zone change will allow the use of a transitional living and counseling facility for Veterans with two variances: (1) a numerical reduction of five (5) parking stalls to the minimum required 32 stalls; and (2) a numerical reduction of 10-feet to the minimum required 10-foot opaque bufferyard.
2. Vote "No"; this reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) will remain on the subject property located at 3350 Oak Street. The subject property will be required to follow all development standards including all parking requirements and bufferyard requirements for the proposed new construction of the office.
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 No. 1169

COUNCIL BILL NO. 11-033
ORDINANCE NO. 2613

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A/C-2 (SINGLE-FAMILY MEDIUM DENSITY/COMMERCIAL MEDIUM INTENSITY) TO C-2C (COMMERCIAL MEDIUM INTENSITY-CONDITIONAL) FOR 0.68 ± ACRES OF LAND LOCATED AT 3350 OAK STREET. THE ZONE CHANGE REQUEST INCLUDES TWO VARIANCES: (1) A NUMERICAL REDUCTION OF 10-FEET TO THE MINIMUM REQUIRED 10-FOOT OPAQUE BUFFERYARD; AND (2) A NUMERICAL REDUCTION OF 5 PARKING STALLS TO THE MINIMUM REQUIRED 32 PARKING STALLS. SUBMITTED BY ASA ARCHITECTS ON BEHALF OF THE LAS CRUCES HOUSING AUTHORITY, PROPERTY OWNER. (Z2825)

The City Council is informed that:

WHEREAS, the Las Cruces Housing Authority, the property owner, has submitted a request for a zone change from R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) to C-2C (Commercial Medium Intensity-Conditional) for property located at 3350 Oak Street; and

WHEREAS, the Las Cruces Housing Authority, the property owner, also submitted two variance requests with the zone change request; and

WHEREAS, the first variance request is for a numerical reduction of 10-feet to the minimum required 10-foot opaque bufferyard; and

WHEREAS, the second variance request is for a numerical reduction of 5 parking stalls to the minimum required 32 parking stalls; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on January 25, 2011, recommended that said zone change request with two variance requests be conditionally 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 C-2C (Commercial Medium Intensity-Conditional) for property located at 3350 Oak Street.

(II)

THAT the conditions be stipulated as follows:

- The property owner will be required to replat the subject property to dissolve all underlying lot lines. The replat must be filed prior to the issuance of a certificate of occupancy for any new construction.
- The property owner will be required to install a six (6) foot opaque wall along the northern property line adjacent to the R-1a zoned properties.

(III)

THAT the two variance requests are hereby approved as follows:

- A numerical reduction of 10-feet to the minimum required 10-foot opaque bufferyard.
- A numerical reduction of 5 parking stalls to the minimum required 32 parking stalls.

(IV)

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.

(V)

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

(VI)

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

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

Moved by: _____

Seconded by: _____

Approved as to Form:

_____
City Attorney

ATTACHMENT A

City of Las Cruces®
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: January 18, 2011

CASE #	Z2825
PROJECT NAME:	3350 Oak Street (Zone Change)
APPLICANT:	ASA Architects
PROPERTY OWNER:	Las Cruces Housing Authority
REQUEST:	To rezone from R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) to C-2C (Commercial Medium Intensity-Conditional) and to vary from the required ten (10) foot opaque bufferyard to a zero (0) foot opaque bufferyard and to vary from the minimum required number of parking stalls from 32-parking stalls to 27-parking stalls.
PROPOSED USE:	Transitional living and counseling facility for Veterans
SIZE:	0.68 +/- acres
CURRENT ZONING:	R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity)
LOCATION:	The northwest corner of Oak Street and Union Avenue; a.k.a. 3350 Oak Street; Parcel ID# 02-13094
COUNCIL DISTRICT:	2
PLANNING COMMISSION DATE:	January 25, 2011
PREPARED BY:	Adam Ochoa, Planner
STAFF RECOMMENDATION:	Approval with Conditions for the zone change Approval for the two variances

PROPERTY INFORMATION

Address/Location: The northwest corner of Oak Street and Union Avenue; a.k.a. 3350 Oak Street; Parcel ID# 02-13094

Acreage: 0.68 +/-

Current Zoning: R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity)

Current Land Use: Apartment Complex

Proposed Zoning: C-2C (Commercial Medium Intensity-Conditional)

Proposed Land Use: Transitional living and counseling facility for Veterans

Is the subject property located within an overlay district? Yes ☐ No ☒
If yes which overlay district?

Table 1: Site analysis

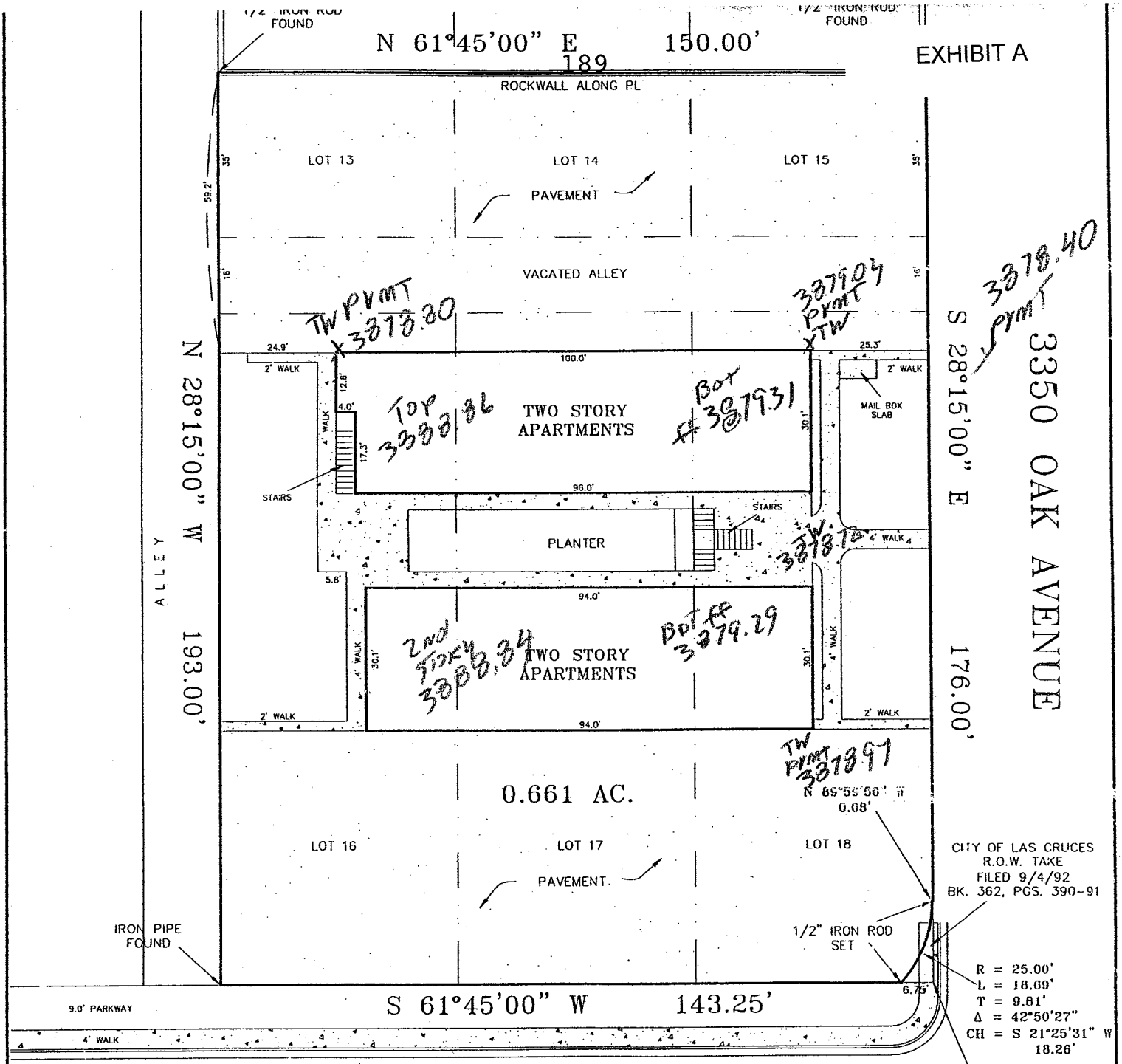
Development Standards for Multi-Family Residential	
Minimum Lot Size	*8,500 square feet*
Minimum Lot Width	70 feet
Maximum Height	60 feet
Setbacks for Multi-Family Residential	
Front	20 feet
Side	7 feet
Rear	7 feet
Garage	20 feet
Development Standards for Commercial	
Square Footage Proposed	*13,000 square feet*
Minimum Lot Size	*10,000 square feet*
Minimum lot width	60 feet wide/70 feet deep
Maximum Height	45 feet

PHASING

Is phasing proposed? Yes ☐ No ☒

If yes, how many phases?

Timeframe for implementation:



NOTES:

FLOOD ZONE "AE" BASE FLOOD ELEVATIONS DETERMINED, IN MAP NO. 35013C0633 E, EFFECTIVE SEPTEMBER 27, 1991.

INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM WARRANTY DEED FILED OCTOBER 1999, IN BOOK 196, PAGES 894-895, DONA ANA COUNTY RECORDS.

SCALE: 1"=30'

0 10 20 40 60

JORGE MOY NEW MEXICO

PLAT OF SURVEY
SHOWING THE LOCATION OF IMPROVEMENTS
ON LOTS 16, 17, PART OF LOT 18 & THE SOUTH 35' OF LOTS 13, 14 AND 15 & THE ADJACENT VACATED ALLEY OF BLOCK 3, RIO GRANDE LAND COMPANY'S MESILLA PARK TRACT
FILED AUGUST 25, 1887, IN BOOK 2,

MOY SURVEYING INC.
414 N. DOWNTOWN MALL
LAS CRUCES, NEW MEXICO
88001

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property is located at 3350 Oak Street, is zoned R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) and encompasses 0.68 +/- acres.

2. The subject property is the current location of an apartment complex.

3. The proposed zone change would allow the use of the existing apartment complex as a transitional living and counseling facility for Veterans.

4. A variance of five (5) parking spaces from the minimum required 32-parking spaces is required with the proposed zone change.

5. A variance to the minimum required ten (10) foot opaque bufferyard is also required for the proposed zone change.

6. The rezoning request is constant with the following Goals, Objectives, and Policies of the City of Las Cruces Comprehensive Plan:

Land Use Element Goal 1

Policies

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

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

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

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

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Multi-Family Dwelling Units	R-1a/C-2	Single-Family Medium Density/Commercial Medium Intensity
Surrounding Properties	North	Single-Family Dwelling Units	R-1a	Single-Family Medium Density
	South	City Limits		
	East	Single-Family Dwellings	R-3	Multi-Dwelling Medium Density
	West	Commercial Uses	C-2	Commercial Medium Intensity

HISTORY

Previous applications? Yes ☒ No ☐

If yes, please explain: A zone change to correct the zoning on the subject property to C-2 (Commercial Medium Intensity)

Previous ordinance numbers? 1169

Previous uses if applicable: Apartment Complex

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Policy 1.3.1.
2. Goal 1, Policy 1.3.4.
3. Goal 1, Policy 1.3.10.

Analysis: The applicant is seeking a zone change from R-1a/C-2 to C -2C to facilitate the construction of a transitional living and counseling facility for veterans. The surrounding area is a mix of single-family uses, multi-family uses and commercial uses so the zone change is compatible with surrounding land uses. Union Avenue is a minor arterial roadway, which is recommended for uses related to this, and public transportation is available. Overall, this zone change request seems to follow Comprehensive Plan policy.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

	CONCERN		
Accessibility Issues	low	med	high
Building Accessibility	☒	☐	☐
Secondary Site/Lot Accessibility	☒	☐	☐
Fireflow/Hydrant Accessibility	☒	☐	☐

Type of building occupancy: R Occupancy

Nearest Fire Station
Distance: 1.52 +/- miles
Address: 1199 Foster Road
Adequate Capacity to Accommodate Proposal? Yes ☒ No ☐

Additional Comments: The separation between buildings will be addressed during building permitting review.

Police Department:

Additional Comments: None Received

Engineering Services:

Flood Zone Designation: Zone AE (Flood Elevation Known)

Development Improvements: On-lot ponding must meet City of Las Cruces Design Standards

Drainage calculation needed	Yes ☒	No ☐	N/A ☐
Drainage study needed	Yes ☒	No ☐	N/A ☐
Other drainage improvements needed	Yes ☒	No ☐	N/A ☐
Sidewalk extension needed	Yes ☐	No ☒	N/A ☐
Curb & gutter extension needed	Yes ☐	No ☒	N/A ☐
Paving extension needed	Yes ☐	No ☒	N/A ☐

Additional Comments: The subject property is located with in a SFHA (AE) Flood Zone. Any new development or substantial improvements on the subject property shall require the property owner to meet FEMA's LOMC process.

MPO

Road classifications: Union Avenue is classified as a Collector roadway and Oak Street is classified as a Minor Local roadway

Additional Comments: Recommendation of approval

Public Transit

Where is the nearest bus stop? A bus stop is located across the street of the subject property

Is the developer proposing the construction of new bus stops/shelters? Yes ☐ No ☒ N/A ☐

Traffic Engineering:

Is development adjacent to a State Highway System? Yes ☐ No ☒ N/A ☐

If yes, please specify the reviewing comments by the New Mexico Department of Transportation:

Are road improvements necessary? Yes ☐ No ☒ N/A ☐

If yes, please explain:

Was a TIA required? Yes ☐ No ☒ N/A ☐

If yes, summarize the findings:

Did City of Las Cruces Traffic Engineer Require a TIA? No

The proposed use ***will*** ☐ or ***will not*** ☒ adversely affect the surrounding road network.

Site Accessibility

Adequate driving aisle	Yes ☐ No ☐ N/A ☒
Adequate curb cut	Yes ☐ No ☒ N/A ☐
Intersection sight problems	Yes ☐ No ☒ N/A ☐
Off-street parking problems	Yes ☐ No ☒ N/A ☐

On-Street Parking Impacts

None ☒ Low ☐ Medium ☐ High ☐ N/A ☐

Explain: On-street parking is not permitted on Union Avenue

Future Intersection Improvements

Yes ☐ If yes what intersection?
No ☒ If no, when (timeframe)?

Additional Comments: The driveway for the subject property on Oak Street shall comply with current City of Las Cruces Design Standards

Water Availability and Capacity:

Source of water: CLC ☒ Other:
CLC water system capable of handling increased usage? Yes ☒ No ☐ N/A ☐
If no, is additional service available? Yes ☐ No ☐ N/A ☐

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all City of Las Cruces requirements.

Wastewater Availability and Capacity

Wastewater service type: CLC ☒ On-lot septic ☐
CLC wastewater service capable of handling increased usage? Yes ☒ No ☐ N/A ☐

If no, is additional service available? Yes ☐ No ☐

Potential problems with gravity wastewater system or system connection? Yes ☐ No ☒ N/A ☐

If yes, can potential problems be handled through development or building permit process?
Yes ☐ No ☐

If development is being served by on-lot septic, please specify review comments by the New Mexico Environmental Department: N/A

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all City of Las Cruces requirements.

Gas Utilities

Gas Availability
Natural gas service available? Yes ☒ No ☐ N/A ☐
If yes, is the service capable of handling the increased load? Yes ☒ No ☐
Need BTUH requirements? Yes ☐ No ☒ N/A ☐

Public Schools

Nearest Schools:

1. Elementary: Mesilla Park Elementary — Distance: 0.61 +/- miles
   Enrollment: 517
2. Middle School: Zia Middle School — Distance: 1.10 +/- miles
   Enrollment: 905
3. High School: Las Cruces High School — Distance: 1.05 +/- miles
   Enrollment: 2326

Adequate capacity to accommodate proposal? Yes ☒ No ☐ N/A ☐

DESIGN STANDARDS ANALYSIS

Parking

Is there existing parking on the site? Yes ☒ No ☐ N/A ☐

If yes, how many parking spaces presently exist? 42 How many are accessible? 0

If no, will parking be required for the proposed use? Yes ☒ No ☐ N/A ☐

If yes, how many parking spaces will be required? 32 to 42 How many accessible? 4

Is there existing bicycle parking on the site? Yes ☐ No ☒ N/A ☐

If yes, describe:

If no, how many bicycle parking spaces will be required? 7 bicycle parking spaces will be required for the facility

Will bicycle parking be required for the proposed use? Yes ☒ No ☐ N/A ☐

Comments: The proposed expansion of the existing building will result in a loss of parking stalls. With the expansion of the building, the site can support 27 parking stalls; which is a numerical deviation of 5 stalls from the required minimum of 32 parking stalls.

Landscaping and Buffering

Is there existing landscaping on the subject property? Yes ☒ No ☐ N/A ☐

If yes, is the landscaping adequate to serve the proposed use? Yes ☐ No ☒

If no, what landscaping will be required? A minimum area equal to 15% of the total parking area shall be landscaped.

Are there existing buffers on the subject property? Yes ☐ No ☒ N/A ☐

If yes, are the buffers adequate to serve the proposed use? Yes ☐ No ☐

If no, what additional buffering will be required? A ten (10) foot wide opaque buffer is required along the northern property line of subject property adjacent to the R-1a zoned properties. The parking area currently exists right along the northern property line with no room to add a ten (10) foot wide opaque buffer. The applicant is proposing to construct a six (6) foot solid wall along the northern property line to serve as a buffer for the subject property from the adjacent residential lots in lieu of providing a ten (10) foot wide opaque buffer.

Open Space, Parks, Recreation and Trails

Are there presently any existing open space areas, parks or trails on the subject property?
Yes ☐ No ☒ N/A ☐
Explain: There are no requirements of open space, parks, recreation, or trails for the proposed zone change

Are open space areas, parks or trails a requirement of the proposed use?
Yes ☐ No ☒ N/A ☐

Are open space areas, parks or trails being proposed? Yes ☐ No ☒ N/A ☐
Explain: There are no requirements of open space, parks, recreation, or trails for the proposed zone change

Table 3: Special Characteristics

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	
Medians/ Parkways Landscaping	No	

VARIANCE ANALYSIS

Table 4. Variance Hardship Determination

	Factor	Analysis	Supports Request? Yes	No
1.	A physical hardship relative to the property (i.e. topographic constrains or right-of-way takes resulting reduced development flexibility, etc.) in question.	A physical hardship currently exists on the subject property. The existing buildings and parking situation have been on the subject property since 1976 and there is no available space left for additional parking and buffering. The proposed improvements to the subject property will not negatively affect the subject property or any adjacent properties.	X	
2.	The potential for spurring economic development at a neighborhood or city-wide level if requested allowances are granted.	N/A		

3.	Monetary considerations not as a whole, but relative to options available to meet the applicant's stated objectives when such options case considerable monetary hardship under strict application of code provisions.	N/A

Table 5: Project Chronology

Date	Action
December 7, 2010	Application submitted to Development Services.
December 10, 2010	Case sent out for review to all reviewing departments
January 4, 2011	Case reviewed and discussed by staff
January 9, 2011	Newspaper advertisement
January 14, 2011	Public notice letters mailed
January 14, 2011	Sign posted

SUMMARY AND CONCLUSIONS

The proposed zone change is supported by the Development Sevices Staff and all reviewing departments in the City of Las Cruces. The proposed zone change meets the character and integrity of the existing surrounding area and is supported by the 1999 Comprehensive Plan. The existing use on the subject property of an apartment complex is simialr in nature to the proposed use of a transitional living and counseling facility for Veterans and will not negatively affect the surrounding area. In 1990 a surveying error occurred when Ordinance 1169 was passed. The ordinace corrected the zoning on the subject property as well as other surrounding properties to C-2 (Commercal Medium Intensity). The subject property was incorrectly surveyed and only the bottom two-thirds (2/3) of the subject property was rezoned C-2 while the top one-third (1/3) remained zoned R-1a (Singlle-Family Medium Density). Two variances are required for this zone change and the proposed future expansion of the existing building on the subject property.

The applicant ia proposing to install 27 parking spaces which is 5 fewer than the minimum required 32 parking spaces. The variance to the number of parking spaces is supported by staff due to the fact that the counseling services will be provided to the residents within the adjoining building and should not create new vehicular trips. The subject property is also limited in size making siting of the minimum required of parking spaces a challenge. Overall it is staff's opinion that the number of proposed parking spaces should adequately support the proposed use.

A second variance to the minimum required bufferyard is also required for the subject property. The subject property is required to provide a ten (10) foot wide opaque buffer along the northern property line of subject property adjacent to the R-1a zoned properties. The applicant is proposing to construct a six (6) foot tall wall along the northern property line adjacent to the R-1a zoned properties with a zero (0) foot bufferyard between the parking spaces on the subject property and the property line. The applicant is also proposing a six (6) foot solid wall with no intermittent openings up to 20 feet. Staff is in support of this variance due to the fact that the size of the subject property and the layout of the existing buildings extremely limits any possible room for a ten (10) foot opaque bufferyard, or room to install landscaping for intermittent openings over the opaque screening up to 20 feet. Staff also believes that since the parking spaces along the northern property are already in existence no additional negative impact will take place for the adjacent R-1a properties. The proposed wall will be an improved addition to the subject property to help divert any negative impacts on the adjacent northern properties.

Currently there are underlying lot lines on the subject property. The underlying lot lines will have to be vacated prior to any new construction on the subject property.

FINDINGS

1. The subject property is located at 3350 Oak Street, is zoned R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) and encompasses 0.68 +/- acres.

2. The subject property is the current location of an apartment complex.

3. The proposed zone change would allow the use of the existing apartment complex as a transitional living and counseling facility for Veterans.

4. A variance of five (5) parking spaces from the minimum required 32-parking spaces is required with the proposed zone change.

5. A variance to the minimum required ten (10) foot opaque bufferyard is also required for the proposed zone change.

6. The rezoning request is consistent with the Goals, Objectives, and Policies of the City of Las Cruces Comprehensive Plan.

STAFF RECOMMENDATION

Staff has reviewed the proposed zone change and based on the preceding findings recommends approval with the following conditions:

1. The property owner will be required to replat the subject property to dissolve all underlying lot lines. The replat must be filed prior to the issuance of a certificate of occupancy for any new construction.

2. The property owner will be required to install a six (6) foot opaque wall along the northern property line adjacent to the R-1a zoned properties.

Staff has also reviewed the proposed variance to the minimum number of parking stalls and the proposed variance to the minimum required buffer yard and recommends approval.

DRC RECOMMENDATION

N/A

ATTACHMENTS

1. Development Statement
2. Existing Site Plan
3. Proposed Improvement Plan
4. Comprehensive Plan Goals, Objectives, and Policies
5. Vicinity Map

DEVELOPMENT STATEMENT for Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
Please type or print legibly

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

Applicant Information

Name of Applicant: ASA ARCHITECTS

Contact Person: Colleen Boyd

Contact Phone Number: 526-3111

Contact e-mail Address: colleen@asa-architects.com

Web site address (if applicable): _____

Proposal Information

Location of Subject Property 3350 OAK ST. LC, NM 88001

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

Current Zoning of Property: R-1a & C-2

Proposed Zoning: & R3

Acreage of Subject Property: .68

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

TRANSITIONAL LIVING FOR VETERANS

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

APPROX 1500SF (EXISTING = APPROX 11,500 S.F.)

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

COUNCILING CENTER
INTERMITENT but typically between the HOURS OF 9-5 FOR ON-SITE RESIDENTS CURRENTLY COUNCILORS VISIT IN INDIV. UNITS THE PROPOSED MULTI PURPOSE SPACE PROVIDES PRIVATE COUNCILING SPACE & COMP. WORKSTATIONS

Anticipated traffic generation NO CHANGE trips per day (if known).

Anticipated development schedule: Work will commence on or about _____

and will take approximately 4 MONTHS to complete.

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

ON-LOT PONDING

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

YES - LANDSCAPE TO MEET CITY OF LAS CRUCES DESIGN STANDARDS

Attachments

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

Location map

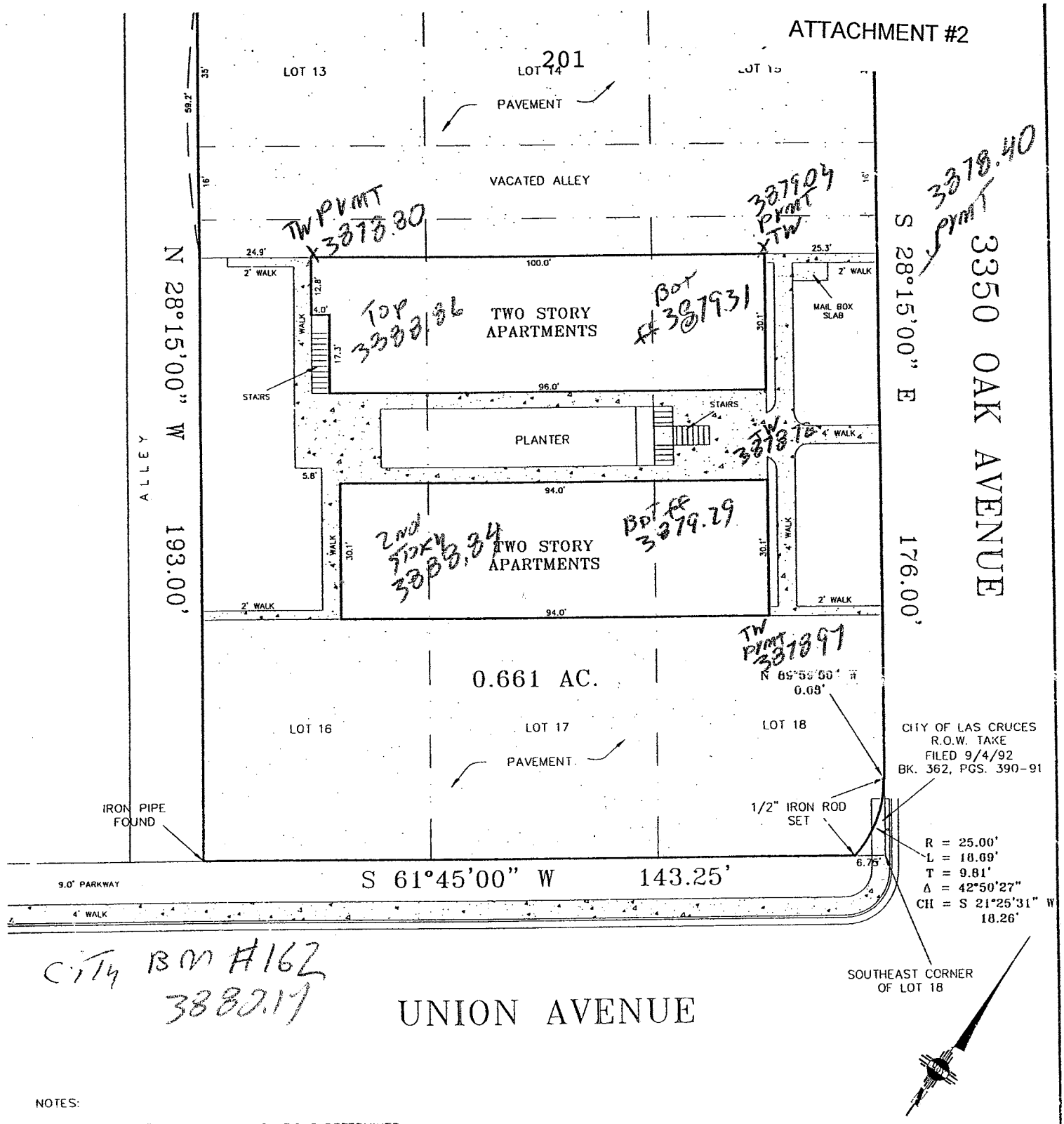
Detailed site plan

Proposed building elevations*

Renderings or architectural or site design features*

Other pertinent information*

ATTACHMENT #2



NOTES:

FLOOD ZONE "AE" BASE FLOOD ELEVATIONS DETERMINED, IN MAP NO. 35013C0633 E, EFFECTIVE SEPTEMBER 27, 1991.

INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM WARRANTY DEED FILED OCTOBER 1999, IN BOOK 196, PAGES 894-895, DONA ANA COUNTY RECORDS.

SCALE: 1"=30'

0 10 20 40 60

JORGE MOY NEW MEXICO 5939

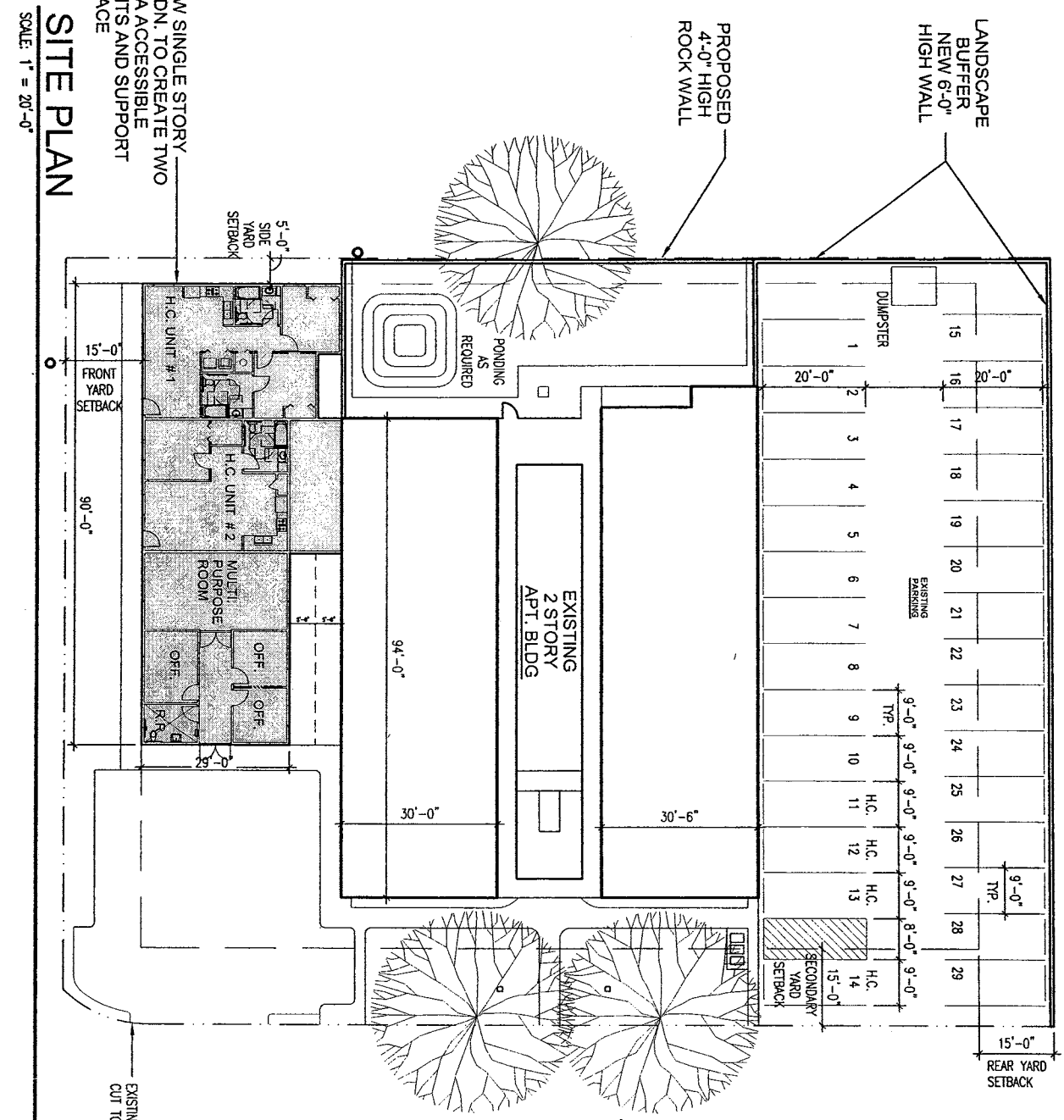
PLAT OF SURVEY
SHOWING THE LOCATION OF IMPROVEMENTS
ON LOTS 16, 17, PART OF LOT 18 & THE SOUTH 35' OF LOTS 13, 14 AND 15 & THE ADJACENT VACATED ALLEY OF BLOCK 3, RIO GRANDE LAND COMPANY'S MESILLA PARK TRACT
FILED AUGUST 25, 1887, IN BOOK 2, PAGE 31, DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES
DONA ANA COUNTY, NEW MEXICO

MOY SURVEYING INC.
414 N. DOWNTOWN MALL
LAS CRUCES, NEW MEXICO 88001
PHONE: (505) 525-9683
FAX: (505) 524-3238

ATTACHMENT #3

SITE PLAN

SCALE: 1" = 20'-0"



VICINITY MAP

3350 Oak St., Las Cruces, NM 88005

NORTH

Oak Street Apartments
Transitional Housing for Homeless Veterans

3350 Oak St.
Las Cruces, New Mexico 88005

ASA ARCHITECTS
201 N. Alameda
P.O. Box 146
Las Cruces, NM 88004
p 575.526.3111 f 575.523.9667
www.asa-architects.com

Comprehensive Plan Analysis

Land Use Element

Goal 1

Policies

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

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

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

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

VICINITY MAP

CASE NO. Z2825
PARCEL: 02-13094
OWNER: HOUSING AUTHORITY OF THE CITY OF LAS CRUCES
ADDRESS: 3350 S OAK STREET
ZONING: R-1A/C-2 TO C-2C

0 75 150 300 450 600
Feet

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

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

Stowe: I second it.

Scholz: Okay, Shipley moved and Stowe seconded. I'm going to call the role. Commissioner Shipley.

Shipley: Aye, findings, discussion and site visit.

Scholz: Commissioner Crane.

Crane: Aye, findings, discussion and site visit.

Scholz: Commissioner Stowe.

Stowe: Aye, findings, discussion and site visit.

Scholz: Commissioner Evans.

Evans: Aye, findings and discussion.

Scholz: Commissioner Bustos.

Bustos: Aye, findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye, findings, discussion and site visit.

Scholz: And the Chair votes aye for findings and discussion. Thank you, gentlemen.

6. **Case Z2825:** Application of ASA Architects on behalf of the Las Cruces Housing Authority to rezone from R-1a/C-2 (Single-Family Medium Density/Commercial Medium Intensity) to C-2 (Commercial Medium Intensity) on a 0.68+/- acre tract located on the northwest corner of Oak Street and Union Avenue; a.k.a. 3350 Oak Street; Parcel ID# 02-13094; Proposed Use: Transitional living and counseling facility for Veterans. Council District 2.

Scholz: Our last case is Z2825 and, Mr. Ochoa, you are up again.

Ochoa: Yes, sir. The final case for tonight is another zone change application, Z2825. it is a request for a zone change from R-1a/C-2, Single-Family Medium Density/Commercial Medium Intensity to C-2, which is Commercial Medium Intensity-Conditional for property located at 3350 Oak Street.

The property is located on the northwest corner of Oak Street and Union Avenue. It currently encompasses approximately 0.68 acres and

contains an existing apartment complex. The applicant is proposing to expand the existing structures, or add to the existing structures on site, and develop a transitional living and counseling facility. The zone change is required to remove the R-1a zoning component that is located on the top one-third of the subject property, making the entire property zoned C-2 instead and the C-2 zoning designation for the district would allow both of these uses by right.

For the zone change the development would require two variances along with this. First there would be a variance to the minimum required number of parking stalls from 32 stalls to 27, a variance of 5 parking stalls; and they would also require a variance to the minimum required bufferyard from 10-foot opaque bufferyard to a zero-foot opaque bufferyard.

Here is an existing site plan with the two existing apartment buildings. You can see parking in the front and the parking in the rear, all currently existing to the existing R-1a homes. Where the buffer is required would be along this northern property line where the parking is currently existing and you can see it's extremely restrictive. With the new development they are proposing installing, as I said, 27 parking stalls. The proposed expansion would result in the loss of parking stalls. The site will be able to support the total number of parking stalls of 27. Some landscaping currently exists on the subject property but a minimum of 15% of the total parking area shall have to be landscaped. The applicant is also proposing to install a 6-foot wall in lieu of providing a 10-foot wide opaque bufferyard. Parking area that currently exists on site along the northern property line will allow no room to add a 10-foot opaque bufferyard, which staff feels. The existing buildings and layout of the property also limits any possible room for any 10-foot bufferyard. There are currently underlying lot lines on the subject property that will have to be vacated prior to any construction. They have to be vacated by the applicant with a replat prior to any construction on the property.

Here's kind of a proposed site plan of what this site would look like. The front parking stalls along Union would basically be removed, adding the two ADA-accessible units and a counseling area. Counseling will be for people on-site. People from outside will not be coming there so there will not be that added traffic coming into the property and, as you can see there, it looks like they are proposing 29 parking stalls but they do need an extra loading area for the ADA parking so that would actually bring them to a total number of parking stalls to about 27.

Here is an aerial of the subject property. Like I said, this is the front along Union and Oak Street right here. Here is that rear parking area that is in question. You can see there is the property line there running along that wall of the R-1a zoned properties with the restricted area for any type of buffering and additional parking.

Staff has reviewed this zone change and recommends approval with conditions based on preceding findings: the property owner will be required to replat the subject property to dissolve all underlying lot lines.

The replat must be filed prior to the issuance of a certificate of occupancy for any new construction. The second condition is: the property owner will be required to install the six (6) foot opaque wall along the northern property line adjacent to the R-1a zoned properties.

Staff has also reviewed the proposed variance to the minimum number of parking stalls and the proposed variance to the minimum required bufferyard and recommends approval for these two, as well, along with the zone change. The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration.

Your options tonight, gentlemen, are: 1) vote "yes" to approve the zone change and variances request as recommended by staff for case Z2825; 2) to vote "yes" to approve the zone change and variance request with additional conditions; 3) to vote "no" to deny the zone change and variance request; 4) to table/postpone and direct staff accordingly. That is the end of my presentation. The applicant is here to answer any questions and possibly add more to my presentation. I also stand for questions.

Scholz: Questions for this gentleman? Commissioner Crane.

Crane: I'd like to bring up two points: one is I don't understand the first paragraph of Summary and Conclusions, the part that says... about the middle, "...that due to incorrect surveying the bottom two-thirds (2/3) of the subject property was rezoned C-2 while the top one-third (1/3) remained zoned R-1a. What's our point of reference here? Are we talking vertically?.... the top 10-feet of the building one zone and the bottom 20-feet another?

Scholz: I think he's talking about north/south. Aren't you?

Crane: Okay, so does top mean "north?"

Ochoa: Correct. Mr. Chairman, Commissioner Crane, to clarify: I mean the actual subject property itself, the top or northern one-third of the subject property is zoned R-1a while the bottom or southern portion of the subject property, two-thirds of the subject property is zoned C-2. That was kind of a correction done by staff with, I believe, of Ordinance 11...

Scholz: 69

Ochoa: Thank you very much. 1169... that basically cleaned that up but due to a surveying error that top portion or the northern portion, excuse me, of the subject property was left R-1a.

Crane: My question was that if the applicant were to put in a 10-foot opaque barrier that's required by Code the people to the north would be looking at

the existing 3-foot wall and then, perhaps, a row of trees. Wouldn't that constitute an opaque barrier, the way we've often heard presented?

Ochoa: The 10-foot opaque barrier that would be required is basically from the property line into the subject property by 10-feet. They would have to have an up to 6-feet of opaque screening, so like a wall or something that you can't see, and then scattered landscaping and an intermittent visual opening up to 20-feet. Of course, also by doing that, that would basically cut their parking area in half.

Crane: So from the viewpoint of the neighbors to the north things will look about the same as they would have if the variance were not granted?

Ochoa: Correct, sir, but the condition that we are proposing though, they would be required to put a 6-foot...

Crane: Yeah.

Ochoa: ....tall wall *(inaudible)*

Crane: So the only people really affected are the ones that are in the apartment complex. They're the ones who don't get to see the pretty landscaping, right?

Ochoa: Correct, sir.

Crane: Okay, thank you.

Scholz: I have a question: who did the ... who ran spell check on this? I found at least half-a dozen errors. Just curious, you know.

Ochoa: Mr. Chairman, my apologies. This is a new format we're trying to work on. There're templates that we're trying to fix and change and so forth. It just fell through, unfortunately. I apologize. I'll take the blame for that, actually.

Scholz: All right. Any other questions for Mr. Ochoa? Okay, may the applicant present her case?

Boyd: Good evening, Mr. Chairman and Commissioners. My name is Colleen Boyd. I'm the architect that is the applicant for the Housing Authority for the City of Las Cruces. This is a transitional living facility for homeless veterans here in this community and in an effort to serve our veterans the Community of Hope, in cooperation with the Housing Authority of Las Cruces, has determined that the addition of two handicap-accessible units and a multi-purpose room where counseling services and meetings can

take place on site would better serve those who have served us. And that's all. Thank you for your consideration this evening.

Scholz: Okay, questions for this lady? Yes, Commissioner Beard.

Beard: I'm .... Where's the alley? Is the alley disappearing now?

Boyd: No, sir, it is not.

Scholz: The plan says the alley's vacated? Is that official or is that just a...?

Boyd: You know, this particular project does not affect the alley at all. Our property lines are just on the inside of the alley so as far as we're concerned it has no effect.

Beard: Okay, I'm looking on page...I don't know what that is.... oh, attachment number 3...and it looks like this building actually attaches to the other building or to the existing apartment.

Boyd: Is this the sheet that you're looking at, Commissioner? So, again, the alley runs north and south, right here....

Beard: U-m-m-m... that's my problem...oh, I'm sorry. There's an alley on the north side.

Boyd: it's on the west side.

Scholz: Okay, we actually have two drawings here and the original plat, which is dated 1991, shows a vacated alley in the parking lot of the north side. Is that what's confusing you, Commissioner Beard?

Beard: Yeah, that confused me.

Scholz: That confused me as well but I realized it's a parking lot. It's not an alley.

Beard: Okay, I want to go back to the...now that I know that one.

Scholz: Okay.

Beard: But it still looked like on attachment number 3 that the new structure is actually attaching to the existing apartment. That's what it looked like to me.

Boyd: That is correct and for Code reasons we decided to handle it that way. It has to do with the fact that the apartment structure can be a certain number of square feet before we exceed the maximum and, therefore, we

don't have to address Fire Code separation between these two structures if we actually attach it.

Scholz: Okay

Beard: So, what about the windows in that building?

Boyd: You know, where you are seeing this attachment we have already addressed that. This unit right here has an egress window on the west side that they would be able to go out of; because you're absolutely correct. There are bedroom windows all along that south side but we have taken that into consideration.

Beard: But if you put a building right up next to it doesn't that block the window?

Boyd: Well, what I'm saying is: we would eliminate one window in that unit but the bedroom for egress requirements would still be there.

Beard: Do you own that property?

Boyd: No, sir. The City of Las Cruces, the Housing Authority does.

Beard: Oh, okay.

Scholz: All right, anything else?

Boyd: That's a very good question.

Beard: Well, I'm starting to understand.

Scholz: Commissioner Shipley.

Shipley: I do have several questions: number one, all the handicapped parking is up on the northeast corner of the building and all of the handicapped facilities are on the southwest corner of the building. So that means that during inclement weather or any time high winds, whatever, whoever is using it wheelchair-wise, has got to wheel themselves all the way around the building, two buildings, to get to their apartment....and I think you, maybe....I just want to say: I don't think that's acceptable.

The other thing is: I would think that you would be better suited to put on the end of the building, to put everything along there, along the alley and then you could make your handicapped parking up there where your Dumpster is now and move that; because you have access along the alley. The way I see this right now, your layout right now, is destroying parking. You're going from 32 to 27 and making it harder for the handicapped people to get to their handicapped units, which I think are

needed, but you could "T" that up here and maybe lose a couple spaces and still save spaces down here. The residents that live in this southern building are going to be upset because their parking spaces where they park now are going away.

So, the ponding area is also....as I walked this property today and, you know, there's two areas on the east side that they have a couple areas with picnic tables, two trees and then the same thing on the back with a picnic table and trees. There's no real area, except between the two buildings, for any kids to play whatsoever. I would just think that....I don't know if you could do something in that same area, you know, it would be longer; but then the bottom line is you would be able to get your handicapped parking closer to the units and adjust there accordingly.

Boyd: Commissioner Shipley, your points are very well taken and I will say that on the initial design of this we put the handicapped parking right up front next to the multi-purpose room and the offices. Due to the fact that it is in close proximity to the intersection there was some input from the Traffic Engineer here that indicated they did not want the parking up front. Now that doesn't mean that we can't revisit this issue and look at the possibility, of maybe, providing one or two spaces up front so that we can maybe adjust this curb cut so that we do come in the 30-feet required away from the intersection.

You know, at this point we really need the variance before we can proceed any further with any more design and, of course, again your point is well-taken about this area back here.

I do want to say the say the nature of the residents for this community, again, homeless veterans in transition; very, very few of them even own vehicles so parking is not an issue. You probably noticed when you went over there the facility is full. There are very few cars in the lots and what we could consider the priority is that we really provide space up front for the handicapped units first and foremost in the event that those folks would have vehicles.

Shipley: I was just concerned that you're going to end up with people that are to try to do on-street parking. There's no parking along that street so that means they've got to park on the side street here....and I don't think there's any room to park anyplace there because there's basically two entrances into the back portion of the driveway....and I pulled out, there's a curb cut on this corner, too.

Boyd: Yeah, you're right. Again, I would like to revisit this with the Traffic Engineer, Dan Soriano, just to look at the possibility of putting one or two spaces up front there. I think there might be a solution that we just haven't found yet.

Scholz: I would hope so because I share the same concern. You really want your handicapped parking close to....

Boyd: Absolutely, I understand.

Scholz: Commissioner Beard, you had a question or a comment?

Beard: Yes. I don't know whether it's a concern or a question. With the setback now 5-feet isn't there a high-voltage power supply back there?

Boyd: There very well....yes.

Beard: Are you infringing on getting too close to that?

Boyd: No, sir. No, again, we would take a much closer look at all of those issues once we got into this a little bit further with the design. Of course we would hire on our engineers to take a look at all of this.

Beard: So, with this 5-foot setback you are within Code of being away from that power unit?

Boyd: Yes, sir.

Beard: Okay.

Scholz: All right. Commissioner Shipley.

Shipley: What about moving this thing to the other end, to the northern end?

Boyd: U-m-m-m-m....

Shipley: Just flip-flop it.

Boyd: Um-hmm. There was some desire on the part of the Housing Authority and Community of Hope of giving us some visibility, you know....

Shipley: I mean, you've got all that traffic on the highway. If I was a handicapped person living there and didn't have mobility and had to listen to silence and all that....

Boyd: Um-hmmm.

Shipley: I don't think that's appropriate. If you can step it back and do the same thing on the opposite end of the building you've accomplished something where you've got plenty of parking. If it's needed, if it's not going to be used, that's fine, too.

Boyd: Well, that's, certainly, a consideration that we could look at.

Shipley: Well, I think that's a better solution than the way it is now because I just don't like the fact that people have to walk all the way around the building or wheel themselves all the way around or come on crutches all the way around the building to get there. If we can't do the handicapped mixed with the housing I'm not going to support it.

Boyd: Yes, sir. I would like Mr. Hassell to speak to that point.

Hassell: Mr. Chairman, Commissioners, Tom Hassell, Director of the City Housing Authority. Yeah, I think those are all excellent points. I think the original design that we discussed had the handicapped parking in the lower right-hand corner of this design. Absolutely, we want the parking next to the application where it'll be required.

A couple of things, though, that might have some bearing on this: the funding that's being used to build this is capital outlay money. It's currently under the knife, so to speak, and we have some time constraints to get it spent and this zoning change happened to be a hiccup in the whole issue.

So I have absolutely no concerns about moving the unit to the north parking lot. From my point of view I don't see it as a problem. One of the things that we're trying to do, though, with this particular population, it being a homeless transient population, in essence, we have concerns about traffic coming from....and when I say traffic, I mean other people, other homeless people, coming on site....and our intention is to....we've applied for a Veteran's Grant that allows for some subsidy. It also allows for additional money to help us do capital improvements like fire, safety and that sort of thing.

One of the things we want to do is to turn this into more of a gated community so that the people that access the living area and offices have electronic card access and that way we could keep that transient traffic off of the property.

Again, the other issue here, really the idea here is that since these people are here transitionally we want to give them the services to go out and get jobs, get trained, get help, care, whatever is required and we don't want to have to transport them off site. That's why we want the offices in the main meeting area. Two handicapped units....initially we had had funding to afford to actually do that. I don't think we're going to be able to reach far enough with our monies to do that now but we want to allow for them in the design because eventually we do want to put them in there. So we're definitely not averse to moving this design, flip-flopping it on the other side. We were trying somewhat to respect the residential properties to the north of us and so we thought it would be better to keep that buffer between our building and the residences.

We also felt that even though we would have these two handicapped units there we felt that maybe the multi-purpose buildings and the offices would act as a buffer to our main living area, which is the two existing apartment complexes. So if you can envision this as being somewhat enclosed, a little recreational area in the back, the courtyard in between the buildings and all of the walls, so to speak, so that it becomes more of a private community for the people that are actually living there and as a buffer to those people that are living around it.

Scholz: So, you're saying, Mr. Hassell, that we want to move on this because otherwise the money will evaporate?

Hassell: Well, we're in a position right now that if we can't get the money under contract there's a very good likelihood that....we have roughly a quarter-of-a million dollars outstanding. If we can't get it under contract we'll lose it. It'll be recaptured. We lost half of....roughly had close to seven hundred thousand and we're down to that quarter-million now because it's been recaptured. So, that's a separate issue but still, I think very definite time constraints on using the funding.

Scholz: I understand that as a condition, yes. Commissioner Shipley.

Shipley: But I think if you flip-flopped that and....it's all paper right now, a spade hasn't been turned so if you do that I think we have no problem. We can make that conditional, if that's all right with you all?

Evans: I don't have any problem with that. Absolutely.

Shipley: Then that could be approved by staff. Is that correct, sir?

Scholz: Staff is going to go into a huddle on this.

Evans: Mr. Chairman.

Scholz: Commissioner Evans.

Evans: What are the issues with flipping it? I like the project. I'm in support of it. You give some good rationale for why you did things. In trying to give some guidance on redesigning that you would have to, I believe, go back and repetition this because now you really are encroaching upon the back yards of those folks and, you know, you're adding additional time and, at the end of the day, you know, there may be some substantial resistance from those homeowner to building a structure right on that property line. So, I guess I'm not sure what we're....

Scholz: I think the architect wants to talk to this.

Boyd: The only other disadvantage I see of flipping this is that we will not ultimately have as many parking spaces as indicated right now because this is not a double-loaded lot currently. There's only one row of parking up against the building on this side. Again, not a huge concern in the scheme of things as far as the current use, but definitely something that we might want to keep in mind.

Scholz: Thank you. Okay, I'm open to....I think staff may have a word for us. Tom, something else?

Hassell: Well, Cheryl just made it clear that if we just summarily flip the design that she's going to request that you table this and that means it comes back later. That's not really too acceptable for us because we're time constrained so I'm not averse to looking at redesigning this and I think there's a way we can meet the requirement to get the parking next to the handicapped unit somehow.

Scholz: Which seems to be our main concern, yes.

Hassell: And, you know, I'll just point this out, too, I think in the original design where the two handicapped units are facing the ponding area, the intent was that they would access those parking lots that direction not out and around and the reason for that is that it's not an open, totally exposed courtyard so they wouldn't be under protection of the weather if they come through that courtyard and we might even be able to move the handicapped parking spaces down to the west end of that so that we can cut that distance, basically, in half. I'm sure we can come up with a design that would probably work.

Another option that we've looked at, too, is the possibility of not even building the two handicapped units. We still need the offices and the multi-purpose building but possibly retrofitting a couple of the units that are existing on the ground floor, maybe on the north side; although that alternative, I don't think....it's a little less acceptable just because you're stuck with what you have in terms of the sizes of the units but that's also another option. But I would really very much like to get the zone change taken care so we could go forward with the design and work on something that allow those fixes.

Scholz: All right. Mr. Ochoa, you had another comment?

Ochoa: Yes, Mr. Chairman, I just want to remind the Commission....tonight is just a recommendation so the actual....what we're voting tonight is a recommendation to the City Council for a zone change and the two variances themselves. The design of the property can be manipulated in the future and they will just have to work with the restrictions of the actual

variances that they had, I guess, given to them when everything is finalized and everything and so forth like that. Again, tonight's just a recommendation and design can be taken care of later as well.

Scholz: Okay. I haven't heard from anyone in the public. Sir, do you want to comment on this? No? Okay. I'll close for public comment then and I'll entertain a motion to approve.

Crane: So moved.

Scholz: Okay, Commissioner Crane moved....

Crane: Z2825....

Scholz: With....would you read the conditions, too, please?

Crane: It will take a moment.

Scholz: They are on page 10, I think....or page 9.

Crane: Page 9....

Scholz: It's under Staff Recommendation.

Crane: There it is....with the conditions that: the property owner will be required to replat the subject property to dissolve all underlying lot lines. The replat must be filed prior to the issuance of a certificate of occupancy for any new construction. And, two, the property owner will be required to install a six (6) foot opaque wall along the northern property line adjacent to the R-1a zoned properties.

Scholz: All right, and is there a second to this?

Beard: Second.

Scholz: Okay, Commissioner Beard seconds. I'll call the role. Commissioner Shipley. Commissioner Shipley?

Shipley: *(inaudible)* I'll be last.

Scholz: Commissioner Crane.

Crane: I can't believe Mr. Shipley wants to hear what all the other votes are. (all laughing)

Scholz: Okay, Commissioner Crane.

Crane: I vote aye, based on findings, discussion and site visit.

Scholz: Commissioner Stowe.

Stowe: Aye, based on findings, discussion and site visit.

Scholz: Commissioner Evans.

Evans: Aye, findings, discussion.

Scholz: Commissioner Bustos.

Bustos: Aye, findings, discussion.

Scholz: Commissioner Beard.

Beard: Aye, findings, discussion and site visit.

Scholz: And the Chair votes aye, findings, discussion. Commissioner Shipley?

Shipley: I vote nay because of the fact that I don't think this design is appropriate for this piece of property and I don't think it's good for the veterans to have to walk too far and I think that if we turn our back on this when we do these kinds of things we're doing disservice to the vein. We need to do this right the first time and spend the dollars correctly. We don't need to spend our money because you've got a time frame and waste money to make a bad decision and that's why I'm voting nay.

Scholz: Thank you, Commissioner Shipley. So it passes 6 to 1.

VII. PUBLIC PARTICIPATION

Scholz: All right, if there's no other public participation...

VIII. STAFF ANNOUNCEMENTS

Scholz: Staff announcements? You want to make a staff announcement, Ms. Rodriguez?

1. Work Session on February 8, 2011 at 6pm in Council Chambers

Rodriguez: Mr. Chairman, are we going to do election of officers in a....?

Scholz: Ah, yes we have! Sorry about that. Since I had this out of order on my agenda we do have to do that. We have to Election of Officers and we

ATTACHMENT C

VICINITY MAP

CASE NO. Z2825
PARCEL: 02-13094
OWNER: HOUSING AUTHORITY OF THE CITY OF LAS CRUCES
ADDRESS: 3350 S OAK STREET
ZONING: R-1A/C-2 TO C-2C

0 75 150 300 450 600
Feet

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