

City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 10 Ordinance/Resolution# 2628

For Meeting of August 1, 2011
(Ordinance First Reading Date)

For Meeting of August 15, 2011
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO O-1(OFFICE, NEIGHBORHOOD-LIMITED RETAIL SERVICE) FOR 0.30 ± ACRES OF LAND LOCATED AT 2220 SOUTH SOLANO DRIVE. SUBMITTED BY KIRK CLIFTON ON BEHALF OF SANDRA ESPIRITU, PROPERTY OWNER (Z2831).

PURPOSE(S) OF ACTION:

Zone change will permit neighborhood office uses on the subject property.

COUNCIL DISTRICT: 2		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u> 		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a 0.30 ± acre property located on the west side of Solano Drive 160 ± feet south of its intersection with Milton Avenue, one block north of the University District Overlay (UD). The subject property currently consists of a single-family dwelling unit. The applicant is proposing to redevelop the subject property with a neighborhood office use permitted in the O-1 (Office-Neighborhood-Limited Retail Service) zoning district. The applicant has not specified any development plans for the subject property, but has provided an improvement plan showing the ability of the subject property to support a typical neighborhood office use (see Planning and Zoning Commission Staff Report attachment 3). With approval of the zone change, the structure will no longer be permitted to be used as a primary single-family residence.

The proposed zone change is supported by several Land Use Elements within the 1999 Comprehensive Plan as noted in Exhibit "B" of this CAES. The subject property is located on a minor arterial roadway where neighborhood office uses are encouraged and where lower density residential uses such as the current use on the property are discouraged. The proposed O-1 zoning designation allows office uses that are low-intensity and small-scale that

are not intended to negatively impact their surrounding area or streets. However, at the Planning and Zoning Commission (P&Z) meeting, the general public voiced concerns about the possibility of additional traffic and the potential of negative property value impacts to nearby properties resulting from the proposed zone change. The P&Z also thoroughly discussed the impacts of the proposed use of the property and traffic when making their recommendation.

On June 28, 2011, the P&Z recommended denial for the proposed zone change by a vote of 1-5-0 (one Commissioner absent). The Commissioners voting to recommend denial of the zone change based their decision on the staff report, discussion at the meeting and individual site visits to the property and its vicinity.

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 Z2831.
5. Attachment "B"- Draft minutes from the June 28, 2011 Planning and Zoning Commission meeting.
6. Attachment "C"- Letter Opposing the Proposed Zone Change.
7. Attachment "D"- Vicinity Map.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	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.
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: in the amount of \$ _____ for FY ____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

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 will reverse the recommendation made by the Planning and Zoning Commission. The subject property encompassing 0.30± acres will be rezoned from R-1a (Single-Family Medium Density) to O-1 (Office-Neighborhood-Limited Retail Service).
2. Vote "No"; this will affirm the recommendation made by the Planning and Zoning Commission of denial. The current zoning designation of R-1a (Single-Family Medium Density) will remain on the subject property. The subject property will not be permitted to be used for neighborhood office uses as described in the O-1 zoning district.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to 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.

N/A

COUNCIL BILL NO. 12-006
ORDINANCE NO. 2628

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO O-1 (OFFICE, NEIGHBORHOOD-LIMITED RETAIL SERVICE) FOR 0.30 ± ACRES OF LAND LOCATED AT 2220 SOUTH SOLANO DRIVE. SUBMITTED BY KIRK CLIFTON ON BEHALF OF SANDRA ESPIRITU, PROPERTY OWNER (Z2831).

The City Council is informed that:

WHEREAS, Sandra Espiritu, the property owner, has submitted a request for a zone change from R-1a (Single-Family Medium Density) to O-1 (Office, Neighborhood-Limited Retail Service) for property located at 2220 S. Solano Drive; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on June 28, 2011, recommended that said zone change request be denied by a vote of 1-5-0 (one Commissioner absent).

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned O-1 (Office, Neighborhood-Limited Retail Service) for property located at 2220 S. Solano Drive.

(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:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

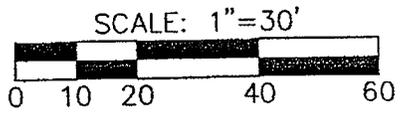
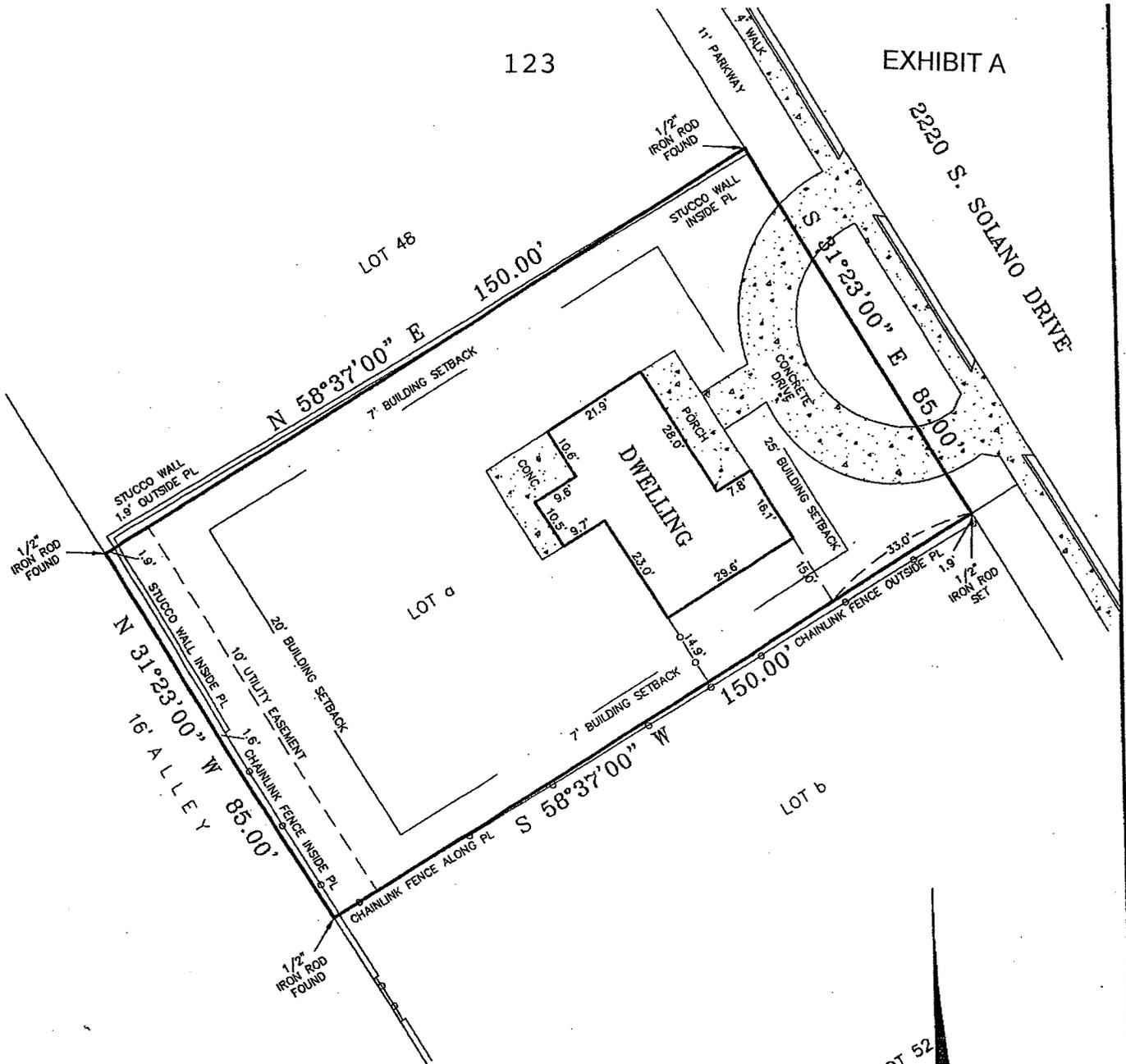
Seconded by: _____

APPROVED AS TO FORM:



City Attorney

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



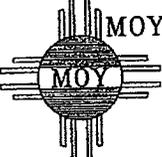
NOTE:

FLOOD ZONE "X"; AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, IN MAP NO 35013C0632 F, EFFECTIVE SEPTEMBER 6, 1995. THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.



PLAT OF SURVEY
 SHOWING THE LOCATION OF IMPROVEMENTS
 ON LOT a, BLOCK 3
 COLLEGE MESA SUBDIVISION (1948 REVISION), REPLAT
 NO. 10, A SUMMARY REPLAT OF LOTS 49, 50, AND 51,
 BLOCK 3, FILED SEPTEMBER 30, 1986,
 IN PLAT RECORD 14, PAGE 74
 DONA ANA COUNTY RECORDS
 CITY OF LAS CRUCES
 DONA ANA COUNTY, NEW MEXICO

I, JORGE MOY, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY



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

FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The subject property is located on the west side of Solano Drive, 160 ± feet south of its intersection with Milton Avenue and encompasses 0.29 +/- acres.
2. The subject property is currently developed as a single-family residence.
3. The proposed zone change would allow neighborhood office uses on the subject property.
4. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policy 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.

Policy 1.3.6 Residential neighborhoods shall not be divided and/or redeveloped for non residential uses unless it can be shown that demand for housing in a neighborhood is diminishing or that a need for a more compatible land use relationship can be demonstrated.

Policy 1.6.1 Neighborhood office uses shall be defined as those office uses which generate small scale professional service activities between uses. There shall be no goods or merchandise prepared or sold on the premises of these uses. Neighborhood office uses and centers shall be established according to the following criteria:

a. Generally 1,500 gross square feet shall be permitted for a neighborhood office use or center.

b. The location of neighborhood office uses and centers shall be considered on a case by case basis: criteria shall include location on collector or minor arterial streets as identified in the transportation element, distance from an intersection where appropriate (a coordinated mixture of uses rather than office/commercial uses as a predominant use), accessibility and shared vehicular access and parking when two offices are adjacent to one another, and consideration of the level of traffic and environmental impacts.

c. There shall be no limit to the number of uses in one development, but no more than two (2) neighborhood office developments may locate adjacent to

each other. A neighborhood office use and center shall be considered as one development.

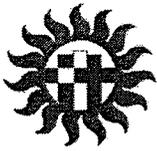
d. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit) for neighborhood office uses and centers.

e. Neighborhood office development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for neighborhood office uses shall be established in the Comprehensive Plan Urban Design Element.

f. Adequate space for functional circulation shall be provided for loading areas.

g. The City shall encourage the development of neighborhood office centers to allow for maximum service convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

h. Neighborhood office uses are also permitted in medium intensity, high intensity, and regional commercial areas as well as professional office areas.



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: June 20, 2011

CASE # Case Z2831

PROJECT NAME: 2220 South Solano Drive

APPLICANT: Kirk Clifton

PROPERTY OWNER: Sandra Espiritu

REQUEST: Zone change to O-1 (Office, Neighborhood-Limited Retail Service)

PROPOSED USE: Unspecified by the applicant

SIZE: 0.30 ± acres

CURRENT ZONING: R-1a (Single-Family Medium Density)

LOCATION: The west side of Solano Drive; 160± feet south of its intersection with Milton Avenue; a.k.a. 2220 South Solano Drive; Parcel ID# 02-19890

COUNCIL DISTRICT: 2

PLANNING COMMISSION DATE: June 28, 2011

PREPARED BY: Adam Ochoa, Planner *AO*

STAFF RECOMMENDATION: Approval

PROPERTY INFORMATION

Address/Location: The west side of Solano Drive; 160± feet south of its intersection with Milton Avenue; a.k.a. 2220 South Solano Drive; Parcel ID# 02-19890

Acreage: 0.30 ± acres

Current Zoning: R-1a (Single-Family Medium Density)

Current Land Use: Single-Family Residence

Proposed Zoning: O-1 (Office, Neighborhood-Limited Retail Service)

Proposed Land Use: Neighborhood Offices Uses

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

Table 1: Site Analysis

Development Standards for Existing Zoning of R-1a (Single-Family Residential)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70 feet/50 feet
Maximum Building Height	35 feet
Development Standards for Proposed Zoning of O-2 (Office, Professional with Limited Retail Service Uses)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70 feet/60 feet
Maximum Building Height	60 feet

PHASING

Is phasing proposed? Yes No

If yes, how many phases?

Timeframe for implementation:

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Single-Family Residence	R-1a	Single-Family Medium Density
Surrounding Properties	North	Single-Family Residences	R-1a	Single-Family Medium Density
	South	Single-Family Residences	R-1a	Single-Family Medium Density
	East	Single-Family Residences	R-1a	Single-Family Medium Density
	West	Single-Family and Multi-Family Residences	R-3	Multi-Dwelling Medium Density

HISTORY

Previous applications? Yes No

If yes, please explain:

Previous ordinance numbers? No

Previous uses if applicable: N/A

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Policy 1.3.4
2. Goal 1, Policy 1.3.6
3. Goal 1, Policy 1.6.1 a through h

Analysis: This zone change would allow the applicant to utilize the property for neighborhood office/service or institutional land uses. Except for a dental office across the street, the subject property is surrounded by various single-family and multi-family residential uses. Currently a single-family dwelling unit exists on the subject property. The subject property is located on a minor arterial roadway where neighborhood office uses are encouraged and where lower density residential uses are discouraged. The size of the existing structure, 1,616 square feet, is close in size to the recommended 1,500 square feet permitted for neighborhood office uses. Recommendation of approval.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

Accessibility Issues	low	med	high
Building Accessibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Secondary Site/Lot Accessibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fireflow/Hydrant Accessibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Type of building occupancy: B

Nearest Fire Station

Distance: 0.8 ± miles

Address: 1199 Foster Rd.

Adequate Capacity to Accommodate Proposal? Yes No

Explain:

Additional Comments: Recommendation of approval. Any construction shall meet the International Fire Code requirements.

Police Department:

Additional Comments: The police department did not review this application.

Engineering Services:

Flood Zone Designation: X

Development Improvements:

Drainage calculation needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Drainage study needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Other drainage improvements needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Sidewalk extension needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Curb & gutter extension needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Paving extension needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

Additional Comments: Recommendation of conditional approval. More intense zoning uses may require additional parking, which in effect would require additional ponding. Any new improvements at the time of building permit will require compliance with City of Las Cruces Design Standards.

MPO

Road classifications: Solano Drive is classified as a Minor Arterial.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? 0.21 ± miles

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

Explain: No new bus stops/shelters are required at this time.

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 <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Adequate curb cut	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Intersection sight problems	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Off-street parking problems	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

On-Street Parking Impacts

None Low Medium High N/A

Explain: No on-street parking is allowed on Solano Drive.

Future Intersection Improvements

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

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require compliance with the City of Las Cruces Curb Cut Ordinance 1250, the Design Standards and/ or Zoning Code.

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: Recommendation of approval. No water rights issues exist.

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:

Additional Comments: Recommendation of approval.

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: University Hills Elementary | Distance (miles): 0.33 ± | Enrollment: 394 |
| 2. Middle School: Lynn Middle School | Distance (miles): 1.22 ± | Enrollment: 720 |
| 3. High School: Las Cruces High School | Distance (miles): 0.74 ± | Enrollment: 2,296 |

Adequate capacity to accommodate proposal? Yes No N/A

Explain: No residential development is being proposed, therefore there should be no impact on public schools.

DESIGN STANDARDS ANALYSIS

Parking

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

If yes, how many parking spaces presently exist? 0 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? Parking requirements for the subject property will be determined when a specific land use is determined. Parking requirements will be verified at the time of building permit or business registration. How many accessible? This will be determined at the time of building permit or business registration.

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

If yes, describe:

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

Comments: During the building permit process when a specific land use is determined and the lot is redeveloped, the subject property shall comply with all parking requirements of the 2001 Zoning Code, as amended.

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? At the time of building permit when the lot is redeveloped, the subject property shall comply with the landscaping and buffering requirements of the 2001 Zoning Code, as amended. The landscaping requirement includes 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? At the time of building permit when the lot is redeveloped, the subject property shall comply with the landscaping and buffering requirements of the 2001 Zoning Code, as amended. The buffer yard requirement is either a 15-foot wide semi-opaque screen or a 10-foot wide opaque screen surrounding the proposed use.

Open Space, Parks, Recreation and Trails

Are there presently any existing open space areas, parks or trails on or near the subject property? Yes No N/A

If yes, how is connectivity being addressed? Explain:

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: Open space areas, parks or trails are not a requirement for the proposed use.

Table 3: Special Characteristics

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	No EBID facilities adjacent to the subject property.
Medians/ Parkways Landscaping	No	None required at this time.

Table 4: Project Chronology

Date	Action
February 8, 2011	Application submitted to Development Services
February 11, 2011	Case sent out for review to all reviewing departments
February 11, 2011	All comments returned by all reviewing departments
June 1, 2011	Staff reviews and recommends approval of the zone change
June 12, 2011	Newspaper advertisement
June 17, 2011	Public notice letter mailed to neighboring property owners
June 17, 2011	Sign posted on property
June 28, 2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. The proposed zone change is also supported by the 1999 Comprehensive Plan. The proposed O-1 zoning designation will allow office uses that are low-intensity and small-scale that will not negatively impact the surrounding area. Currently a dental office exists across the street from the subject property on an R-4 zoned property. The uses permitted with the O-1 zoning district are less intense than a dental office. The subject property is also located only one block north of the University District Overlay-Transition Zone where a mixture of building types and lands uses such as this are encouraged. The applicant is proposing to convert the single-family structure to facilitate a use as specified in the O-1 zoning district. The applicant has not specified any development plans for the subject property. However, the applicant has demonstrated with an Improvement Plan (see Attachment #3) that the subject property can support a neighborhood office use that can follow all required development standards. With approval of the zone change, the structure can no longer be used as a single-family residence. All development standards for the O-1 zoning district as set forth in the 2001 Zoning Code, as amended, shall be followed.

FINDINGS

1. The subject property is located on the west side of Solano Drive, 160 ± feet south of its intersection with Milton Avenue and encompasses 0.29 +/- acres.
2. The subject property is currently developed as a single-family residence.
3. The proposed zone change would allow neighborhood office uses on the subject property.
4. The zone change is consistent with the Goals, Objectives, and Policies of the City of Las Cruces Comprehensive Plan.

STAFF RECOMMENDATION

Staff has reviewed this proposed zone change and based on the preceding findings recommends approval without conditions.

ATTACHMENTS

1. Development Statement
2. Site Plan
3. Improvement Plan
4. Comprehensive Plan Elements and Policies
5. Aerial Map
6. Vicinity Map

DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

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 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: SANDRA ESPIRITU
 Contact Person: SANDRA ESPIRITU OR KIRK CLIFTON
 Contact Phone Number: SANDRA ESPIRITU (312-2969) OR KIRK CLIFTON (571-2464)
 Contact e-mail Address: sandra@enchantedsunrealty.com/KirkClifton@gmail.com
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: N/A
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
ZONE CHANGE REQUEST
 Location of Subject Property 2220 S. SOLANO AVE. (NEAR UNIVERSITY)
 (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)
 Acreage of Subject Property: .3 ± ACRES OR 12,750 #
 Detailed description of **current** use of property. Include type and number of buildings:
ONE SINGLE-FAMILY RESIDENCE IS LOCATED ON-SITE.
CURRENTLY A RENTAL PROPERTY
 Detailed description of **intended** use of property. (Use separate sheet if necessary):
SMALL OFFICE USES AS STATED WITHIN
THE O-1 ZONING DISTRICT, CITY OF LAS CRUCES
ZONING CODE, AS AMENDED.
 Zoning of Subject Property: R-1A
 Proposed Zoning (If applicable): O-1 (NO CONDITIONS)
 Proposed number of lots N/A, to be developed in N/A phase (s).
 Proposed square footage range of homes to be built from N/A to N/A

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

1514 # EXISTING STRUCTURE

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

NORMAL BUSINESS HOURS = M-F 8^{AM}-5^{PM}, SAT 8AM-5PM, SOME SUNDAYS

Anticipated traffic generation 8-20 BASED ON USE trips per day.

Anticipated development schedule: work will commence on or about SEP. 2011 OR LATER and will take ONCE STARTED - 12 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 into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional).

ARCHITECTURAL STYLES COMPATIBLE WITH SURROUNDING AREA, LANDSCAPING, BUFFERS AS REQUIRED.

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes No Explain: _____

Is there existing landscaping on the property? YES

Are there existing buffers on the property? NO

Is there existing parking on the property? Yes No

If yes, is it paved? Yes No

How many spaces? SEVERAL How many accessible? _____
SINGE FAMILY DWELLING STALLS

Attachments

Please attach the following: (* indicates optional item)

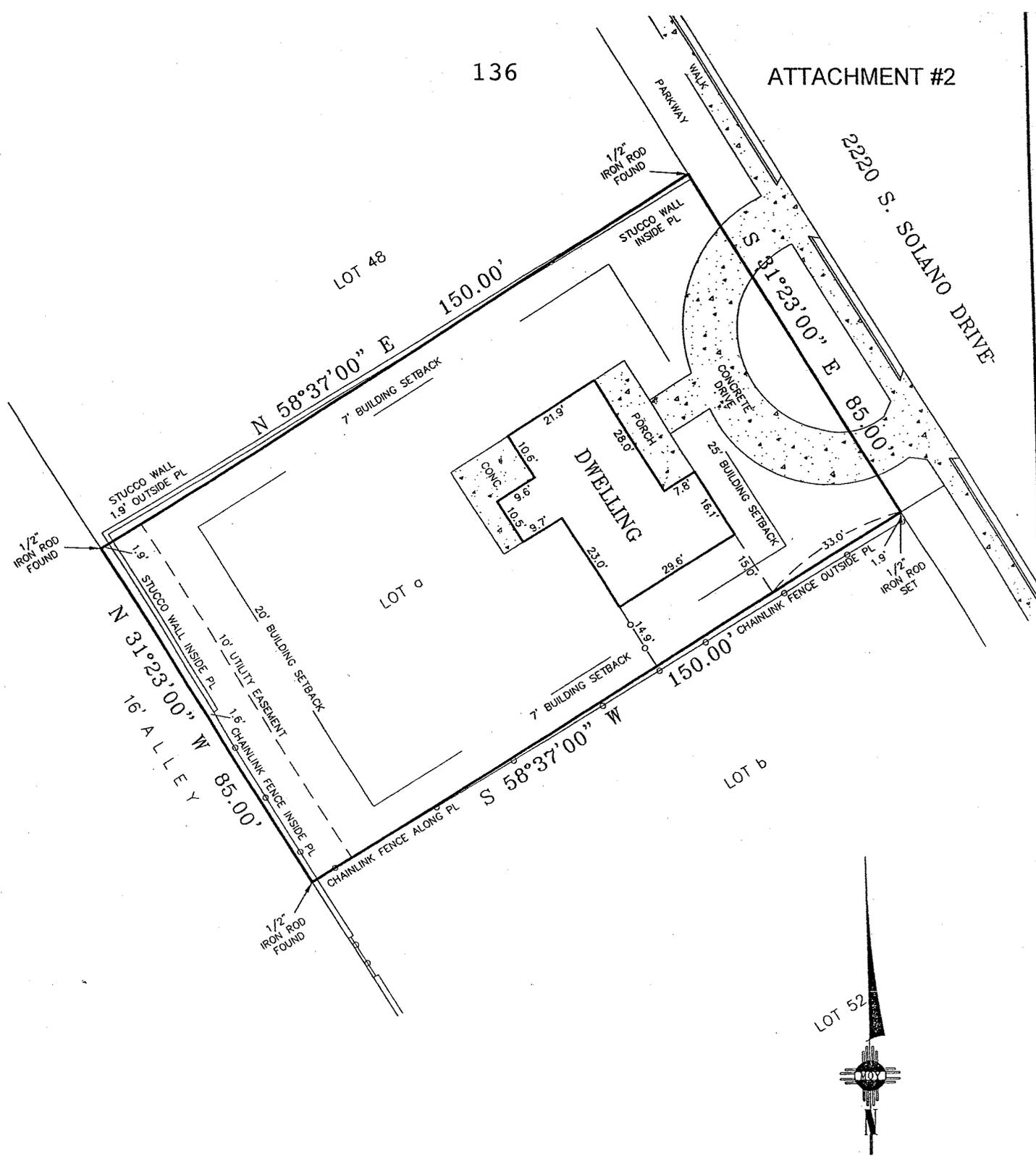
Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

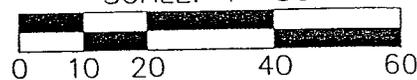
*other pertinent information



NOTE:

FLOOD ZONE "X": AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, IN MAP NO 35013C0632 F, EFFECTIVE SEPTEMBER 6, 1995.
 THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

SCALE: 1"=30'



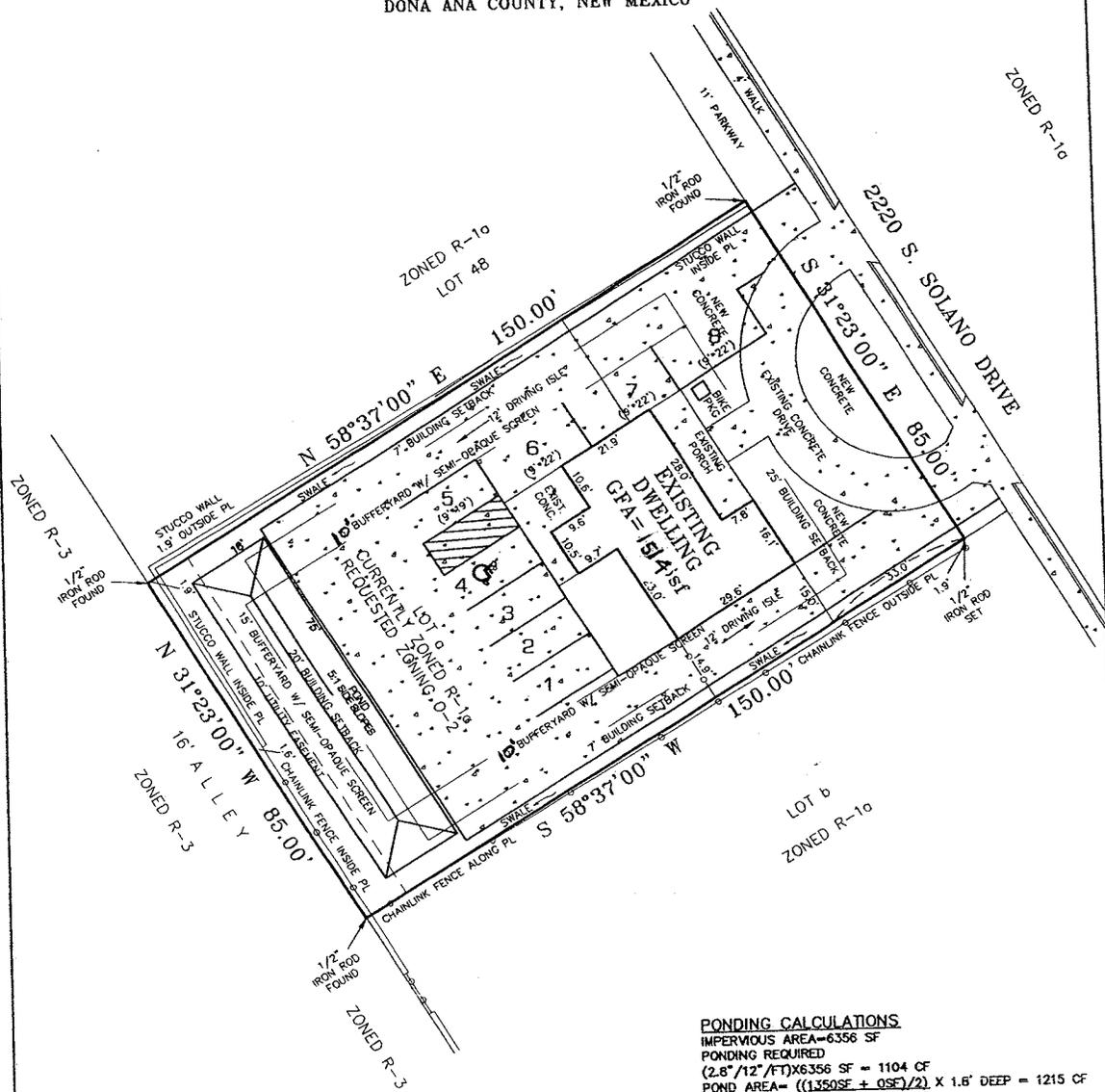
PLAT OF SURVEY
 SHOWING THE LOCATION OF IMPROVEMENTS
 ON LOT a, BLOCK 3
 COLLEGE MESA SUBDIVISION (1948 REVISION), REPLAT
 NO. 10, A SUMMARY REPLAT OF LOTS 49, 50, AND 51,
 BLOCK 3, FILED SEPTEMBER 30, 1986,
 IN PLAT RECORD 14, PAGE 74
 DONA ANA COUNTY RECORDS
 CITY OF LAS CRUCES

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

CONCEPTUAL SITE PLAN

SHOWING THE POSSIBLE LOCATION OF IMPROVEMENTS
 FOR LOT a, BLOCK 3 OF COLLEGE MESA SUBDIVISION (1948 REVISION), REPLAT NO. 10,
 SUMMARY REPLAT OF LOTS 49, 50, AND 51, BLOCK 3, FILED SEPTEMBER 30, 1986,
 IN PLAT RECORD 14, PAGE 74 OF THE DONA ANA COUNTY RECORDS
 CITY OF LAS CRUCES
 DONA ANA COUNTY, NEW MEXICO

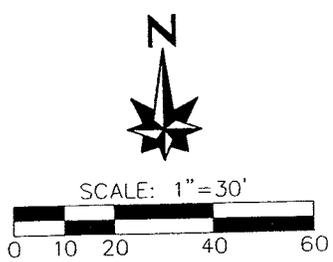
ATTACHMENT #3



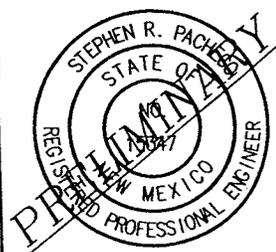
NOTES:
 1. THIS SITE PLAN IS NOT INTENDED TO BE A PLAT OF SURVEY. IT IS BASED ON A PLAT OF SURVEY COMPLETED BY MOY SURVEYING.
 2. PROPERTY SHOWN TO BE IN FLOOD ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN, IN MAP NUMBER 35013C0832 F, EFFECTIVE SEPTEMBER 6, 1995.

PONDING CALCULATIONS
 IMPERVIOUS AREA=6356 SF
 PONDING REQUIRED
 $(2.8"/12"/FT) \times 6356 SF = 1104 CF$
 POND AREA= $((11350SF + 0SF)/2) \times 1.6' DEEP = 1215 CF$
 PONDING AREA=PONDING REQUIRED

PARKING CALCULATIONS
 PROPOSED OFFICE
 MAX=1616 SF/350= 5 SPACES
 MIN=1616 SF/450= 4 SPACES
 PROVIDED 8 SPACES
 MIN DISABLED SPACES=1 FOR EVERY 1-10
 PROVIDED 1 VAN ACCESSIBLE
 PROPOSED BIKE SPACES FOR PROPOSED BUILDINGS
 MIN=1616 SF/8000 = 1 SPACE
 PROVIDED 1 BPS



PACHECO
 DEVELOPMENT LLC
 Mailing Address: 2001 E. Lohman Ave., #110-161
 LAS CRUCES, NM 88001 - TEL: 575-640-8149



COMPREHENSIVE PLAN ELEMENTS AND POLICIES

Land Use Element, Goal 1 (Land Uses)

Policy 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.

Policy 1.3.6 Residential neighborhoods shall not be divided and/or redeveloped for non residential uses unless it can be shown that demand for housing in a neighborhood is diminishing or that a need for a more compatible land use relationship can be demonstrated.

Policy 1.6.1 Neighborhood office uses shall be defined as those office uses which generate small scale professional service activities between uses. There shall be no goods or merchandise prepared or sold on the premises of these uses. Neighborhood office uses and centers shall be established according to the following criteria:

a. Generally 1,500 gross square feet shall be permitted for a neighborhood office use or center.

b. The location of neighborhood office uses and centers shall be considered on a case by case basis: criteria shall include location on collector or minor arterial streets as identified in the transportation element, distance from an intersection where appropriate (a coordinated mixture of uses rather than office/commercial uses as a predominant use), accessibility and shared vehicular access and parking when two offices are adjacent to one another, and consideration of the level of traffic and environmental impacts.

c. There shall be no limit to the number of uses in one development, but no more than two (2) neighborhood office developments may locate adjacent to each other. A neighborhood office use and center shall be considered as one development.

d. The City shall pursue multi modal access standards (auto, bicycle, pedestrian, transit) for neighborhood office uses and centers.

e. Neighborhood office development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping design standards for neighborhood office uses shall be established in the Comprehensive Plan Urban Design Element.

f. Adequate space for functional circulation shall be provided for loading areas.

g. The City shall encourage the development of neighborhood office centers to allow for maximum service convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

h. Neighborhood office uses are also permitted in medium intensity, high intensity, and regional commercial areas as well as professional office areas.

ZONING: R-1a to O-1
OWNER: Sandra Espiritu

140
Aerial View

PARCEL: 02-19890
DATE: June 20, 2011

ATTACHMENT #5



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 City (575) 528-3043.



Legend

- Public_Facilities
- ◻ City Parcel
- ▬ Interstates_Highway
- • • EBID Water System
- +— Railroad
- ▨ Arroyo
- ▨ Rio Grande



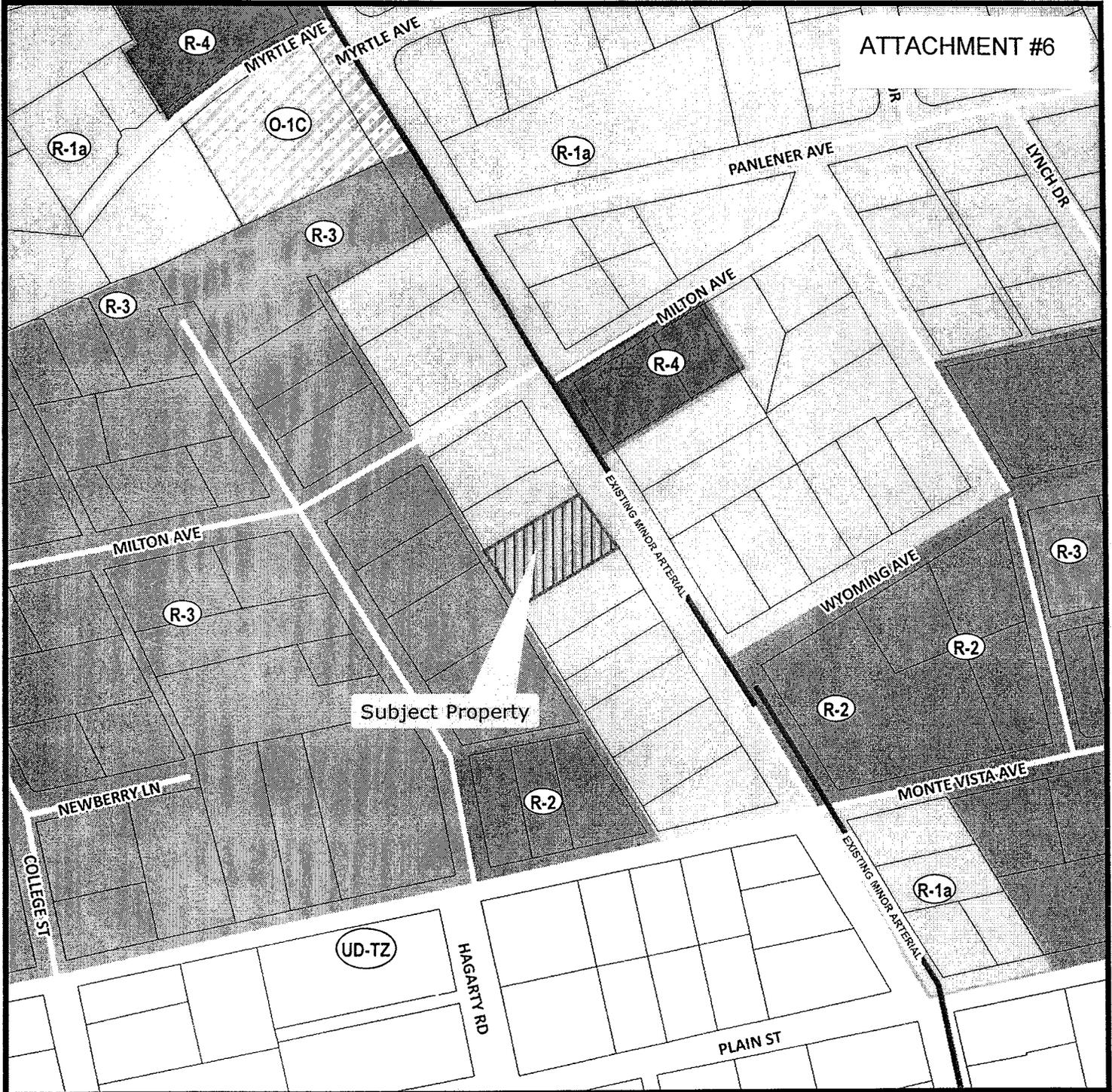
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

ZONING: R-1a to O-1
OWNER: Sandra Espiritu

141
Zone Map

PARCEL: 02-19890
DATE: June 20, 2011

ATTACHMENT #6



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 City (575) 528-3043.

Legend

- Public_Facilities
- ▨ EXISTING LIMITED ACCESS
- ▨ EXISTING PRINCIPAL ARTERIAL
- ▨ EXISTING MINOR ARTERIAL
- ▨ EXISTING COLLECTOR
- ▨ PROPOSED LIMITED ACCESS
- ▨ PROPOSED INTERCHANGE/UNDERPASS
- ▨ PROPOSED PRINCIPAL ARTERIAL
- ▨ PROPOSED MINOR ARTERIAL
- ▨ PROPOSED COLLECTOR
- ▨ PROPOSED CORRIDOR
- Non Designated Trail
- ▨ Proposed Paved EBID
- Proposed Unpaved EBID
- City Parcel
- ▨ Interstates_Highway
- EBID Water System
- Railroad
- ▨ Rio Grande
- ▨ Arroyo



150 75 0 150
 Feet

Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

1
2
3 **PLANNING AND ZONING COMMISSION**
4 **FOR THE**
5 **CITY OF LAS CRUCES**
6 **City Council Chambers**
7 **June 28, 2011 at 6:00 p.m.**

8 **BOARD MEMBERS PRESENT:**

9 Godfrey Crane, Vice Chair
10 Charles Beard, Secretary
11 Ray Shipley, Member
12 William Stowe, Member
13 Donald Bustos, Member
14

15 **BOARD MEMBERS ABSENT:**

16 Shawn Evans, Chairman
17

18 **STAFF PRESENT:**

19 Cheryl Rodriguez, Development Services Administrator
20 Adam Ochoa, Acting Senior Planner
21 Lorenzo Vigil, Acting Assistant Planner
22 Billy Chaires, Fire Department
23 Jared Abrams, CLC Legal Staff
24 Bonnie Ennis, Recording Secretary
25

26 **I. CALL TO ORDER (6:00 pm)**
27

28 Scholz: Good evening and welcome to the Planning and Zoning Commission
29 for Tuesday, June 28, 2011. My name is Charlie Scholz. I'm the Chair
30 of the Commission. I want to introduce my other Commission
31 members. On my far right is Commissioner Shipley. He's the Mayor's
32 appointment. Next to him is Commissioner Crane. He represents
33 District 4. Next to him is Commissioner Stowe, representing District 1.
34 Next to him is Commissioner Bustos, District 3. On my immediate right
35 is the Secretary of the Board. I forgot to mention; Commissioner
36 Crane is our Vice Chair. Charles Beard is our Secretary and he
37 represents District 2 and I am the appointee for Council District 6.
38

39 **II. APPROVAL OF MINUTES – May 24, 2011**
40

41 Scholz: Okay, the first order of business is always the approval of the minutes.
42 Are there any additions or corrections to the minutes? I wasn't here
43 that time so you guys will have to work on that. Commissioner
44 Shipley? No? Okay. Anyone?
45

46 Shipley: I so move to approve the minutes.

1 High Intensity) on a 1.55 ± acre tract located on the southwest corner of
2 Stern Drive and Agave Drive; a.k.a. 4790 Stern Drive; Parcel ID# 02-22899.
3 Proposed Use: Existing Gas Station, Storage Unit Facility and Self-Service
4 Car Wash; Council District 2.
5

- 6 2. **Case S-11-018:** Application of Ken Thurston for a dedication plat for 290 ±
7 linear foot segment of Sonoma Ranch Boulevard. The subject property is
8 located north of the intersection of Las Colinas Drive and south of the
9 southern property boundary of Monte Sombra Estates Subdivision.
10 Proposed Use: Public Right-of-Way; Council District 5.
11

12 Scholz: Okay, our next order of business is the consent agenda and here's
13 how the consent agenda works. There are a couple of items on the
14 consent agenda, Case Z2938 and Case S-11-018 and what we do is
15 we ask if there's anyone on the staff or anyone on the Commission or
16 anyone in the audience who would like to speak to these items. If
17 there is then we'll put them as the first items under new business. If
18 not, then we'll take a single vote and that will approve these items.
19 Anyone wish to Case Z2938 or Case S-11-018? All right, then I'll ask
20 for a motion to approve the consent agenda.
21

22 Shipley: I so move to approve the consent agenda.
23

24 Scholz: Okay, Shipley moves. Is there a second?
25

26 Beard and Crane: Second.
27

28 Scholz: Okay, and a tie for second, again. All those in favor say aye.
29

30 All: Aye.
31

32 Scholz: Those opposed same sign. All right, the consent agenda is approved.
33

34 **V. OLD BUSINESS - None**
35

36 **VI. NEW BUSINESS**
37

- 38 1. **Case Z2831:** Application of Kirk M. Clifton on behalf of Sandra Espiritu to
39 rezone from R-1a (Single-Family Residential Medium Density) to O-1
40 (Office, Neighborhood-Limited Retail Service) on a 0.30 ± acre tract located
41 on the west side of Solano Drive 160± feet south of its intersection with
42 Milton Avenue; a.k.a. 2220 South Solano Drive; Parcel ID# 02-19890.
43 Proposed Use: Neighborhood Office Uses with Limited Retail Service.
44 Council District 2.
45

1 Scholz: Now we have, let's see, no old business but we have one piece of
2 new business, all right, and this is Case Z2831. Now, here's how this
3 works if you haven't been here before. The City presents a case then
4 the applicant presents his or her case and then we open it to public
5 comment and then, when we close it to public comment the
6 Commissioners discuss and vote on it. All right? Mr. Ochoa, you're up.
7

8 Ochoa: Adam Ochoa, Development Services, for the record. The first and last
9 case tonight, gentlemen, is Case Z2831. It is a request for a zone
10 change from R-1a, which Single-Family Medium Density, to O-1, which
11 is Office, Neighborhood-Limited Retail Service, for approximately point-
12 three acres of property located at 2220 South Solano Drive.

13 Here you can see the vicinity map of the subject property, and,
14 as I said it is on South Solano Road, which is a Minor Arterial, and is
15 highlighted here in the, I guess, light blue stripes is the subject
16 property. Like I said, the subject property is located on the west side of
17 Solano Drive approximately one block north of the University District
18 Overlay so you can get a better idea where this is at. This property
19 does encompass approximately point-three acre in size and is
20 currently, primarily, consists of a single-family home.

21 The applicant is proposing a zone change for the subject
22 property for an O-1 zoning designation. The applicant is proposing to
23 convert the single-family structure on the subject property to facilitate
24 the use of an unspecified O-1 use on the subject property. There are
25 no specific development plans for the subject property. With approval
26 of the zone change the structure will no longer be allowed to be used
27 as a single-family residence. For the subject property, if the zone
28 change is approved all of the O-1 Zoning District Development
29 Standards set forth by the 2001 Zoning Code, as amended, will be
30 required to be followed.

31 The subject property is located on Solano Drive, which is a
32 Minor Arterial, as designated by the Metropolitan Planning
33 Organization. Here is an aerial view of the subject property highlighted
34 again in the light blue stripes. As I said, it is an existing single-family
35 home on Solano about a block north of Monte Vista Avenue. Here is a
36 site plan of the existing property as it exists with the single-family
37 dwelling. Here is an improvement plan proposed by the applicant as to
38 what the subject property might look like after an office use is
39 developed on the property.

40 Here are some findings. The proposed change is supported by
41 the 1999 Comprehensive Plan and the proposed O-1 zoning
42 designation will allow office uses that are low-intensity and small-scale
43 that will not negatively impact the surrounding area. The subject
44 property is located only one block north of the University District
45 Overlay-Transition Zone where we make sure building types and land
46 uses such as this are encouraged. With that, staff's recommendation

1 tonight for the zone change is approval without conditions based on
2 the proceeding findings. The recommendation of the Planning and
3 Zoning Commission tonight will be forwarded to City Council for final
4 consideration.

5 With that, gentlemen, your options tonight are to: 1) vote "YES"
6 to approve the request as recommend by staff for Case Z2831; 2) to
7 vote "YES" and approve the request with additional conditions; 3) to
8 vote "NO" and deny the request ; or, 4) table and postpone and direct
9 staff accordingly. That concludes my presentation. The applicant is
10 here as well with a presentation for you all. I stand for questions.

11
12 Scholz: All right, thank you, Mr. Ochoa. Any questions for this gentleman?
13 Okay, let's hear from the applicant.

14
15 Ochoa: I'm sorry, sir. If I may interrupt, I apologize. I did want to also read into
16 record we did receive one letter of protest for this proposed zone
17 change and I would like to read that into the record right now.

18
19 Scholz: Okay.

20
21 Ochoa: This is on behalf of William and Mickey Sallee: "We object to the
22 change in zoning request. This area needs to remain residential and
23 there is no good reason to change that. The owner of the property
24 does not reside in the area and must have a financial reason for
25 requesting the change. She obviously is not concerned about being
26 affected on any level by the increased traffic and the decrease in
27 residential property values if the zone change becomes valid. Las
28 Cruces has many, many office spaces available at this point in time so
29 there's no reason to create more and especially in an area that has
30 always been residential and, therefore, not very attractive for office
31 space anyway. Again, we wish to register our disapproval and
32 disagreement with the zone change. Thank you, again, for your
33 consideration. Sincerely, Mickey Sallee and William Sallee."

34
35 Scholz: Okay, thank you, Mr. Ochoa. All right, may we hear from the
36 applicant? Mr. Clifton, what happened to your arm?

37
38 Clifton: An accident on a motorcycle.

39
40 Scholz: Oh, I've done that. Okay.

41
42 Clifton: Good evening, Mr. Chair, Members of the Commission, Mr. Ochoa did
43 a good job so I'll try not to regurgitate too much of what he had already
44 presented. What I would like to point out, though, on the area zoning
45 map you can really see the area, the nature of the area, has a
46 multitude of land uses and zoning districts already and it is within it is

1 within, about, less than a quarter-of-a-mile from NMSU. Specifically,
2 the property is at 2220 South Solano, approximately one-third acre in
3 size. Its structure is about fifteen hundred square feet and, as you can
4 see, and I'll demonstrate another site plan, we can clearly
5 accommodate all the necessary parking, landscaping and drainage as
6 required by the Las Cruces Zoning Ordinance and the Off-Street
7 Parking Requirements and that would apply to all the uses within the
8 O-1 Zoning District.

9 There had been extensive meetings with staff. This was
10 submitted some time back and through these meetings and
11 discussions we, in conjunction with staff, agreed that O-1 was probably
12 the most reasonable zone change request and the least intense of the
13 selections available. The proposed zoning district O-1 is conducive to
14 the Goals and Objectives of the City of Las Cruces Comprehensive
15 Plan and, at this time, there are no conditions that we are proposing,
16 nor staff or otherwise for this zone change proposal.

17 I would also like to point out that there are multimodal
18 transportation facilities adjacent to this proposal, meaning a bicycle
19 path and a bus. There's a bus stop in relatively close proximity as this
20 is a Major Transit Route. A little closer site aerial; as you can see, the
21 property does have adequate space to accommodate everything.
22 There is alley access that will not be used as part of the O-1 unless
23 there is a need for some type of emergency access. We could
24 certainly accommodate that as well.

25 This is just one of several conceptual designs that we came up
26 with. This indicates that there are eight parking stalls with required
27 driving aisle widths and back up aisles, ponding and landscaping and
28 there is already some existing landscaping on this site. I do stand for
29 questions should you have them. Thank you.

30
31 Scholz: All right, any questions for this gentleman? Commissioner Beard.

32
33 Beard: What is the purpose of this office?

34
35 Clifton: The applicant, Mrs. Sandra Espiritu, initially would have liked to have
36 located her real estate office here; however, if that does not occur
37 there are a couple of other options, such as accounting, architecture,
38 general office-type service uses for this site. It's by no means not a
39 "speculative" zone change.

40
41 Beard: So it's not designated for any particular business right now.

42
43 Clifton: Its use is under the O-1 Zoning District; and really the O-1 limits it to
44 really service-type oriented businesses, a real estate office,
45 accounting, architecture, engineering, planning firm....
46

- 1 Beard: Okay, thank you.
2
3 Scholz: Yes, Commissioner Crane.
4
5 Crane: Would medical and dental fall under that?
6
7 Clifton: No, sir. We had intense negotiations with staff and medical and dental
8 will not fall under O-1.
9
10 Crane: Thank you.
11
12 Scholz: Any other questions? All right, thank you very much, Mr. Clifton and
13 good luck with your arm.
14
15 Clifton: Thank you, Mr. Chair and Members of the Commission.
16
17 Scholz: All right, we'll open it up to the public. Is there anyone from the public
18 who wishes to speak to this issue? Okay, would you come down and
19 give us your name, please?
20
21 Lynch: Veronica Lynch. I own the property at 2230 so I'm right next to the
22 current property that's proposing the zoning. So I am also in
23 agreement with the other neighbors that I do oppose for a business to
24 be put in right directly next door to residential. There, again, I don't
25 see the need for an office setting as there is quite adequate office
26 space throughout the city versus right on Solano right next residential
27 property. So I wanted to make sure and voice my concerns and hope
28 that you also take that into consideration.
29 I also feel that it will impact the property value. My current
30 existing home, with being right up next to a business, if I happen to
31 want to resell my home, which at this point I don't have that intent; but,
32 there again, there's also not a privacy wall there so you are going to
33 have a lot of in and out traffic and it's a chain link fence that is right up
34 against my property and that property as well. So there will be a lot of
35 traffic back there in the back yard that you can directly see into my
36 yard.
37
38 Scholz: All right. Questions for this woman? Yes, go ahead, Commissioner
39 Crane.
40
41 Crane: Would you feel better about this if the applicant or the owner were
42 required to make some kind of low opaque barrier that would be inside
43 the chain link fence or replace the chain link fence?
44
45 Lynch: I would feel better although, there again, this is a residential street with
46 the amount of, you know, like I said, I've got...I see the bicycle

- 1 students driving by every morning and there is quite a bit of traffic with
2 that bicycle lane so I don't know what impact studies have gone into
3 putting in a business right directly on Solano. But slowly but surely
4 Solano is being eaten up and residences are getting converted into
5 business; whereas, the residential population that do live there and
6 plan on staying there for twenty years or thirty years to have their
7 home are slowly getting pushed out and having that traffic right next
8 to their property is just not conducive for comfortable living.
9
- 10 Crane: Thank you.
- 11
- 12 Scholz: Okay, Commissioner Beard.
- 13
- 14 Beard: Do you know what the closest business would be on Solano next to
15 this...to your house?
16
- 17 Lynch: Yes, there's actually, I believe, an optical business right across the
18 street on the very corner and they have a... I believe it's a six-foot wall,
19 a wood wall, separating that existing home from that optical business,
20 but there again, it's on the corner so it's not in between homes;
21 whereas this is right in between homes. So, I mean, a corner lot is
22 easy access and you don't have that constant flow of traffic in and out
23 of that and myself, trying to get in and off of Solano now is actually
24 pretty difficult with the traffic flow as it is so I can imagine with fifteen or
25 twenty cars coming in and out of there anywhere between nine and
26 five o'clock.
27
- 28 Beard: Thank you.
- 29
- 30 Scholz: Okay, any other questions? Thank you very much. Anyone else wish
31 to speak to this? Okay, I'm going to close it for public input.
32 Gentlemen, what is your pleasure? Commissioner Beard?
33
- 34 Beard: I actually have a concern about the residents there also. I don't know
35 how many signs would go up, that type of advertising, you know, that
36 type of wall and all that; but that's intruding on the residential area. I
37 kind of oppose putting office spaces, especially when they're not even
38 designated, into the middle of a residential area. So that's kind of my
39 feeling right now.
40
- 41 Scholz: All right. Commissioner Stowe, I saw your light on before.
- 42
- 43 Stowe: My question is more of a general one to Mr. Ochoa: what would
44 be...would this be considered the end game as neighborhoods change
45 and traffic patterns increase towards this inner city, that residences
46 change to as the least objectionable type of change in zoning,

1 something like Office? Is this something we see very frequently? Is it
2 rather an end game rather than a one-at-a-time situation?
3

4 Ochoa: Mr. Chairman, Commissioner Stowe, to answer your question, to try to
5 answer your question, I apologize; what we did in order to kind of
6 break down this case and see how we would recommend to this, look
7 at it from the Comprehensive Plan analysis and the Comprehensive
8 Plan. The 1999 Comprehensive Plan states that single-family
9 residences or low-density residences are not encouraged along Minor
10 Arterials or "Arterial roadways" is the way it states and, like I said
11 before, Solano is considered a Minor Arterial roadway and you'll take
12 into the fact, as well, that it is about a block away from what's the
13 University District Area Overlay, which actually encourages this type of
14 use as well, and Mixed Use is kind of the way we look at it from a
15 planning perspective of residential and offices being next door to each
16 other with, of course, the required buffers and so forth.
17

18 Stowe: Yes, I see that. It seems to me rather typical as the development
19 changes from Residential to Light Office that we're dealing with a trend
20 and as the planning goes, so goes the neighborhood and in a way,
21 Office zoning could provide itself a buffer to other properties nearby. Is
22 that a factor the planners see or do they avoid that topic?
23

24 Ochoa: Mr. Chairman, Commissioner Stowe, the way we looked at it was in
25 this particular case...we looked at it as the zoning is an O-1 Zoning
26 District, which is Office-Neighborhood, which basically, where it's going
27 we see it as kind of that, an office in the middle of a neighborhood, if
28 you will. That is why we recommended the approval. Other than that,
29 unfortunately, I don't know what the future holds for that area or other
30 residences along Principle Arterials or anything like that, sir. I couldn't
31 speak on that behalf.
32

33 Stowe: Thank you.
34

35 Scholz: Commissioner Shipley.
36

37 Shipley: Mr. Chairman, I kind of...when I drove by and looked at the
38 neighborhood on both sides of the street and went an entire block
39 around I kind of feel the same way Commissioner Beard feels, is that if
40 this is going to be a real estate office it's, even though it's close to the
41 University District, the students are not going to use that kind of
42 service. That's not something that they're...they are not generally in
43 the real estate market. It's basically...there's ample places to have
44 real estate offices that are in shopping centers in commercial areas
45 that exist right now. It's better because you have better control of
46 traffic and better control of parking. This would be an island in the

- 1 middle of a residential neighborhood and I think that...I understand it's
2 a Minor Arterial, but I also understand that that's been residential on a
3 Minor Arterial for many years and to change the nature or piecemeal it.
4 On the corner would be a better location because there would be less
5 imposition of traffic and that but in the middle and commercial business
6 in an open parking lot, and if it's not housed at night, if there's no one
7 living there at night then vandalism and those kinds of things could set
8 in, which would detract from the neighborhood. So I think it's not a
9 good idea to do that.
- 10
- 11 Scholz: Commissioner Crane.
- 12
- 13 Crane: Mr. Chairman, I wonder if Mr. Ochoa can tell us what the zoning is for
14 the other eight lots between Milton and Monte Vista on the west side of
15 Solano. I drove it today and I neglected to note that but I think there's,
16 with the possible exception of the corners, it's all residential. Now,
17 seeing your diagram, the yellow is R-1?
- 18
- 19 Ochoa: That is correct, sir.
- 20
- 21 Crane: Okay, so we've got one commercial lot at the corner of Milton, the
22 purple one, I see...no, pardon me...no the block I'm speaking of is one
23 hundred percent residential at present.
- 24
- 25 Ochoa: On the west side...
- 26
- 27 Crane: I said west side and...I do mean west side, yeah, from Milton on down
28 to Monte Vista we have nine residential lots presently. Right?
- 29
- 30 Ochoa: Correct, sir.
- 31
- 32 Crane: My sympathies are with those who feel that that office rezoning would
33 be something of an intrusion. I grant that Solano is a suitable street for
34 offices to be dotted around on it but if that were happening in my
35 neighborhood I think I'd be unhappy. Thank you.
- 36
- 37 Scholz: All right, any other questions or comments, gentlemen? Okay, I'll
38 entertain a motion to approve.
- 39
- 40 Crane: So moved.
- 41
- 42 Scholz: Okay.
- 43
- 44 Bustos: Second.
- 45

1 Scholz: All right, so Crane moves and Bustos seconds. I'll call the role.
 2 Commissioner Shipley.
 3
 4 Shipley: Nay, findings, discussion and site visit.
 5
 6 Scholz: Commissioner Crane.
 7
 8 Crane: Nay, findings, discussion and site visit.
 9
 10 Scholz: Commissioner Stowe.
 11
 12 Stowe: Nay, findings, discussion and site visit; mostly site visit.
 13
 14 Scholz: Thank you. Commissioner Bustos.
 15
 16 Bustos: Nay, findings and discussion.
 17
 18 Scholz: Commissioner Beard.
 19
 20 Beard: Nay, findings, discussion and site visit.
 21
 22 Scholz: And the Chair votes aye, findings discussion and site visit. All right,
 23 the motion fails five to one. Thank you, gentlemen. Thank you, Mr.
 24 Ochoa.
 25

26 **VII. OTHER BUSINESS - None**
 27

28 Scholz: All right, we have other business. Is there any other business? Ms.
 29 Rodriguez is shaking her head and Mr. Ochoa is saying, "No,"....
 30

31 **VIII. PUBLIC PARTICIPATION**
 32

33 Scholz:and any additional public participation?
 34

35 **IX. STAFF ANNOUNCEMENTS**
 36

37 **X. ADJOURNMENT (6:26 pm)**
 38

39 Scholz: All right, then I am going to say that we are adjourned at about six
 40 twenty-six. Thank you.
 41
 42
 43

44 _____
 Chairman

William and Mickey Sallee
HCR 31 Box 95E
Williamsburg, NM 87942

June 28, 2011

City of Las Cruces
P.O. Box 20000
Las Cruces, NM 88004
Attn: Adam Ochoa, Planner

Dear Mr. Ochoa:

We are in receipt of your letter and I spoke to you on the phone regarding Public Notice Case Z2831 to gather more information about the change in zoning request at 2220 South Solano Drive. I am unable to attend the meeting today and would greatly appreciate this information being delivered to the P&Z Commission and City Council.

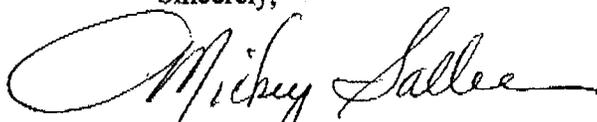
We object to the change in zoning request. This area needs to remain residential and there is no good reason to change that.

The owner of the property does not reside in that area and must have a financial reason for requesting the change. She obviously is not concerned about being affected on any level by the increased traffic and the decrease in residential property values if the zone change becomes reality.

Las Cruces has many many office spaces available at this point in time, so there is no reason to create more, and especially in an area that has always been residential and therefore not very attractive for office space anyway.

Again, we wish to register our disapproval and disagreement with the zone change. Thank you for your consideration.

Sincerely,


Mickey Sallee
William Sallee

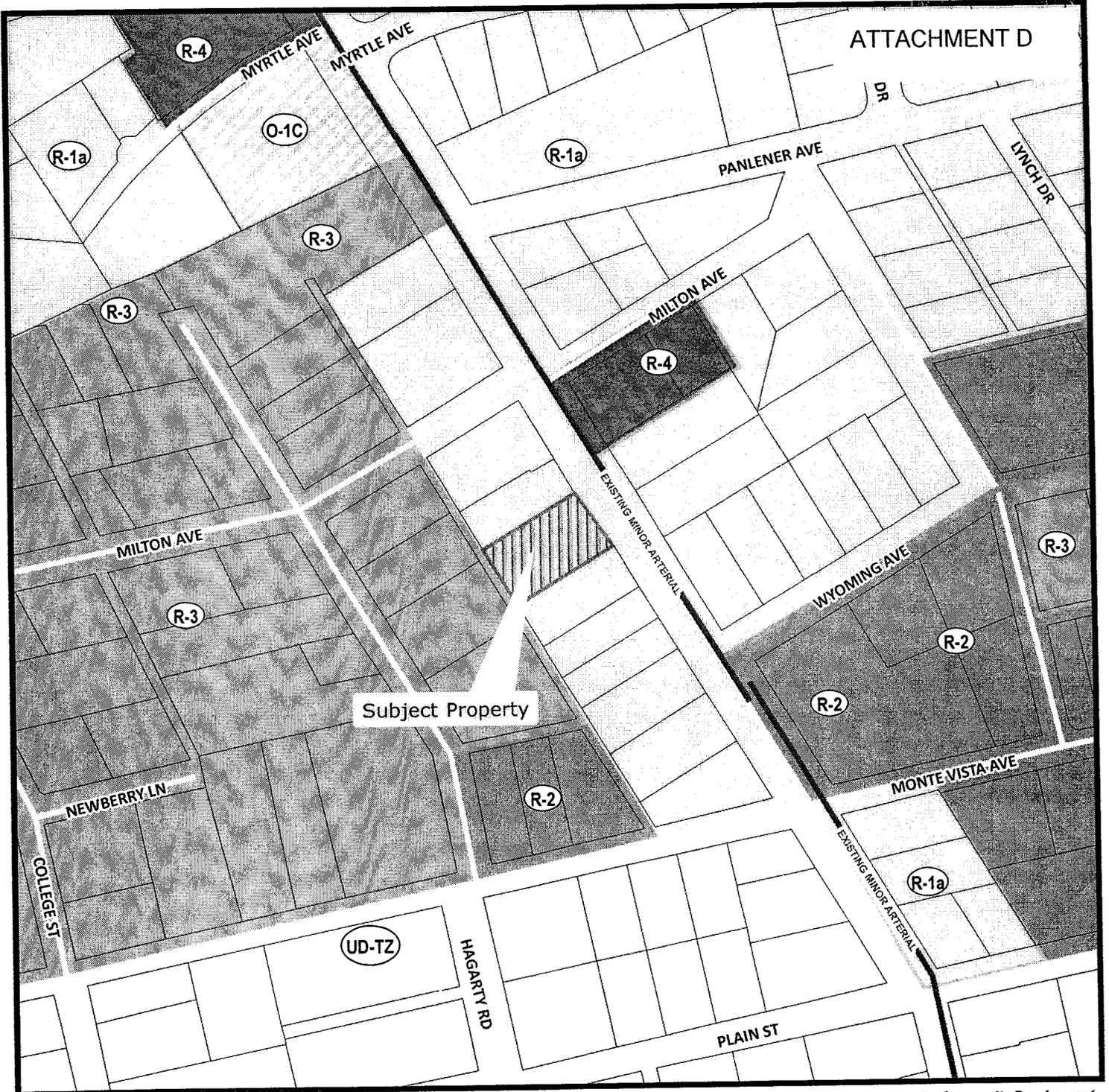
575-894-8948

ZONING: R-1a TO O-1
OWNER: Sandra Espiritu

153
Zone Map

PARCEL: 02-19890
DATE: June 20, 2011

ATTACHMENT D



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 City (575) 528-3043.

Legend

● Public_Facilities	▨ EXISTING LIMITED ACCESS	▨ PROPOSED INTERCHANGE/UNDERPASS	--- Non Designated Trail
▨ EXISTING PRINCIPAL ARTERIAL	▨ PROPOSED PRINCIPAL ARTERIAL	▨ Proposed Paved EBID	▨ Proposed Unpaved EBID
▨ EXISTING MINOR ARTERIAL	▨ PROPOSED MINOR ARTERIAL	▨ City Parcel	▨ Interstates_Highway
▨ EXISTING COLLECTOR	▨ PROPOSED COLLECTOR	▨ EBID Water System	▨ Railroad
▨ PROPOSED LIMITED ACCESS	▨ PROPOSED CORRIDOR	▨ Rio Grande	▨ Arroyo


 150 75 0 150
 Feet

Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222