City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 **Ordinance/Resolution#** 2640

For Meeting of November 7, 2011 (Ordinance First Reading Date)

For Meeting of November 21, 2011 (Adoption Date)

TITLE: **AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO REM-C (SINGLE-FAMILY RESIDENTIAL ESTATE MOBILE-CONDITIONAL) FOR 0.98 ± ACRES OF LAND LOCATED AT 5452 SANTA CRUZ AVENUE. SUBMITTED BY BOB STEVEN GILBERT, PROPERTY OWNER (Z2843).**

PURPOSE(S) OF ACTION:

Zone change will allow for the ability to raise and keep large animals (horses, mules, donkeys, swine, buffalo and beefalo) on the subject property.

COUNCIL DISTRICT: 5		
Drafter/Staff Contact: Adam Ochoa	**Department/Section:** Community Development	**Phone:** 528-3204
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a 0.98 ± acre property located on the south side of Santa Cruz Avenue, 235± feet west of its intersection with Mesa Drive. The subject property currently consists of a single-family residence with the non-conforming use of keeping of large animals (horses).

The existing R-1a (Single-Family Medium Density) zoning designation does not allow the raising and keeping of large animals. Large animals are defined in Chapter 7 of the Las Cruces Municipal Code as horses, mules, donkeys, swine, buffalo and beefalo. The proposed REM-C (Single-Family Residential Estate Mobile-Conditional) zoning designation will allow the raising and keeping of large animals on the subject property by right. The keeping of large animals on the subject property shall be in accordance with Chapter 7 of the City of Las Cruces Municipal Code.

The subject property is located south of a large cluster of properties zoned REM (Single-Family Residential Estate Mobile) and north of a large cluster of properties zoned R-1a (Single-Family Medium Density). The subject property is also directly adjacent to a property zoned REM-C (Single-Family Residential Estate Mobile-Conditional). The condition placed on the zoning

designation of the adjacent property is that the keeping of small animals such as rabbits, poultry, goats, sheep, miniature horses, and the like shall not be permitted. To be consistent with the adjacent property and to help the subject property act as a transition between the REM zoned properties and the R-1a zoned properties, a condition has been placed on the proposed zone change that shall not permit the keeping of small animals such as rabbits, poultry, goats, sheep, miniature horses, and the like on the subject property.

The proposed zone change is supported by several Land Use Elements within the 1999 Comprehensive Plan as noted in Exhibit "B" of this CAES packet. The subject property is located in a largely rural residential area where the proposed zoning designation is encouraged. The subject property is also located adjacent to other similarly zoned properties.

On September 27, 2011, the Planning and Zoning Commission (P&Z) recommended conditional approval for the proposed zone change by a vote of 6-0-0 (one Commissioner absent). The condition stipulated for the proposed zone change is that the keeping of small animals such as rabbits, poultry, goats, sheep, miniature horses and the like shall not be permitted. There was no public input or participation at the meeting for the proposed zone change. A letter of protest against the proposed zone change was received by staff after the Planning and Zoning Commission meeting. The letter states concerns with the potential nuisances that the keeping of large animals on the subject property may create for the area and the negative affect on the potential sale of property located near the subject property.

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 Z2843.
5. Attachment "B"- Draft minutes from the September 27, 2011 Planning and Zoning Commission meeting.
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: in the amount of $_____for FY__.
N/A	No	☐	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 affirm the Planning and Zoning Commission recommendation for approval. The subject property encompassing 0.98 ± acres addressed at 5452 Santa Cruz Avenue will be rezoned from R-1a (Single-Family Medium Density) to REM-C (Single-Family Residential Estate Mobile-Conditional). The zone change will facilitate the keeping of large animals on the subject property.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-1a (Single-Family Medium Density) will remain on the subject property. The keeping of large animals is not permitted. The property owner will be required to remove the horses that presently reside on the property.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate. Council has the option to add conditions such as limiting the types of large animals on the subject property to horses only, or allowing the subject property the ability to keep some specific types of small animals, or allowing the subject property the ability to keep all types of small animals along with large animals.
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.

1. N/A

COUNCIL BILL NO. 12-018
ORDINANCE NO. 2640

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO REM-C (SINGLE-FAMILY RESIDENTIAL ESTATE MOBILE-CONDITIONAL) FOR 0.98 ± ACRES OF LAND LOCATED AT 5452 SANTA CRUZ AVENUE. SUBMITTED BY BOB STEVEN GILBERT, PROPERTY OWNER (Z2843).

The City Council is informed that:

WHEREAS, Bob Steven Gilbert, the property owner, has submitted a request for a zone change from R-1a (Single-Family Medium Density) to REM-C (Single-Family Residential Estate Mobile-Conditional) for property located at 5452 Santa Cruz Avenue; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on September 27, 2011, recommended that said zone change request be approved conditionally by a vote of 6-0-0 (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 REM-C (Single-Family Residential Estate Mobile-Conditional) for property located at 5452 Santa Cruz Avenue.

(II)

THAT the condition be stipulated as follows:

- The keeping of small animals such as rabbits, poultry, goats, sheep, miniature horses, and the like shall not be permitted.

(III)

THAT the zoning is based on the findings contained in Exhibit "B" (Findings and

Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

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

(V)

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

DONE AND APPROVED this_____ day of _____ 2011.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

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

Moved by: _____

Seconded by: _____

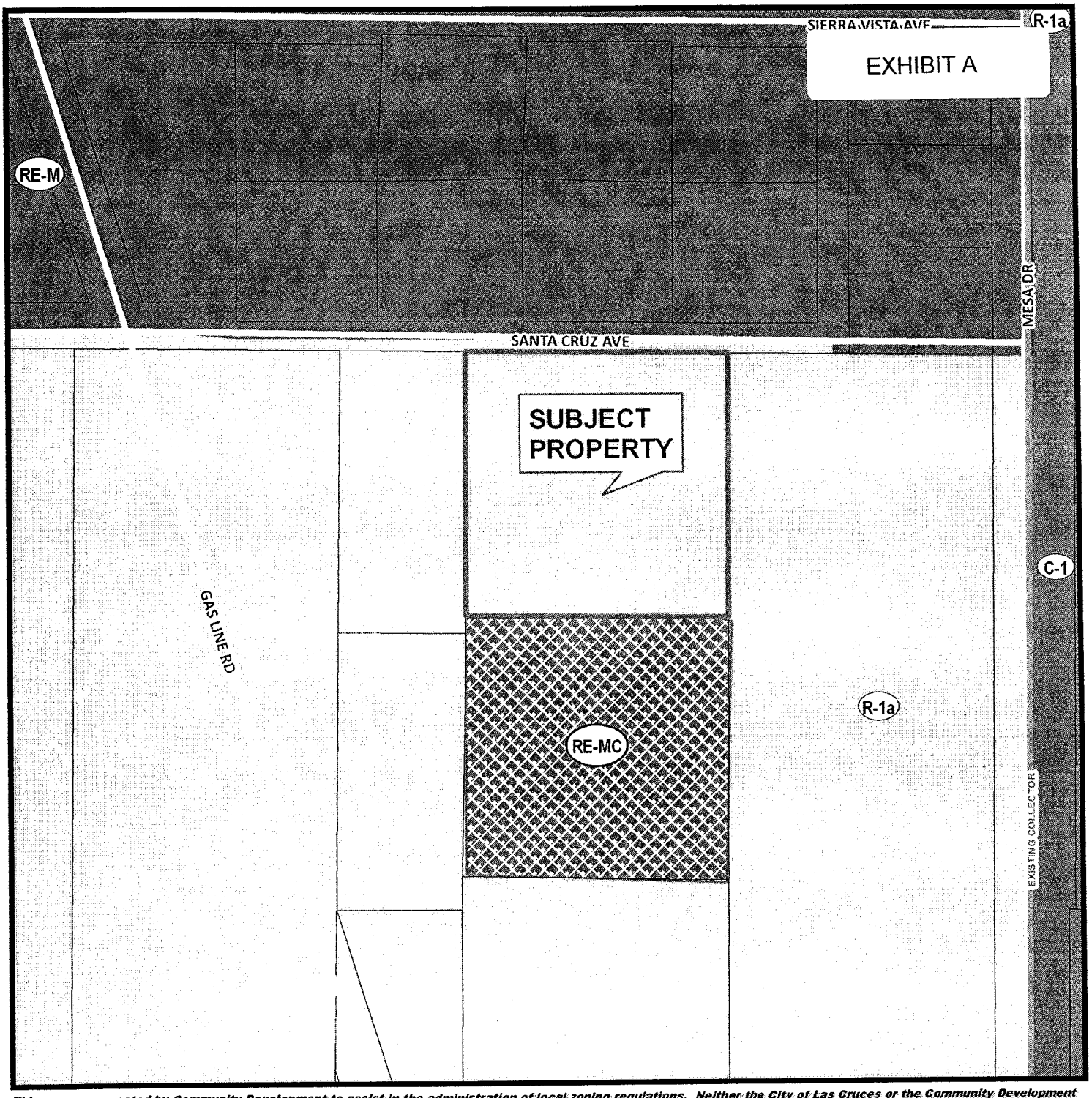
APPROVED AS TO FORM:

_____
City Attorney

Zone Map

ZONING: R-1a
OWNER: Bob Steven Gilbert

PARCEL: 02-19206
DATE: 09/27/2011



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

TP, 90, 80, 70, 60, 50, 40, 30, 20, 10

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

0 30 60 120 180 240 Feet

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

EXHIBIT B

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 0.98 ± acres.

2. The subject property is located along Santa Cruz Avenue, a Local roadway, as classified by the Metropolitan Planning Organization (MPO).

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

4. The subject property currently consists of a single-family residence with a non-conforming use of the keeping of large animals (horses).

5. The proposed REM (Single-Family Residential Estate Mobile) zoning designation will allow the keeping of animals on the subject property by right.

6. The keeping of animals in the City of Las Cruces shall be in accordance with Chapter 7 of the City of Las Cruces Municipal Code.

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

Land Use Element, Goal 1 (Land Uses)

Policy 3.1 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.

Policy 3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

ATTACHMENT A

City of Las Cruces®
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: September 13, 2011

CASE #	Z2843
PROJECT NAME:	5452 Santa Cruz Avenue (Zone Change)
APPLICANT:	Bob Steven Gilbert
PROPERTY OWNER:	Bob Steven Gilbert
REQUEST:	Zone change from R-1a (Single-Family Medium Density) to REM-C (Single-Family Residential Estate Mobile-Conditional)
PROPOSED USE:	A single-family residence with the ability to raise and keep large animals
SIZE:	0.98 ± acres
CURRENT ZONING:	R-1a (Single-Family Medium Density)
LOCATION:	Located on the south side of Santa Cruz Avenue, 235 ± feet west of its intersection with Mesa Drive; a.k.a. 5452 Santa Cruz Avenue; Parcel ID# 02-19206
COUNCIL DISTRICT:	5
PLANNING COMMISSION DATE:	September 27, 2011
PREPARED BY:	Adam Ochoa, Planner AO
STAFF RECOMMENDATION:	Approval with conditions

PROPERTY INFORMATION

Address/Location: The south side of Santa Cruz Avenue, 235 ± feet west of its intersection with Mesa Drive; a.k.a. 5452 Santa Cruz Avenue; Parcel ID# 02-19206.

Acreage: 0.98 ±

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

Current Land Use: Single-family residence with non-conforming use of keeping of large animals (horses).

Proposed Zoning: REM-C (Single-Family Residential Estate Mobile-Conditional)

Proposed Land Use: A single-family residence with the ability to raise and keep large animals (horses, mules, donkeys, swine, buffalo and beefalo).

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

Table 1: Site Analysis

Existing Conditions	
Existing Square Footage of All Buildings	1,800 ± square feet
Current Lot Size	0.98 ± acres
Current Lot Depth/Width	205 ± feet/ 203 ± feet
Existing Building Height	15-feet
Development Standards for Proposed Zoning of REM	
Minimum Lot Size	0.5 acres
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	100-feet/100-feet
Maximum Building Height	35-feet
Development Standards for the Keeping of Large Animals	
Required Zoning	EE (Single-Family Equestrian Estate), and REM (Single-Family Residential Estate Mobile)
Minimum Lot Size	0.5 acres
Minimum Required Open Space on Lot	9,000 square feet for the first animals and 6,000 square feet for each additional animal
Maximum Number of Animals per Acre	4 animals
Minimum Distance of Animal Facility from Adjoining Dwelling	35-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 Properties		Single-family residence with non-conforming horse stables	R-1a	Single-Family Medium Density
Surrounding Properties	North	Single-family residence	REM	Single-Family Residential Estate Mobile
	South	Single-family residence	REM-C	Single-Family Residential Estate Mobile-Conditional
	East	Undeveloped	R-1a	Single-Family Medium Density
	West	Single-family residence	R-1a	Single-Family Medium Density

HISTORY

Previous applications? Yes ☒ No ☐

If yes, please explain: The subject property was initially zoned R-1a with the 1987 East Mesa Annexation.

Previous resolution numbers?

Previous uses if applicable:

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Policy 3.1
2. Goal1, Policy 3.4

Analysis: The proposed zone change will facilitate the use of a single-family residence with the ability to raise and keep large animals (horses, mules, donkeys, swine, buffalo and beefalo). The subject property is located in a largely rural residential area where the proposed zoning designation is encouraged. The subject property is also located adjacent to other similarly zoned properties making compatibility not an issue. The subject property is not located away near any communication or transportation corridor which is where rural and lower density residential uses are encouraged. Recommendation of approval.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

Accessibility Issues

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

Type of building occupancy: Type R

Nearest Fire Station
Distance: 0.75 ± miles
Address: 5998 Bataan Memorial East
Adequate Capacity to Accommodate Proposal? Yes ☒ No ☐

Additional Comments: Recommendation of approval.

Police Department:

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

Engineering Services:

Flood Zone Designation: Zone X

Development Improvements

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: Recommendation of approval.

MPO:

Road classifications: Santa Cruz Avenue is designated as a local roadway.

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (miles)? 0.25 ± miles south of the subject property on Bataan Memorial West.

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 ☐	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: Santa Cruz Avenue is not fully improved to allow on-street parking.

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

Additional Comments: Recommendation of approval.

Water Availability and Capacity:
Source of water: CLC ☐ Other: Moongate Water Company
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.

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: No comments have been received from 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 ☒

Additional Comments: Recommendation of approval.

Public Schools:

Nearest Schools:

1. Elementary: Mesa Vista Elementary School — Distance (miles): 1.47 ± miles
   Enrollment: 386
2. Middle School: Mesa Middle School — Distance (miles): 1.59 ± miles
   Enrollment: 429
3. High School: Onate High School — Distance (miles): 0.47 ± miles
   Enrollment: 2051

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

Explain: The residential component of the subject property already exists and the proposed zone change will not increase the number of dwelling units on the subject property so there is no affect to public school capacities.

DESIGN STANDARDS ANALYSIS

Parking:

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

If yes, how many parking spaces presently exist? 2 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?

How many accessible?

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: The subject property currently contains adequate parking for the residential dwelling unit.

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?

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? The subject property is not required to provide any additional bufferyards. Regular setback requirements of the proposed zoning designation shall be met. Separation requirements for the keeping of large animals shall also be met.

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: There are no requirements for open space, parks, recreation, or trails for the proposed zone change.

Table 3: Special Characteristics

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

Table 4: Project Chronology

Date	Action
July 22, 2011	Application submitted to Development Services
July 25, 2011	Case sent out for review to all reviewing departments
August 1, 2011	All comments returned by all reviewing departments
August 9, 2011	Staff reviews and recommends approval of the zone change
September 11, 2011	Newspaper advertisement
September 16, 2011	Public notice letter mailed to neighboring property owners
September 16, 2011	Sign posted on property
September 27, 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 applicant is requesting the proposed zone change to allow the raising and keeping of large animals (horses, mules, donkeys, swine, buffalo and beefalo) on the subject property by right. The applicant is currently keeping horse on the subject property. The existing R-1a (Single-Family Medium Density) zoning designation of the subject property does not allow the raising and keeping large animals (horses, mules, donkeys, swine, buffalo, and beefalo) making the keeping of the existing horses on the subject

property a non-conforming use. The proposed REM-C (Single-Family Residential Estate Mobile-Conditional) zoning designation will allow the raising and keeping of large animals (horses, mules, donkeys, swine, buffalo and beefalo) on the subject property by right. The keeping of large animals on the subject property shall be in accordance with Chapter 7 of the City of Las Cruces Municipal Code.

The subject property is located in an area with properties zoned REM (Single-Family Residential Estate Mobile) and is directly adjacent to a property zoned REM-C (Single-Family Residential Estate Mobile-Conditional). The condition placed on the zoning designation of the adjacent property is that the keeping of small animals such as rabbits, poultry, goats, sheep, miniature horses, and the like shall not be permitted. To be consistent with the surrounding area staff is recommending a condition on the proposed zone change that the keeping of small animals such as rabbits, poultry, goats, sheep, miniature horses, and the like shall not be permitted on the subject property.

FINDINGS

1. The subject property encompasses 0.98 ± acres.

2. The subject property is located along Santa Cruz Avenue, a Local roadway, as classified by the Metropolitan Planning Organization (MPO).

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

4. The subject property currently consists of a single-family residence with a non-conforming use of the keeping of large animals (horses).

5. The proposed REM (Single-Family Residential Estate Mobile) zoning designation will allow the keeping of animals on the subject property by right.

6. The keeping of animals in the City of Las Cruces shall be in accordance with Chapter 7 of the City of Las Cruces Municipal Code.

STAFF RECOMMENDATION

Staff has reviewed this proposed zone change and based on the preceding findings recommends approval with one condition:

- The keeping of small animals such as rabbits, poultry, goats, sheep, miniature horses, and the like shall not be permitted.

DRC RECOMMENDATION

N/A

ATTACHMENTS

1. Development Statement
2. Comprehensive Plan Elements and Policies
3. Aerial Map
4. Vicinity Map

ATTACHMENT #1

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.

X **Applicant Information**

Name of Applicant: Bob Steven Gilbert

Contact Person: Bob Steven Gilbert

Contact Phone Number: 575-649-2316

Contact e-mail Address: b.gilbert2010@hotmail.com

Web site address (if applicable): N/A

X **Proposal Information**

Name of Proposal: _____

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

Single-family subdivision

Location of Subject Property 5452 Santa Cruz Las Cruces, NM 88012

(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)

Acreage of Subject Property: one acre

Detailed description of **current** use of property. Include type and number of buildings:

personal home with horses on property since July 24, 1979.

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

Continue to reside on property with horses by changing the zoning variances from an "R" to an "REM." to remain in compliance with city regulations.

Zoning of Subject Property: 5452 Santa Cruz Las Cruces, NM 88012 (R)

Proposed Zoning (If applicable): (REM)

Proposed number of lots 1, 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):

N/A

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

N/A

Anticipated traffic generation N/A trips per day.

Anticipated development schedule: work will commence on or about N/A

and will take N/A to complete.

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

N/A

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).

N/A

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No ✓ Explain: N/A

Is there existing landscaping on the property? NO

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? N/A How many accessible? N/A

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

ATTACHMENT #2

COMPREHENSIVE PLAN ELEMENTS & POLICIES

Land Use Element, Goal 1 (Land Uses)

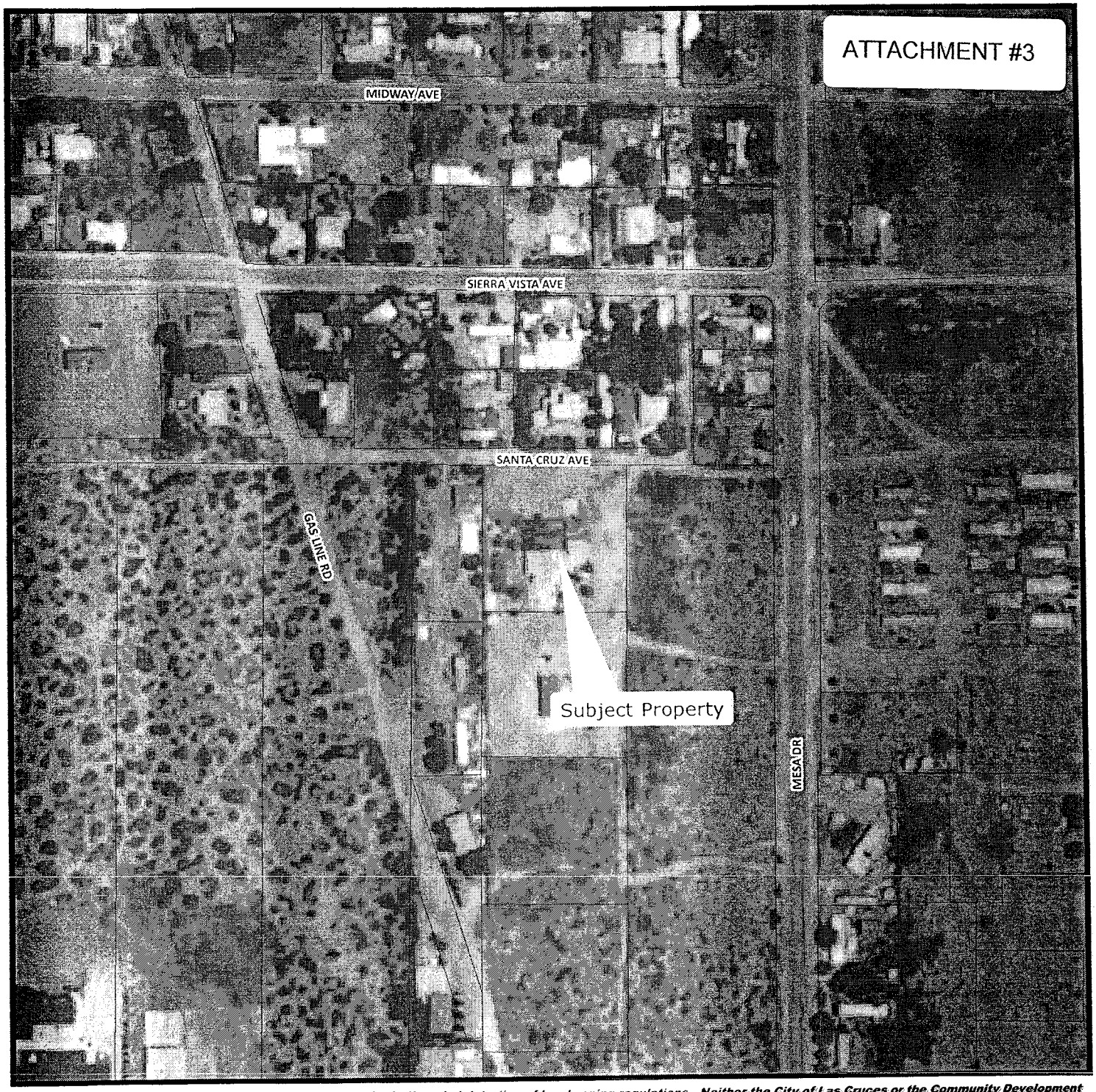
Policy 3.1 An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.

Policy 3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

Aerial View

ZONING: R-1A TO REM-C
OWNER: BOB STEVEN GILBERT

PARCEL: 02-19206
DATE: 09/20/2011



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Legend

- Public_Facilities
- City Parcel
- Interstates_Highway
- EBID Water System
- Railroad
- Rio Grande
- Arroyo

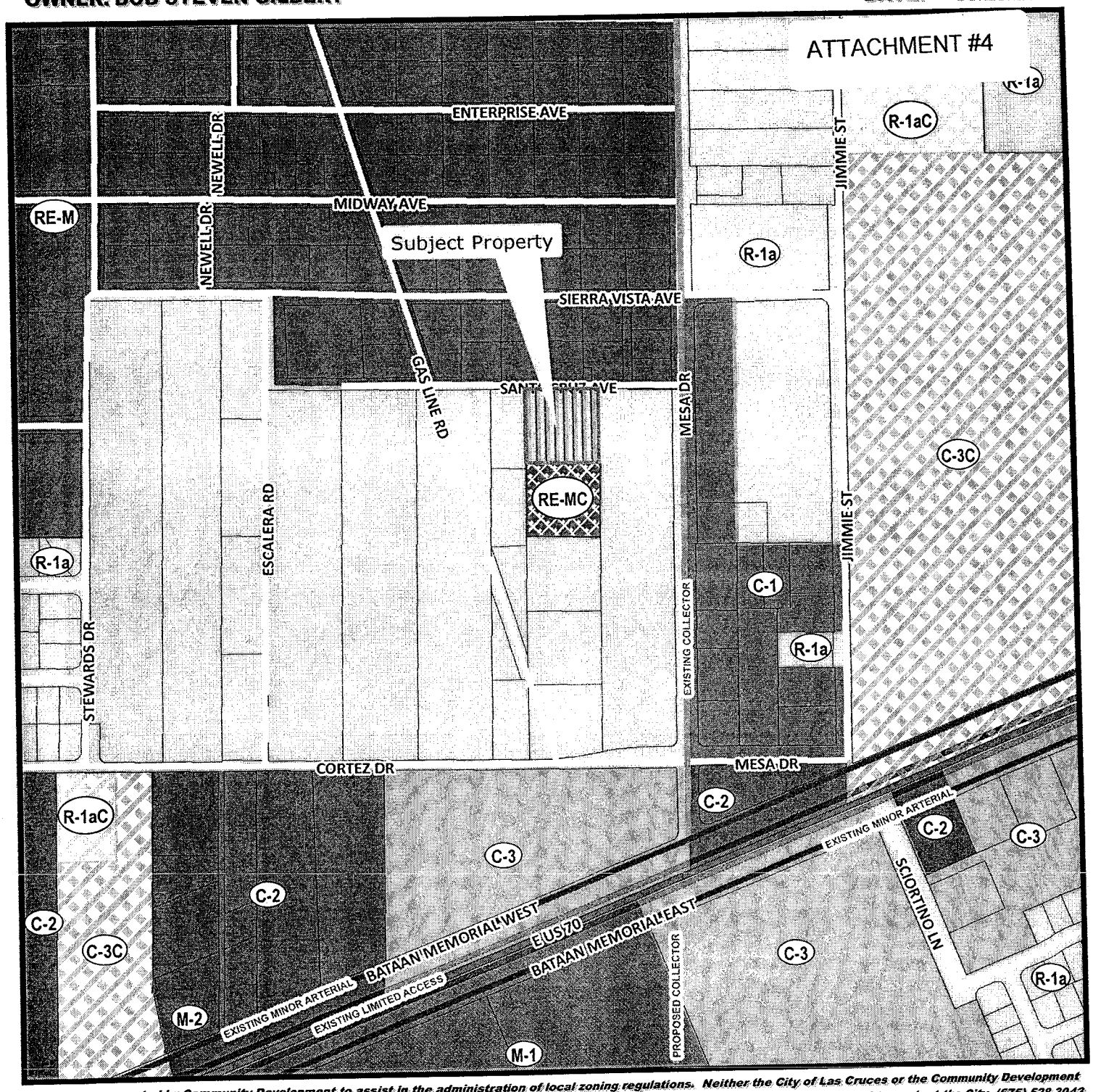
150 75 0 150 Feet

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

ZONING: R-1A TO REM-C
OWNER: BOB STEVEN GILBERT

Zone Map

PARCEL: 02-19206
DATE: 09/20/2011



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Legend

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- EBID Water System
- Railroad
- Rio Grande
- Arroyo

150 75 0 150 300 450 Feet

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Sept 24,2011

Louis D. Tellez

2654 Cody Circle

Las Cruces, NM 88011

Ph 575) 496-4257

City of Las Cruces, NM 88011

PO Box 20000

Las Cruces, NM 88004

Ref: Case Z2843

To Whom It May Concern,

I'm in absolute disagreement with the proposed zoning change that Mr. Bob Gilbert requested.

The zone change would not only affect my potential to sell approximately 4.8 acres we own near to Mr. Gilberts parcel but it would also allow for more problems such as flies, mosquitoes, larvae, odor and who knows what else. His desire to have large animals is fine but not at the expense of others, they belong in a farm community not an established residential community with Onate High School nearby, businesses and churches in close proximity.

Our property has been vacant for a long time but our hopes are that eventually we could develop the acreage into an attractive residential development. We have paid property taxes for too many years to have someone walk right in and change it all for just a couple of horses, mules or whatever!

The City will also loose in this venture as more home development would stop and residents now living there would move out.

I urge the City to deny Mr. Gilbert his zone change. We need to improve the area not step backwards.

Regards,

Louis D. Tellez

Louis D. Tellez

ATTACHMENT B

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
September 27, 2011 at 6:00 p.m.

BOARD MEMBERS PRESENT:
Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
William Stowe, Member
Ray Shipley, Member
Donald Bustos, Member

BOARD MEMBERS ABSENT:
Shawn Evans, Member

STAFF PRESENT:
David Weir, Director, Community Development
Adam Ochoa, Acting Senior Planner
Helen Revels, Planner
Lorenzo Vigil, Acting Assistant Planner
Mark Dubbin, CLC Fire Department
Harry "Pete" Connelly, CLC Attorney
Rusty Babington, CLC Legal Staff
Bonnie Ennis, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Scholz: Good evening and welcome to the Planning and Zoning Commission meeting for September 27, 2011. My name is Charlie Scholz. I am the Chair of the Commission. Before we begin I want to introduce the other members of the Commission who are here tonight. On my far right is Commissioner Shipley. Commissioner Shipley is the Mayor's appointee. Next to him is Commissioner Crane, who represents District 1... I'm sorry, District 4. Next to him is Commissioner Stowe, who represents District 1. Then there is Commissioner Bustos, who represents District 3. Commissioner Beard, who represents District 2; and I represent Council District 6.

II. APPROVAL OF MINUTES – August 23, 2011 & September 8, 2011

Scholz: The first item on the agenda is the approval of minutes and, gentlemen, we are only going to approve the minutes of August 23, 2011, our meeting of the month ago because we do not have a copy yet of the September 8th minutes. Any additions or corrections to the

Scholz: Okay, two abstentions and four of four. All right.

III. POSTPONEMENTS - NONE

Scholz: There are no postponements. Is that right, Ms. Rodriguez?

Rodriguez: Mr. Chairman, that is correct.

IV. CONSENT AGENDA

Scholz: Then the next item is our consent agenda. Now for those of you who haven't been here before here's how the consent agenda works: we ask if anyone wishes to speak to any of the cases. If anyone from the Commission, from the staff or from the public wishes to speak to the cases then we will put them as the first item on the new business agenda.

Those items on the consent agenda will be voted by one motion with the acceptance of the agenda. Any Planning and Zoning Commissioner, Staff or member of the public may remove an item from the consent agenda for discussion by the commission.

1. **Case Z2843:** Application of Bob Steven Gilbert to rezone from R-1a (Single-Family Medium Density) to REM-C (Single-Family Residential Estate Mobile-Conditional) on a 0.98 ± acre lot located on the south side of Santa Cruz Avenue, 235 ± feet west of its intersection with Mesa Drive; a.k.a. 5452 Santa Cruz Avenue; Parcel ID# 02-19206. Proposed Use: A single-family residence with the ability to raise and keep large animals (horses, mules, donkeys, swine, buffalo and beefalo); Council District 5.

Scholz: So the first case is Z2843. Anyone wishes to speak to that? No?

2. **Case Z2844:** Application of Summit Engineering on behalf of 1732, LLC to rezone from R-3/C-2 (Multi-Dwelling Medium Density/Commercial Medium Intensity) to C-2 (Commercial Medium Intensity) on a 0.464 ± acre lot located on the north side of Madrid Avenue, 245 ± feet west of its intersection with Main Street; a.k.a. 130 Madrid Avenue; Parcel ID# 02-04133. Proposed Use: Unspecified commercial medium intensity use; Council District 1.

Scholz: And then case Z2844? I'm sorry, did I miss someone? You wish to speak to Z2843? Okay, fine, I'll put that as number 1 on our new business agenda then. All right, anyone wishes to speak to Z2844? Okay, if not then we'll simply vote on that as our consent agenda item. Yes, Ms. Revels?

DRAFT

Revels: The gentleman that raised his hand is actually the property owner so he doesn't have any comments.

Scholz: Oh, okay. All right, so we'll leave that on the consent agenda then. So here's how the consent agenda works: we take one vote to approve all of those items; or I should say, both of those items. All right? I'll entertain a motion to approve the consent agenda.

Shipley: Move to approve the consent agenda

Scholz: Okay, it's been moved. Is there a second?

Bustos: Second.

Scholz: *(to recording secretary)* Did you get that? You didn't get that. Okay, Shipley moved and Bustos seconded. All those in favor say aye.

All: Aye.

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

V. OLD BUSINESS - NONE

Scholz: That brings us to our...there's no old business, I assume. No.

Rodriguez: No, sir.

VI. NEW BUSINESS

1. **Case Z2842:** Application of Ted G. Scanlon on behalf of Hacienda RV, LLC to rezone from C-3C (Commercial High Intensity-Conditional) to C-3C (Commercial High Intensity-Conditional) to remove two (2) existing conditions placed upon the zoning designation on a 6.04 ± acre lot located on the south side of Stern Drive, 0.35 ± miles east of its intersection with Avenida de Mesilla; Parcel ID# 02-30595. Proposed Use: Limited commercial high intensity uses; Council District 4.

Scholz: Okay, that brings us to our new business which is case Z2843...42, I'm sorry, and Ms. Rodriguez, you are subbing for Mr. Ochoa, I understand, who is under the weather.

Rodriguez: Mr. Chairman, that is correct.

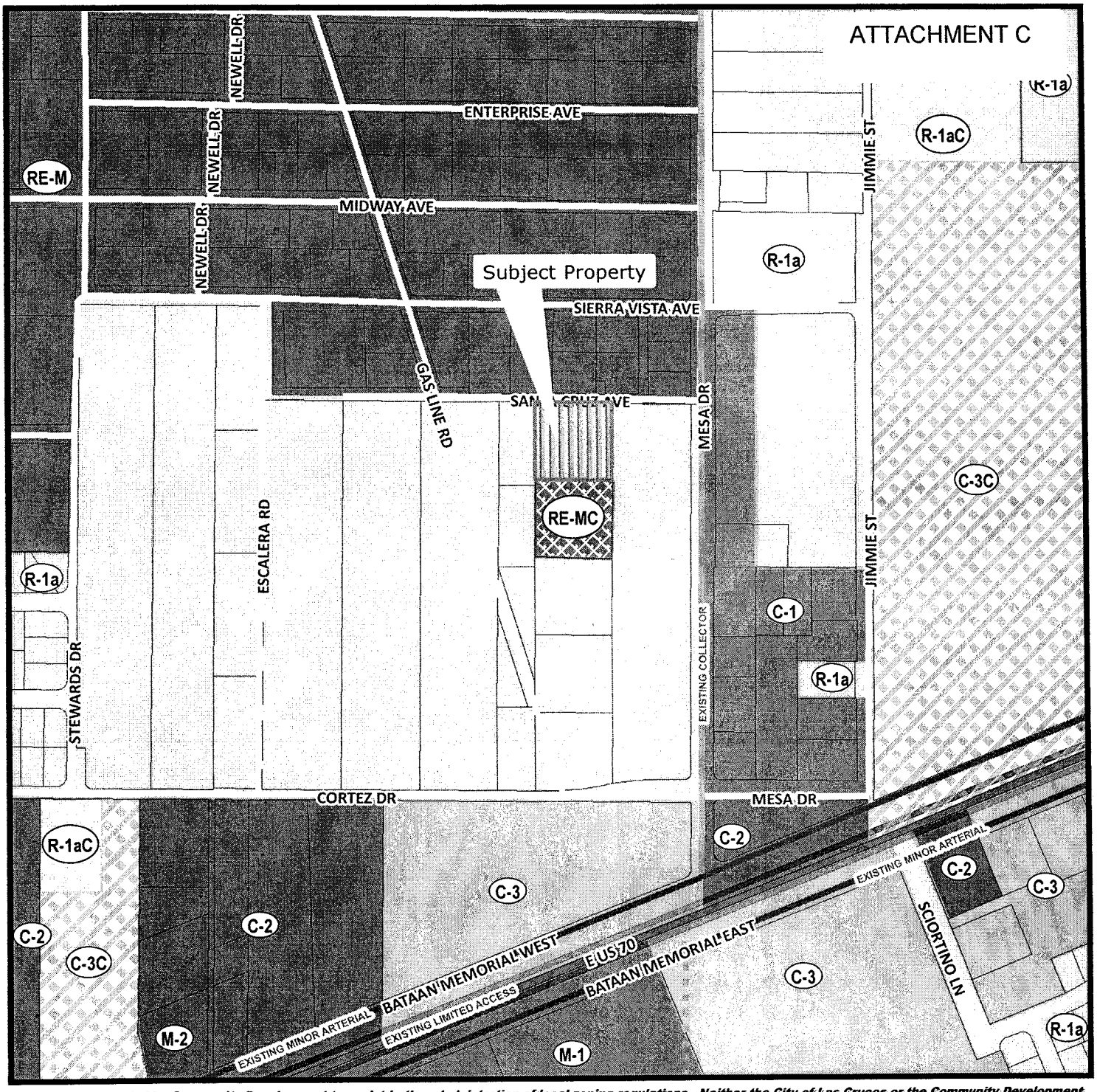
Scholz: Very nice of you.

DRAFT

ZONING: R-1A TO REM-C
OWNER: BOB STEVEN GILBERT

Zone Map

PARCEL: 02-19206
DATE: 09/20/2011



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