

City of Las Cruces
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 17

Ordinance/Resolution# 2647

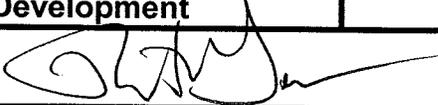
For Meeting of February 6, 2012
(Ordinance First Reading Date)

For Meeting of February 21, 2012
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO C-1 (COMMERCIAL LOW INTENSITY) FOR FIVE (5) DISTINCT PROPERTIES LOCATED AT 204-232 N. CAMPO STREET, 330 E. LAS CRUCES AVENUE & 313 E. ORGAN AVENUE. THE ZONE CHANGE REQUEST INCLUDES ONE VARIANCE FOR A NUMERICAL REDUCTION OF 5-FEET TO THE MINIMUM REQUIRED 5-FOOT SIDE YARD SETBACK. SUBMITTED BY LESLIE K. SKAGGS, PROPERTY OWNER (Z2845).

PURPOSE(S) OF ACTION:

Zone change to facilitate the redevelopment of a mixed-use development.

COUNCIL DISTRICT: 1		
<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:

This zone change request from R-4 to C-1 encompasses five (5) properties with a total of 0.96 + acres located in the South Mesquite Neighborhood Overlay Zone District (Area 2). The subject properties are located directly across the street from the old City Hall building on the east side of Campo Street between Las Cruces Avenue and Organ Avenue. The zone change will allow the properties to be used for multi-family, office and low intensity neighborhood commercial uses.

The subject properties are currently being used as rental multi-family residential dwellings and limited offices uses with very low traffic volumes as permitted by the existing R-4 zoning designation as defined in the South Mesquite Neighborhood Overlay Zone District. All units, 10 total, are less than 1,500 square feet in size. The proposed C-1 zoning district will permit the same existing multi-family uses, more intense professional and business office uses, and low intensity neighborhood commercial uses on the subject properties such as a coffee shop, bakery, beauty parlor, delicatessen, florist shop, meat and seafood market, and other uses as defined in the South Mesquite Neighborhood Overlay Zone District by right.

The South Mesquite Neighborhood Overlay Zone District requires all properties to provide a minimum five (5) foot side yard setback. In addition to the zone change, the applicant is requesting a five (5) foot variance to the minimum required side yard setback to allow a zero (0) foot side yard setback. The existing structures are currently attached to each other along most of the side yards with existing zero (0) foot side yard setbacks. The existing structures are identified as "contributing" historical structures that were built in 1890 or possibly earlier. Their construction pre-dates any type of setback requirements by the City of Las Cruces. The proposed re-use of the structures does not entail any structural modifications or building additions. Variance approval will eliminate any non-conforming zoning setbacks and promote the use of historical structures.

On November 17, 2011, the South Mesquite Design Review Board (SMDRB) recommended approval for the proposed zone change. On December 20, 2011, the Planning and Zoning Commission (P&Z) recommended approval for the proposed zone change by a vote of 5-0-0 (two Commissioners absent). During the meeting a member from the public voiced concerns on the potential uses that may come in to the neighborhood with the proposed zone change and the potential nuisances that may be created for the surrounding area, but was generally supportive of the request.

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 Z2845.
5. Attachment "B"- Draft minutes from the December 20, 2011 Planning and Zoning Commission meeting.
6. Attachment "C"- 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 affirm the South Mesquite Design Review Board & the Planning and Zoning Commission recommendation for approval. The five (5) subject properties will be rezoned from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-1 (Commercial Low Intensity). The zone change will also allow a variance for the numerical reduction of 5-feet to the minimum required 5-foot side yard setback.
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-4 (Multi-Dwelling High Density & Limited Retail and Office) will remain on the subject properties. Only Multi-family and limited offices uses shall be allowed on the subject properties.
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.

1. Ordinance 2200.

COUNCIL BILL NO. 12-025
ORDINANCE NO. 2647

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO C-1 (COMMERCIAL LOW INTENSITY) FOR FIVE (5) DISTINCT PROPERTIES LOCATED AT 204-232 N. CAMPO STREET, 330 E. LAS CRUCES AVENUE & 313 E. ORGAN AVENUE. THE ZONE CHANGE REQUEST INCLUDES ONE VARIANCE FOR A NUMERICAL REDUCTION OF 5-FEET TO THE MINIMUM REQUIRED 5-FOOT SIDE YARD SETBACK. SUBMITTED BY LESLIE K. SKAGGS, PROPERTY OWNER (Z2845).

The City Council is informed that:

WHEREAS, Leslie K. Skaggs, the property owner, has submitted a request for a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-1 (Commercial Low Intensity) for five (5) distinct properties located at 204-232 N. Campo Street, 330 E. Las Cruces Avenue & 313 E. Organ Avenue; and

WHEREAS, Leslie K. Skaggs, the property owner, has submitted a variance request for the numerical reduction of 5-feet to the minimum required 5-foot side yard setback; and

WHEREAS, the subject properties are located within the South Mesquite Neighborhood Overlay Zone District; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on December 20, 2011, recommended that said zone change request be approved by a vote of 5-0 (two Commissioners 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 C-1 (Commercial Low Intensity) for

property located at 204-232 N. Campo Street, 330 E. Las Cruces Avenue & 313 E. Organ Avenue.

(II)

THAT the variance for the numerical reduction of 5-feet to the minimum required 5-foot side yard setback is hereby granted.

(III)

THAT the zoning and variance are 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 _____ 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

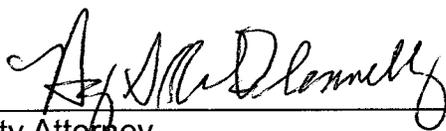
VOTE:

Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject properties encompass 0.96 ± acres combined, are currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and are located along the western boundary of Area 2 of the South Mesquite Neighborhood Overlay Zone District directly adjacent to the Central Business District and main Street Overlay Zone.
2. The structures on the subject properties are registered as “contributing” structures on the national historic register and are currently being utilized for multi-family residential dwelling and some limited office uses.
3. The zone change request to C-1C (Commercial Low Intensity-Conditional) would allow multi-family, office, and low intensity neighborhood commercial uses to be utilized on the subject properties.
4. The C-1 zoning district in the South Mesquite Neighborhood Overlay Zone District is intended to accommodate limited retail and service establishments as a convenience to nearby residential neighborhoods. This zone is designed to be compatible and consistent with the needs and character of a residential neighborhood.
5. The following policies from the 1999 Comprehensive Plan are relevant to the current proposal:

Land Use Element Goal 1 (Land Uses)**Policies**

1.5.1. Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

- b. Low intensity commercial uses
 - i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
 - ii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility,

and consideration of the level of traffic and environmental impacts.

- iii. Low intensity commercial development areas shall generally not locate within one-quarter ($\frac{1}{4}$) mile of other commercial development areas.
- iv. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for low intensity commercial uses.
- v. Low intensity commercial 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 standards for low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
- vi. Adequate space for functional circulation shall be provided for parking and loading areas.
- vii. The City shall encourage the development of low intensity commercial uses to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.



**Planning & Zoning
Commission
Staff Report**

Date: December 7, 2011

CASE # Z2845

PROJECT NAME: 204-232 N. Campo Street, 330 E, Las Cruces Avenue & 313 E. Organ Avenue (Zone Change & Variance)

APPLICANT: Leslie K. Skaggs

PROPERTY OWNER: Leslie K. Skaggs

REQUEST: A request for a zone change from R-4(Multi-Dwelling High Density & Limited Retail and Office) to C-1 (Commercial Low Intensity)

PROPOSED USE: Apartments, offices, and low intensity neighborhood commercial uses

SIZE: All five (5) subject properties encompass 0.96 ± acres combined

CURRENT ZONING: R-4 (Multi-Dwelling High Density & Limited Retail and Office)

LOCATION: Located on the east side of Campo Street between Las Cruces Avenue and Organ Avenue in Area 2 of the South Mesquite Neighborhood Overlay Zone District; a.k.a. 204-232 N. Campo Street, 330 E. Las Cruces Avenue & 313 E. Organ Avenue; Parcel ID# 02-06130, 02-06131, 02-06134, 02-06145 & 02-06155

COUNCIL DISTRICT: 1

PLANNING COMMISSION DATE: December 20, 2011

PREPARED BY: Adam Ochoa, Planner *AO*

SMDRB RECOMMENDATION: Approval

PROPERTY INFORMATION

Address/Location: Located on the east side of Campo Street between Las Cruces Avenue and Organ Avenue in Area 2 of the South Mesquite Neighborhood Overlay Zone District; a.k.a. 204-232 N. Campo Street, 330 E. Las Cruces Avenue & 313 E. Organ Avenue; Parcel ID# 02-06130, 02-06131, 02-06134, 02-06145 & 02-06155

Acreage: 0.96 ± acres combined

Current Zoning: R-4 (Multi-Dwelling High Density & Limited Retail and Office)

Current Land Use: Multi-family residential and limited office uses

Proposed Zoning: C-1 (Commercial Low Intensity)

Proposed Land Use: Apartments, offices and low intensity neighborhood commercial uses

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

If yes which overlay district? The South Mesquite Neighborhood Overlay Zone District

Table 1: Site Analysis

Existing Conditions	
Existing Square Footage of All Buildings	7,700 ± square feet
Current Lot Size	0.96 ± acres combined
Existing Building Height	12 ± feet
Development Standards for Proposed Zoning of C-1 in the South Mesquite Neighborhood Overlay Zone District	
Minimum Lot Size	3,500 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	50-feet/50-feet
Maximum Building Height	14-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		Multi-family residential & limited office	R-4	Multi-Dwelling High Density & Limited Retail and Office
Surrounding Properties	North	Religious institution	R-3/R-4	Multi-Dwelling Medium Density/ Multi-Dwelling High Density & Limited Retail and Office
	South	Residential & limited office	R-4	Multi-Dwelling High Density & Limited Retail and Office
	East	Residential	R-4	Multi-Dwelling High Density & Limited Retail and Office
	West	Office uses	CBD	Central Business District

HISTORY

Previous applications? Yes No

If yes, please explain: In May of 2005 an Ordinance was adopted establishing the South Mesquite Neighborhood Overlay Zone District for the subject properties and surrounding area. The existing zoning designation of R-4 remained on the subject properties, but the Ordinance required the subject property to now follow all requirements of the South Mesquite Neighborhood Overlay Zone District.

Previous ordinance number: 2200

Previous uses if applicable: Previous to the adoption of Ordinance 2200 the subject property was required to follow all development standards for the R-4 zoning district of the 2001 Zoning Code, as amended.

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element

1. Goal 1, Objective 5, Policy 1.5.1

Analysis: The proposed zone change will facilitate the use of the subject for multi-family, office and low intensity neighborhood commercial uses. The applicant has stated that all suites in the buildings on the subject properties are less than 1,500 square feet in size which is encouraged within the C-1 zoning district. The proposed zone change would also generate small-scale retail and service activities as a convenience to the South Mesquite Neighborhood as recommended for the C-1 zoning district by the 1999 Comprehensive Plan. Recommendation of approval.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

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

Type of building occupancy: Multiple uses occupancy types

Nearest Fire Station

Distance: 0.45 ± miles

Address: 201 E. Picacho Avenue

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	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Drainage study needed	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" 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: Any future development within the subject properties may require on-lot ponding for excess run-off. Recommendation of approval.

MPO:

Road classifications: Campo Street is designated as a minor arterial roadway and both Las Cruces Avenue and Organ Avenue are designated as local roadways.

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (feet)? 120 ± feet north of the subject properties on Campo Street.

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 type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Intersection sight problems	Yes <input checked="" type="checkbox"/>	No <input 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:

Future Intersection Improvements

Yes If yes what intersection?
 No

Additional Comments: Recommendation of approval.

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.

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

Additional Comments: Recommendation of approval.

Public Schools:

Nearest Schools:

- | | |
|--|--------------------------------|
| 1. Elementary: Central Elementary School | Distance (miles): 0.24 ± miles |
| Enrollment: 267 | |
| 2. Middle School: Sierra Middle School | Distance (miles): 1.17 ± miles |
| Enrollment: 870 | |
| 3. High School: Mayfield High School | Distance (miles): 1.81 ± miles |
| Enrollment: 2223 | |

Adequate capacity to accommodate proposal? Yes No N/A

Explain: The existing buildings on the subject properties are currently small enough that whatever suites used for multi-family residential purposes will not affect the capacity of the nearby schools.

DESIGN STANDARDS ANALYSISParking:Is there existing parking on the site? Yes No N/A

If yes, how many parking spaces presently exist? Currently there is an unimproved, non-conforming parking lot on the subject properties.

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 properties currently exist with a non-conforming, unimproved parking lot. The multiple suites located in the structures allow for multiple businesses to be located on the subject properties making the subject properties a business/shopping center. The 2001 Zoning Code, as amended, requires a business/shopping center to provide 1 auto parking space per every 200 – 300 square feet of gross floor area. Each separate business would be required to provide bicycle parking on the subject properties as well. However, the South Mesquite Neighborhood Overlay Zone District states that any building in the South Mesquite Neighborhood Overlay Zone District constructed prior to 1955 shall not be required to provide off-street parking. The structures are existing "contributing" historical structures that were built in 1890 or possibly

earlier. Following this guideline, the subject properties are not required to provide any improved off-street parking. However, if off-street parking is desired for the subject properties or if the intensity changes on the subject properties, the property owner shall be required to provide a fully improved parking area that follows all requirements of the 2001 Zoning Code, as amended, and the City of Las Cruces Design Standards.

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? The South Mesquite Neighborhood Overlay Zone District requires landscaping for all properties located within the district. The subject properties shall be required to provide a minimum five (5) foot landscape buffer, excluding sidewalks, along all street frontages where possible. This landscaping shall be accomplished by the use of a combination of greenery, trees, lawn grass, shrubs, crushed stones, cactus, lava rock, or similar materials. In addition, all areas not devoted to buildings, structures, paved drives, walks and off-street parking facilities shall be covered with one of the above materials.

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 properties shall also be required to provide either a fifteen (15) foot semi-opaque bufferyard or a ten (10) foot opaque bufferyard along the eastern property lines of the subject properties adjacent to single-family residential properties.

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 of open space, parks, recreation, or trails for the proposed zone change and variance.

Table 3: Special Characteristics

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

VARIANCE ANALYSIS

Table 4. Variance Hardship Determination

Factor	Analysis	Supports Request?	
		Yes	No
1. A physical hardship relative to the property (i.e. topographic constrains or right-of-way takes resulting reduced development flexibility, etc.) in question.	The existing buildings encroaching into the required side yard setback have been in existence with the encroachment since 1890 or possibly earlier. The existing structures pre-date any type of setback requirements of the City of Las Cruces.	X	
2. The potential for spurring economic development at a neighborhood or city-wide level if requested allowances are granted.	The proposed zone change would permit more types of office uses on the subject properties and would also permit some limited low intensity commercial uses that would benefit the surrounding neighborhood.	X	
3. Monetary considerations not as a whole, but relative to options available to meet the applicant's stated objectives when such options cause considerable monetary hardship under strict application of code provisions.	With the proposed zone change the applicant would be required to follow all regulations of the 2001 Zoning Code, as amended, and all other City regulations.		X

Table 4: Project Chronology

Date	Action
October 14, 2011	Application submitted to Development Services
October 14, 2011	Case sent out for review to all reviewing departments
October 21, 2011	All comments returned by all reviewing departments
November 3, 2011	Staff reviews and recommends approval for the proposed zone change and variance
November 17, 2011	SMDRB reviews and recommends approval for the proposed zone change and variance
December 4, 2011	Newspaper advertisement
December 9, 2011	Public notice letter mailed to neighboring property owners
December 9, 2011	Sign posted on property
December 20, 2011	Planning and Zoning Commission public hearing

SUMMARY AND CONCLUSIONS

The proposed zone change is supported by the South Mesquite Design Review Board, the Community Development Department and all reviewing departments in the City of Las Cruces. The proposed zone change is also supported by the 1999 Comprehensive Plan.

The property owner is requesting a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-1 (Commercial Low Intensity-Conditional) for five (5) distinct properties located on the east side of Campo Street between Las Cruces Avenue and Organ Avenue; Parcel ID# 02-06130, 02-

06131, 02-06134, 02-06145 and 02-06155. All five subject properties encompass a total of 0.96 ± acres combined. The subject properties are located along the western boundary of Area 2 of the South Mesquite Neighborhood Overlay Zone District directly adjacent to the Central Business District and Main Street Overlay Zone. All buildings located on the subject properties are currently registered as “contributing” structures on the historic register and are currently being utilized for multi-family residential dwellings and some limited offices uses. The existing structures currently contain a total of ten (10) rental spaces/units all less than 1,500 square feet in size. The proposed C-1 (Commercial Low Intensity) zoning designation shall permit multi-family, office, and low intensity neighborhood commercial uses to be utilized on the subject properties by right.

The South Mesquite Neighborhood Overlay Zone District requires all properties to provide a minimum five (5) foot side yard setback. The applicant is requesting a five (5) foot variance to the minimum required side yard setback to allow a zero (0) foot side yard setback. The existing structures are currently attached to each other along most of the side yards of the subject properties with zero (0) foot side yard setbacks. The 2001 Zoning Code, as amended, actually allows a zero (0) foot side yard setback for commercial zoning districts as an exception as long as a number of conditions are met, but the South Mesquite Neighborhood Overlay Zone District does not allow the exception under its development standards. The structures are existing “contributing” historical structures that were built in 1890 or possibly earlier. The construction of the existing structures pre-dates any type of setback requirements of the City of Las Cruces and since these conditions already exist and no structural modifications are being proposed at this time, staff feels that there is no issue allowing the zero (0) foot side yard setback for the subject properties.

FINDINGS

1. The subject properties encompass 0.96 ± acres combined, are currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and are located along the western boundary of Area 2 of the South Mesquite Neighborhood Overlay Zone District directly adjacent to the Central Business District and main Street Overlay Zone.
2. The structures on the subject properties are registered as “contributing” structures on the national historic register and are currently being utilized for multi-family residential dwelling and some limited office uses.
3. The zone change request to C-1C (Commercial Low Intensity-Conditional) would allow multi-family, office, and low intensity neighborhood commercial uses to be utilized on the subject properties.
4. The C-1 zoning district in the South Mesquite Neighborhood Overlay Zone District is intended to accommodate limited retail and service establishments as a convenience to nearby residential neighborhoods. This zone is designed to be compatible and consistent with the needs and character of a residential neighborhood.

SOUTH MESQUITE DESIGN REVIEW BOARD (SMDRB) RECOMMENDATION

On November 17, 2011 the South Mesquite Design Review Board reviewed the proposed zone change and variance. Staff brought the proposed zone change forward to the SMDRB with a recommendation of approval with one condition:

- No off-street parking shall be permitted on the subject properties until such time that the parking area is fully improved and follows all requirements of the 2001 Zoning Code, as amended, and the City of Las Cruces Design Standards.

Staff also recommended approval without conditions for the proposed variance. During the meeting the SMDRB had an extensive discussion on the matter of either requiring the applicant to follow parking

requirements of the 2001 Zoning Code, as recommended by staff as a condition for the zone change or parking requirements of the 1981 Zoning Code. Some of the public in attendance at the meeting voiced their concerns with potential increased traffic in the area and other potential nuisances that the proposed zone change may bring to the surrounding neighborhood. Others of the public in attendance voiced their support for the proposed zone change and welcomed the potential low intensity neighborhood commercial uses into the area. In the end, the SMDRB removed the proposed condition for the proposed zone change and recommended approval without conditions for the proposed zone change and accompanying variance.

DRC RECOMMENDATION

NA

ATTACHMENTS

1. Development Statement
2. Site Plan
3. Applicant's Narrative
4. Comprehensive Plan Elements and Policies
5. Staff Report from the November 17, 2011 South Mesquite Design Review Board (SMDRB) Meeting
6. Draft Minutes from the November 17, 2011 South Mesquite Design Review Board (SMDRB) Meeting
7. Aerial Map
8. 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: LESLIE SKAGGS
 Contact Person: SAME
 Contact Phone Number: 575-805-5524
 Contact e-mail Address: lesskaggs@hotmail.com
 Web site address (if applicable): _____

Proposal Information

Name of Proposal: ZONE CHANGE (5 PARCELS)
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
NEIGHBORHOOD COMMERCIAL/OFFICE/APARTMENTS
 Location of Subject Property LAS CRUCES AVE TO ORGAN AVE ON CAMPO
 (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: .96 ACRE
 Detailed description of **current** use of property. Include type and number of buildings:
APARTMENTS/OFFICE/VACANT
 Detailed description of **intended** use of property. (Use separate sheet if necessary):
APARTMENTS
OFFICE
SMALL RETAIL (COFFEE SHOP, DR. OFFICE, GIFT SHOP, ETC)
 Zoning of Subject Property: R-4
 Proposed Zoning (If applicable): C-1
 Proposed number of lots 5, 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):

8 AM - 5 PM M-F

Anticipated traffic generation _____ 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.)?

ON LOT PONDING AREA

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). ALL CITY OF LAS CRUCES

STANDARDS WILL BE FOLLOWED

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No X Explain: BUS STOP ALREADY EXISTS

Is there existing landscaping on the property? YES

Are there existing buffers on the property? NO

Is there existing parking on the property? Yes X No ___

If yes, is it paved? Yes ___ No X

How many spaces? 25-45 How many accessible? AS NEEDED

Attachments

Please attach the following: (* indicates optional item)

Location map

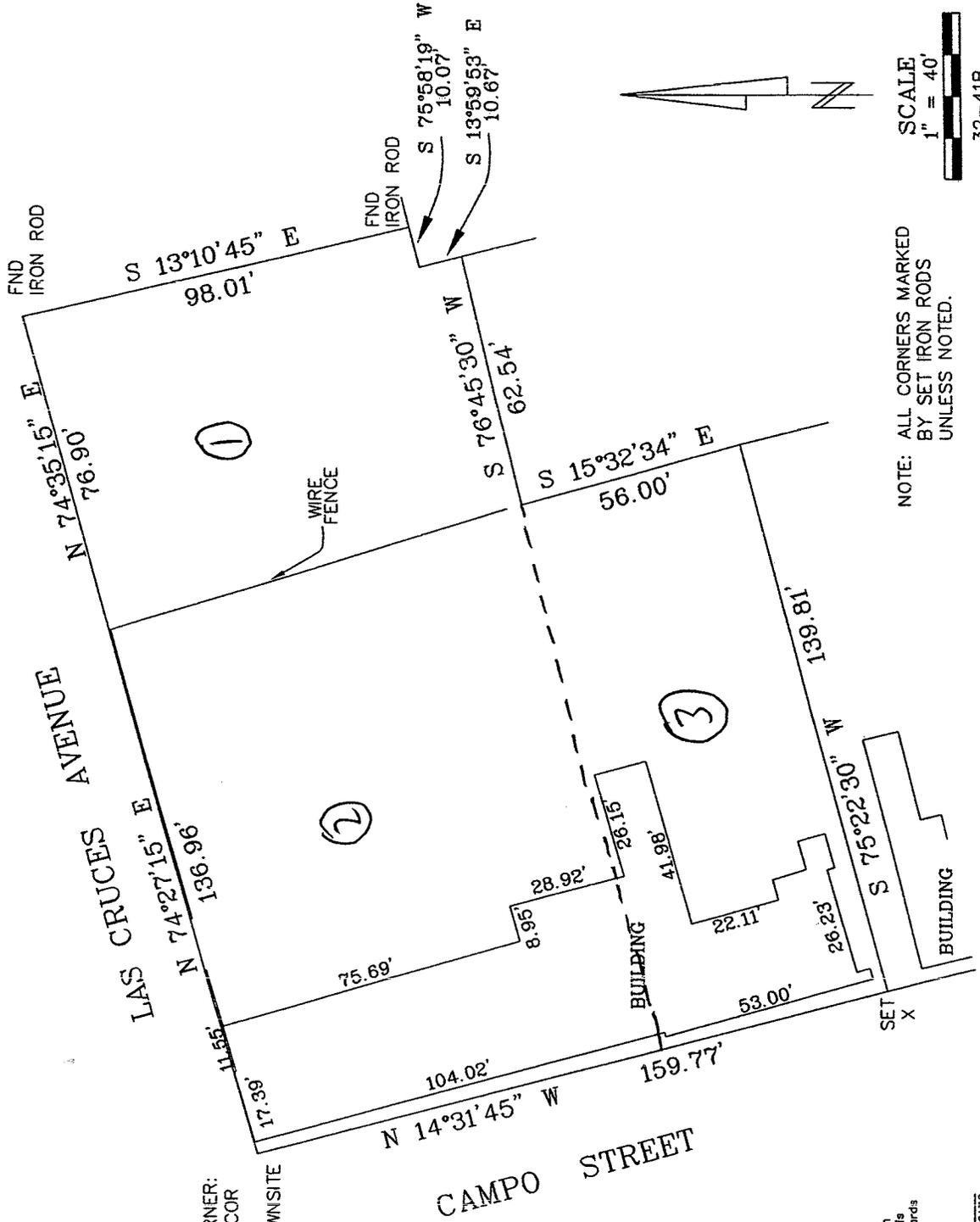
Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

PLAT OF SURVEY OF A 0.693 ACRE +/- TRACT, BEING PART OF BLOCK 52,
 ORIGINAL TOWNSITE OF LAS CRUCES, FILED 9-15-1853, IN BK 6, PG 1,
 CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
 JANUARY 25, 1993



BEARING CORNER:
 NORTHWEST COR
 BLOCK 52,
 ORIGINAL TOWNSITE
 SET X

SCALE:
 1" = 40'

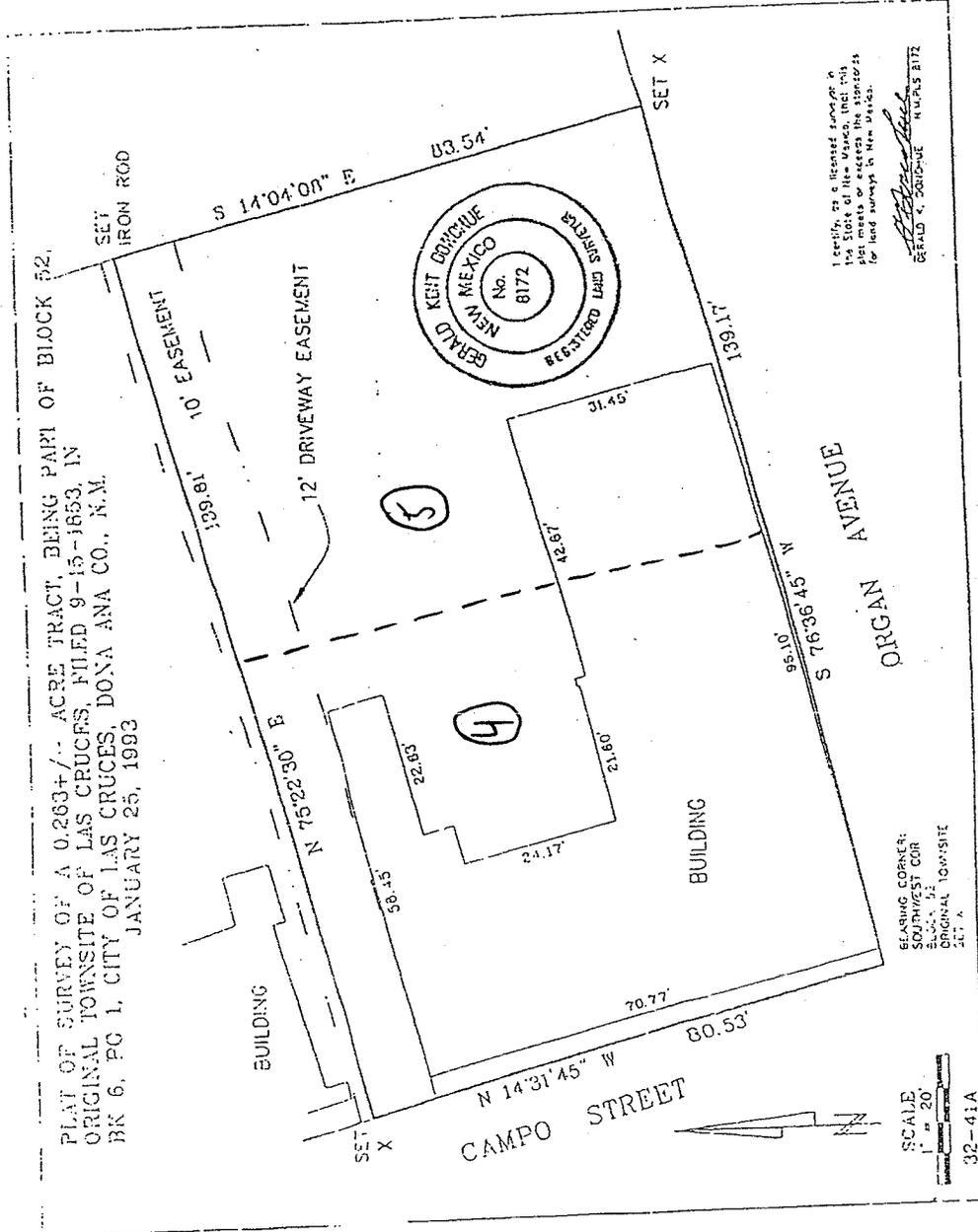
32-41B

NOTE: ALL CORNERS MARKED
 BY SET IRON RODS
 UNLESS NOTED.

I certify, as a licensed surveyor in
 the State of New Mexico, that this
 plat meets or exceeds the standards
 for land surveys in New Mexico.

GERALD K. DONOHUE N.M.P.L.S. 8172

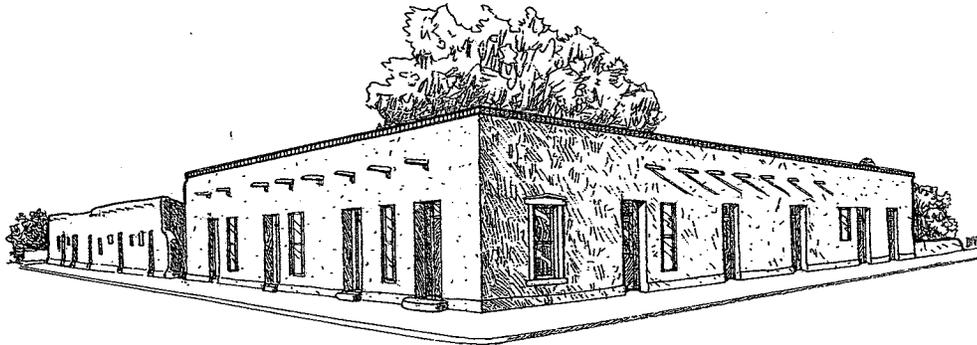
PLAT OF SURVEY OF A 0.263+/- ACRE TRACT, BEING PART OF BLOCK 52,
ORIGINAL TOWNSHIP OF LAS CRUCES, FILED 9-15-1653, IN
BK 6, PG 1, CITY OF LAS CRUCES, DONA ANA CO., N.M.
JANUARY 25, 1993



I certify, as a licensed landowner in the State of New Mexico, that this plat meets or exceeds the standards for land surveys in New Mexico.
GERALD K. 2010-UE MURPUS 8172

BEARING CORNER:
SOUTHWEST COR
ELECT. 31-10-15151E
ORIGINAL 10-15-151E
SET X
SCALE
1" = 20'
32-41A

The Campoplex



Located on North Campo between Las Cruces Ave. and Organ St. in the 1800s on the original townsite on block 52. The property is still much the same as it was over 100 years ago.

I (Leslie Skaggs) purchased the property in the early nineties from Ed Laughlin. At the time Ed was using the property for his business Energy Optics, a subcontractor for Nasa. Since then it has also been the home for De Mato watch repair, Dona Ana Arts Council, Hispanic Chamber of Commerce, Ken Stennet Photo Studio, New Territorial Surveying and Mapping and Whites Construction, who, for three years, used it as their home base while building the New Federal Court House.

My vision of the Campoplex is to keep the original structure of the building and preserve the untouched charm that dates back over 100 years. It would house small unique one of a kind businesses that would add to the cities goal to revitalize downtown Las Cruces. Possible businesses would be gift shops, art galleries, beauty shops, Holistic and Natural Healing Practices or professional office space.

In 2005 the Campoplex was recognized by the Dona Ana County Historical Society as buildings worthy of preservation. My goal is to keep it as close to it original appearance as possible.

TO: City of Las Cruces
Community Development Department

RE: Application for Zoning Change for Properties owned by Leslie Skaggs

DATE: September 26, 2011

Please find attached an application for zoning change for five contiguous properties extending from E. Organ Ave. to Las Cruces Ave. in the downtown area. The subject properties are located behind the old City Hall building. It currently consists of multi-family apartments, offices and vacant land.

Background Information: I purchased these lots eighteen years ago. At that time, I was led to believe that the zoning was commercial. There were several businesses operating on the premises at the time of my purchase, including some small retail operations. I was further led to believe that the properties were zoned for commercial use by the Dona Ana County Assessor's records which also indicated a "C" or "Commercial" designation on the assessor's records.

Over the years, I have rented the dwelling primarily as apartments, but also some limited commercial. I never received any objections from neighbors or other entities. When the Federal Courthouse was under construction, the main contractor rented several units for over three years. I have had art galleries, craft stores, a surveyor and watch repair businesses over the years. The location of these units lend themselves to small commercial operations.

Recently, I had the opportunity to rent to several small business concerns where City licenses would be required by the tenants in order to operate. These include an herbal consultant, a body art boutique, a chiropractor and massage therapist. The applications were denied by the City on the basis that the zoning did not allow retail operations. This is when I discovered that the zoning was listed as R-4 rather than C-1, as I had been led to believe.

Facts Supporting This Request:

1. I have paid taxes for 18 years at a higher rate due to the County zoning and rating as Commercial property (see attached County assessment records).
2. The properties are located in an area that lends itself to commercial development with frontage on Campo and one block from the downtown area.
3. There are currently many retail businesses all along Campo including a restaurant, insurance office, exercise facility doing business.
4. There is no objection from the leaders of the Mesquite Historic District. In fact, they want to encourage small business enterprises in areas governed by the overlay. I have contacted David Chavez, President of Las Cruces Esperanza, who oversee the Mesquite

Historical District and he has assured me that they want to encourage small businesses in the area.

5. Small business is the backbone of a community's economic development. With the rejuvenation of the downtown area, small business concerns should be encouraged, as part of that renewal effort.

In summary, I feel that the requested zoning change would be a benefit to the downtown economy and I encourage you to make a favorable determination in this case.

Thank you,


Leslie Skaggs

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A

Assessor's Parcel Search Results

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[Code Abbreviations](#)

Account Information

ACCOUNT#:	230082
NAME1:	LESLIE SKAGGS
NAME2 :	
ADDRESS:	204 N CAMPO ST
CITY:	LAS CRUCES
STATE:	NM
ZIP:	88001-3508
FAMILY EXEMPTION:	
VETERAN EXEMPTION:	

Parcel Information

The Assessor's Office can provide information about deeds posted to Assessor's parcel accounts. This information is provided as a courtesy to the public and is not intended to constitute legal advice. Individuals are encourage to contact an attorney, professional land surveyor or title company for information about legal descriptions. Copies of deeds can be obtained from the Doña Ana County Clerk's Office.

PARCEL	PROPERTY ADDRESS			
02-06130	224 CAMPO			
	232 CAMPO			
MAPCODE	FOLDER	SEC	TWP	RGE
0214007135283154	22190	18	23S	2E
SUBDIVISION		BLOCK	LOT	
700 - ORIGINAL TOWNSITE			PT OF BLK 52	

Land Information

LAND SIZE	VALUE METHOD	NUMBER LOTS	UNIT PRICE	LAND TYPE
14904.00	SF	0	2	C

Improvement

DISCLAIMER

Square footage info. without building detail or value denotes new building not yet added to assessment record.

TYPE USE	TOT BLDG AREA	EXTERIOR WALL	QUALITY	YEAR BUILT
BEDROOMS	FULL BATHS		HALF BATHS	
ATT GARAGE FIN		ATT GARAGE UNFIN		
OPEN PORCH	ENCLOSED PORCH		DECK PORCH	

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C

Assessor's Parcel Search Results

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Account Information

ACCOUNT#:	135494
NAME1:	LESLIE W SKAGGS
NAME2 :	
ADDRESS:	X 210 N CAMPO
CITY:	LAS CRUCES
STATE:	NM
ZIP:	86001-3508
FAMILY EXEMPTION:	
VETERAN EXEMPTION:	

Parcel Information

The Assessor's Office can provide information about deeds posted to Assessor's parcel accounts. This information is provided as a courtesy to the public and is not intended to constitute legal advice. Individuals are encourage to contact an attorney, professional land surveyor or title company for information about legal descriptions. Copies of deeds can be obtained from the Doña Ana County Clerk's Office.

PARCEL	PROPERTY ADDRESS			
02-06131	210 N CAMPO ST			
MAPCODE	FOLDER	SEC	TWP	RGE
0214007135283169	22190	18	23S	2E
SUBDIVISION		BLOCK	LOT	
700 - ORIGINAL TOWNSITE		52	PT LT 4	

Land Information

LAND SIZE	VALUE METHOD	NUMBER LOTS	UNIT PRICE	LAND TYPE
4690.00	SF	0	3	C

Improvement

DISCLAIMER

Square footage info. without building detail or value denotes new building not yet added to assessment record.

TYPE USE	TOT BLDG AREA	EXTERIOR WALL	QUALITY	YEAR BUILT
BEDROOMS	FULL BATHS	HALF BATHS		
ATT GARAGE FIN	ATT GARAGE UNFIN			
OPEN PORCH	ENCLOSED PORCH	DECK PORCH		

Commercial Improvements

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B

Assessor's Parcel Search Results

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[Code Abbreviations](#)

Account Information

ACCOUNT#:	230082
NAME1:	LESLIE SKAGGS
NAME2 :	
ADDRESS:	204 N CAMPO ST
CITY:	LAS CRUCES
STATE:	NM
ZIP:	88001-3506
FAMILY EXEMPTION:	
VETERAN EXEMPTION:	

Parcel Information

The Assessor's Office can provide information about deeds posted to Assessor's parcel accounts. This information is provided as a courtesy to the public and is not intended to constitute legal advice. Individuals are encourage to contact an attorney, professional land surveyor or title company for information about legal descriptions. Copies of deeds can be obtained from the Doña Ana County Clerk's Office.

PARCEL	PROPERTY ADDRESS			
02-06134	218 N CAMPO			
	220 N CAMPO			
MAPCODE	FOLDER	SEC	TWP	RGE
0214007135285162	22190	18	23S	2E
SUBDIVISION		BLOCK	LOT	
700 - ORIGINAL TOWNSITE		52	PT LT 4	

Land Information

LAND SIZE	VALUE METHOD	NUMBER LOTS	UNIT PRICE	LAND TYPE
9447.00	SF	0	2	C

Improvement

DISCLAIMER

Square footage info. without building detail or value denotes new building not yet added to assessment record.

TYPE USE	TOT BLDG AREA	EXTERIOR WALL	QUALITY	YEAR BUILT
BEDROOMS	FULL BATHS	HALF BATHS		
ATT GARAGE FIN	ATT GARAGE UNFIN			
OPEN PORCH	ENCLOSED PORCH	DECK PORCH		

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D

Assessor's Parcel Search Results

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[Code Abbreviations](#)

Account Information

ACCOUNT#:	135494
NAME1:	LESLIE W SKAGGS
NAME2 :	
ADDRESS:	204 N CAMPO
CITY:	LAS CRUCES
STATE:	NM
ZIP:	88001-3508
FAMILY EXEMPTION:	
VETERAN EXEMPTION:	

Parcel Information

The Assessor's Office can provide information about deeds posted to Assessor's parcel accounts. This information is provided as a courtesy to the public and is not intended to constitute legal advice. Individuals are encourage to contact an attorney, professional land surveyor or title company for information about legal descriptions. Copies of deeds can be obtained from the Doña Ana County Clerk's Office.

PARCEL	PROPERTY ADDRESS			
02-06145	313 E ORGAN AVE			
MAPCODE	FOLDER	SEC	TWP	RGE
0214007135290168	22190	18	23S	2E
SUBDIVISION		BLOCK	LOT	
700 - ORIGINAL TOWNSITE		52	PT LT 4	

Land Information

LAND SIZE	VALUE METHOD	NUMBER LOTS	UNIT PRICE	LAND TYPE
5215	PL	1	25000	R

Improvement

DISCLAIMER

Square footage info. without building detail or value denotes new building not yet added to assessment record.

TYPE USE	TOT BLDG AREA	EXTERIOR WALL	QUALITY	YEAR BUILT
PS	868	AS	F	1940
BEDROOMS		FULL BATHS		HALF BATHS
1		1		0
ATT GARAGE FIN			ATT GARAGE UNFIN	
0			0	
OPEN PORCH		ENCLOSED PORCH		DECK PORCH
0		0		0

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E

Assessor's Parcel Search Results

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[Code Abbreviations](#)

Account Information

ACCOUNT#:	230082
NAME1:	LESJIE SKAGGS
NAME2 :	
ADDRESS:	204 N CAMPO ST
CITY:	LAS CRUCES
STATE:	NM
ZIP:	88001-3508
FAMILY EXEMPTION:	
VETERAN EXEMPTION:	

Parcel Information

The Assessor's Office can provide information about deeds posted to Assessor's parcel accounts. This information is provided as a courtesy to the public and is not intended to constitute legal advice. Individuals are encourage to contact an attorney, professional land surveyor or title company for information about legal descriptions. Copies of deeds can be obtained from the Doña Ana County Clerk's Office.

PARCEL	PROPERTY ADDRESS			
02-06155	330 LAS CRUCES			
	332 LAS CRUCES			
MAPCODE	FOLDER	SEC	TWP	RGE
0214007135294151	22190	10	23S	2E
SUBDIVISION	BLOCK	LOT		
700 - ORIGINAL TOWNSITE		PT OF BLK 52		

Land Information

LAND SIZE	VALUE METHOD	NUMBER LOTS	UNIT PRICE	LAND TYPE
7540	PL	1	25000	VL

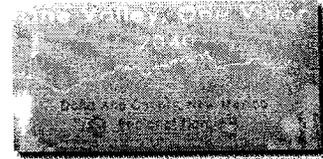
Improvement

DISCLAIMER

Square footage info. without building detail or value denotes new building not yet added to assessment record.

TYPE USE	TOT BLDG AREA	EXTERIOR WALL	QUALITY	YEAR BUILT
BEDROOMS	FULL BATHS	HALF BATHS		
ATT GARAGE FIN		ATT GARAGE UNFIN		
OPEN PORCH	ENCLOSED PORCH	DECK PORCH		

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Assessor Abbreviation Codes

Land Information

VALUE METHOD	LAND TYPE
FF = FRONT FOOT	C = COMM LOT
PA = PER ACRE	CCA = COMM COMMON AREA
PL = PER LOT	CM = COMM ACREAGE
SF = PER-SQ-FT	D = DAIRY
	FV = FLAT VALUE
	GR = GRAZING LAND
	IO = IMPROVEMENT ONLY
	M = MULTI-FAMILY RESID
	MH = MOBILE HOME PARK
	R = RESID LAND
	RCA = RES COMMON AREA
	T = TILLABLE LAND
	V = VACANT LAND
	VL = VACANT LOTS

Improvement

TYPE USE	EXTERIOR WALL	QUALITY
CD = CONDOMINIUM	AD = ADOBE	A = AVERAGE
DP = DUPLEX	AS = ADOBE/STUCCO	AG = AVERAGE/GOOD
FP = FOUR-PLEX	BA = BAKED ADOBE	E = EXCELLENT
MT = MULTI-FAMILY	BV = BRICK VENEER	F = FAIR
PH = PATIO HOME	CB = CONCRETE BLK	FA = FAIR/AVERAGE
PS = PRINCIPLE SINGLE	CM = CORRUGATED MTL	G = GOOD
TE = TWNHOUSE END	CN = CONCRETE	P = POOR
TM = TWNHOUSE MID	CS = CONC-BLK STUCCO	PF = POOR/FAIR
TR = TRI*PLEX	OT = OTHER	V = VERY GOOD
	SB = SLUMP BLK	
	SF = STUCCO FRAME	
	SI = SIDING SHEATH	
	SS = SINGLE SIDE	
	ST = SOLID STONE	
	SV = STONE VENEER	

Commercial Improvements

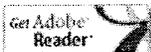
Exterior Wall
AB = ASBESTOS SHNG
SW = SHINGLE WOOD
AD = ADOBE
AL = ALUMNM VINYL
AS = ADOBE STUCCO
BL = BLOCK
BR = BRICK
BS = BLOCK STUCCO
CN = CONCRETE
CU = CURTAIN
FR = FRAME

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COMPREHENSIVE PLAN ELEMENTS & POLICIES

Land Use Element Goal 1 (Land Uses)

Policies:

1.5.1. Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

b. Low intensity commercial uses

- i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
- ii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility, and consideration of the level of traffic and environmental impacts.
- iii. Low intensity commercial development areas shall generally not locate within one-quarter ($\frac{1}{4}$) mile of other commercial development areas.
- iv. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for low intensity commercial uses.
- v. Low intensity commercial 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 standards for low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
- vi. Adequate space for functional circulation shall be provided for parking and loading areas.
- vii. The City shall encourage the development of low intensity commercial uses to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.


City of Las Cruces®

TO: South Mesquite Design Review Committee

PREPARED BY: Adam Ochoa, Planner *AO*

DATE: November 17, 2011

SUBJECT: 204-232 N. Campo Street, 330 E. Las Cruces Avenue & 313 E. Organ Avenue (Zone Change)

RECOMMENDATION: Approval – with conditions for the zone change (Case Z2845)
Approval – without conditions for the variance

Case Z2845: An application of Leslie K. Skaggs to rezone from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-1C (Commercial Low Intensity-Conditional) and to numerically deviate from the required five (5) foot side yard setback to a zero (0) foot side yard setback on five (5) distinct lots located on the east side of Campo Street between Las Cruces Avenue and Organ Avenue in Area 2 of the South Mesquite Overlay Zone District; a.k.a. 204-232 N. Campo Street, 330 E. Las Cruces Avenue & 313 E. Organ Avenue; Parcel ID# 02-06130, 02-06131, 02-06134, 02-06145 & 02-06155. The structures on the subject properties are listed as “contributing” structures on the historic register. Proposed Uses: Apartments, offices and low intensity commercial uses; Council District 1.

BACKGROUND

The property owner, Leslie K. Skaggs, is requesting a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-1C (Commercial Low Intensity-Conditional) for five (5) distinct properties located on the east side of Campo Street between Las Cruces Avenue and Organ Avenue; Parcel ID# 02-06130, 02-06131, 02-06134, 02-06145 and 02-06155. All five subject properties encompass a total of 0.96 ± acres combined. The subject properties are located along the western boundary of Area 2 of the South Mesquite Neighborhood Overlay Zone District directly adjacent to the Central Business District and Main Street Overlay Zone. All buildings located on the subject properties are currently registered as “contributing” structures on the historic register and are currently being utilized as multi-family residential dwellings and some limited offices uses. The existing structures currently contain a total of ten (10) rental spaces/units all less than 1,500 square feet in size.

The applicant is proposing the C-1C (Commercial Low Intensity-Conditional) zoning designation for the subject properties to allow multi-family, office, and low intensity neighborhood commercial uses to be utilized on the subject properties by right. The applicant has stated that the existing structures on the subject properties will not be

structurally modified and will be utilized as they exist with the new proposed zoning designation.

The subject properties are located along Campo Street, Las Cruces Avenue and Organ Avenue. The Metropolitan Planning Organization (MPO) has classified Campo Street, where the large majority of the existing structures are fronting, as a minor arterial roadway. Both Las Cruces Avenue and Organ Avenue are classified as local roadways.

The South Mesquite Neighborhood Overlay Zone District requires all properties to provide a minimum five (5) foot side yard setback. The applicant is requesting a five (5) foot variance to the minimum required side yard setback to allow a zero (0) foot side yard setback. The existing structures are currently attached to each other along most of the side yards of the subject properties with zero (0) foot side yard setbacks. The 2001 Zoning Code, as amended, actually allows a zero (0) foot side yard setback for commercial zoning districts as an exception as long as a number of conditions are met, but the South Mesquite Neighborhood Overlay Zone District does not allow the exception under its development standards. The structures are existing "contributing" historical structures that records show were built in 1890 or possibly earlier. The construction of the existing structures pre-dates any type of setback requirements of the City of Las Cruces and since these conditions already exist, there is no issue allowing the zero (0) foot side yard setback for the subject properties.

PARKING

The multiple suites located in the structures allow for multiple businesses to be located on the subject properties making the subject properties a business/shopping center. The 2001 Zoning Code, as amended, requires a business/shopping center to provide 1 auto parking space per every 200 – 300 square feet of gross floor area. Each separate business would be required to provide bicycle parking on the subject properties as well. However, the South Mesquite Neighborhood Overlay Zone District states that any building in the South Mesquite Neighborhood Overlay Zone District constructed prior to 1955 shall not be required to provide off-street parking. Following this guideline, the subject properties are not required to provide any improved off-street parking. However, if off-street parking is desired for the subject properties, the property owner shall be required to provide a fully improved parking area that follows all requirements of the 2001 Zoning Code, as amended, and the City of Las Cruces Design Standards.

LANDSCAPING AND SCREENING

The South Mesquite Neighborhood Overlay Zone District requires landscaping for all properties located within the district. The subject properties shall be required to provide a minimum five (5) foot landscape buffer, excluding sidewalks, along all street frontages where possible. This landscaping shall be accomplished by the use of a combination of greenery, trees, lawn grass, shrubs, crushed stones, cactus, lava rock, or similar materials. In addition, all areas not devoted to buildings, structures, paved drives, walks and off-street parking facilities shall be covered with one of the above materials. The subject properties

shall also be required to provide either a fifteen (15) foot semi-opaque bufferyard or a ten (10) foot opaque bufferyard along the eastern property lines of the subject properties adjacent to the single-family residential properties.

FINDINGS

1. The subject properties are located on the east side of Campo Street between Las Cruces Avenue and Organ Avenue along the western boundary of Area 2 of the South Mesquite Overlay Zone District directly adjacent to the Central Business District and Main Street Overlay Zone
2. The subject properties are currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office).
3. The zone change request to C-1C (Commercial Low Intensity-Conditional) would allow multi-family, office, and low intensity neighborhood commercial uses to be utilized on the subject properties.
4. The C-1 zoning district in the South Mesquite Neighborhood Overlay Zone District is intended to accommodate limited retail and service establishments as a convenience to nearby residential neighborhoods. This zone is designed to be compatible and consistent with the needs and character of a residential neighborhood.
5. The subject properties are located along Campo Street, Las Cruces Avenue and Organ Avenue. The Metropolitan Planning Organization (MPO) has classified Campo Street as a minor arterial roadway and both Las Cruces Avenue and Organ Avenue are classified as local roadways.
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	R-3/R-4	Religious Institution
South	R-4	Limited Office/Residential
East	R-4	Residential
West	CBD	Office
7. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element Goal 1 (Land Uses)

Policies:

- 1.5.1. Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

b. Low intensity commercial uses

- i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
- ii. Low intensity commercial uses may locate within the same property or adjacent to one another as long as the total gross square footage does not exceed 1,500. In cases where a low intensity commercial use is proposed and exceeds 1,500 gross square feet, the property must be reclassified. The number of uses within each development may be unlimited, but are restricted to a total of 1,500 square feet. Low intensity commercial uses may not locate adjacent to one another.
- iii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility, and consideration of the level of traffic and environmental impacts.
- iv. Low intensity commercial development areas shall generally not locate within one-quarter (1/4) mile of other commercial development areas.
- v. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for low intensity commercial uses.
- vi. Low intensity commercial 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 standards for low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
- vii. Adequate space for functional circulation shall be provided for parking and loading areas.
- viii. The City shall encourage the development of low intensity commercial uses to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

RECOMMENDATION

The proposed zone change is supported by the 1999 Comprehensive Plan as presented in the preceding findings. The proposed zone change is primarily fronting and located next to

and near an existing minor arterial roadway where commercial uses are encouraged. The proposed zone change is also located on the western boundary of the South Mesquite Neighborhood Overlay Zone District directly adjacent to the Central Business District and Main Street Overlay Zone and can serve as a buffer between the two overlay zone districts. The proposed zone change would allow limited retail and service establishments to be utilized on the subject properties and will serve as a convenience to nearby residential neighborhoods.

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

- No off-street parking shall be permitted on the subject properties until such time that the parking area is fully improved and follows all requirements of the 2001 Zoning Code, as amended, and the City of Las Cruces Design Standards.

Staff has also reviewed the proposed variance to the minimum required side yard setback and recommends approval.

The recommendation of the South Mesquite Design Review Board will be forwarded to the Planning & Zoning Commission for consideration.

OPTIONS

1. Approve the zone change request and variance as recommended by staff for case Z2845.
2. Approve the zone change request and variance with additional conditions.
3. Deny the zone change request and variance.
4. Table/Postpone.

ATTACHMENTS

1. Development Statements
2. Applicants Narrative
3. Aerial Map
4. 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: LESLIE SKAGGS
Contact Person: SAME
Contact Phone Number: 575-805-5524
Contact e-mail Address: lcsskaggs@hotmail.com
Web site address (if applicable): _____

Proposal Information

Name of Proposal: ZONE CHANGE (5 PARCELS)
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
NEIGHBORHOOD COMMERCIAL/OFFICE/APARTMENTS
Location of Subject Property LAS CRUCES AVE TO ORGAN AVE ON CAMPO
(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: .96 ACRE
Detailed description of **current** use of property. Include type and number of buildings:
APARTMENTS/OFFICE/VACANT
Detailed description of **intended** use of property. (Use separate sheet if necessary):
APARTMENTS
OFFICE
SMALL RETAIL (COFFEE SHOP, DR. OFFICE, GIFT SHOP, ETC.)
Zoning of Subject Property: R-4
Proposed Zoning (If applicable): C-1
Proposed number of lots 5, 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):

8 AM - 5 PM M-F

Anticipated traffic generation _____ 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.)?

ON LOT PONDING AREA

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). ALL CITY OF LAS CRUCES

STANDARDS WILL BE FOLLOWED

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No X Explain: BUS STOP ALREADY EXISTS

Is there existing landscaping on the property? YES

Are there existing buffers on the property? NO

Is there existing parking on the property? Yes X No ___

If yes, is it paved? Yes ___ No X

How many spaces? 25-45 How many accessible? AS NEEDED

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

TO: City of Las Cruces
Community Development Department

RE: Application for Zoning Change for Properties owned by Leslie Skaggs

DATE: September 26, 2011

Please find attached an application for zoning change for five contiguous properties extending from E. Organ Ave. to Las Cruces Ave. in the downtown area. The subject properties are located behind the old City Hall building. It currently consists of multi-family apartments, offices and vacant land.

Background Information: I purchased these lots eighteen years ago. At that time, I was led to believe that the zoning was commercial. There were several businesses operating on the premises at the time of my purchase, including some small retail operations. I was further led to believe that the properties were zoned for commercial use by the Dona Ana County Assessor's records which also indicated a "C" or "Commercial" designation on the assessor's records.

Over the years, I have rented the dwelling primarily as apartments, but also some limited commercial. I never received any objections from neighbors or other entities. When the Federal Courthouse was under construction, the main contractor rented several units for over three years. I have had art galleries, craft stores, a surveyor and watch repair businesses over the years. The location of these units lend themselves to small commercial operations.

Recently, I had the opportunity to rent to several small business concerns where City licenses would be required by the tenants in order to operate. These include an herbal consultant, a body art boutique, a chiropractor and massage therapist. The applications were denied by the City on the basis that the zoning did not allow retail operations. This is when I discovered that the zoning was listed as R-4 rather than C-1, as I had been led to believe.

Facts Supporting This Request:

1. I have paid taxes for 18 years at a higher rate due to the County zoning and rating as Commercial property (see attached County assessment records).
2. The properties are located in an area that lends itself to commercial development with frontage on Campo and one block from the downtown area.
3. There are currently many retail businesses all along Campo including a restaurant, insurance office, exercise facility doing business.
4. There is no objection from the leaders of the Mesquite Historic District. In fact, they want to encourage small business enterprises in areas governed by the overlay. I have contacted David Chavez, President of Las Cruces Esperanza, who oversee the Mesquite

Historical District and he has assured me that they want to encourage small businesses in the area.

5. Small business is the backbone of a community's economic development. With the rejuvenation of the downtown area, small business concerns should be encouraged, as part of that renewal effort.

In summary, I feel that the requested zoning change would be a benefit to the downtown economy and I encourage you to make a favorable determination in this case.

Thank you,


Leslie Skaggs

Get Google Maps on your phone
Text the word "GMAPS" to 466433

COUNTY
ZONING

PARCEL

ADDRESS

A. 224 + 232 CAMPO ST. 02-06130 C

B. 218 + 220 CAMPO ST. 02-06134 C

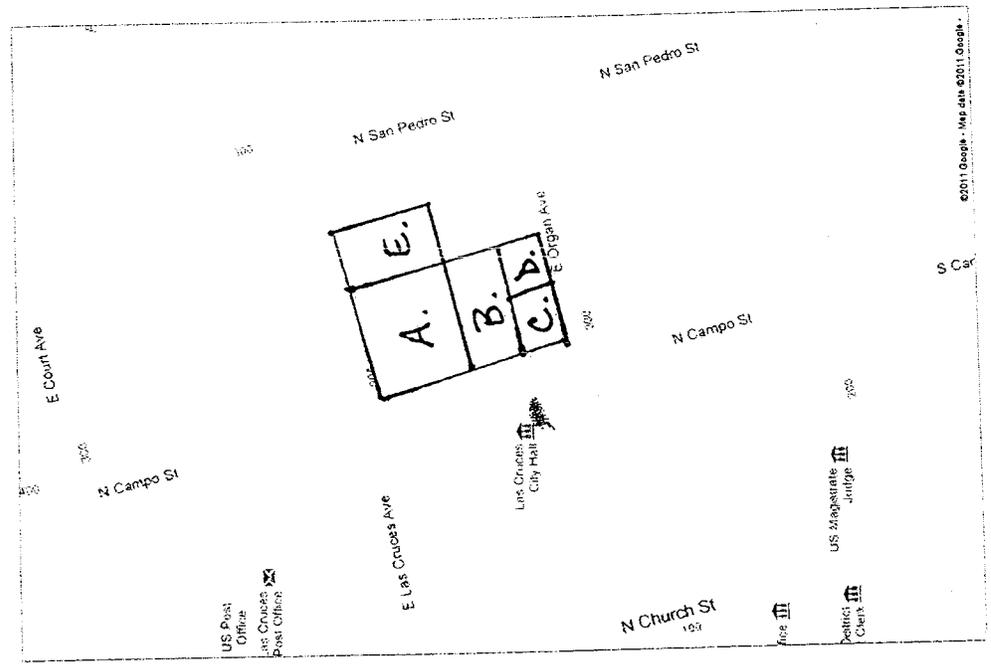
C. 210 CAMPO ST. 02-06131 C

445

D. 313 E. ORGAN AV. 02-06145 R

E. 330-332 LAS CRUCES AV. 02-06155 VL

Address: 210 N Campo St
Las Cruces, NM 88001



ZONING: R-4 TO C-1C
 OWNER: LESLIE K. SKAGGS

446
 Aerial View

PARCEL: 02-06130, 02-06131
 02-06134, 02-06145
 & 02-06155

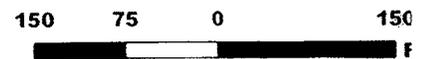
ATTACHMENT #3



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
- ▨ Rio Grande
- ▨ Arroyo

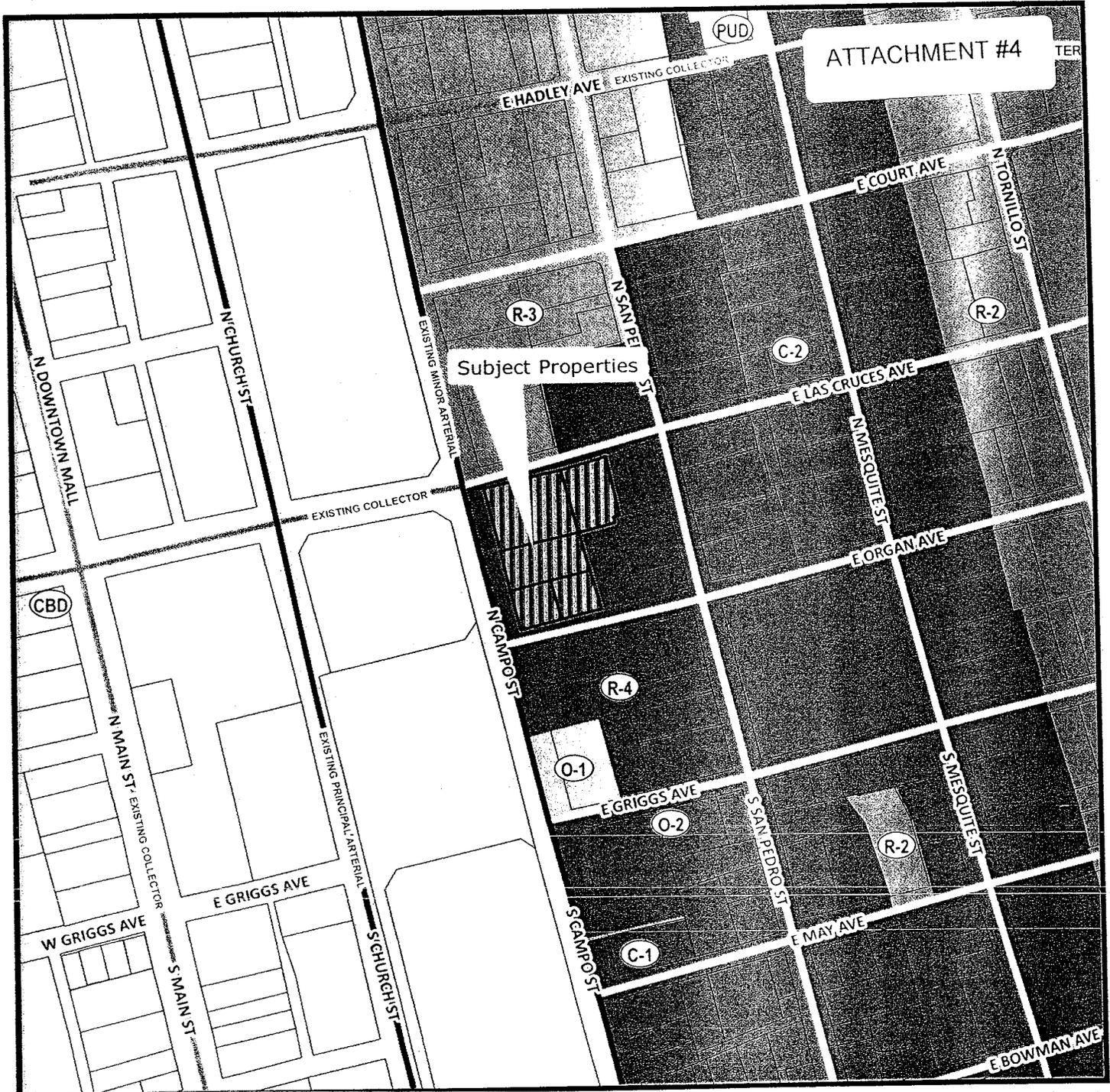


Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222

ZONING: R-4 TO C-1C
OWNER: LESLIE K. SKAGGS

Zone Map

ATTACHMENT #4



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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

**SOUTH MESQUITE
DESIGN REVIEW BOARD
November 17, 2011 at 6:00 p.m.**

Following are verbatim minutes of the South Mesquite Design Review Board meeting held November 1, 2011 in 2007-A, City Hall, 700 N. Main Street, Las Cruces, NM 88001.

BOARD MEMBERS PRESENT: Moises Morales - Chair
Corinne Gafner
Robert Cummins
David Chavez

BOARD MEMBERS ABSENT: Teresa Renn
Heather Barrett

STAFF PRESENT: Robert Kyle, CLC, Building Official
Adam Ochoa, CLC, Planner
Bonnie Ennis, CLC Recording Secretary

PUBLIC PRESENT: Leslie Skaggs
Victoria Rader
Wendy Weir
Juliana Conrad
George Conrad
Celesta Conrad
Lorrie Meeks
Barbara Kuhns
Emily Galvan

I. Call to Order (6:10 pm)

Morales: Okay, Ladies and gentlemen. I'm Moises Morales, the Chair of this Committee. I'd like to call this meeting to order. Today is November 17th, 2011. It is approximately twelve minutes after six o'clock. Before we get started, we don't have an intercom system in here so if anybody needs to sit closer to be in on the discussion you are welcome to move. When the public does speak up or anybody speaks they need to please introduce themselves, to speak loudly so it can be picked up on the recorder. Let's call this meeting to order.

II. Approval of Minutes – November 18, 2010

Morales: First of all, has everybody had an opportunity to read the minutes from our last meeting? Is everybody in agreement with it? Do we have a motion to approve them?

1 Ennis: There was one comment from Heather and she said on page 39, line 36
2 she thought it was Corrine speaking, not Heather. So I can make that
3 change.

4
5 Morales: Line 36?

6
7 Ennis: Yes, page 39, line 36.

8
9 Morales: Okay.

10
11 Ennis: So I just make the one change.

12
13 Morales: You want to make that to Heather?

14
15 Ennis: No, to Corrine.

16
17 Morales: To Corrine that was speaking

18
19 Ennis: So it would be as amended.

20
21 Morales: All right, then. So would somebody like to make a motion to approve it
22 with the amendment on page 39, line 36?

23
24 Gafner: Motion to approve as amended.

25
26 Chavez: Second.

27
28 Morales: Okay. I'll put it to vote. All in favor say aye.

29
30 All: Aye.

31
32 Morales: Okay, that passes.

33

34 **III. Old Business – None**

35

36

1 IV. New Business

2
3 Morales: Seeing that there is no old business we'll move on to new business. Mr.
4 Ochoa, would you please brief us?

- 5
6 1) **Case Z2845:** An application of Leslie K. Skaggs to rezone from R-4
7 (Multi-Dwelling High Density & Limited Retail and Office) to C-1C
8 (Commercial Low Intensity-Conditional) and to numerically deviate
9 from the required five (5) foot side yard setback to a zero (0) foot side
10 yard setback on five (5) distinct lots located on the east side of Campo
11 Street between Las Cruces Avenue and Organ Avenue in Area 2 of the
12 South Mesquite Overlay Zone District, a.k.a. 204-232 N. Campo
13 Street, 330 E. Las Cruces Avenue & 313 E. Organ Avenue; Parcel ID#
14 02-06130, 02-06131, 02-06134, 02-06145 & 02-06155. The structures
15 on the subject properties are listed as "contributing" structures on the
16 historic register. Proposed Uses: Apartments, offices and low intensity
17 commercial uses; Council District 1.

18
19 Ochoa: For the record, Adam Ochoa, Development Services. Our only case
20 tonight is essentially a zone change and variance request, which is for a
21 recommendation that will be going forward to the Planning and Zoning
22 Commission from the South Mesquite Design and Review Board. This
23 case is Z2845. It's a request for a zone change from R-4, which is Multi-
24 Dwelling High Density and Limited Retail and Office, to C-1C, which is
25 Commercial Low Intensity-Commercial and a numerical deviation from the
26 required 5-foot side yard setback requirement of the South Mesquite to a
27 zero-foot side yard setback to properties located on the east side of
28 Campo Street between Las Cruces Avenue and Organ Avenue as seen
29 here on the vicinity map. Highlighted here in stripes here directly across
30 the street from the Old City Hall and the post office is kitty-cornered from it
31 to the northwest of the subject property to kind of give you an idea where
32 the property is that we're speaking about tonight.

33 We're discussing five distinct properties, again, located on the east
34 side of Campo Street between Las Cruces Avenue and Organ Avenue.
35 Currently combined, they encompass approximately 0.96 acre. They are
36 located along the western boundary of the South Mesquite Neighborhood
37 Overlay Zone District. They are actually in Area 2, which is the original
38 town site. It is right on the western boundary from the central business
39 district, which is directly to the west of the subject property. These
40 structures on the subject properties are currently registered as contributing
41 structures with the Historic Register, the National Historic Register, dating
42 back to approximately 1890 or earlier. Currently they are being utilized as
43 multi-family residential dwellings and some limited office uses. The
44 applicant has stated there are currently about ten rental spaces or units all
45 less than 1500 square footage for each one in size. The proposed C-1C
46 is only the only designation that will allow Multi-Family, Office and Low-
47 Intensity Neighborhood Commercial uses on the subject properties by
48 right. The existing structures on the subject properties will not be

1 structurally modified or tampered with as stated by the applicant. They will
 2 remain as they currently are. Again, the properties are located on Compo
 3 Street, Las Cruces Avenue and Organ Avenue, fronting all three streets;
 4 the majority of the buildings fronting Compo Street, which is classified as a
 5 Minor Arterial roadway by the Metropolitan Planning Organization, and
 6 both Las Cruces Avenue and Organ Avenue are classified as Local
 7 roadways by the MPO.

8 Some more case specifics: 1) speaking of parking; in the South
 9 Mesquite Neighborhood Overlay Zone District it is stated that any building
 10 in the South Mesquite Neighborhood Zone District where a structure's
 11 construction date is prior to 1955 shall not be required to provide any type
 12 of off-street parking, in other words, a parking lot on their property, which
 13 the applicant is aware of and is in agreement that if any off-street parking
 14 is desired for the subject properties the property owner shall be required to
 15 provide a fully improved parking area that will follow all requirements of
 16 the 2001 Zoning Code as amended and any other City of Las Cruces
 17 Design Standards when it comes to number, driving aisle widths, type of
 18 material used to make the parking area and so forth.

19
 20 J. Conrad: Could you speak a little louder? We can't hear what you are saying.

21
 22 Ochoa: Yes, ma'am. I apologize. The South Mesquite Overlay Neighborhood
 23 Zone District requires landscaping as well for all properties located within
 24 the district. They are required to provide a minimum 5-foot landscape
 25 buffer along the street where possible as well as any open area on the
 26 properties that would not be used for any parking or driving aisles or
 27 structures associated with the property that would have to be landscaped
 28 with trees, shrubs, grass, lava rock or the like. There is a list of that in the
 29 Overlay itself of what is allowed and what would be considered fine with
 30 the Overlay.

31 Here's an aerial. I apologize, the aerial is a little fuzzy but what we
 32 are speaking about are these five properties. There's one, two, three, four
 33 and five. The properties are majorly fronting on Campo, one on Las
 34 Cruces to the north and some of it also along Organ Avenue to the south.
 35 It is directly across the street from the Old City Hall and kitty-cornered
 36 from the post office.

37 I just want to speak a little bit about the variance. In the South
 38 Mesquite Neighborhood Overlay Zone District all properties are required
 39 to provide a minimum 5-foot side yard setback. The applicant is
 40 requesting a 5-foot variance to that minimum requirement for a zero-foot
 41 setback being to the existing building straddling property lines. In other
 42 words, they have no setback between the two buildings on those property
 43 lines. These building have been existing there prior to there even being
 44 any type of setback requirement by the City of Las Cruces, any type of
 45 Codes or anything like that. With that, staff feels comfortable to go ahead
 46 in supporting this variance for the subject property.

1 With that we go into our staff recommendation. Staff has review
 2 the proposed zone change and recommends approval with conditions
 3 based on the preceding findings: that condition being no off-street parking
 4 shall be permitted on the subject properties until such time that the parking
 5 area is fully improved and follows all requirements of the 2001 Zoning
 6 Code, as amended, and the City of Las Cruces Design Standards. As
 7 well, staff has reviewed the proposed variance to the minimum require
 8 side yard setback and recommends approval. The recommendation made
 9 tonight by the South Mesquite Design Review Board will be forwarded to
 10 the Planning and Zoning Commission for further consideration for their
 11 recommendation to the City Council who will have final authority on these
 12 issues.

13 With that, your options tonight, Board are: 1) to approve the zone
 14 change request and variance as recommended by staff for case Z2845; 2)
 15 to approve the zone change request and variance with additional
 16 conditions deemed appropriate by the Board; 3) to deny the zone change
 17 request and variance, or; 4) to table or postpone and direct staff
 18 accordingly. That completes my presentation. The applicant is present to
 19 answer any questions or add to anything I have mentioned tonight and I
 20 stand for questions as well.

21
 22 Cummins: Robert Cummins. I have a question: right here it says "no off-street
 23 parking" and I was under the impression. I don't have the 1981 Code,
 24 which I believe is in the South Mesquite Overlay. Okay? What I see here
 25 is you're moving it from a 1981 Code to a 2001 Code and I think that
 26 would set precedent for other properties in the area that if they want to
 27 deny the 1981 Code, which is present and says he can have on-street
 28 parking. You're saying no on-street parking?

29
 30 Ochoa: No. He can have, sorry, Mr. Cummins. He is permitted to have on-street
 31 parking. That's fine. People who visit the properties will be allowed to
 32 park on the streets with no issues. It's the off-street parking...in other
 33 words, parking on the actual subject properties themselves, they're not
 34 required to provide any type of improvement to that.

35
 36 Cummins: Do you have to jump to the 2001 Code? You're saying right now, if I take
 37 this correctly, that if we approve it like this that he has to go to the 2001
 38 Code if he wants to put off-street parking.

39
 40 Ochoa: Which would essentially just mean he would have to put the number of
 41 parking spaces required by the 2001 Zoning Code; which comparatively to
 42 the 1981 Code is the 2001 Zoning Code just basically puts a cap on how
 43 many parking spaces he can have and the 1981 Zoning Code just has a
 44 minimum. That's essentially the difference when it comes to parking.

45

- 1 Cummins: I understand the difference. What I am saying is that you're making a
2 requirement now that he has to go to the 2001 Code if he wants to do off-
3 street parking.
4
- 5 Ochoa: Correct.
6
- 7 Cummins: So why does he have to make that decision now?
8
- 9 Ochoa: I have spoken to the applicant and believe he was fine with the condition.
10 We will let the applicant speak on that behalf.
11
- 12 Cummins: Well, my concern is: is that it sets a precedent for other properties in the
13 area.
14
- 15 Skaggs: Well, I've owned the property for twenty years...
16
- 17 Morales: Excuse me, sir. Could you please introduce yourself first?
18
- 19 Skaggs: Oh, I'm sorry.
20
- 21 Morales: And speak loudly for everybody.
22
- 23 Skaggs: Leslie Skaggs. I grew up here in Las Cruces, you know, Central
24 Elementary and Court Junior High. I love the Downtown area. It's part of
25 my life, you know. My mom still lives over on Melendres. I bought the
26 property because, well, I was living in the city at the time and found the
27 property over here on Las Cruces and Campo. I like it exactly the way it is
28 because that's the way it was a hundred-and-some years ago. If I have to
29 put the parking in, you know, to use my off-street parking...I will do that.
30 It's not something that I want to do but if that's what it takes to do it...
31
- 32 Cummins: I'm sorry, this is Robert Cummins...
33
- 34 Rader: I understand. My name is Victoria Rader. I am the assistant property
35 manager for this property. I understand where you're coming from and we
36 would support going either way. I think that there is more benefit, actually,
37 to us saying, "Yeah, we'll go with the 1981," if that's offered to us. It
38 wasn't offered to us.
39

1 Morales: Okay. All right, Commissioner, the issue is that you would like to work
2 with the 1981. Can you state what the 1981 is? That way everybody can
3 be clear as exactly what we're talking about.
4

5 Cummins: No, I cannot state exactly what it is. What I do know about it is, is that you
6 do not have to have off-street parking and they're saying that no off-street
7 parking shall be permitted unless they do it to the 2001 Code.
8

9 Morales: Okay...to me...the way I'm understanding this is: right now it's saying the
10 same thing; that they don't have to have off-street parking. They can park
11 on the street. But now when it comes to Code, should they decide that
12 they need more parking and they want to put a parking lot on their
13 property then they need to follow our Code and these Codes are being set
14 in place for several reasons: for handicapped we've got ADA now and it
15 makes it more accessible for somebody who does pull onto their property
16 and has to park and it also has to do with the impervious area. The
17 impervious area is land that doesn't absorb water and that has to fall in
18 with rainwater, flooding and having problems with ponding water. So
19 those requirements, I think, are just keeping everybody on par as far as,
20 you know, first of all, safety and then so you don't run into problems like
21 our Sister City El Paso has had where they have bad problems with
22 flooding. So, just to clarify, we're not saying that you have to have that
23 parking lot. Should you decide that for your customers if you are going to
24 have a lot of people visiting this property and you need extra parking then
25 it's fine. You can do it. You've just got to follow the current Codes, which
26 I don't see being an issue.
27

28 Cummins: I respectfully disagree with that. What it's saying here is that if he wants to
29 he has to make that decision now, which sets a precedent for the person
30 next door down the street, saying, "We made this person have to do it.
31 This person has to do it." So I'm just saying I'm not entirely...but to me
32 that's what it's saying and if he doesn't have to do that in order to get what
33 he wants then I don't think he needs to make that decision right now. We
34 need to pass it saying the 2001 zoning.
35

36 Morales: Mr. Ochoa. Could you rebuttal that and answer that question for me?
37

38 Ochoa: Yes, sir. Point of order, Mr. Cummins, we're not requiring them. With this
39 Commission it's not a requirement that they provide off-street parking.
40 The Code flat out says they are not required to provide off-street parking
41 because the buildings were built prior to 1955 so if they do not want to plat
42 off-street parking, that's fine. They don't have to. They can use on-street
43 parking.
44

- 1 Cummins: I understand that, Mr. Ochoa. Maybe I'm not articulating myself well
2 enough but what I'm trying to say is: I understand he does not have to but
3 if in the future he wants to he has to, which is what this is saying.
4
- 5 Gafner: I guess my question is: why...I'm sorry...Corrine Gafner. What is it you're
6 opposed to?
7
- 8 Cummins: I'm opposed to setting a precedent that a 2001 Code is put in when it's not
9 necessary to take away the 1981 Code.
10
- 11 Morales: Okay, just real quickly because we've got a lot of hands being raised.
12 First, our discussion will happen amongst the Council and then the
13 applicants will have their turn to speak and then after that we'll take
14 comments and questions from the public just so you know.
15
- 16 Kyle: Robert Kyle with the Community Development Department. For the
17 record, again, to point out: I don't think we're actually making a decision.
18 If he chooses to utilize off-street parking it has to be approved with the
19 Codes that are in place today. The 1981 Zoning Code has paved parking
20 requirements and parking requirements for property so if you are parking
21 on-site you would still, even under the 1981 Code, have to make
22 improvements to that lot in accordance with those Codes. The
23 improvement requirements are virtually no different. The only potential
24 difference would be the number of spaces required based upon the
25 different land uses. He's not making a choice between the 1981 one or
26 the 2001 one. If he chooses to park on the property he has to improve his
27 parking lot and either Code would have required that.
28
- 29 Cummins: Okay. Well, then, why can't we put the 1981 Code in it? What I'm
30 objecting to is going from saying that no off-street parking shall be
31 permitted on the property until such time as the parking area is fully
32 improved and follows all requirements of the 2001 Zoning. So I'm
33 objecting to that if he wants to do it you're saying it here so that he
34 couldn't do it in 1981. He couldn't do less parking spaces.
35
- 36 Kyle: Maybe it's the language on that for now. Again, Robert Kyle, Community
37 Development. It follows all parking requirements of the 2001 Zoning
38 Code. Would that clarify? What I'm saying: it followed everything in
39 2001, where, I'm saying, you would follow all the parking requirements...
40
- 41 Cummins: Parking requirements is fine with me. Okay? But the 2001 I object to.
42

- 1 Kyle: It is the Zoning Code, however, that this action is taking place under the
2 South Mesquite Overlay. I'm not sure I see the difference I think is the
3 point. I'm not (*inaudible*)
4
- 5 Morales: Councilman.
6
- 7 Chavez: David Chavez. The 1981 was voted on and is part of the Ordinance for
8 the South Mesquite Overlay and that's the reason why we don't want to
9 muddy the water per se if we were to have a 1981 Zoning Ordinance that
10 states about the parking and also the businesses and all that stuff. We
11 just don't want eliminate or forget about the fact that we already have an
12 Ordinance that was voted by the City.
13
- 14 Morales: Okay. As far as my opinion: I think we need to stay up to date. The
15 reason the Codes are renewed periodically is to stay up to date and
16 current. If we could bring up the specifics, I mean, we keep bringing up
17 1981, 1981 and its comparison to 2001, if we can bring up the exact
18 specifics that differ between the two then I think that would be something
19 that we could address right now but considering that we don't have...,
20 unless I may be corrected if you guys have got some literature showing
21 what the difference is as our City member had mentioned. I think, as far
22 as I know, too, my background is in architecture and I think the only thing
23 is, is that it might just require now maybe more handicapped because with
24 the baby boom and everything. I know when it comes to parking, parking
25 spaces, they are requiring more handicapped stalls now but I think that
26 might be the only difference between 1981 and 2001 is it might request
27 one extra handicapped stall. Now don't quote me on that. Like I said: I
28 don't have literature in front of me to be able to compare the two but either
29 way it is going to require drainage, sidewalks, signage, lines indicating the
30 stall widths and it's going to require handicapped accessibility as far as the
31 size of the sidewalk, turn downs and all that. But this is all something that
32 is going to be found in the 1981 21:25 as well. Carol McCall, would you
33 like to speak?
34
- 35 McCall: Mr. Chair, Carol McCall, Community Development Department. I'd like to
36 point out that one of the differences between the 1981 Code and the 2001
37 Zoning Code are land uses. There are a lot of land uses that have
38 developed over the years that are in existence now that are not in the 1981
39 Code and the parking requirements are based on land use. So, for
40 example, if you had a land use that isn't in the 1981 Code there would be
41 no parking requirement listed for it. That's one of the reasons why the
42 parking standards come from the current Code because there are current
43 land uses that the facility will be taking advantage of that didn't exist in
44 1981.
45

- 1 Cummins: Robert Cummins. May I say something real quick? Okay. The 2001
2 Zoning Code...is that all inclusive of parking or does it have something to
3 do with inside the buildings also or the Zoning Code?
4
- 5 McCall: No. Mr. Chair, Mr. Cummins, we're talking specifically about parking
6 requirements and nothing more.
7
- 8 Cummins: Okay. But if it was the 2001 Zoning Code...they are not different animals.
9 You are saying that the 2001 Zoning Code has nothing to do with the
10 buildings or the 2001 Zoning Code has something to do with the buildings
11 and parking.
12
- 13 McCall: Well, the 2001...Mr. Chair, Mr. Cummins, the 2001 Zoning code has a lot
14 of things in it: land uses, development standards for structures
15 themselves; but the parking requirements are the only thing that the
16 applicant would be required to follow.
17
- 18 Cummins: Under this wording
19
- 20 McCall: Well, I think maybe a suggestion would be just to make, to clarify it,
21 because it's obviously confusing; that in the third line it says: "and follow
22 all parking requirements of the 2001 Zoning Code, as amended." That
23 way it's clear that that's all we're talking about.
24
- 25 Morales: Pertaining to this case we're going to use the 2001 Code just the parking
26 section because that's the only way it's going to be applied to this case.
27
- 28 McCall: That's correct.
29
- 30 Morales: Okay.
31
- 32 Rader to Cumming: Thank you. Victoria Rader. I think I'm hearing what you're saying,
33 Mr. Cummins; that you do not want to set a precedent for other non-
34 conforming, grandfathered properties that are part of a Historical District
35 that may not be able to comply with the 2001 Zoning Code and you don't
36 want to set that precedent by the action tonight. Is that correct?
37
- 38 Cummins: That is correct. Thank you.
- 39 Rader: They would have to ask for a variance.

- 1 Morales: And if I may reply, there are always variances, ma'am, we do take the
2 area case by case.
3
- 4 Rader: Right.
5
- 6 Morales: And should something like that come up in the future, which none of us
7 can tell is going to happen, there are variances where you can apply and
8 use that as your defense that you're going to be grandfathered in because
9 of, as you are mentioning here, you're 5-foot drainage and all that.
10
- 11 Rader: We do need to address that (*inaudible*)
12
- 13 Morales: But that's something that could be happening.
14
- 15 Cummins: Yeah, but I still have a problem with the precedent.
16
- 17 Ochoa: Mr. Chair, may I also add that the South Mesquite Neighborhood Overlay
18 also calls out that any historical structure or property in the South
19 Mesquite can still use the Historical, for lack of a better word, parking
20 flexibility that the 2001 Zoning Code offers, as well. Where the 2001
21 Zoning Code recognizes all these Historical areas and districts and
22 actually offers different types of flexibilities to, let's say, if a property
23 cannot meet the minimum number because of the size of it, we can go into
24 that Code and there'll be some more flexibilities to probably bring down
25 the number of required parking spaces. I'm not sure if the 1981 Code
26 covers that so that's...
27
- 28 Cummins: You know...I'm sorry, this is Robert Cummins, again...is that if we just fly,
29 like you say...Okay? Then somebody next door, two blocks down does
30 not have the resources of some other person has on their... I don't want to
31 be the one to say, "Okay, you can do it, but you can't do it, and you can do
32 it, and you can't do it." I want it to be their decision whether they want to
33 do it; not saying they have to do this.
34
- 35 Morales: So if we're speaking hypothetically, we're saying that if in the future, later
36 on down the road, somebody does need to provide parking for the public
37 on their public, we're saying they can park in a dirt lot instead of having to
38 put a parking lot?
39
- 40 Cummins: I'm saying if they go by the 1981 Code.
41

1 Weir: I have a question... oh, Wendy Weir. On both of these Codes do they
 2 require paving or can...you talked about the drainage and all that. Can
 3 you use crusher fines or other types of gravel or do they both require
 4 paving?

5
 6 Ochoa: Mr. Chairman, if I may answer that question: under both Codes anything
 7 greater than a duplex, in other words, two single-family homes or two
 8 residences on a property, requires full improvement, which is either
 9 asphalt or concrete or comparable.

10
 11 Morales: Okay.

12
 13 Ochoa: So crusher fine would not be a permitted type of use. Like we said before,
 14 the major differences would be the number of parking spaces that you
 15 would be required to put because there's actually a cap under the 2001
 16 Zoning Code while the 1981 Zoning Code you are allowed more. It's more
 17 like you'd need a minimum, I believe, that you'd have to meet plus there's
 18 more ADA requirements now under the 2001 Zoning Code. Those are the
 19 biggest differences that jump, from my mind, that come forward.

20
 21 Morales: Okay. Would the applicants have anything else they would like to address
 22 to Council?

23
 24 Rader: I'll speak.

25
 26 Skaggs: Go ahead.

27
 28 Rader: Okay. I'm Victoria Rader. Just for the record we'd like to say a few words
 29 about how these properties have been used historically and I mean the
 30 last fifty years. They have been used as offices and commercial
 31 premises throughout the history of these buildings. When Mr. Skaggs
 32 purchased the property twenty years ago he was led to believe that it was
 33 zoned commercially because there were office and businesses. There
 34 were businesses being conducted in the properties at the time.

35 In fact, when we investigated how we were paying taxes on these
 36 five parcels, other than the vacant land, which is one unit, all of the others
 37 are rated; we have been taxes as if they were commercial rather than
 38 residential. We have been paying taxes as if they were rated as
 39 commercial properties. When he purchased it there were commercial
 40 businesses going in at that time and throughout his tenure as the owner
 41 there have been commercial operations being conducted in these
 42 buildings and in certain portions of these buildings and there's never been
 43 an issue concerning any of those operations.

1 And what he is looking to do now is to, because he has been
2 approached by businesses such as what Ms. Weir wants to conduct, that
3 these would be compatible with what we want to see the Downtown area
4 support: galleries, art studios, Ms. Weir does naturalistic healing and
5 these types of enterprises that we think would enhance that area and
6 stimulate the art district and the Downtown area. So those are the types
7 of businesses that Mr. Skaggs is looking at encouraging to come into his
8 premises.

9 The reason that we're here tonight is that we were approached by a
10 business and we said, "Fine! Great! This will work." And they went to get
11 a business license and, Boom! We were told that that was not compliant
12 with the current zoning on the building. So really that's why we're here
13 tonight: to ask you to broaden out or to confirm what we thought we had
14 and to allow us to develop the commercial potential of those buildings on
15 Campo as they have been used historically.

16
17 Morales: Thank you, ma'am. Thank you for that insight. Are there any more
18 comments from Council?

19
20 Chavez: David Chavez. Has City staff investigated the fact that you all have been
21 paying commercial tax for eighteen years and why eighteen years has
22 lapsed in the City's record keeping that when the federal courthouse
23 building was going up you had every single space there broken out for
24 those businesses? We had a major building going up. It's kind of hard to
25 escape the fact that it's going up and there's people going back and forth
26 on Campo engineering firms and electrical firms and stuff, so my question
27 to staff is: has there been any investigation going back eighteen years to
28 see and if they were paying commercial tax as to why the City and the
29 County didn't connect?

30
31 Ochoa: Mr. Chair and Mr. Chavez, to answer your question: the property is
32 current zoned R-4, which is Multi-Family, High Density and Limited Retail
33 and Office uses. The uses you describe are office uses and they were
34 permitted, by right, to be in that property. They are also, if you look under
35 the South Mesquite Overlay uses that are allowed under the R-4, Limited
36 Offices and so forth, that are allowed as well. County...I don't know how
37 they do the taxes. City has nothing to do with that but since those uses
38 are allowed I don't know if they have an office tax bracket but I would
39 assume that if it's something like our Building Code, where it's either a
40 residential or a commercial, that's kind of where they categorize those
41 things.

42
43 Chavez: Okay.

44

1 Morales: I just wanted to make a clarification: I think the reason that might have
 2 fallen through the cracks is in the wording as he as said; R-4 is Limited
 3 Office and in our culture, I don't know if you guys have ever had the
 4 opportunity where a lot of Hispanic homes would convert the front facing
 5 room and use it as a little tiendita, a store, or something but still a
 6 residence because they live in the back half of the building. So I think that
 7 might have been how they kind of fell through the cracks because they
 8 were using it as kind of both. I think the reason now it being denied is
 9 because you guys aren't going to be using it as a residence. It's going to
 10 be a full time commercial/residence. So maybe that's where the
 11 discrepancy came in. Robert Cummins?

12
 13 Cummins: Yes, I agree with that. Also, it could have fallen through the cracks
 14 because I happen to own a commercial piece of property in the area and I
 15 was told, and I haven't checked it and I have to do this now, is that it can
 16 move from commercial to residential if it was commercial and can go back
 17 and forth between the two and maybe it fell through the crack. Maybe it
 18 was commercial at one time. I don't know the zoning then. Why would
 19 they tax somebody commercial if they're looking at an R-4 form saying it's
 20 an R-4? At one time it could have been commercial. I don't know. It's a
 21 busier street than what mine's on so I could have fallen through the cracks
 22 that way.

23
 24 Kyle: Mr. Chairman Robert Kyle, Community Development. I think another
 25 aspect to keep in mind is as the assessors drive around and they look at
 26 structures so they are going to look at the zoning but also go in and see
 27 that's an office. It's advertised as an office and being used for a non-
 28 residential use and so that's how they're going to tax it, On the tax bill, of
 29 course you can see how it's being done and as the property owner you
 30 can say, "Oh, wait a minute! It's my house. It's not a commercial one."
 31 And, obviously, you have the opportunity to appeal that. I can't speak to
 32 the County's taxing procedures, but I do know they do go and visit sites
 33 and do visual inspections. They came to my house this last year and did it
 34 so I think they're not only assessing it based on the land use designation
 35 as far as zoning but I they're also looking at the actual use of the particular
 36 property. So, I'm not sure it's something that fell through the cracks. I
 37 think it's a combination of all these factors. The zoning may have been
 38 such. The Assessor's Office will contact the Planning Department within
 39 the City and say, "What is the zoning of 'X' property? What uses are
 40 allowed?" that sort of thing. I know we have worked with them in the past
 41 and so they are trying to correlate those land uses and the actual use of
 42 the structures. If they're not being used entirely for residential they would
 43 be potentially be taxed at a commercial rate or if they are being used for
 44 multi-family, again, I'm not sure how the County taxes that but they
 45 probably don't view it as a single-family residential designation.

46 Cummins: That makes sense.

47

1 Morales: I guess to put this issue to rest is maybe you need to investigate. You
 2 might be owed some money but I think either way that is beyond the realm
 3 of the influence of this Council here. Is there any more comment from
 4 Council or from the applicant? All right, is there anybody from the public
 5 who would like to speak one at a time? Please speak loudly so that you
 6 can be recorded and introduce yourself first. We'll go, I guess, from right
 7 to left if you would, please.

8

9 J. Conrad: Can I start? I'm the oldest. *(general laughter)*

10

11 Morales: If you would, please, and introduce yourself first, ma'am.

12

13 J. Conrad: My grandfather owned...

14

15 Morales: Your name, if you would, please, ma'am.

16

17 J. Conrad: Juliana Silva, it was at the time... Conrad. My father owned the property
 18 from Campo to Church Street. He had housing and in the back he kept
 19 chickens and in that day, you know, they used to do that. Well, the City
 20 finally decided they were going to put a fire department there and my
 21 father said, "You've got a lot of land everywhere. Do you go across the
 22 street on Alameda? Do you put a fire department in the midst of their
 23 housing?" They may have 37-39 so then it began to deteriorate. My
 24 father sold the land because no point in living there; too much traffic. I'm
 25 going to be a person owning a house I want it quiet. So he sold the land.
 26 Then the people on Campo they, too, began to sell the land because there
 27 was just too much activity there. There was not the privacy there. People
 28 who own houses... and at that time we didn't have that Historical Register;
 29 maybe that would have helped but there was no Historical Register. Now
 30 they have in the house that we have on Organ is on the Historical
 31 Register, two houses there.

32 And so, the parking, it's not that we are against the businesses.
 33 We just say, pretty sure what the residents have: don't destroy us, you
 34 know, and we end up all town and forget about the people and they give
 35 away the moon, I don't know so right now ... they want privacy but that's
 36 what the history of that area is and that's what we're worried about. Now
 37 the way that it is: the people that come to visit you, they park in front of
 38 you. We do have a parking area to go in. They tell them right in front of
 39 you and me. If you have a relative that comes from another area he can
 40 spend two or three days and park his car in front of your house; not our
 41 neighbor's house, your property, you guess for two or three days that they
 42 are there visiting that's okay, but they eventually go. But it's not the
 43 people coming in and out and parking in front of the privacy of your house
 44 and if you have children and they want to play and all that there's cars
 45 coming in and out and Organ Street used to be a two-way street. And

1 now we have problems because they made it a one-way street and the
 2 property...we face north and the property that's facing south, when the
 3 garbage comes they put all the garbage cans on our property. Do you see
 4 that in the housing areas that they put your garbage in their yard? Well,
 5 they do it in our yard now. And it just continues destruction and it's...the
 6 interest, their interest...the interest of money and they don't pay attention
 7 to the people who live in the area. There is housing. They raise children
 8 and expect the children to own their houses after them and it's all
 9 destroyed. You are seeing a lot of it in Old Mesilla where there used to be
 10 so much nice residential and now you're getting so much business and
 11 they have nothing. They just overstepped and...I just want to give the
 12 historical background and that's what happened to my grandfather. He
 13 couldn't have...the houses in back of him they do the same thing because
 14 the noise and the people coming in and out and they couldn't do it. It's
 15 their right. What's the right of a citizen to own a house? What's the right
 16 of that property owner? They have no rights.

17
 18 Morales: Thank you very much for your comments, ma'am, and that is one of the
 19 major parts of why this Committee has been created. All of us are
 20 members. We are all your neighbors. We all live in the neighborhood and
 21 that's what we're here for. We're here to help protect and preserve our
 22 neighborhood.

23
 24 J. Conrad: Now this building...Campo now is no housing so we don't mind about
 25 Campo. If he has a parking spot and if traffic can allow it and he
 26 wants. but the Organ Street and the other street; Las Cruces has turned
 27 commercial so we can't say anything about that but Organ Street and
 28 going south, respect those properties and when people come to visit...my
 29 daughter owns that house now and when they come to visit her we park
 30 inside her lot and when we have more visitors they park in front of her
 31 house but we never go to our neighbors' house. That's a "no-no." It's
 32 their property and we respect that.

33
 34 Morales: Gracias. Yes, sir.

35
 36 G. Conrad: Excuse me. I'm George Conrad and my wife and me are owners of the
 37 property at the corner of Organ and San Pedro Streets and so we have
 38 some familiarity with the situation on Organ Street. As my wife has
 39 already mentioned, the parking is a bit of a problem. Organ is a one-way
 40 street eastbound. Parking is permitted only on the south side of Organ
 41 Street and nowadays it's frequently filled with cars on the south side
 42 between Campo and San Pedro. And I just wanted to comment with your
 43 only able to use on-street parking: it's going to be, as far as Organ Street
 44 itself is concerned, it's going to be very limited as to how many cars are
 45 going to come at any one time. It's going to range anywhere from zero to
 46 three or four, probably. I can't speak for Campo Street. He may have on-

1 street parking there. I don't know. But I would just say I don't think he can
 2 count on much parking on Organ Street. That's basically what I wanted to
 3 say.

4

5 Morales: I believe this falls into having a parking lot on properties. Their comments
 6 are heading those issues. Anybody else? Yes, ma'am.

7

8 C. Conrad: Okay. My name is Celeste Conrad and I own a home on Organ Street
 9 and I guess my concern is two-fold: going to commercial, I'm worried
 10 about the quality of life for residential people in the area because right now
 11 there's a business on 114 North Campo that is creating a lot of noise and
 12 with a very loud sound system and it's just like living next to a nightclub.
 13 In fact, sometimes they have a dance there that kind of mimics a nightclub
 14 there and it's very loud and it really has destroyed the quality of life. So,
 15 does changing zoning to commercial open it up to any kind of business?
 16 Could another business like that come into the neighborhood and
 17 decrease the quality of life for the residents because right now there's
 18 really a noise issue from that business and I don't know whether that's a
 19 zoning issue but me and two of my neighbors have been trying to get it
 20 resolved because it's terrible. The noise is atrocious.

21 And then my second concern is: if it goes commercial that means
 22 about the business hours those buildings are vacant and that hurts also
 23 the quality of life because like a ghost town after dark, and, you know, a
 24 vibrant residential neighborhood you have people all around you in the
 25 evening and over night hours. If not, those few people that still have their
 26 homes there and they are surrounded by vacant buildings you sort of feel
 27 insecure about that at night. And is that going to creep more into the
 28 residential parts of the Historical District? I know that there's people that
 29 are robbing where we used to work 46:03 and some of that old housing
 30 stock and if you have these quality of life issues noise and sort of spotty
 31 business here, sort of not having neighborhoods that are coming together,
 32 who's going to want to invest in any of the stores in those old adobe
 33 houses all boarded up now. So, I mean, in fact, do we have a stumbling
 34 block to people that want to live there?

35

36 Morales: I think you bring up a good point, ma'am. I think it's actually not an issue
 37 that's just here in Las Cruces. Downtown areas throughout the nation
 38 right now, a lot of cities are trying to push multi-zoning for the exact
 39 reasons that you mentioned and a lot of the business districts do become
 40 ghost towns at night, which a lot of homeless gather and stuff like that and
 41 that's the reason for they're trying to push for multi. That way there can be
 42 residents there that are at night keeping the area alive and during the day
 43 still bringing in the money, it's a commercial area. As far as the noise, it's
 44 kind of a two-way street there. If it's residential you have the opposite.
 45 You've got that loud neighbor, that young guy who moves in or whatever
 46 who's blasting music to ten o'clock at night...

1

2 C. Conrad: But we're having a...there seems to be a double-standard because if a
3 resident was creating the noise that they are and we call Codes they'll
4 shut them down but we've been calling Codes and Non-Emergency
5 Police and the Codes people come, "Oh, we're just investigating to see if
6 there's a problem." But if it was a resident they would be cited right away.
7 But they seem to cater to...because it's a business, that they have more
8 right to create this noise because their business is private business. And
9 that's the feeling I get.

10

11 Morales: Um-hmm.

12

13 McCall: Mr. Chair, if I could address the zoning to commercial. This is Carol
14 McCall, Community Development Department. Keep in mind that the
15 zoning change, the proposed zone change, would go to C-1, which is
16 Neighborhood-Commercial, and also keep in mind that the property has
17 been used as commercial property for the last twenty years. So I'm
18 assuming that there will not be too much change in terms of the type of
19 use between what's already existed and what would be proposed. I don't
20 know if that makes you feel any better about it, but...

21

22 *(several people speaking at the same time – cannot transcribe)*

23

24 G. Conrad: I was going to add: what is the scope of the zoning change? What area is
25 coded by it? I mean, it's not just the Skaggs property. It's what? All the
26 property along...?

27

28 Morales: No. This case pertains only to the Skaggs property which is pretty much
29 half that block that you guys live on, the west side.

30

31 G. Conrad: I see.

32

33 Skaggs: Can I please speak?

34

35 Morales: Introduce yourself, sir.

36

37 Skaggs: You are my neighbor and you have known me for a long time and you
38 know I live down there. I'm not going to put...pretty much the building on
39 Organ Street is all residential...

40 C. Conrad: Um-hmm.

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Skaggs: ...and it pretty much has been residential and that's where I live. I'm not going to put... I mean, I go to bed at nine o'clock so I'm not going to...

C. Conrad: No. I trust you but you see that will go commercial. If you decide to sell that property then that person that owns it after you might...

Skaggs: Yeah, I understand.

Cummins: Robert Cummins. To what Carol said: the commercial zoning is C-1, which is mixed with residential area so that takes out a lot of businesses that could be there that could make a lot of noise. Now I don't know whether C-1 permits the noise that she's talking about or not. I have no idea but I see it soon there. But also no matter where you live you live you have commercial...not unless you live in the country, you have commercial that's going to butt up against residential and, I mean, do you move it back? Do you keep it right where it is? That's a question I can't answer but it...you're somewhere in there now and there are buildings along there that are, I believe, C-2 along Campo. Right?

Ochoa: That's correct.

Cummins: That's correct. So we have, you know, even higher. So that is sort of a commercial area there that butts up against residential. Campo, I can see, is being a commercial and residential from here. That's the way I'd view it if I just walk down the street. If I was an assessor and right down the street, I'd say, "That one's commercial; that one's R-4," or...you know.

Morales: Real quickly, just trying to follow our program. Is there another public comment? Ma'am?

Meeks: Me? My name's Lorrie Meeks and I live in the Mesquite Historic District and I am also concerned with the same issues that they are; although I think that what the proposal on the table is okay. But I think that the Mesquite Overlay was designed to help maintain a residential neighborhood in addition to having some commercial outlets. And I also think that the parking issue that's shifted into the 2001, actually, the Overlay doesn't even address that issue. The Overlay just for...let me say this. It says: "...buildings within the South Mesquite Neighborhood constructed prior to 1955 shall not be required to provide off-street parking." Now we all know that. "Buildings within the South Mesquite constructed after 1955 will be required to follow the 2001." So it's a gray area in there so it is true that there's a precedent being set by stating they

1 must go with the 2001 and, frankly, my feeling about the Mesquite Overlay
 2 is that it's designed to...Yes, set history back to the way it was or to
 3 preserve history to the way it was so if you start getting these creeping
 4 regulations in there that have to do with 2001 and 2010, clearly you're
 5 changing the direction of what the intention of the Overlay is.

6 As far as this noise issue, I'm very concerned about the noise issue
 7 myself and I think that actually the Overlay, I guess, is under construction
 8 or is being re-evaluated. Maybe we need to put something in there about
 9 noise levels in the commercial developments that are allowed. I think that
 10 it is frightening to think that a bar could go in next door to me and they
 11 could play music until three o'clock in the morning. I would be very upset
 12 and we are a lot of the people that bought old adobe and put a lot of
 13 money into it and if the neighborhood is going to explode into some
 14 uncomfortable place to live I think it is a problem. I really support what
 15 Leslie's trying to do and I think that he's going to do it right; but I can see
 16 your concerns.

17 So I think the Overlay needs to start being addressed more
 18 specifically to noise, to what is it we're trying to preserve here. Are we
 19 trying to allow ADA and throw out the ability to get out of your car in the
 20 mud or to get out of the parking lot? I really think that the Board needs to
 21 err on the side of preserving what existed as opposed to updating to ADA;
 22 because, of course, you know, I think most people are going to try and do
 23 the right thing but if it costs more money or they're forced to sort of make it
 24 new and modern because of the requirements this Board puts down then
 25 the neighborhood's just going to lose its ambience. That's it.

26
 27 Morales: I thank you for those comments. Ma'am.

28
 29 Galvan: My name is Emily Galvan and I'm looking to rent a place from Mr. Skaggs
 30 and to putting a gentlemen's baseball, a women's and gentlemen's
 31 baseball there. I chose that location only because I...I was also raised
 32 here in Las Cruces. I love Las Cruces. I love that Downtown area. When
 33 I first saw his place I liked it; serene address, whatever, that it had and
 34 that's the kind that I would like to present to my clients and then having all
 35 the businesses, the lawyers and businessmen and women, that are in that
 36 area to come to my business would help me in creating and being
 37 successful at what I want to do. The only way that I can probably be able
 38 to get in there is if it would be a C-1 and I do plan to be open from eight in
 39 the morning to eight o'clock at night Monday through Friday so that place
 40 would not be deserted at five o'clock. Thank you.

41
 42 Morales: We have one more comment from the public?

43
 44 Kuhns: Yes. My name is Barbara Kuhns. I live in the Mesquite Historic District
 45 and my home is surrounded by vacant homes. It breaks my heart. I

1 believe an old adobe is a beautiful home. I live in an old adobe and I am
 2 in support of this zoning change because I want to see small, individually
 3 owned businesses in the neighborhood that may also attract people to the
 4 neighborhood and make that neighborhood a little bit more vibrant. I don't
 5 want to see it be like Santa Fe; although I don't think that it will ever be
 6 that way. But I would like to see people who want to be healed or have
 7 their body worked on attract those kinds of people into the neighborhood.
 8 And I like the idea of these small businesses. I'm just waiting for that
 9 coffee shop. *(general laughter)*

10

11 Meeks: I have one more comment. Actually a crusher...

12

13 Morales: Yes. Your name?

14

15 Meeks: My name's Lorrie Meeks. Where can we get the 1981 Code? Where is
 16 that? I can see the regular Municipal Code on-line but where can I get
 17 that?

18

19 Ochoa: The 1981 Zoning Code is not on-line. I can definitely try to get you a copy
 20 of that at our department.

21

22 Meeks: Okay. So if I just call you, you can get me a copy of it? That'd be great.
 23 Thank you.

24

25 Morales: The City should have all those things archived so they should be able to
 26 retrieve it.

27

28 *(several people speaking at the same time – cannot transcribe)*

29

30 C. Conrad: You know, until this loud business came in I was, like everyone else,
 31 applauding all these small businesses and art galleries and that kind of
 32 thing. I think they're wonderful. But is there any protection against
 33 businesses that don't go well with residential areas like...

34

35 *(several people speaking at the same time – cannot transcribe)*

36

37 Meeks: Well, there's the Mesquite Overlay makes a list of all of the businesses
 38 that are allowed in the Mesquite District so it is limited and, frankly, we're
 39 in the process of working on rewriting it so if you're interested in getting
 40 your two cents in this would be good to...because it does list them, you
 41 know, things like tire shops and dog pounds and *(several people speaking*

1 *at the same time – cannot transcribe*) there are some but it's never talked
2 about noise.

3
4 C. Conrad: We want to see businesses that are going to help that neighborhood
5 bloom. On the other hand no one wants to see businesses come in that
6 make the quality of life go down for the neighborhood.

7
8 J. Conrad: By the same time they should keep the parking thing that the house has is
9 theirs...

10
11 Several people: True.

12
13 J. Conrad: Sometimes people just coming in and taking over your...

14
15 *(several people speaking at the same time – cannot transcribe)*

16
17 Morales: We need a little bit more order if you guys would, please. This poor lady
18 has to write all this down word for word later on and she needs everybody
19 to introduce themselves so that we know who spoke and who said what
20 and it also saves us on our next meeting for having to do revisions to our
21 minutes. If you would, sir, introduce yourself once more, please.

22
23 Skaggs: Leslie Skaggs, again, the owner. You do realize we do have a huge place
24 to park so I mean, as far as the parking goes, if we need to and it looks
25 like it will be needed we have plenty of parking. And I understand you
26 totally because I remember when the contractors were there trying to get
27 down Organ Street and it was...it's tough, you know. I do understand and
28 I would not want to have a traffic jam on Organ Street by any means or
29 anybody parking in front of your house so I do understand where you are
30 coming from on that.

31
32 J. Conrad: Where is your parking? Is it in Las Cruces Avenue? Now that's...I don't
33 know...commercial.

34
35 Skaggs: Right now we are parking on property.

36
37 J. Conrad: And what exit do you have? Right onto Organ?

38
39 *(several people speaking at the same time – cannot transcribe)*

40

1 Skaggs: All people are coming in on the Las Cruces side.

2

3 J. Conrad: Well, that's what we needed.

4

5 Skaggs: Well, sometimes they don't take directions well.

6

7 Morales: Yes, ma'am.

8

9 Weir: Wendy Weir. Now I want to say that the rules and regulations; but what I
10 see happening here is that there's a lot of people that in all these
11 buildings, either living or whatever and there's a ton of parking behind and
12 there's no need to park on any of the streets. But to pave that whole area
13 is a lot of money and so what you're doing is forcing the parking onto the
14 street by requiring him to all of a sudden come up with...I don't know. My
15 guess is it's probably \$20,000 to pave that parking back there. That's a lot
16 of money to just all of a sudden instantly be able to do so what it's doing
17 is forcing the parking onto the streets when nobody needs to park there.
18 And I think that...that's why I asked about the crusher fines because it's
19 going to change the ambiance completely of all of that back there to pave
20 it and put in all this requirement. If you could put in crusher fine so you
21 could deal with the water issues, because they do...that creates a hard
22 surface but it doesn't change it into some downtown parking lot-looking
23 thing. I think that would be a variance that would be intelligent because
24 until he comes up somehow with that money and there's a lot of work to
25 do on those buildings to make them nice and to bring them up to a really
26 attractive and pleasant structures. They are old and there are a lot of
27 them. Then I think there should be a variance to allow the parking to stay
28 unpaved for those two or three reasons because what you're doing is
29 forcing the parking onto the streets.

30

31 Morales: Okay. Well, to move the meeting along I'd like to kind of summarize some
32 of the comments that were made from the public and it seems like the
33 main two issues are: number one, quality of life for the residents that
34 already live adjacent to the property, which is a noise issue, and I think
35 that falls in our realm as far as some of us have mentioned we are going
36 through a revision right now and that is something that we will keep in
37 mind as we revise it and maybe we will be able to put that in literature as
38 far as, you know, what businesses are 1:03:43 you have mentioned about
39 tire shops and so forth. So that is something that we could put in there
40 and do need this feedback from the public so that we can make it to
41 please everybody. So that does fall on us.

42 Now the second issue that I seem to be hearing is the parking issue
43 and that really doesn't fall on us that, as you mentioned, is going to fall on
44 Mr. Skaggs here. He doesn't have to provide that on-property parking.
45 He is more than allowed to have his customers who are going to be

1 visiting these new businesses to park on the street. That is his right; but it
 2 may infringe on your quality of life as far as having people park in your
 3 property. So that does create an issue; but to see things from both sides
 4 it's a monetary value. I mean, that's a lot of money and, as far as you had
 5 mentioned: "Well, how about crusher fine?"

6 A variance is something that needs to be brought forth to another
 7 department, the Codes Department, and see how they'd be willing, if
 8 they'd be willing to then address that. More than likely they're going to hit
 9 you with safety to the public. That's part of the burden of jumping from a
 10 residential to a commercial. When it's residential the liability is on that
 11 person and they have their insurance to cover whomever family members
 12 come and visit them. But once you open up a property to the public then
 13 the liability is on you because you need to provide health, safety and
 14 wellness for all those people that are visiting your property. So I'm just
 15 putting it out there as far as clarifying who has a responsibility on what
 16 and, as I mentioned before, we will be conscious as far as when we revise
 17 our Overlay and if Mr. Skaggs can be a little conscious as far as what's
 18 happening as far as to the neighborhood as far as parking and the safety
 19 of the public. Does anyone have any questions?

20
 21 J. Conrad: Sir? Do you have a schedule for when you permit parking that it space
 22 the parking to a certain degree because when my grandfather owned that
 23 property from all the way to Church Street they'd come and park
 24 everywhere. Some say they have a right to this yard and if it's an office,
 25 it's a public office, if you have a fire station...and my grandfather said,
 26 "1:06:36 There was a lot of property towards Mesilla Park. There was a
 27 lot of property to Highway 70. Why did you put it in front of my property?"
 28 But it didn't do any good and, of course, when there's a fire they have to
 29 park somewhere to come to the fire department and they park in his
 30 property and so *(inaudible)*.

31
 32 Morales: I understand, ma'am. The only suggestion I can give you is to maybe get
 33 to know your local Codes Officer and develop a relationship with him and
 34 he may be able to help you a little bit.

35
 36 J. Conrad: Well, *(inaudible)* 1:07:08 strong enough, you won't have to go in. They
 37 say you have it as parking and it's strong enough and you can't use
 38 anything else but that *(inaudible)* strong enough that they keep that...don't
 39 just let them park anywhere because *(inaudible)*.

40
 41 Morales: Yes, ma'am. Mr. Cummins?

42
 43 Cummins: I will just wait until we have a discussion and then I'll put that in. What I
 44 was going to say can wait until then.

1

2 Morales: Thank you, sir. Yes, ma'am?

3

4 Weir: Wendy Weir. I just want to go back on the safety thing that you were
5 talking about. *(inaudible)* in how my mind works in terms of common
6 sense: it's a lot more dangerous to have a bunch of people parking on the
7 streets and opening the doors into the traffic and everything than it is to
8 have an unimproved parking lot that people can use. I just wanted to say
9 that for the record.

10

11 Cummins: *(inaudible)*

12

13 Morales: Yes, ma'am. Thank you very much. I think that wraps up all discussion...

14

15 Skaggs: I just have one more thing to say.

16

17 Morales: Mr. Skaggs.

18

19 Skaggs: This is Leslie Skaggs. La Casita, it's one of my favorite restaurants and
20 they have a lot of...

21

22 Morales: On Mesquite Street.

23

24 Skaggs: On Mesquite Street. But when it's full they park in the lot behind there.
25 It's unimproved and it's no big deal.

26

27 *(several people speaking at the same time – cannot transcribe)*

28

29 Morales: I have no comment on that. I don't know. Sometimes people...

30

31 Skaggs: I hate to say anything but I don't think it...

32

33 *(several people speaking at the same time – cannot transcribe)*

34

35 Skaggs: I don't think it would improve its looks. I don't think it would make it more
36 charming to have it paved, you know, but if you need to you can over
37 there. I mostly walk up there but, I mean...I'm just saying I think it's a
38 charming place. I love it. It's my favorite restaurant and it's *(inaudible)*

- 1
- 2 Morales: That might be a great idea to mention to the Codes Department as an
3 example of comparing it to what you are trying to have done, sir.
- 4
- 5 Skaggs: All right.
- 6
- 7 Morales: All right. I think that falls on us if all the discussion's done. Are you doing
8 all right?
- 9
- 10 Skaggs: Thank you so much for your time.
- 11
- 12 Morales: No problem. That's what we're here for. Okay. Well, I think we're ready
13 to have a motion and put this to a vote.
- 14
- 15 Chavez: I'm for a motion.
- 16
- 17 Morales: You've got to state your motion as far as to approve it as is or are we
18 going to make some amendments or
- 19
- 20 Chavez: Oh, I beg your pardon. I cannot make a motion because I have to remove
21 myself from the vote being that I'm still President of Las Esperanzas and I
22 have communication with Leslie Skaggs in reference to promoting
23 business on Campo.
- 24
- 25 Morales: So there's a conflict of interest then?
- 26
- 27 Chavez: A conflict of interest. I apologize.
- 28
- 29 Morales: Okay.
- 30
- 31 Cummins: I'd like to make a motion that we approve it as is with the exception of the
32 first bullet. I want to remove that, the 2001 no off-street parking to be
33 permitted with the 2001 Code.
- 34
- 35 Ochoa: A point of clarification: just to let you know he will still have to provide
36 some type of improvement on the property in order to utilize off-street
37 parking.
- 38

- 1 Morales: That is true. That's what we had spoken of. Do you want to take it back
2 to the 1981? But to clarify: 1981, if they do provide parking they are still
3 going to have to put sidewalks. They're still going to have to put asphalt in
4 it. They're going to have signage. You actually...and from what I
5 understood it from Council you guys are better off going with the 2001;
6 'cause the 2001 limits how many parkings (sic) you have and I've seen the
7 property. Pretty much from what I understand is if you go with the 1981
8 they permit you to put extra parking, which I don't really think is an option.
9 I think you guys are trying to cut down on the parking, right? Not make it
10 larger? So I don't see why that's an issue.
- 11
- 12 Meeks: Why does the parking... Excuse me. Lorrie Meeks. Why does the
13 parking thing have to be decided right now because he can historically use
14 it? Why don't we just take that out?
- 15
- 16 Morales: Public discussion's already over. It's been closed.
- 17
- 18 Meeks: I'm sorry. I was just suggesting. *(general laughter)*
- 19
- 20 Morales: All right. That's another thing. It's not even actually an issue right now
21 until it is made an issue. We're just voting right now to...
- 22
- 23 Cummins: Well, it is an issue if it's on here. Okay? So what I'm saying is: take this
24 out of there. If you can take it out altogether or...because if, in the future,
25 he has to go by the 1981...why are we even discussing the 2001 Parking
26 Code? I mean, if he wants to put off-street parking on there; when and if
27 he decides, he has to go to Zoning and he has to go by what the Code is
28 there.
- 29
- 30 Morales: Okay. Well, there's different ways to skin a cat, Mr. Cummins. Now we
31 can argue this until we are blue in the face. If he chooses to go with
32 parking on his property, like I said, there's a reason why they have made
33 this stuff. It doesn't mean he can't file a variance. So we can approve it
34 as is and then when he comes to that point and you decide that you are
35 going to parking there and you want to file for a variance and make it more
36 pertaining to 1981 that is your right, sir.
- 37
- 38 Cummins: But I don't want him to have to make that decision. I wouldn't want to
39 make the decision as a homeowner.
- 40 Morales: So you are making the decision for him?
- 41

- 1 Cummins: No, I'm not. I'm saying my opinion is that this should not be in there. If it
2 is in there it needs to be 1981. It does not need to be 2001 because 2001
3 is saying that if he decides to change the parking lot he has to put the
4 number, like you said, it has to be less, less parking. Okay? Which, the
5 ambiance of the thing, so it becomes modern, more cement, more...you
6 know, because you have less parking, you know, so it's
7 more...commercial looking than it would be if it was like towns that
8 have...or cities that have a vibrant downtown area. The parking is close
9 together and it just has a different ambiance than if it was a nice, new,
10 ADA...I have nothing against ADA so don't put be on the record for that!
11 But, you know, squared off so that it looks "commercially."
12
- 13 Morales: Okay. Carol McCall.
- 14
- 15 McCall: Mr. Chair, Mr. Cummins, as this needs pointing out, in the parking
16 requirements in the Overlay it says...oh, wait. Never mind.
- 17
- 18 Unknown: It's not covered.
- 19
- 20 Ochoa: May I just add? The comment where you said that if you need less
21 parking then that will just up the asphalt. Well, that's not correct. The
22 Code does say for landscaping the South Mesquite (*inaudible*) 1:14:31 will
23 not be utilized for parking area. It has to be either landscaped, crusher
24 fine or lava rock, trees, shrubs, something compatible to that so he cannot
25 just do a sea of asphalt back there with just three parking spaces. He
26 would have to provide landscaping and a buffer and so forth.
- 27
- 28 Cummins: Robert Cummins. At more cost, too.
- 29
- 30 Ochoa: Well, less expensive than asphalt.
- 31
- 32 Cummins: Yeah, but more than what they would normally have to do if it was...
- 33
- 34 Morales: Well, there's a calculation in the Codes book that says: for every so many
35 square feet of impervious area, which sidewalks, asphalt, you gotta' have
36 so many square feet of landscaping.
- 37
- 38 Cummins: Okay.
- 39 Morales: That's in 1981 and the 2001 so it is a calculation there. Once you get to
40 that point then you hire somebody to that. They'll let you know, okay, an
41 architect or an engineer, and they'll let you know, "Okay. Well, these are

1 the options. These are your dead spaces that you do have to have some
2 type of shrubage on there or something.”

3

4 Cummins: Okay. Well, I did make a motion. This is Robert Cummins. So the motion
5 is on the table right now.

6

7 Ochoa: Will you repeat the motion, sir?

8

9 Cummins: What? Okay. The motion, and I'm going to change it up a little bit, is that
10 the 2001 is changed to the 1981 Zoning.

11

12 Gafner: I am Corrine Gafner and I'd like to make a comment. Very honestly, I
13 don't feel comfortable voting anything on zone parking because I don't
14 know what it reads and I don't know what it says and what I'm hearing...it
15 sounds to me as if, like, okay...say I want to renovate a house, an old
16 adobe, and that electrical system is not up to Code. It's okay for me to go
17 back in and use the 1981 Codes to update electrical systems. I mean, it's
18 a comparison. I'm not saying that that's what it is but I really do think we
19 need to look at that because, you know, maybe if it's the aesthetics that
20 you're worried about, I can totally understand that. Maybe, you know,
21 that's what we need to go back and look at. But the safety issues and
22 things, like you said, there's reasons things are updated...just like the
23 electrical. I wouldn't feel comfortable saying somebody can go back and
24 use an old Code, you know, when they're purposely updated for a reason
25 and we don't now why it's been updated and what those changes are.
26 How can we sit here and ...

27

28 Morales: Okay, real quick. Council, do we need to set this to vote now that there's
29 been a motion?

30

31 Ochoa: Point of order: yes.

32

33 Morales: Okay. And then we can set another motion. Let's do that.

34

35 Ochoa: 1:16:47 second it and vote on it and whether it passes or fails you've got a
36 motion.

37

38 Morales: He's made a motion. Can we get a second and we'll put it to a vote? If
39 there's no seconding it then it dies.

40

- 1 Kyle: Point of order, Mr. Chairman. Lack of a second means the motion would
2 die. A new motion could be made.
3
- 4 Morales: Okay.
5
- 6 Kyle: If there is a second then, obviously, a vote needs to occur.
7
- 8 Morales: Thank you for that clarification. Your motion has died. Would you like to
9 make a... it's pretty much between you two. I can't make a motion.
10
- 11 Gafner: I'm okay with changing the verbiage to saying that this particular part only
12 pertains to the parking. But I will not go back to saying,.. "1981 Codes,"
13 until I know what it says.
14
- 15 Morales: Point? Am I allowed to second a motion or am I out of this altogether?
16
- 17 Ochoa: You're out of it.
18
- 19 Morales: It's between them?
20
- 21 Ochoa: Yeah.
22
- 23 Morales: Have fun.
24
- 25 Cummins: May I? This is Robert Cummins. So... not the 2001 parking...how about
26 the 1981 parking? Just make it parking for 1981?
27
- 28 Gafner: Why 1981? That's my point. I don't know what 1981 reads.
29
- 30 Cummins: I don't know...so then I can't commit to 2001 parking period.
31
- 32 Morales: Okay. Can I speak up real fast there? It's evident, sir, and I apologize.
33 We're kind of in a deadlock but I do want to clarify something. This man
34 has come a long way, spent a lot of time and money to get to this point
35 and we are going have table this; it's going to cost him more time and
36 more money to come back over an issue between 1981 and 2001 when I
37 have already mentioned that if he decides to go there and he doesn't want

1 to follow 2001 he can apply for a variance. It doesn't have to end here
2 and I don't think that would be in the best interest of our applicant.

3

4 Cummins: Okay. I would like to open it up again to comments from them about this
5 particular item.

6

7 Ochoa: Chair closed it, sir. You can't 1:19:05

8

9 Cummins: Well, I'm uncomfortable with taking my principles as far as the 2001 Code,
10 you know. I'm uncomfortable with just saying, "Go ahead with the 2001
11 Code." Give me a minute here. I'm going to read it again and see if I can
12 come up with the 2001 where it pertains to parking only. Okay?

13

14 Morales: Yes, sir.

15

16 Gafner: Can I say something or ...?

17

18 Morales: Sorry. The discussion has been closed. It is now between Council and...

19

20 Gafner: Can the verbiage say: "as per Codes requirements?" Are they now
21 requiring that all commercial property have to do 2001 or is it just...?

22

23 *(several people speaking at the same time – cannot transcribe)*

24

25 Gafner: Well, then: "as per zoning requirements or..."

26

27 Morales: Staff or Mr. Ochoa.

28

29 Ochoa: I'm trying to think of what...

30

31 Morales: Do we have a "happy medium" camp? My interest right now is the
32 applicant and also in the interests of the public but I just don't want to see
33 this come to a deadlock and we have all wasted time and money.

34

35 Gafner: It's not up to us to make a decision as to whether we use 1981 or 2011's
36 or whatever...

37

1 Cummins: Yeah, it is.

2

3 *(several people speaking at the same time – cannot transcribe)*

4

5 Kyle: A point of information and, I guess, for consideration. I'm still having some
6 issues tracking the concern with the differences between the Codes but
7 could you consider, perhaps, striking the current bullet and saying
8 something along the lines of: "any off-street parking provided shall comply
9 with the parking requirements of the City of Las Cruces at the time of
10 development."

11

12 Cummins: That hurts. I mean, I just hate to see if we move into 2020, 2050, with
13 their Codes requirements for parking.

14

15 Morales: It just makes it hard, Mr. Cummins, if we don't have specifics of what
16 you're arguing over. Are we arguing over one parking spot?

17

18 Cummins: That's true. That is true. So my point is that, like she said, is that she
19 doesn't have the 1981 Code and I don't either; but I don't want to give up
20 something, you know... I don't want to give away the Grand Canyon, you
21 know. I don't want to give that away.

22

23 Morales Okay.

24

25 Gafner Am I misinterpreting...?

26

27 Morales: Just real quickly I want to clarify something, too. We all receive our
28 packets ahead of time.

29

30 Cummins: Um-hmm.

31

32 Morales: That gives us all time to do our homework.

33

34 Cummins: Um-hmm.

35

36 Morales: And you're very insistent. You should have shown up with some literature,
37 sir.

38

1 Cummins: They did not have it on-line. It was looked for on-line. It wasn't on-line.

2

3 Morales: You didn't receive your packet, sir?

4

5 Cummins: Yeah, it has nothing to do with the 1981 Code, which is what you're
6 referring to, that if I were to research the 1981 Code it didn't provide that
7 and it wasn't given to me on-line.

8

9 Morales: Yes, sir.

10

11 Kyle: Mr. Chair, I would just like to point out, just for information, that the
12 purpose of the South Mesquite Neighborhood Overlay Zoning District is,
13 by the way of neighborhood participation, was decided to closely follow
14 the zoning designations and permitted land uses of the City's former 1981
15 Zoning Code, as amended with some modifications. Additionally
16 Neighborhood Design Standards have been added to 1-22-47 to enhance,
17 preserve the character, the unique character of Las Cruces' first
18 neighborhood. The intent of this is largely land use and zoning
19 designations; not necessarily those other Design Standards that may
20 occur within the City,...

21

22 Cummins: To preserve, right?

23

24 Kyle: ...parking, that sort of thing. You go to the current regulations in place at
25 the time the action was occurring, i.e. tonight, which was within the 1981
26 Zoning Code; but the application, most of those understand.

27

28 Cummins: So, where does the word "preserve" come in there?

29

30 Kyle: It's a subjective term. I will give you this.

31

32 McCall: Mr. Chair, Mr. Cummins.

33

34 Morales: Carol McCall.

35

36 McCall: The sentence reads: "Additionally Neighborhood Design Standards have
37 been added to the general area to enhance and preserve the unique
38 character of the Las Cruces' first neighborhood." The word "preserve" that
39 you're asking about refers to the Design Standards section where you're
40 dealing with properties and the Design Standards for the structures.

1 Morales: So, to clarify, that has nothing to do with Codes?

2

3 Cummins: Does it say "structures?"

4

5 McCall: Well, it says: "Neighborhood Design Standards so if you go to the Design
6 Standards' section there's nothing about parking...and if you read the
7 previous sentence: "...by way of neighborhood participation it was decided
8 to closely follow zoning designations and permitted land uses." That also
9 says nothing about parking. So there actually is, to clarify, nothing in here
10 that says that the parking standards have to follow the 1981 Code.

11

12 Cummins: All right. I agree but (*inaudible*); but what I'm saying is, is that I disagree
13 with that. I disagree to the fact that it's not but it should have been in
14 there. It's not in there but I also do not want to give up any rights to
15 preserve what we have in the Mesquite Overlay plan and I came a long
16 ways, too. I came from El Paso up here to go to this meeting so I gave up
17 time and money to come up here and do this.

18

19 Morales: And we appreciate that, sir.

20

21 Ochoa: Point of information, sir.

22

23 Morales: Yes, sir.

24

25 Ochoa: We can always vote. There is a third, again, to approve a zoning request
26 variance with additional conditions. We could, actually, if you like, strike
27 that condition completely and just approve it without conditions and it'll just
28 move forward to the Planning and Zoning Commission. They'll have the
29 actual minutes for this meeting and they could actually vote on it then to
30 either add whatever conditions they want or leave it as is without
31 conditions. You'll still have to do some type of parking requirements and
32 so forth but that would just remove the...

33

34 Morales: So, to clarify, we're just going to pass the buck to another department and
35 that way we can move on with the business that's at hand here?

36

37 Ochoa: Correct. If we can't come to an agreement here and the Planning and
38 Zoning Commission, which is actually just a recommending body as well;
39 which you all are, as well...

40

41 Morales: Okay.

- 1 Ochoa: The City Council will actually have final authority on everything.
2
- 3 Cummins: So I'm giving up my right now of what I want to give it to somebody else,
4 which I'm doing with the 2001 Code?
5
- 6 Ochoa: Point of order, sir. You did say earlier that you were okay with striking it
7 completely...
8
- 9 Cummins: Yes. Striking that completely.
10
- 11 Ochoa: Right. Completely striking the tight condition. So that's fine...
12
- 13 Cummins: Okay.
14
- 15 Ochoa: ...if you want to just strike the condition completely, just vote on it for it to
16 be C-1 with no conditions and just vote on that. So if someone would
17 make a motion on that.
- 18 Cummins: Yeah. I would go with that.
19
- 20 Morales: We need to have an amendment.
21
- 22 Ochoa: Or just make it a motion.
23
- 24 Morales: I mean a motion made.
25
- 26 Gafner: I make a motion to strike...what is the...?
27
- 28 Cummins: Bullet one.
29
- 30 Gafner: ...bullet one and approved zoning for C-1.
31
- 32 Ochoa: And...
33
- 34 Cummins: I will second that. Robert Cummins.
35

1 Kyle: Point of information: there were two actions. There's the zone change
2 request and the variance. We don't want to forget about the variance.

3

4 Morales: The variance for the 5-foot drainage area.

5

6 *(several people speaking at the same time – cannot transcribe)*

7

8 Gafner: I move for approval of the zone change and the request for variance,
9 additionally...

10

11 Ochoa: With no conditions.

12

13 Gafner: With no conditions. Thank you.

14

15 Cummins: Robert Cummins. I second that.

16

17 Morales: You second it. Now we may put this to a vote. All in favor please say aye.

18

19 All: Aye.

20

21 Morales: It passed.

22

23 Skaggs: Thank you.

24

25 Morales: Good luck with the next step and thank you, to the public for attending.

26

27 **V. Staff Announcements - South Mesquite Neighborhood Overlay Revisions**

28

29 Ochoa: Mr. Chairman, we still have some staff discussion. Carol McCall has
30 some information for you for the South Mesquite Neighborhood Overlay.
31 Carol, do you want to take over?

32

33 McCall: Thank you, Mr. Chair. As several people have said there is a revision to
34 the South Mesquite Overlay underway. I completed the revision draft, the
35 first draft, in the early part of October and distributed it to Las Esperanzas
36 and, since this is the first opportunity that the Board has had to meet since
37 that time I want to make sure that you all have the draft as well. So, I'm

1 handing out a packet and I'll give it to you first and then I'll explain what
2 I'm getting at.

3 Okay, now everybody has one and I just want to... *(waiting for*
4 *public to leave)* Thank you. First of all, what I'd like to ask is the Board
5 review the draft independently and make any comments in writing back to
6 me in thirty days or so. I'd like to get it taken care of before the Christmas
7 holidays, if possible, and if you like, you can write directly on the draft or
8 on post-it notes, rather than a formal document; whatever is easier for you
9 just as long as there's something in writing that I can follow when making
10 revisions.

11
12 Cummins: So e-mail *(inaudible)* 1:30:52

13
14 McCall: E-mail would be fine. Yeah. And I can actually e-mail all of these
15 documents to you but they're in .pdf format so you can't...yeah. So,
16 starting with first stapled document: this is a clean version of the draft
17 amended version and what I would ask is that before comparing it to the
18 existing Overlay that you read through it completely and think about, try to
19 determine, if you think it does what you think it should do. And then the
20 second stapled section is a comparison between all of the sections in the
21 existing Overlay and where those sections are in the draft; because some
22 sections have been rearranged so you won't be able to compare page-by-
23 page. But you will be able to turn to the page in the draft to compare with
24 the original. And, Lorrie, I know that I did not distribute this to Las
25 Esperanzas and so I'll e-mail

26
27 Meeks: We did get a copy

28
29 Cummins: She's talking about this one...

30
31 McCall: No, you didn't get it.

32
33 Meeks: A comparison one?

34
35 Cummins: The comparison one.

36
37 Meeks: Okay.

38
39 McCall: So I will e-mail it to all of you. And then the third stapled document is a
40 matrix of all of the changes that were made based on comments that were
41 given to me by Las Esperanzas so on the left-hand column it has each

1 comment or each suggested revision individually and in the next column
2 what section it pertains to and then in the third column what the change
3 was, if there was one made, and then my notes and explanation as to why
4 or why not the change was made. And then the last stapled document
5 you have is all of the changes as Las Esperanzas submitted them to me.
6 So the matrix refers to these changes that they suggested and they're all
7 documented in the matrix but if you want to read the entire text of the
8 changes they're attached as well. And in the matrix you'll notice that the
9 first heading is: List from Handout: Initial Suggestions for Changes. There
10 are actually three sets of suggested changes in the fourth packet and I
11 labeled the matrix accordingly so the first section, List from Handout, is the
12 first page. The next section, if you turn to it, will be listed on the matrix
13 sequentially. I know that doesn't make sense now but when you sit down
14 and study it and look through it thoroughly I think it will.

15
16 Morales: Okay.

17
18 Cummins: Carol?

19
20 McCall: Yes.

21
22 Cummins: I have a question: you said thirty days and you want it to get done before
23 Christmas.

24
25 McCall: Now, I'd like to get your input back to me before Christmas so that you
26 don't have to deal with it and then I can spend January... I'll have the Las
27 Esperanzas' change or comments by then and I'll just use the following
28 weeks to revise the first draft...

29
30 Cummins: Whatever changes you might need?

31
32 McCall: ...based on everyone's comments. I'd like to have everyone's comments
33 pretty much, you know, the same time, so that I'm working on all of the
34 changes all at once rather than first, Las Esperanzas' comments are
35 incorporated and then yours.

36
37 Cummins: And then we'll have to look at it again with all of the input...

38
39 McCall: Yes; and what I suggest is at that point we look at it at a work session.

40
41 Morales: Okay.

- 1 McCall: The first time, I think that it makes more sense for you to look at it
2 individually or, I mean you're certainly welcome to talk to each other about
3 it; but so that you have time to think about it, study it, at your leisure rather
4 than a work session at this point.
5
- 6 Morales: The only issue I have with this, Ms. McCall, is that we don't have a full
7 Council yet. I think this, in my opinion, would be more appropriate if we
8 had a full Council and everybody's opinions, instead of just...
9
- 10 Cummins: Yeah, going back and forth with three people. That's not right.
11
- 12 McCall: I can e-mail all of these documents to the people who are not here.
13
- 14 Morales: We're still short. We don't have a full sitting, correct?
15
- 16 McCall: You're down one, I think.
17
- 18 Cummins: What is holding it up?
19
- 20 McCall: I'm sorry?
21
- 22 Cummins: What's holding up getting that other person in here?
23
- 24 McCall: Their qualifications.
25
- 26 Ochoa: Yeah, they just got it today.
27
- 28 Cummins: Oh. Okay.
29
- 30 Morales: Really, I'm just saying that we'd have more input if it's a full Council and
31 I'm in my last year of serving and, you know, these new members that are
32 coming in are going to be here for a longer duration and I think their
33 opinions would be nice from the get-go instead of stepping into something
34 that they can no longer change or have any input on.
35
- 36 McCall: Um-hmm. Okay.
37

- 1 Meeks: Plus, we're also having a little trouble getting...Las Esperanzas is having
2 trouble finding time to really look at it in depth. Thirty days is...
3
- 4 McCall: Well, you all will have had sixty days.
5
- 6 Meeks: We still are not moving that quickly on...everybody's gone, it's the
7 holidays, I mean, it's problematic.
8
- 9 Morales: Okay.
10
- 11 McCall: Well, the timetable isn't mine, as I explained to Mr. Chavez in an e-mail.
12 Now that you have the draft everyone has been in such a hurry to get it
13 through. I'm only following the timetable that everyone else seemed to
14 want. I have no problem at all with slowing it down. So we can do it
15 however you want to do it.
16
- 17 Cummins: *(inaudible)* 1:37:51
18
- 19 Morales: Once again, we appreciate all your work and thank you. But just to make
20 sure that we have something solid I don't want to rush it once we get to
21 this point.
22
- 23 McCall: Okay. Well, I suggest you just look at it at your leisure. When new
24 members come on they can look at it, too, and then we'll...
25
- 26 Meeks: Why don't we say sixty days so we don't lose it?
27
- 28 McCall: Sure.
29
- 30 *(several people speaking at the same time – cannot transcribe)*
31
- 32 McCall: I want to say January 15th or so?
33
- 34 Meeks: Yeah. That's entirely reasonable.
35
- 36 McCall: Okay. Yeah, that's fine with me. Thank you. If that's okay with everybody
37 else.
38

1 Morales: Thank you, Ms. McCall.

2

3 **VI. Other Business**

4 **None**

5

6 **VII. Adjournment (7:53 pm)**

7

8 Morales: Okay. Is there anything else? We're good. Can we get a motion to
9 adjourn this meeting?

10

11 Cummins: I make a motion that we adjourn.

12

13 Chavez: Second.

14

15 Morales: We don't have to vote on closing the meeting. We are adjourned. Have a
16 good evening.

17

18

19 _____
Chairperson

DRAFT

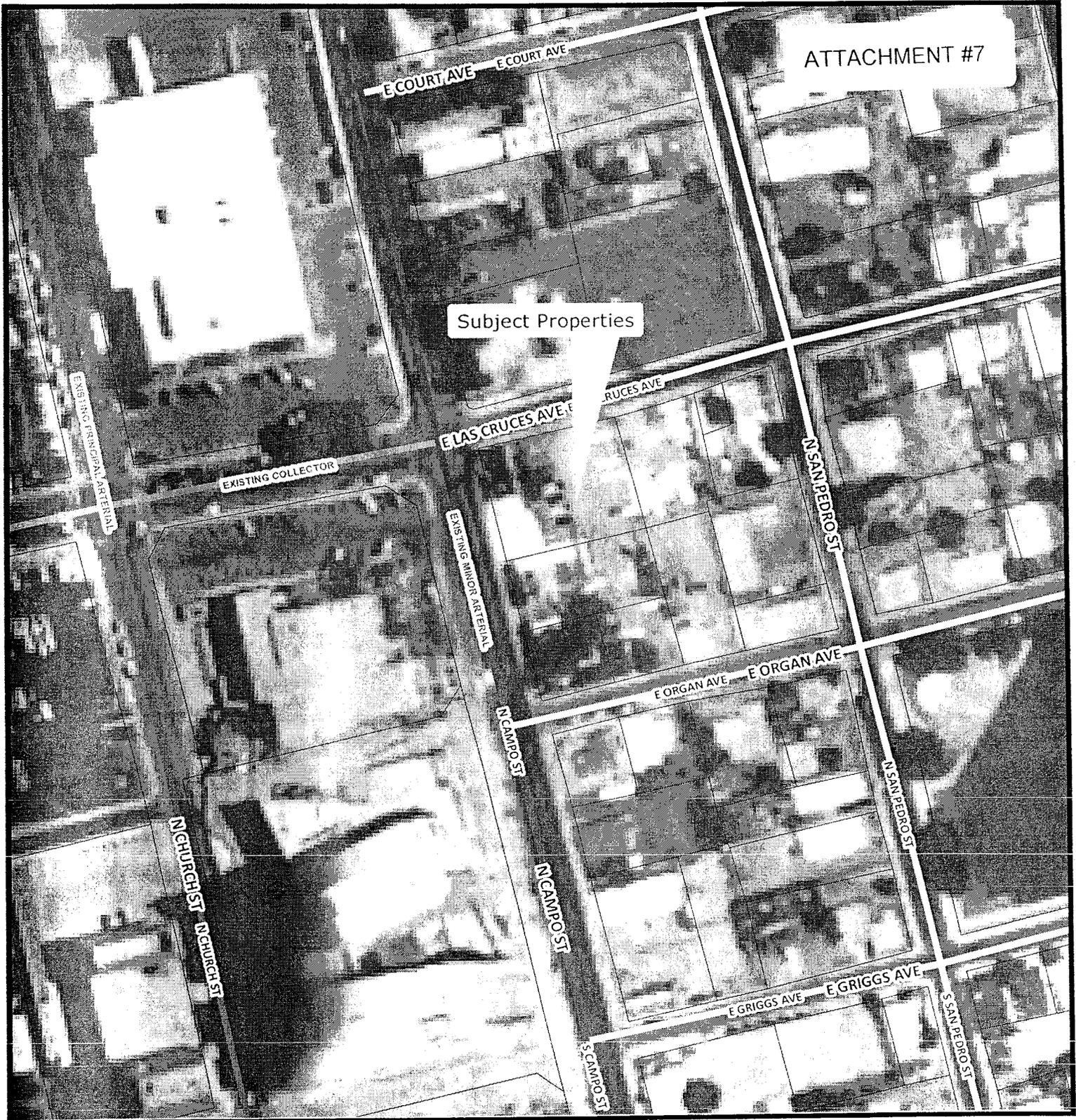
ZONING: R-4 TO C-1
OWNER: LESLIE K SKAGGS

AerialView

DATE: 12/12/2011
PARCEL: 02-06130, 02-06131, 02-06134
02-06145, 02-06155

ATTACHMENT #7

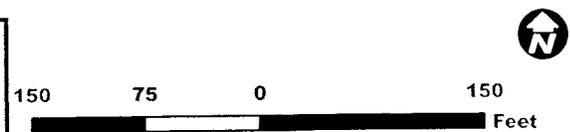
Subject Properties



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

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



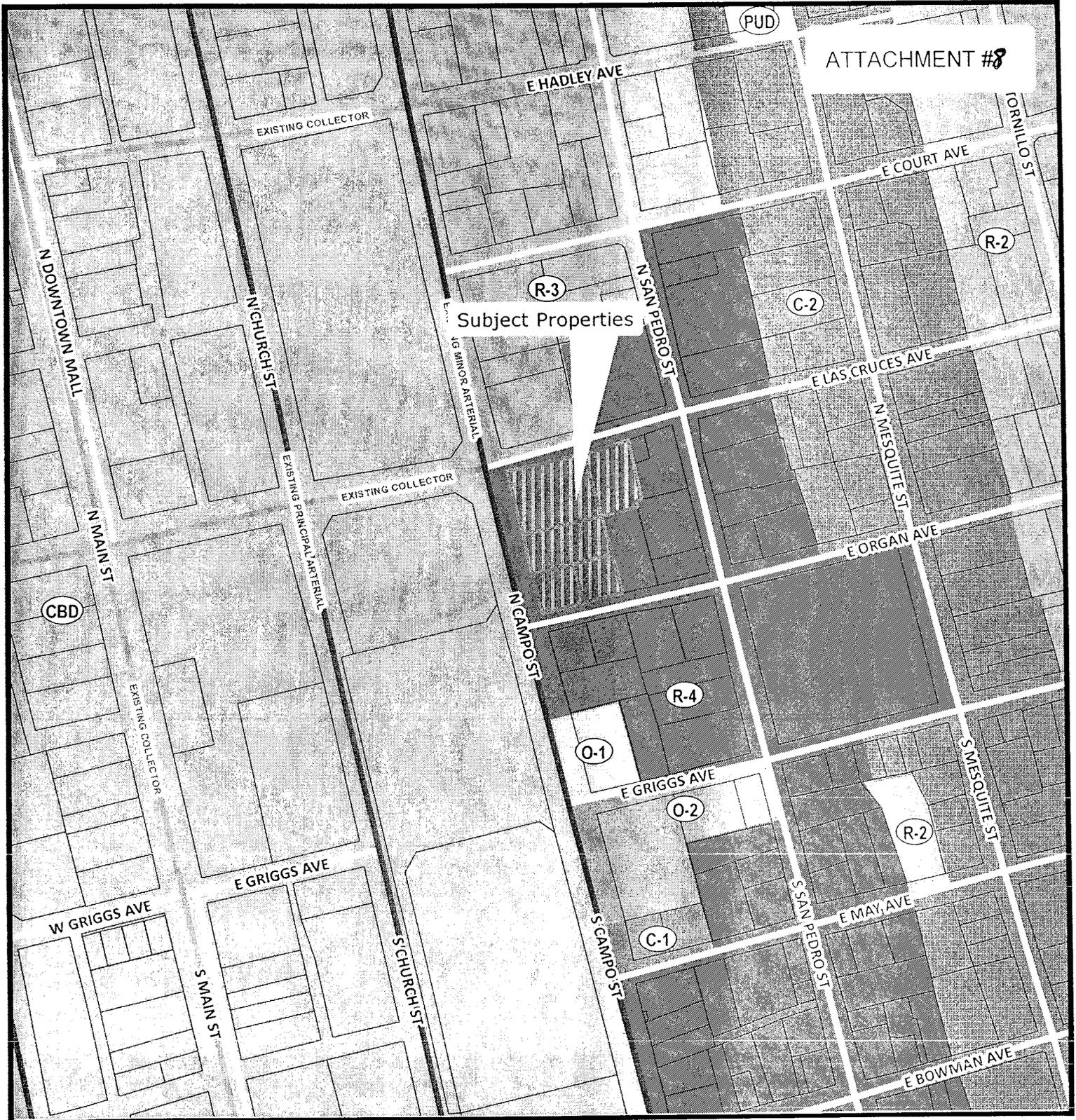
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

ZONING: R-4 TO C-1
 OWNER: LESLIE K SKAGGS

Zone Map

DATE: 12/12/2011
 PARCEL: 02-06130, 02-06131, 02-06134
 02-06145, 02-06155

ATTACHMENT #8



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Legend

- | | | | | | |
|--|-----------------------------|--|--------------------------------|--|-----------------------|
| | EXISTING LIMITED ACCESS | | PROPOSED INTERCHANGE/UNDERPASS | | Non Designated Trail |
| | EXISTING PRINCIPAL ARTERIAL | | PROPOSED PRINCIPAL ARTERIAL | | Proposed Paved EBID |
| | EXISTING MINOR ARTERIAL | | PROPOSED MINOR ARTERIAL | | Proposed Unpaved EBID |
| | EXISTING COLLECTOR | | PROPOSED COLLECTOR | | City Parcel |
| | PROPOSED LIMITED ACCESS | | PROPOSED CORRIDOR | | |



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



**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
December 20, 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

BOARD MEMBERS ABSENT:

Donald Bustos, Member
Shawn Evans, Member

STAFF PRESENT:

Robert Kyle, Building and Development Administrator
Adam Ochoa, Acting Senior Planner
Lorenzo Vigil, Acting Assistant Planner
Mark Dubbin, CLC Fire Department
Rusty Babington, CLC Legal Staff
James VonSchriltz, CLC Fire Department
Diana Garcia-Parra, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Scholz: Good evening and welcome to the Planning and Zoning Commission for December 20, 2011. I'm Charlie Scholz, the Chair of Commission.

II. CONFLICT OF INTEREST

The first thing we have to ask is what we call our Conflict of Interest Statement. So at the opening of each meeting, the chairperson shall ask if any member on the Commission or City staff has any known conflict of interest with any item on the agenda. Staff, any conflict? No, I see everyone shaking their heads. Gentlemen, any conflict? Okay.

Before we to the approval of the minutes, which is usually our first order of business I want to introduce the members of the Commission who are here tonight. On my far right is Commissioner Shipley. He is the Mayor's appointee. Next to him is Commissioner Crane. He's our Vice-Chair. He represents District 4. Next to him is Commissioner Stowe who represents District 1. On my immediate right is our Secretary and Commissioner Beard, who represents District 2 and I represent Council District 6.

1 Scholz: Okay, and the Chair votes aye for findings, discussion and site visit.
 2 All right, so it's passed 4 to 1. Thank you, gentlemen. Thank you,
 3 folks.
 4

5 1. **Case Z2845:** An application of Leslie K. Skaggs to rezone from R-4
 6 (Multi-Dwelling High Density & Limited Retail and Office) to C-1
 7 (Commercial Low Intensity) and to numerically deviate from the required
 8 five (5) foot side yard setback to a zero (0) foot side yard setback on five
 9 (5) distinct lots located on the east side of Campo Street between Las
 10 Cruces Avenue and Organ Avenue in Area 2 of the South Mesquite
 11 Neighborhood Overlay Zone District; a.k.a. 204-232 N. Campo Street, 330
 12 E. Las Cruces Avenue & 313 E. Organ Avenue; Parcel ID# 02-06130, 02-
 13 06131, 02-06134, 02-06145 & 02-06155. Proposed Uses: Apartments,
 14 offices and low intensity neighborhood commercial uses; Council District
 15 1. **APPROVED 5-0**
 16

17 Scholz: All right, that brings us to case Z2845.
 18

19 Ochoa: The next case, as you stated, sir, is case Z2845. It is a request for a
 20 zone change from R-4, which is Multi-Dwelling High Density and
 21 Limited Retail and Office, to C-1, which is Commercial Low Intensity
 22 Conditional. Along with that is an accompanying numerical deviation
 23 from the required 5-foot side yard setback to a proposed zero-foot side
 24 yard setback.

25 The subject properties that we are speaking of are located her
 26 in the hashed-out light green boxes. They're directly across from the
 27 old City Hall, kitty-corner from the Post Office, just to give you a
 28 reference of where it is. The five properties are located on the east
 29 side of Campo Street between Las Cruces Avenue to the north and
 30 Organ Avenue to the south. All five subject properties combined
 31 encompass a total of 0.96 acres. The subject properties are located in
 32 Area 2, which is the original Town Site of the South Mesquite
 33 Neighborhood Overlay Zone District and is directly adjacent, to the
 34 west, to the Central Business District and Main Street Overlay Zone.
 35 Currently the subject properties are being used for multi-family
 36 residential dwellings and some limited office uses, which are allowed
 37 by the R-4 Zoning District in the South Mesquite Overlay.

38 The applicant has stated there are a total of ten rental spaces or
 39 units with each space being under 1500 square feet in size. The
 40 proposed C-1 Zoning designation will allow the subject properties to be
 41 used for multi-family, office and low-intensity neighborhood commercial
 42 uses, essentially kind of a mixed use on those five properties.

43 The subject properties have frontage on Campo Street, Las
 44 Cruces Avenue and Oregon Avenue. Campo Street is classified as a
 45 Minor Arterial roadway and that is essentially where the majority of the

1 existing historical buildings have frontage and both Las Cruces Avenue
2 and Oregon Avenue are classified as Local roadways.

3 The South Mesquite Overlay does not require buildings
4 constructed prior to 1955 to provide any off-street parking. The
5 buildings that currently exist on the property were built in 1890 or
6 possibly even earlier, which they fit into this requirement so no off-
7 street parking is required. But if off-street parking is required or if the
8 intensity increases on the properties the property owner will be
9 required to provide fully improved off-street parking for the subject
10 properties. The South Mesquite Overlay Zone District also has
11 regulations and requirements for landscaping for all the properties
12 located within the District.

13 Here's an aerial. Again, I apologize about the blurriness...with
14 the majority of the buildings fronting along Campo Street here and
15 some along Oregon with a vacant property here along Las Cruces
16 that's part of the five. Here is a site plan better showing that with that
17 vacant lot along Las Cruces. The two lots on the corner of Las Cruces
18 and Campo with the building there and there's that zero lot line that
19 we'll be speaking about soon and the other two subject properties on
20 the corner of Campo Street and Oregon with the building also
21 straddling on the property line there.

22 Speaking about the variance now, the South Mesquite
23 Neighborhood Overlay Zone District requires all properties to provide a
24 minimum 5-foot side yard setback. The applicant is requesting a 5-foot
25 variance to the minimum required side yard setback to allow a zero-
26 foot side yard setback. Essentially, the existing structures are currently
27 attached to each other on those property lines making a zero-foot side
28 yard setback along the majority of the properties. The construction of
29 these structures predate any type of setback requirements required by
30 the City of Las Cruces so that is something to take into mind, as well
31 as there are actual exceptions and modifications allowed by the 2001
32 Zoning Code that allow zero-foot setbacks for residential, office and
33 commercial buildings as long as certain conditions are met, which
34 these properties would be able to meet those conditions. But, because
35 of the South Mesquite Overlay that the properties are located in it calls
36 out only for a 5-foot side yard setback. That's essentially why the
37 property owner is seeking for the variance.

38 On November 17, 2011 the South Mesquite Design Review
39 Board, or SMDRB, reviewed the proposed zone change and variance.
40 At the meeting staff made a recommendation to the Board of approval
41 of one condition for the proposed zone change. The condition stated
42 that: no off-street parking shall be permitted on the subject properties
43 until such time that the parking area is fully improved and follows all
44 requirements of the 2011 Zoning Code, as amended, and the City of
45 Las Cruces Design Standards. During the meeting the Board
46 discussed the matter of either requiring the applicant to follow parking

1 requirements of the 2011 Zoning Code or the 1981 Zoning Code,
2 which is how the South Mesquite Overlay was essentially adopted.
3 That's the reason why the South Mesquite Overlay was brought in. In
4 the end, though, the Board did remove the proposed condition for the
5 proposed zone change and recommended approval without conditions
6 for the proposed zone change and accompanying variance.

7 With that tonight, gentlemen, your options are: 1) to approve the
8 zone change request and the accompanying variance as
9 recommended by the South Mesquite Design Review Board for case
10 Z2845; 2) to approve the zone change request and variance with
11 additional conditions as deemed appropriate by the Board; 3) to deny
12 the zone change request and variance, or; 4) to table/postpone the
13 proposed case and direct staff accordingly. That is the conclusion of
14 my presentation. The applicant is here for questioning as well and I
15 stand for questions.

16
17 Scholz: All right. Questions for this gentleman? Okay, may we hear from the
18 applicant, please?

19
20 Skaggs: My name is Leslie Skaggs and I am the property owner. I've owned it
21 for almost twenty years now. I grew up in Las Cruces, you know...life
22 time resident and I'm very much interested in keeping with the theme
23 of the historic area. I lived in Mesilla and really kind of got a taste of
24 that and I bought this property twenty years ago and, you know, I can
25 kind of see that same Mesilla-charm down there on Campo Street. So
26 I don't really want to change anything a whole lot. I just want to be
27 able to put an art gallery in, a small retail business and that's about it.
28 It's pretty simple.

29
30 Scholz: All right. Questions for this gentleman? Commissioner Beard.

31
32 Beard: And you can't do that under the existing Code?

33
34 Skaggs: I can't even put an art gallery in it at this time.

35
36 Beard: So...

37
38 Skaggs: That's what brought it all up was I had somebody that wanted to put an
39 art gallery in. I had a chiropractor that wanted to put an office there. I
40 had a natural healing person, a massage therapist and nobody could
41 get a business license. I've been paying property tax on commercial
42 property tax since I bought the building. The gentleman that I bought
43 the business from, Ed Laughlin, he was a subcontractor with NASA
44 and he was doing business there so I really thought I was commercial
45 and when all this came up it caused me to need to rezone.
46

- 1 Beard: Maybe the City could explain what Limited Retail means if you can't
2 put an art gallery in there.
3
- 4 Ochoa: Mr. Chairman, Commissioner Beard, the R-4 is, I guess, a title of Multi-
5 Family, High-Density and Limited Retail and Office essentially adopted
6 from the 2001 Zoning Code. But with the South Mesquite Overlay the
7 R-4 Zoning District in the South Mesquite Overlay limits the type of
8 uses even more to that than the actual 2001 Zoning Code itself. So if
9 this was just zoned R-4 outside of the South Mesquite Overlay there
10 was a possibility for him to use the property for mixed-use, multi-family,
11 limited office and limited retail, very limited retail. It would have to be
12 kind of secondary to whatever office or service uses went on the
13 property. But since it's under the South Mesquite Overlay the
14 subsequent Overlay further restricts the actual uses on there. So
15 essentially the only real office or commercial of it you can have on the
16 property under the South Mesquite Overlay are very limited, low traffic
17 office like architect, engineer, and so forth.
18
- 19 Beard: Thank you. I have another question for the applicant. Can you explain
20 in more detail why you want the zero setbacks?
21
- 22 Skaggs: Well, the property line...when they built those buildings, I mean it's just
23 one big, long building and the property line goes right down...you
24 know, the buildings are connected so...
25
- 26 Beard: That's the way it is right now?
27
- 28 Skaggs: Right.
29
- 30 Beard: You just want to continue that then?
31
- 32 Skaggs: Yes.
33
- 34 Beard: You're not going to destroy those buildings? *(all laughing)*
35
- 36 Skaggs: No. They've been there for a hundred years and I intend on keeping
37 them that way.
38
- 39 Beard: Thank you very much.
40
- 41 Scholz: I might mention, too, that the latest planning in urban areas, particularly
42 in downtown areas is to bring the places right to the property line
43 again, you know, bring them right up to the sidewalk to make them
44 more pedestrian-friendly or something so you're actually ahead of the
45 curve there in thinking that way.
46

1 Skaggs: Cool.

2

3 Scholz: Another question? No. All right, thank you very much, Mr. Skaggs. Is
4 there anyone from the public who wishes to speak to this? Yes, sir.
5 Come on up and identify yourself.

6

7 Flores: Hello, my name is Dennis Flores and I'm also a property owner within
8 the South Mesquite Historic District and I've known Mr. Skaggs for a
9 number of years and don't have an issue with him and I'm not here to
10 put the brakes on his desires to rent out to the people that he'd like to
11 rent out to, a chiropractor, a small business.

12

13 The reason I'm here is I own an insurance business that has
14 frontage right on Campo Street. Next door to that on Organ Street I
15 have a single-family one-bedroom apartment unit. It's rented out. To
16 the east of that is our single-dwelling home. To the south of my office
17 is a piece of property owned by the ex-Mayor and that's zoned O-1.
18 Recently that was rented out actually to one of the popular nutrition
19 clubs in town. They actually went out and got a business license to
20 operate as a dance instructional place and they also allowed them to
21 run a supplemental juice bar. Well, it's neither or both and for six
22 months we had to deal with a loud thumping system. They had a
23 discothèque system that they were thumping and we had to deal with
24 that. It was through a number of calls to Codes that we finally got that
25 issue taken care of. Nevertheless, they're still not using the property
26 within the O-1 zoning.

26

27 Just one of my concerns and, again, I'm not here to prohibit him
28 from what his intents are. My intent is just to preserve my rights as a
29 neighbor. My house is directly on Organ Street. Just listening to what
30 was said about the parking I thought, "Well, if that parking wasn't
31 accessible and they had clients that might not want to park in their lot
32 they may attempt to park in the narrow street." It's Organ and it only
33 allows for parking on one side of the street.

33

34 I thought that that was an issue; but also maybe down the road
35 if Mr. Skaggs sells the property if it's zoned C-1 that opens the door for
36 numerous other things that my neighbors and I, as residential tenants
37 or residential members of the community, might have to deal with;
38 other things such as if it's zoned C-1 that would allow for possibly
39 zumba dance studios that I had to deal with. So those are a few of my
40 concerns and I would like to just say that if we could look at this a little
41 bit more carefully to avoid having the homeowners in the area be
42 subject to any type of commercial uses that would be greatly
43 appreciated by myself and the few neighbors that I have talked to. And
44 again, I get along with Mr. Skaggs and my intent is not to prohibit him
45 from renting to the people that he's talked to me about but later on
46 down the line if that was to change or he was to sell the property a C-1
zone would most certainly enable a pretty wide array of business

- 1 entities to actually operate there if they went ahead and corrected the
2 parking issue. So those are some of my concerns that I'd like to see if
3 we might consider for discussion or down the road.
4
- 5 Scholz: All right. Questions for this gentleman? Commissioner Shipley.
6
- 7 Shipley: I just have one comment and it's addressed to Mr. Ochoa, but I believe
8 that the requirements for the City for C-1 are also supplemented by the
9 South Mesquite District so there are things that limit it even further
10 above the C-1; and I think you are probably a member of the South
11 Mesquite so that should be something you should be able to research
12 to find out what's actually allowed in there because they're very
13 restrictive on what kinds of businesses can go in there.
14
- 15 Ochoa: Mr. Chairman, Commissioner Shipley, that is correct. It's kind of like
16 with the R-4 Zoning District. The C-1 Zoning District of the South
17 Mesquite does further limit the allowed uses than what the 2001
18 Zoning Code allows as well. Not only that but it even goes further on
19 limiting square footage of actual businesses, which is actually 1500
20 square feet, which is all of Mr. Skaggs all of his suits are under 1500
21 square feet so there's no issue with that. So the South Mesquite
22 Overlay reiterates time and time again that this is supposed to be for
23 low-intensity, neighborhood, commercial uses; that it's a benefit
24 towards the neighborhood. That's basically the way the Code reads,
25 sir.
26
- 27 Scholz: All right, and, Mr. Ochoa, that would, I assume, a sale of that property
28 would include those conditions then, you know, because it's still in the
29 Mesquite District.
30
- 31 Ochoa: Mr. Chairman, that is correct.
32
- 33 Scholz: Okay. Another question, Commissioner Shipley?
34
- 35 Shipley: Another thing I would point out is: with regards to your neighbor that
36 you had a problem with your action was exactly right. You should go
37 to Codes if they're non-compliant. But you also should register a
38 complaint with Community Development about having a business
39 license if they're not following that license and then that can be
40 resolved through the City, as well.
41
- 42 Flores: Thank you for your comment. I actually did bring that up to David Weir
43 and found that it was more beneficial for me to make the appeal
44 through Codes over the several months because I didn't get a whole
45 lot of resolution other than submitting a large monetary amount and an
46 application to go before the community. So at that point, since there

1 was noise issues within the city, we chose to follow it that way and it
 2 was resolved but it was about a six-month process and we had to deal
 3 with it every night. So, again, I am familiar with some of the concerns
 4 or some of the stipulations within the South Mesquite Overlay but,
 5 again, I'm not trying to put the brakes on him. There were some
 6 concerns that I had that I wanted to put on the records and make sure
 7 that my voice was heard on that.
 8

9 Scholz: Good. Well, thank you for speaking up. I appreciate it. Thanks.
 10 Anyone else from the public wish to speak to this? Okay, I'll close it for
 11 public discussion. Gentlemen, what is your pleasure?
 12

13 Crane: I move that application Z2845 be approved.
 14

15 Scholz: All right. That was Commissioner Crane.
 16

17 Beard: Second.
 18

19 Scholz: And Commissioner Beard seconds. All right, I'll call the roll.
 20 Commissioner Shipley
 21

22 Shipley: Aye, findings, discussion and site visit.
 23

24 Scholz: Commissioner Crane.
 25

26 Crane: Aye, findings, discussion and site visit.
 27

28 Scholz: Commissioner Stowe.
 29

30 Stowe: Aye, findings, discussion and site visit.
 31

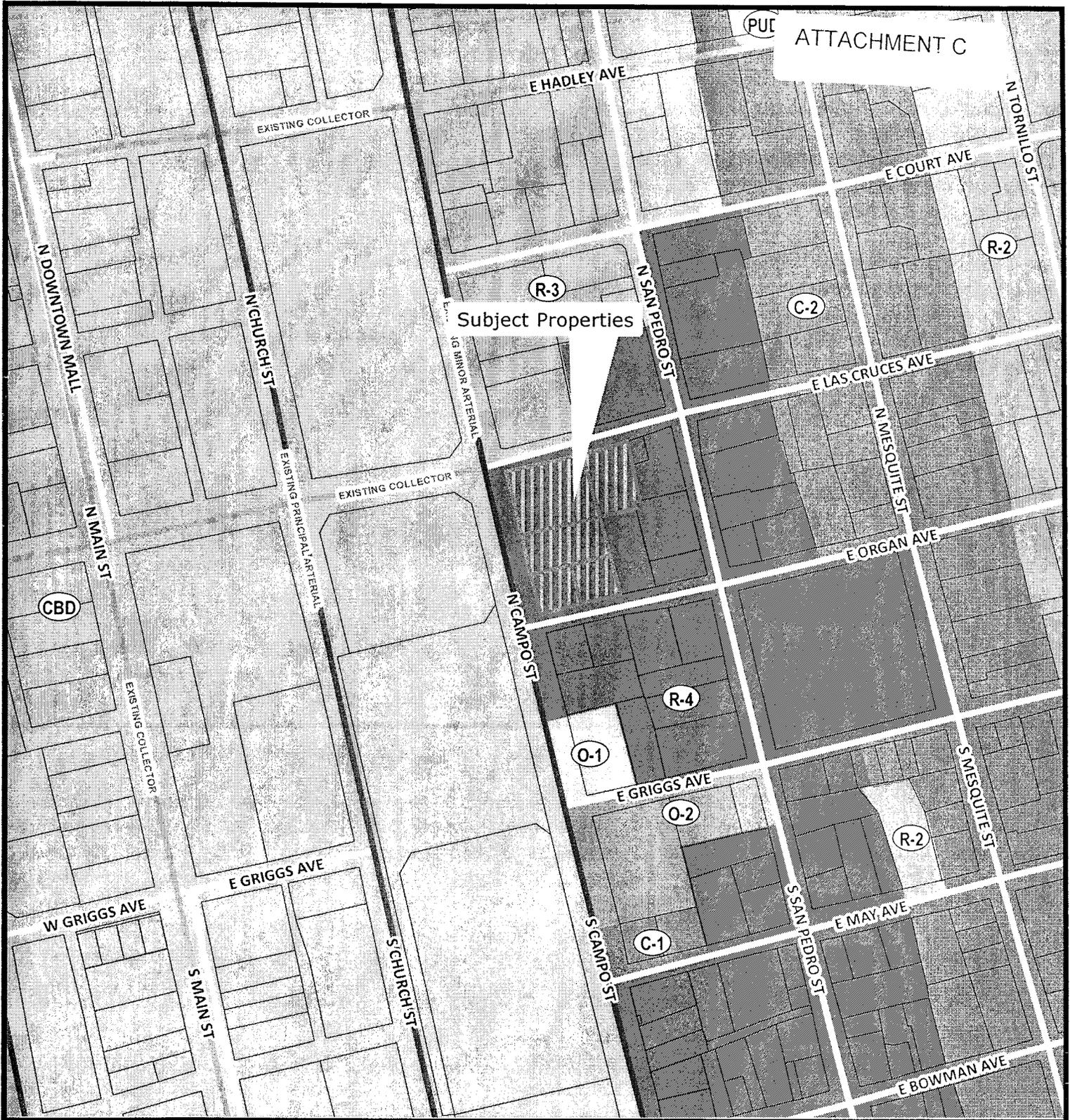
32 Scholz: Commissioner Beard.
 33

34 Beard: Aye, site visit, conditions and discussion.
 35

36 Scholz: Okay, and the Chair votes aye for findings, discussion and site visit.
 37 So it passes 5-0.
 38

- 39 2. **Case Z2847:** Application of Las Cruces DNMP IV, LLC on behalf of
 40 Southwest Engineering Inc. to rezone from C-2 (Commercial Medium
 41 Intensity) to C-3C (Commercial High Intensity-Conditional) on a 1.79 ±
 42 acre lot located on the northwest corner of Mesa Grande and Calle Bella;
 43 Parcel ID# 02-34040. Proposed Use: A commercial retail store; Council
 44 District 5. **APPROVED 5-0**
 45
- 46 3. **Case S-11-035:** Application of Southwest Engineering Inc. for a major
 47 amendment to the Los Enamorados Estates Master Planned Area. The

ATTACHMENT C



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		
	EXISTING LIMITED ACCESS	
	EXISTING PRINCIPAL ARTERIAL	
	EXISTING MINOR ARTERIAL	
	EXISTING COLLECTOR	
	PROPOSED LIMITED ACCESS	
	Non Designated Trail	
	Proposed Unpaved EBID	



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