

**City of Las Cruces®**  
**PEOPLE HELPING PEOPLE**

**Council Action and Executive Summary**

Item # 17 Ordinance/Resolution# 2648

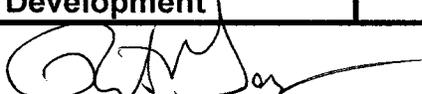
For Meeting of February 6, 2012  
 (Ordinance First Reading Date)

For Meeting of February 21, 2012  
 (Adoption Date)

**TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM RE (SINGLE-FAMILY RESIDENTIAL ESTATE) TO R-1AC (SINGLE-FAMILY MEDIUM DENSITY-CONDITIONAL) FOR A 0.3933 ± ACRE PARCEL LOCATED AT 3615 SPITZ STREET SUBMITTED BY KENNETH RONALD SOWELL, PROPERTY OWNER (Z2848).**

**PURPOSE(S) OF ACTION:**

Zone change to correct an acreage discrepancy for zoning and to facilitate the development of a single-family dwelling unit.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The subject property is located on the west side of Spitz Street, 290 ± feet north of its intersection with Jasmine Drive. It was part of an annexation into the City of Las Cruces that took place in 1987 and was given the initial zoning of RE (Single-Family Residential Estate).

The zone change is being requested to rezone the 0.3933 ± acre subject property from RE (Single-Family Residential Estate) to R-1aC (Single-Family Medium Density-Conditional). The RE zoning district requires a minimum lot size of 0.50 acres. The subject property does not meet the minimum lot size requirement of the RE zoning district and the applicant is requesting the R-1aC zoning designation to bring the subject property into compliance with the 2001 Zoning Code, as amended, with the minimum lot size requirement. The proposed zone change would help facilitate the construction of a single-family residence on the subject property by removing the non-conforming aspect of the property. A condition has been placed on the proposed zone change requiring a minimum lot size of 0.3933 ± acres. The condition was placed on the proposed zone change to limit any additional subdividing of the subject property and help keep the existing character and look of the surrounding area.

On December 20, 2011, the Planning and Zoning Commission (P&Z) recommended conditional approval for the proposed zone change by a vote of 4-1-0 (two Commissioners absent). During the meeting members from the public voiced concerns on the potential additional flooding problems the proposed new zone change may produce in an area prone to flooding and concerns on the possibility of the subject property being used for a multi-family residential development (this would not be permitted in the existing or proposed zoning designation). Some of the members of the public at the meeting were mistaken on which property was actually requesting the zone change.

**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 Z2848.
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 Planning and Zoning Commission recommendation for approval. The subject property located at 3615 Spitz Street will be rezoned from RE (Single-Family Residential Estate) to R-1aC (Single-Family Medium Density-Conditional).
2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of RE (Single-Family Residential Estate) will remain on the subject property.
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 872.

COUNCIL BILL NO. 12-026  
ORDINANCE NO. 2648

**AN ORDINANCE APPROVING A ZONE CHANGE FROM RE (SINGLE-FAMILY RESIDENTIAL ESTATE) TO R-1AC (SINGLE-FAMILY MEDIUM DENSITY-CONDITIONAL) FOR A 0.3933 ± ACRE PARCEL LOCATED AT 3615 SPITZ STREET SUBMITTED BY KENNETH RONALD SOWELL, PROPERTY OWNER (Z2848).**

The City Council is informed that:

**WHEREAS**, Kenneth Ronald Sowell, the property owner, has submitted a request for a zone change from RE (Single-Family Residential Estate) to R-1aC (Single-Family Medium Density-Conditional) for property located at 3615 Spitz Street; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on December 20, 2011, recommended that said zone change request be conditionally approved by a vote of 5-0-0 (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 R-1aC (Single-Family Medium Density-Conditional) for property located at 3615 Spitz Street.

**(II)**

**THAT** the condition be stipulated as follows:

- The minimum lot size requirement is 0.3933 ± acres.

**(III)**

**THAT** the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

THAT the zoning of said properties 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)

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

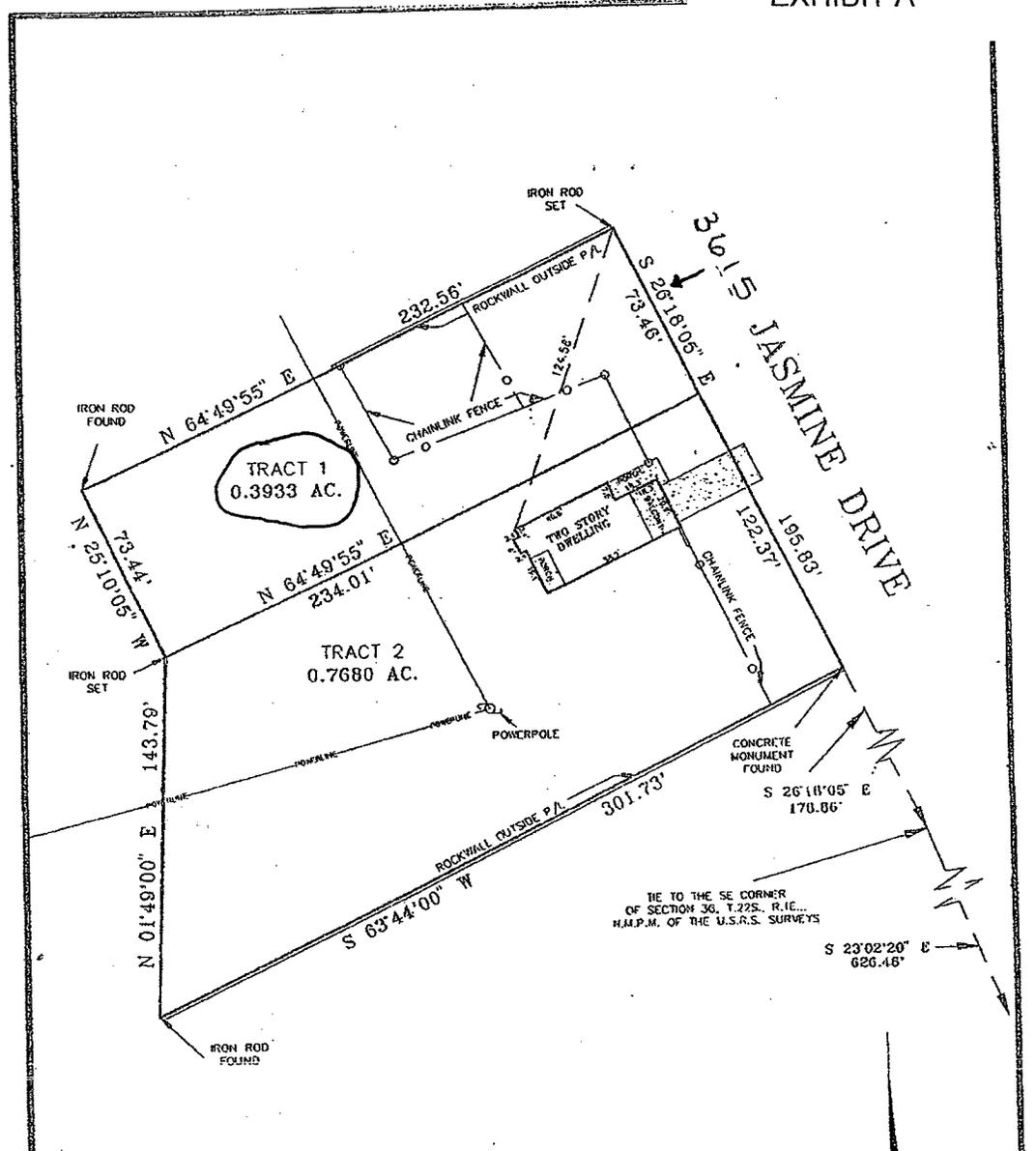
Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

*[Handwritten Signature]*  
\_\_\_\_\_  
City Attorney

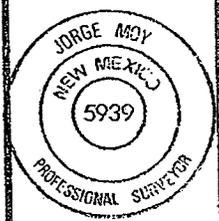
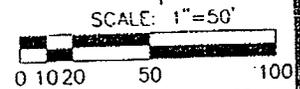
VOTE:

- Mayor Miyagishima: \_\_\_\_\_
- Councillor Silva: \_\_\_\_\_
- Councillor Smith: \_\_\_\_\_
- Councillor Pedroza: \_\_\_\_\_
- Councillor Small: \_\_\_\_\_
- Councillor Sorg: \_\_\_\_\_
- Councillor Thomas: \_\_\_\_\_



NOTE: INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM WARRANTY DEED FILED SEPTEMBER 27, 1992, IN DEED BOOK 362, PAGES 711-713, DONA ANA COUNTY RECORDS.

NOTE: FLOOD ZONE "X": AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, IN MAP NO. 35013C0518 E, EFFECTIVE SEPTEMBER 27, 1991.



PLAT OF SURVEY  
 SHOWING THE LOCATION OF IMPROVEMENTS  
 ON A 0.3933 ACRE & 0.7680 ACRE TRACT  
 IN SECTION 36, T.22S., R.1E., N.M.P.M.  
 OF THE U.S.G.L.O. SURVEYS  
 NORTHWEST OF LAS CRUCES  
 DONA ANA COUNTY  
 NEW MEXICO

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF NEW MEXICO AND THAT THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION FROM THE NOTES OF AN ACTUAL FIELD SURVEY AND THAT IT MEETS MINIMUM STANDARDS FOR LAND SURVEYS AS SET FORTH BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Jorge Moy*  
 JORGE MOY N.M.P.S. 5939

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

JOB NO. #93-1831  
 DRAWN BY ROBERT E. LAWS  
 FIELD BY KENNY & THANE  
 DATE 10-12-93 SCALE: 1"=50'

## **FINDINGS & COMPREHENSIVE PLAN ANALYSIS**

1. The subject property encompasses 0.3933 ± acres, is currently zoned RE (Single-Family Residential Estate) and is currently undeveloped.
2. The subject property was part of an annexation in 1987 that gave the subject property the RE zoning designation.
3. The subject property currently only encompasses 0.3933 ± acres and does not follow the RE zoning district minimum lot size requirement of 0.50 ± acres.
4. The proposed R-1aC (Single-Family Medium Density-Conditional) zoning designation would facilitate compliance with the 2001 Zoning Code, as amended.
5. The following policies from the 1999 Comprehensive Plan are relevant to the current proposal:

### **Land Use Element Goal 1, Objective 3 (Residential Uses)**

#### **Policy**

- 1.3.1. An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.
- 1.3.3. An assortment of lot sizes should be provided for single-family residential developments to promote a variety of lifestyles within the community. With small-urbanized lots (such as 3,500 square foot parcels) to large tracts of land (five acres in size), the City shall address all segments of the population.
- 1.3.4. High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.
- 1.3.5. All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.
1. 3.10. High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.

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

1.3.16. The City shall encourage rural residential uses in the north and south fringe areas of the City.



**Planning & Zoning  
Commission  
Staff Report**

**Date: December 1, 2011**

**CASE #** Z2848

**PROJECT NAME:** 3615 Spitz Street (Zone Change)

**APPLICANT:** Kenneth Ronald Sowell & Veronica Sowell

**PROPERTY OWNER:** Kenneth Ronald Sowell

**REQUEST:** Zone change from RE(Single-Family Residential Estate) to R-1aC (Single-Family Medium Density-Conditional)

**PROPOSED USE:** Single-family residence

**SIZE:** 0.3933 ± acres

**CURRENT ZONING:** RE (Single-Family Residential Estate)

**LOCATION:** Located on the west side of Spitz Street, 290 ± feet north of its intersection with Jasmine Drive; a.k.a. 3615 Spitz Street; Parcel ID# 02-20734

**COUNCIL DISTRICT:** 5

**PLANNING COMMISSION DATE:** December 20, 2011

**PREPARED BY:** Adam Ochoa, Planner /b

**STAFF RECOMMENDATION:** Approval with conditions

**PROPERTY INFORMATION**

Address/Location: Located on the west side of Spitz Street, 290 ± feet north of its intersection with Jasmine Drive; a.k.a. 3615 Spitz Street; Parcel ID# 02-20734

Acreage: 0.3933 ± acres

Current Zoning: RE (Single-Family Residential Estate)

Current Land Use: Vacant/undeveloped

Proposed Zoning: R-1aC (Single-Family Medium Density-Conditional)

Proposed Land Use: Single-family dwelling

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

**Table 1: Site Analysis**

Existing Conditions	
Existing Square Footage of All Buildings	N/A
Current Lot Size	0.3933 ± acres
Current Lot Depth/Width	233 ± feet/ 73 ± feet
Existing Building Height	N/A
Development Standards for Proposed Zoning of R-1a	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70-feet/50-feet
Maximum Building Height	35-feet

**PHASING**

Is phasing proposed? Yes  No

If yes, how many phases?

Timeframe for implementation:

## ADJACENT ZONING AND LAND USE INFORMATION

**Table 2: Land Uses**

Location		Existing Use	Zoning District	Zoning Designation
Subject Property		Vacant/ Undeveloped	RE	Single-Family Residential Estate
Surrounding Properties	North	Single-family residence	RE	Single-Family Residential Estate
	South	Single-family residence	RE	Single-Family Residential Estate
	East	Vacant/ Undeveloped	R-1a	Single-Family Medium Density
	West	Vacant/ Undeveloped	ER4	ETZ Single-Family Residential

### HISTORY

Previous applications? Yes  No

If yes, please explain: In April of 1987 an Ordinance was approved annexing and establishing the initial RE (Single-Family Residential Estate) zoning designation for 9.795 ± acres of land that included the subject property.

Previous ordinance number? 872

Previous uses if applicable: N/A

### COMPREHENSIVE PLAN

#### Elements & Policies

##### Land Use Element

1. Goal 1, Objective 3, Policy 1.3.1
2. Goal 1, Objective 3, Policy 1.3.3
3. Goal 1, Objective 3, Policy 1.3.4
4. Goal 1, Objective 3, Policy 1.3.5
5. Goal 1, Objective 3, Policy 1.3.10
6. Goal 1, Objective 3, Policy 1.3.14
7. Goal 1, Objective 3, Policy 1.3.16

Analysis: The proposed zone change will facilitate compliance for the subject property with the 2001 Zoning Code, as amended, with the minimum lot size requirement. The proposed zone change will also facilitate the development of the subject property with a single-family residence. The subject property is located adjacent to a large grouping of properties with identical zoning making compatibility not an issue for the zone change. The proposed zone change will also give the subject property a zoning designation that is encouraged in this area of the City. Recommendation of approval.

**REVIEWING DEPARTMENT COMMENTS**Fire Prevention:

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

Type of building occupancy: Type R

## Nearest Fire Station

Distance: 1.95 ± miles

Address: 2750 Northrise Drive

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 type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Drainage study needed	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Other drainage improvements needed	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Sidewalk extension needed	Yes <input checked="" type="checkbox"/>	No <input 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 of the subject property may require on-lot ponding for excess run-off. Recommendation of approval.

MPO:

Road classifications: Spitz Street is designated as a local roadway.

Additional Comments: Recommendation of approval.

Public Transit:

Where is the nearest bus stop (miles)? 0.78 ± miles southeast of the subject property near the corner of Elks Drive and Main 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 checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Intersection sight problems	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Off-street parking problems	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>

On-Street Parking Impacts

None  Low  Medium  High  N/A

Explain:

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: Jornada Elementary School    | Distance (miles): 0.51 ± miles |
| Enrollment: 570                             |                                |
| 2. Middle School: Camino Real Middle School | Distance (miles): 2.23 ± miles |
| Enrollment: 775                             |                                |
| 3. High School: Mayfield High School        | Distance (miles): 1.75 ± miles |
| Enrollment: 2223                            |                                |

Adequate capacity to accommodate proposal? Yes  No  N/A 

Explain: The proposed zone change will keep the single-family aspect of the subject property and no significant change to the number of students attending surrounding schools will occur with the proposed zone change.

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

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

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

If yes, how many parking spaces will be required? The 2001 Zoning Code, as amended, requires a single-family dwelling unit to provide 2 auto parking spaces.

How many accessible? ADA parking spaces are not required for single-family dwelling units.

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: All parking requirements of the 2001 Zoning Code, as amended, shall be verified for the subject property during the building permit process.

Landscaping and Buffering:Is there existing landscaping on the subject property? Yes  No  N/A If yes, is the landscaping adequate to serve the proposed use? Yes  No

If no, what landscaping will be required?

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

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

If no, what additional buffering will be required? The subject property will not be required to provide any buffering to adjacent properties. Regular setbacks will be required to be followed.

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.

**Table 3: Special Characteristics**

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

**Table 4: Project Chronology**

Date	Action
October 18, 2011	Application submitted to Development Services
October 20, 2011	Case sent out for review to all reviewing departments
October 30, 2011	All comments returned by all reviewing departments
November 17, 2011	Staff reviews and recommends conditional approval for zone change
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 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.

In 1987 the subject property was part of an annexation that mistakenly gave the subject property the initial zoning designation of RE (Single-Family Residential Estate). The subject property only encompasses 0.3933 ± acres and does not follow the RE zoning district minimum lot size requirement of 0.50 ± acres. The proposed zone change to R-1aC (Single-Family Medium Density-Conditional) will

facilitate the development of the subject property with a single-family residence and will facilitate compliance with the 2001 Zoning Code, as amended.

Staff and the applicant have agreed upon a condition for the proposed zone change requiring a minimum lot size of 0.3933 ± acres for the proposed zone change. The condition for the proposed zone change will not allow any additional subdividing of the subject property and will help keep the existing character of the area.

## **FINDINGS**

1. The subject property encompasses 0.3933 ± acres, is currently zoned RE (Single-Family Residential Estate) and is currently undeveloped.
2. The subject property was part of an annexation that gave the subject property the RE zoning designation.
3. The subject property currently only encompasses 0.3933 ± acres and does not follow the RE zoning district minimum lot size requirement of 0.50 ± acres.
4. The proposed R-1aC (Single-Family Medium Density-Conditional) zoning designation would facilitate compliance with the 2001 Zoning Code, as amended.

## **STAFF RECOMMENDATION**

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

- The minimum lot size requirement shall be 0.3933 ± acres.

## **DRC RECOMMENDATION**

N/A

## **ATTACHMENTS**

1. Development Statement
2. Site Plan
3. Applicant's Narrative
4. Comprehensive Plan Elements and Policies
5. Aerial Map
6. Vicinity Map

### DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

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

#### Applicant Information

Name of Applicant: Kenneth Ronald Sowell  
 Contact Person: Kenneth Ronald Sowell  
 Contact Phone Number: (575) 525-8536  
 Contact e-mail Address: ~~XXXXXXXXXX~~ Kenneth.Ronald.Sowell@comcast.net  
 Web site address (if applicable): N/A

#### Proposal Information

Name of Proposal: Zoning Change (RE to R-1a)  
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial):  
N/A

Location of Subject Property 3615 Spitz St Las Cruces, N.M.  
 (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: .3933 acre lot

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

Detailed description of intended use of property. (Use separate sheet if necessary):  
To make property usable either for housing or to sell the lot. This property when bought was intended to supplement our Retirement

Zoning of Subject Property: RE

Proposed Zoning (If applicable): R-1a

Proposed number of lots N/A, to be developed in N/A phase (s).

Proposed square footage range of homes to be built from N/A to N/A

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

N/A

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

N/A

Anticipated traffic generation \_\_\_\_\_ N/A \_\_\_\_\_ trips per day.

Anticipated development schedule: work will commence on or about \_\_\_\_\_ N/A \_\_\_\_\_ and will take \_\_\_\_\_ N/A \_\_\_\_\_ to complete.

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

N/A

Will any special landscaping, architectural or site design features be implemented into the proposal (for example, rock walls, landscaped medians or entryways, entrance signage, architectural themes, decorative lighting)? If so, please describe and attach rendering (rendering optional). \_\_\_\_\_ N/A \_\_\_\_\_

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

Is there existing landscaping on the property? \_\_\_\_\_ Yes \_\_\_\_\_

Are there existing buffers on the property? \_\_\_\_\_ N/A \_\_\_\_\_

Is there existing parking on the property? Yes \_\_\_ No

If yes, is it paved? Yes \_\_\_ No

How many spaces? \_\_\_\_\_ N/A \_\_\_\_\_ How many accessible? \_\_\_\_\_ N/A \_\_\_\_\_

**Attachments**

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

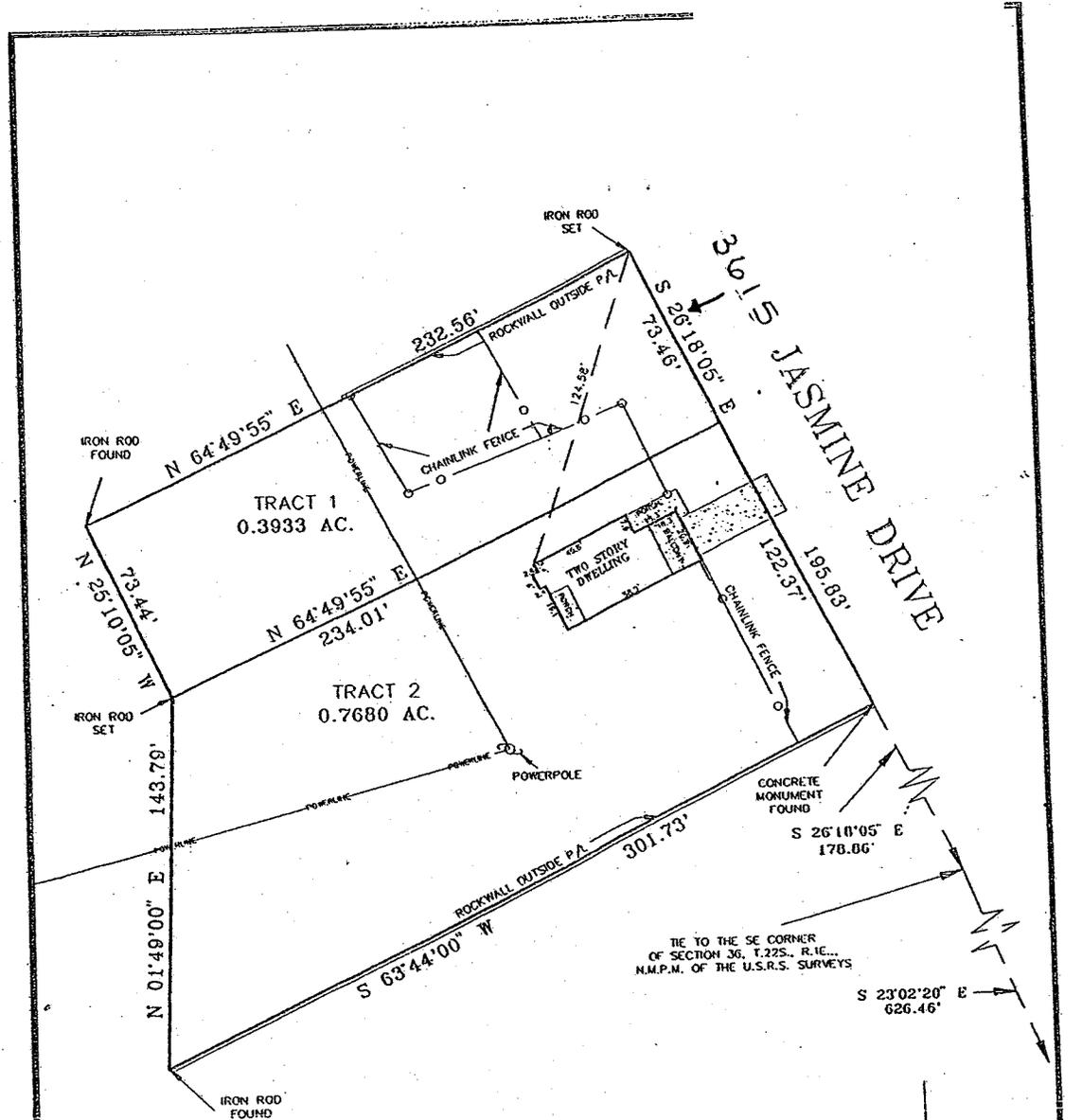
Location map

Subdivision Plat (If applicable)

Proposed building elevations

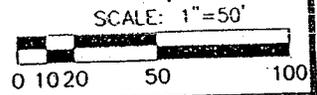
\*renderings of architectural or site design features

\*other pertinent information



NOTE: INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM WARRANTY DEED FILED SEPTEMBER 27, 1992, IN DEED BOOK 362, PAGES 711-713, DONA ANA COUNTY RECORDS.

NOTE: FLOOD ZONE "X"; AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, IN MAP NO. 35013C00518 E, EFFECTIVE SEPTEMBER 27, 1991.



PLAT OF SURVEY  
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 ON A 0.3933 ACRE & 0.7680 ACRE TRACT  
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 OF THE U.S.G.L.O. SURVEYS  
 NORTHWEST OF LAS CRUCES  
 DONA ANA COUNTY  
 NEW MEXICO

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF NEW MEXICO AND THAT THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION FROM THE NOTES OF AN ACTUAL FIELD SURVEY AND THAT IT MEETS MINIMUM STANDARDS FOR LAND SURVEYS AS SET FORTH BY THE NEW MEXICO BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JORGE MOY N.M.P.S. 5939

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

PHONE: (505) 525-9683  
 FAX: (505) 524-3238

JOB NO. #93-1831  
 DRAWN BY ROBERT E. LAWS  
 FIELD BY KENNY & THANE  
 DATE 10-12-93 SCALE: 1"=50'

October 17, 2011

## Proposed Zone Change from RE to R-1a

To all those involved,

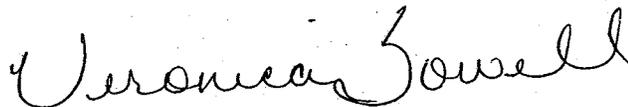
My husband owns two lots in Las Cruces. Our house sits on a .7680 acre lot and the vacant lot right next to it, a .3933 acre lot. My husband bought these properties 25 years ago in 1985; two years later the city annexed both properties and zoned them RE. He was told, at the time by the City of Las Cruces, that he would not have any trouble building or selling the lot in the future because it was already a separate lot. The City has since also installed sub-outs on this lot for future planned development and the property has an address of 3615 Spitz St. It use to be Jasmine; but they changed the name of our street to Spitz St.

Because we are older now and the economy has slowed way down we were depending on either selling or improving the lot for our retirement. When we came in to the City, we were told it didn't meet current lot requirements; even though it's a separate lot. Because of this we cannot sell the property or build on it. This has been very hard on us since we were counting on this for our security.

There are undeveloped lots across the street zoned R-1a that are much smaller in size than our lot. We've included a copy of a plat of these 6 lots which range in size from .20 of an acre to .28 of an acre. We appreciate the time and effort all of you put in and ask that you consider our request to rezone our lot from RE to R-1a to help us make use of our property. If you have any further questions please feel free to contact us at 575-312-1478 and we'll be pleased to answer your questions. Thank you for your time.

Kenneth Ronald Sowell

Veronica Sowell





**COMPREHENSIVE PLAN ELEMENTS & POLICIES****Land Use Element Goal 1, Objective 3 (Residential Uses)****Policy**

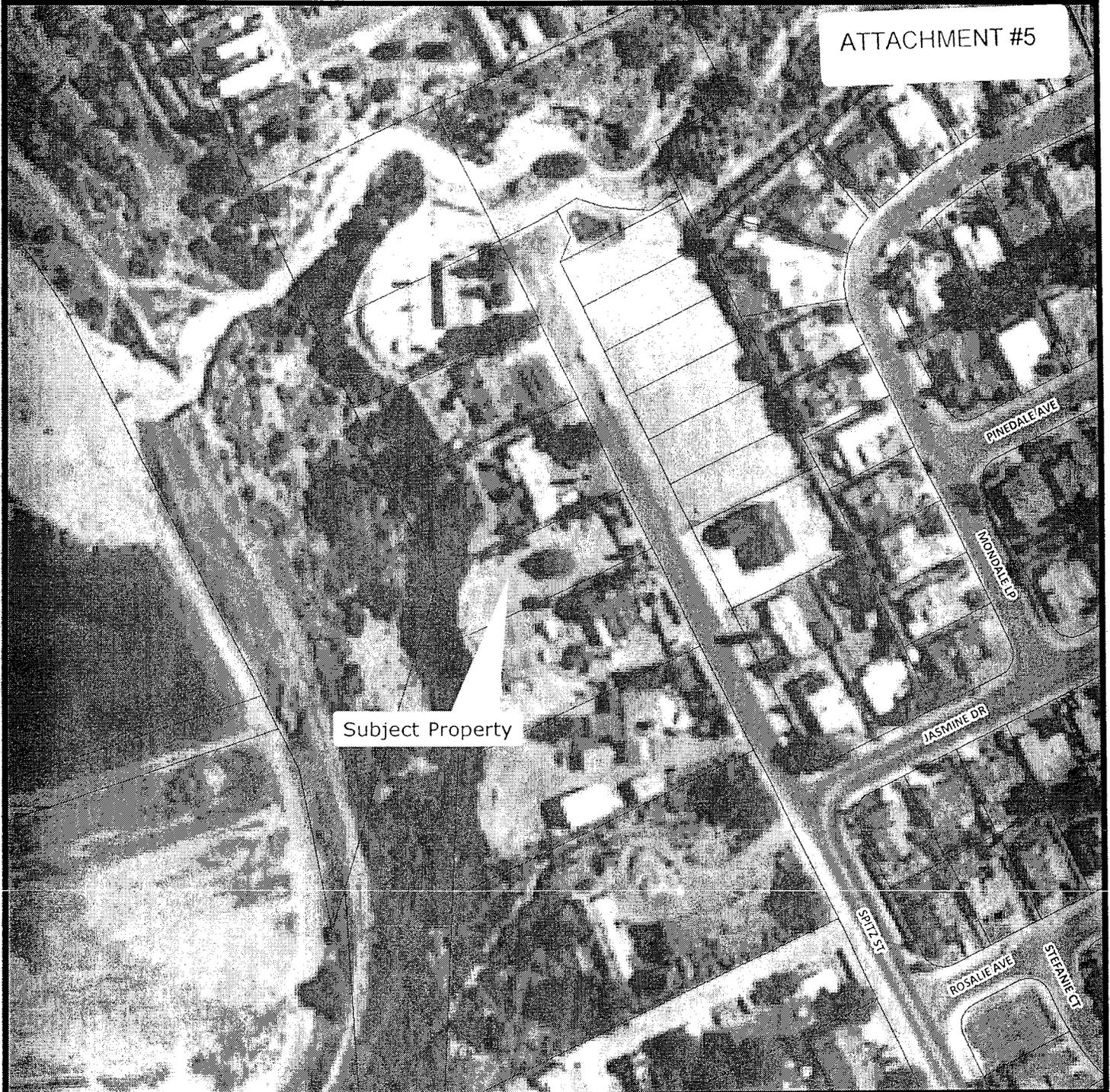
- 1.3.1. An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.
- 1.3.3. An assortment of lot sizes should be provided for single-family residential developments to promote a variety of lifestyles within the community. With small-urbanized lots (such as 3,500 square feet parcels) to large tracts of land (five acres in size), the City shall address all segments of the population.
- 1.3.4. High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.
- 1.3.5. All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.
- 1.3.10. High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.
- 1.3.14. The City shall encourage urban residential development on the East Mesa.
- 1.3.16. The City shall encourage rural residential uses in the north and south fringe areas of the City.

ZONING: RE TO R-1AC  
OWNER: KENNETH RONALD SOWELL

664  
Aerial View

PARCEL: 02-20734  
DATE: 12/12/2011

ATTACHMENT #5



Subject Property

*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

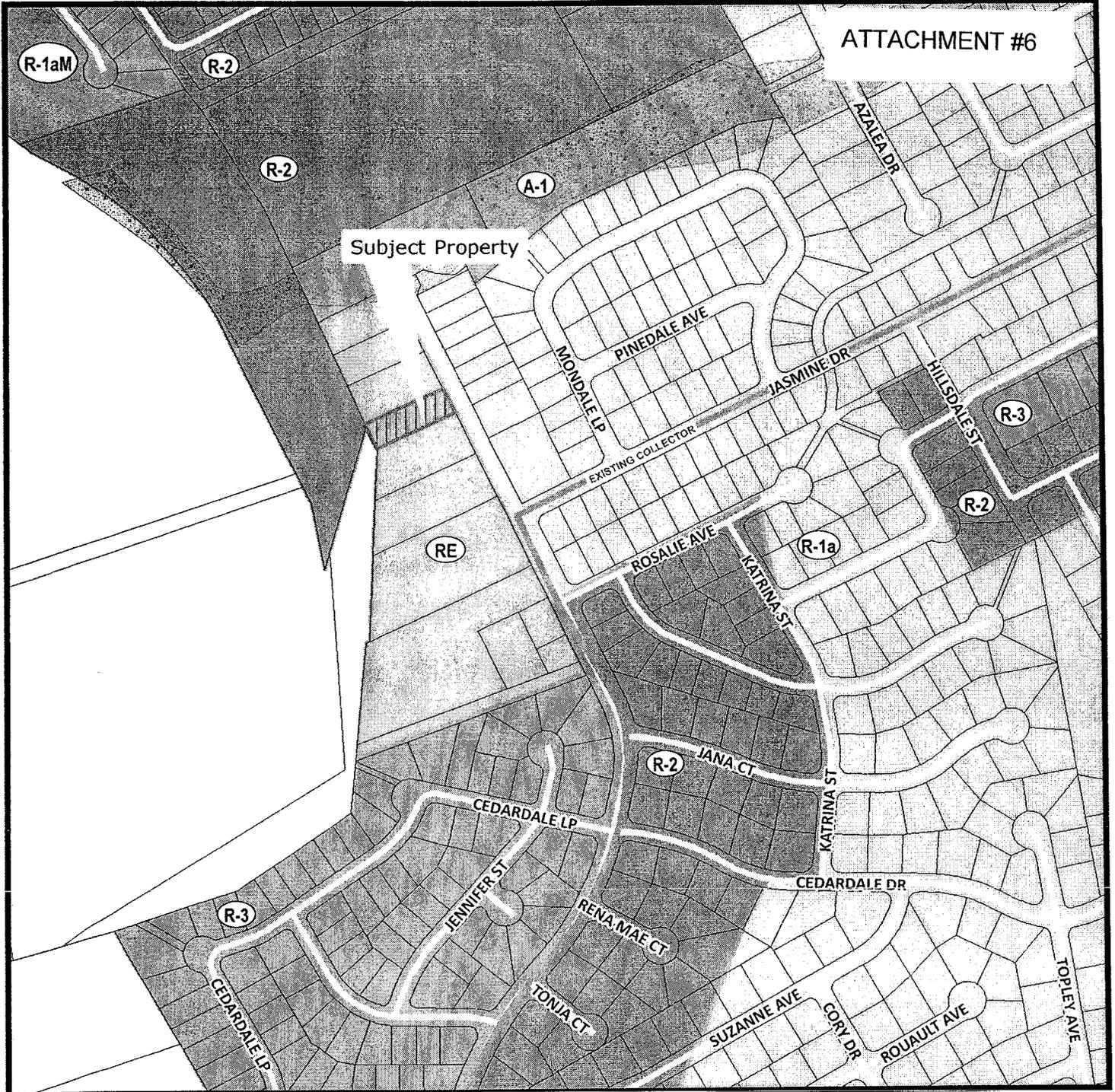
- |                       |                       |          |
|-----------------------|-----------------------|----------|
| ● Public_Facilities   | --- EBID Water System | ▨ Arroyo |
| □ City Parcel         | +++ Railroad          |          |
| ▬ Interstates_Highway | ▨ Rio Grande          |          |



150 75 0 150  
Feet

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

ATTACHMENT #6



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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	
▬ EXISTING MINOR ARTERIAL	▬ PROPOSED MINOR ARTERIAL	▬ Proposed Unpaved EBID	
▬ EXISTING COLLECTOR	▬ PROPOSED COLLECTOR	▬ City Parcel	
▬ PROPOSED LIMITED ACCESS	▬ PROPOSED CORRIDOR	▬ Interstates_Highway	
		● EBID Water System	
		— Railroad	
		▬ Rio Grande	
		▬ Arroyo	

  
 150 75 0 150 300 450  
 Feet  
**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  
2 **III. APPROVAL OF MINUTES**  
3

4 1. November 22, 2011 Regular Meeting  
5

6 Scholz: All right, the first order of business is the approval of minutes of the  
7 November 22, 2011 Regular Meeting. Any additions or corrections to  
8 the minutes, gentlemen? All right, I'll entertain a motion to approve.  
9

10 Shipley: I move to approve the minutes.

11 Scholz: Okay, Shipley moves...  
12

13 Beard: Second.  
14

15 Scholz: Beard seconds. Thank you. All those in favor say aye.  
16

17 All: Aye.  
18

19 Scholz: Those opposed same sign. All right, the minutes are approved.  
20  
21

22  
23 **IV. POSTPONEMENTS - None**  
24

25 **V. CONSENT AGENDA**  
26

27 Scholz: Okay. Then we move on to our Consent Agenda. This is how the  
28 Consent Agenda works: the Consent Agenda is voted on by one vote  
29 of the Commission but the first thing we do is ask if anybody in the  
30 audience or anyone on the staff or anyone on the Commission wishes  
31 to speak to any of these three items which are on the Consent Agenda.  
32

33 *Those items on the consent agenda will be voted by one motion with the*  
34 *acceptance of the agenda. Any Planning and Zoning Commissioner, Staff or*  
35 *member of the public may remove an item from the consent agenda for*  
36 *discussion by the commission.*  
37

- 38 1. **Case IDP-46:** Application of Carlos Estrada-Vega for an infill  
39 development proposal requesting the approval of a final plat for a  
40 subdivision known as Estrada Tracts on a 0.521 ± acre tract located on  
41 the northeast corner of Camp Street and Fir Avenue; Parcel ID# 02-  
42 04660. Proposed Use: The one (1) existing tract will be subdivided into  
43 three (3) new lots where single-family homes will be developed. Council  
44 District 1. **APPROVED 5-0**  
45

46 Scholz: Okay, the first one is IDP-46. Anyone?  
47

- 1           2. **Case Z2848:** Application of Kenneth Ronald Sowell to rezone from RE  
2 (Single-Family Residential Estate) to R-1aC (Single-Family Medium  
3 Density-Conditional) on a 0.3933 ± acre lot located on the west side of  
4 Spitz Street, 290 ± feet north of its intersection with Jasmine Drive; a.k.a.  
5 3615 Spitz Street; Parcel ID# 02-20734. Proposed Use: A single-family  
6 residence; Council District 5. **MOVED TO FIRST ITEM UNDER NEW  
7 BUSINESS**

8  
9 Scholz:       All right. Case Z2848? And you folks with to speak to those? You're  
10 not the applicant, I assume. No. Okay, thank you. We'll put that as  
11 the first item under New Business.  
12

- 13           3. **Case Z2849:** Application of Pillar Engineering LLC on behalf of Amani  
14 LLC to rezone from H (Holding) to R-3 (Multi-Dwelling Medium Density) on  
15 a 9.00 ± acre lot located on the west side of Jornada Drive, 1,025 ± feet  
16 north of its intersection with Peachtree Hills Road; Parcel ID# 02-41158.  
17 Proposed Use: A multi-family residential complex; Council District 5.  
18

19 Scholz:       Okay. Case Z2849? Anyone? Okay. So what we're voting on the  
20 Consent Agenda tonight is items number 1 and 3: Case IDP-46 and  
21 Case Z2849. I'll entertain a motion to approve.  
22

23 Beard:       So moved.  
24

25 Scholz:       Okay. So Beard moves. Is there a second?  
26

27 Crane and Stowe:   Second.  
28

29 Scholz:       Okay, Crane and Stowe tied there for a second. All those in favor say  
30 aye.  
31

32 All:           Aye.  
33

34 Scholz:       Those opposed same sign.  
35

## 36 VI. OLD BUSINESS

37  
38 Scholz:       All right, any Old Business, Mr. Ochoa?  
39

40 Ochoa:       No, sir, none tonight.  
41

## 42 VII. NEW BUSINESS

43  
44 Scholz:       Okay, so our first case of New Business is Case Z2818 and you're up  
45 and are you presenting, sir?  
46

47 Ochoa:       Yes, sir.

1  
2 Scholz: All right, carry on.  
3

4 **Case Z2848:** Application of Kenneth Ronald Sowell to rezone from RE  
5 (Single-Family Residential Estate) to R-1aC (Single-Family Medium  
6 Density-Conditional) on a 0.3933 ± acre lot located on the west side of  
7 Spitz Street, 290 ± feet north of its intersection with Jasmine Drive;  
8 a.k.a. 3615 Spitz Street; Parcel ID# 02-20734. Proposed Use: A  
9 single-family residence; Council District 5. **APPROVED 4-1**  
10

11 Ochoa: Good evening, gentlemen. Adam Ochoa for Development Services,  
12 for the record. The first case tonight is Z2848. It is a request for a  
13 zone change from RE, which is Single-Family Residential Estate to R-  
14 1aC, which is Single-Family Medium Density-Conditional for property  
15 located at 3615 Spitz Street.

16 The subject property located here along Spitz Street just north  
17 of Jasmine Drive, on the west side of Spitz Street here, highlighted  
18 here in the light blue in the large block of RE zoned properties directly  
19 east of what's basically part of the county. The property is located on  
20 the west side of Spitz Street, approximately 290 feet north of its  
21 intersection with Jasmine Drive. The subject property is currently  
22 zoned Single-Family Residential Estate or RE and currently it  
23 encompasses approximately 0.1933 acres in size. The subject  
24 property is currently undeveloped.

25 As the property exists it does not follow the RE Zoning District  
26 minimum lot size requirement of half-an-acre. Essentially the property  
27 was annexed into the city with approximately 10 other acres in this  
28 area and was given the RE zoning designation back in 1997. Tonight  
29 the proposed zone change to R-1aC, the Single-Family Medium  
30 Density-Conditional zoning designation will facilitate not only  
31 compliance for the subject property with the 2001 Zoning Code, as  
32 amended, for lot size requirement it'll also facilitate the development of  
33 the subject property with a single-family residence, which is what the  
34 applicant has stated will happen with the property. In the condition on  
35 the R-1aC zoning designation it is basically requiring a minimum lot  
36 size of 0.3933 acres for the proposed zone change to prevent for any  
37 additional subdividing of the subject property and just to kind of keep  
38 what's existing in that area as it is now with a row of larger lots on the  
39 west side of Spitz Street adjacent to the more rural ETZ area in the  
40 county, kind of keeping the buffer going that's existing there now.

41 Here's an aerial. I apologize. It's a little blurry but, as you can  
42 see, it's the vacant property here along Spitz Street and here is the site  
43 plan of that vacant property. The property here is also the property  
44 owner of the larger southern properties as well.

45 Staff has reviewed the proposed zone change and, based on  
46 the preceding findings, recommends approval with the following

1 condition: the minimum lot size requirement shall be a minimum of  
2 0.3933 acres for the subject property.

3 The Planning and Zoning Commission is the recommending  
4 Body to City Council for zone changes so your recommendation shall  
5 be forwarded to City Council for final action. With that, your options  
6 tonight, gentlemen are: 1) to vote "yes" to approve the request as  
7 recommended by staff for case Z2848; 2) to vote "yes" to approve the  
8 request with any additional conditions deemed appropriate by the  
9 Board; 3) to vote "no" to deny the request, and; 4) to table/postpone  
10 the case and direct staff accordingly. That is the completion of my  
11 application. The applicant is here if you have any questions for her  
12 and I stand for questions as well.  
13

14 Scholz: All right. Any questions for this gentleman? Okay, may we hear from  
15 the applicant, please?  
16

17 Sowell: Hi, I'm Veronica Sowell and if you have any questions...I'm kind of  
18 nervous. I don't have any questions. The property, as it sits, is not  
19 usable. Because it's zoned RE we can't even put a garage on it and  
20 we can't sell it and, with the economy, we've had some extra expenses  
21 come up and we also have one coming up next year that we didn't  
22 foresee. Our youngest daughter has skipped a grade so we'll have  
23 two girls in college next year. So the other option besides putting a  
24 dwelling on the property would be that we would be able to sell it. As it  
25 is we can't sell it because it's not...you can't do anything with it. My  
26 husband bought it about twenty-five years ago and at the time when  
27 the City came in and annexed it they told us that the RE on it would not  
28 be a problem. When I went in, I guess, a few months ago they told me  
29 that it did not meet current lot requirements and that's why I'm here,  
30 you know, asking for a zone change; and also, across the street they  
31 have established a Schoeppner Estates and there's five or six lots right  
32 across the street and I believe they're under 6,000 square feet each  
33 lot. So I figured this would be what we would want; but under no  
34 circumstances do we want it to be subdivided. We just want to make it  
35 useable property.  
36

37 Scholz: Right. Yeah, and the stipulation that was in the condition says that it  
38 can't be subdivided...  
39

40 Sowell: Yeah. That's fine.  
41

42 Scholz: ...into a single (*inaudible*) size. Okay. Questions for this woman?  
43 Anyone? Okay. Thank you.  
44

45 Sowell: Thank you.  
46

1 Scholz: May we hear from the public, please? Yes, the woman who raised her  
2 hand. Give us your name, please.  
3  
4 T. Parrish: *(inaudible – not near microphone)*  
5  
6 Scholz: Thank you...and you'll have to speak close to the microphone, Ms.  
7 Parrish.  
8  
9 T. Parrish: Okay. I came because I wanted to make sure that there weren't going  
10 to be apartments that were going to be built in that area and there's a  
11 problem with the property that's back there. Our neighbors that are  
12 behind us who didn't get a notice of this meeting...none of our other  
13 neighbors did either that we were able to talk to... we were the only  
14 ones that got a notice.  
15  
16 Scholz: Um-hmm.  
17  
18 T. Parrish: So...anyhow the neighbors that are directly behind us are the latest  
19 house that was built there, which is right next door to this lot. They  
20 have two big ponds that are lined with big rocks and every time it rains  
21 they still get water and sand up on their back porch. So there's just no  
22 way to keep it from flooding there. In addition, four lots down...I'm  
23 sorry, that's three lots down, three of these small lots down, is a big  
24 arroyo and it's the mouth of the arroyo and when it rains the water  
25 comes flooding out of there. In the past there's been water on that  
26 street high enough to float boats and canoes.  
27  
28 Scholz: Um-hmm. Okay. Is that arroyo part of the city?  
29  
30 T. Parrish: I think it was deeded over to the City after the last time we met on this  
31 issue.  
32  
33 Scholz: Okay.  
34  
35 T. Parrish: And so now the City gets to take care of it. What's there now in front of  
36 that mouth of the arroyo is two temporary barricades and when it rains,  
37 of course they get washed away.  
38  
39 Scholz: Okay. Anything else?  
40  
41 T. Parrish: No. That's all. Thank you.  
42  
43 Scholz: Okay. Thank you.  
44  
45 Crane: Mr. Chairman?  
46

1  
2 Scholz: Yes.  
3  
4 Crane: May I ask for a clarification... *(inaudible – two people speaking at the*  
5 *same time)*  
6  
7 Scholz: Certainly. Ma'am? Ms, Parrish, Commissioner Crane has a question  
8 for you.  
9  
10 Crane: Which is your property, please, in relation to the current property that  
11 Ms. Sowell owns and where are you in relation to subject property?  
12  
13 T. Parrish: Okay. This is our property right here as close as I can tell. It's not  
14 quite right.  
15  
16 Crane: Okay. Are you saying that the...where is this sand accumulating when  
17 it floods?  
18  
19 T. Parrish: It's not sand. The water comes washing out of here and then this is  
20 the house right here. Their whole back yard is unusable. There's  
21 nothing back there but two big ponds to try to hold water.  
22  
23 Crane: Do you think developing this lot with a single house on it would be  
24 detrimental to you?  
25  
26 T. Parrish: As a taxpayer, yes.  
27  
28 Crane: But you spoke of being unwilling to see an apartment house going  
29 there, but what about a single-family?  
30  
31 T. Parrish: Well, a single-family, if it's not two-stories, which on that small of a lot it  
32 probably will end up being...would be kind of an unattractive thing to  
33 have behind us.  
34  
35 Crane: Thank you.  
36  
37 T. Parrish: One more?  
38  
39 Scholz: Yes. Commissioner Shipley.  
40  
41 Shipley: The house next door is a two-story house, isn't it?  
42  
43 T. Parrish: No, there's a house that's across the street...  
44  
45 Shipley: From you, yes.  
46

1 T. Parrish: ...and down a little bit that's a two-story and... No, it's across...  
2  
3 Shipley: It's the lot next to the subject property.  
4  
5 T. Parrish: I think there's a two-story house right here.  
6  
7 Shipley: Just south of the subject property, is that two-story?  
8  
9 T. Parrish: It's kind of hard to tell.  
10  
11 Shipley: Adam, can you help her? And your house is across the street from  
12 that. Is that correct?  
13  
14 Ochoa: Mr. Chairman, Commissioner Shipley, the home directly south of the  
15 subject property is a two-story home.  
16  
17 Shipley: And that's the house that they live in now?  
18  
19 Ochoa: That is correct, sir.  
20  
21 Shipley: And the house across the street is the house that she lives in?  
22  
23 T. Parrish: No, I live back here. This is my house.  
24  
25 Shipley: Okay.  
26  
27 T. Parrish: I thought this was the subject property right here.  
28  
29 Shipley: No, it's across the street from that...on the other side of the street.  
30  
31 T. Parrish: But this is where the sign is.  
32  
33 Scholz: Well, the sign wasn't there this morning. It was in front of the property  
34 this morning.  
35  
36 T. Parrish: Where I saw a sign was...I have no sense of direction. Do you want to  
37 come and show them where it is? *(to husband)*  
38  
39 Scholz: Well, you live on the east side of the street, right?  
40  
41 T. Parrish: We live behind the property.  
42  
43 Scholz: Well, I was going to say that behind the property is a drain, I think, or  
44 a...  
45  
46

1  
2 D. Parrish: My name is Darrell Parrish. I live in the house that's behind the  
3 Mayor's house. We live right here. Okay?  
4  
5 Scholz: Oh. Okay. So what is your address, sir?  
6  
7 D. Parrish: 3706 Mondale Loop.  
8  
9 Scholz: Oh, you're on Mondale Loop. You're a block away.  
10  
11 D. Parrish: Right here. All these neighbors...I went down there this evening.  
12 Nobody got a notice at all. The reason we came...I was understanding  
13 it was this property here...  
14  
15 Scholz: No.  
16  
17 S. Parrish: We had a fight five years ago with the Mayor, who lives here, bought  
18 this property...his sister lives there...and they were trying to develop  
19 these as low-income apartments...Mrs. Parker. This was a private  
20 street at one time five years ago and the Mayor was trying to ramrod  
21 this into apartments. The next thing you know he had this property  
22 here and somehow it wound up being private property and he bought  
23 it. *(Ms. Parrish speaking in the background)*  
24  
25 Scholz: The one we're talking about is across the street.  
26  
27 D. Parrish: Right. We thought this was the property here.  
28  
29 Scholz: No.  
30  
31 D. Parrish: But it's the one across the street; but it does flood all the way down  
32 through here.  
33  
34 Scholz: Well, I think Commissioner Crane asked the question about: is  
35 development of this property going to cause additional flooding? I  
36 can't see that it would.  
37  
38 D. Parrish: I don't know because the fact is the grade slopes from here. This  
39 house here, the Mayor's ex-sister-in-law's or whatever, right here...  
40 when it rains the water comes out from under these walls and bubbles  
41 up into the yard up in and then it flows.  
42  
43 Scholz: Right. Okay, thank you, folks. There's a gentleman in the back who  
44 wants to speak to this so I'll let him speak. Go ahead.  
45

1 Schoeppner: Good evening, gentlemen. My name's Tim Schoeppner. I'm actually  
2 the owner and developer of the property they are referring to, the six  
3 lots there. I can clarify that later because if it has anything to do with  
4 that we can maybe talk later and clarify some stuff. My concern with  
5 this rezone is...I talked to Mr. Ochoa, I believe, Friday and what I  
6 understood was I'm afraid of a manufactured home going on the lot.  
7 I'm having a hard time selling my lots as it is with the economy and I  
8 feel that if a manufactured home does go up on the lot, which he can  
9 and we cannot guarantee, but there's a possibility; it will affect not only  
10 my six lots but it will affect everyone else in the community. So that's  
11 my major concern with it. That size a lot it's going to be tough to get a  
12 house onto. I guess that's my main concern. I know there can't be an  
13 answer for whether or not there is going to be a manufactured home. I  
14 know Mr. Ochoa stated that a trailer cannot go on their lot but I have  
15 no real clarification on it. So that's my main concern as a owner of  
16 property near there.

17  
18 Scholz: What size are your lots?  
19

20 Schoeppner: They're very similar to that, but my lots, the way I look at it is the  
21 access of them. There's going to be a difficulty for them to sell the lot  
22 to someone looking to build. That's going to be a tough lot for them to  
23 sell.  
24

25 Scholz: I'm sorry. What size are your lots, sir?  
26

27 Schoeppner: I don't have the exact size. If I were to guess...  
28

29 Scholz: How much an acre?  
30

31 Schoeppner: They're about 0.3. They're very similar to what they're proposing and  
32 that's where they came up with their number.  
33

34 Scholz: Okay. This is slightly larger.  
35

36 Schoeppner: Right.  
37

38 Scholz: This is four-tenths-of-an-acre. I live on a third-of-an-acre lot right now.  
39 They built a full-size home there back in '63 or whenever they built the  
40 house. I don't see that a third-of-an acre or almost four-tenths-of-an-  
41 acre would be a handicap to build a house there.  
42

43 Schoeppner: Okay.  
44

45 Scholz: If your lots are smaller than that then I would be concerned that then I  
46 would be concerned that...

1  
2 Schoeppner: I guess I have a hard time visualizing the way you access the land  
3 because what I'm understanding it's trapped. It can't be. I thought  
4 someone stated it was landlocked.  
5  
6 Scholz: No, it's not. No, it's open at the front.  
7  
8 Schoeppner: Okay. Okay. So that was my only concern, I guess, just that...  
9  
10 Scholz: Okay. Thank you.  
11  
12 Schoeppner: Thank you.  
13  
14 Scholz: Questions for this gentleman? Okay. Anyone else from the public  
15 wish to speak to this? All right, I'm going to close it to public  
16 discussion... Yes, Ms. Sowell?  
17  
18 Sowell: *(inaudible – away from microphone)*  
19  
20 Scholz: You'll have to come up to the microphone and speak, please.  
21  
22 Sowell: I have a plat plan of the Schoeppner Estates if you'd like to look at it to  
23 see how small the lots are. They're like 5-almost-6,000 square feet  
24 and he's got six on there.  
25  
26 Scholz: Yes, we do have a plat. Thank you. We've seen that.  
27  
28 Sowell: That's the only thing I had to say and also that we do not have  
29 retaining ponds on back of that property. Runoff water does not go  
30 through the property. Since the City has come in and when they  
31 connected to City utilities the grade is such, on our property anyway,  
32 that it goes down the street and it does hit that retaining pond at the  
33 end of the street and it goes to the arroyo.  
34  
35 Scholz: Um-hmm.  
36  
37 Sowell: And it does have a wide front access so the property's not landlocked.  
38 Is that okay?  
39  
40 Scholz: Thank you.  
41  
42 Sowell: That's it.  
43  
44 Scholz: Okay...  
45  
46 Crane: Question for Mr. Ochoa?

1  
2 Scholz: Yes, Commissioner Crane.  
3  
4 Crane: Does anything prevent a manufactured home being put on that lot?  
5  
6 Ochoa: Mr. Chairman, Commissioner Crane, because of State Statute a  
7 manufactured home is seen basically identical as a single-family site  
8 built home so that comes down from the state so there's nothing from  
9 he City standpoint that we could do. He cannot have a mobile home  
10 on the property because it is zoned for single-family homes or  
11 manufactured homes but it would have to meet the State definition,  
12 which is essentially what the City definition is of a manufactured home;  
13 which is minimum width, length, square footage and would have to be  
14 manufactured past a certain date and so forth, sir.  
15  
16 Crane: Thank you.  
17  
18 Scholz: All right, any other questions? Okay, I'll entertain a motion to approve.  
19  
20 Shipley: I move to approve case Z2848 with condition.  
21  
22 Scholz: And would you read the condition, please?  
23  
24 Shipley: The condition is that the lot size shall not be less than 0.3933 acres.  
25  
26 Scholz: All right. Is there a second?  
27  
28 Stowe: Second.  
29  
30 Scholz: All right, Shipley moved and Stowe seconded. I'll call the roll.  
31 Commissioner Shipley.  
32  
33 Shipley: Aye, findings, discussion and site visit.  
34  
35 Scholz: Commissioner Crane.  
36  
37 Crane: Aye, findings, discussion and site visit.  
38  
39 Scholz: Commissioner Stowe.  
40  
41 Stowe: Aye, findings, discussion and site visit.  
42  
43 Scholz: Commissioner Beard.  
44  
45 Beard: Nay, site visit, conditions and discussion.  
46

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

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**

- Public\_Facilities
- ▬ 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
- ▬ Interstates\_Highway
- ▬ PROPOSED LIMITED ACCESS
- ▬ PROPOSED CORRIDOR
- EBID Water System
- Railroad
- ▬ Rio Grande
- ▬ Arroyo



150 75 0 150 300 450  
 Feet

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