

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 9 Ordinance/Resolution# 2672

For Meeting of November 5, 2012
(Ordinance First Reading Date)

For Meeting of November 19, 2012
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO R-3 (MULTI-DWELLING MEDIUM DENSITY) ON 6.00 ± ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF ESPINA STREET AND IDAHO AVENUE; 1240 S. ESPINA STREET. SUBMITTED BY THE IMMACULATE HEART OF MARY CATHEDRAL, PROPERTY OWNER (Z2855).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 3		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a property located at 1240 S. Espina Street, directly south of Valley View Elementary School. The proposed zone change is to facilitate the use of a preschool on the subject property as the existing R-1a zoning designation does not permit the use of a daycare/preschool. Additionally, the proposed zone change to R-3 will not affect the existing use on the subject property as a religious institution, but will only add the additional desired use. The subject property currently contains a church (Immaculate Heart of Mary Cathedral) and associated facilities, including a building previously used as a school which will house the proposed use. No additional improvements are proposed or required with the zone change. The subject property is located along Idaho Avenue, a minor arterial roadway as classified by the Metropolitan Planning Organization (MPO), and Espina Street, a collector roadway as classified by the MPO, where high density zoning such as the proposed R-3 zoning designation are encouraged. The proposal is consistent with the surrounding area as the property is bordered by R-3 zoning to the west and southwest and a school to the north.

On September 25, 2012, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 4-0-0, (three Commissioners absent). No input from the public occurred at the meeting for the proposed zone change.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2855.
5. Attachment "B", Draft minutes from the September 25, 2012 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"/>	<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 encompassing 6.00 ± acres will be rezoned from R-1a

(Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density). The zone change facilitates the use of a preschool on the subject property.

2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. The current zoning designation of R-1a (Single-Family Medium Density) will remain on the subject property. The proposed preschool would not be permitted on the property. Denial of the zone change will require new information or facts not identified or presented during staff review or the Planning and Zoning Commission meeting.
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. N/A

COUNCIL BILL NO. 13-017
ORDINANCE NO. 2672

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO R-3 (MULTI-DWELLING MEDIUM DENSITY) ON 6.00 ± ACRES OF LAND LOCATED ON THE NORTHWEST CORNER OF ESPINA STREET AND IDAHO AVENUE; 1240 S. ESPINA STREET. SUBMITTED BY THE IMMACULATE HEART OF MARY CATHEDRAL, PROPERTY OWNER (Z2855).

The City Council is informed that:

WHEREAS, the Immaculate Heart of Mary Cathedral, the property owner, has submitted a request for a zone change from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density) for the property located at 1240 S. Espina Street; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on September 25, 2012, recommended that said zone change request be approved by a vote of 4-0-0 (three 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-3 (Multi-Dwelling Medium Density) for property located at 1240 S. Espina Street.

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this _____ day of _____ 2012.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Smith: _____

Councillor Pedroza: _____

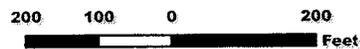
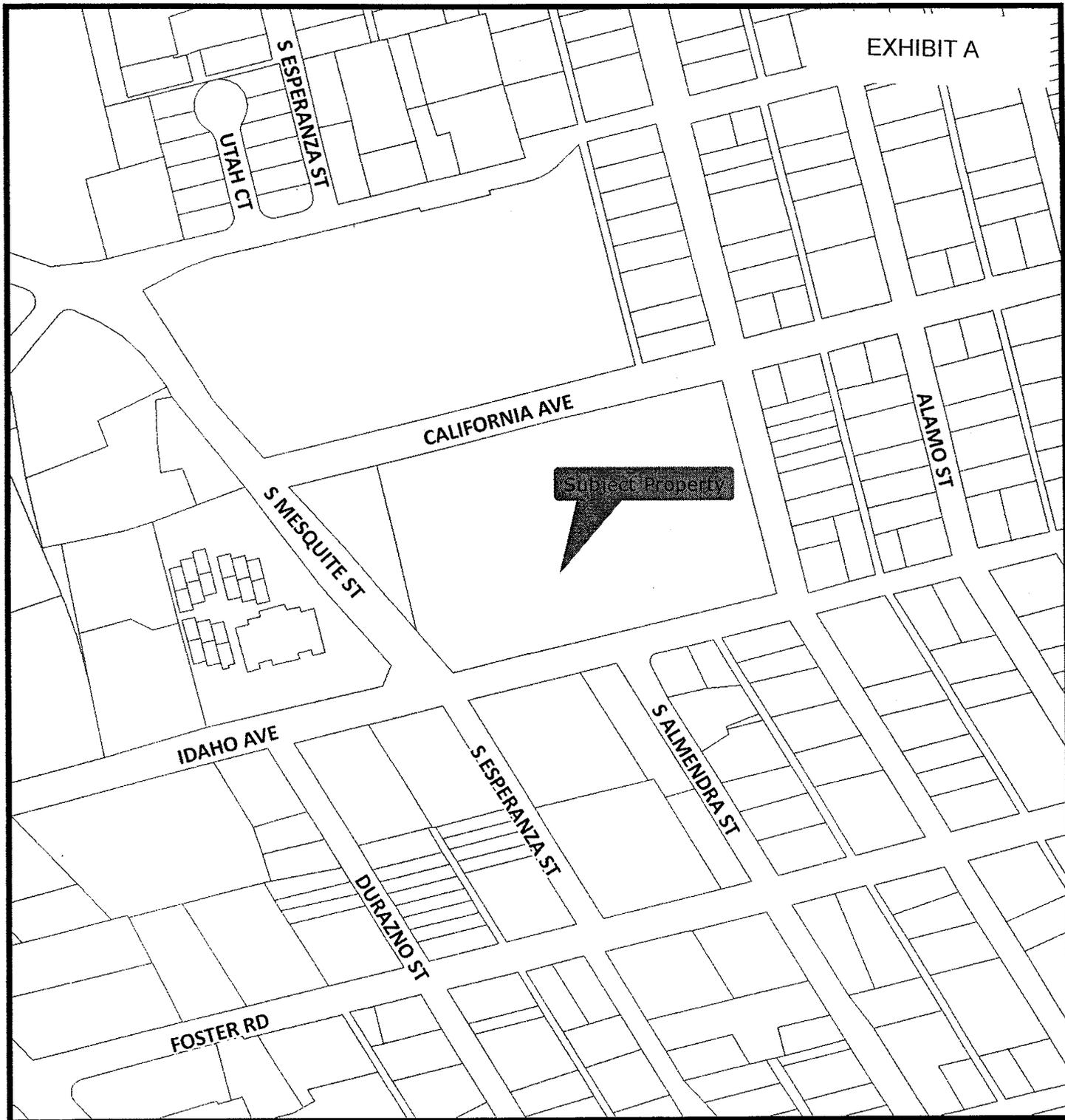
Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:


City Attorney



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

Findings

1. The subject property currently encompasses 6.00 ± acres, is zoned R-1a (Single-Family Medium Density) and is the current location of a religious institution.
2. The subject property is located in and around a transportation corridor where a mixed distribution of land uses can be supported. (1999 Comprehensive Plan Goal 1, Objective 3, Policy 1.3.4)
3. The proposed zone change would facilitate the use of a preschool on the subject property fostering a rational relationship with the adjacent elementary school to benefit families in the area with multiple children attending the adjacent elementary school and needing child care services. (2001 Zoning Code Article 1, Section 38-2M)
4. The zone change from R-1a to R-3 is supported by the 1999 Comprehensive Plan, meets the intent and purpose of the 2001 Zoning Code, as amended, and is compatible with adjacent uses and zoning districts.



Planning & Zoning
Commission
Staff Report

Meeting Date: September 25, 2012
Drafted by: Adam Ochoa, Planner *AO*

CASE # Z2855 **PROJECT NAME:** 1240 S. Espina Street (Zone Change)

APPLICANT/ REPRESENTATIVE: Leonel Briseno **PROPERTY OWNER:** Immaculate Heart of Mary

LOCATION: Located at the northwest corner of Espina Street and Idaho Avenue **COUNCIL DISTRICT:** 3 (Olga Pedroza)

SIZE: 6.00 ± acres **EXISTING ZONING/ OVERLAY:** R-1a (Single-Family Medium Density)

REQUEST/ APPLICATION TYPE: Zone change from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)

EXISTING USE: Religious Institution

PROPOSED USE: Religious Institution and a Preschool

STAFF RECOMMENDATION: Approval based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
August 2, 2012	Application submitted to Development Services
August 3, 2012	Case sent out for review to all reviewing departments
August 10, 2012	All comments returned by all reviewing departments
August 16, 2012	Staff reviews and recommends approval of the zone change
September 9, 2012	Newspaper advertisement
September 14, 2012	Public notice letter mailed to neighboring property owners
September 14, 2012	Sign posted on property
September 25, 2012	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The proposed zone change from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density) is to facilitate the use of a preschool on the subject property along with a religious institution that currently exists. The existing R-1a zoning designation does not permit the use of a preschool on the subject property. The existing religious institution will continue to be a permitted use on the subject property.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Zoning Code Req.
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	N/A	20 DU/ac.
Lot Area	6.00 ± acres	6.00 ± acres	0.115 ± acres min./ no max
Lot Width	645 ± feet	645 ± feet	50 feet minimum
Lot Depth	405 ± feet	405 ± feet	50 feet minimum
Structure Height	18 ± feet	No change	35 feet maximum
Setbacks			
Front	21 ± feet at closest point	No change	20 feet minimum
Side	Triple frontage lot; no setback	No change	5 feet minimum
Side	Triple frontage lot; no setback	No change	5 feet minimum
Rear	200 ± feet	No change	20 feet minimum
Accessory Structure	N/A	N/A	N/A
Parking			
Vehicular	209 stalls	No change	112 to 179 stalls
Bicycle	None	No change: future expansions/modifications >10% of existing GFA require compliance	10 bicycle stalls
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	33 ± %	No change	15 %
Total sq. ft. of landscaping	85,000 ± square feet	No change	40,000 ± square feet
Buffering			
Bufferyard	N/A	N/A	N/A
Screen Type	N/A	N/A	N/A
Open Space, Trails, Parks, Recreation			
Acreage	N/A	N/A	N/A
Type	N/A	N/A	N/A
Other	N/A	N/A	N/A

TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Religious Institution	N/A	R-1a (Single-Family Medium Density)
North	Elementary School	N/A	R-1a (Single-Family Medium Density)
South	Multi-Family Residences/ Single-Family Residences	N/A	R-1a (Single-Family Medium Density)/R-3 (Multi-Dwelling Medium Density)
East	Single-Family Residences	N/A	R-1a (Single-Family Medium Density)
West	Multi-Family Residences	N/A	R-3 (Multi-Dwelling Medium Density)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

For specific comments and/or conditions, see attached.

Department Name	Approval (Yes/No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Traffic	Yes	No
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS**Applicable Comprehensive Plan Elements & Policies****Land Use**

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

3. Goal 1, Objective 3, Policy 1.3.5
4. Goal 1, Objective 3, Policy 1.3.10

Please refer to Attachment #4 for a detailed description of the Comprehensive Plan Policies listed above.

Conclusion:

The proposed zone change from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density) on the 6.00 ± acre property would facilitate the use of a preschool on the subject property fostering a rational relationship with the adjacent elementary school to benefit families in the area with children attending the adjacent elementary school and with children needing the proposed child care services on the subject property. The existing R-1a zoning designation does not permit the use of a daycare/ preschool, exclusive of other grades (K-12), on the subject property. Additionally, the proposed zone change to R-3 will not affect the existing use on the subject property as a religious institution, but will only add the additional desired use of the pre-school. The subject property currently contains a church and associated facilities, including a building previously used as a school which will house the proposed use. No additional improvements are proposed or required with the zone change.

The subject property is located along Idaho Avenue, a Minor Arterial roadway as classified by the Metropolitan Planning Organization (MPO), and Espina Street, a Collector roadway as classified by the MPO, where high density zoning such as the proposed R-3 zoning designation are encouraged. The property is also located in a transportation corridor surrounded by vehicular, bicycle, pedestrian and public transportation options where high density zoning such as the proposed R-3 zoning designation are encouraged. It should be noted the property is contiguous with R-3 zoning to the west and the south of the property, in keeping with the character of the neighborhood.

The Planning and Zoning Commission reviews zoning requests in relation to the goals, objectives and policies of the 1999 Comprehensive Plan, plan elements, other applicable plans, and the purpose and intent of the 2001 Zoning Code, as amended. The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces; is consistent with the 1999 Comprehensive Plan, adjacent uses, and zoning districts; and meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended.

DRC RECOMMENDATION

The proposal did not require review and recommendation by the Development Review Committee.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed zone change based on the following findings listed below:

FINDINGS FOR APPROVAL

1. The subject property currently encompasses 6.00 ± acres, is zoned R-1a (Single-Family Medium Density) and is the current location of a religious institution.
2. The subject property is located in and around a transportation corridor where a mixed distribution of land uses can be supported. (1999 Comprehensive Plan Goal 1, Objective 3, Policy 1.3.4)
3. The proposed zone change would facilitate the use of a preschool on the subject property fostering a rational relationship with the adjacent elementary school to benefit families in the area with multiple children attending the adjacent elementary school and needing child care services. (2001 Zoning Code Article 1, Section 38-2M)
4. The zone change from R-1a to R-3 is supported by the 1999 Comprehensive Plan, meets the intent and purpose of the 2001 Zoning Code, as amended, and is compatible with adjacent uses and zoning districts.

ALTERNATE FINDINGS

If the Planning and Zoning Commission deems the zone change unsubstantiated, staff recommends the following alternate finding for **DENIAL**:

1. The zone change is not requisite since the subject property can viably continue to operate as it currently does with the existing R-1a zoning designation.

ATTACHMENTS

1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Comprehensive Plan Elements and Policies
5. Reviewing Department/Agency Comments and/or Conditions

Aerial View

136

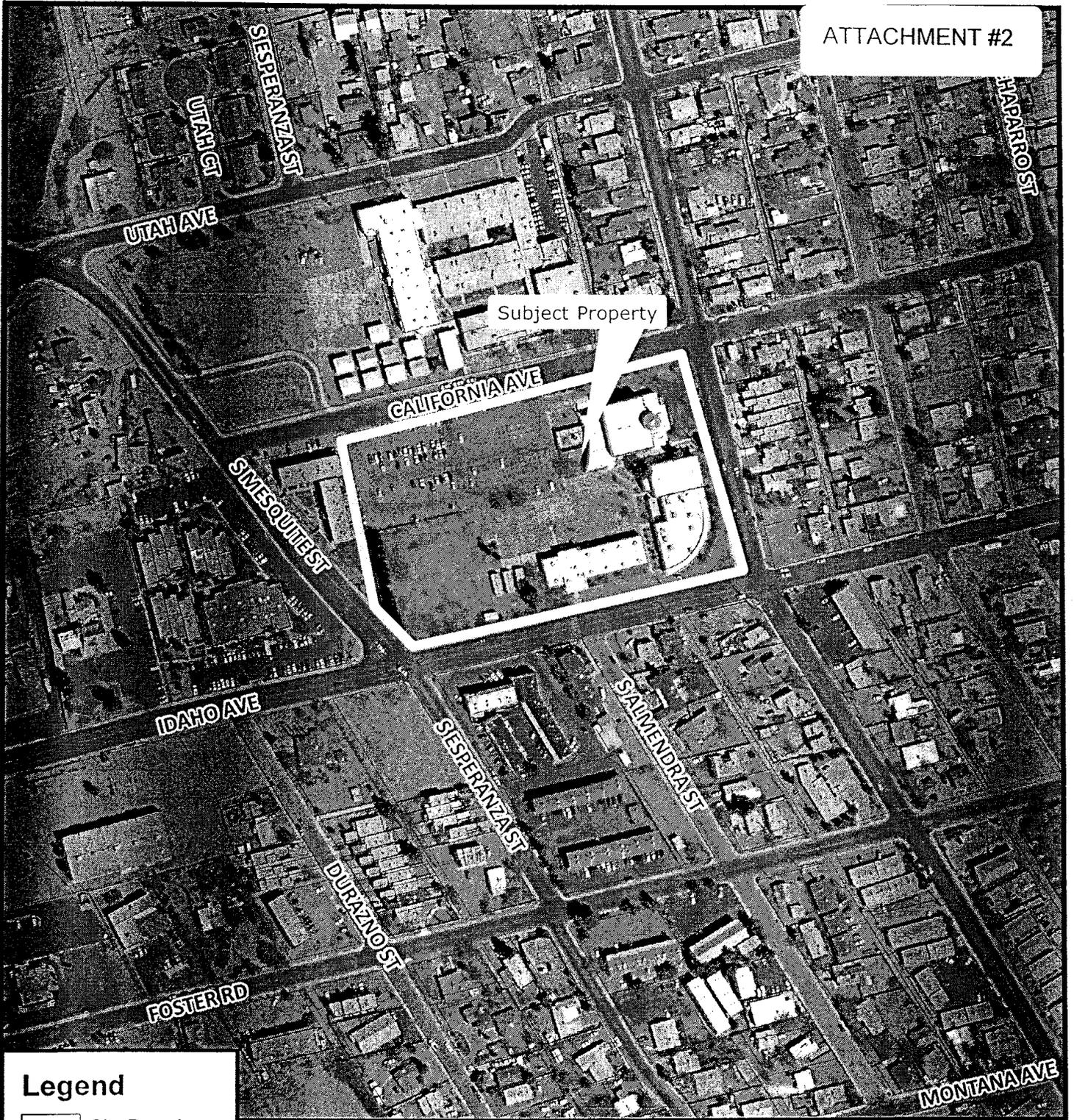
ZONING: R-1A TO R-3

OWNER: IMMACULATE HEART OF MARY CATHEDRAL

PARCEL: 02-11480

DATE: 08/02/2012

ATTACHMENT #2



Subject Property

Legend

 City Parcel

DAC_2010.ecw

RGB

 Red: Band_1

 Green: Band_2

 Blue: Band_3



200 100 0 200
Feet

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

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 InformationName of Applicant: Immaculate Heart of Mary CathedralContact Person: Leonel BrisenoContact Phone Number: 575.524-8563Contact e-mail Address: lbriseno@comcast.netWeb site address (if applicable): www.cathedralofihm.com**Proposal Information**

Name of Proposal: _____

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

Location of Subject Property Church property bordered by California, Idaho, Espinas, Mesquite
 (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: 6Detailed description of **current** use of property. Include type and number of buildings:

Religious Organization (Church) Three buildings w/ 3 portables School, Parish Center, Church

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

Like zone change in order to run a church pre-school out of two classrooms

Zoning of Subject Property: R-1AProposed Zoning (If applicable): R-3Proposed 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):

7am - 6pm

Anticipated traffic generation two trips per day.

Anticipated development schedule: ~~work~~ ^{Preschool} will commence on or about August 2012
and will take N/A to complete.

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

N/A not building new structure

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 not building new structure

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

Is there existing landscaping on the property? yes

Are there existing buffers on the property? yes

Is there existing parking on the property? Yes No ___

If yes, is it paved? Yes No ___

How many spaces? 209 How many accessible? 6

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

Comprehensive Plan Elements and Policies

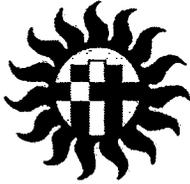
The following policies from the 1999 Comprehensive Plan are relevant to the current proposal:

Land Use Element, Goal 1

Policies

- 1.3.1. An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.
- 1.3.4. High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.
- 1.3.5. All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.
- 1.3.10. High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.

140



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PEOPLE HELPING PEOPLE

DATE: August 3, 2012

TO: ~~Development Services~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2855 (Review No.1)

SUBJECT: 1240 S. Espina Street
Zone Change from R-1a to R-3 for Immaculate Heart of Mary Cathedral

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

Your review comments may be included in the staff report on the proposed development for the Planning and Zoning Commission's and/or City Council's review.

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than [August 10, 2012].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 8/8/12

REVIEWER NAME:

Adam Ochoa

REVIEWER CONTACT NO.

33204

Z2855 (R-1a to R-3)

1240 S Espina Street

Advanced Planning Comments (Carol McCall)

August 10, 2012

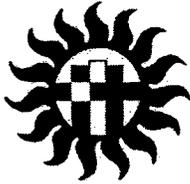
Conclusions

The applicant is seeking a zone change from R-1a to R-3 to facilitate the use of a preschool on the subject property. According to the application, the school will use existing buildings. Surrounding zoning is a mix of R-2 and R-3 so the zone change is compatible with surrounding land uses (Policy 1.3.5). Idaho Avenue is an existing minor arterial roadway which is a recommendation for R-3 zoning (Policy 1.3.10), and there is public transportation two blocks away on El Paseo Road. Overall, this zone change request seems to follow Comprehensive Plan policy and staff has no objection to the request.

The following polices from the 1999 Comprehensive Plan are relevant to the current proposal:

Land Use Element Goal 1**Policies**

- 1.3.1. An urban residential use shall be so designated where these uses occur at a density of greater than two dwelling units per acre. A rural residential use shall be so designated where these uses occur at a density of less than or equal to two dwelling units per acre.
- 1.3.4. High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.
- 1.3.5. All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.
- 1.3.10. High density residential uses shall be located and designed to minimize traffic flow through adjacent neighborhoods and should locate on or near existing or future planned transit routes.



142

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PEOPLE HELPING PEOPLE

DATE: August 3, 2012

TO: 

FROM: Adam Ochoa, Planner

CASE NO.: Z2855 (Review No.1)

SUBJECT: 1240 S. Espina Street
Zone Change from R-1a to R-3 for Immaculate Heart of Mary Cathedral

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APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE: 8/13/12

REVIEWER NAME:

Andrew Wray

REVIEWER CONTACT NO. 3070

MPO REVIEW COMMENTS
 Planning and Zoning Commission Cases

Case #: Z2855

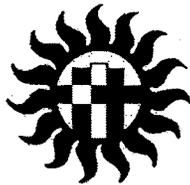
Date: August 3, 2012

Request: 1240 S. Espina Street (Zone Change)
 R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
Espina	Adj		Collector	85'		4666 (2009)	Share the Road	
Idaho	Adj		Minor Art	100'		8930 (2011)		

Recommended Conditions of Approval

Additional Comments



144

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DATE: August 3, 2012

TO:

~~Engineering Services~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2855 (Review No.1)

SUBJECT: 1240 S. Espina Street
Zone Change from R-1a to R-3 for Immaculate Heart of Mary Cathedral

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE:

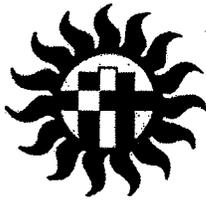
8/6/12

REVIEWER NAME:

Rocio Dominguez

REVIEWER CONTACT NO.:

528-3071



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Case Review Sheet

To: Engineering Services

Case #: Z2855

Date: August 3, 2012

Request: 1240 S. Espina Street (Zone Change)
R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)

FLOOD ZONE DESIGNATION:

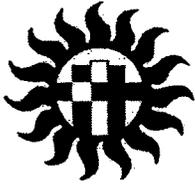
Zone A	(Flood elevation needed)	_____
Zone AE	(Flood elevation known)	_____
Zone AH	(Flood 1' – 3' ponding)	_____
Zone AO	(Flood 1' – 3' – steep slopes)	_____
Zone A99	(100-year flood)	_____
Zone X		<u>X</u> _____
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

DEVELOPMENT IMPROVEMENTS:

Drainage Calculation needed	YES ___	NO <u>X</u>	N/A ___
Drainage Study needed	YES ___	NO <u>X</u>	N/A ___
Other drainage Impr. needed	YES ___	NO <u>X</u>	
Sidewalk extension needed	YES ___	NO <u>X</u>	
Curb & gutter extension needed	YES ___	NO <u>X</u>	
Paving extension needed	YES ___	NO <u>X</u>	
NMDOT permit needed	YES ___	NO <u>X</u>	

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval _____ Denial



146
City of Las Cruces[®]
PEOPLE HELPING PEOPLE

DATE: August 3, 2012

TO: Traffic Engineering

FROM: Adam Ochoa, Planner

CASE NO.: Z2855 (Review No.1)

SUBJECT: 1240 S. Espina Street
Zone Change from R-1a to R-3 for Immaculate Heart of Mary Cathedral

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

Your review comments may be included in the staff report on the proposed development for the Planning and Zoning Commission's and/or City Council's review.

Please use the attached review sheet to record your comments. Please make copies of the review sheets if you need more. If you need more information concerning a specific case, please contact me at 528-3204.

Please review and return to the Community Development Department no later than [August 10, 2012].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 8/9/12

REVIEWER NAME: SQUARO
REVIEWER CONTACT NO. 2595

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

TRAFFIC ENGINEERING:

Case #: Z2855 Date: August 3, 2012

Request: 1240 S. Espina Street (Zone Change)
R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling
Medium Density)

SITE ACCESSIBILITY: *

Adequate deriving aisle	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input 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

Explain: AMPLE OFF STREET PARKING AVAILABLE
16-20 STUDENTS EXPECTED TO ATTEND THE PRE SCHOOL.

FUTURE INTERSECTION IMPROVEMENTS:

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

Is a TIA required? Yes No

If yes, please provide findings: _____

***Any new improvements, at either the time of subdivision or building permit, will require conformance to either the City of Las Cruces Curb Cut Ordinance #1250, the City of Las Cruces Design Standards, or the City of Las Cruces Zoning Code (2001, as amended).**

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial

CITY SUBDIVISION REVIEW

DATE: August 3, 2012

REVIEW: #1
CASE NO.: Z2855

TO:	<input type="checkbox"/> CURRENT PLANNING	<input type="checkbox"/> COUNTY PLANNING
	<input type="checkbox"/> ENGINEERING SERVICES	<input type="checkbox"/> COUNTY ENGINEERING
	<input checked="" type="checkbox"/> LAND MANAGEMENT	<input type="checkbox"/> COUNTY FLOOD COMMISSION
	<input type="checkbox"/> SURVEYOR	<input type="checkbox"/> COUNTY FIRE
	<input type="checkbox"/> CITY UTILITIES	<input type="checkbox"/> NM ENVIRONMENTAL
	<input type="checkbox"/> MPO	<input type="checkbox"/> EBID
		<input type="checkbox"/> OTHER (GIS)

FROM: Adam Ochoa, Planner

SUBJECT: 1240 S. Espina Street Zone Change from R-1 to R-3 for Immaculate Heart of Mary Cathedral

Please review and return to the Community Development Department no later than August 10, 2012

APPROVED AS IS: YES

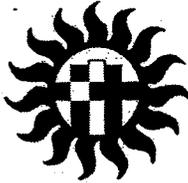
APPROVED WITH CONDITIONS: YES, *SEE CONDITIONS AS STATED IN COMMENT SECTION*

DATE: 8/13/2012

REVIEWER NAME: Michael Q. Hernandez

REVIEWER CONTACT NO. 528-3124

COMMENTS:



149

City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: August 3, 2012

TO: **Parks**

FROM: Adam Ochoa, Planner

CASE NO.: Z2855 (Review No.1)

SUBJECT: 1240 S. Espina Street
Zone Change from R-1a to R-3 for Immaculate Heart of Mary Cathedral

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

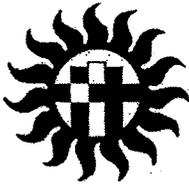
NO

APPROVED WITH CONDITIONS:

DATE: 8/7/12

REVIEWER NAME: Mark Johnston

REVIEWER CONTACT NO. _____



150

City of Las Cruces®

PEOPLE HELPING PEOPLE

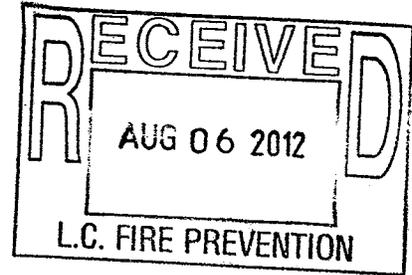
DATE: August 3, 2012

TO: 

FROM: Adam Ochoa, Planner

CASE NO.: Z2855 (Review No.1)

SUBJECT: 1240 S. Espina Street
Zone Change from R-1a to R-3 for Immaculate Heart of Mary Cathedral



Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:

YES

NO

APPROVED WITH CONDITIONS:

DATE:

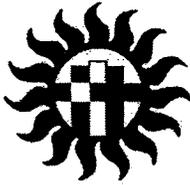
8/13/12

REVIEWER NAME:

MO

REVIEWER CONTACT NO.:

X 4150



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: August 3, 2012

TO: [REDACTED]

FROM: Adam Ochoa, Planner

CASE NO.: Z2855 (Review No.1)

SUBJECT: 1240 S. Espina Street
Zone Change from R-1a to R-3 for Immaculate Heart of Mary Cathedral

Attached are a brief description, general location/address, and/or site plans for a proposed PUD request. Please make comments on the following proposal in response to the impacts that it may have on the City from the standpoint of your City function, activity, department, or other jurisdiction.

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Please review and return to the Community Development Department no later than [August 10, 2012].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 08/09/12 REVIEWER NAME: John Reid
REVIEWER CONTACT NO. 528-3635

- ① NO water rights issues - F.O. 8/10/2012
- ② If the fire flow requirement changes, water system improvements may be needed.

CITY OF LAS CRUCES
PLANNING AND ZONING COMMISSION
CASE REVIEW SHEET

CASE #: Z2855 DATE: 08/09/12

REQUEST:

WATER AVAILABILITY & CAPACITY:*

Water Provider:

CLC

Other _____

CLC Water System capable of handling increased usage:

Yes

No _____

Comment See cover

WASTEWATER AVAILABILITY & CAPACITY:*

Wastewater service type:

CLC Sewer:

On-lot septic _____

CLC Wastewater System capable of handling increased usage:

Yes

No _____

Comment _____

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces

Other _____

CLC Gas System capable of handling increased usage:

Yes

No _____

Comment _____

*** To receive City utility service to this property, the responsible property owner/applicant/subdivider is responsible for (1) the acquisition of all necessary water, sewer, and gas easements, (2) the construction of all necessary utility lines, and (3) compliance with all applicable City of Las Cruces requirements.**

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial _____

Additional comments: _____

John Reid
08/09/12

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
September 25, 2012 at 6:00 p.m.**

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BOARD MEMBERS PRESENT:

Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
Ray Shipley, Member

BOARD MEMBERS ABSENT:

Donald Bustos, Member
Shawn Evans, Member
William Stowe, Member

STAFF PRESENT:

Robert Kyle, Building and Development Administrator, CLC
Katherine Harrison-Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Mark Dubbin, CLC Fire Department
Chris Miller, Deputy Chief CLC Police
Rusty Babington, CLC Legal Staff

Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER

Meeting was called to order at 6:01 p.m.

Scholz: Good evening, and welcome to the Planning and Zoning Commission for Tuesday, September 25th, 2012. Before I do the call to order, since this is an important meeting, all meetings are important, but this particular one, I'd like the media people to identify themselves. Are there media people here in the crowd? Okay, would you tell us who you represent please? Beg your pardon? Sun news. Okay. Bulletin. Channel 4. Sun News. Oh the Sun News is double-teamed tonight. Okay. Oh and you ma'am.

Unknown: KFOX.

Scholz: Thank you very much. KFOX. I wanted to correct some misinformation which was in the media I think on Saturday and what I want to talk about is the makeup of the Commission. This is a Commission by the way not a board, and we are volunteers. We are appointed by the Council members

1 or by the Mayor to represent particular districts in the City. We're not paid
 2 for this. This is as I said a volunteer operation. We do this because we
 3 think it's important. We are what is called a judicatory body. And I always
 4 have trouble with that word and a lot of people don't know what it means.
 5 It means basically that we make judgements about things. Okay. We
 6 don't have a staff. We got our information from the Community
 7 Development Department. They're the people you know who issue
 8 planning and zoning things, they issue permits, they do inspections, they
 9 suggest a plan for or a possible direction for developers and contractors,
 10 and they also present us with variances and zoning changes and special
 11 use permits.

12 Now it's our job to judge these things and decide whether or not
 13 they should be approved or not approved. The Community Development
 14 Department of course gives us their opinion on these and then we render
 15 our decision. In the case of zoning variances and special use permits, we
 16 make the decision here. In the case of zoning changes, we recommend to
 17 the City Council, then City Council makes the final decision. Okay, I just
 18 wanted to clear that up because there was some misinformation I think
 19 about our operations.

20
 21 **II. CONFLICT OF INTEREST** - At the opening of each meeting, the chairperson
 22 shall ask if any member on the Commission or City staff has any known conflict
 23 of interest with any item on the agenda.

24
 25 Scholz: Okay, we have a conflict of interest statement. Gentlemen of the
 26 Commission any conflicts of interest in the cases we're going to review
 27 tonight?

28
 29 All: No.

30
 31 Scholz: No, all right. Community Development staff, any conflicts of interest
 32 there? No, okay, we're fine.

33
 34 **III. APPROVAL OF MINUTES**

35
 36 1. July 24, 2012 - Regular meeting

37
 38 Scholz: All right, next on the order is the approval of the minutes; these would be
 39 the minutes of July 24th, 2012. Any additions or corrections to those
 40 minutes? Commissioner Shipley? No, okay. All right I'll entertain a
 41 motion to approve the minutes.

42
 43 Shipley: I so move to approve the minutes.

44
 45 Scholz: Okay.

46

1 Crane: Seconded.

2

3 Scholz: And it's seconded. All those in favor say aye.

4

5 Shipley: Aye.

6

7 Crane: Aye.

8

9 Scholz: Aye. Those opposed same sign. And abstentions?

10

11 Beard: Abstain.

12

13 Scholz: One abstention. Passes 3:1.

14

15 IV. POSTPONEMENTS

16

17 Scholz: Okay, next item, any postponements Mr. Ochoa.

18

19 Ochoa: No sir, none tonight.

20

21 V. CONSENT AGENDA

22

23 1. **Case Z2855:** Application of the Immaculate Heart of Mary Cathedral to
 24 rezone from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling
 25 Medium Density) on a 6.00 +/- acre lot located on the northwest corner of
 26 Idaho Avenue and Espina Street, a.k.a. 1240 S. Espina Street; Parcel ID#
 27 02-11480. The proposed zone change would facilitate the additional use of a
 28 preschool on the subject property; Council District 3 (Olga Pedroza).

29

30 2. **Case S-12-018:** - MOVED TO NEW BUSINESS.

31

32 3. **Case S-12-021:** - MOVED TO NEW BUSINESS.

33

34 Scholz: And then we have the consent agenda. There are 3 items on the consent
 35 agenda and here's how that works. If there is anyone from the public who
 36 wishes to speak to the consent agenda or the items on the consent
 37 agenda, then we'll put it in the first place on the new business agenda and
 38 take care of it that way. Is there anyone from the Commission who wishes
 39 to speak to the items on the consent agenda? No, anyone from
 40 Community Development staff? No, okay, anyone from the public wishes
 41 to speak to these items? This is cases Z2855, Case S-12-018 and Case
 42 S-12-021. All right, seeing no one. I see one hand. Okay, which case do
 43 you wish to speak to ma'am?

44

45 ELDERLY GENTLEMAN SPEAKING, NOT AT THE MICROPHONE.

1 Scholz: Yes, you wish to speak to these cases? Okay, which one particularly?
2 Which case particularly do you wish to speak to?
3

4 ELDERLY GENTLEMAN SPEAKING, NOT AT THE MICROPHONE.
5

6 Scholz: Are you talking about Case Z2855 or Case S-12-018 or Case S-12-021?
7 Oh, you're talking about the new business case. Yeah, well we'll all get to
8 that in a few minutes. Okay, ma'am, which case did you want to speak to?
9

10 Stanley: Case S-12-018 and S-12-021.
11

12 Scholz: Okay. Well, fine. We'll put those first on the new business agenda. So
13 gentlemen there's only one case then on the consent agenda, that's Case
14 Z2855. All right, we'll simply take a voice vote on this. All those in favor
15 say aye.
16

17 All: Aye.
18

19 Scholz: And those opposed same sign. All right, that's approved.
20

21 VI. OLD BUSINESS

22
23 Scholz: Okay, any old business Mr. Ochoa.
24

25 Ochoa: No sir, none tonight.
26

27 Scholz: All right, thank you.
28

29 VII. NEW BUSINESS

30
31 1. **Case S-12-018:** Application of Borderland Engineers and Surveyors on
32 behalf of Armando F. Villegas for a master plan known as AGI Subdivision
33 Mater Plan on a 1.716 +/- acre lot located on the northeast corner of Porter
34 Road and Payan Road; 6075 Payan Road; Parcel ID# 02-20035. Proposed
35 use: A master plan for a single-family residential subdivision proposed in two
36 (2) phases. Council District 5 (Gill Sorg).
37

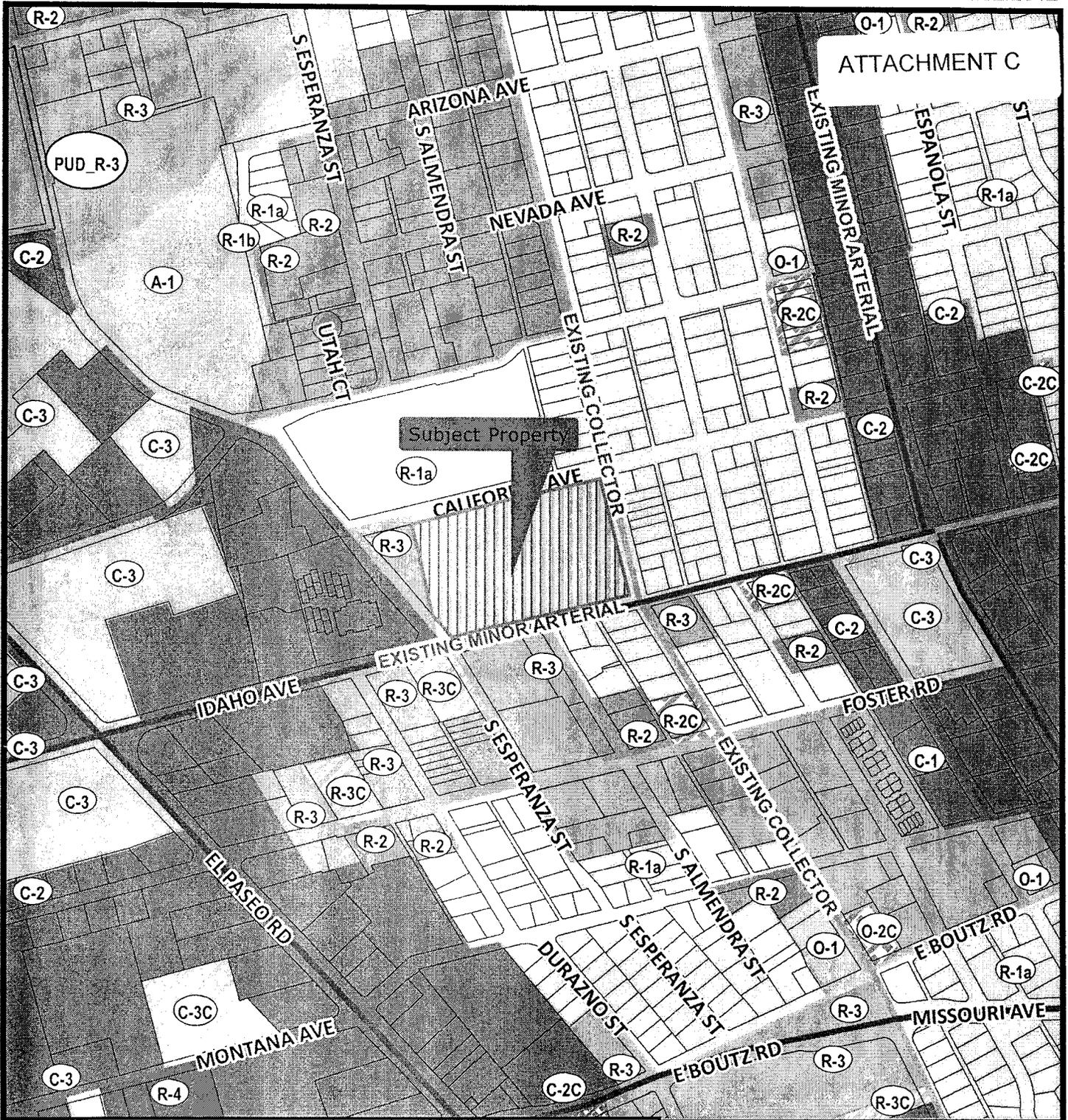
38 2. **Case S-12-021:** Application of Borderland Engineers and Surveyors on
39 behalf of Armando F. Villegas for a preliminary plat known as AGI Subdivision
40 Phase 1 Preliminary Plat on a 0.982 +/- acre portion of a lot located on the
41 northeast corner of Porter Road and Payan Road; 6075 Payan Road; Parcel
42 ID # 02-20035. Proposed use: Phase 1 of the AGI Subdivision Master Plan
43 creating seven (7) single-family residential lots and one (1) tract. Council
44 District 5 (Gill Sorg).
45

Zone Map

ZONING: R-1A TO R-3
 OWNER: IMMACULATE HEART OF MARY CATHEDRAL

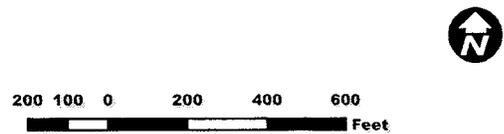
PARCEL: 02-11480
 DATE: 08/02/2012

ATTACHMENT C



Legend

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

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.