

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 17

Ordinance/Resolution# 2696

For Meeting of October 7, 2013
(Ordinance First Reading Date)

For Meeting of October 21, 2013
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL

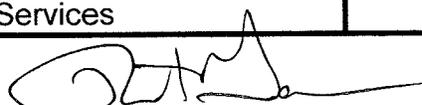
LEGISLATIVE

ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM UR (URBAN RANCH FROM THE 1981 ZONING CODE) TO REM (SINGLE-FAMILY RESIDENTIAL ESTATE MOBILE) ON 1.60 ± ACRES OF LAND LOCATED AT 4684 WEAVER TRAIL. SUBMITTED BY LAWRENCE T. ALDERETE ON BEHALF OF SANTOS B. ALDERETE, PROPERTY OWNER (Z2864).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 5		
<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 approximately 222 ± feet west of the intersection of Weaver Trail and Del Rey Boulevard, 600 ± feet south of the northern City Limits. The subject property is currently zoned UR, a zoning designation which no longer exists under the current 2001 Zoning Code, and currently consists of a garage and an accessory building with no primary structure on the lot. A mobile home previously existed on the property, but was removed from the property more than one (1) year ago. The property is no longer non-conforming and is now required to come into compliance with the 2001 Zoning Code. The applicant is seeking to install a mobile home on the property and the proposed zone change to REM would not only allow the applicant to do so, but would also facilitate compliance for the property with the 2001 Zoning Code, as amended. The subject property is located near rural residential uses, such as the proposed, and adjacent to and in very close proximity to other properties with similar zoning.

On August 27, 2013, the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 6-0-0, (one Commissioner absent). Very limited

input from the public occurred at the meeting for the proposed zone change concerning the existing non-conforming zoning designations of properties surrounding the subject property.

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 Z2864.
5. Attachment "B", Draft minutes from the August 27, 2013 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 encompassing 1.60 ± acres will be rezoned from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile).

2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of UR (Urban Ranch from the 1981 Zoning Code) will remain on the subject property and the property will remain non-conforming. 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. 14-011
ORDINANCE NO. 2696

AN ORDINANCE APPROVING A ZONE CHANGE FROM UR (URBAN RANCH FROM THE 1981 ZONING CODE) TO REM (SINGLE-FAMILY RESIDENTIAL ESTATE MOBILE) ON 1.60 ± ACRES OF LAND LOCATED AT 4684 WEAVER TRAIL. SUBMITTED BY LAWRENCE T. ALDERETE ON BEHALF OF SANTOS B. ALDERETE, PROPERTY OWNER (Z2864).

The City Council is informed that:

WHEREAS, Santos B. Alderete, the property owner, have submitted a request for a zone change from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for the property located at 4684 Weaver Trail; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 27, 2013, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner absent).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned REM (Single-Family Residential Estate Mobile) for property located at 4684 Weaver Trail.

(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 _____ 2013.

APPROVED:

Mayor

ATTEST:

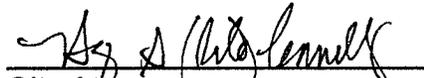
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

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

ZONING: UR TO REM
OWNER: ALDERETE B. SANTOS

387
Location Vicinity Map

PARCEL: 02-21764
DATE: 07/01/2013

EXHIBIT A



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

Legend

Interstates_Highway EBID Water System Railroad

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.

Exhibit "A"

A tract of land situate North of Las Cruces, Dona Ana County, New Mexico, being the southerly part of Lot 15, Block 25, of the Elephant Butte Land and Trust Company Subdivision "A", filed for record in the office of the county clerk of Dona Ana County and being more particularly described as follows, to wit:

Beginning at the Southeast corner of the tract herein described, marked by an iron rod at a point on the North side of a 16 foot wide platted road being identical to the Southeast corner of said Lot 15, whence the Southeast corner of said Block 25, bears N.49°27'00"E., a distance of 187.87 feet; thence from said point of beginning

S.49°27'W., 251.63 feet along said 16 foot wide platted road to the Southwest corner of the tract herein described, being identical to the Southwest corner of Lot 15, marked by a concrete monument; thence

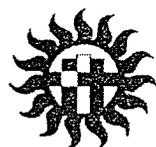
N.31°44'50"W., 290.58 feet to a point on the centerline of a 30 foot wide arroyo being the Northwest corner of the tract herein described; thence

N.55°44'11"E., 248.91 feet along said centerline of a 30 foot wide arroyo to the Northeast corner of the tract herein described; thence

S.31°44'50"E., 263.00 feet to the Southeast and beginning corner of the tract herein described.

Findings

1. The subject parcel currently encompasses a total of 1.60 ± acres, is zoned UR (Urban Ranch from the 1981 Zoning Code) and consist of two residential accessory uses.
2. The subject property is located near the northern fringe area of the City where rural residential uses are encouraged (1999 Comprehensive Plan Goal 1, Objective 3, Policy 1.3.16)
3. The proposed zone change to REM would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-31D)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of 1999 Comprehensive Plan; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



City of Las Cruces

PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: August 27, 2013
Drafted by: Adam Ochoa, Planner *AO*

CASE # Z2864 **PROJECT NAME:** 4684 Weaver Trail
(Zone Change)

**APPLICANT/
REPRESENTATIVE:** Lawrence T. Alderete **PROPERTY OWNERS:** Santos B. Alderete

LOCATION: Located approximately 222 ± feet west of the intersection of Weaver Trail and Del Rey Boulevard **COUNCIL DISTRICT:** District 5 (Councillor Sorg)

SIZE: 1.60 ± acres **EXISTING ZONING/
OVERLAY:** UR (Urban Ranch from the 1981 Zoning Code)

**REQUEST/
APPLICATION TYPE:** Zone change from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile)

EXISTING USE: Residential lot with accessory buildings

PROPOSED USE: Residential lot with a mobile home and accessory buildings

STAFF RECOMMENDATION: Approval without conditions based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
July 1, 2013	Application submitted to Development Services
July 2, 2013	Case sent out for review to all reviewing departments
July 10, 2013	Final comments returned by all reviewing departments
July 11, 2013	Staff reviews and recommends approval of the zone change
August 11, 2013	Newspaper advertisement
August 12, 2013	Public notice letter mailed to neighboring property owners
August 16, 2013	Sign posted on property
August 27, 2013	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is seeking to install a mobile home on the subject property located at 4684 Weaver Trail. The property has been vacant for more than one (1) year and is now required to come into compliance with the 2001 Zoning Code, as amended. The existing UR (Urban Ranch) zoning designation is from the 1981 Zoning Code and no longer exists under the current 2001 Zoning Code. The proposed zone change to REM (Single-Family Residential Estate Mobile) would allow the installation of the mobile home on the subject property and would bring the subject property into compliance with the 2001 Zoning Code, as amended.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Code Req
Max # of DU/parcel	0	1	1
Max Density (DU/ac.)	0	0.625	2
Lot Area	1.60 ± acres	1.60 ± acres	0.50 acres min./ no max.
Lot Width	249 ± feet	Unchanged	100 feet minimum
Lot Depth	276 ± feet	Unchanged	100 feet minimum
Structure Height	N/A	Unknown	35 feet maximum
Setbacks			
Front	N/A	Unknown	25 feet minimum
Side	N/A	Unknown	15 feet minimum
Side	N/A	Unknown	15 feet minimum
Rear	N/A	Unknown	15 feet minimum
Accessory Structure	400 ± square foot garage; 80 ± square foot shed	Unchanged	Maximum cumulative, combined square footage is 5% of the total area of the property
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	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	Residential Accessory Structures	N/A	UR (Urban Ranch from the 1981 Zoning Code)
North	Single-Family Residential	N/A	UR (Urban Ranch from the 1981 Zoning Code)/ H (Holding)

South	Single-Family Residential	N/A	UR (Urban Ranch from the 1981 Zoning Code)/ H (Holding)
East	Vacant/Undeveloped	N/A	H (Holding)
West	Single-Family Residential	N/A	H (Holding)

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	Yes
CLC Traffic	Yes	No
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	No	No
CLC Utilities	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONSDecision Criteria

The Planning and Zoning Commission shall review each request in relation to the goals, objectives and policies of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of this Code, Section 38-2 and 36-1 of the Sign Code, when appropriate, and determine whether the request is consistent or inconsistent with stated criteria. The Las Cruces Municipal Code Section 2-382 specifies the Planning and Zoning Commission shall determine whether a proposal will:

1. Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
2. Unreasonably increase the traffic in public streets.
3. Increase the danger of fire or endanger the public safety.
4. Deter the orderly and phased growth and development of the community.
5. Unreasonably impair established property values within the surrounding area.
6. In any other respect impair the public health, safety or general welfare of the city.
7. Constitute a spot zone and, therefore, adversely affect adjacent property values. The term "spot zoning" means the singling out of a lot or small area for a zoning change which is out of harmony with the comprehensive plan and surrounding land uses to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.
8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

As mentioned above, Section 38.2 of the City of Las Cruces 2001 Zoning Code, as amended, identifies the Purposes and Intent of the Zoning regulations and should also be utilized as part of the decision criteria. The relevant purpose and intent statements to the proposed rezoning are:

- A. Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- L. Ensure that development proposals are sensitive to the character of existing neighborhoods;

In addition to those decision criteria required by the City of Las Cruces Municipal and Zoning Codes, there are also measures based on case law to consider when evaluating rezoning requests which include the following:

- 1. There was an error when the existing zoning map pattern was created; or
- 2. Changed neighborhood or community conditions justify the change; or
- 3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other applicable City master plan(s), even though criterion (1) or (2) above do not apply because
 - a. there is a public need for a change of the kind in question, and
 - b. that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Applicable Comprehensive Plan Elements & Policies

As specified by the decision criteria listed above, the proposal should be in concert with the 1999 Comprehensive Plan. The following polices from the 1999 Comprehensive Plan are relevant to the current proposal:

Land Use Element

- 1. Goal 1, Objective 3, Policy 1.3.1
- 2. Goal 1, Objective 3, Policy 1.3.2
- 3. Goal 1, Objective 3, Policy 1.3.3
- 4. Goal 1, Objective 3, Policy 1.3.4
- 5. Goal 1, Objective 3, Policy 1.3.9
- 6. Goal 1, Objective 3, Policy 1.3.16

Please refer to Attachment #5 for a detailed description of the Comprehensive Plan Policies listed above.

Analysis

The proposed zone change from UR (Urban Ranch from the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) is for a 1.60 ± acre tract located approximately 222 feet west of the intersection of Weaver Trail and Del Rey Boulevard, approximately 600 feet from the northern City Limits. The existing parcel currently consists of two accessory buildings, a garage and shed, and no primary residential structure. The subject property has been vacant for more than one (1) year, has lost its nonconforming status, and is now required to come into compliance with all requirements of the 2001 Zoning Code, as amended. The applicant is seeking to install a mobile home on the subject property and the proposed zone change to REM would not only allow the applicant to do so, but would also bring the property into compliance with the 2001 Zoning Code, as amended. The upper most part of the property has a zoning designation of A-1 (Flood Control District from the 1981 Zoning Code) and is not part of this proposed zone change. This area will be rezoned administratively to update the zoning designation to FC (Flood Control Zoning District) and bring this area into compliance with the 2001 Zoning Code as well.

The property is adjacent to and in very close³⁹⁴ proximity to other properties with the REM zoning designation and properties that are being utilized as the property is being proposed, making it compatible with adjacent properties in terms of use and zoning. The subject property is also near the northern fringe area of the City where rural residential uses are encouraged. The proposed rural residential property will not have frontage nor direct access to any thoroughfares as encouraged by the 1999 Comprehensive Plan.

Conclusion

The proposed zone change is supported by the Development Services Staff and most reviewing departments in the City of Las Cruces. The City of Las Cruces Fire Department (LCFD) was the only reviewing department that recommended denial for the proposed zone change stating that the LCFD cannot approve the addition of an additional dwelling on the subject property. The LCFD continued by stating that the roadway access and fire flow are unacceptable and improvements have to be made. Development Services Staff recognizes the concerns of the LCFD, but staff notes that this is a legal lot of record. Accordingly, given the prior use of the lot including the placement of a previous mobile home, Development Services Staff believes that by preventing the owner to the use of the property with the placement of a new mobile home may constitute a taking that may not warranted. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- The proposal is consistent with the goals and objectives of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed REM Zoning District is harmonious with and not out of character with the uses and zoning districts of the surrounding area.

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 findings listed below:

FINDINGS FOR APPROVAL

1. The subject parcel currently encompasses a total of 1.60 ± acres, is zoned UR (Urban Ranch from the 1981 Zoning Code) and consist of two residential accessory uses.
2. The subject property is located near the northern fringe area of the City where rural residential uses are encouraged (1999 Comprehensive Plan Goal 1, Objective 3, Policy 1.3.16)
3. The proposed zone change to REM would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-31D)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of 1999 Comprehensive Plan; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

ATTACHMENTS

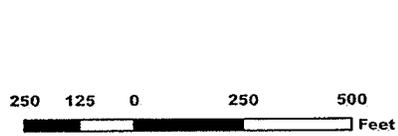
1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Site Plan
5. Comprehensive Plan Elements and Policies
6. Reviewing Department/Agency Comments and/or Conditions

ATTACHMENT #1



Legend

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



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.

ATTACHMENT #2



Legend

DAC_2010.ecw

RGB

-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3



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 Information

Name of Applicant: Santos B. Alderete
Contact Person: Lawrence T. Alderete
Contact Phone Number: 575-373-4216 or 575-343-6431
Contact e-mail Address:
Web site address (if applicable):

Proposal Information

Name of Proposal: n/a
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial) n/a
Location of Subject Property 4684 Weaver Trail
(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: 2.6 ac
Detailed description of current use of property. Include type and number of buildings: Garage and small shed.
Detailed description of intended use of property. (Use separate sheet if necessary): Install a mobile home
Zoning of Subject Property: UR
Proposed Zoning (If applicable): REM
Proposed number of lots n/a, to be developed in phase (s).
Proposed square footage range of homes to be built from to

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

single-wide mobile home or double-wide

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 _____ to complete.

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

on-lot ponding

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

Are there existing buffers on the property? n/a

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

If yes, is it paved? Yes ___ No X

How many spaces? n/a How many accessible? _____

Attachments

Please attach the following: (* indicates optional item)

Location map

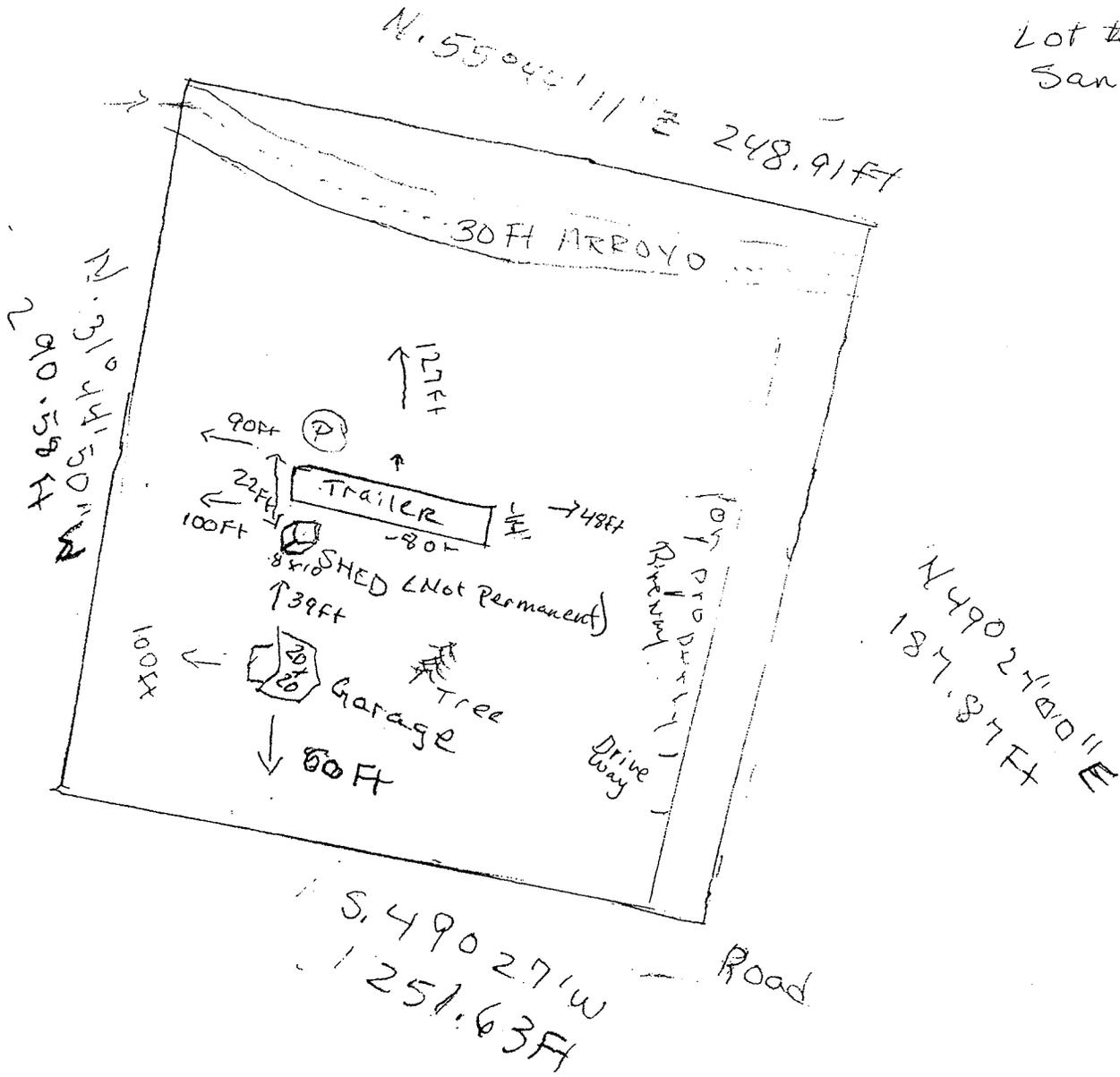
Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

Lot # 02-21764
Santos Alderete





NO WARRANTY IS MADE BY DDMA AND
DDMA IS NOT RESPONSIBLE FOR
OR FOR ANY LOSS OF DATA OR
FOR INDIVIDUAL USE OR AGGREGATE USE
WITH OTHER DATA. ORIGINAL DATA WAS
COPILED FROM VARIOUS SOURCES,
NATIONAL MAP ACCURACY STANDARDS.
THIS INFORMATION MAY BE UPDATED.



02-21764

ALVIN BROWN
County Assessor

Doña Ana County
Office of the Assessor
101 N. Main Blvd.
Las Cruces, New Mexico 88001
Phone: (505) 647-1728
Web: www.doanacounty.org

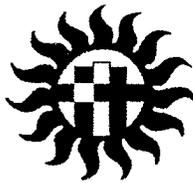


Comprehensive Plan Elements and Policies

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

Land Use Element, Goal 1 (Land Uses)**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.
- 1.3.2. Rural and urban residential land uses may be distinguished via differing characteristics. A rural residential area may not possess all City services/infrastructure and may lack nearby commercial nodes and centers. A rural area may also be characterized by farming (as may be seen in the Valley), large-sized lots or by a ranching lifestyle (as may be seen in the East Mesa).
- 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.
- 1.3.9. Low density housing shall not front on, or have direct access to, major collector or arterial streets.
- 1.3.16. The City shall encourage rural residential uses in the north and south fringe areas of the City.



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City of Las Cruces

PEOPLE HELPING PEOPLE

DATE: July 2, 2013

TO: ~~Development Services~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2864 (Review No.1)

SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM

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 **[July 10, 2013]**.

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: 7/10/13

REVIEWER NAME: Adam Ochoa

REVIEWER CONTACT NO. 528-3204

- The proposed zone change would bring the property into compliance with the 2001 Zoning Code.

July 8, 2013

Z2864 (UR to REM)

4684 Weaver Trail

Advance Planning Comments (Carol McCall)

Conclusions

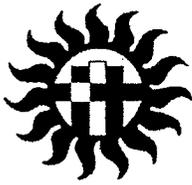
This parcel is about 600 ft. from the northern city limits and the area is largely undeveloped or developed with a mixture of manufactured homes. On the east side of Del Rey, there is a mixture of more urban zoning such as medium density residential and medium-high commercial. This area, however, has not yet been developed. REM is intended as a low density residential district of single-family site-built/manufactured housing or mobile homes on large lots specifically designed for farming and/or the raising and keeping of animals in a rural atmosphere. The lot is currently legally non-conforming since the UR zoning designation is no longer valid. It was used under the 1981 Zoning Code and was eliminated with the adoption of the 2001 Zoning Code; the zoning designations closest to it are RE and REM. Changing the zoning to REM brings the lot into compliance and allows the owners to bring a new mobile home onto the parcel. Since the application adheres to the comprehensive planning policies below, staff is in favor of the request.

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

Land Use Element, Goal 1 (Land Uses)

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.
- 1.3.2. Rural and urban residential land uses may be distinguished via differing characteristics. A rural residential area may not possess all City services/infrastructure and may lack nearby commercial nodes and centers. A rural area may also be characterized by farming (as may be seen in the Valley), large-sized lots or by a ranching lifestyle (as may be seen in the East Mesa).
- 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.
- 1.3.9. Low density housing shall not front on, or have direct access to, major collector or arterial streets.
- 1.3.16. The City shall encourage rural residential uses in the north and south fringe areas of the City.



404

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: July 2, 2013

TO: **MPO**

FROM: Adam Ochoa, Planner

CASE NO.: Z2864 (Review No.1)

SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM

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 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 **[July 10, 2013]**.

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:

7/11/13

REVIEWER NAME:

Andrew Whay

REVIEWER CONTACT NO.:

3070

MPO REVIEW COMMENTS
 Planning and Zoning Commission Cases

Case #: Z2864

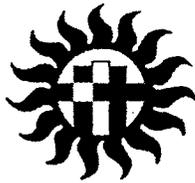
Date: July 2, 2013

Request: 4684 Weaver Trail
 Zone Change UR to REM

MPO Thoroughfare	Dist. to Thor.	Functional Class	MTP Class	ROW Required	Dist. to Transit	AADT (year)	Current Bike Fac.	Planned Bike Fac.
Del Rey	300'		Principal Arterial	120		3772 (2011)	Lanes	

Recommended Conditions of Approval

Additional Comments



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: July 2, 2013

TO: **Engineering**

FROM: Adam Ochoa, Planner

CASE NO.: Z2864 (Review No.1)

SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM

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APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS: 2 concerns:

DATE: 7/10/13

REVIEWER NAME: Natalia Billy
REVIEWER CONTACT NO. 528-3496

engineered
by licensee
NK PE.

- Establish legal & physical access
- Any improvements may not block or alter the drainage for this site. Although the arroyo that traverses the property is not a §FHA, the site is still some influencing. An alternation to the arroyo must be



Case Review Sheet

To: Engineering Services

Case #: Z2864

Date: July 2, 2013

Request: 4684 Weaver Trail
 Zone Change UR to REM

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	<i>(unshaded)</i>	_____ <i>516F</i>
Zone X(500)	(500 Yr. flood zone)	_____
Zone D	(Unknown flood determination)	_____

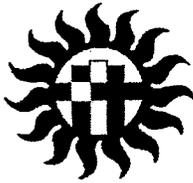
DEVELOPMENT IMPROVEMENTS:

Drainage Calculation needed	YES <input checked="" type="checkbox"/>	NO _____	N/A _____
Drainage Study needed	YES _____	NO _____	N/A <input checked="" type="checkbox"/>
Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	} <i>Access traversing property</i>
Sidewalk extension needed	YES <input checked="" type="checkbox"/>	NO _____	
Curb & gutter extension needed	YES <input checked="" type="checkbox"/>	NO _____	
Paving extension needed	YES <input checked="" type="checkbox"/>	NO _____	
NMDOT permit needed	YES _____	NO <input checked="" type="checkbox"/>	

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: X Approval _____ Denial _____

*w/ concerns. due to access & site drainage.
 see comments on front page.*



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 2, 2013

TO: ~~Traffic~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2864 (Review No.1)

SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM

RECEIVED

JUL 6 2 2013

TRAFFIC

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: 7/12/13

REVIEWER NAME:

REVIEWER CONTACT NO.:

Received 7/11/13

K. Ochoa

3701

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

TRAFFIC:

Case #: Z2864

Date: July 2, 2013

Request: 4684 Weaver Trail
Zone Change UR to REM

SITE ACCESSIBILITY: *

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

ON-STREET PARKING IMPACTS:

None Low _____ Medium _____ High _____

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:

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

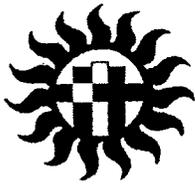
Is a TIA required? Yes _____ No

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 _____



410

City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 2, 2013

TO: Land Management

FROM: Adam Ochoa, Planner

CASE NO.: Z2864 (Review No.1)

SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM

RECEIVED

JUL 02 2013

CITY OF LAS CRUCES
LAND MANAGEMENT

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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APPROVED AS IS:

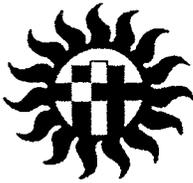
YES

NO

APPROVED WITH CONDITIONS:

DATE: 7-3-13

REVIEWER NAME: B. A. HAMM
REVIEWER CONTACT NO. 528-3410



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

DATE: July 2, 2013
TO: ~~Parks & Rec~~
FROM: Adam Ochoa, Planner
CASE NO.: Z2864 (Review No.1)
SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM

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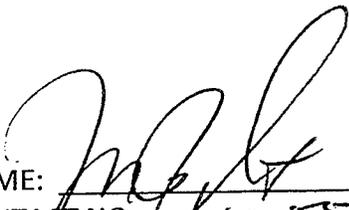
Please review and return to the Community Development Department no later than **[July 10, 2013]**.

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: 7/8/13

REVIEWER NAME: 
REVIEWER CONTACT NO. 2550

City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

PARKS:

Case #: Z2864

Date: July 2, 2013

Request: 4684 Weaver Trail
Zone Change UR to REM

Are park impact fees going to be assessed for the proposed development?

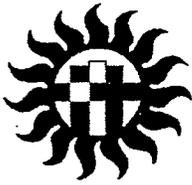
Yes No

If no, why?

COMMENTS:

RECOMMENDATION:

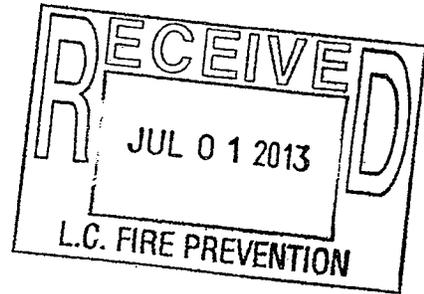
APPROVAL **DENIAL**



City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 2, 2013
TO: 
FROM: Adam Ochoa, Planner
CASE NO.: Z2864 (Review No.1)
SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM



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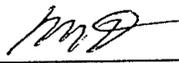
IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY ROBERT KYLE, DEVELOPMENT SERVICES ADMINISTRATOR AT rkyle@las-cruces.org.

APPROVED AS IS:



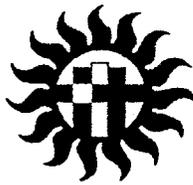
APPROVED WITH CONDITIONS:

DATE: 7/8/13

REVIEWER NAME: 
REVIEWER CONTACT NO. X4150

LCFD cannot approve the addition of an additional Dwelling at this location.

1. Roadway access is unacceptable, A 20 foot paved access to site is the minimum required by the Fire Code.
2. Fire Flow is unacceptable; Fire hydrants are required within 500 feet of back of lots.



415

City of Las Cruces®

PEOPLE HELPING PEOPLE

DATE: July 2, 2013

TO: 

FROM: Adam Ochoa, Planner

CASE NO.: Z2864 (Review No.1)

SUBJECT: 4684 Weaver Trail
Zone Change from UR to REM

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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APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 07/10/13

REVIEWER NAME: 
 REVIEWER CONTACT NO. 528-3635

No water rights issues f.d. 7/8/2013

CITY OF LAS CRUCES
PLANNING AND ZONING COMMISSION
CASE REVIEW SHEET

CASE #: Z 2864 DATE: 07/10/13

REQUEST:

WATER AVAILABILITY & CAPACITY:*

Water Provider:

CLC

Other

Moogate? Well?

CLC Water System capable of handling increased usage:

Yes

No

Comment _____

WASTEWATER AVAILABILITY & CAPACITY:*

Wastewater service type:

CLC Sewer:

On-lot septic

CLC Wastewater System capable of handling increased usage:

Yes

No

Comment No account shown in MWNIS

NATURAL GAS AVAILABILITY & CAPACITY*

Natural Gas Provider

City of Las Cruces

Other

CLC Gas System capable of handling increased usage:

Yes

No

Comment No account shown in MWNIS

*** 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: There are nearby sewers and gas lines, but this property does not appear to be connected.

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
August 27, 2013 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
Charles Beard, Secretary
Charles Scholz, Member
Ray Shipley, Member
Joanne Ferrary, Member
Ruben Alvarado, Member

BOARD MEMBERS ABSENT:

William Stowe, Vice Chair

STAFF PRESENT:

Adam Ochoa CLC, Planner
Susana Montana, CLC, Planner
Ezekiel Guza, CLC, Associate Planner
Robert Cabello, CLC, Legal Department
Bonnie Ennis, CLC, Recording Secretary

I. CALL TO ORDER (6:00)

Crane: Good evening, ladies and gentlemen. It's six o'clock and this meeting of the Planning and Zoning Commission of the City of Las Cruces is called to order. We'll start, as we usually do, by introducing the Commissioners you see before you starting at my far right: Commissioner Shipley, who represents District 6 and coming in here in the colorful jacket is Commissioner Ferrary, who is not late. She was here earlier but she went to get something in her cup and she represents District 5; and Charles Scholz is the Mayor's appointee; and our new member, Ruben Alvarado, who has had many years' experience on boards and commissions for the City of Las Cruces and the surrounding area. He is representing District 3; and Charles Beard, our Secretary, is representing District 2. I'm Godfrey Crane, the Chair, and I represent District 4.

II. CONFLICT OF INTEREST

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.

1
2 Crane: And the Chair votes aye, findings, discussion and site visit. The motion
3 passes 6-0. Thank you.
4

- 5 **3. Case Z2864:** Application of Lawrence T. Alderete on behalf of Santos B.
6 Alderete, property owners, to rezone from UR (Urban Ranch from the 1981
7 Zoning Code) to REM (Single-Family Residential Estate Mobile) a 1.60 ± acre
8 lot located approximately 222 ± feet west of the intersection of Weaver Trail
9 and Del Rey Boulevard; a.k.a. 4684 Weaver Trail; Parcel ID# 02-21764.
10 Proposed Use: Single-family residential mobile home; Council District 5
11 (Councillor Sorg).
12

13 Crane: And finally, case Z2864: applicant of Lawrence Alderete for a rezone from
14 Urban Ranch to Single-Family Residential Estate Mobile for property at
15 Weaver Trail. Mr. Ochoa, you going to talk?
16

17 Ochoa: Yes, sir. Last case we have tonight, ladies and gentlemen, is case Z2864.
18 It is a request for a zone change from UR, which is Urban Ranch from the
19 1981 Zoning Code, to REM, Single-Family Residential Estate Mobile,
20 which is current with today's Code. The subject property is located as
21 shown here on the vicinity map in the hash marks again, located relatively
22 west of Del Rey Boulevard and Weaver Trail where Weaver Trail dead
23 ends into Del Rey Boulevard and east of what is Interstate 25.

24 Shown here on the zoning map you can see this is essentially right
25 on the northern fringe of what is the City of Las Cruces' city limits
26 considering this line is the city limits; so this is city and that is county there.
27 As you can see the area is mostly zoned for Holding and Urban Ranch, a
28 lot of other non-conforming Urban Ranch zoning designations, essentially
29 a rural single-family type of development in this area.

30 Here in the aerial map you can actually see the lot with a mobile
31 home, shed and a garage. That mobile home is no longer there, which is
32 what essentially led to this zone change now. Before I continue with the
33 case specifics; just a little history on this: this property was annexed into
34 the city with a mobile home existing on that property off of Weaver Trail.
35 That mobile home was then removed a couple of years ago by the
36 property owner and the applicant is now trying to place another mobile
37 home on the property to reside on that lot but since the non-conformity
38 went away on that property, which is what is the UR zoning designation,
39 the zone change is not required.

40 The property is located roughly 222 ½ feet west of the intersection
41 of Weaver Trail or the dead end of Weaver Trail into Del Rey Boulevard.
42 As I said, the property is currently zoned UR, Urban Ranch from the 1981
43 Zoning Code, and encompasses approximately 1.6 acres. There's no
44 primary structure, just one garage and one shed on that property. As I
45 stated, the applicant is proposing to install a mobile home on that subject
46 property but the proposed zone change to REM, Single-Family Residential

1 Estate Mobile, would make installation of that mobile home legal,
2 essentially. The existing UR designation no longer exists so that REM,
3 the new proposed REM zoning designation, would bring the property into
4 compliance with today's Codes and Regulations. The property is in an
5 area with other properties either zoned the same, there are a couple of
6 REM zoned properties out there, and properties that are being utilized as
7 the applicant is proposing to utilize his property as well with a mobile
8 home; plus, again, this property is located in the northern fringe of the city
9 of Las Cruces where rural residential uses and this proposed zoning
10 designation are definitely encouraged by the 1999 Comprehensive Plan.

11 A couple things did come up when this case went under review;
12 one being that the northern portion of that subject property is actually
13 currently zoned A-1, which is a Flood Control District zoning designation
14 from the 1981 Zoning Code. This area of the property is not actually part
15 of the proposed zone change. That property will remain Flood Control. We
16 will administratively change that old A-1 zoning designation to the current
17 2001 zoning designation of FC or Flood Control Zoning District. That'll be
18 taken care of by staff so that area will still continue to have the arroyo
19 running through there and designated for Flood Control.

20 During the review of the proposed zone change, the City of Las
21 Cruces Fire Department did state a couple of concerns with the proposed
22 zone change and actually recommended denial. They stated that the Las
23 Cruces Fire Department cannot approve the addition of an additional
24 dwelling on that property and stated that the roadway access and fire flow
25 are unacceptable and improvements have to be made before they can
26 recommend approval for this. Development Services staff definitely
27 recognizes those concerns by the Las Cruces Fire Department but staff
28 notes that this is the legal lot of record and we did verify with our Legal
29 Department given the prior use of the lot, including the placement of a
30 previous mobile on that property, Development Services staff believes that
31 preventing the owner the use of that property with the placement of a new
32 mobile on that property may actually constitute some sort of taking and is
33 not warranted at this time for this property.

34 Here is a rough site plan that the applicant has proposed where the
35 trailer would be going, that existing shed and garage on the property and,
36 of course, that 30-foot arroyo running to the north. That area will now be
37 zoned FC or Flood Control.

38 With that staff has reviewed the proposed zone change and
39 recommends approval without conditions based on the findings presented
40 in your staff report. Of course, the Planning and Zoning is a
41 recommending Body to City Council for zone change cases so your
42 recommendation will be moved on to City Council for this proposed zone
43 change.

44 With that, ladies and gentlemen, you options tonight are: 1) to vote
45 yes to approve the request as recommended by staff for case Z2864; 2) to
46 vote yes to approve the request with conditions deemed appropriate; 3) to

1 vote no to deny the request, and; 4) table/postpone and direct staff
2 accordingly. Again, staff did receive a couple of phone calls from
3 interested property owners just wanting to know what was going on, if they
4 were going to be required to seek a zone change as the applicant had to;
5 but nobody had any issues with the proposed zone change.
6

7 Crane: Thank you, Mr. Ochoa. Commissioners? Commissioner Beard.

8
9 Beard: Didn't we have something like this before, just not too recently, where a
10 trailer had been removed and then they wanted to put another mobile
11 home back on there?
12

13 Ochoa: Mr. Chairman, Commissioner Beard, that is correct. That was actually a
14 variance to put two mobile homes on one lot, which the non-conformity
15 expired on it so then they had to get a variance to allow two mobile homes
16 on a single-family lot. This is here is not a variance. It's actually bringing
17 the property into compliance with today's codes and allowing the mobile
18 home to be placed on the property, sir.
19

20 Beard: Okay. Thank you. In addition, obviously there was a septic tank there
21 before. Will they have connected to the city water or sewer?
22

23 Ochoa: Mr. Chairman, Commissioner Beard, staff did contact the Utility
24 Department, kind of asking that as well. They did say they're not
25 connected to the city sewer and the septic system is permitted but if they
26 did not get reapproved, if you will, for that septic tank then they would
27 have to be required to hook up to city sewer if NMED would not approve
28 that new septic system, the licensing.
29

30 Beard: Thank you.

31
32 Crane: Commissioner Scholz.

33
34 Scholz: Yeah, I had a question and a comment. The question is: isn't there a
35 mobile home there already? When I visited the site the other day there
36 was.
37

38 Ochoa: Mr. Chairman, Commissioner Scholz, the applicant did ask staff or actually
39 my administrator to store the mobile home on the property because he did
40 purchase it already with the understanding that if his zone change was
41 denied he would have to remove it. The mobile home is not hooked up to
42 anything and has not been permitted yet or anything like that. It's just
43 simply being stored on there with the possibility that the zone change will
44 be approved.
45

1 Scholz: Well, I can understand the Fire Department's concern because, of course,
2 it's just dirt roads out there and not only are they not very well graded, but
3 they don't appear to be of standard width and I think it would be
4 impossible to or to at least easily access fire equipment over there. So I
5 can see that as a concern. That was my comment.
6
7 Crane: Any other Commissioner? Any member of the public?
8
9 Ochoa: The applicant is here as well if you have any questions.
10
11 Crane: Does the applicant want to talk to us?
12
13 (Applicant speaking from audience – inaudible)
14
15 Crane: Say your name, please.
16
17 Alderete: Lawrence Alderete.
18
19 Crane: And do you solemnly swear that the information you give us will be the
20 truth under penalty of law.
21
22 Alderete: Yes.
23
24 Crane: Thank you.
25
26 Alderete: Yes, thank you. Did you have a question for me?
27
28 Crane: Do you want to say anything yourself?
29
30 Alderete: Not really, I mean, there's really nothing to say. I'm just going to live there.
31 That's all I'm going to do.
32
33 Crane: Okay. Anybody have any questions of Mr. Alderete? Well, thank you. I'm
34 sorry it cost you a trip. In that case, Commissioners, we are closed to...
35 yes, somebody in the back.
36
37 Hernandez: My name is Norma Hernandez. I'm a resident there also. My only concern
38 is
39
40 Crane: Excuse me. I'll have to swear you in. Do you solemnly swear that the
41 information you give us will be the truth under penalty of law?
42
43 Hernandez: Yes.
44
45 Crane: Thank you.
46

1 Hernandez: My only concern is, is how is this going to affect the rest of us around
2 there if we are already a UR, how is it going to affect us to turn it into a ...
3 what is it? REM.
4

5 Crane: Mr. Ochoa, can you help out?
6

7 Ochoa: I think I can try to answer that question. Basically your property will remain
8 unchanged with that UR Zoning District. You don't have to do anything as
9 long as you continue to use it as you are because the zoning designation
10 you have on your property, it's kind of grandfathered in: you're legal non-
11 conforming. The reason he's getting a zone change just for his property is
12 because, like I said, the UR zoning doesn't exist anymore. In order for him
13 to put a mobile home on there now he needs to get that zone change. So
14 in the future if you ever... to expand your residence like by more than 50%
15 or you remove your residence for more than a year they you'd have to get
16 a zone change as well to whatever zoning designation you'd need in order
17 to do what you need to do out there, ma'am. But it should not affect you.
18 The zone change will not affect your property at all.
19

20 Hernandez: That was my only concern.
21

22 Crane: That help? Okay. Thank you. Any other member of the public? Then
23 we're closed to further discussion. Commissioners? Mr. Shipley.
24

25 Shipley: I move to approve case number Z2864.
26

27 Scholz: Second.
28

29 Crane: Seconded by Mr. Scholz. No further discussion... then let's start with Mr.
30 Shipley. How do you vote, sir?
31

32 Shipley: Aye, findings, discussion and a long site visit.
33

34 Crane: A long one? Did you get bogged down?
35

36 Shipley: Many trails.
37

38 Crane: Oh. Okay. Commissioner Ferrary.
39

40 Ferrary: Aye, according to findings and discussion.
41

42 Crane: Mr. Scholz.
43

44 Scholz: Aye, findings, discussion and equally long site visit since I couldn't find the
45 property initially.
46

1 Crane: Commissioner Alvarado.

2

3 Alvarado: Yes, based on the findings and discussion.

4

5 Crane: Mr. Beard.

6

7 Beard: Aye, based on findings and discussions.

8

9 Crane: And the Chair votes aye, based on findings, discussion and a brief site
10 visit because he was afraid his Focus would get bogged down. So this
11 passes 6-0. Thank you.

12

13 VIII. OTHER BUSINESS –NONE

14

15 Crane: Any other business, Mr. Ochoa?

16

17 Ochoa: There is no other business, Mr. Chairman. It looks like he's gone but we
18 did get a new Associate Planner. I don't know if you saw the guy in a tie
19 sitting down here earlier. That is Ezekiel, our new Associate Planner.
20 We're hoping to bring him up to you sometime soon with a case.

21

22 Crane: Well, he clearly lacks stamina if he's leaving us. *(All laughing)*

23

24 Ochoa: There's no other discussion than that, sir.

25

26 IX. PUBLIC PARTICIPATION

27

28 Crane: Any further public participation? Yes, sir.

29

30 X. STAFF ANNOUNCEMENTS

31

32 Ochoa: I did want to mention as well, sir, we have commenced the new
33 advertisement requirements and the public notice requirements that went
34 into effect with Mr. Banegas' changes so those new changes are now in
35 effect so please bear with us if any potential things need to be postponed
36 and so forth because of those requirements for public notice.

37

38 Crane: Thank you.

39

40 XI. ADJOURNMENT (8:14)

41

42 Crane: Having no further business we are adjourned at 8:14. Thank you.

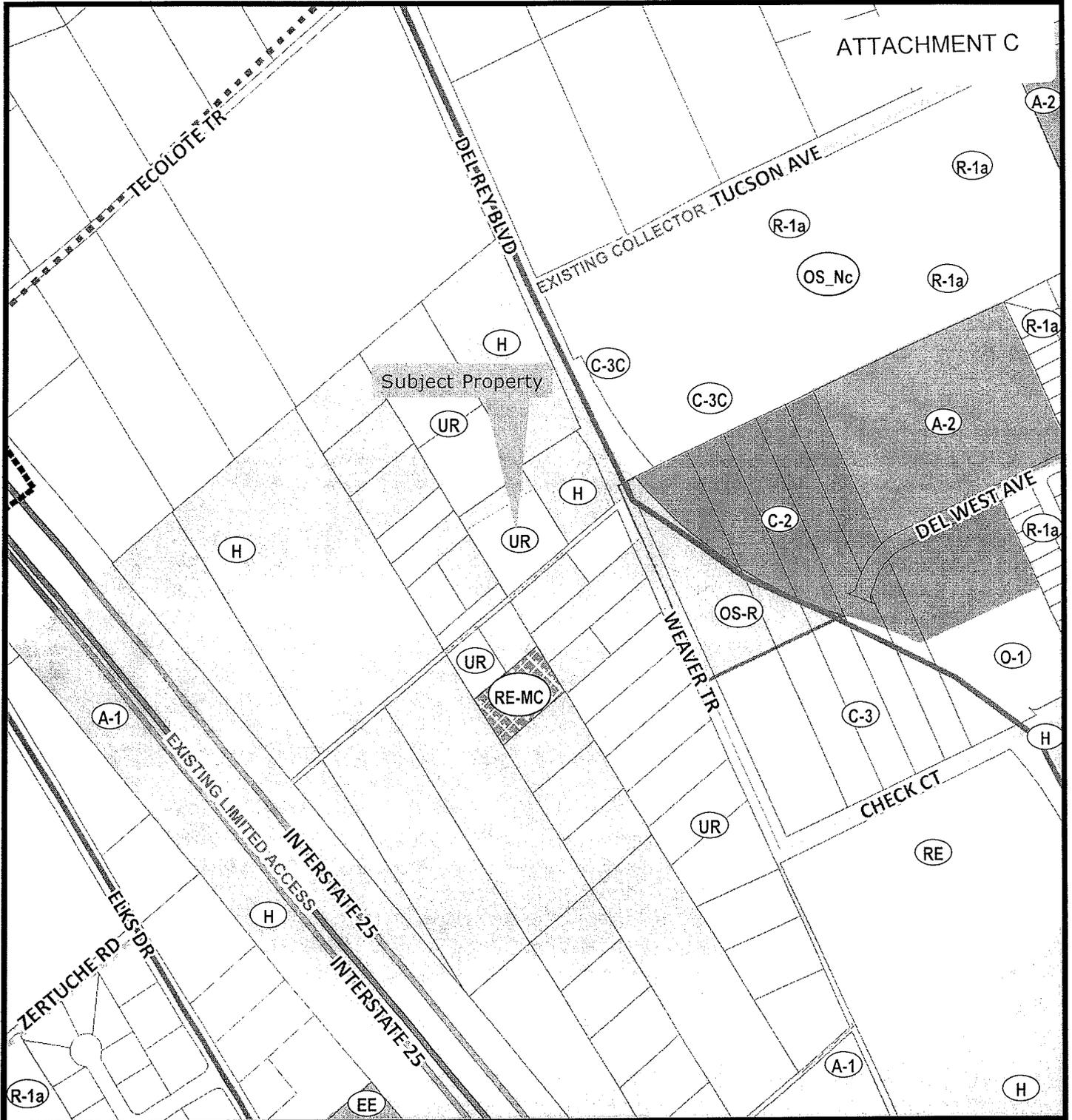
43

44

45

46 _____
Chairperson

ATTACHMENT C



Legend					
	EXISTING LIMITED ACCESS		PROPOSED INTERCHANGE/UNDERPASS		Non Designated Trail
	EXISTING PRINCIPAL ARTERIAL		PROPOSED PRINCIPAL ARTERIAL		Proposed Paved EBID
	EXISTING MINOR ARTERIAL		PROPOSED MINOR ARTERIAL		Proposed Unpaved EBID
	EXISTING COLLECTOR		PROPOSED COLLECTOR		City Parcel
	PROPOSED LIMITED ACCESS		PROPOSED CORRIDOR		Interstates_Highway
			EBID Water System		Railroad



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