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**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

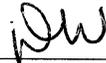
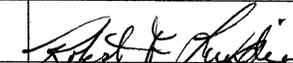
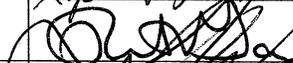
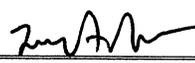
Item # 5 Ordinance/Resolution# 2531 Council District: 4

For Meeting of August 24, 2009

(Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM M1/M2 (INDUSTRIAL STANDARD) TO R-4C (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) FOR 3.42 +/- ACRES LOCATED AT 1089 W. AMADOR AVENUE. THE ZONE CHANGE WILL FACILITATE THE PLACEMENT OF A TRANSITIONAL LIVING FACILITY FOR AT RISK YOUTH. SUBMITTED BY SOUTHWEST ENGINEERING, INC FOR RESOURCES FOR CHILDREN & YOUTH, INC (Z2790).

**PURPOSE(S) OF ACTION:** Approval of a zone change that will facilitate the placement of transitional living facility on the subject property.

<b>Name of Drafter:</b> James White 		<b>Department:</b> Community Development		<b>Phone:</b> 528-3120	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Community Development		528-3066	Budget		541-2107
			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

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

The property owner, Resources for Children & Youth, Inc, is requesting a zone change from M1/M2 (Industrial Standard) to R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) for 3.4189 ± acres located at 1089 W. Amador Avenue. The subject property is currently vacant. The subject property is located west of the Community of Hope campus and east of Armijo Lateral and McSwain Drive. The proposed transitional living facility is not a facility of the Community of Hope campus and is a federal and state-funded housing project.

The zone change request will facilitate the construction of a transitional living facility on 2.70 ± acres, which will be managed by Resources for Children & Youth, Inc. The proposed facility will initially contain six buildings, of which five buildings will have eleven apartment units and one building will be a community building that will support limited office uses that are ancillary to a transitional living facility. The initial development is conceptually identified as the first phase of the transitional living facility. The development plans for the proposed facility anticipate future phases but do not quantify the anticipated dwelling units for the future phases. Any development of the proposed facility is contingent upon federal and/or state-funding.

The remaining portion of the subject property, 0.70 ± acres, was recently purchased by the City of Las Cruces through Resolution 09-276. The 0.70 ± acres is proposed to be integrated into the Community of Hope campus. A subdivision application known as Amador Tracts Replat No. 6 will facilitate this integration.

The subject property has a physical address of 1089 W. Amador Avenue, but the property has no direct frontage along W. Amador Avenue. The Metropolitan Planning Organization (MPO) has classified W. Amador Avenue as a Principal Arterial roadway. Access to the subject property is from an improved driveway connecting from Amador Avenue, traversing the Community of Hope campus, and continues west for 147 ± feet on a 30-foot unimproved easement. The subject property has no other means of access unless a parallel crossing agreement is granted by Elephant Butte Irrigation District (EBID) to cross the Armijo Lateral to McSwain Drive, an unimproved local roadway. It is not known if the applicant has applied for a parallel crossing agreement with EBID.

The nearest public park is located approximately 2,000 feet south on Hayner Avenue. A bus shelter is located on the north side of Amador Avenue directly across from the Community of Hope campus. The subject property is bordered to the west by the Armijo Lateral, a designated trail system on the MPO Transportation Plan. Bicycle lanes are located on the segment of Amador Avenue west of Valley Drive.

The R-4 (Multi-Dwelling High Density & Limited Retail and Office) zoning district is a high density multi-dwelling zoning district that allows a minimum of ten dwelling units per acre and a maximum density to be defined by the developer and accepted/approved by the City. Apartments in any configuration/grouping shall be permitted as a means to meet the applicable density requirements for this district. Limited retail, institutional, and service-oriented uses are allowed provided that such uses do not exceed 35% of the gross floor area of the buildings on the property.

On May 26, 2009, the Planning and Zoning Commission recommended conditional approval of the zone change request by a vote of 5-0-0 (two Commissioners absent). The condition attached to the approval requires all newly installed utilities to be placed underground. After the Planning and Zoning Commission meeting, staff noted an error in the staff review of the recommendation of the zone change to the R-4 zoning district. As the initial phase of the proposed transitional living facility only proposes eleven dwelling units, the subject property of 2.70 ± acres for the proposed facility cannot meet the minimum density requirements for the R-4 zoning district. For 2.70 ± acres, the minimum density requirements are 27 dwelling units.

Upon the preparation of this council action report, staff has identified three options for City Council to consider for the final consideration of this zone change request. The three options are:

1. City Council may choose to finalize the conditional approval of the stated zoned change request by the Planning and Zoning Commission. It could be anticipated that with future funding and expansion of the transitional living facility that the minimum density requirements for the R-4 zoning district could be met.
2. City Council may choose to modify the attached Ordinance to overlap the subject property of 2.70 ± acres with the R-3 (Multi-Dwelling Medium Density) zoning district. This option would allow the subject property to no longer have a minimum density

requirement as no minimum requirement exists for the R-3 zoning district. The proposed development plans would meet the density requirements and the limited retail, institutional, and service-oriented uses for the transitional living facility could be utilized under the R-4 zoning district. Therefore, the zoning for the subject property would be R-3C (Multi-Dwelling Medium Density-Conditional)/R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional).

3. City Council may choose to remand the zone change request back to the Planning and Zoning Commission to reevaluate and recommend a new zoning district that would allow the proposed development to be in compliance with density requirements.

Staff will be prepared at the meeting to further explain these options to Council for the final consideration of the zone change request.

### **SUPPORT INFORMATION:**

<b>Fund Name / Account Number</b>	<b>Amount of Expenditure</b>	<b>Budget Amount</b>
N/A	N/A	N/A

1. Ordinance
2. Exhibit "A"- Amador Tracts Replat No. 6
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2790
5. Attachment "B"- Minutes from the May 26, 2009 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

### **OPTIONS / ALTERNATIVES:**

1. Vote **YES** to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for conditional approval. The property encompassing 3.42 ± acres located at 1089 W. Amador Avenue will be rezoned from M1/M2 (Industrial Standard) to R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional). The condition attached to this Ordinance requires all newly installed utilities to be placed underground.
2. Vote **NO** to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of M1/M2 (Industrial Standard) will remain on the 3.42 ± acres located at 1089 W. Amador Avenue. The placement of a transitional living facility will not be allowed on the subject property. Permissible land uses will be those allowed under the M1/M2 (Industrial Standard) zoning district.
3. Modify the Ordinance and vote **YES** to approve the modified Ordinance. The Council may modify the Ordinance by implementing one of the following two options as deemed appropriate: (1) the Council may choose to modify the attached Ordinance to overlap the subject property of 2.70 ± acres with the R-3 (Multi-Dwelling Medium Density) zoning

district. This option would allow the subject property to no longer have a minimum density requirement as no minimum requirement exists for the R-3 zoning district. The proposed development plans would meet the density requirements and the limited retail, institutional, and service-oriented uses for the transitional living facility could be utilized under the R-4 zoning district. Therefore, the zoning for the subject property would be R-3C (Multi-Dwelling Medium Density-Conditional)/R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional); or (2) the Council may choose to remand the zone change request back to the Planning and Zoning Commission to reevaluate and recommend a new zoning district that would allow the proposed development to be in compliance with density requirements.

4. Table/Postpone the Ordinance and direct staff accordingly.

**COUNCIL BILL NO.** 10-002  
**ORDINANCE NO.** 2531

**AN ORDINANCE APPROVING A ZONE CHANGE FROM M1/M2 (INDUSTRIAL STANDARD) TO R-4C (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) FOR 3.42 +/- ACRES LOCATED AT 1089 W. AMADOR AVENUE. THE ZONE CHANGE WILL FACILITATE THE PLACEMENT OF A TRANSITIONAL LIVING FACILITY FOR AT RISK YOUTH. SUBMITTED BY SOUTHWEST ENGINEERING, INC FOR RESOURCES FOR CHILDREN & YOUTH, INC (Z2790).**

The City Council is informed that:

**WHEREAS**, Resources for Children & Youth, Inc., the property owner, has submitted a request for a zone change from M1/M2 (Industrial Standard) to R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) for 3.42 +/- acres located at 1089 W. Amador Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on May 26, 2009, recommended that said zone change request be conditionally approved by a vote of 5-0-0 ( two Commissioners absent).

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

**(I)**

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby conditionally zoned R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) for the property located at 1089 W. Amador Avenue.

**(II)**

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

- All newly installed utilities to be placed underground.

**(III)**

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

(IV)

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

(V)

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

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

APPROVED:

(SEAL)

\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE:

- Mayor Miyagishima: \_\_\_\_\_
- Councillor Silva: \_\_\_\_\_
- Councillor Connor: \_\_\_\_\_
- Councillor Archuleta: \_\_\_\_\_
- Councillor Small: \_\_\_\_\_
- Councillor Jones: \_\_\_\_\_
- Councillor Thomas: \_\_\_\_\_

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

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

APPROVED AS TO FORM:

  
\_\_\_\_\_

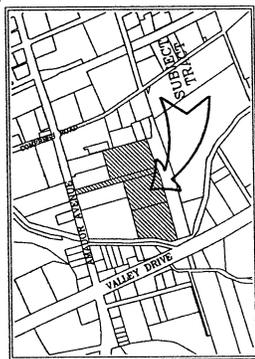
City Attorney

# AMADOR TRACTS REPLAT NO. 6

BEING A REPLAT OF LOTS 2B AMADOR TRACTS REPLAT NO. 4 FILED OCTOBER 5, 2007, PLAT BOOK 22, PAGE 352, DONA ANA COUNTY RECORDS AND LOT 4, AMADOR TRACTS REPLAT 1, FILED MARCH 14, 2003, IN PLAT BOOK 20, PAGE 276, DONA ANA COUNTY RECORDS. CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

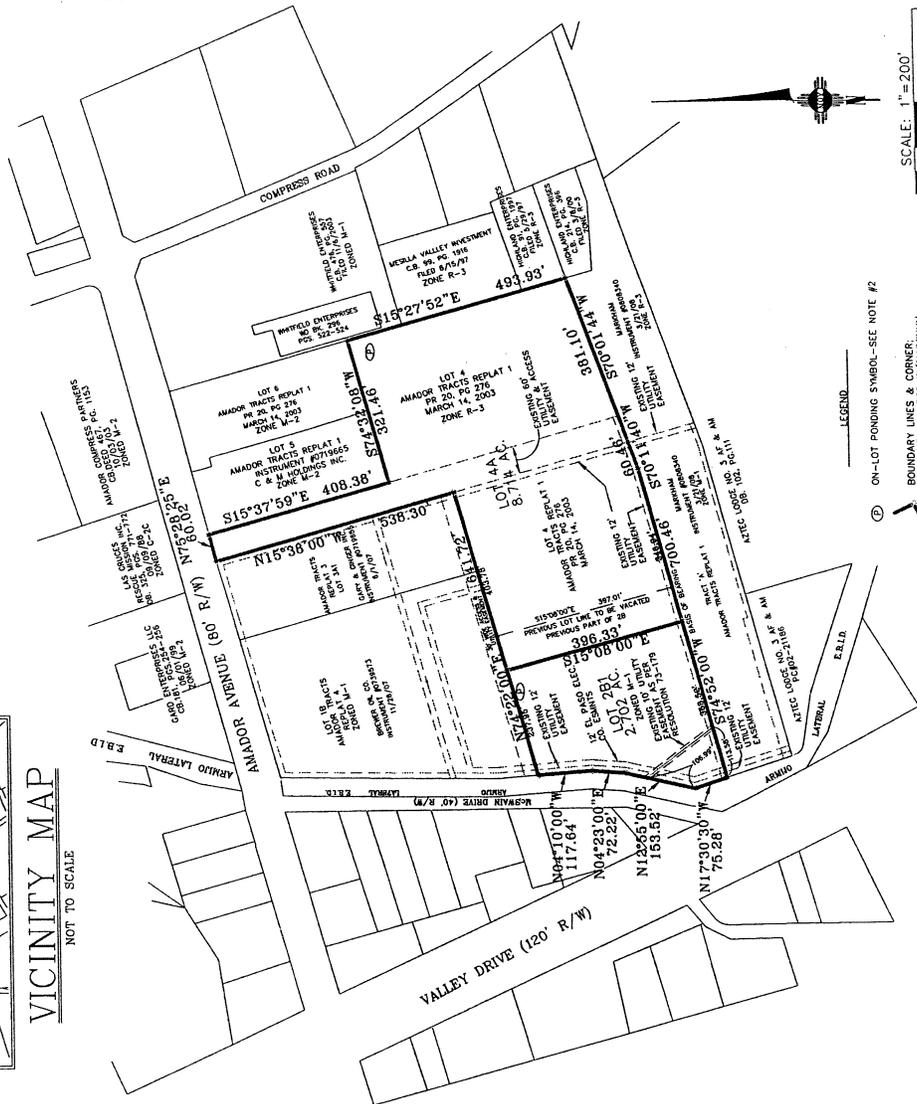
SCALE: 1" = 200' APRIL 2009

11.416 ACRES TOTAL



## VICINITY MAP

NOT TO SCALE



SCALE: 1" = 200'

ON-LOT PONDING SYMBOL--SEE NOTE #2

BOUNDARY LINES & CORNERS SURVEYED BY IRON ROD WALL MOUNTED UNLESS NOTED OTHERWISE

LEGEND

⊕ DENOTES LOT/PC CORNER

### UTILITY APPROVALS

THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT CONSTITUTE ANY UTILITY SERVICE BY THE UNDERSIGNED UTILITY COMPANIES TO THE SUBDIVISION.

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BY: \_\_\_\_\_ DATE: \_\_\_\_\_

COMCAST CABLE COMMUNICATIONS, INC. EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE ABOVE FOR THE INSTALLATION OF (UNDERGROUND ONLY) (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) (UNDERGROUND AND DESIGNATED OVERHEAD FEEDER) CABLE TV COMPANY UTILITIES.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

QUEST COMMUNICATIONS, INC. EASEMENTS SHOWN HEREON, COPIES OF WHICH HAVE BEEN PRESENTED TO THE ABOVE FOR THE INSTALLATION OF (UNDERGROUND ONLY) (OVERHEAD ONLY) (UNDERGROUND AND/OR OVERHEAD) (UNDERGROUND AND DESIGNATED OVERHEAD FEEDER) TELEPHONE COMPANY UTILITIES.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

QUEST COMMUNICATIONS, INC. DISCLAIMER. THIS PLAT HAS BEEN APPROVED FOR EASEMENT PURPOSES ONLY. THE SIGNING OF THIS PLAT DOES NOT IN ANY WAY GUARANTEE TELEPHONE SERVICE TO THE SUBDIVISION.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY PLANNING AND ZONING COMMISSION APPROVAL. THIS PLAT HAS BEEN APPROVED AND CHECKED BY THE CITY OF LAS CRUCES PLANNING AND ZONING COMMISSION. IT CONCURS WITH THE EXPANSION OF EXISTING UTILITIES AND THOROUGHFARES AND WITH THE GENERAL CITY PLANNING, APPROVED FOR FILING WITH THE COUNTY CLERK.

106

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY OF LAS CRUCES APPROVALS. THIS PLAT HAS BEEN APPROVED BY THE CITY OF LAS CRUCES. ALL THE UTILITIES SHOWN ON THE ABOVE PLAT HAVE BEEN COMPLETED WITHIN THE CITY OF LAS CRUCES. THIS PLAT IS SUBJECT TO ANY AND ALL CONDITIONS REQUIRED BY THE PLANNING AUTHORITY FOR APPROVAL OF THE PLAN.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DIRECTOR OF COMMUNITY DEVELOPMENT

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

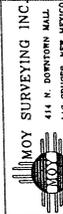
DIRECTOR OF UTILITIES

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

DIRECTOR OF PUBLIC WORKS

JORGE MOY, A NEW MEXICO PROFESSIONAL SURVEYOR CERTIFY THAT I CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT THIS SURVEY AND PLAT MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO.

JORGE MOY N.M.P.S. 5939



PHONE: (575) 525-9683 FAX: (575) 524-3239

JOB NO. 09-0282 DRAWN BY SANDRA LVALEZ (S.L.) FIELD BY KENNY, VICTOR, PETE. DATE 04-28-09 SCALE: 1" = 200'

### DEDICATION

A TRACT OF LAND, OWNED BY THE BEARING AND DISTANCE OF THE NEAREST LINE MIGHT BE A TRACT OF LAND, BEING THE PEREMER OF A 11.416 +/- ACRE TRACT WHICH SHALL BE KNOWN AS AMADOR TRACTS REPLAT NO. 6

THE SERVICES, AS WAY AND PUBLIC AREAS SHOWN HEREON ARE DEDICATED TO THE CITY OF LAS CRUCES. UTILITY EASEMENTS ARE GRANTED FOR THE USE OF THE UTILITY COMPANIES THAT ARE SIGNATORY TO THIS PLAT AND TO THE CITY OF LAS CRUCES. THE CITY OF LAS CRUCES WILL APPLY TO THESE EASEMENTS. ALL OTHER EASEMENTS SHOWN HEREON ARE GRANTED FOR THE USE INDICATED. NO ENCROACHMENT THAT WILL INTERFERE WITH THE USE OF EASEMENTS AS SHOWN ON THIS PLAT IS ALLOWED.

THE SUBDIVISION HAS BEEN DEDICATED IN ACCORDANCE WITH THE WISHS OF THE UNDERSIGNED OWNER(S) OF THE LAND SHOWN HEREON, IN WITNESS WHEREOF SAID LOT 2B1 AND LOT 4A

INSTRUMENT #0823852, DONA ANA COUNTY RECORDS.

OWNERS HAVE SET THEIR HAND AND SEALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

BY PRESIDENT FOR CHILDREN & YOUTH, INC. 1520 LOS ALAMOS LAS CRUCES, NM 88001

### ACKNOWLEDGMENT

STATE OF NEW MEXICO) SS. COUNTY OF DONA ANA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY PHILIPPOS T. PHILIPPOU AS PRESIDENT-RESOURCES OF CHILDREN & YOUTH, INC.

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

INSTRUMENT OF OWNERSHIP: AS FILED DECEMBER 26, 2002 CLERK BOOK 186, PAGES 1562-1564, DONA ANA COUNTY RECORDS. PAGES 1562-1564, DONA ANA COUNTY RECORDS.

OWNERS HAVE SET THEIR HAND AND SEALS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

BY: \_\_\_\_\_ DATE: \_\_\_\_\_ CITY OF LAS CRUCES LAS CRUCES, NM 88004

### ACKNOWLEDGMENT

STATE OF NEW MEXICO) SS. COUNTY OF DONA ANA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_ BY \_\_\_\_\_ CITY OF LAS CRUCES

NOTARY PUBLIC \_\_\_\_\_ MY COMMISSION EXPIRES \_\_\_\_\_

DONA ANA COUNTY CLERK

STATE OF NEW MEXICO) COUNTY OF DONA ANA ) PLAT NO. \_\_\_\_\_ RECEPTION NO. \_\_\_\_\_ DAY I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THE \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK AND DULY RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ AND FILED IN THE RECORDS OF COUNTY CLERK, DONA ANA COUNTY, NEW MEXICO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

COUNTY CLERK \_\_\_\_\_ (SEAL)

Exhibit "B"  
 FINDINGS AND COMPREHENSIVE PLAN ANALYSIS

1. The subject property is 3.4189+/- acres located at 1089 W. Amador Avenue.
2. The applicant has requested a zone change from M1/M2 (Industrial Standard) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) to facilitate a transitional living facility.
3. The subject property has a physical address of 1089 W. Amador Avenue but the property has no direct frontage along Amador Avenue.
4. Access to the subject property is from an improved driveway connecting from Amador Avenue traversing the Community of Hope campus and then continuing west for 147 +/- feet on a thirty (30) foot unimproved easement.
5. Adjacent land use and zoning include:
 

	<u>Zoning</u>	<u>Land Use</u>
North	M1/M2	Vacant
South	M1/M2	Vacant
East	M1/M2	Vacant
West	M1/M2	Single-Family Residential
6. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

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.



TO: Planning and Zoning Commission

PREPARED BY: James A. White, AICP, Planner 

DATE: May 26, 2009

SUBJECT: 1089 W. Amador Avenue (Zone Change)

RECOMMENDATION: Approval – with a condition for case Z2790

**Case Z2790:** A request for a zone change from M1/M2 (Industrial Standard) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for 3.4189 +/- acres located at 1089 W. Amador Avenue. The zone change will facilitate a transitional living facility (apartments) for at risk youths. Submitted by Southwest Engineering, Inc. for Resources for Children & Youth, Inc.

### BACKGROUND

The property owner, Resources for Children & Youth, Inc, is requesting a zone change from M1/M2 (Industrial Standard) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for 3.42 +/- acres located at 1089 W. Amador Avenue. The subject property is currently vacant. The proposal is to construct a transitional living facility (i.e. apartments) for at risk youth. The R-4 (Multi-Dwelling High Density & Limited Retail and Office) zoning district allows for apartments to be developed provided a density range of ten (10) to forty (40) dwelling units (DU) per acre is achieved.

The subject property has a physical address of 1089 W. Amador Avenue but the property has no direct frontage along Amador Avenue. The Metropolitan Planning Organization (MPO) has classified Amador Avenue as a Principal Arterial roadway. Access to the subject property is from an improved driveway connecting from Amador Avenue, traversing the Community of Hope campus, and then continuing west for 147 +/- feet on a thirty (30) foot unimproved easement. The subject property has no other means of access unless a parallel crossing agreement is granted by Elephant Butte Irrigation District (EBID), therefore allowing for a westward connection across the Armijo Lateral to McSwain Drive (unimproved roadway) and then proceeding to Valley Drive. To date, a parallel crossing agreement has not been issued.

The zone change request will facilitate the construction of a transitional living facility (apartments) that will be managed by Resources for Children & Youth, Inc. The complex will consist of 6 buildings including a community building. The five (5) multi-dwelling buildings will contain 11 units of two (2) or three (3) bedrooms each. The complex will also be staffed twenty-four (24) hours a day with case managers and therapist(s) as needed.

The property is bordered to the north by a vacant parcel (Amador Tracts Replat No.2 Lot 1B). The property is privately owned and may be developed in the future under the parameters of the M1/M2 (Industrial Standard) zoning district. The properties to the south and east are also currently vacant, owned by the City of Las Cruces and may be used in a similar capacity to the Community of Hope. Landscape buffering (screening) will not be required for the transitional

living facilities given that all adjacent properties are vacant and are zoned M1/M2 (Industrial Standard).

The 2001 Zoning Code, as amended, will require for the transitional living facility to provide between 1.5 to 2 parking stalls per apartment unit. Therefore, based on the proposal to construct eleven (11) units, a range of seventeen (17) to twenty-three (23) parking stalls will be required. Two (2) of the parking stalls will be required to be Americans with Disability Act (ADA) compliant. The applicant will also be required to provide between two (2) and three (3) bicycle parking stalls on the subject property.

Landscaping will be required on the property equating to 15% of the entire tract of land except for the building pad and fenced-in storage area. Based on the property not having any frontage along a dedicated City roadway 100% of required landscaping will be on-site.

All issues regarding site design including parking, landscaping, outdoor lighting and ponding will be evaluated prior to the issuance of a building permit for the transitional living facility. Further, the development will require compliance with the 2001 Zoning Code, as amended, City Design Standards (landscaping), and Chapter 39 of the Municipal Code (outdoor lighting).

The subject property is located approximately 2,000 feet south of a public park located on Hayner Avenue. A bus shelter is located on the north side of Amador Avenue directly across from the driveway entrance for the Community of Hope. The property is bordered to the west by the Armijo Lateral, a designated trail system. Bicycle lanes are not present on Amador Avenue east of Valley Drive but are available on Amador Avenue west of Valley Drive.

**FINDINGS**

1. The subject property is 3.4189+/- acres located at 1089 W. Amador Avenue.
2. The applicant has requested a zone change from M1/M2 (Industrial Standard) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) to facilitate a transitional living facility.
3. The subject property has a physical address of 1089 W. Amador Avenue but the property has no direct frontage along Amador Avenue.
4. Access to the subject property is from an improved driveway connecting from Amador Avenue traversing the Community of Hope campus and then continuing west for 147 +/- feet on a thirty (30) foot unimproved easement.
5. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	M1/M2	Vacant
South	M1/M2	Vacant
East	M1/M2	Vacant
West	M1/M2	Single-Family Residential

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

**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.

**RECOMMENDATION**

Staff has reviewed this zone change and recommends conditional approval based on the preceding findings.

1. All newly installed utilities will be placed underground.

The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration.

**OPTIONS**

1. Approve the request as recommended by staff for case Z2790
2. Approve the request with additional conditions.
3. Deny the request.

**ATTACHMENTS**

1. Development Statement
2. Project overview from CLC Neighborhood Services
3. Vicinity Map

**DEVELOPMENT STATEMENT for Zoning Applications**  
**(Use for Zone Changes, SUP's and PUD's)**  
 Please type or print legibly

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 or City Council 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: RESOURCES FOR CHILDREN & YOUTH INC.  
 Contact Person: PAUL J. POMPEO  
 Contact Phone Number: 575-526-3381  
 Contact e-mail Address: SEI@ZIANET.COM  
 Web site address (if applicable): \_\_\_\_\_

**Proposal Information**

Location of Subject Property LOT 2B, AMADOR TRACTS REPLAT NO. 4  
 (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)

Current Zoning of Property: M-1

Proposed Zoning: R-4/O-2/C-2

Acreage of Subject Property: 1.86 AC +/-

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

ADMINISTRATIVE OFFICES, COUNCILING, EDUCATION  
ASSISTED LIVING, HALFWAY HOME/SHELTER

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

TOTAL FOR ALL BLDGS 28,400 +/-

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

24 HRS

Anticipated traffic generation UNKNOWN trips per day (if known).

Anticipated development schedule: Work will commence on or about JAN 1, 2009  
and will take approximately 12 MONTHS 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 in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

NONE

**Attachments**

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

Location map

Detailed site plan

Proposed building elevations\*

Renderings or architectural or site design features\*

Other pertinent information\*

**James White**

---

**From:** Jan Lauterbach  
**Sent:** Tuesday, May 05, 2009 12:09 PM  
**To:** James White  
**Subject:** Transitional Living Complex

James per your request:

The property located at lot 2B of Amador tracts owned by Resources for Children and Youth is to be developed into a Transitional Living Center managed by Families and Youth Incorporated to be known as El Crucero (The Crossing).

The complex when completed will consist of 6 separate buildings including a community building. The other 5 will contain 11 units of two and three bedroom apartments containing 26 bedrooms.

The rental complex will target low income young adults ages 17-24, including young parents and their children, who have been recently released from juvenile justice, foster care, or adolescent mental health treatment programs, including those with substance abuse disorders, whom would otherwise be homeless or living in unsafe conditions.

The complex will include a combination of two and three-bedroom apartment units, staffed 24 hours a day, seven days a week to provide guidance and security for residents. Program staff will include case managers and therapists to provide social services such as parenting skills, independent living instruction, job skills and therapy as needed.

Hope this helps, if you have questions, please let me know.

Jan Lauterbach  
 Neighborhood Programs Specialist (HOME)  
 Community Development Department  
 City of Las Cruces  
 PO Box 20000  
 Las Cruces, NM 88004  
 Ph. 575-528-3134  
 Fax. 575-528-3101  
[jlauterbach@las-cruces.org](mailto:jlauterbach@las-cruces.org)

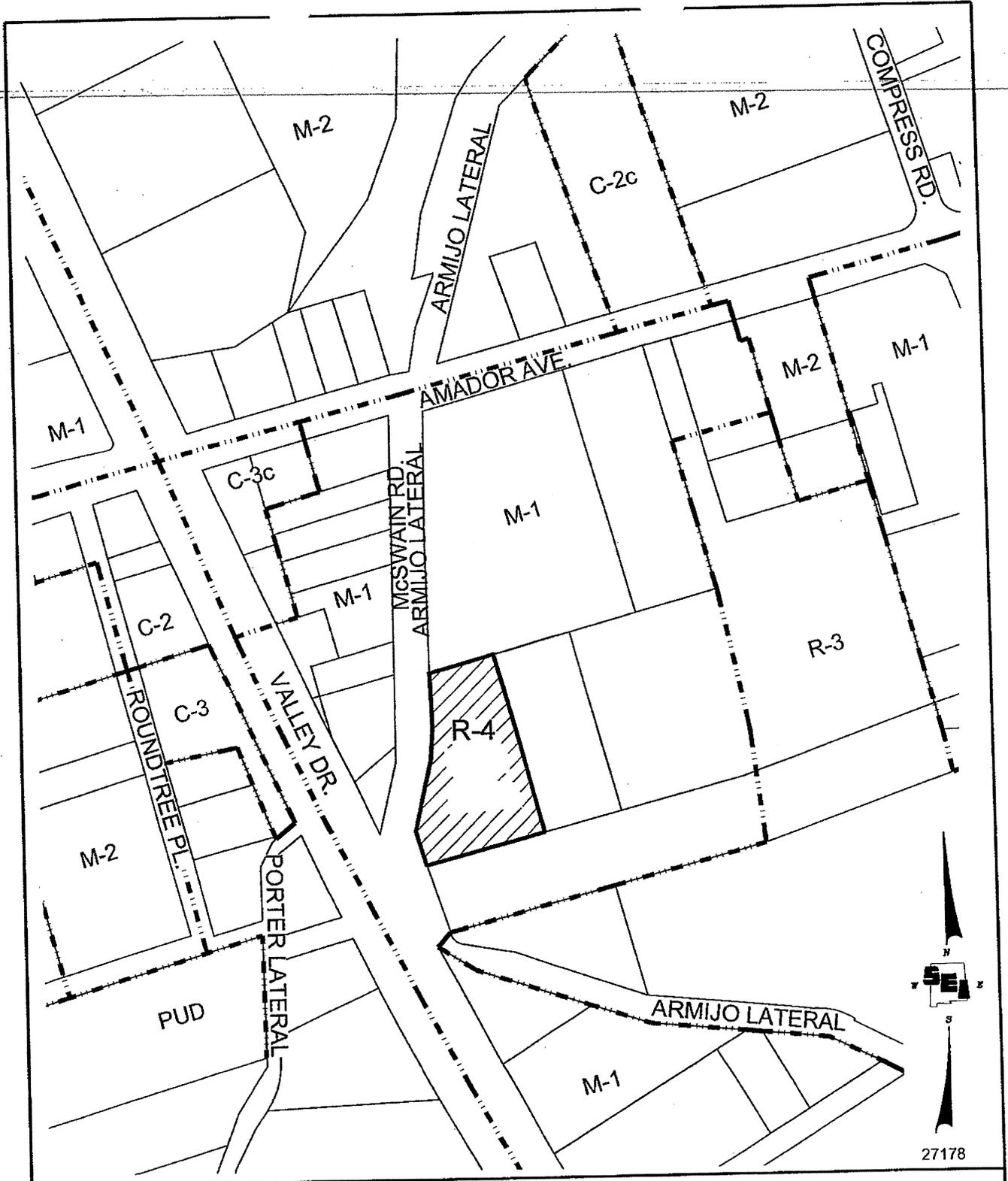
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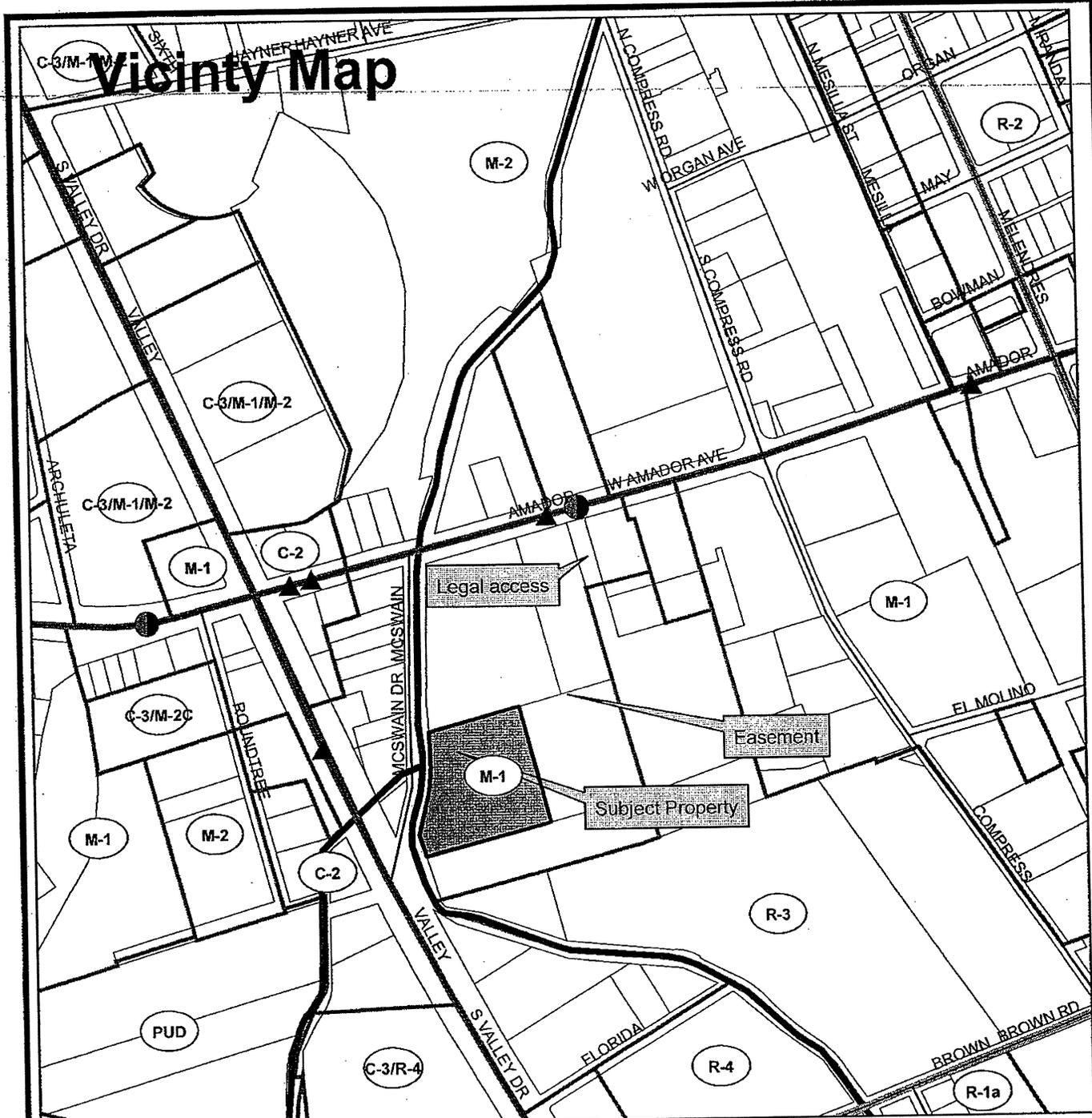
# PROPOSED ZONING MAP

NOT TO SCALE

LAS CRUCES, NM

OCTOBER 2008

# Vicinity Map



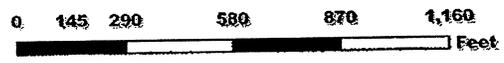
**MAP CREATED FOR: JWHITE (Z2790)**

**ADDRESS: 1089 W. Amador Avenue**

**OWNERS: Resources for Children & Youth**

**DATE: 5/19/2009 10:52:32 AM**

**ZONING: M1/M2**



Community Development Department  
 575 S Alameda Blvd.  
 Las Cruces, NM 88001  
 (505) 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 Community Development Department at (505) 528-3043.*

MEETING OF THE PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
May 26, 2009 at 6:00 p.m.

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**BOARD MEMBERS PRESENT:**

- Charles Scholz, Chairman
- Godfrey Crane, Vice Chair
- Charles Beard, Member
- Ray Shipley, Member
- Clayton Iserman, Member

**BOARD MEMBERS ABSENT:**

- Shawn Evans, Member
- Donald Bustos, Secretary

**STAFF PRESENT:**

- David Weir, Community Development Director
- Cheryl Rodriguez, Development Services Administrator
- Gary Hembree, Senior Planner
- James White, Planner
- Adam Ochoa, Associate Planner
- Robert Gonzales, Las Cruces Fire
- Jared Abrams, CLC Legal Staff
- Becky Eich, Recording Secretary

**I. CALL TO ORDER 6:00**

Scholz: Good evening, and welcome to the Planning and Zoning Commission meeting for Tuesday, May 26th, 2009. I'm Charlie Scholz, Chair of the Planning and Zoning Commission. Before we begin our deliberations I want to introduce the members of the Commission; on my far right is Commissioner Shipley, he is the mayor's appointment. Next to him is Commissioner Crane and he represents Council District 4. Next to him, Commissioner Iserman who represents Council District 1. We're missing Commissioners Evans and Bustos tonight. Commissioner Beard, who represents District 2 is here, and I represent Council District 6.

**II. APPROVAL OF WORK SESSION MINUTES - April 28, 2009**

Scholz: Our first order of business is always the approval of the minutes of the previous meeting. Any additions or corrections to those minutes, gentlemen? Commissioner Crane.

- 1  
2 Crane: Votes aye for the denial based on discussion, findings, and site visit.  
3  
4 Scholz: No, that's backwards gentlemen. We ran into this last month as a matter  
5 of fact. Yes. If you're going to vote for denial, you will vote no. Can we try  
6 that again?  
7  
8 Shipley: Okay, I'll ...  
9  
10 Scholz: I'm going to call the roll. Commissioner Shipley.  
11  
12 Shipley: Nay, findings, discussion, and site visit.  
13  
14 Scholz: And you say nay. Okay. Commissioner Crane.  
15  
16 Crane: I hope I'm not making a mistake here. Vote's nay, findings, discussion,  
17 and site visit.  
18  
19 Scholz: Commissioner Iserman.  
20  
21 Iserman: I'll vote nay, findings and discussion.  
22  
23 Scholz: Okay, Commissioner Beard.  
24  
25 Beard: I vote yes, findings, discussions, and site visit.  
26  
27 Scholz: And the Chair votes nay for findings, discussion, and site visit. So the  
28 recommendation is denial. The variance is denial.
- Start**  
30
- 31 3. **Case Z2790:** A request for a zone change from M1/M2 (Industrial Standard)  
32 to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for 3.4189 +/-  
33 acres located at 1089 W. Amador Avenue. The zone change will facilitate a  
34 transitional living facility (apartments) for at risk youths. Submitted by  
35 Southwest Engineering, Inc. for Resources for Children & Youth, Inc.  
36 Scholz: Okay, we're to our last case. Thank you for participating. Our last case is  
37 Mr. White.  
38  
39 White: I'll make a very succinct presentation.  
40  
41 Scholz: Oh, good.  
42  
43 White: I won't be very long winded this evening. Very briefly, Case Z2790 is a  
44 zone change from M-1/M-2 which is industrial standard to R-4 multi-  
45 dwelling high density and limited retail and office for 3.41 acres located at  
46 1089 W. Amador. Very briefly, even though this property has a physical

1 address on W. Amador, it has no physical access to W. Amador.  
 2 Currently the property is accessed from the Community of Hope driveway  
 3 system which is 60-feet. There are extended sideways both on the east  
 4 and west side of the driveway system. The driveway system is located in  
 5 this area here. The Community of Hope campus is located on this  
 6 property right here. The subject tract of land this evening is located here.  
 7 There is currently a platted easement unimproved on the northern  
 8 boundary of this tract of land here, which actually goes into this tract here.  
 9 All these tracts in here including the Community of Hope, the property's  
 10 actually owned by the City of Las Cruces. The request this evening is for  
 11 a transitional living facility, i.e. apartments for at risk youth.

12 Very briefly, I won't go into all this. We just discussed that. As  
 13 stipulated earlier, this is proposed to construct a transitional living facility  
 14 consisting of six buildings including a community building, so subsequently  
 15 that's not permissible in the M-1/M-2 zoning district, so therefore their  
 16 request is R-4 which is multi-family high density. MPO Thoroughfare Plan.  
 17 Amador is classified as a major arterial, outlined here in blue. Subject  
 18 property, again currently the subject property is located here. On the  
 19 western boundary, you have the actual EBID Lateral. You have McSwain  
 20 Road which is an unimproved City roadway that connects back out to  
 21 Valley Drive. Property is west on McSwain Road is a mixture of  
 22 residential that fronts McSwain and commercial that actually fronts Valley  
 23 Drive located here. Property has no access to Valley Drive or to McSwain  
 24 because I think you have a parallel crossing agreement to cross the  
 25 Lateral and then to the unimproved roadway, back out to Valley Drive. So  
 26 based upon the loading here, you're looking at the Community of Hope  
 27 building here. Some of the actual parking lot. What you'll be doing is  
 28 seeing the actual ... actually this is the driveway system located that goes  
 29 around the Community of Hope, you'll be seeing actually probably a  
 30 driveway extension going across this, across this lot here into the  
 31 transitional living facility.

32 Recently there was a resolution done by City Council on the subject  
 33 tract of land. The City is a partner in this actual property and based upon  
 34 the resolution, this is actually ... they are going through a subdivision  
 35 replat on this lot right now. That the actual lot size is actually going to be  
 36 modified to roughly I believe 2.7 acres because part of the agreement was  
 37 that a portion of this land here will be deeded over to the City of Las  
 38 Cruces. Site photos on a cloudy day. And the recommendation for Case  
 39 2790 is approval with one condition, all newly installed utilities will be  
 40 placed underground. That will end staff presentation. I'll be glad to stand  
 41 for any questions this board may have.

42  
 43 Scholz: Okay, question. Commissioner Shipley.

44  
 45 Shipley: Mr. White is there any cross to access agreement been reached? In other  
 46 words, you've got a land locked piece of property right now that has no

- 1 visible means that I'm aware of. So do you have to have some kind of  
2 agreement, an access agreement in order to be able to get to that  
3 property?  
4
- 5 White: There currently is an access easement. There was a subdivision plat  
6 called ... I think it's called Amador Tracts #6. And Amador Tracts #6  
7 created the easement system for this tract of land here. This tract is not  
8 land locked because there's actually an easement that runs parallel to the  
9 northern boundary of this property here.
- 10 Shipley: But it has to go through ... where's the road that it connects to?  
11  
12
- 13 White: In this area right here.
- 14 Shipley: But it has to go across the Good Hope's property, isn't that correct?  
15  
16
- 17 White: Correct.
- 18 Shipley: So do they have an access agreement? Will they give them an access  
19 agreement so that they can cross their property so if there's an accident  
20 there you know there's a law suit that protects them?  
21  
22
- 23 White: Chair Scholz, Commissioner Shipley, yes there is because the access  
24 agreement was established with the subdivision plat. So what occurred is  
25 when these leased tracts of land were actually created, there is ... on the  
26 actual subdivision plat there is an easement that runs along the northern  
27 boundary. So this property has legal access to cross this tract of land on  
28 the northern boundary.
- 29 Shipley: Okay, but once it gets to that point, where does it go from there? It has to  
30 go through someone else's property.  
31  
32
- 33 White: No. What you're looking at here is you're looking at ... the Community of  
34 Hope and this tract of land, even this tract back here is owned by the City  
35 of Las Cruces. You have one owner. This portion here, you're probably  
36 looking at the future will be an extension of the Community of Hope  
37 campus. What would occur, because previously this was actually in  
38 private ownership. Private ownership was this tract of land and this tract  
39 here. This tract has direct access from Amador. So when the plat was  
40 created for Amador Tract #6, the developer at that time created an  
41 easement so this tract of land would not be land locked. So there is legal  
42 access to this tract regardless of the circumstance.
- 43 Shipley: Okay, but I just ... I just don't see where the road you know ... how do  
44 they get to Amador?  
45  
46

- 1 Scholz: Well actually they get to Amador by going through the parking lot and the  
2 road that leads to the Community of Hope.  
3
- 4 Shipley: Yes, but see that's not public property. That's someone else's property.  
5 Legally ...  
6
- 7 Scholz: No, the land that Community of Hope is built on is owned by the City of  
8 Las Cruces, isn't it?  
9
- 10 White: Correct. Chair Scholz, Commissioner Shipley. No, you can create an  
11 access easement on a subdivision plat. And by creating the access  
12 easement it becomes legal access to that property. So when you actually  
13 develop that property you create the access easement, it becomes legal  
14 access. And it occurs in many areas of the City that you will see a tract as  
15 land locked, so you create an access easement on the property. It may  
16 not be marginal you can say some times because it's not dedicated and  
17 improved, but it is legal access.  
18
- 19 Shipley: So if someone is injured on that ... going through there coming from that  
20 facility, they will sue the City of Las Cruces, is that correct?  
21
- 22 White: Well that's a legal question, but usually ... I do understand your point. I  
23 mean if you have an access easement across your property, you do have  
24 liability for any kind of issues that would go across that actual easement.  
25 So that is correct.  
26
- 27 Shipley: And the fire department and the police department can service that facility  
28 by going through that property?  
29
- 30 White: Chair Scholz, Commissioner Shipley, the answer is yes. This is actually  
31 another City's a partner with the Resources Youth, Inc. regarding this  
32 property. In your packet I do have a narrative from our development ...  
33 actually from our Neighborhood Services Department regarding this  
34 project, regarding the facility location, and they've been very active also  
35 with other public agents such as fire department, everything else to get the  
36 approval for this transitional living facility at this location.  
37
- 38 Scholz: Okay, may we hear from the applicant? Very briefly. Thank you much sir.  
39
- 40 Pompeo: Paul Pompeo, Southwest Engineering. If staff could help me out. Very  
41 short presentation.  
42
- 43 Scholz: Yes. If you have new information, we'd love to hear it. Thank you for  
44 hanging in there.  
45
- 46 Beard: You're time's up.

1  
2 Pompeo: I still have two and half minutes of my three minutes. Once again, the  
3 property located here, south of Amador Avenue. Here's a site aerial that  
4 should be able to help answer some of your questions. This campus has  
5 actually expanded. This is a newer aerial photograph. This campus has  
6 actually expanded up to and close to our property here. This is the  
7 common driveway here that goes out to Amador that serves all of these  
8 properties. And as Mr. White spoke of, there is an easement on the  
9 subdivision plat that does give access to this property, through this  
10 property, and on up to this. Once again, the property is zoned M-1/M-2  
11 and we are asking for it to be zoned R-4.

12 Its 3.42 acre in size, currently zoned M-1/M-2. Applicant is now  
13 requesting R-4 zoning to facilitate the development of a transitional living  
14 center to be operated by Family and Youth, Inc. The facility will  
15 accommodate at risk low income young adults ranging in age from 17 to  
16 24 years old. The facility will be staffed 24 hours a day, seven days a  
17 week by a staff. The complex will consist of one community building and  
18 five multifamily apartment buildings. And the facility is designed to have a  
19 total of 26 bedrooms. With that, that concludes my presentation. I will be  
20 happy to answer any questions you might have.

21  
22 Scholz: When I visited the site, sir, I noticed that there was a dirt road running  
23 parallel to that drainage ditch, isn't that the Las Cruces Lateral there?  
24

25 Pompeo: It's actually the Armijo Lateral.

26  
27 Scholz: Thank you, Armijo Lateral. Is that going to be the site of the road leading  
28 to that?  
29

30 Pompeo: There are no plans ... due to the grade difference in getting over that  
31 Lateral and down to the grade of the roadway, there is quite a bit of  
32 elevation change there. We don't see at this time that it's a possibility to  
33 build a structure there because basically you'd have to build a syphon to  
34 lower that elevation. But that has been removed because the City has  
35 drainage facilities that run in this ponding area underneath the road. So  
36 now the elevation of the Lateral is set and cannot be lowered. So with  
37 that, all access for this facility for now and forever will be through this  
38 common easement and out to Amador Avenue.  
39

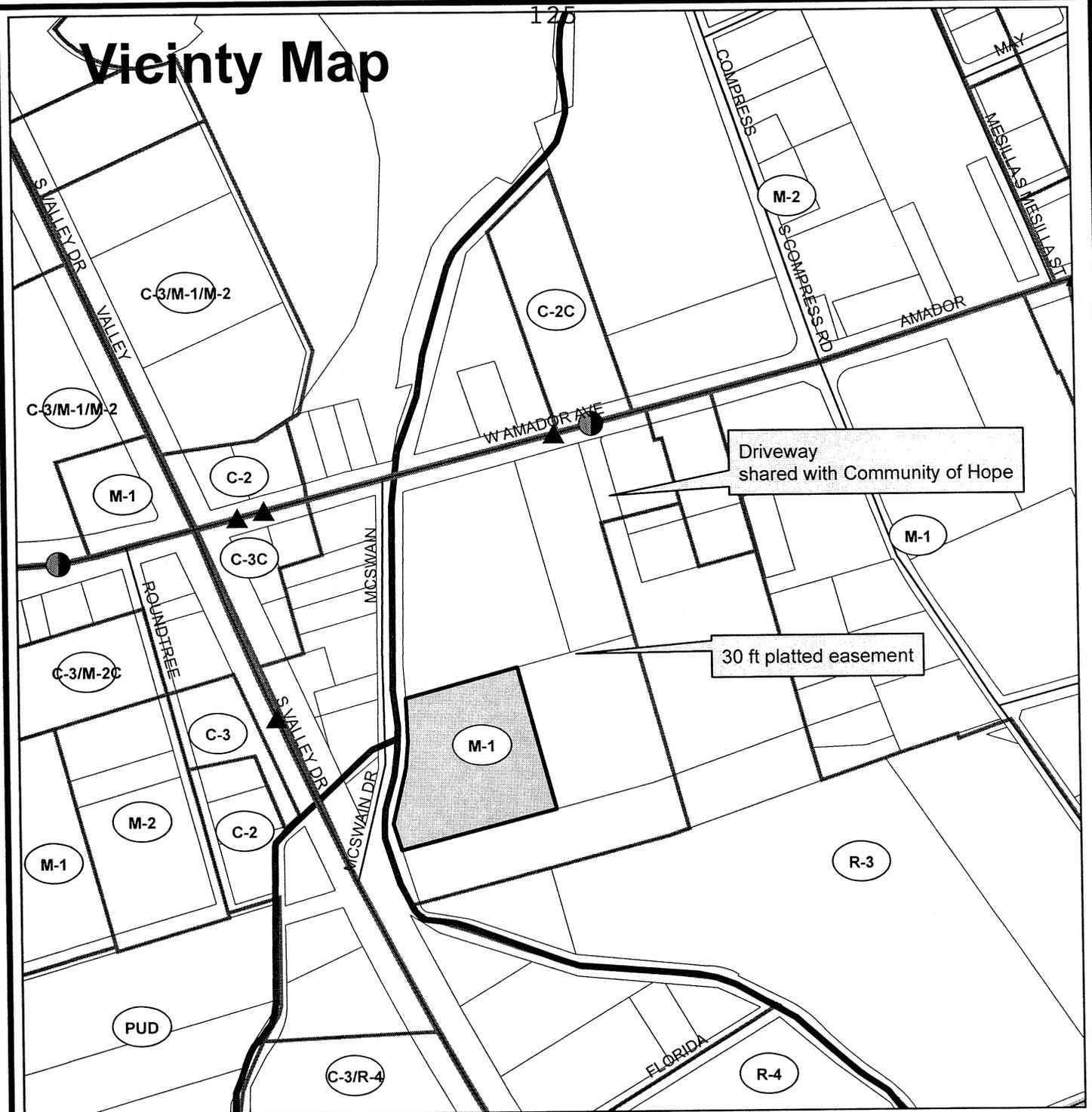
40 Scholz: Okay. Fine. That was my concern. Any other concerns, gentlemen?  
41 Commissioner Iserman.  
42

43 Iserman: I was just wondering about three and a quarter acres and 28 multifamily  
44 units, is that what you said?  
45

- 1 Pompeo: No, there'll be actually five multifamily buildings containing 26 total  
2 bedrooms. So 26 individual living areas.  
3
- 4 Iserman: This sounds like a small amount of land for ...  
5
- 6 Pompeo: It is and over time we will come back before this body and ask for ... as  
7 their uses expand. There is thought in the future of maybe having some of  
8 their office, if Resources and Family ... having some of their office building  
9 there which we also facilitate, future zone changes into an O-2 type zoning  
10 district. But for the time being right now, their only planned use falls within  
11 the R-4 zoning.  
12
- 13 Scholz: Okay. Anything else? Commissioner Shipley.  
14
- 15 Shipley: This is transitional use between 17 and 24.  
16
- 17 Pompeo: That's correct.  
18
- 19 Shipley: And they're going live there and work somewhere else, is that correct?  
20
- 21 Pompeo: Yes.  
22
- 23 Shipley: And they're coming from ...? When you say transitional use, what are you  
24 talking about?  
25
- 26 Pompeo: Well they're ...  
27
- 28 Shipley: Temporary.  
29
- 30 Pompeo: They're at risk children that are being mentored and guided and hopefully  
31 at the end of that process they'll become productive citizens and be out on  
32 their own. So this is transitional between whatever issues they had into  
33 being young adults that don't have those issues.  
34
- 35 Shipley: Okay. But these are mostly two-bedroom units, is that what I read?  
36
- 37 Pompeo: There's mostly two-bedroom. And I think there's a couple of three-  
38 bedroom, but primarily two-bedroom units.  
39
- 40 Shipley: So there'd be two individuals per unit?  
41
- 42 Pompeo: That's my ... I mean I don't have the exact specifics of how they're going  
43 to operate the facility, but that's ... I'm imagining they'll ... it's going to be  
44 shared apartments. So there may be two young adults in one apartment  
45 that has two-bedrooms. So that's why I was ... I wanted to make sure on  
46 the slide it was 26 bedrooms. That's how many people we're looking at.

1  
2 Scholz: Right. Okay. Any other questions or comments? All right. Thank you  
3 very much sir.  
4  
5 Pompeo: Thank you Mr. Chairman.  
6  
7 Scholz: I'll entertain a motion ... I don't see any public here. I'll entertain a motion  
8 to accept.  
9  
10 Crane: So moved.  
11  
12 Scholz: Is there a second?  
13  
14 Iserman: I'll second it.  
15  
16 Scholz: Okay. It's been moved and seconded. I'll call the roll. Commissioner  
17 Shipley.  
18  
19 Shipley: Aye findings and site visit, and discussion.  
20  
21 White: Can I interject very briefly? How about the staff condition?  
22  
23 Scholz: Thank you.  
24  
25 Shipley: With underground utilities.  
26  
27 Scholz: And I'm looking for it. Yes, with all newly installed utilities will be placed  
28 underground. All right. Thank you staff. All right, again, Mr. Shipley you  
29 said ...?  
30  
31 Shipley: Aye findings, discussion, and site visit.  
32  
33 Scholz: Commissioner Crane.  
34  
35 Crane: Aye findings, discussion, and site visit.  
36  
37 Scholz: Commissioner Iserman.  
38  
39 Iserman: Aye findings and discussion.  
40  
41 Scholz: Commissioner Beard.  
42  
43 Beard: Aye findings and discussions.  
44  
45 Scholz: And the Chair votes aye, findings, discussion, and site visit, so that has  
46 been approved.

# Vicinity Map



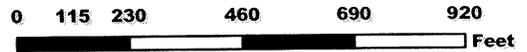
**MAP CREATED FOR: JWHITE (Z2790)**

**ADDRESS: 1089 W. Amador Avenue**

**OWNERS: Resources for Children & Youth, Inc.**

**DATE: 6/29/2009 4:03:05 PM**

**ZONING: M1/M2**



**Community Development Department**  
575 S Alameda Blvd.  
Las Cruces, NM 88001  
(505) 528-3222

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