

City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 14 Ordinance/Resolution# 2719

For Meeting of June 2, 2014
(Ordinance First Reading Date)

For Meeting of June 16, 2014
(Adoption Date)

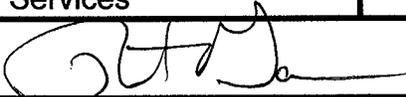
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) ON 2.5 ± ACRES OF LAND LOCATED ON THE SOUTH SIDE OF NORTHRISE DRIVE, 0.29 ± MILES NORTHEAST OF ITS INTERSECTION WITH ROADRUNNER PARKWAY. SUBMITTED BY CHERYL REOME ON BEHALF OF MARCOS CHAPUNOFF, PROPERTY OWNER (Z2871).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 6		
<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 on the south side of Northrise Drive half-way in between Roadrunner Parkway to the southwest and Rinconada Boulevard to the northeast. The subject property is currently undeveloped. The A-2 zoning designation is no longer in existence and the property owner is seeking a zone change to bring the subject property into compliance with the current 2001 Zoning Code, as amended. The subject property is located along Northrise Drive, a principal arterial roadway as classified by the Mesilla Valley Metropolitan Planning Organization (MPO) and in very close proximity to Roadrunner Parkway and Rinconada Boulevard, two existing minor arterial roadways, in an area where high density residential zoning such as the proposed R-4 zoning designation is encouraged. The subject property is also located adjacent to and in close proximity to other properties with the R-4 zoning designation making it compatible with the surrounding area.

On April 22, 2014 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 6-0-0, (one Commissioner position vacant). The

proposed zone change was approved on the consent agenda at the meeting and no discussion took place for the proposed zone change. There was no public input received by staff for the proposed zone change.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2871.
5. Attachment "B", Minutes from the April 22, 2014 Planning & 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 2.5 ± acres will be rezoned from A-2 (Rural Agricultural District from the 1981 Zoning Code) to R-4 (Multi-Dwelling High Density & Limited Retail and Office).

2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of A-2 (Rural Agricultural District 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. Ordinance 1177.

COUNCIL BILL NO. 14-034
ORDINANCE NO. 2719

AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) ON 2.5 ± ACRES OF LAND LOCATED ON THE SOUTH SIDE OF NORTHRISE DRIVE, 0.29 ± MILES NORTHEAST OF ITS INTERSECTION WITH ROADRUNNER PARKWAY. SUBMITTED BY CHERYL REOME ON BEHALF OF MARCOS CHAPUNOFF, PROPERTY OWNER (Z2871).

The City Council is informed that:

WHEREAS, Marcos Chapunoff the property owner, has submitted a request for a zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for the property located on the south side of Northrise Drive, 0.29 ± miles northeast of its intersection with Roadrunner Parkway; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on April 22, 2014, recommended that said zone change request be approved by a vote of 6-0-0 (one Commissioner position vacant).

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

(I)

THAT the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office).

(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 _____ 2014.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

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

APPROVED AS TO FORM:

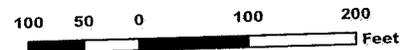
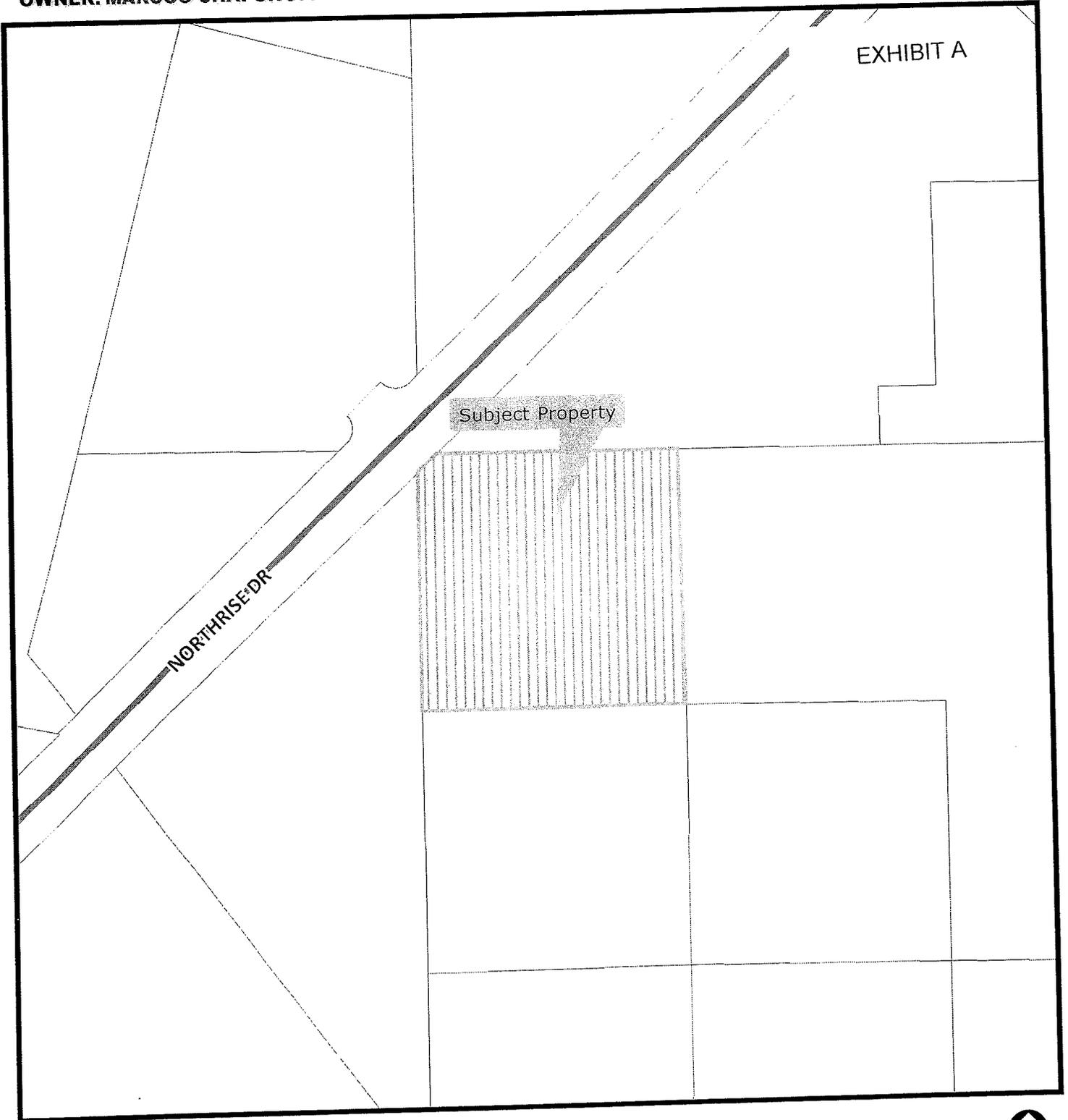


City Attorney

ZONING: A-2 TO R-4
OWNER: MARCOS CHAPUNOFF

421
SITE MAP

PARCEL: 02-18716
DATE: 04/15/2014

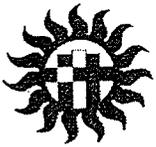


Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

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.

Findings

1. The subject parcel currently encompasses a total of 2.5 ± acres, is zoned A-2 (Rural Agricultural District from the 1981 Zoning Code) and is currently vacant/undeveloped.
2. The proposed zone change to R-4 would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-31D)
3. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of Comprehensive Plan 2040; 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: April 22, 2014

Drafted by: Adam Ochoa, Planner *AO*

CASE # Z2871 **PROJECT NAME:** Northrise Drive A-2 Property (Zone Change)

**APPLICANT/
REPRESENTATIVE:** Cheryl Reome **PROPERTY OWNERS:** Marcos Chapunoff

LOCATION: Located on the south side of Northrise Dr., 0.29 ± miles northeast of its intersection with Roadrunner Pkwy. **COUNCIL DISTRICT:** District 6 (Councillor Levatino)

SIZE: 2.5 ± acres **EXISTING ZONING/
OVERLAY:** A-2(Rural Agricultural District from the 1981 Zoning Code)

**REQUEST/
APPLICATION TYPE:** Zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)

EXISTING USE: Vacant/undeveloped

PROPOSED USE: Multi-dwelling high density & limited retail and office uses

STAFF RECOMMENDATION: Approval without conditions based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
February 27, 2014	Application submitted to Development Services
March 6, 2014	Case sent out for review to all reviewing departments
March 13, 2014	Final comments returned by all reviewing departments
March 20, 2014	Staff reviews and recommends approval of the zone change
April 6, 2014	Newspaper advertisement
April 4, 2014	Public notice letter mailed to neighboring property owners
April 7, 2014	Sign posted on property
April 22, 2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The subject property is currently zoned A-2 (Rural Agricultural District from the 1981 Zoning Code). The applicant is seeking to bring the property into compliance with the current 2001 Zoning Code and, due to the property's size and location, the applicant is seeking a zone change to R-4 (Multi-Dwelling High Density & Limited Retail and Office). There is no specific use currently proposed for the subject property.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Code Req.
Max # of DU/parcel	0	N/A	N/A
Max Density (DU/ac.)	0	Unknown	40 DU/ac.
Lot Area	2.5 ± acres	Unchanged	8,500 sq. ft. (0.196 acres) minimum
Lot Width	350 ± feet	Unchanged	70 feet minimum
Lot Depth	350 ± feet	Unchanged	100 feet minimum
Structure Height	N/A	Unknown	60 feet maximum
Setbacks			
Front	N/A	Unknown	20 feet minimum
Side	N/A	Unknown	7 feet minimum
Side	N/A	Unknown	7 feet minimum
Rear	N/A	Unknown	7 feet minimum
Accessory Structure	N/A	N/A	N/A
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	N/A	N/A	15%

TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant/Undeveloped	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
North	Vacant/Undeveloped	N/A	C-3 (Commercial High Intensity)
South	Vacant/Undeveloped	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
East	Vacant/Undeveloped	N/A	EE (Single-Family Equestrian Estate & Agriculture)

West	Vacant/Undeveloped	425 N/A	R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional)
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TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance 1177	Zone change correcting the zoning on the subject property to A-2 in 1990.
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	Yes
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No
CLC Floodplain Administrator	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision 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 Comprehensive Plan 2040. The following policies from Comprehensive Plan 2040 are relevant to the current proposal:

Chapter 4 Healthy Community, Balanced Development Section

1. Goal 2, Policy 2.1

Chapter 4 Healthy Community, Multiple Mobility Options & Connections Section

1. Goal 10, Policy 10.1

Chapter 5 Community Character, Flexible Design & Positive Image Section

1. Goal 18, Policy 18.1
2. Goal 19, Policy 19.11
3. Goal 19, Policy 19.13
4. Goal 19, Policy 19.15
5. Goal 19, Policy 19.18
6. Goal 19, Policy 19.20a
7. Goal 19, Policy 19.24
8. Goal 19, Policy 19.27a, b

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

Analysis

The proposed zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) is for a 2.5 ± acre vacant/undeveloped tract located on the south side of Northrise Drive, 0.29 ± miles northeast of its intersection with Roadrunner Parkway and 0.32 ± miles southwest of its intersection with Rinconada Boulevard. The subject property is currently non-conforming from a zoning perspective and is required to come into compliance with the 2001 Zoning Code before any development can occur on the property. The proposed zone change to R-4 would bring the property into compliance with the 2001 Zoning Code and would permit the future development of the property.

The property is adjacent to another property with the R-4 zoning designation and in close proximity to other properties zoned for high intensity uses, making it compatible with adjacent and nearby properties in terms

of zoning and uses. The subject property is also located along Northrise Drive, a Principal Arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO), where high intensity and density uses and zoning are encouraged.

Conclusion

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the policies of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed R-4 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 2.5 ± acres, is zoned A-2 (Rural Agricultural District from the 1981 Zoning Code) and is currently vacant/undeveloped.
2. The proposed zone change to R-4 would bring the subject property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-31D)
3. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of Comprehensive Plan 2040; 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.

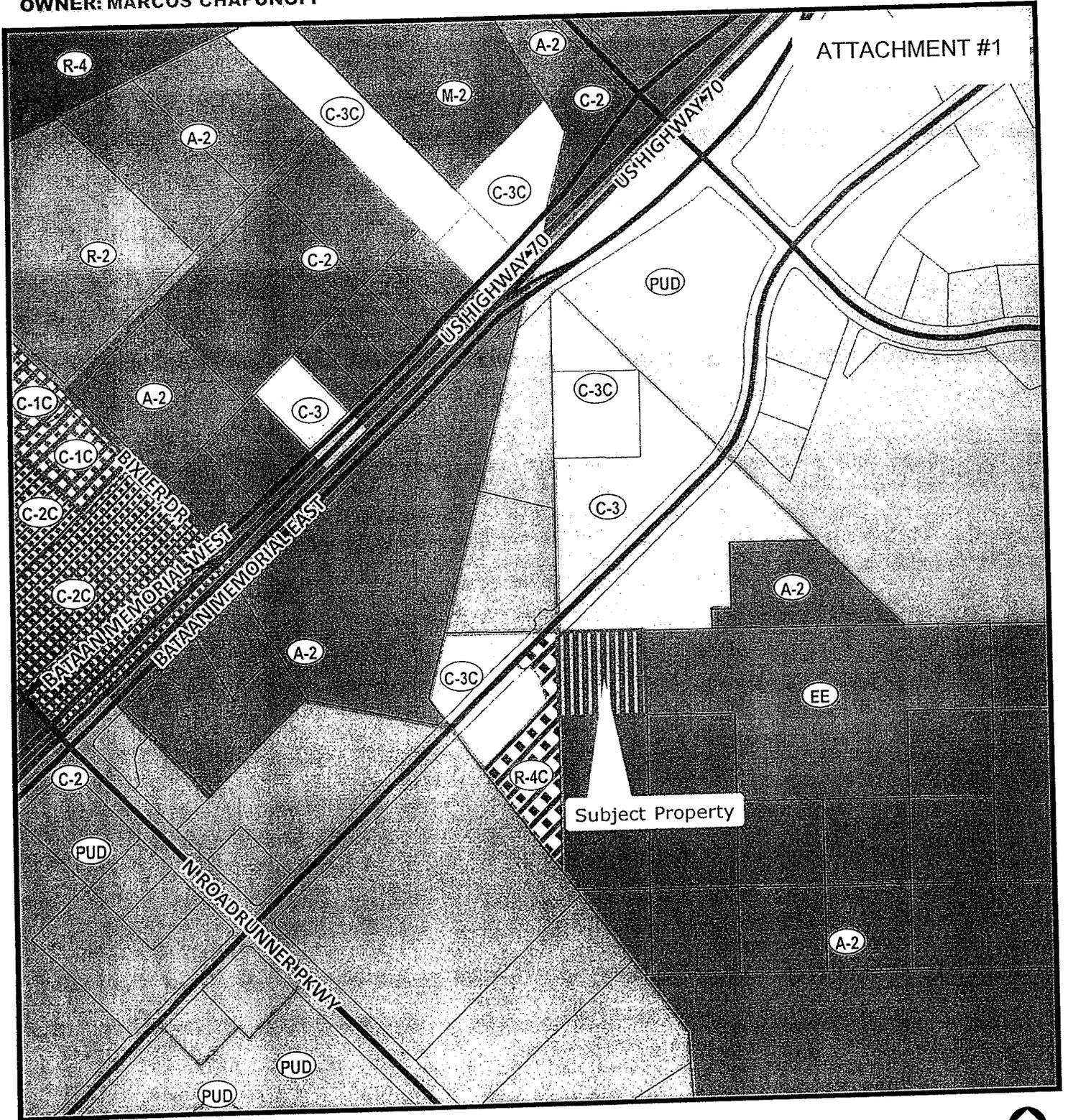
ATTACHMENTS

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

ZONING: A-2 TO R-4
OWNER: MARCOS CHAPUNOFF

VICINITY MAP

PARCEL: 02-18716
DATE: 04/14/2014



ATTACHMENT #1

Subject Property



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

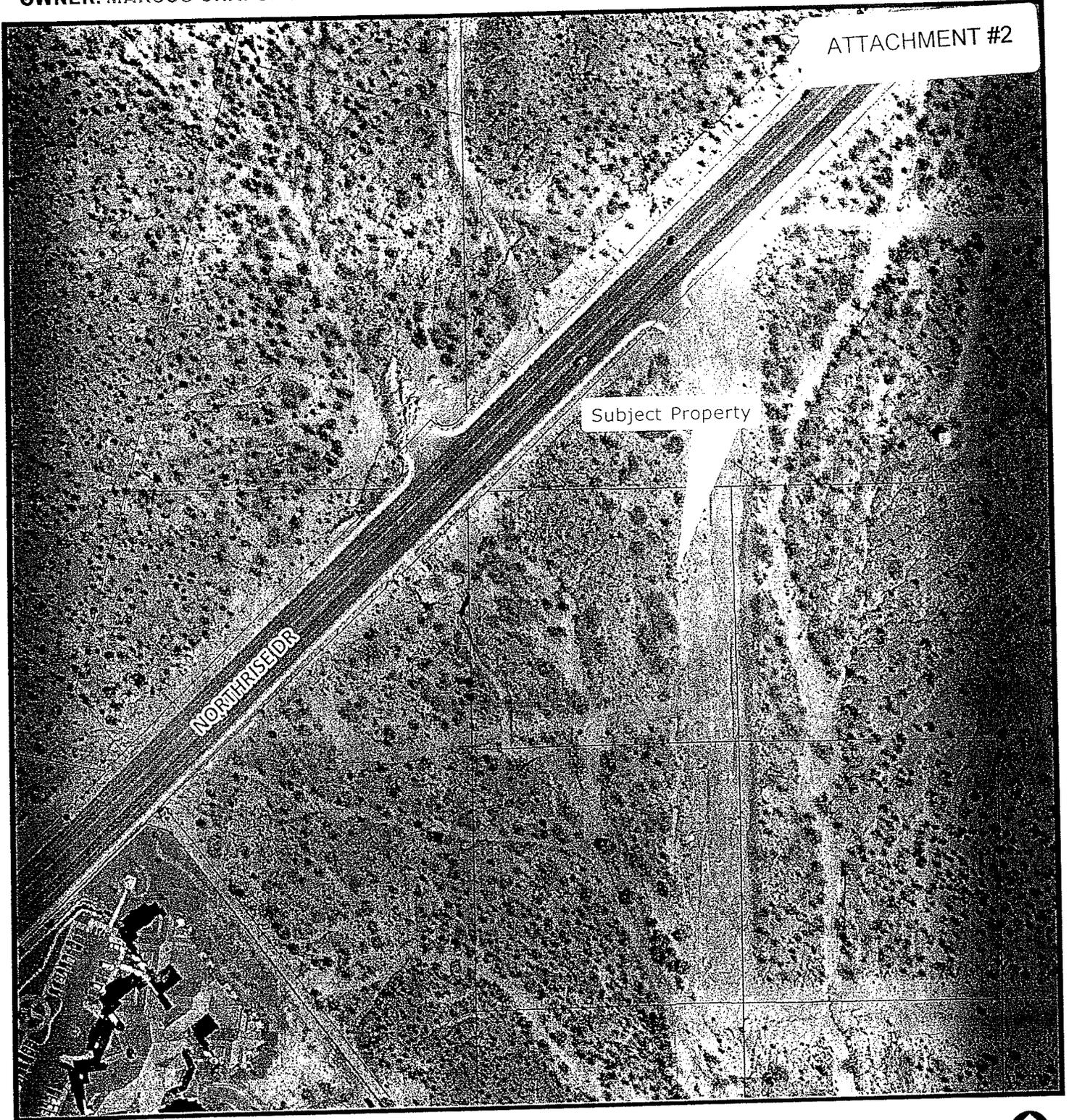
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ZONING: A-2 TO R-4
OWNER: MARCOS CHAPUNOFF

AERIAL⁴²⁹ MAP

PARCEL: 02-18716
DATE: 04/14/2014

ATTACHMENT #2



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

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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: Cheryl Reome
Contact Person: same
Contact Phone Number: (575) 524-6371
Contact e-mail Address: mwinfield@zicnet.com
Web site address (if applicable): _____

Proposal Information

Name of Proposal: Chapinoff re-zoning
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Re-zoning From A-2 to R-4

Location of Subject Property Northrise Drive (approx 3/10 mile west of Rinconada Blvd on south side of Northrise)
(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: 2.5
Detailed description of current use of property. Include type and number of buildings:
Vacant land

Detailed description of Intended use of property. (Use separate sheet if necessary):
The current zoning (A-2) no longer exists. We would like to re-zone to be in compliance with the current zoning code. Based on the size and the surrounding property zoning, we believe it would be appropriate to request R-4 designation

Zoning of Subject Property: A-2
Proposed Zoning (if applicable): R-4
Proposed number of lots N/A, to be developed in N/A phase (s).
Proposed square footage range of homes to be built from N/A to N/A

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

N/A

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

N/A

Anticipated traffic generation N/A trips per day.

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

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

N/A

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

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

Is there existing landscaping on the property? N/A

Are there existing buffers on the property? N/A

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

If yes, is it paved? Yes ___ No ___

How many spaces? _____ 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

Comprehensive Plan Elements and Policies

The following policies from Comprehensive Plan 2040 are relevant to the current proposal:

Residential Land Use:

Chapter 4 Healthy Community

BALANCED DEVELOPMENT section

- GOAL 2: Create a variety of development choices for individuals and families of all socioeconomic levels.
- 2.1 Encourage urban and rural residential development pursuant to the Future Concept Map.

MULTIPLE MOBILITY OPTIONS & CONNECTIONS section

- GOAL 10: Provide multiple mobility options and connections to move within and outside Las Cruces.
- 10.1 Provide reasonable accommodations for alternative travel modes for high density residential, commercial, industrial, or mixed use developments.

Chapter 5 Community Character

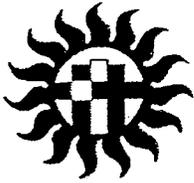
FLEXIBLE DESIGN & POSITIVE IMAGE section

- GOAL 18: Develop a walkable and bicycle-friendly environment for safe and convenient access throughout the city.
- 18.1 Construct pedestrian facilities on all roadways except interstate highways and developments with residential lot sizes greater than .75 acre.

FLEXIBLE DESIGN & POSITIVE IMAGE section

- GOAL 19: Encourage development that is context-sensitive and compatible to the surrounding area.
- 19.11 All residential development shall be compatible to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping.
- 19.13. Encourage high-density and/or mixed use development that is compatible with the neighborhood at locations throughout the city where such development furthers livability and mobility options to build a strong sense of community.
- 19.15. Not divide and/or redevelop residential neighborhoods for non-residential uses unless it can be shown that demand for housing in a neighborhood is diminishing or that a need for a more compatible land use relationship can be demonstrated.

- 19.18 Preserve a regional Desert Southwestern image rooted in a variety of architectural styles and design elements strengthened by creative contemporary expression in residential and commercial developments.
- 19.20 When located within or adjacent to a residential neighborhood, design public/quasi-public facilities so they are compatible with the neighborhood's character. The following criteria shall be observed in establishing neighborhood compatibility:
- a. Access to public facilities (with the exception of parks, recreation, and school facilities) shall not be permitted from a local street or through a neighborhood.
- 19.24 Encourage site built, mobile homes (parks, subdivisions, or otherwise), manufactured, modular, and paneled homes to be architecturally consistent with adjacent residential uses.
- 19.27. Support a policy of mixed land uses which are not traditionally considered compatible that may be located next to one another depending upon design features and compatibility with the adjacent area as a result of the mixed land use policy of this Comprehensive Plan. Those uses with lower intensities must be protected from any negative impacts from adjacent uses with higher intensities in order to protect a desirable quality of life within the city.
- a. Require land uses which differ from adjacent land uses to follow transition, buffering and landscaping requirements per City code.
 - b. Employ mitigation techniques to avoid any possible problems between differing land uses located adjacent to or near one another.
 - i. Require new development be compatible with the architectural style in the surrounding area.
 - ii. Require new development be human-scaled and respect building height, scale, and massing found in the surrounding area.
 - iii. Orient and design high intensity uses locating adjacent to a lower intensity in a sensitive manner, with development located adjacent to public streets oriented and designed to enhance the public realm.
 - (a) Place parking areas away from adjacent residential uses when appropriate. All parking areas should use landscaping and screening techniques to buffer differing uses and when viewed from public streets.



City of Las Cruces

PEOPLE HELPING PEOPLE

DATE: March 6, 2014
TO: Development Services
FROM: Adam Ochoa, Planner
CASE NO.: Z2871 (Review No.1)
SUBJECT: Zone Change A-2 to C-3

Attached are a brief description, general location/address, and/or site plans for a proposed variance 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 [March 13, 2014].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 3/13/14

REVIEWER NAME: *Adam Ochoa*
REVIEWER CONTACT NO. X3204

- Staff cannot support a zone change for an additional commercially zoned property in an area where a large amount of vacant commercial properties already exist. This type of zone change cannot be supported at this time. The proposed zone change can be reexamined in the future when more development takes place. Staff can support a zone change to O-2 or a multi-family residential zoning designation for this property.

March 14, 2014

Z2871 from A-2 to C-3C
 ~ Northrise & Roadrunner
 Advanced Planning Comments (C McCall)

Conclusions:

Since A-2 (Rural Agricultural) is no longer a valid zoning district, this zone change would bring the subject property into compliance with the 2001 Zoning Code as amended. Surrounding land that is not also zoned A-2 is zoned C-3 or R-4, and since the subject property is on Northrise, where much new development will occur in coming years, a request for C-3 is appropriate.

The proposal appears to be consistent with the policies below, and advanced planning staff supports its approval.

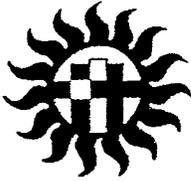
The following polices from Comprehensive Plan 2040 are relevant to the current proposal:

Regional Commercial (C-3) Land Use:

Policies:

Chapter 7 Sustainable Growth

- 32.3 Regional commercial uses shall be defined as those high intensity commercial uses which generate considerable auto-oriented traffic. Such uses conduct retail, service, and wholesale activities on a large volume basis and generally have at least one anchor tenant. These uses are intended to serve the needs of those within a four-plus mile radius. Regional commercial uses (single) and centers generally serve a population greater than 50,000 people and should be established according to the following criteria:
- a. Single uses are generally greater than 75,000 gross square feet commercial use. A regional commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
 - b. Regional commercial uses and centers shall be located at the intersection of major arterial streets and limited access highways. Location at intersections with a major arterial streets and mid-block locations shall be considered on a case-by-case basis using context criteria and assessment of impacts to the area. Multiple access points serving this use is typical and should not have any secondary egress/ingress from any roadway designated below collector status.
 - c. The City shall pursue multi-modal access standards of auto, bicycle, pedestrian, and transit for regional commercial uses and centers.
 - d. Regional commercial development shall address the following urban design criteria of compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas.
 - e. Adequate space for functional circulation shall be provided for parking and service areas.
 - f. Encourage regional commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
 - g. Regional commercial uses and centers should not locate adjacent to rural or low density residential uses.
- 32.5 The City shall encourage the development of new commercial uses in the East Mesa area.



City of Las Cruces⁴²⁶[®]

PEOPLE HELPING PEOPLE

DATE: March 6, 2014

TO: **MPO**

FROM: Adam Ochoa, Planner

CASE NO.: Z2871 (Review No.1)

SUBJECT: Zone Change A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

Attached are a brief description, general location/address, and/or site plans for a proposed zone change 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 [March 13, 2014].

IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

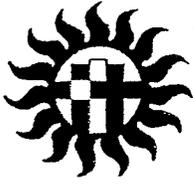
APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 3/2/14

REVIEWER NAME: Andrew Whay
REVIEWER CONTACT NO. 380

No Comment



City of Las Cruces⁴²⁷®

PEOPLE HELPING PEOPLE

DATE: March 6, 2014

TO: **Engineering**

FROM: Adam Ochoa, Planner

CASE NO.: Z2871 (Review No.1)

SUBJECT: Zone Change A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

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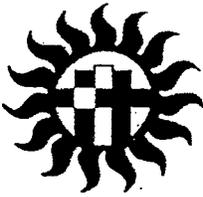
IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 3/11/14

REVIEWER NAME: Natasha Kelly
REVIEWER CONTACT NO. 528-3496



Case Review Sheet

To: Engineering Services

Case #: Z2871

Date: March 5, 2014

Request: Zone Change from A-2 to C-3. Parcel ID#: 02-18716

FLOOD ZONE DESIGNATION:

Zone A	(Flood elevation needed)	_____
Zone AE	(Flood elevation known)	_____
Zone AH	(Flood 1' - 3' ponding)	_____
Zone AO	(Flood 1' - 3' - steep slopes)	_____
Zone A99	(100-year flood)	_____
Zone X		<u>517F</u>
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 <input checked="" type="checkbox"/>	NO _____	N/A _____
Other drainage Impr. needed	YES <input checked="" type="checkbox"/>	NO _____	
Sidewalk extension needed	YES <input checked="" type="checkbox"/>	NO _____	
Curb & gutter extension needed	YES _____	NO <input checked="" type="checkbox"/>	
Paving extension needed	YES _____	NO <input checked="" type="checkbox"/>	
NMDOT permit needed	YES _____	NO <input checked="" type="checkbox"/>	

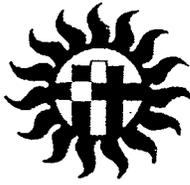
DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Conditional Approval _____ Denial _____

33' of frontage
(Principal arterial) - will not meet traffic standards
~ 20' grade drop
(work with topography)
Drainage; concentrated flows
(at small)

Upon development of this lot, significant engineering for grading & drainage will be needed.

See MUNIS for comments



City of Las Cruces⁴³⁹[®]

PEOPLE HELPING PEOPLE

DATE: March 6, 2014

TO: **Traffic**

FROM: Adam Ochoa, Planner

CASE NO.: Z2871 (Review No.1)

SUBJECT: Zone Change A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

Attached are a brief description, general location/address, and/or site plans for a proposed zone change 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 KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS: YES *YWC* NO

APPROVED WITH CONDITIONS:

DATE: 3/17/14

REVIEWER NAME: K. Espinoza
REVIEWER CONTACT NO. 2701

*ADA/drivepads will be impacted @ time of development
T.I. Maybe Required @ development*

RECEIVED
MAR 12 2014
TRAFFIC

440
City of Las Cruces
Planning and Zoning Commission
Case Review Sheet

TRAFFIC:

Case #: Z2871

Date: March 5, 2014

Request: Zone Change from A-2 to C-3. Parcel ID#: 02-18716

SITE ACCESSIBILITY: *

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

ON-STREET PARKING IMPACTS:

None Low Medium High

Explain: _____

FUTURE INTERSECTION IMPROVEMENTS:

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

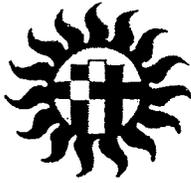
Is a TIA required? Yes No

If yes, please provide findings: _____

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

DEPARTMENTAL RECOMMENDATION & OTHER COMMENTS:

Recommendation: Approval Denial



¹⁴⁷
City of Las Cruces[®]
PEOPLE HELPING PEOPLE

DATE: March 6, 2014

TO: ~~Parks & Rec~~

FROM: Adam Ochoa, Planner

CASE NO.: Z2871 (Review No.1)

SUBJECT: Zone Change A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

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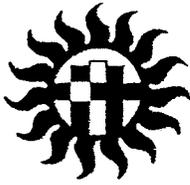
IF YOU REQUIRE AN EXTENSION, PLEASE NOTIFY KATHERINE HARRISON-ROGERS, SENIOR PLANNER AT krogers@las-cruces.org.

APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 3/7/14

REVIEWER NAME: 
REVIEWER CONTACT NO. 2550



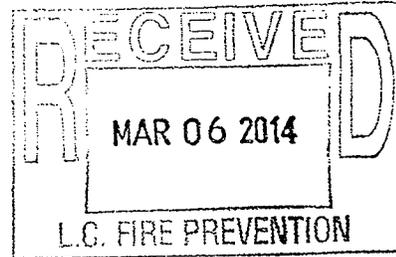
City of Las Cruces⁴⁴² PEOPLE HELPING PEOPLE

DATE: March 6, 2014

TO: **File**

FROM: Adam Ochoa, Planner

CASE NO.: Z2871 (Review No.1)



SUBJECT: Zone Change A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

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APPROVED AS IS:

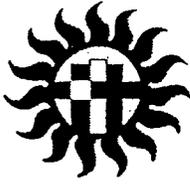
YES

NO

APPROVED WITH CONDITIONS:

DATE: 3/11/14

REVIEWER NAME: [Signature]
REVIEWER CONTACT NO. 44120



⁴⁴³
City of Las Cruces[®]
PEOPLE HELPING PEOPLE

DATE: March 6, 2014

TO: **Utilities**

FROM: Adam Ochoa, Planner

CASE NO.: Z2871 (Review No.1)

SUBJECT: Zone Change A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

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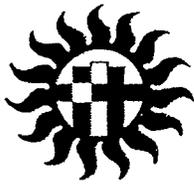
APPROVED AS IS: YES NO

APPROVED WITH CONDITIONS:

DATE: 03/13/14

REVIEWER NAME: John Reid
REVIEWER CONTACT NO. 528-3635

NO water rights issues - F.O. 3/7/2014



City of Las Cruces⁴⁴¹®

PEOPLE HELPING PEOPLE

DATE: March 6, 2014

TO: ~~Floodplain Manager~~ J.D. Padilla, CFM
FLOODPLAIN ADMINISTRATOR

FROM: Adam Ochoa, Planner

CASE NO.: Z2871 (Review No.1)

SUBJECT: Zone Change A-2 (Rural Agricultural District from the 1981 Zoning Code) to C-3 (Commercial High Intensity)

Attached are a brief description, general location/address, and/or site plans for a proposed zone change 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: 03-10-2014

REVIEWER NAME: J.D. Padilla

REVIEWER CONTACT NO. 575 528-3131

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
April 29, 2014 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Godfrey Crane, Chairman
William Stowe, Vice-Chair
Charles Beard, Secretary
Joanne Ferrary, Member
Ruben Alvarado, Member
Kirk Clifton, Member

BOARD MEMBERS ABSENT:

Ray Shipley, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Susana Montana, Planner, CLC
Ezekiel Guza, Associate Planner, CLC
Mark Dubbin, CLC Fire Department
Robert Cabello, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00)

Crane: Good evening ladies and gentlemen. Welcome to the deferred April 22nd meeting of the Planning and Zoning Commission. For the record that was postponed because we had a problem with the recording apparatus for the minutes which are taken verbatim and without means to record minutes we could not have a legal meeting. So we are reconvened. We never had a meeting last Tuesday, although there were plenty of people here and one of them made an informal presentation which I will get to in a minute.

We start by introducing our commissioners; to my far right a new Commissioner, Mr. Kirk Clifton who is with District 6, represents District 6; then Commissioner Stowe who is our Vice Chairman, District 5. And then Commissioner Ferrary who represents District 5. I'm sorry, did I say, District 5 here, yes. Mr. Stowe I beg your pardon, it's District 1. Commissioner Ferrary is District 5. And then we have Commissioner Alvarado representing District 3. Our secretary Commissioner Beard District 2. Presently we do not have a Mayor's appointee. And I'm the Chairman Godfrey Crane and I represent District 4.

1 **II. CONFLICT OF INTEREST**

2 *At the opening of each meeting, the chairperson shall ask if any member on the*
 3 *Commission or City staff has any known conflict of interest with any item on the*
 4 *agenda.*

5
 6 Crane: Always also at this point if any Commissioner or member of the city
 7 community planning department has any conflict of interest regarding any
 8 of the items on tonight's agenda? Nobody is signifying conflict of interest,
 9 so we will continue.

10 There is a revised agenda for tonight so if you happen to have with
 11 you the one for the 22nd it's been changed to take one item from the
 12 consent agenda and put it into the new business agenda.

13 Another small matter that concerns really the housekeeping for the
 14 Commission, it's been brought to my attention that sometimes we interrupt
 15 a speaker to get a clarification; for example if Mr. Ochoa says something
 16 and Mr. Beard didn't quite catch it he may say, excuse me what was that.
 17 And often because it's a very quick informal procedure the commissioner
 18 who interrupts and that can include me, does not ask to be recognized
 19 and so his name does not get into the recording. Result is our worshipful
 20 recording secretary has to find out by listening to the recording who that
 21 was and recognize the voice. This doesn't always work, so, everybody
 22 including community development people, please put on your little red
 23 light and I will recognize you and we'll get your name into the record.

24
 25 **III. APPROVAL OF MINUTES**

26 1. March 25, 2014 - Regular Meeting

27
 28 Crane: Our next item of business is approval of the minutes of the last meeting.
 29 Ladies and gentlemen, anybody have any adjustments to make to the
 30 minutes of the 25th of March meeting? Commissioner Stowe.

31
 32 Stowe: Thank you Mr. Chairman. I have on page nine, line 22.

33
 34 Crane: Page nine, line 22.

35
 36 Stowe: The very first word should be "intense".

37
 38 Crane: I think that should perhaps be I think today we're thinking of a less intense
 39 water use type of crop.

40
 41 Stowe: I have another one; on page 23, line 24.

42
 43 Crane: Twenty-two, line 24.

44
 45 Stowe: Page 23.

46

1 Crane: Twenty-three, line 24.
2
3 Stowe: It says "storage land uses which appears two places". I believe
4 punctuation mark of a colon should be there right after the word places, so
5 that following that it says "on page one and page two."
6
7 Crane: Okay. You're talking about what Ms. Montana said.
8
9 Stowe: Yes.
10
11 Crane: "Bulk storage land uses which is the outdoor storage so those are", and
12 then I interrupt looking for the second item which she directs me to. Okay,
13 I think that's a punishment to me for having interrupted Ms. Montana. Is
14 she here? Mr. Ochoa do you have any clue about what that was about. I
15 can't help. I'm sorry. Ms. Montana you arrive at a timely way, we need
16 your help. We're looking at page 22, line 23 of the minutes of the last
17 meeting and I interrupted you when you were saying something.
18
19 Stowe: Page 23.
20
21 Crane: We go back and forth about question but at no point I think did I really let
22 you pick up where you left off, and Commissioner Stowe wonders what it
23 was you were going to stay.
24
25 Montana: To tell you the truth I can't remember.
26
27 Crane: Okay.
28
29 Montana: So we'll have to leave it as is.
30
31 Crane: Sorry Mr. Stowe.
32
33 Stowe: Finally on page 24, line 36, at the end of the line, word should be
34 'probably'.
35
36 Crane: Right, yes, I can see that. "Probably all the neighbors in that area". Okay.
37
38 Stowe: That's it.
39
40 Crane: Anything else? Then I'll entertain a motion that the minutes be accepted
41 as amended.
42
43 Stowe: So moved.
44
45 Crane: Moved by Mr. Stowe.
46

- 1 Beard: Second.
 2
 3 Crane: Seconded by Mr. Beard. All in favor aye.
 4
 5 ALL: Aye.
 6
 7 Crane: Any abstentions?
 8
 9 Ferrary: I abstain.
 10
 11 Clifton: I abstain as well.
 12
 13 Crane: Ms. Ferrary and Commissioner Clifton abstain. Thank you that passes
 14 four/zero.

15 IV. CONSENT AGENDA

- 16
 17
 18 1. **Case Z2871:** Application of Cheryl Reome on behalf of Marcos Chapunoff,
 19 property owner, to rezone a 2.5 +/- acre lot from A-2 (Rural Agricultural
 20 District from the 1981 Zoning Code) to R-4 (Multi-Dwelling High Density &
 21 Limited Retail and Office), located on the south side of Northrise Drive, 0.29
 22 +/- miles east of it intersection with Roadrunner Parkway; Parcel ID# 02-
 23 18716. Proposed Use: Multi-dwelling high density and limited retail and
 24 office uses; Council District 6 (Levatino)

25
 26 Crane: Next item is one thing on the consent agenda. Let me explain briefly what
 27 that is. Anything that's put on the consent agenda is something that the
 28 community development department thinks is probably non-controversial
 29 and as a consequence there won't be any desire on anybody's part to
 30 discuss it, so we lump these all together in one consent agenda and we
 31 vote on them as a group without any discussion. However, any
 32 Commissioner, community development person, or member of the public
 33 who wishes to have us discuss any of these matters is free to ask us to
 34 and we will remove the item from the consent agenda and put it on the
 35 new business. Does anybody wish to discuss item Z2871 concerning a
 36 zoning change from A-2 to R-4 for a lot on Northrise? No. In that case I'll
 37 entertain a motion that the consent agenda be accepted.

- 38
 39 Beard: So moved.
 40
 41 Crane: Commissioner Beard moves. Do I have a second?
 42
 43 Stowe: I second.
 44
 45 Crane: Commissioner Stowe seconded. All in favor.

46

1 ALL: AYE.

2
3 Crane: Opposed? All right, passes six/nothing. Thank you.

4
5 **V. OLD BUSINESS - NONE**

6
7 Crane: Any old business Mr. Ochoa?

8
9 Ochoa: No sir, none tonight.

10
11 **VI. NEW BUSINESS**

12
13 1. **Case S-13-034:** Application of Western Lands Surveying on behalf of Robert
14 Fishback, property owner, for a replat known as Jornada South Unit 3-B,
15 Replat of Lot 29, Block L on a 2.889 +/- acre lot located on the south side of
16 Real Del Sur, 85 +/-feet east of its intersection with Feliz Real; Parcel ID#
17 02-15842. Proposed Use: Three (3) new single-family residential lots;
18 Council District 6 (Levatino)

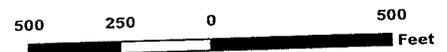
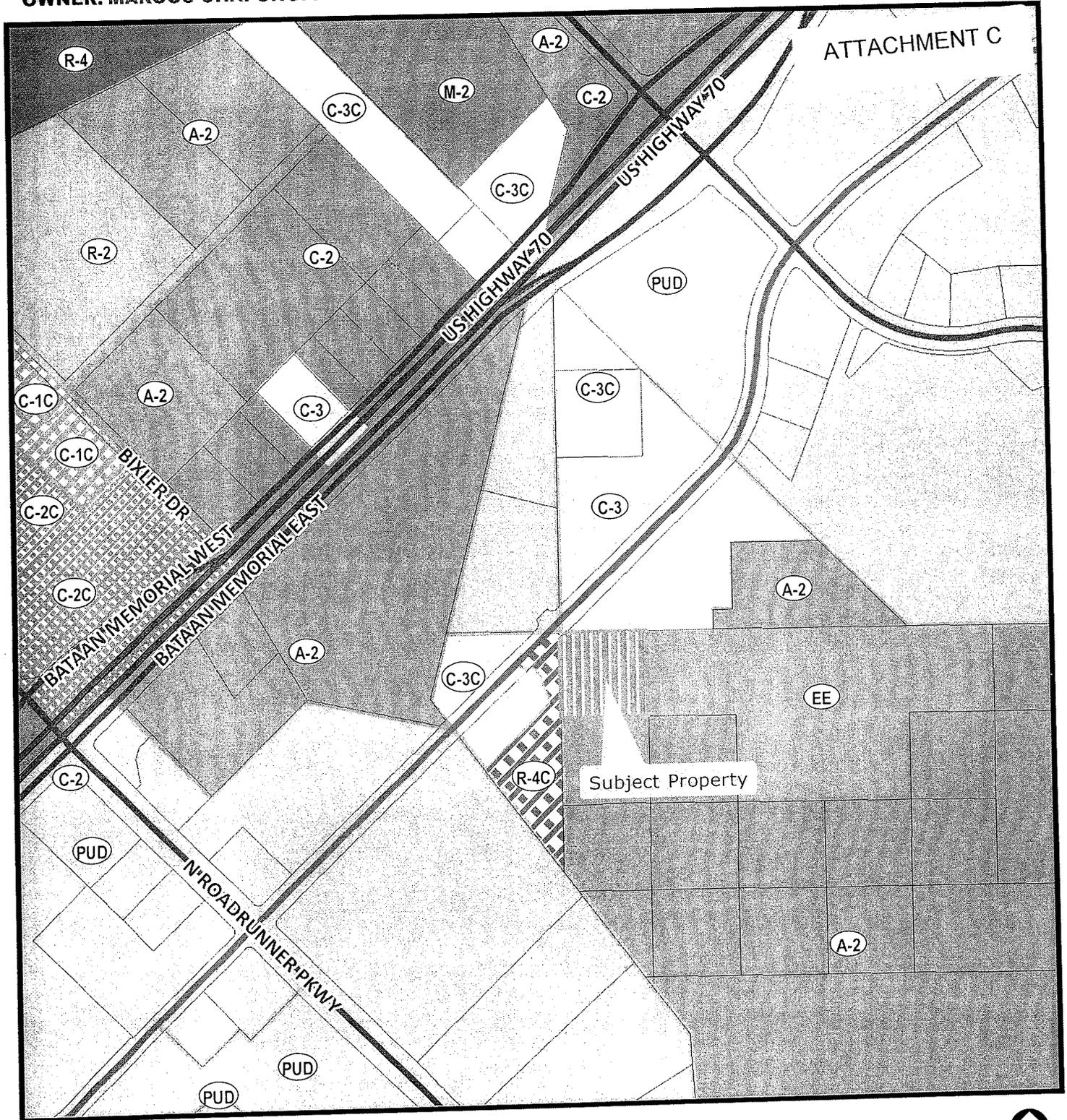
19
20 Crane: Okay, in that case we pass to new business. The first item is Case S-13-
21 034, application of Western Lands Surveying for a replat of a lot in
22 Jornada South Unit 3-B. You have a presentation to make Mr. Ochoa.

23
24 Ochoa: Thank you sir. Adam Ochoa, Development Services for the record. First
25 case tonight ladies and gentlemen is case S-13-034. It is a request for a
26 replat known as Jornada South Unit 3-B, replat of Lot 29, Block L. Shown
27 here on the vicinity map, subject property's highlighted with the lines
28 throughout it, located south of Highway 70 along Jornada. To get there,
29 along Jornada South Road and then east on Del Rey ... Real Del Sur,
30 excuse me, Road. Taking a closer look, the subject property here at the
31 dead end of Real Del Sur in a neighborhood zoned R-1a, single-family
32 medium density. A little more exact location of this property, it is located
33 on the south end of Real Del Sur right at the dead end of Real Del Sur,
34 which as it dead ends into Mesa Grande Estates. It is roughly about 85-
35 feet east of its intersection with Real Feliz. This is the original lot 29 of
36 Block L of the Jornada South Unit 3-B subdivision which was approved
37 back in December 1978. The zoning on this property and on the
38 surrounding neighborhood that it's within is R-1a, single-family medium
39 density. The subject property currently encompasses roughly about 2.889
40 acres, so just under three acres in size and is currently vacant and
41 undeveloped. What the applicant is proposing to do is to subdivide that
42 one existing single-family residential lot into three new single-family
43 residential lots, lot 29A will encompass just under an acre in size; 0.959,
44 and 29B will be 0.959 acres as well; and lot 29C will encompass roughly
45 0.83 in size, that being because of the required dedication of right-of-way
46 for the improvements required on Real Del Sur. I'll go a little more into in

ZONING: A-2 TO R-4
OWNER: MARCOS CHAPUNOFF

450
VICINITY MAP

PARCEL: 02-18716
DATE: 04/15/2014



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.