

491
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 14 Ordinance/Resolution# 2736

For Meeting of November 3, 2014
 (Ordinance First Reading Date)

For Meeting of November 17, 2014
 (Adoption Date)

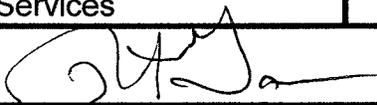
Please check box that applies to this item:

QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO EE (SINGLE-FAMILY EQUESTRIAN ESTATE & AGRICULTURE) ON 4.86 ± ACRES OF LAND LOCATED AT 1720 TUCSON AVENUE. SUBMITTED BY GABRIEL PERRAULT, PROPERTY OWNER (Z2876).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 5		
<u>Drafter/Staff Contact:</u> Adam Ochoa	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3204
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a property located on the south side of Tucson Avenue, 0.55 ± miles east of its intersection with Del Rey Boulevard, directly south of the City of Las Cruces City Limits. The subject property currently contains a mobile home, a camper trailer and a small chicken coop. The existing mobile home was to be a temporary residence for the applicant while the construction of a proposed site-built home was done. The applicant was financially unable to start the process of constructing a site-built home and instead initiated the zone change process seeking an REM (Single-Family Residential Estate Mobile) zoning designation to allow the applicant to permanently keep the mobile home on the property. After multiple discussions with City staff, the applicant changed the proposed zone change request to EE (Single-Family Equestrian Estate & Agriculture) to be more in keeping with the existing surrounding area. The existing A-2 zoning designation no longer exists under the current 2001 Zoning Code, as amended, and the proposed zone change to EE would facilitate compliance for the subject property.

As a requirement of the proposed zone change, the existing mobile home on the subject property will be required to be removed, or replaced with either a site-built home or a

manufactured home when the proposed zone change is finalized. The applicant is aware of these terms and has no issues with these requirements. The subject property is located at the northern fringe area of the City where rural residential uses and zoning, such as the proposed, are encouraged.

On September 23, 2014 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 7-0-0. The proposed zone change was approved on the consent agenda at the meeting and no discussion took place. 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 Z2876.
5. Attachment "B", Draft Minutes from the September 23, 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"/>	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	<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 4.86 ± acres will be rezoned from A-2 (Rural Agricultural District from the 1981 Zoning Code) to EE (Single-Family Equestrian Estate & Agriculture).
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. N/A

COUNCIL BILL NO. 15-017
ORDINANCE NO. 2736

AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO EE (SINGLE-FAMILY EQUESTRIAN ESTATE & AGRICULTURE) ON 4.86 ± ACRES OF LAND LOCATED AT 1720 TUCSON AVENUE. SUBMITTED BY GABRIEL PERRAULT, PROPERTY OWNER (Z2876).

The City Council is informed that:

WHEREAS, Gabriel Perrault, the property owner, has submitted a request for a zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to EE (Single-Family Equestrian Estate & Agriculture) for the property located at 1720 Tucson Avenue; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on September 23, 2014, recommended that said zone change request be approved by a vote of 7-0-0.

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

(I)

THAT the land as reflected in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned EE (Single-Family Equestrian Estate & Agriculture).

(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: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

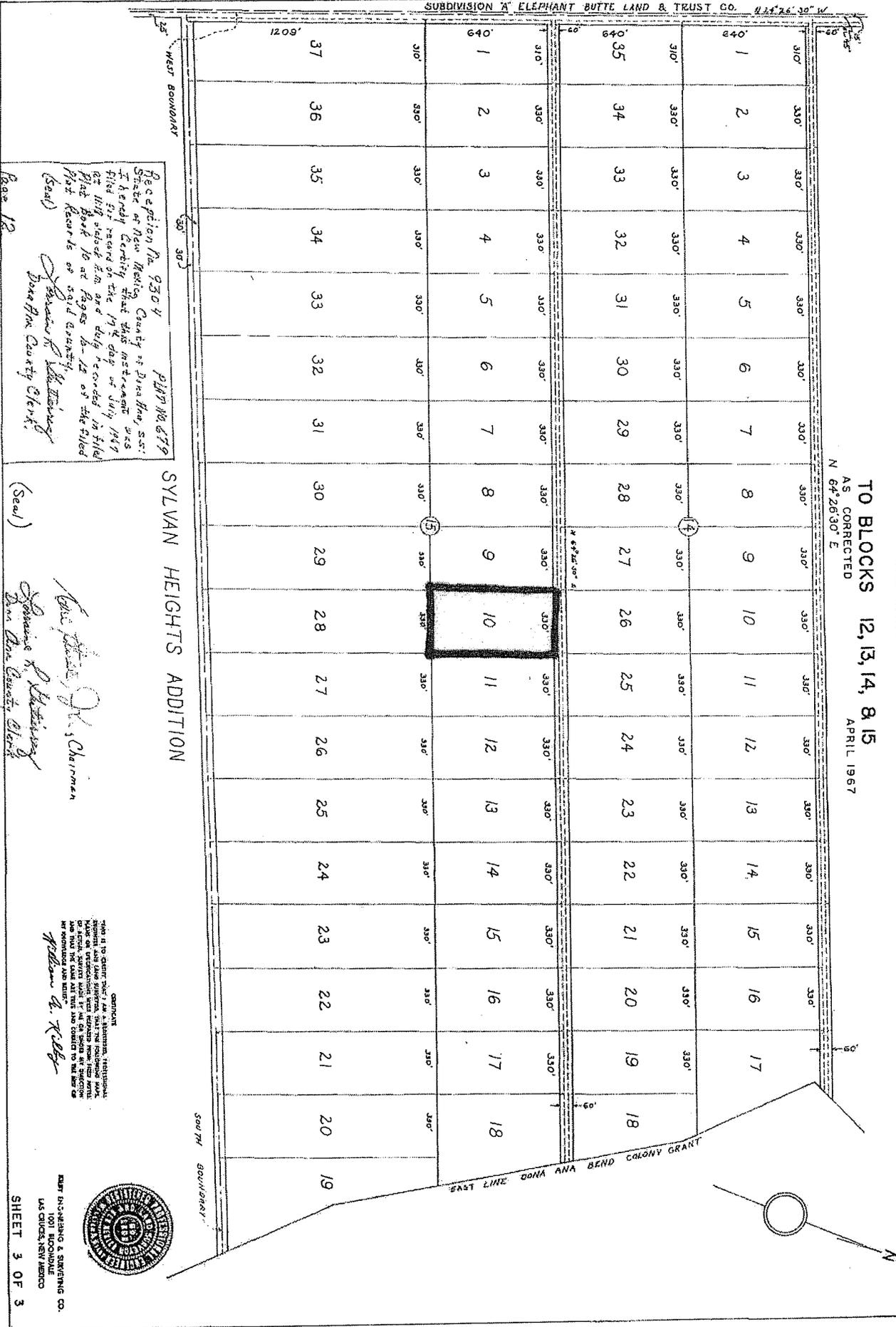
Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Levatino:	_____

SUBDIVISION "C"
ELEPHANT BUTTE LAND & TRUST COMPANY

AMENDMENT NO 2

TO BLOCKS 12, 13, 14, 8, 15
AS CORRECTED
N 64°26'30" E
APRIL 1967

SUBDIVISION "A" ELEPHANT BUTTE LAND & TRUST CO. 42°26'30" W



Section No. 9304
State of New Mexico, County of Dona Ana, ss:
I hereby certify that this instrument was
filed for record on the 19th day of July 1967
at 10:10 a.m. and duly recorded in the
Public Books for said County, Book 12 of the filed
Plat Records of said County.

PLAT NO. 679
SYLVAN HEIGHTS ADDITION

Seal

James H. Hastings
Chairman
Dona Ana County Clerk

William A. Kibbe
Dona Ana County Clerk

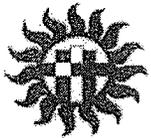
William A. Kibbe

REDF BUSH-BANG & SWEENEY CO.
1001 BROADWAY
SAN ANTONIO, TEXAS



Findings

1. The subject parcel currently encompasses a total of 4.86 ± acres, is zoned A-2 (Rural Agricultural District from the 1981 Zoning Code) and currently consists of a mobile home and other residential accessory structures.
2. The proposed zone change is compatible and harmonious with the adjacent neighborhood and surrounding area. (Comprehensive Plan 2040 Chapter 5 Community Character, Flexible Design & Positive Image, Goal 19, Policy 19.11)
3. The proposed zone change will help ensure that the development proposal of the subject property is sensitive to the character of the existing neighborhood. (2001 Zoning Code, Article 1, Section 38-2L)
4. 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: September 23, 2014

Drafted by: Adam Ochoa, Planner/PO

CASE # Z2876 **PROJECT NAME:** 1720 Tucson Avenue
(Zone Change)

**APPLICANT/
REPRESENTATIVE:** Gabriel Perrault **PROPERTY
OWNERS:** Gabriel Perrault

LOCATION: The south side of Tucson Ave., 0.55 ± miles east of its intersection with Del Rey Blvd. **COUNCIL
DISTRICT:** District 5
(Councillor Sorg)

SIZE: 4.86 ± 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 EE (Single-Family Equestrian Estate & Agriculture)

EXISTING USE: Mobile home and accessory structures

PROPOSED USE: Manufactured home or site-built home and accessory structures

**STAFF
RECOMMENDATION:** Approval without conditions based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
June 12, 2014	Application submitted to Development Services
June 17, 2014	Case sent out for review to all reviewing departments
June 24, 2014	Final comments returned by all reviewing departments
July 3, 2014	Staff reviews and recommends approval of the zone change
September 5, 2014	Public notice letter mailed to neighboring property owners
September 7, 2014	Newspaper advertisement
September 8, 2014	Sign posted on property
September 23, 2014	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The subject property located at 1720 Tucson Avenue is currently zoned A-2 (Rural Agricultural District from the 1981 Zoning Code), encompasses 4.86 ± acres and currently consists of a mobile home and accessory residential structures. The applicant is seeking to bring the property's zoning designation into compliance with the current 2001 Zoning Code, as amended. Keeping the character of the surrounding area in mind, the applicant is proposing a zone change to EE (Single-Family Equestrian Estate & Agriculture) for the property. The applicant will be required to remove and/or replace the existing mobile home on the subject property with either a manufactured home, or a site-built home when the zone change is finalized.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Code Req.
Max # of DU/parcel	1	1	1
Max Density (DU/ac.)	0.20 DU/ac.	0.20 DU/ac.	1 DU/ac.
Lot Area	4.86 ± acres	4.86 ± acres	1 acre min.
Lot Width	330 ± feet	330 ± feet	100 ft. min.
Lot Depth	640 ± feet	640 ± feet	100 ft. min.
Structure Height	11 ± feet	Unknown	35 feet max.
Setbacks			
Front	295 ± feet	Unknown	25 ft. min.
Side	83 ± feet	Unknown	15 ft. min.
Side	198 ± feet	Unknown	15 ft. min.
Rear	188 ± feet	Unknown	15 ft. min.
Accessory Structure	3 Accessory structure 800 ± sq. ft. total	Unknown	5% of the total area of lot
ROW Dedication	N/A	N/A	N/A
Landscaping			
% of property (less building pad & screened storage)	N/A	N/A	N/A

TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Mobile home and accessory structures	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
North	Single-family residence	N/A	Dona Ana County Extra-Territorial Zone
South	Vacant/undeveloped	N/A	R-2 (Multi-Dwelling Low Density)

East	Single-family residence	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
West	Single-family residence	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)

TABLE 5: PARCEL HISTORY

Number	Status
Permit #20135847	Permit to place a mobile home on the property for temporary residence while a site-built home was to be constructed
Ordinance	N/A
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	Yes <ul style="list-style-type: none"> The proposed zone change shall be changed to EE and the existing mobile home shall be removed when the zone change is finalized.
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS**Background**

In January of 2014 the applicant requested and received a permit to allow the temporary placement of a mobile home on the subject property. The mobile home was to be a temporary residence for the applicant while the construction of a proposed site-built home was done. The applicant would then be required to remove the temporary mobile home after the site-built home was finalized and a Certificate of Occupancy was issued. The applicant was financially unable to start the process of constructing a site built home on the property and instead initiated the zone change process seeking an REM (Single-Family Residential Estate Mobile) zoning designation to allow the applicant to permanently keep the mobile home on the property and utilize it as a permanent dwelling. After multiple discussions with staff, the applicant changed the proposed zone change request to EE (Single-Family Equestrian Estate & Agriculture) to be more in keeping with the existing surrounding area. The existing mobile home on the subject property will be required to be removed and/or replaced with either a site-built home or manufactured home when the proposed zone change is finalized.

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 to particular uses;
- L. Ensure the development proposals are sensitive to the character of existing neighborhoods;
- Q. Mitigate conflicts among neighbors.

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 5 Community Character (Flexible Design & Positive Image)

1. Goal 19, Policy 19.11

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

Analysis

The subject property is currently zoned A-2 (Rural Agricultural District from the 1981 Zoning Code), encompasses 4.86 ± acres and currently consists of a mobile home and other residential accessory

structures. The existing A-2 zoning designation no longer exists under the current 2001 Zoning Code, as amended, and the applicant is seeking a zone change to EE (Single-Family Equestrian Estate & Agriculture) for the subject property. The proposed zone change to EE would bring the property into compliance with the 2001 Zoning Code, as amended. The existing mobile home on the subject property will be required to be removed and/or replaced with either a site-built home or manufactured home when the proposed zone change is finalized.

The subject property is adjacent to and in very close proximity to other properties with the EE zoning designation. The neighborhood is also characterized by large lots, site-built single-family homes, and the keeping of animals, making the proposal for the EE zone compatible with adjacent properties. The subject property is also located at the northern fringe area of the City where rural residential uses and zoning, such as the proposed, are encouraged.

Conclusion

The proposed zone change is supported by the Development Services Staff and all other 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:

- The proposal is consistent with the goals and objectives of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed EE Zoning District is harmonious with the character, 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 4.86 ± acres, is zoned A-2 (Rural Agricultural District from the 1981 Zoning Code) and currently consists of a mobile home and other residential accessory structures.
2. The proposed zone change is compatible and harmonious with the adjacent neighborhood and surrounding area. (Comprehensive Plan 2040 Chapter 5 Community Character, Flexible Design & Positive Image, Goal 19, Policy 19.11)
3. The proposed zone change will help ensure that the development proposal of the subject property is sensitive to the character of the existing neighborhood. (2001 Zoning Code, Article 1, Section 38-2L)
4. 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

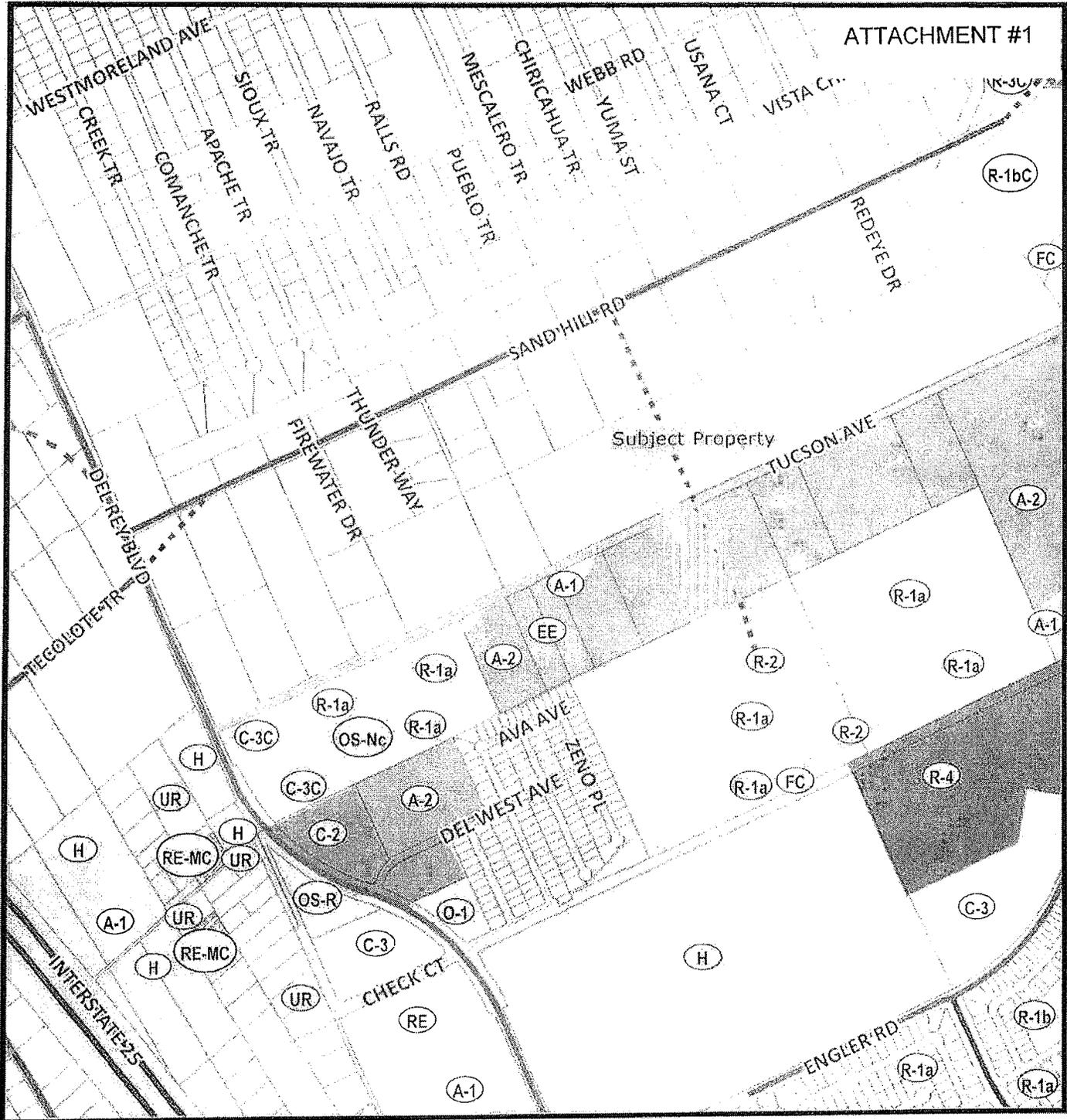
1. Zoning/Vicinity Map
2. Aerial Map
3. Subdivision Plat
4. Development Statement
5. Comprehensive Plan Elements and Policies

503
Zoning/Vicinity Map

ZONING: A-2 TO EE
OWNER: GABRIEL PERRAULT

PARCEL: 02-27534
DATE: 9/2/2014

ATTACHMENT #1



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

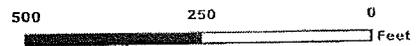
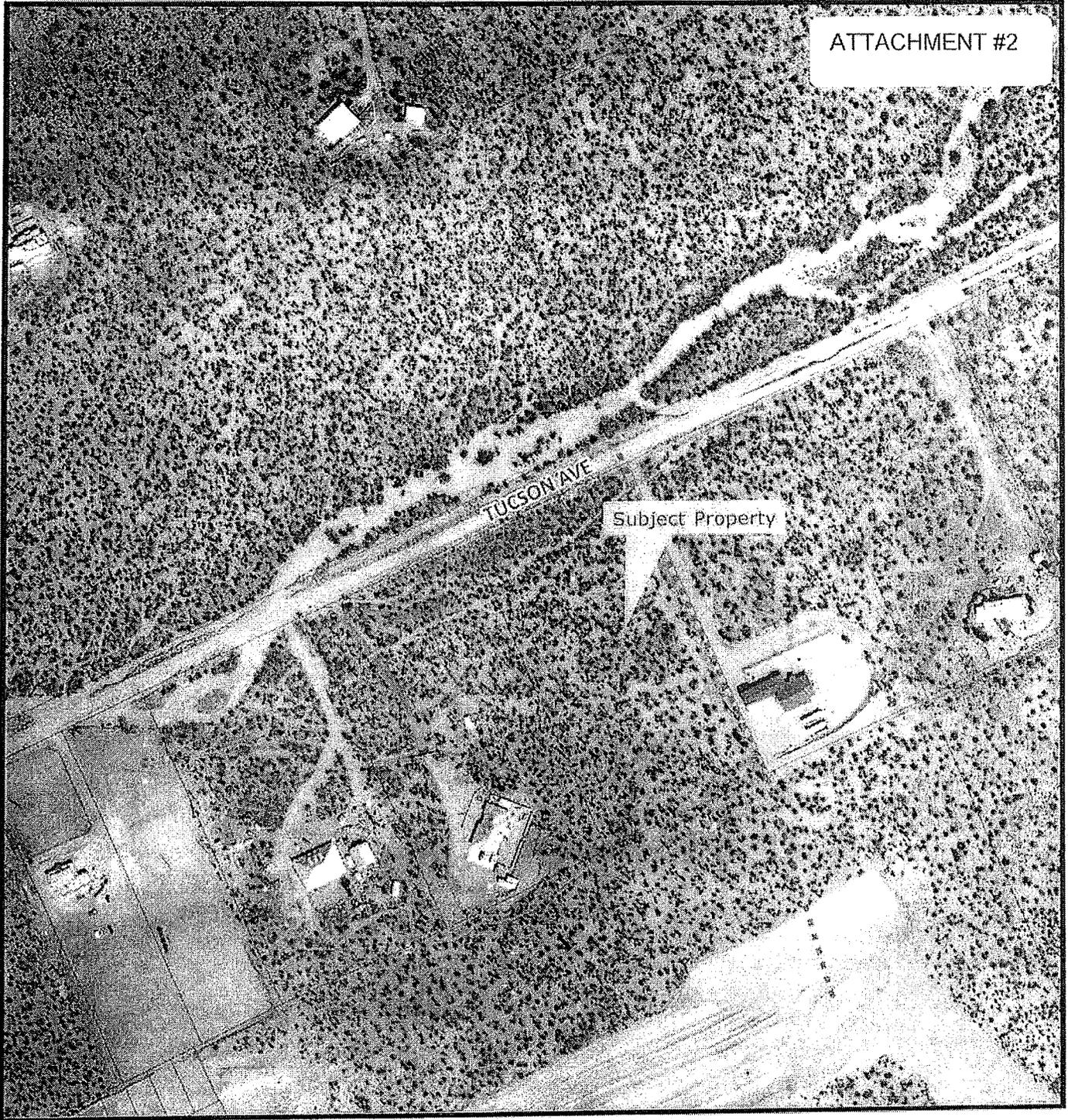
This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

504
Aerial Map

ZONING: A-2 TO EE
OWNER: GABRIEL FERRAULT

PARCEL: 08-27504
DATE: 9/2/2014

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: Gabriel Petravit
Contact Person:
Contact Phone Number: 575-647-8712
Contact e-mail Address: 1720TURSON
Web site address (if applicable):

Proposal Information

Name of Proposal: 1720 TURSON
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial):
Zoning change
Location of Subject Property 1720 Turson

(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: 4.86 acres 4.86 acres
Detailed description of current use of property. Include type and number of buildings:
Vacant property with vacant mobile home.

Detailed description of intended use of property. (Use separate sheet if necessary):
Temporary use of a mobile home and eventual built single-family home or manufactured home.

Zoning of Subject Property: A-2
Proposed Zoning (If applicable): EE
Proposed number of lots N/A, to be developed in N/A phase (s).
Proposed square footage range of homes to be built from 864 sq ft to min.

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

min 884 sq. ft. 12 ft. tall

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

N/A

Anticipated traffic generation 4 trips per day.

Anticipated development schedule: work will commence on or about 1 yr.

and will take 1 yr. to complete.

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

on-lot ponding

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

N/A.

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

Is there existing landscaping on the property? No

Are there existing buffers on the property? No

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 Analysis

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

Chapter 5 Community Character

Section: Flexible Design & Positive Image

Policies:

19.11 All residential development shall be compatible to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping.

1 Clifton: Mr. Chair, Members of the Commission, staff. I do have what I feel could
2 be perceived as a conflict of interest with Case Z2878, the zone change.
3 As indicated in your packet it is for El Paso Electric which is my employer.
4 Thank you.
5

6 Crane: Okay Mr. Clifton, we will remove this from the consent agenda and put it
7 as a, the first item of new business so that you can vote on the other four
8 items of the consent agenda. Is that all right? Okay.
9

10 II. APPROVAL OF MINUTES

11 1. August 26, 2014 - Regular Meeting

12 Crane: We will go onto approval of the minutes and then we'll come back to more
13 matters on the consent agenda. Commissioners does anybody have any
14 points to make on the minutes for August 26th meeting? Commissioner
15 Clifton ... Commissioner Stowe.
16
17
18

19 Stowe: Yes, Mr. Chair, page 8, line 2, although it's the first line of the page with
20 text, "Adam, just kind of 'to' build". The word "to" put between "of" and
21 "build". It reads a little better. And the next page, page 9, line 30, insert
22 the word "are" between "there are a number of 'nos'".
23

24 Crane: Oh yeah.

25 Stowe: Those two items. Nothing ... it doesn't change the meaning but ...
26

27 Crane: Yeah, quite.
28

29 Stowe: Just those two. Thank you.
30

31 Crane: Anything else? That's it?
32

33 Stowe: That's it.
34

35 Crane: Any other Commissioner? Then I'll entertain a motion that the minutes be
36 approved with the (*inaudible*) brought up by Commissioner Stowe.
37

38 Stowe: So moved.
39

40 Crane: Moved by Commissioner Stowe.
41

42 Beard: Second.
43

44 Crane: Second by Commissioner Beard.
45
46

1 ALL: Aye (Except Commissioner Gordon and Ferrary abstain).
2

3 Crane: And I think Mr. Gordon and Ms. Ferrary will abstain so it passes five/zero
4 with two abstentions.
5

6 **III. CONSENT AGENDA**
7

- 8 1. **Case Z2876:** Application of Gabriel A. Perrault, property owner, for a zone
9 change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to
10 EE (Single-Family Equestrian Estate & Agriculture) on a 4.86 ± acre lot
11 located on the south side of Tucson Avenue, 0.55 + miles east of its
12 intersection with Del Rey Boulevard; a.k.a. 1720 Tucson Avenue; Parcel ID#
13 02-27534. Proposed Use: Single-family residence; Council District 5 (Sorg).
14
- 15 2. **Case Z2878:** MOVED TO NEW BUSINESS.
16
- 17 3. **Case Z2879:** Application of Zoe Development IV, LLC on behalf of Norton S.
18 Karno, property owner, for a zone change from C-2 (Commercial Medium
19 Intensity) to C-3 (Commercial High Intensity) on a 11.314 ± acre lot located
20 on the west side of El Paseo, 553 + feet north of its intersection with Idaho
21 Avenue a.k.a. 1240 El Paseo; Parcel ID# 02-07425. Proposed Use: The
22 redevelopment of the vacant site for multiple commercial uses; Council
23 District 3 (Pedroza).
24
- 25 4. **Case IDP-14-06:** Application of Zoe Development IV, LLC on behalf of
26 Norton S. Karno, property owner, for a subdivision known as El Paseo
27 Subdivision. The proposed subdivision would subdivide the 11.314 + acre
28 underutilized commercial lot into four (4) new commercial lots. The subject
29 property is located on the west side of El Paseo, 553 + feet north of its
30 intersection with Idaho Avenue a.k.a. 1240 El Paseo; Parcel ID# 02-07425.
31 Proposed Use: The redevelopment of the vacant site for multiple commercial
32 uses; Council District 3 (Pedroza).
33
- 34 5. **S-14-027:** Application of Donohue Land Surveys on behalf of Xavier
35 Alcala/Alpha Custom Homes LLC, property owner, for a subdivision of two
36 parcels (02-26218 and 02-26221) into five lots located at 3550 Foothills
37 Road, 715 Althenian Way and 716 Hellenic Drive. The Diamante Hills Replat
38 No. 4 would divide the property into five parcels in order to place each
39 existing multi-unit building onto an individual lot: no new development would
40 occur. Zoned R-3 (Multi-dwelling Medium Density Residential). Council
41 District 6 (Levatino).
42

43 Crane: Now we pass to the consent agenda and for the sake of those who may
44 not know how this works, there were five items on it and now four. These
45 are items which the Community Development Department figures are
46 probably not particularly controversial, and therefore they're put in one
47 package and voted on as a block. However, if any Commissioner or any

1 member of the public wishes to have them pulled from this so that we can
 2 discuss them individually, then we will put them in new business also.
 3 Does any Commissioner have a desire to remove any of those four items,
 4 that's excluding 2878 which is already removed, from the consent
 5 agenda? Seeing none. Any member of the public? Then we will vote on
 6 Case Z2876, Case Z2879, Case IDP-14-06, and Case S-14-027 as one
 7 block. May I hear a motion to the effect that the consent agenda be
 8 approved?
 9

10 Beard: So moved.

11
 12 Crane: Moved by Mr. Beard.

13
 14 Gordon: Second.

15
 16 Crane: Seconded by Mr. Gordon. Show him how to push his button. Seconded
 17 by Mr. Gordon. All in favor aye.

18
 19 ALL: AYE.

20
 21 Crane: Opposed. None. Okay it passes seven/nothing.

22
 23 **IV. OLD BUSINESS - NONE**

24
 25 Crane: We move on to ... oh any old business Mr. Ochoa?

26
 27 Ochoa: No sir, none tonight.

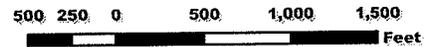
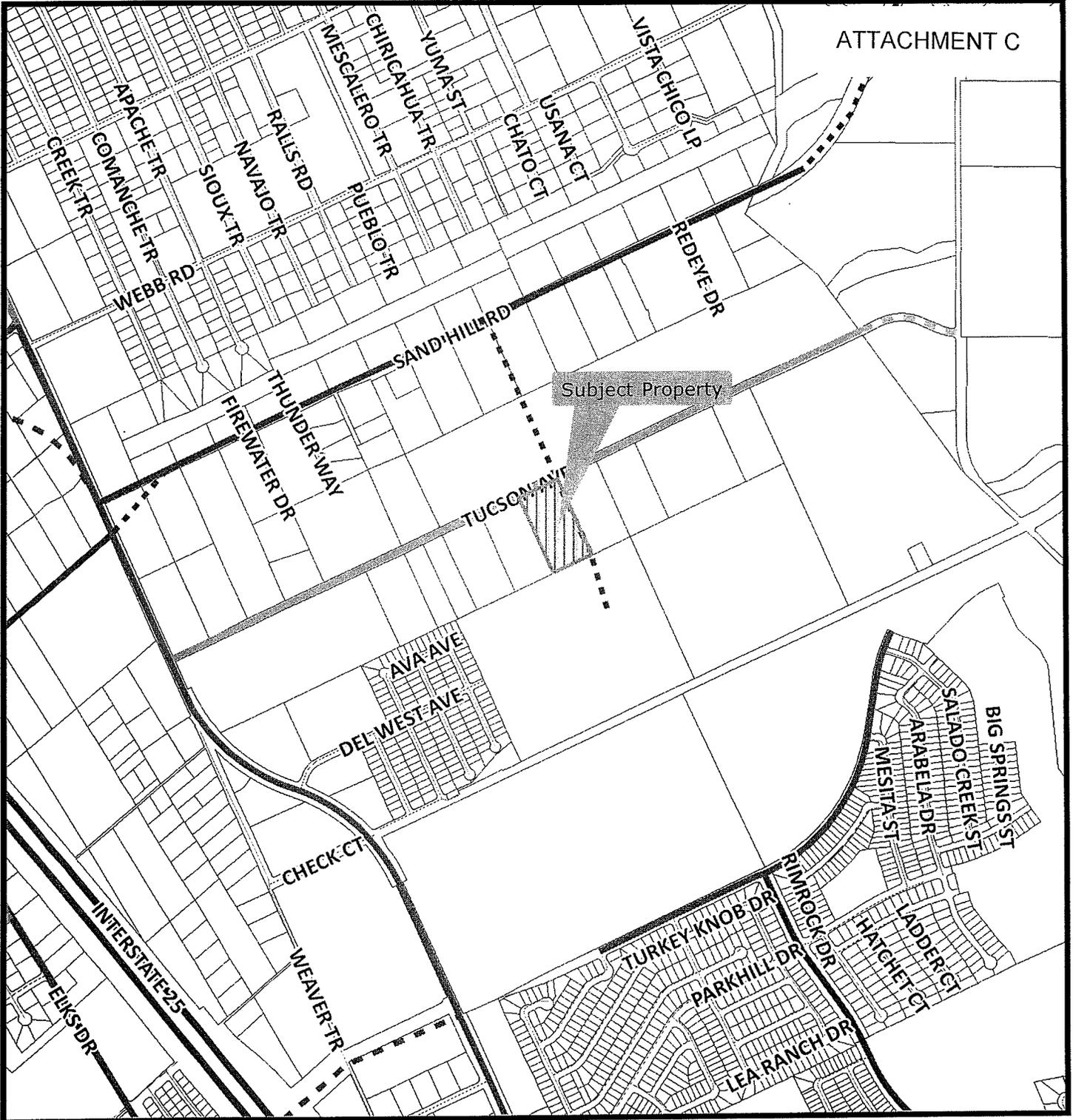
28
 29 Crane: Okay.

30
 31 **V. NEW BUSINESS**

32
 33 **Case Z2878:** Application of Trinity Properties LLC/Three Saints LLC, property
 34 owners, for a zone change for a 34 acre property (Parcels 02-02576 & 02-00506)
 35 located at 2035 W. Amador Avenue from A-2 (Rural Agriculture from the 1981
 36 Zoning Code) to M1/M2 (Industrial Standard) designation to develop a
 37 warehouse, truck repair and maintenance building and outdoor storage of fleet
 38 trucks and equipment; Council District 4 (Small).
 39

40 Crane: We move onto new business. We handle this a little bit differently from
 41 the consent agenda; in this case there will be debate. At first a member of
 42 the Community Development Department will make a presentation.
 43 Commissioners may have questions. Then we ask the representative of
 44 the applicant or the applicant to come up and talk to us if he wants to, and
 45 again we may have questions. And finally we ask for comments from
 46 members of the public, and we may have questions of them. When the

ATTACHMENT C



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