City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 12 Ordinance/Resolution# 2754

For Meeting of April 20, 2015 (Ordinance First Reading Date)

For Meeting of May 4, 2015 (Adoption Date)

Please check box that applies to this item:

☒QUASI JUDICIAL ☐LEGISLATIVE ☐ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO R-1AM (SINGLE-FAMILY MEDIUM DENSITY MOBILE) ON 0.93± ACRES LOCATED AT 5365 MORNINGSIDE ROAD. SUBMITTED BY CHRISTINA VALENZUELA ON BEHALF OF RAMIRO AND YOLANDA VALENZUELA, PROPERTY OWNERS (Z2885).

PURPOSE(S) OF ACTION:

Zone change.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The proposed zone change is for a property located on the west side of Morningside Road, 490 ± feet north of its intersection with Bataan Memorial West. The subject property at this time is zoned C-2 (Commercial Medium Intensity) and contains a mobile home. The use of the property as a residence is not permitted under the C-2 zoning designation and the proposed zone change to R-1aM (Single-Family Medium Density Mobile) will bring the property's zoning into compliance with the 2001 Zoning Code, as amended. The applicant is also seeking to subdivide the subject property into two new lots where one lot will contain the existing mobile home and the other lot will contain the applicant's new home. The proposed zone change is the initial step required before the subdivision can be done by the applicant.

The subject property is adjacent to and in very close proximity to other properties with the R-1aM zoning designation making the subject property compatible with the surrounding area in terms of zoning and land use. The property is also adjacent to other properties currently zoned C-2, but which are being used in a similar fashion as the subject property. The proposed zone change to

R-1aM is also more appropriate for the subject property considering it fronts Morningside Drive, a designated local roadway, where residential zoning and uses are more fitting.

On March 24, 2015 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 6-0-0, (one Commissioner absent) based upon the findings reflected in Exhibit "B". The proposed zone change was approved on the consent agenda and no public input was received during the meeting. No other public input was received prior to the Planning and Zoning Commission hearing for the proposed zone change.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Location Map.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case Z2885.
5. Attachment "B", Minutes from the March 24, 2015 Planning & Zoning Commission Meeting.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue			
N/A	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $_____ for FY__.
	No	☐	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 0.93 ± acres will be rezoned from C-2 (Commercial Medium Intensity) to R-1aM (Single-Family Medium Density Mobile).
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium intensity) 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. 15-035
ORDINANCE NO. 2754

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO R-1AM (SINGLE-FAMILY MEDIUM DENSITY MOBILE) ON 0.93± ACRES LOCATED AT 5365 MORNINGSIDE ROAD. SUBMITTED BY CHRISTINA VALENZUELA ON BEHALF OF RAMIRO AND YOLANDA VALENZUELA, PROPERTY OWNERS (Z2885).

The City Council is informed that:

WHEREAS, Christina Valenzuela on behalf of Ramiro and Yolanda Valenzuela, property owners, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to R-1aM (Single-Family Medium Density Mobile) for a 0.93± acre parcel located on the west side of Morningside Road, 490 ± feet north of its intersection with Bataan Memorial West, at 5365 Morningside Road; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on March 24, 2015, recommended that said zone change request be approved by a vote of 6-0-0, (one Commissioner absent).

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

(I)

THAT the land as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned R-1aM (Single-Family Medium Density Mobile).

(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 _____ 2015.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

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

Moved by: _____

Seconded by: _____

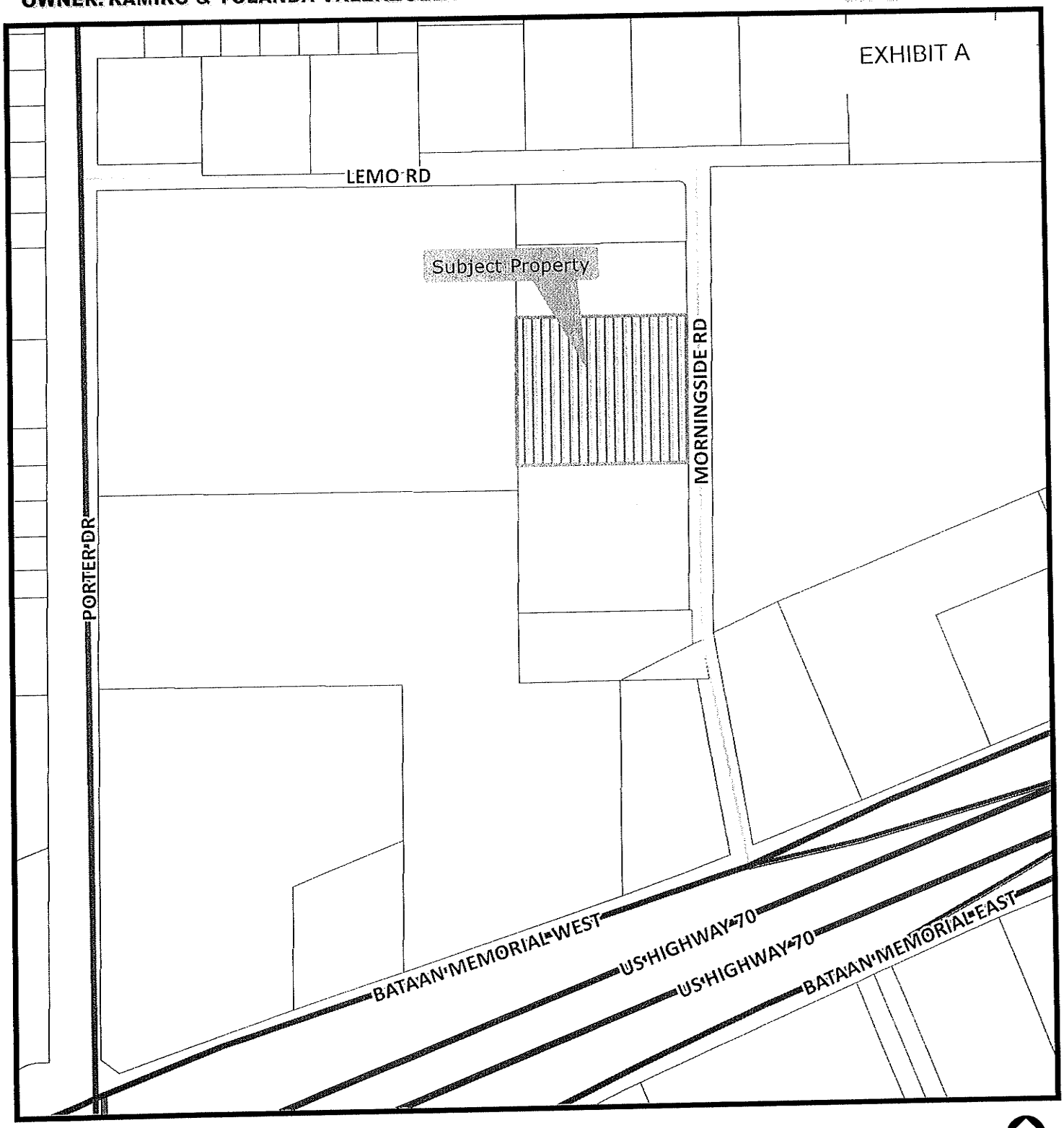
APPROVED AS TO FORM:

_____
City Attorney

LOCATION MAP

ZONING: C-2 TO R-1AM
OWNER: RAMIRO & YOLANDA VALENZUELA

PARCEL: 02-19835
DATE: 02/09/2015



50 25 0 50 100 150 200 250 Feet

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.

EXHIBIT B

Findings

1. The subject parcel currently encompasses a total of 0.93 ± acres, is zoned C-2 (Commercial Medium Intensity) and consists of a mobile home with an accessory structure.
2. The proposed zone change is compatible and harmonious with the adjacent properties 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 subject property remains 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.

ATTACHMENT A

City of Las Cruces
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Meeting Date: March 24, 2015
Drafted by: Adam Ochoa, Planner AO

CASE #	Z2885	**PROJECT NAME:**	5365 Morningside Road (Zone Change)
APPLICANT/ REPRESENTATIVE:	Christina Valenzuela	**PROPERTY OWNERS:**	Ramiro & Yolanda Valenzuela
LOCATION:	The west side of Morningside Rd., 490 ± feet north of its intersection with Bataan Memorial West	**COUNCIL DISTRICT:**	District 5 (Councillor Sorg)
SIZE:	0.93 ± acres	**EXISTING ZONING/ OVERLAY:**	C-2 (Commercial Medium Intensity)

REQUEST/ APPLICATION TYPE: Zone change from C-2 (Commercial Medium Intensity) to R-1aM (Single-Family Medium Density Mobile)

EXISTING USE: A single-family residence

PROPOSED USE: The applicant is seeking to subdivide the existing tract into two new lots that will each contain a dwelling unit

STAFF RECOMMENDATION: Approval without conditions based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
February 6, 2015	Application submitted to Development Services
February 9, 2015	Case sent out for review to all reviewing departments
February 17, 2015	Final comments returned by all reviewing departments
February 19, 2015	Staff reviews and recommends approval of the zone change
March 6, 2015	Public notice letter mailed to neighboring property owners
March 8, 2015	Newspaper advertisement
March 9, 2015	Sign posted on property
March 24, 2015	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The subject property located at 5365 Morningside Road is currently zoned C-2 (Commercial Medium Intensity), encompasses 0.93 ± acres and currently consists of a mobile home. The current use of the subject property as a residence is not permitted under the current C-2 zoning designation and the proposed zone change to R-1aM (Single-Family Medium Density Mobile) will bring the property's zoning into compliance with the current 2001 Zoning Code, as amended. The applicant is also seeking to subdivide the existing tract into two new lots where one lot will consist of the existing mobile home and the other lot will consist of the applicant's new home. The proposed zone change is the initial step required before the subdivision can be done by the applicant. Keeping the character of the surrounding area in mind including the southern adjacent property is the reason for the applicant's request for the R-1aM zoning designation.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Proposed	Code Req.
Max # of DU/parcel	1	1 (after the proposed subdivision)	1
Max Density (DU/ac.)	1.07 DU/ac.	2.14 DU/ac.	8 DU/ac.
Lot Area	0.93 ± acres (40,511 square feet)	0.93 ± acres (40,511 square feet)	0.115 acres minimum (5,000 square feet)
Lot Width	187 ± feet	187 ± feet	50 feet minimum
Lot Depth	217 ± feet	217 ± feet	70 feet minimum
Structure Height	12 ± feet	12 ± feet	35 feet maximum
Setbacks			
Front	43 ± feet	43 ± feet	15 feet minimum / 25 feet minimum (garage)
Side	52 ± feet	52 ± feet	5 feet minimum
Side	68 ± feet	68 ± feet	5 feet minimum
Rear	138 ± feet	138 ± feet	20 feet minimum
Accessory Structure	600 ± square feet in two existing structures	N/A	5% of the total area of lot

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	C-2 (Commercial Medium Intensity)
North	Manufactured home	N/A	C-2 (Commercial Medium Intensity)
South	Manufactured home	N/A	R-1aM (Single-Family Medium Density Mobile)
East	Vacant/undeveloped	N/A	C-3C (Commercial High Intensity-Conditional)
West	Vacant/undeveloped	N/A	C-2 (Commercial Medium Intensity)

TABLE 5: PARCEL HISTORY

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

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Land Management	Yes	No
CLC Parks	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No
CLC Flood Plain Administration	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 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 polices 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 #4 for a detailed description of the Comprehensive Plan Policies listed above.

Analysis
The subject property is currently zoned C-2 (Commercial Medium Intensity), and has had this zoning designation ever since the 1981 Zoning Code was in effect. At that time and under the 1981 Zoning Code the C-2 zoning designation permitted the residential use of the subject property allowing a mobile home. The current C-2 zoning designation under the current 2001 Zoning Code no longer permits the use of the property as it exists, making the subject property non-conforming. The proposed zone change to R-1aM (Single-Family Medium Density Mobile) would being the property into compliance with the 2001 Zoning Code, as amended. The subject property is also adjacent to and in very close proximity to other properties with the R-1aM zoning designation making the subject property compatible with the surrounding area in terms of zoning and land use. The property is also adjacent to other properties currently zoned C-2, but that are currently being used in a similar fashion as the subject property. The proposed zone change to R-1aM is also more appropriate for the subject property considering it fronts Morningside Drive, a designated local roadway, where residential zoning and uses are more appropriate. The proposed zone change would ensure that the property will remain sensitive to the character of the surrounding existing neighborhood.

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 R-1aM zoning district is harmonious with the character, uses, and zoning districts of the surrounding and nearby 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 0.93 ± acres, is zoned C-2 (Commercial Medium Intensity) and consists of a mobile home with an accessory structure.
2. The proposed zone change is compatible and harmonious with the adjacent properties 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 subject property remains 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.

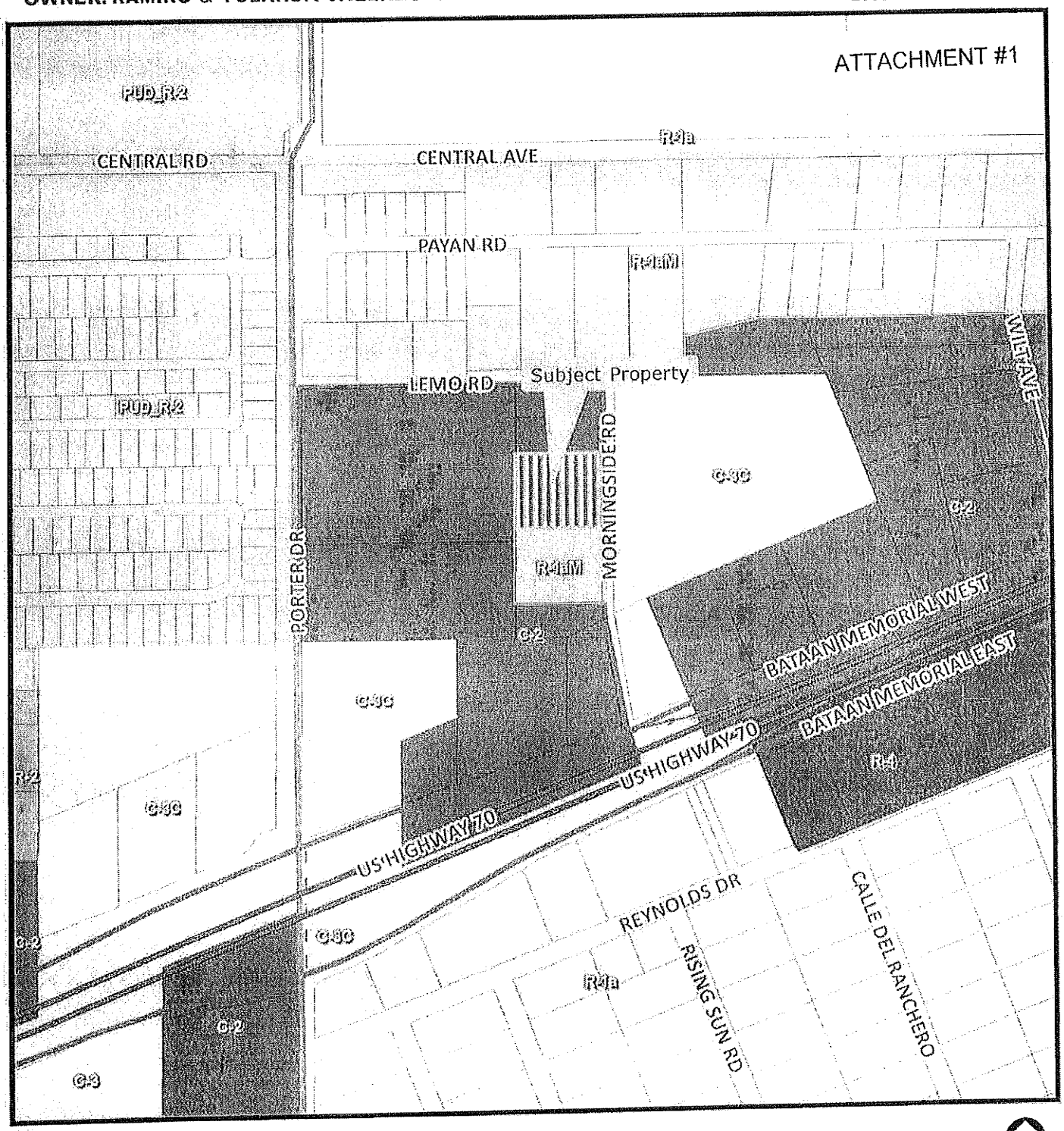
ATTACHMENTS

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

VICINITY MAP

ZONING: C-2 TO R-1AM
OWNER: RAMIRO & YOLANDA VALENZUELA

PARCEL: 02-19835
DATE: 02/09/2015



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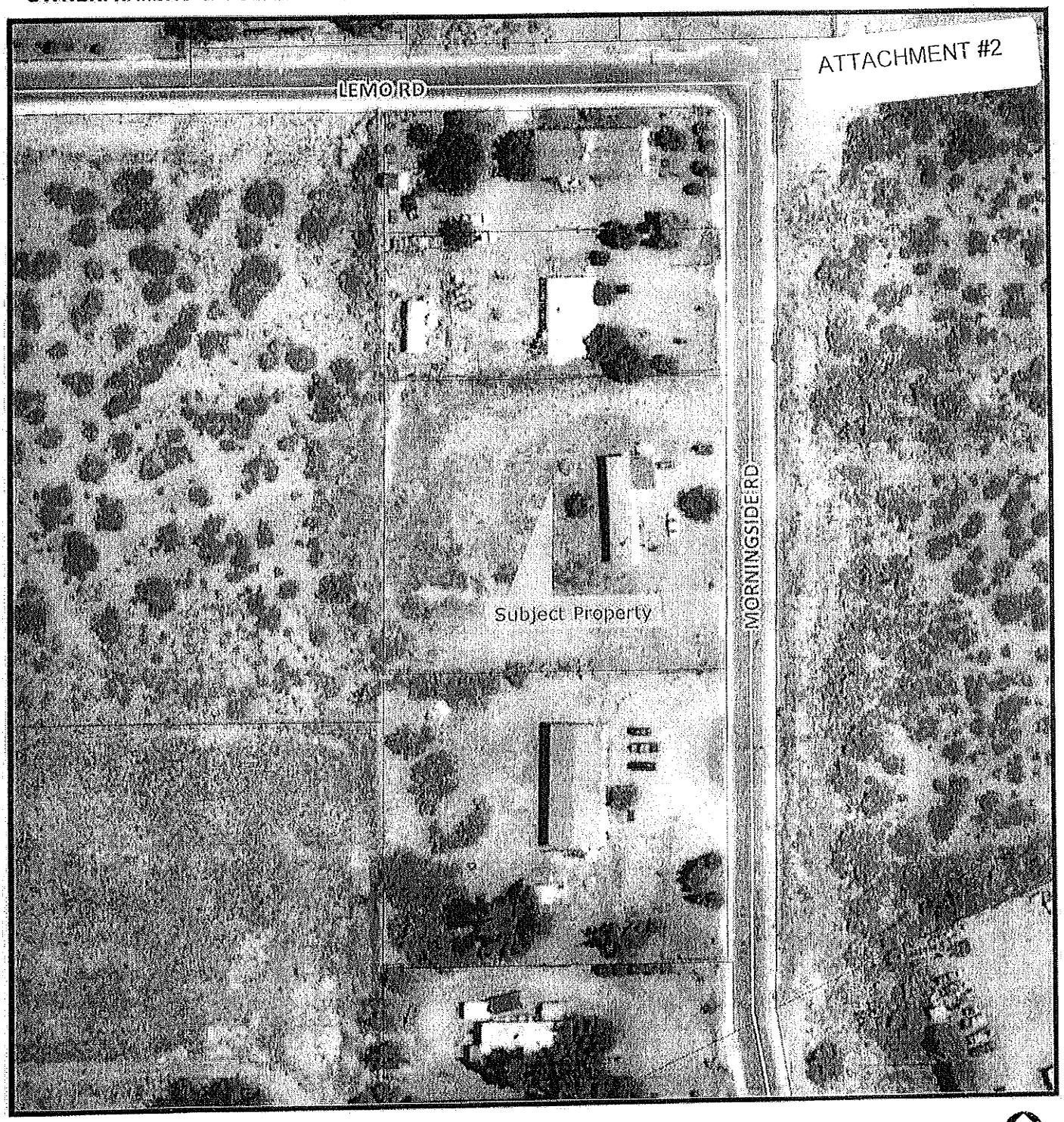
AERIAL MAP

ZONING: C-2 TO R-1AM
OWNER: RAMIRO & YOLANDA VALENZUELA

PARCEL: 02-19835
DATE: 02/09/2015



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ATTACHMENT #3

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: Christina Valenzuela

Contact Person: Self

Contact Phone Number: 575-805-2625

Contact e-mail Address: Tsmaelsbilly@Yahoo.com

Web site address (if applicable): N/A

Proposal Information

Name of Proposal: Rezoning property from C-2 to R1AM

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
C-2 to R1AM

Location of Subject Property 5365 Morningside Rd.

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area) 0.93 PA

Acreage of Subject Property: 1.000 ACRE 012.5 ft Road Access

Detailed description of **current** use of property. Include type and number of buildings:
C2 property w/ mobile home

Detailed description of **intended** use of property. (Use separate sheet if necessary):
Single family residential lot w/ mobile home.

Zoning of Subject Property: C-2

Proposed Zoning (If applicable): R1AM

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
existing mobile home

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 _____

and will take _____ to complete.

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

_____

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? 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? N/A How many accessible? _____

Attachments

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

Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

ATTACHMENT #4

Comprehensive Plan Elements and Policies

The following polices 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.

ATTACHMENT B

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
March 24, 2015 at 6:00 p.m.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Ruben Alvarado, Member

STAFF PRESENT:

Katherine Harrison- Rogers, Senior Planner, CLC
Adam Ochoa, Planner, CLC
Mark Dubbin, CLC Fire Department
Pete Connelly, CLC Deputy City Attorney
Becky Baum, Recording Secretary, RC Creations, LLC

Magdelena Jiron, Translator for Lydia Moreno

I. CALL TO ORDER (6:00)

Crane: Good evening ladies and gentlemen. Welcome to the Planning and Zoning Commission meeting for Tuesday, March 24th. Let me start as we usually do by introducing the Commissioners present. On my far right is Commissioner Clifton who represents District 6, Council District 6. Then Mr. Gordon, Council District, pardon me, he is the Mayor's Appointee. Commissioner Stowe who is also our Vice-Chairman, he represents District 1. Commissioner Ferrary, District 3. Commissioner Beard who is also our Secretary, District 2. And I'm Godfrey Crane the Chairman and I represent District 4.

II. CONFLICT OF INTEREST

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

Crane: My next duty is to ask whether any Commissioner present or any member of the Community Development Department present has any conflict of interest with any item on today's agenda? Nobody so indicates.

III. APPROVAL OF MINUTES

1. February 24, 2014 - Regular Meeting

Crane: So we will proceed to approval of minutes for the last meeting. Commissioners, does anybody have any notes apart from me? You all get to go first. Commissioner Stowe.

Stowe: I have, I have on page 44, line 14 second to last word is misspelled, it should be "hear" h-e-a-r, instead of hare, h-a-r-e.

Crane: Okay.

Stowe: And page ...

Crane: Do you have that ma'am?

Stowe: One more, page 56, line 14, it's "Ms." Ferrary.

Crane: Oh yeah.

Stowe: Or Ms.

Crane: Sorry ma'am. We, we do strive for gender equity. Anything else Mr. Stowe? Okay. Any other Commissioner? Commissioner Beard.

Beard: Page 3, 29, I tired to make sense of that and I could not, so I, I put down "opposed, abstentions" so it's "five to zero to accept the minutes, one abstention."

Crane: What page?

Beard: Page 3.

Crane: Oh page 3.

Beard: Page 3, 29.

Crane: Page 3, 29. Yes I should've said "opposed, none" and Mr. Alvarado abstains. So we had six people present, one abstained, and nobody voted against, and five voted for. So if you, we can ask our secretary to put in "opposed none." Will that fix it for you?

Beard: No. Oh page, for me, yeah. Page 15, line 11, I added the word "This is, this is an example of the kind of your consolidated development and builders use." So I added "the" and "use."

DRAFT

Crane: Okay, after, after builders, right?

Beard: Right.

Crane: Use, okay.

Beard: Page 17, line 16, Ms. Ferrary, I, I don't, I didn't make any sense of that. I didn't know how to correct it. Maybe you can.

Ferrary: *(inaudible, speaking without the microphone on).*

Beard: I'm on page 17, line 16.

Ferrary: *(inaudible, speaking without the microphone on).*

Ochoa: Ms. Ferrary. Ms. Ferrary can you turn your microphone on please?

Ferrary: I was trying to say if the two "nots" probably, "builders cannot individually."

Beard: Yes, but right there individually unless.

Ferrary: Post.

Beard: I don't know.

Ferrary: Unless they have more than 10 acres. "Cannot individually," I was referring to posting the signs I believe.

Beard: Okay.

Ferrary: So just strike out the one extra "not."

Beard: Page 22, line 9, I inserted, I inserted a comma between "isn't" and "don't" and I took out one of the "don'ts."

Crane: So it's "though isn't," "this is a significant improvement though isn't it."

Beard: "Don't you believe?" Yes.

Crane: Put the word "it" in there.

Beard: Improve, yeah, yeah, "this is a significant improvement."

Crane: "Don't you believe?"

DRAFT

Beard: "Don't you believe?" Yeah.

Crane: Okay.

Beard: That was page 23. Page, page 37, line 37, I think "Church" should be "Crane." *(Mr. Crane did not say "The appraisal." This was definitely stated by Mr. Church seated in the audience, not on microphone.)* Page 44, line 14, "we hear this all the time." "Hear." And that's it.

Crane: Any other Commissioner? I have a few, page 1, line 32, "Planning and Zoning Commission." Page 18, line 41, I hope I didn't say "cause" I'd like it to be "because" in that. Page 24, line 25 "Commissioners." Correction, Line 24 is "Which I'm going to ask somebody to move for in a moment." The word "movement" should be "moment." And then line 27, "Commissioners." Page 32, line 23 and 24, we need a couple of commas to make that read more clearly. Line 23 "lots in the surrounding developments and implies, and I don't know if this is true, that the City is going to have to lay out money." And finally page 43, line 26, there's an apostrophe needed in "let's," l-e-t's "say from an excess of enthusiasm." Any other comments Commissioners? Then I'll entertain a motion that the minutes of the last meeting be accepted as amended.

Stowe: So moved.

Beard: Second.

Crane: Moved by Mr. Gordon was it?

Stowe: Stowe.

Crane: Mr. Stowe. And seconded by?

Beard: Beard.

Crane: Mr. Beard. All in favor aye.

ALL: Aye *(Commissioner Clifton abstained.)*

Crane: Nay, any against? And any abstentions?

Clifton: I abstain.

Crane: Mr. Clifton abstains so it passes five/zero and one abstention. Thank you.

IV. CONSENT AGENDA

DRAFT

1. **Case Z2885:** Application of Christina Valenzuela on behalf of Ramiro and Yolanda Valenzuela, property owners, for a zone change from C-2 (Commercial Medium Intensity) to R-1aM (Single-Family Medium Density Mobile) on a 0.93 +/- acre tract located on the west side of Morningside Road, 490 +/- feet north of its intersection with Bataan Memorial West, a.k.a. 5365 Morningside Road; Parcel ID# 02-19835. Proposed Use: Subdividing the existing tract into two new lots and locating an additional mobile home on the newly subdivided lot; Council District 5 (Sorg).

Crane: Now we'll proceed to something a little more interesting. We have an item on the consent agenda and let me explain to the public here what the consent agenda means. This is confined to items which the Community Development Department thinks are probably uncontroversial and won't require any debate. However, we're not saying that nobody can debate it, in fact if in case of Z2885 on the consent agenda, any Commissioner or any member of the public wants to debate this issue, have us discuss it, this is the application of Christina Valenzuela for a zone change from C-2 to R-1aM, then please indicate so and we will take this off the consent agenda and put it into new business. Anybody interested in discussing this topic? No one so indicates. So what we do here is simply vote this up or down. Commissioners may I have a motion that the consent agenda be accepted?

Ferrary: I move that we accept the ...

Crane: Moved by Commissioners Ferrary. Seconded by?

Gordon: I second.

Crane: Commissioner Gordon. All in favor aye.

ALL: Aye.

Crane: Opposed, nay. None opposed. No abstentions. Six/nothing. Passes six/nothing.

V. OLD BUSINESS - NONE

Crane: Excuse me. We have no old business.

VI. NEW BUSINESS

1. **Case A1732:** Application of Lydia Moreno on behalf of Brenda Baltierrez, property owner, for a variance to the maximum of one (1) dwelling unit per lot, tract, or parcel, resulting in a total of two (2) dwelling units on the subject property. The subject property is zoned REM (Single-Family Residential