City of Las Cruces®

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Council Action and Executive Summary

Item # 31 **Ordinance/Resolution#** 2762

For Meeting of September 21, 2015 (Ordinance First Reading Date) **For Meeting of** October 5, 2015 (Adoption Date)

Please check box that applies to this item:

☒ QUASI JUDICIAL ☐ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-1 (COMMERCIAL LOW INTENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) FOR A 0.39 ± ACRE PROPERTY LOCATED AT 3207 OAK STREET, PARCEL 02-13098. SUBMITTED BY FRANK HAMBRICK ON BEHALF OF RALPH AND ALMEDA EMERSON, PROPERTY OWNERS (Z2887).

PURPOSE(S) OF ACTION:

Zone Change.

COUNCIL DISTRICT: 2		
Drafter/Staff Contact: Katherine Harrison-Rogers	**Department/Section:** Community Development/ Building & Development Services	**Phone:** 528-3049
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The applicant is desirous of converting the existing C-1 (Commercial Low Intensity) property into to C-2 (Commercial Medium Intensity) in order to allow the property to be developed as an office with outdoor, screened storage for his landscaping business. The property is vacant except for one small ancillary (shed) structure that will be removed upon the development of the site.

The property lies within an area that has historically consisted of mixed uses. The property is adjacent to R-1a (Single Family Medium Density), R-3 (Multi-Dwelling Medium Intensity), C-2 (Commercial Medium Intensity), and M-1C (Industrial Standard Conditional) zoning districts and is in close proximity to single family residences, multi-family residences (including apartments), a church, and a variety of commercial and office uses.

The proposal for a zone change is supported by the Comprehensive Plan; supports several Purpose and Intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code, as amended; and does not contradict the Planning and Zoning Commission's Decision Criteria outlined by Las Cruces Municipal Code Section 2-382. Although the property falls

outside of the boundaries of the Infill Development Overlay District identified in Section 38-48 of the City of Las Cruces Zoning Code, as amended, the proposal is reinforced by the Comprehensive Plan's policies related to infill. Furthermore, Oak Street is designated as a "local" roadway, which is supportive of C-2 uses as identified by Section 38-32D of the 2001 City of Las Cruces Zoning Code, as amended.

On August 25, 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". Very little discussion occurred during the hearing with the only question being whether manure will be stored on the property. According to the applicant, no manure will be stored on-site. No members of the public provided comment regarding the 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 Z2887.
5. Attachment "B", Minutes from the August 25, 2015 Planning & Zoning Commission Meeting.

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
N/A	*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?			
	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $_____ for FY___.
N/A	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 0.39 ± acres will be rezoned from C-1 (Commercial Low Intensity) to C-2 (Commercial Medium Intensity).
2. Vote "No"; this will reject the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-1 (Commercial Low Intensity) will remain on the subject property. 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 City Council to modify the Ordinance by adding or removing conditions as determined appropriate.
4. Vote to "Table"; this could allow City 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. 16-003
ORDINANCE NO. 2762

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-1 (COMMERCIAL LOW INTENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) FOR A 0.39 ± ACRE PROPERTY LOCATED AT 3207 OAK STREET, PARCEL 02-13098. SUBMITTED BY FRANK HAMBRICK ON BEHALF OF RALPH AND ALMEDA EMERSON, PROPERTY OWNERS (Z2887).

The City Council is informed that:

WHEREAS, Frank Hambrick on behalf of Ralph and Almeda Emerson, property owners, has submitted a request for a zone change from C-1 (Commercial Low Intensity) to C-2 (Commercial Medium Intensity) for a 0.39 ± acre property located at 3207 Oak Street, Parcel 02-13098; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 25, 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 C-2 (Commercial Medium Intensity) with no conditions.

(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 _____ 20___.

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:

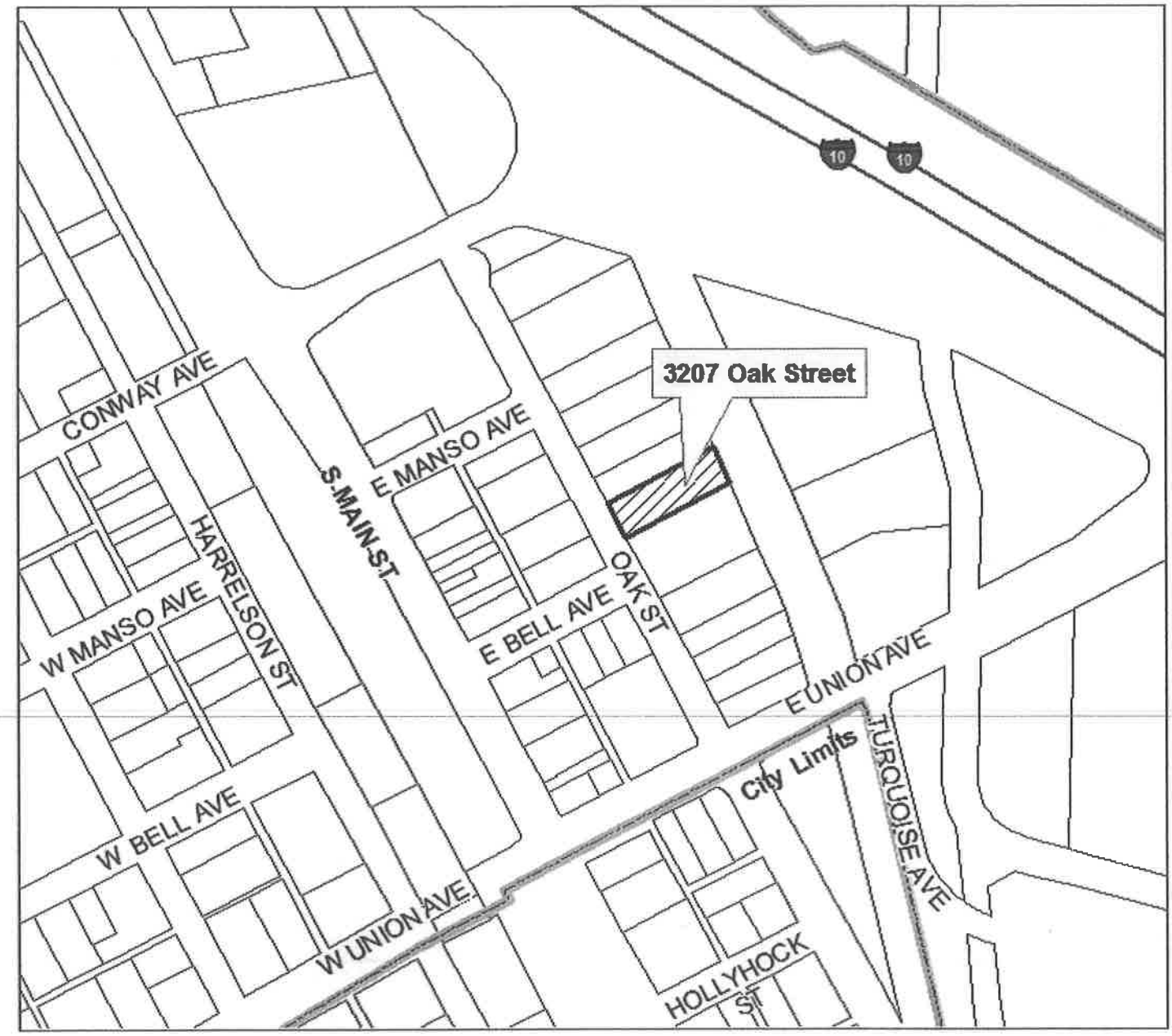
_____
City Attorney

EXHIBIT "A"

Location Map

ZONING: C-1 (Commercial Medium Intensity) **PARCEL:** 02-13098

OWNER: Ralph and Almeda Emerson **DATE:** 9/2/2015



PROPOSAL: Case Z2887: 3207 Oak St. Application of Frank Hambrick for a zone change from C-1 to C-2 for an office with screened, outdoor storage for a landscaping business.

150 75 0 150 300 450 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"

Planning and Zoning Commission Recommended Findings for Case Z2887

1. The subject parcel currently encompasses a total of 0.39 + acres, is zoned C-1 (Commercial Low Density) and is vacant with the exception of an ancillary building.
2. 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®
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Planning & Zoning Commission Staff Report

Meeting Date: August 25, 2015
Drafted by: Katherine Harrison-Rogers

CASE #	Z2887	**PROJECT NAME:**	3207 Oak St. Zone Change
APPLICANT/ REPRESENTATIVE:	Frank Hambrick	**PROPERTY OWNER:**	Ralph and Almeda Emerson
LOCATION:	3207 Oak St.	**COUNCIL DISTRICT:**	2 (Gregory Smith)
SIZE:	Parcel 02-13098, 0.39 ac	**EXISTING ZONING/ OVERLAY:**	C-1 (Commercial Low Intensity)
REQUEST/ APPLICATION TYPE:	C-1 (Commercial Low Intensity) to C-2 (Commercial Medium Intensity)		
EXISTING USE(S):	Vacant		
PROPOSED USE(S):	Office and screened outside storage for a landscaping company		
STAFF RECOMMENDATION:	Yes based on findings		

TABLE 1: CASE CHRONOLOGY

Date	Action
July 2, 2015	Application submitted to Development Services
July 6, 2015	Application deemed complete
July 7, 2015	Case sent out for review to all reviewing departments
July 9, 2015	Staff reviews and recommends approval of the zone change
July 14, 2015	All comments returned by all reviewing departments (1 late submission)
August 7, 2015	Public notice letter mailed to neighboring property owners
August 9, 2015	Newspaper advertisement
August 10, 2015	Sign posted on property
August 24, 2015	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is desirous of converting the existing C-1 (Commercial Low Intensity) property into to C-2 (Commercial Medium Intensity) in order to allow the property to be developed as an office with outdoor, screened storage for his landscaping business. The property is vacant except for one small ancillary (shed) structure that will be removed upon the development of the site. The property is in an area of mixed use and is adjacent to industrial, commercial, multi-dwelling residential, and single-family residential uses and zoning districts.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	C-1	C-2	
Max # of DU/parcel	0	N/A	N/A	
Max Density (DU/ac.)	0	N/A	N/A	
Lot Area	16,988 sq. ft. (0.39 ac)	5,000-32,670 sq. ft.	10,000-43,560 sq. feet	
Lot Width	77± feet	60 feet	60 feet	
Lot Depth	226 feet average	70 feet	70 feet	
Structure Height	N/A	35	45 feet	
Setbacks				
Front	N/A	20 feet	15 feet	
Side	N/A	5 feet	5 or 0 feet	
Rear	N/A	15 feet	15 or 0 feet	
ROW Dedication	N/A	N/A	N/A	
Landscaping				
% of total (less building pad & screened storage)	0	15%	15%	
Total square feet of landscaping	0	Unknown	Unknown	
Buffering				
Bufferyard	0	N/A	15 feet	10 feet
Screen Type	0	N/A	Semi-opaque	Opaque

TABLE 3: SPECIAL CHARACTERISTICS

Characteristic	Applies to Project?	Explanation
EBID facilities	No	N/A
Medians/ parkways landscaping	No	N/A
Other	No	N/A

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant	N/A	C-1 (Commercial Low Intensity)
North	Single-family Residence	N/A	R-3 (Multi-Dwelling Medium Intensity)

South	Single-family Residence	N/A	C-2 (Commercial Medium Intensity)
East	Park Drain (EBID)	N/A	M-1C (Industrial Standard Conditional)
West	Single-family Residences	N/A	R-1a (Single Family Medium Density)

TABLE 5: PARCEL LAND USE 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	Yes: The property is in flood zone AH and will need to speak to the flood manager upon development.
*CLC Traffic	No	Will this property be sharing the existing driveway? Site plan with driveway, parking and storage shed layout is needed to answer site access form.
CLC Land Management	Yes	No
CLC Utilities	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No

*Although relevant to the site design, the comments from Traffic Engineering are not inclusive of whether the increased intensity is appropriate at this location. Any driveway access issues and design compliance with the regulations will be dealt with as part of the site design and construction and permitting of the property.

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria

Planning and Zoning Commission 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:

- Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
- Unreasonably increase the traffic in public streets.
- Increase the danger of fire or endanger the public safety.
- Deter the orderly and phased growth and development of the community.
- Unreasonably impair established property values within the surrounding area.
- In any other respect impair the public health, safety or general welfare of the city.
- 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.
- Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

Relevant Zoning Code Purpose and Intent Statements [Article I, Section 38-2.]

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:

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- Encourage innovations in land development and redevelopment;
- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- Encourage development of vacant properties within established areas;
- Ensure that development proposals are sensitive to the character of existing neighborhoods;
- Conserve the value of buildings and land; and
- Mitigate conflicts among neighbors.

New Mexico Case Law Rezoning Criteria Considerations

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 zone 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 City master plan, even though (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. For additional analysis, please refer to the attached Advance Planning Analysis. The following goals and polices from Comprehensive Plan 2040 are relevant to the current proposal:

Chapter 4, Healthy Communities
- Balanced Development
  - Goal 1: Encourage Mixed Use Development
  - Policy 1.1 Encourage development using the mixed use concept of this Comprehensive Plan, such as developing compatible non-residential uses within walking distance of existing residential areas.
  - Policy 1.4 Encourage a balance of land uses as a means of providing convenience and functionality to those who may live and work in one area of the community, particularly in designated Infill areas or where city services exist or are planned to support mixed use development.

Chapter 5, Community Character
- Flexible Design and Positive Image
  - GOAL 19: Encourage development that is context-sensitive and compatible to the surrounding area.
  - Policy 19.14 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.
  - Policy 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.

Chapter 6, Economic Prosperity
- Economic Diversity
  - GOAL 24: Create incentives, opportunities, partnerships, and policies that build a diversified business community.
  - Policy 24.2 Support and implement mixed-use policies, flexibility of placing new uses, and office, commercial, and industrial zoning districts as outlined within this Comprehensive Plan.

Chapter 7, Sustainable Growth
- Vibrant Planning Areas, Neighborhoods, and Districts
  - GOAL 32: Establish land use policy for commercial and public/quasi-public uses.
  - Policy 32.2 Community commercial uses shall be defined as those medium intensity commercial uses which provide an array of goods and services geared toward the daily and occasional needs of the community and associated neighborhoods.
- Managed Growth
  - GOAL 37: Establish an urban form which reflects coordinated and efficient city growth, circulation, development, redevelopment, and preservation practices.
  - Policy 37.1 Create additional incentives to encourage infill development.
  - GOAL 38: Encourage sustainable practices that move toward a compact mixed-use urban form that supports infill and discourages "leap frog" growth.
  - Policy 38.5 Encourage infill development as defined by City Code, as amended, as a way to support the utilization of property within the urbanized areas of the city and enhancement of the existing infrastructure network.

Analysis:
The property proposed for a zone change to C-2 lies within an area that has historically had mixed uses. The property is adjacent to R-1a, R-3, C-2, and M-1 zoning districts and is in close proximity to single family residences, multi-family residences (including apartments), a church, and a variety of commercial and office uses.

Oak Street is designated as a "local" roadway, which is recommended for a C-2 zoning designation by Section 38-32D of the 2001 City of Las Cruces Zoning Code, as amended. The right-of-way consists of a sixty foot width, is paved with curb, gutter, and sidewalk, and accommodates on-street parking.

The property is vacant, but is outside of the official Infill Overlay District, making it ineligible for the Infill Development Process. However, the City's Infill Policy Plan, Resolution 98-214, and the City's Comprehensive Plan generally support infill as a method to increase the vitality of neighborhoods and the local economy.

During their review based upon applicable regulations, City Staff did not identify any issues associated with the potential for the:

- Impairment of adequate supply of light and air to adjacent property;
- Unreasonable increase in potential traffic;
- Increase the danger of fire or endanger the public safety;
- Determent of orderly and phased growth;
- Impairment of the public health, safety or general welfare of the city;
- Establishment of a spot zone; or the
- Contradiction of the purpose and intent of the zoning code, sign code, design standards and other companion codes.

Conclusion
The proposal for a zone change from C-1 to C-2 is supported by the Comprehensive Plan, as listed above; supports several Purpose and Intent statements listed in Section 38.2 of the City of Las Cruces 2001 Zoning Code; and, based upon a review by relevant City Staff, does not contradict the Planning and Zoning Commission's Decision Criteria outlined by Las Cruces Municipal Code Section 2-382. Although the property falls outside of the boundaries of the Infill Development Overlay District identified in Section 38-48 of the City of Las Cruces Zoning Code, the proposal is supported by the Comprehensive Plan's policies related to infill.

DRC RECOMMENDATION

The proposal did not require review and recommendation by the Development Review Committee.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the project based on the findings listed below.

FINDINGS FOR APPROVAL

1. The subject parcel currently encompasses a total of 0.39 + acres, is zoned C-1 (Commercial Low Density) and is vacant.
2. 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

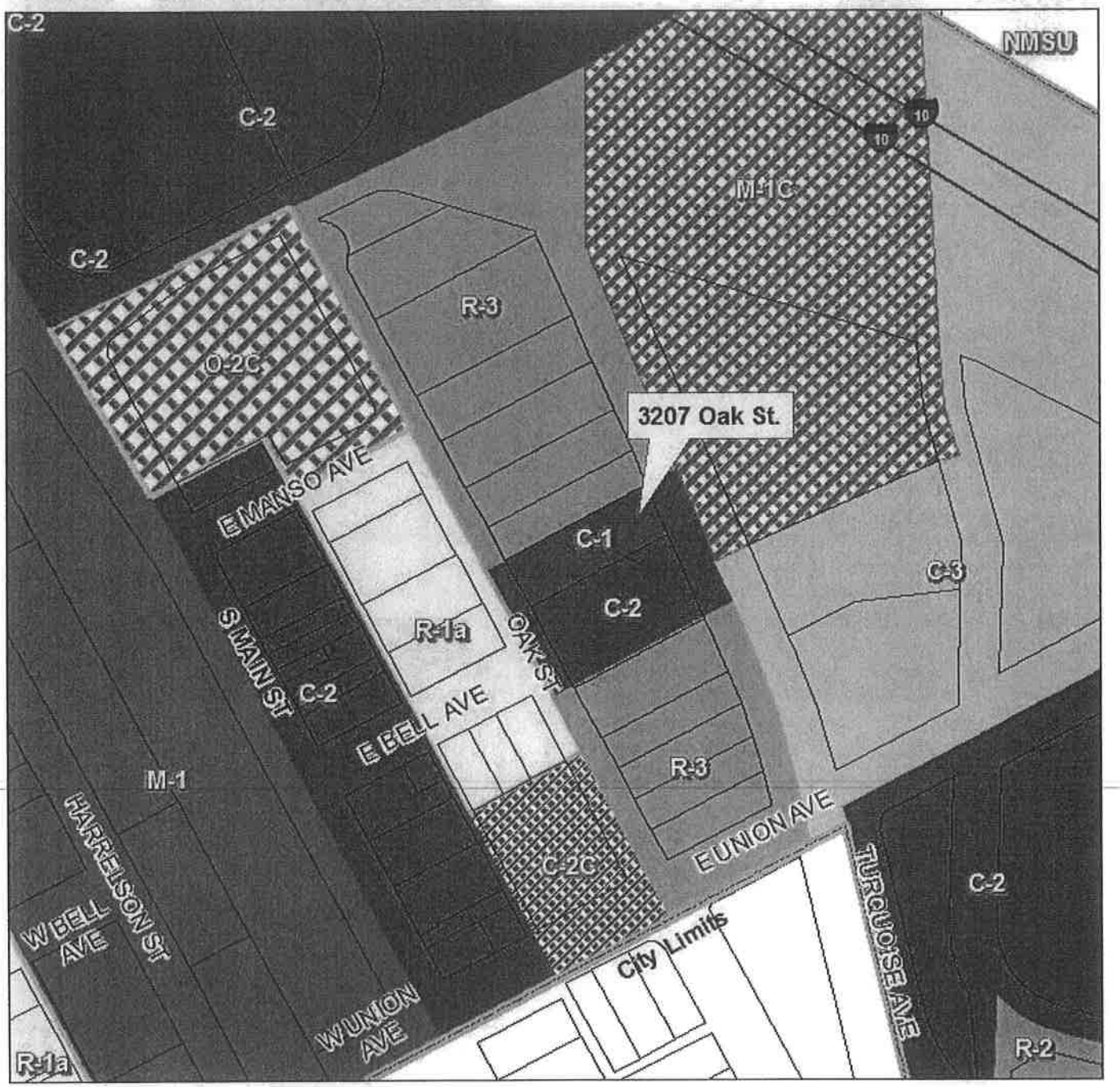
1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Advance Planning Analysis

Vicinity and Zoning Map

Attachment 1

ZONING: C-1 (Commercial Low Intensity)
OWNER: Almeda & Ralph Emerson

PARCEL: 02-13098
DATE: 8/17/2015



PROPOSAL: Case Z2887, 3207 Oak Street
A proposal for a Zone Change from C-1 to C-2 to accomodate a landscaping company with screened outdoor storage.

150 75 0 150 300
Feet

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

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Aerial Map

Attachment 2

ZONING: C-1 (Commercial Low Intensity)
OWNER: Almeda & Ralph Emerson

PARCEL: 02-13098
DATE: 8/17/2015

PROPOSAL: Case Z2887, 3207 Oak Street
A proposal for a Zone Change from C-1 to C-2 to accomodate a landscaping company with screened outdoor storage.

150 75 0 Feet

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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: Frank Hambrick / Singletree Inc.

Contact Person: Frank Hambrick

Contact Phone Number: 575-642-6836

Contact e-mail Address: singletreelc@yahoo.com

Web site address (if applicable): singletreelandscaping.com

Proposal Information

Name of Proposal: Singletree Zone Change

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

Commercial C-1 to C-2

Location of Subject Property 3207 OAK St.

(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)

Acreage of Subject Property: 0.53 Acre

Detailed description of **current** use of property. Include type and number of buildings:

Vacant - 1 Small vacant Building (to be removed)

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

Used for Small office + yard to store Landscaping tool, trucks and trailers. This includes fertilizers, zero turn mowers, chainsaws, hedgers etc.

Zoning of Subject Property: C-1

Proposed Zoning (If applicable): C-2

Proposed number of lots 1, to be developed in 1 phase (s).

Proposed square footage range of homes to be built from Ø to Ø.

Attachment 4

Advance Planning Review

Case #Z2887

3207 Oak Street

This rezoning is a requested change from C-1 to C-2. The owner/applicant's request is to allow him to set up a landscaping business on the property, with a building to contain a small office and some storage of tools, with other storage taking place within a fenced yard. The reason this requires a rezoning is that landscaping businesses are not allowed within a C-1 zone.

The lot in the application is in an area designated as "City Neighborhood" in the 2040 Comprehensive Plan (map page 108). City Neighborhoods are described as:

> *City Neighborhood:* mostly contains single-family residential subdivisions and some office parks-shopping centers at major intersections or corridors. Existing streets form a curvilinear, non-grid-like pattern with cul-de-sacs and long block lengths. This planning area is lacking in housing diversity, civic/recreational, commercial and other types of services and land uses.

However, this is not a completely accurate description of the Mesilla Park neighborhood, which is where this address is located. The zoning in the area is a mix of residential, industrial and commercial, in many ways much more analogous to a "traditional neighborhood" with a mix of land uses on more of a grid pattern (although admittedly, the blocks do tend to be bigger than a traditional neighborhood block).

Given the mix of zoning uses in the area, with much more intensive uses within a reasonable vicinity of this parcel, the zoning change requested does not appear to have a material negative impact on the long-range development of the area.

Long-range planning recommends approval of this application.

ATTACHMENT "B"

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
August 25, 2015 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
Harvey Gordon, Member

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Katherine Harrison-Rogers, Senior Planner, CLC
Andy Hume, Downtown Planning and Development Coordinator, CLC
Adam Ochoa, Planner, CLC
Pete Connelly, CLC Deputy City Attorney
Bonnie Ennis, Recording Secretary

I. CALL TO ORDER (6:00 p.m.)

Crane: Good evening, ladies and gentlemen. Welcome to the August 25th meeting of the Planning and Zoning Commission. We'll start as usual by introducing the Commissioners present. On my far right is Commissioner Clifton who represents District 6; then is Commissioner Gordon, he's the Mayor's Appointee; and then Commissioner Stowe who's also our Vice-Chairman, he represents District 1; Commissioner Ferrary represents District 5; Commissioner Beard is also our Secretary and he represents District 2. I'm Godfrey Crane, Chair and I represent District 4.

II. CONFLICT OF INTEREST

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

Crane: We'll start by asking if any member of the Commission or member of the Community Planning Department has any conflict of interest in regard to any matter on tonight's agenda. Mr. Beard.

Beard: I'd like to disclose that I do know Ralph and Alameda Emerson. They're the property owners on Case Z2887. I know them through the church. I think

that I can provide an unbiased opinion on this but if anybody thinks that I should stand down, I will.

Crane: Any Commissioner object? Any member of the public? Any member of the City staff? Okay then I think you're still aboard.

III. APPROVAL OF MINUTES

1. July 28, 2015 - Regular Meeting

Crane: We now proceed to approval of the minutes of the last meeting, July 28th. Does any Commissioner have any notes on that? Any corrections? I see none and for once I don't have any either so I'll entertain a motion that the minutes of the July 28th meeting ...

Gordon: So moved.

Crane: Be approved.

Gordon: So moved.

Clifton: Second.

Crane: Moved by Mr. Gordon, seconded by Mr. Clifton. All in favor, "aye." Against?

Ferrary: I abstain since I was not here.

Crane: And Commissioner Ferrary and Commissioner ...

Beard: And I abstain.

Crane: Beard both abstain because they were absent so that passes four-nothing, two abstentions. Thank you.

MOTION PASSES.

IV. CONSENT AGENDA - NONE

Crane: We have nothing on the consent agenda.

V. OLD BUSINESS - NONE

Crane: And no old business.

VI. NEW BUSINESS

DRAFT

1. **Case Z2887:** An application of Frank Hanbrick requesting a zone change from C-1 (Commercial Low Intensity) to C-2 (Commercial Medium Intensity) for a 0.39 acre property located at 3207 Oak Street, parcel number 03-13098, owned by Ralph and Alameda Emerson. Proposed use: office and storage yard for a landscaping company. (Council District 2 (Councilor Smith).

Crane: We have two items in new business and something tells me Ms. Harrison-Rogers is going to make a presentation on Z2887, application to change the zoning on property 3207 Oak Street from C-1 to C-2.

H-Rogers: Good evening, gentlemen. This is Case Z2887. It's an application of Frank Hanbrick on behalf of the property owners Ralph and Alameda Emerson. Currently the property is C-1 which is a commercial low intensity and they're interested in rezoning that to a C-2 which is a commercial medium intensity in order to accommodate a landscaping company and office as well as some screened outdoor storage.

Here is a vicinity and zoning map. You can see the location, I'm pointing to it, the C-1 property. It's adjacent to a C-2 as well as adjacent to some multifamily and some industrial to the east as well as some single-family to the west. It's one parcel. It totals 0.39 plus-or-minus acres. It is in Council District 2 which is Smith. It is vacant except for a small accessory structure that will be removed upon any sort of development on the property. Oak Street itself where the property lies is a local roadway. It's approximately 60 feet in right-of-way. It's paved. It has a curb, gutter, sidewalk, sidewalk and on-street parking.

Again an aerial view so that you can see that small structure right there and then of course the rest of the vacant building. The property owners, just so everyone knows do own the property also just to the north of it. This particular property is in a mixed-use neighborhood. Traditionally mixed-use are a lot of, there's a big wide range of uses at the, in this area. They're adjacent to the R-1a which is a single-family, the multifamily which is the R-3, also the C-2 and industrial M-1 zoning districts. They're also in close proximity to some single-family residences, some multifamily residences such as apartments and multifamily compounds, a church, and a variety of commercial and office uses.

Staff did an analysis and found that this particular proposal was supported by several sections of the Comprehensive Plan as was outlined in your staff report, was also supportive of several Purpose and Intent Statements found in Section 38-2 of the Code and was also supportive of the P&Z's Decision Criteria as outlined in the Municipal Code Section 238-2, 382 excuse me. Public notice was sent to all relevant agencies and apartments. It was sent to approximately 45 properties and that includes the property owner. No input was received from any member of the public and here's a map just showing those properties within the 500-foot buffer that were notified as part of this process. And of course the P&Z is the

recommending body to City Council and staff is recommending approval of this particular zone change without any conditions based on, on two findings listed here for you and also listed in the staff report. This evening you have options to vote "yes" which will recommend the zone change to City Council; vote "no" which would recommend denial of the zone change to City Council; vote to amend such as adding some conditions; or vote to table this in order to receive additional information from either the applicant or staff. And with that I would be glad to answer any questions.

Crane: Thank you Ms. Harrison-Rogers. Before we proceed I should've outlined for our members of the public how we handle new business matters such as this. As you have seen, first Community Development gives a presentation, then we Commissioners may ask questions of that presenter, then we ask if the applicant is present or the applicant's designated spokesperson and if then that person can speak we may have questions, and finally we open up the floor to members of the public who may wish to address the Commission. If you do wish to do that, do I, may I see a show of hands, this will be helpful later, how many people if any in the audience want to speak to this matter? No one, okay. That doesn't mean you can't come up later if you change your mind. So after the public has had its say we then close the matter to further discussion from the floor and we will talk among ourselves and then vote. So, Commissioners any questions for Ms. Harrison-Rogers? Apparently not. And then is the applicant here? Mr., Mr. Hanbrick would you care to come up or you don't have to.

PERSON IN THE AUDIENCE SPEAKING, NOT AT THE MICROPHONE.

Crane: Couldn't hear you.

PERSON IN THE AUDIENCE SPEAKING, NOT AT THE MICROPHONE.

Crane: Could you …

H-Rogers: He said everything was well-explained. He didn't have anything else to add.

Crane: Okay.

Beard: I have a question of, of him though.

Crane: Oh. Who?

Beard: The applicant.

Crane: Okay. Commissioner, could you come up sir and introduce yourself here cause Mr. Beard wants to ask you things. I have to swear you in. Madam Recording Secretary do you have my oath? It's on a, I think I can remember,

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my oath that I swear people in, okay I'll, I'll remember it. Not funny, Beard. Give me a moment, I want to do it right. Do you solemnly swear or affirm that the opinions you will give or the, or the information you give will be the truth, the whole truth, and nothing but the truth under penalty of law?

Hanbrick: Yes sir.

Crane: And state your name please.

Hanbrick: Frank Hanbrick.

Crane: Okay. Go ahead, oh, well, thank you for coming up Mr. Hanbrick. Mr. Beard ask Mr. Hanbrick your question.

Beard: In the application it says that the intended use of the property is that you would include storing fertilizers on the property.

Hanbrick: Yes sir.

Beard: Would that not, or would that include manure?

Hanbrick: No sir.

Beard: Okay.

Hanbrick: No manure.

Crane: Anyone else have a question for Mr. Hanbrick? Well, thank you sir.

Hanbrick: Thank you.

Crane: Has any member of the public changed their mind and wish to address the Commission on this matter? No. Thank you. In that case we'll close this to further discussion from the floor. Commissioners anybody have a point to make before we vote? Commissioner Stowe.

Stowe: Well it doesn't seem to be, there seems to be very little controversy changing from a C-1 to a C-2.

Crane: I'd agree yes.

Stowe: So I'm okay with it.

Crane: You want to move that we approve?

Stowe: I, I move that we approve Case Z2887.

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Crane: Okay.

Beard: I second it.

Crane: Seconded by Mr. Beard, moved by Mr. Stowe. We'll do a roll call vote. Let's start with Mr. Beard.

Beard: Me.

Crane: Yep.

Beard: I vote yes based on site visit, discussion, and presentation.

Crane: Commissioner Ferrary.

Ferrary: I vote yes for discussion and recommendation of staff.

Crane: Mr. Stowe.

Stowe: I vote yes based on findings and discussion.

Crane: Mr. Gordon.

Gordon: I vote yes based on site visit and staff recommendation.

Crane: And Mr. Clifton.

Clifton: I vote yes based on staff presentation and it meeting the intent of the Comprehensive Plan 2040 and section 38-2 of the 2001 Zoning Code.

Crane: And the Chair votes yes based on findings, discussion, and site visit. That motion passes six-nothing.

MOTION PASSES UNANIMOUSLY.

2. **Case CPB-15-02:** Discussion of and a recommendation on the proposed Amador Proximo Blueprint. The City of Las Cruces held a charrette from June 25-29, 2015, called Amador Proximo, for the potential redevelopment of the properties in the area generally bounded by Amador, Valley, Hadley, and the railroad tracks. The charrette resulted in a draft blueprint that encourages a variety of residential and commercial options through mixed use development and overall integration of compatible land uses. Council District 4 (Councilor Small).

Crane: And we will proceed to Case CPB-15-02 which is a presentation and

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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of September 21, 2015 (Ordinance First Reading Date)

For Meeting of October 5, 2015 (Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-1 (COMMERCIAL LOW INTENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) FOR A 0.39 ± ACRE PROPERTY LOCATED AT 3207 OAK STREET, PARCEL 02-13098. SUBMITTED BY FRANK HAMBRICK ON BEHALF OF RALPH AND ALMEDA EMERSON, PROPERTY OWNERS (Z2887).

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes ☐ No ☒

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		528-3049	9-3-2015
Department Director		528-3067	9-3-15
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2078 541-2106	9/4/15 9-4-15
Assistant City Manager/COO			9-9-15
City Attorney		EXT 2128	10 Sept 2015
City Clerk - Interim			