



City of Las Cruces®

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Council Action and Executive Summary

Item # 20Ordinance/Resolution# 2771For Meeting of December 7, 2015
(Ordinance First Reading Date)For Meeting of December 21, 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) AND R-2 (MULTI-DWELLING LOW DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 2 PARCELS OF 2.36± ACRES EACH AND LOCATED AT 5101 ALBA ROAD. SUBMITTED BY SOUTHWEST ENGINEERING, INC. ON BEHALF OF MANUEL CARNERO AND RAMON CARNERO, PROPERTY OWNERS. (Z2889).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 6		
<u>Drafter/Staff Contact:</u> Katherine Harrison-Rogers	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3049
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The applicants are desirous of converting the existing C-2 (Commercial Medium Intensity) and R-2 (Multi-dwelling Low Density) property into to C-3 (Commercial High Intensity) in order to allow the property to continue the historic commercial uses and to develop the property as a commercial nursery. The proposed use of a commercial nursery is an allowed use under the existing C-2 zoning; however, the parcels exceed the maximum lot size of 1 acre for a C-2 property. The property consists of two parcels, both consisting of 2.36 acres±, and contains several commercial buildings, screened outdoor storage, and a mobile home. A large portion of the property to the north remains undeveloped.

The property proposed for a zone change to C-3 lies along the Highway 70 corridor within an area that has historically held a range of commercial uses. The property is adjacent to R-2 and C-3C zoning in a developing area adjacent to a large church campus, vacant properties, and a private club (VFW). This property is along Bataan Memorial West, a state roadway, designated

as a minor arterial roadway, which is recommended for uses associated with C-3 zoning designations by Section 38-32D of the 2001 City of Las Cruces Zoning Code, as amended.

On October 27, 2015 the Planning and Zoning Commission (P&Z) unanimously recommended approval of the proposed zone change request by a vote of 7-0-0 based upon the findings reflected in Exhibit "B". The proposed zone change was approved on the consent agenda and no public input was provided during the Planning and Zoning Commission hearing. One inquiry requesting additional information regarding the use of Alba Road was received prior to the meeting.

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 Z2889.
5. Attachment "B", Minutes from the October 27, 2015 Planning & Zoning Commission Meeting.

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"/>	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 properties encompassing 4.72 ± acres and located at 5101 Alba Road will be rezoned from C-2 (Commercial Medium Intensity) and R-2 (Multi-dwelling Low Density) to C-3 (Commercial High Intensity).
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) and R-2 (Multi-dwelling Low Density) will remain on the subject property and the properties 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. 16-012
ORDINANCE NO. 2771

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) AND R-2 (MULTI-DWELLING LOW DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 2 PARCELS OF 2.36± ACRES EACH AND LOCATED AT 5101 ALBA ROAD. SUBMITTED BY SOUTHWEST ENGINEERING, INC. ON BEHALF OF MANUEL CARNERO AND RAMON CARNERO, PROPERTY OWNERS. (Z2889).

The City Council is informed that:

WHEREAS, Southwest Engineering, Inc. has submitted a request for a zone change from C-2 (Commercial Medium Intensity) and R-2 (Multi-Dwelling Low Density) to C-3 (Commercial High Intensity) for 2 parcels of 2.36± acres each for a total land area of 4.72± acres located on the west side of Alba Road and the north side of Bataan Memorial West, at 5101 Alba Road; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on October 27, 2015, unanimously 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 C-3 (Commercial High Intensity).

(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:

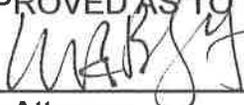
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

Mayor Miyagishima:	_____
Councillor Gandara:	_____
Councillor Smith:	_____
Councillor Pedroza:	_____
Councillor Eakman:	_____
Councillor Sorg:	_____
Councillor Levatino:	_____

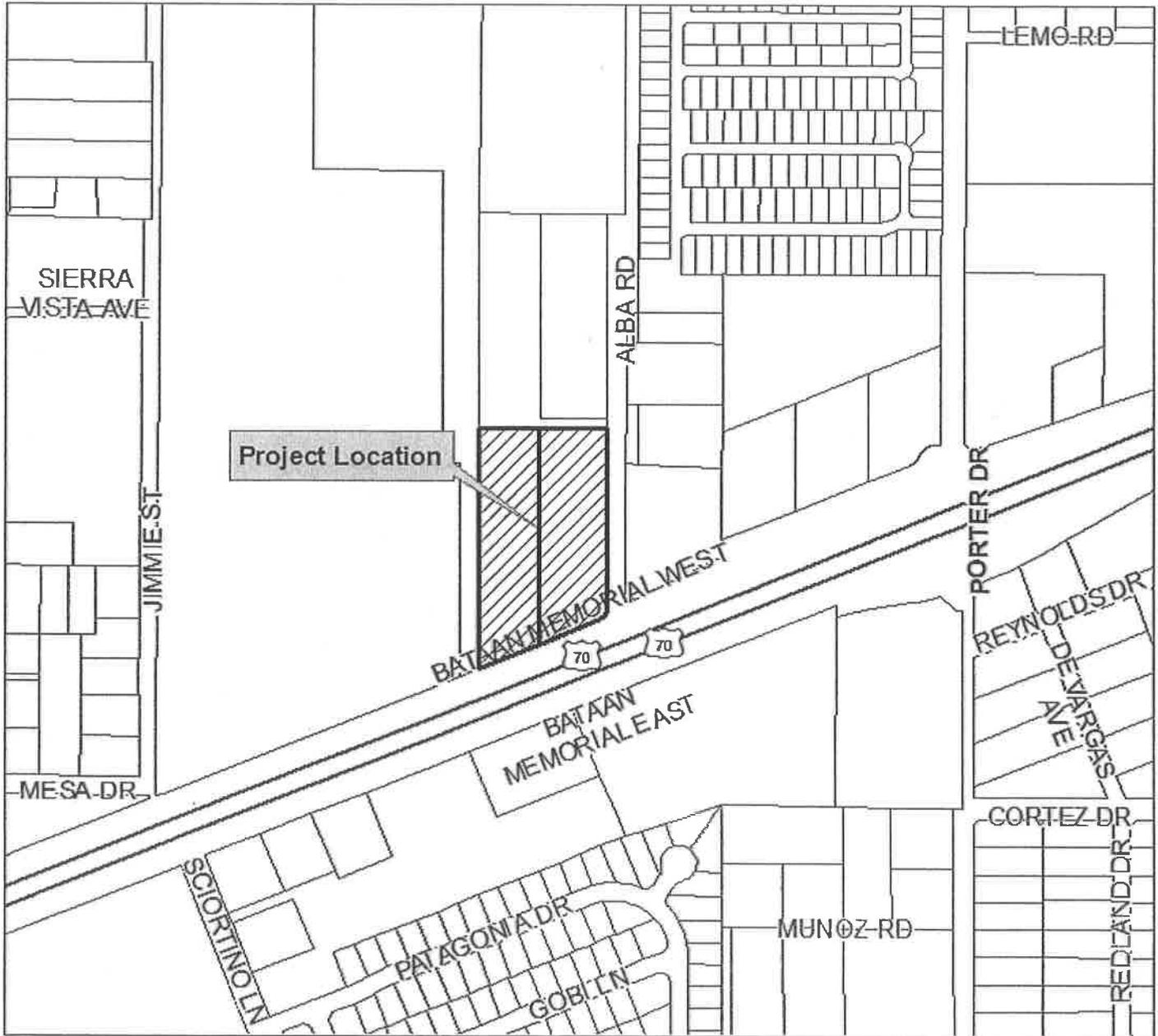
Location Map

ZONING: C-2 & R-2

02-41117
PARCEL: 02-19106

OWNER: Manuel Carnero & Ramon Carnero

DATE: 11/19/2015



PROPOSAL: Case Z2889: 5101 Alba Road.
 Application of Southwest Engineering, Inc for a zone change from C-2 and R-2 to C-3.

150 75 0 150 300 450 600 750



Community Development Department

700 N Main St

Las Cruces, NM 88001

(575) 528-3222



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

Findings for Case Z2889

- The subject property currently encompasses two parcels, both 2.36 acres, is zoned C-2 (Commercial Medium Density) and R-2 (Multi-Dwelling Low Density), contains several commercial buildings and a mobile home, and has historically operated as a commercial business.
- 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"**
**Planning & Zoning
Commission
Staff Report**
Meeting Date: October 27, 2015

Drafted by: Katherine Harrison-Rogers

CASE #	Z2889	PROJECT NAME:	5101 Alba Rd. Zone Change
APPLICANT/ REPRESENTATIVE:	Southwest Engineering, Inc.	PROPERTY OWNER:	Manuel Carnero & Ramon Carnero
LOCATION:	1501 Alba Rd., at the northwest corner of Alba Rd. and Bataan Memorial West	COUNCIL DISTRICT:	5 (Sorg)
SIZE:	2 parcels of 2.36 ac± totaling 4.72 ac±	EXISTING ZONING/ OVERLAY:	R-2 (Multi-Dwelling Low Density) & C-2 (Commercial Medium Intensity)
REQUEST/ APPLICATION TYPE:	Zone change from R-2 (Multi-Dwelling Low Density) & C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity)		
EXISTING USE(S):	Range of commercial buildings, outside storage, and residential mobile homes		
PROPOSED USE(S):	Commercial nursery and other commercial uses		
STAFF RECOMMENDATION:	Yes based on findings		

TABLE 1: CASE CHRONOLOGY

Date	Action
August 26, 2015	Application submitted to Development Services
August 26, 2015	Case sent out for review to all reviewing departments
September 3, 2015	All comments returned by all reviewing departments
September 3, 2015	Staff reviews and recommends approval of the zone change
September 29, 2015	Public notice letter mailed to neighboring property owners
October 9, 2015	Sign posted on property
October 11, 2015	Newspaper advertisement
October 27, 2015	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The applicants are desirous of converting the existing C-2 (Commercial Medium Intensity) and R-2 (Multi-dwelling Low Density) property into to C-3 (Commercial High Intensity) in order to allow the property to continue the historic commercial uses and to develop the property as a commercial nursery. The property consists of two parcels, both consisting of 2.36 acres±, and contains several commercial buildings, screened outdoor storage, and a mobile home. A large portion of the property to the north remains undeveloped. The property is adjacent to Bataan Memorial West, a minor arterial, and is surrounded by institutional uses and other high intensity commercial uses and zones with the exception to the north, which is vacant and zoned R-2.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	C-2	R-2	C-3		
Max # of DU/parcel	N/A	N/A	N/A		
Max Density (DU/ac.)	10-40 DU/Ac	15 DU/Ac	10-40 DU/Ac		
Lot Area	10,000-43,560 sq. feet	5000 sq. ft. Minimum	21,780 sq. ft. Minimum		
Lot Width	60 feet	50 feet	60 feet		
Lot Depth	70 feet	50 feet	70 feet		
Structure Height	45 feet	35 feet	60 feet		
Setbacks					
Front	15 feet	20 feet	15 feet		
Side	5 or 0 feet	7 feet for MF 5 feet for SF	5 or 0 feet		
Rear	15 or 0 feet	7 feet for MF 20 feet for SF	15 or 0 feet		
Landscaping					
% of total (less building pad & screened storage)	15%	N/A for SF 15% for MF	15%		
Total square feet of landscaping	Unknown	Unknown	Unknown		
Buffering (Commercial adjacent to Residential)					
Bufferyard	15 feet	10 feet	N/A	15 feet	10 feet
Screen Type	Semi-opaque	Opaque	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	Outside storage, Commercial, Residential	N/A	R-2 (Multi-Dwelling Low Density) & C-2 (Commercial Medium Intensity)
North	Vacant	N/A	R-2 (Multi-Dwelling Low Intensity)
South	State Highway	N/A	C-3 (Commercial High Intensity)
East	Private Club (VFW)	N/A	C-3C (Commercial High Intensity-Conditional)
West	Church	N/A	C-3C (Commercial High Intensity-Conditional)

TABLE 5: PARCEL LAND USE HISTORY

Number	Status
Permit	N/A
Ordinance	No. 700 (C-2 Zoning in 1985) & No. 693 (R-2 Zoning in 1986)
Resolution	N/A
Judgement of Partition	March 2, 2009 (equal division of land into 4 parcels)

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 Utilities	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No

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;
- Ensure that development proposals are sensitive to the character of existing neighborhoods;
- Conserve the value of buildings and land; and

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 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.

Analysis:

The property proposed for a zone change to C-3 lies along the Highway 70 corridor within an area that has historically held a range of commercial uses. The property is adjacent to R-2 and C-3C zoning in a developing area adjacent to a large church campus, vacant properties, and a private club (VFW). The property itself has had a range of commercial uses and contains several commercial buildings, screened outdoor storage, and a mobile home. Additionally, Bataan Memorial West, a state roadway, is designated as a minor arterial roadway, which is recommended for uses associated with C-3 zoning designations by Section 38-32D of the 2001 City of Las Cruces Zoning Code, as amended.

It should be noted that at the time the C-2 designation was established on the property in the 1985, C-2 was the highest intensity commercial zone available and would have allowed commercial plant nurseries and properties larger than 1 acre. Unfortunately the property owner did not convert it to C-3 during the time period surrounding the adoption of the current code, which added C-3 as a new zoning category and modified the lot size requirements for C-2. As the property is now considered non-conforming, the property owner must bring it into compliance. The proposed use of a commercial nursery is an allowed use under the existing C-2 zoning; however, the parcels exceed the maximum lot size of 1 acre for a C-2 property. Although the land owners could subdivide in order to bring the property into compliance, a subdivision of land is not viable for the property owners as this type of use typically requires more than an acre of land.

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-2 and R-2 to C-3 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. It should be noted that if developed as one commercial complex on two parcels, then any setbacks shall be adhered to and access, drainage, & maintenance agreements and any applicable access easements shall be established between properties. These items will be verified as part of the building plan review and require no formal condition of zoning.

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 property currently encompasses two parcels, both 2.36 acres, is zoned C-2 (Commercial Medium Density) and R-2 (Multi-Dwelling Low Density), contains several commercial buildings and a mobile home, and has historically operated as a commercial business.
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

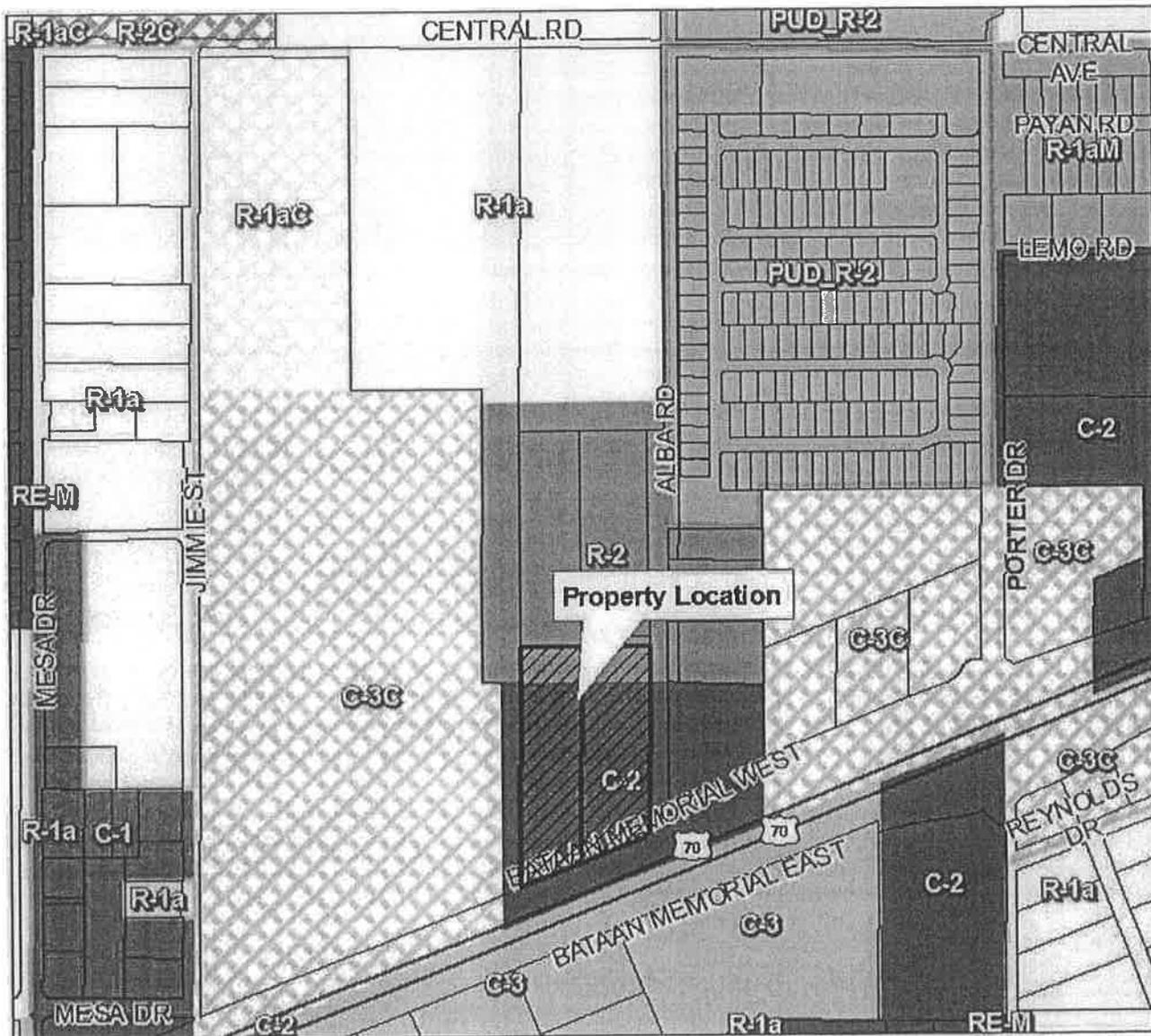
1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Advance Planning Analysis

Attachment 1

Location & Zoning Map

ZONING: C-2 (Commercial Medium Intensity)
OWNER: Manuel Carnero & Ramon Carnero

02-19106
PARCEL: 02-41117
DATE: 9/28/2015



PROPOSAL: Case Z2889: 5101 Alba Rd.
Application for a zone change from R-2/C-2 to C-3 to bring the property into compliance and to continue the historic commercial uses.

150 75 0 150 300 450 600 750 900
 Feet
 Community Development Department
 700 N Main St
 Las Cruces, NM 88001
 (575) 528-3222



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Attachment 2

Aerial Map

ZONING: C-2 (Commercial Medium Intensity)
OWNER: Manuel Carnero & Ramon Carnero

02-19106
PARCEL: 02-41117
DATE: 9/28/2015



PROPOSAL: Case Z2889: 6101 Alba Rd.
Application for a zone change from R-2/C-2 to C-3 to bring the property into compliance and to continue the historic commercial uses.



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700 N Main St
Las Cruces, NM 88001
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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: Ramon Corneo JR and ^{Manuel A.} ~~Manuel A.~~ Corneo
Contact Person: Paul J. Pompeo
Contact Phone Number: 575-526-3381
Contact e-mail Address: Paul.P@QuestOffice.net
Web site address (if applicable): N/A

Proposal Information

Name of Proposal: Corneo Properties
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

Commercial

Location of Subject Property 02-19106 and 02-41117 (Intersection of ^{Alba} and ^{Bataas} Memorial wds)

(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: 4.72

Detailed description of current use of property. Include type and number of buildings:
Zoned C-2 and existing commercial buildings

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

Zoning of Subject Property: C-2

Proposed Zoning (If applicable): C-3

Proposed number of lots Current 2 Parcel, to be developed in 1 phase (s).

Proposed square footage range of homes to be built from N/A to N/A

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

N/A

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

N/A

Anticipated traffic generation N/A trips per day.

Anticipated development schedule: work will commence on or about N/A

and will take N/A to complete.

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

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: N/A

Is there existing landscaping on the property? N/A

Are there existing buffers on the property? N/A

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

If yes, is it paved? Yes ___ No ___

How many spaces? _____ How many accessible? _____

Attachments

Please attach the following: (* indicates optional item)

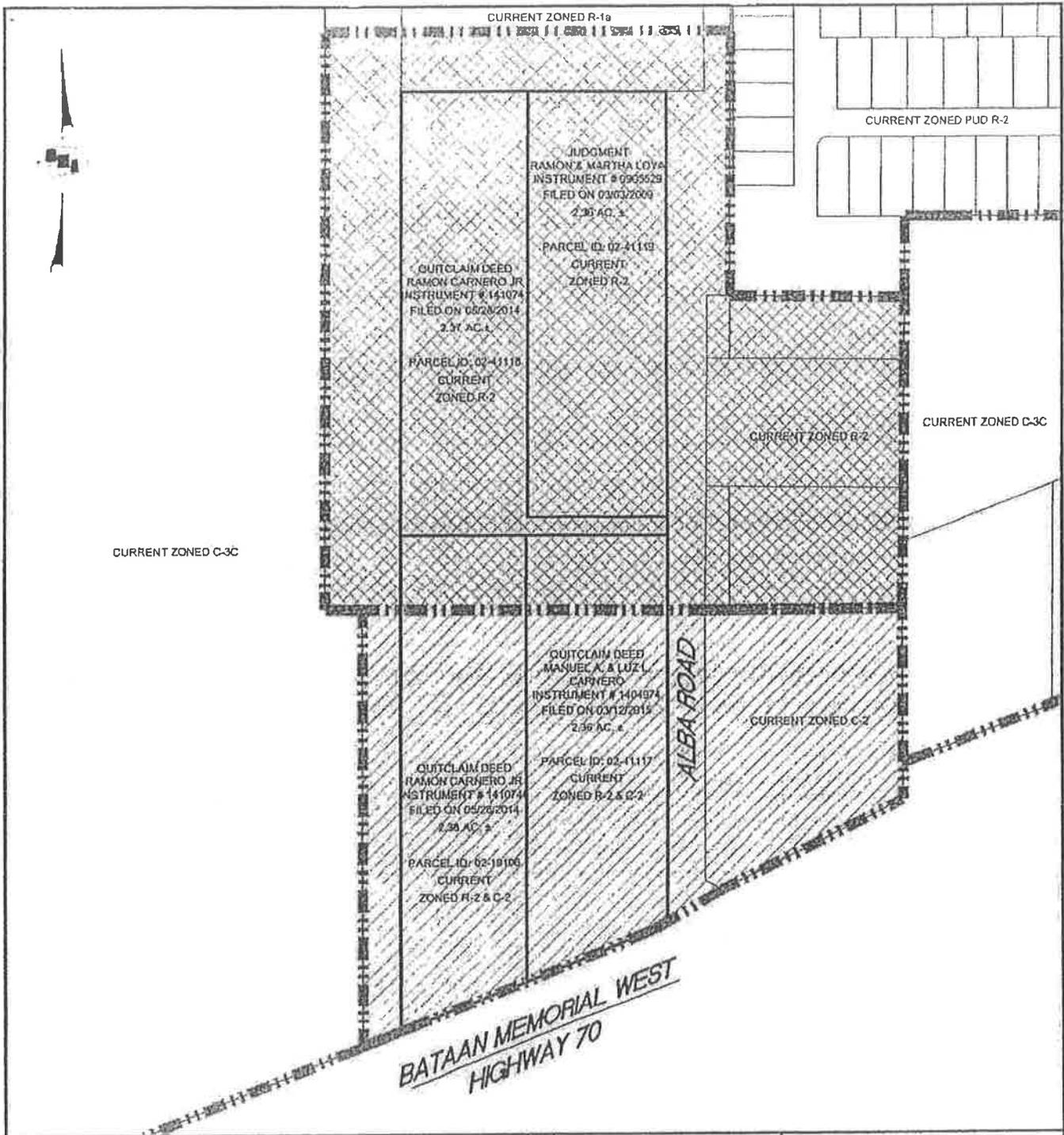
Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information



EXISTING ZONING MAP

NOT TO SCALE

CARNERO PROPERTY



SOUTHWEST ENGINEERING, INC.
 475 ARCHULETA ROAD, LAS CRUCES, NEW MEXICO
 PHONE (505) 526-3381 FAX (505) 526-1762

NO REVISIONS	
PROJECT NUMBER	28108
DATE	21 AUG 2015
SHEET NUMBER	ZM-1

NOT APPROVED FOR PERMIT OR CONSTRUCTION WITHOUT SEAL

Attachment 4

Planning & Revitalization Review

Z2889 – 5101 Alba Rd Rezone from (C-2/R-2) to C-3

The property fronts onto Bataan Memorial Highway West, further out than Oñate HS. The property has historically been used as a nursery; this proposal does not address any change in that use.

This rezoning request arises from a court-order replatting of the property, apparently as a result of disputes over an estate.

The area is designated in the current Comp Plan update as being anticipated for "City Neighborhood" development:

- a. ***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.***

The parcels in question are not located at a major intersection. The area could conceivably become a business corridor at some point in the future, but it is not close to that sort of development at this particular time. This area is still predominantly agricultural/agricultural services in land uses.

As stated above, this application is designed to regularize the zoning/use of the property that is arising from the court-ordered re-platting. A C-3 designation would open the door to corridor-style redevelopment in the future, which is consistent with the Comp Plan.

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
October 27, 2015 at 6:00 p.m.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT: NONE

STAFF PRESENT:

- Katherine Harrison- Rogers, Senior Planner, CLC
- Mark Dubbin, CLC Fire Department
- Chris Mount, CLC Fire Department
- Pete Connelly, CLC Deputy City Attorney
- Thomas Limon, CLC Legal Staff
- Becky Baum, Recording Secretary, RC Creations, LLC

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

Crane: Good evening ladies and gentlemen and welcome to tonight's' meeting of the Planning and Zoning Commission. Let's start by introducing the Commissioners present which happens to be a full house. Starting with the far right, Commissioner Clifton who represents District 6; then Commissioner Gordon is the Mayor's Appointee; Commissioner Stowe is also our Vice Chairman, he is representing District 1; Commissioner Ferrary represents Council District 5; Commissioner Alvarado, Council District 3; Commissioner Beard, Council District 2. I'm Godfrey Crane, District 4, and I'm the Chair. And I should've mentioned that Commissioner Beard is also our Secretary.

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: At this point we ask if any Commissioner or any person in the Community Development Department, Community Planning Department has any

1 conflict of interest regarding any item on tonight's agenda. Commissioner
2 Alvarado.

3
4 Alvarado: I, I don't necessarily have a conflict but I own property pretty close to that
5 area which in the future might be facing the same circumstances,
6 therefore I think I need, I need to abstain because my, my views and my
7 votes would be biased.

8
9 Crane: Which one is that Mr. Alvarado?

10
11 Alvarado: How's that?

12
13 Crane: Which item is that?

14
15 Alvarado: It's Case S-15-018W.

16
17 Crane: Okay. Thank you. That's the only item in New Business. Thank you
18 Commissioner. And you will be just sitting in but not participating, correct?

19
20 Alvarado: Yes sir.

21
22 Crane: All right.

23
24 **III. APPROVAL OF MINUTES**

25
26 1. September 22, 2015 - Regular Meeting

27
28 Crane: Next item is approval of the minutes from the last meeting. Does any
29 Commissioner have any fixes for those minutes? No one so indicates
30 except me, the grammar nazi. I have five; page 14, line 10 I think the last
31 word in the sentence was "petition" not "partition." Page 16 line 45 I think
32 that's "pine tree," the last word but one. And 26 2 and 37 the same fix,
33 need an apostrophe in the word "lights," as also 30, line 7. And finally 30,
34 line 9 I think Mr. Stowe "a question what effect would have, would it have if
35 we table this." Okay, anybody else have any thing? No. Then I'll
36 entertain a motion that the minutes of the last meeting be approved as
37 amended.

38
39 Stowe: So moved.

40
41 Crane: Moved by Mr. Stowe. Seconded by Mr. Gordon. All in favor "aye."

42
43 **MOTION PASSED.**

44

1 Crane: All opposed, "nay." And abstentions. There will be one, two, three; Mr.
2 Beard, Mr. Alvarado, Mr. Clifton abstain. So the minutes are accepted as
3 amended four/nothing.
4

5 **IV. CONSENT AGENDA**
6

- 7 1. **Case Z2835:** An application of Shawn Evans and James Evans requesting a
8 zone change from R-3C (Multi-Dwelling Medium Density-Conditional) and C-
9 2 (Commercial Medium Intensity) to R-3 (Multi-Dwelling Medium Density) for
10 five (505 different parcels totaling 3.76 +/- acres and located on the west side
11 of Saturn Circle, 320 +/- feet north of its interception with Bataan Memorial
12 West; a.k.a. 2356, 2360, 2364, 2368 and 2372 Saturn Circle; Parcel ID#:02-
13 08146, 02-08153 02-08154, 02-08155, 02-08157. Proposed use: A multi-
14 family apartment development. Council District 5 (Councilor Sorg).
15 **TABLED INDEFINITELY.**
16
- 17 2. **Case Z2889:** An application of Southwest Engineering, Inc., on behalf of
18 Manuel Carnero and Ramon Carnero, property owners, requesting a zone
19 change from R-2 (Multi-dwelling Low Density) and C-2 (Commercial Medium
20 Intensity) to C-3 (Commercial High Intensity) for two parcels totaling 4.72 +/-
21 acres located at 5101 Alba Rd. The property os located at the northwest
22 corner of Alba Rd. and Bataan Memorial West, parcel numbers 02-19106 and
23 02-41117. Proposed use: Plant Nursery and General Commercial. Council
24 District 5 (Councilor Sorg).
25
- 26 3. **Case Z2890:** An application of PDG, Inc. requesting a zone change from C-
27 2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for a
28 1.93 +/- acre parcel located on the north side of Lohman Avenue, 353 +/- feet
29 east of its intersection with Roadrunner Parkway; a.k.a. 4301 E. Lohman
30 Avenue; Parcel ID# 02-27502. Proposed use: A medical office building.
31 Council District 6 (Councilor Levatino).
32

33 Crane: Next on the item is the Consent Agenda. I'll explain how we do that in a
34 moment but let me tell you that at the request of the applicants Case
35 Z2835 is being tabled and we do not have to take a vote on that, correct
36 Ms. Harrison-Rogers?
37

38 H-Rogers: I think the appropriate method is to remove it from the Consent Agenda
39 and then vote to table it.
40

41 Crane: We do vote to table. Okay, we are informed that the applicants have
42 requested that this matter be tabled. Do we take the vote now or after the
43 Consent Agenda is done Ms. Harrison-Rogers? Legal's having a
44 conference. Do we need to pull this off the Consent Agenda to have that
45 vote?
46

1 H-Rogers: I'm sorry I was, I was conferring with the attorney.

2
3 Crane: Do we have to remove item one from the Consent Agenda to have that
4 vote?

5
6 H-Rogers: You do, yes.

7
8 Crane: Okay. The way we handle the Consent Agenda is that these three items
9 initially are ones considered by the Community Planning Department to be
10 noncontroversial and we will therefore normally vote on them as a block,
11 up or down, no discussion. However if anybody, and in this instance the
12 applicant or a Member of the Commission or a member of the public
13 wants to address any of these three items, that's 2835, 2889, and 2890
14 and have a discussion on it we will take them off the Consent Agenda. Is
15 there anybody wish to remove any of those other than 2835? Apparently
16 not. So we will vote on removing 2835 to put it, to table it for next time.
17 All in favor.

18
19 MOTION PASSED UNANIMOUSLY.

20
21 Crane: Opposed. None. Abstaining. None. So that's removed until time
22 indefinite. They did not specify when they want to pick it up. So, on the
23 other two items, Z2889 and Z2890 can I hear a motion that the Consent
24 Agenda be approved.

25
26 Beard: I move to approve the Consent Agenda; Case Z2889 and Case Z2890.

27
28 Crane: All right, moved by Commissioner Beard.

29
30 Clifton: Seconded.

31
32 Crane: Seconded by Commissioner Clifton. All in favor "aye."

33
34 MOTION PASSED UNANIMOUSLY.

35
36 Crane: Opposed "nay." Abstentions. Passes seven/nothing.

37
38 **V. OLD BUSINESS**

39
40 1. **Case ZCA-15-03:** An application by the City of Las Cruces to amend Article
41 IV, Section 38-33 and Article Visual inspection reveals, Section 38-58 E 3 & 6
42 of the 2001 Zoning Code, as amended, to eliminate the maximum automobile
43 parking space requirement and to amend Article V, Section 38-44 G 2 and
44 Section 38.3 J 1 of the 2001 Zoning Code, as amended, to change the word
45 "ranges" to "requirements."
46

1 Crane: We now go to Old Business and in Old Business and New Business we
2 handle things a little bit differently. Here it's assumed that there will be
3 input from an applicant and possibly from the public, so what we do is
4 have somebody from the City make a presentation. Commissioners may
5 wish to ask that person some questions. Then we have the applicant if he
6 wishes to make a presentation, again we may have some questions.
7 Finally we open up the floor to members of the public item by item and we
8 may ask some questions of them and when all of the public has spoken
9 we close the matter to further discussion and we talk to each other and
10 come to a vote. So Old Business and New Business are handled
11 identically, it's simply that this particular Case ZCA-15-03 is something we
12 looked at before and asked the City to bring back to us. So Ms. Harrison-
13 Rogers is going to make us a presentation.
14

15 H-Rogers: Good evening Members of the Commission. This is a, an amendment to
16 the Zoning Code, specifically to eliminate the parking maximums that
17 currently exist. If you recall last time this particular Commission desired
18 that I bring this back, perhaps give a more robust presentation to provide a
19 little bit more clarity, pros, cons, and some options. Currently the
20 regulations specify that there's a range of parking requirements. It's
21 based on uses. There's a minimum and a maximum requirement. So for
22 example on here I, I show for a pharmacy one parking space per every
23 200 to 300 basically square feet of gross floor area. So 10,000 square
24 feet would equate to 20 to 30 spaces.

25 Prior to 2006 only the minimums were used. Ultimately in March
26 2006 City Council adopted the ranges to, to cap it with a maximum simply
27 to try to reduce some of the over parking that had occurred in the City. Of
28 course over parking can cause issues having to do with impervious area
29 and runoff, heat island effect, pollution because of the asphalt and any of
30 the chemicals leaching out of that, and then of course the aesthetics, you
31 know what comes to mind is the K-Mart parking lot on El Paso. Mind you
32 we do have some landscaping requirements that would have made that
33 perhaps look a little bit better but that's a, that's a, that's a great example
34 of an over parked area. And here you go, here is a picture of that, of that
35 parking lot. Of course the building was vacant at the time but it, even at
36 the maximum peak it, it was unlikely that this would be filled, perhaps at
37 Christmas or the Christmas holiday shopping time.

38 Currently we've been asked to consider the elimination of these
39 maximums. We have noticed over time the last about, almost a decade
40 that the ranges are insufficient for some uses. So for example
41 government offices, cellular retail stores are notorious for not having
42 enough parking, restaurants, banks with a, with a drive-thru, doctors
43 offices, and medical clinics, non-hospital, so that would, that would be for
44 example the VA clinic or any of those other types of clinic that serve a, a
45 broad spectrum of customers.

1 The development community has felt that they were too restrictive
2 and feels as though because they are essentially in the business to, to do
3 their particular sales or office use that they know how to self determine,
4 they know how to determine these parking requirements. The current
5 methods to increase parking which we do have include flexible
6 development requests. Some of you may not be familiar with those, just
7 simply because those are administrative. Those are items that maybe
8 make sense, have negligible impact upon surrounding neighbors, and staff
9 has the ability to administratively approve those up to 50% for parking.
10 We also have the variances. Those might be those types of projects that
11 of course are requesting more than the 50% or clearly would have some
12 sort of impact on the surrounding neighborhood, and of course you all
13 determine whether or not those are approved. Additionally another
14 method by which to increase parking is to have shared parking
15 agreements with your neighbor so for example if I have a church and I
16 simply operate on weekends or perhaps weekday nights and you're next
17 door to an office complex, that office complex may be able to negotiate
18 with the church to utilize their parking during the business hours, you know
19 of course the church isn't using it.

20 So essentially what we're proposing here is to take out, just simply
21 delete the maximums out of that land use table that also shows the
22 automobile and parking requirements, that's Section 38-33. There are a
23 couple of items in the off-street parking section which is Section 38-58 E 3
24 and 6 that refer to ranges, we're just simply deleting that as well. And
25 again there are some areas in the University Corridor Overlay regarding
26 ranges for parking as well as the Alameda Depot Overlay and of course
27 we're just deleting the word ranges or any mention of those ranges.

28 There are some pros and cons to eliminating them or not. Basically
29 staff sees if we did eliminate the maximums there would be reduced staff
30 time and resources. Of course we wouldn't be before you with those,
31 those variances for an increase in parking. It allows greater flexibility for
32 those particular industries that, that have done their calculations and, and
33 know what sort of parking they need. Again there are some cons
34 associated with things such as the aesthetics, the, the potential for
35 pollution, the increase in pervious area and heat island effect. There are
36 some techniques that are very common to diminish those effects, so for
37 example increased landscaping or parking lot trees, also pedestrian
38 features to eliminate any issues having to do with large parking lots
39 without an appropriate place for pedestrians to have a refuge or to walk
40 without sort of dodging cars. There's some urban design techniques that,
41 that can assist in the aesthetic issues. And of course the adoption of
42 green infrastructure to deal with any sort of runoff.

43 Here are just some examples of increased landscaping, trees and
44 parking lots, and green infrastructure, just so you can sort of have a sense
45 of what it might look like. Of course we're a desert community and I did
46 include a picture that has drought tolerant plants that would be appropriate

1 for this location. I have included some examples of some pedestrian
 2 features that are especially beneficial in the large parking lots. You can
 3 see the stamped concrete, striping, some more striping, and of course this
 4 will be sort of the maximum type of pedestrian walkway.

5 I've provided a range of alternatives for you; you could recommend
 6 approval of the modifications without any conditions; you could
 7 recommend approval of the modifications with conditions, so for example
 8 directing staff to draft municipal code amendments to the, to add
 9 pedestrian access or to the landscaping requirements to add parking lot
 10 trees; you could recommend denial of the modifications with no direction
 11 to staff; you could recommend denial of the modifications and direct staff
 12 to draft alternate code amendments, these would be increasing the
 13 maximum parking spaces for specific uses that we've identified as
 14 problematic, increasing staffs' administrative authority to allow unlimited
 15 parking deviations, or eliminate all parking requirements, the minimums
 16 and maximums. This is not necessarily recommended by staff, but it is
 17 something that actually has been approached in other communities. And
 18 of course number five, you could table the amendments and direct staff to
 19 provide additional information. Perhaps for your assistance I've provided
 20 a little more information for you. Of course you are a recommending body
 21 to City Council, they're the ultimate authority on this. This is a legislative
 22 issue so the regular findings that you normally have aren't necessarily
 23 required in this matter. Although we're not providing a, a formal staff
 24 recommendation, we do have some professional opinions about perhaps
 25 what the best options might be and, and based on consensus amongst
 26 staff and, and the general practice of planners, alternative two or four
 27 seems to, to be where we are most comfortable. So with that I am happy
 28 to answer any questions.

29
 30 Crane: Ms. Harrison-Rogers could you put up the, oh you did. Thank you. These
 31 are the same sequences as the ones on the second page of your printed
 32 handout. I don't think they are.

33
 34 H-Rogers: *(inaudible)* SPEAKING BUT MICROPHONE NOT WORKING. I was
 35 speaking right into it. Odd. Essentially they should be in the same order
 36 but let me take a look and I will confirm whether or not they are. No it
 37 appears that they are.

38
 39 Crane: Okay this is a little more detail and, I, I see, they're arranged slightly
 40 different. Okay. So you, your professional option as a group is two or
 41 four, correct?

42
 43 H-Rogers: Correct.

44
 45 Crane: Thank you. Commissioners any questions? Mr. Gordon.

46

- 1 Gordon: Katherine is there any place in the code, I tried to look where it gives the
2 minimum width of a parking space?
3
- 4 H-Rogers: There is. It depends on the angle of the parking space but ultimately if
5 you're dealing just with a, with a, with a regular forward facing parking
6 space it's nine feet wide.
7
- 8 Gordon: I know a lot of businesses will, in order to maximize the amount of parking
9 spaces that they can get, will make it as narrow as possible to increase
10 the amount of space that they'll have to put parking. Now I know with
11 today's SUVs and larger vehicles you can get two or three of these next to
12 each other and you literally sometimes don't have even hardly enough
13 room to open your door. Maybe there should be some consideration in
14 here not only to determine how many parking spaces you can have but
15 maybe to increase the width a little bit.
16
- 17 H-Rogers: I will, I will note that. Thank you very much Commissioner, Members of
18 the Commission.
19
- 20 Crane: Any other questions Commissioners? Commissioner Ferrary.
21
- 22 Ferrary: Katherine on number four if we approve for the staff to allow unlimited
23 parking that would be just for special occasions or special interests that
24 normally, cause you're really not supporting having unlimited amount of
25 parking, is that correct?
26
- 27 H-Rogers: Commissioner Ferrary, Members of the Commission. Not exactly.
28 Ultimately these are maybe some, some additional options within your
29 options. It's, it's just something that we are throwing out there because
30 recently we have had some news in, in the planning world of particular
31 communities attempting this. It's more logical in a more urban setting.
32 This means that you would have no minimums or maximums if that's the
33 direction you, you want staff to go. Because we are not an urban setting
34 with a lot of on-street parking, that's not necessarily a, a recommendation
35 that we would want you to do. Number four does have some alternatives
36 that, that staff's maybe a little bit more comfortable with. But it's an
37 alternative with an alternative. We're not asking you to do all three, we're
38 asking perhaps pick one or come up with, with one of your own.
39
- 40 Ferrary: I see. Okay, thank you.
41
- 42 Crane: Anyone else? Thank you. Thank you Ms. Harrison-Rogers.
43
- 44 H-Rogers: You're welcome.
45

- 1 Crane: Any member of the public wish to address this issue? Seeing no one. In
2 that case we'll close this to further external input. Commissioners perhaps
3 we can proceed to have somebody select one of these suggestions and
4 put it in the form of a, of a motion. Mr. Clifton.
5
- 6 Clifton: I'll take a stab at it Mr. Chair.
7
- 8 Crane: Sir.
9
- 10 Clifton: Okay. I'd like to make a motion, of course my, before I make the motion
11 I'd like to just let the Commission know that it, I, it's gonna include number
12 four but I'm not so sure I, I like letter B because I don't know what
13 provisions are in place to you know make those, that judgement at the
14 staff level and it just seems like it's a case-by-case basis so my motion
15 would be four, A and C.
16
- 17 Crane: All right so Mr. Clifton is suggesting we recommend denial and direct staff
18 to draft alternative Municipal Coding amendments such as increasing the
19 maximum parking spaces for specific uses and eliminating all parking
20 requirements. Is that correct Mr. Clifton?
21
- 22 Clifton: Yes.
23
- 24 Crane: Okay. Is there a second for that motion? It seems sir that you're crashing
25 in flames. The motion cannot proceed since nobody is seconding it. So
26 can I ask for someone else to phrase a different motion that we can work
27 on? Ms. Ferrary something gives me the impression you are thinking
28 really hard and you're on the verge of suggesting something.
29
- 30 Ferrary: Okay, I'll make a stab at it too. I recommend that we adopt number two
31 alternative and recommend approval of the modifications with conditions
32 and that staff draft Municipal Code amendments to add pedestrian access
33 requirements and more stringent landscaping requirements.
34
- 35 Crane: Commissioner Ferrary suggests alternative two, recommending approval
36 with the condition that the staff draft Municipal Code amendments to add
37 pedestrian access requirements and/or more stringent landscaping
38 requirements. Is there a second for that?
39
- 40 Alvarado: I'll second.
41
- 42 Crane: Mr. Alvarado seconds. Is there any discussion of that before we proceed
43 to a vote? Very well, let's start with Commissioner Beard.
44
- 45 Beard: I'll vote aye based on discussions and presentation.
46

- 1 Crane: Okay. Commissioner Alvarado.
 2
 3 Alvarado: Aye based on discussion and staff recommendation.
 4
 5 Crane: Commissioner Ferrary.
 6
 7 Ferrary: I vote aye, based on discussion and staff recommendation.
 8
 9 Crane: Commissioner Stowe.
 10
 11 Stowe: I vote aye based on discussions and *(inaudible)*.
 12
 13 Crane: Commissioner Gordon.
 14
 15 Gordon: I vote no.
 16
 17 Crane: Commissioner Clifton.
 18
 19 Clifton: I vote no based on there are no specifics as to how this pedestrian access
 20 and landscaping requirements will be included or based in review. And
 21 additionally now is not the time to impose additional restrictions on already
 22 struggling new businesses in Las Cruces.
 23
 24 Crane: So the motion passes, oh correction I have to vote. I'm so modest. The
 25 Chair votes aye based on the findings of the, and recommendation of the
 26 Community Development Department. So this passes five to two. Thank
 27 you.
 28

29 VI. NEW BUSINESS

- 30
 31 1. **Case S-15-018W:** Application of Hortencia Gutierrez to waive 100% of the
 32 road improvement requirements for Mesa Drive, Sierra Vista Avenue and
 33 Jimmie Street. The proposed waiver is associated with improvements
 34 required for a proposed alternate summary subdivision known as Gutierrez
 35 Subdivision on a 2.09 +/- acre tract located on the northeast corner of Mesa
 36 Drive and Sierra Vista Avenue; 5230 Mesa Drive; Parcel ID# 02-19098.
 37 Proposed use: Two (2) new single-family residential lots. Council District 5
 38 (Councilor Sorg).
 39
 40 Crane: Next item is the one item of New Business, application by Hortencia
 41 Gutierrez to waive the road improvement requirements for her lot at 5230
 42 Mesa Drive. This is Case S-15-018W. And Ms. Harrison-Rogers is going
 43 to speak to us on this.
 44
 45 H-Rogers: Good evening. I am acting on behalf of Mr. Ochoa tonight. This was his
 46 project and I will be presenting. The property in question that's proposing

1 subdivision and, and the waiver to road improvements is located along
2 Mesa Drive in between Jimmie Street and Sierra Vista Avenue. And it is
3 not too far off Highway 70 and Bataan Memorial. You can see that its
4 north of that area. It is zoned R-1a which means that ultimately they, they
5 could have 5,000 square foot lots, of course that's not what they're
6 proposing. The property's 2.09 acres and they're simply proposing to, to
7 split it into two.

8 Again as I'd mentioned, it fronts Mesa Drive, Sierra Vista, and
9 Jimmie Street. Currently Sierra (*Sierra was stated but the real road is*
10 *Mesa that is paved*) Drive is approximately 24 feet, it's paved, but it does
11 not have sidewalks, curb, or gutter. Sierra Vista Avenue is an unimproved
12 dirt roadway and Jimmie Street is also unimproved, perhaps a little bit
13 better than Sierra Vista Avenue. The property has never been previously
14 subdivided. You can see the property here. Of course you can see
15 Jimmie Street, Sierra Vista Avenue, and then Mesa Drive. And sort of far
16 off to your, your east is actually a, a large church campus over here. Let's
17 see. This is a, just an example of the existing roadway on Mesa Street.
18 You can see just simply two lanes, paved with asphalt, essentially the
19 drainage and the gravel swales on the side.

20 They are proposing to subdivide this into two new lots as I, as I'd
21 mentioned before, both a little under an acre. The Design Standards of
22 course require that any subdivision and subdivider are responsible for
23 dedicating the necessary right-of-way and also for the improvements to all
24 adjacent roadways. So in this case they'd be required to provide a half of
25 a street section for Mesa Drive which is a collector, 42.5 feet that would
26 include curb and gutter, and a full street section which is 50 feet, also curb
27 and gutter, for a local roadway to Sierra Vista Avenue and Jimmy Street.
28 They're proposing to dedicate all of the additional adjacent right-of-way, so
29 that, that's not part of the waiver request tonight. However, they're not
30 proposing any other roadway improvements or alternatives as part of their
31 request to subdivide. The applicant has stated that the improvements
32 would create a substantial financial hardship for the family. The
33 improvements aren't warranted for simply subdividing a large single-family
34 residential tract into two single-family residential lots and that the
35 additional traffic of the one additional single-family wont negatively impact
36 what's already there.

37 Here is a visual of what this subdivision will look like, what it's
38 proposed to look like. Simply two lots. You can see this is Mesa Drive,
39 Jimmie Street, and of course Sierra Vista right here. This just shows you
40 what they would be paving, what they would be responsible for. Of course
41 the half collector along this portion of Mesa Drive and of course the locals
42 along Sierra Avenue and then Jimmie Street just adjacent to those
43 properties. Just an example of what a minor local consists of and then
44 what a collector consists of. You can see sidewalk, curb, gutter, lighting.
45 Although valid, the hardships expressed by the applicant do not
46 demonstrate the substantial hardship as outlined in our code, specifically a

1 waiver must be due to exceptional topographic, soil or other surface or
 2 subsurface conditions that would result in inhibiting the objectives of the
 3 code. Staff has received absolutely no public input on this proposed
 4 waiver request.

5 On October 7th we did have our DRC meeting. Of course they
 6 review all of these matters from a technical standpoint and after
 7 discussion the waiver request was recommended for denial. Based on
 8 our ordinance, our design standards, and the unfavorable
 9 recommendation of the DRC, staff is recommending denial on this project
 10 based on the findings outlined in the staff report. Of course you're a
 11 recommending body to City Council on this matter. And listed here are
 12 your findings or at least the findings that have been presented by staff.
 13 And I'm happy to answer any questions if you do have them. And the
 14 applicant is here and has an interpreter if, if you would like to ask her
 15 questions as well.

16
 17 Crane: Thank you Ms. Harrison-Rogers. Commissioner Beard and then
 18 Commissioner Gordon.

19
 20 Beard: Was this property bought before the land was incorporated into the City?

21
 22 H-Rogers: My understanding, yes it was. It was purchased when it was still the ETZ
 23 in that area prior to annexation. So according to ETZ regulations if you
 24 are splitting a property into two pieces that has never been subdivided,
 25 you would not be subject to road improvements.

26
 27 Beard: And the other question is, I don't see how Mesa Drive is affected, even
 28 though the code may say that it is, but I don't know how it's affected by
 29 subdividing these two pieces of property. Can you explain that?

30
 31 H-Rogers: Ultimately, Members of the Commission, Commissioner Beard. Ultimately
 32 the code was put into place not only to deal with large subdivisions, of
 33 course that you're well aware of that do have significant impacts, but also
 34 the cumulative effects that these small subdivisions have over time. And
 35 ultimately what happens is that then the taxpayer has to improve those
 36 roadways as people subdivide and get, get waivers, as opposed to putting
 37 that, that burden on the, on the people who are subdividing.

38
 39 Beard: The proper, oh, the, one of the biggest problems I have is that this
 40 property owner if she does subdivide and if she is required to pay her
 41 share of the improvements, that money may sit unused forever. I mean
 42 the rest of this road may never get paved out, guttered, sidewalked and
 43 she is not benefiting from having paid for these improvements. I, that is a
 44 bother to me. If the City would say, "Okay if you're going make these, this
 45 improvement and give us the money," then I think the City should sit down

1 and say "We will make these improvements by so and so." And, and not
2 20 years from now. That's a comment.

3
4 Crane: Commissioner Gordon.

5
6 Gordon: We, we've had matters like this before us and it seems like every time I
7 have to look at one of these things I say "Here we are trapped again." I
8 have great empathy for people who are stuck in this situation. Mesa Drive
9 is 1.1 miles long. The required road improvement and just that portion of
10 Mesa Drive in front of this petitioners' residence represents one percent of
11 the total length of Mesa Drive. Now can you imagine what this would look
12 like if the improvement were done, you'd have Mesa Drive extending 1.1
13 miles with a little bulge of concrete, sidewalk, and gutters representing 43
14 feet. I mean it's ridiculous.

15 Now I sat there on Mesa Drive for about 15 minutes and I watched
16 the traffic. What traffic? I mean if I saw five cars it was, I thought it was a
17 lot. And if two cars had to pass each other going either way, you know
18 opposite direction, there was certainly no way that they would ever have to
19 move over to avoid hitting each other. Mesa Drive is certainly wide
20 enough to handle traffic. I then rode along the length of Mesa Drive, on
21 the east side there are about 11 residences I think I counted and on the
22 west side there were about 15. So they're basically on this total 1.1 mile
23 stretch of road hardly anybody lives there. I think that, this property was
24 acquired before annexation and to comply with the current subdivision
25 laws in, in this case would be a travesty, I just can't believe that the person
26 would have to do this. It just doesn't make any sense and I just, we just
27 have to do something about this and I'm gonna make a comment later that
28 perhaps we would be able to look into this situation where people don't get
29 stuck in the situation wherein they moved into this property 20 years ago
30 or however long that was with the intent sometime in the future to do
31 something and now that that time has arrived and the property has been
32 annexed by the City, suddenly they find out that sure they can do it, but it's
33 gonna cost you far more than these people could ever assume to have
34 accumulated to be able to do this. So I, I mean I know that, I don't know
35 how my fellow Commissioners think but like he just expressed I think that
36 this is something that we have to deal with.

37
38 Crane: It's appropriate for me to mention right now that three people in this room
39 at the moment have something they want to read into the record after we
40 finish this New Business item under the heading of Other Business and it
41 pertains to whether Mr. Gordon and others of us have on our minds about
42 this kind of situation where people get a surprise from the City when they
43 want to do something new to their lots. So those who are interested
44 tonight may wish to stay in the room for a few minutes after we have
45 finished with this particular item and hear what the others have to say. Mr.

1 Beard you're next after me, cause I, I've you know short, short-term
2 memory problems and if I forget what I say I may go home.

3 I see the City's view point that if people who have property on say
4 Mesa Drive develop it in some respect or sell it and therefore have to have
5 the street built out according to the specifications we have here, otherwise
6 the taxpayers get stuck with it, that is true and I'm a taxpayer and I, it's
7 something I'd like to think about but it's also inequitable to the people who
8 own the property when it is brought into the City by action of the City and
9 thereby the rules change. So Ms. Gutierrez for example as somebody
10 presented with the requirement that she put tens of thousands of dollars
11 into that, those roadway appearances, improvements on three sides of her
12 lot. And also brings up a point that I've been bothered about before that
13 when this Mesa Drive for example has been completely half paved to half
14 its width all the way out for the 1.1 miles that Mr. Gordon measured, you'll
15 still have a street which is ultimately gonna have to be torn up to put
16 utilities underneath it cause right now it probably doesn't have any storm
17 sewers, it certainly doesn't. It may not have sewers. It may not have
18 drinking water. It may or may not have gas mains and it seems ridiculous
19 to ask people to pave this road piecemeal if it's going to be improved up to
20 City standards as this land gets incorporated more and more into the bulk
21 of the City. So we have a long term and recurring problem here which I'm
22 among those who think it should be addressed. So having said my say it's
23 now Commissioner Beard's floor.

24
25 Beard: We're only addressing a waiver of the, for the fees and improving the
26 roads. We're not, we're not addressing the actual dividing of the lots.

27
28 H-Rogers: Commissioner Beard, Members of the Commission. That's correct.
29 You're just simply reviewing the waiver this evening, not the subdivision
30 plat itself.

31
32 Beard: So regardless of how we go then the applicant can go to the City and
33 without, without a waiver and get the subdivision?

34
35 H-Rogers: So this particular subdivision has never been subdivided before and our,
36 our subdivision code has something called an Alternate Summary
37 Subdivision. So if you've never subdivided before and you're only splitting
38 it into two parcels you can utilize that process. It's administrative. So
39 normally you wouldn't see a subdivision such as this unless they were
40 requesting a waiver.

41
42 Beard: Thank you.

43
44 Crane: Commissioner Ferrary.

45

- 1 Ferrary: Ms. Rogers if we wanted the County Commission to direct staff to modify
2 the code and provide additional options and, for the exemptions in cases
3 like these, we wouldn't see these cases then, is that correct?
4
- 5 H-Rogers: Commissioner Ferrary, Members of the Commission. Ultimately if this
6 Commission is interested in expressing their concerns over issues like this
7 and you wanted to express that to City council and they were to actually
8 change the policies and the rules then, no you, you probable wouldn't see
9 small cases like this. It would only be for the larger subdivisions that, that
10 are requesting a waiver. Money making subdivisions essentially.
11
- 12 Ferrary: And they have that option as City Council to direct staff to come up with
13 different options, is that right?
14
- 15 H-Rogers: Correct. Commissioner Ferrary, Members of the Commission. City
16 Council does have, have the ability to direct staff, that that's the policy
17 direction that they want to go and, and to move forward with some
18 amendments to the code to allow for subdivisions such as this not to have
19 to improve the roadways,
20
- 21 Ferrary: And would you also then suggest that we talk to our City Councilors or
22 even draft a letter to the City Council asking for this to happen?
23
- 24 H-Rogers: Commissioner Ferrary, Members of the Commission. Yes, both of those
25 are very viable options in terms of expressing the opinion of this
26 Commission to the Councilors so that they can at least consider it at any
27 of their subsequent meetings and, and, and decide whether or not they
28 want to have some policy changes and move forward with some
29 amendments to the code.
30
- 31 Ferrary: So if we wanted to draft something formally we should maybe put that on
32 the agenda for future meeting and then discuss that.
33
- 34 H-Rogers: Yes. Commissioner Ferrary, Members of the Commission. We could do
35 that. Absolutely. And it could be formally adopted as essentially an
36 opinion moving forward to, to City Council.
37
- 38 Ferrary: Thank you.
39
- 40 Crane: Commissioner Clifton.
41
- 42 Clifton: Thank you Mr. Chair. Katherine looking at the subdivision plat briefly, just
43 doing some rough calculations it appears that there is dedicated right-of-
44 way, like 12.5 feet for Mesa, 25 feet for Sierra Vista, and 25 feet for
45 Jimmie.
46

- 1 H-Rogers: Correct.
2
- 3 Clifton: Okay so with that said the applicant has, is already essentially giving the
4 City approximately 0.42 acres, almost a half acre of land for future road
5 improvements. I don't know what the land value is out here I'm not even
6 gonna attempt to guess, but you know there is, there is a value to that and
7 so you know maybe as a consideration, I know we used to look at things
8 like that years ago as, in terms of amendments to the Design Standards
9 and subdivision regulations was you know what, what's the cost of the
10 land that you're dedicating for future road improvements as opposed to the
11 actual cost of road improvements. So I think you know it, it clearly doesn't
12 meet the code, it doesn't meet the law as written. It is what it is
13 unfortunately, but the amount of land that the applicant is giving is quite a
14 bit. I mean that's, that's three residential lots inside the City of Las Cruces
15 in your standard subdivision. That's a lot of property that they're giving up.
16
- 17 H-Rogers: I would not disagree with that.
18
- 19 Clifton: Okay. Thank you.
20
- 21 Crane: Commissioner Beard.
22
- 23 Beard: I'd like to make one more comment. I realize that road improvements are
24 done by subdivisions or property improvements as opposed for the City
25 going out and improving the roads on their own. However, when the City
26 incorporated this property all of that land up there on the East Mesa, I
27 think it should've assumed at that time that they, that they are gonna be
28 burdened with more expenses than property that's in the, already in the
29 City and it's abiding by the code. So I, I believe that this property owner
30 really does not have, has a legitimate case for a, a waiver on the road
31 improvements, especially given that the part of the property is being given
32 for the widening of the road.
33
- 34 Crane: Any other questions for Ms. Harrison-Rogers? Thank you ma'am. Would
35 the applicant like to speak? For the record the applicant has an
36 interpreter.
37
- 38 Gutierrez: SPEAKING SPANISH.
39 Jiron: And for the record this is Magdalena Jiron interpreter certified for the State
40 of New Mexico and interpreting for the client.
41
- 42 Crane: On, on, on the mic please.
43
- 44 Jiron: Oh, again, okay. For the record this is Magdalena Jiron interpreter
45 certified for the State of New Mexico, the administrative office of the courts
46 for interpreters and I am here interpreting for the client.

1
2 Crane: This is a, lady with you is Hortencia Gutierrez.
3
4 Gutierrez: SPEAKING SPANISH.
5 Jiron: Yes sir. Thank you.
6
7 Crane: Okay, you'll have to pass the mic between you and, oh yes I have to
8 swear somebody in. Do you have my oath?
9
10 Gutierrez: SPEAKING SPANISH.
11 Jiron: Very well.
12
13 Crane: Thank you this is for Ms. Gutierrez. Do you swear or affirm that the
14 testimony you are about to give is the truth and nothing but the truth under
15 penalty of law?
16
17 Gutierrez: SPEAKING SPANISH.
18 Jiron: Yes, I swear.
19
20 Crane: Thank you. Go ahead please. Does she wish to talk to us?
21
22 Gutierrez: SPEAKING SPANISH.
23 Jiron: First of all good afternoon.
24
25 Crane: Ma'am you'll, not sure how we can handle this, is there another way we
26 get a mic up there? We don't have enough wire do we? Or perhaps they
27 can both sit down there. For the record the applicant and her interpreter
28 are sitting next to each other at a table instead of at the podium.
29
30 Gutierrez: SPEAKING SPANISH.
31
32 Crane: Your mic isn't on.
33
34 Gutierrez: SPEAKING SPANISH.
35 Jiron: Good afternoon my name is Hortencia Gutierrez.
36
37 Gutierrez: SPEAKING SPANISH.
38 Jiron: And I thank you for the attention you are putting on my case now.
39
40 Gutierrez: SPEAKING SPANISH.
41 Jiron: I'm going to be brief and I would like to mention to you that unfortunately I
42 don't have the money or the means to make things better and to make our
43 streets better in our community the way I would like to do it.
44
45 Gutierrez: SPEAKING SPANISH.

- 1 Jiron: Okay, I, I want to say that I am willing to, to give up part of my land for
 2 those streets and as the gentleman mentioned it, I believe it's Mr. Clifton
 3 that is a lot of land and I think that that means a lot of money in land. I
 4 don't have what is, in other words I'm giving up this land from my heart
 5 and for this process and for the continuance of this.
 6
- 7 Gutierrez: SPEAKING SPANISH.
- 8 Jiron: And I would also as a human being I would like to ask you for the
 9 opportunity.
 10
- 11 Gutierrez: SPEAKING SPANISH.
- 12 Jiron: I would like to ask you for the approval to continue with this and also to
 13 have your approval to be able to do the subdivision. Oh thank you. The
 14 opportunity.
 15
- 16 Crane: Thank you. Any questions for Ms. Gutierrez? Apparently not. Thank you
 17 ma'am. Any member of the public wish to address this? No one so
 18 indicates. So we will close this to further input and Commissioners, we
 19 have item S-15-018 in front of us. The proposed request for a waiver of
 20 the road improvement requirements and we have to vote on the motion
 21 expressed in an affirmative way even if we choose to vote against it.
 22 Would somebody like to move? Commissioner Beard.
 23
- 24 Beard: If there's no discussion, I move to accept S-15-018W.
 25
- 26 Crane: Is there a second for that?
 27
- 28 Ferrary: Second.
 29
- 30 Crane: Seconded by Ms. Ferrary.
 31
- 32 Ferrary: Yes.
 33
- 34 Crane: Any discussion between us at this point? In that case let's vote starting
 35 with Mr. Clifton.
 36
- 37 Clifton: I vote yes as the applicant has already provided significant amounts of
 38 property for future road improvements.
 39
- 40 Crane: Commissioner Gordon.
 41
- 42 Gordon: Before I vote just to make sure I clarify correctly what I'm gonna vote, is if I
 43 vote no she does not have to put up the money, is that correct?
 44
- 45 Crane: No if you vote no you are refusing the waiver. Refusing to grant the
 46 waiver. So if you want to grant the waiver you vote yes.

1
2 Gordon: I vote no.
3
4 Crane: No?
5
6 Gordon: I'm sorry. I vote no.
7
8 Crane: Okay. Commissioner Stowe.
9
10 Stowe: I vote yes based on presentation and, and discussions.
11
12 Crane: Commissioner Ferrary.
13
14 Ferrary: I vote yes based on site visit and discussion with also that we make
15 recommendations and, to the City Councilors about this subject.
16
17 Crane: Commissioner Ferrary, Alvarado.
18
19 Alvarado: I abstain.
20
21 Gordon: Oh yeah before we finish.
22
23 Crane: Abstain, abstaining. Commissioner Beard.
24
25 Beard: Commissioner Gordon did you want to change yours?
26
27 Gordon: Well I'm a little confused. If it says, if I vote yes and recommend approval
28 of the waiver ...
29
30 Crane: Granting of the waiver, yep.
31
32 Gordon: That, that's what I want to do. I want to, I want to waive ...
33
34 Crane: You want to grant the waiver.
35
36 Gordon: Right so then I would've had to vote yes.
37
38 Beard: Yes.
39
40 Gordon: Yeah I'm sorry, then I change my vote to yes.
41
42 Crane: Okay. No problem. Commissioner Alvarado abstains. Commissioner
43 Beard:
44
45 Beard: I vote yes based on discussions, site visit, and, and the, discussions.
46

1 Crane: And the Chair votes aye based on the discussions. It passes six/zero, and
2 one abstention. Thank you.
3

4 **VII. OTHER BUSINESS**
5

6 Crane: And I mentioned a little while ago we have some other business in that
7 Commissioner Gordon has prepared something to read into the record
8 which he will do now. We can't have any public input on it at this point
9 because we don't have the means to, it is not set up that way but you
10 might be interested to listen. I believe it's possible Commissioner Ferrary
11 wants to add something at this point and I know that our City employee,
12 Katherine Harrison-Rogers has something to put in, so let's go first with
13 Mr. Gordon and then we'll see if Commissioner Ferrary wants to say
14 something and then we'll go to Ms. Harrison-Rogers. Commissioner
15 Gordon you have the floor.
16

17 Gordon: Before I start Commissioner Ferrary has addressed some of this already
18 and I am in full approval of what she has said, but I took the time to sit
19 down and just write a few short paragraphs of how I feel about this and I'd
20 just like to read it for the record so that hopefully maybe somewhere's
21 down the line we can do something that we don't have this problem every
22 time this arises.

23 I think that Community Development should be directed to look into
24 a way to handle requests for zoning changes, variances, etc. for matters
25 that relate to property in areas that were annexed by the City that were
26 originally located in the County and are now covered by the current laws
27 relating to planning and zoning by the City.

28 Properties that were required by residents prior to annexation
29 where they had a future intent to do certain things and now are prohibited
30 from doing so because they are subject to City laws that are in effect now
31 and non-existent in the County prior to annexation.

32 In many cases requests that have come before the P&Z
33 Commission have been denied based on City law, but if the properties had
34 not been annexed, they would've been able to accomplish their original
35 plans. I still believe that each case should be reviewed individually but
36 decided on a different set of rules pertaining to property annexed by the
37 City. Again property owners are trapped under a set of rules that didn't
38 pertain to them when they originally bought the property under existing
39 County rules. Many cases that result in denial hamper development in
40 areas that would benefit from it and something needs to be done to correct
41 this inequity. Thank you.
42

43 Crane: Thank you Mr. Gordon. Ms. Ferrary do you have anything to add?
44

45 Ferrary: Yes. I would like to request that we have this put on the next agenda or
46 one that is appropriate, I'm not sure how soon into the future, but one in

1 which we can draft a memo from us as a group, the Planning and Zoning
2 Commission, to consider a change in the policy and the code language.
3 And perhaps as that's on the agenda we might get some options or ideas
4 from planning as far as what those policies and codes might look like, or
5 leave it to them to present to the City Council.
6

7 Crane: Thank you. Commissioner Beard.

8
9 Beard: I was wondering if, Commissioner Gordon, that if you only wanted to
10 include property that was transferred from the County into the City? Since
11 I've been on this Board we have transferred property from the State to the
12 City, do you want to also include State property?
13

14 Gordon: I, I think that's fine. I, I think any thing that could help ... first let's think
15 about it, I, I, you've been out to Mesa Drive. You, you know what it looks
16 like. Anything that this petitioner is going to do is only going to enhance
17 the property. It would be terrible to deny her only because of some thing
18 that is now in place that wasn't there when she originally bought the
19 property. Now if it was a matter of State land that somehow or another got
20 annexed by the City, that would be fine. If there was Bureau of Land
21 Management land, Indian land, any kind of land that would be annexed by
22 the City, somehow or another they have to figure out a way to make this
23 equitable. I mean I, you're right when you said that money's gonna sit
24 there for probably 25 years. I can't believe that, that Mesa Drive in the
25 next 25 years is ever gonna be finished. There's just so much vacant land
26 out there that it's just incomprehensible to think that it's gonna be, that she
27 could put up this money and then everybody else is gonna move in
28 tomorrow and the whole road will be done. It's just not gonna happen.
29 And it's just unfair. So I do agree with what you're saying if that's what you
30 mean.
31

32 Crane: Commissioner Alvarado.

33
34 Alvarado: I think we, one of the things that we didn't consider is that these people
35 have been paying property tax to the County and part of that tax goes to
36 the schools, part of it goes to the City, so the City has been getting money
37 from these people for 30 years and has given them exactly nothing; no
38 roads, no streets, no streetlights, no sewer, no water and yet these people
39 have been paying all these years. They've been paying into, into the City
40 for improvements so they, they might have paid, they probably haven't
41 paid enough to do the improvement, improvements but that also needs to
42 count towards, towards what they have done in addition to, to giving the
43 25 feet of land to the City.
44

45 Crane: Thank you. Ms. Harrison-Rogers you had something you wanted to say at
46 this point I believe on behalf of the City.

- 1
2 H-Rogers: Mr. Chair, Members of the Commission. Ultimately I was just going to
3 outline perhaps the next steps if the Commission agrees that this is, this is
4 their view, this is their feeling, and perhaps City Council needs to consider
5 some changes. Basically what I would recommend is that we have a work
6 session in a causal format where we push the two tables together and you
7 all can discuss how you would like to proceed and what information you
8 would like to provide to City Council. I encourage all of you to speak
9 directly to the Councilors that you represent or the Mayor in terms of, of
10 what your ideas are and then ultimately we, we could sit down and work
11 together to, to draft an opinion that would then be presented to City
12 Council formally.
13
- 14 Crane: Commissioner, I didn't see who came up first. Commissioner Beard.
- 15
16 Beard: I have a question. Is, is the County considering changing the codes for
17 the ETZ to be the same as the City?
18
- 19 H-Rogers: Commissioner Beard, Members of the Commission. They're considering a
20 unified development code for the County. Very comprehensive code.
21 Ultimately what that means is that the rules and regulations would be a
22 little bit more balanced in the ETZ and then outside of the ETZ within the
23 County. The City at this time is not considering adoption of that code but
24 in theory we could. It's been developed in such a way that, that any
25 municipality within the County could adopt it. Additionally that particular
26 code would turn over the administration of the ETZ entirely to the County.
27 We would still be part of the ETZ, we would be a reviewing party. We
28 would be a partner but the administration would go entirely to the County.
29 Does that answer your question?
30
- 31 Beard: I'm not sure.
32
- 33 Crane: Mr. Gordon.
34
- 35 Gordon: Kath, excuse me, Katherine I don't know what the mechanics are as far as
36 the work shops are concerned, I've never been involved in one here
37 before but I think a matter of this importance ... first of all I don't know
38 what percentage of the total amount of land in the City is represented by
39 this type of, of land that we're talking about and I think that, I don't even
40 know how many City Commissioners would be, City Councilmen, I'm
41 sorry, would be effected by something like this, probably just a few, but I, I
42 think maybe perhaps a joint work session if possible where both sides
43 could sit down and discuss this problem. I think this is a major problem
44 that has to be resolved.
45
- 46 Crane: Does anyone else have a, input on this matter as part of the Other

1 Business? Apparently not. You have something Ms. Harrison-Rogers?
2 Yes.

3
4 H-Rogers: Commissioner Gordon, Members of the Commission. That, that could
5 occur. Ultimately the City Council would have to request it to have the, a
6 joint meeting with you and of course then to discuss the matter.

7
8 Crane: Okay well (*inaudible*).

9
10 Gordon: (*inaudible*) do that. How do we get them to do that?

11
12 H-Rogers: Commissioner Gordon, Members of the Commission. I would again
13 recommend that you, you speak to the Councilor who appointed you to, to
14 ask them if that's at all possible. Staff of course can also bring this issue
15 to the City Manager so that he could then express that to Council to see if
16 indeed they would like to schedule such a meeting.

17
18 Crane: The timings a little difficult right now since the elections are coming up and
19 we have what, three Council members and the Mayer who, well in my
20 case District 4, my Councilman is not running for office again. The mayor
21 is of course. But it'll work out. This is not something that has to be done
22 overnight. Ms. Ferrary did you have your light on a moment ago? No.
23 Okay. So anything else on this topic? All right. Thank you all for your
24 input.

25

26 **VIII. PUBLIC PARTICIPATION**

27

28 Crane: Is there any public participation on any issue? Apparently not.

29

30 **IX. STAFF ANNOUNCEMENTS**

31

32 Crane: Staff announcements. None.

33

34 **X. ADJOURNMENT (7:07 p.m.)**

35

36 Crane: In that case we are adjourned at 7:07. Thank you.

37

38

39

40

41

42

43 _____
Chairperson

44

45



City of Las Cruces®

PEOPLE HELPING PEOPLE

COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of December 7, 2015
(Ordinance First Reading Date)

For Meeting of December 21, 2015
(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) AND R-2 (MULTI-DWELLING LOW DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON 2 PARCELS OF 2.36± ACRES EACH AND LOCATED AT 5101 ALBA ROAD. SUBMITTED BY SOUTHWEST ENGINEERING, INC. ON BEHALF OF MANUEL CARNERO AND RAMON CARNERO, PROPERTY OWNERS. (Z2889).

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>[Signature]</i>	528-3049	11-17-15
Department Director	<i>[Signature]</i>	528-3067	11-19-15
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	511-2028 511-2106	11/24/15 11-23-15
Assistant City Manager/COO	<i>[Signature]</i>		11-25-15
City Attorney	<i>[Signature]</i>	EXT 2128	28 Nov 2015
City Clerk - Interim	<i>[Signature]</i>	X2115	12-1-15