



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 8 Ordinance/Resolution# 2773

For Meeting of February 1, 2016  
(Ordinance First Reading Date)

For Meeting of February 16, 2016  
(Adoption Date)

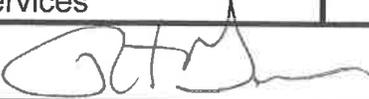
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO RE (SINGLE-FAMILY RESIDENTIAL ESTATE) FOR THREE (3) DIFFERENT PARCELS LOCATED AT 4024 SOTOL DRIVE, 5025 LAS ALTURAS DRIVE AND 5035 LAS ALTURAS DRIVE. SUBMITTED BY LESLIE W. & EDNA GIBBS, PROPERTY OWNERS. (Z2893).

### PURPOSE(S) OF ACTION:

Zone change.

<b>COUNCIL DISTRICT: 2</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>		

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

City Council is required to review and take final action on zone changes per Section 38-10(B) of the 2001 Zoning Code. A zoning district is a specifically delineated area within which regulations uniformly govern the use, placement, spacing, density, bulk, height, and size of buildings and/or land.

The proposed zone change is for three separate properties located on the east side of Las Alturas Drive and the south side of Sotol Drive, 0.23 ± miles north of the intersection of Las Alturas Drive and Tellbrook Road in the outer southeastern area of the City of Las Cruces adjacent to the municipal boundary. The subject properties are currently zoned A-2 (Rural Agricultural District from the 1981 Zoning Code). The existing A-2 zoning designation no longer exists under the current Zoning Code making the properties non-conforming. Article 7, Section 38-71 of the 2001 Zoning Code states that non-conformities are to be eventually eliminated and shall be provided methods for their alteration to conform to the code. The proposed zone change to RE (Single-Family Residential Estate) will bring the properties into compliance with the current 2001 Zoning Code and will eliminate the non-conforming status of the subject properties.

The proposed RE zoning designation already exists directly north of the subject properties on the north side of Sotol Drive making the proposed zoning compatible with the adjacent properties. The proposed zone change will also keep the future development of the subject properties similar to the neighboring properties as rural, large, single-family lots, potentially mitigating any conflicts with the neighbors.

On December 22, 2015 the Planning and Zoning Commission (P&Z) unanimously recommended approval of the proposed zone change request by a vote of 6-0-0 (one Commissioner absent) based upon the findings reflected in Exhibit "B". The proposed zone change was approved on the consent agenda and no public input was received during the meeting.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the P&Z for Case Z2893.
5. Attachment "B", Minutes from the December 22, 2015 P&Z Meeting.
6. Attachment "C", Vicinity Map.

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?  N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
-----

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the P&Z recommendation for approval. The subject properties located at 4024 Sotol Drive, 5025 Las Alturas Drive and 5035 Las Alturas Drive will be rezoned from A-2 (Rural Agricultural District form the 1981 Zoning Code) to RE (Single-Family Residential Estate).
2. Vote "No"; this will reject the recommendation made by the P&Z. The current zoning designation of A-2 (Rural Agricultural District form the 1981 Zoning Code) will remain on the subject properties 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 P&Z meeting.
3. Vote to "Amend"; this could allow City Council to modify the Ordinance by adding 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.

8



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of February 1, 2016  
(Ordinance First Reading Date)

For Meeting of February 16, 2016  
(Adoption Date)

TITLE:

AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO RE (SINGLE-FAMILY RESIDENTIAL ESTATE) FOR THREE (3) DIFFERENT PARCELS LOCATED AT 4024 SOTOL DRIVE, 5025 LAS ALTURAS DRIVE AND 5035 LAS ALTURAS DRIVE. SUBMITTED BY LESLIE W. & EDNA GIBBS, PROPERTY OWNERS. (Z2893).

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Alan Ochoa</i>	528-3204	1/6/16
Department Director	<i>Steve</i>	528-3067	1-7-16
Other <b>BUDGET</b>	<i>[Signature]</i>	541-2107	1-7-2016
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2078	1/8/16
Assistant City Manager/COO	<i>Daniel Ochoa</i>		1/11/16
City Attorney	<i>[Signature]</i>	EXT 2128	12 JAN 2016
City Clerk	<i>[Signature]</i>	x2115	1/21/16

COUNCIL BILL NO. \_\_\_\_\_  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A ZONE CHANGE FROM A-2 (RURAL AGRICULTURAL DISTRICT FROM THE 1981 ZONING CODE) TO RE (SINGLE-FAMILY RESIDENTIAL ESTATE) FOR THREE (3) DIFFERENT PARCELS LOCATED AT 4024 SOTOL DRIVE, 5025 LAS ALTURAS DRIVE AND 5035 LAS ALTURAS DRIVE. SUBMITTED BY LESLIE W. & EDNA GIBBS, PROPERTY OWNERS. (Z2893).**

The City Council is informed that:

**WHEREAS**, Leslie W. and Edna Gibbs, property owners, have submitted a request for a zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to RE (Single-Family Residential Estate) for three (3) separate parcels located on the east side of Las Alturas Drive and the south side of Sotol Drive, 0.23 ± miles north of the intersection of Las Alturas Drive and Tellbrook Road, at 4024 Sotol Drive, 5025 Las Alturas Drive and 5035 Las Alturas Drive; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on December 22, 2015, unanimously 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 properties as reflected in Exhibit "A", attached hereto and made part of this Ordinance, are hereby zoned RE (Single-Family Residential Estate).

(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:

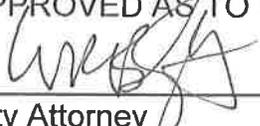
\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

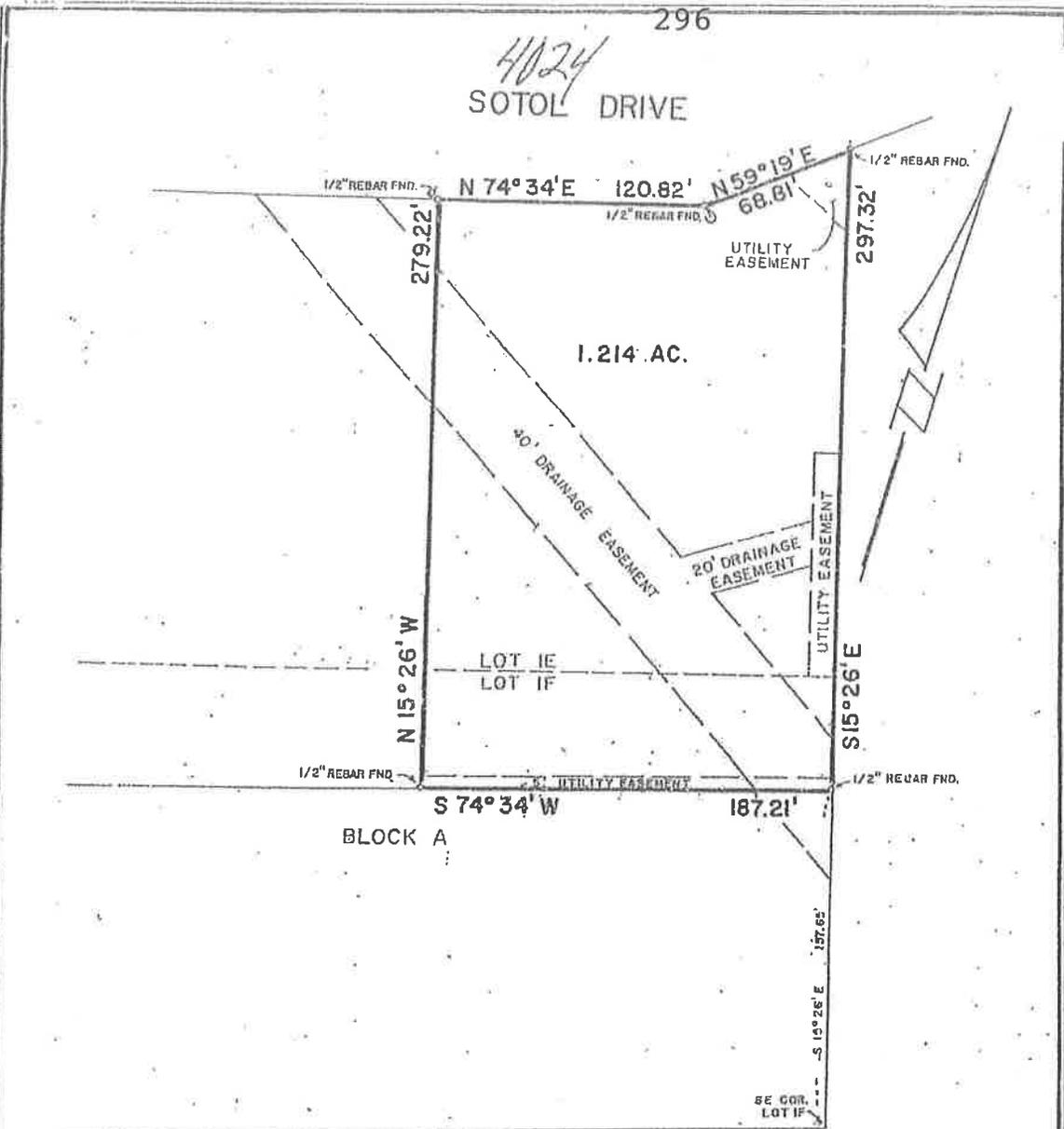
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

VOTE:

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

EXHIBIT A



LOCATED IN FLOOD ZONE C OF THE NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAPS OF THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO, COMMUNITY PANEL NUMBER 355332-0007 D, MAP REVISED: JAN. 18, 1984.

PLAT OF SURVEY  
SHOWING LOCATION OF IMPROVEMENTS

1.214 ACRE TRACT  
PART OF LOT 1E & LOT 1F BLOCK A  
LAS ALTURAS ESTATES, REVISION No. 3  
LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

LAS ALTURAS ESTATES REVISION No. 3  
FILED SEPT. 17, 1969 IN PLAT RECORD 10  
PAGES 59-60 of the records of Dona Ana County, New Mexico.

I hereby certify that I am a Registered Land Surveyor in the State of New Mexico, and that this Plat was made by me or under my supervision from the notes of an actual field survey that meets the minimum requirements for land surveys in the State of New Mexico as adopted by the New Mexico State Board of Registration and that it is true and correct to the best of my knowledge and belief.

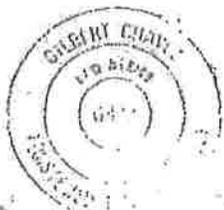
GILBERT CHAVEZ 11MPLS 0832



CONTOUR DESIGN GROUP, INC.  
Professional Land Surveyors  
Planners and Geomatics

1080 E. Lohman, Suite D  
Las Cruces, NM 88001  
(505) 524-2258

Work Order P.C. 87-1601  
Drawn by L.A. Scale 1" = 60'  
Field by M.S., L.A. Date 5-1-87



5025 LAS ALTURAS DRIVE

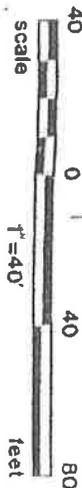
PLAT SHOWING THE LOCATION OF IMPROVEMENTS ON A 1.369 ACRE TRACT  
 PART OF LOT 1F, BLOCK A, LAS ALTURAS ESTATES, BLOCK A, REVISION NOS. 2 AND 3  
 PLAT FILED SEPTEMBER 17, 1989 IN PLAT RECORD 10, PAGE 59-60, DONA ANA COUNTY RECORDS  
 EAST OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO  
 SCALE: 1" = 40'  
 JANUARY 22, 1992

SUBJECT PROPERTY IS WITHIN FLOOD ZONE X, FLOOD  
 VARIATION AS PER CITY OF LAS CRUCES FLOOD  
 BRANCE RATE MAPS DATED SEPTEMBER 27, 1991.

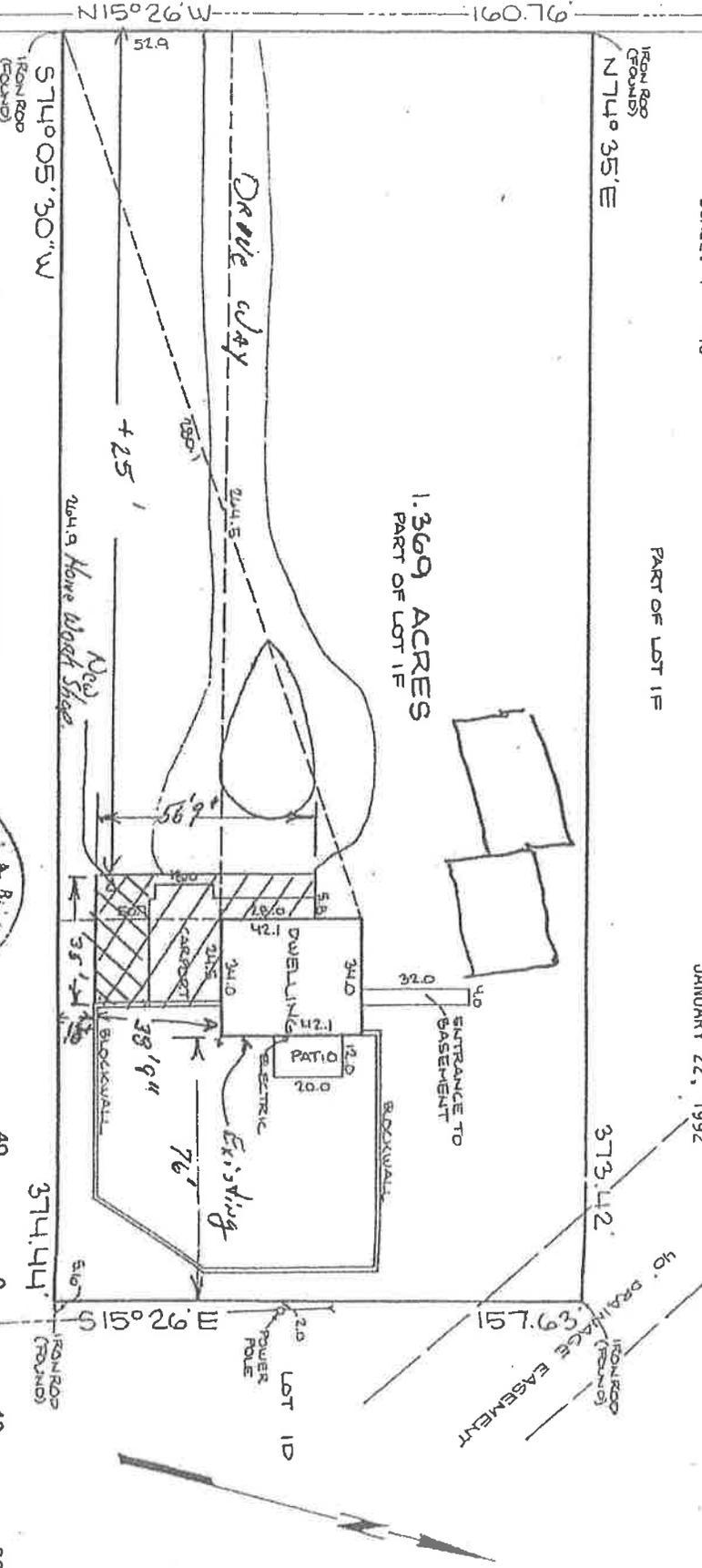
SURVEYOR CERTIFICATION

I, JAMES A. BOTSFORD, A REGISTERED PROFESSIONAL  
 SURVEYOR IN THE STATE OF NEW MEXICO, HEREBY  
 CERTIFY THAT THIS PLAT WAS PREPARED FROM THE  
 NOTES OF A BONIFIED FIELD SURVEY CONDUCTED  
 UNDER MY SUPERVISION, AND THAT IT MEETS MINIMUM  
 STANDARDS FOR LAND SURVEYS AS SET FORTH BY THE  
 NEW MEXICO BOARD OF REGISTRATION FOR  
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JAMES A. BOTSFORD, NMS No. 5211



920024  
 BOTSFORD LAND SURVEYING, INC.  
 210 S. Water Street  
 LAS CRUCES, NEW MEXICO 88001  
 Phone 526-2444



1.369 ACRES  
 PART OF LOT 1F

PART OF LOT 1F

LOT 1D





**Findings**

1. The subject properties are currently zoned A-2. The proposed zone change to RE would bring the properties into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-31D)
2. The proposed zone change will keep the potential development of the subject properties similar to the neighboring properties potentially mitigating any conflicts with the neighbors. (2001 Zoning Code, Article 1, Section 38-2Q)
3. The proposed zone change will facilitate compatibility for the subject properties with the adjacent neighborhood. (Comprehensive Plan 2040 Chapter 5, Goal 19, Policy 19.11)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.



**City of Las Cruces**  
PEOPLE HELPING PEOPLE

**Planning & Zoning  
Commission  
Staff Report**

Meeting Date: December 22, 2015  
Drafted by: Adam Ochoa, Planner *AO*

<b>CASE #</b>	Z2893	<b>PROJECT NAME:</b>	4024 Sotol Dr., 5025 & 5035 Las Alturas Dr. (Zone Change)
<b>APPLICANT/ REPRESENTATIVE:</b>	Leslie W. & Edna Marie Gibbs	<b>PROPERTY OWNERS:</b>	Leslie W. & Edna Marie Gibbs
<b>LOCATION:</b>	The east side of Las Alturas Dr. and south side of Sotol Dr., 0.23 ± miles north of the intersection of Las Alturas Dr. and Tellbrook Rd.	<b>COUNCIL DISTRICT:</b>	District 2 (Councillor Smith)
<b>SIZE:</b>	3.613 ± acres combined	<b>EXISTING ZONING/ OVERLAY:</b>	A-2 (Rural Agricultural District from the 1981 Zoning Code)
<b>REQUEST/ APPLICATION TYPE:</b>	Zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to RE (Single-Family Residential Estate)		
<b>EXISTING USE:</b>	1 parcel with a single-family residence and 2 undeveloped parcels		
<b>PROPOSED USE:</b>	Rural single-family residential development		
<b>STAFF RECOMMENDATION:</b>	Approval without conditions based on findings		

**TABLE 1: CASE CHRONOLOGY**

Date	Action
November 2, 2015	Application submitted to Development Services
November 3, 2015	Case sent out for review to all reviewing departments
November 9, 2015	Final comments returned by all reviewing departments
November 12, 2015	Staff reviews and recommends approval of the zone change
December 2, 2015	Public notice letter mailed to neighboring property owners
December 6, 2015	Newspaper advertisement
December 7, 2015	Sign posted on property
December 22, 2015	Planning and Zoning Commission public hearing

## SECTION 1: SYNOPSIS OF PROPOSAL

The applicant is seeking to rezone three separate parcels encompassing a total of 3.612 ± acres from A-2 (Rural Agricultural District from the 1981 Zoning Code) to RE (Single-Family Residential Estate). The proposed zone change would bring the subject properties into compliance with the 2001 Zoning Code. The proposed zone change would also allow for the potential future development of the two vacant lots located at 4024 Sotol Drive and 5035 Las Alturas Drive for rural single-family residential uses. The proposed zone change would also permit the applicant to construct a new accessory structure associated with the existing single-family residence located at 5025 Las Alturas Drive.

### TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

\*Lot 1 = 4024 Sotol Drive; Lot 2 = 5025 Las Alturas Drive; Lot 3 = 5035 Las Alturas Drive.

Standard	Existing	Proposed	Code Req.
Max # of DU/parcel	1	1	1
Max Density (DU/ac.)	Lot 1: N/A Lot 2: 0.73 DU/ac. Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	2 DU/ac.
Lot Area	Lot 1: 1.214 ± acres Lot 2: 1.369 ± acres Lot 3: 1.03 ± acres	No change	0.50 acres minimum / No maximum
Lot Width	Lot 1: 189.63 ± feet Lot 2: 160.76 ± feet Lot 3: 150 ± feet	No change	100 feet minimum
Lot Depth	Lot 1: 279.22 ± feet Lot 2: 374.44 ± feet Lot 3: 379.03 ± feet	No change	100 feet minimum
Structure Height	Lot 1: N/A Lot 2: 19 ± feet Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	35 feet maximum
<b>Setbacks</b>			
Front	Lot 1: N/A Lot 2: 258 ± feet Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	25 feet minimum
Side	Lot 1: N/A Lot 2: 67 ± feet Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	15 feet minimum
Side	Lot 1: N/A Lot 2: 32 ± feet Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	15 feet minimum
Rear	Lot 1: N/A Lot 2: 76 ± feet Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	15 feet minimum
Accessory Structure	Lot 1: N/A Lot 2: 1,000 ± sq. ft. Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	5% of the total area of the property
<b>Parking</b>			
Auto	Lot 1: N/A Lot 2: 4 spaces Lot 3: N/A	Lot 1: Unknown Lot 2: No change Lot 3: Unknown	2 spaces per dwelling unit
Bicycle	N/A	N/A	N/A

**TABLE 3: SPECIAL CHARACTERISTICS**

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

**TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION**

Location	Existing Uses	Overlay District	Zoning Designation
Subject Properties	Single-family residential/vacant	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
North	Single-family residential/vacant	N/A	R-1aC (Single-Family Medium Density-Conditional)/ RE (Single-Family Residential Estate)/Las Cruces City Limits
South	Single-family residential/vacant	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
East	Single-family residential	N/A	A-2 (Rural Agricultural District from the 1981 Zoning Code)
West	Interstate 10		

**TABLE 5: PARCEL HISTORY**

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

**SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS**

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Parks	Yes	No
CLC Land Management	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No
CLC Flood Plain Administration	Yes	No
New Mexico Department of Transportation (NMDOT)	Yes	No

### SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

#### Decision Criteria

The Planning and Zoning Commission shall review each request in relation to the goals, objectives and policies of the comprehensive plan, plan elements, other applicable plans, and the purpose and intent of this Code, Section 38-2 and 36-1 of the Sign Code, when appropriate, and determine whether the request is consistent or inconsistent with stated criteria. The Las Cruces Municipal Code Section 2-382 specifies the Planning and Zoning Commission shall determine whether a proposal will:

1. Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
2. Unreasonably increase the traffic in public streets.
3. Increase the danger of fire or endanger the public safety.
4. Deter the orderly and phased growth and development of the community.
5. Unreasonably impair established property values within the surrounding area.
6. In any other respect impair the public health, safety or general welfare of the city.
7. Constitute a spot zone and, therefore, adversely affect adjacent property values. The term "spot zoning" means the singling out of a lot or small area for a zoning change which is out of harmony with the comprehensive plan and surrounding land uses to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.
8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

As mentioned above, Section 38.2 of the City of Las Cruces 2001 Zoning Code, as amended, identifies the Purposes and Intent of the Zoning regulations and should also be utilized as part of the decision criteria. The relevant purpose and intent statements to the proposed rezoning are:

- A. Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- L. Ensure that development proposals are sensitive to the character of existing neighborhoods;
- Q. Mitigate conflicts among neighbors.

In addition to those decision criteria required by the City of Las Cruces Municipal and Zoning Codes, there are also measures based on case law to consider when evaluating rezoning requests which include the following:

1. There was an error when the existing zoning map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other applicable City master plan(s), even though criterion (1) or (2) above do not apply because
  - a. there is a public need for a change of the kind in question, and
  - b. that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

#### Applicable Comprehensive Plan Elements & Policies

As specified by the decision criteria listed above, the proposal should be in concert with Comprehensive Plan 2040. The following polices from Comprehensive Plan 2040 are relevant to the current proposal:

Chapter 5 Community Character (Flexible Design & Positive Image)

1. Goal 19, Policy 19.11

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

### **Analysis**

The subject properties are located in the outer southeastern area of the City of Las Cruces adjacent to the City Limits where rural, large lot, single-family residential development largely exists. The existing A-2 zoning designation no longer exists under the current 2001 Zoning Code, as amended, and the proposed zone change will bring the subject properties into compliance. The proposed RE zoning designation currently already exists directly north of the subject properties on the north side of Sotol Drive making the proposed zoning compatible with the adjacent properties. The proposed zone change will also keep the future development of the subject properties similar to the neighboring properties potentially mitigating any conflicts with the neighbors.

### **Conclusion**

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Any and all right-of-way and utility improvements and applicable studies and analysis will be required during the subdivision and development stages of the proposed development. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the policies of the Comprehensive Plan, the Transportation Plan, and the intent of the 2001 Zoning Code; and
- The proposed RE zoning district is harmonious with and not out of character with the uses and existing zoning districts of the surrounding area.

### **DRC RECOMMENDATION**

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

### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed zone change based on the findings listed below:

### **FINDINGS FOR APPROVAL**

1. The subject properties are currently zoned A-2. The proposed zone change to RE would bring the properties into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-31D)
2. The proposed zone change will keep the potential development of the subject properties similar to the neighboring properties potentially mitigating any conflicts with the neighbors. (2001 Zoning Code, Article 1, Section 38-2Q)
3. The proposed zone change will facilitate compatibility for the subject properties with the adjacent neighborhood. (Comprehensive Plan 2040 Chapter 5, Goal 19, Policy 19.11)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the 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**

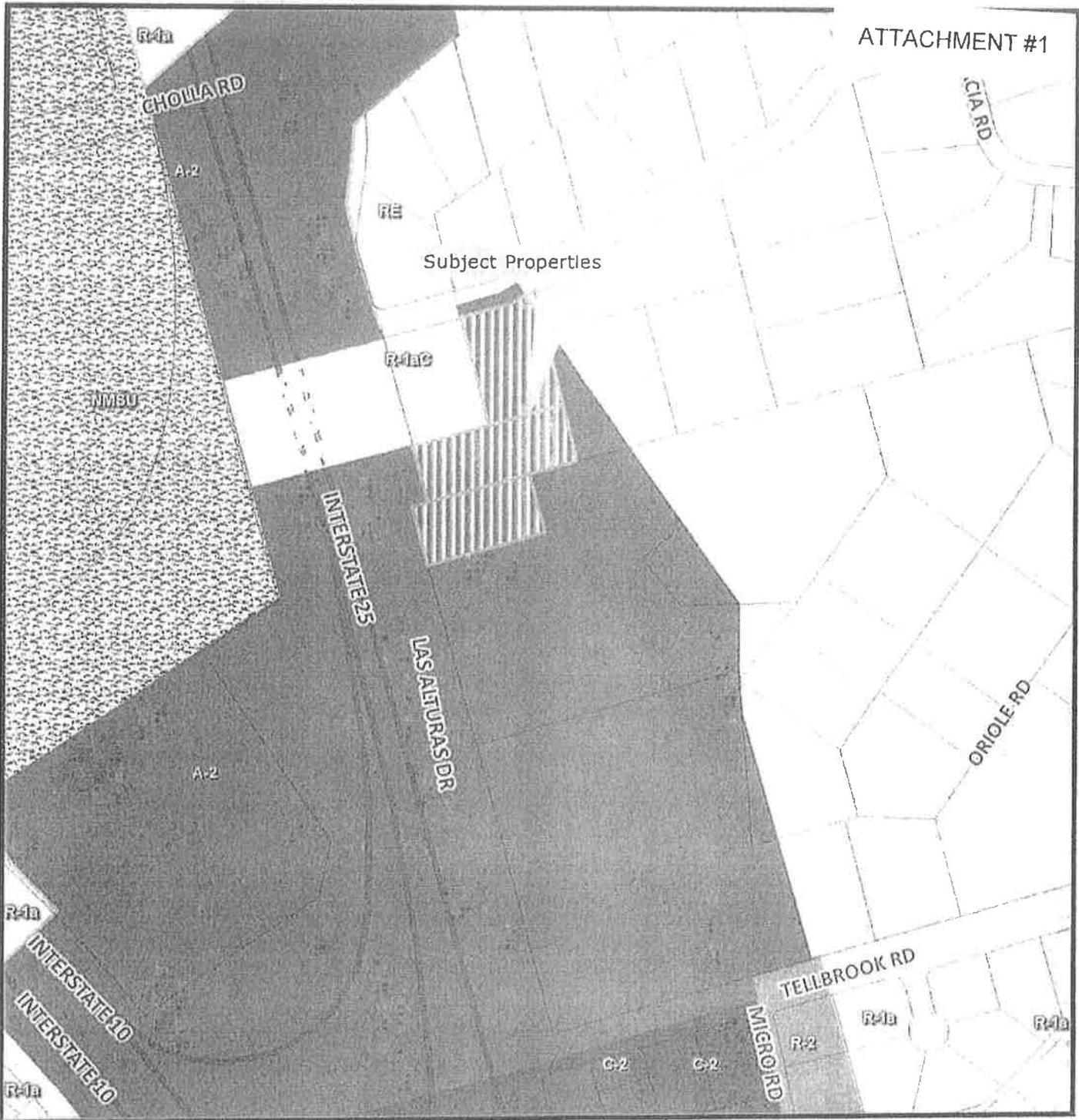
1. Zoning/Vicinity Map
2. Aerial Map
3. Site Plans
4. Development Statement
5. Comprehensive Plan Elements and Policies
6. Public Input

# VICINITY MAP

PARCEL: 02-16701,  
02-16703 &  
02-28290

ZONING: A-2 TO RE  
OWNER: LESLIE W & EDNA MARIE GIBBS

ATTACHMENT #1



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

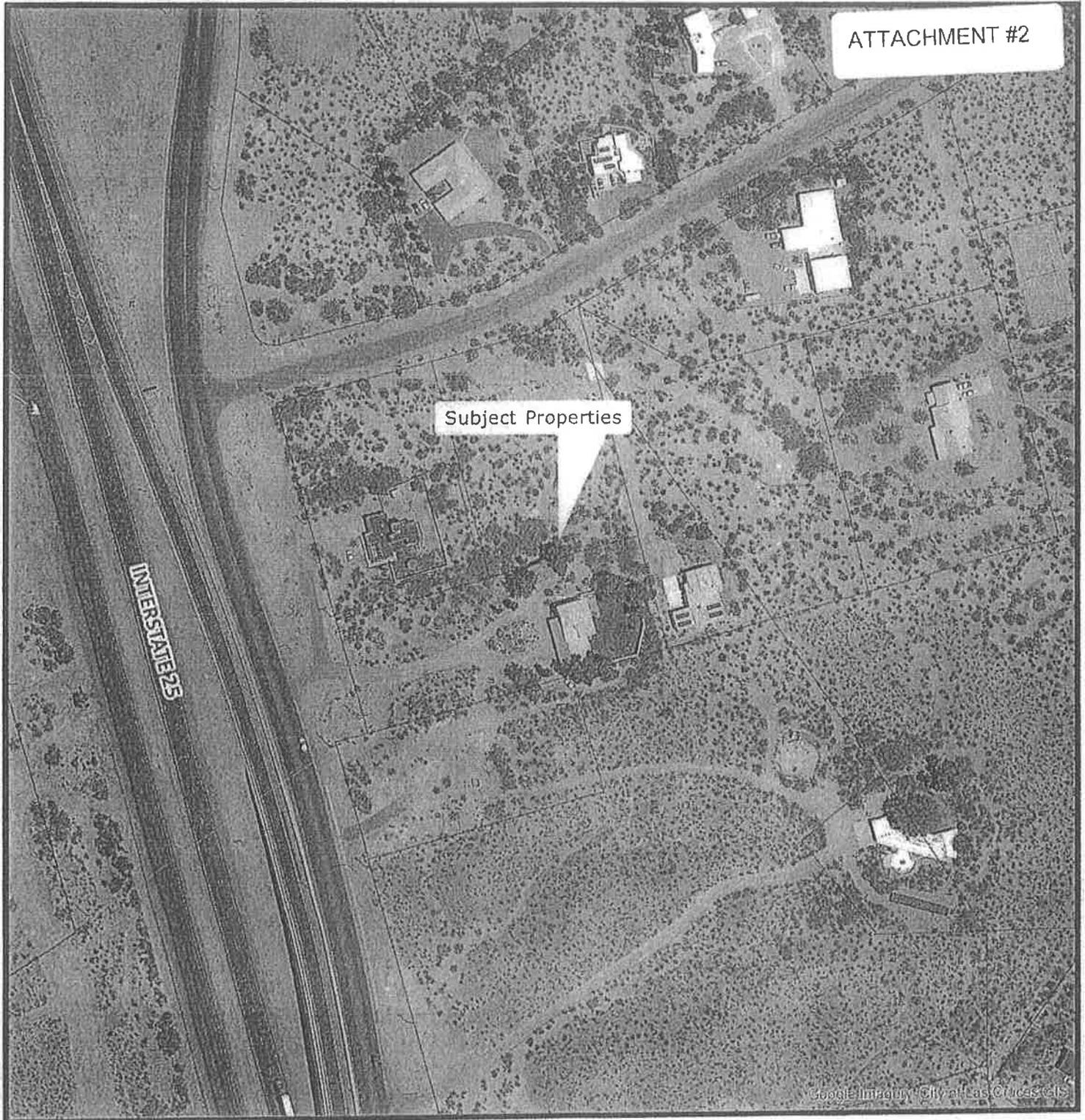
*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged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

ZONING: A-2 TO RE  
OWNER: LESLIE W & EDNA MARIE GIBBS

# 2016 AERIAL MAP

PARCEL: 02-16701,  
02-16703 &  
02-28290

ATTACHMENT #2



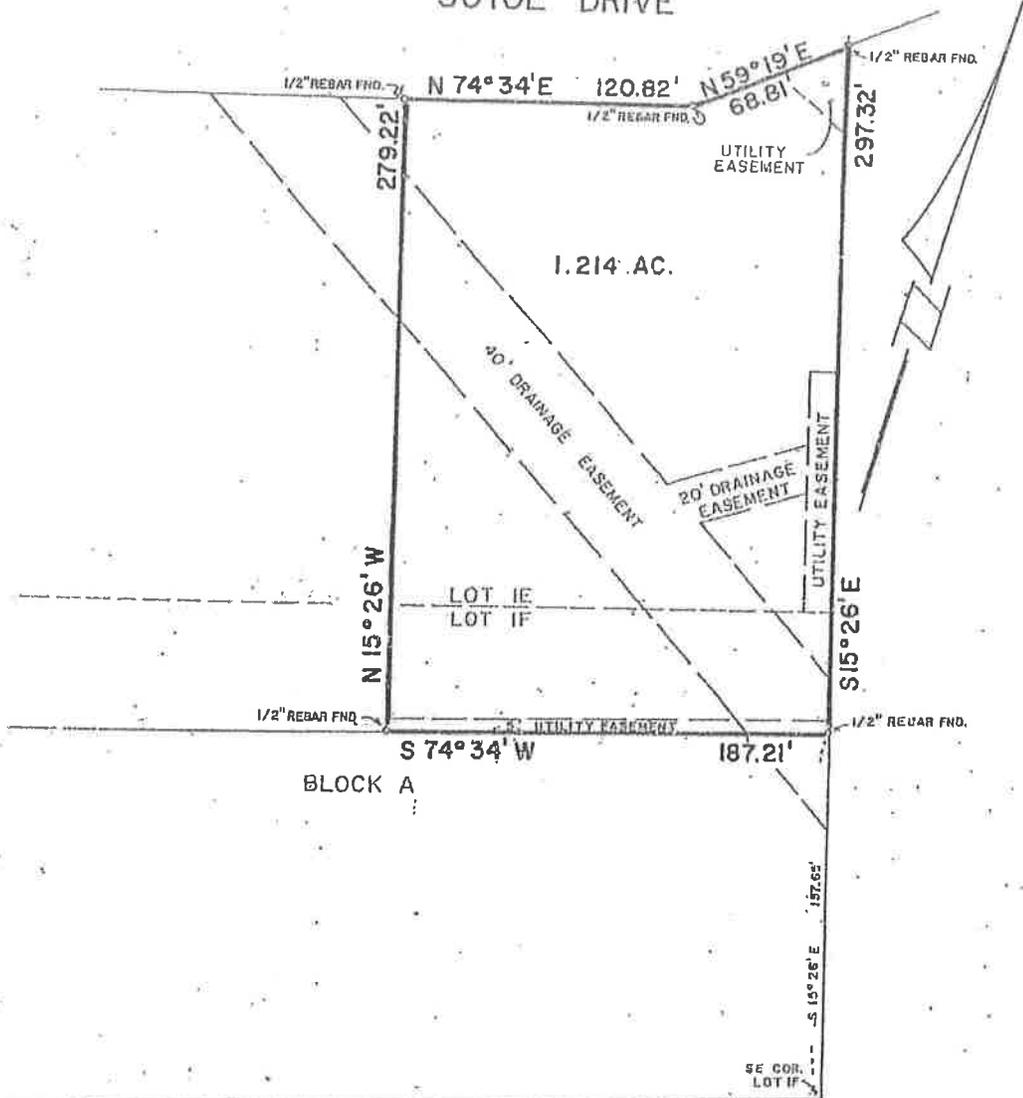
Google Imagery City of Las Cruces GIS



Community Development Department  
700 N Main St  
Las Cruces, NM 88001  
(575) 526-3222

307

4024  
SOTOL DRIVE



LOCATED IN FLOOD ZONE C OF THE NATIONAL FLOOD INSURANCE PROGRAM, FIRM, FLOOD INSURANCE RATE MAPS OF THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO, COMMUNITY PANEL NUMBER 355332-0007D, MAP REVISED: JAN. 18, 1984.

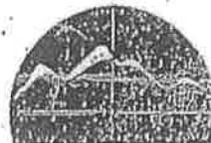
PLAT OF SURVEY  
SHOWING LOCATION OF IMPROVEMENTS

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LAS CRUCES, DONA ANA COUNTY, NEW MEXICO

LAS ALTURAS ESTATES REVISION No. 3  
FILED SEPT. 17, 1989 IN PLAT RECORD PG  
PAGES 59-60 of the records of Dona Ana County, New Mexico.

I hereby certify that I am a Registered Land Surveyor in the State of New Mexico, and that this plat was made by me or under my supervision from the notes of an actual field survey that meets the minimum requirements for land surveys in the State of New Mexico as adopted by the New Mexico State Board of Registration and that it is true and correct to the best of my knowledge and belief.

GILBERT CHAVEZ 10415 0432



CONTOUR Design Group, Inc.  
Professional Land Surveyors  
Planners and Consultants

1880 E. Lohman, Suite D  
Las Cruces, NM 88001  
(505) 524-2258

Work Order: P.C. 87-1601  
Drawn by: L.A. Scale: 1" = 60'  
Field by: M.S., L.A. Date: 5-1-87



5025 LAS ALTURAS DRIVE

N15°26'W 160.76'

IRON ROD (FOUND)  
N74°35'E

PART OF LOT 1E

PLAT SHOWING THE LOCATION OF IMPROVEMENTS ON A 1.369 ACRE TRACT  
PART OF LOT 1E, BLOCK A, LAS ALTURAS ESTATES, BLOCK A, REVISION NOS. 2 AND 3  
PLAT FILED SEPTEMBER 17, 1969 IN PLAT RECORD 10, PAGE 59-60, DONA ANA COUNTY RECORDS  
EAST OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO  
SCALE: 1" = 40'  
JANUARY 22, 1992

SUBJECT PROPERTY IS WITHIN FLOOD ZONE X, FLOOD  
VARIATION AS PER CITY OF LAS CRUCES FLOOD  
RANGE RATE MAP DATED SEPTEMBER 27, 1991.

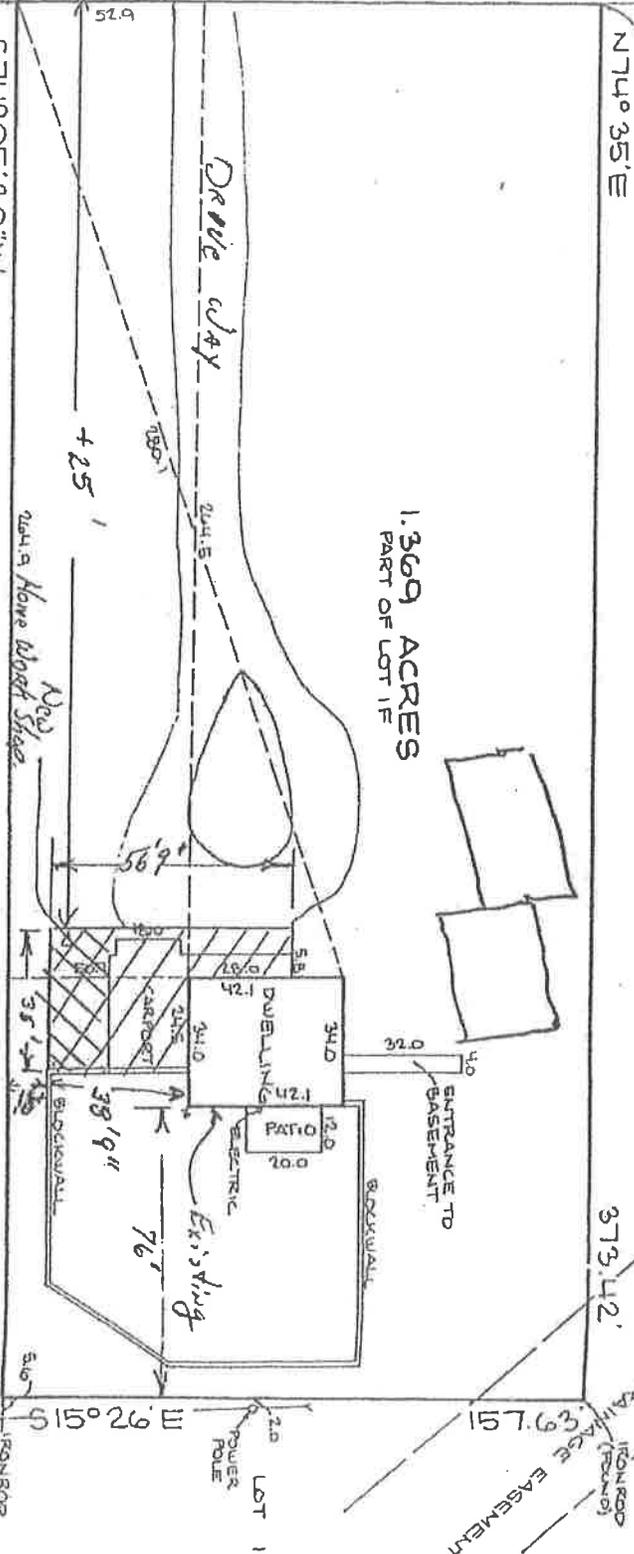
**SURVEYOR CERTIFICATION**

I, JAMES A. BOTSFORD, A REGISTERED PROFESSIONAL  
SURVEYOR IN THE STATE OF NEW MEXICO, HEREBY  
CERTIFY THAT THIS PLAT WAS PREPARED FROM THE  
NOTES OF A BONIFED FIELD SURVEY, CONDUCTED  
UNDER MY SUPERVISION, AND THAT IT MEETS MINIMUM  
STANDARDS FOR LAND SURVEYS AS SET FORTH BY THE  
NEW MEXICO BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JAMES A. BOTSFORD, NARS No. 5411

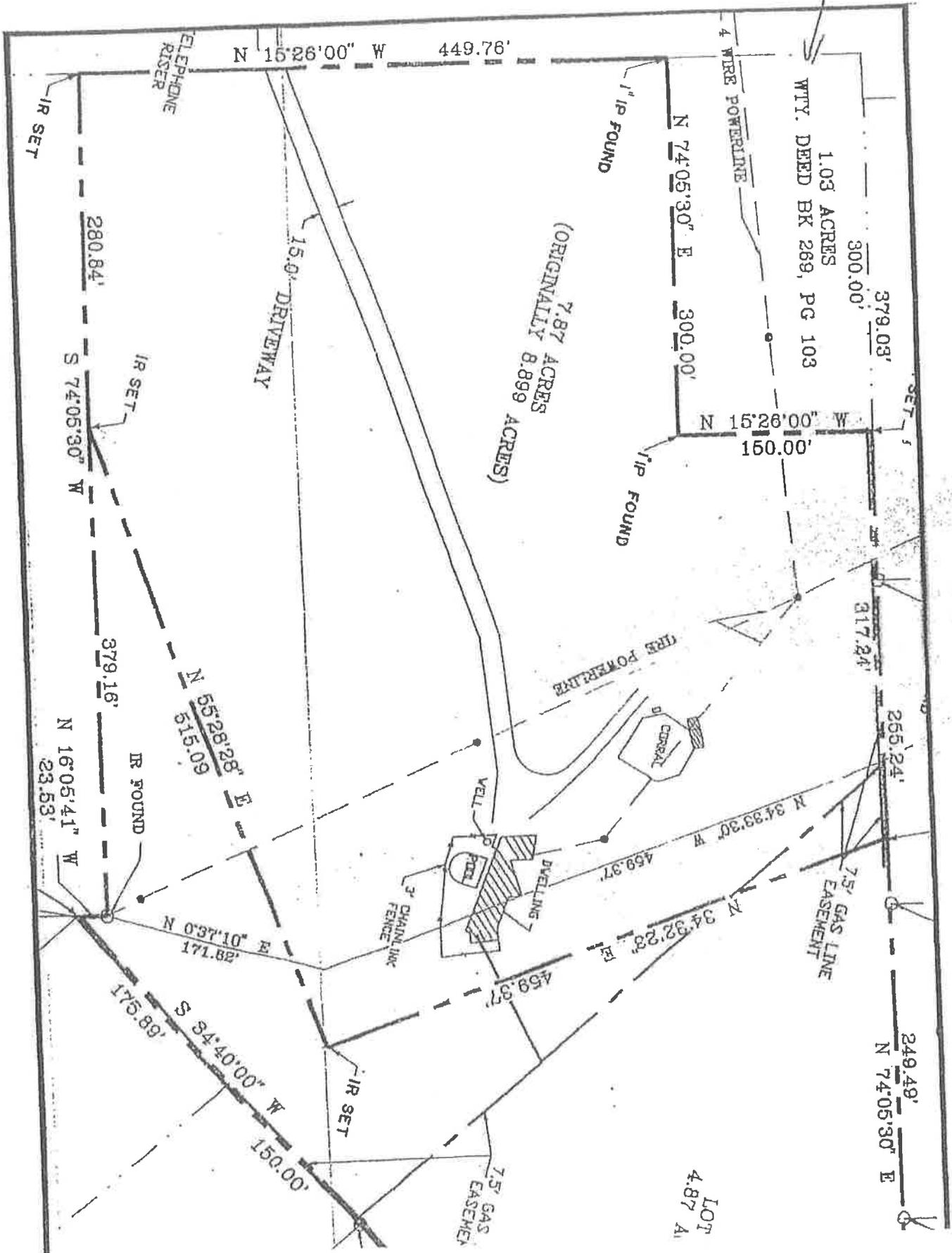


1.369 ACRES  
PART OF LOT 1E



920024  
BOTSFORD LAND SURVEYING, INC.  
210 S. Water Street  
LAS CRUCES, NEW MEXICO 88001  
Phone 526-2444

50 35 LAS AMARAS DR



Yes

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: Leslie W. Gibbs + Edna Marie Gibbs  
Contact Person: Les Gibbs  
Contact Phone Number: 575-496-9285 or 575-679-6755  
Contact e-mail Address: gibbslw@comcast.net  
Web site address (if applicable): \_\_\_\_\_

Proposal Information

Name of Proposal: Rezoning of three lots  
Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)  
Single-Family

Location of Subject Property 5025 + 5035 Las Alturas + 4024 Sotal

(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: 5025 = 1.369 Acre / 5035 = 1.03 Acre / 4024 = 1.214

Detailed description of current use of property. Include type and number of buildings.  
5025 Single Family, Residential / 5035 = VACANT LAND  
4024 = VACANT LAND

Detailed description of intended use of property. (Use separate sheet if necessary):  
5025 will remain as single family residential-zoned RE  
5035 will be zoned RE for single family residential  
4024 To be zoned RE for single family residential

Zoning of Subject Property: A-2

Proposed Zoning (if applicable): RE

Proposed number of lots 3, to be developed in NA phase (s).

Proposed square footage range of homes to be built from NA to NA

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

vehicle storage facility on 5625 Las Alamos

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

NA

Anticipated traffic generation NA trips per day.

Anticipated development schedule: work will commence on or about \_\_\_\_\_  
and will take \_\_\_\_\_ to complete.

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

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). NO.

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

Is there existing landscaping on the property? \_\_\_\_\_

Are there existing buffers on the property? \_\_\_\_\_

Is there existing parking on the property? Yes \_\_\_ No

If yes, is it paved? Yes \_\_\_ No

How many spaces? \_\_\_\_\_ How many accessible? \_\_\_\_\_

**Attachments**

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

Location map

Subdivision Plat (if applicable)

Proposed building elevations

\*renderings of architectural or site design features

\*other pertinent information

**Comprehensive Plan Elements and Policies**

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

**Chapter 5 Community Character**

- Flexible Design & Positive Image
  - Goal 19: Encourage development that is context-sensitive and compatible to the surrounding area.
    - Policy 19.11: All residential development shall be compatible to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping.

**Adam Ochoa**

---

**From:** David Soules [REDACTED]  
**Sent:** Monday, December 14, 2015 10:24 PM  
**To:** Adam Ochoa  
**Subject:** Case Z2893

Dear Mr. Ochoa:

This letter is related to the request by Mr. and Mrs. Gibbs to change the zoning on three parcels from A-2 to RE (Case Z2893). My wife and I are owners of the adjacent parcel to the south of the properties owned by Mr. and Mrs. Gibbs. We fully support the requested zoning change.

Respectfully,  
David Soules

**PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
December 22, 2015 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Charles Beard, Secretary

**STAFF PRESENT:**

Adam Ochoa, Planner, CLC  
Mark Dubbin, CLC Fire Department  
Chris Mount, CLC Fire Department  
Pete Connelly, CLC Deputy City Attorney  
Becky Baum, Recording Secretary, RC Creations, LLC

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

Crane: Good evening ladies and gentlemen. Welcome to the 22nd of December 2015 meeting of the Planning and Zoning Commission of the City. Let me start as we usually do by introducing the Commissioners present. On my far right Commissioner Clifton represents District 6 and Commissioner Gordon is the Mayor's Appointee. Commissioner Stowe represents District 1 and he's also our Vice-Chairman. Commissioner Ferrary represents District 5. Commissioner Alvarado represents District 3 and I'm Godfrey Crane, Chairman and I represent District 4.

**II. CONFLICT OF INTEREST**

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

Crane: Next we ask if any member of the Commission or any Community Development person or any member of the public wishes to call the, pardon me has, has a conflict of interest with any matter on tonight's agenda. No one so indicates.

1 **III. APPROVAL OF MINUTES**

2  
3 1. November 24, 2015 - Regular Meeting

4  
5 Crane: So we'll continue to Approval of the Minutes of the last meeting. Does any  
6 Commissioner have any fixes to the minutes that you received?  
7 Apparently there are no fixes so I'll entertain a motion that the minutes be  
8 approved as submitted.

9  
10 Gordon: I so move.

11  
12 Crane: Moved by Mr. Gordon.

13  
14 Clifton: Second.

15  
16 Crane: Seconded by Mr. Clifton. All in favor, "aye."

17  
18 MOTION PASSES UNANIMOUSLY.

19  
20 Crane: Opposed, "nay." And any abstentions. All right, the matter passes five,  
21 correction six-nothing.

22  
23 **IV. CONSENT AGENDA**

- 24  
25 1. **Case Z2893:** An application of Leslie W. & Edna Marie Gibbs, property  
26 owners, requesting a zone change from A-2 (Rural Agricultural District from  
27 the 1981 Zoning Code) to RE (Single-Family Residential Estate) for three  
28 different parcels located at 4024 Sotol Drive and 5025 & 5035 Las Alturas  
29 Drive: Parcel ID # 02-28290, 02-16701, 02-16703. Proposed use: Rural  
30 single-family residential. Council District 2 (Councilor Smith).

31  
32 Crane: We have one item of, oh is there a postponement tonight Mr. Ochoa? I  
33 believe there is.

34  
35 Ochoa: Yes Mr. Chairman. We do have one request for a postponement for a, the  
36 one item we have on New Business. It is Case S-15-030. The applicant  
37 is requesting that this case be postponed indefinitely. Apparently there  
38 are some changes that may be done to the proposed subdivision before  
39 that. DRC will have to re-review before it comes before you all for your  
40 consideration.

41  
42 Crane: Thank you Mr. Ochoa. We have then to proceed to the Consent Agenda.  
43 The way this works is that items which are considered essentially non-  
44 controversial and which the Community Development Department  
45 recommends approval of are put on the Consent Agenda but any member  
46 of the Commission or Community Development or the public can ask for

1 such an item be, to be removed from the Consent Agenda and put on to  
 2 New Business if they wish to discuss it. Does anybody wish to remove  
 3 item Z2893 from the Consent Agenda? No one so indicates so we will  
 4 entertain a motion that the Consent Agenda be approved.  
 5

6 Gordon: I'd like to make a motion that the Consent Agenda as written be approved.  
 7

8 Crane: This is moved by Commissioner Gordon. Do I have a second?  
 9

10 Clifton: Second.  
 11

12 Crane: By Commissioner Clifton. All in favor, "aye."  
 13

14 MOTION PASSES UNANIMOUSLY.  
 15

16 Crane: Opposed? None. And abstentions? None. The Consent Agenda Item  
 17 Z2893 passes six-zero.  
 18

#### 19 V. OLD BUSINESS - NONE

20  
 21 Crane: Is there any Old Business Mr. Ochoa?  
 22

23 Ochoa: No sir, none tonight.  
 24

25 Crane: No Old Business.  
 26

#### 27 VI. NEW BUSINESS

- 28  
 29 1. **Case S-15-030:** Request for approval of an application by Borderland  
 30 Engineers and Surveyors, LLC on behalf of the property owners, Central  
 31 Park West NY, LLC, for replat known as Alameda Palms Subdivision, on 1.19  
 32 +/- acres zoned R-1a (Single-Family Medium Density) and located on the  
 33 east side of Alameda Boulevard, 242 +/- feet north of its intersection with  
 34 Picacho Avenue; Parcel ID # 02-04260. Proposed Use: A 3-lot single-family  
 35 residential subdivision, Council District 1 (Councilor Gandara).  
 36

37 Crane: We've dealt with the postponed New Business. Any Other Business?  
 38

39 Ochoa: Point of clarification Mr. Chair. We actually need a motion to postpone  
 40 Case S-15-030 to postpone it indefinitely and then we need to vote on that  
 41 sir.  
 42

43 Crane: Okay. Thank you. So we'll do that by motion, right? Do I hear a motion  
 44 that Case S-15-030 be postponed indefinitely? You have to, you have to  
 45 articulate. Elocute.  
 46

1 Gordon: I'd like to make a motion that Case S-15-030 be postponed indefinitely.

2  
3 Crane: All right. Thank you Mr. Gordon. Do I have a second?

4  
5 Clifton: Second.

6  
7 Crane: Commissioner Clifton seconds. All in favor, "aye."

8  
9 MOTION PASSES UNANIMOUSLY.

10  
11 Crane: Opposed? Any abstentions? The matter passes six-nothing. Thank you  
12 Mr. Ochoa.

13  
14 **VII. OTHER BUSINESS - NONE**

15  
16 Crane: Okay. Is there any Other Business?

17  
18 Ochoa: No sir. None tonight.

19  
20 **VIII. PUBLIC PARTICIPATION**

21  
22 Crane: Public Participation: We have one member of the public. Would you care  
23 to give an address to the Commission, sir?

24  
25 Ochoa: Mr. Chairman. That is the applicant for the Item that was approved on the  
26 Consent Agenda so.

27  
28 **IX. STAFF ANNOUNCEMENTS**

29  
30 Crane: Staff Announcements.

31  
32 Ochoa: No announcements other than just a FYI; next month, January's meeting  
33 first of the year of course where we'll be rereading all the, the job of the  
34 P&Z where everybody has fun reading all those paragraphs into the  
35 record and approving it and so forth as well as a vote for and, yeah vote  
36 for a new Chair, potentially a new Chair, Vice-Chair, and Secretary at that  
37 meeting as well, of, of course if we quorum for it. But other than that we  
38 should have a couple of cases for that night as well.

39  
40 Crane: Okay. Thank you.

41  
42  
43  
44  
45  
46

1 X. ADJOURNMENT

2  
3 Crane: Being no other business the meeting is adjourned at 6:08 p.m. Thank  
4 you.  
5

6  
7  
8  
9

10 \_\_\_\_\_  
Chairperson

11

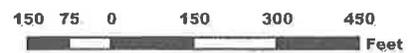
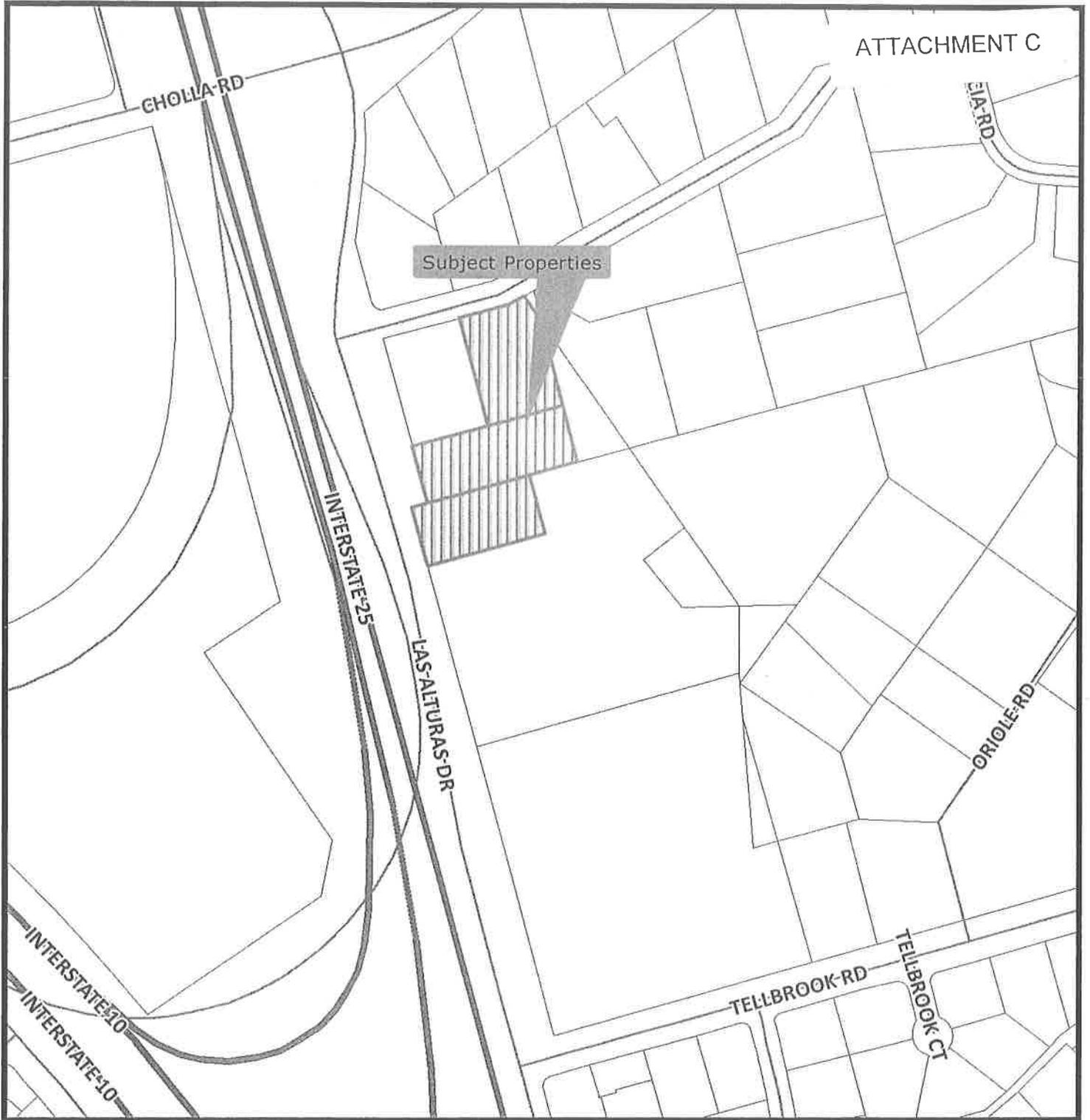
DRAFT

ZONING: A-2 TO RE  
OWNER: LESLIE W & EDNA MARIE GIBBS

# VICINITY MAP

PARCEL: 02-16701,  
02-16703 &  
02-28290

ATTACHMENT C



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