



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 11 Ordinance/Resolution# 2778

For Meeting of March 21, 2016  
(Ordinance First Reading Date)

For Meeting of April 7, 2016  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (HIGH DENSITY RESIDENTIAL) TO O-1 (NEIGHBORHOOD OFFICE) ON A 0.065± ACRE PROPERTY LOCATED AT 520 N. CAMPO ST. WITHIN THE SOUTH MESQUITE OVERLAY. SUBMITTED BY EDWARD AND DIANE KRUIS, PROPERTY OWNERS. (Z2894).

**PURPOSE(S) OF ACTION:**

Zone change.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Katherine Harrison-Rogers	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<b><u>Phone:</u></b> 528-3049
<b><u>City Manager Signature:</u></b>		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The City Council is required to review and take final action on zone changes per Section 38-10 B. 2. b. and 38-13 A. of the 2001 Zoning Code. A zoning district is a specifically delineated area where land use regulations uniformly govern the use, placement, spacing, density, bulk, height, and size of buildings and/or land.

The applicant has requested a zone change for the existing single-family residence into a professional office. The property is currently zoned R-3 (High Density Residential) within the South Mesquite Overlay (SMO) and the applicants would like to obtain O-1 (Neighborhood Office) zoning at 520 N. Campo St. in order to allow for these types of uses. It should be noted that professional office uses are permitted in the SMO's R-3 zoning designation if the primary use is residential and only 35% of the gross floor area is used for non-residential purposes and the non-residential use remains on the ground floor.

The property was part of the original town site of the South Mesquite neighborhood and the home was built in 1920, is in relatively good condition, and is considered contributing to the Mesquite

Historic District. The property lies within both the South Mesquite Overlay and the Infill Overlay. As a policy, the City supports the improvement of vacant and underutilized infill properties as a viable way to support economic growth and revitalization within the city's core. The property is also located adjacent to the Central Business District (CBD) where a variety of commercial, industrial, office, and institutional uses are allowed. A professional office use is a logical transition between the more intense uses allowed in the CBD and the adjacent neighborhood. Furthermore, N. Campo St. is classified as a minor arterial by the Mesilla Valley Metropolitan Planning Organization on which office and commercial uses would be considered appropriate.

Section 38-49.2 J. 2. D. of the 2001 Zoning Code requires a recommendation from the South Mesquite Design Review Board (SMDRB) to the Planning and Zoning Commission (P&Z) for zone change requests. On December 17, 2015, the SMDRB met during a public hearing to review and make a recommendation on the zone change. After a discussion amongst the members of the SMDRB and testimony of support from an adjacent property owner, the SMDRB voted 5-0-0 (2 members absent) to approve the zone change without conditions.

On January 26, 2016, the P&Z per Section 38-10 B. 2. b. of the 2001 Zoning Code, 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 P&Z hearing.

The City Council shall consider the recommendation of the P&Z and shall decide whether the requested zoning district is appropriate at this location. If deemed suitable based upon the evidence presented, the City Council shall make a final determination on the request. It is possible for the City Council to modify the recommendation by removing or adding conditions. Furthermore, the City Council can reject the recommendation; however, new evidence and facts (a.k.a. findings) must be articulated if the City Council reverses the P&Z decision.

**SUPPORT INFORMATION:**

1. Ordinance.
2. Exhibit "A", Location Map.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning & Zoning Commission for Case Z2894.
5. Attachment "B", Minutes from the January 26, 2016 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
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**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 property located at 520 N. Campo St. will be rezoned from R-3 (High Density Residential) to O-1 (Neighborhood Office).
2. Vote "No"; this will reject the recommendation made by the P&Z. The current zoning designation of R-3 (High Density Residential) will remain on the subject property. Denial of the zone change will require new information or facts not identified or presented during staff review or the 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

COUNCIL BILL NO. 16-019  
ORDINANCE NO. 2778

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (HIGH DENSITY RESIDENTIAL) TO O-1 (NEIGHBORHOOD OFFICE) ON A 0.065± ACRE PROPERTY LOCATED AT 520 N. CAMPO ST. WITHIN THE SOUTH MESQUITE OVERLAY. SUBMITTED BY EDWARD AND DIANE KRUIS, PROPERTY OWNERS. (Z2894).**

The City Council is informed that:

**WHEREAS**, Edward and Diane KrUIS have submitted a request for a zone change from R-3 (High Density Residential) to O-1 (Neighborhood Office) on a 0.065± acre property located at 520 N. Campo St. within the South Mesquite Overlay; and

**WHEREAS**, the South Mesquite Design Review Board, after conducting a public hearing on December 17, 2015, unanimously recommended that said zone change request be approved by a vote of 5-0-0 (2 members absent); and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on January 26, 2016, 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 O-1 (Neighborhood Office).

**(II)**

**THAT** the zoning is based on the findings contained in Exhibit "B", 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: \_\_\_\_\_

VOTE:

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

APPROVED AS TO FORM:

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

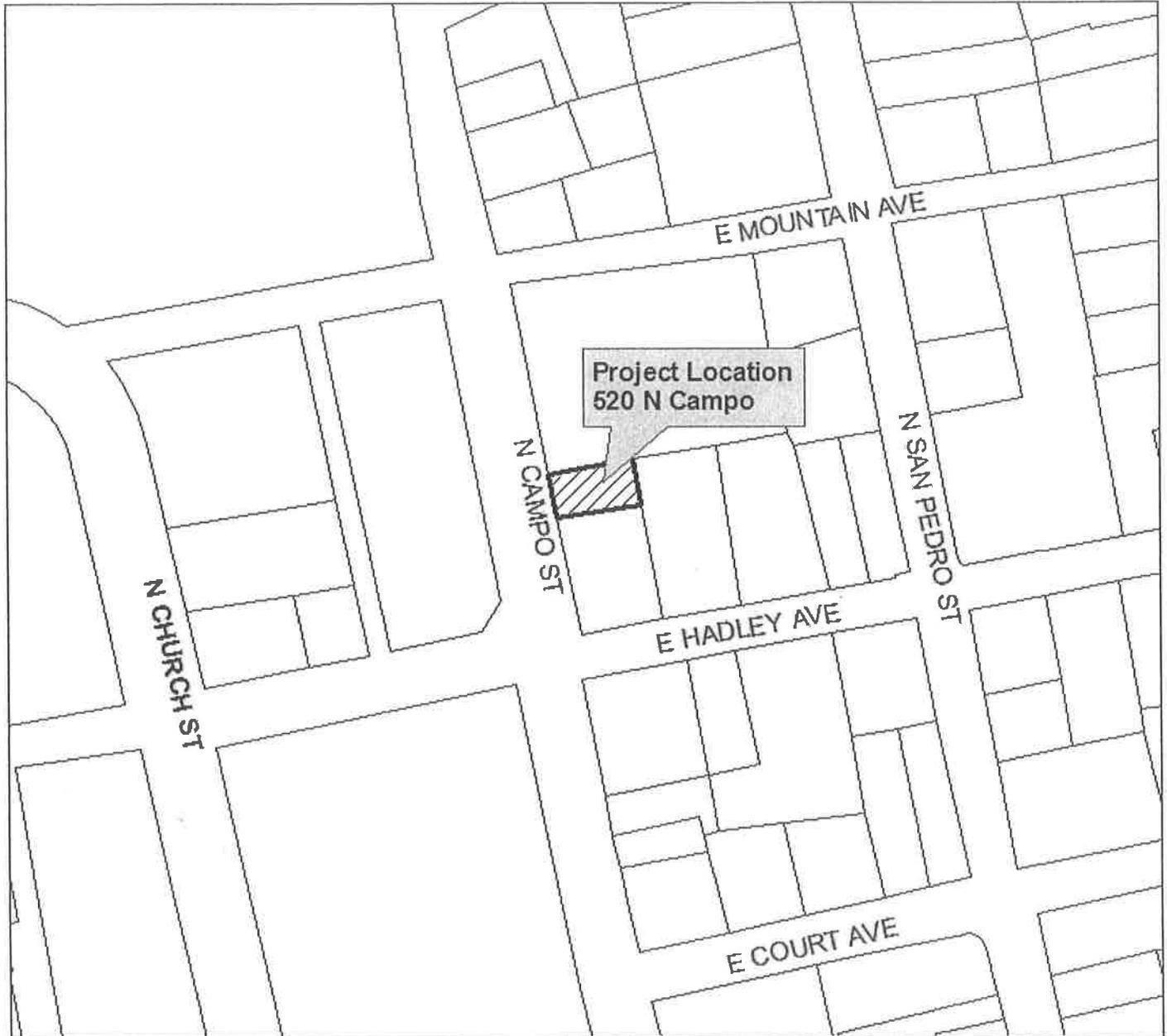
# Location Map

**ZONING:** R-3

**PARCEL:** 02-06093

**OWNER:** EDWARD G & DIANE J KRUIS

**DATE:** 12/1/2015



**PROPOSAL:** Case Z2894: An application for a zone change from R-3 (High Density Residential) to O-1 (Neighborhood Office) for a professional office.



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 APPROVAL**

1. The subject property currently encompasses one parcel, 0.065 acres± zoned R-3 (High Density Residential) and contains a vacant residential building.
2. The property is located in the Infill Overlay and is underutilized. The City's Infill Policy Plan supports development of infill properties.
3. 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.
4. Based upon a review of the Mesquite Neighborhood Plan, the zone change is not in conflict with the intent of the plan.
5. After a review of the materials, presentations from staff and the applicant, and testimony from members of the public, the South Mesquite Design Review Board recommended approval of the proposed Zone Change.



1 Ochoa: Mr. Chairman.

2  
3 Crane: Oh I beg your pardon, Mr. Gordon.

4  
5 Gordon: Yeah, um, Case number S-15-017 and Case S-15-016, I'd just like to bring  
6 to the Board's attention that I am familiar with the principals who are  
7 bringing this petition. I have sat on a homeowner's board with them. I live  
8 in a community that they were, that they had built, but I certainly feel that I  
9 can render an impartial decision in, in these two items. I just want to make  
10 the Board a, a, aware of it. If it's necessary I will recuse myself.

11  
12 Crane: Thank you Mr. Gordon. Commissioners, does anyone feels that Mr.  
13 Gordon should recuse himself? And the applicants? No. All right. Thank  
14 you Mr. Gordon we'll continue with you.

15  
16 **III. APPROVAL OF MINUTES**

17  
18 1. December 22, 2015 - Regular Meeting

19  
20 Crane: Next we have approval of the minutes of the last meeting which was  
21 remarkably brief; eight minutes in fact. Does any Commissioner who was  
22 present last time have any adjustments to make to the minutes of the last  
23 meeting, that was December 22nd? No one so indicates, so I'll enter,  
24 entertain a motion that the minutes be accepted as they were provided.

25  
26 Stowe: Move to accept.

27  
28 Crane: Moved by Mr. Stowe.

29  
30 Ferrary: I will second it.

31  
32 Crane: Seconded by Ms. Ferrary. All in favor "aye."

33  
34 MOTION PASSES.

35  
36 Crane: Opposed "nay." And abstaining. Mr. Beard abstains. This passes  
37 six/zero/one. Thank you.

38  
39 **IV. POSTPONEMENTS**

40  
41 Crane: Are there any postponements Mr. Ochoa?

42  
43 Ochoa: No sir, none tonight.

44  
45 Crane: Thank you.

46

1 V. CONSENT AGENDA - NONE

- 2
- 3 1. **Case S-15-017:** Application of Area 51, LLC for a preliminary plat known as
- 4 Sonoma Ranch East 2, Phase 11 on 31.612 +/- acre tract located generally
- 5 north of the termination of Silver Hawk Avenue, north of Azure Hills Road and
- 6 the Alameda Arroyo and within the Sonoma Ranch East 2 master planned
- 7 area: Parcel ID#\$ 02-42593. Proposed Use: 87 single-family residential lots.
- 8 Council District 6 (Levatino).
- 9
- 10 2. **Case S-15-016:** Application of Sonoma Ranch North, LLC for a preliminary
- 11 plat known as Sonoma Ranch North, Phase 1 on a 5.742 +/- acre tract
- 12 located within the Sonoma Ranch North master planned area on the south
- 13 side of Northrise Boulevard, directly south of its intersection with Purple Sage
- 14 Drive: Parcel ID# 02-42111. Proposed Use: 21 single-family residential lots.
- 15 Council District 6 (Levatino)
- 16
- 17 3. **Case Z2892:** An application of Michael Johnson on behalf of the property
- 18 owner, Aguirre Land Holdings, LLC, for consideration of a zone change from
- 19 O-1 (Neighborhood Office) and R-4 (High Density Residential and Limited
- 20 Office) to C-1 (Commercial Low Intensity) on two properties located at 114 N.
- 21 Campo and 315 E. Griggs: Parcel ID#'s 02-06152 and 02-6166. Proposed
- 22 use: various neighborhood commercial uses. Council District 1 (Gandara).
- 23
- 24 4. **Case Z2894:** An application of Edward G. Kruis and Diane J. Kruis, property
- 25 owners, for consideration of a zone change from R-3 (High Density
- 26 Residential) to O-1 (Neighborhood Office) on a property located at 520 N.
- 27 Campo: Parcel ID# 02-06093. Proposed use: Counseling, legal services,
- 28 accounting services or similar uses. Council District 1 (Gandara)
- 29

30 Crane: Next we come to the Consent Agenda. For those who may not know, this  
 31 is a group in this instance of four cases, they're on your agenda; S-15-017,  
 32 S-15-016, Z2892, and Z2894. These've been put on the Consent Agenda  
 33 because Community Development believes that they're probably non-  
 34 controversial and may not require any discussion. However, if any  
 35 Commissioner or any members of the public would like to see any of these  
 36 four matters discussed, now's the time to say so and we will take it off the  
 37 Consent Agenda, it or them, and put them into New Business. Does  
 38 anybody want to see anything removed from the Consent Agenda? Okay,  
 39 I should've said that if, that we normally take a vote on everything in the  
 40 Consent Agenda in one chunk, so nobody is, has indicated that anything's  
 41 to be removed from the Consent Agenda so I'll entertain a motion that the  
 42 Consent Agenda be passed as is.

43  
 44 Beard: I move ...

45  
 46 Crane: Moved by Mr. Beard.

1  
2 Beard: I move to approve the Consent Agenda including Case S-15-017, Case S-  
3 15-016, Case Z2892, and Case Z2894.

4  
5 Crane: Do I have a second for that?

6  
7 Clifton: Second.

8  
9 Crane: Seconded by Commissioner Clifton. All in favor "aye."

10  
11 MOTION PASSES UNANIMOUSLY.

12  
13 Crane: Opposed "nay." Abstaining. The measure passes seven/nothing. Thank  
14 you.

15  
16 **VI. OLD BUSINESS - NONE**

17  
18 Crane: Any Old Business Mr. Ochoa?

19  
20 Ochoa: No sir, none tonight.

21  
22 Crane: Okay.

23  
24 **VII. NEW BUSINESS**

- 25  
26 1. Adoption of Statement of Reasonable Notice as required by Section 10-15-  
27 1(B) of the Open Meetings Act, Section 10-15-1 to 10-15-4, New Mexico  
28 Statutes Annotated (1978), as amended.

29  
30 Crane: And then we'll proceed to New Business. We have two items, one is  
31 something we do regularly every year which is to read into the record the  
32 Statement of Reasonable Notice which is in Commissioner's packets. To  
33 keep this from wearing out the Chairman's voice or anybody else's for that  
34 matter, as many of you know we simply take turns in reading a section.  
35 We'll go, start with me and just go through until we come to nine, pardon  
36 me, until we come to Mr. Clifton and if there's still something after to read  
37 it'll come back to me. Let me read the first two paragraphs on the first  
38 page and send over to Mr. Beard for the two other "whereas's" and the  
39 "therefore," and Mr. Beard can then pass on to Mr. Alvarado for Roman  
40 Numeral I and so on.

41 So, City of Las Cruces Planning and Zoning Commission  
42 Statement of Reasonable Notice for Meetings. The Planning and Zoning  
43 Commission is informed that:

44 Whereas, the Planning and Zoning Commissioner of the City of Las  
45 Cruces meet in a public hearing at 6:00 p.m. on January 26, 2016 and.

46 Whereas, Section 10-15-1 (D) of the Open Meetings Act, Section

1 10-15-1 to 10-15-4, New Mexico Statutes Annotated (1978), as amended,  
2 states that, except as may be otherwise provided in the Constitution or the  
3 provision of the Open Meetings Act, all meetings of a quorum of members  
4 of any board, council, commission, administrative adjudicatory body or  
5 other policy making body of a local public agency held for the purpose of  
6 formulating public policy, discussing public business or for the purpose of  
7 taking any action within the authority of or the delegated authority of such  
8 body, are declared to be public meetings open to the public at all times;  
9 and.

10  
11 Beard: Whereas, any meetings subject to the Open Meetings Act at which the  
12 discussion or adoption of any proposed resolution, rule, regulation or  
13 formal action occurs shall be held only after reasonable notice to the  
14 public; and

15       Whereas, section 15-, section 10-15-1(D) of the Open Meetings  
16 Act, as amended, requires the Planning and Zoning Commission of the  
17 City of Las Cruces to determine annually what constitutes reasonable  
18 notice of its public meetings.

19       Now there, therefore, the public, the Planning and Zoning  
20 Commission of the City Las Cruces of New Mexico states:

21  
22 Alvarado: Section one, that for regular public hearings and special meetings, the  
23 Planning and Zoning Commission of the City of Las Cruces generally  
24 meets the fourth Tuesday of, of every month at 6:00 p.m. for the regular  
25 public hearing, and the issuance of an agenda in accordance with that,  
26 this statement shall be issued and circulated to the press, radio, and other  
27 public information media and posted on bulletin boards of the City of Las  
28 Cruces City Hall.

29  
30 Ferrary: Section two, that a public hearing is required for requests for Zoning Code  
31 amendments, Sign Code amendments, road waivers associated with  
32 subdivisions, zone changes, annexations, initial zonings, Planned Unit  
33 Developments, and subdivision code amendments. Notice of public  
34 hearing shall be sent by regular mail to all property owners, as shown by  
35 the records of the County Assessor, within at least five hundred (500) feet  
36 of the proposed case. Notice shall be mailed at least fifteen (15) days  
37 prior to the required hearing. Notice of the time and place of the public  
38 hearing shall be published at least fifteen (15) days prior to the hearing in  
39 a newspaper of general circulation in the City.

40  
41 Stowe: Section three. That a public hearing is required for requests for Infill  
42 Development proposal, Special Use Permits, variances, PUD final site  
43 plans, master plans, preliminary plats, and non-administrative final plats.  
44 Notice of the public hearing shall be sent by certified first class mail to all  
45 property owners, as shown by the records of the County Assessor, within  
46 at least one hundred (100) feet of the subject property of the proposed

1 request excluding streets, alleys, channels, canals, railroads and all other  
2 public rights-of-way. Therefore, thereafter, regular, non-certified, first  
3 class mail shall be sent to those properties that fall within a distance  
4 greater than one hundred (100) feet and no less than five hundred (500)  
5 feet of the subject property. The secondary distance of more or less 100  
6 feet to more or less 500 feet) may include streets, alleys, channels,  
7 canals, railroads, and all other rights-of-way, public rights-of-way. When  
8 an area larger than one city block is under consideration, regular non-  
9 certified, first class mail shall be used for all mailed notification and is not  
10 subject to right-of-way provisions as outlined above. Regular, non-  
11 certified, first class mail shall also be sent to all recognized neighborhood  
12 groups within five hundred (500) feet of the subject property. Notice shall  
13 be mailed at least fifteen (15) days prior to the required hearing. Notice of  
14 the time and place of the public hearing shall be published at least fifteen  
15 (15) days prior to the hearing in a newspaper of general circulation in the  
16 City.

17  
18  
19 Crane: Thank you Mr. ...

20  
21 Gordon: Four.

22  
23 Crane: Gordon. Number four.

24  
25 Gordon: That a public hearing is required for all appeals to the Zoning Code,  
26 Design Standards interpretations, and Subdivision Code interpretations.  
27 Notice of the time and place of the meeting shall be published at least  
28 fifteen (15) days prior to the hearing in a newspaper of general circulation  
29 in the City.

30  
31 Crane: Thank you. Mr. Clifton.

32  
33 Clifton: Five. That the Planning and Zoning Commission determines that,  
34 reasonable notice shall include the issuance and posting of an agenda for  
35 regular meetings at least fifteen (15) days prior to the required hearing.  
36 That reasonable notice for special meetings shall require the issuance and  
37 posting of an agenda within 24 hours of the time of the special meeting.  
38 All other meetings which may be called for informational purposes at  
39 which no action is to be taken shall be held only after written notice issued  
40 to the news media no later than 12:00 noon of the day of such meeting, or  
41 four (4) hours before such meeting, whichever is greater.

42  
43 Crane: Thank you. I'll do six. That in an emergency, wherein it is necessary for  
44 the public peace, health, safety, and welfare, a meeting may be called with  
45 as much notice as may be possible under the conditions. Mr. Beard.

46

- 1 Beard: Number seven. That substantial compliance with any other, any one of  
2 the appropriate foregoing methods of giving notice shall constitute  
3 compliance with this statement and Section 10-15-1 to 10-15-4, N.M.S.A.  
4 (1978), as amended. Nothing herein shall prevent the use of additional  
5 means or methods of giving notice of regular or special meetings. Nothing  
6 herein shall require new notice of any public meeting for which notice has  
7 been given and which is recessed or adjourned. However, in recessing or  
8 meeting, the presiding officer shall announce the meeting, the time and  
9 place of the meeting shall resume.
- 10  
11 Crane: Thank you. Ms., Mr. Alvarado.
- 12  
13  
14 Alvarado: Section eight. That all such meetings are and shall be open to the public  
15 as set forth in Section 10-15-1 to 10-15-4, N.M.S.A. (1978), as amended.
- 16  
17 Crane: Thank you. And finally Ms. Ferrary.
- 18  
19 Ferrary: Section Nine. That if any section, paragraph, clause, or provision of this  
20 statement shall be for any reason held to be invalid or unenforceable, the  
21 invalidity or unenforceability of such section, paragraph or clause or  
22 provision shall not affect any of the remaining provisions of this statement  
23 or its application to other situations.
- 24  
25 Crane: Thank you. And I have signed this and Mr. Beard is signing it.
- 26  
27 2. Election of Officers.
- 28  
29 Crane: We next proceed to the Election of Officers and I'd like to ask Ms.  
30 Harrison-Rogers if there's any, two questions actually, is there any  
31 specification as to what sequence the officers should be voted on?  
32
- 33 H-Rogers: I would say no. It, it's, it's to your discretion.
- 34  
35 Crane: And is the Chairman, does the Chairman remain the Chairman for this  
36 meeting or does he hand over the gavel to his successor? A neat point in  
37 law right.
- 38  
39 H-Rogers: Good, good, good question. I think you actually hand it over to your  
40 successor to, to finalize the meeting today.
- 41  
42 Gordon: That was funny, did you hear that?
- 43  
44 Crane: I'm sorry.
- 45  
46 H-Rogers: I believe that you hand the gavel over to whomever gets voted as the off,

- 1 as the, as the, as the Chairman today to finish the meeting.  
2
- 3 Crane: Yeah. Thank you. Well let's take it from the top. We are to elect officers  
4 and I'll ask for nominations for Chairman first. Mr. Gordon.  
5
- 6 Gordon: I nominate as, for Chairman of the Planning and Zoning Commission Mr.  
7 Kirk Clifton.  
8
- 9 Crane: Commissioner Clifton's nominated. Is there a second for Mr. Clifton?  
10
- 11 Beard: I second that.  
12
- 13 Crane: Seconded by Mr. Beard. Are there any other nominations for Chairman?  
14 Seeing none. I will ask for a, think we'll have a, do, do we, can we just  
15 have a voice vote Ms. Harrison-Rogers? Yes. Okay. All in favor of Mr.  
16 Clifton as Chairman "aye."  
17
- 18 MOTION PASSES UNANIMOUSLY.  
19
- 20 Crane: Opposed. And abstaining. Mr. Clifton is elected seven/zero/zero. Thank  
21 you. In that case my term of office is over and Mr. Clifton will approach. I  
22 will hand him the ceremonial gavel. I'd hand you a gown and a chain of  
23 office but we seem to have lost it. And while he's making his way up here,  
24 it has been a pleasure to be Chairman of this highly competent and  
25 professional Commission and it's made my job ...  
26
- 27 Clifton: You can stay there I'll just finish ...  
28
- 29 Crane: No, no, no, no, come on. She said I have to move. Enjoy.  
30
- 31 Clifton: Thank you Past Chairman Crane. I appreciate all your hard work over the  
32 years in keeping things under control when they got otherwise hairy for the  
33 Commission, staff, and the public. Thank you. Okay, with that said do we  
34 have a nomination for Vice Chair?  
35
- 36 Stowe: I nominate Commissioner Gordon as Vice Chair.  
37
- 38 Clifton: Do we have a second?  
39
- 40 Ferrary: I'll second.  
41
- 42 Clifton: Any additional nominations? Seeing none. We'll go ahead and take a  
43 vote. Verbal once again, Katherine? Okay. All in favor of Commissioner  
44 Gordon as Vice Chair signify by saying "aye."  
45
- 46 MOTION PASSES UNANIMOUSLY.

- 1  
2 Clifton: Chair votes aye. Commissioner Gordon welcome to the show. Okay,  
3 moving right along to Secretary. Can I get nominations for Secretary?  
4  
5 Stowe: I nominate Charles Beard as Secretary.  
6  
7 Gordon: And I second.  
8  
9 Clifton: Any additional nominations? You can run but you can't hide. Okay, let's  
10 take a vote. All in favor of Commissioner Beard returning as Secretary  
11 say "aye."  
12

13 MOTION PASSES UNANIMOUSLY.

- 14  
15 Clifton: Okay. Congratulations Commissioner Beard, Secretary.  
16  
17 Beard: Thank you.  
18  
19 Clifton: Okay with that said I believe that closes out our elections for 2016.  
20

21 **VIII. OTHER BUSINESS**

- 22  
23 Clifton: Is there any other business staff?  
24  
25 Crane: If, if I may Mr. Chairman. Just to, like to say officially this one occasion,  
26 Mr. Gordon reminds me, my term of office is over the end of March. I  
27 have not heard from Mr. Eakman, my Councilor, whether he wants me to  
28 continue or not but I've decided after eight years I'm gonna reshuffle my  
29 volunteer commitments a little, so February and March will be my last two  
30 meetings. It's been again a pleasure. I've learned a great deal,  
31 particularly from Community Development, a highly professional group of  
32 people. No city could be better served than what we have had here.  
33 Thank you.  
34  
35 Clifton: Thank you very much Commissioner Crane.  
36  
37 Ochoa: Um, no other business tonight. No sir.  
38  
39 Clifton: Okay. Thank you Adam.  
40  
41 Ferrary: Oh wait.  
42  
43 Ochoa: But I believe Commissioner Ferrary did have a comment.  
44  
45 Clifton: Yes Commissioner Ferrary.  
46

1 Ferrary: As we just approved two new developments in District 37 in the Sonoma  
2 Ranch area, I have spoken to a lot of people in the past few years that are  
3 concerned about why sidewalks aren't completed. And it's really  
4 noticeable that kids are having to go in and out of the street as sidewalks  
5 are completed when homes are built, and I would just like to bring this to  
6 the attention of the design standards and as the codes are being re-  
7 thought, or re-issued or written that the requirement for sidewalks to be  
8 completed instead of when the house is built, I think it's important that we  
9 require, even though sometimes they might have to be rebuilt or brought  
10 up if a home is not located exactly when, where the curb cut is or now with  
11 the rolling curbs that wouldn't make a difference, but I think for safety  
12 reasons and also ADA compliance that it would be important to have this  
13 changed as soon as possible.

14  
15 Clifton: Yes Commissioner.

16  
17 Beard: The only thing I can think of that reason why they don't put a sidewalk in  
18 there is that when, if, when the cement trucks come in to pour concrete for  
19 the next house that's not there and the sidewalk is there, they, what they  
20 do is they crack the sidewalks and then they have to replace them. That's  
21 the only thing I can think of why they don't do that. And I don't know  
22 whether, whether they would be libel or not, cause those cement trucks  
23 will break the sidewalks.

24  
25 Gordon: Maybe I could offer something too, is that when they build a new  
26 development I've known from personal experience that the developer will  
27 come in and do the infrastructure and put in the streets, then they put in  
28 curbing, but they don't put in sidewalks. And when the house is  
29 completed, what they do, they come in and they cut the curbing down so  
30 that they could then pour the driveway and at the same time that they pour  
31 the driveway they pour the section that that house occupies of the lot, the  
32 sidewalk and they continue to do that as the development is completed.  
33 But I think you're right, I think otherwise it would be just a horrendous thing  
34 to just put in a sidewalk and have to rip them up because they gotta put in  
35 the driveway. It's very difficult for them to cut.

36  
37 Beard: I, I do know that, that in my neighborhood they, they put in the sidewalks  
38 before the houses went in. So I do know that they do that. They also  
39 cracked my sidewalk and they had to replace it so. I think the sidewalk  
40 should go through. I mean if you're gonna have a sidewalk it, and you got  
41 half of the housing in there, then I think you should have all of the  
42 sidewalks in there.

43  
44 Ferrary: I'm glad you agree. Even though it is a risk, it might be something that is  
45 worthwhile.

46

1 Clifton: Thank you Commissioners. I think it's a conversation that's been had for  
2 several years and typically with residential construction in neighborhoods  
3 the sidewalks are built at time of construction of the home so it's tied to the  
4 permit inspection process. Sidewalks are built for arterials and collectors  
5 though, correct?  
6

7 Ochoa: Mr. Chairman that is correct.  
8

9 Clifton: Yes. So that's something staff could certainly look at as, in terms of  
10 design standard requirements, perhaps a twist also is ADA, I mean there  
11 are some ADA issues if the sidewalk's not constructed.  
12

13 Ochoa: Mr. Chairman that is definitely something staff could take into  
14 consideration.  
15

16 Clifton: Any other Commissioners?  
17

18 Beard: Uh we still have drawings to be signed and I think Commissioner Crane ...  
19

20 Crane: I've lost the touch.  
21

22 Beard: So I guess we have drawings here that you'll have to sign.  
23

24 Clifton: I, I did notice that, yes.  
25

26 Beard: Okay.  
27

28 Clifton: Yes. Commissioner Gordon is, is eligible to sign as well too. So, we've,  
29 we've got three people that can sign on the Commission. I'll stick around  
30 gladly.  
31

## 32 IX. PUBLIC PARTICIPATION

33

34 Clifton: Are there any, is there any public participation? Mr. Johnson, you look  
35 very perplexed out there.  
36

## 37 X. STAFF ANNOUNCEMENTS

38

39 Clifton: Adam any staff announcements?  
40

41 Ochoa: I believe Katherine has something.  
42

43 Clifton: Yes Katherine.  
44

45 H-Rogers: Mr. Chair, Members of the Commission. I know that during your work  
46 session you, you had a bit of a training that was offered by staff. We were

1 just looking for some feedback in regard to how you thought that went,  
 2 what other items you might want to see. Staff's been discussing a training  
 3 program in regard to this Commission as well as some of the other Boards  
 4 and Commissioners that we have just to provide you with maybe some  
 5 educational information as well as some of that standard you know  
 6 reminder that we all need once in a while about process and what have  
 7 you. But if you have any feedback we would love to take that.  
 8

9 Clifton: Yes Commissioner.

10  
 11 Crane: Regarding the work session. I do apologize for not making it. I did try.  
 12 We were coming back from California and I got to town 15 minutes after  
 13 six and I didn't think I'd be popular if I walked in and took the Chair away  
 14 from whoever had it. So I apologize. It's not my way of doing things when  
 15 I can avoid it.  
 16

17 Clifton: Thank you Commissioner. Commissioner Ferrary.

18  
 19 Ferrary: I think the presentation was very well organized and very appreciated, you  
 20 know to learn more about you know some of the things that we can look  
 21 for, especially for the Downtown area. I think one of our suggestions, I'm  
 22 not sure if it got back to you was that if we have a short meeting planned,  
 23 such the last one and this one's not too long, that we might possibly add  
 24 on another module or part of the planning, comprehensive plan.  
 25

26 Clifton: Any more comments for staff? Seeing none.  
 27

28 **XI. ADJOURNMENT (6:28 p.m.)**

29  
 30 Clifton: Can I get a motion to adjourn?  
 31

32 Gordon: I make a motion was adjourn.  
 33

34 Clifton: Second.  
 35

36 Ferrary: I'll second.  
 37

38 Clifton: Commissioner Ferrary. All in favor.  
 39

40 MOTION PASSES UNANIMOUSLY.  
 41

42 Clifton: Meeting adjourned.  
 43  
 44  
 45

46 \_\_\_\_\_  
 Chairperson



**City of Las Cruces**  
PEOPLE HELPING PEOPLE

Planning & Zoning  
Commission  
Staff Report

Meeting Date: January 26, 2016

Drafted by: Katherine Harrison-Rogers

**CASE #** Z2894 **PROJECT NAME:** 520 N Campo Zone Change

**APPLICANT/ REPRESENTATIVE:** Edward and Diane Kruis **PROPERTY OWNER:** Same

**LOCATION:** 520 N Campo **COUNCIL DISTRICT:** 1 (Gandara)

**SIZE:** 0.065 ac± (based on applicant's information) **EXISTING ZONING/ OVERLAY:** South Mesquite Overlay R-3 (High Density Residential)

**REQUEST/ APPLICATION TYPE:** Zone change from R-3 (High Density Residential) to O-1 (Neighborhood Office)

**EXISTING USE(S):** Vacant single-family residence

**PROPOSED USE(S):** Professional office

**STAFF RECOMMENDATION:** Yes based on findings

**TABLE 1: CASE CHRONOLOGY**

Date	Action
November 6, 2015	Application submitted to Development Services
November 9, 2015	Case sent out for review to all reviewing departments
November 17, 2015	All comments returned by all reviewing departments
November 18, 2015	Staff reviews and recommends approval of the zone change
December 17, 2015	South Mesquite Design Review Board public hearing
January 10, 2016	Newspaper advertisement
January 11, 2016	Public notice letter mailed to neighboring property owners
January 11, 2016	Sign posted on property
January 26, 2016	Planning and Zoning Commission public hearing

**SECTION 1: SYNOPSIS OF PROPOSAL**

The applicant is desirous of converting the existing single-family residence into a professional office for counseling services, accounting services, legal services, or other low traffic office use. The property is currently zoned R-3 (High Density Residential) and the applicants would like to obtain O-1 (Neighborhood Office) zoning at 520 N Campo St. in order to allow for these types of uses. It should be noted that these types of office uses are permitted in the South Mesquite Overlay's (SMO) R-3 zoning designation if the primary use is residential and only 35% of the gross floor area is used for non-residential purposes and the non-residential use remains on the ground floor. The property consists of a vacant house with wrought iron fencing along the front and is located approximately 100 feet north of the intersection of N Campo St. and E Hadley Ave. The property was part of the original town site and the home was built in 1920, is in relatively good condition, and is considered contributing to the South Mesquite Historic District.

**TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS**

Standard	Required SMO	Current 520 N Campo
Max # of DU/parcel	Unknown	N/A
Max Density (DU/ac.)	Unknown	N/A
Lot Area	3,500 sq. feet	2831.4 sq. feet
Lot Width	50 feet	38 feet
Lot Depth	50 feet	79 feet
Structure Height	14 feet	Unknown
<b>Setbacks</b>		
Front	Within range of adjacent structures	40 feet
Side	5 feet	3-5 feet on the north side 0 feet on the south side
Rear	5 feet	2 feet
<b>Landscaping</b>		
% of total (less building pad & screened storage)	15%	None with the exception of one tree
Total square feet of landscaping	280 square feet	None with the exception of one tree

**TABLE 3: SPECIAL CHARACTERISTICS**

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Overlay District	Zoning Designation
Subject Property	Vacant residential building	South Mesquite Overlay (SMO)	R-3 (High Density Residential)
North	2 residential dwellings	South Mesquite Overlay (SMO)	R-3 (High Density Residential)
South	Single-family Residence	South Mesquite Overlay (SMO)	R-3 (High Density Residential)
East	Single-family Residence	South Mesquite Overlay (SMO)	R-3 (High Density Residential)
West	Parking lot	Central Business District (CBD)	Central Business District (CBD)

TABLE 5: PARCEL LAND USE HISTORY

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

## SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Land Management	Yes	No
CLC Utilities	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Traffic	No	May require intersection/driveway distance variance at development and clear site triangle issues may exist

## SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

## Decision Criteria

Each zoning request shall be reviewed 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. In considering all requests, it shall be determined whether the request will:

- Impair an adequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
- Unreasonably increase the traffic in public streets.
- Increase the danger of fire or endanger the public safety.
- Deter the orderly and phased growth and development of the community.

- Unreasonably impair established property values within the surrounding area.
- In any other respect impair the public health, safety or general welfare of the city.
- Constitute a spot zone and, therefore, adversely affect adjacent property values. The term "spot zoning" means the singling out of a lot or small area for a zoning change which is out of harmony with the comprehensive plan and surrounding land uses to secure special benefits for a particular property owner without regard for the rights of adjacent landowners.
- Be in harmony with the purpose and intent of the zoning code, sign code, design standards and other companion codes.

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

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

- Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;
- Encourage innovations in land development and redevelopment;
- Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- Encourage mixed-land uses to decrease the length of trips for work and/or shopping and encourage the consolidation of trips and alternative modes of travel;
- Regulate or restrict the erection, construction, alteration, repair or use of buildings, structures or land;
- Improve the design, quality, and character of new development;
- Encourage development of vacant properties within established areas;
- Ensure that development proposals are sensitive to the character of existing neighborhoods;
- Foster a more rational relationship between different land uses for the mutual benefit of all;
- 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 5, Community Character

- Flexible Design and Positive Image
  - Policy 16.6 Require new development in existing neighborhood/district to respect and preserve the applicable character found therein.
  - GOAL 19: Encourage development that is context-sensitive and compatible to the surrounding area.
  - Policy 19.14 Encourage high-density and/or mixed use development that is compatible with the neighborhood at locations throughout the city where such development furthers livability and mobility options to build a strong sense of community.

## 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.
- Managed Growth
  - GOAL 38: Encourage sustainable practices that move toward a compact mixed-use urban form that supports infill and discourages "leap frog" growth.
  - Policy 38.5 Encourage infill development as defined by City Code, as amended, as a way to support the utilization of property within the urbanized areas of the city and enhancement of the existing infrastructure network.

Analysis:

The property proposed for the zone change is part of the original town site of the South Mesquite Neighborhood and contains a contributing (to the historic district) adobe home constructed in 1920. The applicants would like to rehabilitate the structure and convert it into a professional office. The property is currently non-conforming and, in so long as it is not expanded by more than 10%, compliance for or variances to the non-conformities are not required. These non-conformities include the minimum lot size, side and rear setbacks, and lot width. Any exterior modifications, additions, or new structures require compatibility with the design guidelines and review by the South Mesquite Design Review Board (DRB). A conceptual site plan and architectural renderings were provided for the DRB's review on December 17, 2015 and were approved along with a variance to various parking standards. It should be noted that parking standards variances are the purview of the DRB and do not require review and approval by the P&Z

The property lies within both the South Mesquite Overlay and the Infill Overlay. Although unable to use the Infill Development Process based on the South Mesquite regulations, the property is considered

underutilized based on its current vacant status. As a policy, the City supports the improvement of infill properties as a viable way to support economic growth and revitalization within the City's core.

N Campo is classified as a minor arterial by the Mesilla Valley Metropolitan Planning Organization on which office and commercial uses are considered appropriate. Professional service offices do not generate high volumes of traffic and traffic is not anticipated to significantly increase at this location. The property is also located adjacent to the CBD where a variety of commercial, industrial, office, and institutional uses are allowed. Office and low intensity commercial uses are a rational transition between the more intense uses allowed in the CBD and the adjacent neighborhood.

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.

A review of the Mesquite Neighborhood Plan did not explicitly contradict the proposed zone change. However, the plan identified this particular parcel as "residential" and the plan also recommended that zoning be based on current/historic uses of property within the boundaries of the Mesquite Neighborhood. Of course, this zone change does not support the historic use of the property.

### **Conclusion**

The proposal for a zone change 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 Decision Criteria outlined by Las Cruces Municipal Code Section 2-382.

### **SOUTH MESQUITE DESIGN REVIEW BOARD RECOMMENDATION**

Section 38-49.2 J 2 d of the 2001 Zoning Code requires a recommendation from the DRB to the Planning and Zoning Commission for Zone Change requests. On December 17, 2015 the DRB met during a public hearing to review and make a recommendation on the zone change. After a discussion amongst the members of the DRB and testimony of support from an adjacent property owner, the DRB voted 5-0 (2 members absent) to approve the zone change without conditions. Please refer to the attached DRB minutes for additional details.

### **STAFF RECOMMENDATION**

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

### **FINDINGS FOR APPROVAL**

1. The subject property currently encompasses one parcel, 0.065 acres± zoned R-3 (High Density Residential) and contains a vacant residential building.
2. The property is located in the Infill Overlay and is underutilized. The City's Infill Policy Plan supports development of infill properties.

3. 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.
4. Based upon a review of the Mesquite Neighborhood Plan, the zone change is not in conflict with the intent if the plan.
5. After a review of the materials, presentations from staff and the applicant, and testimony from members of the public, the South Mesquite Design Review Board recommended approval of the proposed Zone Change.

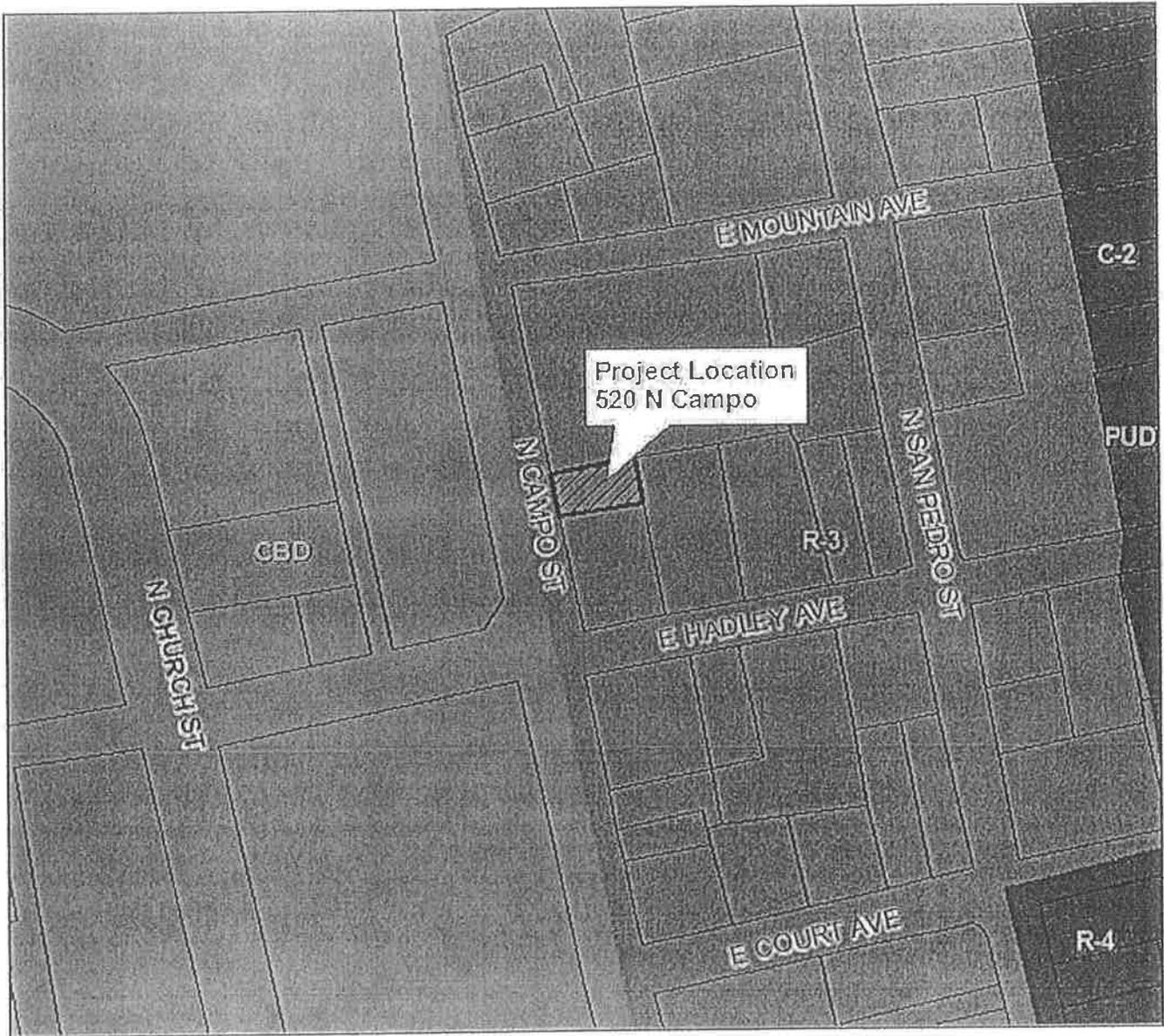
#### **ATTACHMENTS**

1. Zoning/Vicinity Map
2. Aerial Map
3. Development Statement
4. Site Plan
5. Conceptual Renderings
6. Advance Planning Analysis
7. DRB Minutes dated December 17, 2015

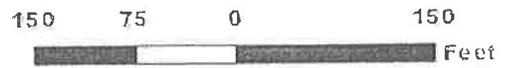
# Zoning & Location Map

ZONING: R-3  
OWNER: EDWARD G & DIANE J KRUIS

PARCEL: 02-06093  
DATE: 12/1/2015



**PROPOSAL:** Case Z2894: An application for a zone change from R-3 (High Density Residential) to O-1 (Neighborhood Office) for a professional office.



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

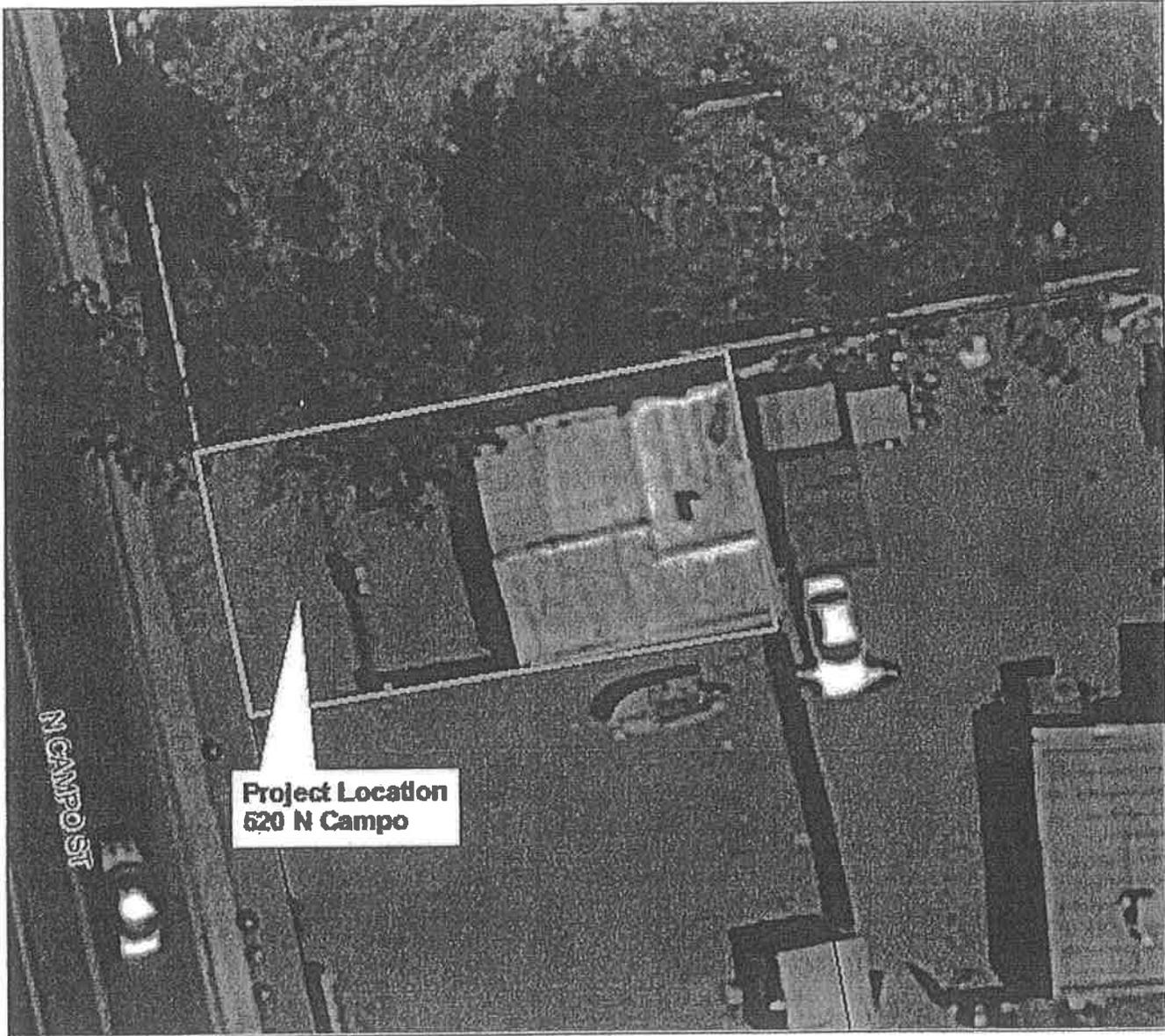


*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3033.*

## Aerial Map

**ZONING:** R-3  
**OWNER:** EDWARD G & DIANE J KRUIS

**PARCEL:** 02-06093  
**DATE:** 12/1/2015



**PROPOSAL:** Case Z2894: An application for a zone change from R-3 (High Density Residential) to O-1 (Neighborhood Office) for a professional office.

Community Development Department  
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### DEVELOPMENT STATEMENT for City Subdivision/Zoning Applications

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

#### Applicant Information

Name of Applicant: EDWARDS G. KRUIW

Contact Person: SAME

Contact Phone Number: (575) 650-0071

Contact e-mail Address: ekruis@yahoo.com

Web site address (if applicable): \_\_\_\_\_

#### Proposal Information

Name of Proposal: \_\_\_\_\_

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

Location of Subject Property 520 N CAMPO

(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: 2200 Sq. Ft.

Detailed description of **current** use of property. Include type and number of buildings:  
PROPERTY IS CURRENTLY VACANT, A 1 STORY SINGLE FAMILY DWELLING ZONED R3

Detailed description of **intended** use of property. (Use separate sheet if necessary):  
PROPERTY IS INTENDED TO BE USED AS OFFICE SPACE FOR 2-3 PRACTITIONERS OF PSYCHOTHERAPEUTIC COUNSELING, OR ATTORNEYS OR ACCOUNTANTS OR OTHER LOW TRAFFIC TYPE PROFESSIONALS.

Zoning of Subject Property: R3

Proposed Zoning (If applicable): O1 or R4

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

Proposed square footage range of homes to be built from 960 Sq Ft to \_\_\_\_\_

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

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

8:00 AM to 10:00 PM

Anticipated traffic generation 8-24 trips per day.

Anticipated development schedule: work will commence on or about 8/15/15

and will take ONE YEAR to complete.

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

Underground ponding - (StormTECH)

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).

PLANTS ADDED, - Decorative lighting AND possible entrance signage

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? NONE OTHER THAN STONE PILLARS AND WROUGHT IRON GATES

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? 2-3 How many accessible? NONE NOW  
1 proposed

**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



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

**DATE:** November 17, 2015

**TO:** Katherine Harrison-Rodgers, Senior Planner

**FROM:** Brian Byrd, Planner

**CASE NO.:** Z2894 (Review No.1)

**SUBJECT:** 520 N Campo  
Zone change from R-3 to O-1 in the South Mesquite Historic Overlay District in order to utilize the existing structure as a low-traffic professional office (counseling, attorney, etc...)

---

**Summary:**

The zone change request is in conformance with the Comprehensive Plan 2040 vision and underlying principles.

**Discussion:**

The owner of 520 N. Campo requests to zone change his property from R-3 to O-1 in order to create a low-traffic office building for a local business. The zone change presents a unique opportunity to encourage mixed use development in neighborhood. The zone change request for 520 N Campo is consistent with the Comprehensive Plan:

Healthy Community Element:

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.

Community Character Element:

Policy 16.6 Require new development in an existing neighborhood/district to respect and preserve the applicable character found therein.

Policy 19.7: Design parking to fit the context and needs of the area.

Policy 19.24: Require infill development, both new development and redevelopment, to respect the architectural styles, massing, color palette, scale, character, landscaping and site design relationships of the surrounding neighborhood.

Sustainable Growth Element:

Policy 33.1: Neighborhood office uses shall be defined as those office uses which generate small-scale professional service activities between uses. There shall be no goods or merchandise prepared or sold on the premises of these uses. Neighborhood office uses and centers shall be established according to the following criteria:

- h. Neighborhood office uses are also permitted in neighborhood, community, and regional commercial areas as well as professional office areas.

**Conclusion:**

Planning and Revitalization supports the zone change request from R-3 to O-1 for 520 N Campo, as long as the change demonstrates compatibility with the surrounding built environment and is conducive to walkability in the area.

**SOUTH MESQUITE DESIGN REVIEW BOARD**

December 17, 2015 at 6:00 p.m.

Following are the minutes of the South Mesquite Design Review Board meeting held December 17, 2015 at 6:00 p.m. in 2007-A, City Hall, 700 N. Main Street, Las Cruces, NM 88001.

**MEMBERS PRESENT:** Robert Williams  
David Chavez  
Faith Hutson  
Barbara Kuhns  
Paul Mach

**STAFF PRESENT:** Adam Ochoa, CLC Planner  
Becky Baum, RC Creations, LLC, Recording Sec.

**OTHERS:** Michael Johnson  
Edward Kruis  
Diane Kruis  
Dennis Flores  
Celeste Conrad  
Frank Belyan

**I. CALL TO ORDER**

Williams: Let's call the meeting to order at 6:01 p.m...

**II. APPROVAL OF MINUTES - November 19, 2014**

Williams: First item on the agenda is approval of the minutes from the November 19th, 2014 meeting. Any changes?

Chavez: I have nothing.

Kuhns: She didn't, she didn't come.

Williams: Got a motion, do we have a motion to accept?

Chavez: So moved.

Williams: Second?

Kuhns: Second.

Williams: All those in favor?

1  
2 MOTION PASSES UNANIMOUSLY.

3  
4 Williams: Minutes approved.

5  
6 III. NEW BUSINESS

- 7
- 8 1. Case Z2892: An application of Michael Johnson on behalf of the property
- 9 owner, Aguirre Land Holdings, LLC, or consideration of a zone change from
- 10 O-1 (Neighborhood Office) and R-4 (High Density Residential and Limited
- 11 Office) to C-1 (Commercial Low Intensity) on two properties located at 114 N.
- 12 Campo and 315 E. Griggs: Parcel #'s 02-06152 and 02-6166. Proposed
- 13 use: various neighborhood commercial uses. Council District 1 (Gandara).
- 14

15 Williams: We're going to move on to New Business. The first item on the, the  
16 agenda is the Case Z2892.

17  
18 Ochoa: You think it'll be okay if I just scream from back here?

19  
20 Williams: Yes.

21  
22 Baum: Yeah, you're good.

23  
24 Ochoa: Okay good

25  
26 Baum: Thank you.

27  
28 Ochoa: All right. Good evening ladies and gentlemen. First case we have tonight  
29 is Case Z2892, is it a, is a, it is a request for a zone change from O-1/R-4  
30 to C-1 for a, two properties located at 114 N. Campo and 315 E.  
31 Griggs, shown here on the vicinity map the subject properties here  
32 highlighted in the the yellow box here 114, excuse me, N. Campo being  
33 the one here and, excuse me, 315 E. Griggs located in the back. Both  
34 parcels are located in the original town site of the City of Las Cruces; 114  
35 N. Campo currently encompasses approximately 0.28 acres and is  
36 currently zoned O-1. Currently on that property is a vacant commercial  
37 building which was built in the 1960s and is listed as a noncontributing  
38 structure in the South Mesquite Overlay. The property is not compliant  
39 and does not meet, I'm sorry the building is not compliant and does not  
40 meet the current design standards nor does the parking as well. But the  
41 last two uses on the property were a nutrition store and fitness studio, just  
42 to give you a little bit of background on that property.

43 The property to the rear of it, 315 E. Griggs is approximately 0.11  
44 acres and it is currently zoned R-4. That property is currently vacant.  
45 Both properties seemed as, like a whole unit are adjacent to the CBD and  
46 are surrounded by several institutional uses and other commercial/office

1 uses and residential uses as well. Here's a picture of 114 N. Campo. As I  
2 said before that commercial, vacant commercial building on that property.  
3 And here's the corner looking north on Campo and E. Griggs. You can  
4 see the building there and the, the vacant lot to the east. And an aerial  
5 just to give you a rough idea of where that property is, again here in the, of  
6 course the, the Federal Court to the west here on Campo here.

7 The applicant tonight is proposing a zone change for these two  
8 properties from O-1 and R-4 to C-1. This zoning designation which is a, a  
9 commercial neighborhood zoning district allows for a low, a variety of low-  
10 intensity neighborhood uses such as cafes and local retailers, so forth like  
11 that. Like I said before the building at site currently is nonconforming and  
12 so it, it's going to lose its not, its grandfathered status. Any future  
13 development will require compliance not only with the 2001 Zoning Code  
14 but also all design requirements and guidelines of the South Mesquite  
15 Overlay as well. Currently no actual changes will be done to the building  
16 itself. It is going to appear as if nothing's going to change but as I said  
17 if any other development comes up for this property in the future it will be,  
18 it'll have to come back to you all for your approval.

19 When staff was looking at these zone changes to make our  
20 recommendation we did see that it is adjacent to compatible uses. It is  
21 along, located along N. Campo, the N. Campo corridor which is a minor  
22 arterial roadway where commercial uses are encouraged. It is also  
23 adjacent to the Central Business District and staff feels that this proposed  
24 zone change would kind of serve as a buffer if you will between the  
25 historical residential area to the east in the South Mesquite area and the  
26 Central Business District commercial uses to the west. Just for reference  
27 this property has historically been used for commercial uses and is  
28 actually identified as a commercial property in the original Mesquite  
29 Neighborhood Plan. The proposed zone change is supported by the  
30 Comprehensive Plan, our Infill Policy Plan, the Purpose and Intent  
31 Statement section 38-2 of the 2001 Zoning Code, and the Planning and  
32 Zoning Commission's Decision Criteria.

33 Notice well the actual zone change did go out to, for review to all  
34 relative agencies and departments and all did recommend approval for the  
35 proposed zone change. Notice was sent out to the surrounding property  
36 owners as well. After that was done no input was received with the  
37 exception of one phone call from the adjacent neighbor seeking additional  
38 information and voicing concerns over potential uses that could create a  
39 nuisance such as the previous fitness studio next door to create a, a, a,  
40 a sound nuisance.

41 Here, kind of tough to see and I apologize for this but that is kind of  
42 the, the surrounding area that we did send out the notifications to, it's 500  
43 feet, it's everybody that actually received a notice of this proposed zone  
44 change.

45 With that South Mesquite Design Review Committee is a  
46 recommending body to the Planning and Zoning Commission which in turn

1 is the recommending body for the zone change to City Council. With that  
 2 staff does recommend approval of the proposed zone change. That is  
 3 based on the findings found in the staff report that was in your packets.  
 4 This is a, brings up a, I guess a point if you well where policy question  
 5 regarding the future of the N. Campo corridor and what type of transition  
 6 area's needed or envisioned for this area between Central Business  
 7 District to the west and the actual South Mesquite area to the east. These  
 8 are findings as found in your staff report and your options tonight is: 1) to  
 9 vote "yes," this will recommend approval for the proposed zone change to  
 10 P&Z as recommended by staff; 2) to vote "no," to recommend denial of the  
 11 zone change to the P&Z; 3) to vote to amend, this could allow you to  
 12 modify the zone change such as adding conditions as deemed necessary  
 13 by the South Mesquite Design Review Committee; and 4) lastly is to  
 14 table/postpone where the Design Review Board can postpone this case  
 15 and direct staff and the applicant accordingly to provide any additional  
 16 information or develop alternative solutions for future meetings. And with  
 17 that I stand for questions. The applicant's representative, or the property's  
 18 representative is here as well, if you have any questions for him but I  
 19 stand for questions as well.

20  
 21 Williams: Any questions?

22  
 23 Flores: I have a question. My name is Dennis Flores and a property owner in the  
 24 Historic District for at least 15 years, the insurance office right next to the  
 25 closed property in question. I just wanted to point out that the, the  
 26 property that you say that was vacant to the east is actually temporarily  
 27 vacant as they're looking for a tenant there. Mr. Alfred Rodriguez owns  
 28 that and he can't, and he continuously rents that to families. I've noticed  
 29 that in the time that I've been there there's always little children running  
 30 around. He rents it to families. I've never ever had any problems with the  
 31 families. That's one of my concerns, the fact that it, it's, it's not vacant.  
 32 It's, it's just temporarily vacant, and I was concerned because I was  
 33 looking at some of the conditions, some of the uses that could be used  
 34 there and they, they talk about an arcade game room, indoor batting  
 35 cages, a billiard/pool hall, bowling alley, and I think we're all a, a little  
 36 aware of some of the problems that occur due to the, the, the bowling  
 37 alley over on Amador and the, the neighbors in the back. So I guess I'd  
 38 like to ask the rep, the person that is representing the, the owners what  
 39 the intended uses are for this. Obviously he's trying to, being changed for  
 40 a reason. I mean there's got to be some times when, I think that it's only  
 41 fair that we know what that use is for and I'd like to continue (*inaudible*) ...  
 42

43 Johnson: Mr. Chairman. My name is Mike Johnson. I'm representing Aguirre Land  
 44 Holdings. I'm a local consulting engineer. The property is currently for  
 45 sale and the interest that has been shown in the property up until this time  
 46 has been C-1 related and not O-1 and that's the reason for the request at

1 this time. The owner actually is trying to sell the property and trying to  
 2 facilitate that sale. The interests in the property have been more along the  
 3 lines of retail sales. I, I believe there was a meat market that showed  
 4 some interest in wanting to purchase the property and there's been some  
 5 interest in terms of a restaurant. I've not heard anything regarding bowling  
 6 alley or ...

7  
 8 Flores: No, no, no. I'm just saying that that is ...

9  
 10 Johnson: Yeah, I know. It's on the permitted uses obviously, but I think that I mean  
 11 if you'd like to strike bowling alley I don't think the property owner will have  
 12 a problem with that. A property of that size is quite conforming.

13  
 14 Flores: No, no. But my concern is the fact that, that if it is changed to C-1 it's, it's,  
 15 there's an automatically, there's an automatic approval for those type of  
 16 establishments and that's my concern. The entire property, the entire  
 17 property is a, the entire neighborhood that, that square, that town site is R-  
 18 4 and aside from the offices that I own which is an attorney's office and my  
 19 insurance office that if I choose to exit the insurance business that's going  
 20 to be rented out to, for somebody to live in as an apartment so I, I kind of, I  
 21 get, I, I don't really care for, for the zone to, to change to a C-1 because it,  
 22 after reviewing some of these uses there's, there's "As" on a lot of things  
 23 that I have issues with or "Cs" on things that could go in there. So once  
 24 it's approved C-1 it's, you know there, it's, it's just a matter of formalities to  
 25 get it to, to conform or to get a special use permit for, for other possible  
 26 uses. So because of the fact that, that I understand that the property is  
 27 along the corridor and there's the Federal Courthouse across the street  
 28 but right now it's primarily residential and residents are there with their  
 29 families. I live there. My grandchildren live there. That's my family home  
 30 where I'll, where I'll retire and I do take a, an issue with, with some of the,  
 31 some of the uses that can be, that, that can transpire there so I really  
 32 would, would feel that it is not in the best interest of the neighborhood  
 33 being that that is the only C-1 property that'd be there and once that's  
 34 there, there's no turning back at all. It's, it's done. My office is, is four. I  
 35 don't have any intent to do, to go to O-4. That is the, you know that's the,  
 36 the way it's going to stay because it allows for professional offices which  
 37 it's, what it's going to be. I wouldn't ever use the office for anything else  
 38 and I just don't think that it's in the right, in the best interest of the  
 39 neighborhood for, for it to go to an O-1. I just see nothing but, but issues  
 40 for the rest of us that live there and, and I live there. That's my home. So  
 41 that's, that's the way I feel, as, and, and those are my thoughts. Thank  
 42 you.

43  
 44 Kuhns: Dennis could I ask you a question?

45  
 46 Flores: Sure.

1  
2 Kuhns: The property at 315 E. Griggs, is that those, it sets back and it has maybe  
3 two or three apartments? The one that you said ...  
4  
5 Flores: Yes.  
6  
7 Kuhns: It's vacant?  
8  
9 Flores: Yes. That belongs to Mr. Rodriguez that I had asked to be here tonight  
10 but I think he said he was going to try but that it, it's rented. There's  
11 always families and little children that live there. There's families that  
12 have, have grown gardens there. They go out there and enjoy the  
13 neighborhood and there's never ever been any issues with, with the  
14 people that live there. But it's, it's vacant. He's got a, he's got a, a "For  
15 Rent" sign so it's, it's in between tenants so it's not like you know the, what  
16 the opinion was that it's vacant with, with no use, it's not going to affect  
17 anybody. Yeah it will affect the people when, when he rents it, when he  
18 rents it to another family.  
19 On that side of the street where we live there's never any police  
20 activity on that and she's, Celeste is my neighbor. Never ever any police  
21 activity that I've seen in that area. When there's police activity it's, it's  
22 usually up above, closer, more close, closer to Klein Park so the  
23 neighborhood is intact, solid neighborhood that that I think Mr. Rodriguez  
24 does a great job in renting it to to the people in the community and I  
25 think that it would be disastrous to rent it to, or to change zoning to an O-1  
26 because you know all of a sudden that, it, it, it opens the door. I mean if, if  
27 we could say that, that it would be a nice little restaurant or something like  
28 that, yeah. But the, that's, I mean once it's done it could be a restaurant  
29 for six months and go out of business and then all of a sudden a bowling  
30 alley comes in or a billiards hall comes in, and that's the problem that I  
31 have. My Brother's Place is moving from there cause the City acquired  
32 their land. You know maybe somebody comes in, gets an idea, "Hey,  
33 That bowling alley's gone. They, there's plenty of people that frequent it. I  
34 think that, I think the area needs another one." Who's to say that that  
35 doesn't happen? Who's to say that a lot of things won't happen? Once  
36 this is, once this is done to a C-1 that whole, that whole property loses its,  
37 its residential feel. It's, it, it, it opens it to a lot of issues. And, and that is  
38 my concern and I'm sitting here, I talked to my wife earlier and I, I asked  
39 her for her feelings and she felt the same way. She's a, she's, she's  
40 working outside of the, the mainland right now. She'll be here on Saturday  
41 but, but the fact is she feels the exact same way and that is my concern.  
42 So I'd really like to, to ask the, the Board to, to consider it very carefully  
43 before it, it goes to a C-1. I don't think it's the best of interest to the  
44 neighborhood.  
45  
46 Williams: Barbara.

- 1  
2 Kuhns: I would just like to mention to the Board that I walk by that property  
3 probably between five and ten times a week cause I walk my dog 14 times  
4 a week and I want to stress what Mr. Flores says is correct. It's a very  
5 quiet, intact part of the neighborhood with, with families and also a lot of  
6 elderly people. But it's a very quiet, very sweet gentle part of the  
7 neighborhood.  
8
- 9 Williams: Yes.
- 10  
11 Conrad: My name is Celeste Conrad and I own a residential property on Organ  
12 Avenue. My back yard sort of faces this property and you mentioned in  
13 your report that previously there'd been a nutrition center and fitness  
14 studio I believe and you mentioned that there'd already been one  
15 complaint. I would second that because living there, there was loud loud  
16 music. And my question is: Was that a commercial application of that  
17 property that lost its grandfather clause or how was it that that was able to  
18 exist there as a nuisance?  
19
- 20 Kuhns: It was problematic. I don't remember the details.
- 21  
22 Ochoa: For the record that property, the studio, dance studio/nutrition that fell  
23 under the existing zoning on the property, the O-1 use under the old South  
24 Mesquite Design: South Mesquite Neighborhood Overlay, excuse me.  
25 They were allowed dance studios and the so forth like that on the property  
26 under the O-1 zoning district.  
27
- 28 Flores: I'd like to expand a little bit on that. I'm sorry.
- 29  
30 Williams: (Inaudible) to argue anything else.
- 31  
32 Conrad: Pardon.
- 33  
34 Williams: Do you have anything else?  
35
- 36 Conrad: Just that I, I have the same concerns as he does, is that it's opening a  
37 foothold to change the whole character of that neighborhood. You, you  
38 mentioned it was a corridor but I would argue that the east side of Campo  
39 needs to be very cognizant of the residential area behind it. Like our back  
40 yards kind of adjust, abut against that property and we have no buffer  
41 whatsoever and so I understand that Campo could be a corridor but I  
42 would argue not the east side because that's right against residential  
43 property and you never know what use some property owner in the future  
44 might have. You can say that, "Well in the next few months they're going  
45 to do this and they're not going to bring in a billiards hall," but maybe five  
46 years down the road they can and it's already zoned for that, and we have

1 to go through this. It, it's like we don't have the security of the quietness of  
 2 our neighborhood. It seems like we're always having to defend our turf  
 3 against these intrusions and it, it's, I wish that it would be stable and that  
 4 you just wouldn't keep changing the zoning especially zoning that is  
 5 antithetical to residential use.  
 6

7 Williams: Yes sir.  
 8

9 Flores: I wanted to apologize for jumping in on that earlier. I wasn't paying  
 10 attention. But I wanted to also state that when it was a nutrition shop I  
 11 read that very closely and, and basically what, what the, the zoning said  
 12 that it could be was for educational type of, of uses but in fact it specifically  
 13 included gymnasiums and what that was when I walked in there, there  
 14 was the (*inaudible*), there was big tractor tires and people were using it as  
 15 a, a workout studio not an educational so it got slipped in by technicality  
 16 and, and that was part of the basis that, that, that I, that I had an issue  
 17 with because they had, it, it, it turned into an exercise studio which wasn't  
 18 allowed, specifically excluded from there and they had a stereo, stereo  
 19 system that was comparable to anything in a bar. And, and because of  
 20 the nature of, that building which was just metal it, it echoed, it vibrated. I  
 21 have the property that's 50 yards away and a house that has 12-foot  
 22 adobe, referred it out with two-by-six construct two-by-four construction. I  
 23 did extreme insulation in there and it's like, but what it was was you  
 24 couldn't hear the, the, the music but what you could feel is like when  
 25 you pull up and I think we've all experienced this, you pull up next to a car  
 26 that has the big speakers in the back that are thumping and they're  
 27 vibrating, that was the vibration. That's what we had in our house. I had  
 28 young babies in there. It was a constant vibration and it went on up to  
 29 8:00 at night and, and during, during holidays they, they had parties which  
 30 weren't allowed through the zoning and, and that, that was the issue we  
 31 had. So if it's allowed C-1 then all of that kind of thing will be perfectly  
 32 legal and we'll have no leg to stand on. So again I would come to you  
 33 guys and, and, and ask that you would consider that very closely before,  
 34 before you do this to, to us that live in the neighborhood and Celeste is  
 35 right. We're we're sitting here having to defend the peace and tranquility  
 36 of our home that we've invested money and time into and, and the, and,  
 37 and it, it's just not a pleasant position to be here, to have to defend the  
 38 peacefulness of, of, of our neighborhood and that's why I feel so strongly  
 39 about it. That's why we're here and I would ask that you please consider  
 40 this very very closely before that happens.  
 41

42 Hutson: I have a question for you Mr. Ochoa. Does Zone 1 preclude any  
 43 commercial use? As it is as Zone 1 does it preclude any commercial use?  
 44

45 Ochoa: Currently under O-1, well under the new O-1 with the new South Mesquite  
 46 there are some extremely limited commercial uses allowed on the property

- 1 but more, most of them are kind of secondary or accessory to an office  
2 (*inaudible*).  
3
- 4 Hutson: Thank you.  
5
- 6 Ochoa: There are some service, service uses allowed as well but that's essentially  
7 it.  
8
- 9 Chavez: On the document you have, is that the current overlay that we just passed  
10 a few weeks ago or is it the old one?  
11
- 12 Flores: I, I believe it's the new one. The only reason I have it is because the  
13 planner that was working the case, I contacted her and I was the one that  
14 had the concern. She e-mailed that to me. So if, if she made an error it's,  
15 it's on ...  
16
- 17 Chavez: I mean, well were told that it wasn't going to get online for a while, the new  
18 ordinance so that's why I'm asking.  
19
- 20 Kuhns: She e-mailed it.  
21
- 22 Chavez: Oh, she e-mailed it, okay.  
23
- 24 Flores: She e-mailed it to me.  
25
- 26 Chavez: Just want to make sure you had a current (*inaudible*).  
27
- 28 Mach: A couple of things Mr. Flores. The gymnasium that was in that empty  
29 building. I know cause you were my insurance person and your son told  
30 me that it was a, when the exercise classes were going on it was very  
31 noisy. Under the old, under the current, the brand-new codes a  
32 gymnasium is still is, this still zoned for a gymnasium. It can, I mean what  
33 was there before can still be that. It can, but there is a condition on that  
34 and says, "Noise from this activity shall not be discerned off premises."  
35 So I'm not sure how the old code was, was written but under the new  
36 codes that exercise club could still be, another person could open that up  
37 as the exercise club as long, but the noise that you used to hear when you  
38 were in the neighborhood would not be allowed.  
39
- 40 Flores: Yeah.  
41
- 42 Hutson: If ...  
43
- 44 Mach: Under the new codes, just like you said these are the things that are  
45 allowed under a C-1 ...  
46

- 1 Hutson: C-1 or O-1?  
2
- 3 Mach: Under C-1 if the code, if the zoning is changed. A, a billiard hall is  
4 allowed; the things that you said, now I'm just not finding it but what you  
5 had mentioned sounded like the new code to me.  
6
- 7 Williams: Barbara has got it.  
8
- 9 Chavez: Barbara has it.  
10
- 11 Kuhns: Do you want me to read it?  
12
- 13 Mach: Yeah, there were like four items.  
14
- 15 Chavez: Actually there's a whole slew of items.  
16
- 17 Kuhns: Arts and crafts studio; bakery; barber shop; beauty parlor; bicycle sales  
18 and service; bookstore and stationery shops; cigarette and cigar shop;  
19 coffee shop and snack bar; community building, publicly or privately  
20 owned; cosmetologist shop; delicatessen; dressmaking; dry cleaning and  
21 steam cleaning; florist gift shop; grocery store; hobby shop and toy store;  
22 household appliance and repair shop; knit and yarn shops; laundry, self-  
23 service; lessons, art, dance, music and the like; library; meat and seafood  
24 markets; messenger service; newspaper distribution office; offices,  
25 professional and business; photographic studio; post office; prescription  
26 shop; private club or lodge; public park, playground, recreational use; real  
27 estate office; residences; restaurant; shoe repair; tailor shop; variety store.  
28
- 29 Ochoa: If I may interject real quick Mr. Chairman. What the Board also has in, in  
30 your power is to actually restrict uses under that so basically do, doing C-1  
31 conditional and then eliminating some of those potential nuisance uses on  
32 the property like the billiards hall, the game room, the arcade room, and so  
33 on and so forth like that.  
34
- 35 Kuhns: I think everyone on the Board needs to consider if we want to set a  
36 precedent. Because if, if we vote for this zoning change to pass we might  
37 be seeing other cases where people say, "Well we need this zoning  
38 change to sell the property." And I think that that's something we need to  
39 consider tonight before we take a vote.  
40
- 41 Mach: Part of what the Mesquite District as I understand it is that there's, there's  
42 residential, there's businesses all mixed up in the, in the area. And that  
43 property right now, to me with that building that's on it is basically a  
44 commercial property as it is. I don't see under the new codes if there's  
45 that many things, then it's like what you said, an arcade room, batting  
46 cage, billiard hall, a bowling alley. Those are things that are automatically

1 allowed under a C-1 but most of the other things that I see, a property  
 2 that's zoned as O-1 can have most of the same things apply for the same  
 3 properties. Those ones were specifically, specifically allowed for C-1 and  
 4 C-2. But as I'm seeing the new codes, most of everything applies to both,  
 5 both zoning, both zoning classifications.  
 6

7 Belyan: My name is Frank Belyan. I live on May Street a block and a half away  
 8 from the, the property. I walk by that property regularly. I personally  
 9 would like to see something happen there. If the property could be sold  
 10 and something put into the property that would take it away from being this  
 11 empty lot that people have been working on with a, a fence around it I  
 12 would like to see that. I think that's, like Paul Mach was saying that this  
 13 neighborhood is residential and commercial. We live in the neighborhood.  
 14 We try to walk to stores, we try to walk to activities. If I walk a block north  
 15 of this property on Campo I can run into tattoo parlor, I can run into a  
 16 beauty parlor. All these other stores are right there. It is, those are  
 17 commercial properties. If there were noise on this property before there  
 18 are noise ordinances that can cover that. It doesn't have to be, regardless  
 19 of how it's zoned we have neighbors, we're in a residential area. We've  
 20 had problems with noise from our neighbors. We can call Codes because  
 21 that is a code problem. So the noise can be anybody being there. I don't  
 22 think the property is big enough for a bowling alley so that might be a non-  
 23 concern but if it is, the Board can answer that. If someone comes and they  
 24 want to do some kind of a commercial property in there do you, do they  
 25 not have to get your approval of this property there? So if the Board  
 26 would approve a 24-lane bowling alley on a property that won't even fit two  
 27 lanes then I would fault the Board for doing that. But I, living in the  
 28 neighborhood I would like to see some activity going on, something that  
 29 makes it more livable for me so I can walk to a laundromat, I can walk to a  
 30 coffee shop like I can to Beck's now which is a block that way and I can  
 31 walk to more businesses from my neighborhood. So I would like to see  
 32 something happen and if changing the zoning of this would get something  
 33 going on that property rather than just a vacant property I would  
 34 encourage the Board to maybe make the change. Thank you.  
 35

36 Williams: Yes.

37  
 38 Flores: And I and I would agree with you but I would, I would ask for responsible  
 39 growth. But, but my concern is again and I'll go back to it. Once it's C-1  
 40 we don't, there's no way of stopping any of these things that we'd have an  
 41 issue with. I had heard at one point that there was a possibility of a, a  
 42 parking garage there and I don't know if that's true or not but let's just all,  
 43 assume, or let's do, or let's just all imagine if there was a parking garage  
 44 there and we're trying to keep the neighborhood intact by keeping the  
 45 historic look of it. Well parking garages, if, if something like that was even  
 46 to be considered for that because they'd get a, a special use permit, it's a

1 concrete structure, car alarms going off at all hours of the night, that, that's  
 2 some of the concerns that I have. If, if it could be a, a small bakery, if it  
 3 could be something that was low-impact I would agree with you. I want  
 4 something to, to change that property also but in doing so, if we go to C-1  
 5 just automatically then all of a sudden who's to say that, that, that these  
 6 things that, that, that I have issues with that would be detrimental to the  
 7 neighborhood, who's to say that that wouldn't come there? So I think  
 8 we're giving just a blank, if we go C-1 we're giving blank okay for, for them  
 9 to put anything that they want to do that would be not good, not healthy for  
 10 the, for the neighborhood and that's my concern. Yes I also am for, for, for  
 11 change but I want it done in a responsible way where, where it wouldn't  
 12 affect the livability, the, the, the people that live there and, and that's what  
 13 I'm looking for. I think we should proceed with caution because I also  
 14 want change there but because it's an ugly building because it's a dirt  
 15 parking lot, because it's a chain link fence, I have the same issues that  
 16 you do. It's ugly. But I also, I don't know if I'd be, if I'm willing to, to trade  
 17 what we've got now for some of the things that, that, that are allowed here  
 18 because I think that would be irresponsible for the Board to, to entertain  
 19 because we still live there and by, by, by allowing them to go to C-1 it's,  
 20 you know it's, it's a crap shoot of what will go in there. There's a lot of "As"  
 21 here. Who's to say that all of a sudden those "Cs" don't get approved?  
 22 The "Ss" are, are okay. It's, it's all's just, it opens it up to a lot of things that  
 23 we have no control over. But I, I, I do want responsible growth there, you  
 24 know, something, something low-impact, something family-friendly.  
 25 Family-friendly is the key. Let's do something family-friendly. My ...

26  
 27 Williams: Can't cut, no, no, no go to, go to response.

28  
 29 Ochoa: If I may interject real quick. If a, if there's an S next to a use on that list  
 30 that you have that means it needs a Special Use Permit. Special Use  
 31 Permit has to come before you again for your approval or not for that. And  
 32 I just want to interject as well, the applicant did speak to the property  
 33 owner and he has no issues eliminating the uses of an arcade/game  
 34 room, batting cages, billiards, and bowling alley. We have no issue  
 35 removing those uses as well as the skating rink as well.

36  
 37 Williams: Barbara

38  
 39 Kuhns: Paul. I just want to remind you that our meeting last month was, I, I  
 40 monopolized the time by voicing frustration with Codes. And it does say  
 41 that you can't have noise after sunset or whatever but Mr. Flores and I  
 42 have had an ongoing problem with getting that enforced by Codes and I  
 43 don't know why that is. I, I, I don't understand it but I just want to remind  
 44 you that getting strict enforcement in codes has been a challenge. Thank  
 45 you.  
 46

1 Flores: I guess ...  
2  
3 Williams: Short.  
4  
5 Flores: One of the things I'd like to say is that the owners are saying that they  
6 would, you, that, that they're not in agreement with these things but the  
7 owner doesn't have possibility, what, doesn't have the ability to really say  
8 that cause once it's sold, I mean it's, it's, it's over with. It doesn't ...  
9  
10 Johnson: Mr., Mr. Chairman.  
11  
12 Williams: My under, my understanding though is if we strike those for the use of this  
13 property ...  
14  
15 Johnson: It's struck.  
16  
17 Williams: It's struck forever.  
18  
19 Johnson: For, for life.  
20  
21 Williams: For life.  
22  
23 Johnson: Yes.  
24  
25 Williams: For, until it's changed again so  
26  
27 Flores: Parking garage, is that, is that ...?  
28  
29 Johnson: That, that's fine you know *(inaudible)*.  
30  
31 Williams: I think the, one of the things that I, I want, I want to interject here and I  
32 agree you know it was mentioned. You know there's no chance of, of, a  
33 bowling alley's going to go in that space. The space will not accommodate  
34 the requirements that are needed for a bowling alley. The space will not  
35 accommodate the, the, the what's needed for a parking garage. So some  
36 of the, the concerns, the things that you're bringing up are uses that would  
37 not work on the, this is, it's, it's less than a half an acre. It's 0.4 acres and  
38 there's, there, which means there's a lot of things, parking garages take up  
39 a lot of space cause you have, you, not just parking cars, you have to  
40 move cars around or anything. So parking garage would not, would not  
41 ever go into that space. A bowling alley's the same thing. Bowling alley,  
42 you're going to have, there's going to be parking requirements, there's  
43 going to be, there, there's a large space that's required. No bowling alley,  
44 no one's going to open a two-lane bowling alley. They won't make any  
45 money on anything like that. So a lot of the, those kinds of uses and  
46 things like that we can strike them. They'll be struck forever but there are

1 things that it, you know you have to be realistic on the possibility of what  
 2 may happen on that. I agree you know that, I think I would prefer, I would  
 3 like not to restrict as much as possible, I mean other than maybe specific  
 4 uses and things like that because I'd like to see development. I'd like to  
 5 see more uses in the area. I'm not concerned about the noise. You may  
 6 have issues with Codes and things like that but that's not always going to  
 7 be the case. You know there may, it's, it's, it depends on the officials and  
 8 stuff that are in there and things like that but you can't, you know based  
 9 on, on single experiences cannot, you know we cannot strike the City from  
 10 growing based on a single experience in my opinion.

11  
 12 Ochoa: And if I may interject it again, Mr. Flores asked about the parking garage.  
 13 Again that would need a Special Use Permit which cannot even get  
 14 approved until it came before you all again for approval, approval or not  
 15 and that would be up to essentially your recommendation to the Planning  
 16 and Zoning Commission so if that use did come into fruition for requesting  
 17 a permit you'd still get notice and still have here your opportunity to be  
 18 against it. But like I said before the applicant has spoke to the property  
 19 owner and is okay with eliminating those four or five uses that I stated  
 20 before as a condition so essentially the recommendation of yes with  
 21 conditions that it's R-16 with the striking the uses of an arcade/game room,  
 22 batting cages, billiard or pool hall, bowling alley, and a skate park.

23  
 24 Mach: Those four that you're planning that you're willing to strike. If I can just go  
 25 real quickly down through the new codes and what is allowed, what, what  
 26 the classifications are, I'm going down the list of uses.

27  
 28 Williams: This is for which code?

29  
 30 Mach: For the brand new, for the new Municipal Code for a, an O, an Office-1  
 31 versus Commercial.

32  
 33 Williams: Okay.

34  
 35 Mach: Right now under the new code for a Commercial-1 property a cleaning  
 36 and maid services are automatically up, approved as they're not under an  
 37 O-1 so that's one thing that, under the current zoning you could not have a  
 38 cleaning and maid services and under Commercial-1 you could. Under  
 39 Commercial-1 you could have a clothing store where right now it's not  
 40 allowed under Office-1 designation. A delicatessen could, with no eating  
 41 facilities would be allowed under a Commercial-1 where they're not under  
 42 allowed under an Office-1 designation. A grocery store is not allowed  
 43 under O-1 but it is allowed under a C-1. A home furnishing store is  
 44 allowed under C-1 but not under O-1. A laundry or cleaning, dry cleaning  
 45 facility is allowed under C-1 but not under O-1. A small item repair shop is  
 46 allowed under C-1 but not under O-1. A specialty food store is allowed

1 under C-1 but not O-1. A specialty store like a book store, a toy store, a  
 2 stationery store is allowed under A-1, under C-1 but not O-1. And  
 3 upholstery shop is allowed. A variety store is allowed. A video store is  
 4 allowed. And those are, those what I read aside from the bowling alley  
 5 and all that are the things that are allowed under C-1 that are not allowed  
 6 under O-1. Everything else that is allowed under C-1 if the zone changed  
 7 is also allowed under an O-1 designation. So, I mean of all the things that  
 8 I read the first ones could be detrimental but I don't see where under a,  
 9 a C-1 designation there would be that much different.

10  
 11 Flores:

12 And, and I appreciate your input on that. If, if we would just talk about one  
 13 of the things that you brought up that would be allowed there which is a  
 14 cleaners, cleaners use chemicals. Chemicals are stored there. There's a  
 15 possibility of, of little children getting contaminated with that. We all know  
 16 what happened with the SuperFund over on, by the Wal-Mart that they're  
 17 still dealing with because of the cleaning chemicals that were being used  
 18 by Burns Construction, and they, and whoever else was there. So that's a  
 19 mess and, and that, and, and they're still working on that. So they're using  
 20 the chemicals that most cleaners use and, and I don't remember the name  
 21 of it, I know exactly which I'm talking about. I would have a concern with  
 22 that because some, somehow those chemicals have to get in, they have  
 23 to get out. Would they store those inside, do they store them outside? Is  
 24 there a possibility of, because it's residential there's children around, be  
 25 my grandchildren. Could they be, could they be hurt by, by the chemicals  
 26 in, in the neighborhood? Again in favor of, of growth there. I'd really like  
 27 to see the, that, that that lot used for something that would be contributing  
 28 towards, towards the, the dynamic of the neighborhood which it, which is  
 29 residential. And at this point that's where I would again ask, ask the, the  
 30 Board that they pay, that they consider this very very carefully because  
 31 the C-1 will allow, and obviously the property is for sale. They're trying to  
 32 market it for the highest price to whoever they can market it. It's, he wants  
 33 to get rid of it. So his main goal is to get rid of the, the property. That's  
 34 what he wants to do. It really doesn't matter to them who takes it off  
 35 because once the check clears they're done. They're fine. So they don't  
 36 have any concern, they don't have a vested interest in the neighborhood  
 37 like we do. They just, they can, they're concerned with the money, close  
 38 the deal. So I would, I would ask that please, please you know I wouldn't  
 39 have any problem with resident, with, with use for apartments, for the City  
 40 at one point as I (*inaudible*) before they had talked about having housing  
 41 so, so people could walk to, to the downtown area. That would be an  
 42 awesome place for them to put nice housing, nice apartments that would  
 43 cater to people that work downtown as the other property over by the Sun  
 44 News. So the C-1 is where I have the issue. I think that we should  
 45 consider that very very carefully so that there is no, no perils to the  
 46 neighborhoods, the children that live around there and any day that you go  
 to the park you'll see families out there. They're, the, have birthday

1 parties. We just need to be very very careful of what we do and that's  
 2 what I'm asking: Responsible planning and, and, and look at, look at what  
 3 could happen if, if we actually go to C-1. So just careful, careful  
 4 consideration.

5  
 6 Williams: Short remark.

7  
 8 Conrad: Yes. I would just like to say that you know there's just a few businesses  
 9 that are C-1 that are not O-1 but it seems like there's enough leeway of  
 10 what you can do with an O-1 to develop that property. You don't have to  
 11 set the precedent of giving a foothold to C-1 in that neighborhood, that  
 12 there's enough leeway, there's enough possibilities under the O-1 to  
 13 develop the property that we don't have to go to a C-1. That would be  
 14 what I'd be asking you to really consider because once you give a foothold  
 15 into one type of zoning it's hard to stop other people from coming in and  
 16 wanting that same change.

17  
 18 Johnson: Mr. Chairman. I'd just like to provide a few comments to some of the  
 19 comments that were made here tonight. As we indicated the property  
 20 owner is willing to condition out the uses that we discussed previously.  
 21 There has been some discussion about C-1. If you look at the current  
 22 zoning of the properties along Campo Street and if you start on Las  
 23 Cruces Avenue on the east side of Campo and come towards Amador you  
 24 will find a great deal of C-1 properties along there. In fact I was  
 25 mentioning to Adam I think every northeast corner, the, the northeast  
 26 corner of every intersection coming down Campo is C-1 as you, as you  
 27 come down Campo. The other thing I would like to mention with the  
 28 individuals that I represent, Aguirre Land Holdings. This property is for  
 29 sale. They want to do the right thing. They also own other property in the  
 30 Mesquite Historic District so they're, I will tell you that because I'm looking  
 31 and working with them on some other property that they are doing that so I  
 32 think to, to say they just want to sell it, get the check, and put it in the bank  
 33 I think would be remiss at this point. Sure, that is part of the, the objective  
 34 and the process. As I indicated a meat market had looked at this property  
 35 and was willing to purchase this property. It was not an accepted use at  
 36 that time. That is one of those uses we're discussing tonight so, and I  
 37 would just like to kind of lay that out if you, again we're willing to work with  
 38 the neighborhood in an effort to, to kind of create a win-win situation for  
 39 the neighborhood and as well as for the property owner.

40  
 41 Williams: Okay. Board have anything? Paul.

42  
 43 Mach: Before we came here today I was just ready to say, "Go ahead and  
 44 change it to C-1" because I didn't see that much difference. So it's not like  
 45 I'm not hearing what you're saying here and I know that you're the next-  
 46 door neighbors and so I'm, I am listening to what you're saying and your

1 concern. One of the, some of the things that I went through it didn't sound  
 2 like they were that detrimental but you, as soon as I said it Dennis you  
 3 brought up about the laundry so I would like to ask that that be struck in,  
 4 struck from one of the potential uses of the, of the property if it is changed  
 5 to C-1.  
 6  
 7 Williams: Anyone, anyone else? No, okay. So we ...  
 8  
 9 Ochoa: Speaking to the applicant, again he's fine with removing that use from the  
 10 property as well.  
 11  
 12 Williams: Okay.  
 13  
 14 Ochoa: With that Mr. Chairman you can close the discussion and ...  
 15  
 16 Williams: We're closing the discussion and ...  
 17  
 18 Ochoa: Just between you all and get a motion and if need I'm here for help with  
 19 the conditions and so forth.  
 20  
 21 Williams: Yes. Yeah, and go to the, can you go back to the options, the ...  
 22  
 23 Ochoa: Sure thing.  
 24  
 25 Williams: That we have?  
 26  
 27 Ochoa: This ones work?  
 28  
 29 Williams: Any other discussion from the Board?  
 30  
 31 Mach: I'll just say one other thing. It's sort of unrelated but last year we were  
 32 here talking about on May Avenue is where I live which is one block south.  
 33 And there was a daycare center there that was allowed to have up to 12  
 34 people because that's what the zoning was at the time and they asked for  
 35 a special conditional use to have up to I think 80 kids in that property. And  
 36 there was concern from several people that lived around there; one the  
 37 traffic would, what, what would happen to traffic, the noise, and all the  
 38 other things that went along with it. And people had concerns and right  
 39 concerns but the Board, which I wasn't on at the time did approve that and  
 40 I live on that street and I have not noticed one issue with, since that  
 41 change has taken place. So the zoning wasn't changed but the allowed  
 42 number of children was, was changed. I live in the middle of the block  
 43 between San Pedro and Mesquite. My property it's, there's a single-family  
 44 house on it which I put but its, my property is zoned C-2 and as are  
 45 probably a lot of houses, a lot of properties along the, the west and east  
 46 side of Mesquite about halfway down the block. So those along Mesquite

1 is commercial too. And a lot of the private houses that are on there now  
 2 are, are also zoned C-2.  
 3  
 4 Williams: Okay. Do we have a motion? We're closed discussion.  
 5  
 6 Kuhns: I, I make a motion that we not approve the zoning change.  
 7  
 8 Williams: Yes.  
 9  
 10 Ochoa: Let me interject. Actually we need to, the motion has to be in the  
 11 affirmative and then if you're not for it then you vote "no." If you're, you  
 12 are for it you vote "yes." Just want to interject though, if there are  
 13 conditions that need to be put on there, that needs to be done before,  
 14 before an actual vote happens.  
 15  
 16 Williams: Yes.  
 17  
 18 Mach: I, I, what do we do, make a motion.  
 19  
 20 Williams: Yes.  
 21  
 22 Mach: For those changes?  
 23  
 24 Williams: Yeah. That's what ...  
 25  
 26 Chavez: To remove those changes.  
 27  
 28 Williams: To, to  
 29  
 30 Hutson: To make it C  
 31  
 32 Williams: Approve with the  
 33  
 34 Hutson: C-1.  
 35  
 36 Williams: Amended changes.  
 37  
 38 Ochoa: Yes. I'll may interject. It'd be a motion to approve with conditions that the  
 39 uses of a bowling alley, I'm sorry. I've lost that again. The uses of an  
 40 arcade/game room, batting cages, billiards/pool hall, bowling alley, skating  
 41 rink, and laundry/dry cleaning services be not permitted on the property.  
 42 And those conditions will stick with the zoning on the property ...  
 43  
 44 Williams: Until somebody ...  
 45  
 46 Ochoa: Until somebody comes back for another zone change.

- 1  
2 Williams: Do we have a second?  
3  
4 Mach: I'll second it.  
5  
6 Ochoa: Somebody needs to move that. Sorry.  
7  
8 Williams: Oh. (*inaudible*) so I'll make the motion. Second?  
9  
10 Chavez: Second.  
11  
12 Williams: All those in favor?  
13  
14 WILLIAMS, CHAVEZ, AND MACH AYE.  
15  
16 Williams: All those opposed?  
17  
18 KUHNS AND HUTSON OPPOSED.  
19  
20 Ochoa: Motion passes 3 to 2.  
21  
22 **2. Case Z2894:** An application of Edward G. Kruis and Diane J. Kruis, property  
23 owners for consideration of a zone change from R-3 (High Density  
24 Residential) to O-1 (Neighborhood Office) on a property located at 520 N,  
25 Campo: Parcel # 02-06093. Proposed use: Counseling, legal services,  
26 accounting services or similar uses. Council District 1 (Gandara).  
27  
28 Williams: Okay. Moving on to the next item on the agenda which is Case Z2894.  
29  
30 MANY PEOPLE TALKING AT ONCE.  
31  
32 Baum: This is all being recorded, guys.  
33  
34 Kuhns: Well he has a question.  
35  
36 Chavez: Yeah just, I had some question. I'm sorry.  
37  
38 Williams: We, the motion was to approve the change striking the uses of ...  
39  
40 Chavez: Okay but did we, don't we have another vote to approve ...  
41  
42 Kuhns: Were you voting on adding those changes?  
43  
44 Chavez: Or removing those changes?  
45  
46 Kuhns: Or removing those change?

1  
2 Chavez: I was voting to remove the changes.  
3  
4 Mach: But not on ...  
5  
6 Kuhns: But were you voting to change the zoning of the property?  
7  
8 Chavez: No. No, for, I, I thought we were removing, he, Mr. Ochoa said that we  
9 had to vote for the removal of those particular ...  
10  
11 Ochoa: The motion to approve something with the conditions, to remove those  
12 uses.  
13  
14 Chavez: Yeah.  
15  
16 Ochoa: That's what the motion was for.  
17  
18 Kuhns: Do you want to take it over? Do you, are you uncomfortable with your  
19 vote?  
20  
21 Chavez: Yeah.  
22  
23 Kuhns: He miss  
24  
25 Chavez: I misunderstood.  
26  
27 Kuhns: David misunderstood. Can we start over and, and word the vote, what  
28 we're going to vote on very clearly?  
29  
30 Chavez: Yeah. My apology.  
31  
32 Ochoa: Unfortunately it's, the item's been voted on.  
33  
34 Chavez: Okay.  
35  
36 Ochoa: We can't open it up for rediscussion. I apologize. But again all these  
37 minutes, if you do have issues with that you can state that at the end of  
38 the meeting and those minutes will be given to the Planning and Zoning  
39 Commission for their ...  
40  
41 Chavez: Oh.  
42  
43 Ochoa: Consideration. They take it into consideration as well.  
44  
45 Mach: I would like to make a motion to rescind the passed, the vote. If you did  
46 not then ...

1  
2 Chavez: Yeah, I didn't understand.  
3  
4 Mach: David if you did not mean to vote the way that you did I would like to make  
5 a motion to strike the previous ...  
6  
7 Kuhns: I'll second that.  
8  
9 Ochoa: I ...  
10  
11 Baum: Robert's Rules.  
12  
13 Ochoa: I, I apologize but Robert's Rules does not allow that  
14  
15 Kuhns: Even when someone says they misunderstood?  
16  
17 Ochoa: It is during the vote when somebody should bring that up ...  
18  
19 SEVERAL PEOPLE TALKING AT ONCE.  
20  
21 Ochoa: That they're not understanding that unfortunately.  
22  
23 Chavez: Okay. Let's let's just move on.  
24  
25 Ochoa: My apologies for that, for that but unfortunately Robert's Rules is if it's, if  
26 it's been voted on and, and it's been done. As ...  
27  
28 Chavez: Okay. I'll make a note. I'll make a note on the, on the record.  
29  
30 Ochoa: At least it, and again like I said during, later in the meeting when we have  
31 Board discussion then you can state whatever concerns you had with it at  
32 that time and those minutes are given to the Planning and Zoning  
33 Commission as well as City Council for their review.  
34  
35 Chavez: All right.  
36  
37 Ochoa: Next case we got coming up here is Case Z2894. It is a request for a  
38 zone change for a property located at 520 N. Campo. The zone change is  
39 for R-3 to O-1. You can see the subject property here in the center on the  
40 little black square in the sea of orange, all that orange is R-3 zoning  
41 designation. Currently the subject property is one parcel which is located  
42 in the original town site of the City of Las Cruces. Currently it  
43 encompasses roughly about 2,800 square feet, the entire property itself. It  
44 is zoned R-3 and it, there is currently a vacant single-family residence on  
45 the property. The property was built, I'm sorry the building was built in  
46 1928 and it is listed as a contributing structure by the Historical Register,

1 excuse me. The property is generally compliant, building is generally  
2 compliant with all uses in, for design standards. Subject property is  
3 adjacent to the Central Business District to the west and surrounded by a  
4 commercial parking lot to the west and multifamily and single-family  
5 residences, residential to the north, east, and south.

6 Here is a picture of that property here, those wrought iron fences in  
7 the front. You see that's all in the back. Aerials of the property. You see  
8 where it is we're talking about again. The applicant is proposing a zone  
9 change from R-3 to O-1 essentially to allow for professional offices on the  
10 property: Counseling services, legal services, accounting services, and so  
11 forth. The building and site will be redeveloped as an office with minimal  
12 exterior alterations. I will let the applicant kind of explain a little bit more  
13 what alterations he'll be doing for your potential review or approval at this  
14 time. No material list was provided to us but I believe he can clarify that a  
15 little bit better for you all here at this meeting. Because of the age of the  
16 structure on the property by the requirements of the South Mesquite  
17 Design, South Mesquite Overlay, excuse me, no parking is required on the  
18 property. The applicant is proposing to provide two essentially  
19 noncompliant parking stalls on the property that don't follow current 2001  
20 Zoning Code requirements.

21 Again when staff looked at this, at the zone change, excuse me  
22 what we looked at is it was adjacent to compatible, if it was adjacent  
23 compatible uses like office uses. It is located along the N. Campo  
24 corridor, a minor arterial roadway and adjacent to the CBD, essentially  
25 City Hall right across the street from us. Office uses currently are allowed  
26 on the structure as kind of secondary if you will with the residence on the  
27 property. The proposed zone change is supported by the Comprehensive  
28 Plan, the Infill Policy Plan being that it is a vacant property, long vacant  
29 property it is supported by the Purposes and Intent Statements of the  
30 2001 Zoning Code section 38-2 and the Planning and Zoning  
31 Commission's decision criteria.

32 The issue about the parking, if you will would be a variance. That  
33 variance is something that you as the Board have the power to approve  
34 this variance for the parking and allow them to do what he's trying to do or  
35 deny it and they would have to essentially either appeal or follow the  
36 standards. Essentially what it's not compliant is the parking stalls which  
37 are provided in the site plan you have in your staff report are 18 and a half  
38 feet deep, half a foot less than what's required by code and the required  
39 two-way backup aisle is only 20 feet wide, deep as compared to the  
40 required 27 feet in, in, in depth. There are safety concerns that staff sees  
41 with this as, including the fact that the, the applicant is proposing not to  
42 remove the wrought iron fence and the wall that's there, so basically be  
43 parking between those wrought iron fences. There are alternate design  
44 options for this property eliminating that rock wall and the wrought iron  
45 fence and provide angle parking or possibly elimination of a space or  
46 removal of fencing on the property as well as not providing any type of off-

1 street parking on the property and people could essentially park across  
 2 the street to utilize this property or in the residential neighborhood roads  
 3 adjacent to this. Notice was sent out to all relative agencies and  
 4 departments in the City and all departments recommended approval with  
 5 the exception of one which is the Traffic Engineering Department. They  
 6 did have issues with the proposed parking lot. The, their comments were  
 7 omitted from the staff report. I apologize about that but Traffic did have  
 8 issues, safety concerns based on the inadequate clear sight triangle to the  
 9 north, in other words when the car comes out of that property he can't see  
 10 traffic traveling south on the property and potential inadequate driveway  
 11 and intersection setbacks considering the property's so close to the  
 12 intersection to the south. Notice was sent out to surrounding property  
 13 owners and staff did not receive any input from adjacent property owners.  
 14 Again this is just a map of the 500-foot, people that did receive those  
 15 notification letters.

16  
 17 Kuhns: I'm, would you go back a screen please? Thank you.

18  
 19 Ochoa: For this zone change, for the zone change itself South Mesquite Design  
 20 Review Committee is a recommending body to the Planning and Zoning  
 21 Commission which in turn is a recommending body to the City Council  
 22 who has final say on the zone change. With that staff recommends  
 23 approval for the proposed zone change and denial for the proposed  
 24 variance for the parking, proposed, the proposed parking. The other issue  
 25 being the exterior improvements if there are any new, any new information  
 26 that the applicant like to provide as to what if any exterior alterations will  
 27 be done, that'll be something you can vote on tonight as well including  
 28 door and window replacements. Staff is recommending approval like I  
 29 stated before based on the findings found in your staff report. And again  
 30 this'll be just a larger policy question regarding the future of the N. Campo  
 31 corridor area. Here are the, bless you, findings found in your staff report  
 32 for the zone change and recommending findings for denial of the parking  
 33 mentioned area, as staff has stated before just issues with the major traffic  
 34 issues with the property.

35 Your options tonight ladies and gentlemen is 1) you'll actually have  
 36 several motions if you will for this proposed, this proposal tonight. One will  
 37 be for the actual zone change. For the zone change you could: 1) vote  
 38 "yes" as recommended by staff, recommend approval for the proposed  
 39 zone change to the P&Z as recommended by staff; 2) to vote "no" and  
 40 recommend denial to the P&Z; 3) to vote to amend, to essentially add  
 41 conditions or stipulations to the proposed zone change as see, seen fit by  
 42 the Board; and lastly to table and postpone and direct staff and the  
 43 applicant accordingly if additional information or alternate solutions are,  
 44 are required, or desired by the Board, excuse me.

45 And then your options for the variance is: 1) to vote "yes" for the  
 46 proposed variance to the parking requirements; 2) to vote "no" as

1 recommended by staff for the proposed parking requirements; vote to  
 2 amend his site plan and to, to work with the applicant for change, do some  
 3 change to that site plan to deem fit by the Board; and 4) table/postpone  
 4 and postpone that variance to a later date. Same options apply if there  
 5 are any exterior changes proposed by the applicants tonight: 1) to vote  
 6 "yes" and approve what they're, what they're proposing; 2) to vote "no"  
 7 and deny what they're proposing; 3) come up with a solution essentially,  
 8 amend and come up with the conditions for that; or table/postpone that as  
 9 well to a future date. And with that I, that is the conclusion of my  
 10 presentation and the applicant is here if you have any questions for him  
 11 and I believe he has a, some pictures to show you of his proposed  
 12 elevations.  
 13  
 14 E. Kruis: If you want to pass these around, I thought we'd get a projector to place  
 15 our ...  
 16  
 17 Baum: Can I have your name please?  
 18  
 19 E. Kruis: Oh, I'm sorry. My name's Edward Kruis.  
 20  
 21 Kuhns: Oh these are really nice drawings.  
 22  
 23 Chavez: Oh that's ...  
 24  
 25 Kuhns: *(inaudible)*  
 26  
 27 E. Kruis: One is just a black and white copy, the other is ...  
 28  
 29 Kuhns: Okay.  
 30  
 31 Ochoa: Would the applicant like to state his name and state what changes if any  
 32 you have you'd be making to the property.  
 33  
 34 E. Kruis: Yeah. My name is Edward Kruis and I am, the only planned changes are  
 35 to change a doorway, put a new door in there, change the looks of the, of  
 36 the doors to change the, the width of the doorways for, to meet ADA  
 37 requirements. Also there will be a, a concrete driveway with a, with space  
 38 underneath for water ponding. Let's see if there's anything else. Also  
 39 wooden, wooden windows will be put in instead of the metal windows that  
 40 are there on the west-facing side. The south-facing side has glass block  
 41 and because they're existing I plan to keep that. If I have the money to  
 42 change that I would, I, I will do that as well, change that to, to wooden  
 43 windows to, to fit the area. That's my, my hope anyway. I didn't know, I  
 44 didn't know about the, the Traffic recommendations cause that wasn't in  
 45 the report so I'm not, I'm not sure what, what to do about that at this  
 46 moment. I'd rather keep the, the walls, the rock walls and the, and the iron

1 gates because I think they're attractive for, for the City. Other alternatives  
 2 I guess is to, to park across the street and as long as that's available I  
 3 think we can probably do that. The only, only difficulty would then be to  
 4 have a painted crosswalk at the corner of Hadley and, and Campo so that  
 5 ...

6  
 7 Kuhns: It would, it really needs that anyways.

8  
 9 E. Kruis: Yeah.

10  
 11 Kuhns: It would serve the benefit of the neighborhood to say that you needed that  
 12 because I, it, it, Hadley's a very major walking street.

13  
 14 E. Kruis: Yeah. So I, I, I would, I would recommend that. That's, that's what I  
 15 would do it, if, if the parking is, is not allowed on, on the property is to  
 16 recommend that we have a crosswalk, painted crosswalk at Hadley and,  
 17 and Campo and have clients park across the street. And when I say  
 18 clients this is primarily a counseling/therapy practice office and may be for  
 19 attorneys in the future or accountants, something along those lines. That's  
 20 the intended use.

21  
 22 Chavez: I think in the last meeting we had, we did bring up the fact that the Historic  
 23 District is lacking a great number of crosswalks. So this would help our  
 24 cause if we could start you know making sure you get one and we'd keep  
 25 on going up on Campo because Campo is such a busy street and there's  
 26 only maybe two crosswalks in the whole strip and there should be a  
 27 crosswalk in all the majors on there so.

28  
 29 Kuhns: I'd like to point out that two blocks south of this property is a child  
 30 psychologist/evaluation business so a counseling business or a law office  
 31 is very harmonious to the existing, what's on the street already.

32  
 33 Kay: Mr. Chairman. My name is Fenton Kay. I'm representing Carol Kay who  
 34 owns the adjacent property. That's our tree hanging over the wall. I'm  
 35 here to support their proposal for a, a change, well for two reasons. One  
 36 is selfish. We would like to change our zoning to O-1 also because we,  
 37 the houses there we have a similar thing. We, our plan is to, to keep  
 38 some residential there and to, and to go to offices. We've talked to the  
 39 City in the past something about it and got, "Uh, uh," kind of response with  
 40 respect to the zoning so we haven't done anything. So with their move I  
 41 would like to say if you approve them which I think you should, that will  
 42 give us an option to move. The other thing is we looked at purchasing that  
 43 property. The back of that house is right on the adjacent property line on  
 44 the back. The south side is right on the south property line. That place is  
 45 not a residence. Great office, not a residence, okay. But as I said my wife  
 46 owns the property next door. We do plan to come before you at, at some

1 point in the future asking for a rezone on our property and we do support  
 2 their requisition for rezoning.  
 3  
 4 Chavez: What's your time frame?  
 5  
 6 E. Kruis: I'm hoping to be in there by, by next summer. I don't know if it'll, if that's  
 7 realistic given, given what needs to be done because it's, the interior is  
 8 pretty, pretty damaged by, by water. The roofing has been, it's, it's a mess  
 9 inside so.  
 10  
 11 Chavez: Do you have any other plans of adding, I, I know that you have a glass  
 12 block window on the west side so you can put wood there. Anything  
 13 additional to the structure that you've plans of, of  
 14  
 15 E. Kruis: Well I was ...  
 16  
 17 Chavez: You have a metal, you have a metal-roofed  
 18  
 19 E. Kruis: Right.  
 20  
 21 Chavez: Porch.  
 22  
 23 E. Kruis: Yes.  
 24  
 25 Chavez: So you know...  
 26  
 27 E. Kruis: But  
 28  
 29 Chavez: That is not what we consider historic, it just, it's there.  
 30  
 31 E. Kruis: Right. I, I would like to, I, I wanted to put a, a concrete tile. It, I have a, I  
 32 purchased a, a bunch of concrete tile and the slope of that roof is not such  
 33 that it's allowed. The codes don't allow for, for a tile roof on there. I can  
 34 put rolled roofing on instead of the, the metal but I can't do the tile  
 35 because the the ...  
 36  
 37 Chavez: The slope  
 38  
 39 E. Kruis: The slope is not right. It has to be something like ...  
 40  
 41 Williams: 212 or (*inaudible*)  
 42  
 43 E. Kruis: One foot to three feet or, or something along those lines. It's, it's a pretty,  
 44 pretty severe slope because the winds, and particularly the west winds  
 45 coming, coming at it can throw those tiles off.  
 46

- 1 Hutson: I would certainly like to see something done with this building rather than it  
 2 sitting empty. It's been vacant a very long time and is a contributing  
 3 structure and so I think the Board should consider that when we consider  
 4 changing the zone.  
 5
- 6 Mach: Your drawings look, I think they look great. As far as the parking goes, as  
 7 I was going through this it looks like that's the biggest, the biggest problem  
 8 with, from the City's point of view. It, I'm looking at the new codes that  
 9 were just passed and I'm not sure if I understand what it's saying here but  
 10 it says "surface material for parking areas for residential or non-residential  
 11 developments may be pervious materials such as stone or brick pavers or  
 12 compacted crushed stone, gravel." If gravel was used and it says what  
 13 kind. Says, "Concrete parking pads are not permitted to be installed  
 14 abutting adobe walls," so I mean for, for wicking purposes. But the way  
 15 that the code reads I'm not sure if it does the code, I'm asking our Board,  
 16 do the codes include non-pervious parking spaces now or are they  
 17 allowed because it says "surface materials for parking areas may be  
 18 pervious material."  
 19
- 20 Chavez: Since he's planning, if you'd, could look at the plan he's planning on  
 21 putting underground, I guess what you ...  
 22
- 23 Kuhns: *(Inaudible)*.  
 24
- 25 Chavez: Call a French drain, a French drain or something like that. That'll keep the  
 26 runoff falling into the street partial. You know it's basically your call in a  
 27 way. You don't have to do concrete. The reason that we kind of had a  
 28 long, long discussion on the concrete is the fact that the, too much runoff  
 29 on the streets. Secondly it takes away from the historic character of the,  
 30 of the neighborhood where you start seeing all these parking lots with  
 31 concrete and that's not us. If you go to Albuquerque, Santa Fe, Socorro,  
 32 a, a lot of places that have historic districts, they're using packed, crush  
 33 fine. Gives it that character of kind of an over all ... you can use brick so  
 34 long as it's, if you know. So you have a variety of, in many cases you  
 35 know we just try to get away from so much concrete. It's expensive. I, we  
 36 had a case with the gentleman that owns the property between Cruces  
 37 Avenue and Organ on Campo and his cost just to pave the back was  
 38 something like \$50,000. And that included ponding, trees, I mean it was  
 39 ridiculous. So to keep the cost down for the businesses you know you do  
 40 have an option.  
 41
- 42 E. Krus: I, yeah I, I would prefer to use the pavers or, or bricks there. I'm just not  
 43 sure how that works with the underground, the underground ponding  
 44 system and, and, and I'm, and I'm pretty sure the, the crusher fines, using  
 45 crusher fines there that eventually the gravel that surrounds the  
 46 underground, the underground ponding gets filled with dust and

- 1 (inaudible) and that's, I think that might be what the problem is, what the  
 2 issue is with not having concrete or, or a paved area. But I will check on  
 3 that because I'd, I'd much prefer the look of, of pavers or bricks.  
 4
- 5 Chavez: If I, I have another question too. If you're, if it turns out that you have to  
 6 pave the, so, this little bit of a parking lot it, would it be feasible for you to  
 7 do some type of stamp ...  
 8
- 9 E. Kruis: Yes.
- 10
- 11 Chavez: Or design that makes it look like brick or something so it's just not another  
 12 ...  
 13
- 14 E. Kruis: Right.
- 15
- 16 Chavez: Slab of concrete.
- 17
- 18 E. Kruis: Yes. That's a possibility and I ...  
 19
- 20 Chavez: Because you have a property right next to this ...  
 21
- 22 E. Kruis: Right.
- 23
- 24 Chavez: Gentleman's historic property and just to have that same kind of feel.  
 25
- 26 E. Kruis: Yeah I'd prefer that. I could do that.
- 27
- 28 Williams: The, the, the, (inaudible) the ADA has to be concrete.  
 29
- 30 Chavez: Oh yes. Of course.
- 31
- 32 Williams: Yeah. It is, there is requirements for, yeah so that, that can, it could be  
 33 pavers or something like that but it's got to be a hard surface. It can't be  
 34 gravel. I, I would agree you know if, if you could do gravel or something  
 35 like that. It would, you know maybe get rid of the French drain and just do  
 36 the gravel cause the, the gravel will allow that water and stuff to, to ...  
 37
- 38 E. Kruis: To drain through.
- 39
- 40 Williams: To drain through anyway so it's like, so it, it, I think it's best. As far as the  
 41 variance goes I don't know about the rest of the Board, I don't have, I  
 42 mean I, I agree there's some issues. I think the low intensity of use as far  
 43 as parking and stuff like that I don't know that I have as big of a concern  
 44 about the parking as the City does you know and I, I, the, the, I would be  
 45 in favor of approving the variance on the parking for that reason. You  
 46 know I think that you maybe utilizing also the place across the street I

1 think if you can get, if we can get painted crosswalk that would be even  
2 better but.  
3  
4 Kuhns: It would.  
5  
6 Kay You, you mention that in the new code it says something about paving or  
7 something adjacent to adobe walls, I ...  
8  
9 Mach: It said no concrete next to adobe walls ...  
10  
11 Kay: Okay.  
12  
13 Mach: Because of the ...  
14  
15 Kay: Okay. That might mitigate against them using concrete cause our wall is  
16 adobe.  
17  
18 Williams: Yeah.  
19  
20 Mach: Yes.  
21  
22 Kay: It's stabilized adobe but it's adobe nonetheless.  
23  
24 Williams: Yeah. There are, there are things you can do to mitigate it but it, it's ...  
25  
26 Kay: Yeah.  
27  
28 Williams: It's, yeah it's (*inadvisable*)  
29  
30 Kay: Yeah.  
31  
32 Williams: Yeah; I did notice that. It does go right up to it so it's like you could do a  
33 little gap in front of the, the ...  
34  
35 E. Kruis: Yeah the ...  
36  
37 Williams: Concrete bumper there or something like that so.  
38  
39 E. Kruis: The way, the way it's designed right now the concrete doesn't come right  
40 up to your wall.  
41  
42 Kay: Yeah.  
43  
44 E. Kruis: Except on right next to the side of my, of the, of the building.  
45  
46 Williams: Yeah.

1  
2 E. Kruis: And I'm planning on cutting that out anyway because that also creates  
3 problems for the adobe in my building.  
4  
5 Williams: Yeah. That's right.  
6  
7 Kay: Yes, yes it does, yeah.  
8  
9 Williams: That's a problem too so.  
10  
11 Chavez: I have a question.  
12  
13 Williams: Yes sir.  
14  
15 Chavez: Your signage, I don't have it online but it was ...  
16  
17 E. Kruis: Yeah. It was on, on the new one. I put that, that's a, that's a future  
18 possibility but not, it's not likely right away.  
19  
20 Chavez: Were you going to have this electrified or is it, we're going to all ...  
21  
22 E. Kruis: I guess I, I understand what you mean. What I'd like to do is put a, a; a  
23 gooseneck over top of it from ...  
24  
25 Chavez: If, if you do this one ...  
26  
27 E. Kruis: So that it shines down on it.  
28  
29 Chavez: I, I'd kind of like it because it kind of fits the New Mexico signage that we  
30 have in historic locations throughout the state so.  
31  
32 E. Kruis: Right.  
33  
34 Kuhns: It does.  
35  
36 E. Kruis: That's, I designed it after that because, because I love that sign. I love  
37 those old signs that say "Welcome to"; used to say "Welcome to New  
38 Mexico".  
39  
40 Chavez: I have a question. Have you researched on how many, I mean right  
41 directly across from your, your space those parking spaces on, is that,  
42 that's City parking, correct?  
43  
44 E. Kruis: Yeah. It's a City parking lot.  
45

- 1 Chavez: Okay. So there, you, are, during the day have you noticed if they're  
2 empty, are they filled?  
3
- 4 E. Kruis: I, I notice that they're mostly empty. There, that there's some times that  
5 there are a number of cars there but it's never full.  
6
- 7 Chavez: Okay.  
8
- 9 E. Kruis: And, and also on the street, across the street there, it, there are spots and  
10 those are never filled as far as I can ...  
11
- 12 Chavez: On Hadley you mean.  
13
- 14 E. Kruis: Or almost never. No, on, on Campo. Right across the street from me.  
15
- 16 Kuhns: Not on Hadley.  
17
- 18 Chavez: Oh right across the, then it's, it's  
19
- 20 E. Kruis: Yeah. It's, it's on the street. There are, there are parking spots on the  
21 street.  
22
- 23 Chavez: On the west side of the street.  
24
- 25 E. Kruis: Yeah.  
26
- 27 Chavez: Thank you.  
28
- 29 Mach: As far as you know taking into consideration the French drain, I thank you  
30 because people is, people just put in a parking lot or they plan to do that  
31 and don't even take into consideration the water runoff. So thank you for  
32 that. I also notice too that the parking, that parking, six or seven parking  
33 spaces across, parallel parking spaces across the street on Campo or you  
34 know right across the street from your house. The other, I have a  
35 question for you Adam. In this case and in the case before it's mentioned  
36 that Campo is a minor arterial road.  
37
- 38 Ochoa: That is correct sir.  
39
- 40 Mach: And I see that the, and I was looking to see what all that meant and I  
41 found a map, I found a map from, the Functional Classification Map that  
42 the City puts out and it was dated, updated August 21st. And so it has  
43 Campo as a minor collector road.  
44
- 45 Ochoa: Okay. My apologies. Again I'm stepping in for somebody here tonight.  
46

- 1 Mach: Yeah.  
2
- 3 Ochoa: So there is, but it's, it is still classified as a thoroughfare if you will where  
4 commercial zoning, those types of uses if you will are encouraged by the  
5 City if you will, by policy.  
6
- 7 Mach: Okay. And my bringing that up was because of backing up into the street  
8 and I know Campo is a, Campo to me, I'm looking at the maps of the  
9 classifications of roads and we've got interstates and then other freeways  
10 and there's principal arterial roads which would be like Lohman. And then  
11 there's a minor arterial road which I ...  
12
- 13 Williams: What? Which one?  
14
- 15 Mach: Would be Solano. And then there's major collector which on this map  
16 shows Las Cruces as being one of those streets and parts of Hadley and  
17 then it shows Campo as being a minor collector road which to me would  
18 like say it's not such a busy road that backing into the street would be a  
19 problem although I think Campo is busier than Las Cruces.  
20
- 21 Williams: The, the, and I, I mean looking at the layout there and everything I don't  
22 see that from where the parking spaces are it, to me it seems like most  
23 people are going to back up and turn and they go out forward. They're not  
24 going to back straight out onto, there's a, I mean you, the, you don't have  
25 quite the enough space if you had two cars backing up ...  
26
- 27 E. Kruis: Right.  
28
- 29 Williams: Against each other but I think the 20 feet is enough for someone to back  
30 out of that space into you know the, the, the accessible parking one. They  
31 would back towards the wall; you know kind of turn going towards the wall,  
32 go and back out that direction and then pull out forward onto the street so  
33 and like I said I think that with the amount, with the amount of traffic that  
34 you'd, or use that you'd be using at I think it's going to be a pretty minimal  
35 thing so it's like yeah so.  
36
- 37 D. Kruis: I'm Diane Kruis, owner as well and I would really appreciate it if you would  
38 recommend that the variation be made because what other have, variance  
39 has, is made because what have, others have recommended is taking  
40 down the, the structure of the gates and I think it's beautiful and I'd love to  
41 have it stay but if we really need to have parking it may need to go and I  
42 think that's just a shame. I think it, it's beautiful but.  
43
- 44 Chavez: Chances are, I mean this is not what, by looking at this and then the maps  
45 is that your main concern is the ADA parking. So where the ADA parking

1 is, when you pull out and you back in that's the main concern. Depending  
 2 on the size ...  
 3  
 4 Kuhns: (inaudible).  
 5  
 6 Chavez: Of vehicle you all use for the other space or if you choose to park across  
 7 the street then you have eliminate the worry about another vehicle backing  
 8 up. So you know it's, it's up in the air. The only one we need to worry  
 9 about is the ADA vehicle and there's plenty of room to back out of there in  
 10 the space and then pull out on the street forward. So I would approve the  
 11 variance in, in this case. And it, and even if you park on the, the, the  
 12 secondary parking space you have the opposite way to back up so it's not  
 13 like anybody's going to be parking on the outside of the fence, correct?  
 14  
 15 E. Kruis: Right. Nobody's going to ...  
 16  
 17 Chavez: Okay. So.  
 18  
 19 Williams: I agree that, that's what I was saying.  
 20  
 21 Chavez: It's common sense.  
 22  
 23 Mach: And if we approve the variance, the City recommended against it.  
 24  
 25 Hutson: Right.  
 26  
 27 Mach: Staff. And we approve it and then somebody comes out of there, backs  
 28 up, and gets in an accident. Is there any, I mean is there anything to  
 29 come back to us about that?  
 30  
 31 Chavez: We all look good in orange.  
 32  
 33 Mach: And that's just a question I have. If we recommend this and somebody  
 34 backed out onto the street and ...  
 35  
 36 Ochoa: To answer your question sir, as this, it is a public right-of-way. It basically,  
 37 if there was an accident it'd be City's ...  
 38  
 39 Mach: Okay.  
 40  
 41 Ochoa: Fault if you will. But again Code does give you all the purview to approve  
 42 variances to the required parking but a, again you could also remember,  
 43 I'm sorry. That's it. Never mind.  
 44  
 45 Williams: Yeah. Anybody, you have another comment?  
 46

1 D. Kruis: Well no. I was just going to say I think it still has to be approved by the  
2 City as well.  
3  
4 Williams: Yeah. Yeah.  
5  
6 D. Kruis: So it's really their ...  
7  
8 Kuhns: Yeah.  
9  
10 Williams: Yeah.  
11  
12 Chavez: The last (*inaudible*)  
13  
14 Williams: Yeah.  
15  
16 D. Kruis: Their idea so.  
17  
18 Williams: Okay. Do we have a motion?  
19  
20 Chavez: I, I make a, I ...  
21  
22 Williams: Yes. We need two motions.  
23  
24 Ochoa: If, if I may interject please. Yeah, it would be essentially since you've seen  
25 what he's proposing now for the building as well it'll be three separate  
26 motions so just want to do the zone change first I guess. Whoever's going  
27 to do the motion it has to be in the affirmative. If you want to add  
28 conditions by all means. Then that has to be seconded and be voted on.  
29 Then the variance. And then the changes and the conditions and then for,  
30 last and not least the actual design which is definitely your purview for.  
31  
32 Chavez: Okay.  
33  
34 Ochoa: Great. Yes. So let's ...  
35  
36 Williams: So we'll start with the ...  
37  
38 Ochoa: Let's start with the zone change motion.  
39  
40 Williams: With the zone change first so.  
41  
42 Ochoa: Case Z2984.  
43  
44 Chavez: I so move that the zone change be changed.  
45  
46 Williams: Be approved.

1  
2 Chavez: Be approved.  
3  
4 Kuhns: From R-3 to O-1.  
5  
6 Chavez: From R-3 to O-1.  
7  
8 Hutson: I second that.  
9  
10 Williams: Okay. All those in favor. Any discussion?  
11  
12 MOTION PASSES UNANIMOUSLY.  
13  
14 Williams: Oh. All those in favor.  
15  
16 MOTION PASSES UNANIMOUSLY.  
17  
18 Williams: Unanimously approved. So the next one would be the ...  
19  
20 Ochoa: The variance.  
21  
22 Chavez: The variance.  
23  
24 Williams: Approval of the variance.  
25  
26 Kuhns: I make a motion that we approve the variance for the property at 520 N.  
27 Campo  
28  
29 Chavez: Second.  
30  
31 Williams: My, my only sort of (*inaudible*) addition to that is to look into the options of,  
32 of a crosswalk, you know I bring, just bring it up to the City and then more  
33 people bring it up and so.  
34  
35 Kuhns: Yeah.  
36  
37 Williams: So, Okay. Any other discussion? All those in favor.  
38  
39 MOTION PASSES UNANIMOUSLY.  
40  
41 Williams: Unanimously. And then the, the last one is the ...  
42  
43 Chavez: The design.  
44  
45 Kuhns: Design.  
46

1 Ochoa: Correct. And, and again since you're approving the design now that  
 2 means they could just go ahead and come in and do their building permits  
 3 for those changes ...  
 4  
 5 Kuhns: *(inaudible)*  
 6  
 7 Chavez: Okay. I so approve the design concept for the property on 520 Hadley.  
 8  
 9 Kuhns: Well you make a motion that we approve, a motion  
 10  
 11 Chavez: Oh. I make a motion.  
 12  
 13 Hutson: You need practice at this don't you?  
 14  
 15 ALL TALKING AT ONCE.  
 16  
 17 Williams: We, we have no ...  
 18  
 19 Chavez: I make a motion that we approve the design concept on, I beg pardon.  
 20  
 21 Williams: *(inaudible)*  
 22  
 23 Ochoa: I'm sorry, just one more interjection. I apologize but the plans that he  
 24 provided tonight are different from what is in your staff report so what  
 25 you're approving is what he presented to you tonight.  
 26  
 27 Mach: So can I ask, just ask a question before we do ...  
 28  
 29 Kuhns: Yeah.  
 30  
 31 Mach: Because this is the first time. The pictures of the doors are very nice.  
 32 One of the things that we do as this Board is when you're making changes  
 33 to try and make them as much like the originals as they could using the  
 34 original materials if you can and if you cannot then similar but different.  
 35  
 36 E. Kruis: Yeah.  
 37  
 38 Mach: And so this is the first I'm seeing of these. How do these, do you know  
 39 how these compare to what, what is up there? I didn't get ...  
 40  
 41 E. Kruis: To what's there now?  
 42  
 43 Mach: Yeah.  
 44  
 45 E. Kruis: Well the, the door that's on the front facing the west is, there is no door  
 46 there. It's a window currently.

- 1  
2 Mach: Okay.  
3  
4 E. Kruis: They'll have to make a, the, and the window is, is out of code. It's lower  
5 than it's supposed to be and so I'm, I'll need to change that window  
6 anyway and I, and, and it's a good place to put a door. The other door is  
7 common junk. Something that's been placed there just to keep people out  
8 so I don't, I don't know what was there before.  
9  
10 Mach: Okay.  
11  
12 E. Kruis: These are actual designs based on, on an actual door that I ...  
13  
14 Mach: Okay. So, and I'm sure it's an improvement.  
15  
16 Hutson: I looked at that property today and walked around it. It's definitely an  
17 improvement.  
18  
19 Mach: And, and then the one door you said you were going to make wider for  
20 ADA compliance.  
21  
22 E. Kruis: All, all the doors.  
23  
24 D..Kruis: Both, both doors.  
25  
26 Mach: Okay.  
27  
28 E. Kruis: All doorways in the in the building will be made (*inaudible*).  
29  
30 Mach: Because another thing is the Board that, that this Board is supposed to  
31 consider is making exterior changes, changing sizes of doors is frowned  
32 upon except for things like that so I just wanted to bring that up. Okay.  
33  
34 Chavez: I, I do have a question. Since you do have ADA parking is there going to  
35 be some type or is there already an existing type ramp? So you're going  
36 to add a ramp?  
37  
38 E. Kruis: One thing I, yeah I, what it's, the, the level of the parking area is going to  
39 be the same as the level of the porch so that there won't have to be a  
40 ramp. It, it'll mean that the driveway outside the gates is going to be a little  
41 steeper but, but that's the only difference.  
42  
43 Williams: So we have a motion to approve the design as presented at this meeting.  
44 Any other discussion?  
45  
46 Hutson: A second?

1  
2 Williams: A second.  
3  
4 Ochoa: You, you need a motion and a second.  
5  
6 Williams: Motion and second?  
7  
8 Hutson: I second.  
9  
10 Williams: Any other discussion? All those in favor.  
11  
12 MOTION PASSES UNANIMOUSLY.  
13  
14 Williams: Again unanimous.  
15  
16 E. Kruis: Thank you.  
17  
18 Kuhns: Mr. Kruis could I ask you a question? Does somebody live in that property  
19 to the south of your property? It looks like it's a triplex. It's the corner of  
20 Hadley and ...  
21  
22 Kay: You know I, I, that's, that's a puzzle okay.  
23  
24 E. Kruis: I see people, I see cars.  
25  
26 Kay: I see vehicles in and out of there occasionally. I see some evidence that  
27 there's mail going.  
28  
29 Kuhns: Yeah. I do too.  
30  
31 Kay: The, the door on the, on, that, that faces onto Hadley sometimes look like  
32 it's going to fall off. I'm not sure what it, you know and I'm in and out of  
33 there all the time. You know the big "Keep Out," "Beware of Dog" signs, I  
34 feed the dogs every day. I'm there daily and I can't tell you if there's  
35 anybody living in that, that triplex over there or not to be honest with you.  
36 It's, it's a bafflement. I mean sometimes it looks like there is and most of  
37 the time it looks like there isn't.  
38  
39 Chavez: I think there's, believe there's a boat.  
40  
41 Hutson: Yes.  
42  
43 Chavez: On, back there ...  
44  
45 Kuhns: There is.  
46

1 Chavez: And it does look like there's some traffic because of dirt ...

2  
3 Kuhns: I have seen the young man go in there.

4  
5 Hutson: We're talking over each other.

6  
7 Williams: Yeah. So.

8  
9 Ochoa: Let's go on to the next order of business please.

10  
11 Williams: Yeah. I lost my agenda.

12  
13 **IV. OLD BUSINESS - NONE**

14  
15 Kuhns: Old Business.

16  
17 Williams: Old, and is there any Old Business?

18  
19 Ochoa: None tonight sir.

20  
21 Williams: No Old Business.

22  
23 **V. DISCUSSION ITEMS**

24  
25 Williams: Any other Discussion Items?

26  
27 Ochoa: At this time Mr. Chavez if you'd like to express your concerns with the vote  
28 that you had.

29  
30 Chavez: I guess it was my, my confusion was that I, I was meant to, I, the way I  
31 understood it is that we were voting for the removal of those particular  
32 businesses and that was going to be first and then the vote for, and it then  
33 was my apology. I mean I apologize for the confusion on my part.

34  
35 Williams: I think it, what what we did we, we basically approved the change, the  
36 zone change with striking those specific uses from it. I, I don't know, I  
37 don't know to, to be honest with you I, I don't know why you would vote to  
38 strike those and then not approve it and, and it's like because it really  
39 doesn't, so.

40  
41 Mach: Yeah, I, I think that's very unfortunate. I mean I voted for the code  
42 change, the zoning change. I heard the concerns of Dennis Flores and  
43 the other lady were here and I still voted for it and I would vote for it but I  
44 think it's unfortunate. Your misunderstanding would have changed this  
45 vote.  
46

- 1 Williams: Yes.  
2
- 3 Chavez: Now that, that, after listening to this last case and thinking about this I  
4 probably would, I should just keep the same because the thing is it's, it's,  
5 doesn't really change anything to be honest with you. We eliminated quite  
6 a bit off of this. If, if and when somebody purchases the property and  
7 comes in with a specific type of business it's going to come in through this,  
8 this Board and I don't think once they see the, the removal of certain  
9 businesses they're going to go, "Oh well we can't bring these type of  
10 businesses." And so you know it was just my confusion. I, it's my fault.  
11
- 12 Williams: And what, and, and I, and I'm not sure if this is what you were thinking and  
13 you know the, this, those restrictions are only placed on that one property.  
14 Any other you know C-1 properties in this, in this zone there that are  
15 currently there or any other ones that come up that, that that restriction  
16 does not, we didn't eliminate those from C-1 entirely. So it's just this one  
17 property in this, in this one case so.  
18
- 19 Hutson: For the future though the vote always is what staff recommends.  
20
- 21 Chavez: Okay.  
22
- 23 Hutson: That's how it goes and then if you don't agree with that then...  
24
- 25 Williams: You vote no.  
26
- 27 Hutson: You say no but they're, we're always supposed to be an affirmative vote  
28 with what staff recommends.  
29
- 30 Chavez: Okay. Sorry.  
31
- 32 Kuhns: That's a really good...  
33
- 34 Ochoa: No worries. We'll definitely, I guess, oh I'm sorry. Are you done with your  
35 discussion items?  
36
- 37 Williams: And that's what I was just going to say. That, that cleared, clarified that for  
38 me too also so it's like I appreciate that.  
39
- 40 Chavez: It's been a while since we've had cases, right.  
41
- 42 Mach: Yes. Definitely.  
43
- 44 Chavez: I'll, I'll be honest with you. I mean it's been almost a year so.  
45  
46

## 1 VI. STAFF ANNOUNCEMENTS

2  
3 Williams: And with that the last, next item is Staff Announcements.

4  
5 Ochoa: I just wanted to announce you all, to you all Catherine and potentially I, I  
6 may be back here in front of you all so I need to relearn the South  
7 Mesquite Design, the criteria. We're, might be setting up a work session  
8 potentially if not this our, your next meeting or even after that. Potentially  
9 with our Legal Department and to, to kind of give you a good basis of what  
10 it is that your purviews are, you as Chair, what you have the ability to do  
11 and so on and so forth like that and vote and so forth like that. Again we  
12 are following a Robert's Rule of Order. It's still an Amended Robert's Rule  
13 of Order but hopefully they can explain that a little bit better for you all and  
14 then we can kind of, are all finally formalized with the, the actual public  
15 meeting process. And yes it has been a while that, so it's, shake out the  
16 cobwebs.

17  
18 Hutson: Mr., Mr. Ochoa. I, I would respectfully request that maybe we could have  
19 copies of those Amended Robert's Rules because it can be very  
20 confusing. They can change from Board to Board and that would be  
21 helpful if we had that available.

22  
23 Ochoa: Those may be in your binders.

24  
25 Williams: They're, well they are. They're in this one, this one that was just handed  
26 to me.

27  
28 Hutson: *(inaudible)*.

29  
30 Mach: Yeah. I've got it in my binder too so.

31  
32 Williams: Oh. I can scan it and send it to you *(inaudible)*.

33  
34 Ochoa: If, if you do not have a binder it's a binder that kind of has the new Code in  
35 it, Robert's Rule of Orders, they'll, okay then what we will do, if you can e-  
36 mail Catherine please we'll put those guys together, get you a copy of that  
37 ...

38  
39 Kuhns: I have a binder.

40  
41 Ochoa: If you could have everything in front of you when you actually are here or  
42 even reviewing the cases at home if you'd like.

43  
44 Chavez: Okay. Thanks. That would help. Thank you.

45  
46 Kuhns: So I ...

1  
2 Williams: And, and I, I would ask when we go over that, one of the things that came  
3 up tonight again since it's been so long since we've had a thing, I would  
4 like clarification on the, the public input session, you know it's like it, it,  
5 how, what will, how much we should limit discussions and things as far as  
6 when people get up and talk and things so it's *(inaudible)*.  
7  
8 Ochoa: And, and that is definitely something again, under Robert's Rules as the  
9 Chairman you have the right to tell somebody, "You speak, you've spoken  
10 enough. I'm limiting you from not talking anymore essentially."  
11  
12 Williams: Yeah.  
13  
14 Ochoa: But again we could definitely go through that with the actual ...  
15  
16 Kuhns: *(inaudible)*  
17  
18 Chavez: Sure.  
19  
20 Ochoa: Training session.  
21  
22 Williams: Yeah so.  
23  
24 Kuhns: I guess I need to e-mail Catherine but we need to find out what's going on  
25 with Kate Moss because ...  
26  
27 Williams: Yes.  
28  
29 Kuhns: If she had been here tonight that would've helped the vote one way or  
30 another. That it wouldn't be hinging on your misunderstanding or not and  
31 also I won't be able to participate after April. So if we don't, if she's not  
32 going to participate then we should be looking for two replacements.  
33  
34 Mach: I, how, I think there are three meetings that you can miss in a row and  
35 then I'm not sure if we can vote them personally ...  
36  
37 Hutson: Yes.  
38  
39 Chavez: Yeah.  
40  
41 Hutson: Yes.  
42  
43 Mach: Oh we can?  
44  
45 Hutson: Yes. How it is is it is the Board that votes on whether or not that person  
46 should remain on if they have not participated for, and we can, we can

- 1 say, "Under the circumstances," you know we could give more time or we  
2 could say you know, "Three, three strikes and you're out." That is our  
3 purview.  
4
- 5 Williams: And, and I would maybe ask staff if they can contact her and find out the,  
6 you know maybe why, where, where she was. There may be a reason  
7 she wasn't here but the, it wasn't I mean we understand why Tony isn't  
8 here so it's, but the, the, I think we, the, he at least sent a response but we  
9 haven't heard from Kate so, but if, if ...
- 10
- 11 Ochoa: No problems, no. Staff can definitely touch base with that. Just to let you  
12 know we did get an e-mail from Tony that he would not be here.  
13
- 14 Williams: Yeah.
- 15
- 16 Ochoa: Personal issues unfortunately.
- 17
- 18 Williams: Yes.
- 19
- 20 Ochoa: We did have six or, that were supposed to be here but I guess there's five  
21 of you out there now and just want to let you all know as well, when you're  
22 discussing between you all, that little guy right there picks up everything  
23 you talk and honestly, by City rules.  
24
- 25 Kuhns: You don't have to *(inaudible)*.
- 26
- 27 Ochoa: We are required to transcribe that so just an FYI, is watch out what you,  
28 what you speak between each other and any discussions you have  
29 between each other because that is something that can come up in the  
30 future potentially.  
31
- 32 Chavez: Sign language.
- 33
- 34 Williams: That's ended so.
- 35
- 36 VII. ADJOURNMENT (7:40 p.m.)
- 37
- 38 Williams: Motion to adjourn.
- 39
- 40 Hutson: Seconded.
- 41
- 42 Chavez: Second.
- 43
- 44 Williams: All those in favor.
- 45
- 46 MOTION PASSES UNANIMOUSLY.

1  
2 Hutson: Actually you have to have a motion.  
3  
4 Williams: Oh.  
5  
6 Hutson: Just say.  
7  
8 Ochoa: Meeting is adjourned.  
9  
10  
11  
12  
13  
14 \_\_\_\_\_  
Chairperson

DRAFT



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of March 21, 2016  
(Ordinance First Reading Date)

For Meeting of April 4, 2016  
(Adoption Date)

TITLE:

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (HIGH DENSITY RESIDENTIAL) TO O-1 (NEIGHBORHOOD OFFICE) ON A 0.065± ACRE PROPERTY LOCATED AT 520 N. CAMPO ST. WITHIN THE SOUTH MESQUITE OVERLAY. SUBMITTED BY EDWARD AND DIANE KRUIS, PROPERTY OWNERS. (Z2894).

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact		528-3049	2-19-16
Department Director		528-3067	2-19-16
Other			
Assistant City Manager /CAO Management & Budget Manager		541-2107	2-19-2016
Assistant City Manager/COO			2/23/16
City Attorney		587 2128	15 MAR 2016
City Clerk		X2115	3-15-16