



City of Las Cruces®

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Council Action and Executive Summary

Item # 22 Ordinance/Resolution# 2778

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

For Meeting of April 4, 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.

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The 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"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the P&Z recommendation for approval. The subject 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



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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	<i>[Signature]</i>	528-3049	2-19-16
Department Director	<i>[Signature]</i>	528-3067	2-19-16
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>[Signature]</i>	541-2107	2-19-2016
Assistant City Manager/COO	<i>[Signature]</i>		2/23/16
City Attorney	<i>[Signature]</i>	BKT 2128	15 MAR 2016
City Clerk	<i>[Signature]</i>	K2115	3-15-16

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:

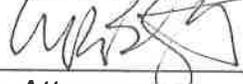
City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney

VOTE:

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

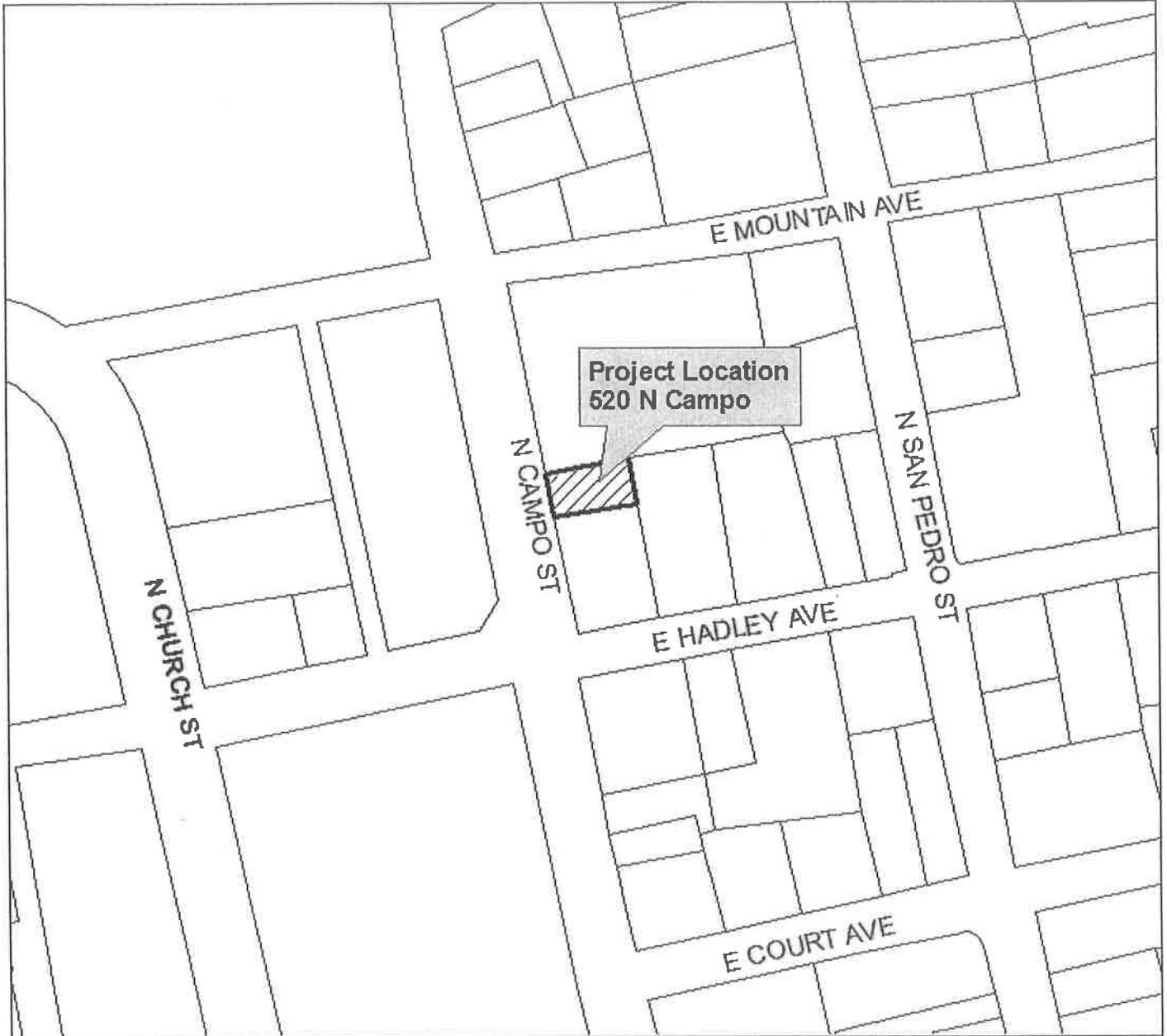
Location Map

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
Setbacks		
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
Landscaping		
% 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.

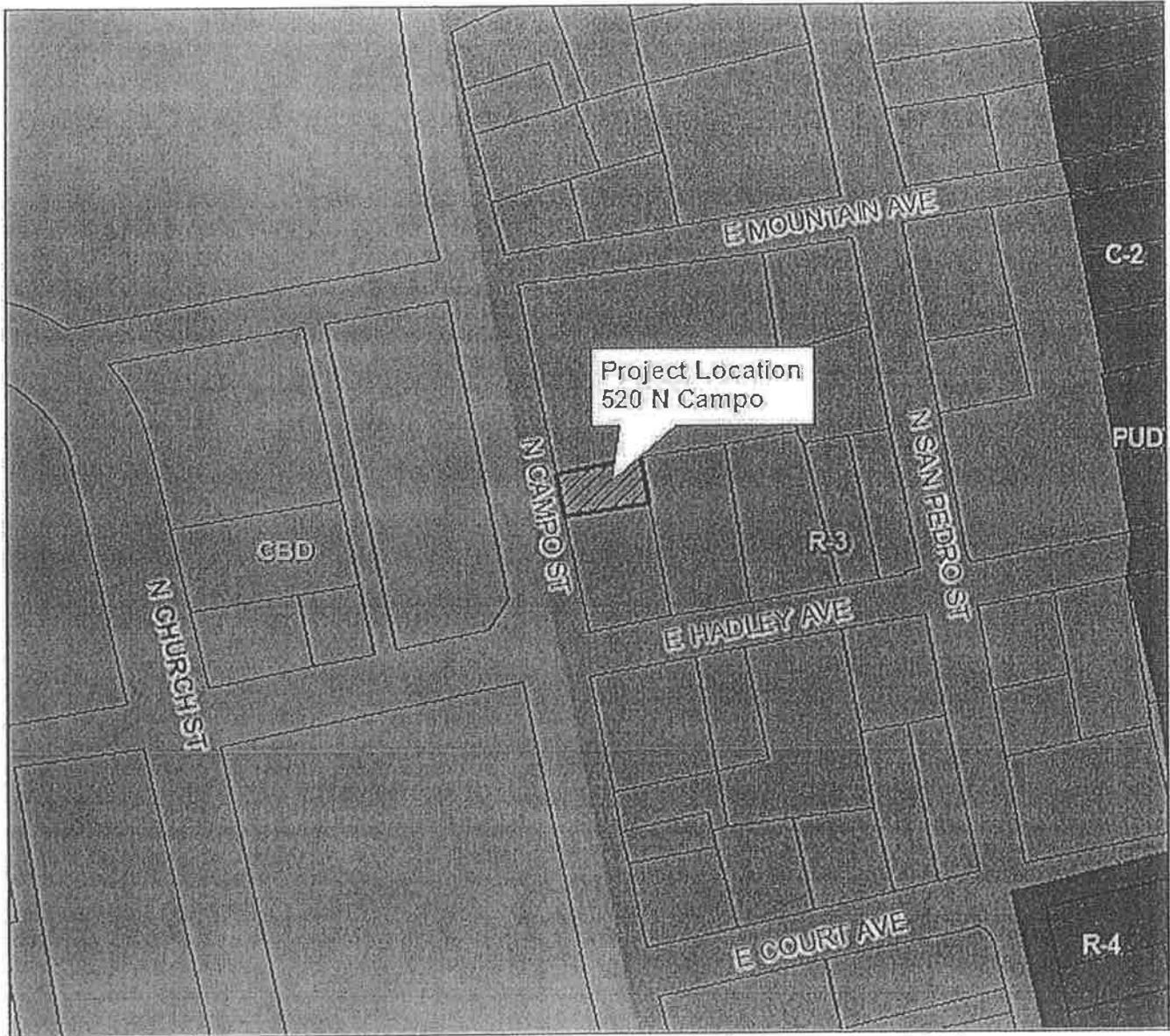
ATTACHMENTS

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

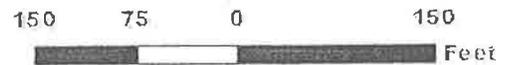
Zoning & Location Map

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

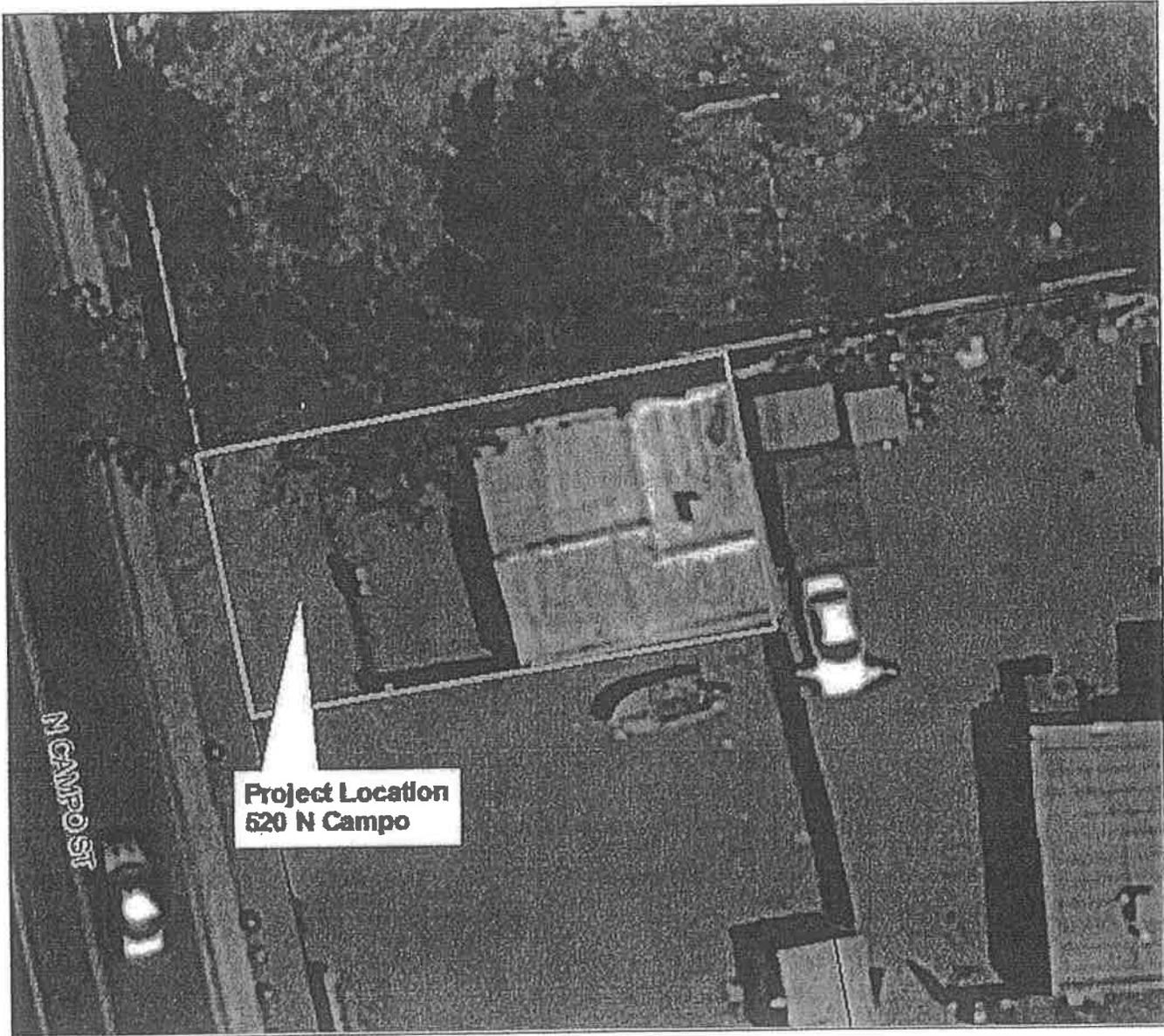


This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions, are encouraged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

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.

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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: EDWARD G. KRUIS
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®

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 it 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 it is, 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 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 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 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, 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 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, it's just, it opens it up to a lot of things that
 23 we have no control over. But I, I, I too 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 get, 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, 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-1a 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, a
 9 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 the, 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 Chávez: 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: Counselling, 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. If it's, 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 built 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 (*inaudible*).
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 these 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 did 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 that you had.

28

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

31

32
33
34 Williams: I think it, what what we did we, we basically approved the change, the zone change with striking those specific uses from it. I, I don't know, I don't know to, to be honest with you I, I don't know why you would vote to strike those and then not approve it and, and it's like because it really doesn't, so.

35

36
37
38
39 Mach: Yeah, I, I think that's very unfortunate. I mean I voted for the code change, the zoning change. I heard the concerns of Dennis Flores and the other lady were here and I still voted for it and I would vote for it but I think it's unfortunate. Your misunderstanding would have changed this vote.

40

41

42

43

44

45

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 the 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, it's 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 this, 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