City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15 **Ordinance/Resolution#** 2782

For Meeting of May 16, 2016 (Ordinance First Reading Date) **For Meeting of** June 6, 2016 (Adoption Date)

Please check box that applies to this item:

☒ QUASI JUDICIAL ☐ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: **AN ORDINANCE APPROVING A ZONE CHANGE FROM C-1 (COMMERCIAL LOW INTENSITY) TO C-1/R-2 (COMMERCIAL LOW INTENSITY/ MULTI-DWELLING LOW DENSITY) ON A 0.29± ACRE PARCEL LOCATED AT 3899 NEMESH DRIVE. SUBMITTED BY MARK STUVE, PROPERTY OWNER (62718).**

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 6		
Drafter/Staff Contact: Sara Gonzales	**Department/Section:** Community Development/Building & Development Services	**Phone:** 528-3085
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

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

The proposed zone change is for a property located on the southwest corner of Nemesh Drive and Edgewood Avenue, 230 ± feet east of Elks Drive. The subject property is currently vacant/ undeveloped land and is zoned C-1 (Commercial Low Intensity). The applicant is seeking the proposed zone change to allow for the potential development of a multi-family development on the property. The applicant would also like to keep the existing commercial zoning designation on the subject property. The proposed C-1/R-2 (Commercial Low Intensity/ Multi-Dwelling Low Density) zoning designation will facilitate the use of the property as proposed by the applicant. The proposed R-2 zoning designation will allow for the development of a multi-dwelling development with a maximum of four (4) dwelling units based on the size of the subject property.

The proposed zone change will potentially create a variety of housing choices for individuals and families of different socioeconomic levels. The proposed zone change may also encourage the

development of a vacant property within an established area of the City. The proposed C-1/R-2 zoning designation is harmonious with and not out of character with the uses and existing zoning districts of the surrounding areas.

On March 22, 2016 the Planning and Zoning Commission (P&Z) recommended approval of the proposed zone change request by a vote of 5-0-0 (two Commissioners absent) based upon the findings reflected in Exhibit "B". The proposed zone change was approved on the consent agenda and no public input was received during the meeting. Staff received both negative and positive public input prior to the P&Z hearing for the proposed zone change as reflected in Attachment "D".

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, 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 recommendation.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A", Site Plan.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the Planning and Zoning Commission for Case 62718.
5. Attachment "B", Minutes from the March 22, 2016 Planning & Zoning Commission Meeting.
6. Attachment "C", Vicinity Map.
7. Attachment "D", Public Input.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the P&Z recommendation for approval. The subject property encompassing 0.29 ± acres and located at 3899 Nemesh Drive will be rezoned from C-1 (Commercial Low Intensity) to C-1/R-2 (Commercial Low Intensity/ Multi-Dwelling Low Density).
2. Vote "No"; this will reject the recommendation made by P&Z. The current zoning designation of C-1 (Commercial Low Intensity) will remain on the subject property and a multi-dwelling development will not be permitted. 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

(13)

City of Las Cruces®
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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of May 16, 2016 (Ordinance First Reading Date) **For Meeting of** June 6, 2016 (Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-1 (COMMERCIAL LOW INTENSITY) TO C-1/R-2 (COMMERCIAL LOW INTENSITY/ MULTI-DWELLING LOW DENSITY) FOR A 0.29± ACRE PARCEL LOCATED AT 3899 NEMESH DRIVE. SUBMITTED BY MARK STUVE, PROPERTY OWNER (62718).

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	S Gonzales	528-3085	4-6-16
Department Director	[illegible]	528-3067	4-6-16
Other			
Assistant City Manager /CAO Management & Budget Manager	[illegible]	541-2078 541-2107	4-8-2016 4-7-2016
Assistant City Manager/COO	[illegible]		4/8/16
City Attorney	[illegible]	EXT 2128	12 April 2016
City Clerk	[illegible]	X2115	5-6-16

Rev. 8/2011

COUNCIL BILL NO. 16-023
ORDINANCE NO. 2782

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-1 (COMMERCIAL LOW INTENSITY) TO C-1/R-2 (COMMERCIAL LOW INTENSITY/ MULTI-DWELLING LOW DENSITY) FOR A 0.29± ACRE PARCEL LOCATED AT 3899 NEMESH DRIVE. SUBMITTED BY MARK STUVE, PROPERTY OWNER (62718).

The City Council is informed that:

WHEREAS, Mark Stuve, property owner, has submitted a request for a zone change from C-1 (Commercial Low Intensity) to C-1/R-2 (Commercial Low Intensity/ Multi-Dwelling Low Density) for a 0.29± acre parcel located at 3899 Nemesh Drive; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on March 22, 2016, recommended that said zone change request be approved by a vote of 5-0-0 (two Commissioners absent).

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the land as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned C-1/R-2 (Commercial Low Intensity/ Multi-Dwelling Low Density).

(II)

THAT the zoning is based on the findings contained in Exhibit "B" (Findings), attached hereto and made part of this Ordinance.

(III)

THAT the zoning of said property be shown accordingly on the City Zoning Atlas.

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the

accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____ 20___.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: ____
Councillor Gandara: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Eakman: ____
Councillor Sorg: ____
Councillor Levatino: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

PLAT MAP

COUNTRY CLUB MANOR NO.3 REPLAT NO.7

A REPLAT OF BLOCK 100 COUNTRY CLUB MANOR NO.3
FILED FEBRUARY 7, 1966 PLAT BOOK 9, PAGE'S 86 & 87
DONA ANA COUNTY RECORDS
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SCALE: 1"=60' JULY 1996

LOT 1
.2931
Acres

VICINITY MAP NOT TO SCALE

SCALE: 1"=60'
0 20 40 80 120

COUNTRY CLUB MANOR NO. 3
FILED FEBRUARY 7, 1966
PLAT BOOK 9 PAGES 86-87

COUNTRY CLUB MANOR SUBD. ORIG.
FILED MARCH 11, 1957
PLAT BOOK 1 PAGE 32

EDGEWOOD AVENUE

SUBJECT
LOT 1
1.137B ACRE
1.1071 ACRE NET
PART OF BLOCK 100
ZONE C-1

LOT 1
0.2931 ACRE
PART OF BLOCK 100
ZONE C-1

LOT 2
0.2932 ACRE
PART OF BLOCK 100
ZONE C-1

NEMESH DRIVE

COUNTRY CLUB MANOR NO. 3
FILED FEBRUARY 7, 1966
PLAT BOOK 9 PAGES 86-87

ELKS DRIVE

HEATHER CIRCLE

HEATHER AVENUE

COUNTRY CLUB MANOR NO. 3
REPLAT NO. 5
FILED MARCH 26, 1996
PLAT BOOK 18 PAGE 138

HEATHER ESTATES UNIT NO. 1
FILED JULY 10, 1992
PLAT BOOK 17 PAGES 207 & 208

CURVE DATA

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	250.00'	70.89'	49.37'	71.38'	N 74°44'55" E	20°14'09"
C2	20.00'	21.38'	11.76'	20.40'	S 60°17'55" E	61°30'31"
C3	20.00'	24.53'	13.37'	23.25'	S 13°43'55" W	70°13'18"
C4	20.00'	31.20'	19.86'	28.16'	N 74°18'55" W	91°35'29"
C5	20.00'	31.19'	19.78'	28.13'	N 15°34'55" E	89°21'48"
C6	15.00'	23.55'	14.96'	21.20'	S 15°41'10" E	89°55'00"
C7	15.00'	23.55'	14.96'	21.20'	N 74°18'55" W	89°55'00"

Front 20'
Left 5'
R-34 & 18'
10' Back

FINDINGS

1. The subject property is currently zoned C-1. The proposed zone change to C-1/R-2 would allow for multi-family development and/or low intensity commercial uses as allowed in the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-33G)
2. The proposed zone change will potentially create a variety of housing types in the area for individuals and families of different socioeconomic level. (Comprehensive Plan 2040 Chapter 4 Balanced Development, Goal 2, Policy 2.8)
3. The proposed zone change may encourage the development of a vacant property located within an established area of the City. (2001 Zoning Code, Article 1, Section 38-2K)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts of the area; meets the purpose and intent as 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.

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Planning & Zoning Commission Staff Report

Meeting Date: March 22, 2016
Drafted by: Sara Gonzales, Planner

CASE #	62718	**PROJECT NAME:**	3899 Nemesh Drive (Zone Change)
APPLICANT/ REPRESENTATIVE:	Mark Stuve	**PROPERTY OWNERS:**	Mark & Carolyn Stuve
LOCATION:	Southwest corner of Nemesh Drive and Edgewood Avenue, 230 ± feet east of Elks Drive	**COUNCIL DISTRICT:**	District 5 (Councillor Sorg)
SIZE:	0.29 ± acres	**EXISTING ZONING/ OVERLAY:**	C-1 (Commercial Low Intensity)

REQUEST/ APPLICATION TYPE: Zone change from C-1 (Commercial Low Intensity) to C-1/R-2 (Commercial Low Intensity/ Multi-Dwelling Low Density)

EXISTING USE: Undeveloped/ vacant

PROPOSED USE: Potential residential multi-family development

STAFF RECOMMENDATION: Approval without conditions based on findings

TABLE 1: CASE CHRONOLOGY

Date	Action
February 5, 2016	Application submitted to Development Services
February 5, 2016	Case sent out for review to all reviewing departments
February 11, 2016	Staff reviews and recommends approval of the zone change
February 17, 2016	Final comments returned by all reviewing departments
March 4, 2016	Public notice letter mailed to neighboring property owners
March 6, 2016	Newspaper advertisement
March 7, 2016	Sign posted on property
March 22, 2016	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The subject property located at 3899 Nemesh Drive encompasses 0.29 ± acres and is currently undeveloped. The applicant is seeking the proposed zone change from C-1 to C-1/R-2 to allow for the potential development of a multi-family development and to keep the existing commercial zoning designation on the subject property. The proposed R-2 zoning designation will permit a maximum of 4 dwelling units on the subject property.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Code Req. C-1	Code Req. R-2
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	N/A	15 DU/ac.
Lot Area	12,632 sq. ft. (0.29 ± acres)	5000 sq. ft. (0.11 acres) minimum / 32,670 sq. ft. (0.75 acre) maximum	5000 sq. ft. (0.11 acres) minimum / no maximum
Lot Width	87 ± feet	60 feet minimum	50 feet minimum
Lot Depth	109 ± feet	70 feet minimum	50 feet minimum
Structure Height	N/A	35 feet maximum	35 feet maximum
Setbacks			
Front	N/A	20 feet minimum	20 feet minimum
Secondary Front	N/A	15 feet minimum	15 feet minimum
Side	N/A	5 feet minimum	7 feet minimum
Rear	N/A	15 feet minimum	7 feet minimum
ROW Dedication	N/A	N/A	N/A
Parking			
Auto	N/A	1 auto parking stall per 350-450 sq. ft. of Gross Floor Area for a typical commercial use	1.5-2 auto parking stalls per unit
Landscaping			
% of property (less building pad & screened storage)	N/A	15%	15%

TABLE 3: SPECIAL CHARACTERISTICS

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

TABLE 4: ADJACENT ZONING AND LAND USE INFORMATION

Location	Existing Use	Zoning Designation
Subject Property	Vacant/ undeveloped	C-1 (Commercial Low Intensity)
North	Single-family residential	R-1a (Single-Family Medium Density)
South	Professional offices	C-1 (Commercial Low Intensity)

East	Single-family residential	R-1a (Single-Family Medium Density)
West	Vacant/ undeveloped	C-1 (Commercial Low Intensity)

TABLE 5: PARCEL HISTORY

Number	Status
Flexible Development Standard	Administrative variance to the required setbacks for a multi-family development proposal approved in of 2005. Expired June of 2010.

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	No
CLC Long-Range Planning	Yes	No
Metropolitan Planning Organization (MPO)	Yes	No
CLC CD Engineering Services	Yes	No
CLC Parks	Yes	No
CLC Land Management	Yes	No
CLC Fire & Emergency Services	Yes	No
CLC Utilities	Yes	No

SECTION 3: STAFF ANALYSIS AND CONCLUSIONS

Decision Criteria

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

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

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

A. Ensure that all development is in accordance with this Code and the Las Cruces Comprehensive Plan and its elements;

B. Encourage innovations in land development and redevelopment;
C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
K. Encourage development of vacant properties within established areas;
L. Ensure the development proposals are sensitive to the character of existing neighborhoods.
N. Conserve the value of buildings and land.

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

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

Applicable Comprehensive Plan Elements & Policies

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

Chapter 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.
    - Goal 2: Create a variety of development choices for individuals and families of all socioeconomic levels.
    - Policy 2.8: Encourage the use of alternative housing types, styles, and living arrangements (i.e. conventional single family homes, apartments, mobile homes, modular homes, group homes, housing for older persons, accessory units, transitional housing ect.) as a means of making available additional housing opportunities for those who may not otherwise obtain suitable housing through conventional means.

Chapter 7, Sustainable Growth

- Vibrant Planning Areas, Neighborhoods, and Districts
    - 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.

Background

In June of 2005 the applicant met with Development Services staff to propose a multi-family residential development for the subject property located at 3899 Nemesh Drive. At that time staff was allowing a grace period to allow properties zoned under the 1981 Zoning Code to be develop following the 1981 Zoning Code. The C-1 (Neighborhood Commercial District) zoning district under the 1981 Zoning Code permitted residential development with the condition that the development follow the R-4 (High Density Residential & Limited Office District) development standards. This limited the development to a maximum

of 4 dwelling units on the subject property. The grace period has now expired and since the applicant never developed the property, the property is now required to meet the current standards of the C-1 (Commercial Low Intensity) zoning designation of the 2001 Zoning Code, as amended. The current C-1 zoning designation no longer permits residential development.

The applicant is now requesting a zone change to add the R-2(Multi-Dwelling Low Density) zoning designation on the subject property in addition to the current existing C-1(Commercial Low Intensity) designation. The R-2 zoning designation will allow for the potential development of the property for a multi-family residential development.

Analysis

The 0.29 ± acre subject property is currently zoned C-1 (Commercial Low Intensity). The subject property is located on the southwest corner of Nemesh Drive and Edgewood Avenue in an area that is largely zoned R-1a (Single-Family Medium Density) and a few parcels zoned C-1 (Commercial Low Intensity) and O-2 (Office, Professional- Limited Retail Service). Current characteristics of the neighboring properties suggest that the proposed C-1/R-2 (Commercial Low Intensity/ Multi-Dwelling Low Density) zoning designation would not impair those properties impacted directly and would be consistent with the mixed development in the area. The proposed zone change will potentially create a variety of housing types in the area for individuals and families of different socioeconomic level. It may also encourage the development of a vacant property located within an established area of the City. The proposed zone change may also help conserve and increase the value of the existing buildings and land in the surrounding area.

Conclusion

The proposed zone change is supported by the Development Services Staff and all reviewing departments in the City of Las Cruces. Based upon review of the proposal by staff and other relevant agencies, the proposed zone change is justified based upon the following:

- No known adverse offsite impacts or potential risks to the public's safety, health, and welfare are known;
- The proposal is consistent with the policies of the Comprehensive Plan and the intent of the 2001 Zoning Code; and
- The proposed C-1/R-2 zoning designation is harmonious with and not out of character with the uses and existing zoning districts of the surrounding area.
- The zone change will help mitigate the lack of housing diversity and commercial services in this area of the City.

DRC RECOMMENDATION

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

STAFF RECOMMENDATION

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

FINDINGS FOR APPROVAL

1. The subject property is currently zoned C-1. The proposed zone change to C-1/R-2 would allow for multi-family development and/or low intensity commercial uses as allowed in the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-33G)
2. The proposed zone change will potentially create a variety of housing types in the area for individuals and families of different socioeconomic level. (Comprehensive Plan 2040 Chapter 4 Balanced Development, Goal 2, Policy 2.8)
3. The proposed zone change may encourage the development of a vacant property located within an established area of the City. (2001 Zoning Code, Article 1, Section 38-2K)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Comprehensive Plan 2040; is compatible with adjacent uses and zoning districts of the area; meets

the purpose and intent as outlined in Section 38-2 of the 2001 Zoning Code, as amended; and fulfills the purpose of the Las Cruces Municipal Code Section 2-382.

ATTACHMENTS

1. Zoning
2. Vicinity Map
3. Aerial Map
4. Site Plan
5. Development Statement
6. Public Input

ATTACHMENT #1

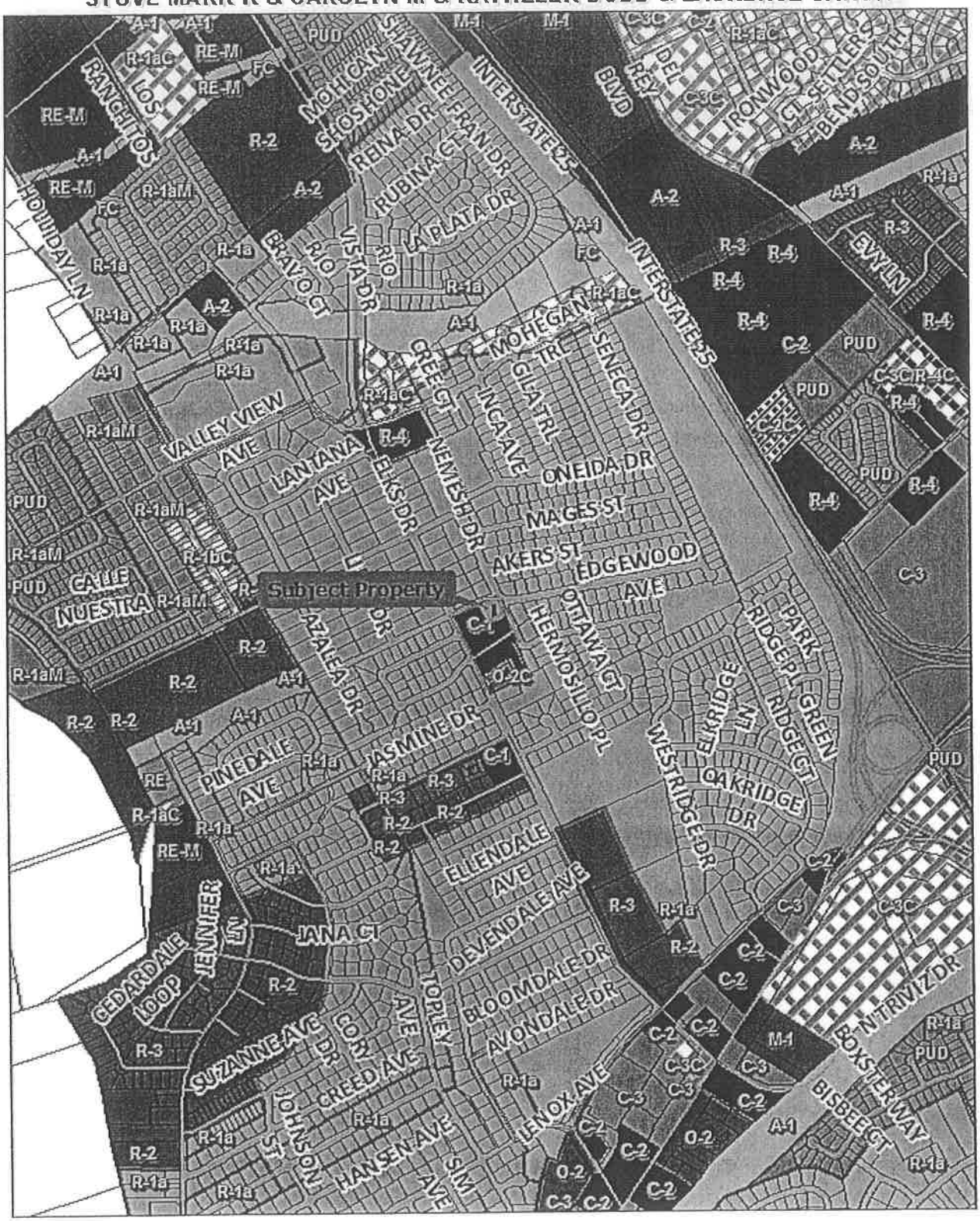
ZONING MAP

ZONING: C-1

PARCEL: 02-25398

OWNER: STUVE MARK K & CAROLYN M & KATHLEEN DODD & LAURENCE GANONG

DATE: 2/16/2016



1575) 150300450800750900,05(25(B5(86(B5(84/950

Feet

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

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

ATTACHMENT #2

VICINITY MAP

ZONING: C-1

PARCEL: 02-25398

OWNER:

DATE: 2/16/2016

STUVE MARK K & CAROLYN M & KATHLEEN DODD & LAURENCE GANONG

Feet

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

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ATTACHMENT #3

ZONING: C-1

AERIAL MAP

PARCEL: 02-25398

OWNER:

DATE: 2/16/2016

STUVE MARK K & CAROLYN M & KATHLEEN DODD & LAURENCE GANONG

150 75 0 150 300 450 600 Feet

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

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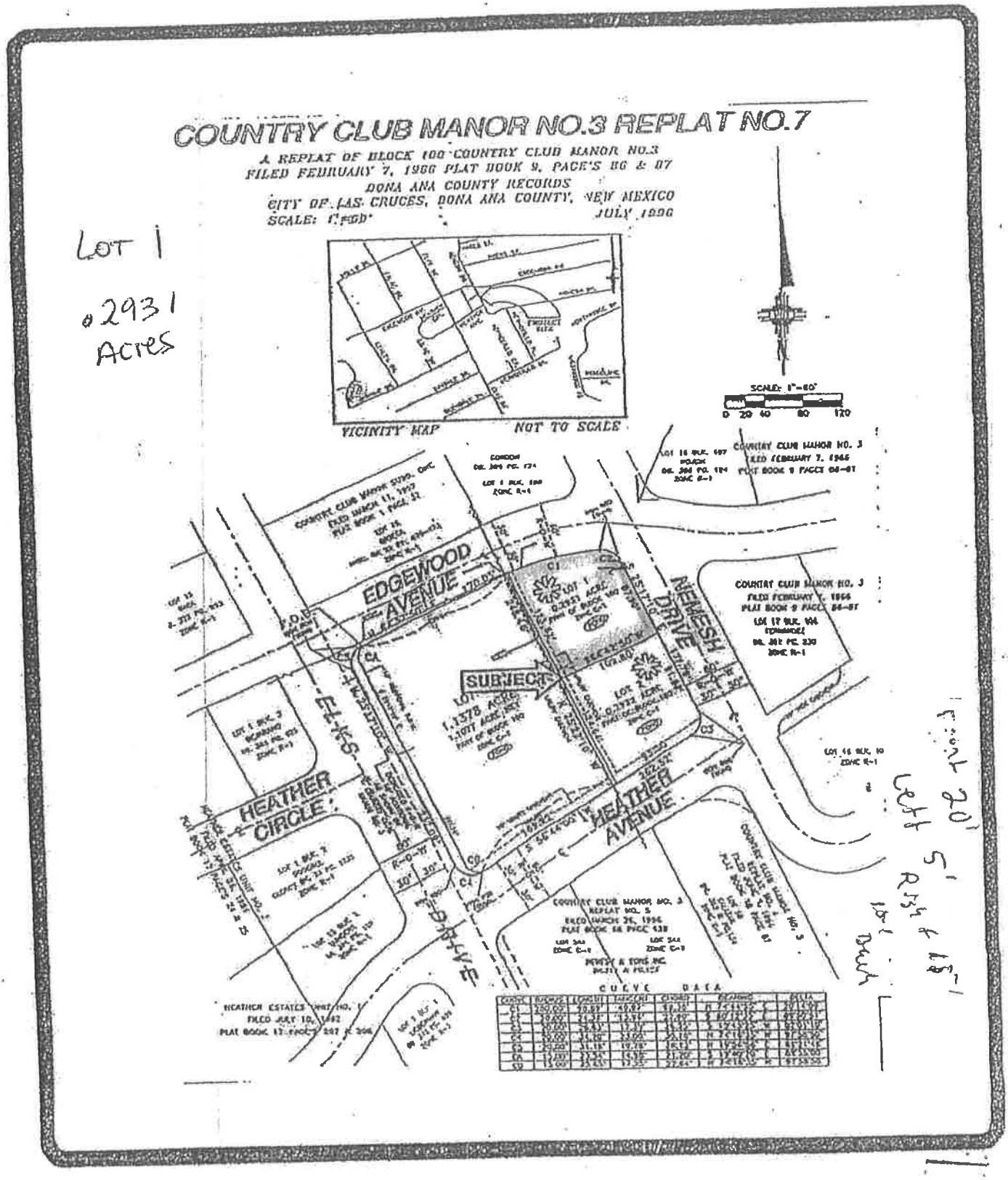
PLAT MAP


COUNTRY CLUB MANOR NO.3 REPLAT NO.7
A REPLAT OF BLOCK 100 COUNTRY CLUB MANOR NO.3
FILED FEBRUARY 7, 1966 PLAT BOOK 9, PAGE'S 86 & 87
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COUNTRY CLUB MANOR NO. 3
REPLAT NO. 5
FILED MARCH 26, 1996
PLAT BOOK 16 PAGE 128
HEATHER ESTATES UNIT NO. 1
FILED JULY 10, 1982
PLAT BOOK 17 PAGES 287 & 288
CURVE DATA
CURVE
RADIUS
LENGTH
TANGENT
CHORD
BEARING
DELTA
C1
C2
C3
C4
C5
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C40

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: Mark K. Stave

Contact Person: Same

Contact Phone Number: (m) 575-644-3388 (h) 575-647-2138

Contact e-mail Address: mstave@zianet.com

Web site address (if applicable): _____

Proposal Information

Name of Proposal: 3899 Nemesh Dr.

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

Zone change from C-1 to multi-family

Location of Subject Property _____

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Acreage of Subject Property: .295

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

vacant lot

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

potential 4-plex

Zoning of Subject Property: C-1

Proposed Zoning (If applicable): R-2

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

Proposed square footage range of homes to be built from unknown to _____

Proposed square footage and height of structures to be built (if applicable):
~~[illegible]~~ to follow code

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

Anticipated traffic generation ~ 10 trips per day.

Anticipated development schedule: work will commence on or about unknown

and will take _____ to complete.

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

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). as regarded by code

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes ___ No X Explain: _____

Is there existing landscaping on the property? no

Are there existing buffers on the property? no

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

If yes, is it paved? Yes ___ No X

How many spaces? _____ How many accessible? _____

Attachments

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

Location map

Subdivision Plat (If applicable)

Proposed building elevations

*renderings of architectural or site design features

*other pertinent information

ATTACHMENT #6

Sara Gonzales

From: ruthiegraham@charter.net
Sent: Thursday, March 10, 2016 9:15 AM
To: Sara Gonzales
Subject: case 62718

I own property at 3900 Nemesh in Las Cruces, NM. It is a single family dwelling. The neighborhood is single family dwellings. I am not in favor of the zone change for a potential residential multi-family development. This change would bring in unwanted traffic to the area.

Ruth A. Graham

558 Shawnee View Dr.

Sunrise Beach, MO 65079

phone - 573-374-1398

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
March 22, 2016 at 6:00 p.m.

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Joanne Ferrary, Member
Ruben Alvarado, Member

STAFF PRESENT:

Adam Ochoa, Senior Planner, CLC
Sara Gonzales, Planner, CLC
Pete Connelly, CLC Deputy City Attorney
Thomas Limon, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00)

Clifton: Good evening everyone. I'd like to welcome you to the March 22nd, 2016 Las Cruces Planning and Zoning Commission for the City of Las Cruces. And at this time I'd like to welcome my fellow Commissioners. On my far right is Commissioner Crane from Council District 4; Commissioner Gordon at-large appointment, Mayoral appointment; Commissioner Stowe, District 1; and Commissioner Beard, District 2. And momentarily I would like to take this opportunity to mention that Commissioner Crane has, Beard I'm sorry, Crane, trying to reappoint you already. Commissioner Crane has received a, a replacement so I believe this'll be your last meeting with us and we can have our farewells at the end of the meeting but thank you. And with that said, I am the Chairman of the Planning and Zoning Commission, Kirk Clifton of City Council District 6.

II. CONFLICT OF INTEREST

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

DRAFT

Clifton: And at this moment I'd like to ask are there any conflicts of interest that the Commissioners would share to, feel to share with the Commission, the staff, or others? Seeing none.

III. APPROVAL OF MINUTES

1. February 23, 2015 - Regular Meeting

Clifton: We'll move right on to the Approval of Minutes. Did everybody get a chance to review the minutes from February 23rd? Commissioner Crane.

Crane: I have one point to bring up, page 24 line 33 it says, "possibly goes back earlier where Spitz of I assume publicly, blah, blah, blah." And I'm not sure what I said, probably "bits." But I'll go for "bits," B-I-T-S, okay. That's all I have. Thank you.

Clifton: Thank you. Any additional comments? Seeing none, could I have a motion to approve the minutes?

Gordon: I make a motion we approve the minutes as corrected.

Clifton: Do I have a second?

Stowe: Second.

Crane: Seconded.

Clifton: We have a motion by Commissioner Gordon, a second by Commissioner Stowe. All in favor?

MOTION PASSES.

Clifton: And I abstain as I was not present. Thank you.

IV. POSTPONEMENTS

Clifton: Okay moving right along we'll go to Postponements. Staff do you have a postponement for us?

Ochoa: Yes Mr. Chairman. We do have a postponement which is item number two under the Consent Agenda which is Case ZCA-16-02. I believe you'd have, you did receive a letter in your staff, your case packets excuse me, requesting for that case to be postponed to the next meeting which would be the April 26th Planning and Zoning Commission meeting for your entertainment.

DRAFT

Clifton: Thank you Adam. Okay, with that said could I have a motion to postpone Case M-15-076 to the April 26th, 2016 Planning and Zoning Commission meeting?

Ochoa: Mr. Chairman. Just correction it's Case ZCA-16-02.

Clifton: So noted for the record. Thank you.

Crane: So moved.

Clifton: Second?

Stowe: Second.

Clifton: We have a motion and a second. All in favor?

MOTION PASSES UNANIMOUSLY.

Clifton: Okay. Postponed till April 26, 2016.

V. WITHDRAWALS - NONE

- SEE PAGE 5, BEGINNING OF NEW BUSINESS.

VI. CONSENT AGENDA

1. **Case UAP-16-01:** A request to recommend approval of the proposed Las Cruces Urban Agriculture and Food Policy Plan. The city-wide planning area consists of all Council Districts.

2. **Case ZCA-16-02:** A request to recommend approval of the proposed Downtown Development Code. If approved, this proposed Code would replace the existing Central Business District and Main Street Overlay. The code area consists of parts of Council Districts 1 (Councilor Gandara) and 4 (Councilor Eakman).

- POSTPONED UNTIL APRIL 26, 2016 P&Z MEETING.

3. **Case 62718:** An application of Mark Stuve, property owner, requesting a zone change from C-1 (Commercial Low Intensity) to C-1/R-2 (Commercial Low Intensity/Multi-Dwelling Low Density) for an underdeveloped 0.29 +/- acre parcel located on the southwest corner of Nemesh Drive and Edgewood Avenue, 230 +/- feet east of Elks Drive; a.k.a. 3899 Nemesh Drive; Parcel ID # 02-25398. Proposed use: A potential residential multi-family development. Council District 5 (Councilor Sorg).

DRAFT

Clifton: Next we can move on down to the Consent Agenda. There are three cases on the Consent Agenda this evening. The case numbers are as follows: Case UAP-16-01, Case ZCA-16-02, and ...

Ochoa: Which has been postponed.

Clifton: Yes, correct. And Case 62718. So we have two postponements. Do I have any members of the public that would like to hear either of those cases?

Ochoa: Sorry, point of correction again.

Clifton: Yes.

Ochoa: Mr. Chairman. It's, we have two cases on the Consent Agenda.

Clifton: Yes. Two. Okay, any member of the public that would like to discuss these cases? Seeing none, any Members of the Commission? Seeing none, can I get a motion to approve the Consent Agenda?

Stowe: So moved.

Clifton: Can I get a second?

Gordon: Second.

Clifton: Okay. Motion by Commissioner Crane, Stowe. Thank you. By Commissioner Stowe, second by Commissioner Gordon. All in favor?

MOTION PASSES UNANIMOUSLY.

Clifton: Okay. Consent Agenda approved.

VII. OLD BUSINESS - NONE

~~**VIII. NEW BUSINESS**~~

1. **Case 62561:** An Infill Development Process (IDP) application by Sunrunner Inc., property owner, for a commercial parking lot located at 825 N. Alameda Blvd. and zoned ADO-1 (Alameda Depot Neighborhood Overlay). The IDP proposes the allowed use of a new commercial parking lot on the subject property in the ADO-1 where a commercial parking lot is not permitted. The 0.57 acre property is located at the northwest intersection of Van Patten Ave. and Alameda Blvd. and is further identified by Parcel ID # 02-04206. Proposed use: Commercial Parking Lot. Council District 1 (Councilor Gandara).

DRAFT

ATTACHMENT C

VICINITY MAP

232

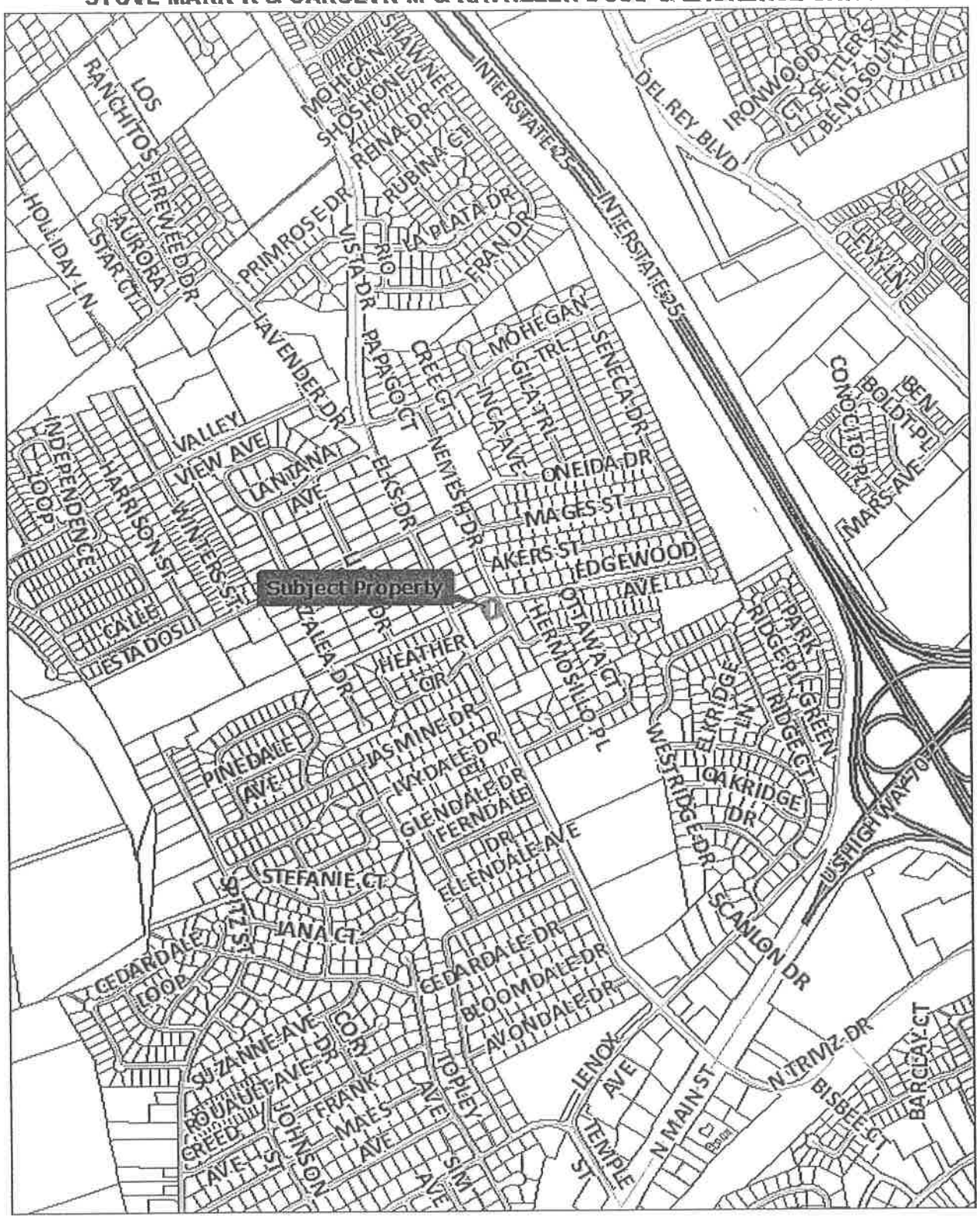
ZONING: C-1

PARCEL: 02-25398

OWNER:

DATE: 2/16/2016

STUVE MARK K & CAROLYN M & KATHLEEN DODD & LAURENCE GANONG



1(575) 1500045080075090005(26(85(96(85(84(850

Feet

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

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

Sara Gonzales

From: James Patterson
Sent: Tuesday, March 22, 2016 2:17 PM
To: Sara Gonzales
Subject: zone change

As a resident of 1228 Mages St, I am in support of the zone change in case 62718.

Thanks,

James Patterson
Senior Desktop Support Technician/Information Technology/Desktop Support
Emergency IT Support: 575-528-3202, jpatterson@las-cruces.org
City of Las Cruces
P.O. BOX 20000 · LAS CRUCES, NM 88004

Sara Gonzales

From: Karen Johnson Plouf <tksplash@yahoo.com>
Sent: Monday, March 21, 2016 11:12 AM
To: Sara Gonzales
Subject: RE: March 22, public hearing, Case 62718

Thank you for your reply. Had no idea that it was a much smaller parcel.

Sent from Yahoo Mail on Android

On Mon, Mar 21, 2016 at 7:57 AM, Sara Gonzales <sgonzales@las-cruces.org> wrote:

Good morning Karen,

I am sorry you received the notice late however I did want to mention that the property is zoned commercial at the present time. This means that a convenient store, gas station, grocery store, ect. are possibilities. The most the residential multi-family property can do is 4 units do to the size of the lot. This does make the proposal less intense than a commercial use. Thank you for your email and I will pass on your information to the commission tomorrow evening.

Thank you Sara

From: Karen Johnson Plouf [mailto:tksplash@yahoo.com]
Sent: Sunday, March 20, 2016 6:17 PM
To: Sara Gonzales <sgonzales@las-cruces.org>
Subject: March 22, public hearing, Case 62718

This is in reference to a February 26 letter I received March 19, laying by my front gate!

City of Las Cruces Public Notice, Case 62718

My opinion/concerns to having a Potential residential multi-family development in a privately owned homes all around is not a good idea. These places rent to anybody and tend to have more noise problems, trash all around the area - - because they don't take care of places that are rented. This is a quiet neighborhood and would hope it stays the same too. So, hoping this might not happen.

I know this e-mail comes on a short notice, but I just got the notice from the city too.

Karen Plouf

1042 Heather Circle