



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 17Ordinance/Resolution# 2792For Meeting of September 6, 2016
(Ordinance First Reading Date)For Meeting of September 19, 2016
(Adoption Date)

Please check box that applies to this item:

 QUASI JUDICIAL LEGISLATIVE ADMINISTRATIVE

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-2 (MULTI-DWELLING LOW DENSITY) TO R-3C (MULTI-DWELLING MEDIUM DENSITY-CONDITIONAL) ON A 14.2 ± ACRE PARCEL LOCATED ON THE EAST SIDE OF BIXLER DRIVE, 855 ± FEET NORTH OF ITS INTERSECTION WITH BATAAN MEMORIAL WEST. SUBMITTED BY JARED CURRY, MANAGING AGENT, ON BEHALF OF DILLON MOUNTAIN ENTERPRISES LLC, PROPERTY OWNER (66940).

PURPOSE(S) OF ACTION:

Zone change.

COUNCIL DISTRICT: 5		
<u>Drafter/Staff Contact:</u> Sara Gonzales	<u>Department/Section:</u> Community Development/Building & Development Services	<u>Phone:</u> 528-3085
<u>City Manager Signature:</u>		

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 with uniform regulations governing 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 east side of Bixler Drive, 855 ± feet north of its intersection with Bataan Memorial West, including 650 ± feet of the Sandhill Arroyo. The subject property is currently undeveloped land and is zoned R-2 (Multi-Dwelling Low Density). The applicant is seeking the proposed zone change to R-3C (Multi-Dwelling Medium Density-Conditional) to facilitate the development of a larger multi-family apartment development on the property than what is allowed under the current R-2 zoning district. The proposed zone change will facilitate the use of the property as proposed by the applicant. The proposed R-3C zoning designation will allow for the development of a multi-family apartment complex with a maximum of twenty dwelling units per acre on the subject property. Bixler Drive is currently unimproved and, as a condition on the proposed zone change, the applicant will be required to improve Bixler Drive

in accordance with City Design Standards for a local roadway which includes a 33-foot paved roadway with curb, gutter and lighting.

The proposed zone change will potentially create a variety of housing choices for individuals and families of different socioeconomic levels in this area of the City. The subject property is located along Bixler Drive, a designated local roadway, where the proposed R-3 zoning designation is encouraged. The proposed zone change will ensure that the property will remain sensitive to the character of the surrounding existing neighborhood.

On July 26, 2016 the Planning and Zoning Commission (P&Z) recommended approval with conditions for the proposed zone change request by a vote of 7-0-0 based upon the findings reflected in Exhibit "B". The condition that was placed on the subject property was that the developer will be required to construct Bixler Drive, providing paving, lighting, curb and gutter from Bataan Memorial West to the access of the subject property. Per the City of Las Cruces Design Standards Section 32-36(b)(2), the applicant is required to provide access to lots within a commercial or industrial subdivision that shall be from either a dedicated and accepted improved public right-of-way or an improved access established by a 50 foot wide permanent road. The proposed zone change was approved on the consent agenda and no public input was received during the meeting. Staff received no public input prior to the P&Z hearing for the proposed zone change.

The City Council considers the recommendation of the P&Z and decides 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", Vicinity Map.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the P&Z for Case 66940.
5. Attachment "B", Minutes from the July 26, 2016 P&Z Meeting.

SOURCE OF FUNDING:

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

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

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

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the P&Z recommendation for approval. The subject property encompassing 14.2 ± acres and located on the east side of Bixler Drive, 855 ± feet north of its intersection with Bataan Memorial West will be rezoned from R-2 (Multi-Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional).
2. Vote "No"; this will reject the recommendation made by P&Z. The current zoning designation of R-2 (Multi-Dwelling Low Density) will remain on the subject property and a smaller multi-family apartment development will be allowed. 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



City of Las Cruces®

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COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of September 6, 2016
(Ordinance First Reading Date)

For Meeting of September 19, 2016
(Adoption Date)

TITLE:

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-2 (MULTI-DWELLING LOW DENSITY) TO R-3C (MULTI-DWELLING MEDIUM DENSITY-CONDITIONAL) ON A 14.2 ± ACRE PARCEL LOCATED ON THE EAST SIDE OF BIXLER DRIVE, 855 ± FEET NORTH OF ITS INTERSECTION WITH BATAAN MEMORIAL WEST. SUBMITTED BY JARED CURRY, MANAGING AGENT, ON BEHALF OF DILLON MOUNTAIN ENTERPRISES LLC, PROPERTY OWNER (66940).

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Jim Zales</i>	528-3085	7-28-16
Department Director	<i>W. Wein</i>	528-3067	7-28-16
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>Oliver Allen</i> <i>Victoria Zerkow</i>	541-2078 5080	8/9/2016 8/8/16
Assistant City Manager/COO	<i>J.P.</i>	541-2271	8/15/16
City Attorney	<i>W. S. J.</i>	Ext 2128	16 August 2016
City Clerk	<i>D. J. D.</i>	82115	8-18-16

COUNCIL BILL NO. 17-006
ORDINANCE NO. 2792

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-2 (MULTI-DWELLING LOW DENSITY) TO R-3C (MULTI-DWELLING MEDIUM DENSITY-CONDITIONAL) ON A 14.2 ± ACRE PARCEL LOCATED ON THE EAST SIDE OF BIXLER DRIVE, 855 ± FEET NORTH OF ITS INTERSECTION WITH BATAAN MEMORIAL WEST. SUBMITTED BY JARED CURRY, MANAGING AGENT, ON BEHALF OF DILLON MOUNTAIN ENTERPRISES LLC, PROPERTY OWNER (66940).

The City Council is informed that:

WHEREAS, Jared Curry, the managing agent of Dillon Mountain Enterprises, LLC, has submitted a request for a zone change from R-2 (Multi-Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional) for a 14.2 ± acre parcel located on the east side of Bixler Drive, 855 ± feet north of its intersection with Bataan Memorial West; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on July 26, 2016, unanimously recommended that said zone change request be conditionally 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 R-3C (Multi-Dwelling Medium Density-Conditional).

(II)

THAT the conditions be stipulated as follows:

- The applicant shall make improvements to Bixler Drive in accordance with the City's Design Standards for a minor local roadway from Bataan Memorial West to the subject property to provide access that will include a

33-foot paved roadway with curb, gutter, and lighting.

(III)

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

(IV)

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

(V)

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:

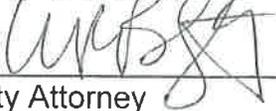
City Clerk

(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: _____

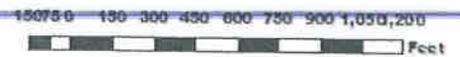
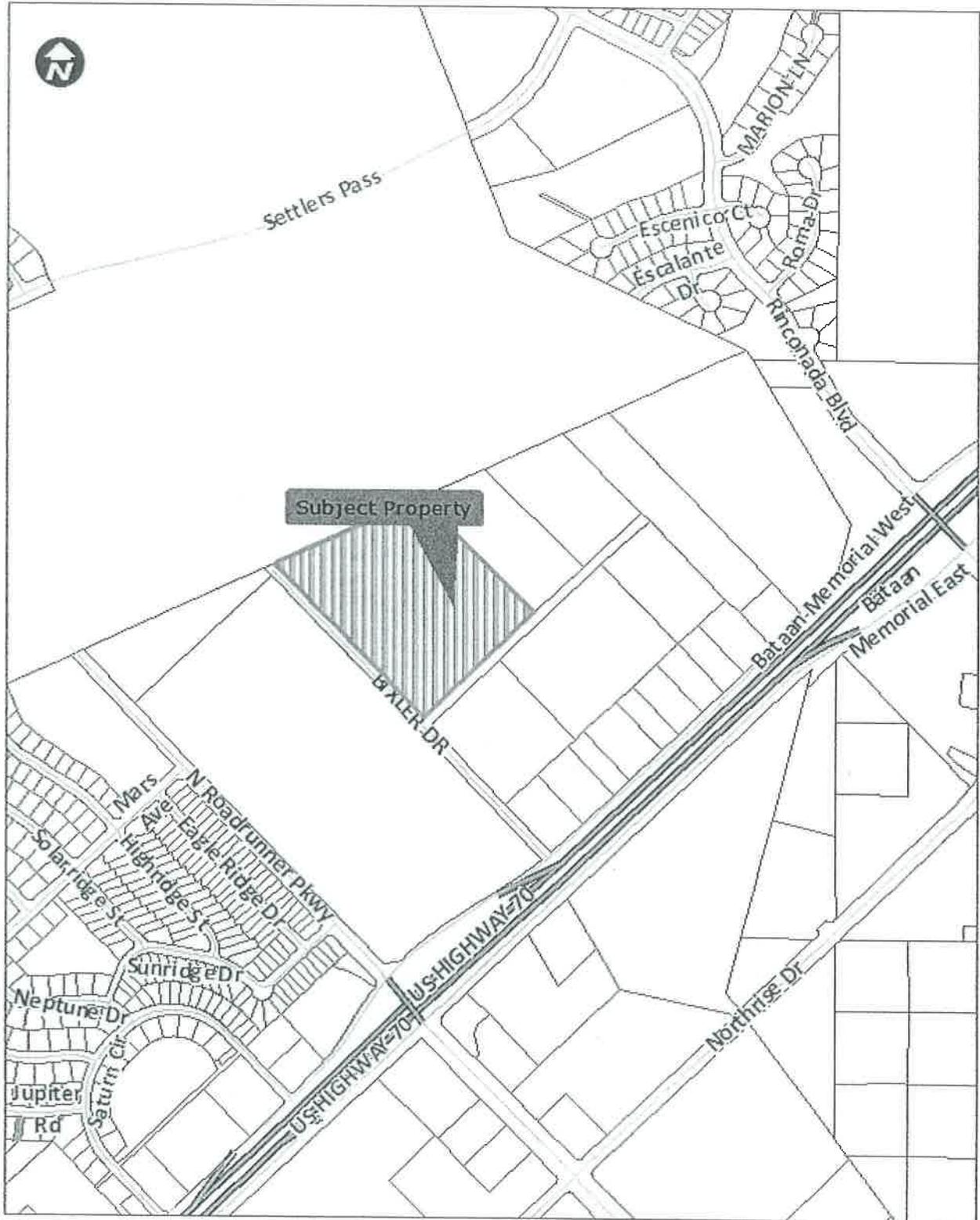
VICINITY MAP

ZONING: R-2

OWNER: DILLON MOUNTAIN ENTERPRISES, LLC

PARCEL: 02-07925

DATE: 5/23/16



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

1. The subject property is currently zoned R-2. The proposed zone change from R-2 to R-3C would allow for an increase in the total number of dwelling units permitted in the proposed multi-family apartment development. (2001 Zoning Code, Article 4, Section 38-31D)
2. The proposed zone change will potentially create a variety of housing types in this area for individuals and families of different socioeconomic level. (Comprehensive Plan 2040 Chapter 4, Goal 2, Policy 2.8)
3. The proposed zone change will help ensure that the subject property remains sensitive to the character of the existing neighborhood. (2001 Zoning Code, Article 1, Section 38-2L)
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.



Planning & Zoning
Commission
Staff Report

Meeting Date: July 26, 2016

Drafted by: Sara Gonzales, Planner

CASE #	66940	PROJECT NAME:	Bixler Drive (Zone Change)
APPLICANT/ REPRESENTATIVE:	Jared Curry	PROPERTY OWNERS:	Dillon Mountain Enterprises, LLC
LOCATION:	East side of Bixler Drive, 855 ± feet north of its intersection with Bataan Memorial West	COUNCIL DISTRICT:	District 5 (Councilor Sorg)
SIZE:	14.2 ± acres	EXISTING ZONING/ OVERLAY:	R-2 (Multi-Dwelling Low Density)
REQUEST/ APPLICATION TYPE:	Zone change from R-2 (Multi-Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional)		
EXISTING USE:	Undeveloped/vacant		
PROPOSED USE:	Residential multi-family apartment development		
STAFF RECOMMENDATION:	Approval with conditions based on findings		

TABLE 1: CASE CHRONOLOGY

Date	Action
May 18, 2016	Application submitted to Development Services
May 18, 2016	Case sent out for review to all reviewing departments
May 26, 2016	Staff reviews and recommends approval of the zone change
May 26, 2016	Final comments returned by all reviewing departments
July 7, 2016	Public notice letter mailed to neighboring property owners
July 10, 2016	Newspaper advertisement
July 11, 2016	Sign posted on property
July 26, 2016	Planning and Zoning Commission public hearing

SECTION 1: SYNOPSIS OF PROPOSAL

The subject property encompasses 14.2 ± acres and is currently undeveloped. The subject property is also located on Bixler Drive, an existing unimproved dirt roadway. The applicant is required to provide improved access to any new development on the subject property meaning he would be required to improve Bixler Drive from Bataan Memorial West to the property's access point. The applicant is seeking the proposed zone change from R-2 to R-3C to allow for the development of a larger multi-family development on the subject property. The proposed R-3C zoning designation will permit a maximum of 20 dwelling units per acre. Along with the development, the applicant is proposing to meet the access requirements of the City of Las Cruces and build out the roadway, Bixler Road, to meet the minor local roadway standards, excluding sidewalk.

TABLE 2: DEVELOPMENT STANDARDS & SITE CHARACTERISTICS

Standard	Existing	Existing R-2 Standards	Proposed R-3 Standards
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	N/A	Maximum 15 DU/ac.	Maximum 20 DU/ac.
Lot Area	618,552 sq. ft. (14.2 ± acres)	5000 sq. ft. (0.11 acres) minimum /no maximum	5000 sq. ft. (0.11 acres) minimum /no maximum
Lot Width	700 ± feet	50 feet minimum	50 feet minimum
Lot Depth	825 ± feet	50 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	20 feet minimum	20 feet minimum
Side	N/A	7 feet minimum	7 feet minimum
Rear	N/A	7 feet minimum	7 feet minimum
Parking			
Auto	N/A	1.5 auto parking stalls per unit	1.5 auto parking stalls per unit
Bicycle	N/A	1 bicycle parking stall per 4 dwelling units	1 bicycle parking stall per 4 dwelling units
Landscaping			
% of property (less building pad & screened storage)	N/A	N/A for Single-family 15% for Multi-family	N/A for Single-family 15% for Multi-family

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	R-2 (Multi-Dwelling Low Density)
North	Vacant/ undeveloped	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
South	Vacant/ undeveloped	A-2 (Rural Agricultural District from the 1981 Zoning Code)
East	Vacant/ undeveloped	A-2 (Rural Agricultural District from the 1981 Zoning Code)
West	Vacant/ undeveloped	C-1C (Commercial Low Intensity-Conditional)/ R-3C (Multi-Dwelling Medium Density-Conditional)

TABLE 5: PARCEL HISTORY

Number	Status
Permit	N/A
Ordinance # 1109	Ordinance approving a zone change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to R-2 (Multi-Dwelling Low Density) for the subject property. Approved on December 4, 1989.
Resolution	N/A

SECTION 2: REVIEWING DEPARTMENT/AGENCY RECOMMENDATIONS

Department Name	Approval (Yes/ No)	Conditions (Yes/No)
CLC Development Services	Yes	Yes: 1. Bixler Drive shall be constructed to meet City of Las Cruces Design Standards for a Minor Local Roadway excluding sidewalk with the proposed development.
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;
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses;
- M. Foster a more rational relationship between different land uses for the mutual benefit of all;
- 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 goals and polices from Comprehensive Plan 2040 are relevant to the current proposal:

Chapter 4, Healthy Communities (Healthy and Safe Environment)

Goal 2: Create a variety of development choices for individuals and families of all socioeconomic levels.

Policy 2.3 Provide a supply of housing available to low and moderate income families within all areas of Las Cruces. To accomplish this, the City supports a partnership approach, between public and private sectors, to ensure affordable housing needs are met.

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, transition housing etc.) as a means of making available additional housing opportunities for

those who may not otherwise obtain suitable housing through conventional means.

Chapter 5, Community Character (Flexible Design & Positive Image)

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 7, Sustainable Growth (Vibrant Planning Areas, Neighborhoods & Districts)

Goal 37: Establish an urban form which reflects coordinated and efficient city growth, circulation, development, redevelopment, and preservation practices.

Policy 37.7 Redistribute resources and services as growth warrants.

Analysis

The proposed zone change from R-2 (Multi-Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional) will help encourage the development of a vacant and undeveloped property as well as improve an existing roadway within the City of Las Cruces. The proposed zone change will also help provide alternative housing opportunities for those families with low and moderate incomes in this part of the City. The proposed zone change may also help create more development within the surrounding vacant properties adjacent to the subject property due to the improvement of the adjacent roadway. The subject property is located along Bixler Drive, a designated local roadway, where the proposed R-3 zoning designation is encouraged. The proposed zone change would ensure that the property will remain sensitive to the character of the surrounding existing neighborhood.

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;
- The proposed R-3C zoning designation is harmonious with and not out of character with the uses and existing zoning districts of the surrounding area; and
- The zone change will help mitigate the lack of housing diversity 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 **CONDITIONAL APPROVAL** of the proposed zone change based on the findings listed below:

CONDITIONS FOR APPROVAL

1. The applicant shall make certain improvements to Bixler Drive in accordance with the City's Design Standards for a minor local roadway from Bataan Memorial West to their property to provide access to the property including a 33 foot paved roadway with curb, gutter, and lighting.

FINDINGS FOR APPROVAL

1. The subject property is currently zoned R-2. The proposed zone change from R-2 to R-3C would allow for an increase in the total number of dwelling units permitted in the proposed multi-family apartment development. (2001 Zoning Code, Article 4, Section 38-31D)

2. The proposed zone change will potentially create a variety of housing types in this area for individuals and families of different socioeconomic level. (Comprehensive Plan 2040 Chapter 4, Goal 2, Policy 2.8)
3. The proposed zone change will help ensure that the subject property remains sensitive to the character of the existing neighborhood. (2001 Zoning Code, Article 1, Section 38-2L)
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/ Vicinity Map
2. Aerial Map
3. Site Plan
4. Development Statement

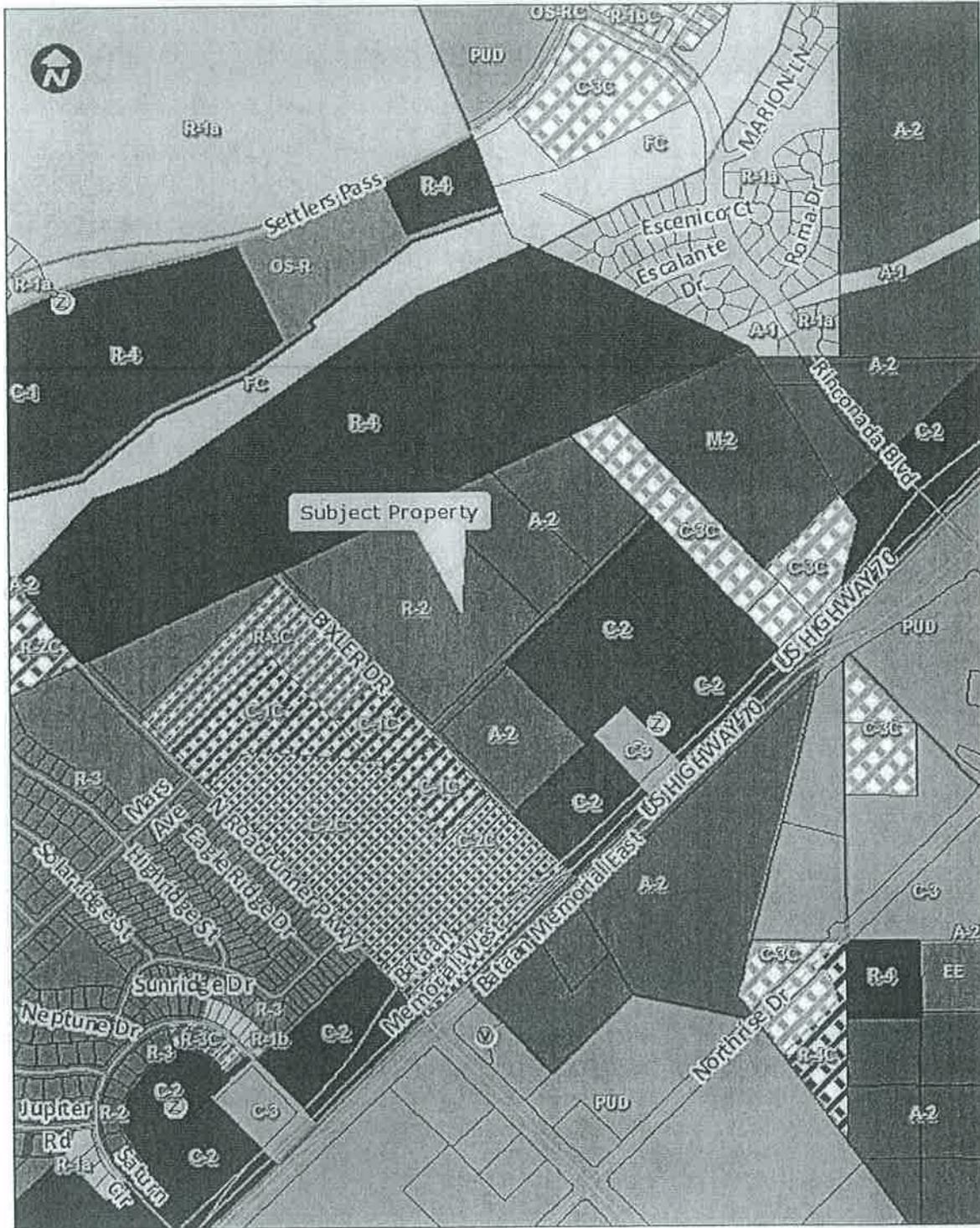
ZONING/ VICINITY MAP

ZONING: R-2

OWNER: DILLON MOUNTAIN ENTERPRISES, LLC

PARCEL: 02-07925

DATE: 5/23/16



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

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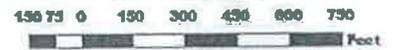
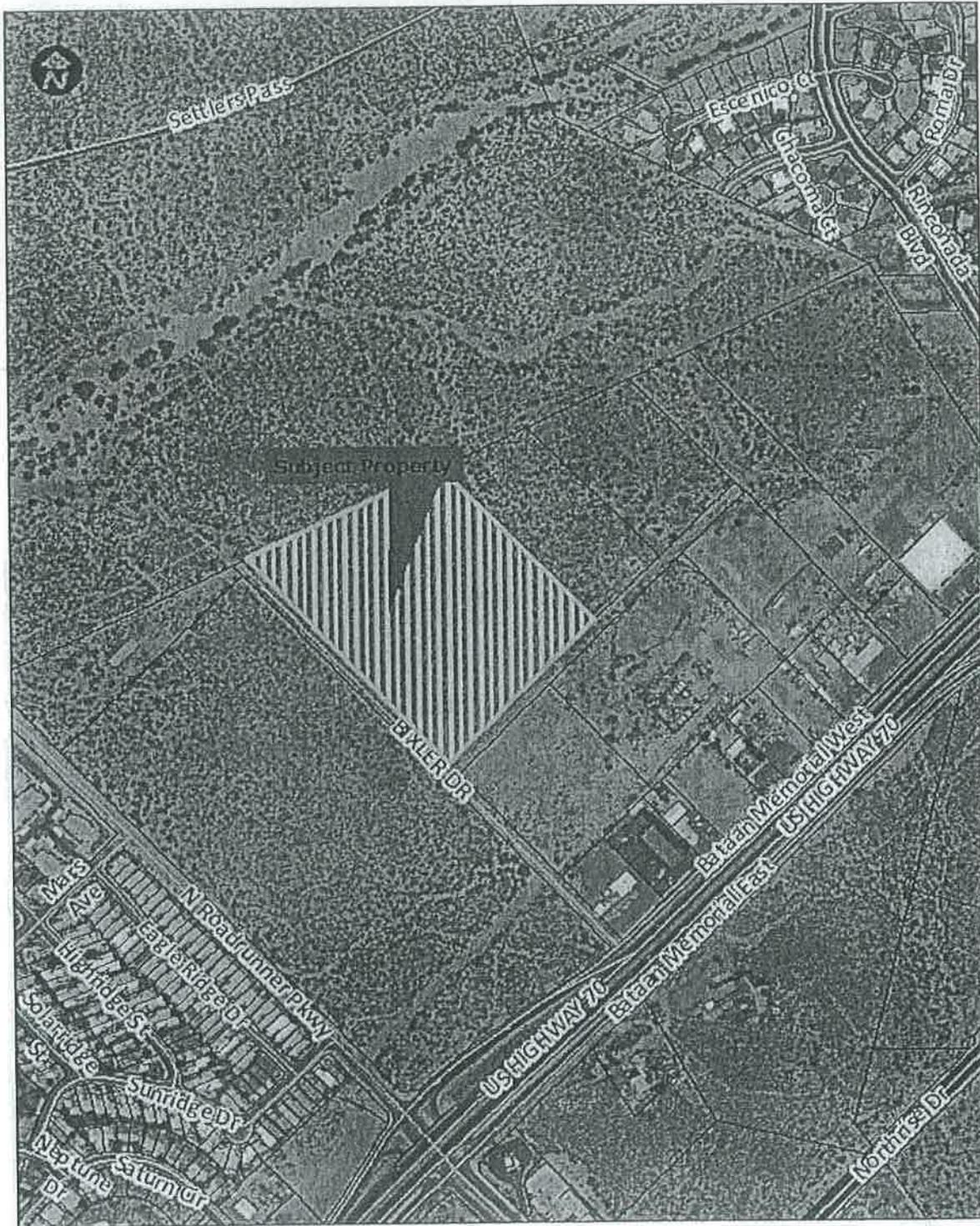
AERIAL MAP

ZONING: R-2

OWNER: DILLON MOUNTAIN ENTERPRISES, LLC

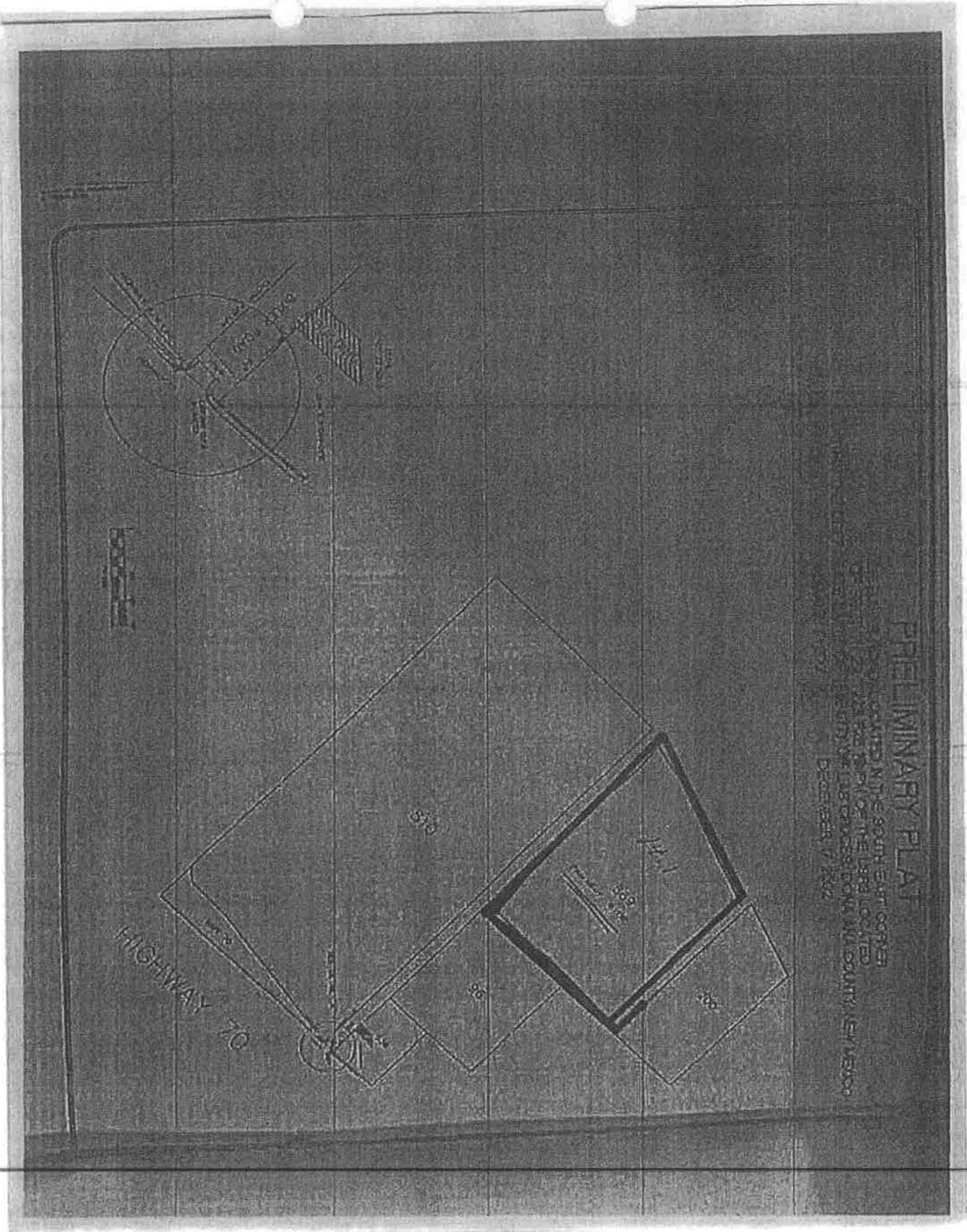
PARCEL: 02-07925

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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: Dillon Mountain Enterprises LLC
 Contact Person: Jared Curry Paul Curry
 Contact Phone Number: 575-642-6760
 Contact e-mail Address: jared@jaredcurry.com paulcurry@paulcurry.com
 Web site address (if applicable): www.jaredcurry.com

Proposal Information

Name of Proposal: Dillon Mountain Land on Bixler Street
 Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)
Apartment Multi-Family
 Location of Subject Property Bixler Street behind Cattleman's Steakhouse on HY 70 GIS#496236
 (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: 14.118 ACRES
 Detailed description of current use of property. Include type and number of buildings:
Vacant Land- Desert, A2 agricultural
 Detailed description of intended use of property. (Use separate sheet if necessary):
Multi-Family Apartments
 Zoning of Subject Property: R-2
 Proposed Zoning (if applicable): R-3
 Proposed number of lots Max of 210 units, to be developed in 3-4 phase (s).
 Proposed square footage range of homes to be built from 500 s.f. to 800 s.f.

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

Two story buildings, 9' ceiling heights

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

All hours as this will be housing multi family development

Anticipated traffic generation Traffic Study to be done at Permit Application trips per day.

Anticipated development schedule: work will commence on or about 2017

and will take 12 months to complete.

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

On lot ponding a low point on site Engineering to be done prior to building permitting

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). Entry Sign for apartment complex, possible private gate at entry.

Is the developer/owner proposing the construction of any new bus stops or bus shelters? Yes x No Explain: After completion of project install a bus stop for residences

Is there existing landscaping on the property? Vacant Land- Desert, AZ agricultural

Are there existing buffers on the property? Arroyo to the North, Vacant undeveloped land on all sides.

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

Statement of Hardship for Variance Requests

If you are applying for any variances, please provide a brief explanation as to whether or not your request lends support to the following questions. If you have no variance requests, please disregard this form.

1. Is there a physical hardship relative to the property (i.e. topographic constrains or right-of-way takes resulting reduced development flexibility, etc.) in question?

We request help with the sewer. Are there any easements existing for us to access the CLC sewer line in the bottom of the arroyo? How far is Bixler Road plotted to the North?

There is a 1000 linear city owned road to be built to access the property. The road called Bixler is classified as a Major Local road but given a prior resolution by the CLC to be built to Minor Local standards. Road will be built to the minimum standards for a Minor Local Road as classified by the City of Las Cruces. Road will be a 50' ride of way with two driving lanes 11' each in width, two parking lanes 5:5' in width, a curb and gutter. Not required because road is a Minor Local road is sidewalks.

2. Is there a potential for spurring economic development at a neighborhood or city-wide level if requested allowances are granted?

Yes, the housing development will employ a staff of leasing personal, maintenance workers, and provide a dozen permanent jobs for the area.

The multi-family apartment development will provide nearby housing for people working in the Sams Club area.

This development is in a convenient location, close to amenities and businesses.

This project will create a neighborhood in an area where people have been dumping house hold trash in the desert.

3. Are there monetary considerations not as a whole, but relative to options available to meet the applicant's stated objectives when such options cause considerable monetary hardship under strict application of code provisions?

Yes, we are forced to asphalt approximately 1000 feet of road that benefits the adjoining property owners

Can the CLC help us gain back some of the expenses by placing a payback to the developer if the property owners ever decide to develop their land?

Can the CLC help us with gaining access to the 36" sewer main in the bottom of the arroyo adjoining the property?

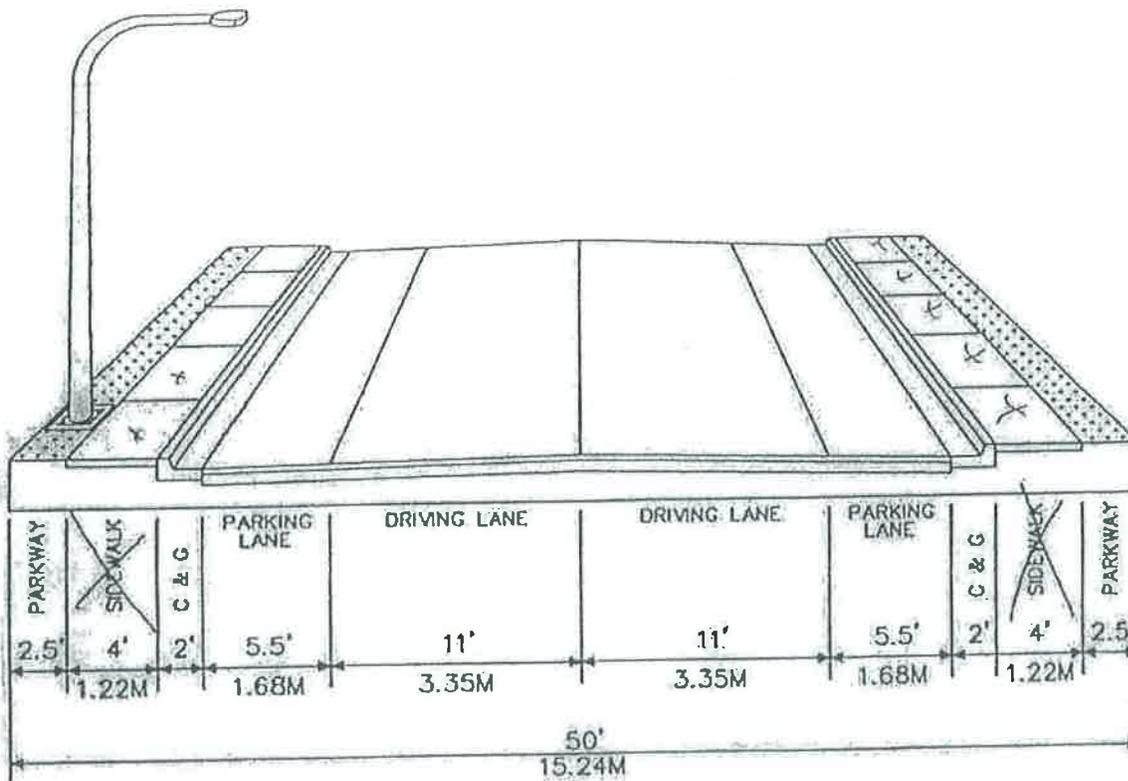
Bixler Street

City of Las Cruces

DESIGN STANDARDS

MINOR LOCAL - 2 ON-STREET PARKING WITH CURB & GUTTER

R.O.W. WIDTH: 50 FT. (15.24M)
DESIGN SPEED: 25mph (40kph)



- NOTES:
1. ALL CURB RETURNS SHALL BE STAND UP CURB & GUTTER (TYPE A, B, C, or D).
 2. SIDEWALKS SHALL BE CONSTRUCTED ACCORDING TO SECTION 2.2 SIDEWALK REQUIREMENTS.
 3. SIGNAGE AND PAVEMENT MARKINGS SHALL BE REQUIRED IN ACCORDANCE WITH THE MUTCD.

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
July 26, 2016 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Kirk Clifton, Chairman
Ruben Alvarado, Member
Joanne Ferrary, Member
Harvey Gordon, Vice Chair
Roger Hedrick, Member
LaVonne Muniz, Member
William Stowe, Member

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Adam Ochoa, Planner, CLC
Sara Gonzales, Planner, CLC
Mark Dubbin, CLC Fire Department
Thomas Limon, CLC Legal Staff
Becky Baum, Recording Secretary, RC Creations, LLC

I. CALL TO ORDER (6:00)

Clifton: Good evening fellow Commissioners, Members of the Public. I'd like to welcome you to the July 26th, 2016 Planning and Zoning Commission. I'd like to go ahead and introduce our Commissioners for tonight's meeting. Beginning on the far right or your far left: Commissioner Hedrick, then we have Commissioner Muniz, Commissioner Stowe, Commissioner Ferrary, Commissioner Alvarado, Commissioner Gordon, and I am the Chair, Commissioner Clifton. Thank you very much.

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.

Clifton: With that said let's go ahead and let me read the Conflict of Interest into the record. Is there any Commission Member or member of the Community Development Department staff that feels that they have a conflict of interest on any of the items on the agenda presented this evening? Seeing none, okay.

III. APPROVAL OF MINUTES

1
2 1. June 28, 2016 - Regular Meeting

3
4 Clifton: Has everybody had a chance to review the minutes from last month's
5 meeting? Do we have any comments? Commissioner Gordon.

6
7 Gordon: I make a motion that we accept the minutes.

8
9 Ferrary: I'll second.

10
11 Clifton: We have a motion and a second. All in favor?

12
13 MOTION PASSES UNANIMOUSLY.

14
15 Clifton: Commission votes unanimously. Minutes are approved.

16
17 **IV. POSTPONEMENTS**

18
19 **V. WITHDRAWALS**

20
21 Clifton: On the agenda I see we have no postponements nor withdrawals.

22
23 Ochoa: That is correct sir.

24
25 Clifton: Thank you.

26
27 **VI. CONSENT AGENDA**

28
29 1. **Case 66940:** An application of Jared Curry, managing member, on behalf of
30 Dillon Mountain Enterprises, LLC requesting a zone change from R-2 (Multi-
31 Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional)
32 for an underdeveloped 14.2 +/- acre parcel located on the east side of Bixler
33 road, 855 +/- feet north of its intersection with Bataan Memorial West; Parcel
34 ID # 02-07925. Proposed use: A potential residential multi-family apartment
35 development. Council District 5 (Councilor Sorg).

36
37 2. **Case 67825:** An application of Paul Pompeo on behalf of Boyd Lee Welch,
38 Trustee, property owner, requesting a zone change from R-4 (Multi-Dwelling
39 High Density & Limited Retail and Office) to C-3 (Commercial High Intensity)
40 for a 1.69 +/- acre parcel located on the north side of Hadley Avenue, 833 +/-
41 feet west of its intersection with 17th Street; a.k.a. 2100 W. Hadley Avenue;
42 Parcel ID # 02-00421. Proposed use: Plumbing/mechanical contractor
43 business office. Council District 4 (Councilor Eakman).

44
45 Clifton: At this point we'll move into consent. For those of you that may not be
46 aware, the Consent Agenda are items that are placed on the agenda that

1 had very little staff or no public commentary whatsoever, and staff feels
 2 these are ready to be approved as presented on the agenda immediately.
 3 Does the Commission have any issues with the, either item on the
 4 agenda? Commissioner Hedrick.

5
 6 Hedrick: I just have the comment that I had a lot of questions on the first consent
 7 item but staff answered my questions earlier today, so had they not
 8 answered those questions I probably would've asked that it be placed on
 9 the regular agenda.

10
 11 Clifton: Thank you. I'll go ahead and read these into the record and if anybody
 12 from the public is interested we can further discuss them.

13 First item is Case 66940: An application of Jared Curry, managing
 14 member, on behalf of Dillon Mountain Enterprises, LLC requesting a zone
 15 change from R-2 (multi-dwelling low density) to R-3C (multi-dwelling
 16 medium density-conditional) for an underdeveloped 14.2 plus or minus
 17 acre parcel located on the east side of Bixler road, 855 plus or minus feet
 18 north of its intersection with Bataan Memorial West. Parcel ID # 02-
 19 07925. The proposed use: A potential residential multi-family apartment
 20 development. This is in Council District 5, Councilor Sorg. Seeing no
 21 one.

22 I'll go ahead and read item number two under consent. Case
 23 67825: An application of Paul Pompeo on behalf of Boyd Lee Welch,
 24 Trustee, property owner, requesting a zone change from R-4 (multi-
 25 dwelling high density and limited retail and office) to C-3 (commercial high
 26 intensity) for a 1.69 plus or minus acre parcel located on the north side of
 27 Hadley Avenue, 883 plus or minus feet west of its intersection with 17th
 28 Street; otherwise known as 2100 West Hadley Avenue. Parcel ID #02-
 29 00421. Proposed land use is for plumbing/mechanical contracting
 30 business office. This is in Council District 4, Councilor Eakman. Seeing
 31 no additional comments from the Commission or the public can I get a
 32 motion to approve the Consent Agenda?

33
 34 Stowe: I so moved.

35
 36 Gordon: Second.

37
 38 Clifton: Commissioner Hedrick.

39
 40 Hedrick: Aye.

41
 42 Clifton: Commissioner Muniz.

43
 44 Muniz: Aye.

45
 46 Clifton: Commissioner Stowe.

1
2 Stowe: Aye.
3
4 Clifton: Commissioner Ferrary.
5
6 Ferrary: Aye.
7
8 Clifton: Commissioner Alvarado.
9
10 Alvarado: Aye.
11
12 Clifton: Commissioner Gordon.
13
14 Gordon: Aye.
15
16 Clifton: Chair votes aye.
17
18 MOTION PASSES UNANIMOUSLY.
19
20 Clifton: Consent Agenda is approved. Okay. Thank you for those that showed up
21 for the consent.
22
23 **VII. OLD BUSINESS - NONE**
24
25 **VIII. NEW BUSINESS**
26
27 Clifton: New Business. We have one housekeeping item. Let's go ahead and
28 take care of that on the front end. As advertised we need to have the
29 election of a secretary as we discussed at last month's meeting. At this
30 time I'll go ahead and take a motion to nominate a secretary for the
31 Planning and Zoning Commission.
32
33 Gordon: Mr. Chair.
34
35 Clifton: Yes Commissioner Gordon.
36
37 Gordon: I nominate William Stowe.
38
39 Clifton: Do I have a second?
40
41 Ferrary: I second.
42
43 Clifton: Motioned and seconded. Commissioner Hedrick.
44
45 Hedrick: Aye.
46