



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 13 Ordinance/Resolution# 2791

For 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

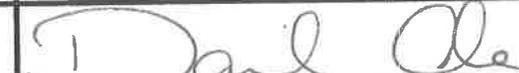
LEGISLATIVE

ADMINISTRATIVE

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A 1.69 ± ACRE PARCEL LOCATED AT 2100 W. HADLEY AVENUE. SUBMITTED BY PAUL POMPEO ON BEHALF OF BOYD LEE WELCH, TRUSTEE, PROPERTY OWNER (67825).

**PURPOSE(S) OF ACTION:**

Zone change.

<b>COUNCIL DISTRICT: 4</b>		
<b><u>Drafter/Staff Contact:</u></b> Adam Ochoa	<b><u>Department/Section:</u></b> Community Development/Building & Development Services	<b><u>Phone:</u></b> 528-3204
<b><u>City Manager Signature:</u></b>		

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

City Council is required to review and take final action on zone changes per Section 38-10(B) 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 north side of W. Hadley Avenue, 883 ± feet west of its intersection with 17<sup>th</sup> Street, directly south of the Picacho Vista Mobile Home Park. The subject property is currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and consists of a single-family dwelling. A single-family dwelling is not permitted in the R-4 zoning district making the subject property non-conforming. The applicant is seeking the proposed zone change to C-3 (Commercial High Intensity) to facilitate the redevelopment of the property for a new plumbing/mechanical contractor's business office. The proposed zone change and redevelopment project would bring the property into compliance with the current 2001 Zoning Code, as amended.

The proposed zone change will potentially help create a balance in land uses and zoning in this part of the City that may provide convenience and functionality to those who live and work in the area. The proposed zone change will also help create a buffer between the adjacent R-4 (Multi-Dwelling High Density & Limited Retail and Office) and M-1/M-2 (Industrial Standard) zoned properties to help mitigate potential conflicts between the properties.

On July 26, 2016 the Planning and Zoning Commission (P&Z) recommended approval for 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 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", Legal Description.
3. Exhibit "B", Findings.
4. Attachment "A", Staff Report to the P&Z for Case 67825.
5. Attachment "B", Minutes from the July 26, 2016 P&Z Meeting.
6. Attachment "C", Vicinity Map.

**SOURCE OF FUNDING:**

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

**BUDGET NARRATIVE**

N/A

**FUND EXPENDITURE SUMMARY:**

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

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the P&Z recommendation for approval. The subject property encompassing 1.69 ± acres and located at 2100 W. Hadley Avenue will be rezoned from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity).
2. Vote "No"; this will reject the recommendation made by P&Z. The current zoning designation of R-4 (Multi-Dwelling High Density & Limited Retail and Office) will remain on the subject property and redevelopment project 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. Ordinance No. 522.



# City of Las Cruces®

PEOPLE HELPING PEOPLE

## 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-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A 1.69 ± ACRE PARCEL LOCATED AT 2100 W. HADLEY AVENUE. SUBMITTED BY PAUL POMPEO ON BEHALF OF BOYD LEE WELCH, TRUSTEE, PROPERTY OWNER (67825).

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

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact	<i>Alan Cook</i>	528-3204	8/15/16
Department Director	<i>D. Wein</i>	528-3067	7-29-16
Other			
Assistant City Manager /CAO Management & Budget Manager	<i>David Miller</i> <i>Victoria Fiedrich</i>	541-2078 2080	8/9/2016 8/8/16
Assistant City Manager/COO	<i>[Signature]</i>	541-2271	8/10/16
City Attorney	<i>[Signature]</i>	EXT 2128	16 August 2016
City Clerk	<i>[Signature]</i>	X2115	8-18-16

COUNCIL BILL NO. 17-005  
ORDINANCE NO. 2791

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4 (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A 1.69 ± ACRE PARCEL LOCATED AT 2100 W. HADLEY AVENUE. SUBMITTED BY PAUL POMPEO ON BEHALF OF BOYD LEE WELCH, TRUSTEE, PROPERTY OWNER (67825).**

The City Council is informed that:

**WHEREAS**, Paul Pompeo on behalf Boyd Lee Welch, Trustee, property owner, has submitted a request for a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity) for a 1.69 ± acre parcel located at 2100 W. Hadley Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on July 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 C-3 (Commercial High Intensity).

**(II)**

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

**(III)**

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

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

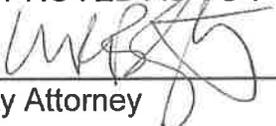
\_\_\_\_\_  
City Clerk

(SEAL)

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

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

APPROVED AS TO FORM:

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

VOTE:

Mayor Miyagishima: \_\_\_\_\_

Councillor Gandara: \_\_\_\_\_

Councillor Smith: \_\_\_\_\_

Councillor Pedroza: \_\_\_\_\_

Councillor Eakman: \_\_\_\_\_

Councillor Sorg: \_\_\_\_\_

Councillor Levatino: \_\_\_\_\_



EXHIBIT "A"  
**MOY SURVEYING, INC.**

414 N. DOWNTOWN MALL LAS CRUCES, N.M. 88001  
 PHONE: (505) 525-9683 - FAX (505) 524-3230

JUNE 17, 2005

**DESCRIPTION OF A 1.687 ACRE TRACT**

A tract of land situate in the City of Las Cruces, Dona Ana County, New Mexico, in the SE¼ of Section 14, T.23S, R.1E, N.M.P.M. of the U.S.R.S. Surveys, being U.S.R.S. Tract 9C-49B and part of U.S.R.S. Tract 9C-49A and more particularly described as follows, to wit:

Beginning at a ½" iron rod found for the Northeast corner of the tract herein described; whence a concrete monument found at the Southeast corner of U.S.R.S. Tract 9C-51A bears N.47°47'55"E., 133.83 feet;

Thence from the point of beginning, S.39°36'17"E., 214.56 feet to a ½" iron rod found on the North line of Hadley Avenue for the Southeast corner of this tract;

Thence along the North line of Hadley Avenue the following three courses and distances: S.37°45'30"W., 51.50 feet to a ½" iron rod set;

Thence S.38°20'25"W., 210.00 feet to a ½" iron rod set;

Thence S.37°23'55"W., 51.51 feet to a disused "x" set for the Southwest corner of this tract;

Thence N.39°20'11"W., 267.46 feet to a ½" iron rod set for the Northwest corner of this tract;

Thence N.47°47'55"E., 304.87 feet to the point of beginning, containing 1.687 acres of land, more or less. Subject to any easements and restrictions of record.

Information in the preparation of this description derives from Deed Dated July 11, 2003, in Book 440, Pages 363-364, Dona Ana County records. A plat was prepared under Job #05-1224. Field Notes by Moy Surveying, Inc., License No. 5939

Job #05-1224



**Findings**

1. The subject property is currently non-conforming and the proposed zone change will allow for the redevelopment of the subject property and would bring the property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-32D)
2. The proposed zone change will help encourage more of a balance in land uses and zoning in this part of the City that may provide convenience and functionality to those who live and work in the area. (Comprehensive Plan 2040 Chapter 4, Goal 1, Policy 1.4)
3. The proposed zone change will provide a buffer between the adjacent differently zoned properties to help mitigate potential conflicts between them. (2001 Zoning Code, Article 1, Section 38-2Q)
4. Based upon staff's analysis of the proposal, the proposed zone change meets the intent of the Comprehensive Plan 2040; 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.



**Planning & Zoning  
Commission  
Staff Report**

Meeting Date: July 26, 2016/D

Drafted by: Adam Ochoa, Planner

**CASE #** 67825 **PROJECT NAME:** 2100 W. Hadley Ave.  
(Zone Change)

**APPLICANT/  
REPRESENTATIVE:** Paul Pompeo **PROPERTY  
OWNERS:** Boyd Lee Welch,  
Trustee

**LOCATION:** North side of **COUNCIL  
DISTRICT:** District 4  
Hadley Ave., 883  
+ feet west of its  
intersection with  
17<sup>th</sup> St. (Councillor Eakman)

**SIZE:** 1.69 ± acres **EXISTING ZONING/  
OVERLAY:** R-4 (Multi-Dwelling  
High Density & Limited  
Retail and Office)

**REQUEST/  
APPLICATION TYPE:** Zone change from R-4 (Multi-Dwelling High Density & Limited Retail  
and Office) to C-3 (Commercial High Intensity)

**EXISTING USE:** Single-family dwelling

**PROPOSED USE:** Plumbing/mechanical contractor's business office

**STAFF  
RECOMMENDATION:** Approval without conditions based on findings

**TABLE 1: CASE CHRONOLOGY**

Date	Action
June 16, 2016	Application submitted to Development Services
June 16, 2016	Case sent out for review to all reviewing departments
June 23, 2016	Final comments returned by all reviewing departments
June 23, 2016	Staff reviews and recommends approval of the zone change
July 6, 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 applicant is seeking to rezone a 1.69 ± acre property located at 2100 W. Hadley Avenue from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity). The subject property is currently non-conforming and consists of a single-family dwelling. The proposed zone change to a C-3 zoning designation will allow for the redevelopment of the property for a new plumbing/mechanical contractor's office.

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

Standard	Existing	Proposed	Code Req.
Max # of DU/parcel	N/A	N/A	N/A
Max Density (DU/ac.)	0.6 DU/ac.	N/A	40 DU/ac.
Lot Area	1.69 ± acres	Unchanged	21,780 square feet (0.50 acres) minimum / No maximum
Lot Width	315 ± feet	Unchanged	60 feet minimum
Lot Depth	251 ± feet	Unchanged	70 feet minimum
Structure Height	12 ± feet	Unknown	60 feet maximum
Setbacks			
Front	66 ± feet	Unknown	15 feet minimum
Side	84 ± feet	Unknown	5 feet minimum
Side	107 ± feet	Unknown	5 feet minimum
Rear	113 ± feet	Unknown	15 feet minimum
Accessory Structure	829 ± feet	N/A	N/A
ROW Dedication	N/A	N/A	N/A
Parking			
Auto	4 parking stalls	Unknown	1 parking stall per 450 square feet of gross floor area
Bicycle	N/A	Unknown	1 bicycle parking stall per 8,000 square feet of gross floor area
Landscaping			
% of property (less building pad & screened storage)	N/A	Unknown	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	Overlay District	Zoning Designation
Subject Property	Single-family dwelling	N/A	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
North	Mobile home park	N/A	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
South	Industrial yard	N/A	M-1/M-2 (Industrial Standard)
East	Industrial/commercial warehouse	N/A	M-1/M-2 (Industrial Standard)
West	Mobile home park entrance	N/A	R-4 (Multi-Dwelling High Density & Limited Retail and Office)

**TABLE 5: PARCEL HISTORY**

Number	Status
Permit	N/A
Ordinance # 522	Ordinance assigning the R-4 zoning designation to the subject property. Approved on March 19, 1984.
Resolution	N/A

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

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

**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 innovation in land development and redevelopment;
- 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 for all;
- Q. Mitigate conflicts among neighbors.

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

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

Applicable Comprehensive Plan Elements & Policies

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

Chapter 4 Healthy Community (Balanced Development)

Goal 1: Encourage mixed use development

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

Chapter 5 Community Character (Flexible Design and Positive Image)

Goal 19: Encourage development that is context-sensitive and compatible to the surrounding area

Policy 19.27 Support a policy of mixed land uses which are not traditionally considered compatible that may be located next to one another depending upon design features and compatibility with the adjacent area as a result of the mixed land use policy on the Comprehensive plan.

Analysis

The subject property is currently zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office) and consists of a single-family dwelling. The current 2001 Zoning Code, as amended, does not permit a single-family dwelling in the R-4 zoning district making the property non-conforming. The proposed zone change to C-3 (Commercial High Intensity) will permit the redevelopment of the subject property for a new

plumbing/mechanical contractor's office and would bring the property into compliance with current Code. The proposed zone change will help encourage more of a balance in land uses and zoning in this part of the City that may provide convenience and functionality to those who live and work in the area. The proposed zone change will also support a policy for more of a mix in uses in this area of Las Cruces as supported by Comprehensive Plan 2040. The proposed zone change will also provide a buffer between the adjacent R-4 (Multi-Dwelling High Density & Limited Retail and Office) and M-1/M-2 (Industrial Standard) zoning districts to help mitigate potential conflicts between the properties.

### **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 C-3 zoning designation is harmonious with and not out of character with the uses and existing zoning districts of the surrounding area; and
- The proposed zone change will help mitigate the lack of commercial zoning 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 non-conforming and the proposed zone change will allow for the redevelopment of the subject property and would bring the property into compliance with the 2001 Zoning Code, as amended. (2001 Zoning Code, Article 4, Section 38-32D)
2. The proposed zone change will help encourage more of a balance in land uses and zoning in this part of the City that may provide convenience and functionality to those who live and work in the area. (Comprehensive Plan 2040 Chapter 4, Goal 1, Policy 1.4)
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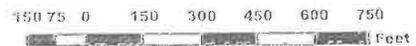
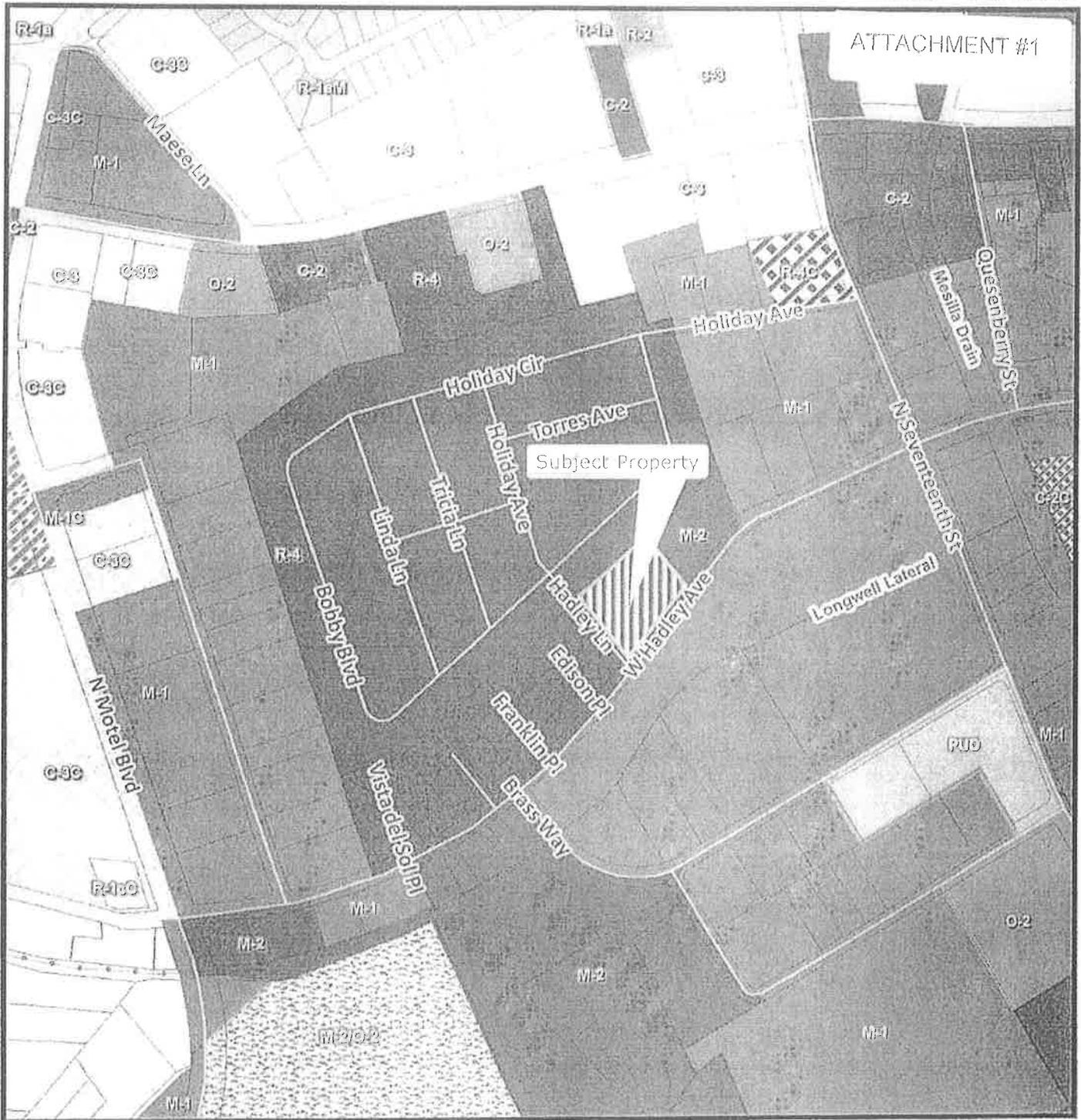
### **ATTACHMENTS**

1. Zoning/Vicinity Map
2. Aerial Map
3. Property Description
4. Development Statement

ZONING: R-4 TO C-3  
OWNER: WELCH BOYD LEE TRUSTEE

PARCEL: 02-00421  
DATE: 06/17/2016

ATTACHMENT #1



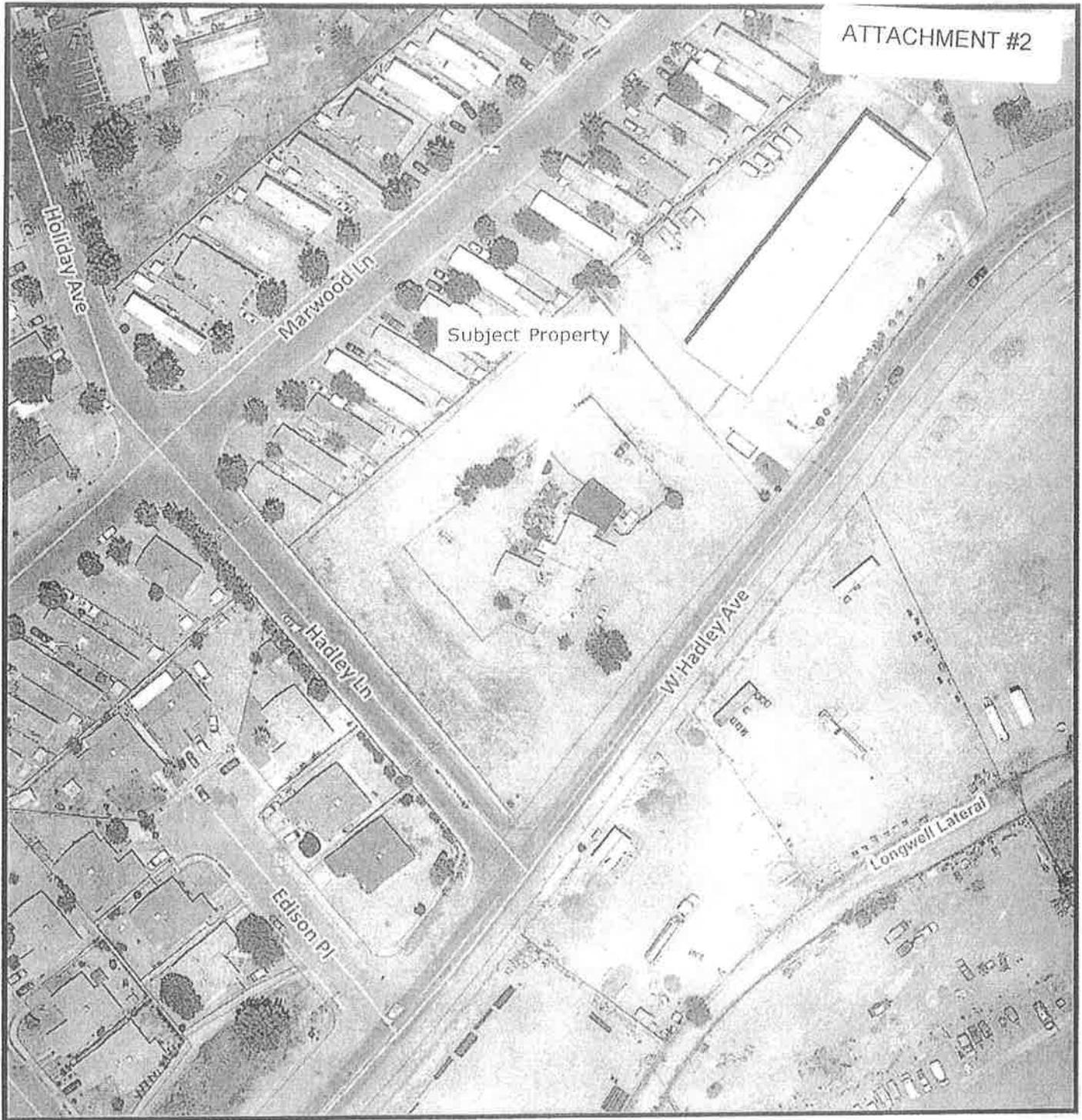
Community Development Department  
 700 N Main St  
 Las Cruces, NM 88001  
 (575) 528-3222

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

ZONING: R-4 TO C-3  
OWNER: WELCH BOYD LEE TRUSTEE

PARCEL: 02-00421  
DATE: 06/17/2016

ATTACHMENT #2



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

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EXHIBIT "A"  
**MOY SURVEYING, INC.**

414 N. DOWNTOWN MALL LAS CRUCES, N.M. 88001  
 PHONE: (505) 525-0683 - FAX (505) 524-3288

JUNE 17, 2003

DESCRIPTION OF A 1.687 ACRE TRACT

A tract of land situate in the City of Las Cruces, Dona Ana County, New Mexico, in the SE¼ of Section 14, T.23S., R.1E., N.M.P.M. of the U.S.R.S. Surveys, being U.S.R.S. Tract 9C-49B and part of U.S.R.S. Tract 9C-49A and more particularly described as follows, to wit:

Beginning at a ½" iron rod found for the Northeast corner of the tract herein described; whence a concrete monument found at the Southeast corner of U.S.R.S. Tract 9C-51A bears N.47°47'55"E., 333.83 feet;

Thence from the point of beginning, S.39°36'17"E., 214.56 feet to a ½" iron rod found on the North line of Hadley Avenue for the Southeast corner of this tract;

Thence along the North line of Hadley Avenue the following three courses and distances: S.37°45'30"W., 51.50 feet to a ½" iron rod set;

Thence S.38°20'25"W., 210.00 feet to a ½" iron rod set;

Thence S.37°23'55"W., 51.51 feet to a disused "x" set for the Southwest corner of this tract;

Thence N.39°20'11"W., 267.46 feet to a ½" iron rod set for the Northwest corner of this tract;

Thence N.47°47'55"E., 304.87 feet to a the point of beginning, containing 1.687 acres of land, more or less. Subject to any easements and restrictions of record.

Information in the preparation of this description derives from Deed filed July 11, 2003, in Book 440, Pages 263-264, Dona Ana County records. A plat was prepared under Job #03-1224. Field Notes by Moy Surveying, Inc., License No. 5939.

Job #03-1224



### 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: Boyd Lee Wood

Contact Person: Paul Pompad Southwest Engineering

Contact Phone Number: 526-3381

Contact e-mail Address: \_\_\_\_\_

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

#### Proposal Information

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

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

Location of Subject Property 2100 West Hadley Avenue

(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: 1.65 ac

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

RESIDENTIAL

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

PLUMBING/MECHANICAL CONTRACTOR

Zoning of Subject Property: R-4

Proposed Zoning (If applicable): C-3

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

Proposed square footage range of homes to be built from EXISTING ~~to~~ 2268 sq. ft.

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

EXISTING

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

7am-5pm

Anticipated traffic generation \_\_\_\_\_ trips per day.

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

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

ON LOT PONDING (EXISTING)

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). \_\_\_\_\_

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? EXISTING

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 \_\_\_

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

**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**

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1. June 28, 2016 - Regular Meeting

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

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

Ferrary: I'll second.

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

MOTION PASSES UNANIMOUSLY.

Clifton: Commission votes unanimously. Minutes are approved.

**IV. POSTPONEMENTS**

**V. WITHDRAWALS**

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

Ochoa: That is correct sir.

Clifton: Thank you.

**VI. CONSENT AGENDA**

- 1. **Case 66940:** An application of Jared Curry, managing member, on behalf of Dillon Mountain Enterprises, LLC requesting a zone change from R-2 (Multi-Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional) for an underdeveloped 14.2 +/- acre parcel located on the east side of Bixler road, 855 +/- feet north of its intersection with Bataan Memorial West; Parcel ID # 02-07925. Proposed use: A potential residential multi-family apartment development. Council District 5 (Councilor Sorg).
- 2. **Case 67825:** An application of Paul Pompeo on behalf of Boyd Lee Welch, Trustee, property owner, requesting a zone change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity) for a 1.69 +/- acre parcel located on the north side of Hadley Avenue, 833 +/- feet west of its intersection with 17th Street; a.k.a. 2100 W. Hadley Avenue; Parcel ID # 02-00421. Proposed use: Plumbing/mechanical contractor business office. Council District 4 (Councilor Eakman).

Clifton: At this point we'll move into consent. For those of you that may not be 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.

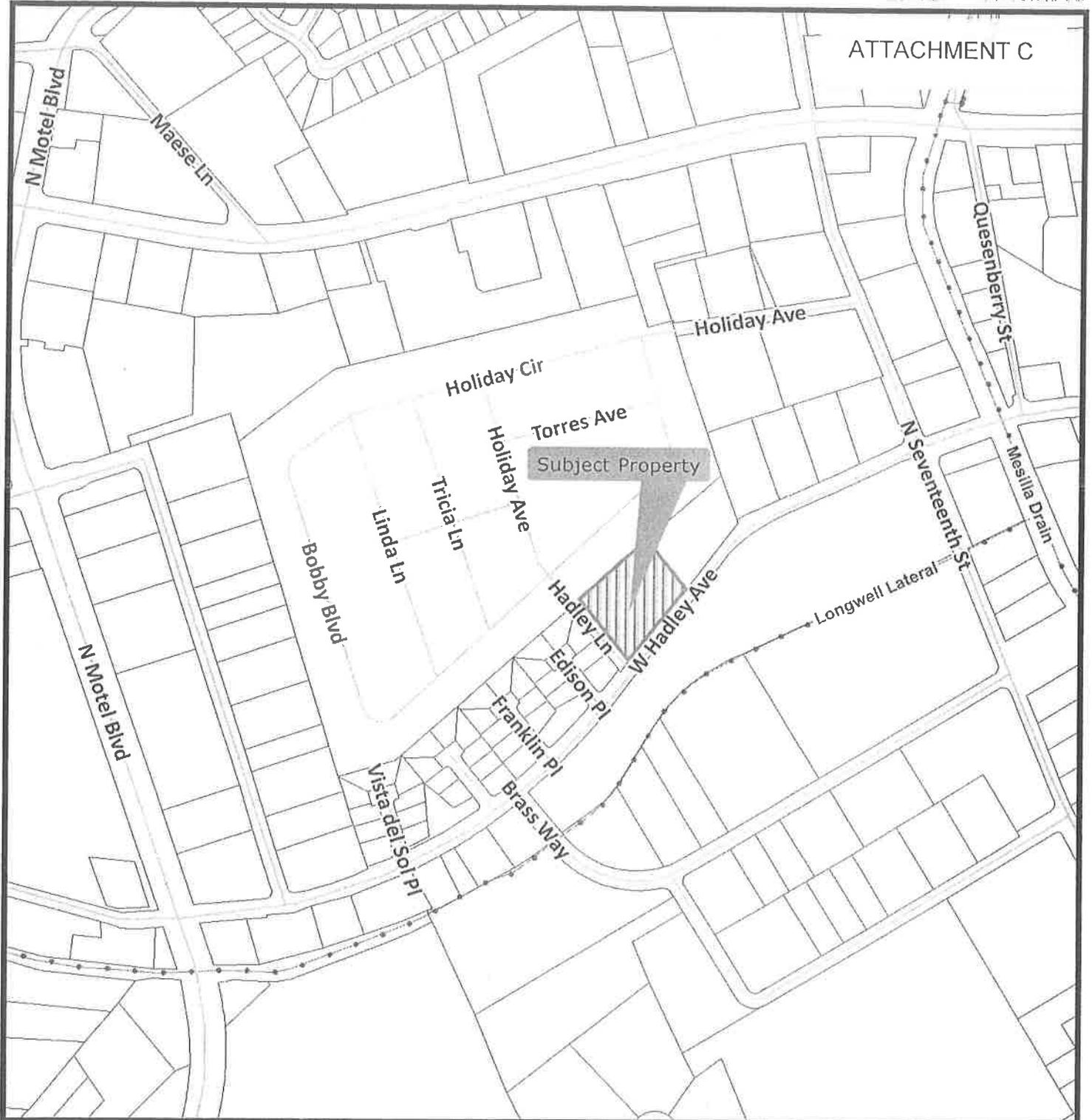
1  
2 Stowe: Aye.  
3  
4 Clifton: Commissioner Ferrary.  
5  
6 Ferrary: Aye.  
7  
8 Clifton: Commissioner Alvarado.  
9  
10 Alvarado: Aye.  
11  
12 Clifton: Commissioner Gordon.  
13  
14 Gordon: Aye.  
15  
16 Clifton: Chair votes aye.  
17  
18 MOTION PASSES UNANIMOUSLY.  
19  
20 Clifton: Consent 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

ZONING: R-4 TO C-3  
OWNER: WELCH BOYD LEE TRUSTEE

247  
VICINITY MAP

PARCEL: 02-00421  
DATE: 06/17/2016

ATTACHMENT C



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.