

ORDINANCE 3005; COUNCIL BILL 22-027

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-2 (MULTI-DWELLING LOW DENSITY), C-2 (COMMERCIAL MEDIUM INTENSITY), AND M-1/M-2 (INDUSTRIAL STANDARD) TO R-2 (MULTI-DWELLING LOW DENSITY), C-3 (COMMERCIAL HIGH INTENSITY), AND M-1/M-2/C-3 (INDUSTRIAL STANDARD/COMMERCIAL HIGH INTENSITY) FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF MCGUFFEY STREET AND BATAAN MEMORIAL WEST. SUBMITTED BY KENT THURSTON, PROPERTY OWNER.

The City Council is informed that:

WHEREAS, Kent Thurston, property owner, has submitted a request for a zone change from R-2 (Multi-Family Low Density), C-2 (Commercial Medium Intensity), and M-1/M-2 (Industrial Standard) to R-2 (Multi-Family Low Density), C-3 (Commercial High Intensity), and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity); and

WHEREAS, the subject property is currently vacant, ± 28 acres in size, and is multi-zoned having districts following metes and bounds descriptions; and

WHEREAS, the existing C-2 zoning district located within the central portion of the property is currently non-conforming in that the acreage for this area exceeds the 1-acre maximum size allowed per code; and

WHEREAS, the proposed zone change will facilitate the development of the property as conceptually proposed by the applicant and also resolve the non-conforming zoning district issue; and

WHEREAS, the proposed zone change for the existing M-1/M-2 area will provide more development flexibility/opportunity that is more in keeping with the surrounding area; and

WHEREAS, the proposed zone change is supported by the Elevate Las Cruces Comprehensive Plan in that it promotes uses that are consistent with the Suburban Place Type; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on March 22, 2022, recommended that the zone change request be approved by a vote of 5-0-0 (one commissioner absent, one seat vacant).

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-2 (Multi-Family Low Density), C-3 (Commercial High Intensity), and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity).

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this 21 day of June 2022

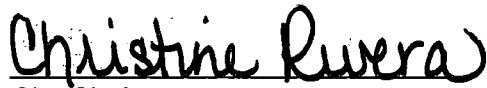


APPROVED



Mayor

ATTEST:



City Clerk

Moved by: Johana Bencomo

Seconded by: Tessa Abeyta

AYES Kasandra Gandara, Ken Miyagishima, Yvonne Flores, Johana Bencomo, Becki Graham,
Becky Corran, Tessa Abeyta

NAYS



**3005; Council
Bill 22-027**

City Council Action and Executive Summary

Type of Action:

☐ Resolution

☒ Ordinance

☐ TIDD Resolution

District:	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input checked="" type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> N/A		
1st Reading:	June 6, 2022	Adopted:	June 21, 2022
Drafter:	Vince Banegas	Department:	Community Development
Program:	Community Planning	Line of Business:	Community Planning

Title:	AN ORDINANCE APPROVING A ZONE CHANGE FROM R-2 (MULTI-DWELLING LOW DENSITY), C-2 (COMMERCIAL MEDIUM INTENSITY), AND M-1/M-2 (INDUSTRIAL STANDARD) TO R-2 (MULTI-DWELLING LOW DENSITY), C-3 (COMMERCIAL HIGH INTENSITY), AND M-1/M-2/C-3 (INDUSTRIAL STANDARD/COMMERCIAL HIGH INTENSITY) FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF MCGUFFEY STREET AND BATAAN MEMORIAL WEST. SUBMITTED BY KENT THURSTON, PROPERTY OWNER.
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TYPE OF ACTION: ☐ Administrative ☐ Legislative ☒ Quasi-Judicial

PURPOSE(S) OF ACTION:

Zone Change

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

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

The applicant is requesting a zone change from R-2 (Multi-Family Low Density), C-2 (Commercial Medium Intensity), and M-1/M-2 (Industrial Standard) to R-2 (Multi-Family Low Density), C-3 (Commercial High Intensity), and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity) for property at 3999 Bataan Memorial West which is located at the northwest corner of Bataan Memorial West and McGuffey Street. These zoning districts (both existing and proposed) will be defined via established metes and bounds descriptions meaning that each district identified applies to a specific part of the entire tract under consideration. The property in question is vacant and is \pm 28 acres in size.

The zone change will facilitate a "Build to Rent" type of development which is a residential community geared toward the renter market. Various amenities (ball courts, community building, individual yards, internal roads, garages, etc.) will be included within the development. Apartments that resemble one and two-story single-family residential units (potentially other styles as well) will be located on-site in a manner that minimizes impacts to adjacent property. The proposed development as identified by its conceptual layout involves the existing R-2 and C-2 (proposed C-3) portions of the tract representing a total of \pm 18 acres. It is staffs understanding that the remainder of the tract (\pm 10 acres) immediately adjacent to Bataan Memorial West will not be part of the residential community development as discussed. That portion which is currently zoned M-1/M-2 (C-3 proposed to be added) will be developed as the market dictates. The C-3 zoning proposed for inclusion is intended to allow potential development opportunities that are more consistent with the surrounding area and the proposed residential community. It will also aid in the necessary realignment of proposed internal development boundaries

involving the power line utility easement. The realignment which may cause limited residential spillover onto what is now M-1/M-2 zoned property will not be problematic if the C-3 district is added.

It should be noted that the existing C-2 zoning area identified above is currently a non-conforming zoning district in that it exceeds the maximum 1-acre lot size allowed pursuant to code. Even under the proposed development, no subdivision of land will take place to make the C-2 zone compliant, thus making conversion of the C-2 zoning to C-3 zoning a necessary step. In terms of use and development standards, the C-2 district and C-3 district zoning are almost completely congruous except for lot size and maximum building height (C-2: 45 feet; C-3: 60 feet) Please be advised that the developer can achieve his development concept with the zoning that is in place today. The only steps that would be necessary would be to subdivide the existing C-2 zoned area into lots one acre or less in size and to be creative to utilize the area impacted by the utility easement. The zone change offers the applicant the ability to develop with greater efficiency and flexibility ensuring that development achieves a higher degree of consistency with surrounding properties.

The proposed zone change is consistent with the surrounding area, Elevate Las Cruces, and several of its goals, policies, and actions. The request aligns with the Suburban Neighborhood Place Type. As described, this place type "...contains low-to-moderate density residential land uses intermixed with areas of commercial development. Land uses typically include single-family, multi-family, retail, office, and ancillary uses such as schools, parks and places of worship". These land uses in large part are consistent with the applicant's development concept for the subject property.

On March 22, 2022, the Planning and Zoning Commission, per Section 38-10 B. 2. B. of the 2001 Las Cruces Zoning Code, as amended, recommended approval of the proposed zone change by a vote of 5-0-0 (one commissioner absent, one seat vacant) based on the findings reflected in Exhibit "B". The case was publicly noticed in accordance with the City's notification provisions. Staff received numerous phone calls prior to the Commission meeting. Many calls were general inquiries with very few calls in opposition. At the meeting, resident opposition focused on increased traffic that may be realized on Monte Sombra Avenue; a local residential roadway that connects McGuffey Street to Sonoma Ranch Boulevard. Other concerns involved blocked views, development uncertainty, and potential development parking deficiencies. The applicant and his representative spoke to several of the concerns to the apparent satisfaction of those that spoke out. The concern regarding traffic will be vetted more thoroughly upon completion and review of a traffic impact analysis (TIA) which will be required upon submittal of the anticipated building permit.

SUPPORT INFORMATION:

EXHIBIT "A", (1 thru 4)

EXHIBIT "B", Findings of Fact.

ATTACHMENT "A", Approved 03-22-22 PNZ Excerpt Minutes

ATTACHMENT "B", 3999 Bataan Memorial West ZC Staff Report

PLAN(S):

Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

P&Z

ANNUAL BUDGET APPROVAL:

☐ Yes

☒ No

☐ N/A

Does this action amend the Capital Improvement Plan (CIP)?

☐ Yes

☒ No

☐ N/A

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

☐ N/A

OPTIONS / ALTERNATIVES:

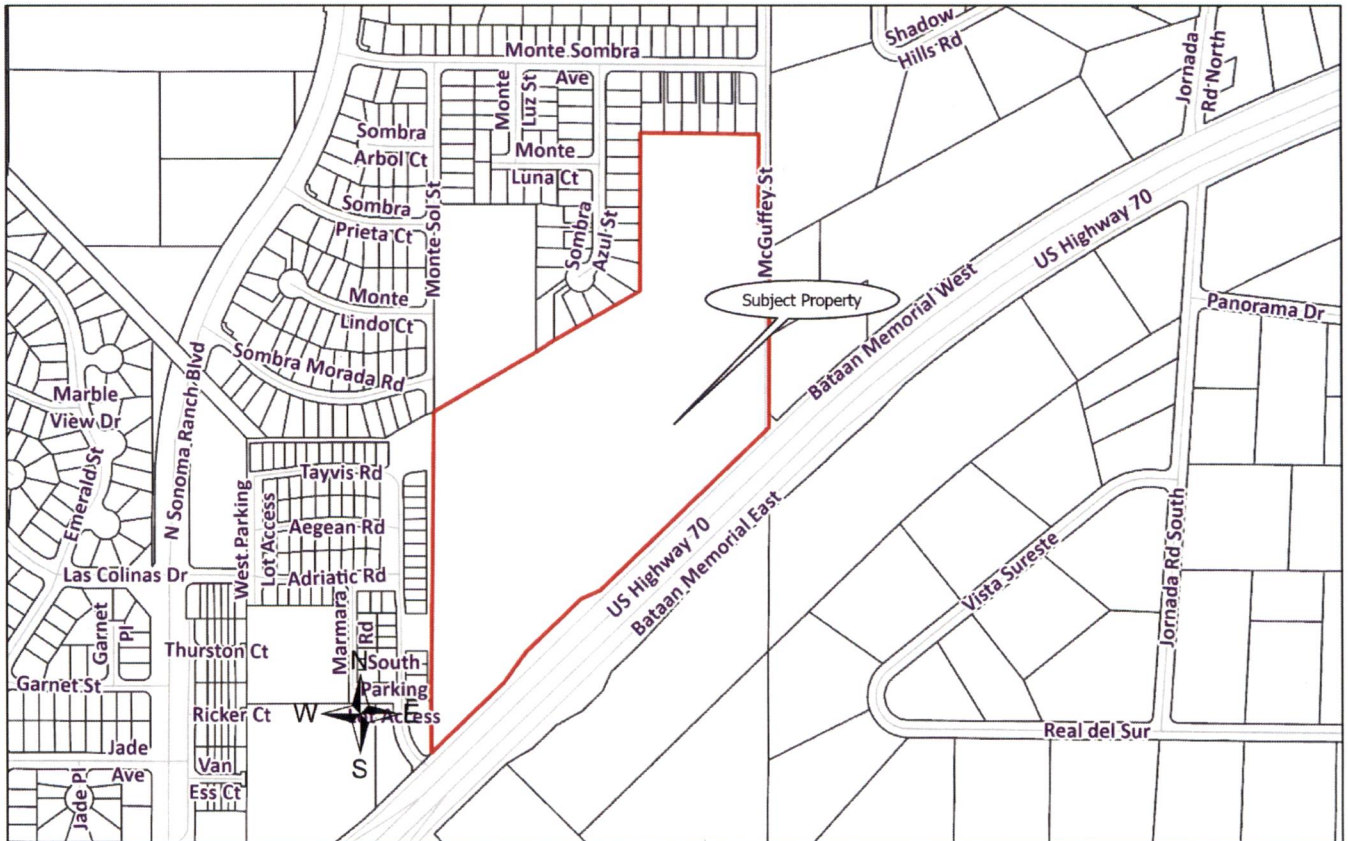
1. Vote "Yes"; this will approve the Ordinance and affirm the P&Z recommendation for approval. The subject property will be rezoned from R-2 (Multi-Family Low Density), C-2 (Commercial Medium Intensity), and M-1/M-2 (Industrial Standard) to R-2 (Multi-Family Low Density), C-3 (Commercial High Intensity), and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity).

2. Vote "No"; this will deny the Ordinance and will reject the recommendation made by P&Z. The current zoning designation of R-2 (Multi-Family Low Density), C-2 (Commercial Medium Intensity), and M-1/M-2 (Industrial Standard) will remain. Denial of the zone change will require new information or findings of fact different than those provided in Exhibit "B".

3. Vote to "Amend"; this could allow the City Council to modify the Ordinance by adding conditions as determined appropriate.

4. Vote to "Table"; this could allow the City Council to table/postpone the Ordinance and direct staff accordingly.

EXHIBIT "A" (1 of 4)



Note: Subject parcel is outlined in red.

EXHIBIT "A" (2 of 4)

Metes and Bounds Description for R-2 area:

A 3.919 acre tract of land situate in the city of Las Cruces, Doña Ana County, New Mexico, being a portion of the Southeast Quarter of Section 21, Township 22 South, Range 2 East, N.M.P.M., of the U.S.G.L.O. Surveys.

COMMENCING at the Southwesterly corner of Lot 17, Plat of Monte Sombra, as the same is shown and designated on the plat of record, filed in the Office of the Clerk of Doña Ana County, Book 22, Page 191; Thence N60°25'37"E, a distance of 420.55 feet to the Southeasterly corner of Lot 12, said plat, and being the place and **POINT OF BEGINNING (POB)**;

THENCE N00°19'05"E, along an easterly line of said plat, a distance of 541.84 feet to the Southwest corner of Lot 12, Plat of Monte Bello, as the same is shown and designated on the plat of record, filed in the Office of the Clerk of Doña Ana County, Book 23, Page 518;

THENCE along the south line of said plat, S89°32'06"E, a distance of 401.58 feet to the Northeast corner of this tract;

THENCE S00°27'21"W, a distance of 310.24 feet to the southeast corner of this tract;

THENCE S60°24'33"W, a distance of 462.41 feet to the **POB**.

EXHIBIT "A" (3 of 4)

Metes and Bounds Description of existing C-2 area, proposed C-3

City of Las Cruces Zoning Map description for C2

A 14.169 acre tract of land situate in the city of Las Cruces, Doña Ana County, New Mexico, being a portion of the Southeast Quarter of Section 21, Township 22 South, Range 2 East, N.M.P.M., of the U.S.G.L.O. Surveys.

COMMENCING at Southwest corner of Lot 12, Plat of Monte Bello, as the same is shown and designated on the plat of record, filed in the Office of the Clerk of Doña Ana County, Book 23, Page 518; **THENCE** S00°19'05"W, along an easterly line of said plat, a distance of 541.84 feet to the place and **POINT OF BEGINNING (POB)**;

THENCE N60°24'33"E, a distance of 497.55 feet to the Northeast corner of this tract;
THENCE S00°12'23"W, a distance of 290.02 feet to the Southeast corner of this tract;
THENCE S45°58'00"W, a distance of 1609.28 feet to the Southwest corner of this tract;
THENCE N00°13'24"E, a distance of 753.14 feet to the Northwest corner of this tract;
THENCE N60°26'09"E, a distance of 409.99 feet to an angle point;
THENCE N60°26'20"E, a distance of 420.55 feet to the **POB**.

EXHIBIT "A" (4 of 4)

City of Las Cruces Zoning Map description for M1/M2

A 11.372 acre tract of land situate in the city of Las Cruces, Doña Ana County, New Mexico, being a portion of the Southeast Quarter of Section 21, Township 22 South, Range 2 East, N.M.P.M., of the U.S.G.L.O. Surveys.

COMMENCING at Southwest corner of Lot 12, Plat of Monte Bello, as the same is shown and designated on the plat of record, filed in the Office of the Clerk of Doña Ana County, Book 23, Page 518; **THENCE** S00°19'05"W, along an easterly line of said plat, a distance of 541.84 feet; **THENCE** S60°26'20"W, a distance of 420.55 feet; **THENCE** S60°26'09"W, a distance of 409.99 feet; **THENCE** S00°13'24"W, a distance of 753.14 feet to the place and **POINT OF BEGINNING (POB)**;

THENCE N45°58'00"E, a distance of 1609.28 feet to the Northeast corner of this tract;

THENCE S00°04'51"E, a distance of 443.66 feet to a point on the north margin of U.S. 70 (A.K.A. Bataan Memorial Hwy);

THENCE along said margin the following five courses:

S46°23'39"W, a distance of 789.58 feet;

S66°11'34"W, a distance of 69.87 feet;

S46°15'45"W, a distance of 262.43 feet;

S35°59'27"W, a distance of 133.38 feet;

S46°15'57"W, a distance of 352.04 feet;

THENCE leaving said margin, N00°13'24"E, a distance of 430.58 to the **POB**.

EXHIBIT "B" – Findings of Fact

1. The vacant property is \pm 28 acres in size with an existing acreage and zoning distribution as follows: the R-2 portion is \pm 4.0 acres, the C-2 area \pm 14.6 acres, and the M-1/M-2 portion \pm 9.4 acres.
2. 66% of the parcel largely remains intact in context to allowable land uses per zoning district designations both pre and post zone change. The R-2 district will remain unchanged.
3. The zone change from C-2 to C-3 is being requested by staff to convert the non-conforming C-2 zoning district (greater than 1 acre lot size) to a conforming zone (C-3).
4. The addition of the C-3 zoning designation atop existing M-1/M-2 zoning will allow greater development flexibility that may be more in keeping with existing residential development adjacent to the subject property.
5. If approved, land within the R-2 and C-3 areas are proposed to be developed as a residential complex (similar to a residential neighborhood but geared toward the rental market).
6. The property is within the Suburban Neighborhood place type characterized by low-to-moderate density residential land uses intermixed with areas of commercial development which is consistent with the type of development the owner has proposed and what the zone change allows.
7. The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and meets the purpose and intent of the 2001 Zoning Code (2001 Zoning Code, Section 38-2).

ATTACHMENT "A"

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
MARCH 22, 2022 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Harvey Gordon, Chair
Luis Armando Guerrero, Vice-Chair
Scott Kaiser, Secretary
James Bennett, Member
Enrico Smith, Member

BOARD MEMBERS ABSENT:

Vanessa Vega, Member

STAFF PRESENT:

David Weir, Deputy Director Community Planning
Katherine Harrison-Rogers, Senior Planner
Vincent Banegas, Interim Planner
John Castillo, CLC Planner
Roberto Cabrillo, CLC Deputy City Attorney
Adrian Guzman, CLC Communications
Becky Baum, Recording Secretary, RC Creations,
LLC

1. CALL TO ORDER (6:00)

Gordon: Good evening and welcome to the March 22, 2022 meeting of the Planning and Zoning Commission. The time is 6:00 p.m. Let me call this meeting to order. First I need a motion to approve the agenda, please.

Bennett: So, I would like to make an amendment to the minutes.

Gordon: No, I want to approve the agenda first.

Bennett: Okay. All right.

Gordon: Just give me a motion. Just give me a motion.

Bennett: I make a motion to approve the agenda.

Kaiser: I'll second.

Gordon: Becky.

Baum: Board Member Smith.

8.2 3999 Bataan Memorial West Zone Change

Request: A zone change request for a multi-zoned 28-acre parcel from R-2 (Multi-Dwelling Low Density), C-2 (Commercial Medium Intensity) and M-1/M-2 (Industrial Standards) to R-2 (Multi-Dwelling Low Density), C-3 (Commercial High Intensity) and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity). The property is generally located on the north side of Bataan Memorial West between McGuffey Street and Monte Sol Street. Submitted by Kent Thurston, property owner. Council District 5 (21ZO0500141)

Gordon: All right, then we can move on to item number two under old business. Katherine who's doing that one?

H-Rogers: Okay, I'm going to turn this over to Vincent.

Gordon: Okay.

Banegas: Mr. Chairman, Commissioners. Vincent Banegas, Interim Planner. This case involves property located on Bataan Memorial West. It involves the rezoning of property. It's a single property with three different zoning designations upon it. It is currently R-2, C-2, and M-1/M-2. R-2 again, is our multifamily low density residential district. C-2 is our commercial medium intensity district. And M-1/M-2 is our industrial standard district. They're looking to maintain the R-2 portion as is, so that does not change. The C-2 piece goes to C-3, and that's for conversion purposes to make it compliant with current code. And then the M-1/M-2 designation, they're looking to what we call pancake or slash zone it and

add C-3 to it. And this is case 21ZO00500141.

So current conditions, property as addressed is 3999 Bataan Memorial West. It is a 28 plus or minus acre vacant multi zone parcel, as I indicated I won't bore you with the zones again. But I do want to let you know that the breakdown of acreage is as follows, roughly four acres is R-2, 14.6 acres is currently zoned C-2, and the remnant portion which is 9.4 acres is M-1/M-2. Now, the current zoning, just to repeat for the C-2 portion, and I'll show you a map here in a second, is going from C-2 to C-3 brings it into compliance with current code. There is a cap on the maximum lot size for C-2 zoned properties at present. It is one acre cap. And because the C-2 as indicated is over 14 acres, we have a nonconforming district for part of that property. So going to C-3 is what staff refers to as a conversion zone and would make it a compliant portion.

So here's a map showing the subject parcel outlined in red. You have McGuffey Street located on the east side of the property. You've got Bataan Memorial West located on the south. Right up against the property on the west side you have Tayvis Estates up in here. And then I believe it's Monte Sombra subdivision, you have various residential, single-family style development on the north side of the property. You do have interesting zoning here, H zone, probably a holdover from the annexation that occurred, which probably brought in this piece. There were two annexations actually that affected the subject parcel and maybe this was one of them, I didn't find out enough about it. But nonetheless, you do have some port-a-potty type business, maintenance business here. And I believe what appeared to be a small, very small kind of mobile home park in here. There were some mobile homes on the property and it was more than one, so I'm not quite sure what all is going. The H zone designation is a holding

zone. It was usually used to put a holding place on property on the zoning of property upon annexation when the applicant or the property owner did not know what they were going to use the property for. So when this property if it ever changed use, that H should go away and become whatever's applicable given the land uses on the tract of land. But regardless, this is the outline, you've got your M-1/M-2 shown in this light purple at least according to those screens, the C-2 in the middle, and the R-2 up top here.

Here's an aerial view of the same parcel. You do see various roadways Monte Sol Street dead ending right, kind of at the northwest corner of the property. McGuffey Street providing obvious access there, and Bataan Memorial West as well.

So the proposal is again to rezone, maintaining the R-2 piece as is, converting the C-2 to C-3, that was more of a staff request to bring about compliance with that segment. And to add a C-3 component to the existing M-1/M-2 M zoning on the southernmost portion of the property. Roughly speaking 66%, If you consider the R-2 piece remaining intact, and basically the C-2 go to C-3 uses, basically 66% of the entire parcel remains intact from a land use perspective. So nothing immense is changing in terms of land use. It brings about compliance to that C-2 zone, and in pancaking the C-3 on top of the M-1/M-2 M staff feels that it allows for greater development flexibility, potentially allowing for uses that are more congruous to the surrounding the development and neighborhood, as opposed to just your strict application of M-1/M-2. In that M-1/M-2 you can have certain commercial uses, they're far more limited than what you would find in the C-2/C-3 district, but by adding C-3 then that opens that up.

It also sets in motion a proposed, and I believe I got this right, the term "build for rent" style of

development. It's a residential style of development. I won't steal too much of the thunder, we got Mike Clement in the audience who's the representative for the applicant. He'd like to speak on the proposal that they have in mind for this property. But nonetheless, it has the look and feel of some of the residential neighborhoods that we see around town. But it is geared towards the renter market as I understand it. There are some amenities that are being proposed, ball courts, community buildings, etc. Based on a proposal that they shared with staff some time ago, it's certainly the concept that was presented, certainly seemed very nice, a very nice fit to what is around it.

And I'd like to emphasize also that with little effort, the applicant would be able to accomplish today what is being set in motion for the near future. So with the R-2 and C-2 district they could virtually do what they want to do. They may have to either seek a nonconforming certificate for that C-2 piece or subdivide into one acre lots with shared access etc, in order to make the vision a reality, but it could be done.

I just show this for illustrative purposes, information purposes. This is what they shared with us. I don't have all the details of this, Mike will be able to better inform you as to the configurations and what's going on here. But this in essence is the R-2 piece. And what you see here for the most part is the C-2 zoned portion at present. This in here is the M-1/M-2. So I'm sorry I had to orient that in this horizontal position as opposed to north being up, but in order to make it a little larger for us to see I had to do that.

Some photos just have the property, nothing exciting about it. It's vacant at present. There are some billboards located along the frontage road, Bataan Memorial, but this is looking west at the intersection McGuffey and Bataan. This

is looking due north from Bataan Memorial West and this little set of homes etc, is the eastern most edge if you will of Tayvis Estates. This is McGuffey looking southwest, again vacant. You begin to see some of the residential development on the north. And this is Monte Sol roadway here were it dead ends into the applicant's property in this area. This was that holding zone property that I was referencing earlier. I didn't take a picture of it but nonetheless it is located there.

So in terms of analysis, Commissioners, staff did not find any health, safety, or welfare related items of concern. The proposed zoning districts would provide compatibility with the existing uses that are surrounding the subject property and within the adjacent neighborhoods. The property is within the suburban place type as per Elevate Las Cruces. The Comprehensive Plan encourages mixed use and low to moderate residential densities, which I think the applicant's representative will illustrate for you in a second. And it aligns the nonconforming C-2 district by going to C-3 pursuant to the Zoning Code. Now this case was noticed if you will twice. It was to be brought forward I believe it was last month. And so we sent out notice to the surrounding property owners. And at that time staff received considerable notice, I know myself I must have received at least 20, maybe even 25 phone calls. Some were just inquisitive type of calls asking what was being proposed. A lot wanted to know more about the exact proposal, what they're looking to build, etc, which I think tonight the representative can help answer. And very few were actually opposed. Most of the calls that seemed to go in terms of an opposition direction, once I explained to them the zoning and how that worked, and certainly what is in place today, and what is being requested for the future in terms of allowable development, they begin to understand that you know what is being proposed could be a good thing for them

as opposed to something that's considered nightmarish, if you will.

But for this meeting notice was sent out to surrounding properties once again. And this time around, believe it or not, staff did not receive any input, I did not, and I'm not aware of anyone else receiving any substantial input at all. So it appears as if the applicant, I know they've been in contact with some of the surrounding property owners. I know residents of Tayvis Estates, Kent Thurston indicated to me that he had met with some of those folks. And I think he allayed some of the fears that they may have had.

So staff recommendation is approval based on the findings. The proposal maintains approximately 66% of the uses authorized under the existing zoning code through this request. This conversion to C-2 to C-3 is really a staff initiative to make it a compliant zoning district within the context of this property. And that the addition of C-3 atop the M-1/M-2 allows greater development flexibility, allowing potential development that's more in keeping with the surrounding neighborhood. And the proposed development, which again is conceptual, and we must keep in mind that we're not approving the development per se, we're approving the zoning. But what they will show you at least in concept stage is compatible with the residential uses in the vicinity and certainly with the suburban neighborhood placed type identified in our comprehensive plan. And regarding the Comprehensive Plan there were several goals, policies, and actions that supported this request, certainly in line with the purpose and intent of the 2001 Zoning Code and the criteria for decisions in our Municipal Code.

So your options here this evening, Mr. Chair, Commissioners, are to vote "yes" and approve the request as stated, vote "no" to deny it, you will have to provide additional information or

findings not presented this evening by staff. You can vote "yes" with conditions, or vote to table. And that concludes staff's presentation Mr. Chair. And I'll stand for questions.

Gordon: All right. Thank you. Does anybody from the Commission have any questions? I have one question.

Banegas: Yes sir.

Gordon: The only access to this property will be off of McGuffey? Does it take two ... go back to that. There it is.

Banegas: Yes.

Gordon: Looks like three.

Banegas: Mr. Chairman. So yes what they're showing here and I would assume this hasn't changed, Mike can certainly speak to that, but what I'm seeing here is definite direct access off McGuffey. If they are to seek future access off of Bataan Memorial that'll have to be vetted through the New Mexico Highway Department.

Gordon: That would go to the DOT.

AUDIENCE MEMBER SPEAKING, NOT AT THE MICROPHONE.

Gordon: Right. All right. Since there are no other questions. Does the applicant have anything he liked to add? Please come forward. State your name and let me swear you in.

Banegas: Mr. Chairman. He's got some slides to show as well.

Gordon: Okay, well, first, please state your name and then let me swear you in.

Clement: Yes. Mike Clement.

Gordon: All right. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Clement: Yes I do.

Gordon: Then go ahead. Thank you.

Clement: Okay. Thank you. Okay. My name is Mike Clement. I'm with Property Design from Phoenix and I am part of the development team. And actually we're excited to be here. We hope to be bringing you good tidings of joy. The housing development director has brought to our attention you've got a shortage of about 5,600 ... Thank you. You've got a shortage of about 5,600 rental units, not to mention single-family for sale units here in the community. And we hope to be a part solution in doing so. So, before I start my slides, I want to thank Mr. Banegas, what he said was very correct in kind of posturing our project, what we're proposing to do, and I think you'll see that it is a very exciting proposal. So let me just go through that. I hope not to, just click thank you, repeat too much of what he had to share. But let me just kind of go through this. Here's the parcel again, it's 28 acres in total that's involved with this case. You can see how it's postured. Some of the key points of access are going to be of course it has all this frontage on Bataan Memorial West. The primary axis is going to be from McGuffey Street. Given that the right-of-way is one way directional only along the Bataan Memorial West, and of course, Sonoma Ranch Boulevard will be an important point for bringing future residents to the site.

As mentioned, the current zoning is an R-2, a C-2 and M-1/M-2. And I might mention there's an error on this slide where I have put C-2 as commercial medium, it really should be, and that is correct. I stand corrected of what I was going to correct. But that is within, and what we really are doing is we're not doing anything with the R-2, but we are going to fix a problem

with the existing zoning that was actually created many years ago, a couple decades ago, that hasn't been addressed. So what we really have in place is illegal nonconforming use of sorts in that we can, as was mentioned, continue with the project. But in the course of putting this together and going to show you here actually what prompted us to come forward with this request, to make it more conducive with what's in place in terms of zoning, and actually more compatible with the neighborhood.

So as you can see, you've already seen this slide, there are multiple colors. There's the R-2, we're not doing anything with that. We have the C-2 zoning element, and then also the M-1/M-2 down here along the freeway. What I want to bring to your attention is you'll see how the color slide points up in this direction. So here's the thing, as we were starting to put our proposal together for the design elements of this community, we discovered we've got a natural barrier across the property, it's called El Paso Electric power line. There's not much we can do with that. And if you look closely here, you're going to see there's a little bit of pink on this side of the line, which is where the bulk of our project will be. And again, I know we're not here to talk about the project, but the project that will be discussed at council meeting, assume we get a favorable vote from you this evening, we'll get into more detail. And what we are telling you here tonight is this M-1/M-2 piece that has all the frontage, that is not consideration. We're not doing anything with that. Our real focus in coming here is to get in a position that we can better present a project to fit this gap right there.

So that's the thing, we've got this power line which is a national barrier and we wanted to address that. As you can see here, we have an overlay of the project right there where the zoning line is right now, you can see where the power line is running, it's marked in blue. And

then we've got this little sliver of area which was causing some problems for the project. And so it suggested, well let's just go ahead and clean up the zoning. Let's go ahead and change out the C-2 with the C-3 which as was mentioned is the conversion zoning that Las Cruces is using, and therefore everything would comply. We'll put it also on this portion, but again we're not doing anything with this portion of the property, the M-1/M-2.

These items were already stated as to why this rezone is warranted. I'm not sure I need to redo that again other than the fact it's fixing a problem. While it's a nonconforming use right now, what we're proposing, because we did not create the problem, it was something that was never fixed. But we're very happy to go ahead and bring it current so everything aligns. It really is in support of the Elevate Las Cruces Comprehensive Plan, as was discussed. And so we are excited about that. And hopefully help at some point here fix, or at least help fix the shortage of housing opportunities we have in the community.

So let me tell you a little bit about the project. Again, if the vote tonight is favorable we will be talking about this in some more detail when we go before Council in a few weeks. The portion that we're concerned with right now is about 18 acres. We're looking to do about 210, and we're doing, it's still in the conceptual stage, so we are working with this, it fluctuates a little bit. But right now approximately 210 rental homes. Our density is going to be a very mild density. I might mention that the R-2 zoning that we're not touching allows up to 15 units per acre. I might mention also that the zoning with the commercial that's already in place allows a density of a minimum of 10 units per acre up to 40. And so nothing really changes. So our overall density is very much in compliance with the zoning categories that are currently in use, and even those that are proposed after this change.

Okay, the project. So what will it look like? Yes, you've heard a lot of buzz in the news about build for rents. I mean it's kind of the thing in the country. Phoenix is ground zero for build for rent. It started about 10 years ago. I happen to be part of the project, when the first one came to town. I'm also a commercial real estate appraiser by trade. I was involved and got involved with the whole thing. And the rest is history as they say. There are approximately now in Phoenix in this property type, roughly 5,600 units that have been built. And they're about 6,000 more that are in the process. We have roughly 11,000 units that have built of this type that we're bringing here to Las Cruces, which is really a great thing.

So backing up a little bit here, hit the wrong button. What we're proposing to bring to you would be these detached and attached units. They're basically single and twin homes, mostly one stories, some will be two story. But the key thing about what's happening here, as opposed to an apartment community where you have people above and around and below sometimes, that isn't what happens. In these communities, these build for rent little communities, and these homes are sometimes referred to as casitas or villas and some are bungalows. Still, they're all about the same. Everybody's going to get their own little yard. They're very pet friendly. Consequently, they have doggie doors, which is a big thing. By the way, we have been here doing some due diligence work in Las Cruces, and believe it or not in the multifamily sector almost everybody wants a dog. And what are you going to do with a dog? I mean the idea of having your little private yards is phenomenal. I can tell you in Phoenix these types of projects are so popular they're basically fully leased before we even build them. And we hope the same thing happens here. And who knows, we may be bringing a whole lot more as time progresses.

So in this particular project, there'll be one bedrooms, two bedrooms, and even some three bedrooms. They'll be one story, single or two story twin homes. It's a gated community. Resort style amenities. We'll have these little paseos. So when you look on this site plan right here, it kind of gives it away, we're creating all of these little green areas are literally going to be green with grass. I know we have a community right here. We've got the Tayvis Estates, well they're actually getting an extremely nice buffer of green space here. We are putting a dog park there. We're putting pickleball courts here, but it'll be very green. We'll have another picnic area up in this area, and other amenities along it. In between them we're putting in these paseos where you see that they're green. And again this is conceptual, the site plan is still in modification stage, but it'll in the end still look very similar to this. So this is a real good thing coming your way.

Gordon: Excuse me. Before you leave that site.

Clement: Yes.

Gordon: Just go back one screen. What are all these little yellow things down on the bottom? They garages?

Clement: Those?

Gordon: Yes.

Clement: Houses.

Gordon: Those are houses.

Clement: Yes.

Gordon: Okay. Thank you.

Clement: I know it's pretty hard to tell. So yes, so what we have here, these are single detached homes, and those little brown things you see

there is where you literally get the park there. Now some have garages, some do not, these ones right here do not, but will have detached garage units nearby if they choose to rent one they can. Some of the units, which would be these ones here, these are basically two story twin homes. They will have at least one garage or a garage and a half, plus there will be parking in between them so be very convenient. These ones along here, literally are two bedroom, two bath little homes. In the next slide you'll see what they're going to look like. Does that answer your question?

Gordon: Yes.

Clement: Thank you. So if I might also mention, I had referred earlier that there will be another passage of access. Right now as you see here, this is our primary access. The community will be gated. There'll be an access here. It will align with what fire is expecting. Now, what'll also happen here, we have Monte Sol, as you saw earlier that kind of continues on. Right now there's a fence there kind of dead ends sort of. And there's a dirt path that kind of continues along here. As proposed, we're not intending to continue that on through by the way to Bataan Memorial. And actually it will become a secondary access, so those coming off of Sonoma can literally come right over, come in and out, but it'll be gated. So it'll be an in and out and help circulate in the project. So there'll be multiple points of ingress and egress.

So this will give you some idea of elevations that are coming. Here you see the clubhouse. And then this shows you what a little two bedroom, two bath detached home looks like. So that little patch of those little colored ones along the long way, this is what they are, a lot of these little homes. They literally are. And then here is a design element for the twin home. As you can see there are two bedrooms and three bedrooms. And then also

what we have here are the one bedroom, one bath single story and it'll be functioning as a twin home. Some of the elements again are listened here that we'll be bringing. And we can talk more about this as we move along. Secured gated entrance, clubhouse, fitness center, pool of course, pickleball courts, walking areas, ramadas, barbecues. It'll be bicycle friendly. That is important to us. The dog park. I cannot tell you again how important this is. I mean Las Cruces loves its pets. That's become very clear to us. In terms of the homes themselves, they're going to be smart homes. So you're going to have the technology. You'll have an app for those that choose to use. It'll allow them to access the project through the gate. They'll be able to control, they'll be able to use their doorbell. They will have control of the thermostat and other elements of the project. The other thing I might mention is Amazon, we'll have drop box there and it'll be app controlled. So literally you get a delivery and you'll get a prompt on your app that you can go pick up at your mailbox.

Again one thing, and I don't have a floor plan to show you, but with the pandemic there has been a change, a massive change, and this is not new news to any of us, where people are now traveling all over, you don't necessarily for a lot of occupations have to stay locally. Consequently, and people are choosing to work at home. We're putting work at home elements. So basically it's a little office in our homes. For those that choose not to do that, it'll be very accommodating if you might well to a (*inaudible*) room with a door, you can put your pet in, they have their own bedroom if you will, or an exercise area. So it's really a nice little amenity that's coming.

As far as the ceiling heights, they're 10 feet ground floor, nine foot in our two story, twins will be nine, so there's a lot of height and they feel very spacious. It is a very important element that we have found in Phoenix. And of

course, we will be charging, these will be adaptable to charging units for electric cars, because as we know that is the thing on the horizon.

So if I can show you some elevations here very quickly, perspectives if you will. These are just renderings. I wish to say that they were already built because they would be already occupied. I really believe it's going to happen that quickly. But this will give you an idea. This will look, when you get the clusters together, this is what the access will look like to the various homes. You can see some of the design elements and how the parking will be. This was a view from the dog park area looking towards the homes and such. Here you can see what the twin homes, the two stories will have, will look like. And here's one of the little paseos in between them, it runs the length of the project, which will be a nice place for kids to play or for the pet to run or for just even a nice walk. It will create a sense of openness in the project.

In terms of points of view, I wanted to let you know that there is a great deal of separation that's going on. In this particular line of sight illustration here, this would be a neighboring home on the neighboring project, and this would be the closest wall of a unit that we will be building in this community. And the location is happening right here on the site plan is where you see this, so if there's a home right there, if you follow my cursor, and you're looking over the fence, we're looking at roughly 44 feet. So there's a great separation there. We even have a larger separation planned at this point between the Tayvis Estates community and the nearest home. They were going to be up in this area. This is where the clubhouse if you will, right there, and if you see looking like that, this would be the Tayvis community over here, their walkway, and this would be the closest home, of this one, we're showing it with a two story unit. That

separation is approximately 200 feet. You're not going to find that in any other subdivision of a (*inaudible*). So we're being very sensitive to the neighbors and bringing them something that they can enjoy, that fits, it's accommodating. fits into the nature of character of the community. Granted with a C-2 that's already there, could do so many different things. But that's not the direction we're going. So I believe that's it. I don't know if you have any questions, but I would be happy to answer them if so at this point.

Gordon: All right, is there anybody from the Commission who would like to ask a question? All right. Seeing none. Is there anybody from the public who'd like to speak? Just simply raise your hand so I know how many. One, two, three. All right. So we'll go back to, the lady in the, you were first. You put your hand up. Yes. You can come forward, please. Will you please state your name and then let me swear you in.

Reese: My name is Carolyn Reese.

Gordon: Thank you. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Reese: I do.

Gordon: Go ahead. Thank you.

Reese: I don't know how appropriate this is but I have a few questions. If I understood his description, the light yellow is single story homes. Is that correct?

Gordon: I think the representative of this project should come forward and answer some of these questions.

Reese: So yes, the light yellow on the outskirts is single story homes.

Clement: So these are all single stories here.

Reese: And then the inners...

Clement: Those are single stories and these right here will be the two stories, the twin homes.

Reese: So this is two story.

Clement: That's two stories. That's single ...

Reese: What is to the right of that?

Clement: This right here?

Reese: To the right of that.

Clement: Right over here.

Reese: Yes.

Clement: Okay, we're going to have these homes right here. They're still single story twin, one bedroom homes.

Reese: And that's the same on the northern part as well.

Clement: That is correct. So only these ones right here in the center corridors.

Reese: Okay.

Clement: Are two story twin homes.

Reese: I got it. So if you go by the zoning they can build a maximum of 660 dwellings on the rezone that they're asking for. I understand that this is their proposal, but this is not guaranteed. But let's just go with their proposal. 210 rental units. That's 210 cars. That's going to go through the Monet Sombra subdivision if the people are coming from Las Cruces. So there's two streets, Monte Sombra and then the one they're talking about extending and I don't know the name of it.

Currently, I live in that subdivision. I've had people pass me on Monte Sombra on that street going home from work. Since they built the houses on the northeast of that subdivision, we have more traffic going through on Monte Sombra. I wonder if there could be a traffic study done maybe to determine the amount of traffic before we agree to building 202 more homes. I'm sorry, I'm very nervous. 202 more homes with 202 more cars to go through that subdivision.

They talk about extra access but McGuffey is a two way street. Bataan is one way. So the traffic will have to either come off of Sonoma or go down to the Monte Vista, Mesa Grande exit, come back up the frontage road and then go on to McGuffey. If we already have extra traffic going through because of the northeast subdivisions that have been built, northeast of us, we're definitely going to have people coming through off of Sonoma. In fact, he even said that that was one of the main access points. So I guess my objection really centers around access and the increased traffic. I am of the understanding that some of the other housing, the people that live on Monte Sombra have asked the City for speed bumps to slow the traffic down. I've seen those signs that show you how fast you're going being placed there periodically. So we already know traffic is an issue. So I would like the council please consider the traffic issue associated with this plan.

Gordon: All right. Thank you. Thank you. Those are all very good concerns, and I understand what you, how you feel. But those items that you're talking about, right now we're just going to be talking and either approve or not approve the zone change.

Reese: Right.

Gordon: But if it is approved or not approved, I will discuss that later, you will have the opportunity

if this project goes through to come back and discuss these items that you have talked about.

Reese: Okay. So if I understand it, if you approve the zoning change, you're approving up to 600. Right.

Gordon: No we're not. All we're doing is approving a zone change. The applicant will have to come back to the Commission with a design as to what he's going to put in here and the Commission will then have the ability to approve or not approve.

Reese: Okay, but the allowance of the zone change is for up to 600. Right

Gordon: No. We're just changing the zone. That's all they're doing. They're not, we're not telling you how many units we're going to put in there.

Reese: No, but the zone allows for that possibility, the zone change.

Gordon: Mr. Banegas. Behind you.

Banegas: Mr. Chairman, Commissioners. The zoning of the C-2 piece at present allows up to 40 dwelling units per acre. And the R-2 allows up to 15 dwelling units per acre. I could do the math.

Reese: Do the math.

Banegas: Okay.

Reese: So it's actually 660. That would be possible if the zone change.

Baum: Could you speak into the microphone?

Reese: I'm sorry. It's actual 660 that would be possible should the zoning change go through. So this isn't guaranteed from what I understand. So the zone change would allow for the option or

the possibility of that many units. That's my objection.

Gordon: Mr. Banegas. Is she correct? Just to answer her question.

Banegas: Yes, Mr. Chairman. Let me just check on the acreage here. Let me do my math. Hold on.

Reese: See I rounded it down.

Banegas: Yes, so that's 584 dwelling units for the C-2 portion at present. And 15 times, yes and 60 for the R-2 piece.

Reese: So we're talking about 600.

Banegas: Yes, about that.

Gordon: Thank you. Does that answer your question then? That confirms what you're thinking?

Reese: It confirms what I'm thinking, so.

Gordon: Okay.

Reese: I just want to make sure that my understanding is that if you approve this that could happen.

Gordon: I would say yes. Katherine.

H-Rogers: Mr. Chair. I would like to point out under the current zoning, those numbers are identical. Am I looking at, and Vince, yes you're correct. So regardless, if you approve the zoning change or not, they can still develop at that density. It's not changing that.

Gordon: And that, isn't that what I just said? I said yes. Okay.

Banegas: Yes, Mr. Chairman. The C-2, whether it stays C-2 or C-3, the numbers of housing units remains the same.

Gordon: Okay. But we are going for a zone change.

Banegas: That's correct. Zone change only. And to clarify a point that you raised assuming that they are not going to be requesting any variance or anything that would otherwise require any special consideration, they would go right to permit if they receive zone change approval at the Council level.

Gordon: All right. Thank you. Is there someone else in the back who wished to speak? Would you come forward, please? Will you please state your name and let me swear you in?

Tomczak: My name is Ann Tomczak. I'm a resident of Tayvis Estates.

Gordon: All right. Do swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Tomczak: I do.

Gordon: All right. Go ahead. Thank you.

Tomczak: I actually had a question for the gentleman. When you showed the screen there.

Gordon: You're going to have to speak into the microphone because she's taking, this is for the record.

Tomczak: This site two for Tayvis Estates.

Clement: Tell me when to stop.

Tomczak: Sorry.

Clement: I'm back ...

Tomczak: You showed the houses.

Clement: You want me to show the houses? Oh, the slide of view.

Tomczak: The site number two, yes.

Clement: This one?

Tomczak: That on, yes. I purchased.

Baum: I really need you to speak into the microphone.

Tomczak: I'm sorry.

Baum: Thank you.

Tomczak: I apologize. I purchased a lot there about four years ago. And I'm in love with the Organ Mountains. I come from the East Coast. And it's a beautiful City. I love it here. What I'd like to know is because I bought a premium lot, will my view be obstructed? Will there be an obstruction from me seeing the lovely Organ Mountains?

Clement: You will still, excuse me, yes, you will still be able to see you lovely Organ Mountains. Now you may see other improvements as you're looking into your lovely mountains. But no, you will still be able to see them. These are two story, they're not three. They could be massive, but they're not.

Tomczak: Okay. And one last question. I was hoping to find out what the timeline if - I'm jumping ahead, I apologize. From the time that the company gets the approval to start building, what, how long of a timeline between, with all the phases? Phase one, two, and three?

Clement: That's an excellent question. It will take us approximately six to nine months to do site work. And then, Kent shout out, how long do you think it's going to take to build these 210 units? And then I'll repeat your answer. It depends. That's a good answer. Let me tell you what happens in Phoenix. If we were doing this in Phoenix, you would be looking from start to finish about three years. So in reality, if he's really as good as he keeps telling

me he is in building it, maybe a little faster, but we'll just give him the benefit case

Tomczak: Thank you so much..

Gordon: Okay. Was there a gentleman in the back who wished to speak? All right, would you please come forward? Will you please state your name and let me swear you in?

Connor: Kevin Connor.

Gordon: Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under the penalty of law?

Connor: I do.

Gordon: Go ahead. Thank you.

Connor: I guess this might not be the right time. Because again it's, this is just a zoning change. But when you get into approving the design and the layout of this, is there going to be another meeting or how does this work?

Gordon: Yes, tonight we're just going to either approve or not approve the zoning change.

Connor: Okay.

Gordon: It will then have to go to City Council.

Connor: Okay.

Gordon: If, depends on how the vote goes here and there.

Connor: Okay.

Gordon: If it is eventually approved, then they'll have to come back with all this other information that you people are ...

Connor: Okay.

Gordon: About the site plan.

Connor: Yes.

Gordon: All right Vince I'm sorry.

Connor: Sure, go ahead.

Banegas: Mr. Chair, Commissioners. Tonight's approval is recommending approval of the zone change to City Council. Assuming City Council approves it, the applicant would go straight to permitting. So they wouldn't have to come back to this Commission for any site approvals unless there's some variances or things of that nature that need to be considered. They're not subdividing the land. They're basically developing in phases on the track that was presented.

Gordon: But if they do come back with anything, they may have to come back to Planning and Zoning.

Banegas: Yes, if there's variances to be considered, or maybe they, you know if they want to pursue some type of Planned Unit Development, site plan or something like that, but the word that I got is the next step would be permit.

Gordon: But what they're showing us is just conceptual.

Banegas: That's correct.

Gordon: All right. Is there anyone else?

Connor: I'm not finished.

Gordon: Okay. I'm sorry.

Connor: Yes, if it's conceptual, then we don't really know what's going to end up. And you're going to prove something that we don't really know what?

Gordon: We're not here tonight to approve anything of that nature. We're just here to approve or not approve the zoning change.

Connor: Okay.

Gordon: Yes sir.

Clement: Yes, I was just discussing the matter with this line of sight with my team members, and they wanted me to clarify, let me show you here right this. That this perspective, while correct may not necessarily be this point of view right here. So because it's going to vary. So let me restate that it could be up to 200 feet rather than as an absolute. And the comment was, or the question was made, will I be able to see my mountains? And I just wanted to reiterate, you will. But it doesn't matter what we put there. You're going to also see in your, anyone would see other things besides the mountains in that view. The whole goal here on our part as you can see is to make it green as lush as possible and a great amenity for all residents in the area. So thank you.

Gordon: Is there anyone else? Yes sir, come forward please. Again, please state your name and let me swear you in.

Zielie: My name is Jack Zielie.

Gordon: Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Zielie: I do.

Gordon: Thank you. Go ahead.

Zielie: I'm a resident of Tayvis Estates. And I think this proposal sounds beautiful and just wonderful. But just to me common sense it seems like you're putting the cart before the horse. Why would you approve a zoning change based on the possibility? They might,

once they get the zoning change and they can propose something totally different. Or if something C-3 there's a, from what I understand, there's a number of things that can go on a C-3 approval. So it seems like the cart is being put before the horse. You're basically approving their plan, or you're approving a zoning change based on what they might do. Seems like you would wait till they want, till they propose a development then do the zoning change. There's a ton of things you're going to put on it. This lady that was talking about the traffic, it's going to be unbelievable, the traffic that goes through their neighborhood there, especially if you're that one street, that it's not McGuffey but the other street. I mean to funnel those cars through there is just, I mean unbelievable really. So I just want to make a comment. I just think that this is way ahead of it. That should wait till this proposal for the development before you approve a zoning change. Thank you.

Gordon: All right. Thank you. Was there someone else who raised their hand? Yes sir. Okay, and please you state your name and let me swear you in

Mamerow: George Mamerow.

Gordon: Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Mamerow: Yes I do.

Gordon: Go ahead. Thank you.

Mamerow: And my questions are going to be premature because I know that this development is not necessarily what's going to be concluded after final approvals and permits are done. But I also had a real concern about the access. I know there's an access, ingress and egress on McGuffey but the other one I was not clear of in previous presentation on how that was going

to be opened up or how I was going to run. I know it was going to connect to Sonoma Ranch in some way.

But I was also wondering in looking at the pictures of the dwellings, the yellow buildings, well that one isn't up there now, but the small yellow buildings that run probably 90% of the total length of the property line there. I don't see in looking at the pictures of the dwellings, and they're lovely dwellings, but I don't see any garages on any of those. And I don't see any ability to accommodate cars being parked on the outside. Now maybe I'm misinterpreting how this is laid out. But I'm concerned that there's going to be adequate parking for all of these homes that are in here. And I don't see where it's provided for now. I know it's not Mr. Thurston's responsibility to have a final plan here. But I just wanted to mention that. And I had one other concern. And I'm afraid as this brain gets old and solidified, it doesn't function well and I can't remember what it was. So that's it.

Gordon: All right. Thank you. You have another, you'd like to add something to that?

Clement: No, I was just going to respond to a question. And by the way that was a good concern, where are they going to park and I don't see any garages. That is a characteristic of this concept. If you will go back, and if I may use Phoenix since that's where the, that is the heart of all of this. In many and say most of these projects, none of the units have garages. It's all covered, or they'll have detached, so it's optional. We're actually far exceeding that in the fact that all of these two stories will each have a garage and a garage and a half actually. Plus we're bringing in detached garages to share amongst those who don't want them. If you look at the communities here that are say multifamily oriented that have garages, not everyone gets a garage. But I'm going to tell you not everybody wants a garage.

This is a market rate project you know and it would come with an additional fee for that use. Our allowance for total garages far exceeds anything that is being offered in metro Phoenix for the same product type.

Gordon: All right. Thank you. Does anyone on the Commission have any questions or any comments? Commissioner Guerrero.

Guerrero: Yes. Thank you so much for bringing this forth. You know as discussed, there is definitely a crisis as far as rental and just housing in general. I actually live really close to this area. I live on the other side of the Monte, not Monte Sombra but across, there's a neighborhood across, called, gosh what's my neighborhood called, Sierra Norte. So I know the area really, really well because I drive there on occasion. The street Monte Sol, I mean I get it, it's a small street. I just, my only concern and I don't really think it's a concern, it's probably not something we need to bring up right now because we're just doing rezoning. But where the access point is in McGuffey, is fairly close to where Bataan Memorial sits. So I don't know if that's necessarily the best point of access. It might create some bottlenecking for sure. I mean that whole area because there's so much development being built, I mean, you have Metro Verde, and you have like Metro Park, and Metro, blah, blah, blah, whatever. Whatever they're calling them these days. There is a really, really high amount of traffic, especially in the mornings, especially you know, 5:30, six o'clock. So again I know we're not voting on this tonight. It's just something to consider for whenever you guys do your, put your plants together. That's all I had.

Gordon: Anyone else? Commissioner Kaiser.

Kaiser: Yes, some similar I guess comments after staff confirmed that this is the sort of the, well aside from City Council, this is the last stop before they move to the building permanent phase.

So I guess my question is, we've got you know some concerns about traffic, though regardless of whether or not this rezone goes through, they have the ability to build out most of these units right now. So, but that doesn't mitigate the impact that would occur. So I guess for staff, I mean what do we have? I know we just passed the Complete Streets ordinance. What sorts of improvements would this development trigger moving forward to address some of these traffic concerns, particularly on McGuffey Road? Though I do just want to say I appreciate the traffic circle inside the development.

Banegas: Mr. Chairman, Commissioner Kaiser. I was going to bring this up because it's come up regarding traffic, but one of the reviewing staff from transportation approved the zone change submittal, upon review with the following contingencies, number one was a TIA would be required prior to development. And I think that would take into consideration whatever was submitted for development, you know they would take a look at anticipated traffic and require the developer to submit a TIA to address impacts accordingly. They've also submitted some information in that traffic circle, one of the main entrances to the development that they're proposing. I know it's conceptual, but they welcomed the allowance of City transit to have a route that actually went into the development. And so much so that they asked that a 35 foot bus to make sure that that radius was adequate enough to accommodate that. So they're, at least from the perspective of potential transportation related issues and improvements, they're looking at you know transit as a means to facilitate access to the property and transportation measures to the property. But staff's also recognizing that there could be impacts and they need that study in order to determine how best to address those concerns. Staff has not seen any, this is more than I recall seeing. I think we got a cursory, very cursory review of the concept. So until we

see something more substantial, we wouldn't be able to go any further in terms of comment on that.

Kaiser: Understand. Thank you for that explanation. On that transit idea, I mean I think it's great. Is this currently on a transit line? Does the bus currently run by this?

Banegas: Mr. Chairman, Commissioner Kaiser. I believe so Transit actually did comment and provide input, they'd like to see a bus pull out alongside that main access road where the circle is, and so they're already considering that. So I would have to assume yes,

Kaiser: That's really great to hear. I guess my last comment would just be encouraging the applicant to find and leave room for other connectivity to that commercial, the remaining commercial site, the M-1/M-2, C-3, if this does get approved. I think that would also address some of the traffic concerns here. I mean, gated communities are by definition exclusionary, so you know if you don't include additional access, specifically pedestrian access, for future development there, no matter what you do, if it's a shopping center, or anything like that, you're going to be requiring all these people that live in this development to essentially get in their cars, generate additional traffic, literally to go back around their house. So I'd just considered the, or encourage the applicant to look at opportunities to do that within this concept of a gated community. But I'm encouraged to hear about the conversations ongoing about transit.

Gordon: Any further comments?

Smith: Yes. I have one comment/question. I know traffic seems to be a point of issue with the residents of Tayvis Estates. And just looking at the possibility of Monte Sol Street. I know it terminates along that Northwestern boundary. Has the developer looked very closely at that

possibility of extending through that, a roadway through that property to alleviate some of the traffic concerns? I know just in reading this that you know right now it's not anticipated, but it appears that that may be something that may have to be seriously considered if this project is going to not have a really big impact on traffic in and around this development.

Gordon: I noticed there's a gentleman here who wants to speak. Sir, I didn't see your hand before but you're welcome to come up. If you will please state your name and let me swear you in.

O'Neill: My name is Chaplain Scott O'Neill. I'm public safety chaplain. And it's just a passing comment. It's not an objection but it's a concern. That McGuffey is a pretty dangerous street where I see people that are speeding, and it's a real safety concern of mine, because I do a lot of call outs that aren't pleasant. And I'm just concerned about the traffic from a public safety concern. Because even myself and my wife, we walk along McGuffey all the time and there's a lot of foot traffic there, I don't know how that's going to be impacted. That's just a question and a concern. Thank you.

Gordon: All right. Thank you. Is there anyone else? Any further comments from the Commission? I'm sorry. Please, you have to state your name. And I have to swear you in also.

Thurston: Kent Thurston.

Gordon: All right. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Thurston: Yes. I just wanted to clarify a couple little things. So today we're just asking for the zone change from C-2 to C-3. And then also the pancake zone on the front to add the additional C-3. A lot of the discussion right now was having to do with a lot of TIA, what are we doing with some of the buildings? What's the

future development of it? I know some of the concerns were this was just a conceptual drawing right now. And what can you do in the future? What if we don't approve it? What if we do approve it, what happens?

And so say worst case scenario, you know that we don't get approved. And that's okay, I just wanted to, I would hope we would get approved, but a couple of things on C-2 that you currently can do on here. Let me see if I can, says a hospital. So any hospital that I've seen lately is fairly tall, and brings a lot of traffic. And so going from C-2 to C-3, you're still being able to put a hospital on C-3, you're still able to put a hospital in C-2. So the discussion going back and forth of how's it going to impact us, right? How's it going to impact the City going from C-2 to C-3? The zoning difference really isn't going to, in my views it's not that big of a change from C-2 to C-3, other than the ability to instead of carve it up into one acre pieces and still accomplish the same thing. It's really to be able to leave it as one block, which is easier for the City to maintain, it's easier for us to put you know one parcel in there together. So that's kind of one of the bigger reasons of going from C-2 to C-3. The ability to put high density in there is existing, right. So if we wanted to go in today and put very high density housing, other things like that, it's permissible in the way that we would do it.

Now, going through the process, we've gone through the processes of building things, you do have staff that will grill us to death. Okay, so we do have to provide TIAs, all of the questions that you've asked, your staff does ask all of those and in greater detail. So we do go through all of that. What are you going to do with the sidewalks? What are you going to do with the traffic? What are you doing with sewer? What are you doing with the drainage? What are you doing with, you know how, how are we going to help the new transit going to

come in? So all of those discussions do happen at the next step. So if it gets passed today from a C-2 to C-3, still know that it's not just like, hey the developer can now go do willy-nilly whatever he wants. We still get grilled left and right, right, we still go through the big process of having to get all of the things approved through staff. So it still happens. We still follow all the code. Other things like that have to happen.

So going from C-2 to C-3 really on the front portion helps it out, in my opinion on the City. I know the M-1/M-2 you can end up putting you know car, like auto body shops, other things like that, the open yards, there's, you can really do industrial complexes out there that's permissible by code. So you could throw the chain link fences and other things like that and just have a basically a junkyard out there on the beginning of it. So but now you don't have that much opportunity to do commercial on the front end of that. So by zoning M-1/M-2, and adding that conditional C-3 to it, it really does allow the flexibility of being able to have the possibility of maybe some restaurants, maybe some other things like that in that area that aren't so eyesores to the area.

Our intent is to come in here. So we tried to show a little bit of our intent of what we will do with it. And so with a neighborhood right behind us, and then being the owner of it, we would also try to beautify the front end of Bataan Memorial. So we wouldn't want something really ugly right there beside us anyways as well. So that's kind of one of the clarifications. Just wanted to show that C-3 is really adding the flexibility, adding the ability to make it a prettier landscape, prettier buildings, and things like that instead of the M-1/M-2 that is currently zoned that way.

And then once again, just to reiterate the C-2 to C-3, the abilities in C-2 C-3 are fairly, pretty close. If I think staff can agree to that being

the abilities of C-2 to C-3 is pretty much the same, other than we're able to do a bigger chunk of it instead of having to break it down into one acre. That's it.

Gordon: Okay, thank you. Now, is there anyone else? Sir, you'd like to come back? I'll let you speak again. But I think this should be it.

Mamerow: And the question that I forgot to ask ...

Gordon: Pease, please, please just repeat your name for.

Mamerow: George Mamerow.

Gordon: All right. You've always been sworn in. Go ahead.

Mamerow: Yes. Are the billboards that are they're coming down? I was just, okay. Because we were hopeful. I would much rather look at Mr. Thurston's property development than those billboards.

Gordon: Okay. Ma'am, do you have anything in addition or are you just going to repeat? Okay, come again. But this just a couple, just a minute and that's it. Just repeat your name for the record, and you've already been sworn in.

Reese: My name is Carolyn Reese. And if I understand it correctly, going from C-2 to C-3 means that he doesn't have to use one acre plots, he can use it as all one big chunk of property. And if you use it as one acre plots, that decreases the number of houses, traffic, and everything that's there. That's the reason for going from C-2 to C-3 is so you can get more density. And if I'm wrong, I would like to know.

Banegas: Mr. Chairman, Members of Commission. If you carve out C-2 property into one acre lots, you potentially have less density. I think the density that was shown here is already much

less than what could be, not that we're approving that. But nonetheless you do have setbacks to contend with on each one acre lot, how much that impacts overall density until we laid it out and calculated it out, we really wouldn't know. Versus an entire tract of C-3 you know you have the outermost edges to contend with in terms of setbacks, not every one acre segment thereof.

H-Rogers: Mr. Chair. If I could point out, I'm just going to add to some of what Mr. Banegas stated. Some of the things to note is C-2 properties can have zero setbacks on the sides, and can also share facilities such as access, parking, landscaping, if it works as a cohesive unit. So I did want to point that out. So Vince is right, we have no idea if there would really be a significant decrease in the ability to develop it at this density.

Gordon: All right. Thank you Katherine. All right, before we vote on this though, I would like to let everyone know that this will have to go to City Council at their next meeting I believe, or whenever they do take up this item. If we approve this tonight, the public, the residents who are here this evening will have the right to appeal that decision to City Council. You will have the right to go there. So I would suggest that if we do approve this, that you speak to Mr. Banegas or, to find out what is the procedure for doing that. And you can take it from there. And the converse also works, if we do not approve it you have the right, the developer, to go to City Council. So with that, I think that we might be ready for a vote. I know. I want to make sure nobody else has anything to say. All right I need a motion please.

Kaiser: I will motion to approve this application for a zone change per staff's recommendation.

Smith: I second

Baum: Board Member Smith.

Smith: Yes, it meets a staff recommendation and also it's in harmony with neighborhood compatibility and also the character of the neighborhood.

Baum: Board Member Kaiser.

Kaiser: Yes, based on staff recommendation and consistency with Elevate Las Cruces.

Baum: Board Member Bennett.

Bennett: Yes, based on staff recommendation, this meets Elevate Las Cruces, and the purpose and intent of the code.

Baum: Board Member Guerrero.

Guerrero: Yes, again based on staff recommendations, as well as Elevate Las Cruces and also just the need for additional housing.

Baum: Chair Gordon.

Gordon: I vote yes, based on staff recommendations, it complies with Elevate Las Cruces, our discussion this evening and my site visit.



ATTACHMENT "B"

Planning & Zoning Commission
03/22/2022
CASE 21ZO0500141: 3999 BATAAN
MEMORIAL WEST ZONE CHANGE

STAFF CONTACT:	Vincent Banegas, (575) 541-3058, vbanegas@las-cruces.org
OWNER:	Kent Thurston
REPRESENTATIVE:	Same
DISTRICT:	District #5
SITE ADDRESSES:	3999 Bataan Memorial West
EXISTING ZONING:	R-2 (Multi Dwelling Low Density), C-2 (Commercial Medium Intensity), and M-1/M-2 (Industrial Standard)
REQUEST:	A zone change request for a multi-zoned ± 28- acre parcel from R-2 (Multi-Dwelling Low Density), C-2 (Commercial Medium Intensity) and M-1/M-2 (Industrial Standard) to R-2 (Multi- Dwelling Low Density, C-3 (Commercial High Intensity) and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity).
RELATED APPLICATIONS:	N/A
STAFF RECOMMENDATION:	Approval

SUMMARY OF CASE 21ZO0500141:

A zone change request for a multi-zoned ± 28-acre parcel from R-2 (Multi-Dwelling Low Density, C-2 (Commercial Medium Intensity) and M-1/M-2 (Industrial Standard) to R-2 (Multi-Dwelling Low Density, C-3 (Commercial High Intensity) and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity). These districts are all on a single parcel of land and will ultimately follow prescribed metes and bounds descriptions as they exist today.

SUMMARY OF RECOMMENDATION:

Staff is recommending **APPROVAL** based on the findings listed below:

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- The vacant property is \pm 28 acres in size with an existing acreage and zoning distribution as follows: the R-2 portion is \pm 4.0 acres, the C-2 area \pm 14.6 acres, and the M-1/M-2 portion \pm 9.4 acres.
- 66% of the parcel largely remains intact in context to allowable land uses per zoning district designations both pre and post zone change. The R-2 district will remain unchanged.
- The zone change from C-2 to C-3 is being requested by staff to convert the non-conforming C-2 zoning district (greater than 1 acre lot size) to a conforming zone (C-3).
- The addition of the C-3 zoning designation atop existing M-1/M-2 zoning will allow greater development flexibility that may be more in keeping with existing residential development adjacent to the subject property.
- If approved, land within the R-2 and C-3 areas are proposed to be developed as a residential complex (similar to a residential neighborhood but geared toward the rental market).
- The property is within the Suburban Neighborhood place type characterized by low-to-moderate density residential land uses intermixed with areas of commercial development which is consistent with the type of development the owner has proposed.
- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and meets the purpose and intent of the 2001 Zoning Code (2001 Zoning Code, Section 38-2).

PROPOSAL AND LAND USE HISTORY

DETAILED DESCRIPTION:

The property owner seeks a zone change request for a multi-zoned \pm 28-acre parcel from R-2 (Multi-Dwelling Low Density, C-2 (Commercial Medium Intensity) and M-1/M-2 (Industrial Standard) to R-2 (Multi-Dwelling Low Density, C-3 (Commercial High Intensity) and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity). As proposed, there will be no shift in existing boundaries for the respective zoning districts present on the subject parcel.

The applicant has discussed with staff his intentions for the property. As presented, the applicant proposes to develop a residential community geared toward the renter

market. Various amenities (ball courts, community building, etc.) are proposed for inclusion in the overall development layout. Structures resembling single-family homes, duplexes, triplexes and larger multi-family units are proposed. The R-2 and proposed C-3 areas are where said development will be located. Residential densities within the development will not exceed those authorized within the respective districts. For reference, the R-2 district allows a maximum of 15 dwelling units/acre and is where smaller residential structures will be placed. The C-3 zone allows a minimum of 10 and maximum of 40 dwelling units/acre and is where larger residential structures will be placed.

For the M-1/M-2 zoned area located along Bataan Memorial West, a C-3 zoning designation will be added. This arrangement of zoning is referred to as either slash zoning or pancake zoning which, when applied, will allow land uses in either the M-1/M-2 district, or C-3 district to be established by right; excepting of course those designated as a special use or conditional use. The addition of the C-3 zoning is intended to provide greater flexibility and development opportunity than what the M-1/M-2 zoning currently provides. It is unclear if this portion of property will become part of the proposed development presented above. What is clear is that by adding the C-3 component, uses that are far more compatible with surrounding residential properties may be realized.

The applicant ultimately wishes to develop the property consistent with the designated districts. That said, please note that the request before the Commission is a zone change application and not approval for the proposed development referenced above. Also, please be advised that with little effort on the part of the applicant, the existing zoning in place today can accommodate all of what was presented to staff. Finally, please note that the change from C-2 to C-3 is a staff request to make the C-2 portion compliant with current code. The Zoning Code was amended in 2006 capping the maximum C-2 lot size at 1-acre. Unfortunately, the zoning conversion process was not set in motion for this parcel resulting in a non-conforming zoning district within the bounds of the subject property.

LAND USE HISTORY:

The subject property was annexed into the city limits through two annexations: the US Hwy 70 Annexation in 1967, and the Las Colinas Annexation in 1986. When the Las Colinas Annexation occurred, most of the subject parcel was zoned H (Holding Zone), a designation given

when property owners were not sure what designation was in their best interest. This area was later zoned in 1987 to the designations we see today. It is unclear how the southernmost portion was originally zoned so all we have reference to is what exists today, the M-1/M-2 designation.

ZONING DECISION CRITERIA AND POLICIES

<u>POLICY</u>	<u>DOES IT COMPLY?</u>
<u>Neighborhood Character and Compatibility</u>	Yes
<u>Elevate Las Cruces Comprehensive Plan</u>	Yes
<u>Thoroughfare Plan</u>	Yes
<u>Purpose and Intent of the Code: Section 38-2</u>	Yes
<u>Criteria for Decisions: Section 2-382</u>	Yes

NEIGHBORHOOD CHARACTER AND COMPATIBILITY:

The intersection of McGuffey Street and Bataan Memorial West has been zoned with a mix of residential, commercial and industrial designations for several years. In fact, one can argue that much of the development that surrounds the area has grown around this location. The subject property is in harmony with other like zoned properties in the immediate vicinity. Combined, staff feels that the zoning districts that are present can accommodate many of the residential, office, retail, and industrial needs of the larger developed area.

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

According to the Future Development Map in the Elevate Las Cruces Comprehensive Plan, the subject parcel falls within the Suburban Neighborhood Place Type. The Suburban Neighborhood Place Type is characterized as providing low-to-moderate density residential land uses intermixed with areas of commercial development. Land uses typically include single-family, multi-family, retail, office, and ancillary uses such as schools, parks and places of worship.

In that the uses allowed pursuant to the proposed zoning and those in the general area provide are congruous to the place type identified, staff feels the application is in concert with the comprehensive plan.

The following goals, policies, and actions from Elevate Las Cruces are relevant to the proposed Zone Change:

Community Environment:

- Goal CE-3: Centers and Corridors – Support community growth through concentrated development at activity centers and along key corridors.
 - Policy CE-3.2 – Allow for a mix of development type and intensity along major thoroughfares that reflects surrounding urban, suburban, and rural contexts.
- Goal CE-4: Develop mixed-use neighborhoods that incorporate a wide range of recreational, commercial, employment, and civic uses.
 - Policy CE-4.1 – Encourage a variety of housing types into new and redeveloping neighborhoods to provide options for all ages and incomes throughout the city.
 - Action CE-4.1.1 – Promote a diversity of residential building types, lot sizes, density ranges, and architectural styles in new neighborhoods.
 - Policy CE-4.2 – Incorporate employment and shopping nodes into new and redeveloping neighborhoods to provide residents with convenient access to services.

Community Prosperity

- Goal CP-2: Economic Equity – Generate employment opportunities that create economic security for all residents.
 - Policy CP-2.2 – Support efforts to connect vulnerable populations to job opportunities.
 - Action CP -2.2.2 – Identify and promote places of employment to minimize commutes and increase accessibility to other transportation modes to create a job-housing balance.
- Goal CP-4: Diversification – Seek a balance of business recruitment, retention, and expansion to diversify economic opportunities.
 - Policy CP-4. – Support efforts to be regionally and nationally competitive in regard to retaining and growing businesses, jobs, and students.
- Goal CP-9: Housing Diversity – Provide a diverse range of housing options to accommodate residents at all stages in life.
 - Policy CP-9.1 – Encourage the use of alternative housing types, styles, and living

arrangements as a means to provide additional housing opportunities.

The request to rezone the property as proposed is not out of context with Elevate Las Cruces. If you consider the proposed development, the support is even stronger. The Suburban Neighborhood place type encourages a diverse assortment of residential, office and commercial uses much of which is proposed to be facilitated through the subject proposal.

COMPLIANCE WITH THE THOROUGHFARE PLAN:

Bataan Memorial West is designated as part of Hwy 70/N. Main Streets Limited Access Thoroughfare system providing westerly access to major collectors and principal arterial roadways. Any access that may be granted from Bataan Memorial West will be reviewed and considered by the New Mexico Department of Transportation. Staff anticipates this access to be reserved for the southernmost portion of the property.

McGuffey Street, a local roadway located along the eastern boundary of property appears to be the intended means of providing primary access to the R-2 and proposed C-3 areas, if not the entire parcel. Future secondary access may be sought from Bataan Memorial West if deemed necessary by a traffic impact analysis (TIA) and/or emergency services or traffic engineering. Monte Sol Street, another local roadway, terminates along the northwestern boundary of the subject parcel. Staff does not anticipate this roadway extending through the property.

CONSISTENCY WITH PURPOSE AND INTENT OF THE ZONING ORDINANCE:

Per Section 38-2: The intent of the Zoning Code is to encourage the most appropriate use of land and to promote the health, safety, and general welfare of the community for the purpose of improving each citizen's quality of life.

The regulations relevant to the proposed zone change include:

- A. Ensure that all development is in accordance with this Code and the Elevate 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.
- J. Improve the design, quality, and character of new development.
- L. Ensure that development proposals are sensitive to the character of existing neighborhoods.
- M. Foster a more rational relationship between different land uses for the mutual benefit of all.

Review by City of Las Cruces staff determined the proposed zone change would not adversely impact the surrounding area and any expansion in uses as a result of the proposal will be in keeping with the surrounding area as per section 38-2 of the 2001 Zoning Code, as amended.

CRITERIA FOR DECISIONS:

Per Section 2-382 of the Las Cruces Municipal Code, the Planning and Zoning Commission shall determine the following:

- A. The Planning and Zoning Commission shall review the comprehensive plan, and other applicable plans and codes and determine whether the request will:
 - 1. Impair an inadequate 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.
 - 8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards, and other companion codes.
- B. The commission shall take care that the development of the city, in accordance with present and future needs, best promotes the health, safety, morals, order, convenience, prosperity, and general welfare of the people. It shall also promote efficiency and economy in the process of development.

- C. The commission shall encourage the proper use and development of land, shall seek to create and maintain an aesthetic urban setting, and protect and preserve the quality of the water, air and other environmental, natural, historical and cultural resources for the city.
- D. The commission shall use the comprehensive plan as a guide in making all future decisions concerning land use and development, and in the financing and location of capital improvements.
- E. Before taking any action concerning land use and development and financing and location of capital improvements, the commission shall review the relationship between the proposed action and the comprehensive plan.

Upon internal review, Staff did not identify any issues that would deter the Planning and Zoning Commission from making a positive recommendation to City Council regarding the zone change request. Staff also considered the Criteria for Decisions stated above during the internal review process and has deemed the zone change request appropriate for a recommendation of approval.

DEVELOPMENT STANDARDS

SITE COMPLIANCE FOR USES UNDER CURRENT ZONING:

The subject property is currently zoned R-2, C-2 and M-1/M-2. With the current R-2 and C-2 zone areas, the applicant with little effort can develop the property as the zoning code dictates. This zoning, specifically allows the applicant to develop the property in the fashion described earlier in the report. All that would be needed is the subdivision of the C-2 land into 1-acre parcels or submittal for a Non-conforming Certificate to address the C-2 lot size given the Zoning Code amendment actions taken by the city that created the non-conformity. Neither of those options are preferable hence the request for the C-3 zoning in lieu of the C-2 designation in place presently.

SITE SUITABILITY FOR USES UNDER PROPOSED ZONING:

Based on the information presented in the preceding paragraph, it is preferable to both the applicant and the City to process and consider approval for the zone change as requested. Doing so eliminates substantial hardships on both parties.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

City water, gas and sewer are currently serving the property and will not be negatively impacted by the zone change request.

STAFF AND PUBLIC COMMENTS

PUBLIC NOTIFICATION AND INPUT:

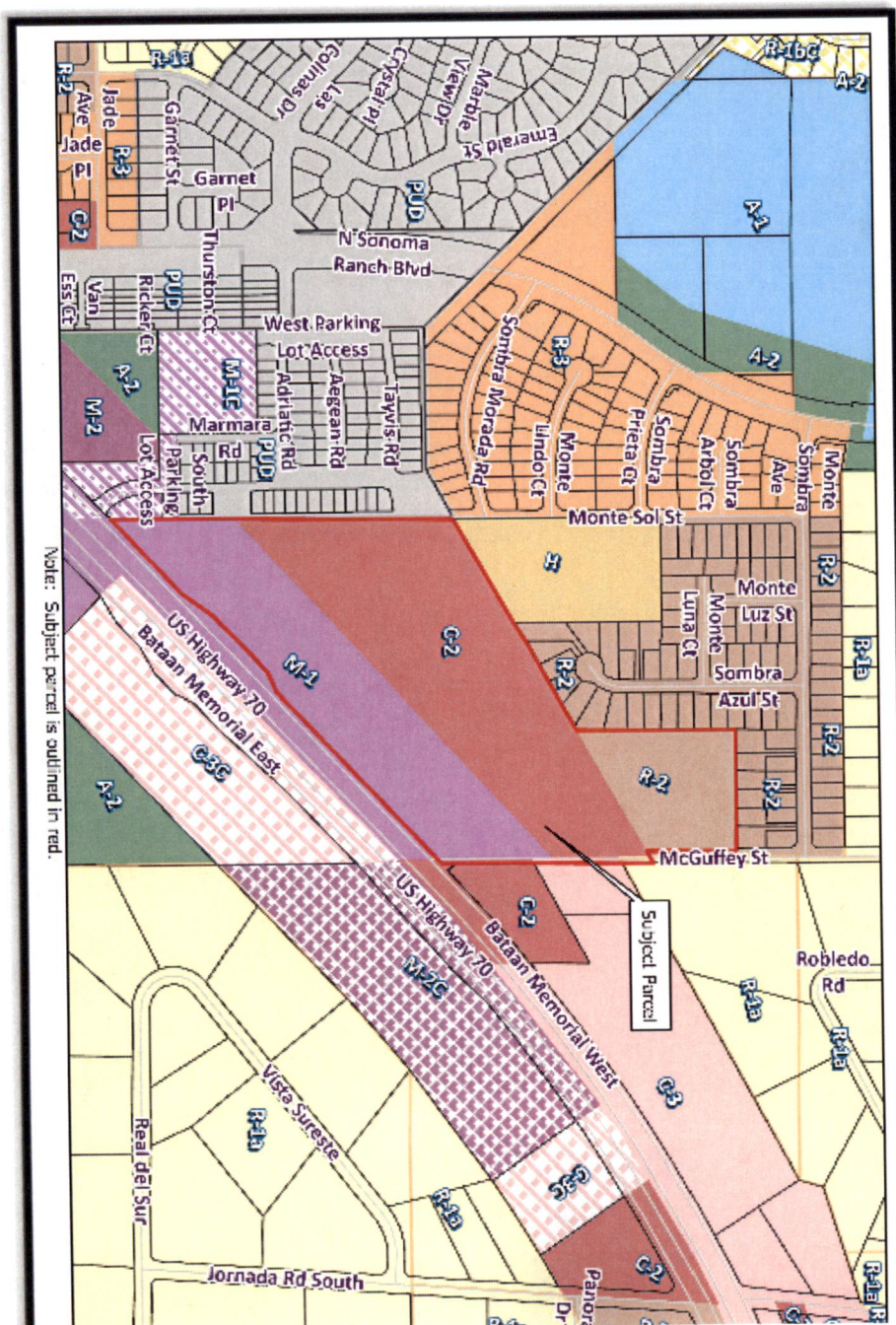
Please be advised that this case was previously intended to come forward at an earlier Planning and Zoning Commission meeting, but had to be postponed. Notification letters were mailed out at that time and again for consideration this month. Said letters were directed to property owners within 500 feet of the subject property. Staff received numerous phone calls regarding the case during the initial effort. Most were inquisitory in nature and not in opposition. With this latest notification effort, staff has not received any input as of the time this report was written.

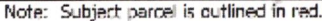
STAFF COMMENTS:

No reviewing department had any negative comments nor have any reviewing staff objected to the proposed rezoning.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Applicant Conceptual Proposal
4. Department Review Comments

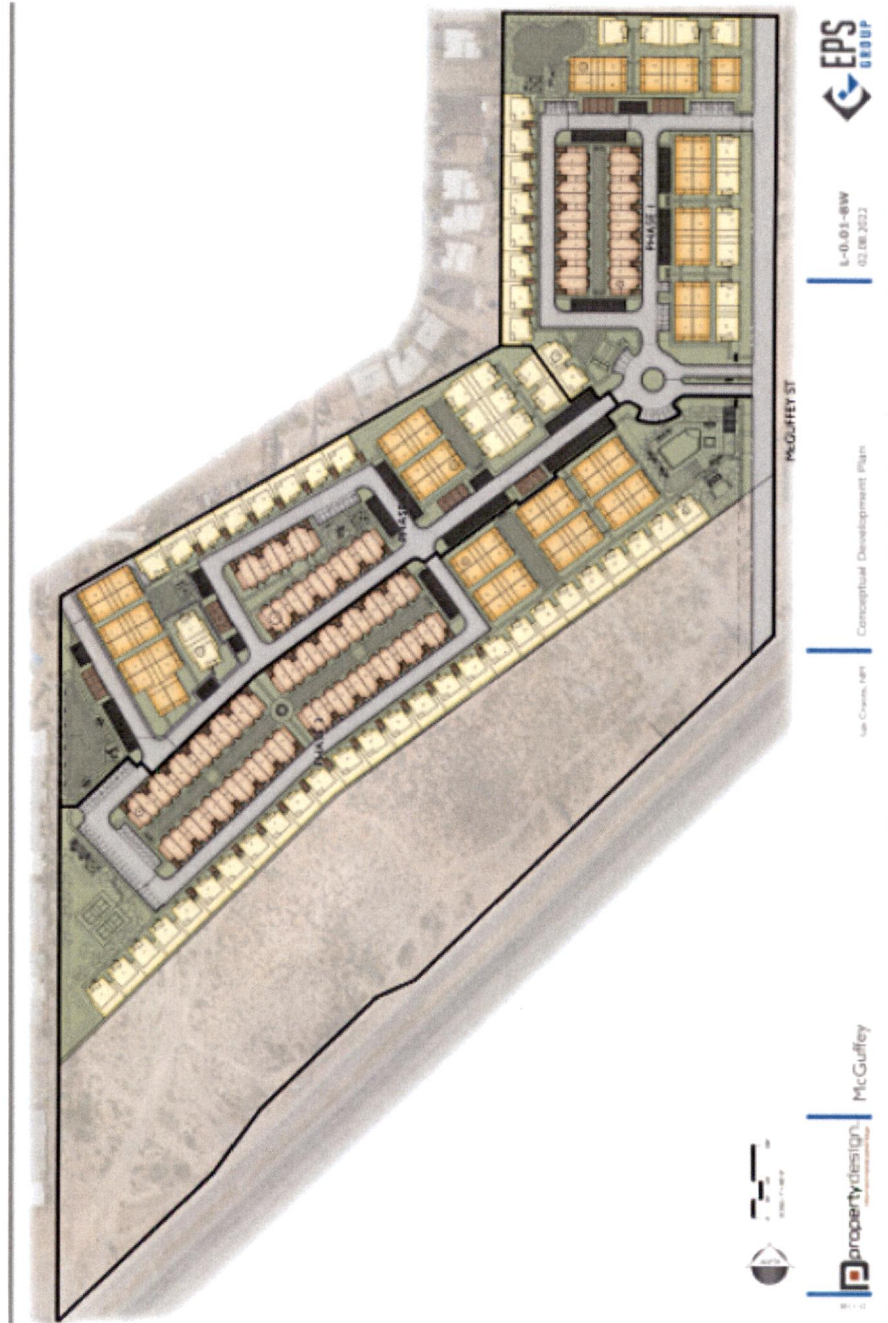




Note: Subject parcel is outlined in red.

ATTACHMENT 3

Applicant Conceptual Proposal



ATTACHMENT 4

Department Review Comments

Department: Planning

Status: APPROVED

Department: Surveying (Ad-hoc)

Status: APPROVED

Department: Transportation

Status: APPROVED W/ CONTINGENCY

1. TIA will be required prior to development
2. NMDOT will review any request for Bataan Memorial West access

Department: Engineering

Status: APPROVED

Department: Utilities

STATUS: APPROVED

Department: Fire

Status: APPROVED

Department: MPO

Status: APPROVED

**NOTICE OF
INTENT TO
ADOPT**

Christine Rivera,
CMC City Clerk

The City Council
of the City of Las
Cruces, New Mexico,
Hereby Gives Notice
of Its Intent to
Adopt the Following
Ordinance(s) at the
Regular City Council
Meeting Held on
June 21, 2022:

Council Bill No. 22-
025; Ordinance No.
3003: An Ordinance
Approving a Zone
Change from R-1A
(Single-Family Me-
dium Density) to O-2
(Office, Profession-
al-Limited Retail) on
a Property Encom-
passing 1.33+ Acres.
The Zone Change
Request Seeks to
Expand the Commer-
cial Land Use and
Bring the Property
into Compliance with
the 2011 Las Cruces
Municipal Code,
as Amended. The
Subject Property is
Located at 2225 E
Griggs Avenue.

Council Bill No. 22-
026; Ordinance No.
3004: An Ordinance
Approving a Zone
Change from A-2
(Rural Agricultural
District) to RE-C
(Single-Family Res-
idential Estate) for
Property .78 Acres
in Size Located at
4010 Senna Drive.
Submitted by James
Chantrill, Property
Owner.

Council Bill No. 22-
027; Ordinance No.
3005: An Ordinance
Approving a Zone
Change from R-2
(Multi-Dwelling
Low Density), C-2
(Commercial Medi-
um Intensity), and
M-1/M-2 (Industrial
Standard) to R-2
(Multi-Dwelling Low
Density), C-3 (Com-
mercial High Intensi-
ty), and M-1/M-2/C-3
(Industrial Standard/
Commercial High
Intensity) for Prop-
erty Located on the
Northwest Corner of
McGuffey Street and
Bataan Memorial
West. Submitted
by Kent Thurston,
Property Owner.

Copies Are Available
for Inspection During
Working Hours at
the Office of the City
Clerk. Witness My
Hand and Seal of the
City of Las Cruces on
this the 26th day of
May, 2022.

Legal Advertising Affidavit

Richard Coltharp, who being duly sworn as the publisher of the Las Cruces Bulletin, a weekly newspaper of general distribution published in the City of Las Cruces, County of Doña Ana, State of New Mexico, disposes and states that the legal advertising for

City of Las Cruces City Attorney

In the matter of:

Notice of Intent to Adopt

In accordance with the laws of the State of New Mexico, the attached was published in its entirety 1 time(s) in the Las Cruces BULLETIN, the first publication date being 06/03/2022



Richard Coltharp

Sworn to and subscribed
before me this day 06/03/2022
in the

CITY OF LAS CRUCES
COUNTY OF DOÑA ANA
STATE OF NEW MEXICO



Notary Public



OFFICIAL SEAL
TRACI L. PELAYO
NOTARY PUBLIC
STATE OF NEW MEXICO

My Commission Expires:

6-16-2025

Advertising Costs: \$76.98

Affidavit of Publication

Ad # 0005279046

This is not an invoice

CITY OF LAS CRUCES
PO BOX 20000

LAS CRUCES, NM 88004-9002

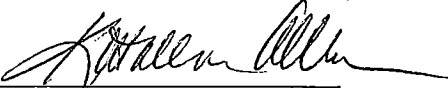
I, a legal clerk of the **Las Cruces Sun News**, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof in editions dated as follows:

06/05/2022

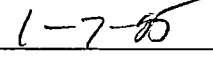
Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.


Legal Clerk

Subscribed and sworn before me this June 5, 2022:



State of WI, County of Brown
NOTARY PUBLIC


My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Ad # 0005279046
PO #: NOI to adopt/reg mtng June 21
of Affidavits 1

This is not an invoice

**NOTICE OF INTENT
TO ADOPT**

The City Council of the City of Las Cruces, New Mexico, Hereby Gives Notice of Its Intent to Adopt the Following Ordinance(s) at the Regular City Council Meeting Held on June 21, 2022:

Council Bill No. 22-025; Ordinance No. 3003: An Ordinance Approving a Zone Change from R-1A (Single-Family Medium Density) to O-2 (Office, Professional-Limited Retail) on a Property Encompassing 1.33+ Acres. The Zone Change Request Seeks to Expand the Commercial Land Use and Bring the Property into Compliance with the 2011 Las Cruces Municipal Code, as Amended. The Subject Property is Located at 2225 E Griggs Avenue.

Council Bill No. 22-026; Ordinance No. 3004: An Ordinance Approving a Zone Change from A-2 (Rural Agricultural District) to RE-C (Single-Family Residential Estate) for Property .78 Acres in Size Located at 4010 Senna Drive. Submitted by James Chantrill, Property Owner.

Council Bill No. 22-027; Ordinance No. 3005: An Ordinance Approving a Zone Change from R-2 (Multi-Dwelling Low Density), C-2 (Commercial Medium Intensity), and M-1/M-2 (Industrial Standard) to R-2 (Multi-Dwelling Low Density), C-3 (Commercial High Intensity), and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity) for Property Located on the Northwest Corner of McGuffey Street and Bataan Memorial West. Submitted by Kent Thurston, Property Owner.

Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 26th day of May, 2022.

Christine Rivera, CMC
City Clerk
#5279046, Sun News,
June 5, 2022

Affidavit of Publication

Ad # 0005311327

This is not an invoice

CITY OF LAS CRUCES
PO BOX 20000

LAS CRUCES, NM 88004-9002

I, a legal clerk of the Las Cruces Sun News, a newspaper published daily at the county of Dona Ana, state of New Mexico and of general paid circulation in said county; that the same is a duly qualified newspaper under the laws of the State wherein legal notices and advertisements may be published; that the printed notice attached hereto was published in the regular and entire edition of said newspaper and not in supplement thereof in editions dated as follows:

06/26/2022

Despondent further states this newspaper is duly qualified to publish legal notice or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Marleen Verhagen
Legal Clerk

Subscribed and sworn before me this June 26, 2022:

Kathleen Allen

State of WI, County of Brown
NOTARY PUBLIC

1-7-25
My commission expires

KATHLEEN ALLEN
Notary Public
State of Wisconsin

Ad # 0005311327

PO #: NOTICE OF ADOPTION
of Affidavits 1

This is not an invoice

NOTICE OF ADOPTION

The City Council of the City of Las Cruces, New Mexico, Hereby Gives Notice of Adoption of the Following Ordinance(s) at the Regular City Council Meeting Held on June 21, 2022:
Council Bill No. 22-025; Ordinance No. 3003: An Ordinance Approving a Zone Change from R-1A (Single-Family Medium Density) to O-2 (Office, Professional-Limited Retail) on a Property Encompassing 1.33 + Acres. The Zone Change Request Seeks to Expand the Existing Commercial Land Use and Bring the Property into Compliance with the 2001 Las Cruces Municipal Code, as Amended. The Subject Property is Located at 2225 E Griggs Avenue.
Council Bill No. 22-026; Ordinance No. 3004: An Ordinance Approving a Zone Change from A-2 (Rural Agricultural District) to RE-C (Single-Family Residential Estate) for Property .78 Acres in Size Located at 4010 Senna Drive. Submitted by James Chantrill, Property Owner.
Council Bill No. 22-027; Ordinance No. 3005: An Ordinance Approving a Zone Change from R-2 (Multi-Dwelling Low Density), C-2 (Commercial Medium Intensity), and M-1/M-2 (Industrial Standard) to R-2 (Multi-Dwelling Low Density), C-3 (Commercial High Intensity), and M-1/M-2/C-3 (Industrial Standard/Commercial High Intensity) for Property Located on the Northwest Corner of McGuffey Street and Bataan Memorial West. Submitted by Kent Thurston, Property Owner.
Copies Are Available for Inspection During Working Hours at the Office of the City Clerk. Witness My Hand and Seal of the City of Las Cruces on this the 22nd day of June, 2022

Christine Rivera, CM
City Clerk

#5311327, SUN NEWS, June 26, 2022