

**3065; Council  
Bill 24-023**

# City Council Action and Executive Summary

**Type of Action:**

- Resolution
- Ordinance
- TIDD Resolution

<b>District:</b>	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 4	<input type="checkbox"/> 5	<input type="checkbox"/> 6	<input type="checkbox"/> N/A
<b>1st Reading:</b>	March 18, 2024			<b>Adopted:</b>	April 15, 2024		
<b>Drafter:</b>	Adam Ochoa			<b>Department:</b>	Community Development		
<b>Program:</b>	Community Planning			<b>Line of Business:</b>	Community Planning		
<b>Title:</b>	<b>AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4C (MULTI-DWELLING HIGH DENSITY &amp; LIMITED RETAIL AND OFFICE-CONDITIONAL) TO R-4 (MULTI-DWELLING HIGH DENSITY LIMITED RETAIL AND OFFICE) FOR PROPERTY ENCOMPASSING 2.908 + ACRES AND LOCATED AT 712 AND 722 HENDEE PLACE AND 725 BASHA ARCH. SUBMITTED BY M&amp;M BUILDING SOLUTIONS, REPRESENTATIVE. (23ZO0500143).</b>						

**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 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-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for property approximately 2.908 acres in size and located at 712 and 722 Hendee Place and 725 Basha Arch. The purpose for the proposed zone change is to remove the condition that limited buildings to one story in the R-4 zoning district.

The applicant is seeking to develop three vacant parcels with multi-family dwelling units. The property is zoned R-4C (Multi-Dwelling High Density-Limited Retail and Office-Conditional). The condition limits the construction of the multi-family units to one story. The proposed zone change request will allow for the applicant to build multiple-stories and allowing for additional multi-family units, while meeting the rest of the site design elements required by the Las Cruces Municipal Code. The applicant has provided notification to the new property owners adjacent to the property requesting the zone change via covenants of their intention to remove the condition to allow for more than one-story development on the multi-family properties. The properties are located along Stern Drive, Basha Arch and Hendee Place in an area of the City of Las Cruces where a variety of residential uses exist. Given the mixture of residential uses and building heights in the area, the applicant/property owner anticipates no adverse impact to the surrounding neighborhood in terms of character and compatibility.

The property is located on a suburban neighborhood place type area as shown on the Future Development Map in the Elevate Las Cruces Comprehensive Plan. Suburban neighborhoods are intended to provide for low-

to-moderate density residential land uses including multi-family dwellings intermixed with areas of commercial development. Predominant land uses include single-family and multi-family development, retail and office uses, and other ancillary institutional and public uses such as schools, parks, and places of worship. Following the description of the suburban place type and the related land use goals and policies, the proposed zone change is supported by the Elevate Las Cruces Comprehensive Plan.

On January 23, 2024, the case was heard by the Planning and Zoning Commission at their regular meeting. The zone change request had no opposition during the meeting. The Planning and Zoning Commission voted 5-0-0 (one Commissioner vacancy, on Commissioner absent) to recommend approval for the proposed zone change.

**SUPPORT INFORMATION:**

[Exhibit "A" - Site Plans](#)

[Exhibit "B" - Findings](#)

[Attachment "A" - P&Z Staff Report](#)

[Attachment "B" - Minutes from the January 23, 2024 P&Z Meeting](#)

**PLAN(S):**

Other, Elevate Las Cruces

**COMMITTEE/BOARD REVIEW:**

P&Z

**DOES THIS AMEND THE BUDGET?:**

Yes

No

**BUDGET / FISCAL IMPACT:**

**BUDGETED AMOUNT:**

**AVAILABLE AMOUNT:**

**EXPENDITURE AMOUNT:**

**Funding Source(s):**

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

Yes

No

**Does this action align with Elevate Las Cruces?**

Yes

No

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the Ordinance and affirm the P&Z recommendation for approval. The subject properties located at 712 and 722 Hendee Place and 725 Basha Arch will be rezoned from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office).

2. Vote "No"; this will deny the Ordinance and will reject the recommendation made by P&Z. The current R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) zoning designation, and the condition limiting the height of structures on the subject properties will remain.

3. Vote to "Amend"; this could allow the City Council to modify the Ordinance by adding conditions as deemed appropriate.
4. Vote to "Table"; this could allow the City Council to table/postpone the Ordinance and direct staff accordingly.

**ORDINANCE 3065; COUNCIL BILL 24-023**

**AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4C (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) TO R-4 (MULTI-DWELLING HIGH DENSITY LIMITED RETAIL AND OFFICE) FOR PROPERTY ENCOMPASSING 2.908 + ACRES AND LOCATED AT 712 AND 722 HENDEE PLACE AND 725 BASHA ARCH. SUBMITTED BY M&M BUILDING SOLUTIONS, REPRESENTATIVE. (23ZO0500143).**

The City Council is informed that:

**WHEREAS**, M&M Building Solutions, representative, has submitted a request for a zone change from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office); and

**WHEREAS**, the subject properties are approximately 2.908 acres in size, and are vacant/undeveloped; and

**WHEREAS**, the proposed R-4 (Multi-Dwelling High Density & Limited Retail and Office) zone is consistent with the Suburban Neighborhood Place Type per the Elevate Las Cruces Comprehensive Plan and will provide additional housing opportunities; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on January 23, 2024, recommended that the zone change request be approved by a vote of 5-0-0 (one Commissioner vacancy and one Commissioner absent).

**NOW, THEREFORE**, Be it Ordained by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the land as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office).

**(II)**

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

**(III)**

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

**(IV)**

**THAT** all buildings be limited to 35 feet in height.

**(V)**

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

**DONE AND APPROVED** this 15 day of April 2024

APPROVED

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Mayor

ATTEST:

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City Clerk

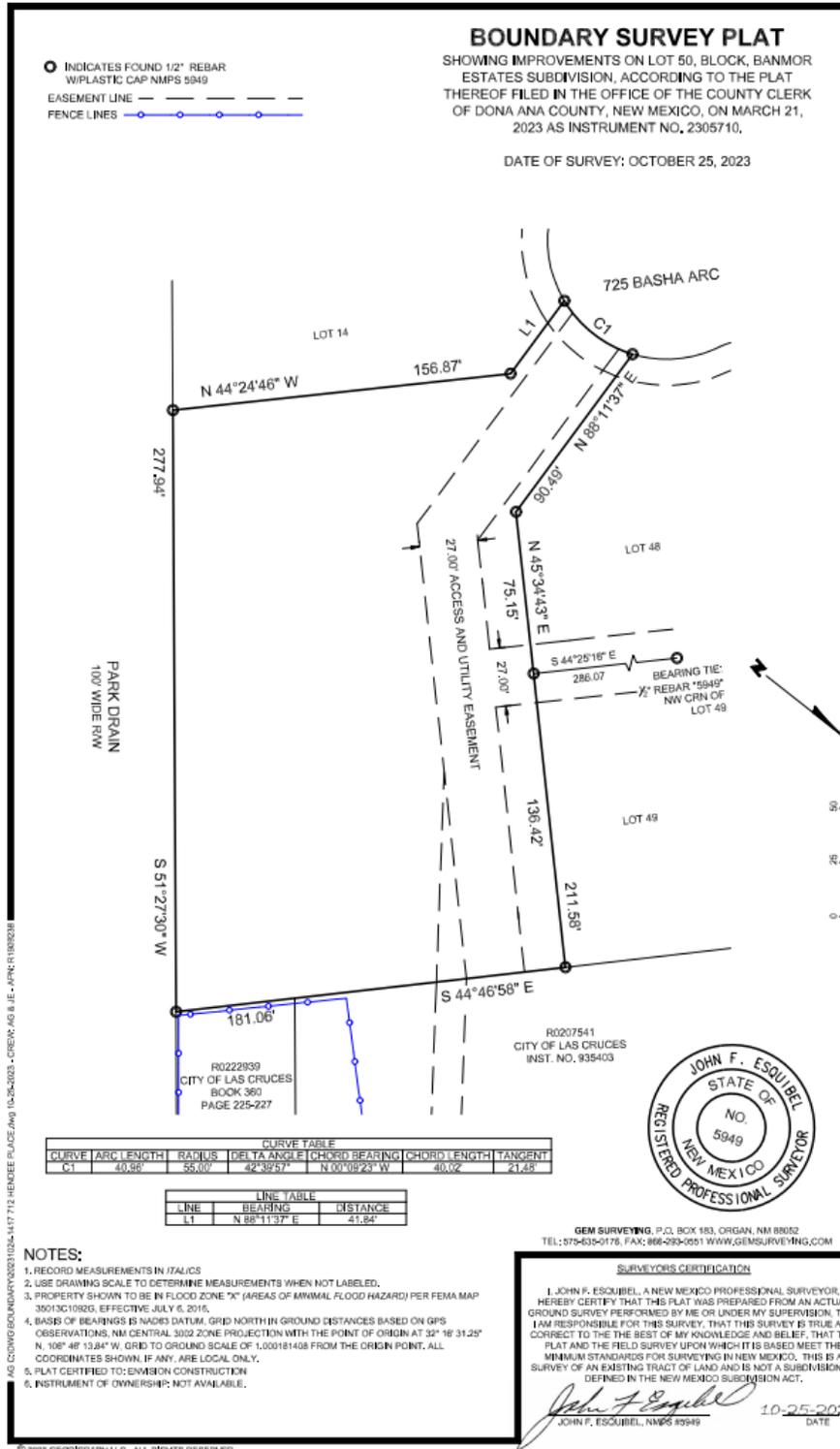
**Moved by: Becki Graham**

**Seconded by: Becky Corran**

**AYES** Johana Bencomo, Becki Graham, Becky Corran, Cassie McClure, Eric Enriquez

**NAYS** Yvonne Flores, William Mattiace

# SITE PLANS



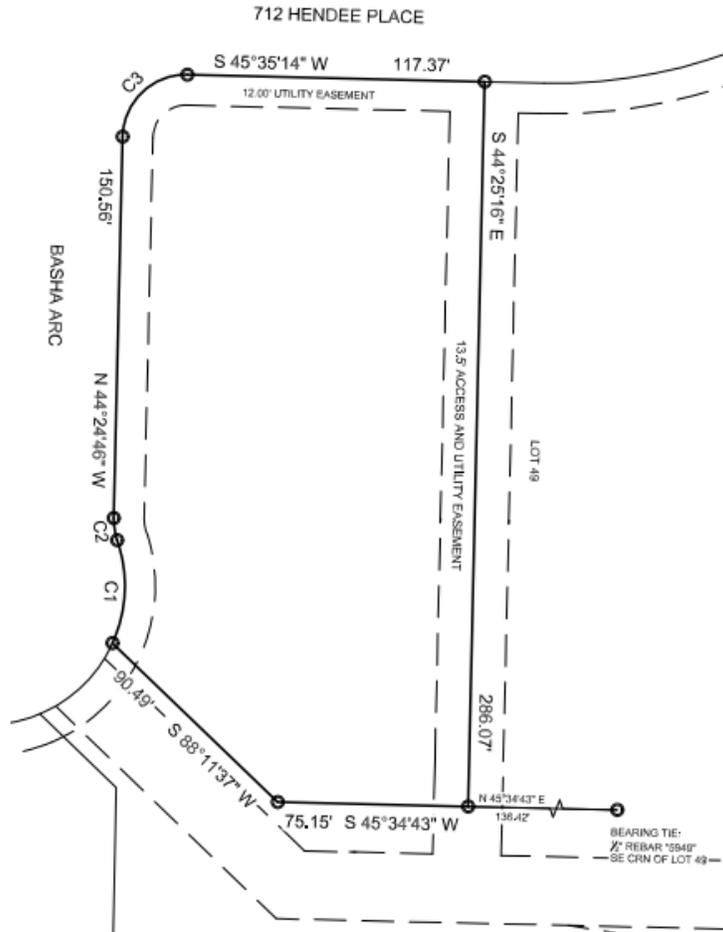
# BOUNDARY SURVEY PLAT

SHOWING IMPROVEMENTS ON LOT 48, BLOCK, BANMOR ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF DONA ANA COUNTY, NEW MEXICO, ON MARCH 21, 2023 AS INSTRUMENT NO. 2305710.

DATE OF SURVEY: OCTOBER 25, 2023

○ INDICATES FOUND 1/2" REBAR  
WIPLASTIC CAP NMP5 5949

EASEMENT LINE - - - - -



CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	41.55'	55.00'	43°17'15"	S 43°07'59" E	40.57'	21.82'
C2	8.89'	25.00'	20°21'51"	N 54°35'41" W	8.84'	4.49'
C3	38.27'	25.00'	90°00'00"	N 00°35'14" E	35.36'	25.00'



GEM SURVEYING, P.O. BOX 183, ORGAN, NM 88052  
TEL: 575-635-0178, FAX: 866-293-0551 WWW.GEMSURVEYING.COM

### SURVEYOR'S CERTIFICATION

I, JOHN F. ESQUIBEL, A NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. THIS IS A SURVEY OF AN EXISTING TRACT OF LAND AND IS NOT A SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

*John F. Esquibel*  
JOHN F. ESQUIBEL, NMB# 89949

10-25-2023  
DATE

### NOTES:

1. RECORD MEASUREMENTS IN ITALICS
2. USE DRAWING SCALE TO DETERMINE MEASUREMENTS WHEN NOT LABELED.
3. PROPERTY SHOWN TO BE IN FLOOD ZONE "X" (AREAS OF MINIMAL FLOOD HAZARD) PER FEMA MAP 35013C1092G, EFFECTIVE JULY 6, 2016.
4. BASIS OF BEARINGS IS NAD83 DATUM, GRID NORTH IN GROUND DISTANCES BASED ON GPS OBSERVATIONS, NM CENTRAL 3002 ZONE PROJECTION WITH THE POINT OF ORIGIN AT 32° 16' 31.25" N, 106° 46' 13.84" W. GRID TO GROUND SCALE OF 1.000181408 FROM THE ORIGIN POINT. ALL COORDINATES SHOWN, IF ANY, ARE LOCAL ONLY.
5. PLAT CERTIFIED TO: EMISSION CONSTRUCTION
6. INSTRUMENT OF OWNERSHIP: NOT AVAILABLE.

AS COUNTOUR BOUNDARY 20231024 1417 712 HENDEE PLACE.AJG 10-25-2023 - CREW: AG & JE - APN: R190238

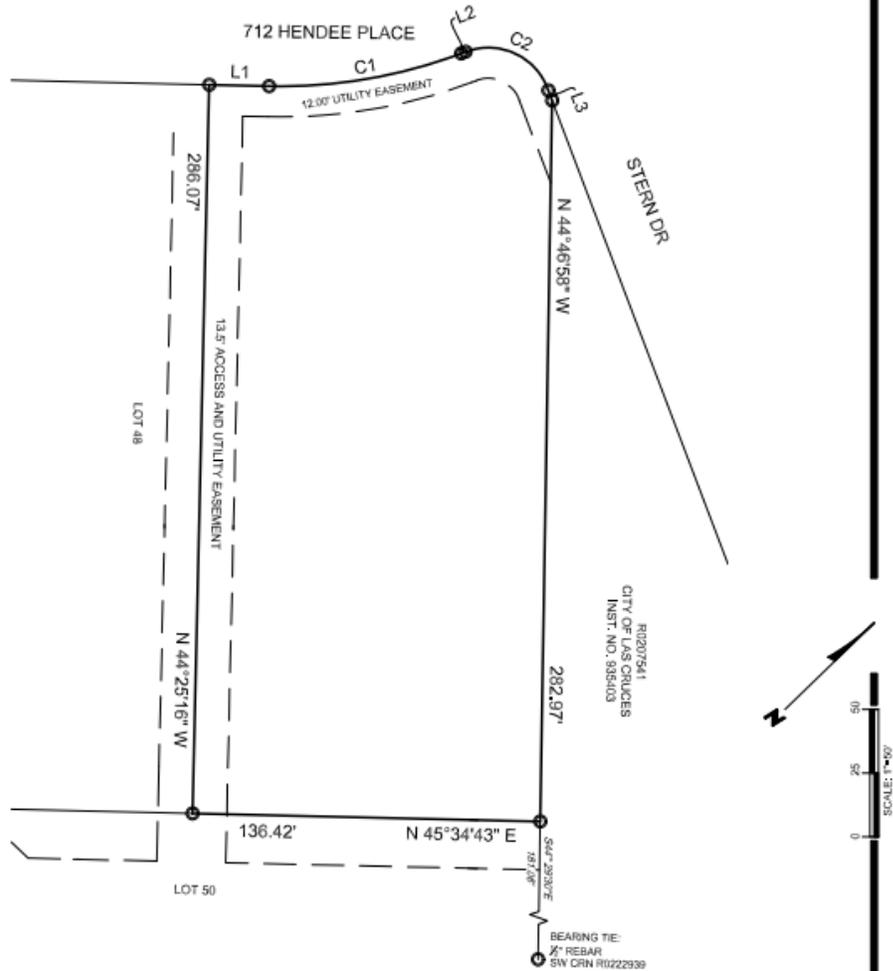
# BOUNDARY SURVEY PLAT

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DATE OF SURVEY: OCTOBER 25, 2023

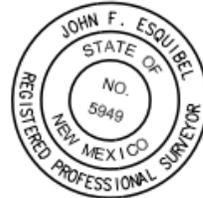
● INDICATES FOUND 1/2" REBAR W/PLASTIC CAP NMP5 5949

EASEMENT LINE - - - - -



CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	76.85'	200.00'	27°01'27"	S 34°34'31" W	76.41'	36.82'
C2	38.95'	25.00'	81°33'44"	N 69°20'39" E	35.83'	25.89'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 45°35'14" E	23.67'
L2	N 23°33'47" E	1.30'
L3	S 66°36'44" E	4.27'



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TEL: 575-635-0176, FAX: 866-293-2651 WWW.GEMSURVEYING.COM

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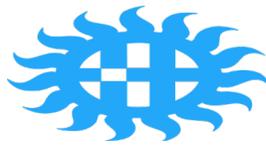
*John F. Esquibel*  
JOHN F. ESQUIBEL, NMP5 5949

10-25-2023  
DATE

AG: C:\DWG\BOUNDARY\2023\1025-1117 712 HENDEE PLACE.dwg 10-25-2023 - CREAR, AG & JE - APNR1806229

## FINDINGS

- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and the 2001 Zoning Code (2001 Zoning Code, Section 38-2).
- The zone change request will allow for the development of vacant properties in an established area of the City of Las Cruces. (2001 Zoning Code, Article 1, Section 38-2K)
- The zone change request will foster a more rational relationship between different residential land uses for the mutual benefit of all.
- The proposed development would be consistent with the residential developments of the surrounding neighborhood. (2001 Zoning Code, Article 4, Section 38-32P)
- The subject property is located on a minor arterial roadway where access to multi-family developments and zoning are encouraged.



# CITY OF LAS CRUCES

## Planning & Zoning Commission 1/23/2024 CASE 23ZO0500143: Zone Change

<b>STAFF CONTACT:</b>	Christina Abeyta-Corella, (575) 528-3063, cabeyta@las-cruces.org
<b>OWNER:</b>	Banmor Estates, LLC
<b>REPRESENTATIVE:</b>	M&M Building Solutions
<b>DISTRICT:</b>	District #4
<b>SITE ADDRESS:</b>	712 and 722 Hendee Place, and 725 Basha Arc
<b>EXISTING ZONING:</b>	R-4C (Multi-Dwelling High Density Limited Retail and Office-Conditional)
<b>REQUEST:</b>	Rezone to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
<b>CONCURRENT APPLICATIONS:</b>	N/A
<b>RECOMMENDATION:</b>	Approval

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### SUMMARY OF REQUEST CASE 23ZO0500143:

The applicant is requesting a zone change from R-4C (Multi-Dwelling High Density Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for three parcels encompassing 2.908± acres total. The request is to remove the condition that limited buildings to one story in the R-4 zoning district. The properties are located at 712 and 722 Hendee Place and 725 Basha Arc.

### SUMMARY OF RECOMMENDATION:

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

- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and the 2001 Zoning Code (2001 Zoning Code, Section 38-2).
- The zone change request will allow for the development of vacant properties in an established area of the City of Las Cruces. (2001 Zoning Code, Article 1, Section 38-2K)
- The zone change request will foster a more rational relationship between different residential land uses for the mutual benefit of all.
- The proposed development would be consistent with the residential developments of the surrounding neighborhood. (2001 Zoning Code, Article 4, Section 38-32P)
- The subject property is located on a minor arterial roadway where access to multi-family developments and zoning are encouraged.

ZONING

## **PROPOSAL AND LAND USE HISTORY**

### **DETAILED DESCRIPTION:**

The applicant is seeking to develop three vacant parcels with multi-family dwelling units. The property is zoned R-4C (Multi-Dwelling High Density-Limited Retail and Office-Conditional). The condition limits the construction of the multi-family units to one story. The proposed zone change request will allow for the applicant to build-up and allowing for additional multi-family units, while meeting the rest of the site design elements required by the Las Cruces Municipal Code.

On a separate note, the applicant provided notification to the new property owners via covenants, their intention of removing the condition to allow for more than one-story development on the multi-family properties.

### **LAND USE HISTORY:**

The subject properties are vacant and located in Banmor Subdivision recorded in 2023. When the original zone change was presented to City Council, a traffic impact analysis was completed, and showed that the traffic original requested through the R-4 zoning could be maintained on the existing streets.

## **ZONING DECISION CRITERIA AND POLICIES**

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

### **NEIGHBORHOOD CHARACTER AND COMPATIBILITY:**

The properties are located along Stern Drive, Basha Arc and Hendee Place in an area of the City of Las Cruces where a variety of residential uses are allowed. Surrounding the three parcels the properties are zoned R-1a (Single-Family Medium Density) and R-2 (Multi-Dwelling Medium Density). Across the Interstate (I-10) the zoning is M-1/M/2 (Industrial Standard).

### **COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:**

The property is located on a Suburban Place Type as shown on the Future Development Map in the Elevate Las Cruces Comprehensive Plan. Suburban neighborhoods are intended to provide for low-to-moderate density residential land uses intermixed with areas of commercial development. Predominant land uses include single-family and multi-family development, retail and office uses, and other ancillary institutional and public uses such as schools, parks, and places of worship.

1. Goal CE-1. Balanced Growth: Encourage efficient land use development patterns that accommodate projected growth in a sustainable manner.
  - a. CE-1.1: Create consistency between the Elevate Las Cruces future development program recommendations and development regulations.

- b. CE-1.1.5: Consider the appropriateness of future development proposals with place type designations and their relationship with surrounding land uses.
- 2. Goal CE-2. Areas of Special Consideration: Integrate new development into the community in a manner that complements significant built and natural features.
  - a. CE-2.1.4: Adhere to the recommended land use patterns and design guidelines contained in previously adopted neighborhood plans, corridor plans, community blueprints, and other special area plans.
  - b. CE-2.4.3: Encourage a range of housing types near the university within the city limits.
- 3. Goal CE-3. Centers and Corridors: Support growth through concentrated development at activity centers and along key corridors.
  - a. CE-3.2: Allow for a mix of development type and intensity along major thoroughfares that reflects surrounding urban, suburban, and rural contexts.
- 4. Goal CE-4. Complete Neighborhoods: Develop mixed-use neighborhoods that incorporate a wide range of recreational, commercial, employment and civic uses.
  - a. 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.
  - b. CE-4.1.1: Promote a diversity of residential building types, lot sizes, density ranges, and architectural styles in from all ages and incomes throughout the city.

**COMPLIANCE WITH MPO THOROUGHFARE PLAN:**

Stern Drive is classified as a minor arterial roadway which is 100 feet in width, improved at the time the subdivision was developed and under the jurisdiction of the New Mexico Department of Transportation (NMDOT). Stern Drive is a minor arterial roadway, and this classification is encouraged for multi-family developments. Both Hendee Place and Basha Arc are classified as a local roadway that provide additional egress/ingress to the proposed development.

**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.
- D. Encourage mixed-land uses to decrease the length of trips for work and/or shopping and encourage the consolidation of trips and alternative modes of travel;
- J. Improve the design, quality, and character of new development.
- K. Encourage development of vacant properties within established areas;
- 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.

The proposed zone change will allow development with multi-family residences. The property is undeveloped and will provide additional housing opportunities in a established area of the City of Las Cruces.

**CRITERIA FOR DECISIONS:**

- Impairment of adequate supply of light and air to adjacent property;
- Unreasonable increase in potential traffic;
- Increase the danger of fire or endanger the public safety;
- Determent of orderly and phased growth;
- Impairment of the public health, safety or general welfare of the city;
- Establishment of a spot zone; or the
- Contradiction of the purpose and intent of the zoning code, sign code, design standards and other companion codes.

Based on reviews of applicable codes and policies, City Staff did not identify any issues associated with the proposed zone change. Any additional units should not unreasonably increase traffic or endanger the public’s safety.

**DEVELOPMENT STANDARDS**

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**SITE COMPLIANCE FOR USES UNDER CURRENT ZONING:**

The subject properties are currently undeveloped. Under the current zoning, R-4C (Multi-Dwelling High Density Limited Retail and Office-Conditional), the properties do not have a density limitation; however, the condition limits the height to only single-story.

**SITE SUITABILITY FOR USES UNDER PROPOSED ZONING:**

The zone change request to remove the condition and follow the R-4 (Multi-Dwelling High Density Limited Retail and Office-Conditional) standards would allow for the proposed development to increase the number of units while meeting the required site design elements such as parking, drainage, setbacks, etc.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:**

City water, gas and sewer are available and will not be negatively impacted by the zone change request. Basha Arc and Hendee Place provide adequate paved access to the property. Development of these lots will require the installation of sidewalks for the entire length of Hendee Place, and a large portion of Basha to the east. As the properties sit, there is shared access through the three parcels for emergency services.

**STAFF AND PUBLIC COMMENTS**

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**PUBLIC NOTIFICATION AND INPUT:** Notification letters were mailed to property owners within 500 feet on January 8, 2024. As of January 16, 2024, staff has not received public input.

**STAFF COMMENTS:**

No reviewing department had any negative comments and there have been no objections to the proposed rezoning.

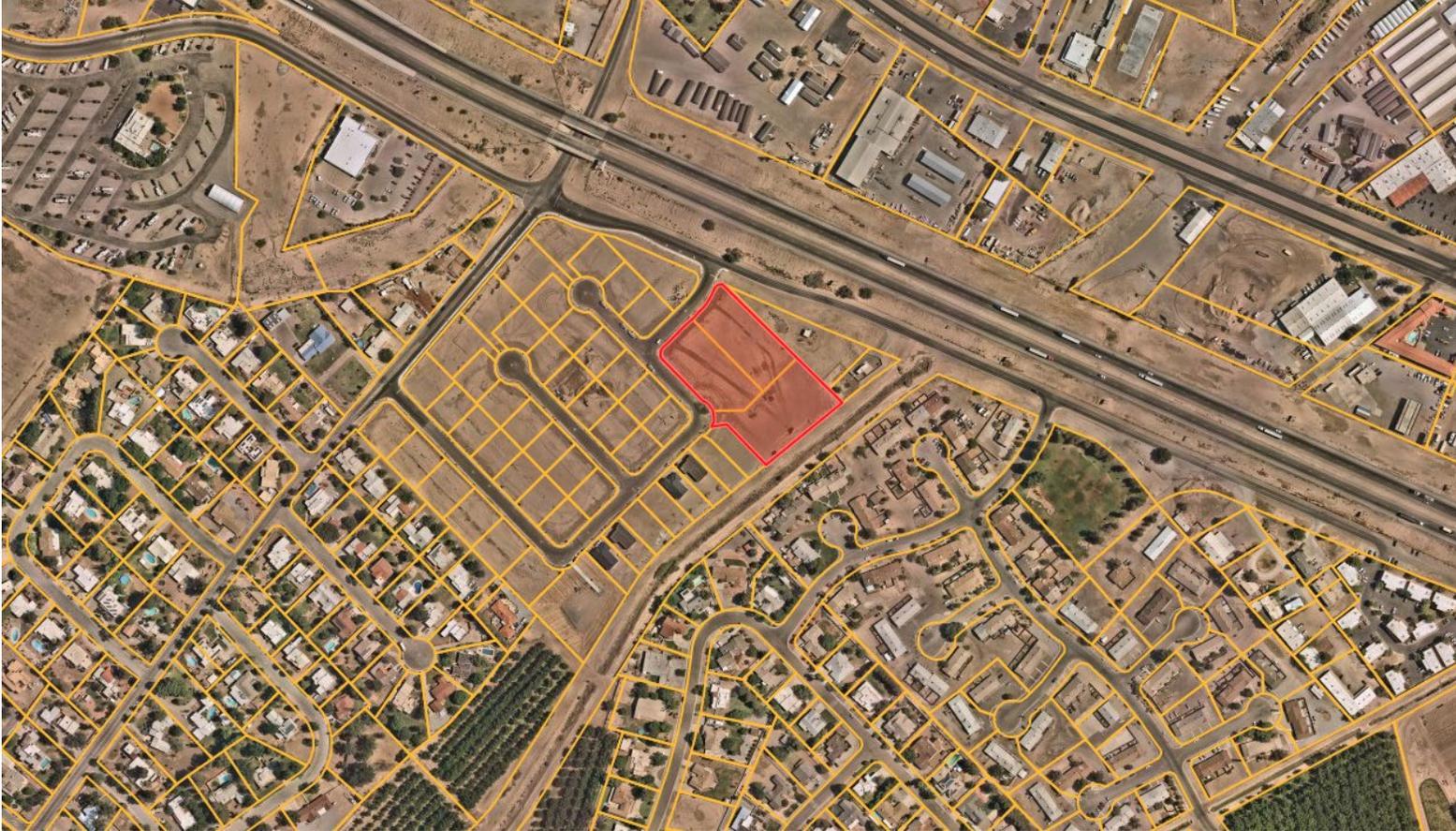
**ATTACHMENTS:**

1. Zoning Map
2. Aerial Map
3. Legal Site Plan
4. Department Review Comments



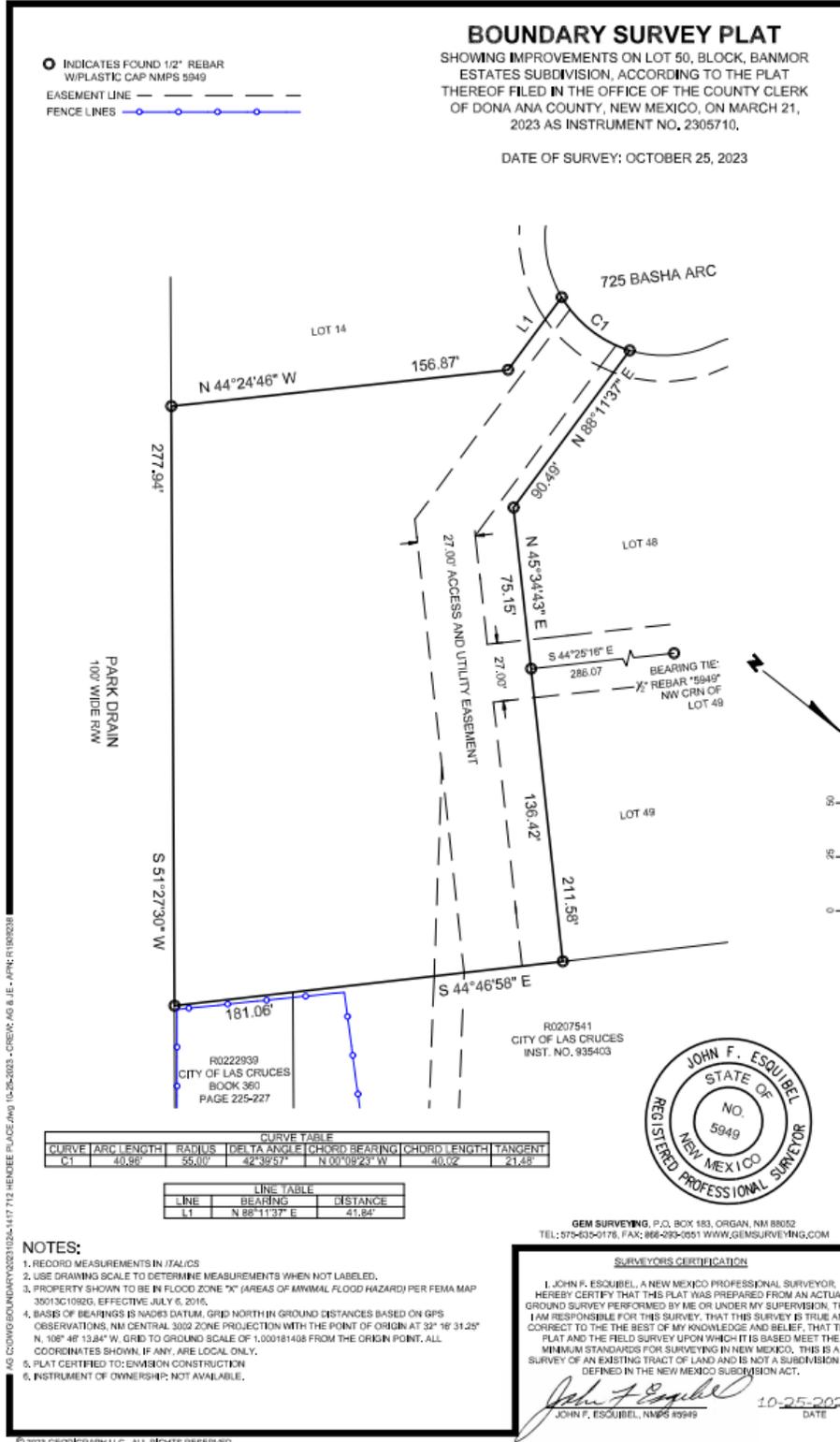
**ATTACHMENT 2**

**Aerial Map**



# ATTACHMENT 3

## Legal Site Plans



AS: C:\GEM\BOUNDARY\2023\1024\11712 HENDEE PLACE.dwg (10/25/2023) - CREATOR: JG & JE - APPR: R180228

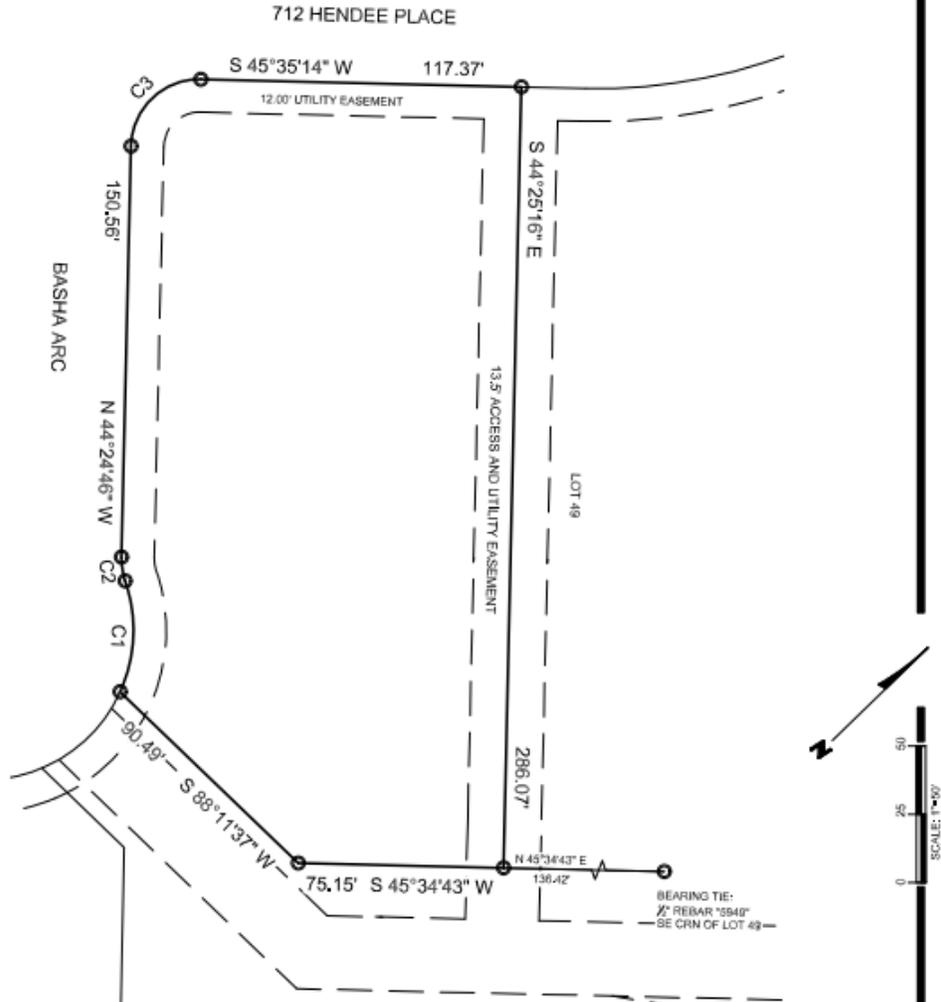
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## NOTES:

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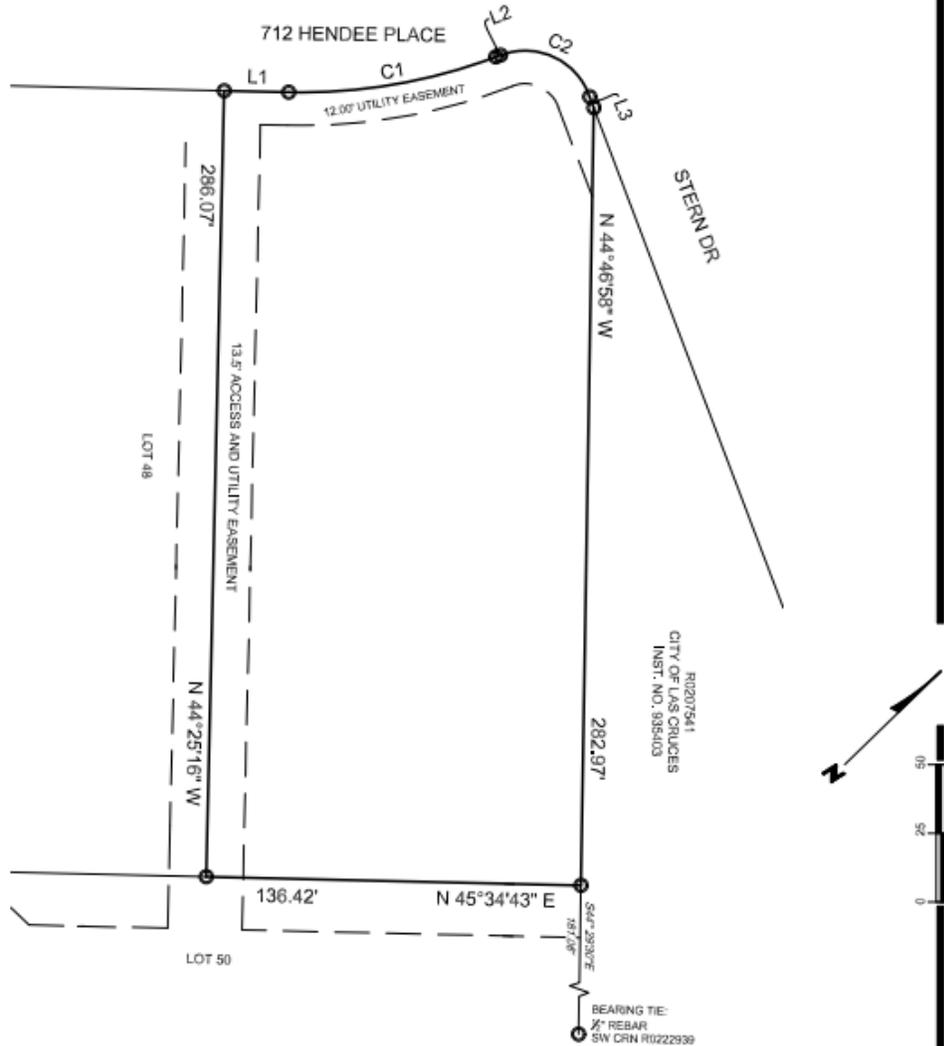
# BOUNDARY SURVEY PLAT

SHOWING IMPROVEMENTS ON LOT 49, BLOCK, BANMOR ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF FILED IN THE OFFICE OF THE COUNTY CLERK OF DONA ANA COUNTY, NEW MEXICO, ON MARCH 21, 2023 AS INSTRUMENT NO. 2305710.

DATE OF SURVEY: OCTOBER 25, 2023

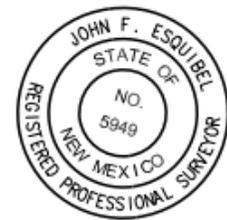
○ INDICATES FOUND 1/2" REBAR W/PLASTIC CAP NMPS 5949

EASEMENT LINE - - - - -



CURVE TABLE						
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	TANGENT
C1	76.88'	200.00'	22°01'27"	S 32°34'31" W	78.41'	38.32'
C2	39.85'	25.00'	97°33'44"	N 68°20'39" E	35.83'	25.89'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 45°35'14" E	23.47'
L2	N 23°33'47" E	1.90'
L3	S 66°36'44" E	4.27'



GEM SURVEYING, P.C., BOX 183, ORGAN, NM 88052  
TEL: 575-635-0178, FAX: 866-293-0551 WWW.GEMSURVEYING.COM

### SURVEYOR'S CERTIFICATION

I, JOHN F. ESQUIBEL, A NEW MEXICO PROFESSIONAL SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL GROUND SURVEY PERFORMED BY ME OR UNDER MY SUPERVISION. THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT AND THE FIELD SURVEY UPON WHICH IT IS BASED MEET THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO. THIS IS A SURVEY OF AN EXISTING TRACT OF LAND AND IS NOT A SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT.

*John F. Esquibel*  
JOHN F. ESQUIBEL, NMS 5949  
10-25-2023  
DATE

- NOTES:**
1. RECORD MEASUREMENTS IN *ITALICS*
  2. USE DRAWING SCALE TO DETERMINE MEASUREMENTS WHEN NOT LABELED.
  3. PROPERTY SHOWN TO BE IN FLOOD ZONE "X" (AREAS OF MINIMAL FLOOD HAZARD) PER FEMA MAP 35013C1092G, EFFECTIVE JULY 6, 2016.
  4. BASIS OF BEARINGS IS NAD83 DATUM, GRID NORTH IN GROUND DISTANCES BASED ON GPS OBSERVATIONS, NM CENTRAL 3002 ZONE PROJECTION WITH THE POINT OF ORIGIN AT 32° 16' 31.25" N, 106° 48' 13.84" W, GRID TO GROUND SCALE OF 1.000181408 FROM THE ORIGIN POINT. ALL COORDINATES SHOWN, IF ANY, ARE LOCAL ONLY.
  5. PLAT CERTIFIED TO: ENVISION CONSTRUCTION
  6. INSTRUMENT OF OWNERSHIP: NOT AVAILABLE.

# ATTACHMENT 4

## Department Review Comments

**Department: Planning**

Status: Approved

**Department: Engineering**

Status: Not required

**Department: Utilities**

Status: Approved

**Department: Fire**

Status: Approved

**Department: Parks and Recreation**

Status: Approved

**Department: Transportation**

Status: Not required

**Department: Flood Review**

Status: Not required



# CITY OF LAS CRUCES

PLANNING AND ZONING COMMISSION  
FOR THE  
CITY OF LAS CRUCES  
City Council Chambers  
January 23, 2023 at 6:00 p.m.

**BOARD MEMBERS PRESENT:**

- Scott Kaiser, Chair
- Enrico Smith, Vice-Chair
- James Bennett, Secretary
- Connor Murray, Member
- Vanessa Porter, Member

**BOARD MEMBERS ABSENT:**

- Joaquin Acosta, Member

**STAFF PRESENT:**

- David Weir, Deputy Director Community Planning
- Sara Gonzales, Senior Planner
- John Castillo, Planner
- Christina Abeyta-Coreolla, Planner
- Brad Douglas, City Attorney
- Becky Baum, Recording Secretary, RC Creations, LLC

**9. NEW BUSINESS**

**9.3 Case 23ZO0500143:** A proposed zone change request from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for three parcels encompassing 2.908 ± acres total. The request is to remove the condition that limited buildings to one story in the R-4 zoning district. The properties are located at 712 and 722 Hendee Place, and 725 Basha Arc. Submitted by M&M Building Solutions, Representative. Council District 4.

Kaiser: Moving onto 9.3. A zone change request from R-4C to R-4 at 712 and 722 Hendee Place. I'll turn it over to staff for a presentation.

Abeyta-Coreolla: Today I'm going to be presenting on a zone change request for 712, 722 Hendee, and 725 Basha Arc. Currently, the property is zoned R-4C, multifamily high density with limited retail and office space, with a condition. The property is 2.908 acres in size. It is three vacant parcels. The condition right now is the building height is limited to one story.

Here we do have the zoning map showing the three parcels. There's one here, one here, and another one down here. We have the aerial view which shows the parcels here. The applicant is looking to rezone the property from R-4C multi-dwelling high density limited retail and office conditional, to just R-4. They would like to remove the height condition of the one story so they can build up. They want to increase multifamily units. They will meet all of the site design elements. They're just asking to build up. Property owners were advised there'd be a subdivision convenience, so the people that have bought lots around or adjacent to the property were notified via the convenience that they have to sign at the time when they purchased the properties.

Here, we have three different site plans for the parcels. So there's the three that are inclusive of this zone change. There are no health, safety, or welfare issues identified by staff. The proposed zone is compatible with the surrounding neighborhood. It is a suburban place type as per Elevate Las Cruces which has emphasis on land uses which include multifamily, single-family, the retail, office uses, and other ancillary uses.

Notice was sent out to the surrounding properties and we did not receive any input, no inquiries, anything. With that staff's recommendations and findings is approval based on the findings supported by Elevate Las Cruces Comprehensive Plan and the 2001 Zoning Code. The zone change request will allow the development of vacant properties in an established area of the City of Las Cruces. The zone change will foster a more rational relationship between the different residential land uses for mutual benefit of all. The proposed development would be consistent with the residential development of the surrounding neighborhood. And the subject property is located on a minor arterial roadway where access to multifamily development and zoning are encouraged.

With that you can vote "yes" to approve, "no" to deny, "yes" to amend with conditions, or vote to table. If it is a denial, new findings or facts will have to be inclusive.

Kaiser: Thank you. Just curious how high would they be allowed to go under the R-4?

Abeyta-Corella: Sixty feet.

Kaiser: Okay. And the total dwelling unit per acre?

Gonzales: Mr. Chair. At the time that this was approved, it was more recent, it was around 2020, it follows our current standards where there is no maximum set on an R-4 property. You have a minimum of 10 dwelling units. There is no maximum. You can just, as long as you meet all site development design standards then you can build as many as you possibly can on the property.

Kaiser: Awesome. Sounds great. Commissioner Smith.

Smith: I just have one a quick question. Do you know whether the developer, their plan is to build more limited retail space or are they looking to build more residential dwellings?

Abeyta-Corella: Chair, Commissioner. They're looking to build apartments, that's going to be residential.

Smith: Okay. Thank you.

Kaiser: Any other questions? All right. Looking to the public. Anybody here wishes to speak on this item tonight, for the two people that remain?

Gonzales: One's the applicant.

Kaiser: All right. Seeing none. Looking for a motion to approve.

Bennett: I make a motion to approve 9.3.

Murray: I second.

Baum: Board Member Smith.

Smith: Yes, based on staff recommendation and the possibility of much needed housing in this area.

Baum: Board Member Murray.

Murray: Yes, based off of Elevate Las Cruces and staff recommendation.

Baum: Board Member Porter.

Porter: Yes, based on staff recommendations.

Baum: Board Member Bennett.

Bennett: Yes, based on staff recommendation and Elevate Las Cruces.

Baum: Chair Kaiser.

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

Baum: Motion passes.