CASE 21ZO0500138: SENNA DRIVE REZONING:

STAFF CONTACT: Vincent Banegas, (575) 528-3058, vbanegas@las-cruces.org

OWNER: James Chantrill

REPRESENTATIVE: Same

DISTRICT: District #2

SITE ADDRESSES: 4010 Senna Drive

EXISTING ZONING: A-2 (Rural Agricultural District)

REQUEST: Rezone from A-2 (Rural Agricultural) to RE (Residential Estate)

RELATED APPLICATIONS: N/A

STAFF RECOMMENDATION: Conditional Approval

SUMMARY OF CASE 21ZO0500138:
A request to approve the rezoning of property from A-2 (Rural Agricultural District) to RE (Residential Estate), located at 4010 Senna Drive. The property is ± .78 acres (portion presently within the city limits) and is within Council District 2. Submitted by James Chantrill, property owner.

SUMMARY OF RECOMMENDATION:
Staff is recommending CONDITIONAL APPROVAL based on the findings listed below:

- The portion of property under consideration has a non-conforming zoning designation that no longer exists in the 2001 Las Cruces Zoning Code, as amended. Prior to development, an appropriate zoning district designation needs to be established pursuant to code. The RE district designation is the most appropriate zoning district given the surrounding area.
- The subject property falls within the Suburban place type. This place type is characterized by low to moderate density residential land uses intermixed with areas of commercial development. This place type is consistent with the what the RE zone provides.
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).

- The subject property (portion) is part of a parcel that was split at the time an annexation was processed in the area. The portion in the city limits is reflected in County Assessor records as ± .78 acres. The portion outside the city limits is ±1.03 acres. A need to replat the lot along the city limit boundary is necessary to avoid development conflicts in the future.
- The surrounding area is developed as large lot single-family development consistent with the RE zoning district.

PROPOSAL AND LAND USE HISTORY

DETAILED DESCRIPTION:
The property owner, is seeking rezoning from A-2 to RE in that the present A-2 district designation is non-conforming and does not exist within the 2001 Las Cruces Zoning Code, as amended. The A-2 district existed in earlier zoning codes having been eliminated under the current 2001 zoning code regime. At the time of code adoption, a two-year grace period allowed any non-conforming zoning to remain in full force and effect until rezoning or conversion of zoning took place. Staff initiated rezoning/conversion efforts for related properties and encouraged property owners to come forward with requests of their own to bring about compliance with the 2001 district standards. Due to the sheer number of properties that needed adjustment, staff could not reach out to all applicable property owners within the time frame provided even after extending the time frame for compliance. Originally, the A-2 district was typically used to zone agricultural land. Later, it was also used as a type of holding zone when property owners were not certain as to the zoning district desired. Changing the zoning to RE will correct this zoning non-conformity.

The annexation that created the need herein stated was called the I-10 and I-25 Interchange Annexation. The annexation occurred in 1968 containing ± 920 acres.

LAND USE HISTORY:
The subject property was created as part of the Las Alturas Estates Block A Subdivision filed in 1965. Ultimately, the property was developed as single-family (portion in the county) in 1973. Based on information from the applicant, the structure has burned down.

ZONING DECISION CRITERIA AND POLICIES

<table>
<thead>
<tr>
<th>POLICY</th>
<th>DOES IT COMPLY?</th>
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<tbody>
<tr>
<td>Neighborhood Character and Compatibility</td>
<td>Yes</td>
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<tr>
<td>Elevate Las Cruces Comprehensive Plan</td>
<td>Yes</td>
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<tr>
<td>Thoroughfare Plans</td>
<td>Yes</td>
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<td>Purpose and Intent of the Code: Section 38-2</td>
<td>Yes</td>
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<td>Criteria for Decisions: Section 2-382</td>
<td>Yes</td>
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**NEIGHBORHOOD CHARACTER AND COMPATIBILITY:**
In large part, the area surrounding the subject property consists of large lot residential uses. This development pattern exists both north, south and east of the subject property. To the immediate west sits I-25 and NMSU. Zoning is consistent with much of the existing development in that many of the lots outside the city limits are zoned DL-1 (Low Density Residential). R-1aC, R-1a zoning sits to the north of the subject property and A-2, R-1a exists to the south. Given the development pattern described, there should be no impact to the surrounding neighborhood in terms of character and compatibility.

**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 area of commercial development.

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

- **Community Environment:**
  - Policy CE-3.2 – Allow for a mix of development type and intensity along major thoroughfares that reflects surrounding urban, suburban, and rural contexts.
  - Policy CE 5.1.2 – Provide gradual transitions between developments with residential lots of varying size and building heights.
    - Goal CE-4: Develop mixed-use neighborhoods that incorporate a wide range of recreational, commercial, employment, and civic uses.
      - 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-9: Housing Diversity – Provide a diverse range of housing options to accommodate residents at all stages in life.

- **Community Livability:**
  - Goal CL-2: Strengthen neighborhood condition through improvements to the built-environment.
    - Policy CL-2.2 – Encourage redevelopment of vacant properties within neighborhoods.

As the uses surrounding the subject property are congruous to the suburban comprehensive plan place type and well supported by various comprehensive goals and policies, staff feels the application is justified and should pose no conflict with the existing neighborhood.
COMPLIANCE WITH MPO THOROUGHFARE PLAN:
Senna Drive is a local roadway that the subject property fronts and is more than adequate to accommodate any proposed single family residential development that this pending rezoning action may facilitate in the future. Senna Drive intersects west of the subject property with Las Alturas Drive, a minor arterial which basically serves as a frontage road for I-25. Senna Drive has approximately 25 feet of pavement within approximately 60 feet of right-of way. There are no curb, gutter or sidewalks along the roadway.

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 the conservation of energy in the use of structures, buildings, and land.
E. Improve the design, quality, and character of new development.
F. Encourage development of vacant properties within established areas.
G. Ensure that development proposals are sensitive to the character of existing neighborhoods.
H. Conserve the value of buildings and land.

Review by City of Las Cruces staff determined the proposed zone change would not adversely impact the surrounding area. Future uses that may be authorized by the proposed district will be in keeping with the surrounding area as per section 38-2 of the 2001 Zoning Code, as amended. Additionally, the proposed action will eliminate the property’s non-conforming zoning. If the condition as stated earlier is applied, it will also rectify the issue involving a parcel that is split by the city limit line at the time of annexation.

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 conditional affirmative 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 with a recommendation of conditional approval.

**DEVELOPMENT STANDARDS**

**SITE COMPLIANCE FOR USES UNDER CURRENT ZONING:**
The subject property is currently zoned A-2. The portion of property under consideration is approximately .78 acres in size. The remainder of the lot is 1.03 acres. Combined, the acreage meets the requirements of the defunct A-2 district. If the subject parcel (portion in the city) remains as is, future development will be hampered in that the lot is split by the city limit line and the zoning is defunct. What is being requested via this proposal would be required at the time of any future development proposal. Taking care of related issues now, resolves several problematic nuances for the property owner.

**SITE SUITABILITY FOR USES UNDER PROPOSED ZONING:**
If the subject property (.78 acres portion), is rezoned and subsequently replatted pursuant to the staff requested condition, both portions will meet the lot size requirements of the RE district and the DL-1 district (portion remaining in the county). Staff feels that the change in zoning designation will in no way impact the surrounding area. Access to the property will remain as it has been for several years.

**ADEQUACY OF PUBLIC FACILITIES AND SERVICES:**
City water, gas currently serves the property and will not be negatively impacted by the zone change request and any resulting development. Septic tanks provide the means for sewer service and the resulting lot sizes (per the recommended condition) should accommodate lot size standards established by New Mexico Environment Department (NMED). Senna Drive as indicated earlier does not have the typical roadway cross-section of other local roadways in the city, but provides adequate paved access to residential lots along the roadway.
PUBLIC NOTIFICATION AND INPUT:
Notification letters were mailed to property owners within 500 feet. Staff has not received any input at 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. Department Review Comments
ATTACHMENT 1

Zoning Map

Note: Subject parcel is outlined in red.
ATTACHMENT 2
Aerial Map

Note: Subject parcel is outlined in red.
ATTACHMENT 3
Department Review Comments

Department: Planning
Status: YES W/ Contingency

Department: NMDOT
Status: NOT REQUIRED

Department: Long Range Planning
Status: YES

Department: Transportation
Status: YES

Department: Engineering
Status: YES

Department: Utility
STATUS: YES

Department: Fire
Status: YES

Department: MPO
Status: YES