



**DOÑA ANA COUNTY PLANNING AND ZONING COMMISSION**  
**Doña Ana County Government Complex • 845 N. Motel Blvd.**  
**Las Cruces, New Mexico 88007 • Office: (575) 647-7350**

**MEETING DATE:** August 23, 2018

**REQUEST:** County Initiated Zone Change from T2 to T3 for Phases III and IV of the proposed Orchard Estates Subdivision

**CASE #:** Z18-005

**PURPOSE:** Correct a zoning classification error on official Zoning Map

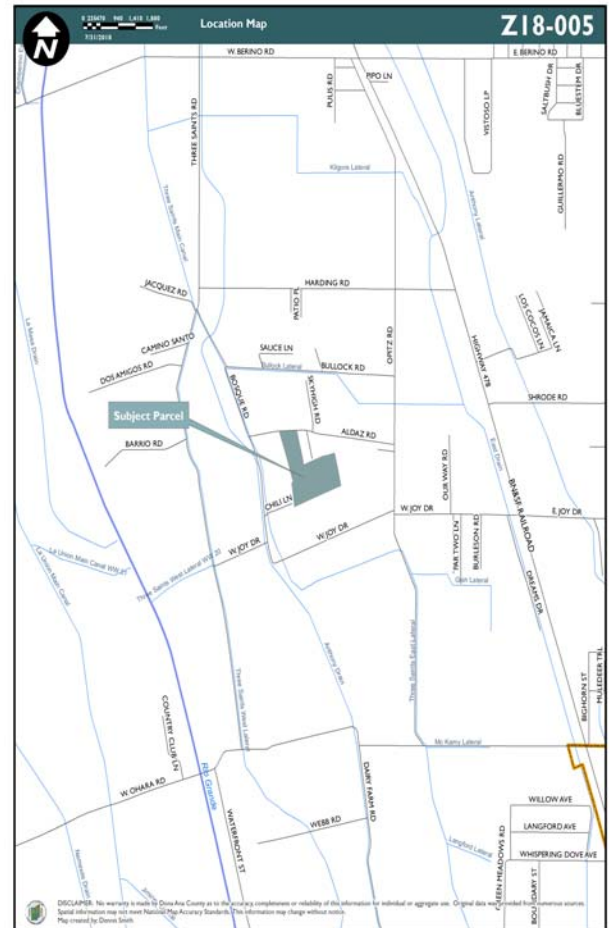
**PROPERTY OWNER:** Eugene Burkeholder dba Preferred Insurance Services, Inc., owner.

**APPLICANT:** Doña Ana County

**LOCATION:** East of the intersection of Aldaz Rd. and Bosque Rd. in the south valley.

**PROPERTY SIZE:** 6.03 acres of 32.75 acres

**PARCEL ID NO.:** R1719495



Dona Ana County is requesting a Zone Change from T2 to T3 to correct a zoning classification error on the official County Zoning Map pursuant to §350-203.E “Change-Mistake Rule” of the Doña Ana County Code Chapter 350 Unified Development Code (Ordinance No. 287-2016, as amended).

**REPORT CONTENTS:** (1) Case Analysis and Staff Recommendation (2) GIS Information & Maps (3) Supporting Documents

**SURROUNDING ZONING AND LAND USE**

<b>SITE</b>	<b>ZONING</b>	<b>LAND USE</b>
North	T2/T3	Residential, Agriculture
South	T2/T3	Residential, Agriculture
East	T2	Agriculture
West	T2/T3	Residential, site-built homes

**Existing Conditions and Zoning:**

The 32.75 acres are currently zoned T2 and are the undeveloped Phases III and IV of a five phase 40 acre subdivision known as Orchard Estates Subdivision that was approved on February 28, 2012 by the Board of County Commissioners (BOCC). Subsequently, on June 11, 2013 the BOCC approved the final plat for phases I and II that are now zoned T3. The Zone Change will affect Phase III, Lots 9, 10, 15 and 16, a total of 3.35 acres ranging in size from 0.85 acres to 0.99 acres and Phase IV, Lots 11, 12, 13 and 14, ranging in size from 0.77 acres to 2.11 acres for a total of 4.77 acres, for a total of approximately of 8.17 acres for the T3 zone. The area is being tilled and has some structures that are to be removed. The property is identified as being within Section 16, Township 26 South, Range 3 East, Property Identification Number R1719495 as recorded in the Office of the Doña Ana County Clerk under Instrument No. 0913374 filed on May 15, 2009.

**The Request:**

Doña Ana County is requesting a Zone Change from T2 (Rural) Zone, two acre minimum lot size, which consists of sparsely settled lands in open or cultivated conditions, to T3 (Neighborhood Edge) Zone, 6000 sq. ft. minimum lot size that consists of low-density single-family residential dwelling areas, with some mix of uses, home occupations and outbuildings.

**BACKGROUND**

On February 2, 2017, the Unified Development Code went into effect along with the Official Zoning Map of Doña Ana County, which included the zoning classification error and was approved by the Board of County Commissioners. During the remapping phase of the UDC, staff did not apply the appropriate T3 zone to the previously approved Orchard Estates lots that are below the 2 acre minimum lot size of the existing T2 zone. Phase I and II were zoned appropriately to T3 as all the lots are below the 2 acre minimum lot size.

**NOTICE / NOTIFICATION**

- 34 letters of notification were mailed to the property owners within the area of notice on July 30, 2018.
- Legal Ads were placed in the Las Cruces Sun-News on Friday July 27, 2018.
- Signs were posted on the property in a timely manner.
- Agenda posted on the DAC Web site.

## **PUBLIC COMMENTS**

No correspondence was received in support or opposition to the requested Zone Change.

## **APPLICABLE PLANS, POLICIES, AND CRITERIA FOR APPROVAL**

### **Chapter 350. Unified Development Code Ordinance No.287-2016**

§350-202.B General Notice Requirements

§350-203 Zone Changes

§350-203.B Public Hearing for a Zone Change

§350-203.E Change-Mistake Rule: In the event of a zoning classification error by the County on the official County Zoning Map, the County staff shall correct the error through a County-imitated Zone Change at no cost to the applicant. *This Zone Change request is the result of an error on the Official Zoning Map for the subject parcel that did not reflect the appropriate zoning classification of T3 for the proposed subdivision. This request seeks to correct that error with the appropriate zoning categories approved and incorporated into the UDC.*

§350-203.D5 Decisional Criteria: A proposed Zone Change shall be consistent with the intent of Chapter 350 and promote the health, safety, and general welfare of the residents of the County. Additional factors that the P&Z and BOCC may consider in decisions include but are not limited to:

- i. Potential number of homes; 7
- ii. Population; *Average 2.64 persons per household. Source US Census Bureau 2012-2016.*
- iii. Demographics; *The demographic composition will be similar to the surrounding community.*
- iv. Potential traffic flows and impacts; *A Traffic Impact Analysis was submitted, reviewed and accepted by the County Engineering Department.*
- v. Need for new commercial or residential activity; *No Commercial activity proposed.*
- vi. Potential water and sewer needs; *Water needs can be meet by means of wells or a water service provider, liquid waste will be serviced by an approved NMED septic tank permit.*
- vii. Existing infrastructure capacities and the ability of existing systems to accommodate new development; *Proposed Preliminary Plat for Orchard Estates provides the appropriate infrastructure such as roads and easements for utilities.*
- viii. Environmentally sensitive areas, areas of historical significance, or areas that contain endangered or rare species of animal and plant life; *The State Historic Preservation office has no concerns.*
- ix. The impact of a proposed Zone Change on surrounding properties. *The Zone Change will allow residential development similar to other residential development in the previous built up phases I and II of Orchard Estates.*
- x. Implementation of Best Management Practices for the development. *Applicant will employ any Best Management Practices identified during the Building Permit application process.*

## **STAFF ANALYSIS**

The Planning and Zoning Commission being duly appointed shall receive, hear and make final determination on this Zone Change request. The decision of the Planning and Zoning Commission can be appealed by an aggrieved party or person to the Board of County Commissioners. Pursuant to §350-203.E Change-Mistake Rule: “In the event of a zoning classification error by the County on the official County Zoning Map, the County staff shall

correct the error through a County-initiated Zone Change at no cost to the applicant.” The Zone Change request is the result of an error on the Official Zoning Map for the subject parcel that did not reflect the appropriate zoning classification of T3. This request seeks to correct that error with the appropriate zoning categories approved and incorporated into the UDC. The Zone Change will allow residential development similar to other residential development in the previously approved Preliminary Plat of the Orchard Estate Subdivision that was approved on February 28, 2012 by the BOCC. The Zone Change meets §350-203.D. Decisional Criteria and is consistent with the health, safety, and general welfare of the residents of the County.

### **STAFF RECOMMENDATION:**

Based on the request meeting the applicable sections of the Doña Ana County Code Chapter 350 Unified Development Code (Ordinance No. 287-2016, as amended), and the findings listed below. Staff recommends **Approval** of Case #Z18-005 to correct the Zoning Map for Doña Ana County.

### **STAFF FINDINGS:**

1. The property is outside of any incorporated municipal zoning authority and is within Doña Ana County.
- 2 Pursuant to §350-104.C(3) the Doña Ana County Planning & Zoning Commission has jurisdiction to review this application and make a final decision on approval, approval with conditions, or denial of Zone Change requests.
- 3 The Zone Change will allow residential development similar to the other residential development within for the previously approved Preliminary Plat concept of the Orchard Estate Subdivision that was approved on February 28, 2012 by the BOCC.
- 4 The Zone Change meets §350-203.D. Decisional Criteria and is consistent with the health, safety, and general welfare of the residents of the County.
- 5 This Zone Change request is authorized by §350-203.E Change-Mistake Rule of the UDC to correct a zoning classification error on the Official Zoning Map of Dona Ana County and all procedures for a Zone Change have been followed per §350-203 Zone Changes.



# PROPOSED ZONING MAP



# PROPERTY NOTIFICATION AERIAL



# NOTIFICATION TABLE

CODE	ACCOUNT	OWNERNAME	MAILADDR1	CITY	STA	ZIP
1	R1719495	PREFERRED INSURANCE SERVICES INC	817 W ALDAZ RD	ANTHONY	NM	88021
2	R1711536	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
3	R1711542	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
4	R1711541	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
5	R1711540	JACQUEZ PETE L & JACQUEZ CONCEP	8809 HWY 28	ANTHONY	NM	88021
6	R1711539	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
7	R1704281	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
8	R1711534	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
9	R1711535	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
10	R1711537	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
11	R1711538	JACQUES FARM LLC	8809 HWY 28	ANTHONY	NM	88021
12	R1704288	AGUILAR ALFREDO P & LISA M	PO BOX 4267	ANTHONY	NM	88021-4267
13	R1704269	HERNANDEZ GUILLERMO	4052 HWY 478	ANTHONY	NM	88021
14	R1719496	CMH HOMES INC	5000 CLAYTON RD	MARYVILLE	TN	37804
15	R1719499	BENCOMO ANA MARIA	3100 BURKETT PLACE	ANTHONY	NM	88021
16	R1718786	ALDAZ JOSE	7855 EVERETT WAY	ARVADA	CO	80005
17	R1718901	CHYLEK LILY A	PO BOX 1191	LOS ALAMOS	NM	87544
18	R1719497	GRIEGO MONICA	4164 CALLE NUESTRA	LAS CRUCES	NM	88005
19	R1719500	HOLGUIN GABRIEL	127 ALEJO LN	BERINO	NM	88024
20	R1719498	HOLGUIN YARI	128 ALEJO LANE	BERINO	NM	88024
21	R1719501	JOSE ANGEL PARRA & ELIZABETH C SC	PO BOX 1200	ANTHONY	NM	88021
22	R1719503	GABRIEL HOLGUIN & SONIA E	3000 BURKETT PL	LAS CRUCES	NM	88005
23	R1719502	JOSE ANGEL PARRA & ELIZABETH C SC	PO BOX 1200	ANTHONY	NM	88021
24	R1718900	CHYLEK PETR	PO BOX 1191	LOS ALAMOS	NM	87544
25	R1704275	STATE OF NEW MEXICO	310 OLD SANTA FE TRL	SANTA FE	NM	87501
26	R1704278	SANCHEZ JOSE H	1635 W O HARA RD	ANTHONY	NM	88021
27	R1718902	CHYLEK ROSE A	PO BOX 1191	LOS ALAMOS	NM	87544
28	R1704270	PREFERRED INSURANCE SERVICES INC	817 W ALDAZ RD	ANTHONY	NM	88021
29	R1704282	PFEIFFER NORMA	748 FRANK MAES	LAS CRUCES	NM	88005
30	R1704280	GRUBAUGH MATTHEW	PO BOX 547	ANTHONY	NM	88021
31	R1704277	ZACOUR JEANETTE ET AL	633 TURNEY	EL PASO	TX	79902
32	R1716455	CIRIZA GERARDO JR	2802 BOSQUE RD	ANTHONY	NM	880218904
33	R1713104	CHACON GLORIA G	2710 BOSQUE RD	ANTHONY	NM	88021
34		DAC ROAD DEPT.	2025 E GRIGGS	LAS CRUCES	NM	88001