



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: January 24, 2019

REQUEST: County Initiated Zone Change from D1 Low Density Residential to I1 Light Industrial to facilitate an existing cemetery.

CASE #: Z18-008

PURPOSE: Correct a zoning classification error on official Zoning Map

AGENT/ OWNER: Tawfig Hindash / North American Islamic Trust

APPLICANT: Doña Ana County, (Initiator)

LOCATION: Corner of County Rd D063 (N. Joranada Rd) and Salina Rd.

PROPERTY SIZE: 1.25 acres

PARCEL ID NO.: R0313131

RECOMMENDATION: Approval



Dona Ana County is requesting the zone change 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

SITE	ZONING	LAND USE
North	Federal Land	Vacant
South	Federal Land	Vacant
East	Federal Land	Vacant
West	Federal Land	Vacant

Existing Conditions and Zoning:

The 1.23 acre property received a Land Patent No. 30-84-0076 on September 7, 1984 from the Bureau of Land Management to the North American Islamic Trust (NAIT) for the purpose of establishing a cemetery site. Currently there are 26 burials on the property and another 344 plots are being proposed as depicted on the site plan. Per Table 5.1 Land Use Classification Matrix: Zoning Districts, the existing D1 Low Density Residential zone does not allow cemeteries. The surrounding properties are vacant and under federal jurisdiction.

The Request:

A County initiated zone change from D1, Low Density Residential to I1, Light Industrial for the purpose of expanding of an existing cemetery, Tawfig Hindash, agent representing NAIT. The 1.25 acre property is located in Township 21 South Range 2 East Section 22, as recorded in the Office of the Doña Ana County Clerk on June 6, 1982, Book 274 page 250 and can be further identified by Parcel ID # R0313131.

BACKGROUND

On February 2, 2017, the Unified Development Code was implemented along with the Official Zoning Map of Doña Ana County, which identified the zoning on this property as D1 Low Density Residential. The ETZ zone assigned to the subject property was ER3 (residential) zoning which automatically went to the D1 zoning designation when the UDC was adopted, including other factors such as the size of property, its rural location; however the burial site use was not known. Staff became aware of the existing cemetery by means of a building permit to construct a wall around the property and its proposed expansion improvements.

NOTICE / NOTIFICATION

- 21 letters of notification were mailed to the property owners within the area of notice.
- Legal Ads were placed in the Las Cruces Sun-News on Sunday December 30, 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 II Light Industrial. This request seeks to correct that error with the appropriate zoning category approved and incorporated into the UDC.*

§350-203.D5 Decisional Criteria: A proposed zone change shall be consistent with the intent of this Chapter 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; *0*
- ii. Population; *324 burial sites.*
- iii. Demographics; *N/A*
- iv. Potential traffic flows and impacts; *A Traffic Impact Analysis is not warranted.*
- v. Need for new commercial or residential activity; *No Commercial activity proposed.*
- vi. Potential water and sewer needs; *There are no water services at this location at this time. The applicant states that for the foreseeable future water truck services will be utilized to irrigatge any landscaping.*
- vii. Existing infrastructure capacities and the ability of existing systems to accommodate new development; *The property has acceptable access by means of N. Joronada Rd a County maintained road and Salina Rd., a privately maintained road.*
- viii. Environmentally sensitive areas, areas of historical significance, or areas that contain endangered or rare species of animal and plant life; *there are no known environmentally sensitive areas, areas of historical significance within the 1.23 acres.*
- ix. The impact of a proposed zone change on surrounding properties. *The proposed zone change will have no impact on the surrounding vacant land.*
- x. Implementation of Best Management Practices for the development. *Applicant will may employany 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-imitated 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 I1 Light Industrial. This request seeks to correct that error with the appropriate zoning categories approved and incorporated into the UDC. The 1.23 acre property had already received a Land Patent (No. 30-84-0076) on September 7, 1984 from the Bureau of Land Management to the North American Islamic Trust for the purpose of establishing a cemetery site.

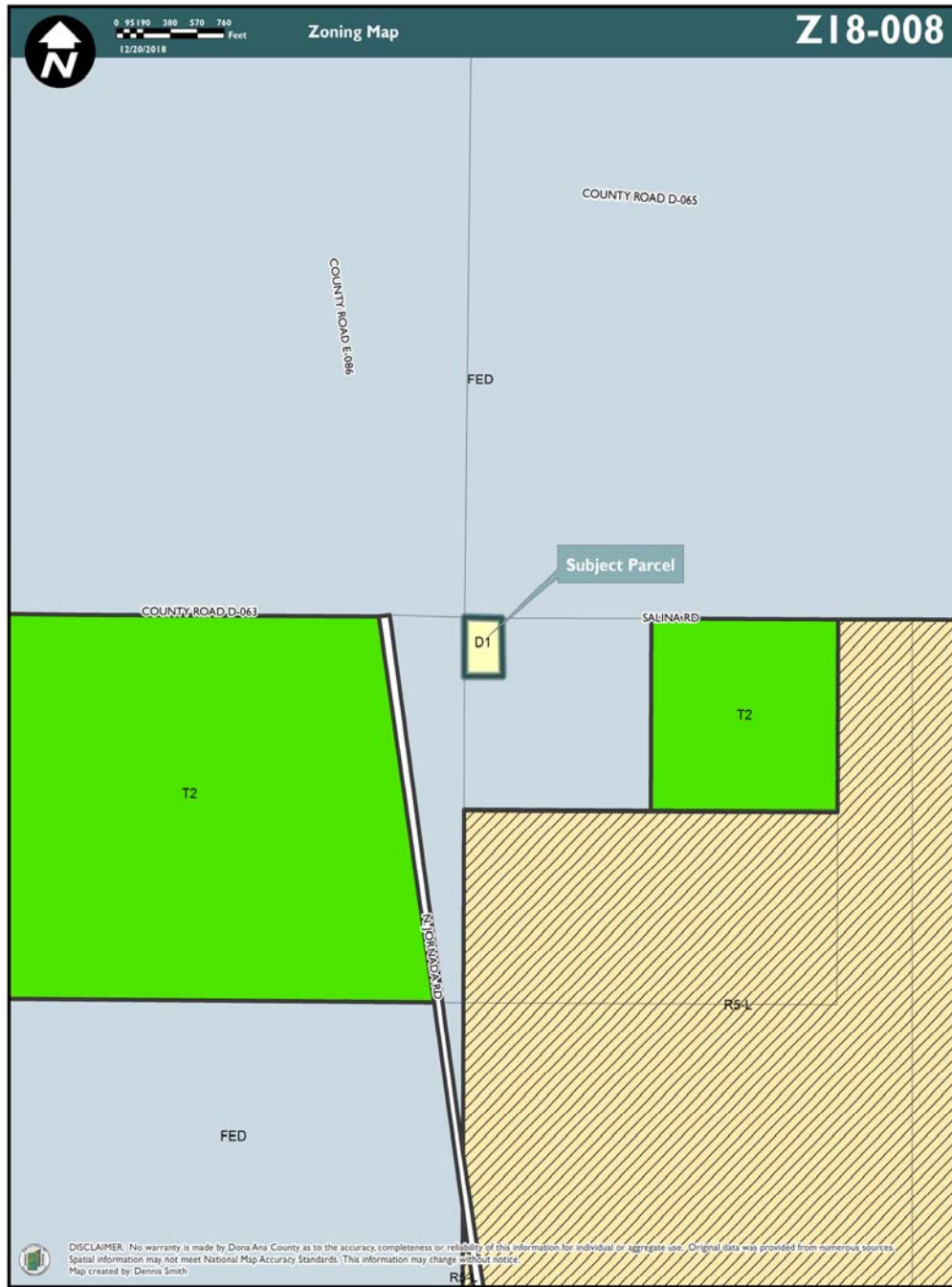
STAFF RECOMMENDATION:

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 #Z18-008 to correct the Zoning Map for Doña Ana County.

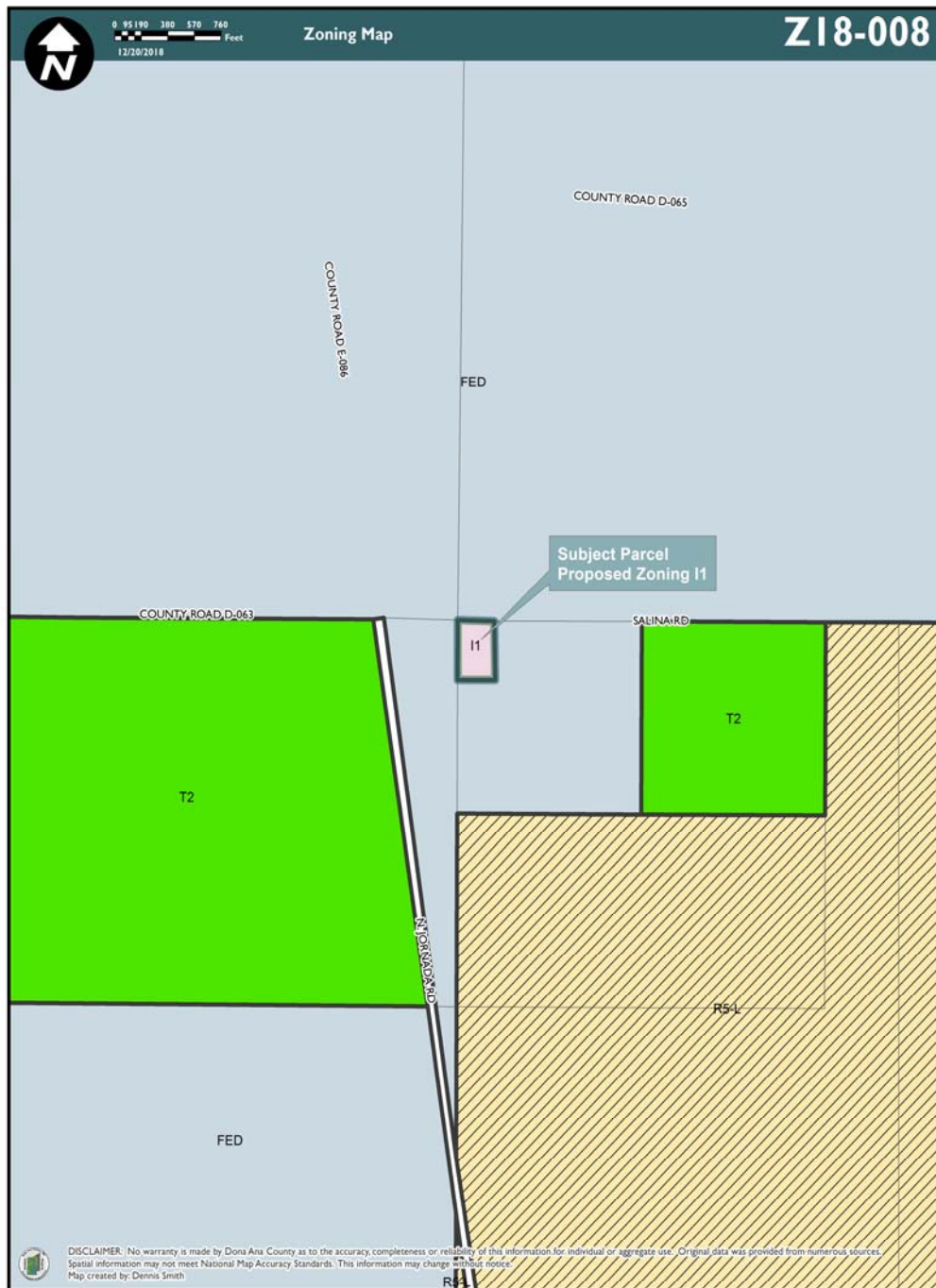
STAFF FINDINGS:

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 to I1 will allow for the expansion of the existing cemetery.
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.
6. Staff believes that when the ETZ was adopted in 1989 the initial ER3 (residential) zoning that applied to the subject property was incorrect. The 1.23 acre property had already received a Land Patent (No. 30-84-0076) on September 7, 1984 from the Bureau of Land Management to the North American Islamic Trust for the purpose of establishing a cemetery site.

EXISTING ZONING



PROPOSED ZONING MAP



PROPERTY NOTIFICATION



NOTIFICATION TABLE

Z18008

12/20/2018

CODE	ACCOUNT#	OWNERNAME	MAILADDR1	CITY	STATE	ZIP
1	R0313131	NORTH AMERICAN ISLAMIC TRUST	1065 E BOUTZ RD	LAS CRUCES	NM	88001-4207
2	R0307973	U S DEPARTMENT OF AGRICULTURE	1400 INDEPENDENCE AVE SW	WASHINGTON	DC	20250
3	R0307691	U S DEPARTMENT OF AGRICULTURE	1400 INDEPENDENCE AVE SW	WASHINGTON	DC	20250
4	R0307974	U S DEPARTMENT OF AGRICULTURE	1400 INDEPENDENCE AVE SW	WASHINGTON	DC	20250
5	R0308627	GIOANNINI LARRY G & MARILYN J TRSTE THE GIOANNINI LIV TRUS	205 HOAGLAND RD	LAS CRUCES	NM	88005
6	R0308631	ST COLUMBA KIM ROMAN CATHOLIC MISSION MESA	1375 N MCCLINTOCK DR	CHANDLER	AZ	85226
7	R0329351	ASOMBRO INSTITUTE FOR SCIENCE EDUCATION INC	PO BOX 891	LAS CRUCES	NM	88007
8	R0329352	U S DEPARTMENT OF AGRICULTURE	1400 INDEPENDENCE AVE SW	WASHINGTON	DC	20250
9	R0307690	U S DEPARTMENT OF AGRICULTURE	1400 INDEPENDENCE AVE SW	WASHINGTON	DC	20250
10	R0324171	UNITED STATES OF AMERICA	1800 MARQUESS	LAS CRUCES	NM	88005-3371
11	R0324170	KATERINA INC	PO BOX 5019	LAS CRUCES	NM	88003
12	R0308642	STATE OF NEW MEXICO	310 OLD SANTA FE TRL	SANTA FE	NM	87501
13	R0318713	KATERINA INC	PO BOX 5019	LAS CRUCES	NM	88003
14	R0307976	KATERINA INC	PO BOX 5019	LAS CRUCES	NM	88003
15	R0318712	KATERINA INC	PO BOX 5019	LAS CRUCES	NM	88003
16	R0328902	UNITED STATES OF AMERICA	1800 MARQUESS	LAS CRUCES	NM	88005-3371
17	R0318710	JONES MARGARET HELEN ISAACKS	4556 LAREN LN	DALLAS	TX	75244-6713
18	R0318711	BANKS VIRGINIA ANN ISAACKS	1901 TRAVIS	GARLAND	TX	75042-5085
19	R0307979	MEHDIZADEH AYOUB & MAHIN	PO BOX 60233	POTOMAC	MD	20859
20	R0307977	GRAYLUN LC	10500 N JORNADA RD	LAS CRUCES	NM	88012
21		DAC ROAD DEPT.	2025 E GRIGGS	LAS CRUCES	NM	88001

PROPOSED IMPROVEMENTS AND EXISTING BURIALS

