

# EXTRA-TERRITORIAL ZONING COMMISSION



**DOÑA ANA COUNTY  
COMMUNITY DEVELOPMENT DEPT.  
Doña Ana County Government Complex  
845 N. Motel Blvd., Las Cruces, New Mexico 88007  
Office: (575) 647-7250**

**MEETING DATE:** Dec. 15, 2016

**CASE #:** SU16-011

**REQUEST:** Special Use Permit

**PURPOSE:** Permit a 960 sq. ft. double-wide manufactured home as an accessory dwelling for family members.

**PROPERTY OWNER/APPLICANT:** Eduardo & Miriam Reyes

**LOCATION:** 1554 Pelicano Trl.  
Las Cruces, NM 88012

**LEGAL DESCRIPTION:** Lot 14A, Block 24, EBL&T Co. Subdivision "A", Replat #14, as recorded June 5, 2015, with Instrument #1511724.

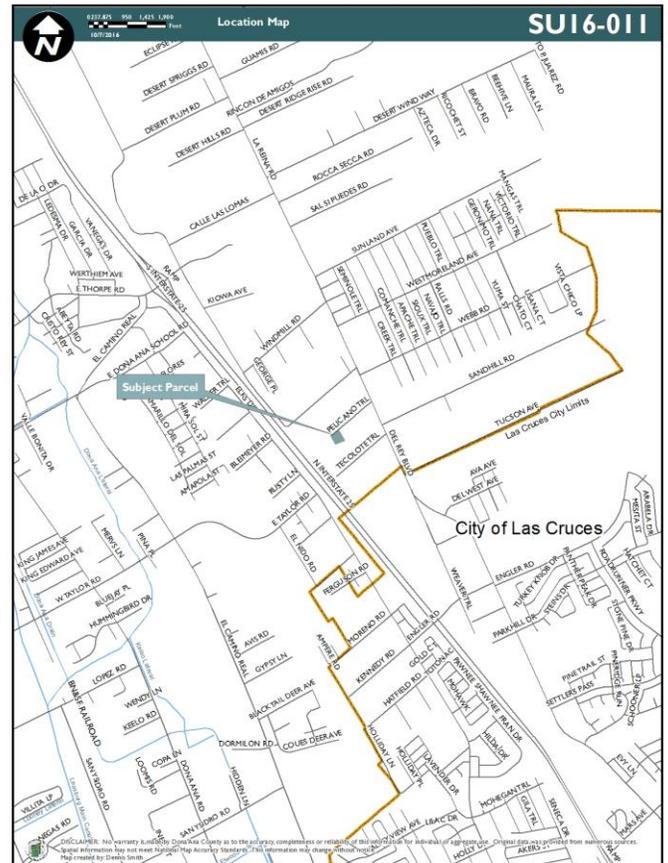
**EXISTING ZONING:** ER3

**PROPERTY SIZE:** 1.7-acre

**MAP CODE:** 03-15494

**RECOMMENDATION:** Conditional Approval

**CASE MANAGER:** Steve Meadows



**REPORT CONTENTS:** (1) Summary, (2) Applicable Policies and Ordinances, (3) Staff Analysis, (4) Site Plan and Supporting Documents, (5) GIS Information & Maps

## **Surrounding Zoning and Land Uses**

<b>SITE</b>	<b>ZONING</b>	<b>LAND USE</b>
North	ER3M Residential, 1.0-acre minimum new lot size, single family site-built & mobile homes	Residential uses
South	EI2c General industrial district with conditions	Industrial and Commercial uses
East	ER5 Residential, 1/3 acre minimum new lot size, single family site-built homes	Residential uses
West	ER3M Residential, 1.0-acre minimum new lot size, single family site-built & mobile homes	Residential uses

### **BACKGROUND:**

#### **Existing Conditions/Zoning**

The 1.7-acre subject property is a nearly rectangular residentially developed parcel containing a 1,215 sq. ft. (27' X 45') double-wide manufactured home, a 960 sq. ft. double-wide manufactured home (proposed accessory dwelling), and a small storage shed. The southern portion of property lies within an arroyo (*Pg 18*). The subject property is located within an ER3 (Residential, 1.0-acre minimum new lot size, single family site built homes) Zoning District. Moongate Water Co. Inc., provides water to the property. Wastewater disposal for the two dwellings is handled by an approved existing septic system and a new septic system for the accessory dwelling has been applied for. The parcel is accessed by Pelicano Trail, an unpaved, private road classified as a local road by the Mesilla Valley MPO (*Page 8*).

#### **The Request:**

The applicants originally requested an Administrative Special Use Permit to permit a 960 sq. ft. (24' X 40') double-wide manufactured home as an accessory dwelling for family members. Three letters and an email in opposition (*Pgs. 14-17*) were received by staff prior to the November 11, 2016, deadline for public input resulting in the Special Use Permit being heard by the ETZ Commission as required per Section 7.2.F of the ETZ Ordinance.

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

#### **1. Las Cruces Extra-territorial Zoning Ordinance, No. 88-02, as Amended**

#### **2.1.D EVALUATION CRITERIA**

The Planning Director and ETZ Commission may use the following general criteria when reviewing Special Use Permits and Zoning Applications. The ETZ Commission shall have the authority to require additional specific information on any of the following criteria of Article II, Section 2.1.D/Evaluation Criteria.

- 2.1.D.1** Determination of potential number of homes, population and population demographics.

- 2.1.D.2 Determination of potential traffic flows (average daily traffic) and where they will impact the transportation system.
- 2.1.D.3 Determination of need for new commercial activity.
- 2.1.D.4 Determination of potential water and sewage needs.
- 2.1.D.5 Evaluation of existing infrastructure capacities and an analysis of the ability of the existing system to accommodate the new development.
- 2.1.D.6 The difference between capacity and impact should be stated. Those areas which are appropriate for the developer to underwrite should be negotiated between local government and developer.
- 2.1.D.7 The ETZ should reserve the right to place appropriate zoning categories on environmentally sensitive areas, areas of historical significance or areas which contain endangered or rare species of animal or plant life.
- 2.1.D.8 Any analysis required should be undertaken and paid for by the developer and verified by the ETZ Commission.
- 2.1.D.9 Determination of impact of a proposed zone change on surrounding properties.

### **Section 3.1 GENERAL DISTRICTS: PURPOSES AND USES**

General districts are the residential, commercial and industrial zoning districts. This Article outlines the intended purpose of each general district and states the permitted use and special uses for each district. Refer to the Official Zoning Map and to Section 1.5 for interpretation and conflict guidelines elsewhere in this Ordinance.

#### **PERMITTED USE DEFINED**

A permitted use is a use which is listed as permitted by right in a zoning district. Non-specified uses which are similar to those specified are also permitted by right except as otherwise restricted within this Ordinance.

#### **SPECIAL USE DEFINED**

A special use is a use which is of an unusual or unique character and which may be offensive or incompatible in some cases within a zoning district. A special use requires review and approval by the ETZ Commission to determine impacts of the use on the surrounding area. Special Use Permits for accessory dwellings shall follow Article 7, Section 7.2 of this Ordinance.

### **Section 3.1.C.2 ER3 RESIDENTIAL DISTRICT**

#### **3.1.C.2.a PURPOSE**

The purpose of the ER3 zoning district is to establish residential districts of single-family site-built homes on moderate to large size lots, specifically designed to meet the demand for those persons whose lifestyles include raising and keeping of large and small animals in a semi-rural atmosphere. **The development requirements set for the ER3M district as outlined in Section 3.1.C.1.b (below) of this Article are applicable to the ER3 district.**

### **3.1.C.2.c ER3 PERMITTED USES**

The permitted uses set for the ER3M district as outlined in **Section 3.1.C.1.c (below)** of this Article are applicable to the ER3 district, EXCEPT that mobile homes are not allowed in the ER3 district.

### **3.1.C.2.d ER3 SPECIAL USE PERMITS**

The Special Use Permit uses and conditions set for the ER3M district as outlined in **Section 3.1.C.1.d (below)** of this Article are applicable to the ER3 district.

## **Section 3.1.C.1 ER3M RESIDENTIAL DISTRICT**

### **3.1.C.1.a PURPOSE**

The purpose of the ER3M zoning district is to establish residential district is to establish residential districts of single-family site-built homes and mobile homes on moderate to large size lots, specifically designed to meet the demand for those persons whose lifestyles include raising and keeping of large and small animals in a semi-rural atmosphere.

### **3.1.C.1.b DEVELOPMENT REQUIREMENTS**

Minimum lot size	1 acre (except cluster development)
Minimum lot width	100 feet
Minimum lot depth	100 feet
Minimum front setback	25 feet
Minimum side setback	15 feet
Minimum rear setback	25 feet
Maximum building height	35 feet

### **3.1.C.1.c ER3M PERMITTED USES**

The following uses are permitted by right in the ER3M district:

1. All types of agriculture.
2. Barbed wire fences.
3. Barns and other structures normally used in connection with farming and ranching.
4. Christmas tree farms.
5. Cluster developments in accordance with Subdivision Regulations adopted by the ETZ Authority.
6. Detached single-family site-built homes and mobile homes.
7. Garage and yard sales or similar uses, limited to three (3) sales in a one (1) year period at a single address, and each sale shall be limited to three (3) consecutive days.
8. Greenhouses (non-commercial) garden and tool sheds. If detached from the main dwelling, the structures are subject to the provisions of Accessory Buildings under Article VII of the Ordinance.
9. Home Occupations subject to Section 3.4 of this Article.

10. Private swimming pools provided the provisions of Article 5 of this ordinance for fencing are met. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is obtained to ensure overhead safety.
11. Raising large and small animals in accordance with Article VIII of the Ordinance.
12. Recreational vehicles such as boats, trailers or similar uses, limited to a maximum of one (1) per dwelling unit in the front and side yard, and no limitations for the rear yard, provided there is at least a distance of five (5) feet from any property line.
13. Residential type satellite dishes, television or receiving antenna, roof mounted, and not exceeding twenty (20) feet in height at the highest point of the roof.
14. Septic tanks in accordance with the regulations of the New Mexico Environmental Improvement Division (EID) and Section 3.02 of this Article.
15. Temporary real estate offices, when used in conjunction with a residential subdivision, provided such use is discontinued upon the completion of the development or within three (3) years from the date the building permit was issued, whichever is sooner.
16. The sale of agricultural and farm products such as nursery stock, poultry, rabbits, chinchillas, fish, frogs, earthworms and bees, if produced or raised on the premises.
17. Windmills built to withstand a 75 MPH wind and meet the Uniform Building Code.
18. Agriculture uses and agriculture related uses not specifically listed under Sections 3.1.A.1.c and 3.1.A.1.d of this Article are permitted by right in the ER3M district.

#### **3.1.C.1.d ER3M SPECIAL USE PERMITS**

The following uses require a public hearing pursuant to Section 2.1.G of this Ordinance and approval by the ETZ Commission:

1. Boarding houses and rest homes
2. Cemeteries
3. Commercial stable and riding academies
4. Commercial kennels
5. Community and publicly owned recreational centers, clubhouses and similar buildings and structures open to the public
6. Day care center or child care center for seven (7) or more children
7. Guest ranches

8. Parks, golf courses, churches, schools and other public or semi-public and open recreational uses
9. Public utility installations, substations and water wells
10. Keeping of wild or exotic animals or fowl
11. Time-rental riding facilities
12. Veterinary clinics and treatment centers
13. Wineries and/or wine tasting rooms

### **3.3.B.3 PUBLIC HEARING AND NOTICE PROCEDURE**

A public hearing shall be held by the ETZ Commission for all Special Use Permits in accordance with the provisions of Section 2.1.G of this Ordinance.

### **3.3.B.4 REVIEW AND APPROVAL PROCEDURE**

The ETZ Commission may deny such SUP's or may grant final approval in accordance with certain conditions, with right of appeal to the ETZ Authority in accordance with the provisions of Section 3.1. Approval may also be granted with additional conditions imposed which are deemed necessary to insure that the purpose and intent of this Ordinance is met and to protect and provide safeguards for persons and property in the vicinity. Variances in the dimensional requirements for a special use may be granted by the ETZ Commission in accordance with the criteria in Section 2.3.B of this Ordinance.

### **3.3.B.5 TIME LIMITATIONS, REVOCATIONS AND DEVELOPMENT STANDARDS**

In addition to the imposition of conditions, the ETZ Commission may impose a time limitation on the SUP. If a special use is discontinued for a period of one (1) year, said permit shall automatically expire. All improvements shall be in accord with the development standards within the district, except as otherwise authorized by the SUP. There shall be no major revisions in the site plan of the original approved special use except as approved by the ETZ Commission. Minor revisions to a site plan, following final approval, may be subsequently approved by the planning staff without a public hearing. Major revisions to the plan are subject to a regular public hearing with the same requirements as an original application.

#### **3.3.B.5.a Major revisions shall include, but are not limited to, the following:**

1. any change in land use or intensity
2. modifications of vehicular traffic volumes or circulation
3. increase in size of property or change in location or configuration of structures

#### **3.3.B.5.b Minor changes that planning staff may approve are as follows:**

1. provision of additional parking or landscaping
2. minor adjustment to parking, landscaping, lighting or signs
3. superficial changes to structures or slight variations in dimensions

Special Use Permits shall be eligible for renewal when limitations expire.

### **3.3.B.6 RECORDING OF THE SPECIAL USE PERMIT**

After approval, the Special Use Permit shall be issued by the Planning Director or his/her designee and shall include all information, conditions, reference to site plans and other provisions of the special use. The special uses, as granted, shall be shown

on a Special Use Permit map indicating its location with a designation of 'SU' and the year of expiration. Special uses shall not be considered a zone change.

## **Section 7.2 DEFINITION: ACCESSORY LIVING QUARTERS**

A subordinate structure used or capable of being used as living quarter which is incidental to but located on the same lot or parcel as the primary structure and not used for the conduct of business or commercial sheltering of individuals. Accessory dwellings may be permitted by an administrative Special Use Permit provided that all requirements of Section 2.6.C of the Ordinance are met.

Accessory dwellings such as maid's quarters, guest houses and other types of accessory dwellings that do not meet the requirements of Section 2.6.C of this Ordinance shall meet the requirements of this Section.

**7.2.A** All height, size and setback requirements listed in Section 7.1 shall apply except that accessory living quarters shall be limited to one thousand six hundred (1,600) square feet in size or less.

**7.2.B** All requirements set forth by the Uniform Building Code shall be met except in residential zones that allow mobile homes, a mobile home may be allowed as accessory living quarters, provided all other provisions of this Ordinance are met.

**7.2.C** All standards and requirements of the New Mexico Environmental Improvement Division shall be met for liquid waste disposal.

**7.2.D** Accessory living quarters shall not be used for the conduct of business or commercial sheltering of individuals.

**7.2.E** Accessory living quarters are limited to one (1) per primary dwelling unit.

**7.2.F** Accessory living quarters shall require a Special Use Permit application submitted to the Planning Division for administrative approval by the Planning Director. **If the Planning Division receives any written or electronic correspondence in opposition to a Special Use Permit application by the deadline specified on the public notice, then the case shall go to a public hearing before the ETZ Commission, per Section 2.1.G of the Ordinance.**

## **AGENCY COMMENTS**

**DAC Engineering:** 1) All stormwater runoff from all impervious areas must be contained within lot. Provide ponding calcs. Pond must contain 125% of required volume. 2) Do not place building on any existing easement or septic system. 3) Adhere to all regulatory agency comments. Some agencies may require certain permits or licenses to be obtained. 4) When submitting for other permits other comments may arise.

**DAC Flood Commission:** 1) Pursuant to FEMA Flood Insurance Rate Map (FIRM) No. 35013C0893 G, the property is not located within a FEMA Special Flood Hazard Area. The parcel is located in FEMA "Other Areas" Zone "X", "Areas outside the 500-year floodplain. 2) Additional reviews may warrant additional comments. 3) Runoff from the roof of the additional structure shall be retained on site.

**DAC Fire Marshal:** SUP approved only, any future structures will be required to meet all fire code requirements.

**ACO Codes:** Violations – **Prohibited accumulations:** Trash, Junk/tires, inoperable vehicles, uncovered trash cans over flowing and scattering/littering; **Zoning Violations:** Living in RV. **2nd inspection:** I, Officer Apodaca, with DAC Codes, did follow up (10-25-16) to this address and all violations have been corrected. No more violations on this property at this time.

**DAC Building Services:** Permits will be required for the mobile home placement.

**DAC Addressing Coordinator:** The address for the accessory dwelling will be 1554 Pelicano Trail #2.

**DAC Zoning Codes:** Open case #16068 for moving in w/o MHIP.

**NMED:** *Waste Treatment and Disposal:* The property is large enough to accommodate two 3-bedroom homes. However no liquid waste permit was found for the existing liquid waste system. The existing liquid waste system for the existing home must be registered with NMED. The second home will need to apply for new liquid waste permit. **2nd review:** We have the permit located at 22S, 1E, Sect. 25. The property is apparently located in Sect. 24, that's why we could not find it. The permit No. is LC980461. *Water Supply/Water Quality:* The Drinking Water Bureau has no concerns about this project at this time. *Solid Waste Disposal:* The NMED's Solid Waste Bureau has no comment nor concern regarding solid waste issues. *Surface Water Bureau:* The Surface Water Bureau has no concerns about this project at this time.

**NMDOT:** No significant impact to state's highway system.

**Mesilla Valley MPO:** Pelicano Trl. is a local road.

**CLC Planning Dept:** No current concerns, however if annexed into the City, the property may need a zone change or subdivision to come into compliance.

**EBID:** No comments received.

**State Eng. Office:** No water rights issues.

## **PUBLIC NOTICE / NOTIFICATION**

*Original request for Administrative Special Use Permit:*

- Seventeen (17) notice for public input letters were mailed on October 27, 2016, to property owners within the area of notification with a November 11, 2016, (15 days) deadline for input.
- Signs were posted on the property in a timely manner.
- Three letters and an email (*Pgs 14-17*) were rec'd in opposition to the request before the November 11 deadline, thereby requiring the case to be heard by the ETZ Commission per Section 7.2.F. The concerns cited in the correspondence included potential loss of property values, too many dwellings on the property, accessory dwelling being used as a rental, and possible septic system concerns.

- The email (*Pg 17*) from Mr. Morrow originally raised concerns about septic systems but later recanted his opposition with his second email (*also Pg 17*).
- No other correspondence in opposition or support was received by the stated deadline for public input.

*December 15, 2016, ETZC Hearing:*

- Seventeen (17) letters for notice of a public hearing were mailed on November 28, 2016 to property owners within the area of notification.
- Agenda posted in the Las Cruces Sun-News on November 27, 2016.
- Signs were posted on the property in a timely manner.
- No correspondence in opposition or support was received by December 7, 2016.

**STAFF ANALYSIS**

Application for Administrative Special Use Permit was received on September 30, 2016, after the applicant was cited by Codes Enforcement on a complaint, #16068, for an illegal mobile home. Staff research discovered there was no approved Special Use Permit for the accessory dwelling. Additionally, ACO Codes comments (*Pg 8*) indicated violations for accumulations of trash, junk tires, inoperable vehicles, and an RV being lived in were observed. ACO Codes re-inspected the property on October 25, 2016, and found it to be in compliance (*Pg 8*). A site visit performed by Community Development staff on Dec. 8 verified that no RV's were on the property, and the accumulations of trash, tires, inoperable vehicles, and debris had been removed.

The original Public Notices mailed to the area triggered four (4) opposition letters and emails. Each of the opposition letters/emails were received prior to C.O.B. on Friday, November 11, 2016. Section 7.2.F (*Pg 7*) requires any Administrative Special Use Permit Request to be heard by the ETZ Commission if any written correspondence in opposition is received by the advertised deadline.

Section 2.1.D Evaluation Criteria and Section 7.2 of the ETZ Ordinance shall be evaluated by staff for a recommendation of approval to the ETZ Commission for a decision.

**Section 2.1.D Evaluation Criteria**

*Applicants responses in italics (Staff's analysis in bold)*

2.1.D.1 Determination of the number of homes, population, and population demographics. *Two- (1<sup>st</sup>) 45' X 27', (2<sup>nd</sup>) 24' X 40' for self and family.* **Applicants are requesting the Special Use Permit to permit a 960 sq. ft. double-wide manufactured home for family members.**

2.1.D.2 Determination of potential traffic flows (average daily traffic) and where they will impact the transportation system. *Traffic on Pelicano and Del Rey.* **Additional traffic (1 vehicle) will be added to Pelicano Trail, an unpaved private, local road. No negative comments from DAC Engineering or NMDOT received concerning the roadway.**

2.1.D.3 Determination of need for new commercial activity. *N/A* **No commercial activity is being proposed.**

2.1.D.4 Determination of potential water and sewage needs. Have septic permits and water. Ready, Willing, and Able letter from Moongate Water Co., Inc. on file, an approved septic system and an application for the 2<sup>nd</sup> system will be sufficient to handle the water and sewage needs.

2.1.D.5 Evaluation of existing infrastructure capacities and an analysis of the ability of the existing system to accommodate the new development. Have septic permits and water letter. Additional home and its traffic (1 vehicle) will impact Pelicano Trl., a private, unpaved local road which should be adequate for the additional traffic and the existing and new septic system is sufficient for the property. Water is available from Moongate Water Co., Inc.

2.1.D.6 The difference between capacity and impact should be stated. Those areas that are appropriate for the developer to underwrite should be negotiated between local government and developer. No difference. Water & wastewater infrastructure, with 2<sup>nd</sup> septic system, will have sufficient capacity for the proposed additional residence. No adverse comments from DAC Engineering or NMDOT concerning the roadway system.

2.1.D.7 The ETZ should reserve the right to place appropriate zoning categories on environmentally sensitive areas, areas of historical significance, or areas on which contain endangered or rare species of animal or plant life. 100 feet from arroyo. Applicant has indicated, with his response and by the submitted site plan (Pg 13), that the accessory dwelling will not impact the arroyo along the southern boundary of the parcel. The accessory dwelling meets the setbacks and is not impacting the arroyo. No evidence was submitted to staff that demonstrates any rare or endangered species, or areas of historical significance at this residential site. DAC Flood Commission comments made no reference concerning any environmentally sensitive areas.

2.1.D.8 Any analysis required should be undertaken and paid for by the developer and verified by the ETZ Commission. Applicant will pay all fees. No additional analysis is required at this time. Applicant will pay all fees as required.

2.1.D.9 Determination of impact of a proposed zone change on surrounding properties. Minimal impact. 1 car, 1 couple. Positive impact – Family together. Minimal additional residential impact anticipated with the additional dwelling with two people and one car. There should be no significant impact to surrounding properties due to the limited impact of an additional residence on the property.

Staff concludes that the applicant's submittal meets the requirements of Section 2.1.D Evaluation Criteria.

## **Section 7.2 Accessory Living Quarters**

**7.2.A** All height, size and setback requirements listed in Section 7.1 shall apply except that accessory living quarters shall be limited to one thousand six hundred (1,600) square feet in size or less. The proposed 960 sq. ft. double-wide manufactured home is below the 1,600 sq. ft. requirement and will meet all setback requirements (Pg 13) of the ER3 Zoning District.

**7.2.B** All requirements set forth by the Uniform Building Code shall be met except in residential zones that allow mobile homes, a mobile home may be allowed as accessory living quarters, provided all other provisions of this Ordinance are met. **An approved Mobile Home Installation Permit will be required, meeting the Building Services regulations.**

**7.2.C** All standards and requirements of the New Mexico Environmental Improvement Division shall be met for liquid waste disposal. **The applicant has an existing NMED approved septic permit and has applied for the second septic system. NMED indicated in their comments (Pg 8) that there was sufficient acreage for a second septic system**

**7.2.D** Accessory living quarters shall not be used for the conduct of business or commercial sheltering of individuals. **The applicant is not proposing any commercial business on the property and the proposed accessory dwelling will be for family members.**

**7.2.E** Accessory living quarters are limited to one (1) per primary dwelling unit. **Only one accessory dwelling is being proposed.**

**7.2.F** Accessory living quarters shall require a Special Use Permit application submitted to the Planning Division for administrative approval by the Planning Director. If the Planning Division receives any written or electronic correspondence in opposition to a Special Use Permit application by the deadline specified on the public notice, then the case shall go to a public hearing before the ETZ Commission, per Section 2.1.G of the Ordinance. **Three letters (Pgs 14-16) were received by staff by November 11, 2016, meeting the deadline for public input, for the original request for an Administrative Special Use Permit. One email was received in opposition (Pg 17) but that opposition was rescinded in an email a few days later.**

Staff has determined that the applicant's submittal has met the requirements of Section 7.2.A-E Accessory Living Quarters of the ETZ Ordinance. Due to the negative comments received by the public input deadline, the case shall be heard by the ETZ Commission for a decision as required.

## **STAFF FINDINGS**

1. The subject property is located outside the corporate limits of the City of Las Cruces, but within the five-mile Extra-territorial Zone (ETZ) as set forth by 3-19-5(1), NMSA 1978 and the Joint Powers Agreement between Doña Ana County and the City of Las Cruces.
2. The 1.7-acre subject property is Lot 14A, Block 24, EBL & T Co. Subdivision "A", Replat #14, recorded on June 5, 2015, with Instrument #1511724.
3. The subject property is located within an ER3 (Residential, 1.0-acre minimum new lot size, single family site-built homes) Zoning District.
4. The applicant's property is the subject of Codes Enforcement Case #16068 for an illegal accessory dwelling and no MHIP.
5. The existing 1,215 sq. ft. dwelling is the primary dwelling and the proposed 960 sq. ft. double-wide manufactured home will be designated as the accessory dwelling for family members.
6. Water is provided to the property by Moongate Water Co., Inc.
7. NMED has an approved septic permit for the existing dwelling and has made application to NMED for the accessory dwelling septic system.

8. Seventeen (17) Notices for Public Input were mailed on October 27, 2016, to the properties identified within the Area of Notification and Public Input signs were posted the same day for the Administrative Special Use Permit request.
9. Four negative comments in written form were received by C.O.B. Friday, November 11, 2016, the advertised public input deadline for the Administrative Special Use Permit.
10. One email in opposition to the Administrative Special Use Permit Request was rescinded on November 16, 2016.
11. The request meets Section 2.1.D Evaluation Criteria for a Special Use Permit.
12. The request meets the requirements of Section 7.2 Accessory Living Quarters of the ETZ Ordinance.

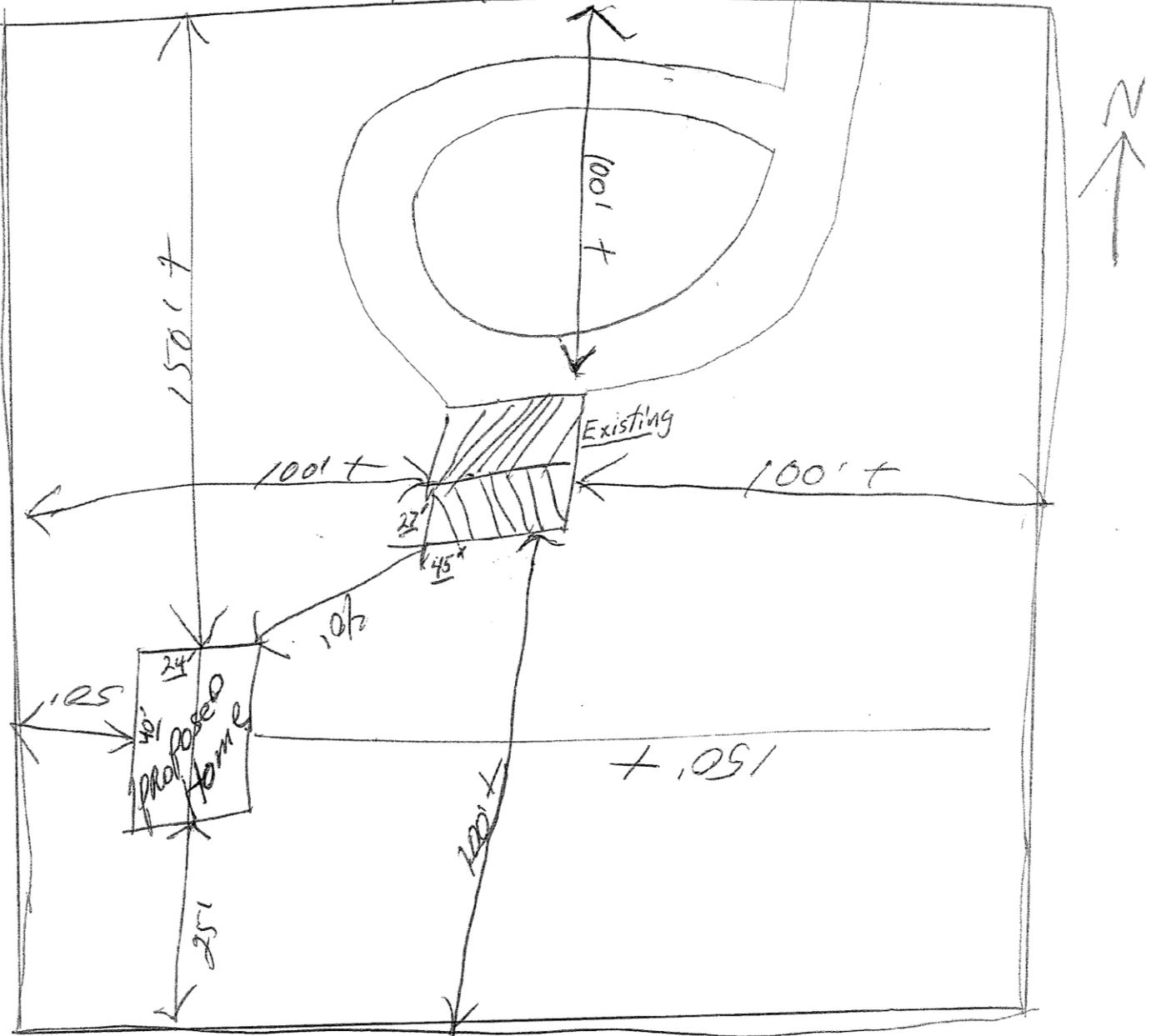
### **STAFF RECOMMENDATION**

Based on the Staff Findings above, staff analysis, and the application meeting Section 2.1.D and Section 7.2 of the ETZ Ordinance, staff recommends **Conditional Approval** of Special Use Permit Request Case #SU16-011/Reyes to permit a 960 sq. ft. (24' X 40') double-wide manufactured home as an accessory dwelling for family members with the following conditions:

- 1) *Applicant shall finalize septic permit and install septic system as approved by NMED.*
- 2) *Applicant shall obtain a Mobile Home Installation Permit for the accessory dwelling.*
- 3) *Accessory dwelling shall not be used for the commercial sheltering of individuals.*
- 4) *Applicant shall ensure that the location of the accessory dwelling does not adversely impact the arroyo along the southern boundary of the property.*

# Site Plan

1554 PELICANO TRAIL L.C. D.M.



# Stull/Gwaltney Letter



Nov. 3, 2016

Steve Meadows  
ETZ Planner

Sir:

In response to your inquiry I hereby object to the second double-wide home on the request of Mrs. Eduardo & Meriam Reyes on said property.

#4, 6, 11 on list  
Alicia Stull - property owner  
1561 Tecolote Trl.  
Luz Barrameda - property owner

Dear Sirs:

Along with Alicia Stull, I object as well to your inquiry, because I'm not sure of the consequences for the future of our property value, and, ~~how~~ it might change our landscape.

Thank-you

Yours truly

Ruth Gwaltney  
1541 Tecolote Trl.

#9 on list

# Andrew Walch Letter

November 9, 2016

Dona Ana County Planning & Zoning  
845 N. Motel Blvd.  
Las Cruces, New Mexico 88007  
Attention: Steve Meadows



Commissioners I am writing to object to the proposed zone change at 1554 Pelicano Trail. I believe that the introduction of additional housing on the proposed site would cause an even higher density-housing situation. The lot on Pelicano Trail is zoned for a one-acre minimum home. At this time there are a total of four residences at this location. There is the original double wide (pictured in the proposal) along with two travel trailers (NOT pictured in the proposal) all of which are occupied. To introduce a fourth home would then put four residences on 1.7 acres. Additionally I believe that these homes would all be used as rentals or employee housing which we strongly Oppose. I also believe that by changing the zoning our property values would be adversely affected. When we purchased our home and land we checked the zoning thoroughly. I respectfully request that the commission upholds the zoning laws that we banked on and reject this proposal.

Respectfully,

A handwritten signature in cursive script that reads "Andrew Walch".

Andrew Walch  
1551 Tecolote Trail

# Lisa Walch Letter



November 9, 2016

Dona Ana County Planning & Zoning  
845 N. Motel Blvd.  
Las Cruces, New Mexico 88007  
Attention: Steve Meadows

Dear Mr. Meadows:

I am writing to state my objection to the request for a special use permit for the subject property located at 1554 Pelicano Trail. I do not believe the aerial photo accurately depicts the current status of the subject property. There are now 2 double wide mobile homes on the property as well as 2 travel trailers, and I believe they are all being used as "rentals". I don't believe that the additional double wide they moved to the property in July is intended to house family members, I believe they instead intend to house employees of their construction company.

Sincerely,

A handwritten signature in cursive script that reads "Lisa M. Walch".

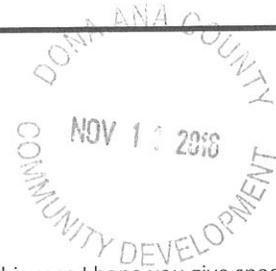
Lisa M. Walch  
1551 Tecolote Trail

# Morrow Emails

## Steve Meadows

---

**From:** Leo Morrow <leo@lecoprecast.com>  
**Sent:** Friday, November 11, 2016 4:52 PM  
**To:** Steve Meadows  
**Subject:** case #su16-011/reyes



I'am not one to deny a person adjustments or changes to their property. In this case I hope you give special attention to the septic situation. Thank You. Leo Morrow

#17, 18 & 20  
on list

## Steve Meadows

---

**From:** Leo Morrow <leo@lecoprecast.com>  
**Sent:** Wednesday, November 16, 2016 12:33 PM  
**To:** Steve Meadows  
**Subject:** case # su16-011/REYES



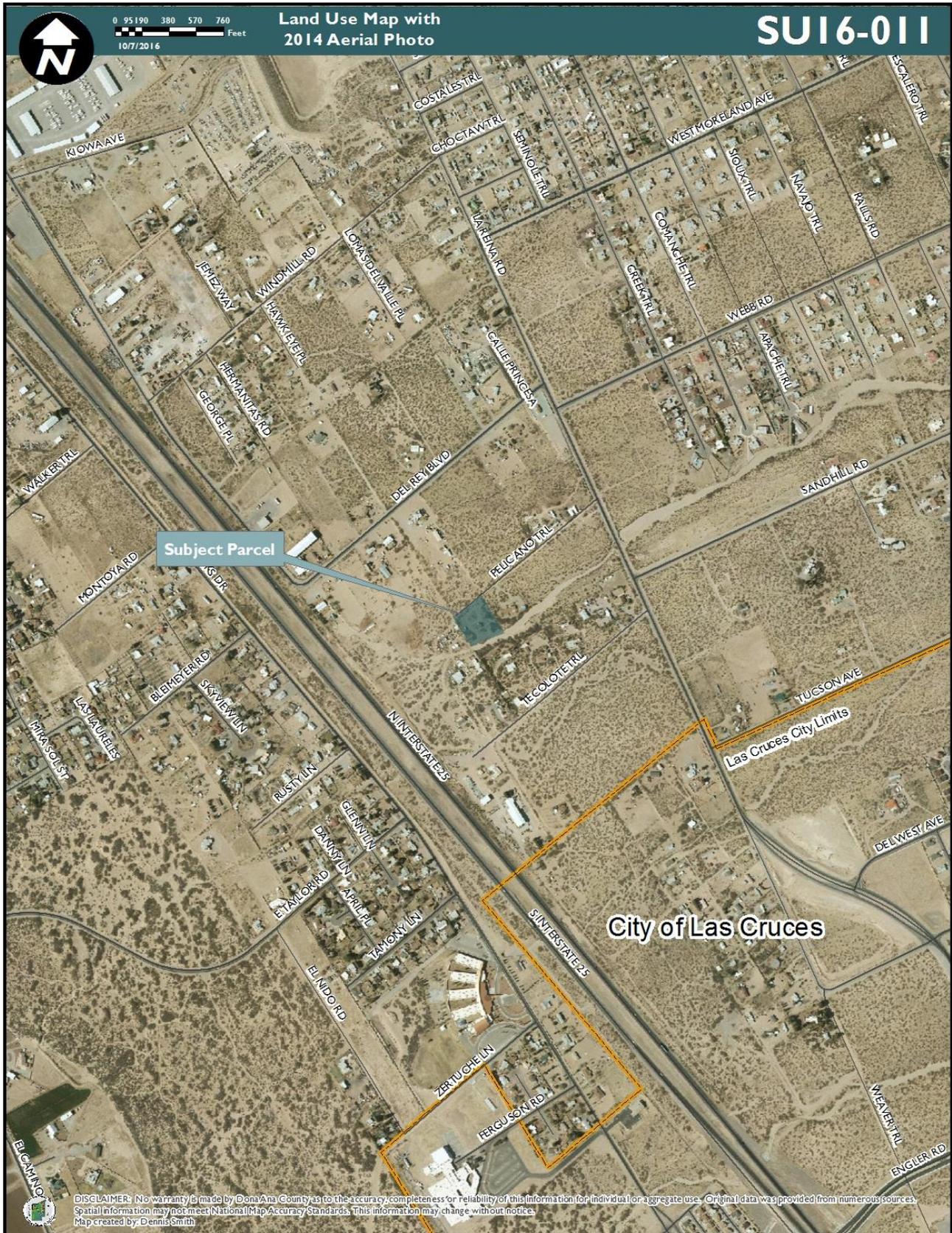
After further investigation, I would like to rescind my concern that I stated in a previous E-mail on 11/11/16 Thank you Leo Morrow

#17, 18, & 20  
on list

# Close-up Aerial



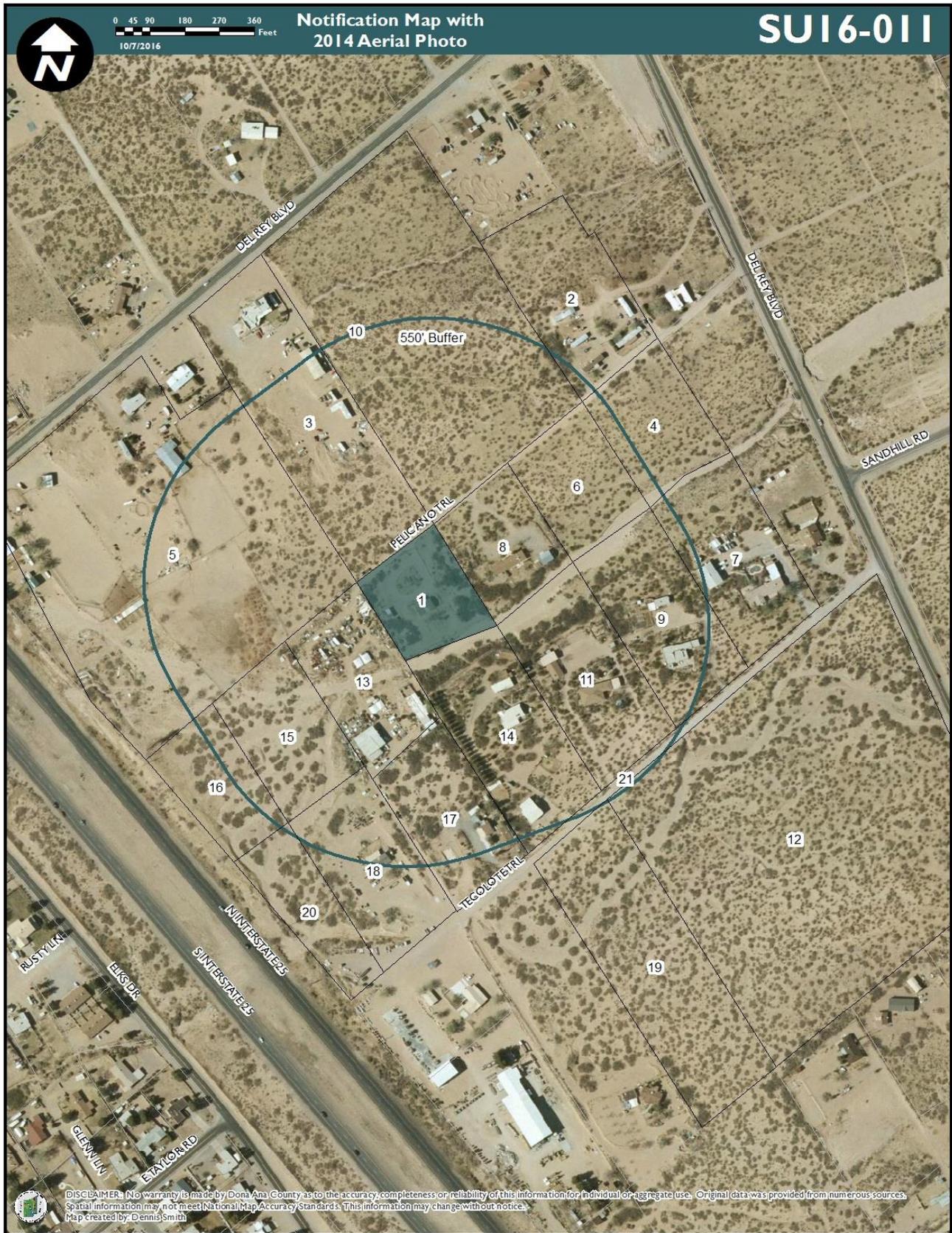
# Area Land Use Aerial



# Zoning Map



# Area of Notification Aerial



# Area of Notification Map



DISCLAIMER: No warranty is made by Dona Ana County as to the accuracy, completeness or reliability of this information for individual or aggregate use. Original data was provided from numerous sources. Spatial information may not meet National Map Accuracy Standards. This information may change without notice. Map created by: Dennis Smith

## Area of Notification List

CODE	MAP_CODE	NAME	ADDRESS1	CITY	STATE	ZIP
1	4-006-130-315-311	REYES EDUARDO & MIRIAM H	2015 SANDHILL RD	LAS CRUCES	NM	88001
2	4-006-130-362-230	VARELA GUADALUPE & HERMELINDA	237 MEADOR DR	LAS CRUCES	NM	88007
3	4-006-130-281-258	VENTURA GEORGE & MARICRUZ	5135 DEL REY BLVD	LAS CRUCES	NM	88012
4	4-006-130-372-263	BARRAMEDA LUZ E & ALICIA B STULL	1561 TECOLOTE TRL	LAS CRUCES	NM	88012-9727
5	4-006-130-241-289	COHORN KENNETH E	5155 DEL REY BLVD # 1	LAS CRUCES	NM	88012
6	4-006-130-352-280	STULL ALICIA B	1561 TECOLOTE TRL	LAS CRUCES	NM	88012
7	4-006-130-394-297	CAMPBELL MARTIN A JR & DIANNE P	1581 TECOLOTE TRL	LAS CRUCES	NM	88012-9727
8	4-006-130-333-298	O'KEEFE THOMAS M	3 DEER RUN	CLOUDCROFT	NM	88317
9	4-006-130-374-316	GWALTNEY JAMES L & RUTH S	1571 TECOLOTE TRL	LAS CRUCES	NM	88012
10	4-006-130-311-236	WAINWRIGHT ALLAN L	800 LOMAS BLVD NW	ALBUQUERQUE	NM	87102-1974
11	4-006-130-354-332	STULL ALICIA B	1561 TECOLOTE TRL	LAS CRUCES	NM	88012
12	4-006-130-412-372	ONTIVEROS AMBROCIO M & MARIA G	501 CORONA DEL CAMPO LP	LAS CRUCES	NM	88011
13	4-006-130-294-328	DEMCHOK PAT	1525 TECOLOTE TRL	LAS CRUCES	NM	88012-9727
14	4-006-130-334-349	WALCH LISA & ANDREW J	1551 TECOLOTE TRL	LAS CRUCES	NM	88012
15	4-006-130-275-346	COHORN LARRY OR NITA	5185 DEL REY BLVD	LAS CRUCES	NM	88012
16	4-006-130-255-361	COHORN LARRY E & NITA	5185 DEL REY BLVD	LAS CRUCES	NM	88012-7312
17	4-006-130-318-368	MORROW LEO & FAYE REVOCABLE TRUST	PO BOX 13008	LAS CRUCES	NM	88013
18	4-006-130-297-383	MORROW LEO & FAYE MORROW REV TR	PO BOX 13008	LAS CRUCES	NM	88013
19	4-006-130-375-407	MEDRANO ERNESTO	1544 TECOLOTE TRL	LAS CRUCES	NM	88012
20	4-006-130-280-392	MORROW LEO & FAYE MORROW REV TR	PO BOX 13008	LAS CRUCES	NM	88013
21		DAC ROAD DEPT.	2025 E. GRIGGS	LAS CRUCES	NM	88001