

**COUNCIL BILL NO.** 01-024  
**ORDINANCE NO.** 1840

**AN ORDINANCE CHANGING THE ZONING FROM A-2 (RURAL AGRICULTURAL DISTRICT) TO C-2 (GENERAL COMMERCIAL) FOR APPROXIMATELY 2.22 ACRES OF LAND LOCATED AT 1740 AVENIDA DE MESILLA. SUBMITTED BY GLS ENTERPRISES. (CASE Z2441).**

The City Council is informed that:

**WHEREAS**, GLS Enterprises has submitted a request for a zone change from A-2 (Rural Agricultural District) to C-2 (General Commercial) for approximately 2.22 acres of property located at 1740 Avenida de Mesilla.

**WHEREAS**, GLS Enterprises is the property owner of the referenced parcel of land and is in favor of the zone change, and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on September 26, 2000, recommends that a zone change from A-2 (Rural Agricultural District) to C-2 (General Commercial) be APPROVED by the City Council.

**NOW, THEREFORE**, be it ordained by the governing body of the City of Las Cruces:

**(I)**

**THAT** the land owned by GLS Enterprises and generally described in Exhibit "A" attached hereto and made part of this Ordinance is rezoned from A-2 (Rural Agricultural District) to C-2 (General Commercial).

**(II)**

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

(III)

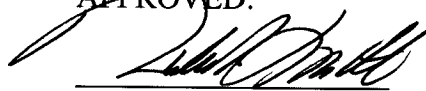
THAT the rezoning of said property be changed accordingly on the City Zoning Atlas.

(IV)

THAT, City staff is hereby authorized to do all deeds necessary in the accomplishment of the hereinabove.

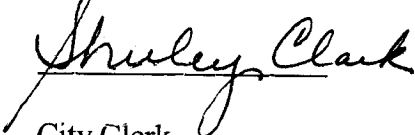
DONE AND APPROVED this 6th day of November, 2000.

APPROVED:



Mayor Ruben A. Smith

ATTEST:



City Clerk  
(SEAL)

VOTE:

Mayor Smith:	<u>aye</u>
Councillor Frietze:	<u>aye</u>
Councillor Mattiace:	<u>absent</u>
Councillor Valencia:	<u>aye</u>
Councillor Trowbridge:	<u>aye</u>
Councillor Tomlin:	<u>aye</u>
Councillor Haltom:	<u>aye</u>

Moved by: Frietze

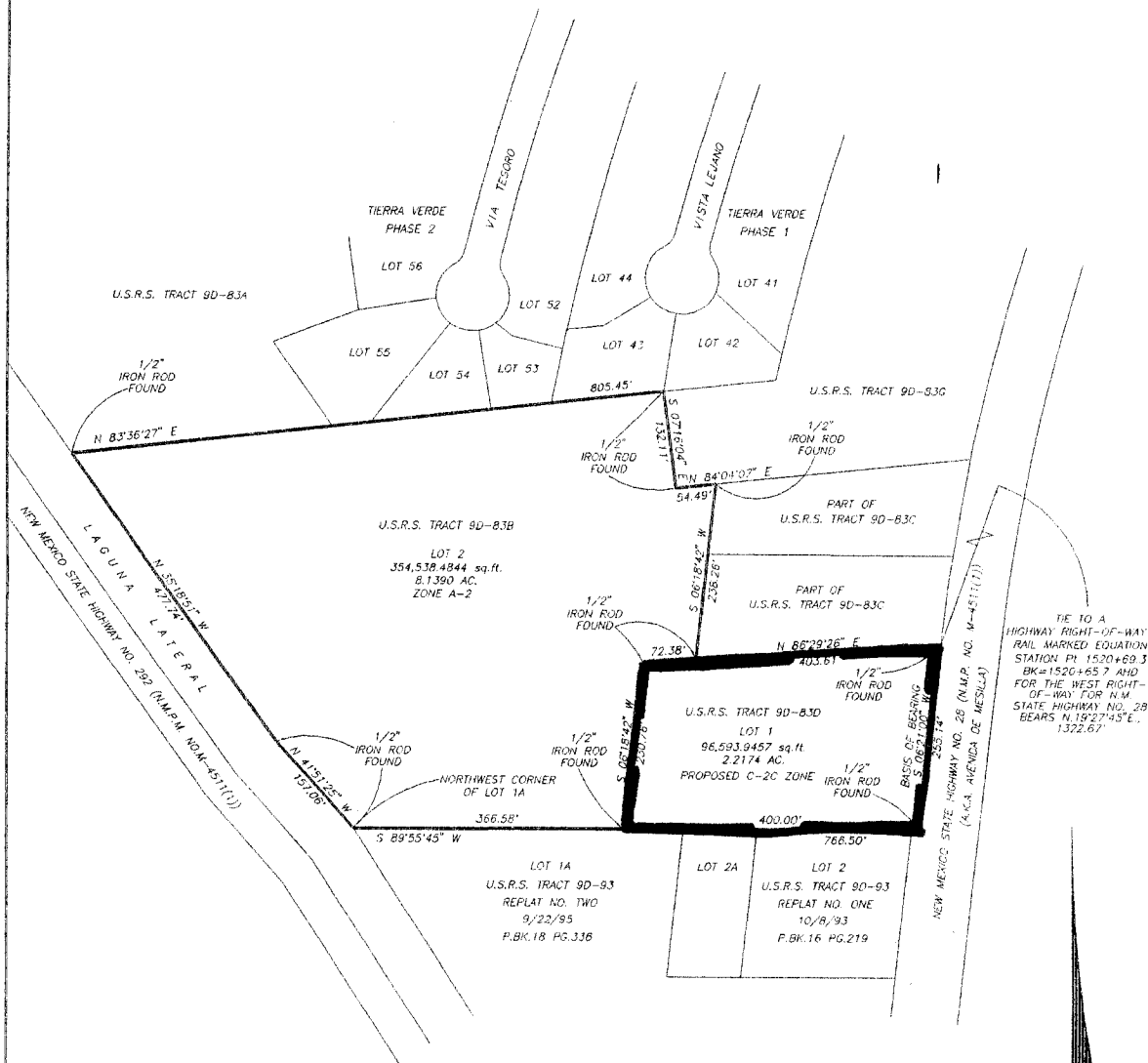
Seconded by: Valencia

APPROVED AS TO FORM:

  
Deputy City Attorney

# EXHIBIT "A"

--ATTACHMENT--



TIE TO A  
HIGHWAY RIGHT-OF-WAY  
RAIL MARKED EQUATION  
STATION PL 1520+69.3  
BK=1520+65.7 AND  
FOR THE WEST RIGHT-  
OF-WAY FOR N.M.  
STATE HIGHWAY NO. 29  
BEARS N.19°27'45"E.  
1372.67'

"THIS PLAT IS SUBJECT TO ANY CITY OF LAS CRUCES  
SUBDIVISION RULES AND REGULATIONS AND WAS  
PREPARED FOR A ZONE CHANGE REQUEST"

NOTES

1. FLOOD ZONE "X": AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOOD PLAIN, IN MAP NO. 35013C0633 E, EFFECTIVE 9/27/91
2. INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM DEED BOOK 311, PAGES 421-422, FILED JANUARY 26, 1987, DONA COUNTY RECORDS. A DESCRIPTION WAS PREPARED UNDER JOB NO. 00-0140.

SCALE: 1"=200'



PLAT SHOWING A  
2.2174 ACRE TRACT AND A  
8.1390 ACRE TRACT  
FOR THE PROPOSED G.L.S. ACRES  
SITUATE IN SECTION 25, T.23S., R.1E., N.M.P.M.  
N.M.P.M. OF THE U.S.R.S. SURVEYS  
BEING U.S.R.S. TRACTS 9D-83B AND 83D  
CITY OF LAS CRUCES, DONA ANA COUNTY  
NEW MEXICO

**MOY SURVEYING CO.**  
414 N. DOWNTOWN MALL  
LAS CRUCES, NEW MEXICO  
88001  
PHONE: (505) 525-9683  
FAX: (505) 524-3238

JOB NO. 00-0140  
DRAWN BY E.C.  
FIELD BY SCHEDULED  
DATE 2/1/00 SCALE: 1"=200'

## Exhibit "B"

### FINDINGS

1. This is a request for a zone change A-2 (Rural Agricultural District) to C-2 (General Commercial). The property is located at 1740 Avenida de Mesilla. The property contains approximately 10.36 acres with 2.22 acres requested for the zone change. The property is within the Avenida de Mesilla Gateway Overlay Zone District.
2. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North -	M-1C	Commercial
South -	C-2C	Commercial
East -	N/A (Mesilla)	Commercial
West -	A-2	Agricultural/Vacant

3. This request for a zone change is consistent with the following goals, objectives and policies of the Comprehensive Plan:

Land Use Element, Commercial Uses, Goal 1, Objective 5, Policy 5.3b:

High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

Land Use Element, Commercial Uses, Goal 1, Objective 5, Policy 5.3d:

High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

Land Use Element, Growth Management, Goal 1, Objective 1, Policy 6:

The City shall discourage "leap frog" growth. "Leap frog" growth shall be defined as any development proposed beyond the predominantly urbanized area and lacks readily available infrastructure. Such development bypasses areas of vacant or rural land and requires the

extension of new roads, utilities, and other facilities in accordance to City specifications.

Urban Design Element, Image, Goal 1, Objective 1, Policy 1.1, 1.1a, & 1.1c:

Major and minor entrances (gateways) to the City should be emphasized to relay a sense of arrival to those traveling to and through Las Cruces.

1.1a. Gateways should include: Avenida de Mesilla

1.1c. Emphasis should be placed on a theme for each gateway area. Elements of the streetscape in gateways and corridors should include, but not be limited to:

(1) Architecture should respect the gateway's designated theme, existing character, and/or highlight our Southwestern character where applicable.

4. The Avenida de Mesilla Gateway Overlay District will control land uses and urban design elements of the property.
5. The property was granted a variance by the Board of Adjustment to the minimum acreage requirements for A-2 zoning allowing this request to be processed.
6. Avenida de Mesilla is classified as a major arterial roadway in the Transportation Element of the Comprehensive Plan.



# City of Las Cruces

TO: Planning and Zoning Commission

FROM: Planning Review Committee

PREPARED BY: Robert Kyle, AICP, Planner *RK*

DATE: September 8, 2000

SUBJECT: Z2441 (1740 Avenida de Mesilla)

RECOMMENDATION: Approval

**Case Z2441:** A request for a zone change from A-2 (Rural Agricultural District) to C-2 (General Commercial). The property is located at 1740 Avenida de Mesilla. The property contains approximately 10.36 acres with 2.22 acres requested for the zone change. The property is within the Avenida de Mesilla Gateway Overlay Zone District. Submitted by GLS Enterprises.

## **BACKGROUND**

The applicants are requesting that a portion of an existing 10.36 acre parcel be rezoned from A-2 to C-2. Approximately 1.84 acres of the property was zoned C-2C in the mid 1980's. The condition limited the use to a restaurant only. The condition was not met; therefore, the zoning was never vested and the zoning reverted back to the existing A-2 zone.

The applicants have received a variance to the 10 acre minimum lot size for A-2 zoned property and have a subdivision pending awaiting zoning approval which will separate the C-2 zoned property from the A-2 property. The subdivision will remove the A-2 property from the Avenida de Mesilla Overlay Zone District. The C-2 commercial portion will remain in the overlay and, of course, be subject to the provisions of the overlay district.

There are commercial uses to the north, east and south of the subject property with agricultural property to the west, which is also owned by the applicant.

Staff has not received any negative public comment regarding this request at this time.

## FINDINGS

1. This is a request for a zone change A-2 (Rural Agricultural District) to C-2 (General Commercial). The property is located at 1740 Avenida de Mesilla. The property contains approximately 10.36 acres with 2.22 acres requested for the zone change. The property is within the Avenida de Mesilla Gateway Overlay Zone District.

2. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North -	M-1C	Commercial
South -	C-2C	Commercial
East -	N/A (Mesilla)	Commercial
West -	A-2	Agricultural/Vacant

3. This request for a zone change is consistent with the following goals, objectives and policies of the Comprehensive Plan:

Land Use Element, Commercial Uses, Goal 1, Objective 5, Policy 5.3b:

High intensity commercial uses and centers shall be located at the intersection of minor arterial streets, or any intersection with a major arterial street. Mid-block locations shall be considered on a case-by-case basis: criteria shall include street capacity, distance from an intersection where appropriate, accessibility and shared vehicular access with other uses where appropriate, and consideration of the level of traffic and environmental impacts.

Land Use Element, Commercial Uses, Goal 1, Objective 5, Policy 5.3d:

High intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking, and loading areas. Architectural and landscaping standards for high intensity commercial use shall be established in the Comprehensive Plan Urban Design Element.

Land Use Element, Growth Management, Goal 1, Objective 1, Policy 6:

The City shall discourage "leap frog" growth. "Leap frog" growth shall be defined as any development proposed beyond the predominantly urbanized area and lacks readily available infrastructure. Such development bypasses areas of vacant or rural land and requires the extension of new roads, utilities, and other facilities in accordance to City specifications.

Urban Design Element, Image, Goal 1, Objective 1, Policy 1.1, 1.1a, & 1.1c:

Major and minor entrances (gateways) to the City should be emphasized to relay a sense of arrival to those traveling to and through Las Cruces.

1.1a. Gateways should include: Avenida de Mesilla

1.1c. Emphasis should be placed on a theme for each gateway area. Elements of the streetscape in gateways and corridors should include, but not be limited to:

(1) Architecture should respect the gateway's designated theme, existing character, and/or highlight our Southwestern character where applicable.

4. The Avenida de Mesilla Gateway Overlay District will control land uses and urban design elements of the property.
5. The property was granted a variance by the Board of Adjustment to the minimum acreage requirements for A-2 zoning allowing this request to be processed.
6. Avenida de Mesilla is classified as a major arterial roadway in the Transportation Element of the Comprehensive Plan.

## **RECOMMENDATION**

Staff recommends approval with of the requested zone change based on the preceding findings. The subject property falls under the provisions of the Avenida de Mesilla Gateway Overlay District which controls architectural, land use, and site design considerations. As such, staff does feel that the zone change will create any negative impacts on the surrounding properties as they are a mix of commercial and agricultural uses. Nearby residential uses are buffered by the agricultural uses.

## **OPTIONS**

1. Approve the requested zone change.
2. Approve the requested zone change with conditions.
3. Recommend a lower zoning designation.
4. Deny the requested zone change.

**NOTE:** Decisions must be based on 'findings'. The findings presented in this document can be used to support **APPROVAL** decisions only. Other findings may be based on the Comprehensive Plan, Zoning Code, or other City plans and policies. Findings may also be based on information presented at public hearings, information obtained through site inspections, etc.

## **ATTACHMENTS**

1. Existing Zoning Map
2. Letter from the Town of Mesilla





# Town of Mesilla, New Mexico

P.O. Box 10 Phone 524-3262 Fax 541-6327 Mesilla, NM 88046

September 7, 2000

City of Las Cruces  
Planning Department  
P.O. Box 20000  
Las Cruces, NM 88004

Re.: Case Number Z2441

Attention Mr. Kyle:

On behalf of the Town of Mesilla I would like to submit comments regarding the proposed zone change located at 1740 Avenida de Mesilla.

The proposal to change the 2.22 acres from Rural Agricultural (A-2) to General Commercial (C-2) would not necessarily create a problem due to the fact that the property is frontage property on Avenida de Mesilla, provided that the requirements of the Avenida de Mesilla Corridor Committee be met.

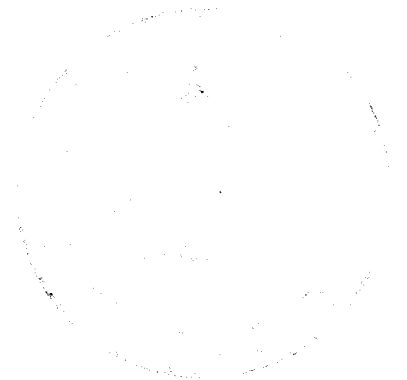
Additionally there would be concern about the remaining 8.14 acres, which are zoned A-2, because this portion of the property borders the Town of Mesilla in an area which is zoned for agricultural use and has been so for many years. It is imperative that these remaining 8.14 acres continue in an agricultural zone classification.

Finally, there is a question of whether or not there would be a need access to Highway 292, because this particular roadway is primarily a farm road.

Sincerely,



Michael M. Cadena  
Mayor



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- 1) Cruces to either approve or deny requests for zone
- 2) changes, annexations, or amendments to the Las
- 3) Cruces Zoning Code.
- 4) The City Council will make their final
- 5) decisions on these requests and the Commission
- 6) recommendations at their regularly scheduled
- 7) meeting. I do not have the specific dates for those
- 8) meetings. For the benefit of the public, there are
- 9) some additional agendas at the head table, same ones
- 10) that we use up here. Please help yourself so that
- 11) you can follow these proceedings.
- 12) And, also, I note that we are rather
- 13) crowded today. There are extra chairs over here,
- 14) and you're very welcome to come and sit in those
- 15) chairs. People standing in the back, please come
- 16) over and use some of these chairs here.
- 17) As our first order of business, let us
- 18) examine this evening's agenda. And I will point out
- 19) that there is one item on the consent agenda, and
- 20) when we approve the agenda, the consent item will be
- 21) automatically approved unless it has been removed.
- 22) So for your benefit, I'm going to read the consent
- 23) agenda item. That is Case Z2441. It is a request
- 24) for a zone change from A-2, rural agricultural
- 25) district, to C-2, general commercial. The property

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- 1) is located at 1740 Avenida de Mesilla. The property
- 2) contains approximately 10.36 acres with 2.22 acres
- 3) which is requested for the zone change. The
- 4) property is within the Avenida de Mesilla Gateway
- 5) Overlay Zone District. Submitted by GLS
- 6) Enterprises.
- 7) Is there anyone here tonight who wishes to
- 8) hear this case more fully? Okay, since no one
- 9) wishes to hear this particular case more fully, we
- 10) can leave it on today's consent agenda.
- 11) Commissioners, do you have any items which
- 12) you wish to add or remove from tonight's agenda?
- 13) Seeing no one --
- 14) COMMISSIONER FORD: Mr. Chairman,
- 15) move approval of the agenda as it was presented to
- 16) us with the consent items in place.
- 17) COMMISSIONER AMAYA: Second.
- 18) CHAIR DOVYDAITIS: In that case, I
- 19) shall call the roll call. Commissioner Young.
- 20) COMMISSIONER YOUNG: Aye.
- 21) COMMISSIONER HINE: Aye.
- 22) COMMISSIONER HALLS: Aye.
- 23) COMMISSIONER FORD: Aye.
- 24) COMMISSIONER PEREZ: Aye.
- 25) COMMISSIONER AMAYA: Aye.

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- 1) CHAIR DOVYDAITIS: And Chair votes
- 2) aye. The agenda has been accepted, and now I can
- 3) deal with the agenda. And first order of the agenda
- 4) is to review and approve the minutes of the
- 5) August 22nd meeting. I was not present for that
- 6) meeting, so I'm going to depend upon the
- 7) commissioners who were for any amendments or
- 8) adjustments to the minutes as required.
- 9) Commissioners, do you have any changes or
- 10) comments? By the looks of it, these are excellent
- 11) minutes.
- 12) COMMISSIONER FORD: Mr. Chairman, I
- 13) move approval of the minutes of the August 22nd
- 14) meeting.
- 15) COMMISSIONER HALLS: Second.
- 16) CHAIR DOVYDAITIS: Okay, it has been
- 17) moved and seconded to approve the minutes of August
- 18) 22nd. Commissioner Young.
- 19) COMMISSIONER YOUNG: Aye.
- 20) COMMISSIONER HINE: Aye.
- 21) COMMISSIONER HALLS: Aye.
- 22) COMMISSIONER FORD: Aye.
- 23) COMMISSIONER PEREZ: Aye.
- 24) COMMISSIONER AMAYA: Aye.
- 25) CHAIR DOVYDAITIS: And Chair abstains

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- 1) because I was not present during this meeting.
- 2) Next item on our agenda, we have a
- 3) postponement. Case ZCA-00-06, which was a proposal
- 4) to repeal Article 6, Planned Unit Development as a
- 5) special use of the Municipal Code and replace it
- 6) with a new Division 13 to existing Article 5, PUD as
- 7) a special zoning district. The submitter was City
- 8) of Las Cruces. We are going to work on that one a
- 9) little more in our work session.
- 10) And the consent item has been approved,
- 11) and we then turn to old business. Commissioners,
- 12) may I have a motion to hear Case Z2440.
- 13) COMMISSIONER AMAYA: So moved.
- 14) CHAIR DOVYDAITIS: I shall read the
- 15) abstract. Case Z2440 is the a request for a zone
- 16) change from R-3, high density residential, and R-1,
- 17) low density, single family residential, to C-2,
- 18) general commercial, for approximately 1.40 acres of
- 19) land located at 1305 Durazno Street and 1302
- 20) Esperanza Street. Submitted by Felipe and Estella
- 21) Guzman and Jose Sandoval. Are the applicants or
- 22) their representatives present?
- 23) Sir, would you please come to the
- 24) microphone and present your case. Please give us
- 25) your name to make sure the record is clear as to who



**CITY OF LAS CRUCES  
COUNCIL ACTION FORM**

For Meeting of November 6, 2000

**TITLE**

**AN ORDINANCE CHANGING THE ZONING FROM A-2 (RURAL AGRICULTURAL DISTRICT) TO C-2 (GENERAL COMMERCIAL) FOR APPROXIMATELY 2.22 ACRES OF LAND LOCATED AT 1740 AVENIDA DE MESILLA. SUBMITTED BY GLS ENTERPRISES. (CASE Z2441).**

**BACKGROUND, SUPPORT INFORMATION AND COUNCIL OPTIONS (in order):**

The subject property is a portion of an existing 10.36 acre lot located on Avenida de Mesilla. The property is currently vacant and is used for agricultural purposes. Of the 10.36 acres, only 2.22 acres is being requested for change to C-2. The remaining 8 acres will remain A-2. In 1985, approximately 1.84 acres of this property was zoned C-2C. The condition of the zoning limited the use to a restaurant only. The restaurant was never built and the zoning reverted back to its A-2 status in 1987. The applicants now wish to have the front portion of the property zoned back to a commercial status. The property would fall under the provisions of the Avenida de Mesilla Corridor Overlay District which control land uses, architecture and site design aspects of the property.

The applicants have submitted a subdivision, which is pending approval of the zone change request. If approved, the C-2 portion of the property which fronts Avenida de Mesilla will be subdivided from the remainder. The C-2 portion of the property will remain within the Avenida de Mesilla Corridor Overlay District, while the back portion is removed from the overlay. The subdivision was submitted prior to the Council's amendment of the overlay district's boundary which now prohibits a land owner from subdividing his property to remove it from the overlay.

Name of Drafter: Robert Kyle <i>RK</i>		Division/Department: DSD/Planning		Phone: 528-3222	
Division/Department	Signature	Phone	Division/Department	Signature	Phone
Community Services & Facilities			Development Services	<i>BD</i>	3222
Fire			Administration		
Police			Legal	<i>A. Mitchell</i>	541-2128
Utilities			Budget	<i>[Signature]</i>	2307
Finance			City Manager	<i>[Signature]</i>	2078

The applicants have also received a variance from the Board of Adjustment to allow the remaining lot of A-2 zoning to be less than the 10 acres required by the Zoning Code.

The request was approved on consent by the Planning and Zoning Commission at its September 26, 2000, regular meeting. There was no public opposition to the request.

#### **SUPPORT INFORMATION**

1. Ordinance (Including Exhibits “A” and “B”)
2. Staff Information Report to the Planning and Zoning Commission for Case Z2441.
3. Minutes from the September 26, 2000, Planning and Zoning Commission Public Hearing.

#### **OPTIONS:**

1. Vote “yes” and approve the Ordinance. Such action will approve C-2 (General Commercial) zoning for the subject property located at 1740 Avenida de Mesilla.
2. Vote “no” and deny the Ordinance. Such action will overturn the Planning and Zoning Commission’s recommendation and maintain the existing zoning designation of A-2 (Rural Agricultural District).
3. Modify the Ordinance and vote “yes” to approve the Ordinance. The City Council may modify the Ordinance to add conditions to the zone change.

**PROOF OF PUBLICAT N**

Richard Cole, being duly sworn, deposes and says that he is the General Manager of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the notice 24840 per clipping attached was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 1 consecutive days, the first publication was in the issue dated Nov 12 2000 and the last publication was Nov 12 2000.

Deponent further states this newspaper is duly qualified to publish legal notices or advertisements within the meaning of Sec. Chapter 167, Laws of 1937.

Signed

*Richard Cole*

General Manager  
Official Position

STATE OF NEW MEXICO

ss.

County of Dona Ana

Subscribed and sworn before me this

5th day of March  
2001.

*Robin Quill*

My Term Expires

10-28-04

Notary Public in and for Dona Ana  
County, New Mexico

**NOTICE DOPTION**

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following Ordinance at The Regular Meeting Which Was Held on November 6, 2000, of:

**Council Bill No. 01-019:**  
**Ordinance No. 1835:** A n Ordinance Creating Chapter 38, Article 5, Division 12 (The Lohman Avenue Overlay District) of the Las Cruces Municipal Code, as Amended.

**Council Bill No. 01-024:**  
**Ordinance No. 1840:** A n Ordinance Changing the Zoning from A-2 (Rural Agricultural District) to C-2 (General Commercial) for Approximately 2.22 Acres of Land Located at 1740 Avenida De Mesilla. Submitted by GLS Enterprises. (Case Z2441)

**Council Bill No. 01-025:**  
**Ordinance No. 1841:** A n Ordinance Changing the Zoning for Several Parcels of Land Located at 4215 Elks Drive and General Vicinity. The Parcels Contain a Total of 15.53 Acres, Submitted by Blanchard Engineering, Inc., for Mesa MHS, Inc., and J's Enterprises, Inc. (Case Z2433a & b)

**Council Bill No. 01-020:**  
**Ordinance No. 1836:** A n Ordinance Repealing and Replacing in its Entirety Chapter 39, Article II, Section 39-22, Paragraph (h). (Outdoor Lighting Ordinance, Provisions, Exemptions and Exceptions) of the Las Cruces Municipal Code. Submitted by the City of Las Cruces.

**Council Bill No. 01-021:**  
**Ordinance No. 1837:** A n Ordinance Adding Section 8-3, LCMC 1997, Concerning Elections.

Copies of these documents are available for inspection at the office of the City Clerk during regular working hours. **Witness my hand and seal** of the City of Las Cruces on this the 9th day of November, 2000.

Shirley Clark, MMC  
City Clerk

Pub. No.: 24840  
Publish: November 12, 2000

**NOTICE OF ADOPTION**

The City Council of The City of Las Cruces, New Mexico, Hereby Gives Notice of Its Adoption of The Following Ordinance at The Regular Meeting Which Was Held on November 6, 2000, of:

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Shirley Clark, MMC  
City Clerk

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Shirley Clark, MMC  
City Clerk