

# City of Las Cruces®

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 3 Ordinance/Resolution# 2553 Council District: 4

For Meeting of January 25, 2010  
(Adoption Date)

**TITLE:** AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 4.080 +/- ACRES LOCATED AT 1886 W. PICACHO AVENUE. THE PURPOSE OF THE ZONE CHANGE IS TO ALLOW THE USE OF A BUS TERMINAL ON THE SUBJECT PROPERTY. THE ZONE CHANGE WILL BRING THE PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY FIESTA PROPERTIES ON BEHALF OF BILLIE RUTH RITTER SIMPSON, PROPERTY OWNER. (Z2801).

**PURPOSE(S) OF ACTION:** Approval of a zone change that will facilitate the use of a bus terminal on the subject property and bring the subject property into compliance with the 2001 Zoning Code, as amended.

<b>Name of Drafter:</b> Adam Ochoa <i>AO</i>		<b>Department:</b> Community Development		<b>Phone:</b> 528-3204	
<b>Department</b>	<b>Signature</b>	<b>Phone</b>	<b>Department</b>	<b>Signature</b>	<b>Phone</b>
Community Development	<i>OK for DW</i>	528-3066	Budget	<i>[Signature]</i>	541-2107
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

### **BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The property owner, Billie Ruth Ritter Simpson, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) for a property 4.080 +/- acres in size located at 1886 W. Picacho. The zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended, for the acreage requirement only. Parking and landscaping requirements must be addressed for the use of the property for commercial purposes.

The property currently consists of six (6) different buildings. Four (4) of the buildings are currently vacant while the other two (2) buildings are currently being used as a truck repair shop and a fruit and vegetable stand. A portion of the property is also being used as an area for the storage and sales of mobile homes and manufactured dwelling units.

The canopy of the building being used as the fruit and vegetable stand is encroaching into the front yard setback of the property and the building on the north-west rear part of the property being used as the truck repair shop is encroaching into the rear yard setback of the property as well. Both buildings were built prior to the 1955 Zoning Code when setbacks were first proposed and enforced in the City of Las Cruces. Because of this, these buildings are considered to be

non-conforming structures and are not required to come into zoning compliance at this time. The formally vacant southwest building on the subject property is the building for the bus terminal.

The subject property is located along W. Picacho Avenue. The Metropolitan Planning Organization (MPO) has classified W. Picacho Avenue as an existing Principal Arterial roadway. The property has access to W. Picacho Avenue with five (5) ingress and egress locations all along the southern boundary of the subject property. A bus shelter is located directly across the street of the subject property on W. Picacho Avenue. There are no trails present within the general area.

The subject property currently functions as a commercial center on two (2) lots. A lot line currently exists on the northern portion of the property which intersects both of the existing rear buildings. The applicant will be required to replat the subject property to eliminate the existing property line and create one (1) lot.

The property contains some existing improved parking area. The multiple land uses on the subject property require the property to follow the parking requirements for a shopping/business center. The 2001 Zoning Code, as amended requires shopping/business centers to provide one (1) parking stall per 200-300 square feet of gross floor area. Therefore, based on the gross floor area of the existing buildings a range of 34 to 50 parking spaces are required for the entire subject property. Four (4) of the parking stalls will be required to be Americans with Disability Act (ADA) compliant.

The parking lot around the bus terminal building was resurfaced and adequate parking was provided for the new bus terminal. The applicant will also be required to provide four (4) bicycle parking stalls for the new bus terminal. Whenever any additions or structural modifications are done to the other existing buildings on the property with a value of \$25,000.00 or over, then the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate parking; this includes the truck repair shop and the fruit and vegetable stand.

The City of Las Cruces Design Standards requires additions or structural modifications to existing buildings with a value of \$25,000.00 or over to provide landscaping. The parking area determines the amount of landscaping required for the site. A minimum area equal to 15 percent of the total parking area shall be landscaped. For the purpose of landscaping compliance, the parking area includes the entire tract of land except for the building pad and fenced-in storage area. Some improvements have been done to the bus terminal building, but the improvements have not exceeded \$25,000 and no additional landscaping is required at this time.

The property is bordered to the north and west by properties zoned C-2 (Commercial Medium Intensity) and to the east by properties zoned C-2 (Commercial Medium Intensity) and PUD (Planned Unit Development) with an underlying zoning of M-1/M-2 (Industrial Standard). No additional buffering (screening) is required between C-2 and C-3 zoning districts. The property is also bordered to the south by a major thoroughfare (W. Picacho Avenue). No additional screening is required along this property line either.

On October 27, 2009, the Planning and Zoning Commission recommended approval with conditions for the zone change by a vote of 4-0-0 (two Commissioners absent). Public discussion took place at the meeting concerning the use of the subject property as a bus terminal. Public comment was expressed that the new bus terminal will negatively impact the safety of the area, further increase the traffic problems at that area of Picacho Avenue, negatively affect the integrity of the neighborhood, and decrease the property values of the surrounding properties. The applicant presented that the redevelopment of the property was a positive thing for the neighborhood, and that the use of the bus terminal fits in with the uses along Picacho Avenue. The applicant proceeded to address most issues that the public had with the subject property and the proposed zone change. Another member of the public commented supporting the zone change to allow the new bus terminal.

### **SUPPORT INFORMATION:**

<b>Fund Name / Account Number</b>	<b>Amount of Expenditure</b>	<b>Budget Amount</b>
N/A	N/A	N/A

1. Ordinance
2. Exhibit "A"- Site Plan
3. Exhibit "B"- Findings and Comprehensive Plan Analysis
4. Attachment "A"- Staff Report to the Planning and Zoning Commission for Case Z2801
5. Attachment "B"- Minutes from the October 27, 2009 Planning and Zoning Commission
6. Attachment "C"- Letters from the Public
7. Attachment "D"- Vicinity Map

### **OPTIONS / ALTERNATIVES:**

1. Vote **YES** to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for approval with conditions. The property located at 1886 W. Picacho Avenue will be rezoned from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional).
2. Vote **NO** to deny the Ordinance. This action reverses the recommendation made by the Planning and Zoning Commission. The current zoning designation of C-2 (Commercial Medium intensity) will remain on the property located at 1886 W. Picacho Avenue. The property will continue to be non-conforming and the use of the bus terminal will not be allowed on the subject property.
3. Modify the Ordinance and vote **YES** to approve the modified Ordinance. The Council may modify the Ordinance by adding conditions as deemed appropriate.
4. Table/Postpone the Ordinance and direct staff accordingly.

**COUNCIL BILL NO.** 10-024  
**ORDINANCE NO.** 2553

**AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 4.080 +/- ACRES LOCATED AT 1886 W. PICACHO AVENUE. THE PURPOSE OF THE ZONE CHANGE IS TO ALLOW THE USE OF A BUS TERMINAL ON THE SUBJECT PROPERTY. THE ZONE CHANGE WILL BRING THE PROPERTY INTO COMPLIANCE WITH THE 2001 ZONING CODE, AS AMENDED. SUBMITTED BY FIESTA PROPERTIES ON BEHALF OF BILLIE RUTH RITTER SIMPSON, PROPERTY OWNER. (Z2801).**

The City Council is informed that:

**WHEREAS**, Billie Ruth Ritter Simpson, the property owner, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 4.080 +/- acres located at 1886 W. Picacho Avenue; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on October 27, 2009, recommended that said zone change request be conditionally approved by a vote of 4-0-0 (two Commissioners absent).

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

**(I)**

**THAT** the land more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby zoned C-3C (Commercial High Intensity-Conditional) for the property located at 1886 W. Picacho Avenue.

**(II)**

**THAT** the condition be stipulated as follows:

- The property owner will be required to replat the subject property to eliminate an underlying property line that runs through the northern portion of the property. The replat will be required to be submitted before final action is taken by City Council on this case.

(III)

THAT the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

THAT the zoning of said property be shown accordingly on the City Zoning Atlas.

(V)

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

DONE AND APPROVED this \_\_\_\_ day of \_\_\_\_\_ 2010.

APPROVED:

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Connor: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_

Moved by: \_\_\_\_\_

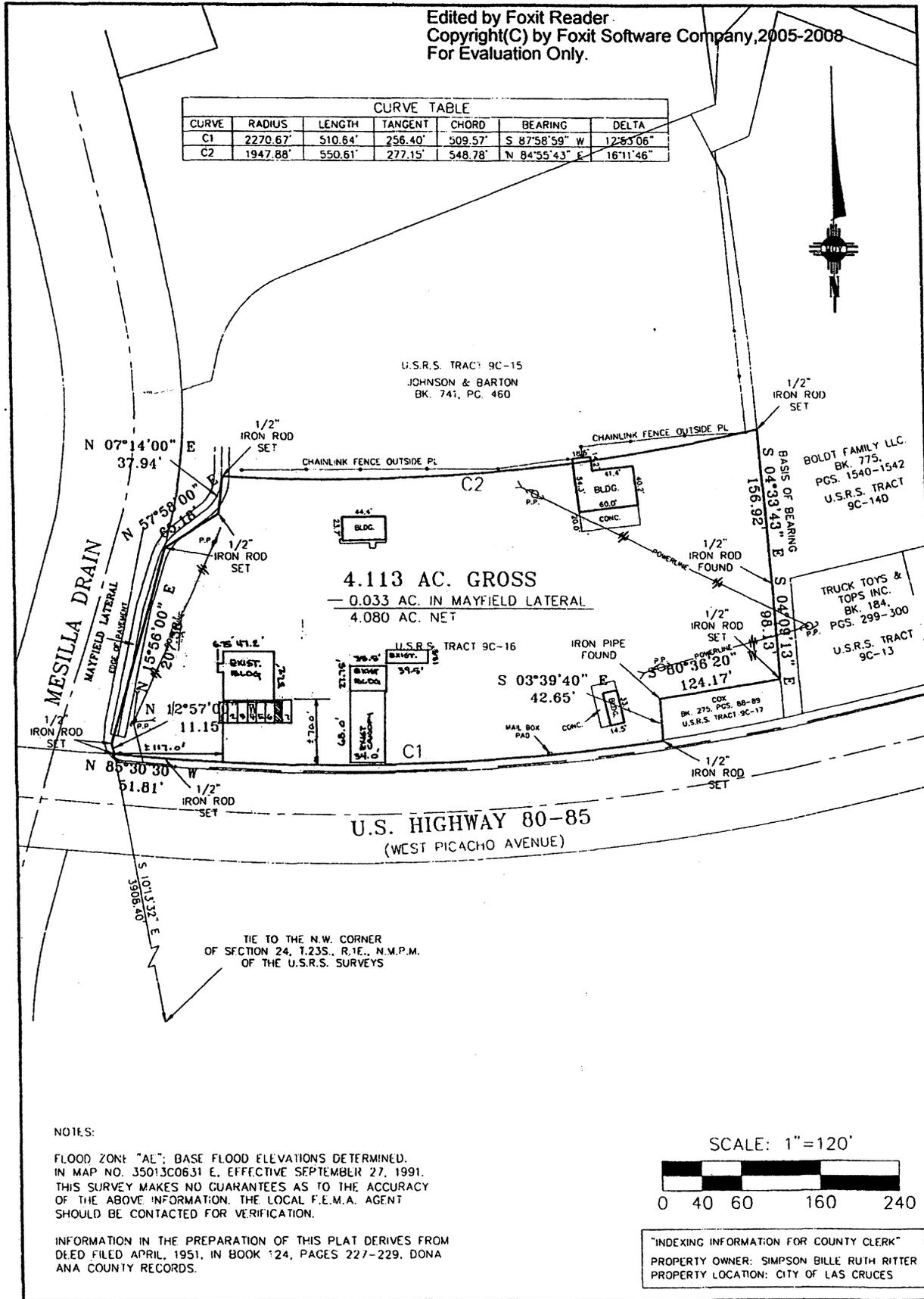
Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

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For Evaluation Only.

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	2270.67'	510.64'	256.40'	509.57'	S 87°58'59" W	128°5'06"
C2	1947.88'	550.61'	277.15'	548.78'	N 84°55'43" E	16°11'46"



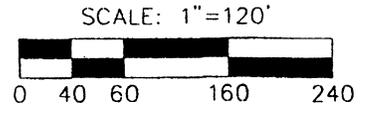
4.113 AC. GROSS  
— 0.033 AC. IN MAYFIELD LATERAL  
4.080 AC. NET

U.S. HIGHWAY 80-85  
(WEST PICACHO AVENUE)

TIE TO THE N.W. CORNER  
OF SECTION 24, T.23S., R.1E., N.M.P.M.  
OF THE U.S.S. SURVEYS

NOTES:  
FLOOD ZONE "AE"; BASE FLOOD ELEVATIONS DETERMINED.  
IN MAP NO. J5013C0631 E. EFFECTIVE SEPTEMBER 27, 1991.  
THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY  
OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT  
SHOULD BE CONTACTED FOR VERIFICATION.

INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM  
DEED FILED APRIL, 1951, IN BOOK 124, PAGES 227-229. DONA  
ANA COUNTY RECORDS.



"INDEXING INFORMATION FOR COUNTY CLERK"  
PROPERTY OWNER: SIMPSON BILLE RUTH RITTER  
PROPERTY LOCATION: CITY OF LAS CRUCES



PLAT OF SURVEY  
ON A 4.113 ACRE TRACT  
IN SECTION 14, T.23S., R.1E., N.M.P.M.  
OF THE U.S.S. SURVEYS  
BEING U.S.S. TRACT 9C-16  
ALSO BEING PART OF LOTS 18, AND 20

**JORGE MOY SURVEYING INC.**  
414 N. DOWNTOWN MALL  
LAS CRUCES, NEW MEXICO

**FINDINGS**

1. The subject property encompasses 4.080 +/- acres and is located at 1886 W. Picacho Avenue.
2. The subject property is currently zoned C-2 (Commercial Medium Intensity).
3. The subject property contains a total of six (6) buildings with four (4) of them vacant and two (2) currently in use as a truck repair shop and a fruit and vegetable stand.
4. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) will bring all the subject property into compliance with the 2001 Zoning Code, as amended.
5. The subject property has frontage along W. Picacho Avenue, an existing Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-2	Commercial
South	C-2	Commercial
East	C-2/PUD	Commercial/Multi-Family Dwelling
West	C-2	Commercial/Vacant

7. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

Land Use Element, Goal 1 (Land Uses)

Policy 1 5.3 High intensity commercial use shall be defined as those commercial uses which generate retail, service, and wholesale activities within a specific sector within the City. High intensity commercial use and centers shall generally serve a population of 15,000 to 85,000 people and shall be established according to the following criteria:

- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.
- b. 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.

c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.

d. 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.

e. Adequate space for functional circulation shall be provided for parking and loading areas.

f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.

g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.

h. Low and medium intensity commercial use are permitted in high intensity commercial areas


**City of Las Cruces**®

TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner *AO*

DATE: October 27, 2009

SUBJECT: 1886 W. Picacho (Zone Change)

RECOMMENDATION: Approval – with conditions for zone change (Case Z2801)

**Case Z2801:** A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 4.080 +/- acres located at 1886 West Picacho Ave. The purpose of the zone change is to allow the use of a bus terminal on the subject property. The zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended. Submitted by Fiesta Properties for Billie Ruth Ritter Simpson, property owner.

### **BACKGROUND**

The property owner, Billie Ruth Ritter Simpson, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) for a property 4.080 +/- acres in size located at 1886 W. Picacho. The zone change will bring the property into zoning compliance with the 2001 Zoning Code, as amended, with the acreage requirement only. There are still outstanding issues with the site in its entirety as it pertains to parking and minimum landscaping requirement.

The property currently consists of six (6) different buildings. Four (4) of the buildings are currently vacant while the other two (2) buildings are currently being used as a truck repair shop and a fruit and vegetable stand. A portion of the property is also being used as an area for the storage and sales of mobile homes and manufactured dwelling units.

The canopy of the building being used as the fruit and vegetable stand is encroaching into the front yard setback of the property and the building on the north-west rear part of the property being used as the truck repair shop is encroaching into the rear yard setback of the property as well. Both buildings were built prior to the 1955 Zoning Code when setbacks were first proposed and enforced in the City of Las Cruces. Because of this, these buildings are considered to be non-conforming structures and are not required to come into compliance at this time. Whenever any additions or structural modifications are done to any of the existing buildings on the property with a value of \$25,000.00 or over then the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to follow required setbacks. The vacant southwest building on the subject property is the building being proposed for the bus terminal.

The subject property is located along W. Picacho Avenue. The Metropolitan Planning Organization (MPO) has classified W. Picacho Avenue as an existing Principal Arterial roadway. The property has access to W. Picacho Avenue with five (5) ingress and egress locations all along the southern boundary of the subject property. A bus shelter is located directly across the street of the subject property on W. Picacho Avenue. There are no trails present within the general area.

An underlying property line currently exists on the northern part of the property which intersects both of the existing rear buildings. The applicant will be required to replat the subject property to eliminate the existing property line.

### **PARKING**

The property contains some existing improved parking. The multiple land uses on the subject property require the property to follow the parking requirements for a shopping/business center. The 2001 Zoning Code, as amended requires shopping/business centers to provide one (1) parking stall per 200-300 square feet of gross floor area. Therefore, based on the gross floor area of the existing buildings a range of 34 to 50 parking spaces are required for the entire subject property. Four (4) of the parking stalls will be required to be Americans with Disability Act (ADA) compliant.

The parking lot around the bus terminal building was resurfaced and adequate parking was provided for the new bus terminal. The applicant will also be required to provide four (4) bicycle parking stalls for the proposed new bus terminal. Whenever any additions or structural modifications are done to the other existing buildings on the property with a value of \$25,000.00 or over, then the entire subject property will have to come into compliance with the 2001 Zoning Code, as amended, to provide adequate parking; this includes the truck repair shop and the fruit and vegetable stand.

### **LANDSCAPING AND SCREENING**

The City of Las Cruces Design Standards requires additions or structural modifications to existing buildings with a value of \$25,000.00 or over to provide landscaping. The parking area determines the amount of landscaping required for the site. A minimum area equal to 15 percent of the total parking area shall be landscaped. For the purpose of landscaping compliance, the parking area includes the entire tract of land except for the building pad and fenced-in storage area. Some improvements have been done to the bus terminal building, but the improvements have not exceeded \$25,000.

The property is bordered to the north and west by properties zoned C-2 (Commercial Medium Intensity) and to the east by properties zoned C-2 (Commercial Medium Intensity) and PUD (Planned Unit Development) with an underlying zoning of M-1/M-2 (Industrial Standard). The regular required setbacks is all that is required for the subject property from these boundaries and additional buffering (screening) is not required.

The property is also bordered to the south by a major thoroughfare (W. Picacho Avenue). No additional screening is required along this property line either.

**FINDINGS**

1. The subject property encompasses 4.080 +/- acres and is located at 1886 W. Picacho Avenue.
2. The subject property is currently zoned C-2 (Commercial Medium Intensity).
3. The subject property contains a total of six (6) buildings with four (4) of them vacant and two (2) currently in use as a truck repair shop and a fruit and vegetable stand.
4. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity – Conditional) will bring all the subject property into compliance with the 2001 Zoning Code, as amended.
5. The subject property has frontage along W. Picacho Avenue, an existing Principal Arterial roadway as classified by the Metropolitan Planning Organization (MPO).
6. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-2	Commercial
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West	C-2	Commercial/Vacant

7. The request is consistent with the following sections of the City of Las Cruces Comprehensive Plan:

**Land Use Element, Goal 1 (Land Uses)**

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- a. Generally 5,000 but not to exceed 75,000 gross square feet shall be permitted for a high intensity commercial use, with generally 200,000 square feet permitted for a high intensity commercial center. A high intensity commercial center becomes a regional commercial use when the center contains one anchor store greater than 75,000 gross square feet.

- b. 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.
- c. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for high intensity commercial use and centers.
- d. 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.
- e. Adequate space for functional circulation shall be provided for parking and loading areas.
- f. The City shall encourage the development of high intensity commercial centers to allow for maximum shopping convenience with minimal traffic and encroachment-related conflicts to adjacent uses.
- g. High intensity commercial use and centers should not locate adjacent to rural or low density residential uses.
- h. Low and medium intensity commercial use are permitted in high intensity commercial areas

### **RECOMMENDATION**

Staff has reviewed this zone change and recommends approval with conditions, based on the preceding findings.

- The property owner will be required to replat the subject property to eliminate an underlying property line that runs through the northern portion of the property. The replat will be required to be submitted before final action is taken by City Council on this case.

The recommendation of the Planning and Zoning Commission will be forwarded to City Council for final consideration.

**OPTIONS**

1. Approve the request as recommended by staff for case Z2801.
2. Approve the request with additional conditions.
3. Deny the request.

**ATTACHMENTS**

1. Development Statement
2. Narrative from property owner
3. Site plan
4. Vicinity Map

Attachment #1

**DEVELOPMENT STATEMENT for Zoning Applications**  
**(Use for Zone Changes, SUP's and PUD's)**  
 Please type or print legibly

*Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.*

**Applicant Information**

Name of Applicant: MAX Schroeder (FIESTA PROPERTIES)  
 Contact Person: MAX Schroeder  
 Contact Phone Number: 575-644-4901  
 Contact e-mail Address: MAX@FIESTAHOMESNM.COM  
 Web site address (if applicable): \_\_\_\_\_

**Proposal Information**

Location of Subject Property 1886 W. PICACHO  
 (In addition to description, attach map. Map must be at least 8 1/2" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: C-2  
 Proposed Zoning: C-3  
 Acreage of Subject Property: 4.113

Detailed description of intended use of property. (Use separate sheet if necessary):

USE OF THE MOST WESTERLY BUILDING AS  
A BUS TERMINAL. ALL OTHER BUILDINGS WILL CONTINUE  
TO BE USED IN THEIR CURRENT CAPACITY

Proposed square footage and height of structures to be built (if applicable):

N/A

Anticipated hours of operation (if proposal involves non-residential uses):

7:00 AM TO 9:00 PM

Anticipated traffic generation \_\_\_\_\_ trips per day (if known).

Anticipated development schedule: Work will commence on or about \_\_\_\_\_  
and will take approximately \_\_\_\_\_ to complete.

How will stormwater runoff be addressed (on-lot ponding, detention facility, etc.)?

EXISTING

Will any special landscaping, architectural or site design features be implemented in the proposal (for example, rock walls, landscaped medians or entryways, or architectural themes)? If so, please describe and attach rendering if available:

N/A

**Attachments**

Please attach the following: (\* indicates optional item)

Location map

Detailed site plan

Proposed building elevations\*

Renderings or architectural or site design features\*

Other pertinent information\*

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	2270.67'	510.64'	256.40'	509.57'	S 87°58'59" W	12°55'06"
C2	1947.88'	550.61'	277.15'	548.78'	N 84°55'43" E	16°11'46"



U.S.R.S. TRACT 9C-15  
JOHNSON & BARTON  
BK. 741, PC. 460

1/2" IRON ROD SET

N 07°14'00" E  
37.94'

CHAINLINK FENC. OUTSIDE PL.

CHAINLINK FENCE OUTSIDE PL.

S 04°33'43" E  
156.92'

BOLDT FAMILY LLC  
BK. 775,  
PCS. 1540-1542  
U.S.R.S. TRACT  
9C-14D

1/2" IRON ROD SET



4.113 AC. GROSS  
- 0.033 AC. IN MAYFIELD LATERAL  
4.080 AC. NET

1/2" IRON ROD FOUND

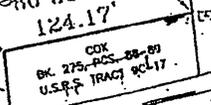
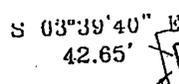
TRUCK TOYS &  
TOPS INC  
BK. 184  
PCS. 299-300  
U.S.R.S. TRACT  
9C-15

1/2" IRON ROD SET

U.S.R.S. TRACT 9C-16

IRON PIPE FOUND

1/2" IRON ROD SET

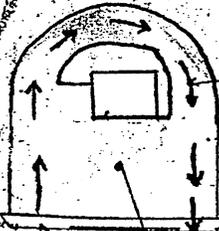


1/2" IRON ROD SET

MESILLA DRAIN  
MAYFIELD LATERAL  
EDGE OF PAVEMENT

N 57°58'00" E  
85.18'

N 15°56'00" E  
150.84'



BUS TRAFFIC FLOW

U.S. HIGHWAY 80-85  
(WEST PICACHO AVENUE)

EXISTING CURB CUTS

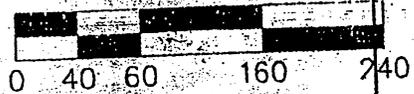
NEW DRAINING AREA

TIE TO THE N.W. CORNER  
OF SECTION 24, T.23S., R.1E., N.M.P.M.  
OF THE U.S.R.S. SURVEYS

NOTES:

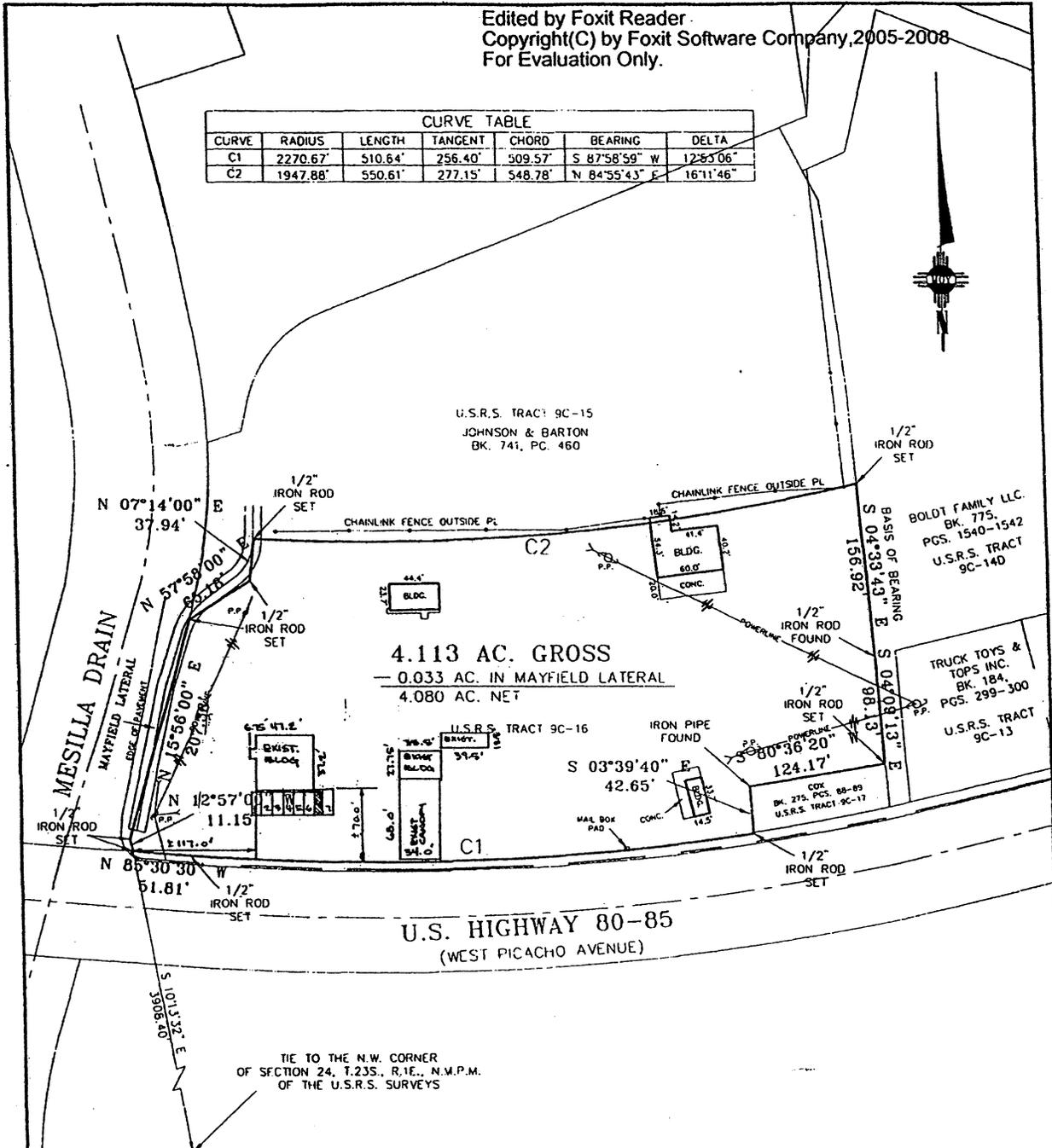
FLOOD ZONE "AE"; BASE FLOOD ELEVATIONS DETERMINED IN MAP NO. 35013C0631 E, EFFECTIVE SEPTEMBER 27, 1991. THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

SCALE: 1" = 120'



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For Evaluation Only.

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	2270.67'	510.64'	256.40'	309.57'	S 87°58'59" W	12°53'06"
C2	1947.88'	550.61'	277.15'	548.78'	N 84°55'43" E	16°11'46"

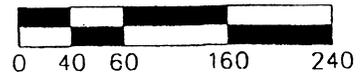


NOTES:

FLOOD ZONE "AL": BASE FLOOD ELEVATIONS DETERMINED IN MAP NO. 35013C0631 E, EFFECTIVE SEPTEMBER 27, 1991. THIS SURVEY MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

INFORMATION IN THE PREPARATION OF THIS PLAT DERIVES FROM DEED FILED APRIL, 1951, IN BOOK 124, PAGES 227-229, DONA ANA COUNTY RECORDS.

SCALE: 1"=120'



"INDEXING INFORMATION FOR COUNTY CLERK"  
PROPERTY OWNER: SIMPSON BILLE RUTH RITTER  
PROPERTY LOCATION: CITY OF LAS CRUCES

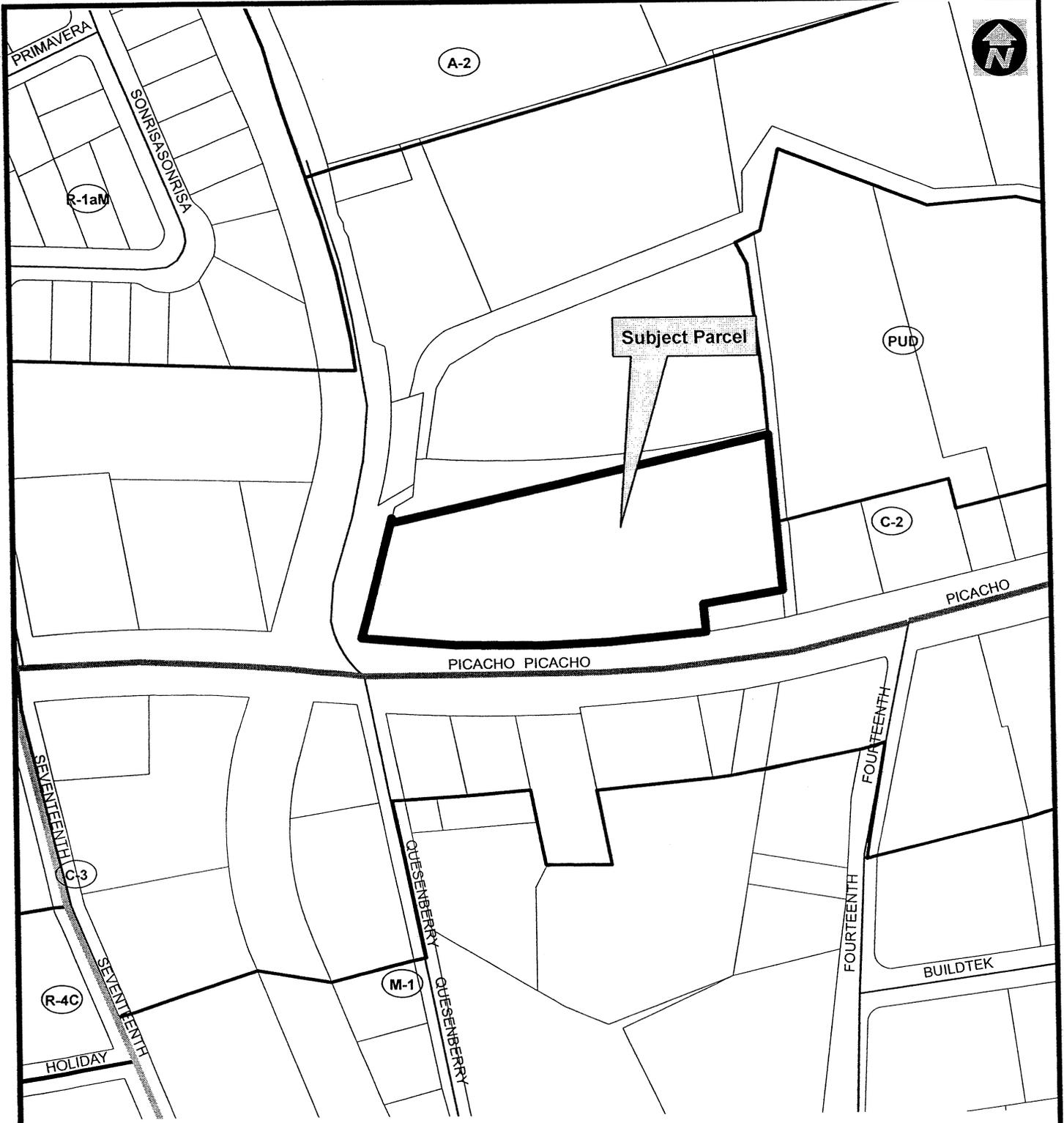


PLAT OF SURVEY  
ON A 4.113 ACRE TRACT  
IN SECTION 14, T.23S., R.1E., N.M.P.M.  
OF THE U.S.R.S. SURVEYS  
BEING U.S.R.S. TRACT 9C-16  
ALSO BEING PART OF LOTS 18, AND 20



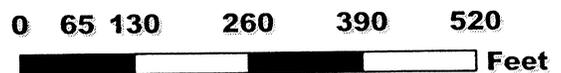
MOY SURVEYING INC.  
414 N. DOWNTOWN MALL  
LAS CRUCES, NEW MEXICO

774  
124-3573



Subject Parcel

**CASE NO. Z2801**  
**PARCEL: 02-00465**  
**OWNER: BILLIE RUTH RITTER SIMPSON**  
**ADDRESS: 1886 W. PICACHO AVE.**  
**ZONING: C-2 TO C-3**



*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.*

**Community Development Department**  
 575 S Alameda Blvd.  
 Las Cruces, NM 88001  
 (505) 528-3222

- 1  
2  
3 **3. Case Z2801:** A request for a zone change from C-2 (Commercial Medium  
4 Intensity) to C-3C (Commercial High Intensity-Conditional) for 4.080 +/- acres  
5 located at 1886 West Picacho Ave. The purpose of the zone change is to  
6 allow the use of a bus terminal on the subject property. The zone change will  
7 bring the property into zoning compliance with the 2001 Zoning Code, as  
8 amended. Submitted by Fiesta Properties for Billie Ruth Ritter Simpson,  
9 property owner.

10 Scholz: All right. Next item of business is Case Z2801 and Mr. Ochoa you're up  
11 again.

12  
13 Ochoa: One more time. Next case tonight gentleman is Z2801. It's a request for  
14 a zone change from C-2 commercial medium intensity to C-3C  
15 commercial high intensity conditional for approximately 4.080 acres land  
16 located at 1886 W. Picacho Avenue. Here is a vicinity map of the subject  
17 property. Like I said a little over four acres in size located on Picacho  
18 which is designated by the Metropolitan Planning Organization as a  
19 principal arterial roadway. As you can see everything behind, to the east,  
20 south, and west of the subject property is commercial with a planned unit  
21 development to the east as well that is actually a planned unit  
22 development for industrial.

23 The subject property like I said it encompasses 4.080 acres  
24 approximately and currently consists of six different buildings. The current  
25 zoning on the property is C-2 commercial medium intensity. Zone change  
26 request is for C-3C commercial high intensity conditional. The zone  
27 change will bring the property into compliance with the 2001 Zoning Code  
28 as amended when it comes to the acreage requirement. As I'm sure you  
29 remember from the past, C-2 ... any property over the one acre threshold  
30 is required to go to C-3 that's zoned C-2. Property zoned over an acre in  
31 size are not allowed to be C-2 in the city. The zone change will allow the  
32 use of a bus terminal on the subject property as well.

33 Four of the buildings on subject property are vacant, while the other  
34 two buildings are currently being used as a truck repair shop. There is a  
35 correction on your packet, I called out one of the buildings, the front  
36 building as a fruit and vegetable stand that is actually no longer there and  
37 an upholstery store is there. A portion of the property is also being used  
38 as an area for storage and sales of mobile homes and manufactured  
39 dwellings. These three uses are allowed in the zoning district that  
40 currently exists now and will be allowed in the C-3 zoning district as well.  
41 The building being used as an upholstery store and the building being  
42 used as a truck repair shop are currently encroaching onto required  
43 setbacks of the subject property. Since these buildings were built pre-  
44 1955 zoning code, they will be considered nonconforming to the setback  
45 rule.

1           The vacant southwest building of the subject property is a building  
 2 that is being proposed for the bus terminal. The multiple land uses on the  
 3 subject property require the property to follow parking requirements for a  
 4 shopping center. When the entire property is brought into compliance it'll  
 5 have to follow those parking requirements. The parking lot around the bus  
 6 terminal building was resurfaced and adequate parking was provided for  
 7 the new bus terminal. Landscaping for the entire subject property will also  
 8 be required whenever any additions or structure modifications are done to  
 9 the existing buildings for the evaluation of \$25,000 or more.

10           Here's an aerial picture of the subject property. Here is a lot line  
 11 running through the rear of the subject property that will have to be  
 12 vacated before final action is taken by City Council on this case. Six  
 13 buildings that currently exist are this one here, one here, here, there's one  
 14 there, there, and there. This fence if you've all done your site visits, no  
 15 longer exists and is now improved with a new area of asphalt and parking  
 16 spaces. And as for this back chain fencing area no longer exists as well  
 17 and this is the general area where the mobile home sales and display  
 18 currently exist as well. Here's a site plan of the subject property. Again  
 19 with all six buildings being shown and the improvements shown on the  
 20 southwest building which will be used as a bus terminal. Currently the bus  
 21 terminal does have a temporary CO and it has been temporarily allowed  
 22 with a business registration. Basically, they're allowed there while they're  
 23 trying to get their zone change for C-3. So that basically hangs in the  
 24 balance for that.

25           Staff recommendation for the Case Z2801 is staff reviewed the  
 26 zone change request and recommends approval with conditions based on  
 27 the proceeding findings. Conditions, the property owner will be required to  
 28 replat the subject property to eliminate the underlying property line that  
 29 runs through the northern portion of the property. The replat will be  
 30 required to be submitted before final action is taken by City Council on this  
 31 case. The recommendation of the Planning and Zoning Commission will  
 32 be forwarded to City Council for final consideration on this case. Tonight  
 33 your options gentleman are to 1) vote yes to approve the request with  
 34 conditions as recommended by staff for Case Z2801; vote yes to approve  
 35 the request with additional conditions; or vote no to deny the request, or of  
 36 course to table and postpone the case. That ends my presentation. I  
 37 stand for questions. And the applicant is here to speak on behalf and I  
 38 believe some property owners around that area are here to speak on that  
 39 as well.

40  
 41 Scholz:           Okay. Commissioner Crane.

42  
 43 Crane:           This again may be something better answered by the applicant. I have a  
 44 couple of points. One is that the asphalt paving seems to be completely  
 45 inadequate. I don't know how long El Paso/LA buses has been stopping  
 46 there, but already there are two large patches in that arc of paving at the

1 back of the building which have totally crumbled and are showing dirt  
2 underneath. The asphalt only looks to be an inch, inch and a half thick  
3 and there's no concrete base. And there's at least one other spot, those  
4 patches are about five feet across and then there are some other spots  
5 which are beginning to go. Secondly, the building that's being used for  
6 truck repair that's immediately to the east.  
7

8 Ochoa: Northeast, that's correct.  
9

10 Crane: Okay, yeah, right. It has an inspection pit in it that's completely  
11 unguarded. In fact the building looks disused. There's a long inspection  
12 pit that you drive a truck over, somebody can walk down into it and  
13 examine the underneath. I don't recall if there's any fencing between  
14 these two lots. I wish I thought about it more when I went and looked at it,  
15 but it seems to me a child for example got away from the bus station and  
16 toddled over there, you have an accident. It's four feet deep and probably  
17 you fall in and get hurt. I wonder if this is a consideration for the city or for  
18 the property owner. In the case of the asphalt, I wonder whether the job  
19 was done cheaply so it wouldn't cover over \$25,000. But I'm nasty like  
20 that.  
21

22 Scholz: Okay, other questions for Mr. Ochoa? All right, may we hear from the  
23 applicant please?  
24

25 Schroeder: My name is Max Schroeder. I'm the applicant on this issue.  
26 Commissioner Crane I'll address your comments first. The asphalt where  
27 the buses do make the turnaround has started to fail in an area where this  
28 particular site is undergoing remediation by the state of New Mexico and  
29 there are monitoring wells all throughout the property. They are  
30 connected by some four-inch PVC pipe that then runs back to like an  
31 incinerator if you will in the back, that has not been yet turned on line. And  
32 what's happened there's actually quite a bit of pavement underneath from  
33 years of that being a truck stop. In some instances eight inches or so  
34 were dug up or more. And in that particular area they had made a cut to  
35 put in one of those PVC pipe and didn't do the correct subgrade there. So  
36 that's why you see, if you look at that it's cutting across that 20-foot or so  
37 section of pavement and you can see the whole area has started to kind of  
38 sink if you will. So that will have to be remedied.

39 The inspection pit is actually behind the upholstery location. There  
40 is no fence, you are correct. And we certainly would be willing to either  
41 you know back fill that, it has no use at this point, or put some sort of  
42 fencing around it.

43 In regards to the application that's of course as you know from a  
44 zone change from C-2 to C-3 to come in compliance with the current 2001  
45 Zoning Code, the use of the bus station which seems to be kind of the  
46 issue surrounding the neighborhood concern, the use will be definitely

1 consistent with the current uses in and among the area. The area is a  
2 commercial neighborhood. The residences that are mixed in with  
3 commercial uses are also zoned commercial. Some of the neighboring  
4 businesses, I understand you've done a site visit so some of this will be  
5 redundant. I'll make it quick. Transmission shop. Body shop. Sign  
6 company. Several motels. Electrical contractor. El Paso Electric  
7 substation. So it is an intense commercial area.

8 Some of the concerns that have been ... kind of come through the  
9 grapevine to us from some of the neighborhood may be able to be  
10 addressed by some actual facts. I know there have been some rumors of  
11 a giant bus terminal Greyhound regional terminal and that's simply not the  
12 case. There's also been some rumors that there's going to be a  
13 manufacturing plant put in. Don't know where these started but obviously  
14 it's not the case as well. The operators of the terminal are here and could  
15 speak to specific questions that you may have. But basically some of the  
16 facts in regards to the bus station; hours of operation are basically seven  
17 days a week, 7:00 a.m. to 9:00 p.m. On Sunday they do take a break in  
18 the middle of the day. The impact on the neighborhood, you know, there's  
19 about on average 14 buses a day come in and out of there. It's about one  
20 per hour if you looked at the average time that they're open. About four to  
21 five people get on and off the buses as an average which equate to about  
22 70 people. There's not a lot of impact to the area, specifically when  
23 Picacho is basically a state highway and over 20,000 cars go by there a  
24 day anyway. This is not a large impact.

25 The buses at the station are what they call express buses and they  
26 go point to point. They do not have any transfers. So what happens is  
27 typically passengers would be dropped off by family members, they get on  
28 their bus that goes direct to a point, Phoenix, Los Angeles, Denver.  
29 People getting off the bus are getting off the bus and they are not  
30 transferring to another bus, so they get off the bus and they leave. They  
31 don't wait around two or three hours for the bus as what might happen in a  
32 transfer station. It's not a Greyhound bus station which kind of has some  
33 negative connotations as we are finding out. Eight-five percent of the  
34 tickets are sold in advance. We don't have a lot of people loitering which  
35 seems to be a concern of the neighborhood, that there's going to be a  
36 bunch of transient type people coming into the neighborhood. Eighty-five  
37 percent of these tickets are sold days or weeks in advance. We don't  
38 have a lot of people loitering around waiting on ticket sales. Passengers  
39 are prescreened. They cannot buy a ticket on line or over the phone, they  
40 have to buy it in person, which kind of eliminates potential for problem  
41 customers. The bus company has a zero tolerance for loitering and in fact  
42 they will not let their employees leave the premises until the last  
43 passenger has left. The terminal operator is very experienced and again  
44 he's here. He's been here in business for 15 years as an operator,  
45 several different types of different carriers if you will. And the owner and

1 operator company, they're local business people in the community and  
2 have a vested interest in improving the area.

3 That Picacho corridor is kind of in need of some reinvestment and  
4 this is kind of a first step. Operating businesses you know, they help keep  
5 the neighborhood safe. They are looking out for each other. Some of the  
6 comments have been that this is going to be a detraction to the  
7 neighborhood and be conducive to people that you may not want to be in  
8 that area and I just don't see that as being factual. The business owners  
9 have a vested interest in keeping those type of people away or out of the  
10 area. And the Picacho corridor needs more quality businesses and  
11 business activity to continue the transformation from kind of being a  
12 rundown state to starting to flourish.

13 This is just to you know reiterate the fact that this is definitely a  
14 commercial area. This is traffic count, 21,550 cars go by there in a day.  
15 This was done in 2007. I understand there are neighborhoods kind of in  
16 and around this area, but the station is on Picacho on one of the busiest  
17 most traveled streets in Las Cruces. It's a state highway.

18 That's a picture of the subject property. If you recall the aerial view  
19 of what was there before, it was essentially a junk yard for restaurant  
20 equipment. There were several vacant buildings and now we have people  
21 operating and keeping an eye on what's going on in the area. This is a  
22 shot from basically the corner of Picacho and Quesenberry across the  
23 street. You can see the paving there, the parking. And I know you all  
24 have been to the site so I'll zoom through these quickly. Looking east and  
25 looking west. Across the street we've got Aamco Transmission, one of the  
26 businesses right there in our neighborhood. There is a sign company that  
27 kind of is on the corner of Quesenberry and Picacho. Some hotels in the  
28 area, across the street. Down Quesenberry there's a body shop. And this  
29 is kind of in the area that residents are talking with us, so I just wanted to  
30 point out that our use is not atypical to the neighborhood. There's a big  
31 power station on Quesenberry. There are some residences as well and I  
32 think this is where some of the concerned citizens are coming from. This  
33 is a view from Quesenberry. There really is no view of the site, you can  
34 barely make out a roof top right in here, so not a lot of issue from their  
35 front yards and porches and things. Down the street on Quesenberry  
36 there's an electrical contractor. Next door to him is a tile contractor, so  
37 there's a mix of use, but it's predominantly commercial and some fairly  
38 heavy commercial. I believe there's some industrial. The body shop is  
39 zoned industrial which is right there on Quesenberry. In and around the  
40 area are some more hotels, motels. On 17th Street right behind  
41 Quesenberry there's the big Sonic kind of warehouse area there. So it's  
42 definitely a commercial area.

43 In conclusion I just wanted to reiterate that we're here to bring the  
44 site into current city compliance. I'm not sure why it's not automatic when  
45 they change the code, but that's probably a debate for a later time. So  
46 that's one point. The bus station is not going to have an adverse affect on

1 the neighborhood. There's just not the traffic going in and out of the site  
2 that you might perceive, 14 buses a day, it's about one an hour, it's just  
3 not a lot. Certainly I would think almost everybody would agree that it's an  
4 improvement over what was there. And in an effort to you know further  
5 that transformation of the Picacho area we're trying to take some steps. I  
6 do have some letters, I think you've gotten from some businesses  
7 supporting. Also have talked to ... I'm not sure, I understand there's a  
8 petition that was going around the neighborhood talking about you know  
9 people that may be against this. I don't know what was said but we talked  
10 to some people and they were told that the ... and this is a letter that you  
11 have from Holguin's Electric, that it was going to be an M-2, I haven't seen  
12 the position, in fact if I quoting it says "I know now I was misled into  
13 signing such a petition. I would like to withdrawal my name from the  
14 petition." So, I don't know if it's lack of information that was going around.  
15 We had made an effort to contact businesses up and down Picacho. We  
16 did not go over to Quesenberry prior to you know applying for the use  
17 permit or the business licence for the bus station. And didn't really get any  
18 adverse comments at that time. It seems like the majority of them are  
19 from the adjoining street.

20 I know there were some points that were brought up by and  
21 probably will be brought up in the public discussion regarding the public  
22 safety, a concern that was cited in a letter that was addressed, I think you  
23 have that as well, about crime and bus stop hot spots and it's a study  
24 apparently done in Los Angeles. And I have a copy of the study and if you  
25 read it it's clearly talking about bus stops not terminals and transit type  
26 areas and subway areas in Los Angeles. I don't think that there's a public  
27 safety issue here. There has been some concern about the remediation  
28 that's been undergoing for probably the last 10 years or so by the state of  
29 New Mexico. They've installed monitoring wells and monitoring the  
30 ground water I guess. I have books and books of studies I don't pretend  
31 to understand it. They keep sending me. But the last stage of this  
32 remediation is this incinerator vacuum pump that has been installed by the  
33 state and that will continue to ... you know we're not standing in anybody's  
34 way. In fact we're encouraging it. At some point in time the property will  
35 be deemed clean and then you know the potential for a larger shopping  
36 center or something that you know may come into play.

37 Traffic safety, I think I touched on that. We just don't have a lot of  
38 additional traffic. Neighborhood integrity and property value concerns, I  
39 just don't see given the other uses that are in the neighborhood that the  
40 station is going to have any adverse affect and in fact that neighborhood is  
41 kind of ... you know that Picacho area is kind of in need of people to look  
42 out what's going on and additional business certainly would help there.

43  
44 Scholz: Okay, Mr. Schroeder, I'm sure we have some questions, I know I do.  
45 Commissioner Crane.  
46

1 Crane: No, he already answered by questions. Thank you.  
2  
3 Scholz: He did? Okay. Commissioner Beard. All right. I have a couple of  
4 questions. How else will this property be improved right now? You said  
5 they're doing remediation, how long will that take?  
6  
7 Schroeder: Well they say once they fire up this burner essentially which draws the  
8 vacuum, it draws air over the tops of these monitoring wells, they're all  
9 interconnected with this piping, and draws I guess the bad stuff out and  
10 burns it on the way out. They're saying approximately one year. But no  
11 one will guarantee anything.  
12  
13 Scholz: Okay.  
14  
15 Schroeder: So you know Souder Miller is the engineering company that is doing this  
16 on behalf of the state.  
17  
18 Scholz: Is this what we're calling brown land? You know land that's been  
19 contaminated and is being rehabilitated.  
20  
21 Schroeder: It could be.  
22  
23 Scholz: Mr. Ochoa is nodding his head.  
24  
25 Schroeder: I heard that term. But before we purchased the property about two and a  
26 half years ago, this has been ongoing. It has been a long, I know if you  
27 drive around and look at some of the older filling stations and look around  
28 in the back they all have this same kind of set up. This part is  
29 remediation.  
30  
31 Scholz: Right. Because of leaking tanks and things. We haven't seen any petition  
32 here at the Commission nor have we seen any letter about public safety.  
33  
34 Schroeder: Okay.  
35  
36 Scholz: Any other questions for this gentleman? Commissioner Beard.  
37  
38 Beard: What were you going to do with the pit, the four foot pit?  
39  
40 Schroeder: Well I certainly see the concern there, so you know we could fence it off. I  
41 don't know, we would probably want to talk to the state people to find out if  
42 it's all right if we just back fill it. Just fill it up. No one's ever going to use it  
43 again. Either back fill it or fence it off.  
44  
45 Beard: So you would be committed to doing something to make that safe?  
46

- 1 Schroeder: Sure. Absolutely. It's about a four foot by 50-foot long maybe five foot  
2 deep or so lined with concrete and just fills up with water. We just need to  
3 probably fill it in.  
4
- 5 Scholz: Okay. We were just given ... this is a request to maintain C-2 zoning for  
6 reasons of public safety, environmental safety and so on, and I assume  
7 that's the petition that was mentioned.  
8
- 9 Schroeder: I think a narrative of some of the oppositions concerns. Sure.  
10
- 11 Scholz: Okay. All right. Any other questions? Okay, could we hear from the  
12 operator please?  
13
- 14 Marshall: Good afternoon gentlemen. My name is Tim Marshall. I'm the owner/  
15 operator for El Paso/Los Angeles Limousine by contract. Our business  
16 locally is an independent corporation, Las Cruces Bus Station  
17 Incorporated.  
18
- 19 Scholz: My concern is you know you have a temporary operating permit, is that  
20 right?  
21
- 22 Marshall: That's my understanding, yes sir.  
23
- 24 Scholz: Okay. Is this the same operation that was over on Valley before?  
25
- 26 Marshall: 490 N. Valley.  
27
- 28 Scholz: Right. Okay.  
29
- 30 Marshall: Correct.  
31
- 32 Scholz: What was the problem there?  
33
- 34 Marshall: The lease was due to expire and the facility was too small for the  
35 purposes that we needed. We did not have enough waiting room. People  
36 were having to wait outside in inclement weather or in their cars.  
37
- 38 Scholz: Okay. And so you have enough waiting room now in this place?  
39
- 40 Marshall: Absolutely.  
41
- 42 Scholz: Okay. All right. Any other questions for the operator? I just wanted to  
43 know about those things. Thank you very much.  
44
- 45 Marshall: Thank you.  
46

1 Scholz: Okay, we'll hear from the public on this. Who would like to speak? Yes,  
2 ma'am.

3  
4 Mando: Good evening Commissioners, Chairman Scholz.

5  
6 Scholz: Make sure you stay close to the microphone please.

7  
8 Mando: I'll do that. Okay. My name is Bonnie Mando. I'm a resident of the  
9 neighborhood across the street, south of the bus station. It's not really a  
10 proposed bus station at this point it exists there and has been operating  
11 ... was operating before the yellow sign went up and we were notified.  
12 So, as a resident of the area and there are perhaps 50% residents down  
13 Quesenberry Street, I speak for those residents and I speak for  
14 approximately 25 families and businesses in the area. And I think you're  
15 getting a copy of the petition with the names of those businesses.

16  
17 Scholz: Yes, it's just been delivered.

18  
19 Mando: Okay. So I'm going to read the petition aloud here if you don't mind before  
20 we begin the opposition.

21  
22 Scholz: Go ahead.

23  
24 Mando: Regarding the proposed change of zoning from C-2 to C-3 at 1886 W.  
25 Picacho, please find the following residents and businesses opposed to  
26 such zoning change for reasons of environmental, air, and noise quality,  
27 as well as neighborhood traffic and security concerns. Further, please  
28 notice this neighborhood is in the process of redefining itself with new  
29 businesses such as Citizen's Bank and Walgreens. Existing businesses  
30 have suffered from the installation of a central median on Picacho making  
31 left turns difficult. As a residential as well as a commercial neighborhood,  
32 we're attempting to curtail transiency and the associated problems which  
33 can be referenced in area police reports. We do not need another  
34 obstacle to overcome. A bus station in this neighborhood will reverse the  
35 efforts and hard won improvements out local community is making. And  
36 the petition includes signatures of approximately 15 businesses and 10  
37 families.

38 And as I speak for these businesses and families I'd like to tell you  
39 that it took significant time with each of these families and businesses to  
40 discuss the situation. And one of our concerns of course is that the bus  
41 station was up and operating before we were informed. At any rate 96%  
42 of the people that we asked to sign the petition did sign and I guess we  
43 might have to remove one name, but regarding what I heard about it being  
44 proposed as an M-3 zoning, you can see in our petition there was nothing  
45 of the sort. We talked about the proposed change of zoning from C-2 to  
46 C-3, that's all we mentioned and I don't know where the rest came from.

1           But the request to maintain the C-2 zoning is for reasons of public  
2 safety, environmental safety, traffic safety, neighborhood integrity,  
3 property value concerns, and then we also have the question of order of  
4 operations. So as I make my presentation to you, I'm going to be asking  
5 questions. They're not rhetorical questions, but I'd like to make the  
6 complete presentation and then have the questions answered at the end if  
7 that's.

8  
9 Scholz:       Excuse me, you want to read the entire presentation to us?

10  
11 Mando:       No, I'm just going to go over a few points.

12  
13 Scholz:       Okay.

14  
15 Mando:       Okay.

16  
17 Scholz:       We have a limited amount of time I just wanted to point out.

18  
19 Mando:       I understand.

20  
21 Scholz:       Thank you.

22  
23 Mando:       Regarding public safety, and regarding the report that is called hot spots  
24 of bus stop crime, and also the difference between a bus stop and a bus  
25 terminal, the word terminal to the best of my knowledge means  
26 termination as in end or stop. A bus terminal is a bus stop. It is where the  
27 bus stops in fact. It's where the bus starts. It where the bus stops. It is  
28 out of zoned at present and it is also located directly next door to a vacant  
29 lot and a boarded up motel. These kind of businesses abandon buildings  
30 and questionable motels dot Picacho in our neighborhood and even the  
31 business across the street, Aamco, which is in support of the bus stop,  
32 they told me last week that one of their customers in the parking lot was  
33 solicited by a prostitute. We have trouble in the neighborhood with  
34 transiency. We have trouble with drugs. We have trouble with  
35 prostitution. We've been working very diligently with the police to rid our  
36 neighborhood of these elements.

37           I would like to quote you some of the UCLA report. In recent years  
38 we've witnessed a resurgence of interest in the role of the built  
39 environment to exacerbate or mitigate crime. The commercial strip  
40 environment, this is what we have along Picacho, is particularly vulnerable  
41 to crime because the linearity of the commercial strip thins out the  
42 intensity of the activity, making it easier for individuals to commit crime.  
43 And they go on to say that dilapidated buildings and social behaviors such  
44 as boisterousness, loitering, and panhandling contribute to a higher  
45 incidence of crime. This is our neighborhood. We have panhandling. We  
46 have loitering. And they go on to say the type of surrounding land uses

1 can have an effect on crime, with certain land uses, vacant lots, and  
2 abandoned buildings considered as crime generators. I'm quoting directly  
3 from the UCLA report. They say various land uses including seedy motels  
4 can generate crime because they concentrate potentially criminal  
5 elements. I'm not going to read the whole thing, but it does say siting a  
6 bus stop near these establishments should be avoided. They also  
7 mention other features of the environment that are a hazard such as ...  
8 that offer opportunities for hiding and can create entrapment spots. We  
9 have got the Mesilla ditch running right next to ... I'm so glad to know that  
10 you Commissioners do on site reports. You've seen, there's an  
11 abandoned motel next door. There's the Mesilla ditch which runs under  
12 Picacho. It's an ideal place for criminals to escape. They mention that in  
13 the report. And it says if it's costly to avoid that. It may be preferable to  
14 move the bus stop to a more appropriate site.

15 Let me back track for a moment. I have nothing against bus  
16 stations. I really don't. I ...

17  
18 Scholz: Stay on the mike please.

19  
20 Mando: My children have ridden the bus. I don't have anything against bus  
21 stations. And I don't have anything against the people on this site. It's  
22 absolutely not a personal issue. What I'm seeing here in the UCLA report  
23 is this location is the ideal spot not to have a bus station. So it's not  
24 personal. It's about the safety of our neighborhood.

25 Okay. Here are some of the questions on the environmental safety.  
26 Now we've addressed public safety. We know that this site is under a  
27 toxic cleanup.

28  
29 Scholz: Right.

30  
31 Mando: And this is not yet begun, however, it should be begun soon. It will take at  
32 least a year. I've spoken with Dilbert Utes who is in charge of the  
33 petroleum storage tank reformation in Silver City and he said to me, well  
34 we can't by law require prohibiting a bus station on a cleanup site, but we  
35 do have a major concern if this brings about any tampering with our  
36 equipment. Well the equipment is located right there behind the bus stop  
37 and we have this element in our area already and I just ... I really don't  
38 see that we need to bring more of this kind of activity to our neighborhood,  
39 especially when we're already on a toxic site.

40 I also have an issue with the ownership of the property and I'm sure  
41 it's just that I don't understand, but I was told that the property was owned  
42 by Steve Lohman who did introduce himself as a property owner to me  
43 and as an aside I thank you Steve for moving that big bus ...

44  
45 Scholz: Please stay on the microphone ma'am, otherwise we can't record you.  
46

1 Mando: Excuse me. I thank you all for moving the bus that was an eyesore in the  
2 neighborhood. On the paper that came with the public notice it said that a  
3 Billie Ruth Ritter Simpson is the property owner. And I'm not exactly sure  
4 who the property owner is, but if there is some kind of a situation where  
5 the current property owner is selling to Mr. Lohman, I'm wondering what  
6 will happen when this elderly and infirm woman passes away and who will  
7 be responsible for the toxic cleanup. I want to know this. And I want to  
8 know before the bus station was installed when the lot was paved, was  
9 that covered ground checked for contamination? I don't know this. We  
10 weren't informed in time to find this out so I want to know if any of the test  
11 wells were covered. I wish so much that this hadn't happened without our  
12 knowledge, prior knowledge.

13 Okay, on to traffic safety. And I think that we have a case in point  
14 when we know that there's over 20,000 cars passing by Picacho there on  
15 this two lane highway where a parade of buses from the schools comes  
16 down going toward 17th Street at 5 o'clock in the afternoon, and I can tell  
17 you I've seen that parade of buses held up by a bus coming out of the  
18 station and I've seen the traffic back up to Valley. So yes, it is a main  
19 thoroughfare, but I don't think it's the place to put a bus station when  
20 you've got that kind of traffic. And also were the zoning change to C-3 we  
21 could have more buses there. I mean we have 14 now I understand and  
22 that's fine, not really fine because it does back the traffic up as is. But the  
23 potential for many, many more buses would exist with the C-3 zoning.  
24 That would not be good for traffic on Picacho.

25 I'd like to speak about our neighborhood integrity. Quesenberry  
26 Street is a little short block. That road used to be private. It was the  
27 entrance to the Quesenberry farm. I live in the old Quesenberry farm  
28 house. So we have residences on our street and we have a neighborhood  
29 on our street. We have problems in the area but we don't have problems  
30 on our street and I don't want problems on our street. The UCLA report  
31 talks about poor siting of a bus stop or station at a convergence of streets.  
32 And if that map were up here, the site map, you would see you have  
33 Picacho going in two directions, you have the ditch going in two directions,  
34 you have a neighborhood to the northwest with many houses, and you  
35 have Quesenberry Street heading south. It is a nexus of escape routes  
36 for any kind of criminal and believe me I'm not saying that we have  
37 criminals on this bus any more than anywhere else. But there are  
38 criminals in the population and we do know that buses are ridden by  
39 people who don't have cars or don't choose to use cars. So, the question  
40 is wide open, who will be in our neighborhood. Seventy people a day I  
41 hear. That's a lot of new people coming in and out of my neighborhood. I  
42 live a block away. I live a stone's throw away. You could see the wall and  
43 the bus station right over there.

44 Okay, Quesenberry Street has character. It's not like 14th Street.  
45 It's not like 17th Street. It has big trees and it has character. And I find  
46 that nonconforming element of our street charming. That's why I live

1 there. And we are mostly zoned C-2 in that area and I think a C-2 zoning  
 2 is absolutely adequate. What I understand to come into conformance with  
 3 the code, that there are two options on that subject property; one is to  
 4 have the C-3 zoning and the other is to subdivide into four one-acre lots  
 5 which would each be zoned C-2. That would be much more in keeping  
 6 with the spirit of our neighborhood.

7 Property value concerns. I spoke to a relator, she said ... when I  
 8 said what does a bus stop in the neighborhood do, a bus station do to  
 9 property values and she said, well let's put it this way, I wouldn't want one  
 10 in my neighborhood. And I don't know anyone who would, but that's not  
 11 our only property value concern. We're also concerned about the toxicity  
 12 of the site and we know that there are underground plumes of toxicity.  
 13 Where they come from, I don't know. Nobody knows. You can't look  
 14 under there, but we know that it's very difficult if at all possible to get a  
 15 mortgage on a property that's been contaminated. And the bus station is  
 16 sitting on a contaminated property and it's already uncomfortable because  
 17 of that. We don't want to make it more so.

18 Finally, I do want to say that it is a big concern to us that we weren't  
 19 informed a priori so we could have this discussion before anyone had  
 20 invested time or money in setting up a business. And I ask most  
 21 respectfully is this common policy or is this an aberration? And if it's an  
 22 aberration from policy that a business be allowed to run before a proposed  
 23 zoning change is even announced to the community then why? I really  
 24 want to know this and is there anybody here who can answer it?  
 25

26 Scholz: Okay, this is a question you're directing to the Commission?

27  
 28 Mando: Yes, it is.

29  
 30 Scholz: Well I think I would probably toss this back to the staff because we're not  
 31 in charge of zoning codes and the like, that is we don't make them, we  
 32 don't make policy. What we do is we look at the code and see if there's a  
 33 compliance or a variance needed, and then we make a decision. And I'll  
 34 yield to Ms. Rodriguez.  
 35

36 Rodriguez: Mr. Chairman, Commissioners, the applicant, the property owner of the  
 37 property who is running the bus facility was issued a temporary business  
 38 registration. Under the auspices of that they can proceed with caution.  
 39 They knew that they needed to get a zone change. If they were not  
 40 successful in receiving a zone change then they will have to relocate to  
 41 another said property. So, a temporary business registration has been  
 42 issued and a temporary certificate of occupancy has been issued for this  
 43 site. But not a permanent certificate of occupancy.  
 44

45 Scholz: Okay. So in other words if this isn't approved then they have to move?  
 46

1 Rodriguez: Mr. Chairman, Commissioners, P&Z's decision tonight is a  
2 recommendation to City Council. If City Council denies the zone change  
3 request, then the business will have to relocate to a parcel that permits  
4 bus terminals in a C-3 zoning district.  
5

6 Scholz: Okay. Good. All right. Some questions for this lady. Excuse me, I've  
7 forgotten your name is ...  
8

9 Mando: Bonnie.  
10

11 Scholz: Mando.  
12

13 Mando: Correct.  
14

15 Scholz: Okay. Commissioner Crane.  
16

17 Crane: I don't have any for this lady but her statement has generated some  
18 questions I have for the operator when the time comes.  
19

20 Scholz: Sure. Commissioner Beard.  
21

22 Beard: You were talking about running that area down as far as having drifters or  
23 crime, do you have any examples of the present location that they're at in  
24 which that has been a problem?  
25

26 Mando: Yes, Commissioner I do. It was during the second week of operation of  
27 the bus that my neighbor who has the sign company, EEI on the corner of  
28 Picacho and Quesenberry had a man come in to the business and he  
29 said, it's Tom, it's Tom. And the workers came out from the back and  
30 what did the guy want, do you have five bucks. And he proceeded to  
31 panhandle on the property and I am not saying this is associated with the  
32 bus station. I do not know if it is associated with the bus station, but  
33 incidents of panhandling in the neighborhood have increased.  
34

35 Scholz: Okay, and how long has the bus station been in operation there?  
36

37 Mando: It's your bus station, I don't know. Three weeks.  
38

39 Scholz: Three weeks. And so there's a higher incidence of panhandling in the last  
40 three weeks.  
41

42 Mando: Yes there has.  
43

44 Scholz: Okay.  
45

1 Mando: I don't know if we've ever had anyone come inside the business doing it  
2 before.

3  
4 Scholz: I don't know either. Okay. Commissioner Bustos, questions? All right.  
5 Okay, anyone else from the public wants to speak to this?  
6

7 Mando: Thank you very much.  
8

9 Scholz: Thank you for your presentation.  
10

11 Ponder: Chairman and Commissioners, my name is Rachel Ponder. I'm the owner  
12 and operator of Aamco Transmissions. It's a business that has been at  
13 the corner of Picacho and Quesenberry since August 1968. The business  
14 was founded by my father, Jean Pue. About two years ago he retired, it'll  
15 be two years this coming May and I bought the business from him. When  
16 we first opened up the business there I was about five or six years old and  
17 there was a truck stop across the street and I remember walking across  
18 Picacho to go eat pie every afternoon with my dad. He would have coffee  
19 and I would have water or ice tea in the café where the bus has moved  
20 into that building that was the café in 1968. And so I kind of grew up in the  
21 business. And when I was in junior high I'd walk from Alameda Junior  
22 High on the corner of Alameda and Picacho down to the shop after school  
23 to work and I worked there all through high school and all through college.  
24 So I've kind of grown up in the neighborhood and I'm a native Las Cruces  
25 and I'm proud to be. And I'm proud to be a W. Picacho business owner.  
26 And I've seen a lot of changes on W. Picacho when the truck bypass  
27 came through or I-10 came through, and Picacho was no longer the  
28 highway that it was and the fine hotels or motels that were in the  
29 neighborhood, I remember going to my senior party at the Palms and I  
30 remember going to parties at the Ramada Inn. The Palms is now the  
31 Palms Center and the people that own the Palms, the Curry's that have  
32 remodeled that and made that no longer an eyesore but a fine property on  
33 W. Picacho, I commend them. And where the Ramada used to be is now  
34 the America's Best Value Inn. They've done a lot of clean up on that  
35 property and made it no longer an eye sore and it was when I first came  
36 back to work for my dad in 2000, it was an eyesore. There are still some  
37 eyesores on the property. And yeah we've had a lot of problems with  
38 panhandlers and drug dealers, and prostitutes in our neighborhood. And  
39 yes, one of my customers was propositioned by a prostitute two weeks  
40 ago in the parking lot west of the building. But after work I saw her walk  
41 into the parking lot of the Imperial Sky Motel, so I know that she's not  
42 somebody that got off the bus and came across the street.

43 My front door faces the parking lot of the bus place and I have not  
44 ... I have only seen one person get off the bus and come across the street  
45 and not get in a car or a taxi or something and leave their property. And  
46 that guy walked down and got ... went to the bus stop which is a city bus

1 stop and he got on a city bus and left the neighborhood. So that's been  
2 my experience. And because my front desk sits and looks over into their  
3 parking lot, I see a lot of the activity that goes on over there. I also  
4 appreciate the clean up that they've done over there. It was a huge  
5 eyesore when the fence was around it and the restaurant junk was over  
6 there. It was an eyesore and a problem. They have problems with people  
7 breaking into that fence and stealing copper and metal out of the  
8 equipment that was back behind that chain link fence. So it's nice that that  
9 temptation isn't there for the vagrants and panhandlers anymore.

10 Occasionally I will be back in the neighborhood after dark or after  
11 business hours. It happened a couple of weeks ago, that I had to be back  
12 down there on a Friday night and it was nice to have activity across the  
13 street. There are lights on, there are people out there. So I'm not as  
14 afraid to go back into my business after hours because there's activity in  
15 the neighborhood, it's clean, there are lights, there are people milling  
16 around. It's not vacant, it's not scary to me the way it was before the bus  
17 went in. Picacho needs a lot of work. And my feeling is that the bus  
18 station being across the street is a step in the right direction for our  
19 neighborhood. And as a member of the Las Cruces Rotary club, as  
20 president of Keep New Mexico Beautiful, it's important to me that we clean  
21 up the sites that have contamination under them and to get our  
22 neighborhood going in the right direction, and I think this property across  
23 the street is going in the right direction. Thank you.

24  
25 Scholz: Thank you. Anyone else from the public wish to speak to this? Okay, I'm  
26 going to close it for public discussion. Gentlemen.

27  
28 Crane: Can I get some clarification from the owner?

29  
30 Scholz: You bet.

31  
32 Crane: I beg your pardon, the operator.

33  
34 Scholz: You want to talk to the operator or the owner of the property?

35  
36 Crane: The operator.

37  
38 Scholz: The operator, okay.

39  
40 Marshall: Yes, sir.

41  
42 Crane: Do any buses actually terminate at Las Cruces? Are they all passing  
43 through?

44  
45 Marshall: They're all passing through. All buses that come through our station  
46 originate from three points; El Paso, Denver, and Los Angeles.

1  
2 Crane: Is it arranged that there should be any interchange there? In other words  
3 people come from LA, get off the bus in Las Cruces and wait for a Denver  
4 bus.  
5  
6 Marshall: We're not a transfer point. We're a point to point bus system. So if you're  
7 getting on a bus in say Denver and your final destination is Las Cruces,  
8 that's the end of your trip. The bus continues on. The rest of the  
9 passengers will debark in El Paso.  
10  
11 Crane: You don't have any particular arrangements for people to wait in Las  
12 Cruces and then take a bus from El Paso to LA, coming down from  
13 Denver, transferring in Las Cruces?  
14  
15 Marshall: No, sir.  
16  
17 Crane: That doesn't happen.  
18  
19 Marshall: No. If they're transferring, they're going to be transferring in El Paso.  
20  
21 Crane: Okay. Do you do any maintenance of buses there?  
22  
23 Marshall: No, sir. The work terminal has been used, we're actually a bus agency.  
24 We're a ticketing agency. A terminal has facilities to take care of  
25 maintenance, store buses. We do have one bus that we store as a  
26 breakdown bus. But it's just there in case a bus breaks down in our  
27 parking lot, rather than having to wait for a replacement bus to come from  
28 El Paso, we already have a bus there. So we're not a terminal, we're a  
29 ticket agency.  
30  
31 Crane: Okay, and you mentioned that the average or maybe the other gentleman  
32 mentioned the average of one bus per hour, but they're not spread out  
33 through the day, what's your worst, your busiest traffic time?  
34  
35 Marshall: That would probably be in the evening after 6:30 p.m., that's our biggest  
36 cluster of buses. So in the morning hours we have buses at 8:45 a.m.,  
37 10:45 a.m. and then again at 11:15 a.m. We have a long break in the  
38 afternoon, we don't have another bus until 2:30 p.m. and then we begin  
39 our evening schedules at 5:45 p.m. and run on through up to at least 8:30  
40 to 9:00. We're off peak from the traffic hours as well.  
41  
42 Crane: Thank you.  
43  
44 Scholz: Okay. Other questions for clarification gentlemen? Well, hearing none.  
45 Mr. Ochoa did you have another comment? Okay. Okay gentlemen, what  
46 is your pleasure? Commissioner Beard.

- 1  
2 Beard: No, no I don't.  
3  
4 Scholz: You don't have any pleasure here. Okay. All right. Okay, I'll entertain a  
5 motion to approve.  
6  
7 Crane: So moved.  
8  
9 Scholz: Okay, it's been moved. Is there a second?  
10  
11 Beard: Second.  
12  
13 Scholz: Okay it's been moved and seconded. I'll call the roll. Commissioner  
14 Crane.  
15  
16 Crane: Aye findings, discussion, and site visit.  
17  
18 Scholz: Commissioner Bustos.  
19  
20 Bustos: Aye findings, discussion, and site visit.  
21  
22 Scholz: Commissioner Beard.  
23  
24 Beard: Aye findings and discussions.  
25  
26 Scholz: And the Chair votes aye for findings, discussion, and site visit. So the  
27 zoning change is approved 4:0. Thank you very much folks for  
28 participating. Thank you for your patience. Appreciate it.  
29
- 30 **4. Case Z2788:** A request for a zone change from A-1 and A-2 (Flood Control  
31 and Rural Agriculture Districts, 1981 Zoning Code) to R-1a (Single-Family  
32 Medium Density) for 14.24 ± acres, OS-NC (Open Space-Natural  
33 Conservation) for 2.76 ± acres, and C-3C (Commercial High Intensity-  
34 Conditional) for 6.46 ± for a total of 23.45 ± acres of land located at the  
35 southeast corner of Del Rey Boulevard and Tucson Avenue. The purpose of  
36 the zone change request is to facilitate a proposed single-family residential  
37 and commercial development known as Desert Isles. Submitted by Pillar  
38 Engineering for Jean Wright Martin Irrevocable Trust.  
39
- 40 **5. Case S-09-014:** A request for approval of a master plan known as Desert  
41 Isles. The subject property comprises 23.45 ± acres and is zoned A-1 and A-  
42 2 (Flood Control and Rural Agriculture, 1981 Zoning Code). The applicant is  
43 seeking a zone change for the subject property to R-1a (Single-Family  
44 Medium Density), OS-NC (Open Space-Natural Conservation), and C-3C  
45 (Commercial High Intensity-Conditional). The master plan proposes 14.24 ±  
46 acres of single-family residential with a maximum of 48 dwelling units, 6.46 ±

809 Quesenberry Street  
Las Cruces, NM 88005  
505-527-5699  
505-527-5691 Fax

.....  
**Holguin's Electric Co.**

City of Las Cruces,  
Planning and Zoning Dept.  
575 S. Alameda  
Las Cruces, NM

October 27, 2009

RE: Re-zoning request of 1886 Picacho

To Whom it May Concern:

I was asked to sign a petition to stop the re-zoning of 1886 Picacho parcel owned by Mr. Steven Lohman from C-2 to M-2. I now know that I was misled into signing such petition. I would like to withdraw my name from said petition.

At this time I have no reservations regarding the re-zoning of said property.

Sincerely,

  
Frank A. Holguin  
President  
Holguin's Electric Co. 

**Adam Ochoa**

---

**From:** Jack L. Curry [jack@jgray.com]  
**Sent:** Tuesday, October 27, 2009 9:55 AM  
**To:** Adam Ochoa  
**Subject:** Re: re zone

Dear Mr. Ochoa,

As a long time property owner and operator on Picacho Ave., specifically the Palms Office Complex and Desert Palms Apartments at 2407 W. Picacho Ave., I offer my full support of the proposed zoning change at 1886 Picacho Ave from C-2 to C-3. The owner has been moving in a positive direction to improve the area and needs our support to continue with the improvements.

Sincerely,

Jack L. Curry

**THIS IS A REQUEST  
TO MAINTAIN C-2 ZONING  
w.  
AT 1886 PICACHO AVENUE**

For reasons of

Public Safety

Environmental Safety

Traffic Safety

Neighborhood Integrity

Property Value Concerns

A Question of Order of Operations

## PUBLIC SAFETY

The out-of-zoning bus station at 1886 W. Picacho is located directly next door to a vacant lot and a boarded-up motel. Questionable motels dot Picacho along with vacant lots and abandoned buildings. Area businesses are constantly subject to panhandling, and even AAmco, the single business that supports the bus station, reports a customer was solicited by a prostitute just last week.

The bus stop environment is a typically dangerous place. The following quotations are taken from the report "Hot Spots of Bus Stop Crime: The Importance of Environmental Attributes," published by the UCLA School of Public Policy and Social Research.

"In recent years...we have witnessed a resurgence of interest in the role of the built environment to exacerbate or mitigate crime....The commercial strip environment is particularly vulnerable to crime, because the linearity of the commercial strip thins out the intensity of activity, thus making it easier for individuals to commit crime."

"Criminologists have argued that signs of dereliction....exterior dilapidation and the like, and social behaviors such as boisterousness, loitering,...and panhandling – contribute to higher incidence of crime."

"The type of surrounding land uses can have an effect on crime, with certain land uses (...vacant lots and abandoned buildings..) considered as "crime generators." Various land

uses including seedy motels can generate crime because they can concentrate potentially criminal elements or encourage anti-social behavior.” Among “negative” land uses, find “hot sheet motels,” parking lots, vacant storefronts and abandoned buildings. “The land uses that surround a bus stop seem to be quite crucial for its safety. Siting a bus stop near these establishments should be avoided.

“Other features of the micro environment such as walls, bushes, tunnels etc that offer opportunities for hiding and can create entrapment spots (such as the Mesilla Ditch, for example, within 300 feet of the bus station) should be avoided or modified. If this is costly, it may be preferable to move the bus stop to a more appropriate site.”

Since this location is the ideal spot NOT to put a bus station, we respectfully request the zoning remain C-2.

## ENVIRONMENTAL SAFETY – SOME QUESTIONS

The property at 1886 Picacho is currently undergoing a toxic cleanup from use as a truckstop in the past. A Soil Vapor Extraction System with an above-ground furnace to burn contaminants is in place, but has not been put to use yet. In other words, the site is identified as toxic but the clean-up has yet to begin.

Like trucks, buses emit fumes. Like trucks, buses leak oil. Is it a good idea to put a bus station on a site that hasn't yet been cleaned from past abuse as a truckstop?

If I understand him correctly, Steve Loman (who identifies himself as the property owner at 1886 W. Picacho), states that his purchase of this property will not be finalized until the requirements of the clean-up have been met. However, Billie Ruth Ritter Simpson is the name of the party listed as property owner on the fact sheet accompanying the Public Notice announcement. We have been told that she is elderly and infirm. Who will be responsible for the cleanup when she passes away?

Before the bus station was installed, the lot was paved. Was the covered ground checked for contamination? Were any of the testing wells covered?

According to Delbert Utz, (of the Petroleum Storage Tank Bureau of the Environmental Department in Silver City) who is in charge of the clean-up, "We can't by law require prohibiting a bus station on a cleanup site – but we do have a major concern if this brings about any tampering with our equipment." The cleanup is slated to run for at least 12 months, with wells monitored regularly.

Would it be wise to allow a bus station to operate on a toxic site, or to change the zoning before the cleanup is started, or the environmental reports are complete?

## TRAFFIC SAFETY

Traffic on Picacho Ave. is particularly heavy in the early morning and late afternoon. These are prime times for bus departures and arrivals.

When the parade of school buses traveling west on Picacho to 17<sup>th</sup> St. after school is blocked by a bus as it attempts to enter traffic, cars can back up as far as Valley Drive. Area residents have been forced to stop as a bus or a group of buses enter into Picacho traffic.

Increased traffic on this already busy thoroughfare is both dangerous and a nuisance.

## NEIGHBORHOOD INTEGRITY

Quesenberry Street is an anomaly. It is not like the parallel streets on either side (14<sup>th</sup> St. and 17<sup>th</sup> St.) Quesenberry St. was once private, the entrance to Quesenberry Farm. It's only a block long, south of Picacho. Unlike 14<sup>th</sup> and 17<sup>th</sup> streets, it is lined with trees. Unlike the other streets, it is more than half residential, with residents of over 50 years.

Quesenberry St. is in an area beset with problems of the west side, including drugs and prostitution in the degenerating motels and abandoned buildings along Picacho. But the street has retained its integrity and improved rather than degenerated like the Picacho motels.

Quesenberry Street is non-conforming to the area. Its rural character is an asset, reminding people they're in an agricultural valley. It's a breath of green in the paved industrial sector. And most importantly, it is an area with more families than businesses.

The people of this neighborhood understand that they do not conform to the new zoning code, and respectfully ask for recognition that the area existed long before the code.

As a non-conforming street with a non-conforming population, the people of this neighborhood request the so-called non-conforming zoning status of the property at 1886 Picacho be upheld. (That is, for its current official C-2 status to be maintained.)

## PROPERTY VALUE CONCERNS

There are two concerns related to property values. The first is succinctly expressed by Mary Noble of Steinborn Realty, who agreed to be quoted here. When asked what a bus station does to neighborhood property values, she replied, "Put it this way. I wouldn't want one in my neighborhood."

More significantly, we are concerned about the impact of soil contamination on our property values. At least two sites in the neighborhood are under observation and/or remediation by the PST (Petroleum Storage Tank) Bureau. According to Delbert Utz of the

Does it make sense to put another business with high probability for toxicity in an already polluted area?

### QUESTIONS ON ORDER OF OPERATIONS

For reasons of public safety, environmental safety, traffic safety, and neighborhood integrity, about 25 businesses and residents of the 1886 W. Picacho area believe that property should retain its C-2 zoning. One final, primary concern must be addressed. Why weren't the residents and businesses of the area notified and allowed to discuss this issue prior to the bus station moving in?

Why were the people and businesses of the West Picacho neighborhood only informed after the fact?

Is it city policy to allow a business to move prior to the zoning for that business to be in place, or is this an exception – and if so why was this exception made?

**THE SITUATION:**

A bus station has been allowed to open and begin operating on a site zoned C-2.

Bus stations are not allowed to operate in C-2 zoned areas.

Area residents were not informed, nor called to meet, until after the bus station was under operation.

The attached petition shows 96% opposition to the zoning change now requested for 1886<sup>w</sup> Picacho Avenue, by the area residents most heavily impacted.

THE FOLLOWING PETITION  
OPPOSES A ZONING CHANGE AT 1886 W. PICACHO

To: City of Las Cruces Community Development Department  
In reference to: Case Z2801

Regarding the proposed change of zoning from C-2 to C-3, at 1886 W. Picacho, please find the following residents and businesses OPPOSED to such zoning change for reasons of environmental air and noise quality as well as neighborhood traffic and security concerns.

Further, please note this neighborhood is in the process of redefining itself with new businesses such as Citizen's Bank and Walgreen's. Existing businesses have suffered from the installation of a central median on Picacho, making left turns difficult. As a residential as well as a commercial neighborhood, we are attempting to curtail transiency and the associated problems, which can be referenced in area police reports.

We do not need another obstacle to overcome. A bus station in this neighborhood will reverse the efforts and hard-won improvements our local community is making.

Petition includes signatures of approximately 15 area businesses and 10 area families.

To: City of Las Cruces Community Development Department  
 In reference to: Case Z2801

Regarding the proposed change of zoning from C-2 to C-3, at 1886 W. Picacho, please find the following residents and businesses OPPOSED to such zoning change for reasons of environmental, air and noise quality as well as neighborhood traffic and security concerns.

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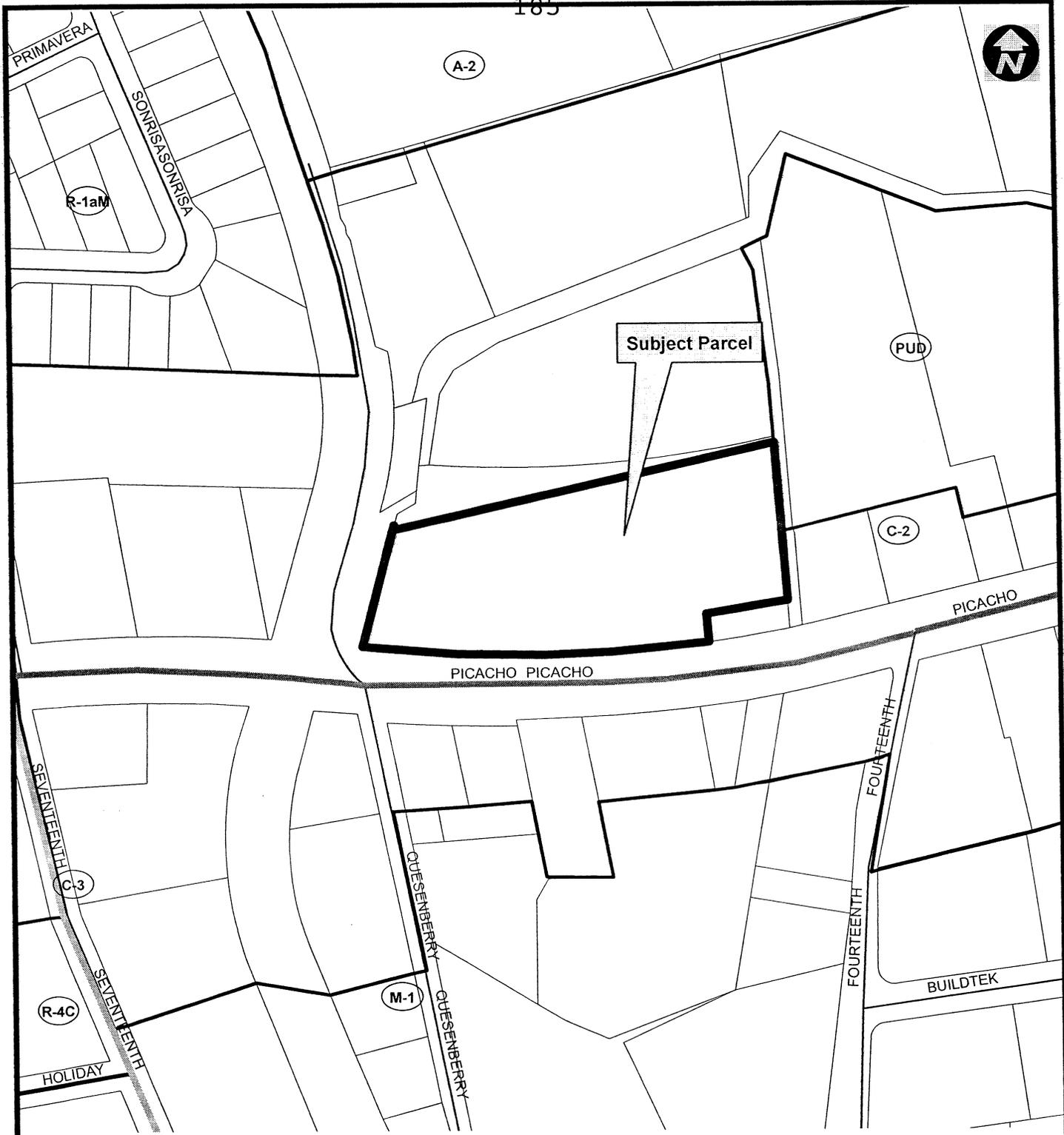
We do not need another obstacle to overcome. A bus station in this neighborhood will reverse the efforts and hard-won improvements our local community is making.

Name	Address	Phone
Ronald W. Finkbe	1809 W. Picacho	525-3339
Rachel Carillo	805 Quesenberry	523-8498
Barbara Trujillo	802 Quesenberry	525-1282
<i>[Handwritten Name]</i>	822 Quesenberry	527-9009
<i>[Handwritten Name]</i>	1645 W Picacho	523-5305
Tom Martin	1800 W PICACHO	523-1171
Tom Leach	940 Quesenberry	341-1262
Bobby Green	1050 Quesenberry St	524-1240
K-B. Myrundi	1765 W Picacho	523-6858
<i>[Handwritten Name]</i>	1725 W. Picacho	524-1497
Juan Carlos Vazquez	1126 W Picacho	(575) 647-1409
James Sanchez	1865 W. PICACHO	524-8571
Tommy Mendoza	825 Quesenberry	523-9760
<i>[Handwritten Name]</i>	1805 1/2 W. Picacho	523-7253
William B. Smith	1655 W. Picacho	575-521-7030
<i>[Handwritten Name]</i>	1730 Picacho	575-649-2523
Pete B. Cabrera	1730 W. Picacho	(575) 526-6352

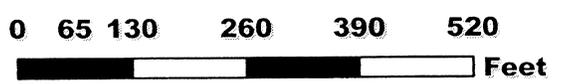
LUCK PAINT/  
BODY  
-C ROOFING  
WCKTONS/TOPS  
DESERT OASIS  
ICRO-MACHINE  
C TORTAS  
PERIAL SKY  
IGRI-TEK

*[Signature]* (power of attorney)  
 for Raymond Johnson 920 QUESENBERRY ST 575-526-2570





**CASE NO. Z2801**  
**PARCEL: 02-00465**  
**OWNER: BILLIE RUTH RITTER SIMPSON**  
**ADDRESS: 1886 W. PICACHO AVE.**  
**ZONING: C-2 TO C-3**



*This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the Community Development Department at (505) 528-3043.*

**Community Development Department**  
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 Las Cruces, NM 88001  
 (505) 528-3222