

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 3Ordinance/Resolution# 2579Council District: 5For Meeting of July 26, 2010

(Adoption Date)

TITLE: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 0.848 +/- ACRES LOCATED AT 3041 N. MAIN STREET. THE PURPOSE OF THE ZONE CHANGE IS TO GIVE THE SUBJECT PROPERTY THE SAME ZONING DESIGNATION AS THE ADJACENT PROPERTY TO ALLOW THE REPLATTING OF THE TWO (2) EXISTING PARCELS INTO ONE (1) NEW PARCEL. THE REPLAT WOULD ALLOW THE CONSTRUCTION OF A NEW 14,700 SQUARE FOOT PHARMACY ON THE NEWLY REPLATTED PROPERTY. SUBMITTED BY SCOTT STEFFEN, BOHANNAN HUSTON, INC. ON BEHALF OF S & I ENTERPRISES, LLC, PROPERTY OWNER (Z2813).

PURPOSE(S) OF ACTION: Approval of a zone change that will facilitate the development of a pharmacy.

Name of Drafter: Adam Ochoa		Department: Community Development		Phone: 528-3204	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>CP for DW</i>	528-3066	Budget	<i>Richard [unclear]</i>	541-2300
			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 applicant, S & I Enterprise, LLC, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 0.8480 +/- acres located at 3041 N. Main Street. The subject property is the current location of a gas station that will be demolished along with a fast food restaurant located on a separate property directly west of the subject property. The adjacent property encompasses 1.1954 +/- acres and is currently zoned C-3 (Commercial High Intensity). The two (2) existing parcels will then be replatted into one (1) new parcel and will comprise of 2.04 +/- acres. The zone change will allow the construction and use of a new 14,700 square foot pharmacy on the newly replatted subject property as well as allow the replatted parcel to be in compliance with the 2001 Zoning Code as it pertains to lot size. The proposed pharmacy will comply with all development standards as required under the C-3 zoning district including setbacks, maximum density, building height, etc.

(Continued on Page 2)

The new development will construct its required portion of a 30 foot wide access and utility easement that is proposed to run from Elks Drive south to Temple Street. The easement would be located along the northern property line of the proposed newly replatted parcel. This easement will eventually help serve as an alternate access route to the property from Temple Street when the rest of the easement is built out in the Amigos Del Sol Subdivision. A part of the redevelopment of the property, a sidewalk, will be constructed along Main Street that will connect to existing sidewalks. The new sidewalk will enhance pedestrian safety, access, and circulation in the area.

The subject property is located on the corner of Elks Drive and Main Street. The Metropolitan Planning Organization (MPO) has classified Main Street as a Principal Arterial roadway and Elks Drive as a Collector roadway. The subject property has proposed access points to both roadways for the proposed pharmacy. A bus stop is located approximately 200 feet south of the subject property along Main Street. There are no trails present within the general area.

The subject property, along with the adjacent parcel, will contain a pharmacy. The 2001 Zoning Code, as amended, requires pharmacies to provide one (1) parking stall for every 200 to 300 square feet of gross floor area on the proposed newly replatted parcel. The applicant will also be required to provide one (1) bicycle parking stall for every 4000 square feet of gross floor area. Parking requirements for the development will be verified during the building permitting process. A landscaping proposal for the proposed development will also be required and verified during the building permitting process. No additional screening (buffering) will be required on the subject property from adjacent properties.

A Traffic Impact Analysis (TIA) was required for the proposed pharmacy. The applicant submitted the TIA to City Traffic Engineering and it was approved.

The proposed zone change is supported by several Land Use Elements & Urban Design Goals found in the 1999 Comprehensive Plan as identified in Exhibit "B". The proposed zone change is located at the intersection of a Principal Arterial and Collector roadway where high intensity commercial uses are encouraged. The proposed zone change is also located in an area of comparable uses and intensity. The proposed zone change will not be a deterrent to the surrounding area.

On May 25, 2010, the Planning and Zoning Commission recommended approval with one condition for the zone change by a vote of 5-0-0 (one Commissioner absent, one Commissioner vacancy). The condition placed upon the subject property is that the replatting of the subject parcel with the adjacent parcel into one (1) new parcel shall be filed prior to the issuance of a final Certificate of Occupancy. The Commission expressed concern regarding the potential environmental impacts regarding the removal of the existing fuel tanks. The applicant verified that all local, state, and federal guidelines will be followed pertaining to the removal of the fuel tanks.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
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 Z2813
5. Attachment "B"- Minutes from the May 25, 2010 Planning and Zoning Commission
6. Attachment "C"- Vicinity Map

OPTIONS / ALTERNATIVES:

1. Vote **YES** to approve the Ordinance. This action affirms the Planning and Zoning Commission recommendation for approval with one condition. The property located at 3041 N. Main Street 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 subject property located at 3041 N. Main Street.
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. 10-050
ORDINANCE NO. 2579

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO C-3C (COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR 0.848 +/- ACRES LOCATED AT 3041 N. MAIN STREET. THE PURPOSE OF THE ZONE CHANGE IS TO GIVE THE SUBJECT PROPERTY THE SAME ZONING DESIGNATION AS THE ADJACENT PROPERTY TO ALLOW THE REPLATTING OF THE TWO (2) EXISTING PARCELS INTO ONE (1) NEW PARCEL. THE REPLAT WOULD ALLOW THE CONSTRUCTION OF A NEW 14,700 SQUARE FOOT PHARMACY ON THE NEWLY REPLATTED PROPERTY. SUBMITTED BY SCOTT STEFFEN, BOHANNAN HUSTON, INC. ON BEHALF OF S & I ENTERPRISES, LLC, PROPERTY OWNER (Z2813).

The City Council is informed that:

WHEREAS, S & I Enterprises, LLC, 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 property located at 3041 N. Main Street; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on May 25, 2010, recommended that said zone change request be approved conditionally by a vote of 5-0-0 (one Commissioner absent, one Commissioner vacancy).

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

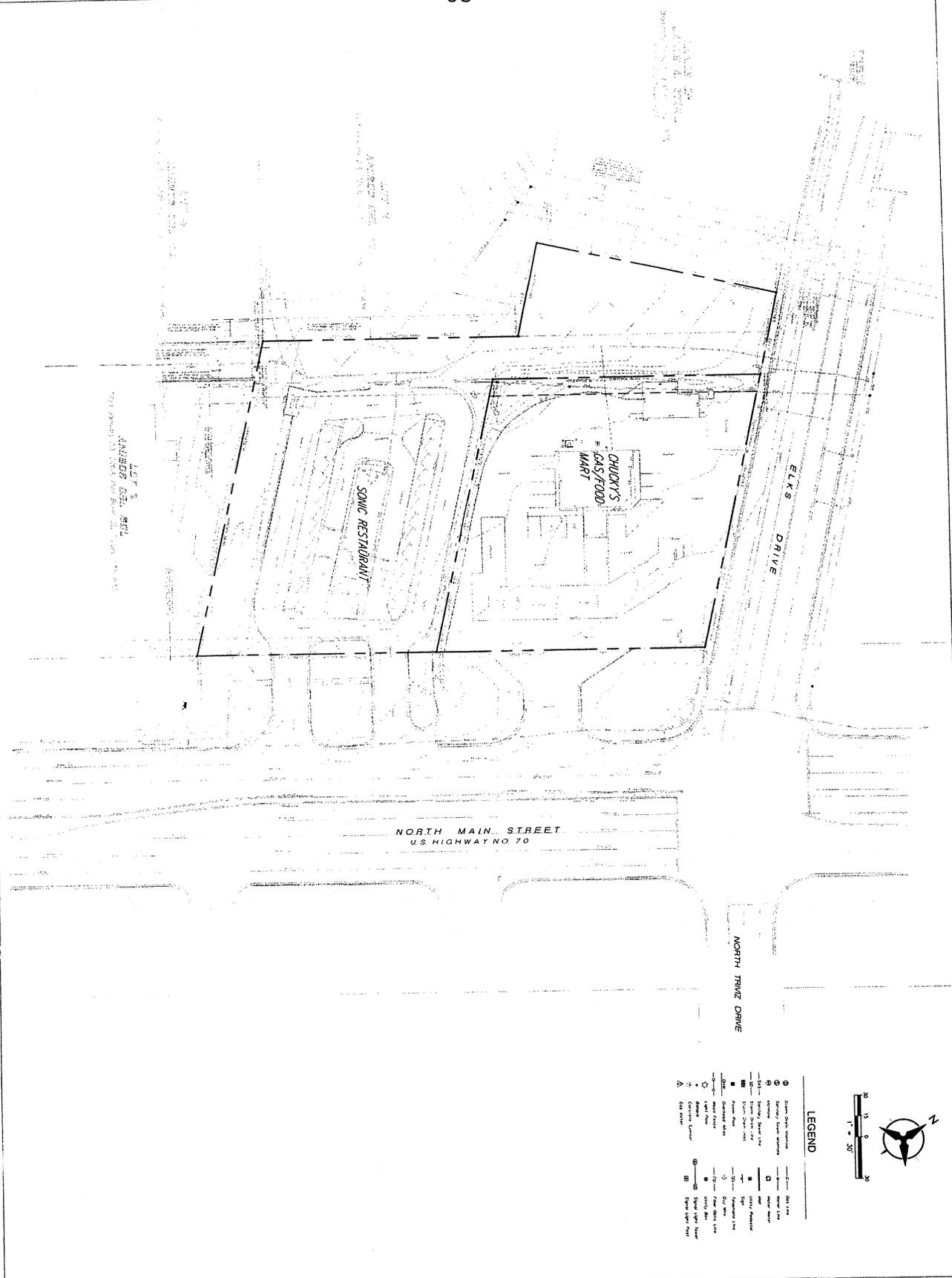
(I)

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 property located at 3041 N. Main Street.

(II)

THAT the conditions be stipulated as follows:

- The replatting of the subject parcel with the adjacent parcel into one (1) new parcel shall be filed prior to the issuance of a final Certificate of Occupancy.



LOT 5
UNION CO. REG.
REG. NUMBER 090413

LEGEND

①	Storm Drain Structure	—	30' - 60' Lot Line
②	Storm Drain	—	30' - 60' Lot Line
③	Storm Drain	—	30' - 60' Lot Line
④	Storm Drain	—	30' - 60' Lot Line
⑤	Storm Drain	—	30' - 60' Lot Line
⑥	Storm Drain	—	30' - 60' Lot Line
⑦	Storm Drain	—	30' - 60' Lot Line
⑧	Storm Drain	—	30' - 60' Lot Line
⑨	Storm Drain	—	30' - 60' Lot Line
⑩	Storm Drain	—	30' - 60' Lot Line
⑪	Storm Drain	—	30' - 60' Lot Line
⑫	Storm Drain	—	30' - 60' Lot Line
⑬	Storm Drain	—	30' - 60' Lot Line
⑭	Storm Drain	—	30' - 60' Lot Line
⑮	Storm Drain	—	30' - 60' Lot Line
⑯	Storm Drain	—	30' - 60' Lot Line
⑰	Storm Drain	—	30' - 60' Lot Line
⑱	Storm Drain	—	30' - 60' Lot Line
⑲	Storm Drain	—	30' - 60' Lot Line
⑳	Storm Drain	—	30' - 60' Lot Line

<p>CIVIL ENGINEER</p>	<p>BOJANNAN HUSTON, INC. 7500 JEFFERSON, SUITE 87109 DALLAS, TEXAS 75231-1000 TEL: (505) 821-1000 FAX: (505) 798-7988</p>	<p>pharmacy</p>	<p>CVS/ pharmacy</p>
<p>COMMENTS: NOT RELEASED FOR CONSTRUCTION</p>	<p>CONSULTANT:</p>	<p>DEVELOPER: ARASTRONG DEVELOPMENT 1500 N. BRISTOL DR., SUITE 150E DALLAS, TEXAS 75201-1100 TEL: (505) 925-1100 FAX: (505) 925-1101</p>	<p>STORE #75987 NORTHEAST CORNER OF HIGHWAY 70 & ELK DRIVE, NE UNION COUNTY, TX</p>
<p>SHEET NUMBER: C002</p>	<p>DRAWING BY: RJC DATE: MARCH 2000 JOB NUMBER: 090413</p>	<p>REVISIONS:</p>	<p>EXISTING CONDITIONS</p>

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property encompasses 0.8480 +/- acres and is located at 3041 N. Main Street.
2. The subject property is the current location of a gas station that will be demolished along with a fast food restaurant located on a separate property directly west of the subject property.
3. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) will give the subject property the same zoning designation as the adjacent property to allow the replatting of the two (2) existing parcels into one (1) new parcel. The replat would allow the construction of a new 14,700 square foot pharmacy.
4. The subject property is located on the corner of Main Street and Elks Drive, a Principal Arterial roadway and a Collector roadway as classified by the Metropolitan Planning Organization (MPO).
5. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-2/C-3	Commercial
South	C-3	Commercial
East	C-2	Commercial
West	C-3	Commercial

6. 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.



TO: Planning and Zoning Commission

PREPARED BY: Adam Ochoa, Acting Planner *AO*

DATE: May 25, 2010

SUBJECT: 3041 N. Main Street (Zone Change)

RECOMMENDATION: Approval – with one condition for zone change (Case Z2813)

Z2813: A request for a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 0.8480 +/- acres located at 3041 N. Main Street. The purpose of the zone change is to give the subject property the same zoning designation as the adjacent property to allow the replatting of the two (2) existing parcels into one (1) new parcel. The replat would allow the construction of a new 14,700 square foot pharmacy on the newly replatted property. Submitted by Scott Steffen, Bohannan Huston, Inc. on behalf of S & I Enterprises, LLC, property owner.

BACKGROUND

The applicant, S & I Enterprise, LLC, is requesting a zone change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 0.8480 +/- acres located at 3041 N. Main Street. The subject property is the current location of a gas station that will be demolished along with a fast food restaurant located on a separate property directly west of the subject property. The two (2) existing parcels will then be replatted into one (1) new parcel. The zone change will allow the construction and use of a new 14,700 square foot pharmacy on the newly replatted subject property. The proposed pharmacy will comply with all development standards, as required under the C-3 zoning district including setbacks, maximum density, building height, etc.

The new development will construct its required portion of a 30 foot wide access and utility easement that is proposed to run from Elks Drive south to Temple Street. The easement would be located along the northern property line of the proposed newly replatted parcel. This easement will eventually help serve as an alternate access route to the property from Temple Street when the rest of the easement is built out in the Amigos Del Sol Subdivision. The proposed new pharmacy will also be constructing the remainder of the missing sidewalk along the property line that runs along Main Street. The new sidewalk will enhance pedestrian safety, access, and circulation in the area.

The subject property is located on the corner of Elks Drive and Main Street. The Metropolitan Planning Organization (MPO) has classified Main Street as a Principal Arterial roadway and Elks Drive as a Collector roadway. The subject property has proposed access points to both roadways for the proposed pharmacy. A bus stop is located approximately 200 feet south of the subject property along Main Street. There are no trails present within the general area.

~~A Traffic Impact Analysis (TIA) was requested by City Traffic Engineering for the proposed~~ new pharmacy that will be going into the subject property. A TIA was submitted and is currently under review by the City's Traffic Engineer; the findings and any recommendations of the Traffic Engineer will be presented to the Commission during the presentation of this case at the May P & Z meeting. Due to the fact that currently two intense uses exist on the two parcels that will be replatted into one for the new pharmacy, staff believes that the traffic generated by the new pharmacy will likely be comparable if not less intense than that of the two existing uses.

PARKING, LANDSCAPING & SCREENING

The subject property along with the adjacent parcel is being proposed for a pharmacy. The 2001 Zoning Code, as amended, requires pharmacies to provide one (1) parking stall for every 200 to 300 square feet of gross floor area on the proposed newly replatted parcel. The applicant will also be required to provide one (1) bicycle parking stall for every 4000 square feet of gross floor area. Parking requirements for the subject property will be verified during the building permitting process.

The City of Las Cruces Design Standards requires that all new construction in the proposed zoning district to provide landscaping. The parking area will determine the amount of landscaping required for the proposed sites. A minimum area equal to 15 percent of the total parking area shall be landscaped for each parcel. 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. A landscaping proposal for the proposed development will be required and verified during the building permitting process. Given that adjacent properties are zoned in a comparable fashion to the zone change request for the subject property, no additional screening (buffering) will be required.

FINDINGS

1. The subject property encompasses 0.8480 +/- acres and is located at 3041 N. Main Street.
2. The subject property is the current location of a gas station that will be demolished along with a fast food restaurant located on a separate property directly west of the subject property.
3. The zone change request from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) will give the subject property the same zoning designation as the adjacent property to allow the replatting of the two (2) existing parcels into one (1) new parcel. The replat would allow the construction of a new 14,700 square foot pharmacy.
4. The subject property is located on the corner of Main Street and Elks Drive, a Principal Arterial roadway and a Collector roadway as classified by the Metropolitan Planning Organization (MPO).

5. Adjacent land use and zoning include:

	<u>Zoning</u>	<u>Land Use</u>
North	C-2/C-3	Commercial
South	C-3	Commercial
East	C-2	Commercial
West	C-3	Commercial

6. 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

The proposed zone change is supported by several Land Use Elements & Urban Design Goals found in the 1999 Comprehensive Plan as presented in the preceding findings. The proposed zone change is located at the intersection of a Principal Arterial and Collector roadway where high intensity commercial uses are encouraged. The proposed zone change is also located in an area of comparable uses and intensity. The proposed zone change will not be a deterrent to the surrounding area.

Staff has reviewed this zone change and recommends approval with the following condition, based on the preceding findings:

- The replatting of the subject parcel with the adjacent parcel into one (1) new parcel shall be filed prior to the issuance of a final Certificate of Occupancy.

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 Z2813.
2. Approve the request with additional conditions.
3. Deny the request.

ATTACHMENTS

1. Development Statement
2. Site Plan
3. Vicinity Map
4. Proposed Building Plans

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: BOHANNAN HUSTON, INC.
Contact Person: SCOTT STEFFEN
Contact Phone Number: (505) 823-1000
Contact e-mail Address: SSTEFFEN@BHINC.COM
Web site address (if applicable): _____

Proposal Information

Location of Subject Property 3041 N. MAIN ST. (NW CORNER ELKS v.s. HWY 70)

(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: .8480

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

SEE ATTACHED

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

14,700 FT² +/- / 28'-8" +/-

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

24 HOUR OPERATION

Anticipated traffic generation 1294 +/- trips per day (if known).

Anticipated development schedule: Work will commence on or about OCTOBER, 2010 and will take approximately SIX MONTHS to complete.

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

ON-LOT PONDING

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:

SEE ATTACHED SITE PLAN FOR SITE DETAIL.

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*

Detailed Description of Intended Use of Property:

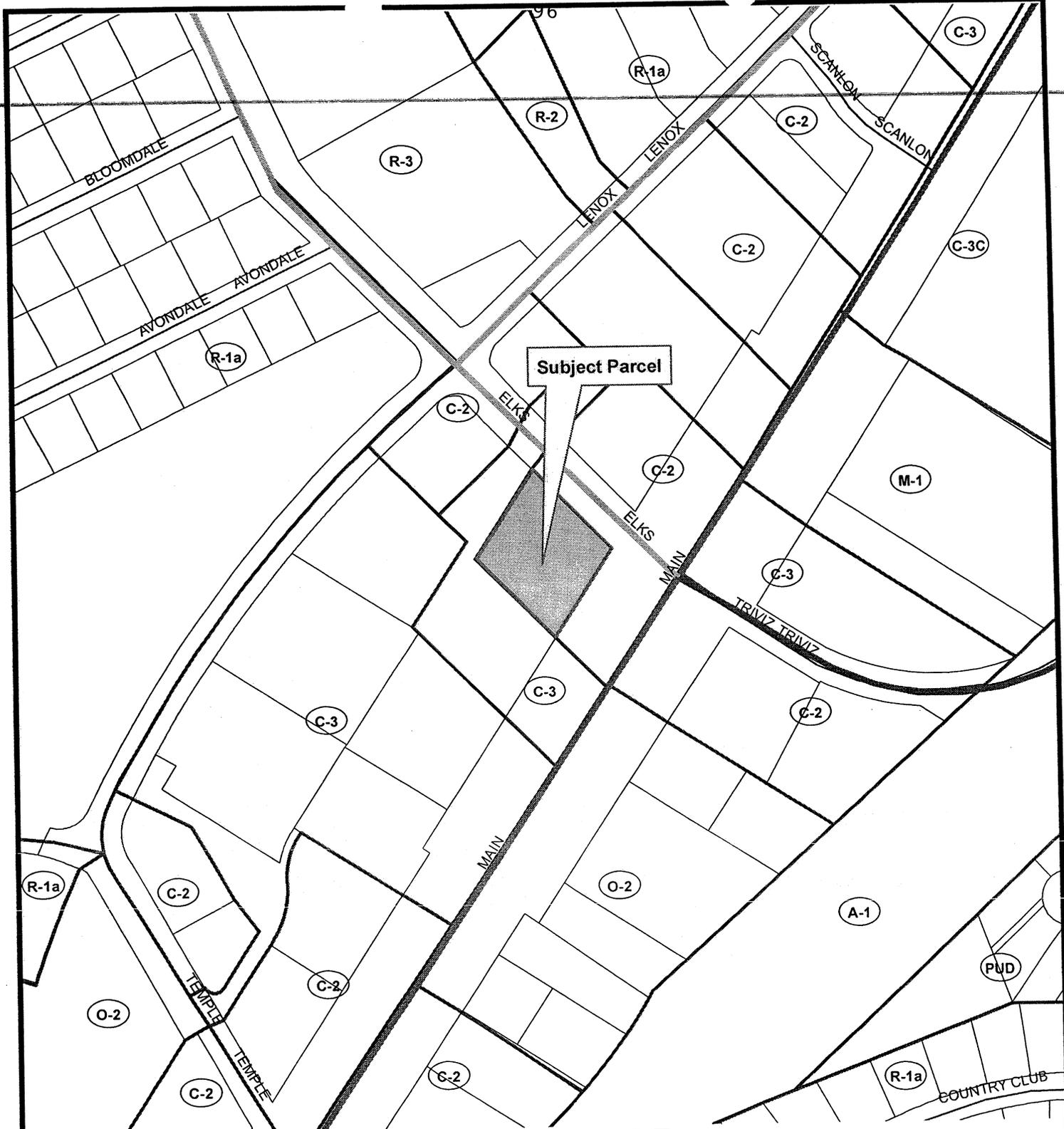
The proposed use of the property will be for an approximately 14,700 square foot CVS Pharmacy with a drive thru service window and alcohol sales with a 24 hour operation. The proposed development will include approximately 87 parking spaces and access will be provided from Elks Drive and Main Street. In addition to the subject Zone Change request, the project will require a replat to combine the adjoining property to the west with the subject parcel. This request will be processed separately at a future date. A Site Plan accompanies this request as required.

Legal Description of Property:

A portion of Section 6, Township 23 South, Range 2 East.

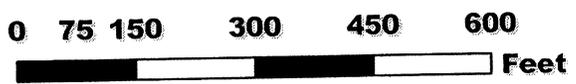
3041 North Main Street, Las Cruces, New Mexico

NW Corner Elks Drive and U.S. Highway 70



VICINITY MAP

CASE NO. Z2813
PARCEL: 02-03658
OWNER: S & I ENTERPRISES LLC
ADDRESS: 3041 N. MAIN STREET
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

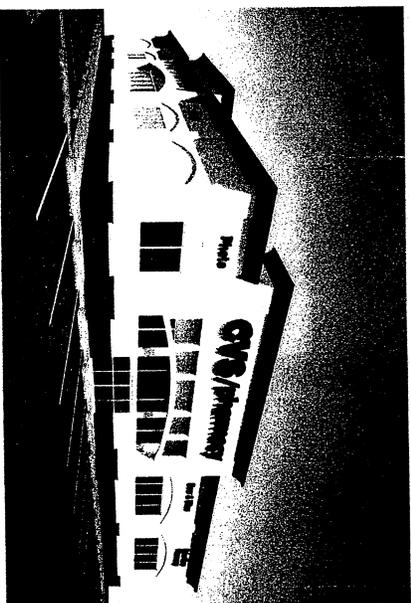
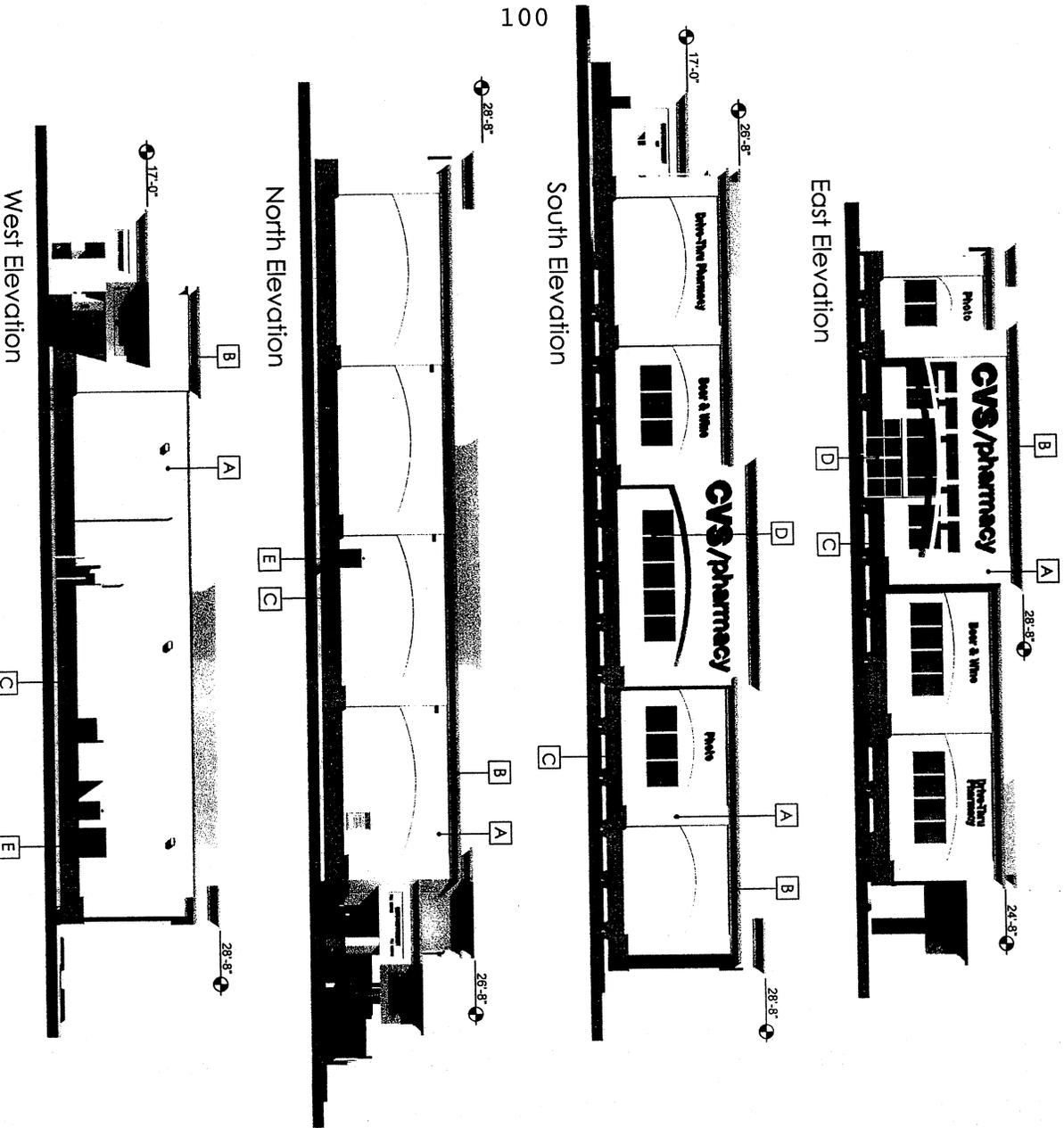
CVS/pharmacy

STORE # 75987
HWY 70 & EIKS DR., LAS CRUCES, NM

Finish Colors:

<p>A STO EIFS NAOI-0048 Pale Yellow</p>	<p>D Storefront System Anodized Aluminum</p>
<p>STO EIFS NAOO-0047 Terra Cotta</p>	<p>Paint To match STO EIFS NAOO-0047 Terra Cotta</p>
<p>Spill Face CMU and Cap To match NAOO-0047 Terra Cotta</p>	

100



Perspective view

ARMSTRONG
DEVELOPMENT
PROPERTY, INC.

1500 N. PRIEST RD
SUITE 150E
TEMPE, ARIZONA 85281
TEL (602) 385-4100

JACOBS

1
2 Crane: Page 31 a couple of points; line 16 the word "formerly" should be
3 "formally."
4

5 Scholz: Okay.
6

7 Crane: And line 28 I'm quoted as saying "I'm speaking for the others" and I'm sure
8 I said "I'm not speaking for the others".
9

10 Scholz: All right. Make a note of that. I had one other addition: page 32, line 35
11 the word should be "intents," not "intense," and that's the only other error I
12 caught. Anyone else? Okay I'll entertain a motion ...
13

14 **AUDIO DIFFICULTIES:**

15
16 Commissioner Scholz called for a motion.

17
18 Commissioner Shipley made the motion.

19
20 Commissioner Crane seconded the motion.
21

22 All Commissioners voted aye.
23

24 **III. POSTPONEMENTS - None**

25
26 **IV. WITHDRAWALS - None**

27
28 **V. CONSENT AGENDA**

29
30 **1. Case Z2813 - MOVED TO NEW BUSINESS**

31
32 Commissioner Scholz moved this to new business.
33

34 **VI. OLD BUSINESS - NONE**

35
36 **1. Case IDP-40:** A request for an infill development for 0.14 +/- acres zoned R-
37 4 (Multi-Dwelling High Density & Limited Retail and Office) and located at 819
38 E. Fir Street. The R-4 zoning district requires a minimum of ten (10) dwelling
39 units per acre, a minimum lot size of 8500 square feet, a minimum lot width of
40 70 feet, and does not allow the use of a single-family dwelling unit. The size
41 of the subject property is only 6098 +/- square feet with a lot width of 51 +/-
42 feet and based on the property's size a minimum of two (2) dwelling units will
43 be required. The applicant is requesting permission to construct one (1) site-
44 built single-family dwelling unit on the subject property that measures 2402
45 +/- square feet less than the required minimum lot size of 8500 square feet

- 1
2 Beard: Aye findings and discussions.
3
4 Scholz: And the Chair votes aye for findings, discussions, and site visit. So it
5 passes 6-0.
6
7 Abrams: 5-0.
8
9 Scholz: 5-0. I'm sorry. Thank you very much, Mr. Abrams. I'm glad you're
10 counting us.
11

12 VII. NEW BUSINESS

13
14 **Case Z2813:** A request for a zone change from C-2 (Commercial Medium
15 Intensity) to C-3C (Commercial High Intensity-Conditional) for 0.8480 +/-
16 acres located at 3041 N. Main Street. The purpose of the zone change is to
17 give the subject property the same zoning designation as the adjacent
18 property to allow the replatting of the two (2) existing parcels into one (1) new
19 parcel. The replat would allow the construction of a new 14,700 square foot
20 pharmacy on the newly replatted property. Submitted by Scott Steffen,
21 Bohannan Huston, Inc. on behalf of S & I Enterprises, LLC, property owner
22

23 Scholz: All right, then we're to new business and our first order of new business is
24 going to be the Case Z2813. That's the recommended zone change on
25 3041 N. Main and I was the one who brought that up and moved that to
26 new business. My concern is that we're knocking down a gas station and
27 a Sonic Drive-In, right, to build this new pharmacy?
28

29 Ochoa: That's correct, Mr. Chairman.
30

31 Scholz: Okay. My experience with gas stations is that the land often has to be
32 reclaimed because there's been leakage from the tanks or something like
33 that. I didn't see anything like that in the zoning and I'm not sure where
34 that fits, so that's why I brought it up. Is there ... did we do an EPA check
35 on this or, you know, do we sample the soil, or what do we do in this
36 case?
37

38 Ochoa: For that, I'll defer to the applicant for that question.
39

40 Scholz: Okay. Is the applicant here?
41

42 Steffen: Hello, Mr. Chairman and Commissioners. My name is Scott Steffen with
43 Bohannan Huston and I'm the applicant and I'm the agent for Armstrong
44 Development, the developer for the CVS Pharmacy.
45

46 Scholz: Okay.

1
2 Steffen: In regards to your question; there will need to be an environmental
3 assessment for ... the tanks will need to be pulled out under New Mexico
4 Statute. There will need to be an environmental assessment at that time.
5
6 Scholz: Okay.
7
8 Steffen: And then there will need to be a clearance by the State of New Mexico
9 stating that the site is clean from any ... if there's any remediation that
10 needs to be done due to any leakage that would've occurred over the
11 history of the gas station. We will follow that due process when we get
12 ready to go to construction.
13
14 Scholz: Okay, good. Well, that was my concern, 'cause I've dealt with old gas
15 stations being converted before and we often find contamination,
16 particularly from the old metal tanks.
17
18 Steffen: Yes.
19
20 Scholz: Now this is a more modern station, it may well have fiberglass tanks; who
21 knows, you know, but as long as that's being taken care of. That was my
22 main concern. Thank you.
23
24 Steffen: Thank you.
25
26 Scholz: All right. I'll entertain a motion to approve Z2813.
27
28 Crane: So moved.
29
30 Scholz: Is there a second?
31
32 Bustos: Second.
33
34 Scholz: It's been moved and seconded. I'll call the roll. Commissioner Shipley.
35
36 Shipley: Aye findings, discussion, and site visit.
37
38 Scholz: Commissioner Crane.
39
40 Crane: Aye findings, discussion, and site visit.
41
42 Scholz: Commissioner Bustos.
43
44 Bustos: Aye findings and discussion.
45
46 Scholz: Commissioner Beard.

1
2 Beard: Aye findings and discussions.
3
4 Scholz: And the Chair votes aye for findings, discussion, and site visit, so it passes
5 5-0.
6

- 7 1. **Case A1704:** A request for a variance of five (5) feet and eight (8) inches to
8 the maximum allowed height of an accessory structure for property located at
9 1006 N. Armijo Street. The maximum allowed height for an accessory
10 structure is the same height as that of the principal structure on the same
11 parcel. The height of the principal structure on the subject property is fifteen
12 (15) feet and four (4) inches limiting the height of the accessory structure to
13 fifteen (15) feet and four (4) inches. The applicant is proposing to add a
14 second story to an existing accessory structure on the subject property that
15 will give the accessory structure a total height of twenty-one (21) feet. The
16 subject property is zoned R-1a (Single-Family Medium Density) and
17 encompasses 0.2 +/- acres. Submitted by Amanda Jaffe, property owner.
18

19 Scholz: Our next case on new business is Case A1704, a request for a variance.
20 Mr. Ochoa, you're acting again.
21

22 Ochoa: Next case tonight, gentlemen, is a variance. It's Case A1704. It's a
23 request for a variance of five feet and eight inches to the maximum
24 allowed height of an accessory structure for a property located at 1006 N.
25 Armijo Street. This was submitted by Amanda Jaffe, property owner.

26 Code requirements that we'll be looking at tonight, gentlemen,
27 under the 2001 Zoning Code, Article 6, Section 38-51d states that the
28 maximum height allowed for an accessory structure is the same height of
29 that of the principal structure on the same parcel. Here's a vicinity map of
30 the subject property located on Armijo Street, like I said, between Parker
31 and Picacho. The subject property is currently zoned R-1a which is
32 Single-Family Medium Density and it encompasses approximately 0.8
33 acres and is the current location of a single-family dwelling with an
34 accessory structure that is being used as a ceramic studio. The principal
35 structure on the subject property measures approximately 15 feet and four
36 inches in height at its highest point, limiting the maximum height of the
37 accessory structure to 15-feet and four inches as well.

38 The applicant is requesting a variance of five feet and eight inches
39 to add a second story to the existing accessory structure on the subject
40 property that will result in the accessory structure having a total height of
41 21-feet. Currently the existing accessory structure measures 12-feet and
42 eight inches in height. The applicant has stated that the subject property
43 only measures about 8,875 square feet in land area and there is no way
44 that an addition can be built at ground level without adversely affecting the
45 utility of the rear yard. The existing accessory structure measures 523
46 square feet and, with the addition of 444 square feet, will bring the total



VICINITY MAP

CASE NO. Z2813
PARCEL: 02-03658
OWNER: S & I ENTERPRISES LLC
ADDRESS: 3041 N. MAIN STREET
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.

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